UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS
FIRST SESSION

VOLUME 119—PART 16

JUNE 15, 1973 TO JUNE 22, 1973
(PAGES 19757 TO 21050)

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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1973

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, FIRST SESSION

SENATE—*Friday, June 15, 1973*

The Senate met at 11 a.m. and was called to order by Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who hast said "They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; they shall walk and not faint," lift us up on wings of prayer to renew our spirits and restore our strength. Through long hours and tedious tasks keep us steadfast and strong. Hold ever before us the high vision of a nation where men are equally free under God, where justice and truth are the law of life, and citizens live to serve one another. In this place make us equal to our high trust, just in the use of power, and generous in the protection of the weak. May our deepest trust be in Thee, the Lord of nations and the King of kings. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BIDEN thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 14, 1973, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, with an amendment, on June 14, 1973, the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, and submitted a report (No. 93–221) thereon, which was printed.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 14, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 205 and 206, both of which have been cleared for action on both sides of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE RAILROAD RETIREMENT ACT

The Senate proceeded to consider the bill (H.R. 7357) to amend section 5(l) (1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes, which had been reported jointly from the Committee on Finance and the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out the word "and" after clause (ix) in the second paragraph thereof and inserting after the semicolon in clause (x) in such second paragraph the following new clauses:

"'(xi) years of coverage as defined in section 215(a) of the Social Security Act for an employee who has been awarded an annuity under section 2 of this Act shall be determined only on the basis of his wages and self-employment income credited under the Social Security Act through the latter of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue; and (xii) in determining increment months for the purpose of a delayed retirement increase, section 303(w) (2) (B) (ii) of the Social Security Act shall be deemed to read as follows: "such individual was not entitled to an old-age insurance benefit";'."

SEC. 2. Section 5(l) (1) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out from clause (ii) "shall not be adopted after such death by other than a stepparent, grandparent, aunt, uncle, brother, or sister;";

(2) by striking out from such clause (ii) "age eighteen" and inserting in lieu thereof "age twenty-two or before the close of the eighty-fourth month following the month in which his most recent entitlement to an annuity under section 5(c) of this Act terminated because he ceased to be under such a disability";

(3) by striking from the third sentence thereof "202(d) (3) or (4)" and inserting in lieu thereof "202(d) (3), (4), or (9)";

(4) by adding immediately after the seventh sentence thereof the following new sentence: "A child whose entitlement to an annuity under section 5(c) of this Act was terminated because he ceased to be disabled as provided in clause (ii) of this paragraph and who becomes again disabled as provided in such clause (ii), may become reentitled to an annuity on the basis of such disability upon his application for such reentitlement."; and

(5) by adding the following new paragraph at the end thereof:

"A child who attains age twenty-two at a time when he is a full-time student (as defined in subparagraph (A) of paragraph 7 of section 202(d) of the Social Security Act and without the application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year college or university shall be deemed (for purposes of determining whether his entitlement to an annuity under this section has terminated under subsection (j) and for purposes of determining his initial entitlement to such an annuity) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time, whichever first occurs)."

SEC. 3. Section 226(e) of the Social Security Act is amended—

(1) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "(as such terms are defined in section 214 of this Act)" in 2(A) thereof;

(2) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(B) thereof:

(3) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "fully or currently insured" in 2(C) thereof; and

(4) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(D) thereof.

SEC. 4. (a) The provisions of this Act, except the provisions of section 1, shall be effective as of the date the corresponding provisions of Public Law 92-603 are effective. The provisions of clauses (xi) and (xii), which are added by section 1 of this Act, shall be effective as follows: clause (xi) shall be effective with respect to calendar years after 1971 for annuities accruing after December 1972; and clause (xii) shall be effective as of the date the delayed retirement provision of Public Law 92–603 is effective.

(b) Any child (1) whose entitlement to an annuity under section 5(c) of the Railroad Retirement Act was terminated by reason of his adoption prior to the enactment of this Act, and (2) who, except for such adoption, would be entitled to an annuity under such section for a month after the month in which this Act is enacted, may upon filing application for an annuity under the Railroad Retirement Act after the date of enactment of this Act, become reentitled to such annuity; except that no child shall, by reason of the enactment of this Act, become reentitled to such annuity for any month prior to the effective date of the relevant amendments made by this Act to section 5(l) (1) (ii) of the Railroad Retirement Act.

Mr. HATHAWAY. Mr. President, H.R. 7357 would make conforming changes in the Railroad Retirement Act which are necessary because of the enactment last fall of the Social Security Amendments of 1972. As Senators are aware, there is a very close relationship between social security and railroad retirement and changes in the Social Security Act are of necessity followed by changes in the Railroad Retirement Act. The need for the changes which this bill would make were brought to our attention by the Railroad Retirement Board. They have been supported by railway labor and by railway management in hearings held by the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare. The Office of Management and Budget has indicated that it has no objection to enactment of the legislation.

When the legislation was considered in executive session of the Committee on Labor and Public Welfare, no objection to the bill was heard, and because one section of the bill would amend the Social Security Act, it was also considered in executive session by the Committee on Finance which recommends enactment of the legislation. The joint report of these two committees (S. Rept. 93–215) recommending enactment of the House-passed bill with one amendment was filed on June 13.

Although the committee amendment to the House-passed bill is a substitute for the House bill, there is in fact only one change. And this change is to add one provision that the Railroad Retirement Board asked for after the House had passed the bill. The new provision modifies a technical change made last year under which the Railroad Retirement Board is relieved of the necessity of considering postretirement earnings in determining the amount that would be paid to an individual under the provisions of the law which guarantee railroad retirement benefits 10 percent higher than would be paid under the Social Security Act. These postretirement earnings generally do not affect the amount of the benefit. However, as a result of last year's social security amendments, postretirement earnings would still have to be considered under two provisions of the Social Security Act. Because the same reasons that caused the exception to be made in the first place applies under the two provisions, it seems reasonable to modify the provisions as the Railroad Retirement Board has requested.

Like the House-passed bill, the committee bill would also—

First, permit a child who is receiving survivor's benefits to continue to receive the benefits if he is adopted—under the present provision the benefit continues only if the child is adopted by a close relative;

Second, childhood disability benefits will be paid if the disability begins before age 22, rather than before age 18;

Third, a child who is getting benefits because he is a full-time student could continue to get the benefits until the end of the school term in which he is 22, rather than up to the time he is 22;

Fourth, a dependent grandchild could qualify for benefits as a child; and

Fifth, the kidney disease provisions of the medicare program which become effective next month and now apply only to people covered under social security would be extended to railroad employees.

I should add that the provisions relating to childhood disability benefits and to dependent grandchildren will mean that widows under 62 who are caring for one of these children can also qualify for benefits.

Under the kidney disease provisions of the Social Security Act, people who are insured under that law, their children and their spouses are considered to be disabled for purposes of having the medicare program pay for the expensive treatments and surgery that keep these people alive. We are told that through oversight railroad employees were not included in the amendment when it was passed last year. This amendment was, as I indicated earlier, considered by the Committee on Finance and that committee recommends enactment of the amendment.

The relationship between the social security and railroad programs is a close one involving a transfer of funds between the two programs so that in effect railroad employees have the protection of the social security program while the social security trust funds are left in the same position they would have been had social security taxes and social security benefits been paid on the basis of railroad employment. Because this provision is in the law, the amendments which H.R. 7357 would make result in no financial burden to the railroad retirement fund.

Mr. President, I urge enactment of the bill as reported.

RAILROAD RETIREMENT

Mr. ROTH. Mr. President, before these amendments to the Railroad Retirement Act are brought to a vote, I would like to take a minute to stress to my colleagues the importance of the legislation to thousands of Americans and urge their support of the amendments.

Anyone who has ever come in contact with Government redtape will certainly applaud any and all efforts to simplify the administration of a program such as railroad retirement. As any of your caseworkers can tell you, even after a constituent has been determined eligible for Federal benefits of one type or another, it is literally months before they ever actually receive these benefits. In the meantime, an individual is forced to survive as best he can on mostly his own ingenuity. If there is a workable method to facilitate a smoother operation in this program, let us utilize it.

The other two provisions of these amendments simply bring the act up to par with the Social Security Act in the matter of dependents' benefits. The eligibility requirements for children's benefits were liberalized in October 1972, under the Social Security Act by Public Law 92–603, and no one could deny the need to equalize those requirements in the Railroad Retirement Act.

As most of you are aware, kidney disease is a common and dangerous problem for us all. Again, we have extended kidney disease medicare coverage for persons injured under the Social Security Act; and it is only equitable that this same coverage be extended to include railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for social security beneficiaries.

I urge my colleagues from both sides of the aisle to join me in supporting these amendments to the Railroad Retirement Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend sections 3(e) and 5(l) (1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes."

FEDERAL SUPERVISION OVER THE KLAMATH INDIAN TRIBE

The Senate proceeded to consider the bill (H.R. 3867) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 6, after "Sec. 29.", insert "(a)"; on page 2, line 2, after the word "Forest.", strike out "The condemnation action may be initiated either before or after the lands are offered for sale by the trustee. If the condemnation award is for more than $60,000,000, the Secretary of Agriculture shall notify and submit his recommendations to the Committee on Interior and Insular Affairs and the

Committees on Appropriations of the House of Representatives and the Senate, and if any of such committees disapproves the amount of the award within twenty-one days after notice the condemnation proceedings shall be discontinued. The homesite provisions of section 2(g) shall apply to the lands acquired by the Secretary pursuant to this Act."; after line 13, insert:

(b) The condemnation action may be initiated either before or after the lands are offered for sale by the trustee, and for the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated not to exceed $70,000,000.

And, after line 18, insert:

(c) The homesite provisions of section 28 (g) shall apply to the lands acquired by the Secretary pursuant to this Act.

Mr. HANSEN. Mr. President, at the request of the distinguished Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that a statement by him relating to the passage of H.R. 3867 today be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HATFIELD

This is the third time that the full Senate has acted to direct the Secretary of Agriculture to purchase the remaining Klamath Indian forest land so that it can be added to the Winema National Forest and managed under programs of sustained-yield forestry and multiple use of the area. The Winema National Forest was created out of lands sold to the Government by part of the Klamath Tribe shortly after that Tribe was terminated in 1954. The remaining members of the Tribe have now also voted to sell their interest in the old reservation lands.

There are two points that I want to make clear with respect to the intentions of the Committee on Interior and Insular Affairs and the Senate. First, in amending the bill to increase the amount available for the condemnation to $70 million, we are not making a Congressional determination of fair market value. We are simply authorizing an amount that is high enough to ensure federal purchase against all contingencies. Secondly, as the Committee Report indicates, we are directing acquisition of 135,000 acres of forest land. The trustee for the Indians is offering the land for bids in 10 parcels. It is the intention of this legislation that the Department of Agriculture will proceed at once to condemn all 135,000 acres en bloc, rather than in separate parcels, in order to minimize the time and expenses of court proceedings.

I want to thank my colleagues on the Interior Committee, and especially the distinguished Chairman, Senator Jackson, who have followed this problem of the Klamath Indian forest land during the past year and who have acted with great dispatch when the situation's urgency became apparent.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Defense.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Department of Defense are considered and confirmed en bloc.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The second assistant legislative clerk read the nomination of Charles E. Odegaard, of Washington, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Joseph D. Matarazzo, of Oregon, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Alfred A. Marquez, of California, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Brig. Gen. Edward R. Fry, Air National Guard, to be a major general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the U.S. Marine Corps be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the U.S. Marine Corps were considered and confirmed en bloc.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Kenneth B. Keating, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The second assistant legislative clerk read the nomination of William A. Morrill, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. TARIFF COMMISSION

The second assistant legislative clerk read the nomination of George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1979.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

SOCIAL AND REHABILITATION SERVICE

The second assistant legislative clerk read the nomination of James S. Dwight, Jr., of California, to be Administrator of the Social and Rehabilitation Service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk read sundry nominations in the Air Force placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the Air Force be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

The second assistant legislative clerk read sundry nominations in the Navy placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the Navy be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Navy are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire to be heard?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. Harry F. Byrd, Jr.) is recognized for not to exceed 15 minutes.

Mr. HARRY F. BYRD, JR. I suggest the absence of a quorum. I ask that the time for the quorum call be charged to the time of the Senator from Virginia.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Virginia yield me about 30 seconds?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from West Virginia.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President. I suggest the absence of a quorum, the time for the quorum call to be charged to the time of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE UNITED STATES BY LEONID BREZHNEV

Mr. HARRY F. BYRD, JR. Mr. President, next week, the leader of the Union of Soviet Socialist Republics will visit the United States. This will be a historic meeting when Mr. Brezhnev arrives in the Capital of this country.

It is very important that he be treated appropriately, with dignity and with proper honors. I would hope that there would be no need for the tremendous security that must be provided. It is important that security arrangements be thorough, but I hope that no American citizens would attempt to interrupt his visit or make things inconvenient for Mr. Brezhnev while he is in the United States.

What concerns me about the forthcoming discussions between the President of the United States and the leader of the Soviet Union has been aptly summed, to my way of thinking, by an editorial published in the U.S. News & World Report of June 18 and by an editorial published in the New York Times of today.

The Washington Evening Star in an editorial today hit the nail on the head with the brief sentence:

> We favor detente, but it is and must be a two-way street.

I am frank to say that I have some concern about these forthcoming discussions between the American President and the Russian leader.

I think back a little more than a year to the negotiations which took place in Moscow regarding intercontinental ballistic missiles. The United States came out second best. Our intercontinential ballistic missiles were frozen at 1,054, and the Soviet Union is permitted 1,618. The Soviet Union is permitted to have 50 percent more missile-carrying submarines than the United States.

Had it not been for the action of the Senate in adopting an amendment sponsored by the able Senator from Washington (Mr. Jackson), I do not think I could have supported the interim agreement worked out by the President and Mr. Brezhnev in Moscow.

Then we come to the summer of last year, and we note the trade arrangements, specifically dealing with grain, which were negotiated between the United States and the Soviet Union.

There, again, the United States came out second best. The taxpayers subsidized that Russian grain deal to the extent of $300 million. More than that, the American taxpayers loaned to Communist Russia the money to buy our grain.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. I daresay it is impossible to determine accurately the true extent to which the American taxpayers subsidized that grain deal. There are many other ramifications, costly ones, that cannot be computed in connection with that alone. For example, the railroad freight cars were tied up in shipping the grain, causing a delay in the transportation of lumber and bricks and other materials for building homes.

So not all the costs and the adverse effects of that grain deal—in connection with which the Russians "took" us—they "took" us, whether because of corruption or by shrewd bargaining—show up in the simple dollar cost category.

I thank the Senator for making the statement he is making.

Mr. HARRY F. BYRD, JR. The Senator from West Virginia makes some excellent points. He makes the point that the cost of those items is not included in the $300 million I mentioned. Neither is the cost to the American housewife in the driving up of the prices of the food she has to buy. None of that is included in the cost.

Mr. ROBERT C. BYRD. Exactly.

Mr. HARRY F. BYRD, JR. The Senator from West Virginia said that the American people were taken in that deal with the Russians last October, and I think that is an appropriate way to express it.

Mr. ROBERT C. BYRD. I hope they do not take us this time.

Mr. HARRY F. BYRD, JR. That is the purpose of my comments today, just to express the view of one Senator. Perhaps the Senator from West Virginia and the Senator from Virginia are the only Senators who feel that way. I do not know.

I just want to express the view of one Senator, that I hope our Government negotiators will strike a hard bargain with the Russian negotiators when they are here next week.

We want to give them every courtesy.

We want to assure them of all possible security.

We want to do everything appropriate to make their stay here pleasant.

But when it comes to negotiating tax funds of the American people, when it comes to negotiating a reduction in the armament and the defenses of the United States and the free world, I think it is vitally important that our negotiators take a firm, hard position.

We were taken, as the Senator from West Virginia expressed it, last October in the Russian grain deal. We came off second best in the SALT talks—the Strategic Arms Limitation Talks. We put ourselves in a position of inferiority for 5 years with the Russians vis-a-vis intercontinental ballistic missiles. Now we are coming to another discussion here, in Washington, beginning next week.

One might say that the Senator from Virginia represents a conservative viewpoint, and I do. I do not apologize for taking a conservative outlook on matters.

I want to conserve the resources of this country. I want to conserve the tax funds of this country. So I make no apologies in regard to being a conservative, and perhaps the views I express today are of a conservative nature.

However, I have today's New York Times. The New York Times, by no stretch of the imagination, can be considered a conservative publication. It is an ultra-liberal publication. It is, I would think, a pro-Russian publication. I will read portions of an editorial published in today's New York Times, and at the conclusion of my remarks I will ask to have the entire editorial printed in the Record.

> The economic commitments Mr. Brezhnev wants are so large they could hardly gain automatic approval under any circumstances; but they require particularly microscopic scrutiny in the present period of inflation and corresponding weakness of the dollar. Whatever the ultimate advantages of the commercial arrangements Mr. Brezhnev seeks, their immediate impact over the next few years would be to create a substantial flow of American resources to the Soviet Union in return for a series of I.O.U.'s.

It sounds as though I wrote that editorial myself. I think this is one of the few times I have agreed with the New York Times in recent years. I continue reading:

> Furthermore, Moscow is insisting on such favorable terms for its loans that one prominent American banker, Gabriel Hauge of the Manufacturers Hanover Trust Company, has already publicly cautioned against the "dubious banking" he sees resulting from Soviet-spurred competition among Western banks for Moscow's business.

This is the New York Times urging caution, and that is what I am doing today, urging caution.

I also have an editorial from U.S. News & World Report of June 18, 1973. The editorial starts out this way:

> Nobody of sound mind wants to go tearing around unfurling wet blankets but—
>
> Right now seems to be a most appropriate time for everybody to stand off and take a

> long hard look at American-Soviet relations. Where are they leading?
>
> There is a very real danger that the tide of euphoria which could be set in motion by a Nixon-Brezhnev meeting could lead to serious miscalculations costly to America.

That is what I am attempting to warn against here in the Senate on this 15th day of June 1973.

The editorial from U.S. News & World Report goes on to say that the Russians have been and will continue to be on their good behavior for awhile. They are seeking concessions from the Americans so they will be on their good behavior. The U.S. News & World Report then states:

> But that doesn't mean Russia's Communist leadership has abandoned its long-term objective—to establish the Soviet Union as the unparalleled world power. In fact, the Brezhnev strategy is designed to use Moscow's new relationship with America as a double-edged sword toward that end.

I think when we have publications such as U.S. News & World Report, one of the soundest and, in my judgment, one of the most objective in the Nation, and the New York Times, one of the most liberal publications published anywhere in the world, urging caution, it is time that we in the Senate likewise urge our Government to deal with caution in the negotiations next week.

Mr. President, I ask unanimous consent to have printed in the Record the editorials from the New York Times and the U.S. News & World Report and the Washington Star-News to which I have referred.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the New York Times, June 15, 1973]

Soviet Trade Gamble

With only a few days to go before Leonid I. Brezhnev is scheduled to arrive in this country, vigorous efforts are being made to set the stage for his visit with predictions of important agreements to be reached between him and President Nixon. Perhaps the most spectacular to date is Moscow's announcement of a tentative agreement of what would be, if realized, the largest commercial transaction ever concluded between the United States and the Soviet Union.

The proposed $10-billion, 25-year deal for Siberian natural gas deliveries to this country is almost equal in value to the total amount of American lend-lease deliveries to the Soviet Union in World War II. But before this mammoth gas negotiation is concluded, the United States Government and American bankers will have to promise to provide billions of dollars in long-term credits.

The economic commitments Mr. Brezhnev wants are so large they could hardly gain automatic approval under any circumstances; but they require particularly microscopic scrutiny in the present period of inflation and corresponding weakness of the dollar. Whatever the ultimate advantages of the commercial arrangements Mr. Brezhnev seeks, their immediate impact over the next few years would be to create a substantial flow of American resources to the Soviet Union in return for a series of I.O.U.'s.

Furthermore, Moscow is insisting on such favorable terms for its loans that one prominent American banker, Gabriel Hauge of the Manufacturers Hanover Trust Company, has already publicly cautioned against the "dubious banking" he sees resulting from Soviet-spurred competition among Western banks for Moscow's business.

The major Siberian deals promoted by Mr. Brezhnev involve far more than economic considerations. In a joint report to Congress earlier this year, Senator Hubert H. Humphrey of Minnesota and Representative Henry S. Reuss of Wisconsin argued that while "economic benefits would accrue to the United States via supplies of scarce gas and oil, the net economic benefits would tend to favor the Soviet Union. *Therefore, only if political benefits to the United States from flexibility in the Soviet system and the shift away from Soviet military programs were added to the equation did it appear that the long-term costs and benefits of large-scale joint ventures tended to equal out for both sides*" (*italics added*).

This analysis seems very much to the point, especially when it is remembered that vast American investments would have to be made in Siberia before any Soviet oil or gas arrived here; and in fact there would be no real guarantee of receiving this oil or gas should there be a worsening of political relations in the years ahead.

Even on the best of assumptions, oil and gas from Siberia will be high-cost fuels. It will be an enormously expensive task—both in terms of ordinary economic costs and in terms of ecological impact—to extract these energy sources from the heart of Siberia, move the raw material thousands of miles across Alaska-like terrain to ports, and then ship it more thousands of miles to American consumers. There surely exists more attractive domestic and foreign alternatives.

The most persuasive argument for these vast economic arrangements so ardently desired by Mr. Brezhnev is that somehow they would so improve the political climate of the world that the gains for peace and for increased Soviet-American cooperation would more than balance the probable economic disadvantage to the people of the United States (if not to a few American entrepreneurs). It hardly needs to be stressed that such political gains are conjectural at best, and even if achieved under Brezhnev might well be lost under his successor. The burden of proof would seem to be on those in Washington and elsewhere who favor this expensive gamble.

[From U.S. News & World Report, June 18, 1973]

Warm at the Summit

(By Howard Flieger)

Nobody of sound mind wants to go tearing around unfurling wet blankets, but—

Right now seems to be a most appropriate time for everybody to stand off and take a long, hard look at American-Soviet relations. Where are they leading?

There is a very real danger that the tide of euphoria which could be set in motion by a Nixon-Brezhnev meeting could lead to serious miscalculations costly to America.

It is true that, at the moment, the Soviet Union is looking to the U.S. for a way out of its own difficulties.

The Kremlin needs and wants the help of American know-how in solving Russia's problems of industrial backwardness and its lag in technological advance. The Soviets are anxious for assurance that they will be able to get American grain when their abysmally inefficient agriculture system fails again. Politically, they would like to have U.S. support in neutralizing their Communist adversary, China, and in stabilizing East Europe.

All of this tends to put the Russians on their good behavior—for now.

The reason is a simple one. What they stand to gain from friendly co-operation with the U.S. far exceeds anything that they could possibly gain through strident or clandestine adventures in the Middle East or in Southeast Asia—adventures that would jeopardize their relationship with Washington.

But that doesn't mean Russia's Communist leadership has abandoned its longterm objective—to establish the Soviet Union as the unparalleled world power. In fact, the Brezhnev strategy is designed to use Moscow's new relationship with America as a double-edged sword toward that end.

On one side, the Soviet leader sees in the aura of good feeling the best opportunity so far of solving Russia's domestic problems and perhaps eventually achieving an economic stature equal to that of America—just as the Soviets have reached a balance of nuclear power with the United States.

With the other of his two cutting edges, Brezhnev probably reasons that in an atmosphere of warmth and co-operation there is a chance of gradually tilting the political balance among U.S. allies toward Russia.

In this situation, subtle persuasion will be used on the U.S. and its free-world allies to encourage them to lose any sense of urgency about their own and mutual defense. Domestic political pressures already are being generated for them to shift their resources into other fields which urgently need attention—inflation, welfare, housing, unemployment and so on.

Russia, with its totalitarian system of government, does not face the same problem. No citizen, or group of citizens, is going to tell the Kremlin what to do about defense or anything else. Gradually, public opinion is becoming a factor in Communist Russia—but it really doesn't carry any weight at all when the chips are down.

In a democratic America, there is the ever-present danger that when Moscow and Washington talk in an amiable way, many people decide they can forget about defense and any threat of war. Soviet leaders don't have to bother about such things as public reaction.

The past has demonstrated that there can be changes in Moscow's tactics, manner and theatrics. But the goal—that of attaining preeminent world power—never changes.

Obviously, it is not easy to find fault with the idea of friendly talks between the President and Moscow's No. 1 man. But it is important to keep this point in mind:

A warming trend can pose as many risks for the U.S. as a period of cold war—perhaps even more. And it will require greater skill to cope with the new than with the old.

[From the Washington Star-News, June 15, 1973]

The Brezhnev Summit

The summit meeting here next week, which will bring together Soviet Communist party boss Leonid I. Brezhnev and President Nixon, both affords great opportunities and poses serious damage.

Having achieved nuclear parity with the United States—and obtained American agreement to this situation—Brezhnev now seeks increased trade with the United States to rescue the economy of the Soviet Union from the doldrums in which it finds itself. To meet the rising expectations of the Russian people, Brezhnev needs grain, fertilizers, chemicals, computer technology and development capital. The means to attain these ends are most favored nation status and access to Export-Import Bank loans.

In a political sense, Brezhnev needs a favorable agreement with the United States both to justify the savage internecine struggles which have been been going on within the Politburo and to lower tensions in Central Europe so that the Soviet Union can face up to the Chinese challenge in Central Asia.

What Brezhnev has to offer in return—and terms upon which he is prepared to offer it—is less certain. It is doubtful if Russian exports of oil, timber, chrome, manganese, copper, furs, caviar and vodka can be significantly increased. Natural gas, yes, but not on terms such as last year's grain deal to the Soviet Union, which drove up food prices here (despite all the ballyhoo, American exports to Russia last year were worth only $550 million, which is less than South Korea bought from us).

What the Soviet Union is seeking in the economic sphere really bears more of a relationship to trade than aid. That is fine if there are concomitant political gains for the United States such as a reduction in the level of Soviet aid to North Vietnam, Russian assistance in securing a Middle Eastern settlement, a meaningful reduction of Soviet forces in Central Europe and a liberalization in emigration policy in the Soviet Union and Eastern Europe.

The danger is that Mr. Nixon, harrassed on all sides by his Watergate critics and bedeviled by the failure of his economic policies, may seek at all cost a foreign affairs "victory" which would be more apparent than real.

Despite the economic problems which this country is undergoing, Mr. Nixon holds most of the cards when he talks economic relations with the Soviet Union. It would be both tragic and ironic if a man as skilled at diplomacy as the President were to enter into agreements which led to the strengthening of an ideologically hostile government in return for a cheap and transitory diversion. We favor detente, but it is and must be a two-way street.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

AMERICAN-SOVIET RELATIONS

Mr. ROBERT C. BYRD. Mr. President, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is contributing a service in urging caution with respect to the forthcoming talks. I think the American public would do well to understand that if no agreement comes out of the meetings with Mr. Brezhnev, this should not necessarily indicate a failure of those meetings. In reality, and certainly in the long run, it might be viewed as a success of those meetings.

I am not opposed to the meetings. I wish they had not been scheduled for this particular time, but having been scheduled I am not suggesting that they not go forward. I think we have to go forward with the meetings, but I do not think we ought to let ourselves become the victims of a psychology to the effect that those meetings have to produce some big deal. I am like the Senator from Virginia in that I view with some concern the export of our computer technology and our material wealth and resources—especially to the Soviet Union—in return for IOU's that may never be collected. I, of course, want to see a better rapport with the Soviet Union, and I am pleased that a detente has taken place as a result of the outstanding achievements of the President of the United States to this end. President Nixon is to be highly commended for that. But, it ought to be a two-way détente, and I want to add my cautionary plea to that of the able Senator from Virginia. The meetings must be approached with great caution, and I again say that no agreement might be, in reality, a success if viewed in the context of the grain deal—which was a fiasco—rather than a failure.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. GRIFFIN. Mr. President, will the yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. Mr. President, I have listened with interest to the remarks of the distinguished Senator from Virginia. While I do not agree with everything he has said, I believe that a response should be made to some of the points he has made.

I think it would be well to recall that President Nixon has repeatedly reminded Congress that it is essential to the interests of the United States and world peace that the United States remain strong militarily. The danger, I suggest most respectfully to the Senator from Virginia, is not that the President of the United States does not understand that, but perhaps there are too many in Congress who do not understand it. There is a real danger here in Congress that we may, unilaterally, weaken the defense posture of the United States vis-a-vis the Soviet Union.

But I wish to join in the expression of concern made by the distinguished Senator from Virginia. There is justification for some expression of caution under these circumstances. On the other hand I do not want the record to go unchallenged if there is any suggestion here that President Nixon and Dr. Kissinger are not very able, very well prepared, and very tough, hard bargainers when it comes to dealing with the Soviet Union. I think, and I believe history will judge, that they have been superb. In my humble judgment, they have done an excellent job.

I recently returned from a trip to the Soviet Union with six of our colleagues in the Senate, members of the Committee on Commerce. We were in the Soviet Union primarily to study the advisability of developing more trade relations between the Soviet Union and the United States. We had the opportunity on that occasion, the seven of us, to meet for nearly 4 hours with Mr. Brezhnev in the Kremlin.

It is obviously impossible, after a short trip of that kind, to come back and claim to be an expert, and I do not. But I do come back with a strong conclusion that President Nixon is on the right path in realistically seeking to improve trade relations between the United States and the Soviet Union. I think there is a strong interest on the part of the leadership of the Soviet Union, at this point in history, looking toward this end. They find it in their national interest, I am sure, to seek some accommodation in terms of arms build-up so they may turn their attention to consumer oriented production.

I think we should encourage that as much as possible. I think we should encourage as much as we can interchange, contact, and opening up with the Soviet Union and certain Iron Curtain countries, always to be sure, with the admonition of the Senator from Virginia in mind, that we want to be realistic in our dealings with the Soviet Union. But I would say this: If there is any President who ever has been well prepared for the job he is undertaking in this regard, it is the President who is in the White House today.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Virginia was one of the first Members of the Senate to applaud President Nixon's decision to go to Peking, and I approved President Nixon's trip to Moscow. I think it is important that the leaders of the great nations of the world open a dialog. I favor meetings and discussions between the leaders of these great nations.

I applaud the announcement that the President decided to go to China the night he made it, and I was severely condemned in my State for doing so. I think President Nixon was right. I want to see communications opened between Communist China and the United States, and I want to see rapport developed among all great powers.

What I am speaking of is different from dialogs and different from leaders getting to know one another.

I am only calling attention to what has happened in the past, and I say that the United States came off second best in the arms limitation talks. The Senate of the United States thought so, too, because it adopted the proposal of the Senator from Washington (Mr. JACKSON) to demand that negotiators in the future insist on parity, and not settle for inferiority. So I think it is fair to say that the Senate concurred in the view expressed by the Senator from Virginia when it adopted the Jackson amendment.

Insofar as the grain deal is concerned, I think the record too is clear to warrant further discussion.

What I am suggesting today is—and I feel, as does the Senator from Michigan, it is desirable to have trade between these countries—I do not want the American taxpayers, the American housewives, to do all the financing of it. Nor do I want to see a shortage here result from it. That is what was done under the grain deal. I do not want to see that happen again. What I am concerned about is that caution be used.

As the Senator from West Virginia pointed out, we may be better off if no other dramatic announcements are made and no dramatic decisions are made, but to have the President and the leader of the Soviet Union develop rapport and dialogues and to continue to get to know one another.

I hope the Soviet leader will have a pleasant stay in the United States and that there will be no awkward incidents. I am glad to see there will be tight security, although I hope it will not be necessary.

Mr. GRIFFIN. Mr. President, I would only add to this to the colloquy. I would not want the impression to be left in the RECORD that we hope no agreements will be reached. I just want to make it clear that I hope the negotiations will be fruitful and that there will be meaningful agreements reached during the historic visit of Mr. Brezhnev.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. ROBERT C. BYRD. Mr. President, I certainly do not want the Record to imply or the able Senator to infer that I meant such in what I had to say. I, too, want the meetings to be fruitful and hope something good comes out of them. I want merely to make the point that if no agreement is reached, it should not be interpreted as a failure; in the light of the unfortunate grain deal. I take the position that no agreement might be better than an agreement if such an agreement is going to be something of a repetition of the grain deal.

I share with the Senator the desire to see something fruitful come out of the meeting, and if there is, I certainly would want to see an announcement of it.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. HARRY F. BYRD, JR. Mr. President, I just want to add that the reasoning of the Senator from West Virginia is exactly the reasoning and the intent of the remarks of the Senator from Virginia. If we can get fruitful decisions from this meeting, that is fine, but the point the Senator from West Virginia raised I think is a good one—that if the President and his negotiators conclude that it cannot be done and that they cannot bring forth dramatic decisions without making too many concessions, then the American people should not regard that as being undesirable or regard that as being a failure of the meeting between the two leaders of the two great countries.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. PROXMIRE. Mr. President, are we in the morning hour?

The ACTING PRESIDENT pro tempore. One minute remains in the morning hour.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended 15 minutes and that statements be limited therein to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PENTAGON'S BIOLOGICAL CLOCK GOES OFF

Mr. PROXMIRE. Mr. President, at a certain time each year the biological clock of nature sends out a signal, as yet unknown, and with a precision and purpose that astounds men, geese make their annual migrations on great flyways in the sky; sturdy salmon begin their doomed struggle up river systems; and even the feared lamprey returns thousands of miles to a stream known only by its prior generation.

These are the mysteries of nature.

It is not surprising then that a similar biological clock goes off every year at the Pentagon. I am speaking of the annual "scare the dickins out of 'em", "the Russians are coming" speech so precisely timed to coincide with consideration of the military budget in Congress.

At about the same time every year, and without fail, comes a rash of statements from the highest level of the Pentagon depicting the darkest motives to Soviet or Chinese military programs and hinting at strategic imbalances not yet known but clearly ominous.

This year is no exception.

BUDGET TO BE EXPANDED

Deputy Defense Secretary William P. Clements, in his first press conference, has stated that the record high defense budget of $79 billion might have to be expanded.

Now let us clarify exactly what is going on. In prior years, various Secretaries of Defense would issue warnings that any cut by Congress in the military budget would endanger national security, weaken our bargaining position, place us in a position of strategic inferiority, loosen our alliance system, and show the white flag, to name a few dire consequences.

This year the strategy is somewhat different. Instead of defending the line, the Pentagon wants to pressure Congress even more by suggesting that budget levels might have to be increased.

This red herring must be seen for what it is. By calling for a higher budget, it makes it possible that a compromise might be reached at the current projected level, thereby giving the Pentagon more than they anticipated when sending the budget to Congress.

Every bureaucracy knows that it must submit a budget larger than what it actually needs since Congress could cut it back. Therefore, budget padding is a normal technique for bureaucratic survival.

This year we have an extension of that strategy designed to wring more than the normal levels out of Congress.

And this comes at the end of the war, when all of us thought we could reduce defense spending. We always have had it at the end of every other war, but not this one.

LOOK AT HOME FIRST

While the Deputy Secretary of Defense is busy conjuring up new threats, let me suggest that he take a closer look at his own military establishment. I would be interested in knowing why the following situations have been allowed to exist in the Department of Defense:

Why some 700 generals and admirals will continue to have enlisted men serve them as personal servants?

Why generals are allowed to outfit aircraft for their personal use at costs as high as $430,000 per plane, with bars and all kinds of elaborate facilities for entertaining at cocktail parties?

Why there are cost overruns of $35 billion on 45 major weapons systems?

Why there are only 54 F-4's in South Korea, but 8,300 Air Force personnel?

Why 77.5 percent of the active military force will consist of officers or noncommissioned officers?

Why there will be 2,269,000 permanent change-of-station moves in fiscal year 1974 for 2,200,000 military personnel or more than one change for everybody in the military at an enormous expense for every change?

Why there are more 4- and 3-star officers now than in 1945 when, at that time, we had 10 million more troops?

Why there are 600,000 U.S. military personnel scattered around the world?

Why in fiscal year 1974 the United States will train more administrative specialists and clerks than infantry, guncrew, and seaman specialists? We are training far more people for supply and support than for actual combat activities.

Why has not the support level been decreased with our disengagement from Vietnam? We are still operating at Vietnam highs with regard to total support costs.

Mr. President, there are many more questions that I would like to ask, but these give an indication of the topheavy command problems the military has today.

We must have the best possible fighting force for the defense of this country. It should be extraordinarily well trained and equipped with effective weapons.

But we will never have this "lean mean" fighting force if we continue to allow a satisfied, bloated, easy life command structure to continue. Let our attention be turned to this challenge.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1386. A bill to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes (Rept. No. 93-222).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 1529. A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River project, Idaho, and for other purposes (Rept. No. 93-223).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HART:

S. 2004. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself and Mr. Mondale):

S. 2005. A bill to provide for adequate reserves of certain agricultural commodities, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. Symington, and Mr. Eagleton):

S. 2006. A bill to designate the Veterans Administration hospital in Columbia, Missouri, as the Harry S. Truman Memorial Veterans' Hospital, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. TALMADGE:

S.J. Res. 122. Joint resolution to amend the Constitution of the United States to allow voluntary prayer or meditation. Referred to the Committee on the Judiciary.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 2004. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings. Referred to the Committee on Finance.

Mr. HART. Mr. President, the closing of a plant imposes cost on employees and on a community.

Workers lose jobs, pension plans often disappear, some families may have to move, local tax revenues decrease, and remaining businesses lose customers and sales.

Perhaps the impact can be better appreciated by an estimate made of the number of years of employee seniority involved in a plant closing announced in Detroit last year.

In this particular plant, the affected employees have accumulated more than 34,800 years of seniority.

The impact of this closing then is not only from the immediate loss of jobs, but of the difficulty older workers may have in finding new work and in the loss of accrued seniority in a pension program.

These effects are even more severe in communities already afflicted with high unemployment rates.

For that reason the Federal tax system should not give a "bonus" to firms moving plants from high unemployment areas; rather it should encourage creation of new jobs in such areas.

Also experience has shown that mergers involving the purchase of a small company by a large out-of-town corporation too often result in the closing of the acquired firm or a funneling of expansion funds to other plants of the corporation.

Because the out-of-town corporation has no close ties with the community, such decisions may be based on considerations other than the economic viability of the operation.

The fact is that many large corporations view management responsibilities and plant operations not in terms of people but, as expressed by one company official, in terms of that "of a portfolio manager."

Under such an approach, the question of closing a plant is not so much one of people or community, but rather one of adding and subtracting stocks to a portfolio.

Certainly, some mergers make sense, but the "sense" should be added efficiencies and not the desire to take advantage of some tax loopholes.

At a minimum the Federal tax code should be neutral on the question of encouraging mergers involving large corporations and at best should tilt the balance in favor of mergers between small businesses.

For those reasons I reintroduce today a bill to remove tax provisions which might encourage directly or indirectly plant closings.

First, the provision granting tax-free interest on industrial development bonds would be denied if revenue from the bonds were used to attract a plant from a high unemployment area.

A "high unemployment area" is defined as a State, metropolitan area, or other geographic labor market designated by the Secretary of Labor in which the jobless rate averaged more than 6 percent over the preceding 12 months. Counties in Michigan's Upper Peninsula, for example, could be included in the third category.

The bill then would close these "merger loopholes."

Mergers can be accomplished through the exchange of stocks between the buying and the selling firms. In certain circumstances under present provisions of the tax code, profits on such transfers are not taxed. This bill would end such an exemption.

Corporations do not have to pay taxes on profits from the sale of assets carried out within 1 year of its announced decision to liquidate the company. The bill would repeal that loophole.

Even when the sale of a business is taxable, if the price of acquisition is paid in installments, the seller can spread tax payments on profits from the sale over the period of the transaction. This proposal would make the full tax bill payable at the time of the transfer.

These loophole closings would apply only to mergers involving firms with combined assets totaling more than $10 million. The bill provides a safeguard against a large company using a controlled "independent" firm in an attempt to make the $10 million cutoff.

Also mergers between small businesses would remain tax free even if the exchange of assets involved some type of guaranteed debt as well as stock.

If the tax code were completely neutral on the question of mergers, large companies would continue to dominate the purchase of business assets if for no other reason than financial risks often are less for the seller if he ends up with a share of stocks in a large company rather than with stock of a smaller business. Thus, the owner of a small company could sell to another independent company and receive secured notes as well as stock without losing tax-free status for the exchange.

By continuing and expanding tax preferences for small business mergers, we can encourage such transactions and still provide a safe way for an owner to dispose of his business.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Job Protection Act of 1973."

Sec. 2. Section 103(c) of the Internal Revenue Code of 1954 (relating to the exclusion from income on governmental obligations known as industrial development bonds) is amended by adding at the end thereof the following new paragraphs:

"(8) Certain Facilities Related to Plant Departure From High Unemployment Areas.—The exception provided in paragraph (6) shall not apply to any industrial development bond issued by any State, territory, or possession of the United States or any political subdivision thereof if it is determined that:

"(A) the use of any facility financed in whole or part by such obligation is or will be made in connection with the closing of existing facilities or their diminished use, and

"(B) that such closing or diminished use described in subparagraph (A) has reduced or will reduce employment offered by the taxpayer in high unemployment areas.

"(9) For purposes of paragraph (8), 'high unemployment area' means any State, standard metropolitan statistical area, or other geographical area designated by the Secretary of Labor to be 'a labor market' for purposes of (42 U.S.C. 3161), in which the average unemployment rate exceeded 6 percent during the twelve-month period preceding the taxable year for which the credit permitted by section 38 is sought."

Sec. 3. (a) Section 354 of the Internal Revenue Code of 1954 (relating to exchanges of stock and securities in certain reorganizations) is amended by adding at the end thereof the following new subsection:

"(d) Limitation.—Subsection (a) shall not apply to an exchange in pursuance of a plan of reorganization adopted after the date of enactment of this subsection, if the total fair market value of the assets of the corporations which are parties to the reorganization exceeds $10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

(b) Section 355 of such Code (relating to distribution of stock and securities of a controlled corporation) is amended by adding at the end thereof the following new subsection:

"(c) Limitation.—Subsection (a) shall not apply to a distribution after the date of the enactment of this subsection, if, immediately prior to the distribution, the total fair market value of the assets of the distributing corporation (including stock and securities of the controlled corporation) exceeds $10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

(c) Section 361 of such Code (relating to nonrecognition of gain or loss to corporations) is amended by adding at the end thereof the following new subsection:

"(c) Limitation.—Subsection (a) shall not apply to an exchange in pursuance of a plan of reorganization adopted after the date of the enactment of this subsection, if the total fair market value of the assets of the corporations which are parties to the reorganization exceeds $10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

(d) Section 337 of such Code (relating to the nonrecognition of gain or loss in connection with certain liquidations) is amended by adding at the end of subsection (c) thereof the following new paragraph:

"(3) Liquidations following sales to certain corporations.—This section shall not apply to any sale or exchange of assets if the total fair market value of the assets of corporations which are parties to the sale or exchange exceeds $10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

Sec. 4. Section 453(b) of the Internal Revenue Code of 1954 (relating to use of installment method for certain sales) is amended by adding at the end thereof the following new paragraph:

"(4) Certain sales of stock and assets of corporations.—Paragraph (1) shall not apply to a sale or other disposition of substantially all of the stock or properties of a corporation to another corporation if the total fair market value of the assets of the two corporations exceeds $10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

Sec. 5. (a) Section 368(a)(2) of the Internal Revenue Code of 1954 (relating to reorganizations) is amended by adding at the end thereof the following new subparagraph:

"(F) Certain acquisitions of small business corporations.—In the case of an acquisition by an independent corporation of stock or properties of a small business corporation in pursuance of a plan of reorganization adopted after the date of the enactment of this subparagraph, paragraphs (1)(B) and (1)(C) shall apply if the independent corporations exchanges (in addition to voting stock) its securities or other obligations for the stock or properties of the small business corporation. For purposes of this subparagraph, the term 'small business corporation' has the meaning assigned to it by section 1371(a) (except that for this purpose, 'one hundred shareholders' shall be substituted for 'ten shareholders' in subsection 1371(a)(1)), and the term 'independent corporation' means a corporation which is not a component member of a controlled group of corporations (within the meaning of section 1563)".

(b) Section 354(a) of such Code (relating to exchanges of stock and securities in certain reorganizations) is amended by renumbering paragraph (3) as (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Certain reorganizations involving small business corporations.—In the case of an exchange described in section 368(a)(2)(F), paragraph (2) shall not apply and, for purposes of this subpart, the term 'securities' includes any interest-bearing obligation".

Sec. 6. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. HUMPHREY (for himself, and Mr. Mondale):

S. 2005. A bill to provide for adequate reserves of certain agricultural commodities, and for other purposes. Referred to the Committee on Agriculture and Forestry.

SHORTAGES AND NO RESERVES OF FEEDSTUFFS MAY SPELL DISASTER FOR BOTH FARMER AND CONSUMER

Mr. HUMPHREY. Mr. President, last week during Senate consideration of S. 1888, the proposed Agriculture and Consumer Protection Act of 1973, I offered an amendment which was designed to establish a system of national reserves of wheat, feed grains, and soybeans. As I reported on that occasion, Government supplies of these particular commodities have been totally depleted and the supplies in private hands are at the lowest level in many years.

Much to my amazement, my amendment was rejected. I have some appreciation and understanding as to why many Senators from our Nation's major grain producing States opposed my amendment. In the past, large carryover supplies of these commodities did tend to unduly depress farm prices, but due mainly in my judgment, to the fact that Government release prices applicable to them were far too low. While my amendment would have corrected that problem by providing for higher release prices than are now provided under the law, many of these Senators apparently did not understand those features of my amendment.

As to those Senators voting against my amendment who represent States having large numbers of poultry, beef, hog, and dairy producers—or having large urban constituencies—they apparently did not understand the importance of the amendment in insuring adequate supplies of these key commodities to livestock producers in times of short supply or were misled by inaccurate estimates of what it would cost to carry or maintain the level of reserves stipulated in my amendment.

Let me address myself first to the critical shortage that our Nation now faces concerning feedstuffs required by our livestock industry in order to produce the pork chops, beef steaks, turkeys, chickens, and milk we consume in this country.

The average price of all animal feedstuffs has almost tripled in just the last 12 months. The "All Feedstuff Price Index" in June of 1972 was 115. In June of this year it is 336. Feeding margins have been narrowed due to the current cost-price squeeze. In order for price ceilings to be effective, there must be an adequate supply of animal poultry and dairy products. Unless that supply is available either rationing will have to be imposed or black-marketing of some of these products may develop.

While I believe we can look forward to somewhat improved feeding ratios sometime this fall or winter, those improvements will come too late to correct the down trend in market supplies of beef, poultry, and eggs between now and the end of this calendar year.

In short, the Nixon administration has allowed this country to fall into a critical situation relating to meeting this Nation's demands for meat, poultry, and dairy products. And why? Because this administration has failed to insure livestock, poultry, and dairy producers adequate supplies of key feedstuffs at reasonable prices. It has failed to maintain adequate reserves of these feedstuffs to protect domestic users against heavy drawdowns of supplies created by poor crop conditions here at home and in other parts of the world. And unless Congress enacts legislation during this session of Congress which provides for the type of reserve system that I am advocating, it will become an accomplice in repeating this situation in the future—and possibly as early as again next year.

Mr. President, if anybody doubts the seriousness or the validity of my concerns about this situation, I ask them to carefully review the "carryover supply table" and the USDA report covering current availability of livestock feedstuffs over the next several months which I ask unanimous consent be printed in the Record at this point.

There being no objection, the table and the report were ordered to be printed in the Record, as follows:

TOTAL CARRYOVER STOCKS AT END OF YEAR[1]

Crop year beginning in	Wheat (million bushels)	CCC owned	Feedgrains (million tons)	CCC owned	Soybeans (million bushels)	CCC owned
1963	901	829	69	42	67	26
1964	817	608	55	31	30	0
1965	535	262	42	14	36	0
1966	425	124	37	10	90	34
1967	539	102	48	11	166	138
1968	819	163	50	15	327	300
1969	885	301	48	12	230	197
1970	730	370	33	8	99	11
1971	863	367	50	8	72	0
1972 (estimate)	433	0	37	2	07	0

[1] USDA Commodity Credit Corporation.

Source: ERS reports.

June 1973.

Special USDA Feedstuff Situation Report

OILSEEDS (SOYBEANS, COTTONSEED, PEANUTS AND FLAXSEED)

(1) The stock of oilseeds, except cottonseed, remaining in open positions is extremely low. Seed and crushing firms are aggressively bidding for the soybeans that remain and many believe the supply is essentially sold or committed. Cottonseed inventory is longer and the supply is substantially greater (30 percent) than a year ago. Peanut stocks held by the CCC are being sold rapidly, and the CCC expects all remaining stocks suitable for crushing will be sold by June 15 at the latest.

(2) The oilseed inventory position of crushers is a mixed situation. More than half of the soybean crushers are in or attempting to move into a long position. These firms have stocks to meet crushing requirements through July or early August and commitments from sellers to meet anticipated requirements through August and in several instances early September. But there is considerable anxiety on the part of crushers about whether sellers will honor the delivery commitments. Other crushers, including several of the largest firms, are in a less favorable position with stocks sufficient to meet requirements through June or early July. These firms are having considerable difficulty securing additional supplies. The problems seem to be inadequate financial reserves to purchase beans and uncertainty about future prices.

Cottonseed crushers have above average inventories and should not encounter any severe problems during the rest of the season.

Peanut crushers apparently have the remaining available supply on hand or committed except the quantity committed for export.

(3) Crushing activity during the balance

of the season will vary depending on the type of oilseed being crushed. Soybean crushing operations will decrease at a faster rate during the balance of the season compared to a year ago. Activity during August and September will be at a very low level, although operations are typically low during this period.

Cottonseed crushers are expected to operate at a higher level during the balance of the season compared to a year ago.

Flaxseed and peanut crushers will continue to operate at high level while stocks last. Operations will probably taper off later in the season.

(4) There is a consensus in the trade that foreign buyers will not be placing any additional large orders for old crop beans and meal. However, there is a significant backlog of unfilled orders for shipment to foreign destinations. There is speculation in the trade that some foreign commitments may be sold back to U.S. buyers. But the tight world protein situation precludes this development as an avenue of relief.

(5) Prices for old crop soybeans, meal, and oil have increased rapidly in the last 2 months and are expected to continue increasing during the rest of the season. Prices for June 5, 1972 and 1973, Decatur, are given below:

SOYBEANS AND PRODUCT PRICES

	June 5, 1972	June 5, 1973
Soybeans, bushel	$3.49	$12.27
Soybean meal, ton	94.00	430.00
Soybean oil, pound, cents	11.29	18.63

Other oilseed meal prices will also increase but cottonseed meal prices are not expected to increase proportionately.

(6) The high meal prices will allocate the supply into the most profitable end uses. Supplies of meal will not be adequate to feed all U.S. livestock and poultry at traditionally recommended feeding levels during the balance of the feeding year. Feed manufacturers are or have already reduced the crude protein content of swine and poultry feeds by one or two percentage points. This is the so-called "safety margin." Further cuts in crude protein levels are being considered or recommended in order to stretch remaining supplies. The affected animals, swine and poultry, will have poorer feed conversions, be subject to more stress and disease, and require longer to grow out to market weight; in the case of hogs, approximately two weeks and one week for turkeys.

Feed manufacturers express considerable concern about the financial position of table egg producers expecting many to be forced out of business.

(7) There will be a smaller than normal carryover of oilseeds on September 1, 1973. The soybean carryover will amount to between 35 and 50 million bushels, approximately a two week domestic requirement, and probably will be committed.

(8) Inventories of soybean meal at crusher locations appear to be a little above normal but only amount to several days of crushing output. As the crushing operations are reduced, the meal inventory will drop.

Meal inventories of feed manufacturers have been enlarged. Half the national or regional firms have stocks or commitments for soybean meal for most of the rest of the season. The rest have stocks or deliveries scheduled to meet near-term requirements but are having problems obtaining additional supplies for later in the season. The feed industry is generally convinced protein supplies will not be adequate to meet requirements through the season.

(9) It is very unlikely that there will be any uncommitted soybean meal on the market in August or early September. Cottonseed meal should be available in local areas.

(10) Any delay for any reason in the harvest of oilseeds will create extremely chaotic short-run conditions in the meal and feed ingredient markets. The soybean harvest normally commences in mid-September with the harvest at its peak in early to mid-October. Every reasonable precaution should be taken to assure that there are adequate supplies of fuel to plant, harvest, dry if necessary, and transport beans at harvest time. In addition, adequate transport equipment must be *in place* to minimize the time required to move beans to crushers and meal to feed manufacturers.

OTHER PROTEIN FEEDS

(1) Fishmeal supplies are very tight and expected to remain tight indefinitely. Resumption of anchovy fishing by Peru is not expected before the fall of 1973 or later than the fall of 1974. Peru is usually the source of 40 to 50 percent of the world's fishmeal supply. The United States, historically a net importer of fishmeal, will have to rely on the catch from its domestic fleet and some imports from Canada if available.

(2) Meat scraps, tankage, and poultry byproduct meals are in tight supply and are being aggressively sought by foreign buyers, pet food manufacturers and feed manufacturers. Prices are high and increasing with the increase in soybean meal prices. There is very little indication that supplies for domestic feed use will increase during this feeding year.

(3) Distillers and brewers grains are in very tight supply and high priced. Output is not expected to exceed year ago levels.

(4) Gluten supplies are believed to be slightly larger than a year ago, but inadequate to meet demand.

(5) Urea supplies are adequate and only a little higher in price ($10/ton) than a year ago. Large quantities are being utilized to replace the protein meals in cattle rations and the supply should be adequate for this purpose.

CORN

(1) Feed manufacturers expressed considerable concern about the quality of the 1972 corn crop. Some are having difficulty obtaining the quality of corn traditionally used in complete feeds. Others took the precaution earlier of arranging for supplies for the season.

(2) The corn problems are aflatoxin, low energy, and poorer protein content. The fungus on corn results in certain toxic substances and swine generally refuse to eat the corn. However, reports of pregnant sow abortion are above normal indicating sows are consuming toxic substances on corn. The lower energy and protein content requires producers to feed larger quantities of corn to achieve weight gains on animals. The FDA is monitoring the situation.

(3) Prices for #2 old crop corn have increased significantly in the past two months ($1.63 on 4/5 to 2.60½ on 6/5). Some feed manufacturers anticipate further modest increases in old crop corn prices.

(4) There is increasing concern about both the size and quality of the corn that will be harvested this fall.

LIVESTOCK AND POULTRY OUTPUT

The near term livestock and poultry output calls for little if any significant increase. Higher than normal death losses of cows and calves, poor quality feed, and bad winter and spring weather will reduce anticipated supplies of beef. Poor quality feed and farrowing problems this spring will affect pork output this summer and fall. Swine farrowing during the late summer and fall is expected to be slightly below intentions. Turkey output will be below intentions and will be equal to or slightly below the 1972 level. Broiler producers are seriously considering another reduction as profit margins decrease. Table egg production will probably fall as these producers are in the most vulnerable financial position to survive the cost-price squeeze.

CONSUMER PRICES

With little if any expansion in the output of livestock or poultry products forthcoming, consumer prices for these items will remain constant or increase during much of the remainder of this year, depending on general economic conditions.

SELECTED FEED PRICES, JUNE 5 AND DEC. 18, 1972, AND JUNE 4, 1973

	Per ton—			Percent increase—	
	June 5, 1972	Dec. 18, 1972	June 5, 1973	1972–73	6 mo, December 1972–June 1973
United Cooperative Farmers: Caged layer feed	$76.89	$106.85	$155.30	102	45
GoldKist (Georgia mill): Broiler maker	100.20	134.80	217.60	117	61
Felco-Land-O-Lakes (Fort Dodge, Iowa):					
13 percent—porkmaker	62.70	82.30	115.10	84	40
36 percent—sow and pig supp	125.80	174.60	336.00	167	92
United Cooperative Farmers (Massachusetts):					
14 percent dairy (meal)	71.73	97.21	112.80	57	16
16 percent dairy (pellet)	67.83	94.07	106.60	57	13
AgWay (Binghamton, N.Y.):					
16 percent dairy (with urea)	$60.80	$84.00	$90.60	49	8
16 percent dairy (without urea)	66.00	96.40	102.00	54	6
All mash layer (16 percent)	71.00	96.80	127.60	80	32
Soybean meal, 44 percent, Decatur	94.00		430.00	357	
Corn No. 2, per bushel, Chicago	1.285		2.605	103	

Mr. HUMPHREY. Mr. President, it should be noted that not only is the Government—the Commodity Credit Corporation—entirely out of food and feed grain supplies, plus soybeans but that much of the remaining supply of 1972 corn, is so high in moisture that its quality is very low. Note that section of USDA's report which suggests that much of this corn may be suffering from problems of aflatoxin, low energy, and poor protein content. It should be further noted that the report raises the same type of concerns about size and quality of this year's corn crop—1973—as are applied to much of last year's corn crop. Given the late planting of corn this year, the harvesting of it also will be late. This again will likely mean large quantities of this year's crop will be of high moisture and poor protein content.

These "quality" factors relating to both last year's corn crop and this year's crop are probably responsible for the unusually strong prices now being offered for both "old" and "new" crop corn.

Compounding this situation, of course, is both the current rail transportation and fuel crisis. When the large quantities of wheat, feed grains and soybeans that normally hit the market at harvest time occurs this year, there had better be sufficient fuel available to dry what needs to be dried and rail cars available to move what needs to be moved, or the crisis that we are likely to experience between now and this fall's harvest is likely to be extended beyond that period. In that regard, I call your particular attention to item 1 in the USDA report I just placed in the Record, under the heading of "Oilseeds."

To summarize the current crisis we face, prices of feed grains and protein meal have skyrocketed. In response to these price increases, costs of feeding livestock and poultry have increased. High protein ingredient supplies are very short and inadequate to meet optimal nutritional needs of livestock and poultry during the remaining time until harvest. Grain transportation facilities are still tied up; and availability of fuel for planting, cultivation, harvesting, drying, and movement of feed grains and soybeans to market is uncertain.

Mr. President, on June 11, 1973, the Wall Street Journal carried an article by Messrs. Norman H. Fisher and John A. Prestbo entitled "Soaring Grain Prices Seen Braking Output of Meat, Milk, Bread" which further illustrates the current dilemma that our Nation is faced with concerning the immediate future as it relates to these food products. I ask unanimous consent that this article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soaring Grain Prices Seen Braking Output of Meat, Milk, Bread

(By Norman H. Fisher and John A. Prestbo)

Fast-rising prices for grains and livestock feed are threatening to brake sharply the output of meat, milk and eggs. This could lead to such gloomy possibilities as much higher food prices, potential shortages and severe economic strains for major segments of the agricultural and food industries.

"We've got a world-wide food panic on our hands," declares R. H. Uhlmann, president of Standard Milling Co. in Kansas City, "and unless something is done we're going to have shortages in this country."

Iowa Gov. Robert Ray predicted on nationwide television last week that "a meat crisis" could develop in 60 to 90 days. He blamed the controls imposed in early April on wholesale and retail prices of red meat. "With the freeze on these prices, farmers are squeamish about producing more," the Governor said.

Bread bakers also are caught between zooming costs and a government ceiling on prices for bread and other baked goods. "We didn't think the situation could get any worse but it has," says Robert Grant, chairman of the executive committee of American Bakeries, one of the biggest in the country. "If prices stay as high as they are or go higher, a big segment of the baking industry will go out of business."

A GOVERNMENT DILEMMA

Some Congressmen are calling for a freeze on all wages and prices, including those of foodstuffs that were exempt from earlier controls, restrictions on commodity exports and other severe measures. The Nixon administration has indicated stiffer economic controls of some sort will be imposed soon.

Clamping on food and farm price controls poses a dilemma for administration officials. If farmers, bakers and others are allowed to pass along their higher costs, retail food prices could skyrocket further from their already high levels and spark bitter consumer protests. But if they aren't allowed to pass along higher costs, production could fall and retail prices would go up anyway. If exports are curtailed, foreign trade and balance of payments deficits would worsen considerably, further imperiling the value of the dollar.

But trying to wait out the problem hasn't worked very well, either. The government index of feedstuff prices, which account for 75% of the cost of producing meat, milk and eggs, has risen 30% in the past two weeks and is nearly four times higher than it was a year ago. The index of feed grain prices, including corn, has jumped nearly 20% in the past two weeks and is nearly double the year-ago level. The price of wheat in Kansas City has climbed 25% since May 1 and is about 85% higher than in June 1972.

Much of the impetus for these booming prices comes from overseas where droughts and other calamities reduced grain and food production last year. It's too early to tell how world-wide production will fare this year, but foreign governments aren't taking any chances and are buying as much as they can from the U.S.

STOCKING UP ABROAD

"Some foreigners seem to think the U.S. might impose export controls, so they're buying ahead as much as they can," says one grain-industry executive. Others contend that U.S. and foreign speculators have pushed prices higher than they should be.

Whatever the reasons, high-priced grains and feedstuffs are beginning to crimp the production of food in this country:

Beef production is still running about 3% below a year ago, even though experts earlier had figured output would have increased by now. Cattlemen are expanding the nation's beef herd, and meat economists were expecting production to gain 3%–5% over 1972 by the end of this year. Now, says an official of a cattle feeding trade group, "there are indications beef output may only match last year." Some feedlot operators, pressed by high costs, say they may begin to feed their cattle to lighter weights.

Pork production had been predicted to rise 6% to 8% this year, but now a 2% to 3% gain is more likely, experts say. So far this year, pork production is 5% lower than a year ago. Livestock market sources say some farmers are so disgruntled with rising feed costs that they're sending their pregnant sows to market for slaughter instead of having them farrow.

Broiler chicken production is running 2% to 3% below a year ago. If costs don't decline soon, says an official of the Broiler Marketing Association in Jackson, Miss., "we could see a substantial cutback in broiler production in the next few weeks." Based on current feed costs and broiler prices, some chicken farmers could be losing as much as three to four cents a pound.

Egg output is down about 6% from a year ago, and some egg farmers are cutting back on the number of layers they feed. For instance, Perry McCranie of Bowen-McCranie Inc., a Tifton, Ga., firm, says he has 10% fewer hens in production now than a year ago. W. W. Taylor, who keeps 130,000 laying hens near Eastman, Ga., predicts that because of the flock cutbacks, retail prices may be $1 a dozen by November.

There was concern several months ago about a possible milk surplus, but now milk production is running 2% below a year ago and some experts think shortages could develop in parts of the South this summer. Milk prices have gone up an average of 8% so far this year, but feed costs have risen more, causing many dairy farmers to sell their cows for beef and quit. "We're now seeing an accelerated liquidation" of dairy farms, says George L. Mehren, general manager of Associated Milk Producers Inc., a huge San Antonio-based dairy cooperative.

More than 50 independent bakers have gone out of business in the past eight months because of high costs and a ceiling on bread prices, says George Rosenthal, president of Fink Baking Co. in Long Island City, N.Y., and a spokesman for the baking industry. The price of flour jumped 18% during May alone, and prices are increasing for such other ingredients as sugar, caraway seeds, sesame seeds and raisins. In fact raisins have more than doubled in price, and many bakers have stopped making raisin bread and other items containing them.

Mr. Grant of American Bakeries said his company asked the Cost of Living Council about two weeks ago for permission to raise the price of raisin bread. The council denied the request.

"They said if you feel you must make raisin bread, then absorb the higher costs," Mr. Grant recalls. "Well, the world will get along without raisin bread, but the point is the controllers have gone beyond the law. What they should have done is let us raise prices to compensate for higher costs, and then if people didn't think raisin bread was worth it they could make the choice not to buy it rather than some bureaucrats."

Some relief for bakers is in sight as Congress moves toward taking off the "bread tax" of 75 cents that millers must pay for every bushel of wheat they grind into flour for domestic use. This would lower flour prices, but probably not enough to offset all the increase of recent months. "Bakers would still be bleeding to death, but at a slower rate," says J. Allen Mactier, president of ConAgra Inc., a diversified milling firm based in Omaha.

Mr. Mactier and many other food-industry executives are upset with what they think is gross government disregard for their problems. "It's shocking, but the authorities in power in Washington don't know what's going on," Mr. Mactier says. "The government is all wrapped up with Watergate, letting domestic problems go to hell."

Adds Mr. Grant of American Bakeries: "We were telling the controllers about all the bakeries going out of business, and they told us in effect that we've got some excess capacity in the baking industry that will be shook out by the controls and then those of us who are left will be better off. That may be true, but I daresay it's not the job of the government to run a lot of little bakers out of business."

The government has been holding firm for a couple of reasons. For one, officials don't want to upset the foreign trade leverage gained from agricultural exports, even though shipments of grains, animal feeds and meat itself are further straining domestic supplies. Of the 10% rise in retail food prices predicted for this year by the Agriculture Department, about 1.5% is the result of increased exports. Purchases by the Soviet Union, which touched off the price spiral last summer, are likely to be somewhat smaller this year because of better growing weather in Russia.

The Nixon administration has indicated it wants to adopt a free trade policy regarding farm products—eliminating U.S. import barriers against foreign produce in exchange for other countries removing theirs. A study on the impact of such a move indicates the U.S. would do a lot of overseas business in grains, livestock feed and poultry but would lose out to foreign competition in dairy, sheep and peanuts.

Second, government economists are still counting on increased farm production this year to help bring down food prices. More than 40 million acres were brought out of retirement, and farmers are trying to put them into production. But cool, wet weather has delayed plantings of such key crops as corn to the point that yields might be lowered significantly.

Based on current conditions, the 1973 wheat crop would be 13% bigger than last year, corn 3% larger and soybeans 17% greater. If harvests are that bountiful, and if exports aren't any bigger than presently expected, farm economists say, prices of grain and meat probably will decline.

But there are some ifs on the negative side, too: If the weather turns bad during the summer and fall, or if the fuel shortage worsens during the critical harvest period, or if crop failures abroad strengthen foreign demand, this year's crops would be smaller than needed, and prices would stay high.

"I think meat rationing is inevitable within six months if 1973 crops are poor," Mr. Mactier of ConAgra says.

Mr. HUMPHREY. Mr. President, before going on to further describe the amendment that I offered to the farm bill last week, and which I am introducing as a bill today on behalf of myself and Senator MONDALE, I would like to urge the administration to take steps immediately to insure that our Nation's livestock, poultry, and dairy producers get the feed supplies they need between now and harvest time and at prices which will afford them reasonable profit margins. The administration should give serious consideration to taking the following actions in this regard:

First. Call a national conference of oilseed crushers and feed mixers to develop action plans for coping with expected shortages of soybean meal and other high protein feedstuffs between now and harvest, as well as requirements for drying and moving soybeans to crushers at harvest. Also conduct an immediate survey of available supplies of oilseeds, protein meals and urea to determine whether any supplies are being held by individual concerns, including foreign buyers, in excess of their own needs or that could be diverted to the more critical shortage area between now and harvest time.

The purpose of this particular effort should be to direct what supplies are available on an equitable basis among all livestock products between now and harvest time.

Second. Direct the Agricultural Extension Service to launch an immediate information and education program designed to encourage increased production of livestock and poultry products and to advise feeders how to get along with lower levels of protein in their feed rations between now and harvest time.

Third. Request the Interstate Commerce Commission to give top national priority regarding the availability of rail cars to shippers moving soybeans and feed grains to U.S. livestock, poultry, and dairy producers.

Fourth. Ninety-day suspension of load weights on interstate highways for trucks moving soybeans and feed grains to U.S. livestock, poultry, and dairy producers; and

Fifth. Instruct USDA to take appropriate measures to assure producers of beef, pork, poultry, and dairy products reasonable profit margins over the next several months—when the cost-price squeeze will be the greatest—to insure that breeding stocks of these animals are not reduced. For instance, one way that the Department might accomplish this objective would be to make differential payments to these producers over the next several months sufficient to insure reasonable profit margins. In return for such payments producers of these animal and poultry animals would have to show evidence of maintaining, if not expanding their sow, cow, or hen populations throughout this brief period.

In order for the price ceilings recently imposed to be effective, there must be an adequate supply of animal, poultry, and dairy products. And I believe the implementation of my recommendations will be necessary in order to make them work effectively.

If the actions or steps that I have recommended above are either insufficient or unacceptable with respect to effectively dealing with the current livestock production crisis, then I would have to reluctantly recommend that some form of allocation or export controls be imposed on high-protein animal feedstuffs until we see our way through the emergency period between now and harvest time this fall. While I believe the imposition of export embargoes on these feedstuffs—even for a brief period—would be an extreme move and should be considered only as a last resort they may nonetheless have to be imposed because of the failure of the administration in the past weeks to take the actions that should have been taken to assure U.S. producers of livestock, poultry and dairy products adequate supplies of high proteins.

Should export embargoes or controls be imposed, however, in the absence of Congress adopting a permanent system of national reserves of wheat, feed grains and soybeans this year, then I believe foreign buyers of U.S. farm products will feel most uncertain about future stability of supplies available from the United States.

It is for this and the other reasons that I alluded to earlier that Senator MONDALE and I are introducing a bill today to establish a system of what we call "Consumer and Marketing Reserves." This bill is very similar in language to the amendment I offered last week to the farm bill concerning the establishment of such reserves.

My bill would require that a total national reserve of 600 milion bushels of wheat, 150 million bushels of soybeans and 40 million tons of feed grains be established. Most of these supplies could be held by farmers under the commodity price support loan programs and by the private trade. The ability of farmers to hold larger amounts of these commodities for this purpose would be made possible under my bill by their being able—at their option—to extend their government commodity loan for an additional 2-year period beyond the currently authorized 1-year loan period. The only condition placed upon such 2 year extensions would be that the Secretary of Agriculture could call in, or terminate, such extended loans any time the Secretary determines that projected carryover stocks for any year were likely to drop below the total reserve levels specified in my bill.

Now, how does this bill provide for the accumulation of these needed total reserve levels? Any time when total reserve levels specified in the bill are below those levels, the Government would be required to purchase sufficient supplies to achieve those levels, but could only do so when the market prices for the commodities involved fall to a level of 125 percent of prevailing loan rates.

This would mean in the case of wheat that any time total reserves fall below 600 million bushels, and when—and only when—wheat market prices fall to $1.56 per bushel—125 percent of the loan rate for wheat, which is now $1.25 per bushel—the Government would be required to purchase whatever it could at that price level—$1.56—to bring total reserves up to the 600 million bushel mark.

In the case of feed grains—using corn as the base—the Government—CCC—would be required to buy corn to achieve total reserve levels specified in the bill at $1.31 per bushel.

In the case of soybeans, the Government would be required to purchase at $2.81 per bushel sufficient beans to meet total reserve levels specified in the bill.

The Government would be required to purchase for these reserve purposes only when stocks are below the levels specified in the bill and only when market prices applicable to them drop to 125 percent of loan rates.

The likelihood is that it would take several years to achieve those total reserve levels.

Given the fact that the total "carry-in" level of stocks of wheat, feed grains, and soybeans are now below the total reserve soybeans specified in my bill, the Government would be required to do some limited amount of purchasing of these commodities beginning this year, that is, should market prices for these commodities drop to 125 percent of loan rates anytime during the coming year.

Assuming that market prices were to drop to such levels, which conceivably could occur at or shortly following harvest this year, the maximum amounts that the Government could acquire under my bill—given stocks now on hand—would be 167 million bushels of wheat, 3 million tons of feed grains, and 150 million bushels of soybeans. These amounts, when added to current "carry-in" stocks would bring total reserve levels up to those specified in my bill. However, the likelihood of market prices dropping to or remaining at 125 percent of loan rates long enough to acquire all of these stocks during just the next year is most unlikely.

As to the conditions and prices at which such Government-held stocks could be sold, I would like to point out the following:

First. Under my bill, Government-held stocks could be sold only at Government established prices for wheat—$2.28 per bushel, specified in S. 1888—and feed grains—$1.53 per bushel for corn specified in S. 1888—and $3.38 per bushel for soybeans—150 percent of current $2.25 per bushel rate—when total carryover stocks of these commodities are estimated to fall to or below those total reserve levels specified in my bill or whenever the Government's own holding of them are estimated to be less than one-third of total reserve levels specified in my bill.

Second. Whenever total carryover stocks of these commodities are estimated to be "in excess" of those total reserve levels specified in my bill, the Government could sell stocks it has on hand at 115 percent of prevailing loan rates for such commodities. However, anytime total carryover supply of any of these three commodities is estimated to fall to or below those levels specified in my bill, the government could not sell for anything less than the Government established prices for wheat and feed grains and 150 percent in the case of soybeans.

Let us examine the costs and benefits of such a reserve system. First, I wish to call your attention to a table I have prepared which takes the current supply situation and illustrates how my bill would operate, the amounts of wheat, feed grains, and soybeans the Government would now be required to purchase, the purchase sale prices relating thereto; and, what the net expenditure—or income—the Government would experience as a result of such a program. I ask unanimous consent to have that table printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Commody	Current carry-in supply (million)	Total reserve level required (million)	Shortfall (million)	Purchase price (125 percent of loan rate) (per bushel)	Total Government purchase cost (million)	Minimum CCC selling price	Total amount received by U.S. Government if it sold shortfall (million) in succeeding year	Government storage, handling, and [1] interest charges (1-year basis) (million)	Net Government gain (+) or loss (—)[2] (million)
Wheat (bushel)	433	600	167	$1.56	$260	[3]$2.28	$381	$50.1	+ 70.9
Feed Grains[4] (ton)	[4]37	[4]40	[4]3	[4]$1.31	[4]141	[3,4]1.53	[4]175	[4]32.4	—[4]8.4
Soybeans (bushel)	0	150	150	$2.81	421	[2]3.38	507	45.0	+41.0
Total					822		1,053	127.5	+103.5

[1] Computed on the basis of an average total cost of 30 cents per bushel.

[2] Equals 150 percent of current soybean loan rate (which is currently $2.25 per bushel).

[3] Guaranteed target price established in S. 1888 as passed by the Senate.

[4] While several commodities are involved, corn is used in this instance to simplify computations required (corn, of course being the highest priced of all feed grains).

Mr. HUMPHREY. Mr. President, in that the table, in my judgment, is very self-explanatory, I merely wish to call your attention to the last column which is headed "Net Government Gain (+) or Loss (—)." You will note that the sale of those stocks acquired by the Government under the purchase and sale conditions spelled out in my bill—based upon 1 year in storage—would net the Federal Government $103.5 million in income.

As to the additional storage costs that would be incurred for carrying these stocks beyond 1 year, I merely would point out that established prices for wheat and feed grains would very likely be increased in subsequent years—due to the cost of production adjustment feature provided in S. 1888—which would result in an even higher CCC release price for these reserve stocks, than would now be applicable. Such increased release prices would likely offset most annual storage costs thereafter, in my judgment.

In short, Mr. President, my bill would be good for the grain farmer, good for the beef, hog, poultry and dairy producer, good for the consumer, and yes, even good for the Government and taxpayer. Furthermore, having such a reserve system would avoid our having to periodically consider imposition of "export" embargoes on such products, which could prove very damaging to our Nation in world commerce.

Mr. President, I have outlined here today two major problems now facing our Nation. One, the problem with which we are now faced concerning expected cutbacks in production of meat, and poultry products over the next several months due to the shortages of high protein feedstuffs complicated by retail price ceilings on food. Unfortunately, President Nixon's announcement yesterday will result, in my judgment, in worsening—not alleviating this situation.

Two, the problem created by this administration and Congress, in not providing for the maintenance of a continuous and adequate reserve supply of wheat, feed grains, and soybeans to protect both the farmer and consumer against the effects of both surpluses and shortages.

I call on both the President and the Congress to address themselves forthrightly to resolving both these problems—and immediately.

I call the President's attention to the five specific suggestions that I made earlier in these remarks regarding the immediate short-term crisis we are faced with relating to expected shortages of meat and poultry products. And, I urge both the President and the Congress to support immediate adoption of my "consumer and marketing reserves" legislation which I am introducing here today on behalf of myself and Senator MONDALE to insure against a repeat of the current crisis in future years.

Mr. President, I ask unanimous consent to have my bill concerning this matter printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1970 is amended by adding at the end thereof a new title as follows:

"TITLE XI—CONSUMER AND MARKETING RESERVES

"SEC. 1101. (a) Effective only with respect to the 1974 through 1978 crops of wheat, corn, grain sorghum, barley, oats, rye, and soybeans, the third sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by striking out the third proviso (relating to the minimum price at which certain grains in the stocks of the Commodity Credit Corporation may be sold) and inserting in lieu thereof the following: '*And provided further,* That the Commodity Credit Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, or rye, respectively, at less than the so-called established price applicable by law to the crop of any such commodity, or any of its stocks of soybeans at less than 150 per centum of the current national average loan rate for such commodity, adjusted (in the case of all such commodities) for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, if the Secretary determines that the sale of such commodity will (1) cause the total estimated carryover of such commodity at the end of the current crop year for such commodity to fall below six hundred million bushels in the case of wheat, forty million tons in the case of corn, grain sorghum, barley, oats, and rye, or one hundred and fifty million bushels in the case of soybeans, or (2) reduce the Corporation's stocks of such commodity below two hundred million bushels in the case of wheat, fifteen million tons in the case of corn, grain sorghum, barley, oats, and rye, or fifty million bushels in the case of soybeans; and in no event may the Corporation sell any of its stocks of any such commodity at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges' when the total estimated carryover of any such commodity is in excess of that specified in this Act.

"(b) Section 407 of such Act is further amended by adding at the end thereof the following: 'In any year in which the Secretary estimates that the carry-in of stocks of wheat will be less than six hundred million bushels, the carryover stocks of feed grains will be less than forty million tons, or the carryover stocks of soybeans will be less than one hundred and fifty million bushels, the Secretary is authorized and directed, at any time that the market price falls to 125 per centum of the announced nonrecourse loan level for the commodity concerned, to purchase a quantity of such commodity sufficient to bring the total reserve stocks of the commodity to six hundred million bushels in the case of wheat, forty million tons in the case of feed grains, and one hundred and fifty million bushels in the case of soybeans. Notwithstanding any other provision of law, the price support loan on any quantity of wheat, feed grains, or soybeans stored under seal on the farm or in private commercial facilities shall be extended, at the option of the producer, for a period of two years with the condition that any such loan may be called in at any time by the Secretary prior to the expiration of the two-year period if the Secretary determines that the projected carryover stocks of the commodity concerned for the current year will drop below six hundred million bushels in the case of wheat, forty million tons in the case of feed grains, or one hundred and fifty million bushels in the case of soybeans. As used in the two preceding sentences, the term 'feed grains' means corn, grain sorghum, barley, oats, and rye."

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point another news article which appeared in today's Wall Street Journal which reflects farm and food industry concerns voiced about Mr. Nixon's recent actions and a copy of a news release I issued today highlighting some of my own personal conversations with respect to the current food shortage situation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARMERS AND FOOD MEN BELIEVE NEW CONTROLS COULD BRING SHORTAGES

The agriculture and food industries don't like Phase 3½.

That is the general reaction emerging from a Wall Street Journal survey yesterday of farmers, agricultural economists, food-processing executives, retailers and others in the politically-sensitive business of supplying food to the nation's consumers.

Some of them think the price freeze could result in lower production of some foods—meat and eggs for example—and, in some places, bring shortages of such items as flour for bakeries and fresh vegetables in supermarkets.

In his speech Wednesday night, President Nixon went further than he said he ever would in extending price ceilings to raw farm products. Under the new rules, wholesale and retail prices can't go higher than their highest point in the June 1–8 base period, and prices of such raw products as eggs, lettuce and other foods that are edible in their unprocessed states would be controlled after the first sale by farmers.

In addition, the President asked Congress for authority to curtail exports of commodities and foodstuffs if necessary to hold down prices of domestic supplies.

"WILL ONLY AGGRAVATE PROBLEM"

George Doup, president of the Indiana Farm Bureau, part of the giant American Farm Bureau Federation, calls the new program "a stopgap measure" that, in the long run, "will only aggravate the problem and certainly not solve it."

President Nixon, Mr. Doup says, "proposed things that he knows won't work."

One effect of the new rules "may be the disappearance of eggs from the grocery shelf," predicts Dale F. Butz, director of the commodities division of the Illinois Farm Bureau and a brother of Agriculture Secretary Earl Butz. Dale Butz says farmers were counting on egg prices rising to $1 dozen this year. The ceiling price is about 60 cents a dozen, he says, "and egg producers can't make a profit at that price."

Neil Boomsma, a partner in a family-owned egg concern in Pella, Iowa, agrees. Depending on the ceiling price for livestock feed that is finally settled on, he says his operation could possibly lose two cents a dozen or maybe make only a small profit in the next 60 days. Mr. Boomsma thinks that flocks past their prime could be culled sooner as a result of the new controls, which "could create a shorter supply situation at the end of the 60-day period."

FARM LEVEL IMPACT

Clarence Adamy, president of the National Association of Food Chains, says that supermarkets forced to pay profit-eroding prices for fresh fruits and vegetables during the freeze period simply won't stock many of these items. He says that from 25 to 50 meat items have been dropped from supermarkets since price ceilings on beef, pork, lamb and veal were instituted in April. Those ceilings remain in effect under the new controls.

Charles J. Carey, president of the National Canners Association, says the controls may reduce supplies of canned food products. "The 1973 packing season for major food products is just starting," he says, "but there is imminent danger that canners may not be able to afford to purchase the raw agricultural products for which they haven't already contracted. This would be exactly contrary to the President's twin goals of increasing food supplies and curbing inflation."

In his speech, President Nixon made a point of saying that food prices weren't to be controlled at the farm level, but the food industry isn't buying that line.

"Who does the government think it's kidding?" asks Roy Keppy, a hog farmer in Davenport, Iowa. "A freeze from the end product back to just short of the farm driveway effectively freezes prices on the farm, too."

"There's simply no way a food processor for very long can pay a price to a farmer that's higher than what he can recover in the marketplace," says John Butterbrodt, president of Associated Milk Producers Inc., which represents some 40,000 Midwest dairy farmers. "When such situations occur, either one or both of two things will happen and neither is good for the consumer in the long run. There'll be shortages at the ceiling prices and black-market conditions."

HAD SCHEDULED INCREASE

Earlier this week, Associated Milk Producers announced price increases of four cents to six cents a gallon, effective July 1. The new rules prevent the higher prices from being imposed and also require prices that have moved higher in recent days to be rolled back to their June 1–8 levels. Several supermarkets were doing just that yesterday on some 200 items.

"We're going to get clobbered," one supermarket executive says. Adds Mr. Adamy of the food-chain trade group, "We've already suffered a sharp decline in profits, and now we'll face bankruptcies."

Most food-industry executives complain that the 60-day freeze will be costly. "It is clear that one result will be continued pressure on our earnings—and those of the food industry generally—since the freeze applies to prices but not to many of our costs," says C. W. Cook, chairman and chief executive officer of General Foods Corp. Chief among the unregulated costs are wages and interest rates, both of which are important considerations throughout the agriculture and food industries.

Leonard Voss, an agricultural economist at the University of Missouri, says processors may squeeze their profits by paying farmers as much as they can if supplies are short, just to keep their production lines rolling and thereby help offset fixed costs. But others warn that processors squeezed by rising raw agricultural prices and the new ceilings might slow or suspend production, causing a chain reaction of shortages.

"What do you suppose would happen if wheat prices would keep rising?" asks one executive. "Millers could start cutting down on the flour they produce, or suspend production altogether, and that would close down some bakeries pretty fast."

Two elements of the new controls work against such a possibility, however, First, the June 1–8 base period fixes ceilings for many foodstuffs at record or near-record levels, which possibly leaves some margin for increases in prices of raw agricultural products from which they are derived.

Second, the President's request for authority to control exports is designed to dampen the strong foreign demand that has helped push prices of many commodities sharply higher in recent weeks. This move to limit exports was in fact, the single bright spot in the new control program for many food-industry executives.

"The government could open the export spigot or close it as needed," says R. H. Uhlmann, president of Standard Milling Co. in Kansas City. "If domestic prices rise too fast, they could allow less exports, and if prices drop they could allow more. I think that's a wonderful way of handling it."

But farmers, who were prodded by the government to increase production this year in part to satisfy increased foreign demand, don't think curtailing exports is so wonderful.

"Farmers are pleased with the high prices" caused partly by foreign demand, but "now the President wants more authority to curtail that demand," grumbles Harold B. Steele, president of the Illinois Farm Bureau. "Farmers will be watching what he does with that authority very carefully. The farmer's confusion, frustration and caution are greater than ever."

That view is echoed by Phillip Bradshaw, president of the Illinois Hog Producers Association: "Farmers will hold down some costs by the President's freeze order, but there isn't any incentive to expand production unless feed costs come down, and I don't see anything that is going to bring feed costs down by very much."

He repeated his prediction that pork production this year would increase by only 2% to 3% instead of by 10% or more as was expected earlier.

To some observers, the new price controls ultimately will have less effect on food prices than the weather and other factors affecting farmoutput. Ben Raskin, a speculator at the Chicago Board of Trade, the world's largest commodity futures market, says "it's the fate of this year's crops, and not price freezes and export controls, that in the end will tell the tale."

POSSIBLE FOOD SHORTAGE THREATENS NIXON ECONOMIC POLICIES, HUMPHREY SAYS

WASHINGTON, D.C., June 15.—Senator Hubert H. Humphrey today charged that President Nixon's prescription for the nation's current economic crisis may worsen—not lessen that crisis—unless there is immediate action to expand food production, particularly animal and poultry products.

In a statement prepared for delivery on the Senate floor, Humphrey outlined five steps to insure an adequate supply of animal products for consumers later this year.

"Our nation will experience a critical shortage of protein meals and urea for livestock and poultry feeding operations until the 1973 crops are harvested," he said.

"The margin of profit for farmers is currently so unattractive, due to skyrocketing prices for animal feedstuffs—particularly protein meals, that beef, poultry, hog and dairy producers are now reducing their cattle, hen, sow and cow numbers.

"This will result by the end of the year in shortages of these animal products which in turn either will require rationing or encourage black marketing of these products.

"The Congress should asssess the need for export restrictions on certain agricultural commodities. But I recommend prompt action to secure voluntary agreements with our regular foreign customers to provide them with an equitable share of the limited supply of animal protein feeds. However, the first call on these feed grains and protein must be reserved for our domestic needs.

"To avoid a repeat of the current crisis in future years, both the President and the Congress should support the adoption of my Consumer and Marketing Reserve legislation to provide adequate reserve stocks of wheat, feed grains and, in particular, soybeans.

"To meet the needs of animal products for consumers later this year I suggest that the President take the following actions:

(1) Call a national conference of oilseed crushers and feed mixers to determine necessary plans for coping with unexpected shortages of meal for crushing and movement of new crop soybeans to crushers at harvest time.

Conduct an immediate survey of available supplies of oilseeds, protein meals and urea to determine whether any supplies are being held by individual concerns in excess of their own needs, or by foreign buyers, that could be diverted to the more critical shortage areas between now and harvest time.

(2) Direct the Agricultual Extension Service to launch an immediate information and education program designed to encourage increased production of livestock and poultry products and to advise feeders how to reduce levels of protein in their feed rations between now and harvest time.

(3) Request the Interstate Commerce Commission to give top national priority regarding the availability of rail cars to shippers moving soybeans, wheat and feed grains to U. S. livestock, poultry, dairy producers and flour mills.

(4) Suspend for 90 days load weights on interstate highways for trucks moving soybeans, wheat and feed grains to U. S. livestock, poultry, dairy producers and millers.

(5) Instruct the U. S. Department of Agriculture to take appropriate measures to assure producers of beef, pork, poultry and dairy products reasonable profit margins over the next several months when the cost price squeeze will be the greatest.

"In order for the price ceilings to be effective, there must be an adequate supply of animal, poultry and dairy products. Thus, the implementation of my recommendations is necessary to make the Administration's program work."

By Mr. HARTKE (for himself, Mr. SYMINGTON, and Mr. EAGLETON):

S. 2006. A bill to designate the Veterans' Administration hospital in Columbia, Mo., as the Harry S. Truman Memorial Veterans' Hospital, and for other purposes. Referred to the Committee on Veterans' Affairs.

HARRY S. TRUMAN MEMORIAL VETERANS HOSPITAL

Mr. HARTKE. Mr. President, today I introduce legislation to designate the Veterans' Administration hospital at Columbia, Mo., as the "Harry S. Truman Memorial Veterans' Hospital." Enactment of this measure would represent only the fifth time that Congress has seen fit to name a Veterans' Administration medical facility in memory of an individual. Harry S. Truman, however, was a rare and great American. His memory deserves this honor not only because Mr. Truman served during World War I as a courageous and respected artillery captain in France, but because, as President, he was one of the greatest friends his fellow veterans ever had.

Harry S. Truman's Presidency is noted for the enormous change in the direction of world affairs represented by the end of World War II, the reconstruction of Western Europe and Japan, and the beginning of the Korean conflict. It is important to remember, however, that in spite of the pressures of foreign affairs, President Truman did not forget our former fighting men and their loved ones. President Truman did not make great speeches in praise of American veterans and then allow the bureaucrats in his administration to cut their benefits. President Truman, to the contrary, was responsible for the implementation and development of the comprehensive system of benefits and services that has assisted the veterans and survivors of three major wars. The veterans of those wars who went to college on the GI bill, who bought a house with a GI loan, who enjoyed improved health care following the establishment of the Veterans' Administration Department of Medicine and Surgery in 1946, owe a special debt to President Truman. The survivors of those wars whose death compensation and pension rates were increased are also indebted to him.

It is in recognition of this special debt that the Senate Committee on Veterans' Affairs, which I am privileged to chair, wishes to honor Mr. Truman's memory by naming the excellent Veterans' Administration hospital at Columbia, Mo. after him.

The hospital at Columbia is one of four in Mr. Truman's home State, and one of the newest in the Nation. Built in 1971, it is a general hospital with 464 operating beds, of which 58 are for nursing care and 120 are for neuropsychiatric use. It is affiliated with the University of Missouri and its schools of medicine and nursing, permitting excellent sharing agreements in pathology, radiology, and other hospital programs. It is a facility that would please the man who, as President of the United States, said:

> The chief responsibility of the Government is to give medical care to veterans who have been injured in the service, to assist them to assume their place in society as productive and self-reliant citizens, and to give necessary aid to the families of veterans deceased or injured from service causes. We should also provide other demobilized servicemen with timely readjustment assistance on a sound basis.

The first chairman of the Committee on World War Veteran Legislation, Royal C. Johnson, President Franklin Delano Roosevelt, Sam Rayburn, and Audie L. Murphy are the four great Americans whose memory has been honored by naming a veterans' medical facility after them.

I believe it fitting to add the name of Harry S. Truman to this select list. As President, Mr. Truman faced some of the most difficult decisions in the history of the world. He accepted the burden of responsibility for the fate of a nation, and perhaps the entire world, without ever forgetting the needs of America's veterans, their dependents, and survivors. Mr. President, I submit that we will not forget him.

Mr. President, I ask unanimous consent that the text of the bill as introduced be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital at Columbia, Missouri, shall hereafter be known and redesignated as the Harry S. Truman Memorial Veterans' Hospital. Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Harry S. Truman Memorial Veterans' Hospital.

SEC. 2. The Administrator of Veterans' Affairs is authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late Harry S. Truman.

By Mr. TALMADGE:

S.J. Res. 122. Joint resolution to amend the Constitution of the United States to allow voluntary prayer or meditation. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I am honored to have this opportunity to join my colleagues in rededicating myself to the fight to restore to America's children the right to engage in voluntary prayer and Bible reading in public schools.

I do so in the knowledge that this once again puts me on a side opposite to the U.S. Supreme Court. It should not come as a secret to anyone that this is a position in which I have found myself with increasing frequency in the past decade or so.

I have indeed had my differences with the Court in the past. So have a good many Members of the Senate. So, in my judgment, have an overwhelming majority of the American people—a majority that has been ignored while the Court bent its will and twisted the Constitution in favor of a minority.

Several weeks ago, on the introduction of legislation to set forth certain requirements for service as a justice of the Supreme Court, I called the Court "a destructive nuisance." I know of no better example of this than the Court's 1962 and 1963 rulings against voluntary, nondenominational prayer and Bible reading in public schools. In these cases, the Supreme Court destroyed a part of the religious freedom of the majority in order to appease the nonreligious minority.

This may have been considered a great victory by libertarians. But, it produced in the United States a situation that I find incomprehensible. On the one hand, in the interest of free speech and dissent, unruly young people can shout four-letter obscenities and fill the football stadium in the Nation's Capital with marihuana smoke and yet, on the other hand, children are forbidden to seek Divine guidance in the classroom.

The first amendment to the Constitution is so clear that any fourth-grade pupil can understand it. It states simply that—

> Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof . . .

In none of the prayer and Bible-reading cases ruled upon by the Supreme Court had Congress made any law establishing or supporting any religion. Nor did the legislature of any State. Nor has there been any State action compelling children to pray or listen to the Bible against their wills.

I submit that the utterance of a voluntary, nondenominational prayer or the reading of the Bible, by those who wish to do so, in no way violates the Constitution or the principle of separation of church and state.

But, the Court has itself abused the Constitution by prohibiting the "free exercise" of religion that is guaranteed in the first amendment. I have spoken on this issue many times, and my views are well known. Justice Potter Stewart, who dissented in the New York prayer case, summed up the law and the feelings of a majority of Americans when he wrote:

> I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our nation.

The Supreme Court itself is opened by prayer. The Senate of the United States is opened by prayer. The House of Representatives is opened by prayer. If seeking divine guidance is good enough for Supreme Court Justices, Senators, and Congressmen, and the good Lord knows we need all the help we can get these days, then I hold that there is a place for prayer and Bible reading among the school children of our Nation.

In short, we can all agree that the Constitution prohibits the Government from embracing any religion or from giving advantage to one religion over another. But, there is nothing that requires the Government to be hostile to religion.

In the past, I have introduced and supported constitutional amendments to restore the free exercise of religion to all Americans. I take this opportunity today to do so again. I know of no better way to rededicate myself to this high and worthy purpose.

I now introduce a joint resolution to amend the Constitution of the United States to allow voluntary prayer or meditation, and ask unanimous consent that the extent of the joint resolution be printed in the Record.

There being no objection, the joint resolution ordered to be printed in the Record, as follows:

S.J. Res. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer or meditation.

ADDITIONAL COSPONSORS OF BILLS

S. 1125

At the request of Mr. Hughes, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 1125, to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problems of alcohol abuse and alcoholism.

S. 1977

At the request of Mr. Kennedy, the Senator from Colorado (Mr. Dominick) and the Senator from Vermont (Mr. Stafford), were added as cosponsors of S. 1977, the National Science Foundation Authorization Act of 1973.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 67

At the request of Mr. Kennedy, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of Senate Resolution 67, calling on the President to promote negotiations for a comprehensive test ban treaty.

NOTICE OF HEARINGS ON S. 1980

Mr. JOHNSTON. Mr. President, the Subcommittee on Production and Stabilization of the Committee on Banking, Housing and Urban Affairs will hold public hearings on S. 1980, a bill to amend the Defense Production Act of 1950, on Thursday and Friday, June 28 and 29, 1973, at 10 a.m., in room 5302, Dirksen Senate Office Building.

All persons wishing to testify should contact Mr. Gerald Y. Allen, room 5300, Dirksen Senate Office Building, telephone 225-7391.

NOTICE OF HEARINGS ON ENERGY RESEARCH AND DEVELOPMENT

Mr. JACKSON. Mr. President, the Senate Interior Committee will hold hearings on legislation to establish a comprehensive national energy research and development program on Thursday and Friday, June 21 and 22, and Wednesday, July 11, 1973. These hearings will focus on the provisions of S. 1283, the National Energy Research and Development Policy Act of 1973, introduced on March 19, 1973, by myself and cosponsored by 27 other Senators.

Given the critical role of energy in our society, there is need for a more aggressive Federal strategy for the development and commercial demonstration of nonnuclear energy technologies. Significant advances are called for to expand supply, through secondary and tertiary recovery of oil or the gasification of coal; to reduce demand, through more efficient conversion and utilization of energy supplies; and to reduce environmental damage caused by energy extraction, conversion and use, through fuel cleaning and stack-gas scrubbing of sulfur oxides.

Without question a greater Federal effort is required on nonnuclear options. Fossil fuel technologies appear to offer significant near-term payoffs, while nonconventional energy sources hold promise for long-term payoffs. The principal issue is not whether Federal support of this effort is needed, but the form that will be most effective in assuring industry's expertise is brought to bear on this problem.

Invited witnesses include:

Thursday, June 21:

Dr. Jerome B. Wiesner, president, Massachusetts Institute of Technology.

The Honorable Joseph C. Swidler, chairman, New York State Public Service Commission.

Dr. Chauncey Starr, president, School of Engineering and Applied Science, University of California.

Mr. John F. O'Leary, Director of Licensing, Atomic Energy Commission.

Friday, June 22:

Mr. Charles Di Bona, Special Consultant to the President.

Dr. H. Guyford Stever, Director, National Science Foundation.

The Honorable John N. Nassikas, Chairman, Federal Power Commission.

The Honorable Dixy Lee Ray, Chairman, Atomic Energy Commission.

Witnesses for July 11, 1973, will be announced at a subsequent time.

These hearings, which are being held as part of the National Fuels and Energy Policy Study (S. Res. 45, 92d Congress), will begin at 9:30 a.m., in room 3110 of the Dirksen Senate Office Building, with afternoon sessions beginning at 2 p.m. Individuals desiring to file statements for the record are requested to transmit them, in 10 copies, to the committee by July 20, 1973.

ADDITIONAL STATEMENTS

RESTORATION OF PRAYERS IN SCHOOLS IS A RIGHT—AND SHOULD NOT BE FURTHER DELAYED

Mr. HELMS. Mr. President, it is with a profound sense of the importance of the issue that I join in observing this day of rededication. Today we renew our dedication to the cause of restoring to all Americans a precious right that has been foolishly and arrogantly taken from us. I am referring to the right to participate in prayer in public schools and public buildings.

Today we mark an anniversary, a melancholy anniversary. It is the 10th anniversary of the misguided Supreme Court decision banning prayer in public schools and buildings. Today we mark this anniversary by rededicating ourselves to the task of correcting the wrong inflicted by that decision.

I believe that decision was based on a mistaken reading of the Constitution, and that many people are mistaken about what we are trying to do in correcting that decision.

Some people who support the original Court decision, and who oppose our effort to correct it, misunderstand our intentions. I have heard it said that the Court decision protects people from being "forced" to pray, and that we who oppose the decision actually want to force people to pray. Nothing could be further from the truth. We only want to restore the right to pray so that anyone who wants to exercise that right may do so. That is, we are only trying to protect—for all Americans, of all faiths—the right to what the Constitution calls "the free exercise" of religion.

The first amendment has been wrongly construed to ban public prayer. I firmly believe that a correct reading of the first amendment should emphasize two points.

First, the amendment says that "Congress shall make no law respecting an establishment of religion." The crucial word here is "establishment." The Founding Fathers wanted to prevent anyone from using the power of the Government to give any religion an official, preferred status. That is, in the first part of the first amendment the Bill of Rights declares that the Government must be neutral in treating all religions alike. But this was never intended to mean that the Government must actively disassociate itself from the worship of God.

The second half of the first amendment's language regarding religion says that there shall be no law "prohibiting the free exercise of religion." This second half of the first amendment indicates that the Government's obligation to be neutral between religions does not oblige the Government to be indifferent to the practice of religion. And it certainly does not justify the Court decision that has had the effect of making the Government an impediment to the practice of religion.

The Court's decision against prayer is especially silly and destructive, because it falls heaviest on children. That is, the principal effect of the decision, the most far-reaching effect of the decision, has been to banish the worship of God from schools.

Consider how silly that is.

When Americans pledge allegiance to the flag, they pledge allegiance to our Republic, "under God." That is, our pledge of allegiance acknowledges the fact—that it is a fact—that we are a republic of religious people. Ours is a nation of immigrants and our people represent all the great faiths of mankind. But, united in toleration of our religious differences, we are also united in our common religious spirit.

When the U.S. Senate convenes each day we begin with a prayer. This practice acknowledges the fact—and it is a fact—that we who make laws must begin by acknowledging our dependence on the God whose moral law binds us all.

When the Supreme Court itself begins its public sessions the name and blessings of God are invoked. This acknowledges the fact—and it is a fact—that judges must seek guidance from the Judge of us all.

We in the Congress, like the Justices of the Supreme Court, are required to protect the precious and inalienable rights of the American people. And what does our Declaration of Independence say about these rights? It says that we are endowed by our Creator with certain inalienable rights.

These are just a few of the examples of the public reverence for God that permeates our Nation. Today, on this day of rededication, we are reaffirming the wisdom of such public reverence. We are pledging to correct a relatively recent decision that represented a sharp departure from American tradition.

This is the point that needs emphasizing.

We want only to restore to Americans, and especially to young Americans, the right to pray in public schools and buildings. We are seeking to restore a traditional right. It was the Court, which struck down this right, that departed from the settled practices of centuries.

The lesson is clear.

Those who believe public prayer is contrary to the letter of the Constitution simply do not know how to read the Constitution.

Those who believe public prayer is contrary to the spirit of the Constitution simply do not understand what the Founding Fathers understood—that freedom under man's laws presupposes reverence for the laws of God.

Those who believe public prayer involves forcing people to do something simply do not understand the issue.

Those who believe public prayer is somehow contrary to the proper spirit of religion do not agree with the vast majority of American clergymen, of all faiths, who oppose the ban on public prayer.

Those who think public prayer is somehow harmful to those—be they children or adults—who participate, have not produced a shred of evidence of this harm, and they are ignoring the evidence of history. After all, America was built by, and achieved greatness through, men and women who feared God and worshipped Him. They considered it proper and even essential to profess their worship in prayer on public occasions.

This, then, is what this day of rededication is all about. It is about correcting a 10-year old Court decision that flies in the face of hundreds of years of American tradition.

This day of rededication is about restoring a right to all Americans. It has nothing to do with depriving anyone of any right.

This day of rededication is about reaffirming the principles of reverence for God that are basic to our God-fearing Republic.

I am sure that the cause to which we rededicate ourselves today will be crowned with success. I am sure that our cause represents the deepest desires of the American people.

As has been said, on Earth, God's work must truly be our own. So I say: Let us get on with the business of restoring to Americans their traditional right to public prayer.

SCHOOL PRAYERS

Mr. McCLELLAN. Mr. President, 10 years ago, the Supreme Court inflicted a grave injustice upon all America by banning prayers in our public schools. This decision struck at the roots of the American way of life and the source of our national character and greatness.

By its refusal to allow little children to bow their heads in morning prayers, the Court upset a balanced educational system that was not only aimed at developing their minds but also at awakening their hearts and spirits.

But I am happy to say that the restoration of prayers to the classroom is an issue that has not been allowed to die. Concerned parents all across the United States—particuarly in my own State of Arkansas—have been outspoken on this issue.

These parents wish their children to have the opportunity to recognize and show their respect and reverence for a Supreme Being. These parents with their children to pause and consider their faith each day as they go about their work in pursuit of an education.

The celebration of National Rededication Day this Sunday, June 17, 1973, provides us with an opportunity to rededicate ourselves to correcting this injustice that has been imposed upon the American people. This can best be accomplished by giving approval to the School Prayer Amendment to the U.S. Constitution. The millions of children in the public schools should have the opportunity to begin their day with a prayer if they wish.

In the contemporary climate of unrest and permissiveness, I am convinced that it would be worthwhile for Americans to turn their attention to and show-greater reverence for the higher values that are present in religion. Allowing students to voluntarily participate in offering prayers in the schools would greatly strengthen moral consciousness and is the best guarantee of the Nation's future greatness.

In conclusion, Mr. President, while I firmly believe in the separation of church and state, I do not believe in the separation of our children from the opportunity to publicly acknowledge their God by offering prayers in the public schools.

FREEDOM TO PRAY

Mr. BARTLETT. Mr. President, Sunday, June 17, will be the 10th anniversary of the Supreme Court decision banning prayer in our public schools. Regrettably, it will also mark the 10th year that Congress has failed to do anything to change that decision.

In my travels around Oklahoma, I have found that this 10-year-old Supreme Court decision is still unacceptable to the majority of our people. They cannot understand why their elected leaders have done nothing to change that decision.

Virtually every American has been taught from childhood about our religious heritage. That religious heritage is a very real and an important part of our American history. Yet our Supreme Court has interpreted our Constitution, particularly the first amendment, so as to demand sterility of prayer on the part of public schools.

Our Founding Fathers had no intention of divorcing prayer from government—much less from our children in their schools. On September 24, 1789, the very day that Congress passed the first amendment, they also passed a resolution calling on the President to proclaim a national day of thanksgiving and prayer. The issue of the first amendment was raised but was rejected. On October 3, 1789, President Washington issued the Thanksgiving proclamation, and with two exceptions, every President since has followed suit. Today, both Houses of Congress have chaplains, and our Supreme Court sessions are opened with prayer. Our history is replete with examples of Government leaders recognizing and calling for divine guidance. The first amendment reflects not congressional fear of religion, but the fear of an established church or state religion.

I strongly believe in our tradition and constitutional guarantee of separation of church and state. But separation of church and state should not prohibit a class from voluntarily beginning their day with a simple prayer of thanks.

No child should be forced to participate in classroom prayer. But at the same time, no child should be forced not to participate. We should have the freedom to pray or not to pray.

The prayer of a New York kindergarten class which the Supreme Court held repugnant to our Constitution was as follows:

> Thank you for the world so sweet
> Thank you for the food we eat
> Thank you for the birds that sing
> Thank you God, for everything

There is something wrong in America when our Court forbids that particular prayer, yet sanctions all kinds of obscenities under the guise of free speech.

It is important that a prayer amendment be passed in the near future. The longer we are deprived of a freedom, the easier it will be to forget the need for that freedom.

Let us not allow 10 more years to slip by without a constitutional guarantee of our freedom to pray. We must not allow the least erosion of those liberties which our forebearers fought so valiantly to obtain.

PRAYER IN OUR PUBLIC SCHOOLS

Mr. SCHWEIKER. Mr. President, 10 years ago Sunday, June 17, the U.S. Supreme Court handed down the second of its two decisions banning voluntary prayer and Bible reading in the public schools of our Nation. Since that time there has been a growing wave of support for a constitutional amendment to repeal the Court's interpretation of the first amendment and reinstate voluntary prayer in our public schools and buildings.

This year June 17 will be the occasion of National Rededication Day ceremonies around the Nation, focusing on the fight to gain congressional approval of the school prayer amendments. As sponsor of Senate Joint Resolution 10 and Senate Joint Resolution 4, two of the prayer amendments introduced in the Senate, I am encouraged by this outflow of support. The vast majority of Americans are behind this effort, and Congress should give speedy approval to the prayer amendment.

The following statistics on support for the school prayer amendment are interesting.

In January 1971, Opinion Research, Inc., of Princeton, N.J., asked the following question for the television show "The Advocates:

> Would you favor or oppose a Constitutional Amendment to permit the use of prayers in public schools?

Eighty percent of those who responded said they favored school prayer.

Three States have had specific referendums on the school prayer issue. On November 3, 1970, Maryland voted 73 percent in favor of school prayer. On March 14, 1972, Florida voted 79 percent in favor. And on November 7, 1972, Massachusetts voted 82 percent in favor.

In addition, in my travels throughout Pennsylvania I have found that the great majority of Pennsylvania favor the restoration of school prayer.

Mr. President, it rests within the power of the Senate to reverse the Supreme Court ban on school prayer. Today, on the 10th anniversary of the Court's most recent antiprayer decision, I urge Senators to join with me in pressing for immediate consideration and approval of the school prayer amendment.

Mr. President. I ask unanimous consent to have printed in the RECORD statements by the Senator from Tennessee (Mr. BAKER) and the Senator from South Carolina (Mr. HOLLINGS) on the subject of prayer in our public schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

This is an especially significant week for all Americans involved in the long struggle to reaffirm the right of voluntary prayer.

This week marks both the tenth anniversary of the United States Supreme Court's restrictive ruling on school prayer and the beginning of a concerted drive to bring the school prayer amendment to a vote in the Senate.

Sunday, June 17, will be observed by supporters of voluntary prayer throughout the nation as National Rededication Day. This observance is intended to underline the commitment of all who support voluntary prayer.

I am happy to join with the Senator from Pennsylvania (Mr. Schweiker) and other sponsors of S.J. Res. 84 in expressing our concern that the Senate be afforded the earliest feasible opportunity to vote on the merits of this proposed prayer amendment.

Since coming to the Senate in 1967, the prayer amendment has been one of my primary legislative priorities. The pursuit of this objective, however, has been particularly frustrating. The moments of the prayer amendment's near success on the floor of both Houses of Congress have been far exceeded by the years of its lengthy confinement in committee.

When I offered the prayer amendment as an amendment to the Equal Rights Amendment on October 13, 1970, the amendment was approved in the Senate by a roll-call vote of 50–20, a margin of more than two-thirds of those present and voting.

In the last session of Congress, a similar voluntary prayer amendment introduced in the House of Representatives by Congressman Chalmers Wylie of Ohio failed by only a narrow margin to win the two-thirds majority.

It is apparent that today, ten years after the Supreme Court decision, a determined majority of the members of Congress are ready to rededicate their efforts to achieve passage of an amendment favoring voluntary prayer.

This amendment, however, has yet to be dealt with conclusively.

Opponents of this legislation have expressed their concern that the adoption of any prayer amendment could present a conflict with the guarantee of religious freedom contained in the Bill of Rights.

Their arguments stress the first words of the First Amendment, "Congress shall make no law respecting an establishment of religion." Less emphasis, however, is usually placed on the companion clause "or prohibiting the free exercise thereof . . ."

The crucial issue with regard to the prayer amendment, however, is precisely the issue of free expression of religious belief. The prohibition of an establishment of religion in the Bill of Rights wisely ensures that no single religious denomination will gain preeminence as the nation's established church.

The framers of the Constitution and the Bill of Rights had observed the inequities resulting from the privileged operations of the established churches in Europe and in the various colonies. They were determined that no such arrangement be allowed to infringe on the right of all citizens to worship according to the dictates of their own consciences.

It also seems abundantly clear, though, that it was not the intent of the founding fathers to place arbitrary limits on the free expression of religious convictions through voluntary prayer in public buildings.

The Continental Congress opened with a moment of prayer, just as the Senate and the House of Representatives do today and have done since the earliest days of our Nation. The Supreme Court itself is convened with the words:

> God save the United States and this Honorable Court.

The importance of the free expression of religious belief in our national life has consistently been acknowledged by our nation's leaders. It has been a recurring theme in Presidential inaugural addresses and other major statements.

George Washington in his farewell address advised: "Let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles."

In an official proclamation, Abraham Lincoln declared: "The people of the United States recognize the supreme authority and just government of Almighty God in all the affairs of men and of nations."

John Kennedy emphasized this theme in his inaugural address, saying "The people of the United States affirm that the rights of man come not from the generosity of the state but from the hand of God."

It is my contention that the voluntary prayer amendment is in keeping with this spirit of our heritage.

The prayer amendment is not designed to coerce conformity of religious belief. By its voluntary provision, it is intended only to reaffirm the right of religious expression.

Freedom of religion remains assured. Anyone wishing to participate in prayer would be free to do so; anyone not wishing to participate would be free to abstain. In any circumstance, toleration of the beliefs of others will continue as an essential element of our national heritage.

The struggle for the reaffirmation of voluntary prayer is a grassroots issue in the truest sense of the word. It is extremely unusual for such an issue to sustain the sentiment of so many people over a ten year period.

Despite a decade of discouragement, supporters of voluntary prayer have continued to work quietly and responsibly for that cause. This is evidenced in the overwhelming support for voluntary prayer expressed in state referendums, resolutions in state legislatures and town councils, and the campaigns of church, civic, fraternal, and service organizations and individual citizens.

Vountary prayer has received the endorsement of voters in three statewide referendums in the past three years. Maryland voters, on November 3, 1970, favored the prayer amendment by 73 percent; Florida voters, on March 14, 1972, voted 79 percent in favor; Massachusetts voters, on November 7, 1972, supported the amendment with a majority vote of better than 82 percent.

The General Assembly of my home State

of Tennessee and a number of other State legislatures have passed resolutions of support for the prayer amendment, indicating the favorable reaction this amendment would receive when presented to the states for ratification.

For too long the political machinery has been unresponsive to the wishes of the overwhelming majority of the American people on this issue. I invite all our colleagues, regardless of their particular views, to join us in bringing the prayer amendment to a vote in the Senate as rapidly as is reasonably possible.

I am hopeful that this united legislative effort and the actions of supporters of voluntary prayer throughout the country will prove successful in achieving this goal.

STATEMENT OF SENATOR HOLLINGS

Sunday, June 17, marks the tenth anniversary of the Supreme Court's decision banning prayer and religious activities in our nation's public schools. This year, June 17 will be observed as National Rededication Day. The emphasis will be on restoring voluntary prayer in our public schools and buildings.

Ours is a religious country. Although America has no state religion, it was founded as a religious state. And throughout our history, religion has been a vital factor in giving meaning to our individual lives, in holding our people together, and in instilling a sense of community and shared experience. Without that sense of religious community—that exhilirating sense of togetherness in meeting life's challenges under God—no people can achieve greatness.

Our country has been sustained through many difficult times by the religious freedom guaranteed in the First Amendment to the Constitution of the United States. The Constitution did not create this right—rather it recognizes and upholds it. But now, under the twisted logic of so-called judges of the law, this fundamental right has been denied the people.

It is a terrible thing in our land when one can shout four-letter words in the classroom, but cannot pray the Lord's Prayer. It is a terrible thing when the Constitutional Amendment to protect the freedoms of religion and speech can allow obscenity and pornography to flood the land, while God is kept behind a curtain of tortured legalities.

We must act, and act now, to return this most precious of rights to the people of America. Some years ago it was my privilege to support the inclusion of the phrase "under God" in the Pledge of Allegiance. It was in that same vein that I became a co-sponsor of a Constitutional Amendment to restore voluntary prayer to our public places.

Let us use this time of rededication to marshal our forces and to undertake a concerted drive to have the School Prayer Amendment passed and ratified. It will take hard work and dedication, but at issue is whether this nation will preserve and replenish the religious convictions that took us to greatness. There is no more important issue before our society today.

Mr. President, the time is already late. A precious right has been denied our people for many years already. A great wrong has been done them. We must act at once to repair this wrong. In so doing, we will return to the people a right which should have been theirs all along.

WILL PRICES BE BETTER THE SECOND TIME AROUND?

Mr. HUMPHREY. Mr. President, the editorial in the Washington Post "Mr. Nixon's Second Freeze," is an excellent expression and analysis of the pitfalls of Nixonomics.

Over the past four and a half years the American people have suffered, at the hands of this administration, a recession, unemployment, frozen wages, skyrocketing prices, dollar devaluation, fuel shortages, meat ceilings, high interest rates, dollar speculation, stock market declines, budget cuts in people oriented programs, tax breaks for the giant corporations, rent hikes, housing priced out of the market, commodity speculation, phases, promises, peptalks, a Nixon inflation tax, and assurances from the highest authority in the land that there was enough "right with our economy" for us not to worry about what is wrong with the economy.

Mr. President, I do not preach doom and gloom. I am an optimist. I want to be optimistic on our economy. I want growth. I want high wages. I want companies to enjoy reasonable and fair profits. I want a growing stock market, and I want stabilized prices.

That is, I believe, what we all want.

Unfortunately, that is what we do not have.

Perhaps it is still one of Mr. Nixon's "great goals."

But, as the editorial in the Post points out what is important now is what follows the freeze. What kind of program will phase 4 or what ever it is called turn out to be?

And, will this program consider some of the points in the Post editorial:

Will the rhetoric about the "average worker earning more today than ever before" become a key assumption on which wage controls are predicated?

Will the flirtation on trade and international economics with the Soviet Union replace other steady customers of our foreign customers?

Will the next phase be based on an understanding of our economic picture—unhampered by fights over academic theories.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

MR. NIXON'S SECOND FREEZE

So far, so good. President Nixon's freeze on prices will, once again, at least keep matters from getting much worse while the economic debate goes on within the administration. If the President had not taken action against the inflation, Congress would certainly have legislated its own freeze. But the freeze is only the beginning.

We are now moving toward a renewed system of controls and, while the President has not entirely made up his mind, these controls will have to be extensive. It is a waste of time at this point to carry on the argument whether, in theory and in the abstract, controls are a good thing or a bad thing. They have become a necessary thing, like taxation. As in the case of taxation, only the detailed applications are worth discussing now.

In his customary fashion, Mr. Nixon hedged his announcement with extensive apologies for his deviation from the pure doctrine of the free market. He offered vehement assurances that the controls will be only temporary. As usual, his address was sprinkled with lines from the speech that he might have given if he were currently leading the opposition to some other President whose economic program had gone wildly inflationary. This habit of Mr. Nixon's is no doubt harmless, as long as everyone understands that the next controls will, in fact, be far more temporary. The degree of rigidity will rise and decline with changing circumstances. But a federal prices and wages policy now deserves to be regarded as part of the permanent machinery for running the country, like the federal monetary policy. Two years ago, at the time of the first freeze, it was possible to think that one dose of economic discipline might break the cycle of inflationary expectations. To believe it today would be tantamount to believing—however unseasoned the analogy—in Santa Claus, with the elves, the reindeer and all.

Massive changes have overtaken our economic life in the past several years, and it will take some time for the scholars and analysts to sort out exactly what has happened. The rest of the world is having a much sharper impact on our internal markets than we are accustomed to. The point is nicely illustrated by the two kinds of goods that Mr. Nixon cited as special trouble: food and gasoline. Other countries are buying much more food from us than ever before, and that is helping to drive up our domestic prices. As for petroleum, we need more of it from foreign producers who are steadily raising prices through a very effective cartel.

The soybean is one of the world's most important sources of protein, and the United States is the world's most reliable source of soybeans. Americans are only slowly beginning to adjust to the new truth that other countries are now willing, and wealthy enough, to pay more for protein than we are used to paying. The price of soybeans has doubled since early spring because of a widespread suspicion that traders have now sold more than 100 per cent of the current crop.

Export quotas are an unhappy last resort and, as the administration reluctantly approaches them, it is useful to distinguish between two kinds of foreign customers. One is the steady buyer, who can be counted on year in and year out for predictable sales to which we can adjust our production in advance. Japan is usually this kind of a highly desirable customer. The other extreme is the irregular and secretive buyer who deliberately misleads the administration regarding his intentions. Previously the administration had celebrated the Russian wheat deal as the central triumph of its economic foreign policy but Mr. Nixon's Wednesday night address can be read as a concession, at last, that the wheat deal has turned out to be a fearfully expensive blunder. It has not only nearly doubled the price of wheat, but it has over-burdened our freight transportation system as well. When Mr. Brezhnev arrives here, we can expect a deluge of official enthusiasm regarding the benefits of trade between our two great nations. Those benefits are entirely real, but the wheat deal has taught us that they are not qualified. Any export control system needs to benefit the steady customer, and discriminate against the one-shot raider.

In many kinds of foodstuffs, and certainly in gasoline, the country has a choice between higher prices or shortages. Mr. Nixon has decided that, for all of the exasperation that they generate, shortages will be less unpopular than more inflation. He may well be right. But for gasoline it will mean increasingly complex and rigid allocation systems that may, in time, amount to rationing. In the case of food, the shortages will be even harder to manage. Some of the lower-priced lines of meat, for example, are already disappearing.

The President was right to leave wages out of the freeze. They are still subject to the guidelines, and they have not contributed to this year's wave of inflation. As long as the union contracts remain within reasonable limits, they deserve to be left fully in force. The President was also entirely right to threaten to roll back prices of firms that have violated the rules in the past five months. It would be monumentally unfair to ignore these violations and reward the very companies that helped most to build up the inflation rate.

But there is one point on which the President is, unfortunately, wrong. "The average worker is earning more today than ever before," he assured the country. He does not earn more than ever before, and that is why the freeze became necessary. Several weeks ago the Labor Department published the April statistics on the buying power of the average worker's paycheck after the federal tax deductions. Real spendable earnings, as the economists term it, were half a percentage point lower than they had been a year earlier. Part of the reason was the jump in Social Security taxes. Most of the reason was inflation. A decline in the purchasing power of the paycheck is a serious sign of trouble, in the midst of a business boom. The future worth of that paycheck is the test of the controls that will go into effect later this summer.

THE NEW CEASE-FIRE AGREEMENT

Mr. PEARSON. Mr. President, the new cease-fire agreement in Vietnam results from intense negotiating efforts on both sides during the past weeks in Paris. While it did not resolve all the outstanding questions, the new accord does bring renewed hope for a permanent peace in Southeast Asia. It demonstrates the determination of the parties to resolve remaining disputes by diplomatic means rather than by continued military hostilities.

I am especially pleased with the particularity of the new agreement. The document signed by the United States, North and South Vietnam, and the Provisional Revolutionary Government addresses itself in detail to the concrete steps by which further deterioration of the cease-fire can be avoided. Timetables for completing mine clearances are laid down by mutual agreement, and field commanders are specifically ordered to meet and carry out cease-fire provisions. The implementation of the January 27 agreement with regard to the cooperation of both Vietnams in obtaining information about missing persons is restated.

But I am disturbed, Mr. President, over the way in which the subject of direct aid to North Vietnam seems consistently to recur in reports about the new peace agreement. I refer here not to the concept of a long-term program for the rehabilitation of war-torn Southeast Asia, or to assistance to both Vietnams, but to direct aid from the United States to North Vietnam alone.

I am not opposed to the concept of rebuilding those areas of Southeast Asia destroyed by fighting, but am sincerely alarmed over the idea that this would be some kind of payment to prevent further hostilities. It is completely unacceptable, in my judgment, that a commitment of future aid to North Vietnam would be a consideration in an agreement to obtain a cease-fire in South Vietnam.

Any discussion of reparations, or payments from victor to vanquished, is even more unacceptable. It is the firmly established policy of the United States to seek an end of the conflict in Indochina, and any suggestion of reparations can only raise emotional issues which would impede the implementation of this policy.

One of the things that has plagued our country through the entire period of the Vietnam conflict has been the feeling that this was an executive war conducted without the full approval of Congress and the American people. Any decision to proceed with aid for the rehabilitation of Indochina must be made with the participation of Congress and the public.

Whatever course our policy takes for future relations with Southeast Asia, it must not be subjected to the divisions of public and congressional opinion which characterized the past decade.

THE ROLE OF EDUCATORS IN SOLVING THE DRUG ABUSE PROBLEM

Mr. BIDEN. Mr. President, it is an accepted fact that drug abuse in this country has reached epidemic proportions. The Department of Health, Education, and Welfare estimates that there are at least 250,000 heroin addicts nationally; the numbers of amphetamine and barbiturate abusers are inestimable. It is more than evident that the personal physical damage is appalling, not to mention the social costs.

Paula D. Gordon, speaking at the Delaware drug educators' retreat on June 4, 1973, in Rehoboth, Del., forcefully discusses the problem, with a primary emphasis on the role educators must play. She emphasizes the need for understanding and guidance to disoriented youths caught in the web of drug abuse. I would add that the role of the family is a determining element which cannot be minimized—nor should it be. At one point, she states:

> You as educators have much to add to the self worth of youth. Your own commonsense, initiative, understanding, and humanity can contribute immeasurably to the quality of the lives of our young people; consequently what you do has a most critical bearing on the future of the young, the future of society, and on the future of the nation as well.

Mr. President, I ask unanimous consent that the text of Miss Gordon's remarks be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

What Schools Can Do About the Drug Problem

It has often been contended that the drug abuse problem has gotten so bad that it is driving people to drink. Besides parents of adolescents and young adults, school administrators and educators would appear to be most likely candidates for such a fate. If this somewhat ironic situation does exist, there is at least one positive thing that can be said about it—if we are successful in making inroads into the drug problem, we will also be contributing to the solution of the alcoholism problem.

The question I would like to deal with today is what can be done about the drug problem—what particularly can schools do about the drug problem?

It is quite obvious that schools are currently faced with far more than their share of difficult problems, Even if there were no drug problem, there would still be numerous other difficult problems with which to contend, problems ranging from discipline and truancy to vandalism and other forms of delinquency; problems related to curricula—such as community concerns and pressures over sex education and other controversial content issues; to problems involving school financing, redistricting and busing to achieve racial balance. On top of all of these problems, schools are now having to grapple with the drug problem and its far reaching implications for the health and well being of the students involved, as well as that of the rest of the school population and society generally. Perhaps the most hopeful thing that can be said about the drug problem and all of the other most pressing social problems facing the schools—is that many of these problems are rooted in the same causes and if we are successful in solving the drug problem, we will be successful as well as solving many of the other most pressing problems plaguing schools and society today.

In my remarks today I will suggest positive steps that schools can take to help in solving the drug problem and hence to help in the amelioration of other pressing social problems.

Before getting into these specific recommendations, I would like to take just a few minutes to talk about how problems are solved, how things get done.

R.G.H. Siu, a contemporary American writer and an extremely sage individual who has shed much light on the problems involved in administering the affairs of society—has written in a book called "The Tao of Science" that the American way of dealing with problems is a "doing way." Extrapolating on the basis of Dr. Siu's observation, one can further generalize that just doing something does not always solve a problem or help to ameliorate it. In fact, when such action is undertaken thoughtlessly and without reguisite understanding, it can have the effect of making things worse. It can have the effect of creating new problems and making the original problem even more difficult to solve.

I have a favorite story about problem solving which helps point out at least two of the major elements required in successfully solving any problem. It concerns an actual incident which occurred in a residential community in Oakland, California. One afternoon one of the men residents was sitting in the lounge reading a newspaper when he noticed that a lizard which was normally caged in a large terrarium in the corner of the room opposite him, had somehow escaped and was crawling up the outside of the cage.

Having a real aversion to lizards, he was not about to take any action himself. He did, however, walk over to the cage and stand there scratching his head, wondering what could be done to get the lizard back into the terrarium where it belonged. While he was standing there, several other male residents began to gather around and to discuss what could be done to remedy the situation. As this was going on, a young woman resident walked into the lounge and seeing that the lizard was out of the cage, walked over and said, "What's the lizard doing out of the cage?", reached up and grabbed the lizard, put it back in the cage and walked out of the room, leaving the men in a state of minor embarrassment and dismay.

Now, I do not relate this story out of any women's liberationist's motives—but rather to point out two major elements that are required in the solving of any problem—common sense and initiative. No problem, however small or however large—can be solved without these two most important ingredients.

Additional elements are also required in solving problems, particularly complex social problems and particularly problems as complicated as the drug problem. Perhaps the most important of these elements is understanding: understanding of the nature and implications of the problem—and understanding of what can be done about it—understanding why people are using drugs—particularly the young, understanding what this means in terms of their futures and the future of society, and understanding what steps can be taken which will have the effect of helping to solve the problem.

(Parenthetically I would add here that understanding must be translated into action if it is to contribute to the solution of the problem. If a person does understand what needs to be done, but acts out of political or other narrow or self serving motives, then little if any real headway can be made toward solving the problem. In fact, when people act out of an absence of understanding, the result can be to complicate the problem and render its solution more difficult.)

One of the basic prerequisites in any attempt to solve the drug problem is understanding of the underlying causes leading to drug use, the contributing factors and the reasons which underlie drug use. A theory of human needs developed by the late psychologist Abraham Maslow—can be used to shed light on the wide variety of causes underlying drug taking behavior. Maslow's theory, briefly stated, is simply that human beings have certain kinds of needs which include physiological and security needs—basic survival needs—social needs, ego needs, and self actualization needs—the need to fulfill one's potential as a human being of becoming a fully functioning and healthy personality.

In later writing, Maslow further described this state of ideal psychological and social health as being characterized by metamotivation, metamotivation being motivation which is rooted in a synthesis of concern for the welfare of others and the welfare of one's self.

Maslow's heirarchy of needs theory states that the lower level needs, beginning with physiological and security needs—food, shelter, etc.—must be met before higher level needs can come into play and that middle range needs must be met before self-actualization needs and metamotivation can come fully into play.

Maslow's hierarchy of needs can be used to shed light on the wide spectrum of causes, unmet needs, and unfulfilled aspirations reflected in the entire spectrum of human behavior. His theory can be especially useful in understanding the many varieties of drug taking behavior. It is important to bear in mind, however, that just because drug taking behavior may reflect unmet needs and unfulfilled aspirations similar to those reflected in other personal and social behavior, that the effects, the implications, and the complications of drug taking behavior are often far more wideranging and of a far more serious nature than those arising as a consequence of other behavior. This is owing to the fact that drug use can affect mental functioning, mental, emotional and physical health, motivation, spiritual and characterological growth and development as well as social health generally, the health of the school, the community, and the nation.

While drug taking behavior may reflect unmet survival needs, unmet social or ego needs or unfulfilled higher level aspirations of a self actualizing character, there is one thing that bears on all varieties of drug taking behavior—that is the intrinsic humanity of each person. In some individuals, this element may be only barely distinguishable.

John Cage—whom some of you may know as a composer of experimental music—is also a writer. His book "Silence" contains numerous anecdotes, much of which share certain similarities with Zen koans. One of these anecdotes bears on our present concerns. It is about Arnold Schönberg, the famed composer, when he was teaching a class in advanced musical composition at the University of California at Los Angeles. Schönberg had asked the class to come up with a solution to a problem in composition which he had given them. One solution was offered. He asked the class for another solution, and then another and another. After a number of solutions had been provided, he charged the class to tell him what principle underlay all of those solutions.

Like the problem which Schönberg posed, the drug problem has many responses, many answers, but all of these responses share a common principle. With respect to the drug problem that principle relates to the intrinsic humanity of those engaged in drug taking behavior and the need to help redirect the growth and development of those individuals along lines which are conducive to healthy human growth and development, conducive to psychological and social health, to the cultivation and enhancement of their intrinsic humanity.

In solving the drug problem as well as our other most pressing social problems, it is imperative that our efforts be directed toward the humanization of all our societal institutions from the family to the school, from the world of work to government. Only when our efforts to deal with our problems share this common focus and direction can we hope to reverse current unhealthy and destructive trends.

Of all social institutions, however, it is the school which offers our greatest immediate hope in attempts to solve the drug problem. Because of the ever increasing fragmentation of family life, because of the difficulties involved in trying to help the family to quickly become a positive force in the development of healthy individuals, the school offers the best immediate hope for meaningful change.

Not only are the young all equally obliged to attend school, their attendance is on a continuing basis. Teachers, administrators, pupil personnel generally stand in a far better position than do many parents to provide the kind of responsive and humanizing influence that is needed if the drug problem is to yield to solution. The generation gap and the difficulties parents and children have in communicating with one another make widespread reorientation of family life highly unlikely over the short run.

These problems which so impede family harmony can be resolved, but their resolution will require a vast reductional effort and a commitment to a return to fundamental human values.

The school is more flexible than the home as at least some elements of the school experience can be easily changed to begin to make schools more human, more responsive to human needs and aspirations. Many adults working within schools share a deep concern for the welfare and health development of the young. Their understanding of the young is apt to be deeper than that of most parents because of their continuing exposure and involvement with youth. Because they do not have the same degree of continuing responsibility for youth that parents have, they can maintain far more detached and less interpersonally threatening relationships with the youth with whom they come in contact.

Because unusual opportunities for change exist within schools, and because the problem of drug use among youth poses such a serious threat to youth and to society, every effort needs to be made at the school level to solve the drug problem. In order to accomplish this objective, a whole hearted effort needs to be launched to bring about a basic humanization of education throughout the nation. The kind of reorientation required will be hastened greatly when there is a clarification of the long range goals of education.

Maslow wrote about the need for such long range goals for education in a little known book called "Eupsychian Management." His view was that as soon as we decided that the goal of education in our American democracy should be psychological and social health—healthy human and social development—that the ways and means of achieving that goal would fall into place. Because no such decision has yet been made, the overall status of American education has become less and less tolerable.

A top ranking official of the Department of Health, Education, and Welfare in the late 1960's observed at that time that U.S. education was fifty years out of step with the times. I would add to this official's observations that American education has also become increasingly out of touch with basic human and social values, needs, problems, concerns, and goals.

Popular contemporary songs bring this same message home in various ways. There is the opening line of Paul Simon's new recording, "Kodachrome" which slightly abridged is "When I think back to all . . . I learned in high school, it's a wonder I can think at all." A line from "Son of My Father", a rock hit of 1972, contains the words, "surrounded and confounded by statistics-facts." The opening line of a Moody Blues hit of a while back deals with more existential concerns, "Why do I never get an answer when I am knocking at the door?"

Perhaps, this is best summed up in a line from another current hit that goes, "The things that pass for knowledge I can't understand." This line always reminds me of an incident which occurred a few years ago when I was a graduate student at the University of California at Berkeley. I had been talking with a friend who had to leave for class and got up to leave, saying, "I'm off to philosophy to find out how life isn't."

Education must begin to focus on how life is and how life can be. It must help to cultivate human understanding. It must encompass a concern for basic social, ethical, spiritual, and existential matters. It must begin to deal in a meaningful way with questions of meaning and purpose. And perhaps, most importantly, it must provide opportunities for students, for the young—to become meaningfully and resonsibly involved in life.

The following kinds of approaches can be adopted in attempting to achieve these broader goals:

Classroom instruction can be made more active and less passive in its orientation—more human and responsive and less cold and anonymous.

Education can be made more relevant to the realities of today's world—and to the world of work and adult responsibilities. This can be done by providing opportunities at every grade level—to learn by doing; to become acquainted with the real world; to meet, talk, and work with adults and with youth and young adults of all ages; to engage in meaningful activities and enterprise; and to thereby gain a sense of what it means to be a fully functioning human being capable of making a contribution to society and capable of being of some service to others, of relating to others in a meaningful way, and of assuming a responsible role in life. Recent efforts on the part of the U.S. Office of Education to promote "Education for Parenthood" and "Career Education" both would seem to be quite in tune with these kinds of objectives.

Values and ideals must be emphasized and not in a mechanical way and not in a sterile, value neutral vacuum, devoid of love, humor, human feeling, and purpose. Youth need to be helped to cultivate healthy and positive values and ideals; they need to be helped to grow into whole, psychologically healthy human beings.

Current practices in grading and in assessing cognitive knowledge and skills need to be radically changed. As presently constituted, such practices appear to encourage and perpetuate narrow self centeredness and cutthroat competitive instincts—attributes which are the opposite of those we most need to survive as a civilization. These attributes which we most need would include a concern for others, and a capacity and inclination to collaborate with others to achieve the common social good. Grading and assessment practices also need to be changed because of their present tendency to psychologically entrap students in a failure syndrome, a syndrome which is particularly pertinent to drug taking behavior. Such entrapment manifests in several ways. A young person may become involved in drug taking because he is failing to do well in school or he may begin to fail in his school work because he has become involved in drug use.

Either way, he can become so deeply overwhelmed and demoralized by the fact of failure that any effort to get out of that situation seems useless and impossible. By adopting any of a number of approaches to grading and evaluation suggested by William Glasser in his "Schools Without Failure," it would be possible to short circuit or circumvent such regressive tendencies and influences and to avoid perpetuation of a failure syndrome. One option to current approaches to grading is the Pass/No Pass approach. An A,B,C, No Merit approach can also be adopted where no grade is recorded on an individual's record if he gets less than a C in a course. (It is worth noting here the case of a progressive Southern California high school where a Pass/No Pass approach to grading was adopted. The school administration found out shortly after the switchover was made, that extensive inservice training was needed to reorient the teaching staff. It seems that grades had been used up until that time in coercive ways—primarily to keep discipline, a function which is only indirectly related to any primary educational goals.) Other approaches which seek to individualize the assessment process need also to be considered. If one of the purposes of education is to help each individual progress to the fullest extent of his capabilities, then we must stop putting senseless roadblocks in his way. There is absolutely no point or purpose in using the same criteria to measure and compare the achievement of two persons with vastly different intellectual capabilities, experimental backgrounds, talents, etc. The important thing is that each person be provided an opportunity to realize his or her potential while becoming a healthy, fully functioning personality.

A response must be made to one of the primary complaints voiced by many youth today: a lack of any place to go or anything to do. This of course reflects a failure of the family, the school, and society, to help the individual to develop his or her own inner resources so that one is able to make good use of time, one is able to engage in recreational and social activities, to relax, to find fulfillment in educational, cultural, artistic and service oriented pursuits. The school can here again be used to fulfill a remedial as well as a developmental function by providing a ready-made facility which can be used for after school hours activities—weekday afternoons and evenings and for portions of the weekend. Suform of adequately trained personnel who could be professionals, paraprofessionals, volunteers or paid—or a mixture of all of these. Activities could be as wide ranging as the interests and capabilities of students and supervisory personnel permitted. When it is not possible to use school facilities in this way, community facilities and churches and the like can be considered. The merit of using a school facility, however, lies in the fact that all who go there as students have already established some sort of tie with the school—whereas a community facility is apt to draw only the more intrepid members of certain segments of the student community.

In all that I have said thus far about the general need for a reorientation of the education experience, it would seem that the single most important thing is to help nurture in youth a concern for the welfare of others and to provide them every opportunity possible to express such concern and thereby develop a sense of personal worth and a feel for what it means to be meaningfully and purposefully involved in life.

The adoption or adaptation of the kinds of aproaches I have just enumerated would most certainly lead to a reduction in drug taking behavior because they would be addressing many of the unmet needs and unfulfilled aspiration which gave rise to drug taking behavior in the first place. In order to deal with the symptoms arising from drug taking behavior and in order to intervene in an effective manner after drug use or experimentation has begun, schools also need to adopt other approaches in addition to those already mentioned. These include the following innovations or reforms:

Non-punitive policies and approaches need to be adopted in schools to supplant purely legalistic actions such as expulsion and suspension. Alternatives to such action need to be provided which focus most importantly on helping the individual to break out of the cycle of drug taking behavior or to cease experimenting with drugs and other harmful substances. In lieu of prosecution, in lieu of being remanded to the juvenile authority, in lieu of suspension or expulsion, the young person can be remanded to counseling, to other forms of care or guidance that may be appropriate, and to special programs and activities designed to help redirect his or her energies and attentions along more constructive lines. Parents can also be asked or even required to take part in such activities, counseling, or programs—as a condition of waiving more typical legalistic approaches. Examples of approaches which seek to divert juvenile users (and in some cases dealers) from the justice system are found in the Clark County High School District, Las Vegas, Nevada; in a probation department sponsored program in San Diego County, California; and in the youth services division of the justice system in Grosse Pointe Woods, Michigan, and several adjacent suburban communities which have adopted a counseling oriented approach to dealing with juvenile offenders.

It is essential that special counselling be set up within the school to help in prevention efforts and to provide for earliest possible intervention in drug taking behavior. Those providing the counselling will require in most instances specialized training—whether they are professionals or paraprofessionals. They need to have basic counseling skills and to understand the symptoms and motivation involved with drug taking. They must possess maturity and be psychologically healthy and not themselves be current users or promoters of drug taking behavior. They need to be able to establish rapport with those whom they counsel. They need to be a friend and a confidante, a person who is truly concerned for the welfare and the future of the individual being counselled and befriended. The counselor must also be able and inclined to motivate those whom he or she counsels along beneficial and constructive lines. It is particularly important that such a counselor provides a positive model by his or her own behavior. It is important that he or she not use or implicitly or explicitly condone the so called "responsible" or "sensible" use of marihuana, hashish, pills, or other drugs and substances used for non medical purposes.

The use of counselors in school settings who do condone or implicitly encourage such behavior have the obvious effect of contributing to the continuance and spread of drug taking behavior. Community support for efforts which do have a permissive orientation can expect to be short lived if the community is at all informed concerning what is happening in the school.

The emphasis of counselling as well as of educational and guidance efforts needs to be geared to the needs and level of understanding of those being counselled, educated, or provided guidance. While in many cases, it is important to spend some time in helping the young person understand the implications and the effects of drug use, it is typically far more important that attention be focussed on personal motivation, on helping the individual gain a better understanding of him or herself, of others, and of life generally. The past emphasis on a primarily or solely cognitive or informational approach has not only proved lacking but in some cases has been shown to be counterproductive, actually contributing to drug taking behavior, rather than leading to its decrease. Swisher and others have drawn such a conclusion from their studies. They write, "An approach (to drug education and prevention) that relies on information alone may not be sufficient to reduce or prevent the use of drugs, and in fact, may have the opposite effect." (P. 340.) A study conducted in the 1960's in Southern California to evaluate the effectiveness of health educational approaches to help stop smoking showed that smokers were far more apt to cease smoking when a noncognitive approach rather than a cognitive approach was taken. Health educators had far greater success when they focussed on helping the smoker understand his or her motives for use rather than when they focussed on informing smokers concerning the effects of smoking. Drug educational efforts have tended to have a cognitive orientation until recent times. Consequently they have not proven very successful with adults or with youth. The informational approach is generally predicated on the nearly wholly erroneous assumption that drug taking behavior is based upon a rational decision making process. This is not only far from true in the case of most of the adult population, it is even less true in the younger generation where an even wider range of non-rational factors tend to contribute to drug taking behavior. These factors relate to what is often a far more existential and anxiety producing mixture of unmet needs, social pressures, and unfulfilled aspirations than is found in most adults.

Because of the increasingly criminogenic and pathological character of the drug culture and of drug taking, provision for various forms of confidentiality and immunity from prosecution will be required to make sure that users are able to receive the counseling, guidance, care, etc. that they need. Such policies are needed to protect those who provide the services as well as those who partake of them. Policies providing for pre- or post parental permission (before or after the fact of use has been admitted, recognized, or established) provide one way of handling such matters.

There is a need to focus on attitudes and values and on increasing self worth and motivation, and on meaningful pursuits. There is a need for helping an individal gain a better sense of him or herself, and to find satisfaction in being of service to others, of being a contributing member of society. One of the most noteworthy studies on this subject is a preliminary report on Operation Future, a drug control project of Kings-Tulare County (Visalia, California). In this project, definite relationship exists between the abuse data has been gathered which shows that "a of drugs and the lack of values on the part of today's young people." As a result of these findings. Operation Future has been experimenting with a variety of approaches designed to help enhance personal value concepts. They have demonstrated that drug abuse can be ameliorated by adopting approaches which focus on the enhancement of personal value concepts. An increasing number of schools have adopted such a focus in their efforts to ameliorate the drug problem. The Coronado School District in San Diego County in California, a pioneer in this area, has been particularly successful in this regard. Schools in North Dakota have also been engaged in implementing a self enhancement approach to education which serves to address many of the unmet needs and unfulfilled aspirations which give rise to drug taking behavior.

In bringing these remarks to a close, I would like to tell you briefly about a recently launched nationwide movement whose purpose is to contribute to the solution of the drug problem by promoting adoption or adaptation of many of the same alternatives, reforms, approaches and policies I have touched on here. This would be the ALFY effort which grew out of two conferences held under the auspices of the Bureau of Narcotics and Dangerous Drugs of the U.S. Department of Justice in 1972 and 1973. I would commend to your attention the publications resulting from those conferences, particularly the booklet entitled "Alternative Programs—A Grapevine Survey" and the "Proceedings" from the first and second Conferences on Alternatives to Drugs. Much material is contained in these publications concerning school-based, community-based, and criminal justice system-based approaches and policies—all of which are humanistic in orientation and all of which are designed to be responsive to human needs and to take positive steps to prevent drug use and to help deal with the problems reflected in and arising from drug taking behavior.

I would like to quote from comments made at the last conference held at Airlie House in Airlie, Virginia in early January of 1973. These comments providing a fitting note upon which to conclude. The man speaking has had a long history of involvement with the law as well as with drugs. In fact he related the story of his first involvement with the law at the first Alternatives conference. It seems he had pushed a flower pot off a third story terrace when he was only three years old. It narrowly missed two policemen who were standing on the sidewalk below—who immediately rushed upstairs to find out who was responsible. After his long history of involvement with the law, this person has merged one of the most "together" individuals I have ever had the opportunity to know—I share with you his insights:

I really go for the idea where people (begin) to learn what it's really like to feel comfortable on a gut level and not practice what we call, what I like to call, the "cloak of respectability".

I dare say right here before all of you that that's seemingly our biggest problem: that we're taught from the cradle to the grave to wear a cloak of respectability rather than to develop true respectability; and the young people today just are not going for that. They see the cloak does not work. With all the power we have and all the influence, we're thirty-second in terms of health delivery in the world today. We're kind of backwards, and the young people recognize that, so they're not listening to us; they're looking for their own thing.

It's just unfortunate many of them do not have the guidance and the direction and the road models to get caught up in the right thing, but when you really get right down to it, it's a matter of learning what the most valuable thing that any human being possesses is. And that is his own self-worth and how he carries himself; how he feels about himself; what he's doing in terms of adding to those feelings. It either takes that self-worth away or adds to it.

You as educators have much to add to the self worth of youth. Your own common sense, initiative, understanding and humanity can contribute immeasurably to the quality of the lives of our young people; consequently what you do has a most critical bearing on the future of the young, the future of society, and on the future of the nation as well.

ARMY CORPS OF ENGINEERS OBSERVES 198 YEARS OF SERVICE TO AMERICA—PROTECTIVE WORKS HELP MISSISSIPPI VALLEY IN RECENT FLOODS

Mr. RANDOLPH. Mr. President, there is practically no part of the United States where there is not evidence of the involvement of the Army Corps of Engineers in building a better country for our people.

The Corps is unique in our Nation in that it fulfills both a military and a civil function. It is essential to the successful achievement of military objectives, and it performs an equally vital role in a variety of activities that are outside the normal scope of the Armed Forces.

Earlier this year, the states along the Mississippi River were stricken by disastrous flood. Damage to homes, farms and industry totaled about $500 million. The Corps of Engineers was on hand at once to assist in recovery efforts and to help rebuild the devastated area. The Corps, however, has been present in the Mississippi Valley for many years, building flood protection facilities that kept the damage from being even greater. Without these facilities, it was estimated that losses would have amounted to at least $7.6 billion. The return during this single flood season was substantial for the less than $2 billion that has been invested in flood protection in the Mississippi Valley.

This is but one example. Throughout the United States the Corps has improved navigation, built recreational areas, and enabled communities to be secure from floods.

The Corps of Engineers is one of the oldest branches of the U.S. Army. Back in 1775, even before the Declaration of Independence was signed, the U.S. Army was created. The following day, June 16, 1775, the Corps of Engineers was created to be a main part of the new Army.

Many of the Nation's greatest soldiers have belonged to the Corps of Engineers. Both commanders at the Battle of Gettysburg, Gen. Robert E. Lee on the Confederate side, and Gen. George Meade on the Union side, were engineer officers. So were many other famous soldiers, including Gen. Douglas MacArthur, in our own times.

During World War II, the Army Engineers played such an important part in landings and invasions that General MacArthur said: "Modern war is engineers' war."

In peacetime, the Corps of Engineers builds almost all the Nation's harbors. It digs canals, and dredges out rivers, so that they can carry large freight boats and pleasure boats. The Corps of Engineers also builds dams which create beautiful manmade lakes. These lakes are good for many things besides the swimming, fishing, and camping they provide. They hold back flood waters, and thus save farms and homes and towns from ugly damage and destruction all along the river. The provide pure fresh water for use in homes and industries, and for irrigating farms and gardens. Sometimes the water, as it falls over or through a dam, is made to turn water-wheels called turbines, which in turn generate huge amounts of electric power. These dams also help keep pollution from getting too bad in the river. All of these things help to make America a more prosperous and beautiful country.

Many people ask: How did the Army enter into the business of building lakes, dams, waterways, and harbors?

The answer goes back in history to the time of George Washington—who was an engineer as well as a soldier and statesman. At that time the 13 colonies were made up mainly of farmers, with some craftsmen and traders in the towns. There were practically no trained, professional engineers. But George Washington created a corps of skilled engineers to serve in the Army during the Revolutionary War. After the war was over, our new Nation needed roads, lighthouses, bridges, and many other engineering works; so it looked to those same engineers to serve the country in peacetime as well as in wartime. On March 16, 1802, President Jefferson signed a bill directing the Army Engineers to "constitute a military academy at West Point." The first engineering school in the United States, West Point was the leading one under the direction of the Army Engineers until the Civil War.

All through American history the Army Engineers have carried out many unusual and important jobs for the American people. They built and operated the first railroads, opened most of the main highway routes, and explored and helped open the West. They built many of the imposing and beautiful buildings and park spaces in the Nation's Capital, Washington, D.C. They preserved Niagara Falls in its present beautiful form, kept the Mississippi River from seeking a new channel to the sea, built the famous Soo Locks and the St. Lawrence Seaway, and tamed the Missouri, the Columbia, and many other mighty rivers. An Engineer officer, Col. George Goethals, completed the Panama Canal. Another, Maj. Gen. Leslie Groves, directed the construction of the first atomic bomb. Meanwhile, the Corps of Engineers also has built most of America's Army posts and Air Force bases, including the great base at Thule, only a few hundred miles from the North Pole. More recently, the Army Engineers built the missile defense systems and the launch facilities for our space program.

The Corps of Engineers has been one of the leaders of American conservation. Its studies of natural resources in the West and in the Nation's river basins helped pave the way for the launching of the conservation movement under President Theodore Roosevelt. Today, Army Engineer dams, reservoirs, and river-basin programs form a big part of all kinds of conservation work.

During the rainy seasons and when snow is melting each spring, flood waters coming down the streambeds are caught and saved, or conserved, behind the dams. Later in the year, when water is low in the rivers, and lawns and fields get dry, this conserved water is let out from the dams to help keep the rivers full and the fish healthy. Meanwhile, the lakes provide fish and wildlife conservation. Often forest conservation areas and game management areas and preserves are established around their shores. At the dams, mud and silt are trapped out of the river, and the water that flows down the stream is cool and clear.

These Army Engineer conservation projects have saved many lives and have kept millions and billions of dollars worth of property from being destroyed by floods. They have enabled our businesses and cities to manufacture and transport their goods and supplies more efficiently and economically. The savings and earnings of these projects amount to many times their cost, and thus they have proven to be wise investments of public money. Even more important, however, are their contributions to conservation and to the strength, happiness, and well-being of the Nation and its people.

GENOCIDE: A MODERN THREAT

Mr. PROXMIRE. Mr. President, the Carnegie Endowment for International Peace has just released a carefully prepared report on the events of the last year in the Central African state of Burundi. From numerous reports in the press, the report of United Nations observers to Secretary General Waldheim, and from the facts gathered by the Carnegie Endowment, it is evident that a human disaster of incredible magnitude has occurred in Burundi.

Although the original responsibility for the events which have precipitated such widespread suffering are as yet undetermined, it seems clear that the ruling minority in Burundi, the Tutsi, following an attempted coup, embarked upon the elimination of virtually every member of the majority Hutu tribe occupying a responsible position with the society. The Carnegie report indicates that the extermination of the Hutu elite was essentially complete some 10 months ago, the victims comprising:

> The four Hutu members of the cabinet, all the Hutu officers and virtually all the Hutu soldiers in the armed forces; half of Burundi's primary school teachers; and thousands of civil servants, bank clerks, small businessmen, and domestic servants; at present (August) there is only one Hutu nurse left in the entire country, and only a thousand secondary school students survive.

An article in the New York Times of June 11, 1973, reports that the mass killing is today continuing, creating thousands of Hutu refugees who are fleeing from the slaughter and destruction toward Burundi's neighbors.

"SELECTIVE GENOCIDE" IN BURUNDI

These acts have been described as "selective genocide" by the U.S. Chargé d'Affaires in Burundi. To many, the term "genocide" represents the abhorrent deeds of Nazi Germany. Few realize that the word has real applications in our present world. Yet that is precisely the lesson of Burundi: Genocide exists today.

One of the most distressing aspects of the Burundi situation is the public silence and ineffective action on the part of the U.S. Government. Included in the Carnegie report is a copy of a memorandum written by Mr. B. Keith Huffman, the Assistant Legal Adviser for African Affairs at the State Department, which was apparently intended to stimulate stronger action on the part of the United States. Mr. Huffman attempted in this memo to define our legal obligation under the U.N. Charter in terms of the Universal Declaration of Human Rights which, in contrast to the Charter, does not impose legal duties.

He did this because of the substantially stronger language contained in the Declaration, which provides that "no one shall be subjected to cruel, inhuman or degrading treatment or punishment."

UNITED STATES FAILS TO ACT

Unfortunately for the Hutus of Burundi, Mr. Huffman was unsuccessful in promoting a stronger response by the United States. Yet I believe, Mr. President, that had Mr. Huffman had the Genocide Treaty to add to his legal argument his associates in the State Department might well have been persuaded to suggest the potential economic sanctions outlined in the Carnegie Report. In view of the fact that the United States accounts for 65 percent of Burundi's export earnings, the mere threat of sanctions might have had an influence upon the leaders of Burundi.

Burundi has not ratified the Genocide Convention. Yet since article I of the Convention makes genocide a crime which participating nations "undertake to prevent," ratification by the United States might have inhibited the massacre in Burundi. Although this provision would not have obligated the United States to take any affirmative action, it would certainly have been an additional moral incentive toward effective steps on the part of our Government.

The actions which the State Department did take proved to be a woefully inadequate response to a human rights disaster of this size. The State Department initially urged the United Nations, the Organization of African Unity—OAU—and neighboring African states to bring pressure to bear upon the Tutsi leaders. Although the U.N. did send observers to Burundi, the OAU and the neighboring nations were unwilling to interfere in what was considered by them to be the internal affairs of a sovereign state. Later the Burundian Ambassador reportedly was informed quietly of the United States displeasure over the course of events.

WE SHOULD HAVE DONE MORE

I wonder, Mr. President, whether our behind-the-scene efforts to terminate the killings might have been more forceful had the United States ratified the Genocide Treaty. I cannot help but suspect that nations which we approach on issues of this nature detect an element of hypocrisy in our actions. Although we appear sensitive to acts of genocide in the world today, our sensitivity does not extend to a formal expression of support for a treaty which makes genocide a crime, punishable by law. While we attempt to inculcate a sense of responsibility for human rights among the international community, we refuse to affirm our obligations here at home.

It is time that we move to obviate this hypocrisy and to encourage stronger action on the part of our Government in the face of what is an offense against mankind. The Genocide Convention arose principally as a result of the persecution of millions of innocent people, particularly the Jews, by Nazi Germany. It took a disaster of that size, to motivate the brotherhood of nations, through the United Nations, to verbalize their common horror in the Genocide Convention. Although adopted by the General Assembly by a vote of 55 to 0 and since ratified by the legislatures of 76 nations, the Genocide Convention has for 24 years awaited ratification by the U.S. Senate.

Need we wait until the murder of the 13 million people by the Nazis is surpassed by some new catastrophe? Or is the slaughter of an estimated quarter of a million people sufficient to move us toward a vote which will serve to join the United States with those nations who have demonstrated their abhorrence for genocide?

AMERICA CAN LEARN FROM LITHUANIA: MAN'S LIBERTY IS TOO PRECIOUS TO LOSE

Mr. HELMS. Mr. President, during an era in which the United States has poured so much into the defense of freedom around the globe, it is important that we are mindful of once-independent peoples who failed in the battle against communism.

Lithuania is such a state, existing within the walls of the Soviet Union, stripped of her nationhood and denied the rights which we so complacently enjoy.

Today, June 15, marks the anniversary of the final Communist occupation of Lithuania in 1940. Despite typical Soviet attempts to impress the rest of the world with the success of their program in the Baltic States, word has filtered out to the contrary. Their atheistic "russification" scheme has met with dissent, both subtle and sharp.

It is all too easy in a country where the right to worship is both politicaly guaranteed and socially sanctioned, to forget that in Lithuania religious persecution is a fact of life. Children are often forbidden to attend religious services and may receive religious instruction only under severely restricted circumstances. Seminary enrollment is limited to a number well below replacement level. Adults who are suspected of being believers are prohibited from obtaining jobs or advancement. There have been cases of people being imprisoned for practicing their religion. Terror and fraud are common devices utilized by the Communists in stifling the religious tradition, particularly with children. The printing of prayerbooks is government-controlled and thus subject to inadequate volume and inaccurate content.

Lithuania is a particularly brutal example of Soviet domination. The Russians are perpetrating genocide: The culture of Lithuania will be subjugated—and even destroyed—in order to provide for its total integration into the U.S.S.R. as a "constituent republic." To date, the United States, Great Britain and several other Western nations have not recognized "the devious processes whereunder the political independence and territorial integrity of—Lithuania—[was] to be deliberately annihilated by one of their more powerful neighbors."

By 1970, over 10 percent of the primary and secondary students in Lithuania were attending schools in which the spoken language was Russian, not Lithuanian. Lithuanians living in other parts of the Soviet Union are subjected to more flagrant discrimination yet. Their names must be Russianized, they are denied responsible positions, and they can speak their native tongue only in private.

They cannot deny that this is, indeed, a grim picture—but not barren of hope. Beginning with the uprising in June 1941, the guerrilla war from 1944 to 1953, the demonstrations during the upheaval in Eastern Europe in 1956 and the continuing unyielding protests against religious persecutions, the history of Soviet rule in Lithuania has been fraught with blood and discontent. For the Lithuanians, a proud and freedom-loving people, the struggle goes on. And it is the young, born and educated under the hand of communism, who are rising to the challenge of their parents' efforts. They are braving imprisonment and worse to express their hatred of the Soviet oppressors and their desire for the freedom of Lithuania. Self-immolations—occurring rather coincidentally at the time of President Nixon's visit to Russia in May of 1972—touched off massive anti-Soviet demonstrations.

The two decades of independence in the early twentieth century have almost cruelly denied Lithuania the ability to accept forced Soviet domination. I admire these brave people for their perseverance and patriotism in the face of such an enormous and insidious adversary. Maybe, with God's will, their efforts will be fruitful and she will once again be free.

For us in America, approaching our two hundredth year of independence, the lesson is clear: the price of freedom is eternal vigilance.

INFLATION AND NIXON'S ADMINISTRATION

Mr. **HUMPHREY**. Mr. President, it is painfully obvious that the newest phase of the Nixon economic program reflects the frustration of a President whose previous attempts to control the economy have been an utter failure. Mr. Nixon's inability to establish economic stability is highlighted by Edwin L. Dale, Jr., in his article "Frustration Marks Nixon's Efforts to Curb Inflation" which appeared in the New York Times on June 15, 1973. Mr. Dale illustrates that despite numerous and varied game plans, inflation still roars out of control, and one certainly must question whether the most recently announced program has come soon enough to provide a solution.

Examples of the previous errors in economic management by the Nixon administration are glaring. The original game plan designed to curb inflation, instead of easing the strains of a boom economy, actually turned the economy downward. Next, the administration moved to reinvigorate the economy, but again inflation increased uncontrollably, and in an almost desperate decision the President imposed his widespread controls of August 1971.

While the initial two phases met mixed success, the facade of stability crumbled with the announcement of phase III. The consumer was faced with what seemed like continuous increases in items which took the largest bite out of the family budget, with staggering jumps in food prices leading the way. The most recent announcement that the industrial commodities index climbed at an annual rate of 16 percent in the preceding quarter, the worst peacetime inflation since World War II, only served to confirm what consumers already knew.

In a mood of frustration, the President again imposed controls, and we have reason to ask whether they will work more effectively than his original controls.

Mr. President, it is time that the administration listened to the words of the worker and the average consumer in devising its economic policies. It is time that economic policies were aimed at benefiting the mass of consumers rather than a specially favored few who have access to the President's ear. As Mr. Dale states:

> Whether a combination of a slower-paced economy and a tougher controls program will moderate the new wave of inflation only time will tell.

But time has already told that the priorities exemplified in the multiple phases of Nixonomics should have been, and hopefully will be rearranged in order to meet the needs of the majority of the American people rather than a select few.

I ask unanimous consent that Mr. Dale's analysis be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 15, 1973]

Frustration Marks Nixon's Efforts To Curb Inflation

(By Edwin L. Dale, Jr.)

Washington, June 14.—When Richard M. Nixon took office in early 1969, he inherited a boom in the economy with low unemployment but an inflation that seemed then of grave proportions—6 per cent a year.

Now, after numerous phases in his frustrating struggle against rising prices, Mr. Nixon finds himself with an inflation rate of 9 per cent, measured by the movement of the Consumer Price Index over the last three months, though there was some better news in between.

Mr. Nixon is not alone in his frustration. The Government of nearly every industrial country has found inflation to be just as intractable a problem or more so.

MORE THAN INTENDED

The Nixon Administration's first "game plan" for curbing inflation was a classic one, and at first it was generally approved by economists and others of various persuasions. The idea was to slow the inflationary boom by use of restrictive Government fiscal, or budget, policy and Federal Reserve monetary policy.

The budget, aided by an income tax surcharge, passed late in the Johnson Administration, swung into balance. The Federal Reserve all but halted the growth in the nation's money supply (demand deposits and currency), credit became more difficult to get and interest rates soared.

The slowdown was late in coming, but when it came in the winter of 1969–70, the economy swung much more than the President wanted or intended. Instead of just "cooling," the economy turned downward, with a small decline in total production and a sharp rise in unemployment. It was the fifth recession of the period since World War II.

But the object of the exercise was not achieved. While the rate of inflation slowed a little, at no point did it drop below about 4 per cent. By late 1970, the Administration was already moving to pump the economy up again, with a big budget deficit and a much easier monetary policy.

The hope was that the inflation rate would decline in 1971 as a belated response to the recession. But it didn't. In that period, massive wage increases, won by unions, of 10 to 12 per cent a year were an important factor, though not the only one.

The President decided in August 1971 to do something that he had always abhorred—impose wage and price controls. In an announcement that achieved total surprise, the President imposed on Aug. 15 a 90-day freeze on prices, wages and rents, with raw agricultural products and a few other things like used cars and art objects exempted.

It worked well. Consumer prices during the freeze rose only five-tenths of 1 per cent, or an annual rate of 2 per cent. But the President had said from the beginning that a permanent freeze was not workable, and that a Phase 2 would succeed it.

Phase 2, beginning in mid-November, was a system of more flexible, though still mandatory, controls. Prices could go up if costs, such as labor and materials, justified higher prices and if profit margins did not exceed those of a base period.

Wages were to be held to annual increases of 5.5 percent, but with some "catch-up" exceptions. Some rates were decontrolled, others permitted to rise within specific limits. Agriagricultural products at the farm gate were exempt.

Phase 2 worked fairly well, too, despite some bad luck on food prices, particularly meat prices. After a fully expected "bulge" in the first two months after the end of the freeze, prices in the 12 months from January, 1972, to January, 1973, rose by only 3.5 percent, and much of this was accounted for by food, which was largely uncontrolled.

Then in January, 1973, Phase 3 was announced—and the roof fell in.

Phase 3 retained standards for prices and wages very similar to those of Phase 2, but they were to be "voluntary" or self-administered, with provision for re-imposition of mandatory controls if there were flagrant violations of the standards or guidelines.

The initial presentation of the program, the Administration now concedes, was a bad mistake. The new program seemed to amount to the end of all controls, though it was not intended that way. From the evidence now at hand, it seems that smaller businesses, in particular, began raising prices regardless of the new guidelines, taking advantage of what was by now booming demand in a booming economy.

Quite apart from the impact of the change in the program, inflationary winds blew from all directions. Reacting to high consumer demand, terrible weather and roaring exports (spurred by a big export deal with the Soviet Union and the impact of the two-part devaluation of the dollar), farm and food prices rose at the highest rate since modern statistics were started.

The boom in other countries, together with the United States boom, produced a classic inflationary effect on many commodities traded around the world, such as copper and other metals.

And, finally, when Congress began to mull a new freeze, there was apparently a binge of "anticipatory" price increases by those businesses able to raise prices without losing sales.

In any event, the price statistics began to look worse and worse. The Wholesale Price Index for May, released last week, showed, for example, that the closely watched index of industrial (nonfarm) commodities rose in the last three months at an annual rate of just under 16 percent, much the worst peacetime inflation since World War II and one of the worst on record.

The Government's monetary and fiscal policies had again turned in a moderately restrictive direction, with the aim of cooling the new boom, and this represented the main hope of the President's advisers and the President himself for checking the new and raging inflation.

But Mr. Nixon, under heavy pressure from Congress and public opinion, decided yesterday that he could not wait. Despite many reservations among his advisers about tighter controls at a time of high demand, he imposed a new freeze for 60 days and announced that there would be a new Phase 4 after that, "tougher" and "more mandatory" than Phase 3.

Whether a combination of a slower-paced economy and a tougher controls program will moderate the new wave of inflation only time will tell.

THE KANSAS SPECIAL OLYMPICS

Mr. DOLE. Mr. President, last weekend—June 8 and 9—marked the fourth annual Kansas Special Olympics. I had the privilege of attending the Kansas Special Olympics held at Washburn University in Topeka, Kans., and it was truly inspirational.

The Special Olympics are the first national sports program for the retarded. Presently, over 250,000 children and 100,000 volunteers participate.

Children and young adults at all levels of retardation are eligible to take part in the program and because they compete with others of their own age and capability, they all have a chance to win. At the top level of ability, these children outdo many normal children. In the performance of our national recordholders a retarded lad ran the mile in 4:54 minutes, two young athletes tied for first place in the high jump at 5 feet 10 inches, and another swam the 50-yard freestyle in 33.4 seconds. Special Olympics has proven that children who are mentally retarded need not be physically retarded as well. But they must be given the opportunity, encouragement, and the training if they are to succeed in sports.

The goal of the Special Olympics is to create opportunities for sports training and athletic competition for retarded children and young adults.

Recent scientific research has shown that physical activities, sports, and competitive athletics are a major means of reaching the retarded. Here is an area where he can succeed and start building a positive self-image, gaining confidence and self-mastery as well as physical development. As a child improves his performance in the gymnasium and on the playing field, he improves his performance in the classroom, at home, and eventually on the job.

It is hoped that the special olympics program will serve as a motivational framework within which physical education, recreation, and sports activities can take place. The specific objectives sponsored by the Kansas Association for Retarded Children, the Developmental Disabilities Act of 1970, and the Joseph P. Kennedy, Jr., Foundation, are:

First. Provide motivation for the initiation of physical education and athletic programs where none exist.

Second, Provide supplementary materials which will aid those currently conducting such programs.

Third. Provide opportunities for athletic competition through local, State, regional, and international special olympics.

Fourth. Give each retarded child a "feeling of belonging" by offering him membership in a national athletic club with membership certificates, periodic newsletters, etc.

Fifth. Instill in the retarded child a "sense of pride" by giving him a chance to win an award, be honored at a school assembly, or to have his picture in a newspaper—by giving him a chance to know success.

BRIEF HISTORY OF KANSAS SPECIAL OLYMPICS

A delegation of six students from Holy Family Center, Wichita, who participated in the 1968 International Special Olympics at Chicago were the forerunners of of the Kansas Special Olympics. Within a few months after the first olympics, a committee was formed to plan a State olympics in 1969. Members of the committee were: Mr. Dennis Popp, Sister Veronice Born, Mr. Charles Myers, Mr. Charles Watson, and Mrs. Lyman Wiley. Due to the lack of funds and other problems the meet was canceled. But as Kansans are not a group to be discouraged, it was reset for 1970.

With financial and other support from the Joseph P. Kennedy, Jr. Foundation, the Kansas Association for Retarded Children, the Kansas Recreation and Park Association, Parson's Jaycees, and the four State institutions for the mentally retarded, the first Kansas Special Olympics was held at Parsons State Hospital and Training Center, May 30, 1970. Mr. Bill Blackwell and Mr. Charles Watson were appointed as codirectors. There were approximately 300 mentally retarded persons involved.

Mr. Charles Myers was named olympics director for 1971. Wichita State University was the site of the olympics for that year and there were over 600 contestants. Ethel Kennedy was a special guest at the 1971 Olympics and, along with the other dignitaries and sports figures, added much to the excitement of the occasion.

In the 1972 Kansas Special Olympics, over 1,200 mentally retarded young people from Kansas participated. They were held at Southwestern College in Winfield, Kans., the codirectors being Mr. Charles Myers and Mr. Charles Watson.

1973 KANSAS SPECIAL OLYMPICS

In the 1973 Kansas Special Olympics there were approximately 1,500 participants. This year I was privileged to present a special trophy to the first-place winner of the Kansas Special Olympics mile run, Timothy Webb of Wichita West High School, Wichita, Kans. He ran the mile in 5:59.5.

Timothy was assisted by his coaches, but did most training on his own—running 5 miles three times a week. He had a great desire to achieve and his efforts were rewarded with a victorious mile run.

At this point I ask unanimous consent that the following list of Special Olympics' winners be inserted in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF WINNERS—1973 KANSAS SPECIAL OLYMPICS

I. SWIMMING—25-YARD FREESTYLE

Girls, age 8–9, Division IV:

1. Gina Lockhart, 46.5; Topeka Public Schools, Topeka.

Girls, age 10–12, Division IV:

1. Peggy Arnett, 33.2; Lincoln School, McPherson.

Girls, age 10–12, Division II:

1. Winnouna Lannum, 22.0; Reno Co. ARC, Hutchinson.
2. Lisa Thyfault, 25.8; Marshall Co. ARC, Marysville.

Girls, age 13–15, Division IV:

1. Mary Fritz, 22.7; Wichita Public Schools.
2. Patty Cooke, 23.2; Lakemary, Paola.
3. Rose Todd, 26.5; Wichita Public Schools.

Girls, age 13–15, Division III:

1. Loretta Fitzgerald, 22.2; Dodge City ARC, Dodge City.

Girls, age 13–15, Division II:

1. Dana Lamb, 20.0; Topeka ARC, Topeka.
2. Patty Tharp, 22.0; Reno Co. ARC, Hutchinson.

Girls, aged 13–15, Division I:

1. Eileen Fagan, 19.7; Lakemary, Paola.

Girls, age 16–18, Division III:

1. Jan Hixon, 23.3; Lakemary, Paola.
2. Janice Soverns, 28.8; Kansas City ARC, Kansas City.
3. Shawn Green, 28.9; Parsons State Hosp., Parsons.

Girls, age 16–18, Division IV:

1. R. Brown, 33.8; Dodge City ARC, Dodge City.
2. Nancy Schroeder, 35.8; Lakemary, Paola.
3. Margaret Davidson, 49.3; Lakemary, Paola.

Girls, age 16–18, Division II:

1. Martha Opat, 20.0; McPherson Co. ARC, McPherson.
2. Sharon Spaulding, 21.8; Kansas City ARC, Kansas City.
3. Mary Yardley, 24.8; Parsons St. Hosp., Parsons.

Girls, age 16–18, Division I:

1. Junella Stoops, 17.9; Wichita Public Schools.

Girls, age 19+, Division IV:

1. Linda Reid, 29.0; Winfield St. Hosp., Winfield.
2. Hope Allen, 30.1; Topeka ARC, Topeka.

Girls, age 19+, Division III:

1. Joanne Wheat, 26.0; Winfield St. Hosp., Winfield.
2. Kathy Vanderver, 26.6; Winfield St. Hosp., Winfield.

II. SWIMMING—50-YARD FREESTYLE

Girls, age 16–18, Division IV:

1. Cheryl Walsh, 36.5; Johnson Co. MR
1. Jan Hixon, 57.3; Lakemary, Paola.

Girls, age 16–18, Division I:

Center, Overland Park.

2. Junella Stoops, 49.3; Wichita Public Schools.

III. SWIMMING—25-YARD BACKSTROKE

Girls, age 10–12, Division I:

1. Virginia Silas, 30.4; Reno Co. ARC, Hutchinson.

Girls, age 13–15, Division I:

1. Patty Tharp, 24.8; Reno Co. ARC, Hutchinson.

Girls, age 16–18, Division IV:

1. Sharon Spaulding, 27.5; Kansas City ARC, Kansas City.

2. Nancy Schroeder, 35.8; Lakemary, Paola.

3. Margaret Davidson, 50.5; Lakemary, Paola.

Girls, Age 19+, Division I:

1. Chris Grothuson, 55.2; Emporia.

Girls, age 19+, Division II:

1. Hope Allen, 34.1; Topeka ARC, Topeka.

IV. SWIMMING—100-YARD FREESTYLE RELAY

1. Nancy Schroeder, Patty Cooke, Jan Hixon, Eileen Fagan, 1:44.2; Lakeamry, Paola.

V. SPECIAL SWIM

1. Marilyn Weinhoad, 30.0; Winfield State Hospital, Winfield.

VI. SWIMMING—25-YARD FREESTYLE

Boys, age 8–9, Division I:

1. Mark Hedburg, 28.1; Lincoln School, McPherson.

Boys, age 8–9, Division II:

1. Duane Fielder, 34.1; Lincoln School, McPherson.

Boys, age 10–12, Division IV:

1. Brady Cole, 26.5; Reno Co. ARC, Hutchinson.

Boys, age 10–12, Division III:

1. Rick Huff, 26.0; Lincoln School, McPherson.

2. Ronnie Robinson, 28.2; McPherson Co. ARC, McPherson.

Boys, age 10–12, Division II:

1. Tim Gillard, 21.5; Lincoln School, McPherson.

Boys, age 10–12, Division I:

1. Russell Burdette, 18.0; Emporia.

2. Donald Huff, 18.9; McPherson Co. ARC, McPherson.

3. Randy Porter, 20.0; Reno Co. ARC, Hutchinson.

Boys, age 13–15, Division IV:

1. Jamie Oliver, 36.3; Derby.

2. Jimmy Smith, 53.1; Peru.

Boys, age 13–15, Division III:

1. Norman Korbe, 15.0; McPherson Co. ARC, McPherson.

2. Curtis Balzer, 18.1; McPherson Co. ARC, McPherson.

3. David Davidson, 20.0; McPherson Co. ARC, McPherson.

Boys, age 13–15, Division II:

1. Rocky Cole, 15.6; Reno Co. ARC, Hutchinson.

2. Nelson Taylor, 17.0; Lakemary, Paola.

3. Billy Davis, 22.5; Reno Co. ARC, Hutchinson.

Boys, age 13–15, Division I:

1. Dwight Asher, 19.6; Wichita Public Schools.

Boys, age 16–18, Division IV:

1. Ronnie Huff, 17.1; McPherson Co. ARC, McPherson.

2. Curtis Allen, 21.5; Derby.

3. Dick Spaulding, 24.4; Kansas City ARC, Kansas City.

Boys, age 16–18, Division III:

1. Michael Wade, 16.4; Parsons St. Hosp., Parsons.

2. Danny Goves, 19.6; Lakemary, Paola.

3. Jackie Crump, 21.0; Parsons St. Hosp., Parsons.

Boys, age 16–18, Division I:

1. David Knott, 14.5; Wichita Public Schools.

Boys, age 16–18, Division II:

1. Robert Carey, 15.3; Parsons St. Hosp., Parsons.

2. Rick Schultz, 16.1; Lakemary, Paola.

3. Carl Akin, 16.6; Parsons St. Hosp., Parsons.

Boys, age 19+ Division II:

1. Fred McKinnis, 22.6; KNI, Topeka. Jerry Nelhaus 22.6; Topeka ARC, Topeka.

2. Donny Anders, 25.7; Topeka ARC, Topeka.

3. George Custenborder, 25.8; Topeka ARC, Topeka.

Boys, age 19+Division II:

1. Rick Phares, 17.0; Lakemary, Paola.

2. Roland Stielow, 18.5; Emporia.

Boys, age 19+ Division III:

1. Craig Frazier, 16.6; Jo. Co. MR Center, Overland Park.

2. Ben Bearly, 19.1; Jo. Co. MR Center, Overland Park.

3. Ray Shellor, 22.8; Norton St. Hosp., Norton.

VIII. SWIMMING—50-YARD FREESTYLE

Boys, age 13–15, Division I:

1. Norman Korbe, 45.5; McPherson Co. ARC, McPherson.

2. Dwight Asher, 45.7; Wichita Public Schools.

Boys, age 16–18, Division III:

1. Danny Goves, 43.7; Lakemary, Paola.

2. Dennis Pointelin, 46.9; Kansas City ARC, Kansas City.

3. Jackie Crump, 47.0; Parsons St. Hosp., Parsons.

Boys, age 16–18, Division II:

1. Tom Svenram, 36.9; McPherson ARC, McPherson.

2. Mike Haynes, 37.3; Holy Family, Wichita.

Boys, age 16–18, Division I:

1. Glen Underwood, 33.5; Holy family, Wichita.

2. Carl Akin, 43.0; Parsons St. Hospital, Parsons.

Boys, age 19+, Division IV:

1. Larry Herman, 58.6, Emporia.

2. Roy Stielow, 107.5, Emporia.

Boys, age 19+, Division III:

1. Robert Jones, 55.0, Emporia.

2. Fred McKinnis, 59.8, KNI, Topeka.

Boys, age 19+, Division II:

1. Ray Shellor, 50.2, Norton St. Hospital, Norton.

IX. SWIMMING—25-YARD BACKSTROKE

Boys, age 10–12, Division IV:

1. Mark Shipley, 39.5, Reno Co. ARC Hutchinson.

Boys, age 13–15, Division III:

1. Curtis Balzer, 21.8 McPherson Co. ARC, McPherson.

Boys, age 13–15, Division IV:

1. Rick Janssen, 20.8, McPherson ARC, McPherson.

Boys, age 16–18, Division II:

1. Michael Wade, 23.1 Parsons St. Hospital, Parsons.

Boys, age 16–18, Division I:

1. Robert Carey, 19.4, Parsons St. Hospital, Parsons.

2. Rick Schultz, 19.8, Lakemary, Paola.

3. Rick Phares, 22.0, Lakemary, Paola.

Boys, age 19+, Division I:

1. John Wright, 30.7; Emporia.

Boys, age 19+, Division II:

1. Lon Swenson, 32.0; Emporia.

X. SWIMMING—50-YARD FREESTYLE RELAY

Boys, age 10–12, Division II:

1. Randy Porter, 47.6; Reno Co. ARC, Hutchinson.

Boys, age 13–15, Division III:

1. Nelson Taylor, 41.5; Lakemary, Paola.

XI. SWIMMING—100-YARD FREESTYLE RELAY

1. Rick Schultz, 1:09; Rick Phares, Danny Goves, Nelson Taylor; Lakemary, Paola.

1. Jackie Crump, 1:09; Mike Wade, Robert Carey, Carl Aikins, Parsons St. Hosp., Parsons.

2. David Davidson, 1:10; Curtis Blazer, Norman Korbe, Rick Janssen, McPherson ARC, McPherson.

3. Tom Svenram, 1:14; Ronnie Huff, Miles Hoffman, Reyn Redger, McPherson ARC, McPherson.

XII. SWIMMING—SPECIAL SWIM

1. Pat Underwood, 2:20; Norton St. Hosp., Norton.

I. BOWLING —MALE

Boys, age 8–9, Division I:

No entries.

Boys, age 8–9, Division II:

1. Gordon Barr, 252; Saline Co. ARC, Salina.

2. Lyle Stephens, 221; Salina Co. ARC, Salina.

Boys, age 10–12, Division I:

1. Zoltan Csendes, 312; Reno Co. ARC, Hutchinson.

2. Ricky Wallace, 298; Reno Co. ARC, Hutchinson.

3. Jim Keller, 282; Saline Co. ARC, Salina.

Boys, age 10–12, Division II:

1. Kelley Minks, 609; Pratt.

2. Bill Erdman, 314; Pratt.

3. Harold Brooks, Jr., 310; Peabody.

Boys, age 13–15, Division I:

1. Dennis Knott, 592; Wichita Public Schools.

2. Ricky Purvis, 582; Reno Co. ARC, Hutchinson.

3. Mike Montgomery, 569; Topeka ARC, Topeka.

Boys, age 13–15, Division II:

1. Steven Jansen, 605; Pratt.

2. Wayne Bishop, 603; Pratt.

3. Kevin O'More, 580; Pratt.

Boys, age 16–18, Division I:

1. Leonard Arveson, 603; Junction City.

2. David Knott, 590; Wichita Public Schools.

3. Ray Schmeidler, 582; Wichita Public Schools.

Boys, age 16–18, Division II:

1. Dick Spaulding, 631; Kansas City ARC, Kansas City.

2. Wesley Stiner, 598; Emporia.

3. Mike Okeson, 585; Atwood.

Boys, age 19+, Division I:

1. Clifford Harger, 665; Lenexa.

2. Gailen Furman, 612; Reno Co. ARC, Hutchinson.

3. Donald Puckett, 604; Lenexa.
Roland Stielow, 604; Emporia.

Boys, age 19+, Division II:

1. Loy Harper, 611; Topeka ARC, Topeka.
Raymond Davis, 611; Saline Co. ARC, Salina.

2. Mike Fanning, 586; Norton St. Hosp., Norton.

3. Ivan Lutz, 571; Saline Co. ARC, Salina.

II. BOWLING—FEMALE

Girls, age 8–9, Division II:

1. Grinda Stout, 222; Pratt.

Girls, age 10–12, Division II:

1. Linda Mason, 277; Junction City.

2. Brenda Spunaugle, 253; Saline Co. ARC, Salina.

3. Jacque Shelman, 246; Pratt.

Girls, age 13–15, Division I:

1. Teresa Walker, 610; Wichita.

2. Laura Griswold, 522; Holy Family, Wichita.

3. Anne Marie Gravatt, 511; Saline Co. ARC, Salina.

Girls, age 13–15, Division II:

1. Debbie Stout, 566; Pratt.

2. Debbie Presley, 562; Junction City.

3. Mary E. Fritz, 560; Wichita Public Schools.

Girls, age 16–18, Division I:

1. Connie Avers, 600; Reno Co. ARC, Hutchinson.

2. Sue Clark, 593; Reno Co. ARC, Hutchinson.

3. Donna Harvey, 575; Reno Co. ARC, Hutchinson.

Girls, Age 16–18, Division II.

1. Clara Rush, 596; Wyandotte Co. ARC, Kansas City.

2. Janice Soverns, 543; Kansas City ARC, Kansas City.
3. Deborah Johnson, 540; Saline Co. ARC, Salina.

Girls, age 19+, Division I:
1. Debbie Reed, 633; Reno Co. ARC, Hutchinson.
2. Margaret Ash, 606; Saline Co. ARC, Salina.
3. Susan Baker, 604; Wichita.

Girls, age 19+, Division II;
1. Jane Knight, 596; Wichita.
2. Marilyn Quested, 582; Saline Co. ARC, Salina.
3. Kathleen Hughes, 579; Saline Co. ARC, Salina.

I. SKATING—MALE (SPEED)

Boys, age 10–12, 330 yard:
1. Mike Sweger, 48.6; Wichita Public Schools.

Boys, age 13–15, 440 yard:
1. Danny Moss, 1:14.0; Topeka Public Schools.
2. Frank Lander, 1:20.9; Holy Family, Wichita.
3. Jeff Chairs, 1:22.4; Wichita.

Boys, age 16–18, 660 yard:
1. Jack Gurley, 1:41.4; Holy Family, Wichita.
2. Jim Read, 3:13.2; KNI, Topeka.
3. Jim Chapman, 3:54.0; KNI, Topeka.

Boys, age 19+, 660 yard:
1. Randall Buchanan, 2:09.0; Norton St. Hosp., Norton.
2. Steve Collins, 2:09.6; Winfield.

II. SKATING—FEMALE (SPEED)

Girls, age 10–12, 330 yard:
1. Shirley Dean, 1:10.9; Wichita Public Schools.
2. Kim Smith, 1:12.1; Wichita Public Schools.
3. Loretta Eves, 1:22.7; Rice Co. Special Ed.

Girls, age 13–15, 440 yard:
1. Janet Walker, 1:12.6; Wichita Public Schools.
2. Teresa Walker, 1:18.8; Wichita Public Schools.
3. Sheryl Weast, 1:39.0; Wichita Public Schools.

Girls, age 16–18, 660 yard:
1. Connie Christie, 2:23.0; Pratt.
2. Brenda Taylor, 2:39.1; Wichita Public Schools.

Girls, age 19+, 660 yard:
1. Ruth Lange, 2:38.1; Winfield.

III. SKATING—MALE (LIMBO)

Boys, age 10–12:
1. Mike Sweger, 1' 6⅜"; Wichita Public Schools.

Boys, age 19+:
1. Steve Collins, 2'4"; Winfield.

Girls, age 13–15:
1. Janet Walker, 1' 6⅜"; Wichita Public Schools.

Girls, age 16–18:
1. Debora Miller, 1' 8½"; Wichita Public Schools.
2. Connie Christy 2'4"; Pratt.

Girls, age 19+:
1. Kathy Vanderver, 2'; Winfield.

I. TRACK—440 RELAY, FEMALE, DIVISION I

1. Topeka Assoc., Retarded Children, 67.6.
2. Reno Co. Assoc., Retarded Children, 67.8.
3. So. Central Kansas, 1, 68.7.

TRACK—440 RELAY, FEMALE, DIVISION II

1. Lakemary Center, Paola, 72.7; Norton State Hosp., Norton, 72.7.
2. Sheldon School, Topeka, 75.2.

II. TRACK—440 WALKING, FEMALE, DIVISION II

1. Beverly Wedgewood, 3:37; Pratt.
2. Mary Barrett, 3:39.5; Norton St. Hosp., Norton.
3. Mary Vanlandingham, 3:47.3; Pratt.

TRACK—440 WALKING, FEMALE, DIVISION I

1. Bonnie Simms, 2:34.2; Emporia.
2. Marie Sullivan, 3:11.8, Winfield.
3. Connie Gleason, 3:36.3, Emporia.

III. PENTATHLON—FEMALE

Girls, age 13–15, Division I:
1. J. Thomas, 14 points.
2. J. Lingo, 10 points.
3. K. Lennon, 6 points.

Girls, age 16–18, Division I:
1. K. Baker, 5 points.

Girls, age 19+, Division I:
1. B. Altenburg, 10 points.
2. B. Hostettler, 5 points.

IV. BASKETBALL FREE THROW—FEMALE

Girls, age 10–12, Division III:
1. Beverly Hill, 2/10; Kansas City Public Schools.

Girls, age 13–15, Division III:
1. Susie Alverado, 1/10; Emporia.

Girls, age 16–18, Division I:
1. Thilta Souter, 2/10; Pratt.

Girls, age 19+, Division I:
1. Coleen Galloup, 2/10; Wichita.
2. Lenona Stanfield, 1/10; Norton St. Hosp., Norton.

Girls, age 19+, Division II:
1. Margaret Ash, 2/10; Saline Co. ARC, Salina.
2. Mary Wolfe, 1/10; Lenexa.

Girls, age 19+, Division III;
1. Carol Williams, 3/10; Winfield St. Hosp., Winfield.
2. Patricia Austin, 0/10, Saline Co. ARC, Salina.

V. 2-YARD WHEELCHAIR

Girls, age 8–9, Division I:
1. Ronada Blanchett, 32 seconds; Dodge City ARC, Dodge City.

VI. STANDING LONG JUMP

Girls, age 8–9, Division I:
1. Renee Kelly, 2'10½"; Kansas City Public Schools.
2. Diane Boylen, 3'5¾"; Lawrence P & R.
3. Ruth LaMountain, 3'5⅛".

Girls, age 8–9, Division II:
1. Debbie Fallis, 3'4½"; Reno Co. ARC, Hutchinson.

Girls, age 8–9, Division III:
1. Karla Union, 3'6"; Kansas City Public Schools.
2. Margaret Tebbs, 2'6½"; Norton U.S.D.

Girls, age 10–12, Division I:
1. Sharon Small, 6'7¾"; Kansas City.
2. Winnouna Lannam, 5'9⅝"; Hutchinson.
3. Jeanine Brown, 5'; Paola.

Girls, age 10–12, Division II:
1. Laurie Ewing, 5'5¾"; Kansas City.
2. Barbara Fortin, 5'4"; Wichita.
3. Paula Herman, 5'1"; Wichita.

Girls, age 10–12, Division III:
1. Ellen Carlson, 4'6¼"; Kansas City.
2. Diane Mabie, 4'4"; Pratt.
3. Darlene LaMountain, 4'2"; Topeka.

Girls, age 10–12, Division IV:
1. Valerie Caddell, 4'9"; Wichita.
2. Roberta Hendel, 3'9"; Paola.
3. Lisa Jones, 3'7½"; Derby.

Girls, age 13–15, Division II:
1. Opal Deal, 5'8"; Oakley.
2. Dianna Bayless, 5'7"; Pratt.
3. Beth Rogers, 5'1"; Derby.

Girls, age 13–15, Division I:
1. Dana Judge, 5'11"; Topeka.
2. Janell Wallace, 5'8¼"; Parsons.
3. Teresa Boone, 5'2"; Derby.

Girls, age 13–15, Division III:
1. Ramona Schmitt, 5'9"; Horace Mann, Wichita.
2. Betty Mackey, 5'6½"; Starkley, Wichita.
3. Julie Wynn, 5'1¼"; Dodge City ARC, Dodge City.

Girls, age 13–15, Division IV:
1. Tina Forel, 3'9"; Parsons State Hosp., Parsons.
2. Brenda Smith, 3'1"; St. Mary's, Topeka.
3. Beverly Buchanan, 2'9"; Dodge City ARC, Dodge City.

Girls, age 16–18, Division II:
1. Elvie Pierce, 4'6½"; Parsons State Hosp., Parsons.
2. Peggy Seeney, 4'½"; St. Mary's, Topeka.

Girls, age 16–18, Division III:
1. Pam Runer, 4'2¼"; Parsons State Hosp., Parsons.
2. Dinah Turnbull, 4'½"; St. Mary's, Tokepa.
3. Dianna Schaich, 3'10".

Girls, age 16–18, Division IV:
1. Nancy Ashenfelter, 3'4"; Holy Family, Topeka.
2. Shelley Keeley, 3'1"; Dodge City ARC, Dodge City.
3. Shawn Green, 3'½"; Parsons State Hosp., Parsons.

Girls, age 19+, Division I:
1. Judy Kempker, 4'½"; Starkey, Wichita.
2. Corinna Stephenson, 4'11½"; Norton.
3. Janet Byrd, 3'2¾"; KNI, Topeka.

Girls, age 19+, Division II:
1. Linda Winfrey, 4'9½"; Winfield State Hosp., Winfield.
2. Sharon Yianakotulos, 4'6½"; Winfield State Hosp., Winfield.
3. Nancy Earrows, 3'10½"; Kansas City ARC, Kansas City.

VII. 50-YARD DASH—FEMALE

Girls, age 8–9, Division IV:
1. Tammy Creed, 10.2; Parsons State Hosp., Parsons.
2. Tena Horn, 10.5;Dodge City ARC, Dodge City.
3. Margaret Tebbs, 11.0; Norton USD No. 211, Norton.

Girls, age 8–9, Division III:
1. Teresa Sullivan, 9.3; Kansas City Public Schools, K.C.
2. Edith Pitts, 9.9; Reno Co. ARC, Hutchinson.

Girls, age 8–9, Division II:
1. Grinda Stout, 9.0;Pratt.

Girls, age 8–9, Division I:
1. Patricia Jones, 7.9; Kansas City Public Schools, K.C.
2. Diane Boylen, 8.3; Lawrence.
3. Renee Kelly, 8.7; Kansas City Public Schools, K.C.

Girls, age 10–12, Division I:
1. Jenine Brown, 7.4; Paola.
2. Barbara Fortin, 9.1; Wichita.

Girls, age 10–12, Division II:
1. Paula Herrman, 7.8; Hoxie.
2. Carolyn Bardwell, 7.9; Kansas City.
2. Ramona Tippins, 7.9; Kansas City.
2. Teresa Brown, 7.9; Reno Co., Hutchinson.
3. Ruth Ann Garner, 8.0; Topeka.

Girls, age 10–12, Division III:
1. Laurie Ewing, 8.1; Kansas City.
2. Patricia Lowery, 8.2; Kansas City.
3. Brenda Spunaugle, 8.6.

Girls, age 10–12, Division IV:
1. Valerie Cabbell, 7.8; Wichita.
2. Terri Schwalit, 8.4; Topeka.
3. Patricia Palmer, 8.5; Topeka.

Girls, age 13–15, division I:
1. Marcia Tremble, 7.6; A.N.W. Coop, Yates Center.
2. Pam Jackson, 8.1; Topeka P.S., Topeka.
3. Dona Misner, 8.2; Lawrence.

Girls, age 13–15, Division II:
1. Kathy Hughes, 7.5; Parsons State Hosp., Parsons.
2. Terri Escudero, 7.6; Goodland H.S., Goodland.
2. Irene Childs, 7.6; McPherson ARC, McPherson.
3. Opal Deal, 7.7; Oakley.

Girls, age 13–15, Division III:
1. Barbara Private, 8.0; Wichita Enterprise Group, Witchita.
2. Shawna Pittle, 8.3; Topeka P.S., Topeka.
3. Karen Oler, 8.4; Parsons State Hospital, Parsons.

Girls, age 13–15, Division IV:
1. Brenda Stark, 7.9; McPherson ARC, McPherson.
2. Kathy Southerds, 8.0; Reno Co. ORC, Hutchinson.

2. Beth Rogers, 8.0; Holy Family, Wichita.

3. Brenda Jackson, 8.1; Topeka ARC, Topeka.

Girls, age 16–18, Division I:

1. Pam Potte, 7.9; Holy Family, Wichita.

2. Marie Martinez, 7.9; Reno Co. ARC, Hutchinson.

Girls, 16–18, Division II:

1. Janet Haines, 7.6; Topeka ARC, Topeka.

2. Pam Runer, 7.8; Parsons State Hosp., Parsons.

3. Debbie Isaacs, 7.9; Dodge City ARC, Dodge City.

Girls, 16–18, Division III:

1. Mary Yardley, 7.3; Parsons State Hosp., Parsons.

2. Linda Schreiner, 8.2; Pratt S. C., Pratt.

2. Clara Rush, 8.2; Kansas City S.E., K.C.

3. Debra Zimmerman, 8.3; Pratt.

Girls, age 19+, Division I:

1. Betty Jones, 7.8; Norton USD, #211, Norton.

2. Corrina Muir, 8.6; Parsons State Hosp., Parsons.

3. Anette Norman, 9.0; Winfield.

Girls, age 19+, Division II:

1. Judy Leiker, 8.2; Hays Ctr. Plains ARC, Hays.

2. Joanne Wheat, 8.9; Winfield.

3. Linda Winfrey, 9.3; Winfield.

Girls, age 19+, Division III:

1. Judy Harris, 8.7; Starkey, Wichita.

2. Beverly Gilbert, 8.8; Starkey, Wichita.

3. Judy Kempker, 8.9; Starkey, Wichita.

VIII. HIGH JUMP—FEMALE

Girls, age 13–15, Division I:

1. Rose Walker, 3'10''; Horace Mann Jr. High, Wichita.

2. Julie Cunningham, 3'8''; Reno Co. ARC, Hutchinson.

3. Betty MacKey, 3'8''; Horace Mann Jr. High, Wichita.

Girls, age 16–18, Division I:

1. Jannita Ozbun, 3'10''; Wichita.

2. Trella Konkel, 4'1''.

Girls, age 19+, Division I:

1. Sharon Yianakopulos, 2'10''; Winfield St. Hosp., Winfield.

2. Carol Weatherman, 2'8''; Norton State Hosp., Norton.

IX. 300 YARD RUN—FEMALE

Girls, age 8–9, Division I:

1. Patricia Jones, 59.1; K.C. Spec. Ed., Kansas City.

2. Karla Union, 1:01.9; K.C. Spec. Ed., Kansas City.

3. Lisa Edison, 1:10.5; K.C. Spec. Ed., Kansas City.

Girls, age 10–12, Division I:

1. Sharon Small, 48.1; K.C. Spec. Ed., Kansas City.

2. Shirley Dean, 49.2; Levy Spec. Ed., Wichita.

Girls, age 10–12, Division II:

1. Carolyn Bardwell, 51.2; K.C. Spec. Ed., Kansas City.

2. Patricia Lowery, 57.3; K.C. Spec. Ed., Kansas City.

3. Virginia Hansen, 1:04.0; Parsons State Hosp., Parsons.

Girls, age 10–12, Division III:

1. Teresa Brown, 51.5; Reno Co. ARC, Hutchinson.

2. Ruth Ann Garner, 52.0; Topeka Public Schools, Topeka.

3. Cindy Bishop, 54.7; Holy Family Ctr., Wichita.

Girls, age 13–15, Division I:

1. Carol Dye, 47.2; Parsons State Hosp., Parsons.

2. Charlene Mitchell, 54.2; K.C. Spec. Ed., Kansas City.

3. Kathy Hamlin, 1:11.2; Parsons State Hosp., Parsons.

Girls, age 13–15, Division II:

1. Karen Oler, 57.0; Parsons State Hosp., Parsons.

Girls, age 13–15, Division III:

1. Mary Alice Dugan, 1:03.0; Parsons State Hosp., Parsons.

2. Peggy Beasley, 1:03.0; Parsons State Hosp., Parsons.

3. Rosemary Dorr, 1:04.4; Wyandotte Co. Spec. Ed., K.C.

Girls, age 13–15, Division IV:

1. Brenda Parker, 50.3; Enterprise Group, Wichita.

2. Irene Childs, 53.4; McPherson ARC, McPherson.

3. Linda Borror, 56.0; Holy Family Center, Wichita.

Girls, age 16–18, Division I:

1. Janet Haines, 46.8; Topeka ARC, Topeka.

2. Carol Clelland, 49.0; Parsons State Hosp., Parsons.

3. Elvie Pierce, 53.4; Parsons State Hosp., Parsons.

Girls, age 16–18, Division II:

1. Karen Throne, 1:01.5; Parsons State Hosp., Parsons.

2. Melba Moran, 1:04.6; Parsons State Hosp., Parsons.

Girls, age 16–18, Division III:

1. Pam Cotts, 50.6; Holy Family Center, Wichita.

2. Ronda Reger, 50.7; McPherson ARC, McPherson.

3. Kathy Teter, 56.0; Holy Family Center, Wichita.

Girls, age 19+, Division I:

1. Corinda Muir, 57.4; Parsons State Hosp., Parsons.

2. Teresa Self, 58.1; Parsons State Hosp., Parsons.

3. Sandra Davidson, 59.0; Parsons State Hosp., Parsons.

Girl, age 19+, Division II:

1. Shirley Snodgrass, 1:03.9; KNI, Topeka.

2. Joan Duree, 1:10.7; Parsons State Hosp., Parsons.

Girls, age 19+, Division III:

1. Ruth Lange, 1:01.0; Winfield State Hosp., Winfield.

2. Karla Edge, 1:08.9; Topeka ARC, Topeka.

X. WHEELCHAIR SOFTBALL THROW—FEMALE

Girls, age 13–15, Division I:

1. R. Blanchett, 12'4''; Marion.

2. S. Mock, 10'11''; Lakin.

3. M. Brown, 7'6''; Sheldon Elem. School, Topeka.

Girls, age 16–18, Division I:

1. M. Rohrig, 10'2''; Marion.

XI. SOFTBALL THROW—FEMALE

Girls, age 8–9, Division I:

1. Ruth LaMountain, 78'2''; Sheldon Elem. School, Topeka.

2. Carman Smith, 50'4''; Topeka Public Schools, Topeka.

3. Nancy Erksin, 31'1½'.

Girls, age 8–9, Division II:

1. Pam Sunley, 34'5''; Hays Ctr. ARC, Hays.

2. Edith Tipps, 20'6''; Reno Co. ARC, Hutchinson.

Girls, age 10–12, Division I:

1. Elizabeth Luton, 100'3''; Parsons State Hosp., Parsons.

2. Joanne O'Donnell, 72'8''; Lake Mary Center, Paola.

Girls, age 10–12, Division II:

1. Ylonda Young, 104'5''; K.C. Spec. Ed., Kansas City.

2. Lydia Morgan, 84; K.C. Spec. Ed., Kansas City.

3. Naomi Kelly, 81'8''; K.C. Spec. Ed., Kansas City.

Girls, age 10–12, Division III:

1. Mary Lake, 47'4''; Parsons State Hosp., Parsons.

2. Loretta Eves, 47'1''; Rice Co. Spec. Ed., Lyons.

3. Ellen Carlson, 45'8''; K.C. Spec. Ed., Kansas City.

Girls, age 13–15, Division I:

1. Barbara Private, 122'11''; Wichita P.S., Wichita.

2. Carol Dye, 118'7½''; Parsons State Hosp., Parsons.

3. Shanwna Pittle, 115'6½''; Topeka P.S., Topeka.

Girls, age 13–15, Division II:

1. Janelle Wallace, 106'7''; Parsons State Hosp., Parsons.

2. Barbara Fitzgerald, 83'7''; Dodge City ARC, Dodge City.

3. Kathy Hughes, 80'4½''; Parsons State Hosp., Parsons.

Girls, age 13–15, Division III:

1. Cindy Klassen, 72'4½''; McPherson ARC, McPherson.

2. Rose Todd, 62'6''; Jardine Jr. High, Wichita.

3. Patty Lamonds, 54'8½''; Rice Co. Spec. Ed., Lyons.

Girls, age 13–15, Division IV:

1. Terri Escueero, 74''7½''; Goodland High School, Goodland.

2. Judy Melcher, 59'1½''; Topeka ARC, Topeka.

3. Peggy Beasley, 47'; Parsons State Hosp.; Parsons.

Girls, age 16–18, Division I:

1. Brenda Taylor, 113'10''; Wichita P.S., Wichita.

2. Carol Clelland, 93'10''; Parsons State Hosp., Parsons.

3. Gail Monroe, 81'4.5''; Lyons.

Girls, age 16–18, division II.

1. Teena Stone, 92'4''; Pratt.

2. Cathy Peter, 91'7''; Holy Family Center, Wichita.

3. Debbie Isaacs, 88'4.5''; Dodge City.

Girls, age 16–18, Division III:

1. Rhonda Redger, 71'6''; McPherson.

2. Carla Aimes, 68'3''; Derby.

3. Dianna Schaich, 60'11''; Parsons State Hosp., Parsons.

Girls, age 16–18, Division IV:

1. Betty Neufeld, 54'8.5''; McPherson.

2. Dinah Turnbull, 50'1''; St. Mary's.

3. Cheryl Floop, 48'7''; Emporia.

Girls, age 19+, division II:

1. Kathy Sames, 88'3''; Winfield.

2. Sarah Hammond, 76'3''; Emporia.

3. Corinna Stephenson, 63'1''; Norton.

Girls, age 19+, Division I:

1. Susan Baker, 90''; Wichita.

2. Pam Greenman, 89'2''; Wichita.

3. Betty Jones, 84'9''; Norton.

Girls, age 19+, Division III:

1. Judy Harris, 49'3½''; Wichita.

2. Reva Williams, 48'3''; Winfield.

3. Betty Miller, 42'4½''; Winfield.

XII. 440 YARD RELAY—MALE

Boys, Division I:

1. Parsons State Hosp., 52.0.

2. Holy Family Center, 55.0.

3 Wichita Public Schools, 55.6.

Boys, Division II:

1. E. Topeka, 63.7.

2. Marshall Co. ARC, 64.0

3. S. Central Kansas No. 1, 64.4.

XIII. 440 YARD WALK—MALE

Boys, open , Division I.

1. Terry Hammerschmidt, 2:19.4; Hays.

2. Harold Baldwin, 2:31.6; Norton.

3. Wesley Tuttle, 2:33.6; Hays.

XIV. PENTATHLON—MALE

Boys, age 13–15, Division I:

1. D. Thompson, 12 points.

2. G. McDonald, 11 points.

3. J. Osburn, 7 points.

Boys, age 16–18, Division I:

1. E. Johnson, 27 points.

2. C. Levalley, 23 points.

3. M Heyen, 17 points.

XV. WHEEL CHAIR RACE 25 YARD—MALE

Boys, age 10–12, Division I:

1. Wendall Bean, 1:38.6; Winfield State Hosp., Winfield.

Boys, age 13–15, Division I:

1. Pat Kane, 18.7; Wyandotte Co. Spec. Ed., K.C.

2. Craig Vidrois, 53.5; Winfield State Hosp., Winfield.

Boys, Age 19+, Division I:

1. Henry Waymire, 8.3; Levy Spec. Ed. Ctr., Wichita.

2. Doc Smith, 50.3; Winfield State Hosp., Winfield.

XVI. BASKETBALL FREE THROW—MALE

Boys, age 10–12, Division I:
1. Steve Smith, 4 out of 15.
2. Tim Dodd, 3 out of 15.
Boys, Age 10–12, Division II:
1. Kelvin Quinn, 3 out of 15.
2. Marvin Loob, 0 out of 15.
Boys, Age 13–15, Division I:
1. R. Powen, 3 out of 15.
2. C. Adams, 2 out of 15.
Boys, Age 13–15, Division II:
1. S. Shrag, 8 out of 15.
2. E. Garzio, 1 out of 15.
Boys, Age 13–15, Division III:
1. R. Williams, 8 out of 15.
2. S. Paine, 4 out of 15.
3. M. Lopez, 4 out of 15.
Boys, Age 16–18, Division I:
1. C. Duft, 2 out of 15.
2. T. Dixon, 1 out of 15.
3. V. Powers, 0 out of 15.
Boys, Age 16–18, Division II:
1. M. Qoeson, 6 out of 15.
2. P. Bennett, 3 out of 15.
3. R. Briley, 1 out of 15.
Boys, Age 16–18, Division III:
1. E. Legliefer, 6 out of 15.
2. K. Warner, 4 out of 15.
3. R. Baxter, 4 out of 15.
Boys, age 19+, Division I:
1. J. Weishaer, 9 out of 15.
2. E. Ford, 6 out of 15.
3. C. Watkins, 5 out of 15.
Boys, age 19+, Division II:
1. J. Miller—9 out of 15.
2. S. Kever, 5 out of 15.
3. D. Brent, 4 out of 15.
Boys, age 19+, Division III:
1. T. Timmons, 5 out of 15.
2. D. Roseman, 5 out of 15.
3. M. Crothers, 4 out of 15.

XVII. STANDING LONG JUMP—MALE

Boys, age 8–9, Division I:
1. Jerry Evans, 5'0".
2. Victory Ellis, 4'9".
3. Doug Landon, 4'8½".
Boys, age 8–9, Division II:
1. Kevin Stephenson, 4'3½".
2. Edward Nelson, 4'3".
3. Bobby Cornely, 3'11".
Boys, age 8–9, Division III:

1. Phillip Moore, 4'3"¾; Lake Mary Center, Paola.

2. Curtis Pfitzer, 2'11¾"; K.C. Public Schools, Kansas City.

3. Byron Barnhill, 2'3¾"; Central Park, Topeka.

Boys, age 10–12, Division I:
1. H. Shomaker, 4'10".
2. J. Goudy, 4'9".
Boys, age 10–12, Division IV:
1. K. Minks, 5'2".
2. R. Flaming, 4'9".
3. B. Jones, 4'1½".
Boys, age 10–12, Division II
1. James Colby, 5.10½".
2. Curtis Sykes, 5'6¾"
3. Leslie Hall, 5'5¾".
Boys, age 10–12, Division III:
1. I. Wolfgang, 5'1½".
2. J. Barrett, 4'11".
3. S. Brown, 4'9".
Boys, age 10–12, Division V:
1. David Kellog, 5'2".
2. David Cromwell, 4'4".
3. Gary Walk, 4'1".
Boys, age 13–15, Division II:
1. Rocky Cole, 6'2".
2. Tracy Swanson, 6'.
3. Wave Garner, 5'7".
Boys, age 13–15, Division V:
1. D. Webster, 5'1¼".
2. P. Neeley, 4'¼".
3. D. Shiftod, 3'7¼".
Boys, age 13–15, Division IV:
1. Ken Maurer, 5'7".
2. Jim Tucker, 5'.
3. Roy Clifford, 4'9".
Boys, age 16–18, Division I:
1. Phil Henderson, 8'6"; Goodland.

2. Richard Morris, 7'5½"; Parsons State Hospital, Parsons.

3. Mark Jacobs, 7'5"; Wyandotte Co. Spec. Ed., Kansas City.

Boys, age 16–18, Division II:

1. George Chambers, 5'7"; Reno Co. ARC, Hutchinson.

2. Phil Dodge, 5'4"; Reno Co. ARC, Hutchinson.

3. Frank Van Hoot, 4'5"; Kansas City ARC, Kansas City.

Boys, age 16–18, Division III:

1. Herman Gibson, 6'4"; Oakley Public School, Oakley.

2. Burton Emery, 5'11¼"; Topeka Public Schools, Topeka.

3. Robert French, 5'9¼"; Parsons State Hospital, Parsons.

Boys, age 19 plus, Division I:
1. A. Dwire, 6'11".
2. R. Edelman, 6'4".
3. G. McKenzie, 6'3".
Boys, age 19 plus, Division II:
1. Shannon Woolsey, 6'5".
2. Aloin Lang, 5'8".
3. Robert Jones, 5'3¼".
Boys, age 19 plus, Division III:
1. C. Mohan, 6'.
2. G. Cooper, 5'10".
3. R. Brooks, 5'2".
Boys, age 19 plus, Division IV:
1. Donald Puckett, 4'11".
2. Ken Goodwin, 4'9½".
3. Bill Young, 4'7".

XVIII, 50 YARD DASH—MALE

Boys, age 8–9, Division I:
1. Victor Ellis, 8.0.
2. David Hilt, 8.3.
3. Phil Moore, 8.4.
Boys, age 8–9, Division II:
1. Daren Henderson, 8.6.
2. Jerry Reed, 8.7.
3. David Mackie, 8.8.
Boys, age 8–9, Division III:
1. Robert Parker, 8.3.
2. Ronnie Jenson, 9.5.
3. Galen Kern, 9.7.
3. Jim Tune, 9.7.
Boys, age 10–12, Division I:
1. Mike Smith, 7.3.
2. Kelvin Johnson, 7.4.
2. Felix Wilson, 7.4.
3. Mike Kincaid, 7.45.
Boys, age 10–12, Division III:

1. Ricky Overbaugh, 7.5; K.C. Public Schools, Kansas City.

2. Anthony Wilson, 7.7; K.C. Public Schools, Kansas City.

3. Leroy Soverns, 7.8; K.C. Public Schools, Kansas City.

Boys, age 13–15, Division I:
1. Dennis Day, 6.6.
2. Emanual Young, 7.0.
3. Keith Hearn, 7.2.
Boys, age 13–15, Division II:
1. Jack Hall, 6.9.
2. Rudy Thomas, 7.0.
3. Lee Rodgers, 7.0.
Boys, age 13–15, Division III:
1. Lamel Adams, 7.3.
2. Ronnie Marshall, 7.4.
3. Wave Garner, 7.5.
Boys, age 13–15, Division IV:
1. Mark Gillette, 6.6.
2. Rick Jonssen, 6.8.
3. Don Crewley, 7.3.
Boys, age 16–18, Division I:
1. Phil Henderson, 5.7.
2. Sam Bardenaire, 6.5.
3. Sandy Quinn, 6.7.
Boys, age 16–18, Division II:
1. Mike Mcintosh, 6.5.
2. Jess Moore, 6.6.
2. Robert Cotton, 6.6.
2. Ronnie Huff, 6.6.
3. Leroy Mcelroy, 6.7.
Boys, age 16–18, Division III:
1. Butch Medovich, 7.1.
1. Eddie Parks, 7.1.
2. Phillip Dodge, 7.4.
3. Steve Becker, 7.5.
3. Steve Barnhill, 7.5.
Boys, age 16–18, Division IV:
1. Dennis Pointelin, 7.2.
2. John Warner, 7.5.
3. Ben Geers, 7.7.
Boys, age 19+, Division I:
1. Arlon Waber, 7.0; KNI—Topeka.
2. Willie Joe Kennedy, 7.1; KNI—Topeka.
3. James Ulery, 7.2; Winfield.
Boys, age 19+, Division II:
1. Daniel Watkins, 6.9; Plainville.
2. Ernest Ford, 7.1; Lenexa.
3. Bobby Heard, 7.2; Norton.
3. James Loranze, 7.2; Starkey-Wichita.
3. David Boese—Parsons.
Boys, age 19+, Division III:
1. Avon Smith, 7.0; Newton.
2. Jesse Graham, 7.3; Winfield.

3. Doug Scarbrough, 7.7; Topeka ARC—Topeka.

Boys, age 19+, Division IV:
1. Robert Basett, 6.8; Norton.
2. Benito Carbello, 7.7; Hays.
3. Alvin Rieker, 8.2; KNI, Topeka.

XIX. HIGH JUMP—MALE

Boys, age 13–15, Division I:

1. Mark Gillette, 4'9"; Wichita Public Schools, Wichita.

2. Rudy Thomas, 4'6"; Wichita Public Schools, Wichita.

3. Sonny Mackey, 4'6"; Wichita Public Schools, Wichita.

Boys, age 16–18, Division I:
1. Jerome Banks, 5'8-½".
2. Billy Van Campen, 5'4".
3. Raymond Schmeidler, 5'4".

XX. 300-YARD RUN—MALE

Boys, age 8–9, division I:

1. Leonard Thomas, 54.0; K. C. Spec. Ed., Kansas City.

2. David Hilt, 59.5; Reno Co. ARC, Hutchinson.

3. Donnie Luton, 59.7; Parsons State Hosp., Parsons.

Boys, age 8–9, Division II:

1. David Mackie, 69.0; K.C. Spec. Ed., Kansas City.

Boys, age 8–9, Division III:

1. Robert Parker, 54.0; Levy Spec. Ed. Center, Wichita.

2. Reginald Sipple, 54.9; K.C. Spec. Ed., Kansas City.

3. Augustine Gomez, 1:04.1; K.C. Spec. Ed., Kansas City.

3. Terry Couton, 1:04.1; Whitson Elem. Scho., Topeka.

Boys, age 10–12, Division I:
1. Felix Wilson, 46.7.
2. Ronnie Wilson, 51.8.
Boys, age 10–12, Division II:
1. Alrick Braxtion, 47.8.
2. Mark Mansker, 50.2.
3. David Cope, 50.5.
Boys, age 13–15, Division I:

1. Alonzo Smith, 44.0; Parsons State Hosp., Parsons.

2. Darrin Seeger, 57.9; Reno Co. ARC, Hutchinson.

3. Bill Bradfield, 105.8; Lake Mary Center, Paola.

Boys, age 13–15, Division II:
1. Greg Manning, 42.7; Truesdell, Wichita.
2. Sean Rork, 43.3; Topeka ARC, Topeka.

3. Ronnie Marshall, 43.5; Parsons State Hosp., Parsons.

Boys, age 13–15, Division III:
1. Ken Carson, 41.5.

2. Charles Quinn, 46.1; Wyandotte Spec. Ed., Kansas City.

3. Micky Algaier, 46.4; Parsons State Hosp., Parsons.

Boys, age 13–15, Division IV:
1. Lee Rogers, 42.6; Oakley.

2. Ronnie Bennett, 43.7; Topeka Public Schools, Topeka.

3. Ricky Powers, 44.0; Sedan.
Boys, age 16–18, Division I:
1. Robert Edwards, 39.8.
2. George Chambers, 40.9.
3. Carl Tull, 41.2.
Boys, age 16–18, Division II:
1. Robert Cotton, 40.2.
2. Bob Horesky, 40.3.
3. Sandy Quinn, 41.4.
Boys, age 16–18, Division III:
1. Joell Gurley, 40.1.
2. Tim Beckwith, 40.4.
3. Tom Suenram, 40.9.
Boys, age 19+, Division I:
1. Larry Beverly, 46.2; Norton State Hospital, Norton.
Boys, age 19+, Division II:
1. David Boese, 42.0; Parsons State Hosp., Parsons.
2. Arlan Weber, 48.6; KNI, Topeka.
3. Rodney Hughey, 49.9; KNI, Topeka.
Boys, age 19+, Division III:
1. Robert Murphy, 42.5; Shannon, Emporia.
2. Terry Thomas, 45.0; Hays ARC, Hays.
3. Steve Bulk, 46.0; Topeka ARC, Topeka.
Boys, age 19+, Division IV:
1. H. Morris, 48.0; Topeka ARC, Topeka.
2. Jerry Snook, 49.5; Shannon, Emporia.
Boys, age 19+, Division III:
1. Bobbie Johnson, 43.6; Norton State Hosp., Norton.
2. Mike Cowell, 44.1; Norton State Hosp., Norton.
3. Bobbie Heard, 45.9; Norton State Hosp., Norton.
Boys, age 19+, Division IV:
1. Chuck Alexander, 102; Norton State Hosp., Norton.

XXI. SOFTBALL THROW—MALE

Boys, age 8–9, Division I:
Mark Hedberg, 88'8½".
2. D. Feilder, 83'10".
Boys, age 8–9, Division II:
1. R. Jensen, 78'11".
2. J. Reed, 76'7".
3. G. Addis, 70'11".
Boys, age 8–9, Division III:
1. G. Illiard, 104'8".
2. G. Kern, 97'2".
3. J. Bouton, 76'2".
Boys, age 8–9, Division IV:
1. Ricky Castetter, 53'¼".
2. Mike Werth, 48'1¼".
3. Curtis Pfitzer, 38'9¼".
Boys, age 10–12, Division I:
1. Kelvin Johnson, 159'5"; Parsons State Hosp., Parsons.
2. Mark Mansket, 154'1"; K.C. Public Schools, Kansas City.
3. Anthony Wilson, 142'2½"; K.C. Public Schools, Kansas City.
Boys, age 10–12, Division II:
1. George Bierthaler, 123'; S. Central Ks. Spec. Ed., Pratt.
2. Leaonard Duncan, 111'1"; Topeka Public Schools, Topeka.
3. David Cope, 109'6"; Derby.
Boys, age 10–12, Division III:
1. Donnie Ballman, 107'10"; Marshall Co. ARC, Marysville.
2. Mike Barett, 99'10"; Reno County ARC, Hutchinson.
3. Darrell Grove, 96'5"; Norton Schools, Norton.
Boys, age 10–12. Division IV:
1. Bill Erdman, 96'2½"; Pratt.
2. Galen Perting, 91'10"; Marshall Co. ARC, Marysville.
3. Cedrick Pletger, 89'4"; K.C. Public Schools, Kansas City.
Boys, age 13–15, Division I:
1. C. Morris, 209'11½".
2. D. Pierce, 183'6½".
3. A. Smith, 175'1½".
Boys, age 13–15, Division II:
1. T. Butcher, 147'.
2. D. Knott, 145'10".
3. K. Aden, 143'1".
Boys, age 13–15, Division III:
1. Loyd Allen, 135'3".
2. V. Ratzloff, 128'3".
3. D. Simmons, 113'9".
Boys, age 13–15, Division IV:
1. Dan Clair, 130'11¼"; Industrial Rehab., Lenexa.
2. Keith Hilliard, 119'9"; Peabody U.S.D., Peabody.
3. Kenneth Maurer, 115'7"; Oakley Public Schools, Oakley.
Boys, age 16–18, Division I:
1. J. Banks, 240'7"; Parsons State Hospital, Parsons.
2. Billy Vancampen, 237'4"; Reno Co. ARC, Hutchinson.
3. Richard Morris, 231'3"; Parson State Hospital, Parsons.
Boys, age 16–18, Division II:
1. Reynolds Redger, 166'4", McPherson.
2. Bob Horesky, 157'5"; Norton P.S., Norton.
3. Rodger Kraft, 151'5"; Parsons State Hosp., Parsons.
Boys, age 16–18, Division III:
1. Clarence Catt, 125'5½"; Topeka P.S., Topeka.
2. Curtis Allen, 115'2¼"; Derby.
3. Frank Van Hoet, 108'11"; K.C. ARC, Kansas City.
Boys, age 19 plus, Division I:
1. Dave Saunstaire, 190'.
2. Jack Gore, 174'10".
3. Joe Petry, 143'7".
Boys, age 19 plus, Division II:
1. Tom Burch, 170'.
2. Jim Lorance, 142'4".
3. Merrill Maddy, 137'.
Boys, age 19 plus, Division III:
1. Billy Ray Young, 119'5".
2. Paul Pool, 116'8".
3. Claude McGee, 114'1".
Boys, age 19 plus, Division IV:
1. David Kever, 93'.
2. Larry Moler, 90'.
3. Thomas Patterson, 77'.

XXII. WHEEL CHAIR SOFTBALL THROW—MALE

Boys, age 10–12, Division I:
1. W. Bean, 8'1"; Sheldon Elem. School, Topeka.
Boys, age 13–15, Division I:
1. C. Vidrois, 21'5"; Goodland.
2. P. Kane, 12'0"; Lakin.
Boys, age 19 plus, Division I:
1. D. Smith, 5'6"; Lakin Grade School, Lakin.

XXIII. MEN'S BOWLING

Boys, age 19+, Division I:
1. Henry Waymire, Top Score, Wichita.

XXIV. BOYS MILE RUN—MALE

Boys, age 19+, Division I:
1. Timothy Webb, 5:59.5; Wichita High West, Wichita.
2. James Ulery, 6:07.2; Winfield.
3. Jerry Foster, 6:24.9; Marshall Co. ARC, Marysville.

Mr. DOLE. Mr. President, a great deal of effort went into making the 1973 Kansas Special Olympics a success. I commend all those who participated and who volunteered their services.

THE DROUGHT IN AFRICA

Mr. HUMPHREY. Mr. President, today the Africa Subcommittee held hearings on the catastrophic drought in West Africa.

The subcommittee examined the human and economic dimensions of the crisis, the adequacy of international relief assistance and the effectiveness of international coordination in this relief effort. We were greatly reassured by the testimony of Mr. David D. Newsom, Assistant Secretary of State for African Affairs and Mr. Donald S. Brown, Deputy Assistant Administrator, Bureau of Africa, Agency for International Development.

I am pleased that State Department, AID, and the Department of Agriculture are working on this serious problem. However, it appears from the testimony today that the crisis is growing more and more severe and that a significant increase in assistance may soon be necessary.

It will also take massive long-term assistance to enable these extremely poor countries to recover from 4 years of drought.

I want the administration to know that I will be following this matter closely to make sure we are doing our part in the relief and revitalization of these areas.

Mr. President, I ask unanimous consent that my opening statement, the statements of Mr. Newsom and Mr. Brown, and William Raspberry's article from today's Washington Post on this issue be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Opening Statement of Senator Hubert H. Humphrey

Six nations in West Africa are suffering a catastrophic drought.

The situation there has been described by U.N. Secretary-General Waldheim as "every bit as serious as the famine situation in Bangladesh last year."

We have seen the pictures of suffering and devastation.

We have been told of starving migrants in search of food, their animals and crops dead. We have read the statistics of economic disaster in six of the poorest countries of the world. Together, they tell a story as tragic as any of the disasters of the past decade.

First, let us look at the human dimensions of the crisis.

The FAO fact-finding team estimated that at least five and possibly ten million people are threatened by starvation—that two million could face starvation in the next few weeks.

There are between 25 and 30 million people living in this area. Even in the best of times, many of them live on the edge of starvation. Now, further weakened by the food shortage, they are highly vulnerable to epidemics such as the current outbreaks of measles.

Many of these people live in areas which are extremely hard to reach under the best conditions. The rains which started this month will make these areas totally inaccessible to ground transport. Unless some other way is found of getting food to the inhabitants, millions will die of starvation.

Thousands of people have left their homes in search of food and water. Whole villages have been deserted—or left to the care of those too weak to travel. Villages have become cities overnight, bordered by starving migrants waiting to be fed.

Migrations of people and cattle have caused overgrazing in the areas where there is still water and violent clashes between the owners of the land and the newcomers.

Farmers have left their lands and will not return in time to plant crops for the next harvest—even if the rains do return to their normal level. The hunger will continue.

Second, the economic dimension:

These countries, whose economies are primarily agricultural and pastoral, have suffered four years of drought. Rainfall this year was in some countries only 30% of its normal level. The wells have dried up in many areas. The rivers did not flood. The salt content of inland waters is unusually high. Lake Chad, the richest fishing lake in the world, has shrunk to ⅓ its normal size.

Depending on the country, between 33% and 80% of the cattle have died.

The zebu cattle that remain have been moved south into areas ridden with diseases to which they have no immunity.

Every attempt is made to slaughter cattle before they die; but meat smoking and storage facilities are inadequate. Most of the meat goes to waste.

It will take years to rebuild the herds—and will require healthy breeding stock which does not now exist. Calves compete with starving people for milk. Pregnant cows are slaughtered by owners who need money to live.

Farmers have planted as many as seven times without harvesting a single crop. Production of the basic food crops and the export crops needed to import food has fallen by thirty to eighty percent.

Food reserves in these countries are completely exhausted.

Government revenues and foreign exchange reserves have fallen drastically.

With normal per capita incomes of $60 to $100, these countries have nowhere near the resources to deal with this crisis—let alone rebuild their economies when it is over.

Despite these tragic dimensions, this has been a "quiet crisis."

Not so dramatic as an earthquake or a civil war and occurring in an area of minor political importance, it went unnoticed until much of the damage was done.

It isn't that there was no warning. Four years of drought in some of the poorest countries in the world—countries where the majority of the population barely subsisted on what they produced in a good year—should have been warning enough.

But it was not until February, 1973, when food reserves were exhausted and people already starving, that these countries asked for relief assistance.

It was not until March that an international relief mechanism was established through the FAO.

International and bilateral emergency relief institutions must share the blame for this tragic delay. They are set up to move in once a catastrophe has occurred, when thousands of lives have already been lost. They must be made more sensitive to avoidable catastrophes. They must develop the capacity to foresee food shortages and to begin relief efforts before it is too late.

The central tragedy of this crisis is that much of the suffering could have been avoided.

The central purpose of this hearing is to make certain that this catastrophe is no longer played down or overlooked—and that this kind of unnecessary suffering does not recur in this part of the world or any other.

It is my hope that our witnesses will be able to assess realistically the short and long range needs of the stricken area.

We will want to examine the need for an early warning system to predict food shortages, for better transport facilities, for improving water resources, for rebuilding herds, for restoring crop production and for reclaiming land taken over by the desert.

We will also want to assess the adequacy of world food reserves for meeting such crises and the effectiveness of international mechanisms for relief coordination.

Finally, we must look at the contribution multilateral and bilateral assistance should make to increasing the productivity of the poorest people in the poorest areas. I believe that bringing these people into the development process could minimize the threat of famine.

A number of proposals have been made for restoring this area to economic health. I hope our witnesses will evaluate these proposals.

The Subcommittee must then determine what role the United States should play in the relief of human suffering and in the task of economic revitalization in these six countries.

STATEMENT BY DAVID D. NEWSOM

Mr. Chairman, I am most grateful for the opportunity to discuss the disastrous effects of the worst drought in this century in several West and Central African states, a geographic zone called the Sahel. The disaster has not had the dramatically sudden impact of an earthquake, a tidal wave or a flood but it is nonetheless a true disaster: famine and misery face millions of persons. Because the effects of the drought have been creeping, world attention has not focused on it until recently.

The countries thus far most seriously affected are Mauritania, Senegal, Mali, Upper Volta, Niger and Chad. Neighboring states have been hurt as well but to a lesser extent. We enjoy excellent relations with all of these governments. Over a period of years, we have worked with them on the problems of their economic development. Trust and confidence mark these efforts. Several years of unusual dryness capped by a severe drought this past year have brought large expanses in this region to the edge of disaster.

On November 2, 1972, we drew the attention of high level authorities of our own government to the seriousness of the problem which was developing, and later that month inter-agency efforts began to deal with the problem. Our response, which my colleague Don Brown will present in detail, springs from fundamental humanitarian consideration as well as our friendly relations with these admirable people. What many Americans do not realize is that from the earliest middle ages until the coming of the European colonizers this area of Africa was the home of great kingdoms which flournished on world trade. In the fourth century AD the Kingdom of Ghana which spread into the Sahel zone was already a rich and powerful state. In the middle ages, the University of Timbuctu in the Kingdom of Mali was renowned as one of the world's great centers of learning. Tides of history shift and modern history left these kingdoms behind, so that poverty and illiteracy predominate today and the countries stricken by this drought are, under the best of circumstances, among the economically poorest in the world, by all the usual standards of judgment, such as gross national product and per capita annual income. The latter would scarcely average $100. They remain, however, proud and self-reliant people.

Approximately 25 million people inhabit the six countries which I have mentioned above. Most of the population is rural and has been affected by the drought. Farmers, herders and nomads have seen their crops fail; forage disappear, wells dry up, and their livestock suffer and, in serious proportion, die. The way of life for millions has been severely dislocated. We do not have firm evidence that actual starvation has yet caused the death of significant numbers of people, but in this vast area solid statistics are hard to obtain. It is clear from all reports that hunger and malnutrition are widespread and will grow. The drought has thus struck heavily at the resource base of these nations. Moreover, commercial crops such as peanuts in Senegal and cotton in Mali have been greatly reduced. Thus, the local food base has been greatly diminished, exports have fallen, foreign exchange reserves reduced, and the entire productive framework weakened.

Preoccupying as well to the area's leaders is a grave fisca threat; tax collections based on agriculture hove dropped drastically. In some instances it has been necessary simply to waive tax obligations of the hard-hit farmers and herders. This will have serious repercussions on the total economy of each of these countries.

There has been an energetic response from the donor community. US efforts to provide food and other forms of assistance have thus far surpassed twenty million dollars. The European Community has had a more important role, a leadership role, which is appropriate in view of the many ties which it has with the region. Also participating are the USSR, The People's Republic of China, Saudi Arabia, Japan, several neighboring African nations, and others. UN Secretary General Waldheim, deeply concerned by the situation, designated Director General Boerma of the FAO to coordinate donor activities and has appealed to the US and other donors for more help.

Recipient governments have been deeply grateful for US assistance thus far rendered. For example, the Senegalese Government has publicly acknowledged its thanks. Ambassadors from the area, who are here today, have told me personally of their gratitude. And President Diori of Niger has written President Nixon stating in part:

"I wish to express to you, on behalf of my government, that of the people of Niger and of myself personally, our profound gratitude for the extent, effectiveness and speed of the various forms of assistance which the United States has willingly given Niger for the relief of its suffering people.

"Since the nutritional equilibrium in Niger can hardly be re-established before October, we must continue to rely on international cooperation, notably that of the friendly Government of the United States."

While the foregoing may appear to be an impressive response to a human tragedy, it is not enough. The next few weeks are critical, as the rainy season begins in this area and the need to plant crops recurs. The farmers must be strong enough to plant, tend, and eventually harvest their crops. In many areas the ablebodied must be returned to their normal settlements to carry out the planting. Feeding assistance must continue through the rainy season until harvests begin in September and October, and thereafter, a major rehabilitation effort must be undertaken. Herds must be reconstituted, grazing areas restored, water sources reestablished and a dispirited population encouraged to go on.

To review rehabilitation needs of the months and years ahead, the United Nations has called for a conference in Geneva at the end of June. From this meeting and from the needs which we will identify through the efforts of our missions in the Sahel we will define our proper role in a multi-donor program. And at the same time as we participate in rehabilitation we will encourage other donors to join with us in a long-range attack on the basic problem of the decertification of the Sahelian zone. From the present tragedy we hope to seize an initiative which will demonstrate our interest in coping with the natural problems of man living in the arid lands of the Sahel.

Parenthetically, Mr. Chairman, I think this crisis and the need for a comprehensive response—short-term emergency feeding, medium-term rehabilitation and long-range preventative measures to help overcome human and natural deficiencies—point up the merits of a functional approach on a regional basis to a major human problem, This approach is, as I understand it, one of the key objectives of the amendments to the Foreign Assistance Act which have been tabled by a majority of the membership of the House Foreign Affairs Committee. I heartily endorse this objective.

Before concluding, I would like to stress that the drought crisis and our response is not just an effort to help friends who have turned to us in their misfortures but it is also a demonstration that we, the richest peoples of the earth, can extend a helping hand to the poorest. We need your Committee's sympathetic support in meeting the responsibilities which this crisis places on us today and in the future.

Statement by the Honorable Donald S. Brown

Mr. Chairman and Distinguished Members of the Subcommittee: I welcome this chance to talk with you about the catastrophic drought now causing such deep suffering in the Sahelian region of Africa and to say something about what other donors and ourselves are seeking to do about it.

As Mr. Newsom has already indicated, the conditions which prevail in the Sahel today are the cumulative effect of several years of inadequate rainfall, capped by a particularly poor season this year. While this has been a gradually evolving problem, it has now reached a point where the lives and livelihood of the entire region are deeply threatened.

There is an immediate need to feed those who have depended on grain crops that failed or on livestock that have died or are dying due to lack of water and forage. However, even if these immediate needs are met and if the rains come this season, there will be need for a recovery program lasting several years to help those so deeply affected to restore their lives and to rebuild the economic base of the region. Totally apart from the immediate effects of the drought, there are also clear signs of a gradual deterioration of the ecological base of the region which requires an important, long-term development effort if the people and the nations affected are to have a chance for improvement in their well-being in the decades to come.

A.I.D. has been involved for several years in programs of livestock improvement and grain stabilization in West and Central Africa, since these countries are predominantly agriculturally based, with 85% of their population deriving their income from grain and livestock production. Our grain stabilization program has depended heavily on PL 480, Title II cereals, both to meet production deficits and to stabilize market conditions as an incentive for increased local production.

It was through our involvement in these programs that A.I.D. early became aware that the poor rains of last summer and fall portended serious problems for the region. Our technicians then observed areas where farmers planted six or seven times without results. We observed nomadic herdsmen searching in vain for forage and water in traditional areas and being forced to move their livestock into disease infested areas where forage was available.

By October, 1972, A.I.D. and State officials had begun systematic contacts with African officials and with other donors to gain better recognition of the impending catastrophe. While full understanding of the process underway took time, this has come about and has led to a massive effort by the Africans themselves and by their friends in many parts of the world.

For our own part, we established a Drought Emergency Task Force in November, 1972, bringing together officials in A.I.D., the State Department and USDA to coordinate our efforts. We had already planned to provide some 48,000 tons of grain to the area within the framework of our Grain Stabilization program. Acting on the reports of our Embassies and A.I.D. missions in the area, the Task Force arranged for programming of an additional 108,000 tons of grain, both for direct U.S. disaster programs and for support of World Food Program disaster efforts. Thus, a total of 156,000 metric tons of grain, valued at $21,000,000 has been programmed. Annex A to this statement gives details of these commitments.

In addition to our efforts, others heeded African appeals for grains. The European Economic Community committed deliveries of over 90,000 tons of food while France, Germany, Canada, Russia and China also made important commitments. Details of these food commitments are given in Annex B to this statement.

While the provision of food was the first concern of most donors, it soon became apparent that other forms of help were needed. Problems of internal transport of these large amounts of grain required special efforts—hire and purchase of trucks, special railway arrangements, use of airlifts in certain circumstances, and the like. Supplementary livestock feed and water improvement programs were needed to maintain at least a breeding herd for future development. Seed stocks were depleted so seeds had to be purchased and transported to farmers for the next planting season. Medicines for ill-nourished people and vaccines for weakened livestock were required.

Thus, a major non-food aid program has been important. Here, the European Economic Community has led the way, providing a total of over $22 million for the various types of programs indicated above. The United States, Germany, Russia, France and Belgium provided aircraft for emergency movement of grains, while Algeria and Spain provided trucks for local transport. Other nations are now contributing to the FAO Sahelian Zone Trust Fund described further below.

The United States has so far committed $3.0 million in disaster relief funds for various types of non-food aid. Additional funds are expected to be committed this fiscal year and FY 1974 contingency funds will also probably be required as additional specific needs are identified. Our disaster relief funds have been used first for airlifts in Chad and Mali to speed distribution of grain to outlying and inaccessible areas before the rainy season begins. The Department of Defense has been extremely efficient in mounting this airlift. Our disaster funds are also being used to finance additional ground transport, medicines and medical services and livestock feeds and vaccines. In addition, the United States has speeded up the delivery of measles vaccines which had been planned under a regional health project, but the demand for which has become more urgent because of the drought.

Annex C gives details of U.S. and other donor non-food aid contributions. In March of this year, the Chiefs of State of the six affected countries officially designated the region as a disaster area. They requested that the United Nations assist in strengthening the flow of aid to the area. On the basis of this action, FAO Director General Boerma issued an urgent appeal for contributions to a $15 million Sahelian Zone Trust Fund to supplement aid already committed. The major donors already engaged in the area have generally continued their programs on a direct basis but have made arrangements to coordinate these efforts with the FAO Trust Fund. Several other nations, not already directly engaged in relief efforts in the region, have made commitments to the Trust Fund. These now amount to approximately $3.5 million.

The task of moving this amount of aid into this land-locked region has been immense. While there have inevitably been some slippages, I think we can be proud of our own efforts. Despite difficulties caused by competing demands for scarce grain and shipping compounded by transport delays within the United States due to our own Mississippi floods, we have already shipped 90,000 tons of the 156,000 tons committed, and we expect the rest to be en route by the end of July. I want to pay particular tribute to our colleagues in USDA who worked with the A.I.D. Food For Peace Staff countless extra hours in arranging and rearranging shipping, diverting ships to open African ports on short notice, making special arrangements for bagging of U.S. grains, and similar actions. As a result, only one country—Niger—has actually experienced a temporary period when available grain supplies were inadequate and we are taking particular steps right now to step up the rhythm of deliveries to that country.

There has been deep concern about the capacity of African ports and transport systems to move this much grain. So far the system has worked well. We exchange reports with other donors about grain shipments. to avoid port blockages. We have assigned logistics experts to the area and have provided FAO with a disaster relief expert. Several donors have financed procurement or rental of trucks. The coastal states of Africa have taken exceptional measures, often to their own inconvenience, to move grains through their ports and on their own transport systems to these land-locked countries. The governments of the affected states have generally done an excellent job of organizing themselves to manage the distribution process. Several countries, including the United States, have provided aircraft to move grains from capital cities to inland distribution points where ground transport is too slow.

There are some who feel this airlift capacity should be greatly expanded. However, we feel first priority must be given to strengthening ground transport which can move greater quantities at lower cost. We realize there may be temporary breakdowns in ground transport—particularly once the rains begin—and we are ready to provide additional airlift capacity where other transport means simply can not do the job.

So far the Africans and others have concerned themselves foremost with the problems of immediate human needs. But there is no question this drought will have economic consequences which will endure for years. An important recovery program will be needed. Livestock herds have been depleted and must be rebuilt. Rangelands must be restored. New water resources must be developed and dry wells improved. A resettlement program may be required. Those whose lives have been torn asunder must be given a hand to start again. And all this must be done when budgetary resources available to the governments are diminished because of the drought.

We believe our disaster relief efforts are now moving smoothly. Along with other donors, we are now turning to the question of recovery. The United Nations has asked others to join with it at an initial meeting in Geneva later this month for this purpose. FAO has already organized study groups to begin developing concepts upon which a recovery program might be based. The French Government has announced its willingness to work with Africans and other donors in such a recovery effort. The IBRD has expressed its interest in revising its programs to support recovery needs. We are now formulating plans on how we, in conjunction with the efforts of other donors, might play a role in such an effort. As that becomes clearer, we will know better just what resources may be needed.

But simple recovery is not enough. As I said earlier, there appears to be underway a basic deterioration of the ecological and economic base of the region and a continual encroachment of the desert on productive lands. Some of this is caused by natural events, some is man-made. But unless there is a reversal of the process, this vast region can become sterile and barren and its people will have no future.

We need to know more clearly what are the causes of this deterioration. We need to try to determine what new scientific and technological resources can be directed towards reversing the trends presently underway. We have already begun discussing these questions with African leaders and other donors. We have undertaken efforts to get a wide range of American scientists to begin considering the problem. We hope, as we move from immediate concerns about the drought and recovery from it, that we can be helpful to our African friends in analyzing the problems and formulating programs that can have an important effect in changing the underlying circumstances which so threaten the long-term well-being of the area's people.

The crisis in the Sahel underscores the importance of the United States being prepared to deal with these unforeseen events of nature in a timely way. Our development assistance programs are needed to help build economic systems which can withstand or minimize the effects of such catastrophes. But when they occur, we must be ready to help ease the human suffering involved and to prepare the way for recovery.

For the most part, we believe our current resources are appropriate to meet immediate disaster needs. The PL 480 program, especially Title II, has been an essential element in our ability to respond to such disasters. In the current crisis, fortunately, the problem is not availability of U.S. food resources, although as I've indicated there remain some problems in assuring the food gets to the people who need it at the right time.

There have been proposals in the past, especially by FAO, to establish a form of world food reserves. A.I.D. has been aware of these proposals. There have been more recent discussions on these FAO proposals in ECOSOC, where each member nation was urged to ensure, within their own national food programs that adequate food resources are maintained. We think this is a useful approach, emphasizing both to developed and less developed countries the need to meet world food requirements.

However, there are other proposals which can help improve our capacity to deal with short-term needs in the non-food area. The emergency food contributions are supplemented by donations funded from the Contingency Fund under Section 451 of the Foreign Assistance Act which enables us to cover urgent needs for transport of food and temporary shelter. This year we are seeking an additional authority which will deal with short-term needs. This proposed change is an amendment to Section 451 of the Foreign Assistance Act authorizing, in addition to specified amounts for the Contingency Fund, additional amounts of funds as may be needed from time to time for extraordinary disaster situations. If adopted, this provision could expedite action on legislative requirements for funds to meet disaster needs. In addition, we are requesting additional authority under Section 639 of the Act to permit greater flexibility in responding to emergency situations without the usual restriction imposed on other forms of assistance. We would appreciate the support of the members of this Sub-committee for both of these changes.

As I have indicated, we must concern ourselves not only with the drought disaster in the Sahel, but also with the longer-term recovery and development needs of the region. The essence of those longer-term programs must be reinforcement of our programs to improve food production. The legislative proposals introduced by the House Foreign Affairs Committee are consistent with our proposals in their ability to provide the basis for efforts aimed at reducing poverty and need in this region. Secretary Rogers and Dr. Hannah have both indicated in testimony to the House Committee that they generally favor the approach proposed by a majority of the Committee. It seems important to me, from a humanitarian point of view, that there exist legislation which assures that we can play a role, along with others, in helping the Sahelian governments to bring a better way of life to their people.

Thank you Mr. Chairman.

ATTACHMENT A

STATUS OF WEST AFRICA DROUGHT EMERGENCY AND GRAIN STABILIZATION SHIPMENTS AS OF JUNE 13, 1973

	Total	Delivered to country	En route at sea	Booked for June/July loading	Unbooked
NIGER					
Grain stabilization:					
Corn	1,000	0	0	0	1,000
Sorghum	25,000	14,500	5,000	1,500	4,000
Emergency:					
Sorghum	7,000	0	3,000	0	4,000
Corn	1,000	0	0	0	1,000
Cornmeal	2,000	0	0	0	2,000
WFP: Sorghum	10,000	0	4,500	0	5,500
Subtotal	46,000	14,500	12,500	1,500	17,500
UPPER VOLTA					
Grain stabilization: Sorghum	12,000	5,859	3,000	2,500	641
Emergency: Sorghum	9,000	0	3,500	0	5,500
WFP: Cornmeal	4,000	0	0	3,585	415
Subtotal	25,000	5,859	6,500	6,085	6,556
MALI					
Grain stabilization: Sorghum	10,000	10,000	0	0	0
Emergency: Sorghum	15,000	6,000	3,000	0	6,000
WFP: Sorghum	10,000	1,500	5,500	0	3,000
Subtotal	35,000	17,500	8,500	0	9,000
SENEGAL					
Emergency:					
I—Sorghum	5,000	5,000	0	0	0
II—Sorghum	10,000	6,811	3,189	0	0
III—Sorghum	10,000	0	2,000	0	8,000
	25,000	11,811	5,189	0	8,000
WFP: Sorghum	5,000	0	5,000	0	0
Subtotal	30,000	11,811	10,189	0	8,000
MAURITANIA					
WFP:					
Corn	4,000	2,766	0	0	1,234
Sorghum	11,000	11,000	0	0	0
CHAD					
WFP: [1]					
Sorghum	3,000	3,000	0	0	0
Wheat	[2] 2,000	0	0	0	2,000
Total	156,000	66,436	37,689	7,585	44,290
Total delivered/enroute		104,125			

[1] This project also includes 300 MT CSM—not part of 156,000 total tonnage.

[2] Not yet called forward.

ATTACHMENT B

FOOD AID TO SAHELIAN COUNTRIES

[In million tons]

U.S.	Delivered	En route	Booked/to be booked	Total
Grain stabilization	30,359	7,500	10,141	47,997
Emergency	17,811	3,307	37,882	59,000
WFP	18,266	12,500	18,237	49,003
Subtotal	66,436	23,307	66,257	[1] 156,000
China				30,000
France				38,000
Canada				26,000
Federal Republic of Germany				22,500
Others				17,000
Imports				10,000
U.S.S.R				10,000
WFP				8,000
EEC:				
1971/72 program				44,555
1972/73 program				[2] 48,500
Subtotal				254,555
Grand total				410,555

[1] Cost of grains $8,800,000 and cost of transportation $12,200,000. Total $21,000,000.

[2] Figures based on WFP information.

OTHER DONOR NONFOOD AID TO THE SAHEL REGION DROUGHT EMERGENCY

European Economic Community—the EEC, through the emergency provisions of the Yaounde Convention with the African states, has made available approximately $22 million in support of emergency programs. The funds are being used primarily for the following activities: provision of supplementary livestock feed, livestock medicines, and vaccines; provision of transportation to move grain in-country; provision of seed, and transport, to allow planting as normal; provision of funds to allow well depending, or drilling; and to provide cash for estimated tax revenue lost as a result of the drought's impact on livestock.

Belgium—five C-130s have been ferrying grain and other supplies in the region for the past two weeks. The planes have now returned to Belgium. A convoy of 15 four-wheel-drive vehicles, loaded with relief supplies, is transitting the Sahara, and will go to Niger, Mali, and Upper Volta, with five trucks and supplies each donated to each of the countries.

France—has promised two aircraft per country for two weeks each. French aircraft have been flying in Mali and Chad to date. The French have also made available budgetary support and assistance to the countries as part of their emergency and regular programs.

Germany—has promised planes (nine) on an "as needed" basis. German planes have flown U.S. grain from Ghana to Upper Volta (292 tons), and are now flying grain in Niger. Germany has also made available $1 million for purchase of German trucks to assist Upper Volta.

Canada—has promised to drill/deepen 250 wells in Senegal. May do the same in Mali and Mauritania. Is considering providing a few C-130s to airlift commodities, subject to clarification of the need for such assistance.

Zaire—gave $110,000 to Upper Volta. Reputed to be considering airlift of grain in Chad.

USSR—provided two weeks of airlift by one plane in Mali.

South Korea, Taiwan, the USSR, and several other countries, have each given $50,000, or less, to Upper Volta.

The United Kingdom—considering supplying an unspecified number of aircraft to assist in commodity movement.

FAO Sahelian Zone Trust Fund Contributions:

Australia	$25,000
Denmark	161,000
F.R. Germany	1,060,000
Netherlands	150,000
Italy	25,000
Sweden	1,098,000
United Kingdom	750,000
German Catholic Bishops	210,000
Grand total	3,479,000

NONFOOD AID ASSISTANCE TO THE SAHEL REGION

U.S. obligations through June 15, 1973

Senegal	
Ambassador's fund	$25,000
Supplementary livestock feed	176,000
Mali	
Ambassador's fund	25,000
Temporary grain storage, Abidjan	10,000
Airlift of grain in Mali	420,000
Mauritania	
Ambassador's fund	25,000
Truck leasing for transport of grain in country	--------
Niger	
Ambassador's fund	36,000
Supplementary livestock feed	430,000
Medicines for human use	16,000
Chad	
Ambassador's fund	25,000
Airlift grain in Chad	170,000
Upper Volta	
Ambassador's fund	25,000
Supplementary livestock feed	156,000
Livestock medicine	75,000
Miscellaneous	
TDY personnel in Dakar, Niamey, Abidjan and at FAO Headquarters in Rome	44,000
Total	1,933,000

Additional funding is contemplated for the following actions in the coming week:

U.S. contribution to the FAO to cover costs of airlifting seeds to Chad from Sudan	$300,000
Increase in funds for airlift of grain in Mali	600,000
Livestock medicines for Niger	75,000
Medicines for human use, Niger	34,000
Cattle salt licks for Upper Volta	50,000
Total	1,059,000

[From the Washington Post, June 15, 1973]

A DISASTER IN AFRICA

(By William Raspberry)

Major disaster is no longer just a prospect in Central and West Africa. It is a daily fact.

Millions of heads of cattle already have succumbed to the area's worst drought this century; and there is the gruesome possibility—perhaps even probability—that as many as half of the area's 20 million human inhabitants may be wiped out by famine.

There is little food, nor much prospect of growing food, much of the seed grain already having been consumed by farmers trying to stave off starvation.

It is a desperate situation. Yet there is, in this country, no air of crisis, no sense of the magnitude of the problem and hardly any knowledge of the catastrophe that has befallen Senegal on the African west coast and five countries on the southern edge of the Sahara: Chad, Niger, Mali, Upper Volta and Mauritania.

African diplomats in Washington are torn between their desire not to seem ungrateful for what help the United States and other countries have furnished and their need to stress the urgency of their countries' plight.

It's difficult for an American to appreciate how desperate the situation is.

"In my country, a farmer keeps his seed religiously," one diplomat told me. "Year after year, he selects the very best grain from his crop and keeps that for seed. But this year, they are eating the seed. I never saw that in my life."

So emergency food supplies would seem the first order of business—except for this fact: The planting season is here, and there is no seed to plant. Unless some new seed supplies are flown in very soon, there won't be any crops to harvest next year either.

As one ambassador put it, with only modest exaggeration: "It is a question not of weeks or even days, but of hours." In some parts of the region, it may still be possible to plant sorghum, millet and other staple grains up to mid-July. For other areas, 10 days from now may be too late.

There have been requests, largely through the United Nations' Food and Agriculture Organization (FAO) for American help in airlifting seed grains to the drought-stricken area. But according to American officials, it's not as simple as it seems.

"In the first place, when we got the request from the FAO, we checked on the places where the seed was supposed to go (Mauritania and Chad)," said Dr. Samuel C. Adams Jr., assistant administrator for Africa of the U.S. Agency for International Development (AID). "In order for the seed to have done any good, it would have needed to be there two weeks earlier."

But it's more complicated even than that.

Fermina J. Spencer, director of AID's office of Central and West African regional affairs, explains:

"You have to understand something about the seed itself. Seed that may thrive on, say, the coast of Liberia may not grow at all 100 miles upcountry. Fertility can be that localized. The FAO was talking about our airlifting 3,500 tons of seed from the Sudan. That would take 20 C-130s at $1,000-per-hour-of-flight, which is in itself prohibitive.

"But besides that, our scientists thought that the Sudan seed might not work in the drought areas. And where are you if you ship the seed, plant it and it doesn't come up?"

FAO has lowered the allotment from 3,500 to 1,000 tons, and has hired a private carrier, Alaska Airlines, to haul it. U.S. AID will back the effort with a grant of $300,000.

Dr. Adams, who rankles at any suggestion that the U.S. government should be doing a good deal more than it is, tells critics: "It's much easier for persons to be glib about what is not being done than to be reasonably knowledgeable about what is being done."

Sometimes the two things get mixed up. One of the things that has been done, for instance, is that the United States has made available to Niger some 46,000 tons of sorghum. But only 14,500 has reached that country. Most of the rest is still in the United States awaiting shipment.

According to Spencer, one of the problems is that most of the ports around Texas, from which much of the grain would be shipped, are "pretty well blocked up" with Russia-bound wheat. He noted, however, that shipping schedules for West Africa have been stepped up so that most of the shipments should arrive this month and next.

Spencer, who visited the area last month, reports a "tremendous deterioration" since his previous visit in January.

"Fortunately," he said, "I think the grain that we have been providing in the area has prevented starvation. This is what the officials of the countries are saying."

AID officials express pride in the fact that the United States was one of the first major contributors to relief in the stricken area, and presently ranks as the second largest contributor next to the European Common Market. They think some of the criticism of the U.S. effort is unfair.

The truth is, most of the African diplomats with whom I have spoken aren't so much critical as desperate.

"Look, we recognized that there is no political obligation for the United States to do more," one of them said. "But our need is so great. Can't they find 12 ships—two ships per country—to send as much grain as they possibly can? If they can do that by this week, it would certainly lessen the gravity of the immediate problem."

That's the sad part. For all the pooling of effort and resources it will take to avoid impending catastrophe, the result will be a return to the familiar day-to-day crisis of fighting off the encroaching desert.

THE CASE OF THE FORT WORTH FIVE—A MICROCOSM OF GRAND JURY ABUSE

Mr. KENNEDY. Mr. President, in June of 1972, five Irish Americans from New York City were hauled halfway across the country to Fort Worth, Tex., far from their homes and friends and jobs and families, to testify before a grand jury inquiry into the purchase of arms for Northern Ireland.

All the available evidence indicates that the five witnesses could just as easily have been called before a grand jury in New York City then conducting a closely related, if not identical, investigation. Because the men refused to testify in Fort Worth, they were imprisoned for contempt, and they remain in a Texas jail today, martyrs to a gross injustice by the Department of Justice. The details of the Fort Worth case make clear that their plight is a microcosm of grand jury abuse that deserves the close attention of every Member of Congress and all Americans who believe in justice.

There is no substantial dispute as to the facts of the Fort Worth case.

In June of 1972, five Irish Americans—Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan and Daniel Crawford—all from the New York City area, were subpenaed to Fort Worth, Tex., to appear before a Federal grand jury investigating the possible shipment of arms from this country to Northern Ireland.

At the time, seven other Irish Americans who were also New York residents, including four high officials of the Irish Northern Aid Society, an active Irish-American group headquartered in New York City, were also called to testify, but their subpenas were subsequently withdrawn.

The Fort Worth Five—Tierney, Laffey, Reilly, Morahan, and Crawford—all appeared before the grand jury, but they refused to answer any questions, on the ground that the investigation was politically inspired and violated a number of their basic rights.

No witnesses from the State of Texas were subpenaed to appear before the grand jury. Apart from the 12 New York Irish Americans, only one other witness was called, a resident of the State of Florida.

The injustice of the situation in which the Fort Worth Five found themselves was exacerbated by the peculiar and questionable manner in which the initial Department of Justice investigation was carried out. Ignoring the most elementary investigative techniques, the Department never sought to have the witnesses interviewed or questioned in advance by Federal investigators. Instead, the Department preferred simply to slap the Fort Worth Five with grand jury subpenas, thereby fueling the suspicion that the primary purpose of the investigation was harassment, rather than law enforcement.

Another distressing aspect of these initial stages of the Fort Worth proceedings was the harassment and shabby treatment accorded James McKeon, one of the seven Irish Americans from the New York area who traveled to Fort Worth but whose subpena was withdrawn.

McKeon, a 45-year-old disabled veteran with a serious heart condition, had earned seven battle citations during the Korean war. A hunter, he had purchased a Winchester repeater shotgun in the New York area in late 1971, which he still possesses. He was also a neighbor and coworker of Mathias Reilly, one of the Fort Worth Five.

The unsavory ethnic implication of his subpena is clear. Apparently, the dragnet character of the Federal investigation caught James McKeon because he had an Irish surname, because he was an associate and neighbor of another subpenaed witness, and because he had purchased a gun from a New York arms dealer.

And for this, James McKeon, with his heart condition, was subpenaed to Fort Worth, at the insistence of a U.S. attorney who told him he was required to come to Fort Worth even if he dropped dead on the way.

In fact, James McKeon's subpena was withdrawn after he reached Fort Worth, and he was never called before the grand jury. Presumably, the Department of Justice finally realized that he was truly innocent, a victim of their dragnet.

But that was small comfort to James McKeon, who had collapsed with a heart seizure in the courtroom corridor outside the grand jury room.

Fortunately, he survived. His ordeal is now a memory.

Unfortunately for the Fort Worth Five, however, when James McKeon's ordeal had ended, their own ordeal was just beginning.

After receiving grants of so-called "use" immunity, the Fort Worth Five continued to refuse to testify, and were immediately jailed for civil contempt.

Last September, after 3 months in prison, the men were granted bail by Justice William O. Douglas, pending action by the Supreme Court on the legal challenges they had raised. On January 22 of this year, the Supreme Court declined to hear the case, and on January 29 the men were again jailed in Texas on the contempt citation, where they now remain.

So far, they have spent a total of 7 months in prison, yet they stand charged with no crime, convicted of no offense. Unless the Department of Justice relents, or Congress or the courts intervene, their imprisonment may well continue throughout the life of the current grand jury, which expires on November 2.

And, on November 3, as the Department of Justice has shown it is fully capable of doing within the letter of existing law, a new grand jury may be convened in Texas. They may be subpenaed and held in contempt again, and the imprisonment of the Fort Worth Five may go on this way forever.

Of course, gunrunning is a serious charge, and I want to emphasize that in no sense do I condone any form of such activity. As I have stated many times in the past, and as I repeat today, I firmly condemn the activities of extremists on both sides in Northern Ireland. I have made these views clear both to the Prime Minister of Great Britain and to the Prime Minister of the Republic of Ireland. And I have also made clear to each of them, as well as to the Attorney General of the United States that I give my full support to all legitimate activities, grand jury investigations, and other actions by law enforcement authorities in both Britain and the United States to shut off the flow of any arms—or any funds for arms—from this country to Northern Ireland.

I am fully aware that a substantial number of weapons found in Northern Ireland have been traced to this country or to purchases made through this country. There is no question in my mind that there is a legitimate basis for an intensive investigation by the Department of Justice into these activities.

But I also believe that the Department of Justice has the obligation to obey the law in conducting any investigation it undertakes. That obligation is not only to obey the letter of the law, but the spirit of the law as well, so that the actions of the Department are fair according to the Constitution and statutes of the United States, and are seen to be fair by reasonable law-abiding citizens throughout the country.

Nearly half a century ago, this principle, that Government must obey the law, was stated eloquently by one of our greatest Supreme Court Justices, Louis Brandeis:

> Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law breaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution."

Judged by that standard, I believe that the actions of the Justice Department in Fort Worth in the present case can be weighed and found severely wanting.

Look at the record. Are these the actions of a Department of Justice that has a decent respect for the rights of its citizens? Are these five men being treated fairly under the Constitution and Bill of Rights? Or are they the innocent victims of a new and frightening form of secret inquisition?

Kenneth Tierney, 45, is a registered nurse and physical therapist at Columbia-Presbyterian Hospital in New York City. He lives in Yonkers with his wife and four young children. He has never been to Texas. In a sworn affidavit, he states that his only connection with Texas is that he once wrote a letter to President Lyndon Johnson.

Thomas Laffey, 34, is a real estate salesman who lives in Williston Park, N.Y., with his wife and three young children. He has never been to Texas or had any connection with Texas.

Matthias Reilly, 37, is a Manhattan busdriver who lives in Blauvelt, N.Y., with his wife and three young children. He has never been to Texas or had any connection with Texas.

Paschal Morahan, 26, is a carpenter who lives in the Bronx. He has never had any connection with Texas.

Daniel Crawford is a housepainter who lives in Manhattan. He has never had any connection with Texas.

There they are—five Irish Americans from New York City, none of them having any connection with Texas. Yet, in the spring of 1972, these five individuals were subpenaed before a grand jury and imprisoned in Fort Worth, far from their friends and homes and families and jobs, in circumstances imposing special hardship and privation, not only on the men themselves, but also on their families. Indeed, for some of the families, the only alternative to welfare has been the financial assistance for rent and food provided by Irish American community groups in New York City concerned about their plight.

For the men themselves, the concern they have for their families has been compounded by the dismal conditions of their own imprisonment. For the first 4 months of their incarceration, the Fort Worth five were confined in the Tarrant County Jail in Fort Worth—a local, not a Federal, jail. Their imprisonment was carried out under especially harsh conditions, partaking of solitary confinement, with the men being denied exercise and even contact by telephone with their family or their legal counsel.

Last March, the five were transferred to Seagoville, a renovated Federal correctional institution outside Dallas, where they are now incarcerated under less objectionable conditions.

Seagoville, of course, has other memories. In World War II, it was one of the sites of the infamous detention centers of resident American aliens. The years have passed, the facilities may be more modern, but as the present case makes clear, Seagoville still retains its image of injustice and repression.

Several weeks ago, the Federal district judge presiding over the case in Texas denied a motion by the Fort Worth Five for transfer to a Federal correctional institution in the New York area in order that they might be closer to their families. So the Fort Worth Five remain in their Texas prison, victims of the Justice Department's monumental injustice, denied their freedom because of an irresponsible manipulation of the grand jury and a shocking insensitivity by Federal prosecutors to basic human rights.

The Fort Worth case demonstrates three flagrant aspects of grand jury abuse, for each of which the Department of Justice stands itself indicted.

VENUE

The most obvious abuse is the venue in Fort Worth. What possible justification exists for separating these men from their homes and families and friends and jobs in New York, and hauling them 1,400 miles to Texas, to appear before an alien grand jury and a hostile prosecutor?

For months, the only suggested link to Texas was the rumor that the Department of Justice had been informed by the Government of Great Britain that the Irish Republican Army in Ulster had in some fashion attempted to purchase arms in Texas, and that, knowing nothing more, the Department had decided to launch a deep sea fishing expedition in Texas to see what they could learn from the leaders of the Irish Northern Aid Society in New York.

Then, at a hearing held last March on the Fort Worth case before Congressman JOSHUA EILBERG'S House Judiciary Subcommittee, the Department of Justice broke its long unconscionable silence on the case and attempted to establish a basis to justify calling the Fort Worth Five to Texas. At the House hearing, Assistant Attorney General A. William Olson of the Internal Security Division of the Department of Justice told the subcommittee that he had information indicating that "certain individuals apparently from New York City, using aliases, were attempting in Fort Worth, Tex., to purchase large numbers of illegal weapons from sources in Mexico for shipment to Ireland," and that the witnesses subpenaed before the grand jury in Fort Worth had information relating to the Department's investigation of the matter.

Yet, for reasons known only to itself, the Department of Justice withdrew the subpenas to Fort Worth for the witnesses most likely to have any information at all about the investigation, the officials of the Irish Northern Aid Society. Instead, they chose only to pursue the five hardworking New York Irishmen who are now in prison, men who have no official relationship to the Irish Northern Aid Society and who have no connection at all to Texas.

Thus, whatever conceivable justification may have existed for the initiation of a grand jury investigation in Fort Worth into the possible purchase of arms in the Fort Worth area, no justification whatever has been revealed for requiring the Fort Worth Five to travel from New York to Texas to appear before the grand jury.

Simply put, I believe the Department is holding the wrong men in Texas and would not admit it. The Department prefers to let innocent citizens endure the pain of jail, rather than confess that its prosecutors have blundered and abused their vast discretion.

There is not one shred of fact in any of the known aspects of this grand jury proceeding to suggest any possible connection between Texas and these five Irish Americans.

We do know one thing, however. A Federal grand jury in the Southern District of New York, in the very area in which these men reside, has been conducting a separate investigation of the shipment of arms to Northern Ireland from the United States. A number of indictments have already been returned in that investigation, one as recently as February of this year.

Why could the Fort Worth Five not have been subpenaed to testify before that grand jury in New York City? Why were they railroaded to Fort Worth in such oppressive circumstances, serving no apparent law enforcement purpose? Would not New York have been more convenient for any law enforcement purposes? Would not New York have been more convenient for all concerned—convenient for the witnesses, and convenient for the Department of Justice, too?

Perhaps that question answers itself. From the beginning, the circumstances of this case have strongly suggested that it had little to do with Texas, and a great deal to do with a thinly veiled attempt by the Department of Justice, at the request of the Government of Great Britain, to harass Irish Americans in the New York City area engaged in peaceful protests against British policy toward Ulster.

Given the intensely political nature of the investigation, the predictably outraged response of the Irish American community in New York, and the likelihood that New York might be a critical battleground in the 1972 Presidential election year, the convening of the grand jury in Texas may have had a great deal less to do with effective law enforcement than it did with partisan American politics and the 1970 census, which reveals nearly 400,000 first- and second-generation Irish Americans living in New York State, most of them in New York City, but only 12,000 in Texas, and very few in Fort Worth.

The conclusion that the Texas venue was improper for this investigation is also compelled by the analysis of the questions asked each of the Fort Worth Five before the grand jury. I intend to insert a copy of those questions in the RECORD at the conclusion of these remarks. Virtually every question that reveals enough information to disclose specific facts also reveals, without exception, that the facts relate solely to persons and places in the New York City area, and have nothing to do with Texas. The only questions that even relate at all to Texas are blunderbuss questions of the sort that begin, "Have you ever known any person in New York, Texas, or elsewhere?"

The circumstances of the present case thus closely parallel the situation in *Brown* v. *United States*, 245 F. 2d 549 (1957). In that case, the court of appeals held that a Federal grand jury investigation in Nebraska had been conducted in bad faith, because the prosecutor's questions related exclusively to conduct in Missouri.

The same reasoning applies to the pending case, since the prosecutor's questions, stripped of the transparent effort to mask his true intent, related exclusively to conduct in New York. Whatever validity the Texas venue may have had at the time the 12 subpenas were originally served in New York to commence this investigation in Texas, there was no such validity by the time the Fort Worth Five went into the jury room.

If the Department of Justice still genuinely wants the testimony of the Fort Worth Five today, the only fair and rational course to follow is to discontinue this abusive grand jury investigation in Fort Worth, and continue it in New York City, where it should have been held all along.

PUNISHMENT

The second abuse of the grand jury in the Fort Worth case is that the Department of Justice is punishing these men with lengthy prison terms under the guise of civil contempt. One of the principal causes of the violence and friction in Northern Ireland has been Britain's policy of internment without trial. Yet, today in Fort Worth, we find the administration practicing its own version of internment without trial in Texas.

In a series of recent decisions, the Supreme Court has imposed strict controls on the length of sentences that can be meted out by a judge without a trial by jury in cases involving criminal contempt. The standard now is that a judge, acting alone, cannot impose a sentence longer than 6 months for criminal contempt unless the defendant is afforded a right to trial by jury.

I believe that a similar right, or some similar control, should also be available in cases involving civil contempt, in order to prevent precisely the sort of obnoxious and excessive punishment that exists in the present case. Perhaps a time limit of 6 months should be imposed on any incarceration for civil contempt, including any period of incarceration for so-called reiterated contempt, in which a witness released from contempt upon the expiration of one grand jury term is called before a subsequent grand jury and held in contempt again.

Of course, the courts have usually allowed broad leeway for prosecutors to use the tool of civil contempt, on the traditional theory that the imprisonment is remedial, not punitive, since the prisoners hold the key to the jail in their pockets. But that ancient maxim is no longer adequate to do justice in the modern world.

Four months ago, in the Grumbles case, the third circuit court of appeals moved strongly in the right direction, sustaining an order by a Federal district judge in Camden, N.J., requiring the release of a husband and wife from prison for civil contempt, on the ground that the imprisonment had clearly reached a punitive stage. The couple had already pleaded guilty to criminal charges arising out of a separate case involving a raid on a local draft board in New Jersey. Yet, the Grumbles had also been incarcerated for 13 months for civil contempt, arising out of their refusal to testify in an investigation of other antiwar and antidraft activities. Their release from jail came a month before the grand jury was to expire, although the Department of Justice had announced its plans to subpena them before a new grand jury if they were released.

This recent decision is a promising new precedent for the Fort Worth Five. In fact, the precedent may be sufficient in itself to secure their prompt release from Texas, if the fifth circuit follows the lead of its sister circuit. Just as the imprisonment of the Grumbles for civil contempt had reached a punitive state in New Jersey, so the imprisonment of the Fort Worth Five has now clearly reached that stage in Texas.

In the Fort Worth case, the Department of Justice still seeks to hide behind the traditional distinction between civil and criminal contempt. They argue that the current incarceration is not punitive because the Fort Worth Five can end their imprisonment as soon as they agree to testify before the grand jury.

But if their subpenas and the terms of their imprisonment are illegal, why should they have to testify or give up any other basic rights to gain their freedom? The condition the Justice Department seeks to impose as the price of freedom is too high—it is no more valid than if the Department agreed to release them on the condition that they henceforth refrain from exercising their first amendment right to criticize British policy in Northern Ireland.

Indeed, that sort of first amendment harassment is widely regarded as the Department's real goal in this present grand jury inquiry, just as the same allegation has been raised against many other grand juries convened by the Department of Justice in recent years to harass individuals and groups whose politics and philosophy do not sit comfortably with the present administration.

The suspicion is very great, therefore, that the current investigation has two aspects—the first aspect, the grand jury in New York City, is engaged in a professional and lawyer-like investigation of gunrunning to Northern Ireland. Indictments have been returned and trials will follow. But the second aspect, more unsavory, is the Texas grand jury, convened for no apparent law enforcement purpose, a political grand jury sitting to harass and intimidate individuals and organizations in New York opposed to British policy in Ulster. As these proceedings demonstrate, there is a heavy burden on the Department of Justice to prove that the first amendment rights and other rights of the Fort Worth Five have not been infringed, that their continued incarceration is not punitive and that it violates no guarantees of due process of law.

Two further points should be made on the question of punishment. One concerns the innocence or guilt of the witnesses themselves. The other concerns the status of the Justice Department's ongoing investigation, or lack thereof.

I do not know, and I suspect the Department of Justice does not know either, whether the Fort Worth Five are guilty of any offense. But I do know, unless our system of justice is being stood on its head by the administration, that they are innocent until proven guilty.

Now the O'Gara case in New York, in which an indictment has been returned, mentions three members of the Fort Worth Five, but in circumstances making no implication of their guilt. The indictment states simply that in purchasing arms illegally in the New York area on three separate occasions, the defendant, O'Gara, identified himself as one of the Fort Worth Five and displayed a driver's license in that name.

The indictment does not list any of the Fort Worth Five as codefendants, and it does not name any of them as coconspirators. If the Department of Justice thinks these men are guilty of some offense, let it indict them. Let it bring them to trial. But at least, let it end this cruel charade in Texas, by which these men are being punished without ever being charged or tried.

Lewis Carroll had words for this behavior. In the final chapter of Alice in Wonderland, just before Alice awakens from her dream, we read these lines about the trial by the King and Queen of Hearts:

> "Let the jury consider their verdict," the King said, for the twentieth time that day.
>
> "No, no!" said the Queen. "Sentence first, verdict afterward."
>
> "Stuff and nonsense," said Alice loudly. "The idea of having the sentence first.
>
> "Hold your tongue!" said the Queen, turning purple.
>
> "I won't!" said Alice.
>
> "Off with her head!" the Queen shouted at the top of her voice.

But this is no dream or game of cards in Texas. Real human beings are in jail, their rights denied, their families torn apart in violation of the law. I say, it is long past time the Department of Justice stopped playing the Queen of Hearts in Texas and started behaving like a Department of Justice by freeing the Fort Worth Five.

With respect to the current status, or lack thereof, of the Department's investigation in Texas, the issue is equally serious. It appears that the Fort Worth grand jury has long since discontinued its investigation of this case. There is no indication that the grand jury has sat for a single additional hour, or heard a single additional witness in this investigation since these five men were originally held in contempt in June of 1972. The seven other witnesses originally called before the grand jury are long forgotten, their subpenas withdrawn. There appears to be no reasonable possibility that the investigation will ever be resumed, or that additional witnesses will ever be called in.

In this situation, the continued imprisonment of the Fort Worth Five is punishment pure and simple. Justice demands that they be freed at once, but the Department of Justice allows them to rot in jail. The truth is unmistakable. The Department in punishing the Fort Worth Five in the guise of civil contempt.

In similar cases in the past, the Department of Justice has not always been so obstinate and unyielding. Last November in Boston, the Department released Prof. Samuel Popkin of Harvard University from jail in somewhat similar circumstances. Professor Popkin had been imprisoned for contempt for refusing to testify before a grand jury investigating various aspects of the Pentagon Papers case. Freed on bail pending his legal challenge to the contempt citation, Popkin was imprisoned again when a Boston Federal judge denied the challenge. But he was released after only 7 more days in jail, when the Department of Justice, reviewing the case, found that the grand jury was about to expire and was no longer actively pursuing the investigation.

Why does not the Department apply this policy to the Fort Worth Five? A large price in human suffering has already been exacted from these men for no apparent purpose. If the investigation is over, they should be released from prison now, and allowed to return to New York to rejoin their friends and families. It would be a travesty of justice and evenhanded law enforcement for five ordinary Irish-American citizens to remain in jail because their plight has not received the national notoriety and attention generated by the imprisonment of a professor at Harvard University.

POSTINDICTMENT INVESTIGATIONS

The third abuse of the grand jury in Fort Worth is that the Department of Justice is continuing the incarceration of these men after three indictments have already been returned in related investigations in New York. Perhaps the most obvious abuse in this respect concerns the O'Gara case in New York. It appears that the Department is using the grand jury in Fort Worth to gain further evidence to bolster its case against O'Gara when he goes to trial in New York. If the Department wants this information, let it subpena the Fort Worth Five to appear at the O'Gara trial in New York City.

It is unconscionable for the Department to use a grand jury to seek additional evidence on a case after an indictment has been returned. Going back over many years, courts throughout the country, including the Supreme Court, have condemned the practice. It is my understanding that the Department itself has consistently avoided this objectionable practice in the past. Why does it not adhere to that consistent tradition today?

Apart from the O'Gara case, two other indictments are also involved in the present case. One of the questions the Fort Worth Five refused to answer before the Texas grand jury concerned a notorious arms dealer named Agramonte, who does business in Yonkers, N.Y. Agramonte was indicted in New York City in August 1972. In January 1973, he pleaded guilty to reduced charges, thereby closing the case.

Another of the questions the Fort Worth Five refused to answer concerned Patrick Purcell, who was indicted in September 1972, for firearms violations and was convicted in November 1972, thereby closing the case.

Yet, the Fort Worth Five are still in jail, months after two of the obvious and principal targets of the Texas grand jury investigation had been indicted and pleaded guilty or convicted.

It is bad enough for the Department to use the grand jury to seek evidence for the upcoming O'Gara trial, but it defies reason and the Constitution for the Department to use the grand jury to investigate cases that have already been closed by the Department's own actions.

On this latter ground alone, it appears to me that the Fort Worth Five may well be entitled at least to their temporary freedom now, as soon as a new application for bail can be brought pending resolution of this issue.

On January 17, 1973, the Supreme Court granted bail in the Meisel case, arising in San Francisco. One of the principal issues in that case concerned the fact that the imprisonment of two witnesses for civil contempt had been allowed to continue beyond the indictment of the person who was the obvious target of the investigation. Surely, on that issue, the Fort Worth Five also deserve the benefit of bail.

Taken separately, each of these areas I have discussed demonstrates a clear abuse of the grand jury in Fort Worth. Taken together, they make an overwhelming case for the immediate freedom of the Fort Worth Five.

Indeed, if the Department does not itself respond as a result of the new interest generated in this case, I would hope that the foreman of the grand jury and the other members of the Fort Worth panel would take the initiative themselves, in accord with the ancient time-honored role of grand jurors, and demand an explanation from the prosecutor as to why these five men must remain in jail.

In any event, I suggest the five may soon regain their freedom as a result of new legal challenges filed by habeas corpus and other petitions in the courts. And perhaps, if the abuse has become sufficiently manifest by the time they regain their freedom, an action for false imprisonment and damages may also lie against the offending officials responsible for their plight.

There is an additional approach that can and should be tried. With the Internal Security Division now extinct as a separate division in the Department of Justice, with an outstanding new Attorney General in charge of the Department, there is a new opportunity for officials in the Department to reexamine the case of the Fort Worth Five. Such a fresh examination should proceed forthwith. Now that the passions of an election year have subsided, now that the Internal Security Division has passed into history and its overzealous prosecutors may no longer have the free rein they used to have, it is not too much to hope that justice may soon be done in the case of the Fort Worth Five, and that this sorry and petty chapter in the history of Federal law enforcement will be ended.

Back in 1776, one of the specific grievances cited in the Declaration of Independence against George III was the King's repressive practice of hauling colonists off to England for trial. In the shabby treatment given the Fort Worth Five, the Justice Department is borrowing a leaf from King George's book, and it should not be allowed to continue.

Two final words on the Fort Worth Five:

The first concerns the essential arbitrariness of the Department's actions in the present case. Peter Finegan, one of the 12 Irish Americans originally subpenaed to Fort Worth, is a subway transit maintenance worker in New York. When he arrived in Texas, his subpena was dismissed by the Department of Justice, along with those of James McKeon and the five other persons called to Texas but never required to testify. We do not know the Department's motive in discharging Mr. Finegan. He is not an officer of Irish Northern Aid, and he has not been charged by the Department with any offense arising out of the investigation. But, like Crawford, Morahan and Reilly, Finegan is mentioned in the O'Gara indictment as one of the persons whose driver's license O'Gara used in the illegal purchase of arms.

The contrast between Finegan and the Fort Worth Five shows how wantonly and freakishly the Fort Worth Five are being made to suffer. Peter Finegan is a free man today, as he has been throughout the Fort Worth Five's ordeal. Yet, on the basis of involvement apparently no greater than Finegan's, Daniel Crawford, Patrick Morahan, and Matthias Reilly have now served 6 months in a Texas prison, without charge or trial. And, most ironic of all, Peter Finegan, who is free, was Daniel Crawford's roommate in New York.

Finally, there is one other incident that illustrates the treatment of the Fort Worth Five. Matthias Reilly and his wife, Mary, who are immigrants to this country from Ireland, were scheduled to attend an important ceremony last March, to be held in New York, N.Y. at the courthouse for Rockland County. At that ceremony, following in the great tradition of generations of immigrants before them, they were to salute the American flag, and take the solemn oath to become citizens of the United States.

But the Department of Justice cancelled the ceremony for Matthias Reilly. He could not attend, they said, because he is in the custody of the Attorney General of the United States in a Texas jail.

And, in perhaps the unkindest stroke of all, the Department of Justice tried to cancel Mary Reilly's ceremony, too, for reasons which are unknown to me, but which, I suspect, the Department would not care to spread upon the public record.

But Mary Reilly shares her husband's courage and strong spirit. She insisted that her own ceremony should go on, and it did. So at 10 a.m. on a Friday morning last March, Mary Reilly stood before Justice Joseph Hawkins of the Supreme Court of the State of New York and became an American citizen, while her three young children tried to understand the meaning of the rights their family now had earned.

Mr. President, I ask unanimous consent to have the questions asked the Fort Worth Five by the grand jury printed in the RECORD at this point.

There being no objection, the questions were ordered to be printed in the RECORD, as follows:

QUESTIONS ASKED THE FORT WORTH FIVE BY THE GRAND JURY

KENNETH TIERNEY

Q. Mr. Tierney, do you collect firearms?

Q. Mr. Tierney, have you ever purchased firearms from a weapons dealer in Westchester County, New York, named Edward Agramonte?

Q. Mr. Tierney, have you ever given your driver's license to any other individual to be used as identification in the purchase of firearms?

Q. Mr. Tierney, have you ever accompanied any other individual at which time firearms or explosives were purchased?

Q. Mr. Tierney, are you engaged with any other person in New York, in Texas, or any other place in the purchase of illegal weapons or explosives or the purchase of legal weapons illegally?

Q. Mr. Tierney, do you have any knowledge of any person or person (sic) who, in New York, Texas, and elsewhere are engaged in the purchase of illegal weapons and explosives or in the purchase of legal weapons illegally?

Q. Mr. Tierney, have you ever purchased any weapons?

Q. Mr. Tierney, have you ever given your driver's license to any other individual to be used in the purchase of any weapons?

Q. Mr. Tierney, are you acquainted with a Peter Finnegan?

Q. Are you acquainted with a Mr. Daniel Crawford?

Q. Have you ever accompanied either one of these men or any other men to purchase weapons or explosives?

Q. Mr. Tierney, are you acquainted with a Patrick Purcell?

Q. Have you ever been to a firearms dealer whose name is John Jalowsky?

MATTHIAS REILLY

Q. Mr. Reilly, are you presently licensed to drive a car in the State of New York?

Q. Have you ever furnished your driver's license, given it to any other individual for the purpose of purchasing firearms?

Q. Mr. Reilly, have you ever purchased a number of armalite rifles, and to aid you in this matter, these are commonly referred to as AR–180 from a licensed firearms dealer?

Q. Have you ever purchased or acquired illegal firearms or explosives or purchased otherwise legal firearms illegally or engaged in such activities in the New York or Texas or other areas?

Q. Mr. Reilly, have you ever knowingly allowed your name to be used in connection with the purchase of any firearms?

Q. Mr. Reilly, has James O'Gara ever given you money for the purchase of Armalite rifles?

Q. Mr. Reilly, do you have any knowledge of any person or persons who have purchased or acquired illegal firearms or explosives or have legally (sic) purchased otherwise legal firearms in New York or Texas or other areas?

Q. Do you have any knowledge of any other people or individuals who have purchased or acquired in any fashion illegal firearms or explosives or have purchased legal firearms illegally?

Q. Have you ever furnished your driver's license, given it to another individual for the purpose of purchasing firearms?

Q. Have you ever purchased or acquired illegal firearms or explosives or purchased otherwise legal firearms illegally?

Q. Mr. Reilly, have you ever knowingly allowed your name to be used in connection with the purchase of firearms?

Q. Mr. Reilly, have you ever purchased or acquired illegal firearms or explosives, or purchased illegal firearms or explosives, or purchased otherwise legal firearms illegally or engaged in such activities in the State of New York or Texas?

DANIEL CRAWFORD

Q. Mr. Crawford, are you presently licensed to drive a car in the State of New York?

Q. Do you have any knowledge of persons engaging in the purchase of illegal weapons or explosives or . . . the illegal purchase of legal weapons in New York or Texas or other place?

Q. Mr. Crawford, are you acquainted with a Charles or Liam Murphy?

PASCHAL MORAHAN

Q. Mr. Morahan, have you ever aided any person or persons in the illegal purchase of firearms?

Q. Mr. Morahan, do you know James O'Gara?

Q. Mr. Morahan, have you ever given your driver's license to another individual for the purpose of purchasing firearms illegally?

Q. Mr. Morahan, do you have knowledge of any person or persons who have engaged in the illegal purchase of otherwise legal firearms in the State of New York and Texas or who may have acquired or purchased illegal firearms or explosives in those two states or other places?

Q. Mr. Morahan, have you ever engaged in activities involving the acquisition or purchase of illegal firearms or explosives in the States of Texas, New York, or elsewhere, or the purchase of otherwise legal firearms illegally in those locations?

Q. Mr. Morahan, do you have knowledge of any person or persons who have engaged in the illegal purchase of otherwise legal firearms in the States of New York and Texas or who have acquired or purchased illegal firearms or explosives in those two states or other places?

THOMAS LAFFEY

Q. Mr. Laffey, have you ever purchased any firearms or explosives?

Q. Mr. Laffey, have you ever purchased Armalite rifles designated AR-180's from a gun dealer in New York operating under the name of Edleman's?

Q. Mr. Witness, I show you what appears to be a Thermofax copy of a document. It's Alcohol, Tobacco and Treasury Form 4473. I call your attention to the buyer's signature and ask if that is your signature?

Q. Mr. Laffey, have you ever received any money from any person for the purpose of purchasing weapons or explosives?

Q. Mr. Laffey, have you ever used the driver's license of any other individual for the purpose of identification in purchasing firearms?

Q. Mr. Laffey, have you any knowledge of any person or persons in the States of New York of Texas or elsewhere who are engaged in the purchase of legal weapons illegally or the illegal purchase of weapons or explosives?

Q. Mr. Laffey, have you ever received any money from any person for the purpose of purchasing weapons or explosives?

Q. Mr. Laffey, have you ever used the driver's license of any other individual for the purpose of identification in purchasing firearms?

Q. Mr. Laffey, have you any knowledge of any person or persons in the State of Texas, State of New York or elsewhere who are engaged in the purchase of legal weapons illegally or the illegal purchase of weapons or explosives?

Q. Have you any knowledge of any person or persons in the State of Texas, the State of New York, or any other State of the United States of America who are engaged in the purchase of legal weapons illegally or in the illegal purchase of weapons and explosives?

Q. Mr. Laffey, have you any knowledge of any person or persons in the State of New York or Texas or elsewhere who are engaged in the purchase of legal weapons illegally or the illegal purchase of weapons or explosives?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

INCREASED AUTHORIZATIONS FOR COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill, S. 1413, which has been cleared on both sides of the aisle, that there be a time limitation thereon of 15 minutes to be under the control of the distinguished senior Senator from West Virginia (Mr. RANDOLPH) that rule XII be waived, and that upon the disposition of this measure the Chair lay before the Senate the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

Calendar No. 191, a bill (S. 1413) to increase the authorization for fiscal year 1974 for the committee for purchase of products and services of the blind and other severely handicapped.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I am glad to support S. 1413, the Wagner-O'Day Act Amendment of 1973, which was introduced by Senator JAVITS. This legislation increases the authorization for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped by $40,000—from $200,000 to $240,000—for fiscal year 1974. The present authorization, under Public Law 92-28, was made before this committee had very much operating experience. The past 2 years have shown that the committee needs extra funding in order to cover increased administrative costs, including recent pay raises for Federal employees and increased travel expenses for staff who need to visit workshops to work on and verify qualification compliance.

The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped is the successor to the Committee on the Purchase of Blind-Made Products, which was established by the Wagner-O'Day Act of 1938. This act gave the blind a special priority in selling certain products to the Federal Government. In the years since, the Wagner-O'Day Act was amended only once, in 1971. That amendment, Public Law 92-28, extended the coverage of the act to other severely handicapped persons and broadened its scope to include services as well as commodities.

In the past 2 years, 35 new commodities, 12 new military resale items, and 7 new services—such as furniture rehabilitation—have been approved; the number of workshops for the blind participating in the program has increased from 78 to 83, and it is expected that 120 additional new workshops will seek to enter the program in the coming years.

During fiscal year 1972, Federal Government purchases from workshops for the blind amounted to $21 million, which was approximately 37 percent of the products made by these workshops. These products range from automobile safety belts, signal flags, and ballpoint pens to mattresses and bedsprings. Over the past 2 years, new items have added an annual sales value of over $6 million to the list of approved products and will create jobs for approximately 384 handicapped persons.

All of this means, Mr. President, that more blind and other severely handicapped persons will have jobs, will become more self-sufficient and independent, and will have the opportunity to live worthwhile, meaningful lives.

The Wagner-O'Day program, the Randolph-Sheppard program which I sponsored in 1936, and others like it, give disabled individuals an opportunity to contribute to society and receive its rewards. I feel that when we spend money to help a handicapped person, we always get something in return. We are making an investment. In this particular case, we are investing in a program which has had 35 years of successful operation and which provides a significantly increased number of opportunities for work for those who otherwise might be institutionalized, on welfare, or supported by overburdened families. It is my genuine hope that the Subcommittee on the Handicapped will always strengthen programs such as this one.

Also, I would like to express my gratification to the Senator from New York and the ranking minority member of the Committee on Labor and Public Welfare, Mr. JAVITS, for sponsoring this legislation. As we all know, he has been one of the chief proponents of this legislation, having introduced not only this bill, but also the 1971 amendments.

I appreciate his compassionate interest in the handicapped in general, and his productive work on this legislation in particular.

Finally, Mr. President, I wish to urge my colleagues to vote for the passage of the Wagner-O'Day Act Amendment of 1973. The handicapped need the help of the Congress in order that they may help themselves.

Mr. RANDOLPH. Mr. President, what is the situation with reference to time?

The PRESIDING OFFICER. All time on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish a little additional time?

Mr. RANDOLPH. No; I have concluded, I say to the able assistant majority leader, but I was not just sure of the time frame.

Mr. GRIFFIN. Mr. President, in response to the inquiry of the able assistant majority leader, I ask unanimous consent for an additional 5 minutes, so that I might comment on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and without objection rule XII is waived.

Mr. GRIFFIN. Mr. President, I want to thank the able Senator from West Virginia for his leadership over the years in connection with legislation for the help of the blind and handicapped, and to commend him and the distinguished Senator from New York (Mr. JAVITS) for their work in connection with this particular bill.

As the Senator has already pointed out, this is legislation which is a good investment. For a rather modest appropriation, we are supporting machinery which is making it possible for blind and handicapped people to help themselves.

This particular program makes it possible for blind-operated workshops to sell their products, in certain circumstances, to the Government. During fiscal year 1972, 19 new commodities and 9 new military resale items were approved for production by blind workshops under this program.

The inclusion of the new items created jobs for an additional 147 blind persons, and have an annual sales value of nearly $3½ million. During fiscal year 1973, 16 new commodities, 7 services, and 3 new military resale commodities were approved, and these have an annual sales value of over $2½ million. They have created jobs for 237 blind persons.

This legislation is before us now because of a revision in the original cost estimate for operating the committee which administers the program. Since 2 years ago, when the original estimate was submitted, the staff has been completed and has become operational. The operational costs have somewhat exceeded the estimates, due to the recent pay raises for Federal employees, increased travel requirements of the staff to assist workshops in qualifying for participation in the programs and to verify their compliance with the act, the requirement to budget for the rent of office space, and increases in other administrative costs.

The increased authorization provided in the bill was requested by the administration. The increased funding in the bill to benefit the blind and the handicapped is included in the administration's budget request submitted by President Nixon.

Mr. President, I urge the passage of the bill.

Mr. ROBERT C. BYRD. Mr. President, I wish to join the distinguished assistant Republican leader in associating myself with his remarks and those of my senior colleague from West Virginia (Mr. Randolph). I commend Mr. Randolph as I do the distinguished senior Senator from New York (Mr. Javits) on the work they have done in connection with this legislation and in bringing it to the floor.

Mr. DOLE. Mr. President, today I join in support of S. 1413, the Wagner-O'Day Act Amendment of 1973, introduced by the distinguished Senator Javits of New York. This legislation amends Public Law 92–28 to increase the authorized appropriation for fiscal year 1974 from $200,000 to $240,000 for the Committee for Purchase of Products and Services of the Blind and other severely handicapped.

The original cost estimates for operating the committee, when enacted in June of 1971, was based on little actual funding experience. Since the estimates were developed it has been found that the committee needs additional funding to be able to cover increased space rental costs, administrative costs, travel expenses for staff who need to visit workshops in order to verify qualification compliance, and higher than expected postage costs.

The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, Public Law 92–28, enacted by Congress in June 1971, amended the original Wagner-O'Day Act of 1938, in which the Committee on the Purchase of Blind-Made Products was established. This act gave the blind a special priority in selling certain products to the Federal Government. The new act extended to other severely handicapped persons the special priority in selling certain products to the Federal Government, previously reserved for the blind and expanded its scope of contracts under the act to include services as well as products.

During the past 2 years, 19 new products and nine new military resale items were approved for production by blind workshops. By adding these new items, 147 additional blind people have jobs. During fiscal year 1973, 16 new products, seven services, and three new military resale products have been approved, creating jobs for 237 blind and other severely handicapped people. Mr. President, it is evident that more blind and other severely handicapped persons have and will have jobs, which will enable them to become more self-sufficient and independent. This will help restore many of the severely disabled people of our Nation to more meaningful and productive lives, giving them the opportunity to contribute to society.

The Wagner-O'Day Act is one of the many valuable programs serving the handicapped and it is my sincere hope that we will continue to strengthen programs such as this one.

I have long been dedicated to the handicapped citizens of this Nation and I encourage my colleagues to support the proposed increase in funding for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. The proposed changes in the bill before us will permit the agency to carry out the duties and functions charged by the Congress so the blind and other severely handicapped will have better opportunities to become self-supporting.

The PRESIDING OFFICER. All time on the bill has now expired. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 25, 1938 (52 Stat. 1196), as amended by Public Law 92–28, dated June 23, 1971 (85 Stat. 77), is hereby amended as follows:

By striking out in section 6 the words "and the next two succeeding fiscal years" and inserting in lieu thereof "and the next succeeding fiscal year, and $240,000 for the fiscal year ending June 30, 1974".

Mr. RANDOLPH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OBSERVATION OF A PERIOD TO HONOR AMERICA

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 27.

The PRESIDING OFFICER (Mr. Johnston) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 27) to observe a period of 21 days to honor America, which was to strike out the preamble.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER (Mr. Johnston). The Chair now lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, while the distinguished manager of the bill is awaiting the arrival of a staff member on the floor, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. Randolph) may be recognized to speak out of order—notwithstanding the Pastore rule of germaneness—for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia (Mr. Randolph) is recognized.

THE FIRST 100 DAYS OF THE DEMOCRATIC NEW DEAL

Mr. RANDOLPH. Mr. President, there are perhaps few people who are guests in the Capitol today who would remember that the first 100 days of the Democratic New Deal ended exactly 40 years ago today. My remarks are in nowise for the purpose of indulging in nostalgia, when I discuss what transpired during those 100 days of the New Deal under the inspired leadership of Franklin D. Roosevelt.

I was a Member of the 73d Congress, and we adjourned with a record of legislative programs and policy decisions unlike anything that had been known before that time or has been known since that time, in the history of our Republic.

That period of the first 100 days of

the New Deal under Franklin D. Roosevelt had promised the American people the belief, as expressed by Roosevelt, himself, the previous June, that he would think anew, that he would act anew to aid the United States of America, strengthen its economy, and bring hope once again to the American people.

I think it is important, as I have indicated, to call attention today to those first 100 days of that administration, which ended 40 years ago today.

On the day following adjournment, President Roosevelt signed into law four major bills, part of a mammoth legislative package of 15 important measures enacted during those 100 days following his inauguration on March 4, 1933.

Mr. President, in the parlance of poker, a new deal means something has gone wrong with the game. The cards may not be falling right, or one or more of the players is suspicious of the dealer. A player may not be satisfied with what he is holding in his hands. So a new deck of cards is introduced into the game, and a new deal is begun.

That situation was exactly what took place in the political campaign of 1932, when the total economic structure of America tottered. There may be some persons today who do not know what the situation was. The economy faltered, and the structure threatened to fall. That was the depth of the Great Depression. Not so many people today recall it. It was when the very philosophy of what we know as rugged individualism and capitalistic enterprise was, in a sense, being called into question. The bubble of unlimited prosperity had burst, and hardly a person in America was immune from its effects.

I think statistics sometimes, if properly used in relation to a complex question, give the extent of a problem, and I am going to do that in connection with this almost total collapse within our country 40 years ago. Of course, today, any figures I might state would not adequately portray the human misery created in those years.

Between 1929 and 1932, the gross national product, the total measured income of the American economy, fell from $104 billion to $58 billion.

Wages in this country in the period 1929 to 1932—dropped from $45 billion to $25 billion. The production of consumer goods, such as automobiles and refrigerators, dropped 70 percent during this period. One out of every four Americans was without a job; and those lucky enough to be employed in industry—what was their average weekly wage? Just $22. Clearly, "a New Deal for the American people" was called for, and under the dynamic leadership of Franklin Roosevelt the 73d Congress became a part part of that leadership.

We hear so much today about the administration and about Congress. The 73d Congress was a cooperative, coordinated effort with the President—the administration—and Congress.

I add as a historic note, that there are only two Members of the present Congress who are members of the 73d Congress and who served in those first 100 days of the New Deal administration. One of the two individuals is my beloved colleague WRIGHT PATMAN, who serves today in the House of Representatives. He came to the House in 1929, having been elected in 1928. He continues as the active, alert, and very progressive chairman of the House Committee on Banking and Currency.

The other Member serving in this Congress at the present time is the Senator from West Virginia who is now speaking. I was inducted into office, as was the President of the United States, on March 4, 1933.

Mr. President, all of us recognize those troublesome days. We knew that Draconian measures had to be taken; no timid steps would suffice. There had to be an all-out effort by the administration and Congress because the American system was being sorely tested and in some instances, of course, there was a realization that we had not built a strong enough foundation, but we were not found wanting. This is important to remember because we corrected the deficiencies in our system, laws were passed, later reviewed, and some were corrected, but in the historical perspective let it be known in this Chamber 40 years later that at a time of extreme crisis in America the U.S. Congress acted.

Sometimes as we hear about the Congress I refer to what took place on that occasion.

Historian Arthur M. Schlesinger, Jr., wrote of that period:

> Before March 4, America was in a state of extreme shock. No one will ever know, General Hugh S. Johnson later said, "how close were we to collapse and revolution." (Administration advisor, Rex Tugwell stated: "I do not think it is too much to say that on March 4 we were confronted with a choice between an orderly revolution—a peaceful and rapid departure from past precepts—and a violent and disorderly overthrow of the whole capitalist structure."

For the record, here are the major pieces of legislation which were enacted into law during those perilous times of national crisis. I will not list them in detail but merely give the substance of them:

The Emergency Banking Act of March 9, 1933, authorizing the President to regulate or prohibit transactions in foreign exchange, transfers of credits between or payments by banking institutions, the export, hoarding, melting, or earmarking of gold or silver coin or bullion. The act further provided for the appointment of conservators by the Comptroller of the Currency where necessary, to conserve the assets of banks for the benefit of depositors and other creditors.

A person was guaranteed if he had money in the bank that $5,000 of that money would be guaranteed if the bank closed. The Federal Government, the United States itself, was standing behind the depositor. Since then we have increased the guarantee to $15,000.

The Reforestation Act of March 31, 1933, authorizing the President to provide for employing unemployed persons in the construction of works of a public nature in the reforestation of lands belonging to the United States, and creating the Civilian Conservation Corps. Literally hundreds of thousands of young men and older men, in some instances, were moved from the streets into the fields and forests of America.

Agricultural Adjustment Act of May 12, 1933, authorizing the Secretary of Agriculture to acquire stocks of cotton, and giving broad powers for the purpose of establishing parity between agriculture and other industries, and other provisions.

Inflation Act of May 12, 1933, authorizing the President to direct the Secretary of the Treasury to enter into agreements with Federal Reserve Banks for the purchase of U.S. obligations up to $3 billion, or to issue U.S. notes up to the same amount, to meet maturing U.S. obligations, and other provisions.

Federal Emergency Relief Act of May 12, 1933, created the Federal Emergency Relief Administration which was designed to cooperate with the States and territories in relieving hardships resulting from unemployment and drought, and other provisions.

Tennessee Valley Authority Act of May 18, 1933, which created the Tennessee Valley Authority, a corporation for the operation of properties at Muscle Shoals in the interest of national defense, and for agricultural and industrial development.

Securities Act of May 27, 1933, which provided for regulation of the sale or offering for sale of securities through the mail or in interstate commerce, under supervision of the Federal Trade Commission.

Gold Clause Repeal Resolution of June 5, 1933, repealing the right of payment in gold, and declaring that all obligations shall be discharged upon payment in any coin or currency which at the time of payment is legal tender for public and private debts.

National Employment System Act of June 6, 1933, which created the U.S. Employment Service in the Department of Labor to develop a national system of employment offices, to maintain a service devoted to securing employment for veterans, and other provisions.

Homeowners' Loan Act of June 13, 1933, providing for the creation of a loan corporation by the Federal Home Loan Board, with power to issue bonds, and charters to Federal savings and loan associations to make loans on local homes and business properties.

I report today what some people should know and that is that the loans made to homeowners were repaid. The Federal Government did not lose on the loans which were made. Today, as I read about the loans made under the Small Business Administration, I read about sums of money, a half million dollars, a million dollars, not being repaid to the Federal Government, in hundreds and hundreds of cases.

There was a fiber within the American character and even though people were up against it, they recognize their obligation when a loan or loans were made.

National Industrial Recovery Act of June 16, 1933, which empowered the President to establish agencies to remove obstacles to the free flow of commerce, to approve codes of fair competition for trade and industry involving such things as maximum hours, minimum wages, collective bargaining, labor conditions and fair trade practices, to promote the fullest possible utilization of the productive capacities of industry, and other provisions.

All over the country there were projects which would strengthen the community and also provide gainful employment to men and women. Some might say the work was always of a type that was not the best. It was in many cases menial labor. I say today that people were working. They were doing something, even though perhaps they were not skilled in what they were doing. They were making contributions, and all over this country today in the small towns and in the larger towns, I move over streets, roads, and sidewalks that were constructed by people who were given employment, not just given an amount of money, but who worked to help America stand strong in an hour of crisis.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to the Senator from West Virginia to speak out of order, notwithstanding the rule of germaneness, be extended for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, is is so ordered.

Mr. RANDOLPH. I thank the Senator.

The PRESIDING OFFICER. The Senator may proceed.

Mr. RANDOLPH. I am very appreciative to the able assistant majority leader, and I am conscious of the presence of the chairman of the Committee on Interior and Insular Affairs as he waits to bring a bill to the floor of the Senate.

Then, as I have indicated, there was also: Act of June 16, 1933, providing the creation of a Federal Emergency Administration of Public Works and authorizing an appropriation of $3.3 billion for carrying out the program.

Farm Credit Act of June 16, 1933, authorizing the Governor of the Farm Credit Administration to organize Production Credit Associations from which farmers may borrow money, and a Central Bank of Cooperatives to make loans to cooperative associations.

Banking Act of June 16, 1933, creating the Federal Deposit Insurance Corporation with capital of $150 million, and authorizing the Corporation to insure bank deposits of Federal Reserve member banks and other banks wishing to participate in the system.

Other significant legislation included: The Economy Act of March, 1933; the Emergency Farm Mortgage Act of May 12, 1933; the U.S. Employment Service Act of June 6, 1933; and the Railroad Coordination Act of June 16, creating a Federal Coordinator of Transportation

Mr. President, I remind you that these were bills that were given careful consideration and bills that were passed and that became law, bills that provided for America the leadership and brought back confidence to millions of Americans. These are the major efforts of those first 100 days.

There will be those who will ask "Why give this attention in the Senate of the United States and why recall what happened then?" Mr. President, I think it is very important if we are to understand the point we now have reached that we understand some of the history that has gone before in reference to the problems that have faced this country.

These were emergency efforts in those first 100 days, and it is important to note that some of this emergency legislation, such as the Tennessee Valley Authority and the FDIC, have survived over the past four decades. More important, I think, is the fact that these decisive actions signaled the beginning of a new era of social legislation which, on impact, changed the pace and face of America in a time when the American people challenged the ability of the Federal Government to govern. These were drastic measures and there were more to come. The major goals of the first 100 days of the "New Deal" were immediate relief of a suffering populace, recovery and reform of economic imbalances, and the restoration of faith in American government.

Mr. President, the first 100 days of the New Deal transpired in a period of national crisis. It is important to remember that much of the moves and motives of that period have subsequently been embodied in permanent legislation, such as the monumental Social Security Act of 1935. To those who today refer loosely to events of constitutional crises and the end of the American dream, I would recall the words of historian Schlesinger, who wrote of those first 100 days:

> For a deceptive moment in 1933, clouds of inertia and selfishness seemed to lift. A despairing land had a vision of America as it might some day be.

This vision has not been reached, and possibly it will never be, but on this significant anniversary, let it be recorded that, for 100 days of another era, our system of government was on trial and won a clear victory for the American people.

NOTIFICATION TO PRESIDENT OF CONFIRMATION OF NOMINATION OF GEORGE M. MOORE, OF MARYLAND, TO BE A MEMBER OF THE U.S. TARIFF COMMISSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, in connection with the nomination of Mr. George M. Moore, of Maryland—confirmed earlier today—to be a member of the U.S. Tariff Commission for the term expiring June 16, 1979, it has been called to my attention by the distinguished senior Senator from Georgia (Mr. TALMADGE) that there is a factor of urgency in connection with this nomination.

I therefore ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Mr. George M. Moore.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and managemet of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. JACKSON. Mr. President, I ask uuanimous consent that during Senate consideration and voting in S. 268, the Land Use Policy and Planning Assistance Act, Jerry Verkler, Bill Van Ness, Steven Quarles, Suzanne Reed, Forrest Gerrard, and Michael Harvey, members of the professional staff of the Interior and Insular Affairs Committee, be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, today we consider S. 268, the Land Use Policy and Planning Assistance Act. The purpose of this measure is to provide assistance to State and local governments in dealing with increasingly complex and difficult problems of accommodating competing uses for limited land resources.

INTRODUCTION

S. 268 as ordered favorably reported by the Interior and Insular Affairs Committee is closely patterned after S. 632 which was passed by the Senate in the 92d Congress. S. 268 provides grant-in-aid money to State and local governments to enable them to inventory their land resources, retain competent professional staff, develop planning and institutional procedures to both avoid and resolve land use conflicts, and to develop land use programs for critical areas and uses of more than local concern. It also provides financial assistance to States to coordinate planning in interstate regions, to Indian tribes to plan Indian land, and to universities and other nonprofit institutions for research on and training in land use related subjects.

S. 268 is a reasonable, carefully considered measure. It is the product of 20 days of hearings in the Senate in three committees over the last three Congresses. It has now been reported three times; this last time after 11 markup sessions. Last year, the Senate passed S. 268's very similar predecessor by a vote of 60 to 18. The Land Use Policy and Planning Assistance Act is ready for Senate passage.

NEED

For over a century after the birth of our Nation, Americans enjoyed a superabundance of relatively free land.

Today, however, land is our most valuable resource—an all too finite resource. Unlike air and water and many minerals, land cannot be recycled. Mountains carved by strip mines, wetlands dredged and filled, or streams channelized can seldom be returned to their former use or beauty. Land once committed to a use today is often unable to support a different use in the future more closely attuned to the then prevailing national values or goals.

Mr. President, the country can no longer afford to absorb the enormous costs in economic losses, delays, resource misallocations, and adverse social and environmental effects which have been exacted by the failure of Federal, State, and local government to plan for the sound and balanced use of our land. Our Nation's economy and environment can no longer bear the burden of the chaotic, ad hoc, short-term, case-by-case, crisis-to-crisis land use decisionmaking which all levels of government have indulged in in the past.

The land use crisis is bearing down on America with the inexorable force of a tidal wave. Land use problems which once appeared only local are now national in compass. We are now faced with a national crisis in land use decisionmaking. Consider these statistics:

By 1990, urban sprawl will consume an area of land approximately equal to all the urbanized land now within the 228 standard metropolitan statistical area—the equivalent of the total area of New Hampshire, Vermont, Massachusetts, and Rhode Island;

Each decade alone, new urban growth will absorb an area greater than the entire State of New Jersey;

The equivalent of two and half times the housing in the Oakland-San Francisco metropolitan region must be built each year to meet the Nation's housing goals;

In the next two decades, one industry alone—the electrical power industry—will need 3 million acres of new rights-of-way for additional high voltage transmission lines and more than 140,000 acres of potential prime industrial sites for over 200 new major generating stations.

In short between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools, hospitals, and office buildings in the next three decades as we built in the previous three centuries.

Costs rise and needs go unmet while the courts attempt to deal with a growing backlog of hotly contested cases involving land use for new suburban housing developments, highways, airports, factories, powerplants, transmission lines, and pipelines. Failure to pass this legislation when it was first introduced 3 years ago has already resulted in needless, costly waste, inefficiency, and environmental damage.

It has now become obvious to environmentalists and industrialists alike, to both urban and rural interests, and to most Members of Congress, that this 20th century problem of exponential growth cannot be met with 19th century laws, institutions, and procedures.

There are, however, a few who still contend that social and environmental change cannot or should not be consciously planned or given direction. They make dire predictions of ruin—destruction of property values, surrender of local control, rampant socialism—should the laws of the free market be amended, no matter how slightly, by the laws of society. They argue that public planning and implementation of policies to protect the public interest and the environment somehow invade constitutionally protected rights.

Their contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is conflict, waste, and inefficiency; it is farmers' groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.

The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land use problems.

The Land Use Policy and Planning Assistance Act is an affirmation of States rights. It provides grants to the States to assist them to develop their own innovative land use policies and procedures to meet the land use crisis. It is a statement of belief that, if urged and aided, State, and local government, working together can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

If State and local governments do not accept this challenge and do not implement this bill, the only solution will be the usual solution for national problems: Federal control. No one wants national zoning; but, I say here today, that if we turn our backs on the opportunity and shirk our responsibility to improve land use decisionmaking, that is what we will have by the end of the decade.

PURPOSE OF S. 268

The Land Use Policy and Planning Assistance Act has as its basic purpose the improvement of State and local land use procedures and institutions to provide for a truly balanced, democratic land use decisionmaking. It fosters regional and Statewide decisionmaking about those land uses which are of more than local concern. The act is designed to balance all competing demands for the land—economic and noneconomic. It further provides for the participation of all people who would feel the impacts of land use decisions and of their elected representatives in State and local government.

GRANTS TO STATES

In recognition that many land use decisions today have major impacts on the citizens, the economy, and the environment beyond the jurisdiction of local zoning bodies, S. 268 encourages the States, as representatives of wider public interests, to formulate State land use programs for five categories of critical areas and uses of more than local concern. These categories are: first, areas of critical environmental concern—flood plains, shorelands, wildlife habitats, historic areas; second, key facilities—major airports, highway interchanges, recreation facilities, and energy facilities; third, large scale development—large industrial parks or subdivisions; fourth, public facilities or utilities of regional benefits; and fifth, land sales or development projects—installment land sales and massive recreational homesite projects in rural areas. S. 268 provides grants totaling $100 million per year for 8 years, at 90 percent Federal share of cost for 5 years, 66⅔ percent thereafter, to the States to develop these programs.

OTHER GRANT PROGRAMS

In addition, the States are asked to coordinate both State and local land use planning in interstate regions—$15 million annually for 8 years at 90 percent. Indian tribes are provided funds to develop programs for Indian land similar to the State land use programs—$10 million annually for 8 years at 100 percent. The act also provides $2 million a year in grants or contracts for research and training in land use related subjects. Mechanisms are established by S. 268 to coordinate planning and management of Federal lands with State and local planning and management of adjacent non-Federal lands.

RELATION TO OTHER LAND USE AND ENVIRONMENTAL LAWS

Various provisions in the act protect, in fact strengthen, existing planning assistance and land use related laws, including section 701 of the Housing Act of 1954, as amended, the Coastal Zone Management Act of 1972, and the Federal Water Pollution Control and Clean Air Acts.

NEW CONSIDERATION IN S. 268

Several amendments added by committee during markup reflect concerns raised by several of my distinguished colleagues during Senate consideration of the measure last year. Among the amendments are new provisions which: ensure the safeguarding of the traditional rights of property owners; give sensitive consideration to the protection of the local property tax base and revenues; and guarantee full participation of all interested parties—property owners, users of the land, and the public.

At the urging of several Senators, a number of Governors and leading environmental organizations, the committee adopted an amendment which established a fifth category of land uses which must be included in the State's land use program—"land sales of development projects." We presently have a Federal law which attempts to end the fraud and misrepresentation too frequently associated with the selling of large-scale installment lands sales and recreational homesite projects. But the regulation this law calls for is remedial and has as its principal purpose the protection of the consumer. It comes too late for the purposes of protection of the environment and for insuring adequate public services, such as education, police, and fire protection, and sewer and water systems. Full and intelligent consideration must be accorded projects at the initial stages of development rather than at the later sales stage. The decision to site and develop a project comes before the selling begins; it is this first decision which determines the eventual environmental and public service impacts of the proposed projects. New provisions in the act require the States to assist rural, local governments to assess the full range of favorable and adverse impacts of proposed projects, and to hold developers of these projects to a number of substantive standards concerning environmental quality, provision of public services, and financial capability to complete all promised improvements.

The act also mandates the Council on Environmental Quality to conduct a 1-year study of the feasibility and possible substance of national land use policies. The results of that study, together with the reports of State and local governments must be submitted to Congress within 3 years of enactment of S. 268. To insure an in depth rather than a pro forma study, the act identifies 12 possible national standards which must be considered by all the parties to the study.

Finally, new amendments, adopted by the committee, would provide grant assistance to Indian tribes to plan Indian land; funds for research on and training in land use planning and management; and give, for the first time, statutory recognition to and consideration of the inefficient, costly, time-consuming, and conflicting licensing requirements at all levels of government.

STATE AND LOCAL LAND USE DECISIONMAKING ENCOURAGED BY S. 268

I wish to make clear that the act does not contemplate sweeping changes in the traditional responsibility of local government for land use management. Decisions of local concern will continue to be made by local government. However, for land use decisions which would have significant impacts beyond the jurisdiction of the local public or private decisionmakers, the act provides for wider public participation and review by the State, as the representative of the larger constituency affected by those decisions.

The procedures for, and the nature of, State involvement in land use decisions are left to the determination of the individual States, subject only to certain due process procedural requirements concerning participation of property owners and the public, appeals, dissemination of data, et cetera, and to certain requirements concerning the establishment of authority to implement the decisions. To insure flexibility to the States to develop their own procedures and methods, two alternative but not mutually exclusive techniques of implementation of State land use programs are given: local implementation pursuant to State guidelines and direct State planning. However, the act contains language endorsed by the League of Cities and Conference of Mayors which expresses a preference for the former alternative.

The more innovative State land use laws of recent years support the local government-State government approach of the former alternative. The authority of local governments—the level of government closest to the people—to conduct land use planning and management is in fact bolstered in the great majority of laws of some 40 States concerning areas and uses of more than local concern—wetlands, coastal zone, flood plain, powerplant siting, open space, and strip mining laws. The localities, in these laws, are encouraged to employ fully their land use controls. State administrative review is provided only in accordance with flexible State guidelines relating only to those decisions on areas and uses that are of clearly more than local concern. And, even should disapproval of a local government action result from such a review, State preemption of the decisionmaking authority does not necessarily occur; rather, under most of these State laws, the local government would be provided full opportunity to take any of numerous actions which would comply with the State's guidelines. This form of decisionmaking is encouraged by S. 268.

LIMITED FEDERAL ROLE

Another point which should be emphasized is that the Federal review of State land use programs is to focus not on the substance of each program, but on whether each State has authority to develop and implement its program and whether it is making good faith efforts to do so. This is in keeping with the proposal's purpose to encourage better and effective land use decisionmaking at the State and local levels, and not to provide substantial new land use decisionmaking authority on the Federal level.

Guidelines for the act are to be promulgated through an interagency process with the principal responsibility of formulating those guidelines residing in the Executive Office of the President. Federal determination of State grant eligibility is also not a line agency responsibility. The act provides for an interagency review, with particular additional duties for the Administrator of the Environmental Protection Agency and the Secretaries of Housing and Urban Development and the Interior. Finally, an automatic appeal from an initial determination of ineligibility to an independent ad hoc hearing board is provided. As S. 268 does establish grant-in-aid programs of major dimensions which require administration by line agency personnel daily administrative responsibility is given to the Department of the Interior. To insure the absence of the mission-oriented bias of any existing office or bureau in the daily administration of S. 268, the measure creates a new Office of Land Use Policy Administration within the Department, separate from any such office or bureau.

PROTECTION OF PROPERTY RIGHTS

During the markup of S. 268 the committee gave careful consideration to the possible impact of the legislation on the traditional rights of private property owners. A conscious effort was made to remove any provision or ambiguity which would permit any interpretation that the act in any way provides authority to either diminish or enhance property rights under State constitutions and the Constitution of the United States.

The authority of the States—and local governments, through the delegation of State power—to regulate the use of land to achieve public goals is well established. This authority, however, is clearly not absolute. The extent of the restriction on this authority—the line between permissible and impermissible regulation; regulation which does not require compensation and regulation which, either because of the magnitude of the diminution of property value or the purposes to be achieved, does require compensation—is different in each State. The permissibility of government regulation of private property in each and every case is subject to review by the courts against the fifth amendment's prohibition of "takings" of property without "just compensation," which applies to the States by virtue of the 14th amendment, and against similar provisions of State constitutions. Thus, the Constitution is, as it has always been, the ultimate bulwark for protection of individual property rights.

To make absolutely certain that the act does not by implication alter or amend the constitutional guarantees of the rights of the property owner or diminish the courts' authority to protect those rights, the committee adopted an amendment to subsection 203(f) in S. 268. That subsection reads:

> Nothing in this Act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located.

In short, by this amendment, the committee has declared that S. 268 should not directly or indirectly, by implication or otherwise, interfere with the development of constitutional doctrine on land use and property rights in the 50 States.

RELATIONSHIP TO OTHER LEGISLATION

Finally, what is this measure's relationship to other past or pending land use legislation? Congress has enacted several laws which emphasize land use planning, particularly section 701 of the Housing Act of 1954, as amended, and the Coastal Zone Management Act of 1972. Numerous bills relating to land use policy have been introduced in the 93d Congress. They relate to the public lands, energy facilities, powerplant siting, surface mining, Federal lands rights-of-way, open space, and deepwater port facilities measures. Most of these bills focus on individual uses or areas of critical concern and more than local significance, and encourage the States to assume a degree of control over them. In addition, the Congress is giving increasing attention to national growth policy, in general, and various specific aspects of growth policy, such as rural revitalization. In relation to the myriad of land use and growth policy considerations and legislative proposals before Congress, the Land Use Policy and Planning Assistance Act is expected to serve as an "enabling act" which would encourage the States to develop the financial, institutional, and human resources, and require the State legislation to establish the necessary machinery and procedures, to insure that: first, the States will be receptive to any of those considerations or proposals which become law, and second, the many planning tasks which such laws will require will be conducted in an informed, democratic, and effective manner and not in isolation one from another.

CONCLUSION

Mr. President, I urge favorable Senate action on this measure. It is the product of long and careful study by the Interior Committee and the full Senate. This legislation has been under active consideration for over 3½ years. This measure has been the subject of 20 days of hearing, it has been reported three times, and it was passed by the Senate in the last Congress. I introduced the first national land use policy legislation in January 1970. After 4 days of hearings, it was reported by the Interior Committee in December of that year. As no floor action was taken in the 91st Congress, I again introduced the proposal early in 1971. The administration proposed a similar measure which was featured in the President's 1971 and 1972 environmental messages to Congress. Ten days of hearings were held on the Land Use Policy and Planning Assistance Act in the Senate during the 92d Congress, four by the Interior Committee and three each by the Commerce and the Banking, Housing, and Urban Affairs Committees.

Reported once again by the Interior Committee, the measure passed the Senate on September 19, 1972, after the addition of several excellent amendments offered by my distinguished colleagues Mr. Muskie, Mr. Randolph, Mr. Sparkman, Mr. Bayh, Mr. Boggs, Mr. Buckley, Mr. Cooper, Mr. Fannin, and Mr. Talmadge.

This year, S. 268 was the subject of 6 more days of hearings and 11 days of markup in open public session. S. 268, as reported, contains several additional amendments added by the committee which reflect careful consideration of a number of issues raised on the floor last year. I believe that these new amendments not only answer my colleagues concerns but also measurably strengthen the act. Among the amendments are new provisions which: First, insure the safeguarding of the traditional rights of property owners; second, give sensitive consideration to the protection of the local property tax base and revenues; third, guarantee full participation of all interested parties—property owners, users of the land, and the public; fourth, provide for regulation of massive installment land sales and recreational homesite projects in rural areas; fifth, establish a grant-in-aid program to Indian tribes to plan tribal land; and sixth, mandate a 3-year feasibility study by the Council on Environmental Quality, the States, and local governments of a set of specific national land use policies which the Congress may wish to incorporate into future legislation if the concepts of assistance to State and local government provided for in S. 268 do not resolve the critical land use problems we face.

Mr. President, the Land Use Policy and Planning Assistance Act is a realistic and widely favored proposal. It has received the endorsement of the administration, the National Governors' Conference, 30 individual Governors, and the Council of State Governments, the National Association of Counties, the League of Cities, the Conference of Mayors, the AFL–CIO, the National Farmers Union, National Association of Industrial Parks, League of New Community Developers, and all the major environmental organizations and such diverse publications as the New York Times, Wall Street Journal, the Washington Post, and Business Week.

The need for land use policy legislation has been identified by the Douglas Commission, the Kerner Commission, the Kaiser committee, the Advisory Commission on Intergovernmental Relations, the National Estuarine Pollution Study and the National Estuarine inventory, the Task Force on Land Use and Urban Growth of the Citizens Advisory Commission on Environmental Quality, and numerous other study commissions. Congress recognizes and must respond to this need.

Mr. President, the chaotic land use decisionmaking of today will insure an unsightly, unproductive, and unrewarding land resource for future generations of Americans. To avoid this unfortunate tomorrow, we must improve our land use policy, procedures, and institutions. I commend the Land Use Policy and Planning Assistance Act to the Senate as the best vehicle to achieve this improvement.

Mr. President, I am particularly pleased to announce that the National Governors' Conference unanimously supports this legislation. This very month, at their annual meeting, the Governors gave a unanimous vote to a resolution supporting S. 268.

I ask unanimous consent to print in the Record at this point telegrams I received today from the present and immediate past chairmen of the National Governors' Conference: Governor Evans and Governor Mandel.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Washington, D.C., *June 15, 1973.*

Hon. Henry M. Jackson,
Chairman, Senate Committee on Interior and Insular Affairs, Capitol Hill, D.C.:

The National Governors' Conference at its 1973 annual meeting this month unanimously affirmed its support for Federal legislation to assist State land use planning programs.

We support the Land Use Policy and Planning Assistance Act as reported by your committee and urge its enactment.

Daniel J. Evans,
Governor of Washington and Chairman National Governors' Conference.

Washington, D.C., June 15, 1973.

Hon. Henry M. Jackson,
Chairman, Senate Committee on Interior and Insular Affairs, Capitol Hill, D.C.:

The National Governors' Conference at its 1973 annual meeting this month unanimously affirmed its support for Federal legislation to assist State land use planning programs.

I join Governor Daniel Evans of Washington, in my capacity as immediate past Chairman of the National Governors' Conference, in supporting the Land Use Policy and Planning Assistance Act as reported by your committee and urge its enactment.

Marvin Mandel,
Governor of Maryland.

Mr. JACKSON. Mr. President, the Land Use Policy and Planning Assistance Act is long and complex and the various provisions of the bill are interrelated. The length and complexity of the bill result from a conscious effort to protect the existing rights and responsibilities of State and local government and to insure maximum coordination between Federal and State governments. Also, the committee was scrupulously careful to insure that the provisions of S. 268 did not in any way impinge upon or conflict with the provisions of existing Federal laws on planning and on environmental protection.

Because of the many days of careful consideration the committee has given this measure and because of its complexity and interrelatedness, the committee does not intend to accept any amendments the effect of which could be to upset the careful balance which has been designed into the bill.

Mr. President, I also ask unanimous consent that a brief review of the history of Government involvement in land-use planning and a discussion of what S. 268 does and does not do be printed in the Record at this point. This review and discussion was prepared last year to assist my colleagues in the floor discussion of S. 632—S. 268's predecessor. It was updated to reflect the changes in S. 268, as reported, and placed in the report on S. 268.

There being no objection, the review was ordered to be printed in the Record, as follows:

REVIEW

REVIEW OF THE HISTORY OF LAND USE CONTROLS

(1) The police power of the respective States is an inherent power of government to take such actions as are necessary and Constitutionally permissible to protect public health, safety and welfare.

(2) The power to plan for and to regulate land use derives from the police powers of the individual States.

(3) The Federal government has no police power to regulate lands within a State which are privately owned or owned by the State. Only the State has constitutional authority to control and regulate these lands.

(4) The Federal government does have police power authority as well as express Constitutional authority to regulate the use of the public lands.

(5) The States have exercised land use controls for hundreds of years in one form or another. It was only in the early part of the 20th Century, however, that the States began to do so in a broad and general way. This came with the adoption of model State laws which generally delegated zoning authority—a part of the State's inherent police powers—to units of local government. The purpose of this delegation of police power authority to counties, cities, and other units of local government was to enable them to develop master plans, to zone for permissible uses, and to establish local planning bodies.

(6) The development of local land use planning and zoning was in response to very real land use problems and conflicts which had costly, wasteful, and undesirable impacts upon the public:

Dirty industrial activities would develop in the middle of residential communities;

Unsightly and aesthetically offensive developments—slaughterhouses, tanneries, etc.—would drive down the value of adjacent business and residential property;

Business activities thought by many to be undesirable if not closely regulated—taverns, movie theatres, dance halls, nightclubs—

would be located near schools or churches or in quiet residential areas.

Land use planning and the exercise of zoning authority were designed to deal with these and other problems of a purely local nature.

(7) Prior to the development of a statutory framework for land use planning and controls, the principal remedy available to injured parties was litigation in the courts based upon the inadequate common law doctrines of "nuisance" and "trespass."

(8) Today, as injured parties are again resorting to litigation over land use questions of increasing regional and national significance—power plant siting, location of heavy industry, projects such as the trans-Alaska pipeline, etc.—land use problems no longer appear entirely local in scope and the planning concepts of the 1920's appear inadequate to reflect the changing public values, and meet the increasingly complex problems, of the 1970's.

(9) Today, after a half a century of experience, many public officials and citizens feel that traditional zoning concepts and practices leave a great deal of room for improvement. The Act recognizes this, but does not require radical or sweeping changes in the traditional relationship and responsibility of local government for land use management. The Act does not propose Federal zoning as it is both unconstitutional and unwise. Nor does it propose "statewide zoning" or "comprehensive State master planning" which would only result in costly, dilatory, duplicative and often inflexible regulation of the vast majority of land use problems which are of concern, interest and knowledge only to the local units of government.

(10) Instead, the Act encourages a continual "process of planning" wherein the right of local government to exercise land use powers is reasserted on all land use decisions and the State government is asked to join in partnership with local government on land use decisions of more than local concern, both governments acting in response to the decisions of State and local legislative bodies on substantive issues and with full citizen participation.

(11) In the Act, the State governments are encouraged to assist localities with guidelines for local planning or through cooperative planning only on those land use questions which are of *more than local concern*, which go beyond the boundaries of only one locality and have an impact upon a number of local units of government, and which determine the shape of the future environment—decisions concerning highways, airports, and mass transit systems; major power plants and transmission corridors; areas to be preserved or closely regulated (environmental areas, flood plains); and areas for intense development (housing complexes or industrial parks).

reverse the process begun in the 1920's of delegating all land use planning authority to units of local government. Increasingly States

(12) The trend in most States today is to are selectively assuming an important role with respect to land use problems which are of more than local concern such as power plant siting, location of industrial parks, open space, surface mining, and the protection of park, beach, coastal or estuarine areas. Over 40 States now have laws regulating one or more critical areas or uses of more than local concern. The Act encourages this trend toward active State responsibility and the elevation of land use decisions of more than local concern to the level of government—county, regional or State—most appropriately suited to decide the question in view of all legitimate values and interests.

WHAT THE ACT DOES AND DOES NOT DO

The Act does not do any of the following:

(1) Does not mandate, require, or allow "Federal planning" or "Federal zoning." The zoning power is based on the State's police power and the Federal government does not have authority to zone State or privately owned lands (with the exception of the District of Columbia which is a special and unique case).

(2) Does not permit a substantial increase in Federal authority over, or a wide-ranging Federal review of, State and local decisions concerning the use of State and local lands. The Act is an "enabling act" which encourages the States to exercise "States' rights" and develop State land use programs. Consistent with the enabling act concept, the Federal government is to focus its review on the procedures to develop, and the States' ability to implement, the State land use programs and not on the substance of those programs.

(3) Does not require State planning over all land within the State. The State land use program definitely is not required to be a statewide program which preempts the myriad of local decisions, but rather one focused on five categories of critical areas and uses of clearly more than local concern; areas of critical environmental concern (shorelines, flood plains, historic areas), key facilities (airports, major highway interchanges, power plants) large scale development (industrial parks), public facilities or utilities of regional benefit, and land sales or development projects.

(4) Does not mandate State zoning, rather reasserts local zoning powers. The States are encouraged to develop their programs not by zoning or by producing a master plan, but by reasserting the whole range of local governments' land use authority, and providing guidelines for the exercise of that authority. For example, a State would not, could not, make a basic zoning decision such as on which corner shall the gas station be. But it would have a duty to provide guidelines for local decisionmaking to insure for example, that one community does not site a massive industrial park directly adjacent to another community's recreational park or wildlife refuge.

(5) Not only does not impinge upon or alter the traditional land use responsibilities of urban government, but also does not focus on urban lands. Unlike traditional urban and housing planning legislation this Act does not focus on only one category of land: the intensely developed land. The Act encourages a balanced and rational planning process for all categories of land, including the so-called "opportunity areas"—those areas where irreversible ill-effects of incremental land use decisionmaking have not already become legion—i.e., the rural areas and areas on the urban periphery.

(6) Does not tell a State how much or what specific land must be included in the State land use program. The extent of and type of land use to be included in the critical areas and uses of more than local concern is dependent upon how the State defines those five areas or uses, e.g., does a shoreline run in from the water's edge 100 feet or a mile? Does large scale development include a subdivision of 20 units or 200?

(7) Does not alter any landowner's rights to seek judicial redress for what he regards as a "taking." The provisions of the Act do not change the body of law—Federal and State constitutions, statutes and judicial decisions—regarding the police powers and eminent domain. The right of a landowner to petition a court of competent jurisdiction for a determination of whether a particular exercise of State police power diminishing the use of land requires compensation is guaranteed in every State by the constitutional requirements of due process.

The Act does do the following:

(1) Does require States to exercise "State's rights" and State responsibility over those land use planning and policy decisions which are of "more than local concern" and which provide the framework upon which the shape of the future is determined.

(2) Does require State governments to develop a process of planning and a State land use program which is "balanced"; that is, a program which protects the environment and assures recreational opportunity, but at the same time provides for necessary social services and essential economic activities—for transportation facilities, reliable energy systems, housing, and residential development.

(3) Does contain provisions which insure its compatibility with the HUD 701 planning program, the Clean Air and Water Pollution Control Acts, other Federal legislation, and the Coastal Zone Management law enacted last year.

(4) Does provide State government with funds—$800 million over eight years—to develop land use data inventories, to improve the size and competence of professional staffs, to establish appropriate State planning agencies, and to develop State land use programs.

(5) Does provide the States with wide latitude in determining the method of implementing the Act—reassertion of all local land use powers with State administrative review under State guidelines such as in most State coastal zone, wetlands, flood plain and power plant siting laws, or the rarer direct State planning, as in Hawaii or Vermont or the unincorporated areas of Alaska. An amendment added to the measure last year and endorsed by the League of Cities clearly establishes an intent that "selection of methods of implementation shall be made so as to encourage the employment of land use controls by local governments." However, the State need not concur with this expression of intent and can adopt any number of innovative implementation methods.

(6) Does endorse the concept that local land use decisions should be made by local government.

(7) Does encourage coordination of Federal planning and management of Federal lands and State and local planning and regulation of non-Federal lands.

(8) Does provide Indian tribes with funds—$10 million a year for eight years—to develop land use programs for reservation and other tribal lands.

(9) Does provide States with funds—$15 million a year for eight years—to coordinate or conduct land use planning in interstate regions.

(10) Does provide funds through grants or contracts—$2 million a year for eight years—to support research on and training in land use related subjects.

(11) Does provide for a two year feasibility study of national land use policies by the Council on Environmental Quality, the Interagency Advisory Board on Land Use Policy, and State and local government.

Mr. JACKSON. Mr. President, on behalf of myself and Senator FANNIN, who is necessarily absent, I ask unanimous consent that Harrison Loesch, W. O. Craft, Jr., Maureen Finnerty of the Minority Counsel's Office; Joseph S. Jenckes of Senator FANNIN's office, and Brent Kunz of Senator HANSEN's office be granted floor privileges during the debate and votes on the amendments and final passage of S. 268.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield to the distinguished Senator from Colorado (Mr. HASKELL).

Mr. HASKELL. Mr. President, I ask unanimous consent that during the debate and consideration of S. 268, Betsy Moler, of my staff, be allowed access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, will the distinguished Senator from Colorado yield?

Mr. HASKELL. Mr. President, I yield to the Senator from Idaho for a question.

Mr. McCLURE. Mr. President, I thank the Senator from Colorado for yielding.

Mr. President, I asked for this particular privilege so that I might engage for a moment in a colloquy with the distinguished Senator from Washington, the chairman of the full committee, in regard to the general purposes of the act and the efforts made by the committee in the entire mark-up and the history that is shown in the committee report to preserve the rights of the State and local governments to do the planning process.

I ask the Senator from Washington if it is not a fact that what we have done throughout the entire mark-up and structuring of this bill is seek to stimulate the State processes, rather than substitute a Federal process for them.

Mr. JACKSON. Yes, I would say the Senator is basically correct.

I could put it another way: If the States had been able to do the job in this area, we would not have any Federal legislation pending before the U.S. Senate. I think that is the simplest way to put it. This is an effort to provide appropriate inducement and encouragement to the States, in effect, to exercise what has always been their constitutional right under the police power of the States.

Mr. McCLURE. The Senator has made that point repeatedly in his speeches on this floor and at other points, as well as in the mark-up sessions, and the reason I asked the question is that there are a number of critics of the legislation who are saying that we are invading the rights of the States to engage in the land planning process.

As I view the legislation and the intention of the chairman of the committee, we would require certain things to be considered by the States and require a good faith effort to implement the planning process, but leave the results of the planning process to the States. That is my understanding of the intent of this legislation, rather than an attempt to inject the Federal Government into the decisionmaking process.

Mr. JACKSON. I think that is generally correct. As the Senator knows, the great push behind this legislation stems from the National Governors' Conference. S. 268—I am not speaking of every detail, but the bill in general—has the endorsement on a unanimous basis of the Governors Conference, including its basic concept of a land use planning approach.

Mr. McCLURE. That speaks rather loudly of the Governors' own view of the purpose of the legislation. I am sure they would not have done that had they felt this bill represented a Federal takeover of the planning process.

The Senator had several points in his introductory statement that made reference to the fact that this does not make sweeping changes in the police power application at the State and local levels, that it is not an effort by the Federal Government to take over, but that the Federal role is that of a catalyst, that the legislation is in the nature of an action-forcing device, to make certain that the States do perform the role, which many people are suggesting they have not done. But it is not an attempt to put the States aside and have the Federal Government do the job, and I thought the Senator said it well when he said this may be our best and perhaps our last opportunity to enact legislation that preserves the rights to the States and does not inject the element of Federal control.

Mr. JACKSON. We not only endeavored in this bill as reported to get the States moving, but, as the Senator knows—and I appreciate his strong support of the bill—we have gone out of our way to get all public and private sectors within the 50 States to participate in the process.

It is obvious to me that if a program of this kind is to be successful, it must involve citizen participation, starting right in the local community with public hearings. That is fundamental to the concept of democratic land use decisionmaking which we had in mind. We not only provided inducement for local government and public participation, but we, in the case of Indian lands, endeavored to get the Indians involved so that they can manage and zone their land in such a way that they can protect their natural resources, and improve their quality of life, and at the same time conduct their activities in harmony with the uses of adjoining non-Indian lands, and vice-versa.

We also, of course, have provisions to insure the direct involvement of the propertyowners who will be affected by this measure.

It is an action-forcing—the Senator used that term, and I think it is descriptive of what we are trying to establish here—procedure, in which the States, local government and citizens will be involved, to meet the problems which are cascading down on them.

The problem really is related to the incredible rate of economic growth that is taking place in our country. Let me illustrate with one figure: The gross national product reached the $1 trillion level 3 years ago in December. It took us 200 years—this is in current dollars—to get the first trillion. It took us 185 years to get the first one-half trillion, and only 15 years to get the second half trillion. Now we are talking about doubling all of that, which took 200 years to achieve, in the next 50 years. How are we going to do it if we do not have some kind—not a fixed, but a flexible, democratic blueprint, plan, or road map of where we are headed?

To me, it is just good, sound commonsense. The environmentalists, who are doing a great job in protecting areas that should be conserved, and the developers and industrialists, who are providing economic growth to help eliminate poverty in America, both in my judgment will benefit, from this kind of legislation which identifies the areas to be set aside by proper planning for the environmental protection and economic development in the future.

Mr. McCLURE. It not only provides a nudge, but it also provides the very essential ingredient of assistance to the States and local governments in their planning efforts, without which assistance the nudge might be meaningless. And I think it is significant to note that the committee, in its wisdom, did provide for substantial assistance, and assistance much more meaningful and a much larger grant program than was suggested in the administration's message with respect to land use planning.

I certainly concur with what the chairman has said with respect to the individual participation and the public procedures which are required, the involvement of the public in every step of the proceedings in the development of land plans; and I want to underscore again what the Senator has just said in regard to the tremendous growth in this country.

As I recall the figures, in 1930 we had something like 130 million people in this land. In all of our history before that time we had grown to 130 million people. In the 40 years that followed that time, we grew from 130 million people to slightly over 200 million people. In the next 30 years we will grow to 300 million people in this country. Even though our birth rate has slowed and population growth is reaching stability, the fact that we do have very many young people in our population indicates that as they form families, the population will continue to grow, and even though we have reached relative stability, we will have almost 100 million more people at the end of this century than we have now.

That simply underscores the necessity for some kind of rational, objective look at the use of our resources. But, again, the thing that I think is most important to remember in this legislation is that we are not undertaking to have the Federal Government make all these decisions.

This legislation merely guides, directs, stimulates, and assists the States in doing their job. As a matter of fact, without getting into the details of the amendments which were offered in committee, we tried to make that plain at every stage of the proceedings as we went through them. Again, without attempting to get into the details of the amendments which might be offered here, there will be an attempt later on, I understand, to provide some sanctions, that is, sanctions which will be directed not to the results of the State process or to details of their plans, but sanctions that will require the States to get involved in the job of what we think should be done in State and local planning; is that not correct, I ask the Senator?

Mr. JACKSON. That is correct, I intend, as stated on page 105 of the report accompanying the bill, to introduce an amendment—it was announced during the committee mark up sessions—to provide for incentives or sanctions to the States to encourage them to act.

This, to me, is not new. I do not like to say it, but as a matter of realism it needs to be done in order to provide the kind of push that is required.

I must say, in response to the distinguished Senator's comments, that if we do not follow a course of this kind on land use legislation—I am not referring to sanctions now, but the course that we have laid out in the bill in general—then we will get some kind of Federal land use planning in the future which I would not want to see. We are trying to avoid that, as I indicated in my opening remarks, by urging the States to exercise their constitutional responsibility in connection with land use decisionmaking.

Mr. McCLURE. I appreciate the remarks of the Senator from Washington, because we had a number of amendments offered during committee consideration of the bill that were directed toward making it plain that the Federal Government was not preempting the planning field, that we were trying to assist the States. Those who suggested that we have not perfected that job, I have suggested to them that if, indeed, we have not made it plain in the bill, they should come up with specific amendments that we could consider. But certainly all our efforts were directed toward making certain that the Federal Government did not take over and play the role of assisting the States in getting the job done.

That is the reason I have taken the time now to make certain, at the outset, in the discussion of this bill, to note that people throughout the country will be looking at what we may be doing here, so that we must have a proper framework that will make them understand that all we are trying to do is to help the States and not trying to take over from the States what has been traditionally the role of State and local governments.

Mr. JACKSON. I thank the distinguished Senator from Idaho for his helpful questions and his comments. I believe that the record to date and the record that will be made on the floor will corroborate his basic thesis that there is no intention here to invade the rights of the States but only to nudge or prod them to exercise those rights.

May I say that that is not new in American history. We have had to nudge the States from time to time on various matters.

There are other problems in this area where we have legislation that will cause the preemption of certain States' rights on energy sites, port facilities, and so forth; this bill would not do that. I think the Senator's comments have been very helpful, and I want to thank him for his help on the bill and his valuable assistance.

I also want to thank the able Senator from Colorado (Mr. HASKELL) who worked so long and hard on the pending measure and has taken such a great, keen, continuing, and personal interest in this bill and is acting flood manager in connection with this debate.

Mr. McCLURE. I thank the Senator from Washington for his comments, and I also thank the Senator from Colorado for his courtesy in yielding me this time in order that we might have this colloquy.

Mr. HASKELL. Mr. President, the comments of both the distinguished Senator from Idaho (Mr. McCLURE) and the distinguished Senator from Washington (Mr. JACKSON), the chairman of the Committee on Interior and Insular Affairs, have put the pending bill in its proper context.

We all know that growth in this country is inevitable. The question we must address today is whether that growth will be planned and livable or whether it will result in destroying our land of which there is obviously a finite quantity, and the result will be unbelievable.

As the distinguished Senator from Idaho (Mr. McCLURE) mentioned, S. 268 as reported, does not create a Federal planning monster which will control us. It does not create an unmanageable bureaucracy which will frustrate sound land use planning. It reflects, on the contrary, the view that the proper and logical planning unit is the State which will balance competing land use pressures and will administer sound land use programs.

The mechanism created, as has been stated, is an action-forcing mechanism.

The bill would give each State complete freedom to administer its own program and to enact legislation responsive to its own situation.

At the option of each State, land use planning can be on a statewide basis, a regional basis, or a local basis. The bill does, however, stipulate that the State itself must address five categories defined as "areas and uses of more than local concern." These five categories should be highlighted, and they are:

First, areas of critical environmental concern such as flood plains, significant wildlife habitats, and historic areas;

Second, key facilities such as major airports, highway interchanges and frontage access highways, recreational facilities, and facilities for the development, generation and transmission of electric power;

Third, large-scale developments such as industrial parks or major subdivisions;

Fourth, public facilities or utilities of regional benefit such as solid waste disposal or sewerage systems; and

Fifth, and finally, land sales or development projects such as major recreational or second homesite developments in rural areas.

Now, due to the significance of these five categories, which obviously only the State can address itself to, the State is asked in the pending bill to do so.

The States, in any event, would have the obligation to do this kind of planning if they are in fact to carry forward a sound, effective State program. The remainder of the planning can be done by the local government unit, whether county, regional government, or any other unit, and coordinated at the State level.

On the other hand, if a State so desires, it may plan on a statewide basis, at the State level.

In short, we are not usurping any of the States basic, constitutional rights to do the planning. Nor are we telling the States to take that right away from regional or local governments.

The act itself would require that the States set up a planning process within 3 years. A statewide agency must be instituted so that the State can collect the data and develop the expertise to make or assist in making decisions concerning those critical areas and uses. After the planning mechanism is set up, the States are allowed 2 years to formulate, together with the local governmental units, a State land use program. If the State desires to proceed faster, obviously, it may so do.

After the State land use programs are developed, S. 268 would require their submission by the States to a new Office of Land Use Policy Administration in the Department of the Interior for an interagency review to determine State eligibility for further grants. The review is limited, as has been stated here before, first, to a determination of whether a State has instituted a satisfactory process and, second, whether the five critical areas and uses of more than local concern have been considered, and whether the State program addresses itself to the problem.

The bill does not have—I repeat—does not have substantive Federal standards.

There was a discussion within the committee as to whether or not there should be substantive Federal standards. I, for one, felt that probably there should be. But upon consideration, I think the view adopted in the bill is a thoughtful compromise between those who want comprehensive Federal standards now and those who never want any at any time.

The bill asks for each State and the Council on Environmental Quality, within a limited period of time and addressing themselves to specific problems set forth in the bill, to come up with a recommendation: Do we want Federal standards? Perhaps we do not. If we do want them, what should they be? Then Congress, hearing the report of the States and the Council on Environmental Quality, can either act and adopt Federal standards or, in the alternative, may decide not to do so.

As has been said, the act provides a very substantial Federal help to the States. A 90-percent fund grant-in-aid program is contained in the bill. This is similar to aid given States in areas such as the interstate highway program and should enable the States, without any hardship, to carry forward.

Mr. President, it is impossible to overstate the importance of this legislation and the need for its swift enactment. By the year 2000, the United States, as has been said, will again build everything we have built before. If S. 268 is not adopted, I submit that this building will be unplanned and many parts of our country will be unlivable. If the bill is passed, I think we will have orderly and planned growth. So I repeat that I am heartily in support of S. 268.

Mr. BARTLETT. Mr. President, I ask unanimous consent that during the consideration of the debate and votes on S. 268, two members of my staff, Mr. Russell and Mr. Frank, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BROCK, MONDAY, JUNE 18

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Tennessee (Mr. Brock) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY TO 9:30 A.M., TUESDAY, JUNE 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, it stand in adjournment until 9:30 a.m. Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE SENATE TO CONVENE AT 10 A.M. ON WEDNESDAY, THURSDAY, AND FRIDAY, JUNE 20, 21, AND 22, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, Wednesday, and Thursday next, it stand in adjournment until the hour of 10 a.m. Wednesday, Thursday, and Friday next, respectively.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY AND FOR THE CONSIDERATION OF S. 907

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the recognition of the distinguished Senator from Tennessee (Mr. Brock) on Monday, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate proceed to the consideration of S. 907, and that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the disposition of S. 907 or the close of business on Monday, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRESS IN LEGISLATION TODAY

Mr. ROBERT C. BYRD. Mr. President, the Senate today disposed of all nominations on the executive calendar:

It also passed three bills:

S. 1413, a bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

H.R. 7357, to amend section 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

H.R. 3867, to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes.

Additionally, the Senate has resumed its consideration of the unfinished business, S. 268, the land use policy bill, and opening statements have been made thereon.

The Senate has had a good day today. Progress has been made with respect to the legislative calendar.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will convene at 11 o'clock a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Tennessee (Mr. Brock) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of S. 907, the Arctic winter games bill. The bill will be taken up at about 11:30 a.m. There is a time limitation on the bill and on amendments thereto. Yea and nay votes are expected to occur on the bill and/or on amendments thereto.

The unfinished business will be temporarily laid aside and will remain in a temporarily laid aside status until the disposition of S. 907 or until the close of business on Monday, whichever is the earlier. I would not anticipate that the time necessary to complete action on S. 907 would take the entire afternoon, however.

On the disposition of S. 907, depending upon the time, it is the intention of the distinguished majority leader then to move to take up another measure, either S. 925, the Federal financing bank bill or S. 470, to amend the Investment Company Act and the Investment Advisers Act.

Yea-and-nay votes will occur on Monday on either or both of those measures, I am confident.

On Tuesday, the Senate will convene at the hour of 9:30 a.m. It is anticipated that at no later than 10 o'clock a.m., the Senate will resume its consideration of the unfinished business, the land-use policy bill. Yea-and-nay votes will occur that day on amendments to that bill. It is hoped that final action may be completed on the land-use policy bill on Tuesday.

In any event, on Wednesday, the distinguished majority leader expects to call up the NASA authorization bill, and yea-and-nay votes will occur thereon and on amendments thereto.

Any uncompleted measures among those which I have enumerated will be continued to completion on Thursday and Friday.

Also, next week, the Senate is expected to take up S. 1443, to authorize the furnishing of defense articles and services to foreign countries and international organizations. Also, as a possible first-track item, even as early as Tuesday or Wednesday, there may be S. 1125, dealing with alcohol abuse and alcoholism. Other measures will be cleared for action by the time Thursday and Friday arrive.

Yea-and-nay votes can be expected daily Monday through Friday of next week—and also on Saturday if a Saturday session becomes necessary.

The foregoing sequence of measures may have to be altered from time to time depending upon the floor situation. The listing I have set forth is merely for the convenience of Senators so that they may anticipate a busy week ahead with yea-and-nay votes occurring daily, as I have already indicated.

An order has already been entered for early meetings on all of the days of next week, Monday through Friday, so that, in accordance with the usual practice when the Senate goes on a double track or a multiple track system, we come in early and stay in reasonably late, if necessary, to get the work done.

I also wish to add this important footnote. Senators should be prepared to attend possible Saturday sessions prior to the July 4 recess. Some Saturday sessions can and quite likely will occur during July, prior to the August recess, in view of the fact that there will be a glut of appropriation bills coming over from the House of Representatives during the remaining days in June. Consequently, before the August recess, the Senate will want to attend to six, seven, or eight regular appropriation bills. These and other measures that will be on the calendar will necessitate the likelihood of some Saturday sessions prior to the August recess and also some Saturday sessions are quite likely in September after the August recess.

Mr. DOMINICK. Mr. President, I must admit that whatever authorization or appropriation bill the Senator mentioned which he said might come up later in the week does not appear on my calendar.

Mr. ROBERT C. BYRD. That is H.R. 7528, an act to authorize appropriations to the National Aeronautics and Space Administration calendar No. 169. That is the bill that will be coming up next week. That bill was reported on May 30, 1973.

Mr. DOMINICK. Mr. President, I thank the Senator.

ADJOURNMENT TO 11 A.M., MONDAY, JUNE 18, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 11 a.m., Monday next.

The motion was agreed to; and at 1:42 p.m. the Senate adjourned until Monday, June 18, 1973, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1973:

DEPARTMENT OF DEFENSE

Terence E. McClary, of Massachusetts, to be an Assistant Secretary of Defense.

Arthur I. Mendolia, of Delaware, to be an Assistant Secretary of Defense.

Malcolm R. Currie, of California, to be Director of Defense Research and Engineering.

Jack L. Bowers, of California, to be Assistant Secretary of the Navy.

DEPARTMENT OF STATE

Kenneth B. Keating, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

William A. Morrill, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare.

Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare.

U.S. TARIFF COMMISSION

George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1979.

SOCIAL AND REHABILITATION SERVICE

James S. Dwight, Jr., of California, to be Administrator of the Social and Rehabilitation Service.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be Members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated:

For a term of 4 years:

Charles E. Odegaard, of Washington.

Joseph D. Matarazzo, of Oregon.

For a term of 6 years:

Alfred A. Marquez, of California.

U.S. AIR FORCE

The following officer for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Edward R. Fry, [redacted] FG, Air National Guard.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Samuel Jaskilka
Edward S. Fris
Thomas H. Miller, Jr.
Robert H. Barrow
Herbert L. Beckington

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of major general:

Richard Mulberry, J.
Louis Conti

The following named officers of the Marine Corps of permanent appointment to the grade of brigadier general:

William L. McCulloch
Robert W. Taylor
Adolph G. Schwenk
William H. Lanagan, Jr.
Francis W. Vaught
Robert L. Nichols

IN THE AIR FORCE AND NAVY

Air Force nominations beginning Richard L. Frymire, Jr., to be lieutenant colonel, and ending Terry L. Young, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 1973.

Air Force nominations beginning George B. Aaron, to be lieutenant colonel, and ending William E. Wilson, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1973.

Navy nominations beginning Steven A. Klein, to be ensign, and ending William E. Short, Jr., to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1973.

HOUSE OF REPRESENTATIVES—*Friday, June 15, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Seek ye first the kingdom of God and His righteousness; and all these things shall be added unto you.—Matthew 6: 33.

O Lord, we pray for guidance and wisdom as we meet in this troubled hour of our national life. Let not differences of opinion make a difference in our relationships, let not the divisions of party divide us in principle, let not the difficulties of daily life make us difficult to live with. Now and always may we seek first Thy kingdom of peace, truth, and love in our Nation and in our world. This is not easy to do, but with Thy spirit we will work to make it a reality in our day. So help us, God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 110. Concurrent resolution providing for the printing, as a House document, of the eulogies and encomiums of the late President of the United States, Harry S. Truman; and

H. Con. Res. 200. Concurrent resolution providing for the printing of the compilation of the social security laws.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following title:

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H. Con. Res. 132. Concurrent resolution providing for the printing as a House document of a revised edition of "The Capitol."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7645) entitled "An act to authorize appropriations for the Department of State, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Sparkman, Mr. Church, Mr. Pell, Mr. Aiken, Mr. Case, and Mr. Javits to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 271. An act to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes;

S. 797. An act to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, D.C., and Annapolis, Md., and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility;

S. 1585. An act to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes; and

S. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972.

THE 10TH ANNIVERSARY OF LOSS OF VOLUNTARY PRAYERS IN OUR SCHOOLS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my good friend and capable colleague, Congressman Wylie, who will bring to the attention of the House that it was 10 years ago Sunday that American youth attending public schools lost their right to voluntary freedom of prayer. This loss happened, when the Supreme Court ruled that prayer would no longer be permitted in the public schools of the United States. I disagreed with this decision when it was issued and I disagree with it just as strongly today. I have been happy to join with Congressman Wylie in past Congresses to enact a proposed constitutional amendment allowing public prayer on a voluntary basis. I will continue to look to him for leadership in this area and hope we will see a renewed effort during the 93d Congress.

SCHOOL PRAYER

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I appreciate the reference by my good friend Mr. Montgomery, of Mississippi, and thank him for able and conscientious support. This Sunday marks the 10th anniversary of the Supreme Court's decision in Murray against Curlett—a case which held that Bible reading without comment in a tax-supported school setting is unconstitutional. The case was brought by Madalyn Murray O'Hair who has also objected to the recitation of prayer by the astronauts in space and who more recently brought suit to prohibit Bible services in the White House.

There are those who believe that many of our problems of juvenile delinquency, crime, and problems directly related to a moral consciousness such as drug- and sex-related crimes started following the Engle case, the Murray case, and the school prayer decisions based thereon.

The Reverend Father Robert G. Howes, the National Coordinator of Operation Prayer, is asking for a national day of rededication to the proposition that voluntary prayer be unmistakedly restored to public schools. It is time that we rededicate ourselves to the proposition that we are endowed by our Creator with certain unalienable rights, that there is standard of right and wrong above men, and that recognition of a Supreme Deity by anyone, anytime in America—even by students in public schools—is essential to the continuation of our way of life.

I will include a paper entitled "National Rededication Day '73" by Father Howes at a later point in the Record.

SCHOOL PRAYER AMENDMENT

(Mr. KEATING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEATING. Mr. Speaker, I wish to associate myself with my colleague, the gentleman from Ohio (Mr. Wylie), who has worked so hard to restore voluntary prayer to our schools.

Last year I was pleased to join Congressman Wylie in supporting the discharge of the school prayer amendment. While we were not successful last year, it is my hope that we will have the opportunity to vote on this amendment during the 93d Congress, and that this time we will succeed.

THE SCHOOL PRAYER AMENDMENT

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, I am today most pleased to associate myself once more with the gentleman from Ohio (Mr. Wylie) in seeking an amendment to the Constitution that will make it legal to have prayer in our schools and other public buildings.

New Jersey itself is unique in that the courts there have ruled prior to this that even the prayer that is spoken in this Chamber of the House of Representatives may not be used in public schools by our students prior to any classes. This is a travesty in itself. It infringes upon the rights of all Americans. I am hopeful that this year we may get enough support in this House to put the amendment through without any equivocation so that people will be permitted, if they so desire, to repeat the Lord's Prayer, which I fail to see as a governmental promoted function.

Mr. Speaker, I yield back the balance of my time.

PERMISSION TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

Mr. EDWARDS of Alabama reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DR. JACK A. BERGSTROM OF MIDLAND, MICH., ELECTED PRESIDENT OF MICHIGAN OPTOMETRIC ASSOCIATION

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I would like to congratulate a constituent, Dr. Jack A. Bergstrom of Midland, Mich., upon his election as the 1973–74 president of the Michigan Optometric Association. It is a distinct honor to be selected by his fellow optometrists and I am sure that under his direction the association will continue to progress in implementing quality vision care in the State of Michigan.

Dr. Bergstrom's contributions to optometry in the State have been numerous. He has served in zone 4 of the Michigan Optometric Association as secretary, vice president, and president. He has been trustee and president-elect for the entire MOA. Since 1963 he has been a fellow of the American Academy of Optometry.

In addition to this dedication to his profession, he has served the community—through the Lions Club, through the Citizens Education Committee for Midland Public Schools and trustee of his church, Trinity Lutheran.

It is a pleasure for me to be able to mention this record of service; Dr. Bergstrom exemplifies concern for his community and his profession. I offer my best wishes to the new president and the entire Michigan Optometric Association.

THE SCHOOL PRAYER AMENDMENT

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I commend my colleague, Congressman Wylie, for calling to the attention of the House that 10 years ago the U.S. Supreme Court launched an attack on the freedom of religion in this country which still persists, despite the efforts of many of us in this Chamber to halt its advance.

In its 1963 decision in the case of Murray against Curlett, the Court ruled that prayer had no place in public schools.

Justice Tom Clark, who wrote the majority opinion, said then that—

> The breech of neutrality that is today a trickling stream may all too soon become a raging torrent.

Justice Clark was writing for the majority, and against prayer in schools, but his eloquence better serves the cause of those of us who believe the Supreme Court erred in its judgment of this case.

For today freedom of religion is under attack on all fronts, and leading the attack is the same person who brought that first suit 10 years ago.

From the "trickling stream" of preventing prayer in public schools, those who oppose prayer in schools has loosed a "raging torrent" in the past decade that threatens now to engulf all public buildings, including this one and including the White House, in this sea of Godlessness. So great is her ambition that she seeks even to prohibit the worship of God in outer space, which itself proclaims in its infinite silence and in its majesty the greatness and power of its Creator.

I firmly believe that this was not the intent of the authors of the Constitution, and that the courts have abrogated a right of the people which our Founding Fathers held dear.

Many Members of this body, including myself, have introduced a constitutional amendment to restore that right. We have come close to passage once before, and we will keep trying until that right is assured and public prayer is restored.

THE SCHOOL PRAYER AMENDMENT

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, I should like to take this opportunity to commend my colleague, the gentleman from Ohio (Mr. Wylie) for bringing the amendment to the attention of this House that Sunday is the 10th anniversary of the Murray decision. A case that I think is reprehensible. We have had almost 200 years of prayers in this Chamber since the founding of our country. Prayer is legal here. The Supreme Court starts every day with a prayer.

The Senate starts every day with a prayer and, Mr. Speaker, I cannot think of a finer way to start a day than with prayer.

I compliment my colleague, the gentleman from Ohio, and I shall support him again.

VOLUNTARY PRAYER IN SCHOOLS

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, I am very pleased to join my colleague, the gentleman from Ohio, in bringing this issue of voluntary prayer to our attention. The Supreme Court decision 10 years ago in my opinion was wrong. I feel that something should be done about it. Now more than ever I think we need to expose our children to the fundamentals of education, fundamentals such as right from wrong, good from bad. This includes the teachings of God.

An effort by this body to reverse the decision by the Supreme Court is indeed a worthy one. I therefore am glad to join my colleague in his efforts.

REQUEST FOR CONFERENCE ON S. 795, NATIONAL FOUNDATION ON ARTS AND HUMANITIES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object, I make this reservation to indicate to the gentleman from Kentucky, the chairman of the Committee on Education and Labor, and to my colleagues that I do not believe it appropriate for us to request this conference with the Senate in this matter. We will limit the ability of the House to deal effectively with this matter. Therefore, I object.

The SPEAKER. Objection is heard.

THE 10TH ANNIVERSARY OF DEATH OF MEDGAR EVERS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, I would like to remind my colleagues, while we are pointing out the 10th anniversary of things, that June 12 was the 10th anniversary or the memorial of the death of Medgar Evers, who died violently while trying to secure civil rights for all Americans and particularly his brethren in Mississippi. He will be remembered in history as a noble being in pursuit of a great cause for humanity.

On June 12, 1963, Medgar Evers' life was snuffed out by an admitted assassin who has not yet been brought to the bar of justice. In life as well as in death Medgar Evers should be remembered for his pursuit of the American dream that every American is endowed with certain inalienable rights among which are life, liberty, and the pursuit of happiness. In addition, we should constantly keep in mind that the goals and objectives that he diligently sought to achieve are far from being obtained. His death stands as a living memorial to that fact.

Today, Medgar Evers is remembered as a leader and a great man. He was a black American who shared his dreams, his hopes, and aspirations with all who expressed a desire to further the rights of mankind. He was an individual who had no place in his heart for malice or violence. Instead, he occupied his time with a deeply felt conviction that the American dream could be achieved in his lifetime.

I commend to the Members the statement inserted by the distinguished gentleman from New York (Mr. RANGEL) at page 19731 in the CONGRESSIONAL RECORD of June 14, 1973, on this matter.

PRAYER IN SCHOOLS

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, I am very happy to join with my colleague, the gentleman from Ohio, from the Columbus area, Mr. WYLIE, in pointing out the fact that this is the 10th anniversary of the decision which eliminated prayers in public schools. I join the gentleman in his effort to seek a restoration in this regard.

This was brought home to me yesterday on the occasion of the weekly prayer breakfast here in the Capitol Building. Our colleague, the gentleman from North Carolina (Mr. MARTIN), pointed out that it is tough for those of us in public service today to speak about God, flag, or motherhood, because they have all become controversial. The Supreme Court has made prayer in public school controversial, and the flag has become controversial because some of the more militant activist nuts are burning and degrading it, and, of course, motherhood has become controversial because of the Supreme Court decision on abortion.

I commend the gentleman from Ohio for again bringing the prayer issue before the Congress.

ANNIVERSARY OF SUPREME COURT DECISION ON PRAYER IN SCHOOLS

(Mr. BEARD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEARD. Mr. Speaker, I want to commend the gentleman from Ohio on his statement.

It is very appropriate that this subject be raised as we approach the anniversary of the Court's decision on prayer in schools. Many of the citizens of my district consider it tragic that voluntary prayer in school has been eliminated.

I would hope the Congress will again address this question in the near future and thank the gentleman for his remarks.

AGRICULTURE, ENVIRONMENTAL, AND CONSUMER PROTECTION APPROPRIATIONS, 1974

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8619) making appropriations for agriculture, environmental, and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from North Dakota (Mr. ANDREWS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALL OF THE HOUSE

Mr. COHEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 226]

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Arends
Ashbrook
Ashley
Badillo
Bafalis
Bell
Biester
Bingham
Blackburn
Blatnik
Breckinridge
Buchanan
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Clawson, Del
Collier
Conable
Conte
Crane
Daniels, Dominick V.
Danielson
Davis, Wis.
Dent
Derwinski
Dickinson
Diggs
Dingell
Edwards, Calif.
Erlenborn
Fisher
Flynt
Fraser
Fuqua
Giaimo
Gray
Gubser
Gunter
Harsha
Hastings
Hays
Hébert
Heckler, Mass.
Henderson
Huber
Ichord
Johnson, Calif.
Johnson, Pa.
Karth
Kluczynski
Landrum
Leggett
Litton
McDade
McKinney
McSpadden
Macdonald
Mailliard
Maraziti
Mathias, Calif.
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, N.Y.
Owens
Pepper
Powell, Ohio
Pritchard
Railsback
Reid
Rhodes
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Rousselot
Roybal
Ruppe
Sandman
Schneebeli
Seiberling
Sikes
Sisk
Stark
Steelman
Symington
Symms
Teague, Tex.
Waggonner
Waldie
Whalen
White
Wiggins
Winn
Wydler
Wyman

The SPEAKER. On this rollcall 328 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AGRICULTURAL, ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1974

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8619, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for one and a half hours, and the gentleman from North Dakota (Mr. ANDREWS) will be recognized for one and a half hours.

The Chair now recognizes the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, for many years I have had the privilege of bringing to the floor of the House an appropriation bill which affects all Americans and, indeed, many people throughout the world.

Mr. Chairman, since I first started handling this bill on the floor there have been many changes in the world, but one thing has not changed; it continues to be true that food, clothing, and shelter are the very basis for human life, and that is what is provided by this bill.

It also continues to be true that the amount of time people take to provide the basic necessities of food, clothing, and shelter largely determines the standard of living they enjoy, because the less time it takes to secure the basic things the more time that is available for other things. Our country has the highest standard of living in history because we spend less time providing these basic necessities than any other country in history.

SUMMARY BY TITLE

Mr. Chairman, with those brief opening remarks, I would like to summarize the bill. The bill is divided into four major titles—a division which is designed to demonstrate the general impact of the appropriation. Such a division is by no means precise and is subject to individual interpretation because of the multiple benefits derived from the programs funded in this bill.

The bill provides $813 million for the regular activities of the Department of Agriculture, $3.3 billion to restore capital impairment of the Commodity Credit Corporation, and $386 million for rural development activities; $1 billion is included for environmental activities, of which $514 million is for the Environmental Protection Agency and $322 million is for the Soil Conservation Service. The $3 billion for consumer programs includes $166 million for the Food and Drug Administration, $30 million for the Federal Trade Commission, and $31 million for the new Consumer Product Safety Commission. The consumer programs also include $2.2 billion for food stamps. In all the bill totals $9.4 billion, which is $120 million below the budget estimates and $3.3 billion below the 1973 appropriation.

There are many changes between the fiscal year 1973 and 1974 bills because of legislative actions of Congress such as the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) which have changed the financing sources of many of the programs in the bill from a direct to an indirect basis. The principal changes and their effect on the budget totals are discussed in the following summary and in the detailed statements which follow in the report.

TITLE I—AGRICULTURAL PROGRAMS

Title I includes $813 million for the regular programs of the Department of Agriculture including administration, research, extension, marketing, and other programs. $454 million is included for the "Food for Peace" program, $175 million for meat and poultry inspection, and $3.3 billion is included for the reimbursement for net realized losses of the Commodity Credit Corporation which, as is explained elsewhere in the report, is of vital importance to the consumer.

TITLE II—RURAL DEVELOPMENT PROGRAMS

Title II provides $758 million for insured loans for Rural Electric and Telephone Systems, but these funds are no longer a direct charge against the budget because the Rural Electrification Act (P.L. 93-32) removes these loans from direct government financing. The title also includes $150 million, of which $120 million is prior year funds, for water and sewer grants which are essential if the rural to urban migration, with all its attendant social problems, is to be reduced. The bill includes $314 million in direct appropriations for FHA programs, including administration, and $2.8 billion in direct and insured loans. There are more changes in title II in comparison to last year than in any other part of the bill. These changes reflect the passage of the Rural Development Act (P.L. 92-419) and the Rural Electrification Act (P.L. 93-32), which take many programs out of the budget. Thus, title II includes a total of $386 million in direct appropriations, and $3.6 billion in the direct and insured loan programs.

TITLE III—ENVIRONMENTAL PROGRAMS

Title III includes $516 million for the programs of the Environmental Protection Agency and the Council on Environmental Quality. In addition, $600 million, which is not included in the totals, is provided for the liquidation of contract authority in the EPA construction programs. The programs of the Soil Conservation Service and the Agricultural Conservation Program (REAP)—which both date back to the 1930's before concern for the environment became fashionable—total $492 million. The total for title III exceeds $1 billion. This is a convincing demonstration of the Committee's concern for the environment.

TITLE IV—CONSUMER PROGRAMS

Title IV includes $166 million for the Food and Drug Administration, $30 million for the Federal Trade Commission, and $31 million for the new Consumer Product Safety Commission which is funded for the first time in this bill. $1.5 billion, including section 32 funds which are not included in the totals, is provided for child nutrition programs, and $2.2 billion for the food stamp program. The total for title IV, the second largest title in the bill, is in excess of $3 billion.

AGRICULTURE BASIC TO US ALL

The Committee, in dealing with the appropriation for agriculture for the fiscal year 1974, has taken into consideration the fact that those engaged in agriculture, while only approximately five percent of the American people, continue to constitute labor's and industry's biggest market and provide for the consumer his greatest bargain.

In view of various developments during the past year, we must now be especially mindful of our agricultural policies which for years have made this nation the "Bread Basket" of the world. In any new legislation we must carefully evaluate recent events which might tend to influence some to abandon the tried and true principles which have blessed this Nation with an abundance of pure, wholesome food throughout our history.

THE DANGERS OF A DEPRESSION

Many of us are inclined to forget that the seeds of the great depression of the 1930's were sown in the agricultural depression of the 1920's which followed the First World War. The failure to maintain farm exports or to support farm prices and income during this period, and thus to maintain farmers' purchasing power, weakened banking and business throughout the country. It was graphically illustrated in 1921, in 1929, and again in 1937 that, if the farmers' prices and purchasing power collapsed, the whole economy suffers both in the cities and in the rural areas. An analysis of these past crises indicates that the drop in purchasing power of those engaged in agriculture not only wrecked farming, but dragged down the economy of the whole Nation.

Agricultural activity continues to be the base of our overall economy, and is essential if we are to have continuing prosperity. Each depression we have had has originated with a break in farm purchasing power and the farm programs themselves have resulted from efforts to restore that purchasing power after the depression of the late 20's and early 30's. From that time on they have been continued for the purpose of sustaining farm purchasing power that we might maintain our overall economy, and insure an adequate food supply.

Today three out of every ten jobs in our country are related directly or indirectly to agriculture. So we can easily see labor's and industry's direct interest in a healthy farm economy. Without adequate purchasing power, farmers will not be able to purchase the products of labor and industry.

FARMERS, THE WORLD'S GREATEST GAMBLERS

Farmers' investment in total assets totals over $341 billion, equal to roughly one-half of the market value of all corporate stocks on the New York Stock Exchange; or to about three-fifths of the value of the capital assets of all corporations in the United States. Everytime the farmer plants a crop, he risks all these assets accumulated through many years.

His return on his equity was only about 3.6 percent in 1971.

PRODUCTION FOR PLENTY

In addition to maintaining farm purchasing power, we must also produce a sufficient supply of food to meet domestic needs and provide for export markets. We must have reserves for domestic and world use, and must be careful that in our efforts to maintain price we do not unnecessarily limit supply. To meet that requirement we must follow a policy of producing over and beyond the bare essentials. Buyers, foreign and domestic, want a consistent supplier in lean as well as good years. The Committee recognizes that to follow such a course must result in supplies surplus to domestic needs. These surpluses can and should be used to meet domestic needs of the aged and of the many groups which under present law receive Food Stamps and other assistance. Without adequate supplies, Food Stamps create an extra demand for a short supply. It doesn't do much good to have Food Stamps or even dollars if the shelves are bare. Evidence of this is to be found in some existing high prices of farm products which come about primarily because the supply is short. To chastise the farmer is not the way to increase the food supply. Most of the quoted high prices come after the commodity is out the farmer's hands.

PROMOTION OF U.S. FOREIGN POLICY

We all need to remember also that agricultural export sales will reach $11 billion in fiscal year 1973. This is one of the few bright spots in our overall problem of a negative balance of trade. An abundant supply of food can also be a material influence for international good will and improved relationships with other nations. It constitutes a major force in foreign affairs and a great asset toward good international relationships. For these reasons, the committee believes a return to a situation of abundant food supply to be absolutely required.

THE DANGER OF UNWISE REVISION OF THE FARM PROGRAM

The farm program must be based on long-range projections. Agricultural production is influenced by many factors. During the past several years there have been some surpluses which have caused some concern. But on the whole these surpluses are our own fault. We have caused them by surrendering many foreign markets to our former customers, who are now our competitors. For various reasons the situation has changed dramatically during the past year to the extent that our surpluses are at an all time low. This situation coupled with the increase in food prices has given rise to recommendations for drastic revision of the farm program in general. This could be a great mistake. Take for example the export situation which existed in 1972. Our high exports were due to a large extent to adverse weather which prevailed in other parts of the world. This situation could change materially within the next few years.

If, in the light of the current demand for food, we expect the farmer to increase his investment and expand his operations so that he will be able to supply this demand, we cannot expect him to carry all the risk. Past experience has proved that supply and demand for agricultural production is not consistent year in and year out.

This country has the capacity to produce and it is essential that we do. When we have that production we must enter the competitive markets of the world to assure its distribution. Otherwise, we may again be plagued with excessive surpluses or we may be faced with a severe shortage in our food supply if the farmer is not sufficiently certain of a reasonable return on his investment and drastically reduces production.

THE WAY TO INCREASE FARM INCOME

A majority of the committee believes that we must return to protecting farmers' income by loan or by purchase. Since farm income is the total of volume times price less cost, we must see that the sum total constitutes such a percentage of parity as will keep a sufficient number of our people engaged in agriculture both to maintain purchasing power and to enable them to keep producing for the consumer.

With a constantly increasing cost, we have followed the policy of trying to get price at the marketplace by reducing volume. This has not worked, as shown by the fact that during the period of 1965–72 an average of about 409,000 people have left the farm each year.

It may be that the present 2.9 million farms left in this country will remain in operation, even so, we are already in trouble, and if our policies force this exodus to resume, we will indeed be faced with a very serious problem.

A major cause of this migration is that the return which the farmer has received from the net value of his farm investment has declined to approximately 3.6 percent. Lack of modern conveniences in rural areas has also been perhaps something of a factor. The committee has tried to correct this by restoring action programs to develop rural areas, with water and sewers, rural electrification and other programs which will make life in the country more nearly equal to life in the city.

The committee recognizes that a farm program providing for more than adequate production in order to meet domestic and foreign needs must be so geared as to have the Government share the risks of surpluses. The Government should stand ready, so far as perishable commodities are concerned, to buy up the surplus so as to strengthen the market. Storables, or nonperishables, such as grain and cotton should be taken off the market, or sold overseas, so as not to depress domestic prices. Policies of this type would encourage production while protecting the farmer from bankruptcy.

It is the belief of a majority of the committee that the authority of the Commodity Credit Corporation in its charter and under the law should be fully utilized to this end if necessary. Not only that, but the records clearly show that it is essential that the Commodity Credit Corporation—with its sales manager, a position created by this committee—should be utilized fully, if necessary, in protecting the U.S. share of world markets since under present international trade conditions we are up against government-to-government trading. The last several years have demonstrated clearly that private industry alone, in many cases with international connections, has been unable and occasionally unwilling to maintain the fair U.S. share of world markets.

SUBSIDIES TO THE CONSUMER

The committee would point out that the so-called "farm subsidies" now existing are really "consumer subsidies." They are necessary because other laws protect labor and industry, and agriculture must have similar protection in the name of equity. Labor is protected by a minimum wage, and the bargaining power of the unions results in contracts which assure an increasing share of the national income dollar to labor. Industry, in turn, receives tax credits and is able to mark up its cost by a percentage for its own profit and thereby protect its share of the total. With the national income dollar limited, it leaves those engaged in agriculture dependent upon what't left. According to the Economic Report of the President for 1973, the farm or agricultural share of the gross national product has dropped from 7 percent in 1950 to 3 percent in 1972.

This situation has led the government to adopt a system of payments to make up the difference, leaving those engaged in agriculture dependent upon an annual appropriation by the Congress for all their profit and part of their cost. This program is subjected to unjust criticism. As the above discussion has tried to indicate, the "subsidy" program is in reality to offset the disproportionate share of the Federal income dollar that goes to industry and labor. While it is identified with those engaged in agriculture, it is really a subsidy to industry and labor who thus get cheaper raw materials at the expense of the farmer or perhaps the treasury. If this savings were passed on, then the farm payments would ultimately be a "consumer subsidy."

The committee would also point out that the consumers of our urban nation are constantly threatened by the movement of people from agriculture. We are becoming more and more dependent upon imports, particularly in vegetables and perishables. For example, information provided the committee indicates that Mexico now supplies 61 percent of U.S. winter tomatoes versus 30 percent in 1964. If this trend continues, then we will be in danger of having the price of our food supply determined by others.

FOOD IS STILL OUR BIGGEST BARGAIN

As a result of recent increases in the price of food at the market, concerted attention has been given to agriculture. There are many not entirely familiar with all the facts involved who are demanding stringent price controls on food, the elimination of all farm payments, and who feel that the farmer is getting the major portion of the food dollar.

Some pertinent facts to be considered in this connection are:

Less than 16 percent of total U.S. disposable income goes for food. This is lower than any other country in the world and the lowest in the history of the world.

One day's wages in 1952 would buy 14.4 pounds of "choice" beef—in February 1973 it would buy 23.2 pounds.

Out of every 10 dollars the consumer spends in retail stores for U.S. farm-grown food, 6 dollars pays for the marketing—which includes everything done with food between the farm and store.

Those who attribute the recent increase in food prices to the farmer fail to give adequate consideration to other influences which have had a direct effect on our food costs in the last year. Probably the most important is the factor of inflation or the declining value of the dollar. Notwithstanding, the price of food during the past 10 years has not increased as rapidly as other prices.

Another important factor is our increasing export of commodities. Total farm exports in fiscal year 1973 are estimated to be in excess of $11 billion, an all-time record. Foreign housewives are now competing with American housewives for the world's limited supply of food, and under the laws of supply and demand this results in higher prices.

The adverse weather conditions which prevailed over major sections of the country during the fall of 1972 and the early months of 1973 have also been a factor. Harvest was delayed or prevented in many instances. Severe winter conditions resulted in heavy losses of cattle, thus further reducing the supply in the face of increasing demand.

When all these factors are considered, two things become apparent. First, even at current prices, food is our biggest bargain. Second, many of the factors which have caused increased food costs may be temporary and we shouldn't make basic changes in the farm program on the basis of these one-time occurrences.

CONTRIBUTIONS OF THE AGRICULTURAL CONSERVATION PROGRAM (REAP)

The committee has always endorsed a vigorous and effective soil conservation activity as part of the farm program. Actual experience has substantiated the prudence of this philosophy. Under the Agricultural Conservation Program (REAP), more than 1 million farmers contributed about 70 percent of the cost (including labor) of various conservation practices. Some of the accomplishments of this program are as follows:

Practice	Unit	Total accomplishments 1936–71
Water impoundment reservoirs constructed to reduce erosion, distribute grazing, conserve vegetative cover and wildlife, or provide fire protection and other agricultural uses.	Structures	2, 201, 000
Terraces constructed to reduce erosion, conserve water, or prevent or abate pollution.	Acres	32, 301, 000
Stripcropping systems established to reduce wind or water erosion or to prevent or abate pollution.	Acres	114, 051, 000
Permanent sod waterways established to reduce erosion, safely dispose of excess runoff, or prevent or abate pollution.	Acres	1, 152, 000
Competitive shrubs controlled on range or pasture to permit growth of adequate cover for erosion control and to conserve water.	Acres	62, 697, 000
Trees and shrubs planted for forestry purposes, erosion control, or environmental enhancement.	Acres	5, 258, 000
Forest tree stands improved for forestry purposes or environmental enhancement.	Acres	4, 358, 000
Wildlife conservation	Acres served	[1] 12, 685, 000
Animal waste and solid waste pollution-abatement structures (lagoons, storage, diversions, and other).	Number	[2] 5, 578, 000
Sediment pollution-abatement structures or runoff control measures	Acres served	[1] 388, 000
Other pollution-abatement practices	Acres served	[2] 137, 000

[1] 1962–71, inclusive, with certain data estimated.

[2] 1970 and 1971 only.

A review of the foregoing examples clearly demonstrates that these practices are long-range conservation measures which are beneficial to the general public.

ACTION PROGRAMS ARE THE MOST EFFECTIVE RURAL DEVELOPMENT

It is vitally urgent that the development of rural areas proceed at the maximum possible rate. Migration from the farm has been at a very high rate. During the period 1965–1972 the average decline in farm population has been 409,000 persons a year. The number of farms has decreased from 3,257,000 in 1966 to 2,870,000 in 1972. Not only does this migration drastically reduce the supply of labor needed in rural areas, but in the majority of instances these individuals move to the cities and greatly increase the urban problems we are experiencing. The provision of funds for necessary facilities in rural areas, such as electric power, water and sewer facilities and housing, is a much better investment than to have to use the funds later to combat social problems in urban areas.

The Rural Development Act (P.L. 92–419) was enacted August 30, 1972. Several members of this committee sponsored and strongly supported that legislation being aware of the vital unfulfilled needs in this area and believing that the provisions of that legislation would enhance programs currently in effect.

However, while the Committee supports the general purposes of the Rural Development Act, it does not approve of the elimination or restriction of many existing rural development programs for the substitution of a fine title, without concrete plans and which the Department of Agriculture has reduced to the concept that the greatest need is an educational program. What the record shows is that the need is for water and sewer facilities and modern homes and home conveniences.

The committee fully subscribes to the concept of the Rural Development Act as passed by the Congress, but insists on and has provided for the continuance of existing action programs which provide for modern housing, for water and sewer grants and loans, and for electrification loans. The work of the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, in running the Agricultural Conservation Program (called REAP until eliminated on December 26, 1972 by executive order), has also been continued since these programs help enhance the quality of rural life and thus keep farmers on the farm.

The committee will be favorably inclined to further fund the activities provided by the Rural Development Act when a workable plan is presented for specific and definite program actions to meet the objectives of the Act.

REGULATORY AGENCIES NEED FACTS

This bill funds some of the principal regulatory agencies, including the Federal meat and poultry inspection program, the Environmental Protection Agency, the Food and Drug Administration, the Federal Trade Commission, and the new Consumer Product Safety Commission. Each of these agencies has tremendous individual power over every aspect of American life. The combined effect of these agencies is even greater, especially if one considers in addition other agencies such as the Occupational Safety and Health Administration which are funded in other bills.

If all of these agencies were to use all of their power, the economy could become immobilized. This can only be avoided if these agencies use their power responsibly acting only on the basis of scientific fact and with due consideration to the economic and social impact of their decisions. They must always proceed with a sense of priorities, placing that which is dangerous to health ahead of that which is merely undesirable or unesthetic.

There must also be a consideration of the competitive effects of regulatory decisions. Many small businesses are having difficulty complying with the complex regulations being promulgated. They should receive all permissible help or else the result may be the achieving of one set of social objectives at the expense of another. The maintenance of competition—a goal of the Federal Trade Commission—may be endangered by edicts of the EPA or FDA or the Consumer Product Safety Commission.

The goal of increasing exports may also be hampered by excessive regulation. The committee has heard allegations that some foreign countries are trying to entice American industry overseas by establishing less stringent regulatory policies. The new Consumer Product Safety Act tacitly recognizes this problem by permitting different export standards. The Federal Trade Commission is also becoming concerned about this problem.

CONCERN FOR THE ENVIRONMENT

Mr. Chairman, when environmental concerns reached national prominence a few years ago it was common practice to speak of "spaceship Earth" and to think of the environment as a "closed cycle." People began to realize, many for the first time, that a relationship exists between the air, the water, and the land. People also began to realize that whatever pollutants we remove from one must go into one or both of the others. How, then, should we approach the problem?

Logically, we should attempt to reduce pollution to its most unobjectionable form. Furthermore, we should set our priorities for doing this. We should attempt to first take care of that which represents a hazard to human health and then set about to take care of that which is merely undesirable. Again, being logical and using our common sense, we would look at the undesirable in terms of how we could spend our money to get the greatest amount of environmental improvement per dollar invested.

Congress recognized the need to do something about our environment and passed the National Environmental Policy Act. The stated purposes of the act are:

> To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation. * * *

TOTAL IMPACT MUST BE CONSIDERED

Then followed a period when the Congress passed many additional laws. These laws reflected the feelings of the Nation and the Congress and express their earnest desire to improve and restore the environment. However, these new laws for the most part did not address the total environment, instead they addressed an individual environmental problem. We have passed air laws, we have passed water laws, we have passed solid waste laws, we have passed noise laws, we have probably passed too many laws. By passing these laws we have tended to some degree to look at the environment with tunnel vision.

Because we have approached the problem of improving and restoring the environment on a piecemeal basis, we in many cases have forced or encouraged the Environmental Protection Agency to look at the action and ignore the reaction, thereby totally disregarding the premise on which the environmental movement was based—that we must deal with the total environment. An example of this dilemma can be found in the opinion written by Judge Winner, U.S. District Court, Denver, Colo., in the case of Anaconda against Ruckelshaus.

Compliance with the Administrator's proposed emission limitation would create additional pollution problems including problems of water pollution, solid waste disposal problems and air pollution problems having to do with the quarrying, transportation and the hauling of limestone and other similar materials. These problems are directly related to the resultant production of a staggering quantity of unsalable sulfuric acid which would threaten water pollution. None of these problems has been studied or considered by the Administrator or by any member of his staff.

Increasingly, we are seeing more and more examples of our failure to consider our "total environment." Likewise, many actions have been taken where there is reason to believe that the costs may outweigh the benefits.

$287 BILLION TO CLEAN UP THE ENVIRONMENT

Testimony before the committee this year indicated that in order to meet the pollution problems and the standards associated with air pollution, water pollution and solid waste disposal over the next decade the country will have to spend about $287 billion. By setting standards that are perhaps too high, we have forced massive expenditures that may result in only modest improvements. Not only is there a problem of cost, but the Congress has passed laws based on technology that does not exist, acting much like the person who contacted the Patent Office and asked for a list of things that had not been invented.

The hearing record this year shows strong evidence that actions by the Environmental Protection Agency in carrying out these laws have contributed to the energy crisis, have increased the damage from floods because of the delay of flood and soil conservation projects, have increased the cost of production of food thereby contributing to higher consumer prices, and have greatly increased the danger to human health by banning DDT, which according to testimony has never injured a human being. In addition, actions by the Agency have placed American industry and American agriculture at a competitive disadvantage both at home and abroad.

ENERGY CRISIS

The committee is convinced that the Environmental Protection Agency has played a major role in the current energy crisis. The approval by the Agency of overly restrictive State plans, which call for the meeting of primary and secondary ambient air standards at the same time, has resulted in the need for industry to convert from coal to low sulfur fuels. This increased requirement for oil and gas has been a major contributor to our current fuel problems.

In addition, the automobile emission control standards imposed by the Agency have greatly increased the requirements for gasoline, which is also in short supply and will probably require rationing.

The energy crisis has major implications with regard to our country's national security, foreign policy and balance of trade. These implications were not considered by the Agency in setting the standards and approving the plans that led to the problem. The potential impact on the economic and social wellbeing of this Nation of actions by the Agency is so great that it is absolutely essential that the Agency be required to consider the impact of their actions.

AUTOMOBILE PERFORMANCE

Emission control standards issued by the Agency, at the direction of the Congress have created serious problems for the American consumer. By setting deadlines that called for the development of new technology, the automobile companies, according to testimony before the committee, were forced to proceed with the development of the costly catalytic exhaust converters.

Had sufficient time been allotted to meet the standards, then the automobile companies could have devoted their research funds to alternative types of clean burning engines. Instead, deadlines were set that did not provide sufficient time for development of alternative types of engines and the American consumer has ended up with an automobile that costs significantly more to buy, significantly more to maintain, will provide poor fuel economy, with a reduction in performance.

The committee recommends an increase of $2,000,000 for research on alternative types of clean burning engines so that the Agency can accelerate this important program.

OVERLY RESTRICTIVE STANDARDS

The committee is extremely concerned that the Agency, in some of its regulatory or standard-setting activities, may be placing too little emphasis on the environmental and economic impact of such actions. Increasingly, questions are being raised that certain actions by the Agency have been addressed to the elimination of one specific source of pollution without giving sufficient consideration of the overall impact on the environment. Many times these actions have actually proven detrimental. Reportedly, some abatement actions have resulted in a reduction of air pollution while at the same time significantly increasing water pollution or solid waste. Some standards or regulations have resulted in modest reductions in pollution while at the same time causing enormous increases in energy requirements, thereby increasing pollution and raw material usage.

The Agency also has to approve many of the State standards or regulations to see that they equal or exceed Federal standards or regulations. The committee is concerned that the Agency does not consider the economic and environmental impact of these State standards. Reportedly, the Agency will disapprove State standards if they are too loose but will approve State plans that are too restrictive. For example, testimony before the committee indicates that in the case of the Clean Air Act, most States designed their plans to attain or surpass the secondary ambient air quality standards by 1975, which is more than the Clean Air Act requires. Reports prepared for the committee indicate that these overly restrictive standards have played a major role in the current energy shortage of the Nation.

The committee has also been advised that the Tennessee Valley Authority has had to include $43 million in their budget for cooling towers for a nuclear powerplant under construction in Alabama. These cooling towers are required because the State of Alabama has currently set water temperature standards that require discharge temperatures lower than the natural temperature of the river.

NEED FOR A SENSE OF BALANCE

By not using a commonsense approach and by not thinking in terms of the total environment, by looking at the trees rather than the forest, we may well end up creating an environmental backlash which could put an end to all the momentum we've gained in recent years in our efforts to improve and restore our environment.

Therefore, since this committee is the only committee that reviews all of EPA's programs, we have made several recommomentum we have gained in recent years in our efforts to improve and restore our environment.

ECONOMIC AND ENVIRONMENTAL IMPACT STATEMENTS

The committee feels that if the Agency had considered environmental and economic consequences of both their standards and the State standards which they approved, many of the problems we are now faced with might not have occurred. Therefore, the committee has included funds and language in the bill to require the Environmental Protection Agency to consider the environmental impact along with the economic and technical considerations of their actions, except where prohibited by law, as authorized by the National Environmental Policy Act.

DELAY INCREASES COST AND POLLUTION

Testimony has convinced the committee that a great deal of unnecessary delay results from the present procedures involving the preparation of environmental impact statements as required by the National Environmental Policy Act. The committee in no way objects to the preparation of impact statements and in fact strongly supports the intent of the National Environmental Policy Act. The problems, the committee is convinced, rest more with the present procedures involved in the impact statement review process.

At the present time impact statements are prepared by an agency at the operating level. The statements then move up the management review chain prior to their release as a draft impact statement. This procedure by itself is time consuming. After the draft statement is approved by the Agency internally, it is forwarded to the Environmental Protection Agency and the Council on Environmental Quality for their review and comment.

The review by the Environmental Protection Agency may take 60 to 90 days, or in some cases, even longer. The Council on Environmental Quality reviews the same draft statement, but is not required to comment.

The record reveals that many of the comments by the Environmental Protection Agency are negative in nature. In these cases, additional delay is encountered while EPA's comments are reviewed and the plans adjusted, where practical, to comply with EPA's objections. In addition, the Agency will often keep a draft statement for 60 or 90 days or even longer, and in some cases, even ask for an extension in the review time and then return the draft statement with no comments.

All of this creates unnecessary delay in the planning process and escalates the cost unreasonably. The major problem frequently is not with the preparation of the statements, but rather with the lengthy review process which increases costs and contributes toward shortages and delay.

ENVIRONMENTAL IMPACT STATEMENT REVIEW GROUP

Therefore, the committee has recommended steps to speed up the process. The committee has provided $250,000 and 14 positions in the budget of the Environmental Protection Agency to supplement existing personnel and resources. Four of these positions would be located in Washington and one each would be located in the 10 regional offices of the Agency. These high level specialists would work with agencies, such as the Corps of Engineers, the Soil Conservation Service, the Tennessee Valley Authority and the Department of Transportation, during the initial planning stages of a project when mutually agreeable with and requested by the initiating agency so that the views of the Environmental Protection Agency could be considered during the project development stage. These individuals would have sufficient authority to comment in behalf of the Agency. In addition, they would become fully familiar with the project as it is being developed, thereby eliminating the current practice of review by individuals who are totally unfamiliar with the project and must do, or at least should do, a great deal of preparatory research. In addition, the recommendation would serve to eliminate the need for someone here in Washington to comment on the environmental aspects of a project hundreds or perhaps even several thousands of miles from Washington, in an area of the country he may never have seen.

With this procedure the committee would expect the Environmental Protection Agency to reduce the formal review process from months down to days.

In those cases where an environmental impact statement is required in connection with a project that is already under construction, the cost/benefit ratio should be based on the cost to complete the project versus the total benefits of the project. The review of impact statements prepared for ongoing projects should in no event exceed 10 working days.

SUBSTITUTE CHEMICALS

Last year, in the report on the fiscal year 1973 appropriation bill, the committee took note of the Administrator's questionable action regarding the banning of DDT. In taking that action, the Administrator overrode the findings of the Federal hearing examiner, who ruled, based on the evidence at hand, that no reason existed for banning DDT.

The committee concluded that:

> The Committee is convinced that the Administrator's decision on DDT raises serious questions. DDT has been widely used throughout the world and has reportedly saved millions of human lives through increased food production and disease eradication. According to information provided to the Committee, throughout the many years of use, DDT has produced no known harmful effect to human health when properly used. The decision is within the power of the Administrator though doubtless this matter will eventually have to be settled by the courts.
>
> It is to be noted that the Administrator says that in many respects the best substitutes constitute a real hazard—so much so that he has asked the Committee, and the Committee has acted favorably, for a training program for the substitutes.
>
> He plans to turn to substitutes with which we have far less experience, are readily admitted to be highly toxic, and require a far greater frequency of application for a lesser result.

Testimony before the committee this year further substantiated the questionableness of replacing a chemical that over a period of 30-some years has produced no known harmful effects to humans with chemicals about which little is known other than they can be highly toxic to humans.

In the Administrator's ban on DDT he stated that:

> The activity of DDT in the food chain and its impact on organisms . . . constitute an unknown, unquantifiable risk to man and lower organisms.

Banning a chemical to which 500 million people have been exposed without a single confirmed case of illness being attributed to it—according to the World Health Organization—and replacing that chemical with chemicals that are known to be highly toxic to man is truly an incredible decision. In fact, the Administrator's findings regarding the recommended substitute stated that the recommended substitute is dangerous to users and presents a risk to them—however—an opportunity to train users will minimize the risk and keep down the number of accidents.

UNSUPPORTABLE PRIORITIES

A decision that a chemical must be banned because it "may" or "could," or stating it another way, "may not" or "could not" be a threat to wildlife and replacing it with a chemical that "is" dangerous to humans would seem to represent a clearly unsupportable set of priorities.

The committee calls for a complete and thorough review based on scientific evidence of the decision banning DDT, taking into consideration all the costs and benefits and the importance of protecting the Nation's supply of food and fiber. The need for this review is amplified by a recent statement by the President of the National Academy of Sciences concerning the testimony at the DDT hearing:

> Two-thirds of what I read I can only call trash; it was not science.

The committee recommends adding $5 million to the bill for the testing of substitute chemicals. By providing this money the committee will expect the Agency to avoid taking actions based on insufficient knowledge like they have done in the past.

ARBITRARY DEADLINES

The committee is extremely concerned about the proliferation of legislation being passed by the Congress which places arbitrary deadlines on the Environmental Protection Agency. Some of these deadlines have even gone so far as to require an invention or the development of new technology by a given date.

Testimony before the committee indicates that the Water Pollution Control

Act Amendments of 1972 impose over 40 deadlines on the Agency. The Federal Environmental Pesticide Control Act of 1972 imposes additional deadlines, as does the Noise Control Act. In addition the Solid Waste Disposal Act and the Clean Air Act also contain numerous deadlines.

In many cases, these legislative deadlines have been imposed upon the Agency after passage of the annual appropriation bill. Since the deadlines are mandated in the law, the Agency must often use resources from other high-priority programs to comply with the law. This was the case recently when the Agency proposed to transfer $6 million from the solid waste program and $3.5 million from the Great Lakes program to comply with deadlines imposed by the Federal Water Pollution Control Act and the Noise Control Act. The committee directed the Agency not to transfer funds from these high-priority programs and recommended instead a supplemental appropriation to meet these new legislative mandates.

The committee is convinced that many of these arbitrary deadlines are forcing the Agency to frequently make unsound decisions or to take ill-conceived actions. The use of deadlines in statutes or regulations may help to encourage a development, but the use of deadlines to attempt to force new inventions or new discoveries would appear to be impractical. The committee is convinced that the excessive use of deadlines results in the classical situation of "haste makes waste."

Therefore, the committee has recommended language in the bill providing that funds may not be transferred to meet deadlines. During fiscal year 1974 if legislation is passed calling for additional deadlines, then the Agency will be required to seek a supplemental appropriation. This technique will preclude the transfer of funds and people from high-priority programs merely to meet a deadline with no consideration of the priority of the action called for by the deadline.

STUDY OF ENVIRONMENTAL PROGRAMS

Because of all the problems discussed above, the committee recommends an appropriation of $5,000,000 for a complete and thorough review of the programs of the Environmental Protection Agency. The studies shall be conducted under contract with the National Academy of Sciences which has a reputation for technical competence and complete objectivity, and shall include, but not be limited to:

First. The estimated cost of pollution abatement activities over the next decade and the benefits to be derived versus the cost. If we are to spend $287 billion over the next decade, as estimated by EPA, how can we get the maximum pollution control for our money?;

Second. The degree to which environmental regulations have contributed or will contribute to the current and the long-term energy crisis;

Third. The effect of emission control standards on the cost and performance of automobiles, including the cost/benefit implications of present standards;

Fourth. The benefits and hazards to humans of agricultural and home use chemicals, such as pesticides, herbicides, rodenticides and fertilizers; and the effect on food and fiber production and the protection of human health of the inability to use those chemicals now banned or restricted; and

Fifth. The utilization of scientific and technical personnel and the identification of policy level positions that should be staffed with scientific or technical personnel.

The committee feels that this study will provide the information needed to better assess where we are headed and whether or not the cost of getting there is equal to the benefits. EPA will be expected to submit periodic reports to the committee on the progress of these studies. Copies of the final report shall be provided to the appropriate executive departments and agencies and to the Congress.

THE NEED FOR SCIENTIFIC STUDIES

The committee is concerned that many decisions, such as the banning of DDT and DES, may have been made without adequate scientific facts.

The following table provided the committee indicates that the substitutes for DDT are more toxic than DDT. The figures in the table show how much of a chemical must be used in order to cause acute oral toxicity in rats; in other words, the smaller the figures in the table, the more toxic the chemical. Therefore, the table shows that DDT is the least toxic of all the chemicals listed.

COMPARATIVE ACUTE ORAL TOXICITY FOR RATS OF VARIOUS CHEMICALS[1]

[LD_{50}(mg/kg)]

Chemical	Males	Females
DDT	217.0	
Methyl parathion	14.0	24.0
Guthion	13.0	11.0
Azodrin	17.0	20.0
Lannate (methomyl)	(24.0)	
Ethion	65.0	27.0
EPN	36.0	7.7
Trithion (methyl)	98.0	120.0
Di-Syston (disolfoton)	6.8	2.3
Demeton	6.2	2.5
Bidrin	21.0	16.0
Endrin	18.0	7.5
Monitor	15.6	13.0
Thimet (phorate)	2.3	1.1
Phosphamidon	24.0	24.0
Thiodan (Endosulfan)	43.0	18.0
Parathion	13.0	3.6
Temic (aldicarb)	.8	.6

[1] Source: Extension Service, U.S. Department of Agriculture.

Similarly, the committee asked the Food and Drug Administration how much of a banned substance a human would have to consume to equal the amounts given experimental animals. The Acting Commissioner of the Food and Drug Administration replied as follows in a letter of May 17, 1973:

> The following are ingredients that have been banned as a result of the lack of proof of safety, and because they induced cancer in laboratory testing of animals. The equivalencies of required intake by man of affected products are, of course, just simple mathematical projections. They are intended only to provide a general perspective of required consumption based on the levels of carcinogens used in laboratory experiments.

Cyclamate.—A 12-ounce bottle of soft drink may have contained from one-fourth to 1 gram of sodium cyclamate. An adult would have had to drink from 138 to 552 12-ounce bottles of soft drink a day to get an amount comparable to that causing effects in mice and rats.

Oil of Calamus.—In order to get an amount comparable to that which caused effects in rats, a person would have to drink 250 quarts of vermouth per day.

Safrole.— person would have to drink 613 12-ounce bottles of root beer flavored soft drink or eat 220 pounds of hard candy per day to get an amount comparable to that which caused effects in rats.

1,2 - dihydro-2,2,4-trimethylquinoline: polymerized.—A plasticizer used in packaging material. If all foods in the diet were to be packaged in this material, a person would have to eat 300,000 times the average daily diet to get an amount comparable to that which caused effects in rats.

4,4′-methylenebis (2-chloroanaline).—A plastic curing agent used in food contact surfaces. If all foods in the diet were exposed to this material, a person would have to eat 100,000 times the average daily diet to get an amount comparable to that which caused effects in rats.

DES.—Based on findings of 5 percent of liver samples containing 2 ppb of DES, and assuming that 2 percent of the average diet is beef liver, a person would have to consume 5 million pounds of liver per year for 50 years to equal the intake from one treatment of day-after oral contraceptives.

Examples such as these, which translate abstract scientific studies into their real-life equivalents, help illustrate why commonsense is needed. The regulatory agencies under this bill should try to include such examples in future decisions so that the public will not become unduly alarmed.

COMMITTEE ACTIONS TO INSURE BALANCED DECISIONS

Because of these concerns, the committee has taken the following actions to help insure that future regulatory decisions will have a sound scientific and economic basis:

Provided $200,000 for a study of the scientific basis for the Delaney Clause.

Provided such sums as may be necessary to enable the Consumer Product Safety Commission to establish an economic analysis capability.

Provided $5,000,000 for the Environmental Protection Agency to prepare environmental and economic impact statements on all of their actions.

Provided $5,000,000 for the National Academy of Sciences to conduct a complete review, analysis, and evaluation of the Environmental Protection Agency, and to make appropriate recommendations.

Provided $1,000,000 to the National Industrial Pollution Control Council to study the effects of environmental requirements on the competitive position of American business.

There are three committee amendments that we propose to offer today to this bill which I think will prevent much of the dissension and differences of view that have prevailed.

The first amendment concerns the

Rural Development Act which was just recently passed by the Congress and signed by the President. Certainly nothing had more support throughout the Congress and throughout the country than the development of rural America, because we all recognize that the Rural Development Act was intended to provide programs to help keep rural America strong, which in turn would prevent the aggravation of many city problems by keeping more and more rural people from flocking into the cities which are already too crowded.

The President's budget included $200 million for industrial development loans, and $100 million for community facility loans.

But we found that the Office of Management and Budget had used the Rural Development Act to justify freezing all the programs that were already in existence to aid in the development of rural America.

Funds for water grants and sewage grants had been frozen.

Housing was frozen.

We asked Mr. William Erwin, Assistant Secretary for Rural Development, in the hearings before our committee: "What plans do you have for us to replace these action programs which have been eliminated?" At that time he was not able to satisfactorily answer that question. This is no reflection on Mr. Erwin, who is a very capable person. But at the time he appeared before the committee he had not had time to develop any definite plans. That being the case, the committee took money that was sent down by the Office of Management and Budget for rural development in the abstract, and put it back into the action programs such as rural electrification, housing, and water and sewer programs that had been destroyed or had been held up by the Office of Management and Budget.

We decided if they had no definite plan, the thing to do with the $200 million for industrial development was to give $20 million for some experimental work until such time as they could come up with a definite plan. We did the same thing with community development loans when we provided $10 million of the $100 million requested, pending development of definite plans. I have met with Mr. Erwin this morning, and he has convinced me they have now come up with concrete plans. On this basis, I will offer an amendment to provide $100 million for industrial development loans and $50 million for community facility loans. These are insured loans, and these amendments will not increase the budget totals. I hope the committee will support these amendments.

I understand there may be an amendment offered to provide administrative funds to the 1890 colleges. It was this committee which added funds above the budget in previous years to assure that the 1890 colleges received the funds they need and deserve. They have done a marvelous job since we started to provide these additional Government funds for research. Up until this year we have required that they prove their project in advance so that they could get good results. We have taken that provision out this year because they have done such a good job it is no longer needed. They have made tremendous progress, and the committee is proud of its role in helping make this possible.

A report came out that because of limitation of administrative funds for the program the Cooperative State Research Service would not provide a liaison officer for the 1890 colleges. We agree there should be a liaison officer, and we will expect the Department of Agriculture to provide a liaison officer. But this can be done without additional funds. There is no need for additional funds, and I would oppose such an amendment. I repeat again, the 1890 colleges are doing a wonderful job, and the department should continue to give them all the assistance required.

The final committee amendment will provide $2.8 million for a new toxicological laboratory at the National Center for Toxicological Research in Pine Bluff, Ark. The National Center is doing important research on low dosage testing of chemicals. It is hoped that this research will eventually help us to establish standards which are based upon realistic levels. The need for realistic standards is something I have been advocating since 1965 when I wrote a book: "That We May Live." I am proud that in 1965 I pointed out the need to do something about our environment, but I said that we also have to see that American industry continues to produce and that our standard of living continues at its present high level. I said we could easily get rid of much of the pollution in New York City if all of the folks there all moved out for a month, or quit living. We have to protect human health, and we support all actions necessary to do so. But we must also set priorities putting first things first.

There are more than 17 Congressional committees that review EPA programs, and more than 20 committees that review FDA programs. I do not know how many departments and agencies there are concerned with these topics, but everyone seems to want to use the current enthusiasm for these programs to get permission to build a new laboratory.

At the same time, we realized several years ago that we on this committee and in the Congress have been providing the money to staff the laboratory space that we already have, but which is not being used because of personnel ceilings imposed by the Office of Management and Budget. We have laboratories all over the United States today running at half blast or less because they cannot get the personnel under the ceiling to make use of the facility. So this year when the FDA came before us for funds for a laboratory in Pine Bluff, Ark., we had in our minds the question of doing something now, quickly, using facilities that are already available, and not going out and building new facilities.

Since that time we have discussed the matter further, and the Administration is convinced that they have a need for this laboratory and that it is at the right location. On the basis of this additional information, we expect to offer an amendment that will provide $2.8 million for the Pine Bluff Laboratory. In doing that, we realize that it will take time to complete it. It cannot be ready until July of 1976.

I see my friend, the gentleman from New York, JIM DELANEY, on the floor. The Delaney amendment I think is known as far and wide in this country as any one piece of legislation of which I know. I want to say further that it represents one of the finest provisions I ever knew to be in the law of the land, but when it was passed we had measuring devices which would show 50 parts per billion as "the practical equivalent of zero." We now have devices which can measure 50 parts per trillion, or 1,000 times more sensitive. When the law was first passed, things could be at zero and we could have a zero tolerance, but now I have become convinced there is no possible chance of anything having a zero tolerance because the instruments we have now are so sensitive, as was described to our committee, that they could isolate a dime in a billion dollars or separate 1 second from 100 years. When we get measuring devices that sensitive, we can find a trace of anything in almost anything.

So, Mr. Chairman, we have in this committee provided for a study of the Delaney amendment. After conferring with the distinguished author of that amendment, I personally have agreed that we can accept an amendment to the bill which will enable the Food and Drug Administration to bring together the existing information so we may have it in one place so we may decide what we want to do.

The problem we have again is that with the changing times and with the instruments we have which have become so sensitive we can find traces of anything any place any time, we need to do something, and the amendment offered by Mr. DELANEY will enable us to do something without causing further delay.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, what does the gentleman mean when he says it is the intention to bring this research together? There are five or six agencies now performing the kind of research that is implicit in the gentleman's statement.

Mr. WHITTEN. The gentleman has just answered his own question. It is to bring together the information those five or six agencies have so we will have it in one place.

Mr. YATES. In what way will they bring it together? For instance the National Institute for Cancer is conducting certain research and the National Environmental Agency is. Other agencies are doing the same.

Mr. WHITTEN. When we say bring it together, it is a country boy's expression meaning to bring it together in one place and look at it. That is what I mean.

Mr. YATES. If the gentleman will yield further, the gentleman wants them to coordinate the research then?

Mr. WHITTEN. Once we get it together they might consider that is the thing to do and we might agree. Certainly I am not going to do anything without consulting with the gentleman from New York, the author of the amendment. We do not know where to start now because we have six or eight agencies dealing with it in various stages of development, but we do not have any central place to bring it together.

I was trying to say we are going to do these things to bring existing information together and to formulate the questions about what do we do next.

There is one other problem which concerns me. I read in today's paper that the President of the United States is thinking about stopping the export of American food so that we will have plenty to eat at home. Let us analyze that. I am sure he means well. I am sure the statement probably is correct. But if we are short of food, if prices are too high, there is one answer: More production.

More production means there has to be profit for the fellow who produces the food. I was here during World War II when we kept cotton production in the United States at 46 cents a pound but sent it abroad for $1.40. I say to the Members what we need to do is to promote increased production and not chastise and kick around those who are already producing.

We are all familiar with the fact that we have had what some consider tremendously high prices on beef. The Committee's report shows that actually we have some of the least expensive beef in the world. But we would all agree that even lower prices will be good. What is going to cause that to happen? More meat; not chastising the producer so that he does like you and I and moves to town. We need to fix it so that it is more attractive for him to produce more beef so the prices will go down.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I shall be glad to yield, after I give one more example of what I am talking about.

I apologize for using such a simple illustration, but farm income, the percentage of the gross national product that goes to farmers, has decreased from 7 percent 20 years ago to 3 percent today.

Members will say, "So what?" I say this is the reason we have had an average over a 20-year period of more than 400,000 leaving the farm every year. If this exodus continues, how are we going to eat? I say we have to have fair prices to encourage the farmer to continue farming, or they will all leave and then we will have really high food prices.

Let us look at it another way.

Investments in agriculture have now reached the astronomical figure of over $341 billion, which is roughly equal to one-half the market value of all the stock on all the stock markets of the United States, or about three-fifths of the value of the capital assets of all corporations in the United States.

Let me tell the Members something else: those in agriculture have gotten down to the point where they are getting a return on their investments of only 3.6 percent. Unless we get back to the time of kings and the time of tyrants, we cannot make a fellow stay on the farm against his will and farm until he goes broke. He will sell it to some subdivider and move to town and get on some of the various government programs to keep him eating, and he can do it in every State I know of.

Three and three-tenths billion dollars in this bill is to restore capital impairment of the Commodity Credit Corporation. Many ask: Why do we have that provision in the bill?

Because we have a law that says to the farmer "you have to sell your farm products at world prices," but when he buys a cotton picker or any piece of equipment or hires labor, he has to pay American prices which are much higher.

Under the Agricultural Act of 1970, we promised him "You sell to the textile mills of the United States at world prices, and we will make up the difference through an annual appropriation."

I voted against that bill because I knew that it would result in the attacks which can be read in the daily press everyday, but that is the situation. Luckily, that law runs out this year, and they are writing a new one.

The amendment to limit payments to $20,000 seems to me to be out of place here, because this law expires and we are writing a new act, and we should keep the promises we made in the 1970 Act until a new law replaces it.

I said then and I say now that it is a bad thing when those engaged in agriculture have to depend on an annual appropriations from Congress for part of their cost and for all of their profits. Are the Members surprised that over 400,000 leave the farm every year? I am not. If we do not wake up and realize that this 5 percent or less takes care of all these basic needs which enable the rest of us to live so well, and enables the rest of us to do something else, we will one day find they are no longer farming and we will all be in trouble.

I know that I hear every year folks refer to the farm program as though it were a relief program for those engaged in agriculture.

Do Members know why the first farm program was passed? Study the history. Farm purchasing power went down to such a low level in the 1920's and 1930's that they did not buy anything. When they did not buy anything industry could not sell anything. When industry could not sell anything they could not hire anybody, and it pulled us all down to the great depression. That is the reason why it happened.

The farm program was written to restore the purchasing power of those engaged in agriculture. When they got to where they could buy, it worked on up to the top, and we have had prosperity ever since.

But it seems as if we have to have a war or depression about once every generation, because the new people who come along will not believe history. I say we should believe in history, and should not repeat the mistakes of the past. We should avoid unwise revision of the farm program.

I say to the Members that we have brought to the House a bill which attempts to take care of many, many things. One of the things that we have restored is the agricultural conservation program, which was started in the 1930's.

I grant that every man should take care of the land to which he has title in his lifetime for his children, for my children, and for all of us, but the records show that they have not.

Our supply of land has gone down to less than 50 percent of what it was. No longer can a man wear a farm out and have it said, "Move West, young man."

We started this program, and this program reached such proportions that a great part of this great Nation of ours was restored. Thousands of dams were built, to put in water, so that we could grow cattle with the use of those pools. Millions and millions of miles of terraces were built. Erosion was stopped.

We got 1.1 million Americans to put up about 70 percent of the money to do this work. And then all of a sudden, on December 26, this program was ended by Executive Order without the consent or even consultation with the Congress, this in spite of the fact that on September 29 the administration had announced it would approve a program for $140 million.

I should like to read to the Members a statement from a speech of mine which was quoted by a Virginia newspaper on June 5, 1973.

This is addressed to me. It says:

> SIR: The local county paper quoted from one of your talks on April 19.
>
> We knew you would be interested that we feel the same way.

Let me read this quote:

> We could leave to our children all the money in the world, and a wornout land, and in effect we would leave them nothing. On the other hand, if we leave them rich land with soil erosion stopped, with rivers and harbors free of pollution, and our hillsides once again in trees, they'll make it fine whatever our financial plight, for with a rich country behind them, they could establish their own financial system.

Think about it. What could be more important? That is why we have again restored the agricultural conservation program.

I deplore the fact that some folks have been so shortsighted in recent weeks as to criticize folks of wealth who put up 70 percent of the cost of restoring land for future generations. My goodness, they are a whole lot ahead of the rich men we read about in the Bible. If they can get the rich people to put up 70 percent of the cost to preserve the land for the future they deserve to be commended, and the fellow who gets them to do it deserves a pat on the back.

My friends, I could talk on and on, but we have to finish this bill tonight.

Mr. STRATTON. Mr. Chairman, will the gentleman from Mississippi (Mr. WHITTEN) yield?

Mr. WHITTEN. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I would like to ask the gentleman a general question, rather than one directed to this particular bill. But it is stimulated by this bill.

The gentleman is the cochairman of what I regard as a very important group, one that has been set up to try to establish certain budgetary procedures for the

Congress; and I, for one, am disturbed to hear that 2 weeks from the beginning of fiscal year 1974 this House and the other body, too, for that matter, seem to have done very little indeed to act on the recommendations of the gentleman's committee.

Mr. Chairman, I wonder if the gentleman could tell us in that connection to what extent this appropriation bill, taken with the previous one that has passed the House, and the other appropriations bills that may be in the mill within the House Committee are moving in the direction of staying under the $268 billion ceiling which the leadership in this House and in the other body both said last January they wanted to follow out, but for which we have been unable to establish procedures to carry out?

Mr. WHITTEN. Mr. Chairman, may I say that this bill is under the budget by $120 million and is $3.5 billion below last year. I also will state this: It is surprising perhaps to the Members of Congress, but the Committee on Appropriations has kept its total appropriations under the budget for 20 years. It is in the other areas where Congress has exceeded the budget, as the gentleman from New York knows, through backdoor spending and various and sundry other means.

The bill which the gentleman refers to has not been before the Committee on Rules, and I have not had a chance to talk to the chairman. The gentleman from Florida, Mr. PEPPER, a distinguished member of that committee, told me yesterday that members of the Committee on Rules have discussed it. They are going to have an early hearing, and he hopes that it will be a full hearing and it will be a fair hearing.

Mr. Chairman, I will say to the gentleman from New York (Mr. STRATTON) that we have stayed below the budget, but it takes more than that to accomplish what he refers to, because we have done that; we have stayed below the budget for 20 years.

Mr. STRATTON. Mr. Chairman, is it a fair statement that the gentleman from Mississippi (Mr. WHITTEN) does not expect this budget control bill will be enacted this year and, therefore, we are likely to have to depend on the Committee on Appropriations again if we really mean to stay below these ceilings which we have established for ourselves?

Mr. WHITTEN. Mr. Chairman, I have always tried to have high expectations, and I have heard promises, some of which I take with a grain of salt.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I would like to inquire of the distinguished chairman, the gentleman from Mississippi (Mr. WHITTEN) whether there is any money in this bill for the export subsidy programs. I am not talking about food for peace; I am talking about the export subsidies that accompanied the Soviet wheat deal.

Mr. WHITTEN. Funds in this bill are for restoration of losses by CCC for fiscal year 1972. That was prior to the actual Russian wheat sale.

So insofar as any direct moneys in this bill, I do not know of any. There may be, but I do not know of any.

May I say that on the Russian wheat deal I do not personally feel that it would have made a whole lot of difference whether people knew about it in advance or not, because the international operators know in advance practically everything that is occurring in the world. I do think we made a serious mistake in that deal, however. We sold $1,100,000,000 worth of grain to the Russians, spread over a period of 3 years, and the terms were not favorable. We should have spread the deliveries over a period of 3 years.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to thank the chairman of our Subcommittee on Agricultural, Environmental and Consumer Protection for his penetrating and accurate analysis of this most important appropriations bill. The gentleman from Mississippi (Mr. WHITTEN) has no peer in this field. His vast knowledge, gained from years of experience, his sincere interest and deep understanding of the problems of farmers and rural people have made it possible for this committee to present a bill for our consideration that will adequately meet the needs of farmers, rural people, and all the consumers of this Nation.

Mr. Chairman, we have kept the funding well within the proposed budget ceiling. As a matter of fact, the question the gentleman just raised could be answered in this way: That the Committee on Appropriations has kept the funding level $3.2 billion below last year. It is beyond the Committee on Appropriations where these problems come.

From the outset of our hearings last February, we believed that ours was a bigger job than just funding a few farm and rural programs, along with the environmental functions on a routine basis. We in the field of agriculture were convinced then—as most everyone else is now—that we had a responsibility to the whole Nation—to every consumer—and to every other country who has need of our food and fiber and is able to pay for it.

Today, at long last, the public is starting to understand the incredibly important role the farmer plays in our national life—his contribution to our national well-being and security—his contribution to our international relations.

Our Nation's agricultural plant is unsurpassed in the world for its productivity. Fewer than 3 million farmers produce the greatest abundance and variety of food not only for the 205 million people here in our country, but last year we exported more than $11 billion worth abroad. No other single industry contributes so much toward attaining a favorable balance of trade.

Those who attack the recent Russian wheat sales should take a look at the contribution it makes to all America and not just to the farm segment of our economy. In these days when we are importing an increasingly vast amount of foreign crude oil I would hate to think what our balance of trade deficit would be without the farmers of our Nation. We need the farm exports and we need more farm exports and not less.

May I point out in this context that for each $100 million of agricultural product exports some 5,000 domestic jobs at home in the cities are created. Our increased farm exports last year meant well over 100,000 new jobs off the farm. This is a distinct benefit to Mr. VANIK's district and one which I am sure he is very glad of having. Without those exports these new job opportunities in the cities could not have come about.

Consumers, understandably, have been and still are concerned about the cost of food. I think they are beginning to understand that farmers and farm programs are not at fault. American consumers still get the best food buy of any country in the world. Less than 16 percent of our total disposable income in this country goes for food.

It may not make the average wage earner's pocketbook any fatter and it might not make the average housewife any happier, but it should be some solace to them to know that as of May 30 of this year sirloin steak in Washington, D.C., one of the four highest cost-of-living areas in the Nation, was selling at the bargain price of $1.79 a pound while it was $3.84 in Germany, $4.03 in Stockholm, $12.86 in Tokyo. Bacon was 99 cents in Washington, $3.09 in Paris, and $2.33 a pound in Copenhagen.

These are just a few examples of comparative food costs around the world. You will note that I did not pick the backward, underdeveloped countries for comparison but, rather chose the highly industrialized, prosperous nations.

The housewife is indeed well treated by farmers and farm programs. Consumers can continue to get an abundance of food at reasonable prices if they but try to understand the unique problems that farmers have to contend with and support the kinds of programs which permit the American farmer to produce to capacity.

First of all, the public has to understand the farmer is just as much a victim of inflation as everyone else is and maybe more so. The chairman of our subcommittee, the gentleman from Mississippi (Mr. WHITTEN) pointed out quite rightly that the farmer gets an average return of 3.6 percent on his investment The normal business in this country gets an average return of 12 percent on its investment. The farm economy runs at one-third the return on its investment that other businesses in this country get. The farmer is the only guy in business today who buys everything he has to use for production at retail and then is forced to sell his products at wholesale prices.

It is an old cliche but so very true that the farmer is constantly caught in a cost-price squeeze. In this day of highly technological and mechanized farming, farm costs are exorbitant. Fertilizer and weed and pesticide chemical prices have more than doubled in the last 10 years. A tractor costing $2,500 in 1965 now costs more than $5,000. Combines for harvesting wheat and feed grains cost more than

$20,000. This gives you some idea of how inflation has hit the farmer.

But note that choice beef on the Omaha market was selling for the same price during the old OPA days in 1951, at the time of the Korean war, as it was selling for last year. You could buy a 1951 top-of-the-line Chevrolet automobile for $1,570, yet just last year we finally got the price of beef back on the hoof to where it was when you could buy that Chevrolet or any other automobile of that sort for about one-third of what you pay for it today.

In wheat, for instance, on the Minneapolis market, the major milling center in this country, the wheat price today is no higher than it was 25 years ago.

Wheat, the basic ingredient for the staff of life, bread, does not cost any more today than it did 25 years ago, yet the housewife in the grocery store is paying three times as much for a loaf of bread. The answer to the problem of high food prices does not lie in the price of grain at the farm level. If the farmer does not receive an adequate return on his investment, if the farmer does not receive a fair price on his products, then all we are going to see is scarcity.

Mr. Chairman, the farmer today must be a businessman. If he cannot meet his costs of production he cannot produce for very long before he faces bankruptcy or mortgage foreclosure. It is that simple.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, a few moments ago the chairman of the subcommittee mentioned the statement by the President with respect to control of exports when they tend to disturb domestic supplies. Does the gentleman agree with the President's view that we are at a point where we have to insure that domestic supplies are adequate?

As a Member of this body for almost 19 years, I have voted for extensive subsidies to develop farm research, increase productivity on the farm, and to provide encouragement for agricultural production. I think that is important. But, by the same token, is not the American taxpayer who plowed in so much to develop agricultural research and productivity and other incentives over the years, entitled to the first chance at domestic production. Shouldn't exports be limited to that part of the production which is over the domestic need?

Does the gentleman think it makes good sense to export ourselves into a condition of want?

Mr. ANDREWS of North Dakota. Certainly I do not want to create a condition of want in the United States. But let me commend my colleague, the gentleman from Ohio, for his votes in favor of the farm programs, and in favor of farm research. Those votes over the last decade and a half or two decades have given the American consumers what I have just pointed out, meat that costs half as much as meat sells for in Europe, one-quarter what it sells for in Japan. These programs have given the American consumers the opportunity to have wheat available in this Nation, and not a shortage. Granted the price is higher than it was in the depression days on the farms 2 or 3 years ago. But the price of wheat today, even after this Russian wheat sale, is still only half as much here at home as the $4.30 price that wheat now brings in Europe. All these programs that my colleague has voted for, have given us an adequate supply at prices roughly half what the rest of the world pays.

If we are to engage in export controls two things are going to happen. First, if we say we are going to stop the shipment overseas of agricultural commodities—and mind you, today the rest of the world, which is holding a great number of our dollars as this negative balance of payment thing has gone on, and, indeed the Japanese alone have over $4 billion in our money in surplus from last year—remember that the only thing they want to buy from the United States are agricultural commodities because it is about the only basic industry left in this country that is competitive on the world market—so if we cut off the export of agricultural commodities then the run on our dollar that began in the last few months will continue at an unprecedented rate that could very well bring the dollar's worth to a disastrously lower level.

If you desire to set export controls then we ought to set them at a point where the domestic price will be really high enough so that the farmer can continue to produce. If the gentleman from Ohio would propose to set export controls as to drive the prices of grain and beef down to where they were a couple of years ago then the average farmer could not continue to produce and we would have worse shortages even with export controls.

Mr. VANIK. Will the gentleman yield further?

Mr. ANDREWS of North Dakota. I yield further.

Mr. VANIK. But to return to the original point on the subsidy programs which are supported by the taxpayers, I believe they ought to be directed to those who produce for domestic needs. If the farmer wants to produce over and above domestic needs and for export, that is up to him, but he should not have both. He should not have both taxpayer-supported subsidies and the advantage of exporting his products to the point where such exports jeopardize the American food supplies.

Mr. ANDREWS of North Dakota. Not at all. The farmer has a yardstick that he can use. He has the parity index on his purchasing power where he buys products that are made in our American steel mills and in our other industrial areas.

This parity index gives him an idea of how he is doing vis-a-vis the rest of the economy. As we point out, he has not been doing too well. He has just begun to come back into his own. I am sure the American farmer will be more than happy to reserve a part of his production at parity price for domestic consumption, but he cannot do it for less than parity price. I do not think any thoughtful person in the city would have him do it. Then if the price for the rest of his production goes above parity because of the demands as far as the rest of the world, fine. We have got a situation we can live with.

But until the farmer gets the parity or fair price, a farmer cannot see his goods driven down in price by artificial barriers that preclude his exporting into a market that is willing to pay a fair price.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Ohio.

Mr. VANIK. I might say to the gentleman that this Member feels that these payments of support for incentive make a lot of sense if they insure adequate food supplies for the American people, but I do not believe that the taxpayer should be called on to subsidize the production of agricultural products, to a level when domestic supplies are reduced below need and consumer prices escalate. I think export ought to stand on its own.

Mr. ANDREWS of North Dakota. I think the gentleman will be happy to hear that under the farm bill that just passed the Senate—the farm bill that, incidentally, I support—at the present price levels the American taxpayer would not pay one nickle in agricultural support prices. So this new concept of target pricing could well answer the question that the gentleman is bringing up.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman from North Dakota referred to wheat. I think that maybe something ought to be put in the RECORD concerning feed grains. The question is not whether there is an adequate supply. The Department's own figures show there will be a 900-million-bushel carryover at the end of this fiscal year. The sole question is whether other segments of the economy want to force the producers of feed grains to sell at less than world market price. That is the sole question involved: Should other segments of the economy be able to force agricultural producers to sell commodities at less than their value? That is what is involved.

Mr. ANDREWS of North Dakota. I thank the gentleman for his contribution.

Let me go on to point out that to keep this farm plant going we need programs for conservation such as REAP, the water bank program, watershed and flood control and all other soil and water conservation measures that minimize the hazards of erosion, drought, flood, and other disasters and preserve the soil for future generations.

Income incentives—like commodity loans and price supports in previous programs—and the new "target price" program being proposed this year—give the farmer the basic assurance that he can at least plant his crop and—God willing—he can harvest it and sell it at a price where he can stay in business, and consumers can depend on an adequate supply of food.

These are the programs we need to stimulate the production that keeps our country well fed and with an adequate supply of fiber from our Nation's farms.

As the Congressman from the Nation's most rural State, I believe the bill before us is responsive to the essential needs of farmers. I think it also responds fully and adequately to the needs of consumers and to the basic safeguards in protecting and enhancing our Nation's environment.

This bill also funds some of the principal regulatory agencies, including the Federal meat and poultry inspection program, the Environmental Protection Agency, the Food and Drug Administration, the Federal Trade Commission, and the new Consumer Product Safety Commission. Each of these Agencies has tremendous individual power over every aspect of American life.

Holding such power, they need our special attention, as well as funds. We believe these Agencies should use their powers responsibly, acting only on the basis of scientific fact and with due consideration to the economic and social impact of their decisions. They must also always proceed with a sense of priorities, placing that which is dangerous to health ahead of that which is merely undesirable or unesthetic.

Some time ago the Food and Drug Administration, because of the terms of the Delaney amendment, cut out the use of diethylstilbestrol as a cattle feed. There is a question about the use of diethylstilbestrol, but in cutting this out, they increased the cost of production of our beef by some 17 percent. The consumer now has to pay the additional 17 percent for the cost of beef because we no longer have stilbestrol.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. YATES. The consumer is healthier for not having destilbestrol.

Mr. ANDREWS of North Dakota. As my colleague, the gentleman from Illinois (Mr. YATES) points out, the consumer feels healthier because of not having stilbestrol. This is what the farmer wants because a farmer is going to sell more meat if the consumer knows it is a healthful and viable product.

Let me point out what developed when the Food and Drug Administration people were before our committee. I asked Dr. Edwards how much stilbestrol was found in the animals and he answered that it was two parts per billion. I asked him where it was found, whether it was in the skeletal meat, and he said no, it was only in the liver and kidney, up to two parts per billion, and he said on that basis they banned it.

Then I said to Dr. Edwards, "Did not your agency only 2 months ago OK the use of the morning after birth control pill?" He said yes they had. I asked him how much stilbestrol it contained, and then the slide rule boys got busy and they came out with the number of milligrams. I asked the doctor how many pounds of liver a housewife would have to eat to make up for one of these birth control pills, and the slide rule boys got busy again and came up with the answer of 55,000 pounds. This brings the question, "Is it all right to take the birth control pill that gives the same amount of stilbestrol as would be contained in 55,000 pounds of liver but it is too bad if it is found in the liver?" Then there was some chuckling in the back of the room and I commented, "There must be more to this story than has been brought out." And they said, "Yes, there is. It is not just one pill but it is five pills, one pill taken each day 5 days in a row."

So that would come up to about 275,000 pounds of contaminated liver.

These are the things that point out the fact that we do need the study of the products and the application of the Delaney amendment and other rules and regulations relating to products which the consumer uses in his home as well as what he consumes as food. I think all of us are in favor of this and our committee has been responsive to this.

There must also be a consideration of the competitive effects of regulatory decisions. Many small businesses are having difficulty complying with the complex regulations being promulgated. They should receive all permissible help or else the result may be the achieving of one set of social objectives at the expense of another. The maintenance of competition—a goal of the Federal Trade Commission—may be endangered by edicts of the EPA or FDA or the Consumer Product Safety Commission.

The goal of increasing exports may also be hampered by excessive regulation. The committee has heard allegations that some foreign countries are trying to entice American industry overseas by establishing less stringent regulatory policies. The new Consumer Product Safety Act tacitly recognizes this problem by permitting different export standards. The Federal Trade Commission is also becoming concerned about this problem.

The committee is concerned that many decisions such as the banning of DDT and DES may have been made without adequate scientific facts.

For this reason the committee took the following action to help insure that future regulatory decisions will have a sound scientific and economic basis.

We took also action in some other fields.

For instance, the committee provided $200,000 for a study of the scientific basis for the Delaney clause.

The committee provided such sums as may be necessary to enable the Consumer Product Safety Commission to establish an economic analysis capability.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, with respect to the Delaney clause, may I quote to my friend, the gentleman from North Dakota, the comments of Dr. Saffiotti, who as the gentleman knows is at the National Cancer Institute and is one of the most outstanding cancer research people in the Nation. He says this in a study that appeared in the March issue of "Preventive Medicine":

> My opinion is that the Delaney clause is most effective and scientifically sound piece of legislation. I should like to see it extended to other sources of exposure besides food, e.g. household products and particularly drinking water, whose standards do not measure up to present requirements for food products.

The Delaney clause is useful in protecting the consumers of America. It should be strengthened rather than weakened.

Mr. ANDREWS of North Dakota. That is why we ask for this money for the study, and if it is found necessary we can strengthen the Delaney clause or somehow make it more responsive, but we want to know the total picture.

But there are scientists, as the gentleman knows, as knowledgeable and renowned as the gentleman my friend just quoted, who take a position 180 degrees opposite the opinion quoted.

Mr. YATES. If the gentleman will yield further, I do not believe that is true. They would say $200,000 is totally inadequate. All it provides for is the calling together of a new panel to discuss the Delaney amendment. That has been done on several occasions recently. It could not possibly serve to carry on any significant research. I recognize there is in the report approval for the transfer of other funds but I think the Agency may well hesitate to do that because in doing so it will be taking money from other activities of the Agency.

Mr. ANDREWS of North Dakota. I think the gentleman from Illinois will agree, however, we need to have more facts on the record concerning this whole field of Federal regulation.

Mr. YATES. Of course. As a matter of fact I joined in my dissent to the committee report in saying that we do need more facts and that I would hope the committee would provide more money for research. I think the more we know about this field the better it will be for the people of this country.

Mr. ANDREWS of North Dakota. I would like to say in the committee we have provided $5 million for the Environmental Protection Agency to prepare environmental and economic impact statements on all of their actions.

Provided $5 million for the National Academy of Sciences to conduct a complete review, analysis and evaluation of the Environmental Protection Agency, and to make appropriate recommendations.

Provided $1 million to the National Industrial Pollution Control Council to study the effects of environmental requirements on the competitive position of American business.

We have also adequately funded and authorized sufficient lending capacity for many of the rural development programs, including REA and RTA, rural housing and such comumnity development programs as loans and grants for water and waste disposal systems.

So, Mr. Chairman, I think our committee has come up with one of the most sensible and acceptable appropriation bills in my 8 years on this committee.

I commend it to the members for their favorable consideration.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would

like to hear from the gentleman from North Dakota concerning his opinion on the need for establishing a reserve food program. I do not think that is contemplated in this appropriation, but I would like to hear his views.

Mr. ANDREWS of North Dakota. I would be more than happy to do so.

Those of us from rural areas for a long time have proposed the use of reserve supplies of agricultural commodities controlled by the Commodity Credit Corporation, and releasable only at full parity and in times of need.

This feeling, I am sure, is shared by all of us from both sides of the political aisle in the farm belt, if we can get this type of commodity reserve program.

In the past, however, it has not functioned this way. They have been subject to dumping by various Secretaries of Agriculture, whether Republican or Democrat. They have reacted in the same way. It is tempting to have the food, to let it go, and they have let it go and kept farm prices at a ruinously low price.

A commodity reserve releasable at parity would be an excellent safeguard for the consumers of America, and I think it would have the support of all of us who represent rural America.

Mr. VANIK. Mr. Chairman, is there any provision for that in bill before the other body?

Mr. ANDREWS of North Dakota. There is some provision for that. There were provisions for it in separate legislation in this field, and I am sure the gentleman from Ohio will have an opportunity to take a stand on it in the near future.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Minnesota.

Mr. ZWACH. Mr. Chairman, I want especially to commend my neighbor from North Dakota for a very fine and splendid presentation of these important matters.

I would also like to commend the chairman of the subcommittee, the gentleman from Mississippi (Mr. WHITTEN). I would like to say that this report should be must reading for every Member of this Congress, and for many, many more people. It is a splendid report.

Mr. ANDREWS of North Dakota. Mr. Chairman, I thank the gentleman for his kind remarks.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to my colleague on the subcommittee.

Mr. BURLISON of Missouri. Mr. Chairman, inherent in the number of attacks which have been made on this legislation today and in many of the arguments which will be presented, will be that the farmer is overly prosperous or that he is making too much money in comparison with other segments of our economy.

I think now, in the preliminary debate, it would be well to mention a couple of facts which were brought to the attention of the subcommittee during the hearings. The Farm Credit Administration witnesses pointed out to us that the assets of the farmer have increased about two to three times since 1950. However, the debt of our farmers has increased sixfold since 1950.

Along that same line and in the same tenor, the evidence was that our farmers in 1971, which was the last year in which we have statistics available made a return of 3.8 percent on their investments. We know, Mr. Chairman, that if we put our money in savings accounts in banks or savings and loan institutions or in common stocks, we know that we can make two and three times as much return on our investment as our farmers are making now in the last year in which we have statistics available.

I think these general observations are very appropriate as we begin to discuss and debate this bill.

Mr. Chairman, I appreciate my distinguished friend from North Dakota yielding to me.

Mr. ANDREWS of North Dakota. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. FINDLEY. Can the gentleman tell me if there is any money in this bill which provides for administrative expense of the Federal Crop Insurance Corporation?

Mr. ANDREWS of North Dakota. Yes, there is.

Mr. FINDLEY. I raise this question because in previous years I have asked the committee members if we could see the day when this insurance program would be entirely self financing. As long as 8 or 10 years ago I had the response, "We are working toward that end, but not now."

Mr. ANDREWS of North Dakota. Has the gentleman read the testimony in the hearing, by the head of the Federal crop insurance program.

Mr. FINDLEY. No, I have not.

Mr. ANDREWS of North Dakota. That is in the hearing book. If the gentleman will look at the hearings and then ask his questions, I believe perhaps he will find that was brought out quite explicitly and in great detail, as to the matter with which he is concerned.

Mr. FINDLEY. Let me ask the gentleman this question: Is a case made for administrative expenses to be paid out of the public treasury, as against getting the administrative expenses out of the fess charged for the insurance?

Mr. ANDREWS of North Dakota. A case was made, yes.

Mr. FINDLEY. I would be interested to see a persuasive case.

May I ask the gentleman from Mississippi (Mr. WHITTEN) if he has any indication as to when the full cost of the Federal Crop Insurance Corporation expenses will be met fully by the assessments made against those who buy the insurance?

Mr. WHITTEN. I personally do not. As the gentleman knows, I have dealt with this program for a long time. I remember when it went completely broke.

I have had many letters from those who are engaged in the insurance field, asking about getting the Government out of this insurance program. In every instance I have written back to them and said, "As soon as you will take it over they will be glad to."

This is an area where it was difficult to get insurance.

The amount of the premiums to be paid, and the amount of the administrative cost provided in this bill, were recommended by the Office of Management and Budget, which is not known to be very generous with its approval of funds for agricultural programs.

May I say to the gentleman that where we have not had crop insurance and where we have had various disasters, this program is by far the most economical protection we can have against weather and other hazards, and is probably 10 times as economical as having to provide disaster relief through appropriations.

May I say again that we followed the recommendations of the Office of Management and Budget. I personally hope that action will not be taken to charge all of the administrative cost of the program against premium income. If this should happen the program probably would not be able to operate.

Mr. FINDLEY. I should like to make it plain that I do not object to the Federal crop insurance program. I do object to the general revenue picking up the cost of administration. After all these years the corporation should have enough experience to adjust its rates for insurance to a sufficient level to cover the cost of the program.

Mr. WHITTEN. In theory I could not differ with the gentleman. But in those areas where the crop insurance program has operated there is tremendous risk, and the risk is sufficiently great that the private insurance companies have not been interested.

I believe we have to take that into consideration. We have to maintain the program, because it is far more economical to keep farmers engaged in agriculture with a program where they pay for their own protection than any other way.

Mr. FINDLEY. As a matter of fact, there are private insurance companies which offer almost identical coverage, but they raise a very valid complaint that they have unfair competition because the Government program is not fully paid for by the premiums charged.

Mr. WHITTEN. I have had those kinds of letters. I have replied, "Please make us an offer for this program," I have not had a single response.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I am glad to yield to my colleague from Iowa.

Mr. GROSS. Unfortunately I was not able to be here during quite all of the general debate. I wonder if there has been any discussion of the Federal contribution to the cotton promotion program, and whether there is any money in this bill for cotton sale promotion?

Mr. ANDREWS of North Dakota. There has been no discussion as yet. I will be glad to yield to the chairman of the committee for his comments on the cotton promotion fund.

Mr. WHITTEN. There is no money in the bill for cotton promotion. There is some language in the committee's report in which the committee discusses the statement by the gentleman from Iowa. It is on page 37 of the report.

I do not know whether the gentleman has had an opportunity to read the report or not. However, I suggest he look at page 37. Hereafter, all budgets have to be sent to the Department for their prior approval. We have not appropriated funds directly for that program.

The agriculture law that expires this year has a provision in it which provides for the provision of these funds. The gentleman from Illinois who just spoke has a certain feeling as to whether program operations are in line with the intentions of the law. However, the funds are provided by law, and not by appropriations in this bill.

Mr. GROSS. So that there can be money made available for Cotton, Inc.; is that right?

Mr. WHITTEN. Mr. Chairman, the money made available for Cotton, Inc. is under the basic law and not under this appropriation.

Mr. GROSS. And available through the Commodity Credit Corporation?

Mr. WHITTEN. That is right, but that again relates to the farm legislation that expires this year.

Mr. GROSS. Does this legislation affect that? I do not suppose it does, since this is an appropriation bill and would be subject to a point of order. It does not change anything, does it, in that regard?

Mr. WHITTEN. Mr. Chairman, this bill does not.

But we have made some pointed comments in our report. Activities covered by these special research funds must have prior approval of the Department.

Mr. FINDLEY. Mr. Chairman, will the gentleman from North Dakota (Mr. ANDREWS) yield on that same point?

Mr. ANDREWS of North Dakota. Yes, I yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, will the gentleman from Mississippi (Mr. WHITTEN) inform this body whether or not a third annual incremental payment of $10 million has been actually disbursed by the Commodity Credit Corporation for research and promotion to benefit Cotton, Inc.?

Mr. WHITTEN. Mr. Chairman, the latest report I have is that it has not been.

Mr. FINDLEY. I understand there is some dispute over the propriety or the correctness of the operations of the Cotton, Inc., and that that has caused a delay in approval. I understand they have been setting aside some of their resources from the dollar-a-bale checkoff and, instead of spending those funds, have been expending the other funds.

That being the case, it would seem to me an amendment could be offered to this appropriation bill which would effectively prohibit the expenditure of that third incremental $10 million payment.

Mr. WHITTEN. I do not think so. May I say I do not think that would be necessary. I do not think it would lie with this bill, because there is no money in this bill for that purpose. I do think that authority expires this calendar year, because the law itself expires during this calendar year. Since we expect to have an authorization bill before us shortly from the gentleman's committee, I would expect that situation will be taken care of.

Mr. Chairman, I would again call the gentleman's attention to page 37 of the report.

Mr. FINDLEY. Mr. Chairman, I want to express the hope that when this bill is offered in relation to the Commodity Credit Corporation, I hope it will have the gentleman's enthusiastic support.

Mr. WHITTEN. If the gentleman is talking about the legislative bill, it is not before us.

Mr. FINDLEY. Mr. Chairman, I am talking about the bill before us today.

Mr. WHITTEN. I think it would be subject to a point of order which I think would be made.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would hope that the gentleman from Illinois (Mr. FINDLEY) realizes that there is no line item in the bill for that purpose. That has been mandated by Congress, it has been directed out of the Commodity Credit Corporation, and it relates to the funds spent in the capital impairment, so there is no item in this bill for the Cotton Council promotional program as such.

Mr. FINDLEY. Mr. Chairman, I think that is one more illustration of the reason why we ought to be working toward the day when this Commodity Credit Corporation is terminated. It is used as a shield for a lot of things like this, and it makes it impossible for Congress to work its will.

Mr. ANDREWS of North Dakota. Mr. Chairman, I think what the gentleman from Illinois (Mr. FINDLEY) points out is not that the Commodity Credit Corporation should be terminated, but that the backdoor spending that has been growing by leaps and bounds by legislative act to circumvent the Committee on Appropriations of this Congress ought to be done away with. This is another example of backdoor spending, and if the gentleman objects to it, the objection should have been made at the time this legislation passed, but not on the appropriations bill where we do not have a line item for it.

Mr. FINDLEY. Mr. Chairman, I think we ought to seize every opportunity to shut down treasury gifts to Cotton, Inc.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the distinguished Chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, what we do here in the House today may make a few minor headlines, but it probably will not rate a place in any major news network.

WHAT IS CONGRESS DOING?

People are beginning to ask "Well, what is Congress doing?" Congress has taken action on many important matters. The action has not all been in accordance with my views and there is no claim of perfection but Congress has been struggling with many important issues. I am not sure the American people, however, are aware of it.

There are in the House and Senate about 350 committees and subcommittees of all kinds. One special committee is conducting the Watergate hearings. But a lot of other very important things are going on in the Congress about which the people are not aware. No wonder some of them inquire "Well, what is Congress doing?"

Mr. Chairman, here we are working on a very important piece of legislation which will probably not attract in a big way the attention of the American people.

APPROPRIATIONS SCHEDULE

I was just looking at what we have scheduled for consideration in the House even from one committee, the Committee on Appropriations, for the next 2 weeks and would like to share with my colleagues the following schedule:

SCHEDULE OF APPROPRIATIONS BILLS, JUNE 1973

Friday, June 15: Agriculture-Environmental and Consumer Protection.

Monday, June 18: District of Columbia.

Wednesday, June 20: Transportation.

Friday, June 22: Housing and Urban Development, Space, Science, and Veterans.

Tuesday, June 26: Labor-Health, Education, and Welfare.

Wednesday, June 27: Interior.

Thursday, June 28: Public Works-Atomic Energy Commission.

Friday, June 29: State, Justice, Commerce, and the Judiciary.

CONGRESS WORKS THROUGH COMMITTEES

So, Mr. Chairman, it would indeed seem Congress is not marking time but, rather, Congress is very hard at work, as it should be. And the work of the Congress, really, according to Woodrow Wilson, who was quite a scholar of government, is performed principally in committee. I do not think this fact is widely recognized by people across the country. The day-to-day work of the committee is not often noted in the press and on radio and television, but the members of the committee have spent many, many days and nights earlier in the year in the preparation of the bills which we are bringing to the House in June. And the work continues in the Appropriations Committee and elsewhere.

The schedule for the balance of June which I have cited is just an example of what is being done through one of the agencies of the House, the Committee on Appropriations.

Other committees have been active, and we have considered and will consider, of course, much meaningful legislation. I thought it well to take stock of the situation here in order to show that we are moving along with our responsibilities. I hope we will not overdo it in presenting so many appropriation bills here this week and the following 2 weeks, but, of course, we are discharging as much of our appropriations responsibility in the House as we can before the beginning of the next fiscal year on July 1.

In addition to these measures, of course, we have passed two supplemental appropriation bills, and we will be required to pass before the 1st of July a continuing resolution involving appropriation bills.

Mr. Chairman, I want to commend the distinguished chairman of the subcommittee the gentleman from Mississippi (Mr. Whitten) and the distinguished ranking minority member of the subcommittee the gentleman from North Dakota (Mr. Andrews) for their logical and vigorous presentations to the House today. I shall not undertake to expand on what has been said. I hope the work of the committee may find favor with the Members of the House and that we may be able to complete this bill today and send it over to the other body.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Veysey).

Mr. VEYSEY. Mr. Chairman, I thank my distinguished colleague, the gentleman from North Dakota (Mr. Andrews) for yielding this time to me.

I want first to express my gratitude to the distinguished chairman of the subcommittee, the gentleman from Mississippi (Mr. Whitten) and to the subcommittee members themselves for bringing to us an outstanding appropriation bill in a very complex field.

I think that they have shown an important new direction for the guidance of the Federal Government during the next year, and I congratulate them.

Mr. Chairman, I would like to address two questions to the distinguished chairman of the subcommittee, the gentleman from Mississippi (Mr. Whitten). I am concerned because these matters relate to a situation in my district.

On page 19 of the committee report there is outlined the appropriation for Agricultural Research Services for the next year, which brings about a decrease of $17 million in the overall appropriation for that service. The bill provides for some of our really important needs, including a $3 million set-aside for general research purposes as may be needed.

Shortly thereafter, still on page 19 of the committee report, reference is made to the Brawley Field Station in California, also known as the Southwestern Irrigation Field Station, where important work is done in the development of cotton, sugarbeets, and in irrigation and drainage techniques. But I am not clear as to what the funding situation would be, Mr. Chairman, with respect to that particular station, and that is of great concern within my district.

Mr. WHITTEN. If the gentleman will yield, may I say to the gentleman from California that I believe the committee went far beyond what it did in a number of instances in designating these as worthwhile activities and that they should have special attention. The reason for the committee following that course has been that through the years we have found that just about everyone in all of the communities in our country come to Washington, and want something done by somebody in the Department. The people in the Department have said to them that if they want the projects then they will have to get Congress to provide extra money, and that then the Department would do it. The fact is that if we were to draft a compilation of all these requests for extra money it would make a book about the size of a Sears Roebuck catalog, and the total of these items would be about as much as the national budget. So what we try to do is to give the Department a certain amount of money, and tell them that within that amount of money they can deal with the problems on a priority basis.

Mr. VEYSEY. I thank the chairman for that particular explanation with regard to the problems that the committee has.

I am sure that the gentleman is well aware that with respect to the Brawley Station there has been a merging of the activities of the La Jolla Station which will be shut down, and which has been extremely instrumental in the development of certain produce crops such as canteloups and lettuce and, most importantly, in trying to fight the rising cost of food to the housewife. Hopefully these programs can be appropriately funded at the Brawley Station.

Mr. WHITTEN. I can appreciate the concern of the gentleman from California, and agree with the gentleman that there are many important projects that do need attention such as the gentleman has mentioned.

Mr. VEYSEY. I thank the chairman, the gentleman from Mississippi (Mr. Whitten) for his reassurance.

The second question that I would like to ask relates to page 65 of the committee report dealing with the $159 million set aside for research by the Environmental Protection Agency.

As the gentleman from Mississippi, is aware, one of the responsibilities of this agency is the enforcement of standards under the Clean Air Act. About the time the committee report was being formulated the EPA came forth with the rather startling announcement, I believe it was on the 8th of June, that their techniques and methods for measuring the health effects of levels of oxides of nitrogen in our air were faulty, and their test methods were invalid, and that they were obliged to reclassify their air controls based on this new knowledge. I also believe that they are uncertain as to what this will do with respect to the enforcement of the 1976 nitrogen oxides standards on automotive emissions under the Clean Air Act.

Therefore it seems to me that this may call for a massive and very rapid research program on the human health effects of various levels of oxides of nitrogen. I wonder if provision has been made or will be made within this appropriation bill to take care of that situation?

Mr. WHITTEN. May I say to my colleague, the gentleman from California (Mr. Veysey) that I mentioned earlier in the debate that in 1965 I wrote a book recommending that we do something in this area. There are about 190 individuals who were willing to be identified with those views, or who were willing, at least, to have their names identified with the conclusions we came to.

Certainly in the preparation of that book, which took about 2 years, I handled hundreds and hundreds of texts, and among the approximately 200 individuals who we dealt with, I found quite a few differences of opinion.

I personally am convinced that in lots of areas the EPA has acted too hastily, frequently under the pressure of Congress to come out with something. For example, they had over 40 deadlines to meet in the case of the Federal Water Pollution Control Act. In order to meet a deadline, frequently they rush out without proper preparation. In their own agency I know of high level executives who have their own differences of opinion.

I am a former lawyer who has been a Member of Congress a good while. I do not feel capable of making scientific decisions. Neither do I give any such standing to my colleagues who work in this area on other committees, but we did the very best thing we could. We provided $5 million for study in this area by the National Academy of Sciences, which the gentleman knows was created way back, I think, in the time of Abraham Lincoln. There are about 1,000 scientists who select from their own number this group. So we said all these things look to us as though they may be wrong, but we are not experts. So we put $5 million in the bill to get the best folks we could to make a study to see what the situation is.

I might make a comment here. On a recent weekend I was driving with my wife through Virginia. I stopped at a service station and asked the fellow if he had any trouble with his gasoline supply. He said, "No, not yet." I said, "Well, how about automobiles?"

He said, "Well you are driving a 1972 car. It will take about 7 gallons to fill. It will take about 9 gallons to fill a 1973."

Much of this can be traced back to the EPA. So the Members can see why we put $5 million in the bill to get some scientists to decide this matter. I do not want to pay for that extra 2 gallons of gas if it is uncalled for.

Mr. VEYSEY. I thank the chairman for that response and for his guiding the committee in that particular direction. I do think we are at an important point of decisionmaking in this respect. Congress has mandated a 90-percent reduction in the oxide of nitrogen emissions under the Clean Air Act by 1976, and now EPA tells us that their methods of measurement are knocked out, and the health effects are unclear.

Mr. WHITTEN. I have worked in this area for some several years. I am sure the gentleman has, too. We can talk all afternoon about this problem, but in this area we are discussing, despite our high desire, somewhere way back someone said, "You cannot change the sum total of matter." You can change it to a liquid or you can change it to a solid. You can take it out of water and put it into the air or you can bury it, but it is still there.

In the area of automobile emissions someone said, "Why can we not do like Japan does?" I do not know. Some of the scientists say the reason we cannot is because Congress set a deadline, and we have got to meet a certain date. If the auto companies have to start with the engines they presently have, they cannot meet the deadline if they take the time to start experimenting with new engines. That is the reason we look to the National Academy of Sciences. They have experts to make these decisions.

There is another reason for putting this in the bill. There are at least 17 legislative committees that have some degree of jurisdiction over EPA. Therefore, we had better get some outside referee to decide this thing, and, perferably, someone from the scientific world.

Mr. VEYSEY. I thank the chairman for his response. I trust he will make sure that there is adequate research funding for competent scientists to make the determinations as to the human health effects of this important air pollutant.

Mr. WHITTEN. Every year the EPA and the Food and Drug Administration have been before our subcommittee, we have substantially increased their appropriation.

Mr. VEYSEY. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from Kentucky (Mr. Natcher), a member of the committee.

Mr. NATCHER. Mr. Chairman, the Subcommittee on Agriculture-Environmental and Consumer Protection, of the Appropriations Committee, now brings to the floor of the House for your approval the annual appropriations bill for fiscal year 1974.

Mr. Chairman, I have served on the Appropriations Committee for a period of 18 years, and during this time it has been my pleasure to serve on the Subcommittee on Agricultural Appropriations. This year we have on our subcommittee a number of new members and they are all outstanding Members of the House. We have on the Democratic side Representative Bill Burlison of Missouri, Representative Neal Smith of Iowa, Representative Bob Casey of Texas, and on the Republican side, Representative Kenneth Robinson of Virginia. These Members are all outstanding Members of the House and have rendered yeoman service on this subcommittee.

As the chairman knows, this subcommittee is chaired by the distinguished gentleman from Mississippi, Jamie Whitten, one of the able Members of this Congress, and on the Republican side we have our friend, the gentleman from North Dakota, Mark Andrews, the ranking minority member, another able Member of this House. I feel better serving on this subcommittee when I know that we, like Jamie Whitten and Mark Andrews, are working on this bill.

Mr. Chairman, in addition I serve as a member of the subcommittees that appropriate funds for the Department of Labor, the Department of Health, Education, and Welfare, and for the District of Columbia.

I have believed all down through the years that the Secretary of Agriculture should stand up for the American farmer. Regardless of politics, the Secretary of Agriculture should always be an outstanding man in the field of agriculture and should at all times stand on the front line and make the fight for the American farmer. I have read a number of speeches made by Secretary Butz concerning a number of matters in our agricultural program that have been under attack and he has made every attempt to see that on these particular issues he has held firm for the interests of the American farmer.

As we all know, our farmers know how to produce and we have an adequate food supply. In every emergency, when called upon, our farmers have produced the necessary food and fiber to take care of our people, and in many instances have produced adequate supplies for assistance programs to help the free countries around the world who are in need.

We must keep in mind that we still have many serious problems in agriculture and certainly this is not the time to turn our back on the American farmer. Each year it becomes more difficult to maintain a sound agricultural economy, due to the increasing costs in labor, equipment, and the high cost per acre of good farm land.

We are now operating under phase 4 of the Economic Stabilization Act and we read articles every day in our newspapers concerning the high cost of food. It is more important today than at any time in the past that we give more time and study to the situation that prevails between the time agricultural commodities leave the farm and are sold to the time that the products go into the homes of our people for consumption. Mr. Chairman, as you well know, every investigation that has been made in the past 10 years discloses the fact that the middleman, and not the farmer, is the cause of the high price of food and agricultural commodities.

Today the energy situation appears to be serious. We are confronted daily with articles concerning shortage of electric power, natural gas, and oil. Mr. Chairman, the American farmer must have an adequate supply of gasoline, fuel oil, natural gas, and electric power to produce the food necessary for our people. We must keep in constant touch with this matter and see that this situation exists.

In this bill, Mr. Chairman, we have established a number of milestones and we have made every effort to present to the House of Representatives a good bill.

In this bill, under title II, which is the rural development program section, we recommend $758 million for insured loans for rural electric and telephone cooperatives, but, as you know, Mr. Chairman, these funds are no longer a direct charge against the budget because the Rural Electrification Act (Public Law 93-32) removes these loans from direct Government financing. Under the rural development programs we also include $150 million, of which $120 million is prior year funds, for water and sewer grants which are essential if the rural to urban migration, with all of its attendant social problems, is to be reduced. Under this title we also include $314 million in direct appropriations for housing programs, including administration, and $2.8 billion in direct and insured loans. Under this title we have more changes from last year than in probably any other part of the bill. The changes, of course, take into consideration the passage of the Rural Development Act (Public Law 92-419) and the Rural Electrification Act (Public Law 93-32) which take many programs out of the budget. Under this title, designated as the rural development program title, we include a total of $386 million in direct appropriations and $3.6 billion in the direct and insured loan programs.

Mr. Chairman, under title I of the bill, which is designated "Agricultural programs," we recommend $813 million for the regular programs of the Department of Agriculture, including administration, research, extension, marketing, and other programs. In addition, Mr. Chairman, under this title, we recommend $454 million for the food for peace program; $175 million for meat and poultry inspection; and $3.3 billion for the reimbursement for net realized losses of the Commodity Credit Corporation.

Mr. Chairman, under our environmental program section which is title III we include $516 million for the programs of the Environmental Protection Agency and the Council on Environmental Quality. In addition, $600 million is provided for the liquidation of contract authority in the Environmental Protection Agency construction programs. The programs of the Soil Conservation Service and the agricultural conservation program total $492 million. Under this title which is title III we have amounts which exceed $1 billion. On our subcommittee, Mr. Chairman, we are concerned about our environment and we know full well that no longer can we live on this Earth and continue polluting the air, water, and the land upon which we live.

Under title IV, Mr. Chairman, of this bill we include $166 million for the Food and Drug Administration, $30 million for the Federal Trade Commission, and $31 million for the new Consumer Product Safety Commission. This funding for the new Consumer Product Safety Commission is the first time that we have had this program in our bill. We also include $1.5 billion which includes section 32 funds for our child nutrition programs and $2.2 billion for the food stamp program. The total under title IV, which by the way is the second largest title in our bill, is in excess of $3 billion.

Mr. Chairman, I want you to know that we have made every effort to see that our Soil Conservation Service, Extension Service, REA program, rural telephone program, research and control programs, environmental programs, ASCS programs, and all of the other agriculture programs are fully protected and we make recommendations for adequate funding for these programs. Our extension agents throughout the United States perform yeoman service for agriculture and Mr. Chairman they must be paid adequate salaries. We only have so much farmland which will produce commodities for our people and this land must be fully protected. Again I want you to know, Mr. Chairman, that I sincerely believe that the American farmer is entitled to a fair share of our national income.

Again, Mr. Chairman, I want to call your attention and the attention of all of the Members of the House to the fact that we still have many serious problems in agriculture and in considering this bill and the new farm bill which must be brought out for action before the close of this year, we must keep in mind that our people must have an adequate food supply and we must see that our people are clothed.

We all know that back during the depression days agriculture was in serious trouble and when agriculture is in trouble, Mr. Chairman, every facet of our economy is in trouble. Agriculture is still the largest single industry in our country. Today 3 out of every 10 positions in our country are related directly or indirectly to agriculture. Unless the American farmer has an adequate purchasing power farmers will not be able to purchase the products of labor and industry.

Mr. Chairman, the American farmer has invested in land and equipment which is necessary to operate the farms a total of over $341 billion. This is equal to almost one-half of the market value of all of the corporate stocks on the New York Stock Exchange and is about three-fifths of the value of the capital assets of all corporations in the United States of America.

In addition to maintaining farm purchasing power we must, Mr. Chairman, also produce a sufficient supply of food to meet domestic needs and provide for export markets. We must have reserves for emergency use.

We must keep in mind, Mr. Chairman, that agricultural export sales will reach $11 billion in fiscal year 1973. This is one of the few bright spots in our overall problem of a negative balance of trade.

Our farm program must be based on long-range protections. We have had surplus from time to time but we must keep in mind, Mr. Chairman, that with the exception of 1½ years we have engaged in war for a period of 30 years. We have finally brought our boys home and this, Mr. Chairman, should have taken place several years ago, therefore we must now operate as we should in a peacetime economy. Our surpluses today are at an all-time low. If we expect the American farmer to increase his investment and expand his operations so that he will be able to supply the demands of our people, we must not expect him to carry all the risk. We know that past experience has taught us that supply and demand for agricultural products is not consistent year in and year out. We have the capacity to produce in this country and it is essential that we do so.

We only have 2.9 million farms left in this country and in the House of Representatives today we only have some 47 Members who represent districts where the majority of the people receive their sole income from agriculture. As you know, Mr. Chairman, we have 435 Members in the House who are elected and cast votes for the people throughout the 50 States.

One of the major factors concerning the high cost of food is inflation and the declining value of the dollar. The price of food during the past 10 years has not increased as rapidly as other prices. Certainly I know that our people are concerned about the price of food and are concerned about this inflationary spiral through which we are passing. A good careful look will ascertain that the American farmer is not receiving in benefits what some people believe he is and between the time the commodity leaves the farm and reaches the table of the consumer is an area that must be carefully examined.

Mr. Chairman, again I want you to know that the American farmer is entitled to a fair share of our national income and we recommend this bill to the Members of the House.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield such time as he may consume to our colleague, the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, I take this time in order to direct a few questions to the chairman of the subcommittee, the honorable gentleman from Mississippi (Mr. WHITTEN).

This bill contains funding for the Rural Development Act to be administered by the Farmers Home Development Administration. Is it the understanding of the gentleman from Mississippi that all communities under 50,000 population will be able to avail themselves of community development loans?

Mr. WHITTEN. My understanding of the basic legislation is that it would be in selected areas. That is my understanding at the present time.

Mr. THOMSON of Wisconsin. The Rural Development Act is a Federal program, separate and distinct from the Federal Rural Revenue Sharing program. Is it the understanding of the gentleman from Mississippi that the Governor of any State will have any role in directing which Farmers Home offices will be able to process loans under the new Rural Development Act?

Mr. WHITTEN. The Farmers Home Administration is solely responsible for decisions on the administration of the program.

Mr. THOMSON of Wisconsin. In the opinion of the gentleman from Mississippi, does the Rural Development Act require designation of "target areas" beyond the definition of eligible communities contained in the act itself? In other words, should an effort be made to restrict the geographic impact of the Rural Development Act besides restricting its programs to smaller communities as defined in the law?

Mr. WHITTEN. May I say that I regret, being the chairman of this appropriations subcommittee, answering these questions without qualifying my answers by saying that I do not intend for my answers to be taken as an interpretation and therefore controlling on anyone else who looks to see what the intent is.

My feelings, as an individual and chairman of this subcommittee, are that any action taken would be limited to that which is authorized by law, and the selection would be by those as set out in the basic law to make the selection. I would hope that it would be on a broad basis and grow and develop and be generally applicable. The only hesitancy I have in answering the gentleman is that I do not want to indicate that, because I happen to be chairman of the subcommittee responsible for appropriations, that anything I say might in any way restrict or change the basic law which, after all, is controlling.

Mr. THOMSON of Wisconsin. I would like to have the gentleman's opinion also on the matter of Executive orders. Would the gentleman consider an Executive order granting State Governors the authority to direct the Farmers Home Administration to concentrate the impact of this program in a geographic area which excludes communities otherwise eligible for assistance a violation of congressional intent in passage of this act?

Mr. WHITTEN. Not having been an author of the original act, but knowing my colleagues who were responsible for it, I do not believe any legislative act was ever intended to let any Executive do the acts which the gentleman mentioned. As an individual, I hope no one has inadvertently done that.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, as chairman of the Subcommittee on Rural Development, I would like to add to what the chairman of the subcommittee has said.

I would like to say that unequivocally, that would be a violation of the congressional intent of the Rural Development Act.

Mr. THOMSON of Wisconsin. We are confronted at the present time with a fait accompli. There has been, as I understand it, an Executive order which gives the Governor the right to determine where these Federal moneys will be spent. I think that is wrong.

I would like to further ask the chairman, in his opinion, is an amendment to this appropriation bill required to prevent the administration from authorizing Governors to restrict the impact of this loan program beyond the restrictions contained in the act?

Mr. WHITTEN. There is an old statement that a lawyer's opinion is worth what one pays for it, and this opinion would be that this bill, having to do with the Department of Agriculture, would not provide any authorities contrary to the legislative authority. Certainly nothing in this bill would give the President any authority that he does not have under existing law. If he is acting over and beyond it however, or agents are in his name, which is what I am sure the gentleman means, the situation should be corrected immediately. If examples are called to our attention we will see what can be done.

Mr. THOMSON of Wisconsin. Would an amendment restricting the money to the use of target areas determined by Governors be an appropriate amendment to this appropriation bill?

Mr. WHITTEN. The Governors do not get any money under this bill.

I do not believe that any restriction on this act would reach the problem the gentleman has in mind. I believe that reading this debate might slow down some executives, because nobody is beyond the control of the Congress in the course of administering Federal programs. I do not believe the amendment would apply to this bill.

Mr. THOMSON of Wisconsin. I hope the chairman will pursue the question.

Mr. WHITTEN. I will be glad to confer with the gentleman, and will be glad to discuss it with the head of the department. I will be glad to discuss it with FHA. From that we might find something we could do.

Mr. THOMSON of Wisconsin. I thank the gentleman very much.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Mr. Chairman, I should like to commend the distinguished chairman of this subcommittee for his support of the 1890 Land Grant Colleges and Tuskegee Institute of the South, and especially the Cooperative State Research Service.

Those of us who come from the big cities tend to forget, in regard to the population in the Deep South, that actually still one-half or more of the black population of this Nation lives in the 11 Southeastern States.

These colleges are probably doing the only job of training people and developing new techniques for living in rural America as small farmers and businessmen and providing a high quality life in that part of the country.

I should just like to be on record as commending the chairman for his support of these colleges through the work of the Cooperative State Research programs.

Mr. WHITTEN. I thank the gentleman.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES) a distinguished member of the Committee on Appropriations.

Mr. YATES. I thank the chairman for yielding me this time.

First, Mr. Chairman, may I associate myself with the kind remarks of the gentleman from Kentucky (Mr. NATCHER) in his appraisal of the men who make up this subcommittee of the Appropriations Committee. They are indeed among the most able Members of the House.

There is no Member of the House who knows as much about agriculture as does the distinguished chairman of the subcommittee, Mr. WHITTEN.

I regret very much I was one of those who felt impelled to disagree with the committee on several points in this bill. The sources of our disagreement are contained in this dissent that we filed to the report. I read from that dissent:

> We agree with the Committee that "agriculture is basic to us all," and that "this nation should be blessed with an abundance of pure and wholesome food." We appreciate that chemicals may be necessary to achieve that goal, but we insist that toxic chemicals harmful to the consumer must not be used.

That, Mr. Chairman, the subject of chemicals used in food production is the principal source of our disagreement with the committee. The committee's report shows its concern with the economic losses attributable to the banning of certain chemicals. We are concerned with possible human losses.

The report of the committee is replete with its condemnation of the action of regulatory agencies in banning certain chemicals. Their guns are aimed particularly with respect to the banning of DDT.

Take a look at the remarks and statements that appear on pages 57 and 58 of the report in which the committee calls for a complete and thorough review based on scientific evidence of the decision banning DDT, "taking into consideration all of the costs and benefits and the importance of protecting the Nation's supply of food and fiber."

The committee then goes on to quote Dr. Handler, who is the President of the National Academy of Sciences, concerning the subject of DDT here, in which he is alleged to have claimed two-thirds of what he read in the record is called "trash." Of course, the committee said nothing about the other third of the testimony he read. That portion of the record may very well have justified the banning of DDT by the regulatory agency.

Mr. Chairman, insofar as DDT is concerned, may I again refer to the document from which I read at the time the distinguished gentleman from North Dakota (Mr. ANDREWS) was on the floor. In commenting on DDT, Dr. Umberto Saffiotti, who is one of the outstanding men in the field of cancer research, says this on page 2 of his report:

> Much progress has been made in the field of carcinogenesis in recent years. We have good documentation on the carcinogenic activity of several environmental chemicals at levels lower than those previously known to be active. For example, DDT was shown in 1969 to be carcinogenic at 140 parts per million (ppm) in the diet in the strains of mice in the National Cancer Institute's study conducted at Bionetics Research Laboratories (5). It was then retested by the International Agency for Research on Cancer through large-scale multi-generation studies in two other laboratories and confirmed carcinogenic in both: in one, carcinogenic activity was detected only at 250 ppm in an inbred strain of mice; but in the other, using a non-inbred strain, a marked tumor increase was found down to the *lowest* tested dose, namely 2 ppm in the diet (6). In this connection it is of interest that the current tolerance levels in the United States for DDT are of 5 ppm in fish and 7 ppm in apples. Obviously these residues do not represent the total human dietary intake, but the order of magnitude of dietary contamination showing a marked carcinogenic effect in animals comes quite close to the intake levels in people.

Eventually, Mr. Chairman, that is the source of our disagreement. Yes, we say we recognize that chemicals must be used in agriculture to provide the food which the Nation needs, but please, Mr. Chairman, do not use those chemicals which may be hazardous to the health of the people of the United States. I use the words "may be" rather than the word "are." Why? Because there is no absolute proof of harm to humans that can be made. Experiments obviously cannot be performed on human beings. Science research use animals and cannot judge from animal experiments what the effect on human beings will be. As Dr. Saffiotti says: "Much as we would like to be able to determine conditions for the "safe" use of carcinogens in fact in food, no valid scientific methodology has yet been suggested in specific terms to arrive at such a determination. So, the thrust of the committee that agency decisions be based upon scientific fact must be tempered by the realization that what is scientific fact may be limited.

The Delaney amendment is important. We want to know about the foods that the people of this country are eating and the contaminants that are a part of those foods to make sure they are not harmful.

So, Mr. Chairman, I would support additional research funds in connection with the Delaney amendment, as I stated in the report but I certainly do not go along with the remarks attacking the agency decisions which appear in this report.

Mr. ANDREWS of North Dakota. Mr. Chairman, I have no further requests for time.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise at this time to register my strong support for the agricultural-environmental and consumer protection appropriation (H.R. 8619), and to express the hope that this body will amend that measure so as to limit individual farm subsidies to $20,000 per crop.

There are many excellent provisions in this legislation apart from the 813 million allocated for the regular programs of the Department of Agriculture. Some examples are:

Seven-hundred million dollars for insured loans for rural electric and telephone cooperatives;

Five-hundred and fourteen million dollars for the Environmental Protection Agency;

Restoration of impounded HUD water and sewer funds at a program level of $300 million;

Thirty-one million dollars for the new Consumer Product Safety Commission;

One and one-half billion dollars for child nutrition programs.

Another critically needed feature of this bill, Mr. Chairman, is the provision which repeals the "bread tax." For 10 years now there has been a processing tax of 75 cents per bushel levied on all wheat produced in the United States for domestic consumption. The result has been a cost increase to the consumer of 2 cents per pound of bread.

I am convinced that the repeal of this tax will benefit the consumer as well as the wholesale baking industry. There is evidence that 81 major bakery plants have had to close down since January 1 of last year, and that many other independent wholesale bakeries are being threatened with imminent bankrupcy. A monopoly situation in this field will be of no benefit to the consumer, and I would suggest that repeal of the "bread tax" would serve to prevent monopolization, loss of jobs and continued inflation in the price of bread.

Finally, Mr. Chairman, I would urge my colleagues to join once again in an effort to reduce our preposterously generous farm subsidies, which for the most part have simply fattened the profits not of the beleaguered small farmer but of the giant agricultural interests.

The House has passed similar legislation three times in the past, but the measures have been rejected each time by the Senate. Three years ago, a $55,000 subsidy ceiling was imposed, but this limit has proved grossly inadequate.

Mr. Chairman, it appears that this fiscal year will be marked by runaway inflation and another large budget deficit. I sincerely hope that both houses of

Congress will see fit to contribute to a financial remedy by limiting the now scandalously high farm subsidies to $20,000 per crop. These payments constitute an unfair tax burden not just on the urban dweller, but even on the small independent farmer who is being crowded off the land and who cannot avail himself of the hundreds of thousands of dollars in handouts which go to the typical giant farm corporation.

These inflated subsidies are wasted welfare doles which are being provided by the American taxpayer to a group of businessmen who could survive quite comfortably without this assistance. I reiterate my own support for limiting these subsidies and call upon every Member of Congress to put the reins on the inflated subsidy program.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY) a member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I support much that is in this bill, and I want to associate myself with the remarks of both the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from North Dakota (Mr. ANDREWS) in terms of the contributions that farmers have made to the economy of this country, and also in terms of the economic straits which many farmers find themselves in.

Ten years ago there were about 30,000 farmers in my district. Today I have about 15,000 left, because within 10 short years we have lost just about half of the farmers because of the economic difficulties of engaging in farming.

Mr. Chairman, I intend to vote for this bill, but before I do I want to get off my chest, as did the gentleman from Illinois (Mr. YATES) a few objections I have to the report itself although not the bill and second, one omission I find in the bill itself.

I disagree strongly, for instance, with the provision in this bill which goes along with the administration's request to reduce the special milk program from $100 million to $25 million.

It seems that schoolchildren are eating more and more pizza, potato chips, and soda pop, not to mention Zonkers, Ho Ho's, and Slim Jims, at the expense of more nutritional foods, including milk. If there ever is a time when we can influence their eating habits it is during their school years. Yet this budget—under which 2 billion fewer half pints of milk will be consumed than if the special milk program were funded at the $97 million level—will hardly be a positive influence in that direction. In Wisconsin alone, 400,000 of the 460,000 students who drank milk under this program this year would be ineligible for that milk next year.

It is also true that while most schools have school lunch programs, few have school breakfast programs. For many children who do not eat breakfast at home, a half pint of milk in midmorning is their first food of the day. Under this budget, those children will get nothing to eat until noon.

I hope the Senate corrects the deficiency.

I want to spend my 5 minutes, if I can, on some of the assertions made in the report, because the thrust of what is in the report seems to be that regulatory agencies are consistently being overzealous. Certainly we can all cite instances of arbitrariness, belligerence, and unreasonableness by virtually every Federal agency. I think also, however, that we can point to times when we see some of the regulatory agencies acting on measures before them like Casper Milquetoasts. Take the FDA, for example. The GAO report of last year stated that of 97 food manufacturing and processing sites which they inspected, they found 39 were operating under unsanitary conditions and 23 were operating under serious unsanitary conditions having potentially deleterious effects on human health and yet the FDA was not able, given their present system, to correct the situation.

If you take a look at the Federal Power Commission, far from over regulating, just last week they made in order an increase in the price of natural gas of 73 percent. I hardly think that is being overzealous in the protection of the consumer.

Now, if you want to take a look at the Department of Justice, they have said, for instance, that taconite tailings from Reserve Mining, had reduced the clarity of Lake Superior water by more than 25 percent over an area greater than 600 square miles, and yet that same Department of Justice has refused to bring that company into court.

If you take a look at the Environmental Protection Agency, it has been shot at all over the country these days. They came down with some regulations earlier in the year which scared a lot of farmers. But the fact is that the EPA listened to many of the objections raised by farmers to the standards which they were setting up for solid waste disposal, for instance. As a consequence, now regulations which farmers were worried about do not apply to them unless they have 700 dairy cattle and over 1,000 steers. That is being pretty reasonable.

The committee report raises the question of the economic impact of the Government's ban on certain chemicals. The fact is that there are other economic costs involved, too, in the use of chemicals. Those costs reflect themselves in increased health and social problems. There are about 3,000 new chemicals being synthesized each year and about 500 find their way into industrial use. Yet there is very little regulation on the problem of how to make safe the use of these compounds in the working place.

I think agencies should be encouraged rather than discouraged to exercise the regulatory powers they have in these areas.

The report also raises a question on environmental standards and the cost of the environmental standards in terms of the energy crisis. What about the other side of the coin? As the gentleman from Illinois pointed out what about the insistence of Detroit, for instance——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. OBEY. What about the insistence of Detroit, for instance, on constructing gas-guzzling automobiles. As the minority report points out, a good portion of the mileage loss is traceable not necessarily to the new environmental equipment on automobiles but, rather, to the increased weight, which is up about 25 percent in the last 12 years for any average car in the country.

If we got the same kind of mileage that Europeans obtain with their automobiles we would save 3 million barrels of oil a day. Detroit is also ignoring some of the problems with respect to the energy crisis.

On DDT, the committee issued a table which shows that DDT is less dangerous if orally taken than some of the other alternatives, but it ignores the fact that many scientists believe that the crucial problem so far as DDT is concerned is in the long-range genetic effects which occur from the use of that chemical over years and years and years.

Mr. Chairman, I could go on and on for quite a while, but I do not believe there is any need to, and we do not have the time to do so today.

I know everybody wants to get out of here. However, I do want to commend the gentleman from Illinois for his leadership, and I do want to read, in closing, a statement from the New York Times which discussed the Delaney clause, in which it is stated that—

> In a two-day workshop last week sponsored by the New York Academy of Sciences, (they) said that on the basis of present knowledge it was impossible to determine if there was any such thing as a "safe" amount of a carcinogenic, or cancer-causing, chemical.
>
> Citing cigarette smoking as an example, the scientists warned that the human consequences of allowing even trace amounts of cancer-causing chemicals in foods might not show up until 20 or 30 years later.

That is the point I think that has to be kept in mind when we are discussing DDT.

Mr. Chairman, as I indicated at the beginning of my remarks, I intend to vote for this bill, but I did first want to address myself to some of the unbalanced accusations made in this committee report.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I am concerned about several provisions of H.R. 8619 which we are considering today. As I have indicated in the RECORD of June 13, at pages 19520 to 19521, and in the RECORD of June 14 at page 19724, I intend to offer several amendments to remove and correct some objectionable features of this bill.

In addition, however, I am particularly concerned about several statements made in the committee's report (H. Rept. 93-275, June 12, 1973) on this bill.

The committee's report accuses the Environmental Protection Agency of playing "a major role in the current energy crisis." I think this statement is misleading and derogatory of an agency that has been given a mandate by the Congress to take measures which would halt decades of pollution emanating from industrial and municipal activities. It is clear that there appear to be fuel shortages in some parts of the country, but I am not ready to say that the cause of the fuel shortages is EPA's enforcement of statutes that we enacted. In my opinion, the responsibility for these fuel shortages, if, indeed, they exist, lies squarely in the lap of the fuels industry and the manufacturers of products which guzzle fuel in the same manner that a confirmed drunk guzzles liquor. To emphasize my point, I call the attention of my colleagues to the remarks of one of the administration's officials, Mr. Russell E. Train, Chairman of the Council on Environmental Quality, before the Rotary Club of Washington earlier this week:

Remarks of Hon. Russell E. Train, Chairman, Council on Environmental Quality Before the Washington, D.C. Rotary Club, June 13, 1973

Our current energy problem is complex and closely related to a wide variety of forces. Prominent among these forces is, of course, the question of environmental quality; but prices, technology, regulatory requirements, international relations, and national security considerations are also integral parts of the problem. There are some who simplistically blame the strong concern over environmental quality as the cause of our energy problems. Tihs assertion is simply not true. I emphasize this point because there is a current tendency to make the environment the whipping boy for our energy problems.

A recent issue of a national news magazine quoted the chief executive of a major international oil company as identifying environmentalists as the major culprits in blocking new generating facilities and new refinery capacity. In my opinion, such statements obscure the facts, confuse the issues, and can only serve to delay effective solution of our energy problems.

Similarly, a spate of advertising has tried to convince the public that auto emission standards are the cause of major reductions in gasoline mileage. However, according to a study conducted by the Environmental Protection Agency, greater weight, automatic transmissions and air conditioners are more important causes of increased fuel consumption than pollution controls. Data from more than 2,000 1973 model cars show that fuel economy loss (in miles per gallon) due to pollution control systems is less than eight percent as compared to uncontrolled vehicles. By comparison, the fuel economy loss due to air conditioning averages about nine percent, and can run as high as 20 percent on a hot day in urban traffic. In addition, the fuel loss from an automatic transmission is about six percent.

EPA's engineers attribute much of the decrease in gas mileage to increases in vehicle weight. Their investigation found that over the years, new vehicles having the same model designation have become heavier. For example, the Chevrolet Impala weighed 4,000 pounds in 1958, but weighs 5,500 pounds now. And as the weight of the car has gone up, its gas efficiency has dropped. The study found that a change of only 500 pounds in the weight of 1973 vehicles—from 3,000 to 3,500—can lower the mileage from an average of 16.2 miles per gallon to 14.0 miles per gallon—a decrease in fuel economy of nearly 14 percent. A thousand pound increase in weight, from 3,000 to 4,000 pounds, could lower gas mileage from 16.2 miles per gallon to 11.2 miles per gallon—a decrease of 30 percent. The plain fact is that we need to both reduce automobile emissions and improve automobile fuel economy.

Environmental factors also have been cited as a major reason for nuclear power plant delays. However, data from the Atomic Energy Commission does not support this allegation. According to the AEC, the National Environmental Policy Act review process is not the controlling factor in bringing a nuclear power plant into operation. The major requisite for licensing a plant is its readiness for fuel loading. And AEC data submitted to the Council in March indicate that final environmental impact statements were available, on the average, 8.2 months prior to the scheduled fuel loading.

And while environmentalists are blamed for power plant siting delays, it should be remembered that it has been nearly two and one half years since the President first submitted to Congress a "Power Plant Siting" bill. Should his most recent submission, the "Electric Facilities Siting Act of 1973," be enacted, the review and approval process for siting new plants would be simplified while giving the public earlier notice and a larger role in the decisions over power needs and how and where to meet them. And although some spokesmen for the power industry publicly lament the difficulties in getting new plants approved, the National Association of Electric Companies' position before the Congres has been that no new legislation is needed. If this legislation had been enacted, we might be two years closer to the institutional arrangements necessary to deal with some of our crucial energy problems.

Environmentalists have also been charged with hindering the construction of new petroleum refineries. Although some companies have been refused sites for new refineries, by and large the oil industry has been most reluctant to commit large sums to new refinery construction because of past uncertainty about government policies, such as oil import policies, and because of a severe shortage of cash from current company earnings. In addition, for the large international oil companies, extreme uncertainty as to their situation in the Middle East vis-a-vis the Organization of Petroleum Exporting Countries has created a wait-and-see attitude. Now that one of these uncertainties—the curbs on crude oil imports—has been removed, and oil company profits have improved, a number of oil companies have announced plans for expansion of existing refineries.

But the same uncertainties that hindered construction of new refineries and contributed to the shortage of distillate fuel oil this past winter, are now factors in the projected gasoline shortage this summer. Various oil companies spent large sums to advertise that they knew these shortages were coming. They blamed environmentalists. I would add a few points that were omitted from these advertisements.

Operating under conditions of uncertainty, the oil industry quite properly has turned to management science techniques—computers—to assist them in maximizing profit. According to the computers, the level of fuel oil inventory for the 1972–73 heating season did not need to be maintained at the same high level as the previous year. This made sense in terms of profits because gasoline is a more profitable product to manufacture and sell than heating oil. Unfortunately, the weather did not cooperate, and the cold snap which occurred early in the winter, after a cool, rainy autumn, unsettled the optimum production schedules, and set the stage for the supply dislocations experienced early in 1973.

It must be pointed out as well that through the first half of 1972, the U.S. refineries were not operating at peak capacity. Hopefully, now that the crude oil import restrictions have been removed, refinery production can be kept running at higher levels.

Having gotten all that off my chest, I would be less than candid not to admit that environmental awareness has brought about changes in the types of fuels we use and the conditions under which they can be used. Public concern over surface mining, land use, air pollution, wildlife, and offshore drilling has in some cases delayed the use of some energy sources. These delays, however, have been part of a national effort to greatly improve measures to protect the environment.

Let us not permit our current concerns over energy supply to obscure the fact that the environmental costs of energy production are likewise very real. The high levels of lung cancer and respiratory disease, such as emphysema, in areas with high levels of air pollution is a fact, not emotional imagining. Nor is the D.C. Health Department's recent warning about dangerous carbon monoxide levels at several city intersections environmental emotionalism. An official was quoted as saying that the department has considered putting signs up that read: "Warning: This Area May Be Hazardous to Your Health." The areas cited were the corners of 16th and 17th and K Streets, 13th and F Streets, Connecticut Avenue and Ordway Street, Logan Circle and Good Hope Road, S.E., between 13th and 14th Streets. This warning was followed by the year's first area-wide pollution alert Monday. Our energy problems are serious and they are real. Our environmental concerns are likewise serious and they too are real. We need balance and restraint—by both environmentalists and industry—as we pursue both objectives as matters of high priority national interest. Confrontation can only lead to polarization and irrational responses from all sides. We need to keep the problems in proper perspective. Above all, we need full disclosure of all the facts and the broadest possible public understanding of the issues.

Traditionally, our attitude toward energy has centered on more: more coal, more oil, and more gas to meet the needs of a growing nation. But unless we take steps to conserve our energy resources, we will exhaust supplies, even from new sources, in a relatively short time. There are many areas where we can start to work for energy conservation.

The General Services Administration, for instance, is constructing a new Federal office building in Manchester, New Hampshire, using advanced energy conservation techniques, with a goal of reducing energy use by 20 percent over typical buildings of the same size. The National Bureau of Standards is evaluating energy use in a full-size house as a means to develop analytical techniques for predicting energy use for new dwellings. These programs will assist the Federal government, architects and contractors to design and construct energy-efficient buildings. Current engineering and design of buildings is often outrageously wasteful of energy.

During the past two years, the President has twice directed the Department of Housing and Urban Development (HUD) to upgrade insulation standards in single and multifamily residences financed by the Federal Housing Administration. These revisions can cut heat losses by one-third in new homes, thus conserving energy in the residential sector.

Transportation offers many opportunities for saving energy. Transportation uses about 25 percent of the Nation's energy and energy efficiencies of various passenger transporting modes vary greatly. The fastest form of transportation, the airplane, is also the one that uses the most energy per passenger mile. On the ground the automobile uses much more energy per passenger mile than buses or trains. While the automobile will not be replaced as man's favorite transportation mode, at least it should be possible to shift to smaller, lighter cars. With the fuel economy characteristics of present small cars, about 22 miles per gallon instead of the current average for all cars of less than 14 miles per gallon, the annual fuel savings could be enormous. In my opinion, it is imperative that our society shift its preference to smaller cars.

In addition to our use of smaller cars, perhaps by providing alternative forms of transportation, we can induce people to leave their cars at home during peak travel hours. I am hopeful that the up-coming Senate-House Conference on the use of the Highway Trust Fund for mass transit will result in more emphasis on mass transit solutions to urban transportation problems.

The President also has directed the Department of Commerce to work with the Council on Environmental Quality, and the Environmental Protection Agency, to develop a voluntary system of energy efficiency labels for major home appliances, and automobiles, and automobile accessories. These labels will not only provide data on energy use but, most importantly, a rating comparing the product's effiicency to similar products.

In the industrial sector, there are significant opportunities for energy conservation—in plant and process design, and even in the choice of feedstock materials. For example, in many cases significant amounts of energy can be conserved by using secondary materials in place of virgin feedstocks. In the paper industry, the energy consumption to produce pulp from recycled fiber is 70 percent less than the energy required using virgin wood pulp. Similar figures for the steel industry show a 74 percent savings in energy when scrap is used to produce steel instead of virgin iron ore. I believe we should explore aggressively the development of incentives, including tax incentives, to encourage greater recycling.

These proposals, for government, for industry, and for consumers, represent only a beginning in our efforts to conserve energy. By and large, however, they all represent measures which are difficult to implement in the short run. But there are conservation measures which can help us deal with the immediate energy problems we face—for example, the gasoline shortages projected for this summer. Driving slower, forming car pools, riding bikes, making greater use of public transportation and practicing the ancient art of walking are but a few examples of immediate ways to conserve energy.

The so-called "energy crisis" stems from the economic forces and complexity of the energy industry, from the difficulty in planning for our voracious energy appetite, from the need to satisfy social values—other than those that depend on energy, and from a failure to address our growing energy problems earlier. To blame this "crisis" solely on an increased concern over environmental quality would be a grave failure to face the problem honestly and squarely.

It seems to me that the best way to deal with the difficulties presented by our current energy position is to completely reorient our thinking about energy. In the short run, we are looking for increased energy supplies. But in the long run, we must increasingly shift our efforts from simply *finding more energy* supplies to concerning ourselves with *how to use energy* to best meet our many needs.

The committee report also points out that last year it recommended that EPA establish advisory committees to review its priorities and advise the Agency as to which contracts or grants "will provide the greatest return to the Agency in line with priorities." The report points out that the committees have been established and in this year's budget $1.2 million is included "to provide the necessary funding for them," but that EPA has requested that a specific line item appropriation not be provided for these committees "since it creates bookkeeping requirements and adds complexity to the management of the Agency's fiscal resources." The committee has concurred in this recommendation.

I am somewhat puzzled and perplexed at this explanation. I think it is imperative that matters of this sort be included in the bill so that we in Congress can judge their merits. But more importantly, I am concerned about these committees, their makeup and their duties and responsibilities. While I do not personally object to such advisory committees, I have some reservations about the need for them and about their influence on EPA's programs. I am particularly concerned when I see that it costs over $1 million to support such functions. I am not convinced that this expenditure of money is either sound or necessary.

As I indicated in my remarks of June 13, I commend the committee for cutting EPA's budget for public affairs by $2 million. I think this was a wise choice. Indeed, I think the budget for public affairs could be cut substantially more without having any great effect on the efficiency and economy of the Agency.

I also think the Congress should review the functions of the Public Affairs Office to determine whether those functions would be more appropriately lodged in other offices of the Agency. But I want to emphasize that I think the efforts taken by the Public Affairs Office of EPA in assisting citizens in their efforts to halt pollution through the filing of lawsuits, complaints, and other means should not only continue, but should be encouraged. It is my understanding of both the committee's bill and its report that these functions will continue and not be impeded in any way by this cutback. If my understanding of this cutback is inaccurate, then I expect the Environmental Protection Agency to advise me promptly.

I have examined the report of the Committee on Appropriations on the 1974 agriculture-environmental and consumer protection appropriation bill—H.R. 8619—which contains the appropriation for the Council and Office of Environmental Quality. As chairman of the subcommittee charged with legislative oversight of the Council on Environmental Quality, and as the initial sponsor of the National Environmental Policy Act which created the Council on Environmental Quality, I am troubled by the language of the Appropriation Committee report as it pertains to the CEQ appropriation for contract studies.

In the 3 years of its existence, the Council has turned out a number of policy studies, including studies on "Ocean Dumping—A National Policy," "Toxic Substances," "The Quiet Revolution in Land Use Control," "Integrated Pest Management," "The Economic Impact of Pollution Control," and "Coal Surface Mining and Reclamation." These studies have had a significant influence on major policy decisions, new policy proposals and legislative action. Studies of stream channel modification and the siting of deep water ports for supertankers will, we are told, soon be available.

At the time of the fiscal year 1974 budget presentation, the Council had selected potential study areas. These were energy conservation, land use, toxic substances, pollution financing and additional monitoring indices. These subject areas were discussed with the Subcommittee on Fisheries and Wildlife Conservation and the Environment during hearings this spring on the proposed extension of the Council's appropriation authorization. These areas reflected the Council's careful assessment of current and near-term environmental priorities and it is my understanding that the Council is continuing to refine its proposed research objectives for the next fiscal year. It is critically important that the Council not be constrained in the use of its limited study funds and in its selection of the specific studies that may come up during the year.

In view of the Council's relatively small budget of $175,000 for research studies, the extensive list of studies mandated by the Appropriations Committee could, in practice, effectively preempt the Council's limited research capability. This would be unfortunate and certainly not consistent with the broad responsibilities that Congress gave the Council in the National Environmental Policy Act.

In examining the list of studies that the Council would be directed to perform, I note several which would seem to be largely outside of the Council's normal area of expertise and more properly the responsibility of other agencies. Indeed, several of the directed studies duplicate parallel directives of the Appropriations Committee to EPA and NIPCC. Thus, I am confident that the Appropriations Committee recognizes the need for the Council to retain its independence of professional policy judgment and to have wide discretion in the manner in which it seeks to carry out the studies in question. For example, in several cases, it seems to me that the role of the Council should more properly be a coordinative one and that it should not in such cases be expected to perform the studies itself.

I am making this comment in the expectation that the committee's directive is to be read in this light. What must be understood, however, is that the Council must not be unduly constrained by the report language in responding to the Appropriations Committee request and that the Council will be calling on other agencies under the section in the National Environmental Policy Act providing that they assist the Council on Environmental Quality in performing its functions. If the studies are proposed to be undertaken by the Council or under contract with the Council I expect the Council to first consult with my subcommittee about the scope of the studies. Moreover, I am going to insist that the studies are balanced, and do not reflect a one-sided approach.

Mr. WYLIE. Mr. Chairman, I have asked Mr. ANDREWS to yield to me so I might propound a question to the chairman of the committee, the gentleman from Mississippi, if I might have his attention.

I should like to be able to explain every item in this bill, but as I was going through the bill, I saw a reference to an item on page 2, line 13 which is not explained in the report accompanying the bill. Under title I there is provided $813 million in appropriations, yet there is a separate item of not to exceed $15,000 for employment. Could the gentleman tell me what this is and why it is necessary

Mr. WHITTEN. This item is for consultants, and I think it reflects how we on the committee, as well as the Department, attempt to hold down the employment of consultants. Consultants are from time to time worthwhile, and we think they should be available, within reason.

Mr. WYLIE. In other words, what the gentleman is saying is that this is a limitation on the amount of money that can be spent for consultants, not employees of the Department.

Mr. WHITTEN. Not to exceed $15,000.

Mr. WYLIE. No more than $15,000 can be spent for outside consultants.

Mr. WHITTEN. This is for the Office of the Secretary. In other areas of the bill there are different provisions, but for the Office of the Secretary only $15,000 is provided.

Mr. WYLIE. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I have been listening with interest to the distinguished gentleman from Michigan (Mr. Dingell), who has been very active in this area for many years. Insofar as my observation of his work and his actions, and insofar as I have been able to ascertain, he has always stayed within the limits of the existing technology. I think that is what many of us sometimes fail to reflect in our actions. We grew up with the statement, "There ought to be a law."

What we mean is there ought to be some change or correction.

Statements were made with regard to the EPA and the Food and Drug Administration and various other agencies. I just want to take this time to say that in my opinion the EPA has been given so many jobs by so many of us in the Congress that nobody could do as well as they would like to do—and I certainly do not mean anything in this record or in this report or in this statement to reflect on any of the agencies that I deal with.

I am proud of the relationship that I have had as chairman of this committee—as I am sure are other members of the committee—with Mr. Ruckelshaus, Dr. Edwards, and various others. Much of what is in this bill reflects our effort to help bring about some improvement in handling the problems with which they are faced. Certainly that is what we intend.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I wish to reiterate my high regard for the gentleman from Mississippi and commend him for the outstanding job which has been done by the gentleman from Mississippi. I think our differences on these matters are not as broad as might have been indicated by our remarks today.

Mr. WHITTEN. I thank my friend, the gentleman from Michigan.

Mr. MICHEL. Mr. Chairman, before I comment on the bill before us, I want to commend and compliment the distinguished chairman of our subcommittee, the gentleman from Mississippi (Mr. Whitten), and the ranking minority member, the gentleman from North Dakota (Mr. Andrews), along with the other members of our subcommittee who have contributed so much of their time and expertise to the development of this funding legislation.

And, when I say expertise, I mean just that. These gentlemen are all experts in the areas of agriculture, environmental, and consumer protection, and their extensive knowledge and good, sound judgment in these fields are of critical importance to American farmers and consumers, especially during the period we are going through right now.

At the same time, I want to pay tribute to our Secretary of Agriculture, who has shown himself to be a real spokesman for agriculture throughout this country and at the President's right hand. I think farmers and consumers alike owe a great deal to Secretary Butz for his efforts to maintain a strong and healthy agriculture in this country. Perhaps the biggest danger we face right now in terms of our food production and supply is the possibility that the concern over higher food prices may result in farmers being forced into an economic straitjacket, which would quickly worsen the supply problem and could create serious shortages. The Secretary has consistently counseled against such shortsighted actions, and I hope he will continue to do so.

What I am going to say next may draw some "boos" from some of my urban colleagues, but I will take that risk because it is an undeniable fact that food is still a bargain. It is not a cliché, it is not rhetoric—it is fact. We are still the best fed Nation in the world, and at the lowest cost by just about any way you want to measure it.

On page 7 in our committee report, we point out that 1 days's wages in 1952 would buy 14.4 pounds of choice beef, but that even in February of 1973 it would buy 23.2 pounds. The whole point is that despite the rise in food prices we cannot afford to lose sight of how well off we really are nationally, and we can. not afford to take legislative or administrative actions that may look good politically, but have the effect of disrupting our agricultural production and supply system.

And, while we are on the subject of food prices, it is time again to point out some of the factors that have contributed to this upward push, and will continue to do so in the future. Of course, until inflation is under control it will result in rising farm production costs as well as increased expenses for processing, packaging, transportation, labor and all the other food marketing activities that account for about 60 percent of every food dollar you spend at the retail level.

Weather has always been an important factor in food prices, perhaps more so right now than it has been for some time. Rain or cold weather at the wrong time can shoot the prices of some foods up drastically.

Fuel is another factor, and I mean not only shortages but price as well. Fuel availability to farmers for planting and harvesting is critical, but if farmers can get fuel only at higher prices, this too would have to be reflected sooner or later in higher food prices.

But, there are some other things here, too, that will have an increasing, but perhaps more subtle, effect on food prices, and these are the costs of certain environmental and consumer protection measures which have the effect of increasing food production costs.

Our pollution control efforts, for example, are resulting in a whole new series of standards and regulations imposing restrictions on animal feedlots around the country. This means substantial additional capital investment for feedlot waste treatment facilities, which will somehow, sometime have to be reflected in food prices.

Limitations on the use of pesticides and animal feed additives are also having their effect on food production costs. If we want a clean environment we must understand that it has to be paid for, and if our legislation or our regulatory agencies go overboard in setting standards, we have to pay for that, too. As we point out in our committee report, good commonsense is an essential ingredient in all this, and we need to make certain a fair amount of it is used. So, on page 12 of our report, you will note a list of several actions we have taken to help insure that future regulatory decisions will have a sound scientific and economic basis.

We are providing $200,000 for a study of the scientific basis for the Delaney clause; funds to enable the Consumer Product Safety Commission to establish an economic analysis capability; $5 million for EPA to prepare environmental and economic impact statements on all of their actions; $5 million for the National Academy of Sciences to conduct a complete review, analysis and evaluation of EPA, and $1 million to the National Industrial Pollution Control Council to study the effects of environmental requirements on the competitive position of American business.

Because of the price-supply situation we are in this year much more criticism is being focused on "farm subsidies" than in the past, and that is why I think it more important than ever that we very clearly spell out how much of this bill and the Agriculture Department budget goes for the benefit of consumers.

Earlier this year when Secretary Butz testified before our subcommittee I asked him for a breakdown of the Agriculture Department budget showing how much is spent predominantly for the stabilization of farm income and how much goes for programs which clearly provide benefits to consumers, businessmen, and the general public. The table he provided shows that in fiscal 1973 some 66 percent of that Department's budget outlays are in the latter category. In this bill we have more than a billion dollars for environmental programs and more than $3 billion for consumer programs, and as I pointed out in debate last year, if Members really want to get a more precise cost of the actual farm commodity programs they should look at the Commodity Credit Corporation and the reimbursements for net realized losses year after year. This bill contains $3.3 billion for CCC.

But, beyond that, we need to make the point again that the "farm subsidies" really are consumer subsidies to the extent that they have stabilized the farm economy and our food production system, and have prevented the kind of wild market gyrations that in years past resulted in economic chaos.

I believe my colleagues on the subcommittee have covered most of the important and significant points in the bill, and I will not replow the ground they have already covered. At a later, appropriate time I will have more to say on the REAP program and on water and sewer facility grants. Now, however, I want to finish with a few comments on the REA portion of our bill.

This is the first appropriations measure since Congress enacted and President Nixon signed into law the insured and guaranteed loan program for this agency.

Public Law 93-32 establishes a revolving fund consisting mainly of principal and interest repayments from prior loans to finance new REA loans. Although the REA Administrator is authorized to make insured loans to the full extent of assets available in the revolving fund, loans and advances in any one year are subject to limitations of Congress as established by the Appropriations Committee. The amount of guaranteed loans are also limited as to amounts authorized from time to time by the Congress upon recommendation of the Appropriations Committee.

The committee in this bill recommends a total of $758 million for the REA loan program in fiscal 1974—$618 million for electric and $140 million for the telephone loans. Of this amount 2 percent loans are set at $105 million—$80 million for the electric and $25 million for the telephone program by agreement with the Secretary of Agriculture.

As for guaranteed loans, the committee did not establish a ceiling at this time and in lieu thereof has directed the Administrator to submit all guaranteed loans to the committee for prior approval. In addition, the committee directs REA to appear at annual budget hearings, as it has done in the past, for a full discussion of its program plans for the ensuing year. I have been highly pleased with the manner in which the present Administrator, Dave Hamil, has conducted the program since taking office. I am certain that this continued annual consideration of the REA program by our committee will be welcomed by him and will be highly beneficial to both REA and the Congress in guiding this program in the future.

Now that it has been firmly established that Congress, through the Appropriations Committee, will have annual control over the revolving fund. I find the most distressing provision in Public Law 93-32 is that which forgives the repayment of interest to the Treasury on loans made under section 3(a) of the 1936 act. The 2-percent direct loan program of the past was a taxpayer subsidy and, in my opinion, the Congress and REA have a moral commitment to repay this interest to Treasury. Over the years REA has had an outstanding record of repayment of both principal and interest. It is a shame that this record has been broken. The most unfortunate part of it all is that foregoing interest repayments was not necessary in order to fund the insured and guaranteed loan program. This could have been done merely by deferring principal payments until due. It was not necessary to let the taxpayers down in order to establish this new program.

It is most ironic that the REA borrower—the electric cooperative or independent telephone company that serves constituents in your district and mine—is meeting his obligation by paying interest to REA, but these payments are being channeled unnecessarily into the revolving fund, not into the Treasury where they belong. Fortunately, Public Law 93-32 authorizes the Appropriations Committee to appropriate any excess funds in the revolving fund into miscellaneous receipts of the Treasury.

Mr. ADAMS. Mr. Chairman, I regret that I am unable to be present to vote on the agriculture-environmental-consumer protection fiscal year 1974 appropriations.

Included in this bill are a number of very fine programs which I have actively supported, such as: the rural environmental assistance program; the soil and water conservation program; the rural electrification programs; the Farmers' Home Administration programs for rural housing and rural water and waste disposal; the Environmental Protection Agency programs; the consumer programs; and most especially, the Food and Nutrition Service programs.

I am voting against the agriculture appropriations bill, however, because I oppose—as I have consistently opposed in the past—the unduly large farms subsidy payments provided therein.

American taxpayers, plagued by rising costs in every area, cannot afford to pay the extravagant sums provided for large farm subsidies. Overall, we paid about $1.9 billion in farm subsidy payments in 1972—a 77-percent increase over payments in 1971. Specifically, in payments of $20,000 and over, in 1968 we paid $273.3 million to 5,914 farmers. In 1972, those payments shot up to $655.8 million to 18,585 farmers.

In addition, since the enactment in 1970 of the $55,000 per crop subsidy limitation, we will have shoveled out up to $23.4 million more in tax dollars than if that limitation had never been instituted. For this reason, I support my colleague Congressman SILVIO CONTE's amendment to limit those farm subsidy payments to $20,000 per crop.

Despite the inclusion of some of the more admirable programs in this appropriations bill, I cannot, in good conscience, support the kind of robbery of my constituents' hard-earned tax money which the farm subsidy program represents.

Mr. DAN DANIEL. Mr. Chairman, I will oppose the amendment when it is offered to this bill by the gentleman from California (Mr. VAN DEERLIN).

The $140,000 item at issue here is, in my opinion, a relative small contribution to this country's program for promoting sales of American tobacco overseas. This activity, administered through the Foreign Agricultural Service, has been carried on successfully since the late 1950's under authority provided in Public Law 480. Its sole purpose is to promote the sale of American tobacco and, to the extent that the program has been utilized, it has paid substantial dividends.

In simple terms, this expenditure assists in advertising cigarettes made with American tobacco in those countries which participate. The cost is shared by American tobacco growers on a matching basis. The participating countries—namely Thailand and Austria—seek our assistance in this regard and in both instances, the working relationship has been good.

Opponents of such expenditures tell us that their motivation is to reduce smoking but I would like to point out that in both Austria and Thailand there are tobacco monopolies, run by the government, and if they do not get tobacco from American sources, it will be readily obtained elsewhere. It is also well to point out that the same governments which control these tobacco monopolies also prescribe the health laws within their borders. Why, then may I ask should we attempt to influence health standards within those areas? They are interested in getting our tobacco and have sought to participate in this program on a mutually beneficial basis.

It will be recalled that when the cigarette labeling legislation was before the Congress several years ago, it was specifically set forth in the law that the labeling was not to apply to cigarettes for export because we did not seek to force on others the standards applied within the United States.

I would like to emphasize here that the methods of advertising in these two countries are entirely consistent with the guidelines applied within the United States. I am informed that advertising is not carried on radio or television in conformity with our own standards.

Mr. Chairman, in these days when our balance of payments can stand bolstering, it ill-behooves us to undercut workable programs which have been a benefit to us. The deficit on our balance of payments for the first quarter of this year was in excess of $10,000,000,000. One of the few bright spots has been the advantage we have had in agricultural trade. An important part of this has been our tobacco exports last year brought a net of $597,000,000 in sales of raw tobacco and another $200,000,000 in processed tobacco products. Our tobacco is meeting increased competition in the world market, because of pricing and other factors, and we must face the reality that there will continue to be problems. However, the Government should not take a position of opposition to the industry.

The Department of Agriculture has already eliminated the 5-cent-per-pound export subsidy on tobacco and is now trying to eliminate the barter program. Let us not take another blow at America's oldest export commodity—especially since the same inducements, provided in this bill, are available to many other commodities under Public Law 480.

Several millions of dollars are spent each year in promoting the sale of other commodities on the same basis and the amount for tobacco is small by comparison.

Mr. GUYER. Mr. Chairman, I lend my full support to the agriculture/environmental and consumer protection appropriation bill.

This legislation gives a giant boost to the fine farms across our land, including the 114,000 farms in my State of Ohio, at a time when they desperately need and richly deserve this necessary support. Ohio farmers have had the worst weather season in years. Besides having to fight adverse flooding and barely break-even farm prices in the face of spiraling inflation, farmers are now also experiencing the most severe period of fuel shortages in recent remembrance.

The passage of this bill is not only a shot in the arm for rural America, but is also a welcome tonic for our entire Nation's economy. In order to maintain a healthy agricultural climate, we must restore reasonable prices and inexorbitant purchasing power to our farmers.

Agribusiness, now responsible for 30 percent of all our country's jobs, long has been and now even more importantly is the base of our overall productivity, and must be supported strongly if we are to have continuing prosperity.

In order to feed all of our Nation in this time of sky-high food prices, we must keep the farmer down on the farm. We must do this by establishing an active rural development program that both raises farm income and stimulates the private economy by creating jobs in the rural communities.

Almost 104,000 farms had to close during the 1960's. Today, 9.4 million Americans live on farms—one person in 22, yet, one farmer produces enough food to feed 50 people. Farmers comprise less than 5 percent of our population, but have $250 billion in assets—and are $60 billion in debt. We have got to help them out; it now costs about $100,000 for an aspiring farmer to get into the business.

It is now that we, as responsible Congressmen, must support our farmers in their financial risk-taking. If we do not urge them to plant those extra acres, there will even be more chaos at our supermarkets.

Despite all of our complaining Americans are better fed than anyone on Earth. The average American consumed more than 118 pounds of beef, alone, per capita last year. Yet, we spend less than 17 percent of our income for all of our food.

Let us help give America a healthy bread table, and we will fare better at the world's peace table in the years ahead.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—AGRICULTURAL PROGRAMS

DEPARTMENT OF AGRICULTURE

DEPARTMENTAL MANAGEMENT

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, and not to exceed $15,000 for employment under 5 U.S.C. 3109, $10,822,000, of which $3,029,000 shall be available for the Office of Communication and, of which total appropriation not to exceed $612,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred and thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That not to exceed $2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

AMENDMENT OFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 3, after line 12, insert the following language: "None of the funds provided by this Act shall be used to pay the salaries of any personnel which carries out the provisions of section 610 of the Agricultural Act of 1970."

Mr. WHITTEN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-eight Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 227]

Adams
Anderson, Calif.
Anderson, Ill.
Arends
Ashbrook
Ashley
Badillo
Bafalis
Bell
Blackburn
Blatnik
Boggs
Breckinridge
Burke, Calif.
Chisholm
Clark
Clay
Conable
Coughlin
Daniels, Dominick V.
Danielson
Davis, Ga.
Dent
Diggs
Edwards, Calif.
Erlenborn
Fisher
Flowers
Flynt
Forsythe
Fuqua
Gettys
Giaimo
Gray
Gunter
Harsha
Hastings
Hays
Hébert
Heckler, Mass.
Horton
Huber
Ichord
Johnson, Pa.
Kluczynski
Landrum
Litton
McDade
McSpadden
Macdonald
Mailliard
Mathis, Ga.
Metcalfe
Mills, Ark.
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, N.Y.
Owens
Patman
Pepper
Powell, Ohio
Pritchard
Quie
Reid
Rhodes
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rousselot
Roybal
Ruppe
Schneebeli
Seiberling
Sikes
Sisk
Stark
Steelman
Steiger, Ariz.
Stephens
Stokes
Symms
Teague, Tex.
Treen
Ullman
Waldie
Wiggins
Wilson, Bob
Winn
Wydler
Young, S.C.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 8619, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 342 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of the absence of a quorum was made, the Chair had recognized the gentleman from Massachusetts (Mr. CONTE) for 5 minutes in support of his amendment.

Mr. CONTE. Mr. Chairman, I rise to offer an amendment to call for an end to all Government subsidies to Cotton, Inc., a quasi-public organization ostensibly in the business of cotton promotion and research.

Every taxpayer in this country would be outraged if he knew of the shocking situation which characterizes Cotton, Inc.

The funding for Cotton, Inc., which was instituted under section 610 of the Agriculture Act of 1970, is supposed to equal the amount of savings in cotton subsidies realized by the $55,000 per crop limitation placed on the "big six" staple crops in 1970, and is not to exceed $10 million per year.

These provisions, however, have not been followed. Instead, through one of the most tortured legal interpretations I have ever confronted, the Comptroller General of the United States Elmer Staats and former Secretary of Agriculture Clifford Hardin decided that section 610 required the Secretary of Agriculture to make the $10 million payment to Cotton, Inc. without waiting for proof of actual savings by the $55,000 limitation.

They stated that the Secretary had discretion only over the approval or disapproval of specific projects of Cotton, Inc. and not over the amount of money to be funded to this organization in the event of savings.

With this interpretation of section 610 serving as the funding policy for Cotton, Inc., the Federal Government made complete $10 million payments to Cotton, Inc., in both fiscal year 1971 and fiscal year 1972, without any proof of the savings effected by the $55,000 per crop subsidy limitation.

At this point, one would naturally say to himself, "if the savings from the subsidy limitation were less than $10 million, then the Government would have overfunded, Cotton, Inc. in fiscal years 1971 and 1972." This is exactly what happened. In 1971, for example, the savings from the subsidy limitation on cotton were $2.2 million, but Cotton, Inc. still received $10 million—an overfunding of Cotton, Inc. by $7.8 million.

Ten million dollars of Cotton, Inc.'s budget is supposed to come from the $1 per bale checkoff from the cotton producers in the private sector. Cotton, Inc., received this $10 million contribution from the private sector in both fiscal year 1971 and fiscal year 1972. But rather than spend this money, Cotton, Inc. has put at least 12 to 15 million dollars in reserve, and has spent mostly Government funds.

In addition, Cotton, Inc. has misused this taxpayers' money. According to the Staats-Hardin interpretation, the Secretary of Agriculture could disapprove of specific projects in Cotton, Inc.'s budget, and could thus require changes in the budgetary priorities of this organization.

Well, in 1972, Cotton, Inc., budgeted an astronomical $1,278,000 for the movement to and, renovation of, new offices in New York City and Raleigh, N.C. This $1,278,000 budget was rejected by the Secretary of Agriculture and declared by Assistant Secretary of Agriculture Richard Lyng to be an "injudicious use of funds by a quasi-public organization that is heavily dependent on tax revenues and on backing of cotton farmers."

Consequently, Cotton, Inc. was given $800,000 for the move, and was told to cut down the excessive and exorbitant moving and renovation expenses to keep within this limit.

Rather than follow these instructions, however, Cotton, Inc., made up the $478,000 difference by drawing upon the millions of dollars in reserve funds it received from the private sector. This was a clear violation of the decision by the Department of Agriculture to cut moving expenditures.

Included in this $1,278,000 budget were such ludicrous items as $25,000 for a private elevator between three floors in the New York City office; $160,000 for the outright purchase of telephone equipment for the New York and Raleigh offices; $95,800 for cabinetry and woodwork; $125,000 for floor, wall, and window coverings; and, most luxurious of all, a $7,200 granite reception room. I defy Cotton, Inc., to explain to me why these extravagant baubles are indispensable to cotton promotion and research.

Not only has the spending of Cotton, Inc., been excessive and injudicious, but the salaries paid the directors of this organization provide stark testimony to the fact that Cotton, Inc., is nothing more than a boondoggle. The company president, J. Dukes Wooters, receives a salary of $100,000 while six of his subordinates receive annual salaries of at least $35,000.

Not only are the salaries paid to the officials of Cotton, Inc., excessive and extravagant, but the organization itself has also been ineffectual in the promotion of cotton. When Cotton, Inc., began operation in 1970, domestic cotton consumption was 8.1 million bales. In 1972 consumption had dropped to 7.8 million bales—its lowest level since 1948.

Mr. Chairman, the sorry performance of Cotton, Inc.—its apparent lack of effectiveness, its exorbitant spending, its willingness to violate legitimate Government directives concerning these spending practices—all of these failures add up to a demand for a swift and decisive end to all Government funding of this organization.

Cotton is the only one of the "big six" commodity crops to receive Government money for promotion and research. The money for promotion and research of corn, wheat, and feed grains comes from the private sector. I can think of no reason why cotton should receive such favored treatment.

There is no reason why we should continue to fund a cotton promotion boondoggle, while at the same time we are cutting back in many worthwhile and productive human resource programs because of the lack of funds. I call upon my colleagues to support this amendment to end this scandal once and for all.

The CHAIRMAN. Does the gentleman from Mississippi (Mr. WHITTEN) desire to be heard on a point of order?

Mr. WHITTEN. Mr. Chairman, I shall not press the point of order in view of current decisions. However, I would like to speak in opposition to the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The CHAIRMAN. Does the gentleman from Mississippi withdraw his point of order?

Mr. WHITTEN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Mississippi withdraws his point of order.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. Chairman, I think it well that the Members hear the real story on why this provision is in the law.

Some years ago the textile industry set out to get cotton at lower prices. Against my vote, they got that provision in the law. The textile industry in the district represented by my colleague, the gentleman from Massachusetts (Mr. CONTE) can now buy cotton at world prices. However, the cotton producers buy everything that they have to use at U.S. prices. They have to pay domestic prices for their cottonpickers and all their other machinery.

At the time that law was passed it was provided that Congress would pay the difference between letting the cotton mills have their cotton at world prices and a fair domestic price.

In connection with that, when the next farm bill was passed, it provided for these research funds, since the American cotton producer was having to sell his cotton at world prices and having to look to Congress for an annual appropriation. I told them it was going to end up like it is now—smeared from pillar to post.

Like my colleague from Massachusetts and others, our attention was called to the way some of these matters were handled. In our report on page 37, if the Members will read it—we stated, and I will read the last paragraph.

> The Committee does not wish to prejudge the merit of these programs at this time. However, in order to provide the maximum benefits from funds made available from the Treasury and from producers as a result of Federal law, the Committee directs the Secretary to maintain annual supervision, including approval in advance, of the use of Federal funds, as well as producer funds which are collected as a result of Federal law; to maintain annual audits of Cotton, Inc., including surveillance of salaries paid and programs sponsored and funds spent; and to require full reports from Cotton Council International as a condition precedent to cooperation in either promotion or research, all in order to obtain maximum results and to promote the use of American cotton.

Mr. Chairman, I wish I could have the Members' attention for 1 minute. Let me repeat. This fund is there because this Congress provided that the cotton producer must sell his cotton at the world price, way below any kind of world parity. They said if he would do that, Congress would make an appropriation every year to take care of him. It said further: If you put up a dollar a bale of your money for research, the Congress would provide funds to promote your cotton.

I opposed this, because I figured it would bog down along the line somewhere.

I just looked up section 610 of the Agricultural Act of 1970, and it provides that these officials shall do this.

My colleague, the gentleman from Massachusetts—and my relationship is very friendly with him—does not say you shall not perform your work and do your duty. He just says after you have done it, you shall not be paid.

Mr. Chairman, this is not right; this is not fair; I hope the Members vote it down.

Mr. FINDLEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the unfortunate fact is that the only way the Members of this body can effectively hold up on the payment of the third $10 million annual increment out of the U.S. Treasury to Cotton, Inc., is to support this amendment. The money has been provided on two previous annual occasions out of the resources of the Commodity Credit Corporation, a form of back-door spending, which effectively keeps us from denying funds for direct expenditures. Had the direct approach been available, I should much have preferred that approach, but as it is, the only way we can get at this is by withholding salaries.

As the gentleman from Mississippi knows very well, if this amendment is adopted and becomes law, the Secretary of Agriculture is going to see to it that no employees of the Department actually carry out the third incremental expenditure of $10 million to Cotton, Inc. This is the only practical opportunity we have to prevent this third payment.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. If I am advised correctly, the Committee on Agriculture is meeting right now writing the Act to take effect the 1st of January. I am saying, in my opinion, if this becomes effective, it is not going to be needed just as soon as they pass a new law, because the present law expires the 1st of January.

Mr. FINDLEY. I am sorry to report to the gentleman that the tentative decision made by the Committee on Agriculture was to continue the $10 million annual funding of Cotton, Incorporated. I hope in its wisdom the House of Representatives, when it does receive the bill, will knock out that item, but, nevertheless, the bill before the Committee on Agriculture cannot touch the third payment of $10 million, which was, as the gentleman points out, authorized by the Agricultural Act of 1970, which is still effective this year.

This, as he knows, was slipped in the conference report and hardly a soul in this Chamber knew what was going on. It was on that flimsy authority that the Commodity Credit Corporation has in each of the last 2 years made $10 million available to Cotton, Incorporated.

Mr. WHITTEN. May I say I just do not agree anybody slipped it in. I have explained why it was in there and I think it is sound. When we provide that any major commodity will sell on the domestic market at world prices, certainly they will be in the hole unless we bail them out in some way.

The Congress simply will not support it indefinitely, but the gentleman will agree the existing law calling for this expires as of January 1 next year and we will have a chance to act on this in connection with the general farm legislation.

Mr. FINDLEY. But by the rules of this House this is the only way we can effectively prevent the expenditure of the final 10 million.

The gentleman is a leader in agricultural legislation, and if he was not aware of what was happening in that conference report through which Cotton, Inc., is funded I think hardly anybody else in this Chamber was aware of it. The time to stop this foolish expenditure is now. If we wait until the general farm bill comes forward we will not have any way effectively to stop this payment.

Mr. WHITTEN. I cannot believe the Members of this Congress this late in the day will say to withhold this money after they have performed these services.

Mr. FINDLEY. But the Members of this body are just now awakening to the facts and this is why this amendment is offered.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, in addition to the $100,000 a year salary paid to the head of Cotton, Inc., it is my understanding that six other officials drew salaries in the $35,000 to $44,000 range and that the salaries of all the officials and employees amount to some $2,140,000 a year.

Mr. FINDLEY. In fact the salary of the president at $100,000 a year is nearly twice as much as his superior, the Secretary of Agriculture gets a year.

Mr. GROSS. That is correct, and it is my understanding the employees do not pay for their fringe benefits. This is a plush operation and especially so in view of the fact that the revenues from the cotton checkoff are somewhere between $12 million and $15 million, which is apparently stashed away in some 30 banks across the country and reportedly draws close to $400,000 a year in interest. With that kind of a fund why in the world should there be an annual raid on Commodity Credit funds for $10 million a year?

Mr. Chairman, I support the amendment.

Mr. FINDLEY. Cotton, Inc., started under a cloud, it has continued under a darkening cloud and I think it is high time we bring in a little sunshine.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have before us this agriculture appropriation bill. We are trying to comply with the law in bringing the measure to the House of Representatives. Much is said to the effect that the basic law of the land is not good and an effort is being made now to rewrite the farm program in this appropriations measure. But the present farm program expires at the end of this year, and the Committee on Agriculture—the legislative committee—is now working—working indeed this afternoon—on drafting a new bill and it will have to do with what should be done toward the continuation or modification of this promotion program for cotton.

It just does not make any sense to load up this appropriations measure with the legislative provision and undertake to deny the House Committee on Agriculture its appropriate jurisdiction to deal with this matter.

Now, from the standpoint of the program itself, of promoting the production and marketing and overseas sales of cotton, the producer of cotton is providing $1 per bale for this program.

The program is succeeding in that it is helping this Nation to export annually about $11 billion—I do not have the exact figures—worth of agricultural commodities. One of those commodities, and one which leads the parade, is cotton. The program is of assistance from the standpoint of the balance of payments; from the standpoint of the need to strengthen the dollar which continues to recede. We urgently need more surpluses on exports.

I do not see why the Federal Government cannot cooperate with contributing farmers in an effort to make this program succeed and, therefore, enhance the position in world trade of the United States. Heaven knows, we need it.

Mr. Chairman, I just hope that we will not try to deal with this proposed intricate legislation here. The decision of what should be proposed about this matter should be left to the Committee on Agriculture, of which the gentleman from Illinois (Mr. FINDLEY) is a member.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the gentleman mentioned that cotton farmers are contributing a dollar per bale to Cotton, Inc., but the curious fact is that Cotton, Inc., has not been utilizing that money. It has been putting it, for the most part, into a reserve fund and spending instead the $10 million per year out of the Treasury.

Mr. MAHON. All manner of resources are being used in the field of research and cotton promotion. I believe in giving the American producer an opportunity to try to work himself out of a very difficult situation and promote this product which is so important to our world trade and to our domestic economy.

I hope the amendment will be voted down.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I had not anticipated participating further in the argument over this fund, but in view of the statements of my good friend, the gentleman from Texas (Mr. MAHON) I must respond to him to say that action should be taken here today by way of adopting this amendment because by July 1 a decision will have to be made by the Department of Agriculture with respect to approving or denying another increment of $10 million to be paid into this promotion fund.

It is therefore of urgency that something be done today as a matter of guidance to the Department, and not wait until the legislative bill comes along. I would say further to the gentleman from Texas that, despite the spending of millions on promotion of cotton through this device of tapping Commodity Credit Corporation funds at the rate of $10 million a year, the consumption of cotton, by the committee's own report, had slumped 400,000 bales.

Moreover, there is a reserve fund of $12 to $15 million that has been built up from a checkoff on every bale of cotton that is being produced. There is absolutely no reason why the taxpayers of this country should contribute through the Commodity Credit Corporation to another fund for the promotion of cotton.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, if the gentleman will bear with me, I would like to point out again that on page 37 of the report, the committee has provided the following items: "The committee directs the Secretary to maintain annual supervision, including approval in advance, of the use of Federal funds, as well as producer funds which are collected as a result of Federal law; to maintain annual audits of Cotton, Inc., including surveillance of salaries paid and programs sponsored and funds spent; and to require full reports from Cotton Council International as a condition precedent to cooperation in either promotion or research, all in order to obtain maximum results and to promote the use of American cotton."

I know of no stronger language.

Mr. GROSS. Let me say to the gentleman from Mississippi, who I hope is my friend, that the Secretary has had the authority to determine whether Commodity Credit money should be put into this promotion outfit. He has made three contributions to this fund up to this point——

Mr. CONTE. Two.

Mr. GROSS. I stand corrected. This would be the third $10 million increment.

Yes, he has had the authority, and he has recommended that $20 million in Commodity Credit funds be handed over to Cotton, Inc. What we want to say to the Secretary today is put a stop to this and tell Cotton, Inc. to use the funds it has on hand to promote cotton.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. CONTE. There is one thing I cannot understand. I should like to have the gentleman's attention. It is that the big chairman of the Appropriations Committee, who has taken the well time and time again preaching fiscal responsibility and talking about balanced budgets, stands here today and opposes us, when we are trying to save $10 million that has been wasted of the taxpayers' money. Wasted, I say.

I would like to tell the gentleman from Iowa that I believe the gentleman who heads Cotton, Inc. was formerly with Reader's Digest, which magazine had great exposé on subsidy payments. Somehow or other he got off the payroll of Reader's Digest and now heads Cotton, Inc.

I say, if we want fiscal responsibility here today, vote for this amendment.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. WHITTEN. Mr. Chairman, will my colleague from Kentucky yield to me?

Mr. NATCHER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, in times past I could raise almost as much commotion as my friend from Massachusetts. This is too serious for that.

Three years ago the committee asked the American cotton farmers to buy a package, where the farmer sold his cotton on the world markets at 12 or 15 or 18 cents below his cost. A part of that agreement was that these funds would be provided to help promote the use of his product.

The farmer has lived up to his part of the bargain. He has had to sell at that world price. Here, in the last 6 months of a law that is expiring, while the legislative committee is writing new laws, we are asked to renege on a part of that agreement.

I repeat that the committee wrote in this language that the Secretary has to report everything in the world and has to approve everything in the world in advance.

I say to my friend, despite the oratory of my good friend from Massachusetts, we do not want to renege in the last 6 months of a 3-year deal.

It was unwise to start with. I told my cotton friends that. They should never get on to a world price and an annual appropriation by the Congress, and rely on the Congress living up to a commitment. They did not listen to me, but they did rely on the Congress living up to its commitment.

Since I come from cotton country, I wrote the language as strong as I knew how, that they had to say everything was in order before action was taken.

I hope that the amendment will be voted down.

Mr. NATCHER. Mr. Chairman, I hope that the amendment will be voted down.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am always amused when my colleague from Massachusetts takes the House floor, particularly at his expertise as an agriculturalist. He also spends a lot of time talking about fiscal responsibility—frugal on a selective basis.

I checked the CONGRESSIONAL RECORD today. This House had a great opportunity yesterday to perform this very task. I notice that my good friend from Massachusetts voted "no" when he had the opportunity to cut the Arts and Humanities, on the Kemp amendment. He also voted "yea" on final passage, after admonition from the President the night before asking all Members to maintain fiscal responsibility. This inconsistency is remarkable.

This attitude is responsible, equally, to the attitude that has been maintained by the gentleman from Massachusetts regarding rural America.

Mr. Chairman, I would hope at this time that the Members of the House would vote down the amendment offered by the gentleman from Massachusetts (Mr. CONTE) and support the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 125, not voting 74, as follows:

[Roll No. 228]

AYES—234

Abzug
Annunzio
Archer
Armstrong
Aspin
Barrett
Bennett
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Bray
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Robert W., Jr.
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Fascell
Findley
Fish
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gibbons
Gilman
Goodling
Grasso
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Colo.
Karth
Kastenmeier
Keating
Kemp
King
Koch
Kyros
Landgrebe
Latta
Lehman
Lent
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McKay
McKinney
Madden
Madigan
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Morgan
Moss
Murphy, Ill.
Nedzi
Nelsen
Nix
Obey
O'Brien
Parris
Patten
Pettis
Peyser
Pike
Podell
Powell, Ohio
Price, Ill.
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shriver
Shuster
Snyder
Stanton, J. William
Stanton, James V.
Steele
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walsh
Ware
Whalen
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ill.
Zablocki
Zion

NOES—125

Abdnor
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Baker
Beard
Bergland
Bevill
Blackburn
Boggs
Bowen
Breaux
Brinkley
Brooks
Broyhill, N.C.
Burleson, Tex.
Burlison, Mo.
Burton
Carter
Casey, Tex.
Chappell
Cochran
Conlan
Daniel, Dan
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Dorn
Downing
Eckhardt
Evans, Colo.
Flood
Foley
Fountain
Gettys
Ginn
Goldwater
Gonzalez
Gray
Green, Oreg.
Haley
Hammerschmidt
Hansen, Wash.
Henderson
Hicks
Holifield
Holt
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Ketchum
Kuykendall
Leggett
Long, La.
Lott
McEwen
McFall
McSpadden
Mahon
Mann
Mathias, Calif.
Matsunaga
Meeds
Melcher
Mizell
Mollohan
Montgomery
Myers
Natcher
Nichols
O'Hara
O'Neill
Passman
Patman
Perkins
Pickle
Poage
Preyer
Price, Tex.
Rarick
Rhodes
Roberts
Robinson, Va.
Rose
Roy
Runnels
Ruth
Satterfield
Saylor
Scherle
Sebelius
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Teague, Calif.
Thornton
Towell, Nev.
Udall
Veysey
Waggonner
Wampler
White
Whitehurst
Whitten
Wilson, Charles, Tex.
Wright
Wyatt
Young, Alaska
Young, Ga.
Young, Tex.
Zwach

NOT VOTING—74

Adams
Anderson, Calif.
Anderson, Ill.
Arends
Ashbrook
Ashley
Badillo
Bafalis
Bell
Blatnik
Breckinridge
Burke, Calif.
Conable
Conyers
Daniels, Dominick V.
Danielson
Dent
Edwards, Calif.
Erlenborn
Evins, Tenn.
Fisher
Flowers
Flynt
Forsythe
Fuqua
Giaimo
Gunter
Harsha
Hastings
Hays
Hébert
Heckler, Mass.
Huber
Ichord
Johnson, Pa.
Kluczynski
Landrum
Litton
McDade
Macdonald
Mailliard
Mathis, Ga.
Metcalfe
Mills, Ark.
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, N.Y.
Owens
Pepper
Pritchard
Quie
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rousselot
Roybal
Ruppe
Schneebeli
Sikes
Sisk
Stark
Steelman
Steiger, Wis.
Symms
Teague, Tex.
Thone
Treen
Ullman
Waldie
Wiggins
Winn
Wydler
Young, S.C.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CONTE: Page 3 after line 12, insert the following: ": *Provided further*, that none of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1974, to formulate or carry out any single 1974 crop year price support program (other than for sugar and wool) under which the total amount of payments to any person or State government would be more than $20,000".

Mr. CONTE. Mr. Chairman, I was going to offer this amendment at a later time, but I was asked by my colleagues if I would offer it at this time.

Mr. Chairman, at this time of inflation, skyrocketing food prices, and animal feed shortages, I once again offer my amendment to the agriculture appropriations bill to limit farm subsidy payments for cotton, wheat, and feed grains to $20,000 per crop.

This amendment has been passed by the House three times—in 1968, 1969, and 1971—and last week a similar amendment passed the Senate.

In his inflation message Wednesday night, the President said and I quote:

> In its consideration of new farm legislation, it is vital that the Congress put high production ahead of high prices, so that farm prosperity will not be at the cost of higher prices for the consumer. If the Congress sends me a farm bill, or any other bill, that I consider inflationary, I shall veto such a bill.

Farm prices are high. According to the price index published in the current Business Week magazine, the price of nine grocery-basket foodstuffs has increased by 47 percent from just a year ago. The market price for wheat has jumped 81 percent to $2.98 a bushel from this time last year.

Since I first offered this amendment in 1967, the price index for food has leaped by 66 percent. By limiting production and supporting farm prices, the farm subsidy program has been a prime contributor to inflation.

The principal purpose of the farm subsidy program has been to help the family-sized farm prosper by restricting production and inflating prices.

But it should be apparent to all that while the subsidies have done their job all too well in keeping prices up, they have failed to protect the small farmer. The number of family farms decreases alarmingly every year, because people are moving off the farm and giant corporations are taking over the land.

The feed grain program, for example, has been a disaster for New England and the Northeast this year. Feed grain farmers were paid $1.8 billion last year to rerestrict production.

Now, after the Russian grain deal, dairy feed costs are up 60 percent and poultry feed costs are up 91 percent over a year ago in New England. The Congress should not feel obligated to continue huge give-aways for large corporations that do not need them.

The time is ripe to end the harvest of huge farm subsidies. The present program helps neither the small farmer nor the consumer, so there cannot be any purpose in continuing it in the present form.

One way to help the small farmer is to reduce the farm subsidies that go to large corporate farms. Large payments to big farms aggravate the competitive advantages they enjoy over small family farms. By giving huge subsidies to these corporate giants, the Federal Government is hastening the demise of the family farm.

Direct payments to farmers last year by the Federal Government totaled $4 billion, an increase of 26 percent over 1971.

These payments were made disproportionately to large, corporate farms.

A study prepared recently for the Joint Economic Committee found that only 7 percent of the benefits from the Government's farm commodity programs go to the poorest 41 percent of U.S. farms, while the richest 7 percent receive 32 percent.

The precise figures may be new but a familiar pattern emerges: A price support program devised to help the small family farmer chiefly benefit those who least need help.

The vast majority of our constituents are worried about inflation, high taxes, wasteful Government spending and how to make ends meet. There is a limit that the American taxpayer should be asked to endure. Certainly, the payment of exorbitant subsidies to people, corporations and State governments that do not need them cannot be justified.

My amendment set a reasonable limit on subsidy payments. It insures that Federal funds are not wasted on farmers who do not need them.

Fat cat farmers are lapping up the cream from the subsidy trough. I urge my colleagues to pass this amendment to limit subsidy payments to $20,000 per crop and put an end to this outrageous waste of the taxpayers' money.

Mr. SMITH of Iowa. Mr. Chairman, I oppose the amendment.

First of all, Mr. Chairman, the gentleman from Massachusetts makes a big issue of inflation and tries to somehow relate to the Members that the passage of this amendment is going to help in the battle against inflation. I submit that simply is not so. It was only a little more than a year ago when we were dumping grain at less than the cost of production in the United States, and some people with the help of the gentleman from Massachusetts opposed in the Congress and succeeded in defeating a food reserve bill. Instead of saving some of these surplus grains for when it is needed, we dumped it on the world market at less than the other nations were willing to pay. It let them accumulate dollar credits that helped to sink the dollar.

Today we need more grain but we do not have it because the Members of Congress who have traditionally been against anything that helps the farmers come in here and helped sink that food reserve bill.

If the Members want to do something about inflation, they should support a food reserve bill so when we have a food surplus we will put some of it away for the day when we do not have enough.

For the second thing, let us take a look at the wording of the amendment. Does it do what the gentleman says it does? What it says is that the Department shall not have the money to formulate or carry on any program, in which any person receives more than $20,000. That means if any one person in the United States gets $20,000 in loans or anything else there will be no program whatever for that commodity, period.

There would be no program or even loans for the small farmers, as well as the big ones. That is what the amendment says. This goes to point up the danger of trying to write legislation on an appropriations bill. The amendment does not do what the author intends it to do, apparently.

In the case of the amendment eliminating the cotton promotion program, it did not limit salaries or curb abuses which I could and have supported. Instead of doing what they talked about it repealed the law while it is in its final year. I opposed eliminating Public Broadcasting for the same reason but I supported amendments to limit the same abuse complained of here.

The legislative committee has this payment limit matter under consideration now, and I understand the full committee is reporting out a bill with an effective limitation on payments per producer. The Senate has already passed one, so it is going to be settled in the legislation anyway for 1974 in the regular carefully considered manner. It will then be written in such a way that it can do what the gentleman from Massachusetts says he wants to do. Therefore, I think we ought to leave these kinds of things to the legislative committee and vote no on this amendment today.

SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. CONTE

Mr. FINDLEY. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The Clerk read as follows:

> Substitute amendment offered by Mr. FINDLEY for the amendment offered by Mr. CONTE: None of the funds provided by this Act shall be used to pay the salaries of personnel who formulate or carry out:
>
> (1) programs for the 1974 crop year under which the aggregate payments for the wheat, feed grains and upland cotton programs for price support, set-aside, diversion and resource adjustment to one person exceed $20,000, or
>
> (2) a program effective after December 31, 1973 which sanctions the sale or lease of cotton acreage allotments.

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. WHITTEN. Mr. Chairman, the Commodity Credit Corporation of the Department of Agriculture has some $3 or $4 billion; it has certain obligations and authority under its charter, and that money they now have is not in this bill.

This amendment, if passed, would in no way affect the Corporation. It has 3 or 4 billions of dollars which in turn it already had with obligations under the charter under which it is formulated.

The amendment at this point would not reach funds already available with existing authority and under a charter.

The CHAIRMAN. Does the gentleman from Mississippi make a point of order against the substitute?

Mr. WHITTEN. Yes, I will make the point of order at this point, that if it be held that this goes to the action of a corporation that presently has $3 to $4 billion, that presently has a charter which directs it to carry out what is prohibited by this provision; that if this amendment attempts to reach that corporation which has a corporation charter, it is legislation on an appropriations bill and, therefore, subject to a point of order.

Mr. Chairman, when debating a similar amendment on the bill last year I made the following remarks:

> As to my point of order, Mr. Chairman, the amendment, to which I make the point of order, goes to tying strings on the Commodity Credit Corporation. The Commodity Credit Corporation at the present time is a creature of statutory law originally created and incorporated under the laws of the State of Delaware. It was made into a corporation so that it could perform and discharge all of the duties of a corporation, that is, sue and be sued. It had an independence created by statute. With time the Congress made it a U.S. corporation and brought forward the provisions which are incorporated in the Corporation Control Act. It appears in the compilation of statutes of February 17, page 154, 69 Stat. 1007.
>
> In addition, the Commodity Credit Corporation by law and in the law is created for the purpose of stabilizing, supporting, and protecting farm income.
>
> Mr. Chairman, I respectfully submit, too, that the Chair, may I say, is faced with the unhappy situation of reversing those who preceded him, including the present presiding chairman, but when a law is passed and the law provides for certain authority, to change that would be to change the law and would be legislation. But the Congress, to be sure about which was passed and which appears in this, in the Corporation Control Act, title 31, at page 7455, section 849, provides that nothing shall interfere with the Commodity Credit Corporation carrying out its functions.
>
> I respectfully submit, Mr. Chairman, when the Congress goes out of its way to create a corporation, not a Government agency or a Government department, but a corporation, then they have some purpose in making it a corporation. Then when they pass another act that says nothing we can later do which will prevent the corporation from discharging its duties under the law, I respectfully submit, Mr. Chairman, notwithstanding all of the rulings previously made, that when you try to prevent that corporation from discharging its functions in favor of United States agriculture, and pass a statute in the Corporation Control Act where it says you cannot do anything that will prevent the carrying out of its obligations, which is to maintain farm income, that this is clearly a method and a means or an effort to change the legislation in two acts, the Corporation Act creating the Commodity Credit Corporation, and the act in which we took into the Congress some surveillance over its operations.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. FINDLEY. Yes. First of all, the gentleman from Mississippi has made a similar argument on several occasions in previous years when almost identical amendments have been offered, and each time the chair has overruled the gentleman from Mississippi.

The amendment which I have offered as a substitute to the Conte amendment is a limitation of salaries of personnel. Personnel, of course, includes the Secretary of Agriculture, all of his lieutenants right down to the CCC level. Even if, as the gentleman argues, the limitation could not apply to the salaries of CCC personnel, which I do not concede, nevertheless this amendment would be effective in establishing the limitation it seeks to effect, because it would go to the salary of the Secretary. All of the authority that is in the draft bill now before the Committee on Agriculture dealing with continuing farm legislation goes to the Secretary as a person.

This is a limitation on the expenditure of funds, a limitation that goes to the expenditure of salaries, and therefore entirely within the rules of the House as being germane.

Mr. WHITTEN. Mr. Chairman, may I be heard further?

Mr. Chairman, if it be held that I am in error in making the point of order or that the point of order is not sustained, because the funds in this bill do not go to the corporation, do not reach to a corporation which has its own charter and which is organized under legislation, for the Chair to overrule the point of order, it would have to mean that the amendment does not go to changing that law. Therefore, if it does not go to changing that law, the legislative committee which is now presently considering new legislation would merely have to change its present provisions so it would be carried out by the corporation and thereby avoid the gentleman's provision.

The point I am making is that I am asking the Chair, in its ruling, to determine, if the point of order is overruled, whether the point of order is overruled because this goes only to the personnel as described by its author, and therefore inferentially would not reach the corporation and its charter and its employees. I would like the Chair to specify, if I may be so presumptuous, the basis on which the decision is rendered, so that the committee which is now writing the legislation will know how to write it.

Mr. FINDLEY. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FINDLEY. The gentleman attempts to make the identical point about the sanctity of the Commodity Credit Corporation he made on earlier occasions, as early as 1963, and on each of these occasions the Chair overruled that argument. I hope the Chair will sustain its earlier positions.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from Massachusetts (Mr. CONTE) has offered an amendment, for which the gentleman from Illinois (Mr. FINDLEY) has offered a substitute.

The gentleman from Mississippi has raised a point of order against the substitute amendment offered by the gentleman from Illinois on the ground that it constitutes legislation in an appropriation bill.

The Chair has listened to the arguments and has carefully read the text of the proposed substitute. The Chair notes that the substitute would restrict funds provided by this act, providing that none of such funds should be used to pay salaries of personnel to carry out certain programs. As such, insofar as it applies to the funds provided in this act, the substitute would be a limitation on the appropriation bill and would not be legislation, and is therefore in order.

The Chair would point out that nothing in such substitute could act officially or affirmatively to inhibit payment of funds that are not provided in this act. As the Chair reads the proposed substitute, there is no language which would affect, limit, or inhibit funds other than those provided in this act.

Therefore, the Chair overrules the point of order.

Mr. FINDLEY. Mr. Chairman, this amendment is identical in its effect with that offered by the gentleman from Massachusetts (Mr. CONTE) with one vitally important exception. This amendment would effectively close the main loophole in the Agricultural Act of 1970, a loophole through which one could drive the biggest diesel tractor in America's farmland, a loophole that was used primarily by the big cotton interests of the United States to nullify the effectiveness of the payment limit at the level of $55,000 which was written into the Agricultural Act of 1970.

Those Members who were in the Chamber at that time and voted for that limitation did so, I am sure, with the expectation that the limitation would reduce program costs. Based on estimates made by the Department of Agriculture, it was expected that the program costs would be reduced by at least $35 million a year.

When the returns were in at the end of the first year, the program cost reduction, which could under any reasonable circumstances be applied to the effectiveness of the payment limitation, was not $35 million, but $2.2 million. This is the estimate by the Department of Agriculture, not mine. The figure for last year was about the same.

Mr. Chairman, the Members may ask, why? Well, it is because the drafters of the Agricultural Act of 1970, being very resourceful legislative people, also put in the act of 1970 the authority for lease and sale of cotton acreage allotments. These are valuable allotments which traditionally attach to the land and can move from one farmer to another only through the process of selling the land. But under this skillful provision the allotments separated from the land by sale and lease. These big, giant cotton operations were handed a way to subdivide their operation very easily and thus effectively avoid the limitation.

Mr. Chairman, that same language authorizing the lease and sale of cotton acreage allotments is also included in the draft of the bill that the Committee on Agriculture is about to report out, and there are not enough votes on that committee, believe me, to get that knocked out.

Now, if we want a payment limitation that is effective, the substitute language is the language to use.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to my friend, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I have discussed this substitute with my friend, the gentleman in the well, the gentleman from Illinois (Mr. FINDLEY) and I concur with him wholeheartedly. I believe it makes a much better amendment, in that it closes off the loopholes and I urge its passage.

Mr. FOLEY. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, there is one fatal flaw in the arguments made by both the gentleman from Illinois (Mr. FINDLEY) and the gentleman from Massachusetts (Mr. CONTE).

If we have any respect in this body for orderly conduct of the public business, we should be concerned about the increasing tendency to try to write complicated legislation through the backdoor technique of limitations on an appropriation bill.

Now, I will concede, Mr. Chairman, that there is a temptation sometimes for Members of the House or members of a committee to use the appropriation bill in this way when they are faced with the difficulty of reaching the authorizing legislation that lies ahead, 2, 3, 4, or 5 years hence, or when they are faced with a legislative committee attitude which they think is totally unsympathetic to their point of view.

Mr. CEDERBERG. Mr. Chairman, will the gentleman from Washington (Mr. FOLEY) yield?

Mr. FOLEY. I yield briefly to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I will ask the gentleman from Washington (Mr. FOLEY) how did the gentleman vote on the Addabbo amendment and the Long amendment when we had the supplemental? Does the gentleman recall?

Mr. FOLEY. I do not recall, Mr. Chairman. The gentleman may provide me with the answer, if he knows.

Mr. CEDERBERG. Mr. Chairman, I think I do know. I am quite sure that the gentleman is making just the opposite argument he made when we took those up.

I will be glad to look the matter up for the gentleman and let him know.

Mr. FOLEY. Mr. Chairman, I have just said that there are occasions when Members feel that the Legislative Committee is not sympathetic with their point of view, and they may want to express their point of view in that manner, or they may think the legislative bill is so far removed in time from possible consideration that they may want to bring it up in an appropriation bill.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. Mr. Chairman, I will not yield any further.

What I am trying to suggest to the Members is that as a Member of the Committee on Agriculture I can assure them that in 2 or 3 weeks we will have on the floor an omnibus farm bill which includes sections for wheat and feed grains and cotton, and then the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Illinois (Mr. FINDLEY) can present all the amendments they wish, and they can be formulated and perfected by the Committee at that time without the restraints of limitation on appropriation bills, as far as language is concerned. That is the time to discuss and consider this type of a proposal, not here at the very doorstep of the consideration of the omnibus farm bill.

Mr. SMITH of Iowa. Will the gentleman yield to me?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman is the chairman of an important subcommittee writing this bill. Do you agree with me on the importance of defeating this amendment? You are knowledgeable in the field and you know the amendment does not do what they say it does. Instead of limiting payments to $20,000 to some people, it completely eliminates a whole program which pays anyone that amount. Is that right?

Mr. FOLEY. I frankly agree with the gentleman that it is a mischievous and dangerous amendment to say nothing of the substitute. I am trying to appeal to those who want to consider these proposals to wait until they have an opportunity to do that in the consideration of the farm bill. All of the arguments can be presented at that time instead of cluttering up an appropriation bill, as we are doing here, with the consideration of a very complicated provision when there is not time for adequate debate or review.

The gentleman from Illinois I am sure will agree with me that he has every confidence in being able to offer this agricultural amendment on the farm bill.

I yield to the gentleman.

Mr. FINDLEY. I will have the opportunity but not to join with a limitation on payments the loophole closing language as it is joined in this amendment. The gentleman knows perfectly well I will not have a chance in the world to get unanimous consent to offer these two amendments en bloc so that the issue can be fairly joined. This is the only real chance the House has to establish effective limitations.

Mr. FOLEY. The gentleman from Massachusetts and the gentleman from Illinois have worked very well today, and I am sure that they can arrange that same tandem performance 2 or 3 weeks from now.

Mr. ECKHARDT. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. ECKHARDT. I agree with the gentleman from Washington entirely on his position here and on the grounds that he takes.

Is it not true that if we acted on this amendment, we would affect the 1974 cotton crop in advance of an opportunity for the general agricultural bill to determine the matters that would apply to that crop?

Mr. FOLEY. Yes, indeed. The gentleman is correct. In fact these amendments may affect the 1973 crop.

Mr. ECKHARDT. And we would thus be anticipating the work of the committee of major legislative jurisdiction, would we not?

Mr. FOLEY. Indeed. And I think this House and this Committee can work its will in 2 or 3 weeks in an orderly way which gives full opportunity for discussion of and resolution of this issue. This is the worst time and circumstance in which to act.

The substitute and the amendment should be defeated.

Mr. Chairman, in my earlier discussion with the gentleman from Michigan (Mr. CEDERBERG) I regret that I did not at first understand clearly his question regarding my votes on two amendments to the recent supplemental appropriation bill.

I understand now that he made reference to the Addabbo amendment and the Long amendment prohibiting transfer of funds or use of appropriated funds for United States combat operations over, in, or off the shores of Cambodia. I voted for both amendments. In that case I felt there was no alternative to amending the appropriations bill. In this case a clear alternative exists in awaiting the pending omnibus farm bill.

Mr. POAGE. Mr. Chairman, I move to strike the last five words.

Mr. Chairman, I think the gentleman from Washington pretty well stated this case. The Committee on Agriculture is right now considering legislation which will completely change the basis on which payments are made and on which supports are provided. If the legislation passes as it now stands in our committee, and if prices remain stable there will not be 1 cent of subsidy paid on next year's crops. That completely changes this ballgame and makes one wonder why this amendment is offered.

The two gentlemen who have for years vied with each other as to which one could promise the most in the way of hamstringing American agriculture will not need to engage in any further contest. They will soon be able to claim that they have been able to cut some nonexistent payments. They can now devote their energies to some of the things closer to home.

Mr. Chairman, last week I voted, as did the gentlemen, for a subsidy of 55 percent on the cost of constructing merchant vessels to sail out of the Port of Boston all over the world to carry American products. I thought it was a good, sound proposition to help American commerce and American workmen. But if you are going to assume that it is well to provide for the transportation of American products, without limit as to the total cost it might be well to consider similar treatment for the production of those products that you are going to transport.

We have not been paying any such subsidy to farmers, and next year we are not even going to pay any. So it seems to me that unless you simply want to find some way of getting in the newspapers you might very well wait until this agricultural bill comes in before you try to write it on the floor.

Mr. BURTON. Will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. BURTON. I would rise in support of the gentleman's position and in opposition to this michievous amendment.

I think on occasion it is very desirable to resist the temptation to cast a demagogic vote that appears to be saving money because if this legislation and this amendment is adopted then the prices to the American consumers in the cities and in the suburbs are going to increase, not decrease. And for those of us who are concerned about the urban and suburban constituency, I would submit that the committee legislation is in fine order, it gives more protection than previous legislation in this regard, and that the Agricultural Committee ought to be permitted to work its will for a long-term program, and that we should not hamstring this appropriation bill with either of the two mischievous amendments pending before us.

Mr. POAGE. Mr. Chairman, I appreciate what the gentleman from California has said. I think the gentleman has well made the point that the whole purpose of any of these payments is to provide production for American consumers, and to the extent they get that production obviously the consumer will have more to eat and at less cost. It is the same thing with the transportation subsidies which the gentleman so ardently supports. When it is for transportation in one's home town then it is good, but when it is for production out on the farms, then it is wrong.

You cannot lower the cost of food to the American public by saying that the most efficient producers are to be put out of business. Obviously the cheapest food in America is produced on the best-financed and most modern equipped farms.

That is not to say we want to make all of our farms large farms, but the cheapest food in America is produced on those farms that have the best equipment. Are we going to say that we are going to drive them out of business, and then expect to reduce the cost of food to the American consumer? I think most of the Members have gone through the fourth grade, and they know that that is impossible.

I think it is perfectly clear from the standpoint first of the integrity of the legislative process that we ought to leave this thing alone until the legislative bill is before us, and it will be in the next few days.

Also I think from the standpoint of the producer that we ought to leave this thing alone, and let production be carried on in the most efficient manner that we can get. Further, from the standpoint of the consumer, I think we ought to let us produce food as cheaply as we can, rather than try to hamstring production in a way that is bound to increase the cost of food.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full 5 minutes, but I believe it should be mentioned that 3 years ago when we passed the Agricultural Act of 1970 this Congress made a contract with our farmers which said that the limitation on payments would be $55,000. Here we come back a year before that contract will expire, and tell the farmers that we are going to reduce that $55,000 to $20,000. I believe that is improper, and that this body should not do that.

One other point, Mr. Chairman, and it was alluded to briefly earlier, is the point that the gentleman from Massachusetts made on the affluence and the prosperity of our farmers. I want to remind this body that the latest statistics we have available point out that we can invest our money in a farming operation and get a return of 3.6 percent on our investment. We also find that if we make that same investment in bonds or stocks, or savings, that we will make twice that investment. There are a number of other facts that prove the farming sector does not have the prosperity that some of us would be led to believe.

I would implore this body, Mr. Chairman, to keep the contract we made in the Agricultural Act of 1970, and vote down the two amendments.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to commend the statesmen in this House of Representatives who have stood before us this afternoon and said that we ought to have some degree of orderly procedure. The chairman of the Committee on Agriculture has in effect said: "Will you please give us a chance to finish writing the new farm bill, which is practically perfected at this time, and present it to the Members. Are you going to cut the ground out from under us at this time and try to write the new farm program in this agricultural appropriation bill?"

It does not make sense to undertake to write a farm program on this appropriation bill. It is not fair. It is not statesmanlike. There is no practical way to do it. It should not be done.

I hope that we will let the legislative committee which has jurisdiction, and which is working on this matter, after all its careful deliberations, present to the House the bill on agriculture. The pending amendment could be offered at that time.

The House can then decide what kind of farm bill it wants to enact. The adoption of the pending amendment would represent a serious blow to farmers and consumers alike. A healthy agriculture is essential to the security of the Nation.

I urge the House to vote against this indefensible amendment, and the amendment for which it was the substitute, and let us get on with the business of considering this appropriation bill.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the last few days my son went to Europe. Luckily, a few months ago he bought German marks so he would know what he had to pay for things over there. That is the situation of our American dollar abroad. I am told that in Paris and many of the capitals around the world hotel rates have gone up as much as four times their former rates. A decent room costs at least $45.

Mr. Chairman, the one chance that our country has, in my opinion, to bail ourselves out of this international situation, where everybody has got our dollars, and to get them back, is that if we are going to have something to export, we have to have a rise in our agricultural production. Agricultural exports this year are something in excess of $11 billion.

I know it is easy to vote for a limitation when we think something is a handout or a subsidy. The facts are it is not that at all.

Three years ago this Congress provided that cotton be sold in domestic markets at world prices. The textile business could not get their other raw material at world prices; they could not get their labor or equipment at world prices; but they got cotton at world prices. The producers of cotton were told if they had cotton they could sell in the domestic market at world prices, the Congress would pick up the difference. They are business people. The domestic price is different from the world price. They may not be able to get the row planter that they want, or they may have to get a small cotton picker instead of the $35,000 cotton picker. It is going to split everything.

Mr. Chairman, we do far more than we realize. We are not only raising the cost to ourselves here at home but we are making it impossible to maintain our exports abroad. While this may look good for the moment, in the long run it is going to look bad.

In addition to that, the agreements that have been made here are that the producers would sell in the domestic market at world price and we would take up the slack.

We would be breaking faith, we would be breaking our agreement with the farmers.

Not only that, but also we would be depriving our good friend, the gentleman from Texas, and our other colleagues who are writing a general farm bill—which is awfully hard to write and get through an urban Congress—of the ability to write a good farm bill.

So let us defeat this amendment and provide for it in the legislative committee bill.

When we passed this bill 3 years ago I said it would never work and the American farmer would make a mistake to take the promise of an annual appropriation and payment. He would be the only one who sold his production at the world price on the domestic market.

I hope the Members will vote against this amendment.

Mr. FRENZEL. Mr. Chairman, I have often expressed myself in this House on the subject of the Conte amendment. For many years we have had the opportunity to limit some of our agricultural subsidies to those producers who need them most. Again this year we have the opportunity to speak up for sanity in agricultural subsidies. I urge the passage of the Conte amendment, and of the Findley amendment as well.

Mr. CRONIN. Mr. Chairman, I rise in support of this amendment. My colleague from Massachusetts (Mr. CONTE) has worked for many years to impose a ceiling on farm subsidy payments, and I applaud his past and present efforts towards this reform.

The amendment we are presently considering would limit individual subsidy payments to $20,000 per crop. While it is not a final solution to the abuses of the program, it is, indeed, a first step.

I hope this amendment will be adopted and that, in the future, the House will address itself to stronger limitations—such as $20,000 per producer—and to the eventual elimination of the program.

Last year the Federal Government paid more than $4 billion in price supports and farm subsidies. Yet, the small struggling farmer—whom the program was originally designed to help—received only a fraction of these payments. Instead, the rich corporate farms were getting richer and the price of food continued to rise.

We should not pay farmers for not growing crops any more than we should pay workers for not working. Our high food costs are a direct result of the problem of supply, and I hope that we can draft legislation to provide incentives to spur production rather than to curtail it.

In the interim, I am hopeful that some of the widespread abuses can be eliminated, and this amendment would be an effective tool. Therefore, I urge the strong support of my colleagues in adopting this amendment.

Mr. DORN. Mr. Chairman, we must encourage the production of fiber and food rather than discourage production through arbitrary limitations in support programs. Otherwise it is the great cities and the consumers who will suffer. A few short years ago no one would have dreamed that we would today be facing a food shortage. Then our surpluses caused a problem; today we depend on the unparalled production of American farmers to defend the soundness of the dollar. Our farmers must be encouraged to utilize the most efficient and up to date technology; this requires heavy investment. If farmers are convinced it is not in their interest to make the necessary investments for increased production it will be an extremely serious situation for the American consumer.

Mr. Chairman, the House Agriculture Committee is sitting this very moment, under the able and distinguished leadership of Chairman POAGE of Texas to write a new farm bill. The amendment now before the House has no place in an appropriation bill, but rather should be considered with the legislation now being developed by the Agriculture Committee. This amendment is not in the interest of the consumer or the urban areas or the farmer. I urge that it be rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY) for the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FINDLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 157, present 1, not voting 80, as follows:

[Roll No. 229]

AYES—195

Abzug
Addabbo
Annunzio
Archer
Armstrong
Aspin
Baker
Bennett
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Byron
Carey, N.Y.
Carney, Ohio
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Derwinski
Devine
Dickinson
Dingell
Drinan
Dulski
du Pont
Esch
Eshleman
Fascell
Findley
Fish
Ford, William D.
Frelinghuysen
Frenzel
Frey
Froehlich

Fulton
Gaydos
Gilman
Grasso
Green, Pa.
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanrahan
Harrington
Harvey
Hastings
Hechler, W. Va.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Hudnut
Hunt
Hutchinson
Johnson, Colo.
Karth
Kastenmeier
Keating
Kemp
King
Koch
Kyros
Latta
Lehman
Lent
Long, Md.
Lujan
McClory
McCloskey
McCollister
McKinney
Madden
Mallary
Maraziti
Mayne
Mazzoli
Michel
Miller
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Murphy, Ill.
Nedzi
Nelsen
Nix
Obey
Parris
Patten
Pettis
Peyser

Pike
Podell
Powell, Ohio
Price, Ill.
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shuster
Staggers
Stanton, J. William
Stanton. James V.
Steele
Stokes
Stratton
Studds
Sullivan
Teague, Calif.
Thomson, Wis.
Thone
Van Deerlin
Vander Jagt
Vanik
Walsh
Ware
Whalen
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Zion
Zwach

NOES—157

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Arends
Barrett
Beard
Bergland
Bevill
Blackburn
Boggs
Bolling
Bowen
Bray
Breaux
Brinkley
Brooks
Brown, Calif.
Broyhill, N.C.
Burleson, Tex.
Burlison, Mo.
Burton
Butler

Camp
Carter
Casey, Tex.
Chappell
Cochran
Collins, Tex.
Daniel, Dan
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Diggs
Donohue
Dorn
Downing
Duncan
Eckhardt
Eilberg
Evans, Colo.
Evins, Tenn.
Flood
Foley
Ford, Gerald R.
Fountain

Fraser
Gettys
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Henderson
Hicks
Holifield
Holt
Hungate
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.

Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Ketchum
Kuykendall
Landgrebe
Leggett
Long, La.
Lott
McCormack
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Meeds
Melcher
Mezvinsky
Milford
Mink
Mizell
Mollohan
Montgomery

Morgan
Myers
Natcher
Nichols
O'Brien
O'Hara
O'Neill
Passman
Patman
Perkins
Pickle
Poage
Preyer
Price, Tex.
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rose
Roy
Ruth
Satterfield
Scherle
Sebelius
Shipley
Shoup
Shriver
Skubitz
Smith, Iowa

Smith, N.Y.
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thornton
Tiernan
Towell, Nev.
Ullman
Veysey
Vigorito
Waggonner
Wampler
White
Whitten
Wilson, Charles, Tex.
Wright
Young, Ga.
Young, Tex.
Zablocki

PRESENT—1

Daniel, Robert W., Jr.

NOT VOTING—80

Adams
Anderson, Calif.
Anderson, Ill.
Ashbrook
Ashley
Badillo
Bafalis
Bell
Blatnik
Breckinridge
Burke, Calif.
Collins, Ill.
Conable
Conlan
Conyers
Culver
Daniels, Dominick V.
Danielson
Dent
Edwards, Ala.
Edwards, Calif.
Erlenborn
Fisher
Flowers
Flynt
Forsythe

Fuqua
Giaimo
Gunter
Harsha
Hawkins
Hays
Hébert
Heckler, Mass.
Huber
Ichord
Johnson, Pa.
Kluczynski
Landrum
Litton
McDade
Macdonald
Mailliard
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Owens

Pepper
Pritchard
Quie
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe
Schneebeli
Sikes
Sisk
Slack
Stark
Steelman
Steiger, Wis.
Symms
Teague, Tex.
Thompson, N.J.
Treen
Udall
Waldie
Wiggins
Winn
Wydler
Young, S.C.

So the substitute amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE) as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $35,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $25,805,000: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis:

Provided further, That, in addition, not to exceed $3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN: On page 18, line 2, immediately before the end thereof insert the following: "*Provided further*, That no funds contained in this appropriation shall be available for the promotion or advertising of tobacco or any tobacco products in foreign nations".

Mr. VAN DEERLIN. Mr. Chairman, I think we have moved along faster than anyone dared hope this afternoon. I aim to be on my way to another coast before the day is out, and will take only 5 minutes for a little seminar in advertising. I should like to share with you some advertising which is used overseas.

The poster I hold is used in Austria. Its theme fills magazine, newspaper, and billboard space on behalf of a cigarette called Smart.

If you do not like this one, perhaps you would prefer the sexy kind of advertising which turns up in Thailand. It is the more familiar boy-meets-girl copy theme, and contains the suggestion that a cigarette will surely help stimulate romance.

I do not know about its effectiveness. And let me say at the outset I am not a moralist on this issue. I do not smoke, myself, but I have to buy cigarettes for Mrs. Van Deerlin now and then.

The advertising you have seen is for cigarettes with names like Memphis, Smart, Falling Rain, and Maharaj. These are not exactly familiar brands to you. They are made with American tobacco by foreign tobacco monopolies. The advertising you have seen may resemble our cigarette advertising. But it is very different in one respect—it is paid for by the American taxpayer.

A sum of $140,000 in the bill we are considering this afternoon is to underwrite the expense of this advertising in Austria and Thailand. The tobacco we send to Thailand happens to be of a higher nicotine content than the domestic leaf over there, and this has caused some concern to the Government of Thailand. But nicotine content aside, it seems to me to be basically hypocritical for the same Congress which voted to take cigarette advertising off radio and television here at home, and insist upon a package label that warns young Americans about the health hazards of smoking—it is hypocritical, I believe, for this same Congress to underwrite a program of encouraging young Thais and young Austrians to take up the habit. We were underwriting the same program in Iceland and Japan until quite recently.

I will say the Agricultural Marketing Service reduced its spending for this from $162,000 in the last year to $140,000. But I find it incomprehensible that we should spend one penny for encouraging foreign children to smoke.

Let us end this hypocrisy now.

Mr. FOUNTAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the motion the gentleman offers would do a great disservice to over 600,000 farm families in our country, even though the amount of money involved is not large in comparison with some of the sums cited daily in this chamber.

Twenty percent of our Nation's farm families are involved in tobacco production and all would in some degree be adversely affected by an amendment which strikes another blow against a commodity which is entirely legal in our country and everywhere else in the world.

I ask the gentleman to recall that the smoking and health controversy is just that—a controversy. A lot of words have been spoken on the subject, and the rhetoric has at times been sharp, especially in the Senate. However, the so-called health problem should not be a matter of consideration in connection with our export and sales programs, whether the commodity is tobacco or something else.

Since colonial days our country has been exporting tobacco. Tobacco was in fact the first export sent back from Jamestown to the Old World. From that day to this, tobacco has been a vitally important contributor to our trade balance. Last year we sold abroad $878.7 million worth of tobacco.

At a time when it looks as if the only area in which America can be truly competitive is agriculture, it strikes me as just plain foolish, to hurl a symbolic blow, at our overseas tobacco sales promotion efforts, particularly when it now involves only Austria and Thailand. We have done such a good job in selling tobacco in other countries that most of them now buying our tobacco in meaningful quantities, can and do finance their own promotion program.

Germany and Japan are good examples of our tobacco export sales. Last year Western Germany bought more than $100 million worth of our tobacco. Japan bought $87.3 million.

Remember, too, that over 700 million pounds of tobacco remains under the Government loan program. This administration increased our tobacco production by 10 percent. I personally think this increase was unwise, but the decision was made. The amendment of the distinguished gentleman from California, knocking out the sum of $140,000 for sales promotion matching funds in Austria and Thailand, if adopted, would be compounding the farmers' problem and diminishing the effectiveness of our tobacco export program. It would be foolish to lose even one opportunity to keep this tobacco moving into world commercial channels. If we do not sell Thailand and Austria American tobacco, plenty of other tobacco-producing nations will be all too ready to step in and take over in our place.

Our Nation now has a serious balance-of-payments problem, a problem which is highly visible in the world economic spotlight. We just must turn this problem around and get our economy back on an even keel. Consequently, we simply cannot afford to overlook any opportunity to encourage trade abroad. And when we have a surplus of any legitimate and desirable commodity available for sale—too much for domestic consumption—we should leave no stone unturned in trying to sell it. Tobacco is just such a product and if a small sum is needed to help promote its sale, the Congress should not balk at providing the money to promote it, especially when the result is to our gain and not at our loss.

In a recent statement in the RECORD, the mover of this amendment used the word "hypocrisy" in describing American policy which led to this important marketing program in Austria and Thailand. However, I fail to see hyprocrisy in our efforts to sell our products abroad, especially when it helps the entire Nation, particularly in terms of our balance of payments and deficit trade problems. As I have already attempted to say, tobacco products are legally grown, controlled and marketed in our country and everywhere else. Where is the hypocrisy in a legitimate effort to sell a legal product which has been traded in international commerce for hundreds of years, and will, I predict, be so traded for many hundreds more.

Labeling requirements in our country are not germane to consideration of this program. May I remind the gentleman that the Congress itself expressly exempted the application of domestic labeling requirements to tobacco which moves into foreign commerce.

This was a wise move by the Congress, because it would be highly presumptuous for our Government to attempt to tell other sovereign nations how to handle tobacco within their own borders. That decision is their business.

One more thing: Last year tobacco excise taxes within our own borders brought in tax revenues of more than $5.3 billion to all levels of government. Let me emphasize that income taxes, sales taxes, and other forms of taxation involving tobacco are not included in that $5.3 billion figure. When you stack that figure against the infinitesimally small cost of all of our tobacco programs, including this nominal overseas sales promotion effort, the comparison is quite instructive.

Our total tobacco program is cheap by comparison. This fact should also be remembered today as we consider this amendment.

I see no benefit, but only harm, in striking down this inexpensive tobacco marketing program. Therefore, I urge the defeat of the amendment of the gentleman from California.

Mr. JONES of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose the amendment by the gentleman from California. I am sure the Members of this House are aware that I do not make too many speeches, but this is a matter of principle which concerns me a great deal.

First, I would like to put in perspective the total picture as it relates to our tobacco exports.

The gentleman from California is talking about $140,000 included in the appropriations bill under consideration for the overseas promotion of tobacco and tobacco products. Need I remind the Members that this is some $22,000 less than utilized last year. Now, $140,000 to be used in promoting one of our most important agricultural exports which last year, including leaf tobacco and manufactured products, totaled approximately $1 billion toward the contribution of a favorable balance of trade. A few examples of the increase in our tobacco exports, I think, are in order. An example—during the years of 1964–68, to the Japanese nation alone we averaged an annual $37.9 million at a sale price of approximately 80 cents per pound; while in 1972 this $37 million had increased to 87.3 million pounds at a sale price of almost a dollar per pound. And it is estimated that the exports to Japan in the year 1973 will reach or surpass $100 million. One of the nations involved in the gentleman's amendment—Thailand—the figures show that during the average years of 1964–68, we exported annually 18.5 million pounds per year, while in 1972 this had increased to 30½ million pounds. I will not attempt here this afternoon to argue the merits of the hazards of smoking for a definite conclusion to this date has not been made. I could cite statistics where nations having a larger per capita use of tobacco have a lesser ratio of lung cancer than other nations with a much smaller per capita use.

I think it is entirely in order that this Government spend a few dollars not only for tobacco but other important agricultural commodities to enhance the demand and, more important, to restore a favorable balance of trade for this Nation. I think the sum of $140,000 is infinitesimal when we consider in this Nation alone tobacco produces in excess of $5 billion a year in taxes at all levels.

I hope this committee will abide by the wisdom of the Appropriations Committee in retaining this minute sum of money to continue to aid the American farmer and the Nation itself as it relates to demands for our agricultural commodities. I would remind the gentleman from California and those who are supporting his amendment that if the nations in question do not buy American-produced tobacco then certainly, with the demand of their country, they will find it elsewhere. If indeed we were the only supplier, the promotional sales would not even be necessary. I hope the committee will join with me in voting down this amendment.

Mr. NATCHER. Mr. Chairman, I move to strike the appropriate number of words.

Mr. NATCHER. Mr. Chairman, as we well know, the Foreign Agricultural Service makes every effort to help dispose not only of surplus commodities but commodities produced by the American farmer. As my colleague, the distinguished gentleman from California, pointed out under his amendment, Mr. Chairman, the sum of $140,000 out of the total amount of $25,805,000 is to be expended in Thailand, in West Germany, and in Austria, to help promote the sale of American tobacco.

Let me point out, Mr. Chairman, the procedure that must be followed before the Agricultural Service gets into this kind of a promotion. The country involved asks the Department of Agriculture to come in to promote the sale of a commodity. That must take place, Mr. Chairman. That is what happened in Austria; that is what happened in West Germany; and that is what happened in Thailand. The three countries asked the Department of Agriculture to come in and promote the sale of American tobacco because they wanted to buy it. There was not a move made by the Department of Agriculture in these three countries, in Japan, or any other country to sell American tobacco or any other commodity, until the country involved requested that this be done.

After the request was made, Mr. Chairman, the sum of $140,000 is to be spent for the sale of about $233 million worth of tobacco.

Mr. Chairman, digressing just a little bit—one of the finest speeches I have ever heard since I have been a Member of Congress was made in the well of this House by our former Speaker, my friend, the Honorable John W. McCormack, when he went to the well of the House and said this in substance: They do not produce wheat in Boston; they do not produce sugar cane in Boston; they do not produce sugar beets in Boston; and they do not produce soybeans. I want the Members of this Congress to know that what is good for California is good for Boston, Mass. He further said that he lived in the United States and believed that if Kentucky was in trouble Boston and the State of Massachusetts should join with the other States and help Kentucky. The same he said would apply to Florida, New York, Texas, California, Maine, and Utah. He closed by saying that never would he join with one section of our country to destroy or fight one agricultural commodity against another. I agreed with my friend John W. McCormack and this is my position today.

Let me say to my distinguished friend from California the author of the amendment that about 3 years ago the junior Senator in the other body from the great State of California, together with a number of the Members from California came before our subcommittee and talked to us about their need for help with figs and nuts. The situation was serious, and Mr. Chairman, certainly we helped them and this House approved of our action. I say to my friend from California I will do the same tomorrow or next year because I am interested in California and if California is in trouble I am concerned and want to help.

We do not produce any sugar cane or sugar beets in my district, we do not produce any cotton in Kentucky, but that does not mean that I intend to cast the vote of my people against these commodities.

Mr. Chairman, in this particular instance we are talking about the fifth largest income producing commodity in the United States, which is produced by 700,000 farm families in 21 States. A commodity that pays into the Federal Treasury and into the treasuries of cities and counties about $4 billion in taxes.

Tobacco has not cost the Department of Agriculture any money.

We need the help of the Members on this amendment. I say to my distinguished friend from the State of California, when he comes to this floor and says to the Members of the Congress that they have a commodity produced in California which is not produced in the second District of Kentucky, that needs help and is in trouble I intend to march with him. I intend to help his people and to help him.

Mr. Chairman I hope this amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The question was taken; and on a division (demanded by Mr. VAN DEERLIN) there were—ayes 53, noes 85.

So the amendment was rejected.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Amendment Offered by Ms. ABZUG: Page 17, lines 11–12, strike out "market development activities abroad,"

Page 17, line 17, strike out "$25,805,000: *Provided*," and insert in lieu thereof "$13,805,000: *Provided*, That none of the funds appropriated in this Act shall be used, directly or indirectly, to promote the sale outside the United States of domestically produced agricultural commodities: *Provided further*,"

Ms. ABZUG. Mr. Chairman, in his address to the Nation 2 nights ago, President Nixon stated that:

> In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumer first.

I agree with that statement. My amendment would take a step toward making it a reality. The bill before you contains $12 million for the promotion abroad of the sale of domestic agricultural commodities. Most of that money is not even being spent directly by the Foreign Agricultural Service for such promotion, but is being given by the FAS to private traders and trade associations for the promotion of their goods.

In these days of rapidly rising food prices and food shortages, it is very difficult to understand why the American taxpayer—who is also the American consumer—is being asked to provide $12 million annually to subsidize such promotion and then to pay again for them in higher prices caused by the resulting decrease in supply.

I am not opposed to trade with other nations and I am not opposed to promoting agricultural products or farm products or commodities, but I am concerned that overseas sales may provide private trade associations with opportunities to manipulate prices and supplies to the detriment of American consumers.

The Special Studies Subcommittee of the Government Operations Committee, of which I am a member, has recently concluded hearings into the promotional activities of the FAS. While there was no direct testimony as to whether the FAS helped to promote the recent Russian wheat sale, Department of Agriculture witnesses did admit that the Department did not even consider the possible adverse effects of the sale on domestic prices and supplies. FAS officials also admitted that other wheat sales in whose promotion the FAS participated—most notably one to Japan—had a markedly adverse effect on consumer prices here at home.

In 1972, we exported over $9 billion worth of agricultural commodities, while importing only about $3 billion worth. If our agricultural exports are doing so well, there should be no need to treat agricultural interests unlike other business enterprises. But the most important point is that trade associations which are presently receiving subsidies for promotional activities should bear the full cost of these promotions.

This promotion has come out of the taxpayers' pockets in two places, in taxes and then in higher consumer prices. I think that the promotional activities by the trade associations should be subject to the same marketplace demands as other businesses and ought not to receive preferential treatment from the Government at the expense of the taxpayers.

I have no quarrel with such other FAS activities as its worldwide agricultural intelligence and reporting and data services and its coordination of Department of Agriculture activities in the foreign field, and my amendment would not affect those items.

This amendment in no way limits the export of agricultural commodities. All that it does is stop the use of the consumers' tax money to promote sales by private traders to the detriment of food prices here at home.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can fully appreciate the intent of the gentlewoman from New York. I certainly believe that we should do everything we can to protect and to help the domestic consumer. The place where I differ is that this amendment, in my opinion, would have completely the opposite effect.

Farm income is volume times price less cost; a very simple formula. If we cut out the exports, or cut out the effort to make exports, by so doing we would cut down not only production in the United States but also the number of farmers producing food, because more and more people would quit farming.

Over the past 10 or 12 years we have had some 400,000 or 500,000 people leave the farm each year. More and more of them will be leaving if we reduce exports, because by reducing exports we lessen volume, and a lesser volume multiplied by the price less cost will mean less income.

Farm income now has gone down, so that, compared to about 20 years ago, when it was 7 percent of the total income dollar, it is now down to 3 percent.

Farm return on the farm investment is down to 3.6 percent.

Let us not forget, we are dependent upon agriculture. The first thing we have to do for the consumer is to produce something for him to consume.

That is one side of it. Let us also look at it from a national standpoint. Our balance-of-payments deficit in 1972 was $13.8 billion. The biggest return we have, trying to keep pace with the rest of the world, is from agricultural exports which will be over $11 billion in fiscal year 1973. While this is not the sole way in which we provide exports, it is one of the prime ways by which we try to maintain a favorable balance of payments.

Exports are essential to American domestic production because the American farmer has to make enough money to stay in business. If we did not have an export market we would all be hungry in 60 days, in my opinion.

While the intention of the amendment is good, the effect would be just the opposite.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentlewoman from New York.

Ms. ABZUG. I want to make it clear that I do not disagree with a great deal of what the gentleman has said, but it has been my experience on the Government Operations Committee that there has been something very considerably wrong about the kind of promotion which has been taking place, with the aid of our money from the Federal agricultural services.

The private trade associations, that have inside information, the people like Mr. Palmby, who was with the Department of Agriculture and then with the Continental Grain Co., and before that with one of these trade associations, was in an interesting position to manipulate the wheat deal. They bought up the wheat from the poor farmers, and sold it at a tremendous profit to the Soviet Union. They were responsible for driving some very small farmers out of business, plus raising the price of wheat and meat for the American consumer.

I am merely saying that that kind of promotional activity is not a fit thing for the Government to be associated with. That kind of promotion and manipulation should come from the traders and trade associations in that business, and we should regulate them more.

They in fact are responsible for hurting the small farmers. I feel very strongly in favor of the rights of the small farmers. They have suffered. I am not suggesting by any means that this would in any way injure them.

I do not see why we should ask our taxpayers and our Government, through the Foreign Agriculture Service, to contribute money for deals that may ultimately sully them. The people with the big agricultural businesses, the operators, have enough money to promote what is necessary. I believe it is wrong to ask for this kind of an appropriation for them.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 2 additional minutes.)

Mr. WHITTEN. I wish to say again that I appreciate the feelings of the gentlewoman from New York. I would point out that Mr. Palmby is no longer with the Department, and was not with the Department when this happened.

Ms. ABZUG. That is right. He was with the Continental Grain Co.

Mr. WHITTEN. I do not know whether the gentlewoman heard my statement that I am in accord with the Russian wheat deal for a different reason. I do not know about the situation to which she refers, but I do know from testimony they sold about $1.1 billion worth of grain to Russia.

Russia agreed to take $200 million worth the first year, but the Department forgot to stipulate the total purchase should be spread over 3 years. I think that did a whole lot of damage to us, because they got the world's only supply of surplus food when we should have kept some of it for our own needs.

Mr. Chairman, I agree that mistakes have been made, but we should not cut our nose off to spite our face. If we are going to have continuing consumption by the domestic consumer, we have got to keep the people growing commodities, and in order to keep them doing that, we have got to continue the export of farm commodities.

Mr. Chairman, I believe the gentlewoman from New York (Ms. ABZUG) has good intentions in offering the amendment, but however good the intentions, the amendment should be defeated. I urge the House to vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

POINT OF ORDER

Mr. VANIK. Mr. Chairman, I make a point of order against the language found in line 13, through line 22, on page 20, on the basis that it is legislation in an appropriation bill.

The CHAIRMAN. The gentleman from Ohio (Mr. VANIK) makes a point of order against the language found on page 20, line 13 through line 22.

Does the gentleman from Ohio wish to be heard?

Mr. VANIK. Mr. Chairman, it is legislation on an appropriation bill. It clearly says, "The following corporations," meaning the Federal Crop Insurance Corporation and the Commodity Credit Corporation, "are authorized to make expenditures."

This is the work of the legislative committee, and I contend that this is legislation on an appropriation bill and that this ought to be handled by the Legislative Committee rather than made a part of the appropriation bill.

The CHAIRMAN. Does the gentleman from Mississippi (Mr. WHITTEN), desire to be heard?

Mr. WHITTEN. Mr. Chairman, I rise to make the point that the point of order should not lie. We have language in the original act to make this authorization, and by reason of repeating it in this act, that does not change the basic law. It is already authorized.

In this situation the committee is setting a ceiling rather than creating an authority. While we use the same words and repeat the same words, the committee has, in effect, set a ceiling, so I submit that it is not subject to a point of order, because it merely repeats the law which is already authorized.

The CHAIRMAN. Does the gentleman from Ohio (Mr. Vanik), wish to be heard further?

Mr. VANIK. No, Mr. Chairman. I will await the ruling of the Chair on my point of order.

The CHAIRMAN (Mr. Wright). The Chair has gone to the original source—the Government Corporation Control Act—to which reference is made on page 20 in this appropriation bill.

The Chair discovers that the budget programs transmitted by the President to the Congress under this act shall be considered and legislation shall be enacted making necessary appropriations as may be authorized by law for expenditures of such corporations.

Clearly there is no question as to the right of the Congress to include in this annual appropriation bill funds for these Government corporations, several of which are included in the bill.

It appears to the Chair that this is descriptive or introductory language only and that the language does not constitute change in existing law. Therefore it is in order, and for those reasons the Chair overrules the point of order.

The Clerk will read.

The Clerk read as follows:

Commodity Credit Corporation

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a–11, 713a–12), $3,301,940,000: *Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I of Public Law 480, 83d Congress, as amended, to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials, or commodities, so long as North Vietnam is governed by a Communist regime.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vanik: Page 21, line 9, strike out "$3,301,940,000" and insert "$2,301,940,000".

Mr. VANIK. Mr. Chairman, my amendment strikes from the Commodity Credit Corporation $1 billion of the appropriation which is sought by this appropriation bill.

I base this amendment on the fact that all of the information I have and all that I can glean from the report seems to indicate that the appropriation requested would be more than adequate to take care of the needs of the Commodity Credit Corporation.

I think an appropriation like this must be justified. I think this is one of the areas where this Congress can exercise some kind of control over the uncontrollable.

We have created over the years a whole maze of corporations in the Federal bureaucracy that operate within and without the Federal debt obligations of this country and which can commit the taxpayers of America at will. Faceless bureaucrats can decide how much to give, to loan, or to spend, and we fight desperately trying to control expenditures.

Mr. Chairman, I contend that every dollar, every dollar sought to support this replenishment of the Commodity Credit Corporation should be justified. We should allow enough but no more. I contend from what I have been able to determine from this bill the case has not been made for $3,301,940,000. I take this time to find out if those on the committee who have dealt more intimately with this issue can advise me and advise you, the other members of this committee, as to what justification they can give for this tremendous appropriation to the Commodity Credit Corporation.

I will be very happy to yield to the chairman of the committee to find out what justification he can submit.

Mr. MICHEL. Would the gentleman yield?

Mr. VANIK. I am glad to yield to the gentleman.

Mr. MICHEL. Let me say to the gentleman to try to attempt a $1 billion cut here is the phoniest thing you can possibly do and actually goes against the very purpose which I think the gentleman in the well would like to have this House accomplish.

There were times a few years ago when we were so far in arrears in restoring the capital impairment of the Commodity Credit Corporation that we were going back 6 or 7 years trying to determine what some of these commodity programs were costing us.

Only because Senator Holland in the other body and this Member insisted over the last 3 or 4 years that we completely restore the capital impairment of the Commodity Credit Corporation each year have we been able to tell Members of this House specifically what these commodity programs have cost us in the year immediately preceding.

Mr. VANIK. That is too late.

Mr. MICHEL. The money has already been spent and the gentleman will not have done a doggone thing with his amendment.

Mr. VANIK. How much more does this appropriation provide over and above the amount required? That has not been explained anywhere in the report, by the committee, or on the floor.

Mr. MICHEL. The gentleman does not understand the operation of the Commodity Credit Corporation.

Mr. VANIK. I certainly do.

Mr. MICHEL. In this particular instance——

Mr. VANIK. I have served on the legislative committee dealing with the corporation.

Mr. MICHEL. We are paying after the fact, it is not a question of paying up this year to be able to have the Commodity Credit Corporation programs operate next year.

Mr. VANIK. The language of the committee report says that this will provide more than a sufficient leeway. That is the committee language. How much more?

Mr. MICHEL. If the gentleman from Ohio wants to attack this, then this is not the place to do it.

Mr. VANIK. This is the place to do it.

Mr. MICHEL. They were capitalized at $14.5 billion—and I will stand corrected, and the Clerk has just nodded in the affirmative. If the gentleman from Ohio really wants to attack this——

Mr. VANIK. How much surplus is there provided in this appropriation?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. Vanik).

Mr. Chairman, I recognize that all of us in the Congress, including myself, do not have the time to read all of the hearings. We printed nine volumes of hearings on the bill this year. Many of us just do not have time to read all of the hearings. But I would suggest to the gentleman from Ohio that when the gentleman does have enough time that he should read volume 9. It brings forward the hearings from 1956 to 1957, which discussed the Commodity Credit Corporation.

The Commodity Credit Corporation originally was organized under the laws of Delaware, and then it was reorganized later on by an act of Congress. That Corporation was authorized to incur an indebtedness of $14.5 billion to carry out its functions.

Among other things, it provides money for certain food programs that go to our various schools, price support programs, and so forth. But the Corporation has certain obligations fixed by law that it has to do. It buys commodities at prices by and large which enables farmers to keep producing them, and then it sells or trades these for what the traffic will bear. It has a borrowing authority of up to $14.5 billion, as I say.

If and when it uses up that money we have two things we can do. We can get money from the sale of commodities which it has, and we can get it by increasing their borrowing authority from $14.5 billion to an even higher figure, or we can restore their imbalance so that the corporation will stay solvent. So, were we in effect to reduce this appropriation by $1 billion then they would have that much less to meet the obligations they have to meet that are fixed by law. And, mind you, I think that would be a very unwise thing to do indeed.

As I say, this is a very complex matter. Just as I do not profess to understand the whole of the tax bill—and I might add that I served on the Committee on Taxation in my State legislature years ago. But in this area of CCC financing it is even far more difficult to understand. It is very complex, and this is one of the areas where one would have to work with it for years to fully comprehend all the ramifications.

As I say, the Corporation has certain obligations incurred. It is impossible to accurately predict what the Corporation will incur in a particular year. For instance, we have had water standing on the ground in my area for a long time. So I would say to the gentleman from Ohio that his amendment would weaken the Corporation in its ability to carry out the responsibilities which are required of it by law. I plead from the bottom of my heart that we not do that, and I am sure that that is something that my colleague, the gentleman from Ohio, would not wish to happen.

Mr. VANIK. If the gentleman will yield, even with all of this colloquy I fail to find out what the specific needs of this particular Corporation to provide the Corporation with precisely what it needs to pay its obligations. What is the amount? What do we need in the Commodity Credit Corporation to pay off their debt obligations that have been accumulated?

What is the exact amount? It is certainly something different than $3,301,940,000. They must have a little gravy in there. I want to know how much there is beyond need.

Mr. WHITTEN. Let me say to the gentleman from Ohio that the gentleman may make all the points he wishes to, but it ends up with this, that the Corporation has an obligation fixed by law, and nobody knows what the obligations will be until they are incurred. Once they are incurred, then they can tell us what they need for restoration.

Mr. VANIK. But this bill says net realized losses sustained in prior years but not previously reimbursed. What is the exact amount needed to do that?

Mr. WHITTEN. $3,457,409,000.

Mr. ANDREWS of North Dakota. I think the easiest way to explain this is to say this is appropriating after the fact. This is really what it says. It is restoring the capital impairment. It is restoring the money that the Commodity Credit Corporation has spent in the last year or two because programs have been mandated to it by the Congress, and unless we put this money back, we run a bigger and bigger deficit, and we get, as our colleague, the gentleman from Illinois points out, less able to determine just what the program has been doing recently. This is why the decision was made to bring it up to date.

Mr. VANIK. Can the gentleman tell me what the amount of the leeway is in this appropriation?

Mr. ANDREWS of North Dakota. The leeway is absolutely not there. The amount that we put in was the amount we felt was spent during the last year, so we reinstitute and update not a surplus, but just up to the level of $14.5 billion that is supposed to be in there. As I recall it, this was our best estimation of what had been spent during the past year. It is appropriation after the fact of what has been spent.

Mr. VANIK. Will the gentleman tell me whether there is any money in the Commodity Credit Corporation appropriation for export subsidies paid under the Commodity Export Payment Program? Do they come out of the corporation?

Mr. ANDREWS of North Dakota. Yes, there is. Actually this is part of what is being reinstituted, but this money was spent under the law the Congress had passed some time before, and we had to restore the money that was spent under that program.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, we tried to point out that this represents what we have tried in some cases to support—domestic prices received, making them somewhat comparable to labor and industry. Then when we sell in world markets, we sell at world prices, and this figure represents the difference between the two prices. What we will do next year is anybody's guess. With all of that, I repeat again the farmer's net return is 3.6 percent of his investment.

Mr. VANIK. Mr. Chairman, this is the information I was endeavoring to elicit during general debate. Since I could not get it, I decided I had better proceed with the amendment process in an endeavor to get the facts.

Mr. WHITTEN. I hope the gentleman is satisfied with the explanation.

Mr. ANDREWS of North Dakota. I think it is worthwhile also to point out that if it had not been for the Russian wheat sale that has been mentioned so often, the amount of money needed to restore the capital impairment might well have been, it is estimated, $900 million to $1 billion more, because the Commodity Credit Corporation has not been obligated to pay as much as it would have if we had not made the sale. We made a profit from a number of Commodity Credit Corporation stored commodities as a result of that sale, so the sale resulted in a net saving to the Government.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 21, line 17, insert the following sentence: "No funds appropriated by this act shall be used to repay the Commodity Credit Corporation for export subsidies paid under the Commodity Export Payment program."

Mr. WHITTEN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. VANIK. Mr. Chairman, the amendment provides a limitation clearly.

What I seek to do here is simply to limit an appropriation under this act. I was just told by the ranking Republican member on the committee that export subsidies are paid out of the Commodity Credit Corporation. This language is an effort to restrict payment of export subsidies out of the Commodity Credit Corporation. Frankly I feel it is a great burden on the taxpayers of America to pay export subsidies, to sell American agricultural products abroad when the result is to reduce the supplies in this country below the adequate need and when the result is to increase the consumers' prices throughout the United States. I think export programs are fine and they are in order, but I think when they cause these two things, when they increase the domestic prices and when they reduce the domestic supplies below a peril point, I think it is cruel and unwise to use the taxpayers' money to subsidize the exports which have this dual effect of increasing consumer prices and reducing supplies that are needed at home.

Mr. WHITTEN. Mr. Chairman, I withdraw the point of order and I rise in opposition to the amendment.

Mr. Chairman, this is a continuation of the discussion we had with the gentlewoman from New York who offered an amendment on a more restricted basis but directed to the same thing.

Years ago we created the Commodity Credit Corporation for the purpose of trying to keep some balance for the farmer in this Nation where we have the minimum wage and the right of labor to organize and to strike and where industry can have a markup over its cost. It was thought after the great depression that we had to have something in the law to protect the purchasing power of those who engaged in agriculture. The Commodity Credit Corporation had the duty—and not the right but the duty—to go in and support prices at certain levels and buy up surpluses and try to maintain the purchasing power of those engaged in agriculture.

When the Corporation buys up supplies in our country so as to keep a somewhat fair comparison between industry and agriculture, the only way we can move the exports is to sell them for what the world will pay. There is a price difference. The Commodity Credit Corporation picks up the tab for the differential.

I say we cannot sell abroad unless we sell at world prices. We cannot produce in the United States where we get more per hour than is paid per day in Mexico except through some means such as this.

I say this: However good the intentions are here, to cripple the organization or the Corporation which keeps that balance which is so essential to our overall well being, to cripple that Corporation at this point will be the most serious thing I can think of.

Mr. Chairman, I respectfully suggest the amendment be defeated.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, if I understand the situation, the funds in this bill which go to the Commodity Credit Corporation are to reimburse CCC for obligations already incurred. Is that not correct?

Mr. WHITTEN. They are, and perhaps I did not carry my point as far as I should. If we do not restore these funds and we have surplus crops, the Corporation might get caught short and not be able to do what the law says it must do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $150,000,000 to remain available until expended, pursuant to section 306(d) of the above Act, of which $120,000,000 shall be derived from the unexpended balance of amounts appropriated under this head in the fiscal year 1973, largely to meet the expanding need for areas not now covered.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 26, strike out lines 16 through 22 and on page 27 strike out lines 1 and 2.

Mr. MICHEL. Mr. Chairman, members of the committee, it is my purpose here to knock out the $150 million item which appears in here for rural water and sewer grants.

Some Members of this body wanted to force the Department of Agriculture to reinstate the rural water and sewer grant program in the Farmers Home Administration. The Members will recall that legislation was passed to that effect, and the President vetoed it. Members will further recall that those who favored restoring the grants then were unable to muster enough votes on an override, but suddenly the measure is with us again, this time through the back door in this Department of Agriculture appropriation bill.

The facts are really unchanged. The grant program was one of several lower priority programs eliminated by the administration to avoid illegally exceeding the budget ceiling which also was set by the Congress.

No one suffered from the fact that the grant program was taken from the Department of Agriculture. Under the Clean Water Act, communities are eligible for grants up to 75 percent of the construction cost of water and sewer systems. Under the Farmers Home Administration program, they can obtain only 50 percent. Rural communities in my district are not so stupid but that they would rather have 75 percent than 50 percent grants any day.

The Environmental Protection Agency also is authorized to deliver block grants to the States. This allows local people to set their own order of priorities and to work which best fits local needs and conditions.

Revenue sharing is another source of Federal funds for communities which decide to go this way.

And Farmers Home Administration will continue to have a loan program for those communities unable to obtain necessary financing to repair or develop urgently needed facilities.

I think the recent record for the sewer and water loans made by the Farmers Home Administration was:

In 1969, there were $164 million plus. In 1971, it was $261 million plus. In 1972, it is practically $300 million.

In 1973, it is $400 million and the administration has requested an increase of $100 million over that in the coming year.

A grant program which taxes the Nation in order to reduce the sewer and water bills for a few, it seems to me, is unjustified. The presence of another Federal water and sewer grant program may delay the construction of these facilities when localities, which otherwise would finance the cost of their own, choose instead to wait in line for a Federal grant.

In our report, on page 46, we make mention of the fact that there was only some $30 million actually released from earlier appropriations of $150 million, so there really is a carryover of $120 million, or a reappropriation of that amount, together with the $30 million, making $150 million. It just seems to me that here is an opportunity for us to vote for a significant reduction in this bill of $150 million and really not do violence to the water and sewer programs out in the rural areas, where adequate loan funding from other sources is available.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know of anyone in the Congress I have enjoyed working with more than my colleague from Illinois. In my early years, when I was 21, I went through his area, to attend a Democratic Convention. It is one of the finest areas in the world. I enjoyed spending the night there. I realize how he could not understand what is needed in so much of the United States. They have so much abundance in his area, natural resources, fine soil, and all those things.

But there are many, many areas of this country where unless the people can get water systems and sewerage treatment systems they will have to move away and crowd our cities even more.

I have this problem in some of my area. It is not Appalachia, but some of it is on the tailend of Appalachia. We have lost some 8,000 or 10,000 people from agriculture there in the last 10 years, but we have not lost the people.

Most of these rural water systems, which require grants with which to build them, are needed. The reason for the grants is that those people live scattered all over the countryside, and these water and sewerage systems run along the highways. When they build these water systems along the highways, there are very few houses there, and they almost have to have a grant to get them built. The minute they get water and sewer systems, all of the houses then are built along the highway, and very soon it is a going proposition.

Under existing law, if you delete the funds in this bill, the Environmental Protection Agency has the authority to make grants to this kind of area, but has to make them through the Governor's office. One out of a hundred will get a grant, and the other 99 will not.

This is in the area of the Farmers Home Administration, which brings it back home. If there is anything in this bill that will pay dividends 2, 3, or 4 years from now, it is this program.

When the grant program was ended, impounded, or reserved, or whatever anyone wants to say about it, by the administration, the expansion dropped off just like that.

I have not had any way to check the figures as to those moving to town, but I know it must have speeded up, when the administration stopped the program.

I believe that our friend has done many fine things to improve the provisions of the bill, but he has acted wrong in offering this amendment, and I hope the Members will vote the amendment down.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The amendment is saying that if we do not appropriate the money in this bill and meet the rural areas' problem they will be met by HUD money. The administration cut that back also, and if they have to divide the funds they will have less for the big cities also.

Mr. WHITTEN. I thank the gentleman.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I rise in opposition to the amendment.

I want to give an example of what can happen. There is a small community in my district called Menlo, with a population of about 350 people. They put in an application for a water and sewer grant. They were told it should be under revenue sharing, and that this is the way to approach it. The community was entitled to $1,200 a year under revenue sharing. The total cost of the project naturally exceeded this amount and if my people were to benefit under the guise of revenue sharing they would have to live approximately 434 years to obtain sufficient money to complete the project.

We always pride ourselves on longevity in Iowa, but I do not believe that anyone there will live that long.

I am saying, simply, that for the small communities we have to do it this way, because they are excluded under the EPA formula. Certainly the Governor of any party, politically motivated, is not going to pay much attention to a small community of 350 people.

Mr. WHITTEN. Mr. Chairman, I hope we vote the amendment down.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. GROSS. Mr. Chairman, I wonder if we should worry too much here today about the amount of this bill. Only yesterday, the House with the greatest of ease and glee, passed the Arts and Humanities bill which was nearly double the spending for the previous year, and that had the blessing of the Nixon administration. Why not double this bill?

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, that would be far too much.

Mr. GROSS. I did not understand the gentleman.

Mr. MICHEL. I said that I believe that would be far too much.

Mr. GROSS. If the House was so fiscally irresponsible as to double that bill yesterday why not double another?

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. It all depends on how much money we are talking about. I supported the gentleman from Iowa (Mr. GROSS) yesterday, and voted against my administration. I thought it was a bad choice by the administration.

Mr. GROSS. Mr. Chairman, I can only wonder why there are not more Members with amendments to increase this bill in view of what happened yesterday. And before they get through with the other body and the "humanities bill," perhaps they will be inspired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $5,000,000, to remain available until expended: *Provided*, That this appropriation is not available after September 30, 1973, unless the authorizing legislation is extended.

AMENDMENT OFFERED BY MR. LEHMAN

Mr. LEHMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN: On page 27, line 7, strike "$5,000,000" and insert in lieu thereof "$25,000,000".

Mr. LEHMAN. Mr. Chairman, back in the 1930's I was a collector for a finance company, and I collected a lot of bills. I went out and visited the places where these people lived, and I saw how they lived.

Recently I went back down to my same area to investigate the typhoid epidemic, and these people were living in the same kind of squalor—and that is the only word you can use to describe it, "squalor"—as they have lived in for years. This type of living conditions is the only kind available for people who engage in migratory agricultural labor. As far as I was concerned, the typhoid epidemic did not constitute the main problem; it was strictly the housing problem. They had homes that were only shacks; many of the people in that area sleep in automobiles.

Mr. Chairman, the question of public health deals with people who are involved with the picking of the vegetables and the food that we eat, and I think public health is an essential expenditure for this country to be involved in.

Mr. Chairman, I could not in good conscience approve of the sum of only $5 million for this particular portion of this bill. I think $25 million sounds like a better figure. It is five times the amount of the appropriation for this, but to me, in relation to what we are spending in other areas of agriculture and forms of priority, this amount of $25 million to enable the people who are involved in our food supply in this country is not out of line.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman from Florida (Mr. LEHMAN) yield?

Mr. LEHMAN. I yield to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the gentleman's amendment.

I would like to say, as the chairman of the Subcommittee on Agricultural Labor of the Committee on Education and Labor, that we have held hearings, including hearings earlier in this year in Florida, involving the typhoid epidemic. As a resident of the State of Michigan, I am conscious of the fact that in our State, without the supply of migrant workers—we are the third largest employer of migrant workers in the country—without that supply, the principal cash crops we have in agriculture would not amount to very much.

Without that supply the principal cash crops we have in agriculture would not amount to very much because they would not be harvested. We have come through the war years without having that supply impeded. We know from first-hand experience what would happen if the supply of migrant labor that comes from other parts of the country and into upper Michigan in the later parts of the season were impeded or stopped somewhat in its flow. This flow is impeded largely because, among other things, living conditions of the migrant workers and their families in many parts of the country are not what they should be. In Florida, for example, where the typhoid epidemic broke out, among other problems, was the fact that here was a federally supported migrant labor residential area which had more than twice as many people living in it as it was designed for. There was no way in the world that they could have maintained safety and sanitation under those circumstances. Over 200 people were diagnosed as typhoid cases. We are told by the doctors there that at least 25 percent of them will be more or less permanent typhoid carriers. I would like to suggest to many of you gentlemen that a lot of them will be in your States and mine before the end of this agricultural season. They will be carrying with them the potential for a typhoid epidemic in any one of our States which does not have adequate sanitary living conditions to accommodate them while they are there.

This program was passed a number of years ago by the Congress, and it has been very badly underfunded, and in my opinion it has been poorly administered by the appropriate agencies of the Department of Agriculture. However, it is not too late now for us to respond and do something. I believe Congressman LEHMAN's suggestion would actually put the appropriation in line with what we have authorized in the past but not spent.

Mr. Chairman, this amendment would raise the level of appropriations for Rural Housing for Domestic Farm Labor programs from $5 million to $25 million. The funds would be used to provide financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended.

Mr. Chairman, Congress has authorized a total of $50 million for these programs. To the best of my knowledge we have appropriated over the years less than half of this, and the current authorization is due to expire on October 1 of this year.

Meanwhile, there are more than $40 million worth of grant applications pending before the Farmers Home Administration.

In spite of this, the administration has requested no funds for this program for fiscal year 1974, and it has frozen or impounded over $1.340 million of the funds we appropriated for fiscal year 1973.

However, the committee has refused to accept the administration's lack of concern for this major problem and has recommended that we appropriate a sum of $5 million for the coming fiscal year.

Mr. Chairman, I commend the committee for its action. I personally do not feel that $5 million is adequate and I hope a majority of my colleagues here today will agree with me in this regard. But I do know the difficulties involved in appropriating funds that the administration refuses to request, and I would like to say that the committee has certainly taken a meritorious step by ignoring the administration's desire that no funds whatsoever be made available.

Mr. Chairman, as chairman of the Subcommittee on Agricultural Labor, which has jurisdiction over matters dealing with agricultural workers and their dependents, it has been brought to my attention time and time again that housing is the number one problem of our migrant and seasonal workers. The conditions under which these hardworking people are forced to live are nothing short of a national disgrace.

Based on information I have received in the form of testimony before the subcommittee, from on-site staff investigative reports, and from various other communications from all over the country, I think the following account rendered to my subcommittee by a farmworker is a fairly accurate description of the situation which now prevails.

The worker told us that:

> The houses are two rooms, no screens on the windows. One of the houses don't even have a window in the entire house. And, the ceiling and the roof all fall in. And this is not, you know, this is not just an isolated case. But it is common. The rats and roaches and everything imaginable. You sleep, and when you wake up in the night, the roaches fall off the roof and on your face.

Aside from the fact that the current situation is causing thousands, if not millions, of Americans to live in conditions of filth, we should be aware that this is a problem which can affect the welfare of our country as a whole.

Perhaps the most cogent illustration of this is the typhoid epidemic which occurred earlier this year in Dade County, Fla., in which nearly 200 confirmed cases of typhoid were reported. This was clearly the most serious epidemic in modern history.

We have been advised by both the U.S. Department of Agriculture and the Government Accounting Office as to the seriousness and importance of the housing crisis which now exists.

The U.S. Department of Agriculture, in a publication entitled "Housing for Migrant Agricultural Workers," states that—

> When migrant workers are improperly housed . . . the entire community suffers. The health and welfare of the individual worker is, of course, of great importance, but, because of the interaction of the worker and the welfare of the Nation, these needs become of interest to all. . . . Therefore, good housing for the migrant worker is a necessity.

In that same report, the USDA tells us that—

> An estimated 750,000 to 1,000,000 domestic farmworkers and family members now migrate each season. This mobile labor force requires approximately 2.5 million bed spaces.

This report, incidentally, was issued prior to the time that this administration froze all existing funds for farm labor housing programs, and subsequently declined to request any additional funds for the coming fiscal year.

In a report issued in February of this year, the Government Accounting Office had this to say about the areas it surveyed:

> In each area, low-cost, safe, decent, and sanitary housing available to migrant and other seasonal farmworkers was in short supply and few houses for farmworkers were being constructed.

It said that over the 10-year period since the housing programs began, we have provided housing for about 470 families and 345 individuals on an average annual basis. Yet the population of migrant and seasonal farmworkers numbers in the millions.

The GAO recommended that the Secretary of Agriculture require the Farmers Home Administration to "assume a leadership role in providing decent, safe, and sanitary housing to migrant and other seasonal farmworkers"—under programs authorized by the Housing Act of 1949, as amended—the act for which we are appropriating funds today.

Mr. Chairman, the evidence is overwhelming. Five million dollars is just not sufficient to do the job. It has been estimated that the administration's cutbacks have already caused the loss of nearly 20,000 new housing units in fiscal year 1973 and approximately 77,000 units which could have been available in fiscal year 1974.

This trend must not only be stopped, it must be reversed—and we can only do so by appropriating the funds provided by this amendment.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman.

Mr. SMITH of Iowa. I do not deny a bit the need for housing in all rural areas. I have supported it in the past and probably will support this amendment, but I want to point out that what we are really doing is subsidizing those growers you are talking about.

I noted a while ago both the gentlemen voted for a $20,000 limit on loans and payments to growers of basic commodities. In effect, Government-furnished housing for migratory workers is a subsidy for growers of nonbasic commodities such as fruits and vegetables. Those growers do furnish such housing in many parts of the country. Having such housing available permits them to secure transient workers at less than they would need to pay local workers in many cases and thus a program promoted by very well meaning persons in effect helps to continue a migratory labor program on a larger basis than otherwise would be possible. When the Government builds the housing for them instead of the growers being required to furnish it themselves, it, in effect, lowers their cost of labor. Payments to people who live in the community includes the cost those people must pay for housing but with free housing for transients they can be hired for less. In that respect this is as much a subsidy or more so and to a greater extent for some growers of nonbasic commodities than what the gentlemen voted to limit for basic commodities.

Mr. LEHMAN. Mr. Chairman, I decline to yield further.

I would like to point out the $5 million in this bill, if it were spread out among 50 States, comes to $100,000 per State, which would build about 10 units per State. It is certainly not in line with the needs of this country. I would like to say that this $25 million I am requesting is only equivalent to 1 week's bombing in Cambodia, and by far this is a much better thing.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I, too, can appreciate the problem presented here. However, may I point out the committee added the $5 million over the budget estimate. The budget provided nothing. It is not proper to divide the amount by 50. In my State, for instance, we do not use transient workers. There were years when they did use them and they are welcome again, but they do not appear to come through there. So there is not this problem in my area. These funds are used principally in two or three States.

In many States the big operators will deed some land to a nonprofit corporation which will put the houses up. In many instances it is a case of using Government funds to build housing for private landowners. The Office of Management and Budget cut it out entirely. Our committee after holding hearings tried to write some restrictions into the program so that the Department can make an examination to be sure that the housing is really used for transient labor. We decided that we should put $5 million in the bill for the program. We wanted to make sure it would not be a case of the Government building housing for landowners.

As meritorious as many of these programs may seem to be, if we were to multiply all of them by $5 million, multiply all the good things in this bill—then I guess the bill would be for $150 billion, because everything in this bill is good.

I thought the gentleman from Florida (Mr. LEHMAN) was going to compliment the committee for putting the funds in the bill because they were not in the budget.

Mr. Chairman, I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. LEHMAN).

The question was taken; and on a division (demanded by Mr. LEHMAN) there were ayes 31, noes 55.

So the amendment was rejected.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to have the attention of the gentleman from Mississippi (Mr. WHITTEN). I would point out that in an earlier colloquy with the gentleman from Mississippi I asked for the meaning of the language appearing on page 2, line 13, which says: "not to exceed $15,000 for employment under 5 U.S.C. 3109."

The gentleman from Mississippi responded that this was for appropriations for consultants for the departmental office, and that there were other such appropriations in the bill. Indeed there are. I have gone through the bill, and I have counted 22 of them, totaling some $1,733,000.

But the language which disturbs me greatly is found on page 45, if I may call the attention of the gentleman to line 11 and line 20.

In line 11 it says:

> . . . including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 but at rates for indiivduals not to exceed the per diem rate equivalent to the rate for GS-18, . . .

The salary for a GS-18 is $36,000, I believe.

This looks like it is for chauffeuring or transportation services, I am not sure which, but I wonder if the gentleman from Mississippi would explain the meaning of that language and the language beginning on line 20, which says:

> . . . services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $29,600,000 . . .

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, may I say that the first reference relates to the Consumer Product Safety Commission. This is a new Commission. It has a tremendous amount of responsibility, and the interest in it is great.

As to the information that is requested, I would point out that it includes two things, it says the hire of passenger motor vehicles and services as authorized not to exceed the per diem rate for GS-18. It does not specify an amount for these two items. The $30.9 million is the sum total that goes to the Commission for all its activities. The law that created the Consumer Product Safety Commission is so broad that it has the ability to issue safety standards covering more than 10,000 consumer products.

I was very much impressed with the people on the Commission. I was very much impressed with their levelheadedness. They were largely brought together from a variety of agencies, and then they took on this additional load. I am saying that any group that we put in charge of consumer product safety in the United States, with the right to issue up to 10,000 regulations, could bring this Nation to a standstill if they are not informed and do not act judiciously.

I hesitate to try on the floor—I would be glad to look into it further—to raise any questions, but I would hate to see any restrictions imposed here, because if a man in a group like this could impose 10,000 regulations on business and on the consumer and on industry, and on anything else, I would want him to be fully informed, and this money will help him hire, on a temporary basis, the best consultants available. When you consider the tremendous impact of these decisions, we should do nothing to prevent the Commission from obtaining the best available advice. I hope the Members will go along with this.

Mr. WYLIE. I thank the gentleman. I too, am having trouble understanding the language to which I referred, and this is really why I asked the question. $30,900,000 is a considerable amount of money for the Consumer Product Safety Commission and not know what it is for. The section begins, "For necessary expenses" but then modifying language says, "including hire of passenger motor vehicles and services at rates for individuals equivalent to the rate for GS-18."

That certainly would not apply to chauffeurs, or to what does it refer?

Mr. WHITTEN. The authority, as I say, is the issuance of 10,000 regulations which just ties us all into a knot if they are not carefully drawn with all consideration of the facts. These funds can be used to hire the consultants necessary to get the facts.

I can assure the gentleman that when he looks at the nine volumes of hearings that I take my job as seriously as do the other members of this subcommittee, and the point the gentleman raised will be followed up.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL DEVELOPMENT INSURANCE FUND

For loans to be insured, or made to be sold and insured, under this Fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664, as follows: water and sewer facility loans, $445,000,000; industrial development loans, $20,000,000; and community facility loans, $10,000,000.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: Page 28, line 1, after the comma strike out "$20,000,000" and insert in lieu thereof "$100,000,000".

And on page 28, line 2 after the comma, strike out "$10,000,000" and insert in lieu thereof "$50,000,000."

Mr. WHITTEN. Mr. Chairman, this Congress last year passed legislation—and the country seemed to be well pleased with it; many folks ran on it; the President had much to say when he cited it—providing for rural development throughout America. At the time departmental witnesses appeared before us, however, it developed that the action programs that we had before such as rural electrification had been frozen; rural housing had been frozen; water and sewer grants had been frozen. So while we were presented with a new program with a nice sounding name, with a lot of money in the budget for it, this was at the expense of the ongoing programs that had proved to be successful and efficient.

We asked Mr. Erwin, who is a very able and capable man, what his plans were at that time, and he had no plans. We shifted the funds in the budget under the rural development program and put them in the action programs where the experience had been so satisfactory. This morning I met with Mr. Erwin along with my colleague from Arkansas and several others. We have worked out a plan for $100,000,000 which would go toward getting industrialization started in rural areas, and $50,000,000 will be available in the proper situations for community development.

So we think that with the new level of funding, this will get them off to a good start. I did not ask him point blank, but it is my opinion this would be in line with the thinking of the new Administrator, Mr. Erwin.

Mr. ALEXANDER. Mr. Chairman, I rise today in support of proposal of the gentleman from Mississippi (Mr. WHITTEN) to increase the funds in H.R. 8619 for community development programs in the Nation's countryside. Because of my concern that the Congress fund these programs at a level which could be expected to realistically move them forward toward their goals, I advised my colleagues yesterday of my intention to offer amendments which would bring the funds provided in this bill for industrial development loans and community facilities loans up to the levels requested in the President's budget.

I recognize and thoroughly agree with the view that the Congress must act to bring Federal spending under control. I realize that all segments of the Nation must carry their share of this load. But, I could not stand passively by and watch the citizens of our countryside be forced to shoulder such an disproportionate burden of budget restraint as was proposed in this bill.

The proposal being offered by the gentleman from Mississippi, while it does not provide all that we would wish, is, I believe, a realistic compromise.

With the approval of the Housing and Development Act of 1970, the Congress took a historic step by proclaiming a national growth policy. In this action the Congress established a national policy which says that the urban and rural problems are interrelated.

It recognized that when a poor, unskilled family pulls up stakes in the country and moves to the city in search of economic survival the result is more crowded classrooms, increased strains on health and social services, and, too often, added numbers to the bulging unemployment roles. The policy recognized that the solution to these problems must involve adequate community development in the countryside as well as renewal and remedial actions on behalf of the cities.

As a further step toward implementing its national, balanced growth policy, the Congress, last year, approved the Rural Development Act. The objectives of this act included:

Improving the quality of life of countryside residents to allow them to make a rationale choice of continuing to live in their home areas.

Making the countryside an attractive alternative place of residence for our citizens who seek a change of pace from high-pressure, city life.

Stimulating the creation of nonfarm employment by fostering community-based industries. It was hoped that new industries would be developed and that existing industries would look with favor on the prospect of locating new branches in the countryside.

Improving and expanding community facilities such as industrial parks, fire protection, community centers, and recreational facilities.

Assisting local communities in their efforts to expand and strengthen their economic bases so that they can move toward a situation in which they are self-sustaining.

Providing job opportunities and enough social development to reduce or eliminate the need many countryside residents feel to move to the cities in search of economic survival. This would aid in achieving the national objective of relieving the critical population pressures on the cities.

Passage of the Rural Development Act has raised great hopes across the land. These are hopes that once vibrant, still viable communities will be able to move back into the mainstream of the Nation's economy through redevelopment. These are the hopes of parents that their young will be able to use their skills and education to earn a living in their home communities if they wish. These are the hopes of the young for an opportunity to continue enjoying the familiarity of their homeplaces without making undue sacrifices in economic, educational, health, and recreation activities.

In declaring the national policy of balanced growth, the Congress said in 1970:

> The Congress finds that the rapid growth of urban population and uneven expansion of urban development in the United States together with a decline in farm population, slower growth in rural areas, and migration to the cities, has created an imbalance between the Nation's needs and resources and seriously threatens our physical environment, and that the economic and social development of the Nation, the proper conservation of our natural resources, and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the nation.

The amendment which we are considering at this time will be a major step toward achieving the sound, orderly, and more balanced development of areas of the Nation which have too often in the past received far too little attention.

It will help the Congress keep faith with the people who sent us here and to whom we gave hope with our approval of the Rural Development Act.

I urge that you vote in the interest of all our Nation's citizens and support this expansion of funding for industrial and community development in the countryside.

Mr. McSPADDEN. Mr. Chairman, I urge strong support for the amendment of the gentleman from Mississippi (Mr. WHITTEN). In my district June 5, 1971, dedicating the McClellan-Kerr Arkansas River Navigation System at the Port of Catoosa, Okla., President Nixon had high praise for the system, pointing out that "the new maritime States of Oklahoma and Arkansas can look forward to a whole new era of growth and development."

The President spoke at length about the financial benefits which would accrue to many sectors of the States and nations economy, pointing out that farmers would benefit two ways: Lower shipping costs coming in for fertilizer, machinery, and supplies, and lower shipping costs for crops and livestock:

> In that way, farm income is boosted twice, and the benefits extend across America and around the world to everyone who depends on the beef, and the wheat, the cotton, the soybeans, all the other products of mid-America's agriculture. I believe that what is good for the farmer is good for his customers and good for America, and this project—navigation system—proves it. That's one big reason we're grateful to see this waterway go into operation.

The President further dwelt on oil and natural gas resources which have meant so much to Oklahoma and the industrial development of this country. He pointed out coal could be transported there on—

> All sorts of new industries are on the way, bringing with them new jobs, new income, new vitality for communities throughout this region. Private investment planned along the waterway has passed the $800 million mark and should soon exceed the $1.2 billion in public funds spent in construction of this project.

Looking at America 30 years from then, the President predicted 70 million more Americans—

> Now, how are we going to provide for them. How will we assure to them and the rest of us the abundance and quality of life which all deserve, and even more essential, where are they going to live. Are they going to add to the crime and congestion and the pollution that are choking our cities to death? . . . so I say, let people who want to live in the heartland of America have opportunities, have the jobs that will let them stay here and not be drawn away . . . You realize that over this next thirty years this region in which we're now standing could absorb as much as 10 percent of that growth, in other words seven million people. This region can become a new magnet for people seeking the good life, so that we can begin to see a reversal of the decades-long migration trend from rural America to urban America . . . a trend which has too often acted to deplete the countryside and overburden the cities to weaken the heart of America and add to the fat which saps our strength.

And there, Mr. Chairman, in the words of the President himself, is why Mr. WHITTEN's amendment must be adopted.

Again, Wednesday night, President Nixon said the Nation's productivity depends on the American farmer. By leaving nonprocessed farm products out of his 60-day price freeze, he recognized that the entire economy must depend on a growing rural America. We urge adoption of Mr. WHITTEN's amendment which will increase grants and loans for rural America so that the great heartland can grow and thrive as it must for America to continue its role in the world's market. Without a growing rural America, without adequate funds to build farms and farming communities, without adequate sewer and water systems, without growing businesses and industries, full productivity cannot be maintained. The President said the Nation depends on export of agriculture products as essential to the balance of payments. Rural America must be given the funds necessary for orderly growth and development. The Nation's economy demands it.

The President's Better Communities Act takes care of the needs of urban areas, if it is enacted; it is up to the Congress to see that the rest of the Nation has the same advantages to grow and prosper as does the urban areas, which are supported by the farmer and farming community.

Mr. Chairman, I urge support of Mr. WHITTEN's amendment.

Mr. WHITTEN. Mr. Chairman, so far as I know the members of the committee are in accord with the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2)(B) of the same Act, $5,000,000.

Mr. YATES. Mr. Chairman, I make a point of order against lines 4 to 12 on page 31 on the ground that it is legislation in an appropriation bill and for the additional reason that it requires additional duties by the personnel of the agency.

Mr. DINGELL. Mr. Chairman, I reserve a similar but different point of order.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

The gentleman from Illinois makes a point of order against the language on page 31, lines 4 through 12, on the ground that it is legislation in an appropriation bill.

Mr. YATES. And it provides for additional duties on the part of the personnel of the agency, which is obvious from reading the language referred to.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. WHITTEN. Mr. Chairman, I do, Mr. Chairman.

This is in line with the earlier point of order, but as pointed out by the committee this authorizes and repeats that which is in the law, and we have to provide an amount for preparation and so forth, and this is in line with section 102(2)(B) of the National Environmental Policy Act which states that all agencies of the Government shall do such and such, and it follows the language which we use in this bill. The Environmental Protection Agency, I respectfully submit, is an agency of the Government, and not only that it carries the name in its title, and being an agency of the Government it comes within the purview of the Environmental Protection Agency Act, and clearly we can make provision for funds for them to file the environmental impact statements required. For that reason I believe we are within the rule as outlined earlier here today.

Mr. DINGELL. Mr. Chairman, may I also be heard on my point of order?

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. I am sure the gentleman from Illinois will cite rule 21, clause 2. I will not burden the Chair with the reading of that. I would point out the following, that at page 470 of this year's edition of the rules there appears this language:

> Existing law may be repeated verbatim in an appropriation bill, but the slightest change of the text causes it to be ruled out.

I would point out, Mr. Chairman, that the Environmental Policy Act, section 102(2)(B) which has been referred to in the report and also which has been referred to by the gentleman from Mississippi provides that:

> All agencies of Government shall identify and develop methods and procedures in consultation with the Council on Environmental Policy established by title 2 of this Act which will insure that presently unquantified amenities and endowments . . . along with the economical and technical considerations.

I would point out that the language of lines 8 through 12 reads as follows, in part:

> Along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2)(B) of the same Act, . . .

This imposes upon all agencies of Government, but particularly upon EPA, which has another burden under the National Environmental Policy Act to do that, and the duty to file an additional statement which is not presently required by law.

Referring again to the House Manual of Rules, I would point out that, quoting from page 466 at the middle of the page:

> In the administration of the rule it is the practice that those upholding an item of appropriation should have the burden of showing the law authorizing it.

I submit to the Chair that the distinguished gentleman from Mississippi, who is my good friend and a very able member of this body, has not borne that burden.

Mr. WHITTEN. Mr. Chairman, after further studying the matter, I find that I am within my rights but was wrong in insisting on overruling the point of order.

There is language in the bill which makes it subject to a point of order.

To save time, I ask unanimous consent that from the language in the bill, we strike out on line 8 the words after "law," down through the word "producer," in line 10.

If we can strike that out by unanimous consent; otherwise I will offer an amendment.

Mr. DINGELL. Mr. Chairman, I withdraw the point of order.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that those words be stricken.

The CHAIRMAN. The Chair understands that the points of order have been withdrawn. The unanimous consent request of the gentleman from Mississippi is that the words be stricken on page 31, lines 8 through 10, beginning, "along with," and concluding with the word, "producer."

Mr. DINGELL. Mr. Chairman, I do not believe that is the request. It all goes right down to the end of the line; am I not correct? The gentleman's unanimous consent request was to strike beginning at line 8 on page 31, beginning with the word "along," down through the word "Act." That is at the end of line 11.

Mr. WHITTEN. Mr. Chairman, inadvertently my request did not cover that, but at this point I do cover that and ask unanimous consent that those words be stricken through the word, "Act."

The CHAIRMAN. The Clerk will report the unanimous consent request.

The Clerk read as follows:

Page 31, line 8: Strike out "along with a statement setting forth the economic, including the increased cost to the consumer and the producer, and the technical considerations as specified by section 102(2) (B) of the same Act, . . ."

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

In order to assist my good friend, the chairman of the subcommittee, the gentleman from Mississippi, I would like to stress that it is the intention of the national environmental policy, environmental impact agreements should include, among other things, a clear statement of alternatives including such things as cost to consumers and producers and technical considerations.

I do this simply to make appropriate legislative history, to assist my good friend from Mississippi so that we can have a good legislative history.

Mr. WHITTEN. Mr. Chairman, I appreciate my colleague saying that, because while technically the language was out of line, the statement made by the gentleman from Michigan was very appropriate. I appreciate his saying that.

Mr. DINGELL. Mr. Chairman, I am sure this language now will be construed in the light of the very broad provisions of section 102.

Mr. WHITTEN. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft and the purchase of not to exceed one for replacement only; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $154,175,000, to remain available until expended, of which $13,000,000 shall be derived from the unexpended balance of amounts appropriated under this head in fiscal year 1973.

Mr. YATES. Mr. Chairman, I have a point of order to the lines 1 through 7 inclusive at the top of page 32. Is this the proper time to present the point of order?

The CHAIRMAN. The Clerk has not yet reached that language.

Mr. YATES. It is a part of that section, Mr. Chairman.

The CHAIRMAN. The Chair will protect the gentleman.

The Clerk will read.

The Clerk read as follows:

For an amount to provide for the testing and review of chemical substitutes prior to banning or restricting the use of any chemical by the Agency, not determined to be an imminent hazard to human health, so as to determine in advance that a substitute chemical is available that is not more harmful to humans and the environment than the chemical to be replaced, $5,000,000.

POINT OF ORDER

Mr. YATES. Mr. Chairman, I wish to make a point of order against the language on the grounds that the language is legislation on an appropriation bill and for the additional reason that it provides for additional duties on the part of personnel of the agency not covered by present legislation.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. WHITTEN. Mr. Chairman, we have a rather tenuous, if I admit that, position that this does not require additional duties, because most of the things said here are required under basic law. However, I do not intend to present a tenuous argument to the Chair.

At this point I want to say that our report calls on them to make these determinations and the Environmental Protection Agency insists and recognizes it should. However, I cannot insist that the point of order should not be well taken.

Mr. YATES. I thank the gentleman.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. WHITTEN. I do, Mr. Chairman, but I have an amendment to offer.

The CHAIRMAN (Mr. WRIGHT). The point of order is conceded and sustained.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: On page 32, line 1, insert:

"For an amount to provide for research on and testing of substitute chemicals, $5,000,000."

Mr. WHITTEN. Mr. Chairman, the amendment speaks for itself. I believe the reasoning for it is well understood. I ask that the amendment be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

I find in this bill, I will say to the genteman from Mississippi, in at least three places, this language in relation to the hiring of individuals:

The rates for individuals not to exceed the per diem rate equivalent to the rate of GS-18.

That is the top of the classified service. How many of these individuals are proposed to be hired under the various provisions of this bill? The number is unlimited as to those that I have discovered so far.

Mr. WHITTEN. May I say to my colleague from Iowa that in this instance the committee has gone along with language recommended by the Office of Management and Budget in the President's budget.

In these periods of difficulty of finding experts in this field I recognize good salaries must be offered to get scientific help. Whether we are right or wrong in going along with the Office of Management and Budget in setting that amount I do not know, but the language was not prepared by the committee. We did go along with the Office of Management and Budget as to what rates would be required to get the class of personnel we ought to have.

May I say that in this area they had so many temporary employees that we scaled them back by $3 million below the amount of money they requested. We did feel that without more knowledge than we had we could not drop back the rate.

I would be glad to assure the gentleman from Iowa (Mr. GROSS) that we could go into that field next year, but that is the situation as it stands.

Mr. GROSS. Of course, by next year, if they are able to hire an unlimited number of individuals at the rate of $36,000 a year, it will come much too late. We are trying to maintain some kind of control on the supergrades in this government, but I do not see how it can be done if these agencies, new and old, are going to be permitted to hire unlimited numbers outside the Class Act at the GS-18 rate. If that is permitted, there will be no stopping of this thing.

Mr. WHITTEN. Mr. Chairman, may I say to my colleague, the gentleman from Iowa (Mr. GROSS) that I could not agree with him more. I know the gentleman has had long experience in this area, and we have had this experience under four or five different Presidents.

In this instance, may I say that I hope on my part that something can be done, but I do not know what we can do about it here intelligently; I just simply do not have any information.

I also have knowledge here that this committee has a problem as far as the Environmental Protection Agency is concerned. Some people call it a very real need, and it is a need we all recognize, but it makes it extremely difficult for us to use our own best judgment on some occasions, in that we yield to the tide so that at least someone will not say that we held back that which they actually needed.

Mr. Chairman, I think the Environmental Protection Agency and the other agencies are doing a good job, but we have given them too much to do. We have been a little slow in trying to restrain them as far as personnel, because we did not want to give them the excuse that they could not hire qualified personnel.

Mr. GROSS. Mr. Chairman, I appreciate the response by the gentleman from Mississippi (Mr. WHITTEN) but I have the feeling that by this time next year we are going to have a horde of individuals, especially in these new agencies, at $36,000 a year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ABATEMENT AND CONTROL

> For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; to remain available until expended, $251,100,000, of which $5,700,000 shall be derived from the unexpended balance of amounts appropriated under this head in fiscal year 1973.
>
> For an amount to provide for a complete and thorough review, analysis, and evaluation of the Environmental Protection Agency, its programs, its accomplishments and its failures, and to recommend such changes, cancellations, or additions as necessary, to be conducted under contract with the National Academy of Sciences, $5,000,000, to remain available until expended.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, at this point I make a point of order against the language appearing at lines 20 through 24 on page 32, and on through the first two lines of page 33.

The reason for my point of order, Mr. Chairman, is twofold. First, this is legislation in an appropriation bill; and it constitutes an appropriation of funds not previously authorized by law.

So that the language referred to is again violative of rule XXI, clause 2, and I would point out again, Mr. Chairman, that the rule should be so interpreted as to require strict compliance.

Mr. Chairman, I am quoting from page 466 of the Manual of the Rules of the House of Representatives, as follows:

> In the administration of the rule, it is the practice that those upholding an item of appropriation should have the burden of showing the law authorizing it.

Mr. Chairman, I would point out that neither the statute setting up the EPA nor the statute setting up the National Academy of Sciences affords the National Academy of Sciences the duty, responsibility, or power to investigate or to study EPA. For that reason, Mr. Chairman, I make this point of order.

Mr. YATES. Mr. Chairman, I make the additional point of order that the language in the paragraph appearing at the top of page 33, containing the words, "to remain available until expended," is also subject to a point of order.

The CHAIRMAN. Does the gentleman from Mississippi (Mr. WHITTEN) desire to be heard on the point of order?

Mr. WHITTEN. Mr. Chairman, I seem to have a little difficulty finding it at the moment, but the language setting up the National Academy of Sciences, after establishing the Academy, provides for making this kind of study when asked by any department or agency of the Government.

While we seem to have difficulty finding it—I do not know whether the Chair has it in his hands or not—it does so provide. Based on that, we have directed this agency to make such a request. That is the situation as we submit it at this time.

Mr. DINGELL. Mr. Chairman, I would point out that the committee in its kindness, in the report at page 99 and page 100, under the words "limitations and legislative provisions" has set forth precisely the language which I have alluded to.

I would point out since it is clearly not a limitation and since it does not limit the level of expenditures, then it becomes, in the words of the distinguished committee, then legislation, since to exclude one is necessarily to require the expression of the other alternative. Therefore, it is conceded at page 100 of the report in the second to last paragraph to which I referred the Chair that this does in fact constitute legislation in an appropriation bill.

Mr. WHITTEN. Mr. Chairman, I shall not press the matter further. The language on which we rely is to be found—and we have finally found it here—March 3, 1863, and it provides in section 3 of such act:

> Be it further enacted that the National Academy of Sciences shall hold an annual meeting at such place in the United States to be designated and the Academy shall when called upon by any department of the Government investigate, examine, and report on any subject of science or art the actual expenses for which are to be paid for in an appropriation which may be made for the purpose. The Academy shall receive no compensation whatever for its services to the Government of the United States.

If I may have a second to write a similar amendment to that which we substituted a while ago in a similar point of order, we will provide the money for such an expense if I might have the cooperation of my friends. I have to acknowledge the point of order at this point.

Mr. DINGELL. I thank the gentleman.

Mr. WHITTEN. If the Chair will oblige me for a second while I write the amendment, we will provide $5 million for such study by the National Academy of Sciences, and we shall be happy to so amend the legislation.

The CHAIRMAN. Does the Chair understand that the gentleman from Mississippi concedes the point of order?

Mr. WHITTEN. I do. And I beg the indulgence of the Chair that we may write an amendment to replace the section.

Mr. DINGELL. Out of deference to my good friend from Mississippi and in order to have the business of the committee go forward, I will ask unanimous consent that he be permitted to return at a time later——

Mr. WHITTEN. I think we have it ready.

Mr. DINGELL. Very well.

The CHAIRMAN. The point of order is sustained, and the language is stricken.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITTEN: For an amount for a study by the National Academy of Sciences, $5,000,000.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. YATES. Mr. Chairman, I am not sure I heard the amendment read. All it does is provide for a study by the National Academy of Sciences. Is that the intention of the gentleman? Does he not want to describe what the study covers? I do not think the words sufficiently describe it.

I ask unanimous consent that the Clerk again report the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk reread the amendment.

Mr. WHITTEN. "In connection with the operations of the Environmental Protection Agency."

Mr. Chairman, I ask unanimous consent that the amendment be revised so to read.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair feels that the amendment as corrected by the unanimous consent request should be read by the Clerk so that we will all understand precisely what is involved.

The Clerk will report the amendment as modified by the unanimous consent request.

The Clerk read as follows:

> Amendment offered by Mr. WHITTEN: Page 32, line 20, insert: "For an amount for a study by the National Academy of Sciences, $5,000,000 in connection with the Environmental Protection Agency."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For an amount to provide for conservation and pollution abatement practices including animal waste storage and diversion facilities and disposal of solid waste, to be transferred to and merged with the authority of the Agricultural Conservation Program (REAP) of the Department of Agriculture for the 1974 program, $15,000,000 to remain available until expended.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, again I would note a point or order at this point, which I would reserve, and I would ask to be recognized for the purpose of striking the requisite number of words. I would ask for the attention of the gentleman from Mississippi (Mr. WHITTEN) to whom I shall direct a question.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) reserves a point of order.

Mr. DINGELL. Mr. Chairman, I believe we can expedite the procedure here by directing a point of order, if the gentleman from Mississippi wishes, to the entire language beginning at line 3, page 33, down through the end of line 9 on page 33. Or I would ask that an amendment be offered, in the interest of saving the time of all of us that, beginning with the words "to be transferred" on line 5 down through the end of that sentence on line 8, ending with the words, "Agriculture for the 1974 program,".

Mr. WHITTEN. Mr. Chairman, if the gentleman from Michigan would limit himself to that language I would have to admit his point of order, and I think it would be a help in the bill if we were able to leave the remainder there.

Mr. DINGELL. What I am trying to do is to expedite the situation, Mr. Chairman.

POINT OF ORDER

Mr. Chairman, I make the point of order so far as the language of the bill at page 33, beginning with the words, "to be transferred" on lines 5 and 6 down to the end of the sentence on line 8, page 33, ending with the words "Agriculture for the 1974 program,".

Mr. WHITTEN. Mr. Chairman, if I might be permitted to do so, I ask unanimous consent that those words be stricken in case the other procedure might not be the appropriate way; I ask unanimous consent that the words read by my colleague, the gentleman from Michigan, be stricken.

Mr. DINGELL. Mr. Chairman, in that case I would withdraw my point of order, and I would agree with the unanimous-consent request made by the gentleman from Mississippi (Mr. WHITTEN).

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) withdraws his point of order.

The unanimous-consent request has been made to strike out the words beginning on line 5 on page 33, "to be transferred", and continuing down through and including on line 8 the words, "Agriculture for the 1974 program,".

Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants" and "Scientific Activities Overseas") may be transferred to any other such appropriation: *Provided*, That funds in this Act shall not be available for transfer, to comply with or enforce any deadline or due date unless such funds are identified as an appropriation to meet a specific deadline or due date.

Mr. DINGELL. Mr. Chairman, I would note a point of order against the language on page 33 in the paragraph which the Clerk has just read, and I would reserve my point of order, and I would then ask to be recognized for the purpose of striking the requisite number of words.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

Mr. DINGELL. Mr. Chairman, I would point out that the language again concedes as legislation in an appropriation bill, the words on page 33, line 14:

> *Provided*, That funds in this Act shall not be available for transfer, to comply with or enforce any deadline. . . .

And so forth, down through the period at the end of the sentence on line 17.

Mr. Chairman, I would ask unanimous consent that it be stricken. The gentleman from Mississippi may do so, or I will do so.

Mr. WHITTEN. Mr. Chairman, I will be glad to ask unanimous consent that it be stricken.

Mr. DINGELL. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The proviso beginning on line 14, page 33, including down through the end of that sentence on line 17, is without objection stricken from the bill.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE

NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

> For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Polution Control Council, $1,323,000.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make a point of order on the language beginning at line 19 with the words "Department of Commerce" going down through the bottom of page 34, starting with the words "Department of Commerce" at line 19, down through the last word at line 23 on page 34, "$1,323,000."

Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, the base of the point of order again is the requirements of rule XXI, clause 2, in which the rule provides:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for an expenditure not previously authorized by law.

Mr. Chairman, I would point out that there is no authorization in law for the Department of Commerce, National Industrial Pollution Control Council. I would point out, Mr. Chairman, that under the requirement of two different statutes, referring now first to title 31, section 673—and I will read that—there is no authorization for the establishment or for the payment of funds for this particular body.

Title 31, section 673 reads as follows:

> No part of the public moneys, or of any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed any detail hereafter or heretofore made or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or similar body.

Mr. Chairman, in addition to that, there is also express language in another statute recently passed by the Congress to which I have referred at page 19724 of the CONGRESSIONAL RECORD of June 14, 1973, which I shall now quote.

> Moreover, the committee's action, in assigning new duties to the Council, violates the spirit and intent of the Federal Advisory Committee Act of 1972 (Public Law 92–463), if not the law itself. Section 9(b) of that act specifies that advisory committees, such as this Council, "shall be utilized solely for advisory functions." Surely the study that the committee wants is beyond the scope of that law.

That is done. I would point out that there is no statutory authority for the creation of a National Industrial Pollution Control Council whatsoever; that the Council referred to was set up by an executive order signed by the President; and that he cited in so doing no statutory authority for the creation of the said National Industrial Pollution Control Council.

And I would refer again to the language of the report, Mr. Chairman, wherein we will find that there is set up $323,000 for the regular functioning of the National Industrial Pollution Control Council, and that in the report we find it is the intention that the National Industrial Pollution Control Council shall expend $1 million to make a study of industrial pollution for the Department of Commerce.

This clearly then, Mr. Chairman, is an attempt by the Committee on Appropriations in the legislation before us to engage in legislation and to expend money in defiance of the rules of the House and the statutes.

I would last also cite again, referring to the current issue of the House rules and manual, the prohibition against expenditures of this kind under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. WHITTEN. Mr. Chairman, I listened with great interest to the arguments made by my colleague, the gentlemany from Michigan. The language we have in the section is very short and it all hinges upon the Executive Order 11523 of April 9, 1970.

Frankly we presume that the President had authority to issue that order. If so we had a right to finance it. If he had no such legal right to issue such an order, the point of order patently would lie.

If he had authority to issue the Executive order, there would be no basis for the point of order.

I have to say we presume an order issued by the executive branch was authorized by law or it would not have been issued. We do not have the information available. We acted on the presumption. That is all we had.

The CHAIRMAN (Mr. WRIGHT). The Chair is not in a position to construe the origin of the President's authority to issue a particular Executive order. Because the Executive order is the only authority cited in this section the Chair is compelled to reiterate rule XXI, clause 2, which declares that:

> No appropriation shall be reported in any general appropriation bill, or be in order as

an amendment thereto, for any expenditure not previously authorized by law, . . .

Under the meaning of the rules of the House an Executive order is not a law and does not qualify as a law and therefore the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM (REAP)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g–590o, 590p(a), and 590q), including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $15,000,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Acts making appropriations for Agriculture-Environmental and Consumer Protection Programs, 1972 and 1973, carried out during the period July 1, 1971, to December 31, 1973, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3(III), 4(IV), and 5(V) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1974 program of soil-building and soil- and water-conserving practices, including related wild-life conserving practices and pollution abatement practices, under the Act of February 29, 1936, as amended (amounting to $160,000,000, excluding administration, except that no participant shall receive more than $2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program (REAP) in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of Title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 41 after the colon in line 14 insert the following:

"*Provided further*, That this amount shall be available only for permanent conservation practices:"

Mr. MICHEL. Mr. Chairman, as we debate this bill today, my thoughts go back to 14, 15, 16 years ago, when I was first offering amendments to this particular section of the bill having to do with the old ACP program. Sometimes we were partially successful and other times not so. However, it is really interesting to look back at that effort now and see that most of the arguments we used then are just as valid today. We pointed out, for instance, a good part of the program funds went for practices directly related to crop production.

What I propose to do in this amendment is to limit these conservation practices to permanent, long-range practices. I think it is significant that over in the other body, on June 8, with an amendment offered by Senator DOLE of Kansas, that the Senate adopted to the agriculture bill in the Senate an amendment that would for all practical purposes do what I am proposing here as a limitation in amendment on this appropriation bill by limiting these funds to the long-range permanent practices.

I am not going to talk at any great length on further arguments. The Members all know them. In the REAP program, the Members have heard them discussed many times.

Today, Mr. Chairman, about 30 percent of the cost-sharing participation under REAP is for practices directly related to crop production, rather than for conservation practices as such.

In 1971, for example, Federal cost-sharing funds through REAP amounted to:

Nearly $12 million for installing irrigation systems, land leveling, ditch lining, and the like;

Nearly $10 million for liming materials;

More than $4 million for control of competitive shrubs on range or pasture;

More than $3.5 million for wells, pipelines, and the like for livestock water facilities;

Over $122,000 for construction of permanent fences; and, we also spent more than $30,000 for home gardens

I am not going to go on at great length here, because we all know that REAP is not the real issue, anyway. If it were not REAP, some other program would be the vehicle.

What it all boils down to is that if we are serious about controlling Federal spending and inflation, and if we are serious about preventing an increase in taxes, then we are all going to have to stand up and take our licks in the budget.

This is not the only program the President proposes to cut back because of a low cost-benefit ratio. Just take a look at the list beginning on page 50 of the new budget document. There are 7½ pages of program cuts in virtually every Federal department and agency.

Is REAP worth a tax increase and continued inflation? Is any program on that list? That is the real question, because if we can not take our share of belt tightening in agriculture, we can be darn sure nobody else will, either.

In view of the lateness of the hour, I would simply ask for consideration of what I have proposed here in very simple language in limiting these conservation payments to the long range, permanent practices rather than production stimulants, where I feel farmers themselves can very well pay for those without being on a cost-sharing basis.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

As has been pointed out many times, this is a big country. I mentioned earlier the wonderful area from which my friend from Illinois comes. They do not need much of anything. Nature has veen very, very good to them.

If the members were to adopt his amendment, it would knock out all of New England from a national program, and many, many other areas because of their need for it.

Mr. MICHEL. Mr. Chairman, would the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I think it is very interesting that in the debate over in the other body, when this question was raised, Senator AIKEN specifically raised several of these points in the colloquy over there in the other body and consented to and agreed to the amendment.

It seems to me that this gentleman, who has served for many years on the Agriculture Committee in the other body and is well informed, if he is agreeable to this kind of thing, we ought to very well follow suit by this action now.

Mr. WHITTEN. Mr. Chairman, perhaps on the other side of the Capitol, all the gentleman's friends are taken care of. I point out that in much of the United States what we need are nutrients in the soil, mineral nutrients and other things in the soil. Certainly the things that go to make up the soil are essential to crops and essential to leaving a good, rich land to future generations.

I repeat again that under this program, as we all know, the holder of the land puts up about 70 percent of the cost. It is up to the community if they are willing to pay 70 percent.

This is a program which involves many people. It starts at the county level, goes to the State level, and comes to Washington. Washington works up a catalog saying what practices are available, but the catalog is based upon what the people at the local level want, and in some areas they want nutrient building practices.

Frankly, I hate to be a party to writing restrictions that would make the program so restricted in the gentleman's district in Illinois or my district in Mississippi or any other district. It works its way up. The Department of Agriculture has a chance to go over it and work up the catalogs. Then it works its way back down, and the landowner puts up more than two-thirds of the cost, including labor, and picks from this catalog what he wants to do for future generations.

May I say that in the report we went along to a great degree with what the gentleman from Illinois is recommending. We feel impetus should be given to permanent practices, but we tried not to exclude those areas where something else might be wanted by the local people. Insofar as the land being rich and fertile and producing more, if there was ever a time in history when this country needs to produce more, it is now.

So, despite what my friend suggests as an argument for not doing this, I believe it is time we did it. I believe we owe it to future generations to protect the land for them.

As I read earlier, we can provide all of the money in the world for our children and a wornout land and leave them nothing. But if we leave them a land rich in nutrients, rich in mineral elements, with soil erosion stopped and forest areas on the hillsides, they can write their own currency and they can set up their own financial system.

I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and on a division (demanded by Mr. MICHEL) there were—ayes 23, noes 69.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—CONSUMER PROGRAMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, established by Executive Order 11583 of February 24, 1971, as amended, $1,140,000, including services authorized by 5 U.S.C. 3109.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I rise to make a point of order against the language to be found on page 43, beginning with line 11 and running through line 15.

Mr. Chairman, I make the point of order only because I do not believe the Executive orders should be substituted for authorizations by law.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard on the point of order?

Mr. WHITTEN. Mr. Chairman, notwithstanding an earlier ruling, I should like to point out something with respect to the Executive order:

> Amending Executive Order 11583, establishing Office of Consumer Affairs. By virtue of the authority vested in me as President of the United States, Executive Order 11583, page 24, is amended by substituting for section 1 thereof the following:

If the President of the United States has authority to issue it, the point of order should be overruled. If he does not, it should be sustained.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

As cited earlier, it is required that any activity for which an appropriation is contained in a general appropriation bill shall be an activity authorized by law. The Chair observes that in the stated provision two authorities are cited.

One is the Executive Order 11583; the other one is 5 U.S.C. 3109. Apparently the authorization cited, 5 U.S.C. 3109, is only for personnel.

Therefore, the Chair must conclude that the authority cited is Executive Order 11583.

The Chair, of course, is not knowledgeable as to the authority or lack of authority inherent in the President to issue such an Executive order, but the Chair believes the burden should be upon the committee to cite statutory authorization rather than Executive order, which under the rules does not qualify within the meaning of the word, "law."

Mr. WHITTEN. Mr. Chairman, may I ask for my own information and future study, does that mean that the legislation must come before the Congress and it does not have the presumption of right, and only those who attack it can prove otherwise? Now, if the Chair proves to be right, it means that everything has to be proven verse by verse and chapter by chapter. I would presume from my own study of law and my own interpretation that that which comes here in the regular way would be in order unless proven otherwise. I think the Chair has shifted the burden onto the legislative body, as between the three branches of government, as it relates to that branch which claims the right, and I think as long as that is claimed and exercised, the burden would be on the antagonist or the gentleman who raised the point of order.

The CHAIRMAN. The gentleman from Mississippi (Mr. WHITTEN) may be entirely right in his assumption that the President, in issuing Executive Order 11583, was doing so pursuant to congressional enactment.

The Chair, lacking knowledge of the source of that authority, believes that the history of rulings from this Chair is that it has been consistently held that law, within the meaning of rule XXI, embraces statutory law enacted by Congress and does not cover Executive orders issued by the executive branch of Government.

For example, the Chair refers to a ruling made by Chairman Sparkman on July 5, 1945, in which the chair declared:

> An Executive order does not meet the requirement that appropriations must be authorized by law.

Mr. WHITTEN. Mr. Chairman, I have gone far afield in my discussion with my friend, the gentleman in the Chair, but do I understand that whatever commission may exist for various other actions taken by the executive branch, this cannot be advanced by the Committee on Appropriations, and is that ruling a complete ruling to exclude from the appropriation process anything that is created by Executive order?

Mr. Chairman, there are some other bills coming up. I have never before heard of such an action.

The CHAIRMAN. The Chair cannot and would not rule on that question, because it involves a hypothetical situation in the future; nor can the Chair predict with certainty what some future occupant of the Chair might rule.

The Chair simply declares that under precedents heretofore cited, executive orders do not meet the test of law, as required in the rules, for the citation of an authorization for an appropriation, and for that reason the Chair sustains the point of order in the present case.

Mr. WHITTEN. I thank the Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration in carrying out the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Import Milk Act (21 U.S.C. 141 et seq.), the Import Tea Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406 et seq.), and sections 301, 311, 314, 351, 352, 354 through 360F, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, 262, 263, 263b through 263n, and 264), including payment in advance for special tests and analyses and adverse reaction reporting by contract; for studies of new developments pertinent to food and drug enforcement operations; for payment for publication of technical and informational materials in professional and trade journals; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000; $158,140,000.

AMENDMENT OFFERED BY MR. DELANEY

Mr. DELANEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DELANEY: Page 44, insert at the end of line 14 the following: "No part of the appropriation made by the preceding sentence may be expended for studies and similar activities respecting sections 409(c)(3)(A), 512(d)(1)(H), or 706(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act."

Mr. WHITTEN. Mr. Chairman, I have two amendments that the gentleman from New York and I are in thorough accord on. I just want to be sure they are the two amendments I have which change the amount. I wish to reserve the right to offer these amendments and not preclude the gentleman from offering his. Have we reached the point where we change the amount?

The CHAIRMAN. The Chair points out to the gentleman the paragraph which begins on line——

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that I may return to the point just preceding the gentleman's amendment in the preceding paragraph, if the gentleman will yield.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. GROSS. Mr. Chairman, reserving the right to object, to return to what paragraph?

Mr. WHITTEN. The immediately preceding paragraph.

So I ask my friend from New York to wait a minute and let me get rid of it.

The CHAIRMAN. Does the gentleman from Mississippi speak of the paragraph on page 43 or page 44?

Mr. WHITTEN. Page 44.

The CHAIRMAN. Permit the Chair to suggest to the gentleman that the Clerk has not yet reached that point.

Mr. WHITTEN. I was wrongly advised, then, Mr. Chairman. My amendment goes to page 44.

The CHAIRMAN. The amendment desired to be offered by the gentleman from Mississippi would still be in order. Other amendments to the pending paragraph would still be in order following action by the committee on the amendment offered by the gentleman from New York.

Mr. WHITTEN. Thank you, Mr. Chairman.

I apologize to my colleague from New York.

The CHAIRMAN. The Clerk will rereport the amendment offered by the gentleman from New York (Mr. DELANEY).

The Clerk reread the amendment.

Mr. DELANEY. Mr. Chairman, there is one particular section of this measure, H.R. 8619 now under consideration, that I am totally opposed to. I refer to the committee's recommendation to channel the sum of $200,000 of the Food and Drug Administration's budget appropriation for additional studies with respect to the so-called Delaney amendment.

I see this type of funding as just another attempt by FDA to delay their enforcement of the present law which is on the books and has been since 1958. To be perfectly frank, we are witnessing another stall. Government is responsible for protecting the consuming public from all suspected cancer causing substances, and FDA's reluctance to take positive steps in this area is an outright dereliction of duty, besides the fact that it is a disastrous waste of money.

For years FDA has sounded like a broken record. Once again Congress and the general public hears the urgent plea for financial backing to determine if proper benefit to risk factors can be established. And while the testing goes on, hazardous chemical additives remain in our food supply. Last year money was appropriated by the Committee and approved for a U.S. Department of Agriculture Study on DES implants to be conducted at Southern Illinois University. This research is still in progress. Programs are also underway, oftentimes duplicating each other, at a significant number of Federal agencies. The National Institute of Environmental Health Sciences, the National Cancer Institute, the Environmental Protection Agency, the National Institute of Occupational Safety and Health are all in the midst of testing programs for dangerous substances.

In the scientific community the Food and Drug Administration has persuaded numerous organizations to undertake a broad spectrum of investigative activities. The highly respected National Academy of Science conducted its first in a series of forum seminars on toxicology and its effect of the food supply this past month—May 15, 1973. The New York Academy of Science held a major meeting January 14 through 16, 1973, while a six member Subcommittee on Nonnutritive Sweetners recently met in Philadelphia, Pa., May 17 and 18, 1973. This group's next meeting is in progress at this very moment. Besides the previously mentioned, two new organizations have been formed. They are the Citizens Commission on Science, Law, and the Food Supply and a nonprofit corporation, comprised of the nutrition foundation and several other institutes, funded by the Rockefeller Foundation.

I emphasize that we must not have any further Government studies on the Delany amendment at the double expense of the consumer's pocketbook and his physical well-being. We would all fare better if studies ceased or were curtailed and the law enforced against dangerous cancer causing substances.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I wonder if the gentleman from New York would accept an amendment to the amendment he has offered, as follows:

At the end of the amendment offered by the gentleman from New York (Mr. DELANEY) change the period to a comma, and add the following: "but such language shall not restrict existing research efforts or assimilation of existing developments in this area."

Mr. DELANEY. Mr. Chairman, I would be very happy to accept the amendment offered by the gentleman from Mississippi to the amendment I have offered, because I would like to complete all of the investigations and receive final reports, compile them all, and be able to take some definite action.

Mr. WHITTEN. I would personally urge that the House would accept the amendment I have offered to the amendment offered by the gentleman from New York (Mr. DELANEY).

The CHAIRMAN. Does the gentleman from Mississippi desire to offer an amendment to the amendment offered by the gentleman from New York (Mr. DELANEY)?

Mr. WHITTEN. I do, Mr. Chairman.

AMENDMENT OFFERED BY MR. WHITTEN TO THE AMENDMENT OFFERED BY MR. DELANEY

Mr. WHITTEN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN to the amendment offered by Mr. DELANEY: At the end of the Delaney amendment, change the period to a comma, and add the following: "but such language shall not restrict existing research efforts or the assimilation of existing developments in this area."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN) to the amendment offered by the gentleman from New York (Mr. DELANEY).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. DELANEY), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration in carrying out the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Import Milk Act (21 U.S.C. 141 et seq.), the Import Tea Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406 et eq.), and sections 301, 311, 314, 351, 352, 354 through 360F, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, 262, 263, 263b through 263n, and 264), including payment in advance for special tests and analyses and adverse reaction reporting by contract; for studies of new developments pertinent to food and drug enforcement operations; for payment for publication of technical and informational materials in professional and trade journals; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or aprpoved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000; $158,140,000.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: On page 44, line 14, after the semicolon, strike out "$158,140,000" and insert in lieu thereof "$160,590,000".

Mr. WHITTEN. Mr. Chairman, these amendments will provide $2.8 million for construction of a new toxicology laboratory at the National Center for Toxicological Research.

These amendments are offered because of additional information which has come to the attention of the committee since the bill was marked up. Quite frankly, the Food and Drug Administration in the hearings before the committee presented only skimpy information on the need for this facility.

Laboratories which the committee had previously approved were just reaching completion, and it was the committee's feeling that some experience should be gained with these laboratories before proceeding with another large laboratory. The committee did approve three small laboratories totaling $1 million which were to support the research program already underway. The committee was also told that the new laboratory would not be ready until July of 1976 and felt that the available funds should be used for the more urgent problems of food inspection. Finally, the committee was afraid that construction of the new laboratory would divert scarce scientific staff from the basic research program.

On the basis of the additional information now available, including a 45-page justification from the Commissioner of

Food and Drugs, the committee now feels construction of the laboratory is merited and that the FDA will be able to manage simultaneously the existing laboratories and the construction of the new laboratory.

The committee has never opposed the program at the National Center for Toxicological Research, as is indicated by the fact that the bill already includes $11 million for the Center, but it has been concerned that the program develop in an orderly manner.

While with these amendments the committee has added the $2.8 million as requested, it is disappointed about the quality of the presentations to the committee concerning the need for the laboratory, and will expect any future requests for laboratories to be more fully justified.

The amendments only add $2,450,000 to the bill because $350,000 in unused funds are available to provide the total of $2.8 million requested.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I should like to commend the gentleman from Mississippi (Mr. WHITTEN) and the members of his committee for inserting these funds, and I know that they will be wisely spent.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, I rise in support of the amendment to provide an appropriation of $2.8 million for the construction of laboratory facilities at the National Center for Toxicological Research in Pine Bluff, Ark.

This Center is making a wise use for peaceful purposes of a facility originally designed for military application. For that reason, the limited number of laboratories available were not designed as typical modern toxicological laboratories. They were built to contain biological agents and protect workers from exposure from these agents. The Center is presently doing the best it can, by renovation, to make the labs functional for the next 2-year period until the new labs can be constructed.

At the time the Center was established some doubts were expressed that it would be able to recruit top people in the field. They have attracted such people on the basis of the merits of the program, its good working relationship with the University of Arkansas, the high quality of research opportunity which exists there, but most importantly by the knowledge that Congress is backing the program.

The past performance of this Center fully justifies our confidence in providing new facilities to carry forward needed and useful programs of the Center.

I want to commend the distinguished chairman of the subcommittee for his efforts in support of this amendment, and for the careful and dedicated work which has resulted in the bill which is before us today.

I join the gentleman from Mississippi in supporting this amendment and in supporting the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Food and Drug Administration, where not otherwise provided, $2,550,000, to remain available until expended, and to be derived from funds heretofore appropriated under this appropriation and not used; and for necessary expenses in connection with "Salaries and Expenses", $5,450,000, to be derived from funds heretofore appropriated under this appropriation and not used, and to be transferred to and merged with the fiscal year 1974 appropriation for "Salaries and Expenses".

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: Page 44, line 19, after the comma, strike out $2,550,000 and insert in lieu thereof $5 million, and on page 44, line 22, after the comma, strike out $5,450,000 and insert in lieu thereof $3 million.

Mr. WHITTEN. Mr. Chairman, the early explanation applies to this item, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSUMER PRODUCT SAFETY COMMISSION

For necessary expenses of the Consumer Product Safety Commission established by the Consumer Product Safety Act (Public Law 92–573), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, $30,900,000, of which $6,885,000 shall be placed in reserve pending determination of qualified and necessary projects.

POINT OF ORDER

Mr. ECKHARDT. Mr. Chairman, I make a point of order on the language beginning on line 14, which states: "of which $6,885,000 shall be placed in reserve pending determination of qualified and necessary projects."

Mr. WHITTEN. Mr. Chairman, will the gentleman reserve his point of order?

Mr. ECKHARDT. Mr. Chairman, I reserve the point of order.

Mr. WHITTEN. Mr. Chairman, this was discussed somewhat earlier. The Consumer Product Safety Commission is one that many people in the United States are very much interested in. Four members of the commission were appointed and sworn in about 30 minutes before they appeared before our committee. Three of them had not been appointed, so the Members can imagine the situation they faced and that we faced.

About 75 percent of their work was by transfer from the Food and Drug Administration and other agencies, so they were not wholly inexperienced—except the commission was. They were given an awful lot of additional duties and given a new Commission, and they wanted to add a lot of additional features, but at that time they did not have a plan. With that situation, it was the belief of the committee that, while we certainly did not want to be in the position of restraining or holding back the Consumer Product Safety Commission, we did realize that as new as they were, they could not move too fast. As I understand the rule, by putting in $6,885,000 to be released later by the Office of Management and Budget and the committee, we were advised that the money would be prorated on an annual basis, and that this would not be so allocated until it was actually needed.

I can assure my colleagues here that so far as this committee is concerned, that when the need arises, we would be ready and willing to release anything that is needed.

May I say I spoke with the chairman of the commission, Mr. Simpson, and he is perfectly agreeable with the provisions as we have them. I think it is in the interest of good government and of the commission to keep it as we have provided.

Mr. ECKHARDT. Mr. Chairman, because of the principle involved in this matter, and because of the importance of maintaining the authority of the committee of main legislative effect, I would be constrained not to agree with my colleague to withdraw the point of order.

I am prepared to argue on the point of order or I am prepared to agree by unanimous consent to strike the language which I read, in which event I would not urge the point of order, but I do not withdraw it at the present time.

Mr. WHITTEN. Mr. Chairman, may I say to my friend I am going to save him from himself, because when the old section went out, they have no money, and certainly I would not want that and he would not either, so I would agree to the unanimous-consent request that the limitation be withdrawn.

The CHAIRMAN. Does the Chair understand that the gentleman from Mississippi is asking unanimous consent or offering an amendment?

Mr. WHITTEN. I understood my friend, the gentleman from Texas, would substitute a request that would strike after the figure "$30,900,000", the remainder of the language, that it would be unanimously withdrawn, Mr. Chairman, and I would agree.

Mr. ECKHARDT. If that were done I would withdraw my point of order but not until it were done.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the language appearing on page 45, beginning in line 14 with the words "of which" and continuing down through line 16 be stricken and a period substituted at the end of the figure "$30,900,000."

Is there objection to the unanimous-consent request offered by the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The specified language is then stricken and the Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $29,000,000.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Amend H.R. 8619 at page 45 by striking the period and substituting a semi-colon and by adding at the end of line 23, the following: "and an additional amount of $2,600,000 for the said necessary expenses, none of which latter sum shall be expended for purposes other than the establishment of such a federal energy investigation task force for the investigation of the energy crisis as the Federal Trade Commission may, under such authority as it has under existing law, elect to establish."

Mr. GROSS. Mr. Chairman, I reserve a point of order on this.

The CHAIRMAN. The gentleman from Iowa reserves a point of order.

The gentleman from Texas (Mr. ECKHARDT) is recognized in support of his amendment.

Mr. ECKHARDT. Mr. Chairman, the investigation and testimony to date which has been made concerning the energy crisis has raised serious conflicts about the current situation. Evidence points to a general petroleum crisis or an impending one by the end of the year, that demand may outstrip oil refining capacity either later this summer or early next year. Conflicting testimony points to the probability of a severe heating oil shortage this winter. Hundreds, possibly thousands of small brand and independent service stations are being curtailed in their fuel supply or completely cut off. Significant dislocations of major oil company withdrawals from various geographic areas are in process.

Incidentally, in the Port of Houston the stevedoring companies have been denied diesel fuel and gasoline until they raised such protest that the refineries permitted them to have some.

Significant anticompetitive market structural changes are occurring at a rate that is accelerating. There is significant consumer confusion as to the genuineness of the shortage. There is widespread consumer belief—Mr. Chairman, if my colleagues are not concerned about the fuel crisis we can curtail this, but I would like order, Mr. Chairman, to complete my statement. I consider it a rather serious amendment.

The CHAIRMAN. The gentleman's point is well taken. The Committee will be in order.

Mr. ECKHARDT. Mr. Chairman, I may say this is an amendment that is being considered on the Senate side at the present time in a similar bill. It is true however that a study by the Federal Trade Commission is due around the first part of July.

When that study comes in, we may have sufficient information, but I seriously doubt it.

The reason for introducing this amendment at this time is for the purpose of being assured that the Federal Trade Commission will have the resources to properly study the crisis. I know that this question was raised before the appropriations subcommittee. The subcommittee very properly chided the Federal Trade Commission for not being more prompt in making their report. I want to compliment the committee in that respect.

Mr. Chairman, I merely urge this as a means of further strengthening such investigation.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I agree with what my colleague from Texas says, otherwise I would have to make a point of order, but I am in favor of what the gentleman seeks to do.

We have the biggest investigation in the history of the Federal Trade Commission in this area. It is due July 1. I just do not think we should give them additional money at this time. We should wait and see how the current study turns out.

I would hope, and I certainly can assure the gentleman that we will follow it up, but I hope he will withdraw his amendment and not compel us to have to insist upon the point of order.

Mr. ECKHARDT. Mr. Chairman, I do understand correctly, do I not, that if such an amendment should come in on the Senate side, the chances are very strong the report will be before the committee before the conference?

Mr. WHITTEN. We have been promised that it would come in by July 1. I doubt if we will have completed the conference by then, and certainly the situation would be considered in any conference we have. But I agree with the gentleman that this report is badly needed. The information is needed, and if it is insufficient, I will join with him in seeing that the Federal Trade Commission will go forward with additional studies.

Mr. ECKHARDT. Mr. Chairman, I am delighted to hear this. I understand the chairman was involved in this, the report was somewhat impeded by the Justice Department not agreeing to subpena power for the Federal Trade Commission.

Mr. WHITTEN. That has been one of the problems the Federal Trade Commission has had in the conduct of its investigation.

Mr. ECKHARDT. If we do receive a report and if it does appear necessary that further efforts should be made to fully investigate this crisis, I would assume that the conferees from the House would certainly give serious consideration to the matter at that time.

Mr. WHITTEN. Most serious consideration.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I think this goes to the whole committee. As the gentleman no doubt found when he read the hearings, when the Federal Trade Commission was before the subcommittee we asked them very sharp questions on what they were doing in regard to the energy crisis and got the clear assurance from them that they were moving with all haste. I think it is the feeling of the committee that it should be done and it is being done. If the report is not forthcoming by the first of July, the House conferees will be wholeheartedly behind the idea of adding the funds to expedite it.

Mr. ECKHARDT. I thank the gentleman. It is certainly true that he asked the sharpest of questions, and I appreciate this action.

Mr. Chairman, with these statements I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. WHITTEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 8619) making appropriations for Agriculture-Environmental and Consumer Protection program for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment. If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 3, not voting 126, as follows:

[Roll No. 230]

YEAS—304

Abdnor
Abzug
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conte
Corman
Cotter
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Fulton
Gaydos
Gettys
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kazen
Keating
Ketchum
Koch
Kuykendall
Kyros
Latta
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Passman
Patten
Perkins
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Skubitz
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—3

Crane
Fascell
Wolff

NOT VOTING—126

Adams
Anderson, Calif.
Anderson, Ill.
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Bell
Bingham
Blatnik
Boggs
Breckinridge
Broyhill, Va.
Burgener
Burke, Calif.
Carey, N.Y.
Collins, Ill.
Conable
Conlan
Conyers
Coughlin
Culver
Daniels, Dominick V.
Danielson
Denholm
Dent
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Fish
Fisher
Flowers
Flynt
Forsythe
Fraser
Frey
Froehlich
Fuqua
Giaimo
Gibbons
Griffiths
Gude
Gunter
Hanna
Harsha
Harvey
Hawkins
Hays
Hébert
Heckler, Mass.
Holt
Huber
Hudnut
Hungate
Ichord
Johnson, Pa.
Jones, Okla.
Kastenmeier
Kemp
King
Kluczynski
Landgrebe
Landrum
Leggett
Litton
McCloskey
McDade
Macdonald
Mailliard
Mallary
Mathis, Ga.
Mayne
Metcalfe
Mills, Ark.
Minshall, Ohio
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Owens
Parris
Patman
Pepper
Pettis
Peyser
Pritchard
Rarick
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe
Ryan
Schneebeli
Sikes
Sisk
Slack
Snyder
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Symms
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Treen
Van Deerlin
Waldie
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wydler
Young, Fla.
Young, S.C.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Macdonald.

Mrs. Boggs with Mr. Adams.

Mr. Murphy of New York with Mr. Wydler.

Mr. Ashley with Mr. Conyers.

Mr. Stark with Mr. McCloskey.

Mr. Mills of Arkansas with Mrs. Heckler of Massachusetts.

Mr. Edwards of California with Mr. Mailliard.

Mr. Hungate with Mr. Froehlich.

Mr. Fisher with Mr. Landgrebe.

Mr. Kluczynski with Mr. Anderson of Illinois.

Mr. Litton with Mr. Erlenborn.

Mr. Gunter with Mr. King.

Mr. Pepper with Mr. Young of Florida.

Mr. Dent with Mr. Coughlin.

Mr. Roncalio of Wyoming with Mr. Conlan.

Mr. Mathis of Georgia with Mr. Rarick.

Mr. Culver with Mr. Minshall of Ohio.

Mr. Rooney of New York with Mr. Conable.

Mr. Roybal with Mr. Pettis.

Mr. Breckinridge with Mr. Broyhill of Virginia.

Mr. Carey of New York with Mr. Mosher.

Mr. Dominick V. Daniels with Mr. Forsythe.

Mr. Danielson with Mr. Moorhead of California.

Mr. Eilberg with Mr. Harsha.

Mr. Fraser with Mr. Peyser.

Mr. Fuqua with Mr. Bafalis.

Mr. Giaimo with Mr. Johnson of Pennsylvania.

Mr. Moss with Mr. Mallary.

Mr. Moorhead of Pennsylvania with Mr. Kemp.

Mr. Metcalfe with Mr. Hanna.

Mr. Leggett with Mr. Harvey.

Mr. Hays with Mr. Ashbrook.

Mr. Hawkins with Mr. Bell.

Mrs. Griffths with Mr. Gude.

Mr. Gibbons with Mr. Frey.

Mr. Reid with Mr. Fish.

Mr. Blatnik with Mr. Pritchard.

Mr. Denholm with Mr. Hudnut.

Mr. Flowers with Mr. Edwards of Alabama.

Mr. Flynt with Mr. Steelman.

Mr. Ichord with Mr. Mayne.

Mr. Jones of Oklahoma with Mr. Taylor of Missouri.

Mr. Landrum with Mr. Huber.

Mr. Stephens with Mr. Snyder.

Mr. Sikes with Mr. Schneebeli.

Mr. Sisk with Mrs. Holt.

Mr. Stratton with Mr. McDade.

Mr. Van Deerlin with Mr. Bob Wilson.

Mr. Anderson of California with Mr. Wiggins.

Mr. Teague of Texas with Mr. Steiger of Wisconsin.

Mr. Aspin with Mr. Ruppe.

Mr. Thompson of New Jersey with Mr. Steele.

Mr. Charles H. Wilson of California with Mr. Zwach.

Mr. Bingham with Mr. Slack.

Mr. Waldie with Mr. Owens.

Mrs. Burke of California with Mr. Rousselot.

Mr. Young of South Carolina with Mr. Treen.

Mr. Badillo with Mr. Patman.

Mr. Kastenmeier with Mr. Winn.

Mr. Runnels with Mr. Parris.

Mr. Ryan with Mr. Symms.

Mrs. Collins of Illinois with Mr. Charles Wilson of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7645, DEPARTMENT OF STATE AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7645) authorizing appropriations for the Department of State, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. HAYS, MORGAN, ZABLOCKI, MAILLIARD, and THOMSON of Wisconsin.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL), the program for the rest of this week, if any, and the program scheduled for next week.

Mr. O'NEILL. Mr. Speaker, if the distinguished minority leader will yield, may I say that we have completed our program for this week. The program for the week of June 18, 1973, is as follows:

Monday is the Consent Calendar, and suspensions, and there are no bills.

We will take up H.R. 8658, District of Columbia appropriations for fiscal year 1974, to be followed by H.R. 8152, law enforcement assistance amendments.

We will conclude the consideration of this bill that started yesterday.

On Tuesday, we will have the Private Calendar, and the following suspensions:

House Joint Resolution 499, Commission on the Bankruptcy Laws;

H.R. 689, misuse of names in collecting debts;

H.R. 5157, Canton Island contracts;

H.R. 8537, Dependents Assistance Act;

H.R. 6129, trust territories authorization;

H.R. 6338, water resources planning authorization; and

H.R. 7127, historical preservation authorization.

Following that we will take up H.R. 5464, saline water program authorization, with an open rule and 1 hour of debate, and H.R. 5094, deputy U.S. marshals reclassification, with an open rule and 1 hour of debate.

For Wednesday and Thursday we will take up the Department of Transportation appropriations for fiscal year 1974;

H.R. 7824, Legal Services Corporation Act, with an open rule and 2 hours of debate;

H.R. 8662, Atomic Energy Commission authorization, subject to a rule being granted; and

H.R. 8510, National Science Foundation authorization, subject to a rule being granted.

On Friday there will be the appropriations for fiscal year 1974 for HUD, space science, and veterans appropriations.

Conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, JUNE 18, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRESIDENT NIXON ACCEPTS CONGRESSIONAL CALL FOR FREEZE

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, surprisingly the President has in part embraced the very action which his administration fought so bitterly when it was proposed in the House Banking and Currency Committee 3 months ago.

But the freeze which the President announced last night is limited and the real test is what the administration does about long-range economic solutions during this cooling-off period.

Mr. Speaker, the fact that interest rates and rents are left untouched is more evidence that the President still does not fully grasp the economic realities facing the American consumer—or at least, the less affluent consumer. Interest rates have skyrocketed under phase III and the prime rate, alone, is up 25 percent since January 1. These increases have priced millions of Americans out of decent housing and have contributed to price increases across the entire range of consumer goods.

Many of the economic problems which the President addressed Wednesday night could have been avoided if the administration had not unleashed its strong-arm lobbying efforts to defeat the Democrat's controls measure in the House of Representatives on April 16.

Since the controls legislation was defeated in April, prices have continued to rise at an annual rate of 24 percent and the program announced Wednesday makes no attempt to roll back the administration's mistakes. There is no escaping the fact that the President is freezing prices at unconscionable levels.

The freeze will be meaningless unless there is basic economic reform and a restoration of confidence in the administration's ability to deal with tough economic problems. The track record does not inspire confidence.

On January 11, phase III was announced amidst much fanfare and repeatedly the President's economic advisors assured the Congress and the American people that the program was working in accordance with the game plan. Two and one-half months later, the President was forced to go on national television to repair some of the more obvious failures and once again we were jawboned by public relations assurances which had little substance behind them.

Last night—2½ months later—the President again returns to national television with still another program and this time we can only hope that there is more than public relations window dressing behind this effort.

The President has just about used up the credibility that any Chief Executive can generate in national television appearances and now the administration is faced with the need for hard action.

I am sure that the Congress stands ready to give legislative backing to stronger economic action. However, this is a two-way street and I hope we can gain some assurances that the administration will no longer engage in the blind partisanship which led to the defeat of the controls legislation in April. I think it is very important that the Banking and Currency Committee maintain a close oversight on the entire economic stabilization program and that the Congress be ready to step in where the President falters. We cannot afford more mistakes like phase III.

REMARKS OF THE HONORABLE ROBERT N. C. NIX ON INTRODUCTION OF BILL TO ENABLE THE UNITED STATES TO CONTRIBUTE ITS SHARE TO EXPENSES OF ICCS

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. NIX. Mr. Speaker, I am today introducing, by request, a bill to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam.

The draft legislation was received by the House from the Department of State on May 21, 1973, referred to the Committee on Foreign Affairs, and subsequently referred to the Subcommittee on Asian and Pacific Affairs for appropriate action.

Under leave to extend my remarks, I wish to place at this point in the RECORD the Executive communication and draft legislation transmitted therein:

DEPARTMENT OF STATE,
Washington, D.C., May 18, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith for consideration by the Congress a draft bill to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision in Vietnam.

The proposed legislation would implement the Agreement of January 27, 1973 on Ending the War and Restoring Peace in Vietnam. Article 18 of that Agreement established an International Commission, composed of representatives of Canada, Hungary, Indonesia and Poland, and imposed significant responsibilities upon that Commission for supervision of many important aspects of the Agreement, including the ceasefire, the return of prisoners, and the conduct of elections. A protocol to the Agreement specifies that each of the four parties to the Agreement will defray twenty-three per cent of the Commission's costs and that each of the four Commission members will contribute two per cent.

The enclosed draft bill would authorize the appropriation to the Department of State of such funds as may be necessary to pay the United States' share of the Commission's expenses under the formula contained in the relevant protocol to the Paris Agreement. The proposed legislation is virtually identical to Public Law 88-468, which authorized appropriations for United States contributions to the International Commission for Supervision and Control in Laos. Because the U.S. financial responsibility under the Agreement is expressed as a percentage of an unknown total, it would not be practicable to specify a dollar amount in the proposed legislation. It is estimated, however, that United States contributions to the Commission during the fiscal year 1974 will not exceed $4,800,000. After enactment of the bill it is our plan to seek 1974 appropriations for U.S. contributions to the Commission under the Department of State Appropriation Act heading "Contributions to International Organizations," which is applicable to organizations for which contributions have been authorized by treaty or Act of Congress.

The strengthening of the role of the International Commission of Control and Supervision and the assurance that it would have sufficient personnel to perform its functions were major objectives of the United States in the final round of negotiations leading to the January 27 Agreement. Our continued commitment to an effective international commission will be an essential ingredient in the realization of a lasting peace in Indochina. Accordingly, we urge that the Congress give the proposed legislation early and favorable consideration.

The Office of Management and Budget advises that enactment of the enclosed draft bill would be in accord with the President's program.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

H.R. 8732

A bill to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision as provided in Article 14 of the Protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Department of State such sums as may be necessary from time to time for the payment by the United States of its share of the expenses of the International Commission of Control and Supervision as provided in Article 14 of the Protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam dated January 27, 1973.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT NIXON IS GOING TO HAVE TO BE A BETTER HORSE TRADER WITH SOVIET UNION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, tomorrow Secretary Brezhnev of the Soviet Union begins a visit to the United States in which he will talk trade with President Nixon.

It is entirely appropriate that we explore all avenues of peaceful cooperation with the Soviet Union. But I hope the President doesn't get us into another deal like the grain sale last year to the Soviet Union.

The whole story of that sale still has never been revealed to the public. We still don't know how much it cost the American people—first as taxpayers subsidizing that sale and then as consumers paying inflated prices for the grain that was left and for meat.

On top of all that we suffered a costly dislocation of our freight transportation system: it had to hold up everything else to make way for a crash grain haul to the ports.

The only thing the American people know for sure about this deal is that we got took.

And the President can't shift the blame for that blunder by appealing to Congress for export quota authority.

If he wants to do business with Secretary Brezhnev, the President is going to have to be a better horse trader.

CHAIRMAN BREZHNEV'S VISIT

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, next week marks the beginning of Chairman Leonid Brezhnev's visit to the United States.

The timing of his visit is indeed fortuitous, for the United States is currently on the brink of adopting an entirely new economic policy which may have far-ranging effects on any trade agreements we now make with the Soviet Union. Additionally, it is well known that the Soviet Union and some U.S. corporations have just reached an agreement for the sale of natural gas produced in Siberia.

The United States and the Soviet Union are in an ideal bargaining position. Each has something the other wants. The Soviets' interest in the United States is primarily a commercial one. We have wheat, we have corn and other grains, we have a vast and rich technology to offer them. They have great mineral and natural gas deposits which the United States, as the world's foremost consumer, is particularly interested in. But they have something else that the United States wants: freedom for thousands of Jews seeking the right to emigrate to Israel.

We have heard much in the last few months of how restrictions have been eased. The exit tax has been suspended, and supposedly more Jews than ever have been given permission to leave Russia for Israel or the United States. But these stories do not accurately reflect the true state of affairs in the Soviet Union. Yes, the exit tax has been suspended, and the rate of emigration has increased. But there is still harassment of those wishing to leave, and there are no guarantees that the exit tax will not be reinstituted once the Russians have their coveted trade concessions.

In bargaining with Chairman Brezhnev, I hope that President Nixon will remember that the Soviets need us more than we need them. There is no economic advantage to be gained from waiving the debts that the Russian Government incurred during World War II. It is unclear just how much sales to the Soviet Union will ease our balance of trade deficit, since most of the money they will use to pay U.S. companies with will come from the U.S. Government in the form of loans. They have little if anything to offer us in the area of consumer goods or industrial equipment. The natural gas deal has gone through without any special trade agreements, nor should such trade agreements be necessary in these days of fuel shortages.

We are in a uniquely strong bargaining position with Chairman Brezhnev, and what we do now will be remembered as an act either of great moral courage or one of unforgivable weakness. It is not simply a question of making the rights of Russian Jews a bargaining point. There are many foreigners in the Soviet Union who are suffering from the official harassment so favored by the KGB and other branches of the Soviet Government. If the Soviet Union wishes to expand its trade connections with the United States, that will mean a greater influx of Americans into Russia, bringing with them their culture and their literature. The Russians, if they are to derive the full benefit of these agreements, will have to ease restrictions on foreigners and Western literature—including newspapers and books—if foreigners are to freely carry on business in Russia.

There was a recent report on the New York Times of increased restrictions on foreigners in Russia. The specific incident was one in which foreigners were prevented from going to a beach which, up until a few days ago, they had been using regularly. Suddenly, the Russian Government decided that the regulations were too lax and now the beach is restricted to Russians only. This is a small incident, to be sure, but it is part of a growing pattern of harassment of foreigners.

On a simply moral level, President Nixon has an obligation to assure not only himself, but the people of the United States that the Soviets are genuinely changing their policy toward the Jews. The President is well aware of the sense of the Congress on this issue. Sizable majorities of both Houses have joined in cosponsorship of the "Freedom of Emigration Act," and we are committed to its passage. It is unconscionable for a government to deny its citizens their basic rights, particularly the right to freely emigrate. There can be no reason for denying Soviet Jews the right to emigrate other than to carry out a program of cultural genocide and official anti-Semitism.

These are strong words, but how else is one to explain Soviet attitudes toward Jews seeking permission to emigrate? Living in Russia, they are not allowed to freely practice their religion. Should they try to do so, or try to leave for a country where they may do so freely, they suffer all manner of torments, from loss of their jobs and liability to arrest for "parasitism," to total social ostracism, and even to arrest and deportation to camps in Siberia.

The Russians deny time and again that there is no "Jewish problem" in the Soviet Union. They cite time and again the fact that there is no law on the books in Russia that prevents anyone from leaving the country, as long as the departure is "justified." But they go to the greatest lengths imaginable to find reasons why no justification can be found. Until recently, knowledge of "military secrets" was the excuse used to keep entire families from emigrating when only one member of the family had been in the armed services, and at an extremely low rank, at that. Now, the excuse given for denying exit visas to intellectuals, scientists, and Jewish activists is that they have skills which are needed by the state, and that they are too highly qualified to be permitted to leave. This is the excuse given to those who have lost their jobs because they sought permission to emigrate. If they are too highly skilled to leave, then why are they so easily dispensable from their work?

Mr. Speaker, we cannot let morality and human dignity be abandoned in the blind chase after profits. We would be doing a disservice to ourselves and the people we represent if we grant trade concessions to the Soviet Union without winning concessions from them in turn. Merely waiving the enforcement of the exit tax is not enough of a concession, for it is more than likely that it will be reimposed. Remember that—suspension does not mean permanence.

The President knows what the Russians want from him, and he knows what the American people, through their Representatives and Senators, want from the Russians. In his negotiations with Chairman Brezhnev, I wish him success. I fervently hope that we can reach the kind of agreement with the Soviet Union that will result in lasting peace and an end to the ever greater spending on weaponry that has characterized both nations' economies for so long. But at the same time I hope that President Nixon will not forget the simple moral issue of freedom in the Soviet Union—freedom for those foreign citizens who must live and do business in the Soviet Union, and freedom for those Jews who not only wish to emigrate from Russia, but for those who wish to remain in the Soviet Union and live as Jews. If the Soviet Government wants to fully participate in the 20th century, and derive the economic benefits that such participation would surely bring, then it must be made to understand that it cannot operate under a medieval mentality.

Mr. Speaker, I call on President Nixon to speak for us all in the upcoming negotiations with Chairman Brezhnev, to remind the Chairman of America's concern for the fate of Soviet Jews, and to impress deeply upon the Chairman the need for major concessions in this area. I hope for a successful completion of the summit conference in all areas, particularly in winning freedom for Soviet Jewry.

FEED MILLS NEED PRICE FREEZE ADJUSTMENT

(Mr. ROBINSON of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBINSON of Virginia. Mr. Speaker, I support the President's efforts to check inflation, but it is clear that the temporary price freeze order must be modified in order to prevent disruption of the Nation's food supply.

The prices of raw agricultural products are not frozen, and I understand the reasoning in this, but the prices are frozen at the first processing stage and thereafter.

One result of this is that feed mills cannot sell feed at the controlled price because they cannot obtain new supplies of the feed ingredients except at a substantially higher price.

Unless the regulations are modified promptly, Virginia poultrymen, and other users of feeds, will find their supplies cut off, because the mills cannot be expected to sell at a loss.

I have communicated today with the President and his chief economic advisers to urge prompt adjustment of the price freeze regulations to insure that the food supply chain not be broken.

Under leave to extend my remarks, Mr. Speaker, I include the text of telegrams I have sent to the President, the Secretaries of the Treasury and Agriculture, the Chairman of the Council of Economic Advisers and the Director of the Cost of Living Council, as follows:

> Continuity of nation's food supply requires urgent action modifying price freeze to reflect inability of processors and distributors of agricultural products to obtain raw or initially-processed agricultural items except at prices substantially higher than their invoiced prices during base period on sales to next link in distribution chain.
>
> Your active consideration of examples such as these is most earnestly solicited:
>
> 1. Major Virginia poultry processors have informed me today that chain store and other distributors are telling them that further orders for poultry should not be expected, because acquisition cost now is above their selling prices in the base period.
>
> 2. Virginia feedmills state that they will have to phase out supplies to poultry and egg producers and other users of feeds because they cannot obtain additional feed constituents at current prices and sell formula feeds at base period prices except at loss of fifty dollars a ton or more.
>
> Strict adherence to price freeze regulations as presently understood can only insure rapid withering of poultry and egg supply and economic disaster for producers.
>
> Please keep in mind that approximately eighty percent of commercial laying hens are produced under contractual arrangements with feed mills, which now see no way to continue supplying layers, broilers and turkeys without violating price control regulations.
>
> I support the objective of the price freeze, but modification is essential to avoid disruption of food supply and encouragement of black market operations.

INTRODUCTION OF TRADE ADJUSTMENT ASSISTANCE ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, I am pleased to join today with my colleague from Minnesota (Mr. FRASER) in introducing legislation entitled "The Trade Adjustment Assistance Act of 1973."

Since May 9, 1973, the House Ways and Means Committee, of which I am a member, has been holding public hearings on H.R. 6767, the Trade Reform Act of 1973. Today is the last day of our committee's public hearings on this administration-backed proposal. Beginning Monday, June 18, the committee will begin executive sessions on this legislation and it is generally predicted that a bill will be reported to the House prior to the August recess.

The Trade Reform Act of 1973 is a sweeping proposal which has the potential for an immeasurable impact on all sectors of the American economy. It is certainly one of the most important pieces of legislation which will be considered by the 93d Congress—and it merits the careful study and scrutiny of every Member of Congress.

In earlier speeches in this Chamber, I have expressed my very deep concern about some of the provisions of H.R. 6767. I am concerned about the unlimited grants of authority which it gives to the executive agencies. I am concerned about the lack of adequate public hearings and public discussion about possible negotiations which would be permitted under this act. I am disturbed about the lack of provisions for judicial review. And in particular, I am deeply worried about the inadequacies of the assistance programs provided in the administration bill for workers, companies, and communities which might be adversely affected by trade concessions granted under the authorities provided by this bill.

I know that these concerns are shared by many members of the Ways and Means Committee and by many Members of the House. It is my expectation that H.R. 6767 will be substantially rewritten and thoroughly amended in the Ways and Means Committee. These amendments will seek to limit the discretion and range of authority which the President would be given under this bill. They will attempt to provide greater safeguards to American workers and companies and it should certainly seek to improve the forms of readjustment for those who might be adversely affected by any trade negotiations.

It is my hope that through a new round of trade negotiations and increased world economic cooperation, this bill could lead to a more prosperous America—an America with full employment, with a wide range and variety of consumer goods at stable prices. Certainly, this was the hope of all of us who worked on and voted on the Trade Expansion Act of 1962. But in reviewing the actions taken under the 1962 Trade Act, one is often disappointed. In all too many cases, it seems that the United States gave more than it received from its trading partners. Under this new trade bill, I think it is important that this balance be redressed. I think it is important that we receive more than we concede.

In the meantime, thousands of American jobs have been and are being lost due to imports. Certain industries and areas of the country have been particularly hard hit by a flood of imports in such categories as shores, textiles, and increasingly, steel, and automobiles. The present forms of assistance to workers who are left unemployed or underemployed as a result of imports is totally inadequate. It is vital that an improved form of worker and firm adjustment assistance be provided. An improved form of adjustment assistance must also accompany any new trade legislation.

Let me state here that it is my hope that no one will be adversely affected by any new trade laws. With a carefully written bill and with a vigorous and strong trade negotiating team, this new bill can mean more jobs and greater prosperity for the entire nation. But it is a fact that by the nature of trade negotiations, there are almost always some concessions on both sides. Therefore, this bill, which should bring greater prosperity and greater employment to all of us as a whole, may mean the loss or displacement of a job for a single individual. It may mean that he will have to find a new job; that he will have to be retrained; that he may have to move and break ties with the communities in which he has grown up in and formed his friendships. In other words, what will be the Nation's gain, may be, in some cases, a loss for individuals.

In a situation such as this, where actions are taken for the good of the Nation as a whole, it is right and proper and just that we make special provisions for those few who are injured by that public action.

Therefore, I am joining with my colleague from Minnesota in introducing this action which seeks to provide truly adequate and comprehensive forms of assistance to those who are suffering from imports or who may be displaced from their jobs by any future trade concessions.

The legislation which we are introducing provides for the coordinated establishment of an agency, under the direction of the Secretary of Labor, which will oversee the effective administration of a full range of trade adjustment assistance programs. In the past, hundreds of petitions have been presented to the U.S. Tariff Commission for relief and assistance because of injury and unemployment caused by imports. In all too many cases the Tariff Commission has refused these petitions for relief. There are cases where the Tariff Commission has forwarded these petitions to the President for approval—with subsequent delays. After almost 2 years of delay, one such petition for relief still has not been granted. This new bill would eliminate the present cumbersome procedure for determining and developing relief and readjustment assistance. It would mandate a decision on whether relief and adjustment assistance is justifiable within 60 days, for any trade-impacted industry where production has declined and a significant number of workers are out of work or under-employed due in substantial part to increased imports or decreased exports.

There are three main types of assistance provided by this bill.

ASSISTANCE TO FIRMS

First, there is trade adjustment assistance to companies in a trade impacted industry. Primarily, this assistance will take the form of technical advice and financial assistance through existing programs—programs such as the SBA or the EDA. Tax credits would be provided for firms for the retraining of its workers so that that firm can move into a new line of production or modernize its present production line to more effectively compete with foreign imports.

ASSISTANCE TO WORKERS

Second, there are four forms of assistance provided to workers: readjustment allowance, training benefits, relocation allowances, and early retirement benefits.

Under the readjustment allowances provisions, an import-affected worker would be eligible for assistance equal to his average weekly wage up to a certain maximum annual level. If it would be more beneficial to the worker, he could elect to apply for allowances under the various types of federally-sponsored job training programs. To qualify for this readjustment allowance, the worker would have to participate—with good faith—in job retraining. The job training programs must be geared to provide training for jobs which really exist and which have the potential for upward mobility. All too often, Federal job training programs have attempted to train people for dead-end jobs or for jobs which did not exist. The worker would be eligible for readjustment allowances equal to the time that he had worked for the firm which was import-affected. This provision is drawn from the principle established in the Amtrak legislation which provided that workers who lost their jobs because of the termination of certain passenger train routes would receive the equivalent of up to 6 years pay. Obviously, nowhere this length of time for assistance provisions would be available under this legislation, since the worker must actively seek new employment and retraining. Nevertheless, this flexible time provision is important because it will provide the family income security needed during a transition period. I might add here that these provisions which provide real opportunities for workers are in stark contrast to the provisions in the administration trade bill. For example, if a worker has to leave home or travel to another area to participate in a retraining program, the administration bill permits him a daily "subsistence" allowance of $5, the same "subsistence level" provided in the 1962 Trade Expansion Act. The bill which we have introduced today provides for flexibility in subsistence allowances so that they will cover reasonable and necessary expenses of the worker during the transition period.

Third, the bill provides for relocation allowances for a worker and his family. This provision is similar to the language in the administration bill—with one exception. The administration bill provides for relocation or moving expenses only if the worker is the head of a household. Today's bill permits such allowances for a single worker as well.

Fourth, the bill provides for early retirement payments. When an older worker is displaced or loses his job, it is often almost impossible for him to find new employment. I am sure every Congressman has received letters or visits from workers in their fifties or early sixties who have searched and searched—even in the best of economic times—and have been unable to find any kind of employment. When a person has worked in a particular industry for years and then the entire industry is adversely affected by imports, the chances for finding new employment are even more remote. Therefore, this legislation permits a person who is 55 years of age or older to elect to receive the level of social security benefits he would be eligible for at age 62, and it permits persons over 60 adversely affected by imports to elect to receive the level of social security benefits which he would have been entitled to at age 65.

ASSISTANCE TO COMMUNITIES

There are several other important provisions. The Secretary of Commerce is authorized to provide technical and certain forms of established financial assistance to communities adversely affected by imports—as when a plant or factory closes because of competition from foreign imports. Finally, the bill provides for the development of an "early warning system" so that plants which are in danger of closing down or relocating abroad provide as much possible advance information to their employees and the Government as possible.

CONCLUSION

Mr. Speaker, it is my hope that the provisions of this legislation will be included in any trade legislation considered by the Congress this year. Indeed, it is important that this type of legislation pass as soon as possible to assist workers, firms, and communities to adopt to the current unprecedented level of imports.

I will work for the development of trade legislation and international monetary reform which will, to the greatest extent possible, remove the need for readjustment assistance. But it is obviously needed now—and due to changing technologies, it will probably be needed in the future. We cannot expect American workers and their families, we cannot expect many American companies and regions of the country to support the continuation of an expanding international trade, unless we remove the anxiety caused by the fear of import-caused job loss. This legislation would remove that fear. It would permit greater flexibility in the commitment of American resources. It would ensure the ability of American workers to move into the more highly skilled, highly paid technological industries.

INTRODUCTION OF TRADE ADJUSTMENT ASSISTANCE ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, there are two essential elements in a successful and vigorous trade policy—temporary safeguards against injury from imports and meaningful assistance to workers, firms and communities in adjusting to changing patterns in international trade. I am introducing legislation today with my colleague from Ohio (Mr. VANIK) which would provide one of these two essential ingredients—an effective trade adjustment assistance program.

There are many compelling reasons for pursuing an energetic and open trade policy, none more important than the need to maintain friendly relations with the rest of the world. The interdependence of the nations of the world is clearly established; we are all mutually dependent on one another for our well-being. If we are to prosper, growth in the developing countries must be encouraged. But instead of the massive aid programs of the past, we should recognize our community of interests—our need on the one hand, for markets for agricultural goods and technology-intensive products and the third world's need, on the other, for markets for low cost, labor-intensive manufactured articles.

In encouraging trade of this nature, dislocations occur, dislocations with which we must deal effectively. These dislocations occur to relatively few. From 1967–69, years of sharp increases in imports, about 60,000 jobs a year out of total work force of 80,000,000 were lost because of foreign competition. The benefits accrue to all of us—benefits of growth in national income and of growth in higher paying jobs, benefits of lower consumer prices and of increased quality and quantity of goods available, and the very large benefit, not measurable in hard cash, of increased national security.

Even though only a small proportion of the work force suffers dislocation from changes in foreign trade flows, it is manifestly unfair that these workers should have to pay for benefits we all receive. It is more than unfair; it is unthinkable. To reduce these workers' already inadequate benefits, to shorten the already short duration of their meager allowances as is proposed in the administration's Trade Reform Act of 1973, is unspeakable. To ask them at the same time to assume new burdens, new risks, so that the country at large may prosper, shows a callous disregard for individual human suffering.

Unemployment compensation and trade adjustment assistance should not be treated alike as this administration has proposed. Anyone who loses property or his means of livelihood in the national interest is entitled to compensation. The State Department, in explaining the adjustment assistance provisions of the 1962 Trade Expansion Act, declared:

> There is nothing radically new about this principle; it is the same principle which has guided our legislators in assisting in the personal readjustments made necessary by military service or in assisting industry to adjust to the requirements of war production. It is, in essence, the principle that individual groups should not be expected to bear alone the burden of a policy felt to be in the interest of the nation as a whole.

The 1962 trade adjustment assistance program proved a dismal failure, but not because the principle on which it was based was unjust. It failed because of rigid eligibility criteria and inflexible administration. Assistance provisions were so hedged with restrictons as to prove virtually useless. From passage of the act in October 1962 until November 1969 the Tariff Commission denied every petition submitted to it by workers, firms, and industries. Only after the Automotive Products Trade Act of 1965 had shown that adjustment assistance was practicable, did the adjustment assistance program under the Trade Expansion Act begin to function at all. From December 1969 through April 1973, 77 petitions have been certified as eligible for assistance, and some 35,000 workers have received benefits.

The Trade Adjustment Assistance Act of 1973, which my colleague from Ohio (Mr. VANIK) and I are introducing today, would liberalize eligibility criteria and would establish effective administration for the program. It would also vastly improve allowances, continue fringe benefits for affected workers, make special provision for older workers, and provide for relocation, retraining and counseling to help workers find new jobs. It would assist firms largely through loan guarantees and tax credits and would help affected communities to adjust to, and prepare for, loss of jobs in trade-impacted firms and related service industries.

The major provisions of the Trade Adjustment Assistance Act of 1973 are:

First. Liberalization of eligibility criteria so that firms, workers and communities adversely affected by foreign trade flows—increased imports or decreased exports—would qualify for assistance.

Second. Transfer of responsibility for overall administration of the program to the Secretary of Labor, who would act on the advice of a newly created Interagency Committee on Trade Adjustment, modeled on the successful Interagency Committee on Economic Adjustment, which was set up to assist communities impacted by cutbacks in aerospace and defense contracts and by closings of military bases. The Secretary of Commerce framework, for administering assistance would have responsibility, within this to firms and communities.

Third. Provision of benefits to workers equal to their average weekly wage, a formula that has been used to compensate railroad workers who were displaced by Amtrak, in the interests of improved rail passenger service for the Nation at large. An arbitrary 6-year limit was put on this program. Benefits under our bill would be paid on a time-for-time basis—duration of payments equals length of previous employment. This is more equitable and is not estimated to add appreciably to the cost of the program. Maximum duration has been shown to have little relation to actual duration of payments.

Fourth. Provision of allowances to workers for retraining, counseling and relocation expenses; provision for such fringe benefits as hospital insurance and early retirement.

Fifth. Provision of assistance to firms hurt by foreign competition, with emphasis on loan guarantees and tax credits for expenses incurred in helping workers adjust.

Sixth. Establishment of an early warning system by having the Trade Adjustment Administration in the Department of Labor, in conjunction with the Interagency Committee on Trade Adjustment, monitor data showing production and employment trends and by requiring firms to give workers at least 90 days notice of a decision to relocate facilities outside the United States, if such relocation would result in any reductions in work force.

I have stressed arguments of equity for workers and of enlightened interest in world prosperity and world peace. The case for an expanded and improved trade adjustment assistance program can be made purely on grounds of economic self-interest. The best estimates of the costs of current import restrictions are from $5 to $8 billion. The quota system proposed in the Burke-Hartke bill would cost at least twice that. The most generous estimate of the total cost of the program we are proposing, including assistance to workers, firms, and communities, comes to $300 million a year. Economists at the Brookings Institution have suggested a lower figure. Total expenditures for manpower and employment services programs in fiscal year 1972 were $3.2 billion. Estimates for 1974 are at the same level. $300 million is not a large amount to add to these estimates, when offset by the enormous gains of a liberal trade policy.

A viable trade adjustment assistance program is indispensable to a vigorous, open trade policy. In the interests of justice for affected workers and of expanded trade, with all its attendant benefits for the rest of the Nation, we ask for your support of H.R. 8723, the Trade Adjustment Assistance Act of 1973.

CLARENCE M. KELLEY AS DIRECTOR OF THE FBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, I was pleased to note the editorial endorsement of Chief Clarence M. Kelley of Kansas City by the Washington Post in its edition of Thursday, June 14, 1973.

The Washington Post prides itself as being an independent newspaper and in this editorial it demonstrates its independence.

Perhaps the first paragraph of the editorial is not completely descriptive of what follows in the remainder of the editorial. But in that first paragraph the Post praises Kelley in a way that all of the other cautions contained in the remainder of the editorial are minor by comparison.

The Washington Post is not given to passing out bouquets to anyone but, in the case of Chief Kelley, they point out that President Nixon in reaching outside of political circles in selecting Clarence Kelley has selected a professional of long experience and with considerable stature in the law enforcement field.

The editorial goes on to point out that Mr. Kelley enjoys a reputation as one of the Nation's top chiefs of police. This is so because he has made significant achievements during his years as chief of police in Kansas City. These include banishing corruption from the force, introducing a number of innovative systems and techniques, and winning wide community support.

The editorial quite wisely cautions that the Senate Judiciary Committee should take plenty of time to consider the confirmation. This is partly because of the unhappy tenure of L. Patrick Gray and also, in part, due to the recent revelations about surveillance and various undercover adventures.

We are all in agreement that there are permissible limits of investigative techniques. The editorial quite properly mentions the FBI engaging in burglary in order to collect information.

Well, the Senate Judiciary Committee will listen to Mr. Kelley's views on investigative methods and will explore in detail his record at Kansas City.

For my part as one Member of Congress who has known Chief Kelley and has in the recent past represented a substantial segment of Kansas City, I feel confident that Clarence M. Kelley will stand the test and convince the Senate Judiciary Committee that he is a professional in the field of law enforcement. The editorial follows:

[From the Washington Post, June 14, 1973]

MR. KELLEY AND THE FUTURE OF THE FBI

In nominating Clarence M. Kelley to be Director of the FBI, President Nixon has wisely reached outside political circles and selected a professional with long experience and considerable stature in the law enforcement field. Mr. Kelley enjoys a reputation as one of the Nation's top chiefs of police, based on his achievements in banishing corruption from the Kansas City force, introducing a number of innovative systems and techniques, and winning wide community support there.

Even so, the nomination should not be whisked through the Senate in a flurry of relief at the prospect of finally giving the beleaguered FBI a capable permanent leader after 13 months of turmoil and temporizing. We do not have in mind here the predictable Senate Judiciary Committee concern with certain controversial aspects of Mr. Kelley's record, such as his approach to minority hiring in the Kansas City department, or the civil liberties aspects of the intelligence networks he has created. Rather, we are referring to the larger challenge for the Senate committee—and for Mr. Kelley—which was summed up last Friday by the FBI's Acting Director, William D. Ruckelshaus, in a commencement address at Ohio State University. Mr. Ruckelshaus said:

"The director must be able to conceptualize how the FBI fits into our societal fabric at any given historical moment. He must recognize the permissible limits of investigative techniques—what is permissible in wartime or times of extreme emergency is impermissible when the threat to our country's security is minimal—and he must communicate forcefully those limits to FBI agents. Needless to say, this takes an individual of considerable capacity."

"Further, the necessity to America of our major Federal law enforcement agency's not exceeding a wise exercise of its power is too important to leave to the judgment of one man. There must be effective oversight. . . . in my opinion neither the legislative nor the executive oversight or check is sufficient today and needs to be strengthened."

Mr. Ruckelshaus is exactly right. A long list of questions about the future of the FBI has accumulated as a result of Mr. Hoover's long, idiosyncratic reign, the unhappy tenure of L. Patrick Gray III, and recent revelations about the surveillance, undercover adventures, and bureaucratic infighting which various FBI operatives have carried on over the years. All of these matters have taken their toll in terms of misuse of resources, abuses of authority, and erosions of public confidence. If the agency is now to be restored to a position of trust and effectiveness, its mission must be redefined and recognized as redefined in ways which will ensure the wise exercise of the enormous police power which the Federal Government commands.

The central issue is that of control. The FBI has now experienced a stretch of autonomous, autocratic rule under Mr. Hoover, and a brief swing to subservience to partisan interests on the part of Mr. Gray. Somewhere between those two extremes is a middle ground which combines professional independence with legitimate accountability to Congress, the President, and the Attorney General. No aspect of reconstruction is more important than establishing the agency firmly on that rational middle ground.

Mr. Kelley and the Congress should also come to grips with the problem of what Mr. Ruckelshaus called "the permissible limits of investigative techniques." This is more than a matter of whether the FBI should plant agents provocateurs or engage in burglary to collect information. There is, first, the strategic issue of what the Bureau ought to investigate—whether a single agency should continue to have the dual mission of probing Federal crimes and gathering political or national security intelligence as well. There is also the perennial question of techniques, which is a matter of both tactical detail and overriding principle. Mr. Kelley's views on investigative methods, especially intelligence and communications systems, should be explored in detail, precisely becase in Kansas City he has pioneered in using advanced technology in areas where legal restraints are new or incomplete.

The issues of goals and governance now facing the FBI are so basic that no Director, however competent, should be expected or allowed to resolve them by himself. The Congress, which has all too often acquiesced in the doings of FBI directors, should now assert itself to provide direction and an overall design—to spell out, or more likely to hash out, what kind of Federal law enforcement agency is required and how the rights and liberties of American citizens should be protected in the process. President Nixon, the Attorney General, and Mr. Kelley should welcome clear statements of congressional intent and should cooperate in developing whatever new laws and guidelines are desirable to bolster the FBI's integrity and effectiveness. It is a major assignment, and the Senate Judiciary Committee's hearings on Mr. Kelley's nomination will be the place to start.

NEW TRADE ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 10 minutes.

Mr. BLACKBURN. Mr. Speaker, yesterday, I had the privilege of appearing before the House Ways and Means Committee to present my views and recommendations with regard to the President's trade proposals.

For the information of my colleagues, I would like to insert my testimony in the RECORD:

STATEMENT OF THE HONORABLE BEN B. BLACKBURN BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON NEW TRADE ACT OF 1973, JUNE 14, 1973

INTRODUCTION

Those of us who must be aware of political trends in either National or International affairs recognize that a decision has been made at the top levels of both the United States and Soviet Union Governments that expanded trade between the two nations is a desirable objective. The theory has been advanced by a spokesman for the United States that through a great expansion of trade contacts between the United States and the USSR, there will evolve a "web of vested interests" in the field of economic relationships that will somehow remove the pressures of confrontation as it has existed for the past 28 years. It is further advanced that this mingling of vested interests will prove highly beneficial in meeting the balance of payments deficits which this country now faces and will create a dependable source of petroleum products as an alternative to the instabilities of the Middle East.

The purpose of my testimony is to point out what I consider to be clear indications that these top level decisions have been dictated more by political considerations than by economic considerations.

Further, it is my purpose to point out that the political considerations which have led the leadership in this country to clasp the Soviet Union to its bosom as a profitable and beneficial trading partner are not consistent with the political considerations of the Soviet Union's leadership. The economic arguments for expanded trade with the Soviet Union are extremely questionable when viewed in the pragmatic light of experience and the realities of the world. The benefits to the Soviet Union are obvious: she will develop within the boundaries of her own geographic borders, resources which today are denied to her by reason of the backward nature of her technology and she will have developed these resources largely through the investment of American capital, capital either provided directly by the United States taxpayer or capital invested by reason of guarantees supported by the United States taxpayer. In either event, the capital is provided as a subsidy to Soviet industries with no direct or equal benefit to the United States taxpayer.

The present economic ills could be directly traced to the Bretton Woods agreements, to our unwise monetary policy, and discriminatory trade policies of our major trading partners, Japan, Canada and the European Economic Community. Consequently, the economic rationale for expansion of the so-called East-West trade is, in the best case, of secondary importance and the primacy goes to the political considerations. And there our rationale should be guided by the criteria of whether it is in the interest of the U.S. to increase the military and subversive potential of our enemy.

While it has been firm policy for this country to separate political from economic considerations in discussion on negotiations affecting trade, we must never forget that for the Soviet Government, trade is nothing more than an extension of political policy. Every student of the Soviet system of Government and economics recognizes that every aspect of life under the Soviet system is subordinate to the political considerations.

HISTORICAL PERSPECTIVE

Fifty years of trade with the Soviet Union suggests that "peaceful trade" with Communist Governments is a pipe-dream. In 1918, the Bolsheviks only occupied part of Russia. They needed western supplies to consolidate and extend their control. Edwin F. Gray, Chairman of the U.S. World Trade Board, argued for trade. "Economic isolation would not bring stable government in Russia" said Gray, and "if the people of the Bolshevik sections of Russia were given the opportunity to enjoy improved economic conditions, they would themselves bring about the establishment of a moderate and stable order." How this line, 50 years later, in spite of all historical experience, still flourishes, is one of the absurdities of the age in which we live.

Trade began, and in the 1920's, over 350 western businessmen invested in Soviet concessions. When the time came for expropriation, only the favored few, such as Dr. Armand Hammer, Chairman of Occidental Petroleum Corporation, received compensation. As a matter of fact, in addition to compensation, Dr. Hammer was permitted to take with him a fortune in expropriated czarist art treasures and jewels. It is no wonder that today Dr. Hammer is one of the strongest advocates of trade with communist governments, and that Dr. Hammer's Occidental obtained a multi-billion dollar agreement with the Soviets involving oil, gas, fertilizers and tools.

American firms built the major factories of the Five-Year Plan. Henry Ford built the Gorki auto plant which today supplies trucks for the Ho Chi Minh trail. The Stalingrad and Kharkov tractor plants produced the International Harvester 15/30 model (as well as tanks). The Chelyabinsk tractor plant produced the Caterpillar 60 tractors—and tanks of U.S. Christie design. Glen Martin, Seversky, Vultee, Douglas and Curtiss-Wright provided the Soviets with technology for an aircraft industry.

RCA transferred to the Soviets "the entire field of manufacturing and experimental activities of RCA and its subsidiaries." General Electric in the U.S., and Metropolitan Vickers in the United Kingdom gave similar assistance.

The gift of lend lease and European reparations in the 40's was followed by the trade boom of the 1950's and 1960's. Soviet jets are based on Rolls-Royce, Junkers and BMW technology.

The massive Soviet merchant marine was 70% built outside the U.S.S.R. and all its large marine diesel engines originated outside the U.S.S.R. (from Burmeister & Wain in Denmark, Fiat in Italy, MAN in Germany). Poltava class ships—with Danish engines—carried missiles to Cuba in 1962. None of the 96 Soviet ships used on the Haiphong supply run has an identified Soviet design main engine. Most came from NATO allies—Denmark and Germany.

In 1959, the Bryant Chucking Grinder Company sold 46 Centalign-B machines to the U.S.S.R. for manufacture of miniature ball bearings—almost all used in missiles. All Soviet bearings capacity was imported in the 30's and 40's: they had no ability to mass manufacture miniature bearings.

Late in 1971, the Nixon Administration issued $1 billion in export licenses for the Kama truck plant—the largest plant in the world—to produce 150,000 multi-axle trucks per year. There is no indigenous Soviet truck technology. A U.S. government interagency committee has concluded that multi-axle trucks are essential for war; and the Commerce Department publicly acknowledges these findings.

In brief, major American and European firms—with the knowledge and assistance of their governments—have provided the technology for the Soviet economy. Soviet technology is either imported or duplicated from imported models. A decade-long search has identified only a handful of Soviet innovations.

In direct contradiction to these findings, successive administrations have denied the impact of our technology on the Soviet military-industrial complex.

For example, in 1931 Senator Smoot queried the State Department about export of aluminum powder technology (used in explosives). An international State Department memorandum now tells us why no reply was ever made to the Senator:

"No reply was made to Senator Smoot by the Department, as the Secretary did not desire to indicate that the Department had no objections to the rendering by Mr. Hahn of technical assistance to the Soviet authorities in the production of aluminum powder, in view of the possibility of its use as a war material, and preferred to take no position at the time in regard to the matter."

In 1961, another Secretary of State, Dean Rusk, made the following statement to Congress:

". . . it would seem clear that the Soviet Union derives only the most marginal help in its economic development from the amount of U.S. goods it receives."

Then a State Department publication—presumably after investigation by its research bureau—hopefully claimed the U.S.S.R. had a "self-developed technology." In fact, there is no such thing as Soviet technology. Almost all—perhaps 90 to 95%—came directly or indirectly from the United States and its allies.

The present Administration opines vaguely about "peaceful trade" in agricultural commodities, consumer goods, capital equipment, and "know-how", but avoids the topic of risks involved in technological transfers to the Soviets and Red China.

Trucks will move ammunition or food. Computers will control a population, calculate missile orbits, as well as more peaceful equations. A ship will haul missiles or wheat. A printing press will produce truthful or propaganda material.

For 100,000 Americans and countless Allied soldiers, in Korea and Viet-Nam, "peaceful trade" has been the trade of death.

THE NATURE OF ADMINISTRATION'S NEW ECONOMIC POLICY

The present euphoria on East-West trade started with two important events; one was Mr. Nixon's trip to Mainland China and the other was the announcement of $750 million grain "deal" with the Soviet Government. These two events were followed by the lifting of the ban on trade with the communist government of Mainland China and liberalization of trade and conditions necessary for trade with the Soviet Union. The political rationale behind these events is obviously based on a "web of vested interest." Other administration spokesmen have repeated the same theme, advocating the creation of "vested economic interests in peace" even while ideological rivalries continue. Although the enthusiasts proclaim that economics has become the leading factor in resolving international tensions, the trade is surely but the ratification of political decisions based on a confluence of U.S.-Soviet interest in Viet-Nam, China, Berlin, SALT, MFBR and European security.

This is the key. American policy for years took an ambiguous view of how much trade and economic cooperation was feasible, while Cold War tensions continued. Businessmen who went to Washington with plans, ideas and demands for trade expansion were turned away with the admonition that it wasn't yet time.

Well, apparently, the time has clearly come, and it is being proclaimed and promoted from the housetops. The Administration is promoting what has been hailed as "the contagion of confidence."

It is obvious that our grand design for "a generation of peace" is based on a desire for a stable detente among the world powers which in turn would be based on the desire for balance of power.

All these foreshadow the great interest in increased East-West trade by officials of the U.S. Government, traditional proponents of East-West trade, and considerable segment of the American business community.

POTENTIAL FOR EAST-WEST TRADE

If we all lived in a free world, which we obviously do not, the potential for East-West trade, considering the territory, population and natural resources of the Soviet Union, its satellites and Red China, would obviously be enormous. However, under the existing realities of the world in which we live and despite the substantial potential of extension of trade, the economic relationship with any particular communist governed countries is subject to the disappearance of the communist power constraint.

Under the existing conditions, the trade projections for U.S. exports to U.S.S.R., Eastern Europe, and especially Red China, are very modest.

The recent studies by the Department of Commerce, the State Department and other governmental agencies, reach the same basic conclusion as far as the projected U.S. export to the Soviet Union and Eastern Europe are concerned.

Under present conditions, they have estimated that U.S. exports to the U.S.S.R. in 1978 would amount to $295.4 million. However, under "normalized" conditions, estimated 1973 U.S. exports to the U.S.S.R. should reach a figure of $536.8 million. On the other hand, estimated 1978 figures for U.S. exports to the U.S.S.R. under "normalized" conditions would be $683 million and under most optimistic estimates $1,056,000,000.—Excludes any possible grain deals of the type concluded in July, 1972, whose nature and causes prevent them from being estimated. For the actual 1973 under "normalized" conditions, approximately $425 million should be added to the estimates.

The trade projections for U.S. exports to Eastern Europe look somewhat different. While estimated 1978 exports to Eastern Europe under present conditions project a figure of $526.3 million, the estimated 1973 U.S. exports to Eastern Europe under "normalized" conditions should reach the figure of $1,017,000,000. The estimated 1978 U.S. exports to Eastern Europe under "normalized" conditions are expected to be $1,371,000,000.

If we consider the total U.S. exports to the rest of the world in 1972, the communist countries' share of $49.2 billion of U.S. exports was only 2%. The trade projections for U.S. exports to the U.S.S.R. under "normalized" conditions forecast only slight improvements in the communist countries' share of U.S. exports. The U.S. imports from major world areas in 1972 indicates that communist countries' share was an insignificant 1%. The trade projections for future U.S. imports from the U.S.S.R. also suggest very slight improvement. As far as Eastern Europe is concerned, the situation is somewhat better, while Red China, despite its size and needs ranks a poor third among communist countries.

In 1971, U.S. total exports to the rest of the world were about $42 billion. From that sum, only $160 million worth of exports were designated to the U.S.S.R. In 1971, the visible import of goods from the rest of the world into the United States was roughly $45 billion, in particular the imports from the Soviet Union amounted to about $68 million. If we take a look at the GNP per head in the Soviet Union, we will find out that according to the official Soviet figures, it is 42% of that in the United States. However, this is true only if we are prepared to accept Soviet figures at their face value. We must bear in mind that the strange accounting method used by the Soviet central planners does not consider either the quality of their economic output or the depreciation of the capital equipment. Consequently, it becomes obvious that their GNP figures are irrelevant for the purpose of estimating the trade potential with the Soviet Union. What really counts is the purchasing power of the Soviet citizens, which is insignificantly trivial as far as its implications for trade expansion are concerned.

In 1972, the total value of the United States exports to the U.S.S.R. was $540 million. However, 58% of this amount consisted of U.S. grain exports ($369 million). It is interesting to note that during the same period of time, $250 million, which in proportion to the population of Poland (33 million) represents considerably larger trade transactions than the trade with the Soviet Union. We find an almost analogous situation in the case of commercial relations with Czechoslovakia.

Let us examine the trade with Red China. In 1971, that trade amounted to zero. In 1972, the sale of wheat to Mainland China amounted to $39 million, while the total trade with the Red Chinese government was only $44 million.

If we list the Chinese GNP, using the most favorable figures supplied by the United Nations, we find that the country with a population of some 780 million people has a GNP equivalent to Italy's (which has a population of 54 million), which is certainly not an economic giant by any means.

The other Western countries, and Japan, have a much greater stake in international trade in general than the U.S. Consequently their trade policies, which could be characterized by "balance of payments surplus syndrome," play a considerable role in tailoring their foreign economic policy including the one toward Communist bloc countries.

Two leading Western countries, as far as the trade with the Communist governments is concerned, are West Germany and Japan. West Germany was, and still is, the largest single trading partner of East Germany. Half of all East German imports from the West originates in West Germany.

Japan, on the other hand, has a sizeable commercial interest in trade with Red China. If we scrutinize the Red Chinese imports, we will find that a third of all imports comes from Japan, while West Germany provides 16% of Red China's imports. It is worth stressing that the United Kingdom sells to the Netherlands, with a population of 12 million, ten times more than she sells to Red China.

If one includes Yugoslavia in East-West trade figures, one will observe that in spite of a relatively low GNP for the country, Yugoslavian trade with the West comes up as quite sizeable in comparison with the trade figures of the other Communist governments. Someone might ask why should there be a noticeable difference in the trade between Western countries and Yugoslavia, particularly when we consider the relatively low GNP in Yugoslavia as compared to other Communist governed countries. There is no argument but that the healthier trade relationship with Yugoslavia is a direct result of more liberal attitudes by the Yugoslavian government toward its own internal and external economic policies.

ITEMS OF PRESENT TRADE

The types of commodities exchanged in the East-West transactions are rather typical. For instance, pig bristles are shipped from Red China to the United Kingdom (the same type of commodity China has exported to the West since the 19th century), antiques and foodstuffs to the rest of the world.

The typical exports from the Soviet Union consist of raw materials, some basic commodities, and a tiny trifle of manufactured goods; among raw materials the most pronounced are chrome (displacing Rhodesian chrome on Western market), natural gas, and some oil. To this list of Soviet exports, we should add the following items: gold, some platinum, diamonds, furs, and of course vodka.

As far as Western exports to the Soviet Union, Eastern Europe and Red China are concerned, the capital equipment played the paramount role. The United States' exports to the U.S.S.R. primarily consist of non-electric and electric machinery, electric apparatus and appliances, chemical elements and compounds, transportation equipment, foundries, various licenses, and production systems.

The West European and Japanese exports to the Communist governments are also characterized by high technology items. In recent years, one could have observed numerous transfers of entire plants from Western European countries and Japan to the Eastern bloc countries and Red China. Among these transfers, the interesting examples were Fiat's Tolyati automobile plant in the Soviet Union (involving considerable financing by the U.S. Export-Import Bank because transferred technology was of American origin), British Imperial Chemical Industry's investment into a chemical plant in the Soviet Union, COTOS fiber plant transfer to the Soviet Union, a number of French exports involving chemical plants and equipment designated for the Soviet Union, and West German exports of electronic and chemical plants and equipment to the Soviet Union.

The Nature of Trade

The trade between free countries, in the first place, is characterized by the economic consideration and criteria. The Western countries trade on the basis of comparative advantage (comparative costs), and on the basis of international division of labor. However, neither of the two criteria, and therefore economic underlining factors, comes clearly as a motivation force in dealing with the Communist governments. The history of so-called East-West trade provided sufficient empirical evidence that the commercial relationships with the East based on purely economic considerations is simply impossible. The Communist governments refuse the trade based either on comparative costs or on international division of labor; they also refuse to make their currencies convertible; but rather they engage in the barter trade which requires fixed deals. It should be obvious that barter trade renders inoperative in principle of comparative cost in the production of goods as well as the principle of international division of labor which underlies trade governed by market forces. Barter transactions can only have an adverse effect on the proper functioning of the market in those areas in which the Soviets buy or sell.

FINANCING THE TRADE WITH COMMUNIST GOVERNMENTS

A. Government Financing. In order to generate the trade between East and West the Western Governments, including Japan, must finance, guarantee, and insure big contracts involving sale of capital and intermediate goods to the Soviet Union and other Communist ruled countries.

The financial terms under which the East-West trade takes place are an interesting economic curiosity. To generate exports each of the Western governments has established a financial institution analogous to the U.S. Export-Import Bank, which makes long-term loans at less than the prevailing market rate of interest. The United Kingdom has its Export Credit Guarantee Department, Japan has its Export-Import Bank, Western Germany also has a corresponding financial institution, and of course France is not without a state bank which finances its exports. The financing of the above institutions generally involves a direct authorization from the Treasury of the countries involved followed by authority of the institution itself to borrow funds on the open markets. In the case of the Export-Import Bank, the borrowings of that institution are guaranteed by the full faith and credit of the United States Government.

This is a subsidy for the lending institution since the guarantee allows borrowings at less than current market rates. In many instances, loans by private lending institutions are guaranteed against loss by the government lending institution. These guarantees are themselves sudsidies to the extent that the lender is relieved of a risk which he would either take into account by setting higher interest rates, or by requiring the borrower to secure acceptable insurance to protect against such risk. In the assumption of such risks it is the taxpayer through the respective governments involved who is ultimate insurer.

By guaranteeing and insuring contracts involving transfer of capital and technology, transferring of intermediate goods, even trade in agricultural products, the governments of the involved Western nations assume upon themselves the risks of default on the part of the Communist governments. It goes without emphasizing that whatever risk is assumed by the involved government, automatically the same risk becomes a liability of the citizens of that country.

B. Private financing. Western banks that have been scrambling to establish themselves in the Soviet Union and Eastern Europe by offering cut-rate loans, have been criticized by Gebriel Hauge, Chairman of Manufacturers Hanover Trust Company, who last week assailed such efforts as "dubious banking". As an example, I would like to mention the Banca Commerciale Italiana, which contracted to lend the Soviet Union $300 million only ⅜% above the floating Eurodollar loan rate.

Another bank involved in lending to the Soviet Union is the Chase Manhatten Bank, practiced in lending based on the "erosion of margins." In other words, the Chase Manhattan Bank has offered rate concessions to the Soviet Union and other East bloc countries to finance exports. According to S. Yassukovich, managaing director of White, Weld's London based investment banking affiliate, such deals "apparently gave the Russians the idea that they could obtain a large syndicated loan at these rates."

The most recent inquiries with Chase Manhattan Bank failed to produce any information on the nature of most recent lendings to the Soviet Union of $86 million to help finance construction of the world's largest truck foundry, to be located on the Kama River.

The Soviets and other East bloc countries can make good deals in the Eurodollar market. In the short-term market, they can borrow at virtually the London interbank rate (currently 8.7% for 6 months money). "Banks over here are liquid, and there is a temptation to try to make a loan anywhere," says George Yurchyshnya of the London office of the First Bank of Boston.

Consequently, the East Europe countries can still negotiate attractive rates for long-term loans. Poland, for example, has been at the Eurodollar well seven times already this year for a total of $230 million. The First National Bank of Boston recently participated in one such deal—a $30 million, 7-year loan to Poland's Bank Handloway Warszawie. The rate: just ⅝% above the Eurodollar floating rate.

Financial sources in London said that the Soviets have already borrowed as much as $1 billion in the last year in unannounced loans from individual banks. Moscow needs about another $1 billion to finance the grain buying for 1972–73.

The Soviets are said to be negotiating simultaneously with several banks in Europe and the United States for various loans in amounts up to $200 million or $300 million each. But, according to informed financial sources, Moscow would prefer a single loan of $1 billion from a consortium of Western banks.

The London Reports said that some banks have declined to participate because of the low interest rates. But banks trying to get into Soviet trade finance or to open offices in Moscow are said to be more amenable.

Consequently, the narrow margins are likely to continue as long as the Western banks remain anxious to get into the Soviet Union and Eastern Europe. Yurchyshnya explains First Boston's rationale: "It was more a marketing gesture than anything. We do want to develop a business in Poland. We cannot pack up our tents and go home for two years hoping that the market will get better."

SOVIET CREDIT WORTHINESS

An interesting argument of the advocates of East-West trade in general, and those who favor credits to the Soviet Union and other communist governments in particular, is, for them, the "intriguing" phenomenon that the Soviet Union "never" defaulted on its financial obligations. If we scrutinize the existing situation in regard to the Soviet credit worthiness, it is imperative to discover the actual situation which is far from being that which the advocates of East-West trade maintain.

At present, there is a long-term outstanding debt, on the part of the Soviet government, of $385 million of principal and interest dating back to the early 1910s. It is worth noting that despite the fact that a United States government agency, the Foreign Claims Settlement Commisison, has officially reported that the U.S.S.R. owes United States nationals (on unpaid awards) over $120 million, which the U.S.S.R. does not even acknowledge. Additionally, the U.S.S.R. owes United States investors the principal and interest on the dollar-bond debt, as well as the U.S. Government, the Kerensky government debt, which was on the order of $100 million, pluc interest since 1918.

The dollar-bond debt of the Kingdom of Serbs, Croats and Slovenes has been acknowledged by the successor-Yugoslav communist government, which has been paying interest on those dollar-bonds for many years; more recently, the FBPC negotiated with the present communist government of Poland and the latter have agreed to certain reduced interest payments on the dollar-bonds issued by its predecessor, the Republic of Poland, and have further agreed to negotiate a complete settlement of that old dollar-bond debt within the next 18 months. Both the communist Hungarian government and the communist Rumanian government have promised in writing (to the U.S. State Department) to negotiate settlements of their dollar-bond obligations as soon as they are able to do so.

The Government of the Peoples Republic of China has just settled a debt with the Canadian Government incurred by private businesses of Nationalist China prior to 1948.

Lend-lease exports to the Soviet Union during World War II totaled over $11 billion in 1941–1945. The terms of lend-lease agreements require the recipient countries to pay for material accepted after hostilities officially ended. In 1952, the United States asked the U.S.S.R. for $800 million in settlement. In 1972, at the time Secretary of Commerce Peter Petersen, announced the agreement between Soviet representatives and representatives of the United States' government of the lend-lease settlement in an amount of $722 million, to be paid by the year ending July 1, 2001.

The agreement allows the Soviet Union to take up to four deferments. However, in the agreement, between U.S. government and the Government of the Union of Socialist Soviet Republics requiring settlement of lend-lease, reciprocal aid and claims, signed on October 18, 1972, by Secretary of State, William P. Rogers and Soviet Minister of Foreign Trade, N. Patolichev, the Soviets were successful to linking receiving of the Most Favored Nation status with payment of lend-lease debt. In other words, if the Congress refuses to grant the Soviet Union the MFN status they will not pay any part of the World War II lend-lease debt. Mr. Helmut Sonnenfeldt, one of our chief negotiators in Moscow, and at present Under Secretary of the Treasury, in his recent testimony, before the Senate Finance Committee, has confirmed this.

Between 1822 and 1914, Russia borrowed an estimated $4.8 billion from private investors in Europe on 114 issues of bonds, most of them payable in non-Russian money, especially in French francs and British sterling. Most of the loans had gold clauses. Seventy-nine of the bond issues were to raise money for the Russian state railroads or to finance nationalization of private Russian railroads. Forty-three railroad systems and eight city governments participated in the borrowing. The cities were Astrakhan, Baku, Kiev, Moscow, Nicolaev, Perm, St. Petersburg and Saratov. These external debts were defaulted.

The Soviet government repudiated all obligations of the predecessor Czarist State by a retroactive decree issued February 8, 1918. A further default occurred when in 1940 the Soviet government dishonored its own external obligations by discontinuing interest payments on British sterling notes issued by the Soviets in 1932 and 1934 to dispossess the owners of Lena Gold Fields, Ltd., a Siberian enterprise, and owners of Tetiuhue Mining Corporation. Spokesmen for Soviet Russia, including its founder, Lenin, repeatedly expressed a willingness to honor the external debt of the predecessor regime providing payment on the old debt could be arranged within the Soviets' capacity to pay, and provided further, that long-term credits were made to the Soviet Union from abroad. This official attitude was renewed at international conferences at Geneva and The Hague in 1922, and in negotiations with the French government from 1924 to 1927, and again in 1933. In 1956, new negotiations of like kind broke down.

A further analysis of Soviet credit and debt handling discloses that the credits obtained and debts incurred during the past decade manifests a more sophisticated pattern in Soviet strategy in quests for credit. The first criteria for incurring indebtedness, analogous to the previous patterns, was that it had to be long-term credits (that is, commercial credits ranging from 8 to 15 years). Their second criteria was to obtain an interest rate considerably below the on-going market interest rate. It goes without saying that this type of arrangement equals subsidy on the part of credit-providing sources (the Western governments).

Third, using various kinds of pressures, they were able to compel creditors to accept raw materials in the form of payments.

Fourth, and last but not least, using governmental power, threats and insinuations about defaulting on existing obligations, they were always able to coerce the creditors to re-extend, again on long terms, the existing long-term indebtedness. The European bankers and their governments, afraid of losing face before their public and business community, were willing to oblige the Soviets in order to save face.

A will-o-the-wisp record shows that the sellers are hit by endless consolations, arbitrary rejections of products, outrageous downward contract price adjustments, and outright repudiations of terms. Moreover, despite the 10-, 12- and 15-year payment provisions, creditors have had to suffer losses from current obligations of the Soviet government or its agencies.

That is what is happening to the West Germans. West Germany graciously exported to the Soviet Union and the Communist controlled countries of Eastern Europe more than $1 billion in goods and capital during 1970. The collection problem has now reached a crisis. In fact, it was a significant factor in the financial problems of the giant Krupp enterprises.

The MontiEdison Industrial conglomerate of Italy is the largest single enterprise of that country. It is controlled by the Italian Government because the majority of its stock is owned by the Government, although private investors also own stock in that enterprise. As early as 1967 MontiEdison entered into a joint venture with the Soviet Government to begin the production of electrical machinery in the Soviet Union. Capital equipment was exported from Italy to the Soviet Union and financed by MontiEdison for the purpose of carrying out the joint venture. It is not known the amount of credits that were extended but it is known that the Soviet Government defaulted on payments of the loan. Today, MontiEdison would be incapable of continuing operations except for heavy subsidy financing by the Italian Government. This crisis was brought about because of the failure of the Soviet Government to complete its part of the joint venture and make payments as contracted.

We are all familiar with the construction by Fiat of an automobile factory in the Soviet Union. The plant is known as the Soviet Tolati automobile plant and and involves a $1 billion loan commitment from various sources, including a $80 million loan from the U.S. Export-Import Bank. The automobile plant has not been as successful as contemplated. The Soviets had agreed as part of their commitment to the plant to supply certain parts to be used in the assembly of the completed automobiles. The Soviets failed to meet the commitment. Whether the failures were due to a lack of Soviet technology or mismanagement is not important to our discussion. What is important is that the failure did occur and as a result, Fiat was compelled to borrow an additional $162 million in order to fabricate components in its Italian plant to be shipped to Russia for the assembly of completed Tolati automobiles. The solvency of Fiat can well be endangered if the Soviets are unable or unwilling to make good their original commitment. Again, the important consideration is the fact of the failure of the Soviet Government to meet a contractual obligation.

One of the first West German companies to feel the pain of joining in with the Soviet Government in industrial enterprises was the giant Krupp enterprises. This firm, having been one of the oldest and largest steel manufacturers in the world prior to and after World Wars I and II, began entering into a series of joint ventures with the Soviet Union and Poland in the late 1950s. The ventures called for the construction by Krupp of steel and diesel engine manufacturing facilities within the Soviet Union. Krupp was to be paid by the receipt of a portion of the goods produced with the thought that Krupp could recoup its investment and make a profit by the sale in western markets of the goods received by them. Soviet deliveries of goods were never on schedule, never in the quantities anticipated by Krupp, and of dismal quality with the result that they were not marketable in western markets. Not only was Krupp disappointed in the quality and quantity of its share of the goods produced, but financing extended to the Soviets by Krupp as part of the overall transactions was never paid on time. The combination of these failures in the joint ventures today finds Krupp Enterprises near collapse. This is hardly an encouraging recommendation for American businessmen who are today being led to believe that joint ventures with the Soviet Government have great hope for financial reward.

The examples above of disappointments by Western nations and Western firms in dealing with the Soviet Union should not be treated as isolated incidents unrelated to the American experience. To come more close to home and more recent in date, a reference to the Soviet grain purchase last year is appropriate.

THE COSTS OF THE SOVIET GRAIN "DEAL"

The huge grain sales to the Soviet Union resulted in a wide variety of costs which can be classified into the following categories:

1. Costs to the Consumers.
2. Costs to the Taxpayers.
3. Costs to the Economy as a Whole.
4. Political Costs to the United States.
5. Costs to the Free Economies.

COSTS TO THE CONSUMERS

According to the figures supplied by the Comptroller General, Elmer B. Staats, the massive grain sales to the Soviet Union raised domestic prices of wheat from about $1.63 per bushel in July of 1972, to $2.49 a bushel in September of the same year. CBS News has computed the total cost to the American consumers for the 9-month period starting July 1972, and according to these figures, the total costs to the consumer for the purchase of bread and other flour-based products as a result of the Soviet wheat deal, will be at least $300 million, and that is a conservative estimate. As far as beef and pork (and beef and pork-based products) are concerned, the additional costs the American consumers will have to absorb during the same 9-month period is $1.2 billion in order to eat the amount of meat that he has been consuming. However, the actual increase in food prices imperatively adds an additional 12 per cent to the combined figure of $1.5 billion.

The cost of feed grain plays a large role in determining the price of poultry, eggs, and dairy products. The increase in those prices vary from 12 to 25 per cent, and that adds—for the 9-month period—an additional cost to the consumer of about $800 million.

COSTS TO THE TAXPAYERS

The direct subsidy for the Soviet grain deal, at the expense of the American taxpayers, exceeded $300 million. The subsidy for the transportation of grain, so far, has amounted to over $400 million. This figure coincides with that estimated by CBS News.

COSTS TO THE ECONOMY AS A WHOLE

These are the most difficult to estimate because they reflect a variety of costs and factors which are extremely intricate in nature. Some of them, such as market distortions, transportation tie-ups, and loss of good will with established customers for agricultural products (for instance, Japan) are almost impossible to measure.

The grain deal has been financed with a credit of $750 million by the Commodity Credit Corporation (CCC) at 6⅛% interest, repayable in three years. The interest rate is lower than what it cost the U.S. Treasury to borrow in the market place. By contrast, the Treasury is paying 6½% and 6⅝% on recent market borrowings.

The freight rates on the railroads increased by about 10% and, in addition, the economy experienced the most acute railroad car shortage in the history of the American railroads. This shortage in the Midwest resulted in the shortage of some rail carried products, such as fuel oil. The overburdening of the transportation system with transportation of grain for the Soviet Union, resulted in delayed deliveries of numerous industrial products from steel and machinery to various component parts for a variety of industrial commodities.

Another cost to the economy resulting from the Soviet grain deal is the increased price of agricultural machinery. The increase has been reported to be about 10 per cent.

National and independent bakers are complaining because wheat shipments to the Soviet Union have resulted in a price surge at home. The price surge at home resulted in the increase of the price of flour the bakers buy. This resulted in a large number of bankruptcies among the independent bakers which, so far, have cost ten thousand people their jobs. For example, the added annual cost of one particular enterprise—American bakeries—is estimated at $9.2 million over the 12-month period starting August 1972.

For the farmers, the cost of the Soviet grain "deal" was at least $120 million by September 1972—both because they sold wheat too early (spring of 1972 which is usual) to benefit from higher prices and more importantly, because the higher prices cut the subsidy available to many Southwestern farmers.

If we sum up the cost of the Soviet grain deal to the American public, then we reach a sum which for the 9-month period exceeds $32 billion.

POLITICAL COSTS TO THE UNITED STATES

The lack of any political trade-offs in regard to the Soviet Union could be clearly defined as a political cost.

The fight against inflation failed primarily because of increases in food prices which are directly associated with the Soviet grain deal. While the increase in the Consumer Price Index was at the annual rate of about 5%, the increase in food averaged (for the same period) some 25%. This is a clear indication that the fight against inflation might have been completely successful had it not been for the Soviet grain deal. The increase in food prices is primarily responsible for the present inflation hysteria around the Congress and the country as a whole. The consequences of it for the welfare of the United States and its economy are not difficult to foresee; distorted markets; large economy fluctuations; and all this due to irrational behavior on both the supply and demand side.

COSTS TO THE FREE ECONOMIES

The cost to the free economies primarily take the form of distortion effects on the market forces, both within the financial market and markets for agricultural products. In financial markets the market interest rate is suppressed by Soviet absolute demand monopoly and ability to use political power for the purpose of coercion. In agricultural markets, strongly fluctuating and suddenly exaggerated demands for the grain stuff, and playing competitors on the supply side against each other, resulted in tremendous distortions on prices and supply. And both elements, distortions in financial and agricultural markets, are responsible for highly negative influence on the World economy.

MAJOR WESTERN CREDITS OBTAINED BY USSR SINCE 1964

For the past eight years Western companies have been trading with the USSR on the basis of credits advanced by Western banks or governments in order to finance the deals. Unfortunately, no complete list of such credit operations has yet become available, but some of the major deals which are known to have taken place already are outlined below; others are still in the pipeline, but not yet firm.

Years	Company or country	Amount	Repayment period (years)	Interest rate (percent)
1964-69	Great Britain	234 billion rubles	10-15	[1] NA
1964-69	Italy	379 million rubles	10-14	[2] 5½
1964-69	France	463 million rubles	10-12	[3] 5½
1966	Fiat, Italy	330 million rubles	14	[4] 5½
1964-69	Austria	88 million rubles	10	[5] NA
1969	ENI-IRI, Italy	$200 million	5	[6] 6
1969	Thyssen, Manessmann, Germany	1.2 billion DM	10	6
1972	Swindell-Dressler, U.S.A	$20 million	Not applicable	[7] 6½
1972	Caterpillar Tractor, U.S.A	$68 million	do	[8] 6½
1972	Korff, Salzgutter, Lurgi	450 million DM	do	[9] 6½
1972	International Harvester, U.S.A	$40 million	do	[10] 6½
1972	Great Britain	£200 million	2	[11] 6
1972	Continental Cargill and others, U.S.A	$750 million	3	[12] 6⅛
1972	Bison Werke, Teamwood International and Salzgutter, A.G., Germany.	£50 million	5	[13] 6
1972	French-American Bank, N.Y. and other U.S. banks	$100 million	10	[14] 6½
1972	Alliance Tool & Die, Atlas Fabricators, U.S.A	$55 million	10	[15] 6¼
1972	Simon-Carves, Redman, Heenan, H. H. Robertson, United Kingdom	£6 million	8½	[16] 6
1972	Export-Import Bank, U.S.A	$100 million	Not applicable	[17] 6½
1972	Consortium of European Banks	$1 billion	do	[18] NA
1973	U.S. Export-Import Bank	$202.4 million	12	[19] 6
1973	Exim Bank	$360 million	12	[20] 6
1973	El Paso, Bechtel, Occidental, U.S.A	$7 billion	5	[21] 6½

[1] Vneshnyaya Torgovlya, May 1970.
[2] Politique Hebdo, Oct. 8, 1970.
[3] Ibid.
[4] Ibid.
[5] Vneshnyaya Torgovlya, May 1970.
[6] Financial Times, Dec. 11, 1969.
[7] Christian Science Monitor, Oct. 20, 1972.
[8] Ibid.
[9] Die Welt, Oct. 14, 1972.
[10] UPI, Aug. 16, 1972.
[11] Reuter, July 20, 1972, Economist, Aug. 5, 1972.
[12] Muenchner Merkur, July 10, 1972, Washington Post, Nov. 10, 1972.
[13] Financial Times, July 7, 1972.
[14] Financial Times, Nov. 10, 1972.
[15] Reuter, June 19, 1972, Journal of Commerce, Aug. 21, 1972.
[16] Financial Times, July 21, 1972.
[17] UPI, Oct. 30, 1972.
[18] Washington Post, May 10, 1973.
[19] Wall Street Journal, Mar. 9, 1973.
[20] Wall Street Journal, May 31, 1973.
[21] Financial Times, Nov. 4, 1972.

THE POSSIBLE IMPACT OF U.S.-U.S.S.R. TRADE ON THE BALANCE OF PAYMENTS OF THE U.S.

Our studies on Soviet-American trade prospects over the next ten years strongly suggests the following conjectures on the impact of this trade on the balance of payments:

a. The Soviets are unresponsive to most market criteria—but are not unresponsive to balance of payments troubles. They cannot run into large deficits with the U.S.—except in the case of barter agreements.

b. Accordingly they will try to control imports *and* push certain exports here—like diamonds, non-ferrous materials, furs, (oil and gas will come into consideration only after the mid 1980's).

c. The Soviets may use more aggressive methods than before to push their products in Western Europe, Japan and other currency convertible areas including the U.S. They may use American consultants, set up enterprises based on co-participation for producing for U.S. markets, etc.

Eventually, U.S. purchases of Soviet goods may reach a quarter to half a million dollars annually (before large imports of Soviet oil).

U.S. exports. Only U.S. credits could encourage Soviet imports other than sporadic grain purchases. Such credits would be needed for: (A) entire production facilities ("turnkey" projects); (B) long-term licensing agreements; (C) direct investments in the U.S.S.R. (e.g., for the exploration and exportation of oil and gas).

Since credits and insurance for such projects involve periods longer than five years, no private firm would be ready to engage in these operations without a U.S. government guarantee. (The guarantee against uncertainties would reduce the *interest rates* paid by the Soviets, but would imply a U.S. Government subsidy equivalent to a government to government aid, since all Soviet firms are state-owned).

According to our estimates, the Soviet Union could increase its imports to roughly 1.5 to 2 billion dollars per year during the second half of the 1970's—with possible repayments starting in the middle in the form of oil and gas shipments.

Impact on the U.S. balance of payments. It is our feeling that such exports would have an unfavorable impact on our balance of payments—which now runs a deficit likely to grow unless the energy problem is dealt with imaginatively. Adding higher inconvertible long-term promissory bonds from the U.S.S.R. for the bilateral export surplus would further weaken the U.S. international reserves and payments position since U.S. exports are diverted from earning convertible currency.

One may finally note that:

a. The volatility of the Soviet market and of its demand patterns would further affect adversly our general trade;

b. Pressures from Western European countries that the U.S.S.R. straighten out its balance of payments problems with them (i.e., increase Soviet imports from these countries rather than from the U.S.) are likely to increase;

c. The danger of sharp Soviet reversals will increase: 20 or 40 year agreements are easily talked about by the Soviets, but are just as easily broken by them (let us not forget their "unbreakable eternal friendship" with China, Yugoslavia, etc.). The indebtedness of a big country to another does not always guarantee political peace.

If the Soviets honor the proposed peacetime lend-lease which is now under consideration with the same degree of obligation that they honor their World War II lend-lease obligations, the picture is indeed a dismal one for the American businessman, the American consumer, and the American taxpayer.

CONCLUSIONS AND RECOMMENDATIONS

Careful scrutiny of Soviet internal and external policies clearly suggests that there were no significant changes in Soviet long established practices. The Soviet Union is still a police state and its long-term objective is to establish the Soviet Union as the unparallel world power. In fact, the Brezhnev strategy is designed to use Moscow's new relationship with America as a double-edged sword toward that end.

The Kremlin needs and wants the help of American know-how in solving Soviet problems of industrial backwardness and its lag in technological advance. The Soviets are anxious for assurance that they will be able to get American grain when their abysmally inefficient agricultural system failed again. Politically, they would like to have the U.S. support in neutralizing their Communist adversary, Red China, and in stabilizing East Europe.

On one side the Soviet leaders see in the aura of good feeling the best opportunity so far to solving the Soviet's tremendous domestic problems and perhaps eventually achieving economic stature equal to that of America—just as the Soviets have reached a balance of nuclear power with the United States.

With the other of his two cutting edges, Brezhnev probably reasons that in an atmosphere of warmth and cooperation there is a chance of gradually tilting the political balance among U.S. allies toward the Soviet Union.

Domestically, despite its assurance to the contrary, the Soviet Union is supressing the rights of its people in spite of some paragraphs in the Soviet Constitution which suggest that certain rights of its citizens are guaranteed. For instance, the persecution of Soviet Jews, who wish to immigrate to Israel is the most flagrant example of violation of basic human rights. For years the Soviet Union has been practicing a trade with human beings charging the Israel government $10 thousand per head of each Jew immigrating to Israel. Today we witness a series of trials in the Soviet Union involving Jews who want to immigrate. In addition to it, many Jews are subjected to house arrest, loss of jobs, denial of medical care, and slow starvation.

The dissidents of various kinds including intellectuals, the clergy, and those who practice their religious beliefs, are sent either to concentration camps or locked into lunatic asylums.

Soviet acceptance of international copyright convention is just another method to control internal dissent, only in a more subtle way.

The Soviet propaganda against the Democratic Societies in the United States in particular is still one of the pillars of their public education.

In the international arena, we see the continuation of Soviet promotion of unrest and instability in non-Communist parts of the world. British intelligence, for instance, has established Soviet involvement in IRA and Civil War among the Irish factions. The presence of Soviet arms, money and agents in that struggle is a fact. Furthermore, the Soviet Union is the chief supporter of North Viet Nam in spite of the fact that the Communist government of North Viet Nam is continually and flagrantly violating the peace agreement. The Soviet Union continues to finance Cuba at a rate of $2 million a day. The pro-Communist government of Chile has received, in 1972, $250 million in Soviet aid. Soviet support of revolutionary elements in the Middle East as well as their support of aggressive Arabic Governments is a matter of record.

During the past several years the Soviets have done everything to surpass the United States in the area of military power. The presence of Soviet fleets in the Mediterranean and the Indian Ocean with its implications for the security of the free world is of paramount concern to the non-Communist countries in bordering areas. It goes without saying that the strategic consequences for the United States is obvious.

Soviet emphasis on rapid development of the SS–17, their edition to our MIRVs, and developing of sophisticated weapon systems based on laser power, clearly signifies their military and strategic objectives.

In the area of international economic relations, the Soviet Union bases its present strategy on three objectives. Namely; to obtain from the United States and developed nations of the West, advanced technology, industrial know-how and massive credits.

At the same time, its own policy with regard to its gold reserves is based on Lenin's formula; "We must save the gold in the U.S.S.R., sell it at the highest price, buy goods with it at the lowest price. When you live among wolves, you must howl like a wolf, while as for exterminating all the wolves, as should be done in a rational human society, we shall act up to the wise Russian proverb: Boast not before but after the battle.

This formula adequately explains a strange paradox being presented to the world and the American people. A country rich in gold reserves, the Soviet Union, is seeking loans from a country, the United States, whose currency is under sustained attack and whose gold reserves are woefully inadequate. The authoritative studies about the Soviet gold reserves set the latter at $7 to $8 billion. Inasmuch as there are no rubles outstanding which can be presented for conversion to gold, it is fair to say that the Soviet gold reserves are free and clear. It is estimated that approximately $80 billion (U.S. dollars) are floating in the Eurodollar and other financial markets. What possible logic can be urged to support the concept that the gold-rich nation should be financed and subsidized by the nation which is experiencing a currency crisis and serious problems arising out of its inequilibrium in the balance of payments?

Mr. Brezhnev is coming to the United States to negotiate, among other things, that which is promising to turn into a breakthrough in large-scale development deals. Dr. Armand Hammer, Chairman of Occidential Petroleum, which has signed an agreement with the Soviet Government about production of fertilizers and related chemicals in the Soviet Union, was kind enough to make public that the most important of the deals involves $7 billion project to tap natural-gas deposits and possibly other resources in Siberia.

THE BASIC SOVIET TROUBLES

The heart of the Soviet troubles today, Western experts agree, is domestic. Not internal politics or foreign-policy failures, but basic economics.

No-where are Soviet shortcomings made more apparent than when Russia is compared with the United States.

Soviet authorities themselves claim an overall economic growth of only 4 per cent last year. By U.S. standards of measurements, the figure is closer to 0 per cent. By either reckoning, America—with a 6.4% real growth in production of goods and services—is expanding faster than the Soviet Union. U.S. gross national product for 1972 totalled $1.2 trillion, while the Soviet gross national product was about $300 billion.

In no other element of the economy are Soviet problems more acute than in agriculture. Soviet grain production—targeted at 195 million tons in 1972—fell, according to official Soviet figures, 27 million tons below that goal—to 168 million tons. From U.S. officials we find that even this figure may be exaggerated by as much as 33 million tons.

To forestall bread shortages and the danger of worker protests, Soviet authorities have purchased 30 million tons of grain in the West, at a cost of $2 billion. That is equivalent to the total amount spent on machinery imports in the past Five-Year Plan.

Other kinds of crops fared almost as badly. The vegetable harvest dropped 8% from the year before. The harvest of potatoes, a staple, plunged from 92 million tons in 1971 to 77 million tons last year. The pig population dropped drastically reflecting shortages in feed grain.

According to reports in Pravda and the New York Times during the week of March 12, 1973, numerous Soviet provinces reported shortages in bread supply. The cities of Novosibirsk, Volgograd, and Corki were among those cities that experienced the shortage of bread, and were forced to establish sales quotas of bread per household. Pravda also reported the shortage of bread in the Tanbow region and Bashkir Republic. During the month of March, the Soviet press was continuing numerous letters from the people in rural areas, who were complaining about the bread shortage.

RECOMMENDATIONS

The past has demonstrated that there can be changes in Moscow's tactics, manners and theatrics. But, the goal—that of attaining pre-eminent world power—never changes.

Therefore, in order to insure a defacto detente and a "generation of peace" we would like the United States Congress to consider the following recommendations. Because we believe that only by following these ideas can we be instrumental in liberalizing the Soviet society. And it goes without saying, that without liberalization of the Soviet Union there is no guarantee for our children and grandchildren that they will enjoy the "generation of peace."

We suggest that:

a. Before any long-term credits can be extended to the Soviet Union, by, or with participation of, our government, the Soviet State, as a successor government, should first be required to make settlement in full of debt claims awarded to: a.) U.S. private investors; and b.) U.S. businesses to whom awards were certified by the Foreign Claims Settlement Commission in 1958–59.

b. The Soviet Government should be required to permit American corporations to invest in the Soviet economy and operate its enterprises in accordance with well-established international business criteria.

c. American financial institutions should be permitted to establish their branches in the Soviet Union and operate on its territory in accordance with long-established international financial and commercial practices.

d. Every dollar of U.S. government credits and/or U.S. government credit guarantees involving tax monies or funds raised by the Federal Government or its agencies in financial markets for the financing of commercial transactions with the Soviet Union and/or investment in the Soviet economy and/or investment in joint ventures with Soviet state business enterprises must be matched by an equal amount of U.S. dollars provided by the Soviet Government.

The purpose of this provision is twofold.

First, to ascertain that the Soviets are not going to divert their resources from civilian into military areas, or to divert their resources for promotion of conflicts and subversion around the world. Second we believe that if we demand from our local governments and communities to match every federal dollar invested into their area with a local dollar, that it is only fair to apply the same criteria to the Soviet Union.

e. No transfer of American technology, relevant for the development of sophisticated weapons systems, is to be allowed, directly or indirectly, to the Soviet Union.

I believe that only with establishment of American presence on the territory of the Soviet Union and by application of sound economic and business practices, can we assure the liberalization of the Soviet system, which is the only guarantee for a meaningful detente and better world for our children.

PRESIDENT NIXON SHOULD ORDER IMMEDIATE 60-DAY EMBARGO ON THE EXPORT OF FEED GRAINS, LUMBER, SCRAP STEEL, AND OTHER CRITICAL COMMODITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, President Nixon's 60-day freeze on prices is only a temporary answer to the Nation's out-of-control inflation. What the President has tried to do is simply buy us a little time to find real answers in the economic debate which has to date provided much talk and little action. At the present time I see little evidence that we will use this time wisely.

Stabilizing our economy will require curbing the wild growth of the money supply that Arthur Burn's Federal Reserve has permitted to continue unchecked for far too long. It will require the Congress and especially the President to stop spending at rates far beyond Federal tax revenues. It will necessitate that we demand the opening of foreign markets now barring our exports and the rescinding by foreign governments of illegal and anticompetitive practices designed to flood our economy with imports. None of these necessary steps will be taken or implemented soon or ever if we follow the pattern of the last 4 years.

However, I believe immediate action can be taken by the administration to reduce the price of food, housing, and automobiles.

President Nixon should at once order, concurrent with the freeze, a 60-day embargo on the export of feed grains, lumber, scrap steel and other commodities of critical importance to the consumer. Most importantly, such authority is already available to the President under existing law, namely the Export Control Act.

Mr. Speaker, we should not underestimate the power of such an embargo to reduce high prices.

By placing an embargo on feed grain exports, we could rightfully expect the retail prices of meat, bread, milk, eggs, and butter, to name a few, to be reduced as grain prices dropped. By keeping more of our lumber supply at home we would lower the price of housing and thereby increase the number of housing starts, incidentally creating more jobs at the same time.

As for scrap steel, I have long argued that by limiting the export of this precious commodity we could make more of this valuable raw material available and lower the price of the specialty and other steel products whose increased prices have pushed up the costs of automobiles and other consumer durable goods.

This morning I discussed these policy moves with Mr. Herbert Stein, the Chairman of the President's Council of Economic Advisers. He indicated reluctance to advise an export embargo on these items, not because they lacked desirability, but because he felt the current language of the Export Control Act was insufficiently broad to permit this action.

Mr. Speaker, I have carefully reviewed this language in the law, and am at a loss as to why Mr. Stein would believe the President to be so restricted. Moreover, President Johnson, on more than one occasion, used this same language to control exports in his administration.

I, therefore, believe that the President would be thoroughly justified and completely within the law to embargo the export of these commodities during the period of the price freeze. In this way we can avoid the kind of inflationary pressures that built up under last year's phase 2 and were so unwisely released in the abortive and bumbling phase 3 just ended.

MORE ON "WATERGATE AND ME"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, on May 9 of this year I submitted some thoughts of mine on the developing investigation into the Watergate affair under the title of "Watergate and Me."

On May 23, following the release the day before by the White House of the President's lengthy and detailed statement about Watergate, I entered some further comments of mine in the Record together with a promise to have more to say, in time, about the ramification of that statement.

Those further comments—which I shall insert in a moment—were delivered by me on two separate occasions in my congressional district last weekend. It is, perhaps, worthy of note that they drew one front-page headline in one of our local, daily newspapers—the headline reading: "Robison Says Watergate National Disaster."

I am discovering—perhaps we are all discovering—that it is difficult to say anything at all about Watergate without making headlines. This may be one of those rare times when we—at least, we Republicans—would prefer not to make headlines. And yet, perforce, Watergate is of such substance that it has to be addressed by all of us in public office; preferably in accordance with the philosophy of Abraham Lincoln thus expressed—as the gentleman from Arizona (Mr. Rhodes) has recently reminded us:

> Let the people know the facts and the country will be saved.

The "facts" of Watergate are being displayed to the people of America—though in a rather curious fashion. Let us go, now, overseas to the editorial comment of a recent issue of the Times of London:

> The President of the United States is in the unenviable position of being tried by his fellow countrymen in three different forums, each of which has its own particular deficiencies and two of which have the power to offer freedom from prosecution to those whose evidence may accuse him.

The three forums the Times of London had in mind were the Ervin committee, in the Senate; Special Prosecutor Cox's grand jury and, of course, the American news media, including—as the Times noted: the New York Times and the Washington Post. One wonders, a bit, why our editorial friends across the Atlantic thus confined themselves to these two members of the media. But an explanation is offered, about halfway through the editorial to which I have had reference, where those two are referred to as "the most important national newspapers of the United States."

Well, in any event, the London Times does remind we Americans—as certainly someone should—that:

> Senate committees are not courts; they do not have an adversary procedure; they do not have cross examination by counsel for the accused; they can take and certainly do take hearsay evidence.

This, I think, is a reminder we Americans might well endeavor to bear in mind next week when John W. Dean III, assumes his seat at the Ervin committee's witness table to present evidence which—as everyone thinks—is bound to be, at the least, sensational.

As for the media—harking back, I presume, to the headline, I myself, made—let me again quote the London Times for its constructive, further comment:

> The American press, and particularly the Washington Post, deserves their full credit for forcing the Watergate affair into the open. They are however now publishing vast quantities of prejudicial matter that would be contempt under British law, which again must tend to prejudice the fair trial of any accused, or if it came to that, of the President.

Allow me, Mr. Speaker, to pursue this for yet a moment since, in my May 9 remarks, I suggest how heavy the burden for fairness and objectivity then lay on the American news media in attempting to bring what Abe Lincoln called the facts to the American people. The London Times had reference to what it termed the "Dean leak" to its sister New York Times, to the Post, and to Newsweek, in these words:

> Here is a real piece of hanging evidence, the missing element—if it is believed—in the chain of proof. Here is a piece of wholly suspect evidence—unsworn, unverified, not cross-examined, contradicting previous evidence, subject to none of these safeguards of due process, given by a man who may be bargaining for his freedom. How can the newspapers defend themselves from the very charge that they are bringing against the President, the charge of making a fair trial impossible, if they now publish evidence so damning and so doubtful with all the weight of authority their publication gives?

Enough of this, Mr. Speaker, since by next week this time Mr. Dean will have proven to be either a credible witness or an incredible one, and we may—or may not—be closer to the "facts" than we are at this moment.

For, right now, I would like to amplify that comment of mine—the one that drew the headline—about Watergate being a "national disaster."

As will be noted from my remarks—set forth below—what I actually said in this regard was this: "Watergate is, by all odds, a Nixon disaster, if not a national disaster."

Concerning the first part of that equation, Watergate is, is it not, a Nixon disaster? At least in this sense, that the President—prior to Watergate—had been perceived by his countrymen as a prudent, moderate, and responsible Chief Executive who, if he had struggled less than successfully with some of our excedingly complex domestic problems, was well on his way toward making a historic mark in foreign policy. Focusing, as he did, so intently on the great task of promoting peace in the world—to find a way to extricate America with some semblance of honor, and in such a fashion as to rescue the prisoners of war, from our mistaken adventure in Southeast Asia; to make the bold, and courageous, break with America's previously unrealistic policy toward mainland China; to successfully carry the strategic arms talks with Russia through to at least a preliminary agreement; to delicately balance off, one against the other, the competing interests in the Middle East so as to avoid, for a time at least, another outbreak of war there, and so on—one can begin to understand how it might be possible, if such proves to be the case, that the President was so isolated, and insulated, by his top staff people as to have let the sordid and unexplainable aspects of the Watergate affair slip by him, unnoticed.

Whatever the event, here, the personally tragic aspect of Watergate for Mr. Nixon is that, whereas future American history books might have begun the chapter on his administration by noting that he was the President who gave the world a chance at a "generation of peace," that same chapter will probably now begin with an accounting of how his tenure was marked and marred by the Watergate scandal.

As to the latter half of my equation—the seeming fact that Watergate is also a "national disaster"—one need only note the rather obvious fact that, with Mr. Nixon's reelection and his Vietnam settlement, it appeared that his patience and perseverance would, at last, lead us out of the agonies of the 1960's. Surely, America had been divided long enough, as the Vietnam era drew to its close, and surely we had enough problems of our own to concentrate on and to attempt to solve—with the solutions depending so very much on our renewed capacity for working together—without being drawn back in, again, to the polarizing effects of something like Watergate with its tendency to erode, however temporarily, the President's potential for national leadership where needed, and its resulting exacerbation of Presidential-congressional relationships.

Need I say more, Mr. Speaker, by way of explanation? I trust not. Clearly—but without the necessity for anyone to read into the statement more than it implies—Watergate is a national disaster.

Nevertheless, I have—somehow—an abiding sense of the resiliency of the American system of government; and of its capacity for outlasting the storms of history.

And, having thus said, here are my formal remarks to which I earlier had reference:

"The time has come," the Walrus said,
"To talk of many things:
Of shoes—and ships—and sealing-wax—
Of cabbages—and kings—
And why the sea is boiling hot—
And whether pigs have wings."
—LEWIS CARROLL.

Under other circumstances than presently prevail in your Nation's Capital, the time would indeed have come "to talk of many things"—of many perplexing things, such as what to do about this Nation's still-struggling and so-uncertain economy and about whether we need, now, to go back to another 90-day "freeze," as the U.S. Senate Democrats have just urged, or whether something like a "Phase-II-and-a-half" would be better than a "Phase III" anti-inflationary effort that has been tottering on the brink of failure ever since its inception.

Or—in consideration of the American dollar's ever-deepening decline abroad, whether—and how—a new international monetary arrangement should be approached.

Or—in light of what appears, by all signs, to be a developing energy crisis in a nation, supposedly at peace, that has heretofore prided itself on its management techniques and its technical competence, what ought to be done about it and, alternatively, about developing an "energy-ethnic" or conservation-consciousness in the minds of the people of that nation even though, as the mere consideration of such a concept presupposes, the same might require a substantial change in our life-styles.

Or—since heretofore, and until recently, much of that same nation's attention had been focused on the developing struggle as between President and Congress over who really, and properly, was in control of the "public-purse," and over which of those two branches of our Federal government that ought to be cooperating and, as of yore, compromising with one another but were now headed for stalemate, was best equipped to truly determine essential national priorities, what is the situation and the prospects for settling this unfortunate quarrel, as of now.

Or—since the price of food, at least until recently, had occupied a major share of the public attention, especially of the housewifely portion of that public, and further since, given the vagaries of the weather around this globe we occupy like travellers on a "space-ship," we could not yet put behind us the specter of worldwide famine which tragedy, if it were to be avoided, required the input of American agricultural abundance, how could one get through the American Congress some new, permanent agriculture legislation that was applicable to the decade of the '70's and not a farm bill that was born, fundamentally, during the American depression and only tinkered with in meaningless ways over the past 25 or 30 years.

Or—what to do that would be constructive from the long-range standpoint of world cooperation, and world peace, about the need for a new American foreign trade program to replace the one now expired.

Or—for it is related, what to do about the former "foreign-aid" program which that same America essayed some years ago, as an experiment in avoiding further world wars by taking notice of the human deprivations which, history teaches, breed militancy abroad as well as revolution, now that such a uniquely-American effort had come largely to the end of the always-small supporting constituency it originally enjoyed here at home.

Or—in brief specifics of other possible topics, what about the question of tax-reform; or of some form of national health-insurance, with special attention, at last, on the fiscal ravages of catastrophic illnesses on even the moderately well-off American family; or of the problems and perils faced by the American educational system, whose relevance to today's needs would seem to have to be ranked somewhere near its own fiscal necessities as being of proper concern; or what to do about the "drug-problem," or the environment, or sub-standard housing, or poverty, or the need for a balanced, national transportation system.

And, thus, the list of possible things about which "the time has come to talk" goes on, and on, and on.

And, yet, at least in Washington, D.C., if not, so far, on every Main Street in this land of ours, the major topic for discussion, today—the chief focus of nearly every political and news-gathering eye—seems to be on only one thing: The so-called "Watergate Affair."

I'd much prefer to speak about something other than Watergate—but I suspect that you expect I should address myself thereto.

By my lights, Watergate is a tragic episode; a situation without precedent in our history for I can find no lessons from the Andrew Johnson affair to apply to it, now.

It involves a special sort of tragedy in that, insofar as I can understand the matter, it was all so unnecessary.

For that reason, among others, it is also fair to state that I am baffled by Watergate. The thinking of the men who engineered it—and that seems now to have included nearly all of the top, former White House staff—is well-nigh incomprehensible to me.

Irving Kristol, Henry Luce Professor of Urban Values at New York University, has written a perceptive piece about this aspect of the affair. Kristol, a Nixon supporter last Fall, and one who saw in the President—even as I have—substantial qualities meriting and, absent Watergate, continuing to merit that support, suggests in his article the possibility that ". . . the White House staff, and perhaps even the President himself, have been living in a different world from the rest of us. Many sins," he goes on to say, "may be tolerated in government, but not the sin on incomprehensibility. People need to feel they understand their government, even if they find some of its behavior shocking. An irrational government is the citizen's ultimate nightmare."

Watergate has, thus, become a "nightmare" for many of us—as I am rather sure it must be for the President, himself. I think back now to the strangely somber mood that affected the President last Fall, after his great victory at the polls. I think back, too, to that afternoon in January when I stood in the Rotunda of the Capitol—at the Lyndon Johnson memorial services—and watched what seemed to be unexpected signs of stress and strain, then, despite the gravity of the moment, on Mr. Nixon's face. And I remember, as do you, those weeks and weeks between Election Day and January's Inauguration when Mr. Nixon secluded himself, at Camp David or in the confines of the White House and made few public appearances and even fewer public utterances, and wonder, now, if he did not sense impending disaster.

For Watergate is, by all odds, a Nixon disaster, if not a national disaster.

Americans have a special feeling about the Presidency. As I suggested in some of my remarks on this matter earlier this year, there is—and I share it—an unspoken desire throughout our citizenry to keep anything tawdry, cynical, or unscrupulous away from our revered institution thought of, simply, as "the White House," an attitude that seems to have little to do with whoever is the occupant thereof.

At the same time, since perhaps the advent of Franklin Roosevelt, whose tenure began during the depths of the great depression that shook this Nation's faith in itself to the roots and carried nearly through a great World War whose ending left us with more problems even than we'd had before—problems of worldwide implications of a sort not previously experienced and not wholly welcome—we have, as a people, come to demand a great deal of our Presidents. It has been a popular conception—and, curiously enough, especially with those now most critical of the nature of the Nixon Administration—that America needed "strong" men in the Presidency. Given the scope and complexities of the problems we now know we face at home and abroad—and the reluctance of the Congress to gear and equip itself to deal in a positive fashion with those problems—this is understandable enough and, in varying degrees, the men we have elected to the Presidency since Roosevelt have been regarded as "strong" men.

I don't think there can be much doubt that we have expected, at the same time, far more of these same Presidents than they could reasonably be expected, in turn, to deliver. Accordingly, we have tended to forget—as I have also noted before—that our Presidents are, after all, only men possessed of the same human failings and frailities that beset us, all.

In saying this, I do not intend to suggest that Mr. Nixon's involvement—whatever its true extent may prove to be—in the inexcusable aspects of Watergate can be explained, or shrugged, away as a mere, and temporary, human aberration. The ramifications of the possible Nixon involvement are far more serious than that.

At the same time, I have said—as I now say again—that even the President of the United States—or, perhaps, especially the President of the United States—is entitled to the same privilege we all enjoy: That of being presumed innocent until proved guilty.

I am not yet wholly satisfied with the President's explanations so far of his role in Watergate. I doubt if anyone is, including Mr. Nixon himself who, I believe, at some future date—and perhaps not so far off—must render a further public accounting, whether voluntarily before Special Prosecutor Cox's Grand Jury or before a press conference that will, undoubtedly, be the best-attended one in our history.

Such an ordeal will be most difficult for him—since it will involve a further humbling of a man who, whatever else you may think of him, is an extremely sensitive individual. Yet, I feel he will eventually have to undergo it if he is to restore his own credibility—something vitally necessary if the current vacuum of national leadership is to be filled since, at least at the moment, I do not feel Mr. Nixon will either resign, as some demand, or be impeached, as others would now require on a basis, evidently, of willingness to presume Mr. Nixon guilty until proved innocent.

What Mr. Nixon seems to need most to provide us with is a *plausible* reason for that part of Watergate—the earlier part having a relationship of sorts to considerations of national security—of which he has now admitted knowledge and approval. The lengthy statement he released on May 22nd sought to do this, and it is a helpful—if, in many ways, also a question-provoking—document that, in my judgment, should have been submitted to the public much earlier than it was.

Depending, again, on your attitude toward Mr. Nixon, that statement answered nothing and represented merely a further, and contemptible, attempt by the President to draw the cloak of "national security" over the whole, sordid Watergate affair—or, else, depending on your willingness to give him the benefit of the doubt, it was the long-awaited beginning of a Presidential attempt to give a plausible explanation to that part of Watergate he knew about.

I will not here go into the details of that statement—which I do hope you have all read thoroughly for you should not make up what part of your mind you wish to now until you have done so—but I would say I, personally, find its contents an acceptable beginning. It was, at the least, an attempt to separate—as they must be—the legitimate acts related to national security from the illegal and reprehensible political aspects of Watergate, with their obvious ugly overtones.

I'll have more to say as to the former in a moment, but as to the latter let us note this statement in the May 22nd Nixon statement: "To the extent that I may in any way have contributed to the climate in which they (the illegal political activities) took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant."

In any event, as to those illegal political activities, there can be no excuse for them. Those responsible therefor must be found out, and properly punished and—unless the activities of the Ervin Committee which have replaced the "Edge of Night" as the most-popular daytime TV serial inadvertently make that punishment impossible under our judicial system—I am sure they eventually will be.

As to the Ervin Hearings, I believe Prosecutor Cox has a point when he complained, this week, that ". . . the continuation of the hearings at this time would create a grave danger that the full facts about the Watergate case and related matters will never come to light and that many of those who are guilty of serious wrongdoing will never be brought to justice." I say this, as a one-time lawyer aware of how easy it is to prejudice a case ahead of trial. I am sure, however, that Senator Ervin is aware of the same problem, but he and his colleagues will have to walk a thin line if the cases Cox wishes to make are not to be prejudiced. Interestingly, here, some of the same Senators who demanded a Special Prosecutor—and then withheld approval of the Elliot Richardson appointment as Attorney General until Cox had been assured of a "free hand" are now in the forefront of those insisting the Ervin Hearings must go on, and the Cox plea ignored.

For what it is worth, one can say, I think, that in a sense the "impeachment trial" of the President has already opened—in those same hearings—for the key question they appear to be addressing is that of the actual degree of involvement of Mr. Nixon in Watergate's political side and its ensuing cover-up. It may well be, on this point, that the hearings will get as far up as former aides Erlichman and Haldeman who will accept the blame and corroborate the President's denial of involvement, thus leaving a situation which many people will find unacceptable—hence, my belief that Mr. Nixon must yet do more, at the proper time, to reassert and establish the plausibility of his non-involvement.

On this point, unless you are prepared to believe Mr. Nixon guilty of anything of which charged, I think it possible that the first instinct of those of his key aides who did—whoever they were—convert the national security aspects of Watergate to an over-zealous, almost fanatical, attempt to use any means to protect the President's re-election chances, would have been to keep the President ignorant of their roles. As Stewart Alsop has written on this possibility, in their minds this could be ". . . rationalized on the ground of 'not worrying the President' (and) keeping the President ignorant meant keeping the press and the people ignorant, and this in turn meant resorting to all sorts of artful dodges, including the attempt to use the CIA as cover."

At this point, though, who knows?

Now, finally, as the supposed "national security" aspects of Watergate—about which the President has spoken out—while it will be hard for many Americans to accept even such unusual, covert and, in some cases, possibly illicit activities, one does have to go back, in one's efforts to understand, to the climate at the time those activities were instituted. There were the White House and other leaks—the Pentagon Papers being an example—which were of a serious nature considering the delicate negotiations in which the President, in the broader context of his search for peace, was so deeply involved. His successful balancing act of Russia against China—and vice versa—which was truly a masterful job, conceivably hung, at least in his mind, in the balance. At the same time, there were other Americans—some sincerely motivated, but with others, like the "Weathermen" of clear revolutionary bent—who, like Daniel Ellsberg, were deliberately breaking laws in protest of governmental policies. There were threats of bombings and actual bombings—one in the Capitol, itself, even—plus marches on and demonstrations in Washington, physical charges on both the Pentagon and the White House, disorders on college campuses with blood spilled, munitions trains halted and, even, an alleged plot to kidnap Henry Kissinger.

To say that a government—even one possibly following a "wrong" policy—should not move to protect itself in such a situation would, I think, possibly be involving a dangerous precedent. But, clearly, it is now appropriate to ask: At what point does the defense of the "system" corrupt that sytem? Just as clearly once both the President and the men around him begin to bend the law for "good" means, it became easier for some of those around him to justify also bending it for "bad" ends. We are evidently on the verge of a national debate over where the dividing point should lie—and, if we can learn something from it, that would be one of the few useful things that might come out of Watergate.

As the President, himself, has noted, ". . . what one saw in terms of public responsibility, another saw in terms of political opportunity." That the opportunists, in the end, seemed to outnumber the responsible ones is the kind of blame for which the President has already accepted partial fault.

Where we go from here, I do not know—nor do I wish to speculate.

But I do believe it is important—nay, essential—to try to save the Presidency. Not, that is, to save Richard Nixon—those two are not quite the same things. But, still, towards that first and quite-appropriate end—though some of you will disagree—I think Mr. Nixon is gradually moving.

As Arthur Schlesinger, Jr., has recently written: "The answer to the runaway Presidency is not the messenger-boy Presidency. . . . The great powers of the American government are *shared* powers. They reside, as Hamilton wrote in the 75th Federalist of the treaty-making power, in an area of 'joint possession.' They call not for antagonism between Congress and the Presidency but *collaboration*. They therefore require a sense of comity and self-restraint on both sides. . . . Or, to put it more succinctly, we need a strong President as much as ever—but a strong President *within the Constitution*."

The Nixonian ridding of himself—no matter how reluctantly he began it—of those close to him who apparently over-stepped the bounds of judgment and responsibility, was a beginning. The re-birth, now, of the Cabinet; the ending of the brief trial of "supra-crats"; the new overtures towards Congress, and the beginnings of a new spirit of willingness to consider and work with Congress—as marked by the return of Mel Laird to a top-level domestic-policy position in the new White House staff—all these are wholesome signs. I hope—and anticipate—there will be more such moves; and, if there are, we can make our system workable once again as, given our challenges, we must desperately try to do.

In the meantime, as to Mr. Nixon, himself, I think it is incumbent on all Americans who can do so to be patient, and settle themselves in for a protracted period of suspended judgment. This will not be easy, for a lot of public opinion is not "suspended" now. Some citizens, literally, want to "hang" Mr. Nixon now without waiting for the "judge." Others say, as vehemently, that the whole inquiry ought to cease—that no good can come of it—and that we are only hurting ourselves by tearing the President down.

Perhaps Richard Nixon cannot lead this Nation during the next three and a half years. Perhaps he cannot repair the horrible gaps in his credibility. But I suggest we ought to give him a chance at trying. He may not succeed, but the governance of our Nation *has* to go on.

I think—though I am not sure—that Congress is, generally, willing to accept this necessity; to be patient, and to suspend judgment along with you, but it would help if some more of you would urge Congress to adopt that attitude. At the moment, we know full well what the viewpoints are on Watergate from what might be considered the polar-points, but we are uncertain—perhaps because it, too, remains uncertain—about the viewpoint of the great middle-ground of American public opinion which, though prejudices and passions are always seeking to divide it, remains the major element which unites this Nation.

Let me now conclude by re-stating what I said a few weeks ago:

"We are, obviously, nowhere near the end of the 'Watergate Affair,' and where our efforts to untangle this dreadful mess will eventually lead us no man can say. But I have supreme confidence in several things—in the basic goodness and stability of this Nation and its people; in the fairness and sensibility of our citizens; and in the ultimate triumph of justice under the system we have established for the protection of our individual and collective rights and freedoms."

Thank you for having let me share these thoughts with you.

BALTIC STATES FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this week marks yet another anniversary of the cruel occupation of the Baltic States by the Russian Army. The tiny states of Lithuania, Latvia, and Estonia were overrun by a country which agreed to respect the sovereignty of the Baltic people by signing several nonaggression pacts in 1919 and 1920.

The people of Lithuania, Latvia, and Estonia finally regained their freedom after World War I, and each of these states then took steps to insure to their people all of the rights and liberties found in democratic countries.

Subsequently, however, the Russian Government on June 15, 1940, took over these republics by force, and on June 14 to 16, 1941, the Kremlin supervised the cruel and inhuman mass deportation of over 60,000 Lithuanians, Latvians, and Estonians to Siberian labor camps.

Soviet domination of these Baltic States is both unfortunate and tragic, as the Baltic people are unable to enjoy the human rights which those of us in the free world take for granted.

To its credit, the U.S. Government refuses to acknowledge the Soviet occupation of the Baltic States. But beyond this, the United States must continue to call attention to the issue of Baltic independence in every available forum. We must strive to influence other democratic nations to exert pressure on the Soviet Union to give the Lithuanians, Latvians, and Estonians the fundamental rights they deserve.

The Baltic people deserve our respect for their staunch struggle against a nation which seems totally unsympathetic toward their concerns and needs. They deserve the support we can give by acknowledging the difficulty of living under such conditions and rallying behind them in their courageous battle against tyranny. The Baltic people are deeply concerned about regaining their freedom, and as Americans, we can take the lead by showing our deep concern over the domestic problems faced by these tiny states.

Last year, two events took place in which the cruel repression of the Soviet government was brought to the attention of the world. In March, over 17,000 signatures were sent to Kurt Waldheim, Secretary General of the United Nations, in order to protest the treatment of Lithuanian Roman Catholics. Finally in May, several demonstrations took place in the City of Kaunas due to religious persecution on the part of the Soviet Union. The demonstrations turned into riots and one young man burned himself to death in order to draw world attention to the repressive treatment of the Baltic people by the Soviet Union.

During my tenure in the Congress, I have urged the President to impress on the Soviet Union the need to ease its strict control over the lives of the Baltic people. I was honored to sponsor the bill—House Concurrent Resolution 416—which calls for freedom from Soviet domination of Lithuania, Latvia, and Estonia. The objectives of this bill, which passed both the House and Senate unanimously, can be furthered considerably if the President would add to his agenda of topics for discussion with Soviet Communist Party Leader Leonid Brezhnev in their talks next week the subject of Baltic States occupation.

Mr. Speaker, I hope that I may live to see the day that the Baltic people will be able to enjoy the freedom and privileges that the citizens of our own Nation have known for almost 200 years.

I join with all Baltic Americans in their commemoration of this solemn occasion and hope that their determination will one day result in the independence of the Baltic States.

PROPOSAL ENCOURAGING THE PRESIDENT TO NEGOTIATE TOWARD A COMPREHENSIVE TEST BAN TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, today, together with 30 other Members of the House, I am introducing a resolution proposing that President Nixon begin negotiations with the Soviet Union to suspend all further underground testing of nuclear devices and draft a comprehensive test ban treaty for all nations to sign.

Such a treaty would represent fulfillment of the promise contained in the Limited Test Ban Treaty of 1963 to "achieve the discontinuance of all test explosions of nuclear weapons for all time." It would be a valuable first step in seeking peace throughout the world, in moving away from reliance on technological superiority to insure national security and towards negotiations among the major powers.

It is appropriate that this proposal be introduced now, on the eve of Mr. Brezhnev's visit to Washington. Negotiations leading toward a comprehensive test ban treaty should properly form a major part of the rapprochement we hope to effect with the Soviet Union.

A report prepared by Senator HART's office for Members of Congress for Peace through Law clearly demonstrates that there is no longer any military benefit to be gained from technological advances in nuclear weapons. The United States and the Soviet Union have achieved nuclear parity, at the level of mutual assured destruction. Any technological advance made by one side is swiftly matched by the other, resulting in a stalemate, while more and more resources are poured into unproductive research. There appears to be nothing that either side could develop which would radically alter the balance of power. It is time to stop this waste of financial and natural resources; now it can be done without threatening national security, and it should be done.

Under present treaty obligations, particularly the SALT I accords, the United States and Russia are permitted stronger offensive arsenals than defensive ones; the nations are committed to a policy of mutual vulnerability. At the same time, defense technology is not as advanced as offensive technology. It is impossible to reach a level of development which will seriously alter the fact that either nation can destroy the other, but neither can protect itself from destruction. It is obvious that the time has come to cease the escalation of supplies of weaponry, and to cease further experimentation which has reached the point of futility.

It must be emphasized that the parity level at which the two great powers have arrived far exceeds that of any other nation, including the People's Republic of China. At the present level, both nations would remain far ahead of the other nuclear nations in technology; even a tremendous burst in developmental achievement on the part of China would not upset the status quo. Russia and the United States together have sufficient superiority in technology that the risks from other nuclear nations are minimal.

Negotiations for a Comprehensive Test Ban Treaty would also encourage acceptance by non-nuclear nations of the Non-Proliferation Treaty. Additional testing by the major powers will only encourage less advanced nations to begin testing of their own, which might be a key factor in upsetting the present balance of power. To preserve national security at its present level, then, demands not more research and testing, but the end of such research. The suspension of testing of nuclear devices will testify to our commitment to nonproliferation and to the preservation of world order.

The development of nuclear weapons is no longer a useful or efficient way to guarantee national security. The primary stumbling block to the conclusion of a test ban treaty up to this point has been the problem of verification. Mutual suspicion, although somewhat alleviated by 10 years of observance of the Limited Test Ban Treaty, is still a problem in Soviet-American relations.

However, modern methods of verification can insure observance of the treaty, without the necessity of on-site inspection, which has been a major point of contention in the negotiation of past treaties. The United States has customarily asked for on-site inspection, regarding it as a necessary tool for enforcement of the treaty; the Russians have customarily denied permission for on-site inspection, citing their sovereignty rights. However, new detection technology has obviated the need for any debate on the subject; on-site inspection is no longer necessary, given today's sophisticated detection technology. If the United States drops its antiquated demand for the right to on-site inspection, the major problem that has historically plagued negotiations on a comprehensive test-ban treaty will have been settled. It is time for the United States to make such a move, in the interest of international detente.

Given the feasibility of refraining from tests of nuclear weapons and of making sure that cosigners of the treaty do the same, the only remaining question about the test-ban treaty is its effect on the peacetime users of nuclear technology. This has not been a very fruitful area of research; neither the technical efficiency nor the international acceptability of nuclear technology for peacetime use has been fully established. The uses that have been made of nuclear technology have been found to be less economical and more questionable environmentally than alternative conventional methods. The problem of incidental radiation has not yet been solved. In addition, the warlike uses to which advances in peacetime technology might be put encourage the suspension of all types of testing. In short, nuclear technology has been found wanting for peaceful uses, and it provides additional difficulties for the enforcement of a treaty banning the development of weapons.

Since there is little efficient peaceful use that can be made of nuclear technology, and since the United States and the Soviet Union are at a stable level of parity in weaponry of this sort, it is clear that now is the time to begin negotiations on a Comprehensive Test Ban Treaty. It would be a strong first step toward the development of worldwide peace, indicating the sincerity of the United States in its commitment to peace and its rejection of the use of arms to solve differences among nations.

The Congress can now make it clear to the President that we favor his negotiating with the Soviet Union on these matters, and that we urge him to do so at the earliest possible time. We have a commitment to follow through on the promises made by the nuclear arms treaties in 1963, 1967, 1968, and 1972. We have already limited the use of these weapons; it is now time for us to negotiate toward an end to development of more and more deadly weapons which do nothing but drain the economy and swell the military budget. A pledge that we will refrain from further development of nuclear weapons in cooperation with other nations is the strongest contribution that can be made now toward a more secure future.

Mr. Speaker, I include at this point the text of the resolution:

CALLING ON THE PRESIDENT TO PROMOTE NEGOTIATIONS FOR A COMPREHENSIVE TEST BAN TREATY

Whereas the United States is committed in the Partial Test Ban Treaty of 1963 and the Nonproliferation of Nuclear Weapons Treaty of 1968 to negotiate a comprehensive test ban treaty;

Whereas the conclusion of a comprehensive test ban treaty will reinforce the Nonproliferation of Nuclear Weapons Treaty, and will fulfill our pledge in the Partial Test Ban Treaty;

Whereas there has been significant progress in the detection and identification of underground nuclear tests by seismological and other means; and

Whereas the SALT accords of 1972 have placed quantitative limitations on offensive and defensive strategic weapons and have established important precedents for arms control verification procedures; and

Whereas early achievement of total nuclear test cessation would have many beneficial consequences: creating a more favorable international arms control climate; imposing further finite limits on the nuclear arms race; releasing resources for domestic needs; protecting our environment from growing testing dangers; making more stable existing arms limitations agreements; and complementing the ongoing strategic arms limitation talks: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President of the United States (1) should propose an immediate suspension of underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear tests.

SAVE STUYVESANT TOWN RENTS

The SPEAKER pre tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, on Monday, June 18, I will submit to the committee on housing of the New York City Council a statement concerning Stuyvesant Town and the need to control the rents in that very large community. It is of vital importance particularly since the President omitted rents from his order freezing prices. The statement follows:

STATEMENT OF MR. KOCH

Members of the Committee on Housing: I strongly urge the City Council's favorable consideration of a resolution currently before this Committee which could have a decisive impact on the lives of approximately 25,000 people residing in my Congressional District. I speak of the resolution which calls on the State legislature to enact legislation authorizing the City of New York to grant the owners of Stuyvesant Town, The Metropolitan Life Insurance Company, an additional 25 year tax exemption. As you undoubtedly know, the tax abatement covering Stuyvesant Town is scheduled to expire in June 1974 and when this happens it could bring great hardship to the residents of Stuyvesant Town.

It is my understanding that the City has the right to extend tax exemptions to housing projects acquired by mutual development companies if substantial increases in carrying charges would occur after the period of tax exemption ended unless relief were provided. There is surely no question that once tax exemption were to expire, the rentals in Stuyvesant Town would substantially increase no matter who owned the complex. And as far as can be determined, there would be absolutely no limitation on the new rentals. I believe it is the City's responsibility to protect these residents from possible exorbitant rent increases.

Stuyvesant Town is a unique middle income development which houses some 25,000 people, many of whom live on fixed incomes and are elderly. The residents have developed a strong sense of community and have actively participated in making Stuyvesant Town one of the most desirable middle income areas in which to live in New York City.

The residents have paid their fair share of rent increases over the years. Rents have gone up steadily since the project opened in 1949 from an initial $14.00 per month per room to the present $56.00 per month per room. The most recent increase was granted in June 1972, retroactive to November 1971, in spite of the opposition of the Board of Estimate. This 15% increase was greater, in fact, than that charged tenants who reside in Rent Stabilized buildings for renewal leases. Additionally, the tenants in Stuyvesant Town pay for their own improvements, such as the security system for which they pay a monthly surcharge of $2.65.

Should Stuyvesant Town lose its current tax status in June 1974, then in my judgment it is incumbent upon the City to provide relief and to establish a definition as to the future rental structure of that complex. The City Council would have to specifically provide, should the contractual agreement between New York City and Metropolitan Life be terminated, that the complex would immediately be placed under Rent Stabilization. Another proposal considered by some would be the possibility of co-oping. While I don't think this is desirable, if the plan were put forth it would have to be within the reasonable financial capability of the tenants. In addition, I feel that co-oping should have the support of 51% of the current tenants before it is accepted. Currently the law only requires that 35% of the tenants indicate their willingness to co-op, but efforts have been made for some time—efforts which I support—to change the required 35% to 51%.

The City cannot shirk its responsibility to these middle income residents. Inaction could bring great hardship to the residents of Stuyvesant Town and the result would be that many residents of that community, the taxpayers who support many civic and religious organizations, would be forced to flee the City to find housing they could afford. Along with you who sit in judgment on the application, I have voiced my concern about the exodus of the middle class on many occasions—if we do nothing to insure that Stuyvesant Town residents are protected a year from now—we will surely witness the departure of many of our most active citizens. I urge the members of this Committee to support this legislation which represents a first but important step in commencing the legislative process needed to provide the necessary tax abatement, and to take action as well as to provide legislation which would place Stuyvesant Town under Rent Stabilization if all else fails.

COMMUNITY ATTITUDE SURVEY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, two grade school teachers, Mrs. Zennie Herring and Miss Wilmus O'Neil, and 36 of their fifth-grade students in Collinsville, Ill., have conducted a "Community Attitude Survey" on specific ecological beliefs of adults in a part of their city. The survey shows strong community concern for environmental problems ranging from air and noise pollution to weed control and sidewalk conditions. We should be encouraged by the efforts of these students since the solutions to our environmental problems can only be expedited by the energy and enthusiasm of youth.

The results of the survey are as follows:

ATTITUDE SURVEY ON ENVIRONMENTAL PROBLEMS—292 REPLIES

	Yes		No		No opinion
	Number	Percent	Number	Percent	
I. Air pollution—Leaf burning:					
1. I burned leaves before the Environmental Protection Association banned leaf burning	203	71.2	82	69.5	7
2. I favor repealing this ruling, even though it will increase air pollution	91		172		23
3. I would be willing to either (check one):					
(a) Pay a nominal fee for leaf removal to reduce air pollution, or (59)		26.1		20.2	
(b) Take my own leaves to the landfill at no extra charge to me (167)		73.9		57.2	
No opinion (69)		23.6			
4. I would favor having the City Street Department remove bagged leaves during the month of November	224	83.0	46	76.7	22
II. Disposable and throw-away materials:					
1. I now return returnable bottles	258	92.8	20	88.4	14
2. I now return disposable containers to be recycled	79	30.1	183	27.1	30
3. I would recycle disposable containers if facilities were established at convenient locations	233	87.6	33	79.8	26
4. I prefer (check one):					
(a) All returnable containers (94)		32.2			
(b) A combination of returnable, disposable, and throw-away containers as currently used (100)		34.2			
(c) No preference (78)		26.7			
No opinion (20)		6.8			
5. I now recycle newspapers and magazines	115	42.1	158	39.4	19
6. I would be willing to separate disposable and throw-away materials so that the city could recycle them after they are picked up at my home	241	86.4	38	82.5	13
7. I would be willing to segregate all my old newspapers and magazines when I use the landfill—where such would be loaded by the landfill operator into pickup bins for transportation to recycling center	226	8.50	40	77.4	26
III. Motor vehicles:					
1. I approve of stronger auto pollution emission controls even though there is increased cost	164	63.6	94	56.2	34
2. I approve regulating use of high pollution emitting vehicles (autos and trucks) to specified hours to reduce pollution	132	48.4	130	41.8	40
3. I would use fast, convenient, public transportation to help reduce pollution	159	60.0	106	54.5	27
4. I would favor having city policemen issue warning tickets to owners of all cars and trucks causing heavy pollution because of improper care and repair	220	83.7	43	75.3	29
5. I would favor fines for second offenders of item 4 above	200	80.0	50	68.5	42
6. I think all motorbikes and motorcycles should have mufflers to stop noise pollution	242	88.0	30	82.9	420
7. I think we need total schoolbusing, in the city and without, to eliminate cars that create pollution and heavy traffic	142	54.6	118	48.6	32
IV. City services:					
1. I prefer the city to use its revenue sharing funds for (check one):					
(a) Increasing and improving existing city services such as police service, fire protection, and making permanent streets (62)		21.2		24.7	
(b) Improving environmental conditions of the city through pollution abatement programs, beautification programs, and recreational programs. (42)		50.3		58.6	
(c) Reducing property taxes and/or reducing the 125 percent sewer service charges (147)		14.0			
(d) No opinion (41)					
2. I think the city should give credit for beautification of property by lowering increased taxes on all property improvements	224	87.2	33	76.7	35
V. General:					
1. I think the cost of controlling pollution should be borne by (check one):					
(a) Governmental agencies (Local, State, Federal) (92)		31.5		34.7	
(b) The offending groups (63)		21.6		23.8	
(c) Shared by all (110)		37.7		41.5	
(d) No opinion (27)		9.2			
2. I would be willing to place a brick in my toilet tank(s) in order to save a quart of water with each use (about) 5 or 6 gallons a day for a family of 4	197	77.3	58	67.5	37
3. I approve using the coal strip mine areas for sanitary landfill operations	206	82.7	43	70.5	43
4. I approve the cutting away of Collinsville's scenic bluffs for dirtfill and other purposes	44	16.5	223	15.1	25
5. I favor an annual citywide celebration of Earth Week and Arbor Day	198	82.5	42	67.8	52
6. I approve strict enforcement of litter laws	251	95.1	43	36.0	23
7. I think the city should require owners to repair or remove dilapidated buildings	257	93.1	19	88.0	26
8. I approve strict enforcement of weed control laws and sizable penalties for violations	210	80.5	51	71.9	31
9. I am concerned about the following environmental problems					

TRIBUTE TO JUDGE JAMES O. MONROE, JR.

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on June 7 the Honorable James O. Monroe, Jr., Circuit Judge, Third Judicial Circuit of Illinois, was killed in an automobile accident. The tragic and untimely death of this distinguished jurist is a grievous loss to the people of Illinois. Few men who have served on the bench have infused the Illinois judiciary with the intellectual verve and vision that Judge Monroe possessed.

Judge Monroe was a friend of mine. His death is a personal loss to me. I have known his family since I entered public life. His father, the Honorable James O. Monroe, Sr., was a leader in the Illinois legislature. His brothers, Thomas, now deceased, and Karl have been leading journalists whose outstanding newspaper, The Collinsville Herald, has won numerous major journalism awards. In sum, Judge Monroe's family has been devoted to the public good and has striven for excellence in every endeavor they have undertaken.

So that my colleagues may share in the appreciation of this magnificent human being, I include in the RECORD the June 7 article in the St. Louis Post-Dispatch and the June 11 editorial in The Collinsville Herald on Judge Monroe's career and contributions to the people he served.

[From the St. Louis (Mo.) Post-Dispatch, June 7, 1973]

JUDGE MONROE IS KILLED WHEN AUTO OVERTURNS

Circuit Judge James O. Monroe Jr. of Collinsville, both controversial and colorful in his 15 years on the bench, was killed this morning in an automobile accident one mile south of Edwardsville.

The judge, 55 years old, was alone in his automobile, southbound on Illinois Route 159. Madison County sheriff's deputies said the car overturned in a small ravine near Glen Carbon Road and righted itself in an adjacent restaurant parking lot. Residents heard the crash about 4 a.m., and called authorities.

He was pronounced dead at the scene by Madison County Deputy Coroner Edward Rodney of head and neck injuries.

It was not unusual for Judge Monroe to work unusual and long hours. He was oblivious of both people and of time when he had a decision or opinion to prepare.

Termed eccentric by some, he was often seen walking and jogging the eight miles from the Madison County Courthouse to his home along the same route on which he was killed. He still wore narrow ties, with a Phi Beta Kappa tie clasp, symbol of academic excellence at the University of Illinois from which he graduated with a law degree in 1942.

"I never earned a football letter, so I had to leave college with something," he said.

Even in his college days, he was involved in controversy. He quit as editorial editor of the Daily Illini, the University's newspaper in 1939, "because of fundamental differences in policy" concerning a vice investigation in Champaign.

His father owned the Collinsville Herald and served in the Illinois Legislature for 10 years. Judge Monroe was a part owner of the newspaper, which is operated by his brother Karl.

Judge Monroe periodically wrote book reviews for the Post-Dispatch, and many articles appeared under his name in law and journalism reviews and magazines.

Politics, public affairs and history interested him. He said he acquired an interest in public affairs from his father. He studied and wrote on the life and times of Abraham Lincoln.

In 1952, he published a pamphlet "Everybody Loses," a short study of ethics, politics and gambling in Madison County. The foreword was written by Adlai E. Stevenson, then Governor of Illinois, and later the Democratic presidential nominee.

Judge Monroe and Stevenson were close friends. The judge was the composer of "The Man with the Hole in His Shoe," a song inspired by a widely publicized photograph of Stevenson taken in the 1952 campaign showing him on a speaker's platform with a hole in his shoe.

Judge Monroe labeled himself an independent Democrat. Although he had expressed no interest in public office years before, he was easily elected a judge in the Third Judicial Circuit, embracing Madison and Bond Counties, in 1967 and had been retained in office since then.

He had served briefly on the United States Treasury legal staff in Washington after graduation from college. Then he entered the Army, where he moved from private through captain on two World War II tours of duty in the Far East. He was a staff judge advocate for the Fourteenth Air Force, and later a judge advocate general under Gen. Archer Lerch, military governor of Korea. He served on the U.S. War Crimes Commission in Shanghai.

Surviving are his wife, Gertrude, an Edwardsville school teacher, and two children. Funeral arrangements are incomplete.

[From the Collinsville (Ill.) Herald, June 11, 1973]

A Striving for Excellence—In Many Diverse Ways, Judge James O. Monroe, Jr. Gave Talent, Energy and Hard Work to the Public Good

Zest. Energetic, methodical application of thorough, scholarly method. Devotion to duty, the law and the common good. A striving for excellence in widely divergent fields, fueled by diverse talents capable of the heavy demands he made on himself.

A conviction that the task in hand deserved maximum effort.

These characteristics, plus the warm, flavorful humanity made Judge James O. Monroe, Jr. an unforgettable figure on the Collinsville and Madison County scene for a quarter of a century.

His accomplishments were considerable. He was an architect of the 3rd Judicial Circuit in its formative stages and battled, often with success, to smooth its procedures. He carried a conviction that legal procedure at all levels could be improved and his counsel was sought on state and national levels among those seeking better rules for the courts. He never backed off from a hard duty.

He came as close as anybody in our midst these days to being the universal man. His interests were wide and his talents diverse. Music, literature, law, cross-country running, politics all commanded his attention and application of great bursts of energy. In pursuing them, he showed a fine disdain for convention.

He was a one-time editorial editor of the Daily Illini and never lost his affinity for journalism, with which he grew up as a member of The Herald family. He was secretary of The Collinsville Herald, Inc. and a director until he resigned both posts in respect to his position as judge.

But he was always interested in The Herald, available for shrewd estimates of the handling of the news or editorial policy. His presence hovered over us even when he was not here; always we sensed his pressure toward excellence. He wanted The Herald to be a successful paper, but more than that, he wanted it to be a good paper, with a conscience, doing what good papers do to make their communities better.

He respected the law, and lawyers respected him. Some of them on occasions might have preferred a less independent judge or one who tolerated more shoddiness, but they recognized that he ruled impartially. His opinions were respected not only for their scholarship but for the clarity and simplicity of style that he carried over from his newspaper background.

In his untimely death the Herald has suffered a blow made the more heavy because it follows all too soon the deaths of his faither, publisher James O. Monroe, Sr. and his brother, general manager Thomas W. Monroe. We hope we may carry on the principles they valued in a way they would admire.

In his death, the court system of Madison County and the community in a broader sense, have lost an engine for good.

Those who will miss him may take comfort from knowledge that he packed into his 56 years much that was memorable. He strove mightily and reached many goals. He was loved and respected. No man can ask more of life.

LITHUANIAN INDEPENDENCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record.)

Mr. PRICE of Illinois. Mr. Speaker, it was 33 years ago that the government of the Soviet Union occupied and purported to annex the Baltic Nation of Lithuania. Since that time the Lithuanian people have endured that harsh dominion while resisting, with arms as well as with minds, the power which has stripped them of their sovereignty.

And so it is that while other nations proudly commemorate their births, Lithuania and the other Baltic States can but bitterly mark the cheerless anniversary of their subjugation. Today, as we celebrate our Flag Day, a foreign flag flies over Lithuania. In the 1970s, when colonialism is everywhere on the wane, it is anomalous to the point of international disgrace that the Baltic peoples should be deprived of the right of self-determination which so vigorously flourishes elsewhere.

The Lithuanians have battled valiantly to free themselves of foreign domination, and even succeeded in overthrowing the Soviet regime for a short period in 1941. But fearlessness and love of liberty may not be enough when a small nation defies the armed might of a much larger one. Other powerful nations, concerned with the self-determination of small nations as well as the preservation of their own, must vocalize their support of the struggle.

It is our responsibility, then, to bring this violation of human liberty to the attention of the world. As we honor the flag which for us represents independence and freedom, let us pause to remember those who are deprived of these basic rights. In this, what some have called "The Year of Europe," the status of Lithuania cannot be ignored. If the Lithuanian people and the Lithuanian-Americans who share their distress are ever to celebrate a day of independence, the collective indignation of free peoples must be asserted against those who perpetuate their affront to human rights.

PUBLIC SCHOOL PRAYER

(Mr. WYLIE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WYLIE. Mr. Speaker, in 1962 and 1963 the U.S. Supreme Court handed down a series of decisions which have subsequently become known as the school prayer cases. At that time the Supreme Court interpreted the so-called establishment clause of the first amendment to the Constitution as prohibiting the previously commonplace practice of holding brief voluntary nondenominational devotional exercises in the Nation's public schools. Even though the tradition of public school prayer could be traced back to the earliest days of our Republic, the Court held that a simple brief voluntary group recognition of a Supreme Deity by students in tax-supported schools constituted an unconstitutional establishment of religion.

I am quite sure that all of my distinguished colleagues can remember the public outcry against this strained judicial reasoning. As a result, numerous legislative efforts have been mounted to secure the passage of a constitutional amendment to restore the right of voluntary prayer in tax-supported classrooms.

The Congress has addressed this issue on several occasions and a Prayer amendment was adopted by the Senate, as a floor amendment to the equal rights for women amendment, but it died for lack of further action at the close of the 91st Congress. In the 92d Congress. I had the privilege of bringing the prayer amendment up for a vote in the House by a discharge petition. Unfortunately, it narrowly failed to achieve the necessary two-thirds vote.

The American people are still asking why a prayer amendment has not been passed. Enthusiasm and heartfelt support for this proposal has not diminished even though there have been disappointing setbacks. Various dedicated ad hoc citizen groups are still actively promoting this effort and the organization, Operation Prayer 1973, has proclaimed this coming Sunday, June 17, as National Rededication Day 1973. The date is, indeed, significant since it commemorates the 10th anniversary of the Supreme Court's decision in *Murray* v. *Curlett* 374 U.S. 203 (1963) which held that Bible reading without comment and/or the use of the Lord's Prayer in tax-supported schools constitutes an establishment of religion in violation of the first amendment to the Constitution. You may recall that this is the case which was brought by Madalyn Murray O'Hair who has also objected to the recitation of prayer by the astronauts in space and who recently brought suit to prohibit prayer services in the White House. This case when combined with the holding in *Engel* v. *Vitale* 370 U.S. 421 (1962) has for practical purposes resulted in the removal of voluntary religious exercises from the public classroom.

The Reverend Robert G. Howes, the national coordinator of Operation Prayer, and one of the real leaders to assure the right to pray in public schools, has prepared some timely thoughts on this subject which I include at this point in the Record for the further information of the Members:

National Rededication Day 1973

June 17, 1973.

It is now ten years since the Supreme Court, in a second decision, finally banned voluntary prayer and the spiritual reading of the Bible from our public schools. With wonderful appropriateness the tenth anniversary of this tragedy falls on the Lord's Day. *We now propose that in every way possible and with a maximum of publicity June 17, 1973 be celebrated as a day of national penance for what the Court so mistakenly did but even more as a day of national rededication linked primarily to the restoration of freedom of religion in the public classroom.*

There has been indeed, in these past bittersweet ten years, much cause for sorrow but also much cause for joy and hope. On the one hand the incredible error of the Court has been compounded by the culpable silence of that vast majority of Americans who dissent from this error and by the sheer inability of the democratic process to carry through the Congress a prayer amendment bill for reference to the conscience of the nation in its fifty states. On the other hand hundreds of dedicated citizens on the Hill in Washington and across the nation have continued to fight and, whenever they have been polled in the matter, the American people have responded in overwhelming majorities in favor of a prayer amendment. Consider these further evidences of good and bad in the decade now behind us:

1. Rounding the moon at Christmas, 1968, the *astronauts read from the Book of Genesis*. They did this in a public machine, on a public mission, while on the public payroll. Quite logically, since what they did was not essentially dissimilar from voluntary school prayer, they were attacked by Mrs. Madalyn Murray O'Hair, the self-procaimed atheist who was prominent in the proponents of the 1963 prayer ban.

2. Repeatedly, the President has proclaimed *national days of prayer*. *Prayer breakfasts* have been held again and again on the Hill in Washington, D.C., and these have involved legislators of varying political affiliation and different religious persuasions.

3. Thousands of prayers have been uttered by *chaplains* in the United States Senate and House, in state legislatures, in local city and town councils, and in the armed services.

4. In Utah, in 1972, *a stone tablet with the Ten Commandments engraved on it was ordered removed from in front of the Court House* by a judge relying on the same illogic which had written the majority decision on June 17, 1963. (Salt Lake City)

5. In *Netcong*, New Jersey, in 1972 public school students were denied the right freely to read at the start of their school day the exact prayers which had been said in Congress previously and which were officially recorded in "The Congressional Record."

6. *Kindergarten children* have been denied the right freely to speak a simple prayer of thanks to God for the food they shared.

7. Public school children have been forbidden the right to sing prayerfully certain verses of "America."

8. In *Brockton*, Massachusetts, an Italo-American was subjected to legal harassment for her request that her daughter be granted freedom of religion in a public school.

9. In *Leyden*, Massachusetts, and *Fair Chance*, Pennsylvania, public school students were denied the right freely to pray before the formal start of their school day.

10. Prayer amendment proposals have met with ambiguity and sometimes with bitter opposition from some so-called "religious leaders" many of whom are in fact *generals without armies* who do not have the support of even their own congregations.

11. *Returning POW's* from the North Vietnam in the Spring of 1973 testified again and again to the power of prayer in their confinement. Said Colonel Robinson Risner, with words echoed by many of his confreres:

"We found by talking about patriotism and talking about God that we were only revealing our true feelings. So we learned to do these things. Our faith in God, our faith in our country were two of the things that brought us out alive and brought us out sound of mind and body.

What remarkable incongruity! These POW's are public persons, publicly paid, brought home on public transportation, publicly fed and housed. Yet had they been children in public schools instead of captives in Red prison camps, they would not have been permitted to utter one syllable of prayer together much less reading the Bible side by side for spiritual comfort!

12. *Dr. Billy Graham*, a consistent supporter of freedom of religion in the public classroom, has called for Court reinterpretation of the First Amendment to repeal the 1962 and 1963 prayer-ban decisions. In May 1972 "Christianity Today" cites Dr. Graham as adding:

"But if no court relief is forthcoming, he (Dr. Graham) said, he would assume his original stance (i.e., for a prayer amendment) and might even lead a march on Washington—'the largest of such marches' to restore prayer in public schools."

13. *A national poll* conducted in January and February 1971 by Opinio Research Inc. (Princeton, New Jersey) for THE ADVOCATES asked this question: "Would you favor or oppose a Constitutional amendment to permit the use of prayers in public schools?" The response:

[In percent]

	Total	Protestant	Catholic	Jewish	No religion
Favor	80	84	82	50	46
Oppose	12	9	10	38	42
Undecided	4	3	5	6	4
Don't know	4	4	3	6	8

14. Three states have officially voted on the voluntary school prayer issue. *Maryland*, on November 3, 1970, voted 73% in favor. *Florida*, on March 14, 1972, voted 79% in favor. *Massachusetts*, on November 7, 1972, voted 82+% in favor. These states differ both in geographical location and ideological complexion:

15. Speaking in Harrisburg, Pennsylvania, on July 10, 1969, our National Coordinator said:

"America today is in deep and big trouble. I need not stress the suffering and angry poor, the anarchy, the lawlessness, the tragic syndrome of escape from responsibility through drugs, the filth in some of our theaters and on some of our stages. Nor do I come here to suggest that returning the civil right of free prayer to our school children will at once change everything. I do suggest that the fight for renewal of this important civil right can become a great rallying point for those who, like us, stand outraged before the rot which spreads through the nation. There is given to men now and then some relatively simple moment or symbol or place in which a number of complex things gather and in which a comprehensive remedy for multiple wrongs is clarified. Such a symbol was the penny on the pound of tea in Boston two hundred years ago. Such a moment came at Valley Forge. Such places are Thermopylae and, perhaps, Stalingrad, certainly at the Concord Bridge in '75. There are in these times and things the symbolism and the power to move whole peoples. This kind of moment is now possible here. . . Anyone who says that this moment, this cause and this place are meaningless, whatever his other credentials is blind."

From all this, and from its peculiarly simple and yet peculiarly comprehensive situation in America today, there can be no doubt whatsoever that *what is at stake in the drive to restore voluntary school prayer is very much more than the morning moment alone, important as this is, in our public schools*. If and as we do celebrate June 17, 1973 as a National Day of Rededication, we do so around the issue of voluntary school prayer but we do so in a cause much bigger than this. We do penance not only for what the Court so wrongly decided and for our own lethargy and silence in repealing this wrong but also we do penance for the general withering away of public reverence in our midst and for the secular humanism which in so many ways eats at the vitals of this republic. Our purpose likewise is not alone to make amends for an inadequate decade but also to discover and place a new dedication to a future in which God will again be constitutionally welcome in all our activities together as a people. It is to this kind of cause that we now invite all Americans of good will.

Current facts. A large number of prayer amendment bills have been introduced in both Senate and House this term. Key bills **are**, on the Senate side, SJ Res #84 co-sponsored by Senators Richard Schweiker (Pa), Hugh Scott (Pa), Howard Baker (Tenn), Howard Cannon (Nev), James Eastland (Miss), John Pastore (RI); on the House side, HJ Res #333, introduced by Rep. Chalmers Wylie (Ohio). All bills now remain inactive in Congressional committees—on the Senate side, in the Constitutional Amendments Subcommittee (chairman, Senator Birch Bayh); on the House side in the Judiciary Committee (Chairman, Rep. Peter Rodino). *It is of maximum importance that a major portion of the sweat involved in National Rededication Day '73 be devoted precisely to contact with these Senators and Representatives.*

Since there is no full-time national staff, no committed mimeo machines, no unilateral organization, and no monies at our disposal, *we must mainly rely on the ingenuity and the prayerful effort of Americans everywhere*. One or two suggestions, however, may be in order:

1. June 17, 1973, should be publicized in every way possible and repeatedly in all news media and in all publications (church and secular).

2. Local pastors should be urged to preach sermons on Sunday, June 17, 1973, remembering and rededicating. We will be happy to provide material.

3. If possible, articles should be submitted to local press, radio and TV stations. Letters to the editor and talk shows should be thoroughly covered. For want of other material, this memorandum can be duplicated and transmitted.

4. A massive and noisy approach must be

made to all Senators and Congressmen again and again in the days before and immediately after June 17, 1973. It should be constantly recalled that all current bills remain blocked in committee.

5. Local church and secular organizations (e.g., PTA) should be contacted at once and resolutions supporting freedom of religion in the public classroom pressed to adoption. Such resolutions must be communicated to Congress.

6. State legislatures, city and town councils, county commissioners and other governing bodies should be asked to pass resolutions and petitions demanding of Congress immediate action to repeal the prayer-ban decisions through the proposition of a carefully worded prayer amendment to the nation.

7. Wherever possible, ecumenical prayer services and vigils should be organized on or near June 17, 1973 to invite God's guidance in our national rededication and to draw prayerful attention to the occasion and the tragedy it commemorates.

8. In every possible way, it must be clarified to all Americans on this rededication day that much more is involved in this fight than school prayer alone, that so long as freedom of religion is denied in one place its survival in all other public places is threatened. A cancer, in short, has been placed in the bloodstream of the nation. Only a radical removal of this cancer can restore us to national sanity and health.

As we now gird up for this important event, it is well to recall certain comments which can help us better sense the immensity of what we are doing:

"We believe that thus (i.e., through voluntary prayer) the school will fulfill its high function of implementing the training of the home, ever intensifying in the child that love for God, for parents and for home which is the mark of true character-training and the sure guarantee of a country's welfare." New York Board of Regents, enabling voluntary school prayer, 1951.

"The corollary in both law and logic of the Supreme Court's recent interdiction (i.e., in the prayer-ban decision) is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstances. A consistent application of such a policy would involve a revolution in the Nation's habitual practice in the matter of religion." Henry P. Van Dusen, former Dean of Union Theological Seminary, New York, shortly after the first decision.

"The Supreme Court has stated that 'religion must be a private matter for the individual, the family and the institutions of private choice.' Religion is indeed a private matter, but it is far more than that. Since the founding of the Republic, it has been deemed in an important sense, a very public matter. The separation of church and state is a wise policy. The separation of religion from public life is dangerous folly. We Americans have always known that religious liberty demands, by its very nature, that it be exercised publicly." United States Catholic Conference, Statement on "Parental Rights and the Free Exercise of Religion," November 15, 1971.

"Let us with caution indulge the supposition that morality can be maintained without religion . . . Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles." George Washington, Farewell Address.

SUPERPORTS

(Mr. HOWARD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HOWARD. Mr. Speaker, on June 19, 20, and 21, 1973, Public Works Committee's Subcommitte on Energy will hold hearings on H.R. 2020, and related bills. I feel that both the purpose and the contents of this bill are straightforward. Nonetheless, I would like to take this opportunity to clarify its provisions for the record.

Let me point out that this legislation takes neither a positive nor a negative stance on superports. The necessity for superports will be determined, I would hope in the near future, by joint planning between the Federal Government and the energy industries, under the supervision of Congress. It is a policy decision whether or not this country is to feed its oil addiction by foreign or domestic supplies, whether it is to sanction great importation of oil or to encourage domestic development and increased research and development. Although these are important issues, which will be considered by this subcommittee as well as others, they are essentially irrelevant to the enactment of H.R. 2020.

In essence H.R. 2020 gives to States directly or indirectly affected by the construction of offshore bulk cargo transshipment facilities a veto power over Federal approval of such projects. However, this veto power is by no means unlimited. In order for a State to be directly affected, within the terms of the bill, the affected State must have passed a law which explicitly prevents the construction of such offshore facilities, within its jurisdiction—seaward 3 miles from its low waterline.

Furthermore, a State indirectly affected by the construction of such an offshore facility of what would be considered the coast of another State can also prevent Federal approval of such a project upon the fulfillment of two requirements: First, the indirectly affected State must have a law which specifically prevents the construction of such offshore facilities under its State jurisdiction, so that it cannot block a port for another State while legally maintaining the right to approve one itself; and second, it must be established that it would in fact be vulnerable to adverse conditions by virtue of the construction of such a facility at the suggested location.

This bill, with its purpose beginning "to prohibit," may be taken by some as unnecessarily negative, the culmination of "it may be good—but put it in someone else's backyard." Yet, there can be no doubt that even in matters of national interest a State should have a determinative say in what is or is not constructed literally in its backyard.

Furthermore, I feel that this legislation in effect benefits those interested in the development of offshore cargo projects. It provides a mechanism in advance for knowing where such a project is not desired, and I think in the long run eliminate painstaking negotiations and perhaps court suits.

Who is to say that the immense delay involved in the Alaskan pipeline could not have been greatly abated had the people of Alaska, through referendum or State legislation, been able to say whether they did or did not want the oil from the North Slope transported by pipeline through Alaska. Surely, environmentalists would have less persuasive power if the people of Alaska, through majority voice or its legislative process, had approved the Alaskan route, and conversely, the energy interests would certainly have explored the Canadian alternative far sooner had the people of Alaska expressed a negative interest in the proposal.

It is often alleged that environmentalists do not speak for the majority—the majority upon which democratic government is based. If this is true, or even if it is believed to be true, we must find a way to ascertain the true will of the majority in a given location as to a specific project. This is the course which H.R. 2020 advocates.

"NEW DIRECTIONS" AT ANTIOCH

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, time was when young Americans whose parents were unable to foot the bill for their college education were eager and anxious to work their way through school, without demanding that the Federal Government pay their way. Unfortunately, we today have some young men and women who feel that the government owes them a college education and they are prepared to demonstrate—violently—to back up their demands.

In that connection, McNaught Syndicate columnist Andrew Tully has carefully analyzed the student strike at Antioch College and has come up with a conclusion which I share—that "a College can do what it pleases with its own money, but, the college has no vested right to expect financial support from the Federal Government for its courses in 'creative conflict.'" As Tully says:

> The citizen in Lubbock, Tex., or Reading, Pa., who gets it up for the income tax man every year might well suggest other uses for his dough.

The Tully column, which appeared June 13 in the Alexandria, Va. Gazette and other papers, is as follows:

"NEW DIRECTIONS" AT ANTIOCH

(By Andrew Tully)

WASHINGTON.—To understand the mentality of the student minority which closed down Antioch College in Yellow Springs, Ohio, for six violent weeks, one must ponder the statement of a student named Barbara Israel.

Testifying in a suit brought by four brave students for an injunction against the strikers, Miss Israel told the judge she expected to receive full course credit in Revolution and Spanish 1 for striking. The judge was incredulous. He should not have been. Even a cursory examination of the daily newspapers would have told him that there are still too many nuts running our so-called institutions of higher learning.

Antioch is foremost among these institutions, operating on what might be called the free-lunch theory. In 1970, the college instituted its New Directions programs designed to include "a real number of working class students, black and white." As proclaimed by President James P. Dixon, the idea was to foment "creative conflict" and thus provide the student body with "a learning experience."

Well, there was conflict, all right, and about 250 strikers profited from the "learning experience" by demanding violently that the college guarantee low-income students financial support through graduation, at up to 4,000 clams a year. There was no talk about keeping grades up, of course. The college said it couldn't guarantee any dough beyond two years because of the uncertainty of Federal assistance. So, a strike, naturally.

Although nearly 2,000 students wanted to continue their studies, Dixon did nothing to reopen the school until his hand was forced by the four litigants seeking an injunction. Even when the injunction was granted, the college appealed the judge's decision on "principle"; Dixon's stand was that the court had interfered by ordering the college to do something it was already trying to do!

In the meantime, the college buildings were vandalized, professors were assaulted—one by a thrown ashcan—and nonstrikers were forced to organize classes off campus. Somehow, the "working class" strikers—most of them black—managed to find the money to obtain and erect barricades to keep everybody out of the classrooms.

Dixon was not idle; he was making statements. "People came to claim the social justice that was their due," he said. "A great deal of the energy for change comes from dissent," he said. He argued that to rule without agreement on campus makes the administration a "tyrant," a role he found "unacceptable." Agreement? A whopping majority of the student body was howling for its right to an education and charging, accurately, that the college had reneged on its contractual obligations.

Finally—but not until the injunction had been issued—Dixon admitted that "confusion had reached a point where it couldn't organize itself." I'm going to save that one, too. He added that he was "beginning to believe that the level of coercion is destructive of the pluralistic dissent that the campus has been willing to tolerate." Where on earth do the Dixons of this world find their rhetoric? I suppose what he meant was that the strikers were beating up too many people.

It is, of course, the James P. Dixons who are confused. In seeking to provide "social justice" for the underprivileged, some of whom are more interested in paid vacations than in learning how to spell CAT, they establish a new privileged class of students who in a community of equals are considerably more equal than their peers. Naturally, this new privileged class felt Antioch owed them guaranteed financial support. The Dixons had told them to expect it.

But there is a flaw in these "New Directions" programs. It is that while a college can do what it pleases with its own money, the college has no vested right to expect financial support from the Federal government for its courses in "creative conflict." The citizens in Lubbock, Tex., or Reading, Pa., who gets it up for the income tax man every year might well suggest other uses for his dough. Somebody always has to pay for a free lunch.

COMPROMISE TO SPEED DECISION ON ALASKAN OIL

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, last week Congressman JOHN BLATNIK, Congressman JOHN ANDERSON, and I joined nearly 60 cosponsors in the introduction of an Alaska oil compromise which offers the Congress an opportunity to finally put this issue to rest, and do it in a way that is both reasonable and responsible. No other Alaska bill under consideration offers a final solution to the controversy; nor does any offer such assurance that construction of a pipeline could be begun any time soon. For if the Congress approves this compromise, the bulldozers can begin digging and the pipe can begin to be assembled early next year. If the Congress approves the bill presently favored by the administration and the oil industry, the most optimistic prediction is that legal battles to follow will delay the beginning of construction by at least a year, maybe two or three.

This point needs to be reemphasized because it is crucial and it is currently the subject of propaganda and misunderstanding. If the Congress adopts the President's approach on this issue, it votes to return the entire matter to the courts where the litigation, if successful, will take at least a year and probably more. If unsuccessful, the entire pipeline project will have to be scrapped and it is back to the drawing boards. If our compromise is adopted, the Congress will have decided that to settle the entire issue within six months time. There will be either a Canadian or Alaskan pipeline, and there will be no review of that decision by the courts.

Our compromise, H.R. 8561, begins with the premise that there are two large and influential segments of American society who, for different reasons, are opposed to the trans-Alaska route. First are the conservation groups who have fought this project tooth and nail, and in my opinion not without justification, since the huge oil find was made on the North Slope in 1968. Their court suits combined with the incompetent strategy of the administration and industry—which was to simply avoid public debate in the Congress—have resulted in a 5-year impasse. The most recent court decision returned the entire matter to Congress, not on the environmental or economic grounds which are really at issue, but in the sheepskin of the 53-year-old Mineral Leasing Act which restricts the width of rights-of-way over public lands to 54 feet. It is unfortunate that the Alaska oil issue has been delivered to us in such an antique and ubiquitous package because there are clear and substantial arguments for changing the law so that other pipeline work in the country can proceed according to the needs of modern technology. To hold the Alaska pipeline decision hostage to an old law that affects needed work on other, noncontroversial pipelines might be an acceptable tactic on the part of the administration, but it is something other than good public policy.

The Congress really ought to deal with these issues separately. The Alaskan oil decision is important enough to stand on its own merits, and the controversy surrounding it should not be allowed to slow necessary pipeline work going on in other parts of the country.

In any event, current conservationist concern over the trans-Alaska pipeline centers on two threats:

First. Earthquakes. The nearly 800-mile trans-Alaska route traverses one of the most active earthquake zones in the world—23 major earthquakes in the last 70 years. Even industry experts and the Interior Department's NEPA statement make no guarantees against massive oil spills, polluted streams and substantially mitigated wildlife habitats. This is America's last great wilderness.

Second. Marine oil spills. Oil spillage is unavoidable, and experts say it will average up to 140,000 barrels a year, or the equivalent of 14 Santa Barbaras. This, of course, will occur over the vast area tankers will travel, from Valdez down the west coast into new American ports, and thus the unsightliness and marine danger will, according to one's perspective, be either less intense than Santa Barbara or more pervasive.

Frequently these conservationist opponents are portrayed as a group of selfish woodsmen who want the Alaska wilderness to themselves while the country grinds to a halt for lack of petroleum. But the facts say something different. The environmental damage being contemplated is substantial and irrevocable, and the pipeline will come at no small cost to this and future generations. It's a price we may well have to pay, but to the conservationist's view, not before a good faith effort has been made to sort out the alternatives.

A second and growing opponent of the trans-Alaska pipeline is the oil-thirsty American Midwest. The argument here is made not on environmental grounds, but rather on the basis of need, national security and economics. By 1985 the U.S. east of the Rockies is expected to be over 50 percent dependent on non-Canadian foreign oil, most from the Mideast. Without the addition of costly transmission facilities, the trans-Alaska pipeline could not reduce this dependence in the Midwest, while creating an oil surplus on the west coast. On the other hand, a trans-Canadian line, assuming it were possible, would in one stroke deliver relatively cheap oil to the area of the country needing it most and improve our national security posture with regard to the unstable Mideast.

Here again these opponents of the trans-Alaska route have been cast as a self-seeking interest group grinding a regional ax. Notwithstanding their right to grind just such an ax, it is important to understand that there is a legitimate national interest in the reduction of Mideast imports and the most equitable distribution of limited domestic oil reserves.

So the compromise legislation we have introduced begins with the premise that there are two dissenting groups, involving the interests of millions of Americans, who believe the administration's trans-Alaska decision to have been mistaken, and who further believe the Canadian alternative has never been given a hard, independent look. They will not sit still until it is, and on environmental and possibly antitrust grounds they have enough legal ammunition to tie up in the courts a trans-Alaska pipeline for many months and perhaps years to come.

Mr. Speaker, a second major factor in our decision to seek compromise legislation is timing. Can the country really afford to wait indefinitely to find out whether there will or will not be a pipeline? While Alaska oil is not the answer to today's shortages, although a clever industry PR effort has left a different impression, the country will increasingly need that huge Alaska oil resource as time goes on. We are talking about oil for the end of this decade and the beginning of the next—if we move now. The only way to move now is for Congress to act, to take into account in its own study the responsibilities of NEPA, and to make a final, ultimate decision on the Canadian or Alaskan route. In order to make an informed decision, a new study is necessary. The administration is incapable of such a study because on this issue it has no credibility with the dissenting groups and is already committed by word and deed to the Alaska route.

We have therefore proposed a 6-month study by the National Academy of Sciences, coordinated by the Comptroller General, which on a crash basis compares the two routes and reports its findings and recommendations to Congress. At the same time, the Interior and State Departments are directed to enter into serious negotiations with the Canadian Government determining once and for all that country's position with regard to a pipeline through the Mackenzie Valley. It is a fish or cut bait proposition.

In short, the crash study would achieve two needed objectives:

It would clear the air and remove the pall of doubt and suspicion that has clouded this issue for 5 long years by granting the dissenting groups the Canadian study they have sought.

It would allow the Congress to insulate its decision from criticism by calling on the best minds to take a last, hard look at the alternatives and to arrive at conclusions based on the best evidence available.

Mr. Speaker, in closing I want to make a few comments on the Canadian alternative. I am not necessarily an advocate of that pipeline route, but I am sufficiently convinced of its attractiveness and viability to be convinced that it deserves a second look.

Two weeks ago, I attended an interparliamentary meeting in Ottawa where with the other members of the U.S. delegation I had an opportunity to meet with Minister MacDonald and other key Canadian Government and business leaders. I came away from those discussions with the following impressions:

First. It is false to suggest, as the Nixon administration does, that the Canadians are simply uninterested in cooperating with us on both a gas and oil pipeline from the northwest. The fact is the Canadians have been told in so many words not to interfere with an "internal" U.S. decision and have almost concluded as a result that this country will not seriously explore with them the possibility of a Canadian line.

Second. Being thus discouraged, the Canadian Government, remaining in power by the narrowest of margins, has not been inclined to pursue the tough policy decisions within it own country which might make an accommodation possible. The Canadians would encounter objections on environmental grounds; they would have to settle political problems with regard to ownership and financing of the pipeline; they would have to lay the groundwork for a settlement of their native claims. Many Canadian officials believe all these things to be possible, but why undertake such an effort if the United States is not seriously interested?

Third. While it may take a little longer to build a Canadian pipeline, the Arctic oil by itself will be a relatively small portion of the U.S. need and, in any event, will be pumped out in a period of 15 to 25 years. If there are major advantages going for the Canadian route a delay of oil delivery from 1976–77 to 1979–80 will not be all that significant.

Fourth. The Canadians are not demanding ownership of 51 percent of the pipeline, as claimed by advocates of the trans-Alaska route. The pipeline, no matter who holds the equity, would be at least 80 percent debt financed. Other major utility projects in Canada are supported in large measure by foreign capital.

Fifth. The cost of a trans-Canada pipeline would be competitive with a trans-Alaska project, when the costs of the latter's extensive tanker and port system are taken into account.

Mr. Speaker, the administration and industry are currently opposed to the compromise I have described. The $64 question is, Why? They are sincerely convinced that the trans-Alaska route would prevail in any serious study of the alternatives. If they are right, the independent study will simply confirm their convictions and they can begin to lay pipe early next year. There would be no further delay, no court battles, no congressional hearings.

If they are wrong, and the study finds the Canadian alternative to be preferable and viable, then the Congress will have averted a major policymaking error with which many generations would have to live. No such recommendation could be made unless the Canadian Government appears ready to commit itself to the project.

Mr. Speaker, I call on industry, the administration, the conservation groups, and Members of Congress from the Midwest and East to accept this compromise. For in a democracy the way a decision is made is frequently as important as the decision itself, and that theme has never been better dramatized than in the saga of the trans-Alaska pipeline.

THE CASE FOR REDUCED U.S. OVERSEAS TROOP LEVELS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, during the June Democratic Caucus I will offer a resolution calling for reduction in U.S. forces stationed abroad, with such reduction to be accomplished over the next fiscal year.

This resolution is similar to one passed this March by the Senate Democratic Caucus; the Senate resolution called for the President to reduce "substantially" the size of U.S. military presence in Europe and Asia by mid-1974.

In order that my colleagues be well informed on the issue of overseas force levels, I now wish to insert into the Record a series of statements and studies some very current, others made within the past 2 years—on this topic. I urge that my colleagues study these documents before the caucus meeting.

The materials follow:

I—TESTIMONY BEFORE THE HOUSE ARMED SERVICES COMMITTEE JUNE 5, 1973 ON THE FISCAL YEAR 1974 DEFENSE PROGRAM AND BUDGET MILITARY MANPOWER REQUESTS IN THE DEFENSE AUTHORIZATION BILL

(By Edward L. King, executive director, Coalition on National Priorities and Military policy)

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you and discuss the military manpower requests contained in Title III, Section 301, of H.R. 6722.

Mr. Chairman, I continue to strongly support an adequate program of national defense. But I am also convinced that it is possible to adequately defend our national security at less cost and with fewer active duty military personnel.

I believe this is possible if a more accurate assessment is made of the true military extent of our overseas commitments, and the current scope of foreign "threats" that justify the forward deployment of over 600,000 personnel of our armed forces.

Recognizing the importance of manpower in the defense system and the increasing costs of obtaining this resource, Congress incorporated into the Armed Forces Authorization Act for Fiscal 1971, the provisions of Public Law 92–436, which require the Department of Defense to submit an annual report recommending active duty force levels, a justification for these levels, an explanation of the relationship between these recommendations and U.S. national security policies. Last year Congress requested this additional specific information:

"Such justification and explanation shall specify in detail for all forces including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit:

a) the unit mission

b) the strategy which the unit supports

c) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall include a detailed discussion of the manpower required for support and overhead functions within the Armed Services."

In the Fiscal Year 1974 Military Manpower Requirements Report the Department of Defense has responded to the Congressional request. According to the Department, two basic national security objectives provide the rationale for U.S. force levels and overseas deployments of military manpower. These objectives are stated as: 1) preserving the U.S. as a free and independent nation, to safeguard its fundamental institutions and values, and protect its people. 2) contributing to the security of other nations with whom we have treaties or whose security significantly impacts on our security.

In accomplishing the second of these objectives the Department of Defense cites "U.S. commitments under primary applicable treaties" as the justification for a large part of the military manpower requests being made in FY 1974—and being acted on by this Committee in H.R. 6722.

The Department of Defense indicates that the "primary applicable treaties" are the NATO and SEATO treaties. Yet no specific manpower requirements or obligations are set forth in either of these treaties. The NATO Treaty does not specify any level of U.S. military force. Indeed it does not even require members to take military action to meet a common threat. The size and composition of U.S. military forces assigned to NATO is determined by the Executive Branch of the U.S. Government—not by substantive treaty "commitments."

The most binding language in the NATO Treaty in regard to military commitments is contained in Articles 3, 4, and 5, which read:

ARTICLE 3

"The parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack." [Under this article the U.S. has felt compelled to assume a costly 25-year obligation of a massive military assistance program to NATO members.]

ARTICLE 4

"The members agree to consult whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the parties is threatened."

ARTICLE 5

"The members agree to consider an armed attack against one . . . an attack against them all." But each signer agrees only to "assist the party or parties so attacked by taking . . . such action as it deems necessary, *including* the use of armed force." (Italic added)

Article 11 states that the provisions of the NATO Treaty shall be carried out by the member states "in accordance with their respective constitutional processes." Neither the United States Congress nor the President is committed—by treaty—to any particular military course of action or level of military manpower in Europe. Thus I seriously question the legitimacy of the Department of Defense contention (as stated in the FY 1974 Military Manpower Requirements Report) that the "NATO Treaty" is a sufficient justification for about 500,000 military personnel on active duty to meet a U.S. "commitment" to an initial defense of NATO. This force justified under P.L. 92–436 on the basis of the "NATO Treaty" commitment consists of 8 active Army and Marine division, 6 aircraft carriers, over 80 surface warships and attack submarines, plus 21 air squadrons. This "commitment" is the result of voluntary Executive Branch consultative agreements—not specific treaty agreements entered into by the Congress.

Much the same process has been repeated under SEATO. The Department of Defense lists the "commitment" contained in the SEATO treaties as the justification for requesting over 150,000 military personnel for deployment to Asia. This force includes 3⅓ Army and Marine active divisions, 9 aircraft carriers, over 80 surface warships and attack submarines, and 11 air squadrons. But the articles of the SEATO treaties do not specify any military force levels, or any form of required military action by the signatory parties. Again, the level of military forces provided is the result of voluntary consultative agreements entered into by the Executive Branch—not articles of treaty commitments entered into with the agreement of the Congress.

At a time when military threats in Europe and Asia no longer resemble those projected in the 1950's, and when urgently needed domestic programs are being drastically reduced or eliminated, the Department of Defense should be required to more fully comply with the requirements of P.L. 92–436. The Congress should be furnished more accurate and precise justification for military manpower requests than vaguely worded treaties, which are in fact discretionary and do not call for the standing commitment of any prescribed level of U.S. military manpower. Such specious justifications for military manpower, which will be the basis for about 1 million active duty personnel and cost the American taxpayer in excess of $30 billion in FY 1974 do not beneficially serve U.S. domestic priorities or national security objectives in the world of the 1970's.

In FY 1973 the Department of Defense deployed over 600,000 military personnel overseas in support of Executive Branch agreements. These so-called "forward deployments" cost the taxpayer billions. The Defense Department says that in determining the location and size of overseas deployments it considers:

a) the threat
b) the military requirements of the area
c) costs and political aspects

The final decision regarding forward deployments is made by the President, the National Security Council, the Secretary of Defense and the Joint Chiefs of Staff. Congress has not always played a role.

Close analysis of present forward deployments of military manpower and those planned for FY 1974, raises questions about whether the Department of Defense has given adequate consideration to determining the location and size of overseas forces. Two examples are the U.S. forces deployed in Europe and Korea:

EUROPE

The threat

The Soviet "threat" in Europe which is used as a basis for the deployment of 319,000 military personnel to Europe (this is more than the 311,600 we had there before the Berlin Crisis of 1962) is stated as follows in the FY 1974 Department of Defense Report:

"While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the Alliance. Such a crisis could escalate to hostilities."

Despite a Berlin Agreement, detente between East and West, a SALT agreement, and growing trade exchanges over the past four fiscal years, the Department of Defense has stated the Soviet "threat" in exactly these same words each year. The vague supposition contained in the threat has not changed, but the manpower deployments required to meet it have increased by at least 20,000 and the cost has increased by about $4 billion over the four years.

The military requirements of the area

Over the past twenty years there has been no report by the Department of Defense of any substantial change in the military requirements in Central Europe. These requirements have always been reported as remaining constant and requiring continued expense and effort on the part of the American people. Yet the manpower required to meet these constant military requirements has fluctuated from around 280,000 in 1968 during the Vietnam War to a high of about 411,000 in 1963. Based on these facts of the past 20 years of our presence in Europe, it is difficult indeed to believe that it is military requirements that legitimately determine U.S. military manpower levels required. A more accurate assessment would tend to indicate that it is our unduly sensitive concern over European political considerations and requirements, which more nearly determine that 300,000 or more American military personnel must continue to be stationed in Europe. This is the result of hiding for years an essentially political problem in the wrapping of specious military justifications.

If valid military requirements were truly the overriding considerations of our European force deployment, the Defense Department should probably have long ago improved the ratio of combat-to-support personnel assigned in Europe. At present there are 198,600 Army troops deployed in Central Europe. The Department of Defense has reported that in FY 1974 a total of 116,000 of those troops will be serving in combat units. Two questions immediately come to mind: what units are being classified as "combat" and are all the personnel assigned in a "combat unit" actually involved in combat against an enemy?

The answer can be found in the Army's statistics on personnel assigned to combat skill jobs (i.e. individuals whose primary duty is to fire on the enemy). Army statistics show that 24% of the requested FY 1974 force will be assigned to combat skill jobs. Using this percentage as a basis of computation, 43,600 of the 198,600 total will be personnel actually assigned to combat duties and 155,000 will be personnel assigned to support duties.

Costs and political aspects

In FY 1974 the cost of U.S. forces based in Europe and those based in the U.S. with European missions has been estimated at about $17 billion. Balance of payments loss in Europe as a result of military accounts have been stated as approximately $1.8 billion in FY 1973. These high costs have been justified as necessary to provide U.S. combat manpower to make a "flexible response" to any form of Soviet aggression in Central Europe, and to assure our European allies of our resolve to defend them. For years the theory has been advanced that any reduction in the number of U.S. troops in Europe would be interpreted by our European allies as a signal of a lessening of U.S. resolve to help defend them and mark the beginning of Soviet dominance. This theory has been advanced as much by our State and Defense Departments as by our allies. On close examination it proves to have little validity. Since 1964, well over 100,000 U.S. troops have been removed from our European-based forces. British and Canadian troops have been withdrawn. France withdrew 10 divisions. Yet there was no psychological collapse on the part of the European allies. There was no rush to reach an accommodation with the Soviets. What has happened is an increased interest on the part of our European allies to strengthen the Alliance, and a transfer by the Soviets of a few Eastern Europe-based units to the Sino-Soviet border.

There are those who argue that there can be no reduction in the amount of U.S. military manpower stationed in Western Germany because this would weaken the political position of Mr. Brandt and damage his *ostpolitik*. This is of course supposition. What is not, is that West Germany under the Soviet Democrats, devotes more of its GNP to domestic social programs than does the United States. It has a lower unemployment rate than the United States. While we can find no money available for child day care centers, West Germany has one of the most advanced day care programs. Is it not a significant political aspect that the presence of large numbers of U.S. military manpower in West Germany which releases West German manpower and money is in effect subsidizing West German social development programs at the expense of fund-starved American domestic programs?

And does the deployment of 319,000 military personnel to Europe provide a conventional "flexible response" to the very unlikely possibility of Soviet aggression? Rather than flexibility, present U.S. military manpower levels there tend to lock the U.S. into early, first use of tactical nuclear weapons, which would in all probability escalate to massive nuclear exchange. It is not apparent that the relationship of the serious military or political aspects of this problem have been fully examined.

KOREA

The threat

"Both North Korea and the People's Republic of China maintain large, well equipped, well trained forces capable of attacking the Republic of Korea at short notice. Additionally the USSR represents a potential threat to the U.S. and Japanese maritime interests in the region. However, in the present political climate we believe these nations would see aggression as contrary to their interests. The opening of talks between the two Korean governments has given both sides an incentive to avoid hostilities . . . Nevertheless, North Korea and the People's Republic of China could pose a serious threat to South Korea should this situation deteriorate in the future."

This threat statement for FY 1974 is almost identical with the one given by the Department of Defense for FY 1973. And it is very similar to the threat statements for Korea in FY 1971 and 1972. On the basis of meeting this highly conjectural threat analysis the U.S. has continued to deploy nearly 40,000 military personnel in South Korea.

The military requirements of the area

The stated Department of Defense mission for the 40,000 man U.S. force (which contains 18 generals/admirals) is "to provide ground combat and security forces for South Korea." The bilateral treaty between the U.S. and the Republic of Korea does not contain language requiring a U.S. force commitment, and the Department of Defense does not consider North Korean or Chinese aggression likely. Why is it necessary then for the U.S. to provide "combat and security" forces to South Korea?

The South Korean ground combat forces presently number around 600,000 men backed by a large trained reserve. A large portion of these troops are Vietnam combat veterans. Department of Defense reports place the North Korean ground combat force at 360,000 men. And this force has not been in sustained combat since 1953. There are no Soviet or Chinese combat units stationed in North Korea.

The principal combat element of the U.S. force is the Army's 2nd Infantry division. This division is not at wartime strength of 16,200, but contains only 13,000 U.S. soldiers. The Army divisional ratio of combat-to-support personnel establishes that only about 7,000 of these soldiers are assigned to combat related duties. This understrength division is backed up by about 18,000 additional soldiers serving in noncombat administration and support jobs. Tactical air support for the division is provided by 54 F-4 aircraft manned by 8,300 Air Force personnel. The 1,113 man Eighth Army Headquarters is in overall command of U.S. forces in South Korea. This headquarters—which contains a dozen generals—is a U.S. field army. Under U.S. Army tactical doctrine a field army headquarters is authorized only to command *four or more* U.S. combat divisions grouped under corps headquarters which in turn command two divisions each. In South Korea the Eighth U.S. Army headquarters commands a corps headquarters, which controls the one understrength infantry division. Why does it require such a large command overhead to command and control one infantry division?

A close reading of Department of Defense reports reveals that at present South Korean armed forces are superior to North Korea in every category except fighter aircraft. Under a recently ageed on $1.5 billion five year military assistance program, the U.S. is providing sufficient numbers of new F-5E fighters to establish South Korean superiority in this area.

If, as it appears, South Korean forces do not need ground combat support, then what is the security mission of U.S. ground forces in Korea? One of the principal purposes of the U.S. forces is to provide tactical nuclear weapons fire in support of the South Korean armed forces. How valid is this purpose? During the Korean War—when the U.S. had an absolute atomic supremacy—we did not use atomic weapons in Korea. Why would the U.S. choose to use tactical nuclear weapons (which are of the same essential yield range as our 1950 atomic weapons) in any future conflict in South Korea? And more importantly, is first-use of nuclear weapons in Asia in any way compatible with the Nixon Doctrine? And if there is no serious intent to use tactical nuclear weapons in Korea, then why continue to maintain an infantry division there to provide security for the stored weapons?

Costs and political aspects

In fiscal year 1972, the pay, upkeep, and operating costs for U.S. forces in Korea was $584 million. In addition South Korea received $192 million in U.S. economic assistance and $155 million in military assistance. Balance-of-payments costs ran near $300 million. Thus the cost to the taxpayer in FY 1972 for our presence in Korea was nearly $1 billion.

The Secretary of Defense stated in March 1973 that U.S. forces in Korea were needed to provide political stability to the area. Certainly the present South Korean government has given evidence of "stability". It has continued in power for several years despite constitutional limitations to the contrary. There is nothing to indicate a lack of stability in the present situation in South Korea. Why is it not possible to now withdraw this U.S. military force which landed in Korea in Sept. 1945 and has continued its presence since that time? And what are the political aspects for the U.S. of continuing to provide military personnel and money, to support a South Korean government which denies constitutional guaranteed liberties to its own people?

MILITARY MANPOWER PLANNING IN THE FY 1974 DEFENSE DEPARTMENT BUDGET REQUEST

The Department of Defense Authorization Bill (H.R. 6722) which the Committee is considering, contains what I believe to be excessive end-strength authorizations for each of the miltiary departments. These end-strengths are based on the type of embellished commitment and threat evaluation that I have discussed, but they are also based on wasteful and low combat productive doctrines and management techniques.

The FY 1974 budget outlays for military manpower will exceed $30 billion. What amount of combat defense will the American taxpayer receive for his money? Let us examine the specifics of how some of this costly military manpower will be used during FY 1974:

According to a press statement of the former Comptroller of the Department of Defense, about 77.5% of the fiscal 1974 active military force of 2.2 million men and women will be serving as officers or non-commissioned officers. A ratio of about 3 supervisors or health care specialists for each private, seaman and airman.

In the 2.2 million active duty force being proposed for authorization in FY 1974 only the following percentage of each military department will be serving in combat skill jobs that directly fire on an armed enemy of the U.S.:

Army, 24% of a requested end-strength of 803,806.

Navy 12% of a requested end-strength of 566,320.

Marines, 28% of a requested end-strength of 176,219.

Air Force, 8% of a requested end-strength of 666,357.

Despite the end of most short tours to Vietnam and a smaller planned force, Department of Defense manpower projected for non-productive transient status will number 89,000 (3.7% of the total force) in FY 1974. This represents an increase of 7,000 military personnel over the number of transients required in FY 1973. And the 89,000 non-productive man-spaces represents enough per. sonnel to man 5½ combat divisions. The cost of FY 1973 transient manpower was $1.5 billion. In FY 1974 the Department of Defense is projecting 2,269,000 Permanent Change of Station (PCS) moves among its total 2,200,000 active military force, more than one PCS move per military individual.

Military "grade creep" continues unchecked in the FY 1974 force. In a peacetime environment there will continue to be over 200,000 officers serving on active duty in higher "temporary" wartime rank (no program has reverted officers to permanent peacetime rank since the end of World War II). Despite the implied and intended restrictions contained in the Officer Personnel Act of 1947 and the Officer Grade Limitation Act of 1954, to maintain a balanced officer corps, the 2.2 million FY 1974 force will contain more 4- and 3-star officers (182) than were required on active duty in 1945 (139) to command over 12 million. In the FY 1974 armed force there is one general/admiral to command each 1,800 other military personnel. On June 30, 1945, at the peak of World War II there was one general/admiral to command each 5,000 other personnel, and we won that war. On that same date in 1945 there were 14,898 colonels/Navy captains on active duty; on June 30, 1973, there will be 16,739 colonels/Navy captains on active duty in a 2.3 million force. There are also more Lt. colonels/commanders in the FY 1973 force than there were in the 2.6 million FY 1964 force.

A comparison of FY 1964 and FY 1973 officer strengths shows 18,698 fewer captains, lieutenants and warrant officers in the smaller FY 1973 force, but an increase of 6,907 in the number of general/flag and field grade officers. It is difficult to relate these figures to a recent Army announcement which stated that the Army would involuntarily release approximately 4,900 reserve officers in the grade of major and below from active duty by October 1, 1973. It would appear that again token forced reduction is going to take place at the bottom rather than the bloated top of the officer corps. And it should be remembered that in terms of combat productivity, about 80% of active duty U.S. field grade officers are assigned to noncombat duties.

The Defense Authorization bill contains an end-strength request for an active Army manpower level of 803,806 personnel. But less than 220,000 of those soldiers will be serving in the 13 combat divisions the Army will field in FY 1974 to fight in defense of our national security. And within each 16,000-man division over two-thirds of the personnel will be serving as officers or non-commissioned officers—only one-third as privates.

In FY 1973 there are nearly 70,000 U.S. military personnel scattered about in 46 countries that include the following: Argentina, Australia, Brazil, Bermuda, Denmark, Dominican Republic, Ethiopia, Great Britain, Greece, Iceland, Italy, Indonesia, Iran, Jordan, Liberia, Morocco, Netherlands, Norway, Nigeria, Portugal, Paraguay, Pakistan, Spain, Saudi Arabia, Taiwan, Turkey, Tunesia, and Zaire. The FY 1974 Department of Defense requests give no indication of any lessening of this scattered U.S. military manpower deployment. It is difficult to understand how the security of these countries significantly impacts on our own security to a degree to justify stationing this number of our costly military manpower there.

In FY 1974 the Department of Defense will train more administrative specialists and clerks (311,100) than they will infantry, guncrew, and seamanship specialists (215,700). The Department of Defense will also pay for 24,845 career officers to attend graduate education courses during FY 1974. And it it interesting to note that in FY 1974 the Air Force (with a requested end-strength of 660,357) will need to send 3,589 more officers to obtain graduate degrees in business management than the Army (which will have a requested end-strength of 803,806). Why does the Air Force need twice as many officers with graduate degrees in business management to manage 143,449 fewer personnel?

Mr. Chairman, I believe that if there is serious interest in reducing defense manpower costs and still adequately defending our national security then some hard decisions still remain to be made.

Foreign "threats" must be more realistically perceived and evaluated on intent rather than "worst case" analysis. Overseas commitments must be more carefully weighed against actual treaty obligations and the priorities and best interests of this country, and troop deployments and overseas bases curtailed to more effectively relate to U.S. national security objectives. We must cease scattering our military manpower about the globe with combat missions they often cannot reasonably hope to accomplish. And in this regard we should face up to the fact that it is virtually impossible to make needed reductions in defense spending without first making substantial reductions in our over-commanded and over-supported forces stationed in Central Europe.

Present costly and unnecessarily lavish armed forces combat and support doctrines can no longer be tolerated. Our defense leadership and the Joint Chiefs of Staff must be more strongly encouraged to stop parochial log-rolling, and be required to streamline force structures by austerely revising current Tables of Organization and Equipment (TO&E) and Tables of Distribution (TD).

I believe now is the time to return to a traditional peacetime permanent officer rank structure, to reduce the excessive number of permanent change of station moves and unnecessary unit rotations that waste our manpower. It is time to eliminate duplicate rank-justifying headquarters and lavish support commands, and return to time-tested principles of armed forces planning and support doctrines within the parameters of new national priorities and austere common-sense combat requirements.

When these steps are taken, America can be even more adequately defended by more efficient armed forces and at far less cost in men and money.

Mr. Chairman, I thank you and the committee for your time and consideration. I would be glad to respond to any questions.

II—Know Your Armed Forces: The U.S. Army

(By the Friends Committee
on National Legislation)

"The uniform of the Armed Forces . . . has been severely tarnished" . . . partly because media coverage of the Vietnam war "brought home to the American people the true nature of warfare. . . . The truly tragic nature of warfare was so dramatically demonstrated . . . that it had an immense, though immeasurable, demoralizing effect. . . ."—Special House Subcommittee on Recruiting and retention of Military Personnel, May 11, 1972.

The Army is "not a war machine. It's a machine prepared to wage war in order to keep the peace. Now, that's not just semantics; that's vital if we're going to get these young people in the Army. . . . I'm idealistic and sensitive and I don't want to be in charge of an organization whose mission is to go out and kill somebody."—Secretary of the Army Robert F. Froehlke.[1]

"The Army as an institution has an extraordinary ability to take young men and make them selfless in . . . a peer group situation and get them to do things that nobody in his right mind would do—you know, go out and get shot at. But that ability depends on a sustained belief in the value of what they're doing—and that . . . belief doesn't exist now. . . . I do think the situation is recoverable. . . . I would just reject as nonsense the idea that there is this permanent sapping of the national will to fight in glorious causes. . . ."—Former Assistant Secretary of Defense for Manpower Alfred B. Fitt.[2]

The phrase, "the American Army", conjures up many pictures—tattered remnants at Valley Forge, Jackson standing like a stonewall, Patton slashing across Europe in World War II, and on and on to the blur of Vietnam.

What is today's Army? What kind of Army do Americans want in the year 2000? Or, even more basically, do Americans need an Army at all in the post-Vietnam era? Is it time to channel peacemaking and peacekeeping activities into a multinational framework?

Such questions will be up for debate in 1973 as Congress discusses U.S. foreign policy and examines the size of the armed forces, military pay scales and retirement benefits. Each Congressman will have several opportunities to record his position. The first vote will probably be on force levels since a ceiling on the number of men and women who can serve in each branch of the armed forces is included in the annual Military Authorization bill. Funds to pay personnel are provided in the Department of Defense Appropriations bill.

It is hoped that the data in the accompanying paper will be of assistance to constituents and Congressmen engaged in this most important discussion.

SOME TENTATIVE CONCLUSIONS

On our shrinking planet, the American Army is an anachronism, like all other national war-making machinery. The interdependence and interrelationship of the world's people have become so great that they cry out for multinational mechanisms of mediation, conciliation, negotiation and policing.

The U.S. government has not yet come to grips with this need. It has tried to cope with the growing interrelatedness by tightening alliances and giving U.S. military personnel responsibilities around the world. U.S. military carry on joint maneuvers with allies, participate in joint research and exchange staff. The Army, Navy and Air Force have more advisors assigned to foreign capitals than our government as a whole has assigned to agencies of the United Nations. Expenditures in support of NATO alone far exceed U.S. contributions to programs of the United Nations. The U.S. armed forces spend more money on one exercise testing U.S. capability to reinforce Europe-based battalions than the Arms Control and Disarmament Agency spends in one year.

But no *national* institution is capable of supervising and coordinating the world's peacekeeping operations, especially if that institution's ultimate responsibility is the waging of war.[3]

The U.S. Army's frantic effort to carry out its assignment of being prepared to wage war anywhere and everywhere has led it to build a vast, worldwide bureaucracy, to move people endlessly, and to assemble an incredible array of complicated, expensive, "gold-plated" weaponry.

The Army has become a state within a state, a "welfare" state—providing its far-flung employees and their dependents with everything from housing and health care to an education. Its supplemental allowances and retirement benefits have reached alarming proportions.

But the Army is not only a drain on U.S. resources and an uneconomical and inefficient way of trying to resolve international disputes. As an institution, it is less and less acceptable to those people whose support it needs to survive—the young. Fewer and fewer Americans go into the Army because they want to go into the Army. They join because they are looking for help in getting an education or for training in a technical skill. The "glorious causes" referred to by former Assistant Secretary Fitt, above, are being defended and advanced in other ways.

In our own self-interest, the United States must begin to provide leadership in the movement toward world order. As a first step, Congress should reduce the size of the Army, eliminate overseas military commitments, disband the entire Selective Service System, and start putting as much energy into helping create a multinational judicial system as we are currently expending on coordinating and strengthening joint military operations.

WHAT IS THE MISSION OF TODAY'S ARMY?

It's Mission Is To Provide A "Forward Defense" As Far As Possible From the North American Continent.

"Forward defense" is also as a "responsibility to protect" allies. According to Government spokesmen, U.S. troop levels are largely determined by the commitment to defend Europe from Soviet attack, plus the need to help defend Asia from the Chinese, as well as cope with a "minor contingency" in the Middle East, Africa or Latin America.

This seemingly unlimited responsibility has resulted in:

Stationing of one or more American soldiers in more than 80 countries;

Budgeting of millions of dollars annually for training exercises to "make certain that we have the expertise to reinforce anywhere in the world"—Brigadier General L. R. Sears, Jr., March 10, 1972;

The expenditure of millions on questionable overseas rotation of personnel;

A determination that the American soldier should "be able to perform his tasks to survive and win in any environment on the face of this earth"—Major General William A. Burke, November 8, 1971;

Extensive research, running into the millions of dollars annually, on malaria, schistosomiasis, African sleeping sickness, and other tropical diseases "that are problems in military operations in tropical and subtropical regions, especially the Middle East . . . Additionally, many new virus diseases of potential military significance are being discovered as new areas of the world are developed"—Army submission to Senate Appropriations Committee, 1972;

The very expensive demand that army equipment should possess the "inherent capability to operate efficiently from the jungle to the Arctic"—Major General Burke, November 8, 1971;

The control, through base rights and leases, of thousands of acres overseas;

The payment of land use taxes and maneuver damage claims in West Germany;

The employment of foreign nationals in over 40 countries;

The nurturing of foreign military establishments.

The Army maintains a School of the Americas in Panama that trained nearly 2000 soldiers from 17 Latin American countries in the year ended June 30, 1972. It has advisory missions in over 40 countries, including Taiwan, Turkey, Ethiopia and Saudi Arabia. Mission activities frequently include helping the ally to decide on what kind of army to have and how to arm it. A U.S. Army briefer in Athens told a House Armed Services Subcommittee in 1972 that: "We have nine officers, four NCO's [sergeants] and 10 civilians assigned who are in virtually daily contact with our [Greek] counterparts. Our advisors make frequent visits to units throughout Greece, so we can evaluate performance and determine needs of the Hellenic Army. Our programers, both in the materiel and training areas, formulate requirements for the Hellenic Army and administer grant-aid dollars to meet these needs. We also work with our [Greek] counterparts in developing force goals . . . and planning foreign military sales."—Colonel James E. Campbell, January 12, 1972.

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[1] Johnson, Haynes and Wilson, George C., *Army in Anguish*.

[2] Ibid.

[3] Readers are reminded that this paper deals with only one branch of the Armed Forces—the Army. The Air Force, Navy and Marine Corps play equally important roles.

IS ALL THIS "FORWARD DEFENSE" NECESSARY?

That's what the American people must decide. A decision is especially important now, since the Army says it needs to move toward a "readiness oriented budget" and step up its training program to compensate for the loss of "the Vietnam war as a major training base under combat conditions for the combat soldiers."—Brigadier General Sears, March 10, 1972. "During the past several years," said Major General George M. Bush, on March 10, 1972, "the Army's procurement budgets have been essentially replenishment budgets. The Fiscal Year 1973 budget shifts more to a readiness oriented budget." But full readiness will not be achieved at least until the FY 1976 budget.

For those who ask, "Ready for what?" the answer is for anything and everything. The threat, as the military sees it, is equal to the prospective enemy's estimated capability. His *intentions* are almost irrelevant. This view was expressed most succintly last year by Admiral Moorer, Chairman of the Joint Chiefs of Staff, when he told a Senate Appropriations Subcommittee that in reviewing the overall military balance, . . . "I will again maintain an attitude of strict objectivity, emphasizing the military capabilities of our opponents rather than their intentions." This type of he-can-kill-me-therefore-he-will "objectivity" has frightened Congress and the public instead of informing them. When combined with extensive military secrecy, it tends to foreclose thoughtful analysis of U.S. foreign policy actions and goals.

WHAT KIND OF INSTITUTIONAL FRAMEWORK HAS THE ARMY DEVELOPED TO MANAGE ITS WORLD-WIDE RESPONSIBILITIES?

The Army might be described as an industrial conglomerate. It employs about 1.8 million soldiers and civilians. Its holdings as of June 1972 were valued at $49 billion, including: $1.7 billion of excess or potentially excess supplies and equipment, $5 billion of industrial and other plant equipment, and 1.2 million acres of industrial land.

The Army produces some munitions and equipment itself. It contracts out the operation of 19 ammunition plants to private producers and holds 5 inactive plants plus equipment in an industrial preparedness reserve. It is currently engaged in a 12-year, $3 billion program to modernize ammunition facilities to a "level capable of meeting mobilization requirements."

To coordinate its 35,000-man, $2 billion research and development program, the Army maintains "what is essentially a corporate headquarters . . . It is like a major company, General Motors, a corporate headquarters which oversees Chevrolet, Cadillac, Pontiac, Buick and Oldsmobile. That is exactly what we do. The same comparison."—Major General George Sammet, Jr., May 2, 1972.

ARMY PERSONNEL, ESTIMATED END-STRENGTH

	June 30, 1973	June 30, 1974
Active Army	824, 791	803, 806
Reserve	275, 876	291, 421
National Guard	376, 704	392, 455
Subtotal	1, 477, 371	1, 487, 682
Civilians	344, 000	346, 000
Total	1, 821, 371	1, 833, 682

Note: This total does not include foreign nationals hired under contract. These personnel numbered 77,709 at the end of December 1972.

Source: The Budget of the U.S. Government—Fiscal year 1974, appendix, pps. 267, 270, 1003, and the Department of Defense.

ARMY BUDGET

[In millions]

	Fiscal year 1973 (appropriated)	Fiscal year 1974 (requested)
Military personnel	$8, 550	$8, 283
Military and civilian pay increase	(1)	869
Military retirement	1, 592	1, 676
Operation and maintenance	7, 279	7, 127
Procurement	2, 744	2, 867
Research, development, test and evaluation	1, 829	2, 109
Military construction and housing	615	952
Total	22, 609	[2] 23, 883

[1] Congress is being asked to appropriate another $285 million to cover the cost of the Jan. 1, 1973, pay raise through the end of the fiscal year.

[2] Additional millions are being requested for bonuses to encourage voluntary enlistments and for revision of the retirement system. The exact amount of these requests is not yet public. It could total $110 million.

IS THE ARMY EFFICIENT?

No. It is geared to a heavy turnover in personnel. It doesn't want to overload the promotion structure by (a) retaining too many young soldiers, or (b) retaining too many officers for more than 25 years. Its peacetime goal is an outflow turnover of 25%. During the peak of the Vietnam war, the inflow and outflow exceeded 100%. Assistant Secretary of Defense for Manpower Roger T. Kelley has compared the chaos of that era to the situation that might exist if a business firm had "a production force that turned over every six months, foremen who turned over every three months, and superintendents who turned over every six months."

Soldiers are moved so frequently (about once a year on the average) that extra manpower spaces have to be set aside for transients. (The Army assumes that it will move an average of 39,000 men a day in FY 1973.)

The Army is topheavy. It has "too many chiefs and too few Indians," according to a Special House Subcommittee on the Utilization of Manpower in the Military. The structure of the officer corps has been likened to a "balloon." It has more sergeants than recruits, more lieutenant colonels than second lieutenants, more three star generals in 1972 than in 1945, when the Army was ten times larger.

The House Subcommittee on Utilization of Manpower says that there are too many administrators and too few fighters in the Army. No more than 24% to 57% of the total force is combat related, depending on how the combat role is defined. Most officers are serving in administrative or "support" positions. Less than 20% of the colonels and majors are in combat units; fewer than 10% of the captains are assigned to command positions. "Neither the Army nor the American public can afford" this "ever-decreasing ratio of combat to support troops," says the House Subcommittee quoted before.

HOW DOES THE ARMY GET ITS MANPOWER?

The desire for a high turnover of first term personnel is one ingredient in the Army's manpower problems. Others center on the Army's difficulty in getting and keeping the personnel it wants. "American youth," says Secretary of the Army Froehlke, "has rated the Army the lowest in potential for job satisfaction and the least likely to provide interesting and challenging work."

Many soldiers, officers included, became disillusioned with the Army as a result of the war in Vietnam. That conflict, said Lt. General Walter T. Kerwin, Jr., on March 9, 1972, "extracted a price in morale, discipline and leadership throughout the Army."

As a consequence, the Army has been trying to change its image. It has developed a variety of bonuses to entice the reenlistments of specialized personnel.

It is engaged in a gigantic selling program to attract the 15- to 20,000 first term enlistees it says it needs each month. Before, in the words of Secretary Freohlke, "we had . . . the luxury of the draft. We did not have to worry." But now "it is primarily a matter of salesmanship which includes identifying the market to which you are going."

As part of this salesmanship, the Army has added 12 new enlistment options since January 1971, expanded its recruiting force, extended proficiency pay to recruiters, upped its written advertisement budget to over $30 million in Fiscal Year 1973 and urged the majority of radio and TV stations to provide prime time for Army advertising as a public service.

A typical Army recruitment advertisement reads as follows:

"Today's Army values athletes . . . we have every sport imaginable . . . Today's athlete will like other things about the Army. The opportunity to learn a skill. A starting salary of $288 a month. All meals, housing, clothing, medical and dental care free. And 30 days' paid vacation a year."

Salaries for military personnel have been increased dramatically, especially at the lower grades, to compensate for an earlier policy of deliberately keeping wages of enlistees low. During the 13 years from 1952 to 1964, there were no increases in basic pay for personnel with less than two years of service. Basic pay for all grades has been increased at least 50% since July 1967; ranging from a 50% increase for a full general to 70% for first lieutenants through lieutenant general, to 86% for second lieutenants, 192% to 241% for privates, and 240% for recruits.

Military pay, says Senate Armed Services Committee Chairman John C. Stennis (D, Miss.) "has reached . . . enormous levels in certain categories."

In addition, the public is carrying a heavy burden in military retirement payments—$1.7 billion for army personnel in fiscal year 1974. Any soldier may retire, at taxpayers' expense, at 50% of his current salary, after only 20 years of service.

The cost of these benefits is rising so rapidly that the Administration is recommending some reforms. "There is no other system in the United States, public or private," which encourages its staff to retire at such an early age. Those who retire at 39 or 40 "may receive more in retirement pay than they ever received in basic pay while they were on active duty."—Lt. General Leo E. Benade, December 7, 1972.

These basic personnel costs plus manpower related expenditures and benefits, such as housing, consume more than 60% of the army budget.

U.S. MILITARY COMPENSATION[1] ANNUAL RATES—1973

Rank	Basic pay		RMC[3]
	Actual	Percent increase[2]	
O-10 general	$36,000	49.9	$43,001
O-9 lieutenant general	35,939	69.6	42,933
O-8 major general	32,404	69.6	39,084
O-7 brigadier general	28,174	69.5	34,490
O-6 colonel	24,750	69.5	30,210
O-5 lieutenant colonel	19,508	69.6	24,224
O-4 major	15,746	69.6	19,909
O-3 captain	12,438	69.6	16,130
O-2 1st lieutenant	8,550	69.5	11,769
O-1 2d lieutenant	6,793	86.3	9,120
W-4 chief warrant officer	15,617	69.5	19,654
W-3 chief warrant officer	12,326	69.6	15,950
W-2 chief warrant officer	10,386	69.6	13,587
W-1 warrant officer	8,550	69.5	11,536
E-9 sergeant major	12,197	69.7	15,730
E-8 1st sergeant	10,159	69.6	13,355
E-7 sergeant, 1st class	8,842	69.6	11,870
E-6 staff sergeant	7,524	69.6	10,375
E-5 sergeant	5,497	69.7	8,188
E-4 corporal	4,687	84.7	6,662
E-3 private, 1st class	4,270	192.1	6,093
E-2 private	4,108	240.6	5,799
E-1 recruit	3,686	239.7	5,317

[1] A person's pay will vary with the number of his dependents and his years in service. This table is based on the assumptions of the Department of Defense and the House Appropriations Committee concerning these variables.

The sums given do not include special pays such as hostile fire pay, incentives for hazardous duty, proficiency pay, reenlistment bonuses, clothing, or overseas allowances. Nor do they include any estimation of the value of medical care, commissary privileges, the value (for career personnel) of Government-paid retirement, and so on. These latter benefits may equal as much as 50 percent of RMC for top-ranking personnel.

[2] Since July of 1967.

[3] RMC, or regular military compensation, includes basic monetary pay, basic allowances for housing and food, plus the tax advantage that accrues because quarters and subsistence allowances are not subject to Federal income tax.

Sources: Department of Defense, "1973 Monthly Basic Pay Scale." Department of Defense, "The Economics of Defense Spending: A Look at the Realities," p. 132. Department of Defense, "Tax Equivalent and Tax Advantage of Military Pay and Allowances"—Jan. 1, 1973, basic pay scale.

WHAT MOTIVATES ENLISTEES?

The 3- to 6-year enlistee is usually a high school graduate from a low income environment. He is driven, according to the Assistant Secretary of Defense for Manpower, by the desire for opportunities or escape: "(1) to obtain a better opportunity for advanced educational training. (2) to acquire a skill or trade valuable in civilian life. (3) to exercise a choice of the military service in which to serve instead of being drafted . . . (6) to be of service to the country. (7) to avoid some personal problem . . ."—Special House Subcommittee on Recruitment and Retention of Military Personnel.

"Most of our recruits," says former Chief of Staff General William C. Westmoreland, come in "because we have made the commitment, that we will allow them to attend a school: communications school, cook school, computer school—we have a variety of school programs."

Some enlistees realize their goals; many do not. A large number are bored or offended by the lack of meaningful activity in the Army. They may turn to drugs, alcohol or crime, or they may desert:

Apprehension of deserters, absentees and escaped military prisoners is expected to cost the Army nearly $4 million in FY 1973;

More than $40 million has been budgeted in FY 1973 for Army research and control of alcoholism and drug abuse;

Last year the Senate Appropriations Committee justified the expenditure of more than $23 million to make Americans TV programs available to more of the troops and dependents in Europe as one way "to relieve troop boredom during off duty hours, thereby reducing crime, racial tensions, and dependence on drugs."

U.S. combat units stationed in Germany have been torn by fights between gangs trying to control the hashish traffic, and robberies among servicemen. Making the barracks safe for the soldier has become a major preoccupation of U.S. officials. "We will," said Secretary Froehlke in February 1972, "do anything to make his place safe, even if it means marching soldiers up and down the street 24 hours a day."

"Drug abuse, to include alcohol," says Lt. Gen. Kerwin, "continues to be one of the Army's most serious social and human problems." Almost one-third of U.S. servicemen in Europe use hashish at least once a week. Alcoholism is a continuing problem, encouraged by the fact that Army operated clubs in the United States sell cheap alcoholic drinks. The Army also has a chain of cheap liquor stores at overseas bases.

WHO WANTS TO DIE FOR HIS COUNTRY?

No one wants to die, unless he or she is mentally ill. "Traditionally," says Secretary Froehlke, "it has been hardest to attract the young man to the combat arms: infantry, armor, artillery . . . when we had the draft, we got almost exclusively all of our combat forces from the draft . . . Now as we look forward to a volunteer arm, we recognize that perhaps our greatest challenge is to get people to volunteer for the combat arms."

Whenever death is mentioned, army officials emphasize that the rate has fallen as weaponry increases in potency and medical science perfects more sophisticated techniques for saving the wounded. They cite statistics showing that in the Civil War, 43 soldiers per thousand in the services died on the battlefield; 9.2 per thousand in World War II, and 3.6 in Vietnam. These data understate recent casualties by ignoring the drop in the percentage of the troops in combat related positions. The death rate in Vietnam rises to 16 per thousand when men in administrative and support positions are excluded from the computation.

But, whatever the validity of the statistics the servicemen who die tend to be lower-ranking enlistees and draftees, and, in Army parlance, the hapless ——— that the Department of Defense required the Army to accept during the peak of the Vietnam war, 1966 through 1971. More than 60,000 of these marginal men were taken into the Army in 1969 alone. Many were thrown into combat. "Any man who comes in and doesn't make a specific choice or can't meet the mental standards for a hard skill . . . will probably be placed within the combat arms. . ."—Lt. Gen. Kerwin.

Another group who may have been dying are boys with a police record. According to Gen. Westmoreland, the Army was forced to expand so rapidly during the Vietnam war, that "We had to take in a number of men with lower standards. [This includes the ——— mentioned above.] During this process, a criminal element came into the Army. There were waivers on police records and there were some judges and justices of the peace around this country who dropped criminal charges if a man would join the Army . . . Thousands have been given administrative discharges and many have been court-martialed."

The Special House Subcommittee on Utilization of Manpower in the Military has reported that, "Of those killed in Vietnam, over two-thirds had served in the Armed Forces for less than two years. The only conclusion which can logically be reached is that career personnel received the promotions, while the less-than-two-year servicemen were the victims who died while engaging the enemy."

Combat arms are not only unpopular because no one wants to die. They are also unpopular because the training does not fit the soldier for a productive civilian life. In 1972, a Department of Defense official told a Congressional committee that, "It is important to note that the unemployment rate for those men having a civilian related Army job runs 4- to 5-per cent below that of the excombat soldier."—Brig. Gen. Sears.

A number of inducements to join the combat ranks have been authorized—the payment of an enlistment bonus, allowing the enlistee to sign up for a particular unit and "pick a section of the world in which they want to serve, Europe being the most attractive."—Secretary Froehlke. Variable reenlistment bonuses are also being paid to selected military occupational specialists in the combat arms.

WHAT ELSE DOES THE ARMY DO?

It is heavily engaged in training and educational activities—partly because of its excessive turnover, partly as an enticement to attract and hold personnel, and partly because it has to find ways to keep soldiers busy. A large percentage of the Army seems to be in training much of the time, either as recruits, as specialists, at the Military Assistance Institute (for counterinsurgency), the Jungle Warfare School, Arctic Warfare School, Career Command schools, or in various civilian institutions obtaining advanced scientific, engineering, medical or managerial degrees. The civil program is under expansion.

The U.S. Army might be called the world's largest "university." More than 400,000 military personnel are engaged in formal, onduty education. There are more than 38 military schools and literally thousands of classrooms scattered throughout the country.

This great educational program covers a whole range of subjects from the three R's to those required for a Ph.D. degree. If you want additional education, you can get it in the Army, no matter what the subject may be excerpted from Army brochure—"The Secret of Getting Ahead"

A soldier can earn *a high school diploma* while on active duty.

A three-year recruit who signs for a high skill job may be trained for as much as 40 weeks. More than 30,000 manpower slots were set aside this year for soldiers undergoing specialized training.

An enlisted man can work toward a *B.A.* while in the service. The Army will assist with tuition charges for night school or off duty courses during the first three years and send him to school full time, with pay and allowances, in the senior year; the student pays all school expenses during the senior year.

Career officers frequently obtain an *M.A.* and, in some instances, a Ph.D. at taxpayers' expense. If "ordered" to an institution of higher learning, the Army pays dependent moving costs, all educational costs and continues the officer's salary and allowances. In some cases, officers have been assigned to graduate school shortly before retirement.

In March of 1972, 344 Army officers were working for their M.A.'s in Business Administration at 70 universities, including Harvard, where the average tuition charge was $3000 per year. Another 20 officers were attending short term "Advanced Management Courses". According to Rep. Charles E. Bennett (D, Fla), ". . . a good, hard look should be given to this educational thing, which really seems to me . . . to be a morale factor for certain high ranking military brass to get an education which they can use after they leave . . . It doesn't really seem to me to be something the taxpayer should be spending a lot of money for."

In FY 1973, the Army asked Congress for half a million dollars to send certain civilians in its research and development branch to college for six or more months to update their technical or managerial knowhow. Cost to the taxpayer for a similar program carried on in fiscal 1972 ranged from less than $1000 per student to as high as $41,000.

The Army provides a variety of financial assistance to students in *medical, veterinary* *or nursing schools.* Aid in these fields will be expanded as a result of the passage of the Uniformed Services Health Professions Revitalization Act of 1972. This Act authorizes the Department of Defense to establish a Uniformed Services University of the Health Sciences, to graduate not less than 100 medical students annually.

The Act also sets up a comprehensive scholarship program under which the Armed Forces will cover the full costs of training a doctor or dentist or allied health expert at a civilian institution. Each student would receive reserve officer pay and allowances of about $5000 per year.

Under its *officers training program,* the Army maintains an academy at West Point for some 4100 cadets. Each cadet's education, pay and allowances cost the American taxpayer about $16,000 annually—more than five times the price of a private education and two thousand dollars a year more than it costs to train a medical student.

The Army's *training program for reserve officers* covers more than 50,000 college students and 100,000 high school cadets. Approximately 11,000 of the college students receive $100 per month for subsistence for up to 10 months, plus some clothing allowance. Those who attend summer camp receive about $9 per day in pay, plus travel and subsistence. An additional 6,500 students are on 2- to 4-year full scholarships at the university of their choice, costing the taxpayers well over $8 million in FY 1973. Scholarship students also receive the $100 per month subsistence.

Certain duty obligations are attached to these educational benefits: officers attending graduate school are required to serve a minimum of three years following completion of a one year course and four years for all courses over one year. West Point graduates are expected to serve in the Active Army for five years after graduation. ROTC scholarship recipients have a four year active obligation, with two years in the reserve; non-scholarship students have a two year active duty obligation, followed by four years in the reserve.

Recipients of medical scholarships will be obligated to at least one year of service for each year of free study.

The Army is responsible for managing the educational program (kindergarten through grade 12) for more than 100,000 dependents of U.S. military and civilian personnel in the European area. This activity involves the employment of 6000 civilians and costs over $100 million per year.

WHO GUIDES THE ARMY?

Any large bureaucracy has its own momentum which is controlled in large part by the careerists in that bureaucracy. This is true of the Army as well.

The two top men in the Army are the Secretary and the Chief of Staff. The Secretary of the Army is a civilian. He is nominated by the President and confirmed by the Senate, to serve as long as the President wishes. Many secretaries have been drawn from industry and have served less than two years. The Army Chief of Staff, on the other hand, is a military careerist. He, too, is nominated by the President and confirmed by the Senate, but for a four year term.

The current Secretary of the Army, Robert F. Froehlke, is a lawyer and a former insurance executive. He joined the Department of Defense in 1969 as Assistant Secretary of Defense for Administration; he has served as Army Secretary since July 1971. The Chief of Staff, Creighton Abrams, has been affiliated with the Army for 40 years. He graduated from West Point in 1936; was a tank battalion leader in World War II; commanded the troops in Vietnam from 1968 to 1972. Here, he was the commander of Major General John D. Lavelle who ordered some 24 unauthorized bombings and had over 200 men falsifying reports to hide the air strikes.

Military careerists like General Abrams play a large if indeterminate role in making U.S. foreign policy. Of particular importance are those assigned to NATO, to military missions around the world, and to the intelligence activities.

HOW DOES IT RELATE TO THE GENERAL PUBLIC?

The Army participates in the comparatively new Department of Defense Domestic Action Program "to assist responsible local, state and federal agencies in alleviating the social and economic problems of the nation."

Under this program, the Army is helping to provide health care in impoverished areas; lending out equipment and recreational facilities. According to Army statistics, 5,000,000 Americans have benefited from Army assistance.

Secretary Froehlke has indicated that the Army wants to do more in the way of domestic action, because the Army "kids want to feel as though they're contributing to the overall good."

Other contacts with the public are supported under an $8 million budget for public affairs, public relations and public information activities. This covers support of a "home town news center" in Kansas City, Missouri, which collects news releases from the various commands and submits them to home town newspapers. Senior officers are sometimes sent to journalism school.

Suggested Reading:

King, Edward L., Lt. Colonel (ret), The Death of the Army, A Pre-Mortem. Saturday Review Press. Available from FCNL at $5.00.

Johnson, Haynes & Wilson, George C., Army in Anguish. Pocket Books, $1.25 (not available from FCNL).

JUNE 17, 1971.

III—MILITARY MANPOWER REPORT

(Prepared by Congressman Abner J. Mikva for consideration by the Military Spending Committee of Members of Congress for Peace Through Law)

One of the primary determinants of the size of the defense budget is the level of manpower which is requested. The decision regarding appropriate manpower levels affects the size of supporting and training components of the budget in addition to the type and amount of equipment needed to supply this manpower. In short, if we are maintaining more manpower than we need, then we are paying for all kinds of unnecessary items throughout the entire defense budget.

America's manpower posture at present is musclebound. Our national security could be well assured with an overall manpower level of 2.1 million men instead of the 2.5 million requested by the Department of Defense for FY 1972.

Obviously our Armed Forces should be designed to protect our national security. More specifically, three criteria should be used in determining optimal military posture: (1) what elements of the status quo are crucial to the maintenance of U.S. security; (2) what are the potential threats to these vital elements; and (3) what is the minimum military establishment necessary to deter or to repel such threats. The determination of the first criterion has largely been a function of the President and the Executive Branch. However, the remaining two formulations—which have the greatest impact on ultimate force levels—have always been under the exclusive purview of the Pentagon. This has resulted in staggering military budgets and unnecessarily high manpower levels.

The post-Vietnam foreign policy of the Nixon Administration differs little from that of previous Administrations. Foremost among our commitments is maintenance of a nuclear deterrent sufficient to inflict retaliatory nuclear damage on a potential aggressor so as to render nuclear attack against the United States highly irrational, and thus improbable. In addition, the United States maintains a policy of total defense in Europe and is prepared to respond to aggression against any Western European NATO state. American defense of the regime in South Korea continues, and despite the so-called Nixon Doctrine the current Administration comes perilously close to continuing our pre-Vietnam policy of open-ended commitments to the defense of Asian nations, the fatal mistake that led to the debacle in Vietnam.

It is useful to critically consider the three criteria earlier cited as they apply to Europe, Asia, and the strategic nuclear balance. In analyzing our present foreign policy—the determination of those elements of the status quo that are vital to U.S. security—few Americans would quarrel about the premise that Western Europe must be helped. Twice in this century, Americans have fought in Europe rather than see it succumb; it is unlikely that Americans would view aggression any differently today. However, the second and third determinations—what kind of threats are posed against Europe, and what is the optimal military force to deter those threats—are susceptible to fundamental reevaluation.[1]

The paramount threat to NATO and European security is, of course, the Warsaw Pact. Two military contingencies could arise from this threat: (1) aggression in conjunction with the use of tactical nuclear weapons, or (2) aggression entailing exclusively conventional tactics without the use of nuclear weapons. It is the second contingency that presents a dilemma for force planners. Since the late 1960's, NATO has followed a policy of flexible response—guiding its action according to the degree of the initial aggression. Such a policy requires the maintenance of large numbers of standing troops to confront potential war contingencies.

Whether conventional troops are indeed necessary to deter non-nuclear aggression is a subject of considerable debate. Many observers argue that the threat of nuclear escalation is sufficient to deter any aggression, nuclear or otherwise, and that the maintenance of conventional armies is unnecessary and wasteful.

An excellent case can be made that NATO troops are not necessary to deter conventional attacks on Western Europe so long as one is prepared to use nuclear weapons in response to conventional attack. The United States is not yet prepared to limit its options this drastically—therefore, we have maintained a posture of "flexible response" which requires continued reliance on conventional ground troops.

However, even if we accept the doctrine of flexible response, a reduction in American NATO forces is desirable. An examination of the conventional military balance in Europe is of prime importance, and in such an analysis only Army troops are relevant. Most published statistics on NATO and Warsaw Pact levels include Navy and Air Force manpower, but these figures should be discounted since NATO and Pact troop levels are roughly equivalent.

It is undeniable that NATO air forces would be able to match Communist aircraft in any engagement. Alain C. Enthoven, former assistant Secretary of Defense, in the May 1969 issue of *Interplay* illustrated the rough equivalence of NATO and Pact air forces. Although NATO aircraft are slightly outnumbered, NATO has a distinct advantage in effectiveness indicators plus a greater reserve pool of aircraft.

Footnotes at end of article.

NATO AND WARSAW PACT TACTICAL AIR FORCES IN THE CENTER REGION IN MID-1968 [2]

	NATO	Warsaw pact
Number of deployed aircraft	2,100	2,900
Percentage of total inventory (of center region countries)	20	40
Percentage of force by mission capability (center region):		
Primary interceptors	10	42
Multi-purpose fighter/attack	48	15
Primary attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Effectiveness indicators (NATO as a percentage of pact):		
Average payload	240	
Typical loiter time	200–500	
Crew training	200	

Similarly, although the NATO tank force is only 55% of Pact strength, Mr. Enthoven argues that this factor would largely be irrelevant in a European encounter. NATO tanks are generally more sophisticated, and the 50% advantage NATO has in anti-tank weaponry would more likely be decisive, especially with NATO in a defensive posture.[3]

Moreover, a potential conflict in Europe would likely be of a small scale, surprise-attack nature, entailing a quick invasion and control of limited territory. The vision of a massive mobilization and all-out attack has been largely out of vogue (even with the military) since the late 1960's. As a result, any discussion of a NATO-Pact conflict must place heaviest emphasis on those troops that could be deployed within the first thirty days. Forces which could be used only in the second and, especially, third months of the conflict would be of little value.

Given these assumptions, a scenario of a Pact invasion would look something like this: [4]

STAGE 1 (M-DAY) DEPLOYED ARMY MANPOWER

NATO [5]		Warsaw Pact [6]	
United States	200,000	U.S.S.R	185,000
West Germany	300,000	East Germany	90,000
Great Britain	50,000		
France	28,000		
Canada	5,400		
Total	583,400	Total	275,000

Note: Stage 1 shows a clear NATO superiority.

STAGE 2 (M-DAY +15) DEPLOYED ARMY MANPOWER

NATO [7]		Warsaw Pact	
United States	10,000	Poland	185,000
Belgium	78,000	Czechoslovakia	175,000
Denmark	28,000	Hungary	90,000
Netherlands	82,000	U.S.S.R	[8] 97,000
Subtotal	198,000	Subtotal	547,000
Stage 1	+583,400	Stage 1	+275,000
Total	781,400	Total	822,000

Note: State 2 indicates a slight manpower edge for pact forces.

STAGE 3 (M-DAY+30) DEPLOYED ARMY MANPOWER

NATO		Warsaw Pact	
Britain	[9] 50,000	U.S.S.R	[13] 290,000
Canada	[10] 6,000	Bulgaria	125,000
Italy	[11] 100,000	Rumania	170,000
France	[12] 48,000		
Greece	100,000		
Turkey	200,000		
United States	100,000		
Subtotal	604,000 +761,000	Subtotal	585,000 +820,000
Total	1,365,000	Total	1,405,000

Stage 3 shows a slight, but insignificant, Pact advantage.

In light of historical perspective, no rational military strategist would embark on an offensive campaign in the face of such strength. At no time during the scenario does Pact strength even approach the 2 to 1 or 3 to 1 advantage historically necessary to insure any reasonable chance of success in an offensive endeavor. The probability of victory is small indeed, and any conventional attack against even a substantially smaller NATO force would be clearly irrational.

At this juncture all active Pact forces have been utilized. The Soviet Union would be unable to muster any additional divisions for European combat unless they were prepared to either (1) divert troops from the Chinese border and thus expose themselves to possible attack, or (2) to upgrade substantially several divisions stationed in central Russia, a move requiring extensive time and effort. Yet the United States maintains another 8⅔ active divisions (over 400,000 men) at home in addition to nine reserve divisions for NATO reinforcement, a total of 17⅔ divisions earmarked for NATO use.

Assuming it is possible to transport all of these active divisions to Europe within the first month of a Pact attack (the programmed fleet of 69 C-5A transports makes such an airlift possible),[14] the NATO force would be bolstered by these more than 400,000 American soldiers. This would bring total NATO force levels to over 1,700,000 troops by M-DAY +30 (versus 1,400,000 Pact troops) and does not even begin to tap the nine reserve divisions intended for NATO use. Clearly, we are buying more NATO "defense" than we need, or for that matter, could ever possibly utilize.

ASIA

In Asia, our foreign policy, in spite of the tragedy of Vietnam, remains essentially unaltered. We continue to maintain a division in South Korea despite Secretary Laird's conviction that "a large-scale conventional attack on South Korea is not likely in the future." [15] Furthermore, even in the face of a large-scale attack by the North Koreans, the Institute for Strategic Studies has concluded that the South Korean Army is amply prepared to defeat any invasion from the North.[16] In light of these considerations, last year's MCPL Military Manpower report advocated that our force level in South Korea be halved. Such a porposal continues to be desirable.

The FY 1972 proposed military budget anticipates potential military contingencies throughout Southeast Asia. Secretary Laird has stated,

"We plan for material logistics, and intelligence support, and backup tactical air and naval support. We plan for only a limited backup ground force capability for non-Chinese, non-Soviet supported contingencies. We also maintain the capability to assist our allies against a CPR (Communist Chinese) attack with conventional forces in [deleted] Asia, but not in both areas simultaneously providing we are not fighting in Europe." [17]

Coming on the heels of Vietnam, this is frighteningly ambiguous language. What is a non-Chinese, non-Soviet supported attack? If Communist guerrillas supplied with Russian and Chinese arms attack Thailand, does the Administration reserve the right to intervene with American troops? If Communist Chinese soldiers move into North Vietnam and thereby free NVA troops for use elsewhere, does current foreign policy call for deployment of American troops in Asia as a response? The fact of the matter is that the FY 1972 budget maintain two Army divisions (96,000 men) for Asian contingencies in addition to three Marine Corps divisions (87,000 men). If Vietnam has taught us anything, it is that our foreign policy interests are not served by deployments of land troops in Asia. The only eventuality that could conceivably justify deployment of several divisions would be large scale overt attack by the Communist Chinese.

Such an attack is extremely unlikely for several reasons. First, geographically speaking, there are few places where a Chinese attack could be mounted. The areas of vital American interest—Japan, Tiawan, the Philippines, Indonesia, and Australia—are largely impregnable islands, certainly not vulnerable to a Chinese invasion. Likewise, the jungles of Indochina make the operation and supply of large armies extremely difficult, as our experience in Vietnam has shown. The principal area where a large Chinese ground attack is possible is South Korea, where American soldiers stand ready alongside a formidable South Korean army.

In addition, considerable doubt exists as to whether the Chinese Army could launch and sustain an offensive. Although the CPR Army remains a formidable defensive force, much of it is ill-equipped. Only five of 118 divisions are armored and there is a decided shortage of field engineering, heavy self-propelled artillery, and motor transport equipment—all crucial to the success of an offensive operation.[18] The justification for retaining large numbers of American troops as a counterbalance to potential Chinese aggression remains less than convincing.

American strategic nuclear policy has likewise remained largely unaltered since the early 1960's. Since that time, we have maintained three separate nuclear deterrents—nuclear bombers, land-based missiles, and sea-based missiles—each force being sufficient to inflict 'unacceptable' damage on a nuclear aggressor. The rationale for maintaining this "triad" deterrent is that each component displays different characteristics and poses different defensive problems for a potential attacker. Secretary Laird provided the rationale for each component of the "triad" in his statement before the House Armed Services Committee:

"Land-based missiles have a high alert rate, quick response capability, reliable command and control, and the capability to cover a broad range of targets. Sea-based missiles offer dispersion and concealment, pose a threat from several directions with a short time of flight, [deleted] and are capable of extending responses over a long period of time. Bombers can deliver large payloads with accuracy needed to destroy hard targets, can restrike targets as necessary, and can provide damage assessment of earlier strikes." [19]

While our sense of omnipotence is undoubtedly served by our knowledge that we can obliterate the Earth in any number of different ways, it is highly debatable whether this "triad" nuclear deterrent is essential to our security. Our Polaris/Poseidon fleet of submarines remains invulnerable, and no breakthroughs in anti-submarine warfare are on the horizon. We have already expended hundreds of millions of dollars on an anti-ballistic missile system in the conviction that our land-based missiles are defensible. These two components of the deterrent would seem to be capable of absorbing a nuclear first strike and still inflict sufficient retaliatory damage.

If there is a weak link in the system, it is the bomber force. Planes are extremely sus-

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Footnotes at end of article.

ceptible to air defense systems, and the unique characteristics of bombers—ability to carry large payloads, restrike targets, destroy "hard" targets, and conduct reconnaissance missions—would be largely irrelevant in a massive nuclear exchange.

Moreover, the intercontinental bomber force is a redundant deterrent. It makes sense to procure only those forces necessary to deter enemies from nuclear attack. Apparently, the Soviet Union does not view a bomber force as a primary deterrent; their intercontinental bomber force is less than a third of the SAC Command. And if the Soviets consider a "duad" nuclear force of land and sea-based missiles a sufficient deterrent, there is no reason why they would not view a U.S. "duad" in the same manner. It makes no sense to buy a weapon your enemy does not consider to be an effective deterrent.

Having reappraised our foreign policy—criteria 1 (what are the areas vital to U.S. security) and 2 (what are the threats to those areas), criterion 3 can be analyzed (what is the optimal defense posture vis-a-vis criteria 1 and 2). Proceeding from the constraint that it is rational to procure the minimum manpower level necesary to insure American security, it soon becomes apparent that substantial reductions in manpower levels requested in FY 1972 Department of Defense budget are justified.

A comparison of FY 1972 Department of Defense requested manpower levels and our recommended reductions follows:

MANPOWER REQUIREMENTS

	Fiscal year 1972 DOD [1] budget	Recommended budget	Reduction
Army:			
General purpose forces:			
Land forces	501,000	405,000	−96,000
Mobility forces	2,000	2,000	
Total general purpose forces	503,000	407,000	−96,000
Other mission forces:			
Intelligence and security	29,000	21,000	−8,000
Communication	13,000	13,000	
Research and development	9,000	9,000	
Support to other nations	18,000	18,000	
Total mission forces	69,000	61,000	−8,000
General support forces:			
Base and individual support	134,000	101,000	−33,000
Training	196,000	147,000	−49,000
Command	28,000	28,000	
Logistics	6,000	6,000	
Total general support forces	364,000	282,000	−82,000
Strategic forces	6,000	6,000	
Total Army [2]	942,000	756,000	−186,000
Navy:			
Strategic forces	19,000	19,000	
General purpose forces:			
Land forces	3,000	3,000	
Tactical air forces	61,000	49,000	−12,000
Naval forces	202,000	202,000	
Mobility forces	3,000	3,000	
Total general purpose forces	269,000	257,000	−12,000
Other mission forces:			
Intelligence and security	17,000	10,000	−7,000
Communication	11,000	11,000	
Research and development	8,000	8,000	
Support to other nations	6,000	6,000	
Total other missions forces	42,000	35,000	−7,000
General support forces:			
Base and individual support	106,000	86,000	−20,000
Training	126,000	120,000	−6,000
Command	34,000	34,000	
Logistics	9,000	9,000	
Total general support forces	275,000	249,000	−26,000
Total Navy	605,000	560,000	−45,000
Marine Corps:			
Strategic forces			
General purpose forces:			
Land forces	87,000	58,000	−29,000
Tactical air forces	29,000	19,000	−10,000
Naval forces	1,000	1,000	
Total general purpose forces	117,000	78,000	−39,000
Other mission forces:			
Intelligence and security	2,000	2,000	
Communications			
Research and development			
Support to other nations			
Total mission forces	2,000	2,000	
General support forces:			
Base and individual support	36,000	26,000	−10,000
Training	42,000	28,000	−14,000
Command	8,000	8,000	
Logistics	2,000	2,000	
Total genera. support forces	88,000	64,000	−24,000
Total Marine Corps	207,000	144,000	−63,000
Air Force:			
Strategic Forces	113,000	63,000	−50,000
General purpose forces:			
Tactical forces	81,000	68,500	−12,500
Mobility forces	63,000	48,000	−15,000
Total general purpose forces	144,000	116,500	−27,500
Other mission forces:			
Intelligence and security	39,000	27,000	−12,000
Communication	29,000	29,000	
Research and development	18,000	18,000	
Support to other nations	1,000	1,000	
Total other mission forces	87,000	75,000	−12,000
General support forces:			
Base and individual support	225,000	190,000	−35,000
Training	108,000	88,000	−20,000
Command	64,000	64,000	
Logistics	12,000	12,000	
Total general support forces	409,000	354,000	−55,000
Total Air Force	753,000	608,500	−144,500
Total DOD manpower	2,507,000	2,068,500	−438,500

[1] All figures supplied by Department of Defense.

[2] Figures may not add due to rounding.

RATIONALE FOR REDUCTIONS:

Army—186,000:

Army land force manpower should be reduced by the elimination of two active Army divisions. All other reductions flow from this decision. Currently the Army maintains 13⅓ active divisions, 4⅓ in Europe, one in Hawaii, one in Korea, and seven in the United States—of which 4⅔ are earmarked for NATO reinforcement. Each division is composed of three components of 16,000 men each—a combat division (DIV) plus two support divisions (an initial support increment (ISI) and a sustaining support increment (SSI)). For each combat division deployed, there are two support divisions.[20] One division equivalent (DFE) = (DIV + ISI + SSI) = 48,000 men. Thus, the elimination of two divisions would result in a manpower reduction of 96,000 men.

The two divisions should be taken from the 4⅔ divisions stationed in the United States for NATO reinforcement. This leaves 2⅔ active divisions (128,000 men) for NATO contingencies. Referring back to the scenario developed earlier, you will note that only 100,000 additional United States forces were included in the final stage calculation (M+30). The proposed elimination of two stateside NATO support divisions does not impair our ability to supply 100,000 support troops within 30 days in the event of an emergency in Europe. The scenario is not affected by this manpower cut of two support divisions. Still, at no time does the Warsaw Pact advantage approach 2 to 1, much less 3 to 1. The primary deterrent to a conventional Pack attack—an inability to gain a numerical superiority significant enough to render a reasonable probability of victory—is not affected by the reduction. In the unlikely event that the conflict should extend beyond M-Day+30, the Soviet Union would have to embark on a large-scale mobilization program in which case we could draw on our nine reserve divisions for support.

The rationale for reductions in base and individual support and in training follow along two lines. First, manpower requirements in both areas are largely a function of the size of land forces. By reducing land forces by 16%, it is possible to reduce manpower in these areas by an equivalent amount. In fact with the elimination of two army divisions in the United States, it becomes practical to close at least one U.S. division headquarters.

Second, a reduction should be made corresponding to the incredible built-in allowance for inefficiency. In determining its manpower needs in the general support categories, the Army assumes an 11% "non-productive time factor".[21] In other words to do a job which requires the services of 100 men, the Army hires 111 men. If ever there was a self-fulfilling prophesy, this is it. How can you hope to cut down inefficiency in the military if you build it into the budget as a line item? No business would tolerate this kind of inefficiency and neither should the military. The

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Footnotes at end of article.

Navy is an even worse offender. It assumes a "productivity allowance" of 20%.[22]

Simply by eliminating this programmed inefficiency from the Army's and the Navy's general support requests we could effect a total manpower cut of nearly 35,000 men.[23]

Finally, a reduction in intelligence and security forces appears justified. With the recent furor over military surveillance of domestic activities, it has become obvious that there simply is not enough military "spy work" to go around. Hence, reductions in the intelligence requirements of all the services would appear to be in order.

Navy—45,000:

The primary reduction in naval forces is the elimination of four aircraft carriers, leaving a remaining force of nine carriers. In any conventional war involving the Russians, aircraft carriers would be extremely vulnerable for several reasons:

1. Large air-to-surface missiles with conventional warheads and terminal guidance have made it possible to launch the equivalent of the Second World War Kamikaze attacks.

2. Satellite and long-range aircraft reconnaissance has greatly reduced the ability of naval task forces to hide in the broad expanses of the oceans.

3. More sensitive submarine sonars and higher speed submarines make it easier to find and attack the carriers.

4. Developments in carrier defense have lagged behind . . . improvements in offense, such as higher-speed and lower altitude missiles.[24]

Although it is difficult to sink an aircraft carrier, it is comparatively easy to make flight operations impossible. There is little question that in any eventuality where the Soviets could deploy submarines or anti-carrier ships, carriers would be of little use.

In addition, most of the functions an aircraft carrier performs are also achieved by land-based aircraft. And few areas in the world are inaccessible to U.S. land-based aircraft.

The primary justification for the aircraft is its role during a peacetime crisis or in a limited military engagement not involving the Soviet Union. Its presence is highly visible, and as long as contiguous waters remain free of submarines or anti-carrier craft, the carrier can wield sizable diplomatic influence. Hence a fleet of nine carriers—two support carriers are necessary for every one deployed—is valuable. The nine carriers, in effect, provide three carriers for crisis contingencies, one for use in the Atlantic-Caribbean, one for the Mediterranean, and one for the Pacific. Each carrier requires, on the average, a crew of 2,650 men plus another 1,500 men to operate and maintain the aircraft. Thus, the elimination of four carriers would achieve a reduction of approximately 12,000 men.

Other reductions include an elimination of the Navy's 20% non-productive time factor along with a small reduction in training manpower to account for the cutback of four carriers.

Marine Corps—63,000:

We recommend the elimination of one Marine Corps division of 29,000 men. This would leave two divisions for Pacific deployment, certainly sufficient for any foreseeable limited military conflict. The dissolution of this division logically precipitates the elimination of one Marine Corps air wing in that the Corps has historically maintained one wing for every Corps division. Similarly, reductions in base support and training logically flow from having one less division.

Air Force—212,000:

Air Force manpower reductions should occur in two areas: strategic forces and tactical air wings. As indicated earlier, the argument for preserving the present 521—plane SAC manned nuclear bombing force is less than overwhelming. Undoubtedly, a "triad" nuclear deterrent adds something to our own security. The relevant question, however, is whether a "duad" force is just as sufficient to deter Soviet nuclear attack. And there is every indication that it is, especially in light of the fact that the Soviet Union itself largely maintains a "duad" force. A recommended reduction of 50,000 men of the current 77,000 man SAC force would bring our bomber force into parity with that of the Russians, and still permit limited use of the B-52 bombers as conventional weapons.

With the elimination of two Army divisions, it is possible to cut back four Air Force wings. Historically, the Air Force has maintained a 2 to 1 ratio between wings and divisions, this year requesting 50⅓ wings to support 25⅓ divisions. Thus, a reduction of four wings is justifiable, resulting in a direct manpower savings of 12,500 men and an indirect savings (from base operation and training manpower reductions) of about 55,000 men.

Resulting Manpower Posture:

These proposed manpower reductions would produce a military force of 11⅓ active Army divisions and 2 active Marine Corps divisions along with nine reserve divisions (eight Army and one Corps). These divisions could be deployed in the following manner:

AREAS AND NUMBER OF DIVISIONS

Europe (NATO assigned): 4⅓ (Army).

United States (NATO assigned): 2⅔ (Army).

Korea: ⅔ (Army).

Okinawa/at sea: 1 (Army).

Hawaii: 1 (Army).

Pacific Fleet: 1 or 2 (Marine).

Atlantic Fleet: 1? (Marine).

United States (Minor contingency/strategic reserve): 2⅔ (Army).

The total of divisions: 11⅓ Army and 2 Marine.

Although this force is smaller than that requested by the Administration for FY 1972, it is, nonetheless, consistent with Administration objectives:

1. The force will mesh with the implementation of an all-volunteer Army by 1973. In fact, by eliminating two divisions, this proposal makes the all-volunteer force an earlier and more realistic possibility.

2. The force is consistent with the Administration's policy of being ever ready to fight 1½ wars (down from 2½ in 1963). The seven divisions committed to the defense of Europe maintains our deterrence of a conventional Pack attack. The two Army divisions and one Corps division in the Pacific are more than adequate for any minor military emergency, and in the unlikely event of an overt Chinese attack, these divisions coupled with the 2⅔ Army divisions stationed in the U.S. for strategic reinforcement would provide a stout defense against a badly-equipped and poorly-organized Chinese army. Finally, the 2⅔ divisions in the United States for minor contingencies also provide a force for unforeseen situations such as a crisis in the Middle East.

3. In maintaining the existing nine reserve divisions, this proposal coincides with Secretary Laird's Total Force concept, which stresses reliance on reserve forces, rather than draftees, for reinforcement.

Undoubtedly some will claim that this is an inopportune time to engage in manpower cutting, since negotiations with the Soviet Union on mutual reductions in force levels may be in the offing.

We firmly support such mutual reductions in the numbers of men under arms in Europe and elsewhere. The manpower cuts recommended in this report should serve as a guideline for such mutual reductions. Assuming that the Soviets have as much padding in their defense posture as we do, we should be thinking in terms of mutual cuts of at least 500,000 men. Such cuts would not affect the strategic balance significantly, and would go far toward de-emphasizing armed confrontation as a means of conducting foreign policy.

The basic message of this study, however, is that even if negotiations with the Soviet Union fail to produce agreement on mutual reductions, the United States can and should proceed with substantial unilateral cuts.

The economic ramifications of these reductions are enormous. A reduction of 438,500 men would result in an immediate savings of over 4 billion dollars. When one considers the equipment eliminations contingent on these reductions, the savings could well approach 7 billion dollars. The advantage of freeing these sums of money for domestic concerns is obvious. For years, social problems in this country have cried for solution as billions of dollars have been squandered in the interests of national defense.

But even if no domestic programs were starving for funds, even if all Americans were living in a peaceful, prosperous society, it would still be foolish to continue to finance inflated and oversized defense budgets. By maintaining a musclebound defense posture, we increase the likelihood that the military will periodically flex its muscles. Our recommended manpower levels are sufficient to repel and to deter any potential attack which threatens our security. And that is all we should require our defense posture to do.

FOOTNOTES

[1] The United States' role as protector of Western Europe is being challenged in some quarters as a basis for future foreign policy. Obviously a redefinition of our role in Europe would call for additional changes in our military manpower posture. For the purpose of this analysis, continuation of our present commitments to Europe is assumed.

[2] Alain C. Enthoven, "Arms and Men: The Military Balance in Europe," *Interplay*. May, 1969.

[3] *Ibid.*

[4] Institute for Strategic Studies, London, *The Military Balance: 1969–70, and 1970–71.*

[5] All forces stationed in West Germany.

[6] All forces stationed in East Germany.

[7] Troops stationed in Italy.

[8] Troops stationed in Poland, Hungary, and Czechoslovakia.

[9] Six infantry brigades stationed in Britain.

[10] One mechanized infantry brigade stationed in Canada for NATO use.

[11] Two armored divisions and five infantry divisions, stationed in Italy, for NATO use.

[12] Three mechanized divisions stationed in France.

[13] Twenty-nine divisions in European U.S.S.R. Institute for Strategic Studies estimates that, under ideal conditions, these divisions could be mobilized within 30 days.

[14] Each C-5A holds approximately 270 soldiers plus equipment, travelling at an approximate airspeed of 460 miles per hour. Assuming each plane makes one round trip a day, a fleet of 69 planes could transport 559,000 troops a month, enough to tap the active force, but little of the nine reserve divisions. (Information supplied by the Defense Department.)

[15] Testimony of Honorable Melvin L. Laird, Secretary of Defense, before the House Armed Services Committee, March 9, 10, 11, 1971.

[16] Institute of Strategic Studies, *Military Balance: 1969–70.*

[17] Testimony of Laird, *op. cit.*

[18] Institute for Strategic Studies, *op cit.* 1970–71.

[19] Testimony of Laird, *op cit.*

[20] The ratio of two support divisions for each combat division is accepted here for purposes of discussion. However, there is considerable room for skepticism and further study as to whether substantial numbers of support troops are really required.

[21] Department of Defense, "Defense Military Manpower Requirements for FY 1972, Appendix I," (April 22, 1971), p. 11.

[22] *Ibid.*, page 27.

[23] Army: 14,740; Navy: 20,000.

[24] *Setting National Priorities, The 1972 Budget*, Brookings Institute, Special Defense Issues, The Role of the Aircraft Carrier, page 73.

IV—Report on U.S. Troops in Europe, a Research Prepared by Congressmen Robert F. Drinan and Bill Frenzel

CONCLUSIONS

United States troop strength in Europe should be reduced from 300,000 to 150,000 by June 30, 1972. In addition, we should seek through consultation with our NATO allies to reduce U.S. troop strength in Europe to approximately one division by the mid-1970's.

We should not re-deploy our troops with inadequate preparation, and need not do so. In the past two years we have seen highly persuasive evidence that our government can alter its military policies and logistics abroad without giving any impression of headlong panic. What is essential is that Congress make the explicit and unreserved judgment that a quarter of a century after World War II we will not continue to spend more than $3 billion each year to sustain 300,000 American troops in an economically revived and viable Europe, each constituent nation of which has committed proportionately less of its national wealth to defense than has the United States.

Congress will have several opportunities during the balance of this year to enact legislation to scale down our military presence in Europe. Appropriate legislative vehicles include the Foreign Assistance Act, the Military Construction Authorization, and the Defense Appropriation bill. Each of these bills deals with an important aspect of our NATO commitment and could be used to help bring about the vital change in policy.

Having announced our intention to reduce our participation in NATO ground forces, we should consult with our NATO allies with respect to the precise timing of the reduction and the means for implementing it. Force reductions need not jeopardize the unity of Western Europe, our own security, or the security of the NATO nations—they can, in fact, enhance them.

The goal on which we should concentrate is a clear one: to deter aggression or the threat of aggression without unwarranted expense of national resources. This goal can be achieved through a two-step process: first, a near-term reduction of U.S. forces within the present NATO structure, accompanied by our renewed nuclear pledge and by intensified redeployment preparations; secondly, further reductions made possible through a more tightly integrated alliance.

We should undertake the first program now. The second is a longer range plan. In both, we shall be addressing the security of Western Europe in light of what United States interests require and what would be effective for our allies.

Each arrangement responds to the important changes which have occurred within the context of NATO's operations and purposes in the two decades since its birth, and each accounts for the possible military contingencies involving the West and the Soviet bloc in Europe, namely:

(1) all-out or limited thermonuclear attack or its threat by the Soviet Union against NATO or a NATO member.

(2) all-out or probing conventional attack or its threat by the Soviet Union against NATO or a NATO member.

THE COLD WAR AND THE BIRTH OF NATO

On April 4, 1949, the United States reacted to what it then perceived as a growing, indeed an imminent threat to Western Europe by the Soviet Union and the Red Army: we joined the North Atlantic Treaty Organization, declaring along with our NATO allies that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all."

A communist-engineered coup in Czechoslovakia in 1948 had catalyzed our NATO role. We were also much aroused by the unexplained death of the Czech foreign minister, Jan Masaryk, who had been known as a firm friend of the West.

The real intensity of our frightened reaction to the Czech crisis is reflected by the war scare within the government at that time and by, for instance, a CIA intelligence estimate sent to the President five days after Masaryk's death to reassure the President that war was "not probable within sixty days."

Not all of our government's key policy makers were completely sanguine about the likely consequences of our new European stance. George Kennan, who eventually was appointed chairman of the working group which negotiated the language of the NATO pact, was the most sceptical and also the most prophetic. He has recently written of his unsuccessful efforts in 1948 to persuade his government that the threat facing the nations of Western Europe was and would remain primarily political and economic:

> . . . their best bet was still the struggle for economic recovery and internal political stability. Intensive rearmament represented an uneconomical and regrettable diversion of their effort—a diversion that not only threatened to proceed at the cost of economic recovery but also encouraged the impression that war was inevitable and thus distracted attention from the most important tasks.

Twenty years later, it is obvious that Western Europe is economically robust, even awesome. Politically it is stable, and well along the road toward integration. The primary threats have been effectively countered. The economic and political revitalization of Europe reinforces the criticism, now heard with increasing frequency, that this country should not, and need not, provide a military super-guarantee for Western Europe at a time when we are struggling to provide a barely minimal standard of living for millions of poor citizens and, indeed, a just and abundant life for all Americans.

The most recent outward signs of Congressional dissatisfaction with the troop levels in Europe were the May 19th vote in the United States Senate on the Mansfield amendment, which sought to limit to 150,000 the U.S. troops stationed in Europe as of December 31, 1971, and the May 26th Report of the House Armed Services Committee. The House Report pointed to the continuing presence in NATO of 300,000 U.S. troops, stated that "reexamination of the level of that contribution may be in order," and concluded:

> The Committee believes, therefore, that a greater share of the burden of providing funds and personnel for NATO-committed forces must be assumed by European members of the alliance. The Committee will be prepared to examine NATO defense expenditures in more detail in the future if present trends continue.

HISTORY OF U.S. TROOP LEVELS IN EUROPE

Immediately following World War II, during the period 1946–1950, United States troop strength in Europe declined from 3.5 million men to 200,000. Then, impelled by the North Korean attack on June 25, 1950, President Truman approved and the Senate authorized the deployment of four additional divisions in Europe.

From the 1955 level of 405,000 American troops, the number declined slightly until the 1961–1962 Berlin crisis, when it reached a peak of 434,000. Today, total United States troop strength in Europe stands at 300,000 (See Table I).

During the past ten years, Soviet deployment in Europe has increased by approximately 75,000, the additional units having been introduced in connection with the 1969 Soviet invasion of Czechoslovakia (See Table II).

OUR CURRENT POLICY DEFINED

NATO's strategy has shifted in the past ten years from reliance on conventional ground forces to greater emphasis on strategic and tactical nuclear weapons, and back again toward the current stress on conventional capability.

In 1967, NATO adopted the position that, in view of approaching nuclear parity between East and West, total nuclear war was no longer the most likely form of conflict. A new strategy, labelled "flexible response," was designed to provide NATO members with a non-nuclear "breathing space" in the event of conventional attack. Its purpose was the avoidance of what had become known as the "red or dead" choice between surrender and immediate resort to general nuclear war.

In his most recent Foreign Policy Report, the President restated the basis for the continuing large United States contribution to NATO's "flexible response" strategy:

> No token presence could serve our purpose. Our substantial contributions of U.S. forces—about 25 percent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found Alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our Allies' confidence in us. It links European defense to a common strategy and to the nuclear power of the United States.

Those who doubt the wisdom of this policy question not so much our basic commitment to Europe as its size and apparently open-ended nature at a time when our allies are making limited defense efforts, and our needs at home are acute. General Andrew Goodpaster, the Supreme Allied Commander in Europe (SACEUR), has stated that the conventional forces now at his disposal are the minimum feasible to employ the "flexible response" strategy in the event of non-nuclear attack.

ARGUMENTS FOR PRESENT POLICY

While those who challenge the present policy maintain that our NATO partners can and should fill the breach, others believe that even if Europe might one day be prompted to do more for its own defense, this can only occur after close consultation within NATO over some unstated period of time. They argue that any "unilateral" determination on our part would be unwise and dangerous. Thus on December 3, 1970, President Nixon told NATO that the U.S. would not reduce its troop levels in Europe "unless there is reciprocal action from our adversaries."

1. *"U.S. forces in Europe protect basic American security interests there and in the Middle East."*

Some believe a major reduction in United States forces would threaten current European economic stability, brought about in large part by the American military presence in Europe over the past 22 years. They argue that substantial forces, including the Sixth Fleet, are needed in Europe to counter the growing Soviet threat in the Middle East.

2. *"Now is the worst possible time to begin unilateral troop reductions."*

In recent weeks the Soviet leadership have expressed a willingness to discuss mutual force reductions. Some argue that these overtures, which they believe to be sincere, together with the current Berlin Talks and the SALT negotiations, would be seriously undermined if we were unilaterally to withdraw our troops without obtaining substantial concessions from the Russians in return. Our best hope, they contend, is to negotiate with the Russians from a "position of strength."

3. "Our allies are carrying an increasing share of the burdens of their own defense."

This argument goes as follows: There are approximately 300,000 United States troops in Europe. Other NATO countries collectively have more than 2,000,000 troops. The United States has recently persuaded its allies to undertake a $1 billion multilateral European Defense Improvement Program in addition to their normal defense expenditures. The annual United States budget cost associated with the deployment of our forces in Europe is $3 billion. The yearly cost to our allies of their men under arms is $24 billion.

Those who are reassured by these figures maintain that a United States troop decrease would not prompt the NATO nations to undertake a larger share of their own defense.

4. "Our NATO commitments contribute only modestly to our balance of payments problem."

The gross balance of payments cost of military expenditures in Europe for 1970 was estimated at $1.8 billion, while the total balance of payments deficit from all sources was $10 billion. $1.1 billion of the total outflow is incurred in Germany. Since 1962 the Germans have partially offset these deficits through payments to the U.S. of $6.5 billion, while other NATO allies made purchases of almost $4 billion during the same period. Further offset agreements with the Germans are possible in Fiscal Year 1972.

5. "Unilateral reductions would divide our allies at a time when efforts are being made to encourage closer economic and political bonds."

Europe at the moment is in the process of expanding the European Economic Community from 6 to 10 members with the full support of the United States. But there is nothing inevitable about this process, and some believe that a United States troop "shield" in Europe, together with our nuclear "sword" have provided a necessary shelter behind which the moves toward integration could mature. They feel that to reduce American troop strength at this time could undercut current moves toward European economic and political integration.

FALLACY OF THE CONVENTIONAL ARGUMENTS

Essentially then the defenders of the *Status quo* assert that until there are fundamental changes in the European security scene or in our assessment of our security interests and perils, the time will not be right for a substantial and unilateral troop reduction.

Yet there remains much evidence to show that whatever the realities upon which NATO was founded, these have already changed. The two major phases and occasions for this change are widely known: communism has fractionalized, and the United States has both lost its nuclear exclusivity and discovered that other nations may successfully differ with us as to what constitutes an appropriate form of government.

We have also suffered an internal combustion of long unfulfilled domestic and foreign economic and social needs. Any random comparison of the relative dimensions of our military and social commitments will yield indicating results. Two examples:

1. To aid India, the only stable parliamentary democracy in Asia, a key to our hopes for peaceful development in the Eastern hemisphere; a country where 15 of every 100 children born do not survive their first year—the United States will spend $400 million this year.

To maintain United States troops and facilities in Europe, with emphasis on allocations in West Germany and other highly industrialized nations, the United States will spend $3.2 billion this year.

2. In our own country during this fiscal year, the government intends to spend $22 billion on education, $14 billion on health, $5 billion on urban renewal.

To maintain United States general purpose and support forces in NATO and NATO-related forces outside Europe for use in a European emergency we spend approximately $12 billion annually.

It is against this background that we must consider again what are our "most important tasks," and this time determine to accomplish them.

FORCE REDUCTION WITHIN THE PRESENT NATO FRAMEWORK

Whenever troop reductions are proposed, one fully expects to see hauled into battle the familiar warhorses of the military establishment: "the present troops in NATO are insufficient"; "the allies will panic and go neutral"; "Germany will slide toward a new version of the Nazi-Soviet Nonaggression Pact."

In fact, what the manpower figures show is that the present conventional force alignments of Western and Eastern European nations are either in numerical balance, or, according to certain experts, substantially favor the West.

The British Institute for Strategic Studies, which is probably the most objective and authoritative observer of international military deployment, has reported that the troops in West Germany, including the United States component, total 627,000. Soviet and Eastern European troops facing them in East Germany and Czechoslovakia total 565,000.

Those who favor maintaining or even increasing our NATO troops like to portray the Alliance as being ominously outmanned by the Warsaw Pact. This is a familiar approach, but also a curious one, since if NATO is really so disadvantaged in conventional forces, why should the United States retain any but token troops in Europe?

It is true that the Pact figures are greatly increased if we include the 60 Soviet divisions which are stationed, according to the Institute for Strategic Studies, in European USSR, west of the Urals and north of the Caucasus. But a policy based on inclusion of those divisions is not coincident with a policy related to defense against limited attack. Massive reinforcement operations would be required in the former instance. Let us first, then, consider the possibilities for limited, probing conventional attacks.

Even if U.S. troop levels were reduced substantially, the remaining NATO forces in West Germany could thwart a purely conventional attack by the Soviet Union and its allies, short of a massive invasion on the scale of World War II. NATO, after all is a *defensive alliance*. It is an accepted rule of conventional warfare that the enemy needs at least a two to one advantage in forces to mount a successful offensive. The Soviet Union enjoys no such advantage by any reputable estimate.

It is misleading in any event to compare opposing forces without considering such important variables as troop morale, logistic support, and the quality of armaments.

We are considering the capability of Western Europe to resist a conventional attack, which it would defend on its own familiar ground, a key advantage. Also, as events in Poland, Hungary, and Czechoslovakia have shown, the Soviets could not rely confidently on the contribution of their Eastern European contingents.

Warsaw Pact forces do not match NATO's qualitative strengths. This was forcefully pointed out in a recent analysis in the respected journal *Foreign Affairs*, by Alain C. Enthoven, a former Assistant Secretary of Defense for Systems Analysis, and K. Wayne Smith, of the RAND Corporation and formerly Assistant Professor at West Point. "NATO's forces are superior to Warsaw Pact forces, they conclude, both qualitatively and quantitatively in such important areas as logistic support, ammunition, weapons, vehicles, artillery and engineers." They also state that:

NATO aircraft are far better qualitatively by almost every measure of relative capability and far better suited for conventional operations than Pact aircraft. This advantage in tactical air power adds to the confidence that NATO's land forces could not be readily overwhelmed in a conventional attack.

As for the possibility of a more massive attack, the Soviet Union could increase its own forces to 840,000 and could expand this to 1,290,000 with reinforcements from Poland, Czechoslovakia and East Germany.

These mobilization advantages enjoyed by the Soviet Union are well-known and important. But do they make the case for our keeping 300,000 troops at their posts in Western Europe? No, for two reasons. First, as Enthoven clearly demonstrates, Pact advantages in terms of overall strength are not large enough to constitute a decisive force ratio. He stresses two facts in that contest: "1) worldwide, the NATO countries have 30 percent more men under arms (and even slightly more men in land forces) than the Warsaw Pact, excluding U.S. increases for Viet Nam; and 2) NATO consistenty has a larger defense budget than the Pact—50 percent greater in 1968 for example—measuring both in terms of U.S. price and excluding U.S. expenditures for Viet Nam."

A second factor in the weight to be accorded the Soviet reinforcement ability is that these reinforcement operations are, in the term used by a NATO publication, "elephantine." A decision to attack massively is not made in tranquil times. Political tensions, diplomatic signals precede it. There are invariably strategic warnings; submarine contacts near NATO missile launch areas, cancelled enemy troop leaves, ponderous shifting of armored divisions into forward areas.

This type of operation would become apparent to the allies well enough in advance for them to mobilize their own reserves. NATO has established and maintains large supply depots in Europe, such as the one at Kaiserslautern in Germany, to make possible the quick transfer of whole divisions from the United States. The transfers are frequently rehearsed, and a United States declaration of intention to withdraw troops from Europe might make the rehearsals even more determined and impressive to prospective enemies than in the past.

The Czech invasion gives us a classic and quite embarrassing example of warning time. In that case, the Western press reported Warsaw Pact Maneuvers of unusual size and sophistication months before the invasion. One day after the attack, the allies consulted each other. The failure of NATO to act decisively in a crisis underscores a fact relevant to NATO's present needs: given a basic troop force, the success of an action is less a matter of quantity of troops than of timing, determination and teamwork.

We should also remember that the necessity for a potentally explosive mobilization would itself be a powerful deterrent to massive invasion.

With respect to the question of nuclear deterrence, a reduction of United States troops should be accompanied by a reaffirmation of our nuclear pledge. NATO would continue to meet any nuclear threat with its own presently awesome deterrent, which includes the Polaris missile system and 7000 nuclear warheads. Our own pledged nuclear shield is independently staggering. The approximate total of deliverable United States individual warheads is 7500, according to the Institute for Strategic Studies report. *The Military Balance, 1970–1971*. For the Soviet Union, the estimated total is 5662. Approximately 2000 of the Soviet warheads are associated with vehicles having the range to strike at the continental United States. Approximately 6000 of the American warheads are fitted to vehicles capable of reaching Soviet territory.

Do we really need 300,000 troops to make all this megatonnage believable? The credibility of the NATO nuclear deterrent, to the extent that it depends at all upon the continued presence of American manpower, does so only symbolically. The stationing of a certain number of United States troops in Europe reassures some that we have a stake in European security. But it would seem certain that if the survival of Europe in a nuclear crisis with the Soviet Union, and surely therefore our own survival as well, could not by itself move the United States to action, then the presence of American troops in Europe would not make the difference. If, on the other hand, some American force is required as a hostage to nuclear bargaining, 50,000 or even 10,000 American lives ought to serve that purpose satisfactorily.

We have been talking so far about contingency requirements as though the present U.S. forces in NATO operate at top efficiency, with no manpower squandered. That is a highly vulnerable assumption. A recent series of articles by a former lieutenant colonel in the United States Army analyzing the organization of America's 1.4 million-man standing army demonstrates that a very substantial fraction of the $12 billion allocated for American troops oriented to the defense of Europe finances an extraordinary large overheard of noncombatant, administrative, supervisory and support personnel. The author, Edward L. King, who has served with the Office of the Joint Chiefs of Staff, concludes that no more than 7500 of the 16,350 troops in an Army division are actual combat troops who might be called upon to fire on the enemy. Each division also requires another 32,700 soldiers in sustaining roles. Thus, of the 49,050 soldiers required to populate and field a United States Army division, less than 25 percent could engage in combat. International political and strategic considerations aside, the management of the United States army in Europe should be much improved.

Some have conceded the urgency of the need to reduce American troop levels in Europe, but assert that we ought not to act unilaterally, without a mutual agreement with the Soviet Union. History certainly does not justify inaction based on expectations that we and the Soviet Union will suddenly be willing to negotiate smoothly and quickly questions which have been stalemated for years.

There is a further reason why in 1971 the call to "persist" in Europe so that we may "negotiate from strength" rings hollow. Advocates of that stance try to persuade us that we should not act when we might be able to use our troops to strike a bargain with the Soviet Union. But to project every issue of United States foreign or even domestic policy as primarily another element of international game theory has been the distracting, bedeviling, and futile temptation of our cold war history. Our point in urging a stand-down is precisely that we can no longer afford this game.

As we should know from experience with our military policy in Southeast Asia, there are almost as many rationalizations for the maintenance of American troops in Europe as there are parties to the *status quo:* now as a hostage for our nuclear deterrent, now as a psychologically stabilizing "presence" in the alliance, now as one more blue chip in the bargaining of the superpowers. There is every rationale, it seems, but the essential, relevant one, that Europe could not defend itself but for the presence of 300,000 American troops. We believe it could. At present there is a compelling incentive for Europe to abdicate its defense responsibilities to the United States. Our nation provides and guarantees that incentive. The precedents of other such incentives to abandon responsibility should be highly instructive: they have often, if not invariably, become self-fulfilling prophecies.

To summarize: NATO forces including a much smaller United States component and backed by our valuable nuclear pledge will remain adequate for any conventional attack short of all-out attack. A massive invasion would compel the mounting of a reinforced army whose mobilization would give ample alert to the West.

FORCE REDUCTIONS WITHIN A MORE FULLY INTEGRATED ALLIANCE

In considering longer range approaches to the problems on European security, we need to recall NATO's cold war origins, how the alliance arose to confront the perceived implications of Stalin's domestic politcies, and the tyrannies he imposed in Eastern Europe.

The respects in which the circumstances of its birth have enthralled NATO to its institutional detriment and the detriment of its member nations are discussed at length in *The Atlantic Fantasy: The U.S., NATO, and Europe,* a recent study by David P. Calleo, Director of European Studies at the Johns Hopkins University School of Advanced International Studies. Professor Calleo describes America's and NATO's response to the Soviet threat as initially sound, but, he says, the "prudent policy of containment gradually was translated into a new world order. The soaring rhetoric of the Truman Doctrine committed the United States all around the world to support free people who are resisting attempted subjection of armed minorities or by outside pressures." Those who suggest the imperative for changes in NATO, Calleo shows, must confront the inertia of this history: "Nothing, it seems, paralyzes the imagination so much as an old and decaying success."

It is necessary for the United States to reduce its military presence in Europe, but for us to do only that is not enough.

To make NATO a more coherent and credible deterrent, we must begin to relocate the responsibility for European defense within the nations whose security is directly at stake. We must find ways to make the NATO membership less dependent on the United States and more meaningfully interdependent. The impetus of American troops reduction will help, but our political and diplomatic leadership will also be required.

The NATO treaty stresses consultation and interdependence, but in fact NATO has always been almost completely dominated by the United States:

(a) Two of the three principal NATO commands have always been held by an American; the third is British.

(b) Eleven of the thirteen subordinate commands have always been held by the United States and Britain.

(c) Seven United States officers in Europe hold four-star NATO jobs; no other country holds more than two.

General André Beaufre, who brought the nominal influence of France to bear on NATO's Military Standing Group, has described the Group as "a system of wheels without power revolving almost endlessly around questions of routine."

Anyone could predict the result of this arrangement: our NATO allies do not credit our insistence on burden-sharing. They fail to keep their force contributions at full strength and readiness.

Compared with its NATO allies, the United States has nearly twice as large a percentage of its population in the armed forces. The United States spends more than twice the percentage of its gross national product on defense than most of the other NATO nations: more than three times the percentage of Canada; more than twice that of West Germany, Belgium and Denmark; one-and-a-half times that of Britain and Greece (See Table III).

Suppose our own defense and spending efforts were scaled to a level more nearly comparable to that of our allies; and suppose theirs were increased to more closely parallel our own. Enthoven and Smith made these calculations, and they found that we would reduce our annual defense spending by more than $25 billion, and could demobilize more than a million troops. They did not endorse such a reduction, but the comparison is instructive as to what our allies are doing in the interests of their own security. Conversely, Enthoven calculated, the Germans alone "could replace half of our divisions in Europe and half of our air wings besides, and still keep expenditures under 6 percent of their GNP, less than the percentage they were spending in 1963, and still less than the percentage we are spending now."

Even in these unequal circumstances, the allies express doubts about how the United States might react to a nuclear crisis in this present era of approximate Soviet-American parity. They wonder whether we would actually put our national existence on the line for their security.

We should scarcely be surprised at their misgivings. We have known in Southeast Asia many of the same difficulties with allies whose confidence has been undermined by economic and military dependence on us. In Europe, as long as NATO countries, particularly Germany, have to mount large offset costs for United States troops, they will not pool the necessary resources to manufacture their own deterrent.

To strengthen NATO, Germany and Britain must share more equitably in its strategy and decision-making. This may be effected under circumstances in which Germany would continue to have no nuclear weapons on its territory, and the United States would continue to maintain custody of the nuclear explosives stockpiled in Western Europe.

A NATO conference on joint deterrence should be held as soon as possible to work out political arrangements which would develop the roles of Germany and Britain in the alliance. We should attempt to bring France into a closer relation with this more integrated alliance. The United States should, for example, take the initiative in preparing for the appointment of a European Supreme Commander.

Would we by these measures be risking an involvement not in our interests and initiated by events we could not influence? In fact, this is a risk we have been facing in our complex of commitments in Asia and the Middle East since World War II. We believe the risk would not be measurably increased. Often we have been mistaken in thinking we could direct events in those areas. At least in Western Europe, where we have the longest standing cultural and historical ties, with allies who have stable governments and who do not pretend to empire, we ought to be most prepared to forgo the illusions of hegemony.

A more integrated European nuclear defense would encourage further steps toward European unity to a greater and more reliable extent than the present American economic and strategic umbrella ever can, and it would do this because it would be based on shared responsibilities.

The question at issue with regard to troop reductions is not whether we need to deploy American troops to keep our European allies calm and loyal. Rather, the question is whether—in view of our limited resources—the evidence of our critical domestic needs outweighs the evidence for continuing to deploy a huge American garrison in an economically revived Europe. We believe it does.

TABLE I.—U.S. DEPARTMENT OF DEFENSE PERSONNEL IN EUCOM GEOGRAPHICAL AREA, END OF CALENDAR YEAR (DEFENSE BRIEF)

[Nearest thousand, approximate]

		Civilian employees (appropriated funds)		Dependents of U.S. military and of civilian employees (appropriated funds)
	U.S. military	United States	Foreign	
End—				
1950	145	(1)	(1)	(1)
1951	346	(1)	(1)	(1)
1952	405	(1)	(1)	(1)
1953	427	9	144	(1)
1954	404	10	169	182
1955	405	11	161	222
1956	398	12	149	281
1957	393	11	146	(1)
1958	380	11	129	269
1959	380	11	122	300
1960	379	12	123	335
1961	417	12	122	341
1962	416	12	124	352
1963	380	12	117	323
1964	374	12	99	310
1965	363	13	94	326
1966	366	14	92	264
1967	337	14	84	264
1968	316	14	82	245
1969	300	15	70	225

[1] No data.

NOTES

Includes both EUCOM and non-EUCOM personnel and dependents.

End of year figures unavailable for civilian employees and dependents for 1953 and 1957–59; June or September figures used instead.

Large 1966 drop of dependents caused by: (1) extraordinary military personnel turnover and (2) revised accounting procedures.

TABLE II.—CONVENTIONAL FORCES IN EUROPE: NATO AND THE WARSAW PACT[1]

Country	Total Regular Armed Forces	Army	Army forces on central front[3]	Total trained Reserves and paramilitary forces
NATO COUNTRIES[2]				
Federal Republic of Germany	466,000	326,000	326,000	681,500
France	506,000	328,000	[4]34,000	505,000
Britain	390,000	190,000	53,500	270,000
Italy	413,000	295,000	None	706,000
Portugal	185,500	150,000	None	515,000
Greece	159,000	118,000	None	223,000
Turkey	447,500	390,000	None	610,000
Netherlands	121,250	80,000	80,000	193,000
Belgium	94,900	70,000	70,000	37,800
Canada	93,325	35,350	3,100	22,900
Denmark	44,500	27,000	27,000	90,000
Luxembourg	550	550	550	350
Total	2,921,525	2,009,900	594,150	3,854,550
United States	3,161,000	1,363,000	[5]200,000	1,023,500
Total	6,082,525	3,372,900	794,150	4,878,050
THE WARSAW PACT COUNTRIES				
Poland	242,000	195,000	195,000	495,000
Czechoslovakia	168,000	150,000	150,000	535,000
Rumania	181,000	165,000	None	300,000
Bulgaria	149,000	130,000	None	167,000
German Democratic Republic	129,000	92,000	92,000	273,500
Hungary	101,500	90,000	90,000	160,000
Total	970,500	822,000	527,000	1,930,500
U.S.S.R.	3,305,000	2,000,000	[6]400,000	2,330,000
Total	4,275,500	2,822,000	927,000	4,260,500

[1] Unless otherwise noted, this information was drawn from the military balance 1970–71, prepared and published by the Institute for Strategic Studies, London, 1970.

[2] These include the total forces of the NATO countries, on the assumption that an attack upon them would invoke a response from all forces and not merely from those assigned formally to NATO. Likewise for the Warsaw Pact.

[3] The central front is taken to include West Germany, Denmark, and the Benelux countries on the NATO side, and East Germany, Poland, Czechoslovakia, and Hungary on the pact side.

[4] The military balance 1970–71 indicates that France has two mechanized divisions in Germany plus 2,000 men in West Berlin. According to the military attaché at the French Embassy in Washington, a French mechanized division normally includes 16,000 men, which suggests that France may have a total of 34,000 men stationed in Germany.

[5] There are an additional 100,000 American military personnel in Western Europe and related areas. U.S. Defense Department, Directorate of Information. Telephone conversation, Mar. 31, 1971.

[6] Military Spending Committee of Members of Congress for Peace Through Law. Report on military spending, July 9, 1970. Table I, sec. 9, pp. 4–5. According to this source, there are an additional 450,000 Soviet troops in European U.S.S.R. Figures contained in the military balance 1970–71 suggest that there are fewer than 300,000 Soviet Army forces (14 tank and 17 infantry divisions) deployed in Central and Eastern Europe. Other current sources indicate, however, that there may be as many as 520,000 Soviet "troops" stationed in Eastern Europe, but these figures probably include support and air force personnel. See Newsweek, May 31, 1971, p. 5, and the National Observer, May 24, 1971, p. 4.

TABLE III.—MILITARY BUDGET AS A PERCENTAGE OF GNP FOR EACH OF THE NATO NATIONS—DEFENSE EXPENDITURES—NATO COUNTRIES

Country	Military budget	Percent of GNP
Belgium	$721,538,000	3.0
Canada	1,676,000,000	2.0
Denmark	365,187,000	2.5
France	4,899,000,000	3.6
Western Germany	5,990,928,000	3.2
Greece	471,000,000	5.5
Iceland	None	----------
Italy	2,650,841,600	3.0
Luxembourg	8,592,000	1.0
Netherlands	1,113,304,000	3.6
Norway	369,400,000	3.7
Portugal	367,117,000	6.5
Turkey	429,992,363	3.8
United Kingdom	5,471,959,200	5.0

Note: U.S. Defense expenditures are estimated at 7.4 percent of GNP in fiscal year 1971 and 6.8 percent in fiscal year 1972.

THE CASE FOR OVERSEAS TROOP REDUCTIONS—II

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, as one justification for the resolution I shall offer at the June Democratic Caucus calling for reductions in U.S. overseas troop levels, I would like to submit for the RECORD a list of pertinent questions I have developed which deal specifically with the rationale for our servicemen in a large number of other countries.

I would remind my colleagues that these are not rhetorical questions; instead, they go right to the heart of the question of why this Nation must maintain over a half-million military personnel and families in foreign nations.

The questions follow:

THE CASE FOR OVERSEAS TROOP REDUCTIONS

SOUTH KOREA

Why is it necessary for the United States to maintain 38,000 military personnel (including one division of 13,000 U.S. soldiers) stationed in South Korea 20 years after the war there ended?

WESTERN EUROPE

Why is it necessary to maintain 319,000 U.S. military personnel in Western Europe, when prior to the Berlin Crisis of 1962 there were only 311,000 military personnel there?

THAILAND

What U.S. national defense commitment requires the presence of 43,000 U.S. military personnel stationed in Thailand after U.S. military forces have been withdrawn from South Vietnam?

RYUKYUS ISLAND

Since the Nixon Doctrine rules out the future use of U.S. ground forces in combat in Asia, why is it necessary to continue to maintain 42,000 U.S. military personnel (including most of marine division) stationed in the Ryukyus Islands?

TAIWAN

At a time when the U.S. is establishing a mission in Peking, why does it continue to be necessary to station 9,000 U.S. military personnel in Taiwan?

JAPAN

What is the purpose of the forward deployment of nearly 20,000 U.S. military personnel (including nearly 10,000 round troops) in Japan? What treaty article requires this U.S. commitment?

ITALY

Why is it necessary to continue to station 10,000 U.S. military personnel (including nearly 8,000 ground troops) in Italy? What is the specific mission of the Southern European Task Force (SETAF) and what is the treaty article that requires this U.S. forward deployment?

GERMANY

Of the 211,000 U.S. military personnel stationed in the Federal Republic of Germany, how many are assigned to combat skill jobs? What is the mission of these 211,000 personnel? What treaty article requires their presence in the Federal Republic of Germany? What are the annual direct costs for maintaining these forces? What is the total balance-of-payments benefit that accrues to the Federal Republic of Germany as a result of their presence?

ETHIOPIA

Under what treaty article does the U.S. maintain 1,000 military personnel stationed in Ethiopia? What is the mission of the U.S. Military Assistance Command in Ethiopia? Has this command provided counterinsurgency training to elements of the Ethiopian Army?

Have U.S. military advisors visited or accompanied Ethiopian Army units engaged in counterinsurgency operations? Why does it require a major general to command this 1,000 man force?

MOROCCO

What is the treaty article that requires the forward deployment of 1,000 U.S. military personnel in Morocco? How many of these personnel are assigned to combat skill jobs? What is the mission of this U.S. force deployment?

PORTUGAL

What is the mission which requires the forward deployment of 1,000 U.S. military personnel to Portugal? What treaty article requires this amount of men?

SPAIN

What treaty article requires the forward deployment of 9,000 U.S. military personnel stationed in Spain? What is the current mission of the Joint U.S. Military Assistance Group/Military Assistance Advisory Group? What is the mission of the 16th Air Force? How many of the military personnel assigned to the 16th Air Force are assigned to combat skill jobs? How many combat aircraft does Headquarters 16th Air Force command? What is the annual cost to maintain the San Pable-Moron Airbase in stand-by status? What is the annual cost to the U.S. to operate the air base at Zaragoza?

TURKEY

What treaty article stipulates a U.S. commitment which requires the stationing of 7,000 U.S. military personnel in Turkey? How many of these military personnel are assigned to combat skill jobs? How many are assigned to headquarter or support duties? What is the current mission of the Joint U.S. Military Assistance Group Turkey? How many officers and non-commissioned officers are included in the total U.S. military strength in Turkey?

ENGLAND

What treaty article requires a U.S. commitment of 21,000 military personnel stationed in the United Kingdom? How many of these personnel are assigned to combat skill jobs? How many are officers or non-commissioned officers? What is the mission of the 3rd Air Force? How many combat U.S. aircraft does this headquarters command? What is the mission of the Commander-In-Chief U.S. Navy Europe? How many U.S. combat warships and submarines does this headquarters command?

WESTERN PACIFIC

What treaty article requires a U.S. commitment of over 68,000 military personnel afloat in the Western Pacific? What treaty article requires a U.S. commitment of 24,000 military personnel afloat in the Mediterranean?

IRAN, AUSTRALIA, CYPRUS

What military agreement or treaty article obligates the forward deployment of nearly a thousand U.S. military personnel in the following countries: Iran, Australia, Cyprus?

DUE PROCESS AND WATERGATE

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, a little while ago some of my colleagues were telling Sweden and India to mind their own business and let us bomb in peace. It is amusing to observe that supporters of the administration are now forced to rely on foreign help—Philippine money, London newspaper editorials, Communist visitors. It is indeed a little pathetic to see Nixon defenders now must rely on rightwing British MP's who believe that the Senate of the United States is composed of "rabble."

The best way to defend the indefensible is to go on the attack. Nixon supporters have to say something, and evidently the only thing they can say about Watergate is to attack the Ervin committee for keeping the matter before the public and on the front page. In their eyes, this is the major crime.

A recent editorial in the Washington Post gives a clear, reasoned response to these attacks. Nixon supporters do not like the Post, and they are right not to like it. Without the Post, there would be no rumors, innuendo or hearsay about the Watergate affair—because no one would have known anything about it. And that, it is not hard to believe, would have suited our new-found defenders of due process just fine.

The operative word in this editorial is "political due process." We should remember that we are not asking whether Richard Nixon should suffer loss of liberty or property, but whether we should trust him with the most powerful position in the world. Richard Nixon does not have a private, personal right to the office of the Presidency. The public is not asking whether he should go to jail, but whether he is politically guilty of callous contempt for the American people and the American democratic process.

We might ask: Where else do Nixon supporters want him to be tried but in the court of public opinion? By the time a head of state is actually hauled into a court of law, he is in deep trouble, as Charles I and Louis XVI found out. Nixon supporters should keep them in mind.

The editorial follows:

WATERGATE: DUE PROCESS AND THE PRESIDENT

Vice President Agnew, June 11, 1973: "Getting the truth out into the open [Senator Ervin] says, is more important than just jailing people. I could not agree more. Jailing the convicted criminal is only one part of what justice is all about. Justice in its deepest meaning involves: the assurance that we live in a society where the individual is truly free; the confidence that we are ruled by a government of laws, not of men; and the demonstrated proof that innocence and guilt alike are rewarded or punished as they deserve.

"There can be no justice without public trust, and there can be no trust without a systematic and thorough airing of the whole truth about affairs that concern us all."

Had the Vice President stopped right there, with these six sentences excerpted (only moderately out of context) from his speech on Monday, we would have been pleased to see them written in stone. But Mr. Agnew, of course, proceeded to brush aside these and other sensible things he had to say in his address to the Attorneys General in St. Louis, and to join those who would close down the Watergate hearings, silence the news media, and leave it to the courts to determine the "whole truth" about the monumental scandal and corruption that have come to be called "Watergate." "There is no escaping the fact that the hearings have a Perry Masonish impact," Mr. Agnew went on to say. "The indefatigable camera will paint both heroes and villains in lurid and indelible colors before the public's very eyes . . ." Reciting those elements of a judicial proceeding which he finds lacking in the Senate hearings, he argued that what a court can do, "with far greater precision and fairness than any legislative committee, is to establish the central facts of individual capability—the task that now stands first on the nation's Watergate agenda."

The Vice President is far from alone in the view that the Ervin committee proceedings and the on-going investigative reporting of the multiple facets of Watergate threaten to prejudice the prosecution of those who may be guilty of crimes, while unfairly damaging the innocent. The White House has cried out against a plot to "prosecute a case against the President in the press . . . an unprecedented assault on judicial and administrative due process . . . an [effort] to destroy the President." Secretary of the Interior Morton has opposed the Ervin committee "because there's too big a tendency to try people in a forum that is not designed for that." Sen. William Proxmire, a Democrat with no record of softness for Mr. Nixon, has argued that the President is "being tried, sentenced and executed by rumor and allegation."

Now that is pretty strong stuff and we would not dismiss it out of hand; the smearing of the guiltless is always a danger when scandal almost literally envelops a government; pre-trial publicity is often something of a hindrance to the effective prosecution of criminals. But before concluding that both things are now happening to an intolerable degree it might be wise to consider how much of this hand-wringing over due process of law is pertinent, and how much of it proceeds from an excessive effort to shield the President from the due processes of a political system which also explicitly provides for a free press, for free expression and for the vigorous discharge by Congress of its constitutional responsibilities.

And it might also be wise to consider the quite extraordinary implication of this argument when it is applied on behalf of the President. For what this argument does, in effect, is to relieve the President of the United States of the responsibilities and the risks inherent in his great office. It reduces him to the ranks of an ordinary criminal suspect, for whose protection against a repressive monarch the right of due process was expressly written into the Constitution. That he has such a right as a citizen is not the point. That he should be so endangered by the charges raised against him that he should feel obliged to rely on this right represents, in our view, a retreat on his part and on the part of his defenders which is more genuinely damaging in its way than anything that has been said against him by those who, for one reason or another, wish him ill.

And yet that is the plain implication of an eloquent defense of the President in an editorial from the Times of London, which appears elsewhere on this page today. We are reprinting it, not because we agree with it but because it represents a presumably disinterested view from afar, and because it forcefully expresses the thinking of Mr. Nixon's supporters in this country—so much so that White House propagandists are circulating it approvingly.

"What the President is now receiving is a Washington variant of lynch law," the Times declares, and it rests its case very largely on the publicaton in this newspaper and in The New York Times of a report that Mr. John

Dean had told government prosecutors and Senate investigators that he had discussed aspects of "the Watergate coverup with President Nixon or in the President's presence on at least 35 occasions this year." The Times of London calls this "hanging evidence" of complicity in the obstruction of justice, which, if believed, could "destroy a President," But on the basis of its own reading of Mr. Dean's reliability the Times editorial goes on to argue that it is also "wholly suspect" evidence and the editorial asks: "How can the newspapers defend themeslves from the very charge that they are leveling against the President, the charge of making a fair trial impossible, if they now publish evidence so damning and so doubtful with all the weight of authority that their publication gives?"

Well, there are several things to be said in response to that. One is that the American public will now apparently have a chance to see for itself how damning or doubtful Mr. Dean's testimony is, when he gives it publicly before Senator Ervin's committee; his sworn testimony will be subject to challenge by Senators and staff members and subsequent witnesses; perjury would not exactly fit the purpose of a man who is said to be desperately trying to avoid going to jail. As for the weight of newspaper reports, it is as nothing compared with the weight of an American President, capable of commanding all three television networks simultaneously in his own defense. The Times contends that British newspapers would not be allowed to publish material as prejudicial as that now appearing in the American press. But the fact is that what is now being published is no different in essense from the early investigative reporting of Watergate to which the Times graciously and glowingly gives "full credit."

Moreover, as Britain's Guardian has pointed out, while such a press campaign might be more difficult to mount in Britain, it would also be "less necessary." In this regard, we would put this question to the Times: For how long would a British Government remain in office, if it had lied systematically to the press, and by extension to Congress and the public, for 10 months; if it had grossly misled the public on a critical issue—the nature and extent of its own investigation of alleged corruption in its midst; if two of its principal figures and assorted lesser lights had been forced to resign; if two of its former Cabinet members had been indicted for crimes; if "illegal as well as unethical" conduct had been conceded to have occurred in the campaign that brought it to office; if it had plainly engaged in a massive effort to obstruct justice; if it had approved a broad campaign of admittedly illegal security measures in clear violation of individual rights?

Would the Times of London in such circumstances be talking earnestly about due process for the Prime Minister?

This is the heart of what is wrong about the Times' argument; we are not Britain; we have a different set of checks and balances, which grant a President a fixed, firm term of office while holding him answerable, every day, to the judgment of the people he serves. It is only in this sense that the President is "on trial" before the Ervin committee or in the press. And it is for this reason that the Watergate crisis, which is in a very real sense a crisis of confidence in government, cannot await the determination, or narrow legal grounds, of criminal guilt or innocence. As the Vice President himself acknowledged, "a judicial trial sometimes falls well short of airing all the circumstances and ramifications surrounding a crime of controversy."

It is an authentic tragedy that we should have arrived at a point where it is not easy for the Congress or the press to exercise their rights and responsibilities without the risk of prejudicial, pre-trial publicity potentially injurious to the President. But it was not the press nor Congress which brought us to this sorry state. And we will not rise from it by suspending the due processes of the American political system for the sake of affording due process of law to the President. We are dealing here, not with specific isolated crimes, but with a whole style and manner and method of governing. We are dealing, in the end, with the President's capacity to govern, which derives, in turn, from public trust. And the Vice President is right: *There can be no trust without a systematic and thorough airing of the whole truth about affairs that concern us all.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Burgener (at the request of Mr. Gerald R. Ford), from 6 p.m., today, on account of addressing the Northeast Regional Conference of the National Association for Retarded Children.

Mr. Mills of Arkansas (at the request of Mr. McFall), for today, on account of official business.

Mr. Moorhead of California (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Rousselot (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Edwards of California (at the request of Mr. O'Neill), for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 15 minutes, today.

(The following Members (at the request of Mr. Johnson of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. Blackburn, for 10 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Heinz, for 5 minutes, today.

Mr. Robison of New York, for 10 minutes, today.

(The following Members (at the request of Mr. Studds) and to revise and extend their remarks and include extraneous matter:)

Mr. Annunzio, for 5 minutes, today.

Ms. Abzug, for 10 minutes today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Rangel, for 10 minutes, today.

Mr. Koch, for 5 minutes, today.

Mr. Patten, for 60 minutes, on June 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Randall in two instances.

Mr. Perkins.

Mr. Michel, to extend his remarks in the general debate on the agriculture appropriation bill, and to include extraneous matter.

Mr. Dellums, to extend his remarks in the body of the Record, notwithstanding the fact that it exceeds two pages of the Record, and is estimated by the Public Printer to cost $2,295, and to include extraneous matter.

All Members (at the request of Mr. Johnson of Colorado), to revise and extend their remarks on the Findley-Conte amendment.

Mr. McSpadden to extend his remarks following those of Mr. Alexander in the Committee of the Whole today.

(The following Members (at the request of Mr. Johnson of Colorado) and to include extraneous material:)

Mr. Sarasin.

Mr. Steiger of Wisconsin.

Mr. Robison of New York.

Mr. Steele.

Mr. Eshleman.

Mr. Carter.

Mr. Andrews of North Dakota.

Mr. Whalen in three instances.

Mrs. Holt.

Mr. Nelsen.

Mr. McKinney.

Mr. Smith of New York.

Mr. Conte.

Mr. Walsh.

Mr. Shriver.

Mr. Cochran.

Mr. Ketchum in two instances.

Mr. Hudnut.

Mr. Abdnor.

Mr. Wyman in two instances.

Mr. Cronin.

Mr. Forsythe.

Mr. Buchanan.

Mr. Gilman.

Mr. Broomfield in five instances.

Mr. Coughlin in five instances.

Mr. Burke of Florida in two instances.

Mr. Martin of North Carolina.

Mr. Findley.

Mr. Keating.

Mr. Kemp.

Mr. Hunt.

Mr. Hanrahan.

Mr. Armstrong.

(The following Members (at the request of Mr. Studds), and to include extraneous matter:)

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Rodino.

Mrs. Griffiths.

Mr. Yatron.

Mr. Howard in two instances.

Mr. Gunter.

Mr. Dent.

Mr. Gibbons.

Mr. Fulton.

Mr. Hungate in two instances.

Mr. Flood.

Mr. Cotter.

Mr. Reuss.

Mr. Delaney.

Mr. Clark in two instances.

Mr. Adams.

Mr. Hicks.

Mr. Roe in two instances.

Mr. Wolff.

Mr. Helstoski in two instances.

Mr. Leggett in two instances.

Mr. Brasco in six instances.

Mr. Foley in two instances.

Mr. Teague of Texas in six instances.

Mr. Morgan.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 271. An act to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes; to the Committee on the Judiciary.

S. 797. An act to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility; to the Committee on Interstate and Foreign Commerce.

S. 1585. An act to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972; to the Committee on House Administration.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4682. An act to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile.

ADJOURNMENT TO MONDAY, JUNE 18, 1973

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, June 18, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1038. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation relating to benefits for employees of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1039. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of December 31, 1972, pursuant to 22 U.S.C. 2363; to the Committee on Foreign Affairs.

1040. A letter from the Director, Administrative Office of the U.S. Courts, transmitting his annual report for fiscal year 1972, pursuant to 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

1041. A letter from the Acting Administrator, U.S. Environmental Protection Agency; transmitting the first annual report covering measures taken to implement the objectives of the Federal Water Pollution Control Act as amended, pursuant to section 516(a) of the act; to the Committee on Public Works.

1042. A letter from the Acting Director, U.S. Water Resources Council, transmitting the first annual report on level B planning under section 209 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500); to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1043. A letter from the Comptroller General of the United States, transmitting a report on the need for improved consumer protection in interstate land sales under the interstate land sales registration program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McFALL: Committee on Appropriations. H.R. 8760. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes. (Rept. No. 93-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Campaign Expenditures Committee. House Report 93-286. Report of Special Committee to Investigate Campaign Expenditures, 1972; (Rept. No. 93-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on Foreign Affairs. House Joint Resolution 542. Joint resolution concerning the war powers of Congress and the President; with amendment (Rept. No. 93-287). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. Burton, Mr. Ginn, Mr. Riegle, and Mr. Young of Georgia):

H. R. 8714. A bill to provide for the continued sales of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Andrews of North Dakota, Mr. Biester, Mr. Blackburn, Mrs. Chisholm, Mr. Gunter, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Koch, Mr. Kyros, Mr. Mathis of Georgia, Mr. Mitchell of Maryland, Mr. Murphy of Illinois, Mr. McKinney, Mr. Pike, Mr. Podell, Mr. Rosenthal, Mr. Seiberling, and Mr. Stark):

H.R. 8715. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Stratton, Mr. Studds, Mr. Veysey, Mr. Winn, and Mr. Wolff):

H.R. 8716. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 8717. A bill to authorize and direct the Commissioner of the District of Columbia to conduct an election for the purpose of a referendum on the question of statehood for the residents of the present District, election of delegates to a constitutional convention, and for other purposes; to the Committee on the District of Columbia.

H.R. 8718. A bill to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of registered electors, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DELLUMS:

H.R. 8719. A bill to provide that after June 30, 1974, not more than 300,000 members of the Armed Forces may be assigned overseas; to the Committee on Armed Services.

By Mr. DINGELL (for himself, Mr. Eckhardt, Mr. Stokes, Mr. Brown of California, Mr. Burton, and Mr. Seiberling):

H.R. 8720. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 8721. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 8722. A bill to amend section 1201 of title 18 of the United States Code to clarify the intent of the Congress by creating a presumption that a person who voluntarily agrees to travel with another to a particular destination, but does not arrive at such destination after a reasonable period of time, is inveigled or decoyed, within the meaning of such section; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mr. Vanik):

H.R. 8723. A bill to establish a comprehensive program of trade adjustment assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 8724. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8725. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8726. A bill to amend the Tariff Schedules of the United States to provide that certain forms of zinc be admitted free of duty; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 8727. A bill to establish in the State of California the Toyon National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. McCORMACK:

H.R. 8728. A bill to end the authorization of the Asotin Dam, Snake River, Idaho and Washington; to the Committee on Public Works.

By Mr. MINISH:

H.R. 8729. A bill to amend the Wool Products Labeling Act of 1939 with respect to recycled wool; to the Committee on Interstate and Foreign Commerce.

H.R. 8730. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MINSHALL of Ohio:

H.R. 8731. A bill to establish rates of compensation for certain positions within the Smithsonian Institution; to the Committee on Post Office and Civil Service.

By Mr. NIX (by request):

H.R. 8732. A bill to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam; to the Committee on Foreign Affairs.

By Mr. PIKE:

H.R. 8733. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 8734. A bill to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

By Mr. RUNNELS (for himself and Mr. Lujan):

H.R. 8735. A bill to amend the Wild and Scenic Rivers Act by designating portions of the Chama River, N. Mex., the Gila River, N. Mex., and the San Francisco River, N. Mex. for study as potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 8736. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. UDALL:

H.R. 8737. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 8738. A bill to establish a national program to provide income supplements to every family in need thereof; to the Committee on Ways and Means.

By Ms. ABZUG (for herself and Mr. Delaney):

H.R. 8739. A bill to facilitate the completion of the New York Harbor Collection and Removal of Drift project; to the Committee on Public Works.

By Mr. BARRETT:

H.R. 8740. A bill to require the Secretary of Housing and Urban Development to terminate the suspension of housing assistance programs under his jurisdiction and cease the withholding of funds for such programs, to require the Secretary of Agriculture to cease the withholding of funds for rural housing programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRASCO:

H.R. 8741. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. BROTZMAN:

H.R. 8742. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. BURTON:

H.R. 8743. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPELL:

H.R. 8744. A bill to provide Federal assistance to States to enable them to provide day-care services for children from needy families where the parents are working, training, or incapable of self-support; to the Committee on Education and Labor.

By Mr. DELLENBACK:

H.R. 8745. A bill to modify the project for the Rogue River, Oreg., and Calif., authorized by the Flood Control Act of 1962; to the Committee on Public Works.

By Mr. DIGGS:

H.R. 8746. A bill concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DIGGS (by request):

H.R. 8747. A bill to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students; to the Committee on the District of Columbia.

By Mr. KEMP:

H.R. 8748. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

H.R. 8749. A bill to amend title XIX of the Social Security Act to clarify the standards which apply in determining the basis on which Federal matching will be accorded toward State expenditures for skilled and intermediate care facility services provided under State plans approved under such title; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 8750. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 8751. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business or any business having 25 or less employees in States having laws regulating safety in such businesses from the Federal standard created under such act; to the Committee on Education and Labor.

By Mr. MYERS (for himself and Mr. Hechler of West Virginia):

H.R. 8752. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear-mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX (for himself, Mr. Buchanan, Mr. Davis of South Carolina, Mr. Melcher, Mr. Rangel, Mr. Wolff, and Mr. Yatron):

H.R. 8753. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 8754. A bill to deauthorize U.S. Army Corps of Engineers projects if Congress has not appropriated funds to carry out the projects for a period of 8 years or more since authorization; to the Committee on Public Works.

By Mr. VANDER JAGT:

H.R. 8755. A bill relating to the dutiable status of fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats, sheep and lambs and beef prepared in airtight containers and beef prepared whether fresh, chilled or frozen, and lamb or mutton prepared or preserved; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.R. 8756. A bill to provide assistance to the town of North Booneville, Wash., in planning a new town, and for other purposes; to the Committee on Public Works.

By Mr. McFALL:

H.R. 8760. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. CARTER:

H.J. Res. 618. Joint resolution to authorize a reduction in U.S. troop levels overseas; to the Committee on Armed Services.

By Mr. MYERS (for himself, Mr. Wolff, and Mr. Johnson of California):

H.J. Res. 619. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. STEELE:

H.J. Res. 620. Joint resolution designation of the month of August of each year as "National Drum Corps Month"; to the Committee on the Judiciary.

By Mr. DELLUMS:

H. Con. Res. 253. Concurrent resolution expressing the sense of Congress that after June 30, 1974, not more than 300,000 members of the Armed Forces may be assigned overseas; to the Committee on Armed Services.

By Mr. KEMP:

H. Con. Res. 254. Concurrent resolution expressing the sense of the Congress that no person should be considered for appointment as Ambassador or Minister if such person or members of his immediate family have contributed more than $5,000 to a candidate for President in the last election; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

252. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, relative to Department of Agriculture loan regulations; to the Committee on Agriculture.

253. Also, memorial of the Legislature of the State of Louisiana, relative to the deadline for Federal crop insurance; to the Committee on Agriculture.

254. Also, memorial of the Legislature of the State of Iowa, relative to the Hatch Act; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 8757. A bill for the relief of Daisy Vargas Cole; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 8758. A bill for the relief of Charles M. Seeger; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 8759. A bill for the relief of Fouad R. Khattar; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

240. The SPEAKER presented a petition of Gene U. Marshall, Deale, Md., and others, relative to protection of law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VETERANS' PENSION AMENDMENTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BIAGGI. Mr. Speaker, the House Subcommittee on Compensation and Pension is considering two of my bills which are of great importance to veterans in the United States.

The first bill, H.R. 2793, would provide for a separate non-service-connected disability pension to be paid to veterans age 72 and over without regard to income. The second bill, H.R. 2794, would exclude recent increases in social security payments from the amount of earnings used to determine eligibility for veterans pension.

With regard to H.R. 2793, at the present time pensions are paid to all veterans based on a formula which decreases their pension as their income from other sources increases. This is similar to the formula in operation for recipients of social security benefits. What I am proposing is the elimination of this earnings limitation for veterans age 72 and over, just as we have eliminated the limitation for social security recipients.

The Veterans' Administration informs me that there are approximately 1.3 million veterans who would receive either an increase in their pensions or who would become eligible for pensions if this legislation is passed. This would cost approximately $1.4 billion annually.

While I feel that this pension should be paid to our veterans—all of whom fought in the first two world wars—I realize that this cost could have a serious impact on the Federal budget at a time when we are trying to limit Federal expenditures. Therefore, I have proposed that the committee amend my bill to provide an increase in the limitation on earnings to $10,000 for those veterans age 72 and over. This would lessen the cost considerably, yet help a great many more veterans.

This is a fair and equitable compromise and one that will still bring relief from the financial woes suffered by many of our older veterans. I urged the committee to accept the bill in its present form, but if that is difficult, at least in the modified form with the $10,000 earnings limitation.

With regard to H.R. 2794, this is designed to allow for the increases in social security granted by the last Congress. Under present laws all veterans receive a decrease in their pensions equal to the amount of the increase in social security or other benefits they receive.

In the past, whenever a social security increase was granted, the committee had the wisdom to increase the amount of social security income excludable from the earnings limitation formula for veterans pensions. This bill would accomplish just that with respect to the latest social security increases.

Without this legislation, the social security benefits approved last year to aid the many older Americans who find it very difficult to live on their limited incomes would have no effect on the incomes of our veterans. The legislation is most worthwhile and I urged the committee to report it favorably.

Let us remember that the men and women who would be helped by these two bills are those who put their lives on the line in defense of this country. These are the people who fought our battles in the field and who helped keep America alive and free. We owe it to them now to let them know we still remember their valiant efforts on our behalf in wars past.

MULTIPLE SCLEROSIS "FATHER OF THE YEAR"

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, June 15, 1973

Mr. SCHWEIKER. Mr. President, recently, I had the pleasure of meeting H. Ridge Canaday, the National Multiple Sclerosis "Father of the Year."

Ridge Canaday, from Williamsport, Pa., was stricken with multiple sclerosis at age 24, while on active duty as a Navy jet pilot in 1966. He is married, father of a 3½ year-old boy, and confined to a wheelchair.

Recently, he was honored at the White House by Mrs. Richard M. Nixon as National MS Father of the Year, and he accepted a plaque from the First Lady on behalf of hundreds of thousands of young Americans who are afflicted by this crippling, chronic neurological disease.

Today we know of no cure for MS. We know of no preventive. We do not even know of any very effective treatment for this disease, but we are getting there. Mr. Ralph I. Straus of New York recently put up a $100,000 research award for the first scientist or team of scientists to come up with an effective control for MS. That prize, the largest in American medical history, is expected to provide a strong incentive for further research into multiple sclerosis. Looking into that research, and the directions it should take, is the nine-member National Advisory Commission on Multiple Sclerosis, which was established under the provision of a bill passed in the Senate last October and later signed into law by President Nixon. I strongly supported this measure as ranking Republican on the Senate Health Subcommittee, and was proud to participate in winning Senate passage.

I want to commend Ridge Canaday, and the members of the National Multiple Sclerosis Society, for their outstanding efforts in helping to educate Americans about this disease, in aiding research to find a cure, and in providing patient services to help the men and women afflicted with MS. We must do everything possible to aid national efforts to cure multiple sclerosis, to prevent the personal tragedies that have occurred to Ridge Canaday and many other young Americans.

TAX CREDIT FOR HIGHER EDUCATION EXPENSES

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. SHRIVER. Mr. Speaker, the President has stated repeatedly his goal of a post-secondary educational opportunity for all who wish to pursue it. The higher education budget request for fiscal 1974 reflects the administration's approach to this goal: A greater reliance on the basic opportunity grants and a strengthened guaranteed loan program for student financial assistance. The Labor-Health, Education and Welfare Appropriations Subcommittee, where I serve, will soon report its recommendations regarding this approach.

However, congressional action on direct student assistance and guaranteed loans cannot fully meet the growing need caused by mushrooming college and vocational training costs. I have joined a bipartisan, cross-sectional group in the House in sponsoring tax credit legislation for higher education expenses. Our bill, H.R. 8328, provides an annual tax credit of up to $675 on the first $1500 paid by an individual or individuals for higher education. It will apply to the legitmate expenses for tuition, fees, books, supples and required equipment for any student attending an institution of higher education, be it public or private college, vocational school, or business school.

The bill specifically states that the term "higher education" includes colleges, business or trade schools, or technical institutions. Thus, the bill allows an important choice for students in the kind of education they will pursue.

Another important choice is provided in that the tax credit applies for expenses at both public and private institutions. This is very important in view of the economic problems now facing our smaller, private educational institutions, most of which are more expensive than tax-supported public colleges.

I want to point out that this tax credit is available to anyone who pays the expenses of a student. It is available to the student, the student's family, or any other person who furnishes all or a portion of the student's expenses. The credit is prorated according to the portion of total expenses paid by each taxpayer.

In this way, we hope to stimulate an increase in private scholarships to deserving students from college alumni and others, thus to enlist a larger amount of private money to meet a national need.

The bill provides a 100 percent tax credit on the first $200 spent on the cost of higher education; 75 percent on the next $300; and 25 percent on the next $1,000. The tax credit would be reduced by an amount equal to 1 percent of a taxpayers income over $25,000.

Mr. Speaker, the entire thrust of the administration's higher education proposals is on aid to institutions through aid to students. I do not quarrel with that as long as the aid to the colleges is sufficient. This tax credit legislation should be favorably considered as one important part of our student assistance package. Vital financial assistance can be provided to our institutions of higher education through this cooperative government-taxpayer effort. Prompt action by the House Ways and Means Committee is needed to allow this effort to begin in 1974.

SEVENTEEN AVIATION PIONEERS INDUCTED INTO OX5 CLUB HALL OF FAME AT HAMMONDSPORT, N.Y.

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 15, 1973

Mr. RANDOLPH. Mr. President, the Aviation Hall of Fame became a reality on May 15, 1971 under the sponsorship of the OX5 Club of America. And the Hall of Fame Tablet is housed in the Glenn H. Curtiss Museum at Hammondsport, N.Y.

The OX5 Club of America Aviation Hall of Fame is dedicated to honoring the men and women who risked life and fortune to establish the aviation industry. The aviation pioneers so honored were designated "beacons of light in the embryonic age of flight." The first two classes were inducted in 1971 and 1972.

On May 19, 1973, the third annual group of aviation pioneers selected for the Hall of Fame were inducted in ceremonies at Hammondsport. This year's class of inductees includes 13 living and 4 deceased aviation greats, as follows:

Talbert "Ted" Abrams of Lansing, Mich.—One of America's great aerial photographers; one of the first 10 pilots to fly airmail; and an aerial veteran Marine of World War I.

Alexander Graham Bell (deceased).—Coworker with Glenn Curtiss in early development of heavier than air; developed the first successful airplane independent of the Wright brothers.

Anthony A. Bitetti, Gardena, Calif.—More than 50 years in civil and military aviation; early organizer of flying clubs; participated in overseas flights; 30 years with American Airlines; specialized in aircraft repair and overhaul.

Clyde V. Cessna (deceased).—Built and flew his first airplane in 1911; one of America's best known aviation engineers; produced many recordbreaking aircraft; organized and developed Cessna Aircraft Co.

Harry D. Copeland, Fort Lauderdale, Fla.—First flight in 1911 in pusher aircraft; early commercial pilot/operator; made first commercial flight Maine to Florida; coorganized air traffic control system; colonel (ret.), USAF.

Parker D. Cramer (deceased).—Early military aviator; barnstormer and fixed base operator; made many long-distance flights, including the Antarctic expedition and Detroit-Copenhagen.

Dan Grecco, Portland, Oreg.—Made first flight in 1911 at Portland; distinguished barnstorming pilot/mechanic, latter for more than 50 years; serviced Lindbergh's *Spirit of St. Louis;* civilian instructor for Army in World War I.

Bennett H. "Bennie" Griffin, Washington, D.C.—Military and civilian pilot of note; early manager of Washington National Airport; drafted Air Inspection Systems for U.S.A.F.; established flight record. America to Berlin in 1932; colonel (ret.) USAF; sponsored for induction by two original Hall of Famers, Blanche Noyes and John P. Morris. (I talked on yesterday with Colonel Griffin when he visited friends on Capitol Hill.)

Clifford W. Henderson, Palm Desert, Calif.—Founder of Cleveland National Air Races; creator of Thompson and Bendix Trophy Races; produced first International Aircraft Exposition; distinguished "Hump" pilot of World War II; colonel (ret.) USAF.

Beverly "Bevo" Howard (deceased)—One of America's greatest acrobatic pilots; supervised training of 6,000 pilots in World War II; flew for Eastern Airlines and operated Hawthorne Aviation, Charleston, S.C.

Howard R. Hughes, Houston, Tex.—One of America's aviation greats; established many land and sea flight records; winner of Harmon Trophy for flight around world; flew practically every type aircraft.

Edwin A. Link, Binghampton, N.Y.—Pilot, inventor, designer, manufacturer; designed and built Link instrument trainer; president, General Precision Equipment Co. and simulator production director, Singer Co.

Leslie C. Miller, Sarasota, Fla.—Inventor of Miller overhead valves; barnstormer of early vintage; distinguished aviation author; effective developer of early aviation.

Michael C. "Mike" Murphy, Findley, Ohio—One of America's greatest acrobatic pilots; military combat pilot in World War II; winner of NBAA's Meritorious Award while aviation manager for Marathon Oil Co.

Leonard J. Povey, Fort Lauderdale, Fla.—Once commanded aviation for Cuban Government; distinguished acrobatic pilot; leading fixed base operator for executive aircraft; held executive posts with Fairchild Aircraft and Mackey Airlines.

Lloyd C. Stearman, Northridge, Calif.—Early builder of aircraft; designer, engineer, and pilot; built thousands of trainers for the military; was consultant to major aircraft manufacturers.

Noel Wien, Bellevue, Washington State.—Pioneered aviation in Alaska; conducted first "Bush" rescue service; made first flight, Alaska to Siberia; first to fly beyond the Arctic Circle; founder of Wien Airlines.

A SAD ANNIVERSARY FOR LITHUANIAN-AMERICANS

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. WALSH. Mr. Speaker, I would like to remind my colleagues that this is a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world.

On this day in 1940, the Soviet Union forcibly annexed Lithuania. Since then the proud people of that country have continuously struggled to reject the oppressive Communist system from their soil.

The postwar history of Lithuania bears grim testimony to this rejection of forcible incorporation. From 1944 to 1952, the anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerilla warfare at a cost of over 50,000 Lithuanian lives. During Stalin's era, more than one-sixth of the Lithuanian people were deported to Russia and Siberia in an effort to depopulate and subjugate the Lithuanian nation. To demonstrate the extent of this depopulation in comparison to the United States, it would mean the elimination of all the people from the 30 largest cities in this country.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the Communist regime. The protests of the Lithuanian people against the denial of the right of self-determination, continued religious and political persecutions, and violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered widespread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia, and Estonia into the Soviet Union.

The 89th U.S. Congress, during its 2d session, was explicit in its determination to forestall any Russification and absorption of the Baltic States by the Soviet Union when it adopted House Concurrent Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations and other international forums. The European Security Conference is such an international forum. The Lithuanian-American Community of the U.S.A., Inc., asks your support in urging the U.S. delegates to openly state the U.S. policy of nonrecognition and raise the Baltic question directly as Congress has specified.

WATERGATE HEARINGS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. EDWARDS of Alabama. Mr. Speaker, the Watergate hearings continue on and on. And the more I see and read the more I become concerned that the Senate hearings are jeopardizing the chances for a successful prosecution of the guilty.

The names of those who may or may not have been involved are being dragged through the mud before the entire Nation, and when it comes time to select a jury and hear a case, a strong argument of prejudice can easily be claimed by the defendants.

In other words, it is going to be very difficult to find a jury that does not already have preconceived ideas as to guilt, because of all the publicity.

Also, many news reports have been dealing with unnamed third-party sources and have been scattered with innuendoes that are doing more harm than good.

The situation certainly provides the ground work for a long debate on fair trial versus free press, and fair trial versus separation of powers. We must be careful here to see that constitutional rights are not violated. Each is important and to sacrifice one for another will harm the entire system.

The tragedy of Watergate is that the entire political system has been given a black eye. There is a tendency to let other Government activity slip as we become preoccupied with Watergate. But this must not happen, and, in fact, it is not happening.

It is important that those responsible for Watergate be punished through due process of law but, in the meantime, the wheels of Government must continue to turn.

We must not allow Watergate to bog down the operation of Government and take our attention away from the many other important issues facing us today.

For example, one of the first jobs the President had to concern himself with was the rebuilding of the White House staff. I think he is off to a good start with the appointment of Melvin Laird as Director of the Domestic Affairs Council to replace John Erlichman. Gen. Alexander Haig should do an excellent job in replacing Bob Haldeman as the top Assistant to the President. With these two appointments the President's legislative program should move much more smoothly now.

I have known Mel Laird for 9 years, first as a Congressman from Wisconsin and then as Secretary of Defense. He is a man of great integrity and ability and is well respected in the Congress.

While I do not know General Haig except through occasional meetings, he has a fine reputation and is also highly respected by the Congress. Under his leadership, I see a new day coming and a much improved atmosphere in the White House.

With this new support in the White House and with the other appointments recently made by the President, considerable activity is now under way on many fronts. The Government is moving forward, and we must not let Watergate impede our progress.

THE LITHUANIAN NATION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BRASCO. Mr. Speaker, on June 15, 1940, the Soviet Union forcibly incorporated the nation of Lithuania into its domain, seeking by that action to stamp out one of the oldest nationalities in the world. Today we remember that day, and by so doing help to maintain the integrity of this freedom-loving people.

For more than a thousand years, Lithuania and its people made a distinct mark on the road to progress of the peoples of Europe. A strong ethnic culture and identity is perhaps the most remarkable hallmark of this people.

It was for that very reason that the Soviet regime long viewed these people as a menace to the homogenizing effect the Moscow government sought to impose on all its peoples. Because the Lithuanians strove to maintain their identity as a people, they incurred the wrath of the Kremlin.

Over the first few decades of Soviet rule, one effort after another was mounted to eliminate the identity of these people. All of them had significant state resources poured into them. All of them were pressed with vigor by cadres mobilized from across Russia. Many native people of the area were utilized to make these nationality-eroding campaigns a success, and in the end, all of them were relatively dismal failures.

Eventually, the Soviets tried to undo the lives and labor of a thousand years. By decree of the central government, Lithuania as such ceased to exist. The territory and people of that nation were physically incorporated into the Soviet Union, to become another province of that vast land.

That was 33 years ago. Yet in the end, this attempt has also failed, and just as dismally as the others.

Lithuanians across the globe have maintained the heritage, culture, and faith of their forebears. Here in the United States this has been particularly true. Our community here has been most vigorous in these efforts.

In what was once Lithuania itself, the work has been complemented by Lithuanian nationalism which has found a variety of expressions, especially in recent years.

More and more, overt assertions of identity have come to the fore in the major cities of that area, proving again that ethnicity and nationalism are perhaps the most powerful forces at work in the world today.

The rulers of Russia would do well to note that truth, and accept it.

NATIVE COUPLE SHARES PAST WITH UNIVERSITY ARCHIVES

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. PERKINS. Mr. Speaker, I am very pleased to share with my colleagues a bit of personal happiness that I derive from a well written article appearing on April 23 in the Hazard, Ky., Herald, which I insert in the RECORD. It regards the news that Mr. and Mrs. David Guilford Boleyn will celebrate their 58th wedding anniversary this coming Sunday, June 17, which incidentally is also Fathers Day.

I have known Mr. Boleyn for better than 50 years and recall with warmth and happiness my early boyhood associations with him. I can add little to the article except my own personal fondness for him and my best wishes for him and his wife's continuing success and happiness.

Mr. Boleyn, a prominent attorney for 52 years, and his wife, both of whom are now 80 years old, reside in Hazard, Ky., and are loved and admired throughout the region. Both are members of pioneer families. Mr. Boleyn is Hazard's first city prosecuting attorney and Mrs. Boleyn's father was twice county attorney of Perry County. She was a schoolteacher before the births of her four children.

As the article says, they recently shared their wisdom and richness of their folk heritage with the Folklore Archives of Western Kentucky University.

Both are intensely patriotic, vitally interested in the working of democracy.

Incidentally, Mr. Boleyn is still going strong and was in Louisville just this weekend taking depositions. The article follows:

[From the Hazard (Ky.) Herald, Apr. 23, 1973]

NATIVE COUPLE SHARES PAST WITH UNIVERSITY ARCHIVES

"O good old way, how sweet thou art."

Bartering goose feathers for sugar, draining a carbuncle with a slippery elm probe, and getting clothes clean with a battlin' stick—these are only a few of the practices living in the memories of Mr. and Mrs. David Guilford Boleyn who recently relived their folk heritage and recorded it for the archives of Western Kentucky University. Both now eighty years old and living at 718 Davis Street, they have related experiences, tales, customs, and beliefs—all the warp and woof of their lives woven by this mountain region. Firm believers in the value of oral history, they have carefully related material they feel should be preserved. It is now taped, transcribed, and ready to be lodged in the university archives for use by future folklore students.

An interesting section of the material concerns old remedies. "Mullen tea" helped colds and the flu; a 'slippery elm probe" caused a carbuncle to drain; a hot oak bark "ooze" relieved the pain of sprains. More spectacular were the beliefs that a certain "mad stone" sucked out the poison of a rabid dogbite and that the seventh son in a succession of sons was endowed by special healing powers, one being to "stop the blood." His services were sought far and wide by ailing ones.

In pre-granulated-sugar days, Mr. Boleyn recalls three prime sources of sweetening—tapping maple trees, ginning sugarcane, and "growing" honey. Later, when sugar came to the stores, it could be bartered for goose feathers.

Various tools for breaking in and nurturing "new ground" were described. The coulter plow mentioned by Robert Burns, Mr. Boleyn's favorite poet, was one of these owned by early Kentuckians. Mr. Boleyn recounted the steps followed in making wash troughs for family washwater. He went again to the water mill, only usable in winter months, but which ground meal superior to that of the steam grist mills. He theorizes that "take your turn" originated from the old system of stacking sacks of corn in the old mill house.

Just as now, each district was taxed for building a school house, but the school term lasted only five months, beginning in July with two weeks' vacation in late September and early October for gathering in the fodder to winter-feed the stock. Slates made from local slate-rock cliffs provided writing material. No report cards or grades being used, each student progressed at his own speed, only "turning the leaf" when he had learned all on the page. His "thumb print" guided the teacher as to where he should begin in the new term.

Both Mr. and Mrs. Boleyn represent pioneer families who settled in this region long before the Civil War. Mrs. Boleyn's father, Charles Wooton of the family for whom the postoffice in Leslie County (formerly Perry County) served two terms as County Attorney, the first beginning near 1897 and the second in 1922. Mr. Boleyn's boyhood postoffice on Rock Fork in Knott County was named for his family and was located on a farm never owned by any other, save the Commonwealth of Kentucky.

Mrs. Boleyn, born on Big Creek in 1893, recalled the "public square" in Hazard and its two courthouses preceding the present one. Brick for both these were made at local brickyards located near Broadway. She remembers the first large school, a two-story plank house on High Street, just north of the Methodist Church. The lower grades were located downstairs, and the highest grades (there being no high school then) were housed on the top floor. She tells of a roof cupola that held a bell that sounded "all over everywhere." She later attended the Wilbur R. Smith Business College in Lexington where she met the young lawyer she was to marry in 1915. Four years she taught in Perry County schools—at Yerkes, on Grapevine, and on Second Creek.

Mr. Boleyn received his law license in 1915 after having attended Hindman Settlement School, Professor George Clark's Normal School, and the University of Kentucky. He settled permanently in Hazard in 1921 and has practiced law continuously since that time. He has been commended by the State Bar Association for his half-century of service. When Hazard received its third-class city rating, he became its first City Prosecuting Attorney. A staunch believer in justice and in individual rights, he donated to the Bar the scales of justice which now stand in the main courtroom of the new courthouse. Now consisting mainly of land title work, his career has contained a rich variety of both civil and criminal law suits, ranging from disputes over a bushel of beans to an air-crash claim.

About his legal career he says, "What I have enjoyed most is simply practicing my profession." On the subject of retirement he says, "A lawyer's services are rendered to people. And as long as a lawyer is able to do anything to help other people, there's no reason for him to retire. And, too, the people he has practiced for over the years will keep coming back for as long as he lives . . ."

The Regular Baptist church to which Mrs. Boleyn has been a life-long member sings a song containing the line:

"O good old way, how sweet thou art!"

The meaning of these words is somehow enriched in the light of the experience, the wisdom, and the lives—so fully-lived, so unselfishly-shared—by Mr. and Mrs. Boleyn on Davis Street.

"WOLF! WOLF!" FROM DOOMSDAY ECOLOGISTS?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HUNGATE. Mr. Speaker, as the pace of environmental debate accelerates, the following article should be useful in examining both sides of the question:

[From the Christian Science Monitor, June 11, 1973]

"WOLF! WOLF!" FROM DOOMSDAY ECOLOGISTS?

(By Melvin Maddocks)

During the last decade, the subject of Nature has become political, and, like all politics, prone to extremes. A cartoonist—a political cartoonist, naturally—might caricature the polarized parties thus:

Under a cone of sunlight in a pine forest the Good Guy stands, his face an idealized composite of Henry Thoreau and Albert Schweitzer. Caption him "Reverencer of life." His palms are clasped behind him as if to symbolize: Hands off. Where Nature is concerned, he is the last of the laissez-faire men.

Stalking down the forest path (hiss, boo) comes the Bad Guy, his face ablaze with the greed of a dozen robber barons. In one hand he carries an ax, in the other a miner's pick. Caption him "Planet-plunderer."

In the nature-politics debates the Bad Guy has been getting just rewards—at least rhetorically—and in the process the bystanding citizen has been scared half to death. Various physicists and biologists have made a career out of promising the very worst if the Bad Guy wins, rather like Times Square prophets carrying sandwich boards reading, "The End of the World Is at Hand."

At first the environmental risk was nuclear bombing, and the threat of Apocalypse seemed more or less suitable. But then the varieties of predicted horrible-ends multiplied. Spaceship Earth, it was said, might self-destruct from Bad-Guy pesticides, Bad Guy detergents in the water, Bad-Guy smokes in the air, or simple Bad-Guy overpopulation.

The Club of Rome Study of 1972, which projected day-by-day 20th-century life as a "march toward ecological suicide," seemed to climax what John Maddox, theoretical physicist and editor of the British journal Nature, called the "doomsday syndrome."

In their zeal, have the Good Guys—the Nature-reverencers—been guilty of crying wolf? Maddox thinks so. He judges the alarmist "exaggerations" of the scenario writers to be "frighteningly irresponsible," to say nothing of unscientific. And he warns: "The 'doomsday syndrome' may be as much a hazard of human survival as any of the environmental conundrums society has created for itself."

Maddox signals perhaps the rehearsal of a third posture toward Nature, which would say:

The Bad Guys—the "Planet-plunderers"—are not to be condoned. But the Good Guys must not become overreacting purists to the point of paralysis.

The new alternative might be stated: How can Nature be used without being exploited?

In the current issue of Lifestyle! ("Magazine of Alternatives"), the biologists of the New Alchemy Institute East in Woods Hole, Mass., join Maddox in assuming again a utilitarian standard. Calling the "back-to-the-land movement" a romantic "absurdity" and "organic farming" too "naive," the New Alchemists obviously find no contradiction between a love of Nature and efficiency. They are simultaneously idealists of the small farm and total technologists.

Ecology, the New Alchemists imply, will be served best not if men leave Nature alone, out of guilt or excessive reverence, but if they work with maximum effectiveness as "the Earth's stewards."

Nature's new Third Man—the Good Guy with the Bad Guy's tools—has discovered another spokesman in the microbiologist Rene Dubos, who has rebutted the "doomsday syndrome" with his own emphasis: "Environments upset by smogs, pesticides, or strip mining are not destroyed, they merely become different by evolving in directions determined by these challenges."

What appears to be destruction, he concludes, "always results in a different creation."

One of the Good Guys nominated Francis of Assisi as "patron saint for ecologists"—the hero who treated not only living things but inanimate objects as if they were his brothers and sisters. Speaking for the new minority, Dubos proposes Benedict of Nursia as the ecologist's saint: clearing forests, reclaiming swamps, building windmills for power with a task force of benedictine pragmatists behind him.

The Nature-sophisticates are saying, in effect, that guilt over technology's past, fear over technology's future must not keep men from taking an activist stance toward Nature. If they have their way, we will get back our nerve without losing our scruples.

IN SUPPORT OF LITHUANIA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, June 15, 1973

Mr. SCHWEIKER. Mr. President, today marks the 33d anniversary of the annexation of Lithuania. As with Lithuania Independence Day, which we commemorated earlier this year, on February 16, it is fitting that we pause today to take notice of the desire for freedom and self-determination of all Lithuanians. They are a courageous people, and I am proud to know and work closely with many Lithuanian-Americans in Pennsylvania, and to know of their strong loyalties for their native country. Events of recent years have not diminished the will of the Lithuanian people to live in political, cultural, and religious freedom, a cause to which men and women throughout the world are committed.

Today, I join with the Lithuanian-American communities to express our dedication to the Lithuanian people, and to people around the globe, who share the important goals of living daily lives with freedom and justice.

FREEDOM FOR SOVIET JEWRY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. LEHMAN. Mr. Speaker, this weekend Leonid Brezhnev, the leader of the Soviet Union, arrives in the United States for a meeting with President Nixon.

One of his major reasons for coming here is to obtain economic help from the United States. Such help is to include U.S. Government credits and loan guarantees as well as most-favored-nation trade status.

The only difficulty which Mr. Brezhnev will face during his visit is the determination of the citizens of the United States to stand for the freedom of oppressed people anywhere in the world.

The policy of the Soviet Union regarding the basic human rights of Jews and other minorities within its territory is well-known. Freedom of religion is strictly limited. Jewish schools, books, newspapers, plays, films, and all other forms of cultural expression are forbidden. Russian anti-Semitism dates back to the czars.

Jews who declare their wish to return to their national homeland are immediately fired from their jobs and are subject to every conceivable form of harassment including imprisonment.

There can be no excuse for this pattern of systematic repression against tens of thousands of individuals who seek only to build a new life for themselves in Israel.

The Soviet Union has often proclaimed its strong adherence to the Universal Declaration of Human Rights which guarantees the right of free emigration to all.

We must make clear to Mr. Brezhnev that he may expect no commercial favors from the United States until his country lives up to its commitment to the Universal Declaration of Human Rights.

No one has been fooled by the recent announcement that the notorious exit tax will no longer be enforced. The Soviet Union enforces and then ignores its own exit tax statutes whenever it hopes to win a particular favor from the freedom-loving nations in the West.

No one seriously believes that the Russians will not once again begin to enforce their "ransom" tax if they should receive trade concessions from the United States without the emigration guarantee of the Mills-Vanik bill.

I was proud to be one of the original cosponsors in this Congress of the Mills-Vanik bill to prohibit most-favored-nation trade concessions by the United States to any country which limits freedom of emigration.

This legislation now has the endorsement of 281 Members of the House and, in the form of the Jackson amendment, 77 cosponors in the Senate.

The endorsement of this legislation by over 350 of the highest elected officials in the United States is striking evidence that America will stand firm in its support of freedom of emigration for Soviet Jews and will not agree to bargain with human rights.

CHASE MANHATTAN: THE RIGHT DIRECTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. RANGEL. Mr. Speaker, I am pleased to hear the growing social responsibility and involvement of the Chase Manhattan Bank in the problems facing urban America.

An article from the National Urban Coalition's publication, Network, entitled "A 'friend at Chase Manhattan'" reported the current activity at the bank. I now submit the article for the collective interest of this body.

I hope that other American companies follow the excellent lead of Chase Manhattan in "giving a damn."

The article follows:

A "FRIEND AT CHASE MANHATTAN"

"Social responsibility is as important here as marketing, expansion, funding or corporate capacity," says John B. Davies, Jr., 31, vice-president for Urban External Affairs of the Chase Manhattan Bank, N.A.

Friendly, enthusiastic, and totally committed to his work, Davies punctuates every point with a vigorous gesture.

"Chase just isn't interested in an isolated, philanthropic, do-gooder operation," he goes on. "Social responsibility is built into every functional program this bank has—it's totally integrated with our business and economic activities. My office is simply a staff resource and consultant to ongoing urban activities in all our line divisions."

Davies outlined four principal program areas, unrelated except that each represents a corporate effort by Chase Manhattan (1971 assets: $24 billion) to behave as a responsible, involved citizen of New York City.

Training programs: In the 60's, Chase started a Business Experience Training program for urban high school students and a Job Opportunities in Business program for dropouts. Hundreds of young New Yorkers, mostly nonwhite, are now employed by the bank as a result of those programs, and hundreds more have finished high school or have gone on to college.

More recently, Chase and another bank established a "satellite academy" in cooperation with the Board of Education and the city. There, at 2 New York Plaza, 150 teenage students (drawn voluntarily from public schools throughout the city) receive a combination of academic skills and actual job experience as part-time workers in the sponsoring banks.

Economic development: "The infusion of new business activity is essential if you're hoping to stem the tide of decay in any city neighborhood," says Davies. Economic development of minority business has been a policy of the Community Banking (branch-office) arm of Chase for several years, quite apart from the activities of the institution's separate Chase Investment Corp.

When the branch people needed help in evaluation loans that did not meet usual Chase credit standards but seemed reasonably prudent risks when weighed against a commitment to civic responsibility, Chase created a separate, skilled unit to package and evaluate such loans and to decide what management skills might be needed by the borrower in addition to capital. Approximately $17 million have been advanced by the bank in these loans.

In addition, a specified percentage of Chase's own immense annual purchases of paper, printing and other supplies must, by executive edict, go to small minority-owned suppliers.

Real estate: Mortgages in the city's disadvantaged areas are tough to arrange, and it's widely assumed throughout the housing industry that banks have simply "redlined" large parts of the city. What Chase has done is to allocate a specific pool of funds for loans to people wishing to buy or improve homes in three such communities—Fort Greene and Crown Heights, Brooklyn, and South Jamaica, Queens. The bank has also trained people in those communities to help their friends and neighbors fill out mortgage applications and provide guidance.

"We've concentrated on those three areas initially because it takes a long time to get to know a community," Davies says.

Volunteer program: There was, until a few years ago, a great untapped willingness on the part of bank employees to get involved beneficially in the lives of their fellow citizens. "People really wanted to get out and work tutoring youngsters, planning day trips, or helping non-profit groups with an accounting system or a filing system," Davies says. "The only problem was, they didn't know where to go."

The result has been a carefully planned program, Chase Volunteers for Community Action, involving more than 400 Chase employees. The bank acts primarily as a broker, putting groups with needs in touch with people who can meet the needs, and making sure that each side understands what's expected of it.

It all adds up to a busy, diversified series of urban programs, closely woven into the structure of the bank's other activities under the current Chase operating philosophy of "coordinated decentralization."

LITHUANIAN OCCUPATION—A FORCEFUL REMINDER TO US

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. COUGHLIN. Mr. Speaker, as Americans, we cherish highly our daily freedoms, yet sometimes forget that these rights are not shared by many of our fellow men in other countries. For Lithuanians everywhere, June 15 is a sad reminder that the right of all men to rule themselves should not be taken for granted. On this day in 1940, the independent Republic of Lithuania was occupied by forces of the Union of Soviet Socialist Republics and was subsequently stifled under Soviet rule.

Although rocked by a revolt in 1941, a guerrilla war from 1944 to 1953, and many demonstrations in the 1960's and 1970's which culminated in the self-immolation of Romas Kalanta on May 14 of last year, Lithuania has been unable to free herself from the bonds of foreign rule. To this day, Lithuania remains an occupied republic.

This glaring example of man's lack of respect for his fellow man can be neither understood nor condoned. The cornerstone of our American way of life, those basic freedoms which we hold as inalienable rights, are being denied to the peoples of this Baltic state. For citizens of the United States, it is impossible to conceive of a life without free expression, religion, economy, and mobility. For Lithuanians today, it is a reality.

It remains for us in America to do everything possible to see that tragedies such as the domination of Lithuania do not reoccur and to hope that existing inequities can be rectified.

From one who has enjoyed the privilege of freedom, words seem an inadequate expression of sympathy for all people who cherish only a dream of independence. As we recall with Lithuanians the events of June 15, 1940, let us renew our determination to protect and preserve the right of all men to be free.

LOWELL CITY COUNCIL RESOLVES TO SUPPORT H.R. 49

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. CRONIN. Mr. Speaker, increasing costs have assaulted every sector of our country and nonpublic education at primary and secondary levels provides no exception. In the city of Lowell, approximately 7,000 children attend nonpublic schools which are seriously threatened by economic difficulties and may be forced to close if relief is not forthcoming. One source of relief would be Federal income tax credit for tuition paid to nonpublic elementary and secondary schools similar to that proposed in H.R. 49. The Lowell City Council has unanimously adopted the following resolution urging passage of tax credit legislation.

RESOLUTION

Whereas, there are about 7,000 Lowell youngsters attending non-public schools; and

Whereas, It is becoming increasingly more difficult for these schools to continue in existence; and

Whereas, Parents of youngsters attending these schools also support by their tax dollars the public schools of our City; and

Whereas, This City Council recognizes the financial burden that would be placed upon the City should non-public schools be forced to close; and

Whereas, Concerned Citizens and parents in all walks of life throughout this country are banding together in support of House Bill #HR 49, which will allow Federal Income Tax Credits for parents of non-public school children; Therefore, be it

Resolved, That the Lowell City Council go on record in support of HR 49 to help correct an historic injustice against parents who exercise their right to choose non-public education for their children and that this City Council communicate its feelings to Senators Brooke, and Kennedy and Congressman Cronin and ask all Lowell residents to do likewise in the form of letters, telegrams, and phone calls. Be it further

Resolved, That a copy of this resolution be forwarded to Congressman Cronin and Senators Brooke and Kennedy with a request that it be included in the Congressional Record as evidence of our strong support of this measure vitally necessary to the future of education in our country.

RALPH HUBBELL SPEAKS FOR AMERICA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. KEMP. Mr. Speaker, outstanding prose, that which contains eloquence as well as substance in the same essay, is a rare discovery. When it does appear, therefore, it should be shared.

Such prose flowed from the pen of my friend, Ralph Hubbell recently in his own column, "The Human Side," which appears in Buffalo's Magnificat Catholic Weekly. The Hubbell essay is a personal interpretation of "America, the Beautiful."

Its style, grace, and elegance make it compelling.

The essay follows:

WATERGATE

(By Ralph Hubbell)

O BEAUTIFUL FOR SPACIOUS SKIES

(Clear, blue skies to beckon our eyes and beseech us to look up with pride in this land of ours and beyond, with reverance and hope, to God Almighty who forgives us our troubled times in the knowledge that our ship is a proud ship and that our way is a proud and progressive way—and is not a lost way).

FOR AMBER WAVES OF GRAIN

(Showing the whole wide world of people how bountiful are our resources and how distant are our horizons. Farmlands that nourish and strengthen us and remind us of our God-given heritage and of our freedom which may be challenged but which, until the end of time, will rally from any attempt, from within or without, to bind our hands, seal our lips, blind our eyes or impair our progress).

FOR PURPLE MOUNTAIN MAJESTIES

(Mountains, they mean, for us to look up to and beyond, again, to the highest reaches where God lives and where God loves us all. Mountains, they mean, not for us to stand upon as busy-bodies seeking to solve the problems of the world and not as would-be conquerors of that world but as fortunate people seeing from on high the beauty of the world and willing to share our own bountiful treasures of peace and freedom with that world).

ABOVE THE FRUITED PLAIN

(Upon which plain we all stand shaken today in the knowledge that our chief causes for concern and unrest have festered from within. Yet upon which plain we promise as one that we will stay united as we seek our solutions with strong faces looking confidently to one another. We promise, as one, a unison of purpose and a self-belief that once our record has been cleaned of all taint and once we have put our own house in order in our own way we can walk, with pride, in the sun again).

AMERICA, AMERICA GOD SHED HIS GRACE ON THEE

(Yes, indeed, He shed His grace and His compassion upon all of us the while He knows that no matter how muddled the waters they will clear with hope and self-dedication to purpose; He knows that no matter how high the hurdle we will conquer it as we clear the air; He knows of troubles past and He watched, and was proud, when we set our house in order and continued the joyous road that is our beloved America).

AND CROWN THY GOOD WITH BROTHERHOOD

(That has been our key for our salvation from the very first step that was taken upon our soil by the very first people who yearned to be free and to stay free. Brotherhood is just that. It is the acceptance of each other as a brother but not just within the circle of our own family. Brotherhood goes beyond our shores and insists that we accept all people as brothers for all people, one day, must be free. It is as brothers that we can re-unite to find our way back to the dignity and decency which we knew and accepted, perhaps too lightly, before the black cloud of doubt hovered over us and saddened us—so).

FROM SEA TO SHINING SEA

(It is as a shining family that we will one day continue as a self-believing family once the wisdom for realizing our shortcomings and for ferreting out and punishing our traitors is blended with the further knowledge that something must be done swiftly and with lasting strength and decisiveness. From the Atlantic to the Pacific we are America. Between those shores a pitiful and faithless few have been allowed to undermine, in some measure, all that we hold dear and all that we feel is our pride and our possession. It is when our freedom is challenged—from within as well as without—that we prove ourselves America at our integral best. Conquer we must and we will and let us lift our hearts to God in the certain belief that America is today, and will ever be, America, the beautiful.

LITHUANIAN FREEDOM

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. FORSYTHE. Mr. Speaker, 33 years ago today the Lithuanian people were brought under the yoke of Soviet domination. The spirit of freedom that beats in the heart of every freedom-loving citizen beats sadly today; for freedom is a legend of the past in Lithuania. But the Soviet oppressors have found that the spirit of freedom does not perish easily. The post-World War II history of Lithuania bears grim testimony to this. In the years following the war, native Lithuanians took to the hills to fight the Soviet occupation army, at a cost of over 50,000 Lithuanian lives. Finally, the Soviets resorted to departing the native population to Siberian labor camps. Truly, a reign of terror had begun; a reign of terror that has not relented.

Yet, neither have the Lithuanians abandoned their struggle for freedom. In March of 1972 a petition bearing 17,054 signatures protesting the desperate plight of Lithuanian Roman Catholics was forwarded to the Secretary-General of the United Nations with an urgent appeal that he relay the protest to the secretary general of the Russian Communist Party. Three previous collective letters had been ignored.

A more recent and more tragic protest against Soviet occupation and religious prosecution took place in May 1972. Romas Kalanta, a young Roman Catholic, burned himself to death in a public park in Kaunas to protest the subjection and prosecution of Lithuanians. The mass demonstrations that followed this act proved that the spirit of freedom still lives in Lithuania.

Mr. Speaker, it is this spirit that we honor today, but let us not forget that we are also mourning its captivity.

THE EXCELLENCE OF VOLUNTEERISM

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. McKINNEY. Mr. Speaker, there are those who would say that social welfare and assistance programs weaken the spiritual strength of America by fostering strong dependence upon the Government in lieu of those things once prized as the products of hard work. Others claim that relief, work incentive, and social security programs do not damage but reinforce the confidence of every American citizen that he has a right to a decent standard of living. In the middle of this debate stand America's volunteer organizations, dedicated people who just want to help, with no strings attached. An example of one successful volunteer institution which I would like to share with my colleagues is the Catholic Family and Community Services of the Catholic Charities of the Diocese of Bridgeport, Conn.

For 56 years, this organization has been providing a wide variety of professional casework and group services to the people of the Bridgeport area, including counseling for individual adjustment, marital problems, parent-child relations, and services for unwed mothers. By operating programs that often surpass those of the Government in scope and organization, I think this agency demonstrates the effectiveness of American volunteerism and the advantages of a community's drawing together to solve problems through the use of its human resources.

Guided by a board of lay volunteers of all faiths, this agency boasts the largest professionally trained staff of social workers of any volunteer effort in Connecticut. Yet, each neighborhood center and project office has a voice in making policy decisions. In this way, the Bridgeport Catholic Family and Community Services provides the participation and cooperation necessary to confront personal problems individually and sensitively.

Programs on drug abuse, adolescent problems, the inner city, housing for the elderly, adoption services, and family service programs have provided invaluable help and good will to the people of Fairfield County.

A review of some of the programs this agency sponsors clearly demonstrates the dedication of the Bridgeport Catholic Family and Community Services and their ability to inspire all who wish to help our citizens help themselves.

To face the growing problem of drug abuse among the young, they operate two counseling, referral and treatment centers in conjunction with the regional narcotics rehabilitation program of the National Institute for Mental Health.

A short term residence and counseling shelter has also been operating to help sort out adolescent problems and bridge the mythical generation gap.

In the inner city, there is a wide range of volunteer projects, from day care centers to "College Students Involved," which attempts to break the hold of the ghetto by transporting children to a local university campus for a day of tutorial help and recreation.

This organization even provides a shopping center of services for inner city residents, a clearinghouse of service information which insures that no problem goes unsolved merely for lack of knowhow in the face of the bureaucracy.

The Bridgeport Catholic Family and Community Services also sponsored the construction of 101 units of moderate-income housing for the elderly. This ambitious program was the first of its kind in the Eastern United States and was commended by the New York office of HUD.

Over half a century of selfless service certainly merits our respect and admiration. But more than that, the efforts of the Bridgeport Catholic Family and Community Services reminds us that poverty, mental illness, drug addiction, and old age are problems that people, not just dollars, must solve.

ANNUAL NEWSLETTER OF THE HONORABLE JAMES R. GROVER, JR.

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. ESHLEMAN. Mr. Speaker, recently my colleague, the Honorable JAMES R. GROVER, JR., of the Second District of New York, released his annual newsletter and I believe Members will find the entire text of Mr. GROVER's article of interest, and I insert it for their consideration:

WEEKLY COLUMN OF CONGRESSMAN JAMES R. GROVER, JR.

One of the long-prized strengths of the American system was the concept of equal justice. The high and the mighty are supposedly equal in the eyes of the law with the downtrodden and impoverished. All persons are, in American jurisprudence, considered innocent of wrongdoing until proven guilty.

Which brings us, once again, to the subject of the Watergate break-in. A number of my constituents, who are deeply distressed over Watergate and all its implications, have indicated to me that they are equally distressed over the daily repetition of unsupported accusations, hearsay and innuendo which swirl around the President. What justification is there for this media overkill? Is the anti-Nixon bias of such as the Washington Post a sufficient reason to scuttle hopes for a generation of peace so near our grasp? Is it so important that we should risk loss of confidence in our system and its institutions? And when will those journalists who pressed for a totally independent and powerful prosecutor support Archibald Cox in his efforts to set aside the banners of sensationalism and pick up the tools of swift justice.

Is today's media justice best exemplified in the lionization of draft evaders or those who destroyed draft records, the rioters and the looters who give social injustice as a reason for theft, vandalism and the cold-blooded assassination of police? The Berrigans and Angela Davis come readily to mind. I find particularly interesting the liberal mentality which can turn Jane Fonda into a heroine and Ramsey Clark into a sage, after they spouted the Hanoi line which denied that our prisoners were in any way mistreated. These are headline-makers, every one, and, we are told, they are pure of heart.

The Watergate caper was a disastrous folly, which may well have been undertaken by men who had the goal of establishing a link between the McGovern campaign, Castro's Cuba and other governments whose philosophies do not coincide with our's. President Nixon's involvement, separate from that of some staff members, has in no way been established. And yet, the President has undergone an unprincipled and unjust lathering which Daniel Ellsberg, the Berrigans and some of our mad anarchists have not experienced.

The media has a solemn responsibility to weigh its awesome powers lest it destroy that which it is pledged to defend.

UNIVERSITY OF CALIFORNIA CUT MEDICAL CENTER GROWTH BY ALMOST HALF

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. LEGGETT. Mr. Speaker, someone once said that Washington is 100 square miles surrounded by reality. The on-going debate over the President's proposed fiscal year 1974 budget has certainly corroborated this definition of Washington.

Listening to the administration one would think that the massive cuts in the health and welfare areas will have little effect on the people of this Nation. Well, let me dispel that fairy tale right now.

Unless the Congress undertakes a mammoth reordering of the President's fiscal priorities, some of the most vital institutions in the Nation will be permanently damaged. Let me give a concrete example.

A recent article in the San Francisco Examiner has reported that as a result of Federal budget cutbacks, the University of California at San Francisco's medical center has slashed its growth plans by half. Instead of expanding to an enrollment of 7,500 by 1985, the famed research institute will have to make do with only 4,000 students. A lessening in the number of future doctors will not be the only result of the massive Federal cutbacks, however. The university has also scheduled reductions in a variety of research programs including pharmacy, nursing, dentistry, medicine, and human biology and veterinary medicine.

I fully realize the necessity of budgetary restraint, and do support the President's $268 billion budget ceiling. But these cuts in Federal funds for health centers are simply imprudent.

Despite this country's great wealth, we have a very mediocre health record. Consider these facts:

On a per capita basis, the United States ranks fifth in the incidence of heart disease, eighth in the total number of accidents, and eighth in the incidence of diabetes.

In 1950 only 5 nations in the world had a lower per-capita percentage of infant mortality than the United States; today 14 nations have a better record in this area.

There are 24 nations in the world where the average male lives longer than he does in the United States, and 11 nations where the average female has a longer life expectancy than the average American female.

In 133 American counties there are no active physicians. These counties hold 3.8 percent of the total land area of the nation, and support a half-million people.

All of these disturbing figures serve to demonstrate the necessity for a larger, not a smaller health budget. The President, of course, says that we cannot afford higher expenditures in this area. I say we cannot afford not to increase the amount of Federal support for the health system in this country.

At this point in the RECORD I would like to include for the benefit of my colleagues the article from the San Francisco Examiner entitled "UC Cuts Med Center Growth by Almost Half."

UNIVERSITY OF CALIFORNIA CUTS MED CENTER GROWTH BY ALMOST HALF

(By Carl Irving)

LOS ANGELES.—The University of California's San Francisco medical center, hit by Federal budget cutbacks, is slashing its growth plans nearly by half, Chancellor Francois Sooy revealed today.

The famed research and training center now is drawing up a new master plan for 4,000 students by 1985, down from the earlier target of 7,500. The reductions imply scaling down of faculty, students, researchers and facilities at Parnassus Heights.

Among the reductions are a new dental school on Fourth ave. between Paranassus and Kirkham avenues, the subject of drawn-out disputes with neighborhood organizations. The latter had protested against the added congestion a large new structure would bring to the neighborhood.

HEIGHT SLASHED

Sooy told the regents meeting here that his campus was now planning a structure set back from the street, which would be no higher than residences in the area. The structure's height has been reduced from 135 to 48 feet and square footage cut back from 168,000 to 85,000.

The Federal government is sharply reducing support for medical centers and the effect at UCSF will be leveling off in pharmacy, nursing, dentistry, medicine and human biology programs. Enrollment, now totaling 2,900, was to have grown rapidly in the next decade.

On campus enrollment now will go up from the present 1,500 to only 1,980 students by 1985, instead of 3,230 projected in the 1964 master plan, Sooy reported.

The new enrollment plans should be welcome news to neighborhood groups which had been objecting to the growth of traffic and population density in the area. Sooy said he was counting on use of U.S. Public Health Service and Veterans Administration hospitals away from the campus to provide space for the additional enrollments in future years.

Sooy also made the following points:

The UCSF campus provides 6300 full-time jobs and its employees pay state sales and income taxes totaling $1.8 million annually.

It provides a 560 bed hospital, large outpatient facilities, dental clinic facilities and now a 90 bed neuropsychiatric hospital transferred from the State Dept. of Mental Hygiene.

Off-campus, UC is affiliated with the 800 bed San Francisco general hospital, a 350 bed VA hospital and more than 25 other private and community hospitals, mostly in the Bay Area.

Cutting back on campus expansion will limit growth to 700 new jobs between now and 1985, a reduction of 500 positions. But a corresponding increase in staff will be spread around at off-campus hospitals.

The new campus plan will provide for demolition of not more than 25 houses in the area, instead of 130 originally planned for destruction. No additional property will be acquired; Moffitt Hospital will be limited to 560 beds instead of 760 originally planned.

Mount Sutro's forest will remain virtually intact. Of 74 acres of open land, a maximum of six acres will be reserved for development in the area.

$1 MILLION

The Regents yesterday voted to make use of $1 million promised by Governor Reagan at the urging of student lobbyists in Sacramento. The plan provides that at least half the sum be spent for evaluation of teaching and related programs.

Other uses will include grants for studying how to improve courses and seminars or other special courses for entering students.

"These are things we've been trying to do, but have been impeded by lack of resources," commented UC President Charles Hitch. "We hope the programs will be successful and that the governor will continue them."

Hitch reported that President Nixon's approval of student aid appropriations for next fall "substantially improved the outlook for the next academic year.

ANNIVERSARY OF SOVIET OPPRESSION IN LITHUANIA

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. SMITH of New York. Mr. Speaker, June 15 is an anniversary for Americans of Baltic descent—the anniversary of the day in 1940 that Lithuania lost her freedom to the Soviet Union.

In 1940, the Soviet Union invaded and annexed Lithuania, Latvia, Estonia—peaceful Baltic countries. Lithuania managed to reestablish a free government in June 1941 when the Nazis invaded the Soviet Union. That government lasted only 6 weeks until the Nazis took over the country.

The Baltic states have never again regained their freedom. They suffer religious and political persecution and denial of human rights. A total of one-quarter of the combined populations of the Baltic States have been forced into deportation and settlement programs by the Soviet Union.

The Balts have not given up on their freedom. Some 30,000 Lithuanian freedom fighters lost their lives in organized resistance between 1940 and 1952. More recently, a petition against Soviet repression bearing the signatures of 17,054 Lithuanians was forwarded to the United Nations in March 1972 with the request that it be given to Leonid Brezhnev, Secretary General of the Russian Communist Party, because three previous letters had gone unanswered by the Soviets. Demonstrations were held in several Lithuanian cities in May 1972 to protest Soviet occupation and persecution of religious groups, especially Roman Catholics. There was rioting for several days after a young Roman Catholic, Romas Kalanta, burned himself to death for political reasons.

The United States has refused to recognize the forced incorporation of the Baltic States into the Soviet Union. The 89th Congress passed a resolution urging the President to bring up the matter of Baltic freedom in the U.N. and other international forums.

This year also marks the 722d anniversary of the formation of the Lithuanian State. Let us again urge the President to bring the Baltic question before the United Nations and request the withdrawal of the Soviet Union from Lithuania, Latvia, and Estonia, in hope that June 15, now a day of sorrow and reflection for Lithuanians and Americans of Lithuanian descent can be forgotten in celebration of a 723d anniversary.

SOFT-HEADED JUSTICE

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. PARRIS. Mr. Speaker, as you know I have introduced legislation in the House to require reconfirmation of all Federal judges by the U.S. Senate every 8 years. I introduced this legislation, because I firmly believe that some irresponsible Federal judges in this Nation are turning back the clock on the cause of law and order by destroying the people's faith in the judicial process.

This certainly is not an attempt on my part to imply a blanket indictment of all judges, most of whom are responsible and reasonable, but it is an attempt to check those judges who are guilty of trying to remake the world according to their own moral and philosophical beliefs.

The Republican Congressional Committee Newsletter recently published an article about that kind of judge and his apparent dedication to what President Nixon has labeled "soft-headed justice." I would like to include that article in the RECORD:

"SOFT-HEADED JUSTICE"—JUDGES SHOW LITTLE CONCERN FOR VICTIMS

In Washington, D.C., the other day, a U.S. District Court judge paroled a self-confessed killer who has served only one month of his 10-year sentence for shooting to death a university student during a holdup attempt. Even though the prosecutor had argued the killer should be sentenced as an adult, since he was 21, the judge sentenced him under the Federal Youth Corrections Act which provides for immediate consideration of parole. The man is now back on the streets.

This is among the examples of "soft-headed justice" which *Newsletter* readers are sending in from all over the country—examples which contain a pattern of judicial overconcern for the criminal and unconcern for the victim. Other examples:

In Colorado, a 23-year-old Black Hawk man was sentenced to two years in the county jail by a District Court judge and fined $2,000 for killing a 20-year-old girl. The judge ruled that the 253 days the man had already served in jail since his arrest would be applied to his two-year sentence.

In Seattle, Washington, a Superior Court judge held that a man who beat a woman to death with a frying pan was innocent by reason of insanity. His lawyer said a job in sales work is available and that as long as he takes medication he is not a danger to society. The prosecutor argued that there is no guarantee the man will remain on medication.

In Selma, Alabama, a circuit judge sentenced a man convicted of selling LSD to five years' probation, despite the fact that the man had several other drugs sales charges pending.

In Washington, D.C., the U.S. Court of Appeals reversed two attempted-rape convictions and freed a 17-year-old youth because it held he had been charged under the wrong part of the city's rape statutes. The court said the indictment was brought under a section relating to assaults on girls under 16 when, in fact, the two victims were 20 years old.

In Joliet, Illinois, a couple who allegedly sold their 12-year-old daughter for $26,000 had charges of child abandonment reduced by a circuit court judge to failing to provide parental care, a misdemeanor.

In Columbus, Ohio, a university law professor announced formation of a union to get "decent wages" for convicts in the State prison.

A Cincinnati, Ohio, reader asks: "What can I do?"

For one thing, write letters to your newspaper editors and get your friends to do the same. Call your local radio stations that have talk shows. Make sure that the records of "soft-headed judges," as President Nixon calls them, are publicized.

LITHUANIAN INDEPENDENCE

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HICKS. Mr. Speaker, as we enter a period of stronger relations with the Soviet Union, it is important to pause a moment and remember that there are still many Eastern European countries under Soviet rule that do not know the meaning of the word "freedom." On June 15 we take time to honor one such country still in the bonds of tyranny—Lithuania.

Ever since this gallant Baltic nation was annexed by the Russians on June 15, 1940, the Lithuanians have struggled to throw off the yoke of their conquerors—even at the expense of thousands of lives. The daring and bravery of the Lithuanians have excited freedom-loving peoples everywhere and have served as a dramatic reminder to the world that freedom is destined to ultimately triumph over slavery.

The observance of this sad anniversary has a stronger meaning to all of us when we think of the hundreds of thousands of American citizens, who, through nativity or ancestry, share the heritage, culture, and industry of their homeland now under Soviet domination. These many friends and neighbors still have loved ones living in a country ruled by a Communist dictatorship rather than by representatives of the people.

With this in mind we must attempt to match the courage of Lithuania by reaffirming our Nation's devotion to the principle of self-determination for all men. We must offer the hope of a time when every man can enjoy again the freedom to think as he pleases, to worship in his own way, to elect his own officials, and to make an honest living by a means of his own choosing.

Thus, Mr. Speaker, it is a privilege for me to join in solemn commemoration of this great time of rededication to the ideal of freedom and justice for all.

HISTORIC HOWELL IRON WORKS' 150TH ANNIVERSARY CELEBRATION

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HOWARD. Mr. Speaker, in honor of the 150th anniversary celebration of the Historic Howell Iron Works at Allaire State Park, I wish to commemorate this facility's important contribution to progressive American enterprise and initiative.

In 1823, the Monmouth Furnace was bought by James P. Allaire and renamed the Howell Furnace after Benjamin B. Howell, its previous owner. Fifty-seven years before, the Monmouth Furnace produced cannon shot for the guns of Gen. George Washington's army in the Revolutionary Battle of Monmouth, fought nearby.

James Allaire, born in New York in the waning years of the Articles of Confederation—1785—soon became a skilled craftsman. At the age of 20, he cast with his own hands the brass air chamber for Robert Fulton's first steamer, the *Clermont*. Five years later, in 1816, he established the James P. Allaire Works in New York City which continued operations in his possession until the late 1830's. During this period of American economic expansion, the need for reliable and more economical transportation systems was acute. James Allaire pioneered in several improvements on the steam engine which became well known in industrial circles throughout the world. The cylinders for the *Savannah*, the first American steamship to cross the Atlantic, were made at the Allaire Works in New York.

Learning of the availability of the Monmouth Furnace as a possible source of pig-iron for the Allaire Works, Mr. Allaire entered into negotiations with Benjamin Howell in the early 1820's for the purpose of purchasing the furnace. Mr. Howell appears to have allowed the Monmouth Furnace to be its own salesman. In a letter to Allaire, he described the property:

> The furnace as you know is situated in a pleasant and good country—there is much good land immediately in the neighborhood and very valuable meadows, and I think this country wants only to be known to render it a place of much greater moment than it is generally estimated at. As a situation for a furnace it possesses many great advantages.

After a personal inspection of the grounds, James P. Allaire in 1823, bought the Monmouth Furnace and adjoining lands, renaming it the Howell Furnace. Since the overland transportation system was extremely poor—there were no stage coaches in those days—previous owners probably had to ship their iron by floating it down the Manasquan River in scows. Despite these difficulties, Allaire made periodic visits to the Furnace, coming all the way from New York on horseback.

Under the ownership of James P. Allaire, the Howell Furnace grew from a dozen houses, a furnace, a saw mill and a few other buildings in 1821 to a substantial settlement less than a decade later. A village of nearly 70 brick buildings and 500 men had been founded. By 1831, in addition to the furnace itself, the Howell Works included a store, carpenter and smith shops, file and screw factories, saw and grist mills, dwellings, stables, a large public high school—maintained entirely at the expense of Mr. Allaire—and a church. A post office was established in 1832.

Since the previous owner had little pride in the appearance of the grounds, there were few trees or improvements in the land by cultivation. In 1825 Mr. Allaire began landscaping the ground and planting trees. He even employed young boys to plant chestnuts around the ponds and in the surrounding woods. He evidently believed that there was more to running a successful iron industry than hauling ore and paying wages; the quality of the workers' lives was acknowledged as being as essential to the community as the continuous procession of commerce.

Employees of the Howell Works Co., were of all nationalities and consisted of moulders, ware-cleaners, carpenters, patternmakers, wheelwrights, blacksmiths, millers, grinding mill and screw factory operatives, masons and builders, teamsters, ore raisers, charcoal burners, woodcutters, stage drivers, warehousemen, farm laborers, grooms, tailors, harness makers, bakers, gardeners, teachers, preachers, foremen, and ordinary laborers. This litany of occupations alone seems to tell the story of American expansion and development. A nucleus of trade or industry is first established and then quickly surrounded by the service trades which care for the needs of the workers. The Howell Works is a fine example of enlightened capitalism in that, although production was sustained at a profitable pace, the quality of the life of the workers was not forgotten.

Long before the days of trade unions, Mr. Allaire was an early champion of the working class. At a time when slave labor was available, he paid above-average wages to the workers and instituted a health and welfare program for his employees. This was unheard of in the early 19th century. A preacher was maintained—at Mr. Allaire's expense—whose duties included teaching school, in addition to his regular religious functions. Workmen's children were compelled to attend classes. By 1841, the school was flourishing and not only provided education for the Howell employees' children, but also attracted those of wealthier families who lived on the premises. Families from the surrounding countryside also sent their sons and daughters 3 or 4 miles to the Howell School. The degree of excellence of the institution could be seen from the type of curriculum offered. Along with the higher branches of English, the classics, Greek, Latin, French, and German were taught. No charges were made for either books or tuition.

This thriving industrial community produced many of the early day mass-produced iron kitchen utensils, as well as cast iron stoves that were eventually carted across the country in wagon trains to warm the homes and cook the food of thousands of pioneers in the West.

James P. Allaire, after a career as inventor, industrialist, educator, and philanthropist, died at the Howell Works on Thursday, May 20, 1858. Twenty-three years earlier at a Fourth of July celebration at the Howell Works, a toast was offered which paid tribute to the industry that gave thousands their livelihood:

> Howell Works—on inspection by friend or foe, may they exclaim, how well she works.

Mr. Speaker, I join with my friends from New Jersey in celebrating the 150th anniversary of the historic Howell Iron Works at Allaire State Park.

LITHUANIAN ANNIVERSARY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. DELANEY. Mr. Speaker, under permission to extend my remarks, I wish today, June 15, to join with my colleagues in the observance of a sorrowful anniversary for the brave people of Lithuania. On this date, 33 years ago, Russia conquered the Baltic States of Lithuania, Latvia, and Estonia. Twelve months later mass deportation began and more than 150,000 Balts were sent to the deadly Siberian slave and labor camps. However, the Lithuanians were quick to retaliate. Several days before the Nazi invasion of the Soviet Union in 1941, these gallant people revolted and overthrew the Communist regime. A provisional government was established, and the fruits of freedom were enjoyed for a short but glorious 2 months before Hitler returned to terrorize the population.

My brief accounting of the Lithuanian freedom struggle is by no means a recent historical development. For centuries Baltic soil has been devastated by invaders from both the East and the West. All told, in the quick span of 8 years from 1942 to 1950, it has been estimated that 30,000 Lithuanians lost their lives in organized resistance movements against foreign domination.

The present situation remains unchanged as Russia has tightened her iron grip. The United States has never recognized this forceful annexation of Lithuania by the U.S.S.R., and deplores the fact that the Balts are denied the rights of assembly, free elections, and worship. In our observance today, let us renew our pledge to Lithuania in her fight for national independence, and hope that this Nation's determined efforts to regain her inalienable rights will become an integral part of the overall plan toward world peace.

THE LEGACY OF LITHUANIA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. YATRON. Mr. Speaker, June 15, 1973, is a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world. For, on June 15, 1940, the Soviet Union invaded Lithuania and these Baltic peoples have been suffering ever since. Regrettably, the Balts have had to suffer oppression for centuries due to the "accident of geography." From the West, they were invaded by Teutonic knights and, from the East, by the Russians. Accordingly, it has taken remarkable spiritual and ethnic strength to survive these pressures from both sides.

Just as Lithuanians have resisted invasions throughout the centuries, they have waged an intensive fight for freedom since the very beginning of Soviet occupation. During the period from 1944 to 1952 alone, approximately 50,000 Lithuanian freedom fighters lost their lives in an organized resistance movement. The cessation of armed guerrilla warfare in 1952 did not spell the end of resistance against Soviet domination. On the contrary, resistance by passive means gained new impetus.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the communist regime. The protests of the Lithuanian people against the denial of the right of national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered widespread demonstrations in the area and culminated in two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

Such passive resistance has also been exhibited by the U.S. Government since we have refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government continues to accredit only those diplomats whose credentials were received from the former free governments of the Baltic States and not the Soviet dominated puppet governments in existence today.

Since June of 1940, all U.S. Presidents have stated, restated and confirmed our policy of nonrecognition of the occupied Baltic States. Hopefully, the present generation of Americans will continue to recognize that the bonds which many U.S. citizens have with enslaved lands of their ancestry are a great asset to the struggle against communism.

The U.S. Congress has made a step in the right direction by unanimously adopting House Concurrent Resolution 416 which calls for freedom for the Baltic States. It is my hope that all freedom-loving Americans will urge the President to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations to request that the Soviets withdraw from Lithuania, Latvia, and Estonia.

Certainly, the time has come for everyone to demand that the principle of self-determination be respected and that the nations of Lithuania, Latvia and Estonia be free to choose their own form of government. We should have a single standard for freedom. Its denial, in whole or in part, anywhere in the world, is intolerable.

LITHUANIA: A TRIBUTE TO A STRUGGLING NATION

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. STEELE. Mr. Speaker, on June 15, 1940, the nation of Lithuania was forcibly annexed into the U.S.S.R. Today, I wish to join in paying tribute to this struggling nation and her people, who were denied the right of self-determination 33 years ago.

Lithuanian history has been one of domination and occupation for nearly two centuries. Russian domination over the Lithuanian nation began in 1795 and lasted until 1915. The First World War marked the beginning of occupation by the German Army, which lasted until 1919 when occupation by the Soviet Red Army began. On the verge of being driven out by the Polish Army and scores of Lithuanian fighting units, Russia signed a peace treaty with Lithuania on July 12, 1920. Recognizing Lithuania as an independent nation, the Russian Government pledged to renounce forever all rights of sovereignty. The treaty stated:

> In conformity with the right declared by the Russian Soviet Federated Socialist Republic that all peoples have the right to free self-determination, including the right of full secession from the State of which they were a part, Russia recognizes without any reserve the sovereignty and independence of the State of Lithuania with all juridical consequences resulting from such recognition, and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and territory. The fact that Lithuania was ever under Russian sovereignty does not place the Lithuanian people and their territory under any obligation to Russia.

Lithuania was admitted to the League of Nations on September 22, 1921. During the next two decades Lithuania enjoyed a period of independence and national resurgence.

With the outbreak of the Second World War, Lithuania became one of the first countries to experience the brutal aggression of both Hitler and Stalin. Soviet occupation began in 1940, and Lithuania was forcibly annexed into the U.S.S.R. It is estimated that during this occupation, 45,000 Lithuanians lost their lives. Some 30,000 members of the Lithuanian intelligentsia were deported to Siberia. Hastily retreating under German attack, Soviet forces executed 5,000 political prisoners.

Soviet domination of Lithuania since 1940 has neither extinguished the desire for freedom nor has it been successful in erasing the Lithuanian ethnic spirit. In recent years, petitions, riots and self-immolations have challenged the Soviet regime, which is carrying out a relentless program of Russification. Furthermore, despite official harassment and repression by the Communist regime, traditional religious beliefs remain strong.

Mr. Speaker, despite the outward trappings of sovereignty of the Lithuanian Soviet Socialist Republic, Lithuania today remains a captive nation.

Political change is accelerating throughout the world, however, and it may well be that future changes will again give the Lithuanian people the opportunity for self-determination. In addition to pressing the Soviet Union to observe the principle of self-determination and to continuing our efforts to promote political liberalization within the U.S.S.R. our objective should be to do all we can to encourage the Lithuanian people, through recognition, communication, and moral support, to maintain their national spirit, national identity and national will until that time arrives.

Mr. Speaker, I join millions of Americans in saluting the brave Lithuanian people, who continue to struggle for their rightful place among the free nations of the world.

LITHUANIA: FREEDOM UNDER SIEGE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. FLOOD. Mr. Speaker, this great Nation of ours was founded on the ideals of freedom and the protection of human rights. To maintain this dignity which men deserve, we have struggled and sacrificed much, both at home and abroad. It is therefore with much regret that we witness today the anniversary of the forcible annexation of Lithuania into the Soviet Union.

This Baltic State declared its independence on February 16, 1918, only to have its newly gained freedom destroyed by Soviet occupation during World War II. Under the aegis of communism, Lithuania has been denied the blessings of religious and political freedom. This freedom-loving people have been denied the right of national self-determination. Though this nation is tiny, the strength and the determination of its people are great. Past guerrilla warfare and the self-immolation of some of its youth have shown to the world that this nation will not succumb to Soviet suppression.

Lithuania struggles not to be colonialized. The United States, a country that fought to free itself of colonialization, has never recognized the Soviet incorporation of Lithuania. This policy of nonrecognition, Mr. Speaker, must be reaffirmed and kept constant in our minds until the inalienable right of freedom is restored to Lithuania, and its independence is reestablished. May the day soon come when freedom for Lithuania will no longer be a fought-for dream, but rather a cherished reality.

FOREIGN AID AND THE LITTLE GUY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BROOMFIELD. Mr. Speaker, there is nothing like a winner and Congress has one. It is section 240 of the Foreign Assistance Act and is entitled: "Agricultural Credit and Self-help Community Development Projects."

This is the program Congress created on its own initiative 4 years ago. It was admittedly an experiment. The program provided for a U.S. Government guaranty on loans by foreign private banks and other financial institutions to groups of peasants in five Latin American countries for worthwhile self-help community development projects.

Congressman Moss and I and many other cosponsors argued that we believed the peasant was a good credit risk. We also contended that the U.S. foreign aid program should concern itself more with the basic needs of "the little guy" in underdeveloped countries and, indeed, the American people would support such grassroots programs.

We predicted at the time that the default rate on these loans might run 5 percent, but, even so, this would still result in 20-to-1 cost benefit ratio in generating grass-roots development—a payoff higher than any other type of aid the United States was extending. Well, the default rate is zero. The only cost has been a pittance for administrative expenses.

More important, lives have been changed and the rising expectations of the people have been met in their own communities. The Congress has made it possible for working people to pull themselves up by their own bootstraps. They have paid for it themselves, thus retaining their own pride and dignity. It has not been a handout or charity.

Now, Congressman Moss and I are asking you to expand this program to all of Latin America and, at the same time, give it a try in five countries in other parts of the world to see if it will also succeed there.

We also believe the operation itself, along with its present competent staff, should be transferred from the Overseas Private Investment Corporation to the Agency for International Development.

This is a program where the peasants decide in a group action what the greatest need of their community is, then make a common commitment of labor and money to achieve their goal.

These untold stories of success are deeply moving and the fact that Congress and the American people have made them possible is something that we can regard as truly a good deed for humanity.

Mr. Speaker, before I close, I would like to pay tribute to the gentleman from California (Mr. Moss) for his vision, his initiative and his faith in the integrity of the great mass of people in Latin America who have been ignored for so long. I am sure his efforts have changed many lives for the better and, in my mind, there could be no greater monument than that.

MEDICARE CHARGES KEEP RISING

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. LEHMAN. Mr. Speaker, on July 1, senior citizens will be required to pay 50 cents a month more for their part B medicare premiums.

The Nixon administration has proposed additional increases in the cost of health services to be paid by individuals under medicare.

President Nixon would increase the part B deductible which must be paid by the medicare patient from $60 to $85. In addition, a patient would have to pay 25 percent of his physicians' fees and laboratory costs out of his own pocket, up from the present 20 percent.

To add even further to the burden on the individual, the President would increase the amount of the hospital room-and-board bill which would not be covered by medicare.

I have recently received a letter from a constituent which reflects the frustration of many of our citizens at rising health care costs which must be paid by the individual under medicare. The letter and the article in the Miami Herald to which it refers together explain how the enactment of the administration's proposals would be a serious mistake:

JUNE 9, 1973.

Congressman WILLIAM LEHMAN,
Cannon Building,
Washington, D.C.

HONORABLE CONGRESSMAN LEHMAN: It was with a great deal of frustration that I read about the increase in Medicare payments as of July 1st. In the June 1st edition of the Miami Herald, was outlined the statement that the administration had proposed in its 1974 budget to increase Part B of Medicare a deductible of $85.00. It was bad enough for the Senior Citizens to have the 1972 deductible of $50.00, increased to $60.00 for 1973, but just to think of raising this amount to $85.00 is indeed frightening.

I am sure that you are familiar with the many injustices under the present administration we face, particulary with regards to the Health Program.

I wish my protest against these changes of increases be stated in the Congressional Record.

I and many other Senior Citizens hope that our faith in you will prove fruitful by your actions in working towards goals that will benefit us. So many things are being done to extend our lives, but what is it worth without dignity.

Please do what you can to propose a bill to help curb the many spiral costs, especially the medical expense, which is way beyond most of our incomes.

If you can suggest any steps we as citizens can take, such as writing to sources that could help us, it would be greatly appreciated.

Thanking you for your kind cooperation, I am

Sincerely,
Mrs. Paul "Lillian" Weiner.
Miami, Fla.

[From the Miami Herald, June 1, 1973]

Medicare Payments To Go Up July 1

Washington.—Medicare patients will be paying 50 cents a month more each for insurance premiums covering doctor bills and a wide range of other medical services beginning July 1.

Monthly Part B premiums go from $5.80 to $6.30 on July 1.

A $10 increase in the annual deductible before Medicare benefits are paid went into effect in January, bringing the deductible to $60.

The Nixon administration's proposal to add another $700 million a year to Medicare recipients' medical and hospital bills has met stiff resistance in Congress, however.

Legislation designed to put the proposed increases into effect Jan. 1, 1974, reportedly still is bottled up in the Office of Management and Budget.

More than half the Senate has signed a statement opposing the plan, and Rep. Wilbur D. Mills (D., Ark.) chairman of the House Ways and Means Committee, has vowed it will never pass.

Under Social Security Act amendments passed last year, about 1.7 million disabled persons under 65 and an estimated 10,000 to 15,000 persons suffering from chronic kidney disease will be covered by Medicare for the first time starting today.

Part A Medicare is hospital insurance for which eligibility is automatic when a person qualifies for Social Security. Part B is optional, covers physicians' bills and certain medical supplies, and requires a monthly premium payment.

In the new fiscal year, Part A is expected to reach 23.1 million persons at a cost of $8.2 billion and Part B is expected to be selected by 22.5 million at a total annual cost of slightly more than $3 billion.

The Department of Health, Education, and Welfare attributes the 50-cent monthly increases for Part B to greater use of physicians' services, more expensive services, and higher costs and increasing use of hospital outpatient services.

The increase will hold for two years, HEW said, unless Congress boosts benefits in the interim. Previous premium increases were 20 cents in 1972, 30 cents in 1971, $1.30 and $1 in 1968.

Last month the Social Security Administration sent cards to the newly covered disabled, telling them that they would be automatically enrolled for part B coverage unless they returned the card. In the past, Medicare beneficiaries were requried to return cards only if they wanted to participate in the supplementary medical-insurance program.

Part B covers physicians' bills and the cost of prosthetic devices, medical supplies and equipment, and laboratory services in and out of the hospital. It does not include prescription drugs outside the hospital.

When Congress voted to increase the deductible from $50 to $60 each year, it expanded coverage to eliminate the home-health-agency copayment and include the services of speech pathologists and, in limited cases, chiropractors.

After the deductible has been met, the beneficiary pays 20 per cent of future bills and the federal government pays the balance of what it considers reasonable charges.

Under Part A hospital coverage, the patient pays $72 the first day and nothing more until the 61st day when he or she pays a daily charge of $18.

The administration had proposed in its 1974 budget to increase the Part B deductible to $85, and the beneficiary's share or subsequent bills from 20 to 25 per cent.

In addition, patients hospitalized under Part A would pay the first day's actual hospital room-and-board bill and 10 per cent of the bill daily thereafter through the 60th day.

HISTORIC MANASSAS

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. PARRIS. Mr. Speaker, I am proud to represent the town of Manassas, Va. Manassas, located in the southern portion of my congressional district, is as you know one of the most historic communities in the Nation. It shares with surrounding Prince William County a rich respect for the past and a progressive dedication to the future. As a tribute to this historic community and under the leave to extend my remarks in the Record, I would like to include now the following brief history of Manassas:

The Town of Manassas is the Couty Seat of Prince William, one of the oldest counties in the State of Virginia.

Manassas is located in the central portion of the county and the century old town boasts of rich historical heritage, irrespective of the Civil War battles which brought the name Manassas into national prominence.

It is believed that the railroad running through Manassas was constructed in the 1850's and that the railroad men were responsible for giving the name to Manassas Junction (sometimes called Manasseh Junction). Records in the Frederick County courthouse mention Manassas Run and Manassas settlements as early as 1743–44. The point at which the Manassas's Gap Railroad diverged from Orange and Alexandria became known as Manassa's Junction. The apostrophe was gradually dropped from the name, and at least by the time of the Civil War, the "Junction" part of the name was deleted. When the town was incorporated in 1873, it was simply the "Town of Manassas."

For a number of years prior to the Civil War, the Manassas area was generally known by its post office which was called Tudor Hall. This was a sparsely settled, quiet agricultural region primarily composed of large slaveholding estates. Many of these lovely old plantation homes still survive throughout the county, and town. Little did the peaceful farmers of 1860 dream that the recently constructed railroad junction would bring to them the horror of war and unsolicited national renown.

The railroad, to which the town accredits its existence, played a very significant role in this first major battle of the war (Civil War) the Battle of Bull Run or the First Battle of Manassas. General P. G. T. Beauregard who was in command, held his headquarters at Liberia, a beautiful brick home in the eastern part of the present town, from June 1861 to September, 1861.

During the Second Battle of Manassas or Bull Run with Stonewall Jackson in command, the railroads were destroyed or made impassable at many points, hence Manassas Junction again knew the ravages of war.

Although there were no buildings within the boundaries of the present Town of Manassas and few families living in the vicinity at the end of the Civil War, growth and progress were easily discernible within a few years.

The town's development really began when William S. Fewell, an enterprising and foresighted man who owned a great many acres in the area, laid out the town and began to sell lots.

The Eureka House was built by Sumner Fitts in 1865. The Cannon House was built in the same location around 1875. The Manassas Hotel was built on the east side of Main Street in 1865 or 1866. Later it was called the Goodwin House.

Besides these outstanding landmark hotels, there were three stores, a livery stable, a sumac factory, a grist mill for corn, a wagon shop and a blacksmith shop. Professional services were also provided in the 1860's. George C. Round opened a law office, along with several doctors who started their practice.

Churches began to establish in this growing community prior to the town's incorporation in 1873. By the time Manassas became the county seat in 1893, there were several buildings.

The first newspaper, the Manassas Gazette, began publication in April 1869 and 1896 sold to The Manassas Journal. Another important event of 1869, was the first public free school.

The growth and development soon led the citizens to desire incorporation. This was effected by an Act of The General Assembly of April 2, 1873. The Town of Manassas, as incorporated was about one-half mile square and lay on both sides of the railroad. The original charter, written by George C. Round, was designed to provide the simplest and least expensive form of town government and was used with only minor changes until 1926, when the town manager form of government was instituted.

Fire protection became a major concern and so wells were dug with this in mind as well as a public water supply. This was around 1890.

A second major concern was streets and sidewalks and by 1900 the streets of Manassas finally became free from the nuisance and danger of animals running at large.

By 1890, definite improvements were made as streets were graded, drained and graveled and plank sidewalks were built. The only bonded debt incurred prior to this time was sidewalk construction. Beautification projects and ordinances were another concern to the council's time and the town's budget.

Although most of the Town Council's time during the first two decades were devoted to these routine tasks, considerable attention was given to education and to attempts to have Manassas become the county seat.

The county seat was moved from Brentsville to Manassas in 1892. The courthouse was constructed on the west side of town at the intersection of Grant Avenue and Lee Avenue. The names of these two new streets were chosen to represent the unity which had grown out of the tragic disunity which had devastated the area and the country for thirty years before. The courthouse was built of native brownstone and completed in 1894.

During the first decade after the courthouse was moved, telephone service was established in 1895. The National Bank of Manassas was established in 1896 and The Peoples National Bank, seven years later.

Manassas also expanded physically. In 1895 and 1896, West Street and Grant Avenue were extended northward and Portner Avenue was opened from the main gate of the Portner estate to Grant. Church Street was extended eastward to Zebedee in 1901. The first extension of the town's boundaries was made in December, 1904, making the corporation approximately one mile square. A census held in 1905, showed 674 whites and 207 negroes.

On December 4, 1905, Manassas experienced the greatest disaster in its history, when a fire raged through the downtown. The fire was discovered by the night operator for the Southern Railway, in the rear of the Blossom building on the corner of Battle and Center Streets.

Hopkins candy factory completed in 1909 was an addition to the town. Bennett Agricultural High School was started and Eastern College came to town. The Industrial school laid its cornerstone and a Volunteer Fire Department was organized in 1909.

After many attempts by the Council, a bond issue of $75,000 for water, sewerage and electric systems were accepted by the people.

In 1915, the Council moved to a new Town Hall. A new brick structure housed the Fire Company on the first floor and the council chamber above. That building with various renovations, is still being used as the Town Hall.

One could not picture Manassas around the turn of the century without the awareness of the 2000 acre Portner Estate. Robert Portner built the beautiful mansion "Annaburg" as a summer home during the early 1890's.

Manassas had a dramatic association, an orchestra and a brass band. Nicol Hall provided theatrical productions. Conner's Hall provided quality shows.

The Peace Jubilee held during July, 1911, was to commemorate the 50th anniversary of the Battle of First Manassas. George Round was one person most responsible for the Jubilee and the commemorate exhibit located on the courthouse lawn.

The town has continued to grow and expand to seven square miles and 13,000 to 14,000 inhabitants at the present time. (1973)

THE SUBJUGATION OF LITHUANIA

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mrs. HOLT. Mr. Speaker, I rise to speak on the 33d anniversary of the subjugation of Lithuania by the Soviet Union. This is a day of sorrow and reflection for Lithuanian Americans, and Lithuanians throughout the world. A day when we pause to consider their forcible annexation into the Soviet Union, and their continuous struggles to reject this oppressive Communist system at a cost of 50,000 Lithuanian lives. One-sixth of their people were deported from their native land to Russia and Siberia in an effort to depopulate the Lithuanian nation. This is the equivalent of eliminating all the people from 30 of America's largest cities.

As the United States stands on the threshold of the most promising era of peace in a decade, we should remember that the Baltic peoples continue to sacrifice their lives in their struggle to attain freedom and the right of national self-determination. I would earnestly hope that the United States would continue steadfast in its refusal to recognize the Soviet annexation, and urge that, as the 89th Congress specified, discussion of the status of the Baltic States be instituted in international forums. The tragic position of Lithuania must be resolved.

FIRST EAGLE SCOUT RECOGNITION DINNER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. GAYDOS. Mr. Speaker, recently the East Valley Area Council, Boy Scouts of America, which serves approximately 40 communities in southwestern Pennsylvania and more than 12,000 young Americans, held a recognition dinner to honor 124 young men who have attained the highest rank in scouting—Eagle Scout.

These future leaders were feted at the Edgewood Country Club and were the guests of their sponsors, men who have already achieved success in a chosen field of endeavor as well as having demonstrated a sincere interest in furthering the interest of Scouting.

I cannot begin to list all the names of individuals who have contributed their efforts in publicly recognizing the achievement of these Eagle Scouts. It is suffice to say they are men who serve without expecting such recognition for their part in molding and shaping the future of America's youth.

I would, however, like to insert into the RECORD names of the Eagle Scouts and their sponsors and also to extend my personal commendations to Council President James L. Pflasterer and his staff for all they have done to perpetuate the Scouting movement and to see that those who attain the rank of Eagle Scout are duly honored for their achievement.

The list of Eagles and their sponsors is as follows:

LIST OF EAGLE SCOUTS AND THEIR SPONSORS

Paul Andrews, Troop 78, pharmacist, (W. A. Hacker of McKeesport Hospital); Regis Andrews, Troop 78, dental technician, (Dr. Stanley J. Douglass, dentist); William L. Artz, Troop 16, architect, (Thomas C. Celli, architect); Gregory Babiak, Troop 44, journalism, (Russell Naylor, U.S. Steel Corp.); John Balog, Troop 308, medicine, (Dr. Jablonski, physician); Jeff Barbour, Troop 45, agriculture, (Charles G. Turner of Turner Dairies); Raymond G. Benney, Troop 310, contracting, (Steve Simko of U.S. Steel Corp.); Don Berquist, Troop 19, architect, (John M. Tarle of G. C. Murphy Co.).

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Jeffrey Getkin, Troop 21, teacher, (Charles F. Ross, Christy Park Works, U.S. Steel Corp.); Charles B. Gilchrist, music, (John C. Fisher, director instrumental music, South Allegheny High School); James T. Gildea, Troop 19, funeral director, (William H. Craig, funeral director); Bruce E. Grinder, Troop 45, wildlife management, (James R. Smith, Pennsylvania Fish Commission); Richard Holmes, Troop 82, professional baseball, (William G. Turner of Pittsburgh Pirates); Thomas M. Halaszynski, Troop 58, physician, (Dr. C. B. Bryce, physician).

Stephen A. Harbulak, Troop 302, law enforcement, (James B. Johnson, assistant city editor, The Daily News, McKeesport, Pa.); Clair W. Hartle III, Troop 211, electronic engineer, (Robert L. Howell, Westinghouse Electric Corp.); Elliott Haverlack, Troop 97, natural biologist, (Gus Vassilaros, teacher, Gateway High School); Richard Heckman, Troop 99, music teacher, (E. D. Rotilli, band director, Elizabeth-Forward High School); Robert L. Holman, Troop 184, law enforcement, (Don Little, attorney).

J. Scott Hughes, Troop 109, motor cycle mechanic, (Larry R. Sperling, Christy Park Works, U. S. Steel Corp.); David S. Hyland, Troop 70, architect, (Sylvester Damianos, architect); Douglas B. Jobes, Troop 45, computer science, (Paul Brodict, Westinghouse Tele-Computer Systems); William P. Jones, Troop 16, law enforcement, (Walter Backzowski, attorney); Paul Jumba, Troop 5, forestry, (Duane C. Conley, Koppers Corp.); William J. Kabbert, Troop 90, physician (Dr. Robert M. Priore, obstetrician); Robert W. Karow, Troop 97, architect, (Ted McConnell, architect); Barry M. Kerner, Troop 98, corporate lawyer, (F. H. Henson, general patent counsel, Westinghouse Electric Corp.); Stephen Kish, Troop 302, architectural engineer, (Boyd D. Vuinovich, U.S. Steel Corp.).

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Delmar R. Olson, Troop 99, electronics, (R. W. Platt, Hauser & Carafas Engineering Co.); Paul J. Palsa, Troop 7, law enforcement, (S. Sylvan Little, attorney); David Paul, Troop 98, pilot, (George Kuebler, U.S. Steel Corp.); Mark F. Plaushin, Troop 15, officer in the U.S. Navy, (Robert Milich, U.S. Navy); Ronald J. Police, Troop 70, mechanical engineering (Lawrence Janci, U.S. Steel Corp.); Donald A. Privett, Troop 45, child psychology, (Rev. Lance Brown, minister);

Lawrence Ragan, Troop 308, ecologist, (Harry T. Dolan, Homestead Works, U.S. Steel Corp.).

Bart D. Reisdorf, Troop 26, data processing, (Richard J. Walko, Christy Park Works, U.S. Steel Corp.); Thomas Reutzel, Troop 3, music, (William Galvin, music director, Boyle High School); David Rogers, Troop 74, sales, (J. B. Frysinger, Pennsylvania Glass Sand); Ronald J. Rohall, Troop 86, forester, (John Daly, Koppers Co.); Louis J. Rubbo, Troop 24, chemical engineer, (H. L. Higgins, National-Duquesne Works, U.S. Steel Corp.); Mark J. Rutter, Troop 21, law enforcement, (Edward Arnold, Chief of Police, Penn Hills Borough).

Daniel C. Seitz, Troop 20, bank management, (Melvin C. Peterson, McKeesport Office, Union National Bank); Patrick M. Shriane, Troop 55, computer programmer, (Charles W. Israel, Price Waterhouse & Co.); James A. Shuback, Troop 70, air condition and refrigeration, (Glen H. Rojohn, Rojohn Co.); Stephen Siebert, Troop 19, mechanic, (John V. McElgin, Christy Park Works, U.S. Steel Corp.); Kenneth J. Smithhammer, Troop 23, chef, (Samuel Collura, Interstate United Caterer).

Ronald S. Snyder, Troop 40, electronics, (Stanley Bohn, Bettis Atomic Power Laboratory); James Spellman, Troop 5, optometrist (Dr. Mortin J. Keisler, optometrist); Timothy A. Spence, Troop 73, minister, (Rev. Lawrence Hauck, minister); Albert J. Sunday, Troop 24, accountant (Joseph Margolis, Margolis Jewelry Store); Robert Stocker, Troop 42, accountant, (Merle D. Chilcott, U.S. Steel Corp.); Leonard Tomko, Troop 8, electrical engineer, (D. E. Simpson, U.S. Steel Corp.); William D. Tritsch, Troop 78, mechanical engineer, (Dr. J. W. Cottman, Westinghouse Electric Corp.).

Kim V. Turnbull, Troop 45, engineer, (R. R. Ferguson, Bettis Atomic Power Laboratory); George Vurdelja, Troop 116, law (James B. Richard, tax collector, Wilkinsburg); John Weigand, Troop 53, auto mechanic, (Michael Hirjicek, Devereaux Chevrolet); Steven Welsh, Troop 24, diesel mechanic, (P. M. Poole, Christy Park Works, U.S. Steel Corp.); James Wood, Troop 45, chemical engineering, (Dr. L. A. Wilson, Gulf Oil Corp.); Dale Worrell, Troop 68, law, (Mord Taylor, attorney); Jay B. Yarnel, Troop 184, law, (H. E. Evans, attorney).

Eagle Scouts unable to attend the dinner included David D. Art, Troop 97; Harry W. Austin, Troop 8; Brad S. Basic, Troop 19; Floyd R. Beech, Post 3; Christopher H. Bender, Troop 45; Joseph J. Burgan, Troop 78; Mark A. Chalfont, Troop 70; Michael R. Dzubinski, Troop 70; John A. Fickers, Troop 86; Michael L. Frangoulis, Post 490; Timothy R. Gaughan, Troop 99; Fareel B. Helfer, Troop 74; Gary C. Herbert, Troop 33; Robert C. Hornak, Troop 53; Robert M. Humphrey, Troop 73; Anthony B. Ives, Troop 111; Robert E. Jakubek, Troop 53.

Gary M. Kalansky, Troop 8; Kevin Kilburn, Troop 91; James Y. Lake, Troop 32; Winfield S. Lea, Troop 73; David W. Larontonda, Troop 47; Edward D. Letchford, Troop 150; Robert C. Lopez, Troop 24; David Mathos, Troop 9; Daniel F. McNally, Troop 15; James F. Mycyk, Troop 146; Keith W. Snyder, Troop 97; James M. Smith, Troop 101; William K. Turner, Troop 184; Randall G. Tony, Troop 4; Terrance D. Tremont, Troop 99; Paul A. Village, Troop 308, and Scott M. Young, Troop 36.

TRIBUTE TO LITHUANIA

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BROOMFIELD. Mr. Speaker, today is the 33d anniversary of the forcible occupation of Lithuania by the Soviet Union. Since that infamous day in 1940, freedom and independence have been no more than a dream and a fervent hope within the hearts of a determined people.

From the close of World War II until 1952, Lithuanian freedom fighters carried the banner of their country in armed combat with the Russian invaders. Their bravery and courage, documented by the thousands who lost their lives defending their homeland, was outmatched by a brutal, modernized, and well-financed totalitarian opposition.

Since 1940 the combined populations of the three Baltic nations of Lithuania, Latvia, and Estonia have been depleted by one-fourth. A policy of mass deportation succeeded in removing more than 150,000 Baltic people. Families were torn apart, separated, and consigned to the foreign and hostile labor camps of Siberia. Yet, the Communists failed to crack the spirit of the Lithuanian people, they failed to dilute the strong undercurrent of national identity and integrity that has been the strength of this small country throughout her long history.

This was never more true than in 1972; a year that witnessed several eruptions of the Lithuanian spirit. In March of that year 17,000 Lithuanians signed a petition protesting the religious discrimination of the U.S.S.R. In May, Romas Kalanta, the latest of a long line of Lithuanian patriots, burned himself to death in protest of his country's subjugation. The months that followed were marked by mass protests and arrests.

These events served notice not only upon the U.S.S.R. but upon the free world that Lithuania remains a nation of sorrow, a nation that hungers for self-determination.

America and the free world can do no less than to recognize their courage and to stand firm in our support for Lithuania and all the captive nations of eastern Europe. This, the 33d anniversary of the occupation of the Baltic countries, is a most appropriate time to reaffirm that support.

SPOKANE, THE HOME OF FATHER'S DAY

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. FOLEY. Mr. Speaker, Father's Day, which is celebrated in our country on the third Sunday of June, is close at hand. For this reason, I should like to point out that although the earliest recorded observance of this holiday occurred July 5, 1908, in Fairmont, W. Va., Spokane, Wash., was the first city to establish an official Father's Day in 1910, the difference being that the earlier observance was a Father's Day church service held at the request of Mrs. Charles Clayton.

Mrs. John Bruce Dodd of Spokane, Wash., may be credited as the most active and influential promoter of Father's Day. While listening to a Mother's Day sermon in 1909, remembering her own father, she was struck by the idea that there should be a similar holiday for fathers.

With the support of her minister, Mrs. Dodd composed a letter to the president of the Spokane Ministerial Association setting forth her proposal for the observance of Father's Day.

The association approved the idea, and the event was publicized by the Spokane YMCA. Incidentally, the date chosen by Mrs. Dodd was that of her father's birthday, June 5. However, since it was believed that this would not allow enough time for preparations, the third Sunday in June was finally decided upon. The mayor of Spokane thus issued a Father's Day Proclamation and the Governor of the State of Washington, M. E. Hay, set the date aside for official observance throughout the State.

Spokane was the first city to establish a special day each year for honouring fathers, and as newspapers began carrying stories of the Spokane celebration, interest in Father's Day increased throughout the country.

In 1972 Richard Nixon permanently established Father's Day by signing a congressional resolution.

LITHUANIA

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. CLARK. Mr. Speaker, 33 years ago a courageous and proud nation fell under the cloak of communism. I would like to call on my fellow-Americans to take note that today marks the sad anniversary of the invasion and occupation of Lithuania by the Soviet Army, June 15, 1940. it will be remembered as a dark day in the history of the Ukrainians and all peace-loving people the world over. Not only has the freedom of Lithuanians been suppressed but this brave Nation has been incorporated into the Soviet Union. While the United States refuses to recognize this forced incorporation of the Baltic States it is not enough. We must continue to press our delegates in the United Nations and elsewhere throughout the world to confront these aggressors and denounce the actions which have violated human rights. The Lithuanian people have proven many times over that they can withstand the forces of aggression. The United States must stand beside them in a joint spirit of determination and strength to pursue this fight for a place again in the free world. Our own freedom is only as good as that of our neighbors. Unless we are deeply involved in Lithuania's struggle for independence our own liberties will become meaningless. I am privileged to represent many Americans of Lithuanian descent in the 25th District of Pennsylvania and I am proud of their contributions to our community. To them I extend my warmest wishes, my prayers and my continued hope that their people in the Baltic States will be free men again. Let us salute a gallant nation and pledge our loyalty and continued support.

INNOVATION: WE NEED THE WILL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Congress in its wisdom enacted into law, legislation which authorized the Office of Technological Assessment as an arm of the Congress. Civilian technology in this country knows no bounds, and until we can coordinate this innate capacity with the one branch of our Government which has direct contact with its people, we are in effect stifling development.

I believe the following article entitled "Innovation: We Need the Will" written by my good friend Mr. Michael Michaelis of the Arthur D. Little Co. covers this point well and I commend it to my colleagues.

INNOVATION: WE NEED THE WILL

(By Michael Michaelis)

Our domestic prosperity, the quality of our life, and our international strength are fashioned, in large measure, by our entrepreneurial and technical capabilities. But, to harness these more effectively in pursuit of national goals requires a new sense of purpose and urgency. America's ingenuity is being challenged by other countries, both intellectually and economically. Our performance must improve. The Congress is equipped to exercise leadership: its newly created Office of Technology Assessment can provide leverage for action. Congressional action should focus on creating those institutional arrangements and incentives that foster innovation while protecting the public interest.

Innovation means renewal. It means the improvement of the old and the development of new capabilities of people and their organizations. Innovation is a process which we choose to pursue, with a faith borne partly of hope and partly of experience, but also with a considerable sense of uncertainty. We are unsure of the outcome, but we believe in the process.

We believe in it because there is ample evidence that innovation spurs gains in productivity, and that such gains create resources needed for economic and social betterment. We are unsure of the outcome because the process is highly complex and subtle: it calls for both drastic and delicate changes in individual attitudes, in organizational behavior, and in the complex maze of public policies that impinge on both. As Schumpeter once said: "Innovation is a feat, not of intellect, but of will."

We need that will to innovate now to sustain our advances on two fronts: socio-economic progress at home and world leadership through competitiveness abroad. We must innovate so as to use to full advantage our vast pool of human, technical, social, and financial resources and knowledge. As we attempt innovation, we come to recognize that the causes for much of our hesitation are found in the imperfect processes for defining and balancing public policy objectives.

POLICY OBJECTIVES

Government policies, actions, and practices affecting technological innovation are now expressed in a diverse and diffused system of arrangements, and through a complex maze of statutory and administrative instrumentalities. Responsibility is similarly dispersed. It is unrealistic to expect constructive change to emerge from these arrangements.

Unlike the situation in countries that compete with us for our own and the world's markets, technological innovation in the United States has never risen to the stature of an explicit and integral component of the national policy. Instead, innovation tends to be variously stimulated or retarded only as a response to a wide array of public policy objectives designed primarily for other purposes—e.g., for economic stabilization, environmental health and safety, consumer protection, international trade, avoidance of monopoly, taxation, regulation, and other strategies for domestic progress and national security. While antitrust laws, for instance, were devised to overcome the effects of restraint of trade, they can, at the same time, inhibit pursuit of technological innovation that requires resource and policy commitments beyond the objectives and means of a single corporation.

Our public policies crisscross, one with another, creating uncertainties for innovation. By thus exacerbating the inherently uncertain process of innovation even further, they impede the entrepreneurial actions of industry, labor, and finance. We need to examine explicitly the impact on the innovation process of public policies and practices and, where necessary and possible, reformulate them in order to foster innovation while at the same time protecting the public interest.

Different industry sectors—e.g., automobiles, chemicals, housing—have different perceptions of the incentives for and the barriers to innovation that are posed by public policy. The differences between sectors in market characteristics, technology, industry structure, and institutional arrangements, make this inevitable. It follows that public policies, to be effective in stimulating innovation, should more often be honed to be sector-specific. The varying characteristics of our pluralist society limit the efficacy of uniformly applied measures.

MARKET DEMAND

There is no more effective stimulation for technological innovation than a market "pull" that is clearly perceived by industry. This "pull" is lacking particularly in those sectors—e.g., housing, education, transportation—where the taxpayer's money significantly structures the market and its characteristics. Yet, these areas are big users of resources and main triggers of consumer dissatisfaction. They are ripe for innovation.

Inasmuch as Federal, state, and local governments are principal determinants of such markets, they need to collaborate with the private sector so as to formulate performance requirements (technical, economic, and social), timetables, and cost parameters, if industry, labor, and finance are to respond with vigorous entrepreneurship to meet these public needs.

PUBLIC-PRIVATE SECTOR COLLABORATION

The dynamics of the market, and feedback control through profit, make the business community the most effective innovator and resource allocator that we have ever invented. The task of government, on the other hand, is to establish incentives and constraints in such a way that profit is made doing what society most needs done, in a manner that society finds acceptable.

For these two functions to be carried out effectively requires a degree and kind of interaction between business and government that we all too frequently deny ourselves by clinging to public policies and practices that reflect the needs of the past rather than those of today's world. We need to create the most open—and mutually trustful—communications between the public and private sectors, if public policies are to be so conceived, formulated, and executed that private industry can play its role as innovator to the fullest. Without such open communication and mutual trust, public policies may often be no more than cosmetic measures, or even counterproductive.

TECHNOLOGY IS NOT THE BARRIER TO INNOVATION

Many investigations in the last decade have indicated that present or prospective lack of scientific and technical knowledge is not a main barrier to innovation. Thus, merely increasing the volume of R&D is not the principal stimulus for innovation. Rather, barriers to innovation are mostly institutional ones, both internal to corporations, as well as external, e.g., uncertainties about government regulations, market characteristics and competition (often from foreign suppliers operating under different public policies), and return/risk considerations.

It is high time that we learned to manage innovation—the use of knowledge—as brilliantly as we have learned to accomplish R&D—the generation of knowledge.

WHERE IS THE WILL?

A year ago, in an historic message to Congress, the President said: "We must see to it that the environment for technologic innovation is a favorable one. In some cases, excessive regulation, inadequate incentives, and other barriers to innovation have worked to discourage and even to impede the entrepreneurial spirit. We need to do a better job of determining the extent to which such conditions exist, their underlying causes, and the best ways of dealing with them." Twelve months have passed and little has been done to turn this clarion call into action.

We must act faster. I urge that the Congress take new initiatives. The recent creation of the Office of Technology Assessment (OTA) in the Congress can provide additional leverage for action.

OTA's first order of business should be to determine the extent to which entrepreneurship for pursuing innovation in the public interest is impeded by barriers that can be lessened through changes in public policy. Second, OTA should assist Congress in formulating those policy changes that require legislative actions and in identifying those that can be executed within the present legislative framework. With regard to the latter, Congress—through its oversight on executive agencies—can exercise such action-forcing influence as may be needed.

America has the human and financial resources to innovate purposefully, and it has the knowledge to do so wisely. We can sharpen the vision and energize the muscle of American enterprise. But we need new institutional arrangements to achieve our purpose. To Congress: Give us these tools and we will do the job.

LITHUANIAN INDEPENDENCE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. REUSS. Mr. Speaker, 33 years ago, on June 15, 1940, the Soviet Union occupied the independent state of Lithuania. Today is therefore a day of sorrow and reflection for Lithuanian-Americans, Lithuanians, and all freedom-loving people throughout the world.

Tracing their national history back to 1251, the Lithuanians can lay claim to being one of the oldest distinct national groups in Europe. They yearn to follow their own cultural, social, and economic traditions.

History has not been kind to them. Yet even years of suffering cannot destroy the Lithuanians' spirit and their desire for liberty.

I join today with more than 1 million Americans of Lithuanian descent in looking forward to the day when Lithuanians and all peoples everywhere can share the blessings of freedom.

ARNA BONTEMPS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. FULTON. Mr. Speaker, a literary figure of deserved reputation and renown, Mr. Bontemps, died in Nashville recently at the age of 70.

Mr. Bontemps had a significant career in American letters and left a legacy of great value.

He was librarian emeritus at Fisk University at the time of his death, after having served as librarian there from 1943 to 1965. Born in Alexandria, La., in 1902, Mr. Bontemps early showed a talent for the literary arts. During the 1920's, he and other young black writers and artists settled in the Harlem section of New York City where their work was known as the "Harlem Renaissance." Among this group of writers was the late poet Langston Hughes.

In 1931, he wrote his first novel, "God Sends Sunday," which was dramatized on Broadway in 1946 as "St. Louis Woman." It starred Pearl Bailey.

In the depression years, Mr. Bontemps worked as a part of a group known as the "National Writers Project."

He was active until the time of his death, and at that time was working on a trilogy which was to be an interrelated interpretation of Frederick Douglass, Booker T. Washington, and W. E. DuBois.

During his lifetime, Mr. Bontemps also served as curator at Yale University and as honorary consultant in American cultural history to the Library of Congress. Last January, he was named writer-in-residence at Fisk University in Nashville.

Among Mr. Bontemps other works are "Chariot in the Sky," "100 Years of Negro Freedom," and "Free at Last: The Life of Frederick Douglass."

During his lifetime, Mr. Bontemps contributed significantly to American literature and letters. In 1966, he complained of the "myths" that have plagued the Negro since his arrival to these shores. He went on to say:

> The myth which I suspect has hurt us most in the present century was the allegation that the Negro had no history, no record, no background and no achievement.

Much of Mr. Bontemps' life and work was dedicated to the eradication of these myths and the establishment of the American Negro in his proper and rightful historic perspective.

His passing leaves a void in American literature which will be difficult to fill.

Mr. Speaker, at this time, I include editorials from the Nashville Tennessee entitled, "Mr. Bontemps, Author," and from the Nashville Banner, "Arna Bontemps." I commend them to the consideration of my colleagues:

ARNA BONTEMPS

Arna Bontemps served for 22 valuable years as librarian of Fisk University, and was nationally distinguished as a writer, poet and literary critic.

Born in Louisiana, he had achieved much before he moved to Nashville in 1943. In New York, he was identified with the Harlem Renaissance of the 1920s, and his first novel became a Broadway play. Since becoming Fisk's librarian emeritus in 1965, he has served professorships at the University of Illinois and Yale University, among other things, and more recently has continued active as writer-in-residence at Fisk.

Nashville knew Mr. Bontemps as a substantial contributor to the betterment of education in general and of the English language in particular, with emphasis upon the expanding cultural achievement of the American Negro. His death is widely regretted.

MR. BONTEMPS, AUTHOR

Mr. Arna Bontemps, well-known American writer and literary critic, and writer-in-residence at Fisk University, died here Monday at age 70.

Mr. Bontemps, born in Alexandria, La., was librarian at Fisk from 1943–65 and after that was a professor at the University of Illinois in Chicago until 1969, when he became curator of the James Weldon Johnson collection and visiting professor of English literature at Yale University. He was named an honorary consultant in American cultural history at the Library of Congress last January.

During the 1920s, the author was among numerous young black writers and artists who settled in Harlem and reinvigorated Negro literature in America with a body of work called the Harlem Renaissance.

Mr. Bontemps produced a considerable body of work as novelist, poet and biographer. As a critic he directed much of his attention to the failure of white American authors to recognize the black contributions to the nation's creative life.

The thing that hurt blacks most in this century, he once said, was "the allegation that the Negro had no history, no record, no background, no achievement worth mentioning." When he started out as a youngster to find the origins of Negroes in the history books of the day, he said, he discovered that "the authors of the books treated me as if I didn't exist."

Mr. Bontemps did much to correct this in his lifetime. His death is a cause of sadness in the literary world. The author will be missed, but his works will long stand as a memorial to his contribution in helping all America realize the rightful role of blacks in the nation's literary history.

A SAD ANNIVERSARY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, I should like to recognize a sad, yet significant anniversary in the history of human rights. Today, June 15, 1973, marks the 33d anniversary of the forced annexation of Lithuania into the Soviet Union.

I wish to convey to the Lithuanian people—and to the partisans of individual freedom everywhere—my deeply felt sorrow at the tragic loss which continues to result from the bondage of this proud nation.

Lithuania has suffered the deportation of more than one-sixth of its population to Soviet Siberia. It lost 50,000 lives in the struggle against the Soviet annexation alone. It continues to suffer denial of self-determination, violation of the right of religious freedom, and the denial of the rights to dissent or to emigrate—all in violation of universal and fundamental principles of the dignity of man.

Let us hope for a day when such dreadful anniversaries need be marked only as a remembrance of times past.

FLAG DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. BIAGGI. Mr. Speaker, today we celebrate the 56th annual observance of Flag Day. Flag Day in America is an important occasion when each American should take time to reflect upon his heritage.

At a time when patriotism seems outmoded and irrelevant in the hearts of some of our citizens, let us be glad that there are still those of us who can celebrate Flag Day 1973 without reservation. Rather than deemphasizing the role of patriotism in our country, now is the time to renew it. In 1973 we need a new commitment to the ideals of patriotism; one that will lead all of us in the Congress to dedicate ourselves to the unfinished task of building a better America.

As we look up to the flag which is unfurled daily against the background of this historic Capitol Building, it seems hard to believe that there was in this past year a ruling by one of the highest courts in this country which stands to make a mockery of our great flag. The U.S. Court of Appeals recently said it was permissible for an individual to wear the flag on the seat of his pants. The Supreme Court has agreed to hear this case in their next session later this year. It is my profound hope that the Court will see to it to overrule this unfortunate decision. If we are ever to attain the great goals which our forefathers set for us, we must develop a greater respect for the institutions of our country than now seems evident.

These difficult times demand that we call forth the very best of our talents and abilities to meet this challenge.

Indeed, we must never succumb to the complacency that this life of liberty and prosperity can occasionally breed. We must constantly strive to actively exercise our freedoms. We must also maintain the necessary defenses to prevent all threats of tyranny, either from within or without.

Mr. Speaker, on this day let us not forget those gallant Americans who are still unaccounted for in Southeast Asia. We must never forget that these men are examples of the type of Americans which exemplify the traditions and principles which we are called on to celebrate today.

FRANKLY SPEAKING

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. ABDNOR. Mr. Speaker, the relationship between the Federal Government and the militant Indians of the American Indian Movement is now in a tenuous truce. Resolution problems pertaining to and arising from the long siege at Wounded Knee., S. Dak., in my congressional district, still remains.

Rev. B. Frank Belvin, an Indian who has spent his adult life as a missionary to the Creeks and the Seminoles for the Baptist Church, recently sent an open letter to President Nixon concerning the attitude of the Federal Government in relation to the Indian people and the need for the maintenance of law and order on the Indian reservations. His letter touches on the heart of the matter and deserves to be thoughtfully considered by all of those truly interested in the future of the Indian people.

This letter was included in the "American Indian Baptist Voice," and I hope my colleagues will seriously ponder its message:

FRANKLY SPEAKING—AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES

Mr. RICHARD M. NIXON,
President, United States of America,
White House, Washington, D.C.

DEAR MR. NIXON: My personal admiration for you is exceeded only by my respect for the awesome office which you occupy. In light of that, and especially since I am such an insignificant individual, I am reluctant to say anything to one whose very position demands respect and deserves veneration. But in the face of recent developments, I feel compelled to speak my piece.

First, let me say that I am an American Indian. I have spent all my life working with and for the Indians in all stages of progress, on trust land, on reservations, and in urban communities, trying to reconcile man to God and man to man. So no one can justly question my dedication to my people.

But now some Indians have done some unfortunate things which have been inadvertently encouraged by government and exaggerated by the news media. If such is allowed to continue and the participants are permitted to go without penalty, this nation is in for a hard time, and every Indian council and individual in the country faces potential disruption and intimidation. Because you are who you are, the blame will be laid at your door.

I am aware that because of the multiplicity of your responsibilities you must, of necessity, rely on the advice of aides. But Mr. President, by now you ought to know that you are being ill-advised. Such bungling in the handling of the Bureau of Indian Affairs takeover by militant Indians last November, when over sixty thousand dollars were handed over to militants, according to reliable sources, without so much as a receipt to show for it, should have been enough for you to discern that your aides are simply contributing to blackmail.

For your 'law and order' administration to dignify Wounded Knee by superceding tribal authorities without proper agreement and by "negotiation with unofficial tribal bodies about tribal affairs" is an affrontery to the "silent majority" of law abiding Indians, who saw a ray of hope in your message of July 8, 1970. Every tribe has a council, committee or organization that is recognized as the official body. Admittedly, some such councils are not always what they ought to be, but under our system of democracy the place to change them is at the polls, not in "negotiations" with self-appointed unofficial tribal "leaders" and by White House aides who do not know how the average Indian reasons.

In the past, some who have been high on the Totem Pole, in the Bureau of Indian Affairs, have helped to channel government funds into organizations that defy law and appear bent on rebellion. Some of your aides have deliberately bypassed constituted Tribal bodies. Thus, they have undermined Tribal organizations and fostered unrest. Such is now bearing fruit in incidents like Wounded Knee.

Therefore, with deepest respect, Mr. President, I suggest that you take a good look at your aides who deal with the Indians. Be sure they have patient human hearts, but at the same time are loyal Americans who will not let this nation be walked on or blackmailed by any minority group, race, or nation.

Mr. President, it is with sadness that I realize that what I have said may forever alienate me from you and your administration, but in my dedication to duty, I assume that I would speak the truth without favor. The old adage was never more true than in this instance, "I had rather be right than be president."

Believe me, for I am both humbly and, Frankly speaking,

B. FRANK BELVIN,
General Missionary to Creeks and Seminoles.

SECRECY TALKS SECRET

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HUNGATE. Mr. Speaker, all public officials are surely aware of the benefits brought to society by the persistent advocates of an "open door policy," "open covenants, openly arrived at" and the various "sunshine" amendments to remove the evils of secrecy.

The following article from the June 11, 1973, Christian Science Monitor should not be kept secret.

SECRECY TALKS SECRET

(By Stewart Dill)

CAMBRIDGE, MASS.—Combating government secrecy and finding ways to assure freedom of the press was the theme of a meeting of the Roscoe Pound-American Trial Lawyers Foundation here last week.

The two-day plenary conference attracted more than 50 prominent members of the nation's journalistic and law professions. On the agenda were discussions of such topics as a reporter's privilege to protect his news sources and access to government information.

The conference also included representatives of the American Bar Association, Ralph Nader's Center for Responsive Law, American Civil Liberties Union, top officials of the American Newspaper Publishers Association, and the Managing Editors' Association.

Foundation officials specifically asked that neither participants nor outside reporters, acting as "observers," divulge the substance of the meetings or quote any statement made during the discussions and plenary session.

A report of the conference's findings is to be released later in the year.

NEW PRESIDENTIAL ELECTIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BINGHAM. Mr. Speaker, on May 8, I proposed that new Presidential elections called by Congress might offer the most constructive solution to situations like Watergate. An amendment to the Constitution would be required, of course, to give Congress the authority, and on May 9, I introduced House Joint Resolution 547. That resolution, if enacted, would submit to the States for ratification a constitutional amendment providing that Congress could call new Presidential elections whenever it might determine that a President had lost the ability to perform his responsibilities.

A variation of this proposal has now been put forward by historian Vincent Wilson, Jr., in a recent New York Times article. The main difference in the Wilson proposal is that it calls for a national referendum prior to the calling of new elections. Such referendum, Mr. Wilson argues, would reveal public sentiment on amending the Constitution and on whether such an amendment should apply to Watergate.

In view of the closeness and sensitivity of the Congress, and particularly the House of Representatives, to public opinion. I find it difficult to see the need for a referendum. But despite this aspect of the Wilson proposal, I certainly welcome it as added support for the basic idea of new Presidential elections called by Congress, and I am pleased to provide the article to which I have referred, entitled "A Show of Hands," from the June 13, 1973, issue of the New York Times:

A SHOW OF HANDS

(By Vincent Wilson, Jr.)

BROOKVILLE, MD.—It is possible that Administrations in the past have somehow used their power to keep incriminating information from the voters, but never has there been a case as patent as Watergate—where the voters learned just a few months after the election of criminal behavior engaged in by the party in power six months before the election.

If, under these circumstances, enough voters feel that they were deprived of important—and perhaps critical—information before the election, they can do something besides cry impeachment. They can, through Congress, take the action necessary to invalidate the 1972 Presidential election and call for a new one.

There are established mechanisms within our governmental system to ascertain if the voters, on a national scale, wish to take such action. One of these is the referendum, used generally to ratify state legislation. A member of Congress could introduce a bill calling for a national referendum on the matter of an amendment to Section 1, Article II of the Constitution, which deals with the election of the President. He could propose that a national referendum be held, say, the second Tuesday after the bill is passed, the referendum to determine if it is the will of the people to have an amendment that would provide that, under certain conditions, a Presidential election could be invalidated and rerun.

To be invoked, the amendment could require a Congressional vote, supported by a national referendum.

If the results of the referendum were affirmative, the regular process for amending the Constitution could then be performed with comparative speed, since each member of Congress would be reasonably sure that he had sufficient support from his constituents to give his support to the amendment. If the results were negative, action would, of course, stop there. No matter what the outcome, after this national referendum the Administration—and the nation—would know, with some accuracy, how American citizens feel about Watergate and all it implies.

If such an amendment were passed and proper action—such as a second referendum—taken to invoke it in this particular instance, the citizens would then have the opportunity to begin anew, with new conventions and fresh candidates.

As with many provisions of law, having such an amendment might, in itself, discourage attempts to thus subvert the democratic process.

What would happen immediately after a national referendum in which the vote was overwhelmingly for invalidating an election? Could the incumbent President carry on the business of Government, or would he lose too much authority to make that possible? Such a decision would rest with the Congress, as provided in Section 5, Article II of the Constitution, and with the Supreme Court, whose interpretation of that section might be required.

However, a convincing vote for invalidating the 1972 elections might not precipitate a crisis of confidence; the assurance of change implicit in such a vote might so direct people's thoughts toward the selection of candidates for a new election that the present Administration might be tolerated for its presumably limited remaining life much as many a lameduck one has been in the past. Whatever the developments, such actions would give American citizens a chance to exercise some of the rights that the Bill of Rights so clearly states are "reserved to the people."

LITHUANIA REMAINS IN BONDAGE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. SARASIN. Mr. Speaker, the world is on the threshold of an era of peaceful coexistence, with armed conflict erupting but sporadically. Yet beneath this peaceful veneer lie irritants to true peace and freedom. The bondage by the Soviet Union of Lithuania and her sister Baltic nations of Estonia and Latvia serves as a reminder that quietude does not necessarily denote a content nation. The date of June 15 once again reminds us of the anniversary of the forcible annexation of Lithuania into the Soviet Union in 1940.

I have had the opportunity to speak with Lithuanian-Americans living in my district concerning the future of the Baltic States. Each conversation serves to reconfirm my belief in the cause of Lithuanian independence and to express my desire for liberty for Latvia and Estonia as well. I commend the efforts of the Lithuanian-Americans in Connecticut and throughout the United States to keep the spirit of freedom alive both here and in the Baltic States.

Our country aspires to freedom for all nations as it reaffirms in the Atlantic Charter "to see sovereign rights and self-government restored to those who have been forcibly deprived of them." Since recognizing the Government of Lithuania on July 27, 1922, the United States continues to maintain diplomatic relations with the representative of that former government.

I join all Lithuanians and Americans of Lithuanian descent in striving to achieve freedom for the Baltic States before we commemorate another anniversary marking the loss of freedom. My wish is that the next anniversary will be one of jubilation for new-found independence for Lithuania and her sister states in the Baltic area.

A DECADE TO FARM PAYMENT REFORM—1963–73

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. FINDLEY. Mr. Speaker, today is a historic day, for it signals the beginning of the end of big payments to big farmers. For over a decade I have been working to reform the system under which big farmers received huge payments for not growing crops, sometimes totaling several million dollars. This year, with the effective assistance of my friend and colleague from Massachusetts, Congressman SILVIO CONTE, the House has at last adopted a strong, leakproof payment limitation which if accepted by the Senate will bring an end to those unconscionably large farm payments.

In 1963, I first offered an amendment to an agricultural appropriations bill to limit big farm payments. The amendment was defeated, as it was in most years thereafter. Upon occasion, when the House accepted the amendment, the Senate would knock it out.

In recent years, Congressman CONTE has helped to lead the way to farm payment reform. Several times he has offered a farm payment limitation, sometimes with success—which the Senate reversed—sometimes without. But each time, support for the limitation has grown.

As support for the payment limit grew, opposition from the Department of Agriculture decreased. As recently as 1971, the Secretary of Agriculture took an uncompromising stance against the $20,000 limitation. This year, for the first time, the administration did not actively oppose the amendment on the floor of the House. Instead, Dr. Carroll Brunthaver wrote me the following letter:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C. June 15, 1973.

Hon. PAUL FINDLEY,
House of Representatives.

DEAR MR. FINDLEY: This is in reply to your letter of June 13 in which you raised several questions about the possible effects of the $20,000 payment limitation. Attached are tables giving our estimates under various assumptions.

At this time we have no good basis for estimating the proportion of any payment to wheat or corn growers that would be determined to be needed for resource adjustment. This determination would rest largely on an intensive review of prospective supply-demand conditions just prior to formulation and announcement of the annual programs. I would not agree, however, that most payments under the feed grain and wheat programs would be for resource adjustment, even at the target prices proposed by the Department. I can easily imagine a program for 1974 that requires no set-aside in which case the Secretary would probably determine that all payments for wheat and feed grains were for income supplement and, therefore, subject to the limitation. It is also easy to envisage a market situation for 1974 in which no payments would be required at the Department's proposed level of target prices. A situation in which no income supplements would be required if the Senate level of target prices were maintained would appear to be highly improbable, especially as these target prices escalate in future years.

In view of the 1972 and 1973 planting experience under the $55,000 payment limitation, we would expect the $20,000 payment limit to have a slight negative effect on acreage planted to cotton.

Sincerely,

CARROLL BRUNTHAVER.

UPLAND COTTON: ESTIMATED NUMBER OF PRODUCERS AND ESTIMATED PRODUCTION ON FARMS THAT WOULD BE AFFECTED BY A $20,000 PAYMENT LIMITATION[1]

$20,000 LIMITATION PER CROP

Payment rate (in cents)	Estimated number of producers affected	Estimated total production (million bales)[2]
5	400	0.6
10	3,000	3.3
15	7,500	6.0
$20,000 LIMITATION PER PRODUCER AS IN S. 1888		
5	550	0.8
10	4,100	4.5
15	10,300	8.1

[1] Based on 1972 program data (without regard to any changes in farming arrangements that may occur), assuming all of the payment is income supplement. At this time we have no basis for estimating the proportion of the payment that would be determined to be resource adjustment.

[2] Production in excess of the limit would be approximately 40 percent of total production shown.

Much of the credit for today's strong vote of 195 to 157 in favor of the limitation must go to Congressman CONTE. As a member of the Appropriations Committee from which the bill came, he has worked diligently and resourcefully to see that an effective amendment was adopted. I salute him.

The House has acted in the wake of similar action by the Senate on the new farm bill. When the Agriculture and Consumer Protection Act of 1973 was being considered, Senator BAYH offered an amendment to limit payments under the new farm program to $20,000.

Although the action by the House and Senate were taken on different bills, the fact that they have come so close together in time makes me hopeful that each body will adopt finally a payment limitation similar to that already adopted in the other House.

When the agriculture appropriations bill reaches the Senate, I am hopeful that they will ratify their earlier decision on the farm bill and impose a strict $20,000 limitation on total payments to any one farmer, just as the House of Representatives did today.

When the House of Representatives considers the Agriculture and Consumer Protection Act of 1973, which is currently being marked up in committee, I intend to offer an amendment similar to the one adopted by the Senate when they considered the bill.

Unfortunately, when I offered my amendment—reproduced below—in the full committee, it was entirely emasculated by amendments. As with the $55,000 payment limit adopted in 1970, the new limitation of $37,500 proposed by the Agriculture Committee is full of holes through which millions of tax dollars are sure to leak if it is not plugged up on the floor. In fact, the committee added a new hole which was not included in 1970.

This $37,500 retread of the $55,000 payment limit applies only to individual crops. Thus, under the committee bill a farmer could receive as much as $112,500 in Government payments if he receives the maximum amount for planting all three crops—cotton, wheat, and corn.

Also, the committee bill permits subdivision of cotton allotments and farms. Through this loophole has flowed virtually the entire savings predicted for the $55,000 limitation in 1970. If this loophole is left in the bill, farmers will once again sell or lease portions of their allotments to relatives and neighbors so that each receives the maximum of $37,500 permitted by the law. The total cost to taxpayers will be the same, family farm units will continue to receive extraordinary sums of money, and taxpayers will be deluded into believing that Congress has acted to save their money.

The new loophole not included in 1970 is that under the new committee bill, resource adjustment payments—payments for set-aside—are not to be included in figuring total payments to farmers. Thus, a farmer could actually get far more than $112,500 from Uncle Sam if he was entitled to the maximum payment under each of the three programs and if he set aside land under each program.

For this reason, when the full House considers the new farm bill in the coming days, I will offer a leak-proof amendment which will strictly limit total farm payments to any one farmer to $20,000. No leasing or sale of allotments will be permitted, nor will any other subterfuge.

It is time for Congress, once and for all, to put an end to huge payments to a small number of farmers. The average man on the street opposes them. So does the average farmer in his field, who sees relatively little of the Federal charity, but receives the brunt of public reaction against big farm payments. Now it is time for Congress to vote for the average man and the average farmer and against big farm payments.

The following is a chronology of amendments to restrict big farm payments to farm producers which Congressman CONTE and I have offered over the years:

CHRONOLOGY

June 6, 1963: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Act for fiscal year 1964. (Congressional Record, p. 10411):

"On page 33, after line 12, insert the following:

"SEC. 607. None of the funds provided herein shall be used to pay the salary of any officer or employee who negotiates agreements or contracts or in any other way, directly or indirectly, performs duties or functions incidental to supporting the price of Upland Middling Inch cotton at a level in excess of 30 cents a pound."

The division vote was 105 in favor—131 against.

January 26, 1965: Amendment offered by Representative Paul Findley to the appropriations for the Commodity Credit Corporation Act (Congressional Record, p. 1185):

"On page 2, line 3, strike the period at the end of the sentence and insert the following:

"*Provided*, That no part of this appropriation shall be used to formulate or carry out any price support program providing further payments during the fiscal year 1965 to any person, partnership, firm, joint stock company, corporation, association, trust, estate, individual, or other legal entity, pursuant to the provisions of section 348 of the Agricultural Adjustment Act of 1938, as amended."

The division vote was 45 in favor—105 against.

August 19, 1965: Amendment offered by Representative Paul Findley to the Food and Agricultural Act of 1965 (Congressional Record, p. 21061):

"On page 54, line 25, insert the following:

"SEC. 707. Notwithstanding any other provision of law, the total amount of payments made by the Secretary to any producer or producers on any farm under the provisions of titles II, III, IV, V and VI of this act shall not exceed $25,000 in calendar year 1966 or in any calendar year thereafter. In the case of any producer or producers owning, operating, or controlling more than one farm, the limitations set forth in the preceding sentences shall apply to such producer or producers. For the purpose of this section the term 'producer' shall mean an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof and the term 'payments' shall include price support payments, diversion payments, incentive payments, rental payments, and the value of both domestic and export wheat marketing certificates."

The division vote was 59 in favor—144 against.

April 26, 1966: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1967 (Congressional Record, p. 8962):

"On page 21, on line 23, strike the period, and insert a colon and the following:

"*Provided*, That none of these funds shall be used to make payments exceeding in the aggregate $100,000 to any sugar producer."

The amendment was rejected on a voice vote.

June 6, 1967: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1968 (Congressional Record, p. 14853):

"On page 34, line 18, after the word 'hereof' strike the period and insert the following:

"*Provided further*, That none of the funds appropriated by this Act shall be used to formulate or carry out price support or commodity programs during the period ended June 30, 1968, under which the total amount of payments in excess of $25,000 would be made to any single recipient as (1) incentive payments, (2) diversion payments, (3) price support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, (6) cropland adjustment payments, and (7) compliance payments."

The division vote was 47 in favor—136 against.

May 1, 1968: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1969 (Congressional Record, p. 11281):

"On page 33, line 5, after the word 'hereof'.

"*Provided further*, That none of the funds appropriated by this Act shall be used to formulate or carry out price support or commodity programs during the period ending June 30, 1969, under which the total amount of payments in excess of $10,000 would be made to any single recipient as (1) incentive payments, (2) diversion payments, (3) price support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, and (6) cropland adjustment payments."

A teller vote was taken with 79 in favor—129 against.

July 31, 1968: Amendment offered by Representative Paul Findley to the extension of the Food and Agriculutre Act of 1965 (Congressional Record, p. 24402):

"SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 710. Notwithstanding any other provision of this Act, effective with the 1970 crop, annual payments made pursuant to provisions of Titles II, III, IV and V shall not exceed in the aggregate $10,000 to any single recipient."

The division vote was 71 in favor—115 against.

March 12, 1969: H.R. 8773, a bill introduced by Representative Paul Findley to limit payments to farmers, increase the authorization for food stamps, and increase water-sewer grant authority for rural communities:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Food and Agriculture Act of 1965, as amended, is amended by adding at the end thereof the following new title:

" 'TITLE IX—LIMITATIONS ON PAYMENTS

" 'SEC. 901. Notwithstanding any other provision of law, beginning with the 1970 program for wool, feed grains, cotton, wheat, cropland adjustments, and sugar, the total annual amount of any payments made to any farm under such programs shall not exceed $20,000, nor shall any payment for any such single program exceed $10,000.'

"SEC. 2. Section 16a of the Food Stamp Act of 1964, as amended, is amended by striking the figure '$340,000,000' and inserting in lieu thereof '$440,000,000' and by striking the figure '$170,000,000' and inserting in lieu thereof '$220,000,000.'

"SEC. 3. Section 306(a)(2) of the Agricultural Act of 1961, as amended, is amended by striking the figure '$50,000,000' and inserting in lieu thereof the figure '$150,000,000'."

May 26, 1969: Amendment offered by Representative SILVIO CONTE and supported by Representative PAUL FINDLEY to the agricultural appropriations bill for fiscal year 1970 (CONGRESSIONAL RECORD, p. 13757):

"On page 22, line 17, strike the period and insert the following:

"'*Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970.'"

A teller vote was taken with 112 in favor, 100 against.

June 9, 1970: Amendment offered by Representative Paul Findley to the Agriculture Appropriations Bill for fiscal 1971 (Congressional Record, p. H5289):

"On Page 23, line 8, after the word "regulations", strike the period, add a colon and the following:

"Provided further that none of the funds appropriated by this act shall be used during the period ending June 30, 1971 to formulate or carry out a 1971 crop-year program under which the total amount of payments to a person would be in excess of $20,000."

The amendment was rejected on a voice vote.

August 5, 1970: Amendment offered by Representative Paul Findley to the Agriculture Act of 1970 (Congressional Record, p. H7761):

"Strike the Committee Amendment beginning on page 1 and insert in lieu thereof the following:

"Title I—Payment Limitation

"Sec. 101. Notwithstanding any other provision of law—

"(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by Titles III, IV, V, and VI of this Act for the 1971, 1972 or 1973 crop of the commodity shall not exceed $20,000.

"(2) The term 'payments' as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4) The Secretary shall issue regulations defining the term 'person' and prescribing such rules and further limitations as he determines necessary to assure a fair and reasonable application of such limitation and to prevent the circumvention or evasion of such limitation, whether the circumvention or evasion be attempted by means of the subdivision of farms, production allotments or bases thereof through sale or lease, or by other means: *Provided,* That the provisions of this Act which limit payments to any person shall be applicable to lands owned and operated by states, political subdivisions, or agencies thereof."

A teller vote was taken with 134 in favor—161 against.

June 23, 1971: Amendment offered by Representative Silvio Conte and supported by Representative Paul Findley to the agricultural appropriations bill for fiscal year 1972 (Congressional Record, p. H 5768):

"On page 17, line 2, strike the period and insert the following:

"And provided further, That none of the funds appropriated by this act shall be used during the fiscal year ending June 30, 1972 to formulate or carry out any single 1972 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

A teller vote was taken with 214 in favor, 198 against.

June 29, 1972: Amendment offered by Representative Silvio Conte and supported by Representative Paul Findley to the agricultural appropriations bill for fiscal year 1973 (Congressional Record, p. H 6304):

"On page 19, line 21, strike the period and insert the following:

"And provided further, That none of the funds appropriated by this act shall be used during the fiscal year ending June 30, 1973, to formulate or carry out any single 1973 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

A teller vote was taken with 189 in favor, 192 against.

June 15, 1973: Amendment offered by Representative Paul Findley and supported by Representative Silvio Conte to the agricultural appropriations bill for fiscal year 1974:

"None of the funds provided by this Act shall be used to pay the salaries of personnel who formulate or carry out:

"(1) programs for the 1974 crop year under which the aggregate payments for the wheat, feed grains and upland cotton programs for price support, set-aside, diversion and resource adjustment to one person exceed $20,000, or

"(2) a program effective after December 31, 1973 which sanctions the sale or lease of cotton acreage allotments."

A teller vote was taken with 195 in favor, 157 against.

Text of amendment to be offered by Representative Paul Findley to the Agriculture and Consumer Protection Act of 1973 when it comes to the floor of the House of Representatives:

"Title I is amended to read as follows:

"TITLE I—PAYMENT LIMITATION

"Sec. 101. Notwithstanding any other provision of law—

"(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1978 crops of the commodities shall not exceed $20,000.

"(2) The term 'payments' as used in this section includes all price support payments, set-aside payments, diversion payments, and resource adjustment payments but does not include loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for public access for recreation.

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4)(a) In any case in which the owner or operator of a farm leases any portion of the farm to one or more persons, the payment limitation applicable to such person as prescribed by this section, shall be reduced in the same proportion as the allotment remaining on the farm bears to the total allotment prior to such lease: *Provided,* That the payment limitation shall also be reduced on the leased portion of the farm in proportion to the allotment accredited to such portion if the lessee is a member of the lessor's family or is a corporation in which the lessor or member of his family is a stockholder, or a partnership in which the lessor or a member of his family is a partner.

"(b) In any case in which the owner or operator of a farm sells or leases any portion of the acreage allotment for the farm to one or more persons, the payment limitation prescribed by this section shall apply in the same manner as if the lessor or seller had not leased or sold the acreage allotment.

"(5) The Secretary shall issue regulations defining the term 'person' and prescribing such rules as he determines necessary to assure an effective and economical application of such limitation: *Provided,* That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary."

BALTIC NATIONS, THE UNRESOLVED LEGACIES

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HANRAHAN. Mr. Speaker, June 15 is a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world. On June 14–16, 1941, the Soviet Union deported thousands of citizens of Estonia, Latvia, and Lithuania in its endeavor to destroy the three Baltic nations which had become independent after World War I.

The item follows:

Baltic Nations: The Unresolved Legacies

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

The Lithuanian people have continuously struggled to reject the oppressive communist system from Lithuanian soil ever since the forcible annexation into the Soviet Union on June 15, 1940.

The post-war history of Lithuania bears grim testimony to this rejection of forcible incorporation. From 1944 to 1952, anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerilla warfare at a cost of over fifty thousand Lithuanian lives. During Stalin's era over one-sixth of the Lithuanian people were deported to Russia and Siberia in an effort to depopulate and subjugate the Lithuanian Nation. To demonstrate the extent of this depopulation in comparison to the United States, it would mean the elimination of all the people from the thirty largest cities in this country.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the communist regime. The protests of the Lithuanian people against the denial of the right of national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered wide-spread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia and Estonia into the Soviet Union.

BALTIC STATES FREEDOM DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. RODINO. Mr. Speaker, to most Americans June is a quite beautiful month. It swells with sweet fresh fragrances and summer breezes. Yet in June while we sample from nature's cornucopia we should pause and for a moment remember the tragic plight of the Baltic peoples. For it is June 15 that marks the observance of the forcible annexation of the Baltic States by the Soviet Union. Since that day these courageous people have consistently reaffirmed their determination to become independent.

"We shall overcome" is the resounding sentiment echoed by the brave men who refuse to let the spirit of independence and the dream of liberty die. Let it be known that America is listening to the anguished cries of those subjugated to persecution through foreign control. The United States has always recognized Latvia, Lithuania, and Estonia as separate and sovereign nations. As we may recall, during the 89th Congress, the following concurrent resolution was unanimously adopted:

> Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and
>
> Whereas all peoples have the right of self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and
>
> Whereas the Baltic people of Estonia, Latvia and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and
>
> Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and
>
> Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and
>
> Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people; be it
>
> *Resolved, by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—
>
> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia and Lithuania, and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

It is my hope that the principles embodied in House Concurrent Resolution 416 will soon be realized. It must not be forgotten that this is of grave concern to the Baltic peoples as it is to all free people. Not only must we become aware of the problem, we must create some means of implementing a solution.

Our hearts are with our Baltic friends. We sympathize with the hardship and suffering that has for too long been endured. We heartily support their efforts. It is our prayer that the intense courage and conviction exhibited by the Baltic peoples will result in a safe journey down freedom's road illuminated by the light of liberty and happiness.

HIRE A KID WEEK

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. FOLEY. Mr. Speaker, I have been informed that the city of Spokane, Wash., has proclaimed the week of June 10 through June 16, 1973, as "Hire a Kid Week." A copy of the proclamation follows:

> Whereas, Spokane's school year has drawn to a close; and
>
> Whereas, a record number of young people between the ages of 14 and 21 will be seeking work this summer; and
>
> Whereas, these young people constitute the future of the community and our nation:
>
> Now, therefore, I, David H. Rodgers, Mayor of the City of Spokane in the State of Washington, do hereby proclaim June 10 through June 16, 1973, as "Hire-a-Kid Week" in Spokane, and commend this occasion to our citizens.
>
> In witness whereof, I have hereunto set my hand and caused the Seal of the City of Spokane to be affixed this 10th day of June, 1973.
>
> DAVID H. RODGERS,
> *Mayor.*

I believe the city of Spokane and its mayor, the Honorable David H. Rodgers, are to be commended for their recognition of the need to insure as full employment as possible of the area's teenagers. The proclamation also recognizes the cooperation between the city and its teenage citizens, especially the Youth Employment Service and its youth volunteers who, together, are determined to seek practical answers to the very real and critical question of youth employment.

While it is, unfortunately, too late to complete the legislative and administrative steps required in order that the President may proclaim a national "Hire a Kid Week" in time to alleviate the particularly serious youth employment problem which exists during the summer months, I, nevertheless, hope that the actions of the city of Spokane and the dedication of the Youth Employment Service of that city will serve as a model for other municipalities across the country and encourage them to take similar effective measures.

WHAT WAS THE INTENTION OF AMERICA'S FOUNDERS?

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. WHALEN. Mr. Speaker, an incisive article appeared in the June 14 editions of the Washington Post titled "Watergate and Democracy," written by Robert C. Maynard.

Mr. Maynard's discussion was quite stimulating. He rightly points out that we and the press are so taken up by the daily events emanating from the Watergate Affair that insufficient attention is directed to the broader implications of the matter.

As a Member of Congress, I was particularly taken by one of Mr. Maynard's observations:

> Given Indochina and the Watergate, it is time to take our obligation very seriously and begin explaining again to the American people what the founders intended by creating three branches of government.

Just what the Founders intended in this respect, it seems to me, either is not well understood, has been forgotten or, worst of all, is and has been ignored by too many in government and in our society.

A review of the Federalist Papers, I find, is very instructive in this regard.

James Madison, in the Federalist No. 47, dated January 30, 1788, assessed:

> The particular structure of this government, and the distribution of this mass of power among its constituent parts.

Madison observed in the treatise:

> The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal constitution therefore really chargeable with this accumulation of power or with a mixture of powers having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system.

Madison later quoted the authority Montesquieu:

> From these facts by which Montesquieu was guided it may clearly be inferred, that in saying "there can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates." or "if the power of judging be not separated from the legislative and executive powers," he did not mean that these departments ought to have no *partial agency* in, or no *controul* over the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the *whole* power of one department is exercised by the same

> hands which possess the *whole* power of another department, the fundamental principles of a free constitution, are subverted. This would have been the case in the constitution examined by him, if the King who is the sole executive magistrate, had possessed also the compleat legislative power, or the supreme administration of justice; or if the entire legislative body, had possessed the supreme judiciary, or the supreme executive authority. The magistrate in whom the whole executive power resides cannot of himself make a law, though he can put a negative on every law, nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock, nor any legislative function, though they may be advised with by the legislative councils. The entire legislature, can perform no judiciary act, though by the joint act two of its branches, the judges may be removed from their offices; and though one of its branches is possessed of the judicial power in the last resort. The entire legislature again can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistracy; and another, on the empeachment of a third, can try and condemn all the subordinate officers in the executive department."

Madison, in The Federalist No. 48, undertook "to show that unless these departments be so far connected and blended, as to give each a constitutional controul over the others, the degree of separation which the maxim requires as essential to a free government, can never in practice, be duly maintained."

In the Federalist No. 49, he observed:

> As the people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived; it seems strictly consonant to the republican theory, to recur to the same original authority, not only whenever it may be necessary to enlarge, diminish, or newmodel the powers of government; but also whenever any one of the departments may commit encroachments on the chartered authorities of the others. The several departments being perfectly coordinate by the terms of their common commission, neither of them, it is evident, can pretend to an exclusive or superior right of settling the boundaries, between their respective powers; and how are the encroachments of the stronger to be prevented, or the wrongs of the weaker to be redressed, without an appeal to the people themselves; who, as the grantors of the commission, can alone declare its true meaning and enforce its observance?

In the Federalist No. 51, attributed to Madison, but possibly written by Alexander Hamilton, we find the familiar and eloquent:

> But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself.

And, a little further on:

> It is of great importance in a republic, not only to guard the society against the oppression of its rulers; but to guard one part of the society against the injustice of the other part.

These are some of the incisive thoughts expressed in the Federalist, which is regarded by many as one of the three most important documents in our history, ranking behind the Declaration of Independence and the Constitution, Mr. Maynard's article promoted me to look at the Federalist again and I recommend the same to my colleagues and the members of the press as an excellent reminder of what the founders intended. It is one thing to declare oneself a patriot but another to understand precisely what is entailed.

For the information of my colleagues, Mr. Speaker, I insert Mr. Maynard's article at this point in the RECORD:

[From the Washington Post, June 14, 1973]

WATERGATE AND DEMOCRACY

(By Robert C. Maynard)

For all of the stunning revelations of indecency on high, something very important is missing from my daily diet of news and information.

As I hear that the President was willing to place spies in the mailbox and burglars in the bedroom, or that in the name of "national security" every citizen was a suspect, I keep looking for an explanation of the meaning of all this to the contours of what we have been pleased for nearly 200 years to call a democracy.

It almost seems as if we are all too stunned to consider it, but that, for me, is at least as timely as the next breathless revelation of hush money from the Philippines and perjury in the name of "the team."

It is remarkable simply to note that we have arrived at the anniversary of Watergate. It was just one year ago that five men in rubber gloves were found in the offices of the Democratic National Committee.

From that night to the present, the press has treated the affair largely as a police investigative story, which is properly how it began. Now, I wish to argue, it has become something very different. Now, it seems to me, the press and the nation are overdue for a deep and continuing inquiry into the implications of these revelations for the present and future and democracy as we have always perceived it.

Regardless of the extent of wrongdoing that is eventually proved, the press is under an obligation to go to the next and more difficult level of examining the question of what ought to be the proper relationship between government and the governed.

It was argued during the height of the war in Indochina that frequently the press was covering the wrong story. We were covering ground action and air support and many of our consumers were fairly thirsting for some persistent inquiry into the questions of what that war and the excerise of awesome power were doing to the foundations of American society. Eventually, we in the press came to see that the war abroad was raising large and ugy welts on the body politic at home. It is fair to say that we have not come to terms with all of them even now.

Watergate reporting can benefit from the press experience with the Indochina tragedy. All of our attention seems riveted on those hearings and the ancillary revelations, many of which have caused some commentators to wonder aloud at "how close we came" to a police state in the name of "national security."

Having uncovered the police aspects of the scandal, the press is now obliged, I believe, to open up for debate a number of questions about how we have been doing business "in the system." It is clear to me that dangerous misconceptions persist in the minds of many Americans.

I am not just speaking of the woman from Sisseton, S.D., who was quoted in this space last week, chiding the press for its "personal vendetta" against "the presidential choice of 49 states." I am also thinking of Patrick Buchanan of the President's staff. He wrote in The New York Times earlier this week chastising those who called for Mr. Nixon to enlarge his current stewardship of the White House into some sort of government of "national unity." Mr. Buchanan found such suggestions distasteful in the extreme:

"What they are urging," he suggested, "is that the President betray the mandate of 1972, that he unilaterally repeal, on their behalf, the democratic verdict of the ballot box . . ."

There, it seems to me, is where the press might begin its deeper inquiry. Irrespective of any possible guilt on the part of President Nixon, Watergate dramatizes in another form the same imbalance in this society as the Indochina tragedy: how powerful should the Chief Executive of this country be? The press has gravitated to the coverage of the presidency in a manner that has in times past approached awe. Much of the rest of the society concurs in this way of looking upon the President as larger than life.

We need a very clear understanding of what has become of the office when men have said that they lied, even committed crimes because someone in a credible position to do so could utter the seven simple words, "it is the wish of the President" that something or another be done.

Arguments abound as to how the presidency came to be an office of such power that its holder could feel justified in setting loose a secret police force on the citizenry or bomb Cambodia without a shred of authority having been granted by the other elected representatives of the people. But the press could help us understand some of the extent of that power so that we can debate in a wider arena than ever if that is what we in a democracy intend for the presidency to be.

The nation was shocked when an attorney general, Mr. Kleindienst, declared before Congress that executive privilege could be meant to extend down to the last file clerk. Given Indochina and Watergate, it is time to take our obligation very seriously and begin explaining again to the American people what the founders intended by creating three branches of government.

Another problem flows from the power of the presidency. The President defined the problem which led to his decision to illegally invade the privacy of citizens as one of "national security." It seems to me that it is time to take the question of "security," both internal and external, from the top.

The special investigation unit the White House created was concerned at least in part with Weatherman and the Black Panthers. It would be helpful to know how much of a threat to the security of this nation is posed by such groups or any other group using extralegal means to protest social conditions. The issue it seems to me that Americans need to understand among themselves is how we are to work out our relationships with each other.

The men in the White House chose the route of the wiretap and the mail cover. It remains a serious question in my mind, a question that puzzles me with each new revelation about this domestic spy operation, as to whether fear and suspicion ought to be the mode by which Americans come to understand their mutual problems and quell their various fears.

The same question applies to our external security. It would be helpful if we could gain some insight as to the level of the threat posed to Americans from other countries in this era of detente with the other nuclear powers.

The reason I miss all of these explanations in connection with my Watergate reading is that the issue of security looms large through all of this. The question must be posed and the issue balanced out: which was the graver threat to our security, the dangers being posed from within and without or the solutions devised within the White House to meet those dangers? If I could add that to my diet, I'd digest the remainder of the Watergate disclosures more intelligently.

THE GREENING OF BROADWAY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Ms. ABZUG. Mr. Speaker, a remarkable thing is happening to the islands in the middle of Broadway, between 61st and 113th Streets in Manhattan. They are turning green.

Not long ago these malls were unsightly, barren patches of dirt. Today, with a combination of private and public generosity and a great deal of civic pride they are being transformed into islands of grass, plants, shrubs and trees.

What is most exciting, Mr. Speaker, is that the impetus for this project is truly citizen inspired. Block associations and the Broadway Mall Association, which consists of civic groups, foundations, and corporations, have raised funds to restore the islands. New York City has assisted with pavement renovations and bench repairs. The Wildcat Service Corp., which employs former narcotic addicts in a most successful public service work program, has donated the time of a crew to assist in planting and maintaining the islands.

The effort to restore the upper Broadway malls is pleasing to the eye and stimulating to the mind. Although some problems remain, the restorations can only have a positive affect on the surrounding communities and, hopefully on the rest of the city. Perhaps the idea will catch on.

I am including an article from the New York Times describing the greening of Broadway:

UPPER BROADWAY IS A GREENING

(By Barbara Campbell)

One of the largest block-association efforts to add splashes of greenery to New York is under way on the Upper West Side, where a federation of associations has replanted 13 Broadway malls between 61st Street and 113th Street and plans to replant and landscape 17 more.

The islands in the middle of Broadway—there are 43 between 61st and 113th Streets—were previously bleak and unkempt with scraggly patches of grass, broken iron fences and benches at each end. The rennovated malls now have landscaping designed free of charge by Abel & Bainnson, landscape architects, with geraniums and yews and other evergreens.

The federation of block associations, according to Olga Starka of the Parks Council, who is coordinating the project, must raise half of $1,700 for each planting by buttonholing members and local merchants.

The other half is being raised by the Broadway Mall Association, an organization of civic groups, and through foundations, large corporations and banks.

The Parks, Recreation and Cultural Affairs Administration is renovating 13 additional malls and two small parks in the area with a half-million-dollar budget.

STONE WORK PLANNED

The city agency's work is scheduled for completion this fall and will include the removal of existing curbs, sidewalks and asphalt pavement.

New curbs will be built along with hexagon blocks and new concrete settings. Benches will be repaired, and some will be replaced. The two small parks rehabilitated by the city are Dante at 63d Street and Lincoln Square Park at 66th Street.

The Wildcat Service Corporation, a manpower development agency that employs exnarcotics addicts, has donated the time of a work crew to maintain the newly planted parks for four years. The crews, who can be seen digging and pruning every weekday along the strip, have also assisted the Parks Department in preparing the malls for the new plant beds.

The city, according to Mrs. Straka, has promised to mend the broken iron railings surrounding each mall but so far has neglected to do so. Yesterday many of the views bordering the new landscapes were brown, and workmen from the Wildcat service said the bushes had died because residents did not curb their dogs.

"Maybe it would help," Mrs. Straka said, "if the fences were mended."

TRIBUTE TO LESTER C. DAUTH

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. KETCHUM. Mr. Speaker, this month, Mr. Lester C. Dauth will retire as a member of the board of trustees for both the elementary and high school districts in my hometown of Paso Robles, Calif. His departure will punctuate one of the most progressive eras ever enjoyed by the Paso Robles school districts.

I greatly admire Mr. Dauth as an individual, as a dedicated citizen, and as a personal friend. Men of his stature and character do not come along every day.

Mr. Dauth has served on the district school boards for the past 18 years. During his tenure on the board, the quality of our educational program greatly improved. There was a marked increase in the construction of new buildings and the rehabilitation of existing schools. Many new programs were initiated which are responsible for enriching and improving the education of schoolchildren in Paso Robles.

A man of tireless energy and community spirit, Mr. Dauth was involved in numerous other organizations. He was president of the Paso Robles Rotary Club, a member of the Paso Robles Rotary Club for 22 years, president of the Paso Robles Trail Riders Association, member of the Paso Robles Parks and Recreation Commission, and a member of the Paso Robles Volunteer Fire Department for 25 years.

On June 30, 1973, the citizens of Paso Robles will honor Mr. Dauth at an appreciation night. I know I speak for everyone in our community in thanking Les for his unparalleled devotion to the citizens and community of Paso Robles.

I know my colleagues join me in wishing Mr. Dauth and his wife, Della, best wishes on his retirement and our sincere appreciation for his dedication in the pursuit of quality education.

SHERIDAN STUDENTS HEAR U.S. REPRESENTATIVE CHARLES J. CARNEY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Wednesday, May 30, 1973, I had the pleasure of speaking with about 150 youngsters in the third through sixth grades at Sheridan School in Youngstown. I was deeply impressed by the children's intelligence, honesty, and desire for knowledge. They asked me many difficult questions about problems facing the Mahoning Valley and our country.

Mr. Speaker, after talking with these youngsters I came away with the feeling that we need not fear for the future of America. When it becomes time for these youngsters to assume the leadership of our great Nation, they will be ready. Mr. Speaker, I insert in the RECORD at this time an article which appeared in the Youngstown Vindicator, along with the "thank you" letters I received from some of the Sheridan students.

The article and letters follow:

[From the Youngstown (Ohio) Vindicator, May 31, 1973]

SHERIDAN STUDENTS HEAR U.S. REPRESENTATIVE CHARLES CARNEY

Study hard and develop a strong interest in all levels of government because well-informed youngsters will make well-informed and responsible citizens, U.S. Rep. Charles J. Carney told 3rd to 6th grade students at Sheridan School Wednesday afternoon.

He pointed out that since boys and girls now can vote at 18 some of them will be exercising this privilege in about six years and urged hem to start now preparing themselves intellectually for that great responsibility.

Carney told the children not to let physical handicaps stand in their way but to set their sights and work harder and they can attain their goals despite handicaps.

In answer to questions he said that inflation, price control, international trade and Watergate are among the biggest problems facing Congress today.

He also replied to question about pollution on the Mahoning River, Youngstown's interest in Milton Dam and Youngstown Municipal Airport and Watergate.

Robert Trucksis, principal of Sheridan, welcomed Carney to the school. Tom Sheehan, a sixth grader, introduced the congressman.

JUNE 4, 1973.

DEAR CHARLES J. CARNEY: We deeply appreciate your visit to Sheridan School. We hope you like Sheridan School and we're glad Tom asked you to come. We could tell by the look on other students faces that they enjoyed your visit too. Since we are studying government your advice came in handy. We think that even the students that aren't studying government learned a lot.

Thank you very much.

MICHELLE FORTUNATO,
(and students of Unit D.)

P.S. I have enclosed letters from other students.

Dear Rep. Carney, I thought your speech was good. I'm glad you could come and talk to us about government.

Thanks for coming.

ELANE CICCOTELLI.

Dear Mr. Carney, I want to thank you for coming to my school. I hope you will be a Congressman for as long as you live. You gave a good talk—that means you are a good man.

Sincerely,

FRANK VSIAH.

Dear Mr. Carney, Thank you for coming to our school. I enjoyed your talk about government. I understand government more since you came.

Sincerely yours,

SAM PROSSER.

SHEERDAN SCHOOL,
Youngstown, Ohio.

Dear Representative Carney: I wrote to say thank your four your good talk an government and thank you for making the effort for making a speech a for coming to our school.

Your truly,

MARCY MEIER.

MAY 30. 1973.

Dear Mr. Carney: Thank you for coming and talking to units C and D. You made a good speech and answered the questions beautifully. I hope the children were good and I hope that you can come again to talk to us at Sheridan School.

Thank you again.

CINDY DURKIN.

Dear Rep. Carney: We all thank you for coming and telling us some very interesting things and I hope you can come back in your busy schedule.

Thank you again.

JANET DEGENARO.

MAY 30, 1973.

Dear Mr. Carney: We the people of Unit D really enjoyed your speech. It wasn't boring like some of the speeches I hear.

I hope you didn't mind those people who were very rude.

I think that your speech will really help me in Social Studies.

Thanks again.

JUDY KANE.

Dear Mr. Carney: The many people at Sheridan school would like to thank you for coming. We thought that the way you answered each question was great. We enjoyed it very much.

Thank you again.

SHERRY KOEPPEN.

THE 33D ANNIVERSARY OF SOVIET OCCUPATION OF LITHUANIA

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. GUDE. Mr. Speaker, today, June 15, marks the occasion of the 33d anniversary of the occupation of Lithuania by the Soviet Union. I wish to join my colleagues, the Lithuanian-American community and free peoples throughout the world in taking this opportunity to reaffirm our friendship and support for the people of Lithuania, who have never accepted the forcefully imposed Soviet rule of their country.

Annexation of Lithuania by the Soviets over the past few decades has meant continued religious, cultural and political repression. Yet the courageous people of Lithuania maintain a strong will and determination to regain their independence. As we continue our policy of refusal to recognize the forceful annexation of Lithuania and the other Baltic States, let us salute these freedom-loving people in their struggle for national self-determination.

HE LOOKED AT FARM AND SAW CAMPUS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. ROBISON of New York. Mr. Speaker, I was very pleased to note last week, that Governor Nelson A. Rockefeller has appointed one of my constituents, Darwin A. Wales, of Binghamton, N.Y., to the board of trustees, of the State University of New York. Darwin Wales is a man of great foresight and energy and will, I am sure, be a great addition to the State University operation. As further evidence of his outstanding qualifications for the job, I am pleased to include here in the RECORD an article by Tow Cawley, in the June 8 edition of the Binghamton (N.Y.) Press, and I commend it to my colleagues' attention:

HE LOOKED AT FARM AND SAW CAMPUS

(By Tom Cawley)

In the 1950s, Darwin R. Wales would drive reporters in his car up Front Street out of Binghamton and wave his arm at a sweep of old hardscrabble farmland along the Chenango River and say, "That's where the campus is going."

This was before the Broome Community College existed. Wales was about to make it a life's work.

"Great," the reporters would say, needling the young lawyer. "That's just the place to put a college. On the county pig farm."

Wales would wince, but he was game.

"Okay," he'd say. "It's going to be by the county pig sties but it's the only land the county owns around here. But at least we don't have to spend any money for land. That's where it's going."

When Wales was appointed Wednesday to the board of trustees of the State University of New York by Gov. Nelson A. Rockefeller—joining one of the most prestigious high education policy-making groups in the United States—he had been picked because he is an outstanding authority on community colleges.

As chairman of the Broome Community College board of trustees for nearly two decades, he has fought for his school to improve it, to expand it, to give it high standing in what started out as a post-World War II experiment. He will join the state board of trustees as one of the best qualified experts on community colleges.

Wales' secret is a combination of ingredients. He gets along with people, he is a gifted lawyer, he has been through the political meatgrinder and he is, most important of all, candid with the press.

It is something of a phenomenon to find a guy in public life who, over more than a quater of a century, never has been accused by reporters of ducking, equivocating, telling lies to avoid embarrassment.

When Wales finds himself in a cul de sac, he is apt to say, "I blew that one because I was dumb, that's all."

The son of a state senator he scraped together borrowed money to go to college in the Depression of the 1930s (his father had died and the family was broke), Wales became a do-it-yourself guy to save money. As a result, if, on college construction contracts the electricians, say, find themselves being cross-examined on their work by Wales, it's because he wired his entire colonial-style brick home (most of which he built himself) with his own hands.

He is a killer on the squash courts, is politically independent (he shocked old-line Republican associates by campaigning for his Democratic law partner, Donald Kramer, for mayor), and, to describe his judgment, married a girl named Alice Allaben who, while her husband is rewiring his living quarters, nails the shingles on their Cape Cod cottage at the top of a shaky ladder.

The board of trustees of the State University, with Governor Rockefeller's action, has a capable man. A colleague said of Wales yesterday, "He is the closest thing I know to Edgar Couper."

Couper, a retired member of the New York State Board of Regents, is one of the most respected men in Binghamton.

FLAG DAY—JUNE 14, 1973

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mrs. GRASSO. Mr. Speaker, it is appropriate that we pause for a moment to remember the resolution passed this day in 1777 by the Continental Congress:

> *Resolved*, That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.

As the number of stars has grown to 50, the flag has continued to stand for the fundamental principles of that new constellation, liberty, and justice for all people.

The flag is a symbol of the hard-fought battles for freedom, of protection under the Constitution of the rights and privileges of all Americans, of the duty of all citizens to speak out for what each considers right and to help correct under the law what each honestly believes to be wrong.

The Stars and Stripes have never been the symbol of the beliefs or actions of any particular group in our democracy. So it is today. The flag is the emblem of our Nation—our heritage, our principles, our goals. It represents the thoughts and ideals, the guarantees of freedom and the safeguards against tyranny, which are embodied in the Constitution.

We should on this day rededicate ourselves to the preservation of those fundamental traditions, remembering that liberty is neither won nor preserved without great sacrifice. It is up to us to maintain the principles upon which our forbearers fought a war of independence and created the "new constellation" symbolized by our flag.

COMMITTEE ON ENERGY

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. GIBBONS. Mr. Speaker, today, I am introducing a bill House Resolution 439 which would create a standing Committee on Energy in the House of Representatives. The lessons of the past several months have taught us that the energy crisis is not just a passing difficulty. We know we are rapidly running out of fossil fuels. We know that an overwhelming dependance on foreign resources poses serious threats to our economy and national security. We know we are going to have to develop new types of energy that won't poison the environment. And we know that regardless of how we respond to the urgent need for energy conservation, Americans in future years will continue to require larger and larger amounts of energy. It seems obvious to me that we are going to have to meet these problems with a comprehensive and coordinated energy program, a program that can relate each problem and possible solution to the overall "energy picture".

As you know, at the present time energy legislation is scattered among several committees and subcommittees whose main concerns are not the energy policy of the United States. My bill would create a permanent legislative committee in the House, specializing in energy, that can take a comprehensive view of our situation and give a positive direction to our energy policy. The committee would review all energy legislation but would not deprive any existing committee of its jurisdiction. In case of an overlapping of jurisdictions, the Committee on Energy would have concurrent jurisdiction with any other standing, select or joint committee in the field of energy and power. I believe that such a standing committee is necessary in this area which will have a continuing importance as great as that of any other legislative area.

At this point I would like to enter the text of my bill into the RECORD:

H. RES. 439

Resolved, That (a) clause 1 of rule X of the Rules of the House of Representatives is amended—

(1) by redesignating paragraphs (g) through (u), inclusive, as paragraphs (h) through (v), respectively; and

(2) by inserting immediately below paragraph (f) the following new paragraph:

"(g) Committee on Energy, to consist of twenty-five members.".

(b) Rule XI of the Rules of the House of Representatives is amended—

(1) by redesignating clauses 7 through 33, inclusive, as clauses 8 through 34, respectively; and

(2) by inserting immediately below clause 6 the following new clause:

"7. Committee on Energy.

"(a) All forms of energy and power, from whatever source or of whatever nature, expended or capable of being expended into work, including energy released in the course of nuclear fission or transformation.

(b) The Committee on Energy, acting as a whole or by subcommittee, shall conduct investigations and studies of the development, application, use, and control of all forms of energy and power described in paragraph (a) of this clause in order to establish and maintain on a permanent basis a coordinated program for the development, application, use, and control, for and in the United States, of all forms of such energy and power. The committee shall report to the House (or to the Clerk of the House if the House is not in session) the results of each investigation and study, together with such recommendations as the committee considers advisable.

"(c) The Committee on Energy, or any subcommittee thereof when authorized by the committee, may sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, hold such hearings, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it considers necessary. Subpenas may be issued over the signature of the chairman of the committee or of any member of the committee designated by the chairman and may be served by any person designated by such chairman or member. The chairman or any member may administer oaths or affirmations to witnesses.

"(d) The preceding provisions of this clause shall not affect the jurisdiction of any other standing or select committee of the House or joint committee of Congress, but the jurisdiction of the Committee on Energy as provided by this clause shall be for the purpose of establishing and maintaining on a permanent basis a coordinated program for the development, application, use, and control, for and in the United States, of all forms of energy and power described in paragraph (a) of this clause and, for such purpose, such jurisdiction of the Committee on Energy shall cover and be concurrent with the area of jurisdiction of any other such standing, select, or joint committee in the field of energy and power.".

(c) Clause 31 of rule XI of the Rules of the House of Representatives is amended by inserting "the Committee on Energy," immediately after "the Committee on Appropriations,".

SAD TIME FOR LITHUANIAN PEOPLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BIAGGI. Mr. Speaker, today is the anniversary of the forcible annexation of Lithuania to the Soviet Union. It is a sad day in the lives of the Lithuanian people. One must recall the tragic history of this brave and noble people. Their freedoms were taken from them—they were forced to be governed by a state they did not want, many were deported to other countries. The list of abuses against the Lithuanian people grows longer each year, yet their courage and open defiance does not lessen, rather it grows stronger and they become more determined.

Their tragic course, and their struggle is not theirs to bear alone. Every citizen of a free society should feel an akinship to the Lithuanian cause. We who are privileged to enjoy liberty, owe a great pledge to our oppressed brothers, wherever they are on the face of the globe.

They face possible death or threat of imprisonment for their defiant stand against their oppressors. They deserve our good faith and our promise of continued support.

In the past the United States has failed to recognize the forcible annexation of the Baltic States to the Soviet Union and this measure of our support for their struggle must be maintained, for it must be very heartening to them.

Today we remember a sad time in the lives and history of the Lithuanian people. Today we stand with our fellow citizens of the world—in spirit, if not in fact.

RED TAKEOVER OF LITHUANIA

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mrs. BURKE of California. Mr. Speaker, I wish to join with my colleagues in remembering the takeover of Lithuania by the Red Army on June 15, 1940, and call attention to the way this relatively small, but united country was absorbed by the Soviet Union in 1940. The aggression of the Soviet Union against Lithuania and the illegal process of annexation has meant that the Lithuanians have been denied the right of self-determination, the right to practice the religion of their choice, and the right to dissent and to emigrate. As an independent nation for more than 20 years, the Lithuanian people developed their own political, economic, and cultural life, they were constantly being threatened by the Red Army during this period, and on July 12, 1920, a peace treaty between Lithuania and Soviet Russia was signed in which the Soviet Government "recognizes without reservation the sovereign rights of the Lithuanian state—and voluntarily and for all time abandons all the sovereign rights of Russia over the Lithuanian people and their territory." Again in 1922, Lithuania became a member of the League of Nations and thereby was recognized as an independent state by the world. Again the relations with the Soviet Union were normalized by the nonaggression treaty of 1926 and the convention between Lithuania and the Soviet Union for Definition of Aggression in 1933.

However, the ink on these documents was hardly dry when the Soviet Union began to plot again to subjugate the Lithuanian people.

Since the time of Soviet takeover, the Lithuanians have tried to maintain their own identity and cultural heritage. But these rights have been very hard to maintain. We who are concerned with human rights and individual dignity and freedom join with the brave people of Lithuania in objecting to the takeover by the Soviet Union some 33 years ago and proclaim our support for their self determination and the right to choose and practice the religion of their choice.

THE 1926 CIRCUS TRAIN WRECK

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. CARTER. Mr. Speaker, with the gradual decline of rail travel, railroad buffs throughout the Nation look back to the age when railroading was at its height for a wealth of nostalgia.

The romance associated with the railroad life has given rise to countless tributes to the rugged individualists who kept the trains running. In verse and song, the exploits of Casey Jones and John Henry are recorded for posterity.

Surely, each of us must harbor at least one fond memory of the golden days of rail transportation. It is my pleasure to share with my colleagues at this time the memories of the late Dr. J. B. Kinnaird as appeared in a 1926 volume of the L and N magazine, here reprinted in the April 21, 1973, edition of the Richmond Daily Register, Richmond, Ky.:

L & N MAGAZINE ARTICLE OF 1926 DESCRIBED CIRCUS TRAIN WRECK AT PAINT LICK

(By J. B. Kinnaird, M.D.)

EDITOR'S NOTE.—W. H. Kinnaird, West Main Street, has received from L&N Magazine a 1926 article written by his father, the late Dr. J. B. Kinnaird. A surgeon at Lancaster, Dr. Kinnaird provided his services when a circus train wrecked on a rail branch line near Paint Lick. The surgeon's son offered the article to the Daily Register for publication with assurance that L&N Magazine be given credit.

(The article by Dr. Kinnaird is entitled "My First Experience with the L&N" and follows:)

Early in August, 1882, the Sells Brothers Circus gave a performance at Richmond, Ky., and was billed to appear at London on the following day. After the night entertainment the circus property was soon loaded on an L. & N. train and started on the trip via Lancaster and Rowland to London, for at that time the L. & N. had not been extended from Fort Estill to Livingston.

A hard pull had brought the train up a steep grade to Moran's Summit, the highest point on the Richmond Branch and the down grade to Paint Lick was being covered at a rapid rate when a coupling broke, dividing the train. In those days there were no patent couplers and no air brakes to control the speed. With increasing impetuosity the divided train tore down the steep grade towards Paint Lick at a terrific rate. Just before the locomotive reached the bridge that spans Paint Lick Creek the engineer discovered that the train was divided and for an unknown reason slackened his speed. The inevitable impact followed. The sleepers with two or three freight cars remained on the track, but the others carrying the greater portion of the property were smashed, derailed and rolled over a steep embankment to the edge of the creek in the bottom. The cars and contents were demolished. A heap of dead and dying: the howls of wild animals that had been frightened; the confusion in the dark, with the cries of dazed men and women, made an everlasting impression upon those who witnessed the scene.

The locomotive was dispatched to Lancaster for physicians and surgeons. When William Bogle, the agent at Lancaster, (who is now in the L&N offices at New Orleans, received a message to secure doctors he sent Victor Wherritt, one of his clerks, for Dr. Huffman who was the nearest physician. The old doctor sent for me and together we soon started on the locomotive to the scene of the disaster. It was just before dawn when we backed out of the station. In the east ahead of us a beautiful comet was visible the tail of which seemed to reach down to the very tracks. The rising sun and fading comet made a gorgeous and impressive sight.

Just at daylight we reached the scene of the catastrophe and were greeted by a throng of sightseers from the surrounding country, some of whom in excited tones informed us that ferocious lions and tigers were roaming at large in the vicinity; that the wild beasts were licking up blood from the injured and that in all probability many of the victims were in danger of being devoured. Great excitement prevailed, and we were warned not to cross the railroad bridge but rather to go over the turnpike bridge, which we did without argument. In such a predicament persuasion was unnecessary. In a few minutes we reached the scene of the disaster in time to witness the corralling of the lions and tigers which were driven at the point of pitchforks into the shattered cages and covered with canvas.

Along the banks of the creek parallel with the track were stretched bodies of the dead and injured. We found three who had been killed instantly in the crash and about twenty more or less seriously injured. Of the dead two were employees whose names were unknown; one was a young man evidently from Laurel County upon whose body we found an affectionate note from his "best girl" urging him to come home to attend the circus to be shown at London.

As soon as we reached the scene I began to make a thorough and complete examination of each case in rotation, keeping a written history nature of the injury and treatment adopted. When I finished my work the report containing all necessary data for settlement was handed the officials, who had arrived. The injured who were able to travel were given passes to their various homes from all parts of the United States and the seriously injured were placed in comfortable homes.

During the day several accidents occurred. While switching at Paint Lick a man was run over and seriously injured. The crew was ordered to run back to Silver Creek about two miles and on the way the train collided with a special. The engineer being satisfied with his day's experience and wishing to avoid any further trouble left his locomotive, took to the woods and when next heard from had landed safely in Lexington. I have never learned what became of him.

The destruction of the circus was complete. The electric light plant, an innovation at that time, was so battered as to be wholly unfit for anything; the expensive gilded band wagon, ornamented with figures human and divine—gods and goddesses galore—dragons and gargoyles in profusion—was torn into splinters. Some of the many figures may be found in homes all over Garrard and Madison Counties used as parlor decorations.

My experience with the L. & N. began that fateful day. For over forty years I have been the Local Surgeon at Lancaster and have had many injuries to treat. Before the installment of the patent coupler and air brakes injuries were common, but now exceedingly rare. By care and attention many accidents can be avoided.

My relations with the L. & N. have been pleasant and satisfactory and I hope I may live many years longer to serve the Old Reliable.

LEGAL AID FOR THE POOR—A CONSERVATIVE PERSPECTIVE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, as ranking member of the Subcommittee on Equal Opportunities, Committee on Education and Labor, I have received numerous editorials in support of the legal services program. I should like to call my colleagues' attention to a recent item in the State of Columbia, S.C., which noted:

> The corporation should be independent of the government, in part so that it can better handle grievances against government agencies.
>
> The State, which strongly believes in responsible conservatism, endorses this legislation in the belief that a double standard of justice (one for the poor and another for those who can afford lawyers) is inconsistent with the U.S. Constitution and patently unfair as well.

I insert the editorial, and a resolution from the board of directors of the legal aid service agency of Columbia at this point in the RECORD:

[From the Columbia (S.C.) State, May 29, 1973]

LEGAL AID FOR THE POOR ESSENTIAL FOR JUSTICE

An elderly man is about to be evicted from his home. A woman is "in trouble," but her lover denies paternity. A widow is having trouble getting her social security checks. An uneducated person is being taken to the cleaners by a loan shark. Children are starving because an ex-husband fails to make support payments.

If these individuals are poor and unable to afford legal representation, it is highly likely that they will be taken advantage of. They will not get justice because they can't afford it.

It was to help people with problems like these that the Legal Services Program was created by Congress in 1965 under the Office of Economic Oportunity (OEO).

Every alert taxpayer knows that most OEO programs were some of the worst boondoggles of all time. The Legal Services Program, staffed in places by overly idealistic and aggressive young lawyers, has come in for its share of criticism, some of it richly deserved.

When President Nixon set out to dismantle OEO and disperse or kill its programs, there was concern that Legal Services would go, even though Mr. Nixon had given it lip-service support.

Now, however, the President has carried through with an earlier commitment to support the continuation of the program. On May 1, he recommended to Congress that an independent Legal Services Corporation be created to take over this work, the need for which is so apparent to anyone who truly believes in justice at all.

Here in Richland and Lexington counties, the OEO has been funding at fluctuating levels the Legal Aid Service Agency, a non-profit corporation whose objectives have been supported by the bar associations of the two counties.

The agency reports that there are over 50,000 people in the two counties making less than $4,000—all potential clients of the agency. Since it began operations in 1967, the agency has handled legal matters, big and small, for 13,759 poor clients.

Ordinarily, only civil cases are accepted, particularly in counties, like Richland, which have public defenders. The agency does handle juvenile cases and some post-conviction cases when there is a question that the accused received due process.

The board of the local agency has passed a resolution, detailing the difficulties it has had keeping a staff due to the uncertainties of the OEO operation and urging Congress to promptly enact into law the President's Legal Services Corporation plan.

The corporation should be independent of the government, in part so that it can better handle grievances against government agencies.

The State, which strongly believes in responsible conservatism, endorses this legislation in the belief that a double standard of justice (one for the poor and another for those who can afford lawyers) is inconsistent with the U.S. Constitution and patently unfair as well.

As respected conservative columnist James J. Kilpatrick wrote recently an article backing legal services for the poor, ". . . if we truly believe in equal justice under law, we (conservatives) ought not be deterred from suporting an effort to make these words . . . something more than an empty phrase."

RESOLUTION

We, the Board of Directors of the Legal Aid Service Agency of Columbia, South Carolina, submit the following resolution:

STATEMENT OF FACTS

The Legal Aid Service Agency is a not-for-profit Corporation established under South Carolina Law, governed by a Board of Directors whose membership consists of lawyers appointed by the Richland and Lexington County Bar Associations, elected representatives of the client community and appointed representatives of educational and social welfare institutions. The Agency began operation in April 1967 as a result of a grant from the Office of Economic Opportunity's Legal Services Program. It has operated with the support of both Bar Associations since its inception.

The Agency serves the low income people of Richland and Lexington Counties. According to the 1970 U.S. Census more than 50,000 people in these two (2) counties lived in families with an income of $3,999 or less. Since its inception the Agency has served over 13,759 people in providing complete range of legal services from simple advice to complicated litigation involving a debtor's right to notice and a hearing prior to any attempt to repossess property.

The Agency's ability to serve its clients has been seriously hampered by the fluctuating levels of federal funding and the uncertainty over the continued existence of OEO Legal Services Program. The Agency has at various times had from three (3) to ten (10) lawyers and supportive staff. The present funding permits a staff of three (3) lawyers and a clerk waiting to take the Bar. Turnover in experienced staff has occurred due to the uncertain future of the Legal Services Program; that is, the inability to give the staff any assurance that (1) there would be a Legal Services Program and (2) that it would be a program which respected the ethical requirements of Disciplinary Rule 2-103 (D) of the Code of Professional Responsibility.

The administrative and political disputes surrounding the dissolution of OEO and the future of the Legal Services Program have created an atmosphere which makes sound programming of the local level most difficult.

The inadequate and fluctuating levels of funding provided for legal services also make sound programming and high quality service to large numbers of low income people impossible.

RESOLUTION

Therefore, we, the Board of Directors of the Legal Aid Service Agency submit the following Resolution:

(1) That the Legal Services Program of the Office of Economic Opportunity be transferred to an independent national corporation as recommended by President Nixon.

(2) That the governing board of the corporation be composed of individuals who have a strong commitment to providing equal justice to the poor through furnishing lawyers.

(3) That neither Congress or the National Corporation impose any rule which deprives the poor of the right to bring before the courts through Legal Services lawyers any legitimate grievance that one or more of them may have against any government agency because of its failure to obey the constitution or laws of the United States or any State.

(4) That a level of funding be provided in accordance with the resolutions of the American Bar Association which permits adequate staffing to serve a large client population.

(5) That the President and the Congress adopt the above recommendations at the earliest possible date but no later than the end of the current fiscal year, June 30, 1973.

Respectfully submitted this 15th day of May, 1973.

HOOVER C. BLANTON, Esq.,
Chairman, Board of Directors, Legal Aid Service Agency.
ROY E. GARRIS, Jr., Esq.,
Secretary.

LITHUANIANS SEEK FREEDOM UNDER SOVIET SUBJUGATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, 33 years ago today the Soviet Union launched a military assault against the sovereign state of Lithuania and forcefully incorporated the freedom-loving people of that country into the Communist bloc. This despicable action still stands as one of the most serious setbacks in the quest for worldwide peace and freedom and it is with great sorrow that we observe its anniversary.

After the Communist takeover in 1940 nearly one-sixth of the Lithuanian population was exiled from their homeland and transported to the harsh and cruel environment of Siberia. Still they could not be subjugated. They refused to give up the struggle against Soviet oppression. Just last year Lithuanian anti-Soviets conducted widespread demonstrations which were marked, quite tragically, by the self immolation of three of their most dedicated young countrymen.

The ardent love of freedom of the Lithuanian people should be an inspiration to all citizens of the free world. I urge my colleagues to join me in saluting them in their valiant struggle.

HONORABLE JOHN D. DINGELL HONORS AMERICAN LITHUANIANS AND LITHUANIANS THROUGHOUT THE WORLD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. DINGELL. Mr. Speaker, I am pleased today to rise and honor the anniversary, albeit a sad anniversary, of the date that the Lithuanian people were subjected to the forceable takeover and annexation by the Soviet Union of Lithuania which occurred on June 15, 1940.

I stand with American Lithuanians and Lithuanians throughout the world to commemorate the continued strong protest by Lithuanian peoples against the suppression by the Soviet Union of freedom and human rights in Lithuania.

Mr. Speaker, I include the attached resolution from the Detroit Lithuanian Organizations Center, located in Southgate, Mich., in my remarks today and that the "Baltic Nations — The Unresolved Legacies" also be included in the CONGRESSIONAL RECORD for the benefit of my colleagues and the American people. This report was forwarded to me by the Lithuanian-American Community of the U.S.A., Inc. of Philadelphia, Pa.:

RESOLUTION

We, the American Lithuanians of metropolitan Detroit, gathered on May 20, 1973 to commemorate a sad anniversary called by the Detroit Lithuanian Organizations Center. On May 14, 1972 Romas Kalanta burned himself to death in protest against the suppression of freedom and human rights by the Soviet forces in Lithuania. His death triggered mass riots and unrest in Kaunas and Vilnius. Special Russian riot troops cruelly put down these disturbances. A few hundred young people were imprisoned. Later two other Lithuanians, V. Stenis and K. Andriuskevicius, also burned themselves to death in an attempt to call the attention of the free world to the plight of the Lithuanian nation.

Now, therefore let it be resolved:

1. That we express our sincere gratitude to the Administration and Congress of the United States of America for the continued nonrecognition of the incorporation of Lithuania into the Soviet Union.
2. That we request the President of the United States of America to instruct his delegation at the European Security Conference in Helsinki to demand the restoration of sovereignty and independence to Lithuania.
3. That we support the amendment proposed by Senator Henry M. Jackson that the Soviet Union not be granted a most favored nation status until all of her citizens are given the right to emigrate freely; and
4. That copies of this resolution be forwarded to the President of the United States of America, the Senators and Congressmen of the State of Michigan.

BALTIC NATIONS—THE UNRESOLVED LEGACIES

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

The Lithuanian people have continuously struggled to reject the oppressive communist system from Lithuanian soil ever since the forcible annexation into the Soviet Union on June 15, 1940.

The post-war history of Lithuania bears grim testimony to this rejection of forcible incorporation. From 1944 to 1952, anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerrilla warfare at a cost of over fifty thousand Lithuanian lives. During Stalin's era, over one-sixth of the Lithuanian people were deported to Russia and Siberia in an effort to depopulate and subjugate the Lithuanian Nation. To demonstrate the extent of this depopulation in comparison to the United States, it would mean the elimination of all the people from the thirty largest cities in this country.

To this very day, Lithuanians are risking and sacrificing their lives in definance of the communist regime. The protests of the Lithuanian people against the denial of the right of national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered wide-spread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia and Estonia into the Soviet Union.

The 89th U.S. Congress during its second session was explicit in its determination to forestall any Russification and absorption of the Baltic States by the Soviet Union when it adopted House Concurring Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations and other international forums. The European Security Conference is such an international forum. We ask your support in urging the United States delegates to openly state the U.S. policy of non-recognition and raise the Baltic question directly as Congress has specified.

LITHUANIAN INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. GILMAN. Mr. Speaker, I rise to join my colleagues in recognizing June 15, 1973, as a day of reflection upon and sorrow for the plight of millions of Lithuanians—in commemoration of the 7 million men, women, and children, who, 40 years ago, died resisting Soviet oppression.

The Soviet Union contends that their's is a federation of republics freely joined by a socialist constitution. In truth, the Soviet Government presides over a multitude of subjugated peoples. Winston Churchill's words can be used to describe these people. Under different circumstances, the war time Prime Minister of England referred to "shattered states and bludgeoned races." Lithuania is among these shattered states.

Lithuania once was an independent nation apart from the Soviet Union. Lithuanians are a people unto themselves who deserve to be recognized as such, by the Soviet Union and by the entire world.

The United has never formally recognized the incorporation of Lithuania into the Soviet Union nor have we acquiesced in the subjugation of these people. It is hoped that we will maintain that position.

However, beyond nonrecognition, beyond refusing to condone what the Soviet Union has done, let us join in an effort to help restore Lithuanian independence.

Accordingly I join in urging the U.S. delegates to the European Security Conference to raise the question of Lithuanian independence when they meet again.

LITHUANIA'S RIGHT TO FREEDOM

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. DENT. Mr. Speaker, at this grave moment in our American democracy, we face perhaps the greatest crisis of national disunity that we have experienced since the cessation of the War Between the States, over 100 years ago. We find our friends and neighbors sharply criticizing our Government—its leaders and its policies. And most serious of all, our thoughts are filled with criticisms and complaints over the small irritants in our daily lives—lack of gasoline, high costs of food supplies, discrepancies in wages, and cutbacks in Government benefits.

In this national humor, I believe it would be fitting for all of us to think upon the peoples of Lithuania and the courage which they have displayed through the years; deprived, not only of simple comforts, but of their entire free nation. The patriotism and national unity which these people have displayed both under Communist rule and in exile should be an example to us all.

I wonder how we would remember our life in America if we were to be suddenly thrown into the hands of a hostile aggressor. The Lithuanian people have kept their culture alive not only under the threat of fierce attack on their native soil, but through several generations in this country where they have been welcomed into our communities.

The United States has never recognized the annexation of Lithuania into the Soviet Union, and we therefore champion such a display of patriotism, not as a lack of gratitude for our help, but as an attitude which we as Americans have always held in esteem. The Lithuanian people living throughout our country are not immigrants, they are exiles, and it is only fitting that we join them in honoring their anniversaries; even the ones of sorrow such as we commemorate today.

In an effort to give meaning to this magnificent struggle and our observance of it, we urge the delegates to the European Security Conference to speak out on our policy of nonrecognition and to carry out the wishes of Congress by speaking out directly with regard to the rights of the Lithuanian people. While we continue to enjoy the freedom of our own right to dissent, it is only suitable that we lend our aid to those who have a cause so just.

PRICE CONTROLS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. CLARK. Mr. Speaker, in my judgment the reimposition of price controls for a period of 60 days is little better than a stopgap measure. Price controls should never have been removed in the first place and while I have supported the President on a number of issues, this time I think he is engaging in too little and too late.

The time has come to develop a set of economic controls that will protect the middle-income wage earner and taxpayer. Economic controls imposed up to now have protected welfare recipients through food stamps and built-in cost-of-living escalator clauses and have left the high-income people continued protection through tax writeoffs and other tax shelters. This has meant the middle-income wage earner has borne the burden of inflation along with the elderly and retired people on fixed incomes.

Within the past week I toured several supermarkets in the Washington area and was thoroughly appalled at what the basic necessities of life now cost, particularly food. While the price freeze will temporarily halt rising food costs, it will do so at an already too high level.

The administration now has 60 days to produce a workable economic control program. If what they develop is not designed to offer additional protection for middle-income people and those on fixed incomes specifically, I am prepared to offer substitute legislation or amendments to accomplish this goal.

I am particularly disturbed, Mr. Speaker, that people who have devoted 60 or 70 years of their life to make the United States the great economic machine that it is have been repaid with shrinking pension checks, rising prices and rents and evaporating savings.

I specifically intend to urge the development of an effective rent control and a most thorough examination of the causes for soaring food costs.

Mr. Speaker, I am a strong believer in the free enterprise-supply and demand system, but it is time to stand up and be counted against the gouging of the middle-income people in my district and the Nation.

FIVE IN ORANGE HOLD AGRICULTURE SERVICE AWARDS

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. GUNTER. Mr. Speaker, I would like to bring to the attention of my colleagues the good fortune of the people of Orange County, Fla., many of whom are in my congressional district. We have five men who have received awards for their outstanding contributions to agriculture. I would like to submit for the Record the following article from the Orlando Sentinel of Monday, June 4, 1973, which explains the contribution these men have made:

Five In Orange Hold Agriculture Service Awards

Out of all the counties in the United States, Orange has the distinction of having five members of the United States Department of Agriculture Superior Service Award—probably a record for one county.

Henry F. Swanson, County Extension Director for the Florida Cooperative Extension Service, said only 700 or so of the medals are given out each year nationwide. The award is the second highest the USDA gives.

The five award winners, four of whom are still active in the USDA, include:

Dr. Paul Harding, developer of a maturity standard for citrus fruit.

Dr. Bill Cooper, who developed a chemical for loosening fruit so it can be mechanically harvested.

Fred Merrill for his application of soil and water conservation standards to urban situations.

Henry Swanson for overall leadership in the extension program for 25 years.

Robert A. McGregor, who developed a monitoring system for California agricultural production.

Swanson won his award in 1970 for overall leadership in extension programs after 25 years of service to the USDA. He is now working on the problem of urbanization as it affects agriculture. As Orange County grows, he is trying to assess the impact on agriculture, the water supply, pollution, and taxes.

Swanson now works in cooperative extension work in agriculture, home economics, and with youth groups and was winner of the County Agricultural Agents Award in 1960.

Cooper received the award in 1969 for his work with a chemical that loosens citrus fruit so it can be harvested mechanically.

Cooper, working with Dilliam Henery and Dr. Gordon Rasmussen, developed the chemical Cycloheximide which is now in semi-commercial use in Florida. Cooper said the USDA now holds a public service patent for the method, which is the first of its kind to be used in commercial production.

Cooper holds a doctorate in plant physiology, and has worked in Orange County 13 years. Before that, he spent 28 years in California. All of his work has been in the citrus industry, he said.

The chemical is mixed 10 parts per million of water, and is effective on early and middle season citrus. It is not effective on late season citrus such as Valencias, which are harvested in April and May.

McGregor said he received the award in 1966 for developing a monitoring system for production after California revised its labor laws. Labor problems were resulting in less output, and the problem was solved after farmers and growers turned to mechanized harvesting.

McGregor now works for the Florida Crop and Livestock Reporting Service which forecasts amount other things the citrus production in Florida.

Dr. Paul Harding was honored for developing a maturity standard for citrus fruit. Harding, who is retired, developed a standard based on the sugar and acid ratio in citrus fruit to determine the fruit's maturity. The system is now used through out the state.

The fifth member of the elite group, Fred Merrill, is a district soil conservationist with the Orange Soil and Water Conservation District.

Merrill received the award in Ohio in 1969 for his application of soil and water conservation techniques to urban situations stopping erosion in subdivisions instead of farm land.

Cooper said he believes there is only one other research worker in Florida who has received the award, and Swanson said only four Florida USDA agents have been recipients.

QUESTIONNAIRE RESULTS

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. MARTIN of North Carolina. Mr. Speaker, during the month of April of this year, I solicited the opinions of my constituency in the form of a questionnaire. The results of the responses to that questionnaire have today been sent to all my constituents in a special report. I would like to share with my colleague this special report and do therefore request that the text of this message to my district be printed in the Record.

QUESTIONNAIRE RESULTS

	Yes		No		No answer	
	Number	Percent	Number	Percent	Number	Percent
(A) Amnesty: Should those men who fled the country or took other illegal action to avoid their military service during the Vietnam conflict be given amnesty	3, 604	17. 5	16, 606	80. 4	434	2. 1
(B) Busing: Do you favor a constitutional amendment which would prohibit the busing of school children to achieve a racial balance	16, 106	78. 0	4, 299	20. 8	239	1. 2
(C) Crime: Do you favor mandatory prison term without probation for conviction of a crime committed with a gun or other lethal weapon	16, 957	82. 1	3, 318	16. 1	369	1. 8
(D) Drug pushers: Would you favor a Federal law imposing 5 year mandatory sentences without parole for first offense drug pushers and life sentences for second convictions	16, 889	81. 8	3, 330	16. 1	425	2. 1
(E) Energy crisis: Do you think the "energy crisis" is serious enough that the Federal Government should help in finding new energy sources	14, 137	68. 5	5, 534	26. 8	973	4. 7
(F) Federal Government: Do you support the President's efforts to reduce and decentralize the federal government	16, 490	79. 9	3, 099	15. 0	1, 055	5. 1
(G) Gun control: Do you favor stricter gun controls at the federal level	10, 957	53. 1	9, 345	45. 3	342	1. 6
(H) Highway taxes: Would you favor the states and cities spending some of the moneys earmarked for highway construction in the Highway Trust Fund (gasoline taxes) on urban mass transit (bus, train, subway)	13, 490	65. 3	6, 372	30. 9	782	3. 8
(I) Impoundment: The President said he will withhold spending of funds Congress has authorized if they would result in tax increases. Do you favor forcing the President to spend the money as Congress directs	6, 059	29. 4	13, 856	67. 1	729	3. 5
(J) News sources: Is it your opinion that under all circumstances news reporters should be permitted to keep their sources of information confidential	9, 394	45. 5	10, 324	50. 0	926	4. 5

Please list the national problems which most concern you:

(1) Inflation/economy	9, 456
(2) Crime	8, 475
(3) Drugs/drug abuse	4, 436
(4) Taxes	1, 633
(5) Busing	1, 498

This special report presents the results of the opinion questionnaire which I sent in April to all constituents in the 9th District. 20,644 questionnaires were returned. This exceptionally high rate of return for this Congressional District is second only to the 21,479 responses received by former Congressman Charles R. Jonas in 1970.

A questionnaire is one particularly valid way for a Member of Congress to gauge the opinions of constituents for it affords everyone a chance to register his or her attitudes without having to be represented by a small random sample.

The Amnesty question was strongly worded to single out illegal draft evasion. While this might have been expected to stimulate response on both sides, the actual result was heavily against amnesty, more so than in several national surveys. Pollsters Harris and Gallup have found that nationally 67% oppose amnesty, with the figure being higher, 72% in the South. The busing question was intentionally aimed at sounding out support for an amendment to the Constitution which I have introduced. In response to the above-mentioned 1970 questionnaire, 90% of our District had already opposed "compulsory busing if that is required in order to achieve approximate racial balance in the public schools".

The very high percentages favoring mandatory, harsh prison sentences for drug pushers and crimes committed with lethal weapons indicate a deep public concern in these areas. Some respondents differentiated between organized hard drug pushers and those who are sustaining their habit. The intensity of feeling regarding gun crimes may be a factor contributing to the 53% majority favoring *generally* stricter gun controls.

Support for federal research on new energy sources is a very timely finding, particularly considering that most responses were received prior to the summer impact of the gasoline shortage. This is the legislative area where I am devoting most of my time. The somewhat related question of permitting highway taxes to be spent for mass transit produced almost as high a percentage of those in favor, more than two to one. This item also incorporated an element of decentralization of government, which received a better than five to one endorsement in question (F), on reduction of the Federal Government.

The need to economize in federal spending was indicated in another question (I), contrasting the impoundment issue of Congressional prerogatives *versus* the threat of a tax increase. Less than one out of three would compel spending, given that choice. Partially this reflects a concern for the economy and inflation which ranked highest in the "open-ended" question. The closest score of the questionnaire came on the question of permitting reporters to keep their news sources confidential under all circumstances.

On the open-ended final question asking for three greatest national concerns, our things stand out: (1) In the aftermath of the Vietnam settlement, foreign policy questions were no longer dominant; they had nearly disappeared; (2) Primary concern by far was focused on "pocketbook" issues, and on crime and drug abuse; (3) Concern over housing registered a high level of emotion; (4) The "Energy Crisis" was just beginning to be perceived, with 745 responses (3.6%). Environmental concerns were noted in 986 responses (4.8%).

VOLUNTEER ARMY VERSUS THE DRAFT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. TEAGUE of Texas. Mr. Speaker, some months ago I had the opportunity to visit at some length, the U.S.S.R. One of the many observations I made was the fact that there were a great many men in uniform, all of whom impressed me as being topnotch individuals. There appeared to be a great esprit de corps and a pride in uniform. When you compare this to what we are experiencing to some extent in this country today it gives cause for alarm.

The other day I received a letter from the State director of Selective Service in the State of Texas which further increases my concern for what is happening in our country so far as our military is concerned. The experience in Texas is probably not unique and I would urge that every Member give some consideration to the contents of this letter and query his own State director for the facts:

MAY 31, 1973.

Hon. OLIN E. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR MR. TEAGUE: Draft calls were suspended at the end of last January and the authority to induct will expire completely on June 30th. At the present time I am being required to carry out a major reduction-in-force and dismantling of the vital elements of the draft machinery in Texas. (Reference my letter dated March 14, 1973.) This is being carried out before the success of the all-volunteer army is assured.

There have been all kinds of optimistic comments and forecasts made from the Pentagon during the past year regarding the success of achieving an all-volunteer army. Evidence that this staggeringly expensive venture is failing is rapidly piling up.

The failure of the recruiters to meet their monthly quota of non-prior service volunteers has become more dramatic each successive month since last January. For the month of April the army made only 40% of the minimum quota set for its recruiters. As of the 21st of May, they had succeeded in enlisting only 1900 while their goal for that date during the month of May was 4200.

The advocates of the all-volunteer army have claimed a much better quality soldier would be attracted by the new methods. I have suspected for a long time that the opposite would be true, and evidence of this is now emerging here in Texas which confirms my suspicions to a disturbing degree. For months my local board personnel have reported to me that many men, already found unfit for serivce during a pre-induction physical examination, were being enlisted as volunteers. It should be pointed out that these men were disqualified at the same examining stations used for volunteers and under the same uniform standards established for all by the armed forces for acceptability for service. I recently had a survey made of all the boards in Texas to determine how many there were of such cases and directed that the files of such men be sent to my headquarters for examination. To date we have uncovered 868 cases of men enlisted since last October who had been previously disqualified for physical, mental or moral reasons (4-F). There are signs this is happening all over the country.

The Department of Defense announces that standards will have to be reduced to achieve an all-volunteer force, while at the same time announces the intentions to hire civilians to handle some of the sophisticated jobs manned in the past by the Military. On the other hand, civilians are also hired to perform such time-honored Military tasks as KP because these jobs are too menial for the volunteer soldiers. What a paradox. Just what kind of people are we becoming when we are willing to attempt to buy the services of the unfit and disadvantaged of this nation to man its defenses? I say it is not only morally wrong but it is downright dangerous.

The draft has never been popular—and it never will be. It is, however, the most practical and equitable way to raise manpower when large Military forces are maintained in a nation of people not oriented to seek Military service. Contrary to what the opponents of the draft say, it is one of the best examples of democracy in action meeting a most difficult responsibility by assuring that our Military forces are representative of our society as a whole.

The draft does not prevent a single volunteer from enlisting. For more than twenty years draft calls have been levied to fill the difference between the needs of the armed forces and the success of recuriters to find volunteers. During this entire period there was always a remarkable correlation between the size of draft calls and the success of recruiters.

The proposed Selective Service budget for FY 74 is fifty-five million dollars—a cut of twenty-three million. This is less than 2% of the costs associated with efforts to achieve an all-volunteer force. Congress should pause before it permits the emasculation of the agency which has proved to be so successful in helping meet the manpower requirements of both the active and reserve components of the armed forces.

This is an earnest plea to use your considerable influence in behalf of extending the induction authority, unpopular though it may be. It will not cost anything to keep it on the books, nor will one man have to be inducted if the all-volunteer effort should unexpectedly bear fruit. There will be time-consuming difficulties in reestablishing the draft once it has lapsed—plus the difficulty of maintaining the viability of Selective Service without induction authority.

Sincerely,

MELVIN N. GLANTZ,
Colonel, AGC, State Director.

DEATH OF TED COTT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. WOLFF. Mr. Speaker, it is my sad duty today to speak to the House briefly about a great gentleman, great professional, and a wonderful friend, Ted Cott, who passed away suddenly on Wednesday evening in New York. I was privileged to know Ted for many years, and I can only say that he was as creative an individual as one could ever hope to know. He served as president of the National Academy of Television Arts and Sciences, but that was only one of the many ways he contributed to our national life.

Many of my colleagues will be familiar with Ted directly, but others would know him through his activities. As an originator of the David Susskind show, with its unique television format, he gained tremendous respect throughout the communications field. He was an innovator and an explorer in all areas of television and radio communications. Many of the Members of this House appeared on "Ask Congress," a television program for which Ted Cott and I helped to create. This TV show, which we tape here in the House of Representatives, brought the views and ideas of many Members of Congress to viewers in 22 cities.

I was privileged to know Ted Cott well, and I know that the communications industry has lost one of its brighter lights. His was a directness and honesty that enriched the lives of millions of people who never knew him.

At this point in the RECORD, I would like to insert the obituary that appeared in the New York Times:

TED COTT IS DEAD—TV PRODUCER, 55—EX-NBC GENERAL MANAGER WAS A RADIO INNOVATOR

Ted Cott, who was responsible for many innovations in radio and television in his years as a broadcaster and producer, died Tuesday at St. Clare's Hospital, apparently of a heart attack. He was 55 years old and lived at 70 East 77th Street.

At his death, Mr. Cott was a media consultant to several companies and was active as a television producer.

In 1950, he was named general manager of the National Broadcasting Company's local radio and television stations here.

Two years later he became vice president of National Telefilm Associates, which operates WNTA-TV in New Jersey. One of his accomplishments there, in 1960, was the production of Eugene O'Neill's "The Iceman Cometh."

There had been some fear that viewers would protest O'Neill's salty language in his portrayal of down-and-outers in a waterfront bar, but of 93 calls by viewers, only three were complaints.

Mr. Cott began as a radio announcer at the age of 16 in 1934, and his first job of consequence was at WNYC, the city's station. He had the title of dramatic director.

JOINED WNEW IN 1943

The city's salary scale for radio announcers was $1,800 a year, and Mr. Cott left for WNEW in 1943, after nine years with the city, when the Municipal Civil Service Commission pronounced him unqualified for the job.

The city had spent $10,000 and two years on its examination of qualifications. It also discharged the announcer Tony Marvin. Mr. Cott's new job meant an increase of $140 a week. Mr. Marvin went on to the "Major Bowes Amateur Hour" at $18,000 a year, 10 times his WNYC pay.

One of his innovations, as program director of WNEW, was a discussion of radio entitled "Report to the Listeners." Mr. Cott who had been a radio critic for The New Republic, not only "reported to the listeners" on how a station prepares programs and how it selects its material but also gave the listeners a voice, by having their letters read on the air.

Another innovation, in 1950—he was then manager of WNEW—was the presentation of Leopold Stokowski as host of a four-week series on the music of Bach.

The formula was essentially similar to today's, except that William B. Williams has replaced Mr. Stokowski as the disk jockey, and the musical fare is lighter.

Mr. Cott also put on a series with Carl Sandburg, the poet and biographer of Lincoln. The program featured folk music, with Mr. Sandburg playing a guitar, singing and commenting in his own way on the American musical heritage.

OPPORTUNITY FOR SUSSKIND

Mr. Cott also gave David Susskind, his cousin and a producer in his own right, a chance to expound on the air instead of at a women's club.

Here again there was an innovation: The program did not have a fixed termination point. The programs kept on going so long as they stayed interesting.

Mr. Cott had served as vice president and general manager of WABD, Channel 5, the DuMont station here.

He had been president of the National Academy of Television Arts and Sciences.

His books included "The Victor Book of Musical Fun"; "Isn't It a Crime?", a quiz book, written with David and William Manners; "A Treasury of the Spoken Word," an anthology that came out of a series of WNEW programs on poetry, and "How to Audition for Radio," a handbook for actors.

Mr. Cott leaves his wife, the former Suzanne Oakland; five sons, Jonathan, Jeremy, James, Thomas and Patrick, and a half-sister, Frances.

A funeral service will be held today at 1 P.M. at Frank E. Campbell's, Madison Avenue at 81st Street.

A TRIBUTE TO LITHUANIANS

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. MORGAN. Mr. Speaker, the United States-Soviet summit meeting this month will not dim the significance of June 15 as a sad anniversary for all who value freedom and dignity for people everywhere. I refer of course to the date, 33 years ago, when Soviet forces invaded peace-loving Lithuania. Lithuania lies in Moscow's grip to this day.

I pay tribute to the courageous Lithuanian people who have opposed the oppressive Communist system ever since their forcible annexation into the Soviet Union. History tells of the long struggle of patriots against Kremlin subjugation. The spirit of Lithuanian independence and nationhood lives on.

The United States has never recognized the forceful incorporation of Lithuania and the other Baltic States into the Soviet Union. Our steadfastness in this policy amidst improvement in other American relationships with the Soviet Union has been a measure of our devotion to the cause of freedom.

SPEEDY TRIALS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. KEATING. Mr. Speaker, in a landmark decision, the U.S. Supreme Court has handed down a ruling that criminal defendants who are denied speedy trials must have the charge against them dismissed.

During the 93d Congress, several bills have been introduced in both the House and Senate to provide for speedier trials. My own bill, which was introduced on January 3 of this year with 12 cosponsors, would provide both State and Federal judicial systems with the means necessary to assure prompt disposition of criminal cases.

The need for adoption of this legislation is now greater than ever, in order to guarantee that pretrial delays do not result in countless dismissals against criminal defendants whose guilt or innocence has not been determined in accordance with the law.

The Supreme Court decision on this matter, which arose in the case of Strunk against United States, involved the conviction of one Mr. Strunk for a Federal offense. Strunk was sentenced by the U.S. district court for a term of 5 years, although prior to the trial the court had denied his motion to dismiss the charge on the ground that he had been denied a speedy trial.

The court of appeals reversed this decision, holding that Strunk had been denied a speedy trial, but that the "extreme" remedy of dismissal of the charges was not warranted.

The case was then sent back to the district court, with instructions to reduce Strunk's sentence by 10 months to compensate for the unnecessary delay that had occurred between the time of the indictment and Strunk's arraignment.

The Supreme Court then heard the case, with a view toward ruling on the question of whether the remedy provided by the court of appeals was the appropriate one: that of reduction in sentence for the time of the pretrial delay.

Writing the opinion for a unanimous Court, Chief Justice Burger stated that dismissal of the charge must remain "the only possible remedy" for denial of the constitutional right to a speedy trial.

Mr. Speaker, I urge the Congress to give its prompt attention to passage of the speedy trial legislation which I introduced earlier this year, H.R. 4807.

BOB PHINNEY ENDS DISTINGUISHED CAREER OF PUBLIC SERVICE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. PICKLE. Mr. Speaker, in the annals of public service, few names ever will be more synonymous with dedication, honesty and hard-working integrity than Robert L. Phinney.

Bob Phinney retires this month after serving 21 years as district director of the Austin, Tex., Internal Revenue Service district.

In over two decades his name elicited only the highest praise and respect from all who knew and worked with him. Seldom has a man been more honest, more fair, day after day.

The area of Austin, the State of Texas, and this Nation become the losers when he steps down this month.

His reputation was not built in a day nor solely during his stay at the IRS. Permit me, Mr. Speaker, to make a personal observation.

It was my privilege to become associated with Bob Phinney just after World War II, when we both volunteered our time to help then Congressman Lyndon Johnson in a campaign for reelection. Bob Phinney was selected to head the entire Travis County organization, and this was a wise choice. People believe in the integrity and honor of Bob Phinney then as now.

Later I was associated with Bob in private enterprise when a group of ten veterans gathered to form radio station KVET in Austin. The station became known as "Kay-Vet," and I believe it was one of the first stations in America to coin a phonetic name. Bob Phinney served as business manager, and he got a new and risky enterprise set off in a healthy direction.

Both Bob and I later sold our interests in the station, and I imagine we both regret that action, as the station remains a most successful enterprise today.

Bob Phinney then served as postmaster in Austin for over 4 years, and he carried to that organization the same high standards of service and performance which have characterized his whole life.

I have visited many times in the Phinney home with Bob, his lovely wife Helen, and his gracious and talented daughter, Mrs. Susan Conrad.

Bob had married the former Helen Avery, whose father, Col. C. N. Avery, was easily one of the most loved men in all of central Texas. Wonderful, warm, and colorful stories still float about concerning Colonel Avery, his son Buck, and his wonderful son-in-law Bob.

Bob's distinguished career began before I knew him. Bob and his brother, Gen. Carl Phinney, were both cited for leadership and valor in the European theater of World War II. They were members of the famed and honored 36th Division which saw action in Italy.

In both his personal and professional life, Bob Phinney has always displayed the very highest sense of honesty and integrity. In dealing with the public, he always made his decisions in an equal and nonpartisan manner.

Truly, Bob Phinney has exemplified the very finest of public service. Texas and America can point with pride to his unselfish life of dedication.

A recent article in the Austin American-Statesman details Bob's life history, and I would like to include it in the Record at this point:

From WPA to Top Address in IRS: Billions Have Flowed Through His Fingers—Tax Chief Phinney To Retire

(By Nat Henderson)

It's a long way from the WPA to a top address in the IRS.

But some of the same people from whom Bob Phinney collected almost $52 billion in taxes during the last two decades were drawing "Relief" from him a seemingly short 40 years ago.

R. L. Phinney, director of the huge district of the Internal Revenue Service in the southern half of Texas, will retire at the end of this month after working over 38 years for the federal government.

In addition to the $51,849,159,000 Phinney collected from taxpayers since becoming district director of IRS in 1952, most of his federal service has involved the handling of large sums of money.

The late President Harry Truman appointed him postmaster in Austin on Nov. 25, 1947. He supervised the work of more than 500 employees who handled about $2.2 million annually in postal receipts. At the same time, Phinney also was central accounting postmaster. Almost $133 million was remitted to Phinney in that post in 1951 alone.

Lt. Col. Phinney was finance officer for the 36th Division of the Texas National Guard in Texas, Africa and Italy during World War II. He supervised a $32 million payroll for the T-Patchers to spend and send back home.

Even back in the Depression when "Phinney was skinny" along with a lot of other people, quite a few greenbacks flowed across his desk. In spite of all those millions he oversaw in the latter part of his career, Phinney really was "on relief" and was "buying everything from needles and pins to mules."

He became assistant purchasing agent for the Texas Relief Commission in Austin in January of 1933, when "soup kitchens" were commonplace and a favorite song was "Eleven-cent cotton, 40-cent meat. How in the hell can a poor man eat. Back's all broken; fingers all sore; cotton's going down to never rise no more."

As it went on down, along came the NRA, CCC, Triple A, NYA and the big one of the Depression alphabet known as the WPA. Phinney became director of employment at the Work Projects Administration district headquarters in Austin when that agency absorbed the Texas Relief Commission on July 1, 1935.

In 1936, President Franklin Delano Roosevelt sent Lyndon Baines Johnson from Washington back to Austin to organize the National Youth Administration in Texas. Phinney aided Johnson in setting up the NYA procedures at their offices in the Littlefield Building, and they became lasting friends.

"One of the two most brilliant men I've ever known was President Johnson," Phinney says.

The admiration was mutual; for the late President Johnson once said of Phinney, "That Bob is big enough to walk with any man and humble enough to walk with every man."

The other man Phinney admired most was the late Gen. Ernest O. Thompson, the father of oil conservation and a member and chairman of the Texas Railroad Commission for 34 years.

A photograph of Gen. Thompson hanging in Phinney's office bears the inscription, "To my devoted companion in war and peace."

The two went to war together in the 36th Texas Division. Phinney, who had been in the Texas National Guard since 1927 and commissioned a second lieutenant in 1933, was called to active duty with the "T-Patchers" on Nov. 25, 1940. He was regimental adjutant under Thompson, then a colonel.

Phinney became finance officer of the division in 1941. He served with the 36th through its overseas tour in North Africa and Italy. He landed with it at Salerno on Sept. 9, 1942, the anniversary of his marriage to the former Miss Helen Avery of Austin in 1939. He won the Bronze Star for meritorious service in combat.

After returning to the States in August of 1944, Phinney became fiscal director at huge Camp Swift near Bastrop. He was promoted to colonel in 1946 and released from active duty that September. He retired as a colonel in 1960.

Phinney and a group of friends, including John Connally, J. C. Kellam, Jake Pickle, Ed Clark, Sheman Birdwell, Willard Deason and Ed Syers, organized Austin Broadcasting Company and began operating Radio Station KVET on Oct. 1, 1946. Phinney was secretary-treasurer until his appointment as Austin postmaster in 1947.

He remained with the postoffice until transferring to the IRS as acting collector on April 22, 1952. He became district director on Nov. 19 that year.

The 1972 business was five times greater than the $1,146,073,000 collected in 1952 during Phinney's first year with IRS. Last year the total was $5,870,914,000.

The Austin district now has 1,100 employes in 25 offices serving 111 counties in the lower half of Texas. Last year a total of 3,443,079 returns were filed. Austin and the Jacksonville, Fla., district are about equal as the largest in the nation.

As IRS district director, Phinney has been chided on many occasions. Former State Sen. Charles Herring once asked how much taxes the citizens of the district paid during the year.

When Phinney gave him the total tax collections, Herring replied, "No, that must be their total income."

Phinney assured him that was the taxes and not the income, and Herring quipped. "Well, there's not a lot of difference anyway."

Nevertheless, Phinney says, "I've had more fun than I ever had in my life in the last 21 years. I like to deal with people—the actual millions of customers we have in the southern half of the state and the many tax practitioners themselves. I've thoroughly enjoyed working with the employees."

As far as taxpayers are concerned, Phinney says, "We have in our district the greatest percentage of voluntary compliance anywhere in the country. There's no question, as high as taxes are, that they are burdensome, but the huge majority realizes it's a necessity."

In regard to higher taxes now than during the Depression years, Phinney says, "In the old days it was just as difficult to pay the proper tax as it is in today's affluent society. The truth is it was harder. We now want to spend more on ourselves for luxuries."

Speaking about taxpayers in the district, Phinney smiles, "Their attitude is just great. They're all great Americans and great Texans, and they like to gripe and brag at the same time about just how much taxes they pay."

Phinney, youngest of four children of Lillie and Charles DeWolfe Phinney, was born in Marble Falls on April 5, 1910. The family moved to Austin in 1916, and his mother died in 1918 during the influenza epidemic. The children went to Brownwood to live with their grandparents, since their father was a carpenter and contractor who traveled widely across the state constructing the wooden derricks for oil wells.

Phinney graduated from Brownwood High School in 1927 and entered the University of Texas. He quit in 1929 because of the lack of funds and went to work with the Texas Highway Department as a field clerk. He stayed with the department until he was employed by the Texas Relief Commission.

Rather than accept a transfer to become IRS district director at Buffalo, N.Y., Phinney is choosing to remain in Austin, where he and his wife can be near their daughter, Mrs. Karl Conrad. He's just "gonna farm and ranch."

Phinney also says he just can't bear leaving all the longtime friends who have paid him so much taxes and "so many compliments."

And there have been many, such as a tribute entered this month by U.S. Sen. John Tower in the Congressional Record: "Mr. Phinney has enforced our tax laws throughout the Austin District firmly, efficiently and fairly. He has done so in a non-partisan manner which has won him great respect from people of all political persuasions. He is a man of unquestioned integrity and honor."

Leon Jaworski, past president of the American Bar Association, said recently, "He's a genuine good fellow with strict ethical conduct, high integrity, undeviating fairness."

Frank Rea, immediate past president of the Texas Society of Certified Public Accountants, said, "Nobody enjoys paying taxes, but Bob Phinney has done more to make it a pleasure by his cooperation with the public and those who advise taxpayers. He has intense dedication and fairness."

Phinney says, "I tell various groups when I speak to them that those initials they use on me actually mean 'Sweet Old Bob.' "

THE TRAGEDY OF LITHUANIA

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. ARMSTRONG. Mr. Speaker, today, June 15, should not be allowed to pass without pausing for a moment to commemorate a tragedy which occurred on this date 33 years ago. Today is the anniversary of the forcible annexation of Lithuania into the Soviet Union.

Although this event is most keenly appreciated by Americans of Lithuanian extraction, it has symbolic meaning for all of us and affords an opportunity to reflect upon those nations and peoples who are so much less fortunate than we here in America.

Freedom is so commonplace in our country that we are often guilty of forgetting what it has taken to preserve and protect it. And we are even more at fault for not appreciating fully the situation of those many peoples of the world who pray daily for just a fraction of what we take for granted.

In just a few short years, the United States will mark 200 years of progress and comparative safety—secure in the knowledge that we have always had a country to build and believe in. In other parts of the world, there are those who have only the belief—their country is no longer theirs. Thirty-three years ago today the Baltic nation of Lithuania lost the one thing that we Americans cherish above all else—the freedom to govern ourselves and to decide our own fates and fortunes.

I call upon all my colleagues in this body and to all of my fellow citizens—to all the free nations of the world to pause a moment and reflect on these freedoms, and to ask that men everywhere respect the spirit of man, and grant those same freedoms to those who will work for it and protect it from abuse by those who may not understand what it is all about.

LITHUANIAN ANNEXATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mrs. GRIFFITHS. Mr. Speaker, June 15 is a day of sadness and reflection for Lithuanian-Americans and Lithuanians throughout the world. On June 15, 1940, the Soviet Union declared that small nation a constituent republic and brought to a close 20 brief years of Lithuanian independence. The U.S. Government never has recognized the forced incorporation of the Baltic States into the U.S.S.R. and has continued to treat Lithuania as a sovereign nation. As a people, we recognize the right of all people to choose their own form of government.

Since 1940, Lithuanians have continued to resist the Communist regime. Last year, three citizens burned themselves to death to protest Soviet domination. On this tragic anniversary, I join with all Lithuanians and Americans in honoring this heroic struggle for freedom, and to reaffirm the ideal of self-determination for all the Captive Nations.

ANNEXATION BY FORCE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. WHALEN. Mr. Speaker, I rise on this occasion to note that today is the 33d anniversary of the annexation by force of Lithuania by the Union of Soviet Socialist Republics.

Although the Russians brazenly contend that Lithuania is one of the Soviet Socialist Republics, events since June 15, 1940, consistently demonstrate how false that assertion is. The active efforts of Lithuanian partisans from 1944 to 1952 hardly represent any love for the Soviets. The periodic uprisings within Lithuania during the last 20 years are a constant reminder that while suppression continues, acceptance does not, has not, and will not.

Lithuanian nationalism is indeed a marvel to behold. It is so strong that all Soviet efforts to quench it have been massive failures. The Gem of the Baltic is, in sum, a great, abrasive thorn in the side of the bewildered bear. The sole solution, short of outright extermination, something even the Russians no longer can even consider, is to free Lithuania.

Thus far, the Soviet Government has not seen fit to do this. But, in the long run, it will be the only course the Russians will be able to follow. We have heard more and more about the difficulties Moscow is having with the vast diversity of nationalities under its yoke. The Russification program has yielded understandable hostility, causing great worry to the regime. The Soviets would like to think that the U.S.S.R. is a huge melting pot, as is the United States. But the melting has not happened because the joining together has been by force rather than by decision of those being absorbed.

Mr. Speaker, I am honored to be able to add my words to those of my colleagues which will commemorate this sad date in Lithuania's history.

BENEFITS FOR VETERANS

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. COCHRAN. Mr. Speaker, I am pleased to announce today my cosponsorship of two bills that will better provide education and health benefits to our veterans.

H.R. 2254 will remove the time limitation under which an eligible veteran may exercise his educational benefits. A great many of our veterans are unable to exercise these benefits immediately upon returning from their service to our Nation. This measure will encourage these deserving Americans to upgrade their job skills which in many cases have become outdated during their tenure in the military.

Many of our veterans are becoming more and more aware that the unemployment statistics are highest among those who are least skilled. This bill will give many veterans a second chance for a decent job and a decent life.

The second bill I am cosponsoring will help to alleviate a different, but no less deserving, problem common to a group of veterans who have paid a very high price in the service of their country. I am referring to the veteran who has 100-percent disability.

H.R. 8071 provides that veterans in this category will be able to receive emergency treatment at non-Veterans' Administration hospitals at Government expense in cases where travel to a VA facility would endanger life.

I feel that these Americans deserve this consideration, and I trust my colleagues in the House will support both of these measures to assist this most deserving group.

I. F. STONE ON IMPEACHMENT: PART I

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Ms. ABZUG. Mr. Speaker, I. F. Stone has just published a three part series on the subject of impeachment in the New York review of books. Although it includes a review of two recent books on the subject of Raoul Berger's Impeachment: The Constitutional Problems, and Michael Les Benedict's The Impeachment and Trial of Andrew Johnson, the series also stands by itself as an excellent and thoughtful study of the nature of impeachment and its relevance to current developments in the executive branch of our Government.

The first item discusses the issue of whether the President is subject to subpena before a court or grand jury, considering especially the 1807 treason trial of Aaron Burr, in which Chief Justice John Marshall, sitting as trial judge, issued a subpena to President Thomas Jefferson. I include the text of this article at the conclusion of my remarks, and will insert the following two articles in succeeding issues of the RECORD:

The articles follow:

IMPEACHMENT

(By I. F. Stone)

I

The Federalist Papers explained that the new Constitution allowed for an exception to the doctrine of separation of powers. It provided for "a partial intermixture" in certain special cases. This was defended as "necessary to the mutual defense of the several members of the government against each other." So the President was given a veto over the legislature and the Congress the judicial power of impeachment as "an essential check . . . upon the encroachments of the executive." Impeachment was to be a "method of National Inquest into the conduct of public men," a way to try "the abuse or violation of some public trust."[1]

There are two reasons for seriously considering the impeachment of Richard Nixon. One is that this may prove the only kind of legal proceeding in which the President's complicity in the unfolding Watergate and related scandals may be fully and fairly determined. The other is that only so grave a step may deter a future President from the abuses charged against the Nixon White House. Presidential power has grown so enormously, especially since the Korean War in 1950, and the temptations this offers an incumbent and his associates are now so great that impeachment and removal from office if convicted may be the only constitutional sanction to stem the trend toward Caesarism in the White House. And Caesarism, Gibbon may remind us, was the establishment of one-man rule *without outward disturbance to the constitutional forms of the old Republic.*

The first reason for considering trial by impeachment arises from the difficulty of ensuring a President's appearance as a witness in any ordinary court of law, much less before a grand jury. Even as the special prosecutor Cox takes over, there are already half a dozen criminal proceedings under way at different stages in various parts of the

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Footnotes at end of article.

country, as outgrowths of Watergate and the related affair of the Pentagon Papers. The President, if he were a private person, would normally be sought as a witness in several or all of them; they take on more and more the aspect of a far-flung conspiracy; the filaments lead unquestionably into the White House, and to the Oval Office door. It may not be possible to arrive at a judgment of Nixon's responsibility without a chance to question him under oath, either as a witness or by interrogatories. Indeed it is possible that some indicated officials may go free when tried for lack of residential testimony or because the White House, on the blanket ground of national security, has withheld documents subpoenaed in their defense.

As this is being written the White House has burst into fury because an unnamed "Justice Department source" and "another knowledgeable source" dared to say aloud to the *Washington Post*[2] what is obvious to anyone following the news at all: first, that "there is an evidentiary pattern" which raises questions about the President's role in the whole affair, and second, that "the President should be given an opportunity to explain himself."

The *Post* reported that the prosecutors have therefore told the Justice Department there is justification for calling the President before the Watergate grand jury, but they are baffled about how and whether they can do it. Next day Ziegler said that Mr. Nixon would answer the questions of the prosecution neither orally nor in writing. This seems to bar not only submission to a subpoena but a voluntary appearance, or even a voluntary deposition. When asked why, Ziegler said it would be "constitutionally inappropriate." This seems to make impeachment the only way to get at the truth.

There is nothing in the Constitution, in the debates on its framing and ratification, or in its exposition in the Federalist Papers, that puts the President above the law, nor is there anything that says that serving him with a subpoena would be "constitutionally inappropriate" or that exempts him in any way from normal legal processes. There is much that suggests otherwise. The Framers of the Constitution encountered a widespread fear that the President might become a king; the impeachment power was intended to block the way. In England it could be used only against the King's ministers, never the King; here its chief object was the President himself.

The Federalist Papers said that while in England the King "is unaccountable for his administration, and his person sacred," the American President would be in no such untouchable category. They explained that a single instead of a plural executive was decided upon in order to make the Executive more accountable to public opinion and to make it easier to determine misconduct in order to remove him from office or to impose "actual punishment in cases which admit of it."[3]

But short of impeachment, can the President be compelled to appear in a court of law for misconduct in or out of office, or to testify in regard to the misconduct of his aides? This old constitutional controversy was freshly ventilated by a footnote to the Supreme Court's decision in the Earl Caldwell case last year. That footnote is being cited by lawyers who think the President can be made subject to court proceedings and that the impeachment process is not necessary to get at the whole truth of all the dubious activities which come under the general heading of "Watergate."

The footnote is in Mr. Justice White's opinion for the court. It is appended to his reiteration of the "long standing principle that 'the public has a right to every man's evidence,' except for those persons protected by a constitutional, common law or statutory privilege." The footnote seems to imply that even the President has no such privilege for it says,

In US v. Burr, 25 F. Cas. 30, 34 (Cir. Ct. D. Va. 1807) (No. 14,692d), Chief Justice Marshall, sitting on Circuit, opined that in proper circumstances, a subpoena could be issued to the President of the United States.[4]

The Burr trial in 1807 was the only occasion on which a subpoena to a President was ever issued. Chief Justice Marshall's opinion in that case—where he presided over the trial on circuit, as Supreme Court justices did in those days—is the only "law" bearing directly and precisely on the question. Aaron Burr was on trial for treason. A scant few months earlier the President of the United States, Thomas Jefferson, in a special message to Congress had declared Burr's guilt "placed beyond question." This message was based on a letter to Jefferson from a most unsavory character, General James Wilkinson,[5] who had turned informer. Burr's lawyers asked that the President and the letter be subpoenaed.

It is hard to imagine circumstances that could more overwhelmingly justify a subpoena. Jefferson and Burr were old party rivals and bitter enemies; a tie vote between them in the electoral college in 1800 threw the election into the House of Representatives and almost cost Jefferson the Presidency. To declare Burr guilty in advance of trial was a gross abuse of power. The President, according to Leonard W. Levy's *Jefferson and Civil Liberties: The Darker Side* (Belknap Press, Harvard, 1963), "acted himself as prosecutor, superintending the gathering of evidence, locating witnesses, taking depositions, directing trial tactics, and shaping public opinions as if judge and juror for the nation." There is ample evidence for that harsh verdict.

The trial of Burr was not only a struggle between him and Jefferson, but between Jefferson and Marshall, the radical Democrat and the conservative Federalist. The Chief Justice, in deciding that a *"subpoena duces tecum"* could be issued—requiring Jefferson to appear with documents—based his reasoning on a principle which had been dear to the Jeffersonian Democrats. It was they who always insisted that the President was no king, and had constantly accused the Federalists of trying to make him an uncrowned monarch. In the unsuccessful impeachment of Supreme Court Justice Chase in 1804–1805 for his intemperate conduct in the Alien and Sedition Law cases in 1798–1800, one of their complaints was his refusal to subpoena President John Adams in the trial of Jefferson's friend, Thomas Cooper, for seditious libel.

It had always been the Federalists who argued that the President was answerable to no judicial process but impeachment. Now in the Burr trial Chief Justice Marshall ruled that the law of evidence, i.e., the law as it was developed in the mother country, allowed for only one exception to the persons who might be summoned for the defense in criminal trials, and that was the King. "It is a principle of the English constitution," he said, "that the King can do no wrong," and "although he may, perhaps, give testimony, it is said to be incompatible with his dignity to appear under the process of the court." But the Chief Justice said one of the differences between a president and a king was that the former "may be impeached, and may be removed from office on high crimes and misdemeanors." He also said the first magistrate of the Union was no different, in so far as judicial process is concerned, from the chief magistrates of the States under the Articles of Confederation, and they were all subject to subpoena.[6]

This was good Jeffersonian doctrine and no doubt explains why counsel for the government at least twice admitted this during the trials—for there were actually two trials of Burr, one for treason and then, after his acquittal, another for misdemeanor. "A subpoena may issue for him [the President]," Alexander MacRae of the government's staff admitted, "as against any other man." But he argued that the President was not bound to disclose "confidential communications."[7] The prosecutors of Burr agreed on two occasions that the President was subject to a general subpoena, i.e., an order to appear and to testify. But they insisted that he was not subject to a *subpoena duces tecum*, i.e., an order not only to appear but to bring with him documents he considered confidential.

Marshall ruled to the contrary. The real obstacle he confronted was not in the realm of constitutional theory but in that of power. What was the Chief Justice to do if the President declined to obey? Have federal marshals arrest the President for contempt? Put him in jail until he agreed to testify?

Both Marshall and Jefferson backed away from a confrontation. In this, as in other instances, Marshall was careful not to push assertions of judicial power so far as to undermine the principles he was trying to establish. For his part, Jefferson was not anxious publicly to put himself in a position where he would be flouting his own democratic principles; in this case, in putting the Presidency above the law. Marshall issued the *subpoena duces tecum* but it was never served on Jefferson.[8] Even had it been served, Marshall's opinion left Jefferson a face-saving way out. The loophole was pointed out by the late Supreme Court Justice Burton, in an essay on Marshall's conduct at the trial of Burr.[9] "The Chief Justice," he wrote, "stated that, while this [the issuance of the subpoena at the request of the defense] was the court's inescapable duty, it remained for the President to indicate in the return whether his executive duties would constitute a sufficient reason for not obeying it."

Jefferson for his part was prepared to use just such a loophole. Before receiving Marshall's decision on the subpoena, Jefferson pointed out in a letter to Burr's prosecutor that Burr was the central figure in an alleged conspiracy. Other trials linked with Burr's were being held "in St. Louis and other places on the western waters." To comply with calls for personal appearance at these various trials "would leave the nation without an executive branch," while the executive "is so constantly necessary, that it is the sole branch which the Constitution requires to be always in function." Jefferson said the Constitution "could not then mean that it [the executive] should be withdrawn from its station by any coordinate authority." But he did offer to give testimony by deposition, an offer which was never taken up by the defense.

In a second letter to the prosecutor two days later, after seeing Marshall's opinion, Jefferson took a stronger line, though only in this private letter and not in a public declaration to the court. "The leading principle" of the Constitution, he insisted, was the independence from each other of the three branches of government. "But would the executive be independent of the judiciary," he went on, "if he were subject to the *commands* [italics in original] of the latter, and to imprisonment for disobedience; if the several courts could band him from pillar to post, keep him constantly trudging from north to south and east to west, and withdraw him entirely from his constitutional duties?" This was hyperbole of Nixonian proportions. Marshall was certainly not trying to "band him from pillar to post."

Jefferson indicated that he was prepared to resist a subpoena for his personal appearance by force, and that the Constitution had given him more force than the Chief Justice with this very purpose in mind! "The intention of the Constitution," as Jefferson put it, in stately but fallacious language, "that each branch should be independent of the others, is further manifested by the means it has furnished to each, to protect itself from enterprises of force attempted on them by

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Footnotes at end of article.

the others, and to none has it given more effectual or diversified means than to the executive."[10] Jefferson had an army and navy, the Chief Justice only a handful of marshals. The corollary would be that the President could override the Supreme Court because he had more battalions than the Chief Justice. This was on a par with Jefferson's conduct generally in the Burr case, which remains a blemish on his libertarian record.

But after all these bold, though private, affirmations of defiant power, Jefferson hedged by supplying the desired document to the prosecutor. The prosecutor—to quote Mr. Justice Burton's account again—"later announced that he had the requested letter in his possession and was ready to produce it." The submission of the letter by the President was thus voluntary—in form at least. But with it Jefferson made sweeping claims of executive privilege which Nixon can also use. "All nations," Jefferson wrote the prosecutor, forgetting that most of the nations he referred to were hardly models of freedom for our young Republic, "have found it necessary for the advantageous conduct of their affairs, [that] some of these executive proceedings, at least, should remain known to their executive functionary only. He, of course, from the nature of his case, must be the sole judge of which of them the public interests will permit publication."[11] Such was the heady effect of the presidency even on Jefferson when he set out to wreak vengeance on a hated rival.

But the battle between Jefferson and Marshall was like one of those bouts in which the antagonists make the most devastating faces at each other, emitting blood-curdling screams, yet somehow never come to blows. Jefferson's sweeping assertions of executive privilege were confined to private correspondence. Attorney General Rogers in 1958, during the Eisenhower Administration, nonetheless cited them as precedents in a memorandum which asserted—in more sweeping fashion than ever before—the President's power to withhold information from Congress. They will undoubtedly be cited again as precedents for withholding information from the courts should Nixon's testimony be sought, or White House documents subpoenaed, in prosecutions growing out of the Watergate scandal.[12]

The Rogers memorandum, in defense of the White House claim to "uncontrolled discretion" to withhold information, said Marshall ruled in the Burr case that "the President was free to keep from view such portions of the letter which the President deemed confidential in the public interest. The President alone was judge of what was confidential." A painstaking study by Raoul Berger for a forthcoming book on executive privilege has demonstrated that this completely overstates the case and the circumstances.[13]

Actually, on the document subpoenaed, as on the personal appearance of Jefferson, a confrontation was avoided. The prosecutor, George Hay, had objected that it was improper to subpoena the document because it was a private letter to Jefferson and "might contain state secrets, which could not be divulged without endangering the national safety." Jefferson nonetheless furnished it "voluntarily," so to speak, and left it to Hay "to withhold communication of any parts of the letter which are not *directly material* for the purposes of justice."[14] He made no claim that it contained state secrets.

Jefferson neither tried to exercise the absolute privilege he had claimed nor delegated it to Hay. On the contrary, as Berger points out. Hay emphasized that "he was willing to show the entire letter to the court to suppress so much of the letter as was not material to the case." Far from asserting absolute privilege, Berger shows, "the government was perfectly willing to leave it to the court to determine whether portions of the letter were in fact privileged. It insisted only that the portions so adjudged should be withheld from the defendant." More will be heard of this argument in the Burr case as similar issues arise in the trial of the Watergate cases.

The issue in the Burr trials was complicated because the defense objected, as Berger relates, "that the court could not judge whether the confidential portions were relevant to the defense until that defense was fully disclosed, and that defendants were not required to make such disclosure until they had put in their case."[15] The issue was never resolved. Though Marshall issued at least one subpoena to Jefferson, and perhaps a second,[16] neither was actually served on the President and he succeeded in avoiding an appearance. As for the Wilkinson letter to Jefferson, it was never introduced into evidence, though Jefferson—as we have seen—supplied a copy to the prosecutor. A *subpoena duces tecum* was finally served on Hay.[17] But for some reason the defense never pressed the issue to a conclusion.[18] The battle ended in a draw; Marshall laid down the law, but was unable to enforce it against a recalcitrant President. That has been the pattern ever since.

What history shows is that any President who chooses to defy a subpoena, as Nixon has said he will, can get away with it, though the defiance may bring dismissals in criminal cases and lost verdicts by default in civil cases. But the President himself can go scot free. That leaves only impeachment. Even on impeachment a President cannot be compelled to testify before the Senate when the charges against him are tried, or even to answer by deposition if he chooses not to. But not to answer those charges would be to abandon a full defense and make his acquittal less likely.

FOOTNOTES

[1] Nos. LXIV and LXVI, Everyman's Library, pp. 333, 337, and 338.

[2] The May 29 story was by the redoubtable team of Carl Bernstein and Bob Woodward, who have made journalistic history in the Watergate affair.

[3] No. LXX, Everyman's Library, p. 362.

[4] *Branzburg* v. *Hayes* (June 29, 1972), Footnote 26 to the majority opinion.

[5] Described in Samuel Eliot Morison and Henry Steele Commager, *Growth of the American Republic* (Oxford, 1962), vol. 1, pp. 389–390, as a man "still in Spanish pay while Governor of Louisiana Territory and ranking General of the US Army" who had already discussed with Burr a wild scheme to "liberate" Mexico from Spain. He then decided Burr was "worth more to betray than to befriend" and sent Jefferson "a lurid letter" denouncing what he termed a "conspiracy to dismember the Union."

[6] *U.S.* v. *Burr* (Case No. 14,692d) 25 Fed. Cas., p. 34.

[7] Albert J. Beveridge, *Marshall* (Houghton, Mifflin, 1919), vol. 3, p. 438. Chief Prosecutor Hay also made the same admission and argued the same distinction when motion for the subpoena was first argued.

[8] For this bit of information in a murky situation I am indebted to Professor Julian P. Boyd of Princeton who is now editing what will be the definitive edition of Jefferson's works.

[9] See his *Occasional Papers* (Bowdoin College, 1969), p. 52.

[10] The letters may be found in Randall's *Life of Jefferson* (New York, 1858), vol. 3, pp. 210–212.

[11] Ibid., p. 211.

[12] The memorandum may be found at pp. 551–566 of Hearings by the Subcommittee on Separation of Powers, of the Senate Judiciary Committee, 92nd Congress, 1st Session, on Executive Privilege: The Withholding of Information by the Executive, and S1125, July 27 to August 5, 1971, over which Senator Ervin presided.

[13] The preliminary results of his researches—drawn upon here—were published in "Executive Privilege v. Congressional Inquiry," *UCLA Law Review*, vol. 12, No. 5, August, 1965. The memo is quoted on pp. 1109–1110.

[14] Ibid., pp. 1107–1108. The italics seem to be Berger's.

[15] Ibid., p. 1108.

[16] Beveridge's surmise in his biography of Marshall, vol. 3, p. 522, based on a reference in a letter by Jefferson to the prosecutor.

[17] This, the most elusive fact amid all the complexities which bedevilled me in preparing this article, I finally pinned down on p. 520, vol. 3 of Beveridge's *Marshall*. Beveridge gives as his authority David Robertson (*Trials of Aaron Burr*, vol. 2, pp. 513–514), the reporter who covered Burr's trials and who published his account in 1808. I was unable to locate a copy.

[18] Beveridge's *Marshall*, vol. 3, p. 522.

LITHUANIAN INDEPENDENCE

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HUDNUT. Mr. Speaker, today marks the 33d anniversary of the forceful annexation of the peace-loving people of Lithuania, Latvia, and Estonia by the Soviet Union. Yet the brave people of the Baltic States have never lost their determination to resist their captors and regain their freedom.

The post-war history of Lithuania bears grim testimony to this rejection of forcible incorporation. From 1944 to 1952, anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerrilla warfare at a cost of over fifty thousand Lithuanian lives. During Stalin's era, over one-sixth of the Lithuanian people were deported to Russia and Siberia in an effort to depopulate and subjugate the Lithuanian nation.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the Communist regime, and they continue in their struggle for the right of national self-determination and individual religious and political rights. The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia, and Estonia into the Soviet Union.

The 89th Congress passed, by unanimous vote of both the House and the Senate, House Concurrent Resolution 416 to request the President of the United States to urge certain actions in behalf of Lithuania, Latvia, and Estonia before the United Nations and other international forums and to bring the force of world opinion to bear on behalf of restoration of rights to the Baltics. I call for support of the spirit of this resolution and hope that attention will continue to be centered on the plight of Lithuania, Latvia, and Estonia.

FLAME OF LIBERTY STILL BURNS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, today we observe the 33d anniversary of the takeover of the Baltic States by the Soviet Union.

The brave citizens of Latvia, Lithuania and Estonia have repeatedly and dramatically demonstrated over these three tragic decades that they reject the Communist regime, that it is contrary to their concept of the freedom of man, of his right to self-determination for himself, his family and his native land.

Despite discouragements and setbacks, despite the loss of more than a fourth of their population during these years of Soviet terror and occupation, the flame of liberty still burns brightly in their souls.

I wish that space in the RECORD permitted insertion of the text of The Violations of Human Rights in Soviet Occupied Lithuania, a report prepared and issued by the Lithuanian American Community, Inc., on February 16, 1973. It is a heartbreaking résumé of the violations of every basic human right to religious freedom, freedom of the press, freedom of opinion and all the other freedoms guaranteed by the United Nations Declaration on Human Rights. I would hope that my colleagues would avail themselves of this document from the Lithuanian organization, 405 Leon Avenue, Delran, N.J. 08075.

It seems to me a careful reading would convince many in the House of the need to expeditiously adopt House Concurrent Resolution 29, which I introduced in earlier Congresses and again in this, calling on the United Nations to insist on fulfillment of its charter provisions based on self-determination of all peoples, and to see that the Soviet Union abides by its U.N. membership obligations concerning colonialism and interference with the sovereignty of other nations.

The full text of my resolution follows:

> H. CON. RES. 29
>
> Whereas the United States of America was founded upon and long cherished the principles of self-determination and freedom; and
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> Whereas these principles, expressed in the sovereign quality of nations, are the very reason for the existence of the United Nations, as set forth in the charter of that world organization; and
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> Whereas the United States and all other members of the United Nations have solemnly pledged themselves to make these principles universal and to extend their benefits to all peoples; and
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> Whereas, on December 10, 1948, the General Assembly of the United Nations passed the Universal Declaration of Human Rights which was accepted both by the United States and the Union of Soviet Socialist Republics, defining said rights as relating to citizens of all member states; and
>
> Whereas, since 1918 Soviet communism has, through the most brutal aggression and force, deprived millions of formerly free peoples of their right to self-determination; and
>
> Whereas the Congress of the United States has unanimously expressed in Public Law 86-90, approved July 17, 1959, its revulsion at the continued enslavement of the peoples of Eastern and East Central Europe who were described by the said public law as captive nations; and
>
> Whereas the Hungarian, Polish, Czech, Slovak, Carpatho-Ruthenian, Latvian, Lithuanian, Estonian, East German, Rumanian, Bulgarian, Albanian, Ukrainian, and White Ruthenian peoples may only look to the United States and the United Nations for the restoration of their national self-determination and political independence; and
>
> Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion the problem of self-determination and political independence of the peoples of Eastern Europe; and
>
> Whereas, despite the numerous resolutions passed by the United Nations General Assembly, Russian occupation troops are still maintained in Hungary and the issue of their removal has not come up for discussion in the Assembly since 1962; and
>
> Whereas it is vital to the national security of the United States and to the perpetuation of free civilization that the nations of the world act in concert through the forum of the United Nations in demanding national self-determination and political independence for the peoples enslaved by Communist governments; and
>
> Whereas the Constitution of the United States of America, in article II, section 2, vests in the President of the United States the power, by and with the advice of the Senate, to make treaties and to appoint Ambassadors: Now, therefore, be it.
>
> *Resolved by the House of Representatives (the Senate concurring)*, That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to request at the 1968 session, that (1) the United Nations insist upon the fulfillment of its charter provisions based on self-determination of all peoples in the form of the sovereign equality of states and condemnation of colonial rule; and (2) the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations through the withdrawal of all Soviet Russia troops and agents from other nations now under Communist rule and through returning to their respective homelands all political prisoners now in prison and labor camps; be it further
>
> *Resolved*, That the President of the United States is further authorized and requested to use all diplomatic, treatymaking, and appointive powers vested in him by the Constitution of the United States to augment and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination and political independence of these nations.

KINDERGARTEN CAPITOL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HUNT. Mr. Speaker, in 1969, I sent a flag, labeled "this is to certify that the accompanying flag has flown over the U.S. Capitol," to the kindergarten class of Mrs. Jean Parks in Bellmawr, N.J.

Last week, just 4 years later, I received from Mrs. Parks' class, a beautiful folder, containing a picture of the class, and their most recent project, a most accurate scale model of the U.S. Capitol. I only wish that each and every Member of the Congress could see this magnificent reproduction.

I was so inspired by their work that I told the story to the Roll Call newspaper. I submit the article to the attention of my colleagues:

> KINDERGARTEN CAPITOL
>
> In 1969, Rep. John Hunt (R-NJ) sent a flag, labelled "this is to certify that the accompanying flag has flown over the United States Capitol," to the kindergarten class of Mrs. Jean Parks in Bellmawr, New Jersey.
>
> This year, Rep. Hunt received a tiny paper flag mounted on a toothpick pole, labeled "this is to certify that the accompanying flag has flown over a model of the U.S. Capitol."
>
> Mrs. Parks explained (on stationery tagged "Architect of the Capitol, Bellmawr, N.J.") that her kindergarteners constructed the model from a diagram on the back of a Mini-Wheats cereal box, using "several milk cartons, cooky tins, paper towels, wheat paste, styrofoam, straws, and a Cool Whip bowl."
>
> Perhaps Capitol (Washington, D.C.) Architect George White should consult with the young New Jersey recyclers before planning the West Front extension. They just might send him a few spare Cool Whip bowls.

A DAY OF REFLECTION

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. KETCHUM. Mr. Speaker, June 15, 1940, marks the date that Lithuania was forcibly annexed into the Soviet Union. Since that time the Lithuanian people have continuously struggled to reject the oppressive Communist system from Lithuanian soil.

In 1967, Secretary of State Dean Rusk reaffirmed U.S. policy toward Lithuania and I think these same words bear repeating as they most certainly reflect my sincere feelings. He said:

> United States support of the Lithuanian people's just aspirations for freedom and independence is reflected clearly in our refusal to recognize the forcible incorporation of your country into the Soviet Union and in the warm sympathy manifested by the American people in the Lithuanian cause.
>
> In continuing to look resolutely toward a free and independent existence, the Lithuanian people both here and abroad have established a firm foundation for the hope of free men everywhere that the goal of Lithuanian national self-determination will ultimately be realized.

Sometimes, we as Americans tend to forget the hardships and the day-to-day fears that face the freedom-seeking people of the world who are subject to Communist rule. However, the brave people of Lithuania and those from the other Baltic States have never lost their determination to fight for this freedom. Over 30,000 people have lost their lives since 1940 and 1952 alone. These people are a determined and courageous people who are willing to fight for that which is denied them: religion, political belief, and human rights. They continue to risk and sacrifice their lives in order to attain that which is inalienable to all men.

We, as Americans, must never lose sight of our continued commitment for freedom, and we must never turn our backs on the freedom-loving people of the world who have the guts to continue their struggle against oppression.

I call on each and every American to pause and reflect for just a moment in recognition of the brave people of Lithuania. We must never forget them.

ELIAS BOUDINOT—PATRIOT AND THE FIRST PRESIDENT OF THE UNITED STATES OF AMERICA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. HELSTOSKI. Mr. Speaker, as we approach the 200th anniversary of the formation of the United States of America, some attention should be brought forth in honor of the men who had taken part in formulating and establishing this great Nation.

Many suggestions have been brought to the attention of the Bicentennial Commission as to what scope our celebrations will take when we celebrate the 200th anniversary.

I am of the firm belief that we should put into proper perspective the accomplishments of the many people who were a part of the growth of our Nation from its formative years and continuing through to the present time.

Among other matters, there seems to be some doubts as to who was really the first President of the United States. Many claim John Hanson for this honor, others proclaim Samuel Huntington. Now, I have received the text of a paper presented by Mr. Robert R. Atterbury, Jr., of my congressional district, outlining his reasons why Elias Boudinot of New Jersey should be considered as the first President of the United States.

Mr. Atterbury has presented his arguments very clearly and, I believe, very convincingly that Elias Boudinot should be honored with that distinction so that history may record it for all time.

Mr. Speaker, so that my colleagues in this House can be fully informed as to this matter, I wish to include as part of my remarks the text of Mr. Atterbury's speech made before the Paramus Historical and Preservation Society at Ridgewood, N.J. on June 1, 1973.

The remarks follow:

ELIAS BOUDINOT—PATRIOT AND FIRST PRESIDENT OF UNITED STATES

(By Robert R. Atterbury, Jr.)

Good evening. Mrs. Norwood, when she became aware of my interest in securing for Mr. Elias Boudinot, and for the State of New Jersey, the recognition to which they are entitled during the up-coming Bi Centennial, very kindly offered me this opportunity to present to you my reasons for contending that Mr. Boudinot was, actually, the first president of the United States of America.

George Washington was, of course, the first President *under* the Constitution, but he was preceded by a number of Presidents of the Continental Congress including, at a critical point in time in relation to this discussion, Mr. Boudinot, who happened to be President of the Continental Congress in April of 1783.

Senator Mathias, of Maryland, is strongly sponsoring John Hanson for this honor, and Representative Steele, of Connecticut, is sponsoring Samuel Huntington, and we will examine their claims later.

Perhaps some of you have not heard of Elias Boudinot previously, as history has not accorded him the attention he deserves, and so if you will bear with me for a short time I would like to give you a brief sketch of the man.

Elias Boudinot, born May 2nd, 1740, was the fourth by that name and lived until October 24th, 1821. He studied law under Richard Stockton, who was a neighbor and who married Elias' older sister, Annis. Later, on April 21st, 1762 Elias married Richard's sister, Hannah Stockton.

It was said of him that "neither a classical academy education, baptism by George Whitefield nor early and arduous study of law could mar the serenity of Elias' temper or the poise of his good sense."

On June 11th, 1774 he became one of nine original members of the Committee of Correspondence for Essex County in connection with a proposal to call a Continental Congress and in March 1775 he and William Livingston hurried the New Jersey Assembly into approving the proceedings of the First Continental Congress.

As a member of the New Jersey Provincial Congress, to which he was chosen in 1775, he was successful in obtaining eight or ten half casks of powder which he sent to General Washington at a time when the army was down to eight rounds per man and was the first such powder to reach Washington in response to this urgent appeal.

On the evening of April 23, 1775, as Chairman of the Committee of Safety in his home town of Elizabeth Town (now just Elizabeth) he received a copy of the alarm sent out by the committee of Watertown, near Boston, to raise the country and advise of the battle of Lexington. He was also one of two men sent to the Continental Congress in Philadelphia to seek advice. In April 1776 he thwarted Dr. John Witherspoon's attempt to rush New Jersey into declaring independence.

On June 6, 1777 Mr. Boudinot was appointed Commissary General of Prisoners and head of Intelligence with the rank of Colonel. Because he could not get any money or supplies from the Congress, as he had been promised, and because Gen. Washington implored him to serve, Mr. Boudinot put up $30,000 of his own money and all his personal credit into caring for the prisoners held by the British. In this effort, General Washington promised to share half the loss should there be any. Eventually, after much difficulty, Mr. Boudinot recovered most of these funds.

November 20, 1777 Mr. Boudinot was elected a delegate to the Continental Congress, and while a member served on over thirty committees, usually as chairman.

November 4th, 1782 Mr. Boudinot was elected President of the Continental Congress and, in that capacity signed, on April 11th, 1783, the Proclamation declaring a cessation of arms and on April 15th, 1783 the Congress ratified and Mr. Boudinot signed a preliminary treaty with Great Britain whereby the Crown acknowledged that the thirteen colonies were free and sovereign and independent states. It is at this point, I maintain, that the United States of America actually came into being.

On October 18, 1783 President Boudinot signed a proclamation establishing the 2nd Thursday in December as a day of public Thanksgiving, discharging the army, and removing Congress to Princeton, N.J. This, so far as is known, is the origin of Thanksgiving Day as we know it today.

Boudinot presided at Nassau Hall when General Washington was formally thanked for his services and also escorted Washington to New York for his inaugural after the adoption of the Constitution. Incidentally, he was also one of four men involved in the design of the Great Seal of the United States of America.

He helped obtain ratification of the Constitution and was himself elected to the House of Representatives in the First, Second and Third Congresses thereunder. He was the first Counsellor named by the United States Supreme Court and he led the defense of Alexander Hamilton in the assault upon his conduct of the Federal Treasury. He was appointed by George Washington to succeed Mr. Rittenhouse as Director of the Mint in Philadelphia, in which capacity he served from 1795 until 1805 when he resigned July 1st to study the Bible. He wrote several books, helped organize and was the first president of the American Bible Society.

Mr. Boudinot was greatly interested in attempts to educate the Indians and even allowed a Cherokee attending a mission school to take his name. He also aided deaf mutes and the poor. Appleton's Cyclopedia of American Biography refers to him as Doctor Boudinot, but I have not as yet found out how he acquired that title—probably an honorary degree from Princeton.

Elias Boudinot was a very close personal friend of George Washington. Benjamin Franklin was a neighbor in Philadelphia and when Alexander Hamilton, at fifteen years of age, arrived in this country in November 1772 from the West Indies he carried with him a letter of introduction to Elias Boudinot who took him into his home and sent him to school.

It is also of interest to note that his Father was part of a syndicate that purchased 42,500 acres comprising the present Township of Franklin, HoHoKus and Ridgewood.

Benjamin Franklin appointed him (the Father) Postmaster at Princeton. He also had a 1/13 interest in the Wawayanda Patent and copper interests near New Brunswick.

So much for the historical record. Now let us get on to the serious business of President Boudinot's right to be recognized as the First President of the United States of America, and the State of New Jersey's right and obligation to press for that recognition.

Let us, now, examine the merits of the claims put forth by Senator Mathias and Representative Steele.

Representative Steele's claim on behalf of Samuel Huntington rests upon the fact that Mr. Huntington was President of the Continental Congress when the Articles of Confederation were ratified in 1781 and remained in that position. As Rep. Steele said in his letter to me dated July 1st, 1971, "The claim of both Senator Mathias and me assumes one basic theory: that the first government of the United States was under the Articles." This, of course, is the claim that I dispute.

Senator Mathias bases his claim upon the fact that John Hanson (who preceded Elias Boudinot and whose coach Elias purchased when he assumed office) was the first President *elected* under the Articles. It is interesting to note, however, that Mr. Hanson was elected "President of the Confederacy."

My contention is that the Continental Congresses, both before and after the adoption of the Articles of Confederation, were only ad hoc committees, not fully recognized by the colonists and not at all recognized officially by any foreign power.

The United States did not exist, in fact, until President Boudinot signed the preliminary treaty with Great Britain; at which time, and in which manner, the Crown acknowledged the independence of the colonies. This is what created a new nation and gave status to the new government which was shortly given full diplomatic and international recognition by foreign governments which proceeded to assign ministers whose credentials were submitted to, and received by, Elias Boudinot as President of the United States of America. President Boudinot also signed treaties in that capacity with Spain, France, Holland and Sweden.

This, it seems to me, establishes beyond contradiction, that Elias Boudinot was the first President of the United States of America.

It is true that, when signing the Proclamation for the cessation of arms, Mr. Boudinot signed "XXX in the year of our Lord 1783 and of our Sovereignty and Independence the Seventh," indicating that he dated the existence of the United States of America from the Declaration of Independence in 1776. However, I think that this was a bit of colonial bombast, and I am sure that Jefferson Davis signed documents similarly and considered the Confederacy (or should I say the second Confederacy?) to have existed since the dates of secession.

Had George Washington suffered the same fate as Robert E. Lee, the Declaration of Independence would not have any greater effect today than the Secessions of the Civil War period.

How close it came to that during those seven long years may be realized when one considers that Alfred Hoyt Price writes in his "New Jersey and the Revolutionary War" that in December 1776 (six months after the Declaration of Independence) "the State government virtually ceased to exist, its more prominent members going into hiding and the Continental Congress had de-camped to the safety of Baltimore," and also that 2,700 New Jersey citizens including members of the Assembly sought the King's pardon and renewed their allegiance to the Crown. He also writes that "in several districts the Loyalists were in the majority. The pressure of the British army in New York and on Staten Island and the British warships in the Hudson for seven of the eight years of the war made loyalty to the Crown as popular as it was safe in neighboring Bergen and Essex counties! On January 12th, 1783 Alexander Hamilton wrote "Every day proves more and more the insufficiency of the confederation, and at this time several states including Delaware, Maryland and Georgia had not even sent delegates, and many delegates did not attend the Congress."

How close collapse was may be gathered from the writing of Mr. Boudinot himself, in his Journal of Events of the Revolution. He wrote that in the autumn of 1777, with the army at White Marsh and the enemy at Chestnut Hill with George Washington opposite, the British withdrew and "Thus the defeat of the American Army was again providentially prevented" and again "another providential escape of our army happened at Morris Town in the year 1777–8". Thus it is obvious that the Continental Congress, the Articles of Confederation not withstanding, was in dire danger.

In February of 1778 in reply to General George Washington's urgent plea for wagons to haul provisions to Valley Forge, Governor Livingston wrote "it is impossible for this State to cure the blunders of those whose business it is to provide for the army; and considering what New Jersey has suffered by the war, I am justly certain it cannot hold out another year if the rest will not furnish their proportionable share of provisions."

One must remember that not only were most of the important battles fought in New Jersey or on its perimeters, but the Jerseymen, either with the Continental Army or as Militia, did more than their share of the fighting.

The American and British armies had twice swept through the State, foraging and pillaging as they went, and twice swept back upon New York.

The question of the French alliance is bound to come up, and probably some will contend that France did recognize the United States, and brought Spain in with her. It is true that secret representations, such as Silas Deane, were sent to seek aid from France. The Count Vergennes kept Deane waiting so long that he was packing to go home in despair when news of Saratoga reached Paris and the Count sent his man, Girard, to fetch Deane.

The New Larned History says that Vergennes, in March of 1776, had discussed with his associates in the cabinet the advisability of the two crowns (Spain and France) taking advantage of England's preoccupation with the colonies and whether it would be politic to give the insurgents secret assistance. Vergennes went on to say that Providence had evidently chosen that very hour for humiliating England and that by rendering the assistance of the Americans as desperate as possible the exhaustion caused by the internecine war would prostrate both England and the colonies and afford an opportunity to reduce England to the condition of a second rate power. Not being able to do that, he went on to suggest secret assistance. The New Larned History also goes on to point out that "It is a settled rule of diplomacy that a minister should not be pressed upon a foreign court by which it is understood that he will not be received." In disregard of this rule the colonists did send agents to several foreign courts where, save eventually for France, they were not received. Thus "The policy of sending ministers to European courts where such ministers were not received worked injuriously to the United States from the mere fact of their nonrecognition."

After Saratoga, Count Vergennes became anxious for a treaty including Spain. Spain hoped to secure her borders on this continent and at the same time regain Gibraltar. France wanted anything that would discomfort England and to secure fishing rights in our coastal waters.

John Richard Green writes in his "Short History of England", The World's Great Classics, by the Colonial Press, copyright 1899: "XXX and by the yet more fatal news that this disaster (Saratoga) had roused the Bourbon courts to avenge the humiliation of the Seven Years War" by concluding an alliance with the revolutionists. When peace was discussed with Spain and France, Spain refused to suspend hostilities without the return of Gibraltar and France proposed that England give up all her Indian conquests except Bengal. But England fixed them.

The colonies became tired of waiting and made their own peace, which was a prelude to treaties with the Bourbon powers.

The Beaumarchais incident is another case in point. In 1778 Silas Deane went to France as our first secret agent. After having finally met with Count Vergennes, arrangements are made through an intermediary, a Monsieur Beaumarchais, for an old frigate loaded with everything wanted. The British found out about it and made spirited protest to the King of France, with whom they were temporarily at peace, and the King issued a strong proclamation promising death, etc. to anyone connected with such a scheme and ordered the frigate unloaded. It was, but its cargo was loaded on three merchant vessels at night and they arrived safely. It was well understood by Congress that this was a gift from the King of France but when someone, thought to have been Thomas Paine, let the cat out of the bag, Congress received a "warm memorial" from the French Government and Congress had to deny that the King had anything to do with it and assert that the shipment was a common mercantile contract. Thereupon, Beaumarchais called upon Congress to pay the whole purchase price with interest. This incident in itself, even though an open alliance was later hastily contrived, is proof that France did not in reality regard the Continental Congress as a bona fide government but rather as a tool with which to get at the English. It seems to me that the aid she gave to the colonies, aside from Lafayette which was personal, was much the same as the aid England later gave to the South during the Civil War.

It would be possible to continue in this way, but I hope that the point has been made sufficiently.

References for the information contained herein include Elias Boudinot by George Adams Boyd, The New Larned History, Dictionary of American Biography, Journal of Events of the Revolution by Elias Boudinot, New Jersey and the Revolutionary War by Alfred Hoyt Bill, Short History of the English People by John Richard Green. (The World's Great Classics) and Appleton's Cyclopedia, all of which, except Green's Short History of England, can be obtained through the Public Library in Ridgewood.

Thank you for your patience.

LITHUANIAN INDEPENDENCE

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. COTTER. Mr. Speaker, today is a sorrowful day for Americans of Lithuanian descent. For on this date in 1940, Lithuania was forcibly annexed into the Soviet Union, beginning a sad era in its history which continues to this day. Yet, despite more than 30 days of political and religious repression, attempts at depopulation, and other tragic hardships, the struggle for Lithuanian freedom goes on. The courage and sacrifice of these determined people was brought home with new force last year by the mass demonstrations of protest against Soviet occupation, culminated by the self-immolation of three Lithuanian youths. These actions demonstrate beyond the ability of words that the Lithuanian people have not acquiesced to annexation, but rather still strive for independence and freedom.

Let us take the time on this sad anniversary to recognize that this valiant struggle is still going on, to remember our obligation to those who quest for, and are willing to sacrifice to attain, freedom, and to acknowledge the efforts to gain national self-determination by Lithuanians the world over, with the fervent hope that they will be successful.

BEATITUDES FOR BUSINESSMEN

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. ANDREWS of North Dakota. Mr. Speaker, a very good friend of mine, Harry E. Olson, Jr., senior pastor of Messiah Lutheran Church in Fargo, N. Dak., some time ago wrote "Beatitudes for Businessmen." With the present day tension and atmosphere of distrust, I felt that I would like to share these thoughts with my colleagues and friends so I am asking consent that they be printed at the conclusion of my remarks.

Harry Olson, incidentally, is the first clergyman from North Dakota to have been invited as guest chaplain for a session of the House of Representatives. We are very proud of him and I am sure that his words will continue to have a profound effect on people everywhere.

BEATITUDES FOR BUSINESSMEN

(By Harry E. Olson Jr.)

Blessed will be the man who will trust other men.

Blessed will be the man who is determined to control himself.

Blessed will be the man who not only counts his blessings but makes his blessings count.

Blessed will be the man who can turn his barricades into bridges.

Blessed will be the man who works hard but does not press.

Blessed will be the man who does not demand achievement but deserves it.

Blessed will be the man who is willing not only to improve his circumstances but more willing to improve himself.

THE TRAGEDY OF LITHUANIA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. COLLIER. Mr. Speaker, today is the 33d anniversary of the annexation of Lithuania by the Soviet Union. Almost a third of a century has elapsed since the people of that small republic lost their national independence and their individual freedoms. Our Nation has never recognized the conquest of Lithuania and its sister republics Estonia and Latvia, and I hope it never will.

Those of the Lithuanian people who have not been murdered or deported have not accepted the absorption of their nation by the Soviet Empire, although it is all but impossible for them to protest effectively. Two million Americans of Lithuanian stock have not accepted the obliteration of their ancestral home from the map of Europe. Like their friends and relatives across the sea they hope and pray that the hell of communism will, like the earlier hell of national socialism, soon come to an end.

Mr. Speaker, more than 70 new countries have joined the family of nations since the end of World War II. It would be merely an act of simple justice for the Soviet Union to restore freedom to Lithuania and its Baltic neighbor.

THE PLIGHT OF LITHUANIA

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 1973

Mr. BURKE of Florida. Mr. Speaker, today is the 33d anniversary of the forcible annexation into the Soviet Union of the state of Lithuania. Anniversaries are either occasions for joy or despair. This Lithuania anniversary is an occasion for despair. The Lithuanian people have continuously struggled to reject the oppressive Communist system from Lithuanian soil ever since the forcible annexation on June 15, 1940. Regrettably, a generation has grown to adulthood without knowing the blessing of freedom, democracy and justice.

From 1944 to 1952, anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerilla warfare with a loss of 50,000 Lithuanian lives.

During the Stalin era, more than one-sixth of the Lithuanian population was deported to Russia and Siberia.

Not long ago a Lithuanian youth burned himself as a martyr in protest against the denial of the right of national self-determination, the denial of religious freedom, political freedom and the denial of human rights by the Soviet Union.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. We should maintain this steadfast policy and hopefully this will keep the flame of hope burning in the hearts of the freedom loving citizens of Lithuania until such time as they are granted self-determination.

SENATE—*Monday, June 18, 1973*

The Senate met at 11 a.m., and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend L. R. Elson, D.D., offered the following prayer:

Eternal Father, we turn to Thee in faith and trust, for Thou alone art the source of our joy and peace, and of all wisdom and strength. Without Thee we lose our way. Confusion and uncertainty overcome clarity and certitude. But with Thee there is wisdom and strength. By the light of Thy presence guide us through the maze of our strange and difficult times. Overrule our human errors by the magnitude of Thy grace. Keep us ever faithful to Thy commandments revealed in Thy word and to the law of love made known in the cross. At the end, may we hear the divine approbation, "Well done, good and faithful servant." And to Thee shall be the glory and the praise. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on June 12, 1973, the President had approved and signed the act (S. 1235) to amend Public Law 90–553, authorizing an additional appropriation for an International Center for Foreign Chanceries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 15, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEONID BREZHNEV'S VISIT TO THE UNITED STATES

Mr. MANSFIELD. Mr. President, in the field of foreign policy, President Nixon has been extraordinarily successful as attested to by his visit to Peking, the promulgation of the Nixon doctrine and, incidentally, the reduction of U.S. military forces overseas from 3.5 million men to 2.3 million, an adjunct to our foreign policy, and his visit to Moscow and the agreements reached there.

President Nixon extended an invitation to Mr. Brezhnev over a year ago. It was accepted some months ago, and now Mr. Brezhnev is here in this country as a guest of this Nation.

While here, I do not expect Mr. Brezhnev to discuss our internal affairs, which are entirely outside his ken, as he has so stated; and the same would apply to any other representative of a foreign country or ours in other countries.

Mr. President, I, for one, do not fear that we will be "taken in" by Mr. Brezhnev. I have full faith in the President of the United States in the conduct of foreign affairs, in which area he has been most successful. I do not downgrade this meeting between Mr. Brezhnev and President Nixon although, frankly, I do not expect anything of a highly significant nature to emerge therefrom.

I would assume that they would discuss trade matters, space matters, energy matters, and the like, and that there would be final agreements announced on the basis of negotiations, heretofore entered into by the representatives of the two countries.

I do wish, though, that consideration would be given to a proposal which was reported from the Senate Foreign Relations Committee last week by a vote of 14 to 1; that is, a resolution calling on the President to promote negotiations for a comprehensive test ban treaty. That resolution, I think, has at least 35 cosponsors at the moment. It is an issue which I think could be beneficially discussed on a mutual basis by both countries. It has been brought to the attention of the White House at the request of the Senators concerned. Again, let me say that I am hopeful this matter will at least be discussed.

I would hope also that we would recognize the fact that both countries spend too much on armaments and that a diminution of such would be a good way to focus resources more on the needs of our respective peoples; resources which could be used for constructive purposes rather than potentially destructive purposes.

Frankly, I, for one, am not interested in always being No. 1.

I believe in parity. I believe in the doctrine of equality. I do not believe in the doctrine of superiority, because we are all molded from the same clay; we all come from the same soil. I think we should try to treat with nations as we aspire to treat with individuals.

I hope there is more mutual trade between the U.S.S.R. and our own country. I hope there will be more cultural exchanges, more agreements on space, more agreements on energy, although I do not look with too much favor upon the natural gas agreement which has been entered into by private concerns with the Soviet Union, the purpose of which would be to transport liquid natural gas from Siberia to the United States. The price would be very high, and the source, I think, might not be expected to remain permanent.

I would hope for a better understanding between our two nations, because the important consideration, above all else, is peace—peace for all the people of the world, a peace which can, in large part, be guaranteed in concert by countries such as the Soviet Union and the United States, now meeting, through their top representatives, and by other countries as well.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Senate Resolution 67.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 67

Resolution calling on the President to promote negotiations for a comprehensive test ban treaty

Whereas the United States is committed in the Partial Test Ban Treaty of 1963 and the Nonproliferation of Nuclear Weapons Treaty of 1968 to negotiate a comprehensive test ban treaty;

Whereas the conclusion of a comprehensive test Ban Treaty, and will fulfill our pledge in the Partial Test Ban Treaty;

Whereas there has been significant progress in the detection and identification of underground nuclear tests by seismological and other means; and

Whereas the SALT accords of 1972 have placed quantitative limitations on offensive and defensive strategic weapons and have established important precedents for arms control verification procedures; and

Whereas early achievement of total nuclear test cessation would have many beneficial consequences: creating a more favorable international arms control climate; imposing further finite limits on the nuclear arms race; releasing resources for domestic needs; protecting our environment from growing testing dangers; making more stable existing arms limitations agreements; and complementing the ongoing strategic arms limitation talks: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear tests.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, the Senator from Tennessee (Mr. BROCK) is recognized for not to exceed 15 minutes.

THE ENERGY CRISIS

Mr. **BROCK**. Mr. President, I wish to speak on the matter to which the majority leader has referred briefly. It is the matter of our national energy supply, its source, and the crisis which it imposes upon the Nation at present.

I am deeply concerned at the prospect of crippling fuel shortages throughout the country in the coming months and years. There is mounting evidence that we are on a collision course with an energy crisis unparalleled in recent history.

It is no longer possible to avoid serious fuel-related problems over the short run, and only concerted well-considered action now will enable us to get back on the track before the crisis becomes a calamity.

Petroleum will be the first casualty. Products made from crude oil supply almost half of the total energy consumed in the United States, and those products are in critical short supply right now.

Many gasoline stations have announced new policies that amount to an ad hoc rationing scheme—limiting the number of gallons that can be purchased at one time, shortening their hours and the like. The Governor of Delaware has even suggested that only cars with Delaware licenses be permitted to purchase gasoline in his State.

In an effort to meet the demands, oil refiners have taken several steps. They have been running their refineries at record high percentages of capacity. They have engaged in massive and costly advertising programs aimed at educating the people in ways to conserve fuel. Many have reduced their octane ratings by a half point or one point, in an effort to squeeze a little more gasoline out of each barrel of crude oil.

As a result of these efforts, it is, in all probability, going to be possible for you to keep your car running this summer. Next summer, I am not so sure.

If you happen to own a vehicle powered by diesel fuel, however, the problem is more severe.

The all-out effort to supply the Nation with gasoline during the peak consumption summer months has resulted in a severe shortage of diesel fuel. Simply stated, the more crude oil is earmarked for refining into gasoline, the less is left for other products.

The diesel shortage appears likely to strike a crippling blow within the next few weeks, keeping trucks off the highways and tractors out of the fields, particularly in the Midwest.

Frontier nations are characterized by cheap energy, whether in the form of the sprawling forests of medieval Europe or the seemingly boundless resources of recent America. As nations mature, however, fuel becomes more dear, and lifestyles have to be adjusted.

The periods of change have generally been associated with great social and political upheaval: governments have fallen, and there have been mass migrations of people.

When the forests of Europe had been cut down, the people came to America. I am not sure where we could go.

The problem has been immensely compounded, of course, by our advanced technology. Trees, after all, can be replanted, but when the oil is gone, it will take another ice age to get us any more.

The picture that develops from all of this is one of a multistaged problem, beginning with severe shortages over the period of the next few years, followed, if proper action is taken now, by an easing of the situation in the decade or so after that, followed, if proper action is taken now, by a gradual conversion to new sources of energy.

I want to stress, however, that the mid-term and long-term solutions will only be forthcoming if we do some things right now. Let me outline a few of them.

The mid-term problem, that is to say, our eventual recovery from the certain shortages of this summer, can only come about through a maximization of our capacity to utilize petroleum in the most efficient manner.

The petroleum problem has many facets. There is the problem of finding it, of producing it, of refining it, of delivering it, and of using it.

The National Petroleum Council has estimated that 55 percent of the discoverable oil in this country is still in the ground waiting to be found. And yet, exploratory drilling for new supplies has declined from a peak of more than 15,000 wells annually in 1955 to fewer than 7,000 wells in 1971. Why? Simply because it is no longer very profitable to drill an exploratory well.

I think that fact is a remarkable representation of just how far afield we have gone from the free enterprise system that Republicans and Democrats alike take as the basis of their economic beliefs. Imagine, in a time of critical shortage and immense demand, it not being worth anyone's while to increase the supply. But that is what has happened. The Government has so overregulated and stifled private initiative that what should be boom-time conditions look more like an era of oversupply.

Taxes, management errors, inflation, and restrictive pricing policies and poorly drawn environmental regulations all played a role in doing what the prospect of 25,000 feet of hard rock could not—they have caused the oilman to decide not to drill.

As a result, we are becoming increasingly dependent on imported crude oil. At least 25 percent of all the crude oil refined in the United States today is imported, and the figure is sure to rise.

It must rise, and for this reason, I endorse President Nixon's moves in the area of oil import quotas and deepwater port development. However, it is vital that we regard importation as a temporary palliative, and not as long-term solution to the energy crisis. While imports must increase over the next few years, I strongly believe that we must begin now to work toward domestic solutions, so that once past the immediate problem, we can gradually reduce our dependance on foreign energy sources.

In the long run, few alternatives are less attractive than an America dependent for its vital energy upon the caprice of such areas as the Middle East or the communist block. Our national security impels us to extreme caution as we move toward greater dependence on such sources.

We must never allow ourselves to be placed at the mercy of some volatile monarch who may, under whatever influence, suddenly decide to turn off the lights.

There is an additional problem too, related to any long-term program of massive importation, and that is the very real likelihood that such a policy would result in vast holdups of American currency in the hands of a few Middle Eastern rulers. They would then have the power to cause international monetary upheavals that would make the current gold speculation look like kid stuff.

Our problems in producing oil are no less complex than those of finding it, and I believe that a program passed by the Senate last week may only serve to compound them.

With only 10 of us dissenting, the Senate has decided to engage in a massive supply distribution program, which in my opinion will not work, will cause untold confusion, and will have the effect of causing independent producers to discontinue pumping on a great many marginal wells, whose oil we need so desperately.

Petroleum at the wellhead must then be shipped to a refinery, and here again we see government, in this case the courts, standing in the way of progress. The greatest single oil find in our time is on the North Slope of the State of Alaska, but that oil is worthless unless we can get it to a refinery.

To do that, we need not only the Alaskan pipeline but a Canadian pipeline as well. There is enough oil to fill both. The oil industry knew that years ago, and started making plans. But they have been stopped, and at the worst possible moment.

There are other massive transportation problems that must be dealt with if we are to solve our fuel shortage problem. Oceangoing tankers are so in demand to haul the Middle Eastern oil to the United States, that Norwegian and Greek shipowners have made fortunes on single voyages. It may be true that in all the world there are not enough tankers to meet our needs.

The problem is not solved, even when the oil has crossed the ocean. We have no deepwater ports to receive the largest vessels. And we still have to move the oil from the ports to the refineries, bearing in mind all the time that most of our refineries are not equipped to process the type of crude oil which we get from the Arab lands.

Transportation problems indicate another fallacy of the approach taken by the Senate this week. The bill is designed to protect the small refiners by assuring them a constant supply of crude oil. But transportation difficulties may render the bill's allocation system useless.

I have indicated that we are not finding enough oil in the ground; if we found more, we could probably not produce it; if we produced it, we probably could not transport it to the refineries.

I am sorry to have to report also that if we could do all of those things, we would still not be able to refine it.

Our refineries are operating today at 95 percent of capacity, an incredible rate. The problem is simply that there is not enough capacity. Only two new refineries have been built in the entire Nation in the last several years, and only one more is currently under construction.

A number of others are on the drawing boards, but oil company executives privately fear that the construction industry does not have the ability to build them at the current time.

The greater problem, though, is getting over the legal hurdles, most of which stem from bureaucracy, conflicting regulation, and poorly drawn antipollution laws. The same cities and States that are crying for fuel are refusing to permit refineries to be constructed within their limits. Their attitude seems to be, "Let somebody else get the pollution, just give me the gasoline."

Well, it does not work that way, and we are going to realize it very soon, indeed.

Even as we move to bolster the supply of petroleum products to supply the energy needed during the midrange ahead, we must begin to plan for the long range—plan and act.

Extensive research is needed now in the areas of nuclear, solar, and other potential energy sources.

I am particularly distressed, for example, that the administration has chosen to abandon research on the molten salt breeder reactor, which I regard as one of the most promising possibilities for providing ample supplies of nuclear energy. In choosing to fund only the liquid metal breeder reactor, they have placed all their very fragile and valuable eggs in a single basket.

If it should develop, down the line, that the liquid metal process is not practicable, we will have lost years of planning on the most likely alternative.

Also looking to the long range, we need to undertake new initiatives aimed at devising an environmentally acceptable method of utilizing our vast stores of coal. It is estimated that we have up to 1,500 years' worth of coal reserves; yet coal usage is declining relative to other fuels because of the attendant environmental problems.

The relationship of environmental concerns and our need for energy is a constant thread running through the debate on this subject. It is a matter of vast importance, and I would like to take a few moments to discuss it today.

Frequently, the energy crisis is cast as the tails side of the coin on which environmental protection is the obverse. This representation is an oversimplification, but it is nonetheless true that there is an energy-environment cycle; it is this cycle which we must seek to control.

It is clear, for example, that if we were to have no concern whatever for the environment, we would have no energy crisis. We would use our high-sulphur coal without restriction. We would drill for oil on our offshore lands without worrying about oil slicks. We would build nuclear reactors at will, unbothered by possible thermal pollution. We would long ago have completed the Alaskan pipeline. Instead of only one, we would have dozens of oil refineries under construction.

We would have energy aplenty—and we could possibly all choke to death on it within a few years.

Similarly, our pollution problems could be solved overnight if we acted without regard to our energy needs. Our air and waters would be as pure as a saint's motives, and the American people could have the satisfaction of starving and freezing in an absolutely clean environment.

But, of course, neither of these alternatives is satisfactory. Our only hope, then, is to establish a balance. This means compromise on both sides, and calls for statesmanship on the part of those with institutional interests either way.

We also need a new degree of statesmanship on the part of the public figures. The energy crisis has been the subject of massive demagoguery, as politicians seek to find the best whipping boy for their purposes.

We have heard that the fuel shortage is some sort of conspiracy on the part of the big oil companies. It is obvious that not all industry decisions have been wise or in the public interest. Cannot the same be said of Congress? Oil companies did not cause a quantum jump in gasoline consumption in private automobiles by mandating antipollution devices that do not work; Congress did. I know of no industry suit against building nuclear plants, refineries, or pipelines. In sum, there is enough blame to go around.

One example may suffice to indicate the point I am making. This example of statistic manipulation was the testimony last Friday—June 8—before the Senate Antitrust Subcommittee by the assistant attorney general of the State of California, Charles A. La Torella, Jr.

According to press report, La Torella said that gasoline reserves as of June 1 were 202.5 million barrels, up 1.6 million from a year ago. Citing this, he responded to a question about the fuel shortage by asking, "What shortage?"

This sort of game playing is an outrage. In the first place, "reserves" include all gasoline at refineries, in transportation systems, and at terminals. It cannot, in any sense, be considered a stockpile, nor does it represent fuel being withheld from the consumer by the oil companies. It is very simply the amount of gasoline that has been refined, but not yet consumed.

Furthermore, to have any meaning at all, this figure on reserves must be combined with the level of consumption. In 1 year, our level of consumption has jumped 6 to 7 percent. If, therefore, our reserves are increased only seven-tenths of 1 percent, which is the case accepting his figure of 1.6 million increase, then we have a very real shortage. Perhaps Mr. La Torella will be kind enough to explain to some of our farmers this fall how they can run their tractors on corn stalks. Unless he can, I am not sure they are going to believe his statement that there is no shortage.

The statistical inaccuracies cited in such statements are unfortunate, in any event. Because of the situation surrounding this energy question, however, and because of the generalities drawn from the erroneous statistics by those who used them, there is a more serious problem.

This Nation desperately needs action now if it is to solve its developing energy problems. Those who minimize the problem are deceiving the public about the true extent of the problem, and thereby impeding the progress of Congress and the Government in moving toward a solution.

We will get nowhere by playing politics. We will get nowhere by setting up strawmen. We will get nowhere by demagoguery. We must have action.

We are barrelling down the energy wipeout expressway toward oblivion. Now, there are some exits we can take before the end. One is marked "depression," and there is a very real chance that that is exactly where we are going to get off.

Another is called "revolution," and history tells us that expiration of energy resources has brought with it the downfall of many nations.

A third, and it is our only real hope, is neither clearly marked nor easy to traverse. We can avail ourselves of it only by acting now to adopt a sensible and comprehensive national energy policy consisting of sensible government action, industrial statesmanship, and public cooperation.

As we move toward a comprehensive national energy policy, there are a number of pitfalls which we must take care to avoid. Let me outline a few.

First, we must avoid creating a new bureaucracy. If there is one thing we do not need, it is more governmental redtape, if history is any guide, will likely consume more energy than it will save or produce.

In that regard, we must be extremely careful as we reorganize the Federal Government to meet the energy crisis. On the one hand, we desperately need a cabinet-level policymaker for energy.

Obviously, too, his responsibility must be accompanied by sufficient staff and fiscal resources for him to do his job. But I question whether this implies the necessity for a brand new department, combining the activities of existing agencies under some new umbrella.

My suggestion rather is a lean, results-oriented agency, reporting directly to the President, and charged with identifying priorities for maximizing production of existing fuel sources, research on potential new sources, the need for importing additional resources, methods of maximizing efficiency in the process from production to end use of energy, and promotion of energy conservation consciousness among the people.

A second pitfall we must avoid is to move precipitously with quantitative laws based on fast changing data. I cite as my text for this argument, a recently adopted law which itself has contributed to the energy crisis.

In passing the Clean Air Act of 1970, the Congress made some extremely technical decisions, rigidly mandating various standards for pollutants.

Now I recognize the tendency of some to look upon this body as the source of all wisdom, but as EPA Administrator William Ruckleshaus has recently stated, it has become apparent that the data on which some of those decisions were made is either out of date, or was inaccurate in the first place.

Thus, it is now obvious that it is not necessary to reduce automobile emissions of nitrogen oxide to a level of 0.4 grams per mile in order to have a safe and healthful atmosphere. The figure is probably too low, by a factor of 3 or 4.

Yet, by setting that figure in 1970, Congress has had an almost unimaginable effect on American industry. The result of that single figure, has been that oil companies have found it necessary to divert a substantial portion of their production to no-lead gasoline, which requires an approximately 7 percent greater consumption of energy on their part.

At the same time, this figure has severely restricted the options of the automobile makers in the kinds of antipollution devices they might use on their cars.

It excluded, for example, the promising stratofied charged engines, as well as thermal reactor systems. And now millions of dollars later, we are told the figure was not even right in the first place.

The point I am making is that we must be extremely careful when we codify highly technical material into law, all the more so in a fast developing research area.

These considerations notwithstanding, it is clear that we must act now if we are to avert a catastrophe of the first magnitude. There are long leadtimes for turning ideas into energy, and the problem is going to get worse every day.

Perhaps even more than energy itself, time is a most precious commodity.

We must not waste it in silly political positionings and game playing. Our Nation deserves better.

Finally, I believe that the people themselves have a substantial responsibility to shoulder. All of us need to develop a new spirit of energy conservation consciousness.

There must be a recognition of the fact, heretofore, ignored, that energy is not free.

American industry must immediately examine their operations with an eye toward reducing their energy consumption. The Office of Emergency Preparedness has estimated that a new spirit of energy conservation consciousness on the part of industry could result in their reducing its consumption by 10 to 15 percent.

Commercial concerns must show a similar spirit. Businesses need to reevaluate their policies with regard to air conditioning, lighting, heating and the like, subjecting those policies to the criterion of energy waste. Some architects say that there is 10 to 20 times too much light in most modern buildings. While I question the value of such extreme oversimplifications, it is certainly true that neon signs do blare out their useless light all night, with no one on the street to see them. These things need to be examined.

But energy waste is not confined to industry and commerce. It exists in enormous quantities in our homes, as well. Citizens can help resolve—and save themselves a good deal of money—the short-term problem, and the long-term one, too, by developing new energy conservation techniques.

Such simple measures as covering saucepans when cooking, turning off lights and appliances when not in use, fixing leaky faucets, and using full loads in washing machines and dishwashers can go a long way toward easing the problem. And, of course, the individual consumer will realize savings himself in his utility bills.

In the operation of his automobile, too, the consumer must exercise this spirit of energy conservation consciousness, by driving more slowly, utilizing car pools and public transportation, and in other ways getting the most out of his gasoline dollar.

We are going to have a tough few years to weather out, and unless the Government, private enterprise and the public cooperate, it cannot be done.

I said at the outset there is enough blame to go around. It is time we stopped playing that kind of charade. Just as each of us shares in being a part of the problem even more each of us has a role to play in achieving a solution. This country demonstrates its true greatness when it faces squarely a problem and in common purpose seeks to solve it. We, each one of us, have a problem now. Without looking over our shoulder, we must get about the job of removing this obstacle to our future.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BROCK. Mr. President, on behalf of the Senator from Alaska (Mr. Stevens) I ask unanimous consent that two members of his staff, Margaret Kitt and Max Gruenberg be permitted the privilege of the floor during the debate on S. 907.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that privilege of the floor be extended to Howard Shuman of my staff during debate on the same bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF RAYMOND LAHR

Mr. MANSFIELD. Mr. President, it is with a sense of personal loss that I note that Raymond Lahr, chief political correspondent in Washington for United Press International, passed away on last Friday.

Ray Lahr was one of the truly great professionals in the reporting field. He was a man of understanding, fairness, a man who understood the working of politics, and a man who was a friend of all who came to know him.

Ray Lahr covered every major political convention and every major election since 1942 or 1944. He was a graduate of the University of Chicago and on his graduation from that outstanding institution he became a newspaper reporter for the midwestern news bureaus for 10 years. He was the author, with J. William Thesis, of "Congress: Power and Purpose on Capitol Hill."

He leaves his wife, Sarah. On behalf of the Senate I wish to extend to Mrs. Lahr our deepest condolences and our sympathy on the passing of this fine reporter. May his soul rest in peace.

Mr. President, I ask unanimous consent to have printed in the Record Raymond Lahr's obituary, which was published in the Washington Star-News.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

Raymond Lahr Dies, Reporter for UPI

Raymond M. Lahr, 59, chief political correspondent here for United Press International, died yesterday in Johns Hopkins Hospital in Baltimore after a heart attack. He lived on Laurel Court in Falls Church.

Mr. Lahr had been with UPI here since 1947. He covered labor news and Capitol Hill until 1958, when he became chief political correspondent. He had covered every major election and political convention since 1944.

He was born in Kokomo, Ind. He graduated from the University of Chicago in 1936 and the next year joined the wire service, working in Midwestern news bureaus for 10 years before coming here.

He was the author, with J. William Thesis, of "Congress: Power and Purpose on Capitol Hill."

He leaves his wife, Sarah, a former member of the Fairfax County School Board.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Donation of Certain Surplus Property

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the Warren County Chapter of the National Railway Historical Society, Warrenton, N.C. Referred to the Committee on Armed Services.

Proposed Legislation From Department of Defense

A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 73 (survivor benefit plan) of title 10, United States Code, to clarify provisions relating to annuities for dependent children and the duration of reductions when the spouse dies (with accompanying papers). Referred to the Committee on Armed Services.

Proposed Legislation From the District of Columbia Government

A letter from the Mayor-Commissioner, District of Columbia, Washington, D.C., transmitting a draft of proposed legislation relating to benefits for employees of the government of the District of Columbia, and for other purposes (with accompanying papers). Referred to the Committee on the District of Columbia.

Proposed Legislation From Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the program of payments for Old-Age, Survivors, and Disability Insurance and the program of grants to States for aid to families with dependent children (with an accompanying paper). Referred to the Committee on Finance.

International Labor Organization Recommendation

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, International Labor Organization Recommendation No. 136 (with accompanying papers). Referred to the Committee on Foreign Relations.

Proposed Legislation From Department of State

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (with accompanying papers). Referred to the Committee on Finance.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on "Audit of the Overseas Private Investment Corporation, Fiscal Year 1972," dated June 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "In-Flight Escape Systems for Helicopters Should Be Developed To Prevent Fatalities", Department of Defense, dated June 12, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Further Improvement Needed in Assisting Military Personnel in Finding Adequate Housing Near Bases", Department of Defense, dated June 12, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Some Problems in Contracting for Federally Assisted Child-Care Services", Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated June 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need for Improved Consumer Protection in Interstate Land Sales", Office of Interstate Land Sales Registration, Department of Housing and Urban Development, dated June 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

Report of National Water Commission

A letter from the Chairman and Members, National Water Commission, Arlington, Virginia, transmitting, pursuant to law, a report of that Commission (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

Proposed Legislation From Department of the Interior

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize grants for Indian tribal governments, and for other purposes (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

Proposed Legislation From Secretary of Commerce

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees (with an accompanying paper). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California. Referred to the Committee on Finance:

"Assembly Joint Resolution No. 10

"Relative to the definition of tax effort under the State and Local Assistance Act of 1972

"Whereas, The current formula for allocation of funds to local government under the State and Local Assistance Act of 1972 places a major emphasis on the tax effort factor in local communities; and

"Whereas, The tax effort factor is based on the amount of eligible taxes collected by a local community, this being recognized as the measure of a local government's effort to fully utilize the financial resources available in the local community; and

"Whereas, In formulating the State and Local Assistance Act of 1972, the Congress failed to take into consideration the status of California cities which receive municipal services from special districts which are the direct recipients of taxes paid by the citizens of these cities; and

"Whereas, As a result of this special district taxation, cities are thus deprived of credit for tax effort under the present definition of tax effort in the State and Local Assistance Act of 1972; and

"Whereas, This results in cities receiving a reduced amount of revenue on a per capita share basis, the inequity amounting to as much as 1,000 (one thousand) percent between the lowest and highest city per capita allocation, despite the fact that taxpayers in these cities may pay approximately the same average tax rate; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to remove such an inequity either by amending the State and Local Assistance Act of 1972 or by administrative ruling specifically defining what constitutes "tax effort" by a city, so as to include the total amount of eligible taxes "paid" by the taxpayers of a city for municipal services and functions and levied by or on behalf of neither a county nor another city, rather than taxes "collected" by the city government, the former being a truer measure of local effort to fully utilize the financial resources available in the local community; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION No. 13

"Relative to payments to members of the Philippine Scouts

"Whereas, Legislation has been introduced in the Congress of the United States, by Congressman Talcott, to provide adequate benefits for members and survivors of the Philippine Scouts; and

"Whereas, The battlefields of Bataan and Corregidor are living testimony to the heroism and valor of the Philippine Scouts during World War II; and

"Whereas, The Philippine Scouts were established in 1901 as part of the United States Army after valiantly serving the Army as guides and as fighting men; and

"Whereas, In World War II, members of the Philippine Scouts were permitted to and did enlist in the United States Army, and served side by side with the American Soldiers in the fight for democracy; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California supports legislation to provide adequate benefits for members and survivors of the Philippine Scouts, and urges the Congress of the United States to enact such legislation; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION No. 16

"Relative to the retirement benefits of prisoners of war

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact statutes providing two years of retirement credit for each year of imprisonment for veterans of the Vietnam War; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A concurrent resolution of the Legislature of the State of Iowa. Referred to the Committee on Post Office and Civil Service:

"SENATE CONCURRENT RESOLUTION 27

"Whereas, the provisions of the federal Hatch Act regarding political activity of federal employees also extend to state and local public employees who are paid wholly or in part out of federal funds, either directly or through grants-in-aid; and

"Whereas, the increase in members and extent of federally-funded programs in which the states and local units of government participate results in a larger number of public employees becoming subject to the provisions of the Hatch Act; and

"Whereas, restrictions in state laws similar to those in the Hatch Act have been held by state and federal courts to be unconstitutional infringements upon the political rights of public employee citizens, and it is desirable to preserve for these citizens the maximum practicable right to participate in the political life of the nation and the states; Now therefore,

"Be it resolved by the Senate, the House concurring, That the Congress of the United States be memorialized to amend the federal Hatch Act by removing from it those provisions which prohibit state and local government employees from exercising the full rights and responsibilities of citizenship and taking an active part in the political life of their nation and state; and

"Be it further resolved, That the Secretary of the Senate shall cause copies of this memorial to be sent to the presiding officer of the Senate, and of the House of Representatives of the United States and to each member of the Iowa Congressional delegation."

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 126

"A concurrent resolution petitioning the Congress of the United States to preserve the capital gains treatment of timber

"Whereas, more than 15 million acres of the state of Louisiana are devoted to the sustained production of timber, and

"Whereas, nearly 120,000 persons own these forested acres which provided more than $60 million income from timber sales last year, and

"Whereas, the production of timber contributes to the economic vitality of our State to an extent greater than all other agricultural crops combined, and

"Whereas, the forest products industry provides payrolls of $240,000,000 to more than 42,000 families, and

"Whereas, projections indicate the need to more than double timber production by the year 2000, and

"Whereas, U. S. Forest Service studies conclude that most of the projected increase must be produced on private timberlands, and

"Whereas, timber must compete with other forms of capital assets for investment, it is essential that the tax climate for savings and investment be good generally and that timber be treated equitably with other assets, and

"Whereas, capital gains tax treatment of timber under the Internal Revenue Code has been a significant factor contributing to phenomenal progress in the growth of Louisiana's forest resource, and that of the entire nation,

"Therefore, be it resolved by the Senate of the state of Louisiana, the House of Representatives thereof concurring herein, that this Legislature petition the Congress of the United States to protect and preserve the Capital Gains treatment of timber as provided for in Section 631 (a) and 631 (b) of the Internal Revenue Code, and thereby encourage private timberland owners to continue investing in the production of timber so necessary to this nation's sustained economic growth, natural beauty and environmental well-being.

"Be it further resolved that copies of this resolution be transmitted to the presiding officers of each house of the Congress of the United States, and to each member of the Louisiana Delegation in Congress."

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Public Works:

"SENATE CONCURRENT RESOLUTION No. 156

"A concurrent resolution to memorialize the President of the United States and the United States Congress to give high priority to highway safety

"Whereas, in 1966 the Congress of the United States enacted legislation giving a high priority to traffic safety with the intent of reducing accidents and saving lives; and

"Whereas, this high priority was shortlived in that crippling obligational limitations by the Office of Management and Budget of the Executive Department of the funds authorized by the Congress, together with actions of the Department of Transportation to federalize the program through usurpation of the authority to the governors of the states, severely crippled the program; and

"Whereas, continued unacceptable increases in deaths, injuries and property damage cry out for redress; and

"Whereas, for comparison purposes, 55,000 people were killed in traffic accidents in 1971, 17,000 died as a result of criminal acts during the same period, and 45,000 lost their lives during American participation in the Viet Nam War; and

"Whereas, approximately 3,500,000 men, women and children are injured annually in traffic accidents, ten times those occurring from all other forms of violence; and

"Whereas, vehicle accidents are the number one killer of persons under twenty-five years of age, and the third most lethal killer among all causes of death; and

"Whereas, the annual economic loss from traffic accidents is approximately forty-six billion dollars, as compared to thirty-six billion dollars from all criminal acts; and

"Whereas, based on 934 fatal accidents, 34,054 injury-producing accidents, and 83,756 property damage only accidents, the economic loss in Louisiana in 1971 from traffic accidents was $236,795,000; and

"Whereas, despite these facts and figures, federal funds in an amount of eight hundred fifty million dollars are allocated annually to implementation of the Omnibus Crime Act, as compared to eighty-five million dollars annually to implement the Highway Safety Act on a national basis; and

"Whereas, there is an annual increase nationwide of approximately four percent in vehicles and two and one-half percent in drivers who are driving five percent more miles at average speeds increasing two percent each year; and

"Whereas, the problems occur in the states when the driver gets into the vehicle and travels over the highways, and it therefore follows, as Congress intended, that it is at this level that existing technology can be utilized in countermeasures applied by local, not federal officials; and

"Whereas, the job of making the highways safer is made difficult and complicated by the fact that the American people have come to accept as a way of life deaths and injuries caused by traffic accidents, and are so optimistic as to believe it will happen to the other fellow and not to them—notwithstanding the fact that everyone is directly or indirectly affected by the slaughter occurring on our highways.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring that the President of the United States and members of the United States Congress are hereby memorialized to rededicate their efforts and resources to halting or reversing the alarming, intolerable rate at which accidents, deaths and injuries are occurring on the highways of this nation, by restoring the high priority given highway safety in 1966, and by funding the program commensurate with the seriousness of the problem and the job to be done to counteract it.

"Be it further resolved that copies of this Resolution be transmitted forthwith to the President of the United States, the presiding officers of the two houses of the Congress of the United States and to each member of the Louisiana delegation in Congress."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Foreign Relations:

"H.J.R. No. 3

"A resolution of the 40th Legislature of the State of Utah, commending the mayor of Salt Lake City and the Salt Lake City Olympic Presentation Committee; supporting the conditions of the committee's presentation before the U.S. Olympic Committee, and requesting the President and members of the Utah congressional delegation to seek a commitment of Federal funding to host the 1976 winter Olypmic games in Salt Lake City

"Be it resolved by the Legislature of the State of Utah:

"Whereas, Salt Lake City, Utah, has been unanimously selected by the United States Olympic Committee as the host city for the 1976 winter olympics competition; and

"Whereas, that selection was made under the terms announced by the Mayor of Salt Lake City, E. J. Garn, to wit:

"(1) No state or local funds would be committed to the construction of facilities or the operation of the games;

"(2) No permanent facilities would be built or developments allowed in connection with the olympic games which would endanger the environment of the canyons and watershed areas of Salt Lake City; and

"(3) The olympic games would be reduced in size and scope, from the level of promotional extravaganza and returned to the amateur athletes of the world for true athletic competition; and

"Whereas, strict observance of these conditions inspires confidence in the Legislature that the olympic games can be held in Utah without damaging the environment or otherwise having any negative effect on the residents of the State of Utah; and

"Whereas, the International Olympic Committee will meet in February, 1973, to determine the site of the 1976 winter olympics; and

"Whereas, the Congress of the United States and the Executive Branch of Government of the United States must determine the availability of federal funds before Salt Lake City will make a presentation to the International Olympic Committee; and

"Whereas, 1976 is the year in which the bicentennial anniversary of the birth of the United States will be celebrated and the winter olympics offer an opportunity for the nations of the world to join in the celebration of that bicentennial.

"Now, therefore be it resolved, by the Legislature of the State of Utah, that the Honorable E. J. Garn, the Mayor of Salt Lake City, and the members of the Salt Lake City Olympic Preservation Committee, be commended for their honest and thoughtful presentation to the United States Olympic Committee.

"Be it further resolved, that the Legislature supports the conditions embodied in the Salt Lake City presentation and will lend whatever support is necessary to aid Salt Lake City elected officials in the enforcement of those conditions.

"Be it further resolved, that the Legislature of the State of Utah requests its congressional delegation to do all in its power to obtain the commitment of federal funds to Salt Lake City for the purpose of hosting the 1976 winter olympic games, providing that such federal funds shall not replace or reduce any federal grants or programs to the state of Utah.

"Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the President of the United States, each member of the congressional delegation from the State of Utah, the International Olympic Committee, and to Mayor E. J. Garn."

A resolution adopted by the Missouri Conference, United Church of Christ, praying that the moratorium on housing be lifted. Referred to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Missouri Conference, United Church of Christ, praying for the enactment of legislation to provide services and programs to those in need. Referred to the Committee on Labor and Public Welfare.

A statement, in the nature of a petition, relating to trade and tariff matters, from the International Brotherhood of Electrical Workers, AFL–CIO, Washington, D.C. Referred to the Committee on Finance.

A resolution adopted by the National Tribal Chairman's Association, Washington, D.C., praying for a repeal of House Concurrent Resolution 108. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the California Federation of Republican Women, relating to the Klamath River-Yurok Indian Tribe. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Board of Aldermen of the City of Bellefontaine Neighbors, Mo., praying for the enactment of legislation relating to abortion. Referred to the Committee on the Judiciary.

A resolution adopted by the National Federation of Catholic Seminarians, Washington, D.C., relating to the bombing of Cambodia. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment.

S. 1994. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 93–224).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment.

S. 9. A bill to consent to the Interstate Environment Compact (Rept. No. 93–225). Referred to the Committee on Public Works for a period not exceeding 10 days.

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I report favorably S. 9, the Interstate Environmental Compact Act of 1973.

I ask unanimous consent that the bill now be referred to the Committee on Public Works for a period of not to exceed 10 days.

The PRESIDING OFFFICER. Without objection, it is so ordered.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2016. An original bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. Placed on the calendar (Rept. No. 93–226), together with additional views.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar as indicated:

By Mr. ROBERT C. BYRD:

S. 2007. A bill for the relief of Judy A. Carbonell. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. Javits):

S. 2008. A bill to strengthen State workers' compensation programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. FANNIN:

S. 2009. A bill to amend the Antidumping Act of 1921, as amended, to provide for sales below cost of production. Referred to the Committee on Finance.

By Mr. FULBRIGHT (for himself, Mr. Jackson, and Mr. Scott of Pennsylvania):

S. 2010. A bill to establish rates of compensation for certain positions within the Smithsonian Institution. Referred to the Committee on Rules and Administration.

By Mr. BIBLE:

S. 2011. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the act; and

S. 2012. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury, or delay in transit to such property. Referred to the Committee on Commerce.

S. 2013. A bill to amend the Act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions. Referred to the Committee on Interior and Insular Affairs.

By Mr. McCLELLAN:

S. 2014. A bill to improve judicial machinery by providing benefits for survivors of Federal judges comparable to benefits received by survivors of Members of Congress, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. Hartke):

S. 2015. A bill to amend the Communications Act to express the intent of Congress to establish in the Federal Communications Commission the jurisdiction for regulation of cable television systems. Referred to the Committee on Commerce.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2016. An original bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. Placed on the calendar.

By Mr. CRANSTON (for himself, Mr. Hruska, Mr. Scott of Pennsylvania, and Mr. Tunney):

S. J. Res. 123. Joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren. Referred to the Committee on Rules and Administration.

By Mr. NELSON (for himself, Mr. Cranston, Mr. Biden, Mr. Huddleston, and Mr. Abourezk):

S.J. Res. 124. Joint resolution to establish a Joint Committee on Individual Rights. Referred to the Committee on the Judiciary.

By Mr. COOK:

S.J. Res. 125. A joint resolution relative to governmental control of any medium of mass communication. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS (for himself and Mr. Javits):

S. 2008. A bill to strengthen State workers' compensation programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE NATIONAL WORKERS' COMPENSATION STANDARDS ACT OF 1973

Mr. WILLIAMS. Mr. President, today I am introducing, for myself and Senator Javits, S. 2008, the National Workers' Compensation Standards Act of 1973.[1] The purpose of this legislation is to recognize the need for some uniformity in the treatment given to workers who are injured or contract diseases on the job, and their survivors if they are killed.

The statistics on worker deaths and injuries in job related activities have long been too familiar for many in the Congress. They are the same figures that confronted us during the debates on the worker safety legislation that we fought for during the last 4 years in getting approval for the Coal Mine Health and Safety Act, the Construction Safety Act, and the Occupational Safety and Health Act.

Regrettably, experience in gathering injury data under OSHA shows that the incidence of injury and illness was understated. While the estimates of 14,000 deaths annually appears to be accurate, the number of injuries and illnesses may be as much as five times the 2 million estimated only 3 years ago—that is 10,000,000 million injuries or illnesses a year in a work force of 80,000,000.

The safety laws are on the books to cut down or prevent what happens to those crippled on the job—and to their families? This is the concern we have in proposing a revamping of the work injury compensation system.

The idea of workers' compensation is certainly not a new one. Between 1909 and 1913, some 40 Federal and State investigatory commissions recommended abolition of common-law tort remedies in favor of workmen's compensation systems. Since that time, workmen's compensation systems have been established in every State and justified on the ground that work-related injuries are an inevitable part of production and that the product, and in the last analysis society, should bear the cost of that production. As Professor Somers states it:

> The cost of industrial accidents was to be socially allocated to the employer, not because of any presumption that he or the corporation was responsible for every accident which affected the employees, but because industrial accidents were recognized as one of the inevitable hazards of modern industry. The costs were, therefore, a legitimate cost of production.

The employer and society in general benefit from the worker's labor and they—not the worker—should bear the cost of human suffering that is the unfortunate, but concomitant cost of modern industrial production.

The concept of and rationale for a system of workers' compensation is well established. In the United States the task of implementing such a system has been historically left to the States. By 1970, however, there was increasing evidence indicating that the States were not providing enough equitable coverage to enough people. Broad classes of workers were excluded from coverage and those that were covered often received woefully inadequate benefits. In short, in too many cases the worker was bearing all or a large part of the cost of industrial injuries. In response to such evidence, the Congress established, in section 27 of the Occupational Safety and Health Act of 1970, a National Commission on State Workmen's Compensation Laws. This Commission was authorized to study and evaluate State workmen's compensation laws to determine if such laws provided an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

The Commission was composed of 18 members representing every major interest group concerned with workmen's compensation issues. This broadly representative group, after an extensive study, concluded without a single dissenting view:

> The inescapable conclusion is that State workmen's compensation laws in general are inadequate and inequitable.

More specifically, some of the Commission's major findings include:

First. Weekly benefits—The weekly benefit paid to the injured worker or his survivors is the heart of any workmen's compensation program. Since 1940 a progressive deterioration of the benefit structure has taken place. In fact, during the 32-year period between 1940 and 1972, workmen's compensation benefits as a percent of State average weekly wages declined in 27 States. In 1920, the maximum weekly work injury benefit equaled or exceeded 60 percent of the State average weekly wage in 45 States, but in 1972 only 18 States had benefits at this level. The number of States whose benefit structure was considered substandard by the Commission increased from 4 States to 32 States during this period.

Inadequate weekly wage replacement benefits have become the outstanding characteristic of workmen's compensation. In characteristic understatement the Commission commented:

> It is distressing that as of January 1, 1972, the maximum weekly benefit in more than half the States did not equal the national poverty level of income.

Second. Benefits structure for serious injuries—Although the persistent and continued neglect of the benefit structure makes it impossible for the majority of injured workers to receive a two-thirds wage replacement benefit for the most common type of work injury—temporary total disability, the benefit structure for more serious injuries—permanent partial disabilities, permanent total disabilities and death cases—make it a certainty the victims and their families cannot escape poverty.

Although such serious disabilities last for a lifetime, it is not uncommon for State programs to limit payments to a duration of 400 weeks and $25,000 total payment. A steelworker, carpenter, plumber, electrician, machinist or any other high-wage production worker would achieve this level of earnings in 2 or 3 weeks of full-time work. The imposition of these unreasonable limits in permanent total cases can only result in adding seriously injured workers to the public assistance rolls. This shifts an industry responsibility onto the tax rolls of the community and limits the effectiveness of workmen's compensation as a social insurance program.

The situation in fatal work injury cases is similar but far more tragic. The death of the family breadwinner as a result of a work injury will leave a mother with small children in dire circumstances if the family must depend on workmen's compensation as a major source of income. Under most State workmen's compensation programs, the family will be required to subsist on a less than poverty level of income while benefits continue, but then, in all too many States, benefits will be terminated when the time or dollar limits stated in the law are reached. The surviving children may still be in school, and it may be impossible for the surviving spouse to obtain employment without training, but this family could be left destitute in as little as 300 weeks—less than 6 years.

Third. Coverage:

Coverage is fundamental to the program—an injured worker cannot receive any protection from a program unless he is covered by it. Nevertheless, 15 to 20 percent of the Nation's workers are employed under conditions that deny them the protection of any workmen's compensation program in the event of a work injury or disease. These workers—conservatively estimated to exceed 15 million—are denied protection because of the elective options in many States and numerical or occupational exemptions specified in State programs, or in other cases by the failure of employers to comply with State laws.

The Commission reported that although 13 States cover more than 83 percent of their workers, 15 States cover less than 70 percent. As the Commission concluded:

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[1] In recognition of the fact that more than 34 million women are part of our nation's workforce, we have designed this bill as a workers' compensation measure rather than continuing to use the term workmens' compensation except for usage in an historical context.

> Inequity results from the wide variations among the States in the proportion of their workers protected by workmen's compensation . . . Inequity also results because the employees not covered usually are those most in need of protection: the low-wage workers, such as farm help, domestics, casual workers, and employees of small firms.

Compulsory coverage of all wage and salary workers has been almost universally accepted and advocated for many years, but State legislatures have consistently been unwilling to correct even these obvious shortcomings of their workmen's compensation programs.

These and other inequities cited at length by the Commission can leave no doubt that the States have failed to meet their responsibility to provide fair and adequate compensation to the millions of workers killed or injured each year throughout this Nation. It has been the historic function of the Federal Government to prescribe minimum labor standards where State efforts have been inadequate. We have over the years enacted Federal minimum wage laws when State legislation proved ineffective; we provided Federal standards for unemployment insurance when fear over interstate cost inequities hampered the development of State programs; and most recently, we wrote a Federal Occupational Safety and Health Act when the evidence showed that the State programs just did not do the job. The States have had 50 years to bring their State workmen's compensation laws up to decent standards. Moreover, the States have been exhorted to act, but exhortation has not proved successful and it is now the duty and responsibility of the Federal Government to correct the injustices of the past and establish a minimal framework within which those who suffer as the price of society's industrial production will not bear the full burden of that suffering.

The bill I am introducing today does no more than reaffirm this congressional concern for adequate labor standards to protect the health and welfare of our Nation's work force. The National Commission on State Workmen's Compensation Laws has made more than 30 recommendations intended to provide a solution to existing inadequacies and inequities in the operation of State workmen's compensation programs. Just last year, the Congress acknowledged the wisdom and fairness of the Commission's report by incorporating many of their suggestions into the Longshoremen's and Harbor Workers' Compensation Act, thereby providing an equitable system of compensation for the more than 800,000 employees who depend upon its protection. In the same way, S. 2008 embodies most of those recommendations in a uniform system of minimum Federal standards to follow in the enforcement and administration of their own workers' compensation programs.

The minimum standards envisioned by this act would include:

First. Universal coverage of all workers employed by private and public employees except those presently covered by the provisions of other Federal statutes.

Second. Extension of protection to all injuries and occupational diseases which may be related to or arise out of employment. Specific respiratory diseases are mentioned in the bill, such as asbestosis and byssinosis; additional provision is made for the Secretary of Health, Education, and Welfare to identify other diseases that are occupationally involved and to set standards concerning the relationship of all these diseases to the job.

Third. Provision for all totally disabled workers or surviving dependents in death cases to receive not less than two-thirds of the employee's average weekly wage subject only to a benefit ceiling, which will eventually rise to 200 percent of the State average weekly wage;

Fourth. Minimum benefits for total disability which would not be less than 50 percent of the State average weekly wage or the injured employee's average weekly wage, whichever is less. In addition, the standards would require minimum benefits upon death or for death following total disability to widows, widowers, and surviving children;

Fifth. No time or dollar maximum limitation for either death or total disability payments or for medical care or rehabilitation services;

Sixth. Periodic adjustment of benefits so that persons who go on disability will have their benefits increased to reflect rises in State average weekly wage. A similar minimum standard requires States to reconsider and prospectively pay benefits in cases of permanent total disability where benefits were previously denied or ceased to be paid, because of State law provisions which were less favorable than these minimum standards.

Seventh. Minimum standards are also specified for second injuries, qualifying periods, and a variety of procedural benefits including addition of legal fees to awards, legal assistance where appropriate to claimants, free choice of physicians, and protections of benefits against insolvency of employers or carriers.

Procedurally, S. 2008 authorizes State plans to be approved by the Secretary of Labor when such plans meet the minimum standards provided by the act. If the Secretary determines that a State is not in compliance with the minimum standards, the provisions of the Longshoremen's and Harbor Workers' Compensation Act would become applicable. In such cases, the Secretary is to try to obtain the agreement of the State agency to perform the administrative functions of the Longshoremen's Act.

Any additional minimum standard would be subject to promulgation by the Secretary of Labor following necessary consultation and public consideration. Actions by the Secretary both with regard to the determination that a State is not in compliance and with respect to setting new standards are subject to appropriate court review.

The bill creates a Federal Workers' Compensation Advisory Commission with five presidentially appointed members to be representatives of labor, business, and the general public. The Commission's function would be to monitor the progress of the States and to make further recommendations for new standards and similar matters.

Finally, the Secretary is authorized to give grants to States to assist them in meeting their responsibilities under the act, with an initial authorization of $15 million for each of 3 fiscal years.

In a recent year, the Nation's workmen's compensation systems paid benefits in 6,000 cases of work-related deaths, when it is conservatively estimated that there were some 14,000 such deaths throughout the Nation. Such is a measure of the inadequacy of the present system of workers' compensation and why minimum Federal standards are so urgently needed. The Congress in good conscience cannot let such inequity persist. As a consequence, I have introduced this bill today in the belief that a uniform program of workers' compensation, when properly structured, can make a significant contribution to easing the plight of those who suffer as a result of work-related accidents. I ask your support of this measure, because I believe the workers of this Nation deserve no less.

Mr. President, there are some novel and complex provisions embodied in these proposals. We need to have a full public consideration of these ideas, and I am hopeful that in the coming months the Congress will have an opportunity to consider this proposal or viable alternatives.

Mr. President, I ask that a section-by-section analysis of the bill be printed in the RECORD along with the text of the bill after the remarks of Senator JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I am very pleased to join with the Senator from New Jersey (Mr. WILLIAMS), the chairman of the Labor and Public Welfare Committee, in introducing legislation designed to establish minimum standards for State workmen's compensation laws and to assist and encourage the States in other ways to improve their workmen's compensation laws.

I was the author of the amendment to the Occupational Health and Safety Act which established the National Commission on State Workmen's Compensation Laws and this measure carries out its main recommendations.

On July 30, 1972, the Commission issued its report and recommendations concerning needed improvements in our present State-administered workmen's compensation system. The basic conclusion, reached by all 15 members of this broadbased Commission was that—

> State workmen's compensation laws are in general neither adequate nor equitable. While several states have good programs, and while medical care and some other aspects of workmen's compensation are commendable, strong points too often are matched by weak.

To remedy the inadequacy of existing State laws, the Commission made far-reaching and specific recommendations for change. The Commission quite properly categorically rejected federalization of workmen's compensation as a solution, however it broke new ground by recommending the enactment by Congress of Federal legislation establishing minimum standards if State laws did not meet basic requirements by 1975. I believe the State laws should meet these standards, and that the law should say so now, though compliance should not be required until 1975.

The legislation we are introducing today is designed to implement the Commission's comprehensive recommendations for improving State workmen's compensation laws without federalizing the State workmen's compensation system.

Basically, today's bill is a refinement of S. 4110, the bill I introduced at the close of last year; and, I am extremely gratified that this matter has now become a bipartisan effort. With the sponsorship of the chairman of the Labor and Public Welfare Committee, I am confident that this bill will get the priority which it deserves before our committee and that hearings will be held on it, hopefully late this summer or in the fall.

Under the bill each State would have until January 1, 1975, to meet substantive minimum standards set forth in the bill. The standards are based on the recommendations of the National Commission. If a State fails to meet the standards, the Federal Longshoremen's and Harbor Workers' Act would apply within the State but—and this is a point which cannot be emphasized too strongly—even in that eventuality, the administration of the law within the State would not necessarily be federalized. Rather, the bill specifically directs the Secretary of Labor to endeavor to enter into an agreement with the State workmen's compensation agency under which the State agency would agree to administer the Federal law under the general supervision and direction of the Secretary. Under these provisions, the States would be given a full opportunity, if they so desire, to assume all of the functions which would be performed by a deputy commissioner under the Longshoremen's and Harbor Workers' Compensation Act. It is only if a State refuses to enter into such an agreement that the Federal Government would administer the program.

These provisions of the bill should demonstrate clearly that the intent of this legislation is not, as some have alleged, to federalize workmen's compensation. I oppose federalization of workmen's compensation, because it would be a disservice to the cause of workmen's compensation reform to waste the talent, experience, and dedication of thousands of State officials involved in the administration of State workmen's compensation programs by replacing them with Federal administrators. Thus, the intent of this bill is to require the Secretary of Labor to bend over backward to continue the involvement of State personnel in the administration of workmen's compensation programs.

The minimum standards which would be established for State workmen's compensation laws under this bill cannot be characterized as too idealistic or visionary; for the most part, they directly follow the unanimous recommendations of the National Commission on State Workmen's Compensation Laws, whose members included representatives of business, labor, insurance, State workmen's compensation administrators, academicians and members of the public. They also are consistent with the amendments to the Federal Longshoremen's and Harbor Workers' Compensation Act enacted by Congress last year.

The following are some of the more important standards which would be established under the bill:

MINIMUM STANDARDS

No maximum limitations on total benefits for death or temporary or permanent total disability;

No maximum limitation on the type or extent of medical care or rehabilitation services;

Totally disabled workers must be paid not less than 66⅔ percent of their average weekly wage, subject to a maximum of no less than 100 percent of statewide average weekly wages during 1975, rising to no less than 200 percent of statewide average weekly wages commencing January 1, 1978;

Minimum payments of not less than 50 percent of statewide average weekly wages but not more than the injured worker's average weekly wage;

Survivor benefits to widows and children until at least age 18, or age 23 if a student;

Waiting period of not more than 3 days with retroactive benefits paid after 14 days;

Special provisions for dealing with injuries to employees suffering preexisting impairment, including establishment of a special fund;

Appropriate periodic adjustment of benefits for those already receiving benefits to reflect the increases in statewide average weekly wages and benefit levels;

Free choice of physicians;

The State agency to have the right to determine appropriate medical and rehabilitation services;

Attorney's fees to be added to an award where claimant has been successful in formal adjudicatory proceedings; and

Applicability of the State law if the injury occurs within the State, if the employment was principally located in the State, or if the employee was hired in the State.

SPECIAL PROVISIONS CONCERNING TOTAL DISABILITY DUE TO OCCUPATIONAL DISEASE OR OTHER CAUSES

Another standard which State laws would be required to meet that is not specifically included in the National Commission's report, but which I believe will be recognized as highly desirable, is a standard which requires that claims for total disability due to occupational disease be adjudicated under criteria developed by the Secretary of Health, Education and Welfare. This is similar to the approach taken under part C of the black lung benefits program and this bill directs the Secretary of Health, Education and Welfare to develop criteria such as he has developed for black lung for other occupational diseases including respiratory diseases such as asbestosis and byssinosis.

The bill also requires State laws to include provisions reopening past cases of total disability due to occupational disease or other work-related causes for adjudication under the new occupational disease standards developed by the Secretary of Health, Education, and Welfare or the other minimum standards established under this bill if benefits were denied or terminated in the past, because of less favorable standards then applicable under State law. Each State would be free to determine the source of payment in such reopened cases; a State could, for example, fund half the payments out of general revenues or a special assessment, just as the Federal Government would do in the event Federal law applied and as is provided for under the amendments to section 10 of the Longshoremen's and Harbor Workers' Compensation Act enacted last year.

STATE PLANS

Under the bill each State would also have until January 1, 1975, to file an approved State plan providing for, among other things, the establishment of a single State workmen's compensation agency with authority and responsibility to supervise medical care and rehabilitation services and to make examinations and reports in controverted cases. Each such agency would also be required to provide fair and expeditious procedures for resolving contested cases and to take an active role in informing employees of the features of the State workmen's compensation program and assisting them in processing their claims.

WORKERS' COMPENSATION ADVISORY COMMISSION

A Federal Worker's Compensation Advisory Commission composed of five members, appointed by the President by and with the advice of the Senate would be established under the bill. Three members would be from the public, one would be from labor, and one would be from business or insurance. The Commission would monitor the progress of the States in making improvements and complying with minimum standards, advise the Secretary of its conclusions as to the status of State programs, review the adequacy of State plans, engage in research and development of recommendations for improvement in workmen's compensation programs, and recommend appropriate action for establishing new or improved standards. The Commission would be specifically directed to study the question of permanent partial disability, as recommended by the National Commission on State Workers' Compensation Laws.

NEW STANDARDS

New Federal minimum standards would be promulgated by the Secretary, but only after he has obtained a recommendation from the Adivsory Commission and afforded all interested parties an opportunity to comment on and, where a hearing is requested, to appear at such hearing. New standards would have to be delayed for such period as would give the States a reasonable opportunity to take action necessary to comply with the new standard.

JUDICIAL REVIEW

States or other interested persons could obtain judicial review of decisions by the Secretary with respect to the status of State laws, State plans, or new standards.

GRANTS TO THE STATES

The Secretary of Labor could make grants to the States for the next 3 years to assist them in planning for improvements in State workmen's compensation laws. The Federal share for each grant could be up to 90 percent of the total cost of the project; $15 million would be available for such grants during each of the next 3 fiscal years.

Mr. President, the impact of the Commission's report has been and will be profound. Some of its recommended standards—particularly its recommendation for maximum limit on total disability benefits of 200 percent of statewide average weekly wages, and for workmen's compensation agencies to assume a more activist role in assisting injured workers, rather than acting as passive referees, have radically changed some of the traditionally accepted ideas about workmen's compensation in America. Many States have already adopted improvements in their laws in response to the Commission's recommendations, and last fall Congress enacted amendments to the Federal Longshoremen's and Harbor Workers' Act which bring the act into complete conformity with the Commission's report.

In the States, over 1,300 bills have been introduced by June 1, and over 200 laws have been enacted. Several States have been considering comprehensive revisions of their laws and have provided for flexible maximum benefit levels. However, relatively few of the actual enactments have dealt with the major recommendations of the Commission. On the basis of a preliminary analysis made of laws received by June 1, three States have provided for compulsory rather than elective coverage; three States eliminated their numerical exemptions; two provided for full rather than scheduled coverage of occupational diseases; two States removed their limitations on medical benefits for accidental injuries; one State removed its limits on occupational diseases; two States newly provided for payment of permanent disability benefits for the period of disability, while one additional State now provides for death benefits for a widow for the full period of widowhood.

However, it has also become disappointingly clear that despite the abhorrence of many to any kind of Federal legislation affecting State workmen's compensation laws, and despite the concerted efforts of the insurance industry, which has been working on an interstate compact for workmen's compensation, many States—far too many—have failed to implement the Commission's recommendations.

Thus, 13 States still lack compulsory coverage; 18 States still have numerical exemptions; six States still have only scheduled coverage of occupational diseases; five States still limit medical care for accidental injuries and 11 do so for occupational diseases; there are still 15 States providing duration or amount limitations on permanent disability benefits; and 33 on survivors' benefits. The conclusion of the National Commission, "that State workmen's compensation laws are neither adequate or equitable" therefore remains correct.

Accordingly it has become apparent that the long-run significance of the Commission's report depends upon whether Congress enacts Federal legislation to implement its recommendations. As the author of the legislation which established the Commission, and one who is deeply interested in seeing that necessary reforms are actually made within the existing State system, I believe Congress ought to act promptly to pass legislation establishing the necessary Federal minimum standards.

In this connection, I disagree with one aspect of the Commission's report. I believe Congress ought to act now to pass the necessary legislation, rather than wait until 1975, as recommended by the Commission. Federal legislation can and should give the States a reasonable opportunity to amend their existing laws and procedures to conform to Federal minimum standards, so that under the bill the Federal standards would not in any event be operative before 1975 at the earliest. But by acting now, rather than waiting until 1975, we do not risk losing the momentum for reform created by the Commission's report.

I see no reason why workmen's compensation should enjoy complete immunity from Federal action solely because it is a desirable social reform which was initiated some decades ago by the States. The States deserve all of the credit they have received for initiating this program, but I see nothing inherent in workmen's compensation that dictates that the Federal Government must forever refrain from acting where there is a clear Federal duty to act.

The time has come to discard all purely political assumptions about the desirability or undesirability of the Federal Government involving itself in some meaningful way in workmen's compensation programs. I have previously gone to great lengths to emphasize that my purpose in advocating the establishment of this Commission was not to lay the groundwork for federalization of the workmen's compensation systems. At the same time, I categorically reject the thesis that just because workmen's compensation was initiated by the States, it must remain within their absolute and exclusive prerogative no matter how inadequate or obsolete the result.

I believe that this bill is consistent with—and utilizes what is best in—our Federal system of government, and yet at the same time insures that the legitimate interests of injured and sick workers will not be sacrificed on the altar of some distorted and fixed idea as to what are States rights, as they have been for too long. The Federal Government has already assumed jurisdiction over the most critical aspects of labor-management relationships. Federal law governs minimum wages, collective bargaining, social security, and occupational safety and health, to mention just a few of great importance. All of the Federal legislation has been passed to protect adequately the legitimate needs of American workers.

It simply cannot be seriously maintained that Congress, having already concerned itself with training a worker for a job, establishing his minimum rate of pay, regulating his union activity, protecting him against loss of income from unemployment, and preventing him from suffering injury or disease in his workplace, would refrain from acting to insure that workers who are injured on the job receive adequate workers' compensation benefits.

EXHIBIT 1

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Workers' Compensation Standards Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) the Congress finds and declares that—

(1) many thousands of American workers are killed or permanently disabled and millions more are injured each as a result of injuries or diseases incurred as a result of or arising out of their employment;

(2) work-related disabling injuries and deaths reduce the effectiveness of human resources in the United States, and lost income, lost production, and diminished consumer expenditures impose a substantial burden on interstate commerce;

(3) work-related injuries or occupational diseases frequently strike down workers in the midst of their most productive years with a resultant impact on their dependent families;

(4) the vast majority of these injured and ill workers, and their families, depend on State workers' compensation systems for economic security, medical treatment, rehabilitation, and reemployment assistance when they suffer disabling injury or death in the course of their employment;

(5) the full protection of American workers who suffer job-related injuries or death requires an adequate, prompt, and equitable system of workers' compensation;

(6) the National Commission on State Workmen's Compensation Laws, established pursuant to the Occupational Safety and Health Act of 1970, has determined that existing State workers' compensation laws fail to provide prompt, adequate, and equitable protection to workers and the families of workers injured or killed on the job, and as a result, many workers or their families have been denied workers' compensation benefits;

(7) there are five basic objectives of a sound workers' compensation system including: (A) broad coverage of employees and work-related injuries and diseases; (B) substantial protection against interruption of income; (C) the provision of sufficient medical and rehabilitative services in order to achieve recovery and the restoration of injured workers to gainful employment; (D) the encouragement of safety; and (E) an effective system for the delivery of benefits and services;

(8) the improvements that are necessary to insure that a prompt, adequate, and equitable system of workers' compensation is available to all American workers can and should be achieved without delay, and there is a need for the Federal Government to en-

courage and assist the States in meeting this responsibility and, where necessary, to assure that workers' compensation programs within the several States meet minimum standards of adequacy, promptness, and fairness.

(b) It is the purpose of this Act through the exercise of power of Congress to regulate commerce and to provide for the general welfare to—

(1) establish minimum standards of adequacy and fairness for State workers' compensation programs and procedures by which such standards may be implemented;

(2) establish appropriate procedures for monitoring the progress of the States in improving their workers' compensation programs to meet such federally prescribed standards, and, for revising and improving such minimum standards; and

(3) encourage and provide technical and financial assistance to the States to make improvements in their existing workers' compensation programs designed to provide all American workers and their families an adequate, prompt, and equitable system of workers' compensation in the event they suffer work-related disabling injury or death.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "Secretary" means the Secretary of Labor;

(2) the term "Advisory Commission" means the National Advisory Commission on Worker's Compensation established under this Act;

(3) the term "employer" means any person who employs any individual but shall not include the United States;

(4) the term "person" includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers;

(5) the term "employee" means any individual employed by an employer, and any employee who is employed by a State or a political subdivision thereof, except that such term shall not include any individual whose employment is covered by chapter 81 of title 5, except subchapter 3, United States Code, the Federal Employers' Liability Act (45 U.S.C. 51 et seq.), or the Longshoremen's and Harbor Workers Compensation Act (33 U.S.C. et seq.), nor shall it include a master or member of a crew of any vessel;

(6) the term "State" means the several States of the Union, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Wake Island, Guam, and the Trust Territory of the Pacific Islands, but does not include the District of Columbia;

(7) the term "injury" means (1) any harmful change in the human organism, whether or not the result of an accident, and includes any disease, and (2) any damage to or loss of a prosthetic appliance;

(8) the term "disease" includes, but is not limited to, silicosis, asbestosis, berylliosis, byssinosis, bagassosis, diatomite pneumoconiosis, talcosis, Shaver's disease, siderosis, lung cancer, mesothelioma, any respiratory disease for which a miner qualifies for benefits under the Coal Mine Health and Safety Act of 1969, as amended, and, any other disease which is determined by the Secretary of Health, Education, and Welfare pursuant to section 13 of this Act, to be a disease which is or may be related to employment; and

(9) the term "statewide average weekly wage" means the average weekly earnings of workers on private payrolls within the State, as determined under the Federal Unemployment Tax Act.

MINIMUM STANDARDS; APPLICABILITY OF FEDERAL LAW

SEC. 4. (a) Commencing on January 1, 1975, and during each three-calendar-year period thereafter, unless the workers' compensation law of a State has been determined by the Secretary during the calendar year preceding such three-year period to meet the minimum standards prescribed in or pursuant to this section during such three-year period, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 901 et seq.) shall apply in accordance with the provisions of section 7 within such State.

(b) The minimum standards which each State workers' compensation law shall meet in order to satisfy the requirements of this section are:

(1) Compensation, medical benefits, rehabilitation services, and other benefits provided under the law shall be provided by each employer for disability or death to his employees caused by any injury arising out of and in the course of their employment. An injury shall be deemed to have arisen out of and in the course of employment if work-related factors were a contributing cause of the injury.

(2) The standards applied under the State law for determining the existence of total or partial disability or death due to any disease arising out of or in the course of employment shall be substantially equivalent to the standards, if any, issued by the Secretary of Health, Education, and Welfare for such disease under section 13 of this Act, or section 411 of the Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

(3) Coverage under the State law shall be compulsory for all employees with respect to all of their employees.

(4) There shall be no time or dollar maximum limitation on the total amount of compensation payable in cases of death or total disability.

(5) There shall be no time or dollar maximum limitation on the type or extent of medical care or rehabilitation services (or expenses for such care or services) in any case.

(6) The compensation payable to injured workers for total disability or to surviving dependents in death cases shall be not less than 66⅔ per centum of the employee's average weekly wage subject to the following limitations:

(A) During the period from January 1, 1975, to December 31, 1975, the maximum weekly benefits payable shall be not less than 100 per centum of the statewide average weekly wage on January 1, 1974.

(B) During the period from January 1, 1976, to December 31, 1976, the maximum weekly benefits payable shall be not less than 133⅓ per centum of the statewide average weekly wage on January 1, 1975.

(C) During the period from January 1, 1977, to December 31, 1977, the maximum weekly benefits payable shall be not less than 166⅔ per centum of the statewide average weekly wage on January 1, 1976.

(D) During the year commencing on January 1, 1978, and annually thereafter, the maximum weekly benefits payable shall be not less than 200 per centum of the average weekly wage in the State on January 1 of the preceding year.

(7) The minimum weekly compensation benefits for total disability shall be not less than 50 per centum of the average weekly wage within the State or the injured employee's actual weekly wage, whichever is less. The minimum weekly benefits in death cases shall be not less than 50 per centum of the average weekly wage within the State.

(8) Where an injury causes death, or an employee who is entitled to receive compensation for total permanent disability subsequently dies, death benefits shall be payable to the deceased employee's widow or widower for life or until remarriage, with at least two years' benefits payable upon remarriage, and to surviving children until at least age eighteen or until at least age twenty-three if the surviving child is a full-time student in an accredited educational institution or for life if any child is physically or mentally incapable of self-support.

(9) The waiting period for benefits shall not be longer than three days and the period for qualifying for retroactivity benefits during such waiting period shall not be longer than fourteen days.

(10) There shall be special provisions for dealing with injuries to employees suffering a preexisting impairment, including provisions for the establishment and financing of a second injury fund comparable to the provisions of sections 8(f) and 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended.

(11) Provision shall be made for periodic adjustment of benefits, at least annually, being paid for previously incurred disability or death, including death or total disability incurred prior to the date of this Act, to reflect coverage under this Act and increases in statewide average weekly wage levels and the benefit levels, or maximum limits thereon, provided for under the State law.

(12) Provision shall be made for reconsideration, and the prospective payment of benefits, in cases of total disability or death where benefits have been denied or have ceased to be paid because of provisions in such State law which are or were less favorable to workers than the minimum standards established under this Act.

(13) Injured employees shall have the right to make an initial selection of physician from among those licensed physicians approved by the State workers' compensation agency.

(14) The State workers' compensation agency shall have the right to supervise and determine the appropriate medical and rehabilitation services in each case, and to order changes in such medical treatment and care as it deems necessary.

(15) Each employer, carrier, employee, attorney, physician, and other parties directly involved in carrying out the provisions of the law, shall be required to file with the State workers' compensation agency such reports concerning the manner in which it has carried out responsibilities under the workers' compensation law as the agency may require and to the extent practicable, such reports shall, pursuant to regulation of the Secretary, be uniform.

(16) The time limit for filing a claim shall be three years after the date the claimant knew, or by the exercise of reasonable diligence should have known, of the existence of the disability and its possible relationship to the claimant's employment.

(17) Fees payable to claimants' attorneys shall be subject to regulation by the State workers' compensation agency. Attorney's fees shall be added to an award where a claimant has succeeded in obtaining or increasing the award through formal adjudicatory proceedings.

(18) The State workers' compensation agency shall provide assistance to claimants in processing claims, including, where appropriate, legal assistance.

(19) Lump sum payments or compromise and release agreements for benefits shall be permitted only under conditions specified in the law and only with the approval of the State agency.

(20) An injured employee or the survivors of a deceased employee whose employment necessitated travel from State to State shall be permitted to claim benefits under the law: (a) if the injury or death for which benefits are claimed occurred within the State; or (b) if the employment of the employee was principally localized within the

State; or (c) if the employee was hired for such employment in the State.

(21) Provision shall be made for appropriate protection of benefits in the event of insolvency of insurance carriers or self-insurers, or the failure of any employer or carrier to comply with the State law.

(22) The State shall have filed a State plan which has been approved by the Secretary as meeting the requirements of section 5 of this Act.

(23) Such other standards as the Secretary may prescribe under section 8 of this Act.

(c) During any period when the Longshoremen's and Harbor Workers' Compensation Act is applicable within a State pursuant to this Act (1) it shall apply to all employers (as defined in this Act) within the State with respect to the injury or death of any employee (as defined in this Act) of such employer irrespective of the place where the injury or death occurred, and (2) if any of the minimum standards specified in subsection (b) of this section would require higher compensation or death benefits to be paid than would be required under the Longshoremen's and Harbor Workers' Compensation Act then such standard shall apply within such State during such period.

(d) During any period when the Longshoremen's and Harbor Workers' Compensation Act is applicable within a State pursuant to this Act, section 10(h) of such Act shall apply with respect to benefits being paid under the law of such State for total permanent disability or death which commenced or occurred prior to January 1, 1975, and the section 10(h) of such Act shall also apply with respect to cases of permanent total disability or death in which benefits have been denied or terminated prior to January 1, 1975, under provisions of the State law which did not, at the time of such denial or termination, comply with the minimum standards prescribed by this Act. Employees or survivors who believe they may be entitled to benefits under the preceding sentence may file a claim therefor with the Secretary within one year of the date the Longshoremen's and Harbor Workers' Act becomes applicable in such State.

STATE PLANS

SEC. 5. (a) Within ninety days of enactment of this Act, the Secretary shall publish in the Federal Register and furnish to the Governor of each State detailed criteria required in the application for State plans. Any State which desires to maintain or assume responsibility for administration and enforcement of a workers' compensation program shall submit to the Secretary a State plan which meets the requirements of this section.

(b) The Secretary shall approve the plan submitted by a State under subsection (a), or any modification thereof, if he finds that such a plan—

(1) designates a State agency as responsible for administering the plan throughout the State;

(2) provides for the enforcement and administration of a workers' compensation program which meets the minimum standards prescribed in section 4 of this Act;

(3) provides for the adoption of such additional minimum standards as the Secretary may promulgate from time to time;

(4) provides that the State workers' compensation agency will enforce the provisions of the Longshoremen's and Harbor Workers' Compensation Act during any period that the Secretary determines the State law to be inadequate with regard to the federally required minimum standards;

(5) provides for the establishment within the State workers' compensation agency of a division with authority and responsibility to supervise medical care and rehabilitation services and to make examinations and reports in cases where controversy exists over medical questions such as the existence, degree or cause of disability;

(6) provides procedures for resolving contested cases, including appellate procedures within the agency or the courts which are fair and expeditious;

(7) provides for the appointment of employees of the State workers' compensation agency through the State civil service system or other system based on merit;

(8) provides for the establishment and implementation by the State workers' compensation agency of a continuing program to inform employees of the features of the State workers' compensation program and to assist employees in processing their claims before the agency;

(9) gives satisfactory assurances that the State workers' compensation agency will be adequately funded and that there will be maintenance of at least the current level of effort by the State;

(10) requires employers in the State to make such reports concerning work-related injuries and workers' compensation benefits to the State workers' compensation agency or to the Secretary as the Secretary may from time to time reasonably require;

(11) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time reasonably require.

(c) Before rejecting a plan submitted under subsection (a), the Secretary shall afford the State submitting the plan due notice and opportunity for a hearing.

DETERMINATIONS BY THE SECRETARY

SEC. 6. (a) On or before January 1, 1974, and on or before January 1 of each third year thereafter the Secretary shall make a preliminary determination as to whether each State law meets the minimum standards prescribed in section 4 as applicable during the next three-year period, and as to whether the State has submitted a State plan meeting the requirements of section 5. The Secretary shall promptly publish the preliminary determination in the Federal Register and notify the Governor and the State workers' compensation agency of his findings. Upon publication of the preliminary determination the Secretary shall afford the State agency, the advisory commission and other interested persons, a period of not less than one hundred and twenty days to present any information which may be pertinent to the making of a final determination with respect to the State law and the State plan, including any statutory or administrative changes which may have been made subsequent to the preliminary determination.

(b) On or before September 1, 1974, and on or before September 1 of each third year thereafter, the Secretary shall make a final determination as to whether the State law meets the minimum standards prescribed in section 4, and the State plan meets the requirements of section 5 for the three-year period commencing on the following January 1. The Secretary shall promptly publish such findings in the Federal Register and notify the Governor of the State and the State workers' compensation agency of the determination.

(c) The Secretary may make such inspections as are necessary to ascertain whether a State plan should be approved and to evaluate the manner in which an approved State plan is being carried out. On the basis of the Secretary's inspections and reports submitted by the State agency, the Secretary shall make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan, and meeting the minimum standards prescribed in section 4. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that during any three-calendar-year period in which a State plan is in effect there has been a failure to comply substantially with any provision of the State plan (or any assurance contained therein), or that the State law no longer meets the minimum standards prescribed in section 4, the Secretary shall notify the State agency of the withdrawal of approval of such plan. Thirty days after the State agency has received such notice such plan shall cease to be in effect, and the Longshoremen's and Harbor Workers' Compensation Act, as amended, shall thereafter apply in accordance with the provisions of section 7, in such State during the balance of such three calendar year period, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(d) In making determinations under this section the Secretary shall consider, in addition to the applicable State statutes, the regulations of the State workers' compensation agency and the body of administrative and judicial decisions interpreting and applying such law. A State law shall be deemed to comply with the minimum standards prescribed in section 4 if it provides for benefits and procedures which are substantially equivalent to or more favorable to injured employees than the benefits and procedures specified in section 4.

STATE ENFORCEMENT OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

SEC. 7. (a) Whenever a State is subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act as prescribed in sections 4 or 6 of this Act, the Secretary, in administering that Act, shall endeavor to enter into an agreement with the State workers' compensation agency under which the administration of that Act within such State may be carried out by the State workers' compensation agency under the general supervision and direction of the Secretary in accordance with such rules and regulations as the Secretary may prescribe.

(b) In the event the Secretary is unable to secure an agreement as prescribed in subsection (a), then, the Secretary, in administering the Longshoremen's and Harbor Workers' Compensation Act, is authorized to employ within the Department of Labor or by agreement with other Federal agencies such additional personnel as necessary to assure that the provisions of that Act are efficiently and adequately carried out.

NEW STANDARDS

SEC. 8. (a) The Secretary may by rule promulgate any new or improved minimum workers' compensation standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted in writing by the Advisory Commission, an interested person, a representative of any organization of employers or employees, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available, determines that a rule should be promulgated in order to serve the objectives of section 2 of this Act, the Secretary may request the recommendations of the Advisory Commission appointed under section 11 of this Act. The Secretary shall provide the Advisory Commission with any proposals of his own together with all pertinent factual information developed by the Secretary or otherwise available. The Advisory Commission shall submit to the Secretary its recommendations regarding the rule to be

promulgated within ninety days from the date of the Secretary's request or within such longer or shorter period as may be prescribed by the Secretary, but in no event later than two hundred and seventy days from the date of the Secretary's request.

(2) The Secretary shall publish a proposed rule promulgating a new or improved minimum workers' compensation standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary may issue a rule promulgating a new or improved minimum workers' compensation standard or make a determination that a rule should not be issued.

JUDICIAL REVIEW

SEC. 9. Any State, any employer or association of employers in a State, or any employee or organization of employees within a State, may obtain review of decisions by the Secretary under sections 5, 6, and 7 by filing in the United States court of appeals in the circuit in which the State is located within thirty days following receipt of notice of the Secretary's decision a petition to review in whole or in part the decision of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court of record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless otherwise ordered by the court on the basis of a clear showing of probable success on the merits, and a finding that irreparable injury would otherwise result, the filing of a petition for review shall not stay the effect of the Secretary's decision. Unless the court finds that the Secretary's decision is not supported by substantial evidence the court shall affirm the Secretary's decision. The order of the court shall be subject to reveiw by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

GRANTS TO STATES

SEC. 10. (a) The Secretary is authorized, during the fiscal year ending June 30, 1974, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 5 to assist them—

(1) in identifying their needs and responsibilities in the area of workers' compensation,

(2) in developing State plans under section 5, or

(3) in developing plans for—

(A) establishing systems for the collection of information concerning workers' compensation;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in workers' compensation programs; or

(C) otherwise improving the administration and enforcement of State workers' compensation laws, consistent with the objectives of this Act.

(b) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(c) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(d) The Secretary shall review the application, and shall approve or reject such application.

(e) The Federal share for each State grant under subsection (a) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(f) Prior to June 30, 1975, the Secretary shall transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

(g) There is hereby authorized to be appropriated during fiscal year 1974 and each of the next two fiscal years the sum of $15,000,000 for the purpose of carrying out the provisions of this section, which shall remain available until expended.

ADVISORY COMMISSION

SEC. 11. (a) There is hereby established the Federal Workers' Compensation Advisory Commission, to be composed of five members, appointed by the President by and with the advice of the Senate. One of the members shall be appointed from among representatives of labor, one member shall be appointed from among representatives of business or insurance and three members shall be appointed from among representatives of the general public. The President shall designate one of the public members to serve as Chairman or Chairwoman. Three members of the Commission shall constitute a quorum. The terms of office of the members of the Commission shall be four years, except that of the members first appointed, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, one member shall be appointed for a term of three years, and two members shall be appointed for a term of four years.

(b) The Commission shall—

(1) monitor the progress of the several States in making improvements in their workers' compensation programs and in complying with the minimum standards provided in section 4 of this Act;

(2) advise the Secretary of its conclusions as to the compliance or noncompliance of State programs with the minimum standards prescribed in section 4 of this Act;

(3) review the adequacy of State plans submitted under section 5 of this Act;

(4) engage in research and development of recommendations for improving workers' compensation programs including recommendations for standards for determining the compensation payable for permanent partial disability;

(5) recommend appropriate administrative or legislative action to establish new or improved standards under section 7 of this Act;

(6) furnish technical assistance to the States for the purpose of assisting them to improve workers' compensation programs; and

(7) monitor and evaluate the administration of Federal workers' compensation programs and make recommendations for appropriate administrative and legislative changes.

(c) (1) The Commission or any authorized subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deeems advisable. Any members authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Chairwoman, such information as the Commission deems necessary to carry out its function under this section.

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman or Chairwoman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as it deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(e) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(f) Members of the Commission, other than the Chairman or Chairwoman shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(—) Chairman or Chairwoman, Federal Workers' Compensation Advisory Commission."

(h) The Commission shall transmit to the President and to the Congress, not later than February 1 of each year, a report of its activities, together with such recommendations as it deems advisable.

STATISTICS

SEC. 12. (a) In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain an effective program of collection, compilation, and analysis of workers' compensation statistics. Such program may cover all employments whether or not subject to any other provisions of this Act.

(b) To carry out the duties prescribed under subsection (a) of this section, the Secretary may—

(1) promote, encourage, or directly engage in programs of studies, information, and communication concerning workmen's compensation statistics;

(2) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with workers' compensation statistics; and

(3) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist in carrying out the functions under this section.

(e) Employers shall file such reports as the Secretary shall prescribe by regulation, as necessary to carry out the functions under this Act.

(f) Agreements between the Department of Labor and any State pertaining to the collection of workers' compensation statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EMPLOYMENT RELATED DISEASES

SEC. 13. Not later than three months after the date of enactment of this Act, and every year thereafter, the Secretary of Health, Education, and Welfare is authorized and directed to establish a schedule of diseases related to employment for the purpose of this Act and for each disease included on such schedule within one year thereafter, standards for determining (1) whether such disease arose out of or in the course of employment and (2) whether death or disability was due to such disease. Such standards may include reasonable presumptions, whenever appropriate. In developing the schedule of diseases required by this section, the Secretary of Health, Education, and Welfare shall consult with Director of the National Institute of Occupational Safety and Health and such other organizations of employers and employees as are appropriate with respect to new diseases that are suspected of being employment related. Each such schedule and standard shall be published in the Federal Register and furnished to the Secretary of Labor.

EFFECT OF PERIODIC ADJUSTMENTS ON OTHER LAWS

SEC. 14. No amount paid as a periodic adjustment of workers' compensation benefits shall be considered in the determination of the eligibility for, or amount of, any other benefit authorized by Federal or State law.

AUDITS

SEC. 15. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary shall prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of workers' compensation, and any other relevant information.

SEPARABILITY

SEC. 16. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATIONS

SEC. 17. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

SECTION-BY-SECTION ANALYSIS OF S. 2008, NATIONAL WORKERS' COMPENSATION STANDARDS ACT OF 1973

Section 1—Short title.

This section provides that the Act may be cited as the "National Workers' Compensation Standards Act of 1973."

Section 2—Findings and Declaration of Purpose.

Section 2(a) provides that the Congress finds and declares that—

(1) thousands of American workers are killed or permanently disabled and millions injured from work-related injuries and diseases;

(2) work-related injuries and death reduce the effectiveness of human resources in the United States, and lost income and production, and diminished consumer expenditures impose a substantial burden on interstate commerce;

(3) work-related injuries or diseases often affect workers in their most productive years with a resultant impact on their dependent families;

(4) most injured and ill workers and their families depend on State workers' compensation systems for economic security, medical treatment, rehabilitation, and reemployment assistance when they suffer a work-related death or disabling injury;

(5) full protection of American workers who suffer job-related injuries or death requires an adequate, prompt, and equitable system of workers' compensation;

(6) the National Commission on State Workmen's Compensation Laws, established by the Occupational Safety and Health Act of 1970, determined that existing state workers' compensation laws fail to provide such full protection and thus, many workers or their families have been denied workers' compensation benefits for job-related injuries or deaths;

(7) Five objectives of a sound compensation system include:

(A) Broad coverage;

(B) Substantial protection against interruption of income;

(C) Sufficient medical and rehabilitative services in order to achieve rapid restoration of injured workers to gainful employment;

(D) encouragement of safety;

(E) an effective delivery system for benefits and services;

(8) the improvements necessary to insure full protection of all American workers can and should be achieved without delay, and there is a need for the Federal Government to encourage and aid the States in meeting this responsibility and where necessary to insure that State workers' compensation programs meet minimum standards.

Section 2(b) provides that through the power of Congress to regulate commerce and to provide for the general welfare, the purpose of this Act is to—

(1) establish minimum standards for State workers' compensation programs and procedures for their implementation,

(2) establish procedures for monitoring the States' progress in improving their workers' compensation programs to meet such Federal standards, for revising and improving such minimum standards, and

(3) encourage and provide technical and financial assistance to the States to make improvements in their existing workers' compensation programs.

Section 3—Definitions

This section defines the various terms used in the Act.

Section 4—Minimum Standards, Applicability of Federal Law

Section 4(a)(1) provides that beginning January 1, 1975 and during each three-calendar-year period thereafter, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, shall apply in any State, unless during the calendar year preceding such three-year period the Secretary determines that such State's workers' compensation law meets minimum standards prescribed in or pursuant to this section.

Section 4(b) provides that such minimum standards are:

(1) Compensation, medical benefits, rehabilitation services, and other benefits shall be provided by each employer for disability or death to his employees caused by an injury in which work-related factors were a contributing cause.

(2) Standards applied under State law to determine total or partial disability or death due to any work related disease shall be substantially equivalent to the standards, if any, issued by the Secretary of HEW for such disease under Section 13 of this Act or section 411 of the Federal Coal Mine Health and Safety Act of 1969.

(3) Coverage under State law shall be compulsory for all employers with respect to all of their employees.

(4) The total amount of compensation payable for death or total disability shall not be subject to a time or dollar maximum limitation.

(5) There shall be no time or dollar maximum for the type or extent of medical care or rehabilitation services (or expenses for such care or services) in any case.

(6) Compensation payable to injured workers for total disability or to surviving dependents in death cases shall not be less than 66 percent of the employees average weekly wage subject to the following limitations:

(A) From January 1, 1975 to December 31, 1975, the maximum weekly benefits payable shall not be less than 100 percent of the state wide average weekly wage on January 1, 1974.

(B) From January 1, 1976 to December 31, 1976, the maximum weekly benefits payable shall be at least 133⅓ percent of the statewide average weekly wage on January 1, 1975.

(C) From January 1, 1977 to December 31, 1977, the maximum weekly benefits payable shall be at least 166⅔ percent of the statewide average weekly wage on January 1, 1976.

(D) During each year commencing January 1, 1978, and annually thereafter, the maximum weekly benefits payable shall be at least 200 percent of the average weekly wage in the State on January 1 of the preceeding year.

(7) The minimum weekly compensation benefits for total disability shall be at least 50 percent of the statewide average weekly wage or the injured employee's actual weekly wage, whichever is less. In death cases, such benefits shall be at least 50 percent of the statewide average weekly wage.

(8) If an injury causes death or an employee entitled to receive compensation for total permanent disability subsequently dies, death benefits are payable to the widow or widower for life or until remarriage with at least two years' benefits payable on remarriage and to surviving children until at least age 18, or 23 if such child is a full-time student in an accredited educational institution or for life if any child is physically or mentally incapable of self-support.

(9) The maximum waiting period for benefits is 3 days, and the maximum qualifying period for retroactive benefits during such waiting period is 14 days.

(10) There shall be special provisions for dealing with injuries to employees suffering a preexistent impairment, including provisions for the establishment and financing of a second injury fund comparable to sections 8(f) and 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended.

(11) Provision shall be made for periodic adjustment of benefits, at least annually being paid for previously incurred total disability or death to reflect coverage under this Act, increases in statewide average weekly wage levels and benefit levels, or maximum limits thereon, under State law.

(12) Provision shall be made for reconsideration and prospective payment of benefits when benefits for total disability or death have been denied or have ceased to be paid because provisions of State law are or were less favorable to workers than the minimum standards under this Act.

(13) Injured employees have the right to initially select a physician from among those approved by the State workers' compensation agency.

(14) The State workers' compensation agency has the right to supervise and determine appropriate medical and rehabilitation services in each case, and to order changes in such medical treatment and care as it deems necessary.

(15) Parties directly involved in carrying out the provisions of the law shall be required to file with the State workers' compensation agency such reports concerning their discharging of their responsibilities under the law as the agency requires and if practicable, such reports shall be uniform, pursuant to the Secretary's regulations.

(16) The time limit for filing a claim is 3 years after the claimant knew, or by the exercise of reasonable diligence should have known, of the disability and its possible relationship to the claimant's employment.

(17) Fees payable to claimant's attorneys are subject to regulation by the State workers' compensation agency. Such fees shall be added to an award if a claimant has obtained or increased the award through formal adjudicatory proceedings.

(18) State workers' compensation agencies shall provide assistance to claimants in processing claims, including appropriate legal services.

(19) Lump sum payments or compromise and release agreements for benefits are permitted only under conditions specified in the law and only with the approval of the state agency.

(20) An injured employee or survivors of a deceased employee whose employment necessitated travel from State to State may claim benefits under the law:

(a) if the injury or death occurred within the State,

(b) if the employee's employment was principally localized within the State, or

(c) if the employee was hired for such employment in the State.

(21) Provision shall be made for protection of benefits if insurance carriers or self-insurers become insolvent or any employer or carrier fails to comply with State law.

(22) The State shall have filed a State plan approved under section 5 of this Act.

Section 4(c) provides that when the Longshoremen's and Harbor Workers' Compensation Act is applicable within a State, it shall apply to all the State's employers with respect to the injury or death of any of their employees irrespective of where the injury or death occurred. The minimum standards of section 4(b) shall apply within such State if they require higher compensation or death benefits than the Longshoremen's and Harbor Workers' Compensation Act.

Section 4(d) provides that during a period when the Longshoremen's and Harbor Workers' Compensation Act is applicable within a State, section 10(H) of such Act shall apply with respect to benefits being paid under State law for total permanent disability or death which began or occurred before January 1, 1975 and shall also apply with respect to cases of permanent total disability or death in which benefits have been denied or terminated prior to January 1, 1975, under State law which did not at the time of such denial or termination comply with the minimum standards prescribed by this Act. Employees or survivors who believe they may be entitled to benefits under the preceding sentence may file a claim therefore with the Secretary within one year of the date the Longshoremen's and Harbor Workers' Compensation Act becomes applicable in such State.

Section 5—State Plans

Section 5(a) requires within 90 days of this Act's enactment, the Secretary to publish in the Federal Register and furnish to each State Governor detailed criteria required in State plan applications. Any state wishing to be responsible for a workers' compensation program shall submit to the Secretary, a State plan which meets the requirements of this section.

Section 5(b) requires the Secretary to approve a State plan if he finds such plan

(1) designates a State agency responsible for statewide administration of the plan,

(2) provides for a workers' compensation program which meets the minimum standards prescribed in section 4,

(3) provides for adoption of additional minimum standards promulgated by the Secretary,

(4) provides that the State workers' compensation agency will enforce the Longshoremen's and Harbor Workers' Compensation Act whenever the Secretary determines the State law is inadequate with regard to federally required minimum standards,

(5) provides for a division within the State workers' compensation agency that is responsible for supervising medical care and rehabilitation services and making examinations and reports when controversy exists over medical questions, i.e., the existence, degree or cause of disability,

(6) provides for fair and expeditious procedures for resolving contested cases,

(7) provides for the appointment of employees of the State workers' compensation agency through the State civil service system or other merit system,

(8) provides for a continuing program by the State workers' compensation agency to inform employees of the futures of the State workers' compensation program and to assist employees in processing their claims before the agency,

(9) gives assurances that the State workers' compensation agency will be adequately funded for maintenance of at least the current level of State effort,

(10) requires the State's employers to make reports of work-related injuries and workers' compensation benefits to the State agency or the Secretary as required,

(11) provides that the State agency will make reports to the Secretary as reasonably required,

Section 5(c) provides that the Secretary shall afford a State due notice and opportunity for a hearing, before rejecting its plan submitted under section 5(a).

Section 6—Determinations by the Secretary

Section 6(a) provides that on or before January 1, 1974 and January 1 of each third year thereafter, the Secretary shall preliminarily determine if each State law meets the minimum standards of section 4 applicable during the next 3-year period and if the State has submitted a plan meeting the requirements of section 5. The Secretary shall publish such determination in the Federal Register and notify the Governor and State agency of the findings. Upon such publication, the Secretary shall afford the State agency, the advisory commission and other interested persons at least a 120 day period to present any information pertinent to making a final determination on the State law or plan.

Section 6(b) provides that on or before September 1, 1974 and September 1 of each third year thereafter, the Secretary shall make a final determination whether the State law meets the minimum standards of section 4, and the State plan meets the requirements of section 5 for the 3 year period beginning the following January 1. The Secretary shall publish such findings in the Federal Register and notify the Governor and the State agency.

Section 6(c) authorizes the Secretary to make inspections necessary to determine if a State plan should be approved and to evaluate the way in which an approved State plan is being carried out. On the basis of his inspections and State agency reports, the Secretary shall continually evaluate the way in which approved State plans are being carried out and meeting the minimum standards of section 4. If the Secretary finds, after affording due notice and opportunity for a hearing, that during a 3-calendar-year period there has been a failure to comply substantially with any provision or assurance of a State plan in effect, or that the State law no longer meets the minimum standards of Section 4, the Secretary shall withdraw approval of such plan and so notify the State agency. Such plan shall cease to be in effect 30 days after the State agency receives such notice and the Longshoremen's and Harbor Workers' Compensation Act, as amended, shall apply to such State for the balance of the 3 calendar year period, but the State may retain jurisdiction if any case began before the withdrawal of the plan and the issues involved do not relate to the reasons for the withdrawal.

Section 6(d) provides that in making determinations under this section, the Secretary shall consider applicable state statutes, administrative and judicial decisions interpreting such law, and the State agency's regulations. State law complies with the standards of section 4 if its benefits and procedures are substantially equivalent or more favorable to injured employees than those specified in section 4.

Section 7 State Enforcement of the Longshoremen's and Harbor Workers' Compensation Act.

Section 7(a) provides that when a State is subject to the Longshoremen's and Harbor Workers' Compensation Act, the State agency may administer the Act under agreement with the Secretary and under the Secretary's general supervision and direction.

Section 7(b) provides that in the absence of such agreement, the Secretary in administering the Longshoremen's and Harbor Workers' Compensation Act may employ within the Labor Department or by agreement with other Federal agencies the personnel necessary to insure that Act's provisions are properly carried out.

Section 8—New Standards

Section 8(a) provides that the Secretary may by rule promulgate any new or improved minimum workmen's compensation standard in the following manner:

(1) The Secretary may request the recommendations of the Advisory Commission when the Secretary determines from information submitted in writing internal information that a rule should be promulgated. The Secretary shall provide the Advisory Committee with the Department's own proposals and all pertinent factual information. The Advisory Commission shall submit its recommendations to the Secretary within 90 days from the Secretary's request or another time period prescribed by the Secretary but no longer than 270 days.

(2) The Secretary shall publish proposed rules in the Federal Register and interested persons shall have 30 days to submit written data or comments.

(3) Before the end of the comment period provided in paragraph (2), interested persons may file with the Secretary written objections to the proposed rule and request a public hearing. Within 30 days after the last day for filing objections, the Secretary shall publish in the Federal Register a notice specifying the standard objected to and a hearing requested, and the time and place for such hearing.

(4) Within 60 days after the end of the comment period under paragraph (2) or the completion of any hearing under paragraph (3), the Secretary may issue a rule or determine that a rule should not be issued.

Section 9—Judicial Review

This section provides that any State, employer or employers' association or any employee or employees' organization in a State, may obtain review of the Secretary's decisions under sections 5, 6, and 7 by petitioning the appropriate United States court of appeals within 30 days after receiving notice of such decision. The secretary shall be served with a copy of the petition and shall certify and file in court the record upon which the decision was issued as provided in 28 United States Code 2112. The filing of such petition shall not be a stay of the Secretary's decision unless so ordered by the court upon clear showing of probable success on the merits and a finding that irreparable injury would otherwise result. The court shall affirm the Secretary's decision unless it is not supported by substantial evidence. The order of the court shall be subject to review by the United States Supreme Court upon certiorari or certification as provided in 28 United States Code 1254.

Section 10—Grants to States

Section 10(a) authorizes the Secretary, in fiscal year 1974 and the next two fiscal years, to make grants to States, with State agencies designated under section 5, to aid them:

(1) in identifying their needs and responsibilities in workers' compensation,

(2) in developing State plans under section 5, or

(3) in developing plans for (A) establishing systems for collecting information about workers' compensation, (B) increasing expertise and enforcement capabilities of personnel engaged in workers' compensation programs, (C) improving the administration and enforcement of State workers' compensation laws, consistent with this Act's objectives.

Section 10(b) provides that State Governors shall designate the appropriate State agency for receipt of grants made under this section.

Section 10(c) provides that State agencies so designated shall apply to the Secretary for grants under this section.

Section 10(d) provides that the Secretary shall review and approve or reject such applications.

Section 10(e) establishes a limit on the Federal share of each State grant of 90 percent of the applications' total cost. Any differences among the States in the Federal share of such grants shall be based on objective criteria.

Section 10(f) requires the Secretary, before June 30, 1975, to transmit to the President and Congress a report of the experience under this section's grant programs, including any appropriate recommendations.

Section 10(g) authorizes for this section appropriation of $15 million for fiscal year 1974 and each of the next two fiscal years.

Section 11—Advisory Commission

Section 11(a) establishes the Federal Workers' Compensation Advisory Commission composed of 5 members appointed by the President with the Senate's advice and consent. There shall be one representative of labor, one representative of business or insurance and three representatives of the general public. The President shall designate one of the public members as Chairman or Chairwoman. Three members shall constitute a quorum. The terms of office shall be 4 years except of the members first appointed one shall be appointed for 1 year, one appointed for 2 years, one appointed for 3 years, and 2 members shall be appointed for 4 years.

Section 11(b) provides that the Commission shall—

(1) monitor the States' progress in improving their workers' compensation programs and in complying with the minimum standards of section 4,

(2) advise the Secretary of its conclusions as to the compliance or noncompliance of State programs with the minimum standards of section 4,

(3) review the adequacy of State plans submitted under section 5,

(4) research and develop recommendations for improving workers' compensation programs,

(5) recommend appropriate administrative or legislative action to establish new or improved standards under section 7,

(6) furnish technical assistance to States for improving workers' compensation programs and

(7) monitor and evaluate the administration of Federal workers' compensation programs and make recommendations for appropriate administrative and legislative changes.

Section 11(c)(1) authorizes the Commission or any authorized members to hold hearings, take testimony, and conduct its affairs as it deems advisable. Authorized members may administer oaths or affirmations to witnesses.

Section 11(c)(2) authorizes and directs each department, agency, and instrumentality of the Governments' executive branch to furnish the Commission, upon request of its Chairman or Chairwoman, such information the Commission deems necessary to carry out its function.

Section 11(d) provides that subject to rules and regulations adopted by the Commission, the Chairman, or Chairwoman shall have the power to—

(1) appoint and fix the compensation of an executive director and such additional staff personnel as necessary, without regard to either the provisions of title 5, United States Code, subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates no more than the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services as authorized by 5 United States Code 3109.

Section 11(e) authorizes the Commission to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for research or surveys, the preparation of reports, and other activities necessary to discharge its duties.

Section 11(f) provides that Commission members, other than the Chairman or Chairwoman, shall be compensated for each day they perform their duties at the daily rate for GS–18 under 5 United States Code 5332 and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses connected with their duties.

Section 11(g) amends 5 United States Code 5316 by adding at the end thereof the following new clause—"( ) Chairman or Chairwoman, Federal Workers' Compensation Advisory Commission."

Section 11(h) directs the Commission to transmit to the President and Congress not later than February 1 each year, an annual report of its activities and recommendations.

Section 12—Statistics

Section 12(a) provides that the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain a program of collection, compilation, and analysis of workers' compensation statistics. The program may cover all employments whether or not subject to this Act.

Section 12(b) provides that to discharge his duties under section 12(a), the Secretary may—

(1) promote, encourage, or engage in programs of studies, information, and communication concerning workers' compensation statistics,

(2) make grants to States or their political subdivisions to aid in developing and administering programs dealing with workers compensation statistics, and

(3) arrange, by grants or contracts, such research and investigations as give promise of furthering the objectives of this section.

Section 12(c) limits the Federal share of grants under section 12(b) to 50 percent of the State's total cost.

Section 12(d) authorizes the Secretary, with the consent of any State or its political subdivision, to use the services, facilities, and employees of the agencies of such States or political subdivisions, with or without reimbursement, for purposes of this section.

Section 12(e) requires employers to file such reports the Secretary perceives by regulation, as necessary to carry out the functions under this Act.

Section 12(f) provides that agreements between the Secretary and the Labor Department pertaining to the collection of workers' compensation statistics already in effect on this Act's effective date shall remain in effect until superseded by grants or contracts made under this Act.

Section 13—Employment Related Diseases

This section authorizes and directs the Secretary of HEW, within 3 months of this Act's enactment and annually thereafter, to establish a schedule of work related diseases and for each disease thereon, within one of its inclusion, standards for determining (1) whether the disease arose out of or in the course of employment and (2) whether death or disability was due to such disease. Such standards may include reasonable presumptions. In developing the schedule of diseases, the Secretary of HEW shall consult with the Director of the National Institute of Occupational Safety and Health and other organizations of employers and employees appropriate to new diseases suspected of being employment related. Each schedule and standard shall be published in the Federal Register and furnished to the Secretary of Labor.

Section 14—Effect of Periodic Adjustments on Other Laws

This section provides that no amount paid as a periodic adjustment of workers' compensation benefits shall be considered in the determination of eligibility for or amount of any other benefit authorized by Federal or State law.

Section 15—Audits

This section directs the Secretary, within 120 days of the convening of each regular session of each Congress, to submit to the President for transmittal to Congress a report on matters relating to this Act.

Section 16—Separability

This Section provides that if any provision of this Act or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 17—Appropriations

This section authorizes appropriations to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

By Mr. FULBRIGHT (for himself, Mr. Jackson, and Mr. Scott of Pennsylvania):

S. 2010. A bill to establish rates of compensation for certain positions within the Smithsonian Institution. Referred to the Committee on Rules and Administration.

Mr. FULBRIGHT. Mr. President, I introduce for myself, the Senator from Washington (Mr. Jackson), and the Senator from Pennsylvania (Mr. Scott), a bill relating to the Smithsonian Institution, and ask that it be appropriately referred.

This legislation, which is pursuant to a recommendation of the Board of Regents of the Smithsonian Institution at its meeting on May 9, 1973, would provide for three additional Executive Level V positions within the Smithsonian Institution. I ask unanimous consent that the text of this bill be printed at this point in the RECORD, together with statements of justification prepared by the Smithsonian Institution.

There being no objection, the bill and statements were ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 5316 of Title 5, United States Code, is amended by inserting the following new sections after paragraph (132):

(133) Assistant Secretary, Smithsonian Institution
(134) Director, National Museum of Natural History, Smithsonian Institution
(135) Director, National Museum of History and Technology, Smithsonian Institution

ASSISTANT SECRETARY FOR PUBLIC SERVICE

The Smithsonian Institution is, according to its charter, "an establishment for the increase and diffusion of knowledge among men." The increase of knowledge is, of course, a function of the Institution's staff of scientists and humanists; its diffusion falls in large part to the Smithsonian's diverse public service components.

The Smithsonian's first Secretary, Joseph Henry, in 1852, enunciated the general outlines of the major and longstanding challenge before the Smithsonian under which the position of Assistant Secretary for Public Service has developed to its present stature: said Professor Henry, a distinguished physicist:

". . . the worth and importance of the Institution are not to be estimated by what it accumulates within the walls of its buildings, but by what it sends forth to the world."

The organizational units operating under the general supervision of the Assistant Secretary for Public Service meet three specific objectives:

(1) To bring together all Smithsonian resources to meet more conveniently and economically, and at less drain to the scientific or professional staff units, this popular quest for knowledge. By mail and by personal visit, the Smithsonian receives some 50,000 inquiries a month, ranging from simple grade school requests for information on foreign countries to sophisticated inquiries concerning the history of flight, identification of natural history specimens, or current conservation practices, to name but a few subject areas. In this way, the Smithsonian seeks to meet effectively its responsibilities in general education, not in the sense of formal adult education programs as conducted by universities, but through general education programs via all media and for all ages.

(2) To carry out new programs that will make a Smithsonian contribution and encourage similar contributions from other American museums to the most urgent social problems of our times.

(3) To provide more effective service, in discharge of the Smithsonian's basic mandate for the increase and diffusion of knowledge, to organizations, institutions, and professional associations sharing the Smithsonian's objectives. These may range from assistance to the U.S. Department of State or other international programs to execute cooperative research programs under various international scientific agreements, to cooperation in the preparation of exhibits or in staging seminars in the many fields of Smithsonian interest.

In the execution of these endeavors, public service includes the following components:

Office of Public Affairs
Smithsonian Associates
Division of Performing Arts
Office of International Activities
Anacostia Neighborhood Museum
Smithsonian Institution Press
Smithsonian Magazine
Office of Elementary and Secondary Education

DIRECTOR, NATIONAL MUSEUM OF NATURAL HISTORY

The National Museum of Natural History has by far the largest collections among the natural history museums of the country. It contains about 31% of all natural history specimens in major U.S. systematic collections, according to a recent survey. The next largest museum contains 13%. This preeminent responsibility for collections is reflected also in the size and activity of its scientific staff and in its exhibits and public service programs. Its total operating budget at $13,558,000 annually is larger than that of any other natural history museum. Yet the director's salary at $36,000 (GS-17) is less than that of two other natural history museum directors surveyed, at $43,000 and $44,000. This was the position for which we were recently unable to attract a qualified individual from a major university, primarily because of salary consideration. It is recommended, therefore, that an ESS-V Federal Executive Level be sought for this position.

DIRECTOR, NATIONAL MUSEUM OF HISTORY AND TECHNOLOGY

This museum receives more visitors than any other museum in the world—over 6 million in the latest twelve-month period. It contains preeminent collections reflecting the history and technology of the United States, and its research and exhibition programs are reaching new peaks of activity in preparation for the Bicentennial of the American Revolution. It has an operating budget of $8.4 million, and yet the director's salary is less than another surveyed museum with one-tenth of the operating budget of the National Museum of History and Technology. It is recommended that an ESS-V Federal Executive Level be sought for this position. This will not place the director's salary in a competitive range, but with an anticipated increase in 1974 will at least place it slightly above the compensation of far less significant museum directorships.

By Mr. BIBLE:

S. 2011. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the Act; and

S. 2012. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former Act, damages sustained as the result of loss, damage, injury, or delay in transit to such property; referred to the Committee on Commerce.

REGULATED CARRIERS MINIMUM INSURANCE REQUIREMENTS ACT AND CLAIMS ADJUDICATION ACT

Mr. BIBLE. Mr. President, I send to the desk for appropriate reference two bills recommended to the Congress by the Interstate Commerce Commission and designed to help the Nation's small businessmen particularly and its citizenry generally have their shipping problems with truck, rail, and water carriers dealt with more effectively.

Both were introduced late in the last Congress as S. 3717 (Regulated Carriers Minimum Insurance Requirements Act of 1972) and S. 3718 (Claims Adjudication Act of 1972). Because time did not permit their consideration last year, I am hopeful that the growing necessity for affirmative action in these areas will prompt their early and favorable examination.

The two bills, first, would provide the Nation's shipping public for the first time with an effective claims adjudication procedure within the Interstate Commerce Commission, and second, would establish ICC-supervised cargo insurance standards for railroads, express companies, and water carriers comparable to those now used by motor carriers and freight forwarders.

As chairman of the Senate Small Business Committee, our interest was drawn to this subject area by several years of hearings into the theft and loss of truck, air, rail, and maritime cargo, and that impact on the Nation's 8 million small businesses who require these lost or stolen cargoes for their customers. Our committee concluded that shipments have generally overwhelmed facilities of most carriers, that security efforts generally have provided too little security, and that excessive losses, whether criminal or otherwise, have imperiled ordinary insurance practices.

And there are those who believe that with the dramatic increase in freight losses, whether criminally induced or from general loss and damage, the old claims adjudication and processing system has broken down and greater problems are forecast to meet the demands of record shipment tonnages in the 1970's and beyond. The Interstate Commerce Commission calls it "a mounting national crisis."

Many years ago the Congress mandated the Interstate Commerce Commission to keep itself fully informed on all matters affecting the Nation's surface transportation system. It is the Nation's watchdog for guarding the capability and the quality of the transport industry's performance of its essential service functions. These awesome responsibilities often go far beyond the duty to insure that the Nation's railroads, trucklines, water carriers, and freight forwarders are sound, vigorous, and responsive to the many needs and desires of our business and industrial communities and our citizenry. To meet these responsibilities, the Commission during 1970 and 1971 conducted an extensive investigation into the rapidly growing problem of loss and damage to cargo in transit.

This preceded the Commission's February 3, 1972, landmark decision in Ex parte 263, as those recommendations focused on its extensive 2-year investigation into rules, regulations, and practices of all regulated surface carriers and the many ways in which those rules and practices adversely affect the fair and reasonable processing and settlement of freight loss and damage claims. The Commission found that the enormity of the problem made important the enactment into law of a comprehensive dual-purpose program.

Thus the Commission recommended that Congress approve two legislative proposals to meet the serious threats posed to the Nation's transport and distributions systems.

Briefly, the first bill would correct an explainable regulatory anomaly. The Commission may now establish cargo insurance standards for motor carriers subject to part II and freight forwarders subject to part IV of the Interstate Commerce Act. Railroads and express companies governed by part I and water carriers under part III of that same statute, however, are not presently subject to Commission regulation in the area of cargo insurance.

Not only have increased freight tonnages taxed the facilities of many carriers, but inflation and other factors have caused the values of the cargoes they handle to exceed the most liberal estimates of only a few years ago. Now more than ever before, these more expensive commodities are exceptionally vulnerable to theft and pilferage. And damage to cargo seems to be a perennial problem in rail transport.

During the many years that railroads transported the great bulk of the Nation's traffic, their revenues and capital structures and conditions provided sufficient protection to the public whenever cargo loss or damage occurred. Now, however, as the Commission observed in its report, that is no longer true across this country.

The Commission portrayed in its claims report, for example, what could happen today to the many shippers who called upon the railroads and express companies to transport their goods. In 1965, Yale Transport Corp., a motor carrier, was unable to meet its financial obligations. However, by exercising the powers conferred upon it by the Motor Carier Act of 1935, the Commission had previously established cargo insurance standards for motor carriers. As a consequence, nearly $2.5 million was paid to Yale's customers who might otherwise have been left holding the bag for their cargo loss and damage claims.

In essence, what the Commission now seeks is authority to afford the same kind of insurance protection to shippers by railroad, express and water that shippers by other modes now enjoy. Obviously that protection was necessary for Yale's customers in 1965. The same kind of authority should be written into the Interstate Commerce Act if we wish to protect the shipping public from the precarious financial condition of so many of the Nation's railroads and other surface carriers which are not presently governed by cargo insurance standards set by the Commission.

The major goals of the second bill I introduce today are to aid businessmen, large and small alike, to have their freight loss and damage claims settled properly and promptly and, perhaps more importantly, to prevent wherever possible the disgraceful occurrence of so many millions of dollars of unsettled and outstanding cargo claims.

Since I have had the honor of serving as chairman of the Select Committee on Small Business, an effort has been made to motivate shippers, carriers, and governmental agencies to face the difficult challenges posed by the multi-billion-dollar racket of theft, pilferage, and hijacking of cargoes moving in interstate and foreign commerce. I was greatly heartened by the content and tenor of the Commission's report in Ex Parte No. 263, when this oldest of our regulatory agencies not only expressed concern similar to that expressed by our committee over the national claims problem; it unequivocally demonstrated a willingness to try to meet those challenges head-on if given the opportunity to do so.

Record tonnages of cargo have already begun to overwhelm facilities of most surface carriers. Loss and damage to freight seem bound to follow. But these problems will be further aggravated and get even further out of hand if nothing is done now.

The severe impact that the current crisis in cargo claims has on business—large and small alike—clearly reveals that it can only be harnessed if we bring into existence a comprehensive, nationwide system of controls. Furthermore, that control system must be bolstered by a second system, one which will exact from all carriers a high degree of accountability in the responsible performance of their transportation functions.

All of us can agree that it is no consolation for a businessman today, when costs are so high and competition is so keen in many sectors, to know that he has a legal right to file suit in civil court against a carrier when the raw materials and finished goods he needs to exist arrive damaged or do not arrive at all. When those commodities upon which he is totally dependent are lost, damaged, or stolen in transit, what is often at stake is not just limited to the value of the goods or the loss of potential sales. What bothers more and more businessmen as this problem continues to grow is the threat of a complete inability to continue in business. This is especially true of many of the Nation's small business establishments.

Obviously, Mr. President, current levels of frequency and severity of freight loss and damage cannot be endured indefinitely.

In the early 1960's the claim ratio, that is, the percentage relationship between a carrier's gross operating revenues and the total amount it pays for cargo claims, was about 1.25 for motor carriers. As late as 1966 it was only 1.23. However, in 1969 that ratio had climbed to an all-time record high of 1.73. During that same decade estimated payments by railroads for cargo claims rose from about $165 million annually to $228 million. The railroads' claim ratio leaped from 1.67 in 1966 to 1.97 in 1970. And these figures do not take into account claims which many shippers and receivers filed but which, for one reason or another, carriers did not pay in full or pay at all.

Other hard data, more recently acquired, also confirm the need for the legislation which I reintroduce today. Figures taken from reports made to the Interstate Commerce Commission by certain motor carriers show, for example, that for the first quarter of 1972 the average claim filed was for $115; that the average claim declined by carriers was $100; that the average claim paid was only $72; and that claim payments for concealed damages have dropped off nearly 70 percent since 1968. It would seem that these figures clearly point up the need to have not only an effective remedy for the prompt and amicable disposition of disputed claims, but also to formulate an effective program of national scope for moving the entire surface transportation industry forward in the area of claim prevention.

The Small Business Committee has been waging a 3-year effort to get more and precise data on the losses sustained by the Nation's cargo carriers. The Commission's proposed legislation would provide much of that indispensable data as well as aid in the prevention of claims and the fair and impartial disposition of claims disputes.

There are other important reasons for placing the statutory authority that these bills would provide in the hands of our Interstate Commerce Commission. In our committee's report on the effect of cargo loss, theft, and hijacking in the trucking industry (Senate Report No. 92–839, 92d Congress, 2d session), the Interstate Commerce Commission was urged to review its present regulations and enforcement practices which allow regulated carriers to embargo commodities on a selective basis. In virtually all cases, these questionable embargoes deny to businessmen everywhere their lawful rights to be served equally and fairly by carriers licensed by the Federal Government to provide transportation services. And in far too many cases these formal and informal embargoes are imposed for one or the other of two primary reasons—either carrier management wants to rid itself of theft-prone or damage-prone traffic in order to show a larger profit at the end of the year, or management has thrown up its hands in despair in the face of the magnitude of its share of the national crisis in claims. Common carriers are bound by law to serve all sectors of the economy without discrimination; they cannot be allowed, for claims reasons or otherwise, to select whom they will serve and whom they will not. I am convinced that passage of these bills will help to alleviate some abusive treatment to which the Nation's businessmen are now subjected by carriers whose basic reason for existence is to serve the public.

These two bills placed emphasis where it is needed most in order to cope with this national problem.

Mr. President, we need to place our priorities in order. The Small Business Committee has already gathered abundant evidence that the transportation industry has placed too little emphasis and low budget priorities on ways and means of protecting the millions of tons and billions of dollars worth of cargo entrusted to it. Protecting those cargoes from theft, loss, and damage is today a matter of the highest priority, and this legislation will provide the Commission with the tools it needs in its effort to insure a responsible as well as a responsive transport network.

By prescribing claims-processing regulations which became effective last July 1, the Commission did all that it lawfully could do with respect to cargo claims under the explicit provisions of the current Interstate Commerce Act. However, the Commission made it clear in its report that more is needed to solve this problem than the regulations it had adopted. I fully endorse those sentiments. The testimony our committee has heard over the last several years convinces me that more, much more, is needed if we are to make meaningful progress toward the ultimate resolution of this waste of our Nation's resources.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the texts of the two bills, a section-by-section analysis of each, and a letter from Interstate Commerce Commission Chairman George M. Stafford forwarding the two bills in response to our committee's interest.

There being no objection, the bills and material was ordered to be printed in the Record, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulated Carriers Minimum Insurance Requirements Act of 1973".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding at the end thereof a new paragraph as follows: "(14) The Commission shall have authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."; and

(3) That section 304 of the Interstate Commerce Act (49 U.S.C., sec. 904) is amended by adding at the end thereof a new paragraph as follows: "(f) The Commission shall have the authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."

(4) The provisions of this Act shall take effect upon the enactment.

SECTION-BY-SECTION ANALYSIS

CARGO INSURANCE REQUIREMENTS

Section 1—Short Title.

Section 2. This Section sets forth a new paragraph (14) to be added at the end of section 20 (49 U.S.C. sec. 20) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by railroads and express companies subject to part I of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by railroad and express companies the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part I of the act.

Section 3. This section sets forth a new paragraph to be added at the end of section 304 (49 U.S.C. sec. 904) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by water carriers subject to part III of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by water carrier the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part III of the act.

Section 4. Provides that the Act shall take effect upon enactment.

Interstate Commerce Commission,
Washington, D.C., February 24, 1972.

Hon. Alan Bible,
U.S. Senate,
Washington, D.C.

Dear Senator Bible: This Commission is alarmed by the mounting frustration and dissatisfaction associated with cargo loss and damage claims involving carriers subject to our regulation. Indeed, during the period January 1969 through March 1970 we received 25,294 individual pleas for assistance concerning various facets of the problem. We were also deeply concerned when associations of railroads, motor carriers, and freight forwarders adopted, on their own, rules purporting to restrict their members' liability on cargo claims for concealed loss or damage.

As a direct result of these concerns, We instituted an investigation specifically designed (1) to inquire into the nature of all claims rules and practices of regulated carriers; (2) to investigate the effect of such rules and practices; (3) to determine this Commission's jurisdiction with respect thereto; (4) to consider whether we should adopt rules and regulations governing these and other matters relating to the handling and processing of loss and damage claims; and (5) to take such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

I am pleased to enclose a copy of our completed report in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims,* which thoroughly treats the above-mentioned considerations. Also enclosed is a copy of our news release of this date concerning the report.

Drawing on the full measure of the powers conferred upon this Commission by the Congress, we have prescribed claims-processing standards to be observed by regulated carriers. Under these standards, carriers are required to acknowledge receipt of each loss and damage claim and to complete the investigation and disposition of claims promptly. Carrier rules and practices contrary to or inconsistent with their duties as regulated carriers are found to violate the Interstate Commerce Act and are ordered discontinued. Further, carriers have been ordered to file for review by this Commission any rules and regulations they may promulgate concerning the processing of loss and damage claims and any agreements with respect to claims matters.

Perhaps the most compelling and troublesome issue presented in Ex Parte No. 263 is the injustice inherent in the inability of shippers and receivers of freight to obtain prompt and effective redress for disputed claims attributable to lost or damaged shipments. The major quarrels shippers and receivers have with the presently available judicial avenue to an impartial determination as to the merits of a disputed claim include: (1) the overall cost of litigating a claim usually exceeds the amount received; (2) it is frequently necessary to engage an attorney whose fee alone may well exceed the amount in controversy; (3) attorneys' fees are presently not recoverable in claims litigation; (4) since the average amount in dispute is usually less than $100, there is an open invitation to the unscrupulous to unfairly decline responsibility for damage on the theory that the claimant cannot afford to litigate the matter; (5) personnel in key production positions can seldom be spared to testify in court trials; (6) the length of time required to conclude litigated claims occasioned by heavily congested court dockets results in a significant burden; (7) courts with their jurisdictional boundaries are unable to direct a meaningful nationwide effort to improve the cargo claims situation; and (8) strict accountability for cargo claims is most difficult, if not impossible, to achieve.

After exploring the possible alternatives to the vexing problems described above, including compulsory arbitration and no-fault insurance, we concluded that disputed claims should be submitted for determination by this Commission in the first instance under a simplified procedure. Such determination would be based principally upon documentary evidence in order that the expenses, attorneys' fees, and lost production time of key personnel necessitated by presentation of evidence in court or before an arbitrator could be avoided. As a positive adjunct to this procedure, meaningful data on claims could be gathered and electronically catalogued in order to define particular problem areas. On the basis of this information particularized claim-prevention programs could be implemented on a national scale.

A specific legislative recommendation is made a part of the report (see Appendix F, Part 1) which, if enacted into law, would vest in this Commission authority to adjudicate

in the first instance all unresolved cargo loss and damage claims filed against carriers subject to the Interstate Commerce Act. In the manner more fully described in the report the prompt, impartial adjudication of cargo claims and electronically cataloguing claims data can serve a threefold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation; and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage clams and the consequent waste of our Nation's resources.

While this Commission is convinced of the need to adopt the proposed bill vesting claims jurisdiction in it, the task cannot, in all candor, be undertaken with our current manpower and budgetary resources. Without tools commensurate to the task, we could not be expected to achieve any worthwhile or lasting improvement in the perennial loss and damage claims problem.

In a second specific legislative recommendation, the Commission places before the Congress for its consideration, a proposal to allow this Commission to adopt regulations to require maintenance by rail and water carriers subject to the Act of adequate insurance to protect the shipping public for loss and damage claims. Pursuant to existing authority this Commission presently requires motor carriers and freight forwarders subject to parts II and IV of the Act to maintain sufficient insurance in this respect; the proposed legislation (Appendix F, part 2) would extend the power to carriers subject to parts I and III of the Act. In other portions of our report we reiterate our position on attorneys' fees legislation which already is well known to the Congress; pitfalls of creating courts of limited jurisdiction to deal with cargo claims matters are examined; we pledge to institute a rulemaking proceeding for the purpose of investigating reasonable dispatch in the transportation of perishable commodities; and the practices of carriers in inspecting commodities and packaging when they are involved in concealed loss and damage claims are analyzed.

Many of the inquiries you may have received from your constituents have been answered or commented upon in the enclosed report. To this extent, however, that the powers of this Commission do not go far enough to provide effective remedies for dealing with the discontent that prevails throughout the country in these cargo claims matters, this Commission has endeavored to meet its duty to the Congress and the public by responding to what it concludes is a public demand and need for remedial legislation in the claims area.

If you have questions not covered by this letter, I shall be happy to forward a prompt reply.

Sincerely yours,

GEORGE M. STAFFORD, *Chairman.*

NEW RULES ADOPTED FOR LOSS AND DAMAGE; COMMISSION REQUESTS STRONGER AUTHORITY

Interstate Commerce Commission Chairman George M. Stafford announced today (February 24, 1972) the development of a dual program—regularly as well as legislatively—designed to resolve the mounting problems shippers are facing in having their loss and damage claims processed by the various carriers the Commission regulates. Amounting to more than $300 million yearly, loss and damage of cargo during transit has reached crisis proportions in recent months.

In a comprehensive report and order in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims,* the Commission said that rules adopted by groups or associations of carriers to restrict their liability on claims for concealed loss and damage are unlawful. Accordingly, the Commission today set down a series of its own regulations which prescribe the form in which claims are to be handled. The new rules, which are to take effect April 21, direct carriers to:

Acknowledge receipt of each loss and damage claim;

Investigate the claim promptly;

Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay in making a final disposition.

Additionally, the new regulations require all carriers to maintain complete records of salvage they obtain from shipments damaged in transit and to account for all money recovered from the sale of such salvage.

While the new rules are designed generally to tighten the processing of loss and damage claims, the Commission said it will ask Congress for statutory authority to adjudicate a claim whenever a shipper and carrier are unable to reach agreement. The legislative proposal was conditioned, however, on the need for the Commission to be given an adequate staff and budget to carry out the task.

Should the legislation be enacted, the Commission said it will be able to arrive at a prompt determination on the merits of a loss and damage dispute when it arises. In most instances this would be done through the submission of documentary evidence only, without the need for a hearing. Such a process would contrast markedly with the present practice of a party having to go to court, a procedure that is both costly and time-consuming.

In a second legislative recommendation, the Commission asked Congress for authority to issue regulations requiring railroads and water carriers to maintain adequate cargo insurance to protect the public in loss and damage claims. Currently, only motor carriers and freight forwarders are fully insured.

Finally, the Commission promised to institute an investigatory rulemaking proceeding looking to the "overall adequacy of service in the transportation of perishable commodities dispatch" should be defined as it relates to the transportation of perishables.

Today's action was by a unanimous decision of the 11-member Commission. Commissioners Kenneth H. Tuggle, Laurence K. Walrath and Dale W. Hardin did not concur in the first legislative proposal.

S. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Claims Adjudication Act of 1973".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding a new paragraph at the end thereof as follows:

"(13) Notwithstanding any other provisions of the Interstate Commerce Act, all actions brought under and by virtue of paragraph 20(11) of that Act against a carrier (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor, and the order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided,* That issues arising in the determination of such actions shall be determined in the most expeditious manner and, so far as practicable and legally permissible, without formal hearings or other proceedings: *And provided further,* That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, and any aggrieved party shall, upon request timely made to the court, receive an opportunity for a trial before a jury as to disrupted issues of fact."

(3) That section 219 of the Interstate Commerce Act (49 U.S.C., sec. 319) is amended by deleting therefrom the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(4) That section 413 of the Interstate Commerce Act (49 U.S.C., sec. 1013) is amended by deleting therefrom in the two places in which they appear in the first sentence of that paragraph the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(5) That the Harter Act (46 U.S.C., secs., 190–196) is amended by adding a new section at the end thereof, as follows:

"Sec. 197. All actions brought to recover the value of property lost, damaged, injured, or delayed while being transported by a carrier subject to part III of the Interstate Commerce Act (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor. The order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided,*That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, and any aggrieved party shall upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(6) There are authorized to be appropriated for the purposes of this Act, such sums, not to exceed $3,000,000 for each fiscal year.

(7) The provisions of this Act shall take effect six months after the date of its enactment.

SECTION-BY-SECTION ANALYSIS

Adjudication of Claims by the Interstate Commerce Commission.

Section 1. Short Title.

Sec. 2. This section adds a new paragraph (13) at the end of section 20 (49 U.S.C., Sec. 20) of the Interstate Commerce Act to require all actions against carriers to recover for the loss, damage, or injury to a shipment transported in interstate or foreign commerce, except those in which an award of an attorney fee is also sought by the complainant, to be brought in the first instance by filing a written complaint therefor with the Interstate Commerce Commission.

The section to be added vests in the Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires cargo claims disputes to be processed by the Commission in the most expeditious manner, and, where practicable and lawful, on documentary evidence without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Sec. 2. This section amends section 219 (49 U.S.C. sec. 319) of the Interstate Commerce Act. That section now provides that sections 20 (11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to motor carriers subject to part II of the act, and the amendment merely extends the applicability of the new subsection 20(13) to those carriers.

Section 3. This section amends section 413 (49 U.S.C. sec. 1013) of the Interstate Commerce Act. That section now provides that section 20 (11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to freight forwarders subject to part IV of the act. The amendment merely extends the applicability of the new subsection 20(13) to freight forwarders.

Section 4. This section adds a new paragraph, to be designated section 197, at the end of the Harter Act (46 U.S.C. secs. 190–196), to require that (except with respect to those actions in which an attorney's fee is also sought by the complainant) all actions against a carrier subject to part III of the Interstate Commerce Act to recover the value of property lost, damaged, injured, or delayed while being transported by such carrier, shall be brought in the first instance only before the Interstate Commerce Commission and by the filing of a written complaint therefor with the Commission.

This section vests in the Interstate Commerce Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires that cargo claims disputes are to be processed by the Commission in the most expeditious manner, and where practicable and lawful, without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Section 6. Authorizes to be appropriated $3 million for each fiscal year.

Section 7. Provides that the act shall take effect 6 months after enactment.

By Mr. BIBLE:

S. 2013. A bill to amend the act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to amend the act of June 14, 1926, pertaining to the sale of public lands to States and their political subdivisions.

The purpose of this legislation is to overcome present limitations in the law that restrict the availability of public domain land for transfer to State and local governments for park and recreational uses. As presently written, the Recreation and Public Purposes Act (43 U.S.C. 869(b)) restricts conveyances of public lands to States for recreational purposes to not more than three sites aggregating not more than 6,400 acres in any calendar year. The effect is to unduly complicate and prolong the implementation of statewide park and recreation systems and programs, particularly in the public domain States of the West which must look to the Federal Government to make their lands available for State and locally administered park and outdoor recreation systems.

The bill I am introducing today would remove the present annual acreage limitation under the Recreation and Public Purposes Act. It would also remove the present limitation on the number of applications for such lands that may be filed by an eligible jurisdiction and the number of sites that may be applied for. My amendment would also make such recreational lands available to States without monetary consideration.

The present bill seeks the same objective as does my proposed Federal Lands for Parks and Recreation Act of 1973, which I introduced in April (S. 1638). It merely proposes an alternative approach to reaching the same goal. S. 1638 has been scheduled for a hearing before the Parks and Recreation Subcommittee of the Senate Interior Committee on June 26, 1973. My purpose in filing the present bill now is to afford the appropriate agencies and interested individuals an opportunity to comment on this alternative when the hearings are held.

By Mr. MOSS (for himself and Mr. Hartke):

S. 2015. A bill to amend the Communications Act to express the intent of Congress to establish in the Federal Communications Commission the jurisdiction for regulation of cable television systems. Referred to the Committee on Commerce.

Mr. MOSS. Mr. President, I introduce for myself and Senator Hartke a bill to amend the Communications Act of 1934.

One of the well-worn axioms of our time is that technology changes far faster than the law can respond. Sometimes the law reaches out to seemingly similar technologies in order to devise a regulatory scheme for a new industry. Unfortunately, the supposed industry similarities are often only superficial and the result may be a regulatory regime which constricts growth or forces the industry into an undesirable pattern. Cable television is such an industry.

Although cable television in its basic form has been with us for 25 years, its newly burgeoning technology makes it an infant industry. After several years of uncertainty and unduly restrictive regulation, the Federal Communications Commission has recently responded with a nonpreemptive Federal regulatory program which places a premium on experimentation and flexibility. However, the great latitude left to the local governing bodies, especially the States, has resulted in attempts to impose entirely unsuitable forms of regulations on cable television. In addition to the potentially harmful nature of these regulatory schemes, a total lack of regulatory uniformity between jurisdictions appears likely. The proper role of Federal, State, and municipal regulators should be clearly delineated so that the optimum development of cable television can proceed.

The bill which we introduce gives Congress the opportunity to set up uniform guidelines for the regulatory responsibilities of the appropriate Federal, State, and municipal bodies. I believe that this is a giant step in the direction of moving this industry and its technology forward for the benefit of our citizenry. This new resource has not been used to its utmost and we, in Congress, must accept the responsibility for helping to develop this asset if its great potential is to be realized.

By Mr. CRANSTON (for himself, Mr. Hruska, Mr. Scott of Pennsylvania, and Mr. Tunney):

S.J. Res. 123. Joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren. Referred to the Committee on Rules and Administration.

PORTRAIT AND SCULPTURE HONORING FORMER CHIEF JUSTICE EARL WARREN

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, on behalf of myself, and my colleague from California (Mr. Tunney), the minority leader of the Senate who is as well a member of both the Rules and Judiciary Committees (Mr. Scott of Pennsylvania), and the ranking minority member of the Judiciary Committee (Mr. Hruska), a bipartisan, noncontroversial measure virtually identical to Senate Joint Resolution 269, which we introduced last Congress, to authorize the appropriation of $25,000 to commission the preparation of a portrait and a sculpted bust of the former Chief Justice of the United States, Earl Warren.

Mr. President, last year when I introduced this measure, I called it to the attention of present Chief Justice Warren E. Burger, who in reply advised me on September 26, 1972, that the measure had the support of all Justices of the Supreme Court. At the suggestion of Chief Justice Burger, we have increased the dollar authorization from $17,500 to $25,000, which seems a fairer estimate of the costs of creating objects involved. My understanding is that this High Court support continues for the measure as introduced today.

Mr. President, I ask unanimous consent that the text of my exchange of letters with the Chief Justice last year be set forth in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 25, 1972.

Hon. Warren E. Burger,
Chief Justice of the United States, Supreme Court Building, Washington, D.C.

Dear Mr. Chief Justice: Enclosed is a copy of S.J. Res. 269, a joint resolution which I introduced today, along with Senators Hruska, Tunney and Scott, authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren. In view of our conversations regarding this matter and your strong feeling that it would be highly desirable to undertake this project at the earliest possible date, I thought you would wish to have a copy of this resolution.

With warmest regards.

Sincerely,

ALAN CRANSTON.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., September 26, 1972.
Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of September 25 advising of the plan to introduce a joint resolution to provide for the traditional portrait and bust of Earl Warren. Every Chief Justice is represented in the Court building by a portrait, and Chief Justices Taft, Hughes, Stone and Vinson each have a marble bust in the main hall of the Court. Busts of Chief Justices from Jay to Taft are in the Capitol Building.

I speak for all members of the Court in expressing the hope that this resolution will be adopted promptly to maintain an unbroken tradition of nearly 200 years.

Cordially,

WARREN E. BURGER.

Mr. CRANSTON. Mr. President, I am advised that a bust and a portrait of every prior Chief Justice of the United States is presently displayed in the Supreme Court Building. Given the broad bipartisan support for adding a portrait and bust of Mr. Chief Justice Warren, I am hopeful that the Senate Rules Committee will move this measure rapidly so that funds can be appropriated as soon as possible to begin this important project.

By Mr. NELSON (for himself, Mr. BIDEN, Mr. CRANSTON, and Mr. HUDDLESTON):

S.J. Res. 124. Joint resolution to establish a Joint Committee on Individual Rights. Referred to the Committee on the Judiciary.

GOVERNMENT SURVEILLANCE AND THE RIGHT OF INDIVIDUAL PRIVACY: CONFLICTING DEMANDS IN A FREE SOCIETY

Mr. NELSON. Mr. President, the widespread intrusion of the Government into the personal and private affairs of its citizens by surveillance, bugging, and wiretaps must certainly alarm anyone who pauses long enough to contemplate its awesome implications. No one knows how broadly and deeply this disease has infiltrated our system. But we do know that the Federal Government, State governments, cities, private individuals, and great corporations engage in the odious practice of spying—on a scale massive enough to pose a serious threat to the very concept of freedom itself.

It is an interesting commentary on the Congress, the press, the public, the business world, the labor movement, the campus and, particularly, the legal profession, that they do not seem to have enough sensitivity about freedom, privacy and constitutional rights to be outraged by the whole nasty insidious business.

There has been much huffing and puffing about it for years, but not enough interest has been generated to move the Congress to act.

In February 1967, I commented at length on this matter on the floor of the Senate. In April 1971, I introduced legislation designed to deal with this serious problem. That legislation has languished in the Judiciary Committee without action. Other legislation by other Members has suffered the same fate.

In view of recent events, everyone certainly ought to recognize that continued inaction is indefensible.

It is now my intention to raise this issue on the Senate floor by amendments to legislation and discussion of the issue until the Senate is stirred out of its lethargy.

Americans have historically resisted what they considered the Government's unwarranted intrusions into their private and personal affairs. During the colonial days, British attempts to exert greater control over the business activities of American merchants through the use of general search warrants and writs of assistance sparked the flames of the Revolution. The Constitution and the Bill of Rights were drafted when this repressive colonial exerience was fresh in the minds of the Founding Fathers. These documents, and the first 10 amendments in particular, were expressly designed to prevent the over-reaching of the Federal Government into their private affairs.

In specific response to the claims of surveillance authority by the Government, the American revolutionist answered with a crisp volley of constitutionally expressed rights: Freedom of religion; free speech; free assembly; and a free press. They also provided specific guarantees against unreasonable search and seizure, against self-incrimination, and against the quartering of troops in private homes.

It is unassailable that this Nation was founded with the idea that the largest degree of personal freedom, privacy and political expression shall be guaranteed to all of its citizens. There is also no doubt that a limited degree of governmental intrusion into the private affairs of individuals is permitted for the necessary exercise of legislative and regulatory responsibilities of the State, and the maintenance of public order. The difficulty, of course, is in finding and maintaining the proper balance between society's interest in Government with the individual's rights of privacy.

Over 20 years ago, writing about "The Crisis in Freedom" in the June 1952 issue of "The Progressive," Dr. Alexander Meiklejohn stated the compelling argument for the need to strengthen individual independence and freedom of thought and expression in any conflict with the power of Government authority:

> Freedom of belief and of expression is not hostile to Security. We need not choose between them. On the contrary, Freedom, as a mode of life, as a form of government, is far more efficient, far more dependable in time of danger, than any form of suppression. It is, in fact, the only governing form which in a world of rapid social change, gives promise of permanence and stability. If we keep faith with it, nothing human can destroy it. As we lose faith in it, we are destroying it.

In modern technical nations, however, individual and personal rights are increasingly threatened by the often conflicting demands of the state for expediency, efficiency, and stability. While the capability for secretly invading the private affairs of individual citizens has been vastly increased by improved technology and sophisticated electronics, the legal mechanisms to administer appropriate public controls over the exercise of these powers by agencies of the Government have failed to keep pace with events.

Some 185 years ago, Thomas Jefferson wrote that—

> The natural progress of things is for liberty to yield and government to gain ground.

And when it is the Government that leads the invasion of individual privacy, you can be sure that powerful private interests in search of personal gain will closely follow the State's example.

In recent years, the course which Jefferson predicted has been accelerating at an uncommon pace throughout the world and particularly in the United States in the last several decades.

Recent articles in Time and the Manchester Guardian disclose a pattern of increased wiretapping and eavesdropping across the Atlantic. These reports indicate that 25 Italian private detectives and telephone employees have been arrested in the tapping of 1,000 telephone lines in Rome, that some 1,500 to 5,000 Paris phones are being overheard by a variety of police and espionage agencies in France, and that private business in Britain have a legitimate cause to be concerned about the integrity of their office transactions and corporate trade secrets as well.

In the United States, we also face a situation where the Government's grasp for information on the thoughts and expressions of private citizens far exceeds the legally defined limitations to its reach that should exist in a self-governing democracy. In Prof. Alan Westin's book, "Privacy and Freedom," he points out that in our Federal Government—

> At least fifty different federal agencies have substantial investigative and enforcement functions, providing a corps of more than 20,000 "investigators" working for agencies such as the FBI, Naval Intelligence, the Post Office, the Narcotics Bureau of the Treasury, the Securities and Exchange Commission, the Internal Revenue Service, and Food and Drug Administration, the State Department, and the Civil Service Commission. While all executive agencies are under federal law and executive regulation, the factual reality is that each agency and department has wide day-to-day discretion over the investigative practices of its officials . . .

The recent information emanating from the Watergate investigation detail a shocking pattern of disregard for constitutional principles of law and due process in the highest offices and agencies of the Government. It is apparent that the powerful tools of government spying and espionage against private citizens in pursuit of their lawful activities have not been kept within legitimate boundaries through self-restraint or self-discipline. Declarations of high and moral purpose have been used to elevate low deeds, and the distinctions between the proper goals of Government actions and the improper means by which they are prosecuted have become blurred.

On June 11, the Wall Street Journal editorially contrasted the apparently indifferent European attitude toward expanded illicit eavesdropping with the growing public alarm about illegal snooping in this country. The editorial, entitled "A Plague of Buggings," points out that:

> The condemnation here of practices that are common in many other parts of the world is based on more than either naivete or innocence. It stems also from a shared concept of what is permissible official conduct plus considerable confidence that our institutions can and should deal with officials who step over the line.

The Wall Street Journal editorial concluded:

> We don't know how Europeans will fare on bugging. But the public reaction in the U.S. will help, we suspect, to discourage future illicit snooping by government officials here. If that is naivete or innocence, we hope Americans hang onto both for a long time.

"Naivete or innocence" alone will not be enough to adequately protect personal privacy from illicit invasion. Public concern over the increase of clandestine surveillance of private citizens must be directly translated into specific mechanisms to assert public oversight and control over these activities. From the pattern of our recent history, we must be aware that the clucking of tongues and wagging of fingers is not sufficient to keep illegal government or private snooping in check.

Justice Frankfurter observed some 30 years ago that—

> The history of liberty has largely been the history of observance of procedural safeguards.

As we look beyond the Watergate and view the events of the past few years of American history, it is quite apparent that procedural safeguards for personal rights of privacy have not been observed. It is furthermore quite obvious that the procedural safeguards themselves have been insufficient to resist the increased capability and compulsion of government officials to invade privacy and trample on individual liberty.

The ease with which investigative functions of the agencies of government can rapidly grow into massive uncontrolled intrusions into the personal and political lives of individuals and organizations certainly predates the Watergate affair and the 1972 Presidential election.

Over the past years, the record shows that the U.S. Army went on a binge of unlimited snooping of ordinary citizens within this country. Although these practices of the Army have apparently ceased, dossiers on more than 100,000 law-abiding citizens were collected and stored in over 350 record centers throughout the country.

Also on the recent public record, we now know that the FBI engaged in general surveillance of thousands of people who participated in the first Earth Day rally in Washington, D.C., on April 22, 1970.

Statistics published by the Administrative Office of the U.S. Courts on the extent of government eavesdropping authorized under title III of the 1968 Omnibus Crime Control and Safe Streets Act also reveal the increasing reliance in the past few years on Government snooping. Under the authority, court-authorized wiretaps and bugs are on a rapid increase since this procedure was first formalized in 1968. In the 5 years for which statistics are available, more than 1,623,000 conversations involving 120,000 or so people have been overheard.

What the Administrative Office figures on title III taps do not reveal are the number of wiretaps and bugs which are installed without court orders under self-determined claims of national security. In 1969–1970, at least, the Government has indicated that there were as many unreported warrantless taps as there were taps under court orders. However, these self-justified taps lasted for an average of from almost 3 to 9 times as long as the court-ordered taps and are believed to have monitored tens of thousands of individuals.

This recent record has increased the public's concern as to the extent of these surveillance activities. The public is also raising serious questions about the justification for such governmental intrusion into their private lives and utterances, and about the mechanisms that are supposed to protect the individual's rights of privacy from just this type of snooping. This legitimate public concern was expressed in an article titled "Political Surveillance and Police Intelligence Gathering—Rights, Wrongs, and Remedies" which was printed in the Wisconsin Law Review last year:

> Eleven years from the title date of George Orwell's fictionalized account of the totalitarianism of the future, many Americans sense that "Big Brother" is emerging as a terrifying reality in the United States. There are no posters or broadcasts proclaiming the fact, but to many the ubiquitous surveillance, represented by the telescreen and the thought police in Orwell's novel, is upon us in the quise of the proliferating governmental agencies engaged in the business of spying.

Today, with our knowledge of the proliferation of governmental snooping and surveillance, and with our knowledge of uncontrolled, self-initiated government forays into political espionage, several specific issues are paramount: Who is collecting, storing and using personal information about individual citizens and organizations in the United States? How many citizens or organizations, and what kind of information do these surveillance nets capture? Under what authority or legitimate need to know is this surveillance conducted and the information collected, stored, and used? What controls are exerted to assure that constitutional principles of due process and the protection of individual privacy are balanced with society's concerns for its general welfare and security?

Unfortunately, the Congress of the United States, like the general public, cannot answer these questions with any accurate, current and comprehensive knowledge. Neither is the Congress in a position to obtain the facts of the matter in a complete and effective legislative manner, since such comprehensive oversight capability has not been established to review government surveillance and information gathering activities on a continual and regular basis.

The Constitution and the Bill of Rights established an important and delicate balance between the government's interests and the interests of the governed. It dictates the need for the explicit civil liberty and political freedom of each citizen, as well as the security and welfare of the entire society. While neither the private nor the public interest is exclusive, both are necessary. It is incumbent upon Congress to continually oversee and balance both the citizen's private interest and the Nation's interest.

Today this equilibrium is in question. It is of particular importance that Congress provide the appropriate means to maintain close, continual, accurate overall review of the full range of government surveillance activities which impinge upon the personal liberty of individual citizens. Congress must also be in a position to determine that all personal data on individuals and organizations which is contained in files or dossiers of the Government is obtained and utilized in accordance with rules and standards that meet legal and constitutional limitations.

In a Fourth of July speech in 1914, President Woodrow Wilson declared that—

> Liberty does not consist in mere declarations of the rights of man. It consists in the translation of those declarations into definite actions.

The history of individual liberty, and particularly the right of privacy, has been a history of resistance to governmental encroachments and an insistence upon fair procedural protections. Where liberty has prevailed, the rights of man have been translated into action; where liberty has lost, only silence has followed the soft echo of declarations of freedom.

Unannounced entry into private homes was denounced in English common law as early as 1603. In Semayne's Case, 5 Cook 91, 11 ERC 629, 77 Eng. Reprint 194, the principle was firmly enunciated:

> In all cases where the King is party, the sheriff (if the doors be not open) may break in the party's house, either to arrest him, or to do other execution of the K(ing)'s process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors . . .

One hundred and sixty-three years later in 1766, the sanctity of the individual's right of privacy in his home and the importance of protecting against unlawful invasion of privacy by the Government were again argued with magnificent eloquence. The British were having difficulty collecting an excise tax that the Parliament had imposed upon cider. To solve their problem, it was proposed that the tax collectors be given the authority to enforce their cider tax by entering a man's house without knocking. When this proposal was debated in the House of Lords, William Pitt closed his argument in opposition to this Government invasion of privacy by stating:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement.

Two hundred and seven years after Pitt's stirring affirmation of individual privacy and resistance to the invasion of the home by forces of the Crown, it is necessary to argue the case against the Government's trampling of personal rights with equal fervor. In 1766, the British tax collector sought authority to break into a private home to collect a cider tax; in 1973, agents of Federal, State, and local government in the United States act on uncorroborated tips and without warrants, and proceed to batter down the doors of two Collinsville, Ill., homes and terrorize two law-abiding families in their mistaken frenzy.

Now, in addition to the continuing reality of smashed doors and actual physical invasion of a private home, Government forces have a more insidious tool: electronic eyes and ears that need break no doors to silently steal privileged thoughts and record private deeds.

The surest way to destroy the concept of democratic self-government is to stand idly by while the Government itself abuses the law. The security of the Government is based upon the trust of its people. This trust cannot be compelled; it can only be given freely if our system is to survive. If, in a government of laws, it is the government which disregards constitutional principles and legal process, an example is set for every man to flout the law, or withdraw his expression of trust. In both cases, the result is disrespect for a system of law and points the way to anarchy.

No one has stated the case against governmental lawlessness more eloquently than Justice Louis Brandeis in a strongly worded dissent in the 1928 case of Olmstead against United States:

> In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution.

We must move to bring the Government's surveillance and snooping powers under effective congressional control and review immediately. Today, I am introducing legislation creating a Joint Committee of the U.S. Congress on Individual Rights.

First. This Joint Committee on Individual Rights will be strictly bipartisan. Of its 20 members, the 10 Senate members that will be named by the President of the Senate, and the 10 House members that will be named by the Speaker of the House of Representatives, will be equally divided between the majority and minority parties.

Second. This Joint Committee on Individual Rights will conduct continuing, regular hearings on each and every agency and department of the Government that conducts surveillance or collects, processes, stores and uses personal information about specific individuals.

Third. At least once each year, officials of the CIA, the FBI, all military surveillance units, and each and every agency of the Government that conducts personal information operations will appear before the Joint Committee on Individual Rights to testify under oath and provide all relevant books, papers, records or other documentary evidence so that the Joint Committee on Individual Rights can ascertain the scope of Government surveillance and personal information activities, and determine whether these activities are conducted strictly according to recognized guidelines and with legal and constitutional safeguards.

Fourth. The Joint Committee on Individual Rights will provide a regular report to both the Senate and the House on at least an annual basis. This report to Congress and the public will contain the findings of the Joint Committee on Individual Rights on the exact scope and nature of the Federal Government's surveillance and personal information operations. The report will contain the Joint Committee on Individual Rights recommendations for actions and legislation that will maintain the integrity and confidentiality of personal information on specific individuals, guarantee that surveillance and personal data operations are conducted under strict, identifiable legal and constitutional guidelines, and that the constitutionally guaranteed rights of our citizens and their privacy are vigorously protected.

This is the moment for bringing the Government's surveillance powers under scrupulous, responsible congressional control. In addition to maintaining vigilant oversight of Government surveillance activities by Congress, it is critically important that the Joint Committee on Individual Rights evaluate the expanding scope of government authority and powers in this area, and make recommendations for tightening the law to prevent abuse.

No one can view the vast dimensions of government snooping at the Federal, State and local level without being alarmed by the threat it poses to freedom in our society. In my judgment, the corrosive and corrupting effect on the delicate fabric of our system is far greater than any possible benefits to society as a whole.

In his dissent in the landmark Olmstead wiretappng case some 45 years ago, Justice Brandeis cast a prescient eye toward this present era of government bugging and surreptitious snooping and sounded a special warning that vigilance must be exercised whenever special, secret powers that infringe upon individual freedom are handed out and gain a firm foothold:

> Subtler and more far-reaching means of invading privacy have become available to the Government. Discovery and invention have made it possible for the Government, by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.
>
> Moreover, "in the application of a constitution, our contemplation cannot be only of what has been but of what may be." The progress of science in furnishing the Government with means of espionage is not likely to stop with wiretapping.
>
> Ways may someday be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will enable to expose to a jury the most intimate occurrences of the home. Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts and emotions.

Justice Brandeis' speculation about the future of Government surveillance in the post-1928 years has an aura of science fiction about it even today—until you consider the following items:

An article entitled "Crime Deterrent Transponder System" printed in the January 1971 issue of Transactions on Aerospace and Electronic Systems, a publication of the Institute of Electrical and Electronic Engineers. The lengthy article was written by a computer specialist then working for the National Security Agency, the highly secret semi-autonomous agency of the Pentagon which supplies highly technical support of the U.S. intelligence activities and allegedly supplies electronic espionage equipment to the CIA.

The article posits an electronic surveillance system for the prevention of crime:

> A transponder surveillance system is based on three ideas. First parolees, bailees, or recidivists will each carry a small radio transponder, which cannot be removed, as a condition of their release. This transponder will emit a radio signal which gives a positive and unique identification. Second, a network of surveillance transceivers will interrogate the transponders in a neighborhood. Third, a real-time computer will receive the transponder reports, update location and tracking inventories for each subscriber, and control the surveillance process. Every subscriber (a criminal at large, carrying a transponder) must be accounted for at all times, and so if a transponder "disappears," the system will execute an intensive search for it. If the missing transponder is not located very quickly, the police will be automatically notified. The result of this process is that the whereabouts of every subscriber in the surveillance area will be known at all times. . . .

An article printed in Parade magazine on February 20, 1972, entitled "New Bug Hears All":

> The FBI and the CIA are now using a new secret bugging device which bugs and tapes telephone conversations from remote locations.
>
> No agent has to enter the premises of a person under surveillance to install the equipment.
>
> The device can be attached to a telephone pole, telephone line or to a cable vault. It sets up a radio frequency wave which triggers a switch in the telephone to be bugged. Even with the telephone on its hook, the sound waves in the room are picked up and the conversation transmitted to waiting tape recorders.
>
> The device was recently described by Clyde Wallace, an electronics manufacturer at a symposium in Washington, D.C. of the Association of Federal Investigators.

Article titled "U.S. Is Testing System to Use All Radio, TV" in the Washington Post for Friday, November 3, 1972:

> The Defense Department has started testing a special communications system that would have the ability to turn on automatically every radio and television set in the country to receive messages from the government.
>
> However, current Nixon Administration policy will not permit the system to be used for that purpose, according to a spokesman for the Pentagon's Defense and Civil Preparedness Office, which is testing it.

> Called the Decision Information Distribution System, it would be used initially to turn on radio sets in police and fire stations in "strategic locations" in emergencies, according to the spokesman . . .
>
> Kenneth Miller, head of the Federal Communications Commission Emergency Communications Office, told The Washington Post that the Defense Department system would operate on long-wave frequencies below the standard AM radio band. "It could turn on radios and television sets automatically and already has been tested," he said.

Two days previously the contents of a 300-page master plan, titled "Communications for Social Needs," prepared for the President's Domestic Policy Council at the request of the White House Director of the Office of Science and Technology was revealed. The August 1971 report contained a number of proposals, including one to put special FM radio receivers in every home to permit the government to contact directly with every citizen 24 hours a day. Although the Director of the White House science office stated that the plan had been rejected, the Washington Post story revealed the existence of strikingly similar DOD plans, and the actual construction of a testing station in Edgewater, Md.

One does not have to judge the validity of Justice Brandeis' prediction of the development of devious devices, however, to become concerned about the extent of government snooping, bugging, spying, and prying on private citizens through the use of relatively mundane means and the increased capability to store and transmit this data without the knowledge much less the assent of the Congress.

In 1967, I expressed my particular concern that there were a number of events and developments at that time which seemed to indicate to me an alarming trend in this country toward police-state tactics. In a speech on the floor of the Senate on February 23, 1967, I referred to the following specific developments:

First. The lavish subsidization of the National Student Association and other private domestic organizations by the Central Intelligence Agency;

Second. The widespread use of wiretapping and eavesdropping by Government agencies;

Third. The subsidization of supposedly legitimate books by the U.S. Information Agency, primarily for propaganda purposes;

Fourth. The use of private detective agencies by large corporations such as General Motors to harass a private citizen such as Ralph Nader;

Fifth. The widespread practice of industrial spying to discover competitor's corporate secrets; and

Sixth. The use of a large private detective firm, The Wackenhut Corp., with tentacles involved in politics and other affairs in much of the world, by the State of Florida, allegedly to conduct a widespread investigation into crime and corruption.

The common element of each of those developments was that they were conducted covertly, secretly. Even more important than the common cloak of secrecy was that all of those activities involved an element of dishonesty—denials that the very actions were not taking place.

On April 15, 1971, I first introduced legislation to provide a thorough investigation of the domestic surveillance and intelligence activities being carried out by the Government. In a speech on the Senate floor, I stated that clandestine intelligence operations constitute a continuing threat to our existence as a free and open society. This threat exists so long as Congress—as the representative of the public—has no suitable mechanism or capability to continually and accurately monitor the activities of governmental data gathering agencies.

The previous day, April 14, 1971, it was revealed that the FBI engaged in general surveillance at the Earth Day Rally that was held in Washington on April 22, 1970. As the one who initiated and planned the organization of the first Earth Day celebration in 1970 and the subsequent Earth Week events, it is inconceivable to me that the FBI could have any legitimate excuse for conducting surveillance over these activities. When the FBI asserts that this kind of political activity is within their jurisdiction, then no political expression of any kind is beyond their reach including the annual meetings of the chamber of commerce or the Daughters of the American Revolution.

Earth Day 1970 was a dramatic and massive event through which the individual citizens of this Nation expressed their concern over the status of our environment. That expression was conducted in a peaceful, democratic, and uniquely American way. It involved millions of citizens. Thousands of grade schools, high schools and colleges participated. At least 150 Members of Congress, numerous Governors, and 100 representatives of the Nixon administration participated in these events. It is nothing short of incredible that this peaceful celebration of the environment should come under the scrutiny of the Federal Government and be subject to FBI surveillance.

On August 30, 1972, Senator ERVIN released a staff report of the Constitutional Rights Subcommittee entitled "Army Surveillance—A Documentary Analysis." This report revealed for the first time the shocking and extensive degree to which the U.S. Army monitored the activities of ordinary citizens and civilian organizations. This raw information was subsequently filed in thousands of dossiers and computer data banks. Analyzing only a portion of the military's actual intelligence-gathering efforts and their data files, the report documents the Army's overzealous and dangerous invasion of first amendment rights of speech, assembly, religion, press, and petition, and the danger which these activities pose to the privacy and freedom of all citizens.

The report concluded that the Army's snooping was useful for "no legitimate—or even illegitimate—military purpose" in controlling civil disturbances. Still there appears to have been over 350 separate Army record centers containing files on over 100,000 civilians. Furthermore, these files contained raw data on the intimate private lives of law-abiding citizens gathered by a variety of dubious and covert means.

In the September 5, 1972, issue of the Evening Star and Daily News, James J. Kilpatrick summarized the staff report's analysis of the Army's civilian surveillance activities and raised the specter of George Orwell's 1984. More importantly, Mr. Kilpatrick framed a question and an answer which anyone who is concerned with maintaining individual liberties in this country must carefully ponder:

> How did this outrageous invasion of constitutional rights get started? It was for the best of motives: The Army wanted to prepare itself for the threat of internal revolution and major civil disorders. Then the cancer of bureaucracy went to work. People had to appear to be "doing something." Vast quantities of useless material piled up, and the technological wonders of computerized data processing did the rest.

The warning that erosions of individual liberties often begin in the most innocuous of ways has been sounded many times previously. Justice Bradley, writing in the 1885 case of Boyd against United States, declared:

> It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed.

Questions concerning the extent and legitimacy of surveillance and data-gathering activities of the Government are difficult if not impossible to answer because neither the Congress nor the public knows the full range or the dimension of these actions. It is time that the Congress and the American people find out. However well intentioned surveillance and information collection of ordinary citizens may be, if these activities remain without effective congressional oversight and are undefined and uncontrolled, they will eventually deprive us of more liberty than they protect for us.

There are several aspects about modern governmental surveillance which make its regulation and conformation to constitutional principles more difficult. First of all, the advances of modern technology permit surveillance which is more difficult to detect, easier to accomplish, and more susceptible to highly sophisticated assimilation and distribution. Then, the legality of many types of Government surveillance has never been completely clear. Furthermore, an increasing amount of surveillance is preventive or anticipatory rather than investigatory or prosecutorial. Thus it usually involves observation for use in connection with some future unspecified conduct by the individual or organization, rather than a legitimate governmental concern as to some specific past conduct or action.

The particular danger of anticipatory eavesdropping is the ease with which its focus becomes deflected from possible criminal activities and directed toward political expressions and legitimate private acts. Justice Powell directed attention to this aspect of prospective surveillance in his opinion last year in *United*

States v. *United States District Court,* 407 U.S. 297 (1972), when he stated:

> History abundantly documents the tendency of Government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger of political dissent is acute where the Government attempts to act under so vague a concept as the power to protect "domestic security." Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent.

The classic example of the danger to political freedom which is inherent in a method which seeks anticipatory information, is the apparent transformation from investigation to intimidation which is expressed in one of the FBI documents prepared in the Philadelphia field office and released to the press in September of 1970 as the so-called Media Documents. In one of the 1970 memos, an FBI agent writes upon returning from a political conference:

> There was a pretty general concensus (sic) that more interviews with these subjects and hangers-on are in order for plenty of reasons, chief of which are it will enhance the paranoia endemic in these circles and will further serve to get the point across there is an FBI agent behind every mailbox.

One of the final difficulties of controlling modern governmental surveillance is that the growth of the United States from a nation of less than 4 million in 1790 to its present population of well over 200 million has resulted in an expansion of private and governmental service operations which must have information to perform their duties.

Recently, Prof. Alan Westin headed a 15-member team which did a 3-year study for the National Academy of Sciences on the implications of computer databanks on individual privacy and the integrity of personal information which is collected and stored therein. The report, "Databanks in a Free Society," concluded that, at this time at least, fears of massive misuse of these systems and the private data that they contain are unfounded. However, the report suggests that the next 5 years will be a critical period and the need for the establishment of a legal and social framework to provide the appropriate safeguards for privacy and due process is, indeed, timely.

The report makes specific reference for the need for mechanisms for public scrutiny and review, for the need for rules governing the use and accessibility of both government and private personal data systems. In the recommendations for laws, the report calls for the establishment of entry rights to give any person access to his or her own records and the right to make explanatory or corrective entries.

In the concluding paragraphs of "Databanks in a Free Society," the continuing challenge of data accumulation in a free society is succinctly stated:

> If our empirical findings showed anything, they indicate that man is still in charge of the machines. What is collected, for what purposes, and with whom information is shared, and what opportunities individuals have to see and contest records are all matters of policy choice, not technological determinism. Man cannot escape his social or moral responsibilities by murmuring feebly that 'the Machine made me do it.'

This conclusion and statement of the human dimensions of the issue of data collection and individual privacy has been similarly stated by Prof. Arthur R. Miller in his 1970 book, "The Assault on Privacy":

> The challenge of preserving the individual's right of privacy in an increasingly technocratic society, even one with a democratic heritage as rich as ours, is formidable. But it is one that policy-makers in government, industry, and academe simply cannot avoid . . . (T)he task of formulating an overall scheme for protecting privacy logically must begin with an attempt to refurbish the current patchwork of common-law remedies, constitutional principles, statutes, and administrative regulation.

The exercise of human control over eavesdropping devices, the uses to which the devices are put, and the integrity of the personal information which is collected and stored has always been the major issue. It is exactly in the determination of these policy choices that many observers feel that the degree of human control and due process that are being exercised over Government surveillance activities at the present time, particularly in the area of electronic eavesdropping, are not keeping pace with events.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968—Public Law 90-351—makes it a crime to traffic in electronic eavesdropping devices and to intercept a telephone call or private conversation without a court order. However, under this law, both Federal law enforcement officials, as well as local prosecuting attorneys can get permission to tap or intercept conversations. The control which this statute seeks to exercise over the electronic eavesdropping activities of law enforcement officials and private snoopers is perhaps equally notable for the exceptions which are written into the law. The opportunity for abuse is increased where it appears to be sanctioned under the guise of law.

Title III of the Omnibus Crime Control and Safe Streets Act is troubling because while it legislatively establishes a system of governmental wiretapping and electronic bugging under court orders, it also legitimizes governmental interception without a court order in a great many situations. Thus title III permits the interception of any conversations by law enforcement officials where one of the parties to the conversation has consented to the eavesdropping. This exception is a virtual invitation to expand the use of private informers who either record a conversation themselves for the Government or transmit the conversation to an outside party.

The fourth amendment requires that the area to be searched and the things to be seized under a warrant issued by a judicial officer be described with particularity in the application for the warrant. This is obviously most difficult or impossible to do in wiretap applications since alleged prospective criminal conversations can only be described in a most general way before they occur. As a result, a relatively unlimited range of noncriminal and criminal conversations may be intercepted under the terms of a warrant wiretap. Thus, the control which a warrant is supposed to exercise over dragnet interceptions is rather dubious.

This limited control is further weakened in title III by the establishment of a dual system of court authorized tapping and bugging. Under this law, both State and Federal magistrates may issue orders authorizing State or Federal law enforcement officers to conduct legally sanctioned eavesdropping in a wide variety of crimes. This double system, as well as the loose requirements of the warrant application itself, makes warrant shopping a less rigorous process.

Title III authorized taps also be used for dragnet interceptions because this portion of the law does not address itself to whether taps are authorized for continuous eavesdropping during each 30-day period, or whether they must be limited to certain time periods when the specific incriminating conversations are likely to occur.

The investigations in which wiretapping and electronic eavesdropping may be authorized are not narrowly restricted by title III. In fact, State officers may be authorized to seek approval to tap or bug in connection with any "Crime dangerous to life, limb or property and punishable by imprisonment for more than 1 year."

Title III also permits officers to tap or bug first and then seek judicial approval later in an ex parte hearing where only the Government position is heard. Other glaring problems involve the lack of a right of notice to individuals who may be innocently overheard, and a wide and inviting exception for undefined "national security" cases.

In a 1969 article in the Michigan Law Review titled "The Legitimation of Electronic Eavesdropping: The Politics of 'Law and Order,'" Prof. Herman Schwartz summarized some of the troubling efficiencies in title III:

> The openhandedness of Title III is such that eavesdropping without its blessings will rarely be necessary. The combination of a shopping list of eavesdroppable offenses, a less-than-airtight court order system, generous "emergency" powers, broad "national security" provisions, and a somewhat ambiguous provision permitting electronic surveillance for offenses "about to be" committed ensures that an alert investigator will always be able to tune in legally, at least for a limited period of time.

Statistics published annually by the Administrative Office of the U.S. Courts demonstrate the increasing utilization of title III eavesdropping authority. In the first 4½ years after enactment of the 1968 law, State and Federal courts have authorized more than 2,700 orders for interception. State and Federal law enforcement officials have tapped more than 1,623,000 conversations involving 120,000 or so people.

While court-authorized eavesdropping increased some 43 percent between 1970 and 1972, Federal authorizations have actually declined. The bulk of the increased use of title III authority has been in orders for interception signed by State judges. Whereas there were 174 intercept orders issued by State judges in 1968, this number ballooned to 649 orders by State judges in 1972. The majority of these State-ordered intercepts occurred in the New York metropolitan area. In 1972, 45 percent of the State-ordered intercepts were issued in New York and 36 percent in New Jersey. The remaining 18 States which have adopted conforming wiretapping and bugging legislation utilized the remaining 19 percent of the State-authorized interceptions.

In the 841 cases during 1972 where applications for interceptions were approved by either Federal or State magistrates and devices installed, the bulk of the interceptions involved a telephone wiretap—779—and were specified for two specific categories of crime: gambling—497—and narcotics—230.

There is every reason to believe that the figures reported each April by the Director of the Administrative Office of the U.S. Courts represents only a fraction of the wiretapping and electronic eavesdropping by the Government. Tapping and bugging without court authorization under the consent and national security exceptions is believed to be as common at the Federal and State level as court ordered interception.

In "A Report on the Costs and Benefits of Electronic Surveillance—1972" written for the American Civil Liberties Union by Professor Schwartz and issued March 1973, the question is raised as to the real value that has been gained by electronic surveillance, particularly as it is authorized by the 1968 law:

> The minimum costs, on the other hand, are quite clear—the privacy of *at least* tens (and perhaps hundreds) of thousands of people have been invaded, often in a deliberate effort to chill free speech and association, as the Media papers show, where national security surveillance is concerned; many, many millions of dollars are being spent at a time when social services, which might help to get at the roots of the forces that breed crime, are being starved. And with what results? A handful of convictions of gamblers, pushers, and the like in a "war against crime" that can probably never be won by law enforcement methods. Surely, we have less pernicious ways to spend our scarce dollars.

The issue which must continually be faced is basically two-fold. First of all, there is the need to balance the rights of individuals to be secure in their persons and their personal or political thoughts, and the need to safeguard the capacity of government to function. Second, there is the question as to the method or mechanism by which this balance is determined and decided.

In the recent case of *United States* v. *United States District Court* (407 U.S. 297 (1972)) the Government asserted the right to tap domestic organizations without a warrant under the broad mantle of authority for so-called "national security" cases. Justice Powell, writing for the Court in this 8–0 holding against the contention of the Government, acknowledged the need for the balancing of interests between the private citizen and organized society. After stating the need for maintaining public order, Justice Powell cautioned:

> But a recognition of these elementary truths does not make the employment by government of electronic surveillance a welcome development—even when employed with restraint and under judicial supervision. There is, understandably, a deep-seated uneasiness and apprehension that this capability will be used to intrude upon cherished privacy of law-abiding citizens.

As to the question of how the national interest is balanced with individual interests in the specific case of domestic political activity, Justice Powell noted:

> (A) governmental search and seizure should represent both the efforts of the officer to gather evidence of wrongful acts and the judgment of the magistrate that the collected evidence is sufficient to justify invasion of a citizens private premises or conversation. Inherent in the concept of a warrant is its issuance by a "neutral and detached magistrate" . . . These Fourth Amendment freedoms cannot be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch.

If the questions of balancing interests of individual liberty and national order are so overriding in the case of claims of national security that the method of balancing must be conducted by a "neutral and detached magistrate," and not by the agency prosecuting the surveillance, it is certainly much more important to have a full and complete knowledge of the justifications for surveillance and the collection of individual information where the national interests that are involved are much less critical.

In 1971, then Assistant Attorney General William H. Rehnquist of the Office of Legal Counsel of the Justice Department testified before the Senate Subcommittee on Constitutional Rights:

> We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. . . . I think it quite likely that self-discipline on the part of the Executive branch will provide an answer to virtually all of the legitimate complaints against excess of information gathering.

The illusion that "self-discipline on the part of the executive branch" will sufficiently guard against excesses of information gathering zeal within that same Executive branch has been shattered by subsequent events. We can no longer permit the fox to guard the henhouse where the individual liberties of our citizens are involved.

Now is the time for Congress to act to restore control over the use, misuse, overuse, and abuse of Government data-gathering and establish the appropriate mechanism to both secure continuing knowledge on the specific nature and scope of these activities and to assure that the constitutional balance between national interest and personal freedom is maintained at all times.

Writing in Vanity Fair in an article "In Defense of Liberalism" in November 1934, Walter Lippmann outlines the basic strengths of the liberal philosophy:

> The liberal philosophy holds that enduring governments must be accountable to someone beside themselves; . . . It holds, therefore, that there must be civil liberty so that opinions may be formed and expressed. The liberal faith in civil liberties is due to a realization that rulers need criticism to check them and to inform them, that the ruled need freedom to have ideas and express them in order to contribute what their own experience teaches them, to vent their grievances, to prepare themselves for responsibility.
>
> This is the political justification of liberty; it is founded, however, on a deeper insight into the nature of man and his history. The liberals believe that no rulers are wise enough to plan the destiny of mankind. They maintain therefore that the power of government must be limited, and that beyond those limits government must protect the freedom of men. They rely upon the initiative, the inventiveness, the endurance of individuals who, given opportunity, are challenged by it. They hold that a wide distribution of responsibility is the surest foundation of a society, that self-reliant individuals will sustain the nation when its governors fail, that among those individuals new governors will be trained and recruited.

This Nation is in need of a strong infusion of this type of philosophy. The only way in which this can occur is through the strengthening of individual self-reliance and the freedom of political expression and thought. Our security and our liberty are best served by adherence to constitutionality rather than reliance upon expediency.

Mr. President, I ask unanimous consent that a copy of the joint resolution to establish a Joint Committee on Individual Rights be printed in the RECORD along with the text of speeches I delivered in the Senate on this subject on February 23, 1967, and April 15, 1971.

There being no objection, the joint resolution and statements were ordered to be printed in the RECORD, as follows:

S.J. RES. 124

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to enable the Congress to carry out more effectively its constitutional responsibility to oversee the extent to which the activities of the United States Government invade the right to privacy of individuals, and in order to provide the Congress with an improved means for formulating legislation with respect to the activities of the United States Government and the protection of the right to privacy and other constitutional rights of individuals, there is established a Joint Committee of the Congress which shall be known as the Joint Committee on Individual Rights (hereafter referred to as the "Joint Committee"). The Joint Committee shall be composed of ten members of the Senate to be appointed by the President of the Senate, and ten members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each case, five members shall be appointed from the Majority Party and five members shall be appointed from the Minority Party.

(b) The Joint Committee shall select a Chairman and a Vice Chairman from among its members.

(c) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 2. It shall be the function of the Joint Committee—

(1) to make a continuing study of the extent of surveillance of individuals and the method of surveillance of individuals by any department, agency, or independent establishment of the United States Government as such surveillance relates to the right to

privacy, including an examination of the authority for such surveillance, the need for such surveillance, and the standards and guidelines used to protect the right to privacy and other constitutional rights of individuals;

(2) to make a continuing study of the collection, processing, analysis, storage, and dissemination of information concerning specific individuals, collected by any department, agency, or independent establishment of the United States Government, as it relates to the right to privacy, including the authority and need for such collection, processing, analysis, storage, and disssemination, and the standards and guidelines established to protect the right to privacy and the other constitutional rights of individuals and, as appropriate, to protect the confidentiality of the information obtained; and

(3) as a guide to the several Committees of the Congress dealing with legislation with respect to the activities of the United States Government and the protection of the right to privacy and other constitutional rights of individuals, to file reports at least annually, and at such other times as the Joint Committee deems appropriate, with the Senate and the House of Representatives, containing its findings and recommendations with respect to the matters under study by the Joint Committee, and, from time to time, to make such other reports and recommendations to the Senate and the House of Representatives as it deems advisable.

SEC. 3. (a) The Joint Committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the Joint Committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the Joint Committee then holding office.

(b) Subpenas may be issued over the signature of the Chairman of the Joint Committee or by any member designated by him or the Joint Committee, and may be served by such person as may be designated by such Chairman or member. The Chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–794) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House of Representatives, or any subcommittee, the Joint Committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the Chairman of the Joint Committee determines that such services are necessary and appropriate.

(d) The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee, upon vouchers signed by the Chairman of the Joint Committee or by any member of the Joint Committee authorized by the Chairman.

(e) Members of the Joint Committee, and its personnel, experts, and consultants, while traveling on official business for the Joint Committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

[From the CONGRESSIONAL RECORD, Feb. 23, 1967]

THE ALARMING TREND TOWARD POLICE-STATE TACTICS

Mr. NELSON. Mr. President, I think there is cause to be deeply disturbed by a number of developments recently which seem to indicate an alarming trend in the country toward the use of police-state tactics.

I refer to the following developments:

First. The lavish subsidization of the National Student Association and other private domestic organizations by the Central Intelligence Agency.

Second. The widespread use of wiretapping and eavesdropping by Government agencies.

Third. The subsidization of supposedly legitimate books by the U.S. Information Agency, primarily for propaganda purposes.

Fourth. The use of private detective agencies by large corporations such as General Motors to harass a private citizen such as Ralph Nadar.

Fifth. The widespread practice of industrial spying to discover competitor's corporate secrets.

Sixth. The use of a private detective agency by the State of Florida, allegedly to conduct a widespread investigation into crime and corruption.

All of these developments, have provoked considerable publicity, and most of them have been criticized in one way or another. When we view all of these developments and others like them as a developing trend or pattern in our society, I think we have reason to be gravely concerned as to whether the United States of America, perhaps unwillingly and unwittingly, is veering away from its traditional role as a free society and drifting toward a passive acceptance of the repulsive practices of a police state.

All of these disturbing developments have certain things in common.

In the first place, all have been carried out under a cloak of secrecy. That alone raises grave questions of public policy. Although there might be a few selected instances where secrecy can be justified by Government agencies or by giant corporations dealing with public questions, as a general rule secrecy is inevitably contrary to the public interest and a step toward corruption and tyranny.

Even more important than their common cloak of secrecy, all of these six activities have involved an element of dishonesty.

When our world-famed intelligence service took over the largest student organization in America, it was not merely an act of secrecy. It was an act of out and out dishonesty. Time after time our Government has denied Communist charges that American students abroad were being used as spies. Now it appears possible or even probable that these statements issued by our Government by students themselves and even their parents were lies. Note that the CIA urged the NSA to deny it was subsidized—in other words, to state that Ramparts magazine, rather than the NSA or the CIA, was lying about this secret arrangement. This was a clearly dishonest arrangement.

When Federal agencies tap telephones and bug hotel rooms, they are not merely acting in secret—they are acting dishonestly. For the law, Government regulations, and the comments of high Government officials have all reassured us that these things were not being done. These assurances, it now appears, were lies.

The subsidizing of books by the U.S. Government is more than an act of secrecy. It is an act of dishonesty, for anyone buying such a book without knowing that it is paid, Government propaganda, is being cruelly deceived.

In the Ralph Nader case, neither General Motors nor the private detective which it hired, Vincent Gillen, seemed to understand that one of the most loathsome aspects of this case was its dishonesty—not just its secrecy.

Detective Gillen lied repeatedly in conducting his investigation; he lied about his name, he lied about his purpose, and he lied about his sponsors. Gillen now tells us that General Motors also lied in saying that the purpose was to find out if Nader was behind lawsuits involving Corvair automobiles. Documentary evidence plus Gillen's own testimony now indicate that dishonesty prevailed throughout this sordid case.

Now the same secret, reprehensible tactics are being employed on a grand scale in the State of Florida. The newly elected Governor has engaged a close personal friend, George R. Wackenhut, and directed him to unleash his detective agency throughout Florida in search of "corrupt officials."

The Wackenhut Corp. has 5,000 employees in 28 offices stretching from Puerto Rico to Hawaii, with subsidiaries in several Latin American countries. Mr. Wackenhut, himself, is deeply involved in politics, both National and at the State level. His firm reportedly does $23 million a year in business. In 1955 he was cited for comtempt of court in Dade County circuit court and fined $100 for intimidating a witness. In this case, Wackenhut reportedly lied in telling the witness that Wackenhut had secretly recorded a conversation with the witness through use of a concealed dictaphone. Wackenhut's board of directors include members of the John Birch Society and a number of persons active in national political organizations.

According to the Washington Post, Wackenhut's firm is paid $3 million a year by the Atomic Energy Commission.

Now this gigantic organization, with its tentacles involved in politics and other affairs over much of the globe, has gone to work for a high public official. Presumably it will have access to all manner of official documents, police files, FBI files and other material generally available only to responsible public officials.

I have said that all of these deplorable developments have in common the elements of secrecy and dishonesty. Yet they have in common something even worse.

Mr. President, the worst thing about all of these practices is that the main victims are our own citizens and in many cases these victims are citizens completely innocent of any wrongdoing. Furthermore, these innocent American citizens in many cases will find themselves completely unable to make a satisfactory defense against these secret, police-state tactics.

That is what makes these practices so un-American, and that is why they should not be tolerated by the American people.

The most important answer which applies to all of these practices is this:

"We cannot conquer communism or crime by adopting Communist or criminal tactics."

Also, it must be remembered, in every one of these cases, as I have said, the probable victims are not Communists and criminals, but innocent citizens. The whole purpose of the U.S. Constitution and its world-famed Bill of Rights is to protect innocent citizens from arbitrary tactics by the agencies of government. If a citizen does commit a crime, specific constitutional procedures are spelled out under which the charges must be documented and filed against him and he must have an opportunity to confront his witnesses and defend himself in a court of law. The Constitution specifically forbids that any citizen be deprived of his constitutional rights without due process of law.

Wiretaps and microphones hidden behind family portraits or in a martini olive are not a part of what the Constitution means when it talks of "due process of law." In fact, these are tactics which are used to get around due process.

Since the Constitution says you cannot make a man testify against himself, government and private detective agencies try to secretly record his conversations with his wife, his children, his neighbors, and his business associates to get information which they can use against him and which they cannot obtain in a constitutional manner.

Wiretaps and bugs have not yet been invented which will record only the conversations of the guilty. They record far more conversations of the innocent. Yet even the most innocent conversation, placed in the hands of government agencies or private detectives, can be used to destroy the reputation and the economic standing of almost any citizen in this Nation.

When the Central Intelligence Agency moved in on the National Student Association with its bulging suitcase filled with taxpayers' dollars, it was not damaging international communism—it was damaging an important American institution—a free association of college students. Without the knowledge of most of the students themselves, the CIA transformed this free student association into a Government-operated spy nest and destroyed the value of almost everything these idealistic students strove to accomplish over a 15-year period.

The only basis for holding our young people up as examples to the world is the fact that they are free. They are not the paid stooges of the Government as many Communist students are. By infiltrating the National Student Association with CIA agents and taxpayers' dollars, we have undermined the most important thing that our students stood for. The next time our students cite their all-important American freedom, they will receive smirks from the other side of the aisle.

You cannot adequately judge the evil of any of these practices I have cited if you think of how they affect only Communists and criminals. One must consider first of all how they affect innocent American citizens, how they tarnish the American ideal, how they corrode the free society of our ancestors so valiantly fought to create.

Secret slush funds such as the CIA used, wiretapping devices such as Government agencies use, secretly subsidized American books and cloak-and-dagger private detective agencies are not subject to the checks and balances so cherished by free American citizens.

If you should be one of those who think it all right for the CIA to finance the NSA, then what conceivable check would you provide on such activity? Would you allow an individual agent to pass out $400,000 a year to such an association in any way he saw fit? Could he bestow such funds on his friends within the organization? Could he use them conceivably for immoral purposes? Since we did not know that this was being done in the first place, how would we know that the amount of money poured into this sordid scheme was a wise investment? In other words, what kind of budget review could a free society carry out on this secret operation? We have already read how CIA money was used to finance a ludicrous bookselling operation run by a group of high living, naive young businessmen.

Police officers are subjected to strict rules and regulations. Many of them serve heroically for a lifetime at low pay, even in the face of great danger. They live in a goldfish bowl because society holds them to high standards of conduct. What standards do we apply to private detectives and secret agents who are now padding about the country, financed by taxpayers' dollars, subjected to none of the rules and regulations applied to policemen, with virtually no budget review as to how they spend the taxpayers' money, free to operate in almost any way it suits their purpose and the purposes of their farflung clients?

I think it is worthwhile considering for a moment what happened in Germany.

After World War I, Germany was a defeated nation suffering from severe economic problems and political disunity which bordered on anarchy. The problems of the nation were so great and the morale of its people was so low that they put themselves into the hands of a dictator who promised to correct the greatest problems. By crusading against what he described as corrupt and sinister minority forces—primarily communism and members of the Jewish faith—he managed to unite much of the nation. By constructing a mighty war machine he managed to put the German factory and workers back to work again. So the great concerns of the German public appeared to have been met. Yet he did this at a terrible cost. He instituted police-state terrorism. He abolished the constitutional guarantees such as we have in our Constitution and Bill of Rights. He developed propaganda into an art form. In this case too, the intelligence service, the wiretapping, the propaganda publications and the cloak and dagger investigations were aimed at Communists and criminals—at least as he defined them.

The United States of 1967 is by no means the Germany of 1933; I do not mean to exaggerate. But if the people of America tolerate the intrusions of the CIA into free domestic institutions such as the National Student Association, if they tolerate indiscriminate wiretapping and electronic eavesdropping by Government agencies, if they allow their taxes to be spent to corrupt authors and subsidize what appear to be legitimate books, if they allow private detectives to silence those who would criticize our society, we will have gone a long way toward embracing the police-state psychology which gripped Germany following World War I and sowed the seeds of disaster.

It is not enough to say that "it could not happen here." These recent developments have shown that it can—without our knowing it. It may be that the last several Presidents and a few selected congressional leaders were aware that the National Student Association was a front for our international, secret intelligence operation. But most Congressmen and Senators were unaware of it; certainly the press was not aware of it nor was the public and, therefore, this secret intelligence service was in a position where it could have done grave harm to American democracy without our even knowing it.

It may be that the last few Presidents and a few key Government officials are aware that Federal agencies are tapping telephones, bugging offices and homes, but Secretary of the Treasury Dillon assured Senator LONG of Missouri on July 13, 1965, that wiretapping was absolutely banned by the Internal Revenue Service. To his embarrassment, the Secretary's own counsel informed him that the IRS was tapping public telephones in the IRS building in Washington. It was revealed later that the Internal Revenue Service and the Treasury Department had been conducting a course for agents in the art of electronic snooping.

The president of General Motors has assured us that he did not know that his firm had hired Vincent Gillen to probe into every aspect of the personal life of Ralph Nader in an obvious attempt to silence him. I am sure we will soon hear of something done by the Wackenhut Corp. of which the Governor of Florida was blissfully unaware.

What this shows is that democratic institutions cannot control police-state tactics once they are set in motion. If secret agents are given millions of dollars to dispense in secret, if investigators are allowed to break into homes and install eavesdropping devices, then the people given these special, secret powers become a kind of new government all their own. That is why the secret police in Germany and Russia become so powerful, once they were allowed to do things which were outside the law and forbidden to other agencies. Once they acquired these powers and gathered their secret information, they became a law unto themselves.

Once we embark upon the use of police-state tactics, even if we piously protest that we are using these tactics only on Communists and criminals, we take a long step away from democratic self-government.

I think the time has come to call a halt. I think that the President of the United States, the Congress, the Federal agencies, State and local government and large corporations which carry heavy public responsibility should all pledge themselves to abstain from such practices in the future.

I do think the Congress should inquire into this whole sordid business and find out just how widespread and just how vicious it has become. I think that kind of cartharsis would be helpful. But I am primarily concerned about the future. Even if we cannot purge ourselves of all that has happened before, we should make a clear, firm promise that these things will not be done again. If government and the public does not insist upon such a promise, I fear for the future of democracy in these United States.

Wiretapping by Government should certainly be limited to cases involving national security.

All private bugging should be outlawed with stiff penalties.

The CIA's jurisdiction and method of supervision should be overhauled.

The employees of the CIA are certainly dedicated American citizens. The organization has a critical intelligence gathering function. The national security must be protected by the effective performance of that function. However, recent events would seem to clearly indicate that the limits of its role must be more clearly delineated and its activities more carefully supervised.

Wiretapping and electronic eavesdropping should be used only in the interest of national security. This should apply to subversion and organized crime, under court authorization with annual review by Congress.

[From the CONGRESSIONAL RECORD, Apr. 15, 1971]

CONGRESSIONAL CONTROL OF DOMESTIC SURVEILLANCE AND INTELLIGENCE OPERATIONS

By Mr. NELSON:

S. 1550. A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution. Referred to the Committee on the Judiciary.

THE CONSTITUTIONAL RIGHTS AND CIVIL LIBERTIES PROTECTION ACT OF 1971

Mr. NELSON. Mr. President, I introduce a bill to establish a commission, entitled "The Constitutional Rights and Civil Liberties Protection Act of 1971," and I ask that it be appropriately referred.

I think there is cause to be deeply disturbed by a number of developments recently which seem to indicate an alarming trend in this country toward the use of police-state tactics. Just over 4 years ago on February 23, 1967, I spoke on this issue on the Senate floor specifically directing attention to the disclosures of CIA subsidization of domestic organizations; the widespread use of wiretapping: the Government funding of propaganda books for the U.S. Information Agency; and the growing abuses of private and corporate spying.

Since that time, such activities have quite obviously expanded and proliferated within the Federal bureaucracy as evidenced by such recent disclosures as the widespread Army spying and FBI surveillance of Earth Day events last year.

This type of activity, carried out under a cloak of secrecy, is contrary to the public interest. Clandestine intelligence operations constitute a continuing threat to our existence as a free and open society and this threat is amplified so long as Congress—as the representative of the public—has no suitable mechanism or capability to continually and accurately monitor the activities of governmental intelligence agencies. Congress must be in a position to assure the public that the interests of national security are balanced by constitutional guarantees of political freedom and individual civil liberties.

The necessity for this type of overview capability, particularly for the Congress of the United States, has been accentuated and made abundantly clear. Revelations have been made during the past year of an extensive, apparently uncontrolled network of Government military and domestic gumshoes who have been feverishly and indiscriminately collecting and storing a mountain of data on the private and public thoughts, utterances, and activities of individual U.S. citizens and organizations within this country.

This domestic surveillance and intelligence operation has grown secretly. It has spread its eyes and ears into the far corners of American life without the knowledge, much less the assent, of Congress. This type of mass governmental snooping into the private affairs of her citizens impinges upon some of the most vital constitutional guarantees of this country—the right of free and open political expression. Yet, Senators and Representatives have had no more information about the authority and extent of this domestic spying operation than their constituents. The Congress and the public have shared the same shocked reaction when the bits and pieces of this creeping domestic spy network have been exposed in the journals, through Senator ERVIN's persevering questioning in his Constitutional Rights Subcommittee hearings and now in the disclosures of FBI surveillance of last year's Earth Day activities which involved tens of millions of citizens and thousands of communities all over the United States.

In order that Congress may prosecute its legislative duties on an informed basis and responsibly act to protect the public's guaranteed rights of full political thought, expression, and activity, and to guard against unilateral and unwarranted governmental invasions of privacy, I am introducing legislation to create a Congressional Commission on Domestic Surveillance and the Constitutional Rights and Civil Liberties of Individuals. This commission will be comprised of 24 members, six members to be selected from the House of Representatives and six members to be selected from the Senate on an equal bipartisan basis by the Speaker of the House and the President pro tempore of the Senate respectively. These congressional members will in turn select 12 members from the public who are representative of the broad interests to be served by this commission. The chairman shall be selected from the public members by the entire commission.

This Congressional Commission on Domestic Surveillance Activities will be mandated to investigate the entire range of domestic surveillance and intelligence activities in this country and the impact upon constitutional rights to determine:

First, the agencies, offices, and departments of Government which are conducting surveillance and intelligence activities domestically;

Second, the legal authority upon which these activities are based:

Third, the methods by which domestic surveillance is conducted;

Fourth, the range of people and organizations who are subject to any aspect of surveillance;

Fifth, the type of intelligence information which is being collected;

Sixth, the use that is made of collected and stored data;

Seventh, the extent that Government agencies and departments cooperate in surveillance activities and share collected data;

Eighth, the impact of such activities upon the constitutional rights and civil liberties of individuals; and

Ninth, the administrative, executive, and legislative controls which are exercised, or should be exercised, to insure that domestic surveillance activities do not infringe upon the constitutional rights of individual citizens or legitimate organizations.

The Commission will be staffed and funded at a level of $5 million, will have the power to subpena persons and records, and will be authorized to receive information and the assistance of all departments and agencies upon the request of the chairman.

The Commission will be directed to report back to Congress within 1 year with its findings and recommendations for actions and legislation that will enable the Congress to bring these activities under appropriate control and supervision on a continuing basis so as to protect the public interest and rights and liberties guaranteed to individuals by the Constitution.

The American public has a valid right to expect its elected representatives to be in the forefront of all efforts to halt excesses of governmental intervention into the lives of its citizens. Passive acceptance of police-state tactics by the Federal legislature will not only see a continual erosion of individual rights and free expression, it will see the further abdication in the congressional role in constitutional democratic government. In a system dependent upon the checks and balances between branches of Government to assure an open society, this abdication by Congress contributes to the growing lack of confidence in our Government which is spreading across the country.

Albert Camus, the famous writer philosopher and leader in the French underground during World War II, commented upon the Resistance's passionate struggle for liberty in a 1943 letter to a German friend. In his letter Camus said:

"This is what separated us from you; we made demands. You were satisfied to serve the power of; your nation and we dreamed of giving ours her truth."

It is time that the U.S. Congress started to acknowledge some of the truths and historical principles which have nurtured and sustained this country since its birth. It is imperative that Congress begin to act to preserve these visions that were incorporated into our Constitution and Bill of Rights. Democratic self-government demands that vigilance be exercised before special, secret powers that infringe upon freedom are handed out and become firmly entrenched. The preservation of constitutional form will never be served by the erosion of vital constitutional substance.

Congressmen and the country alike first learned of the operation Conus Intel, or Continental U.S. Intelligence, through a magazine article by Christopher H. Pyle in the January 1970, issue of Washington Monthly. When finally unveiled, Conus Intel turned out to be a 2-year operation from the summer of 1967 through the fall of 1969 that was conducted by the U.S. Army and employed some 1,000 Army agents to conduct domestic intelligence activities and collect personal and, political data on citizens ranging from prominent politicians to pacifists, on organizations that spanned the gamut from the Daughters of the American Revolution to environmental groups.

Although it sometimes appeared to resemble a script for a Peter Sellers' English commedy, the activities of Army agents posing as newsmen, infiltrating groups under surveillance, acting as innocent bystanders, and assuming a variety of covers, enabled the omnipresent Conus Intel to turn out 1,200 spot reports a month during 1969 on various incidents throughout the Nation. As reported in the New York Times, Conus Intel also fed the names of about 18,000 Americans into its files during the 2-year period of its existence.

Much of the justification for the current expansion of the Government's power to gather information about its citizens and tuck it away in computers without full public knowledge or congressional authorization is based upon the Justice Department's interpretation of a 1940 Presidential order authorizing the use of wiretaps against "persons suspected of subversive activities." Claiming the inherent power of the executive to "authorize the use of electronic surveillance where the use of such surveillance is reasonably required in the interests of national security," the Justice Department has apparently expanded this power from an authority to stop foreign subversion to an unlimited right to use all forms of domestic surveillance, without seeking the permission of Congress or the courts, against any U.S. citizen or organization which the executive, by its own determination, considers a threat to the national security.

To my mind the Justice Department's reading of President Roosevelt's 1940 memorandum to his Attorney General is fallacious. There is no justification for extensive Government snooping into domestic political activities based on this 1940 order. In the first paragraph of his order, President Roosevelt recognized the danger of widespread Government spying when he agreed with the Supreme Court that it was—

"Also right in its opinion that under ordinary and normal circumstances wire-tapping by government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights."

President Roosevelt went on to limit wiretapping in the national security interest to "grave matters involving the defense of the Nation," to "persons suspected of subversive activities against the Government of the United States, including suspected spies," and specifically requested his Attorney General to "limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." The exigencies of subversion, treason, espionage, and sabotage during World War II conducted by agents of foreign powers are a far cry from the political protests and expressions of political freedom and dissent during the late 1960's and 1970's by U.S. citizens who hold views contrary to those of established "powers" in Washington.

The Justice Department not only assumes the power to drastically expand the definition of "national security," but claims that Congress should not be concerned about possible abuses of this intelligence activity because such excesses of authority will be controlled by "self-discipline on the part of the executive branch." As Tom Wicker noted on March 10:

"They are asking us to set a goat to guard the cabbage patch."

The initial fallacy of the Justice Department's apologia is their failure to note the important distinctions between the Government's rights of action in domestic and foreign affairs. As the courts have repeatedly explained, the Government is limited in the actions it can take in the area of domestic politics. Unlike the area of foreign affairs, the Government can act only to prevent or punish unlawful acts in the domestic arena, not unpopular acts or iconoclastic thoughts.

To permit Government surveillance of lawful activity would have a chilling effect upon the willingness of individual citizens and organizations to exercise their constitutional freedoms of speech, expression, and association and their right to petition their Government for the redress of grievances.

As U.S. District Judge Warren J. Ferguson pointed out in a recently decided case in this field which is currently being appealed:

"The government seems to approach these dissident domestic organizations in the same fashion as it deals with unfriendly foreign powers. The government cannot act in this manner when only domestic political organizations are involved, even if those organizations espouse views which are inconsistent with our present form of government. To do so is to ride roughshod over numerous political freedoms which have long received constitutional protection."

There is no doubt that national security must be protected and is a vital and necessary function of this Government. The Constitution was written, however, with a purposeful balance drawn between the protection of national security and the protection of political freedom for U.S. citizens. As Judge Ferguson concluded:

"To guarantee political freedom, our forefathers agreed to take certain risks which are inherent in a free democracy. It is unthinkable that we should not be required to sacrifice those freedoms in order to defend them."

It is equally fallacious for the Justice Department to conclude that the balance between national security interests and political freedom set up in the Constitution will be guaranteed by executive selfdiscipline. Strengthening and preserving this balance is everyone's business and specifically it is the business of the elected representatives of the people of this Nation.

Yesterday Senator Muskie produced documentary evidence that the FBI conducted surveillance activities over the peaceful, constructive antipollution events of Earth Day last April 22. As the one who initiated and planned the organization of Earth Day last year and Earth Week this year, I am astonished that the FBI could conceivably dream up any legitimate excuse for conducting surveillance over these activities. If the FBI asserts this kind of political activity to be within their jurisdiction then no political activity in the Nation is beyond their reach including the annual meetings of the chamber of commerce and the manufacturers association.

Certainly the framers of our Constitution did not contemplate that the normal political activities of this free Nation would be routinely and secretly monitored by an arm of the Federal Government. Just as certainly, this Congress cannot condone such surveillance and still claim to represent the interests and welfare of the people of this country.

Earth Day was a dramatic and massive event through which the people expressed their concern over the status of our environment in a peaceful, democratic, uniquely American way. It involved millions of people from all walks of life and all age groups from school children to elder citizens. Thousands of grade schools, high schools and colleges participated. At least 150 Members of Congress, numerous Governors, and 100 representatives of the Nixon administration gave speeches at these events. By what constitutional or statutory authority do these events come within the jurisdiction of the Federal Government for surveillance?

All of these questions are difficult if not impossible to answer because neither the Congress nor the public knows the extent or the dimension of these activities. It is time we found out. However well intentioned these surveillance activities may be, if left uncontrolled and the jurisdiction undefined, they will eventually deprive us of more liberty than they will give us.

Congress is as much at fault as the Federal agencies involved, if not more so, because we have defaulted in our own fundamental responsibility to debate, examine, test, and evaluate these activities. We cannot plead ignorance because we all know that it is the very nature of every bureaucracy to expand its jurisdiction and power as far as it is permitted to do so by the authority that has the power to control their activities. The Congress is that authority and it is time for us to act.

This proposal for a commission of citizens and Members of Congress to study, evaluate, and make recommendations to Congress may or may not be the best approach. In my office we have been working on a proposal for the past 3 months. We finally concluded that insufficient information was available to draft a bill to deal specifically with the numerous difficult problems raised by this issue. We concluded, therefore, that the commission approach was the most logical.

Some thoughtful people have suggested that this whole problem be handled by Executive order. The President after all, does have authority over executive agencies and can set guidelines for their activities. In my judgment, to leave this matter exclusively in the hands of the executive branch would be a grave mistake. The Congress has its own responsibility and is not entitled to default in the exercise of it. We have done that for years in respect to foreign policy and military budgets. It certainly is not necessary here to discuss the catastrophic consequences of our default in those areas.

Two further points are pertinent. The surveillance activities we are now concerned about have all grown up under a system which left their control exclusively within the executive branch. In fairness, I might add, most of these activities started and expanded under previous administrations. If left exclusively to the executive branch, what is to prevent some future administration from dramatically expanding these activities far beyond current practices? And finally, how would Congress find out about it since we cannot secure the necessary information in the face of an assertion of executive privilege?

I want to take a moment, finally, to say to the Senate that the Congress' most distinguished constitutional lawyer, Senator Sam Ervin, has been doing a magnificent job in his Constitutional Rights Subcommittee. The distinguished Senator from North Carolina has been diligent in revealing this maze of domestic governmental spy operations. The Senate and the country is indebted to him for the important and constructive work he is doing in this field. He deserves the support and cooperation of every Member of the Congress and the executive branch.

By Mr. COOK:

S.J. Res. 125. A joint resolution relative to governmental control of any medium of mass communication. Referred to the Committee on Commerce.

Mr. COOK. Mr. President, the first amendment to the U.S. Constitution provides probably the most essential right in a democratic society—the right to a free press. The issue of freedom of the press has been raised time and time again during the past few years, and it seems unlikely that the true status of the press in this country will never be properly defined.

One potential threat to a free press has developed by virtue of efforts by some units of Government to own or control media of mass communication. This possibility is extremely offensive to me, and I will resist any such efforts. I believe the Congress must take the same position.

For that reason, I am today introducing a joint resolution expressing the opposition of the Congress to any attempts to assume the ownership, control, or management of any medium of mass communication by any unit of Government at any level. However recognizing the importance of promoting and supporting educational services, the resolution does not apply to noncommercial educational broadcast stations which are often owned by educational systems under State or local governments.

I ask unanimous consent that the full text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 125

Whereas freedom of the press is essential to the operation and preservation of a democratic society; and

Whereas this freedom is threatened by governmental ownership, management or control of any medium of mass communications; and

Whereas it is the intent of Congress to express its concern with the trend toward such control by units of governments at all levels, including Federal, State, and municipal: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress of the United States opposes attempts by governmental units at all levels to own, manage, or control any medium of mass communications, whether it be newspapers, broadcast stations, or cable television systems, excepting, however, noncommercial, educational broadcast stations as defined in the Communications Act of 1934, as amended.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 136

At the request of Mr. Schweiker, the Senator from Louisiana (Mr. Long) was added as a cosponsor of S. 136, to authorize financial assistance for opportunities industrialization centers.

S. 1221

At the request of Mr. Bible, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1221, a bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era.

S. 1543

At the request of Mr. Mondale, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of S. 1543, a bill to amend the Social Security Act to provide for extension of authorization for special project grants under title V.

S. 1662

At the request of Mr. Packwood, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1662, a bill to provide for a daily index of the Congressional Record.

S. 1722

At the request of Mr. Hartke, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 1722, to provide tutors for homebound handicapped students.

S. 1753

At the request of Mr. Hartke, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 1753, to amend the Interstate Land Sales Act.

S. 1769

At the request of Mr. Mansfield (for Mr. Magnuson) the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1776

At the request of Mr. Clark, the Senator from New Mexico (Mr. Domenici), was added as a cosponsor of S. 1776, a bill to amend the Federal Water Pollution Control Act, as amended.

S. 1812

At the resuest of Mr. McIntyre, the Senator from Indiana (Mr. Bayh), the Senator from South Carolina (Mr. Hollings), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of S. 1812, to improve the coordination of Federal reporting services.

SENATE JOINT RESOLUTION 117

At the request of Mr. Inouye, the Senator from Idaho (Mr. Church), the Senator from New York (Mr. Javits), the Senator from Maine (Mr. Muskie), and the Senator from New Jersey (Mr. Williams), were added as cosponsors of Senate Joint Resolution 117, to authorize and request the President of the United States to issue a proclamation designating September 17, 1973, as "Constitution Day."

AMENDMENT TO TRUTH-IN-LENDING ACT—AMENDMENTS

AMENDMENT NO. 230

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. TOWER submitted amendments, intended to be proposed by him, to the bill (S. 1630) to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973—AMENDMENTS

AMENDMENT NO. 231

(Ordered to be printed, and to lie on the table.)

Mr. JOHNSTON (for himself and Mr. Bartlett) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

AMENDMENT NO. 232

(Ordered to be printed, and to lie on the table.)

Mr. HUMPHREY (for himself and Mr. Nelson) submitted an amendment, intended to be proposed by them jointly to Senate bill 268, supra.

AMENDMENT NO. 233

(Ordered to be printed, and to lie on the table.)

Mr. JACKSON. Mr. President, on behalf of Senator Haskell, Senator Hatfield, and myself I am sending to the desk an amendment to S. 268, the Land Use Policy and Planning Assistance Act, to provide additional encouragement to States to exercise States' rights and develop State land use programs. This amendment is supported by the administration; it is contained in the administration's proposed land use bill, S. 924. Furthermore, it is vigorously supported by all the major environmental organizations. It would impose moderate reductions in a State's entitlement to certain Federal funds in the event that the State has not made a good faith effort to comply with the limited provisions of the Land Use Policy and Planning Assistance Act at the end of 5 years from date of enactment.

Under the amendment, any State which fails to develop a State land use program at the end of 5 years which meets the requirements of the act would experience a phased withholding over 3 fiscal years of certain Federal funds. The withholding would begin at 7 percent the first year, go up to 14 percent, and end at 21 percent in the third year. The programs from which funds would be withheld are the funds for airport development under the Airport and Airway Development Act, Federal-aid highway funds for primary and secondary Federal-aid highways, and funds under the Land and Water Conservation Fund Act of 1965. This sanction would be invoked only after 5 fiscal years, and the funds withheld would not be lost to the State. When the State land use program again meets the requirements of the act, any funds withheld must be disbursed to the State. Finally, the sanction could not be invoked until a determination of ineligibility of the State for grants is made in the interagency review process and concurred in by the independent ad hoc hearing board.

I believe this amendment is important for two reasons. The first, to encourage States to improve their land use decisionmaking, has already been mentioned. Equally as important is the need to insure that major Federal programs which have an immediate and direct impact on land use or which stimulate development do not contribute to unplanned, ugly, and inefficient land use patterns. It makes good commonsense to ask the State to have the means to plan and control in an orderly fashion the secondary growth stimulated by these Federal programs before that growth occurs.

The three programs chosen to be included in the "sanction"—or as I prefer to call it "the additional incentive"—are those which are thought to have the most significant long-range and irreversible impacts upon land use patterns because of the exceptional influence they have over public and private development. The balance of two developmental programs and one environmental program was struck to insure that all interests have a stake in avoiding the loss of funds and in developing State land programs which do meet the act's requirements.

This sanction was included in S. 632, the Land Use Policy and Planning Assistance Act, reported by committee last year. During Senate consideration of S. 632, I agreed to an amendment by Senator Hansen to delete this sanction from the measure. I did so reluctantly in order to insure the passage of the Land Use Policy and Planning Assistance Act. However, since then we have worked very hard to accommodate concerns of several of my colleagues about the measure. In addition, we and many others have conducted extensive public education on the need for the establishment of planning processes and programs at the State level. The States themselves are moving rapidly to develop such land use decisionmaking capacity.

I know that the politically expedient course would be not to offer this amendment. This is particularly true in a year when the States and local governments have felt the pinch of Federal budget cuts and impoundments. It is also no secret that this amendment bears the added burden of affecting programs under the jurisdiction of other committees. But for the reasons I gave above, I believe this amendment is necessary and I plan to fight vigorously for it. I am happy to say that supporting me will be the administration, all the major environmental groups, professional planning associations, and a number of Governors. Publicly, and privately to me, a number of Governors have indicated that this amendment is needed by them to urge their legislatures to enact the necessary enabling legislation.

I commend this amendment to my colleagues.

Mr. President, I ask unanimous consent that a section of the report setting forth the full legislative background of sanctions in the land use legislation and the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment and excerpt were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 233

On page 84 after subsection 208(b) insert new subsections (c), (d), and (e), as follows:

(c) Section 15 of the Airport and Airway Development Act (84 Stat. 219, 225) is amended by adding the following new subsection:

"(d) Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement to Federal funds apportioned for airport development pursuant to paragraphs (A) and (B) of subsection (a)(1) and paragraphs (A) and (B) of subsection (a)(2) of this section in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

(d)(1) Section 104, title 23 of the United States Code, is amended by adding the following subsection:

"(2) Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement to Federal-aid highway funds, other than funds authorized to be appropriated under subsection (b) of section 108 of the Federal Aid Highway Act of 1956, as amended, or funds for planning and research, which would otherwise be apportioned to such State in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

(2) Subsection (f) of section 109, title 23 of the United States Code, is amended by deleting "or control of" in the first sentence.

(e) Subsection (b) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 900), as amended, is amended by adding after the second paragraph the following paragraph:

"Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement under paragraphs (1) and (2) of this subsection in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

NOTE: THE ISSUE OF "CROSS-OVER" SANCTIONS

It will be recalled that S. 3354 and S. 632, earlier versions of S. 268 reported by this Committee in former Congresses (and, in the case of S. 632, passed by the Senate) did contain sanctions which affected other Federal programs. An amendment to add a similar sanction to S. 268 was offered and then withdrawn by the Chairman. Instead, the Chairman announced that he would offer the amendment on the Senate floor for full Senate consideration. The Chairman gave the following reasons for withdrawing the amendment:

"The decision to defer consideration of sanctions enabled the Committee to focus its markup efforts on the substantive requirements of the bill. Furthermore, it placed the discussion of the sanction in the proper forum—the full Senate—where the inter-jurisdictional ramifications can be fully debated by all interested parties." [49]

Several Committee members requested that the full legislative background of the sanctions be provided in the report. The background is as follows:

The sanctions to be applied to States which fail to develop State land use programs or otherwise establish their continued eligibility for grants have been perhaps the most controversial aspect of the land use policy bills of the last three Congresses.

The first land use policy proposal, S. 3354, introduced on January 29, 1970 by Senator Jackson, contained the traditional sanction of termination of any financial assistance extended under the bill for State failure to adhere to the bill's guidelines and requirements or to enact State implementing legislation. In addition the first "cross over" sanction (i.e., a sanction which affects other Federal programs) provided that upon the termination of financial assistance to a State, or should such State not prepare an "acceptable Statewide Land Use Plan," by the beginning of the fourth fiscal year after enactment such State will:

(1) have its entitlement to certain additional Federal assistance programs, which shall be designated by the President, reduced at the rate of 20 per centum per year until such time as the provisions of this title are complied with, and

(2) be denied the issuance of any right-of-way permits or other permits available under the public domain or other Federal laws to use or to cross the public domain or other Federal lands until such time as the provisions of this title are complied with.

In S. 3354, as reported on December 14, 1970, the Committee retained the traditional grant termination sanction, but substituted for the "cross-over" sanction the following:

"SEC. 315. (a) After the end of five fiscal years from the beginning of the first fiscal year after the initial issuance of regulations . . . implementing the provisions of this title, no Federal agency shall, except with respect to Federal lands, propose or undertake any new action or financially support any new State-administered action which may have a substantial adverse environmental impact or which would or would tend to irreversibly or irretrievably commit substantial land or water resources in any State which has not prepared and submitted a statewide land use plan in accordance with this Act.

"(b) Upon application by the Governor of the State or head of the Federal agency concerned, the President may temporarily suspend the operation of paragraph (a) with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits [an acceptable] schedule . . . for submission of a statewide land use plan: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised due diligence to comply with the terms of that schedule."

The principal differences between this cross-over sanction and the earlier one are: (1) it touched all new Federal actions which may have substantial adverse environmental impacts or irreversibly or irretrievably commit substantial land or water resources, not just certain Federal assistance programs; (2) the action would be stopped entirely—neither proposed nor undertaken—rather than simply reduced by 20 percent; (3) an escape clause was provided; and (4) the sanction would be invoked only for failure to submit a plan, not for failure to meet all the requirements of the Act.

S. 632, introduced by Senator Jackson on January 26, 1971, was virtually identical to S. 3354, as reported, and, therefore, contained the substituted version of the cross-over sanction. S. 992, the Administration proposal introduced (by request) on February 17, 1971, did not have a cross-over sanction. (Both proposals contained the traditional sanction of termination of financial assistance extended under them.)

On May 18, 1971, the first day of hearings on S. 632 and S. 992, Senator Jackson, in comparing S. 632, his bill, and S. 992, the Administration proposal, made the following statement in response to testimony of Russell E. Train, Chairman of the Council on Environmental Quality:

"I think this is one of the major differences . . . between the two bills. You rely on grant-in-aid incentives. We go a step further. We provide grant-in-aid, but we also provide that as to the future . . . no Federal agency shall undertake any new project [in a state] which does not have a land use plan." [50]

A colloquy followed:

"Mr. TRAIN. But as I read the bill, Senator, it does not require that that land use plan be approved or conformed to any particular criteria . . .

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[49] Speech by Senator Henry M. Jackson at a conference entitled "Conservation and Development: Grounds for Compatibility" sponsored by the Task Force on Land Use and Urban Growth, Smithsonian Institution, Washington, D.C., May 24, 1973.

[50] *National Land Use Policy: Hearings on S. 632 and S. 992*, Committee on Interior and Insular Affairs, United States Senate, May–June 1972 (p. 92).

"The CHAIRMAN . . . although we do require that it must be prepared and they must submit a statewide land use plan. We started out earlier, as you recall, to take away grant-in-aid funds on the passoff decision basis. But we felt that this was the minimum that we could insist upon in order to get the States to really plan their land on a statewide basis. . . . [T]here is a real question in my mind whether simply providing for grant-in-aid funds is ample to induce the States to do this job.

"Mr. TRAIN. We agree that we are asking the State to undertake and make a very difficult decision here. It is not going to be easy to do. Therefore, we agree that if they could be worked practically and appropriately, that some sort of penalty provisions with respect to States that do not have qualified programs would be desirable.

". . . I simply want to say at this point that the Administration would be happy to work with this Committee in trying to develop practical, appropriate teeth, if you will, in this program.

"The CHAIRMAN. I understand that. We will certainly work closely with you. . . ."[51]

The following year, the Administration submitted an amendment to S. 992 which contained a cross-over sanction. The Administration-sponsored sanction adopted the approach of a percentage reduction in funds of certain programs originally taken in S. 3354. States found ineligible for grants after the deadline for submission of the State land use program (after three years from enactment) would suffer a reduction of funds from three programs over a three fiscal year period at a rate of 7% the first fiscal year, 14% the second year, and 21% the third year. The funds subject to withholding were to be: (a) funds for airport development provided for pursuant to the Airport and Airway Development Act; (b) federal-aid highway funds other than funds for planning or research; and (c) funds from the Land and Water Conservation Act of 1965, as amended.

In the mark-up of S. 632, the Committee chose to adopt the Administration sanction in an amended form. The differences between the sanction contained in S. 632, as reported on June 19, 1972, and the Administration sanction were:

"(1) the withheld funds were not to be permanently lost to the ineligible State. Rather they were to be held in escrow and, when the State again became eligible, returned to it. The opportunity for a State to recoup the funds if it comes into compliance with the act was regarded by the Committee as an "incentive on top of a sanction".

"(2) funds for interstate highways were not to be withheld; only funds for primary and secondary highways. The Committee felt that to include the interstate highway funds would result in the punishing of the neighboring State for the misfeasance or nonfeasance of the ineligible State.

"(3) in accordance with the timetable of S. 632, the sanction would not be applied until after the fifth year."

A discussion of the Committee-adopted sanction was provided in the report on S. 632 (Report No. 92–869, p. 30):

"The three . . . programs were carefully chosen. Two of them—the development program of the Airport and Airway Development Act and the primary and secondary (not Interstate) Federal-aid highway programs were selected because of their extraordinary impact upon land use patterns and the urbanization they generate. Absent the coordination of plans for these highways and airports with State land use programs which meet the requirements of the Land Policy and Planning Assistance Act, the purposes of the act would be frustrated. To balance the withholding of these development funds and to insure that those who hold development in disfavor do not attempt to frustrate a State's efforts to become eligible in order to force the invocation of the sanctions and inhibit such development, the third grant-in-aid program to which the sanctions would apply would be the Land and Water Conservation Fund."

At the direction of the Chairmen of the Committees on Interior and Insular Affairs, and Public Works, staff members of the two met and developed an alternative sanction which was introduced on the floor of the Senate as part of a package of amendments jointly sponsored by the two Chairmen—amendments which resolved certain jurisdictional questions raised in conversations between the two Committees. The alternative sanction was similar to the sanction in S. 632, as introduced. The principal difference was that the freeze on new Federal activities would occur even should a State submit a State land use program if that program fails to meet the requirements of the Act. The sanction read as follows:

SEC. 307(b)(1) After five fiscal years from the date of enactment of this Act, no Federal department or agency shall, except with respect to Federal lands, propose or undertake any new action, financially support any new State-administered action, or approve any loan or loan guarantee which might have a substantial adverse environmental impact or which would significantly affect land use in any State which has not been found eligible for grants pursuant to this Act. Such actions shall be designated in the guidelines promulgated pursuant to section 502 of this Act.

(2) Upon application by the Governor of the State or head of the Federal department or agency concerned, the President may temporarily suspend the operation of paragraph (1) of this subsection with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits a schedule, acceptable to the Secretary, for meeting the requirements for eligibility for grants pursuant to this Act: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised good faith efforts to comply with the terms of such schedule.

However, during Senate consideration of S. 632 on September 19, 1972, an amendment introduced by Senator Hansen, deleting all crossover sanctions, prevailed on a voice vote.

On January 9, 1973, Senator Jackson introduced S. 268. S. 268, as introduced, was virtually identical to S. 632 in the form in which it passed the Senate. Thus, S. 268 did not provide for any cross-over sanction. In introducing S. 268, Jackson stated:

"As is well known, I was and remain opposed to two successful amendments striking the sanctions from the act and reducing the funding by two-thirds.

. . . Therefore, although the proposal I introduce today is virtually identical to the Senate-passed measure, the committee will hold hearings early in February where . . . the critical questions of funding and sanctions can be fully explored."

S. 924, the Administration proposal, introduced (by request) on February 20, 1973, contains the same sanction which the Administration proposed as an amendment to S. 992. (Included in both proposals is the traditional sanction of termination of financial assistance extended under them.)

Underlying all these cross-over sanction proposals is the belief that Federal programs which stimulate alterations—sometimes massive and sudden—in land use patterns should not proceed unless sound planning and land use controls are in effect to minimize any adverse land use, environmental and urban service impacts which otherwise would result absent such planning and controls.

AMENDMENT NO. 234

(Ordered to be printed, and to lie on the table.)

Mr. JACKSON. Mr. President, I offer a second amendment to S. 268. This amendment is a technical one. It adds a new section to the end of title V. Title V provides grants to Indian tribes to assist them to develop land use programs for reservation and other tribal lands. The requirements for these programs are similar to the requirements elsewhere in the act for State land use programs.

First, this amendment would insure that the standards for review of the land use programs of Indian tribes would be the same as those provided in the act for the State land use programs.

Second, it would provide sole authority to review the tribal land use programs to the Secretary of the Interior. Federal review of State land use programs is conducted on an interagency basis and includes the deliberations of an independent ad hoc hearing board prior to any determination of ineligibility. This procedure is inappropriate in the case of tribal land use programs because those programs address Indian trust lands. The Federal Government, in general, and the Secretary of the Interior, in particular, have a unique responsibility in relation to those lands: the responsibility of a trustee. In the case of review of tribal land use programs concerning those lands, superimposed over the normal review function of determining proper expenditure of grant funds is the trustee responsibility of review to determine that the trust "property" is put to wise use. Given the Secretary's knowledge of tribal lands and the extreme difficulty of segregating the two review functions, the amendment provides the Secretary with full authority to review the tribal land use programs to be developed under title V.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 234

On page 119, after Sec. 509, between lines 11 and 12, insert a new Sec. 510 as follows:

FEDERAL REVIEW

SEC. 510. The standards for review to determine eligibility of Indian tribes for grants pursuant to this title shall be the same as those provided for determination for eligibility of States for grants under this Act. The review shall be conducted entirely by the Secretary of the Interior and the review procedures provided in section 306(a) through (f) shall be inapplicable to this title.

FEDERAL HOUSING ASSISTANCE PROGRAMS—AMENDMENT

AMENDMENT NO. 235

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON. Mr. President, the suspension of the federally assisted housing programs was wrong in January when it was announced by former Secretary George Romney. It continues to be wrong. Nothing the administration said at the outset or subsequently has justified a moratorium on the subsidized housing programs.

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[51] Ibid., pp. 92 and 97.

Congress enacted these programs; the responsibility for their fate belongs to the Congress. But the administration has been both the judge and executioner. In January, the administration declared the programs ineffective and wasteful—without offering proof—and followed with sets of instructions to the HUD area offices that dealt these programs crippling blows.

The Department of Housing and Urban Development insists that the subsidy programs are not terminated, only suspended. But what difference does the terminology make to sponsors and housing authorities whose applications for subsidized units do not meet HUD's criteria for continued processing? What relief can a "suspension" bring to the thousands who wait for public housing that will not be built? How much good is there to assure workers in the building and construction trades—whose jobs are at stake—that the programs are not terminated only suspended? In communities across the country, the programs might just as well have ended. Financial and personal hardships are not fanciful projections of what might happen—they are real, and the most cruel aspect of the moratorium is that they need not have happened at all.

The administration has sought to justify the moratorium on the grounds that the programs require evaluation, tying the length of the moratorium to the time necessary to analyze the programs and come up with recommendations. I do not quarrel with the desirability of evaluating housing programs. In fact, I believe Congress and the executive branch should do more evaluations, and not just of housing programs.

Those programs shown to be wasteful should be reformed, and if that is not possible, scrapped altogether. But a moratorium that throws housing programs into limbo, that confuses both the officials who have to administer the programs and the participants, is not the way to safeguard against inefficiency and waste; nor will it result in a calm atmosphere conducive to a thorough evaluation. Rather, the President's decision has charged the atmosphere with bitterness and distrust.

In my view, the moratorium cannot be justified. Evaluations can go forward and so can programs; it happens all the time, except in the case of the subsidized housing programs. Here, by some strange logic, the administration has reasoned that the goals of evaluating programs and maintaining their integrity are mutually exclusive.

Senator PROXMIRE has introduced S. 1440, legislation that orders the Secretary of HUD to cease the moratorium and reinstate to the full extent possible funding for the subsidy programs in the amounts authorized or appropriated by Congress. I am cosponsor of S. 1440. This bill defines Federal housing assistance programs to mean section 235, 236, rent supplement, and public housing. Today I am submitting an amendment to S. 1440 to include section 312 of the Housing Act of 1964.

Under the section 312 program, the Government subsidizes the interest rate on direct loans for rehabilitation down to 3 percent. These low-interest loans have been indispensable in preserving structures in urban renewal and Federally Assisted Code Enforcement—FACE—areas.

In FACE areas alone, more than 163,000 housing units have been put in sound condition with section 312 loans, which—in many cases—are coupled with section 115 rehabilitation grants funded from urban renewal moneys. With this assistance, persons of limited income have been able to correct code violations and perform modest home improvements.

Without Federal rehabilitation assistance, thousands of units in our Nation's housing stock would be lost. The social and economic costs of letting housing and neighborhoods decay are very expensive. So is the price tag for clearance and new construction. When used in neighborhoods which are declining but still relatively stable, rehabilitation assistance has checked the downhill slide and has reversed it.

The use of the section 312 program in the code enforcement areas of San Francisco is visible proof of the program's worth. It is by no means an isolated example. The section 312 program has preserved the beauty and character of older neighborhoods at far less cost and with far less disruption than if these areas had been cleared for urban renewal. New construction in San Francisco, for example, is estimated to cost between $15,000 and $35,000 per dwelling unit whereas the average section 312 loan in San Francisco has amounted to $4,100. And new construction cannot replace the historical and architectural interest that many older neighborhoods contain.

But section 312 loans, like the other categorical programs that the administration wants to consolidate under special revenue sharing for community development, is being starved for funds.

In fiscal year 1972, Congress appropriated $90 million in section 312 loans; $40 million of that appropriation was impounded. In fiscal year 1973, the President requested nothing for section 312, relying upon the impounded funds from fiscal year 1972. Congress, however, appropriated 70 million in fiscal year 1973, and the President turned around and impounded all of that.

For fiscal year 1974, the President has again requested nothing for section 312, intending to release only $20 million for use during the balance of fiscal year 1973, in urban renewal areas scheduled to close out in the near future. This leaves rehabilitation efforts in hundreds of other urban renewal and code enforcement areas without funds. If localities want to keep their rehabilitation programs alive, they will have to use already strained local resources to come up with financing.

The President's budget terminates the section 312 program as of June 30, 1973. I do not believe rehabilitation efforts should be sacrificed because the administration wants to make a neat transition from categorical programs to special revenue sharing. Gaps in budgets do not make neat transitions for communities with ongoing programs.

The House has already passed House Joint Resolution 512, which extends the authority for HUD programs—including an extension of the authority for section 312—to June 30, 1974. The Senate will consider this legislation shortly. In last year's Senate-passed version of the 1972 Housing and Urban Development Act, the Senate kept the separate identity of the 312 program but linked it to other activities consolidated under community development block grants. I believe the action of the Senate last year and the recent action of the House clearly indicate the sense of Congress that the section 312 program should be retained.

Having the program on the books, however, is not enough: I believe Congress must sustain section 312 along with the other housing and community development programs we now have at appropriate funding levels. In some cases we can go far to reach those levels by releasing impounded moneys. This is true for the section 312 loan program, and that is why I am introducing an amendment to S. 1440 which includes section 312 within the definition of Federal housing assistance programs.

NOTICE OF HEARINGS ON S. 1775 AND S. 1996

Mr. EASTLAND. Mr. President, on May 23 I announced that the Subcommittee on Environment, Soil Conservation and Forestry of the Committee on Agriculture and Forestry would hold hearings June 26 and 27 on timber management policy legislation and on the proposed reorganization of the Forest Service regional offices. On June 14, S. 1996, the American Forestry Act of 1973, was introduced and it will be included in the hearings, as well as S. 1775, which was referred to the committee June 11. The hearings will be in room 324, Russell Office Building, beginning at 10 a.m. each day. Witnesses will be limited to 10 minutes for their oral testimony with the privilege of filing their complete statement. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

FOREIGN-TRAINED DOCTORS

Mr. ROBERT C. BYRD. Mr. President, a story in this morning's edition of the Washington Post points out a problem of which I have spoken many times on the floor of the Senate; namely, the enormous shortage of physicians in the United States.

The article, written by Stuart Auerbach, concerns a study by the Department of Health, Education, and Welfare that shows that 20 percent of the doctors currently practicing in the

United States received their basic medical education abroad.

According to the Association of American Medical Colleges, the physician shortage in our Nation now stands at 69,000—or 1 doctor for every 636 potential patients. Naturally, in rural States and in urban ghettos, the shortage is much more acute.

The HEW study, I believe, should serve as a strong argument for proceeding as quickly as possible with the establishment of up to eight new medical schools in conjunction with the Veterans' Administration hospitals. Authorizing legislation for the new schools was passed by the 92d Congress; and I have introduced an amendment to provide $20 million in initial funding for the program.

My amendment has already passed the Senate as part of the supplemental appropriations bill, which is presently in a House-Senate conference.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HEW Study Says 20 Percent of U.S. Doctors Are Foreign Trained

(By Stuart Auerbach)

One out of every five doctors in America graduated from a foreign medical school where he most likely received a substandard education, according to a study commissioned by the federal government.

Moreover, the study shows that the immigration of doctors to America is foreign aid in reverse and often hurts other nations who consider doctors a valuable resource.

The number of foreign medical graduates here has doubled in the past 10 years, and most of the foreign-trained doctors work in American hospitals, where they make up one-third of the medical staff.

"Available evidence indicates that foreign manpower has been imported to serve specific roles, particularly in hospitals, rather than to fill a general manpower need," the report states.

"The fact that many foreign physicians have stayed in the United States is largely a secondary result of this primary activity. Nevertheless, the cold fact remains that 63,391 of the 334,028 physicians in the United States in 1970 received their primary medical education outside the United States.

"This education represents a huge net gain to this country in terms of value received for medical education."

The study, commissioned by the Department of Health, Education, and Welfare, was finished one year ago by Rosemary Stevens and Joan Vermeulen of the Yale University Medical School. It was, however, just released this month by HEW.

HEW sources say the report was held up because of possible embarrassment to the government and was released after congressional inquiries as to its status.

It shows that more foreign trained doctors (10,540) entered the United States in 1971 than graduated that year from American medical schools (8,974).

While 25,000 of the foreign-trained doctors were educated in Europe, 21,000 of them came from underdeveloped countries in Asia, principally the Philippines, India and Korea.

"There are more Thai graduates in New York than there are serving Thailand's rural population of 28 million," the report says.

"Iran produces 600 medical graduates a year; on the average there are at least 100 (members) of the graduating classes from 1960 through 1969 now in the United States. Many, if not most, will stay; in 1970 alone, 806 Iranian medical graduates sat for American licensing examinations. Similar statements can be made for many, if not most, third-world nations."

Despite the loss to other nations, there are signs that the American government considers the migration of foreign-trained doctors a plus for this country.

For example, HEW Secretary Caspar W. Weinberger told the House health subcommittee this year that there is no need to spend more federal funds on American medical schools to increase the number of doctors they graduate since so many foreign-trained doctors are coming to this country.

But the HEW-commissioned study concludes that foreign medical graduates are not as well trained as American-trained physicians.

"Indications are," the study says, "that foreign medical graduates continue to perform less well than their American counterparts even after several years of American graduate training."

For instance, 37 per cent of the graduates of foreign medical schools failed to pass their tests for American licenses, compared to 9 per cent of the graduates of American medical schools.

The same is true for the performance of foreign-trained doctors on specialty board examinations.

Many foreign-trained doctors working in hospitals do not need licenses. If they are residents or interns, they are considered doctors in training, and if they are fulltime employees of the hospital they may be considered to be working under the supervision of a licensed physician.

If it were not for foreign-trained doctors, many hospitals would not be able to fill their slots of interns and residents who, although they are supposed to be receiving training, often provide the bulk of patient care.

American hospitals offer more than 15,000 internships to recent medical school graduates; only 8,213—about half—are filled by graduates of American medical schools.

As a rule, the American medical graduates go to the best hospitals where they will get best training, leaving the rest for the foreign graduates. Many foreign-trained doctors are hired by city and state hospitals because American-trained physicians will not work for the low wages paid there.

COOPERATION OF DEPARTMENT OF STATE UNDER PUBLIC LAW 92–403

Mr. CASE. Mr. President, last year the 92d Congress passed my bill requiring the executive branch to submit to the Congress within 60 days all executive agreements concluded with foreign governments. The President signed this measure into law—Public Law 92–403—on August 22, 1972.

For nearly a year now, the administration has been sending executive agreements to both houses of Congress. When those agreements are classified, they are transmitted, under an injunction of secrecy to the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

At this time I would like to commend the administration for its cooperative spirit in complying with Public Law 92–403. The President of the Senate and the Foreign Relations have been receiving these documents regularly, and they are available at the offices of the Foreign Relations Committee for all senators to see.

From time to time during Senate consideration of my original bill, administration representatives have implied that there may have been some kinds of executive agreements which would not be transmitted to the Senate under Public Law 92–403.

Thus, I was particularly gratified that Mr. Charles N. Brower, the Acting Legal Adviser of the Department of State, communicated to Mr. Carl Marcy, Chief of Staff of the Foreign Relations Committee, on January 26, 1973 that there would be no exceptions made. Mr. Brower wrote,

> The expression "executive agreement" is understood by the Department of State to include any international agreement brought into force with respect to the United States without the advice and consent of the Senate under the provisions of clause 2 of Section 2, Article II of the Constitution of the United States.

I agree with the State Department's interpretation. I drafted the original legislation so there would be exceptions. I am pleased to know that the appropriate committees of Congress will regularly receive, among other types of agreements:

First. Intelligence agreements;

Second. Nuclear basing agreements;

Third. Presidential executive agreements;

Fourth. Intergovernmental agreements between Cabinet or independent agencies in the United States and their foreign counterparts;

Fifth. Nuclear technology sharing agreements;

Sixth. International trade agreements;

Seventh. Military and economic assistance agreements;

Eighth. Agreements with foreign intelligence agencies; and

Ninth. Contingency agreements with countries with which he does not have security commitments by treaty.

This list is not all inclusive, and by not mentioning a particular type of agreement, I do not in any way imply that the Congress should not receive that type of agreement.

I also would like to commend the State Department for its cooperation in assisting the Foreign Relations Committee in explaining the substance of classified executive agreements. In a letter to our chairman on March 19, 1973, Acting Assistant Secretary of State Marshall Wright gave the Department's assurances that such cooperation would be forthcoming.

Mr. President, I ask unanimous consent that correspondence concerning these matters be printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

State—Executive Agreement

December 4, 1972.

Mr. John R. Stevenson,
Legal Adviser, Department of State, Washington, D.C.

Dear Mr. Stevenson: This is with reference to our meeting on November 10 together with Messrs. Abshire and Bevans on the matter of submitting executive agreements to Congress pursuant to the Case Act.

In order that we might be clear on what

the State Department considers to be an executive agreement within the purview of the law, I would appreciate it if you would furnish the Committee a written statement defining executive agreements and listing specifically the kinds of agreements that will be submitted and whether there are any categories of agreements that the Department believes are not covered by the Case Act.

Illustrative of the kind of question upon which we should have a clear understanding would be such agreements as those involving the transfer of aircraft from one foreign recipient to another (the F-5's from Korea to South Vietnam), the Lend-Lease and Trade Agreements with the Soviet Union, and similar inter-governmental agreements.

A prompt reply would be appreciated.

Sincerely yours,

CARL MARCY.

EXECUTIVE AGREEMENTS

JANUARY 15, 1973.

Mr. JOHN R. STEVENSON,
Legal Adviser, Department of State, Washington, D.C.

DEAR MR. STEVENSON: I refer to my letter of December 4, 1972, (copy attached) asking for a written statement regarding executive agreements to be submitted to the Congress pursuant to the Case Act.

With the convening of the new Congress and the official receipt of numerous agreements, this is all the more a matter upon which there should be a clear understanding.

Sincerely yours,

CARL MARCY.

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., February 22, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I want to thank you for the cooperation of the Department of State in transmitting to the Congress and the Committee on Foreign Relations international agreements other than treaties pursuant to the Case Act (PL 92–403). The Committee has found the knowledge of these agreements very useful. As we anticipated most of them are routine and unexceptional.

In a few cases, however, preliminary analysis by the staff has raised questions which have required further information inquiries of the Department.

It would perhaps be better if the Committee could be provided on a regular basis with information about the rationale behind the agreements, particularly those which are classified. The purpose of this letter is to request that each classified executive agreement transmitted to the Committee be accompanied by an explanation of the agreement, background information on its negotiations, and a statement of its effect.

Again, thank you for your cooperation.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

MARCH 19, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of February 22, 1973, in which you requested that classified executive agreements transmitted to the Foreign Relations Committee pursuant to the Case Act be accompanied by an explanation of the agreement, background information on its negotiations, and a statement of its effect.

As the Secretary and other officers of the Department have stated on various occasions, we are determined to try to find ways in which we can help the Committee, and of course the Congress as a whole, acquire and make effective use of the information it needs to fulfill its Constitutional responsibilities in the area of foreign affairs. Accordingly, we are prepared to provide the information you have requested with respect to classified agreements.

The eventual format and scope of our submissions will probably have to be worked out in the course of time, as we gain experience in this process. However, we are initiating immediately the steps necessary to insure that classified agreements transmitted to you under the Act will be accompanied by appropriate background information.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., January 26, 1973.

Hon. CARL MARCY,
Chief of Staff, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. MARCY: In your letters of December 4, 1972 and January 15, 1973 you refer to Mr. Stevenson's meeting with you on November 10, together with Messrs. Abshire and Bevans, on the matter of submitting executive agreements to Congress pursuant to the Case Act (Public Law 92–403, approved August 22, 1972). You state that you would appreciate it if we would furnish the Committee a written statement defining executive agreements and listing specifically the kinds of agreements that will be submitted and whether there are any categories of agreements that the Department believes are not covered by the Case Act.

You give as illustrative of the kind of question upon which a clear understanding is desired agreements such as those involving the transfer of aircraft from one foreign recipient to another (the F–5s from Korea to South Vietnam), the Lend Lease and Trade Agreements with the Soviet Union, and similar inter-governmental agreements.

The expression "executive agreement" is understood by the Department of State to include any international agreement brought into force with respct to the United States without the advice and consent of the Senate under the provisions of clause 2 of Section 2, Article II of the Constitution of the United States. The words "all international agreements other than treaties to which the United States is a party" in the act of September 23, 1950 (§ 2, 64 Stat. 980; 1 U.S.C. 112a) and the words "any international agreement, other than a treaty, to which the United States is a party" in the Case Act (86 Stat. 619; 1 U.S.C. 112b) are considered as including all international agreements covered by the expression "executive agreement".

Accordingly, the Department of State considers the Case Act as covering "all international agreements other than treaties" specified in the act of September 23, 1950 and required by that act to be published in the new compilation entitled "Treaties and Other International Agreements of the United States" (UST), plus comparable agreements that are classified in the interest of national security and not published in that compilation.

The specific agreements referred to in your letter (the transfer of F–5s from Korea to South Vietnam and the Lend Lease and Trade Agreements with the Soviet Union) do not appear to give rise to any question on the part of the Department. The F–5s transaction agreement has been transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in accordance with the Case Act. When transfers of U.S. origin military aircraft directly between foreign countries are made pursuant to existing mutual defense assistance agreements, they do not necessarily involve the conclusion of new international agreements. However, such transactions are reported to the Congress in accordance with section 3(a) of the Foreign Military Sales Act. The text of the agreement with the Soviet Union regarding Lend Lease, Reciprocal Aid and Claims, signed and brought into force on October 18, 1972, was transmitted on November 13, 1972 to the President of the Senate and the Speaker of the House of Representatives. The Agreement with the Soviet Union on Trade, signed on October 18, 1972, will not enter into force until written notices of acceptance are given by the two Governments to each other. As soon as action has been completed to bring that agreement into force, the text of it will be formally transmitted to the Congress. In any event, the text has been published and therefore is freely available (Department of State Bulletin, Vol. LXVII, No. 1743, November 20, 1972, p. 595 *et seq.*). I enclose a copy of the Bulletin for your reference.

To list specifically all the kinds of international agreements that will be submitted under the Case Act would require a tabulation of every kind of agreement published in "United States Treaties and Other International Agreements", plus the kinds of classified agreements that are being concluded. Any such list could only be considered as giving examples and not as all inclusive. The specific listing could not, for example, include international agreements of an entirely new kind that are concluded to meet circumstances that cannot be envisaged at the present time. The Department considers that the Case Act is intended to include every international agreement, other than a treaty, brought into force with respect to the United States after August 22, 1972, regardless of its form, name or designation, or subject matter.

I hope that the foregoing statements give you the information you desire but please let me know if I can be of any further assistance.

Sincerely yours,

CHARLES N. BROWER,
Acting Legal Adviser.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention has now languished in the U.S. Senate for over 25 years. Seventy-five other nations, including most of our NATO and SEATO allies have already ratified this human rights treaty, but the United States has failed to do so.

It is ironic that our Nation, which was founded on the highest principles of human rights, has refused to become party to a document which addresses itself to the most fundamental of these—the right to live. For 5 years the American people struggled to overthrow the Nazi regime which practiced the terrible policy of genocide; and yet, we have not been willing to join with the many other nations who have ratified the Genocide Convention in making this act an international crime.

Critics of the Genocide Convention are all deeply opposed to genocide. Their opposition to the treaty itself stems from the unfounded belief that ratification of the Genocide Convention would have dire consequences for the American form of government and the people of the United States.

Mr. President, for over 6 years I have risen daily on the Senate floor in support of this treaty. I have made every effort to discuss the charges which have been advanced against the Genocide Convention. As one who is sworn to uphold the

Constitution of the United States, I have given my full support to this treaty in the assurance that it in no way endangers the liberties of the American people. The Genocide Convention would not usurp our national sovereignty, overthrow the Constitution, or invalidate the Bill of Rights. What it does do is to make genocide an international crime, thus serving as a deterrent to a repetition of such horrors as were perpetrated upon the Jewish people during World War II.

Mr. President, I urge the Senate to ratify the Genocide Convention without further delay.

SUPPORT OF TRAINING PROGRAM FOR WASTEWATER TREATMENT PLANT OPERATORS

Mr. DOMENICI. Mr. President, today I was added as a cosponsor of S. 1776, a bill to provide for a 1-year extension of the pilot operator training program for wastewater treatment plants, set up under section 104(g)(1) of the Federal Water Pollution Control Act.

My reasons for supporting this legislation are very adaquately explained in a letter I received from Prof. John W. Hernandez of the Department of Civil Engineering, College of Engineering at New Mexico State University in Las Cruces, N. Mex. Professor Hernandez is a renowned civil engineer and one of the outstanding authorities in the area of water pollution control and wastewater treatment. I highly respect his judgment and it is in large measure due to his letter that I join in cosponsorship of S. 1776.

I feel, Mr. President, that I could not improve upon the reasons stated by Professor Hernandez for cosponsoring this bill and I therefore respectfully request unanimous consent that his letter be printed in the Record in its entirety at the conclusion of my remarks. I commend this letter to the serious consideration of my colleagues for the reasons Professor Hernandez his stated so well.

There being no objection, the letter was ordered to be printed in the Record, as follows:

College of Engineering,
Department of Civil Engineering,
Las Cruces, N. Mex., May 18, 1973.

Senator Pete Domenici,
New Senate Office Building,
Washington, D.C.

Dear Senator Domenici: I understand that Senator Clark has introduced legislation (S. 1776) to continue the funding of Section 104(g)(1) of P.L. 92–500 during fiscal 1974 at a level of one million dollars. I would like to add my personal support for the funding of this section of the Federal Water Pollution Control Act.

As you know Section 104(g)(1) addresses itself to the need for providing an adequate supply of trained personnel to operate and maintain the nation's wastewater treatment works. During my years with the New Mexico Department of Public Health, I found no greater shortage in the State's water pollution program than the failure to maintain proper operation of municipal sewage treatment plants.

We spend billions of dollars each year on new, more sophisticated treatment plants and yet we spend virtually nothing to train the men who will operate these complicated units. New Mexico, like most states, has an annual short-school (ours is here at New Mexico State) where system operators are exposed to basic theory and some practical application. These short-courses are really only meant to be introductory and motivating sessions designed to encourage the operators to self-improvement; they are not sufficient to provide the level of training needed to adequately prepare men to operate and maintain complex mechanical and electrical equipment that costs millions of dollars. Operator training is the weak link in the water pollution control chain.

We have a new state law in New Mexico that requires the certification of wastewater treatment plant operators through examination. This legislation mandates that they will learn, but unfortunately the funds for adequate training programs are not available. Recognizing this need the New Mexico Water Pollution Control Association has endorsed continued financial support for the programs under Section 104(g)(1).

I wish to thank you for sending me 150 copies of P.L. 92–500 for distribution to people attending a seminar series here in New Mexico on the 1972 amendments to the Federal Water Pollution Control Act. I am enclosing two copies of a summary of the Act that was prepared for the seminar series. Interest in the Act is high; over 300 people from industry, agriculture and municipal interests attended the various sessions that were held in different cities around the State.

If I can be of further assistance in justifying support for funds for Section 104(g)(1) please feel free to call on me.

Sincerely,

John W. Hernandez,
Professor of Civil Engineering.

DEVELOPMENT OF THE RESOURCES OF THE WABASH BASIN

Mr. HARTKE. Mr. President, the record-setting rainfalls which brought havoc to much of the Nation this year have emphasized the need to develop the resources of the Wabash Basin in Indiana. Recently, I wrote a letter to the Senator from Mississippi (Mr. Stennis) who is chairman of the Subcommittee on Public Works of the Senate Appropriations Committee. That letter outlines my proposals for the development of the resources of the Wabash River Basin.

Mr. President, I ask unanimous consent that the text of that letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Veterans' Affairs,
Washington, D.C., June 5, 1973.

Hon. John C. Stennis,
Chairman, Subcommittee on Public Works, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have now had sufficient opportunity to review the President's FY 1974 budget requests for water and land resource development in the Wabash River Basin and would like to share with you and the members of your Committee my thoughts thereon.

As you know, the Wabash River drains an area of some 33,000 square miles, three-fourths of which falls within the boundaries of my home State—Indiana. While the Valley itself accounts for only 16% of the total land area of the larger Ohio River Basin, it is instructive to note that over the years we have consistently suffered more than one-third of the total annual flood damages in the Ohio Basin. In terms of dollars and cents, this amounts to a loss each year of nearly $40 million. I should hasten to add that only by virtue of Providential intervention were we spared from far greater havoc this year. While our neighbors to the east and west were subjected respectively to the uncontrolled fury of Hurricane Agnes and the record setting rainfalls of spring, we in the Wabash Basin miraculously escaped a similar fate.

It would, of course, be folly to anticipate what next year might hold in store for the people of the Wabash Valley. As Mr. Schenk pointed out in his testimony before the Committee, no one can predict with any certainty the timing, specific location, or consequences of a given flood. Of one thing however, we can be sure—the lakes, levees and other flood control structures already in place on the Wabash and its tributaries mitigate the destruction and human misery attendant upon any future flood in our Valley.

At this point Mr. Chairman, I would like to acknowledge the fact that your Committee has played a crucial role in affording the people of the Wabash Valley that measure of flood protection which they presently enjoy—and for this we are deeply appreciative. With your help we have, to date, completed construction of six multi-purpose lakes and many miles of local protection levees in the State of Indiana. Of course, much work remains to be done if we are to ultimately eliminate the destructive consequences of uncontrolled water and assure maximum development of our economic potentials through the wise utilization of available land water resources.

Fortunately, a blueprint now exists for the future development of these resources. I refer, of course, to the recently completed Wabash River Basin Comprehensive Study. This fifteen-volume document, representing the collective efforts of numerous state and federal agencies over the past seven years, is both an assessment of existing flood control-recreation-water supply needs in the Wabash Valley as well as a detailed plan for ultimately meeting these needs. Among the projects recommended for completion by the year 2020, including both early action and long range proposals, are some 20 major multi-purpose reservoirs, 149 watershed plans, and 382 small lakes and dams. Taken together, these projects will eventually provide the people in our Valley with maximum feasible protection against recurrent flooding.

Whole flooding may be the most obvious and dramatic problem in the Wabash Basin, the interrelated problems of water supply and water quality are also critical in nature and still await our final resolution. Here again, the Wabash Study identifies the scope of the problem and makes specific recommendations as to how the water needs of over 380 communities in Indiana, Illinois and Ohio can be more effectively met.

Then too, we must remember that a vital function of resource development is the provision of enhanced recreational opportunity for our burgeoning and ever more affluent population. Without question, outdoor recreation is one of the fastest growing industries in the U.S. Indeed, this growth has been so rapid that even if we proceed with construction of all lakes, large and small, as recommended in the Wabash Study, we shall still fall far short of meeting the projected demand for water oriented recreation.

Finally, I would like to emphasize that continued water resource development in the Wabash Basin will have a cumulative effect of greatly improving both the economic and social well-being of those who live in the Valley. It is not being melodramatic to suggest that the lower reaches of the Wabash remain even today a veritable Appalachia of the West.

Much of this area is characterized by chronic unemployment, impression-level incomes, and high outmigration—all of which contribute to a paralyzing cycle of poverty and despair. I am convinced that only through tapping the undeveloped potentials of this region can we hope to transform it into a land of abundance and opportunity.

Turning now to specific developmental projects in the Valley, I would like to comment briefly on several of the President's budget requests for the coming fiscal year. First, with respect to Patoka Lake, I note that the President has requested an appropriation of $2.2 million for continued construction of the project. Mr. Chairman, I consider this request to be grossly inadequate for several reasons and therefore urge that your Committee give favorable consideration to an appropriation of $3.5 million—a figure, I might add, which coincides with the Corps' announced capability on the project and comes much closer to matching appropriations already committed to the project by the State of Indiana. Only last July, construction finally began on this much needed project which lies in the heart of what I have just described as one of Indiana's most economically impoverished areas. It was the first construction start in the Wabash Basin since 1965 and I am indeed sorry, Mr. Chairman, that you were unable to join me in celebrating that event by participating in ground-breaking ceremonies at the site. Although you were unable to be with us on that festive occasion, your past support for Patoka did not go unnoticed and I can assure you that if you and your Committee see fit to meet the Corps' capability this year, you will have earned the lasting gratitude of all who patiently wait for this Lake to become a reality. With your continued help, we shall soon witness the complete transformation of Little Appalachia into a vast Water Wonderland.

Among the projects ready for advance engineering and design, we find that the President has requested some $25,000 for Highland Lake near Indianapolis, but nothing for the Flood Wall in Marion, Indiana. With regard to the former project, I would urge that the Committee approve the requested appropriation. Construction of Highland Lake is necessary to insure a future source of water for the people of Indianapolis and to provide central Indiana with a major recreation resource. Happily, Highland Lake is also one of the most environmentally sound proposals in the Wabash Valley developmental program.

As for the latter project—the Marion Flood Wall—I consider the President's non-request to be one of the most glaring oversights in the entire Wabash Basin budget. Mr. Chairman, the City of Marion has just completed a comprehensive plan for the future development and revitalization of its downtown area. Among the components of this plan are: 1) a large elderly housing project; 2) several improvements to State Highway 18 from Interstate 69; 3) a new juvenile center site; and, 4) an extensive park and recreation system. Virtually all of this development is to occur on land just east of the existing downtown center—a 107-acre flood plain bounded on three sides by the Mississinewa River. However, none of this development is likely to occur until such time as a dike and flood wall are in place along the river to protect the area against the type of flood which devastated it in 1913. Therefore, I strongly urge the Committee to correct what appears to be a serious deficiency in the President's budget by approving $30,000 for initial planning of the Marion Flood Wall. Your favorable consideration of this request will be deeply appreciated by the people of Marion who are most eager to proceed with the regeneration of their city.

In addition to the Marion Flood Wall, there are several other worthwhile local protection projects in the State of Indiana which warrant your serious consideration. These include the Greenfield Bayou, Island Levee, Levee Unit No. 5, and The Mason J. Niblack Levee. Both Mr. Schenk of the Wabash Valley Association and Mr. Gettinger of the Wabash Valley Interstate Commission have previously indicated the need to initiate construction on these projects and I vigorously support their funding requests.

Finally, in addition to Patoka, there are several major multipurpose projects awaiting further action in the State of Indiana. Under the rubric advance engineering and design we find the proposed Big Walnut Lake in Putnam County, Indiana. Until last year, Big Walnut remained as one of the most controversial proposals in the entire Wabash Basin. Of particular concern to many environmental groups was the adverse impact which the authorized site threatened to have upon natural values in the area. In the midst of this controversy, a special study covering alternatives to the site was undertaken and a new location for the reservoir—site D—was agreed upon by virtually all conservation and environmental groups concerned. Today, Big Walnut stands as a model for the satisfactory resolution of legitimate environmental objections to water resource development. As such, I believe it is deserving of our support and I respectfully request that the Committee approve $100,000 for advance engineering and design of this project which, when completed, will return over $4 million per year in flood control, recreation, and water supply benefits.

In a more advanced stage of consideration are the Clifty Creek and Big Pine proposals and we find that the President has requested $400,000 to begin construction of these reservoirs in the coming fiscal year. However, as was once the case with Big Walnut, there are presently serious environmental objections to both of these projects. Many of these objections have already been communicated to the Committee by Mr. Dustin of the Izaak Walton League, Mr. Jontz of the Indiana Conservation Council, Ms. Evans of the Indiana Eco-Coalition, Ms. Emlen of the Audubon Society, Ms. Parmenter of the Committee on Big Pine and others.

At the risk of gross oversimplification, I would like to summarize the views and concerns of these environmental spokesmen. First, they point out that Clifty Creek and Big Pine are among the finest natural, free-flowing, unpolluted streams in the State of Indiana. Aside from their rare scenic and geological value, both streams feature a unique profusion of animals, plant and bird life—all of which would be forever lost should inundation occur.

Mr. Chairman, I can personally attest to the veracity of these claims that Big Pine and Clifty Creek are streams of unusual natural beauty. In August of 1971, two of my sons canoed several of Indiana's most scenic rivers—including Clifty Creek—and their report left no doubt in my own mind as to Clifty's natural value and the need to preserve its most predominant feature—Clifty Falls. Only last month, I received a similar report on Big Pine from one of my staff assistants who, along with some 350 other outdoor enthusiasts, participated in a weekend of canoeing, hiking and camping at the site of the proposed reservoir on Pine Creek. The pictures my assistant brought back substantiate in full the claim that Big Pine is a prairie-land "wilderness" of incomparable natural beauty and value.

I might add parenthetically that several state and federal agencies have also recognized the natural significance of these areas. Indeed, the Department of Interior's Bureau of Sport Fisheries and Wildlife has already labeled the proposed reservoir on Big Pine Creek as being "environmentally unsound" and there is good reason to believe that the Indiana Department of Natural Resources may soon follow suit.

Secondly, the environmentalists have raised serious questions as to the economic feasibility of these projects, particularly with respect to Big Pine. To date, the Corps has studied six alternatives to the originally proposed site at Big Pine. Of these alternatives, the best benefit to cost ratio is for the report site: 1:46 to 1. However, it must be pointed out that this ratio reflects the use of an outdated discount rate—3¼%—and does not include anticipated costs accruing from the loss or alteration of Big Pine as a natural area. Indeed, when we reconstruct the benefit to cost ratio using the discount rate for currently authorized projects—as the economist David Dreyer has done—we find that the report site has a b/c ratio of 0.91 to 1—and this for the most feasible of the six sites studied! Mr. Chairman, in all candor, I ask whether we can justify the expenditure of some $30 million in public funds for the construction of a project when its costs to the taxpayers will very likely exceed its anticipated benefits.

It is for these reasons, Mr. Chairman, that I ask you and your Committee not to appropriate any funds for the Big Pine project in the coming fiscal year. I understand that the Corps has sufficient funds from last year's appropriation to complete its economic and engineering documents as well as its formal impact statement on Big Pine; hence, the deletion of funds for FY 1974 should not in any way deprive relevant state and federal agencies of that information necessary for them to render a reasoned judgment on the environmental and economic merits of this proposal. Indeed, I am told that these agencies already have sufficient information upon which to make such a judgment.

Mr. Chairman, I do not construe the withholding of funds for Big Pine to be a negative action. Rather, I view it as an opportunity to explore those alternatives whereby a stream of extraordinary natural value and inherent recreational potential might be preserved for use by generations to come. One such alternative lies in the possible designation of Pine Creek as a State Scenic and Natural River. Even now, Pine Creek is being considered along with two or three other primary streams in Indiana for preservation under this law. In addition, the Nature Conservancy has taken steps to acquire Fall Creek Gorge on a tributary of Pine Creek for preservation under another state act.

Surely, Mr. Chairman, we can afford to wait until these and other alternatives have been fully examined. Indeed, in view of the accumulated evidence, any other course would appear to be wasteful if not destructive.

As for Clifty Creek, I still retain the hope that an acceptable proposal may yet be formulated—a proposal which, like Big Walnut, would preserve those geological and biological features of significance while at the same time providing for enhanced flood protection and general recreational opportunity. Accordingly, I support the President's request for Clifty Creek but emphasize that my support is conditioned upon the eventual selection of a workable alternative.

Finally, I would like to comment at some length on the status of the proposed reservoir in Tippecanoe County, Indiana, although no mention of the project is made in the President's FY 1974 budget.

It has now been eight long years since construction of Lafayette Lake was approved by both Congress and the President in the Flood Control Act of 1965. In the intervening years since its authorization, numerous public meetings relative to the need for and acceptability of the project have been duly convened, appropriate environmental impact statements and other documents have been filed and requisite advance engineering and design studies have been undertaken and completed. In short, we were until recently making slow but steady progress toward eventual construction of this much needed project.

Then, in 1970, just as land acquisition was about to begin, serious problems arose—not so much with local or environmental opposition mind you, but with the President's Office of Management and Budget which, at the urging of certain Congressional interests, abruptly placed over $183,000 for this project in budgetary reserve. That money, I should quickly add, remains "frozen" to this very day.

Fortunately, this Executive impoundment of funds did not seriously impede completion of preconstruction engineering and design on the project. However, the Corps of Engineers informs me that money for these and all other purposes short of land acquisition has finally been depleted and that no further work may proceed until such time as budgetary reserves are released or new money is appropriated. Meanwhile, the people of Lafayette patiently wait for the fulfillment of an eight-year-old promise.

As presently conceived, Layafette Lake would serve three major purposes. First, it is an integral part of a control system designed to reduce costly and repeated flood damages further downstream. Second, it is needed to recharge ground water supplies for the City of Lafayette and to assure a future source of water for the rapidly growing City of Kokomo to the east. Finally, it is intended to fill a major recreational void now existing in Northwestern Indiana.

It is highly important to recognize that Lafayette Lake is the only lake site in the entire Wabash Basin located directly in the path of an expanding city. This fact has obvious implications. Already, developmental pressures at the site of the proposed reservoir (Wildcat Creek) are exceedingly intense and with each passing day it becomes more highly problematic as to how much longer local governmental units can resist this growing tide. While construction of a lake on the site has been condemned by some as being potentially destructive from an environmental standpoint, it is my contention that more of the natural area in question could be preserved if we were to proceed with the project. Indeed, even the most ardent critics of the reservoir acknowledge the fact that without some form of park or recreational development in the area, Wildcat Creek will soon fall prey to the onslaught of the bulldozer. Should that occur, everyone will be a loser, for the citizens of Lafayette and the surrounding area are today among the most park-starved, recreationally-disadvantaged people in all of Indiana.

In view of these circumstances, I consider further delay on Lafayette Lake to be both inexcusable and intolerable. Too much precious time has already been wasted discussing the merits of the proposal. What more do we need? We have the approval of the Governor of Indiana, the Indiana General Assembly, the Wabash River Basin Coordinating Committee, the Ohio River Basin Commission, the Mayor and Common Council of Lafayette, and the Congress and President of the United States. I say it's time to get on with it!

Therefore, Mr. Chairman, I urgently request that you and your Committee join with me in asking for the immediate release of all funds appropriated for construction of Lafayette Lake. The continued impoundment of these funds—funds which this Committee approved—must be considered as nothing less than an unwarranted violation of Congressional intent and authority. Should our efforts to secure the release of these funds meet with bureaucratic indifference or further delay, then I respectfully suggest that the Committee add sufficient funds to the budget to begin construction of this vital project during the next fiscal year.

Mr. Chairman, I appreciate this opportunity to share with you my thoughts on the President's pending budget requests for public works. With your continued forbearance and understanding, I feel certain that we can assure the orderly, balanced and environmentally sound development of our land and water resources in the Wabash Basin.

Sincerely,

VANCE HARTKE.

STUDENTS STRIVE TO IMPROVE ENVIRONMENT THROUGH POLLUTION CONTROL CENTER

Mr. PERCY. Mr. President, I have recently become aware of a constructive effort underway by a group of deeply concerned high school students in my State to improve the quality of our environment.

Oak Park and River Forest High School was one of four high schools across the country chosen to receive the newly established Presidential Environmental Merit Award for its Pollution Control Center. The active involvement of these students is a fine example of youth striving to improve their community and their country.

The center has formed workshops to clean up the community and conserve areas of natural beauty. After educating themselves about ecology, the students have, in turn, educated the members of their community and have established a public information office to handle inquiries and projects. The students research issues and follow legislation. These are but a few of the activities of Oak Park and River Forest High School students, which should serve as an example, not only to youth, but to us all.

I ask unanimous consent to include in the RECORD of these proceedings at this time a description of the many diverse and valuable achievements of the Pollution Control Center.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

POLLUTION CONTROL CENTER

I. EDUCATIONAL ACHIEVEMENT

The 1970 conservation workshop

After participating in environmental workshops at Southern Illinois University in 1969 and 1970, two student chairman cooperated with faculty and administrators to plan the 1970 Conservation Workshop at Oak Park and River Forest High School in observance of the first Earth Day. The workshop brought together conservationists, scientists, educators, and industry representatives in order to educate the students, faculty, and community to pollution problems and ecological concepts.

After the administration agreed to reschedule school classes for the entire week, students selected and contacted speakers who talked to history, science, and English classes on separate days. Each class heard speakers relating to a subject so that teachers and students recognized the broad applications of environment to all subjects. For example, Attorney Joseph Karaganis, assistant to the Attorney General, spoke to history classes concerning environmental legislation, Mrs. Samuel Rome of the President's Environmental Board spoke to science classes regarding technical aspects of water pollution, and Mr. Gunnar Peterson from the Open Lands Project talked to English classes about ecological concepts and personal lifestyles. In addition, all classes heard representatives from industry in order to add perspective to industrial pollution projects. Over 4000 students, faculty, and citizens heard several of these lectures during the week.

The environmental science curriculum

As a result of the workshop, many students and teachers at Oak Park and River Forest High School realized the need for environmental education in the school and community. Along with several faculty members, the students suggested an environmental science curriculum and interdisciplinary environmental study to the board of education. As a result, many students now receive environmental science, field biology, earth science, physical science, biology, and AP honors courses in science.

Independent student research

Thanks to the many ecologically oriented classes now offered, many students go into depth research on their own, utilizing existing Pollution Control Center files and library resources.

In addition, Pollution Control Center has sponsored, or gotten other organizations to sponsor, students to special ecology workships like those at SIU and NIU during summers. In addition, many students have been excused from classes to attend hearings, such as those on the Lake Michigan Bill of Rights, the OSPI'S master plan for environmental education, and the Illinois Pollution Control Board, to name a few.

II. ENVIRONMENTAL AWARENESS ACTION

The Pollution Control Center

After the 1970 Conservation Workshop, students received permission from the administration to establish an office in the school equipped with a telephone. The Pollution Control Center is open each school day from 8:20 a.m. until 3:20 p.m., with a student volunteer to answer the phone. Students obtain free information in the form of pamphlets, periodicals, books, and audiovisual aids on almost every environmental topic. Cooperating with the library, the center has compiled an excellent collection of books to supplement its current pamphlet file. The center has also recommended and helped to purchase equipment for science classes for pollution analysis. By providing a phone service, citizens and students in the community can call to request information on environmental subjects, speakers for their school or club, or other services provided by the center.

But the center has expanded from its original role as just an information source. Students, rather than just waiting for a phone to ring, use the center as an operations base for their many outside-the-office activities.

Elementary school lectures

High School students share their knowledge by giving lectures to local elementary schools which lack environmental courses. Teams of students lecture to elementary schools and junior highs, grades kindergartent through eight. These programs center on basic ecological concepts and guidelines for children to follow both at school and at home, in order to increase their environmental awareness. Coloring books and buttons with ecological themes and lists of good conservation suggestions that the high school students bring for the younger children help to continue their interest, and provide the teacher with ideas for follow-up programs. Older children receive more sophisticated materials, and participate in question-and-answer-sessions with the high school students. Teachers can also request additional information from the Pollution Control Center on subjects that correlate with current class study.

Student lecturers for local clubs, organizations

Several students have spoken to local clubs and other groups as part of the Pollution Control Center's community education program. By appearing before organizations like the garden club, Illinois Federation of Sportsmen's Clubs, and the Daughters of the American Revolution, students present environmental ideas to adults and inform them of the services of the center. At the same time, students benefit from the exchange of ideas with adults. Several of these groups have contributed to the Pollution Control Center, or helped to finance a student to attend an environmental workshop.

Education of students and adults through the media

Through newspapers, a newsletter, displays, posters, photography, and radio and television coverage, the students have been promoting environmental awareness. The school newspaper, *Trapeze*, having featured articles on pollution, received the 1972 State Award for Environmental Journalism, sponsored by the Illinois Tuberculosis and Respiratory Disease Association. Local and major newspapers in Illinois have publicized the work of the Pollution Control Center, including interviews with students and citizens involved. Students have also represented the school on radio and television.

Permanent recycling program

The students of the Pollution Control Center helped to start a permanent recycling program for newspapers, glass, metal, magazines and cardboard. Beginning with paper recycling, a final site for glass, metal, and paper was started in June of 1971. The school and surrounding communities contribute materials to this project.

Students can claim as much credit for the success of the program as anyone else. In the words of the glass program co-coordinator (himself a student)—"Student manpower kept the bins alive during the first year." As a tribute to student involvement, only students, acting as paid village employees, operate the bins according to village policy. In addition, students act as a "watchdog," and work closely with the village on the recycling center.

"TRP" and "PPUP"

Students from the Pollution Control Center have also been providing a free pick-up service of newspapers for senior citizens in Oak Park and River Forest. This year, students wanted to expand a new program.

A model trial recycling program was organized. For four weeks, thirty students picked up separated garbage from a five-block area in the community. By collecting cans, glass, and paper on a house-to-house project, students gained information which they applied to PPUP, a follow-up project. With "PPUP," (the Paper Pick-Up Program), students and community Jaycees collected newspapers door-to-door for a twenty-block area, every two weeks, for a two-month period. The village has shown a reluctance to adopt this program on a trial basis for the area, however, and students are now lobbying so that the program may be adopted on a trial basis and, hopefully, expanded to all Oak Park.

The conservatory

In 1970 there were plans to demolish a local conservatory. Working with the Village Beautification Committee and other groups, students campaigned to save the conservatory for its educational and recreational value. Because the building needed major repairs, students worked for over one-hundred hours to paint, repair, and gain support for the conservatory. The center donated money to the conservatory and encouraged other groups to contribute. As a result of student and adult action, the conservatory was preserved. Currently, a variety of educational programs there provide information for elementary schools, high schools, and colleges, as well as for residents of the community. Crews from the Pollution Control Center assist at the conservatory on a regular basis.

Cooperation with other conservation organizations

The students have asked organizations like the Illinois Planning and Conservation League, the Clean Air Coordinating Committee, the League of Women Voters, and others, to help them filter through confusing legislation. These groups alert students in time to act before a crucial vote. Also, the students work with these organizations on projects such as gaining support for the 1970 Illinois Water Bond Issue, when students distributed leaflets, or obtaining signatures for worthwhile conservation causes. Particularly significant was the effort by students to prevent the North Shore Sanitary District from discharging poorly treated effluent into the Des Plaines River. In one weekend, the students obtained over one thousand signatures of residents along the river demanding a hearing before the Illinois Pollution Control Board. The hearing was granted, and the Pollution Control Center along with other groups demanded tertiary treatment for the effluent. The water quality standards were improved to require tertiary treatment as a result of these hearings.

The Pollution Control Center has also worked with government agencies such as the Youth Advisory Board of the Environmental Protection Agency.

Environmental legislation

Recognizing the importance of environmental legislation on all levels, the students have concentrated on being informed, informing others, and expressing their views to elected officials and other influential people. Interested students write individual letters or help to compose official letters and telegrams, and make phone calls voicing the opinion of the center. By checking the *Congressional Record*, Politicians and other groups, the students attempt to deal directly with elected officials whenever possible. Governor Richard Ogilvie, Lieutenant Governor Paul Simon, numerous state senators and representatives, federal representatives, and EPA administrator William Ruckelshaus visited the school and its Pollution Control Center. After listening to talks by these officials, students were able to question them concerning environmental legislation.

Locally, the center supported an Environmental Advisory Committee for the Village of Oak Park. With the faculty advisor of the Pollution Control Center and a student chairman of the Pollution Control Center among committee members, the Advisory Committee gives advice to the village board on environmental matters such as the recycling center and PPUP.

Environmental conference

The center has been instrumental in the formation of a student coalition which had several meetings in Chicago under the auspices of the Open Land Project. As a result of these meetings, a conference was held at Lake Geneva, with EPA, the Bolton Institute, the Cleveland Institute, and the Open Lands Project as sponsors. The center again was instrumental in the formation of the conference and the several coalitions formed out of it among high schools in Illinois and Wisconsin.

The Des Plaines River

Students from the center have long been interested in the Des Plaines River, a large, polluted river close to the high school. Students were instrumental in the formation and performance of several river clean-ups along the river.

The coalitions formed at the high school conference were organized along water lines. Thus, Oak Park and River Forest High School has been active in the Des Plaines River coalition, another weapon against pollution on the Des Plaines. In addition, several students working on their own outside the office have organized and are still organizing canoe trips and are now working closely with the Clean Streams Committee along the Des Plaines. The students hope to spot polluters for the agencies, and to conduct surveillance on these polluters for the agencies involved. Students engaged in this project have met with some initial success.

On the basis of these accomplishments, the Pollution Control Center entered the Presidential Environmental Merit Awards program, operated by the Environmental Protection Agency, to provide recognition for outstanding high school environmental work. The Pollution Control Center was then honored by its selection as one of four high schools across the nation to receive the first Presidential Merit Awards. Student coordinators Nancy Stockholm and John Rudzinski were accompanied by faculty sponsor Edward C. Radatz to Washington, D.C., where a three-day visit was climaxed by the presentation of the awards by Mrs. Julie Eisenhower in the White House Rose Garden. Upon their arrival home, these three and the Pollution Control Center were again honored, this time by House Resolution 598 of the Illinois General Assembly, co-sponsored by nine state representatives, honoring the Pollution Control Center for its work.

THE CHILDREN OF VIETNAM

Mr. INOUYE. Mr. President, I would like to bring to the attention of my colleagues a recent publication of a heartwarming and inspiring article about the undaunted efforts of some dedicated citizens who are active in assisting the truly innocent victims of our recent Southeast Asia confrontation, the children of Vietnam.

In it, the efforts and tribulations of the Center for Plastic and Reconstructive Surgery of Children's Medical Relief International, Inc., are highlighted. At this time, if there are no objections, I ask unanimous consent that the entire Maui News article be printed in the RECORD for all to read.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILDREN MATTER MORE THAN MONEY

(By Jeanne B. Johnson)

He came toward us—a tiny lad—and, as he approached I saw that he had only half a face. Most of the lower part of his face below the eyes was only a hole, and you could see his tongue and the back of his throat.

I should have been horrified. I should have had nightmares remembering. But I don't. What I do remember are his sparkling eyes—happy eyes!

Happy eyes! Smiling faces!

I think that I shall always remember the eyes of the pitifully scared, horribly burned, congenitally disfigured children that I saw in the Center for Plastic and Reconstructive Surgery of Children's Medical Relief International, Inc., (CMRI) in Saigon, South Vietnam.

Eyes look up at you when their bodies were bound together tiny leg to arm. While a slender strip of living skin struggles to feed a flap that may—in time—grow to cover a void left by a burn. How can eyes be happy, how can faces that still have lips smile when there is so much suffering?

The answer is that someone cares.

The answer is that there are people who believe completely that "Today's Children Are Tomorrow's World." And, because of this faith, they've taken time away from profitable practices all over the world to care for the children of South Vietnam.

"Why?" someone asked me the other day. "Why do they do it, they could make so much more money staying home?"

It's because the children matter—more than money—more than anything else to these physicians and nurses, and because of that faith in "today's children" they know that the surgical rehabilitation of children, their health and welfare is the securest foundation upon which to help build a viable democracy.

The little lad with half a face will, in time, be whole again. He may not be cosmetically attractive, but he will have a whole face, though the process will take many operations and a number of years. You see, he has an "acquired deformity" known as "Noma"—a condition which affects young, malnourished children. He's ten years old, but he looks no older than perhaps six or seven.

NOMA EXPLAINED

"Noma," explained Joyce Horn, hospital administrator of the Barsky Unit, ChoRay Hospital, of CMRI, "is a disease that starts out as an ulcerative, gangrenous sore in the mouth, and within a matter of days to months it eats away tissue, muscle, cartilage, bone, everything. It's self-limiting, so it does stop on its own. Only we get them after the disease has taken its course, and we build a new nose, or a new cheek or whatever it is that they've lost."

This horrible disfigurement, practically never seen in the Western countries, is by no means uncommon in Vietnam, and requires extensive, long-term reconstructive surgery—but at CMRI they give them new faces. And they feed them, too. Maybe that's why the eyes sparkle—the faces learn to smile. Their tummies are full and they have hope for a future, and they are secure in the knowledge that someone cares.

Food? Children who have never known a balanced meal, many suffering from protein malnutrition, have three complete meals a day and three high-protein snacks a day. Full tummies.

Children treated at the Center fall into several categories.

First, there are those who suffer injuries sustained in direct military action.

Second, indirect war casualties. These are children who are injured while playing with unexploded devices, such as mines and grenades, which they pick up as toys.

Third, the domestic accidents. Overcrowding in Saigon caused by the influx of refugees and poor living conditions produces many domestic accidents. Saigon has grown from a city of 300,000 to a population of three million in five years.

Fourth, the accidents caused by heavy motor car, bus, lorry, bicycle, cycle-taxi (pedicab), motorcycle and scooter traffic in unbelievable numbers.

Another group of patients suffer from congenital malformations. These include malformations of the hand, head and face, and cleft lip and cleft palate.

"WE ALL LOVE HER"

We walked into the clinic area, and there was a tiny little girl.

"She's been with us since she was three months old," said Miss Horn. "She had a cleft lip—bilateral, and a cleft palate. We all love her. She has a hole in her palate, so she requires extensive work. She's going to need speech therapy for many, many years, and she needs a revision of her lip and nose."

As we progressed through the Barsky Unit we saw a youngster in a "Stryker Frame", an apparatus which can be flipped over so that the child does not have to be touched. He had 50 percent body burns, with no chest area from which to take skin. Pig skin—as a protective covering—had been obtained from a military hospital. It isn't left on long, but serves as a biological dressing, reducing the area that is open and can be infected. It prevents the serious drainage of body fluids.

We saw a child with "an abdominal flap" to the right hand.

"For three weeks he's attached like this to the flap, then they cut it and he has it on his hand," explained Miss Horn.

There was . . . a young Vietnamese major who had survived a helicopter crash and was in a military hospital for two months with a wide open leg wound that exposed the entire bone . . . a child who had the side of her face burned . . . and a young boy who had had his arms grow to his sides and his legs grown together from burns. Now, when you see him, you can't believe it!

Happy eyes? Smiling faces? They're the faces of CMRI's children.

And just exactly what is CMRI? Who foots the bill? How did it get started?

That's what I went to Saigon with Samuel F. Pryor of Maui and Greenwich, Connecticut to find out. Pryor, a retired Pan Am vice president, had been invited to become a director of CMRI, and he wanted to see its operation first-hand.

We were met on arrival by Dr. Arthur J. Barsky, CMRI president, Mrs. Elizabeth Ferrer, executive director, and Mrs. Jack (Lillian L.) Poses, a New York attorney. Dr. Lester Silver, who is Dr. Barsky's assistant, joined us later.

ORGANIZED IN 1966

CMRI was actually organized by Dr. Barsky, professor of plastic surgery at the Albert Einstein College of Medicine, New York, and Thomas R. Miller, New York attorney, in the fall of 1966 against a background of conflicting reports about the number of war-injured children in South Vietnam.

In March 1967, a survey team consisting of Dr. Barsky and Dr. Daniel L. Weiner left for Vietnam. Officially, they were charged by the board of directors to "confer with United States and Vietnamese authorities and to explore the need for the possibilities of setting up in Vietnam, a surgical unit devoted to reconstructive plastic surgery principally for children, under United States direction and with Vietnamese surgeons participating for training."

It was projected that eventually the Vietnamese would take over and operate the unit.

"We went up to Hue and then traveled southward—visited the provincial hospitals to get an idea first of the number of war injured children, and very quickly came to the conclusion that there were sufficient number of children—war injured and others—to make it imperative to set up some sort of a treatment center," said Dr. Barsky.

The survey team made an extensive report to the Vietnamese Ministry of Health (MOH) and to the United States Agency for International Development (USAID), and both agencies accepted the report and its recommendations in principle.

In the summer of 1968, a 20-bed temporary surgical unit was set up on the first floor of a Saigon apartment house which is now used as a staff residence. There was also a Reception Convalescent Center.

Now, there's a modern efficient 54-bed surgical unit located on the grounds of Cho Ray Hospital, the largest municipal hospital in Saigon. It was completed in July 1969, and, appropriately enough named the "Barsky Unit" of Cho Ray Hospital. It was so named by the Vietnamese Minister of Health in honor of Dr. Barsky.

The Barsky Unit has three operating rooms, a recovery room, central supply department, out-patient clinic area, laboratory, X-ray, blood bank, intensive care ward and areas devoted to speech and physical therapy as well as a maintenance work shop.

In addition, about a 30-minute drive across the city is the Reception Convalescent Center, where there are 120 beds.

TEN REGIONAL CLINICS

"Since we began, we have tried to develop a clinic system, because it's important that we don't get just children from the Saigon area, but try and reach out to all the children in Vietnam," Miss Horn explained. "As a result, there are ten regional clinics where clinics are held once a month, and patients needing care are brought to Saigon."

Unless their condition is urgent, they go to the Reception Convalescent Center. Here they are examined, immunizations and necessary medical treatment administered, and when cleared by the pediatrician, admitted to the Barsky Unit hospital just prior to surgery. They go back to the Reception Convalescent Center as soon as it is safe to do so. There they stay until they're discharged or return for more surgery.

It isn't just a case of Western personnel coming to Vietnam and operating a hospital. It's training the Vietnamese to operate the Center themselves.

"Once there were more than 30 people from 19 different countries, now, we've gradually phased out all of the Western staff until there's only six left," Miss Horn disclosed proudly. "All of the rest are Vietnamese."

Smiling at Minh Duc, who will soon take the position of hospital administrator, she continued:

"The people have done a tremendous job here. All of the Vietnamese that we've worked with have been extremely good. The people we are leaving behind are so capable.

"There is a purpose here; an understanding that transcends cultural differences—our progress can be indicated and summed up, but the unified effort of pulling together, the wonderful sense of pride and satisfaction of gaining together cannot be measured. We have created a sense of responsibility in the person, a sense of pride in the endeavor, an earnest caring, a sincere sharing, a respect for what is done, a belief in why it is done and a humanitarian desire to carry it onward."

LEARN TO HELP SELVES

The Cease-Fire has been signed, the last Prisoner of War released, the role of the U.S. Army Vietnam has ended—but peace has to be won.

At the Barsky Unit Vietnamese are being trained to help themselves in the field of reconstructive plastic surgery.

"If you train sufficient numbers of nurses and doctors, if you give them proper facilities and the money to run them, the Vietnamese can have just as nice hospitals as you have in the United States," says Mrs. Ferrer, who pioneered the project with Dr. Barsky and was hospital administrator for four years.

Dr. Barsky said:

"We've come to the peace, and if we can devote a tenth of our interest, our resources and our attention to winning the peace, we'll have a stable peace. We can't simply say Democracy is better than Communism. That doesn't go any more than you can tell anybody that 'sin is bad.' We have to demonstrate WHY Democracy is better."

Dr. Barsky repeatedly stressed: "One of the basic foundations for any Democracy or stable government of any kind is the welfare of its children. If you don't have that, you're lost."

It costs about $350,000 per year—excluding the value of medical supplies contributed by the Vietnamese Ministry of Health.

In the past, substantial financial support has been received from USAID. With the Cease Fire and the tightening of the pursestrings in the United States, our government—through USAID—may discontinue its support . . . and take a backward step in international relations.

NEED IS GREAT

So, now, CMRI is dependent upon private contributions from the Vietnamese and people of other countries—people who care about today's children and tomorrow's world.

Five dollars will transport five children from an upcountry hamlet to the hospital and back again.

Twenty-five dollars will provide ten days of nursing care for a critically injured child.

Five hundred dollars will rebuild a face—perhaps a face eaten away by Noma.

"The first thing that we would like to do is to be assured of continued operational support of the unit," says Dr. Barsky. Such assurance must come from somewhere."

The inscription on the dedication plaque at the entrance to the Barsky unit reads: "It is better to light a candle than to curse the darkness."

CMRI has lit the candle, but it is up to us to see that it continues to burn in the cause of freedom.

RESOLUTION ADOPTED BY THE LEGISLATURE OF THE STATE OF UTAH

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions adopted by the legislature of the State of Utah; one dealing with the 1976 Winter Olympics, and the other with the Aviation Trust Fund.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

1976 WINTER OLYMPICS

A resolution of the 40th legislature of the State of Utah, commending the mayor of Salt Lake City and the Salt Lake City Olympic presentation committee; supporting the conditions of the committee's presentation before the United States Olympic Committee, and requesting the President and members of the Utah congressional delegation to seek a commitment of Federal funding to host the 1976 Winter Olympic Games in Salt Lake City

Whereas, Salt Lake City, Utah, has been unanimously selected by the United States Olympic Committee as the host city for the 1976 winter olympics competition; and

Whereas, that selection was made under the terms announced by the Mayor of Salt Lake City, E. J. Garn, to wit:

(1) No state or local funds would be committed to the construction of facilities or the operation of the games;

(2) No permanent facilities would be built or developments allowed in connection with the olympic games which would endanger the environment of the canyons and watershed areas of Salt Lake City; and

(3) The olympic games would be reduced in size and scope, from the level of promotional extravaganza and returned to the amateur athletes of the world for true athletic competition; and

Whereas, strict observance of these conditions inspires confidence in the Legislature that the olympic games can be held in Utah without damaging the environment or otherwise having any negative effect on the residents of the State or Utah; and

Whereas, the International Olympic Committee will meet in February, 1973, to determine the site of the 1976 winter olympics; and

Whereas, the Congress of the United States and the Executive Branch of Government of the United States must determine the availability of federal funds before Salt Lake City will make a presentation to the International Olympic Committee; and

Whereas, 1976 is the year in which the bicentennial anniversary of the birth of the United States will be celebrated and the winter olympics offer an opportunity for the nations of the world to join in the celebration of that bicentennial.

Now, therefore, be it resolved, by the Legislature of the State of Utah, that the Honorable E. J. Garn, the Mayor of Salt Lake City, and the members of the Salt Lake City Olympic Presentation Committee, be commended for their honest and thoughtful presentation to the United States Olympic Committee.

Be it further resolved, that the Legislature supports the conditions embodied in the Salt Lake City presentation and will lend whatever support is necessary to aid Salt Lake City elected officials in the enforcement of those conditions.

Be it further resolved, that the Legislature of the State of Utah requests its congressional delegation to do all in its power to obtain the commitment of federal funds to Salt Lake City for the purpose of hosting the 1976 winter olympic games, providing that such federal funds shall not replace or reduce any federal grants or programs committed to the state of Utah.

Be it further resolved. that the Secretary of State of Utah send copies of this resolution to the President of the United States, each member of the congressional delegation from the State of Utah, the International Olympic Committee, and to Mayor E. J. Garn.

1973 (AVIATION TRUST FUND)

A joint resolution of the 40th Legislature of the State of Utah, requesting the Congress of the United States to pass legislation to return to the States a portion of the Federal user charges flowing into the Aviation Trust Fund

Whereas, the federal government has a vital interest in the development of a national air transportation system and to this end has concentrated its efforts in airport development in the major metropolitan areas of our nation, which airports serve the national and international traveler;

Whereas, state government has a major responsibility for developing a state system of multi-sized airports which will complement and include the national system and bring air service to all citizens of our nation;

Whereas, the federal government has levied user taxes of such magnitude on the aviation public as to preempt the field in taxation; and

Whereas, the national policy has been established as being one to encourage the development of the small cities and towns of this nation and to avoid the problems associated with continued urban concentration.

Now, therefore, be it resolved, by the Legislature of the State of Utah that Congress is requested to find the proper avenue and pass the necessary legislation to assure that the funds amassed by aviation user taxes on the federal level be returned in part to the state on an equitable and proportionate basis so as to allow the states themselves to provide and maintain their share of the total air transportation system.

Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States and to each Senator and Representative from the State of Utah.

THE MEANING OF A LIBERAL EDUCATION

Mr. HARTKE. Mr. President, the liberal education has been the backbone of this Nation's development, but its nature and substance have often been the object of intense debate.

Recently, I read an article on this subject which I would like to share with my colleagues. Mr. President, I ask unanimous consent that the article which appeared in the February 1973 edition of RF Illustrated and was written by the Reverend Theodore M. Hesburgh, president of the University of Notre Dame in Indiana be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOMEWHERE, IN THAT VAGUE MORASS OF RHETORIC THAT HAS ALWAYS CHARACTERIZED DESCRIPTION OF LIBERAL EDUCATION, ONE ALWAYS FINDS A MENTION OF VALUES

The true purists insist on intellectual values, but there have always been educators, particularly among founders of small liberal arts colleges in the nineteenth century, who likewise stressed moral values as one of the finest fruits of their educational process, especially if their colleges were inspired by a religious group.

I believe it to be a fairly obvious fact that we have come full circle in our secularized times. Today, one hears all too little of intellectual values, and moral values seem to have become a lost cause in the educational process. I know educators of some renown who in effect tell their students, "We do't care what you do around here as long as you do it quietly, avoid blatant scandal, and don't give the institution a bad name."

Part of this attitude is an overreaction to "in loco parentis," which goes from eschewing responsibility for students' lives to just not caring how they live. It is assumed that how students live has no relation to their education, which is, in this view solely an intellectual process. Those who espouse this view would not necessarily deny that values are important in life, they just do not think that they form part of the higher education endeavor, if indeed they can be taught anyway.

Moral abdication or valuelessness seems to have become a sign of the times. One might well describe the illness of modern society and its schooling as anomie, a rootlessness.

I would like to say right out that I do not consider this to be progress, however modern and stylish it might be. The Greeks (not the fraternities) were at their best when they inisisted that *arete* (excellence) was at the heart of human activity at its noblest, certainly at the heart of education at its civilized best. John Gardner wrote a book on the subject, which will best be remembered by his trenchant phrase: "Unless our philosophers and plumbers are committed to excellence, neither our pipes nor our arguments will hold water."

Do values really count in a liberal education? They have to count if you take the word "liberal" at its face value. To be liberal, an education must somehow liberate a person to be what every person potentially is: Free. Free to be and free to do. What?

Excuse me for making a list, but it is important. The first fruit of a liberal education is to free a person from ignorance, which fundamentally means freedom to think, clearly and logically. Moreover, allied with this release from stupdity—nonthinking or poor-thinking—is the freedom to communicate one's thoughts, hopefully with clarity, style, and grace, more than the Neanderthal grunt.

A liberal education should also enable a person to judge, which in itself presupposes the ability to evaluate: to prefer this to that, to say this is good and that bad, or at least this is better than that. To evaluate is to prefer, to discriminate, to choose, and each of these actions presupposes a sense of values.

Liberal education should also enable a person to situate himself or herself within a given culture, religion, race, sex, and, hopefully, to appreciate what is valuable in the given situation, even as simple an evaluation as "black is beautiful." This, too, is a value judgment and a liberation from valuelessness, insecurity and despair, at times.

Liberal education, by all of these value-laden processes, should confer a sense of peace, confidence and assurance on the person thus educated and liberate him or her from the adriftness that characterizes so many in an age of anomie.

Lastly, a liberal education should enable a person to humanize everything that he or she touches in life, which is to say that one is enabled not only to evaluate what one is or does, but that, in addition, one adds value consciously to relationships that might otherwise be banal or superficial or meaningless: relations to God, to one's fellow men, to one's wife or husband or children, to one's associates, one's neighborhood, one's country and world.

In this way, the list of what one expects of liberal education is really a list of the very real values that alone can liberate a person from very real evils or non-values—stupidity, meaninglessness, inhumanity.

One might well ask at this juncture, "How are these values attained educationally?" Again, one is almost forced to make a list: Language and mathematics stress clarity, precision and style if well taught; literature gives an insight into that vast human arena of good and evil, love and hate, peace and violence as real living human options. History gives a vital record of mankind's success and failure, hopes and fears, the heights and the depths of human endeavors pursued with either heroism or depravity—but always depicting real virtue or the lack of it. Music and art purvey a sense of beauty seen or heard, a value to be preferred to ugliness or cacophony. The physical sciences are a symphony of world order, so often unsuccessfully sought by law, but already achieved by creation, a model challenging man's freedom and creativity. The social sciences show man at work, theoretically and practically, creating his world.

Too often, social scientists in their quest for a physical scientist's objectivity underrate the influence of freedom—for good or for evil. While a social scientist must remain objective within the givens of his observable data, his best contribution comes when he invokes the values that make the data more meaningful as de Tocqueville does in commenting on the values of democracy in America, Barbara Ward in outlining the value of social justice in a very unjust world, Michael Harrington in commenting on the nonvalue of poverty.

Again, it is the value of judgments that ultimately bring the social sciences to life and make them more meaningful in liberating those who study them in the course of a liberal education.

One might ask where the physical sciences liberate, but, even here, the bursting knowledge of the physical sciences is really power to liberate mankind: from hunger, from ignorance and superstition, from grinding poverty and homelessness that have made millions of persons less than human. But the price of this liberation is value: the value to use the power of science for the humanization rather than the destruction of mankind.

Value is simply central to all that is liberalizing in liberal education. Without value, it would be impossible to visualize liberal education as all that is good, in both the intellectual and the moral order of human development and liberation. Along the same line of reasoning, President Robben Fleming of Michigan last year asked his faculty why, in the recent student revolution, it was the liberal arts students who so easily reverted to violence, intolerance and illiberality. Could it not be that their actions demonstrated that liberal education has begun to fail in that most important of its functions: to liberate man from irrationality, valuelessness and anomie?

But, one might legitimately ask, how are these great values transmitted in the process of liberal education? All that I have said thus far would indicate that the values are inherent in the teaching of the various disciplines that comprise a liberal education in the traditional sense. However, one should admit that it is quite possible to study all of these branches of knowledge, including those that explicitly treat of values, philosophy and theology, without emerging as a person who is both imbued with and seized by great liberating and humanizing values.

I believe that all that this says is that the key and central factor in liberal education is the teacher-educator, his perception of his role, how he teaches, but particularly, how he lives and exemplifies the values inherent in what he teaches. Values are exemplified better than they are taught, which is to say that they are taught better by exemplification than by words.

I have long believed that a Christian university is worthless in our day unless it conveys to all who study within it a deep sense of the dignity of the human person, his nature and high destiny, his opportunities for seeking justice in a very unjust world, his inherent nobility so needing to be achieved by himself or herself, for one's self and for others, whatever the obstacles. I would have to admit, even immodestly, that whatever I have said on this subject has had a minuscule impression on the members of our university compared to what I have tried to do to achieve justice in our times. This really says that while value education is difficult, it is practically impossible unless the word is buttressed by the deed.

If all this is true, it means that all those engaged in education today must look to themselves first, to their moral commitments, to their lives, and to their own values which, for better or worse, will be reflected in the lives and attitudes of those they seek to educate. There is nothing automatic about the liberal education tradition. It can die if not fostered. And if it does die, the values that sustain an individual and a nation are likely to die with it.

SUPPORT FOR S. 1413

Mr. DOMENICI. Mr. President, I wish to speak today in support of S. 1413, which was passed by the Senate on Friday, June 15, 1973. The measure seeks to increase the authorization of appropriations to the Committee for the Purchase of Products and Services of the Blind and Other Severely Handicapped for fiscal year 1974 from $200,000 to $240,000.

When this committee was initiated 2 years ago by Congress, the cost estimates made at that time were based on little operating experience. During these 2 years, the staff positions have been filled and personnel have been working with the participating workshops. However, operating costs have exceeded estimates due to the recent pay increases for Federal employees, increased travel requirements of the staff to assist workshops in qualifying for participation in the program, and to budget for the rent for office space as well as other increases in administrative costs.

Mr. President, I believe the benefits of this program are self evident and the program should not be jeopardized by inadequate funding estimates of 2 years ago. Indicative of the program's success has been the increased number of workships during this time. They have increased from 78 to 83. In addition, the nonprofit status under the act of over 129 workshops serving the other severely handicapped has been verified, and 6 of these have been assigned a commodity of a service to perform.

Furthermore, the participating workshops have shown an improvement in each category of sales reaching a new high of $52,524,892. More importantly, the hourly wages for the blind or handicapped worker have also reached a new high of $1.80 an hour.

It seems clear to me that this program offers the severely handicapped an honorable and dignified way to support themselves and any dependents they may have. We must leave this avenue open—it must not be closed or inhibited because of inadequate funding at this point. The return to this country would be much more than the sum proposed here when one considers services rendered—as well as useful work opportunities for individuals who would otherwise be a burden to themselves, to their families, and to their communities.

EXECUTIVE PRIVILEGE—THE NEED FOR CONGRESSIONAL ACTION

Mr. ERVIN. Mr. President, on June 15, 1973, I had the privilege of speaking to the Illinois State Bar Association on the subject of Executive privilege.

I ask unanimous consent that a copy of my remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Executive Privilege: The Need for Congressional Action

As every citizen must know, there is a great conflict going on in Washington between Congress and the Executive branch of the Government. Some commentators have described this conflict as a "constitutional crisis," and daily news reports clearly reflect the nature of the struggle over such issues as budget priorities, impoundment of appropriated funds, and the exercise of executive privilege and other devices by the Executive to withhold information from Congress and the American people—all in addition to the Watergate investigation.

Today I would like to discuss with you the issue of executive privilege, which is woven through many of the events that have occurred over the past few years. I have become quite familiar with this issue and the extent to which information has been withheld from Congress as the result of extensive hearings conducted by the Judiciary Subcommittee on Separation of Powers first in 1971 and again this year in conjunction with the Government Operations Subcommittee on Intergovernmental Relations, which is chaired by Senator Edmund S. Muskie. I am also familiar with the various statements by the President regarding executive privilege in connection with the Watergate investigation, some of which I have seen fit to characterize as "executive poppycock."

The varying positions of the Nixon administration on the exercise of executive privilege serve to demonstrate the difficulty of defining the privilege and establishing the boundaries of its use.

As a general proposition, the administration's policy governing compliance with congressional demands for information was set out in a Memorandum for the Heads of Executive Departments and Agencies promulgated by the President on March 24, 1969.[1] According to the terms of that memorandum, the administration's policy is "to comply to the fullest extent possible with Congressional requests for information." It specifically says that executive privilege will be exercised "only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise" and, even then, only with "specific Presidential approval."

On its face, application of executive privilege in accordance with the terms of the Nixon memorandum would seem to fit the narrow concept of the privilege to which I subscribe. That is, executive privilege is a right belonging to the President—and not to other Executive branch officers—to "withhold information, not privileged under the law of evidence, which relates to a subject within the legitimate authority of Congress, on the ground that disclosure would hinder discharge of the constitutional powers of the Executive."[2] Since the privilege is strictly presidential, it must be exercised personally by the President.

While the Nixon administration has seen fit to exercise the privilege formally under the terms of the memorandum on very few occasions, in actual practice it has withheld information from Congress for a variety of reasons. It is not the formal invocation of executive privilege alone that causes difficulty in gaining access to information; it is the multitude of specious reasons given by department and agency heads and other officers and employees of the Executive branch for their refusals to provide the information sought by Congress.

For example, the President has exercised executive privilege formally on only a handful of occasions. However, a survey being conducted by the Subcommittee on Separation of Powers already has turned up more than 100 incidents in which information was denied congressional committees and subcommittees by Executive branch officials and employees without executive privilege even being mentioned.

As Chairman of the Judiciary Subcommittee on Constitutional Rights, I tried during 1971 to obtain information from the Department of the Army relative to Army spying on civilians. The Subcommittee requested certain specific information and the appearance before us of the generals who had responsibility for the spying program. On one occasion, I was told that the information would not be supplied to the Subcommittee because it would not be "useful" to the Subcommittee. On another, in response to the Subcommittee's request to have the generals who were in charge of the program testify, the Secretary of Defense told me that *he*—and not the Subcommittee—would determine who would testify. The questions of executive privilege never came up during my extensive correspondence with the Army during that investigation. Instead, the give-and-take illustrated the frequent Executive tactic of resisting or ignoring congressional requests for information until they are reduced to the bare essentials, which are then in turn refused.[3]

The withholding of information has been made on rather frivolous grounds, such as the occasion information was refused Senator William V. Roth (then Congressman) of Delaware in 1967. At that time he was attempting to compile a catalog of Federal domestic assistance programs, information which Congress and the people have a right to know. Senator Roth requested a copy of the telephone directory of the Office of Economic Opportunity. His request was denied because—and I quote him—the telephone directory was "confidential."

The Comptroller General of the United States, who heads the General Accounting Office, an arm of Congress, testified recently before our hearings on executive privilege that much information has been deliberately withheld from the GAO by executive agencies during the past few years.

Comptroller General Staats said that the departments and agencies have interpreted the President's 1969 memorandum—

"To be not limited to the specific requests which prompted the exercise of executive privilege but rather as a standing directive that no internal working documents, detailed planning data, or estimates as to future budget requirements will be made available to the Congress or the General Accounting Office without the approval of higher authority . . . In other words, agencies have become super cautious and want to run no risk that either the letter or the spirit of the directives will be violated on an 'across-the-board' basis."

The Comptroller General ran head-on into executive privilege when he attempted to obtain from the White House certain manifest lists of flights made during the 1972 presidential campaign by the President and his family, the Vice President, White House staff and Cabinet officers in military aircraft from Andrews Air Force Base just outside Washington. John W. Dean III, who at that time was counsel to the President, wrote to Mr. Staats on November 20, 1972, and told him that "information of this nature has traditionally been considered personal to the President and thus not the proper subject of Congressional inquiry." Despite this assertion by Mr. Dean, to my knowledge no President in the past has refused to provide this type of information when requested to do so by the Comptroller General.

Even though this information was refused the GAO, I am hopeful that the Senate Government Operations Committee, of which I am Chairman, can acquire the material under title 5, United States Code, section 2954, which states:

"An Executive agency . . . on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee."

The Committee on Government Operations is charged with the duty of studying and investigating the efficiency and economy of operations of all branches of the Government, including the improper expenditure of Government funds in activities of the Government or of Government officials or employees. Information pertaining to travel by Federal officials and employees to points outside the District of Columbia in Government-owned aircraft clearly is within the Committee's jurisdiction and the purview of the statute. Therefore, at least five members of the Committee are prepared to request the information which was denied the Comptroller General, and the Committee could proceed with a mandamus action if it is not forthcoming.

The interpretation of executive privilege to cover manifest lists of White House flights serves to illustrate an important problem in defining the boundaries and limits of the privilege. That problem has to do with the nature of the privilege.

For example, under the 1969 Nixon memorandum, each request for information was to be weighed on its merits as to whether executive privilege should be exercised, and the President personally was to make the final determination. In other words, the privilege was to be applied to the particular information requested on an ad hoc basis.

On the other hand, President Nixon has in the past two years maintained that the privilege could be applied to a person who holds an Executive position, such as presidential assistant, rather than to the information sought.

This is an important distinction, for it the President applies the privilege to a person, then Congress would never be able to pose questions to that official in the first place. However, if the privilege is applied only to information, then Congress would be able to question the witness, who could in turn assert the privilege if the information sought pertains to a communication between the official and the President or to confidential presidential papers.

In practice, the application of executive privilege has depended on the policies of each incumbent President.

On May 17, 1954, at the height of the Army-McCarthy hearings, President Eisenhower sent a letter to the Secretary of Defense in which he directed employees of the Defense Department not to testify about any conversations or communications among themselves, or to produce any documents, that could have been construed as rendering internal advice within the Department.[5] Four years later, Attorney General William P. Rogers presented an exhaustive statement on executive privilege before the Subcommittee on Constitutional Rights in which he expanded the scope of the privilege. According to his reasoning, the Executive has almost unlimited discretion to withhold information from Congress.[6]

In 1962, President Kennedy attempted to end the practice of delegating to employees the authority to claim executive privilege. He said that only the President could invoke executive privilege, and that the privilege would not be used "without specific Presidential approval."[7]

So far as I can ascertain, this was the policy throughout the Kennedy and Johnson administrations, and it is reflected on the surface of the 1969 Nixon memorandum. However, it does not represent the true scope with which President Nixon and his administration have viewed executive privilege. Perhaps it was because Presidents Kennedy and Johnson were much more legislative-oriented than President Nixon, or because they served with Congresses dominated by their own political party while President Nixon has not, that the withholding of information has increased during the past four and a half years.

In fact, if we look back to 1948, we find then-Congressman Richard Nixon protesting on the floor of the House that President Truman had withheld information from Congress. He opposed the proposition that Congress could not question a refusal by the President to provide information with these words:

"That would mean that the President could have arbitrarily issued an Executive order in the Meyers case, the Teapot Dome case or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision.

"Any such order of the President can be questioned by the Congress as to whether or not that order is justified on the merits.[8]

Undoubtedly a man's opinions on certain issues are determined by the position he holds at the time he renders those opinions. That must have been the case of Congressman Nixon, for as President Nixon, he has shown on a number of occasions a reluctance to have Congress question whether the withholding of information by his administration was "justified on the merits."

During the Senate Judiciary Committee's hearings on the confirmation of Richard G. Kleindienst to be Attorney General in 1971,

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Footnotes at end of article.

the President extended executive privilege to Peter Flanagan, who was serving on the White House staff. It was only after it became clear the Kleindienst nomination would be blocked in the Committee unless Mr. Flanagan testified, that an agreement was made between the President and the Committee members to permit Mr. Flanagan's appearance and limited testimony.

The Flanagan case illustrated two important points about executive privilege:

First, the Nixon policy has been to extend the privilege in blanket form to positions in the Executive branch, as opposed to each particular request for information, thereby denying Congress an opportunity to question high Government officials.

Second, conflicts between Congress and the Executive over the exercise of executive privilege have been resolved basically by give-and-take between the branches, although Congress does have several weapons at its disposal. In essence, our tripartite system works best in good faith between the branches insofar as practical.

The Nixon policy of extending executive privilege to positions rather than to information has taken on new dimensions during the past several months. While he was still Attorney General, Mr. Kleindienst testified recently before our executive privilege hearings that the President has authority to order *any* of the 2.5 million Federal employees not to testify before Congress or to produce information requested by Congress. That is as broad a claim of the privilege as I know of, and I do not believe the law backs him up. The power of Congress to gather information for a legislative purpose was settled in the case of *McGrain* v *Daugherty* in 1927.[9]

During the President's initial statements on the Watergate matter, he said flatly that he would not allow any present or past members of the White House staff to appear and testify before the Senate Select Committee on Presidential Campaign Activities. That statement touched off an exchange in which I pointed out that White House assistants are no more immune from a subpoena to appear and testify before a congressional committee than is any other American citizen, and I called attention to the assertion of Chief Justice John Marshall in the *Aaron Burr* case[10] that even the President himself is subject to a judicial subpoena.

Subsequently, the President backed down from this position, and on May 3 of this year he issued new guidelines which would permit past and present presidential aides to appear and testify, but he enjoined them not to discuss conversations they had with the President, conversations among themselves involving communications with the President, or presidential papers.[11]

This construction of the privilege is more in line with the limited interpretation to which I subscribe. I certainly respect the right of the Executive insofar as executive privilege is confined to communications between presidential aides or other Executive employees and the President, or with respect to communications of a confidential nature between different presidential aides or Executive employees when they are assisting the President in carrying out the duties of his office. But I do not think there is any privilege that exists to withhold information about matters that have already been made public by other administration officials or with respect to official dealings between presidential aides and third persons. Nor do I think that there is a privilege which prevents testimony of presidential aides about any wrongdoing of which they may have knowledge.

Furthermore, I think that executive privilege should be narrowly applied to information which must of necessity be classified for national security reasons, and to internal communications that take place prior to the formulation of policy by the Executive. The withholding of information in these areas is often justified, but only when the information is properly classified for a legitimate reason.

For the most part, the appropriate committees of Congress are quite capable of receiving and protecting classified information, and while there may be occasions when very sensitive information—such as in the Vietnam peace negotiations—must be kept highly secret, the Congress should be provided with as much information as possible.

The experiences of the Joint Committee on Atomic Energy demonstrate that Congress can keep information secret. The Joint Committee never has had a leak of classified information entrusted to its custody. The Executive branch has provided fully and currently the information it is required by law to submit to the Joint Committee and has responded to all requests made by it. Even though the Joint Committee is privy to the most sensitive matters relating to our national defense, security for the classified information has never been an issue. Indeed, the Select Committee on Presidential Campaign Activities has entrusted to the Joint Committee some very sensitive papers bearing on the Watergate investigation; it has done so with the utmost confidence that there will not be a leak of the slightest proportion.

The Joint Committee on Atomic Energy operates under a somewhat unusual statute which requires the Atomic Energy Commission and the Defense Department to keep the Joint Committee "fully and currently informed" with respect to their activities "relating to the development, utilization, or application of atomic energy." It further provides that any Government agency "shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy."[12] The Atomic Energy Commission and the Joint Committee is kept abreast of every development in the use of atomic energy.

All too often the Executive equates disclosure of information to Congress as disclosure to the general public. This is a mistaken conception. Although Congress is the directly elected branch of Government, it also stands in its own right as a coordinate body under the Constitution, and its rights should not be equated with those of the general populace. In order to legislate wisely, Congress needs to know many items of classified information which must not be revealed generally. The experience with the Joint Atomic Energy Committee is proof that Congress is capable of handling highly sensitive information, and with a few internal improvements, it should be able to handle any information that it deems appropriate to its legislative function. It is capable of maintaining the security of the information both by physical means and by censure of its own Members.

When information is withheld by the Executive either on grounds of executive privilege or some other reason, it should be the Congress which rules on whether the privilege or reason is founded on law, or whether the information is being withheld because, for example, it may prove politically embarrassing to the incumbent administration or to the bureaucrats who serve under it.

As Congressman Nixon said in 1948, a refusal by the President to provide information "can be questioned by the Congress as to whether or not that order is justified on the merits."

The Supreme Court has indicated that a claim of executive privilege is not necessarily conclusive on the Federal courts in litigation between private individuals and the Government, though on occasion there may be reasons for not divulging information, even *in camera*, where "there is a reasonable danger that the compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged."[13] Now if the courts have a certain amount of discretion in reviewing claims of executive privilege in order to determine their validity, it seems only natural to me that the Congress—in its role as an independent branch of the Government charged with the legislative function—is able to request information it deems necessary to that function, and to determine whether or not a refusal to provide that information is founded in law.

Senator Muskie and I have introduced a concurrent resolution in the Senate which would require Federal officials to appear and testify when requested. Congress and its committees would then determine whether a claim of privilege is founded in law. If it is determined that such a claim is not well founded, then the appropriate House of Congress would take such action as it deems appropriate to require the information be divulged, whether that be by a contempt proceeding or other methods.

Congress can be more forceful in asserting its right to information from the Executive, and the resolution that Senator Muskie and I have introduced would provide a first step. On the whole, however, it will require cooperation between the Executive and Congress in good faith and with the good of the Nation foremost in our consideration. Our system of Government, with its powers separated among three coordinate branches, is not the most efficient ever devised, nor was it ever meant to be. As former Secretary of State Dean Rusk testified in 1971, our constitutional system—

"Requires an enormous amount of time on the part of those who are in it, particularly in the legislative and executive branches to make the Consitution work at all. There is in it always the danger of impasse. And the danger of impasse seems to me to be the principle threat to our constitutional system as it now exists "[14]

To my mind, our Constitution is the most magnificent legal document ever to come from the mind of man, and it must be protected, defended and maintained. To do so will require the cooperation of the President and Congress, and the active interest of every American citizen. That is why the great issues of separation of powers, such as executive privilege, must be of concern to each and every one of us.

Our freedoms are very fragile, and they must be protected at the price of eternal vigilance. We have seen a great accumulation of power in the presidency over the past 40 years, partly because Congress has been too ready to turn over the hard decisions that must be made to the Executive. Today Congress is moving to reassert its proper constitutional role in the operation of our Government, and I believe that is a very healthy development. The Founding Fathers left us with a delicate Government which, if maintained in its proper balance, will ensure freedom for generations to come. The vigilance that freedom demands must be provided by each and every citizen and especially by those of us who know and love the law.

I appreciate the opportunity to discuss the issue of executive privilege with you today.

Thank you very much.

FOOTNOTES

[1] *Hearings on Executive Privilege: The Withholding of Information by the Executive Before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary*, 92nd Cong., 1st Sess., 36 (Committee Print 1971), hereafter cited as *1971 Hearings*.

[2] Library of Congress, Congressional Research Service "Executive Privilege," memorandum of June 7, 1971, in *1971 Hearings* 543, at 547.

[3] See the testimony of Senator John V. Tunney, a member of the Subcommittee on Constitutional Rights, in *1971 Hearings* at 381.

[4] *1971 Hearings*, at 229.

[5] 100 *Cong. Record* 6621 (1954).

[6] Rogers, "Constitutional Law: The Papers of the Executive Branch," 44 *A.B.A.J.* 941 (1958), reprinted in *1971 Hearings*, at 551.

[7] *1971 Hearings*, at 34.

[8] 94 *Cong. Record*, 4783 (1948).

[9] 273 U.S. 165 (1927).

[10] 25 Fed. Cas. 30 (No. 14692d) (1807).

[11] Test of the President's guidelines is reprinted in 1971 *Congressional Quarterly Weekly Report*, at 1120.

[12] 42 U.S.C. 2252.

[13] *United States* v. *Reynolds*, 345 U.S. 1, at 10 (1953).

[14] *1971 Hearings*, at 342.

EXTENSION OF HEALTH BENEFITS FOR RAILROAD EMPLOYEES AND THEIR DEPENDENTS

Mr. DOMENICI. Mr. President, Friday I voted for H.R. 7357, a bill to extend kidney disease medicare coverage to railroad employees, their spouses and dependent children.

When H.R. 1 was passed during the 92d Congress, several changes were made with regard to kidney disease benefits. Usually changes in social security coverages automatically include railroad employees, but this time it was overlooked when H.R. 1 was finally passed. This measure is to rectify that oversight.

One provision of the bill pleases me in particular. The administration of the social security minimum guaranty provision contained in the Railroad Retirement Act is to be greatly simplified. This will result in a zero cost to the entire program as the extra benefits provided would be offset by those reduced operating expenses.

Finally, I would like to say that my support for this measure will not diminish my consideration and support for more comprehensive railroad retirement and health benefit bills in the future. These workers should be as adequately covered under their retirement and health programs as other workers in this country and I intend to support those legislative measures in the Senate which would guarantee that end.

ELECTION OF DR. ROBERT W. BRIGGS TO THE EXECUTIVE BOARD OF THE BOY SCOUTS OF AMERICA

Mr. HARTKE. Mr. President, recently I learned that Dr. Robert W. Briggs, a prominent physician from Indianapolis, Ind., has been elected to the National Executive Board of the Boy Scouts of America.

Dr. Briggs has been very active in Indiana civic and community affairs, including an outstanding record of service with the Boy Scouts. I share with my fellow Hoosiers a deep sense of pride in his work and his accomplishments.

Mr. President, I ask unanimous consent that a press release announcing Dr. Briggs' appointment to the executive board of the Boy Scouts be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SCOUTS NAME BLACK INDIANAPOLIS PHYSICIAN TO NATIONAL EXECUTIVE BOARD

MINNEAPOLIS, MINN., May 25.—Dr. Robert W. Briggs, prominent Indianapolis, Indiana physician today was elected to the National Executive Board of the Boy Scouts of America.

The 51-year-old Briggs' nomination was confirmed during the 63rd National BSA Annual Meeting here at the Minneapolis Convention Center Auditorium.

As a member of the prestigious board, Dr. Briggs will have a voice in structuring national policies and programs of the 6½ million-member youth organization.

A past recipient of the coveted Silver Beaver Award, Briggs has been long active in the Scouting movement.

He is a member of the Region 7 BSA Executive Committee, council chairman of the Urban Relationships Committee, and national chairman of the BSA Urban-Suburban Relationships Panel.

From 1967 to 1969, he served as chairman of the Inner-City Study Commission of the Indianapolis Council, and is a past Vice-President of the Indianapolis Council.

Dr. Briggs is also an Explorer advisor, and was a delegate at the 1970 National Inner-City Relationships Workshop Conference in Denver, Colorado, where he served as vice-president.

Active in numerous civic and community activities, Dr. Briggs holds a chartered life membership in the National Association for the Advancement of Colored People (NAACP), is a member of the Fraternal Order of Police, the Navy League of the United States, the American Medical Association, the Fellow of College and Chest Physicians, and is an executive board member of the Indianapolis YMCA.

During the Korean Conflict, he served with the Army Medical Corps, attaining the rank of captain.

SOVIET SUBJUGATION OF LITHUANIA

Mr. FANNIN. Mr. President, World War II, brought suffering, privation, and hardships to all of Europe, but some peoples suffered more than others. Some still suffer. The Lithuanians were among the first victims of World War II, and unfortunately their suffering is not over yet.

The Lithuanians, who are justly proud of their distinct individuality and undaunted spirit of freedom, had regained independence at the end of World War I. They were enjoying freedom in their historic homeland under democratic government. For two decades they worked hard for their country and they were perfectly content with their lot. Then the Second World War ushered in a period of misery and misfortune which has continued for more than three decades.

The Soviet Government took advantage of the weakness and helplessness of these people to impose its despotic system upon them early in the war. First the government of the country was forced to sign a mutual assistance pact with the Soviet Union; then the Lithuanians were compelled to allow Russian garrisons to be stationed in the country; and finally, in June of 1940 the Red army attacked and occupied it.

The people were robbed of their freedom and independence, and became prisoners of the Red army. Meanwhile, Soviet agents instituted a reign of terror. Lithuanians by the tens of thousands were arrested, imprisoned and then deported to distant parts of the Soviet Union. The terror continued until the Red army was forced out of the country by the Nazis in late June of 1941. In mid-June, however, just before their eviction, Soviet authorities had intensified their reign of terror, and in one night alone, on June 13–14, many tens of thousands of innocent people were deported. All told, during the first stage of their occupation, Soviet authorities had deported many thousand peoples whose fate is still unknown.

Today, as we solemnly observe the anniversary of this event, the survivors of that tragedy still suffer in their homeland under Soviet totalitarian tyranny. We pay homage to the memory of those who have died for their cause, and pray for the freedom of those who still suffer in Lithuania.

OIL

Mr. HUMPHREY. Mr. President, I wish to bring to the attention of Senators two excellent articles which appeared in Sunday's Washington Post, dealing with the world's energy problems.

The first article, written by Ronald Koven and David B. Ottaway, is entitled "U.S. Oil Nightmare: Worldwide Shortage." The thesis is that while Congress properly is concerned with who is responsible for the closing of 2,000 gas stations across the land and farmers cry out that there is not enough fuel to move their tractors this summer, the Congress and U.S. policy planners should be even more worried that the worst is yet to come—an absolute worldwide shortage of oil.

The second article, by Carole Shifrin, deals with the interrelated nature of the oil industry. It is one of the most informative articles I have read dealing with a very complex subject. I strongly urge my colleagues to study this article, as it is an understandable primer on the oil industry.

I ask unanimous consent that both these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

U.S. OIL NIGHTMARE: WORLDWIDE SHORTAGE

(By Ronald Koven and David B. Ottaway)

While Congress debates who is responsible for the closing of 2,000 gas stations across the land and farmers cry that there is not enough fuel to move their tractors this summer, U.S. policy planners are worrying that the worst is yet to come—an absolute worldwide shortage of oil.

No one disputes that there is an abundance of oil in the ground to meet the industrial world's enormous and growing appetite for energy—at least for a while.

The nagging question is whether those who have the oil will produce it, mainly to please the United States, whose wasteful ways the world is coming to resent.

There are growing indications that the answer might well be "no."

In the words of Deputy Treasury Secretary

William E. Simon, chairman of the Nixon administration's Oil Policy Committee, "The producing countries will produce their reserves, or conserve them, to the extent that they consider it to their economic and political advantage to do so.

The United States, whose 6 per cent of the world's population now consumes 33 per cent of its energy, is suddenly emerging as the leading importer of oil, destabilizing the international petroleum market.

As James E. Akins, the State Department's top energy specialist testified to the Senate Foreign Relations Committee recently, "The United States alone, through its increased imports, is creating a new demand for oil each year equivalent to the entire production of Algeria (1.1 million barrels a day) or approximately half that of Libya, or Nigeria."

America's traditional foreign oil providers—Canada and Venezuela—have determined that their reserves are relatively limited. They are turning their backs on America's calls for help with its energy problem to concentrate on their own national interests.

Other countries which earlier looked as if they might be a big help, such as Indonesia and Nigeria, now appear small factors in the changing world oil supply situation.

The only country capable of meeting the world's growing needs is Saudi Arabia, which sits on at least a quarter of the earth's proven oil reserves, but has only 4.5 million souls to provide for.

Not only is the economic incentive for the Saudis to expand their production limited (they now hold more than $3 billion in monetary reserves), but they are coming under increasing political pressure from their Arab brothers to refrain from bailing the Americans out.

"When we talk about our oil needs, we're talking about one country—Saudi Arabia," said Rep. John C. Culver (D–Iowa), chairman of the House Foreign Economic Policy Subcommittee.

The implications of this stark fact are only now beginning to be taken into public account by top U.S. officials. But Washington ignored a Saudi invitation last fall to establish a special oil relationship, and the invitation is no longer open.

After a decade during which oil producing capacity exceeded the need by about 30 per cent, world supply and demand is now in practically perfect balance. If one producer even an only moderately important one like Libya (2.2 million barrels a day), turns off its oil tap, a world shortage will be upon us.

In 1972, the world produced 52.9 million barrels a day and it consumed 52.7 million barrels, leaving practically nothing for inventories.

Until the turn of the decade, America's profligateways were no real problem. Until 1970, America produced as much oil as it consumed—a policy David Freeman, head of the Ford Foundation's energy policy research project, has described as "Drain America First."

Now, in a world of shortage, there may be a theoretical alternative to oil in the mountains of coal in this country which would be enough to cover U.S. energy needs for 500 years.

But American society has become addicted to oil and gas, which account for more than three quarters of all U.S. current energy consumption, to maintain its chosen lifestyle of cleaner industrial smokestacks and vehicles powered by the internal combustion engine. It is hard to conceive a shift back to the age of coal, which for a start would force abandonment of our self-imposed clean-air standards.

In effect, while waiting for the tardy atom and other Buck Rogers alternatives to start producing much of our energy in the mid-1980s, the United States is stuck on oil (already 44 per cent of all U.S. energy consumption and rising) and must count on foreigners to supply it.

There is no spare producing capacity in the United States. Alaskan oil, when it is finally extricated from its current judicial quagmire, will do little more than make up for the decline in the lower 48 states' production, according to the National Petroleum Council.

Last year, the United States imported 27 per cent of the oil it used and expects to bring in 33 to 35 per cent this year, according to official forecasts.

By 1980, most estimates—industry, university and government—are that the United States will need to import half or more of its total needs. One respected view is that this may happen as early as 1976.

The usual estimates are that the United States imported about 15 per cent of its petroleum products from the unstable Arab world and Iran in 1972—2.1 per cent of its total energy consumption.

But that statistic vastly understates the importance of Middle Eastern imports, since at least a third of petroleum refined in the Caribbean for the U.S. market originates in the Middle East, but is classified as Latin American oil.

A more accurate view can be had from a look at the percentage of unrefined oil imported directly into the United States. Using the U.S. Bureau of Mine's figures, Arab and Persian crude oil represented 28.6 per cent of U.S. imports last year.

The Arab world and Iran already produce 42 per cent of the world's oil, and they hold two-thirds of the 670 billion barrels of proven reserves. The trend is toward ever-increasing dependency on Middle East oil, at least through 1980 or 1985. In seven years, according to conservative estimates by the U.S. government, a third to a half of total U.S. oil imports will be from the Arab world and Iran.

It is estimated that one out of five barrels of oil then used in the United States will be coming from Saudi Arabia alone. The Saudis are expected to provide three-quarters of the growth in Middle East petroleum production from here on in.

A country by country source in the Middle East, has been playing on U.S. fears to present itself as a potential replacement. But the shah's own announced plans are that Iran will impose a plateau on production in 1977 so as not to deplete his country's dwindling reserves too fast.

Iran is now producing about 5 million barrels a day and will peak out at 8 to 9 million barrels. Most of that oil is already committed to Western Europe and Japan and could not be shifted to the United States in a crisis, except at the expense of America's allies.

Iraq is the Arab world's sleeper—its vastly underestimated reserves are second only to Saudi Arabi's. But the future of Iraq's oil industry is highly uncertain. Some oil economists believe that country should step up production from its current stagnating 1.5 million barrels a day to as much as 5 million. The political instability that has traditionally been a major obstacle to expansion of Iraqi production, however, raises serious questions about getting much oil from there.

Outside the Arab world, Nigeria is the only non-Communist country where oil production is now increasing significantly, with expectations of exports of 2.4 million barrels daily by 1975. The West African country has suddenly become extremely important to the United States. This, however, is a passing phase. America's voluminous needs will outstrip the limited capacity of Nigeria's fields. Some of the older ones are already declining in production.

Many energy planners have been fooled by mirages of great oil bonanzas outside the Middle East, especially in the seabed in places as near to home as the Long Island and New Jersey coasts and as far away as the China Sea.

No actual drilling has taken place in any of these offshore sites. The evidence is that they are potentially rich in oil, but many past explorations have proven the most geologically promising areas to be dry holes. The likelihood is high that most of the world's easy-to-exploit shallow-water offshore oil, like Venezuela's Lake Maracaibo and the Abu Dhabi Marine Areas in the Persian Gulf, have already been found.

Even if a gigantic offshore oil pool were to be found, exploiting it would almost certainly be far more costly and difficult than extracting the oil from the sands of Saudi Arabia, where a barrel of oil costs 8 to 10 cents to produce at the wellhead. From discovery to full-scale production involves a minimum lead time of five years even under the best conditions.

The troubles the Europeans have encountered in the North Sea are an object-lesson for many pursuers of fools' oil rushes. Deep in some of the world's stormiest waters, North Sea oil is proving to be a costly enterprise. Destruction by wind and waves of oil rigs worth millions of dollars is a common occurrence. There have been innumerable dry holes at $3 million each. The British government estimates North Sea production by 1980 at 2 million barrels a day—only enough to cover Europe's annual growth in demand for perhaps two years.

Closer to home, oil alchemists are dreaming up schemes to turn rocks, sand and tar into black gold, bedazzling their audiences with fantastic estimates of such deposits as the Athabasca Tar Sands in northern Alberta (300 billion barrels), the oil shale deposits of the Rocky Mountains (1.7 trillion barrels) and the Orinoco oil belt in northeastern Venezuela (700 billion barrels).

These latter-day alchemists have successfully developed the technology of extracting the oil. What they often fail to say, however, is that the investments in time and money are so high as to represent major obstacles for private industry alone—at least $5 billion in Venezuela and $6 billion in Canada. The lead times make major oil production unlikely in the crucial decade before us, if then. Extraction of more than 10 per cent of the oil in place under any of these schemes is highly doubtful.

Not only are these plans still farfetched from a practical viewpoint, but they do not deal with the political realities of mounting anti-American nationalism in Canada and Venezuela.

The turning point in Canadian-American economic relations may already have come in March of this year, when Canada's National Energy Board announced a "temporary" limit on crude oil exports to the United States of a little more than 1.2 million barrels a day, turning down applications for another 50,000 barrels. Last Thursday, similar "temporary" restrictions were placed on Canadian exports to the United States of gasoline and home heating oil after U.S. imports of gasoline jumped from 799 barrels in January to more than 500,000 in May, threatening to draw all of Canada's own supply.

Canadian officials cite the French proverb, "Nothing is so lasting as the temporary."

The Energy Board justifies its actions under a strict interpretation that its responsibilities require it to keep in reserve enough to cover Canada's energy needs for 25 years.

Canadian officials here point out that Canada's production from its established oil fields is expected to peak in three years, and that exploration on Canada's vast northern frontiers has so far turned up large gas deposits but relatively little oil.

From the frontier areas, where the expectation is that oil will eventually be discovered in sizable quantities, the surpluses would normally go to the American market. But there are influential voices being raised in Canada, such as Eric Kierans, economics professor at McGill University and a former federal Cabinet minister, who questions whether it is in Canada's interest to invest the huge sums required to develop the north primarily for the benefit of the Americans.

"We reject continentalism," says one high-level Canadian official. "The idea is unacceptable to Canada. You know what happens to little guys."

This seems to be partly an expression of pique over the American failure to reply to a Canadian offer in March 1972 for a joint Trans-Canadian Pipeline to carry oil from Alaska's North Slope and Canada's promising Delta area to the American Midwest.

This alternative to the Trans-Alaska Pipeline was offered, according to a later letter from Canadian Energy Minister Donald S. McDonald to U.S. Interior Secretary Rogers C. Morton, to "enhance the energy security of your country."

But, McDonald warned, if the oil transportation problem from Alaska were "not solved with reason and wisdom by us today," then it "could produce difficult influences in Canada-United States relations."

Eleven months later, in February 1973, McDonald snappishly told the House of Commons that he still had not had a reply from Morton and that Canada has "no intention of renewing its representation."

In retrospect, the failure to take up the Canadian offer may turn out to be a major missed opportunity second only to the failure to respond to the Saudi offer.

The prospect is that Canada in the foreseeable future will remain a static source of oil for the United States. Even the present 1.2 million barrels of crude a day that the United States gets from Canada overstates its importance in the American import picture. A large amount of Canadian petroleum shipments to the U.S. Midwest represent oil freed for export by major imports of Venezuelan oil to Canada's energy-poor eastern coast. Much of the petroleum products the United States buys from Canadian refineries, moreover, are processed from Middle Eastern and Venezuelan crude.

As for Venezuela, traditionally the largest exporter of oil to the United States and once virtually an American economic colony, its current approach toward helping the "Giant of the North" is demonstrated by what happened last year. For technical reasons, Venezuela's production dropped by 9 per cent, while its oil revenues increased by 11 per cent, thanks to ever higher world prices.

This, Venezuelan officials indicate, is fine with them. They are mainly concerned with maintaining their country's income. They do not worry about whether the United States will get enough oil.

The Venezuelan attitude toward American hopes of getting a great deal of secure Western hemisphere oil in the future is reflected in one official's words:

"It is not Venezuelan policy to increase production abruptly. We want stable, gradual growth. . . . A lot of energy is being wasted in America. We don't want to waste our oil."

To U.S. Secretary of State William P. Rogers' recent invitation to the Venezuelans to produce more for the U.S. market, President Rafael Caldera replied, "Venezuela will not join the mad race of production.'

When Americans talk about getting help, Venezuelans note that in the 1960s, during the world's oil glut, the effect of U.S. government policies was to draw private American oil investment away from Venezuela to the Middle East. As a result there has been practically no oil exploration in Venezuela for more than a decade.

U.S. companies have been told that their Venezuelan concessions will not be renewed after they expire in 1983. This expression of economic nationalism has cast a pall over new investment plans, including those for the development of the Orinoco River oil tar belt.

During his recent Latin American tour, Rogers offered a "long-term arrangement that would facilitate the mobilization of the necessary capital and technology, and establish stable trading arrangements" for the hard-to-extract Orinoco oil.

However, with Venezuela now immobilized in campaigning for its presidential election in December, no Venezuelan leader is prepared to risk a response to the Yankee offer.

Both major political parties in Venezuela have made it clear that the days of private oil concessions are over and that the government will insist on controlling any new oil ventures.

Venezuela's contribution to America's energy needs is not likely to rise much beyond the 1.6 million barrels a day of both crude and refined petroleum it now provides. Venezuelan oil specialists indicate that it should take two or three years for their country even to get back to its 1971 production level and that future production increases will be kept to a 2 to 4 per cent annual range.

"Venezuela realizes that oil is a non-renewable resource," was the way one Venezuelan specialist summarized his government's attitude.

For the United States and the world, then, Saudi Arabia is, in James Akins' phrase, the "swing producer." It is the country whose production is expanding the most rapidly.

It went from 6.5 million barrels a day in January to 9 million daily this month, fulfilling its expansion plans six months ahead of schedule.

In other words, Saudi Arabia has added more than "another Libya" to world oil production so far this year and will add still another Libya some time in 1975.

The world's energy planners are banking on Saudi Arabia's meeting its announced plan of 20 million barrels a day by 1980. But Arab world pressures have been growing steadily on the Saudis to curb their production growth unless Washington changes its pro-Israeli policies in the Middle East.

Speaking in Beirut last week, Nadim Pachachi, former head of the Organization of Petroleum Exporting Countries (OPEC) and still an influential figure in Arab oil politics, said that to produce a severe American shortage within a year the Arab countries need only "refuse to increase production."

In the past few months, Cairo in particular has been bearing down on the Saudis to use their new-found oil leverage to force an American policy shift.

On May 3, King Feisal delivered a lecture to the president of the Arabian American Oil Co. (Aramco), the U.S. consortium producing practically all of Saudi Arabian oil. Aramco President Frank Jungers cabled home to the American parent companies a detailed summary of Feisal's description of the pressures he is feeling and of his attempt to transfer some of that pressure to the oil industry so that it would in turn place pressure on the U.S. government.

The king stressed that he is "not able to stand alone much longer" in the Middle East as a friend of America, Jungers reported. Feisal said every Arab country but his is "most unsafe for American interests" and that even in Saudi Arabia, "it would be more and more difficult to hold off the tide of opinion that was now running so heavily against America," Jungers cabled. The report of Feisal's plea continued:

"He stated that it was up to those American enterprises who were friends of the Arabs and who had interests in the area to urgently do something to change the posture of the USG [United States government]. He said a simple disavowal of Israeli policies and actions by the USG would go a long way toward quieting the current anti-American feeling. He kept emphasizing that it was up to us as American business and American friends to make our thoughts and actions felt quickly."

Abandoning their previous low profile, American oilmen have been doing just what Feisal asked—offering to testify before Congressional committees, buttonholing State Department policy makers, even taking their case to the White House.

Aramco officials are understood to be worried that their ambitious expansion plans will be curbed. U.S. intelligence analyses are already said to be based on the assumption that Saudi-Arabia will only be willing to expand production to 15 million barrels a day, rather than 20 million.

There are also reports that some influential members of the Saudi royal family are arguing within the government that their country does not need the extra revenue and that it would better serve Saudi interest at home and abroad to freeze petroleum production at present levels.

Saudi Petroleum Minister Sheika Zaki Yamani, who brought a similar message to Washington in April, is understood to be arguing for continued expansion. This position, however, may prove increasingly untenable in a country that stands to earn around $5 billion in oil revenues this year and was only able to spend 60 percent of its $2.4 billion budget last year.

Already, as a result of growing political pressures at home and an ambiguous U.S. response, the Saudi government has backed off its offer of last fall to provide the United States with a guaranteed large oil supply in return for preferential treatment in the American market.

Perhaps the best chance American oil diplomacy has to convince the Saudis to do the United States the "favor," as Yamani calls it, of expanding its oil production is to stress the tacit U.S. role as Saudi Arabia's great-power protector against major aggression.

Washington's problem is the tension between America's position as the tacit protector of Israel and as the tacit protector of Iran, Saudi Arabia's main rival in the Persian Gulf. Walking carefully among all those potential contradictions is not a task for narrowly defined oil diplomacy, but for Kissinger-style global thinking.

In the most concrete expression so far of the new American awareness of the need to placate the Saudis, the State Department announced U.S. willingness to sell Saudi Arabia a "limited number" of the coveted Phantom fighter-bomber, the same plane that is the pride of the Israeli air force and that has been the symbol of Israel's special relationship with America.

Israeli Defense Minister Moshe Dayan called the American offer to the Saudis a case of "oil and sympathy." A few days later, Prime Minister Golda Meir put things firmly in perspective:

"Let me tell you something that we Israelis have against Moses. He took us 40 years through the desert in order to bring us to the one spot in the Middle East that has no oil."

U.S. OIL IMPORTS LISTED BY SOURCE

In March, the United States imported 106 million barrels of crude oil. Refined petroleum products added about half again as much to the total imports. A breakdown of the crude oil imports, according to the trade publication Platt's Oilgram, follows:

Country and barrels	
Canada	39,638,000
Venezuela	13,835,000
Nigeria	12,186,000
Saudi Arabia	9,383,000
Libya	7,080,000
Algeria	5,279,000
Indonesia	5,260,000
Iran	4,680,000
United Arab Emirates	1,772,000
Ecuador	1,751,000
Tunisia	1,069,000
Other Arab states	1,379,000
Other non-Arab states	2,763,000
Total	106,073,000

WHO HAS THE OIL?

	Proven reserves (billion barrels)	Estimated 1972 production (million barrels/day)	Percent increase over 1971	Projected 1980 production (million barrels/day)
Saudi Arabia	138.0	5.7	27.0	20
Russia	75.0	7.5	12.0	10–12
Iran	65.0	4.9	8.0	8–10
Kuwait	64.9	2.8	−5.0	3–4
Other Persian Gulf	51.2	2.5	4.0	4–6
Algeria	47.0	1.1	36.8	1–2
United States	36.8	9.5	−.3	12
Libya	30.4	2.2	−19.3	2–3
Iraq	29.0	1.5	−12.0	1–2
Venezuela	13.7	3.2	−9.8	3–4
Canada	10.2	1.5	10.4	2–3
Total world	669.9	49.7	3.0	80

U.S. Suit Outlines Interrelated Nature of Oil Industry

(By Carole Shifrin)

An easy-to-understand primer on the complexities and interrelated nature of the oil industry was provided to the public in a suit filed last week by the Justice Department's Antitrust Division against Texaco, Inc., and an independent refiner, Coastal States Gas Producing Co.

Although there have been no federal charges that the interconnected character of the industry violates the nation's competition laws per se, the outline of the industry's function and who controls it hints at the degree to which the industry's operations are concentrated.

In a simplified form, the industry's operations are divided generally into four phases:

Exploration and production.
Transportation.
Refining.
Distribution and marketing.

Basically, the oil has to be found through exploration; through a production process, it is made into crude oil, which is then transported to refineries. At the refineries, the crude is made into the finished consumer products—such as gasoline or No. 2 fuel oil used in heating homes. The refined petroleum products are then distributed to the places where they will be sold to the consuming public, such as gasoline stations or the fuel companies which supply oil, for instance, to homes or businesses.

"A vast disparity exists in the size and scope of operations of these entities," the Antitrust Division states in its suit, ranging from multi-billion dollar corporations with worldwide operations which engage in all phases of the industry to a one-person owner of a single gas station with one or two pumps or a person with a half-interest in a single oil well.

The "majors"—numbering 17 according to Justice—are the largest domestic oil companies in terms of refining capacity. The majors are the well-known, generally heavily advertised names associated with gasoline: Texaco, the various Standard Oil companies (Indiana, California, Ohio), Exxon, Shell, Gulf Oil, Mobil Oil, Atlantic Richfield, Sun Oil, Union Oil, Phillips Petroleum, Cities Service, Ashland Oil, Continental Oil, Getty Oil and Marathon Oil, along with their subsidiaries.

To varying degrees, the majors are integrated companies with activities ranging from initial exploration and production through distribution and marketing of refined petroleum products.

In the initial production stage, the "majors" accounted for 66.5 per cent of all crude oil produced in the United States in 1971, the government said. In 1963, the gross production of the 17 majors had been about 55.5 per cent of the total crude produced.

Almost all of the crude oil produced in the United States is transported to refineries by pipelines, with most of the crude oil gathering and trunk pipelines owned and controlled by the majors, Justice said.

"Through their ownership of crude oil production, their oilfield purchasing organizations, and their control of pipelines, the majors have access to and control of the overwhelming majority of all crude oil produced in the United States," the government asserted in the Texaco-Coastal States suit.

Concentration in the refining stage is also high. The suit indicates that, as of Jan. 1, 1972, the 17 major companies operated 110 refineries representing 82.5 per cent of the total refining capacity in the 48 contiguous states. In 1963, the majors had accounted for 76.2 per cent of the total refining capacity.

Since 1963, there has been a decline in the number of firms operating refineries, and a decline in the number of refineries, too. In 1963, there was a total of 140 firms operating 286 refineries. By 1972, the number of firms fell to 120; and the number of operating refineries to 247.

The majors appear to run their refineries at a higher capacity, the figures also indicate for, in 1971, the majors accounted for 84.3 per cent of the total refinery "runs"—the crude oil put through the refining process—in the U.S., a little higher than the total capacity percentage.

Many of the majors' refineries are huge operations—one puts out more than 400,000 barrels of refined products a day—while some of the smaller firms operating refineries have small capacity operations—ranging down to 500 barrels a day.

All of the majors market their products by brand at least for the sale of gasoline which, Justice said, is the most important refined petroleum product both by volume and by revenue. The majors supply gas to retail stations bearing their brand logos either directly or through branded wholesalers, distributors or jobbers.

In 1971, the majors' branded sales accounted for approximately 75 per cent of all tax-paid sales of gasoline in the U.S., Justice said.

The majors' competition comes from other gasoline marketers commonly called "independents," which vary in the degree of integration. A few are fully integrated from exploration through marketing, and some are partially integrated, operating in two or more phases of the petroleum industry.

But "most independent marketers are non-integrated and are totally dependent on others for supply" of crude oil, Justice says. (They are often referred to as rebranders or private-brand marketers.)

"Because of mergers and acquisitions of oil refiners within the last ten years, there has been a marked decline in the number of refined petroleum product supply sources for independent marketeers," Justice said.

Most recently, some independent marketers have gone out of business because their suppliers often majors—cut off their supplies on grounds there was not enough to go around, and they were supplying their own outlets first.

Loss of independents spells the loss of some downward pressure on gasoline prices, because the independents prices are generally lower than those charged by the majors for their branded gasoline. The majors, charging higher prices, attempt to appeal to consumers on the basis of nonprice forms of competition, Justice notes, such as mass media advertising, claims of product superiority, credit card services and road maps.

Even so, the Justice department has observed that retail price levels for gasoline generally—majors' gasoline too—tend to be lowest in those geographic areas where independents have the greatest market penetration.

The civil antitrust suit Justice filed against Texaco, the nation's leading oil refiner and marketer, and Coastal States, the nation's second largest independent refiner, alleged that an agreement between the two restrains the sale of gasoline to independents in violation of the nation's antitrust laws.

GOVERNOR LANDON DISCUSSES ENERGY POLICY

Mr. DOLE. Mr. President, former Kansas Governor Alf M. Landon recently spoke to the Topeka, Kans., Rotary Club. His topic was energy in the United States and the long-range outlook for its use, production, and implications for this country both domestically and internationally.

I believe Governor Landon's observations are well-taken and make worthwhile reading for those of us who are involved in the formulation of America's energy policies. Therefore, I ask unanimous consent that the text of the Governor's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

The Coming Fuel Energy Crisis

The critical public transportation problems confronting the United States of America are many-sided and huge.

We are faced with basic long-range factors of the best use of fuel energy—the relationship between ecology and the present dynamic life which varies in different states, and the position of the various transportation components in our national economy.

The more critical concern of all for the next generation or two is the best use of our natural resources of fuel energy.

Oil, coal and natural gas are not renewable like lands and timber.

We are having a plain warning now in peace-time rationing of gasoline of what is ahead of us by the turn of the century if we do not start planning immediately to make the most effective use of the dwindling supplies of crude oil and natural gas, as well as the exploitation of atomic energy and our vast coal reserves.

All this means as evolutionary a change in our way of life as did the development of steam power and the internal combustion engine. That may be more of a blessing than a disaster. However, I will leave that to the doctors and psychiatrists in the coming generations.

There are 57 government commissions, agencies and departments now fiddling with the solution of this energy making problem. This is a perfect example of the old saw, When in doubt, name another commission.

In America, we use 16 million barrels of oil per day. According to government estimates, we will be using 24 million barrels daily by 1980. Our foreign oil imports in 1970 were 25%. In 1973, they will be upwards of 40%.

Our energy power comes from: Oil 44.6%; natural gas 31.6%; coal 19.7%; water 3.3%; atomic 0.3%.

The usages of all energy in the United States are: transportation 24%; utilities 25%; industry 32%; homes 14%; other 5%.

Coal is the biggest fossil fuel energy resource America has. According to Fortune Magazine for September, 1972, "There is enough for U.S. energy needs for nearly 650 years at the current rate of use." The problem is that pilot plants built over the years have not yet been able to convert coal into clean gas of good quality.

Experts differ as they always have over America's reserves of oil and gas. Perhaps the best guess, at the present rate of consumption, is that our natural gas will be exhausting around the turn of the century—unless its use as fuel for industrial plants ceases.

That can and should be extended for many more years by limiting the use of natural gas to its highest usefulness as the most convenient and cleanest fuel for household heating—though at a higher price.

Domestically produced oil cannot be the alternative. Again quoting Fortune's reasonable figures: "The country's total proved reserves counting Alaska and off-shore fields amount to a 10 year supply at the current rate of usage—which may triple by the year 2000."

Ecologists are preserving that for the future by preventing the drilling of those wells. They are now joined by the advocates of the Canadian—instead of the all American—route for laying the pipeline essential to marketing the Alaskan oil. The American route is the most practical and advantageous. At the best, when once started, it would take around three years to complete.

According to Barron's September 1972 hard look at the energy crisis, at the current and projected increased rate of oil usage, the ceiling of America's known supply will be reached in 12 years and the world supply in 20 years. "We are depleting our natural resources, including fuel, at a catastrophic rate."

Barron's concludes that, in around 12 years, the U.S. will be importing at higher cost more than half its crude oil. That, of course, throws a greater burden on our balance of trade dollar accounts, as well as on "many U.S. industries that have taken for granted ample supplies of low cost energy."

I quote a recent A.P. round-up of the energy crisis as a key to America's trade position:

"The great threat to any restoration of a trade balance because of the present energy crisis results from the demand in the U.S. for more and more fuel, out of all proportion to new supplies being discovered and developed in the country or nearby off-shore. This could mean that overseas purchases of energy-producing materials would place an immense burden on U.S. exports in order to maintain a trade balance."

I quote the New York Times:

"This outlook, if not altered by swift planning, would make America and its industrialized allies enormously over-dependent on the whims of that largely unstable group of West Asian and North African countries where most present-day known petroleum and natural gas reserves exist."

Quoting from Research Institute Recommendations of May 18, 1973:

"We've seen the transcript (of Dr. Starr—one of Nixon's top science aides) and it makes grim reading indeed. This somber set of assessments is so vital to everyone's future, especially for businessmen, that we quote:

"Dr. Starr argues that since half our oil goes for transportation, 'this is the likely area to be controlled—not electric power.' And he says no 'quick fixes' are available to get out of the mess. Also, 'It takes 10 to 20 years to significantly alter the trends of these huge systems,' at a time of galloping fuel consumption.

" 'Between now and 2001, the U.S. will use more energy than in its entire history . . . The annual worldwide demand will triple.'

"Dr. Starr takes out after the auto industry as the major villain. Cars are 'responsible for almost half the world's oil consumption, and a corresponding part of its air pollution. Except for planes, autos are the most inefficient mode of using energy for travel' Trains, he says, remain the best 'people movers' yet invented.

"This attack on ravenous autos is buttressed by hard facts: The U.S. is pumping all the oil it can, output can't be upped much. Petroleum refining is at 90% capacity. The first new refineries won't be on stream until late in 1976. Without some rationing U.S. dependence on foreign oil could cost $15 billion by 1980.

"Starr goes further: ecological hostility to nuclear reactors will linger, delay progress while the debate waxes hot and heavy.

"None of this, of course, means rationing will come tomorrow. As we've told you, there'll be selective gas shortages this summer, but chances are the U.S. will scrape through without rationing.

"What's happening now is the preparation of public opinion to accept the inevitability of rationing as the only way out.

"Recognition of the long-term nature of the energy crisis carries the seeds of solution. The crunch period is 15 years. After that new energy sources will begin to alleviate the crisis. In the meantime traditional comforts and life-styles will change; so may some of the long-accepted ways of business operations."

Of course, the gasoline shortage is but one aspect of our "energy crisis"—our shortage of energy—the true wealth of the world. Electrical energy is obviously in short supply.

Likewise, the construction of atomic energy generating plants—which we must have if we are to eliminate shortages of energy power for electricity.

In 1969, the Atomic Energy Commission believed that within the ensuing five years, at least 56 new atomic energy plants would be in production, or under construction. Today 26 are in operation. Many others are under construction or on order.

We have an illustration here in Topeka that a publicly owned power and light company is alert to solving this problem of dwindling fossil fuel energy. I know personally that the late Deane Ackers—who contributed so much to his community—and his state— became concerned as early as the late 1950's over the future supply of natural gas for the Kansas Power and Light Co. plants. Early in 1960, he led the contiguous power and light companies in joining in building an experimental atomic energy plant in Arkansas. Mr. Ackers visited Germany in 1963—then the leader in atomic energy—and brought a German company into that consortium.

That same group—with other companies from all over the United States—is now building a plant with the Tennessee Valley Authority to develop that first experimental plant for a "fast breeding reactor"—a more efficient atomic energy power. It will permit a more efficient use of the uranium fuel and will eliminate much of the radioactive material that now causes a disposal problem.

Some cities have installed equipment to convert sewage into a combustible gas which can be used for fuel. St. Louis is working with the Union Electric Company in burning waste to produce electric power. Up to 100 tons per day have been so utilized, equivalent to approximately 50 tons of coal.

I expect to see—in a few years—not only in higher cost, but by government regulation—that the consumption of gasoline will be permanently and drastically rationed for selective higher uses—just as natural gas will be.

We will be using electric power as an alternative to the internal combustion engine which supplanted the steam engine—which started the world's industrial revolution.

Batteries today are so much stronger and more efficient than they were at the start of the electric car that there is practically no comparison. Therefore, we will see the electric car supplanting the gasoline motor for intercity use as well as intra-city use.

There will be battery replacement and recharging at "filling stations"—the same as today. Only they will be switching batteries—exchanging charged ones all ready for use—in place of ones needing to be recharged—or recharging—in place of gasoline.

That automatically eliminates a huge amount of atmospheric pollution as well as noise.

Excessively fast driving will be eliminated, thereby reducing the cause of many accidents.

Gasoline will be reserved for military defense, and possibly for big construction machinery. Gasoline is essential for our military, whether on the ground—in the air—or on the seas. No change there is possible—except where more careful attention to waste dictates.

Gasoline will also be used for air passenger planes, but not for freight cargo planes or big trucks.

Air freight cargo planes are more flexible but far more costly than railroad freight. Furthermore, they pollute the air and use far more gasoline. The same is true of trucks. A truck uses about four times as much fuel energy as a locomotive per ton mile. Emissions and fuel energy follow the same ratio. Therefore, a truck per ton mile pollutes air four times as much per ton mile as a locomotive.

Reasonable estimates by consolidated figures for air pollution by passenger and cargo planes, including jets, are 10 to 12 times that of locomotives.

The consolidated figures for fuel energy consumed by passenger air and freight planes are also about 12 times that of a locomotive per ton mile.

What about atomic energy?

At the present time, there is not a small enough reactor or big enough cooling system available for use in the confined space of the biggest truck, locomotive or airplane. That might be developed with advanced technology. However, how will it ever be possible to get away from the threat of an accident?

Therefore, while the power and light companies are able to use this new form of energy with safety, it cannot be used for other energy demands, except for ships and submarines—where there is no problem of an essential cooling system. Of course, the threat of an accident to those ships and submarines is always present in pollution of the seas.

The conversion will not take place over night. There will be a gradual merging of electric power and the internal combustion engine as is already appearing on the railroads here and there over the country.

There is the San Francisco Bay Area Rapid Transit (called BART) three-way electric-like subway—with high fences and additional guards on the dangerous third rail.

There is the 100-mile-an-hour Metroliner between New York City and Washington with overhead wires something like the old streetcar systems.

Morgantown, West Virginia, has developed an electric mass public transportation system. There are similar ones planned in our country. All take electricity and transmit power by traction motors.

As oil product shortages worsen, the Atchison, Topeka, and Santa Fe—a railroad with sound finances and a management alert to the evolutionary changes coming in our national existence—is already taking a long hard look in depth at working out the possible advantages of electrifying eventually all the way from Chicago to the Pacific coast.

The Burlington Northern is considering trading coal from their owned reserves to electric utilities in return for power to electrify its railway system.

An acute problem is intra-city transportation.

Our major cities are choking to death on vehicular traffic. We greatly need a rapid mass transportation system that will get people in metropolitan areas to their jobs in the morning and back home that evening with speed and comfort.

The Kiplinger Washington Letter of May 25 reports that the Department of Transportation will now beef up an attack on the problem of deliveries in the cities, promoting—

1. Consolidate deliveries, with several area firms using one truck.
2. Make deliveries at off-hours—not during the commuting times.
3. Force trucks to load and unload in empty lots and not in streets.
4. Put terminals on city fringes—near freeways for easy access.
5. Set aside some lanes of highways for trucks—sharing with buses.
6. Use commuter transit for freight—move small packages on buses.

A 56 passenger bus obviously saves more in energy, pollution and money than the equivalent of about 35 private automobiles now moving people in and out of our biggest cities in time-and-patience-wearing congested traffic.

The demonstrated workability of overhead trolley wires for trains can also do the job better, utilizing existing railroad rights-of-way extending into the centers of all our big cities. Surely technology is capable of working out ways of meeting this increasingly pressing problem.

Of course—in addition to technological solutions—there are human problems. Two generations of Americans regard the private car as the means of freedom to move on personal schedules. However, they will not long have that freedom with the steady increase of traffic funneled into our large cities by highways and the rapid depletion of present fuel resources.

Regardless of state differences in transportation problems, the situation boils down to the fact that the railroads are the necessity in meeting rapidly diminishing fuel energy supplies and rapidly increasing demands that will come to a head before the turn of this century. It is clear that the railroads will once again become essential as they were in breaking through the trackless prairies in moving settlers with ease and comfort and moving their products to markets

There must, however, be a complete overhaul—administratively and legislatively—of the arrogant federal bureaucracies with their proclivity for paper make-work and procrastination.

There are six bankrupt railroads, known as the northeast group. There are some nine financially strong railroads. The rest are tottering in between. Action must be taken to shore up the railroads.

Yet, the over-lapping government agencies regulating railroads slow implementation of positive planning and increase operating costs. These agencies include:

1. Interstate Commerce Commission.
2. Housing and Urban Development is involved in mass transit programs.
3. Department of Transportation.
4. Department of the Interior.

The application of the Santa Fe to buy the Western Pacific took six years for the Interstate Commerce Commission to decide. That cost the Santa Fe 2 million dollars, which it recovered in its profits on the Western Pacific stock when their petition was finally decided negatively.

It took the I.C.C. nine years to finally approve of the merger of the Burlington-Great Northern and Northern Pacific. Then the opinion was so confused that the Supreme Court had to interpret it.

These costly and time consuming over-lapping government agencies should be consolidated by the Congress if railroad managers and their union counterparts are to function efficiently in their responsibility to the public, the employees and the investors. The President has recommended legislation to the Congress to accomplish precisely this as an aid to the reorganization of the six bankrupt northeast railroads.

We must face the need for both national and private long range planning, for the sake of coming generations, for the effective allocation of our remaining fossil fuel energy.

There are pending proposals in the Congress attempting to deal with this problem. Unfortunately, they are bits-and-pieces approaches to nationalization of railroads, such as giving the Interstate Commerce Commission authority over railroad car service; another to designate a national network of rail lines; another to authorize the I.C.C. to direct that traffic not being properly handled by one railroad be routed over the lines of another; also one creating a federal rolling stock authority.

Finally, there is another proposing that the federal government *BUY* from the railroads ownership of railroad rights-of-way. That would cause the taxpayers of Kansas to lose 11 million dollars a year in taxes. However, of critical importance—when the roadbeds of a railroad are owned by the federal government and the rolling equipment by a publicly owned corporation, you have disjointed their operation to such an extent that the only answer is a forced sale to the federal government consolidating the whole together.

It is clear that the responsibility for train operation officials rests on the condition of its roadbeds and equipment. That responsibility cannot be divided with one or more federal agencies with safety to either crews or passengers.

The effect of so many bills of this kind pending in the Congress obviously makes financing for all railoads difficult—especially the weak ones. It prevents them from recuperating, rather than helping them to meet America's need.

Nationalization of railroads is not a solution to railroad economics—shippers weary of annual box car shortages—investors hoping to be bailed out by our government—a public tired of the perennial railroad question—and those who sincerely believe in public ownership and operation of all utilities see in that solution a final end to the problem.

Nationalization will, however, simply present a new set of problems—bigger and more complex and, in the end, far more costly to the public.

It is a well established fact that no transportation system—no nationalized railroad anywhere in the world—moves large volumes of traffic at the lower cost per ton mile that the American railroads do.

Furthermore, the nationalization of railroads would increase enormously the centralization of power in the American presidency that has been the steady trend of the self-styled liberal crowd for 40 years that further increases government of a republic by a federal bureaucracy.

What is needed is reorganization of government regulatory agencies for railroads so that they can operate on sound business principles with good operating officials. With appropriate federal regulation, they could then provide, with safety and efficiency, the service which our fuel and ecological crises will demand of them.

I have only briefly touched the high spots that our public simply cannot ignore the symptoms of fossil fuel shortages ahead. America must streamline its future planning accordingly. Fortune describes it: "The energy 'joyride' is over."

GASOLINE TAX

Mr. MONDALE. Mr. President, in recent weeks we have heard numerous reports that the Nixon administration will in the near future seek to impose a gasoline tax on American consumers, ostensibly to curb demand for gasoline and to slow the overheated economy.

A recent editorial from the Minneapolis Tribune gives what I believe to be convincing reasons why such a tax on gasoline would be most undesirable. In particular, the fact that such a tax would be regressive in its impact should lead us to be very wary of any such proposal made in the name of gasoline economy and fiscal rationality. Certainly, we all wish to ease the gasoline shortage situation which exists this summer, and we all wish to see measures which will cool the economy without plunging us into a recession. The gas tax, however, is the wrong means to reach both of these highly desirable ends.

Mr. President, I ask unanimous consent that the text of the Minneapolis Tribune editorial be printed in the Record at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Gas-Tax Increase: The Wrong Answer

Trial balloons wafted by the Nixon administration suggest that it will ask Congress for an increase in the federal gasoline tax. As an added inducement to accept this back-door approach to the energy problem, administration sources cite the anti-inflation benefits such a tax increase would produce. For a number of reasons, we think the idea is a bad one.

First, it is an evasion of federal responsibility. A gasoline-tax increase would be federal action of sorts, but would slide around the problem of regional scarcities by relying on higher costs to consumers to discourage consumption. But the price push on fuel is already gathering momentum. Oil companies agreed last year to accept oil-exporting countries' demands for increased prices. They did so again Friday night.

All forecasts point to an increasing percentage of American oil requirements being met by imports, and the upward trend in fuel prices is therefore clear. In other words, the disincentive of rising prices is already at work. Instead of accelerating that trend, the administration should in our view exert a stronger force in allocations around the country. So far, the White House has called only for voluntary allocations.

A second point against a gasoline-tax increase is that it would be regressive. The theory that the increase would inspire greater use of mass transit is sound—except that for millions mass transit is not a realistic option. In an automobile-developed society, the auto is an occupational necessity for many at all income levels. The proportionate burden of a gasoline-tax increase would be heaviest on those of lowest incomes.

That leads to our third objection: the fiscal bonus. The suggestion is made that such an increase would not only cool the overheated economy, but provide funds which, by legislative mandate, could be put into energy research and public transportation. If those are worthy national purposes—we think they are—then the funds should come by the more equitable route of an increase in income taxes. The related purpose of slowing the rate of increase in automotive energy consumption could better be fulfilled by excise taxes on new autos (being sold at record rates this year) in proportion to weight or horsepower.

Americans are accustomed to cheap, plentiful fuel produced domestically and distributed competitively. With domestic production inadequate, with world demand for oil now exceeding the discovery of new world reserves, fuel is neither plentiful nor cheap. But the Nixon administration seems reluctant to face a situation requiring allocation by means other than price. The latest evidence of that reluctance is its apparent hope for a "solution" by means of gasoline taxes.

JOHN HANSON

Mr. BEALL. Mr. President, several years ago, Senator MATHIAS and I sponsored a reception marking the 250th anniversary of the birth of John Hanson, the first President elected in accordance with the provisions of the Articles of Confederation, our first post-Revolutionary War constitution.

One of my constituent's, Peter Hanson, a 15-year-old Eagle Scout from Havre de Grace, Md., wrote a poem dedicated to John Hanson, and I ask unanimous consent that this poem be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

JOHN HANSON

(By Peter Hanson)

There are times when I see the flag passing by
That I think of John Hanson and I wonder why
With your permission may I take the liberty now to say
Why are so few words
Of John Hanson passed our way?

I am not a poet, and I probably never will be
But it certainly seems mighty peculiar to me
That a Nation as big as ours and one that can go all the way to the moon
Yet our Encyclopaedias can give John Hanson our first President so little room

In the Nation's Encyclopaedia there are only a few lines
We feel they have only showed us the cobwebs of his time
The Encyclopaedia tell us that—he was our first President and that is that—

And with pleasure to me, goes on to tell us where his bronze statue is at
In our Nation's Capitol building, almost under our great dome
In 1903 Maryland found a fitting place to bring home her own
In Statuary Hall, this Nation, gave him a place to stand
I know you have seen him—he is the one with a heavy walking stick in hand
Some visitors claim they have caught him smiling across on the man
Who so admirably and generously did so much to finish his plan

He is dear to our land, to our home, to our hearts with a fame that will never grow dim
I am afraid in the case of John Hanson, this Nation has done a tardy act of justice to him
He held the highest Federal office in our land in his day
And our books of this man has only a few lines to say
Shall only a few lines and a bronze statue, proclaim
His worth in Maryland's history to each future age

Maryland my Maryland has been slow to fan the flame
To see that historians put a few more words down on that page

This Nation has document proof today
A man who under his administration, we can say
Gave us this Nation, our official Thanksgiving Day
And got the Post Office as we know it today, well on it's way
And yet our Encyclopaedia's of this man has so little to say
Remember a young boy lives with history books day by day
And I wouldn't want your bright name in history to be treated this way

I have been asked, What honors shall a generous people pay
Certainly not only a few lines and a bronze statue on display
You wise men in Washington will know better then I
Till then I'll pay tribute to him when I see the flag passing by
And wonder why a Nation has forgotten him and wonder why

To this Senate I say love, eat, drink, laugh, and sleep
And I say you have been good and wise beyond belief
And I hope we do as well in another generation when we will be sitting in your seat—
And we promise your bright name in history we will watch over and keep

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NBC SPECIAL ON CHILDREN IN VIETNAM

Mr. KENNEDY. Mr. President, nothing so graphically reminds us of the massive human needs which have been created by a decade of war in Indochina, than the faces of maimed and orphaned children. Their plight reminds us as well of the human debris left behind by the war, and of our national responsibility to help bring relief and rehabilitation to heal the wounds of war, particularly among the youngest victims of the battle, the children.

Tuesday evening, June 19, all America will have an opportunity to see some of the faces of these children in need, when the National Broadcasting Co. will telecast at 10 p.m. a special "NBC Report" entitled "The Sins of the Father". In a clear and unbiased fashion, this film documents the plight of orphans in South Vietnam, particularly the American-fathered child who has often been abandoned. NBC News deserves high praise for outstanding public service in broadcasting this important report, and I commend it to the attention of Senators and all Americans.

The NBC Report captures on film what has been documented time and time again before the Judiciary Subcommittee on Refugees, which I serve as chairman. The humanitarian needs of the youngest war victims are great, and their condition is deteriorating. But precious little is being done by our Government, or any other government, to help meet the needs of the children of Vietnam.

As early as 1965, witnesses before the subcommittee told of a growing need for child welfare programs, trained personnel and long range planning for disadvantaged children in South Vietnam. In 1967, at the urging of the subcommittee, a special AID social welfare task force was sent to South Vietnam to make program recommendations for children and orphans. But, as with so many other reports on humanitarian needs in Indochina, the task force recommendations were filed away and all but ignored. The problems of child welfare went unattended because governments, including our own, were too preoccupied with aiding the war, instead of assisting those affected by the war.

This appalling record of neglect which has now been so poignantly captured in the NBC report, prompted the Subcommittee on Refugees to dispatch in March a special study mission to assess child welfare needs, and to recommend a series of specific steps to meet these needs. These recommendations were examined in hearings last month, and because I felt they demanded the immediate concern and active intervention by the highest officials in our Government, I addressed letters to the President and to the Secretary of State detailing the study mission's report, subsequently, members of the study mission met with officials in AID and elsewhere.

But despite the urgency of the problem and the fact that the record of need is clear, and that there are agencies and people ready and willing to help, our Government seems paralyzed in indecision. Conferences are held at AID; vague letters of inquiry are mailed out to voluntary agencies; position papers are prepared—but nothing tangible is done. No new effort has been launched to expedite programs for orphans, especially those abandoned children fathered by Americans.

The reluctant conclusion, Mr. President, of the Refugee Subcommittee after hearings last month, and after receiving the study mission's report, is that this administration is pursuing a policy of tokenism and lipservice toward helping the children in Vietnam. The study mission found evidence that high officials in the U.S. Embassy in Saigon and the Department of State, in effect, were undermining the legitimate efforts of other Americans to upgrade our country's priority in helping orphans and children. After many months of promises—after years of neglect—we find that high officials still put off decisions for helping these children. Token funds are set aside for child welfare but are not always used. Commitments to support voluntary agency programs in the field are bogged down in redtape in Washington or Saigon, and frequently are not fulfilled. Offers of international humanitarian assistance are all but ignored. Nothing new, in short, is being done.

Mr. President, no one who views the NBC report, as have members of the subcommittee study mission, can fail to come away with a powerful sense that something new must be done, that our Nation has a heavy responsibility to help meet the needs of these children. We have a backlog of responsibility toward the children of Vietnam which, as the NBC film shows and as the report of the study mission documents, is still not being met. And every day of delay means another hopeless day for a child in an orphanage—a day when that child might be in an adopted home, or at least in the care of an institution with adequate facilities to provide for his healthy growth and development.

As I stated in my letter to the President, there are no easy solutions to the problem of nearly 1 million orphans or half-orphans in Vietnam, nor to the 15,000 to 25,000 American-fathered children left behind—a thousand of whom now languish in orphanages. But there are few problems which evoke more public compassion and concern, and have greater significance for the future, than the special problems and needs of these children of Vietnam.

I share the view of many Americans that our country should do a great deal more to help these young war victims. But unless some greater measure of priority is attached to this task by the administration, and by our Ambassador in Saigon and other officials within our Government, and unless some impediments in our bureaucracy are removed, the crisis of children in South Vietnam and other war-affected areas of Indochina will continue to grow with each passing day.

Mr. President, I ask unanimous consent that the text of the letters I wrote to the President and to the Secretary of State be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
May 22, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In March, a group of medical and welfare experts, representing the Senate Judiciary Subcommittee on Refugees, traveled in all areas of Indochina to study humanitarian needs and the kinds of additional efforts our country could make towards healing the wounds of war. In South Vietnam, especially, members of the Study Mission focused considerable attention on the plight of children, who represent at least fifty percent of South Vietnam's population.

Since the earliest stages of the war in Vietnam the special problems and needs of children have received scant attention among officials in our Government, despite the very active concern of other Americans in the private voluntary agencies and elsewhere. And even today, with the new opportunities for peaceful development, these special problems and needs of children are still not being given the priority they so rightly deserve.

There are no easy solutions to the many people problems that beset South Vietnam, and all of Indochina. But few of these problems evoke more public compassion and concern, and have greater significance for the future, than the special problems and needs of children.

I share the view of many Americans that our country could do a great deal more to encourage and support the efforts of the South Vietnamese Government in restoring the lives and spirit of the youngest war victims, particularly those who were maimed or orphaned or abandoned or fathered by Americans. But unless some greater measure of priority is attached to this task by officials in our government, and unless some impediments in our bureaucracy are removed, the crisis of children in South Vietnam and other war-affected areas of Indochina will continue.

Knowing of your personal humanitarian concerns in past emergencies, and sharing your present concern over the future of South Vietnam and the people throughout the area who have suffered so much for so long, I just wanted to appeal for your personal interest in the children of South Vietnam, and express the hope that our country will do whatever it can to help the youngest war victims of Indochina renew their lives.

I appreciate your consideration, Mr. President, and look forward to working with you and members of your Administration in helping to heal the wounds of war within our own society and among the people of Indochina.

Sincerely,
EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees.

TEXT OF LETTER TO SECRETARY OF STATE WILLIAM P. ROGERS BY SENATOR EDWARD M. KENNEDY

MAY 22, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State.

DEAR MR. SECRETARY: As you know, following the return of its Study Mission to Indochina, in mid-April the Judiciary Subcommittee on Refugees began a series of public hearings on humanitarian needs resulting from the war and the kinds of additional effort our country could make in helping to meet these needs. In light of the very high percentage of children in the population of the war-affected areas, and the special problems the conflict has brought to young people, on May 11 the Subcommittee held a hearing on the children of Indochina, especially those in South Vietnam. Witnesses before the Subcommittee included Mr. Robert Nooter, Assistant Administrator for Supporting Assistance in the Agency for International Development (AID), and two members of the Study Mission—Dr. James Dumpson, Dean, School of Social Service, Fordham University, and Mr. Wells Klein, Executive Director, American Council for Nationalities Service.

With regard to the situation in South Vietnam, the hearing record and Study Mission findings clearly establish that, until recent months, the special problems of children, including those fathered by Americans, received scant attention in official quarters; and, because of this, both our own government and the Government of South Vietnam have a backlog of responsibility in meeting child welfare needs. The hearing record and Study Mission findings also suggest that one of the continuing impediments to more meaningful progress in this area—especially as it concerns long-term rehabilitation goals—relates to conflicting assessments within the U.S. Mission in Saigon, over such matters as the urgency and scope of child welfare needs, the degree of priority our government should attach to these needs, and the kind of commitment our government should make to encourage and support the long-term efforts of the South Vietnamese Ministry of Social Welfare, the voluntary agencies and others, in restoring the lives and spirit of the youngest war victims.

Study Mission findings, supported by internal memoranda of the U.S. Mission and conversations in the field, strongly suggest that legitimate efforts by some American officials to upgrade our country's long-term policy and program priorities, have been repeatedly undermined by higher officials in the U.S. Mission, especially those representing the Department of State. Such conditions are distressing to me, as I know they are to others in the Congress and to many Americans.

As I recently wrote to the President, there are no easy solutions to the many people problems that beset South Vietnam, and all of Indochina. But few of these problems evoke more public compassion and concern, and have greater significance for the future, than the special problems and needs of children, who represent at least fifty percent of South Vietnam's population. I share the view of many Americans that our country should do a great deal more to help these young war victims. But unless some greater measure of priority is attached to this task by our Ambassador in Saigon and other officials within our government, and unless some impediments in our bureaucracy are removed, the crisis of children in South Vietnam and other war-affected areas of Indochina will continue.

In the hearing on May 11, Dean Dumpson and Mr. Klein submitted a number of recommendations to energize American policy towards the special problems and needs of children in South Vietnam. Enclosed are excerpts from their testimony, which, in consultation with members of the Study Mission and representatives of interested voluntary agencies, are currently under review by officials in AID.

Hopefully, our government will take immediate steps along the lines recommended by the Study Mission, and I look forward to getting your comments on American policy toward helping the youngest war victims in South Vietnam and the other countries in the area. Many thanks for your consideration and best wishes.

Sincerely,
EDWARD M. KENNEDY,

SUMMARY OF STUDY MISSION RECOMMENDATIONS CURRENTLY UNDER REVIEW BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT AND THE DEPARTMENT OF STATE

1. Invite the establishment of, and fund, a consortium of experienced and professional competent voluntary agencies to facilitate and expedite inter-country adoption of Vietnamese children for whom adoption is legally possible and clearly the best plan. Particular priority should be given to the racially mixed child. The primary bottleneck with regard to inter-country adoption at present is the lack of adequate services

and staff in Vietnam. We view this recommendation as an urgent requirement, though we recognize that adoption must still be handled on a case by case basis to protect all parties concerned. The expensive services for the few at the expense of the many is unconscionable. Therefore, the consortium must equally concern itself with providing counselling services to mothers who may be considering abandoning their children, and with the immediate up-grading and improvement of child care services and institutions in Vietnam.

2. Expedite the inter-country adoption process by assigning one additional officer to the INS regional office in Hong Kong so that U.S. government formalities will not represent a bottleneck as they have, on occasion, in the past. INS is planning to transfer 1,000 inspectors to the U.S. Customs Bureau in the near future. We ask that one of these be diverted to Hong Kong.

3. The U.S. Government, through its Embassy in Saigon, should urge the Government of Vietnam to expedite passage, or interim implementation by decree, of sound adoption legislation which, we understand, is presently in draft form.

4. The Government of the United States should formally transmit to the Government of Vietnam a clear statement of intent of support for programs designed to assure the welfare of children in Vietnam. This recommendation will have the dual effect of indicating American commitment particularly in terms of funds on a more than a year to year basis, and of stimulating the Government of Vietnam to give its own child welfare programs and Ministry of Social Welfare reasonable support and priority. One of the persistent problems is that U.S. funding is only available on a year to year basis. The Vietnamese, understandable, are reluctant to commit themselves to long range programs with only a few months of funding in sight.

5. The U.S. Government should strongly urge the Vietnamese Government to lift its present restriction on hiring new personnel within the Ministry of Social Welfare. At present, the Ministry does not have adequate personnel, in terms of numbers of professional competence, to supply many of the child welfare services needed.

6. AID should be authorized to proceed with direct hire from outside its own personnel resources in order to replace departing child welfare personnel in Vietnam and expand the AID child welfare advisory and support program by several additional positions.

7. The Subcommittee on Refugees should review the various pieces of legislation addressed to the needs of children of Vietnam which have been introduced over the past two years to determine whether modification of previously proposed legislation, or new legislation, is warranted to ensure that we can and will continue to exercise our responsibilities to the children of Vietnam.

8. The appropriate Subcommittee of the Judiciary Committee should be asked to explore some modification of our present Immigration and Nationality Act in order to enable American fathered children in Vietnam to obtain American citizenship, if they so wish, upon reaching their majority.

9. Until such time as multi-lateral mechanisms can be determined and utilized, the Agency for International Development should continue to work with the Government of Vietnam, particularly the Ministry of Social Welfare, in an advisory and supporting role, to assist that government in carrying out its responsibility to the children of Vietnam, responsibilities which we share. After many years of inaction, AID has initiated a well-thought out program of child welfare assistance in Vietnam. The AID continuing effort should be encouraged and supported by the Subcommittee and by the Administration.

TWO REMARKABLE WOMEN

Mr. PERCY. Mr. President, Elizabeth Browne and Suzanne Sumner are two Illinois women whose lives can be an inspiration to many others. They are truly remarkable women, and I feel their stories should be even more broadly known.

Miss Sumner has just received her master's degree from the Illinois Institute of Technology. She has worked as a designer the entire time she has been at IIT, and she intends to continue her education at Northwestern University. Miss Sumner can boast of these accomplishments even though she has been deaf since birth.

Mrs. Browne is a wife and mother of five children, and she has just received her doctorate from Loyola University. Mrs. Browne's achievement is noteworthy in that she has been blind since childhood.

These two women have overcome their physical handicaps and have reached impressive academic goals that most nonhandicapped Americans never attain. Their determination to succeed despite difficulties imposed by their disabilities is indeed commendable.

Miss Sumner has the good fortune of already being employed in her chosen field. Mrs. Browne, however, feels that she will face difficulty in finding a teaching position. I sincerely hope that such will not be the case. But, to be absolutely realistic, we all know that handicapped people often are discriminated against in employment—not because they are unable to perform the necessary functions, but because employers have fears and prejudices about hiring people with handicaps.

On May 30, Senator Hart and I introduced a package of bills designed to help the handicapped. One of these bills, S. 1911, would provide tax incentives for the employment of handicapped individuals. If plain common sense is not sufficient to convince employers that handicapped persons can be valuable employees, perhaps a tax-incentive plan will help them overcome their doubts and skepticism.

I hope that Suzanne Sumner and Elizabeth Browne have little difficulty in their professional careers. I am certain that, if these remarkable women are given the opportunity, they will demonstrate their capabilities.

I ask unanimous consent that two news articles from the Chicago Tribune about Miss Sumner and Mrs. Browne be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Deaf, She'll Get Master's: Her Silent Triumph

(By Anne Keegan)

Suzanne Sumner won't hear a word of the commencement speech tonight. But she'll understand everything said.

She'll read the speaker's lips and feel the vibrations of the applause thru her chair.

Miss Sumner, 425 W. Surf St., who has been deaf since birth, is getting her master's degree from the Illinois Institute of Technology.

It's a long way from 1960, when no one would hire a deaf woman even if she was a college graduate.

But Miss Sumner lived by her motto, "I can do anything." That's how she got her job of 12 years as a designer for Science Research Association. She was unemployed and looking for free lance work when "I looked thru the windows of this big building and saw drawing boards, so I just walked in and asked about a job."

She says that, altho it takes someone two weeks to understand her speech perfectly, she has no trouble communicating. She learned to speak when she was 8, and two years ago she learned sign language—to help teach the deaf after she retires.

Miss Sumner is in her forties. She has traveled to Africa, twice to Mexico, and four times to Europe—even managing once in Athens to strike a good bargain on commemorative coins, quite an accomplishment in a foreign language for a woman who can't hear.

It has taken her 4½ years to get her master's in visual design—attending school part-time and taking her work home at night to make up for her absence at her job. She says she wants to attend Northwestern University next, in a program teaching the deaf.

"Perhaps in English," she says smiling. The only thing that bothers her is that she will have to learn two foreign languages.

"There is really nothing a deaf person can't do," she says.

Blind Woman Will Get Doctorate

(By Robert Enstad)

Elizabeth Browne and Reba, a 3-year-old yellow Labrador Retriever, will walk together in commencement exercises today at Loyola University.

The recognition will go to Mrs. Edward Browne, who will receive a doctor of philosophy degree in American literature.

But if Mrs. Browne had anything to say about it, her dog also would receive some recognition.

Reba is a guide dog that has, as much as Mrs. Browne's fortitude and inspiration from her family, enabled her to achieve the highest honor in academia.

"I guess I am an eternal optimist," Mrs. Browne said, discarding suggestions that her loss of sight was a handicap to her education. "The more obstacles you have to overcome, the more exciting and challenging your life can become."

Mrs. Browne, who has been married 17 years, lost her sight when she was 10 years old.

Part of her challenge to winning the doctorate also has been being a mother to five children at the same time. She and her husband, a supervisor at Western Electric Co., have two girls in high school and three boys in elementary school.

Her husband, during her seven years of graduate study at Loyola, put all her textbooks on tape.

She took lecture notes in braille and wrote her papers and doctoral dissertation—a critique on the fiction and poetry of the late American poet Randall Jarrell—on a regular typewriter.

Martin J. Svaglic, professor of English at Loyola, said Mrs. Browne's academic work was of the highest caliber.

"What's more important, she has conducted herself as if she did not have a handicap," Svaglic said.

That handicap may, however, be standing in the way of Mrs. Browne obtaining a teaching position in English at one of the Chicago-area colleges or universities.

Tho she has taught English classes at Loyola, Mrs. Browne, who lives at 10525 S.

Christiana Av., believes she has not been given credit for being an effective teacher.

"People don't give you a chance to show what you can do," she said. "I think I have a lot to prove as a teacher. My sight has been a handicap in getting a job."

THE SAHELIAN DROUGHT AND FAMINE

Mr. HUMPHREY. Mr. President, the current crisis in six African countries caused by 4 years of drought has received far too little international attention.

Partly because of this inattention, the international donor community is in the position of doing too little too late to save livestock and crops and alleviate hunger in this area.

I am happy to see that this crisis is finally receiving some public attention. In the last 2 days, there have been three articles in the Washington Post and New York Times on the drought and famine. These articles include descriptions of the tragic situation from first-hand observers, analyses of the situation in the six countries, and statements of the tremendous needs for emergency and long-term assistance to end the suffering in these countries.

The concern the press has shown for this problem and the research reporters have done to bring to the public the full story are indeed welcome.

On Friday, the Foreign Relations Committee Subcommittee on Africa, of which I am privileged to be chairman, held hearings on the Sahelian drought. I want to assure my colleagues that the subcommittee will continue its examination of this disaster.

Mr. President, I ask unanimous consent that Thomas A. Johnson's article from the New York Times, William Raspberry's article from the Washington Post, and Larry Heinzerling's article from the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 17, 1973]

DROUGHT BLIGHTS SUB-SAHARA AREA

(By Thomas A. Johnson)

OUALLAM, NIGER, June 11.—Every two steps Souleman Tiam flicked a gnarled stick fitted with a metal blade—a daba—into the yellow sand and made a shallow hole in the moist earth. His wife, carrying their youngest of three children on her back, followed him and threw at least 10 millet seeds into each hole and with a stamp of her bare feet, she covered the seeds.

A farming family in a region hard-hit by a five-year drought and famine, the Tiams were gambling, beneath a scorching sun, that the night's heavy rains would be followed within three weeks or so by more rains.

Neither paid any attention to the herdsmen who drove small groups of cattle—all skinny animals with each rib sharply outlined under the skin—along the road to Niamey. This route toward Nigeria's capital is dotted with the carcasses of cattle and camels. The village of Ouallam is 70 miles north-northwest of Niamey.

It is the farmers and the herdsmen who make up 90 per cent of the black African and Arab peoples living in the six sub-Sahara nations struggling now in the grips of a five-year drought.

The years of irregular rains have depleted grain stores and overgrazing has destroyed much of the grasslands.

And while many thousands of people have fled this sub-Sahara region—stretching from Mauritania to Chad—many thousands more have remained to work and to hope that the elements this season will be kinder.

"The birds have built their nests high in the trees this year," Mr. Tiam told a stranger. "That is a sign that we will have much rain."

Like other farmers in the region, the Tiams planted on the day following the first of the summer season's major rains. If it rains again within the next three weeks, chances are good that their seeds will flourish. If it does not rain in time, the seeds will probably not take root but simply bake in the hot, dry sands. "And if that happens we will have to wait until after the next heavy rain to replant the fields," Mr. Tiam said.

The region—consisting of a belt of nations hugging the southern fringes of the Sahara—suffered a poor harvest during last year's three-month growing season, when the rains that came were spaced badly for the farmers.

Generally the region's harvests of millet, sorghum and peanuts produced a little more than two-thirds of their expected yields. The five years of poor rains have just about exhausted grain reserves in the sub-Saharan countries and massive food shipments are being sent to the region by the United Nations, the European Economic Community, France, Canada and the United States.

"If the rains are good the harvest will come in about 80 days," Mr. Tiam said. He said that he was planting the last of his reserve seed and would have to apply for relief supplies from government distribution points to keep his family fed "until the harvest."

MANY HERDSMEN FROM MALI

Many of the herdsmen passing the Tiam fields had come from across the border in Mali. One group of six men—four on foot, and two perched atop swaying camels—had traveled from near Menaka, a village in Mali about a hundred miles away.

One herdsman, Mohammad Diouf, said that they would sell the cattle in Niamey and buy grain to take back to Mali. He knew, he said that the poor-conditioned animals might bring a tenth of the $50 to $100 that well-fed cattle sold for during normal times, but that his village needed the grain.

He said in a combination of Huasa, Arabic and French: "The rains have started and the grasses will grow and the herds will come back and grow fat again."

[From the Washington Post, June 18, 1973]

HUNGER AND HERDSMEN

(By William Raspberry)

When I visited there some 11 months ago, the city of Agades, Niger, in central Africa, was ringed with the tents and huts of nomad cattlemen, impoverished by the third or fourth rainless year in a row.

These proud herdsmen, once owners of hundreds of cattle, sheep, goats and camels, and therefore acknowledged to be rich, had lost most of their herds. Some were reduced to begging in the streets of Agades.

A year or two before that, there was only the inconvenience of having to travel farther and farther for grazing, and now, nearly a year later, I am told that the carcasses of their cattle literally block some of the roads outside Agades.

Six countries of central and western Africa are in the grip of the century's worst drought. Famine is in the air, with perhaps as many as half of the region's 22 million inhabitants under direct threat of starvation.

And yet, that disaster has had little impact on the rest of the world. There have been some news stories, of course, and some official effort at providing assistance. But there has been nothing to catch the imagination of the American public. We are too event-oriented, and there is no "event" associated with the impending famine. There came no time at which a reporter could write: "Several hundred formerly rich nomadic herdsmen were reduced to begging yesterday, officials said." Or: "The Malian government yesterday announced the death of the first of several million people, who will soon become victims of a six-nation famine."

It's easier for reporters to cover, and for the rest of us to react to one-shot disasters: fires, floods, earthquakes. Famine is too hard to get an emotional grip on.

So while the government has been doing some very useful things to bring relief to the drought-stricken region (Chad, Niger, Mali, Upper Volta, Senegal and Mauritania), there has been little public pressure on the government to do more. (Sen. Hubert Humphrey (D-Minn.) has started hearings on the crisis.)

"The whole area has been a creeping disaster," according to Dr. Samuel C. Adams Jr., assistant administrator for Africa of the U.S. Agency for International Development (AID). "What makes it critical now is that one has run out of options."

That is a fair assessment of the crisis. Cattlemen have lost their herds, after the herds first destroyed all the sparse grasslands, parched by a drought that has endured for as long as seven years. Farmers have run out of food and have been forced to eat their seed grain. Governments have so strapped their meager budgets trying to feed their people that there is now no money to pay teachers or run health services or dig wells.

Some critics—not Africans—have complained that the U.S. aid has played a role in accelerating the crisis. They charge that U.S.-sponsored programs to innoculate cattle have eliminated disease as a natural control, and thus allowed the herds to grow, destroying much of the vegetation and permitting the Sahara to creep still further south.

That complaint may be both inaccurate and unfair, but it does raise one problem that predates the threatened famine and will survive it. That is the problem of uncoordinated assistance.

"The problem with foreign aid," said one experienced diplomat, "is that it always addresses one particular problem. The officials always want to know your priorities.

"What they mean by that is that they want you to choose one problem out of all the problems you have and then they will help you with that one. Try to talk to them about across-the-board help, and they aren't interested. I suppose they think that will spread their contribution too thin and make it appear that they aren't doing anything.

"And yet, the alternative of tackling one single item often has the result of making other things worse. It seems silly to build roads when there is nothing to haul on them. But then they give us aid to increase our crops and then there is no way to get them to a market because there are no roads. It's like patching an old shirt and causing it to tear in a new place. What we need is a new shirt.

"I don't mean this to sound ungrateful for what is being done. I recognize that these problems are created from goodwill."

But that has to do with the long-range crisis. The immediate problem is far less complicated. There is urgent need for seed grain, which must be air-lifted to the stricken areas before the planting season is past. There is need for food, which must arrive in the African ports before the approaching "rainy" season washes out the roads and makes distribution impossible. And there is need for replenishing cattle herds. Losses have been estimated at anywhere from 45 to 80 per cent.

Only after the emergency is met will it make sense to address the general problem, what Dr. Adams calls the "creeping disaster."

"After this immediate problem is solved, I'd like to see some assistance with such things as roads, irrigation, health—a coordinated effort that will help us begin to do for ourselves," one diplomat told me. "It's the same with poor countries as it is with poor people. Nobody wants to be on welfare all his life."

[From the Washington Post, June 17, 1973]

U.S. FLIES FOOD TO PARCHED WEST AFRICA

(By Larry Heinzerling)

TIMBUKTU, MALI.—Howie and his "desert rats" brought the big U.S. Air Force C–130 cargo plane to a smooth halt in front of the sandswept little airport in Timbuktu.

The rear door of the aircraft, nicknamed the African Queen by the American crew, yawned open.

A score of waiting Malians unloaded the cargo of 15 tons of emergency food grain in 20 minutes, carrying the heavy bags on their heads to a waiting truck.

It was just one of dozens of missions in a U.S. airlift of food to near-starving people in far-flung outposts of Mali's barren, drought-stricken interior.

In the distance, the mud-brick buildings of Timbuktu—the ancient Islamic center of trans-Saharan trade in gold, salt and slaves—baked in the 115-degree heat.

"I'v heard of Timbuktu all my life," said a member of the five-man crew from Pope Air Force Base in North Carolina. "But I never believed I'd get here."

"This plane has carried grunts, gooks and garbage," said one veteran of Vietnam aboard the plane. "Now we are carrying grain."

Maj. Howard Seaboldt, the African Queen's jovial pilot, sipped a soft drink on the burning tarmac and watched the unloading with other crew members he calls the "desert rats."

"After Vietnam, there are other people who need help, and it feels good to be helping them," he mused.

Remote and legendary Timbuktu, often a synonym for the end of the world, has become a major distribution point for relief food to thousands stricken by the four-year-old dry spell.

The drought has hit six sub-Saharan nations in West Africa: Mauritania and Senegal on the Atlantic as well as landlocked Mali, Upper Volta, Niger and Chad.

It has destroyed vast acres of crops, wiped out millions of cattle and, according to United Nations officials, could bring death to some 6 million Africans through famine.

Mali, one of the worst-off nations in the region, was described as a disaster area in April by outgoing U.S. Ambassador Robert O. Blake and has become the target of a major U.S. relief effort.

Two U.S. C–130s are making daily flights from Bamako, the capital, to Mali's remotest regions in a determined effort to stave off starvation. Another plane is operating a similar airlift in Chad. The operation which began April 15, is to run through mid-June.

The planes, part of the U.S. Air Force's 217th Tactical Airlift Wing at Pope, are flying to Timbuktu, Goundam and Gao in the northeast and Nioro and Nara in the northwest.

From Timbuktu, as in the other towns, the grain is being dispersed by trucks and camels deep into the sandy wastes of the Sahel, as the land just south of the Sahara is known.

The U.S. planes will ferry about 1,000 tons of grain to Mali from the United States, Europe, China, Canada and other sources.

The American operation is being run by Army Brig. Gen. David O. Morris of the Readiness Command at MacDill Air Force Base in Tampa, Fla.

The Soviet Union and West Germany have completed similar airlifts in Mali.

The United States is providing Mali, a nation of 5 million, some 40,000 tons of grain through a variety of programs. Other nations are giving this impoverished land an additional 100,000 tons of emergency grain supplies.

But officials in Bamako say it won't be enough and it won't arrive quickly enough.

Mali, a land of subsistence farmers, produces some 850,000 tons of grain in a good year. This year the drought has reduced the harvest to about 450,000 tons. Even with foreign donations of 140,000 tons of grain, the total will be 260,000 tons short of a normal year.

And if rain finally comes in June or July, when the rainy season usually starts, officials fear that vast areas of the country—the largest and perhaps poorest in black Africa—will be cut off from road transport.

U.S. officials estimate that almost two-fifths of the country's 5 million cattle will perish from hunger. The death of each cow is a personal tragedy to the frightened farmers, who watch helplessly as their only riches in life pass away before them.

But most Africans, hardened by years of struggling to stay alive, seem to accept the tragedy as a matter of fate.

"Yes, we are hungry," said one Tuareg nomad in his desert camp outside Timbuktu. "But we will survive. Maybe this year will be better."

An American official who works near the Mali-Guinea border said that some families there are eating only once every three days—and that then their meals include seeds that were to be planted this season.

A mass movement of bush villagers to the towns is under way. While this is not immediately apparent in Bamako, officials there say that Mopti, a town of 25,000 has swollen to 75,000, in recent months.

"This in a way is good, because if you get food to the cities where most of the people are it's easier to distribute," said one U.S. relief official.

The "port" of Timbuktu at nearby Kabarra is bone dry. In better years, food and other goods are shipped up the Niger River to Kabara via a natural canal. The canal is now a sandy trough.

COMMENTS ON FEDERAL EDUCATION LEGISLATION BY DR. J. O. JOHNSON

Mr. COOK. Mr. President, for 2 months earlier this year I had, as a temporary member of my personal staff, Dr. J. O. "Oz" Johnson, the assistant superintendent for research of the Jefferson County public schools in Kentucky. I had asked Dr. Johnson to come to Washington specifically to aid me in my review of the President's most recent proposals in the area of elementary and secondary education and their impact on the State of Kentucky.

I have here his very candid summary of that situation, which I would like to ask unanimous consent of the Senate to have printed into the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS ON FEDERAL EDUCATION LEGISLATION

R. J. Breckinridge, Kentuckys' first Superintendent of Public Instruction, who served in the 1850's, when talking about the leadership role in education said: "The school system of this state has gained nothing without a struggle, and has retained nothing without incessant watchfulness. Upon every point where resistance was possible, resistance has been made; and during my long connection with the system, every step in advance has been carried after long conflict."

This hundred-year-old statement which underlines the words "struggle" "resistance" and "conflict" is definitive of the situation in which education in Kentucky finds itself today.

Since World War II, a rising stream of out-migration away from the hills and farms of Kentucky, coupled with the rise of urbanization within the state, has created unique and hard-to-manage school problems.

According to the 1970 census in Kentucky, there were 8,850 black and 78,849 white children between the ages of 16 and 21 who were high school dropouts. Of these 87,699 dropouts 52,481 were unemployed.

Thirty per cent of Kentucky students who entered the 9th grade in 1967–68, dropped out of school before graduation in 1971.[1] In short, Kentucky ranks dead last among the states in the median educational achievement of its people. The median number of years Kentuckians have spent in school is 9.9 years, more than two years below the national median of 12.1 years.[2] The National Education Association reports that 9.4 per cent of Kentuckians over 25 in 1970 had less than five years of schooling, 45 per cent had less than a year of high school, 38.5 per cent had finished high school, and only 7.2 per cent had graduated from college.[3]

The per capita personal income in Kentucky in 1971 was $3,306—42d in the nation.[4]

Ranking 43rd with an average per pupil expenditure of $797 for 1971–72, it is easy to see why the state ranks low in almost every educational category.[5]

Kentucky's efforts in education are helped by federal funds which provide 15.8 per cent of the money for public schools.[6]

I have presented there data to point up the dilemma in which school people in Kentucky find themselves. At a time when the Dean of the Harvard Graduate School of Education, Paul N. Ylvisaker, and the Secretary of Health, Education and Welfare, Casper W. Weinberger, are urging that educational resources—in research, in training and in sensitive kinds of clinical and community experiences—be brought to a critical mass, Kentucky, and other states poor in resources I might add, is back to its place of "gaining nothing" and "retaining nothing" without "incessant watchfulness."

School people in Kentucky are quick to point out the merits of the "Better Schools Act of 1973." They talk disparingly about the boon-doggle, the red tape, the waste, the inflexibility and, often times, the unfairness of the existing categorical aid to education.

The school superintendents and school board members—those responsible for making school budgets—are for self-determination. They feel, and rightly so, that it is the local level that the best educational decisions are made. Consequently, they view with alarm the existing ambiguities which now permeate the whole process of allocating federal monies to local school districts. For example, most superintendents maintain that in essence Section B of P.L. 874 is federal largess, going primarily to large metropolitan school districts. In addition, superintendents of small school districts have a feeling that the guidelines of other title programs preclude their adequate participation in these federal monies, because of a lack of numbers, a lack of staff to develop programs and a feeling that the Office of Education is so big-city oriented in its thinking that "nothing good can come from Bethlehem," as it were.

I hasten to add, however, that school people do not speak in one voice. While there is consensus that federal funding to education

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Footnotes at end of article.

needs a complete overhaul, there is a deep and fearful concern about the implications of the "Better Schools Act of 1973." They look with askance at the allocation formulas in "The Better Schools Act of 1973" which would reduce the amount of money going to Kentucky in 1975 by $9,669,000—or 15 per cent of that now being allocated. They concur, as I do, with the senior senator from Colorado, Mr. Peter Domonick, the ranking minority member on the Senate Education Subcommittee, who has stated: "a significant number of school districts may not be able to survive the fiscal shock of 'cold turkey' withdrawal of funds. . ."

The budget cuts outlined for the fiscal year 1975 would be ruinous to many school systems in Kentucky, and much of the South I might add. The dire predicament in which school systems would be placed causes school people to use such expressions as "Federal guillotine," "meat ax" and "budget knife" when referring to the cuts outlined in that act.

Some, who have many students whose parents work on, but live off, federal property, give testimony that their school systems could not survive the immediate withdrawal of P.L. 874 Title B funds. Those that are now in the initial stages of providing vocational education maintain that their efforts would be thwarted by the 2.8 million proposed cut in that category. Others, those who have done much work in trying to develop meaningful programs of education for the disadvantaged, express another fear. They are afraid that if Title I money goes to the local education agency with no strings attached that the school staff will bargain and negotiate that money into salary schedules, leaving little money to provide compensatory education for the disadvantaged.

The most perplexing circumstance of all and the one most often voiced to me by school superintendents is their concern about the aura of uncertainty that pervades their decision-making processes concerning federal funding of education. Sound decisions, made after much deliberation and study at the community level, are often times rendered worthless by late funding, changing guidelines and red tape. Educators are kept bewildered and guessing. In fact, the mark of a "good school superintendent" is often times equated to his ability to outguess the Congress and the Office of Education and not upon the sound educational practices he is able to incorporate within his school district.

At this time, school superintendents should be in the final stages of budget making for the fiscal year 1974. Yet in my state, superintendents can only speculate as to how much federal money will be available. By state law teachers must be notified by May 15 if they are not to be reemployed. Consequently, school superintendents and thousands of teachers are caught in unenviable situations. Because superintendents do not know what the Congress will do, or whether the President will continue to impound money or not, they cannot act. The teachers, on the other hand, become pawns, to be moved and placed at a later date, provided money is made available. And, in the long run, it is the pupils who are shortchanged in this process.

For too long, those pupils needing compensatory educational opportunities have been shortchanged by the "on-today off-tomorrow" dictates of the Congress, the President and the "middle men" of education. This situation should not exist. Rather, the Congress should separate the education budget from the H.E.W. budget and give it prompt expedient action. Now is the time for this Congress to be decisive. Succinct arguments have been and are now being developed for and against greater funding for education at the federal level. N.E.A. and other educational associations call for greatly increased federal spending for education. Other organizations and individuals maintain that increased spending has had little effect upon improving educational opportunity, which in turn is supposed to enhance equal opportunity in all sectors of our society.

In my judgment, the solution lies somewhere between these two views. I, therefore, urge the law, one that guarantees all of this nation's children an adequate portion for education of our resources, one that assures that monies go, with as little red tape as possible, to the cities, towns and hamlets where it is needed, one that gives assurance to local education agencies that a steady continuity of effort at the federal level will be maintained, and finally one that will give us signs of perceptible improvement in the education process, will be passed and then become the bench mark of this the 93rd Congress.

FOOTNOTES

[1] National Education Association, Rankings of the States, 1973—Research Report 1973–R1. p. 31.

[2] *Ibid.*

[3] *Ibid*, pp. 30–1.

[4] *Ibid*, p. 34.

[5] *Ibid*, p. 48.

[6] *Ibid*, p. 51.

RENEWED CRISIS OF PEOPLE IN BURUNDI

Mr. KENNEDY. Mr. President, news reports in recent weeks, including an article in the June 17 issue of the New York Times, tell of renewed violence and death in Burundi and the flow of thousands of new refugees into neighboring countries. A similar human tragedy, which a United Nations mission called staggering, occurred in that country just a year ago, in the spring and summer of 1972.

As I suggested in this Chamber a year ago, I do not rise to blame or condemn, or to offer any magic solution for meeting the political and humanitarian problems in Burundi. But, as chairman of the Judiciary Subcommittee on Refugees, I do rise to express a deep personal concern over the plight of the people caught in the latest wave of violence—and to urge renewed international efforts to bring peace and relief to the people of Burundi.

Mr. President, I ask unanimous consent to print in the RECORD a letter of inquiry regarding the situation in Burundi that I have sent to Secretary Rogers, and the June 17 article from the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 18, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: As you probably know, concern continues in many quarters over developments in Burundi. News reports in recent weeks, including the enclosed report from the June 17th issue of the New York Times, tell of renewed violence and death in Burundi and the flow of thousands of new refugees into neighboring countries.

As Chairman of the Judiciary Subcommittee on Refugees, I closely followed similar developments in Burundi during 1972, and the present deteriorating situation reported from that country today is new cause for American and international concern. I am writing again to inquire about American policy and views, and to urge that our government give some public evidence of concern over the people problems of peace and relief in Burundi.

Many thanks for your consideration and best wishes.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees.

WITNESSES TELL OF HORROR IN NEW BURUNDI SLAUGHTER

DAR ES SALAAM TANZANIA, June 16.—More than 20,000 members of the Hutu tribe of the tiny Ceneral African nation of Burundi who have fled to Tanzania in the last month are painting a grim picture of slaughter taking place in the southern part of Burundi.

How many Hutu tribesmen have been killed since then is not known, but it is thought that the number runs into the thousands.

A month ago, members of the Hutu tribe, which numbers three million, tried to oust the ruling Tutsi tribe, which has about 600,000 members.

Just over a year ago, after a similar uprising, the Tutsi Government of Col. Michel Micombero began a program of repression in which, according to statistics assembled throughout the country by missionaries, some 80,000 educated Hutu tribesmen were slaughtered.

The Hutu, a Bantu people of stocky build, came to the region that is now Burundi several centuries ago from the southwest. A thousand years ago the Tutsi, generally tall and slender, began arriving from the north. The Tutsi became overlords, dominating the Hutu peasants.

Witnesses coming from Burundi have reported open mass graves on the outskirts of the capital, Bujumbura, as well as truckloads of bodies in the city and the central town of Gitega.

This week a letter was received here from eight Roman Catholic priests who are working in missions at Muhinda, Mulera and Kasumo, just inside Tanzania on the Burundi border. The letter, signed by the Rev. Ramon Vicens, secretary of the Mulema deanery, said that the priests felt they could no longer remain silent while the world ignored the slaughter in Burundi.

WORSE THAN LAST YEAR

Father Vicens wrote: "Eight days ago I interviewed a group of Hutu who had just managed to safely reach Tanzania. I asked them what they had seen in Burundi and why they were running away. They told me they were running away from a program of genocide against the Hutu worse than the one last year.

"They said, 'last year we managed to stay and nothing happened to us because they were more interested in leaders and influential people among the Hutu population.' Now the refugees say they are killing everybody.

"Then they told me that a group of about 50 soldiers armed with automatic weapons helped by 400 to 500 youngsters of the Jeunesso Revolutionaire [the youth wing of Colonel Micombero's ruling party] armed with spears and knives were systematically moving from one hill to another burning houses of the Hutu and killing any Hutu they could find."

Father Vicens continues: "Then they told me that women and girls had had their bellies opened and breasts cut. Pregnant women had had their children taken out and left dead by their sides. Even people with physical defects were killed. This time is worse than the first they say. Now they want to finish all the Hutu population in the south either by killing them or making them run away."

Many of the refugees arriving at the missions are wounded. One woman who arrived at a Seventh Day Adventist mission hospital had had both her hands hacked off with a machete. That is a common reprisal, for when the short Hutu find the tall Tutsi, they often cut off their legs at the ankles.

CARRYING DEAD CHILD

Father Vicens said that one woman arrived at Kasumo mission after walking for two days with two children strapped to her back. It was not until the European sister took them down that the woman learned one was dead—its back split open with a knife. Another refugee told the priest he had seen Tutsi troops herding peasants into a grass hut at gunpoint. The hut was then set afire and the Hutu burned to death. "In front of such suffering we priests thought we could not keep silent," Father Vicens said.

SOME 800 REFUGEES A DAY

Tanzanian officials in the frontier area estimate that a minimum of 800 new refugees are crossing every day. After last year's repression at least 30,000 fled to Tanzania. Of these, 16,000, plus 6,000 who have crossed in the last month, have been moved 250 inland to a refugee camp at Ulyankulu where schools, clinics and permanent water have been provided along with permanent housing, land, tools and seed.

But many thousands remain in the frontier area. At Mulera mission alone 7,500 are being cared for. A refugee collecting center has been established just outside the Lake Tanganyika port of Kigtma in Tanzania but conditions are pitiful.

The refugeess who remain in the frontier area constitute a continuing point of tension. In March, Burundi troops crossed into Tanzania after a Hutu band had ambushed a group of troops inside Burundi, spearing a colonel. In the attack on Tanzania they ravaged three villages, killing about 80 people—half of them Hutu refugees.

KAIPAROWITS POWERPLANT

Mr. BENNETT. Mr. President, coming from a State that is rich both in natural resources and unsurpassed scenery, I have always operated under the philosophy that it is possible to strike a balance between judicious use and protection of the land, air, and water.

Recent developments involving my own State, however, lead me to believe that this balance which we seek has been tilted to the side of those who would prefer to have us return to the era just prior to the invention of the wheel when everyone created their own heat and light with two sticks.

The recent Supreme Court ruling that there must be no "significant" deterioration in air quality in areas where the air is already cleaner than standards set by law will have a profound impact throughout the country, and especially in my own State of Utah. It has been said by some, in only half jest, that strict interpretation of this ruling would forbid campfires.

Utah's most important water resource development project, the Bonneville Unit of the Central Utah Project, is likewise becoming a victim of environmentalist overkill. An environmental impact statement on the project, which should have been completed long ago, has been delayed due to attempts by environmental groups to bring construction to a halt. This project to impound scarce Utah water to meet human needs, is one of 13 water projects in the country which several environmental groups have vowed to stop.

The list goes on. The environmentalists have already won a major decision in the Rainbow Bridge controversy, which, if allowed to stand, could be very costly to the State of Utah in water and power revenues lost by not allowing Lake Powell and Glen Canyon dam to operate at maximum capacity. The next target will undoubtedly be the test oil shale leased to develop technology for producing needed petroleum products from the vast oil shale lands in Utah, Colorado, and Wyoming.

Last week Utah lost yet another round on the environmental front when the Kaiparowits powerplant became the sacrificial lamb of the Southwest energy study. The Secretary of the Interior announced that he will reject all applications for right-of-way permits to construct the plant, which has been on the planning boards for nearly a decade.

The Kaiparowits project would use Utah coal and water in producing electricity for the southwest United States from a coal-fired steam electric generating plant on the Kaiparowits Plateau in southern Utah. There is no question that the production of power from coal-fired plants in the Southwest poses enormously complex environmental problems. But there is also no question that the energy produced by those plants is vital to this densely populated area of our country. The Secretary's own Southwest energy study work group recognized this need in its interim report last December by stating that there was no alternative to the construction of these plants, including Kaiparowits.

The utility companies involved in the Kaiparowits project have spent a year and a half and over $1 million to prepare a comprehensive environmental impact report detailing the steps that would be taken to protect the air, water, and scenic beauty around Lake Powell. This report was to have been submitted to the Secretary in the next few weeks, and unfortunately his decision was announced without consideration of this new data. I have, therefore, asked the Secretary to reconsider the Kaiparowits controversy in light in this new evidence.

Mr. President, I certainly do not claim that the Secretary's decision to reject Kaiparowits was an arbitrary action, but I cannot help but wonder whether this particular plant was sacrificed simply because it was the only one of the six included in the study which was not yet either operating or under construction, and therefore the most vulnerable from a political standpoint.

A Federal study commissioned because of environmental considerations could not very well come back without containing something to please the environmentalists, and so the Southwest energy task force looked around and spotted Kaiparowits.

I will continue to work for the balance which I mentioned earlier. We need the water and the electricity. We need to develop and use our natural resources to meet the needs of a growing population and to sustain the standard of living which we all enjoy. We also need to protect our scenic wonders for the enjoyment of future generations, and I am convinced that we have the technology, skill, and wisdom to do both. But the score is becoming lopsided, and it is getting late in the game.

Mr. President, I ask unanimous consent that two editorials from the Salt Lake Tribune and the Deseret News on the Kaiparowits decision be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, June 15, 1973]

KAIPAROWITS DENIAL DEMONSTRATES AN ENVIRONMENTAL INCONSISTENCY

In killing the Kaiparowits Plateau electric generating project has Interior Secy. Rogers C. B. Morton acted on the basis of a sincere conviction that it would involve unacceptable environmental impacts? Or, has he acted to gain support of conservation groups for other projects with heavy environmental damage potential, projects the secretary believes are of a higher national priority than one in southern Utah?

The first two projects that come to mind are the Alaska Pipeline and the expansion of offshore drilling for petroleum, particularly along the Atlantic seaboard. While the need for additional electrical generating capacity is accelerating daily, at the moment this nation's most critical need is for more oil. Conceivably the need for more and bigger power plants can be put off longer than the search for and acquisition of more oil.

Having turned down all applicants in the Kaiparowits venture, Morton is now in a position to say to conservation groups, in effect, "See we recognize environmental hazards, when we see them and will disallow projects creating them, if doing so does not jeopardize this nation's security."

Attributing such political crassness to the secretary may be prompted in part by our disappointment over his rejection of the Kaiparowits project. Nevertheless, Mr. Morton owes Utahans a fuller explanation than the inexcusably vague one he has presented to date.

The interior chief has long championed the trans Alaska pipeline. In fact, The Tribune on April 28 ran a lengthy letter from him in which he candidly and in great detail outlined his opposition to any alternate route for the Alaska pipeline.

It is hard to believe that the environmental impacts of the Kaiparowits proposal will be anywhere near those of the Alaska pipeline. For that matter, based on testimony by officials and engineers of the consortium planning the project, they intend to observe the strictest of environmental standards.

The coal to be used in the plant and to be mined by underground methods 15 miles away contains less sulfur than that currently being stripped from fields in Montana and Wyoming. That coal is being shipped to eastern areas because its sulfur content falls within the limits allowed by national air quality standards.

This hardly sounds like an awesome environmental impact. It most certainly doesn't come close to digging a trench 800 miles across Alaskan tundra deep enough and wide enough to accommodate a 48-inch steel pipe.

When Mr. Morton rejects the Kaiparowits project for environmental reasons, but supports the Alaska Pipeline in the face of more severe environmental damage potential his reasons become suspect. An explanation of his inconsistency is now called for.

[From the Deseret News, Salt Lake City (Utah) June 14, 1973]

Morton Should Reconsider His Kaiparowits Decision

As the fair and reasonable man he has constantly shown himself to be, Interior Secretary Rogers Morton ought to reconsider his decision killing the Kaiparowits power project.

The need for a review is clear from the report by one of the electric utilities involved that the decision was reached without the benefit of a new environmental impact statement to be submitted in the next 30 days.

We don't suggest that the fate of the Kaiparowits project hinge solely on an environmental study prepared by those with a financial interest in making sure the coal-burning power plant is built.

Nor would we argue that the environmental statement is the last word on the impact on Kaiparowits even though it's the latest. The work on the study was done before this week's Supreme Court ruling that there must be no "significant" deterioration in the quality of the air in areas where it is already cleaner than what is prescribed by federal law.

But it's easy to verify or discredit what the utilities say, and they ought to claim the project can be built without doing unacceptable damage to the environment.

Even without this environmental impact statement, there's room for wondering precisely what constitutes a "significant" deterioration in the quality of the air. A standard that vaguely seems to invite much litigation. That likelihood seems enhanced by the fact the Supreme Court did not provide guidance through a written opinion.

Moreover, the rich coal deposits in the Kaiparowits plateau can't be allowed to remain undeveloped forever.

Indeed, Secretary Morton tacitly conceded as much himself when he urged this week that work go ahead on finding ways to meet the power needs of the Southwest without doing serious damage to precious scenic and recreation areas that should be preserved for future generations.

In fact, only six months ago the Interior Department's own study on power needs in the Southwest acknowledged there seems to be no practical alternative to the construction of coal-burning power plants if the power needs of the next two decades are to be met.

The basic question is not whether such plants should be built but where they should be located—near congested cities already suffering from air pollution, or in outlying rural areas where we all like to go to get away from urban smog?

It's seldom, if ever, an easy choice, and Secretary Morton is certainly to be commended for wanting to make sure that whatever power development takes place in the Southwest is the right kind of development.

But the country has a stake in making sure that stagnation doesn't set in for want of more power. The ideal would be both more energy and a cleaner environment—and that objective doesn't seem entirely beyond reach as technology advances. When we can't have both, let's strive for a reasonable balance between the two.

For the time being, the West can live with Secretary Morton's decision on Kaiparowits. But it should be subject to constant review in light of new technological advances and new environmental studies like the one that is soon to be submitted.

Moreover, with gasoline in short supply while oil and natural gas reserves drop dangerously low, the U.S. simply must develop its coal resources. This necessitates more research on ways to put coal and other energy sources to work with the least possible harm to the environment.

Just as there was a concerted scientific effort that put Americans on the moon, there should now be an all-out effort to solve America's needs for more power here on earth.

CENTRAL UTAH PROJECT

Mr. MOSS. Mr. President, a great debate is raging in my State of Utah over the environmental impact of the central Utah project of the Colorado River storage project, and particularly of the Bonneville Unit, a key unit which will bring more water for municipal and industrial use to heavily populated Wasatch Front area of the State. Without completion of this unit, the heartland of Utah will run short of water in several years.

Recently KLUB, a public-spirited radio station in Salt Lake City, broadcast an editorial which gives the essence of the arguments being offered by those who oppose central Utah, and those who favor it, and comes down emphatically on the side of completing the project as soon as possible. I ask unanimous consent that the KLUB editorial of June 5, 1973, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

KLUB Radio Public Affairs Program Broadcast, June 5, 1973

Completion of the vital Central Utah Conservation Project, on which some eighty million dollars has already been spent, is now drawing strong opposition from several so-called environmental groups.

The organization making the loudest noise at the present time is the California-based Sierra Club. This club is well-known to Utahans. It has made nationwide protests against every Utah water project for more than 25 years. The main fight between Utah state officials and the Sierra Club took place in the "fifties" over the Upper Colorado River Project, which has resulted in the creation of such recreation spots as Flaming Gorge and Lake Powell.

Now the Sierra Club is battling completion of the Central Utah Project which would bring water from the Uinta Mountains into the Wasatch Front, and most of Central Utah even to points as far west as Delta.

KLUB believes that the Central Utah Project should be completed as soon as possible. Of course it will change some of the Utah environment, but we believe that those changes will be for the better.

While some stream fishing in the Uintas will not be as good as it has been in the past, construction and enlargement of reservoirs will provide water for many more fish and fishermen than the streams now can handle.

The avowed purpose of the Central Utah Water Conservancy District, as stated in its recent annual report, is to "improve living in Utah by providing not only much needed water, but also better recreational, wildlife, and outdoor facilities to the residents of Utah."

The conservancy district board has formally recommended "that funds be made available to the Forest Service and the National Park Service so that . . . recreational facilities can be completed concurrently with the construction of each feature of the Central Utah Project."

Completion of the Central Utah Project has the support of Utah's congressional delegation, Governor Calvin L. Rampton, the Utah Board of Water Resources, and the Ute Indian Tribe.

This project is one more step in allowing Utah to use its fair share of Colorado River Basin water, as allocated by the Colorado River Compact which decades ago set up the formula by which the water was to be divided among the states.

If Congress is influenced by the unfounded arguments presented by the Sierra Club, Utah's share of the Colorado Basin water will end up in California. KLUB believes the Central Utah Project should be financed and completed as soon as possible.

"AMERICA—AN UNCOMPLETED WORK," MRS. LYNDON B. JOHNSON'S COMMENCEMENT ADDRESS AT THE UNIVERSITY OF VIRGINIA

Mr. KENNEDY. Mr. President, I would like to take this opportunity to express my admiration and respect for a great lady and former First Lady of the United States, Mrs. Lyndon B. Johnson.

So many of us here, I am sure, can testify to the honest elegance with which she has shared so much of herself, and to the energy and enthusiasm underlying the record of her active commitment to improving the quality of life for all of us.

Even after the loss of her husband last year—a tragic loss for all Americans—Mrs. Johnson has continued to strive, in a great many capacities, in both public and private, to serve her guiding moral principle and strongest trait; a deep abiding faith in humanity.

As a public figure and businesswoman before entering the White House, Mrs. Johnson committed herself to many varied interests and involvements, ranging from managing her husand's congressional office in Washington and owning and operating a radio station in Texas, to supervising the family cattle ranches and cotton lands in Alabama. With her fine reputation and many successes, she has received numerous business awards and citations for her humanitarianism and togetherness.

During her years in the White House, Mrs. Johnson always wonderfully combined grace with initiative in performing her varied duties, earning for her a place in the history of First Ladies alongside Mrs. Woodrow Wilson and Eleanor Roosevelt.

Every American who is indebted to the greatness of the late President Johnson owes something also to Lady Bird because of the way she was always there to support him. As Mr. Johnson said on his 61st birthday last year:

> Presidents are lonely people. The only ones they really are sure of all the time are their womenfolk.

As First Lady, Mrs. Johnson also often had to take politics on herself. In 1964, she traveled all over the South campaigning for her husband and discussing such issues as civil rights, when civil rights was particularly explosive.

On behalf of the Government, Mrs. Johnson also traveled to over 30 countries, spreading her good will and enthusiasm. Also, Mrs. Johnson initiated the Head Start program, today one of the best working and most important Federal social programs.

Clearly, Lady Bird Johnson's greatest and most enduring achievements have been in her work to beautify and conserve our natural environment. No First Lady in history has done as much in this respect. The welcome esthetic improvements which she made and encouraged in Washington and in parks and other areas all over the United States have made her dedication to beautification both an impetus for today's great interest in vital ecological matters and a lasting monument to her works, imbedded in the geography of our daily lives.

While dedicating a grove of saved Redwood trees in 1969, she said:

> Conservation is indeed a bipartisan business because all of us have the same love for it and the same feeling that it is going to belong to our children and grandchildren . . . and the same opportunity to work in our time to see that it stays as glorious.

Earlier this month, in the compassionate spirit of her lifelong public witness, Mrs. Johnson delivered the commencement address to the graduating class of 1973 at the University of Virginia. A year ago, President Johnson had accepted the invitation to deliver the address. He was looking forward to the occasion with great expectation before he died, and so his wife fulfilled the commitment herself on June 3, 1973.

Mrs. Johnson's thoughtful and inspiring address reflect her faith in America and her affinity with the student generation. She speaks of a change in the interests of university students toward large concerns that are not abstract concepts but are "real and vital," and she also praises this generation's parallel concern with interrelationships between individuals and the most personal ethical matters.

The theme of Mrs. Johnson's speech, which has also been the driving force behind her faith and work for America, is that this country is an unfinished work. To Mrs. Johnson, America's faults are work to be done, and America's accomplishments of the last decade reflect the record of a people who are sincerely going about trying to get that work done.

In concluding her address, Mrs. Johnson emphasized her view that it is individuals who can make the difference in all the Nation's real concerns, and she served a personal mandate for action on each of the graduates. As she stated:

> A cleaner neighborhood begins with your own broom.
>
> A more beautiful city begins with a seed in your garden.
>
> A more just society begins in your own heart.
>
> A better government begins with your own vote.
>
> A safer world begins with your own active concern.

Because Mrs. Johnson's speech delivered to the University of Virginia reflects so well her care for our country and our youth, and because her words mean so much for all of us today, I ask unanimous consent that her address, entitled "America—An Uncompleted Work" may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"AMERICA—AN UNCOMPLETED WORK"—COMMENCEMENT ADDRESS OF MRS. LYNDON B. JOHNSON, UNIVERSITY OF VIRGINIA, JUNE 3, 1973

This is a special day—I know—for every family represented in these ceremonies—a day of much pride, many satisfactions, and the utmost happiness.

As I am sure you realize, this is an occasion of very special meaning for my family, too. Months ago, in the summer of last year, we circled this date on our calendar. Lyndon had about retired from what he called "the speech-making business," but when your invitation came he was immensely pleased and excited—and we were hoping to be all together here for a joyful family time. A winter of sorrow intervened in our home and in our hearts. But now that this awaited day has at last arrived, it brings a fresh and very welcome happiness.

Before saying more, I do want to express, for my daughters and myself, our gratitude to all of you at the University of Virginia—and to the people of Charlottesville. Last year, when we were here through anxious times, and earlier this year, after Lyndon's death, your kindnesses meant so much to us. Our memories of this campus—and of this city—will always be dear and cherished.

On this occasion, I find myself cast in a rather unusual role. I seem to be here as a sort of mother-in-law to the Class of '73. That role is not at all unwelcome. At this time in my life, I share a deep empathy with the feelings which Thomas Jefferson once expressed.

After leaving public life and returning to Monticello, Mr. Jefferson wrote these words to an old friend:

"The motion of my blood no longer keeps time with the tumult of the world. It leads me to seek for happiness in the lap of my family, in the society of my neighbors and books, in the wholesome occupation of my farm and my affairs, (and) in an interest or affection in every bud that opens, in every breath that blows around me . . ."

In that spirit, may I say that I have no wish or intention to play again any part on the public stage. I speak today, not as an active public person, which I am not, but as an always interested private person—engaged in savoring the adventure of being mother, grandmother and mother-in-law; in relishing the excitement of a changing world; and in drawing strength from the marvel of "every bud that opens and every breath that blows around me."

All this is a personal preface to the thoughts I want to express today—thoughts about you and your lives.

Over these last few weeks, I realize your higher destiny may have seemed distant. With sleepless nights and final papers, with a book in one hand and a coffee cup in the other, it has probably been hard to see beyond the next exam.

Let me put it this way. Every graduating class—every new generation—seems to have some characteristics that are different and distinctive. From my own close and affectionate perspective, two such characteristics distinguish the Class of '73, here and across the land.

The first is what I would describe as your special relationship with large concerns.

There was a time when university students were rather usually associated with pranks and mischief—things like hazing escapades or stealing the rival team's mascot. Many of the interests of student years tended to be immature and frivolous. But there has been a decided change—a change embodied in your class.

Today our student generations seem to have a new dimension. Your interests run to matters of the very largest scope and size and consequence. "Peace" and "justice" and "freedom" are not abstract concepts to you—they are real and vital concerns. This itself is not unique. You share them with certain other generations of our past who have helped to write and forge some of the most stirring chapters of our story. But the accelerating challenges of history have also presented you with new causes of global dimension; such as saving this planet's ecology and improving the quality of life in an age that grows both more impersonal and more urban.

Along with this, there is a second distinctive characteristic of your class and contemporaries. That is your parallel concern with very personal and individual matters; such as ethical standards and all the wide spectrum of interrelationship between human beings.

In these realms, you are questioning as no other generation has questioned in a long time. I agree with what my husband expressed in one of his last public addresses last autumn. "We are not living in times of collapse", he said. "The old is not coming down. Rather, the troubling and torment of these days stems from the new trying to rise into place." Building on the framework of what endures from the worthy past, you are searching for new understanding and new meanings so you can establish standards that are more relevant in your own lives and times.

Some of your elders may occasionally be anxious over your questions and uneasy about some of your tentative answers. But, thanks, in large part, to the patience and tolerance of two dear daughters of my own, I have made my passage through the generation gap without becoming "uptight" about where this is leading.

As I see it, the end of this can be very good. What is happening among young people today is much the same as what happened here in Virginia—and all along this seaboard—when Thomas Jefferson's generation was young. Mr. Jefferson and his contemporaries dared to think very large thoughts; at the same time, they cared intensely about personal and individual concerns. The end result was a new nation—a new nation which, at one end of the scale, could embrace as its cause "the cause of all mankind," while, at the other end of the scale, it could be dedicated to "life, liberty and the pursuit of happiness."

The two go together. If we are to build anything enduring, we must always build on concern for the individual. If that concern is in our hearts, we strive to answer those great questions which so affect the individual. I like to believe that your distinguishing characteristics reflect a renewal of America and foreshadow an energizing of its spirits and its prospects.

I envy you—how I envy you—your opportunity to be a part of the times ahead.

As I offer this personal perspective, I am very much aware that you have been—and are—regularly exposed to some different perspectives.

You of this class—and this generation—have heard more than your share of talk about a doomsday destiny; about the dreadful fate that awaits this planet, about the delay and decline of this country, about the degeneracy of your own generation.

At the risk of sounding rather like a mother-in-law, let me say this to the Class of '73: I don't believe it—and I ask you to keep an open mind.

Certainly I am by no means expert on all—or any—of our very complex challenges. But I fervently believe that for what the present seems to pose as unanswerable questions, the future can and will produce workable answers.

I do not believe that the poison clouds of polluted air must inevitably consume our atmosphere or that our life style must inevitably kill our waters. It is not foreordained that our forests must disappear or that our topsoil erode away or that famine must someday decimate the human race.

I believe there are answers, and I think I am looking into the faces of several hundred of those answers this morning.

In that same vein, let me say a word about your country.

Over these recent years, you have heard and read many doubts, much dismay and no little derision about America. I would not attempt to dispute each criticism, but respecting as I do what you bring to America, let me make this point.

Our country—your country—is not a completed work. Over the two centuries since 1776, America has gone from beginning to beginning. It began anew with Mr. Jefferson's generation. It began anew in the years when I sat where you sit now—for the mid-30's were a yeasty time of many changes. Today, in these times of the 1970's, you have in your hands the new clay of all that was wrought in the 1960's.

Of faults and flaws, America may have them a-plenty. But you can do something about them. Keep in mind that only in the last decade—since you left grade school—have we made many of our longest strides; toward national support of public education, toward assuring hospital care for older citizens, toward enlarged pursuit of knowledge through scientific and medical research. Only in this short span have we added many treasures of nature to our public trust for future generations. Only in these years have we really begun to concern ourselves with the beauty of our roadsides, the care of our environment, the quality of life for all our people.

This is not the measure of a nation grown old or a system grown tired—certainly it is not the measure of a people grown callous or corrupt. No, the record of our land in your lifetime is that of a principled and purposeful people who care very much about doing the very best for—and with—their homeland.

Don't despair of America—rejoice in your hearts that it is yours to work with and work for the rest of your days.

That brings me, then, to this final thought.

Not all of us can—not all of us want to—occupy places at the center of large affairs. But it is never necessary to stand in high position to have effect upon one's times.

The world out yonder—beyond these Grounds—is a world receptive to and responsive to the individual. That is what you are all about. All your years of education have their meaning in what you do—and try to do—as an individual.

Keep your interest in large concerns. Pursue your search for stronger values and higher standards. And, remember, what America most needs is within each of us, as individuals.

A cleaner neighborhood begins with your own broom.

A more beautiful city begins with a seed in your own garden.

A more just society begins in your own heart.

A better government begins with your own vote.

A safer world begins with your own active concern.

On the largest questions, as on the smallest, it is often true that what is everybody's business often proves to be nobody's business. For the work of making this a finer land, we cannot wait for everybody—we must begin ourselves, as individuals.

As you go, let me pass to you the advice I read recently in the diary of a lady who knew America in earlier times. She traveled across this land in the 1870's—by riverboat steamer, on wagon train, and on the first western railroad.

"The important thing," she said, "is to miss a little as possible and to share as much."

Certainly, for the Class of '73, that is the important thing. You will be part of such epochal times. Miss little, my friends, and multiply all the good things by sharing with those you love.

I rejoice with you for all that lies ahead. I wish for you a life changed with challenge and blessed with fulfillment.

ISRAEL—MODEL MELTING POT

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues an excellent series of articles depicting life in Israel which recently appeared in the Minneapolis Tribune. The author, Frank Premack, traveled extensively throughout the country in order to present a well-balanced picture of the problems Israel faces as it celebrates its 25th anniversary.

Although emphasis is usually placed on the external problems Israel faces with her neighbors, the article describes the severe internal problems faced by a nation which serves as a melting pot for immigrants from 102 different countries.

When Israel was granted statehood in 1948, its population stood at 650,000; today her population has swelled to 3 million, including Oriental Jews from Yemen, Tunisia, Iran, Iraq, Libya, Morocco and other underdeveloped countries, as well as the Soviet refugees. Mr. Premack illustrates the enormous problem Israel faces in integrating these various groups into a Western society.

One Israeli is quoted as saying:

> We tried to impose Western standards . . . on these people (Orientals). We were trying to have integration in two years when it takes 200 years . . . Imagine the breakdown in social structure when you tell them such things . . . that women are equal to men.

Israel channels all newly arrived immigrants into absorption centers, where the Hebrew language is learned, new skills developed, and job placement determined. Most Israelis Mr. Premack interviewed believe that the nation is now a "model melting pot." As one Israeli put it:

> One day, no one will remember where anyone came from. There will be one cohesive people.

Mr. Premack also discusses the poverty which exists among the new immigrants, particularly with regard to the housing shortage unable to meet the surge of people. It is not uncommon to find, 6-, 8-, or 10-member families crowded into 2- and 3-room apartments.

Mr. President, while presenting the enormous number of problems which this young nation faces, this series does not lose sight of the overriding spirit of optimism and confidence which the Israelis bring to solving them.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

(First in a series)

PROBLEMS IN THE PROMISED LAND

(EDITOR'S NOTE:—Israel celebrates its 25th year as an independent nation this year. Staff Writer Frank Premack traveled throughout the young country recently talking with Israelis young and old, immigrant and native-born, about life in the land they have chosen for their home.)

(By Frank Premack)

JERUSALEM.—Rafi Bar-Am's blue suede boots, multi-zippered aviator jacket, open-neck striped sport shirt and tightly tailored flared trousers reflect an interest in material well-being.

He looks hip but not hippie in a society that has produced no hippies, that has no time for that sort of thing, that is too purposeful even for leisure.

Rafi Bar-Am is 30, a hustler with Israeli chutzpah, a young man on the go and on the make. He is not a typical Israeli because there are no typical Israelis in a country of immigrants from 102 nations. But he is part of a new generation of Israelis who want and are getting nice new apartments, Danish modern furniture, cars, clothes, TV and stereo—a practical generation that is building a middle class in a 25-year-old country that has had no middle class.

The Rafi Bar-Ams want a better life, a more comfortable life than the older generations who lived in tents and tin shacks while transforming the malaria swamps of the Upper Galilee and the desert of the Negev into a flourishing agriculture.

The old-timers are still around and, while they lament the passing of the simple life, the pioneer life, the replacement of the nightly passionate debate over fine ideological points by mediocre TV programs imported from the U.S., they complain about the changes wistfully, not bitterly. And they, too, enjoy the affluence that is beginning to creep across the land.

Rafi Bar-Am didn't come to Israel to wallow in its new affluence. For one thing, there's no time for wallowing. For another, what passes for affluence in Israel simply isn't by American standards.

He came in the summer of 1969 as Fred Greenberg from Chicago, where his parents were ardent Zionists and United Jewish Appeal contributors. He came with a B.A. from the University of Wisconsin; a wife and two sons; the skills of a public-relations man; the determination to stick, and, like many American immigrants, thousands of dollars to spend tax-free and duty-free on consumer goods that most Israelis covet but cannot afford.

The Greenbergs, like most new immigrants, spent their first five months in an absorption center, aptly named for its intensive efforts to Hebraicize the 40,000 Jews who now come to Israel each year in all imaginable shapes, sizes and colors. The Greenbergs, again like most immigrants, spoke no Hebrew; at the end of five months they were bilingual, and, as a badge of their new existence, changed their family name to Bar-Am, Son of the People.

Bar-Am took a job as public-relations director of the Jewish Agency, the Israeli arm of the United Jewish Appeal; moved his family into a posh new section of Jerusalem, and spent his considerable savings on a car and other luxuries.

Bar-Am's life style keenly illustrates the progress and problems of Israeli society. He is quick to acknowledge its very considerable accomplishments and just as articulate and candid about what it hasn't accomplished.

Immigrants, the Bar-Am family included, are Israel's life blood. They, their children, their children's children have caused the population to swell from 650,000 when statehood was granted in 1948 to 3 million. They have created a society in the amazingly short span of 25 years. But immigration is ironically at the root of Israel's principal problem—the growing gap between the haves and the have-nots; between the Western Jews from Europe and America and the Oriental Jews from Africa and the Middle East; between the relative affluence of the Rafi Bar-Ams and the relative poverty of his neighbors in an adjoining quarter of Jerusalem.

The problem is called "the gap" and it rivals national defense as the principal preoccupation of Bar-Am, his poor neighbors and the government. Everyone talks about it, worries about it. Not simply social workers, but everyone, and especially young Israelis in their late teens and twenties and thirties. They are not at all willing to settle for a two-class society of rich Westerners and poor Orientals.

"The country wants, needs and must take

people," Bar-Am said. "That's the glue; that's the raison d'etre. But the question is, do we want to survive as a South Africa with Western leadership and a black problem?"

Israel's population has been transformed radically since the 1948 War of Independence. Twenty-five years ago the overwhelming majority of the population consisted of Westerners who came mainly from Eastern and Central Europe and, in some cases, from America. Today more than half of the population is of Asian or African origin.

The transformation shows up more clearly in an examination of the three groups in Israel's Jewish population. The Westerners (27 percent) have little chance of being noticeably increased by new waves of immigrants, who could come in substantial numbers only from the Soviet Union or the United States; the Orientals (26 percent) have a birth rate among the highest in the world coupled with a mortality rate that is very low because of progress in public health and medical services; the sabras or native-born (47 percent) obviously will soon be the dominant group but just as obviously most of them already come from Oriental parentage.

While population has shifted radically, leadership and social dominance have not. The Western Jew continues to enjoy the cream of Israel's political, economic and social life, and the disparity, as once naively believed, has not disappeared with a new generation, or even two or three, born in Israel.

Israelis do not try to hide, or shrink from, the disparity between Western Jews and Oriental Jews. The government now officially classifies the gap as the country's chief domestic concern and is spending millions of dollars on a variety of social-welfare experiments that are reminiscent of the United States War on Poverty in the 1960s.

While the government likely would not put it this way, the net effect of its efforts to narrow the gap is to try to westernize the Oriental Jew, to get to him early in the educational system and fill him with the striving values of his Western neighbor.

The goal of making Israel into a model melting pot is sincerely believed in by most Israelis, Rafi Bar-Am is no exception. "One day," he said, "no one will remember where anyone came from. There will be one cohesive people. I don't see that possibility anywhere else on earth."

Press Bar-Am about his seemingly simplistic belief and you get a simple answer. More and more, Western and Oriental Jews are intermarrying. The rate is now about 20 percent. "The bed," Bar-Am said, "will solve the problem."

There are other problems besides the social gap in Rafi Bar-Am's world. Many of them are the product of a hot-house society that has grown at a rate that seems to match the time-lapse sequence of a Walt Disney nature film. They include:

Inflation. The economy is booming (9 percent yearly increases in the gross national product) but prices are soaring. (While the cost of living in the United States and Europe last year rose between 3 and 8 percent, in Israel it went up 14 percent.) Wages are low and taxes are high. Most Israeli men hold two jobs, and there are many working wives.

Bar-Am is an example of why Israelis work so hard. If you want things, you must. His salary at the Jewish Agency is $322 a month. After taxes, he takes home $207. He and his family each month spend $69 for housing, $46 for a cleaning woman, $161 for food, $57.50 for operating the family car, $46 for household bills and $46 for miscellaneous expenses.

His expenses are more than double his salary. He makes up the difference by doing free-lance writing and public-relations work and by playing poker.

He is not a typical Israeli. His salary is higher than average, his expenses are higher than average and his outside jobs are unusual. But his dilemma is not—middle-class comforts are costly and the ultimate cost is two jobs for anyone who wants them. Most young people want them.

Housing. It is extremely expensive for young Israeli-born couples. Israelis live in apartments, not detached houses, and the apartments usually are for sale, not for rent. It takes $30,000 to $40,000 to buy a three-room apartment in most urban areas in a country that is 85-percent urban. That is a great deal of money in Israel, and many people don't have it. If you don't, you might be able to borrow it—at interest rates of 17 to 18 percent. Once a couple gets an apartment, they are virtually wedded to it; there is very little upward mobility in terms of housing.

Bar-Am and other married immigrants do far better than the singles and the sabras, and there is friction because of it. To encourage immigration, the country not only permits new immigrants with money to buy consumer goods tax and duty free, but finds housing at bargain terms for those who are married. New immigrants who aren't married quickly scramble to get married to take advantage of those terms.

For the sabras, housing is the toughest nut to crack. Bar-Am, whose work for the country's main social agency makes him knowledgeable, put it this way. "A kid finishes school, gets out of the army and he simply has to live at home. An apartment becomes an absolutely overriding obsession."

Families help their youngsters by pooling money. They plan this with the meticulousness of an American middle-class couple who want to send their son to Harvard, and they fret about it constantly at the dinner table.

One other problem with housing—it is discriminatory in terms of time. In the late 1940's and early 1950's new immigrants got tents and little better. It made no difference whether they were Yemenites or Poles; they all got the same. Each succeeding wave of immigrants was treated the same way. Except that the housing has improved with each wave. Now, a Moroccan who came 10 years ago can live in what he thinks is squalor while the Russian who just came is getting his piece of the pie—a much nicer apartment in a new development adjacent to the Moroccan's.

There isn't enough money to build new immigrants' housing and to rebuild the old, and the priority clearly is on housing for new immigrants.

Generation gap. There is one, and Bar-Am is a good example of its nature. He said of the country's leaders:

"I resent being where 56 (the age of Moshe Dayan, youngest person in the Israeli Cabinet) is considered young. I have great respect for what they, the leaders, have done. (Their stories are legend and deserve to be . . . conquering malaria swamps . . . their loss of life in building and defending this country . . . But I know Jewish history and I don't want it pointed out every minute of the day to me. I have a dream, too, that we are a special people, a unique people and I believe in a Jewish state if for no other reason than as a haven. But when I get into an argument with an older person about, say, poverty, and he says so much, so much has been done in taking in thousands of people, when I talk with an older person about a present problem I just don't want to hear about Zionism. It isn't good enough, it isn't enough any more." Bar-Am, like many other young people, feels that the establishment not only is elderly but that it is closed and narrow, leaving little room for argument.

"Putting aside the accomplishments and talking about where we are going," he said, "Golda Meir would say to me that I'm only 30 years old, that I've only been here a few years, that she's been here 50 years; but that's not fair. Sure, my contribution is minute, but I have put it all on the line, and that's okay because I like it here. But I don't buy being here 20 years before you can contribute, before you can become part of the decision-making process."

The split between religious and nonobservant Jews. The orthodox are at most 20 to 30 percent of the Jewish population but, as part of the governing coalition, have been given control over a broad variety of social situations. Marriage, divorce, abortion, birth control, Sabbath observances, to mention a few. The gulf between the religious and nonreligious Jew seems to be growing, and so does the irritation of the nonobservant Jew over the control of part of his life by the orthodox.

Nonreligious Jews like Bar-Am recognize that religion has been a key to centuries of Jewish identity. But statehood, they feel, changed that, and they want synagogue and state separated. Religious Jews cannot understand this, cannot understand how there can be any identity without religion.

"Sure," Bar-Am said, "I recognize that for 2,000 years we were kept together by the tenets of Judaism. So fine; but now we have a state.

"I'm not a believer. I'm an atheist who is willing to be shown, but I'm awfully pragmatic. I had the religious teachings, and my children will get them in school. I will respect anybody's right to believe as they will, if they respect mine, but with the orthodox there is no two-way street. I'm irritated and aggravated about no public transportation on Saturday, my one day off; or no movies on Friday night; or telling me and my kids who we can and can't marry.

"That's nonsense, and, worse yet, it's really all political. Take Haifa. They have public transportation there on the Sabbath. And you know why? Because they don't need the religious party's votes to put together a coalition to run that city's government. That's why. So they threw them out and started running the buses on the Sabbath, the only place where there's public transit on the Sabbath in Israel.

"If you talk religion to me," he concluded, "then I want to separate it from the state. I'm a nationalist Jew. I'm an Israeli nationalist. First and last."

The question of identity—what is a Jew—is debated and argued in the homes, on television, in the newspapers, in school and in Parliament and the Cabinet. When the Queen Mary docks on a Sabbath, or when someone foolishly drives his car into the Hasidic quarter of Jerusalem and small boys with long curls for sideburns surround the car and throw stones. Or when elder statesman David Ben-Gurion, who arranged the political coalition deal with the orthodox, suggests from his retirement that there's no need to fuss over marriage when his son flew to Nicosia for a civil ceremony, and someone responds that such tactics are dandy but limited to those who have the money to fly out of the country.

Israelis have dozens of answers to the identity question, so many that you can soon mistakenly think there's a separate response for each of the country's 2.6 million Jews.

But Bar-Am's answer has become the dominant answer of the young. What happened to him on a hijacked airliner provides a clear glimpse of that identity. On May 8, 1972, he was flying back to Tel Aviv from Brussels on a Sabena jet when it was seized over Vienna by four Black September Movement Arab terrorists.

Eventually, the plane landed safely, two terrorists were killed and two were captured; but something happened aboard the airliner that left an impression on Bar-Am far greater than the fear and helplessness generated by the hijacking.

It happened when the hijackers separated the passengers into Jews and non-Jews. Jews to the rear, non-Jews to the front.

"I'll never forget those people raising their hands and waving them and saying over and over again that they were not Jews, not Jews. I'll never forget their frantic efforts to avoid being classified as Jews.

"The things I believed in then I believed in now," Bar-Am said. "If we don't stick together we won't survive."

(Second in a series)

AN ORIENTAL JEW WHO MADE IT

(By Frank Premack)

JERUSALEM.—Meir Zion Cohen's father and mother walked to Jerusalem from Tehran 50 years ago.

For years, as orthodox Jews in Persia, they had prayed individually three times a day that God should cause them to live in the Holy City. That desire permeated their lives, and when their marriage was arranged, the father of Meir Zion presented the trip to his new bride as a present, the most wonderful wedding present an orthodox man could present to an orthodox woman.

They walked the 900 miles, and when they came to Jerusalem they had no home. They slept under the steps of houses and they loved Jerusalem, the Holy City, the only place for deeply religious Jews to live.

They raised nine children in one room, and Cohen's father, a rabbi descended from rabbis, worked as a janitor in a religious school.

Cohen's parents are elderly now, their children are grown, and Meir Zion, at 35, handsome and strongwilled, is the prototype of an Oriental Jew who has made it, who has managed to work his way out of the poverty of his birth without wholly rejecting his heritage.

He greatly respects and loves his father, but he does not want to be like him, and he isn't.

His father taught him the Torah and the Talmud, about Eretz Yisrael, about the quality of the Holy City, about all, things religious and Orthodox, and Cohen absorbed that but did not stop with that. He added a secular dimension to his life, a dimension unknown to his father and his father's father, a dimension that has enabled him to close the gap between himself as an Oriental Jew and Western Jews while opening a gap between himself as an orthodox sabra and his father as an orthodox immigrant.

They are worlds apart, the elderly immigrant and his son, but there is no regret on either's part and the father more than condones the secular, Western side of his son's life.

Cohen tells a story of his childhood that illustrates his rejection of the poverty his father accepts.

"When I was a boy and winter came with its rains, water would collect in our room and in the morning I would find my shoes floating and filled." He said, "I would ask my father about it and he would quote from the Talmud, that Israel is one of the presents attained only through affliction."

Cohen can stand affliction. He has lived through much and he is tough, but he is not willing to accept poverty as God given, to live umpteen in a room, to raise many children when he cannot afford them.

"My father told me many times that it's a sin to have only a few children, that God will punish those who do," Cohen said. "It's the old orthodox belief, and there is much pride in his generation in having many children. Obviously, this makes matters worse, but many Oriental Jews believe, like my father and mother, that it's their duty to have many children."

Cohen is not married. Not because he doesn't want to, because he does, someday. And not because women find him unattractive, because they don't. But because it is part of the price he is paying for closing the poverty gap.

He works full time as a school teacher, and as often as possible as a tourist guide; takes a full course at Hebrew University toward a degree in history and geography; attends lectures once a week on the Old Testament; studies one night a week at an institute in Jerusalem; reads widely in his remaining time in secular and religious thought, and engages in the Israeli pastime of wandering in the desert or Judean Hills or at an archeological site, relating what he sees to what he has read.

He lives in Kiryat Moshe, a new religious quarter in Jerusalem, in a single room furnished with a bed, a chair and a wall of shelves for his books. There is no luxury and no time for it anyway. He has no regrets about that. "I am busy in the things that I love," he said.

He has basically conservative views about why he has succeeded and why so many Oriental Jews have not. Part of the problem he properly attributes to the very large families of the Oriental immigrants.

"The fathers earn very little and there is not enough for 10 shirts or 10 pairs of pants, for 10 of this and 10 of that," he said. "It is impossible to live with 10 children in one or two or three rooms, with two or three children in one bed. It is impossible to learn and grow under those conditions."

But his feelings about the poor are ambivalent. "I took myself by my own hands. I had ambition. I didn't want to be like my father," he said. "But these people (the Orientals who do not make it) accept their lot; they want from the government and the government can't give them everything. We are a poor country. These people must take some things into their own hands. It is not enough to say only the government, the government, the government. Certainly the government must help, as it is helping the new Russian immigrants, but people must organize and help themselves, too."

He believes in the national policy that education is the key to closing the gap, as it has been in his life. He however, is the unusual product of a dual education.

All morning he went to Talmud Torah and all afternoon to secular school until he was 13, then he went to a strict, didactic religious school for two years. One day he went to pray in the Yeshivat Rav Kook and the son of the famous rabbi received him so warmly that he decided to go there to learn. The curriculum was entirely religious and he wanted a secular education as well, so he went to the yeshivat during the day and studied at a secular high school in the evening. It was hard and not many young men did that, but he was determined to do both. After four years, at the age of 19, he finished.

"Then I heard about the new immigrants in the Negev, how they had no teacher and how their conditions were bad," he said. "I knew I must teach others and so I wanted to go to the Negev to help the Moroccans and the Persians, the very poor. I told the son of Rav Kook and he blessed me warmly. I went to a teacher's seminary specially geared for teachers of new immigrants."

By studying and taking courses day and night he received his teacher's certificate in 14 months. With that, he decided to get his mandatory army service out of the way. After he finished basic training, the army, noting he was equipped to be a teacher, sent him into the Negev to do just that for four years in a border settlement not far from Beer Sheba.

"When I came there," he said, "there were no classrooms, no books. There was no work for the men. The children were confused and had nothing to do. There were no chairs, no tables for the classrooms. I went and got building boards and bricks and made benches. I took a piece of wood and painted it black and made a blackboard. Then I collected all the children and taught them."

Conditions were difficult, even primitive. At night he and others went on border patrols. In the beginning there were no electric lights. "When I wanted to give an especially good student a prize," he said, "I gave him a candle."

Eventually classrooms were built, books were furnished and a central school was created, "After four years as a teacher in the army," he said, "I loved the children so much that I stayed another five years as a civilian." It was not just his love of the children; their fathers begged him to remain. Cohen put it much more modestly. "It was very satisfying work."

Cohen now teaches 35 youngsters in an 8th-grade class in the Jerusalem corridor. "I want to help make them into good men, good citizens, so they will grow and will love Israel," he said. "Our problem is materialism. This is a time of materialists. We must teach them to go to the Negev to build, to go there to build villages. It is not so easy, because of the atmosphere. If you want to educate in this ideology, you can, but it is not easy at all."

The good life, the right life, he believes, is based on religion. As an orthodox Jew he believes that every Jew is a man of belief. "In some," he said, "the belief is hidden, and sometimes there is discovery among those whose beliefs are hidden. There are no nonreligious Jews, only Jews."

He has several stories to support his view, and his favorite is one told by many young orthodox men who served in the Israeli Army during the Six-Day War. At the conclusion of the war, when the Old City had been captured, his unit returned to Jerusalem and went to the Wailing Wall.

"On Sunday we came back from the Golan through the Jordan Valley to Jericho and to Jerusalem," he said. "When we came to the Old City, we made our way to the wall and all the soldiers wept and wept some more. I saw hard, hard men weep. And even the hardest nonreligious soldiers prayed and kissed the Wall. If they did not believe, why did they go to the Wall? If they did not believe, why did they weep? Why did they pray? Why did they, if they are not religious underneath that hardness?"

After the journey to the wall, Cohen went to his school in the Negev to pick up his belongings. "The children ran and kissed me, and the headmaster told me to go quickly back to Jerusalem because my parents mistakenly thought I was dead." So I went to Jerusalem and at the central bus station I saw a neighbor of my parents and he ran and told my mother and father. On my way to their home my father and mother met me in the road and they wept and they gave the traditional blessing of seeing someone alive.

"I saw the newspaper when I got home and saw that many of my good friends were dead, so there was happiness and sadness together. And then I gave the traditional blessing for having lived through a time of danger."

Because of the war, "because of things that happened," Cohen, like most young Israelis, has no Arab friends. He sees Arabs on the bus on his way to and from work. They say shalom to each other, but no more than that. "We don't speak the same language. We have nothing in common," he said.

Cohen intends to continue to teach the children of Oriental immigrants, but he has no illusions about Israel as a melting pot.

"How soon will it be, you ask," he said. "It will take a very, very long time to close the gap, but I hope that slowly, slowly it will be better. When a country is destroyed, it can be rebuilt. When men are destroyed it is very difficult.

"But you must remember that to be poor here is much better than being poor in the United States. To be poor here is to at least have enough to eat and good medical care. Maybe not much else, but at least that."

Cohen, an orthodox Jew descended from generations of orthodox Jews, sees his path in life with great clarity and has but two more dreams. "Our danger is the assimilation of Jews around the world. It would be good to go to these places and teach them and save them and bring them to Israel.

"Also, to find one good girl who loves what I love and to be married," he said.

(Third of a series)

Contradictions In Israeli Life

(By Frank Premack)

JERUSALEM.—Pnina Kipnis sees contradictions in Israeli society, contradictions she has not resolved.

She is 25 and a sabra who sometimes feels a close kinship with Israeli life and sometimes finds it foreign. Sometimes it is beautiful and sometimes it rubs her the wrong way.

Her mixed feelings are perhaps not common in a 25-year-old country that has been kept together by an intense nationalist spirit, a pride in all things Israeli. But her mixed feelings clearly illustrate the counter currents in Israeli life, the contradictions and the conflicts.

One chilly midnight in May she joined thousands of Israelis who crowded the narrow, twisting streets of Jerusalem to watch the full-dress rehearsal of the military parade that was to celebrate the nation's 25th year of statehood.

There had been much argument among Israelis about that parade and whether a military celebration was really the proper expression of what Israel is all about. Yet they crowded the sidewalks from midnight to the wee hours of the morning, giving up precious hours of sleep, to gawk like children at the tanks and the half-tracks and the arm-swinging and smart-stepping young men and young women. They came to see and it made no difference whether they approved or not—the hawks and the doves, the young and old, rich and poor, atheists and Hasidim; a neat slice of Israeli life.

Pnine Kipnis went to see and this is what she felt. "I had so many mixed feelings. There was the strength and there was the tension of war. It was a war country, and it was not. The soldiers were a cohesive unit, but each person in it was one person. There were the two realities in the street—the obligation of the country and the country's obligation to the individual.

"When the music came in the line of march it was a relief. It was like hoping the war character would change to song. The Jewish people have so much diversity and so many controversies that sometimes you feel we need enemies to pull us together," she said.

Pnina Kipnis lives in Geula, an orthodox quarter of Jerusalem. Her father, a Russian immigrant who served in the Haganah, the pre-independence Jewish army, died when she was 4; her mother, a Latvian, learned her husband's job as a statistician to support the family. Both parents were Zionists who left Europe for Israel in the 1930s before Hitler and the holocaust that resulted in the extermination of 6 million Jews.

The family was neither very poor nor rich, and certainly not destined to amass much materially after the father's death. They have remained in the three-room apartment of a nondescript building of Jerusalem stone, wedged in by other nondescript buildings of the same stone on the sidestreet named Zefania. The apartment is old and spotlessly clean. Its decorations are few and its furniture is old-fashioned, but no one minds.

Pnina grew up with a love for Judaism and orthodoxy that is enmeshed in every detail of her life. She knows nonobservant Jews from her classes at the University of Tel Aviv, where she commutes by bus to work on a master's degree; she even has acquaintances among her non-religious classmates. But she does not feel close to them. There is a gulf between Pnina Kipnis, the only religious girl in her class of 20, and the nonobservant students, just as there is between most religious and nonobservant Jews in Israel.

The gulf can be seen in the way she talks about one girl she knows particularly well in her class. The girl lives unmarried with her boyfriend.

"I can understand that, and although I do not agree, that fact is not a barrier between us," Pnina said. "I am bothered by something else.

"When they eat, they eat without the ritual washing of their hands. When they eat, they do not keep kosher. They live without any holiness in their lives, and I feel strange when I am with them. I ask myself how they can live like that, without any divinity in their lives."

Pnina had a discussion with the young couple about the question of their identity as nonreligious Jews. "They said they put their trust in God, but there was no real communication. I didn't want to argue with them, but real belief is not just a point of view. To change from nonreligious to religious to change the whole structure of your life. Orthodoxy is not just a point of view."

Not long ago she met a boy who wanted to date her. "He was attractive but he was not religious and I just couldn't," she said. "I have a girl friend who said, "Go marry him. He'll keep his way and you'll keep yours." But, no, someone who keeps himself holy and learns all day, he's a different person from someone who doesn't believe.

"I remember him asking me if I wasn't jealous of nonreligious girls because they can wear pants instead of skirts, and I said no, that it wasn't important to me. I told him that orthodoxy is not only a way of life, it's part of your whole personality."

Pina rejects the arranged marriages that exist among some Jews in her quarter and particularly among the orthodox in the adjoining Hasidic neighborhood of Mea She'arim. "I can't simply marry any religious boy," she said. "The basic relationships have to be the same, whether we are talking about religious couples or nonreligious couples."

Pnina Kipnis was away from home, away from Israel for five years, from just before the Six-Day War until a year ago. She lived with an uncle in the suburbs of Detroit and got a bachelor's degree in child psychology from Wayne State University before she returned. The time away, and the year back gave her an unusual perspective on Israeli life. It changed her but has allowed her to see the changes of the past few years in Israel very clearly.

This is what she sees:

The Six-Day War was the first war for her generation. In the beginning, her friends regarded it as catastrophic, but now her generation knows it can live with limited wars, with wars of short duration, just as it lives with occasional acts of terrorism.

She finds herself thinking about bombings from time to time but manages to put them out of her mind. "Otherwise," she said, "people could not go on living and they are living very normal lives."

Whenever she goes shopping, or when she takes the bus to school or to her part-time job, she mingles with the thousands of young Israeli men in the army. They are in uniform and they are armed with submachine guns but she does not stare at them or take particular notice of them. "It's not frightening at all to have armed Israeli soldiers in the streets. Just the opposite—it increases my sense of security," she said.

There has been a very considerable increase in material well-being in the past few years. Pnina said she was struck by that change more than any other.

"It's not that people didn't want material things before, but that they now had these things, the cars, the refrigerators, the washing machines. People have always wanted them, and now they have them."

The material changes show up in a host of little ways: In so many cars and buses in Tel Aviv that the government this spring decided to plan a subway. In the television antennas that have sprouted like wire weeds atop the buildings, even the buildings of the Old City of Jerusalem . . . Among the women who no longer have to be content with two dresses, and the teen-agers whose clothes show the very latest in cuffed flares and platform heels and are beginning to congregate at discotheques.

All these little signs reflect the normalization of a once ascetic and doctrinaire society. There is a relative prosperity in certain sections of the population, and a growing desire for material comfort.

While the two-job ethic still dominates Israeli life, there is a budding interest in leisure. That is best seen in the town center of Tel Aviv, the district between Dizengoff Square and Ben Yehuda St., a noisy, cosmopolitan center of shops and cafes that is neither Tel Aviv nor Israel, and not the life-style of Pnina Kipnis.

There is an almost wrenching, violent difference between the world of this town center and life on a kibbutz or almost anywhere else in Israel. People sit in outdoor sidewalk cafes, actually killing time by drinking capuccinos and espressos and leafing through magazines. In the evenings the young people, all looking casually modern, congregate outside the movie theaters, tirelessly waiting to absorb the latest American films, which are frequently not the best of their kind.

There is a great deal of discussion among Israelis about the gilded youth of the towns. Some do not even like to acknowledge its existence; some see it, do not like it and attribute it, rightly or wrongly, to a creeping materialism.

Israelis can be very narrow and provincial in their attitudes. Pnina said she sees this and uses Israeli newspapers as an example of this provincialism.

"If a Jew fell off a curb in New York and broke his foot, there'd be a story about it in the Israeli newspapers," she said. "Or if someone made an anti-Semitic remark in Detroit, it would find its way into print in Israel. We are very self-centered," she said, "but it is needed here. It is part of our survival."

There is a narrowness, too, in her orthodox neighborhood. "Whatever I do, everyone else knows about," she said. "Everyone makes it his business to know what everyone else is doing. There is no privacy here and it disturbs me very much."

Sometimes, she said, she hates to go out for a walk in the neighborhood with her boyfriend because it becomes small talk all over the neighborhood.

Israel is a small world. Pnina could not go to the midnight parade rehearsal, or a book fair, or the Wailing Wall on a Friday night without meeting most of the people she knows. "We have taken on the character of a small town in the United States, where everybody knows everybody, and that is both good and bad. It's a small world, and it seems that whatever you do affects somebody else."

The closeness is felt especially in a religious circle, such as Pnina's, but exists in Israeli society generally. Its existence has created a phenomenon that the Israelis call "proteksia," the influence one supposedly gets from living close enough to know government officials and bureaucrats. Some Israelis are fond of saying they don't have to pay their parking tickets or speeding fines because they "know someone." Whether that's actually the case is not the point; the fact is that many Israelis believe it is.

There is a surface rudeness to daily life in Israeli cities and Pnina Kipnis notices it and is of two minds about it. She had noticed, since her return from the United States, that young people have stripped many niceties from their conversations and manners. She is very proud of being Israeli and of other Israelis but now finds some of the behavior abrupt and bordering on the rude. On the other hand, she attributes that to a worthy goal of wanting to strip life of any phony veneer, and she mentions the pasted-on smiles of Americans as an example of that veneer.

"Young Israelis are interested in the essentials, not in surface politeness, especially if that surface is forced," she said.

Criticism of the government has become a national pastime, perhaps the national pastime. "Consensus is not that important except in periods of crisis, at times of war, and we are not at war at the moment," Pnina said. But there is a strong feeling of national unity, of nationalism. While it's dandy for Israelis to attack the government, Israelis take a dim view of outsiders saying the very same things.

The world of Pnina Kipnis is changing and has changed much in the past few years. She is a worldly orthodox girl whose sophistication has caused her to have mixed feelings about Israeli society.

She is not at all troubled, however, by her goals of marriage and children and playing the traditional role of an orthodox woman in raising a family. She sees no conflict in having a career and that role as the keeper of family life. Some Israeli women do, and they are beginning to complain about it.

The complaints came out this spring at a Hebrew University symposium on "The Status of Women in Israeli Universities." What the Israeli women said at the meeting could have been said by a gathering of female academicians at the University of Minnesota.

The view that emerged from the discussions is that university women are asked to play a double role as mothers and professionals but Israeli society doesn't allow them to compete on equal terms with men.

The usual kinds of statistics were cited—almost half of the students studying for bachelor's degrees and graduating are women, while 27 percent of those getting MAs are women and 13 percent of the Ph. Ds are women. Twenty-five of the 500 professors are women and six of the 190 full professors are women.

One woman, a university administrator, said she encountered no overt discrimination but wondered if she didn't always "look sideways" at her husband's status so as not to outrun him and felt it was very difficult to be both a good mother and a hard-working professional.

The discussion ended with Dr. Rivka Bar Yosef, a sociologist who moderated the discussion, saying, "Why shouldn't husbands make good fathers, too."

(Fourth in a series)

LIFE ON A KIBBUTZ HAS CHANGED

(By Frank Premack)

KIBBUTZ KFAR RUPPIN, ISRAEL.—The trenches are covered at Kfar Ruppin, and Yacob Noy's children no longer live underground at this Jordan River kibbutz.

Grass and flowers grow in the commons that was criss-crossed by the trenches, and one of the underground concrete shelters has been converted into a discotheque for the teen-agers.

Yacob Noy and the other men of the kibbutz used to make twice-daily patrols of the barbed wire that separates the kibbutz—and Israel—from Jordan. Now when Noy and his wife go to the wire at the crack of dawn, it is to watch the brilliantly plumed birds, not to look for the mines or the Arab terrorists who once put them in the ground.

Life has changed at Kfar Ruppin, just as it has in all of Israel in the past few years.

The kibbutz movement has spread to 230 locations, but only 4 percent of Israel's population takes part in this unusual experiment in communal living. Kibbutzniks are a declining fraction of the population (they once were 9 percent) but they continue to hold a disproportionate share of the positions of political and military leadership (at least 20 percent).

So the kibbutzins are important, and what has happened and is happening to them illustrates where Israeli society has been and is going.

Take Yacob Noy and Kfar Ruppin, for example. Born in Czechoslovakia, Noy was orphaned as a child, joined the Zionist youth movement as a teen-ager and became an illegal immigrant at the age of 18 in 1939.

He spent three months on a ship packed with 1,600 Jews seeking illegal entry, with little food or anything else, dodging the British patrol boats, looking for a way through, until the British captured them near Cyprus. The ship was escorted to the shores of Palestine, and the British made plans to deport them. The Haganah decided to set off a controlled explosion aboard the ship, enough to immobilize it and keep it and the illegal immigrants in Palestine. The explosion was too powerful. It killed 250 Jews and the ship sank. Noy and the rest of the survivors were stripped of their clothes, sent to a prison camp and deported.

"We were depressed," he said with his customary understatement. "It was a very difficult time, and we were depressed."

A year and a half later Noy returned to Palestine with a Czech army group that was supposed to become pilots. He disappeared shortly after arrival and joined the kibbtuz in 1942.

"When I came to Kfar Ruppin," he said, "there were tents, a few barracks, swamps and malaria. We slept in the communal shower rooms at night because it was too hot in the tents. But you managed, if you were a little idealistic . . ."

Noy joined the Palmach and became a commando, then an instructor of commandos and finally was sent under cover to Cyprus to instruct interned Jews in how to sneak into Palestine.

When Palestine became Israel he fought in the Jerusalem corridor. He met his wife in the War of Independence, and they have raised three children on the kibbutz.

Kfar Ruppin is the border settlement closest to the border in the Galilee. When the Six-Day War ended in 1967, the kibbutz was shelled for three years on an almost daily basis by Arab terrorists operating out of Jordan. That time was called the War of Attrition, the time when the trenches were dug, the underground shelters were constructed and the children were moved into them.

The children lived underground for those three years, while the teen-agers and adults tried to live as normal a life as possible. "We discovered," Noy said, "that they cannot break you."

If external threats have not caused the kibbutz to change, then the normalcy of the past few years has.

"Today," Noy said, "we are less idealistic, far more practical than we were when I came. But I do not regret that." And, as if to prove his point, he took his visitor to a community room in midafternoon and produced espresso and ample slices of pastry cake.

"We are becoming more practical with the passing of time," he said, "but we are still more idealistic than the cities. You have to remember," he said without any bitterness, "that while we were being shelled for three years they were dancing and eating in Tel Aviv."

"If a kibbutz and the kibbutz movement does not change with the time," he said "then there is something that is wrong, very wrong. You must grow with the time. Our children like cars. TVs, luxuries and you must give them to them. But we try to teach them not to want too much luxury. We say, 'If somebody can have all of the luxuries, let them have them.' "

The first ideas and the initial ideals of doing without during the time when the malaria swamps were turned into orange groves have given way to different ideas and ideals—just as the orange groves have been supplemented with industries: just as TV has made its way to the kibbutz; just as the old leadership is recognizing the wishes of the young.

It was bound to happen, and it has happened quickly, in the span of 25 years of statehood, although not quickly enough for many young Israelis. It is happening as it is happening in the rest of Israeli society.

Yacob Noy, a short, stocky man who now is in charge of kibbutz transport and once was a Palmach commando, recognizes the change and is prepared to deal with it.

"To bridge the gap," he said, "we have given the young ones the power to decide for themselves. If we hadn't, they wouldn't be with us. It's as simple as that."

KIBBUTZ KFAR BLUM, ISRAEL

So'adia Gelb is 60 years old, a middle-aged kibbutznik with battered black shoes and gray, shapeless trousers.

Gelb came to Minneapolis from Poland with his family when he was 12, grew up on the North Side and was graduated from the University of Minnesota in 1933. He knocked about all over the United States for 13 years, married a Minneapolis girl, fathered three children and decided in a moment of pure Zionism to take them all to Israel.

Gelb ended up as a farmer at Kfar Blum, a kibbutz in the Upper Galilee.

"When we came here there were thousands of Arabs in the valley," he said. "Our relations were quite good. We couldn't have come otherwise. They kept the high ground (the Golan Heights) and looked upon us as fools. We pitched our tents in the swamps. They sold us manure and thought we were very foolish to buy it."

Thirty-nine of the first 40 settlers of Kfar Blum contracted malaria, but they slowly transformed the swamps into fields of cotton, groves of citrus and forage for a herd of cattle.

Kfar Blum has gone through nine distinct stages of housing, from the settlers' tents to the reinforced concrete structure now being built for teen-agers; from outhouses to flush toilets, and from chronic dysentery to a disease-free existence.

Those are dramatic changes, very visible to the old-timers like Gelb. Those changes have taken decades. But there are other changes, more recent changes, and, while less visible, these later changes seem to be having a more profound impact than the changes that took decades.

"As we progress economically," Gelb said, "the more you have, the more you need and the more you want. We used to stay up all night arguing and talking theory. But not any more. For one thing, with the changed economic status you can't be an idealist all of the time. You get much more practical. It isn't that our ideology has changed so much; it's less conscious; we do things now out of need and normalcy, and the kids are much more practical than we were, so much so that many people think they are not interested in ideology at all.

"Well, they may not be theoreticians, and there may be much less theorizing and much less vocalizing, but the kids come through in a crisis and there is much more doing," Gelb said.

KIBBUTZ EIN HAROD IHUD, ISRAEL

Renne Frank, 34, came from Golden Valley to this prosperous kibbutz in the Jezreel Valley five years ago with her husband, Moshe, 38, and their three children. They intended to stay a year but after a few months decided to stay, period.

Ein Harod Ihud is lush and lovely, a bit like Golden Valley around the creek, and not at all a difficult place to live. Its prosperity, and what has happened in the five years the Frank family has lived there, are examples of what is happening in the kibbutz movement, in all of Israel.

Originally agricultural, with grapefruit, cotton, sugar beets, alfalfa, olives and cows, the kibbutz still has all of those things—but its biggest money-maker is its stainless steel plant. It has become industrialized, just like the whole of Israeli society.

There have been other changes, not perhaps, important in themselves, but symptomatic and symbolic of more important changes.

Television, for one. "There were two sets when we came," Mrs. Frank said. "Then there was one in the cultural center, then one in the dining room and the coffeehouse and then people began buying their own sets. Our kibbutz is kind of liberal and not much was said when a few people bought sets on the side. But then a few more bought TVs and then a few more and then eventually the kibbutz decided to buy them for everyone. The same thing happened with electric teakettles and refrigerators and radios. Now it's TVs."

There was a stage at Ein Harod Ihud, as there has been at all of the kibbutzim, during which the elders carped about the easy life of the young. But that stage has passed at Ein Harod, and younger couples in their 30s and early 40s are clearly in charge.

They have brought more significant changes than teakettles and TVs:

Young couples have caused the kibbutz to change its policy on the raising of little children. Instead of living in children's houses away from their parents, they now live at home.

"The needs of the pioneers were different," Mrs. Frank said. "They had to go out in the fields to work and they couldn't take the little children with them. But mothers have decided they like raising their own kids and want them at home when they are little. It's a change in ideology."

Young people are becoming increasingly interested in advanced education and in finding their principal interest in their occupation, rather than in simply working at any job on the kibbutz.

"So far," Mrs. Frank said, "they have been returning from the universities to the kibbutz, but it's far too early to tell whether this will continue to happen in the future, whether the kibbutz will be able to absorb their specialized work interests."

The kibbutzim have turned to outsiders for certain work and have accepted them as nonmembers who live in the communal society.

The Franks are not members of the kibbutz but have been welcomed into it as paid workers. Moshe Frank is the kibbutz dentist; Mrs. Frank is the dental assistant and cultural affairs director.

KIBBUTZ KFAR ETZION, ISRAEL

The road between Jerusalem and Kfar Etzion has the twists and turns of a pretzel gone berserk.

Twenty-five years ago, when the new state of Israel decided that Kfar Etzion was the vital outpost on Jerusalem's southern flank, the road was half its present width. That was when a convoy sent to relieve Kfar Etzion was ambushed and destroyed, when Kfar Etzion itself was wiped out.

Abraham had grazed his flocks on the ridges leading to the barren, wind-swept hilltop of Kfar Etzion, and the orthodox Jews who came to build an agricultural community were as dedicated to combining a rigorous observance of the Torah with a collective existence as they were to defending the outpost from Arab irregulars. Women and children were evacuated, and the men stayed to be annihilated in the 1948 War of Independence.

The land became the Arabs' and remained that way until retaken by the Israelis in the Six-Day War of 1967. Not long after, the two-dozen children of the men who died at Kfar Etzion returned to rebuild it. They have been joined by a handful of other young couples, men and women in their 20s and early 30s who demonstrate daily that pioneering is not quite dead in the Israel of 1973.

Among them are Myron Joshua, 25, born and raised on Minneapolis's North Side; his wife, Hindy, 24, from New York City, and their two children, girls of 6 months and 2½ years.

Myron and Hindy Joshua were settled in Kfar Etzion after a year's visit in Israel and because of their strong desire, as orthodox Jews, to live on one of the dozen or so religious kibbutzim.

Joshua was an art major in college, and the walls of their spare apartment in the lean environment of Kfar Etzion are decorated with the fine wood-cut prints he made in his early 20s. He has made none since, probably because he is too tired from his dawn-to-dusk job on the kibbutz as fixitman and garbage hauler.

But he is not unhappy about his job or about living on the rebuilt kibbutz, a craggy outpost with few of the niceties of a town, let alone a city. He and his wife reject material things and values to a very high degree, and they have become deeply tanned and toughened at Kfar Etzion.

To them, as well as the few dozen others on the hilltop, Kfar Etzion is Israel. To Myron Joshua, as well as the others, there is a very distinct difference between Israeli nationalism and Jewish nationalism.

And Myron Joshua sees himself as a Jewish nationalist. "I see, like many young orthodox, a renewed interest in religion in the young Israelis," he said. "A return to the sources . . . whether it be in the archeology of Yigael Yadin (who directed the Masada Expedition), or the interest of the young in Jewish history or biblical study or what have you. It all has a religious character."

But Myron Joshua is not totally pleased with every aspect of Israeli society. Although his orthodoxy plays a very key role in his life, he is not at all certain to vote for religious party candidates in next fall's elections.

"The religious parties," he said, "must start to concern themselves with the broad social issues, with poverty and class distinctions, not simply with whether people should or should not ride public transportation on the Sabbath.

"Getting our own homeland is no solution for all the rest of the problems that afflict mankind. Like death and taxes," Joshua said.

(Fifth in a series)

Jews Who Live in Poverty

(By Frank Premack)

JERUSALEM.—Three generations of the family of Moshe Schraga live in three cramped rooms in the apartments of Shmuel Hanavi, a neighborhood in Jerusalem. Shmuel Hanavi means Samuel the Prophet in the Hebrew language, but it means poverty for the Oriental Jews who live there.

It is not the only neigbhorhood of poor Oriental Jews in Jerusalem, or in Israel. There are others, but they are not markedly different, and Israelis candidly acknowledge that the problems of the Shmuel Hanavis are the most pressing problems of Israel.

The crux of these problems is what the Israelis call the gap, the disparity between Western Jews who first settled the country and the Oriental Jews who have since become a majority.

Moshe Schraga can see the gap every day from the windows of his apartment. Right next to the low-slung, ugly-looking and garbage-strewn apartments of Shmuel Hanavi are the neat new towns of Ramat Eshkol, a neighborhood of American and Western European immigrants. They have far more money and goods, far better jobs and education, than Moshe Schraga and his family.

Most of the families of Shmuel Hanavi have 5 to 10 children. They must live in the same size apartments as the much smaller families of Ramat Eshkol. The Moshe Schraga family has 9 members: Schraga and his wife, who left Iran 40 years ago; their six children, all born in Israel, and a grandson.

When the mattresses are spread on the floor and beds at night, there is no room to walk about, no sexual privacy. There is so little room that the married son sleeps at home and his wife sleeps with her parents.

There is so little room that Mrs. Schraga fixes on it as her main problem in life and says to any visitor, no matter what his function, "Please. Do us a favor. Please make us a little porch." If a balcony were attached to the Schraga apartment it would not be used for sunning, but for sleeping, for separating some of the wall-to-wall mattresses.

Large families packed into small apartments are but one symptom of the problems of Oriental Jews in Israel. There are other problems—juvenile delinquency, crime committed by teen-agers, prostitution among young girls and formation of gangs.

The problems do not exist to the degree that they do in an American city. The poverty from which they spring is not that of an American Indian reservation or a black ghetto, but Israelis find any kind of poverty intolerable. They are also finding it hard to cure.

Take the garbage in Shmuel Hanavi. The walkways and gutters of Shmuel Hanavi are filled with trash, and small boys frequently set it on fire. The garbage is an old problem, and no one has solved it. Not the families who do not like it, because they think that all families should stop littering and the city should clean what is there. Not the city, because the administration believes the families should clean it up. And not the landlords, because they feel it's a problem for the city and tenants to solve.

The garbage of Shmuel Hanavi is a little problem. There are bigger problems—the problems of integrating Western and Oriental Jews. Two major integration efforts are under way in Shmuel Hanavi, and they are characteristic of the efforts being used everywhere else in Israel to close the gap.

One is a community center designed to bring together the people of Shmuel Hanavi and the people of Ramat Eshkol. Another is the integration of the school systems of Shmuel Hanavi and Ramat Eshkol. Both are based on the belief that the gap will be gradually closed only through massive educational efforts.

So far, neither attack has been a smashing success. But they are new attacks by a government of Western leadership that once naively thought the gap would disappear by itself in a generation or two.

Some Oriental Jews explain their difficulties and disappointments by attributing them to deliberate discrimination by the Westerners who control the political, social and economic life of Israel. There is little evidence of that.

What has happened is that Israel, which opened its gates to all Jews regardless of origin, received waves of immigrants who were ill-adapted to its Western needs and Western institutions and who came at a time when the country was just beginning to recover from war and the chaos of independence.

They came from Asia and North Africa—from Morocco, Tunisia, Iraq, Iran, Yemen, Turkey, Libya and Syria; they came from societies and cultures of poverty, backwardness, slow rhythm of life and lack of interest in social striving and upward mobility.

They found themselves lifted out of Third World countries and dumped into a rapidly developing Western society created by the first immigrants from Europe and America. And they found that they were encouraged to have the large families that their parents, and parents' parents had; they found that encouragement in a national policy of population growth that still exists as an important security goal in a small nation of Jews surrounded by many times more Arabs.

At first the government was not at all prepared to help create a true melting pot. It wanted to, but it didn't have the means. Then it believed it could create one in short order.

Now its thinking is along the realistic lines expressed by such people as Menachem Sadinsky, the director of the three-year-old community center serving Shmuel Hanavi and Ramat Eshkol.

"We tried to impose Western standards, to force them on these people," she said. "We were trying to have integration in two years when it takes 200 years. These people, the people of Shmuel Hanavi, were clearly unable to adopt the Western social conventions overnight. Imagine the breakdown in social structure when you tell them such things as that women are the equal of men.

"They were lost. On the one hand, they were told that their old traditions were no good. And then, on the other hand, we gave them nothing but imitations of Western life, just thin veneer, and of course that does not stand up under the hard rubbing of Israeli life."

Sadinsky has no illusions about what has been accomplished at the community center. It has a nice building, put up with the money solicited by the Jewish Agency from a wealthy American Jew. And it has considerable usage. But it has difficulty in attracting, and holding, the parents and children from Ramat Eshkol. They seem to come with a reluctance that reminded a visitor of the reluctance of many Minneapolis parents to send their children to schools integrated by pairing.

"Integration does not come from a building," Sadinsky said. "It comes from within people and it's a very, very slow process."

Nor does it come any more easily from simply combining neighborhood schools. Israeli sociologists and social workers discuss the successes and failures of school integration in terms that again remind an American visitor of home. School integration in Israel seems to be working fairly well in neighborhoods where teachers and parents were well trained and prepared beforehand; it seems to be working least well where it was installed rapidly without preparation.

If education is the key, then the gap between Oriental and Western Jews is enormous. Six percent of the Oriental young people finish high school and go to a university; 38 percent of the Western young people enter a university.

There are few success stories in Shmuel Hanavi, perhaps because most of the residents are overwhelmed by personal problems and the problems of daily living.

And there is little leadership among the neighborhood's residents to provide the spark for organizing and planning a better life. The social workers say they think it is there, but when a visitor asked to meet with the community's leaders, a 10-year-old girl was produced. She had made a list of the children in her block, and had decided to check daily to see if they had scrubbed their hands.

The few residents who have made it in Western Israeli society are among the most eager to move out of Shmuel Hanavi.

One such man, the father of two children, put it this way: "When I grew up in Iraq I was so afraid of the Arabs that I didn't go out much as a child. Now, in Shmuel Hanavi, I don't like to send my children outside because I am afraid that they will pick up bad habits from the other children. I know I can't keep my kids indoors forever, and now that they are growing I don't want to live here anymore.

"There's a group of teen-agers who take hashish under the stairs: I know, because I've seen them. I remember when they first started taking dope. They were 12. Now they are 17 and the problem will grow worse and worse. Maybe that will help you understand why I want to take my family out of here. Not for me, but for my children."

Amidst all the problems of Shmuel Hanavi is a warmth that is quickly felt by a visitor. Enter any apartment building and there are countless offers of endless cups of tea and plates of cookies, a hospitality laid on as richly as its poor residents can possibly afford.

Or go to the Maimouna, a festival gathering of 50,000 Moroccan Jews who completely filled a huge park in Jerusalem at the conclusion of Passover.

They came by rattling bus from the city and the surrounding villages and towns and created a noisy, motley fair that expressed great ethnic pride. They sang and shouted, ate and danced, drank without getting drunk.

They divided the ground by families, by clans, by tribes. The women, clad in the brightest of shawls, produced endless amounts of food from the yellow plastic babies' bathtubs they used to transport it. Teen-agers produced instruments and instant music and dance.

There were young and there were old, and they produced an astonishing tumult. At dusk they went home—to Shmuel Hanavi and all the other Shmuel Hanavis of Israel.

(Sixth in a series)

A YOUNG WOMAN WHO ENJOYS ARMY LIFE

(By Frank Premack)

DIMONA, ISRAEL.—Erica Davidovich wears the short skirt, shirt and sandals of a young woman in the Israeli army when she works as an unschooled social worker among new immigrants in the Negev.

She is 19 and grew up in suburban Tel Aviv with the notion that nearly every young Israeli must serve in the army. Erica, like most Israelis, accepts that notion and feels she is doing civilian work in a military uniform.

"For me and the others," she said, "this is not a military service but a national service. We are giving things and doing things that perhaps we would not give and do otherwise. I don't feel I am missing anything in life by serving in the army. We are doing important work, and I'm content with my work, I enjoy it, and I feel very strongly that I'm doing something more than if I were a secretary in Tel Aviv."

Erica Davidovich works and lives with other young Israeli army women in the development town of Dimona in the desert. They befriend, help, teach and live among new immigrants, now mainly Soviet Jews, who have been settled in Dimona and are causing its population to swell.

New immigrants have problems—forms to fill out, bureaucratic red tape to cut through, a new language to learn, a new culture to absorb—and Israel is using its army to help solve those problems. It is not the only use of the army, but it is characteristic of the way the army is used in Israel and of its civilian nature beneath its military garb.

The army women at Dimona are an experiment, one that seems to be working well in two key areas of Israeli life—finding useful national tasks for young people and helping new immigrants to get rooted.

Dimona is not a pretty town, and it is not an easy place in which to live. Its buildings and apartments reflect the standard ugliness of Israeli architecture, and its desert location makes it subject to sandstorms and 120-degree temperatures.

Erica's life in Dimona is an example of how the army has become a key institution in Hebraicizing the diverse peoples of Israel.

The army is an artificial melting pot for the children of the immigrants. It takes religious and nonobservant Jews, the well-off and the poor, Oriental Jews and Western Jews; it puts them together without distinction or segregation, makes them mingle and works them hard. It provides academic instruction for those who need it, and it is yet another place where the Hebrew language, the national language for immigrants from 102 countries, can be learned.

Those things are done within the army itself, and now the army is also being used to Hebraicize new immigrants, to help them become absorbed into Israel life. The army girls at Dimona teach Hebrew to the middle-aged and elderly immigrants, teach immigrant children in the public schools and act as social welfare workers for new immigrants with problems.

Erica works the customary six days a week. She starts at 8 a.m. in the office, or earlier if she is bringing new immigrants from the airport. She finishes late at night, sometimes as late as 11 p.m. She takes new immigrants to their first jobs and their children to school, to see that they get in the proper classes; she does their paper work and arranges their government grants; she helps them solve their little problems and arranges social life among the new Russian immigrants and between the new Russians and the Israelis. "Most important of all," she said, "is being their friend."

In the afternoons she leaves the office at the absorption center and goes out in the community to talk to the new immigrant women. Walk with her and you will see the children. They greet her warmly, stop what they are doing to chat and come to her with every imaginable problem. "Even their gynecological problems," Erica said.

Stop with her at the apartment of the Furmanksy family, the home of Mrs. Anna Furmansky, 48; her husband, Gersh, 54, and their daughter, Vera, 17. They came from the Soviet Union to Dimona three months ago, and their problems are the problems of the Soviet Jews who are coming to Israel.

Furmansky is not at home in the afternoons; he is at the factory where bedspreads are made and where he does a simple job. In Russia he was a skilled worker in a furniture factory, and his new job is not what he likes to do, but it is a job.

The daughter is not at home, either, but at school where she is finishing her last year before matriculation. Language is a problem for her, and she is going to special classes conducted in Russian rather than Hebrew so she can finish on schedule.

Anna Furmansky is home at the new three-room apartment that is almost barren of furniture. She is taking care of a little boy, the son of a brother, while both parents work. She serves tea and tells why there is no furniture yet.

"It was very difficult for us to leave," she said. "We had to pay much money (the Soviet 'education tax' extracted from Jews who want to leave) and we had to wait many months before we could come. We were able to bring no money. We brought nothing, really."

Mrs. Furmansky, like all of her middle-aged neighbors, spoke no Hebrew when she arrived in Israel; and, like many of her neighbors, speaks no Hebrew now. She does not go to the classes for older immigrants.

Erica knows why and speaks calmly, insightfully and without rancor about it. "She feels she's too old to learn," Erica said. "That is not true, of course, but that is what she feels and what she feels is what is important and what we must deal with. Her husband works and doesn't have time to learn during the day. He feels he is too tired to go to classes at night. That may not be true, but that is what he feels.

"The daughter is learning Hebrew at school, but is finishing high school in the Russian language and will need time to catch up. But she is learning and she will catch up. She is our hope. She will become an Israeli," Erica said.

Erica Davidovich's parents came to Israel from Rumania, and she knows from them some of the problems of new immigrants. She has a year left of her 20-month army service and would like to finish it with the new immigrants in Dimona. Her army work will carry over into her civilian life. She intends to go to a university, get a degree in social work and then find a job in an absorption center for new immigrants, whoever they may be by that time.

The imprint that is being left by army service on Erica is not unusual. The girls she lives and works with in Dimona have all been influenced in similar ways.

One afternoon six of Erica's coworkers gathered during their work break in the apartment shared by four of them, the usual three rooms in a building of immigrant families. They drank tea and relaxed and chatted. Eventually they got into a serious discussion of their lives and Israeli life, an exchange of beliefs that represented a microcosm of the thinking of young people.

All six are sabras, all six are in the army and are working among the new immigrants at Dimona:

Tsila Sharaby, 21, an orthodox Yemenite from Tel Aviv, assists in teaching a first-grade class in an elementary school. She defied her parents' orthodoxy by volunteering for military service when most orthodox girls elect to be excused from conscription because of religious beliefs.

Orna Goldberg, 20, from Beersheba, works with young immigrants with psychological problems.

Maya Shteinberg, 21, from Tel Aviv, teaches Hebrew to adult immigrants.

Malka Cohen, 20, Ashkelon, teaches an elementary class.

Tally Makovsky, 19, Beersheba, is a lieutenant and the girls' boss.

Michel Ben-David, 20, Petah Tikva, is Tally Makovsky's assistant.

They talked for several hours and they talked about such things as the generation gap in Israel.

Maya: "My father is 56, my mother 53. They were born in China and my father came here when he was 22, when he was still young; my mother came later. They were married here.

"My mother is nothing like me. She was educated and cultured abroad. I think differently from the way she does, about education, about life, about the behavior of young people. For example, until I went to the army, she didn't think a girl could spend any days or nights away from home. But now she's used to it; I've educated her. It was hard for her to understand that a girl could spend some days away on a trip.

"My father is very liberal, a very understanding person. He's open, open to understanding new ways of life, so I can talk with him. But there are many people like my mother in Israel, especially when you talk about girls."

Orna: "Both of us—my parents and myself—want to be happy and content. We mostly think you can gain this in about the same ways. There are differences, but they are not principal differences. They say they thought the same as I when they were my age, and that I will change when I get older. My father thinks I care about too many things, that I'm fighting too many things, too many battles that can't be won, too many things that can't be changed. There are differences, but I don't feel the same way Maya does."

Tsila: "There are many differences of opinion between my parents and myself, but at the end we try to reach a compromise on each one of them. Sometimes I give and sometimes they give. But there has been one time where we didn't reach a compromise at all.

"My parents didn't want me to go to the army. Not only because of their orthodox religious beliefs but because they believed that the army is where 'good' girls get 'spoiled' (lose their reputations for chastity, if not their virginity). They thought I would meet a different type of life than at home, even a different morality, and certainly more boys. They also thought it was a waste of time.

"But they have changed their minds, slowly and at least partly, if not completely. They have become convinced because they see that I want to be a teacher and teaching here in the army will give me seniority when I get out; and they know that I have not been 'spoiled' as a young girl in the army."

Tsila's last remark, the euphemism she chose to describe her parents' concern, brough a spate of laughter from the other girls. She joined in, and when the laughing and giggling was over, turned the discussion to a favorite topic of all Israelis, young and old. What, she asked the other girls, is your identity as a Jew if you are not religious?

Maya: "I get my identity from living in this country, from belonging to this people, from working and living for the same things as other Jews working and living in Israel. Some people have to believe in something, but I don't."

Tally: "I can't really answer. It's something I've been thinking about day and night, but I can't answer yet."

Malka: "I don't believe in a god, but I believe that as a Jew I am a man. I see the word as something which includes us all here. I really think that being here in Israel is what really unites us."

Michel: "I agree, and I feel that every Jew has to be here in Israel. A Jew has got a special character, a special way. We have to develop this character, this unity. We haven't done it so far because of our walls, our security conditions and our problems, the problems between religious and nonreligious people, and the fact of the Diaspora. But while there are problems to Jewish unity, there are many elements of unity. There is the common knowledge of the Old Testament as a living book, as history. There is knowledge of the country, through walking the length and breadth of this land, not by driving. There are the holidays which are not only religious in character but national, nationalistic."

Tsila: "When I see a Jew I see a man who has been living in Eretz Yisrael and who gives of himself for the people and the country. As an example, I could give you my parents, who live in Israel, didn't want their daughter to go to the army but gave of themselves by letting her go.

"And I also see a Jew as the man who believes in God, who knows the religion, the Torah and who keeps the Commandments, the instructions and is bound together with other Jews by that.

"And I see Jews who live abroad. Some of them, from the religious point of view, are Jews, but from a national point of views they are not and will not be until they are here."

Orna: "I feel I am a Jew. Jewish history is part of me, it interests me and maybe whatever has happened to Jews didn't happen to me but I identify with them.

"I feel I am a Jew because I was born in Israel and grew up here, and even though I'm not religious, every holiday is felt and I know why it is celebrated.

"I believe that the most important thing a Jew can do is to come to Israel. I can't understand Jews who don't want to come here. It's such a natural combination—to be a Jew and to be an Israeli."

Maya: "That may be natural but to start anew is very hard, certainly very hard at first for any immigrant. But, then, I think they discover that it's harder to be a Jew in some other country, that it's like being two parts of one thing.

"When I was in Germany on a trip a woman sat next to me on the bus. We talked for a while, quite pleasantly, until I told her I was from Israel. Then she said, 'Oh, a Jew,' and I said, 'Yes,' and she moved to another seat. She talked very nice until she found that I was a Jew. That happened in Germany but it could happen anywhere. Anywhere except Israel. You can go around here with your head up, you needn't be afraid.

"I'm not religious, not me and not my parents. But we are Jews. We are Israelis."

(Last in a series)

From Auschwitz to Israel

(By Frank Premack)

RAMLE, ISRAEL.—Numbers are tattooed on her left forearm. "Auschwitz," she said. "To be a Jew is very difficult, but very beautiful."

She is a Soviet Jew, the mother of a family that arrived in Israel a year ago and has been settled in Ramle, midway on the plain between Jerusalem and Tel Aviv. She is one of 30,000 Russian Jews who arrived in airlifts last year.

They are the newest immigrants in a country of immigrants. Most of them found life as Jews difficult in the Soviet Union, and now they have found that life in Israel can be hard, too. A few of the new immigrants became so dissatisfied that they left, and a very few of those who left returned to the Soviet Union.

The family at Ramle will stay. They have problems, but, like most of the new immigrants, they will not go back. The lives and the problems of the family at Ramle are a clear illustration of the lives and problems of this latest wave of new immigrants.

Never mind their names. They left relatives behind when they came to Israel, and they fear, rightly or wrongly, that if their names were published their relatives would never be permitted to leave.

They are the mother, 46; her husband, in his 60's; their daughter, 22, and her husband, 28. The daughter and the son-in-law met en route to Israel in a transit camp in Vietnam. They were married a month later in Israel and she is now pregnant.

The father had been married before. His first wife and his parents were killed in a Nazi concentration camp in 1942.

The mother and her 11 brothers and sisters were taken to Auschwitz in 1944. Four survived—herself, one sister and two brothers. Each managed to get to Israel, where one of her brothers was killed serving in the Haganah during the 1948 War of Independence. He was 18 at the time and had been in the country only three weeks.

The mother and her husband, a storekeeper, applied for exit from the Soviet Union for 16 years. They were permitted to leave when he reached retirement age and developed a heart ailment that prevented him from working.

The daughter and son-in-law were sent to a kibbutz for two months, the older couple to an absorption center for new immigrants. The four now live together in a standard three-room apartment. The young couple has been promised an apartment in Petah Tikva, where the son-in-law works, but it has not been built yet.

When the four of them came to Israel they heard there was a language called Hebrew but they knew nothing about it. In the past year they have learned little of the language, and still do not converse in it. That is one of their problems, for it limits their contacts in Israeli life to other Soviet immigrants. They have no close friends outside the family.

The father is unable to work, so he has little to do. The mother and daughter sew and peg bedspreads at home. The son-in-law coaches and plays on a handball team, the same job he had in Lithuania.

The older couple scarcely partake of Israeli life but they have adjusted better to living in Israel and have fewer complaints than the younger couple.

A conversation the four had among themselves one day illustrated the difference between the generations.

The mother: "I have no regrets, there is no way back. Of course it is difficult, but it would be difficult to move from one place to another in the U.S.S.R., it would even be difficult to move to America."

The father: "I, too, have no regrets, although we were not poorly off in the U.S.S.R. I was fed up with our fate; there was no guarantee that Auschwitz wouldn't happen again, this time in the Soviet Union. Here, it is difficult and there are many little problems, but here you're standing with a gun in your hand and if they hit you, you can at least hit back, even if you don't win. It's a very strange feeling for a Russian Jew to know you can defend yourself . . . just the possibility itself of direct self-defense for Jews."

The son-in-law: "My experience is different. I didn't live through all of the things of the older generation. I didn't feel anti-Semitism so much. I was living a full life in the Soviet Union, coaching a team and traveling. I was satisfied with my life, and when my parents decided to go to Israel, I had no great objections, but I had no great complaints about my life up to that point."

The father, showing signs of anger: "The children are very short-sighted. They didn't know anything of the past. They are used to a comfortable life. They have been protected. They are good Jewish children, but they can't imagine that things might change; they are not concerned that the Holocaust, the extermination of six million Jews, might happen again."

Son-in-law: "He is ideological and I am not. I feel a bit lost in Israel without friends, and many young immigrants feel as I do."

Father: "For the young, the religion doesn't exist any more. We are not religious but I know the religion well, but for the children, it doesn't exist at all. And for them, the notion of nationality doesn't exist. If it were not for their parents, they wouldn't identify as Jews. They feel they are human beings, period. If not for their parents, they would have intermarried.

"I'd love to see the sweet idea of the end of nations and nationalities, but my experience teaches me otherwise. If it weren't for the death of six million Jews, I might be able to forget. I see it as a duty to make the young see it this way . . . because they don't think much about the past, and not much about the future, either."

Daughter: "Father is right. We feel as human beings more than as Jews . . . humans first and Jews maybe not even second . . ."

Father: "When I was in Russia I felt guilty about not being an observant Jew, and when I came to Israel I hoped the religious feeling that had been sleeping in my breast would awaken. But when I came here, it did not happen. Forbidden fruit is sweet and here it is not forbidden.

"I went to the Wailing Wall and I expected to be moved and to be excited, but I wasn't awed, I was just curious."

Son-in-law: "I don't like the hypocritical religiosity in Israel at all . . . no buses on the Sabbath and all of that. I just can't stand the sight of the religious children, the children of the Hasidim. They look sick and undernourished; they look pale, like they were kept in the dark . . . I don't like the Sabbath restrictions; it's my only free day and I can't go anywhere or do anything . . . Young immigrants like myself don't like the religiosity, and neither do the young sabras, either."

Mother: "I am a Jew, although not a very religious one, perhaps not religious at all. But I do not mind the Sabbath. I am not bothered by Jews who are more observant than I. And I am a Jew, because the more you torture a Jew, the more that Jew becomes a Jew. My experience makes me a Jew."

Father: "You cannot get rid of something you got in your childhood."

Mother: "We don't hit our heads together against the wall to prove that we are Jews. We observe the major holidays, but we are not very religious in our practices."

Father: "It is not all necessary for a Jew to be religious to call himself a Jew. It is enough for him to know that his father and his father's father were Jews, and whatever happens, there is this Jewish feeling in his soul."

The family's discussion continued into the evening, and they repeated what they had already said. Before the light faded completely the father told a story.

He started by pointing to a small box atop television set. The lettering on the box solicits coins for a religious school in Israel, and the father puts money into it from time to time. He is not very religious but he contributes, and his story tells why.

One day while shopping in a store in Israel, he noticed two small boxes, just like the one now atop the TV. One box was for a religious school, and one was for the sick and poor. The poor box was full, and the religious box was empty of coins. He asked the storekeeper why, and the owner said that religious people didn't deserve any support because their daughters usually do not serve in the army, because they insist that everyone must keep the Sabbath, because they only want to sit and read the Torah and the Talmud, and because of them, there is unrest in the country.

The father went home and thought about what the shopkeeper had told him. Then one day a man came to the apartment and asked him to take a little box and put coins in it for the religious school. He took it.

"I took the box because I know that some fight, and others build; that some sit and learn, while others do other things. I am not like the religious Jews in Israel, but I cannot condemn them, and I am willing to take their little box."

BUNKER HILL DAY

Mr. KENNEDY. Mr. President, yesterday the citizens of Massachusetts celebrated Bunker Hill Day commemorating the Revolutionary War Battle of Bunker Hill of June 17, 1775. Though the Americans lost the battle, it was in this action with British soldiers that the Colonists joined together to protect their liberties and gained the confidence to continue the struggle.

I have introduced legislation to establish the Boston National Historical Park which would include the Bunker Hill Monument. This legislation, which will be the subject of public hearings in Boston on July 17, would preserve these precious sites for generations to come and assure that visitors during the Bicentennial celebration will not be disappointed in the maintenance of these historic structures. The citizens of Boston, the city of Boston, and the Commonwealth of Massachusetts have over the years protected Bunker Hill and other historic sites against time and the toll of constant visitation. I am hopeful that the Federal Government can become a partner in this effort through the Boston National Historic Park.

I ask unanimous consent that the following historical notes on Bunker Hill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Bunker Hill Monument

Bunker Hill Monument stands on Breed's Hill, Charlestown, where the Battle of Bunker Hill was fought June 17, 1775. In the main path leading to the Monument stands a bronze statue of Colonel William Prescott representing the American commander restraining his impatient men with his famous command "Don't fire until you see the whites of their eyes," as the enemy advanced up the hill.

Bunker Hill Monument is the second memorial erected on this ground: the first a Tuscan pillar of wood eighteen feet high erected in honor of "Major-General Joseph Warren and his associates" by King Solomon's Lodge of Free and Accepted Masons in 1794. A model of this memorial is preserved in the entrance floor of the present Monument.

The Monument occupies the southeast corner of the American redoubt which was about eight rods square. It is built of granite quarried in Quincy. The first railroad in America was built in Quincy to carry this granite from the (Bunker Hill) quarry to the wharf on the Neponset River from which it was transported to Charlestown by boat. The Monument is two hundred and twenty-one feet high (ninety courses of stones) thirty feet square at the base and fifteen feet square at the top. Two hundred and ninety-four winding stairs (no elevator) lead to the observatory room seventeen feet high and eleven feet square. In this observatory two light brass field pieces are displayed which were taken from a British gun-house by young patriots, used during the Revolution and named Hancock and Adams by Major-General Henry Knox (then Secretary of War).

The Museum at the base contains interesting memorials and relics. The fine marble statue of General Joseph Warren, who was killed in the battle (statue by Henry Dexter), the gun with which Peter Salem, a Negro, mortally wounded Major Pitcairn (British), who is buried under Christ Church, "The Old North Church of Paul Revere Fame," in Boston and old prints of General Lafayette are particularly interesting.

The corner stone was laid by General Lafayette, June 17, 1825, Daniel Webster delivering the oration. "A national salute fired at half past six o'clock on the evening of July 23, 1842, by the Charlestown Artillery announced the completion of the Monument." Dedication exercises were held June 17, 1843; Daniel Webster was again the orator. In the great crowd that day were President Tyler, members of his Cabinet and a few survivors of the Battle. The Monument was designed by the sculptor Horatio Greenough; Solomon Willard was the construction architect.

The cost of the shaft alone was about $150,000; the total expenditure was about $200,000. All but $7,000 of this total was raised by public subscription. Bunker Hill Monument is truly a monument erected by the people to honor "Major-General Joseph Warren and his associates."

A large number of the British troops left their crowded camp on Boston Common the morning of June 17th, 1775 to embark for Moulton's Point in Charlestown. They landed on the "Point" (where now the United States Navy Yard is established) between twelve and one o'clock that afternoon, and, about three o'clock, advanced through the fields in two wings to the "Battle of Bunker's Hill" attacking the redoubt and rail fence. This first attack failed; a second attack and repulse followed; then General Howe (British) massed his troops who had been twice reinforced, for a third assault, concentrating the attack upon the redoubt.

The ammunition of the Americans was nearly exhausted, and after desperate defence Colonel Prescott ordered a retreat. It was at this time General Joseph Warren fell, mortally wounded, and the loss of the Americans was greater than at any other period of the battle. By five o'clock the British had taken possession of the heights.

The Americans lost the Battle of Bunker Hill, but on that day the United Colonies won their war for independence. That battle proved Colonial troops could withstand British troops in battle. Said Washington, "I am content. The liberties of the country are safe."

BUNKER HILL BATTLEFIELD AND MONUMENT

The extent of the battlefield of Bunker Hill that can be readily figured out by visitors today is restricted to the area enclosing *Bunker Hill Monument* known as Monument Square. The latter is actually at a rectangle 400 by 417 feet adding up to a plot just under 4 acres. Thus formally treated, the square is hardly recognizable as part of the original battlefield. The monument itself rests on a square base of 30 feet at the center of the square and rises to a height of 220 feet.

The erection of the impressive obelisk of granite between 1825 and 1842 was the most grandiose enterprise of its kind undertaken anywhere in its day and its construction set new standards for size in honoring heroes from the country's past—standards that were to remain unsurpassed until four decades later the Washington National Monument in the Nation's Capital was to be completed to an elevation of 555 feet.

Bunker Hill Monument was placed on hallowed ground, occupying the center of the site of the redoubt, 8 rods square, which a detachment of 1,000 or more yeomen from the provincial army in Cambridge had made rapid progress in throwing up during the early hours before daybreak on June 17, 1775. The troops were in command of Col. William Prescott, who under cover of darkness the evening before had left Cambridge with the detachment and wagons loaded with the necessary entrenching tools.

The Provincial Committee of Safety, of which Dr. Joseph Warren was chairman and Gen. Artemas Ward, the senior officer in the Army at Cambridge, a member, had learned that General Gage, gravely concerned at the besieged condition of the British in Boston, had formed plans to occupy Dorchester Heights on the night of Sunday, June 18. As a result of a vote taken by the Committee of Safety urging the seizure of both Bunker Hill and Dorchester Heights before the British took similar action, the Council of War in the camp at Cambridge had decided to move at once and on Friday, June 16, General Ward had issued orders to Colonel Prescott and the commandants of two other regiments to have their men ready to depart for immediate service.

The three regiments of Massachusetts yeomen were prepared to leave on their mission at the end of the day, accompanied by a new company of artillery under Col. Richard Gridley, an experienced military engineer, and some 200 men from Gen. Israel Putnam's Connecticut regiment, who swung into line along the route of march. By 11 o'clock in the evening, the party had crossed Charlestown Neck and was proceeding to Bunker Hill to begin the night's work of fortifying a strong position.

Colonel Prescott's orders from General Ward had designated "Bunker's Hill" as the position to be occupied. The latter was the larger of the two highest hills that dominated the Charlestown Peninsula and that together were then loosely referred to as Charlestown Heights or "Bunker's Hill." The ridge of "Bunker's Hill" proper was an elevation of 112 feet a quarter of a mile east of Charlestown. Being nearer the neck and the road into Cambridge, it was in a position to be more easily supplied and reinforced. But it was of less value as a potential source of annoyance to the British in Boston than Breed's Hill, a large spur of "Bunker's Hill" less than a third of a mile to the south and east. Breed's Hill was only 62 feet high, but it looked directly out upon Copp's Hill in the North End of Boston, less than a mile of space, including the Charles River, lying between the two elevations.

As midnight was fast approaching, it was necessary to make a decision and it was decided to excavate fortifications on Breed's Hill rather than "Bunker's Hill," the name Bunker Hill, however, persisting in connection with the great battle in spite of the change in location of the defenses that were to be assaulted by the redcoats the next day. A British plan of the action prepared soon after by Lieutenant Page reversed the two names, designating Breed's Hill as "Bunker's Hill." The correct name of Breed's Hill, furthermore, was probably well known only locally among families who were familiar with the pasture owned by one Breed on the green slopes of the picturesque elevation.

The redoubt Colonel Prescott's men threw up on Breed's Hill under the direction of the chief engineer, Colonel Gridley, was built with its strongest side approximately facing the present Winthrop Square and the village of Charlestown in front of *Town Hill* at the southeasterly corner of the peninsula. It was constructed with both projecting and entering angles. On its easterly side, the redoubt, after a short distance, became contiguous with a breastwork "nearly 400 feet in length," which ran down the hill toward the Mystic River, extending beyond the north side of the existing Monument Square by a considerable number of feet into a swamp. It was against the long line of this redoubt and breastwork that General Pigot, in command of the British left wing, directed the assaults made by the 5th, 38th, 43rd, 47th and 52nd Regiments, and marines under Major Pitcairn, the ranks of the 47th Regiment advancing up the slope and over the ground of the old "trayning-field" in Winthrop Square.

The redoubt that was taken by the British in their third assault had disappeared by the time the cornerstone of *Bunker Hill Monument* was laid in 1825, an article in *Silliman's Journal* in 1822 stating, "At Breed's Hill, that blood-stained field, the redoubt thrown up by the Americans is nearly effaced; scarcely the slightest trace of it remains; but the intrenchment, which extended from the redoubt to the marsh, is still marked by a slight elevation of the ground." The remains of a redoubt raised by the British after the battle, in a location just west of the future monument, however, were still "easily distinguished" and were not entirely eliminated until the grounds of the monument were clearly cut into a square, or more precisely a rectangle, about 1839, so that house lots could be laid out on the opposite sides.

COMMEMORATION OF 300TH ANNIVERSARY OF EXPLORATION OF MISSISSIPPI RIVER BY FATHER MARQUETTE AND LOUIS JOLIET

Mr. NELSON. Mr. President, yesterday, June 17, 1973 was the 300th anniversary of the opening up of the upper Mississippi River by Jacques Marquette and Louis Joliet, two French explorers.

Their bold trip in 1673 took the two Frenchmen from Michigan's upper peninsula, down the Wisconsin River to Prairie due Chien, and south on the Mississippi River to Helena, Ark. In the course of their 4-month adventure, Father Marquette took extensive notes of the journey, providing the first accurate map of the Mississippi and Wisconsin Rivers. As a result of the efforts of Marquette and Joliet, a whole new section of the American continent was opened up to exploration.

This year, the event is being celebrated throughout the Midwest. The National Father Marquette Tercentenary Commission, established jointly by the States along the Marquette-Joliet route, has coordinated many tricentennial celebrations in which citizens throughout the area are commemorating the courageous trip which unlocked the gates to America's vast system of inland waterways.

Here in Washington, a celebration was held in Statuary Hall, at which representatives of all of the surrounding States gathered before the statue of Father Marquette.

Perhaps the most exciting celebration is taking place now through the end of August. Reid Lewis, a young French teacher in Larkin, Ill., is leading a party of four along the same route and schedule followed by Marquette and Joliet 300 years ago. Beginning at St. Ignace, Michigan on May 17, the crew is travelling down the Wisconsin and Mississippi Rivers, experiencing the same exhilaration and excitement that undoubtedly was felt by Father Marquette.

To mark the journey of Reid Lewis and his crew, I ask unanimous consent that an article from the New York Times of June 18, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 18, 1973]

Six Intrepid Voyageurs Paddling Into History

(By Seth S. King)

Prairie du Chien, Wis., June 17.—Fog blurred the tree-covered islands all around them and the towering bluffs to the west could barely be seen. But Jacques Marquette and Louis Joliet had no doubts that the dark, rolling waters beneath their two slender birch bark canoes was the Great River.

Three hundred years ago today the two French explorers, accompanied by five rough, woods-wise French-Canadian voyageurs, became the first white men known to have paddled in the nation's mightiest river.

Their discovery of the upper Mississippi on June 17, 1673, unlocked the gates to America's vast system of inland waterways that today carry billions of tons of grain, oil, fertilizer, and molasses from Montreal, Pittsburgh and Minneapolis to New Orleans and as far west as Sioux City, Iowa, and Tulsa, Okla.

The vast mouth of the river was seen by the Spanish adventurer, Cabeza de Vaca, in 1528 and Hernando de Soto crossed its mouth in crude boats 13 years later in a futile search for gold in Arkansas and Oklahoma.

But there were no maps or records of the river northward nor of the great fresh water veins of the Mississippi—the Missouri, the Ohio and the Illinois.

WESTWARD FROM MACKINAC

This was changed dramatically in 1673 by Joliet, a Quebec-born Frenchman, who, at age 27, was already a toughened explorer and Marquette, a young Jesuit missionary who spoke seven Indian dialects.

On May 17, at St. Ignace Mission, they put their 30-foot canoes into the Straits of Mackinac, and turned westward.

Hugging the northwest shores of Lake Michigan until they reached Green Bay, Wis., they turned up the Fox River. With the help of two Miami Indians, they found the Indian pathway from the narrow source of the little Fox River across the forests that divide it from the Wisconsin River at Portage.

Down this broad, swift-flowing stream they sped, the first white men who had ever dipped a paddle into the Wisconsin.

In the surprisingly short span of a month, they were groping through the fog just south of this Wisconsin village and had reached the upper Mississippi.

Father Marquette, a meticulous note-taker, recorded their journey down the Mississippi to the mouth of the Arkansas River south of Helena. He told of their dismay at learning from the Indians there that the Spanish already controlled the mouth of the great river. He recounted their decision to return northward into the Illinois River and back into Lake Michigan by way of what is now Chicago.

This year, on May 17, six young historians and environmental scientists, accompanied by a Jesuit priest from Chicago, put two fiberglass canoes, carefully built to duplicate those of the Marquette and Jolliet party, into the water at St. Ignace.

MARQUETTE ROUTE FOLLOWED

The Tricentennial party, led by Reid Lewis, a handsome young French teacher at Larkin, Ill., High School, has followed the 300-mile route and schedule Marquette recorded.

Last night they were encamped at Wauzeka, Wis., a village just east of here. Today they slipped through the scores of islands at the mouth of the Wisconsin and entered the Mississippi. By July 17, they expect to reach the mouth of the Arkansas, after stopping at 42 riverside communities to present minipageants of the voyage. At many of these towns, their arrival will start tricentennial celebrations.

The fog hung again over the Wisconsin and the Mississippi early this morning. But it was the only thing Marquette and Jolliet would have recognized today. The huge catfish and spoonbills that smashed against their canoe are gone. So are the great herds of buffalo they saw on the western bank. The enormous flocks of ducks and the curious deer they saw are now hard to find.

This sleepy village, then only a sandbar, still slumbers under the narrow bridge that leads to the Iowa shore, preserving its historic houses, and a copy of Fort Crawford, testimonials to the early 1800's and to the great days of the fur trade and the steamboat.

LITTLE HUMAN CONTACT

This morning, in the racing channel of the Mississippi under the bluffs at McGregor, Iowa, four enormous barges were being hustled downriver by a throbbing towboat. Laboring alongside the towboat, on tracks squeezed against the bluff, a long train of grain cars was easing into the elevator at McGregor.

The Joliet-Marquette party had remarkably few frightening adventures in the comparatively brief month-long journey downstream to the Arkansas.

For their first eight days they saw no humans until they stumbled onto a wandering group of Illinois Indians, probably near the mouth of the Des Moines River at Keokuk, Iowa.

Today, to reach this spot, the Reid Lewis party will have to work its way past the Quad Cities of Davenport and Bettendorf in Iowa and Rock Island and Moline in Illinois, a throbbing industrial area in which part of the nation's meat is packed, a good part of its farm machinery manufactured, and, in more belligerent times, some of its arms and ammunition made at the Rock Island Arsenal.

About the end of June, the Jolliet and Marquette canoes were almost destroyed when they suddenly swept into the mouth of another enormous river. They had reached the Missouri near St. Louis. And the Missouri, as it did this year and in many unhappy years earlier, was flooding, sweeping huge clusters of trees and logs into the Mississippi and driving the Joliet canoes into a perilous passage along the east bank.

It was 131 more years before Lewis and Clark set out in 1804 from the bustling river town of St. Louis to find a westward passage to the Pacific, a hope the French had held for the Mississippi until Joliet and Marquette showed that the Mississippi flowed only southward into the Gulf of Mexico.

INDIANS IN ARKANSAS

On past the mouth of the Ohio River at what is now the racially troubled town of Cairo, Ill.; on past what is now Memphis, the great cotton city that gave the world the blues, the countryside was changing to the subtropical, with great oaks and cane brakes and swarms of mosquitoes.

Near Helena, Ark., the party was suddenly set upon by a band of Quapaw Indians who tried to sink their canoes and capture them.

Marquette persuaded them that the party had come in peace and the Indians finally let them go.

Marquette and Jolliet would have had no way of identifying the bluff on which Helena, now called "Port City of Arkansas," sits. Nor to know that millions of tons of oil, gas, and chemicals are shipped from this thriving city today nor that some of those cargoes now come down the once shallow, sandy Arkansas River, all the way from Tulsa through the string of man-made lakes that keep the river navigable.

Reid Lewis and his modern-day party will be headed back northward by July 18, as were Jolliet and Marquette.

Their personal satisfaction from their exertions may be about equal to those of Marquette and Joliet. The Jesuit at least had several towns and a university named for him. Joliet, who lost all his records and maps, had little left except debts. There is a small city named after him, but Joliet, Ill., misspelled his name and pronounces the "t," which Louis JOE-LEE-AY wouldn't recognize.

Mr. NELSON. Mr. President, there would be no more fitting action to celebrate the Marquette-Joliet explorations than to proceed in a timely manner to consider legislation to add the lower Wisconsin River to the list of rivers being studied for inclusion in the National Wild and Scenic Rivers system.

This bill, S. 1391, was introduced last March. It will, if enacted, provide for the protection of the Wisconsin River from Prairie du Sac in central Wisconsin to Prairie du Chien, on the Wisconsin-Minnesota border. The legislation will assure that the lower Wisconsin River, which has both environmental and historical significance to this Nation, will be preserved for the recreation and enjoyment of many generations to come.

I have today written Senator Henry Jackson, the chairman of the Senate Interior Committee, requesting that action be considered for S. 1391 as soon as is convenient.

RESPONSES TO PRESIDENTIAL SPEECHES

Mr. MOSS. Mr. President, one of the most important principles in a democratic society is freedom of expression. Fortunately, the President has used his right to express himself regarding major policy issues on several occasions. This has involved free television and radio time on all major networks. However, as a result of the President's usage of the media, certain problems have become evident. Often adequate responses to the President's viewpoints have not gotten into the "marketplace of ideas" due to the inability of responsible individuals to get access to the media. Thus, a barrier has existed in the United States to the right of a free exchange of viewpoints.

For some time the major networks have used the so-called "instant analyses" to analyze the President's remarks. This has not always been satisfactory, but it has at least provided some review of the President's position on important issues. In order to provide better analysis, the Columbia Broadcasting System recently announced a change of policy regarding Presidential broadcasts. CBS will now provide free air time for a reputable spokesman to present opposing views to the President. Such action will not degrade the President's stature or image. But, it will allow the American people to help determine the direction that U.S. policy should take. This is the right of every individual in a democracy.

In an editorial in the Washington Post on June 18, 1973, the Post argued that—

> As an attempt to open direct access to the public for serious dialogue on national issues, the CBS plan is an important improvement in television's approach to coverage of the President.

I agree. Because of the timeliness of the editorial, entitled "Air Time for Responding to President's Speeches," I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, June 18, 1973]

Air Time for Responding to President's Speeches

Unlike President Johnson, who often monitored three television channels at a time, President Nixon doesn't watch TV much at all, according to White House staffers. But we all know that Mr. Nixon, like his predecessor, *uses* television a lot—for it is one of the most powerful tools at a President's fingertips. With little or no indication of what he wants to talk about, the President can commandeer free television and radio time on all major networks at once, at whatever hour he chooses.

The utility of this practice, from the President's point of view, is the extraordinary access to the people to deliver the administration position on issues—carefully scripted and unchallenged, packaged as a "special program, live from the White House." The problem with this practice, from the networks' point of view, is that it has a built-in imbalance: their willingness to "cover news" can be exploited to deliver one particular side of a public issue with no comparable format for differing viewpoints.

But now the Columbia Broadcasting System has announced a new policy on presidential broadcasts, providing free air time for the presentation of contrasting views. From now on, the network said, after every presidential television or radio speech "on matters of major policy concerning which there is significant national disagreement," free time will be made available to holders of opposing views.

CBS will decide which presidntial broadcasts merit replies, and will determine the length and format of the responses, as well as the person or persons to make them. The replies will be scheduled "as soon as practicable," and generally no later than one week after the President speaks. (Officials noted that the policy would be suspended during presidential election years, when the Federal Communications Commission's "equal time" regulations apply).

Obviously, this move will not offset entirely the advantage of a President in drawing national attention to the administration's point of view; by virtus alone of his office, the President is likely to win better ratings than some appointed opponents who disagree with him—especially when he can preempt all three networks simultaneously. But as an attempt to open direct access to the public for serious dialogue on national issue, the CBS plan is an important improvement in television's approach to coverage of the President.

In announcing the policy change, however, CBS also said it will no longer broadcast news "analyses" immediately after presidential appearances—the so-called "instant analyses" by network correspondents and others that are frequently used to round out TV time segments when a speech is over. Instead, said CBS, "such analyses will be scheduled by CBS News during the normal CBS News schedule."

At their worst, of course, the post-speech roundups by correspondents are of dubious worth; they can easily degenerate into a collection of flippant and useless adlibs based on a few quick notes. When this is the case, the audience can well wait until the next scheduled newscast for more coherent comment.

But on many occasions the analysis is neither "instant" nor argumentative, let alone flippant or worthless. Experienced correspondents, having studied a presidential text well before the speech is delivered—and often having attended lengthy White House briefings on the subject matter—can be in a position to provide viewers and listeners with useful insight. In such cases, must they ignore the audience that has listened to the President, in hopes that it will be back for the next network news show? At a minimum, might there not be some rundown of highlights right after the speech?

We raise these points not because we believe that immediate comment or quickie panel discussions are essential for public understanding of a presidential address (or of the response that CBS may or may not broadcast at some later date), but because thoughtful summations of the content of a speech, as well as additional pertinent information, can be immensely helpful to those who care to stay tuned.

TECHNOLOGY, TRADE, AND TEACHING

Mr. MOSS. Mr. President, the United States has long prided itself on being a nation of practical and pragmatic bent. Our pantheon of heroes includes such great, inventive geniuses as Benjamin Franklin, Thomas Edison, and Orville and Wilbur Wright.

Throughout much of the 20th century we have been the undisputed world leader in the area of technological progress. In recent years, however, we have become content to rest on our laurels, and, as a result, our technological superiority is no longer unquestioned.

In a graduation speech earlier this month at the University of Utah, Prof. M. L. Williams examined some of the ramifications of the recent loss of American technological preeminence. Professor Williams is one of the world's foremost experts in the field of fracture mechanics, and for the past 8 years he has been dean of the College of Engineering at the University of Utah.

Professor Williams makes some very perceptive observations and recommendations in his address, and every Member of Congress would do well to read it. I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Technology, Trade, and Teaching

(By Prof. M. L. Williams)

The subject of my address today is the national posture in technology, particularly with respect to international commerce and the United States trade balance, and implications for engineering education. To the extent you may not have previously thought upon this important subject, I commend it to your professional attention in the firm belief that awareness is the prelude to action. My point of departure is the fact that with about 6 percent of the world's population, America consumes approximately one quarter of the world's resources. To satisfy this ravenous appetite, we import great quantities of goods which must be paid for with similarly large exports. To the extent these exports exceed imports, we enjoy a favorable trade balance. Indeed, this has been the situation for several decades.

In recent times, speaking in terms of logarithmic time and rate theory, it is quite apparent that the pace of life is increasing while the real time scale is continually collapsing. This same phenomenon holds in world trade, particularly with respect to the time lag between the birth of an idea, such as the telephone, its technological exploitation by the innovator, and its being appropriated by our competitors—and in some cases even sold back to us when they can do so at an advantage. Thus, this historical time-lag, which in earlier days protected our head start and our profits in exploiting the fruits of our innovations, no longer exists to the same extent. This international diffusion time is becoming shorter and shorter—thus requiring us to innovate faster and faster and increase labor productivity at an accelerating pace if we are to remain internationally competitive.

During the 1960's the United States enjoyed a favorable balance of trade of up to $8 billion mainly as a consequence of our international leadership and large exports of sophisticated manufactured goods, called technology-intensive products. Typical examples include jet aircraft and complex computers. Beginning in the late sixties, our advantage began to erode until in 1971 for the first time in 80 years our trade balance turned negative reaching a current debit of the order of $8 billion. In the case of trade with Japan, for example, our imports have exceeded exports every year since 1965. The old phrase "sound as the dollar" is no longer true, and most Americans are aware of the current international financial crisis which was precipitated by America's abandoning the long-time fixed price for gold at $35 per ounce due primarily to our deficit in international trade.

So much for some of the patient's more obvious symptoms—what happened?

THE NATIONAL POSTURE

Consider for a moment the national situation at the close of the Korean conflict. Generally speaking, the United States was at a relative maximum in terms of national well being. We had survived a period during which we had been able to enjoy both "guns and butter." Our technological superiority was essentially unchallenged, notwithstanding strong competition in various areas. One searches for a simplistic explanation of the change, such as did the British during the nineteenth century when their industrial leadership passed to their former colonies. The quality of their engineering and products was high, even down through the Comet aircraft and the Rolls-Royce engine. Aside from statistical explanations such as bad luck with good ideas, the basic difference seems to be that American industry was prepared to sacrifice a certain amount of handmade precision quality for interchangeability and mass production at reduced cost for increased markets. Thus, the absolute criterion of superior quality was tempered by what is now termed cost-effectiveness. The engineer became cost conscious, a factor which is not, perhaps, sufficiently emphasized in our modern curricula. Was there then such a simplistic explanation of our changed position in world technology?

If there is, it can probably be expressed in terms of the three basic problems recognized by Mr. Nixon in his 1972 speeches relating to the relations between technology and prosperity in terms of employment, labor productivity, and the international trade balance. While these latent problems areas have always been important factors in our national health, they, and their technological underpinning, suddenly moved into first order importance when triggered by the relatively sudden reversal in public opinion toward technology in 1967–1968. A variety of factors have been advanced to explain this reaction, including a reduced interest in space exploration, disenchantment with the Vietnam War, less concern for national defense, and the emergence of a social conscience for domestic problems. This precipitous decline in public support for technology was in the mathematical sense nearly a step-function change, and nearly as instantaneous as the over-night dismantling of our defense capability after World War II. As any engineer knows, such an unplanned step function change induces violent consequences. Is there any wonder that the much publicized episode of "engineers driving taxicabs" and the concomitant 25 percent decrease in engineering student enrollments occurred?

Mr. K. G. Harr, president of the Aerospace Industries Association, in a Washington speech in April a year ago commented upon this American tendency for over-reaction by saying: "In our violent transition from a period of accelerated technological advance—a virtual technological revolution—to a period of intense and almost exclusive preoccupation with domestic social problems, we have come perilously close to throwing the baby out with the bath water." Note that it is not implied that the baby doesn't need a bath, or, by analogy, that technology doesn't need to have its image improved. It is more a need for a plan to wash the baby with minimal screaming, or accomplish the technological redirection with minimal pain.

In any event, as a result of this backwash against technology, certain effects upon our national health have become rather evident during the past five years, sufficiently so that Mr. Nixon saw fit to deliver on March 16, 1972, the first ever message to Congress on technology. In it he pointed out that, ". . . the impact of new technology can do much to enrich the quality of our lives. The forces which threaten that quality will be growing at a dramatic pace in the years ahead. One of the great questions of our time is whether our capacity to deal with these forces will grow at a similar rate. The answer to that question lies in our scientific and technological progress."

If then, one is prepared to admit that technological health is the mainstay of our overall national well being, it is prudent to recognize and enunciate the technological ingredients in the three problem areas.

EMPLOYMENT

There has been a serious dislocation problem in realigning scientific and engineering employment with new national goals, particularly as a consequence of the step function retreat from our aerospace exploration. Aside from the men and women already in the field and already feeling the direct effect, the adverse and sometimes ill-considered publicity has done its work in influencing engineering enrollments. So much so that widespread negative career guidance counseling in the high schools presages an engineering shortage in the 1978–1980 time scale. A Wall Street Journal feature article of November 13, 1972, points out: ". . . that this drop in enrollments indicates a continuing decline in graduates, to about 32,000 in 1975 (according to) the Engineers' Joint Council (EJC) estimates. The drop in enrollments—they totalled 58,566 last fall, down 25 percent from the 1967 high of 77,551—reflect students' souring on technology oriented careers. It also reflects all that publicity about raking leaves and painting houses." While the engineering schools can help improve the situation by concentrating upon increasing the number of entrants converted to graduates, the basic problem remains one of increasing the initial input. Increased effort by the academic staff is needed to negate the poor public image of engineering opportunities by using direct people-to-people contact in the community and in the high schools.

PRODUCTIVITY

From 1870 to 1950, the United States annual productivity rate exceeded Europe's by 60 percent and Japan's by 70 percent. In contrast, since 1965 the United States has trailed Europe by 35 percent and Japan by 60 percent. As a matter of fact, the current rate of productivity growth per year is only

1.7 percent in the United States compared to 4.5 percent in Europe and 10.6 percent in Japan. Increased productivity of labor is directly related to production costs and it is not at all impossible to price oneself completely out of the international market. By way of comparison, one finds that in the 1959–1965 period, the compensation per man-hour for all U.S. manufactured products increased by 25 percent, and the productivity during the same period had increased 25 percent also. By contrast, however, during 1965–1969 compensation increased another 25 percent but productivity rose only 8 percent. A continuation of this trend will head only to an inescapable conclusion.

I was interested in noting that Mr. David Ginsberg, representing Associated Food Stores Inc., in a Salt Lake City speech on May 20 of this year, made essentially the same point regarding the imbalance between wage increases and productivity improvements in the food products industry. He noted, for example, the resistance met by labor in introducing a technological improvement in the form of an improved chicken knife. When technical improvements emerge, they must be introduced in order to justify wage increases.

In the national interest, labor and industry must not only agree that technological improvement is a necessity in today's international marketplace, but also that normally wage increases should only accompany increased productivity.

Commenting on another factor in labor productivity which is of growing concern, and perhaps reflecting an apathy toward the principles that led to our prosperity, Mr. Richard Gerstenberg, Chairman of the Board of Directors of General Motors, spoke of absenteeism: "In this country today, many people seem to be placing special emphasis on more leisure time both on and off the job."

TRADE BALANCE

The impact of technology upon our trade balance has not been as well appreciated as it might have been. Recently, however, Mr. Michael Boretsky, an economist from the Department of Commerce, has focused attention upon the relation of technology to international trade by discussing the import-export process with respect to four categories: (1) agricultural products, (2) minerals, unprocessed fuels, and raw materials, (3) non-technology intensive manufactured goods, such as textiles and steel, and (4) technology intensive manufactured goods, such as electronics including computers and transportation equipment including jet aircraft. The last category, of major interest to this discussion, is defined primarily by how many engineers and scientists are employed by the manufacturer—in this category about 60 percent of the supply.

Agricultural products are essentially self-explanatory and currently yield the United States a small favorable trade balance of approximately $2 billion per year which has remained reasonably steady over the last decade or so.

In the minerals area, we are not self-sufficient in about 26 categories of those natural resources which are consumed in quantities exceeding $100 million per year. They include such important products as iron ore, copper, zinc, lead, nickel, chromium, oil, and natural gas—the last becoming widely recognized through the publicity given to our energy crisis. The contributions of the mining industry are probably not as widely appreciated as they should be. Mr. Ellery Sedgwick, Chairman of the Board of Directors of Medusa Portland Cement Company, wrote in the Mining Congress Journal, November, 1971, that: "Life has become so complex that few people realize where the money for their paycheck comes from. If it were not for the mining industry first, and the manufacturing industry second, there would be no money to pay anyone's salary. Take the example of the school teacher: he gets paid by the local school district which, in turn, collects the taxes from the residents of the community."

The lawyer pays taxes, the dentist pays taxes, and the steelworker pays taxes. But who pays the lawyers and the dentists? The source of the pay they receive comes directly or indirectly from the earnings of the people who make the things that everyone wants—from people who work in the mines and factories. There is no other source of money than the wealth provided from the earth." Nevertheless, despite the strenuous efforts of the mining and petroleum industries to produce at a level commensurate with America's insatiable natural resources appetite, we are currently operating at approximately a $5 billion annual deficit of exports over imports.

The category of non-technology intensive manufacturing products is also operating with a net trade deficit of about $10 billion. As a general rule, sales in this category are primarily a function of price. The inroads upon our steel exports made by Germany and especially Japan are reasonably well known. It is something of poetic justice that foreign price competitiveness results to a large extent upon the efficiency of their new plants which, with U.S. capital, replaced their older plants destroyed during the war. Meanwhile, among other things, the tax regulations in America seem to have largely prevented replacement of older amortized steel plant facilities in America.

The important category of technology intensive manufactured goods currently yields exports amounting to approximately $26 billion. Imports run on the order of $20 billion, and are rising. For example, prior to devaluation, foreign automobile producers were able to pay the costs of transoceanic shipping and still compete favorably in local markets. In terms of percent of American market, imported automobiles have been steadily rising and exceed American exports, even though our productivity in output per man hour is greater. This factor, however, is to a large extent conditioned to consumer demand which differs as to models desired in the United States and foreign countries.

The situation is clearer as to aircraft and computers. Presently, 80 percent of all civil aircraft throughout the world was produced in American factories; but parenthetically our decision to postpone entry into the supersonic transport (SST) market will probably cost us about $17 billion in foreign trade balance over the near term. As to the computer business, it is probably the most important single product in our export business. This point was also noted just recently by Dr. Edward Teller during his visit to the University of Utah campus during the "Frontiers of Science" series. Its importance is also reflected in the emphasis placed on computer science education, including our own university. From the very small beginning instigated by Professors Paul Tuan and William Viavant in 1964–1965, it has through the leadership of Professor David Evans, and recently, Professor A. C. Hearn, become the largest cost center in the College of Engineering as well as having attained an international reputation in research. The computer industry's rapid and sophisticated development is one of the brightest spots in our trade potential. Its growth rate has literally outstripped the publication time of research papers, and in terms of my initial comments on the decreased internal diffusion time, its progress seems to be measured in terms of the time required to transmit the spoken rather than the written word. The dictum pronounced by Dr. Leo Cherne is beautifully appropriate: "The computer is incredibly fast, accurate, and stupid. Man is unbelievably slow, inaccurate, and brilliant. The marriage of the two is a force beyond calculation."

When one summarizes the trade data assembled by Mr. Michatel Boretsky, one finds that as of 1970, the United States had a slightly favorable import-export balance in the agricultural category, a $3 billion trade deficit in minerals and unprocessed fuel, a $6 billion deficit in nontechnology intensive manufactured goods, and a $10 billion favorable balance in technology intensive products. Further inspection of the Boretsky data for trends indicates that during the early 1960's we enjoyed favorable trade balance of the order of $8 billion; but it has gradually eroded away until it became negative, for the first time in 80 years, in 1971 when the deficit was nearly $2 billion. In 1972 the deficit increased to about $6 billion. Furthermore, this deficit arose mainly because of increased imports in all areas except agricultural goods—and in such amounts that our favorable balance in technology-intensive exports could no longer compensate for the unfavorable balances in the other two areas.

For example, West Germany, in 1970, for the first time relegated the United States to second place in the international market place as prime exporter of all manufactured goods. Indeed, the European Common Market, including Britain, will export twice the manufactured goods as the United States. It is not surprising therefore to now find some "reverse back-lash" building up in this country to establish as U.S. policy the maintenance of a favorable trade balance, insofar as reasonably consistent with other national goals.

REGAINING THE BALANCE

Two approaches are open. The first is de-facto dollar devaluation which prior to last year was considered against national policy. Since then, two devaluations totaling approximately 20% have been instituted to make our export products more attractive. The other is to recognize that the major part of our previous favorable balance arose from our superiority in manufacturing and exporting technology-intensive products. One might therefore attempt to restore the balance by increased technological effort. But, what went wrong before?

It is not accidental that our decline in high technology growth rate occurred at the same time as decreased federal emphasis on research and development (R & D) expenditures. During 1958–1967, the U.S. investment in R & D doubled. Since then, however, national outlays have steadily decreased as a percentage of either the federal budget or grosss national product (GNP). From a 9 percent annual growth rate in 1966, the federal portion of R & D support dropped to a bare one percent per year. The industrial portion fortunately stayed relatively constant at 10 percent per year. The total United States investment, which is broadly distributed, is the lowest annual R & D growth rate of any major nation. For example, one has France 13 percent, Japan 25 percent, Germany 35 percent, and Russia 10 percent—all of which incidentally are more focused efforts than those in America. This national decline has been accompanied by a decreased number of science and engineering graduates which, in view of the long lead time required to reverse the trend, will tend to reduce the breadth of technological competition which the United States can enter effectively.

Now is the time to act upon the President's recommendations to the Congress. Indeed the federal government has already begun, although not particularly by injections of unstructured R & D funds out by exploring *methods* by which industrial research and development can be stimulated and magnified. The most well known of its programs is the National Science Foundation's R & D Technological Incentives Program. It is still in the experimental stages and is weathering growing pains. Nevertheless, industry is responding, although perhaps more in awareness than in dollars; after all it did *not* reduce its annual growth rate which remained consistent with past experience and practice in the absence of special incentives, such as tax relief. Thus, one finds industry somewhat adopting a wait-and-see attitude, although, perhaps, while Rome is burning.

THE EDUCATIONAL IMPACT

The direct opportunity for the educational system to make a first order impact upon restoring the balance through improved high technology is small because of the built-in four year lag in the university graduation cycle. Nevertheless, contributions can come from three sources: (1) community and national service of the academic staff, (2) research, both basic and applied, and (3) students with improved orientation and training.

Service contributions as direct consultant could be through advisory committees to local, state, and federal agencies. This component will respond essentially with the same time constant as informed public opinion. Hence the accompanying importance of disseminating the facts regarding the place of technology in today's economy to an increasingly informed electorate.

The research progress component will tend to respond to the "technology transfer" time constant, i.e., a function of communication efficiency between industry and academia, whether by enlightened adoption of outside ideas by company engineers in spite of the NIH ("not invented here") syndrome, individual academic consultants, or professional meetings and symposia. Considerable effort has been devoted to the mechanisms of technology transfer and technology assessment. Indeed, the words have almost become intellectual toys, but the words, the meanings, are real. We must make it work. The present best way seems still to be people-to-people contact. As to research progress itself, to the extent qualified manpower is available, the output of academic research is proportional and reasonably sensitive to financial pump priming.

Student supply is perhaps the thorniest area to discuss, if for no other reason than more people and more facilities are involved—to say nothing of the differing philosophies of engineering education. During World War II there was a swing away from practitioner-oriented curricula to research oriented ones. Initially, engineering education was job and product oriented and it was an improvement to inject a higher degree of sophistication which in turn permitted development of high technology, e.g., atomic power, jet aircraft, systems engineering, thus supporting and promoting a profitable export business. We are now experiencing a reverse swing of the pendulum toward increased specific relevance in today's technical education, as exhibited by the spawning of increased trade and technology schools which are filling the void left as engineering schools moved more toward science and research with staffs having reduced experience in professional engineering. Engineering schools sensitive to changing requirements should especially note this trend because a recent EJC survey indicates four engineering graduates enter practice for every one entering research.

CONSIDERATIONS FOR CHANGE

The science-engineering-technology (SET) communities should jointly reconsider their responsibilities in the light of changed national priorities. Engineering and technology especially should work to cooperate rather than compete. It is rather unfortunate that engineering, as a profession, developed in specialties first, with integration accomplished at the higher levels of graduate school, compared to, say, the medical profession which provided for commonality first—and one effective lobby organization—and then subsequent specialization. The several individual specialties and associated professional societies are technically excellent for their engineering purposes, but the absence of a unifying single professional engineering spokesman is sorely felt.

The scope of the engineer has broadened, unless he chooses to abandon societal involvement to the politicians. If this premise is accepted, it follows that his education, and perhaps his curriculum, should be expanded to require substantial exposure to relevant topics in law, economics, communications media, and political science. Public affairs should not be an unknown domain for the engineer. After all, as Professor D. H. Pletta wrote: "Individuals associated with the professions have always considered their service to laymen as a most privileged obligation."

Finally, research must remain as an essential experience in an engineering education. Nevertheless it may be prudent to reconsider the distribution of basic and applied research, perhaps weighting the former more toward the universities and the latter toward industry. To maintain and increase our technology-intensive growth rate, one might be able to show a cost benefit for more industry-wide trade associations supporting common interest fundamental research in the universities. Such a return to closer cooperation with industry would tend to reduce the gap which widened with the injection of massive federal research support.

INNOVATIONS IN MEDICAL PEER REVIEW IN CALIFORNIA

Mr. CRANSTON. Mr. President, when peer review of medical care in the United States is discussed, the conversation inevitably will turn to CHAP, the certified hospital admission program, carried out by the Sacramento County Medical Society through its medical care foundation. This program was begun in April 1970, under the leadership of Dr. James Schubert and Dr. John Babich, two dynamic physicians practicing medicine in Sacramento, Calif.

These two physicians pioneered in the establishment of CHAP, a peer review system which has resulted in dramatic reductions in inefficient utilization of expensive hospital inpatient care. The effectiveness of this program was recently described by Dr. Earl Brian, administrator of California's health and welfare agency, in an article published in the New England Journal of Medicine on April 26, of this year. In that article Dr. Brian compared the effectiveness of the CHAP program to the effectiveness of a hospital utilization program implemented by the State of California for services provided under the title XIX MediCal program and found that under both programs hospital utilization was reduced, but that the total length of hospital stay was reduced to a greater extent under the CHAP program.

One interesting statistic which the comparison shows is that hospitalization utilization was higher in the CHAP area than in the comparable area using the MediCal utilization review. The article attributes this higher utilization to the availability of specialized services in the Sacramento area.

I think it interesting to note—and it may well be unrelated to the hospitals utilization rate—that one major difference in the two programs was that of prehospital admission review. Under CHAP there was no restraint on hospital admissions except in the case of patients of physicians who were on review for previous records of unnecessary utilization of hospital care. Under MediCal all hospital admissions, except in the case of emergencies, required approval.

I have serious reservations about the implications and desirability of requiring approval for all nonemergency hospital admissions of patients under the medicaid program. I believe it sanctions the clear possibility of a double standard of care—one for the affluent and one for the medically indigent—in that decisions on hospital admission for those unable to afford care could be based on budgetary considerations rather than optimal health care considerations.

Mr. President, the article describes in detail the differences in method and approach utilized under both programs in comparable communities.

I believe it will be useful to Members of the Senate to have this information available to them as examples of two methods of peer review which are currently being utilized. Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foundation for Medical Care Control of Hospital Utilization: CHAP—A PSRO Prototype

(By Earl Brian, M.D.)

Abstract

Operating concurrently with a California government program to control hospital utilization in a Medicaid program is the Certified Hospital Admission Program (CHAP), carried out by the Sacramento County Medical Society through its Medical Care Foundation.

During the CHAP eight-month study period, May through December, 1970, the observed hospital days of stay declined nearly 17 per cent. The observed number of admissions declined more than 11 per cent, and the average length of stay decreased from 4.7 to 4.4 days—6.4 per cent below the expected number. These reductions exceeded those found in comparable areas where a similar control program was operated by the California state government.

Thus, CHAP not only has proved to be as effective as the government-operated program, but has the added dimension of being operated by a medical society, free from direct government intervention. (N. Engl J Med 288:878–882, 1973).

Through the past decade, government-financed programs for the poor, the aged, and the disabled have generated a tremendous influx of money into the country's health-care system. The intent of these programs was, of course, to make health care more readily available to groups of people who had historically been excluded from the mainstream of American medicine. The expectation of the government in establishing this subsidy for health care appears to have been that a largely undefined natural system of informal controls would ensure the discretionary utilization of the nation's health-care resources. However, the government dollars rather tended to stimulate a rapid and sometimes capricious expansion of health-care services, facilities and equipment. Consequently, the net effect of this "new" money in the health-care system was to aggravate the already inflationary trend in health-care costs.

Recognizing this trend, the California State Health and Welfare Agency, through its Department of Health Care Services, implemented in April, 1970, a program to control hospital admissions and lengths of stay for the Medi-Cal program. This program was designed to reduce unnecessary hospitalization.

In reporting previously on a study of the effectiveness of this government-operated program, I stated:

". . . because of insufficient action in the non-government health community to control hospitalization, a requirement was made in California under the Medicaid (Medi-Cal) program that all non-emergency admissions be approved for a specified number of days of stay before admission, by Medi-Cal Program physicians (known as Medi-Cal consultants). Extensions of approved lengths of stay also required approval. During the nine-month study period, April to December, 1970, an overall decrease in Medi-Cal hospital utilization of approximately 16 per cent was observed . . . (This reversed an upward) hospital utilization trend that had been developing under Medi-Cal since 1968. The (primary) effect of the control was . . . to deter unnecessary hospitalization." [1]

The hazards of introducing such a system of government controls are that the system has a tendency to expand and to become permanent, and that the government is not a welcomed partner in the health field.

To avoid such difficulties, California laid the groundwork to transfer control of the health system back to the local communities by establishing concurrently a system of Prepaid Health Plans [2] similar to Health Maintenance Organizations (HMO's), and hospital utilization programs modeled after the government program, but managed locally by physician organizations, not unlike the Professional Standards Review Organizations (PSRO's) established in the HR-1 legislation.[3]

This article examines the effectiveness of this locally managed program and suggests an alternative structure to the government that can function in the public interest.

THE MEDICAL CARE FOUNDATION PROJECT

The Certified Hospital Admission Program (CHAP) was implemented for Medi-Cal recipients, effective April 13, 1970, by the Sacramento County Medical Society through the Medical Care Foundation of Sacramento. The Foundation is ". . . a corporate organization of the Sacramento County Medical Society with an enrollment of 500 of the 700 private practitioners in Sacramento and El Dorado counties. Its chief function has been the establishment and approval of minimum standards for health insurance programs underwritten by commercial carriers." [4] Before the implementation of CHAP, the Foundation reviewed and processed Medi-Cal claims of physicians and clinical laboratories.

CHAP grew out of a co-operative effort between the California Western States Life Insurance Company and the Medical Care Foundation to develop a ". . . comprehensive private health insurance plan that could be presented at a reasonable premium, that allows for freedom of choice of physician and hospital, that is adaptable to various consumer groups and that would be supported by both insurance industry and the medical profession." [4]

The CHAP approach to utilization is based on experience in the Foundation's peer-review mechanism, which demonstrated that any program to control hospital utilization must be carried out before and during hospitalization and not after discharge. More often than not, utilization control procedures introduced after discharge have proved ineffectual and have caused substantial administrative difficulties.

The mechanism of the Certified Hospital Admissions Program are as follows:

Medical advisers

The Medical Care Foundation appoints experienced local physicans to serve as medical advisers. Each adviser is assigned a "panel" of practicing physicians from his own particular specialty. With assistance from the nurse co-ordinators, the medical adviser reviews and certifies both the admission and the hospital length of stay for patients to be admitted by physicians in his panel.

Nurse coordinators

The Foundation appointed a single senior medical adviser to supervise all the nurse co-ordinators directly. Basic day-to-day administration of the program is performed by registered-nurse co-ordinators employed by the Foundation. The nurse co-ordinators are assigned to one of two functions: either preadmission screening or inpatient monitoring.

The nurse co-ordinator at the CHAP headquarters certification desk screens all nonemergency Medi-Cal admissions and refers questionable cases to the medical advisers for review and appropriate action. The nurse maintains a central record of all admission approvals and denials.

Physicians with past records of unnecessary hospitalizations were placed "on-review" by the CHAP administrators. This included about 5 per cent of the physicians. All admissions by physicians "on-review" are submitted to a medical adviser for certification or denial. Each physician, except those "on-review," certifies the necessity of each patient he is admitting to the hospital. Thus, except for the individual physicians placed under special review. CHAP functions as a *preadmission notification program*, and not as a *prior authorization* system.

Emergency admissions are reported either to the CHAP headquarters admitting desk or to the hospital nurse co-ordinator no later than the first working day after the date of admission.

The nurse co-ordinators assigned to the hospitals review the facts surrounding the admission, the course of treatment, the planned length of stay, and the patient's general condition through the hospital records and frequent contact with the patient and attending physician. The medical adviser is consulted on such questions as the medical necessity for extending a length of stay.

When an unresolved disagreement exists between the medical adviser and the attending physician, a specialty consultant appointed to arbitrate disagreements reviews the case. The specialty consultant thus serves as a first step in the appellate mechanism. Experience reveals that the mechanism is used infrequently.

During the study period there were no formal guidelines giving criteria for allowable admissions. The criterion used was a medical necessity for the patient to be hospitalized. The guideline for length-of-stay was the 50th percentile for the diagnosis and age group, as published by the Commission on Professional and Hospital Activities. Other authors [4-6] have discussed the mechanics of CHAP in greater detail.* None of these authors, however have presented evidence demonstrating how the results of CHAP compare with government-operated controls. The data presented below make this comparison.

The government controls, which were more completely described earlier,[1] are also based on the peer-review concept. The peer is a state-employed physician called a Medi-Cal consultant. The Medi-Cal consultant approves or denies the requested service by reviewing a Treatment Authorization Request (TAR) initiated by the attending physician. The request contains the "initial diagnostic impressions," the recommended treatment, the age and sex of the patient and identification of the patient and the attending physician.

From this information, and in some instances, after consultation with the attending physician, the Medi-Cal consultant either denies the hospitalization request or approves the hospitalization for a specified number of days. (No nurse co-ordinators are used in the government program.) Extensions of the approved lengths of stay also require approval. Emergency admissions do not require approval for admission, but do require approval of stays for more than eight days. The government controls primarily affected admissions whereas the CHAP procedures, having nurse co-ordinators in the hospitals, stressed reductions in the length of hospitalization.

DATA AND METHODS

The population studied was the Aid to Families with Dependent Children (AFDC) category in the Medi-Cal Program. This category constitutes about 73 per cent of the total Medi-Cal population and apart from its young average age, is more comparable to the total civilian population than the other welfare categories.

The analysis encompassed hospital-discharge data for patients in the Aid to Families with Dependent Children category. Admissions to extended-care beds and newborn infants were excluded from analysis. However, when the newborn infant remained in the hospital after the mother's discharge, it was considered to be receiving acute care and was included in the statistics.

The interval selected for the study was May, 1970, through December, 1970, the same period as was used in the previous study.

The evaluation method consists of comparing the projected 1970 rate of admissions, length of stay and days of care for recipients of Aid to Families with Dependent Children in community hospitals with the observed 1970 rate of admissions, lengths of stay and days of care. The May-December, 1969, monthly rates of admissions (admissions per 1000 recipients of such aid) were used to project the expected rates of admissions for May-December, 1970. The May-December, 1969, average lengths of stay multiplied by the monthly expected admissions were used to project the expected hospital days for May-December, 1970. The expected 1970 average length of stay was projected by division of the expected May-December, 1970, hospital days by the expected May-December, 1970, hospital admissions. The basic comparison was between the observed rates for the variables studied and the projected rates that would have been expected in a particular area if the controls had not been implemented.

From this evaluative base—i.e., the comparison of projected 1970 rates versus the observed rates—the fundamental study question was examined: How successful was CHAP in controlling unnecessary utilization as compared to government controls under similar conditions?

The government-operated utilization control program for the other Central Valley counties of California was selected as the control region for comparison with CHAP. California, as a whole, displays a diversity of geographic, demographic, social, economic and political conditions. The Central Valley comprises one distinct geographic region of the State, often referred to as the agricultural heartland of California.

Sacramento County as one county in this valley shares with the other counties sim-

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Footnotes at end of article.

ilar demographic, economic, social and health conditions. Unlike most of the other valley counties, however, Sacramento contains a metropolitan center, Sacramento. To investigate the effect that the presence of a metropolitan center might have on the data, an additional comparison was made between Sacramento County and Fresno County. Fresno County ranks second in size to Sacramento within the Central Valley and contains a metropolitan center, Fresno.

Illustrations of the civilian population, selected population characteristics, and the annual community hospital experiences for Sacramento County, Fresno County and the valley counties are included in Tables 1 and 2.

TABLE 1.—POPULATION CHARACTERISTICS BY STUDY AREA APRIL, 1970 [1]

Characteristic	County area: Sacramento	Fresno	Valley [2]
Total population	631, 498	413, 053	2, 020, 877
Median age	26. 9	26. 2	27. 7
Percent female	50. 9	51. 2	50. 4
Percent 65 and over	7. 1	9. 0	9. 4
Percent nonwhite	10. 3	9. 8	7. 6
Percent income under poverty level	10. 5	18. 6	16. 3
AFDC [3] study population (monthly average, May–December)	60, 064	50. 866	206, 830

[1] Source: U.S. Bureau of the Census: Final Report PCI–B6, table 35; Final Report PCI–6, table 24. Government Printing Office, Washington, D.C., 1971.

[2] Valley counties comprise Amador, Butte, Calaveras, Colusa, Fresno, Glenn, Kern, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, and Yuba.

[3] Aid to families with dependent children.

TABLE 2.—ANNUAL COMMUNITY HOSPITAL EXPERIENCE IN SACRAMENTO COUNTY, FRESNO COUNTY AND THE VALLEY COUNTIES [1]

Type of experience	Sacramento county	Fresno county	Valley counties [2]
1970:			
Total admissions	77, 365	43, 568	212, 288
Admissions/1000 civilian population	124	105	106
Average length of stay [3]	6. 60	5. 64	5. 94
Occupancy rates	75. 4	66. 9	66. 3
Number of beds/10,000 civilian population	29. 8	24. 3	25. 9
Number of nonFederal physicians providing patient care/100,000 civilian population	153. 2	118. 2	104. 8
1969:			
Total admissions	74, 009	42, 558	207, 261
Admissions/1000 civilian population	122	104	105
Average length of stay [3]	6. 87	5. 93	6. 35
Occupancy rates	82. 1	68. 8	71. 1
Number of beds/10,000 civilian population	27. 9	24. 5	25. 6
Number of nonFederal physicians providing patient care/100,000 civilian population	142. 8	114. 9	105. 7

[1] Source: Hospitals Guide Issue. Hospitals (JAHA), Vol. 44, No. 15, Aug. 1, 1970; Vol. 45, No. 15, Aug. 1, 1971; State of California, Health & Welfare Agency, Department of Public Health, Facility Files; California Medical Association records.

[2] See Table 1 for list of counties included.

Average length of stay computed by multiplication of average daily census by 365 and division by number of admissions.

FINDINGS

During May-December, 1970, the hospital admissions in Sacramento County declined from a projected rate of 13.2 per 1000 eligible recipients of Aid to Families with Dependent Children to an observed rate of 11.7 per 1000, a percentage decrease of 11.4. By comparison, under the government program the relative decline in Fresno County over the same period was 13.0 per cent. In the contiguous valley counties under the government program a relative decline of 8.1 per cent was observed during the same period (Table 3).

The Certified Hospital Admissions Program was successful in reducing the average length of hospital stay for eligible recipients of Aid to Families with Dependent Children (Table 3). The average length of stay for CHAP-monitored hospitals declined 6.4 per cent from 4.7 to 4.4 days per stay, whereas the government programs in Fresno County and the Central Valley group each experienced a 2.4 per cent decline in the length of stay.

The cumulative effect of CHAP in limiting both unnecessary admissions and hospital length of stay was a 16.7 per cent reduction in total hospital days. Concurrently, the government controls in the valley counties and Fresno County produced reductions in the number of hospital days of 9.5 per cent and 13.5 per cent respectively (Table 3). The denial rate for hospitalization requests was approximately 3 per cent under both the CHAP and the government programs.

TABLE 3.—AVERAGE MONTHLY ADMISSIONS PER 1,000, AVERAGE LENGTH OF STAY AND AVERAGE MONTHLY DAYS OF CARE PER 1,000, MAY–DECEMBER 1970 [1]

County area	Expected [2]	Observed	Percent change from expected
	Average monthly admissions per 1,000		
Sacramento CHAP [3]	13. 2	11. 7	−11. 4
Fresno County	9. 2	8. 0	−13. 0
Valley counties [4]	11. 1	10. 2	−8. 1
	Average length of stay		
Sacramento CHAP [3]	4. 7	4. 4	−6. 4
Fresno County	4. 2	4. 1	−2. 4
Valley counties [4]	4. 2	4. 1	−2. 4
	Average monthly days of care per 1,000		
Sacramento CHAP [3]	61. 6	51. 3	−16. 7
Fresno County	38. 4	33. 2	−13. 5
Valley counties [4]	46. 3	41. 9	−9. 5

[1] Source: State of California Health and Welfare Agency, Department of Health Care Services, Program Analysis Bureau; Hospital Utilization Records, MCF–CHAP. Job 4073.

[2] Expected rates per 1,000 based on experience in May–December 1969. The study involved 20,188 admissions in 1969 and 22,657 in 1970 for a total of 87,968 hospital days in 1969 and 94,509 in 1970. Expected length of stay derived from the ratio of expected days of hospitalization to expected admissions.

[3] Certified hospital admission program.

[4] Valley counties include Amador, Butte, Calaveras, Colusa, Fresno, Glenn, Kern, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, and Yuba.

DISCUSSION

The study clearly demonstrates that a local-medical-society utilization control program can be at least as effective in controlling unnecessary hospital utilization as a government-operated program. And, in view of the low rate of denials of requests for hospitalization reported above, the effectiveness of the controls under both programs appeared to lie in the deterrent effect of the controls and in the procedures employed.

The procedures used by both CHAP and the government program to eliminate unnecessary hospitalization differed rather clearly. CHAP placed no constraints on admissions, except for the few physicians "on-review," whereas under the government programs, all nonemergency admissions required approval. Nevertheless, very important reductions were achieved under both programs. It appears that the mere establishment of any peer-review activity will eliminate some of the marginal admissions.

The procedures for controlling lengths of stay also differed between CHAP and the government program. The on-site presence of nurse co-ordinators, reviewing charts, seeing the patients and talking with the physicians, appeared to achieve more effective control on extended stays than was possible in the government program, where there was no on-site review.

The on-site presence of nurse co-ordinators and the involvement of the community medical staff were probably most responsible for CHAP's other advantages.

The CHAP program appeared to be more acceptable to the community physician and the hospital staff than the less personal government control program. CHAP afforded an excellent opportunity for physician education on an ongoing basis. By the nature of the program each physician's practice was reviewed regularly, and the physicians receive reminders periodically from their peers on the standards of acceptable medical practice.

Hospital acceptance of CHAP related to three factors. The first was that hospital administrators are acutely aware of the many instances of misuse of hospitals and would naturally prefer to see their facilities used appropriately. Secondly, the administrators were involved in the earliest planning stages of CHAP, and the mechanics of the program were worked out to avoid disruption of the internal procedures. Thirdly, the presence of CHAP staff in the hospital virtually guaranteed the review of each admission and extension in length of stay. Hence, after a careful study of the reliability of the control procedures, Medi-Cal administrators were able to guarantee the hospital payment for each Medi-Cal patient by granting to CHAP a waiver of the normal State regulation requiring prior authorization. By contrast, under the government program, State regulations mandated that the prior authorization request be attached to the hospital claim for payment. If an authorization had not been obtained, payment could not be made by Medi-Cal, with the result that the hospitals usually established their own internal control systems to ensure that authorizations had been obtained. Hospitals in the CHAP area were freed of this complication.

Interestingly enough, notwithstanding the success of the CHAP program in improving use patterns, hospital utilization was substantially higher in the CHAP area than in the comparison areas. Table 3 shows an average days of care per 1000 in the CHAP area of 51.3 as compared with 33.2 and 41.9 for Fresno County and the Valley counties.

The Valley counties surround Sacramento County as well as the metropolitan comparison county of Fresno. Altogether, they comprise the Great Central Valley of California and share the same general social, economic and demographic characteristics. Any factor that would affect the motivations, behavior patterns or need for medical assistance in one study area would be expected to affect all three study areas. An additional indication of the common health pattern of the Central Valley region was found in an analysis of the major causes of death, in which no substantial differences were found between Sacramento and the other counties.[8]

The differences in utilization patterns can therefore be more parsimoniously attributed to the availability of particular services in Sacramento than to any particular geographic, economic, social, demographic or health factor.

The higher hospital utilization rates in Sacramento County for the population eligible for Aid to Families with Dependent Children is consistent with the pattern of utilization for the entire population in the county (Table 2). The overall higher rate of utilization in Sacramento County might be accounted for, at least in part, by the substantially greater availability of physicians and hospital beds in Sacramento County as against the control regions. Shain and Roemer,[9] as well as others, have argued that the availability of beds will affect utilization. It is reasonable to conclude, therefore, that because of this greater availability of services in Sacramento County more specialized services were being provided to a wider range of people than in Fresno and the valley counties.

Finally, the availability of particular specialized services in a particular area such as Sacramento should not logically in itself affect the ability of one type of program over another to control unnecessary hospital utilization. The results obtained by CHAP are then comparable to what would have been expected from the government-operated program if it had been operative in Sacramento.

The controls described for CHAP and for the statewide Medi-Cal program fall short of those required of PSRO's. PSRO's not only have the authority to require authorization for hospital admissions[10] and for extending lengths of hospital stays[11] but also require, when possible, that services be provided on an outpatient basis, or in an inpatient health-care facility of a different type that is more economical.[12]

At the date of this study neither CHAP nor Medi-Cal had well developed programs to stress outpatient alternatives, nor to ensure that nursing homes, intermediate-care facilities, day surgery, etc., were used whenever these levels of care were appropriate for a specific patient. Therefore, the 15 to 16 per cent patient-day savings by CHAP and the statewide Medi-Cal controls appear to be the minimum possible under PSRO programs once they are fully implemented.

Although governmental control procedures are not inherently bad, they do tend to become onerous and, once established, to pre-empt the development of alternative approaches. Those possessing a real interest in maintaining the present pluralistic system of medical care must accept the responsibility for both leadership and action, now. The alternative will be sweeping governmental programs that run the risk of seriously jeopardizing the future of such a pluralistic system.

The model presented by CHAP and, let us hope, the PSRO will offer society, to quote Kissick,[13] a ". . . social instrument short of government that [can] function in the public interest."

I am indebted to Drs. James Schubert, James C. Bramham, John M. Babich and H. John Rush, of the Medical Care Foundation of Sacramento, for their leadership in developing CHAP and for their effective management of the Medi-Cal project, and to John Keith, of the California Department of Health Care Services, for assistance in the preparation of the statistical reports contained herein.

FOOTNOTES

* The interested reader is also referred to the Illinois Hospital Admission and Surveillance Program.[7]

[1] Brian EW: Government control of hospital utilization: a California experience. N Engl J Med 286:1340–1344, 1972

[2] *Idem:* The Medi-Cal reform law. Calif Health 29(10):1–5, 1972

[3] Public Law 92–603 (HR–1), 1972, Title XI, Part B, Section 1152

[4] CHAP—Certified Hospital Admission Program. Sacramento, California, Medical Care Foundation, Sacramento County Medical Society, 1970

[5] Daiger S: Peer review: cost control or quality control. Calif Med 113(6):75–80, 1970

[6] Schubert JJ, Braham J, Schiro F, et al: The Certified Hospital Admission Program, Calif Med 115(1):100–101, 1971

[7] Flashner BA, Reed S, White R, et al: The hospital admission and surveillance program in Illinois. JAMA 221:1153–1158, 1972

[8] Death Records Sacramento, State of California, Health and Welfare Agency, Department of Public Health, 1971

[9] Shain M, Roemer MI: Hospital costs relate to the supply of beds. Mod Hosp 92(4):71–73, 168, 1959

[10] Public Law 92–603 (H.R.–1), 1972, Section 1155.

[11] *Idem:* Section 1156

[12] *Idem:* Section 1151

[13] Kissick WL: Health-policy directions for the 1970's. N Engl J Med 282: 1343–1354, 1970.

MANDATORY ALLOCATION SYSTEM FOR PETROLEUM

Mr. MONDALE. Mr. President, the need for a mandatory allocation system for petroleum and petroleum products has been shown over the past 3 weeks. Under the leadership of the Senator from Washington (Mr. Jackson) the Senate recently passed strong legislation to achieve that end.

The need for such legislation is shown in the experience of Midland Cooperatives, of Minneapolis. Midland, which serves 100,000 farm families in the upper Midwest, has been unable to convert public assurances of support into actual barrels at its Cushing, Okla. refinery. This has meant severe hardship for thousands of farm families in Minnesota and other States throughout the upper Midwest, who rely heavily on Midland for fuel products.

Last week, Midland obtained approximately 11,000 barrels per day of Federal royalty oil to help keep its refinery in operation. But its efforts to get its historic allocations—or a reasonable percentage thereof—from its suppliers have been frustrated, in spite of the fact that Midland serves farm communities all over the upper Midwest.

Mr. President, I ask unanimous consent that the statement of Midland Cooperatives, Inc., on the effectiveness of the voluntary allocation plan be printed in the Record at the conclusion of my remarks, as a further indication of the need for a mandatory control plan as soon as possible.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Midland Cooperatives, Inc.

SUMMARY

During the base period set up on May 10, 1973, for voluntary allocation of crude oil and refined products, Midland Cooperatives, Incorporated, was supplied by four major oil producers with 60 percent of the crude oil necessary to operate Midland's 19,500 barrel per day refinery at Cushing, Oklahoma.

Since the announcement by William E. Simon, deputy secretary of the Treasury and chairman of the Oil Policy Committee, of the voluntary allocations program, Midland has contacted each of these historical suppliers. One has responded affirmatively. Whereas during the base period, this supplier furnished 37 percent of the Cushing refinery's throughput requirement, Midland was informed that under the voluntary allocations program it is only entitled to 7½ percent of that supply. That amount of crude oil is inconsequential. It does nothing to solve the problem of supplying the needs of the Cushing refinery.

It has been Midland's experience that the voluntary allocation system is ineffective. The alternative is mandatory allocation, a system which should carry appropriate penalties for failure to comply and a system which should be augmented by a specific list of priority users.

Descending priorities should be: Agriculture; transportation; health care; federal, state, county and municipal government; vital industry.

Midland Cooperatives also supports following endeavors:

Coal supplies must be used wherever possible to replace fuel oil and natural gas for industrial and commercial purposes;

Alternative sources of energy, including atomic, solar, geothermal and shale oil must be developed;

The federal government should own a six-month reserve supply of crude oil and distribute it only for emergency and national security purposes.

STATEMENT

Midland Cooperatives, Incorporated, is a regional supply cooperative owned and controlled by some 600 cooperatives in Minnesota, Wisconsin, Iowa, North Dakota and the Upper Peninsula of Michigan. Midland was organized in 1926 primarily for the purpose of supplying petroleum products to its members. Although Midland's services have expanded since its 1926 organization, its major product still is petroleum. Approximately 350 of its member cooperatives are involved in petroleum distribution and they are the principal suppliers of an estimated 100,000 farm families.

Midland acquired its 19,500 barrel-per-day refinery in Cushing, Oklahoma, in 1943. The regional cooperative also has a small interest in a refinery in McPherson, Kansas. The Cushing refinery is Midland's main source of supply.

Throughout the history of Midland's refinery operations, it has depended upon the purchase of crude oil outright on domestic markets and an exchange of import allocation tickets for its sources of supply. Midland owns only about 5 percent of its crude oil needs.

Despite this dependence on external suppliers for crude oil, the refinery has operated at a steady rate throughout 30 years of petroleum refining. Until October, 1972 Midland was able to provide a constant and steady supply of sufficient petroleum to meet members' needs. Midland was forced to allocate products to its member cooperatives in December, 1972. This situation continues.

Since January, 1973, the refinery has operated at only 33 percent of its capacity due to a lack of crude oil. Some historical suppliers ceased to furnish Midland with crude oil late in 1972. Although Midland has import tickets on hand to supply 9,800 barrels of crude oil per day for the remainder of 1973, no historic supplier has been willing to trade domestic crude oil for those fee-exempt import tickets.

Since President Nixon's imports fee program was implemented on April 18, 1973, Midland has been unable to trade any tickets for domestic crude oil supplies. It is Midland's experience that major oil companies, which formerly exchanged domestic crude oil for Midland's import tickets, now are purchasing whatever tickets they need in addition to their fee-exempt tickets from the federal government at a license fee of 10½ cents a barrel. This situation puts Midland in the possible position of losing its right to import allocations tickets if these tickets are not used during 1973. In addition, major oil companies have established precedent need for additional allocation tickets so that they will continue to receive them in the future.

The voluntary allocations program of May 10, 1973, offered a further avenue for Midland to explore in its search for crude oil supplies to operate the Cushing refinery. Telegrams were sent to the four major oil companies that supplied Midland during the base period set up by the program: Continental Oil Co., New York; Kerr-McGee Corp., Oklahoma City; Mobil Oil Corp., New York, and Sun Oil Company, Philadelphia. (These firms no longer supply Midland; their record of supply is explained in the table attached to this statement).

Replies were received from three: Continental, Kerr-McGee and Sun. Continental and Kerr-McGee said they would study the matter. They have not yet reported results of their studies. Sun said that based on its computations, Midland was entitled to 475 barrels per day of crude oil. During the base period, Sun supplied the Cushing refinery with 6,400 daily barrels of crude. Midland would rate the results of its experience with its former suppliers under the voluntary allocations program as highly unsuccessful. Crude oil in the amount of 475 barrels per day is inconsequential to solving the needs of supply for the Cushing refinery.

Currently the refinery is operating at 10,000 barrels a day or 50% of its capacity. This is made possible only because Midland has been able to work out a processing arrangement with a major oil company to process 7,000 barrels a day, of which that firm takes a major portion of the finished product. This arrangement only provides Midland with less than 10 percent of its needs.

In order to supply member cooperatives, Midland has purchased large quantities of burner and power fuels from domestic and foreign sources at premium prices. These sources are becoming increasingly more difficult to find and the premiums are mounting almost daily.

POSITION

Midland Cooperatives endorses a program that would make it mandatory for oil importers to exchange oil import tickets with independent refiners before they are permitted recourse of obtaining more import allocations tickets from the federal government.

Midland Cooperatives also supports a mandatory system of allocation of crude oil and petroleum products, with penalties for noncompliance and with a system of distribution to priority users.

CONCLUSION

The United States is short of refining capacity, yet the Midland Cooperatives refinery at Cushing, Oklahoma, located in the richly-agricultural, mid-continent area, operates at half of its capacity. Currently it is producing less than 10 percent of the petroleum needs of the 350 cooperatives and 100,000 farm families it serves.

With such severely curtailed refinery production, Midland has purchased gasoline and distillates on domestic and foreign markets at premium prices to supply its members. These premium-priced products are becoming scarce. Unless refinery production is restored and unless external supplies of petroleum become more available, Midland will not be able to supply the needs of its members during the fall harvesting season. Without a warm winter in the Upper Midwest and wet planting conditions this spring, the situation would already have been more critical than it already has proven to be.

Midland operates in an area that has been abandoned by Triangle Refineries, Inc.; Bell Oil and Gas Company; Gulf Oil Company—U.S., and Sun Oil Company. These firms have made official announcements of their withdrawals. There are other suppliers who unofficially have withdrawn from supplying many rural jobbers and marketers.

These firms are leaving a void that must be filled by cooperatives such as Midland and other remaining petroleum marketers in the Upper Midwest. To fill the void means that refineries must run at capacity. The current import program and voluntary allocations system do not fulfill this need.

The following table is a listing of Midland's external suppliers during the base period of October 1, 1971, through September 30, 1972.

Of these suppliers, Koch Oil P.L., Koch Oil Truck, Permian Corp., O.K.C., and Tonkawa Refy. continue to supply the Midland Refinery.

MIDLAND COOPERATIVES, INC., CUSHING REFINERY, CRUDE OIL SUPPLY, OCT. 1, 1971, THROUGH SEPT. 30, 1972

		Barrels Oct. 1, 1971, to Sept. 30, 1972			Oct. 1, 1971, to Sept. 30, 1972, barrels per day		
	Percent crude oil supply	Total crude supply	Purchase	Exchange	Total crude supply	Purchase	Exchange
Sun Oil	37.08	2,356,246	1,627,009	729,237	6,455	4,458	1,997
Koch Oil P.L.	26.70	1,696,468	1,666,936	29,532	4,648	4,567	81
Koch Oil Truck	2.53	160,694	160,694		440	440	
Kerr McGee	13.89	882,520	882,520		2,418	2,418	
Mobil Oil	9.12	579,553		579,553	1,588		1,588
Continental	5.79	368,000	251,068	116,932	1,008	688	320
Permian Corp	2.44	155,091	155,091		425	425	
O.K.C	1.64	104,228	104,228		286	286	
Tonkawa Refinery	.81	51,810	51,810		142	142	
Total	100.00	6,354,610	4,899,356	1,455,254	17,410	13,424	3,986

PANORAMA

Mr. ROBERT C. BYRD. Mr. President, on Monday, April 23, I was interviewed on "Panorama," a production of Washington's WTTG, channel 5. The interviewers were Bonie Angelo of Time magazine and John Willis, a regular member of the Panorama team.

I ask unanimous consent that the transcript of that interview be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

"PANORAMA"

ANGELO. We are so pleased to have with us today, even though the Senate is in recess, the number two Democrat of the United States Senate. He is Senator Robert Byrd of West Virginia, Democratic Whip. This year, even after 21 years on the Hill, Senator Byrd's star has never been so high. He was the man who led the battle in defeating the nomination of Patrick Gray as head of the FBI. But because this whole city is convulsed by the Watergate, because Senator Byrd has had a great deal to do with that, we've got to start on that. Senator, what would you have the President do with all we know about Watergate now?

BYRD. The President can't absolve himself from accountability for the actions of those around him. I do not at this time, nor do I want to, believe that the President had advance knowledge of the Watergate bugging. But I feel that in view of the statement that he made last week—to the effect that because of serious charges which had been brought to his attention on March 21, he had launched an intensive new investigation—even going so far as to indicate that there may be indictments—he certainly ought to know the names of those around him who are under suspicion or may be about to be indicted. I think that he has to extricate himself from this developing scandal, and I believe that to do this he is going to have to yield ground—not grudgingly, nor stingily, nor reluctantly, under pressure. He is going to have to act decisively; he is going to have to cut sharp and to the marrow of the bone. And he needs to act now—not wait for the indictments to fall.

WILLIS. Senator, who do you think is going to help him do that?

BYRD. I don't think he needs any help.

WILLIS. Somebody in the White House has got to give him the facts, apparently. If we believe what we have been reading, he's been the end product of a lot of misinformation.

BYRD. I think that's true. But as I indicated, I think he already knows to whom the finger of suspicion is pointed. He should act quickly to suspend all those persons who are about to be indicted. I think he knows who they are. Frankly, I don't think he ought to wait for the indictments to fall.

ANGELO. Judging by what has already come out in the press, who do you think he would have to suspend?

BYRD. I think at the very beginning, he would have to suspend John Dean, because John Dean conducted the investigation on which the President, on August 29 of last year, stated categorically that no one in the White House or in the Administration presently employed had anything to do or was involved in this bizarre incident. I think that John Dean misled the President, and I think that John Dean ought to resign out of loyalty to the President. Certainly, the President ought not wait for this. And there are others, undoubtedly. I don't know who they are.

ANGELO. What about Mr. Haldeman?

BYRD. I don't want to name any of the names. I only mentioned John Dean because he played center-stage in connection with the confirmation hearings of Patrick Gray. He was the one who conducted the investigation, which certainly had something to do with misleading the President.

ANGELO. Over the weekend, Senator Brooke of Massachusetts, who, of course, is a Republican, suggested that the President almost had to know a certain amount about this affair. What do you think about that?

BYRD. I have no facts which would indicate that. And I would not want to believe that. The President was deeply involved in the Paris talks; he was involved in the fight against inflation. I don't want to believe that the President was personally involved. I think he must bear some responsibility for any attempted cover-up, and I think, in order to save himself and the Republican Party, he is going to have to act decisively. I think that he ought to dismantle the Committee for the Re-election of the President summarily. I think he ought to appoint a special prosecutor in the Watergate case. And I think he ought summarily fire every person on his staff involved in the Watergate affair, and reconstitute his staff. There are a lot of good people on his staff. They are, by association, probably being judged guilty in the eyes of a lot of people. I think the President needs to reconstitute his staff, retain those people who are loyal and dedicated and whose integrity is not questioned, and get rid of the others.

WILLIS. Senator, a moment ago I'm sure you heard somebody raise the possibility of FBI involvement. Do you think there is any credence to that?

BYRD. Again, I have no facts that would indicate that.

ANGELO. Senator, what do you think about the effects on the President in dealings with Congress, as you have already been at a pretty bad pass as a result of the Watergate?

BYRD. Well, when the President is in trouble, we're all in trouble. I think the President has many friends on the Hill in both parties. I am sorry to say that the Administration's abrasiveness in recent weeks and months, especially with reference to executive privilege, has hurt the President with his friends on the Hill. He is going to need those friends now more than ever.

ANGELO. Do you think it might be harder for him to get the two-thirds vote necessary or to get his veto sustained on the Hill?

BYRD. I don't know that it would directly affect the overriding of vetoes. I think in those instances it would depend more upon the issues, upon the item that is to be overridden, and the circumstances that are involved. I don't see this effect so much in that regard.

WILLIS. Senator, turning to your sponsorship and support of the idea of making the FBI a separate agency. Do you think you are going to be able to get that through?

BYRD. To begin with, my bill is not the alpha and the omega of legislative ideas. It does provide a vehicle, however, whereby the Committee on the Judiciary can conduct hearings. I think the hearings ought to be conducted in depth and with respect to the role of the FBI. There are many questions that ought to be answered. The Congress has never conducted a study, in depth, of FBI policies. My bill would provide a seven-year tenure for the Director and the Deputy Director of the FBI. It would also make the FBI an independent agency, and, by virtue of the need for the re-confirmation of the FBI Director every seven years, my bill would regularize the oversight function of the Congress with respect to the agency.

WILLIS. But you're not adamant about that period of seven years, right?

BYRD. No, I'm not particularly wedded to that. I saw in the course of the hearings on the Gray nomination the need for Congress to take a first, deep look at the FBI. There are so many questions that ought to be answered. For example, should the domestic intelligence activities be united with law enforcement activities? What should be the relationship and the connection between the FBI Director and the Attorney General? Who should make the decisions as to whether or not a particular case is to be given "full-court press?" These and many, many other questions are involved.

ANGELO. Senator, when you made this proposal, Senator Edward Kennedy made a speech in opposition to it. He suggested that setting up the FBI as a separate agency might lead to something more similar to what exists in police states. It might dig the ground work for that. How do you counter that argument?

BYRD. I don't say that my proposal is the best one, but it seems to me that, due to the experience of the hearings on the confirmation of Patrick Gray, Congress ought to play a constructive role in protecting the FBI against improper political influence—while, at the same time, insuring its accountability to competent authorities. I was concerned with the dominance by the Attorney General—and I don't speak with respect to personalities here. I think that the Committee ought to conduct long hearings regarding the FBI, and its policies. It's a very interesting thing, or ought to be, to note that the FBI's intelligence-gathering activities are founded, apparently, on "inherent" presidential powers. There's no legal standard. The Congress has never gotten into this area, and it ought to get into this area. It's my understanding that the FBI's intelligence-gathering activities are based, insofar as authority is concerned, on FDR's 1939 Executive Order to the Attorney General to increase the intelligence-gathering personnel of the FBI, so it could adequately cope with the additional duties imposed by the national emergency facing the country.

WILLIS. Would you believe that the FBI's investigation of the Watergate was as thorough as it should have been?

BYRD. No, it was not. The sitting judge in that case indicated such. I think that the hearings also clearly brought that out.

ANGELO. You suggested that Mr. Gray was simply not a fit choice to head the FBI. What kind of man do you think of as the next FBI Director?

BYRD. Of course, this is the President's prerogative.

ANGELO. Why, why is it necessary?

BYRD. Well, it's his prerogative to nominate the Director, and it is not for me to tell him what to do in this regard. But I should think that in view of the unfortunate experience with Mr. Gray's nomination, the President certainly ought to nominate someone whose stature is beyond question—especially in view of this terrible Watergate incident. I think that the President owes it to himself to select a nominee who can immediately stimulate the enthusiasm and support of both parties behind the nomination. Since the FBI has been without a leader now for 11 months, it's very important.

WILLIS. Do you have a candidate?

BYRD. I do not. It's very important that the President nominate someone who can stand the test and who will reflect credit upon the Administration and upon law enforcement throughout the country.

ANGELO. Senator, you just said you don't have a personal choice, but give us an example of a kind of man you have in mind. Maybe even not one that would figure in the selection right now. But looking backward a little bit, what sort of figure do you think of?

BYRD. I don't think of any specific figure in that regard. I think of someone, however, who has the courage, the ability, and who has never been associated with the Watergate incident.

ANGELO. Senator, there's another facet that you've introduced this year to the area that is very interesting and very innovative. That is your proposal that cabinet officers be subjected to reconfirmation hearings at the beginning of a second term. If that were the case, which of the Nixon cabinet officers would you have some serious second thoughts about?

BYRD. I like the Attorney General personally. I think he's a man who's very congenial, with a winning personality, and he must have an exceptional amount of ability. I like him personally, but his exorbitant claims with respect to executive privilege certainly shook the foundations from under me. These were wild claims, and I think that they were abrasive. I think that they might cast a reflection upon the Attorney General's own ability. I just couldn't believe that he was serious. So I would think it might be well to have the Attorney General back. I also would be very interested in seeing Mr. Butz come back before the Congress. Incidentally, I supported his nomination, but I noted on television recently that he spoke of those "free-wheeling, free-spending Congressmen up there," and I think that it might take a little of the arrogance out of people like Mr. Butz if they had to come back every four years and be reconfirmed.

ANGELO. The initial confirmation procedures are usually on things like conflicts of interest and whether they're qualified to serve. But this would actually bring them back to see what they've done and see if it has met with Senate approval, so to speak. Would that be a new precedent altogether?

BYRD. It would be a new precedent, but I think that Congress, if it's going to reassert its proper role in the system of checks and balances, ought to have a continuing oversight function with respect to these cabinet officers. I don't think it's too much to ask that they be required to come back before the appropriate committees of Congress, and render an accounting as to how they have conducted their business, and let the Congress make another judgment as to whether or not they should be reconfirmed.

WILLIS. Senator, I was just sitting listening to you speak and I was curious because it seems all the publicity is, of course, with the Watergate and the Republican Party right now. But what about the climate and the health of the Democratic Party as you know it on the Hill today?

BYRD. The Democratic Party—I hope it learned a lesson from the past election; that is, to get back in the middle of the stream where the majority of the votes are, because it has to have the majority of the votes in order to win an election.

ANGELO. Senator, with just a few minutes left, the last major scandal involving the White House that the people talk about was the Teapot Dome scandal that affected the Harding Administration. How do you compare the Watergate affair with the Teapot Dome scandal?

BYRD. The Teapot Dome scandal involved the Secretary of the Interior and the Secretary of the Navy. It had to do with oil leases on Naval oil reserves, and the passing on of those leases to certain oil companies. This is an entirely different kind of thing. It involves electronic bugging; it involves apparent coverup in the White House; it involves burglary. But I think this in common can be said with respect to the two: as the Teapot Dome has linked the Harding Administration over the past 50 years with corruption, I think that the Watergate scandal will also link this Administration with corruption for a long, long time to come.

WILLIS. Would you say though Senator, comparing the two, the Watergate was more political than the Teapot Dome, which involved out-and-out millions of dollars changing hands for these leases.

BYRD. I think there are many intangibles in our society and our Democratic system that can't be measured in terms of dollars. The Watergate scandal goes to the very heart of the political process, and, in a time when so many people are losing faith in the political process and in the government, I think it's most unfortunate that this had to happen. It impairs the credibility of the President and the government, and, when this is done, the people lose faith in their government. All of this cannot be valued in terms of dollars.

ANGELO. Senator Byrd, thank you very much for being with us on Panorama.

WILLIS. Thank you Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ARCTIC WINTER GAMES IN ALASKA IN 1974

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 907, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

> A bill (S. 907) to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. This bill is being considered under a time limitation. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of S. 907, which will authorize the appropriation of $150,000 to assist in financing the arctic winter games scheduled for Anchorage, Alaska, in 1974. This legislation authorizes the Secretary of Commerce to disburse these funds under such conditions as he deems appropriate to the host of the arctic winter games.

The arctic winter games is a new concept in international sports. First held in 1970 in the Northwest Territories of Canada, it is a biennial competition for athletes from the far northern countries, States, and territories. The first two games were held in Canada—the first, as I have indicated, in Yellow Knife, Northwest Territories, and the second in Whitehorse, Yukon Territory. Original participants were the Northwest Territories, the Yukon Territory, and the State of Alaska. Arctic Quebec has since joined the games. I believe Greenland and Labrador will participate in 1974. Other northern countries, including the Scandinavian countries and the Soviet Union, have also stated an interest in participating in the future.

These games were originally held because the athletes from the northern States did less well in the Olympics, even in the winter sports, than would have been expected. This is because the opportunity for international participation, particularly among lower socioeconomic groups, is very limited. Because of the relative isolation of most northern States, even the best athletes are normally limited to local competition. As a result, most winter Olympic sports have been won by athletes from below 60th parallel north. These games were established specifically to foster athletes above that parallel of latitude. They have succeeded admirably.

The 1972 games involved approximately 250 athletes each from the Northwest Territories, the Yukon Territory, and the State of Alaska. Arctic Quebec, which entered the games in 1972, sent approximately 60 participants. It is expected that Quebec will have a full contingent by 1974.

The 11 basic sports in the program include badminton, basketball, boxing, curling, figure skating, hockey, shooting, skiing, table tennis, volleyball, and wrestling. In addition, there will be six Eskimo and Indian sports indigenous to the northern Native peoples. There will also be Native craftwork and cultural exhibits.

The State of Alaska and the city of Anchorage have each appropriated $50,000 for the games. The Arctic Winter Games Corp. has estimated that local sales, concessions, and donations will contribute an additional $50,000 toward the expenses of the games, which are budgeted at $300,000. This legislation will authorize an appropriation sufficient to cover the differences between the anticipated expenditures and receipts; namely, $150,000.

I call the attention of the Senate to the fact that the bill that was passed last year by the Senate would have authorized $250,000. After discussions and in negotiations with the people that are working with the Arctic Winter Games Corp. in Alaska, we have reduced the authorization to $150,000 this year because we feel that is sufficient.

I am pleased that the Senate has moved so quickly on the bill again this year. S. 907 is similar to S. 2988 which passed the Senate in May of 1972, but S. 907 authorizes a lesser expenditure than did S. 2988. It has become apparent in the last few months that less Federal assistance will be necessary, because the games have received the commitment of additional financing from other sources.

S. 907 authorizes the lesser expenditure I mentioned. By assisting young people from the northern States to come together in a spirit of international friendly competition, this legislation will do much, not only to foster physical fitness and sports skills, but also to create an atmosphere of international cooperation and good will among many competing countries around the polar rim.

Mr. President, this morning we have received a highly favorable report on S. 907 from the Department of State. Far from opposing the bill, they have endorsed it. I would like to read the letter for the Record at this point. It reads:

Department of State,
Washington, D.C., June 18, 1973.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Secretary has asked me to reply to your letters of June 12 and 13, 1973, requesting comment on S. 907, to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974.

The Department has been encouraged in recent years to observe that an increasing number of international sports competitions are being held in the United States. We believe that the Arctic Winter Games, which would be hosted in the United States for the first time, can contribute to closer understanding with areas above the sixtieth parallel.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

Marshall Wright,
Assistant Secretary for Congressional Relations.

Mr. President, this authorization was not in the Department of Commerce budget, because no request was received and it had obviously not been authorized. It is not opposed by the administration. On the contrary, we have received a departmental report on the bill which interposes no objection to its enactment.

Mr. President, I would like to read into the Record at this point a letter from the Department of State which is addressed to our chairman, Honorable Warren G. Magnuson. The complete letter reads as follows:

General Counsel of the
Department of Commerce,
Washington, D.C., June 15, 1973.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This is in reply to your request for the views of this Department with respect to S. 907, a bill

"To authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974."

The bill would authorize the appropriation of $150,000 to the Secretary of Commerce to assist in financing the games. The Secretary would be authorized to provide for the disbursement of these funds under such conditions as he deems appropriate. The Department interposes no objection to the enactment of this legislation.

The 1974 Arctic Winter Games will be the third occurrence of the games, with the United States as the host for the first time. Previous games have been hosted by Canadian cities with substantial contributions from the Canadian Federal Government. The appropriation to be administered by the Secretary of Commerce would be for the purpose of general funding for the games. An Arctic Winter Games Corporation has been established as a quasi-governmental corporation in the State of Alaska to administer the games. The Secretary of Commerce would establish terms and conditions for the disbursement of appropriated funds to appropriate persons or organizations and for reports on their expenditure as necessary to protect the interests of the United States.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our proposed report to the Congress from the standpoint of the Administration's program.

Sincerely,

Karl E. Bakke,
Deputy General Counsel.

The significant paragraph of the letter is:

> The 1974 Arctic Winter Games will be the third occurrence of the games, with the United States as the host for the first time. Previous games have been hosted by Canadian cities with substantial contributions from the Canadian Federal Government. The appropriation to be administered by the Secretary of Commerce would be for the purpose of general funding for the games. An Arctic Winter Games Corporation has been established as a quasi-governmental corporation in the State of Alaska to administer the games. The Secretary of Commerce would establish terms and conditions for the disbursement of appropriated funds to appropriate persons or organizations and for reports on their expenditure as necessary to protect the interests of the United States.

Mr. President, I think it would be plain that the prior competitions that have been held in our sister countries on this North American continent were substantially assisted by the Canadian Federal Government. We are asking for an authorization for only $150,000 to assure that our country gives these games support in at least the amount involved in this authorization which is required for its successful completion. This is less money than was provided by the Canadian Government on both prior occasions.

I think that we have tried to be as frugal as possible. It is not the first time that Congress has been requested to support international competition or even local competition with Federal funds.

I think it is highly important to point out that there is a precedent on the part of the Federal Government supporting games of this type.

Since 1876 the U.S. Federal Government has supported 45 similar programs.

Since 1960, Congress has appropriated money many times. It appropriated $3.5 million for the Squaw Valley winter olympics. It appropriated $4 million for the Defense Department to use for preparation for the 1960 Olympic winter games.

Four million dollars was appropriated, of which $500,000 was earmarked for the U.S. Armed Forces for preparation, and the remainder, $3.5 million, was tc go to a nonprofit corporation in California.

I think it is highly important to note that the Senate passed in September 1972, S. 3531, which authorized funds for the 1976 winter olympics. The authorization level was $3.5 million.

S. 907 provided funding which, as far as I am concerned, would carry out our national responsibility toward these games and would foster their continuance. As I travel across the north country of my State, which is one-fifth the size of all the rest of the United States combined, I am very much reminded that often it is practically impossible in our State for these young people to participate in other sports events, in their local schools. It would not be at all uncommon for the high school students and college students from the State of the distinguished Senator from Delaware (Mr. BIDEN), who now is presiding over the Senate, to be able to have involvement in sports events that involve people from other communities.

That is the reason we organize these games, so as to be sure that athletes who are considered to be outstanding could be brought into one point so that they might compete with other athletes from various other areas of the arctic. It is not often that they would get such a chance. On the other hand, students from the State of Delaware would have the chance, perhaps every week, to engage in such activities.

Mr. President, I think this is a very small amount of money authorized to assure that the arctic winter games, which are very significant for the people of the arctic, can continue as scheduled for 1974.

Mr. PROXMIRE. Mr. President, I understand from the assistant majority leader that I am to have control of the time in opposition.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, I yield myself such time as I shall require.

Mr. President, when American teams travel to the Olympics, they are not subsidized. Funds are raised by voluntary subscription.

When our AAU athletes—national champions in track, diving, swimming, gymnastics, and other sports—travel to the Soviet Union in a few weeks, the Government of the United States will not pay their way.

But when the State of Alaska hosts the arctic winter games the Treasury of the United States is asked to subsidize them.

My first point is that this bill sets a very bad precedent. Up until now, at least generally and in principle, amateur and professional athletics in the United States, are supported by private subscription and by personal funds.

Local funds assist the sports events that go on all over this country in advance of the Olympics. They are widely publicized and the U.S. athletes are in competition with the athletes from other countries. We do not, however, provide funds for the Russians to come here and compete with our athletes or for our athletes to go to Russia.

Nevertheless, it has been said that sooner or later the Government of the United States will subsidize everything.

And, believe it or not, in this bill we do it. In this bill we subsidize ping pong and badminton, curling and figure skating, basketball, hockey, shooting, skiing, volleyball, and wrestling.

You name it. We subsidize it, if this bill goes through. The $150,000 asked for in this bill is not a lot of money.

But it sets a very bad precedent and helps to establish a very bad principle, namely that the costs of amateur and private sports will be paid for by the Federal Treasury.

Perhaps the United States will come to that. Personally I hope not. But if we do come to that, let us not do it by the backdoor and through a bill such as this.

Fundamentally, then, I oppose this bill on principle. It subsidizes yet another activity in this country which should be paid for by private citizens through contributions.

Not only will we subsidze gas and oil, minerals, shipbuilding, sugar, farm products, exports, transportation, servants for generals and admirals, reclamation projects, pubic works, highways, the mai services, wefarle recipients, and housing, to name only a few, but if this bill goes through we will add parlor and garden sports to the list.

Mr. President, this bill carries things, too far.

NO BUDGET BUREAU APPROVAL

Congress has been told time and again that if we pass bills not approved by the President and the Budget Bureau, that we are or will be responsible for the economic consequences.

The spending of the small funds in this bill, obviously would not have dire economic consequences. But we still have the principle.

The Senator from Alaska just came through with a letter like the Marines coming on the scene, from the State Department, to indicate that the administration has now asked for this $150,000. I shall comment on the irony of that in just a moment. This year, when we are denying funds for the poor, they come in with plenty of money for volley ball and curling in the Arctic.

The OMB resisted until the last minute. The committee report itself says, for example:

> Views of the Commerce Department, Treasury Department, and General Accounting Office were requested. However, no comments were received.

That, of course, has been taken care of by the letter this morning, but only at the last minute.

WRONG PRIORITIES

In addition, it establishes wrong priorities. This is a year in which all funds for the OEO have been impounded. Disaster loans for farmers were stopped. The interest rate for REA loans was raised. All new public housing starts were suspended, as were starts for section 235 housing. No funds are provided in the budget for counseling for the poor in subsidized housing units.

But, we are asked to subsidize table tennis, volleyball, figure skating, and badminton. I suggest that our priorities are upside down. Nothing for poverty—thousands for volleyball

A SINGLE STATE

Further, this event is not an international event in the sense that the United States takes part. One State and one area takes part. The athletes come from Alaska, the Yukon, the Northwest territories, and perhaps Quebec. The funds would go to a single State for a single purpose. It is a peculiarly Alaskan affair which, in my view, should be supported by Alaskans.

And if there is an odd hockey player from Minnesota or Maine, then let the sponsors of the games solicit funds in the areas where the shooters or ping pong players come from.

Let me add, Mr. President, that this opens the door for Wisconsin to have games with Ontario. It opens the door for Delaware, I suppose, to have international games with Bermuda. Why not? It would be a great thing for the country. Call the Delaware extravaganza the Biden Games; they really might amount to something. Let them have a competition, for example, in scuba diving.

In Wisconsin, we will take on anyone for a competition in beer drinking, polka dancing, cow milking, or polo. Few people realize what a great polo team we have in Milwaukee. It would be a great place for an international quilting bee. We could get the State Department involved if we make it a croquet contest. I understand they have some great boys with the wickets over there.

But I think we have gone too far in this bill. If every State in the Union, such as Delaware, Kentucky, and Wisconsin, got what Alaska gets altogether in subsidies, the Federal budget would be $840 billion. Yesterday the New York Times published the amount each State receives per capita, and leading the list was Alaska.

Alaska is a marvelous State, a beautiful State. As the Senator has pointed out, it covers one-fifth of the territory of the entire United States. It inspires us in many ways. But I do not know why we have to shovel out so much money to Alaska. And certainly this is the kind of thing, it seems to me, that should remind us we must draw the line somewhere.

We should help the Indians in Alaska. They deserve it. We should help others in

Alaska who are deserving, just as in every other State. But to break precedent by instituting a so-called Alaska international competition by helping one State play Ping-pong and volleyball seems to me is going too far.

I am curious, Mr. President, in view of the President's tight budget, to know what the administration is going to knock out. They are now coming in with $150,000 that was not in the President's budget when they sent it down. They are coming in with $150,000 for volleyball games and figure skating in Alaska. I just wonder what they are going to knock out.

I understand, now that the measure has the support of the administration, that there is not much hope or prospect of blocking it. That support has just come in within the last couple of hours. Until that time, there was indication that the administration, if not opposed, would not support it.

Under the changed circumstances, I do not expect to ask for a vote, and I hope we can dispose of the legislation promptly.

Mr. President, I reserve the remainder of my time.

Mr. STEVENS. Mr. President, I am happy to yield such time as he may require to the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, I think it is unfortunate that whenever a matter of this nature comes before the Senate, we have to mix everything together in one pot. Regardless of the amount involved, it seems that everything has to be weighed in relationship to every other problem we face, instead of talking about the issues. Maybe some day, if we can ever get down to a logical debate on the issues, we can accomplish more than we do.

The Senator from Wisconsin has said that the AAU receives no funds, and, in the Olympic games, U.S. athletes receive no Government funds.

We have just conducted hearings on a number of sports bills introduced by the Senator from Kansas (Mr. Pearson), the Senator from Alaska (Mr. Gravel), and the resolution of the Senator from Illinois (Mr. Stevenson) about the disaster the United States faced in the last Olympic games. As a matter of fact we were quite shocked when the president of the Olympic Committee took pride in the fact that we are the only country in the world that provides no funds from the Government; and yet the Olympic Committee itself is set up by the Congress of the United States in perpetuity, as a matter of fact. If you once get on that committee, you stay there forever; and the United States has some individuals who have stayed on the committee for most of their lives, and have forgotten and lost touch with the whole concept of what the Olympic competition really meant.

For example, we saw them going to Europe first class and staying in the most fabulous hotels in Munich, while the athletes had to be put in athletic villages, where they had absolutely nothing. We saw athletes who had to go all the way to the west coast, the State of Washington, on their own funds, to even compete. They did not have a dime from any source. They ate hot dogs and potato chips while they were out there, to find out whether they could be on the team and participate for their country.

Frankly, the reason I am for this bill is that this may be the first breakthrough, so that we can do what the Senator from Wisconsin thinks is bad, and that is for this Federal Government to participate, and participate financially, so that we will not have an Olympic Committee that does not care about its athletes, that gives the girls' track team a track in New York City to practice on where they had to put pads up against a brick wall, because while the kids tried to break the record and go over the last hurdle, they had to bounce up against the brick wall in order to stop.

I cannot figure out for the life of me how we as a country could sit here and make a determination that the track and field meets for competitions to go to the Olympics were way out in the State of Washington instead of being in the center of the United States, so that many more individuals could participate. Much as I hate to say it, in this respect the Canadian Government is smarter than we are. When first the winter arctic games were established and opened, who was there to welcome the athletes but the Prime Minister of Canada? Because he knew the importance of it. He knew the importance of the situation, and yet somehow or other we do not. The reason we do not is because it costs $150,000, and we can carry the argument to a degree of demagogery that it will have to wait until everything else is taken care of.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. COOK. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, much of what the Senator has said makes sense. I think we should have much further consideration of the possibility of providing more generous subsidies to athletics. I believe strongly in physical fitness. I believe we ought to do much more than we are doing to prevent ill health in this country, in all kinds of ways.

But I say this is the wrong way to go about it. The Senator has just admitted that this is a foot in the door, a step toward getting us to move in the direction he wants us to move.

If we are going to establish a principle and a policy, it seems to me we would be better served if the Committee on Commerce would come in with a program to provide equal help for people all over America in all of the 50 States to participate in athletics on a larger basis. Let us debate and consider it on its merits and not have it come in on a $150,000 bill for one State when the report from the administration does not come in until the last hour of the day until we have one short letter and a 1½-page report.

The Senator from Kentucky says that we are deciding a principle this morning. We may very well be, but if we are going to do that, we should have far more mature consideration and greater equity, so that everyone in this country has an equal opportunity.

Mr. COOK. Let me say to the Senator from Wisconsin that I do not disagree with many of the things the Senator has said. I can only say that I do not stand here as an administration spokesman for the bill under any circumstances. The Lord only knows that no one in the Commonwealth of Kentucky will be eligible to participate in the games at Anchorage. I am only making the point that we now have the opportunity, on a pilot basis, to start the program. I can only say further to the Senator that the reason for the Senator from Alaska's bringing up this bill is that the games will be held next year.

We did not get into a situation as a legislative body in evaluating the olympics or in evaluating the obligations and the responsibilities of the United States to take an affirmative position until we saw the disasters that befell our athletes, until we saw our swimmer have his gold medal taken away from him, until we saw our American basketball team that played the Russians, who played under rules that no one who plays basketball in this country ever heard of in his life, and who watched a group of volunteers from the United States do nothing about it.

The only point I am trying to make is that the Canadian Government has realized for the last two times the importance of this, especially the importance of this for those individuals in the Northwest Territories. I am not saying that Kentucky should have $150,000 so that it can get a basketball team to play. When basketball is played in our State, we get 18,000 to as high as 28,000 people to come out and see the games. We do not need it. But they do. We should not overlook the need that others have. It should be given serious consideration.

It is unfortunate that it took the signature of many Senators, that this Senator circulated a letter to Mr. Byers of the NCAA, so that we finally got 58 Members up to now to sign a letter to make him capitulate, that college basketball in the United States could compete against the Russian team that came over here.

I might suggest that it was not until we had absolutely brow-beaten that gentleman that he allowed us to have a competitive team go against the Russians, the Russian team that was totally and completely financed by its own government and brought over to the United States to compete.

Thus, I would suggest that this is a good start. I would suggest further that it is a logical appropriation, that we consider it as a pilot project. I wholeheartedly endorse the expenditures so that we, too, can have an opportunity to do the same thing the Canadian Government and apparently its Parliament had far greater insight into subsidizing and appropriating for, for the individual athletes and the athletic competitive teams in the respective northwest territories of Canada.

I thank the Senator from Alaska for giving me the opportunity to make these comments.

Mr. STEVENS. Mr. President, I yield myself such time as I may require.

I am grateful to the Senator from Kentucky for his support.

I should like to say to the Senator from Wisconsin that there were almost 600 Canadians in the last games. What the Senator is asking us to do in our State of Alaska, which has a population of only 350,000 people, is to provide the same support for the arctic winter games that was supplied by the whole of the Federal Government of Canada. There were some 40 to 50 U.S. citizens on the Canadian contingent the last time. I do not know where they resided in the United States, but they participated with the Canadians. There were about 60 permanent residents from other States in the Alaskan contingent who happened to be stationed in various areas of Alaska with U.S. military forces or attending college in Alaska, or temporarily working in Alaska at that time. They were, I think, performing a service to participate with Alaska teams in this kind of international cooperation among the people who live above the 60th parallel North.

Mr. President, I ask unanimous consent to have printed in the Record an article published in Time magazine on March 27, 1972, concerning the Biennial Arctic Winter Games.

There being no objection, the article was ordered to be printed in the Record, as follows:

ANYONE FOR AQRAORAK?

As the second biennial Arctic Winter Games got under way this month in Whitehorse, Yukon Territory, it became painfully clear that the organization of the event left something to be desired. Take the case of Simon Tookoome, the Northwest Territories' leading *ipirautaqturniq* (precision whip flicking) virtuoso. Not only did Tookoome have no competition in his specialty, but the games committee was not even certain that another whip maestro had been invited. For his part, Tookoome left his sealskin whip at home in Baker Lake. But resourcefulness, as much as *ipirautaqturniq*, is the name of the game. Improvising a whip from a length of rope, Tookoome put on a crackling display highlighted by the extraction of a toothpick from the sole of an assistant's boot at 25 ft.

Some might call the noncompetitive performance a hollow triumph, native sports do not even call for medals. There are, however, gold, silver and bronze ulus (medals shaped like the Eskimo whale-skinning knife) for individual and team winners in such conventional sports as cross-country skiing, figure skating, basketball, ice hockey and table tennis. The combination of exotic native feats and intense territorial rivalry have made the games the liveliest sporting event north of the 60th parallel.

Ear Pull. While there was no one to stand up to Tookoome in *ipirautaqturniq*, there was competition aplenty in *aqraorak* and *nalukataak*. Mickey Gordon, 23, an Eskimo from Inuvik, and Reggie Joule, a sophomore at the University of Alaska, battled for honors in *aqraorak*. The event consists of trying to kick a sealskin ball dangling from a pole. Kicking furiously aloft, Gordon came within a toe of breaking his own world record of 8 ft. 2 in. Joule—all 5 ft. 5 in. of him—performed just as brilliantly, though it must be remembered that *aqraorak* is not his forte. Joule is the world champion in *nalukataak*, in which contestants bounce on a walrus hide held fireman-style by two dozen assistants. Joule bounced to within inches of the ceiling in the town's gymnasium but later confessed that he does not really know what determines a winner in his chosen sport. "I think it has something to do with height and form," he said.

Many of the native contests held at Whitehorse evolved from the self-torture games devised by the Eskimos long ago. Explains Roger Kunayak, another University of Alaska student: "The traditional Eskimo life included lots of pain—hunger, cold, frozen ears. So indoors we would torture ourselves to get used to the pain." To drive home his point, Kunayak swept the field in his own fearful event, the knuckle hop, by hopping 40 ft. on his toes and knuckles. Other such tests of mettle include the finger pull (two combatants locking middle fingers and pulling until one hollers uncle) and the ear pull, in which the toughest ears in the Arctic are wound with cord and pitted against each other in a tug of war.

Botch. The Arctic Games were inspired by the abysmal performances of the athletes from the Yukon and Northwest Territories in conventional sports at the Canada Winter Games held in Quebec City in 1967. Says Lou LeFaive, director of Sports Canada: "The idea was to provide a level of competition that would enable Northerners to develop skills at a rate more compatible with that in the South." Native events were included to add to the fun.

The games at Whitehorse proved that the quality of play in the Northern provinces has measurably improved. The same cannot be said for the advance planning of the Northerners especially those at Baker Lake. Tookoome's lapse aside, the townsfolk made rather a botch of things in the *aksunaiqtuq* (rope gymnastics). In place of their gymnastics team, they inexplicably dispatched an old Eskimo drum dancer—without her drum.

Mr. STEVENS. Mr. President, the article is interesting in that it deals with some of the unique aspects of this competition. For instance, I wonder whether the Senator from Wisconsin, a very well-known and distinguished physical fitness advocate, would like to stand up to some of our Eskimo children in ear pulling, which is one of the contests that takes place in these games. All of these Native games are devised because of the small space available for competition indoors during the Arctic winters. I would tell you, Mr. President, that I have watched these games in small areas throughout the Arctic. It is an interesting thing, the type of game that stresses the issue of physical endurance. But that is not really the question here. What is really involved here is the support that exists in my State for this because Alaska is the U.S. portion of the Arctic.

Now the Senator from Wisconsin has mentioned the report of the subsidies to Alaska, and I would counter by telling him that, unfortunately, the U.S. support is all too little for what the Federal Government has gained in Alaska. Over 100 million acres have been withdrawn for the military for the protection of the United States in Alaska. No taxes are paid to our State or local governments on this land. We are now in the process of withdrawing an additional 80 million acres for national parks, for wildlife refuges, for scenic rivers, and national forests. There will be no taxes paid on these lands, either.

In my hometown of Anchorage, which has fewer than 100,000 people, we have put up $50,000 already for the Arctic winter games, far in excess of what the local people did in Canada when they were hosts of the games twice. I should like to know how many other cities in this country are putting up $50,000 to host some international competition that will bring people in from all over the world to participate in an event relating to their own portion of the world—we are talking now about the area above the 60th parallel north.

Mr. COOK. Mr. President, I would merely ask the Senator from Alaska, what percentage of his State is actually under the taxing jurisdiction of the State government?

Mr. STEVENS. Less than 1 percent of the State of Alaska is taxed by the State of Alaska. Ninety-nine percent is controlled by the Federal Government. We are in the process of changing that.

I should like to say to my good friend from Wisconsin that I would be willing to bet we spend more money controlling the interstate transportation of oleo margarine to protect the butter made in the State of Wisconsin than we will spend to foster the development of sports among the people in my State.

Whether we like it or not, my State is located in the U.S. portion of the Arctic. Here we have this vast area of the Yukon Territory, the Northwest Territory, all of northern Quebec, the whole rim of the northern Arctic, and less than one-fifth of it belongs to the United States.

All we are saying is that the United States should do no more than the Canadian Government did when Yellow Knife hosted these games on the last occasion they were held.

The city of Anchorage has appropriated $50,000 for the funding of the games. I request unanimous consent to have printed in the Record a statement in support of the bill on behalf of Mayor George M. Sullivan of Anchorage and another statement by Robert E. Sharp, the city manager of Anchorage, and Mr. Larry Landry, chairman of the Arctic Winter Games Commission. Both statements describe local funding and the games.

There being no objection, the statements were ordered to be printed in the Record, as follows:

STATEMENT OF MAYOR GEORGE M. SULLIVAN, CITY OF ANCHORAGE

The Arctic Winter Games in 1974 will bring together in a dozen or more competitive sports over 1100 young men and women from the Arctic in Canada and Alaska. The acquaintances and good fellowship developed from these Games serve to cement good relations among the countries represented by these young people. The Games develop in each of these countries healthful, competitive sports and many thousands more over and above the participants compete to represent their geographic area in the Games. It is readily apparent these Games provide a wide physical fitness program and, more important, occupies the time of young people and helps mold good citizens.

The people of the Anchorage community have supported these Games since they were initiated in 1970. We feel privileged to host the 1974 Arctic Winter Games and to assist in broadening the number of sports events and participants. In addition to the appropriation by the Council of the City of Anchorage for direct staff support in organizing for this event other City officials and departments are devoting thousands of hours to make this a successful event in which our State and country can take pride and credit. The Arctic Winter Games Commission, with its seventeen (17) volunteer citizen members, will spend thousands of hours planning and conducting the 1974 Arctic Winter Games.

We are pleased the State of Alaska has appropriated $50,000 to assist in financing the Games. This is a sizeable sum in light of the economic uncertainty confronting the State by the delay in the construction of the Trans-Alaska oil pipeline.

$50,000 is to be raised from business, professional and private donations and purchases of souvenirs and similar fund raising activities.

S-907 would appropriate $150,000 to provide federal assistance in financing these Games. This sum represents fifty (50) percent of the $300,000 budget for the Arctic Winter Games.

I urge this Committee and the Congress to approve S-907 and thereby lend federal financial assistance to this international sports event. Approval of this bill would also provide United States recognition of what we believe is an important foreign relations tool in cementing relations with Canada.

STATEMENT SUBMITTED BY ROBERT E. SHARP, CITY MANAGER, AND LARRY LANDRY, CHAIRMAN, ARCTIC WINTER GAMES COMMISSION

The Arctic Winter Games is a sports event of major proportions, bringing amateur athletes from Alaska and Canada together in endeavors of mutual interest and to promote a broad program of physical fitness.

Held biennially, the Games are scheduled for Anchorage in March of 1974. Previously, the Games have been held in Yellowknife, in the Northwest Territories, and at Whitehorse, in the Yukon. Yellowknife saw some 700 athletes, while Whitehorse hosted almost 900, and more than 1100 athletes will arrive in Anchorage for the 1974 Games, as the Games continue to grow.

The Games came about through the efforts of James Smith, Yukon Commissioner, Stuart Hodgson, Northwest Territories Commissioner and then Governor of Alaska, Walter J. Hickel. The objectives of the Games are manifold. The development of competitive ability on all levels, the opportunity for competition between areas of similar population and environment, as well as a desire to broaden the possiblities for participation by the Arctic's population in a broad range of sporting events all figured into the creation of the Games.

This international sports tableau that will unfold in Anchorage is unprecedented in the history of the Arctic. The competitors from Northwest Territory and the Yukon have been joined by athletes from Arctic Quebec and observers from Labrador will be in Anchorage preparing for their joining the Games in 1976.

As would be expected in something called the *Arctic* Winter Games, sports on snow and ice figure prominently. Cross country skiing, snowshoeing, figure skating, hockey and curling are those winter oriented activities. Snowshoeing is a newcomer to the Games with both sprint and distance events planned.

Opportunities to participate are not limited. The Games are open to any resident of the participating areas, with residency defined as six months. In almost all sports there is an open . . . that is no age limit category, a women's category, and a junior—in most cases under nineteen—category.

In addition to the purely winter sports already mentioned, other events are those that people in the northland concentrate on because of the weather limitations. Such indoor activities as table tennis, volleyball, basketball and judo have large participation levels. Other sports have dedicated devotees, such as badminton, boxing, shooting and archery and will have many participants in the team selection trials to come.

Wrestling is the province of the juniors, as are the Arctic Native Sports. The Wrestling teams will be drawn, in all probability, from the high school teams of the areas. The Arctic Native Sports will again be one of the highlights of the Games, but this time as a medal sport in its own right.

In the two previous Games, the Arctic Native Sports were exhibition events, and proved to be tremendously popular. This array of competition includes rope gymnastics, the one and two legged high kick, the kneeling jump, the back bend and the one hand reach. Just to give you an idea of the difficulty of these sports—the one hand reach involves balancing yourself on one hand (no fair letting your feet touch the ground!) in a horizontal position then reaching with your other hand to strike a target suspended at arm's length, recovering to your original position—all without having anything touch the floor except the one hand that you are balanced on. Try that one tonight, after the kids have gone to bed!

Sports is a universal language, and is one of the few ways that people of different backgrounds can get to know and understand each other. In the Arctic, opportunities for competition are limited. Thus, the Arctic Winter Games is a unique opportunity to test the development of ability among people who walk similar trails of life.

The City of Anchorage has created a fifteen-member Commission, made up of citizens from all walks of life who are responsible for planning and conducting the Games. There are representatives from the Military, the National Guard, the Greater Anchorage Area Borough and the School District, as well as from the business and professional community on the Commission. A full-time Director of Arctic Winter Games has been appointed and is currently working on Games plans.

This is an international event calling on the total resources available to conduct a good athletic event. The Military will assist in many ways, including providing communications facilities. The National Guard has made available nearby Camp Carrol to house and feed the participants on a reimburseable basis. All of the Anchorage Schools will close during the week of the Games, making their sports facilities available to hold the contests. Many Anchorage students will take part in the Games as will students from all over the State of Alaska.

The business community is also involved with transportation to be provided for the athletes and their coaches and for officials and dignitaries, souvenir items to be made and sold, and services to be provided, in addition to their support of the Games themselves.

In the months to come, the job of selecting the specific sites for the different events, selecting co-ordinators for the sports . . . and finally . . . selecting the competitors themselves, will occupy the attention of the competing units. There is much yet to be done, but the task is well begun.

Financing of the cost of hosting the Games is the biggest problem confronting the City of Anchorage and its Arctic Winter Games Commission. The total budget estimate is $300,000.

Over 70 percent of the cost of hosting the Games in Canada was paid by the Canadian Federal Government.

The City of Anchorage has agreed to fund $50,000 and the State of Alaska has appropriated $50,000, making a total of $100,000 in State and local funds. Two bills before Congress (S-907 and HR-6540) would provide $150,000. Approval of these bills would bring the total government funding up to $250,000. This would leave $50,000 to be raised locally from sales and concessions, and from donations from the business and professional community and general public.

The City of Anchorage supports the passage of S-907. This funding request represents only 50 percent of the total budget, with State, local and private sources providing the balance. This event is international in character; it helps create good will between the United States and Canada; and it promotes good character and physical fitness among young people in all the participating countries.

Therefore, we urge the favorable consideration of this Committee, and the Congress.

Mr. STEVENS. Mr. President, the State of Alaska has matched the city's funding. The State has always appropriated $15,000 each year the games have been held, even outside Alaska. This year because the games are in Alaska, the State government is appropriating an additional $50,000 to raise the total to $65,000. I request unanimous consent to have printed in the RECORD at this point a letter from the State department of administration's division of management and budget and an accompanying chart.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 7, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.
Attn: Mr. Max Gruenberg

DEAR TED: Mary Jo Hobbs has requested that I furnish the pertinent data on State appropriations for the Arctic Winter Games to you.

The State of Alaska has routinely appropriated $15,000 each year the Games have been held in the past to offset Alaska's cost even though the Games have never been physically held in Alaska.

With the scheduling of the Games in Alaska next winter, the Free Conference Committee on the Budget for the First Session of the Eighth Alaska Legislature, at the request of Governor Egan, increased the amount by $50,000 making a total of $65,000 appropriated as the State's contribution for next winter's Games.

I am enclosing a copy of page 185 of Volume IV, Free Conference Committee Report, which is the detail report support Ch. 91, SLA 1973, the annual Appropriation Act. As you will note, the intent shown, fully explains how the funds are to be used.

Good luck in your efforts in this regard.

Sincerely,

M. R. CHARNEY,
Director.

NATIONAL RESOURCES MANAGEMENT AND ENVIRONMENTAL CONSERVATION

OFFICE OF THE GOVERNOR

Code and expenditure by object	Actual, fiscal year 1972	Authorized, fiscal year 1973	Maintenance, fiscal year 1974	Request, fiscal year 1974	Governor's recommended, fiscal year 1974	House, fisca. year 1974	Senate, fiscal year 1974	FCC, fisca. year 19/4
100 Personal services								
200 Travel	0.6	1.7	1.7	1.7	1.7	1.7	1.7	1.7
300 Contractual services	.9	.5	.4	.4	.4	.4	.4	.4
400 Commodities	.1		.2	.2	.2	.2	.2	.2
500 Equipment								
600 Land and structures								
700 Grants	15.0	15.0	15.0	15.0	15.0	15.0	15.0	65.0
800 Miscellaneous								
Total	16.6	17.2	17.3	17.3	17.3	17.3	17.3	67.3
900 Interagency charges								
Funding source:								
Federal receipts								
Required general fund matching								
Other general fund	16.6	17.2	17.3	17.3	17.3	17.3	17.3	67.3
Interagency transfers								
Other								
Positions:								
Permanent full-time								
Permanent part-time								
Temporary (full-time equivalent)								
Numbers of man months								

Note: FCC Intent.—Appropriation includes $65.0 for grants to be made to the Arctic Winter Games on the basis of 1 to 1 match with local funds with accounting for expenditures before reimbursement by the State.

Mr. STEVENS. Mr. President, the games are governed by the Arctic Winter Games Corp. This board consists of two directors for each participating unit—Arctic Quebec, and Yukon Territory, the Northwest Territories, and the State of Alaska. The duties of the board of directors are administrative. They provide the continuity for the international competition. They formulate the rules of the games.

Each unit has a board of directors. These directors select the board's coordinator who in turn chooses all athletes, coaches, and subcoordinators, arranges transportation, and so forth.

The corporation requires the highest elected officials of the city to sign a contract guaranteeing each athlete and coach will receive three well-balanced meals, sleeping quarters, sanitary facilities, and so forth.

Various other groups and societies also have been created to assist on a volunteer basis.

The international corporation watches over the expenditures and an audit is supplied to each participating government.

It is extremely important that the games receive action by Congress now. We are in a "critical time frame." The Arctic Winter Game Corp. has been unable, because of the dire straits in which the State of Alaska finds itself presently, to receive as much State funding as they had hoped. Because most of the expenses will have to be incurred in 1973, it is extremely important that Federal funding be granted by Congress as soon as possible. Because this legislation only authorizes the funds, and the appropriations process still remains, Congress must act on this bill as soon as possible.

I request unanimous consent that a letter describing the plight of the games and the urgent necessity for funds, which was sent to me by the city manager of Anchorage, Mr. Robert Sharp, and dated June 4, 1974, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MEMORANDUM

JUNE 4, 1973.

To: Senator Stevens, Senator Gravel, Mr. Young.

Subject: 1974 Arctic Winter Games Appropriation (H.R. 6540 and S. 907).

I am taking this informal method to bring to your attention our concern over the "critical timeframe" in obtaining both the authorization and appropriation of $150,000 for the 1974 Arctic Winter Games. As you will recall, the total budget for this program is $300,000. We had planned on raising $50,000 by City appropriation (done); $100,000 from State (only $50,000 appropriated in 1973); and $150,000 from the Federal Government. The State's "tight" budget situation was such that maybe we were lucky to get the $50,000 appropriated in 1973. We are formulating plans to raise the $50,000 we did not get from the State by a local fund drive and souvenir sale effort.

In light of the host of other local fund drives, it is a formidable undertaking.

This is the reason we are highly concerned over obtaining the Federal appropriation before Congress adjourns its current session. If the appropriation is not made this year (even though the authorization is passed by Congress), we would be in a "state of limbo" since most of the expense will have to be incurred in 1973. We are hopeful a simultaneous effort can be made to get the authorization and appropriation

We would appreciate your reviewing the current situation and advising us of anything more we can do to assure the Federal appropriation of $150,000 this year.

Regards,

ROBERT E. SHARP,
City Manager.

Mr. STEVENS. Mr. President, I am certain that the Senator from Wisconsin makes a good point. I am certain there are other things the people of Anchorage think are more important than spending $50,000 to enable 600 Canadians and people from the rest of the Arctic to come to Alaska to participate in sports. But thank God there are some people who also believe that the young people of the Arctic, those who are sports-minded, ought to have a competitive experience similar to that enjoyed by people in the sunny climates every day.

The gas tax builds super highways that buses use when they transport basketball players in Nebraska. Amtrak, which costs $150 million, carries basketball players up and down the east coast. I would be willing to bet that it costs more money than this bill authorizes to keep the Senate in session right now, in order to hear this debate.

It is very difficult for a Senator from Alaska, when we sit on the richest portion of the United States in the northern part of this continent. We are waiting, and we have been waiting for 5 years, to develop the oil and gas of the Arctic. The Senator from Wisconsin had his part in delaying that development. Certainly, if we were getting the royalties from that oil and gas, we might be able to absorb $150,000. But we are in circumstances that we do not have control of our own land for taxation. We do not have control of our own land to provide the transportation system for our natural resources, and we have been forced to give up control of an additional 80 million acres for parks, wildlife, and refuges for national interest purposes, solely to get justice for the Alaskan Native people.

I see the Senator from Nevada here, and he will recall that. That provision setting aside 80 million acres in the national interest had nothing to do with the settlement of the claims of the Alaskan Native people. But as a quid pro quo to the other 49 States, we agreed to withdraw an additional 80,000,000 acres of land and set it aside forever, in order to get justice for the Alaskan Native people.

I think my good friend, the Senator from Wisconsin—and he is my good friend—is sincere in his opposition as a matter of principle. But I wish he would aim his "Big Bertha" at a whale instead of a minnow. That is what this is—this is a "minnow" bill. We even reduced it $100,000 this year from last year, and it passed the Senate without objection on the consent calendar last year, without any departmental reports. That is why we did not ask for departmental reports this year before reporting it out of committee. These reports were requested weeks ago to the House Commerce Committee.

I assure the Senator from Wisconsin

that we are not trying to run off with the Federal Treasury or start something that would lead to international expositions in every part of the country every day.

If anyone can show me an area of the country where the people who live in that area will not have a competitive experience available to them without Federal assistance, then I think that is the time we should provide Federal assistance. I agree with what the Senator from Kentucky has said. It is time we recognize that the rest of the world is subsidizing its athletes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. BIDEN. Mr. President, while I sympathize with the objectives of the arctic winter games as they have been outlined here today, I regret that I find it impossible to support the bill introduced by my distinguished colleague from Alaska. I have said many times that I think we in the Congress must become more fiscally responsible and that we must carefully examine the ranking of our priorities for spending money. While I support events such as this one that promote sports and participation in them, I still believe that we have problems more directly related to the social and economic well-being of our people as a whole on which the taxpayers' money should first be spent.

I recognize that this is a small sum of money we are talking about, but I believe there is a matter of principle at stake here. That principle is using our limited monetary resources to achieve the best for all our people. Furthermore, I am disturbed that these games, which are international in that they involve two countries—Canada and the United States—are hardly national in scope because they involve only one State. I am concerned that this will set a precedent which will cause our financial support of various athletic events to grow with a consequent greater drain on our resources which should be directed toward higher priorities. Therefore, I reluctantly but nonetheless firmly conclude that on the basis of fiscal responsibility, I cannot support S. 907.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $150,000 for the purpose of assisting the financing of the arctic winter games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

[Applause in the galleries.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries? No demonstrations are allowed.

The PRESIDING OFFICER. There will be order in the galleries. No demonstrations are allowed in the galleries.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF TRANSACTIONS OF MEMBERS OF NATIONAL SECURITIES EXCHANGES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 177, S. 470, and that the unfinished business, (S. 268) be temporarily laid aside and remain in a temporarily laid-aside status until the disposition of S. 470 today or until such time as it is completed, whichever is earlier.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (S. 470) to amend the Securities and Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such Acts, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert:

SECTION 1. Section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)) is amended to read as follows:

"(a) (1) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, to regulate or prevent trading on national securities exchanges by members thereof from on or off the floor of the exchange, directly or indirectly for their own account or for the account of any affiliated person or, in the case of floor trading, for any discretionary account. Such rules shall, as a minimum, require that such trading contribute to the maintenance of a fair and orderly market.

"(2) It shall be unlawful for a member to effect any transaction in a security in contravention of rules and regulations under paragraph (1), but such rules and regulations may contain such exemptions for arbitrage, block positioning, or market maker transactions, for transactions in exempted securities, for transactions by odd-lot dealers and specialists (within the limitations of subsection (b) of this section), for transactions by affiliated persons who are natural persons, and for such other transactions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors."

SEC. 2. Section 11 of the Securities Exchange Act of 1934 (15 U.S.C. 78k) is amended by inserting after subsection (e) the following new subsection:

"(f) (1) It shall be unlawful for a member of a national securities exchange to effect, whether as broker or dealer, any transaction on such exchange with or for its own account, the account of any affiliated person of such member, or any managed institutional account. As used herein the term 'managed institutional account' means an account of a bank, insurance company, trust company, investment company, separate account, pension-benefit or profit-sharing trust or plan, foundation or charitable endowment fund, or other similar type of institutional account for which such member or any affiliated person thereof (A) is empowered to determine what securities shall be purchased or sold, or (B) makes day-to-day decisions as to the purchase or sale of securities even though some other person may have ultimate responsibility for the investment decisions for such account.

'(2) The provisions of paragraph (1) of this subsection shall not apply to—

"(A) any transaction by a registered specialist acting as such in a security in which he is so registered;

"(B) any transaction for the account of an odd-lot dealer in a security in which he is so registered;

"(C) any transaction by a block positioner or market maker acting as such, except where an affiliated person or managed institutional account is a party to the transaction;

"(D) any stabilizing transaction effected in compliance with rules under section 10(b) of this title to facilitate a distribution of a security in which the member effecting such transaction is participating;

"(E) any bona fide arbitrage transaction, including hedging between an equity security and a security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer, or similar transaction involving a recapitalization;

"(F) any transaction made with the prior approval of a floor official to permit the member effecting such transaction to contribute to the maintenance of a fair and orderly market, or any purchase or sale to reverse any such transaction;

"(G) any transaction to offset a transaction made in error; or

"(H) any transaction for a member's own account or the account of an affiliated person who is a natural person effected in compliance with rules and regulations prescribed by the Commission under section 11(a) of this title.

"(3) The provisions of paragraph (1) of this subsection shall not apply to transactions by any member of any national securities exchange with or for its own account or for the account of any person who is an affiliated person or a managed institutional account of such member, during the following periods:

"(A) prior to the last date on which any national securities exchange maintains or enforces any rule fixing rates of commission, or prior to April 30, 1976, whichever is later;

"(B) for a period of twelve months following the date specified in subparagraph (A), if the total value of all such transactions effected by such member during such period on all national securities exchanges of which it is a member (other than transactions described in subparagraphs (A) through (G) of paragraph (2)) does not exceed 20 per centum of the total value of all transactions effected by such member during such period on all such exchanges; and

"(C) for a period of twelve months following the period specified in subparagraph (B), if the total value of all such transactions effected by such member during such period on all national securities exchanges of which it is a member (other than transactions described in subparagraphs (A) through (G) of paragraph (2)) does not exceed 10 per centum of the total value of all transactions effected by such member during such period on all such exchanges.

"(4) It shall be unlawful for a member of a national securities exchange to utilize any scheme, device, arrangement, agreement, or understanding designed to circumvent or avoid, by reciprocal means or in any other manner, the policy and purposes of this subsection or any rule or regulation the Commission may prescribe as necessary or appropriate to effect such policy and purposes."

Sec. 3. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a-35) is amended by inserting after subsection (b) the following new subdivision:

"(c) It shall not be deemed unlawful or a breach of fiduciary duty for an investment adviser or other person referred to in subsection (a)(1) of this section to cause or induce a registered investment company to pay a commission to a broker for effecting a transaction, which is in excess of commissions then being charged by other brokers for effecting similar transactions, if—

"(1) such investment adviser or other person determines in good faith that research services provided by such broker for the benefit of such investment company justify such payment;

"(2) such registered investment company makes appropriate disclosures to its security holders of its policies and practices in this regard, at such times and in such manner as the Commission shall prescribe by rules or regulations; and

"(3) such broker is not a person referred to in subsection (a)(1) or (a)(2) of this section or an affiliated person of any such person."

Sec. 4. Section 206 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–6) is amended—

(1) by inserting the designation "(a)" immediately after "Sec. 206."; and

(2) by adding at the end thereof the following:

"(b) It shall not be deemed unlawful or a breach of fiduciary duty for an investment adviser to cause or induce a client to pay a commission to a broker for effecting a transaction, which is in excess of commissions then being charged by other brokers for effecting similar transactions, if—

"(1) such investment adviser determines in good faith that research services provided by such broker for the benefit of such client, justify such payment;

"(2) such investment adviser makes appropriate disclosures to such client of its policies and practices in this regard, at such times and in such manner as the Commission shall prescribe by rules or regulations; and

"(3) such broker is not the investment adviser or an affiliated person of such investment adviser."

Sec. 5 Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a–15) is amended by adding at the end thereof a new subsection as follows:

"(f)(1) An investment adviser or a corporate trustee performing the functions of an investment adviser of a registered investment company, or an affiliated person of such investment adviser or corporate trustee may receive any amount of benefit in connection with a sale of securities of, or a sale of any other interest in, an investment adviser or a corporate trustee performing the functions of an investment adviser which results in an assignment of an investment advisory contract with such company or the change in control of or identity of a corporate trustee who performs the functions of an investment adviser, if—

"(A) for a period of three years after the time of such assignment, at least 75 per centum of the members of the board of directors of such registered company or such corporate trustee (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company, or (ii) interested persons of the predecessor investment adviser; and

"(B) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

For the purpose of subsection (f)(1)(B), an unfair burden on a registered investment company includes any arrangement, during the two-year period after the date on which any such transaction occurs, whereby the investment adviser or corporate trustee or predecessor or successor investment adviser or corporate trustee or any interested person of any such adviser or any such corporate trustee receives or is entitled to receive any compensation directly or indirectly (i) from any person in connection with the purchase or sale of securities or other property to, from, or on behalf of such company, other than bona fide ordinary compensation as principal underwriter for such company, or (ii) from such company or its security holders for other than bona fide investment advisory or other services.

"(2) If (i) an assignment of an investment advisory contract with a registered investment company results in a successor investment adviser or a corporate trustee performing the functions of an investment adviser to such company and if such successor is then an investment adviser or performs such functions with respect to other assets substantially greater in amount than the amount of assets of such company, or

"(ii) as a result of a merger of, or a sale of substantially all the assets by, a registered investment company with or to another registered investment company with asset substantially greater in amount a transaction occurs which would be subject to subsection (f)(1)(A), such discrepancy in size of assets shall be considered by the Commission in determining whether or to what extent an application under section 6(c) for exemption from the provisions of subsection (f)(1)(A) should be granted.

"(3) Subsection (f)(1)(A) shall not apply to a transaction in which a controlling block of outstanding voting securities of an investment adviser to a registered investment company or of a corporate trustee performing the functions of an investment adviser to a registered investment company—

"(A) distributed to the public and in which there is, in fact, no change in the identity of the persons who control such investment adviser or corporate trustee, or

"(B) transferred to the investment adviser or the corporate trustee, or an affiliated person or persons of such investment adviser or corporate trustee, or is transferred from the investment adviser or corporate trustee to an affiliated person or persons of the investment adviser: *Provided*, that (i) each transferee (other than such adviser or trustee) is a natural person and (ii) the transferees (other than such adviser or trustee) owned in the aggregate more than 25 per centum of such voting securities for a period of at least six months prior to such transfer."

Sec. 6. Section 15(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–15(c)) is amended by adding at the end thereof a new sentence as follows: "It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company, to take into account the purchase price or other consideration any person may have paid in connection with a transaction of the type referred to in subsection (f) or specifically exempt therefrom by paragraph (2) or (3) of subsection (f)."

Sec. 7. Section 16 of the Investment Company Act of 1940 (15 U.S.C. 80a–16) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by adding after subsection (a) a new subsection as follows:

"(b) Any vacancy on the board of directors of a registered investment company which occurs in connection with compliance with section 15(f)(1)(A) and which must be filled by a person who is not an interested person of either party to a transaction subject to section 15(f)(1)(A) shall be filled only by a person (i) who has been selected and proposed for election by the directors of such company who are not such interested persons, and (ii) who has been elected by the holders of the outstanding voting securities of such company, except that in the case of the death, disqualification, or bona fide resignation of a director selected and elected pursuant to clauses (i) and (ii) of this subsection (b), the vacancy created thereby may be filled as provided in subsection (a)."

Sec. 8. Section 10(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(e)) is amended to read as follows:

"(e) If by reason of the death, disqualification, or bona fide resignation of any director or directors, the requirements of the foregoing provisions of this section or of section 15(f)(1) in respect of directors shall not be met by a registered investment company, the operation of such provisions shall be suspended as to such registered company—

"(1) for a period of thirty days if the vacancy or vacancies may be filled by action of the board of directors;

"(2) for a period of sixty days if a vote of stockholders is required to fill the vacancy or vacancies; or

"(3) for such longer period as the Commission may prescribe, by rules and regulations upon its own motion or by order upon application, as not inconsistent with the protection of investors."

Sec. 9. Section 9 of the Investment Company Act of 1940 (15 U.S.C. 80a–9) is amended by adding at the end thereof a new subsection as follows:

"(d) For the purposes of subsections (a) through (c) of this section, the term 'investment adviser' includes a corporate or other trustee performing the functions of an investment adviser."

Sec. 10. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a–35) is amended by adding at the end thereof a new subsection as follows:

"(d) For the purposes of subsections (a) through (c) of this section, the term 'investment adviser' includes a corporate or other trustee performing the functions of an investment adviser."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Hays, Mr. Morgan, Mr. Zablocki, Mr. Mailliard, and Mr. Thomson of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 8619) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8619) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 268, which will be stated.

The assistant legislative clerk read as follows:

> A bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 1:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:30 p.m. today.

The motion was agreed to; and at 12:38 p.m., the Senate took a recess until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

REGULATION OF TRANSACTIONS OF MEMBERS OF NATIONAL SECURITIES EXCHANGES

The Senate continued with the consideration of the bill (S. 470) to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such acts, and for other purposes.

Mr. BROOKE. Mr. President, the legislation before us today is the first in a series of bills emanating from the far-reaching recommendations of the securities industry study conducted by the Committee on Banking, Housing and Urban Affairs. This study has taken almost 2 years to complete and represents a very thorough analysis of the most vexatious economic and regulatory problems facing our securities markets. Over the duration of this Congress, the Securities Subcommittee will consider many of its other recommendations in the hope of providing those regulatory changes essential to effecting a smooth transition to a central market system and improve the functioning of the industry's unique self-regulatory process.

The primary focus of this legislation is perhaps one of the most controversial questions presently confronting the industry—institutional membership. S. 470 deals directly with the problem of under what conditions a firm should be allowed to become or remain a member of a registered stock exchange. This has been widely and vigorously debated within every sector of the industry, before the SEC and the courts, and on at least three separate occasions over the last 2 years before the Securities Subcommittee. Today, we have an opportunity to make further progress toward a solution to it.

For the past several years, the major stock exchanges of this country have had membership rules that have varied greatly from one exchange to another. These rules have differed basically in their treatment of the combinations of investment advisory and brokerage services within the same firm. As a result, brokers affiliated with such financial institutions as insurance companies and mutual funds have been barred from membership on the New York and American Stock Exchanges while being admitted to membership on some of the regional stock exchanges. Differing treatment of this combination of functions has aggravated such basic industry problems as the unfair competition that presently exists between stock exchange members and nonmembers for institutional advisory accounts, including the fastest-growing area of all—pension fund management. It has distorted the evolution of a central market system for all listed securities by providing artificial incentives for firms to undertake both money management and brokerage. And it poses a number of serious conflicts of interest between broker money managers and their various clients.

The Securities and Exchange Commission has attempted to resolve these and other problems involving institutional membership by ordering the implementation of Securities Exchange Act rule 19b–2. This rule provides, in short, that every member must conduct a public securities business as its primary function, and it therefore stipulates that no member of any registered stock exchange may execute more than 20 percent of the total value of its exchange transactions for "affiliated persons," as defined in the rule.

This rule is under serious challenge on several fronts. Significant questions have been raised concerning the SEC's authority to act in this area and that authority is now subject to litigation proceedings initiated by the PBW Stock Exchange, Inc. In addition, an increasing number of persons, both inside and outside the securities industry, have stated their opposition to this rule as a matter of public policy.

It has been pointed out that rule 19b–2 only continues and even sanctions the fundamental unfairness of permitting brokers to combine money management with their brokerage business while preventing money managers from becoming brokers. For example, in its definition of "affiliated person," rule 19b–2 includes the accounts of institutional parents, investment companies, or other institutional funds which are managed under contract. NYSE member firms typically manage pension fund accounts under arrangements that give them only investment discretion, where insurance companies most often manage pension fund accounts pursuant to a contractual agreement. Thus, under such a definition, pension funds would be considered "unaffiliated" business, and, therefore, not subject to the 20 percent limitation, if managed under the arrangement most commonly used by exchange member money managers. However, the ultimate consequence of the two modes is the same: The money manager has de facto authority to make the day-to-day investment decisions for the managed account. Therefore, rule 19b–2 would apparently treat these two situations completely differently disregarding the realities of the situation and continuing the substantial competitive advantage enjoyed by NYSE money managers in the competition for managed institutional account business.

Several witnesses appearing before the Securities Subcommittee during its hearing on S. 470 testified that the Commission's approach to the combination of money management and brokerage would only encourage institutions to structure their relationships with their managed accounts in such a way as to insure circumvention of the rule. Both the Securities Industry Association and the American Stock Exchange advised the committee of their apprehension over rule 19b–2. They pointed out that even under this rule insurance companies and other institutional investment advisors will be able to become members of national exchanges for the sole or primary purpose of handling brokerage business for their managed institutional accounts, in fact, chiefly pension funds. These institutions believe that this rule may permit them to form member broker-dealer affiliates to handle transactions for most categories of their business within the rule's definition of what constitutes an "unaffiliated" account. Moreover, both witnesses pointed out that many institutions who have no wish whatever to join an exchange feel that under this rule they may be forced to do so either by competition or to avoid legal risks. As a result, it appears that rule 19b–2 may in practice achieve precisely the opposite of what it was intended to accomplish.

I also want to point out that rule 19b–2 does little, if anything, to abate or remove the conflicts of interest present in the combination of money management and brokerage. In fact, one witness stated that the approach taken in 19b–2 might even exacerbate some of the conflicts involved. Michael Taylor, vice president of Paine, Webber, Jackson, and Curtis, a NYSE member firm, pointed out that to meet the 20 percent affiliated business requirement, a broker may well be tempted to churn his unaffiliated accounts, or conversely, limit transactions by affiliated accounts in order to remain in compliance.

Mr. Taylor illustrated his point with the scenario:

> What does the chief officer of a securities firm do as the end of a reporting period approaches and he is told that his firm's ratio of non-affiliated to affiliated business for the period is 79–21?
>
> Does he order a set-up in the business being done for non-affiliated accounts? Or does he order limitations on the business being done for affiliated accounts?

In either case, the broker may be induced to act in other than the best interests of a particular account simply to comply with the 80–20 formula.

Accordingly, it would appear that the question of the combination of money management and brokerage can be most equitably resolved by prohibiting stock exchange members and their affiliates from effecting any transactions on national securities exchanges for those institutional accounts which they manage. The fairest means of separating a firm's "affiliate" from its "unaffiliate" business is the adoption of a standard applicable to everyone which defines an "affiliated" or managed institutional account as specifically including any account of banks, insurance companies, investment companies, separate account, profit sharing and retirement plans, foundations, and educational endowment funds. The test of "management" for the purpose of this prohibition focuses on the de facto authority to make the day-to-day investment decisions for the fund without reference to ultimate legal responsibility for the investment of the account's assets. This legislation separates "affiliate" from "non-affiliate" business on a basis that will apply even-handedly to institutional accounts managed by NYSE members and non-NYSE member investment advisors, and pension fund accounts will be counted as affiliated business for both types of managers. As a result it substantially equalizes the competition between NYSE members and nonmembers for managed institutional account business.

Moreover, the total separation of the two functions will eliminate many of the conflicts of interest involved when a money manager acts as a broker for his controlled accounts. There no longer will be an effort to artificially contort the management of advisory account brokerage transactions in such a way as to conform to an arbitrary percentage of business test.

Finally, I want to take particular note of one criticism of this legislation. Some have stated that the permitting of institutions to continue unlimited trading for their own accounts until commission rates become fully competitive will simply perpetuate institutional market domination and further encourage many of the trading activities which have driven the individual investor out of the market.

First, it should be pointed out that many of the most alarming and ominous aspects of institutional domination of our securities markets, such as trading of large blocks of stock in a manner which avoids the auction market, short swing speculation, primary access to advantageous research, concentration of investments in a relatively few securities, and the near-instantaneous liquidation of large positions with little regard for market impact all have little to do with whether or not an institution is able to trade through its own exchange member affiliate. In my judgment, the abolition of institutional membership will not, in and of itself, remove most of the detrimental effects on our securities markets of unrestrained institutional trading. It should also be clearly indicated that to the extent that institutions remain as or continue to become members of exchanges, section 1 of this bill gives the Commission additional authority to regulate their trading activity. This authority provides that the SEC must require that such institutional member trading contribute to the orderliness and liquidity of the market. Last, I am advised that in addition to the authority conferred upon it by section 1, the Commission will soon be forthcoming with new legislation to require frequent and complete disclosure of institutional holdings and trading activities, irrespective of whether or not an institution is an exchange member. I urge the Commission to speed the drafting of this legislation, and I hope that our committee can give it prompt and expeditious consideration when it is submitted.

In conclusion, Mr. President, it is becoming increasingly apparent that the debate over who should be allowed to be a member of a stock exchange has gone on long enough. There is little that has not already been offered by any side in this dispute. Without affirmative congressional action the arguments will drag on indefinitely, impeding all attempts to improve the condition of our securities markets. If that happens, the entire securities industry will be hurt, but I can assure you that the investing public will be the biggest loser of all. Therefore, I fully support this legislation, and urge its swift adoption by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HASKELL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the following staff members of the committee may be permitted on the floor during consideration of the pending bill: Tony Wood, Alton Harris, Terry Cluff, Steven Paradise, Mike Burns, Howard Minell, and Reginald Barnes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, on June 21, 1971, and on March 6, 1972, the Senate authorized the Committee on Banking, Housing and Urban Affairs to examine, investigate and make a complete study of any and all matters relating to the securities industry.

Pursuant to this authority the Subcommittee on Securities, of which I am chairman, has made the most comprehensive review of the regulation of our country's securities markets undertaken by the Senate since the 1930's.

Two of the most important issues discussed in the subcommittee's securities industry study report are the commission rate structure applicable to transactions on national securities exchanges and the availability of membership on those exchanges to financial institutions such as mutual funds, insurance companies, and banks.

In accordance with our subcommittee's recommendations on these matters, Senators BENNETT and TOWER and I introduced S. 470 on January 18 of this year.

Following extensive hearings on this bill, the full Committee on Banking, Housing and Urban Affairs has recommended its enactment with only minor changes.

This legislative approach from the outset has been completely bipartisan. Senators TOWER, BENNETT, and BROOKE, the bill's cosponsors, have acted in the most constructive manner.

The efficient movement of the legislation through committee could not have been achieved without their hard work and complete cooperation.

This bill reflects the conclusions of the subcommittee's study and in my opinion its adoption will provide a sound regulatory and economic framework within which the securities industry can operate and improve its services to all investors.

In addition to the bill's provisions concerning institutional membership and the commission-rate structure, this legislation makes three other major changes in our country's securities laws.

First, the bill amends the Securities Exchange Act of 1934 to give the Securities and Exchange Commission the authority to regulate the manner in which members of national securities exchanges may trade from on or off the floor of an exchange for their own account and for the account of their affiliates.

At present, the SEC's rulemaking authority respecting off-floor trading is limited to the prevention of members engaging in "excessive" trading.

The bill removes this limitation in accordance with recommendations of the SEC and gives that agency authority to regulate all trading by exchange members and their affiliated persons.

The bill also requires the Commission to adopt rules under this expanded authority providing that all trading by all members of national securities exchanges "contribute to the maintenance of a fair and orderly market."

I believe that with this expanded power the SEC will be able to control the trading activities of exchange members—including those affiliated with institutions—so that our securities markets operate fairly with regard to all investors.

The second thing the bill does is to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to permit a mutual fund manager or investment adviser to cause a fund or client to pay commissions to a broker in excess of commissions then being charged by other brokers for effecting similar transactions.

This may be done only if the broker provides research services of value to the fund or client and the adviser makes appropriate disclosures concerning such payments, as the SEC may require.

Currently there is inconsiderable uncertainty in the securities industry as to the propriety of a fiduciary paying commissions higher than those charged by other brokers for effecting similar transactions.

Representatives of research brokerage firms testified that many investment advisers are uncertain about the legality of paying such commissions, even though the mutual funds' prospectuses describe the practices.

S. 470 would remove this uncertainty and would establish legislative standards in accordance with which fiduciary money managers may use commissions to obtain research services.

The third important change which this bill makes in our securities laws is to amend the Investment Company Act to remove another existing-uncertainty—the legality of the transfer for profit of a controlling interest in a mutual fund management company.

This uncertainty was created by the 1971 decision of the Court of Appeals for the Second Circuit in Rosenfeld against Black.

In this case, the court of appeals held that the general equitable principle that a fiduciary cannot sell his office is impliedly incorporated into section 15(a) of the Investment Company Act of 1940.

The court, therefore, decided that a retiring investment adviser breaches its fiduciary duty by receiving compensation which reflects either, first payment contingent upon the use of influence to secure the approval of the new adviser or two, an assurance of profit the successor adviser will receive under the new advisory contract and renewals thereof.

This legislation resolves the potential unfairness and uncertainty credited by the Rosenfeld decision.

It provides that a controlling interest in a mutual fund management company may be sold at a profit.

However, for 3 years after such a transaction, at least 75 percent of the directors of the fund are to be independent of the new and old investment advisers.

In addition, the transaction must not impose an "unfair burden," as defined, on the fund.

These requirements will provide needed protections for mutual fund investors and at the same time allow the sale of management companies for profit.

Although these three changes are extremely important, the heart of S. 470 and its primary purpose is to deal with the complex questions surrounding institutional membership on stock exchanges.

The current pressure by institutional investors to join stock exchanges, as well as the growing concern of traditional securities firms with such membership, is inextricably tied to the continued existence of the fixed minimum commission rate structure.

The issue of institutional membership—performance of the functions of brokerage and money management by the same exchange member for the same affiliated or institutional account—and the issue of fixed commission rates, may be analytically distinct, but as a practical matter, they are inseparable.

In our committee's deliberations on this bill, we considered a proposal to set a definite date for the elimination of all fixed rates.

Although the committee generally agreed that fully competitive rates are necessary and appropriate for the long term health of the securities industry, the development of a true central market system, and the protection and fair treatment of investors, we saw serious difficulties with Congress setting the precise date on which fixed rates were to be eliminated.

Therefore, the bill, as reported, leaves the date and the manner in which fixed rates are to be phased out to the stock exchanges, the SEC and the courts.

Thus, S. 470 in no way affects pending litigation involving the legality of fixed commission rates under the antitrust laws.

In eliminating any reference to a specific date for the elimination of fixed rates, the committee was mindful of the fact that it would be unfair to investors and deleterious to the efficient operation of the securities markets to prohibit institutions or any other investors from joining exchanges for the purpose of reducing their commission costs while commission rates remain fixed.

Therefore, the bill's prohibition against an exchange member performing brokerage services for an affiliated person or managed institutional account does not become effective until commission rates become fully competitive.

Until completely competitive rates have been implemented, exchange members, money managers enjoy important competitive advantages over nonmember money managers.

Therefore, any attempt to freeze the existing membership situation or to prohibit institutions from joining exchanges would be grossly unfair to our Nation's pension funds, mutual funds, and insurance companies, and the millions of individuals whose savings they manage.

Furthermore, so long as commission rates remain fixed and investors are unable to obtain brokerage services at prices which the forces of competition have determined to be reasonable, there will inevitably be efforts to circumvent the effect of fixed rates.

Exchange membership is a direct way to avoid fixed rates and, therefore, its availability to institutions will provide an escape valve for their legitimate economic interests.

Allowing institutions to join exchanges is far preferable in my view to the proliferation of the dangerous and disruptive reciprocal practices which have in the past resulted from the denial of membership.

Once fixed rates are eliminated, the bill will resolve the problems caused by institutional membership—conflicts of interest, competitive unfairness, and potential market distortions—fairly and with due consideration for the protection of all public investors.

It will prohibit all stock exchange members and their affiliates, subject to enumerated exceptions, from effecting any transactions on any national securities exchange for their own account, for the account of their affiliated persons or for institutional accounts which they manage.

The bill's approach of totally separating an exchange member's brokerage activities from its institutional money management activities eliminates self-dealing with respect to the brokerage or managed institutional accounts and resolves the conflicts of interest created by this combination of functions.

The absolute and uniform prohibition on self-dealing in the bill will also eliminate the problem of market distortion which arises from the different relationships between money management and brokerage allowed by the various exchanges.

The incentive to take transactions to the market which affords the best opportunity to earn or recapture the most commission income without regard to "best execution" will also be removed.

The bill's provisions apply even-handedly to all money managers and will, therefore, provide a fair basis upon which all can compete for this type of business in the future.

The unjustifiable discrimination suffered by nonbroker money managers under the existing exchange arrangements will be eliminated.

The bill will also eliminate the artificial inducement to money managers to enter the brokerage business and permit a flexible movement toward the creation of a new central market system.

In summary, Mr. President, S. 470 is the end product of nearly 2 years of intensive study, hearings and deliberations by our committee, the SEC, the securities industry and representatives of the investing public.

Our legislation is designed to deal with the problems which the money management/brokerage combination pose for a truly competitive market.

I, for one, believe that this bill will accomplish this objective in a direct and constructive manner.

In my opinion, it will go a long way toward establishing a rational and fair economic base for the securities industry and, at the same time, it will provide the SEC with the authority to adequately protect all investors.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. WILLIAMS. I am happy to yield to the chairman of the Committee on Banking, Housing and Urban Affairs.

The PRESIDING OFFICER (Mr. McClure). The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, first I commend and congratulate the Senator from New Jersey who is chairman of the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs. I commend him and the members of his committee for the long and hard work they have put into this legislation.

The Senator knows, of course, that there are some things about which I expressed some dissatisfaction. However, I was assured by the Senator from New

Jersey that the things about which I am concerned will be the subject of further study. Very briefly, the thing that disturbs me about the legislation so far and about the condition of security dealings throughout the country and the stock exchanges is the fact that the small investors are being driven out of the market. I think there is no question about that.

At the present time we are supposed to have, I believe, about 32 million shareholders in the United States. I have often said we should have 50 million and we should be working toward 100 million. If we are going to have a healthy economy in the security business I think we must pay more attention to the small investor.

When this bill was being marked up in committee the Senator from New Jersey assured me at that time, and I want to ask if my understanding is correct, that this subcommittee will be giving attention to other matters, other legislation that might provide some incentive for the small investor.

Mr. WILLIAMS. Well, I am happy to respond to the chairman of the full committee that after we have concluded this question and this legislation I think we will deal with those situations. First come rates and the membership question. Then it is our objective to deal comprehensively with the regulation of the securities industry and the marketplace.

We know there are so many factors that are discouraging to the smaller investor. It will require a continuation of our studies to bring up to date all we have started upon in order to find ways to deliver the authority to the SEC to rationalize the whole transaction process—from the initial order through the exchange to the clearing depository, and including the stock certificate.

There are so many obstructions in the way of a clear and simple transaction.

Mr. SPARKMAN. And safe.

Mr. WILLIAMS. And safe. I will say we did a great deal when we responded with alertness under the leadership of the Senator from Alabama, now nearly 3 years ago, to a crisis in the marketplace. We brought a new insurance factor to the investor should there be a failure of a brokerage house. With respect to unsafe practices, answers are continuing to be found so that the small investor will have a better place for his investment.

Mr. SPARKMAN. I appreciate that statement. I know the Senator will carry it out.

Mr. WILLIAMS. I thank the chairman very much for his kind reference to the work of our subcommittee and his personal references.

Mr. BROOKE. Mr. President, I am very pleased to have heard the colloquy between of the distinguished chairman of the committee (Mr. SPARKMAN) and the distinguished chairman of the subcommittee (Mr. WILLIAMS) concerning the protection of small investors.

The chairman will recall that some years ago, after the failure of some brokerage houses, I proposed the segregation of cash and securities, so that brokerage houses would not use or intermingle their cash with the cash of investors or pledge the fully paid securities of the investor for obligations of the firm. At that time, some brokerage houses were in bankruptcy, and in liquidation of the assets of those firms we were unable to distinguish what belonged to the customers and what belonged to the brokerage firms. Consequently, some persons were injured very badly.

As the subcommittee chairman (Mr. WILLIAMS) has said, we went further at that time and came to an agreement with the New York Stock Exchange and the Commission that the SEC would promulgate rules under the Securities Exchange Act to prevent future intermingling of customer cash and securities with those of the firm.

We asked the Securities and Exchange Commission to draft regulations, because we were aware that if we were to stop instantaneously the intermingling of cash and securities, the result would have been disastrous to the stock market at that time. However, we agreed that we would gradually work toward such a separation.

These SEC regulations have only been in effect since January of this year. It is still too early to know what effect they are having on brokerage house operations. However, we hope that very shortly we shall have that information together with the kind of cooperation the Commission is receiving from the various brokerage houses throughout the country in enforcing this rule, so that the maximum protection might be afforded the consumer.

I want to note this progress on free credit balances because it is proposed in the bills upon which the committee has been working—and in particular this bill—that we make certain that not only is the consumer protected, but that more of the American public will be encouraged to become investors in the stock market. I think it is good to point out that we have made some very serious progress in this area already.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. SPARKMAN. I well recall when we had the insurance bill before the Senate. There was a great crisis in the securities industry at the time. I know the Senator from Massachusetts brought out the fact, and there was some discussion of it, that in a great many instances the investor has his stock certificates used to finance other business activities of his broker. Moreover, the cash of many customers was also being held and being used by the broker for his own use. Both the use of customer certificates and money by brokers was virtually unrestricted by our securities laws. It was the Senator from Massachusetts who brought up that point when I was arguing for that bill. At the time, I suggested that we would go on and pass the bill, because there was an emergency; then we could consider the other things.

The Senator asked if I would say that we definitely would make the studies, and make them in depth. It was largely because of the suggestion made by the Senator from Massachusetts that we asked the Committee on Rules and Administration to allow us to establish the special ad hoc committee. The bill before us today is the first big bill to be reported by that committee. However, I take it that we may expect other bills to follow it.

I commend the Senator from Massachusetts for initiating the argument, and also for the very fine work he has done with the chairman and other members of the subcommittee.

Mr. BROOKE. I thank the distinguished chairman. I may add that the Senator from New Jersey (Mr. WILLIAMS), the chairman of the subcommittee, as a result of that debate which took place on the floor of the Senate, when we were near the end of the session, and there was a question whether we would be able to pass the bill at all, stated that he would see to it that we would have a study and go into it in depth; that we would consider the intermingling of cash and securities and with the aid of the Securities and Exchange Commission would look into all aspects of the financial operations and securities processing of the brokerage industry.

The chairman of the Securities Subcommittee (Mr. WILLIAMS), of course, then put together a staff. I think they have done an exceptionally fine job. It is an exceptionally fine staff which has done a lot of extremely fine work, including four case studies, many, many hours of complex hearing, and two hallmark analytical reports on the industry's most pressing economic and regulatory problems.

As I pointed out, this is the first piece of legislation to come out of the study's recommendations, but other pieces of legislation will follow, and in due course I think we can restore a full measure of public confidence to this industry. When that happens I am sure we will see a marked improvement in present market conditions.

Mr. WILLIAMS. Mr. President, may I say that it was at the time of the passage of the SIPC legislation that the Senator from Massachusetts brought to the Senate debate his background of knowledge, and his wisdom, in suggesting the need not only to have an insurance program for investors but to deal comprehensively and in depth with the securities industry and its methods and procedures of operation. That suggestion of the Senator from Massachusetts was readily accepted by the chairman of the full committee, the Senator from Alabama (Mr. SPARKMAN), and I was in position, of course, on the subcommittee, to work with the idea.

It has been a joint venture of the best kind, I would say. I mentioned this in my earlier remarks. For nearly 2 years now, we have been blessed with a very able staff, and the selection of a staff was also a joint enterprise. Together, we interviewed those suggested by the majority and those suggested by the minority. It has been a constructive and cooperative effort from the beginning.

As I mentioned earlier in response to the observation of the Senator from Alabama, our work is far from over with the passage of this present legislation. Certainly the back office legislation which last year unanimously passed in the Senate, but failed of enactment because of the lack of time to have a conference, will be reintroduced. This legislation will go a long way toward rationalizing the depository and clearing house procedures to assure that the SEC has full power over the trade completion process.

It is with great pleasure that I thank the Senator from Massachusetts for his comments, but also reply in kind that his contribution has been indispensable to the progress we have made and to where we are going on the road ahead.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 223

Mr. TAFT. Mr. President, I call up my amendment No. 223 to S. 470, a bill to amend the Securities and Exchange Act of 1934, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 15, strike lines 4 through 7.

On page 15, line 8, strike out "(B)" and insert in lieu thereof "(A)".

On page 15, line 9, strike out "specified in subparagraph (A)" and insert in lieu thereof "of enactment of this subsection".

On page 15, line 17, strike out "(C)" and insert in lieu thereof "(B)".

On page 15, line 18, strike out "(B)" and insert in lieu thereof "(A)".

At the end of the bill add the following new section:

"SEC. 11. Section 6(c) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78f(c), is amended to read as follows:

"'(c) Nothing in this title shall be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with this title and the rules and regulations thereunder and the applicable laws of the State in which it is located, except that, after April 30, 1974, no exchange shall maintain or enforce any rule fixing minimum rates of commissions with respect to that portion of any transaction which exceeds $100,000: *Provided, however*, That the Commisison may, by rule, permit an exchange to fix reasonable minimum rates of commission until April 30, 1975, with respect to that portion of any transaction which exceeds $100,000 if the Commission finds that the public interest requires the continuation, establishment, or reestablishment of reasonable fixed minimum rates for such portions of transactions.'"

Mr. TAFT. Mr. President, I have called up my amendment on this bill before speaking on the bill, which I may wish to do later after the amendment is disposed of. I think that the bill, while perhaps not earth-shaking, does present some serious questions for decision of the Senate as to the state of the economy and the state of the stock market today.

Fortunately, perhaps, it appears, at least by the morning newspapers, that the House of Representatives is not too likely to act on this particular measure for some time, so perhaps the alarm I have expressed is unfounded. But I do think there are some serious dangers in this bill today, and I am attempting to correct them by the amendment, and also to call to the attention of the people generally and the Members of the Senate the possible results that are likely, in my opinion, to occur if this bill is passed.

I am sympathetic with many of the principles and goals the sponsors and advocates of the bill say that they have, but I must say that from the experience I have had—which has not been considerable, but is at least based on some contact with those involved in the securities industry—that this bill is very likely to have a very adverse impact, and at this particular time I think one that could be quite dangerous.

The amendment that I have offered deals separately and I hope straightforwardly and definitively with the fundamental questions of the requirements for membership on stock exchanges and the method of determining commission rates on stock exchanges.

Section 2 of S. 470 presently links the two questions by forbidding any SEC-imposed "public business requirement" to limit dealing for one's own account by present or future members of stock exchanges until commission rates on transactions of all sizes are negotiated rather than fixed. No action along the lines of the present Exchange Act rule 19b-2 could be taken until that time—in other words, until the commission had been wholly negotiated. Particularly in view of the lack of a definite date for the advent of fully negotiated commission rates, the result of section 2 seems likely to be an increase in self-dealing on exchanges, brought about largely through more institutional membership.

In my judgment, the rationale for section 2 is faulty because it is based upon an artificial linkage of the institutional membership-public business question to the commission rate question. I cannot accept the argument that the primary element in any discussion of institutional membership or a public business requirement is the desirability, or lack thereof, of the present commission rate structure. I am privileged to say that the Securities and Exchange Commission is in agreement with me on that point. I quote in that regard from a letter dated April 16, addressed to the Hon. JOHN SPARKMAN, chairman of the Committee on Banking, Housing, and Urban Affairs, signed by D. Bradford Cook, the Chairman of the Commission, which reads in part as follows:

> We are, however, opposed to the bill's provisions linking the question of the appropriate utilization of exchange membership with the elimination or reduction of fixed commission rates. Although we have recognized the interrelationship of these problems, we steadfastly maintain that the issues are separate, and that the problem inherent in institutional access to exchange membership would exist whether or not commission rates were negotiated.

The adoption of the approach of section 2, which reopens exchanges to the type of institutional members whose primary mission is trading for the accounts of the institutional parent, will indeed provide undeniable pressure to move toward fully negotiated rates. Most institutions have already stated that lowering the size of a transaction subject to negotiation will in large part assuage their desire to become stock exchange members. However, the consideration of tactics in the battle over commission rate structure is not a sound basis on which to decide whether, and to what extent, dealing by exchange members for their own account should be allowed or encouraged, and I do not think either should be the case.

I believe that there should be an overriding concern with the character of the business required of every exchange member. The public interest can be served only if the primary function of every exchange member is to serve the public, rather than to do business for itself or its parent owner. If exchange membership does not carry with it the continuing obligation to conduct at least a predominantly public business, there is the strong possibility that the exchange system will move in the direction of a private club where large institutions and other members can gain unfair advantage over the public. The possibility of such unfairness was pointed out by former SEC Chairman Casey, in his testimony before the Securities Subcommittee:

> If the gates are thrown open to institutions, this great bulk of (exchange) trading—60 percent of all trading today—could be done not at negotiated rates but at cost, while individual investors and small institutions, unable to justify a seat, would have to pay still higher rates.

Members dealing for their own accounts would have other possible trading advantages besides cost. These include proximity to trading information and greater inducement or ability to engage in short swing speculation, which may cause public orders to be executed at a different price than otherwise. Actions by such members could delay the execution of public orders or even wipe out attractive trading situations before the public can act. Even if the additional regulation of exchange member trading, provided by section 1 of the bill, is reasonably effective, some abuses will occur and it will probably appear to the investing public that private advantage is being encouraged.

Most observers agree that the individual investor is truly an essential element in the market's composition. Continued participation by individual investors is vital to the market's depth and liquidity.

Incidentally, as I shall comment later, and quote from one of the brightest members of the New York Stock Exchange today, Mr. Ross Perot, I think that the continued presence of the institutional investor is also vital to the continued presence of institutional investors in the market at all. Unfortunately, however, the latest New York Stock Exchange estimate of the total number of individual shareholders shows a decline of 800,000 in the past year, the first such reversal in 20 years of recordkeeping. Something is very wrong indeed when, in a period in which profits are going up and America's gross national product is continuing to grow, we see results of this kind without any adequate explanation. The statement that the fixed rates are the cause of this is wholly without basis and wholly without any real historical background, considering that the number of investors has continued to go up through the history of the exchanges in spite of the fact that there have been fixed rates involved.

The individual investor is leaving largely because he has lost faith and confidence in our securities market. The adoption of this bill, with its suspension of any SEC-imposed public business requirement pending the elimination of fixed commissions, will only erode investor confidence still further. It will reduce the probability of sustained participation in the market by both small brokers and small investors.

Also, incidentally, institutional domination has already had an effect, perhaps, on the small investor. I like to think of the market as being made up on three bases; namely, the institutional investor, who has the overweening power today; the small investor; and then another group, the traders, the in-and-out people who really keep much of the liquidity of the market going in the market today.

What has happened is that the small investor has become scared by the fact that the institutional investor dominates the market; that their decisions, to which he is not privy, and which may be made for reasons wholly related to the institution rather than to the general market situation, are used to arrive at decisions and cause the market to fluctuate up and down without any relationship to the realities of the earnings of the particular company involved. The trader is not able to afford, on such a short time basis, anything like the amount of money or the amount of investment that can be put in initially and then in followup operations, if necessary, by the institutional investor to protect his own interests and looking out for himself.

At this crucial time, the market needs more small brokers and investors rather than fewer. They will not be attracted or even retained at current levels in a market which appears to be becoming more dominated by institutional investors operating through their own outlets. Perhaps the exchanges can control this problem by their own rules, but it would be better to do so through specific statutory or administrative guidelines not related to the negotiated-rate issue.

Accordingly, my amendment would require that, after a 2-year phase-in period all stock exchange members do a 100-percent public business rather than effecting any transactions for their own accounts, the accounts of affiliates, or institutional accounts which they manage. This is exactly the same "public business" requirement as S. 470 already contains, except that the phase-in period would start upon the date of the bill's enactment rather than upon the date on which no commission rates remain fixed.

Senators WILLIAMS, BROOKE, BENNETT, and TOWER have correctly emphasized, however, that the commission-rate question should be dealt with at the same time as the institutional membership-public business question, because of the relationship between uneconomically high fixed commission rates for large transactions and the desire of institutions who effect these transactions to join stock exchanges. My amendment, therefore, would require commission rates on portions of transactions over $100,000 to be on a negotiated basis by April 30, 1974, or by April 30, 1975, if the SEC determines that the public interest calls for a longer time period to reach this goal.

On this point I am flexible, but I think there is good reason at this time to put in a deadline date of this sort in the legislation. It is a compromise, in an attempt to work out some support for the amendments approach. In principle, I question whether it is sound even to go down to the 100,000 transaction at this time.

The amendment would vest in the SEC, by virtue of its present statutory authority, the discretionary power to permit retention of fixed minimum commission rates for transactions or portions of transactions involving less than $100,000. Of course, the rate, if fixed, would not necessarily be at the present fixed rate level.

A reduction in the cutoff size for fixed commission rates from the present $300,000 level to $100,000 would, to a large extent eliminate: First, the present advantage held by exchange members over nonmembers with respect to competition for money management business; second, payment by institutions of excessive fixed commission rates; and third, efforts by the institutions to circumvent the effect of these rates through complex and anticompetitive reciprocal practices. At the same time, fixed rates for smaller transactions could be retained, to the extent found by the SEC to be necessary, to protect small broker-dealers against predatory pricing and provide some control over the price of brokerage services offered to unsophisticated small investors with little negotiating power. Fixed rates for these transactions also should tend to reduce the likelihood of public disadvantage from a "rate war," resulting in aggravation of the demise of smaller brokers and small individual investors.

My amendment would provide more rational and specific resolutions of the public business-institutional membership and commission rate questions than S. 470. I urge the Senate to adopt it without delay.

Mr. President, I have noted in the public press a number of recent developments with regard to this entire interest rate, commission rate, and institutional membership problem. It is important that we call some of these developments to the attention of the Senate today before we act on this bill, and I would like to do so.

First of all, in this morning's Wall Street Journal is published an article entitled "Brokerage Industry Intensifies Opposition to Two Key Provisions of Securities Bill," from which I should like to read in part and to comment on, which goes into the recent developments and raises some new questions which I think are worth considering carefully. I think that the Senate might well be advised to put aside the bill until it does, perhaps, study these new developments.

The article reads in part as follows:

> Key securities-industry groups are intensifying pressure against major facets of a wide-ranging securities bill being considered in the House.
>
> The industry's future would be bleak if the legislation is passed in its present form, they claim.
>
> The objections are aimed at two of the bill's chief provisions: membership on the nation's stock exchanges for financial institutions, such as banks, insurance companies and mutual funds, . . .

I might say at that point that, coming from Ohio, I am well aware that Ohio is seriously considering getting into that business itself, on its State retirement fund account.

Continuing to read:

> . . . and elimination of fixed brokerage fees for stock transactions in favor of a competitive rate system.
>
> Some industry spokesmen have testified, in hearing under way by a finance subcommittee of the House Commerce Committee, that the current experiment of negotiating commission rates on large orders is a failure and that what's needed isn't only fixed rates, but higher fixed rates. They also argue that the proposed legislation would increase institutional dominance of the securities markets at the expense of brokerage firms and individual investors.

I must say that I share in that concern. Continuing to read:

> Pointing to the current poor financial status of the brokerage industry and a rash of mergers among firms in the past year, John C. Whitehead, chairman of a securities industry trade group, told the subcommittee Friday: "Our industry is dissolving month by month. We face a very serious situation." He advocated a return to across-the-board fixed minimum brokerage rates.

EXPERIMENT CALLED A "FARCE"

> Mr. Whitehead represents the Securities Industry Association, to which about 800 brokerage firms belong. Earlier last week, Paul Kolton, chairman of the American Stock Exchange, told the subcommittee it shouldn't enact a timetable for the elimination of fixed brokerage rates because the industry currently is losing money. He said the current experiment with negotiated rates is a "farce" and that the commission level actually is dictated by big institutions.

That has been commented on. The American Exchange and the New York Stock Exchange are not in agreement at all now, apparently, as to what direction the commission and rate question should go and what the proper solution to it might be.

So in rushing here to require a rapid shift to the matter of negotiated rates, or an acceleration of the institutional membership, which is really what this bill is likely to do, I am worried about the alternatives this bill presents. It seems to me, just from the point of view of the market and the self-interest of the people involved, you are going to have a lot of pressure from both the major exchanges in this country upon the SEC, upon themselves, and on the part of their members not to buy the package that is contemplated by this bill—not to go to the negotiated rate route. What is going to happen, then, is that you are going to aggravate the present serious situation with regard to the complete dominance of institutions, and that dominance, in my opinion, is one of the principal factors underlying the lack of investor confidence in the markets today. You are going to force an increase in institutional membership.

I continue with the remarks about the key provisions in the House bill presently being considered, which are pertinent to this bill as well:

> The New York Stock Exchange, which is to testify when the hearings resume June 26,

> also has spoken out against negotiated rates, saying recently that fixed rates should be reimposed. The exchange is expected to restate those views strongly at the hearings.

We are going to go ahead without the benefit of the knowledge of what might be said at that time.

> However, indications are that the subcommittee members so far haven't been convinced by the industry.
>
> The House bill would eliminate fixed commission rates completely by Feb. 1, 1975, after first lowering the cutoff level for fixed rates to portions of trades in excess of $100,000 by Feb. 1, 1974. The bill would allow the Securities and Exchange Commission to extend the 1975 deadline by one year. Currently, rates are competitively determined on the portion of transactions above $300,000.
>
> The Senate Banking Committee recently cleared a similar bill but abandoned a proposal to set a fixed date for elimination of fixed rates.

As I have indicated, while I am not for setting a fixed date for the elimination of fixed rates, I really would almost rather see us leave that situation as it was and set a date for the elimination of fixed rates if we treat the matter of institutional membership immediately along with it. I think that at least it would avoid the danger I see in the Senate bill that I have already mentioned.

> The House hearings will run intermittently until September.

As I have said, that is rather reassuring, but it means that the Senate, when it goes to conference, will be negotiating from a very disadvantageous position, because the House will have had the benefit of considering everything that has happened in the meantime.

> At the Friday hearing, Mr. Whitehead said the negotiated rate experiment on that portion of orders above $300,000 so far has been a "failure." Formerly a proponent of fully negotiated rates, he said he recently changed his mind "most reluctantly" and believes a "competitive rate structure simply won't work in this industry." He said indications are that the brokerage industry, which had been divided on the question, is "swinging back" to favor fixed rates as "the only way for our industry to survive in a viable way."
>
> He said the commissions on institutional-size transactions are actually "dictated" by the institutions and have resulted in lower fees for them and higher ones for the individual investor.

This problem, I think, is very likely to be aggravated if we go the proposed route.

> He said the negotiations don't come until after trades actually have been completed, and brokers are handicapped because if they turn down the fee demanded by an institution they would lose the business.

Incidentally, I have heard the argument made, too, that the institutions would turn to smaller brokerage houses; and the argument has been put that they actually place a percentage of their trades with smaller brokerage houses, in an attempt to keep them in business. It may happen in a small way in the New York area and other areas, but the inquiries I have made on this point throughout the country would indicate the contrary, that there is no placing of orders by the large institutional investors with small brokerage houses, even though they have organized their own firm or have become a member of the regional exchange themselves.

I do not think this is going to be any long-range answer; and at best it will be a sop thrown to the few, rather than a basic development that is going to help the small houses and keep a viable exchange.

I continue reading:

> He said a poll showed 65% of his association's members are opposed to negotiated rates. Mr. Whitehead said it would be a "serious error" for Congress to eliminate fixed rates or to legislate a further reduction in the level of negotiated rates.
>
> Rather, he proposed a "flexible" system of minimum rates that would be carefully regulated by the SEC and would automatically change as the volume and cost of stock trading fluctuated.
>
> Mr. Whitehead referred to the current situation as "destructive completion." He also asked Congress to prohibit institutions from being stock exchange members, saying he feared the increase of their "economic power" and also that they would take "much of our income away from us." Institutions, which account for 70% of the volume on the Big Board compared to 35% 10 years ago, want to become stock exchange members to save on commissions they now pay to brokers.

I do not know the exact basis for the claim, and I have not studied it yet. It is interesting to note that the Wall Street Journal article—I was not quoting Mr. Whitehead at that point; I was quoting from the article—has taken the often used 60 percent figure up to 70 percent of the market transactions:

> The Amex wants the committee to deal with the institutional membership question separately from the other matters in the securities bill. Mr. Kolton said if "banks and insurance companies" are allowed to become members they will get "another advantage" over individual investors and further alienate them from the markets. He said institutional investors, because of their "size and economic power" have been able to "negotiate the commissions they pay on portions of orders above $300,000 to practically nothing."
>
> Besides seeking to abandon the current negotiated rate system on large orders, the Big Board wants the SEC to give it permission to boost all fixed rates to increase the revenues of its cash-starved member firms. The Amex said it's considering alterations to the Big Board proposal that would minimize any increase for all small investors.

I know it will be said, when I leave the floor, that the language in this testimony relating to the imminence of an increase in fixed commission rates indicates that we do not have competition here, that the customers are being hurt by this, and that therefore we ought to go ahead and pass this bill to phase out fixed commission rates. But the bill does not do that. It will probably result in the other alternative, which to me seems even worse for the board and for the small investor, because it will drive him out totally, perhaps.

In any event, I feel that stock exchange members, if they argue that some type of increase in commission rates is needed in particular circumstances, are certainly taking into account what the effect on their own market is going to be. I do not feel they are going to advocate something that is going to hurt them. I do not think they are going to keep rates at a level which is going to discourage participation by investors.

I also noted an interesting article in Business Week of May 26 about Mr. Ross Perot, who is with the retail brokerage firm du Pont Glore Forgan. He is one of the brighter young minds and certainly one of the more vocal new figures in the picture on Wall Street today. Some of the things he says are particularly pointed, I think, with regard to the questions I am raising, and he says them, perhaps, far more dramatically than I have been able to say them. I will read a few. First, as to what the mission of Wall Street is, he says:

> Why does Wall Street exist? To protect million of jobs and to create new jobs. In Washington, everybody talks about the tax base, but the tax base depends on the job base, and under that is the capital base. That's a helluva mission, if Wall Street could just see that its mission is to protect jobs. The Street does not exist for the Street. It needs a much broader view of itself.

I agree with that. I am not here today to defend Wall Street or brokerage houses or investment firms or stock exchanges. I think we have to take a look at the national interests and what is happening to the exchanges; because if it continues to happen, it can indeed have very widespread effects upon the entire capital market in this country.

As Mr. Perot points out the capital market is very directly related to how many jobs we may be able to have in our economy. Then, he comments on the problem of the individual investor, which I have discussed. He said this to his friends on the Exchange:

> Why should we want the little investor back? In the past we have treated him as a nuisance, and we have finally gotten rid of him. Yet, collectively, individuals dwarf all the financial institutions. The little investor is like the 120-lb. guard on the high school football team who wanted to play in college. But when he got out on the field he found 280-lb. institutions out there playing with the finest equipment there is. In 1967–1968 that little fellow was still out on the field, but he took his licks. Today he's walking up and down the sidelines saying, "Anyone for tennis?"

Mr. President, Mr. Perot goes on to talk about commission rates and he states:

> ON COMMISSION RATES
>
> If you and I owned department stores and we were swapping stories about how lousy business is, what would you think of me if I said "Hey, I have a great idea. Let's raise our prices?" You'd think I was crazy, wouldn't you? So far as the Street is concerned, the potential for white sales is there, but the salesmen aren't there, and the industry is waiting for the Second Coming.

On big institutions he said:

> ON THE BIG INSTITUTIONS
>
> The institutions remind me of a trip through the Suez Canal. Ever been there? Every morning, as the sun rises across the desert, the banks of the canal are swarming with natives dipping sand out of the canal and hauling it in buckets out into the desert. That night, the wind blows it back into the canal and the next morning they are back repeating their task. If it weren't for you and me . . . [the institutions] would be full of sand.

Further, on institutional sales he said:

> ON INSTITUTIONAL SALES
>
> The institutions are saving pennies by getting their rates cut but losing dollars in what the shares they hold are worth. It's a

> question of liquidity. If little investors stay out of the market, who is going to buy the shares the institutions own? Sooner or later they are going to come up against the "to whom" question. To whom are they going to sell their stock? We have got to figure out a way to scatter it to the four winds when the institutions sell. As it is now, they are all watching each others' eyelids, and I have seen big blocks move on the basis of the way an eyelid quivered over bacon and eggs at Chock Full O'Nuts. Everybody wants to be first out.

Mr. President, to go on and comment on that statement, this is the problem we face. There is no market. The reason the market has become so poor is that by the mere quiver of an eyelid on the part of an individual investor advisor who is hired by some large mutual fund, there is a decision to sell a security that may have been held for a long time. The earnings of that security may have increased vastly and they may be excellent so far as the future is concerned, but his advice on reviewing the total portfolio, for some reason that is prevalent at the time, is to sell that bloc of stock. Having made that decision, and trying to justify it with his colleagues or with any board that might be reviewing it, he is not likely to back away and he then finds the buyers are not there.

I remember some sage advice I once received, that I made reference to in another issue of the RECORD. I received that sage advice from Charles Sawyer, former Secretary of Commerce under President Truman, and a former law partner of mine. He said that in the early days he had gone into the market and had gotten a little stake starting from nothing. He thought he was going along pretty well and suddenly he found he was not doing well at all. He went to an older adviser that he thought knew about the market and he asked that adviser about the situation. The older man said, "Let me tell you, Charles. I think you do not understand the basic principle of the stock market." He said, "What do you think makes stocks go up or down?" Charles Sawyer told this older adviser that it related to the earnings ratio, the general prospects for the company or industry; matters he thought he had studied carefully and thought he understood.

The reply of the adviser was, "No, Charles, you do not understand the rudiments. The reason it goes up is because more people want to buy than sell and the reason it goes down is because more people want to sell than buy."

Mr. President, the latter is the position of the stock market today so far as individual investors are concerned when they want to unload a block of stock. There are not those people in the market who want to buy. It is a price that does not represent the normal flow in the marketplace. So there is not an adequate market. One sees this also on stocks that are not on exchanges that lack a medium in which to deal. This is a key factor that must be understood.

Mr. Perot goes on to say:

> ON SELLING STOCKS
>
> We are looking for a registered bird-dog puppy we can teach to hunt. Too many brokers look at a customer as a person to make a commission from, rather than a person to make money for. There's where the rubber meets the road. There's a basic problem. This is the classic time to go after customers who are unhappy with their brokers. Pity the customer's man with too few customers. He has to have everybody trading and wears out the soil. He doesn't have the resources to let a field lie fallow. Teach him to sell to new customers, and do it aggressively, and he can farm intelligently.

Mr. President, there has to be created in the market a climate in which they can do that and today, because of the factors I have mentioned, I do not think that climate exists in the market.

Mr. President, that completes my initial remarks on the amendment. When we have a sufficient number of Senators in the Chamber I expect to ask for the yeas and nays because I think it is a matter of great importance.

I yield the floor.

Mr. WILLIAMS. Mr. President, I oppose the amendment of the Senator from Ohio.

The fundamental principle underlying S. 470 is that the question of stock exchange membership for financial institutions cannot be resolved fairly and effectively until fixed brokerage commission rates are abolished. The Senator from Ohio takes a very ambivalent position on that principle.

On the one hand he states that the rationale for S. 470 is faulty because it is "based upon an artificial linkage of the institutional membership—question to the commission rate question."

But on the other hand he acknowledges that the sponsors of the bill are correct in emphasizing "that the commission rate question should be dealt with at the same time as the institutional membership question."

Obviously, there is a contradiction between these statements, which may reflect a confusion into the purpose of S. 470. Let us first examine Senator TAFT's assertion that the fundamental issues of commission rates and institutional membership can be dealt with separately.

All of our studies and investigations have clearly shown that there is simply no way to settle the questions of membership and commission rates independently of one another without creating competitive unfairness and exposing our trading markets to serious distortions. Indeed, the Director of the SEC's Institutional Investor Study, Dr. Donald Farrar, stated before our committee:

> Institutional membership [is] an issue that derives primarily from its link to non-competitively determined, fixed minimum brokerage commission rates on orders of institutional size. * * * Only if one contemplates a market system in which commission rates are competitively determined * * * can one disengage arguments in favor of or opposed to institutional membership *per se* from arguments relating primarily to its impact on a fixed rate structure.

The SEC itself has explicitly recognized the close relationship between fixed commission rates and the pressure on institutions to exchange membership—Chairman Casey told us that the issues were "completely, but not utterly" entwined. In its Statement on the Future Structure of the Securities Markets the Commission stated:

> The fixed minimum commission * * * either creates or exacerbates the problem of institutional membership.

The Commission's conclusion is shared by almost all of the institutional money managers who testified before the committee. As a representative of the American Banker's Association put the point:

> We submit that if commissions are allowed to find a level determined by free market forces, fiduciary membership on the exchanges would be unnecessary.

Donald Regan of Merrill Lynch draws the same conclusion:

> I really cannot see that the institutional membership question is such a difficult one—I think of it more as a question ancillary to the main issue of competitive rates.

Even Robert Haack, former president of the NYSE agrees. He has stated:

> I personally believe that the introduction of negotiated commissions would speak significantly to the matter of institutional membership, for their main incentive in seeking exchange membership is to save or recapture commission dollars. I believe, too, that reciprocity would largely be eliminated, for if an institution negotiated a commission which still allowed the executing broker to rebate, it might create a legal liability for having failed to negotiate a lower rate.

Two special congressional studies, released within the past year, also found these issues to be inseparable. the 18-month study of the securities industry conducted by my Subcommittee on Securities concluded:

> The pressures for stock exchange membership by financial institutions and their affiliates have developed largely as a response to fixed commission rates on the Nation's stock exchanges which have failed to take adequate account of the economies of scale involved in executing large transactions. So long as commissions continue to be fixed . . . it does not seem appropriate to eliminate current efforts by financial institutions to recapture excessive commission costs exacted from their beneficiaries.

The House Subcommittee on Commerce and Finance, in its recent securities industry study, reached essentially the same conclusion:

> Reduced to its essentials . . . the problem of institutional membership is not complex. The central issue has been the tensions which have resulted from the substantial institutionalization of the markets in recent years and the impact which that institutionalization has had on the fixed minimum commission rate system.

I think these sources make it clear that Senator TAFT is incorrect when he talks of an "artificial linkage" between the issue of membership and rates. The link is very real and to break it would be unfair to institutions and nonmember money managers and dangerous for the efficient operation of our equity markets.

But let me now turn to Senator TAFT's second point; namely, that he agrees with the sponsors of S. 476 that the Commission rate question and the institutional membership question should be dealt with at the same time. Passing the obvious contradictions between this assertion and his first point, I believe the Senator from Ohio has failed to grasp the significance of our reasons for dealing with the two questions at the same time.

Senator TAFT's amendment would lower the breakpoint for competitive rates from $300,000 to $100,000—it would do nothing about achieving fully competitive rates. The net result of the amendment would be to preclude institutions and other investors from joining exchanges to save commission costs while allowing rates on orders below $100,000 to continue to remain fixed indefinitely at whatever level the SEC could be cajoled into accepting.

There are two things wrong with Senator TAFT's amendment. The first is that contrary to his assertion, it would neither eliminate the economic pressures for institutions to obtain membership, nor would it eliminate the competitive advantage held by members over nonmembers with respect to money management business.

For example, we had testimony from the Treasurer of the State of Connecticut that over 40 percent of that State's pension fund business was in transactions under $100,000. Other institutions do a comparable percentage of their trading in these relatively smaller transactions. Accordingly what Senator TAFT's amendment would do is to allow institutions to negotiate on 60 percent of their transactions while being forced to pay fixed rates on the other 40 percent. I cannot believe that a conscientious fiduciary would not continue to seek to lower his brokerage costs when 40 percent of his business is involved.

We had other institutions testify that so long as rates remain fixed at any level they will be at a competitive disadvantage to exchange members in attempting to attract money management business.

In order to deal with the pressures for institutional membership and the problem of competitive fairness, I believe that all fixed rates must be eliminated. There is no evidence which supports holding fixed rates at the $100,000 level.

There are arguments for a total system of fixed rates. I think we all reject those arguments including Senator TAFT. But what the Senator from Ohio apparently fails to recognize is that there are no intellectually respectful arguments lines between totally fixed rates and totally competitive rates. If the Senator is serious in his espousal of the desirability of achieving competitive prices in the securities industry, he must go all the way.

There is another reason why Senator TAFT's proposal to stop at the $100,000 level is misguided. The president of a major regional brokerage house put it very well in testimony before the committee. He stated:

> We believe in competition and we think the sooner we get to that, the better we will be. . . . We strongly disagree with the conclusion (that the transition process should stop at $100,000) and frankly, have failed to find anything in the record of this Committee's hearings or in the record of the SEC hearings to indicate that something less than completely competitive rates will satisfactorily solve the problems that have been created by fixed commission rates. . . . We see no reason why the benefits or results of competitive commission rates should be cut off at a point that is determined to be suitable for institutional investors.

The Midwest Stock Exchange had very recently made much the same point. According to their statement:

> There should be no reduction from the present level of $300,000 for fixed rates until that level is reduced all the way to zero. After a great deal of consideration of the reasons for and against a more gradual reduction to zero, or moving down from $300,000 but stopping short of zero, the Board has concluded that either such approach would tend to produce prolonged uncertainty and might end up by combining the worst instead of the best features of fixed and negotiated rates.

Many others, in the industry, including the New York Stock Exchange, have expressed their agreement with this proposal.

There is no magic in the $100,000 level, quite the reverse. If we accept Senator TAFT's amendment we would, I believe, be doing great harm to the securities industry, a result which is no doubt directly contrary to his purposes.

As I said before, if we are to solve the twin issues of commission rates and institution membership we must go all the way to competitive commission rates. Senator TAFT's amendment does not only not get us there; indeed, it would offer encouragement to those who wish to prevent the completion of the journey.

The Senator from Ohio has expressed concern about the disappearing small investor and suggests that things will get worse for the small investor if we eliminate the fixed commission rates. The facts are that the marketplace has changed remarkably within the last 15 or 20 years, the years of the impact of the institutional investor. They have changed under this fixed-commission-rate system which we have had for 200 years.

Despite, or perhaps because of the fixed commission rate, we see the disappearing small investor. He is a discouraged man for many, many reasons. One of them, however, is the fact that he feels put upon because he is paying a fixed commission rate with poor service—and he now sees those in a quasi-official position attempting to increase that fixed commission rate.

I think the small investor will have a breath of fresh air if he sees that we are eliminating some of these old anachronisms from the marketplace and providing a more efficient system. Before the small investor is going to come back to the market he must be sure that the old standby, rigged rules of practice that have been with us for 200 years are eliminated.

This bill is one step in the direction of an efficient, dynamic securities marketplace, not run by a few for a few, but a marketplace that is run in the interest of all. A market run not only for the brokers so that they may make legitimate profits, not only for the companies who look to a viable exchange for a secondary market for their issues, but for investors as well, whether institutions or the broad public.

I want to say a final word about the Securities Industry Association, and the way that organization has presented this matter officially to us. Quite frankly, their position is, "Let us have what we have had for 200 years; only make it better for us." Of course, holding to that same old 200-year system and making it better for them, it makes it worse for everybody else, and that includes the small investor.

The SIA officials came in with their chevrons, as duly appointed industry leaders, with this story, but many other members of the SIA and the industry who do not come with chevrons tell us an entirely different story. Some of the real leaders of the industry told me publicly and informally that they know the old order has to give way. The SIA appear to have one function and that is to stand in the way of the inevitable happening.

This bill is part of a new and better order. I say it is only part, because, as we indicated in discussions with the Senator from Massachusetts (Mr. BROOKE) and the Senator from Alabama (Mr. SPARKMAN), there is a lot more underbrush that has to be cleared away so that the good and necessary activity of the marketplace can be pruned and strengthened.

Mr. President, I have nothing further to say, and I have no requests for time.

Mr. SPARKMAN. Mr. President, will the Senator yield to me very briefly?

Mr. WILLIAMS. I am happy to yield.

Mr. SPARKMAN. Mr. President, among other things that the amendment would do would be to change the date upon which institutions would be required to divest themselves of other exchange memberships, which in the bill is set at no earlier than April 30, 1976. It would strike that out. The only purpose of having that in there is to have a date certain, and it has been stated that very likely fully competitive commission rates would not be reached prior to that time. This just assures that institutions will have at least until that time in which to get their houses in order.

Mr. President, there is nothing new about this. When we passed the Banking Holding Company Act in 1969 we made special provision for many small bank holding companies and gave them 10 years to divest themselves. Some of them have not divested themselves yet. Also, when we passed the Savings and Loan Association Holding Company Act, we had a similar situation. This measure gives them 2½ years to divest themselves.

As a matter of fact, it may be remembered that some 3 or 4 years ago the Senator from Utah (Mr. BENNETT) and I introduced jointly a bill that would prevent institutional investors from joining exchanges, and other legislation has been introduced seeking to get the institutional investors off the exchanges. I believe that is a good thing to aim for, but I believe instiutions should have a reasonable time to make this transition. This was the purpose of my amendment.

Mr. President, I have a letter from the president of the Philadelphia-Baltimore-Washington Stock Exchange in which he calls attention to the fact that without this amendment 50 members of that stock exchange will be affected, and then the letter states:

> This proposed legislation will also affect over 200 sole member firms of the PBW.

He submits a list of firms that would be affected by the legislation without the amendment which I introduced to the bill, and which the amendment offered by the Senator from Ohio would eliminate.

Mr. President, I ask unanimous consent that I may place in the RECORD at this place as a part of my remarks the letter from Mr. George S. Hender, vice president of the Philadelphia-Baltimore-Washington Stock Exchange, and a list of the firms that would be affected.

There being no objection, the letter and list were ordered to be printed in the Record, as follows:

PBW Stock Exchange, Inc.,
Philadelphia, Pa., June 4, 1973.

Hon. John J. Sparkman,
U.S. Senator,
Dirksen Building, Washington, D.C.

Dear Senator Sparkman: I would like to comment on the Senate Banking Committee Bill concerning institutional membership on national securities exchanges.

This proposed legislation will directly affect fifty members of the PBW Stock Exchange. These members joined the PBW because of a desire to reduce the costs of investing, and thereby to effect savings for millions of policyholders and mutual fund shareholders. Their decision to join the PBW was made only after considerable time and money had been spent in determining the feasibility of exchange membership, how to utilize the membership, and the extent to which such membership would result in savings to their beneficiaries. In addition, these members expended considerable money in setting up their brokerage operations and have trained and employed highly qualified individuals. Loss of membership by these members will result in considerable monetary loss to millions of public investors.

This proposed legislation will also affect over 200 sole member firms of the PBW which deal primarily with small individual retail customers, that segment of the investing public which has had particular difficulty in finding broker-dealers willing to handle their accounts. The ability of our sole members to execute these small customer orders is dependent on the contribution the institutional members have made to the depth and liquidity of our marketplace.

If institutional membership on exchanges is to be prohibited or restricted, institutions which own seats on exchanges should be permitted to retain such seats until at least 1976. It would be inequitable to force these institutions to abandon their memberships with the consequent expense and disruption occasioned by such a change in trading practices.

Please call me if I can answer any questions, or assist you in any other appropriate way.

Sincerely,

George S. Hender.

PBWSE Institutional Member List

(Institutional affiliate, date of admission, and parent organization)

Aetna Financial Services, Inc., 151 Farmington Avenue, Hartford, Conn. 06115, Phone: (203) 273-0123, Member: D. Russell Armentrout, Jr.; June 28, 1971; Aetna Life and Casualty.

Allstate Trading Company, Allstate Plaza, Northbrook, Ill. 60062, Phone: (312) 291–5781, Member: Ronald E. Peterson; November 15, 1971; Allstate Insurance Co.

American Money Management Corporation, 200 Josephine Street, Suite 505, Denver, Colo. 80206, Phone: (303) 771–8030, Member: James H. Galbreath; December 16, 1970; Western Empire Financial Inc.

Baer Securities Corporation, 67 Wall Street, New York, N.Y. 10005, Phone: (212) 422–7282, Member: Ralph M. Carruthers; February 17, 1966; Julius Baer (Banking).

C. G. Securities Corporation, Hartford, Connecticut 06115, Phone: (203) 243–8811, Member: Harold E. Bigler, Jr.; September 29, 1962; Connecticut General Life Insurance Co.

CNA Securities Corp., 310 South Michigan Avenue, Chicago, Ill. 60604, Phone (312) 822–7908, Member: Richard T. Fox; May 22, 1970; CNA Financial Corp.

CU Securities Corporation, 110 Milk Street, Boston, Mass. 02107, Phone: (617) 426–2600, Member: Donald H. Whitney; September 18, 1972; Commercial Union Companies.

Commonwealth Chemical Securities, Inc., 116 John Street, New York, N.Y. 10038, Phone: (212) 349–5460, Member: Julius Kleinman; December 29, 1972; Federated Equity Corp.

Connecticut Nutmeg Securities, 30 Trinity Street, Hartford, Conn. 06115, Phone: (203) 566–5050, Member: Robert I. Berdon; December 14, 1972; State of Connecticut.

Dahlman & Company, Inc., 555 California Street, Suite 2810, San Francisco, Calif. 94104, Phone: (415) 986–0246, Member: Thomas Finch; January 26, 1970; Capital Funding Corp. (Life Insurance).

The Dreyfus Sales Corp., 767 Fifth Avenue, New York, N.Y. 10022, Phone: (212) 935–8484, Member: Robert S. Clancy; December 24, 1968; Dreyfus Funds.

Endowment Securities Corp., 77 Franklin Street, Boston, Mass. 02110, Phone: (617) 357–8480, Member: Paul F. Duffy; August 17, 1970; Endowment Management & Research Corporation (Managers Mutual Fund Major Endowment Fund).

Equico Securities, Inc., P. O. Box 581, 100 West 52nd Street, New York, N.Y. 10001, Phone: (212) 857–3337, Member: Walter R. Knortz; January 4, 1972; Equitable Life Assurance Society of the United States.

Equity Services, Inc., National Life Drive, Montpelier, Vt. 05602. Phone: (802) 223–3431, Member: Harold Engleman; February 10, 1972; National Life Insurance Co. of Vermont.

Europartners Securitiss Corporation, 1 World Trade Center, Suite 3411, New York N.Y. 10022, Phone: (212) 466–6100, Member: Thomas R. Koerick; April 2, 1968; Credit Lyonnaise, Paris Commerzbank, Germany, Banco di Roma, Italy.

Financial Service Corporation of America, Financial Service Bldg., Piedmont and Cain Streets, Atlanta Ga. 30303, Phone: (404) 659–1234, Member: William F Carter; February 13, 1968; Financial Service Corp., International (Insurance and Diversified Investments).

Founders Securities Corp., 2400 First National Bank Building, Denver, Colo. 80202, Phone: (303) 292–1820, Member Bjorn K. Borgen; May 19, 1971; Founders Mutual Depositor Corporation.

Percy Friedlander & Co., Inc., 140 Broadway, New York, N.Y. 10005, Phone: (212) 425–7740, Member: Joel D. Aronson; February 5, 1971; City Investing Co. (Financial Conglomerate).

Galic Securities, Inc., 5100 Gamble Drive, Minneapolis, Minn. 55416; Phone: (612) 374–6434; Member: E. Charles Williamson, Jr.; June 15, 1972; Gamble Skogmo, Inc.

General Investment Sales Corporation, 1845 North Farwell Avenue, Milwaukee, Wisc. 53202; Phone: (414) 272–2421; Member: Wallace C. Berg; September 4, 1969; GL Enterprises, Inc. (Insur.).

Glenwood Securities, Inc., 44 Glenwood Avenue, East Orange, New Jersey 07017, Phone: (201) 674–7575; Member: Paul Kreindler; September 9, 1968; Pennsylvania Life Co.

Guardian Advisors, Inc., 201 Park Avenue South, New York, N.Y. 10003, Phone: (212) 473–10003, Member: James B. Pirtle; August 7, 1970; Guardian Life Insurance Co. of America.

Halsey, Stuart & Co., Inc., 123 LaSalle Street, Chicago, Ill. 60690, Phone: (312) 782–3900, Member: Ernest B. Kelley, Jr.; April 2, 1970; Lincoln National Corp. (Bank Holding Company).

Hartford Securities Company, Inc., Hartford Plaza, Hartford, Conn. 06115, Phone: (203) 547–5000, Member: Gerard T. Lynch; December 17, 1971; Hartford Fire Insurance Co.

Home Capital Services, Inc., 59 Maiden Lane, New York, N.Y. 10038, Phone: (212) 530–6163, Member: Rogers Bayles; December 31, 1971; The Home Insurance Company.

Imperial Securities, Inc., P.O. Box 1386, 10709 Wayzata Boulevard, Minneapolis, Minn. 55440, Phone: (612) 544–1531, Member: Thomas P. Kozlak; March 19, 1969; The Saint Paul Companies, Inc.

INA Trading Corporation, Room 1648, Suburban Station Bldg., 1600 Arch Street, Philadelphia, Pa. 19101, Phone: (215) 241–4000, Member: Donald G. Heth; June 24, 1968; INA Corporation.

Intercapital Distributors, Inc., 1775 Broadway, New York, N.Y. 10019, Phone: (212) 581-3360, Member: Dennis H. Greenwald; McGraw-Hill, Inc./Standard & Poor's Corp.

Intercapital Investors, Inc., 2121 San Joaquin Hills Road, Newport Beach, Calif. 92660, Phone: (714) 644–8673, Member: Jack E. Glassford; August 13, 1969; Interfinancial Inc. (Life Insurance).

Jefferies & Company, Inc., 445 South Figueroa Street, Los Angeles, Calif. 90017, Phone: (213) 624–3333, Member: Boyd L. Jefferies; August 5, 1971; Investors Diversified Services, Inc.

Kansas City Securities Corp., One Crown Center, P.O. Box 19237, Kansas City, Mo. 64141, Phone: (816) 283–4210, Member: Wesley J. Teasdale, PBW Trading Floor; March 19, 1969; United Funds, Inc.

Keystone Securities Company, Inc., 99 High Street, Boston, Mass. 02104, Phone: (617) 726–1200, Member: Robert M. Smith; April 25, 1972; Keystone Custodian Funds, Inc.

Loew's Securities Corp., 666 Fifth Avenue, New York, N.Y. 10019, Phone: Jacob Stillman; January 3, 1972; Loew's Corporation.

Craigie, Mason-Hagan, Inc., 830 East Main Street, Richmond, Va. 23219, Phone: (703) 649–0331, Member: John C. Hagan, III, Walter W. Craigie; June 8, 1972; Fidelity Corporation (Insur.)

(Former Member Firm, Mason-Hagan, Inc. was admitted to membership on May 8, 1952. Their membership was ceased in June, 1972, at which time Craigie, Mason-Hagan, Inc., became the PBW member.)

North American Equity Corporation, 1900 Avenue of the Stars, Suite 330, Los Angeles, California 9007, Phone: (213) 553–3581, Member: Robert A. King; December 30, 1970; Equity Funding Corp. of America (Life Insurance and Mutual Funds).

Penn Mutual Securities Corp., 530 Walnut Street, Philadelphia, Pa. 19105, Phone: (215) WA5–7300, Member: Edwin W. Chrysler, Jr; June 15, 1972; The Penn Mutual Life Insurance Co.

Phoenix Equity Planning Corp., One American Row, Hartford, Conn. 06115, Phone: (203) 278–1212, Member: Edward P. Ward; July 17, 972; Phoenix Mutual Life Insurance Co.

Place d'Armes Securities Inc., 152 Notre Dame East, Montreal 126, Canada, Phone: (514) 861–4721, Member: Tancrede Sicard; October 1, 1971; Quebec Federation des Caisses Populaires des Jardins.

Porteous and Company, Inc., 3 Penn Center Plaza, Philadelphia, Pa. 19102, Phone: (215) 564–3533, Member: Douglas K. Porteous; August 15, 1966; Provident Fund for Income, Inc.

Pruco Securities Corporation, Prudential Plaza, Newark, New Jersey 07101, Phone: (201) 336–4246, Member: John F. Winch; April 15, 1971; The Prudential Insurance Company of America.

Republic Securities Corporation, 1730 K Street NW, Washington, D.C. 20006, Phone: (202) 223–1000, Member: Charles W. Steadman; June 14, 1967; Stearman Security Corporation (Mutual Funds).

St. Johns Securities, Inc., 5050 Edgewood Court, P.O. Drawer B, Jacksonville, Fla. 32203, Phone: (904) 387–1588, Member: Charles M. Thompson; July 9, 1968; D. D. I. Inc. (Family Holding Company Diversified Investments).

Surety Equities Corporation, P.O. Box 2520, Surety Financial Center, Salt Lake City, Utah 84111, Phone: (801) 487-7411, Member: L. James Ellsworth; March 8, 1971; Surety Life Insurance Co. of Salt Lake City.

TMR Securities, Inc., 245 Park Avenue, New York, N.Y. 10017, Phone: (212) 661-4400, Member; Gerard Leimkuhler; April 20, 1972; Tsai Management & Research Corporation.

Toronto Securities Company, One Crown Center, P.O. Box 19237, Kansas City, Mo. 64141, Phone: (816) 283-4207, Member: Richard T. Taylor, Jr.; October 13, 1969; United Funds of Canada.

Travelers Securities Corporation, 1 Tower Square, Hartford, Conn. 06115, Phone· (203) 277-0111, Member: Peter F. McKay; December 30, 1971; Travelers Insurance Co.

UBS-DB Corporation, 40 Wall Street, New York, N.Y. 10005, Phone: (212) 943-5900, Member: Donald E. Williams; November 9, 1970; Union Bank of Switzerland/Deutsche Bank of Frankfurt, Germany.

Walnut Securities, Inc., 120 Wall Street, New York, N.Y. 10005, Phone: (212) 422-6915, Member: Joseph M. O'Brien; November 12, 1968, NFIC, Inc.

Westpark, Inc., Westminister at Parker, Elizabeth, N.J. 07207, Phone: (201) 354-1770, Member: Roger T. Wickers; December 29, 1972; Anchor Fund.

PBW STOCK EXCHANGE, INC.—GEOGRAPHICAL LOCATION OF MEMBER ORGANIZATIONS

R—Regular Member.
A—Associate Member.
*—NYSE Member.
!—ASE Member.

ALABAMA

R, Shropshire, Fraser & Company, Mobile.

ARIZONA

R, Continental American Securities, Inc., Phoenix.
R, Security Planning Service, Inc., Tempe.

CALIFORNIA

A, American Investors Company, Hayward.
A, Bay Securities Corporation, San Francisco.
R, DAC Securities, Inc., Long Beach.
R, Dahlman & Company, Inc., San Francisco.
R, Diversified Securities, Incorporated, Long Beach.
R, Financial Equities, Ltd., Los Angeles.
R, Financial Opportunities, Inc., Los Angeles.
R, Finerman & Company, Los Angeles.
R, First California Company, Inc., San Francisco.
R, Gorey (Walter C.) Co., Inc., San Francisco.
A, Guerin (J.P.) & Co., Los Angeles.
A, Gust, Merhap & Co., Inc., Santa Ana.
A, Harrison Financial Corporation, Sacramento.
R, Intercapital Investors, Inc., Newport Beach.
A, Investors Financial Services, Inc., Los Angeles.
*R, Jefferies & Company, Inc., Los Angeles.
A, MKF Securities Incorporated, San Francisco.
A, Marchese (Gregory) & Company Investment Securities, Monterey.
*!R, Mitchum, Jones & Templeton, Incorporated, Los Angeles.
R, North American Equity Corporation, Los Angeles.
R, Reid (Belmont) & Co., Inc., San Jose.
R, Schwab (Charles) & Co., Inc., San Francisco.
R, Sebag (Joseph) Incorporated, Los Angeles.
R, Skaife & Company, Berkeley.
A, Universal Heritage Investments Corporation, Torrance.
R, Wilford Securities, Inc., La Mesa.

COLORADO

R, American Money Management Corporation, Denver.
R, Founders Securities Corp., Denver.
R, Institutional Securities of Colorado, Inc., Denver.
A, Kelly & Morey, Inc., Denver.
R, Turley Investments, Inc., Denver.

CONNECTICUT

R, Aetna Financial Services, Inc., Hartford.
R, C. G. Securities Corporation, Hartford.
R, Connecticut Nutmeg Securities, Inc., Hartford.
R, Hartford Securities Company, Inc., Hartford.
R, Phoenix Equity Planning Corporation, Hartford.
A, Rybeck (Wm. H.) & Co., Inc., Meriden.
R, Stetson Securities Corporation, Fairfield.
R, Travelers Securities Corporation, Hartford.
*!A, Conning & Company, Hartford.

DELAWARE

*!R, Laird Incorporated, Wilmington.

FLORIDA

*!R, Baroody & Co., Fort Lauderdale.
R, Barzilay (Aaron), Inc., Fort Lauderdale.
R, Bieder & Co., St. Petersburg.
R, Consolidated Securities Corp., Pompano Beach.
R, First Equity Corporation of Florida, Tampa.
R, Freeman (H. W.) & Co., Fort Myers.
R, Hardy, Hardy & Associates, Inc., Sarasota.
*R, Raymond, James and Associates, Inc., St. Petersburg.
R, St. Johns Securities, Inc., Jacksonville.
R, Spencer (R. S.) & Associates, Inc., Sarasota.

GEORGIA

R, Financial Service Corporation of America, Atlanta.
R, First Southeastern Company, Columbus.
*!R, Robinson-Humphrey Company, Inc. (The), Atlanta.

ILLINOIS

R, Allstate Trading Company, Northbrook.
R, CNA Securities Corp., Chicago.
*!R, Davis (Ralph W.) & Co. Incorporated, Chicago.
R, Halsey, Stuart & Co., Inc., Chicago.
*!R, Mesirow & Company, Chicago.
A, Mississippi Valley Securities Company, Inc., Effingham.

KANSAS

A, Columbian Securities Corporation (The), Topeka.
A, Professional Investment Services, Inc., Prairie Village.

LOUISIANA

R, Clarke (Geo.) W. & Associates, Inc., Lake Charles.

MAINE

A, Payson (H. M.)& Co., Portland.
A, Smith & Company, Waterville.

MARYLAND

*!R, Baker, Watts & Co., Baltimore.
*!R, Brown (Alex.) & Sons, Baltimore.
R, Chapin, Davis & Co., Inc., Baltimore.
R, Equivest Corporation, Baltimore.
*!R, Garrett (Robert) & Sons, Inc., Baltimore.
R, Lassise and Company, Inc., Bethesda.
*!R, Legg, Mason & Co., Inc., Baltimore.
R, Letters, Peremel & Rashbaum, Inc., Baltimore.
R, Salkin, Welch & Co., Inc., Lutherville.
R, Williams (C. T.) & Co., Inc., Baltimore.

MASSACHUSETTS

A, A.B.D. Securities Corporation, Boston.
A, Adams & Peck, Boston.
A, Barger & Co., Boston.
A, Blodgett, Iselin & Co., Inc., Boston.
*!A, Breck, McNeish, Nagle and DeLorey, Inc., Boston.
A, Brokers Diversified, Inc., Worcester.
A. Burbank & Co., Inc., Boston.
*!A, Burgess & Leith, Boston.
R, CU Securities Corporation, Boston.
*!R, Cantella & Co., Boston.
A, Cerberus, Inc., Boston.
A, Culverwell & Co., Inc., Springfield.
A, Day (Chas. A.) & Co., Inc., Boston.
R, Endowment Securities Corporation, Boston.
A, First Cambridge Corporation, Cambridge.
A, Gage-Wiley & Co., Inc., Springfield.
A, Hawthorne Management Corporation, Boston.
Haigney (Dayton) & Co., Inc., Boston.
A, Hanlon (Gordon B.) & Co., Boston.
A, Kehoe (Thomas) & Co., Boston.
R, Keystone Securities Co., Inc., Boston.
A, Killebrew, Montle & Co., Inc., Boston.
A, Marsh (William G.), Inc., Boston.
A, Massachusetts Group, Inc. (The), Boston.
A, Merrimac Valley Investment, Inc., Haverhill.
*!A, Moors & Cabot, Boston.
*!A, Moseley (F. S.) & Co., Boston.
A, P.I.E.R. Associates, Inc., Boston.
A, Prescott (William S.) & Co., Boston.
A, Preston Moss & Company, Inc., Boston.
A, Putnam (F. L.) & Co., Inc., Boston.
A, Security Investment Services Corporation, Boston.
A, Shah (V. J.) & Co., Inc., Boston.
A, Southeastern Securities Corporation, Hanover.
A, Spencer, Swain & Co., Inc., Boston.
A, Stein (David S.) Company, Boston.
A, Sterman & Gowell Incorporated, Boston.
*!A, Tucker, Anthony & R. L. Day, Boston.
*!A, Wainwright (H. C.) & Co., Boston.
A, Warner Securities Company, Boston.
*!A, White, Weld & Co. Incorporated, Boston.

MICHIGAN

R, Ashton & Co., Inc., Detroit.
R, Butterfield (James C.) Incorporated, Jackson.
R, Olde & Co., Incorporated, Detroit.

MINNESOTA

R, Galic Securities, Inc., Minneapolis.
R, Imperial Securities, Inc., Minneapolis.
R. LaHue Investment Company, Inc., Bloomington.

MISSISSIPPI

R, Kroeze, McLarty & Duddleston, Jackson.

MISSOURI

*! R. Christopher (B.C.) & Company, Kansas City.
*!, Edwards (A. G.) & Sons, Inc., St. Louis.
*!A, Fisher Corportaion (The), St. Louis.
R, Kansas City Securities Corporation, Kansas City.
R, Toronto Securities Company, Kansas City.

NEVADA

R, Harvey Associates, Inc., Las Vegas.

NEW HAMPSHIRE

A, Carr (Robert C.) & Co., Inc., Manchester.

NEW JERSEY

R, Cashan Securities, Inc., Hammonton.
R, Financial Securities Co., Inc., Hightstown.
R, Fox (W. A.) & Co., Pompton Lakes.
R, Glenwood Securities, Inc., East Orange.
R, Hewlett (William H.) Associates, Maple Shade.
R, Holly Securities, Inc., Wildwood.
R, Mathis & Co., Atlantic City.
R, Pruco Securities Corporation, Newark.
R, Richardt-Alyn & Co., Jersey City.
R, Thomas (L. O.) & Co., Atlantic City.
R, Todd & Company, Inc., Carlstadt.
R, Vaisman & Company, Inc., Millburn.
R, Wegard (L. C.) & Co., Inc., Willingboro.
R, Weller (J. W.) & Co., Inc., Bloomfield.
R, Westpark., Inc., Elizabeth.

NEW MEXICO

R, First New Mexico Securities, Inc., Albuquerque.

NEW YORK

*!R, Abraham & Co., Inc., New York City.
*A, Alliance One Institutional Services, Inc., New York City.

R, Amiv-est Corporation, New York City.

* !R, Andresen & Co., New York City.

A, Associated Investors., New York City.

* !R, Bache & Co. Incorporated, New York City.

R, Baer Securities Corporation, New York City.

* !R, Baker, Weeks & Co., Inc., New York City.

* !, Bear, Stearns & Co., New York City.

* !R, Becker (A. G.) & Co. Incorporated, New York City.

R, Blauner (Milton D.) & Co., Inc., New York City.

A, Bodell, Overcash, Anderson & Co., Inc., Jamestown.

A, Brighton Securities Corp., Rochester.

* !R, Bruns, Nordeman & Co., New York City.

* !R, Burns Bros. and Timmins, Inc., New York City.

* !R, Coenen & Co., Inc., New York City.

* !Coleman and Company, New York City.

R, Commonwealth Chemical Securities, Inc., New York City.

* !R, Cowen & Co., New York City.

R, Cushing Capital Corporation, Buffalo.

A, Daiwa Securities Co., America, Inc., (The), New York City.

* !R, Delafield Childs, Inc., New York City.

* !R, Dominick & Dominick, Incorporated, New York City.

* !R, Donaldson, Lufkin & Jenrette Securities Corporation, New York City.

R, Dreyfus Sales Corp. (The), New York City.

* !R, duPont Glore Forgan Incorporated, New York City.

* !R, Edwards & Hanly, New York City.

R, Equico Securities, Inc., New York City.

R, EuroPartners Securities Corporation, New York City.

A, Fallon, Towse, Farrand and Vierengel, Inc., Albany.

* !R, Faulkner, Dawkins & Sullivan, Inc., New York City.

R, First Buffalo Corporation (The), Buffalo.

R, First Northeast Securities, Inc., New York City.

R, Frank & Drake, Incorporated, New York City.

* !R, Friedlander (Percy) & Co., Inc., New York City.

* !R, Goldman, Sachs & Co., New York City.

* !R, Goodbody & Co., Incorporated, New York City.

R, Guardian Advisors, Inc., New York City.

* !R, Halden & Co., New York City.

* !A, Halle & Stieglitz, Filor Bullard, Inc., New York City.

* !A, Hamershlag, Borg & Co., New York City.

R, Hand (M. E.) Securities, Inc., New Hartford.

* !R, Harris, Upham & Co., Incorporated, New York City.

* !R, Hayden Stone Inc., New York City.

* !R, Hentz (H.) & Co., Inc., New York City.

!R, Herman & Co., New York City.

* !R, Herold, Kastor & Gerald, Incorporated, New York City.

A, Hillman Securities Corp., New York City.

* !R, Hoenig & Strock, Inc., New York City.

R, Home Capital Services, Inc., New York City.

R, Huntoon Paige Securities Corporation, New York City.

* !R, Hutton (E. F.) & Company Inc., New York City.

R, InterCapital Distributors, Inc., New York City.

* !A, Jesup & Lamont, New York City.

* !R, Josepthal & Co., New York City.

R, Keefe, Bruyette & Woods, Inc., New York City.

A, King (C. L.) & Associates, Inc., New York City.

* !R, Kohlmeyer & Co., New York City.

* !R, Laidlaw-Coggeshall Inc., New York City.

* !R, Lawrence (Cyrus J.) & Sons, New York City.

* !R, Lehman Brothers Incorporated, New York City.

A, Lipper, (Arthur) Corporation, New York City.

* !R, Loeb, Rhoades & Co., New York City.

R, Loew's Securities Corp., New York City.

*R, Lombard, Nelson & McKenna, Inc., New York City.

* !R, Lynch, Jones & Ryan, New York City.

* !R, Mack, Bushnell & Edelman, Inc., New York City.

A, March/Monarch Securities Corporation, New York City.

R, Miller Securities, Inc., Sycracuse.

* !R, Mitchell, Hutchins Inc., New York City.

* !R, Model, Roland & Co., Inc., New York City.

* !R, Monness, Williams & Sidel, New York City.

* !R, Moore & Schley, Cameron & Co., New York City.

R, Morgan, Kennedy & Co., Inc., New York City.

!R, Morgenstern, Carapico & Co., New York City.

R, Newburger, Loeb Securities, Inc., New York City.

A, Nomura Securities International, Inc., New York City.

* !R, Oppenheimer & Co., New York City.

A, Paribas Corporation, New York City.

!R, Pasternack Securities Corps., New York City.

*R, Pressprich (R. W.) & Co. Incorporated, New York City.

* !R, Purcell, Graham & Co., New York City.

* !R, Reich & Co., Inc., New York City.

* !R, Richard (C. B.) Ellis & Co., New York City.

* !A, Rosenthal (L. M.) & Company, Inc., New York City.

* !R, Saloman Brothers, New York City.

* !R, Saxton (G. A.) & Co., Inc., New York City.

* !R, Seiden & deCuevas, Incorporated, New York City.

* !R, Shaskan & Co., Inc., New York City.

* !R, Shearson, Hammill & Co., Incorporated, New York City.

* !R, Shearson, Hammill & Co., Incorporated, New York City.

R. Smith, Jackson & Company Incorporated, New York City.

*R. Smithers (F.S.) & Co., Inc., New York City.

A, TC Investors, Inc., New York City.

R, TMR Securities, Inc., New York City.

R, UBS–DB Corporation, New York City.

A, Ultrafin International Corporation, New York City.

R, Walnut Securities, Inc., New York City.

R, Weeden & Co., New York City.

* !R, Weis Securities Inc., New York City.

* !R, Wertheim & Co., Inc., New York City.

* !A, Whitney (H. N.), Goadby & Co., New York City.

* !R, Witter (William D.), Inc., New York City.

*R, Wood Cundy Incorporated, New York City.

* !R, Wood, Struthers & Winthrop Inc., New York City.

A, Wurzburger, Morrow & Keough, Inc., Mt. Kisco.

A, Van Bergen & Co., Incorporated, New York City.

OHIO

A, Aub (A. E.) & Company, Cincinnati.

A, Barth (J. L.) Co. (The), Cincinnati.

* !A, Bartlett (Benj. D.) & Co., Cincinnati.

A, Conners & Co., Inc., Cincinnati.

* !A, First Columbus Corporation (The), Columbus.

* !A, Harrison & Company, Cincinnati.

* !A, Hill & Co., Cincinnati.

A, Hinsch (Charles A.) & Company, Inc., Cincinnati.

A, Hogan Securities Corporation, Hamilton.

R, I–M–A Capital, Inc., Dayton.

A, Ohio Company (The), Columbus.

A, Reiter (C. H.) & Co., Cincinnati.

R, Smith (Pierre R.) & Co., Elyria.

A, Thayer, Woodward & Co., Cincinnati.

A, Weil, Roth & Irving Company (The), Cincinnati.

* !R, Vercoe & Company Inc., Columbus.

PENNSYLVANIA

* !R, Arthurs, Lestrange & Short, Pittsburgh.

* !R, Babbitt, Meyers & Waddell, Pittsburgh.

R, Booker Brothers, Inc., Wilkes-Barre.

R, Burgwin & Company, Pittsburgh.

R, Burke, Lawton & Company, Flourtown.

R, Capital Clearing Corporation, Media.

* !R, Chaplin, McGuiness & Co., Incorporated, Pittsburgh.

R, Conrad (Theron D.) & Co., Inc., Sunbury.

R, Cunningham, Schmertz & Co., Inc., Pittsburgh.

R, First Pittsburgh Securities Corporation, North Versailles.

R, Hefren (Arthur R.) & Co., Inc., Pittsburgh.

R, Hope (J. S.) & Co., Inc., Scranton.

R, Hulme, Applegate & Humphrey, Inc., Pittsburgh.

R, Investors Security Corporation, Monroeville.

* !R, Masten (A.E.) & Company, Pittsburgh.

* !R, McKee (C. S.) & Co. Incorporated, Pittsburgh.

R, Miller Holmes Company, Inc., Pittsburgh.

R, Misciagna (Anthony) & Company, Inc., Altoona.

* !R, Moore, Leonard & Lynch, Inc., Pittsburgh.

R, Nassar & Comany, Inc., Pittsburgh.

* !R, Parker/Hunter, Incorporated, Pittsburgh.

R, Peelor (Charles G.) & Co., Inc., Pittsburgh.

R, Pennock & Co., Villanova.

* !R, Pennsylvania Group, Incorporated (The), Bala Cynwyd.

R, Powell (Elmer E.) & Co., Pittsburgh.

R, Preston, Watt & Schoyer, Pittsburgh.

R, Renneisen, Renneisen and Redfield, Inc., Doylestown.

R, Simpson, Emery & Co., Inc., Pittsburgh.

* !R, Singer, Deane & Scribner, Pittsburgh.

R, York (Warren W.) & Co., Inc., Allentown.

* !R, Advest Co., Philadelphia.

R, Albert & Maguire Securties Co., Inc., Philadelphia.

R, Bailey (George A.) & Co., Philadelphia.

R, Blaine and Company, Inc., Philadelphia.

* !R, Blyth Eastman Dillon & Co., Incorporated, Philadelphia.

!R, Boenning & Scattergood Inc., Philadelphia.

* !R, Brown Brothers Harriman & Co., Philadelphia.

* !R, Butcher & Sherrerd, Philadelphia.

R, Collings (C. C.) & Company, Inc., Philadelphia.

* !R. deHaven & Townsend, Crouter & Bodine, Philadelphia.

R, Delphi Capital Corporation, Philadelphia.

!R, Diamond, Schwartz & Co., Philadelphia.

R, Dick (Lewis C.) Co., Philadelphia.

* !R, Drexel Burnham & Co., Incorporated, Philadelphia.

* !R, Elkins, Morris, Stroud & Co., Philadelphia.

* !R, Estabrook & Co., Inc., Philadelphia.

* !R, First Boston Corporation (The), Philadelphia.

R, Greenwood (H. T. & Co.), Philadelphia.

R, Guarniery (R. Y.), Inc., Philadelphia.

* !R, Hallowell, Sulzberger, Jenks & Co., Philadelphia.

R, Heppe (J.E.) & Co., Inc., Philadelphia.

* !R, Hess, Grant & Frazier, Inc., Philadelphia.

R, Hopper, Soliday, Brooke, Sheridan, Inc., Philadelphia.
*!R, Hornblower & Weeks-Hemphill, Noyes Incorporated, Philadelphia.
*!R, Hutton (W. E.) & Co., Philadelphia.
R, INA Trading Corporation, Philadelphia.
*!R, Janney Montgomery Scott Inc., Philadelphia.
R, Kaufmann Trading Company, Philadelphia.
*!R, Kidder, Peabody & C., Inc., Philadelphia.
R, Kuch (H. G.) & Co., Philadelphia.
*!R, Merrill Lynch, Pierce, Fenner & Smith Inc., Philadelphia.
*!R, Newbold's (W. H.) Sons & Co., Philadelphia.
*!R, Paine, Webber, Jackson & Curtis Inc., Philadelphia.
*!R, Parish Securities Inc., Philadelphia.
R, Penn Mutual Securities Corporation, Philadelphia.
R, Porteous and Company, Inc., Philadelphia.
R, Pugach (S. M.) & Co., Inc., Philadelphia.
*!R, Reyonds Securities Inc., Philadelphia.
*!R, Sade & Co., Philadelphia.
R, Schmidt, Roberts & Parke, Inc., Philadelphia.
*!R, Smith, Barney & Co., Incorporated, Philadelphia.
R, Smith (E. W.) Co., Philadelphia.
R, Snyder (Geo. E.) & Co., Philadelphia.
R, Sullivan (D.F.) & Co., Philadelphia.
R, Suplee-Mosley Inc., Philadelphia.
R, Teller (Albert) & Co., Inc., Philadelphia.
R, Thomas and Marsh Company, Philadelphia.
*!R, Thomson & McKinnon Auchincloss Inc., Philadelphia.
R, Tyson (R. R.) & Co., Philadelphia.
*!R, Walker (G. H.) & Co. Incorporated, Philadelphia.
*!R, Walston & Co., Inc., Philadelphia.
R, Wynncroft Co., Philadelphia.
*!R, Yarnall, Biddle & Co., Philadelphia.
R, Zern, Saltzman & Co., Inc., Philadelphia.
*!R, Witter (Dean) & Co. Incorporated, Philadelphia.
!R, New York Hanseatic Corporation, Philadelphia.

RHODE ISLAND

A, Brown, Lisle & Marshall, Incorporated, Providence.
!A, Diamond Douglas & Co., Inc., Providence.
R, White (A. J.) & Co., East Providence.

SOUTH CAROLINA

R, Manning (V. M.) & Co., Inc., Greenville.
R, Norris (Edgar M.) & Co., Greenville.
R, Sims (Henry) Securities, Inc., Orangeburg.

TENNESSEE

R, Bullington-Schas & Co., Memphis.
R, Millard & Investment Securities Corporation.
*!R, Morgan, Keegan & Company, Inc., Memphis.
R, Reddoch (James N.) & Co., Inc., Memphis.
R, Saunders (M. A.) & Co., Inc., Memphis.

TEXAS

R, Beebe, Lavalle & Rude, Inc., Houston.
R, Brown, Allen, Rose & Co., Dallas.
R, Dullnig (George E.) & Co., San Antonio.
R, Newton (Paul F.) & Company, Houston.
A, United Services Planning Association, Inc., Fort Worth.

UTAH

R, Surety Equities Corporation, Salt Lake City.

VERMONT

R, Equity Services, Inc., Montpelier.

VIRGINIA

R, Bolding & Co., Portsmouth.
R, Cortese, McGuire & Co., Inc., Arlington.
R, Craigie, Mason-Hagan, Inc., Richmond.
*!R, Investment Corporation of Virginia, Norfolk.
A, Manna Financial Planning Corporation, Falls Church.
R, Mason & Lee, Inc., Lynchburg.
R, Strader & Company, Inc., Lynchburg.

WASHINGTON

R, Horton, Geib & O'Rourke, Inc., Spokane.
A, Smith-Randall, Inc., Tacoma.
*R, Russell (Frank) Co., Inc., Tacoma.

WASHINGTON, D.C.

R, Aarsand & Company.
R, Baxter, Blyden, Selheimer & Co., Inc.
R, Bellamah, Neuhauser & Barrett, Inc.
R, Bronwen Corporation.
R, Donatelli, Rudolph & Schoen, Inc.
*!R, Ferris & Company, Incorporated.
*!R, Folger Nolan Fleming Douglas Incorporated.
R, Johnston, Lemon & Co. Incorporated.
*!R, Mackall & Coe Incorporated.
*!R, Pressman, Frohlich & Frost Incorporated.
R, Republic Securities Corporation.
R, Robinson and Lukens.
R, Rohrbaugh and Co.

WISCONSIN

R, FPC Securities Corporation, Madison.
R, General Investment Sales Corporation, Milwaukee.
*!R, Loewi & Co. Incorporated, Milwaukee.

ONTARIO, CANADA

R, Canavest House Limited, Toronto.
A, Graham (John) & Company Limited, Ottawa.
A, Midland-Osler Securities, Limited, Toronto.
A, Pope & Company, Toronto.
A, Research Securities of Canada, Ltd., Toronto.
A, Richardson (T. A.) & Co. Limited, Toronto.
A, Rosmar Corporation Limited, Toronto.

QUEBEC

A, Bankers Securities of Canada Limited, Montreal.
A, Barry & McManamy, Quebec City.
A, Bouchard & Co., Ltd., Montreal.
R, Brault, Guy, Chaput & Co., Montreal.
A, Castle Securities Limited, Montreal.
A, Collier, Norris & Quinlan Limited, Montreal.
R, Crang & Ostiguy Inc., Montreal.
A, Doherty McCuaig Limited, Montreal.
A, Forget (L. J.) & Co., Ltd., Montreal.
A, Gairdner & Co., Ltd., Montreal.
A, Geoffrion, Robert & Gelinas Ltd., Montreal.
A, Gordon Securities Limited, Montreal.
A, Greenshields Ltd., Montreal.
A, Grenier, Ruel & Cie Inc., Quebec City.
A, Hickey, Dow & Muir, Montreal.
A, Hodgson (C. J.) Securities Ltd., Montreal.
A, Jones, Heward & Company, Ltd., Montreal.
A, Kippen & Company Inc., Montreal.
R, Lafferty, Harwood & Partners Ltd., Montreal.
A, Latimer (W. D.) Co., Ltd., Montreal.
A, Leclerc (Rene T.) Incorporee, Montreal.
R, Levesque, Beaubien, Inc., Montreal.
A, Loewen, Ondaatje, McCutcheon & Company Limited, Montreal.
A, MacDougall, MacDougall & MacTier, Ltd., Montreal.
A. Maison Placements Canada, Inc., Montreal.
R, Mead & Co. Limited, Montreal.
A. Michelin, Forey, Inc., Montreal.
A. Molson, Rousseau & Co. Limited, Montreal.
*!A, Nesbitt, Thomson and Company, Limited, Montreal.
!A, O'Brien & Williams, Montreal.
R, Oswald Drinkwater & Graham Ltd., Montreal.
A, Pitfield, Mackay, Ross & Company, Limited, Montreal.
R, Place d'Armes Securities, Inc., Montreal.
A, Tasse & Associates, Ltee, Montreal.
A, Transatlantic Securities Company, Montreal.
A, Wisener and Partners Company Limited, Montreal.

APRIL 30, 1973.

Mr. CURTIS. Mr. President, I ask unanimous consent that Forest Reece, of the Committee on Agriculture and Forestry, be granted the privilege of the floor during debate on S. 470.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Ohio.

Mr. TAFT. Mr. President, I do not want to prolong the argument at great length today. I do not think, however, that the Senator understood what I was saying at an earlier time with regard to the manner of dealing with these issues.

I am quite willing to agree that we all ought to get the institutions dealing for their own accounts off the exchanges as quickly as possible. I do not see, however, why we have to pay the price that I am afraid we will have to pay if we go the route of this bill. The price we would pay, I am afraid, will be the demise of a good many of the small brokerage firms. It would drive from the market a large number of small investors and build up big brokerage houses.

From the observations that I have been able to make, the small investor is not likely to be better served by this arrangement. The individual small investor feels more comfortable when dealing with his hometown brokerage firm. He has known them all his life. They have advised him in making many other decisions over a period of years. He would prefer doing this rather than relying on a firm, who, while they are well known men nationally and may be good men in the field, have an interest which is national in scope.

I am not criticizing such concerns, but I think this argument points out why individual members are going to stay away from the market if we take the steps that are proposed.

I think that under the bill's provisions, institutions are quite likely to come in and further aggravate the situation we have in the market with people dealing for their own accounts. This results in further undermining of confidence in the market.

Mr. President, I also note and would like to call to the attention of the Senate some of the testimony and some of the material which is in the RECORD on pages 152 and thereafter.

In January of 1973, the SEC when adopting rule 19b2, in part stated as follows:

> The feeling of some draftsmen in 1934 was that members should be completely prohibited from engaging in any proprietary transactions on an exchange: "There is no public interest to be served by giving an inside seat to a small group of men who are trading for their own account." Congress declined, however, to prohibit completely the member from trading for his own account and granted the Commission broad power under Section 11 of the Exchange Act to regulate such trading. It is clear, nonetheless, that "the only interest the public has in a stock exchange is that it should be a place where the outside public can buy and sell its stocks."
>
> When acting as a broker, a member is

> under a duty to represent his customer's interest in the exchange markets and to secure for that customer the best available transaction price. The broker is an agent, and his loyalty to his customer must be undivided. He also may serve the customer by providing bookkeeping records, safe custody of the securities or cash involved, research on the securities of interest to the customer, and assurance that particular transactions are "suitable" for the particular customer. He must also make every effort to prevent his customer from violating exchange rules or the securities laws, to the extent he has reason to believe such may occur. As a result of brokers' efforts to serve the needs of individual investors, confidence in our securities markets is stimulated, redounding to the public good and the economic strength of the country by ensuring the continuing ability of our securities markets to attract capital investment.

That is what the fight today is really all about. I appreciate the sincerity and conviction of those who take an opposite position and feel that the two items should be tied together; that we ought to have a commitment to do away with fixed charges tied to our commitment to make stock exchanges completely "public".

Nevertheless, I agree with the comment made by SEC Chairman Hamer H. Budge on October 22, 1970. At that time he said:

> After exhaustive studies of market structure and commission rates we concluded that questions concerning exchange membership transcend questions of fixed rates, and would exist regardless of changes made in the commission rate schedule. We believe these issues of rates and membership are severable.

Mr. President, I think that if rates and membership were severable then, they are severable now.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, while we are not operating under a time limitation, I have no further requests to speak.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (Mr. Taft). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from South Dakota (Mr. McGovern), the Senator from California (Mr. Tunney), the Senator from Nevada (Mr. Cannon), and the Senator from Kentucky (Mr. Huddleston), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin) and the Senator from North Dakota (Mr. Young) are necessarily absent.

The result was announced—yeas 4, nays 83, as follows:

[No. 200 Leg.]

YEAS—4

Cook
Roth
Saxbe
Taft

NAYS—83

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Williams

NOT VOTING—13

Bellmon
Burdick
Cannon
Goldwater
Gravel
Griffin
Hart
Huddleston
Hughes
McGovern
Stennis
Tunney
Young

So Mr. Taft's amendment was rejected.

Mr. SPARKMAN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I support the bill S. 470, a long-overdue statement of congressional policy regarding the structure and nature of the securities markets, particularly regarding that of the quasi-public exchanges. We have been operating since the 1930's on the same basic legislation, legislation which was developed before the advent of today's giant institutional investors and their bulk trading patterns, and before the advent of computer and communications technology that makes the accomplishment of a central market system possible. The earlier legislation does not speak clearly on the point of what the criteria should be for membership on the stock exchanges, a point that is now very important in an area when institutional investors are becoming members of exchanges and threatening to eliminate the very function of public brokerage on the exchanges. The earlier legislation does not speak clearly on the point of whether the traditional fixed commission rate system is appropriate in the face of unassailable evidence that efficiency is sacrificed for sales volume promotion under such a system. This bill clarifies congressional policy in this vital area, and will permit the new central market system to develop around a rational pricing system and a publicly oriented network of exchanges, instead of around the present distorted pricing system and increasingly privately oriented exchange network.

Mr. CURTIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Helms). The amendment will be stated.

The assistant legislative clerk read as follows:

> Add a new section at the end of the bill:
>
> "Sec. —— Amend the Securities Act of 1933 by inserting the following before the first semi-colon in 15 U.S.C. 77c(a) (2): ', or any security which represents an interest in a pool of loans guaranteed as to principal and interest by an agency of the Federal government or any State government under such circumstances as the Commission may authorize'."

Mr. CURTIS. Mr. President, I shall be very brief. The last Congress passed the Rural Development Act, heralded as one of the most important pieces of legislation of our current times. Its purpose was to bring jobs to rural America and thus relieve some of the problems of the great cities as well as provide opportunities for many people. One of the important features of that bill was that it provided for the building of industry in the rural areas by private capital as contrasted with financing the entire program by Government loans.

Mr. President, several weeks ago, at my request, the chairman of the Committee on Agriculture and Forestry appointed a secondary market study group composed of rural bankers and representatives of institutional investors to study methods of providing additional capital to rural banks for industrial development purposes.

The initial responses from members of the study group indicate that the best way to raise this additional capital would be to pool that portion of loans made by banks which are guaranteed as to principal and interest by Farmers Home Administration or the Small Business Administration and sell participations in such pool. At the present time this would not be economically feasible because of the registration procedures which would be necessary under the Securities Act of 1933. However, by extending the exemption from registration to securities which are backed by Government guaranteed loans under carefully monitored circumstances, a new source of private capital will be open to rural lending institutions in order that the credit needs of rural areas may be better met.

The following comment was made by one institutional member of the study group. I might say that this is one of the largest institutions in the country:

> Merely operating a placement or brokerage service for these notes might not accomplish the task of providing enough liquidity to the commercial banking sector. Undoubtedly, there would be many odd-amount, small-to-large loans generated. Placing the smaller loans with the major money center institutions might generate expenses of amounts that would greatly reduce effective rate of interest on the smaller loans. There are likely to be few loans of the size from $250,000 to $500,000 that would interest major investors. It would seem that an approach should be taken that would permit the pooling of these loans into a collateral reservoir against which securities could be issued that would in turn be sold to investors. This would assume that the structure of the rural credit association be expanded to include an issuing agent rather than being solely a placement service.

My amendment says in essence: "Any security which represents an interest in a pool of loans guaranteed as to principal and interest by an agency of the Federal Government, or any State government, shall be exempt from registration. Under such circumstances as the Securities and Exchange Commission may authorize."

The last words would give the Securities and Exchange Commission wide authority to monitor and to regulate.

I want to be very candid with the chairman and other members of this distinguished committee. This problem was not presented to us in sufficient time to appear before the committee and make a presentation. On the other hand, it is important that the matter be considered as early as possible, because it is a key factor in arranging for this private financing of rural development, and many other plans are hinged on it.

Therefore, if the distinguished chairman and the manager of this bill would see fit to accept this amendment and take it to conference, the author of the amendment would fully understand that the committee would then have an opportunity to explore it further, to question any statement I have made here, to get a further report from the Securities and Exchange Commission, and to see what the reaction of the House might be. It would be my hope that on those conditions the committee would see fit to accept this amendment and take it to conference.

Mr. TAFT. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CURTIS. I yield.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, the subject matter of the amendment offered by the Senator from Nebraska was new to me today. I can see, as presented, that it is a situation that should be explored and understood. There will be time between the passage of this measure in the Senate and the action in the House.

I should like to accept this amendment and take it to conference, but I must assure the Senator from Nebraska that further study will be necessary between now and the date we hope we can be in conference with the House.

Mr. CURTIS. I appreciate that attitude, because we want to present the matter fairly. I appreciate the cooperative attitude of the distinguished chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add a new section No. 11, as follows:

"Section 6(f)(1) of Public Law 91–598 of the 91st Congress is hereby amended by inserting after the word 'trustee' in the Preamble thereof the following:

"(or may pay or advance to such customers or any of them directly, in whole or in part, on such terms and conditions as SIPC may specify)"

Mr. JAVITS. Mr. President, this amendment adds a section to the bill to change the wording of section 6 (f) of the bill establishing the guaranteeing agency, known by the acronym SIPC, which insures the claims of customers of brokerage firms up to a limited amount.

The purpose of the amendment is to make it possible for this agency, as does the FDIC—the Federal Deposit Insurance Corporation—to deal directly with the customer, if it is so advised, in paying a claim, in whole or in part. As the law reads now, the claim may only be paid in whole or in part by advancing money to the trustee in bankruptcy. The trustee then, subject to court determinations, and so forth, may make payments, in whole or in part.

I ask unanimous consent to have printed in the RECORD an article published in the New York Times of Sunday, June 10, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTECTING INVESTORS—WEIS LIQUIDATION GIVING AGENCY ITS BIGGER TEST

(By John H. Allan)

WASHINGTON.—The Securities Investor Protection Corporation, the 2½-year-old Government-industry agency that's designed to come to the aid of cutsomers of brokerage houses that go bust, has just taken on its biggest case: Weis Securities, Inc.

Early last week, the agency sent out claim forms to some 55,000 customers of the New York City brokerage house that was put into liquidation a week and a half ago. Edward S. Redington, the trustee who is liquidating Weis, was preparing to mail out securities, Byron D. Woodside, chairman of S.I.P.C., said in an interview last Tuesday.

No one knows how quickly claims will be settled, however. Some S.I.P.C. liquidations have dragged on for more than a year, exasperating investors who have had their assets tied up.

Marvin I. Lepaw, a Long Island dermatologist, may be a typical investor displeased with the protection he got from S.I.P.C.

Dr. Lepaw saw 15 months creep by from the time he placed an order to sell stock and the time his broker—Parker, England & Co., Inc., was put into liquidation and he finally got his stock back. During that interval, the shares plummeted to a fraction of the market value at the time of his original sell order.

"It takes too long—there's too much red tape," Dr. Lepaw declared. "It taught me one thing, though. I haven't bought any stocks since."

S.I.P.C. clearly is aware of criticism that it has moved slowly in the past. Its efforts to settle Weis Securities claims more quickly show how seriously it wants to eliminate this sore spot.

In defense of S.I.P.C., several things must be said. For one, the Federal law that established the agency prevents it from moving faster. For another, it sometimes deals with people who lie and cheat and steal, and so it cannot process claims carelessly.

Since it was established on Dec. 30, 1970, S.I.P.C. has put 86 securities firms into liquidation because they were in financial difficulty.

Of these 86 cases, 48 have been substantially completed and the customers have got their money and securities back. Between $10-million and $12-million has been paid out to an estimated 15,000 customers of now-defunct brokerage houses—protection that would have been lacking if S.I.P.C. had not been formed, Mr. Woodside is quick to note.

Of the 48 cases that have been almost completely settled—there always seem to be tag-ends of liquidation proceedings that drag on and on—13 were completed in three to six months, 12 took seven to nine months, 13 took 10 to 12 months, eight took 13 to 15 months and two took 16 to 18 months.

The speed record was set in the Robert E. Wick Company case. Twenty-two customers were paid $147,123 in only 77 days. Mr. Wick was sent to jail for absconding with his clients' money.

There's a big difference, however, between a tiny Chicago bucket shop and a good-sized New York Stock Exchange firm with 400 salesmen, 27 branch offices and 55,000 customer accounts. Weis Securities will take more work to settle.

In its conception, S.I.P.C. was compared to the Federal Deposit Insurance Corporation, set up in 1933 to help protect the bank accounts of individuals who deposit their money in national banks.

From Mr. Woodside's standpoint, the comparison is unfortunate for two reasons:

First, the F.D.I.C. deals only with cash, a simple matter. S.I.P.C. deals not only with cash but also with stocks and bonds and options. Establishing their value is much more difficult.

Second, the two agencies have been given different powers. The F.D.I.C., which had only one bank failure to handle last year, can merge banks or reorganize them. S.I.P.C. can only put failing brokerage firms out of business and pay off the customers.

"People ought not to compare the two," a spokesman for the F.D.I.C. said last week. The securities agency, which often is called "Sipic" in conversation, has a staff of 35, including half a dozen lawyers and about the same number of accountants. F.D.I.C. has a staff of 2,619, including 1,595 bank examiners. S.I.P.C. is 2½ years old and has a fund of $105-million. F.D.I.C. is 40 years old and has a fund of $5.16-billion.

When Weis Securities was put into liquidation on May 30, there was substantial criticism of the New York Stock Exchange because it did not salvage the customers' accounts and thereby eliminate the time-consuming process of an S.I.P.C. case.

With the stock market in a dispirited state the critics complained, failing to rescue Weis customers could only make the restoration of investor confidence in Wall Street all the more difficult.

No longer could brokers boast, as Robert W. Haack, then the Big Board's president, said on April 1, 1970: "In more than 30 years, no customer of a New York Stock Exchange member firm has suffered a loss of securities or funds as the result of a failure of an exchange member firm. This is a record of which the exchange is proud and one which we expect to continue unblemished."

Between the spring of 1968 and the end of 1970, the New York Stock Exchange had poured some $68,731,000 into financial assistance to member firms to salvage more than half a million customer accounts and was unwilling to do more. Besides, customers of over-the-counter firms were left unprotected no matter what the stock exchange did.

As a result, Congress grew impatient. So the Securities Investor Protection Corporation was voted into law in December, 1970. President Nixon called it "a vitally important advance in the consumer protection field."

The basic protection that S.I.P.C. provides investors is the right to go to Federal District Court and get a trustee appointed to liquidate any brokerage house that is in real financial difficulty.

The trustee first undertakes to return to customers, out of available assets, any securities that can be "specifically identified" as theirs. In general, these would be fully paid securities in cash accounts and excess-margin securities in margin accounts that have been set aside as the property of customers.

In addition, if necessary, S.I.P.C. will advance funds to the trustee to enable him to pay the remaining claims of each customer up to $50,000—except that in the case of claims for cash (as distinct from securities) not more than $20,000 may be paid with S.I.P.C. funds.

If a customer has a big margin account at a firm being liquidated by S.I.P.C. almost certainly he won't get his affairs settled quickly. When a customer's claims exceed the $50,000/$20,000 maximum allowable limits of S.I.P.C. coverage, he becomes a general creditor of the firm. Any recovery would depend upon the remaining assets of the firm and the amount of the claims of other creditors.

To get the money to pay customer claims, S.I.P.C. levies assessments on its members, currently at the rate of one-half of one per cent of each firm's gross revenues from the securities business. Every securities firm registered with the Securities and Exchange Commission (with the exception of those active only in mutual fund sales, variable annuities, insurance and investment advice) automatically is an S.I.P.C. firm.

Between the time S.I.P.C. got started and the end of 1972, it raised approximately $62.1 million. And it had an estimated $18 million to $23 million that might ultimately be required to meet claims on the 64 cases filed up to the begining of this year.

Eventually, S.I.P.C.'s fund is expected to reach $150 million. If things go really sour, the agency has the power to borrow up to $1 billion from the S.E.C., which gets the money from the Treasury.

When S.I.P.C. goes to court to get a trustee appointed to liquidate a securities house, the critical question that must be answered is whether there is a danger that the firm will fail to meet its obligations to customers.

To answer this question, S.I.P.C. works with the S.E.C., stock exchange and the National Association of Securities Dealers, all of which oversee parts of the securities industry. If a firm gets overextended and violates its net capital rule, S.I.P.C. is notified.

As the Weis Securities case showed, the self-regulators work to transfer customer accounts to healthy firms and to try to avoid the use of S.I.P.C.

When securities firms get in enough trouble to wind up in S.I.P.C.-induced liquidation, it's usually the result of poorly kept books and records. Of the first 64 cases, 41 involved this shortcoming. Twenty-six firms (some have more than one fault) failed because of misconduct or fraud.

S.I.P.C.'s headquarters are at 485 L'Enfant Plaza, a big Washington office building complex southwest of the Capitol, but it will have to move when the Postal Service takes over the space.

Mr. Woodside, who is paid $38,000 a year, heads a seven-man board, five of whom are appointed by the President. Of the five, two represent the general public (Mr. Woodside and George J. Stigler, economics professor at the University of Chicago) and three come from the securities industry (Donald T. Regan, chairman of Merrill Lynch, Pierce, Fenner & Smith; Henry W. Meers, vice chairman of White, Weld & Co., and Glenn E. Anderson, president of the Carolina Securities Corporation).

In addition, one director represents the Treasury (Samuel R. Pierce Jr., its general counsel) and one represents the Federal Reserve (J. Charles Partee, its director of research).

Mr. Woodside, a former S.E.C. commissioner, is concerned about the risks in covering an industry that, for all its talk about financial responsibility, is really quite easy for anyone to enter.

"Is it really in the public interest that everybody in the business be protected by S.I.P.C.?" he asked.

In the agency's annual report for 1972, the board of directors approvingly noted the adoption of new rules in the field of broker-dealer financial responsibility. Clearly, S.I.P.C. is thinking in terms of how best to arrange for some selectivity of risk. It would like to avoid paying claims for inept firms that might have been barred by a little more effective self-regulation in the first place.

Will Congress move to make S.I.P.C. more like the F.D.I.C.?

"We have not yet reached the point where we're prepared to recommend changes in the act," Mr. Woodside said. "We are not prepared to come to grips on whether the procedures ought to be changed."

To some extent, any basic change will depend on how satisfied everyone is with the settlement of Weis Securities—S.I.P.S.'s biggest job so far.

AGENCY'S 10 LARGEST LIQUIDATIONS

Filing date	Firm and city	Number of customer claims mailed	Number of customer claims received	Value of distributions to customers
May 24, 1973	Weis Securities, Inc., New York.	55,000		
Apr. 13, 1973	J. Shapiro Co., Minneapolis	32,730	10,250	
May 25, 1972	Kenneth Bove & Co., New York.	12,500	6,300	$1,266,000
June 3, 1971	International Funding Securities Co, Long Beach, Calif.	12,000	[1] 950	243,766
Feb. 20, 1973	Teig Ross Inc., Bloomington, Ind.	6,700	4,000	175,529
Oct. 19, 1972	Albert & Maguire Securities Co., Philadelphia.	5,181	1,316	$690,025
Feb. 7, 1972	S. J. Salmon & Co., New York	4,945	[2] 1,873	2,648,664
Jan. 6, 1972	F. O. Baroff Co., New York	4,225	[2] 1,591	2,358,418
Mar. 9, 1973	Morgan Kennedy, New York	3,774	1,200	
Sept. 8 1971	Buttonwood Securities, La Jolla, Calif.	3,780	[2] 1,502	1,077,954

[1] Case under special investigation.

[2] Case substantially completed.

Mr. JAVITS. The objection has been made that because the customer receives whatever he is to receive through the trustee, there is added an extra level of delay, and so forth. I have tried to research this. It is rare that we have a securities bill; we have one here. The article to which I have referred makes reference to the liquidation of a company called Weis Securities, Inc., which is in liquidation now. It is not possible to ascertain whether the complaints made are or are not fully justified.

Under the circumstances and in view of the fact that there are a good many liquidations pending now in which this agency SIPIC is involved, I got the figures from the agency and they indicate 87 liquidations are going on now; that payments have been made to trustees of about $12 million in 57 of them. Weis Securities is a big one.

I have discussed this matter with the chairman of the committee, whether under these circumstances it might be justifiable so that the matter should be in conference, and with a full understanding by me and the Senate that it might be dealt with in conference by perhaps being thrown out or included, he might include this amendment which gives the agency the authority, which is not mandatory, under whatever terms it feels appropriate, to get expedition directly with customers in whole or in part.

The chairman advised me, and I accept this with great respect, that this very morning in a speech to an audience he alluded to precisely the same problem. So very much like the amendment of the Senator from Nebraska a few moments ago, I asked the Senator if he could see his way clear to take the amendment to conference, with a full understanding that at least it would be then qualified to be dealt with if the work of the conference indicates there is a possibility in connection with that problem that requires some kind of remedy.

Mr. WILLIAMS. Mr. President, the situation presented by the Senator is very similar to that presented by the Senator from Nebraska. I am willing to take it to conference. The Senator from New York presents an important and critical situation. We appreciated this and I am sure this is going to be part of our study and hearing record within the next few weeks. Therefore, it will be studied further and included in the bill for the purpose of having it ready for conference. I accept it on that basis.

Mr. JAVITS. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I will vote for the committee bill and have already voted against the Taft amendment, realizing that the best of intentions and a considerable amount of research have gone into each. At the same time, I would like to offer some views, which I feel go to the heart of the problems affecting the securities industry in a way which is not accomplished as yet by the legislation at hand.

All the proposals are being made in an ominous setting. During the first quarter of this year, member firms of the New York Stock Exchange lost $75 million, compared with profits of $394 million for the corresponding period in 1972. The summer months—the period we are entering right now—is traditionally a lean period for the industry, and thus a first quarter loss figure is not a good indicator for the following months.

One of the reasons given for the current spate of red ink is the fact that negotiated rates for transactions above $300,000 have bitten into member firms' gross receipts. And the SEC estimates that pushing negotiated rates down to $100,000 would cost the industry an additional $15 to $27 million annually. Now I am all in favor of cutting fat out of member firm operations, but there is such a thing as pushing matters too soon; and that is exactly what any forced switch to fully negotiated rates—or even negotiated rates for $100,000 and above transactions—would do.

An argument for negotiated rates is that the present rate system costs the consumer so much. This is deceptively appealing. The consumer would be paying a lot more than $27 million if he were dealing with an illiquid industry or a less open auction market for securities. A forced switch to negotiated rates could force this state of affairs.

For this reason I cannot vote for final legislation which I feel does not take these market realities into account.

The primary flaw in both the committee bill and Senator Taft's amendment is the way they treat the subject of negotiated commission rates. The committee bill, as my colleagues know, links this issue with the issue of institutional membership. In effect, it forces the securities industry to decide which they like least, negotiated rates or institutional membership, and says that they need only suffer one of these until April 1976; thereafter they must switch to negotiated rates.

The Taft amendment, in effect, barred institutional membership right now, but imposed negotiated rates on transactions of $100,000 and above by April 1975 at the latest, and at the earliest, April 1974.

A third important proposal is the SEC's; their position is to favor negotiated rates for transactions of $100,000 and above. The SEC hopes to institute such rates by April 1974 unless market studies show that such a move is clearly unwise.

In acting on any such proposal, our concern must be to avoid irreparable harm to a vital institution which makes ours the leading money market in the world. The New York Stock Exchange and our other major exchanges are unparalleled anywhere else in the world for their inner efficiency and for the ease with which they permit American firms—and others all over the world, including governments and international banking operations—to raise capital. They offer to every American even with modest means the prospect of equity ownership in virtually any publicly held American, and many worldwide, corporations. They have made our financial markets the envy of foreigners, who themselves invest large resources in the securities of American firms. Coming from New York, I have a particular interest in the viability of the New York and American Stock Exchanges, and in the over-the-counter and those commodity markets in New York. But as an American, I must also be concerned with the health of our capital markets in general.

I believe the key to the health of these markets lies not in the institutional membership or negotiated rate issues per se, but in the whole range of conditions which have kept many investors—particuarly small investors—out of the market in the past few years.

For today's individual investor is beset by genuine doubts and uncertainty. Many investors are still holding substantial paper losses for 1969–70 period, and our tax laws do not encourage liquidating these losses quickly, in order to get into more promising investments. Other provisions of the tax code, to which I shall refer shortly could also be changed to encourage investors to make greater use of our securities markets when deciding how to utilize their savings.

The events of 1969–1970 have, in fact, given the securities industry a bad name, and many individual investors undoubtedly still treat with great skepticism the "buy" recommendations of brokerage firms. In addition, the inner workings and insolvencies of some brokerage firms have cast what I believe to be a shadow upon the workings upon the industry as a whole. The forced liquidation of a number of firms in recent years culminating in the recent Weis Securities incident cannot help but encourage people to find other avenues for their personal investments.

In the first place, it is clear that our tax code could do more to encourage individual investors to participate actively in buying and selling stocks. Three rather simple changes would be necessary to develop a much more suitable climate for such activity. The first would be to raise the dividend exclusion from $100 to $200 per person, making the exclusion fully applicable only to those persons with incomes of $15,000 or less; $15,000 is the approximate median income of people investing on the New York Exchange. The second measure would allow investors to deduct brokerage fees from ordinary income. Present law allows brokerage fees to be taken into account when computing capital gains or losses, which usually defers the impact of the tax advantage and in most cases gives it only a 50 percent effectiveness compared with a straight deductible provision.

The third measure would increase the capital loss write-off $1,000 to $2,000 per year, again with a sliding scale which would make this provision fully applicable only to persons with incomes of $15,000 or less. The effect of this latter measure would be to encourage investors who hold paper losses to rearrange their portfolios so as to take advantage of today's changed market conditions.

These measures together could help provide a direct dollars and cents incentive for increased investment by individuals. However, as I have implied above, even monetary incentives would not be enough in a setting where many investors are deeply skeptical of the brokerage industry and where isolated incidents of brokerage house failures or wrong-doings grab large headlines. Therefore, I believe that the Congress must ask what needs to be done to create a new climate of confidence for individual investors.

First and foremost, the industry must modernize itself. This is the sine qua non for any significant reduction in commission rates, and for a climate of confidence in the institution as a whole. And the key to modernization is automaticity with regard to recordkeeping, that is, abandoning the stock certificate for a computerized bookkeeping entry.

I realize the problems involved here—such a development would have to be done in such a way as not to run afoul of the distinction in law between shares held by the customer and shares held for the customer by a securities firm—a distinction which is, I believe, without merit. I am also aware of efforts being made by the New York Exchange and the American Exchange to computerize and modernize their operations.

Another change we should look into concerns the Securities Investor Protection Agency. That agency, as my colleagues know, is charged with indemnifying customers of bankrupt securities firms against losses of as high as $50,000. It is often compared with the FDIC; customers of FDIC—insured banks can do business with the knowledge that their claims against an illiquid bank will be relatively quickly resolved. But certain legal and situational provisions make this comparison suspect, and some customers of bankrupt securities firms have had to wait for more than a year to recoup their losses caused by the bankruptcy. My amendment, which was just accepted, is addressed to this problem.

Obviously, considering the overwhelming support this legislation has in the Senate, based on the vote on the Taft amendment, it is essential to get something underway and be able to have a creative impact on the final legislation. Without, therefore, committing myself as to the form and nature of the final legislation, I intend to join with the majority, to bring this legislation to the next stage of legislative consideration.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Should it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Alaska, (Mr.

GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN) the Senator from California (Mr. TUNNEY), and the Senator from Nevada (Mr. CANNON), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 85, nays 3, as follows:

[No. 201 Leg.]

YEAS—85

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland

Ervin
Fannin
Fong
Fulbright
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Williams

NAYS—3

Roth
Taft
Weicker

NOT VOTING—12

Bellmon
Burdick
Cannon
Goldwater
Gravel
Griffin
Hart
Hughes
McGovern
Stennis
Tunney
Young

So the bill (S. 470) was passed, as follows:

S. 470

An act to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such Acts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)) is amended to read as follows:

"(a)(1) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, to regulate or prevent trading on national securities exchanges by members thereof from on or off the floor of the exchange, directly or indirectly for their own account or for the account of any affiliated person or, in the case of floor trading, for any discretionary account. Such rules shall, as a minimum, require that such trading contribute to the maintenance of a fair and orderly market.

"(2) It shall be unlawful for a member to effect any transaction in a security in contravention of rules and regulations under paragraph (1), but such rules and regulations may contain such exemptions for arbitrage, block positioning, or market maker transactions, for transactions in exempted securities, for transactions by odd-lot dealers and specialists (within the limitations of subsection (b) of this section), for transactions by affiliated persons who are natural persons, and for such other transactions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors."

SEC. 2. Section 11 of the Securities Exchange Act of 1934 (15 U.S.C. 78k) is amended by inserting after subsection (e) the following new subsection:

"(f)(1) It shall be unlawful for a member of a national securities exchange to effect, whether as broker or dealer, any transaction on such exchange with or for its own account, the account of any affiliated person of such member, or any managed institutional account. As used herein the term 'managed institutional account' means an account of a bank, insurance company, trust company, investment company, separate account, pension-benefit or profit-sharing trust or plan, foundation or charitable endowment fund, or other similar type of institutional account for which such member or any affiliated person thereof (A) is empowered to determine what securities shall be purchased or sold, or (B) makes day-to-day decisions as to the purchase or sale of securities even though some other person may have ultimate responsibility for the investment decisions for such account.

"(2) The provisions of paragraph (1) of this subsection shall not apply to—

"(A) any transaction by a registered specialist acting as such in a security in which he is so registered;

"(B) any transaction for the account of an odd-lot dealer in a security in which he is so registered;

"(C) any transaction by a block positioner or market maker acting as such, except where an affiliated person or managed institutional account is a party to the transaction;

"(D) any stabilizing transaction effected in compliance with rules under section 10(b) of this title to facilitate a distribution of a security in which the member effecting such transaction is participating;

"(E) any bona fide arbitrage transaction, including hedging between an equity security and a security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer, or similar transaction involving a recapitalization;

"(F) any transaction made with the prior approval of a floor official to permit the member effecting such transaction to contribute to the maintenance of a fair and orderly market, or any purchase or sale to reverse any such transaction;

"(G) any transaction to offset a transaction made in error; or

"(H) any transaction for a member's own account or the account of an affiliated person who is a natural person effected in compliance with rules and regulations prescribed by the Commission under section 11(a) of this title.

"(3) The provisions of paragraph (1) of this subsection shall not apply to transactions by any member of any national securities exchange with or for its own account or for the account of any person who is an affiliated person or a managed institutional account of such member, during the following periods:

"(A) prior to the last date on which any national securities exchange maintains or enforces any rule fixing rates of commission, or prior to April 30, 1976, whichever is later;

"(B) for a period of twelve months following the date specified in subparagraph (A), if the total value of all such transactions effected by such member during such period on all national securities exchanges of which it is a member (other than transactions described in subparagraphs (A) through (G) of paragraph (2)) does not exceed 20 per centum of the total value of all transactions effected by such member during such period on all such exchanges; and

"(C) for a period of tweleve months following the period specified in subparagraph (B), if the total value of all such transactions effected by such member during such period on all national securities exchanges of which it is a member (other than transactions described in subparagraphs (A) through (G) of paragraph (2)) does not exceed 10 per centum of the total value of all transactions effected by such member during such period on all such exchanges.

"(4) It shall be unlawful for a member of a national securities exchange to utilize any scheme, device, arrangement, agreement, or understanding designed to circumvent or avoid, by reciprocal means or in any other manner, the policy and purposes of this subsection or any rule or regulation the Commission may prescribe as necessary or appropriate to effect such policy and purposes."

SEC. 3. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a–35) is amended by inserting after subsection (b) the following new subsection:

"(c) It shall not be deemed unlawful or a breach of fiduciary duty for an investment adviser or other person referred to in subsection (a)(1) of this section to cause or induce a registered investment company to pay a commission to a broker for effecting a transaction, which is in excess of commissions then being charged by other brokers for effecting similar transactions, if—

"(1) such investment adviser or other person determines in good faith that research services provided by such broker for the benefit of such investment company justify such payment;

"(2) such registered investment company makes appropriate disclosures to its security holders of its policies and practices in this regard, at such times and in such manner as the Commission shall prescribe by rules or regulations; and

"(3) such broker is not a person referred to in subsection (a)(1) or (a)(2) of this section or an affiliated person of any such person."

SEC. 4. Section 206 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–6) is amended—

(1) by inserting the designation "(a)" immediately after "SEC. 206."; and

(2) by adding at the end thereof the following:

"(b) It shall not be deemed unlawful or a breach of fiduciary duty for an investment adviser to cause or induce a client to pay a commission to a broker for effecting a transaction, which is in excess of commissions then being charged by other brokers for effecting similar transactions, if—

"(1) such investment adviser determines in good faith that research services provided by such broker for the benefit of such client justify such payment;

"(2) such investment adviser makes appropriate disclosures to such client of its policies and practices in this regard, at such times and in such manner as the Commission shall prescribe by rules or regulations; and

"(3) such broker is not the investment adviser or an affiliated person of such investment adviser."

SEC. 5. Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a–15) is amended by adding at the end thereof a new subsection as follows:

"(f) (1) An investment adviser or a corporate trustee performing the functions of an investment adviser of a registered investment company, or an affiliated person of such investment adviser or corporate trustee may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in, an investment adviser or a corporate trustee performing the functions of an investment adviser which results in an assignment of an investment advisory contract with such company or the change in control of or identity of a corporate trustee who performs the functions of an investment adviser, if—

"(A) for a period of three years after the time of such assignment, at least 75 per centum of the members of the board of directors of such registered company or such corporate trustee (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company, or (ii) interested persons of the predecessor investment adviser; and

"(B) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto. For the purpose of subsection (f) (1) (B), an unfair burden on a registered investment company includes any arrangement, during the two-year period after the date on which any such transaction occurs, whereby the investment adviser or corporate trustee or predecessor or successor investment adviser or corporate trustee or any interested person of any such adviser or any such corporate trustee receives or is entitled to receive any compensation directly or indirectly (i) from any person in connection with the purchase or sale of securities or other property to, from, or on behalf of such company, other than bona fide ordinary compensation as principal underwriter for such company, or (ii) from such company or its security holders for other than bona fide investment advisory or other services.

"(2) If (i) an assignment of an investment advisory contract with a registered investment company results in a successor investment adviser or a corporate trustee performing the functions of an investment adviser to such company and if such successor is then an investment adviser or performs such functions with respect to other assets substantially greater in amount than the amount of assets of such company, or

"(ii) as a result of a merger of, or a sale of substantially all the assets by, a registered investment company with or to another registered investment company with assets substantially greater in amount a transaction occurs which would be subject to subsection (f) (1) (A), such discrepancy in size of assets shall be considered by the Commission in determining whether or to what extent an application under section 6(c) for exemption from the provisions of subsection (f) (1) (A) should be granted.

"(3) Subsection (f) (1) (A) shall not apply to a transaction in which a controlling block of outstanding voting securities of an investment adviser to a registered investment company or of a corporate trustee performing the functions of an investment adviser to a registered investment company is—

"(A) distributed to the public and in which there is, in fact, no change in the identity of the persons who control such investment adviser or corporate trustee, or

"(B) transferred to the investment adviser or the corporate trustee, or an affiliated person or persons of such investment adviser or corporate trustee, or is transferred from the investment adviser or corporate trustee to an affiliated person or persons of the investment adviser: *Provided*, that (i) each transferee (other than such adviser or trustee) is a natural person and (ii) the transferees (other than such adviser or trustee) owned in the aggregate more than 25 per centum of such voting securities for a period of at least six months prior to such transfer."

Sec. 6. Section 15(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–15(c)) is amended by adding at the end thereof a new sentence as follows: "It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company, to take into account the purchase price or other consideration any person may have paid in connection with a transaction of the type referred to in subsection (f) or specifically exempt therefrom by paragraph (2) or (3) of subsection (f)."

Sec. 7. Section 16 of the Investment Company Act of 1940 (15 U.S.C. 80a–16) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by adding after subsection (a) a new subsection as follows:

"(b) Any vacancy on the board of directors of a registered investment company which occurs in connection with compliance with section 15(f) (1) (A) and which must be filled by a person who is not an interested person of either party to a transaction subject to section 15(f) (1) (A) shall be filled only by a person (i) who has been selected and proposed for election by the directors of such company who are not such interested persons, and (ii) who has been elected by the holders of the outstanding voting securities of such company, except that in the case of the death, disqualification, or bona fide resignation of a director selected and elected pursuant to clauses (i) and (ii) of this subsection (b), the vacancy created thereby may be filled as provided in subsection (a)."

Sec. 8. Section 10(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(e)) is amended to read as follows:

"(e) If by reason of the death, disqualification, or bona fide resignation of any director or directors, the requirements of the foregoing provisions of this section or of section 15(f) (1) in respect of directors shall not be met by a registered investment company, the operation of such provisions shall be suspended as to such registered company—

"(1) for a period of thirty days if the vacancy or vacancies may be filled by action of the board of directors;

"(2) for a period of sixty days if a vote of stockholders is required to fill the vacancy or vacancies; or

"(3) for such longer period as the Commission may prescribe, by rules and regulations upon its own motion or by order upon application, as not inconsistent with the protection of investors."

Sec. 9. Section 9 of the Investment Company Act of 1940 (15 U.S.C. 80a–9) is amended by adding at the end thereof a new subsection as follows:

"(d) For the purposes of subsections (a) through (c) of this section, the term 'investment adviser' includes a corporate or other trustee performing the functions of an investment adviser."

Sec. 10. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a–35) is amended by adding at the end thereof a new subsection as follows:

"(d) For the purposes of subsections (a) through (c) of this section, the term 'investment adviser' includes a corporate or other trustee performing the functions of an investment adviser."

Sec. 11. Amend the Securities Act of 1933 by inserting the following before the first semicolon in 15 U.S.C. 77c(a) (2): ", or any security which represents an interest in a pool of loans guaranteed as to principal and interest by an agency of the Federal Government or any State government under such circumstances as the Commission may authorize".

Sec. 12. Section 6(f) (1) of Public Law 91–598 of the Ninety-first Congress is hereby amended by inserting after the word "trustee" in the preamble thereof the following: "(or may pay or advance to such customers or any of them directly, in whole or in part, on such terms and conditions as SIPC may specify)".

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER (Mr. McClure). The Chair lays before the Senate the unfinished business (S. 268) which the clerk will report.

The assistant legislative clerk read as follows:

S. 268, a bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. HOLLINGS. Mr. President, it is a pleasure for me to thank the distinguished chairman of the Committee on Interior and Insular Affairs for his outstanding spirit of cooperation in drafting the bill under consideration. The Senator from Washington and his staff worked diligently in accommodating the terms of the proposed National Coastal Zone Management Act, Public Law 92–583, which passed Congress and was signed into law by the President last October.

Debate on this legislation provides an excellent opportunity to discuss the history of this legislation and why certain provisions of the land use bill are important in the context of coastal zone management.

Back in 1970, as chairman of the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee, I reconvened a hearing on S. 2802, at that time the pending coastal zone management bill. I pointed out that credit for stimulation of this and other marine science legislation originated with the National Academy of Sciences, initially through its informal Coordinating Committee on Oceanography during the 1950's and then in 1959 when the successor to the committee published its report, "Oceanography 1960–1970." Many of the original proposals seeking to strengthen a national ocean program, restructure Federal oceans activities and establish coastal zone management were proposed by Senator Warren G. Magnuson, chairman of the Senate Committee on Commerce. The nearly 5 years of legislative activity including the landmark hearings in 1965 on Federal marine programs culminated in enactment of the Marine Resources and Engineering Development Act of 1966, a tribute to the skill, persistence, and interest of the senior Senator from Washington State.

A chronology of events leading to the

development of the legislation which became the Coastal Zone Management Act of 1972 must begin in 1956 when the National Academy of Sciences appointed a special committee to provide national policy guidance on needs in oceanic programs. The committee first met in 1957. It was named the Committee on Oceanography—NASCO. From those early days, throughout the 1960's, the need for special programs to help protect, preserve and enhance our coastal areas became ever more obvious. Finally, in the 91st Congress, the Commission on Marine Science, Engineering, and Resources—commonly known as the Stratton Commission—issued its landmark report—entitled "Our Nation and the Sea." The report said a plan for national action was needed to assure the orderly development of our uses of the sea in a manner which will advance the Nation's security, contribute to its economic growth, assure that it can meet the increasing demands for food and raw materials, protect its position and influence in the world community, and preserve and improve the quality of the environment in which our people live. That report said the coastal zone presents both some of the Nation's most urgent environmental problems and most immediate and tangible opportunities for improvement. The Commission said it considers the problem to be most acute because it is the area in which industry, trade, recreation, and conservation interests, waste disposal, and potenial aquaculture all press most sharply on the limited resources of our environment.

The commission proposed enactment of a Coastal Zone Management Act. It pointed out that the key need in the coastal zone is a management system which will allow conscious and informed choices among development alternatives and which will provide for proper planning. The commission said the States, not the Federal Government, must have primary responsibility.

The legislation enacted by Congress last year was true to the recommendations of the Stratton Commission. It places the main emphasis on States, and gives them added incentive to begin planning and managing within their coastal zones. The passage of that legislation was a genuine tribute to Senator MAGNUSON of Washingon and the leadership he has provided this Congress.

The Coastal Zone Management Act was passed by Congress on October 12, 1972, and was signed into law by the President on October 27. In brief, the act declares that the land and water resources of the coastal zone should be preserved and protected. It authorizes the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide planning and administrative grants to coastal States. The legislation was in no way intended to stand in the way of or impinge upon the jurisdiction of the proposed national land use bill. In fact, on April 25, 1972, I reported to the Senate that the Committee on Commerce had recommitted the coastal zone bill to make changes in provisions which had been interpreted as being in conflict with the proposed land use legislation. The redrafted bill was aimed specifically at coastal zone problems. We worked with the Interior Committee to limit the scope of the legislation. And as of today, the Interior Committee and its chairman, Senator JACKSON, have worked closely with us to make certain that the coastal zone management program is not in any way diminished, superseded or allowed to remain without funds because of any provisions within the land use bill. I thank my colleague for his consideration in this matter.

It is significant to me that the Nixon administration had no land use planning bill to offer in the 91st Congress and it was not until the 92d Congress that the administration submitted its bill, S. 992. S. 992, as is well known, was not the result of the administration's development of proposed solution. Instead, S. 992 was only a modification of the results of the initiative taken by Senator JACKSON.

When S. 632 came to the floor of the Senate last September, it was known to the Commerce Committee and its Subcommittee on Oceans and Atmosphere, of which I am chairman, that the land use bill contained language which included portions of the coastal zones of our Nation.

Our committee's coastal zone bill was still pending, but it was my understanding that if it should become law then the land use bill would in no way apply to the coastal zones to which the Magnuson Coastal Zone Management Act of 1972 applies. To deal with the possibility of both bills subsequently becoming law, I personally offered no amendments to the land use bill in September but, instead, Senator JACKSON and I made a "legislative history," during the floor debate, which affirmed the agreement between Senator JACKSON, Senator MAGNUSON, and me. There is no doubt in my mind that the clear language of that colloquy clearly stated our agreement that these two programs would be separate programs working side by side with one responding to the needs of land areas for adequate management and the other responding to the needs of our ocean and the water and land areas which are connected to it and which are mutually interdependent upon each other for their ecological survival.

If the Coastal Zone Management Act of 1972—Public Law 92–583—had been law in September, or if we had been absolutely sure that it would become law, then S. 632, pursuant to the agreement with Senator JACKSON, would have been amended to recognize its existence, responsibility and authority in order to eliminate ambiguity, avoid duplication and prevent an overlap of funding, among other things.

But, of course, Public Law 92–583 was not law at that time, and, since we knew that the administration opposed it, we had no way of knowing whether the President would sign it even if Congress approved it.

This, then, is the reason S. 268 initially contained language pertaining to the coastal zone which is necessarily already included in the Coastal Zone Management Act of 1972.

That language in S. 268, I submit, should have been stricken and language inserted in it recognizing that there is a Coastal Zone Management Act. This is what the Interior Committee did for example, the land use bill has a section entitled "Existing Laws." This is not only entirely logical and rational, but it is also in accordance with the agreement which was stated on the floor of the Senate.

It is my understanding that the administration's recommendation for land use legislation to be enacted by the 93d Congress attempts to ignore the fact that Congress has enacted, and the President signed, a separate and distinct statutory program for our extremely environmentally critical coastal zone.

This action by the administration and its failure to request funds is reprehensible to any person who has any concern for, and knowledge of, the utmost urgency attendant with helping our States properly and comprehensively deal with the separate and distinct problems of our Nation's coastal zones.

Congress recognized this need when it passed the coastal zone bill and we thought the President had recognized it when he signed the Coastal Zone Management Act of 1972 on October 27 of last year. But, of course, that was a few days prior to the November 7 elections.

I would like to briefly call your attention to what the President said when he signed Public Law 92–583 on October 27, 1972. He said, in part:

> S. 3507, the Coastal Zone Management Act of 1972—provide(s) for rationale management of a *unique* national resource—The number of people who use our coastal zones is rapidly increasing and so are the purposes for which those areas are utilized . . . Yet these same areas, it must be remembered, are the irreplaceable breeding grounds for most aquatic life.

He went on to say:

> S. 3507 locates administrative responsibility for this program in the Department of Commerce rather than in the Department of Interior as I would have preferred—and as I called for in my proposed Land Use Policy Act. *This action is not sufficient reason in my judgment for vetoing the bill* but does underscore once again the importance of creating a new Department of Natural Resources, as I have recommended.

Mr. President, it is beyond belief to me, the coastal States, coastal environmentalists, and coastal scientists that only 90 days later the President was trying to veto the bill. He has requested Congress not to appropriate any funds for attending to our desperate coastal problems under the Coastal Zone Act, and he has also failed to recognize the existence of the Coastal Zone Management Act of 1972 in his recommendation for the land use bill. On the other hand, he has requested $20 million for the land use legislation, even though it is not yet law.

It appears that these actions mean only one thing: The administration, notwithstanding the President's signing of Public Law 92–583 and his accompanying statement, continues in its position that the coastal zones do not need the immediate and separate efforts of the Federal Government and that the decision of Congress and the signature of the bill into law have no meaning whatsoever.

This year, I brought to the attention of the Interior Committee a few essential points:

First. Right from the beginning of the 92d Congress, consideration by the House Merchant Marine and Fisheries Committee and the Senate Commerce Committee, it was known that the administration had aborted its previous support of a separate coastal zone management program and as grounds, had stated that its land use bill should also include these coastal areas.

The hearings in both committees dealt extensively with this concept and witness after witness of the highest scientific and environmental, as well as non-Federal Government, stature testified again and again that the coastal zone management program could in no way be considered similar to a program or programs for the planning and management of inland land areas. Instead, it was conclusively shown that coastal waters are, as the President said, "unique," requiring an entirely different management regime. Our hearings are replete with the explanations of how and why these land and water areas interact with each other and require an individual, very technical land and water management program.

Second. Because of the rapid development in the coastal zones and the concurrent deteriorating related marine and land environment systems the States are much more conscious of the need to take action on behalf of the coastal zones and, essentially, all that is required for many States is the immediate effectuation of the Federal program we adopted last year. However, if they must wait for a comprehensive national land use program, many years of delay will result. The testimony, however, was unequivocal that the coastal zone problem simply cannot wait that long or any further at all.

Third. Adding to the delay which would result is the fact that these coastal States obviously cannot obtain a statewide comprehensive land use law and program nearly as easily and as early as they can obtain authority for, and establish, a coastal zone program if they could accomplish a statewide land use program at all. The citizens of the States more easily accept, and desire, a coastal zone program as opposed to a statewide land use program because:

They recognize the dire need for the coastal program.

They are willing to relinquish control of the coastal area to the State government but are not necessarily willing to relinquish it for the entire State.

Many more local governments and people will have to be "sold" in order to achieve a statewide land use program.

A coastal program alone will cost the State and its taxpayers much less than a statewide comprehensive land use program.

Coastal zone management requires a specialized scientific management which will be diluted by combining it with the State land use program forestalling proper attention to the coastal zone even if the State can, and does, achieve a statewide land use program.

Fourth. The committees of both Houses gave full attention to the position of the administration that there should only be one program and, based upon thoughtful consideration, concluded that the administration was wrong.

The committee reports reflect this. For instance:

First. On the House side the report of the Merchant Marine and Fisheries Committee said:

> The coastal zone problems are related to but are significantly different from problems of overall land use. It is for this reason that your Committee did not agree with the position of the various departmental witnesses who . . . proposed that the solution of those problems should be merged under an overall land use policy . . . The problems of the coastal zone . . . are significantly unique and should be treated in a separate program.

Second. The Senate Commerce Committee Report includes the following:

> Why single out the coastal zone for special management attention? The argument has been made that . . . there should only be one policy and one system of management. But experience has shown us that . . . diverse systems are often needed.

On March 14, 1972 at the request of Senator Hollings, S. 582—the predecessor of S. 3507, an original committee bill—was recommitted to the Committee. Changes were made so as to clear up conflicting matters of jurisdiction, and to make the bill compatible with proposed land use legislation as proposed by the administration.

The inner boundary of the coastal zone is somewhat flexible to allow coordination with the proposed National Land Use Policy legislation—S. 992.

Secretary is defined as the Secretary of Commerce who has jurisdiction over—NOAA. Administration of such a coastal zone program by NOAA was originally recommended in the final report of the Commission of Marine Science, Engineering and Resources. After careful review, the committee believes NOAA is the best qualified agency to undertake this complex task.

Third. On the floor of the Senate, in the discussion of the Coastal Zone Management Act, its relationship to the land use bill was recognized. Among other things, I said:

> There were some who felt that certain provisions within S. 582 were in conflict with the proposed land use legislation . . . (w)e have worked over the entire bill . . . The Committee has created a bill which dovetails with the proposed land use legislation.

Fourth. The issue was considered on the House floor and a movement there led to a hotly debated, but, finally, a barely successful, attempt to change "Secretary of Commerce" to "Secretary of Interior" in the House bill. There still would have been an independent program, but administration by NOAA in Commerce would have been deleted.

Fifth. Thus, the bill went to conference with a primary issue being who is the proper administrator of the coastal zone program. The result of that conference was an agreement that a separate coastal zone management program administered by NOAA was required. The conference report contains the following:

> The Conferees adopted the Senate definition of 'Secretary' to mean the Secretary of Commerce. As the bill was passed by the Senate, and as a companion bill was reported by the House, it was provided that the administration of the Coastal Zone Management Act should be the responsibility of the Secretary of Commerce, and it was expected that actual administration would be delegated to the Administrator of . . . (NOAA) . . . The rationale . . . was based on NOAA's capability to assist State and local governments in the technical aspects of coastal problems. . . .
>
> The conferees adopted a final approach which acknowledges the validity of many of the arguments advanced to justify . . . the Department of the Interior . . . The lands (to be) included in the 'coastal zone' have been limited to those which have a direct and significant impact upon coastal water. Secondly, those lands which have been traditionally managed by the Department of the Interior, or the Department of Defense . . . covered by existing legislation have been excluded. Thirdly, it is provided that upon enactment and implementation of national land use legislation . . . the Secretary of Commerce shall coordinate with and obtain the concurrence of the Federal official charged with . . . the national land use program . . . The concurrence procedure will take place . . . when the coastal zone program is submitted for original approval under title 306 or when a modification is proposed. . . . Also where the coastal zone program already exists in a State, when the . . . land use program is proposed, the necessary changes . . . as outlined in section 307(g) would be accomplished. . . .
>
> Therefore what the conferees agreed upon was basically a water related coastal zone program administered by the Secretary of Commerce. . . . *This compromise recognizes the need for making the coastal zone program fully compatible with the national land use program while making use of . . . NOAA . . . in the Department of Commerce in managing the nation's coastal areas.*

Both Houses, therefore, directly and affirmatively decided this issue although the administration seeks to hide its head in the sand and ignore the resulting act—which the President signed—not only by failing to request the necessary funds for the States involved, but by continuing the effort to give the coastal zone program to the Interior Department by supporting a land use bill which would give concurrent authority to the Interior Department over these coastal areas already provided for in Public Law 92-583.

Fifth. When this land use bill was debated on the floor of the Senate, I remember well the expressions of concern of many Senators, a number of whom are members of the Senate Interior and Insular Affairs Committee. These Senators were deeply concerned that this land use legislation might eventually result in a giant bureaucracy with unprecedented centralized control over our States, local governments, and our people.

I say to those senators who are concerned with this possibility that maintaining a separate program for our coastal areas, even if one agency could properly manage both, will certainly act as a balance wheel to the land use program for all of the rest of the Nation. It is well recognized that a certain degree of decentralization is often necessary to counteract the evils of massive bureaucracy.

Sixth. The Coastal Zone Management Act of 1972 so recognizes the close proximity of the death of many of our coastal environments that it has a provision for Federal funding for the State management program in segments so that the States can move post haste to manage the most critical areas first. If the administration is successful in keeping the coastal zone language in this committee's land use bill and then requires the States to go that route by making no moneys available under the Coastal Zone Act, there not only is no provision in the land use bill for segmental funding, just the opposite will be required because of the necessity of having a statewide program with many components of which coastal zones are only a small part.

Seventh. By supporting the inclusion in the land use bill of what has now recently been designated by Congress as a separate and distinct program, the administration jeopardizes the passage of any land use bill at all.

In addition to the rightful concern of the members of the Commerce Committee here in the Senate, I believe the floor debate last year on the land use bill demonstrated that members of other committees do not wish to see a land use bill move forward with a precedent in it for including laws and programs for which their committees have legislative responsibility. It is obvious that if S. 268 should be reported with this language in it pertaining to coastal areas covered by Public Law 92–583, such a precedent would be established.

Eighth. Again for those who are apprehensive about establishing this national land use planning effort, it should be noted that the Coastal Zone Act certainly provides good test machinery. If the President had recommended supplemental funding for the States under the coastal zone bill in the current fiscal year and in fiscal year 1974, by the time any nationwide land use program is ready for implementation the experience in the coastal zone program, I am sure, could be extremely helpful to the administration and to the Congress.

Dr. William Hargis, director of the Virginia Institute of Marine Science, said in the Senate hearings:

> Solutions worked out in the coastal zone can serve as a model for solutions of broader problems of upland land use planning and management.

Ninth. As I said on the floor of the Senate, the Senate Commerce Committee was quite responsive to the concerns of the Interior Committee about our coastal zone bill. We responded to that concern in a responsible and serious manner. I do not believe any Senator could say that we did not do all that was necessary.

In view of this background, I would like to point out for the RECORD that virtually every environmental group in the country has endorsed the Coastal Zone Management Act and the need for funding this separate program. I ask unanimous consent at this point that a list of organizations supporting this act at the time of its debate on the House floor be printed here in the RECORD.

There being no objection the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING COASTAL ZONE MANAGEMENT OF FINAL PASSAGE

National Governors' Conference, Council of State Governments, Coastal States Organization.

Southern Governors' Conference.

National Advisory Committee on the Oceans and Atmosphere.

National Wildlife Federation.

Shellfish Institute of North America.

Sierra Club.

American Oceanic Association.

Marine Technology Society.

Council of State Planning Agencies.

Coastal Coordinating Council, Florida.

Resources Advisory Board, Southeast River Basins.

National Congress of American Indians.

American Tunaboat Association.

National Canners Association.

National Fisheries Institute.

Southeastern Fisheries Association.

League of Women Voters of U.S.

International Longshoremen and Warehousemen's Union.

AFL–CIO.

Maritime Trades Union, AFL–CIO.

Citizens Committee on Natural Resources.

International Association of Game Fish and Conservation Commissioners.

California Coastal Alliance.

Association of Pacific Fisheries.

Oceanography Commission of Washington State.

National Federation of Fishermen.

Friends of the Earth.

Atlantic Offshore Fish and Lobster Association.

National Fish Meal and Oil Association.

The record will also show, Mr. President, that numerous coastal States are moving well ahead of the Federal Government in committing funds and manpower to coastal zone management. These States are counting on implementation of the Coastal Zone Act. They need this Federal assistance to make their programs a success. It would be a legislative tragedy for us to allow the subversion of this program by a small group of bureaucratic zealots within the administration who wish to cast aside the actions of Congress and create programs to their own selfish ends.

At this point, Mr. President, I ask unanimous consent to include in the RECORD in its entirety a collection of statements about the need for a separate coastal zone program at NOAA.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

NEED FOR A SEPARATE COASTAL ZONE PROGRAM AT NOAA

Some arguments for the maintenance of the Coastal Zone Act program separate from the Land Use program and for inclusion of language in S. 268 which prevents it from conflicting with the Coastal Zone Management program under the Coastal Zone Management Act of 1972.

A. *It was clearly the Congressional intent that the programs be separate and that the Coastal Zone Program be administered by NOAA:*

1. At the inception of the Land Use bill's floor consideration in 1972, Senator Jackson and Senator Hollings engaged in a prearranged colloquy (*Congressional Record*, vol. 118, pt. 24, pp. 31071–072) in which an agreement between Senator Jackson, for the Interior Committee, and Senators Magnuson and Hollings, for the Commerce Committee, was reaffirmed.

(a) Senator Hollings said, "My reason for joining the debate today is to discuss with the Senator from Washington (Senator Jackson) . . . our standing agreement on the compatibility of the National Land Use Bill and S. 3507 the Magnuson Coastal Zone Management Act of 1972. . . .

"Members of the Committee on Commerce recognized . . . that the supporters of land use legislation had some genuine concern about the scope of the proposed Coastal Zone Management bill and any conflicts it might pose . . . We worked out a series of changes in S. 3507 proposed by the Interior Committee *in exchange for an understanding that these two programs would work side by side. . . .*

". . . the needs of the coastal zone are sufficiently different to demand *a separate management regime* . . . and the authority of the coastal zone management program created in S. 3507 must be respected by those who eventually administer S. 532." (Emphasis supplied.)

(b) Mr. Jackson responded, saying, ". . . *The Senator's discussion of the agreement . . . concerning these two bills is accurate,* and it is appropriate that this agreement be reflected in the legislative history of S. 632. . . . It is my judgment that the two bills are compatible and, if enacted into law, can be administered without conflict. . . ." (Emphasis supplied.)

(c) In the *Congressional Record*, vol. 118, pt. 24, p. 31215, Senator Hollings, also said, "Mr. President, the Magnuson Coastal Zone Management Act creates *a separate program for the coastal zones of the United States, apart from the national land use program.* The coastal zone program will be administered by the Secretary of Commerce through the National Oceanic and Atmospheric Administration. . . .

". . . . it is important to reinforce at this time the will of the Senate that the Secretary of the Interior coordinate and communicate with the States and the Secretary of Commerce in overall land use programs . . . to make certain that their respective programs do not overlap or cause duplication. . . . *There has been much talk that we do not need two separate programs . . . Just the opposite is true. . . . I am pleased my colleagues in the Senate are in agreement on this matter.*" (Emphasis supplied.)

2. The Senate Commerce Committee Report on the Coastal Zone Management Act (Report 92–753) provides further evidence of the intent of Congress.

(a) ". . . Why single out the coastal zone for special management attention? *The argument has been made that . . . there should only be one policy and one system of management. But experience has shown us that . . . diverse systems are often needed.*" (Page 4) (Emphasis supplied.)

(b) On March 14, 1972, at the request of Senator Hollings, S. 582 (the predecessor to S. 3507, an original Committee Bill) was recommitted to the Committee. "Changes were made so as to clear up conflicting matters of jurisdiction . . . (and) . . . to make the bill compatible with proposed land use legislation as proposed by the Administration (see S. 992)." (Page 7.)

(c) ". . . The inner boundary of the coastal zone is somewhat flexible . . . *to allow coordination with the proposed National Land Use Policy legislation* (S. 992)." (Page 7.) (Emphasis supplied.)

(d) ". . . 'Secretary' is defined as the Secretary of Commerce who has jurisdiction over (NOAA). Administration of such a coastal zone program by NOAA was originally recommended in the final report of the Commission of Marine Science, Engineering & Resources. After careful review, the Committee believes NOAA is the best qualified agency to undertake this complex task . . ." (Page 10.)

3. The following evidence of the Congressional intent appears in the considerations by the Senate as a whole on August 25, 1972:

(a) Senator Hollings said, ". . . There were some who felt that certain provisions within S. 582 were in conflict with the proposed land use legislation. . . . (W)e have worked over the entire bill. . . . *The Committee has created a bill which dovetails with the proposed land use legislation.*" (Congressional Record, vol. 118, pt. 11, 14170.) (Emphasis supplied.)

(b) Senator Hollings also said, "We have tried our best to dovetail, should the land use bill be enacted by this Congress, so that *the coastal zone bill would be hand in glove with it.*" (Page 6660.) (Emphasis supplied.)

4. The House Merchant Marine and Fish-

eries Committee Report (Report 92–1049) on the House version of the companion measure, H.R. 14146, includes the following:

(a) "The coastal zone problems are related to but are significantly different from problems of overall land use. It is for this reason that your Committee did not agree with the position of the various departmental witnesses who . . . proposed *that the solution to those problems should be merged under an overall land use policy*. . . . The problems of the coastal zone . . . are significantly unique and should be treated in *a separate program* . . ." (Page 12.) (Emphasis supplied.)

(b) ". . . it was concluded that the logical repository for that (coastal zone) coordination . . . in the national management of . . . coastal waters and adjacent impacting shorelands, *your Committee concluded that NOAA as a water oriented agency could best coordinate the program . . . rather than other possible choices which are predominantly land oriented*." (Page 15.) (Emphasis supplied.)

(c) "There are numerous existing federal programs conducted in the coastal zone which must be taken into account . . . This is also true of future programs, whether under present consideration or not yet contemplated. Possible duplication . . . can and must be prevented by careful coordination procedures. It is the Committee's intent that 'coastal zone management' be complementary to other federal and state programs and that it serve in the coastal zone as a coordinating rather than a duplicating mechanism."

5. The following is evidence of Congressional intent as it appears in the considerations of the coastal zone legislation by the entire House of Representatives on August 2, 1972:

(a) Congressman Goodling said, ". . . We are now wisely viewing the coastal zone portion of land as deserving *separate consideration* . . ." (Page H7091.) (Emphasis supplied.)

(b) Congressman Kyl offered an amendment to designate the Interior Department rather than Commerce as the administering Department (page H7101). The argument made for the amendment was that there should be a unified administration so that the coastal zone would be included in a national land use program.

The amendment was *not acceptable* to the floor manager of the bill, the Merchant Marine & Fisheries Committee and others who stressed the need for *a separate program*, immediate action and the need for utilization of the oceanic and other related applicable expertise of NOAA in the Commerce Department (See the arguments at page H7101 *et. seq.*)

261 congressmen voted to adopt the amendment; 171 did not support it by voting against it (112) or abstaining (59). Thus, the issue was joined for Congressional decision in order to reconcile the House-passed bill with the Senate-passed bill.

6. The issue of whether or not the Coastal Zone Program should be administered as a separate program as outlined in the foregoing paragraphs came before a House-Senate Conference Committee upon the Senate's refusal to agree to the amendment giving jurisdiction to the Interior Department (*Congressional Record*, vol. 118, pt. 21, p. 27098). The agreed-upon Conference bill vests jurisdiction over the Coastal Zone Program in the Commerce Department, *thereby constituting an affirmative congressional determination of the issue*. As such, it carries more persuasive value, and commitment, than would have been the case if the bills of two bodies had been in accord and the issue had not been specifically addressed. Although there is no ambiguity as to this, in any further consideration of the matter (outside of a judicial proceeding), as in the Executive Branch and in Congress itself, the language of the Conference Committee Report (House Doc. 92–1544, Oct. 5, 1972) is pertinent:

(a) "The Conferees adopted the Senate definition of 'Secretary' to mean the Secretary of Commerce. As the bill was passed by the Senate, and as a companion bill was reported by the House, it was provided that the administration of the Coastal Zone Management Act should be the responsibility of the Secretary of Commerce, and it was expected that actual administration would be delegated to the Administrator of . . . (NOAA) . . . . The rationale . . . was based on NOAA's capability to assist State and local governments in the technical aspects of coastal problems.

"The conferees adopted a final approach which acknowledges the validity of many of the arguments advanced to justify . . . the Department of the Interior . . . The lands (to be) included in the 'coastal zone' have been limited to those which have a direct and significant impact upon coastal water. Secondly, those lands which have been traditionally managed by the Department of the Interior, or the Department of Defense . . . covered by existing legislation, have been excluded. Thirdly, it is provided that upon enactment and implementation of national land use legislation, the Secretary of Commerce shall coordinate with and obtain the concurrence of the Federal official charged with . . . the national land use program . . . the concurrence procedure will take place . . . when the coastal zone program is submitted for original approval under title 306 or when a modification is proposed. . . . Also where the coastal zone program already exists in a State, when the . . . land use program is proposed, the necessary changes . . . as outlined in section 307(g) would be accomplished. . . .

"Therefore what the conferees agreed upon was basically a water-related coastal zone program administered by the Secretary of Commerce. . . . *This compromise recognizes the need for making the coastal zone program fully compatible with the national land use program while making use of . . . NOAA . . . in the Department of Commerce in managing the nation's coastal areas*." (Pages 12–13.)

(b) In discussion on the House floor concerning acceptance of the Conference Report, supporters of a single program located in the Interior Department indicated their recognition of the fact that the result of the Conference was a bill which, if a national land use legislation is enacted, would involve the Department of Commerce in coastal water and related land uses, and the Department of the Interior in all other land and water uses, i.e., two separate but coordinated programs (*Congressional Record*, vol. 118, pt. 27, p. 35547).

(c) Without discussion, the Senate accepted the Conference Report (*Congressional Record*, vol. 118, pt. 27, p. 3549).

B. *A merger of the National Coastal Zone Program with the comprehensive program for the use of all of the lands of the entire Nation as the Administration seeks to do, will result in a delay of proper attention to the coastal zones where the greatest irreversible damage to a fragile ecology is taking place.*

1. Many times in the Congressional considerations of the legislation it was declared by the members of Congress that the coastal zone crisis should not, and could not, await the enactment and implementation of national land use legislation. Examples are:

(a) The urgency of the coastal zone environmental situation is emphasized by the Chairman of the Senate Interior & Insular Affairs Committee by his numerous references to such areas in his remarks upon introducing his land use bill, S. 268, in the 93rd Congress. (See attachment.)

(b) The extreme need for immediate proper management of the coastal zones is set forth in the Senate Report on the Coastal Zone Act (92–753), under the caption "Need For Legislation" (page 2 *et. seq.*).

(c) Senator Tower, addressing the Senate, emphasized, ". . . the longer we wait, the worse the situation becomes" (*Congressional Record*, vol. 118, pt. 3, p. 2296).

(d) A similar statement appears in the Report of the Stratton Commission, described by Senator Hollings (*Congressional Record*, vol. 118, pt. 11, p. 14180), ". . . The Report makes an urgent plea for management of the coastal zone *now*, before it is too late." (Emphasis supplied.)

(e) Senator Stevens declared, "I do not see that this is going to be possible if we wait for S. 992 (National Land Use legislation), nor do I see that it would be possible . . . . I think we might well be creating another roadblock in working toward the proper protection of estuaries—the coastal zone, if we are not careful, ... We would rather have the smaller bill." (Page 134, Senate hearings.) (Emphasis supplied.)

(f) Congressman Lennon declared, ". . . it is imperative to implement (the) program *now* before this nation witnesses the tragic and wanton destruction of an irreplaceable national resource, our estuaries, our wetlands and our shorelines. . . . *We dare not listen to those . . . who . . . after all these years of procrastination and study—now tell us that we should wait longer*" (Congressional Record, vol. 118, pt. 20, p. 26477–26478). (Emphasis supplied.)

(g) Congressman Griffin: ". . . . We become increasingly in danger . . . *We must act now*" (page H7092) (Emphasis supplied.)

(h) Congressman Kyl (now in charge of Interior Dept. legislation): "The nation can ill afford to 'continue to wait to commence' in solving coastal zone resource utilization problems . . ." (*Congressional Record*, p. 26484).

(i) Senator Buckley, in the Senate considerations of the land use bill (Sept. 19, 1972), stated, ". . . in view of existing and pending Federal legislation designed to protect watersheds and wetlands . . . *the most pressing needs will be met*" (*Congressional Record*, p. 31102).

2. Examples of other statements of the urgent needs of the coastal zone and for providing for them in a separate program are:

(a) Mr. Bernard Hillenbrand testified on behalf of the National Association of Counties as to that Association's primary concern:

"1. *A Separate Coastal Zone Management Program*—We would support a separate coastal zone program that is not directly administered under a national land use policy . . . *this program should be separate*."

And he further said as to the extent of land to be included, ". . . We suggest the definition remain flexible to reflect both geography and topography . . . 'coastal zone' (should) be determined by each state and its localities with the general approval of the federal government" (House hearings, pg. 291; Senate hearings, pg. 159).

(b) Mr. Johnathan Ela, on behalf of the Sierra Club, testified, "*We believe the administration position . . . to be totally incorrect.* We think priority should be given to the coastal zone and that *the coastal zone could not be given adequate attention simply through S. 992, the Administration's bill, or S. 632, Senator Jackson's bill*. . . . The magnitude and urgency of the coastal zone problem is such that *a separate and specific institutional arrangement is called for*" (pg. 264, Senate hearings). (Emphasis supplied.)

In reply, Senator Stevens said, "I want you to know that I agree with you again." (See also Mr. Ela's prepared statement in accord, pg. 269, Senate hearings.)

(c) Dr. William J. Hargis, Jr., as Director of the Virginia Institute of Marine Science and as Chairman of the Coastal States Organization, stated, "We cannot wait until the nation is ready for full land use planning to approach the critical coastal zone . . . There is a strong impetus for a meaningful National Coastal Zone Management Program. We must not loose this impetus." (Pg. 92, House hearings, 92nd Congress.)

(d) James T. Goodwin, Coordinator of Natural Resources for the State of Texas, also representing the National Legislative Conference, said in the House hearings, ". . . the coastal zone is a distinct natural treasure . . . deserving *separate consideration* . . . the coastal resources management program must culminate in program for action which can be implemented *quickly*" (pages 124–5). (See a similar statement, pg. 253, *et seq.*, Senate hearings.)

(e) A member of the Executive Committee of the Commission for Advancement Through Science and Technology (COAST), also representing the Governor of Alaska, testified before the House Committee, "We in Alaska recognize that the environmental problems of the earth, encompassing terrestrial, marine and atmospheric problems are a continuum. *However, we feel that some sort of division is necessary* . . . the coastal zone has a unique feature from the adjacent terrestrial and oceanic areas . . . It is like a 'cobweb': if you touch one strand it has a great effect on the total structure . . . wisely planned *comprehensive coastal zone legislation is immediately necessary . . . Alaska is deeply concerned that further delay on enactment of this legislation would be detrimental to the interests of wise coastal zone management in our nation* (pages 211–13).

(f) Dr. John Ryther of the Woods Hole Oceanic Institute responded to a question as to his view on waiting for a single land use program to be implemented, "I think it would be very dangerous to wait" (House hearings, pg. 327).

(g) Also *as to urgency:*

(1) The President of the American Oceanic Organization testified, "Obviously, time is of the essence" (House Hearings, pg. 381).

(2) *On the same point*, Mr. Edward Wenk of the University of Washington testified, ". . . time is running out. It has been 5 years since the diagnosis . . . 3 years since a remedy was presented that gained a remarkable concensus. . . ." (House hearings, pg. 397).

(3) While testifying for a single mandatory nationwide land use program including coastal zones, the Chairman of the Council on Environmental Quality, Russell Train, said, "The coastal zone is included and very likely *would prove out to be the single most significant element* . . ." (emphasis supplied) (pg. 128, Hearings of the Senate Commerce Committee, 92nd Congress).

(4) While recognizing merit in having a comprehensive nationwide land use planning legislation, R. Deane Conrad of the Council of State Governments said of Sen. Jackson's land use bill: ". . . it is pointed in the right direction. In some senses it may be premature, however . . . time is too short for further postponement in responding to the needs of the . . . coastal zone areas. . . . The time is now that we begin removing the mystery and clarifying the haze that hangs so heavily over the heads of those who are responsible for making decisions affecting the coastal zones. This is true in the private sector, as well as the public sector" (pg. 183–4, Senate Hearings).

3. Obviously, the national land use program is not yet law and it is projected that it might not become law in the 93rd Congress in view of opposition to it as an alleged "nationwide zoning law" and other problems, such as the disagreement between the Senate and House Interior Committees as to whether the bill should also include planning for federal lands.[1]

4. Even if the proposed land use planning bill(s) should become law, it is likely that requiring a state to have an entire comprehensive statewide land and coastal zone plan for federal funding rather than only a plan, or program, for the fragile coastal zone, will, in itself, produce considerable delay.

(a) The Congress realized that the coastal zone crisis was so urgent that it should not even require the states to have a coastal zone program for its *entire* shoreline before it qualified for federal aid. Section 306(h) of the Coastal Zone Act stipulates that the "*management program may be developed in segments so that immediate attention may be devoted to those areas . . . which most urgently need management programs*" (emphasis supplied).

Combining the coastal zone program with the national land use program so that first there must be a complete statewide plan, as those land use bills propose, runs counter to this interest.

(b) The Sierra Club position is: "We believe that it will be several years before the nation enjoys the fruits of a national land use policy even if it were to be enacted in the current session of Congress (the 92nd Congress, 1st session), and that decision on coastal zone matters cannot be delayed for that length of time" (statement by Mr. Ela, pg. 270, Senate hearings).

(c) Congressman Keith said, "The bill is . . . restricted to the coastal zone (and is not) . . . a comprehensive land use measure. . . . To wait, to me, seems to be a mistake . . . while the same kind of problems face us with respect to land, they are not so immediate. *The coastal zone is a much more manageable undertaking* . . ." (*Congressional Record,* vol. 118, pt. 20, p. 26843).

(d) See also Dr. Hargis' statement set out previously in paragraph 2(d).

(e) The coastal states have approached the problem of coastal zone management separately and have instituted mechanisms for dealing with the coastal zones which will produce state coastal zone programs far in advance of their creation of a land use program for their inland areas. In fact, in some states, the ability to establish *state* authority over coastal zones has been, and will be, predicated upon the argument that coastal zones are distinctly different and that the believed infringement upon local authority and autonomy, as well as private property rights, will not necessarily be extended inland so that, if the states should be entering into a national program which goes beyond the coastal zone, it well may kill the chances for permitting all, or some of, the coastal states to take action with respect to their coastal zone problems.

(f) An Administration witness, Mr. John R. Quarles, General Counsel of the Environmental Protection Agency, supported the apparent Administration position against separate programs with an argument which recognizes that protection of the coastal zone will suffer under the "one program" approach. The aforesaid argument in support of the "one program" position, which indirectly validates the need for a separate coastal zone program, was set forth in a letter submitted by Mr. Quarles to Congressman Lennon, Chairman of the Subcommittee in the House, dated Sept. 28, 1971, as a supplement to his oral testimony. He says, ". . . Much of the momentum is focused on the coastal zone problems. If a coastal zone management bill were to be passed, some of those laboring for achievement of regulation of land use might feel the job was done and relax; *whereas if the effort can be kept up for a while longer, it is quite probable that a broader program can be realized*" (pg. 328, House hearings). (See also pg. 335–338.) (Emphasis supplied.)

Thus, it can be argued, the Administration seeks to risk the destruction of the environment of, and proper planning for, the coastal zones as "leverage" to achieve a national and statewide, land use program, realizing it will be much more difficult to obtain such an implemented comprehensive land use program.

(g) Governor Mandel of Maryland, through his representative, said, "We feel that the passage of a coastal zone bill would result in a very rapid response by Maryland and by many other coastal states *unlike the ability of the states to respond in the general land use area.*"

(h) Very importantly, it must be noted that the sanctions or "stick" to *require* states to participate under the National Land Use bill was deleted on the floor of the Senate in the 92nd Congress with the agreement of Senator Jackson (*Congressional Record,* p. 31200). The States, therefore, will be able to opt against a "statewide land use program" and will not have the argument to use against reluctant local officials that the State has no choice. If the States decline the statewide land use program, the result will be neglect of the coastline. It is submitted that many who supported inclusion of coastal zones in the national land use legislation did so because of the sanctions in that bill and that they would not support inclusion of the coastal zone in voluntary legislation which likely will result in an indefinite delay of attention to the coastal zones by the coastal states.

(i) Even if the sanctions should be put back in by the Committee, it appears that they would be removed before the bill becomes law.

C. *Protection of the environment of the coastal zone has now been recognized by Congress as a separate area of concern and expertise. To include it in the proposed National Land Use legislation would constitute a precedent for the inclusion therein of other separately recognized areas of environmental concern and as such it constitutes a "threat" to Committee jurisdiction and agency responsibility, as presently vested.*

Additionally, if a precedent is set for "swallowing up" such other independently recognized areas of environmental concern, it follows that the land use legislation now, or after becoming law, is open for the addition of other specific areas of environmental concern not yet carrying the stature of such separate legislative identification.

1. Examples of the former group include Water and Air Pollution, Housing, Transportation and Energy programs, even though the proposed legislation now includes a reference to some of these laws. The references either could be deleted before final action on the land use bill or by some future Congress. They also are not so strictly and specifically worded as to preclude bureaucratic "interpretation" which has the effect of constituting the Land Use legislation as "an umbrella" under which such laws and programs will be controlled.

2. Senator Muskie in the debate on the land use bill pointed out, ". . . this legislation touches . . . many federal programs and the jurisdiction of so many Senate Committees." (*Congressional Record,* p. 31200.)

3. Senator Jackson mentioned surface min-

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[1] The majority of the membership of the Committees is from western states where, often, the federal lands comprise more than two-thirds of the lands within the state. The feeling is that the law providing for—or requiring—comprehensive state land use plans must provide for—or require—the federal lands to be "included" at least as to compatibility with the plan in effect on the state lands and with respect to such matters as transportation corridors, utility corridors and other such matters where failure of coordination of the federal lands can prohibit rational planning. It is also felt that the federal government should put its own house in order before *requiring*, or supporting, planning for the non-federal lands. See e.g. the Report of the Public Land Law Review Commission. Senator Jackson opposes inclusion of the federal land planning in his bill, but the House reported bill in the 92nd Congress provided for both federal and non-federal lands.

ing regulation as being under the "umbrella" of the land use bill. In the Senate floor considerations of the land use bill, the matter of regulating the cutting and preserving of trees in the National Forests was mentioned. These areas appear to be examples of future environmental legislation and programs which would likely also be absorbed by the national land use program if the costal zone program is placed under the so-called land use "umbrella".

As Senator Muskie indicated, the areas mentioned by Senator Jackson and others which could be taken under the "umbrella," transcends the authority and responsibility of existing Congressional Committees, as well as federal agencies, with particular abilities and expertise. It is suggested that in such a case, the Interior Department and the Interior Committees of both bodies would be the lone hand on the umbrella stick and thus exercise control over programs and jurisdictions over which they now have no authority.

The land use legislation, written and construed as an "umbrella," it appears would, in large measure, give the Administration a basis for accomplishing the intent proposed to Congress in its Executive Reorganization for the creation of a Department of Natural Resources or Dept. of Energy and Natural Resources.

D. *There is considerable concern that the Land Use legislation may result in a great, too powerful, bureaucracy. The Coastal Zone Management Act, as a separate program, however, can act as a balance wheel. It also can serve as a pilot program to demonstrate (or test) the effectiveness of a nationally supported and coordinated land use program.*

1. Dr. William Hargis, Virginia Institute of Marine Science, said, as to the test program idea, "Solutions worked out in the coastal zone can serve as a model for solutions of broader problems of upland land use planning and management" (Senate hearings, pg. 255).

E. The President, after opposing the Coastal Zone Management Act of 1972 on grounds it should not be separate from the land use bill, nevertheless signed it into law on October 27, 1972, just prior to the elections, declaring that the coastal zones are "a unique national resource" and that the Coastal Zone Act would provide "rational management" for it. The President also said:

". . . more than 75 per cent of our population now lives in areas bordering the Atlantic and Pacific Oceans, the Gulf of Mexico and the Great Lakes. The number of people who use our coastal zones is rapidly increasing."

The President went on to emphasize the importance of the coastal zone in a variety of ways including commercial fisheries, ports, beaches and other recreational areas, and so on. In view of all the pressures upon the coastal zone, the President said "these same areas, it must be remembered, are the irreplaceable breeding grounds for most aquatic life."

Notwithstanding the foregoing, the Administration opposes the appropriation of funds for grants to states under the Coastal Zone Management Act of 1972 and will not spend them unless there is a Congressional mandate to the Contrary.

1. See for example testimony of Russell Train, Chairman of the Council on Environmental Quality, before the Senate Commerce Committee on March 6, 1973: "the Administration has withheld full funding of the coastal zone legislation just permitting summary programming around $250,000 this fiscal year to get the program under way." (This means only a skeleton staff and no money for the states.)

He also said "we should wait until passage of the National Land Use Policy Act to consider the funding rather than from the piecemeal standpoint", to which Senator Hollings responded:

"That was not the view of the Administration as of October last year. Both Houses of Congress spoke in unity (and) . . . the President signed the Coastal Zone Management Act into law."

2. The March 21, 1973, News Digest of the American Enterprise Institute, at page 6 and 7, reported an article by the *Baltimore Sun* in which the following appears:

"Challenged by a questioner about the administration's failure to fund the Coastal Zone Management Act, a federal-land use measure enacted last fall, Mr. Train said the President preferred to wait for an overall comprehensive land-use measure instead of approving piecemeal legislation for various types of land."

3. Without language in S. 268, the coastal States will be required to develop and operate a land use program for its entire state before funds would be available for its coastal zone.

Mr. SAXBE. Mr. President, I understand that amendments may be offered to delete from S. 268, the pending Land Use Policy and Planning Assistance Act, certain provisions pertaining to the Coastal Zone Management Act of 1972.

The amendments, I understand, would delete from the S. 268 certain provisions which have been included in it in order to assure that there will be a separate Federal program pursuant to the provisions of the Coastal Zone Management Act of 1972.

My colleague in the House from Ohio, Congressman Charles Mosher, who is the ranking minority member on the Oceanography Subcommittee of the Merchant Marine Fisheries Committee, recently made a statement before the House Appropriations Committee which directly bears on this issue. He points out:

> The key point is that the administration is still attempting to prevail on its position that the needs of the coastal zone should be included in a national land use bill—even after Congress, by a large vote on passage of PL 92-583 decided that the complex and fragile problems in the coastal zone deserved special and individual attention, immediate attention without waiting for the overall land use bill . . . OMB and the Executive Branch of Government are now attempting to circumvent the will of Congress through the medium of the Federal budget.

I agree with my colleague that it appears unwise for the administration to attempt to kill an act of Congress with so much environmental and governmental support and that the coastal States should not be required to have a statewide land use program under S. 268 before their coastal zones receive Federal assistance.

I, therefore, support the retention of the language in S. 268 which assures the separate status of the Coastal Zone Management Act of 1972.

I request unanimous consent that the entire statement by Congressman Mosher be inserted in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Congressman Charles Mosher

Mr. Chairman, Congressman Cederberg, Members of the Subcommittee:

I wholeheartedly endorse the remarks of my distinguished colleague, the Chairman of the Subcommittee on Oceanography of our Committee [Mr. Downing]. As Ranking Minority Member of that Subcommittee, I was shocked to learn that . . . bluntly put, Mr. Chairman . . . the proposed Administration budget for fiscal year 1974 (beginning July 1) contains zero funding, apparently a near death sentence for the Coastal Zone Management Act signed into law last October, unless your Committe insists, by the appropriation mechanism, that this vital Act of Congress be implemented by the Executive Branch.

Amid all of the cuts, impoundments and other budget alterations to the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce and other agencies with important marine programs, the most striking aspects is the deliberate omission of funds with which to implement state coastal zone management plans under P.L. 92-583.

This omission is evidently much more than merely a decision to limit expenditures, because please note that there is in the proposed 1974 budget the sum of $20 million for land use planning in the Department of the Interior budget. Coastal Zone planning is out; land planning is in. But coastal zone planning does have Congressional approval, while that land planning does not. There is no provision in law for that expenditure by the Department of the Interior. There is the possibility that Congress might enact this type of overall land use legislation for the country as a whole, but no assurance of that. Last year, I repeat, we did enact the coastal zone authorization; it is a needed function well underway. It deserves all adequate appropriation. The $20 million in the proposed budget does indicate, insofar as the Office of Management and Budget is concerned, that they are willing to spend money on these program areas of land/water use planning. The key point is that the Administration is still attempting to prevail on its position that the needs of the coastal zone should be included in a national land use bill—even after Congress, by a large vote on passage of P.L. 92-583, decided that the complex and fragile problems in the coastal zone deserved special and individual attention, immediate attention, without waiting for any overall land use bill. Having lost the battle on the Floor of the House and Senate during the 92d Congress, OMB and the Executive Branch of Government are now attempting to circumvent the will of Congress through the medium of the federal budget by not recommending funding for this Act of Congress!

To me this seems to be a very unwise attempt to kill an Act of Congress which has the support of all the environmental organizations concerned, the support of the Governor's Conference, Council of State Governments, and coastal states involved, of organized labor and other groups. Many states are prepared to move; they have established their programs; have passed implementing state laws; have appointed the proper administrative personnel; are developing governmental/scientific/academic/planning groups and, up to this point in time, have waited patiently for the federal appropriation process to fund the Act, so that state applications can be immediately submitted for federal assistance in accordance with the terms of the Act.

The Office of Coastal Zone Management, NOAA, has been established within existing funding levels to provide immediate guidance to the states. The complexities of the competing uses in this fragile coastal zone are growing on a daily basis. Witness the clamor for or against deepwater ports; witness the growing water pollution crisis in Florida from a potable drinking water standpoint; witness the rash of ill-planned, underfinanced, and low quality construction of "recreational" housing on valuable beach areas; witness major shoreline erosion problems on the Great Lakes and our other coastlines from Maine to Florida and Washington to California.

All of these crucial problems exist today. They become even more critical with every passing day. Everyone is ready to move in solving them, to the benefit of the entire American public—all except the Executive Branch of Government—on the "tunnel vision" basis that one agency instead of another should have that responsibility.

The choice of an administering agency for a legislative program is peculiarly within the constitutional authority of the Congress of the United States. The choice was made by the 92d Congress in voting, and the choice was accepted by the President in signing, the Coastal Zone Management Act of 1972.

Failure to fund the Act at a significant authorization level will represent one of the major steps backward for Congress in satisfying its duties and responsibilities to the American public and in its assertion of its role within the constitutional framework as a *coequal* branch of government.

In light of the already drastically reduced level of proposed funding for NOAA and other marine programs, it would be wholly inappropriate to fund the Act through the mechanism of reprogramming funding levels already allocated for other programs within NOAA.

I suggest that funding of the Coastal Zone Management Act of 1972 be at a 1974 authorization level of $10 million.

If the Committee in its wisdom concurs in this recommendation, appropriate statutory safeguards should be built into the framework of the funding allocation for the Coastal Zone Management Act, so that a future reprogramming of these funds by OMB could not be possible once the monies actually were appropriated.

Mr. Chairman, I sincerely urge that the Committee look with favor upon my request. In order to assist more fully the Committee in analyzing its merits, I am attaching to my Statement additional information as to the status of the implementation of the Coastal Zone Management Act of 1972.

Additional Submissions for the Record by Congressman Downing and Congressman Mosher Before the House Appropriations Subcommittee on State, Justice, and the Judiciary on Thursday, May 10, 1973

Among those states which envision implementing fairly comprehensive coastal zone management programs, the following have indicated a definite willingness to immediately proceed, once funding is provided:

1. California.
2. Delaware.
3. Hawaii.
4 Maine.
5. Mississippi.

At least four states (Florida, Oregon, California, and Michigan) are required by state law to proceed with program development immediately.

Atlantic coast states are proceeding with wetlands mapping. Two Great Lake States (Michigan and Wisconsin) are implementing shorelines zoning under state guidelines.

An advisory plan for coastal zone management in the State of Louisiana is required by the State to be completed by December, 1973.

The State of Texas already has an active coastal zone program.

In summation, at least one quarter have made a major commitment in anticipation of coastal zone management funding. At least one quarter are progressing but are somewhat discouraged due to the lack of a funding commitment. Few of the 34 coastal states are totally inactive. All, in varying degrees, are well ahead of federal government efforts, but are limited in their fiscal and personnel resources and do need the guidance and assistance povided under this existing federal law, the Coastal Zone Management Act of 1972, P.L. 92–583.

Current Activities—March 12, 1973

As a result of the passage of the Coastal Zone Management Act of 1962 (PL 92–563) a program is being structured for the purpose of bringing the resources of the Federal government to the aid of states in the development of rational, comprehensive coastal zone management programs. To encourage states to undertake the task, the legislation authorizes three kinds of grants and provides states with a larger role concerning Federal activities within the coastal zone after states have developed management programs. The three grant programs authorized in the legislation are for management program development, management program administration, and for the acquisition of estuarine sanctuaries as "natural field laboratories" for study. Funds for the grants to states have not yet been appropriated.

The Office of Coastal Zone Management (OCZM) is presently engaged in several tasks as it plans the implementation of the new program. The first involves development of guidelines and regulations necessary in connection with the management development grant program. A draft of these guidelines is currently undergoing an informal review within the Federal government* OCZM is about to begin drafting guidelines for the state management program approval process.

A second activity concerns Federal coordination aspects of the program. OCZM is in the process of developing working relationships with other Federal agencies active in the coastal zone. Initial rounds of discussion have been held with agencies such as the Department of Interior, Environmental Protection Agency, Army Corps of Engineers, Department of Housing and Urban Development, and so on. More intensive and substantive discussions are beginning with HUD, the Army Corps of Engineers and EPA, with others to follow. The goal of this effort is to identify areas of program overlap in order to ensure a coordinated effort at the Federal level.

A third area of OCZM effort involves an inventory of state activity with regard to coastal zone management. OCZM is examining and cataloging relevant legislative programs, state government reorganizations, research efforts, etc., in the various coastal states and territories. Also, OCZM is interested in determining the extent to which Federal funds are presently involved in supporting state CZM efforts or related activities. It is expected that a brief summary of state CZM activities will be published in the near future.

Finally, OCZM is beginning to examine the technical aspects of the coastal zone management problem with a view towards better definition of the needs of the coastal zone manager. In particular, NOAA's role as both a research and resource agency is being assessed. In this connection, OCZM is cosponsoring with the Department of Interior, the National Science Foundation, the Council of State Governments and the Coastal States Organization a conference in June for coastal zone managers on the techniques of organizing and managing the coastal zone.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTPONEMENT OF HEARINGS BY SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. KENNEDY. Mr. President, it has just come to my attention in the past few moments that the Senate Watergate Select Committee has voted to defer hearings on their investigation for the remainder of this week and will begin their hearings again next week.

I understand that the overriding consideration in the committee's decision was the desire to avoid any possible embarrassment to the President during Mr. Brezhnev's visit this week. Mr. Brezhnev is conducting high-level negotiations with the President of the United States on many vital matters: trade, defense policy, the limitation of nuclear weapons, and changing relationships in Europe, to name but a few of the most important issues that are on the agenda for this historic summit conference.

The Watergate Committee's decision is dramatic evidence of the fairness, sensitivity and judiciousness of the chairman and all the members of the committee. Surely, it will be reassuring to the American people to know that this committee has been so wisely fulfilling its responsibility to the American people and to the Senate. Pursuant to an overwhelming vote, the Senate charged the committee with performing the investigative functions it is now performing. By delaying its hearings at a time when foreign policy considerations are so obviously paramount, it is clear that the committee is proceeding in a thoroughly statesmanlike and responsible manner. I hope that all the Members of the Senate and all Americans will recognize this fact and appreciate the fairness and wisdom with which the committee is pursuing its duties and in the Nation's highest interest. As a Member of the Senate, I commend the chairman and the members of the committee for the action they have taken.

To be sure, the negotiations which Mr. Brezhnev is having with the President have come under criticism on occasion. However, now that Mr. Brezhnev is in the United States for the purpose of conducting negotiations with the President on a variety of matters that are of absolutely vital importance not only to our two nations, but also to all the peoples of the world, it is essential for us to join with the President in welcoming Mr. Brezhnev and to let the President know that he has our hopes and prayers for the success of the forthcoming negotiations.

I, as one Member of the Senate, pledge my support for the President in his negotiations. I hope that they will be constructive, positive, and useful, and that they will meet the needs of the United States. They are extraordinarily complex and difficult, and they demand the full attention of the President and the Nation.

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* The guidelines are presently undergoing the "Quality of Life" review where OMB circulates a draft for review and comment to relevant Federal agencies. We anticipate release of the guidelines by OMB shortly, at which time they will be submitted to the Advisory Committee on Intergovernment Relations (ACIR) for the so-called A-85 review by organizations representing state and local governments. In addition, they will be printed in the *Federal Register* for public review and comment.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. LONG. Mr. President, the Senator from Massachusetts has made a good point. I do have mixed feelings about the matter. I think that it might be very well for Mr. Brezhnev to observe that this is a country that does permit the party that is currently in power to be investigated while it is in power. It could serve as a suggestion to the Soviet Union that if that great nation as well as others with similar forms of government would permit themselves to be investigated in the midst of their rule, that the world would be a lot better off. Perhaps they would not understand it, but it might be well for them to observe that those in positions of power are not above criticism and investigation here.

Mr. President, I commend the Senator from Massachusetts for his tribute to the committee not wanting to embarrass the President of the United States while negotiations are going on.

I think that the Senator will agree with me that the investigation will thereafter have to be continued, however, until the public knows the facts.

Mr. KENNEDY. Mr. President, I appreciate the statement of the Senator from Louisiana.

On numerous occasions in recent weeks, the Watergate Committee has demonstrated its intention and ability to conduct a fair and thorough investigation, but rarely has this ability been demonstrated so clearly as in the decision to defer the hearings during Mr. Brezhnev's visit.

Many times the institutions of our Government have been challenged in the past, and they are being challenged today. Many foreign observers, especially those in some of the countries in Western Europe wonder about our system and its ability to endure the present crisis. However, I think that all Americans can be reassured that the system is functioning and working well, and that this has been the finest hour of freedom of the press in our history.

I, for one, am sure that, when the investigation being conducted by the Senate committee and by the special prosecutor, is completed, all Americans will be reassured that our system is functioning well and is stronger than before.

I do not feel, as some have suggested, that Watergate is an endemic part of the American system. To make that suggestion would be to cast a libel on the two great political parties of our Nation, on 200 years of American history and on 200 million American citizens.

The evils of Watergate must be rooted out, and I think that the Senate committee is doing that job in an effective, even-handed, and statesmanlike manner. Once the wounds of Watergate are healed the patient will be all the stronger.

And so, I commend the committee for the action they have taken this afternoon. It is very constructive and very positive, and it demonstrates again that Members of the Senate on both sides of the aisle are willing to put their country's interest first.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Massachusetts for the remarks he has just made.

Mr. President, just to put the record straight, I ask unanimous consent that the letter which the distinguished Republican leader, the Senator from Pennsylvania (Mr. Scott) and I sent to the Senator from North Carolina (Mr. Ervin), chairman of the Select Committee on Presidential Campaign Activities, and also to the distinguished Senator from Tennessee (Mr. Baker), the vice chairman of that select committee, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
June 18, 1973.

Hon. Samuel J. Ervin, Jr.
Chairman, Select Committee on Presidential Campaign Activities.

Dear Mr. Chairman: We have been discussing the fact that the hearings of the Select Committee on Presidential Campaign Activities and the official visit of Secretary General Leonid I. Brezhnev are both occurring during the same week.

After giving consideration to this duality of events, recognizing the importance of each, we have come to the conclusion that it is a part of our responsibility as the Joint Leaders of the United States Senate to request, most respectfully, that the Select Committee postpone its hearings until the conclusion of the State visit to this country by Secretary General Leonid Brezhnev.

It is not an easy decision for us to make because both the hearings and the visit are being conducted with the best interests of the country in mind, but it is our considered judgment that a delay of one week would not jeopardize the hearings, and that one week might give President Nixon and Mr. Brezhnev the opportunity to reconcile differences, arrive at mutual agreements, and, in the field of Foreign Policy, be able to achieve results which would be beneficial not only to our two countries but, hopefully, to all mankind.

We would appreciate your consideration of this request and as early a response as possible.

Sincerely yours,

Mike Mansfield,
Majority Leader.
Hugh Scott,
Republican Leader.

Mr. MANSFIELD. Mr. President, as the distinguished Senator from Massachusetts has suggested, this was not an easy decision to make. But it was my feeling—and I must take personally the responsibility for initiating this request—it was my sincere feeling that the committee give it their most serious consideration. I am personally responsible for asking the Republican leader to come to my office to discuss the convergence of events that led to a situation which had begun to disturb me very much.

This is a momentous week in the history of this Republic. On one hand we have a guest visiting our Nation in response to an invitation extended by the President of the United States 13 months ago. On the other hand we have a most important Senate committee hearing being conducted on the Watergate matter. As I considered these matters together, I came to the conclusion that it would be in the best interests of the Republic to request of the select committee that it consider a brief postponement of 6 days in the Watergate hearings, to the end that this summit meeting could be carried on in the most favorable atmosphere possible under all conditions extant, so that if this was agreed to by the select committee, it would give President Nixon and Mr. Brezhnev, to quote from the joint letter:

> The opportunity to reconcile differences, arrive at mutual agreements, and, in the field of Foreign Policy, be able to achieve results which would be beneficial not only to our two countries but, hopefully, to all mankind.

Frankly, while this judgment may be open to question, I think that it was the best judgment which could be made at this time, and I am not interested in any individual. I am interested in the welfare, the well being, and the future of this Republic.

Therefore, it was my considered judgment, in which the distinguished Republican leader concurred, that this request should be made, to the end that the best possible beneficial effects might be achieved as a result of the meeting now underway between the Secretary-General, Mr. Brezhnev, and the President of the United States, Mr. Nixon.

I hope that history will prove that I was correct, but in the meantime, I just want the Record to show that I was the one responsible for initiating this request, and that before doing so I had no contact whatsoever with anyone anywhere, within this city or without.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I was unfamiliar with the fact that this special initiative had been provided by our majority leader, and I warmly commend his action. The leadership he has exercised indicates once again why the majority leader has been recognized by Members on both sides of the aisle for his leadership and statesmanlike approach on so many issues vital to our country.

I extend my congratulations to him for this initiative, and I praise him for it. Once again he has placed the interests of the country first, in the way familiar to all of who have had the opportunity to serve with him.

Again, I commend the majority leader, and I yield the floor.

AUTHORIZATION FOR COMMITTEE ON COMMERCE TO FILE CERTAIN REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce may have until midnight tonight to file certain reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF DEBATE ON S. 925, THE FEDERAL FINANCING BANK BILL

Mr. ROBERT C. BYRD. Mr. President, I have been authorized by the distinguished majority leader and the distinguished chairman of the Committee on Banking, Housing and Urban Affairs, Mr. Sparkman, after consultation with the distinguished Senator from Texas (Mr. Tower), and with the Senator from

Minnesota (Mr. HUMPHREY), the Senator from Wisconsin (Mr. PROXMIRE), and other Senators, to propose the following unanimous-consent agreement: That at such time as S. 925, a bill to establish a Federal financing bank, is called up and made the pending question before the Senate, there be a limitation of 4 hours on the bill, equally divided between Mr. SPARKMAN and Mr. TOWER; that the time on any amendment be limited to 1 hour, and the time on any amendment to an amendment debatable motion, or appeal to be limited to 30 minutes, the agreement to be in the usual form.

The PRESIDENT OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, as I understand, it is anticipated that the Federal Financing Bank Act will be brought up on Wednesday. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct. It is hoped that the Senate will complete its action on the land use bill tomorrow. In that event, the Federal financing bank bill would be laid before the Senate.

Mr. TOWER. It would be laid before the Senate, but with no substantive work being done on the bill tomorrow.

Mr. ROBERT C. BYRD. Yes; the Senator is correct.

Mr. TOWER. I thank the Senator from West Virginia.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF LAND USE POLICY BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees tomorrow, under the standing order, the Senate resume its consideration of the unfinished business, the land use policy bill, S. 268.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND USE POLICY BILL—PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from South Carolina (Mr. HOLLINGS), I ask unanimous consent that Mr. John F. Hussey, of the professional staff of the Committee on Commerce, be accorded the privilege of the floor for the duration of the debate and voting on S. 268, the land use policy and planning bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will immediately resume consideration of the unfinished business, S. 268, the land use policy bill. Amendments to that bill will be called up. Yea-and-nay votes will occur thereon throughout the day.

It is hoped that the Senate will complete action on S. 268, the land use policy bill, tomorrow. In the event the Senate does not complete action on S. 268 tomorrow, the bill, of course, will be carried over to the next day and action thereon will be resumed.

The Senate will also likely proceed on Wednesday to the consideration of at least two other measures, one of which is S. 925, the Federal financing bank bill on which there is a time agreement. However, I must say that, in accordance with previous indications by the leadership, it is anticipated that the NASA authorization bill will probably have to have the first track on Wednesday. In talking today with the distinguished manager of the NASA authorization bill, the Senator from Utah (Mr. MOSS), I am informed that no amendments are likely to be called up and, consequently, it is not anticipated there will be much controversy with regard to that bill.

Yea-and-nay votes will occur, therefore, tomorrow and on Wednesday and daily thereafter.

RECESS TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow morning.

The motion was agreed to; and at 5:02 p.m. the Senate recessed until tomorrow, Tuesday, June 19, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 1973:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Alexander Meigs Haig, Jr., [redacted] Army of the United States (colonel, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Claire E. Huschin, Jr., [redacted], Army of the United States (major general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. John A. Wickham, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William B. Caldwell III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George S. Patton, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Rolland V. Heiser, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel V. Wilson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Alton G. Post [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer R. Ochs, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal E. Hallgren, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Stan L. McClellan, [redacted], Army of the United States, (colonel, U.S. Army).

Brig. Gen. John G. Waggener, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles D. Daniel, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert G. Gard, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Edward C. Meyer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Gordon Sumner, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard L. West, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Orville L. Tobiason, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Eugene J. D'Ambrosio, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. McGiffert II, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John E. Hoover, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Baer [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. D. Cleland, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Proudfoot, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. L. Gordon Hill, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Pat W. Crizer, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Oliver D. Street, III, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Marion C. Ross, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Albert B. Crawford, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John W. McEnery, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas U. Greer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Eivind H. Johansen, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

2. The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284, and 3306:

To be brigadier general

Maj. Gen. Ernest Graves, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Thomas M. Tarpley, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel V. Wilson, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Ira A. Hunt, Jr. [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard L. West, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Sylvan E. Salter, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. William R. Wolfe, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Joseph C. McDonough, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Wilbur H. Vinson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Gordon Sumner, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert E. Wolff, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert A. Schulke, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Oliver D. Street, III, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles R. Myer, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert M. Shoemaker, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal E. Hallgren [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles J. Simmons, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Sam S. Walker [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Daniel O. Graham, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. John R. Thurman, III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles D. Daniel, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles M. Hall [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer R. Ochs [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Pat. W. Crizer [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. George S. Patton, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Bert A. David, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. William J. Maddox, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry R. Del Mar, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Proudfoot, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. D. Cleveland, Jr. [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Orville L. Tobiason, [redacted], Army of the United States (colonel, U.S. Army).

HOUSE OF REPRESENTATIVES—*Monday, June 18, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Where there is no vision, the people perish.—Proverbs 29: 18.

Our Father God, whose law is truth and whose life is love, we lift our hearts in gratitude unto Thee. We thank Thee for the gift of freedom which is ours and by Thy grace may we hand it on unstained and untarnished, held higher in the minds of our citizens by our devotion to liberty and justice.

Strengthen Thou our hands and our hearts that as the representatives of our people we may be ever mindful of our high privilege to serve our country in this present age and to mold her future by what we do in this Chamber.

May the goals of enduring justice, abiding peace, and true freedom challenge the best in us as we live and labor during these difficult days.

Hear our prayer, O Lord, and help us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 27. Concurrent resolution to observe a period of 21 days to honor America.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3867. An act to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; and

H.R. 7357. An act to amend section 5(1) (1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1413. An act to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

SKYLAB SETS SPACE RECORD

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, Astronauts Charles "Pete" Conrad, Jr., Dr. Joseph P. Kerwin, and Paul J. Weitz of Skylab have established yet another record on this historic fight of the Nation's first space station. At 3:22 a.m. eastern standard time on June 18, 1973, these three outstanding Americans became the world's longest voyagers in space. This exceeds the Soviet record of Soyuz 11 with Cosmonauts Volkov, Dobrovolsky, and Patsayev set on June 30, 1971, of 23 days, 18 hours, and 22 minutes.

Skylab will now complete its first of three missions with a total of 28 days of scientific and practical accomplishments and high adventure This flight of Skylab, troubled as it was from its beginning, has demonstrated to all of the world that man can function and has an important role in space. The repair of Skylab and the recovery of the mission will rank with the other important firsts in our national space program over the past decade.

The astronauts and the National Aeronautics and Space Administration are to be congratulated for their outstanding performance on this mission. I am sure that we can look forward to even greater accomplishments on the remaining two visits to Skylab.

MAJORITY LEADER THOMAS P. O'NEILL, JR., COMMENDS NEW CBS POLICY OF FREE AIR TIME TO REPLY TO PRESIDENT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the Columbia Broadcasting System has announced that it will provide free air time for replies to some of President Nixon's broadcasts.

The aims of this new policy are commendable. In many instances, President Nixon has abused his privilege of free air time to introduce partisan political matter into his "state of the Union" and other messages.

He has tried to go over the heads of Congress directly to the people—to pressure Congress into accepting his recommendations even before we have a chance to examine them.

This one-sided approach threatened to make the networks the handmaiden of the administration. It threatened to jeopardize the media's position as an impartial third party responsible for reporting public affairs.

The new policy by CBS is a welcome attempt to redress the balance. But I think CBS is making a mistake in discontinuing its postbroadcast analyses of Presidential messages. These discussions provide the best opportunity for experienced news reporters to examine the address and to place it within the context of current events. Unfortunately, the President's statements and assertions this past year have hardly been unassailable—a fact CBS correspondents have pointed out with crushing regularity. I hope that CBS's action is not a capitulation to administration pressure.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the calendar.

TUNG NUT PRICE SUPPORTS

The Clerk called the bill (H.R. 2303) to continue mandatory price support for tung nuts only through the 1976 crop.

There being no objection, the Clerk read the bill as follows:

H.R. 2303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(b) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(b) The price of honey shall be supported through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 60 per centum of the parity price thereof; and the price of tung nuts for each crop of tung nuts through the 1976 crop shall be supported through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 60 per centum of the parity price therefor: *Provided,* That in any crop year through the 1976 crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 per centum of the parity price therefor."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TITLE 5, UNITED STATES CODE

The Clerk called the bill (H.R. 5692) to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308.

There being no objection, the Clerk read the bill as follows:

H.R. 5692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1308 of title 5, United States Code, is amended to read as follows:

"(b) The Commission shall annually provide an analysis to Congress of the administration and operation of chapter 41 of this title.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That concludes the call of the eligible bills on the Consent Calendar.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 231]

Adams
Alexander
Andrews, N. Dak.
Ashbrook
Badillo
Bevill
Blatnik
Boland
Brasco
Brown, Calif.
Buchanan
Burke, Calif.
Byron
Carey, N.Y.
Carter
Chappell
Chisholm
Clark
Clay
Cochran
Coughlin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Dellums
Denholm
Devine
Dorn
Eckhardt
Edwards, Ala.
Esch
Fisher
Flynt
Fraser
Frelinghuysen
Gray
Green, Oreg.
Gubser
Gude
Harsha
Hawkins
Hébert
Jones, Okla.
Karth
Landgrebe
Latta
Lehman
Litton
McKinney
Mailliard
Maraziti
Mathias, Calif.
Minish
Minshall, Ohio
Mosher
Moss
Murphy, N.Y.
Nix
Owens
Passman
Pickle
Podell
Quillen
Rangel
Rarick
Reid
Riegle
Rooney, N.Y.
Rosenthal
Runnels
Ruppe
Sandman
Schroeder
Smith, N.Y.
Stanton, James V.
Stratton
Stuckey
Taylor, Mo.
Thompson, N.J.
Van Deerlin
Waggonner
Whitehurst
Wiggins
Wilson, Bob
Wright
Young, Fla.
Young, S.C.

The SPEAKER. On this rollcall 344 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1974

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8658) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. McEWEN), and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8658, with Mr. FASCELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from New York (Mr. McEWEN) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1974.

As chairman of the Subcommittee on the District of Columbia budget it is a distinct honor for me to serve with all of the members of this subcommittee. We have a number of new members on our subcommittee this year, and they are Mr. TIERNAN, of Rhode Island; Mr. CHAPPELL, of Florida; Mr. BURLISON, of Missouri; Mr. ROUSH, of Indiana; Mr. VEYSEY, of California; and Mr. COUGHLIN, of Pennsylvania. All of these new members are outstanding Members of the House of Representatives and have made good members not only of this subcommittee, but of the Committee on Appropriations. It is a pleasure for me to serve with Mr. STOKES, of Ohio; Mr. McKAY, of Utah; Mr. McEWEN, of New York; and Mr. MYERS, of Indiana, all Members who have served now for some time on this subcommittee. Mr. Chairman, Mr. McEWEN of New York is now the ranking minority member on our subcommittee, and has performed yeoman service in carrying out the duties of this assignment.

For the 10th consecutive year the Congress has been presented a budget for the District of Columbia that is out of balance. We submit to the House of Representatives a balanced budget.

Mr. Chairman, at this time I want to point out to you and the members of the committee a number of matters that are of great importance to our Capital City. In the last 10 years the capital outlay budget has increased from $52,251,000 for fiscal year 1963 to $94,281,000 for fiscal year 1973, exclusive of the supplemental items that we considered in our second supplemental appropriations bill for fiscal year 1973. For 1964 the capital outlay budget totaled $46,536,500; for 1965 the amount was $58,662,000; for 1966 it was $53,800,800; for 1967 it was $71,558,000; for 1968 it was $112,750,500; for 1970 it was $120,682,300; for 1971 it was $70,984,393 and in 1972 it totaled $323,713,000. These amounts included appropriations for the Metropolitan Area Transit Authority payment which was $72,486,000, the water pollution control plant $70 million of which $10,200,000 was for the Potomac River interceptor operation payable from the Metropolitan Area Sanitary Sewage Works fund, and the correctional facilities at Lorton, $67,635,000.

Mr. Chairman, we constructed the new Central Library at a cost of a little over $17 million. Here is one project where the city really got its money's worth. This is one building that was properly designed with a fixed cost estimate and with the plans drawn by one of the great architects of this country. It is one of the most beautiful buildings in Washington. If this building had been constructed under the system now in use in the District of Columbia it would have cost $50 million.

The people in our Nation's Capital are

well acquainted with all of the difficulties that we have experienced concerning the District of Columbia stadium. This stadium cost $19,800,000 and at the time it was authorized the Congress was advised that the cost would be in the neighborhood of $6 million. Not a single bond has been retired and with the exception of 2 years we have had to borrow the interest to pay on the indebtedness since the income from the stadium has failed to even pay the interest.

A convention center has been authorized and I do hope, Mr. Chairman, that before this project is started under construction a fixed cost estimate is agreed upon together with a design which will give the taxpayers of this District some idea as to whether or not they have a project which will end up the same as the stadium and some others that I could name.

The rapid rail transit system which this committee started under construction in the year 1969 is having difficulties. As you will recall, Mr. Chairman, the system was changed from a 25-mile rapid transit system to a system which will contain 98 miles. When finally authorized for 98 miles, Congress was advised by those who are now in charge of constructing this system that it would cost $2.5 billion. At that time, Mr. Chairman, I said that I believed sincerely that it would cost $4 billion and I still maintain that it will cost $4 billion or more. As you will recall the bonds could not be sold because the bankers and brokers in this country knew full well that these bonds could not be retired out of the fare box. They refused to purchase the bonds and another law had to be passed which provided for the issuance of $1,200,000,000 worth of rapid transit bonds which would be guaranteed by the Federal Government.

Up to this time $445 million worth of bonds have been sold, and according to the newspapers on Friday, June 15, 1973, the Secretary of the Treasury and the Department of Transportation are now demanding assurances that the Washington Metropolitan Area Transit Authority can meet both principal and interest payments on the 40-year bonds before any more bonds can be sold. Those in charge of this project know, Mr. Chairman, in 1969 that the $1,200,000,000 of bonds could not be retired out of the fare box and they know today that all of these bonds will have to be paid by the Federal Government when they become due. I have said now for several years that the officials should start telling the truth and be fair and frank with the taxpayers of our Nation's Capital and with the Congress of the United States.

At the time the Washington Metropolitan Area Transit Authority started making moves to take over the bus systems here in our Nation's Capital, the proper committee in the Congress was advised that a subsidy would not be necessary. They knew at the time the statements were made concerning subsidies that this was not true and it now develops that the officials of the Washington Metropolitan Transit Authority say that the subsidy for the operation of the bus system will go as high as $11 million for the fiscal year 1974. During the hearings on this bill, even though no funding was requested, we were advised that a $6 million subsidy would be required to operate the bus system by the Washington Metropolitan Area Transit Authority for the fiscal year 1974 to make up the losses in the operation of the system. Now the figure, Mr. Chairman, according to the press on Friday, June 15, 1973, is $11 million. Metro comptroller Schuyler Lowe informed the Board of Directors, according to the newspaper, Metro faces a $149.5 million deficit for rail and bus operations over the next 5 years. This is more than twice the $60 million bus deficit for the same period announced by Schuyler Lowe some 4 months ago.

According to the press, the officials of the Metropolitan Area Transit Authority finally decided to inform the Board members of the situation as it exists at this time. Mr. Lowe informed the board that fare reductions, increased fuel costs, and new contracts for Metro busdrivers had all helped push the fiscal year 1974 deficit from $6 million to $11 million. Here, Mr. Chairman, is another instance where the representatives of our Nation's Capital who are in charge of the transit system should start telling the truth to the people and apparently from the press stories that have been carried recently even the Board members of the Washington Metropolitan Area Transit Authority are not being advised as to the true situation that we have confronting us today.

I voted for the bills authorizing the operation of the Federal City College and the Washington Technical Institute. We are now advised that college officials are talking about a permanent campus costing between $100 million and $200 million for one of the colleges and we are further advised that notwithstanding the fact that the Federal City College has graduated four classes the college still has not been accredited. It was the general understanding at the time the authorization bill passed for the new colleges that the District of Columbia Teachers College would be consolidated with the Federal City College. According to our information, the District of Columbia Teachers College is fully accredited, and since the Federal City College is not accredited it would be a serious mistake to consolidate at this time. There is considerable opposition now to consolidating these two colleges. Two of the officials of the Federal City College are now under indictment charged with embezzlement. According to the press, and according to the information furnished our committee, the amount involved was in the neighborhood of $230,000. Now we are advised that the amount will be considerably higher than the $230,000.

The General Accounting Office has severely criticized the operation of the District of Columbia Teachers College, and has pointed out a number of instances that are of a serious nature concerning the operation of this college. Certain objections were made also to the operation of the Washington Technical Institute, but I believe, Mr. Chairman, that the Washington Technical Institute can and has fully corrected the deficiencies set forth concerning its operation, and the board of this college, the President and all of the officials are striving to operate a good technical institute. A great many cities in this country have had to close down colleges and universities and in a number of instances States were forced to take over the operation of city colleges and universities. No longer can cities continue operating a number of large colleges and universities and fund them out of city budgets. This is a serious matter, Mr. Chairman, and is one that must be carefully considered by the District of Columbia officials and by the Congress and by the proper Committees in the Congress.

The crime situation in our Nation's Capital is still serious. No city comparable in size has a higher per capita expenditure for a metropolitan police department than we have in our Nation's Capital. When you consider the number of murder cases and rape cases during the past year you get a good idea of just how serious the crime situation is in our Nation's Capital. For years now we have made every move possible on this committee to see that our Metropolitan Police Department had everything necessary which would place it in a position where it could control the crime situation in our Nation's Capital and bring about the operation of a city where the people could walk on the streets at night and where our visitors from the 50 States and from around the world could come and feel free to go from place to place not only during the daytime but at night and be safe.

During our hearings we were advised that during the present fiscal year there are 116,000 people on welfare and this figure will go up to 120,000 during the fiscal year 1974. With only 748,000 people now in our Capital City this is a serious matter.

For fiscal year 1973 we had 140,700 pupils in our public schools. For fiscal year 1974 it is estimated that the figure will be 136,300. This is over 4,000 less than the number that we have at the present time. For fiscal year 1972 we had 143,400, or 7,100 more, than is estimated for fiscal year 1974. This indicates a number of things, Mr. Chairman, one of which is that the middle-income taxpayer is moving out of the District of Columbia. It also indicates that our children in our public schools here in our Nation's Capital are not being taught how to read and write. It further indicates that with all of the turmoil that we have had concerning the operation of our Board of Education and our school Superintendent that our public school system has suffered seriously. In addition to the $164,668,800 contained in this bill for public schools, the school system will receive $26,915,000 in Federal grants. We recommend more money in this bill than we had during the fiscal year 1973. The per capita expenditure for 1974 will be $1,358 which is one of the highest in the United States.

Mr. Chairman, we have a great many able people in our District of Columbia government. Our Commissioner Walter E. Washington, is, in my opinion, making every effort to make an excellent Commissioner for our Nation's Capital. Mr. Yeldell, in the Department of Human Resources, is doing a good job, and, notwithstanding the fact that he is confronted with many serious problems, is trying to keep the Human Resources Department under control.

Mr. Back, and a great many others that I could name in the District government are excellent officials. The reason why the Department of Recreation received every dollar requested for its operation during the fiscal year 1974 is due to the fact that we believe Mr. Cole is doing a good job. The sum of $14,300,000 was requested and Mr. Chairman we recommend to the committee that $14,300,000 be approved. I could go on and name a great many other instances in this budget where we have departments that are operated in an excellent manner and where the interests of the people of our Nation's Capital are fully protected. Mr. Chairman, there are other instances that are not good and should be corrected.

We set a ceiling in this bill for personnel of 39,619. Under the provision of this appropriations bill actual employment will be restricted to 38,965. We do approve and recommend 1,494 new positions. The new positions will be a part of the figure of 38,965. With only 748,000 people in our Nation's Capital, certainly a total of 38,965 employees is more than adequate.

In presenting the budget to the Congress we believe that those in charge of preparing the budget for our Nation's Capital should make full disclosure of all of the facts and figures which go into making up the budget. Mr. Chairman, in the second supplemental appropriation bill for 1972 we had a right unusual matter to come before the committee. We discovered that the purported balanced budget submitted by the District officials would be in balance by virtue of obtaining the authorized, but nonappropriated Federal payment to the general fund which totaled $11,654,000. We discovered during the hearings that $4 million of this amount would not be required during the remainder of 1972 and there was no intention of using the money at that time notwithstanding the fact that it was requested and this $4 million would be carried forward into the next fiscal year as revenue in financing the 1973 budget.

Of course Congress did not approve of this procedure in acting upon the second supplemental appropriations bill for 1972 and such practice, Mr. Chairman, should be stopped immediately. In addition, during the time that we considered the second supplemental appropriations bill for 1972 it developed that the District officials were making transfers totaling $9,515,800 from the highway fund over into the general fund to finance a number of items and when we called this to the attention of the District officials they maintained positively that this action was proper and legal in every respect. We requested the corporation counsel to give us an opinion as to the action of the District officials and the corporation counsel advised our committee that $1,284,800 could not be legally transferred, and that this money should remain in the highway fund as provided for by law. This is another instance of presenting requests in budgets which does not comply with the law and certainly this procedure should be stopped by the District officials.

The District of Columbia owes the U.S. Treasury a total of $970 million. For the general fund the total is $685 million and as just stated, the overall total is $970 million. Mr. Chairman, here again is a serious matter, and if the debt of the District of Columbia to the U.S. Treasury continues to increase like it has in the last 10 years, the District government will never be able to pay its debt to the Treasury. In this bill that is before the Congress today we have an amount of $39,633,000 which is required for debt service retirement. This amount is increasing every year and will unless controlled reach a point where the District government will find it exceedingly difficult to pay same.

For fiscal year 1974 we recommend a budget of $964,179,000. This amount is composed of $826,001,000 for operating expenses including debt service and $138,178,000 for capital outlay. It is estimated that a total of $1,207,298,800 will be available for the operation of the District of Columbia government during the next fiscal year. This amount includes the recommended appropriation of $964,179,000 in this bill, anticipated Federal grants totaling $232,784,100 and $10,335,700 in receipts and reimbursements to the District of Columbia agencies from Federal or other sources. As pointed out, Mr. Chairman, heretofore, we have an estimated population in our Nation's Capital at this time of 748,000. The census for 1970 showed that we had 756,510 people in the city of Washington. The amount that we recommend in this budget for fiscal year 1974 is fully adequate.

With the exception of the Federal grants the budget that we recommend today to the Congress is the largest budget ever recommended for our Nation's Capital.

Our committee recommends a Federal payment of $187,450,000. This is the largest Federal payment ever recommended to Congress. The Federal payment ceiling as you know, Mr. Chairman, is $190 million. Five years ago the Federal payment was $89,365,000 and 10 years ago the Federal payment was $37,500,000.

Loan appropriations totaling $236,184,000 are recommended to finance the capital outlay projects proposed in this bill. Two categories of loans are authorized for the District of Columbia. Loan appropriations to the general fund are for 30-year, interest-bearing loans from the U.S. Treasury to be made available for financing the construction of the general public works programs of the District. Appropriations for the various special funds—highway, water, sanitary sewage, and metropolitan area sanitary sewage works—are made available to assist in financing highway construction projects; expansion and improvement of the water system; and construction, operation, maintenance, and repair of the sanitary sewage works of the District of Columbia.

The District of Columbia participates as a State in the various Federal grant programs. As of the time the budget was submitted to our committee the District anticipated a total of $232,784,100 in grants from Federal sources.

The District of Columbia also participates as a State in the Federal revenue sharing program, although it is necessary for the Congress to appropriate the funds received from the U.S. Treasury Department which are deposited in the District Treasury. It is estimated a total of $59,400,000, including $2,000,000 interest, will be available to the District during the period January 1, 1972, through June 30, 1974. To date a total of $29,900,000 has been received. District officials proposed the use of $13,800,000 of this amount to partially finance supplemental requirements for 1973 with the remainder to be invested and carried over into fiscal year 1974. It was also proposed that the remaining authorized but unappropriated balance—$8,500,000—of the 1973 Federal payment be appropriated to further finance the 1973 supplementals. The committee did not concur in this latter proposal and provided $22,000,000 in revenue sharing funds, an increase of $8,200,000 over the budget proposal. Based on this action it is estimated $37,277,000 in revenue sharing funds will be available during 1974 and the appropriation of that amount is reflected in this bill. An adjustment has been made in the estimated availability to reflect the loss in interest on the funds originally planned for investment that will be used to finance a portion of the supplemental appropriations for fiscal year 1973.

The committee recommends a total of $66,491,000 for General Operating Expenses which are funded through this appropriation. This allowance is $1,662,000 above 1973 appropriations and $2,787,000 below the amount requested.

The recommended increases over 1973 include the mandatory pay items, the additional funds required for the compensation funds, and the additional staff requested for the Department of Finance and Revenue. The director of the Department predicted an increase in revenues of $3,850,000 annually with the additional auditing of returns and action on delinquent accounts by the 37 audit people requested and allowed. Staffing has been provided for two new police district station houses scheduled for completion during the year, and an additional $150,000 has been provided for emergency repairs to privately owned dwellings under a program administered by the Department of Economic Development under the authority of title 5-313 of the District of Columbia Code. The Assistant to the Commissioner for Housing Programs has been allowed funds to pick up the employees and programs currently carried on by a Federal grant that is expiring at the end of the current fiscal year. The same is true for an expiring grant to the Zoning Commission. The committee has allowed $100,000 to cover the expenses of the Board of Elections in conducting the School Board election and delegate primary during 1974. An increase of $374,000 has been allowed for the school transit subsidy to cover an anticipated increase in ridership based on recent experience and projections for next year.

The committee has denied a number of workload, new, and improved programs requested including the additional staffing for the City Council, the Office of Budget and Financial Management, the Office of Planning and Management, and the establishment of an Office of Consumer Affairs. In the case of the latter, due to the limited resources available, it was not possible to approve this or any other new activities requested.

The request to reestablish the Management Improvement Account was not approved. The additional staffing requested for the Department of Economic Development, including those to implement the District of Columbia plan to attract new business and commercial enterprises to the District, is also denied. The increase of $250,000 for Bicentennial activities has not been allowed. The current level of $100,000 will continue to be available for that program in 1974. A reduction of $20,200 has been made to reflect the transfer of moving violation activities from the Office of the Corporation Counsel to the Superior Court. A base reduction of $60,000 has been made in the budget of the Alcoholic Beverage Control Board.

Our committee is greatly concerned about the manner in which the District of Columbia government is carrying out its capital improvements program. This concern is twofold: First, the magnitude of the capital program and projected impact on the District's dollar resources; and second, weakness in procedures for determining scope of work, initial cost estimates and the apparent lack of control over cost escalation.

We have been told the forces of inflation are largely responsible for increasing costs. Certainly this is a valid factor. But the committee is not of the opinion that escalation in construction costs have reached the point indicated by some of the project costs considered. We have reduced a number of construction requests accordingly. The District officials must develop a better process for building these inflationary pressures into cost estimates and they should shorten the time it now takes to complete a project so that inflationary pressures can be minimized.

During the course of the hearings we were advised again that certain cost increases are due to changes in the scope of the work performed. Again our committee is being asked to continue funding for a project that may differ substantially from the project the committee first approved. Our detention center costs were reduced during the hearings and this tremendous building that the judges in the District of Columbia had decided to build which would, under a Westinghouse study, have cost approximately $100 million was refused.

Again Mr. Chairman I want you to know that our committee is concerned with the scope and the magnitude of some of the projects planned. The District government must develop the capability to provide cost estimates that are more reliable than the ones now presented to the committee. The city must also improve the process for determining the features to be included in the new structures so that the trend of project scope changes is brought to a halt. Improvements must be made so that the committee will be able to base its decisions on reliable cost and project scope data. This committee looks to the Commissioner to establish better control over the capital improvements program and to insure that the problems that I have pointed out are corrected.

Our streets today in our Nation's Capital are not in good repair. We have added funds from time to time over and above the amounts requested for street maintenance and repair hoping that our District officials would bring our streets up to a good reasonable repair stage. They are worse today than they have been at anytime during the past several years.

Mr. Chairman, the I–95 connecting link construction project of the Center Leg Freeway almost directly behind the House Office Buildings is now in its seventh year. This is absolutely an outrage. The contractor blames the District officials for a great many changes that were made after the original contract was let. The highway officials blame the contractor, but Mr. Chairman regardless of who is at fault this is one of the best examples that I can give you of the inefficiency that we have in our Nation's Capital today concerning our capital outlay projects.

Mr. Chairman, I am still of the opinion that we must have a balanced transportation system for our Nation's Capital. During the hearings the Washington Metropolitan Area Transit Authority officials appeared before our subcommittee. Again I inquired if the officials still maintain that the rapid transit system could be constructed for the revised figure which we finally obtained last year of $2,980,000,000. The system was authorized for $2.5 billion and finally General Jackson Graham, the Manager of the Washington Metropolitan Area Transit Authority, admitted that the cost had gone up to the $2,980,000,000 figure. Mr. Chairman, I wish it were possible for every citizen in our Nation's Capital to have the opportunity and the time to read that portion of our hearings in part 1 beginning on page 939 and extending through page 991. Here, Mr. Chairman, we review the problem concerning a balanced transportation system in our Nation's Capital.

During the hearings with the Washington Metropolitan Area Transit Authority officials I inquired if they still maintained that the subway system could be completed at a total cost of $2,980,000,000. Again General Graham admitted that the cost had increased and we find beginning on page 940 of part 1 of the hearings and continuing through the fourth paragraph on page 943 the following questions and answers:

> General Graham, do you still say to the committee that you will be able to complete the rapid rail transit system at a total cost of $2,980 million?
>
> Mr. GRAHAM. The indications are pretty good, Mr. Chairman, that we can complete it for substantially that cost.
>
> I would like to give you the current status of costs. We have been able, with several different approaches, to compare how we are doing currently with the myriad line estimates that made up the $2.98 billion. In the past year we have gone from being a percent in the black to a percent in the red on substantially the first billion dollars that has been obligated of the $3 billion cost. We felt quite confident that we were staying substantially within our estimates.
>
> At the present, the latest reading, as we have just now practically obligated $1 billion for construction alone, is that we are right now about a percent and a half over that billion dollars. In other words, we are running about $15 million in the red at this time.
>
> We have also looked at all potential claims which we may be facing due to changed conditions and changed orders and modifications. We see there a potential additional cost of 2 to 3 percent on the billion dollars, which is another $20 to $30 million. It appears right now that we are somewhere in the range of $35 to $45 million, in effect, over that estimate.
>
> It's quite difficult to look down the road and see whether that is going to get any worse. We hope it won't. Mr. Chairman, in the last few months we have gotten a little concerned about the lack of teeth apparently in the phase 3 program. Last year we had a good year. We stayed right on the estimates nearly all year. Just lately there are indications that the escalation of prices is taking another jump up, and particularly in the construction field. Last year most of the industries indicated that construction costs in our field went up about 9.3 percent. In our financial plan we had allowed 8.68 percent for last year. So we have lost a little ground due to that.
>
> We hold monthly meetings with all of our prime contractors. In the last monthly meeting, they indicated to us some difficulty in obtaining certain construction materials. They are particularly unhappy about the heavy structural timber which we use a great deal of in the system, that the supplies are short in that field. We are having some trouble with cement and reinforcing bars. Shortages of these materials tend to increase the prices of the materials.
>
> One other area is in fuel. I think you have read about the so-called energy crisis. This impacts on the contractors, too, because all of their construction equipment uses gasoline or diesel fuel of some sort or another. They are finding these shortages and increases of price there. These, of course, are contracts that have been let which we are talking about here. But it does indicate in the contracts we are about to let that prices are going to take a jump.
>
> We continue, on the good side, to have fine competition on these major contracts from all over the country. Many of the fine firms that have gotten aboard in the system are continuing to bid on repeat contracts.
>
> The outlook is that we feel we have done well on staying within our estimates. We are looking for some help in reducing the rate of escalation from here on out. How we finally do is going to depend really entirely on how the economy does.
>
> Mr. NATCHER. General Graham, as you know, in the beginning I said to you that I did not believe that you would be able to construct this system for $2.5 billion. I am not an engineer, General, and you know that, but I didn't believe it at that time. I was reasonably sure. Then later, the next time you appeared before the committee, on being questioned you very frankly stated to the committee, as you always have, General, that the cost had gone up to $2.98 bil-

lion. Some $480 million over the $2.5 billion figure.

At that time, General Graham, I said to you, and I still say to you this morning—and I hope I am just as wrong as I can be—that it's going to cost you about $4 billion to build this rapid rail transit system in the city of Washington and the surrounding metropolitan area. I was positive you couldn't do it for your original estimate of $2.5 billion. I am hoping now that you do stay within this present estimate of $2.98 billion.

We discussed in the past, as you will remember, the question of the sale of the bonds. I did not believe that the bonds could be sold and retired out of the farebox or out of revenues from the operation of the system. I think down deep in your heart, General Graham, you didn't believe that, either, even though you didn't tell me that. Later it turned out that the bonds could not be sold and we had to pass a bill through the House and the Senate, signed into law by the President—and I voted for it, General—that provided that the federal government would guarantee payment of the $1.2 billion worth of bonds. That made the bonds salable, of course. Anyone would buy them with the government guaranteeing them.

General Graham, the question I am going to ask you is my usual question that you have heard before. Do you believe, General, now that you can retire these bonds out of the farebox? Or do you agree with me, General Graham, that the federal government will pay every dollar of the $1.2 billion worth of bonds?

Mr. GRAHAM. This is a difficult question to answer, Mr. Chairman. We based those estimates on a financial plan which made assumptions as to the fare package that would be charged for people on the trains. We have a perfect city here for a rapid rail system, with a very large population coming downtown every morning and going back to the suburbs in the evening. We put these rail lines in the corridors that will serve those people best.

The financial plan that was drawn up had the participation of many able consultants in it, as well as our staff. And our Board participated in it. At this time we are prepared to stand by that financial plan, which says that not $1.2 billion worth of bonds but approximately $882 million worth of bonds can be repaid. If you will recall, about $300 million was added in the form of an interest subsidy in the federal legislation.

Mr. NATCHER. Do you feel reasonably sure that under the plan they can be retired as you have expected all along?

Mr. GRAHAM. Yes, sir. The one thing that has changed, Mr. Chairman, that makes it difficult to answer this with finality is that our Board of Directors has indicated a willingness—and we find this particularly with the bus acquisition—to try to hold fares level. Our assumptions in that financial plan for the rail system were that, as operating costs of the rail system went up, so would the fare system go up.

If they take the same view on the rail system after we are in operation that they have taken on the bus system thus far, then there will have to be under present circumstances a subsidy from the local governments to make up that difference.

They have elected, with regard to the bus system, to provide that subsidy, which is going to amount to $1.5 million in this fiscal year and $6 million next year. And it goes on up from there.

In final terms it's going to depend on attitudes of the heads of the local governments who constitute the members of the Board of the Authority.

The financial plan assumed a base fare on the rail system of only 20 cents for the first 3 miles and a 5 cents-a-mile fare thereafter and 20 cents on the first zone of the bus system and 15 cents for approximately a 3-mile zone thereafter.

Using those assumptions at that time, but assuming that fares would increase as operating costs went up, we had a viable financial plan, one in which I can state confidently that the bonds could have been repaid. Even our financial advisers on Wall Street, who said that the bonds were not salable without some kind of a backup, said that they still had confidence that the bonds could be repaid. It was a problem of convincing the financial community of this.

Before the federal government agreed to back up the bonds, the locals were entirely willing to do this, and did take steps to do this, both in Virginia and Maryland as well as in the District.

What happened? What caused the changes of plans was an adverse decision by the Virginia Court of Appeals, that in Virginia they could not give an open-ended commitment to the bonds that would be sold in Virginia.

Mr. NATCHER. General, I hope the bonds can be retired out of the fare box. I have served on this committee a long time. I would like the record to show that I believe the federal government will retire all of the bonds that are issued. I think they will have to. And, as you say, as far as the governments are concerned in the metropolitan area, if they are talking in terms of fares of 20 cents and 40 cents, then that is bound to be the situation.

We now have discussions underway, as you know much better than I do, in regard to the bus system whereby there will be a $6 million subsidy. The most we have ever considered on this committee as far as buses are concerned ranged between $2 million and $3.7 million. That was for the school subsidy. As far as these school children are concerned, it's an investment well made of tax funds when you help these children get to school.

We are talking in terms of $6 million for a subsidy for the bus system. To me, it's clear out of reason. If the bus and rapid rail system is going to be operated properly, as it should be, the people who use it will have to pay. And it will have to be a reasonable fare. Certainly you are right about it. I agree with that. I think that is the only way that it will be successful.

At the time of the hearings on the District of Columbia budget for fiscal year 1974 we were advised that a subsidy of some $6 million would be necessary for the operation of the bus system for the fiscal year 1974. No request was contained in the budget for this amount but we were advised that this would come later.

At that time, Mr. Chairman, I informed the District of Columbia officials that I could not recommend to the committee that a subsidy of $6 million be used for operation of the bus system. At the time the bus system was taken over it was emphatically stated to the proper committee in the Congress that no subsidy would be necessary.

Here again, Mr. Chairman, is an instance of where the officials of the Washington Metropolitan Area Transit Authority should have simply been frank, honest and fair with their answers. In order to accomplish their purpose of taking over the bus system they were anything but honest with their answers.

It now appears, according to an article which was in the June 15, 1973, Evening Star and Daily News, that Schuyler Lowe, the Metro comptroller, is now of the opinion that instead of the losses being $6 million for 1974 the figure is $11 million. This is almost double the amount we received during the hearings on our bill.

In addition, Mr. Lowe now states that for the next 5-year period a $149.5 million deficit will occur for rail and bus operations. This is one of the reasons why the Treasury Department and the Department of Transportation, according to the press, have refused to permit the issuance of additional bonds under the Federal Guaranty Law whereby $1,200,000,000 could be issued until the two departments received assurances that Metro can meet both the principal and interest payments on the 40-year bonds.

Mr. Chairman, this is a serious matter, and the officials in the District Building should be following same carefully. According to the press, one of the board members accused Mr. Lowe of knowing earlier this year that the loss would exceed $6 million. This member is a banker in the State of Virginia and stated, according to the press, that he never had been involved with a corporation that has been as far off with their figures as the Washington Metropolitan Area Transit Authority.

According to the press, Mr. Lowe replied that he did not blame the member and added that it was the Metro's staff decision not to bother the Metro board every 2 weeks when something happened to push the deficit up. Then we find that the board member replied that it would be difficult to sell a system that makes such miscalculatons. Mr. Chairman, this seems to be par for the course.

Mr. ANDREWS of North Carolina. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 232]

Adams
Alexander
Archer
Ashbrook
Badillo
Blackburn
Blatnik
Brasco
Burke, Calif.
Byron
Carey, N.Y.
Carter
Cederberg
Chisholm
Clark
Cochran
Coughlin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Devine
Dickinson
Dingell
Dorn
Edwards, Ala.
Erlenborn
Fisher
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gray
Gubser
Gude
Hanna
Harsha
Hawkins
Hébert
Jones, Okla.
Karth
Kemp
Landgrebe
Landrum
Leggett
Lehman
McKinney
Mailliard
Mathias, Calif.
Melcher
Minshall, Ohio
Montgomery
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
O'Brien
Owens
Passman
Pepper
Pettis
Podell
Quillen
Railsback
Rarick
Rees
Reid
Riegle
Rooney, N.Y.
Rosenthal
Runnels
Ruppe
Ruth
Sandman
Schroeder
Smith, N.Y.
Stephens
Stratton
Stuckey
Thompson, N.J.
Van Deerlin
Wiggins
Wilson, Bob
Wright
Young, Fla.
Young, Ga.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8658, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 344 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made the Chair had recognized the gentleman from Kentucky, who had consumed 10 minutes and is now recognized for an additional 5 minutes.

Mr. NATCHER. Mr. Chairman, for public safety our Committee recommends a total of $210,960,000 for fiscal year 1974. This allowance is $10,731,000 over current year appropriations and $2,490,000 less than requested.

For the Metropolitan Police Department we recommend a total of $110,669,000. For our Fire Department we recommend a total of $36,184,500. For the courts we recommend $32,481,700. For the Department of Corrections we recommend $31,346,300. For the National Guard we recommend $278,500.

The Committee recommends the appropriation of $196,567,000 for the public educational activities of the District government during the fiscal year 1974. This allowance is $8,667,000 more than was appropriated for the fiscal year 1973 and $4,269,000 less than requested. We recommend a total of $164,668,800 for public schools for fiscal year 1974. This is an increase of $9,986,400 over 1973 and $3,653,300 less than the amount requested.

We recommend the sum of $80,000 for the Board of Higher Education. We approve of the authorization of six permanent positions for the Board of Higher Education. This board has functioned with no permanent staff and only with borrowed personnel. We recommend $3,297,800 for the District of Columbia Teachers College and $19,542,800 for the Federal City College. We recommend that the committee approve $8,977,600 for the Washington Technical Institute.

Mr. Chairman, 29,709 panes were broken out of the windows of our school buildings during the past year, and it cost $535,682.30 for these window panes restored. Here we have vandalism at its worst and you will be interested to know, Mr. Chairman, that in no school buildings where we have the community school program underway we have had to replace broken panes.

For recreation we recommend the full amount of $14,300,000.

For human resources we recommend a total of $216,401,000.

For highways and traffic we recommend $23,274,000.

For environmental services we recommend $44,593,000.

For personal services we recommend approval of the request for $13,782,000.

Our committee recommends the appropriation of $39,633,000 for the repayment of principal and interest on loans borrowed from the U.S. Treasury.

A total of $138,178,000 is recommended for the 1974 construction program. This allowance is $15,197,000 more than was available in 1973 and $11,822,000 less than requested. Of this decrease $11,373,500 was volunteered or withdrawn by District officials.

For Public Schools we recommend a total of $37,459,700 for 19 school projects. We recommend to the committee the projects set forth on pages 26, 27, and 28 of the report under capital outlay. The full amount requested for the District of Columbia share of the construction costs for the rapid rail transit system totaling $24,636,000 is recommended.

The request for $3 million for construction services for a new District of Columbia court building was withdrawn during the hearings. The judges decided that a $71 million building should be constructed. This consisted of a $71 million building with equipment. After the project was turned down last year we again refused to go along with this request and urged that the District officials along with the judges agree upon a fixed cost estimate which we can rely upon with a design which will give us some idea as to the kind of a building which would be constructed and which would cost in the neighborhood of $40 million. It is our information that the officials are now working along this line and that a fixed cost estimate which can be relied upon with a design will be submitted at the proper time.

Mr. Chairman, we recommend this bill to the committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is there any good reason why the District of Columbia should not take some of the revenue sharing money, on which it is drawing interest, and do something about the bonded debt situation it is in?

Mr. NATCHER. The bond situation? As the gentleman from Iowa knows, the city of Washington now owes the Federal Treasury $970 million in money borrowed down through the years. In addition we have the rapid transit system under construction and the bonds issued for that purpose will have to be paid by the Federal Government.

Mr. Chairman, let me say to my distinguished friend, the gentleman from Iowa, and he is my friend and all down through the years he has been a Member of the Congress he has been interested in the District and has followed all matters of the District of Columbia very carefully, I think this money could be expended for that purpose. That is a matter which is up to the City Council and up to the Commissioner to determine.

Mr. McEWEN. Mr. Chairman, again this subcommittee brings a bill to the floor in which all the Members of this subcommittee are in agreement. I would at the outset add that I know it is safe and correct to say all the members of this subcommittee share a great appreciation and regard for our chairman, the gentleman from Kentucky, who just spoke in the well. We have conducted hearings now for many weeks. The gentleman from Kentucky, the chairman, was ever present, ever courteous, and ever lenient in seeing that there was ample time for witnesses to make their statements and for members of this subcommittee to conduct their questioning of those witnesses. So I would say in behalf of all of us on the committee that we are deeply grateful to our chairman, the gentleman from Kentucky, and for the work he put into bringing this bill to the floor.

As has been pointed out, it is estimated a total of approximately $1.2 billion will be available for the operation of the District of Columbia government during the next fiscal year, and this is about $28 million more than for the current year. The District of Columbia money comes from Federal appropriations, Federal grants-in-aid—which are not a part of this bill—revenue sharing, receipts from D.C. taxes, and reimbursements to D.C. agencies from Federal or other sources.

Federal funds provided in this bill amount to $427,717,000, and represent a cut of $5,281,000, split about equally between the Federal payment and loans for capital outlay.

Compared with 1973, there is an increase of $6 million in the Federal payment and $105.4 million in loans for capital outlay. Most of the increase in loans—$100 million—is for the general fund for public building construction, primarily schools.

The total appropriation in this bill including Federal funds is $964,179,000—a cut of $27 million from the budget and an increase of $61.2 million over 1973; $11.8 million of the budget cut is in capital outlay and the balance of $15 million is scattered through operating expenses.

The increase over 1973 is represented by pay increases of $13.8 million, repayment of loans and interest to the United States, $11.5 million, and capital outlay, $15.2 million. The District of Columbia participates as a state in various Federal grant-in-aid programs. It is estimated it will receive $232,784,100 in 1974.

The District of Columbia also participates as a state in Federal revenue sharing. It is estimated a total of $59.4 million, including $2 million interest, will be available to the District for the period of January 1, 1972, through June 30, 1974. Committee action will result in $37,277,000 revenue-sharing funds available during 1974 and appropriation of that amount is reflected in this bill.

Mr. Chairman, I would particularly like to associate myself with the remarks made by the gentleman from Kentucky (Mr. NATCHER), the chairman of the subcommittee, and of the concern he expressed. I know it is shared by this member of the committee, and I am sure others, over the proposed subsidy to the operation of our buses in this city and of what we are facing on Metro.

I think, Mr. Chairman, these are serious matters; something we were assured was not going to happen when the takeover of these buses was authorized and when we authorized the construction of the Metro system.

Overall, Mr. Chairman, I am also concerned about the amount of debt for capital construction that is being piled up by this District government. We hear from time to time proposals for changes in the structure of this government for home rule. Mr. Chairman, if that day should arrive, I wonder just what sort of debt we will bequeath to the people of this District and to those who would assume this responsibility.

Finally, Mr. Chairman, I would also like to associate myself with the remarks of the gentleman from Kentucky, with regard to the Mayor-Commissioner, Mr. Walter Washington. I think that Mr. Washington is an able man, that he is doing a good job in a difficult position. I think that had he a little more cooperation from some of the people in his own District government, and tighter and more exacting methods of accounting for the expenditure of moneys, some of the problems he and we have faced might be eliminated.

Mr. Chairman, I support this bill and urge its enactment.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, I thank my distinguished colleague from New York, the ranking minority member (Mr. McEWEN) for yielding me this time to clarify one item about the report which may have intrigued and mystified some members; that being additional views by myself at the back of the report.

Before I go to that, let me say that this has been my first experience upon the District of Columbia Appropriations Committee, and it has been a most interesting and enlightening one for me. As a member I had not taken particular interest in the governance of the District up until this year. I have enjoyed distinctly working with our distinguished chairman, the gentleman from Kentucky (Mr. NATCHER) who is a delightful chairman to work under. I think he has done a very workmanlike job in bringing out this report and this bill to us today.

The additional views which I have placed in the report, with the cooperation of Mr. NATCHER and Mr. McEWEN, are not in any sense dissenting views or minority views, but are indeed additional views to explain one perplexing item which came to the attention of the committee. That relates to the program of day care centers operated by the Human Resources Division of the District of Columbia. It came to our attention early in the hearings that an amount of money equal to about $2,800 per child was being spent on day-care centers. At least that was the testimony which came to the committee at that time, and was clearly on the record. This disturbed me somewhat, because this seemed to be an exceptionally high figure.

Mr. NATCHER. Mr. Chairman, will the gentleman yield at that point?

Mr. VEYSEY. I yield to my chairman.

Mr. NATCHER. I want to say to my distinguished friend from California it is a distinct pleasure, as I said a few moments ago, to serve with the gentleman on this subcommittee.

Mr. Chairman, during the hearings the distinguishetd gentleman in the well, the gentleman from California (Mr. VEYSEY), and the distinguished gentleman from Rhode Island (Mr. TIERNAN), who is sitting to my right, went into detail concerning day-care matters.

I say to the Members that their views are sound, Mr. Chairman. And I want it to be a matter of record.

I thank the gentleman for yielding.

Mr. VEYSEY. I thank the chairman.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from New York.

Mr. McEWEN. I, too, would like to commend the gentleman from California and the gentleman from Rhode Island, both of whom took a considerable interest in this subject.

Mr. Chairman, the gentleman from California is quite correct in pointing out that these are not minority views; to the contrary, they are additional views, as so labeled in the report, and views shared by all of us on the subcommittee.

I commend the gentleman in the well for the interest he has taken in this matter.

Mr. VEYSEY. I thank the gentleman from New York.

Mr. Chairman, the figures given to us were in error. They were high. They were startling.

Further research indicates—and I bring these figures to the committee—that the actual cost at the present time of the program, which extends to 2,500 young people of the District of Columbia, is $2,143 per child, with a total of $5,362,000 being spent at this time.

Now, the program is in transition, and is in a condition of rapid growth and expansion. It is the intention of the Human Resources Department to expand this program to 6,000 young people during the next fiscal year, with a total expenditure of $9,704,000.

Members will see that there will be a decrease in the cost per child as this expansion takes place, the new figure at the end of the year being under $1,640 per child. I believe this is most commendable. Mr. Joseph P. Yeldell, the Director of the Human Resources Department, is in fact pressing down and squeezing for efficiency at the time he extends these programs.

These programs have a very real purpose, in making it possible for women with small children to become self-sufficient, to go off the public assistance rolls, or to obtain training which will take them off the public assistance rolls. It is indeed our objective and the objective of Mr. Yeldell to produce this result.

I might mention further that these funds all come from revenue sharing sources to the District of Columbia. I believe this is a most appropriate way to be using revenue sharing money.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. McEWEN. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from Ohio.

Mr. WYLIE. I listened to the gentleman's explanation with reference to the Department of Human Resources, and I did not find an answer to a question I have regarding language on page 21 of the report, which says:

> DAY CARE
>
> The Committee is advised that the Department of Human Resources has the power to change the structure of day care services without any public scrutiny or apparent conscious planning. It is the recommendation of the Committee that the Department should develop a comprehensive and specific statement of policy and objectives for day care with public input in the form of hearings.

What is the necessity for that language in the report?

Mr. VEYSEY. Let me respond in part, and then I should like to ask the gentleman from Rhode Island (Mr. TIERNAN) also to reply.

The programs, as I have mentioned, are in a state of transition, being picked up on revenue-sharing funds out of a number of programs now being shut down. It seems to me there is a need for clarification by means of public hearings of the policy that should be followed in these day-care programs. That is essentially what these words say.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. McEWEN. Mr. Chairman, I yield 3 additional minutes to the gentleman from California.

Mr. VEYSEY. I thank the gentleman.

Mr. TIERNAN. Mr. Chairman, will the gentleman from California (Mr. VEYSEY) yield?

Mr. VEYSEY. I yield to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I thank my colleague, the gentleman from California (Mr. VEYSEY) for yielding at this point.

I would like to say that I join in the views the gentleman has expressed in the report, and I think, as far as the report is concerned, this is one of the significant things that developed in the course of the hearings.

I also want to associate myself at this time with the remarks of the ranking minority member in congratulating our chairman, who has been an outstanding chairman, and I think all the members of the committee have found it very worthwhile to serve under him.

Mr. Chairman, I think, to explain what developed during the course of the hearings with regard to day care centers, the Department of Human Resources had been attempting to make a change, and this is the concern we had. There was some criticism and some disturbance within the community that the Department was undertaking the change without taking into account the views of those within the community which it serves, and that was the reason for the language being put into the report.

I think also there was the concern of

my colleague, the gentleman from California (Mr. VEYSEY), as shared by myself and others, that the cost of the program should be very carefully scrutinized, and I think the Department has tried to do that. They are trying to involve the people in the community, because these programs will not work unless those who are going to have their children in the program do have some input into how the programs are run.

And that, Mr. Chairman, is the reason for the language.

Mr. WYLIE. Mr. Chairman, will the gentleman yield further?

Mr. VEYSEY. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

As I understand it, there has been no change in the basic law by which the Department of Human Resources was established; the change in operations was made by the persons in charge of the Department of Human Resources on their own, so to speak?

Mr. VEYSEY. Yes, I believe the gentleman is correct. The Department has that authority and is now in the process, I believe, of settling on a definite course to follow.

Mr. TIERNAN. Mr. Chairman, will the gentleman from California (Mr. VEYSEY) yield?

Mr. VEYSEY. I yield to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I appreciate the gentleman yielding at this point.

HEW set forth some guidelines with regard to the type of facilities needed in operating day care centers. As a result of that, the government of the District found many of the present facilities being used did not meet HEW standards, and, therefore, it was necessary for them to make the changes in order to meet the guidelines set forth by HEW.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman.

Then is it the gentleman's understanding that there will be some change in the basic law which authorizes the Department of Human Resources, or is the change in structure going to be by agreement between members of the District Committee and personnel of the Department of Human Resources?

Mr. VEYSEY. Mr. Chairman, it was not my understanding that course would be followed, and I say in reply that there will be a basic change in the direction of the program. But I think it will be in the nature of the evolvement of a direction for these programs, which, as we point out in the report, should be decided after careful public hearings.

Mr. WYLIE. Mr. Chairman, I thank the gentleman.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. DIGGS), the chairman of the Committee on the District of Columbia.

Mr. DIGGS. Mr. Chairman, I am new in the position of chairman of the authorizing committee, and if there has been any success resulting from my assumption of that role, part of it is attributable to the kind of cooperation and wisdom which has been shared with me by this highly respected chairman of the Subcommittee on Appropriations for the District of Columbia.

So I rise, not because it is traditional for this kind of comment to be made on the floor under these kinds of circumstances, but out of my genuine high respect for the understanding that he has of the problems of the District and for his genuine efforts to protect the Federal interests mandated by the Constitution. The gentleman was, as a matter of fact, modest in reflecting what this bill actually does, because, in addition to providing for the normal operating expenses, there is new ground broken in the construction program requested by the District, security is being tightened out at the Lorton complex, the quality of hospital service in the District of Columbia General is being improved and a hundred closed beds are being reopened at District of Columbia Village, which provides care for the elderly.

This is in addition to the accommodations for pay raises, higher rents, supplies, equipment, loan repayments as reflected in the budgetary demands on the District.

Of course, Mr. Chairman, there were some things that were requested by the local government that were not approved in the measure as it presently stands, but the legislative process on this measure has not been completed. They are important things, and they ought to be mentioned; namely, a cost of living increase in benefits.

Additional funds relative to certain aspects of the public school system and the Office of Consumer Affairs in the Mayor's office went down the drain.

Overall, however, I think we must commend Chairman NATCHER for his consideration and compassion.

There is one other point, Mr. Chairman, which I think we ought to recognize: Just as this represents a new high for a District budget, it also represents a high for the District of Columbia government and the District of Columbia people themselves in sharing its financing. As the chairman indicates, this represents a Federal payment of 21.24 percent, which means on the reverse side that 78.76 percent of the District of Columbia budget is being paid from the taxes of local people. Oftentimes people get the impression that the Federal payment covers all of the expenditures. I do not think we should leave that kind of an impression. When you look over the figures on page 6 of the committee report, from 1921 through 1974, you will find on the average that District of Columbia citizens have financed some 82.9 percent of the expenditures over that 53-year period and during the latter part of World War II and during the Korean conflict the District taxpayers share was about 90 percent.

In closing, I have one other point I would like to get a clarification of from our distinguished chairman.

I noted in section 6 of the bill a prohibition again against the use of funds for studies on meters in taxicabs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. DIGGS. Last Monday, June 11, you will recall the House voted overwhelmingly 268 to 84 in favor of a bill which among other things authorizes a comprehensive study under local option of taxicab service in the District of Columbia, including the feasibility and desirability of installing meters.

I emphasize that it simply authorized a study. So I ask Chairman NATCHER if section 6 of the pending bill will still specifically prohibit a study of the meter system?

Mr. NATCHER. Will the gentleman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. NATCHER. I would like to say to my distinguished friend, the chairman of the legislative committee, that as far as the provision in the appropriation bill is concerned, there is nothing that conflicts with the provision carried in your bill from the legislative committee.

Mr. Chairman, I would like to call to my friend's attention one or two things concerning this matter.

This restriction has been carried in the bill for over 30 years. It was placed in the bill by a former chairman of the Committee on Appropriations, the distinguished gentleman from Missouri (Mr. CANNON) some 34 or 35 years ago. The operators of the taxicabs at that time were against meters. The people in our Nation's Capital were against meters. That provision has been carried on down through the years.

I have received letters in the last 2 weeks from the taxicab industry group—and I know that my distinguished friend, the gentleman from Michigan (Mr. DIGGS) has also received these letters—in which this organization says they are against meters, and the only ones that they know of who are for the meters are the people interested in selling the meters.

Four or five years ago one company that manufactures meters—and these meters sell from $300 to $500 each—made up its mind that they were going to force this committee to delete this provision.

Mr. Chairman, this was not in the best interests of our Nation's Capital, and we refused to do so, and we have carried the provision on down to this point.

As I understand, the Public Service Commission will make a study. No additional funds will be involved. There is no limitation as far as what they may do. But I would like to say to my distinguished friend, the gentleman from Michigan (Mr. DIGGS), that I hope after the Public Service Commission starts its study that at least they will let the people who operate the taxicabs, be heard, and if they are against meters, Mr. Chairman, then I do not think they ought to be installed.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. NATCHER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. Diggs).

Mr. DIGGS. I thank the gentleman for yielding me this additional time.

Mr. NATCHER. If the gentleman will yield further, I would like to say that as far as the companies who make the meters are concerned, Mr. Chairman, they do not control this matter, although they have tried all down through the years. There is no conflict here. I think the procedure the distinguished gentleman from Michigan is following is good, it is proper procedure. But I would like to make one suggestion, and that is if the Public Service Commission recommends meters, I think that the distinguished gentleman from Michigan and his committee ought to bring a bill back to the House and let the House vote on it. I say that to the gentleman in all frankness. I might add that I voted for the gentleman's bill the other day. There is no conflict here, and I think the gentleman is proceeding correctly.

Mr. DIGGS. Mr. Chairman, I thank the gentleman from Kentucky (Mr. Natcher) for his contributions.

Mr. McEWEN. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. Mr. Chairman, our good friend, the gentleman from Kentucky (Mr. Natcher) made reference to the Federal City College. I want to put in the Record the history of the legislation on land-grand funds because obviously some who talk loud, fast, and long but are short on facts are unaware of what the legislative intent was in enacting the District of Columbia Public Education Act of 1968 and providing for the District of Columbia to receive the benefits of land-grant funding.

We find that land-grant moneys are usually distributed through a 4-year college according to a long-standing public policy. But the institutions for whom the 4-year colleges serve as fiscal agents are normally agricultural and technical schools.

It was the consideration of our committee in 1968, when we passed the District of Columbia Public Education Act that the WTI—that is, the Washington Technical Institute—was the type of school that, under existing practice, should be the legitimate and natural final recipient of land-grant moneys. However, we were told the procedure historically had been to go through a liberal arts college or a university, for example, the University of Minnesota, and the latter institution would in turn allocate the money out of the various activities that come under the definition of land-grant activities.

We also learned in 1968 in the committee that, nationwide, no longer was land-grant money used only for rural areas, but that such funds were being utilized in the larger cities with such programs as the extension service, 4-H Clubs, and other things.

It was my feeling if this be true then some of the land-grant money ought to go to the District of Columbia, which would relieve some of the financial pressures on the city, and there are many.

We proceeded with legislation in the House District Committee to make the District of Columbia the recipient of land-grant moneys, with the idea that the Washington Technical Institute should be the natural recipient of this money. So when we were considering the land-grant bill in the full committee in 1968 we were told that we had to go through the Federal City College first as the named recipient, and then in turn Federal City College and the Washington Technical Institute could share it. What happened? It took about a year before Federal City College loosened up with any of it. Then finally what happened? The Federal City College demanded half of it, plus an administrative charge. So the intent of the Congress was totally ignored, in spite of our pleas. This is fully documented in House Report No. 91–1672, 91st Congress, second session—pages 42–47—which I insert for your information:

Funds for Higher Education

SECTION 401—EQUAL SHARING OF LAND GRANT FUNDS BY FEDERAL CITY COLLEGE AND THE WASHINGTON TECHNICAL INSTITUTE

Sec. 401 of this bill would amend the District of Columbia Public Education Act of 1968, D.C. Code, Tit. 31, Sec. 1607) so as to add the Washington Technical Institute, to the already-named Federal City College, as an entity that shall receive the benefits of the Land-Grant College Acts.

Since the passage of in 1968 P.L. 90–354 which amended the D.C. Public Education Act by designating the Federal City College as the land-grant college for the District, the Washington Technical Institute has not participated as a principal party with the Federal City College in the sharing of land-grant funds or in providing certain land-grant activities for the District residents, contrary to the clearly-expressed intent of Congress, and despite the explicit "Statement of Cooperative participation between the Washington Technical Institute and the Federal City College in Land Grant College Programs" entered into March 29, 1968 and appended hereto. That statement and agreement between the two institutions was a condition precedent to the approval of the land grant legislation by Subcommittee No. 5 of your Committee and by the full Committee. Without such agreement, there would have been no such legislation.

Further, it is a fact that the Washington Technical Institute was the only institution named in the initial legislation and designated to receive the benefits of the Land-Grant College Act, and the Federal City College was subsequently substituted for the reasons set forth in your Committee's legislative report in support of the bill which became P.L. 90–354.

The colloquy between Congressman Ancher P. Nelsen, sponsor of the original legislation, and Doctors Randolph and Dennard, presidents respectively of the Federal City College and The Washington Technical Institute, with regard to the distribution of the Land Grant funds, as discussed during the hearings of Subcommittee No. 4 in this Congress, are quite pertinent and are submitted for the information of the House:

(Excerpts from Hearings, Subcommittee No. 4, House Committee on the District of Columbia, 91st Cong., 2d Sess., on "Revenue Proposals", pp. 207–208, 223)

"Mr. Nelsen. Thank you, Mr. Chairman. I want to welcome Dr. Randolph and Dr. Dennard to the hearings.

* * * * *

"I hope that the formula for the Land Grant moneys has been worked out. Have you any comment on that, Dr. Randolph, because early in the stages of the Land Grant Bill we were concerned about what kind of a division, and is it fair and have we mutually agreed on a plan looking out ahead?

"Dr. Randolph. The position of the Board and the position of administration is that a method for sharing those funds which the Department of Health, Education, and Welfare and the Department of Agriculture have indicated to us can be shared is to be worked out between the College and the Washington Technical Institute. That position still holds and is still firm. I think our principal difficulty has been the schedules of Dr. Dennard and myself trying to find the correct hour at which we can sit down and make those decisions.

"Mr. Nelsen. Now, as with the Land Grant money nationwide, I think some of us sort of felt it should be more directly associated with a technical or vocational school, but we found that under the law you had to route it through a Liberal Arts college on down. I just want to make it very clear that we want to be very sure that the Washington Technical Institute, Vocational Education, gets generous consideration, because I think this is an area that nation-wide we have found we have neglected, training people in crafts, as industry is just begging for the product of our schools. In fact, in our own State my son teaches in a vocational school or trade school and that is their experience, so I just want to make that observation.

* * * * *

"Mr. Fuqua. Mr. Nelsen?

"Mr. Nelsen. Yes; thank you. I wish to welcome our very competent friend, Dr. Dennard, to the hearing and congratulate him on the job he has done. I want to comment about the next to the last paragraph on page 5. There is a lot of wallop in that paragraph about what the Washington Technical Institute seeks to do, and I commend the statement because I believe it has done exactly that.

"LAND GRANT FUNDS

"Now, you mentioned something about your not participating in the Land Grant funds, and I ask the question, why, and what is your problem this year? Is it the budget in the current year in which you are not participating?

"Dr. Dennard. I suppose the reason, Mr. Nelsen, is simply, that, with the existing agreement between the two Boards, as of today's date we have not been able to get together to decide how much of the resources are going to be allocated to the Institute for what purposes. I feel quite certain that this can be done within the next week or ten days, but as of today's date it just simply has not been done.

"Mr. Nelsen. I see. It should be done in my judgment, and I hope it will be. Now, how are the Land Grant funds handled in the States? Do they go to the State treasury to be allocated or how is it handled in the States?

"Dr. Dennard. In the several States the State Legislature usually designates which institutions would carry out what functions and then the moneys go into the State treasury, are either routed directly to the institution for the institution to invest them in governmental securities or they are invested in governmental securities by the Finance Department of the State, and the proceeds that accrue then go directly to the institution for Land Grant functions."

The legislative history of P.L. 90–354, approved by 3 to 1 vote of the House, setting forth the contemplated cooperative participation which was to occur between the Washington Technical Institute and the Federal City College in the land-grant college programs appears in your Committee's Report No. 1465 90th Congress, 2nd Session, House of Representatives. Pertinent parts thereof follow.

(Excerpts from House Report 1465, 90th Cong., 2d Sess., pp. 12–14)

"THE FEDERAL CITY COLLEGE AS THE LAND-GRANT COLLEGE

"Similar legislation was introduced in the Senate to amend the District of Columbia Public Education Act and to designate the Washington Technical Institute as the institution in the District of Columbia to receive the benefits of the Land-Grant College Act. However, it was established in the Senate hearings that the Federal City Collegel, offering a 4-year program, was presently developing a curriculum of courses to be offered in September, 1968; that with its graduate programs and extension, the Federal City College would provide the broad base required to carry out the intention of the Morrill Act and would be able to enter into necessary agreements with the Department of Agriculture; and that to designate the Washington Technical Institute, having less than a 4-year program, would run contrary to the long-established public policy of designating 4-year institutions in the various States as land-grant recipients. Therefore, upon the recommendations of the Departments of Health, Education, and Welfare and Agriculture, and of the Bureau of the Budget, the legislation was changed to designate the Federal City College as the land-grant college for the District of Columbia.

"Your Committee concurs in this recommendation and the reported bill so provides. However, your Committee was duly concerned that the Washington Technical Institute participate in the land-grant programs to the extent possible. Since the Institute was established in the District of Columbia Public Education Act, which originated in your Committee (Public Law 89–791, approved November 7, 1966, 80 Stat. 1426), as a vocational and technical school to equip students for useful employment in recognized occupations, it seemed to your Committee only appropriate that the Washington Technical Institute participate in the benefits of the land-grant programs in order best to effectuate its vocational, technical, and occupational programs.

"It was developed in your Committee's hearings that in most States where only one institution is designated as the land-grant college of the State, customarily such designee, by agreement or practice, shares the programs of the land-grant activities with other institutions in the State. To this end, therefore, conferences were held between the Members of the Committee and the administrative officials of the Federal City College and the Washington Technical Institute to make certain that there would be cooperation and understanding between the two institutions as to sharing the land-grant programs.

"Testimony before the Committee offered assurances that there was ample authority for cooperative arrangements among the institutions under land-grant procedures, and the following statement was made by the President of the Federal City College:

"Our sister institution, the Washington Technical Institute would benefit also by having the Federal City College named the land grant college. The Federal City College would enter into a Memorandum of Participation with the Washington Technical Institute, under which the Washington Technical Institute would assume certain academic instruction and extension services in vocational and technical education. This would assure minimum duplication of instruction at the two public institutions. The Washington Technical Institute would be involved heavily in instruction in engineering and the mechanical arts. Other institutions could also be asked to participate in programs in which they have special strengths to contribute.

"Subsequently, the Presidents of the Washington Technical Institute and the Federal City College entered into a statement of cooperative participation which is appended hereto and made a part of this report.

"Statement of cooperative participation between the Washington Technical Institute and the Federal City College in land grant college programs

"The Federal City College shall annually, after receiving appropriated land grant college funds, and income from the Morrill Act, based on a plan agreed to by the two Boards, share with the Washington Technical Institute in providing for young people and adults of the District of Columbia educational opportunities in certain disciplines associated with extension service careers, community service careers, mechanical arts, community development services and environmental sciences.

"A. In order to effect the sharing referred to above, the following principles are established:

"1. Since the Washington Technical Institute is the principal partner of the Federal City College in land grant activities, the Boards of Higher Education and Vocational Education shall cooperate to assure that there shall be a maximum participation of Washington Technical Institute in all these programs to the extent either that its resources and capabilities permit or that its resources and capabilities should be developed to permit.

"2. The Federal City College will cooperate with the Washington Technical Institute in Cooperative Extension Service programs of the United States Department of Agriculture as agreed to and funded by the United States Department of Agriculture to the Federal City College.

"B. The Boards and Administrations agree that:

"1. Planning for periods of 3–4 years is essential.

"2. Annually, plans will be cooperatively developed by the Administrations.

"3. Annually, and before the plans are submitted to the United States Department of Agriculture and to the Department of Health, Education, and Welfare, the Boards will review the plans.

"4. Annually, and before the plans are submitted to the United States Department of Agriculture and the Department of Health, Education, and Welfare and after review by the Boards, the Boards will approve the plans as follows:

"(a) The Board of Vocational Education, that portion of the plan to be conducted by the Washington Technical Institute.

"(b) The Board of Higher Education, the entire plan.

"5. This process will be repeated annually.

"6. The Board of Higher Education would yearly, after receiving appropriated land grant college funds and income from the Morrill Act endowment, transfer funds to the Washington Technical Institute to carry out the plan as approved by the Boards.

CLEVELAND L. DENNARD,
President, The Washington Technical Institute,
FRANK FARNER,
President, The Federal City College.

"March 29, 1968."

As an illustration of the failure of the cooperative participation contemplated by the House in P.L. 90–354, the routing of Fiscal Year 1970 HEW funds to the Federal City College, consistent with the enabling legislation, was accompanied by a letter from the Assistant Commissioner of the Office of Education, HEW, raising statutory questions about the legality of the Federal City College sharing land-grant funds with the Washington Technical Institute, inasmuch as only the Federal City College is named in the legislation and cautioning the Federal City College that any sharing of funds would be considered illegal. Notwithstanding the fact, as noted above, that a statement of cooperative participation appeared in the House Report accompanying the enabling legislation, the legal opinion found sharing to be illegal and suggested corrective legislation be enacted if sharing were to be effected. Any suggestion that the enforcement of any such agreement, as entered into between the two schools, by civil action should be taken would appear to be ill-advised. Accordingly, this legislative oversight, as intended by P.L. 90–354, is corrected by this legislation.

As of recent date, my friends, we learn that some money has sort of disappeared. There even have been indictments relative to it.

I want to say that we are not trying to take away anything from anybody; we are trying to give to the particular institution what Congress intended it to have from the beginning.

May I say that I was out at the Washington Technical Institute for its commencement exercise. Heretofore we did not have in this great city something that duplicated what we have almost all over the country in the way of technical training to give people a skill, a job, and an opportunity to be able to hold a job. Their vocational educational opportunities here were sadly lacking, and some of us felt we ought to do something about it. I was the author of the bill that provided this opportunity, and that bill passed under unanimous consent in one of the last days of the session. We separated the liberal arts and the vocational school, with the idea that usually when there is vocational education tied to the other type of education, liberal arts, that vocational education gets what is left over. Now what do I find today? I suggest that my earlier judgment of where these funds should go totally is confirmed. So I suggest we in Congress do what we intended to do in the first place—give the land-grant funds to the vocational institution.

I hear in the news where my friend, the Delegate from the District of Columbia, says that NELSEN is irresponsible. That is a statesmanlike comment from someone who is here because I authored the bill providing for the Office of Delegate from the District of Columbia. I am glad the District of Columbia is represented here, but I wish the Delegate would look at the history of what he is talking about before he suggests that anybody is doing damage to the Federal City College. I am trying to do what we intended in the first place, and what we in Congress should have done in the first place, and what we should do now—place the land-grant funds in the hands of the vocational institution as they are in most States.

I read in the paper that 700 Federal City College students received their degrees, and in the benediction the Reverend Douglas Moore referred to the plans by ANCHER NELSEN of Minnesota to cut land-grant moneys to Federal City College. Here is what he said:

> I ask our people to pray that the Lord take care of Ancher Nelsen as he did . . . the new Pharoahs who got drowned at Watergate.

The Lord has taken good care of me. I have a fine family; I have got a good farm; I have the opportunity to serve in the Congress. I had the opportunity as author of the bill providing for the establishment of Federal City College to see it become law. I had the opportunity to be the author of the bill providing for the establishment of the Washington Technical Institute, where 87 percent of the young men and women who graduated had a job the day they received their diplomas. And the Institute is headed up by a great man and educator, Dr. Cleveland Dennard.

So the Lord has been kind of good to me, and I hope I enjoy the confidence of many of my colleagues, both Republicans and many Democrats, in this body for which I can thank the good Lord.

But the good Lord also prompts me to say that whenever the misdirection of our intention in Congress takes place, it is up to each of us to do what we think ought to be done to straighten out the procedure that has gone astray so as to frustrate our intent.

Mr. Chairman, I regret that we have to run into these kinds of situations.

I want to say this in my Nation's Capital, it is the Nation's Capital for those who live here, but it is also a Federal city, and I am willing to divide the responsibility and I am willing as a taxpayer in Minnesota to see that the people here have some of the benefits we have out there, but I do not like to see all of the verbal flak that gets us nowhere and produces nothing but misunderstanding. Frankly, I am willing to say I do not believe some of those who have been talking in this about the Federal City College and land-grant funds have looked at the history of what happened as it relates to this matter. I would suggest they talk to Dr. Dennard, president of the Washington Technical Institute, who will verify the facts I have related here and perhaps add significantly to them.

I am presently doing a little research job on the history of land grant and on how other States handle these funds. I will supply that for the RECORD at a later date, but this was the opportune time to make reference to it, now that it has already been discussed in the local press.

I want to say to my friend, the gentleman from Michigan, CHARLES DIGGS, we have served on the House District Committee for a long time, and today we discussed some proposals on legislation relating to education and how best to handle the whole educational process in the District. I think we are in agreement and I think the Members will find us proposing legislation that will move in the direction we discussed and I think we will make some headway with it.

I want to say too I have been jealously guarding the Nelsen Commission report so as not to get it attached to, and perhaps go down, with any other legislative measure. In that report we tried to do something for the District of Columbia that can stand on its own two feet legislatively and need not be tied to other legislation.

I may say that Mayor Washington has been referred to. I have never known a kinder man and I have never known a man who has the sort of calm that is needed when we have unrest, and I have never known a man more dedicated to his people than Walter Washington.

The chairman of our committee, the gentleman from Kentucky (Mr. NATCHER), over a period of many years, and this goes back when I was the REA Administrator and worked with him closely, I have always found him to be honest and fair, but he wants to know what is going on in agencies where he has legislative responsibility, and he is entitled to know.

So my friends, it is with some regret that I get up and speak off the cuff and sort of make a rebuttal. One of the things I have found is that sometimes a person goes to another person and says one thing and then somebody responds and we go back and forth and it makes a battle which is good reading but which accomplishes little. I think no one in this body can say that I move toward confrontation and look for it. I always look for answers and not confrontation. As a result I think we have made contributions to the District of Columbia that are extensive, such as the Federal City College and the Washington Technical Institute. We have done some work with Children's Hospital, and many, many other things for the District of Columbia. That is as it should be because this, as I have pointed out, is our Federal City and we should do everything we can to make it a better city.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise to offer some general comments and observations on the bill which is now before this House. I also rise to commend the distinguished gentleman from Kentucky who has spent many years seeking to understand the budgetary needs of the District of Columbia and to reconcile those needs with the available moneys and the sometimes seemingly conflicting interests of the national and local governments. He has a hard job but he does it well and for that we are all pleased.

Nonetheless, as the Delegate elected to this House by the people of this city over whom we rule much as a city council, I find myself obliged to examine with a critical eye each cut made, each item omitted and each item declined. I do it because I am the only individual in this Chamber who can speak with the consent of the governed in this city and who speaks against the background of experiences that come from living and working in and for the city for my entire life. My examination indicates to me that, once again, the committee has looked at certain items in a context which is substantially different from that which is the fact.

Let me just note them for the record. Once again the committee is expressing undue and unnecessary concern over public assistance. Now, all of us want our citizens to have jobs and all of us want our welfare rolls to decline. The method by which we achieve this goal, however, is not to be found in cutting back on public assistance payments.

The requested funding increase of $3,015,900 to raise public assistance payments from the 80 percent of the current standards cost of living standards of February 1970 to 90 percent of that standard on January 1, 1974, was not approved. This means that the already inadequate payment level will become even more inadequate. With inflationary increases in every sector of essential items, including food and shelter, the family of four which now receives $246 per month will have to face a standard of living which is substantially less than that they now have.

Already they are living at a standard which is 71 percent of that which they had in February of this year. At current inflation rates, they will be living at 50 percent of the February level in less than a year. They will have half as much food, clothing and shelter as they need and half as much as should be provided.

The kind of stringent requirements and reforms which the city is imposing can work only to the extent that the little funds which we hand out are adequate. When we provide inadequate funds, we build disrespect for the system and we show disrespect for the people. It is not conducive to good management to create a program that does not address itself to the legitimate needs of people and I am afraid that we have allowed ourselves to be sold a half loaf when what we really need is a whole loaf to end the pangs of hunger.

Another item over which I have concern is failure for the committee to establish the requested Office of Consumer Affairs. This program would have provided both extensive consumer education and protection services to Washington residents while coordinating the consumer programs carried out by a plethora of other agencies. It seems to me that funds spent to educate our citizens as to what constitutes a worthwhile purchase is recovered by lowered cost in other areas whether it is welfare, health, or legal services. The logic which would save this $180,000 for the great loss to our citizens escapes me completely.

Finally, I want to comment on the denial of the city's request for a central planning office. Effective planning is absolutely essential to the development of effective and responsive services to citizens of this city. We want to reduce costs wherever possible; but, it cannot be done without some degree of centralized administration which can project ahead. We have been involved in an enormous amount of patchwork programs which have worked well—but, that is not what this city or any city ought to be doing if there is an opportunity to build for the future at the very low cost of $100,000.

On the whole the bill is good. The exceptions that I mention while seriously limiting are also issues which have come to this body before and which have not been adequately addressed. I am hopeful that by pointing them out in this setting we will be able to do something constructive about them at a later date.

These three items, of course, represent the major concerns that I have at this time. The other concerns which the city and I share are contained in a letter which has been addressed to me and which I will make a part of the record if there is no objection.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, with the Delegate from the District of Columbia (Mr. FAUNTROY), I, too, want to look at this bill with critical eye.

When I came to Congress in 1949 the taxpayers' handout to the kitty for the District of Columbia was $11 million. Many Members of Congress in that day thought that was high.

Today it is more than $187 million—going up each year. This is a city with probably the highest per capita payroll known to mankind, and the most constant. I doubt if there is another city of equal size with such a payroll, both as to size and constancy.

Yet in this city of Washington, D.C., 1 out of every 6 persons is on the welfare dole, and it has a so-called work force of 40,000 in the municipal government. That compares with something like 12,000 in St. Louis, Mo., and 11,000 in Cleveland, Ohio, and still they scream in this city for more money and more employees.

Incidentally, more than 400 of these municipal employees in Washington are on the payroll at salaries of grade 15 and on up. Name it; they get it. Are there any "Indians" working for this municipal government of the District of Columbia, or are they all "chiefs"?

Incidentally, I wonder whether the Mayor, or the Commissioner—he is variously addressed as "Mayor" and "Commissioner"—got his request that his chauffeur be paid more than $12,000. I understand he tried to convince the committee that he needed to pay his chauffeur $12,000 and overtime.

I would ask the gentleman from Kentucky, did he get his request satisfied in that department?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Kentucky.

Mr. NATCHER. I should like to say to my distinguished friend from Iowa that his wish was not granted. We did not eliminate the provision in the bill as was requested. So far as overtime, the situation remains the same.

Mr. GROSS. How about Mr. Nevius, President of the City Council. He said it was "beneath his dignity" to have to drive his own car, and demanded a Cadillac and chauffeur. Did he get his wish?

Mr. NATCHER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. NATCHER. His wish was not granted. He gets no car and no chauffeur.

In the city of Washington, I should like to say to my distinguished friend, the Commissioner has an automobile and a chauffeur, the Chief of Police has an automobile, and the Chief of the Fire Department has an automobile; and that is all.

Mr. GROSS. I could not help but wonder whether the so-called Mayor had to have a chauffeur on standby and overtime pay to take his offspring to a private school. The last I read about it he was sending his youngster to a private school in the District of Columbia rather than a public school.

Now I would like to ask about the Three Sisters Bridge. Whatever developed with respect to that bridge? I do not see any signs of construction.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield.

Mr. NATCHER. As the gentleman well knows, the Congress passed the Highway Act of 1968 and the Highway Act of 1970. President Nixon has directed two letters to me in which he has said that the Highway Act of 1968 will be complied with and the Highway Act of 1970 will be complied with.

As the gentleman knows, the District judge threw the case out of court. It went to the circuit court of appeals. Judge Bazelon, the Chief Judge, has set certain requirements that they are now attempting to comply with.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. McEWEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. NATCHER. Mr. Chairman, since that time, as the gentleman has read in the press the request of Inland Steel for zoning to build its development in Georgetown was approved and some form of the freeway will have to be built. I say to the gentleman from Iowa that in my opinion the laws passed by this Congress which came out of the Committee on Public Works in the form of the Highway Acts of 1968 and 1970 will be complied with, and that is the intention of our committee.

Mr. GROSS. Mr. Chairman, I am glad to have that report from the gentleman and I compliment him on his tenacity in trying to get this bridge constructed.

Mr. Chairman, let me now ask about another bridge. Is it true that this city government is trying to reserve for its own use the new bridge across the Potomac adjacent to the 14th Street Bridge? Is the District government trying to reserve that for bus traffic into and out of the city, to the exclusion of the general public, a bridge that cost a good many million dollars, and was apparently financed out of Federal highway funds?

What is the story on that?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, I presume the gentleman is referring to that particular bridge where the request that it just be used for express buses was granted. That has been approved for such use now.

Mr. GROSS. Yes; it is being used now exclusively for buses, but the interstate highway which it is supposed to serve has not been completed.

Mr. NATCHER. The gentleman is correct.

Mr. GROSS. But when it is completed, is this to be reserved for the District of Columbia and buses into and out of the city?

Mr. NATCHER. I would like to advise the gentleman that during the hearings the Director of the Department of Highways and Traffic, Mr. Airis, informed the committee that he felt it would be.

Mr. GROSS. It would be?

Mr. NATCHER. It would be. That was the information given the committee.

Mr. GROSS. This six- or eight-lane bridge to be reserved for buses?

Mr. NATCHER. No. No, not for buses exclusively after the highway is completed.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. The gentleman from Iowa (Mr. GROSS) has the time.

Mr. GROSS. Yes, I am glad to yield to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, on page 875 of the hearings, I asked the question of Mr. Airis: Will the 14th Street Bridge be open for general traffic?

Mr. Airis responded:

> I don't know. This is something that has to be decided. Personally, professionally, my feeling is that we probably shouldn't open it to the general public.

Mr. GROSS. Mr. Chairman, do these leeches in the District of Columbia want the highways and everything else? How much more blood are the taxpayer of the entire country supposed to give them?

Mr. Chairman, the Federal contribution of $187 million to the municipal government of Washington, an increase of some $6 million over last year, is unconscionable. Add to this the millions for which the Federal Government is obligated and it adds up to near fiscal insanity. I am completely opposed to this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, this is an extensive and most complex piece of legislation. For example, the sewer and water improvements in the Potomac Basin, I believe, are well founded.

I would like to address myself, however, to just one point. The committee bill recommends a total operational cost budget for the Lorton penal complex of some $15.5 million. This figure funds 1,270 staff positions at the complex, which is an addition of some 400 over the preceding fiscal year, and represents an increase of about $3.4 million over fiscal year 1973 appropriations.

In addition, Mr. Chairman, this bill brings the number of correctional officers to be employed at Lorton from 675 to 900, or an increase of 225. Although this will not in and of itself correct all of the recent problems, and there are remaining a number of inmate facility needs, it will be a substantial benefit and improvement.

Mr. Chairman, I would like to congratulate the committee on the recognition of some of the security problems which that institution has had in the recent past and congratulate them further on their efforts to improve that situation by these additional personnel increases.

Mr. Chairman, I hope it will be the will of the House to adopt the legislation as proposed.

Mr. McEWEN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I thank my colleague, the gentleman from New York (Mr. McEWEN) for giving me this opportunity to speak.

The subcommittee worked once again many, many hours listening to the testimony and trying to come up with a budget that would be acting in fairness to the taxpayers of this Nation and also treating our Nation's Capital with fairness in helping them to come up with a sensible budget.

I wish I could say I was completely satisfied with this budget, but far from it. In fact, this budget is, as our chairman earlier stated, the largest of any city by a longshot of comparable size in the Nation. In fact, disregarding comparable size, not many cities in this country have a larger budget than Washington, D.C.

For the past 3 years I have been looking for a place to cut this thing down. I see lots of places, but every time you talk about cutting this or that budget or this or that particular area they say no, it is a sacred cow and you cannot cut it.

In all fairness, I think Mayor Washington is trying to do a good job. I do not mean to impugn his motives or his abilities here. It is just that he needs lots of help from this committee and the Congress.

Mr. Chairman, the total budget, as our chairman stated earlier, is $1,207,298,800. That is the total amount of money the city will have available. Mr. GROSS stated earlier some cities of comparable size with regard to employment. Let me give you another city that comes within 2,000 of the population of the city of Washington, Indianapolis, Ind. It is within 2,000.

The budget for the city of Indianapolis including schools is $288,463,800 or about one-fifth of what the city of Washington will have to spend this year. Or look at the employees for a moment. Authorized employees for the city of Washington in the bill is 41,898—authorized to fill 39,619. Let us look at the city of Indianapolis, again a city of comparable size: total employees 9,600. Adding the total number of employees for the State of Indiana, with a population of about 5.5 million and with a land mass of almost 600 times as much as the District of Columbia, we still come up with only 32,422 total employees, which is still considerably less than the District of Columbia.

Now let us look at the public schools. In student population Indianapolis has 97,880. Students in the District of Columbia, slightly larger, 136,300 estimated. They are not sure. Then again the total spent on the public schools in the District of Columbia is $191 million compared to $90 million in Indianapolis or a per capita investment of $1,358 in the District of Columbia to $924 in Indianapolis. I do not think our children in Indianapolis are being denied an adequate education, either.

For those who say that we do not do fairly by the District of Columbia, they have not looked at the record.

I am going to vote for this bill, Mr. Chairman, but I will not vote a nickel for an amendment, and I hope that in this Congress we can do a little bit better job of saving the taxpayers of this country some of our investment here.

Mr. Chairman, at a time when there are those in the District of Columbia who are trying to discourage people from coming to town by suggesting that we put a tax on parking and so forth, other cities are spending thousands of dollars in their tourist bureaus and convention bureaus trying to lure just a few of the daily traffic of your constituents who come into the District of Columbia and who help to spend money and make this great per capita income that Mr. GROSS spoke about a minute ago.

Mr. GROSS spoke about the unemployment in the District of Columbia being one of the lowest in the Nation. It has not reached over 3 percent in recent years. Yet we do have, as Mr. GROSS stated, the higest number of people per capita on the welfare rolls.

I yield to the gentleman from Iowa.

Mr. GROSS. The statement of my friend from Indiana points up one of the worst contradictions imaginable. Here is this city of Washington, fleecing the taxpayers of the entire country and rolling in money, yet 1 in every 6 persons in the District of Columbia is on the Federal dole, and only two other cities in the United Sates, Newark, N.J., and Augusta, Ga., exceed that on a per capita basis.

Mr. MYERS. The number of employees working in the welfare rolls today is one for slightly over 50 recipients. One out of every 500 people in the District of Columbia works in the Welfare Department.

That is what astonishes me and, of course, they are getting high numbers of constituents.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NATCHER. Mr. Chairman, I yield such time as he may consume to my distinguished friend and a member of the subcommittee, the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Chairman, I want to join with my other colleagues in the Committee of the Whole this afternoon in commending the gentleman from Kentucky, the distinguished chairman of this subcommittee (Mr. NATCHER) for the excellent presentation the gentleman has made regarding this bill that is now before us.

I have enjoyed serving on this subcommittee, Mr. Chairman, with the distinguished gentleman from Kentucky. He is always fair, he is always impartial, and he is a man who demonstrates a great commitment and conscientiousness regarding the appropriations of the District of Columbia.

Mr. Chairman, this is a very hard-working subcommittee. It is a committee that has assumed great responsibility regarding the problems of the District of Columbia which are, in and of themselves, very unique problems, and are perhaps problems that confront no other city in America. It is indeed to the credit of our distinguished chairman and the other members of the subcommittee, the fact that they work long and hard and assiduously in trying to resolve as best they can these problems which, as I say, are unique and confront us in our Nation's Capital.

Mr. Chairman, I too share some of the concern expressed by both of our colleagues, the chairman of the Committee on the District of Columbia, the gentleman from Michigan (Mr. DIGGS) and our distinguished friend, the Delegate from the District of Columbia (Mr. FAUNTROY). These were matters and items that were considered at long length in the committee. I am sure there are others, as well as myself, who wish that we would have been able to have provided more appropriations in some areas of the city, but I have seen great progress for the city during my term of office on this particular committee.

I think this is a good bill. It is a bill that I intend to vote for, and it is one that I can very readily commend to my colleagues in the House of Representatives.

I would like to add one other thought, and to give credit, and that is to say that we are helped on this subcommittee by the Commissioner of the District of Columbia who is one of the most distinguished mayors in America, the Honorable Walter Washington. He is a gentleman who articulates in a very eloquent manner the problems and the needs of the people of the District of Columbia. He is a man who conducts himself with a great deal of dignity, and our entire committee has always been very much impressed by the gentleman.

Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me this time. I hope that all of my colleagues will join me in support of this bill.

Mr. VANIK. Mr. Chairman, it is with some reluctance that I vote for this appropriations bill today. From all indications, the budget for the city government of the District of Columbia is grossly disproportionate to the level of aid which is provided to our Nation's other urban centers.

I realize that the District of Columbia has problems like every other big city. The area's daily newspapers cover these problems: there are problems of inadequate facilities for juvenile delinquents and for foster children. There is litter in the streets; there are high crime and high drug areas. Seventh Street still bears the signs of the riots of April 1968. Boarded-up houses can be found throughout the inner city.

In the past, I have consistently supported every conceivable effort to try to improve the quality of life in our cities. The urban problems and urban needs of the District of Columbia are similar or even identical to the problems faced by every other major city. Yet, the per capita Government expenditures for the District of Columbia are much higher than for our Nation's other urban centers. They cannot be justified just on the basis of the District as the National Capital. It is not that the level of support for services for the District of Columbia is too high—it is that we have completely failed to provide enough support for our urban programs nationwide.

Constituents who visit my office almost always comment on what a beautiful city Washington is—how many beautiful buildings—so much open space and parkland—how clean it is. I always think what a beautiful city Cleveland could be if the same level of Federal support and aid were provided to Cleveland. It is the Federal tax dollars collected from cities such as Cleveland and spent here in Washington that makes this city so beautiful.

We have built a marble "Rome" on the banks of the Potomac—but it is built on the urban decay of most of the other major cities of America.

The discrepancy in District of Columbia governmental receipts and expenditures can be seen from the data in the Bureau of the Census publication on "Local Government Finances in Selected Metropolitan Areas and Large Counties, 1970–71."

PER CAPITA AMOUNTS OF LOCAL GOVERNMENT FINANCES FOR SMSA'S AND THEIR COUNTY AREAS, 1970–71

	Washington, D.C., SMSA	District of Columbia	Cleveland SMSA	Cuyahoga County (Cleveland)
Population, 1970	2, 861, 638	756, 510	2, 063, 729	1, 720, 835
General revenue	$650. 51	$1, 154. 94	$459. 80	$473. 30
Revenue from Federal Government	$143. 59	$477. 36	$17. 74	$20. 61
Direct general expenditure	$682. 55	$1, 208. 22	$474. 23	$488. 29

In light of these figures, I feel that we have given too much preference to this one city, that it is time for a better and more equitable urban policy to all our citizens—not just to the citizens of this one city.

The District appropriation indicates what a city needs for survival and service. It also provides the Congress with a measure of the widening gap between available urban revenues and urban needs.

Mr. NATCHER. Mr. Chairman, we have no further requests for time on this side.

Mr. McEWEN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 3, line 11, which reads as follows:

> *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary:

Mr. Chairman, I make the point of order that this is not a limitation on an appropriations bill, and is not authorized.

The portion of the bill to which the point of order relates is as follows:

> GENERAL OPERATING EXPENSES
>
> General operating expenses, $66,491,000, of which $629,700 shall be payable from the highway fund (including $72,400 from the motor vehicle parking account), $94,500 from the water fund, and $67,300 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,475,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $125,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. GROSS)?

Mr. NATCHER. Mr. Chairman, I concede the point of order. As the Chair well knows, the bill that was before the House, I believe last week, took care of this matter. We concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is conceded, and the Chair sustains the point of order.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 11, lines 5 through 10, as not being a limitation upon an appropriation bill, and not authorized.

The portion of the bill to which the point of order relates is as follows:

> SEC. 5. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109 and shall be available to the Office of the Corporation Counsel to retain the services of consultants including physicians, diagnosticians, therapists, engineers, and meteorologists at rates to be fixed by the Commissioner.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. GROSS)?

Mr. NATCHER. Mr. Chairman, I should like to say to the members of the Committee that this is a new provision that is carried in the bill at this time. This was sent up from downtown. We at this time, Mr. Chairman, concede the point of order.

The CHAIRMAN (Mr. FASCELL). The point of order is sustained.

Are there any amendments to be proposed to the bill? If not, the gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8658) making apropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes, he reported the bill back to the House with the recommendation that the bill do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McEWEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 64, not voting 48, as follows:

[Roll No. 233]

YEAS—321

Abdnor
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Barrett
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lent
Long, La.
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Seiberling
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—64

Archer
Bafalis
Baker
Beard
Bennett
Blackburn
Burgener
Byron
Camp
Clancy
Clawson, Del
Collins, Tex.
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Dennis
Eshleman
Froehlich
Gilman
Gross
Haley
Hanrahan
Hicks
Huber
Hudnut
Hutchinson
Jones, Tenn.
Ketchum
Long, Md.
Lott
Lujan
McCollister
Mathis, Ga.
Mayne
Montgomery
Moorhead, Calif.
Powell, Ohio
Price, Tex.
Randall
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Skubitz
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Towell, Nev.
Treen
Waggonner
Ware
Wylie
Young, Alaska
Young, Fla.
Young, S.C.

NOT VOTING—48

Adams
Alexander
Ashbrook
Aspin
Badillo
Boland
Brasco
Burke, Calif.
Carter
Chisholm
Cochran
Coughlin
Culver
Danielson
Davis, S.C.
Devine
Dorn
Edwards, Ala.
Fisher
Ford, William D.
Frelinghuysen
Hawkins
Jones, Okla.
Landgrebe
Lehman
Litton
Mailliard
Mathias, Calif.
Minshall, Ohio
Mosher
Moss
Nix
Owens
Passman
Quillen
Rarick
Reid
Riegle
Rooney, N.Y.
Ruppe
Sandman
Schroeder
Stuckey
Thompson, N.J.
Van Deerlin
Wiggins
Wilson, Bob
Young, Ga.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Rarick against.

Until further notice:

Mr. Rooney of New York with Mr. Bob Wilson.
Mr. Adams with Mr. Frelinghuysen.
Mr. Moss with Mr. Mathias of California.
Mr. Nix with Mr. Coughlin.
Mr. Brasco with Mr. Sandman.
Mr. Culver with Mr. Devine.
Mr. Danielson with Mr. Mailliard.
Mr. William D. Ford with Mr. Mosher.
Mr. Van Deerlin with Mr. Landgrebe.
Mr. Young of Georgia with Mr. Badillo.
Mr. Davis of South Carolina with Mr. Lehman.
Mr. Hawkins with Mr. Aspin.
Mr. Boland with Mr. Minshall of Ohio.
Mr. Reid with Mr. Wiggins.
Mr. Riegle with Mr. Ruppe.
Mr. Fisher with Mr. Edwards of Alabama.
Mrs. Chisholm with Mr. Owens.
Mr. Litton with Mr. Ashbrook.
Mr. Dorn with Mr. Carter.
Mrs. Burke of California with Mrs. Schroeder.
Mr. Stuckey with Mr. Quillen.
Mr. Alexander with Mr. Passman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE AND AUTHORITY FOR CLERK TO CORRECT SECTION NUMBERS

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD and to include extraneous matter on the bill just passed; and further, Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Street Act of 1968 to improve law enforcement and criminal justice and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8152, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, June 14, 1973, the gentleman from New Jersey (Mr. RODINO), had 42 minutes remaining, and the gentleman from Michigan (Mr. HUTCHINSON), had 40 minutes remaining.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I extended my remarks in the RECORD during the general debate on Thursday, June 14. Those Members desiring to examine my views in greater detail will find them in the RECORD for that date.

Mr. Chairman, although I would prefer to add certain additional features to this bill, particularly provisions assuring that the bulk of the law enforcement assistance "pass through" funds would go to those metropolitan areas where the problem of crime is the greatest, I believe that this bill is a very substantial improvement over the present law. It provides for expediting the flow of LEA funds to local governments. It provides for citizen participation, reduced local matching funds, stronger audit and evaluation procedures, strengthened civil rights provision, and, in general, will provide for a much improved administration of our law enforcement assistance program.

The members of the Judiciary Committee and, in particular, the chairman, are deserving of commendation for this excellent result.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I wish to congratulate the distinguished gentleman from New Jersey (Mr. RODINO) the chairman for the Committee on Judiciary, for his outstanding leadership in connection with the amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (H.R. 8152).

This bill represents a major contribution to the fight against crime. It expands Federal support to local law enforcement efforts and to the entire criminal justice system. It enables localities to upgrade their crime fighting efforts from the time a suspect is apprehended through the rehabilitation of criminals.

The problem of Federal assistance to local crime fighting efforts has been one that has greatly concerned me. I have spent a great deal of time analyzing the Safe Streets Act of 1968 as amended and as a result I have formulated my own proposals pertaining to the Federal assistance to local law enforcement agencies, which are embodied in H.R. 8021, a bill I introduced on this subject.

I am particularly pleased that the House Judiciary Committee accepted my amendment to eliminate redtape and speed up the flow of crime fighting funds to localities where they are desperately needed. The amendment requires states to establish procedures that would provide for action upon requests by localities within a 60-day period. One of the major problems under the existing legislation is that localities often have to wait as long as a year to receive funds from the State. This will mean more funds more quickly for New York City.

In addition, as the committee report makes clear, localities will not be able to apply for a package of programs instead of having to go through the time consuming and costly process of applying to the State on a project-by-project basis. This provision could be of enormous importance to high crime areas. Under the present law, for example, New York City is required to go through as many as 190 steps each time it applies for funds under the act.

The bill has substantially strengthened civil liberties safeguards. Under the previous legislation, Federal funds were used to disseminate arrest records, surveillance reports, and other intelligence data that invade the privacy of individuals. This bill prohibits this type of activity. It will permit improved law enforcement efforts without abridging individual rights.

The bill also contains a new provision prohibiting any discrimination on the basis of sex in the use of LEAA funds.

Finally, I am pleased that there is a 2-year authorization period for this bill. This will permit, if not mandate, the Judiciary Committee to oversee implementation of the act and to insure that Federal funds are being used effectively to fight crime and improve the entire criminal justice system.

Again, I wish to commend the gentleman from New Jersey (Mr. RODINO) for this very fine bill.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, I rise in support of the committee bill which extends and improves the Law Enforcement Assistance Administration. LEAA was created in 1968 to mount a massive Federal attack on crime. As we all know, that attack has not met with complete success, as the problem of crime still plagues cities and rural areas across the country. After rapid rises for years, serious crime finally declined by 3 percent in 1972. That news has to be met with muted enthusiasm, however, since several categories of crime have continued to increase, many areas have not yet seen reductions at all, and the overall level of crime remains at clearly intolerable levels.

Further, we cannot succumb to the temptation to measure LEAA's success simply in terms of its contribution to a reduction in crime. This is clearly a key objective, but success must also be measured in terms of improvements in the whole system of law enforcement and criminal justice, and in these terms, this Nation still has a long way to go. The prevailing conditions in the fields of criminal justice and law enforcement are still intolerable. Obsolete State criminal codes, congested courts, overburdened probation and parole systems, inhumane and ineffective correctional institutions and ineffective police departments are just a few of the deplorable characteristics of our crime control systems.

In this light, it was clear to the committee that LEAA must be allowed to continue, and hopefully, to improve its work. The distinguished chairman of your committee has already explained the major provisions and improvements in the bill before us today, so I will confine my comments to only a few of the major areas addressed, with varying degrees of success, by the committee bill.

The committee has, wisely I think, largely rejected the administration's proposed revenue sharing approach to law enforcement as an unwarranted relaxation of Federal direction and control. For example, the requirement for prior approval of State plans by LEAA before block grant awards are made has been retained and language added requiring LEAA to undertake a thorough review of these plans rather than acting simply as a rubber stamp. Although there is scant evidence that LEAA has used this authority effectively in the past, since no State plan has ever been rejected prior approval is the linchpin of the Federal role in the safe streets program. Without it, LEAA would be reduced to a mere accounting and checkwriting bureau with no influence over anticrime programs.

H.R. 8152 has also retained the special earmarks for the law enforcement education program and the part E corrections program in the belief that these national emphasis programs should not be left merely to the discretion of the States.

I would also like to call your attention to the time limits this bill places on the grant-making process for both the Federal-State block grants and the State-local project grants. A major portion of the testimony presented during the committee's hearings was directed at the deplorable delay and inefficiency in putting LEAA funds to work by a cumbersome bureaucracy. Local governments often wait 6 months to a year after submitting applications for LEAA funds to State agencies before the applications are approved and the grants made. The committee also wanted to assure that the strengthened requirements for LEAA prior approval of State plans did not result in further delays in allocating funds to State planning agencies. Consequently, a time limit of 90 days for the approval of State plans and a limit of 60 days for the approval of grant applications to State planning agencies by local units of government have been added to the bill.

The committee bill also contains the administration's recommendations for new civil rights language, together with an amendment which I offered.

It is now more than 5 years since the National Advisory Commission on Civil Disorders identified the lack of adequate representation of minorities in law-enforcement agencies as one of the key problems in the breakdown of communication between police and the citizens of the ghetto. While progress has been made in some areas in the employment of minorities and women in law agencies, many problems of discrimination remain. One need go no further than the reports of decided Federal cases to obtain evidence of the persistence and prevalence of racism in law enforcement.

For example, a Federal district court in Mississippi found in 1971 that the Mississippi Highway Patrol had never employed a single black officer. Of 743 persons employed by the department of public safety in 1971, only 17 were blacks and they were all employed as cooks or janitors. *Morrow* v. *Crisler*, 4 E.P.D. paragraph 7541 (S.D. Miss. 1971); aff'd.-F. 2d-(5th Cir.; April 18, 1973).

While the situation in Mississippi is perhaps the most blatant, similar problems of discrimination have been found by Federal courts to exist in Alabama, Massachusetts, and Bridgeport, Conn. See *NAACP* v. *Allen*, 340 F Supp. 703 (M.D. Ala. 1972); *Castro* v. *Beecher*, 459 F. 2d 725 (1st Cir. 1972); *Bridgeport Guardians Inc.* v. *Bridgeport Civil Service Commission* 5 CCH E.P.D. 8502 (D. Conn. 1973).

Other cases alleging discrimination are pending before Federal courts in Alabama, Pennsylvania, Georgia, Connecticut, Illinois, California, and Ohio, and before State commissions in Missouri, Kansas, Massachusetts, Indiana, Pennsylvania, and Connecticut.

The existing LEAA statutes contain no provisions designed to prevent discrimination in benefits or employment on the basis of race, color, national origin, or sex. As a result, LEAA has been particularly slow to develop an effective civil rights enforcement program. In fact, it was not until 2 years after its establishment that LEAA admitted it has a civil rights enforcement responsibility and created a civil rights compliance office and implementing regulations.

The administration suggested new language for this legislation, with what I hope was the intention of strengthening

LEAA's civil rights enforcement powers and responsibilities, which has largely been incorporated in section 518(b) of H.R. 8152. These provisions parallel the language of title VI of the Civil Rights Act 1964 with an added prohibition of discrimination on the basis of sex, but they also specify special procedures for enforcing those provisions. These special procedures are appropriate to the block grant nature of the LEAA program. They direct the administration, whenever it determines that a State or local unit of government has violated the civil rights provisions, to request the State's Governor to secure compliance. If within 60 days he has failed or refused to secure compliance, LEAA is required to begin its own enforcement procedures.

The effect of my amendment to the administration's suggested provisions is to require LEAA to first use the same enforcement procedure which applies to any other violation of LEAA regulations or statutes. That procedure of notification, hearings, and negotiations is spelled out in section 509, which provides the ultimate sanction of funding cutoff if compliance is not obtained. LEAA is also authorized to undertake civil action in any appropriate U.S. district court for such relief as may be appropriate.

This amendment was necessary to reverse LEAA's traditional reliance on court proceedings to correct discrimination, rather than undertaking administrative enforcement of civil rights requirements. Despite this declared preference for judicial remedies, which is not the procedure used for any other violation of LEAA guidelines or statutes, LEAA has not initiated a single action in court and has intervened in only a limited number of cases brought by private groups. Even these interventions were begun long after the suits were filed and usually as the result of external pressures of court order. In effect, LEAA has had no civil rights enforcement program. The civil rights provisions in this bill give LEAA the necessary powers and require the establishment of an effective civil rights program.

It is also worth noting the new requirements in this bill for LEAA to begin careful evaluation of the programs it funds so that the substantial Federal resources LEAA controls can be directed into effective efforts to control and reduce crime. The Attorney General admitted the weakness of LEAA's record in this regard, since only limited attempts have been made in the past 5 years to measure program effectiveness and to share information with the States about innovative ideas which work. The committee bill gives major new authority to the National Institute for Law Enforcement and Criminal Justice to evaluate LEAA programs and their success or failure, and to share the results of its own research and development activities.

It is the intention of the committee that the National Institute utilize wherever possible the report of the National Advisory Commission on Criminal Justice Standards and Goals in these evaluations. This Commission has produced a massive document which spells out in considerable detail what each segment of the criminal justice system should be striving to achieve. I hope that the National Institute will make major use of this new authority so that LEAA will no longer simply throw money at the problems of crime in the vague hope that something will work.

Mr. Chairman, all these improvements in the Law Enforcement Assistance Administration constitute a bill which is deserving of strong support. However, I was disappointed that one critical problem with the administration of the LEAA programs was not adequately resolved. Large urban areas, where the problems of crime are the most severe, still do not have a large enough role in the safe streets program.

City governments and local law enforcement agencies are not equal partners in the LEAA process, even though they are manning the front lines in the battle against crime. Their influence on the planning and priority setting process is minimal except in a very few States. They are faced with a multi-layered bureaucracy, delays, uncertainties, and frequent rejection of their own priorities for LEAA funds. They are forced to apply to State planning agencies for LEAA funds piecemeal, waiting as long as 12 months before funds are made available. The block grant philosophy of allowing maximum flexibility to State governments has not been applied, as logic and effectiveness require, to local governments. Instead, our crime-wracked urban areas are forced into an individual categorical grant process controlled by a set of priorities imposed by the State with scant consultation.

I am convinced that a more responsible role for our high crime urban areas can and should be created, without destroying the statewide priority setting role which is properly the responsibility of the State planning agency. Local criminal justice and law enforcement plans could be drawn up by local governments, in cooperation with State planning agencies, and block grants awarded to those local governments on the basis of those plans. Such an arrangement would greatly increase the efficiency of the entire LEAA process and get the money where the problems are quickly.

With this exception, Mr. Chairman, I strongly support the committee bill, and urge my colleagues in the House to support it as well.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman. it will be my intention to discuss primarily that part of the Law Enforcement Assistance Act which relates to the National Institute of Law Enforcement and Criminal Justice. This part of the bill is under part D, and is to be found on pages 21 to 24 of the measure (H. R. 8152) which is now pending for discussion before the committee.

Many in this Chamber will recall the amendment to the omnibus crime bill of 1968 by which we established the National Institute of Law Enforcement and Criminal Justice as a part of this overall Federal program directed against crime.

The overall concept of the National Institute is that it should be a professional high-level agency or institute for the purpose of giving guidance and direction in the overall attack on crime, without, however, endeavoring to provide any kind of Federal police force or domination or control of the broad law enforcement and criminal justice functions which belong to the State and to the local units of government. I should recall that this amendment to the 1968 act received substantial support from our former colleague, William Cramer of Florida, and was developed and adopted as the result of substantial bipartisan support in this Chamber.

Mr. Chairman, I will not go into the background of the dilution of the National Institute's authority. However, I should observe that its role was reduced substantially in the final version of the bill which we passed in 1968, and it has never been adequately funded since that time.

Mr. Chairman, in the measure before us, we undertake to correct the existing deficiency in the National Institute by establishing its intended role as a clearinghouse and evaluating agency with respect to research and development projects which are authorized under this legislation. It is further specified that the Institute shall disseminate the results of such efforts to State and local governments.

This should fulfill a great need which the testimony before our committee emphasizes. In other words, large sums of money are expended in developing new and advanced techniques, both with respect to the use of sophisticated equipment and in the administration of programs of crime prevention, apprehension, prosecution, rehabilitation and others. Yet there is still no method by which the best result obtained under these developments may be made available to all others who are charged with enforcing the law or otherwise working in our criminal justice system. Accordingly, the Institute will now have an augmented role as a clearinghouse to receive, and to disseminate information of vital importance in the reduction of crime in America.

A second role of the Institute which has been largely omitted up to the present time is that of training. The testimony from local and State law enforcement officials has reiterated time and time again that the most urgent need is that of training programs for their personnel.

The Institute, accordingly, is assigned the responsibility of assisting in training programs at the request of States or units of general local government—or a combination thereof. This authority applies with respect to all segments in the law enforcement and criminal justice field—not just police or prosecutions. While it is anticipated that many regional training programs may involve but a single State, it is likewise possible that several States may join in requesting the establishment of such training programs on a regional basis. Where smaller programs may be indicated, the Institute is authorized to carry out programs of institutional assistance consisting of research fellowships, and to present special workshops for the dissemination of information resulting from research, demonstrations and special projects. Finally, the Institute is authorized to establish its own research center to carry out programs described in this part of the new law.

Thus, a large responsibility is reposed in the National Institute to develop and administer that high-level type office which can identify and make available the most modern developments and techniques relating to law enforcement and criminal justice. The evaluation role is a particularly sensitive one, which I would expect the Institute to fulfill through the benefit of an advisory committee or other agency which was representative of every level of government as well as knowledgeable persons from the academic and civic segments of our society. In this connection, the Institute may wish to refer to recommendations of the National Advisory Commission on Criminal Justice Standards and Goals—although some of those may not be desirable.

Mr. Chairman, these provisions contained in the measure which extends the omnibus crime bill of 1968 for another 5 years are distinct improvements over the existing law, and like other parts of this measure which are being modified on the basis of our experience—are at the same time contributing to a greatly improved administration at the Federal level, which can serve to direct and inspire improvements in law enforcement and criminal justice at the local and State levels.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Chairman, the bill that the subcommittee has presented today is a great improvement over the present LEAA program. We have held extensive hearings and listened to representatives of all those involved in the LEAA programs. We have taken their criticisms and comments on the present program and numerous proposals and used them to restructure LEAA to give it the potential to target the crime dollar to the crime problem. Our subcommittee has worked hard on this bill, guided by our untiring Chairman, the distinguished gentleman from New Jersey, and we ask for your support of this most important piece of legislation.

This bill greatly improves the current LEAA program and I would like to mention briefly some specific changes which deserve your support.

First, the new LEAA has been devised to go beyond law enforcement in its narrow interpretation and can encompass the whole field of criminal justice. Our anticrime programs must not stop at the court room door but must follow through with rehabilitation of those convicted. As we all know, recidivism is one of the most serious crime problems and hopefully more emphasis on rehabilitation in this bill will help us begin to find some answers to combat the high rate of criminal repetition.

Another aspect of this bill which is noteworthy is its requirement for stricter auditing procedures and greater accountability of the individual programs to the LEAA. Appropriations of vast sums of money to combat crime will not work if the money does not get to the right places. During the hearings it was quite evident that LEAA money was being misspent. We have all heard of many instances where anticrime money was used to provide such things as riot equipment to towns of a few hundred people. In Iowa, for example, GAO is presently conducting an independent audit of LEAA money to find specific areas of waste or improperly expended funds. I hope that if this bill is passed today, such independent audits will be unnecessary because it will be possible to rely more heavily on the program's strict self-auditing procedures.

Another safeguard has been incorporated into the program by reducing the program authorization from 5 to 2 years. although 2 years may not produce great inroads into solving the problems of law enforcement and criminal justice, demanding more frequent congressional review and scrutiny of the program will increase our ability to perform our oversight function properly.

Another important improvement is the change we have made in the discretionary grants disbursed by the LEAA. Under our program funds can go to multistate planning units, to allow them to improve law enforcement and criminal justice in crime areas which do not confine themselves to a single state.

One example exists in my district. The Quad Cities is a metropolitan area divided by the Mississippi River. It would be naive for us to believe that the crime problem in Davenport, on the Iowa side, can be solved independently of the crime problem on the Illinois side of the river. Multistate areas must be given the resources to work together. Increased urbanization has made such an attack on crime imperative.

I believe by implementing this bill we can begin to better deal with crime in our country. For this reason, I urge you to support H.R. 8132.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have one amendment which at the appropriate time under the 5-minute rule I intend to offer to this bill. I take this time to briefly apprise those who are present as to what that amendment will be because I feel it is an important amendment which indeed goes to the very essence of the measure now before us.

There will be a committee amendment offered which will provide that in respect to the grants for law enforcement, under part C of the bill, not more than one-third of any such grant made under that section may be expended for the compensation of police.

My amendment will add to the committee amendment the words: "and other regular law enforcement and criminal justice personnel," so that the limitation would read that: "Not more than one-third of any grant made under this section"—that is for law enforcement purposes—"may be expended for the compensation of police and other regular law enforcement and criminal justice personnel."

This will put the law back essentially to where it is now. It is difficult to understand why the committee amendment should place this limitation of only up to one-third of the grant on police salaries only and exclude other law enforcement and criminal justice personnel.

The reason for the limitation in the first place is because here we have a program which is supposed to be a new, innovative program which will encourage States and localities to do things in the criminal law field and in the law enforcement field that they are not now doing. It was realized that if we allowed all the money to be used to pay salaries, the inevitable result would be that we would just be having a salary bill for local personnel, a revenue-sharing bill, if you will. That would destroy the purpose of this whole measure, and that was the reason for the limitation which had been there right along.

Now, why we should cut that down to police salaries only and permit this money to be used without limitation for all other law enforcement-criminal justice personnel, such as prosecuting attorneys, judges, public defenders, prison guards, wardens, probation and parole officers, it is very difficult to see. It goes a long way toward just transferring this into a local salary bill, and by that much destroying the very purpose of the measure; and the purpose which has been in it, I might add, from the beginning.

There is no reason for supporting such a provision in the law. This becomes especially important under the recent decisions of the Supreme Court, the Gideon case, and the Argersinger case, which quite properly require public defenders to be appointed both in felony and misdemeanor cases, and it costs a lot of money. The temptation is going to be almost inescapable to take practically all this Federal money and pay it out in legal fees, for instance, which is not what we passed this bill for.

Both under the committee amendment and under my amendment with the added words, the limitation will not apply—will not apply—to personnel who are engaged in conducting or undergoing training programs or who are engaged in research or development or demonstrations, all the innovative things which were supposed to be encouraged by this bill; but the limtation will keep us from spending all the money on salaries.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, it will avoid the inevitable competition which will result between city A, which tries to do the job we contemplate under the bill, and city B, which yields to temptation to use all the money for salaries, thereby forcing city A to do the same.

Therefore, I hope everyone, including even the majority of my distinguished committee, will support this amendment which goes right on with the basic idea this bill is supposed to be all about.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I rise

in support of H.R. 8152 as reported by the Committee on the Judiciary.

I believe that this bill is the product of a frank appraisal by the committee of just what the Federal leadership role in the fight against crime should be, and of just how that role has been undertaken pursuant to the congressional will expressed in 1968 by the Omnibus Crime Control and Safe Streets Act.

The law enforcement assistance program, as envisioned by the 1968 legislation, and as clarified and modified by H.R. 8152, strikes an appropriate balance between the need for Federal resources and expertise, and the need for responsible State and local planning to meet what are essentially State and local problems.

The committee had before it proposals to remove all Federal responsibility for the administration of this program. Such proposals were, as always, of course, tempting—they promise less bureaucracy and they seem to give those closest to the problems the exclusive right to solve them.

But the Congress explicitly recognized that the urgency of the fight against crime, and the nature of the efforts needed to upgrade our criminal justice system, required a "better coordinated, intensified, and more effective" attack by "all levels of government." The increasing intensity of the problem called for a sharing of responsibility as well as of revenue.

H.R. 8152 accomplishes that sharing of responsibility without depriving the States and localities of the right to set their own priorities, and to undertake their own planning. Perhaps most important the bill actually opens up and broadens the planning process to assure both accountability and increased citizen involvement.

I am particularly pleased, Mr. Chairman, to note that the bill addresses the past deficiencies in the LEAA program at all levels of the process. Federal responsibility is clarified by making more emphatic the importance of LEAA's prior approval of State plans function. At the same time, the problems that have hampered the States and localities are also fairly and effectively met—complicated matching requirements are simplified and made more realistic; unjustifiable delays in the flow of these funds to recipients are made directly contrary to new provisions added to the act. The intent of Congress is clearly shown to be the improvment of the whole criminal justice system, and the purposes of rehabilitating, as well as merely detecting and apprehending criminals are given due emphasis.

Mr. Chairman, the House today is being asked to authorize to this program appropriations of $1 billion for each of the next 2 fiscal years. I believe that is a reasonable and prudent authorization: A fund level allowing adequate resources to address the real needs and a time period giving the Congress a meaningful oversight role in the administration of this program. For those reasons, I urge the adoption of H.R. 8152.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill to continue the operations of the Law Enforcement Assistance Administration. The committee on the Judiciary under the able leadership of its chairman, the gentleman from New Jersey (Mr. Rodino) has put together a bill which makes improvements in the legislation first enacted in 1968. The improvements should help make the LEAA a more effective unit in the fight against crime.

One improvement, however is missing. I intend to offer as an amendment my law enforcement officers' bill of rights legislation which has been cosponsored by over 100 Members of this body. This amendment is supported by thousands of people both in and out of law enforcement. It will guarantee basic civil rights to law enforcement officers just as we have granted these rights to every other citizen, including the felon he arrests.

Mr. Chairman, I would like to comment briefly on some of the provisions in the bill. The committee has rightly maintained Federal control over the program by rejecting the administration's proposal to convert LEAA into a "no strings" special revenue-sharing program. LEAA grants already go to the States with a minimum of Federal requirements and supervision. These grants offer the greatest possible latitude to the States and local governments, yet the taxpayer is assured that his money will not be wasted on frivolous programs.

The elimination of the three-man leadership arrangement was essential to smooth functioning of LEAA. One administrator with a deputy administrator now sets clear lines of responsibility and direction.

One particular reform stands out among the rest: The committee has emphasized the need to improve every aspect of the criminal justice system—not just law enforcement.

As a 23-year veteran of the New York police force, I am well aware that the fight against crime cannot be won with good law enforcement alone. Corrections programs, court procedures and crime prevention measures all enter into the formula for public safety.

During my years in Congress, I have worked to keep alive a rehabilitation program at the Rikers Island Correctional Facility in New York City. This program, though limited in numbers of participants, has dramatically reversed the rate of recidivism in that prison. Of those inmates at Rikers Island not participating in the manpower training program, four out of five return to prison again. Of those participating in the program, only one out of five end up in prison a second time. Rehabilitation programs in corrections institutions are too few and far between.

A substantial portion of the LEAA funds authorized here today should go toward development of innovative programs to truly rehabilitate prison inmates so that they can lead productive lives upon release and thus break the cycle of crime.

Perhaps the most urgent need is an overhaul of the court procedures. A police officer works 10 times longer in processing a case than he does in the actual arrest. Most of this time is lost waiting in the courts, filling out forms and complying with a multitude of other administrative details. This time could be better spent by the police officer on the street preventing crime. I would hope that the administrator of LEAA would direct his attention to solving this problem.

Let us not forget for a moment that the primary objective of law enforcement and of legislation such as we have before us today is crime prevention.

All too often city administrators are more concerned with arrest, prosecution, and conviction measures than prevention measures. Clearly, more policemen on the streets doing a more effective job preventing crime will be the quickest way to guarantee safe communities for our citizens. Reform of our corrections institutions to eliminate criminal repeaters is yet another important preventive measure. Revitalizing our courts to assure a speedy trial and swift conviction of law breakers and a rapid release of the innocent will also help prevent crime.

I am confident that the Law Enforcement Assistance Administration will play an important role in developing sound crime prevention measures at the local level. I hope all my colleagues will join with me today in voting for this measure and will support the amendment I will offer later this afternoon.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. Cohen).

Mr. COHEN. Mr. Chairman, I rise in support of the bill. Maine has planned for and is in the process of implementing criminal justice programs with the funds made available through the Omnibus Crime Control and Safe Streets Act of 1968 and its amendments. These programs will have far-reaching effects on the improvement of the criminal justice system in the prevention of crime in Maine.

The House subcommittee bill on criminal law, House bill 8152, represents the consensus of the testimony before Subcommittee No. 5 and the full Judiciary Committee. Perhaps those who testified are the best qualified to judge the merits of the program. This group includes the Governors of the several States, the beneficiaries of the law enforcement assistance administration block grant program and the State and local planning agencies who administer the program. Their consensus is that the block grant program is a success, that it has fostered and supported major improvements in each State's criminal justice system. These improvements have been made at the State level, the county level, and the municipal level on the basis of priorities established within each State in accordance with its specific needs.

One of the accomplishments in my own State of Maine is the establishment and operation of a criminal justice training academy. The primary function of the academy through the board of trustees is to establish a facility for the training and education of all criminal justice personnel. The academy is also responsible for developing and implementing a comprehensive program of education and training encompassing the entire spectrum of the criminal justice system throughout the State of Maine. Associate and baccalaureate degree programs in criminal justice are now available to those in the system as well as to those who are contemplating a career in this field.

Maine was one of the States in the early days of the program that was identified as not utilizing law enforcement education funds from LEAA. Now, due to the efforts of the Maine Law Enforcement Planning and Assistance Agency, under the able guidance of Director John B. Leet, I am happy to report that there are three associate degree programs and a bachelors degree program in our largest city. In our 4-year degree program on the Portland campus of the University of Maine, 130 criminal justice majors were enrolled at various stages of their 4-year undergraduate degree candidacy. At the present level, an annual graduating group of 20 to 30 criminal justice baccalaureate degree holders is anticipated.

The concerns that had existed in Maine in relation to possible saturation of this field are mollified with evidence that there are presently over 8,500 persons employed in protective services in the State. The University of Maine's assessment of human manpower needs has estimated that 1,628 additional law enforcement officers and 449 additional correctional treatment personnel will be needed in Maine by 1982.

These two programs that I have mentioned have been priority programs in the State of Maine and in our estimation are extremely successful. In addition to these programs, the State has established an integrated municipal, county, and State law enforcement comunications network which will form the skeleton of a more sophisticated system embracing the operational and data requirements of courts and corrections and law enforcement personnel. The State has established and is operating an innovative job counseling, training, and placement program for inmates prior to their release from our correctional institutions. A police services delivery program has also been developed to provide coverage and response heretofore deemed impossible for a State with the population density of Maine.

In addition, the Maine criminal justice internship program has been a huge success. Last summer there was an estimated 133 young people entering the criminal justice field in internships at the various law enforcement agencies in the State. The program is designed to attract qualified individuals to the criminal justice field and it has been quite successful. An internship is a specific project of a fixed duration not to exceed 13 weeks full-time or 21 weeks at half time designed to acquaint an intern with the possible criminal justice system career options. A secondary goal of the project may be the accomplishment of a specific operational objective.

Mr. Chairman, in addition to these improvements, more are forthcoming. Have we reduced crime in Maine? We do not have the answer as yet, but we should be able to answer that question shortly. What have we really accomplished? We have assisted in the development of a better and more responsive criminal justice system in Maine. We have initiated a system which is more flexible and which is able to react collectively to Maine's needs through the constituent element.

In closing, let me say that I support the principles of this bill which still requires a commitment on the part of the subgrantee. With such a commitment comes an affirmation on the part of the municipality, of the county or the State agency, that they, too, have an investment in success.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I rise in support of this measure, and indeed to commend the gentleman from New Jersey (Mr. RODINO) and the gentleman from Michigan (Mr. HUTCHINSON) for their leadership in bringing this bill to the floor.

I also, however, wish to point out that in our area in southern California, there is a serious problem.

The gentleman from California (Mr. VAN DEERLIN) approached me last week with this problem and said that unfortunately he could not be here today, and he asked me whether I would support his position. After reviewing it carefully I do indeed support Mr. VAN DEERLIN's position, and I should like to draw this problem to the attention of the members of the committee today.

This problem relates to section 406 of the bill, found on pages 26 to 30, and relates to the law enforcement education program, sometimes referred to as LEEP.

It is my understanding that some 990 schools, both colleges and junior colleges, participate in this particular program.

There is a 4-year service clause, under which a student agrees to commit himself or herself for 4 years law enforcement or criminal justice service and under this program a stipend or award of up to $2,200 per year per student is given. This money, of course, goes to the institution and not the student, but it enables the institution to give the instruction.

Then there is a 2-year service clause, under which the student commits himself or herself to 2 years of active duty law enforcement or criminal justice service and under this there is a stipend of $250 per quarter or $400 per semester.

Now, Mr. Chairman, with respect to the problem, in our area, San Diego County, Calif., at least, some institutions are admitting far too many first-year students, to the great detriment of those who are already in the program and who intend to continue, to go all the way. This spreads the money far too thin, and we find that many must drop out of the program.

The gentleman from California (Mr. VAN DEERLIN) had considered amendments which would have prohibited this practice. He decided not to offer them, in the thought that perhaps the problem was too localized.

It would be my hope that we could establish the legislative intent, and if I may I should like to ask the distinguished chairman of the committee a brief question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BURGENER. Mr. Chairman, if I may ask just this brief question, can we establish the intent of Congress in the legislation that the students should indeed, continue and some priority will be given to that, we will then, perhaps, persuade our institutions to change their practices and give more consideration to continuing students.

Mr. RODINO. Mr. Chairman, I would answer the gentleman by saying it is certainly the intent of this legislation to permit the students to complete the educational process fully, and it is for this reason, as a matter of fact, that we have provided for additional sums of money for LEEP to keep pace with the inflationary trend, in order to assure that students would not be shortchanged.

Mr. BURGENER. Mr. Chairman, I thank the gentleman from New Jersey (Mr. RODINO) very much.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, I rise in support of H.R. 8152. The merits of the Omnibus Crime Control and Safe Streets Act of 1968 have been debated extensively in recent days, both within this Chamber and without. I would like to comment briefly on its achievements in Virginia.

The provisions of the act required Virginia to set up a central planning division, and under its leadership and with the aid of the Federal grant money, Virginia has taken great steps to unify and modernize its law enforcement, court, and correctional systems, and to make Virginia a leader in the area of innovative techniques in crime control and detection.

Our personnel, from the localities up to the statewide level, are now better trained: our criminal code has been revised; our judicial system, studied and revised; we have better treatment centers for juveniles, for drug addicts, for alcoholics; and we have established community-based correctional systems for the first time.

Of national interest, Virginia planned and sponsored the first National Conference on the Judiciary in Williamsburg in 1971, drawing together State court justices, State attorneys-general, trial judges, court officials, bar members, and others interested in judicial reform.

Also, in 1971, Virginia hosted the first National Conference on Corrections which was also made possible by an LEAA grant to our State division of justice and crime prevention.

Some of these accomplishments might have taken place without LEAA. There is no question, however, that Virginia's comprehensive program of reform, coordination, modernization, and innovation of its crime control and enforcement systems originated in the State planning unit set up under LEAA. Piecemeal reforms would have come, but a change as significant as the one we have seen in the past 3 years would never have taken place without the aid of the 1968 act. Its success in Virginia makes me a strong supporter of extension of the act.

Mr. RODINO. Mr. Chairman, I have no further requests for time.

Mr. HUTCHINSON. Mr. Chairman, I have just one further request for time.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman and members of the committee, I rise in support of H.R. 8152, but there are several things that have come to my attention, and in the interest of making some legislative history, I would like to ask several questions of the gentleman from New Jersey (Mr. RODINO) the chairman of the Committee on the Judiciary, if he would be so kind as to respond.

Mr. RODINO. Mr. Chairman, I would be happy to respond.

Mr. HUNT. Mr. Chairman, the Sheriffs' Association of New Jersey has contacted me, indicating that the State agency that administers the program of the law enforcement planning agency has curtailed the funds to the sheriffs' departments in the State of New Jersey.

Nowhere in this bill do I find anything that would preclude money for bona fide law enforcement from going to a sheriff's department, which represents the highest elected enforcement official we have in the State of New Jersey, as well as in the other 49 States.

Mr. Chairman, I would ask for a little clarification on that from the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. There is no prohibition against moneys going for the payment of salaries for sheriffs beyond the restriction that it cannot be in excess of one-third of the amount that is granted.

Mr. HUNT. Mr. Chairman, that was our understanding.

When we passed this bill before, as the Members may recall, I asked that question. However, one of our deputy attorneys general, a gentleman by the name of Fekete, on April 6, 1972, denied this money to sheriff's organizations, bona fide law enforcement officials, and we are the only State where it has been denied. No other planning agency in any of the other 49 States has denied this to sheriffs' departments, and I just wanted to clarify that for the benefit of the State of New Jersey and the other 49 States.

Mr. RODINO. Mr. Chairman, I would like to point out to the gentleman, however, that the amount of money that does go to sheriffs is dependent upon State plans for the allocation of the funds.

Mr. HUNT. Yes, I realize that.

Mr. RODINO. But under this provision there is no general prohibition.

Mr. HUNT. There is no prohibition?

Mr. RODINO. There is none.

Mr. HUNT. Mr. Chairman, there is another point I would like to clear up with the gentleman.

The Law Enforcement Assistance Administration of the Justice Department not too long ago sent out an order saying that the physical qualifications that had been imposed by local police departments upon members they were hiring, new members for the police departments coming under this act, had to be reduced; the standards had to be reduced, so that the agencies, themselves, over the police departments did not have control over their physical rules.

Mr. Chairman, I want to make sure that that is not included in this bill and that is not the intent of this bill, that the local agencies, the police boards, and the police units will still have an inherent right to impose their own regulations and their qualifications and not be deprived of any Federal funds.

Mr. RODINO. It is certainly not the intent of this legislation to intrude upon the local regulating agencies. However, there is a provision against discrimination. That is the only provision that would, of course, in any way relate.

Mr. HUNT. We agree there should be no discrimination and we do not want it, but we do reserve the right in our police departments to have our own qualifications as far as standards of height and weight are concerned. These are matters that fall within their jurisdiction, and we do not believe any Federal agency would even attempt to impose any regulations of that nature. I find nothing here in this bill that would impose such a regulation.

Mr. RODINO. The thrust of the Omnibus Crime Control and Safe Streets Act is granting Federal assistance to State and local units of government in order to fight crime. There is no intent to intrude into their administrative practices. In fact, the act does not authorize Federal supervision of State laws at all. In section 518 of this act it states:

"SEC. 518.(a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

Mr. HUNT. I thank the chairman.

Mr. GONZALEZ. Will the distinguished gentleman yield for a question?

Mr. RODINO. I yield to the gentleman.

Mr. GONZALEZ. I deeply appreciate the gentlemen yielding to me.

I rise because interestingly enough the chief of police of Washington, D.C., is apparently making a nationwide tour. Last week in my district he arrived with a great deal of pomp and ceremony and announced that he was there thanks to the generosity of President Nixon in behalf of imparting the word to the local law enforcement agencies of my district that this legislation and the moneys to be derived therefrom were being held up by the Congress and not only this but revenue sharing was long overdue and that if the local police agencies throughout the Nation were suffering, it was because this Congress was denying this program.

I was intrigued by that because my city compares favorably populationwise with the District, yet the District has four times as many or 400 percent more policemen in uniform as my city does.

I thought the chief of police had his hands full here in the District. I understand crime is not exactly controlled here, and I was intrigued by this.

What I would like to have the gentleman tell me is this: Is this chief of police making a nationwide tour, which he stated publicly he was, at the expense of the funds from this program, or is the District of Columbia paying for it out of its funds, or is Mr. Nixon paying for it? Does the gentleman know, and could he enlighten us?

Mr. RODINO. I can only answer the gentleman by stating there is no direct authorization as I know it in the LEAA legislation for any such individual to undertake this kind of mission. However, if the plan for the District of Columbia for LEAA funds provides for that, it is something I am not aware of.

Mr. GONZALEZ. But I think it is very important that somebody should show an interest in whether that is the case or not, because it will go a long way toward making up my mind how to vote on this program. Whether the District or any place else diverts funds for this purpose, which is plainly and simply a campaigning purpose, then I think that the great argument that was used here to start this program is not correct.

I think the congressional intent is not being served. I would like to know if the chairman, the gentleman from New Jersey (Mr. RODINO) would be interested in pledging the support of his committee or his staff in ascertaining how this trip is being subsidized, and by whom.

Mr. RODINO. If the gentleman will yield, the gentleman from Texas can be assured that we will look into that matter. I would also like to tell the gentleman from Texas that this is among the very reasons why the committee has provided for a 2-year authorization rather than a more extended authorization, in order to assure that there is oversight in seeing that LEAA functions are carried on according to the intent of the Congress.

Mr. HANNA. Mr. Chairman, would the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, it may very well be that this trip has something to do with national security, and we do not want to be questioning that.

Mr. GONZALEZ. Let me say that if national security is at issue, then we are lost.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WYMAN. Mr. Chairman, the law enforcement assistance amendments before the House today offer an opportunity to continue and expand a successful experiment in innovative Federal assistance to State and local governments. In recognition of the shortcomings of most Federal categorical aid programs, the Law Enforcement Assistance Administration was established primarily as a coordinating medium through which the individual State and local law enforcement organizations are able to receive badly needed financial assistance and to exchange information on how best to meet ever-changing law enforcement needs. Narrow restrictions on such aid and "red tape" in general have been held to a minimum.

Despite some growing pains shortly after its inception, Federal law enforcement assistance has been highly effective in helping reduce the shocking increase in crime over the past decade, and in encouraging responsible local solutions to local problems. The smaller, rural units of local government have particularly benefited by not being forced to approach their crime problems armed with programs primarily designed for the different needs of our populous urban areas. At the same time, LEAA has acted as a central clearinghouse for a healthy exchange of information and ideas. This has proven invaluable to fiscally hard-pressed localities which lack the resources to effectively meet the challenges of the national crime wave of the sixties.

The Law Enforcement Assistance Act goes beyond merely providing financial assistance. Along with education programs for law enforcement officers, it encourages a broad range of "R. & D." initiatives of law enforcement which encourage modernization of antiquated techniques and stimulate anticipation of future problems. Under LEAA the overall quality of law enforcement has increased and will continue to do so.

The legislation before the House today expands on the successes of the past several years. Pass-through requirements are strengthened to assure local units of government, with their unique problems, are not shunted aside in the effort to encourage modern comprehensive statewide law enforcement programs. Matching requirements have been improved in recognition of the budgetary procedures prevalent at the local level. Education and training programs have been expanded. In keeping with legislation I introduced in the 92d Congress and again in this Congress, eligibility has been broadened so additional agencies faced with increasing law enforcement responsibilities such as conservation departments can now be included under the provisions of LEAA.

We cannot continue to tolerate one of the highest crime rates in the world. Too often in the past it has been demonstrated that our law enforcement techniques were sadly outmoded. The Law Enforcement Assistance Administration is changing that, that I urge the House today to pass H.R. 8152 so the progress made to date can be continued.

Mr. KOCH. Mr. Chairman, the bill to provide a 2-year extension, with amendments, of the Federal law-enforcement assistance program is now before us for a vote. Of course, I will be supporting this legislation to aid State and local governments in reducing crime and improving the Nation's criminal justice system. I would like to bring to the attention of my colleagues one of the committee amendments which I am proud to have authored, originally known as H.R. 677, to provide for the development and operation of treatment programs for drug abusers who are confined to or released from correctional institutions and facilities. H.R. 677 was passed favorably by Representative DON EDWARDS' Judiciary Subcommittee and was then included in the LEAA bill by the full Judiciary Committee. It is the same amendment which passed the House last year under H.R. 8389, but died in conference.

This measure should go a long way in encouraging States and localities to provide drug treatment programs that are so desperately needed in their prisons. It is designed to provide the basis for tackling one of the principal causes of crime in our cities: drug addiction.

In 1970 the Omnibus Crime Control Act was amended to establish a program for the improvement of State and local correctional facilities. Under this law grants for the upgrading of correctional facilities are made upon the submission and approval of a plan, meeting certain minimum requirements by a State. My amendment adds a new requirement—that States make necessary provisions for the establishment and development of narcotic treatment programs in their correctional facilities and in their probationary and parole programs.

In the city I come from, New York, at least 50 percent of the street crime is attributable to drug addiction—perpetrated by addicts needing money to support their habits. And yet, little is being done in our prisons to treat this identifiable cause of crime. Offenders are brought into the jails and detoxified. But, then they are left to serve out their terms, without treatment for the drug problem which in most cases was the cause of their criminal involvement. Consequently, when they are released from prison, many immediately return to their drug and criminal habits.

An addict or drug abuser when imprisoned is easily identified, isolated and available for regular treatment. It is tragic that we have been wasting this opportunity to provide these men and women treatment, particularly when most have so little else to do to fill their time.

I would like to thank our colleagues on the Judiciary Committee for including the amendment in the bill. I hope this entire measure will be favorably supported by the House.

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 8152, the law enforcement assistance amendments. This bill, reported to the House Judiciary Committee of which I am a member, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1970.

The essential purpose of H.R. 8152 is to improve law enforcement and criminal justice. This bill would make the functions of the Law Enforcement Assistance Administration more effective and would expand the oversight functions of the Congress in assessing the law enforcement activities of the Federal Government. The bill authorizes appropriations of $1 billion for the LEAA in each of the coming fiscal years.

The initial authorization for the Law Enforcement Assistance Administration ends on June 30 of this year. LEAA was created by Congress in 1968 to assist State and local governments in reducing crime and improving our country's system of criminal justice. LEAA provides financial and technical assistance to State and local law enforcement and criminal justice agencies.

I believe that the original concept of the LEAA was sound. However, the transcript of the hearings that comprise over 1,000 pages reveals that the existing authority for the LEAA was in some ways faulty. The bill before us today makes some of the necessary corrections and will, I believe, strengthen Federal efforts to control crime.

The existing administration of LEAA has been the subject of considerable criticism. For example, former Attorney General Richard Kleindienst conceded during the hearings on this bill that the LEAA program was a "morass of red-tape." Of particular concern to State and local law enforcement agencies was the often very long delays that accompanied applications for LEAA grants, the result of clumsy procedures for approval or disapproval of grant applications at both the Federal and State level. No meaningful incentive existed to insure that LEAA funds were promptly passed on to the local law enforcement personnel who actually do the work of reducing crime.

The law enforcement assistance amendments would require that action be taken on a grant application within 90 days of submission at the Federal level, and similarly, States would be required to approve or disapprove applications within 60 days. This reform should speed up the process of providing LEAA funds at the local level and reduce the uncertainties of grant applications that have deterred some law enforcement agencies from seeking LEAA funds.

Another important component of H.R. 8152 is the emphasis placed by the bill upon criminal justice, as well as law enforcement. This is particularly important, for the problem of crime in America is not to be solved exclusively through the purchase of police hardware—one of the more unfortunate emphases of the existing program. Increasing the emphasis of the LEAA upon criminal justice should provide a more comprehensive approach to the problems of crime by adding to the intent of the Law Enforcement Assistance Act the purpose of rehabilitating criminals as well as detecting and apprehending them.

By providing for the expedition of the flow of grant funds, and by strengthening the oversight functions of the Judiciary Committee, this bill now before us should reduce some of the rigidities of the present law. Greater flexibility in administration will be permited at both the Federal and State levels, but Federal responsibilities over the program will be continued, thus emphasizing unified and continuous overall approaches to the problems of law enforcement and criminal justice.

One central feature of H.R. 8152 is that for the first time the Law Enforcement Assistance Act would contain provisions protecting civil rights and civil liberties. Discrimination on the basis of sex would be banned. In addition, the bill would expand the scope of State law enforcement and criminal justice planning agencies by requiring for the first time that representatives of citizen, professional, and community organizations be included in the makeup of these agencies. The bill also requires that all planning meetings be open to the public when final action is taken on State plans.

H.R. 8152 proposes substantial changes in the manner in which LEAA grants will be made to the States. These changes are designed to tie LEAA grants more closely to achievement of law enforcement and criminal justice goals. No State plan will be approved unless and until LEAA finds "a determined effort by the plan to improve law enforcement and criminal justice throughout the State." It is not enough, under the terms of the bill, that this "determined effort" be merely a wide distribution of LEAA funds geographically and/or institutionally. Rather, approval will require a "balanced and integrated" approach to the particular needs of the State.

This provision of the law will increase the leverage that LEAA has upon the States to come up with law enforcement and criminal justice plans that really work. LEAA grants are worthless unless they lead to reduced crime, and this will not happen unless States and local agencies make greater efforts to link LEAA grants to real law enforcement and criminal justice needs.

Local governments are assured at least 40 percent of a State's LEAA planning moneys, and the minimum allocation to each State for each State is increased by the bill from $100,000 to $200,000—another step necessary to improve coordination of law enforcement and criminal justice activities within individual States.

H.R. 8152 also requires that before any State plan can be approved that it must assure an:

> Allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity.

This provision is designed to insure that no high-crime area is left out of a State LEAA plan. While it could be formulated in stronger terms, this provision is still an improvement over present law.

Other provisions of the bill before us today would encourage cooperation between local enforcement and criminal justice agencies, and make it possible for State planning agencies to fund local projects on a "package" basis rather than individually, as required under current law. In addition, H.R. 8152 would strengthen the National Institute of Law Enforcement and Criminal Justice, which will be given additional authority to evaluate projects, develop training programs, and act as a clearinghouse for information. LEAA will be allowed under the bill to make grants to private nonprofit organizations from its discretionary funds. This means that law enforcement and criminal justice problems of a national character can be addressed in more appropriate ways than was possible under existing laws, which allowed grants only to agencies of State and local government. The law enforcement education program (LEEP) is also strengthened, and the amounts of LEEP grants and loans to individuals and institutions engaged in the study or teaching of law enforcement and criminal justice have been increased, so as to keep pace with inflation.

Mr. Chairman, the bill before us today would accomplish many needed reforms of the Law Enforcement Assistance Administration. While in some ways this bill could be strengthened further, I believe it a measure that deserves the support of this House. LEAA is the principal Federal effort to reduce the crime in our Nation's cities and towns. It should be made more effective, so that the States and the local law enforcement and criminal justice agencies that receive LEAA funds can go about the vital business of controlling crime.

Mr. FRENZEL. Mr. Chairman, I rise in support of the law enforcement assistance amendments before us today, and to congratulate the committee and subcommittee on the fine job which they performed. Too often, a program which begins with noble objectives ends up being nothing more than a morass of endless redtape commonly accomplishing nothing. It is important that Congress assume an oversight function and attempt to get these programs on track so as to accomplish the original legislative intent. I believe the committee has a good job of monitoring LEAA.

The intent of the Omnibus Crime Control and Safe Streets Act was not, I believe, exclusively to provide extensive, and sometimes superfluous, armaments to our individual police units. Rather, it was not only the purpose of Congress to upgrade the quality of law enforcement personnel, but also to upgrade the whole criminal justice system in the United States.

It is important that in controlling crime we make improvements throughout the justice system to provide a balanced prevention system. Without proper correction and rehabilitation programs, without proper court and law reform, without proper community relations, any attempt to lessen crime in the United States would be less than fully effective.

In the past, LEAA has been used primarily to improve the quantity and quality of law enforcement personnel and equipment less. Emphasis has been placed on improving our correctional facilities and on developing rehabilitation and judicial programs. In the short space of 5 years, the LEAA budget will have risen from $100 million in 1969 to $1.75 billion in fiscal year 1973. The average percent of expenditures from 1969 through 1971 is 82.3 percent for police purposes, 10 percent for corrections, and 7.7 percent for the judiciary. This is an understandable start for LEAA, but these figures surely do not fulfill the mandate which this Congress intended for the LEAA.

The law enforcement assistance amendments which are offered today make a valiant attempt to make clear the intent of Congress that a substantial proportion of the moneys appropriated under this program go to upgrading the quality of the overall justice system in the United States. The greatly increased authorization will permit, and the committee language will encourage, greater emphasis on rehabilitation and judicial improvements, without a cutback on improvements in law enforcement efforts.

I had originally thought that guidelines should have been included to insure a balanced effort, and am still not unfriendly to that concept. However, the committee's intent is clear, and its plea for the need for flexibility in these locally originated programs is persuasive. I believe that today we are aimed at greater emphasis on prevention, without reduction in efforts to cure.

Also, I hope that these programs will continue to be closely monitored. I again congratulate the fine work of the Committee on the Judiciary and Subcommittee No. 6. I urge passage of this bill.

Mr. JAMES V. STANTON. Mr. Chairman, I am sure it is obvious to all my colleagues here that I have several very strong reservations about H.R. 8152, but nonetheless I am going to vote for this bill. I want to say very frankly that one of the major considerations tipping my vote to the positive side is quite parochial in nature. It happens that my city of Cleveland, Ohio, is one of the eight—I emphasize, only eight—very fortunate cities across the Nation that currently are receiving some $20 million over 3 years from the Law Enforcement Assistance Administration under the agency's so-called special impact program. I cannot ignore that fact, and I certainly want the agency's lease on life to be renewed, so that these much-needed funds are not denied to my city. But I want to add, ironically, that the very fact that Cleveland is receiving this special benefit is one of the reasons for my criticism of the present overall LEAA program.

Mr. Chairman, it has been my argument all along that all the large cities around the country—not merely eight—should have their needs addressed by this program. And they should be assured of adequate assistance automatically, as a matter of right, rather than as the consequence of a process of political selection. I have no doubt whatever that Cleveland was designated for this Federal largess because of political considerations, rather than strictly on the basis of need. I want to be blunt about it. I think the political affiliation of the mayor of Cleveland and the activity of the Congressman from Cleveland—namely, me—were probably decisive factors in Cleveland's receiving this grant. The Honorable Ralph J. Perk, of Cleveland, is one of the few Republican mayors of a large city, and the LEAA is in the control of a Republican administration here. Furthermore, the grant was awarded at a time when I had begun to severely criticize LEAA operations, week after week, and this activity by me was being accorded publicity in newspapers and other media around the country. Of course, I do not really know whether the grant was made to shut me up—that is, to undermine my argument that big cities were not getting their fair share of LEAA funds—or whether the grant would have come anyway because of our Republican mayor, or whatever. But no matter what weight, if any, is assigned to either of these two facts, I want to reiterate that I have no doubt that the decision was political.

I think a review of newspaper and other reports at the time the special impact grants were made will bear out my argument that all the circumstances suggest that, not only Cleveland, but some of the other cities as well, became beneficiaries of a political decision. For example, when my colleague, the gentleman from Ohio, JOHN SEIBERLING, and I sought information about the program at the grassroots level, by writing to mayors and other responsible criminal justice officials in the 56 largest cities, inquiring whether they were benefiting from the program, we were told unofficially in many cases that no formal criticism of the program would be forthcoming because some of the cities were hoping to be selected for special impact funding, and they did not want to prejudice their chances by being entirely frank with us, Members of Congress. In other words, some of them withheld information from this body because of this fear. It is understandable why they did so. As the program is presently operated, I cannot say that I blame them.

This, then, Mr. Chairman, is one of the things I have been trying to correct about the LEAA program. I have been maintaining that the large cities should have positive assurance that they will receive adequate funding, that they should not have to beg for it, and it was with this in mind that I proposed at the hearings of the Judiciary Committee a formula for an automatic passthrough of funds, through which this objective could be accomplished. I regret, of course, that the committee did not see fit to adopt this formula, or some suitable alternative to it, because, in my opinion, unless we write these requirements into the law, many cities will be in doubt, and with good reason.

For instance, Cleveland has no real assurance of adequate funding after the special impact program is concluded. What if we have a Democratic mayor by that time? I suggest, then, that the hand that gave us this money might be the hand that also takes it away. Personally, Mr. Chairman, I would much rather rely on assurances in the law than on the subjective feelings of bureaucrats who might not have Cleveland's interests in mind, and who might be more interested in running a political operation than in seeing to it that all needy parts of the country are adequately served by this program.

Now, there should not be any mystery why I keep referring to the needs of large cities as if they are deserving of special consideration. The fact is I do believe very strongly that they must have special consideration because, Mr. Chairman, they are the ones who have the most serious problem. I should think that a well operated program would seek to put the money where the crime is. Well, then, in the 56 cities of this country that have a population exceeding 250,000 persons, we find 20 percent of the country's population but—and mark this well—52 percent of the violent crime, including nearly two-thirds of the robberies. And in the 153 cities of 100,000 and more, we have 28 percent of the population, but 60.8 percent of the violent crimes, including nearly three-fourths of the robberies. Those are 1972 figures from the FBI.

We are told by the administration that there is good news in the crime statistics—that there is a decrease in the rate of increase, whatever that is supposed to mean to the average citizen, and in some places an actual small percentage decrease. Personally, though, I do not take great comfort in this. I do not think my constituents do, either. Percentages and so forth mean very little to them. How can they feel good about it when, for instance, they are told that crime in Cleveland was down 7.2 percent during the first 9 months of 1972, but yet there was a total of 46,925 felonies committed compared with 9,054 felonies 10 years earlier. How can they feel at ease, whatever the statistical trends show, when sheer numbers show that 3,939 robberies were committed during those 9 months, and 1,468 assaults? Is the Attorney General so comfortable with his statistical trends that he would care to walk the streets of Cleveland at night? I do not think he would. I know I certainly would not, and my constituents know better and they actually stay off the streets. The fact that the streets have become empty has led to all sorts of other problems for Cleveland, and certainly this has not enhanced its image as an attractive place to live or to do business. I know I am not just talking about Cleveland, Mr. Chairman, because the Gallup poll only last January reported that Americans regard crime as—quote—the worst urban problem—unquote. Does that give us confidence in the LEAA program, which has spent $2.5 billion over 5 years?

I would like to make another point, Mr. Chairman. I would have preferred to see this legislation authorize block grants of LEAA funds to the large metropolitan areas because it is the local officials—the mayors, the police chiefs, the judges, the probation officers, and so forth—who are in the front line in the fight against crime. The responsibility basically is theirs, and therefore they should have more autonomy in budgeting LEAA funds and assessing local priorities. Let us not kid ourselves. The State governments have neither the authority nor the expertise in this area. And even if the States did, we should want, because of the kind of democratic government we have in this country, to see to it that the police power is dispersed, that it is exercised locally by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats in Washington or in the State capitals with control over the police, nor do we want to trust them to dispense justice. It seems to me that if we were to give this autonomy to our local officials, and if they then should fail to use the LEAA funds properly, then they would no longer be able to pass the buck on up to the State and Federal Governments, as the habit has been of late. Rather, they would have to answer for their derelictions at the polls.

Now, Mr. Chairman, H.R. 8152 does contain certain improvements over the present program. I hope these amendments to existing law will bear fruit. I think they may, and therefore I am going to vote for this bill, as I have said. But I think continuing oversight of this program is needed and that Congress ought to carry this out. And furthermore, I want to say in conclusion that I could not go along with this bill at all if it contained more than a 2-year authorization. The fact that we are limiting the authority to 2 years gives us an opportunity to keep a watchful eye on the LEAA, and to restructure the agency in 1975—or before—if the administrators show by their performance that they are ignoring the intent of Congress, as it is expressed in H.R. 8152.

Mr. **RAILSBACK**. Mr. Chairman, I urge all Members to join me in giving favorable consideration to H.R. 8152, the law enforcement assistance amendments.

There are many things that I could tell you about the Safe Streets Act of 1968 and how the Law Enforcement Assistance Administration has helped transform criminal justice in Illinois.

As in many other large States with extensive urban region, Illinois has long had its gangsters and racketeers. Organized crime and public corruption have deeply embedded themselves into the underside of our society.

While the vast majority of its citizens are hard-working, law-abiding, decent men and women, hoodlums, and outlaws have made Chicago's name synonymous throughout the world with crime and violence.

Although this unfortunate reputation goes back to the advent of Prohibition, and perhaps earlier, both the city and the State had long been at a disadvantage in their efforts to fight crime in Chicago.

The reasons were manifold, but in summary they are as follows:

First, the past two generations of our history had brought unprecedented mobility and financial resources to those elements of society which habitually live outside the law.

Second, city and State officials had to keep within budgets too restricted to match the ever-growing needs for more effective crime-fighting weapons and techniques.

Third, jurisdictional problems, traditional parochial jealousies, and the lack of an effective statewide coordinating mechanism had made the application of existing anticrime tools less than optimum.

But, Mr. Chairman, the passage of the 1968 Safe Streets Act and the 1970 amendments have altogether altered that situation.

Today Illinois has the money, the techniques, and the coordinated planning facilities to counter corruption and racketeering. We have them because we have LEAA and a Congress and an administration that support the safe streets concept.

I have spoken in generalities. Now I shall be specific.

LEAA has concerned itself with Illinois' problems. To cite one example, LEAA has given the State a total of $500,000 thus far to establish a Special Prosecution Unit in the Illinois Attorney General's office.

The unit is composed of eight attorneys and six investigators. It operates principally in the areas of antitrust violations, official misconduct, revenue law fraud, alcoholic beverage statute violations, liaison, and special Illinois department of law enforcement investigations.

The unit is an active partner in the Federal organized crime strike force operations in Illinois.

Let me mention some specific examples of the special prosecution unit work that the LEAA has made possible:

An investigation into janitorial service industry payoffs that were defrauding the Small Business Administration and involved illicit kickbacks from Chicago State Hospital personnel.

A probe of an Illinois State police officer accused of extorting protection money from illegal Mexican immigrants.

An investigation of ambulance operators charged with bribing Chicago Police

Department and Fire Department officials.

A grand jury hearing into charges that an Oak Lawn park district official had been extorting money from contractors.

A financial records investigation of alcoholic beverage dispensing establishments in Peoria, Tazewell, and Woodford Counties for illegal ties with local political figures.

A series of raids of illegal drinking establishments in Evanston.

A probe of excessive prices that Robbins, Ill., officials allegedly paid suppliers.

The prosecution of police officers charged with stealing from local freight yards in Riverdale.

An investigation into official misconduct in Niles, East St. Louis, Orland Park, Joliet, and Markham, Ill.

An investigation of Cook County election law frauds, which produced information forwarded to the U.S. Department of Justice.

An indictment of a State boiler inspector for receiving bribe payments for writing fraudulent certificates of approval.

An investigation of bartenders' union officials accused of bribery.

Investigations of 72 cases of tax fraud in cooperation with the Federal Bureau of Investigation, the Chicago Police Department, and Illinois law enforcement officials.

A probe of anti-trust law violations by persons accused of conspiring to allocate prices and territories and to forge invoices and receipts in connection with grass-mowing contracts along interstate highways in Illinois.

An investigation of the possible killer of an Illinois bureau of investigation narcotics agent.

This indicates the broad range and significance of the special prosecution unit's work, and Illinois is thankful to LEAA for having made it possible.

As you have heard, the unit conducted a good number of investigations that cut across jurisdictional lines in Illinois. Some of them involved multicounty work or small counties that lacked the resources for doing their own prosecution.

As you can imagine, this assistance has been exceedingly helpful to the Illinois State Attorney General, William Scott, who has said his office would be at a loss without it.

His colleagues in other States feel the same way. In a resolution passed last June, the National Association of Attorneys General reaffirmed its support for the block grant concept and called upon—

> Both the Congress of the United States and the Nation's State and local governments to support LEAA in the interest of greater domestic security and a more efficient campaign to combat disorder and reduce crime.

I urge my colleagues to respond to that resolution. We must insure that Safe Streets Act help continues uninterrupted in the future.

Mr. ROSTENKOWSKI. Mr. Chairman, the most effective means of combatting the high incidence of crime in our Nation is today a subject of grave concern to all Americans. Through the continuation of the Law Enforcement Assistance Administration, $2 billion in Federal spending will be allocated to the State governments during fiscal years 1974 and 1975.

The law enforcement assistance authorization, H.R. 8152, extends the present law and expedites the granting of funds at both the Federal and State levels. This greater flexibility in the administration of the programs allows for a more extensive protection of civil rights and encourages more community participation through open meetings. A functional law enforcement and criminal justice system is particularly essential in this age of violence and soaring rate of crime.

While this bill provides for a more efficient administrative system, it has not expedited the flow of funds to the major cities which are being plagued by the highest crime rates in the Nation. Stressing the wide disbursement of Federal funding rather than the direct channeling of grants to the hardest hit areas of crime, the LEAA has failed to strike the problem at its source. In 1971, Chicago was denied 80 percent of the funds it requested to effectuate crime control. Considering that Chicago comprises 1.66 percent of the Nation's population and has received only .46 percent of all grants awarded, it is evident that the appropriation of Federal funds does not coincide with the proportion needed.

The amendments contained in this bill will result in a vast improvement in the LEAA, which was begun in 1968. In dealing with the problems of crime, however, I feel that a better disbursement of funds is prerequisite to any legislation to promote more efficient law enforcement. The American people are more concerned with combating actual crime in an effective manner, than with developing statistics which merely reflect Government spending where it is not most needed. Thus, Mr. Chairman, I believe that in the years ahead, the LEAA should focus its efforts on reducing crime in the most needy areas rather than developing model programs in areas far removed from the hard-core crime areas of our inner cities.

Mr. RINALDO. Mr. Chairman, I rise in support of the amendment to add the law enforcement officer's bill of rights to the extension of the Law Enforcement Assistance Act.

For many of the same reasons I cosponsored the law enforcement officers' bill of rights, I believe it should be approved. Additionally, I believe approval of this amendment would be a logical step to take if we wish to attract more individuals to the law enforcement profession.

During the 5 years, I spent as a member of the New Jersey State Senate, I consistently sponsored and supported legislation aimed at improving the salaries and working conditions of policemen in my home State. However, I have long recognized that law enforcement officers need more than financial support. They need to know that just as they have the responsibility to protect the rights of private citizens, their professional and civil rights must also be protected.

Briefly, the amendment would require that a system be provided for the investigation and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government, and public agencies.

Additionally, it would provide for the formulation of a law enforcement officers bill of rights which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all local enforcement officers of the State, units of general local governments, and public agencies operating in the State.

Among other things, the bill of rights would prohibit bans on law enforcement officers engaging in political activity. At the same time, it would allow policemen and other law enforcement officials to refuse to participate in political activity if they so choose.

The bill of rights would also specify the rights of law enforcement officers under investigation, such as the time and place of investigation; the nature of the complaint and names of complainants; sworn complaints; interrogations of reasonable duration; a ban on intimidation or threats; recording of interrogations; the officers are to be informed of all legal rights; and the right to representation by counsel or another representative of his choosing during the interrogation.

These are the main features of this bill that I regard as so important to the peace of mind and security of the law enforcement officers of this Nation. This is why I cosponsored this amendment and hope that the House will at some future date reconsider this measure.

Mr. RODINO. Mr. Chairman, the bill, H.R. 8152, amending title I of the Omnibus Crime Control and Safe Streets Act of 1968, which was passed by the House on June 18, represents an important step forward in the fight against crime.

I have previously addressed the House on a wide variety of improvements embodied in H.R. 8152. However, I believe it is important to remark at this time on a particular package of committee amendments to the bill, adopted by the full House.

Those amendments, to part E of the act, read by the Clerk and reported on page 20088 of the June 18 Record, are particularly useful additions to the act. They encompass two elements vitally needed to aid the fight against crime: Narcotics treatment facilities and rehabilitative resources.

The amendments actually represent an important piece of legislation unto itself, conceived of and introduced in the last Congress by my distinguished friend from New York (Mr. Koch) and passed by the House last year. It was again recommended favorably this Congress by Subcommittee No. 4 of the Committee on the Judiciary, ably chaired by Mr. Edwards of California with the valued assistance of the ranking minority member, Mr. Wiggins, also of California.

The success of our fight against drug abuse and the degree of our commitment to upgrade the quality of correctional programs in this country, will in large determine the success of our fight against crime. The Koch amendment, presented as an amendment to the bill by the committee, will be an important tool in that fight.

Mr. HOGAN. Mr. Chairman, I rise in support of the bill H.R. 8152, the law enforcement assistance amendments. This bill preserves the basic structure and fundamental purpose of the Law Enforcement Assistance Administration, leaving the primary responsibility to the States with Federal assistance.

I was a charter member of the Governor's Commission on Law Enforcement and Administration of Justice in Maryland which is a planning agency under LEAA. As a former FBI agent and member of the Judiciary Committee, I have a deep interest in the problem of crime and I believe that LEAA can be an effective tool in an overall program of crime prevention.

I am pleased that the committee did not adopt any of the several amendments which would have substantially changed the current program. The bill we have before us today is the result of careful and thoughtful consideration by both the subcommittee and the committee.

The purpose of this bill is to aid governmental units which have shown that they can best combat crime and to provide incentives for innovating and progressive programs. Congress has concluded that States are in the best position to organize and set priorities and this bill recognizes that fact.

Federal funds, through LEAA, should be a catalyst for change, extra capital to be earmarked for trying new ideas, and for research.

In the 5 years the program has been in operation, the State of Maryland, through the Governor's Commission, has provided nearly $25 million in crime control funds to localities and State agencies throughout Maryland, funds to improve the State's criminal justice system and make communities safer places in which to live.

At a national level, LEAA has promoted standards for reducing crime through the monumental work of the National Advisory Commission on Criminal Justice Standards and Goals. The commission, instead of attempting another major study of crime in America, concentrated its efforts on molding the recommendations and finding of other blue-ribbon commissions into clearly outlined personnel, organization and performance standards for States and local units of government.

Present law precludes that more than one-third of any grant be used to pay the salaries of regular law enforcement and criminal justice personnel. However, consistent with the purposes of the LEAA program, these salary limitations do not apply to personnel engaged in innovation or research or similar activities. Unfortunately, the bill as reported by the committee does not equally well protect the limited purpose of limited Federal funds. The protection is reduced to cover only regular police salaries. Thus, regular personnel engaged in any other aspect of law enforcement and criminal justice may be subsidized without limitations. I feel it would be unwise for the Federal Government to try to fulfill the constitutional obligations of the States in this way.

LEAA has had its problems, but overall I think it has the potential to make a significant contribution in our fight against crime.

Mr. BIAGGI. Mr. Chairman, this amendment is the same as my law enforcement officers' bill of rights legislation which I first introduced in the 91st Congress. My bill had over 130 cosponsors in the 92d Congress and now has over 100 cosponsors again in this Congress.

There is strong support for this measure among people of all walks as well as among law enforcement officers.

In fact, a petition drive sponsored by the International Conference of Police Associations in 1971 brought in signatures from thousands of police officers from States in every part of the Nation.

What are these men asking for?

Simply, the same civil rights guaranteed every other American, constitutional rights during the performance of official duties. Such an official forum for the airing of civil rights complaints will, among other things, give every law enforcement officer a genuine feeling of participation in the American constitutional and democratic system of grievance adjudication. As a result, in these confrontation situations, a police officer will see no need for immediate, on-the-spot retaliation to fill the gap in the judicial system as it applies to his actions.

His attitude, his behavior, and indeed, his overall performance will improve, and, as a result, the society he serves will benefit.

Withhold personal financial information unless such is requested through proper legal procedures; and be properly and promptly notified of the nature of a complaint and of the complainant in any disciplinary action taken against him.

Mr. Chairman, a separate title in my bill calls for the establishment of a Law Enforcement Officers' Grievance Commission in each State. These Commissions will enable law enforcement officers to present their legitimate, civil rights-related grievances to a panel of representatives of the public, the police, and the government in a nonadversary situation.

Grievances entertained by the Commissions would only be those directly related to questions of the denial of but denied them because of their position in a law enforcement unit.

My bill would require States to establish a bill of rights for police officers in order to qualify for Federal LEAA funds.

The bill of rights would grant every law enforcement officer the right to engage in political activity on off-duty hours; have counsel present and be assured of a reasonable and just procedure when being interrogated by superiors or others; have representation on complaint review boards where they exist; be able to bring civil suit for damages arising out of their official duties.

If we are going to spend $1 billion in each of the next 2 fiscal years to improve law enforcement, we should be assured that the men and the women enforcing the law have the outlook and the high morale that comes from knowing they are equals in the eyes of justice.

We can be certain of this if we take bold and positive steps to achieve a proper system of civil rights guarantees in every State of the Union. My amendment will do just that. I urge my colleagues to vote for its passage. I don't think they can afford not to.

Mr. PEYSER. Mr. Chairman, will the gentleman yield at this point?

Mr. BIAGGI. Yes, I am glad to yield to my distinguished colleague, the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I just want to state at this point that the gentleman has touched at really what is the heart of the bill, that every police officer is basically entitled to the same constitutional rights as everyone else, and I would simply like to join with the gentleman in the well in this in reaffirming that fact, and I trust this amendment offered by the gentleman from New York (Mr. BIAGGI) will be enacted.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman.

I would like to make this observation: Federal Judge Mirage of Virginia, as a result of some outbreak in a prison, established a bill of rights for prisoners, and he has established for the prisoners the very same things I am requesting for policemen.

Mr. PODELL. Mr. Chairman, as a cosponsor of the Law Enforcement Officers' Bill of Rights, I rise in support of its adoption as an amendment to the LEAA authorization bill.

Many people feel frustrated by judicial decisions which, it is claimed, seem to favor the rights of accused criminals over the rights of policemen and the public. While I think that much of this criticism is unjustified, I do believe that it is time to give special attention to the constitutional rights of our law enforcement officers.

One of the major areas of controversy concerns complaint review boards. No one questions the necessity for civilian checks on the police, but it would seem logical that policemen should be judged by those most familiar with police practices—their fellow officers. This amendment provides that when review boards consisting of civilians are established, an appropriate number of police representatives shall be included on the board. The membership of both civilians and policemen on these review boards will better insure a fair determination of each case, and will also facilitate better understanding between the public and the police.

Another major feature of this amendment is the requirement that the rights of an officer under investigation shall be spelled out. These specifications shall include the nature of the complaint and the names of the complainants; that there shall be no intimidation or threats; that the interrogations shall be recorded; that the officer be advised of his rights; and that he may be represented by counsel of his own choosing during the interrogation. Undoubtedly, many local police departments already have adopted these safeguards for the rights of officers under investigation. But these rights, no less than the Miranda rules for accused criminals, deserve nationwide application.

The amendment also provides that officers shall not be prohibited from engaging in, or refusing to engage in, political activity while off duty. The freedom to engage in political activities is one of our most fundamental rights as Americans. Last year, a U.S. District Court ruled that the Hatch Act, which restricted the political rights of civil servants, was unconstitutional. The Supreme Court will pass judgment on that case within the next few weeks, and I am hopeful that the District Court's decision will be affirmed. The amendment before us would extend these basic rights to law enforcement officers.

There is no reason why the exercise of these rights should in any way interfere with their impartial administration of the law. Those who provide first-class police protection should enjoy all the rights of first-class citizens. That is what this bill of rights provides, and that is what America's policemen deserve. I respectfully urge my colleagues to adopt this vital amendment and wish to congratulate the gentleman from New York (Mr. BIAGGI) for his relentless and tireless effort in this vital area.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I would like to associate myself with the gentleman in the well, the gentleman from New York (Mr. BIAGGI). I rise in support of the amendment.

Mr. Chairman, I rise in support of the Biaggi amendment to provide a system of redress of law enforcement officers' grievances and to establish a law enforcement officer's bill of rights in every State of the Union.

As an original cosponsor of legislation embodying a law enforcement officers' bill of rights, I believe it is imperative that we insure every police officer in this country the civil rights guaranteed to him under our Constitution. These are the same rights and privileges afforded to every American citizen, and they should not be denied to those engaged in law enforcement activities. It deeply disturbs me that in certain areas of the Nation, law enforcement officers, if arrested and charged with a crime, are denied their citizen's right to immediate legal counsel and may be detained in jail for a period of time. It is also disturbing, and I believe unfair, that police officers are presently prohibited from participating in any political activity, a right of all other citizens.

It is obvious that many policemen feel they have become second-class citizens by the very fact that they are denied these rights and privileges. The discrimination which they rightly feel, and the ensuing low state of morale, should be a matter of serious concern to all of us. I believe that the very least we can do for our law enforcement officers is to assure them, in the most certain terms, that they are entitled to the same rights and considerations as the rest of society.

Last year, Congressman BIAGGI's Policeman's Bill of Rights, now embodied in this amendment, received the bipartisan support of more than 125 Members of the House and the endorsement of a host of law enforcement organizations. The nature and extent of this support indicates a general and growing feeling that it is high time that the rights of our law enforcement officers be recognized and that the injustices which they have experienced be eliminated. I urge the adoption of the Biaggi amendment.

Mr. MONTGOMERY. Will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Biaggi amendment which in effect is the bill of rights for police officers across the country.

This amendment would set up new standards for law enforcement officers on both the national and State level.

In the last few years rulings by the Supreme Court protect the criminal instead of the general public and the policeman himself.

Its high time we give our policemen more rights in the performance of their duties.

I support this amendment offered by the gentleman from New York who himself before coming to the Congress was an outstanding police officer with the New York Police Department.

Mr. COLLIER. Will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman.

Mr. COLLIER. Mr. Chairman, I rise in support of the amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. GILMAN. Mr. Chairman, in considering H.R. 8152, the Law Enforcement Assistance Act, providing Federal aid to communities for purposes of securing law and order, it is necessary that we also consider those officials who carry out the provisions of our laws.

It is regrettable that we have to, yet advisable that we do provide our law enforcement officials with a re-statement of their basic rights. I am referring to the law enforcement officers' "bill of rights," which I am cosponsoring with my colleague from New York, Congressman BIAGGI. While these basic rights should not have to be mandated by an act of Congress, the recent abuses endured by many law enforcement officials indicate that such a reinforcement is both necessary and timely.

Many provisions of the law enforcement "bill of rights" are mundane. Surely, Congress should not need to declare, by statute, that any investigation of an officer which might lead to "disciplinary action, demotion, dismissal, or criminal charges" should take place at a reasonable hour; that a law enforcement officer should be informed of the nature of the investigation, that a complaint against a law officer should be authorized; that the law officer should have the right to counsel. Such basic provisions do not constitute any unreasonable demand or any privileged consideration. Each provides a basic right.

In considering the need for this legislation, one need not search far for indications warranting support of this measure. The temper of our times yields occasional violent opposition to law enforcement, with abuse often directed toward our dedicated law enforcement officials.

Mr. Chairman, while we recognize that there may be, on occasion, some individuals wearing a badge who exceed their authority, we also recognize that the vast multitude of our police officers are honest, courageous men seeking the proper and lawful fulfillment of their responsibilities.

In support of the work of our law officers, let us discourage those who thwart the sincere efforts of providing law and order in our cities, towns, and villages and let us support this amendment providing our police with a "bill of rights."

Mr. RONCALLO of New York. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am happy to yield to the gentleman.

Mr. RONCALLO of New York. Mr. Chairman, I rise in support of the amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. LENT. Mr. Chairman, I rise in support of the Biaggi amendment. In recent years, this Nation has seen the extension of basic civil rights to every segment of the population. In addition, we have attempted to make a case for the extension of basic human rights to persecuted groups around the world. While all of these causes are more than justified, I fear that we have neglected to pass on these same rights to one group of citizens—our law enforcement officers.

While the policeman is required to enforce the law and protect the rights of others, he is consistently denied the protection of those same rights. Thus the policeman is considered a second-class citizen when it comes to constitutional rights.

The amendment introduced by my colleague (Mr. BIAGGI) would act to rectify this situation by amending the Omnibus Crime and Safe Streets Act of 1968 by establishing a nine-point bill of rights that would provide law enforcement officers, including officers of public agencies, with statutory protection for certain rights enjoyed by other citizens, including the right of police officers to engage in political activity while off duty and out of uniform; the right to have other law enforcement officers as members on complaint review boards; and the right to bring civil suit against anyone for damages suffered, or for abridgement of their civil rights arising out of the officer's performance of official duties.

Mr. Chairman, we demand a great deal from our law enforcement officers, and rightly so. Theirs is an important public trust. However, I feel that we cannot in good conscience withhold from those individuals rights which the average citizen takes for granted. I urge the adoption of this amendment.

Mr. CONYERS. Will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding.

Will you please explain to me what prisoners' rights are included with the regular policemen? You said your bill contains rights for the policemen that are the same as those granted by Federal judges for prisoners. Is that right?

Mr. BIAGGI. Right.

Mr. CONYERS. What are those rights?

Mr. BIAGGI. Let us talk in terms of some of the rights of prisoners. If there are any charges against them, they have a right to confront their accuser and they have a right to be represented by counsel. Policemen do not have that right.

Mr. CONYERS. You mean without your bill police officers do not have that right in the courts of law in the United States?

Mr. BIAGGI. We are talking about administrative hearings here. That is what we are talking about. And in prisons we are talking about institutional hearings.

Mr. CONYERS. I thank the gentleman.

Mr. BIAGGI. Let me respond a little further.

We have many instances and not simply one, and it is one of the reasons why I introduced this amendment and included some of these provisions in it. We have actions taken by police superiors who will break into a police officer's house at 2 or 3 o'clock in the morning and remove him and take him away. I know you are smiling because it has been done to civilians, but there is no justification for that, either, by the way. They will hold them incommunicado, and no one knows where he is, without charges being preferred. It has happened many times.

Mr. CONYERS. Has the gentleman brought this amendment before the subcommittee of the Committee on the Judiciary that was handling or considering the LEAA legislation?

Mr. BIAGGI. I would like to respond to the gentleman and say that this bill has been introduced in three successive Congresses. It has been in the Judiciary Committee in each of these sessions, and I sought a hearing, but until recently I was not afforded any.

Mr. RODINO. Will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman.

Mr. RODINO. Is it not a fact that the gentleman was assured that there would be hearings and he was also reminded of the fact that the Department of Justice issued a report which was requested of them and they violently and vigorously opposed the thrust of the gentleman's bill?

The gentleman was assured, because of the very comprehensive and complicated nature of the bill of rights that he proposed, which we are all sympathetic with, that he would be given a full hearing, and as such the gentleman did not come before the committee which was holding the hearings on this particular LEAA bill.

Mr. BIAGGI. Let me respond to that question. As I said before——

Mr. RODINO. Is that not a fact?

Mr. BIAGGI. I will respond to each one of the points.

I introduced this bill in three successive Congresses and received sympathetic responses. I asked for a hearing last year and did not get any assurance of a hearing until I indicated I was going to offer it as an amendment to the present LEAA bill.

Let me talk in terms concerning the Department of Justice.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I would prefer that the gentleman from New Jersey would permit me to finish my statement.

Talking in terms of the Department of Justice, and what they say, here is what they say:

> Although the Department of Justice believes that State and local law enforcement officers should be afforded many of the rights contemplated—we believe that this bill would be an undesirable intrusion into the activities of State and local units of government, which should be responsible for assuring the rights of their law enforcement officers.

I agree, but they have not been responsible. Those local governments can *establish their own prerogatives by either applying for the funds or not applying for the funds. Let them qualify.*

Let me continue a little further, and read what they say. They say—and this is the Department of Justice—

> We believe that there is a need for minimum standards with respect to police grievances and the investigation of police conduct. In fact, the specific subject of rights of police officers——

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RODINO. Mr. Chairman, we have no further requests for time.

Mr. HUTCHINSON. We have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and a Deputy Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. The Deputy Administrator shall perform such functions as the Administrator shall delegate to him, and shall perform the functions of the Administrator in the absence or incapacity of the Administrator.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units (including any Criminal Justice Coordinating Council) within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizen, professional, and community organizations.

"(b) The State's planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part. The non-Federal funding of such expenses shall be of money appropriated in the aggregate by the State or units of general local government, except that the State will provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places.

"(2) The recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training, and education of community service officers to serve with and assist local and State law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(c) The portion of any Federal grant made under this section for the purposes, of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

"SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"SEC. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including description of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law of enforcement and criminal justice, plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the

State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(10) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(11) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title; and

"(12) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice.

Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State of units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"SEC. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"SEC. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to develop and support programs for the training of law enforcement and criminal justice personnel.

"(b) The Institute is authorized—

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided, under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, corrections, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service; and

"(7) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national clearinghouse for information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), shall describe and in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"Sec. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"Sec. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement and criminal justice personnel; and

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"Sec. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

"(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

"Sec. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding $200 per academic quarter or $300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the plannig of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for grants not exceeding $50 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"Sec. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"Part E—Grants for Correctional Institutions and Facilities

"Sec. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"Sec. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"Sec. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and post adjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraph (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"Sec. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"Sec. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"Part F—Administrative Provisions

"Sec. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"Sec. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"Sec. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"Sec. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"Sec. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"'(55) Administrator of Law Enforcement Assistance.'

"Sec. 506. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

"'(90) Associate Administrator of Law Enforcement Assistance.'

"Sec. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"Sec. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

"Sec. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title;

the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"Sec. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"Sec. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1251 of title 28, United States Code.

"Sec. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"Sec. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"Sec. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"Sec. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and

"(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement and criminal justice.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

"Sec. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"Sec. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"Sec. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b)(1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b)(1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within sixty days after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized—

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United Staes district court for such relief as may be appropriate, including injunctive relief.

"Sec. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"Sec. 520. There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $1,000,000,000 for the fiscal year ending June 30, 1974, and $1,000,000,000 for each succeeding fiscal year through the fiscal year ending June 3, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities,'.

"Sec. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units of general local government.

"Sec. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title—

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information.

Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judical or administrative proceedings.

"(b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

"Part G—Definitions

"Sec. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purposes of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 501(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

"PART H—CRIMINAL PENALTIES

"Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"Sec. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"Sec. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"Sec. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act of 1968, the Gun Control Act of 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance).".

Sec. 2. (a) Section 5315 of title 5, United States Code, is amended by striking out the following:

"(90) Associate Administrator of Law Enforcement Assistance (2).".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Deputy Administrator of the Law Enforcement Assistance Administration.".

Sec. 3. The amendments made by this Act shall take effect on and after July 1, 1973.

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Chairman, the entire bill being open to amendment at any point, I ask unanimous consent that those committee amendments printed in the bill and numbered 18 through 33 on page 3 of the committee report be considered en bloc. Those amendments are purely technical in nature.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments numbered 18 through 33:

Page 8, line 23, insert "and criminal justice" immediately after "law enforcement".

Page 13, line 14, strike out "of".

Page 23, line 6, insert a comma immediately after "conducting".

Page 24, line 18, insert "and" immediately before "shall describe".

Page 39, line 20, strike out "1251" and insert in lieu thereof "1254".

Page 44, line 2, strike out "unit" and insert in lieu thereof "units".

Page 50, line 12, strike out ", the" and insert in lieu thereof a semicolon.

Page 50, line 13, strike out "and" immediately before "custodial treatment" and insert in lieu thereof a semicolon.

Page 50, line 17, strike out "obtain" and insert in lieu thereof "obtains".

Page 51, line 10, insert "and criminal justice" immediately after "law enforcement".

Page 49, line 12, strike out "501(a)" and insert in lieu thereof "1201(a)".

Page 49, line 13, strike out "79 Stat. 1269;".

Page 2, line 15, insert a semicolon immediately before "(2)".

Page 2, line 17, insert a semicolon immediately before "and (3)".

Page 52, line 17, strike out "(131)" and insert in lieu thereof "(133)", and strike out "the".

Page 52, line 18, strike out "Administration".

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, beginning on line 6 and ending on line 7, strike out "(including any Criminal Justice Coordinating Council)".

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-four Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 234]

Adams
Alexander
Ashbrook
Badillo
Blackburn
Brasco
Burke, Calif.
Carter
Chisholm
Cochran
Culver
Danielson
Davis, S.C.
Diggs
Dingell
Edwards, Ala.
Evins, Tenn.
Fisher
Fraser
Frelinghuysen
Fulton
Gray
Hansen, Wash.
Harsha
Hawkins
Hébert
Landgrebe
Litton
Long, Md.
Mailliard
Mathias, Calif.
Melcher
Minshall, Ohio
Moorhead, Pa.
Mosher
Moss
Nix
Owens
Patman
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Ruppe
Sandman
Schroeder
Stuckey
Teague, Tex.
Thompson, N.J.
Van Deerlin
Wiggins
Wilson, Bob

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8152, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 378 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

COMMITTEE AMENDMENTS

The CHAIRMAN. When the Committee rose, the bill was open to amendment at any point and the Clerk had reported the first committee amendment. The Clerk will rereport the first committee amendment.

The Clerk reread the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, lines 10 through 18, strike out section 204 and insert in lieu thereof the following:

"Sec. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, line 2, after "title;" strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, line 8, strike out the period, insert a semi-colon and the word "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, after line 8, insert the following:

"(13) provide for procedures that will ensure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than 60 days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within 60 days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 2, strike out "$1,800" and insert in lieu thereof "$2,200".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 24, strike out "$200", and insert in lieu thereof "$250".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 24, strike out "$300" and insert in lieu thereof "$400".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 29, line 21, strike out "$50" and insert in lieu thereof "$65".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, line 23, strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, immediately after line 23, insert the following new paragraph:

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abuses; and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 33, line 5, strike out "(9)" and insert in lieu thereof "(10)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 33, immediately after line 11, insert the following new paragraph:

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 39, line 24, strike out "four succeeding fiscal years" and insert in lieu thereof "fiscal year ending June 30, 1975".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 44, line 8, strike out "each succeeding fiscal year through the fiscal year ending June 30, 1978" and insert in lieu thereof "the fiscal year ending June 30, 1975".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 46, line 1, strike out:

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information."

And insert in lieu thereof the following: shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title."

The committee amendment was agreed to.

COMMITTEE AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I have an amendment. It is a committee amendment correctly listed in the report, but omitted from the Union Calendar bill as printed. The amendment is at the desk.

The CHAIRMAN. The Clerk will report the committee amendment offered by the gentleman from New Jersey (Mr. RODINO).

The Clerk read as follows:

Committee amendment offered by Mr. RODINO: Page 11, immediately after line 3, insert the following:

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.".

AMENDMENT OFFERED BY MR. DENNIS TO THE COMMITTEE AMENDMENT OFFERED BY MR. RODINO

Mr. DENNIS. Mr. Chairman, I offer an amendment to the committee amendment offered by Mr. RODINO.

The Clerk read as follows:

Amendment offered by Mr. DENNIS to the committee amendment offered by Mr. RODINO: After "compensation of police" add the following: "And other regular law enforcement and criminal justice personnel."

Mr. DENNIS. Mr. Chairman, the committee amendment which has been offered by my distinguished chairman, the gentleman from New Jersey, provides in essence that not more than one-third of the criminal justice law enforcement grants provided in this measure can be used for the payment of salaries of local police, although that amendment does not apply to officers who might be engaged in research, development, training, or various temporary and innovative measures of that kind. My amendment simply adds to the amendment and adds to those who are covered by the restriction the words "and other regular law enforcement and criminal justice personnel."

The effect of this is that not more than one-third of the grants can be used for these salaries of police. The exemption for those engaged in special work still applies just the same as in the committee amendment.

The reason for this limitation goes back to the original bill and the amendment I propose is essentially merely putting the law where it is today.

It was thought when the LEAA bill was first adopted that what we were trying to do was to encourage new departures and innovative experiments in criminal justice and law enforcement and trying to get the States and communities to do things they were not now doing. For that reason it was recognized from the beginning, and it was placed in the law from the beginning, that only a limited amount of Federal grants could be used to pay ordinary salaries, that is, the things the States and the cities were already taking care of. We wanted to make this a bill to improve criminal justice law enforcement; we did not want to make it a bill just for revenue sharing or the paying of local salaries. We knew if we did and left it wide open, one city would try to do the job and use the money for innovative purposes and another would yield to the temptation to pay salaries, which would put the pressure on the first city, which would then have to abandon its programs, and so on. In other words, the money would all go into regular pay, which is not what the Congress wanted to do.

So the limitation was put in that not more than one-third of the grant should be used for salaries. That included all law enforcement salaries, and it does include them all in the present law.

The committee amendment adopted in the committee—it is hard to see why—confines that limitation to policemen only. The effect of that is that there is no limitation on other personnel. You can use all of this Federal money when it comes to paying the salary of a prosecuting attorney or a criminal court judge or a probation officer or a parole agent or a public defender. There is no limitation on there, except for policemen, unless you adopt my amendment to this committee amendment.

I fail to see the reason for that, and I think if we do not adopt this amendment, we go far toward destroying the whole original purpose of this bill, which was to restrict the use of this money for salaries.

Remember today under Supreme Court decisions you must appoint a public defender, for example, in every criminal case, felony, or misdemeanor. I believe in that, but if you are going to use this Federal money for that purpose without restriction, you are going to spend most of the grants paying attorneys fees for lawyers, which is not what this bill is designed to do.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to my friend, the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. DENNIS was allowed to proceed for two additional minutes.)

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that, insofar as the public defenders in the Federal courts are concerned, they are taken care of by a separate appropriation in the Justice Department appropriation bill?

Mr. DENNIS. That is correct. What we are talking about here is grants to the States for State prosecuting attorneys, and defenders.

Mr. McCLORY. If the gentleman will yield further, is it not true that originally we provided a blanket prohibition against the payment of police salaries in the omnibus crime bill, and this amendment which authorizes the payment of not to exceed one-third of the salaries was by way of amendment to assist the local communities?

Mr. DENNIS. That is right. We have liberalized it from the original law. Now we only have a limitation of one-third. And why that should not apply to all local salaries is more than I can see, unless we want to change the whole bill into a local salary bill for criminal justice personnel, which I do not think is what we are trying to do.

Mr. McCLORY. Then with regard to the public defenders' salaries of State courts or local courts, those should and are presently being taken care of by State and local appropriations?

Mr. DENNIS. That is correct; the States basically still enforce criminal law, that is what we say in this bill, and that we are trying to help them experiment and improve the administration of criminal justice; but we are not trying to pass a local salary bill for all criminal justice personnel. And this one-third limitation should apply to all of them, and not just police personnel. I do not know why we should discriminate against the policeman.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(On request of Mr. McCLORY, and by unanimous consent, Mr. DENNIS was allowed to proceed for 2 additional minutes.)

Mr. McCLORY. Will the gentleman yield further?

Mr. DENNIS. I yield further to the gentleman from Illinois.

Mr. McCLORY. With regard to innovative programs or other kinds of things that are undertaken by local units of government with regard to the law enforcement or criminal operations, or whatever the aspect of the fight against crime might be, the amendment does not bar any payment of salaries with regard to programs of that kind, does it?

Mr. DENNIS. It does not, and both my version and the committee version specifically provide. The only difference is that in the committee version you can only use up to one-third of the Federal grant for police salaries, but you can use all of it for any other law-enforcement salaries. My amendment would say you could only use up to one-third of the Federal grant for all law enforcement and criminal justice salaries. That is the whole thrust of the amendment. It is consistent with the purposes of the bill. I hope the amendment will be adopted by the committee.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. DENNIS).

Mr. Chairman, I am in complete and wholehearted agreement with the expressed need to assure that the moneys made available under this Program are not used to supplant local funds and local responsibilities. The restriction on the use of LEAA funds to compensate police is crucial and is absolutely retained by the Committee amendment. The additional views submitted in the report by the distinguished minority members of the committee very correctly point out that these Federal funds must represent extra capital earmarked for initiating new ideas, and are too scarce to be absorbed in merely perpetuating a failing system. Those views also correctly point out that Federal resources under the act are too scarce and certainly insufficient to pay the bills of city police departments. The committee amendment, recognizing that very point, has, therefore, retained verbatim the current limitations on compensation of police.

But the greatest purpose we have in extending this program, the most persistent objective of this legislation, is the upgrading of the entire criminal justice system. We must assist the States and localities in achieving the priorities they themselves set in the course of their comprehensive planning. Some of their greatest needs, they tell us, in upgrading the system, are personnel needs—to make more productive court administration, for example, so as to speed the dispensation of justice; to make more constructive correctional programs so as to allow true rehabilitation for the protection of society; to reduce court backlog by providing expanded prosecutorial and defender resources. Court administrators, prosecutors and defenders have all told the committee that they have real needs in this area. Wardens are on record to the same effect.

Mr. Chairman, the committee amendment would address these needs while at the same time retaining the existing limitations on compensation of police, and, most important, containing a built-in check against abuse. All use of these funds must be approved by LEAA as they relate to State plans and by States as they relate to localities. No program can be approved if it is inconsistent with the act, and no program can be consistent with the act if personnel are compensated so as to violate the very important premise that these moneys must be nonsupplantive of local funds and responsibilities. That premise is written into the act, and remains a part of section 303(c). We are in no danger of jeopardizing the premise of this program.

Finally, Mr. Chairman, there has been some discussion that the Argersinger decision makes the committee amendment all the more uncertain. Language to that effect was contained in additional views submitted by the distinguished minority. I believe it is wholly faulty reasoning. By letter of June 13, the American Bar Association agrees. The ABA feels that whatever additional Federal funds are appropriately available would be great assets in the fight against crime. Section 301(d) is not subject to abuse, it is, on the contrary, a potentially valid tool in the fight against crime.

Mr. DENNIS. Will my distinguished chairman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. If we are going to accept the principle that there should be a limitation here at all, why should we apply it to policemen only and not to these other personnel? Does not the same principle apply equally to all of them, as long as we are talking, as we are, about regular salaries for regular duty?

Mr. RODINO. I would merely explain to the gentleman that while police are encompassed within the definition, the other individuals, to whom I have alluded—those who are the court administrators, the prosecutors, the defenders, people who come outside of the police spectrum, those who come within the other spectrum of criminal justice—are not included within that one-third restriction. The committee had abundant testimony that these other personnel have real needs and are thus not included.

Mr. DENNIS. They are not, but what I am asking my chairman is: Why should they not be, if we accept the principle that there ought to be a limitation. What is the difference? Why do we want to pay all our money out for lawyers—which I think is a very beneficial idea in general—and not to policemen?

Mr. SEIBERLING. Mr. Chairman, would the chairman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I just had a conversation this weekend with a judge who is in charge of the juvenile court in my county. He was pointing out to me that he was looking forward to this law being passed because he could not get the kind of personnel that he needed out of local funds to do certain exploratory and innovative work in working with juveniles in his county. We do not need to have a lot of innovative salaried people among the police, strictly speaking, but we do need innovation in the administration of courts, and for example, and that is exactly what this law permits us to do—to have funds more flexibly available for administrative purposes.

Mr. DENNIS. Mr. Chairman, would the gentleman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. I should like to point out to my friend, the gentleman from Ohio, that both under the amendment of the chairman and under my amendment this limitation does not apply to the type of case the gentleman is talking about.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment. I just want to remind the committee again that the present law, the law that has been in effect since the beginning of LEAA 5 years ago, says that not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law-enforcement personnel.

The purpose of that limitation was, as the gentleman from Indiana (Mr. DENNIS) has forcefully pointed out, that there was a concern in the Congress that unless some kind of limitation were written in, we could in many States, and certainly in many localities, find that practically all, if not all, of the funds made available through the LEAA would end up in simply paying additional compensation and increased salaries to all kinds of law-enforcement personnel.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I join with the concern expressed by my friend, the gentleman from Michigan. I recall very well the debate on the floor when we first dealt with the LEAA. There were many of us in the House who thought that having any money going for salaries would divert the purpose of the bill which would provide for the first time imaginative and innovative projects for law enforcement. I think our concern is justified because it looks as if this could be exactly the kind of loophole that could be used to divert from other worthwhile purposes money to be used for salaries, and then we will have a tremendous increase, such as we have already seen, in the LEAA expenses.

Mr. HUTCHINSON. I thank the gentleman from Illinois.

I would like to remind the committee that when we were debating this matter initially 5 years ago it was pointed out if Federal funds are used in some localities to increase salaries of their personnel, other competing jurisdictions will be pressured into doing the same thing, thereby aggravating the need to divert LEAA funds from their proper purpose, that is to seek out new ways and improved methods of law enforcement. So many of these funds will be diverted simply to the payment of salaries, and that will force communities to be competing with each other for the very best regular police and other law enforcement personnel.

The purpose of this limitation to my mind is so obvious that it is hard for me to understand why there should be controversy over it. I feel this is an extremely important feature of the law, that if we wipe out this limitation or, as the committee has done, restrict it simply to the application of regular police salaries and let all the rest of the law enforcement and criminal justice system be financed in whole or in part by Federal funds, the laudable purpose and goal of LEAA will have been destroyed.

Mr. Chairman, I ask that the amendment offered by the gentleman from Indiana (Mr. DENNIS) be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS) to the committee amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment to the committee amendment offered by Mr. RODINO was agreed to.

The committee amendment offered by Mr. RODINO, as amended, was agreed to.

AMENDMENT OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KEATING: On page 4, line 11, strike out the word "shall" and insert in lieu thereof the word "may".

Mr. KEATING. Mr. Chairman, the amendment is a very small one which I am proposing at this time. However I would like to read the section to which it applies:

> The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement *and criminal justice* agencies, units of general local government, and public agencies maintaining programs to reduce and control crime *and shall include representatives of citizen, professional, and community organizations.*

Mr. Chairman, we are talking about the composition of the State Planning Agency and any regional planning units within the State, and the part I want to change reads as follows:

> And shall include representatives of citizen, professional, and community organizations.

Instead of making it mandatory to include representatives of citizen, professional, and community organizations, I propose to change the word "shall" to "may". This section was not in the law previously. If it is to be a part of the law, I want to make it a permissive, so that State planning agencies and regional planning units can be flexible and have the proper proportion of people with more accountability.

The bill reported by the committee states that the planning agencies and regional planning units shall have representatives from citizen, professional, and community organizations. This amendment, I repeat, changes the word from "shall" to "may".

The terms used in the bill, "citizen, professional, and community organizations" are vague at best. To make inclusion on State planning boards and regional planning units mandatory would open the door for lots of complaints regarding the composition of each board. The resulting litigation would slow the flow of funds to State and local governments for law enforcement activities.

It was for this reason the House-Senate conference report excluded this language in the conference report of the LEAA bill in 1970.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I want to commend the gentleman for offering this amendment. I think that to leave this language in, in a mandatory form which the bill does now, is very mischievous. At the same time, the gentleman's amendment leaves the flexibility in the law so that if a governor wants to appoint responsible individuals from private citizen, professional or community organizations, he may do so. However, if we make this as a mandatory requirement, it could enable these groups to sue for membership and make a lot of trouble trying to get on the board of a State planning agency.

Mr. Chairman, I commend the gentleman for offering this amendment.

Mr. KEATING. The intent of the law was not to make the language exclusionary by stating that law enforcement and local government officials shall serve on boards with interested private citizen participation. By adopting my amendment, we will make clear that the language is not exclusionary and these other groups may serve on the State planning board.

While private citizens do have a role to play, they do not have the accountability, and accountability is something we have heard an awful lot about lately. They do not have the accountability of elected officials. By adding the line that these other nonofficial groups be on the boards were diluting the role of officers who were elected by the people and had the responsibility to operate the program.

This amendment was offered in the full

committee on the judiciary and failed on a vote of 18 to 18.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, let me ask the gentleman this: Would he not agree, though, that in some parts of this bill it is desirable and really should be mandatory that private citizens participate? I am thinking particularly of the section which deals with building correctional institutions and the sites for those institutions.

Does not the gentleman think that people affected by where this institution is going to be should have a voice as to where the institution should be located?

Mr. KEATING. The local people always have an opportunity to express themselves to their elected officials.

It is my opinion that the elected officials are the accountable officials to the electorate, and they should be making the decisions.

Here, we are granting permission to include those people if they so desire. But I do not wish to mandate it.

Mr. KAZEN. But the gentleman is correct, generally speaking, that the local officials are responsible, but——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. KEATING was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, we have had this out in my district where the county commissioner unit, which is composed of four commissioners and a county judge, the vote was 4 to 1. The commissioner representing the area in which the correctional institution was going to be built did not want it and he was representing the people who did not want it there, but neither did the others, so they ganged up on him and had a vote of 4 to 1 to put it in his district simply because under the bill Federal funds cannot be used for purchase of land and this was the only piece of land the county had, and they were not about to go out and purchase anything else.

They wanted to make use of the land they already had, but it just so happened to be in a neighborhood where the people did not want this, and they had absolutely nothing to say about it.

Mr. KEATING. I think that is why we elect our officials, so they can make the judgments. They are accountable to the people. These are simple zoning problems. We are constantly going to have those, whether it is for housing developments or what have you.

Mr. KAZEN. Does not the gentleman agree that if we want citizen participation at the planning stage, we would not run into these problems, because every single Member of the body is going to have to face this situation.

Mr. KEATING. I suggest that we will never get anything done if we do not do that. If we make it mandatory and mandate this kind of conduct, we are never going to get the job done. We need that flexibility. The statute must be permissive.

This is the reason why it was not written into the 1970 bill.

Mr. KAZEN. I submit that the more local participation there is on the planning end of it the better off we will be.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me that the two keys to an effective LEAA program are planning and citizen involvement. Without intelligent and comprehensive planning, there can be no assurance that the scarce resources available under this act will be wisely spent, or will address a coordinated, balanced system of criminal justice. But, more important, without citizen and community participation in the planning process, the most vital need of all will be neglected: the need to involve all our people on a personal level in the fight against crime.

Every citizen and every community has a vital stake in the problems of crime and criminal justice. Yet, the one point emphatically made over and over again by witnesses appearing before the subcommittee was that State planning agencies are unrepresentative of anyone beyond governmental or criminal justice professionals. The contributions made to planning agencies by police, court administrators, wardens, sheriffs, judges, city and county administrators are of course important and necessary, but no process can legitimately set State priorities for dealing with the most pressing domestic issue—crime—without meaningful input from the citizens and communities affected.

The new provision in this bill does not "tie the hands" of any Governor appointing planning agency members—it most assuredly does not provide that every citizen and every community organization who wishes membership is automatically entitled as a matter of right to appointment by the Governor. Rather it only assures that among those appointed to the State planning agency by the Governor must be some representatives of these organizations. It is not a complicated provision, it does not invite interminable litigation and it does not give every American an inalienable right to appointment to a State planning agency. It does, however, assure for the first time that those closest to, and most affected by, the problems of crime will have some voice in establishing priorities for the use of their tax dollars in attacking these problems.

I oppose the Keating amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Michigan.

Mr. CONYERS. During the subcommittee hearings did not all the Governors and their representatives and regional heads testify in favor of this kind of provision?

Mr. RODINO. That is absolutely so. Witness after witness testified to the need.

Mr. CONYERS. Mr. Chairman, I would be surprised to hear a Governor come before a congressional committee and ask not to have such a provision. If he did, that would be precisely a reason why we need this kind of provision in. I hope it stays in.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I believe it is true that such citizen representatives have been valuable members of State planning agencies. However, there was no provision in the law up to the present time on that.

It is my feeling that we should leave the subject open. We should leave it flexible. We should merely grant authority to appoint such representative individuals.

By writing it into the law as a mandatory provision, it will produce much trouble. Some persons who claim they represent some organization to combat crime could sue to get on the State planning agency. That would be very disruptive, and that is the thing I want to avoid.

Mr. RODINO. I believe the gentleman labors under a misapprehension. There is nothing in the "shall" language except to say that citizen organizations, community organizations, shall be represented.

I am sure in the discretion of the Governor this could easily be done. There is no tying down of the Governor to say that he must appoint a particular citizen or a representative of a particular community organization.

Mr. McCLORY. But if the gentleman will yield further, let me point out that if we have a mandatory provision in there, then a person can claim that he is such a person and is entitled to representation.

Mr. CONYERS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. Mr. Chairman, I will yield in just a moment.

Mr. Chairman, let us understand that this is not an "organization" amendment. This is not a provision to allow organizations to come on to the State planning agencies.

Mr. McCLORY. Mr. Chairman, will the gentleman from Michigan (Mr. CONYERS) yield?

Mr. CONYERS. I will not yield right now. I want to use some of the 5 minutes I have.

Mr. Chairman, this is an amendment that says to the Governors of the various States that they should appoint and ought to appoint citizens who are not, in fact, sheriffs, mayors, judges, law enforcement officials, or wardens to the State planning agencies. It is something that all of the Governors, I think, would agree to, and the ones who would not agree ought not to be heard to prevent this from happening.

After all, we are trying to get some grassroots involved in this at the beginning level. Organizations have no right when this provision to sue or to otherwise challenge the prerogative of the Governors in making this selection.

Mr. SEIBERLING. Mr. Chairman, will the gentleman from Michigan (Mr. CONYERS) yield?

Mr. CONYERS. At this point I will yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I respect the opinions of the other distinguished lawyers who are members of this committee, and, in particular, the gentleman from Ohio who offered this amendment. But all we have to do is to read the plain language of the bill.

Mr. Chairman, it does not limit or restrict the Governor, except to say that he shall appoint some representatives of citizen, community, and professional organizations; it does not say how many. It simply says there shall be some, and it gives the Governor total latitude in deciding who they should be.

Mr. CONYERS. Mr. Chairman, I want to point out that it does not say the Governor should appoint any sheriffs either, but I am sure most Governors will appoint some law enforcement official. If the Governor appoints one citizen anywhere throughout the State of Illinois, he would have satisfied the requirements of the bill that we are debating at this point.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I would hope that the gentleman's statement would be correct, but I do not think that from the language of the bill we could say that that is true. The bill specifies "organizations," and a person who comes in and says that he is a representative of an organization and that this organization is not represented on the State planning agency can then assert that he is entitled to membership. It seems to me we are virtually forcing the Governor and the State planning agency to accept such representatives—as members of the State planning agency.

Mr. CONYERS. Mr. Chairman, the gentleman is seriously misconstruing some very simple language that I am sure none of the Governors will have any trouble with once they see this enacted.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I cannot yield any further.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, what the gentleman from Illinois (Mr. McCLORY) is saying is that to satisfy this provision every single organization in the State will have a right to be represented, and that is an obvious absurdity. It says no such thing. We can have three people appointed to the State planning agency and satisfy this entire provision, and the Governor could pick them from all sectors of the society.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. No, I will not yield.

It is a little strange to me, Mr. Chairman, that here in the House of Representatives, supposedly that body of the national legislature most closely associated with the people, we should have such so much concern in decisions on behalf of Governors.

The Governors are not worried about it, the planning agencies are not worried about it, and if we can reassure each and every Member of the Congress, "Don't worry about the people; they are not going to hurt you. They are your friends. Many of them voted for you, and if they hear that you supported this provision in the language, they will be encouraged in the proposition that perhaps you believe in them a little bit. So let us hear it for the people on this one."

Mr. DRINAN. Mr. Chairman, I rise in opposition to the amendment.

This is a new concept in LEAA and it is put there because crime continues to escalate despite the fact that the Federal Government has spent billions of dollars over the last 5 years to eliminate crime. One of the objectives of this section is to open up the "establishment" of law enforcement groups in order to let the citizens find out what is happening.

If you change this "shall" to "may," you will give nothing to the Governors or to any official. They now have the right to put people on the planning board in an advisory capacity and even in a voting capacity. We have to retain "shall" so that we will have representatives of citizens groups, such as the president of the League of Women Voters or the president of the State bar association or the executive director of a local Urban League.

It has been asserted that this will dilute the accountability of law enforcement officials. It does not do that. If we have citizens on the planning boards of the LEAA we create a situation which will allow and require public officials to tell the public about crime and to do the work of the public in the public forum. Citizen participation will force law enforcement officials to be accountable. The section challenged by this amendment will, for the first time, open the door to citizens, professional people and community organizations.

Mr. Chairman, I hope that the Keating amendment is defeated. With public representatives present on the planning boards of the LEAA perhaps we will finally find out why, despite LEAA, crime continues to escalate.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to make a few comments. I think these are responsive to some of the statements that have been made here earlier in the debate.

In the first place, the impact of the LEAA legislation which we are enacting today is to repose responsibility in the State and local officials. To suggest that what we are doing is to impose it in public citizen groups or self-proclaimed public groups would be misstating what we are undertaking to do.

Actually, the amendment offered here—and it is an amendment to the existing law—when we add the words "representatives of citizens and professional and community organizations," it means that we are giving an opportunity to some of the responsible organizations concerning themselves with the subject of crime and rehabilitation and community relations and so on to serve on State planning agencies. We are giving them an opportunity. We are providing by legislation the authority for them to serve on the State planning agency.

However, to mandate it and say that the Governors must appoint these persons who are representatives of these organizations it seems to me we are inviting a lot of trouble for our Governors. For one thing, I do not think it is possible to appoint a representative of the League of Women Voters and say that this satisfies the need for having a representative of the State bar association or something like that.

If we want to give the kind of flexibility and authority and at the same time repose the kind of responsibility that we are giving in this legislation to these elected State and local officials, then it seems to me we must leave this provision discretionary and not mandatory as has been suggested here.

There are a great many self-proclaimed and do-good organizations who think they are clothed with all the knowledge there is with regard to the fight against crime. What is to prevent them from requiring service on the State planning agency if we mandate that agency to have them appointed?

Mr. CONYERS. Will the gentleman yield?

Mr. McCLORY. I am happy to yield to the gentleman.

Mr. CONYERS. I would like the gentleman to understand that Governors have to face this almost every day in the week. There are plenty of other agencies that they have to appoint for citizen participation. Some of it is mandatory, and some of it is permissive. All we are trying to say through this language effective in the committee is that we want to see a representative group in the planning process as it begins.

Mr. McCLORY. Exactly.

Mr. CONYERS. It does not say organizations have to be there and it is not to go there.

Mr. McCLORY. I refuse to yield further, because I want to respond to the gentleman.

It does say "organizations," because the word "organization" is in the amendment.

Representatives of organizations will demand to serve on State planning agencies, and there is no reason for us to assume that they will all be the right kind of representatives—or organizations. We should leave that decision up to the Governors. It would be a mistake to assume that all organizations would be content to rely on a Governor's decision—if we require him to appoint multiple representatives of all such organizations. That is why I say it is important for us to leave it up to the Governors as to whom they appoint. I think there should be representatives of civic organizations and citizens' organizations, and they can be named to the State planning agency as they have been in the past, and no doubt they will be in the future, but we do not want to force State planning agencies to take any particular individual, and that is the danger of mandating this into the bill.

Mr. RODINO. If the gentleman will

yield, I do not see where there is anything in this provision that says that any particular citizen is required to be appointed. It merely states that there shall be some representative.

Mr. McCLORY. That is true, but let me say this: It says it shall include representatives, and if a person comes in and says that he or she is not being represented by the other citizens' groups there, then they can say they are entitled to representation, too. That is the way I understand it, and I do not believe it should be mandated into the law.

Mr. RODINO. But the fact is that the Governors may use discretion, and are aware of the need for active participation.

Mr. McCLORY. And they should.

Mr. RODINO. However, we have found there are areas where this is not true. So would not the gentleman agree with me that if we are going to have citizens' tax dollars to fight crime, which is a local matter, that there ought to be some citizen involvement?

Mr. McCLORY. I want the primary responsibility in the elected officials, and if they do not do their job then the electors can dispose of them, but I do not want to require them to have some citizens' representatives on there if they do not find that they contribute anything. You should give them the authority and leave it that way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. KEATING).

Mr. Chairman, I rise to support the Keating amendment. The State Planning Agency is the very heart of our Federal Law Enforcement Assistance plan. Of necessity, this agency must be made up of professionals. That is, professionals in law enforcement. It is not a debating society.

Professional law enforcement people are technicians of a discipline. Not at all unlike physicians in the field of medicine. Each have spent a lifetime in studying their field.

The State Planning Agencies are already made up of these law enforcement professionals and they already have citizen representatives. In my own State of Texas. We call this agency the "Criminal Justice Council." Members of this Council are made up of professional law enforcement officers, district attorneys, defense attorneys, penal officials, educators, and law school deans. These councilmen come from all parts of the State.

Furthermore, members of the State Criminal Justice Council are chairmen of regional criminal justice councils, thereby taking representation down into each county and major city.

It is my understanding that other States have similar State planning agencies.

Therefore, present State planning agencies are already being represented by professionals, citizens, and community organization.

Now, the committee bill goes further. It requires the inclusion of "representatives of citizens and community organizations." This part of the bill worries me, very much. What citizens? What community organizations?

There used to be a list of organizations we had to swear we had never joined before we could go to work for the Federal Government. More recently there have been organizations whose stated purpose was to disrupt the American process. You saw what some of these organizations think of law enforcement officers in 1968 at Chicago. These were members of "Community Organization."

If we open these councils up to "citizens and community organizations," we are going to see some of these people demanding to be represented—and filing law suits when they are turned down.

On the other hand, I doubt that well-meaning untrained community organizations and highly respected citizens can contribute any more to these councils than they could as nonprofessionals in a medical or legal meeting.

I just fail to see any reason to require this kind of participation, particularly when the bill, as amended, permits such participation.

Mr. Chairman, and my colleagues, I ask your support of the Keating amendment.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentlewoman from New York.

Miss HOLTZMAN. Is it not true that community groups may demand of a Governor to be represented, whether or not there is a mandatory or a permissive provision in this legislation?

Mr. MILFORD. I am sorry; I did not quite understand the question.

Miss HOLTZMAN. Is it not true that whether or not we have a mandatory or permissive provision in this legislation, any community group or any community organization may demand of a Governor to be represented?

Mr. MILFORD. Yes, they may ask, but the Governor has the option here of selecting a representative, and he is in a much better position of deciding whether or not that individual can offer anything to LEAA.

Miss HOLTZMAN. Is it not true, though, that under the committee print the Governor would have the option of deciding who is to be representative under a mandatory provision?

Mr. MILFORD. Not in accordance with the way it is written. I think one would find the lawyers could have a field day the way that law is written.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Will the gentleman point to me precisely where the language says the Governor has to accept any organization that demands to be represented? Where does it say that?

Mr. MILFORD. It states that it requires the inclusion of "representatives of citizen and community organization." I would in turn ask the gentleman to show me where it does not say that he should appoint.

Mr. SEIBERLING. Where does it say that there should be any particular organization, or that anyone could demand. It merely says that there shall be some representatives of citizen, professional, and community organizations.

Mr. MILFORD. It does not state it under the wording of the law that we have stated, the word is ambiguous.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as a matter of history, when the amendments to LEAA were considered and adopted in 1970, I recall the other body wrote some language along this line requiring representation of citizen and other organizations on these planning agencies. As I recall, the Senate adopted that; the House had not; and it went into a conference committee. The conferees agreed then—and I think there was some wisdom in their decision—that to put this language into the statute in a mandatory fashion simply would invite litigation. We do not want to invite litigation. We do not want to write provisions into the law that are going to make it more difficult to form these planning agencies. We are talking about State planning agencies. Admittedly, the Governor appoints them. But what does this language say? I think that there could be some quarrel as to what it says, because the bill says that the planning unit shall—

> Be representative of the law enforcement and criminal justice agencies, units of general local governments, and public agenices maintaining programs to reduce and control crime and shall include representatives of citizens, professional, and community organizations.

I submit that there are some judges who would read that and interpret it to mean that the planning agency shall also be representative of citizen and community organizations. And if a judge interpreted it that way, then he would listen to an argument made by some group that would come to court and say, "This planning agency is not representative because it does not include our particular organization."

I submit, Mr. Chairman, we would do well to leave this on a permissive basis rather than a mandatory basis. This matter comes before the Committee of the Whole House at this time because in the Committee on the Judiciary this permissive amendment—that is, the changing from "shall" to "may"—lost on a tie vote of 18 to 18.

And because it was a tie vote we felt it ought to be brought up here. It is important, and I say that by leaving it mandatory we will simply be inviting litigation and be tying up and making all of these planning agencies go repeatedly into court to justify their make-up.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that if there is litigation, if a State planning agency is tied up because of this litigation, it would delay receipt of funds by the States and by local governments because LEAA is not authorized to make action grants unless there is on file an approved plan?

Mr. HUTCHINSON. Is the gentleman suggesting there might be some groups who might be desirous of that situation?

Mr. McCLORY. If there is litigation, if the State planning agency is not complete for one reason or another, there can be no valid plan and the State will be delayed in getting its funds from the LEAA.

Mr. HUTCHINSON. I agree with the gentleman.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I am astounded that the gentleman would advance arguments which any first-year law student would know are contrary to recognized legislative interpretation.

Let us just take a look at the language of this sentence. It says:

> The State planning agency . . . shall . . . be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies . . . and shall include representatives of citizen, professional, and community organizations.

Anybody looking at this sentence would say that when they have to use different language in these two sections, they must have intended a different meaning. The sentence says the State planning agency shall be representative of law enforcement agencies, which means it has got to be representative in the sense that it is a balanced organization. But it only says it shall include representatives of citizen organizations.

Obviously one can always sue under a statute, but can he win? Any judge is going to take a look at this and say there is nothing here that mandates that the Governor of the State shall have any particular cross section or balance of community organizations, but merely that he will have some people who represent them. That makes all the difference in the world.

Mr. McCLORY. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Is it not true the Judiciary Committee is made up of lawyers, experienced lawyers?

Mr. SEIBERLING. Most lawyers will argue either side of a case, depending on what their client's point of view is.

Mr. McCLORY. Is it not true we divided 18 to 18 on this issue? So it is not quite fair to denominate the Members who voted for this amendment as having something less than the intelligence of first-year law students.

Mr. SEIBERLING. When lawyers argue both sides of the issue, they are arguing to establish opposing points of view, but the gentlemen have been implying that a judge would read this language and come to a conclusion which, I submit, is an erroneous conclusion. If the Members were acting as judges and not as legislators, they could not come to the conclusion the gentlemen are trying to make.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, if 36 lawyers divided evenly on the issue, I do not think we can assume that some judge is going to be so clear minded on this issue as to see what the gentleman considers as obvious.

Mr. SEIBERLING. I think it obvious the lawyers on the Judiciary Committee were dividing in accordance with the legislative result they wanted to bring about rather than a judicial interpretation of the language.

Mr. McCLORY. I think the lawyers on the committee are sincere in their positions. In supporting the amendment I am thinking about the position of the Governors sitting in the State capitols in the 50 States and the authority they will have. I do not think we want to tie their hands by saying they must have representatives—and that term is used in the plural—of citizens, professional, and community organizations.

Mr. SEIBERLING. I do not doubt the sincerity of the concern which the gentleman has expressed, but I submit that under the bill's language, any judge worth his salt would throw the case out so fast it would make your head swim.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RODINO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 162, present 1, not voting 43, as follows:

[Roll No. 235]

AYES—227

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bell
Bevill
Bowen
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Cotter
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Giaimo
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
Kuykendall
Landrum
Latta
Lent
Lott
Lujan
McClory
McCollister
McDade
McEwen
McKinney
Madigan
Mahon
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Pettis
Peyser
Pickle
Pike
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Railsback
Randall
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Runnels
Ruth
St Germain
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wright
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—162

Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Cronin
Daniels, Dominick V.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fraser
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Long, La.
McCloskey
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Mann
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Obey
O'Hara
Patman
Patten
Pepper
Perkins
Podell
Price, Ill.
Rangel
Rees
Reid
Reuss
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Sarbanes
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Stuckey
Studds
Symington
Thornton
Udall
Ullman
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.
Zablocki

PRESENT—1

Poage

NOT VOTING—43

Adams
Ashbrook
Badillo
Blackburn
Blatnik
Brasco
Burke, Calif.
Carter
Chisholm
Clay
Cochran
Culver
Danielson
Davis, S.C.
Edwards, Ala.
Fisher
Flynt
Frelinghuysen
Hawkins
King
Landgrebe
Litton
Long, Md.
Mailliard
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Mosher
Moss
Nix
O'Neill
Owens
Quillen
Rarick
Riegle
Rooney, N.Y.
Ruppe
Ryan
Schroeder
Thompson, N.J.
Van Deerlin
Wiggins
Wilson, Bob

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MISS HOLTZMAN

Miss HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Miss Holtzman: On page 36, line 7, insert immediately after "Federal Government" the following: "not including the Central Intelligence Agency."

Ms. HOLTZMAN. Mr. Chairman, my amendment is very simple. It would prohibit the Central Intelligence Agency from engaging in local law enforcement activities under the auspices of the Omnibus Crime Control and Safe Streets Act.

As we all know, the CIA is not authorized to engage in domestic law enforcement activities under the statute creating it—the National Security Act of 1947.

Nonetheless, the CIA has been training and working with local law enforcement agencies throughout the country—citing as its authority to do so section 508 of title I of the Omnibus Crime Control and Safe Streets Act which created LEAA. This provision is almost identical to section 508 of the bill we are considering today.

The domestic activity of the CIA, of which I learned only last week, was not brought to the attention of the Committee on the Judiciary during its deliberations on H.R. 8152. It is clear to me, however, that the House Judiciary Committee never contemplated that section 508 would permit the CIA to engage in such activities.

The activities of the Central Intelligence Agency under LEAA have been documented by the General Accounting Office, by letters from James R. Schlesinger, Jr., former Director of the CIA, and by other Members of this House. I should also point out that it was through the efforts of my distinguished colleague from New York (Mr. Koch) that the involvement of the CIA in these activities came to the attention of the House in the first place.

Under the color of the Safe Streets Act the CIA has given the following kind of aid to about a dozen city and county police agencies throughout the country: instruction in record handling, clandestine photography, surveillance of individuals, detection and identification of metal and explosive devices and analysis of foreign intelligence data. I might add it has carried out these activities without having been requested to do so by the Administrator of LEAA as section 508 of both the existing legislation and the bill we are considering today requires. In New York City alone 14 policemen were given briefings on the analysis and processing of foreign intelligence information.

An even more troublesome problem is that although the CIA has been apparently restricting itself to training activities and technical assistance under title I of the 1968 act, the language of that statute as well as the provision before us is sweeping enough to authorize the CIA to use its own personnel in the actual performance of local law enforcement activities.

It is perfectly clear that whatever activities the CIA has performed or may perform in connection with local law enforcement efforts, such activities could more appropriately be carried out by other Federal agencies such as the FBI.

For this reason, the Justice Department has advised me that excluding the CIA from participation in local law enforcement activities would not jeopardize the functioning of local law enforcement agencies or the functioning of LEAA.

There is no need for the CIA involvement in local law enforcement activities and to permit such involvement creates dangers of enormous proportions to this country. Recent events, such as the burglary of the office of Daniel Ellsberg's psychiatrist, demonstrate that CIA involvement in domestic law enforcement activities can abridge constitutional rights and jeopardize the integrity of the CIA itself. In fact, it is significant that the CIA involvement in the Ellsberg matter came in the form of "technical assistance"—the same kind of assistance supposedly provided by the CIA to local law enforcement agencies.

My amendment would prevent such dangers from happening by limiting the activities of the CIA to areas of its legitimate concern and preventing it from diverting its resources and attention to local law enforcement.

I therefore respectfully urge the adoption of this amendment which is wholly in keeping with the spirit and purpose of the Omnibus Crime Control and Safe Streets Act, and prevents CIA involvement in local law enforcement.

Mr. RODINO. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I am happy to yield to the chairman, the distinguished gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Chairman, I would like to state that the amendment offered by the gentlewoman from New York (Miss Holtzman) is one that I think is in keeping with the true purpose of the act, and that it remedies a deficiency that has been overlooked. I certainly will accept the amendment offered by the gentlewoman from New York.

Miss HOLTZMAN. I thank the gentleman.

Mr. HUTCHINSON. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I will be happy to yield to the distinguished ranking minority member on the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, certainly the CIA has no function in our domestic law enforcement. If the CIA has been engaging in such activities, citing any part of the LEAA law as their authority, that matter should be clarified. I can see absolutely no harm in the amendment offered by the gentlewoman from New York. I think that it clarifies the law. Therefore, Mr. Chairman, I would indicate my support for the amendment offered by the gentlewoman from New York (Miss Holtzman).

Miss HOLTZMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Miss Holtzman).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLOWERS

Mr. FLOWERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Flowers: On page 42, amend Section 518 by adding the following new subsection after line 22:

"(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program."

And on line 23 redesignate subsection (b) as subsection (c).

Mr. FLOWERS. Mr. Chairman, this is new language insofar as this bill is concerned. However, it is not new language insofar as the present Law Enforcement Assistance Administration law is concerned. It is a part of the current law. I would like to make that clear to my colleagues.

This is not new to the LEAA law. It is in the current law that was enacted by the Congress in 1968.

Now, how did we get into the position we are in now, that this language is not a part of the committee bill?

First of all, it was left out of the administration bill which was sent up to us. It was left out partly, I think, because the administration bill was a special revenue-sharing bill. It did not contain the categorical and bloc grant approach that we have now in the current law and that we have in the committee bill that is before this Chamber.

Mr. Chairman, what the committee did with the administration bill primarily was to change this section by adding what had been proposed by various civil rights groups, sections (b)(1), (b)(2), and (b)(3) to the bill. They are found following the part that I propose to amend and I have no objection to these provisions. All testimony, and the consensus of the committee, tells us that this vastly strengthens the civil rights provisions of the LEAA law.

I say this, however, Mr. Chairman. I fear that if at the same time we are strengthening these civil rights provisions we take out this very clear prohibition on the Law Enforcement Assistance Administration, a prohibition which merely states that:

> Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance. . . .

If on the one hand we vastly strengthen the civil rights provisions, but on the other hand we are taking out what is part of the current law, I say that there can be no other reception for this by the administration, or by any group of persons around the country, than that we intend to require quotas or percentage ratios, and we ought to condition grants upon the adoption of such a system by a prospective grantee.

I say, Mr. Chairman, by taking this out of the law—and all I propose to do is to keep what is in the current law—

we would be opening the door to interference of all kinds—interference of the operation of the Law Enforcement Assistance Administration all the way down to the local police or local sheriff's department in every district around this Nation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I do not know if my hearing is failing me. Did the gentleman say this amendment strengthens the civil rights provisions of LEAA?

Mr. FLOWERS. I did not say that.

Mr. CONYERS. I did not think the gentleman did.

Mr. FLOWERS. I said that the other amendments we have added to this section vastly strengthened the civil rights provisions, and I said I supported those amendments.

Mr. CONYERS. Then if it does not strengthen the civil rights provisions in LEAA, could I have the temerity to ask the gentleman, does it weaken the present provisions?

Mr. FLOWERS. I do not think it is incompatible with the strengthening provisions of the bill. I do not think it either weakens or strengthens. It merely states what it says it states insofar as the current law is concerned.

Mr. Chairman, I say that this is a very simple matter that ought to be included in these amendments and the further extension of this act, and I ask my colleagues in the House to support the amendment.

Miss JORDAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Alabama is absolutely correct. His amendment neither strengthens nor weakens the civil rights enforcement provisions in this legislation. It does confuse the civil rights enforcement provisions in this legislation.

Let us understand that the antiquota provision is in current law, but removal of that provision from the law was recommended not by the NAACP, nor by the Urban League; not by any social critics, but by the administration headed by the President, Mr. Nixon.

I ask the Members is this present administration a proracial quota administration?

I would suggest that the fact the Nixon administration itself recommends that we take this quota provision out of the law is proof that we now have a provision in the bill which will strengthen civil rights enforcement, a provision in the bill which will not say we cut off the funds if they simply discriminate, but that this Law Enforcement Assistance Administration must adhere to the provisions of title 6 of the Civil Rights Act of 1964, that before any funds are denied any agency or entity in terms of the charge they have discriminated must be entitled to a hearing.

The Governor of the State is the first one who must make the effort to resolve any conflict which will exist. Negotiations, hearings, due process, all is provided for.

Because we have the provision in the bill which the administration sponsored, I would suggest to the Members that the provision which is offered as an amendment by the gentleman from Alabama is moot. If we were to approve that amendment it would be tantamount to the House of Representatives today adopting a rule that no rhinoceroses should be admitted to the floor of the House of Representatives when no rhinoceroses are trying to get in.

The Justice Department says the civil rights enforcement compliance rules contained in title 6 apply to LEAA. The courts have said we do not mandate quotas, and the administration has said we do not mandate quotas, and nobody is mandating quotas in this legislation. All we are providing here is the way to proceed in terms of complaints about discrimination, and these are the steps that must be taken to guarantee there is no discrimination either in the dispensation of the benefits or the hiring of personnel to function in this administration.

What we have said is that the Office of Civil Rights Compliance which is presently contained in LEAA—we do not have to establish that, that is already established—that Office of Civil Rights Compliance has the responsibility to see to it that the funds, these great, tremendous Federal resources are not dispensed in a manner that will discriminate against the populace on the basis of race, color, national origin, or sex. Therefore since we have taken care of that issue, why would we confuse the issue by saying nothing in this act is to be construed to mandate quotas? That is unnecessary language. The question is moot.

The Office of Civil Rights Compliance of LEAA takes care of it now. The Civil Rights Act of 1964 takes care of it now. There is no reason whatsoever why we need to adopt the amendment offered by the gentleman from Alabama, and I hope the Members will oppose it.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentlewoman from Texas has spoken eloquently and frankly. Anything I might say would be anticlimactic.

I do however want to point out that the repeal of this section, suggested by the administration, does not mandate in any way that there be any quotas to achieve racial balance.

Actually, what we have done is to eliminate confusion, and to affirmatively place the responsibility for any antidiscrimination proceedings in the new section that we have included.

Mr. Chairman, I would urge that the amendment be voted down.

Mr. FLOWERS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I would ask the very able chairman if the section (2)(b)(2) we have included, which follows the amendment which I have offered here, does not shift responsibility from the local level?

It says:

> Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b)(1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance.

In other words, the administration at the Washington level, I say to my friends in the House of Representatives, is where the determination is made about this.

We are either for a prohibition against writing quotas or percentage ratios, or we are against it. I say, if a Member is for it, then he should vote against my amendment. If a Member is against it, he should vote for the amendment.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, what the committee has done is a very proper thing, so far as it goes. That is to say, the committee has taken title 6 of the Civil Rights Act of 1964 and lifted it and transplanted it verbatim into the LEAA Act, and that is all right. As a matter of fact, LEAA has been governed by that provision of the law from the start.

This just makes it clear, no question about it, that title 6 of the Civil Rights Act of 1964 applied to LEAA just like it applies to any other agency of government. The present LEAA Act also specifically says that there cannot be quotas or anything having to do with racial balance.

For the life of me, I cannot see where those two provisions are at all conflicting with each other. They can stand together. In other words, I think we should leave the present language in the law and add to it title 6 provisions of the Civil Rights Act. They are not in conflict; they go arm in arm very well.

The reason I think we should leave the present language in the law, which is what the gentleman from Alabama (Mr. FLOWERS) proposes to do here, is that every time we make any change in statute law, somebody goes into a court and argues, quite persuasively and effectively sometimes, that the Congress intended to make some change.

Now, really we do not intend to make any change here at all. What we intend to do is simply to continue this aspect of the law as it has been these 5 years under LEAA. We do not intend to make any change, but if we strike out part of the language, somebody is going to argue that certainly Congress intended to do something because it struck out a part of that language.

I think a better policy would be to leave the present language in the law, and attach the civil rights language to it just, as I say, as has been the actual fact for these 5 years. Then, there will be no change in the law in that respect.

Therefore, I support the amendment of the gentleman from Alabama (Mr. FLOWERS).

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to the amendment.

I respect the motivation of the gentleman from Alabama who offered the amendment and also of the ranking Republican member of the committee.

I really do not think the gentlemen mean to say that, if by chance the Congress decides not to adopt this amendment, that would mean that we are thereby saying that quotas are authorized by this statute.

I should like to ask the chairman if he does not agree as to the real tenor of what the Committee has done. We were concerned by the language as proposed in this amendment. If we left it in the statute we would have retained a narrow, negative approach toward the civil rights problem, and we were substituting a positive, comprehensive approach and therefore it was no longer appropriate to put in negative language.

It does not mean that by taking it out the Committee was trying to endorse quotas. They were merely emphasizing that this bill should promote civil rights rather than emphasize the negative side of the picture.

I wonder if the chairman would agree with me that that is really the tenor of our action?

Mr. RODINO. I agree with the gentleman.

There is no question in my mind that there is no intent to mandate a requirement that there be a quota system to achieve racial balance.

Mr. SEIBERLING. I thank the gentleman.

Mr. WAGGONNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I say to my colleagues in the House it is crystal clear that the language which has been removed from existing law by the committee bill positively wrote a prohibition against quotas into existing legislation. It is equally crystal clear that if we want to open the doors to question and make possible quotas—and when we make them possible they are going to come to be—then vote this amendment down. Please do not make that mistake. Do not give the courts the chance to say, as they will surely do, that Congress is no longer opposed to quotas.

But do the Members not ever learn anything? If you want to prevent quotas you should keep positive language in the legislation which makes quotas contrary to the law. If you want to prohibit quotas, you should vote for this amendment. If you do not, then you can come back and make apologies later for not having been able to see the handwriting on the wall. That of course will be too late.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. FLOWERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FLOWERS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 161, not voting 41, as follows:

[Roll No. 236]

AYES—231

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Biaggi
Bowen
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Erlenborn
Eshleman
Evans, Colo.
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kemp
Ketchum
Kuykendall
Latta
Lent
Litton
Lott
Lujan
McCollister
McEwen
McKay
McKinney
McSpadden
Macdonald
Madigan
Mahon
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Minish
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Myers
Nedzi
Nelsen
Nichols
O'Hara
Parris
Passman
Patman
Pettis
Peyser
Poage
Powell, Ohio
Preyer
Price, Tex.
Quie
Randall
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Rousselot
Roy
Runnels
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—161

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Barrett
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Breckinridge
Brown, Calif.
Brown, Ohio
Burke, Mass.
Burton
Carney, Ohio
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Findley
Fish
Flood
Foley
Fraser
Frenzel
Fulton
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Johnson, Calif.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Leggett
Lehman
Long, La.
McClory
McCloskey
McCormack
McDade
McFall
Madden
Mallary
Mann
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Obey
O'Brien
O'Neill
Patten
Pepper
Perkins
Pickle
Pike
Podell
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Reid
Reuss
Robison, N.Y.
Rodino
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
Sarbanes
Seiberling
Sisk
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Tiernan
Udall
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H., Calif.
Wolff
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki

NOT VOTING—41

Adams
Ashbrook
Badillo
Blackburn
Brasco
Burke, Calif.
Carter
Chisholm
Clay
Cochran
Culver
Danielson
Edwards, Ala.
Esch
Evins, Tenn.
Fisher
Flynt
Frelinghuysen
Goldwater
Hawkins
King
Landgrebe
Landrum
Long, Md.
Mailliard
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Moss
Nix
Owens
Quillen
Rarick
Riegle
Rooney, N.Y.
Ruppe
Schroeder
Thompson, N.J.
Van Deerlin
Wiggins
Wilson, Bob

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: After line 21, page 46 insert:

"(c) *Provided, however,* That no funds provided for by this act shall be used, directly, or indirectly, to defray the cost of travel by the Chief of Police of the District of Columbia, or any of his subalterns, outside the perimeters and limits of the District of Columbia."

Mr. GONZALEZ. Mr. Chairman, this amendment is very simple but very necessary because of the current politicking nationwide on the part of the Chief of Police of the District of Columbia. Last week he was in my district, and he arrived with a great deal of pomp and ceremony, and stated that his main objective was to be there because he was making a tour of the Nation, thanks to the courtesy of President Nixon, in behalf of the specific programs that President Nixon was sponsoring in behalf of policemen and which the Congress was holding up, and that if the police throughout the Nation were not getting the moneys necessary for them to effectively combat crime, that it was the Congress fault, and he was there for that purpose.

Earlier in the discussion I directed questions to the distinguished gentleman of this committee. He could not assure me that moneys from these funds by virtue of the act we are discussing are not being used by the Chief of Police of the District of Columbia for this purpose. In fact, he said it was very possible that the LEAA program of Washington, D.C., could be providing the funds for this purpose.

This amendment simply says that shall not happen in the future; that no moneys derived by virtue of this program shall be utilized by the Chief of Police of the District of Columbia to travel outside of the limits and perimeters of the District of Columbia.

I think it is necessary, in light of this nationwide current campaigning that is costing obviously thousands of dollars. I doubt seriously that the Appropriations Subcommittee for the District of Columbia has authorized it in any direct way, and it is quite obvious that this spillover of funds is being used lavishly and, in my opinion, quite inappropriately because the chief is going around the Nation trying to tell the people what the duties of Congress are, how they should vote, how they should not vote, and I ask the Members' earnest consideration of this amendment.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Is the gentleman's amendment the epitome of that expression which he has expressed many times that he never gets mad; he just gets even?

Mr. GONZALEZ. No, sir; that is an old Irish saying from Boston. "Don't get mad; get even."

I am from San Antonio, Tex., and we have a different saying. In the West Side of San Antonio we say, "Shoot first and ask questions later."

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Is the gentleman satisfied that he is accurately quoting the chief of police from his district? Are the words that he placed into the RECORD the exact words that the chief of police used?

Mr. GONZALEZ. At a later time under the rule—I cannot do it now—in the full House I shall ask unanimous consent to place into the RECORD at this point extraneous matter giving the full newspaper accounts attributing the remarks to the chief by the local press in San Antonio.

So what I said is based strictly on the reports by the press, radio, and television.

WASHINGTON POLICE CHIEF VISITS S.A. OFFICIALS

(By Stryker McGuire)

Law enforcement officials of the nation's cities would like to see greater financial assistance from the government but fewer federal guidelines, Washington, D.C., Police Chief Jerry V. Wilson said in San Antonio.

San Antonio Police Chief Emil Peters, who conferred Tuesday with Wilson, agreed revenue sharing is preferable to the restrictive experimental grants now allocated to municipal law enforcement agencies.

TALKS FOR NIXON

Wilson, a "personal representative" of President Nixon, said in a press conference at police headquarters the chances for direct grants-in-aid such as those included in Nixon's revenue sharing proposals were "slim." Congress rejected the proposals last week, Wilson pointed out.

Wilson has visited six cities recently trying, as he said Tuesday, "to air Nixon's views on crime prevention."

He said the President believes "law enforcement is essentially a local responsibility" which needs federal funding assistance.

Crime dropped nationally last year for the first time in 17 years said Wilson, whose trip around the country was described as a "fact-finding mission."

CRIME DECREASES

He said crime in the nation's capital decreased in 1972 thanks mainly to a beefed up police force of about 4,500.

Peters, whose force is about 25 per cent the size of Washington's, said San Antonio's crime rate is below that of Washington, the population of which roughly equals San Antonio.

Speaking of so-called "victimless crimes" such as prostitution and pornography. Peters and Wilson both said they would like to see jurisdiction in those areas transferred to agencies other than city police forces.

Both said prostitution and pornography are not really victimless crimes since they "degenerate" neighborhoods and "generate other crimes."

Wilson, saying a recent Gallup poll showed citizens felt crime to be the major urban problem, said Nixon recognizes "much more has to be done."

PROGRAM SHIFT

The Nixon administration advocates a "shifting from special granting programs into revenue sharing programs," according to Wilson.

NIXON CRIME-FIGHT ENVOY VISITS S.A. ON DATA MISSION

Appearing at the request of President Nixon, Washington, D.C., Police Chief Jerry V. Wilson met with San Antonio Police Chief E. E. Peters Tuesday along with the department's top brass in a fact-finding tour of major cities for various federal crime control problems.

Meeting later with reporters, Wilson explained that an opinion poll taken last year placed urban crime as the nation's number one problem.

He said he did not intend to compose a "shopping list" of requests from various police chiefs around the country, but rather was meeting with them in an effort to answer questions and take back ideas.

"I think President Nixon has established a top priority since he took office of reducing crime in the cities. Recent statistics show the first reductions in years in many areas and I think his efforts have cooled the temperament of America," Wilson stated.

He cited grants-in-aid for specific programs aimed at narcotics, traffic problems, and increased manpower for departments across the country.

Wilson said in his own city the efforts have proved invaluable.

Asked if outright grants-in-aid would not be better than the present system of choosing various federal grants "from a Sears Roebuck catalog," he said that Nixon preferred this idea but his efforts at change had failed in the Congress.

One point repeatedly touched upon in the press conference was how his city compared with San Antonio in police efforts against prostitution and, in the reporter's words, "victimless crime."

Wilson said there was no such thing as a victimless crime, since the law-abiding residents nearby suffer from declining neighborhoods and business districts fall in value when pornography or prostitution move in.

As expected, Wilson was asked about Watergate. He said he felt President Nixon had nothing to do with it.

Mr. HUTCHINSON. And the words that the gentleman has placed in the RECORD at this point are the words that the press quoted the chief of police as saying?

Mr. GONZALEZ. Oh, yes.

Mr. HUTCHINSON. The gentleman is quoting the exact words?

Mr. GONZALEZ. What I said, yes, exactly. What I am attributing and what I am repeating is exactly quoted. And I not only gleaned it from the local press and the printed word but also from the radio and I saw it on the television.

Mr. HUTCHINSON. Does the gentleman have any evidence, though, that any LEAA funds are being used to pay for that excursion?

Mr. GONZALEZ. The gentleman was present when I asked those questions of the chairman and I did not see him rise to confirm or not confirm.

Mr. HUTCHINSON. I am simply turning the question around.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. HUTCHINSON, and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. HUTCHINSON. What I am asking the gentleman is if he has any evidence to support his contention? He asked previously the chairman, and the chairman said he did not have any evidence. I am asking the gentleman if he has any evidence to support his contention that LEAA funds are being used to finance that excursion.

Mr. GONZALEZ. I do not have any proof either that no LEAA funds went into the Gordon Liddy or Howard Hunt excursion or that they used LEAA equipment or did not use LEAA equipment. What I am simply saying is neither this gentleman nor any person in a responsible position can assure me that these funds have not been diverted for this purpose and my amendment would insure that they would not be used for that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer amendments, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BIAGGI: Page 15, line 8, strike out "and".

Page 15, immediately after line 8, insert the following:

"(13) provide a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government and public agencies;

"(14) provide for the formulation of a 'law enforcement officers' bill of rights' which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all law enforcement officers of the State, units of general local government, and public agencies; and

Page 15, line 9, strike out "(13)" and insert in lieu thereof "(15)",

Page 52, line 10, strike out "surveillance)." and insert in lieu thereof the following: "surveillance).

"PART J—LAW ENFORCEMENT OFFICERS' GRIEVANCE SYSTEM AND BILL OF RIGHTS

"SEC. 701. Beginning one year after the date of enactment of this section, no grant under part B or part C of this title shall be made to any State, unit of general local government or public agency unless such State, unit of general local government, or public agency has established and put into operation a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government, and public agencies operating within the State and has enacted into law a 'law enforcement officers' bill of rights' which includes in its coverage all law enforcement officers of the State, units of general local government and public agencies operating within the State.

"BILL OF RIGHTS

"The law enforcement officers' bill of rights shall provide law enforcement officers of such State, units of general local government, and public agencies statutory protection for certain rights enjoyed by other citizens. The bill of rights shall provide, but shall not be limited to, the following:

"(a) POLITICAL ACTIVITY BY LAW ENFORCEMENT OFFICERS.—Except when on duty or when acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

"(b) RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer is under investigation or subjected to interrogation by members of his or any other investigative agency, for any reason which could lead to disciplinary action, demotion, dismissal, or criminal charges, such investigation or interrogation shall be conducted under the following conditions:

"(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required.

"(2) The investigation shall take place either at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occured, as designated by the investigating officer.

"(3) The law enforcement officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator.

"(4) The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he shall be informed of the names of all complainants.

"(5) No complaint by a civilian against a police officer shall be entertained, nor any investigation of such complaint be held, unless the complaint be duly sworn to by the complainant before an official authorized to administer oaths.

"(6) Interrogating session shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

"(7) The law enforcement officer under interrogation shall not be subjected to offensive language or threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answering any questions.

"(8) The complete interrogation of a law enforcement officer, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements.

"(9) If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.

"(10) At the request of any law enforcement officer under interrogation, he shall have the right to be represented by counsel or any other representative of his choice who shall be present at all times during such interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement service.

"(c) REPRESENTATION ON COMPLAINT REVIEW BOARDS.—Whenever a police complaint review board is established which has or will have in its membership other than law enforcement officers, such board shall include in its membership a proportionate number of representatives of the law enforcement agency or agencies concerned.

"(d) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS.—Law enforcement officers shall have the right, and be given assistance when requested, to bring civil suit against any person, group or persons or any organization or corporation or the heads of such organizations or corporations, for damages suffered, either pecuniary or otherwise, or for abridgment of their civil rights arising out of the officer's performance of official duties.

"(e) DISCLOSURE OF FINANCES.—No law enforcement officer shall be required or requested, for purposes of assignment or other personnel action, to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his family or household), unless such information is obtained under proper legal procedures or tends to indicate a conflict of interest with respect to the performance of his official duties. This paragraph shall not prevent inquiries made by authorized agents of a tax collecting agency in accordance with acceptable and legally established procedures.

"(f) NOTICE OF DISCIPLINARY ACTION.—No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against a law enforcement officer of the State, unit of general local government or public agency unless such law enforcement officer is notified of the action and the reason or reasons therefor prior to the effective date of such action.

"(g) RETALIATION FOR EXERCISING RIGHTS.—No law enforcement officer shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise be discriminated against in regard to his employment, or be threatened with any such treatment, by reason of his exercise of the rights granted in the law enforcement officers' bill of rights.

"(h) LAW ENFORCEMENT OFFICERS' GRIEVANCE COMMISSION.—With respect to complaints and grievances on the part of the law enforcement officers.

"(1) There shall be established in each State and unit of general local government a commission composed of an equal number of representatives of government, law enforcement agencies, and the general public which shall have the authority and duty to receive, investigate, and determine complaints and grievances arising from claimed infringements of rights submitted to it in writing by, or on behalf of, any law enforcement officer of the State, unit of general local government or public agency operating within the State.

"(2) Any certified or recognized employee organization representing law enforcement officers of a State, unit of general local government or public agency, when requested in writing by a law enforcement officer, may act on behalf of such officer regarding the filing and processing of complaints submitted to such commission. Certified or recognized employee organizations may also initiate actions with such commission on its own initiative if the complaint or matter in question involves one or more law enforcement officers in its organization.

"(3) Complaints and grievances may be against any person or group of persons or any organization or corporation or the heads of such organizations or corporations; officials or employees of the department or agency of the law enforcement officer making the complaint, or of any other local, State or Federal department or investigating commission or other law enforcement agency operating in the State.

"(4) The commission shall be empowered to hold hearings, testimony under oath, issue subpenas, issue cease and desist orders, and institute actions in appropriate State court in cases of noncompliance.

"(i) In addition to any procedures available to law enforcement officers regarding the filing of complaints and grievances as established in this section, any law enforcement officer may institute an action in a civil court to obtain redress of such grievances."

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. McCLORY. Mr. Chairman, reserving the right to object, are these amendments which the gentleman is offering also in the form of a separate bill, H.R. 4600, the so-called policemen's bill of rights legislation?

Mr. BIAGGI. That is correct. I have introduced that bill on several occasions, yes.

Mr. McCLORY. And it has been before another subcommittee of the House Judiciary Committee?

Mr. BIAGGI. It has been pending there for some time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Colorado. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk proceeded to read the amendments.

Mr. MATSUNAGA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

POINT OF ORDER

Mr. FLOWERS. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill before the committee.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. FLOWERS. Mr. Chairman, my point of order is based on the nongermaneness of the amendment offered by the gentleman from New York. I applaud the merit of the proposal, on its merit. I support the thrust of the bill which the gentleman is offering as an amendment here. It is pending before one of the subcommittees of the Committee on the Judiciary on which I serve. I know as a matter of fact from the chairman of that subcommittee, the gentleman from Pennsylvania (Mr. EILBERG) that we will very early begin hearings on the substantive merit of the bill.

On the point of order, Mr. Chairman, on germaneness, this embarks on an entirely new direction. It establishes rights and duties for law enforcement officers and personnel which are not a part of the thrust of the LEAA law.

I insist on my point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. BIAGGI. Yes, I do, Mr. Chairman.

With all due respect to my colleague from Alabama, I cannot understand the observation he makes that this is not germane. No proposition could be more germane.

The fact of the matter is that this is consistent with the proposal being made today, as to establishing guidelines. Guidelines have been established in the past.

We talk in terms of civil rights, and have lauded what has occurred in this bill, providing more civil rights for the people of our Nation.

This is just an extension. What we are trying to do is to include among all of the people of our country a particular segment that has been eliminated or disregarded.

This is a question of civil rights as much as any other question is, as it relates to anybody else.

So far as germaneness is concerned, I obviously have to disagree with the gentleman. We have many guidelines already established. This will establish another guideline. There is no imposition here on any State or political subdivision. It is a prerogative they can exercise.

If they seek Federal funds they must comply. Right now the same obligation is imposed upon them. If they seek Federal funds they must comply with the civil rights law and all the prohibitions we have imposed upon them. All we are doing is including the law-enforcement officers.

To me it is very incongruous, when we realize the very people we are trying to help by the thrust of the bill are those who have been neglected.

I am sure the gentleman does not disagree with the content. I know my colleague from Alabama agrees with the content.

I have introduced this bill year after year, and it has produced favorable comment and no action. It is here on the floor, in a most appropriate forum. It has been disseminated. People have responded. I have spoken with the parliamentarian. I suggest we leave the question of germaneness to the parliamentarian.

Mr. FLOWERS. That is who will make the decision.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the point of order raised by the gentleman from Alabama.

As indicated on page 4 of the committee report, a fundamental purpose of H.R. 8152 is to authorize Federal funding of approved State plans for law enforcement and criminal justice improvement programs. The bill attempts to address "all aspects of the criminal justice and law enforcement system—not merely police, and not merely the purchase of police hardware" and requires State plans to develop "a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State."

The amendment offered by the gentleman from New York would require that State plans submitted for LEAA approval contain, in addition to the 13 requirements spelled out in the committee bill as amended, provisions for a system of receipt, investigation, and determination of grievances submitted by State and local law enforcement officers. The second amendment would insert on page 52 a provision spelling out a "law enforcement officers' bill of rights" which must be enacted into law by any State seeking LEAA grants under that act in order to be eligible for such grants.

The committee bill seeks to establish a comprehensive approach to the financing of programs aimed at improving State and local law enforcement systems. Included in this comprehensive approach is the subject of the welfare of law enforcement officers as it relates to their official duties, including their salaries, equipment, et cetera. The issue of a grievance system for law enforcement officers is within the general subject of the improvement of State and local law enforcement systems, and the amendments are, therefore, germane to the pending bill.

The Chair overrules the point of order.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that it is late in the evening and that the Members would like to go home, but I believe we ought to stop and consider a minute the fact that we are about to pass on a rather important piece of legislation here; one which involves a lot of money, and which is a very fundamental thing.

We should act as if we were a deliberative body, which I understand we are supposed to be.

Mr. Chairman, I respect very highly the gentleman from New York (Mr. BIAGGI). I know the sincere interest of the gentleman in this subject, and I know the gentleman's record as a gallant police officer, but nevertheless I think we ought to consider what we are doing here in this amendment. This is one of the major pieces of legislation before the Congress. It deals with the matter of law enforcement assistance. The gentleman from New York comes in here—and the gentleman has a bill pending before the committee, and I will not try to pass on the merits of the bill which is before another subcommittee of the Committee on the Judiciary—but it is a long and complicated piece of legislation, and one which deserves hearings and consideration. It comes in here when hearings have not been held on it. I do not believe we should try to write an amendment in this bill which says that nobody can draw their law enforcement assistance money unless they enact the gentleman's legislation.

It is not only that the States shall enact a bill of rights for their police, but the gentleman tells the States what kind of statute they have to draw up. The gentleman spells it all out, what it is to say, where a police hearing is to be held, how long it is to be, what the grievance procedure shall consist of, he directs everything that the States can put in their law.

The gentleman would use it as a club here, and say that they would not receive any LEAA money unless they enact the legislation, call their legislature together and pass that kind of a law.

I understand it is germane, because of the way it is drawn, but logically you could just as well say to the States that the States cannot be eligible for welfare funds or that they cannot establish abortion laws, and all sorts of things such as that, unless they adopt such a bill as we might direct, spelling out the details on all of those subjects.

With all due regard to the gentleman from New York, and without taking any position against his bill, which I am willing to consider on its merits when the time comes, I just suggest to my colleagues in the House on both sides of the aisle that this is an extraordinary and irresponsible way to legislate. If we do it we are going to mess up this major piece of legislation so that it is not recognizable.

This is not a responsible vehicle for handling legislation of this kind and the House should not do it.

Mr. EILBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, the legislation which the gentleman from New York (Mr. BIAGGI) has offered is pending before Subcommittee No. 1 of the House Committee on the Judiciary. As a matter of fact, we have informed the gentleman from New York (Mr. BIAGGI) that this measure is scheduled for hearing immediately following the consideration of the legislation which the subcommittee is presently considering.

I think, Mr. Chairman, that on a matter of this importance, we should hold thorough hearings, and we should hear every viewpoint.

I give as one example of such a viewpoint, a letter that we have received from the police commissioner of the city of Philadelphia, who reports to us that political activity is barred to policemen through the city charter of the city of Philadelphia. I dare say that there are restrictions of this kind that appear in charters of other municipalities throughout the country.

It is entirely likely that the amendment offered in its present form is in violation, or in conflict, with local regulations and local ordinances throughout the country. We must not be rushed into acting upon a measure which raises these problems, even though its thrust is worthwhile.

It seems to me, Mr. Chairman, that we are rushing much too hastily into this, in sympathy with a sponsor who is very much admired in the House. I beg the Members of the House to be reasonable and considerate, and I assure them that this matter will be given thorough treatment by Subcommittee No. 1 of the Committee on the Judiciary under the leadership of our chairman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I think the chairman of the full committee where this legislation will repose for hearings ought to be given the benefit of the doubt. He has assumed that chairmanship only since January of this year, and so I do point out to my friend, the gentleman from New York—because I join those who do not want to try to resolve the merits of this legislation here on the floor merely by the reading of it—that the chairman of the full committee has assumed his responsibilities only since January of this year. Thus the promises the gentleman may have received down through the years are not relevant under these circumstances.

Why do we not remove this amendment from consideration today, and consider it appropriately, as the gentleman from Indiana has suggested?

Mr. EILBERG. Mr. Chairman, may I conclude my remarks by saying that we will have this matter scheduled along with legislation which will provide benefits for the next-of-kin of law-enforcement officers killed in the line of duty. I discussed this matter with the gentleman from New York. I will assure him personally there is no connivance here. We have no intention of treating this matter other than very seriously. This simply is not the proper place to consider this particular amendment.

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I am not a member of this committee. I have listened with interest to the debate. I think there is great sympathy for the amendment of the gentleman from New York. However, it just seems to me that in this kind of a situation, inasmuch as we have an agreement by the Committee on the Judiciary that hearings will be held on this very important subject, although our sympathies may be with the gentleman from New York and the sense of the amendment, it would be an unwise thing at this time to write this amendment into this legislation.

Mr. RAILSBACK. I want to say to the Members of the House that I think in reading this proposed bill of rights, this is something that I could support. I have some questions about a couple of the sections that have to do with providing legal assistance to police officers. But the thing that concerns me most of all is that provision which would say that beginning 1 year after the date of enactment of this section, no grant under part C shall be made to any State, unit of general local government, or public agency, unless such State or unit of general local government or public agency has established and put into operation a number of requirements and—please note this—

> has enacted into law a law-enforcement officers' bill of rights which includes in its coverage all law-enforcement officers of the State units of general local government or public agencies operating within the State.

Here is what we are doing: We are mandating the State legislatures to enact a law within 1 year after enactment of this particular bill. One problem is that there are some State legislatures that meet every other year. The amendment might just require some of them to call a special session. I doubt very much if this particular item frankly would provoke a Governor in some cases or possibly a State legislature to do that. We would be, in effect, holding a gun to their heads and forcing them to do this within 1 year or they would be in jeopardy of losing all of their LEAA funds.

I am in sympathy with protecting the rights of policemen. I do not understand why there has not been at least a hearing. There should be.

However, there are some controversial sections.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New Jersey.

Mr. RODINO. I am going to ask for permission to include in the RECORD following this debate a letter from the Department of Justice opposing the bill offered by the gentleman, in which the former Attorney General does nonetheless express sympathy with the thrust of the amendment. But as the letter indicates, the very proposal that the gentleman is suggesting, this bill of rights, is a subject that will be addressed by the forthcoming report of the National Advisory Commission on Criminal Justice Standards and Goals established by the Law Enforcement Assistance Administration. Extensive research is being conducted by the staff of the Commission's police task force which is examining all of this, and this research is for the purpose of bringing necessary information before the Congress so we can act more intelligently.

Mr. Chairman, the letter from the Attorney General to which I referred, follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 12, 1973.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 7332, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several states.

The bill would make planning and action grants by the Law Enforcement Assistance Administration contingent upon the establishment of formalized procedures for the redress of grievances of law enforcement officers and the adoption of a law enforcement officers' bill of rights in each state and local unit of government receiving LEAA assistance. Although the Department of Justice believes that state and local law enforcement officers should be afforded many of the rights contemplated by H.R. 7332, we believe that this bill would be an undesirable intrusion into the activities of states and local units of government, which should be responsible for assuring the rights of their law enforcement officers.

The thrust of the Omnibus Crime Control and Safe Streets Act is federal assistance for the improvement of state and local law enforcement; the Act does not authorize Federal supervision of state and local law enforcement. In fact, section 518 of the Act states that, "Nothing contained in this chapter or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof." The bill would appear to be contrary to this section.

Also section 351(A) of the bill would seem to be in direct conflict with the Hatch Act, 5 U.S.C. § 1502, and the relevant case law in situations where law enforcement officers salaries are paid in part by LEAA funds. Since the employment of some state and local law enforcement employees is made possible, in part, by the LEAA grant they participate in, these employees are prohibited by the Hatch Act from engaging in political activity.

In view of the above-mentioned reservations concerning H.R. 7332, we are unable to support the bill in its present form.

It should be noted, however, that the Department of Justice is not unmindful of this important area of law enforcement. We believe that there is a need for minimum standards with respect to police grievances and the investigation of police conduct. In fact, the specific subject of rights of police officers will be addressed in the forthcoming report of the National Advisory Commission on Criminal Justice Standards and Goals established in the Law Enforcement Assistance Administration. Presently, extensive research is being dedicated to this subject by the staff of the Commission's Police Task Force, which includes police officers. The findings and recommendations of the Police Task Force will be submitted to the Commission for its consideration.

For the reasons stated above, the Department of Justice recommends against enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

Mr. RAILSBACK. I have no doubt if we start legislating in this way by telling the State legislatures that they must either pass this kind of law or suffer a cutoff of their funds, if we set a precedent like that, particularly when some of them do not meet every year, we will be making a very bad mistake and setting a bad precedent.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the point the gentleman is making touches my sentiment. The Legislature of the State of Texas does not meet until 1975.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. ECKHARDT, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, if this provision is passed I would understand that the Texas Legislature would first have to enact a statute of this type before the State of Texas would be entitled to any aid under this bill. Am I correct?

Mr. RAILSBACK. That is my understanding. The amendment would not merely require the States to include this in their comprehensive plans. Rather, we are actually mandating the State legislatures to enact, and the Governors to sign, a specified law within 1 year or funds under part B and part C—the heart of the act—will be cut off.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I commend the gentleman for his statement in opposition to the amendment and I join him therein.

It seems to me this is an amendment which would in effect place the various States in veritable straitjackets. It goes into detail as to political activity by law officers and complaint review boards and grievance commissions and other items on which there could be very great controversy. It seems to me before we would subject the various States to this kind of arbitrary mandate, we should at least have the benefit of the thinking of our own subcommittee. There may be some points which they will feel are questionable. The House should have time to work its will with fuller deliberation. So I think this is not the proper time to try to adopt these measures although some of them, in their own right, are admittedly very beneficial.

Mr. FLOWERS. I would associate myself with what the gentleman from Illinois, the gentleman from Indiana, and the gentleman from Iowa have said. The responsible thing to do here is to defeat this amendment. Let us proceed in an orderly manner to have hearings on this measure on its merits, and then come to the floor of the House with a bill of rights for policemen upon which we can vote.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentlewomen from New York (Ms. Holtzman).

Ms. HOLTZMAN. Mr. Chairman, I associate myself with the remarks of the distinguished gentleman from Alabama.

I share the concern of my colleague from New York (Mr. Biaggi) for insuring fairness in administrative proceedings for policemen. However, there are provisions in this bill which I do not think any Member has had a chance to study sufficiently, such as the provision concerning disclosure of finances, which are extremely troublesome.

As I perused it in the small amount of time I have had, I noticed, for example, provisions restricting the investigation of graft and corruption of police officers.

I do not think we should be legislating on that sort of thing without due consideration. I think it is crucial to hold hearings on this bill and straighten out some of the language of these provisions.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Texas (Mr. Milford).

Mr. MILFORD. Mr. Chairman, I rise to enthusiastically support the gentleman from New York (Mr. Biaggi's) amendment. One of the proudest periods of my life was the time that I spent as a police officer in Irving, Tex. In addition to active police officer service, I spent a number of years as an active police reserve officer.

During these tenures, I became intimately familiar with the problems of the police officer. He is daily called upon to perform flawlessly as an attorney, physician, psychologist, jurist, social worker, and occasionally as a prize fighter. The public will allow him to make no error.

In recent years we have enacted many Federal and State laws designed to protect the rights of citizens. From the moment of arrest he is informed of his rights. He can have an attorney—free—if he has no money. That attorney is by his side even during preliminary police investigations. He has a right to remain silent—and require the State to prove him guilty. He has a right to trial by jury and can take recourse on the State if these rights are violated.

Those, my colleagues, are just a few of the rights that we accord the criminal. Furthermore, we bend over backward to see that the criminal's rights are protected.

Unfortunately, indeed tragically, we do not extend these same rights to our police officers. They live in another world. A world with a floor covered with eggs upon which they must walk knowing that anytime one of the eggs breaks, their career will be ruined.

The police officer's court is a thing called "administrative review" or "administrative investigation." Losing his case in that court means his career is ruined. It is a very special court in which he is denied basic right that is given to the criminal he has arrested.

In this court the officer is not allowed to face his accuser. In fact he may never know who the accuser is.

A criminal may not be questioned without an attorney. In this administrative court, the policeman is not allowed to have one.

We cannot require a criminal to take a lie detector test, but we can make the police officer take one.

We cannot grill a criminal for hours on end at any time of the day or night, but administrators can give the third degree to police officers.

A criminal is entitled to privacy, protected from the press, except through formal court hearings. The police officer has no such protection.

The police officer's grand jury is the administrative review—his trial takes place in the newspapers and on TV whether innocent or guilty, his career can be ruined.

Mr. Chairman, I plead with you to read this amendment that encompasses the police officers bill of rights. Surely you will be compelled to support the amendment.

In the name of justice, surely we should give the police officers of this Nation the same rights that we give to the criminals.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan (Mr. Hutchinson).

Mr. HUTCHINSON. Mr. Chairman, I want to say that while I take no position upon the merits of the amendment, I think that we should, all of us, realize that the amendment itself is another major program. While it is drafted so that it is technically germane to the bill before us, it is nonetheless extraneous. It is an altogether different subject matter.

It merits hearing, it merits our consideration, but certainly not incorporation into the LEAA bill.

In closing, I would simply like to remind the House that the present authorizing legislation for LEAA will expire as of June 30. We, of course, had been hopeful that we would be able to draft an LEAA bill which the Senate might be persuaded to accept without a conference.

I do not believe that if we adopted the Biaggi amendment, we would avoid a conference with the Senate. While I do not oppose the Biaggi amendment on its merits, I do so for the sake of this bill.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. Biaggi).

The amendments were rejected.

AMENDMENTS OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer technical amendments.

The Clerk read as follows:

Amendments Offered by Ms. Holtzman: Page 36, line 5, insert a comma immediately after "equipment".

Page 16, line 16, immediately after "law enforcement" insert "and criminal justice".

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York (Ms. Holtzman).

The amendments were agreed to.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when we go into the House, I am going to ask for a separate vote on the so-called Gonzalez amendment. This amendment, offered just a few moments ago, would prevent the Chief of Police of the District of Columbia or any of his subalterns to travel outside the limits of the District of Columbia on LEAA business.

We heard some remarks of the gentleman from Texas about an appearance that was made down in his district, and he quoted from some newspaper reports. But I do not think that this amendment is legislation which we should have in the LEAA bill, anymore—not even as much as—the last amendment which was just defeated.

I know the Chief of Police has been Chief of the District of Columbia for a long time. It may be that he would be invited to other sections of the country where he could provide useful information with regard to training and other experiences he has had here. As far as I know, he has a good record of law enforcement in the District of Columbia, and his advice and information should be valuable throughout the country.

To put this kind of provision in the bill, to preclude him and other officers of the District of Columbia Police Department from LEAA travel would be a disservice to him, to this Congress and to this legislation.

I therefore hope that on a separate vote, which we will have in the House, we will defeat the amendment.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. COLLIER. I agree with my colleague from Illinois. Had he not indicated he was going to ask for a separate vote, I would do so. I believe this kind of an amendment, which is so far-reaching and which could actually be imposed not only upon the present chief of police, as written, but also upon future chiefs of police, is certainly not the way to solve whatever problem our colleague may have.

I hope in the House on the separate vote the amendment will be defeated.

Mr. FLOWERS. Mr. Chairman, in order to conform the bill technically to the amendment I sponsored, it is necessary to change a cross reference on page 43.

Mr. Chairman, I ask unanimous consent that on page 43, line 5, that we strike out "(b)" and insert in lieu thereof "(c)".

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that H.R. 8152 should be quickly and overwhelmingly approved by this House.

I believe that the operation of the Law Enforcement Assistance Administration program at the State and local level justifies such support. For that is where the Congress said the action should be—the level on which the decisions are made and the level which has the basic responsibility for law enforcement and criminal justice.

I would just like to tell you what the Law Enforcement Assistance Administration has meant for one State—South Carolina.

Before the Congress wrote the Safe Streets Act, the situation in South Caroline was typical of that in many other States. We knew in a general way that the State and local police courts, and corrections agencies needed help, but not precisely how much or what kind.

Now we do. The Safe Streets Act's passage prompted the State to establish the South Carolina Law Enforcement Assistance Program—LEAP. The first thing our State planning agency did was to gather information about the needs and problems of State and local criminal justice agencies. It then developed programs to meet those needs.

Mr. Chairman, this was a unique step. Whereas there had been only perfunctory statewide criminal justice plannning in South Carolina before, we now have a permanent organization for both anticrime planning and anticrime action.

The benefits that the resulting coordination and cooperation have brought South Carolina simply cannot be overstated.

The LEAP survey of South Carolina's criminal justice system needs—the first ever conducted—made it possible to analyze in a systematic fashion arrests, adjudication, incarceration, probation, parole, and community-based offender rehabilitation.

The LEAP study showed that there had been breakdowns in interagency communication and with the public.

It revealed overlapping jurisdictions, manpower duplication, fund waste, training deficiencies, hiring standard variances, research deficiencies, inadequate data collection, insufficient records keeping, and many other problems throughout the system.

Court dockets were overcrowded, sentencing procedures varied, police and sheriff's departments had insufficient or outmoded equipment, and State corrections officers lacked adequate training.

I am convinced that this situation prevailed throughout most of the country.

The study also found that juvenile rehabilitation facilities were inadequate.

There were no juvenile incarceration alternatives, such as half-way houses.

There were only 19 family courts, which were inadequate to handle the caseload.

Juvenile probation and parole agencies were understaffed, underfunded, and undertrained.

The State's criminal laws were not codified, and they were not up to date.

Criminal offense recordkeeping was fragmentary.

Naturally, these problems and deficiencies could not all be corrected at once. Priorities had to be established, and then a start made on the most urgent projects.

It was agreed that the first priorities should be personnel training and juvenile facilities.

Then the whole State went to work—with LEAA's vital assistance.

Many, many important projects were launched in every section of South Carolina. I could not possibly list them all at this time, and a mere list would not adequately reflect their benefits.

I assure you, however, that they are exceedingly important to the countless South Carolina communities being helped.

But I would like to mention just a few. For example, LEAA money and encouragement resulted in the founding of the South Carolina Criminal Justice Academy. I would be hard-pressed to name something more significant than topflight professional training for law enforcement personnel. You can imagine the improvements such a facility brings.

In my own community some $80,000 in LEAA funds supports police educational advancement at the Spartanburg Junior College, the Greenville Technical Education Center, and at Wofford College.

At first glance, this might not sound crucial in the larger scheme of things, but it is exceedingly important to the people of South Carolina's Fourth Congressional District. They are going to have improved criminal justice as a result.

That, Mr. Chairman, is the significance of what LEAA has done. It is not a series of grandiose programs that cover a lot of territory but do not accomplish much. Instead, LEAA is doing the nuts-and-bolts work of meeting local needs.

Allow me to cite just a few more examples. LEAA funds from the South Carolina bloc grant are financing a $12,000 Greenville County Family Court program, a $10,000 Laurens County Family Court program, and a $60,000 Spartanburg Family Court program that includes special aid for the Spartanburg County Boys Home.

In addition, a $900,000 LEAA discretionary grant is helping to finance the detention-corrections section of the new Greenville City/County Law Enforcement Center, which is also receiving some $500,000 from the State bloc grant for the remainder of the center project. The new center facilities will replace the obsolete Greenville County Jail as well as two outmoded city lockups.

I would also like to mention the $86,000 in LEAA support for four separate police-community relations centers in Spartanburg. They have been successful in improving understanding between city residents and their law enforcement officers. And they also have had a direct effect on local crime reduction, according to police spokesmen there.

Mr. Chairman, I mention these things not because they are LEAA's most significant accomplishments. I mention them because they are typical accomplishments. These projects have not affected the crime rate here in Washington or New York or Los Angeles. But they have helped control crime in the Fourth Congressional District of South Carolina. That is important to us. It is important to the citizens of those areas and of our State. And I believe they are of national significance, in a sense, for national crime rates will fall when every town and county reduces its own crime rates.

Mr. Chairman, I urge that we hasten that process by extending the LEAA program and continuing the vital crime control assistance it provides.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. O'NEILL) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes, pursuant to House Resolution 436, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. McCLORY. Mr. Speaker, I demand a separate vote on the so-called Gonzalez amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: After line 21, page 46 insert: "(c) *Provided, however*, That no funds provided for by this act shall be used, directly, or indirectly, to defray the cost of travel by the Chief of Police of the District of Columbia, or any of his subalterns, outside the perimeters and limits of the District of Columbia".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The question is on the passage of the bill.

Mr. RODINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 237]

YEAS—391

Abdnor
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—42

Adams
Ashbrook
Badillo
Blackburn
Brasco
Burke, Calif.
Carter
Chisholm
Clay
Cochran
Culver
Danielson
Edwards, Ala.
Esch
Evins, Tenn.
Fisher
Flynt
Frelinghuysen
Goldwater
Hawkins
Hébert
King
Landgrebe
Long, Md.
Mailliard
Mathias, Calif.
Mills, Ark.
Minshall, Ohio
Moss
Nix
Owens
Quillen
Rarick
Riegle
Rooney, N.Y.
Ruppe
Schroeder
Smith, N.Y.
Thompson, N.J.
Van Deerlin
Wiggins
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Frelinghuysen.

Mr. Hébert with Mr. Carter.

Mr. Rooney of New York with Mr. Ruppe.

Mr. Long of Maryland with Mr. Esch.

Mrs. Chisholm with Mr. Danielson.

Mr. Brasco with Mr. King.

Mr. Mills of Arkansas with Mr. Landgrebe.

Mr. Evins of Tennessee with Mr. Edwards of Alabama.

Mr. Nix with Mr. Smith of New York.

Mr. Rarick with Mr. Ashbrook.

Mr. Clay with Mrs. Schroeder.

Mr. Riegle with Mr. Hawkins.

Mr. Adams with Mr. Mathias of California.

Mrs. Burke of California with Mr. Goldwater.

Mr. Moss with Mr. Wiggins.

Mr. Owens with Mr. Minshall of Ohio.

Mr. Van Deerlin with Mr. Mailliard.

Mr. Flynt with Mr. Blackburn.

Mr. Culver with Mr. Quillen.

Mr. Badillo with Mr. Bob Wilson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. ARMSTRONG. Mr. Speaker, I should like to announce to the House that I was present in the Chamber last Friday, June 15, at the time of the final passage of the bill H.R. 8619 and did, in fact, put my card to the electronic voting device. Apparently through a malfunction of the device I was not recorded, so I have to announce that I intended to in fact vote for passage of the bill, and should like to have the record so reflect.

JOINT CONGRESSIONAL COMMITTEE ON NATIONAL SECURITY

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, I am introducing a bill today which would establish a Joint Congressional Committee on National Security.

This bill, which has already been introduced in the other body by the distinguished Senator from Minnesota, the Honorable HUBERT HUMPHREY, is in large measure motivated and a result of recent efforts in the area of war powers legislation.

As you know, war powers resolution, House Joint Resolution 542, was favorably reported by the House Foreign Affairs Committee on June 7 by a vote of 31 to 4. It was during the extensive National Security Policy Subcommittee hearings which preceded full committee consideration that the desirability of such a joint committee was once again made clear.

During those hearings it was repeatedly noted the executive branch was reluctant to share information with the legislative branch. The war powers resolution which I authored is aimed at correcting that deficiency as well as reestablishing the balance between the legislative and executive branches in the war-making area envisioned by the Founding Fathers in the Constitution. The bill which I am introducing today complements the war powers legislation in that it will allow Congress to address itself in a more comprehensive way to a thorough and ongoing analysis and evaluation of our national security policies and goals.

It is abundantly clear that the continuing dimunition of Congress role in foreign policy is a direct result of a communication breakdown. For too many years the Executive has failed to share with Congress the kind of adequate information needed in matters involving national security. In short, there is no proper and adequate forum for a regular and frank exchange between the Congress and the Executive on the vital issues affecting our national security.

The bill which I am introducing today is intended to correct that problem by empowering and requiring the proposed Joint Committee:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the program, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to study and make recommendations on government practices of classification and declassification of documents.

Third, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

Given those primary functions it should also be pointed out that the proposed Joint Committee on National Security would operate in the national security area in much the same manner which the Joint Economic Committee functions in the economic field.

Another important and distinguishing feature of the Joint Committee on National Security would be the composition of its membershtip. Reflecting appropriate individual and committee jurisdictions, it would include the following: the Speaker of the House of Representatives, the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the House and Senate Committees on Appropriations, Foreign Affairs and Foreign Relations, Armed Services, and the Joint Committee on Atomic Energy. Rounding out the 25-member Joint Committee would be three members from both the House and Senate appointed respectively by the Speaker of the House and the President of the Senate. As you can see, the bipartisan membership would include the experienced authority of Congress with the majority party having three members more than the minority.

Finally, Mr. Speaker, I think it is important to point out what this proposed Joint Committee on National Security would not do. First and foremost, it would not usurp the legislative or investigative functions of any present committees. Rather, it would supplement and coordinate their efforts in a more comprehensive and effective framework. Nor would this new Joint Committee in any way usurp the President's historic role as Commander in Chief. Neither would it place the Congress in the position of adversary to the executive branch.

As I said at the outset, the need for greater cooperation between the Congress and the executive in the national security area has been evident for too long. We have not had an adequate mechanism in our national security apparatus for proper and meaningful consultation between the two branches. The aim of this bill is to provide that mechanism and thereby allow for the formulation of a truly representative national security policy.

For a more complete description of the functions and composition of this committee I include that the bill to establish a Joint Committee on National Security at this point in the RECORD:

H.R. 8785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That the Congress declares that—

(1) it has been vested with responsibility under the Constitution to assist in the formulation of the foreign, domestic, and military policies of the United States;

(2) such policies are directly related to the security of the United States;

(3) the integration of such policies promotes our national security; and

(4) the National Security Council was established by the National Security Act of 1947 as a means of integrating such policies and furthering the national security.

SEC. 2. (a) In order to enable the Congress to more effectively carry out its constitutional responsibility in the formulation of foreign, domestic, and military policies of the United States and in order to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States, there is established a joint committee of the Congress which shall be known as the Joint Committee on National Security, hereafter referred to as the "joint committee". The joint committee shall be composed of twenty-five Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the chairmen and ranking minority members of the Senate Committee on Appropriations, the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, and the Joint Committee on Atomic Energy.

(4) the chairmen and ranking minority members of the House Appropriations Committee, the House Armed Services Committee, and the House Foreign Affairs Committee;

(5) three Members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party;

(6) three Members of the House of Representatives appointed by the Speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 3. (a) The joint committee shall have the following functions:

(1) to make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security;

(2) to make a continuing study of the recommendations and activities of the National Security Council relating to such policies, with particular emphasis upon reviewing the goals, strategies, and alternatives of such foreign policy considered by the Council; and

(3) to make a continuing study of Government practices and recommendations with respect to the classification and declassification of documents, and to recommend certain procedures to be implemented for the classification and declassification of such material.

(b) The joint committee shall make reports from time to time (but not less than once each year) to the Senate and House of Representatives with respect to its studies. The reports shall contain such findings, statements, and recommendations as the joint committee considers appropriate.

SEC. 4. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other tesitmony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of section 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority to this section.

(c) With the consent of any standing select, or special committee of the Senate or House, may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

BUDGETARY REFORM LEGISLATION

The SPEAKER pro tempore (Mr. O'NEILL). Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

REQUEST TO TRANSFER SPECIAL ORDER

Mr. McCLOSKEY. Mr. Speaker, in view of the international situation and the presence of Mr. Breshnev in the United States at the present time, I ask unanimous consent to yield back the time I had requested for a special order this afternoon and postpone that special order until 1 week from today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BELL. Mr. Speaker, I am introducing today budgetary reform legislation which I believe is of vital importance to the Congress.

My bill is closely patterned after the legislation proposed by the Joint Study Committee on Budget Control, but it attempts to make the new budgetary process more responsive to the will of Congress.

It, therefore, makes three basic changes:

First. It modifies the composition of the Committee on the Budget by including more members who are not members of the Appropriations or Ways and Means Committees;

Second. It provides considerably more time for the preparation and consideration of the budget resolution; and

Third. It strengthens and enlarges the duties of the joint legislative budget staff, and makes its work available to every Member of Congress.

The challenge of altering the Congress traditional approach to the Federal budget is the most serious problem facing the 93d Congress.

It strikes at the heart of the question as to whether or not Congress is truly serious when it speaks of regaining its constitutionally mandated "power of the purse" from executive usurpation.

If we are sincere when we speak volumes about strengthening the legislative branch, this is where it is at.

The only way we can hope to strengthen the Congress is if we strike directly at our potential power source.

Traditionally, that potential power of the Congress is money, or the "power of the purse."

Unless we attack this area, our accomplishments in this reassertion will be negligible.

So long as the Congress continues to treat each appropriation bill and spending proposal in a vacuum, as if money appropriated for one program bore no relation to the money available to be appropriated for another, the "power of the purse" will steadily be transferred by default to the executive branch.

The executive which spends the money by necessity knows full well that the Federal Treasury is not bottomless.

The current process also makes it appear that the Congress is acting irresponsibly, at times, and thus strengthens the administration's case in some of their actions, such as impoundments.

Mr. Speaker, the Congress has the responsibility to set this Nation's priorities, but it has abdicated that responsibility—its institutional inertia has blinded it to the need to alter its procedures to keep pace with the vast Federal Government and Nation it is charged to lead.

Fortunately, the Congress is moving in the right direction by having established the Joint Study Committee on Budget Control.

That committee has won admiration from every Member of Congress for the diligence, competence, and unprecedented alacrity with which it produced an effective legislative proposal on an exceedingly complicated subject.

When I testified before the Joint Study Committee last winter, I advocated the creation of a system which would maintain in effect the current two-step authorization and appropriation procedure. While forcing the weighing of each spending proposal against every other within both the authorizations process and the appropriations process.

Although H.R. 7130, the bill written by the Joint Study Committee, is limited to the appropriations process alone, I believe it provides the Congress with an appropriate vehicle with which we can change the budget process.

The bill I am introducing today makes changes in the text of H.R. 7130; the Joint Study Committee has performed an incomparable and invaluable service to the Congress in providing us with this basis for change.

One absolutely essential change in current procedures called for by the Joint Study Committee's proposal is the "rule of consistency," which provides that any amendment to the budget resolution which would increase the funding of one program would have to simultaneously either decrease another program's funding or raise the overall spending ceiling.

A two-thirds vote to suspend the rule would permit inconsistent amendments to prevail.

This rule is the crux of the effort to force Congress to set priorities by weighing each spending proposal against every other, and it represents a major change in procedure which deserves to be and must be tried.

However, it is true that such a rule may make attempts to amend the budget resolution more difficult.

This rule, and the fact that the budget resolution will be the single most important measure to be considered by the Congress each year, makes it absolutely imperative that the new budgetary process be made responsive to the will of the House and Senate as a whole.

Thus, individual Members must be accorded wide opportunity for input into the budget resolution approved by the Congress.

The bill I am introducing today is directed at this goal.

In the context of H.R. 7130, my bill provides more representation of the general membership of the Congress on the Committees on the Budget of the House and Senate; it provides considerably more time for consideration of the budget resolution by the Members; and it provides better availability of information and analysis on the budget to all Members of Congress.

These three factors of committee representation, time, and information are crucial in increasing the responsiveness of the budgetary process to the general membership of the House and Senate.

Specifically, the legislation I have introduced today proposes the following:

First. Committee on the Budget of the House would be composed of 21 members, of which 5 would be members of the Appropriations Committee, 5 would be members of the Ways and Means Committee, and 11 would be members of the other committees of the House.

This membership would insure the presence of members who have expertise on fiscal matters as well as members with an in-depth knowledge of and experience with the many Federal programs.

Such a variety of backgrounds is essential to the proper setting of priorities, which is the essential function of the committee.

In addition, to insure the broadest range of experience, of the 11 members drawn from the other committees of the House, no more than two could be chosen from the same committee, and then only if they were of different political parties.

The Budget Committee would be elected by the House in the same fashion as all other House committees, instead of in the departure from the House rules called for by H.R. 7130.

The committee chairmanship would alternate each year between the 10 members of the Appropriations and Ways and Means Committees and the 11 members of the other committees.

The Committee on the Budget of the Senate would be comparable in nature to that of the House.

Second. The timetable for consideration of the budget resolution would be considerably extended.

H.R. 7130 calls for the Budget Committee to complete action on a budget resolution in a maximum of 6 weeks—less, if the President's budget is transmitted late—from hearings through markup.

The Members of the House are then given the standard 2-day interval from the time the committee report is available until floor consideration begins.

The House is to complete action within 2 weeks, and all debate is limited to 30 hours.

Given the already existing and very serious delays in the appropriations process which have necessitated the all too frequent resort to continuing resolutions, it seems impractical to suggest that a major new step—the budget resolution—can be added to the budget process without any alteration in the time schedule at which appropriations must be made. Hence the proposal I am introducing today calls for a change in the Federal fiscal year to coincide with the calendar year, in order to give the Congress the additional time necessary for preparation and consideration of the crucial budget resolution.

perhaps most important, it would require

My proposal would then give the budget committee an additional month in which to write the budget resolution; that House Members be given 10 working days in which to digest the committee's resolution and report, which will presumably be equivalent in scope to the President's budget message.

That 10-day period will also allow individual House Members to build support for amendments which will satisfy the rule of consistency, thereby making that rule less restrictive than it would be under the current proposal.

The House would then have 3 weeks for floor action with no required limit on debate.

The House and Senate would have completed action in time for the traditional July 4 recess.

I insert a comparison of the time schedules proposed by H.R. 7130 and my bill here:

	Action on concurrent resolution to be completed on or before—	
	H.R. 7130	Bell proposal
House committee reports	Mar. 1	Apr. 1
Floor action begins	Mar. 3	Apr. 15
House acts	Mar. 15	May 6
Senate committee reports	Mar. 29	May 13
Floor action begins	Mar. 31	May 27
Senate acts	Apr. 19	June 17
Congress acts	May 1	July 1

I firmly believe that additional time is absolutely necessary if any changes made in the budgetary process are to be workable.

Third. The joint legislative budget staff called for by H.R. 7130 is considerably strengthened in my proposal.

The Congress needs an analytical and informational entity independent of but parallel to the Executive's Office of Management and Budget.

So long as the Congress has no major independent source of evaluation and analysis, it can do little more than acquiesce to the arguments presented by the Executive.

Although H.R. 7130's proposal has the potential to perform such a function, my bill makes it quite specific.

The joint legislative budget staff would be charged with preparing extensive analyses of the President's budget requests, as well as maintaining continuing reviews of the status of Federal programs and the relationship of Federal expenditures and revenues to economic trends in the Nation.

My proposal also provides that every Member of the Congress, not merely the budget committee members, will have access to the evaluations and analyses performed by the staff.

Only when such information is available can individual Members hope to make a significant contribution to the outcome of the budget resolution.

Mr. Speaker, I am very pleased that this proposal has the support and cosponsorship of my distinguished colleagues BARBER CONABLE, JOHN DAVIS, PAUL FINDLEY, HAROLD FROEHLICH, BILL KEATING, JIM MANN, AL QUIE, MATTHEW RINALDO, JOHN WARE, and LESTER WOLFF.

I believe that this legislation represents a constructive step forward toward making the unquestionably needed changes in our budgetary process more effective and more reflective of the will of Congress.

I earnestly seek the support of the other Members of the House so that we can restore the "power of the purse" to the Congress where it rightfully belongs.

ANTON SARIO, THE ARTIST

The SPEAKER pro tempore (Mr. McKAY). Under a previous order of the House, the gentleman from the District of Columbia (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Speaker, I am very pleased to take this moment to commend one of the great painters of our Capital City and of our Nation. Anton Sario has created many works which are a part of our national heritage, and which are sought after by many people and institutions. Indeed, our own Smithsonian Institution would like to have and hang some of his works on the American Indian. Unfortunately, however, this artist, like those who have gone before him, must also tread the grounds of poverty. The institutions cannot afford his works and he cannot afford to give them away.

With the passage of the arts and humanities authorization by this House on Thursday, I think it is appropriate for us to take note of those who are the potential beneficiaries of one of the great broad-based efforts to help the arts. Perhaps, in some way, we can find the resources whereby those artists who have grown old and whose paintings are sought after by the honest and the not so honest will achieve the respite for themselves that they give to everyone else. Our commitment of Federal dollars, which is averaged at 32 cents per person, is a great step in the right direction and I have come here today to point to my colleagues how real the need is for our artists.

Only history can tell how great an artist's work will be viewed. An artist cannot, however, eat or pay rent with history. Neither can they protect themselves with history from the Rodrigues (sic)—real or imagined—who would take the works but for a pittance. The work this House has done is great and I am happy for it, and so too is Anton Sario. Those of you who might be interested in viewing his works can come to my office and see his rendition of the Capitol Building made years ago in a setting that does not exist.

ADAM SMITH'S RELEVANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, on June 5 Kircaldy, Scotland, was the scene of a celebration of the 250th anniversary of the birth of the great exponent of free enterprise, Adam Smith. His classic study entitled "An Inquiry Into the Nature and Causes of the Wealth of Nations" eloquently and perceptively set forth his timeless case for free markets. His work, and that of his successors known as the classical economists, was crucial to the eventual elimination of the myriad economic controls which had stifled the English economy under the mercantilist system.

Joining in the honor of the memory of a man so great are those of clear conscience and realistic thought. Many organizations have been formed to perpetuate the principles of Smith. One of the leading groups in this endeavor is the International Invisible Hand Society which is planning suitable commemorative activities in 1976, the 200th anniversary of the publication of "The Wealth of Nations."

Our young people are also active in this regard as typified by the group of recent George Washington University graduates known as the Adam Smith Society.

I join them in paying respect to so excellent a thinker.

The Washington Post of June 10 contained a condensation of an address by Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, discussing the continuing importance of the work of Smith.

With the insights that have characterized Dr. Burns' historic commitment to free markets and limited government, he lauds the contribution of Adam Smith to the formal body of economic theory. Dr. Burns observes:

> Smith proposed a bold new venture in national policy in the organization of economic life on the principle of free enterprise. He believed that governmental regulations would stifle economic growth in Great Britain and the rest of Europe, and that the abundant energies of people, particularly the British, would be released if these barriers to progress were swept away.

To place such innovative ideas in perspective, Dr. Burns notes that for two centuries the economic policies of England and Europe were governed by the merchantilist doctrine. This, Dr. Burns states:

> Was a system of governmental regulation of nearly every aspect of economic life—industrial output, agriculture, domestic and foreign trade, occupational choice, apprenticeship, prices, wages, labor mobility and so forth. The direction of economic activity was considered to be the task of statesmen who alone could guide the activity of businesses and individuals in ways that promoted the national interest.

In contemporary terms, one might define such doctrine as the New Economic Policy, phases 1, 2, 3, and a freeze. Fortunately, such interventionism in our own society has been held to a minimum.

Dr. Burns identifies the breakthrough represented by Adam Smith's thinking as containing three essential ingredients: First, economic rewards had to be commensurate with the market value of the work that individuals performed and the risks they took in investing their capital; second, achievement of the progress of which a country was capable required active competition, including competition from abroad; and third, a pricing mechanism was needed to allocate resources among competing uses, in accordance with the wants of consumers.

Dr. Burns states:

If my reading of history, is anywhere near the mark, development over the past two centuries have demonstrated beyond serious doubt the essential validity of Smith's theory of production. Where free enterprise has flourished nations have prospered and standards of living have risen.

Dr. Burns clearly recognizes Adam Smith's insistence that a price mechanism for allocating resources is essential to the growth of national wealth. In fact, Dr. Burns feels that even the socialist countries of Eastern Europe "have begun to reconsider their earlier policy of guiding the course of their complex economies through central planning and detailed regulation of most aspects of economic life."

In a day when we find ourselves going backwards in our economic thinking to the reactionary doctrine of merchantilism, it is refreshing to hear such words reiterated by a man of Dr. Burns stature and position. Adam Smith succinctly summarized the situation when he wrote:

> All systems either of preference or of restraint, therefore, being thus taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man or order of men. The sovereign is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient; the duty of superintending the industry of private people, and of directing it towards the employments most suitable to the interest of the society.

Mr. Speaker, I insert in the RECORD the remarks of Dr. Burns at this point:

ADAM SMITH'S RELEVANCE—ARTHUR BURN'S ADDRESS ON HIS CAPITALIST PHILOSOPHY

During the past quarter century, economists have been devoting much of their energy to studies of the process of economic growth. Some have concentrated on the interplay of social, cultural, political, and economic forces that shape the destiny of developing nations. Others have sought to determine along empirical lines what part of the economic growth of industrialized countries may be attributed to improvements in education, what part to increases in the stock of capital, what part to scientific research, improvements of technology and other factors. Still other economists have developed formal mathematical models to gain insight into the dynamics of a growing economy. The formidable literature generated by this research could be aptly assembled under the title of Adam Smith's treatise: "An Inquiry Into the Nature and Causes of the Wealth of Nations." . . .

"The Wealth of Nations" is universally recognized as the first major exposition of modern economic thought. Adam Smith himself is commonly regarded as the father of political economy. Yet it is a striking fact that the principles underlying the growth of national wealth and income, which was the central theme of his book, remained for many years a subordinate issue in the great works on economics.

"The Wealth of Nations" was, first and foremost, a theory of production. Smith's main interest was in the means by which a nation could use its resources of labor and capital most effectively, thereby increasing its output and improving the lot of its people. He examined in considerable detail also the principles underlying the distribution of output. But while this was a subsidiary theme of "The Wealth of Nations," it became the primary concern of the classical economists—David Ricardo, John Stuart Mill, Alfred Marshall and others. About 150 years elapsed before economists again developed any substantial interest in the determinants of national output or national income; but it is hardly an exaggeration to assert that this has now become the central subject of scientific economics. Schumpeter, Mitchell, Robertson, Keynes, Kuznets, Roy Harrod, to name but a few of the great economists of recent times, have concentrated on this vital theme.

The contribution of Adam Smith to the formal body of economic theory is of towering proportions. Yet, it is less significant to the history of mankind than his influence on the ways in which individual nations, both large and small, have organized their economic activities. Smith proposed a bold new venture in national policy—the organization of economic life on the principle of free enterprise. He believed that governmental regulations were stifling economic growth in Great Britain and the rest of Europe; and that the abundant energies of people, particularly the British, would be released if these barriers to progress were swept away.

The importance of Smith's revolutionary ideas to the course of economic development in Great Britain and other parts of the Western world can be best appreciated by recalling the historical setting in which "The Wealth of Nations" appeared.

The economic policies and practices of England, France and other European countries between the 16th and 18th centuries were governed by a loose body of principles known as mercantilism. In its popular conception, mercantilism doctrine is identified with protective measures for seeking a favorable balance of trade and an abundant supply of the precious metals. This characterization is correct as far as it goes, but it is incomplete. In fact, the mercantilist principles expounded in 1767 by another great Scotsman, Sir James Steuart, and widely practiced in England during the preceding two centuries, revolved around a system of governmental regulation of nearly every aspect of economic life—industrial output, agriculture, domestic and foreign trade, occupational choice, apprenticeship, prices, wages, labor mobility and so forth. The direction of economic activity was considered to be the task of statesmen, who alone could guide the activities of businesses and individuals in ways that promote the national interest. . . .

The mercantilist form of economic organization, Smith reasoned, lacked a number of ingredients essential to satisfactory growth of the wealth of nations—ingredients that free enterprise would forthwith supply. Of these, three stood out in importance in his mind.

First, economic rewards had to be commensurate with the market value of the work that individuals performed and the risks they took in investing their capital. Smith believed—as did the mercantilists—that self-interest was a dominant force in human behavior. But he perceived a truth that had escaped the mercantilists—namely, that a system of free enterprise could successfully harness individual motives to achieve national economic objectives.

Second, achievement of the progress of which a country was capable required active competition, including competition from abroad. Active competition, Smith believed, would lead to greater specialization of labor; it would encourage commercial application of technical and managerial knowledge; and, more important still, it would stimulate greater industry among businessmen and workers alike.

Third, a pricing mechanism was needed to allocate resources among competing uses, in accordance with the wants of consumers. Free markets, Smith argued, generate price and wage adjustments which result in a use of resources that is consistent with the prevailing pattern of consumer and business demands, and thus solve problems that governmental rules cannot handle. . . .

If my reading of history is anywhere near the mark, developments over the past two centuries have demonstrated beyond serious doubt the essential validity of Smith's theory of production. Where free enterprise has flourished, nations have prospered and standards of living have risen—often dramatically. Where detailed governmental regulation has repressed individual initiative and stifled competition, economic growth has been hampered and the well-being of the people has generally suffered.

The outstanding example of economic progress under a system of free markets is provided by the United States. The standard of living enjoyed by the people of my country has been, and still is, the envy of the world. . . .

The standard of living that we enjoy in the United States reflects more than our system of economic organization. Rapid development of the American economy was fostered also by our rich endowment of natural resources and our vast expanse of fertile lands. Our free institutions and opportunities for self-advancement attracted to our shores millions of venturesome individuals from all over the world. The people who came were industrious and highly motivated, and they often brought with them useful technical skills and educational accomplishments. However, other countries also have been blessed with rich natural resources and with people of unusual educational and technical achievements, and yet have not managed to find the path to rapid economic development.

The key to the economic progress of the United States, I believe, is therefore to be found in our institutions, which by and large have permitted anyone in our midst to choose his occupation freely, to work for himself or for an employer of his choice, to produce whatever he chose, to benefit from the fruits of his individual effort, and to spend or to save or to invest as he deemed proper. . . .

Lively competition, individual incentives and a pricing mechanism to allocate resources are as important to the growth of national wealth now as they were in the Great Britain of the 18th Century. That fact, I believe, is gaining recognition beyond the boundaries of what we loosely call the Free world. In recent years, the socialist countries of Eastern Europe have begun to reconsider their earlier policy of guiding the course of their complex economies through central planning and detailed regulation of most aspects of economic life. They have begun to ponder whether the production of some unwanted goods or obsolete machines might not reflect the failure of prices to signal changes in consumer or business demands; whether more rapid technological progress might be encouraged by providing industrial managers with stronger incentives for taking risks; whether workers would increase their productivity if more opportunities became available to improve their own lot and that of their families through greater individual effort. . . .

In some, if not all, socialist countries, doctrinaire adherence to centralized planning and regimentation of economic life is gradually being displaced by a more flexible administration of the economic system. Wider scope for decision-making is being given to individual factory managers; monetary incentives related to economic performance are becoming more common; a larger role is being assigned to prices in the allocation of resources. Notable examples of this trend may be found in Yugoslavia and Hungary, where significant efforts have been made in recent years to accelerate economic development by moving toward a more flexible, less centrally directed form of economic organization. In the Soviet Union, also, a reform of the industrial structure is under way, aiming among other things at decentralization of research and development programs.

In the developing nations, too, a trend is evident towards wider acceptance of Adam Smith's theory of economic development. A decade or two ago, many of these countries were seeking to rush headlong into heavy industry, bypassing the development of agriculture and light industry for which their resource base and technical skills were better suited. Barriers to imports were created to speed industrial development, while one industry after another was saddled with restrictions and regulations that made competition in world markets extremely difficult. Political leaders in these countries had become so fascinated with the thought of rapid industrialization that they not infrequently ended up by creating industrial temples, rather than efficient and commercially profitable enterprises.

Some costly lessons have been learned, and some ancient truths rediscovered, from this experience. Of late, developing countries have been reconsidering the benefits of agriculture and light industry as paths to economic progress. More of the developing countries are now encouraging private foreign investment, and practically every nation is seeking ways to raise productivity, open new markets and foster a spirit of enterprise among its people.

Policy makers across the world thus keep coming back to the principles enunciated by Adam Smith some 200 years ago. A contemporary reader of "The Wealth of Nations" cannot escape being impressed with the vigor of Smith's analysis and its relevance to the world of today. Yet, he will also be struck, I believe, by the fact that nations are nowadays concerned with economic problems that were hardly foreseen in his great treatise on political economy . . . .

We face problems today with which Adam Smith did not concern himself. Economic life keeps changing, and each generation must face anew the central problem with which he dealt so boldly—that is, how best to draw the line between private and governmental activities in the interest of augmenting the general welfare. As we go about this task, we cannot be blind to the imperfections of market processes or to the abuses of market power by business firms or labor organizations. But we also cannot afford to neglect Adam Smith's warning, of which recent experience provides ample illustration, that governments not infrequently create new problems, besides wasting resources that could have been put to effective use by private citizens or business firms . . . .

DISCUSSIONS WITH TOP CANADIAN ENERGY OFFICIALS REGARDING A CANADIAN PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, proponents of the Alaska oil pipeline have consistently alleged that the Canadian Government will impose such rigid conditions on American participation as to make a Trans-Canadian pipeline infeasible. In a letter to all Congressmen 2 months ago Secretary Morton spelled out in considerable detail these alleged obstacles. I must say that to many Members these representations may well have provided convincing arguments in support for an Alaskan pipeline: If the Canadian Government is so negative, how can we talk about a Trans-Canadian alternative?

Mr. Speaker, I have recently returned from a trip to Ottawa Canada, where along with six other Members of Congress, I participated in a 3-day conference organized by the Canadian Parliamentary Center for Foreign Affairs and Trade, a private Canadian organization, partially funded by the Parliament of Canada.

During this conference, I met with Canada's Minister of Energy, Mines and Resources, Donald MacDonald; with Jean Chretien, Minister for Indian Affairs and Northern Development; with other top officials in the area of energy; and with members of the other political parties in Canada.

The substance of these conversations is contained in the report below. I have made every effort to be as objective as possible. I have recounted the "bad news" as well as the "good news"—reporting factors which would tend to delay or inhibit an oil pipeline, as well as those which would enhance its feasibility.

However, I believe that Members of Congress who read the report will agree with my general conclusions: first, that the attitude of the Canadian Government is much more open toward application for an oil pipeline than we have been led to believe by this administration; second, that the studies that have been done to date by the Canadian Government are encouraging to those who believe a Canadian pipeline is feasible; third, that the sources of political opposition to a pipeline are not nearly as strong as some have claimed; and finally, that the receptiveness of the Canadian Government to discussing an oil pipeline with us, and the fact that 3 years of studies have been completed relating to a pipeline, support the proposition that no action should be taken on an Alaskan pipeline until a 6-month crash study is done to compare the Canadian with the Alaskan route, and until the Secretary of Interior begins talks with Ottawa on the availability of rights-of-way through Canada.

Mr. Udall, Mr. Blatnik, Mr. Harvey, and myself have introduced a bill which would require these actions to take place.

The report on my discussions with Canadian Government officials and others in Canada is included in the Record at this point:

Report on Discussion With Canadian Officials and Others on a Possible Canadian Oil Pipeline

Along with five other members of Congress, I met with a broad spectrum of Canadian Parliamentarians and members of the Trudeau government during the weekend of June 1–3, under the auspices of the Canadian Parliamentarry Center for Foreign Affairs and Trade. The bulk of my time was spent attending the formal program, at which a number of high Canadian officials in the energy area held discussions with us. Particularly fruitful were our discussions with Mr. Donald MacDonald, the Canadian Energy Minister. In addition, I talked with a number of Canadian politicians and private individuals who are playing key roles in the shaping of Canadian policy on gas and oil pipelines through the MacKenzie Valley.

The following material pulls together my impressions of Canadian attitudes toward the pipeline issue, based on these sources.

INTRODUCTION

It should be noted at the outset, that when one talks about "the pipeline" to the average Canadian, it is generally assumed that a natural gas pipeline through the MacKenzie Valley is the pipeline being discussed. Such a pipeline is expected to carry gas from both the MacKenzie Valley and Prudhoe Bay. Canadians assume a gas pipeline will become a reality in the near future whereas they view the prospects for an oil pipeline as being largely dependent on our taking the initiative with them.

The fact that a gas pipeline application is expected to be filed with the National Energy Board (NEB)—the regulatory agency in the energy field—by the end of this year, has significance for those interested in the feasibility of an oil pipeline through Canada. Such an application will signal the conclusion of nearly three years of study by private industry and government regarding the technical, financial, environmental, and land claims problems associated with a gas pipeline. Many of these problems are quite similar to those which surround the construction of an oil pipeline. To a significant extent, these studies and this application would seem to pave the way for the developmental work needed for an oil pipeline. The impression created by proponents of TAPS that such development would have to start from scratch, regarding an oil pipeline, is therefore a misleading one.

If, as expected, an application for a gas pipeline is made to the NEB, the NEB will have the responsibility of determining whether the various problem areas surrounding a pipeline are manageable, and whether the construction of a gas pipeline is in the public interest. If the pipeline is approved, it will then be up to the government to decide whether or not to authorize the go-ahead. A similar procedure would hold for the construction of an oil pipeline.

CABINET RECEPTIVES TO AN OIL PIPELINE

The importance of the Cabinet as a whole in Canada's Parliamentary system, means that each Cabinet member has some input to the Prime Minister on any specific policy issue, such as energy policy. Given this fact, it becomes important to ascertain which Cabinet members are most influential regarding overall energy policy.

The consensus in Ottawa seems to be that Mr. MacDonald's views on energy policy carry considerably more weight with the Prime Minister and the Cabinet than those of any other minister. MacDonald is a former Defense Minister who is regarded as somewhat of a trouble-shooter, whose views are seen as hard-nosed and backed up by good judgment and knowledge of the facts.

In general, I was struck by the positive attitude that the Minister of Energy, Mines and Resources, Mr. MacDonald, and the Minister of Indian Affairs and Northern Development, had toward an oil pipeline.

The following information reflects extensive conversations with Mr. MacDonald, Mr. Chretien and senior advisers in their ministries:

First of all, Mr. MacDonald's reaction to Secretary Morton's letter to members of Congress was one of concern about the way in which the Secretary had, in his view, misrepresented the Canadian posture as being very rigid about American participation in a pipeline.

A letter correcting Mr. Morton's misinterpretation of the Canadian posture was drafted for Mr. MacDonald's signature, but has not yet been sent.

When the Canadian Embassy in Washington contacted the State Department to discuss sending such a "correctional" letter, the Canadian Ambassador was told that this pipeline business is an internal U.S. matter, and that Canada should stop meddling in it (or words to that effect). This attitude, plus some diversity in Canada over the pipeline issue, which I will describe later on, resulted in Mr. MacDonald's not sending the letter to Mr. Morton. I was told the letter may be sent at a later, more appropriate time—that is, more appropriate in terms of overall American-Canadian diplomacy.

I was told that the points I made in my testimony of April 16 before the House Public Lands and Interior Committee—which rebutted a number of Secretary Morton's interpretations of the Canadian government's position—were correct and important points.

The openness and one might even say, optimism, of the Canadian government on the question of an oil pipeline through the MacKenzie Valley is illustrated by the following points made by Mr. MacDonald and Mr. Chretien:

Recent Administration Statements. Mr. MacDonald felt strongly that the Administration's recent announcement that the U.S. would move ahead with the Alaskan pipeline, but would also discuss a second pipeline with the Canadians, was misleading. Once the United States builds an Alaska line, it will be much cheaper for us to add on to it (via looping), than to build another Canadian line. Since Canadians have minimal use of an oil line in the near future, they will certainly not construct one themselves.

I was told that newspaper reports indicating that the oil companies were negotiating with the Canadian government about rerouting tanker traffic away from Vancouver, in return for a Canadian agreement not to "encourage" U.S. Congressmen in a Canadian pipeline, seemed plausible as a Nixon Administration strategy—since that issue of tanker traffic to the Cherry Point refinery really was the key irritant to Canadians at present. However, I was also told, not by Mr. MacDonald but by an official from the Department of External Affairs, that such talks were not taking place, and that the Canadian government would never be party to such a deal.

Lead time of reasonable length. Lead time for both preparation of an application and NEB approval would be two to three years—with three more years for actual construction.

Financing feasible. Assuming that two pipelines do cost $5.1 billion apiece, 80 percent would be debt financing; financing of two pipelines would thus be feasible. The Canadian government's reasoning is similar to those in my testimony of April 16. I was told that the Trans-Canada pipeline built in 1958 (The Interprovincial Pipeline Corp.) involved a larger percent of GNP than this one would.

Flexibility on Throughput. The Canadian government has *never* said it would want 50 percent of the throughput, as Secretary Morton alleged—although it would probably not settle for less than 25 percent. However, the fears of Canadian oil backing out American oil are unfounded. Any Canadian throughput would be added on by small increments, year by year—as is traditionally the case. Moreover, there woud be plenty of lead time to add on loops if significant new capacity is needed. In sum, Canadian access to the pipeline would not mean backing out of North Slope (American) oil.

No Need to Fear Vulnerability. Americans' fear of vulnerability should be tempered by the realization that a very large portion of Canadian gas lines go through the U.S. side of the border, on their way to Canadian outlets in the Eastern provinces. Any unilateral action by Canada, which is of course highly unlikely in any case, would be absolutely out of the question given the reality of American ability to retaliate against Canadian lines.

Flexibility on Ownership. Although the issue of ownership is a very controversial one, it should not be cast in all or nothing terms. The basic principle should be the right of first refusal: the Canadians should have the opportunity to have 51 percent ownership of equity. If they do not accept this opportunity, then ownership should be open to outside interests.

NEB not biased against pipeline. The Chairman of the National Energy Board, Mr. Howland, is not at loggerheads with Mr. Trudeau, as some have alleged, and would not turn down an application for an oil pipeline, in order to embarass the Prime Minister. Mr. Howland, in fact, is sympathetic to a Canadian oil pipeline, and first proposed it to the Chairman of the Board of Atlantic Richfield over a decade ago.

Building two Canadian pipelines simultaneously. If Canada is prepared to accept a low oil throughput, oil and gas lines could be built simultaneously. However, this alternative was not emphasized. He did emphasize that Canada could build them consecutively.

Native land claims not a major obstacle. Native land claims questions will not be a source of major delay. Such claims could conceivably be cleared up within a year's time from the initial application for a line to the National Energy Board. The government is sympathetic to native claims generally, and in fact is providing the legal funds for natives to develop their claims. Recent application for a caveat (title-registration warning) by the Indians, will be an additional, but not major, source of delay. (The caveat would be a first step toward proving that these natives have "aboriginal" rights to the land, since they never signed a treaty with the Crown in the first instance.)

Environmental problems manageable. The environmental problems created by either an oil or a gas line are manageable. The oil pipeline presents more environmental problems, but they can be dealt with through "environmental engineering." A three-year long series of studies on environmental, social, and other aspects of a pipeline is now being concluded in this area, at a cost of $20 million, and including scores of separate studies, many of which are applicable to an oil as well as gas pipeline.

POSSIBLE SOURCES OF OPPOSITION WITHIN THE GOVERNMENT

Although the two key ministers involved in a northern pipeline policy—Mr. MacDonald and Mr. Chretien—seem quite receptive to an application for an oil pipeline, there are other views in the Trudeau government that seem less hospitable to the idea of an oil pipeline.

During the week of May 21, a report developed by the Department of Finance for a Cabinet task force, on the economic effects of a gas pipeline, was leaked to the newspapers and precipitated debate in the Commons. The report was highly pessimistic about the effect that a gas pipeline would have on the Canadian economy. It argued that as a result of the massive financing needed for the line, the Canadian dollar would become overvalued, inflation would accelerate, and a decline in manufactured exports would occur. The report concluded that the pipeline would mainly benefit the U.S. rather than Canada.

However, the ministers I talked to confirmed that the report was "totally discredited" as far as the Cabinet is concerned. The report assumed full employment (thereby magnifying the inflationary effects—employment is now about 5.5 percent), and made other macroeconomic oversimplifications. Indeed, Mr. MacDonald stated on the floor of the Commons that the report was flatly rejected by the Cabinet. Obviously, the economic effects of the gas pipeline are not that different from those of an oil pipeline. Thus, the rejection of the report by the Cabinet lends support to those who feel the oil pipeline is a viable proposition.

Another source of possible opposition to an oil pipeline is within the Canadian diplomatic corps. It is clearly worried about the fact that the Nixon Administration has chosen the Alaskan route, and that any encouragement by the Canadian government of a Canadian substitute route will be looked on unfavorably by the Administration. Given the fact that delicate negotiations are proceeding on trade and other issues with Canada, and that there is division within Canada itself on the subject of a pipeline, some high officials in the Department of External Affairs feel absolute silence would be the best policy for Mr. MacDonald and others to pursue regarding an oil pipeline to be used by the United States.

This point of view may be shared to some significant extent by the Minister of External Affairs, Mr. Mitchell Sharp—although it is not clear to me to what extent it is shared. This point of view is certainly a factor to consider, as we assess and interpret the views of the Canadian government.

It is, however, disturbing to see that honest discussions cannot take place on this subject without fear by the Canadians that the Administration will regard such discussions as "meddling" in internal affairs of the U.S.

SOURCES OF OPPOSITION AND SUPPORT OUTSIDE THE TRUDEAU GOVERNMENT

The Truedeau Liberal government won last election by the thinnest of margins, capturing only two more seats than the Conservatives, and a minority of the total seats in Parliament. The balance of power is thus held by the New Democratic Party, a socialistic party which sharply increased its representation in Commons. The NDP's stated policy is to ally itself with the Liberals, and to have a "chastening" effect on government policy.

Below are my impressions, based on talks with government officials, leading Parliamentarians and governmental observers, as to how the political situation in Canada affects the feasibility of a Canadian oil pipeline. Despite sources of opposition within the Conservative and NDP parties, my conclusion from the discussion below is that the total opposition is nowhere near as strong as some would have us believe.

RECEPTIVENESS TO A PIPELINE AMONG MOST CONSERVATIVES

Although there is a faction among the Conservatives who would probably oppose an oil pipeline, just as they are opposed to a gas pipeline, most Conservatives would probably support an oil pipeline proposal on general ideological grounds. A large block of M.P.'s are from the western province of Alberta, where oil and gas interests are located.

There is an anti-pipeline block among the Conservatives. This group is passionate and articulate about the alleged distortions that capital-intensive extraction industries, owned by Americans, create in the Canadian economy. They see $5 billion spent for a pipeline, to export Canada's riches, and only a few hundred permanent jobs resulting. Some younger Canadians especially seem angry about this issue and supportive of this point of view.

The mainstream of Conservative thinking, however, is probably better represented by Alvin Hamilton, shadow minister of energy, and former minister of energy in the Conservative government. Hamilton is sympathetic to the idea of more cooperation between Canada, and the U.S. on energy matters. In fact, he would like to persuade the Conservative party to back a policy which would export to the U.S. twice the amount of oil we are now receiving from Canada—up to three million barrels a day—and increase gas shipments by an even greater factor.

Hamilton not only advocates a gas pipeline, but also wants a "unified corridor"—including a highway-railway-pipeline complex—to develop the North. He feels that Canada has plenty of capital to build its own pipelines. All these views augur well, in terms of Conservative support for an oil pipeline.

FLEXIBILITY OF THE NEW DEMOCRATIC PARTY

There are many people who feel that the Trudeau government will not last long, given the uncertain alliance that exists between the New Democratic Party and the Liberals. In a Parliamentary system, of course, it takes only one major legislative defeat for the government to precipitate a vote of no confidence in the government.

However, David Lewis, leader of the NDP, feels the government may be much more viable than many people think, for several reasons: NDP obviously enjoys holding the balance of power, which it would not have in a majority government; Lewis is generally determined to make minority government work and thus prove that a multiparty system is good for Canada (in fact, minority governments have been in power five times in the last two decades); finally, there has been a recent decline in public support of the Conservatives—which diminishes their appetite for an election at this time.

Despite NDP opposition to new foreign investment, an oil pipeline—and even more so, a gas pipeline—may therefore be one of a range of issues that NDP may be willing to compromise on.

CONCLUSION

After looking at the sources of sympathy toward a Canadian oil pipeline within Canada, and the sources of opposition, I would say the former are significantly stronger. The key members of the Trudeau Cabinet would seem in favor. The same would seem true for the leadership of the Conservative party. The NDP is more flexible than is supposed. Canadian nationalism, while growing, is tempered by the reality of Canada's economic interdependence with the United States.

We should also be mindful of the fact that the Canadian government established, some time ago, a Cabinet task force on northern oil development. This task force is now finishing up an overall discussion paper on energy matters, due for release soon. This extensive research and development process does not at all square with Administration assertion that a Canadian oil pipeline effort would have to start from ground zero in terms of planning.

KEMP ANNOUNCES SUPPORT FOR AGRICULTURAL, ENVIRONMENTAL, CONSUMER APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, due to a longstanding commitment in my district, I was unable Friday, June 15, to cast my vote on final passage of the Agricultural, Environmental and Consumer Protection Appropriations bill for 1974.

I was prepared to cancel the commitment until, shortly before the final vote, I found that the bill would pass without difficulty, in fact it did, 304–3.

Had I been present, I would have voted for the bill. Reasons for my support include the reduction of the ceiling on the annual farm subsidy to $20,000, a measure I supported by the introduction of legislation; the $100 million demonstration program to help clean up Lake Erie and the other Great Lakes, and my support for rural development, especially as it relates to water management programs and economic development in Erie County, N.Y., and in the other States.

THE LEGAL SERVICES CORPORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Mizell) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to announce my intention of offering an amendment tomorrow to H.R. 7824, the Legal Services Corporation Act.

The amendment will prohibit any funds authorized in this act from being used for legal assistance in court cases involving the transportation of public school students for desegregation purposes.

The amendment will be offered at page 30, after line 8 of the printed bill, by inserting the following:

> (6) To provide legal assistance in connection with so much of any legal proceeding as seeks to require the transportation of students as a means of overcoming racial segregation.
>
> Page 30, line 9, strike "(6)" and insert "(7)".

STATEMENT OF THE HONORABLE TOM RAILSBACK BEFORE THE HOUSE OF REPRESENTATIVES ON ABSENTEE VOTING FOR AMERICAN CITIZENS OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Railsback), is recognized for 25 minutes.

Mr. RAILSBACK. Mr. Speaker, today, I am sponsoring, along with the distinguished chairman of the House Committee on the Judiciary, Mr. Rodino, the introduction of legislation which would allow U.S. citizens living abroad to vote in all Federal elections. More specifically, the bill would provide that no citizen who is otherwise qualified to register and vote in his domiciliary State, with respect to any Federal election, shall be denied the right to vote in such State merely because such citizen is residing outside the United States and has relinquished his place of abode or other address in the State—provided that he has not qualified as a voter in any other State.

The right to vote is one of the most basic rights of American citizenship, yet over 750,000 Americans—including thousands of businessmen and women, missionaries, teachers, lawyers, students, engineers, and many others residing overseas are denied the Federal franchise. This occurs because the majority of States impose rules which require a voter's actual presence or maintenance of a home in the State; or which raise a doubt of voting eligibility of nonresident domiciliaries whose date of return is uncertain; or because the citizen is unsure whether he or she will return to the State of last residence or be assigned to a different State; or the State has confusing absentee registration or voting forms that appear to require the maintenance of a home or other abode in the State.

Last year the Bipartisan Committee for American Voters Overseas surveyed the election officials of the 50 States as to the ability of overseas American citizens to vote for President and Congress in their respective States. The bipartisan committee is an organization of distinguished business and professional people in Europe of both political parties who have been seeking the enfranchisement of American citizens residing abroad.

Mr. Speaker, the legislation we propose today would allow the American citizen residing overseas to vote in Federal elections in the State in which the citizen had last voted or registered to vote, or if the citizen had not so voted or registered, in the last State in which the citizen maintained a domicile before departing from the United States as long as the individual is otherwise qualified to vote in that State and complies with the absentee ballot requirements of the State and provided the citizen does not qualify as a voter in any other State, territory, or possession of the United States. This is the crux of the legislation we are introducing today. The present checkerboard pattern of domicile rules among the States should no longer be permitted to deny Americans overseas the franchise in Federal elections.

The legislation proposed today would also provide a form which the States may accept as an application for an absentee ballot to vote in a Federal election and as an application for registration to vote in such election if registration is required by the laws of the State. The form is modeled after the Federal post card application form—FPCA—now used in most States as an application for registration and ballot for overseas military personnel and certain other groups which vary from State to State. Although the States are not required to adopt this form it is our hope that whenever feasible they will do so.

The legislation would also establish as Federal law, in clear and unequivocal statutory language, the principle that the exercise of the right to register and vote by a U.S. citizen abroad should not constitute an act which would affect the determination of his or her actual residence—as distinguished from his or her place of voting for Federal, State, or local tax purposes. The Internal Revenue Code and the laws of all but a handful of the States offer Americans currently residing abroad an income tax exemption, in whole or in part, for income earned abroad. The legislation I am introducing today would help assure that the exercise of the right to register and vote absentee by such a citizen would not jeopardize any such income tax exemption.

The Internal Revenue Service has already indicated, most recently in an August 28, 1972, ruling letter to Senator Goldwater, that the exercise of absentee registration and voting rights will not jeopardize the nonresident Federal income tax exclusion available to a U.S. citizen residing abroad. The legislation being introduced today would enact this administration interpretation into law for Federal income tax purposes and would assure that the States would not make an inconsistent interpretation of their own income tax laws. I ask unanimous consent at this time to have printed in the Record the Internal Revenue

Service ruling letter sent to Senator GOLDWATER by subject.

Mr. Speaker, this proposed legislation does raise several constitutional issues which we will have to explore very carefully during the hearings. Strong arguments may be made on both sides of the issue of whether Congress may legislate to establish new requirements for voting in all Federal elections, different from those which the States have enacted. Constitutional authority, based upon previous decisions by the Supreme Court, appears clearest in support of Federal legislation affecting qualifications for voting for Representatives and Senators. Authority is less clear for elections held to choose electors for the President and Vice President, and for primary elections to choose candidates for Congress.

The principal source of power for Congress to enact qualifications for voters in congressional elections comes from Article I, section 4 of the Constitution, which provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators.

According to the Supreme Court, this provision gives Congress "general supervisory power over the whole subject of congressional elections," *Smiley v. Holm*, 285 U.S. 355, 367 (1932).

The opinion in Smiley stated that—

> These comprehensive words embrace authority to provide a complete code for congressional elections, not only as to time and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud, and corrupt practices, counting of votes, duties and inspectors, and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved . . . (285 U.S. at 336; emphasis added).

Those who would limit the scope of article I, section 4, point out that the foregoing in Smiley were but dictum, as the actual holding of the case concerned only the issue of reapportionment of congressional districts by State legislatures. Nevertheless, the quoted paragraph is often repeated with approval in Supreme Court decisions, most recently in the opinion of the late Justice Black in *Oregon* v. *Mitchell*, 400 U.S. 112, 119 (1970), supporting the holding that article I, section 4 empowers Congress to lower the minimum voting age to 18 years in Federal elections, and to abolish durational residency requirements as qualifications for voting in Presidential elections. The broad interpretation of article I, section 4, regarding the supervisory power of Congress over congressional elections appears to be widely accepted in other courts as well. See, for example, *United States* v. *Manning*, 215 F. Supp. 272 (D. La., 1963); *Commonwealth ex rel. Dummit* v. *O'Connell*, 298 Ky. 44, 181 S.E. 2d 691 (1944).

In contrast with the generous powers granted Congress to regulate congressional elections are the relatively scant express powers with respect to elections for the President and Vice President:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States. (Article II, section 1, cl. 3). . . . Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified (Amendment XX, section 3). The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them. Amendment XX, section 4).

The Constitution provides that—

> The citizens of each state shall be entitled to all privileges and immunities of citizens of the several states, (Article IV, section 2), and bestows upon Congress the power to make all laws which shall be necessary and proper to carry out this provision. (Article I, section 8, cl. 18).

Further:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. . . (Amendment XIV, section 1).

Congress may enforce the foregoing by appropriate legislation—amendment XIV, section 5.

From these provisions, it is argued that because the right to vote for national officers is a privilege and immunity of national citizenship—*Oregon* v. *Mitchell*, supra, at 149; cf. *Ex parte Yarbrough*, 110 U.S. 651 (1883)—Congress may enact legislation appropriate and plainly adapted to the end of protecting the privilege of voting in Presidential elections. In any case, these questions, among others, will have to be fully explored during the hearings.

Mr. Speaker, throughout American history there has been a continuing attempt to guarantee the franchise and to eliminate arbitrary hindrances to voting to insure that every American citizen has the opportunity to exercise that most basic right in a democracy—the right to vote. I believe this legislation I am introducing today will help further to secure this worthwhile goal.

The letter follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 28, 1972.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This is in reply to your letter of August 16, 1972, regarding the possible effect that voting by absentee ballot by United States citizens residing abroad may have on their claiming the exclusion from gross income provided by section 911(a)(1) of the Internal Revenue Code of 1954.

Section 911(a)(1) of the Code provides, in relevant part, that the following items shall not be included in gross income and shall be exempt from Federal Income taxation. In the case of an individual citizen of the United States who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) which constitute earned income attributable to services performed during such uninterrupted period.

You forwarded with your letter a copy of a report prepared by the American Chamber of Commerce of Venezuela. That report and your letter indicate concern that if a United States citizen residing abroad signs an application for registration to vote in one of the States and represents in such application no more than that he intends to return to that State as his domicile, he may thereby jeopardize or forfeit his entitlement to the section 911 exclusion from gross income based on his claim of bona fide residence in a foreign country. You are referring in particular to Internal Revenue Service Publication 54(10–71) *Tax Guide for U.S. Citizens Abroad*, 1972 Edition, which provides on page 4:

"A U.S. citizen living abroad may vote by absentee ballot in elections held in the United States (national, State, and local) without jeopardizing his eligibility for tax exemption as a bona fide resident of a foreign country. Such voting will not, of itself, nullify the taxpayer's status.

However, where a U.S. citizen makes a representation to the local election official regarding the nature and length of his stay abroad that is inconsistent with his representation for purposes of the tax exclusion, the fact that he made the representation in connection with absentee voting will be considered in determining his status for the exclusion, but will not necessarily be conclusive.

You are concerned that the "inconsistent representation" language of the above-quoted material might be interpreted to mean that a representation by a taxpayer of domicile in a State and of an intent to ultimately return there is not compatible with the taxpayer's claim of bona fide residence in a foreign country for purposes of section 911 of the Code.

The Service has held in a recently published ruling, Revenue Ruling 71–101, C.B. 1971–1, 214:

"[G]enerally the exercise by a citizen of the United States of his right to vote in National, state, or local elections in the United States by absentee ballot is not an action that would affect the length or nature of his stay outside the United States and consequently would not jeopardize the exemption under section 911(a)(1) of the Code. However, where absentee voting in the United States involves a representation to the local election official regarding the nature and length of the taxpayer's stay abroad that is inconsistent with the taxpayer's representation of intention for purposes of section 911 of the Code, the fact that he made the representation in connection with absentee voting will be taken into account in determining his status under section 911 of the Code, *but will not necessarily be conclusive.*" (Emphasis added.)

It is our conclusion that "inconsistent representation" as referred to in the above cited publications does not refer to a mere statement by a taxpaper that he considers himself a voting resident of a State and ultimately intends to return to that State as his domicile. Such a statement is not incompatible with a taxpayer's claim of bona fide residence in a foreign country. Instead, "inconsistent representations" refer to other representations which the taxpayer may have made to the Service regarding the *specific* nature and length of his stay in a foreign country. If a taxpayer in support of his claim to the section 911 exclusion from gross income makes certain *specific* representations as to the purpose, nature, and intended length of his stay in the foreign country, and in an application for absentee voting makes other statements which appear inconsistent with those specific representations, the Service must take such inconsistent statements into account *in determining the true facts* upon which the taxpayer bases his claim to bona fide residence in a foreign country. Further, as stated in Revenue Ruling 71-101, even such inconsistent statements will not necessarily be conclusive.

However, the mere representation by a taxpayer made in support of an application for absentee voting that he considers himself a voting resident of a particular State and that he intends to ultimately return to that State, will not by itself in any way affect his claim to the section 911 exclusion from gross income based on bonafide residence in a foreign country.

We hope that this letter will clarify any ambiguities that may have existed with respect to this situation. We hope that no United States citizen living abroad will hesitate to exercise his voting right out of concern that this action may jeopardize his claim to the section 911 exclusion from gross income.

Sincerely yours,

A. FEIBEL,

Acting Chief, Corporation Tax Branch.

IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, in contrast to the reluctance of Members of this House to face up to their responsibility under the Constitution to focus on the role of President Nixon in the Watergate scandal, a large number of Americans are ready to accept impeachment proceedings.

A survey by the Opinion Research Corp., commissioned by CBS News and reported this morning, showed that 48 percent of those questioned believed that President Nixon had knowledge of the Watergate coverup plot. Twenty-three percent thought he had advance knowledge of the break in and burglary at Democratic National Headquarters, while 44 percent said they thought he had no advance knowledge of this illegal action.

According to CBS News, 50 percent of those polled said they favored impeachment proceedings against the President if it was established that he had prior knowledge of both the break-in and the coverup while 41 percent said they would support impeachment proceedings if it developed that Mr. Nixon knew only of the coverup itself.

These figures are based on a very limited sampling, as most polls are, but I find them interesting nonetheless as a contrast to some stories that have been appearing in the press recently, datelined from some area typically identified as the heart of "middle America" and describing citizen reactions to Watergate.

Many of the stories report deep concern, but they also report attitudes ranging from indifference to vigorous defense of the Watergate crime to outright anger at the press for blowing the lid off this whole affair. Some citizens are quoted as saying the newspapers that have exposed this mess and that are continuing to report it should be shut down and their reporters jailed. Others are quoted as favoring what amounts to a totalitarian government in which the President can do no wrong and his critics can be imprisoned.

I have no way of knowing how widespread these views are. I find them shocking and depressing even if they are held by only a small number of Americans. The CBS poll, on the other hand, shows that at least half of those surveyed do not confuse the office of the Presidency with the particular man who occupies it. They are ready to accept the procedures written into our Constitution for correcting malfeasance in office by the President, if that should prove to have occurred. It is reassuring to know that such a significant number of Americans still respect and depend on our Constitution.

I am concerned here today with the responsibility of Congress in upholding and creating respect for our constitutional and democratic form of government, in which freedom of the press, freedom of speech, freedom of assembly, and the rights of the individual occupy a unique role. If indeed there are Americans who are ready to accept wiretapping, burglary, invasion of privacy, sabotage of elections, perjury, and conspiracy as standard political procedure, then what part have we in Congress played in contributing to these values and what does it augur for the future of our democracy?

The New York Times said in an editorial yesterday on the first anniversary of Watergate that—

> If political tyranny ever comes to America, it is likely to arrive not in the guise of some alien ideology such as Communism or Nazism but as a uniquely American way of preserving this country's traditional values.

The Times describes the Watergate scandal as "a profundly sinister event, because in so many of its aspects it reflects an authoritarian turn of mind and a ready willingness on the part of those at the highest levels of Government to subvert democratic values and practices."

The newspaper goes on to ask what would constitute tyranny in the United States and it concludes:

> It would involve reducing Congress to a peripheral role in making Government policy, discrediting the political opposition, suppressing the more aggressive forms of dissent, intimidating television, radio and the press, staffing the courts wth one's own supporters, and centralizing all of the executive power in the hands of the President and his anonymous totally dependent aides.

I agree with the Times when it concludes that President Nixon has made discernible progress toward all of these objectives. I would also add that none of these things could happen if Congress were vigilant in defense of its rights under the Constitution and prepared to reassert its role as at least an equal branch of Government and, in the view of many constitutional authorities, as the foremost branch.

In recent months we have seen encouraging and in some instances successful efforts by Congress to regain its legal authority. Much of this has occurred under the impetus of the Watergate disclosures. Now we are at the point at which we must face the ultimate responsibility assigned to this House by the Constitution: To determine whether there are grounds for charging the President with committing such high crimes and misdemeanors that he should be brought to trial before the U.S. Senate.

I believe the House should be prepared to act to launch an inquiry of its own that will focus on the involvement of the President. By so doing, we can tell all Americans who have grown indifferent or hostile to democracy—or perhaps just despairing that it still works—that the Constitution and the Bill of Rights are alive and well in the Nation's Capital.

At this point, I would like to insert into the RECORD the text of the New York Times June 17 editorial:

SUBVERTING AMERICA

If political tyranny ever comes to America, it is likely to arrive not in the guise of some alien ideology such such as Communism or Nazism but as a uniquely American way of preserving this country's traditional values. Instead of tyranny being the dramatic culmination of radical protest and revolution, it can come silently, slowly, like fog creeping in "on little cat feet."

The Watergate scandal is a profoundly sinister event because, in so many of its aspects it reflects an authoritarian turn of mind and a ready willingness on the part of those at the highest levels of Government to subvert democratic values and practices. Tyranny was not yet a fact, but the drift toward tyranny, toward curtailing and impairing essential freedoms, was well under way until the Watergate scandal alerted the nation to the danger. That is what Senator Lowell Weicker, Connecticut Republican, had in mind when he referred on the opening day of the Senate hearings to the perpetrators of Watergate as men "who almost stole America."

What would constitute tyranny in the United States? It would involve reducing Congress to a peripheral role in making Government policy, discrediting the political opposition, suppressing the more aggressive forms of dissent, intimidating television, radio and the press, staffing the courts with one's own supporters, and centralizing all of the executive power in the hands of the President and his anonymous, totally dependent aides. During his years in office, President Nixon has made discernible progress toward all of these objectives.

There is no evidence that he aspires to dictatorial authority for himself, but there is abundant proof that he seeks to alter the balance between the power of Government and the liberties of individual citizens. There is evidence, too, that Mr. Nixon's guiding philosophy is that the ends justify the means. Virtually all the major figures in his political entourage—campaign manager, deputy campaign manager, chief fund raiser, White House counsel, personal attorney, White House staff chief, domestic policy chief, and appointments secretary—have now been implicated in allegedly illegal or unethical behavior. So many gamesters pulling "dirty tricks" cannot be an accident. Their presence in the top level of the Nixon Administration reflects a philosophy of ruthless pragmatism.

A lively competition between the two major parties is at the heart of the American political experience. To rig that competition in an election year by trying to "frame" the chairman of the other party, by tapping the telephones, stealing the mail and "bugging" the offices of the opposition politicians, and by sabotaging the campaign activities of opposition candidates and collecting information to blackmail them—to try to rig the outcome of an American election in this despicable fashion is to subvert self-government. It is as subversive as the actions of any Communist agent or Ku Klux Klan lynch mob.

In his testimony before the Senate Watergate committee, Jeb Stuart Magruder explained the ethical basis of the Administration's actions on the grounds that public officials had become "somewhat inured" to illegal activity after years on contending with antiwar protesters who violated the law deliberately. But those who openly and peacefully violate the law in obedience to their conscience do so because they believe their moral witness will help society to change an unjust law or an unjust policy. Such protesters emulating Gandhi, Thoreau, Martin Luther King and other apostles of civil disobedience are prepared to go to jail for violating the law, even though they think the law is unjust.

Only revolutionaries who want to overthrow society commit violent or terroristic acts and then seek to escape capture and conviction. Civil disobedience casts up some difficult moral and legal questions, but it affords no pretext or justification for Government officials and politicians in the governing party to violate the law in secrecy and then cover their misdeeds with perjury. Such misdeeds are not acts of individual conscience; they are expressions of the gangster mentality that typifies every authoritarian political movement.

There are those who find Watergate "boring" and think the media are devoting too much attention to it. But since the dawn of human history, Pollyanna has always been more popular than Cassandra. What matters is not whether some Americans are weary of the evil tidings of Watergate but how it affects their thinking about their own responsibilities as citizens and about their Government and their country. Watergate was a series of crimes and conspiracies against individual liberty, against democratic electoral process, and against lawful government. Only when the great majority of citizens know the full story of these crimes and conspiracies can the restorative work of reform and renewal begin.

THE BREZHNEV VISIT: AN OPEN LETTER TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, upon the start of Leonid Brezhnev's so-called working summit with the President, the Sunday, June 17, issue of the New York Times carried "An Open Letter to the American People" signed by 66 American scholars in defense of Ukrainian intellectuals. The letter simply and factually points to the type of despotic regime led by this Russian successor of Khrushchev, Stalin, and Lenin.

The current cultural repressions in Ukraine, the largest of the captive non-Russian nations in both the U.S.S.R. and Eastern Europe, raises the question as to whether we are for scruples or rubles in dealing with this contemporary despot.

The letter should be an eye opener to every American with a politico-moral conscience, and I commend it to the reading by every Member in Congress as we approach our determination of the trade bill regarding the U.S.S.R.

The aforementioned letter from the New York Times follows:

AN OPEN LETTER TO THE AMERICAN PEOPLE

Fellow Citizens:

Mr. Leonid Brezhnev of the Soviet Union will be arriving here tomorrow on a state visit upon the invitation of President Nixon. His avowed purpose in coming is to improve mutual relations between the Soviet Union and the United States, judging by his address of May 1 in Moscow when he said "We shall in the future, too, facilitate a favorable development of Soviet-American relations on the principle of mutual respect and mutual advantage."

This "advantage" he speaks of was partly attained last year when the U.S. Government and Mr. Brezhnev's Government signed a trade agreement enabling the Soviets to buy $750,000,000 worth of U.S. grain over a three year period. The "advantage" here is that $500,000,000 of that sum will be paid with monies generously loaned by you, the American taxpayer. Moreover, Soviet representatives have been pressuring the U.S. Government and the Congress to grant the U.S.S.R. another advantage: a most-favored nation status (MFN), which would provide American credits for the U.S.S.R. to finance its trade with the U.S. It would also remove certain tariffs that are in force against the U.S.S.R. and other Communist countries.

CRASS VIOLATIONS OF HUMAN RIGHTS IN UKRAINE

As part of the great American intellectual and academic community, we address ourselves to you, citizens of the United States, on behalf of hundreds of Ukrainian intellectuals who are being systematically persecuted by the Soviet secret police and courts in defiance of the Soviet Constitution itself and of the United Nations Universal Declaration of Human Rights, which the U.S.S.R. Government and the Government of the Ukrainian Soviet Socialist Republic both solemnly pledged themselves to observe and respect.

This past December the Soviet Union observed the 50th anniversary of its founding, emphasizing that the "nationality problem" had been satisfactorily solved, and that all the non-Russian peoples of the U.S.S.R., constituting over 50 per cent of its entire population, were "happy" to live there. Conspicuously absent from these official pronouncements were less "happy" features of the current regime, as well as those of Brezhnev's predecessors, Stalin and Khrushchev. We recall to mind:

The Stalin-produced famine in Ukraine in 1932–33, which resulted in the death by starvation of over 7,000,000 Ukrainian men, women and children;

The wanton destruction of the Ukrainian Autocephalic Orthodox Church in the 1930's, along with the arrest and execution of over 40 Ukrainian Orthodox archbishops and bishops and over 20,000 priests and monks;

The brutal destruction of the Ukrainian Catholic Church in Western Ukraine and Carpatho-Ukraine in 1945–46, resulting in the arrest and execution of hundreds of Ukrainian Catholic priests, nuns and monks and the subordination of over five million Ukrainian Catholics to the Kremlin-controlled Russian Orthodox Church, against their will and belief.

The wholesale liquidation in 1945–1950 of members of the anti-Nazi and anti-Soviet Ukrainian Insurgent Army (UPA) and their families;

The mass deportation of Ukrainians to the far-flung areas of the U.S.S.R., especially Siberia and Central Asia, many of them sent by "administrative order," without benefit of trial, never by choice.

Under Brezhnev's leadership, the Soviet government has been ruthlessly Russifying not only populous Ukraine, but other so-called "Union Republics." Byelorussia, Lithuania, Latvia, Estonia, Moldavia, Armenia, Georgia, Azerbaijian and Turkestan. Some three million Soviet Jews have been subjugated to age-old persecution, and now we also have the case of the youth educated in Ukraine under Communism—the Ukrainian intellectuals.

THE CASE OF THE UKRAINIAN INTELLECTUALS

From 1965 to the present the Soviet government, under Brezhnev's direction, has pursued a campaign of repression of Ukrainian intellectuals that is tantamount to cultural annihilation. The overwhelming majority of these men and women, we stress, have been reared under the Soviet system in Ukraine. They are writers, poets, literary critics, journalists, professors, teachers, artists, engineers and research workers. These are presumably the flower of 50 years of Soviet rule.

Yet, in 1972 alone, over 100 Ukrainian intellectuals were arrested in Ukraine and charged, as were even greater numbers before them, with "anti-Soviet agitation and propaganda." Many of them have already been tried in camera and sentenced to lengthy prison terms. Their crimes? Glorifying the Ukrainian past, reading pre-revolutionary books by Ukrainian authors (now banned in Ukraine) and copying and disseminating speeches of Western leaders, including the encyclical Pacem in Terris of the late Pope John XXIII. Some of them discussed among themselves ways and means of legally resisting the forcible Russification of Ukraine and the continued destruction of its culture; still others protested against the unbridled persecution of the national minorities, notably the Jews.

All that they did is legal and acceptable in the normal functioning, free democracy, such as ours. Our society is one of conflicting opinions, values and hopes. In the resulting interplay of opposing views we see democracy at its best. As Americans we speak freely. In the Soviet state, however, even those who embrace Marxism and are legal citizens of the Ukrainian Soviet Socialist Republic have been victimized by a double-talk regime. For the record, let us consider:

Yuriy Shukhevych, 40, son of General Roman Shukhevych, commander-in-chief of the Ukrainian Insurgent Army. He was first arrested and convicted in 1948 at the age of 15, serving 20 years for refusing to denounce his anti-Soviet father. In September, 1972, for further "deviation" he was sentenced to five years of normal incarceration and another five years in a chastening labor camp.

Svyatoslav Karavansky, 53, poet and journalist. In 1944, he received a 25-year sentence, but was released in 1960. He translated Charlotte Bronte's Jane Eyre and other alien works into Ukrainian. Worse, he wrote ardent petitions to the Communist authorities protesting the persecution of Jews and other national minorities. In 1965, he was rearrested and sentenced to eight years seven months at hard labor.

Valentyn Moroz, 37, Ukrainian historian. In 1966, he was arrested and sentenced to five years at hard labor for "deviation." While in the slave camp, he wrote A Report from the Beria Preserve and A Chronicle of Resistance in Ukraine; in the latter work he assailed the Russification of Ukraine and the police terror. Released in 1968, he was rearrested in June, 1970, and the following November he was sentenced to nine years at hard labor.

Vyacheslav Chornovil, 35, TV journalist, publicist and literary critic. In August, 1967, he was sentenced to three years at hard labor for simply compiling factual material on the arrests and trials of 20 Ukrainian intellectuals in 1965–1966. His documentary book, The Chornovil Papers, was published by McGraw-Hill Book Company in 1968. Released in 1969, he was rearrested in January, 1972 and in February of this year was sentenced to seven years at hard labor, including five years of "exile" from his native Ukraine.

Ivan Dzyuba, 42, editor, literary critic and author of such books as Soviet Literature, The One Who Chased Out the Pharisees, and Internationalism or Russification?, which was published in English in London (1968). In January, 1972, in the wave of new arrests conducted by the KGB secret police, he was arrested and interrogated on his "contacts" with Ukrainian anti-Soviet organizations abroad. He was expelled from the Union of Writers of Ukraine for "preparing and disseminating materials bearing an anti-Soviet and anti-Communist character." The following March he was sentenced to five years at hard labor.

Ivan Svitlychny, 44, noted Ukrainian literary critic and author. Arrested first in 1966 while working for the Shevchenko Institute of Literature in Kiev, he spent eight months in jail. He then wrote articles for Ukrainian journals in Poland and Czechoslovakia and translated the work of the French poet, Pierre-Jean Beranger. In 1972, he was seized and kept in isolation, and in March of this year, was sentenced to seven years at hard labor.

Evhen Sverstiuk, 45, literary critic, publicist and essayist. Arrested in 1965, he was imprisoned for several months. His essays dealt primarily with the era of Stalinist terror in Ukraine. One important work, Cathedral on the Scaffolding, has been widely circulated in Ukraine as an underground publication; in March, he, too, was sentenced, to five years at hard labor.

Leonid Plyushch, 33, Ukrainian cybernetics specialist and a member of the Human Rights Committee under the chairmanship of Professor Andrei D. Sakharov. He was remanded to indefinite detention in a psychiatric ward.

Ihor Kalynets, 34, poet and literary critic and author of such poetry collections as Poetry from Ukraine and Summary of Silence. He was sentenced in November, 1972, to nine years at hard labor.

Mykhailo Osadchy, 37, writer and university professor. He translated into Ukrainian the poems of Garcia Lorca and published his own collections of poems, Moon Fields, and Cataract. He was sentenced in 1972, to seven years at hard labor.

Nina Strokata-Karavansky, 48, a microbiologist at the Medical Institute, and wife of convicted Svyatoslav Karavansky. She refused to denounce and divorce her husband. The charge was that she maintained contacts with "suspicious" persons in Kiev, Lviv and Moscow. In May, 1972, she was sentenced to four years at hard labor.

Stephania Shabatura, 35, artist and specialist on Ukrainian rugs. She incurred the wrath of the KGB by demanding admission to the secret trial of Valentyn Moroz and by signing a petition in his behalf. In July, 1972, she was sentenced to five years at hard labor.

Irena Stasiv-Kalynets, 38, college teacher, writer and wife of poet Ihor Kalynets. A writer of poetry for children, she taught both Ukrainian language and literature at the Polytechnical Institute in Lviv. In July 1972, she was sentenced to six years at hard labor.

Vasyl Stus, 35, poet and literary critic. In December, 1971, he joined a "Citizens' Committee for the Defense of Nina Strokata-Karavansky." The "reward" for his support came in September 1972: five years at hard labor.

INNOCENT VICTIMS OF TOTALITARIAN GENOCIDE

Fellow Americans:

Our President has long experience with the Soviet leaders, including meetings with them in their own capital. He cannot fail to recognize that these Ukrainian intellectuals and similar hundreds of others in Ukraine, are not criminals. He must be aware that the Soviet courts, so dishearteningly reminiscent of Hitler's "people's courts," insist on trying these young people under an article of the Ukrainian Penal Code (Art. 62) which spells out punishment for "agitation or propaganda for the purpose of undermining the Soviet rule."

The Soviet Russian Government and that of the Ukrainian Soviet Socialist Republic are signatories to the United Nations Universal Declaration of Human Rights. Article 19 states explicitly:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Are these rights to remain mere words, fellow Americans?

It is plain that Brezhnev and his cohorts are engaging in a genocidal effort to blot out Ukrainian consciousness through an official and systematic Russification of Ukraine. Their aim is no less than the destruction of the Ukrainian identity.

These so-called "deviationists" are actually martyrs in the cause of human freedom. As perceptive human beings, they have recoiled from the corruption of the Soviet courts, the KGB terrorization, the very negation of humankind inherent in the appalling and abysmally cruel efforts of the Kremlin to compel a wealth of nations to respond to and live by the nature of but one—the Russian.

On January 21, 1969, the party organ in Kiev, Pravda Ukrainy, reported that in the previous year 7,000 students had been expelled from the universities, technicums and other institutions of higher learning in Ukraine for "ideological disloyalty." So many, and at once?

Recently, Brezhnev ousted from the Politburo Peter U. Shelest, his erstwhile colleague and trusted viceroy in Ukraine, accusing him of fostering "Ukrainian nationalism" there. There is national consciousness among Ukrainians, of course. But the widespread resistance in Ukraine, we submit, is the reaction to a totalitarian onslaught upon human rights.

Two outstanding American leaders who understand the plight of the Ukrainian people and their oppression by Soviet regimes in the past and today have commented. The Hon. Jacob K. Javits, U.S. Senator from New York, in a letter of May 13, 1973, wrote, in part:

"The commemoration of the 40th anniversary of the man-made famine of 1933 in the Ukraine expresses our memory of and sense of solidarity for the aspirations of all peoples for freedom and basic human rights. The heinous acts of the past and especially the repressions of the present—such as the suppression, arrest, and trial of Ukrainian intellectuals and the ransoming of Soviet Jews wishing to emigrate—cannot be overlooked in an overall "bargain of convenience" with the Soviet Union. To do so would be a betrayal of ourselves and the freedom for which men and women have fought and suffered for centuries and which is the base of our own freedom . . ."

Mr. George Meany, President of the AFL–CIO, in his letter of May 23, 1973, wrote, in part:

"Nor have the objectives of the Communist tyranny changed over the years. The mass arrests and subjugation of the Russian, and particularly the Ukrainian people . . . are current indications of the inhumanity of dictatorship, Communist style . . ."

Mr. Brezhnev comes here ostensibly to seek a bettering of relationships with the United States. His main thrust will no doubt be at short-term gains. But should not our President engage him in a transcending dialogue that pre-supposes man and nation to be worthwhile in themselves? If benefit to all mankind is the goal, then repression and persecution of large segments of mankind surely must be inimical, if not fatal, to that goal. A system, however inspired, must cater to the man, never he to the system.

Join with us, Fellow Americans, in urging President Nixon to communicate and emphasize this fundamental belief to his Soviet guest!

(For further information please contact: Ukrainian Congress Committee of America, Inc., 302 West 13th Street, New York, N.Y. 10014. Tel. (212) 924–5617.)

American Scholars in Defense of Ukrainian Intellectuals

Prof. Joseph W. Andrushkiw, Seton Hall U., East Orange, N.J.

Prof. Michael Balica, Northeastern Illinois U., Chicago, Ill.

Prof. Yaroslav Bilinsky, U. of Delaware, Newark, Del.

Prof. Mortria K. Bohatiuk, Maria Regina College, Syracuse, N.Y.

Prof. Motria K. Bohatiuk, LeMoyne College, Syracuse, N.Y.

Prof. Anthony T. Bouscaren, LeMoyne College, Syracuse, N.Y.

Prof. George W. Carey, Georgetown University, Washington, D.C.

Prof. Nicholas L. Fr.-Chirovsky, Seton Hall U., East Orange, N.J.

Prof. Arthur P. Coleman (Ret.), President, Alliance College, Cambridge Springs, Pa.

Prof. Brutus Coste, Fairleigh Dickinson U., Rutherford, N.J.

Prof. Lev E. Dobriansky, Georgetown U., Washington, D.C.

Prof. Joseph Dunner, Chairman, Dept. of Political Sciences, Yeshiva U., New York, N.Y.

Prof. Eugene W. Fedorenko, Rutgers U., Newark, N.J.

Prof. Irene Fedyshyn, John Jay College. CUNY, New York, N.Y.

Prof. Oleh S. Fedyshyn, Richard College, CUNY, New York, N.Y.

Prof. Jurij Fedysnkyj, U. of Indiana, Bloomington, Ind.

Prof. Saul S. Friedman, Youngstown State U., Youngstown, Ohio.

Prof. Battista J. Galassi, Northeastern Illinois U., Chicago, Ill.

Prof. Kurt Glaser, Southern Illinois U., Edwardsville, Ill.

Prof. Alexander A. Granovsky (Ret.), U. of Minnesota, Minneapolis, Minn.

Prof. Hlib S. Sayuk, Towson State College, Baltimore, Md.

Prof. Bohdan T. Hnatiuk, Drexel U. Philadelphia, Pa.

Prof. Stephan M. Horak, Eastern Illinois U., Charleston, Ill.

Prof. Pei Huang, Youngstown State U., Youngstown, Ohio.

Prof. Henry Lane Hull, U. of Alabama, Huntsville, Ala.

Prof. Jacob P. Hursky, Syracuse U., Syracuse, N.Y.

Prof. John Hvozda, Auburn Community College, Auburn, N.Y.

Prof. Russel Iwanchuk, Kent State U., Kent, Ohio.

Prof. Victor Kaupas, Director, California Institute of Research & Education, Berkeley-El Cerrito, Calif.

Dr. Katherine Kochno, Clarion State College, Clarion, Pa.

Prof. Edward C. Koziara, Drexel U., Philadelphia, Pa.

Prof. Karen S. Koziara, Temple U., Philadelphia, Pa.

Prof. E. M. Liebow, Northeastern Illinois U., Chicago, Ill.

Prof. George Kulchycky, Youngstown State U., Youngstown, Ohio.

Prof. J. P. Maher, Northeastern Illinois U., Chicago, Ill.

Prof. Osyp Martyniuk, Kent State U., Kent, Ohio.

Prof. James McClellan, Hampden-Sydney College, Hampden-Sydney, Va.

Prof. Keith McKean, Youngstown State U., Youngstown, Ohio.

Prof. Russel U. McLaughlin, Drexel U., Philadelphia, Pa.

Prof. Myroslav J. Melnyk, Kent State U., Kent, Ohio.

Prof. Z. Lew Melnyk, U. of Cincinnati, Cincinnati, Ohio.

Prof. A. Milanesi, Northeastern Illinois U., Chicago, Ill.

Prof. Walter Odajnyk, Columbia University, New York, N.Y.

Prof. Michael S. Pap, John Carroll U., Cleveland, Ohio.

Prof. Natalia Pazuniak, U. of Pennsylvania, Philadelphia, Pa.

Prof. Joseph S. Roucek (Ret.), Queensborough Community College, Bayside, N.Y.

Prof. David N. Rowe, Chairman, Dept. of Political Sciences, Yale U., New Haven, Conn.

Prof. Leo D. Rudnytzky, La Salle College, Philadelphia, Pa .

Prof. Miroslav Samchyshyn, Northern Illinois U., Chicago, Ill.

Prof. Konstantyn Sawczuk, St. Peter's College, Jersey City, N.J.

Prof. Joseph Schiebel, Director, Russian Area Studies, Georgetown U., Washington, D.C.

Prof. Rosalind S. Schulman, Drexel U., Philadelphia, Pa.

Prof. Dmytro M. Shtohryn, U. of Illinois, Champaign, Ill.

Prof. Sigismund S. Sluszka, State U. of New York, Farmingdale, N.Y.

Prof. Basil Steciuk, Seton Hall U., East Orange, N.J.

Prof. Mykola Stepanenko, Central Michigan U., Detroit, Mich.

Prof. Peter G. Stercho, Drexel U., Philadelphia, Pa.

Prof. Ostap Stromecky, U. of Alabama, Huntsville, Ala.

Prof. Anton Szutka, U. of Detroit, Detroit, Mich.

Prof. John Teluk, U. of New Haven, New Haven, Conn.

Prof. Andrew Turchyn, U. of Indiana, Bloomington, Ind.

Prof. Robert E. Ward, Youngstown State U., Youngstown, Ohio.

Prof. Rev. Meletius M. Wojnar, O.S.B.M. School of Canon Law, Catholic U. of America, Washington, D.C.

Prof. Bertram D. Wolfe, Hoover Institution, Standford, Calif.

Prof. Lubomyr R. Wynar, Kent State U., Kent, Ohio.

Prof. Michael Wyschogrod, City U. of New York, New York, N.Y.

NATIONAL GRANDPARENTS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Daniels) is recognized for 10 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, tomorrow I shall introduce my National Grandparents Day bill which I am cosponsoring with my good friend and colleague from New Jersey, Mr. Helstocki and more than 100 other Members of this body.

Mr. Speaker, I am delighted at the reception this bill has received from Members on both sides of the aisle. We have very senior Members and freshmen Members who are considered very conservative and Members who are found on the liberal side of most issues. We have crossed all the lines that divide us.

Because of the interest the bill has generated I have postponed introduction until tomorrow, Tuesday. Additional Members wishing to cosponsor may have until that time to add their names to the bill by calling my office.

As of 12 noon today the following Members had agreed to join in support of this bill. I ask unanimous consent that the names of the cosponsors be included at this point in the Record.

A list of the cosponsors of National Grandparents Day bill follows:

Cosponsors of National Grandparents' Day Bill

Henry Helstoski, D-N.J.
James Abdnor, R-S. Dak.
Joseph P. Addabbo, D-N.Y.
Glenn M. Anerson, D-Calif.
Frank Annunzio, D-Ill.
Herman Badillo, D-N.Y.
L. A. Bafalis, R-Fla.
LaMar Baker, R-Tenn.
William A. Barrett, D-Pa.
Edward P. Boland, D-Mass.
John Brademas, D-Ind.
Frank J. Brasco, D-N.Y.
William G. Bray, R-Ind.
John B. Breaux, D-La.
John Breckinridge, D-Ky.
Geo. E. Brown, Jr. D-Calif.
Joel T. Broyhill, R-Va.
John Buchanan, R-Ala.
James A. Burke, D-Mass.
Yvonne B. Burke, D-Calif.
Goodloe E. Byron, D-Md.
Donald D. Clancy, R-Ohio
Frank M. Clark, D-Pa.
Del Clawson, R-Calif.
James M. Collins, R-Tex.
John Conyers, Jr., D-Mich.
James C. Corman, D-Calif.
John W. Davis, D-Ga.
Mendel J. Davis, D-S.C.
Frank E. Denholm, D-S. Dak.
John H. Dent, D-Pa.
Edw. J. Derwinski, R-Ill.
Harold D. Donohue, D-Mass.
Joshua Eilberg, D-Pa.
Marvin L. Esch, R-Mich.
Paul Findley, R-Ill.
Edwin B. Forsythe, R-N.J.
P. H. B. Frelinghuysen, R-N.J.
Joseph M. Gaydos, D-Pa.
Barry M. Goldwater, Jr., R-Calif.
Henry B. Gonzalez, D-Tex.
Ella T. Grasso, D-Conn.
Edith Green, D-Oreg.
William J. Green, D-Pa.
James R. Grover, Jr., R-N.Y.
Gilbert Gude, R-Md.
Bill Gunter, D-Fla.
James M. Hanley, D-N.Y.
Michael Harrington, D-Mass.
Augustus Hawkins, D-Calif.
Margaret M. Heckler, R-Mass.
Andrew J. Hinshaw, R-Calif.
Marjorie S. Holt, R-Md.
James J. Howard, D-N.J.
John E. Hunt, R-N.J.
Jack F. Kemp, R-N.Y.
Carleton J. King, R-N.Y.
John C. Kluczynski, D-Ill.
Edward I. Koch, D-N.Y.
Norman F. Lent, R-N.Y.
Clarence D. Long, D-Md.
Joseph M. McDade, R-Pa.
Robert C. McEwen, R-N.Y.
John J. McFall, D-Calif.
Joseph G. Minish, D-N.J.
Patsy T. Mink, D-Hawaii
Donald J. Mitchell, R-N.Y.
Parren J. Mitchell, D-Md.
G. V. Montgomery, D-Miss.
John M. Murphy, D-N.Y.
Robert N.C. Nix. D-Pa.
George M. O'Brien, R-Ill.
Otto E. Passman, D-La.
Edward J. Patten, D-N.J.
Bertram L. Podell, D-N.Y.
Albert H. Quie, R-Minn.
Charles B. Rangel, D-N.Y.
John R. Rarick, D-La.
Matthew J. Rinaldo, R-N.J.
Peter W. Rodino, Jr., D-N.J.
Robert A. Roe, D-N.J.
Benj. S. Rosenthal, D-N.Y.
Edward R. Roybal, D-Calif.
Fernand J. St Germain, D-R.I.
Ronald A. Sarasin, R-Conn.
Paul S. Sarbanes, D-Md.
Patricia Schroeder, D-Colo.
Keith G. Sebelius, R-Kans.
George E. Shipley, D-Ill.
Gene Snyder, R-Ky.
Floyd Spence, R-S.C.
James V. Stanton, D-Ohio
Robert H. Steele, R-Conn.
Frank Thompson, Jr., D-N.J.
Robert O. Tiernan, D-R.I.
David C. Treen, R-La.
Victor V. Veysey, R-Calif.
Jerome R. Waldie, D-Calif.
Charles W. Whalen, Jr., R-Ohio
Charles H. Wilson, D-Calif.
Larry Winn, Jr., R-Kans.
Lester L. Wolff, D-N.Y.
Antonio B. Won Pat, D-Guam
Edward Young, R-S.C.
Samuel H. Young, R-Ill.
John M. Zwach, R-Minn.

UNITED STATES STEEL AND LABOR

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, progress in steel labor-management relations have made great strides in recent years.

The deplorable bloody strikes of the 1930–40 period have passed into history. Collective bargaining and commonsense in wage and working conditions have brought great dividends to both segments of our economy. The following article from the Gary, Ind.-Glen Park Herald of June 13 is a testimonial for business and labor to emulate in all segments of our economy:

Forty-One Steelworkers Honored at United States Steel

Gary.—Forty-one (41) veteran Gary Works' employees, whose combined careers total more than 1,685 years of service with United States Steel, were honored at a special Service Award Dinner at the plant this week.

Included in the group were 9 men, who recently passed the 45-year mark in continuous employment with the company. All began their careers with United States Steel during the first half of 1928.

The remaining 32 employees, all hired by the steel firm in the first six months of 1933, were honored at the dinner for reaching the 40-year employment mark.

Gary Works' General Superintendent J. David Carr, host for the dinner, recalled that production surges during the first part of 1928 and 1933 resulted in substantial employment increases. From the ranks of those hired at the time, 82 employees have maintained steady service with the company. Ad additional 41 employees, hired during the same periods, will be honored at a similar dinner later this month.

Forty-five year veterans honored at the event this week were: (Bar & Structural) John D. Benford, 1332 Bigger St., Gary; Joseph W. Myers, 611 Taft St., Gary; and Emery Spisak, 5536 Adams Street, Gary. (Energy) Elbert Pangburn, 3806 Parker St., Hobart. (Field Services) Thomas O'Neill, 3637 Johnson St., Gary. (Metallurgical) Ted Kaciczak, 2206 W. 82nd Pl., Crown Point. (Primary Mills) William C. Grolla, 2800 E. Cleveland Ave., Hobart; and Michael Varso Jr., 3529 Tyler St., Gary (Sheet Products) Samuel Walstra R.R. 3, Chesterton.

Honored for 40 years of continuous service were: (Bar & Structural) Albert Ban, 1505 W. 62nd Ave., Merrillville; Dan M. Bokich, 2841 Edgewater Dr., Dyer; Louis Castellani, 1702 W. 93rd Pl., Crown Point; George Horkavi, 1037 E. 11th Ct., Gary; Edward Mayersky, 113 E. 56th Ave., Merrillville; Alexander Milgi, 4210 Connecticut St., Gary; Gerald B. Reese, 227 Court St., Hobart; James Ricard, 323 Bridge St., Gary; John A. Rzepka, 1610 W. 53rd Ave., Merrillville.

(Field Services) Oryn Carlisle, 421 N. Virginia St., Hobart; and Louis Massa, 1431 W. 56th Ave., Merrillville. (Metallurgical) John Ambrose, 4947 Madison St., Gary; Raymond H. Renn, 301 Crestwood Dr., Hobart; and Steve Yatsko, 4837 Madison St., Gary. (Primary Mills) John Mack, 1144 Harrison St., Gary; Gilbert Schroeder, 4383 Monroe St., Gary; and John Subart, 5583 Bruce Ave., Portage.

(Sheet Products) Alexander Bodak, Jr., 4550 East 81st Ave., Merrillville; Florea Bulza, 320 W. 59th Ave., Merrillville; Charles Burner, 3324 Craig Dr., Hammond; Michael E. Jurewicz, 633 W. 56th Pl., Merrillville; Joseph Koches, 4163 Jefferson St., Gary; Joseph M. Kudryan, R. 4, Valparaiso; Billy McKinney, 977 Marion Pl., Gary; Eddie L. Melton, 2564 Monroe St., Gary; Bernard A. Reynolds, 6120 Ash Ave., Gary; Albert J. Rubino, 1027 E. 29th Ave., Gary; Michael Stefanchik, 495 E. 10th Hobart; Louis G. Sunderland, 2531 Wabash Ave., Gary; Andrew Szalmasagi, 3551 Harrison St., Gary; James Vassallo, 5135 Adams St., Gary; and Martin Yuriga, 333 Roosevelt St., Gary.

BRONX COMMUNITY COLLEGE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, Bronx Community College, located in New York's 22d Congressional District, which I represent, is a fine example of the dynamic and growing importance which community colleges are playing in our Nation's educational process. I am proud that New York City has been able to develop a community educational facility of this quality, and the pattern which the college has set in providing an equal educational opportunity for all area students certainly merits public acclaim. On May 27, 1973, the New York Times Sunday magazine published a feature story on Bronx Community College. While I do not agree with all the views exposed by the author, I would like to share the article with my colleagues, and I am requesting that it be reprinted in the Congressional Record:

A Kind of Higher Education

(By Gene I. Maeroff)

Prospering on a diet of academic leftovers, the community college—the stepchild of American higher education—has grown into a strapping, obstreperous adolescent that now, if only by virtue of size, commands the attention that it has frequently been denied in years past. The community, or two-year, college is a peculiarly American institution bastardized from the tradition of higher learning transplanted into New England's soil from Europe three centuries ago. Students attend the community college because of its proximity to their homes, the low cost, the chance to take technical and vocational courses that are not available in the typical four-year academic program, the greater opportunity for individual counseling and remedial studies and—more than anything else—because the community college is not particular about whom it accepts. Though its students are of varying abilities, it is, especially in the urban setting, the last refuge of the educational down-and-outer, the haven of the scholastic ne'er-do-well.

In contrast to the freshman at a four-year college or university, according to a national survey by the American Council on Education, the freshman at a two-year college did less well in high school, has a lower family income and has less-educated parents. He or she is more likely to live at home, to have a job while going to school and to have waited longer before starting college. He or she is also more likely to become a college dropout. While 78 per cent of the students in four-year institutions return for their sophomore year, 66 per cent do so in two-year colleges, the council found. "It may certainly be said that unfilled expectations are the rule rather than the exception among two-year students," says Dr. Alexander W. Astin, research director of the American Council on Education.

Despite its growth and emergence as a major new factor in higher education, the community college is still widely regarded as an institutional Johnny-come-lately, serving an untraditional student body. The community college is often misunderstood—even by its own faculty and students—and frequently is burdened with an adverse image. Authorized to confer no degree higher than the associate's, and usually leaving its doors open to anyone who wants to enter, the two-year college struggles to reconcile its existence with two popular concepts—that a genuine college should be at least somewhat selective, and that it should offer a four-year program.

A typical urban representative is Bronx Community College, which soon will have its own campus but, for the present, makes its headquarters on East 184th Street. It is around the corner from Loew's Paradise and a block and a half off the Grand Concourse, that expansive ribbon of 10-lane concrete along which the borough's blight is being propelled northward, a relentless encroachment of misery that has transformed the once-proud Bronx into the most impoverished of New York's 62 counties.

As irony would have it, the tan, five-story brick building used to house one of the sparkling jewels in the city's tarnished public educational system, the Bronx High School of Science, with its brainy, high-achieving youngsters who carried forth their ambitions to places like Harvard, M.I.T. and Yale. Now—Bronx Science itself having been relocated 21 blocks to the north—the building is home to a different type of school. While learning is still its first order of business, Bronx Community, with a majority of blacks and Puerto Ricans among its 12,700 students, reflects a changing city and different needs. Education at Bronx Community means biochemistry and the history of Western civilization, but it also may mean instruction in the repair of air-conditioners and the punching of computer cards, or even the kind of tutelage deemed necessary to bring undergraduates above an eighth-grade reading level.

Indeed, 70 per cent of Bronx Community's entering students cannot read, write and compute figures on a college level; 52 per cent come from families with annual incomes of less than $7,500, and only 6.8 per cent have fathers who are college graduates. Examples of the deficiencies many of them bring with them are legion. Two students paid to tutor in mathematics tell of having to teach some students how to add 5 and 3; a Yale graduate, teaching English part-time at the college, discovers that the only way he can lift the low reading level of some of his collegians is to use sixth-grade materials he borrows from his mother, an elementary-school principal.

Yet, given this lack of preparation, many of the students harbor a mystical faith that the magic of higher education will somehow alter and elevate them. "They come here thinking that it can change their lives and I agree with them," says George B. Davis, a young black novelist and former newspaperman, who lectures in the English department and coordinates Bronx Community College's black-studies program. "They are less sophisticated than students who go to four-year colleges, and their academic background is not as good. The level of class discussion is less abstract than it might be somewhere else, and many of them have trouble finding time to do homework assignments because they have part-time and full-time jobs. Their lack of preparedness is frustrating to a teacher. But many of them are bright and eager and have had high-school counselors who told them they weren't college material. They found themselves shunted into courses that did not prepare them for college."

Today, there are 2,866,062 students in 1,141 two-year institutions in the United States. There were fewer than a dozen two-year colleges in the nation at the beginning of this century. Most of them were privately supported, finishing-school-type institutions. Until the nineteen-fifties, so sketchy were the records pertaining to the development of junior colleges that the enrollment statistics from different sources conflicted. (In 1948, for example, there were either 211,000 students in 492 institutions, or 465,815 students in 648 institutions.) In the late fifties and early sixties, following the lead of California, junior colleges began to proliferate. By 1968, according to the Association of Junior and Community Colleges, there were 1,924,970 students in 1,038 two-year colleges.

Accompanying the change in junior-college enrollment came a change in appellation. The more frequent use now of the name "community" college reflects a desire by two-year college officials to play down the pejorative "junior"; it also reflects the fact that more than 95 per cent of the two-year students are in publicly supported institutions. As a matter of fact, just this year, Miami-Dade Junior College in Florida—one of the biggest two-year colleges in the country, with an enrollment of 36,500—changed its middle name to "community" because, as one official put it, "We have just gotten too big to be 'junior.'"

Nevertheless, the redesignation of the two-year college seems not to have dispelled feelings of inferiority. Such is the image of the community college that when Dominican-born Gerard Lacay was a freshman at Bronx Community, he was so embarrassed about going there that he was ashamed to wear a sweat shirt bearing the college's name. "Do we tend to have an inferior status? The answer is unequivocally yes," says Dr. Herbert Robbins, psychology coordinator for the school's social-science department. "Four-year schools look down their noses at us and students in four-year schools think students in junior colleges must be inferior. In general, that's the kind of image that community colleges tend to project, and we would like to correct it."

Indicative of the attitude toward the community college is the anxiety that some people have felt since it became known last year that the state is planning to help New York University out of its financial difficulties by allowing City University to buy N.Y.U.'s Heights campus in the Bronx and turn it over to Bronx Community College. The purchase price is to be $62-million and an additional $35-million is to be spent on renovations. Concern has risen over what the community-college students might do to the magnificient Stanford White and Marcel Breuer buildings on the picturesque, 47-acre campus, and to the busts of the famous Americans that line the promenade of the Hall of Fame, high above the Harlem River. "They really believe the Visigoths are coming," says Paul Rosenfeld, a bearded associate dean at Bronx Community, who is handling the logistics of the move, which will occur this summer.

There are no known Visigoths at Bronx Community College, but there are many blacks and Puerto Ricans. For some people, accustomed to associating higher education with white faces, that is a fact of life that still takes some getting used to. Members of the Bronx Community faculty and administration have made a bold attempt to examine their own racial feelings in a series of overnight retreats held during the last year and a half at the Center for Humanistic Education near Albany. The sessions have sometimes led to tears and recriminations. "We've been dealing with the most difficult aspect of teaching—altering human behavior," says Dr. Richard A. Donovan, the college's assistant dean of faculty, who has been the main figure behind the college's humanistic education efforts. "You have to remember that most of us have come out of achieving, middle-class, white, traditional graduate programs, and we were trained to teach people like ourselves. Now, we're trying to face up to the problems of teaching in a multi-racial society."

Bronx Community's predominantly white student body became a predominantly minority student body—a change accelerated by City University's open admissions policy that, since 1970, has assured every high-school graduate of a place in college. In 1969, the last year in which it had a selective admissions policy, Bronx Community's enrollment was 54.8 per cent white, 31.6 per cent black, 11.3 per cent Puerto Rican and 2.3 per cent "others." Last fall, the beginning of the third year of open admissions, the enrollment was 34.7 per cent white, 45.8 per cent black, 17.9 per cent Puerto Rican and 1.6 per cent "others."

Community colleges, particularly in urban locales, tend to attract a larger proportion of minority students than do four-year colleges and universities. One reason is that tuition charges are invariably lower because, with their smaller per-student operating costs, community colleges are designed to accommodate those least able to afford higher education. Another reason is that open admission is the rule at most of them.

This pattern of low tuitions and open admissions has had much to do with raising the black enrollment in higher education throughout the country—a rise of 211 per cent since 1964. It is estimated by the American Association of Junior and Community Colleges that almost 40 per cent of all the blacks in institutions of higher education attend community colleges. Nevertheless, community colleges on the whole serve predominantly white students, for many of the institutions are situated in rural and suburban areas where there are few blacks. If blacks have gained by the spread of the community colleges, then whites have gained even more.

In the opinion of some observers, the role that the community college has been playing vis-à-vis the blacks is of questionable value. "The community college, generally viewed as the leading edge of an open and egalitarian system of higher education, is in reality a prime contemporary expression of the dual historical patterns of class-based tracking and of educational inflation," Jerome Karabel, a Harvard graduate student, wrote last November in The Harvard Educational Review. "The community college is itself the bottom track of the system of higher education both in class origins and [the] occupational destinations of its students. . . . As access to college was universalized . . . separate schools, two-year community colleges [were created to] provide an education for most students that would not only be different from a bachelor's degree program, but also shorter. The net effect of educational inflation is thus to vitiate the social impact of extending educational opportunity to a higher level."

At Bronx Community, students pursuing the associate's degree fall into two categories, transfer and career. The transfer program, which covers 58 per cent of the students, prepares them to go on to a senior college for bachelor's degree students. A student may lay the foundation for a four-year degree in business, engineering, liberal arts, science, even music.

Do community college students go on to four-year colleges? Bronx Community has just completed a study of what happened to the class that entered the college in 1970. It was found that 4 per cent of the open-admission students and 14 percent of the other students (who would have qualified for admissions under the more rigorous pre-open admissions standards) have obtained two-year degrees; approximately 95 per cent of these went on to senior colleges. In addition, 45 per cent of the members of the class that entered in 1970 are still enrolled at Bronx Community. Of the rest, a small percentage transferred to other colleges.

This is consistent with the pattern that shows community college students taking longer to complete their programs than comparable students in four-year institutions. The Carnegie Commission on Higher Education, in a 1970 report, found that, of the freshmen who enter a community college planning to go on to a senior college, about one-half end up in such institutions; furthermore, a majority of those who transfer eventually earn their baccalaureates.

Sometimes transferring isn't all that easy. It is common for some senior institutions to refuse to accept all of the credits earned by community college graduates. The Carnegie Commission asserted in its report that relations between senior colleges and junior colleges still need a great deal of improvement. (The State University of New York has announced that by 1974 it will guarantee that every graduate of a transfer program in one of its 38 community colleges will have the right to be accepted into a senior college or university. The eight SUNY-affiliated community colleges operated by the City University already make this guarantee.)

The nontransfer students at Bronx Community (the 42 per cent enrolled in the career program) are equipped through their education to go directly into the labor market with no further schooling. Typical career programs are medical laboratory technology, legal secretarial skills and data processing. Some of the career programs, such as electrical technology and nursing, though of a terminal nature, provide sufficient background for students to go on for bachelor's degrees if they so choose. (At least two Ivy League universities, eager to boost their minority enrollments in engineering, have encouraged Bronx Community College to steer engineering technology students to them.)

By far the most popular career program is nursing. Students even major in other fields waiting their turn to be admitted to the nursing program, which, with an enrollment of 1,180 is jammed full. Nursing students have their own 13-story building, which contains dormitory facilities, classrooms and laboratories, adjacent to Bronx Muncipal Hospital Center on Pelham Parkway in the northeast Bronx. The students, 96 per cent of whom are women, seem intensely motivated. "For many of them, especially the blacks and Puerto Ricans," says Dr. Beatrice Perlmutter, head of the nursing program, "this changes their whole lives. It makes them professionals, where before they were nothing."

Nursing, though, is the exception. Bronx Community—like most such colleges—has trouble persuading students to go into the technical and vocational programs. They want to major in liberal arts and other fields that parallel those in four-year colleges and universities. If the community college is the bottom echelon of higher education, then technical and vocational programs are the bottom echelon of its curriculum. Bronx Community representatives have even been visiting high schools in the borough to try to talk students into entering the college's career programs.

"There is a selling job that must be done," says the school's president, Dr. James A. Colston. "It is a matter of prestige, and minorities have waited so long to get into higher education that now they've made it, they want to test themselves out at the bachelor's degree level." Dr. Colston, who gave up a lifetime appointment as president of Knoxville College to accept the Bronx Community presidency, was thought to be the first black appointed to head a nonblack college when he was named to his post in 1966, succeeding the founding president, Dr. Morris Meister.

Beyond those enrolled in the regular transfer and career programs, Bronx Community reaches more than 5,000 additional students through continuing education—330,000 hours of noncredit courses given at 63 separate sites for people of all ages who want to acquire the basic skills necessary to get jobs, to upgrade their skills, to get promotions and to fill leisure time. The continuing-education program is primarily paid for by government and foundation grants. For instance, the State Bureau of Manpower Development pays the college $245,000 to teach high-school dropouts to be auto mechanics; and the United States Department of Health, Education, and Welfare pays $80,000 for counseling and instruction to prepare Vietnam veterans for college.

In addition to continuing education, there is another area of activity, sometimes controversial, in which Bronx Community and other two-year colleges may get involved. It is "community service," a gray area in which the college makes its physical and human resources available to surrounding neighborhoods. "Some people have thought the college should be satisfied to perform only an educational function because that is so important," says Eric Cox of the continuing-education staff. "But I think that in the same way that the land-grant college did wonders for agriculture, so can the community college do much to extricate our cities from the tremendous mess they're in."

Teaching at Bronx Community is conducted by a full-time faculty of 540, supplemented by 400 moonlighters from business, industry and other educational institutions. For faculty members, the biggest difference between working in a community college and a four-year college is the emphasis on teaching. Two-year colleges place much lighter stress on research, publishing and scholarly ventures. A survey released this year by the National Center for Educational Statistics in Washington also found that junior colleges constitute the lowest-paying segment of higher education. The average salary of a university faculty member is $15,301; a four-year college faculty member, $13,059; and a two-year college faculty member, $12,553. Community colleges in the City University are an anomaly because all of CUNY's teachers are represented by the same union, the Professional Staff Congress, which is affiliated with both the National Education Association and the American Federation of Teachers. There is virtually complete parity in pay for community college and senior college faculty in the City University.

Elsewhere in the country, though, community college faculty members not only tend to receive lower salaries than their colleagues in four-year institutions, but also, in general, have more modest academic backgrounds. Fewer of them have Ph.D.'s, and many come into community-college teaching from the ranks of high-school faculties.

The current glut of Ph.D.'s seeking jobs—and the attempt to upgrade community-college faculties—has changed this pattern somewhat. Nevertheless, the essential difference—the lack of orientation toward research and publishing by two-year-college faculty members—remains. Bronx Community has its handful of scholars, such as its plastics-technology expert, Dr. Sheldon M. Atlas, and its authority on Edgar Allan Poe (who was a Bronx resident), Dr. Burton R. Pollin. By and large, however, at a school where fewer than 20 per cent of the faculty members have doctorates, what counts most is teaching and being able to relate to students.

Teachers like Dr. Leo Lieberman skillfully blend entertainment and information to command the attention of their students. Working in a crowded room with a Bible-as-literature class of more than 30 and a text—the Bible—that, in the hands of a more languid professor, would almost certainly be soporific, Dr. Lieberman can make an Old Testament patriarch seem as familiar to his students as the man who runs the corner candy store.

"Who is our next great character?" he asks without bothering to wait for a response. "Abraham. You remember the covenant he made with God. Seared into the flesh through circumcision. Well, in addition, God made another arrangement with Abraham. What was it? You are living on the Grand Concourse in the Bronx and what does God say to do? He says, 'Get thee out of the land you were born in and go to Scarsdale. Get thee out of thy country and from thy kindred and from thy father's house, unto the land that I will show thee.' " Slender and frenetic, he darts from one side of the room to the other, spouting quotations, firing questions. Students thumb quickly through their Bibles, searching for quotations, trying to keep up as he races through the cast of characters . . . Noah, Isaac Esau, Jacob. Perhaps too much Broadway to please the purists, but it is a course many students may remember when the others have been forgotten.

Joseph (Gil) Riley leans less on showmanship, yet he also captivates his students, filling their heads with the essence of organic chemistry. A bruiser of a man who looks as if he had played middle linebacker somewhere (actually, what he played was basketball), Mr. Riley, now a Ph.D. candidate, got his undergraduate education at North Carolina College, a black institution across the street from his boyhood home in Durham. Three years ago, he quit an industrial chemist's job, where he was making twice as much money, to teach kids at Bronx Community.

"I had always done some tutoring on the side," say Mr. Riley, "and I decided it's what I wanted to do most. I have a feeling I do pretty well with kids." He does. This particular day, he is wearing brown corduroy pants and a green sweater. No jacket or tie. He is standing behind a lab bench at the front of a tiered lecture hall, and talking about what happens when an electrical charge enters a ring. "Do you follow me?" the mustachioed Mr. Riley asks a student who is wearing a look of bemusement. "Ask me a question. Maybe I can help you."

"I lost you at the beginning," the student says, and Mr. Riley, lecturing from memory and without notes, patiently reviews what he said moments earlier. And so it goes, as Billy Pilgrim observed, until the hour has been consumed. One step back for each two ahead.

Student after student attests to the personal attention lavished by faculty members and staff at Bronx Community. "The teachers here like to help," says Joanne Turkfeld, a brown-eyed, dark-haired 21-year-old sophomore. "They treat you like a human being." Moreover, the individualized approach is fortified by a flock of full-time counselors and a battery of personalized tutorial services—assistance on a scale that is generally unavailable at a four-year college or university.

"Many students come to a place like this with the feeling that they have been academic failures in high school," says Dr. Cortland P. Auser, the 53-year-old chairman of the school's English department. "They are uptight, and before they can succeed they have to prove to themselves that they aren't failures. We should be sensitive and aware of their needs. It isn't a matter of diluting standards. The standards stay the same, but the approach changes."

Some critics are not so sure of that. They view the low level of prior achievement of so many of the students, and the remedial efforts to improve their performance, as a diminution of standards. "There should be a method of sifting the applicants and choosing those who are best suited to benefit from a college education," declares Samuel D. Ehrenpreis, deputy chairman of Bronx Community's history department and a veteran of 22 years of teaching in the CUNY system. "This is not a class or racial thing. There are numbers of whites from middle-class backgrounds who should be sifted out. No one should be admitted unless he can read and write on a 13th grade level. Unless these matters are corrected, standards are bound to slip. They have been slipping already. We will turn into an educational slum."

The change in the character of the student body since the advent of open admissions manifests itself in disparate ways. In the college's tiny 48,000-volume, 200-seat library, the emphasis is not on research but on helping young people who have seldom been in libraries to learn the skills needed to carry out their assignments. "In a university library," says Dr. Edwin W. Terry, the chief librarian, "the collection is what is important. Here it is service." This means that the job of a librarian at Bronx Community involves teaching students how to use a card file and how to write correct grammar in a research paper. It means, too, telling them politely but firmly about the difference between plagiarism and research.

At Bronx Community, remediation is supposed to be the bridge that carries improperly prepared students to the promised land of college-level courses. It is, in the opinion of some, however, a decrepit trestle that ought to be condemned. "Remediation has been a big flop," declares Richard Heller, a biologist, who has been among Bronx Community's leading boosters of open admissions. "It has been a crash program that has come crashing down around the ears of people who didn't design it well enough."

What is wrong with the remedial program, according to Diane Johnson, an articulate young black who grew up in Brooklyn's depressed Bedford-Stuyvesant section, is that the courses stop short of bringing the student to the college level. In addition, she says that there is little provision for dealing with the emotional and social needs of the students. "I had to take a whole year of remediation and, of course, there was no credit for the courses," Miss Johnson complains bitterly. "It's a damned shame. When I was in high school, I ranked 20th in my class, and then I got here and I was shocked by my low scores on the tests. I was being fooled in high school. The basic problems that most of us have here are the fault of the New York City public school system. It's not that we don't appreciate open admissions. We do. But the big thing is to find methods of remediation that don't penalize us any more than we have been already."

Penalties are something community-college students would prefer to dispense with. Had they not been penalized in one way or another, many of them would never have gone to a community college. They arrive in search of success—though a large number will find only renewed failure—and, when the most abject of them discover success, it is sometimes a story of spectacular dimensions. "Even if only a minority of them make it through, it is that many more who have been saved from going down the drain," says Dr. Morton Rosenstock, the associate dean of Bronx Community's faculty. "I know it sounds like the Salvation Army, but when they make it, we have saved souls."

Peter Velez was saved, and he would be the first to admit it. A Puerto Rican-born high school dropout, he returned to school at night to get his diploma when he was past 20. He thought about college and mentioned it to a counselor, who, upon looking at his grades, admonished him to forget the idea and get a job. He persisted, and, to get him off his back, the counselor told Mr. Velez that he would take care of getting him into college. "I didn't even know that I was supposed to do it myself, and when September came I found out, of course, that the counselor had done nothing." In February, Mr. Velez enrolled in Bronx Community, the only college that would have him. He dropped out after a semester and went into the Army for four years. Last year, at age 30, and the father of two, Mr. Velez, president of the college's student government, was graduated as valedictorian of his class with an A-minus average, winning three commencement awards. Today, the recipient of a scholarship, he is studying for a bachelor's degree in City College's engineering school. "What Bronx Community College did for me I can never repay," he says. "It was my crowning glory, a place where people went out of their way to help me. Without the chance that the community college gave me, I probably would have had to spend the rest of my life working in a factory."

INEXPENSIVE TRAVEL IS A FAMILY AFFAIR

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the CAB has taken a strong stand against reduced air fares. The gradual elimination of youth and family fares has already begun. The CAB claims that these fares are discriminatory. If all programs are to be ended because they are discriminatory, regardless of their effects or justifications, an entire range of programs for the handicapped, the elderly, and the poor, will have to be eliminated also. The CAB is giving lip service to the idea of nondiscrimination while continuing to allow military and ministeral reductions, though they are equally discriminatory.

In point of fact, what we are witnessing is another attempt by a Federal agency to represent the best interests of the industry's profit figures rather than the best interests of the public. The CAB is protecting industry from itself; the agency has repeatedly turned down reduced air fare plans submitted by the airlines.

Furthermore, the evidence upon which the CAB has found reduced fares to be unprofitable is, by its own admissions, plagued with inaccuracies. In its December 5, 1972, opinion on reduced fares, the majority of the CAB stated that all of the methods used to measure the amount of new business generated by the discount fares had deficiencies.

A mere four airlines submitted onboard surveys which were considered in this area. Because of this and other inadequacies, two of the five members of the Board found the evidence in the record to be insufficient and dissented from the majority's opinion. "In the absence of more convincing information" they concluded that each individual airline should be responsible for determining the desirability of promotional fares. The legislation I am introducing today would allow just this flexibility.

This follows a CAB pattern recently demonstrated in international flights. Fearing the effects of competition on profits, the CAB vetoed the proposals of the major European airlines to drastically reduce fares for transatlantic flights. Thousands who anticipated vacations abroad, finally within their means, were disappointed by the Board's action. The plan to eliminate special domestic rates as well shows that they were not motivated by a policy of promoting "seeing America first." The CAB is simply devoted to high fares across the board.

The alternative reduced fare plan currently being proposed by TWA is inadequate. This plan calls for a reservation with deposit 90 days in advance with payment in full due 60 days prior to the day of departure. This is not how travel in America traditionally works. Only rarely are plans so sufficiently firm months in advance that people will be willing to risk such a substantial amount of money.

Rather than ending youth fare, the program should be expanded so as to include the elderly. The elderly do not have a greater right to travel, but they have the greatest opportunity to travel; a time when they are not subject, year round, to a rigid schedule. For the rich air travel will never be a problem, no matter what age group they fall into. However, the middle class have the opportunity for travel when they are young and when they are old; this mobility is very much dependent on reduced air fares.

We often lament the break up of the family in America. Yet at a time when the entire Nation must be viewed as a prosepective market for work and education, air travel is often the only way of reuniting families. The costs of higher education are already exhorbitant; the elimination of youth fares will prevent children away at school from visiting with their families.

For the elderly this can be an even greater hardship. Many live at a low-income level where full fares are prohibitive. Yet, often, the ability to visit and be united with their children and grandchildren provides the greatest joy and meaning at this time of life.

I urge the CAB to reconsider its positon. I also urge my colleagues to support legislation authorizing reduced air fares for youth and for the elderly. These fares in past years have provided great benefits to our children in terms of education, travel, and the reunion of families. They have equal potential to enrich the lives of our senior citizens.

I am today introducing legislation to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act that would authorize general reduced-rate transportation and for handicapped persons and for those over 65 years of age. It would eliminate the "standby" procedures for these groups of people as clearly impractical.

The legislation also authorizes reduced air fare rates for persons under 21 years of age on a "standby" basis. I am requesting hearings on this and similar measures at the earliest possible date in hopes that some action will be taken before the peak of the summer travel season is over.

RETRENCHMENT ON THE INFLATION FRONT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, last Wednesday, President Nixon announced that he was abandoning the ill-conceived policies of phase III to reinstitute a system of strict economic controls. In his speech last week, the President announced the reimposition of price controls, similar to those we experienced during phase I.

We seem to be going around in circles in the matter of controlling inflation. We started in August 1971 with a system of across the board wage and price freezes, to control a widely spiralling rate of inflation. From there we went to a fairly stringent program of economic controls, limiting the rise in prices and wages to levels considered to be consistent with inflationary control and economic growth. This system was abandoned last January for phase III, which removed most controls, and sought to let the economy pretty much take care of itself.

President Nixon, surrounded as he was by "free market" economists, felt in January that he was doing the best job possible in controlling inflation. The "free marketers" felt that inflation could be controlled best by letting the operations of the market—supply and demand—occur naturally. In that way, prices would eventually find their level, and inflation would taper off to an acceptable 2.5 percent annual rate.

We saw that this never happened in the 6 months phase II was in effect. Nor, I believe, would it ever have happened. A major reason for this, in spite of the pious pontifications of George Shultz, is that we no longer live in a country where there is a totally free market. In fact, since the days of the great robber barons and monopolies of the late 19th century, we never did. When private manipulations of the marketplace became intolerable, the Government moved in to control the monopolies. Since the passage of the Sherman Antitrust Act in 1890, the Government has been intimately involved in regulating the economy.

This regulation became a full-fledged operation in Roosevelt's New Deal. We may argue from today until the end of time about whether this has been good for the country. But the fact still remains, the free market is a myth, at least on the large scale. True, there may still be unbridled and healthy competition among small business. But when we reach the level of the Lockheeds, the United States Steel Companies, the Littons, and all the other conglomerates, we are dealing with quasi-governmental entities who have long since ceased to engage in full and open competition.

Thus, the President's warning about not coming to rely on economic controls as a narcotic was unfortunate and misleading. Our economy is already controlled by giant corporations. We have all heard in recent days the suspicions voiced by many that the present fuel shortage has been manufactured by the giant integrated oil companies as a ploy to drive the lower-priced independents out of business. The fact that such charges could be seriously considered by Senator Henry Jackson indicates to me that a controlled economy is now a fact of American life. The only question is, who is to control the economy, and for what purpose?

Are we to let the giant conglomerates and corporations manipulate supply and demand solely for their own benefit? The story of last summer's massive wheat sales to Russia, in which the major grain marketing corporations reaped windfall profits of millions of dollars, illustrates the disastrous implications that this would have for the millions of consumers in this country. It was as a direct consequence of the manipulations secretly engaged in by these companies that the price of wheat skyrocketed, pulling along with it the price of other grains, incredible increase in food prices we have seen in the past few months.

The President and his chief economic advisers should be more willing to take the path of the future. The President's imposition of the price freeze was in part a response to pressure from Europe, indicating that the American Government was powerless to control a runaway inflationary spiral. His move was not unexpected, but it did not have the desired results of restoring confidence in the American economy.

It would be disastrous to back away from a strong program of economic controls. We tried this once in phase III, and the Nation experienced a greater growth of inflation than it did before any controls were imposed at all. This is not to say that controls should never have been imposed. Rather, it would indicate that once we have taken this crucial step toward managing the economy—presumably for the benefit of the consumer and taxpayer—we should stick to our guns until the battle is over.

I am looking forward to phase IV with mixed feelings. On the one hand, I have hopes that the President will have learned a lesson from the disasters of phase III. We cannot afford to abandon a strict set of economic controls as long as we are committed to keeping down the rate of inflation. But at the same time, I am fearful that the President will again come under the influence of Secretary Schultz and the "free marketer." The thinking of Mr. Schultz and his colleagues at the Treasury Department is dangerously out of keeping with the needs of the American people and economy. Should they come to reimpose their economic philosophy on the President, and through him, on the American economy, we may never be able to bring inflation under control.

Mr. Speaker, I urge Persident Nixon, in the next few months, to give serious consideration to working out, and then sticking to, a strong system of wage and price controls. He should not allow for any exceptions in any sector of the economy, for to do so would only undermine what a system of controls should be achieving. If wages and prices are to be controlled, then controls should also be imposed on profits, on interest rates, on rents and on agricultural products.

Controlling inflation is an all-or-nothing proposition. For the sake of the administration and the people it seeks to govern, let us have no more half-hearted measures in phase IV. Let us finally see some consideration given to those whose dollar buys less and less every day. Otherwise, the President and his advisers would be better off doing nothing than doing something halfway.

THE FEDERAL RESCUE RESOURCE SERVICE BILL

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Occupational Safety and Health Act of 1970 has been cited as the most significant piece of legislation dealing with the work environment of the American wage earner ever passed by the Congress of the United States. This public law directly affects 57 million workers in 4 million work places.

Today I am introducing a bill entitled the "Federal Rescue Resource Service," an amendment to the Occupational Safety and Health Act. This bill will strengthen OSHA's ability to protect by including under its jurisdiction, areas of workplace accidents, especially rescue operations. It provides for a Federal Rescue Corps to be kept in a state of readiness should it be needed on the scene of workplace disasters. The members of the Corps shall be highly trained individuals with specialization in a variety of areas. While not involved with rescue operations, these persons shall train others in various rescue procedures.

During an emergency situation however, the Corps, along with any needed equipment, shall be rushed to the scene. The Corps will be maintained as a part of the Federal Rescue Resource Service within the Department of Labor. The Service will maintain a running inventory of equipment available as well as a list of those persons qualified to assist in emergency situations. Local authorities will be kept abreast of all available facilities under this Service, along with personnel and equipment on loan from other Federal agencies. The Service will be made available to all through each regional office of the Occupational Safety and Health Administration.

This bill will mean the speedy application of the most qualified help and services at a time when they are most needed. A perfect and recent example of the need for such services is the Bailey's Crossroads high-rise disaster. Here, the collapse of a 26-story apartment building under construction took the lives of 14 men and left nearly 50 others injured. County, State, and Federal officials, along with the developer, made the decision to demolish the building almost immediately in the hope of precluding a subsequent collapse and injury. Some feel however, that this action could have caused the death of several of the trapped men whose bodies had not yet been recovered.

My bill will in all likelihood alleviate this situation, by providing the personnel capable of making such decisions and equipment with which to proceed safely and quickly.

The United States now considers worker protection to be an area in which a coordinated effort by labor, management and all levels of government is both justifiable and necessary.

The Federal Rescue Resource Service will further promote this effort in the safety field and the Occupational Safety and Health Administration is the perfect housing unit. Although much remains to be done, occupational safety and health have come a long way in the United States since the industrial revolution. The Federal Rescue Resource Service is yet another step toward more complete public protection.

A section-by-section analysis of the Federal Rescue Resource Service bill follows:

SECTION-BY-SECTION ANALYSIS OF THE "FEDERAL RESCUE RESOURCE SERVICE"

To amend the Occupational Safety and Health Act of 1970 to establish a Federal Rescue Resource Service.

Section 35. (a) Workplace accidents occur occasionally which often require specially qualified personnel and equipment. This section establishes a program to aid local authorities in the tracing and aquisition of needed personnel and equipment in order to effect rescue operations.

(b) A Federal Rescue Resource Service shall be established by the Secretary and maintained within the Department of Labor. This Service shall:

(1) maintain an inventory of equipment for use in rescue procedures.

(2) maintain a listing of names, addresses and qualifications pertaining to rescue personnel.

(3) inform local authorities of the facilities and persons available for their use in emergencies.

(4) arrange with other Federal agencies for the sharing and exchange of needed equipment and personnel.

(5) when necessary, arrange with various individuals, contracts allowing for the use of their services without prior notice.

(6) provide resource information to employers.

(c) Each regional office of the Occupational Safety and Health Administration shall maintain an office of the Service.

(d) A Federal Rescue Corps shall exist within the Service, established by the Secretary. Its members, trained in a variety of specializations shall be kept in a state of readiness in case of emergency. When they are not needed for rescue, it will be their responsibility to train others in emergency procedures.

ANNIVERSARY OF SOVIET INVASION OF BALTIC STATES

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Friday marked a sad anniversary for all those who hold freedom to all human beings. It was 33 years ago that the U.S.S.R. sent its troops sweeping the free Republic of Lithuania and the other Baltic States, Latvia and Estonia, thus beginning a reign of terror and repression that continues in some form to this day.

Horror upon horror has been inflicted upon these nations since 1941. The Communists have "resettled" one-fourth of the combined populations of these Baltic nations in Siberia and other places, in a vain attempt to break the cultural and nationalistic spirit of their people. These despicable practices also continue today, yet the Soviet Union has still not been able to dim the hope for freedom that thrives in the hearts of these Baltic people.

Just last year we heard of widespread rioting in Lithuania as the people of that nation demonstrated their refusal to acquiesce silently in the dictatorial policies of the Soviet Union. Other reports of anti-Soviet activities continue to reach the West.

So this is the spirit, Mr. Speaker, that continues to win the admiration of people all over the free world and serves as an inspiration for us all. And it is in this spirit that we mark this anniversary of the invasion of the Baltic States by reminding ourselves of their plight and renewing our pledge to continue to work for the freedom of all captive nations.

THE 300TH ANNIVERSARY OF FATHER MARQUETTE'S DISCOVERY OF THE MISSISSIPPI RIVER

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, a ceremony sponsored by the National Father Marquette Tercentenary Commission commemorating the 300th anniversary of Father Marquette's discovery of the Mississippi River was held today before the statue of Father Marquette in Statuary Hall of the Capitol. The Tercentenary Commission was most grateful for your presence and your fine remarks at the brief ceremony this afternoon.

As you know, two Wisconsin grade school students, Melanie Tallmadge, a sixth grader from Wisconsin Dells, and Mark Luelkehoelter, a fifth grader from Antigo, winners of the Wisconsin State Father Marquette drawing and essay contests, were the guests of honor of the Tercentenary Commission. Miss Tallmadge, of Indian heritage, won first prize with her painting of Father Marquette. Luelkehoelter wrote the prize-winning essay, "My Journey With Fathers Marquette and Joliet."

Minority Leader Gerald R. Ford in his remarks emphasized the contributions of Father Marquette to the Great Lakes area. He recounted the numerous ways the great explorer was memorialized in the State of Michigan.

Also participating in the ceremony were our colleagues: Hon. Harold V. Froehlich, a member of the Tercentenary Commission, Hon. Vernon W. Thomson, Hon. Les Aspin, Hon. William A. Steiger, Hon. David R. Obey, Hon. Glenn R. Davis, Hon. Henry S. Reuss, and Hon. Robert W. Kastenmeier, Hon. Melvin Price, and Kenneth J. Gray, of Illinois.

Mr. Arnold J. Winograd extended greetings on behalf of James C. Windham, chairman of the National Father Marquette Tercentenary Commission and Mr. John M. Fedders, attorney with the Washington law firm of Arnold & Porter, represented Marquette University.

At this point, Mr. Speaker, I would like to insert the remarks made by the participants at the brief ceremony today commemorating the 300th anniversary of Father Marquette's discovery of the Mississippi River:

Remarks of Hon. Clement J. Zablocki

Mr. Speaker, I am pleased to extend a warm welcome on behalf of Mr. James C. Windham, Chairman of the National Father Marquette Tercentenary Commission at this ceremony commemorating the 300th Anniversary of Father Jacques Marquette's discovery of the Mississippi River.

Today we honor a great explorer and a great man of our early American heritage.

In paying tribute we recognize the significance of Father Marquette's contribution to shaping the history of the Midwest—America's heartland.

Let us today recall Father Marquette's deep commitment to the belief that religion can advance man beyond the restrictions of his physical environment and can provide man the inner strength to solve his most severe problems. Indeed, it was Father Marquette's commitment to religion and his fellowman that motivated his discovery and exploration of the Mississippi River.

Father Marquette's life exemplifies the ideals of selflessness, friendship and equality among men. As we try to uphold these principles of justice and equality, let us remind ourselves of Father Marquette's example and rededicate ourselves to the principles that no man deserves privilege at the expense of others, and that all men deserve freedom and justice as long as they accept their corresponding responsibilities.

As we strive for human progress, let us not forget to preserve the natural and scenic beauty of the Mississippi River as discovered by Father Marquette and his followers 300 years ago on June 17, 1673. Indeed resolve to conserve the resources and beauty of our entire Country.

Remarks of Representative Carl Albert

It is a great privilege for me to participate in this ceremony commemorating the 300th anniversary of Father Jacques Marquette's discovery of the Mississippi River. I can remember reading during my childhood of this important discovery and admiring the man who made it. That admiration still remains with me today as I think about the significance of his venture and the deep spiritual commitment he carried with him and shared with others.

Father Jacques Marquette opened to the world the greatest waterway in the United States. He initiated a transformation of the heartland of America into a thriving transportation, commerce and communication link to virtually every country on the face of the earth.

Coming from a state which is locked into the Midcontinent, I can appreciate first hand the fruits of Father Marquette's courageous venture. The Mississippi's impact on the states represented here today has been phenomenal, surpassing our broadest expectations. The Mississippi has been the Midcontinent's lifeline in commerce, and its richest symbol of progress and prosperity.

The natural beauty of this mighty river should be preserved and utilized in a way that brings honor to Father Jacques Marquette whose image stands tall today in the hearts of all of us who pause to remember his great contribution to our nation.

Remarks by Mr. Arnold Winograd, Representing Mr. James C. Windham, Chairman of the National Father Tercentary Commission

On behalf of Mr. James C. Windham, Chairman of the National Father Marquette Tercentenary Commission and Chairman of the Pabst Brewing Company, I want to thank Representative Clement J. Zablocki and everyone else who has contributed to making this Tercentennial celebration such a success.

Remarks of Mr. Jack Fedders, Esq.

It is a pleasure and privilege to represent Marquette University at this ceremony paying tribute to Father Jacques Marquette on the occasion of the 300th Anniversary of the discovery of the Mississippi River. The Jesuit Fathers, the Faculty, the alumni and students of Marquette University join in tribute on this occasion commemorating Fr. Marquette.

INSPECTION RIDDLED BY INADEQUACIES

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I have been supplied a copy of an investigation of meat inspection in the U.S. Department of Agriculture, conducted by Inspector General Nathaniel E. Kossack last year, which reveals a discouraging failure and inability of that agency to provide the sort of inspection to which meat producers and consumers are entitled.

It reveals that 38 out of 88 domestic plants reviewed by the Inspector General had questionable sanitary situations, 11 of them described as "unacceptable".

It reveals that meat, including horsemeat, is being imported into the United States without inspection because Customs fails to refer the cargoes to USDA meat inspectors.

It reflects wholly inadequate chemical residue testing of both domestic and imported meat and inadequate facilities for the work.

It reports that Lloyds of London charges much higher rates for insurance against cargo rejection if meat is being shipped to Norfolk, Va., than to any other port because Norfolk enforces regulations most stringently—a sad commentary on inspection of ports that do not measure up to the level of Norfolk. It is also a sad commentary on the exporters to the United States who buy such insurance. Their best insurance against cargo rejection would be to produce meat and meat products in which they have confidence enough not to require insurance against rejection.

There are a great many other weaknesses in inspection detailed by the Inspector General, as well as reports on specific plants and episodes.

Soon after I came to Congress, I expressed my concern about the adequacy of imported meat. Meat imports were then restricted by quota but are now allowed to come into the United States without limit.

We have a sampling procedure for inspecting imported meat at the docks where it enters the United States. Less than 1 percent of each shipment is thawed and actually inspected. If the number of defects found in the samples indicates that there is only one minor defect per 30 pounds, one major defect per 400 pounds, and one critical defect per 3,000 pounds then the whole lot is allowed to come on in and go into hamburger, weiners, sausage, soups, TV dinners, or out on the counter, defects and all.

Tolerance of any amount of hair, dirt, blood clots, cysts, ingesta, manure and other defects is difficult for me to understand.

The Inspector General's report on laboratory analysis of meat samples for additives and chemical residues reflects confusion in management, lack of manpower and workable equipment, suspensions of testing in important areas and other shortcomings.

Laboratories have repeatedly been directed to backlog—freeze—or give up on work they cannot get at. This included samples taken to examine for the banned DES, for fats, moisture and additives, and for vegetable oils in animal products. In February 1972 a survey was ordered of organo-phosphorous compounds in meat of certain Australian plants, but no methodology or instructions were issued. The backlog of work in the Northeastern United States caused a suspension of normal sampling altogether for 30 days starting in February of 1972. And the Inspector General described much laboratory equipment in bad shape and inadequately maintained.

I am including the text of the Inspector General's report which has been supplied to me in the RECORD.

I regret that it did not reach me sooner. I would have requested the able Congressman from Mississippi (Mr. WHITTEN) to look into the needs of the meat and poultry inspection program for funds to correct the deficiencies found by the Inspector General.

Since the House has passed the Agricultural Appropriations bill, I shall send a copy to the Senate Agricultural Appropriations Subcommittee with the suggestion that they look into it.

However, I certainly do not think the responsibility for inadequate inspection of the meats that go on our table should be regarded as the responsibility of the appropriations committees. It is the responsibility of all of us.

We need to provide funds for adequate inspection.

We need legislation, such as I have proposed, to authorize and direct greatly improved imported meat inspection.

We need legislation which I have proposed—and Senator PHIL HART proposed in the Senate before I came to Congress in 1969—to initiate inspection of fish and other marine products.

Then we need determination to require a professional job from the administrators.

Because inspection of meat and animal products is the responsibility of all of us, I am putting in the RECORD the Inspector General's report so members of Congress and the public can see just where we stand in regard to the Meat and Poultry Inspection Program. It is anything but reassuring.

The report follows:

AUDIT REPORT: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION PROGRAM AS OF MAY 31, 1972, REPORT NO. 60102-1-W

A. Introduction

This report consolidates the results of an audit of the Office of the Inspector General of the Meat and Poultry Inspection Program (MPIP). At the beginning of our audit, this program was under the Consumer and Marketing Service (C&MS). However, Secretary's Memorandum No. 1762 transferred MPIP to the Animal and Plant Health Inspection Service (APHIS), effective April 2, 1972.

Numerous organizational changes in the MPIP at both Headquarters and field levels had taken place since the 1969 OIG review. Significant changes occurring during this audit were: (1) The Regional Offices were reduced from eight to five; (2) Area Offices within Regions were being established; (3) Circuit Offices were being closed. We reviewed all of the Regional Offices, but tested the circuits on a selected basis. In addition, we visited laboratories, Training Headquarters, Training Centers, import inspection facilities, and 88 Meat and Poultry establishments throughout the country. Separate audit reports were not issued for any of the above entities.

We did not review operations of the Federal State Cooperative Meat and Poultry Inspection Program during this audit.

A statistically chosen sample of 95 in-plant inspection personnel was utilized to (1) permit program-wide projection of conditions based on selected interview questions and (2) locate these personnel at their assigned plant and thus provide an objective basis for selecting meat and poultry establishments to be reviewed. Guidance and technical assistance was furnished by the C&MS Statistical Staff. Exhibit A explains the selection of the sample and the relative significance of the results obtained. The 95 sample personnel were located at 88 establishments. The Regional Directors arranged for the appropriate Circuit Supervisors, or assistant, to accompany us to these plants. These personnel performed a formal sanitation inspection, prior to the start of daily operations, utilizing either the Slaughter or Processing Establishment Review Guide (Form CP 461 or 468). After operations commenced, we observed the conduct of inspection and handling of the product on a selected basis. We interviewed the Inspectors-In-Charge, and some of the inspection staff at each plant. Records were examined in the Government office at the plant.

Our objective was to determine whether the overall program of inspection was being managed and operated in an effective and efficient manner. More specifically, to appraise the adequacy and effectiveness of policies, procedures, instructions, and management controls in correcting conditions reported in prior audits and investigations and assuring currently that only clean, healthy and wholesome products were passed for human consumption.

In fiscal year 1972, the MPIP had a budget of $162 million and about 7,800 employees. There were approximately 5,941 establishments under Federal inspection.

B. Summary

The MPIP had operated in a generally effective manner considering the many changes in workload and management which affected the stability of the organization in the year and a half that MPIP has existed. However, many problems with the program for inspecting meat and poultry products persisted although audits and investigations had repeatedly reported these conditions over a six-year period. Although considerable progress had been made, during a period of uncertainties caused by continuous reorganization, there was a need for more substantial and timely improvements.

Our audit confirmed the immediate need to reenergize and motivate the field inspection force. In essence, there was little evidence of significant leadership action to offset the demoralizing effects of industry and public criticism of the inspection program. Positive actions needed to improve the support and commitment of MPIP personnel to the goals and objectives of the current reorganization plan included: (1) Strengthening communications between the managerial and supervisory levels; (2) Developing a Code of Ethics to assist in preventing employee misconduct and undesirable behavior; (3) Maintaining adequate Government offices at official establishments, and (4) Designing a new official emblem for the MPIP to promote pride and self-respect among employees.

Additional efforts are needed to improve the sanitation conditions of many establishments. A review of 88 plants disclosed that 38 needed improvement in maintaining clean facilities, equipment, and operations. Conditions in eleven plants were clearly unacceptable. These conditions were generally caused by: (1) Plant inspectors-in-charge and circuit supervisors not carrying out their repective responsibilities in a forceful and effective manner; and (2) Absence of a planned and documented improvement program whereby plant management was committed to bringing facilities and equipment up to a satisfactory condition.

Most Regional Directors had not fulfilled their responsibilities to direct and manage the import inspection program. Consequently, adverse conditions in facilities and inspection were found at many ports of entry and inland inspection points. Industry criticism related to inconsistent import inspection would be lessened and consumers would be assured of receiving a more wholesome product if additional measures were taken to bring known problem plants in countries of origin into compliance. Also, the credibility of import inspection would be strengthened if individual inspectors were required to be fully qualified and were issued a certificate attesting to their competence. Although the entry of imported products is subject to the separate jurisdiction and responsibility of USDA and U.S. Customs, the effectiveness of the total inspection function depends upon mutual coordination and cooperation between both organizations. In such instances working relationships between MPIP and U.S. Customs needed strengthening. MPIP, with a more important role in consumer protection, needs to take the initiative to provide assistance and secure the necessary cooperation.

Better coordination of the analytical workload of the field chemical laboratories is needed. Various Headquarters Divisions had developed special programs without assurance that the laboratories could perform the work. Consequently, the routine workload was overburdened and overtime costs were incurred in an unsuccessful attempt to analyze all samples.

Little justification existed for continuing the analysis program for fats, moisture, and additives at current MPIP sampling levels. In 1971, less than 3 percent of the total samples analyzed for this purpose were in non-compliance. Workloads had not been adjusted to place primary emphasis on the more important analysis programs to detect residues harmful to consumers.

The capabilities of some laboratories were reduced because an equipment management program was lacking. Some equipment needed to be repaired or replaced on a more timely basis.

Although the Training Centers were operated in a very commendable manner, there were no systematic approach to planning and evaluating the training programs. Neither the Regional Offices nor the Training Headquarters had developed a system of priorities and criteria for identifying training needs. Further, additional emphasis needed to be placed on (1) the training of supervisory personnel and intermittent employees and (2) implementing standardized procedures for on-the-job training.

Part IV of this report contains some comments of a general nature relative to MPIP operations.

II—RECOMMENDATIONS AND DISCUSSION WITH MANAGEMENT

A. Recommendations

ASSOCIATE ADMINISTRATOR, MEAT AND POULTRY INSPECTION

1. Undertake action to improve the performance of MPIP personnel. Specifically:

a. Direct a frequent written message to field supervisors to promote interest, support, and understanding of policies and objectives. (See Details, 1)

b. Develop a Code of Ethics for MPIP field inspection personnel to encourage desirable behavior. (See Details, 1)

c. Require official establishments to provide adequate inspection offices and welfare facilities. (See Details, 1)

d. Authorize a new official emblem for the MPIP. (See Details, 1)

2. Further improve the system for assuring that clean and sanitary conditions are maintained in official establishments:

a. Require the plant Inspector-In-Charge to: (1) make thorough sanitation inspections; and (2) insist that management correct unsatisfactory conditions. (See Details, 2)

b. Institute a planned and documented program nationwide for improvement of plant facilities and sanitation. (See Details, 2)

3. Require Regional Directors to fulfill their responsibilities to manage and direct the import inspection program. (See Details, 3)

4. Take additional actions to improve the quality of meat exported to the United States by: (1) intensifying the effort to raise the quality of products from foreign plants of origin; and (2) requiring individual inspectors to earn a certificate attesting to their qualifications and competency. (See Details, 4)

5. Strengthen cooperation with U.S. Customs officials at ports of entry receiving imported meat and poultry products. (See Details, 5)

6. Assure that the workloads of the field chemical laboratories are established on a coordinated and efficient basis. (See Details, 6)

7. Revise the Regulations to require processing establishments to use commercial laboratories certified by the MPIP in obtaining quality analyses for fat, moisture, and additives. (See Details, 7)

8. Establish an equipment management program to improve the operation of the field chemical laboratories. (See details, 8)

9. Assure that formal training programs are planned and carried out on a basis of priority and need. (See Details, 9)

10. Initiate an expanded program of supervisory training. (See Details, 10)

11. Emphasize informal on-the-job training programs including prescribing standardized procedures to be followed. (See Details, 10)

B. Discussion with Management

A draft of the Detail and Exhibit sections of this report was submitted to MPIP officials on June 13, 1972. A preliminary discussion was held on June 29, 1972, with the MPIP officials listed below:

Dr. Kenneth M. McEnroe, Associate Administrator; Dr. Fred J. Fullerton, Deputy Administrator, Field Operations; Dr. Harry C. Mussman, Deputy Administrator, Scientific and Technical Services; Mr. L. L. Gast, Director, Compliance Staff.

The Office of the Inspector General was represented at that conference by:

D. F. Reynolds, Assistant Regional Inspector General for Audit, Region II; Albert L. Clepper, Supervisory Auditor-In-Charge, Region II; Ralph A. Capone, Auditor, Region II; Kenyon Male, Auditor, Region II; Robert L. O'Brien, Auditor, Marketing and Consumer Programs, OIG, Headquarters.

MPIP officials generally concurred with the substance of our findings. Certain revisions and corrections were made in this report based on their comments. In view of the numerous changes which occurred in the organization during the audit, they will consider including a statement of corrective actions taken or planned as an attachment to this report.

A final discussion was held on September 28, 1972, with the APHIS officials listed below:

Dr. Frank J. Mulhern, Administrator; Dr. Fred J. Fullerton, Deputy Administrator, MPIP Field Operations; Dr. Victor H. Berry, Assistant Deputy Administrator, MPIP; Dr. Harry C. Mussman, Deputy Administrator, MPIP, Scientific and Technical Services; Dr. T. R. Murtishaw, Deputy Director, MPIP, Scientific Services Staff; Dr. L. L. Gast, Director, Compliance Staff, MPIP.

APHIS officials generally concurred with our findings and recommendations. Their comments are included in Exhibit E of this report.

OIG was represented at the final discussion by:

Mr. Nathaniel E. Kossack, Inspector General; Mr. George B. Wood, Deputy Inspector General for Agricultural Health, Inspection and Research; Mr. D. F. Reynolds, Assistant Regional Inspector General for Audit, Region II; Mr. A. L. Clepper, Supervisory Auditor-in-Charge, Region II.

III—DETAILS

1. Direction

Timely and decisive direction was needed to (1) secure maximum support and commitment or MPIP personnel to the goals and objectives of the reorganization plan; (2) instill a stronger sense of professional pride, loyalty, and integrity among the field inspection force; and (3) demonstrate more convincingly to employees, the industry, and the public that the MPIP was and is dedicated to the enforcement of standards of inspection that will protect the consumer from unwholesome meat and poultry products.

C&MS Notice 1272 dated June 3, 1971, announced the plan for reorganization of field offices and personnel. The Administrator, C&MS, reassured all employees of the MPIP that many uncertainties as to the future of the MPIP had been resolved and that each would have a meaningful role in the new organization. More specifically, that the field organization would consist of the present eight Regional offices; changes affecting employees would be announced according to a scheduled plan; a high level of Program effectiveness had been, and was being, maintained.

However, criticism of the MPIP intensified during the period following release of this Notice, Major impacts included: (1) reports of the General Accounting Office disclosing adverse conditions in the import and poultry inspection programs; (2) release of the controversial discourse "Sowing the Wind" by the Center for the Study of Responsive Law; (3) the returning of Federal Grand Jury indictments against 41 food inspectors in the Boston circuits for misconduct; and (4) extensive Congressional and news media faulting of meat and poultry inspection.

C&MS Notice 1319 dated November 19, 1971, indicated that there would be five Regional offices with 34 Area offices. Later, Secretary's Memorandum No. 1762 dated January 19, 1972, announced the creation of APHIS in USDA of which MPIP would become a part.

Our interviews with 64 Circuit Supervisors and approximately 300 inplant inspection personnel disclosed that the above events have had a disturbing and unsettling influence upon the field organization. Morale was generally low. These factors could have contributed to the numerous deficiencies in sanitation, condition of facilities, and conduct of inspection in 38 of the 88 plants we visited. (See Detail–2).

We believe that the recommendations in this report, if implemented, would result in increased program effectiveness. However, the immediate need to reenergize and motivate the inspection force appears to be a prerequisite for improvements throughout the system. We realize that there are no instant solutions to this problem. In essence, the collective negative effects of industry and public criticism and organizational instability over many years must be overcome. At this time, the reorganization has generated a climate conducive to change. Many key personnel are making a "fresh start" in new positions. Therefore, we are suggesting some actions of a leadership nature which could exploit this momentum and restore vitality to all levels of the MPIP.

a. In our opinion, effective circuit supervision is the key to the success of the inspection program. Most of the supervisors we interviewed were attempting to adjust to the loss of their circuit offices and as yet undefined relationship with the new Area office. Many were skeptical as to the necessity for these changes and apprehensive of new policies and direction resulting from staff changes in the Regional offices. We could not establish a nationwide pattern among these personnel to indicate that there was, in fact, extensive support and commitment to the program leadership at the Washington Headquarters level.

A stronger bond of mutual confidence and respect was needed between line officers. We believe a frequent personal message from the Deputy Administrator to supervisors would promote better understanding and provide the reassurance needed to secure optimum performance in the days ahead. A newsletter to explain Departmental and agency policies, dispel rumors, and inspire professionalism should help strengthen the linkage between the managerial and supervisory levels and thus result in benefits throughout the system.

b. The reputation of the MPIP continues to be tarnished by considerable employee misconduct. These incidents not only contribute to the undermining of public confidence in the inspection program but also tend is discredit the positive accomplishments of those with greater integrity. Disciplinary measures were generally swiftly applied; however, these are reactions rather than solutions to the problem. Greater emphasis should be given to the prevention of undesirable behavior.

Regional guidance was directed largely toward new employees who received the USDA Employee Handbook containing the Code of Ethics for Government service, and Appendix I—Employee Responsibilities and Conduct. However, a 1970 review by the U.S. Civil Service Commission disclosed that the highest number of disciplinary actions are taken against employees of 46–50 years of age with 11–20 years of service. The requirements for yearly counseling of all employees in this area were vague. Our tests at the Regional offices disclosed a lack of documentation to verify that supervisors had discussed conflict of interest and conduct with employees. A statistical sample of inspection personnel indicated that at least 1,330 and possibly as many as 2,805 employees had not discussed the subject of ethical conduct with a supervisor during the past year. (See Exhibit A.)

The recent indictment of nearly 50% of the inspectors in the Boston circuits apparently has not served as a deterrent to adverse behavior elsewhere. Our audit exposed 10 incidents nationwide involving conflict of interest, neglect of duty, and falsification of records.

Based on our interviews, we concluded that many veterinarians and food inspectors erred unknowingly. For example, some seemed unable to make a clear distinction between what constitutes wrongdoing and what was good public relations with the industry. We believe a Code of Ethics for Meat and Poultry Inspection would eliminate confusion by specifying acceptable and nonacceptable behavior both on and off the job.

Poster-size enlargements of the Code could be printed and required to be prominently displayed in the Government Office at each plant to serve as a constant reminder to employees of their duties and obligations.

c. An effort should be made to assure that the inspection office in each official establishment where required be adequately equipped, clean, and business-like in appearance. We observed 87 offices and related welfare facilities and found 14 in need of improvement. For example:

Est. 396—(Iowa) Govt. office in old dilapidated building outside main plant. Needed cleaning.

Est. P-898—(Ark.) Govt. office small and overcrowded. Broken file cabinet. No lockers or space to dress.

Est. P-377—(Okla.) Welfare facilities inadequate. Office needed chairs. Poor dressing space.

Est. 492—(Pa.) Govt. office space inadequate. Very congested condition.

With the exception of infrequent visits to an MPIP Training Center or Regional Office, most inspection personnel find the inspection office in the plant to be their sole identity with the agency and the Department. Offices that were poorly equipped and maintained offered little incentive for employees to enforce strict inspection and sanitation standards within the plants. Supervisors should be reminded of the importance of adequate office facilities and of their responsibility to secure satisfactory accommodations as provided for in the Regulations.

d. The MPIP needed a new official emblem. The design should be bold, distinctive, and appropriate for use by all personnel. Meat inspectors were readily recognized because most worked with a white frock, hardhat, and badge. By contrast, poultry inspectors wore a protective apron and, for the most part, were undistinguishable from plant employees. Although the benefits of more extensive and uniform use of badges, insignia, and decals cannot be measured, we believe such use would promote pride and self-respect and reflect a better image of Federal inspection.

The foregoing recommendations are not intended as a panacea for the many problems facing the MPIP. Previous audits and consultant studies have identified the need for revision of laws and regulations, increased funding, and better personnel administration. We contend that leadership was wanted and needed by the field inspection force and that this form of motivation was essential to improvements in the organization.

2. *Establishment reviews*

Additional emphasis needed to be placed on improving the system for preventing, detecting, reporting, and correcting unsanitary conditions in meat and poultry plants. In many instances neither plant management nor inspection personnel had accepted their responsibilities to eliminate unacceptable sanitation conditions and product contamination resulting from facilities, equipment, and operation.

Circuit Supervisors performed a preoperational sanitation check during our review at 88 establishments throughout the country. The results of these checks and subsequent observation of operations disclosed 38 plants where numerous improvements were needed in sanitation, condition of facilities, and conduct of inspection. The condition of each plant reviewed is presented in Exhibit B.

a. Poor sanitation at 19 of the 38 plants was caused by plant inspectors and Circuit Supervisors not carrying out their responsibilities in a forceful and effective manner. Generally, the Inspectors-in-Charge were not using the Sanitation Report, Form CP-455, to advantage. This report was either not: (1) prepared daily; (2) distributed to management; or (3) followed-up by consultation with plant management to secure corrective action. In some instances hostile and uncooperative attitudes on the part of management had not been promptly reported to Circuit officials.

Most Circuit Supervisors were not making monthly visits to these establishments. The frequency of visits varied from once every 2 months to once a year. There was little evidence of documentation in the form of in-depth reviews or trip reports to indicate the progress made on previously disclosed conditions, on items needing further correction, or the actions expected of the Inspector-in-Charge.

In our opinion, there were no valid excuses for these unsanitary conditions to have existed. We noted in many instances that plant management had not fully accepted their responsibility to provide sanitary plant conditions. Instead of performing their own check of conditions to assure that the plant was in satisfactory condition prior to the preoperational inspection, plant management personnel were content to accompany inspection personnel on the sanitation checks and wait for the inspector to point out items needing recleaning. This situation was previously observed during our special review of 11 establishments performed in December 1971. As stated in that report, "MPIP must create an understanding that plant management is responsible for maintaining a sanitary plant and take measures to entirely meet that responsibility."

b. In the majority of the cases where poor sanitation was noted, the condition was compounded by deficiencies in facilities or equipment. Examples of these conditions are presented in Exhibit C. Although Inspectors-in-Charge were expected to resolve sanitation problems on a day-to-day basis, it was readily apparent that planning improvements involving large financial outlays, and establishment of deadlines, required the backing of officials at the Circuit and Regional level. We were informed that some Circuit Supervisors had established informal deadlines, both oral and written, for completing repairs, but evidence of effective follow-up action to secure compliance was lacking.

Prior to our audit, some circuits in the Western Region had unofficially instituted a Facilities and Sanitation Planned Improvement Program in order to upgrade these areas at certain problem plants. Results of this program were so satisfactory that, on April 5, 1972, the program was instituted regionwide. In addition, on May 3, 1972, the newly established North Central Region instituted a Project Improvement Program to document programming in the upgrading of facilities and equipment. The two programs were basically similar although the two Regions were using locally devised forms that differed somewhat.

During our audit we visited seven plants in the Western Region that had been cited for serious sanitation deficiencies during our prior audit in 1969. We found substantial improvements at five of these plants where planned improvement programs had been effectively implemented.

In our opinion, a program of planned improvements was vital to improving establishment facilities and sanitation. The value of this type of program is that it organizes effort between program people and plant management to develop an easily understood and viable method for identifying and correcting unacceptable items in the establishments. Also, there is a basis for taking action when due dates are not met in a satisfactory manner.

In order to provide for a planned and documented program for improvement of plant facilities and sanitation, the MPIP should develop and institute a facilities and sanitation planned improvement program applicable to all regions of the country.

Import inspection

The inspection of imported meat and poultry products at many ports of entry needed improvement. The majority of the Regional Offices had not exercised necessary direction and control over this activity. As a result, operational deficiencies persisted at numerous locations.

Considerable progress in import inspection had occurred since our 1965 review. In essence, a system of product quality control and certification extending from the country of origin to the port of entry in the United States had been developed and implemented. However, the effort to establish this system produced broad and general policies and instructions that were interpreted differently by the Regions. Consequently, nonuniform and inconsistent inspection pratices, frequently at variance with the regulations, adversely affected the program. A review by the Program Review and Compliance Branch; a study by the Processed Food Inspection Division; and an audit by the GAO attested to the problems with the import inspection program.

The Northeastern and Western Regions had the heaviest import workloads. Our tests in the Philadelphia and New York City ports disclosed that the Northeastern Regional Office was directing a generally effective program of inspection. The Western Region, on the other hand, was not adequately managing the import activity.

Although our tests within the Southwestern and Southeastern Regions were limited, we believe the conditions found at the major import locations we visited indicated the need for stronger control from the Regional Office. Evidence of direction by the Northern, North Central, and Mid-Atlantic Regional Offices was generally lacking. Since these offices have been closed, no further details are presented. However, Exhibit D contains a summary of conditions found at various inspection sites within these Regions. The Kansas City Region was not reviewed because the import workload was negligible.

The Director, Western Region, delegated authority to the Officer in Charge, San Francisco Circuit, to act as Regional coordinator for import work. Notice of this action, dated December 1, 1970, included the statement ". . . Washington level reports based on a summation of import actions indicate a continuing difference of the requirements as applied by individual inspectors. Furthermore, differences between the standards applied at the ports of Seattle, San Francisco, and Los Angeles persist." Our review disclosed that this assignment was an additional duty to be performed in conjunction with the regular circuit workload. Although assisted by two subcircuit supervisors (GS-11), the OIC, (GS-12), had responsibility for 34 Federal, 25 Talmadge-Aiken, and 28 State plants. Approximately 14 inspectors were appointed primarily to import work in Los Angeles, San Francisco, Portland, Seattle and Honolulu. Both the OIC and the Regional Office staff acknowledged that no meaningful coordination and review of Regional import activity had been effected in the past 2 years.

We determined substantially that:

(1) No follow-up reviews had been made at Los Angeles and Seattle to verify that the deficiencies reported by the PRC review team had been corrected. Conditions at Los Angeles were still inadequate.

(2) Rejection rates between circuits and inspectors had not been compared and analyzed.

(3) Workloads in the various circuits had been reviewed to support the need for overtime charges.

We could not determine that the Southwestern Regional Office had attempted to manage the import program. Authority was delegated to the Circuit Supervisors. The Deputy Director for Processing stated that import activities were directed from Washington. This belief was held by many personnel. For example, the import inspector at El Paso was in the habit of by-passing both Circuit and Regional Offices and phoning direct to Foreign Program personnel in Washington for advice and guidance.

The ports of Houston and New Orleans handle mostly canned product. The majority of frozen boneless product was inspected at Laredo and El Paso. Our findings at this latter location are presented in Exhibit D.

The Southeastern Regional Office had made an effort to coordinate import inspection. Records and reports were available. The Deputy Director for Processing had made field visits to import locations and initiated action to correct deficiencies. However, a need for increased direction at the Tampa port was evident.

We reviewed inspection in Jacksonville and Tampa. Jacksonville handled mostly canned product. Tampa was a major import location handling an average of 10,000,000 lbs. of product monthly, the majority being frozen boneless meat. The Deputy Regional Director for Processing reviewed operations in Tampa in June 1970 and reported numerous deficiencies in supervision and conduct of inspection. Later in 1970, the PRC reviewers found similar conditions. At the time of our review in March 1972, circuit supervision was totally inadequate. Two GS–9 inspectors, neither designated as in-charge, were attempting to schedule a heavy workload at two facilities and maintain control.

We were informed by Washington office staff that the position of Regional Import Coordinator has been approved and would soon be functioning at all the Regional Offices. Later, on June 29, 1972, the Director, Field Operations Division, informed us that, although the responsibility for directing and coordinating import inspection activities would be assigned at the Regional level, the decision to create a new title and position was still pending.

In our opinion, the above action, in addition to adoption of stricter requirements for inspection facilities, would substantially improve the program. Optimum effectiveness appeared to be contingent upon strong Regional Office direction, and Regional Directors should be required to fully meet their responsibilities to manage the import inspection program.

Application of import inspection standards

Additional measures need to be taken to achieve uniformity and consistency in import inspection between Circuits and Regions. MPIP actions in the form of increased formal training, improved supervision, and revision of reguations will likely resolve these problems on a long-range basis.

More timely improvements in meeting import standards can be obtained by (1) intensifying the effort to bring known problem plants of origin into compliance; and (2) certifying inspector qualifications and competency.

a. Much of the criticism directed toward import inspection related to inconsistencies in the rate of rejection of unwholesome product between inspectors and ports. A difference as small as one percent is significant when expressed in terms of thousands of pounds of product. Many complex variables such as type of product, volume offered, quality control at the plant of origin, and experience of inspectors affected the decision to accept or reject a particular lot. These factors, in addition to the fact that the sample inspection program was less than three years old, amplified the difficulty in securing uniformity and consistency nationwide.

Some importers insured against loss due to USDA rejection. The principal underwriter, Lloyds of London, based insurance premiums not only upon the loss experience of individual brokers, but also upon the average rate of rejection by MPIP inspectors at the various ports.

Because of the keen competition for trade, inconsistency in inspection between ports can result in a port being at an economic disadvantgae. A case in point was Norfolk, Virginia. Strict standards of inspection had resulted in high rejection rates for most types of meat products. Accordingly, insurance rates were adjusted higher for this port during 1971. Some importers apparently diverted cargoes to other eastern ports where inspection was more lenient. The MPIP had responded to several complaints and Congressional inquiries regarding this situation. The Norfok Port and Industrial Authority intended to continue to appeal for relief.

We believe this type of controversy is damaging to the program. It could surface at other ports. To secure uniformity, the MPIP should offset the pressure on import inspectors by applying equal pressure to the foreign plants of product origin. For example, the MPIP data indicated that about 54 percent of the total product rejection from Australia came from 20 of the 156 plants authorized export to the United States. Likewise, about 75 percent of the total product rejection from New Zealand came from 10 of the 45 approved plants.

Stronger efforts to secure a consistently higher quality of product exported to the United States would not only ease the difficulties associated with rejection rates, but would also increase the probability of the consumer receiving more wholesome meat.

b. A system for certifying import inspectors qualifications and competence to enforce regulations and procedures would strengthen the program. The missing element for such a system was a means of check inspection to evaluate each inspectors performance and provide an appraisal of formal and OJT training programs.

Import inspectors were vested with substantial authority which, for the most part, was final. Such responsibility should not be assigned casually. The MPIP wants inspection neither overly strict nor overly lenient, but rather proper and correct in application of standards. This could be verified frequently by observation of work habits, review of paper work, and physical rechecking of product samples to confirm the inspectors conclusions.

The Director, Field Operations Division, agreed that there was a need to confirm the accuracy of individual inspectors, but that the concept of certification would require further study since many additional food inspectors will be assigned import inspection duties as consignments to inland destination points increase. The workload to accomplish the certification would increase substantially.

We believe that there is a need to improve the credibility of import inspection. A system of certification to include check inspection, would resolve many problems and should be implemented.

5. Cooperation with U.S. Customs

Some U.S. Customs procedures and practices did not assure that: (1) All meat and poultry products entering the United States were authorized for entry and if legal, presented for inspection; (2) MPIP was notified disposal actions affecting rejected product; (3) Imported inedible horsemeat was properly inspected. Various laws and regulations protect consumers from unwholesome or contaminated foreign meat and poultry products. Separate jurisdiction and responsibility is vested in both USDA agencies and U.S. Customs; however, each compliments the other and mutual coordination is needed for the import system to function. We believe some problems in this area could be resolved if MPIP were to make a stronger effort to provide assistance and secure cooperation with Customs.

a. Imported meat and poultry products were illegally entering United States consumer channels. These products included those which were unauthorized imports and those which, although authorized for import, had not been presented to MPIP inspectors for inspection. Customs officials at the ports were apparently not identifying all imported meat and poultry products requiring Federal inspection by MPIP inspectors before release in commerce. Some imported products were erroneously referred by Customs to Food and Drug Administration representatives who released them without MPIP inspection.

Our review of files and records at MPIP Circuit offices and Program Review and Compliance offices in New York and San Francisco disclosed the following examples of recent improper imports entering the United States:

(1) Uninspected meat and poultry products from the Peoples Republic of China were found in New York, Philadelphia, Chicago, San Francisco, and Boston. Since meat and poultry products from this country are ineligible for importation the products should not have been allowed off the ship.

(2) Canned meat products from the Republic of Korea were cleared by Customs, even though the importer's invoice showed items which contain, or could contain, meat. Canned meat products from Korea are not eligible for import into the U.S.

(3) Canned meat products, imported from Switzerland, were cleared for entry into the U.S. by the Food and Drug Administration and Customs. They were not made available to MPIP inspectors. These products included Ravioli (beef and pork), Canneloni (beef), Tortellino (pork and beef fat), and Le Favori Pete (pork).

(4) Canned meat ravioli from Italy was cleared by Customs without being presented to MPIP inspectors. Canned meat products from Italy have not been allowed in the United States since April 1967. At the time of disclosure only 619 of the 1,248 cans imported were detained and subsequently destroyed. The remainder were apparently already sold.

(5) Canned pork products from the Philippines were cleared by Customs for entry into U.S. without being subjected to inspection by MPIP inspectors. The importer's invoice clearly identified the items as "meat" and "pigs legs." When disclosed, the items remaining on hand were detained and subsequently destroyed under the supervision of an MPIP inspector.

(6) Canadian frozen chicken livers were cleared by Customs and by the Food and Drug Administration. All documents clearly identified the fact that chicken livers were in the shipment; however, the shipment was not offered to MPIP inspectors.

In our opinion, the MPIP should contact Customs officials at major ports of entry and offer assistance in identifying meat and poultry products required to be made available for inspection before being cleared for entry. This would help prevent illegal products from entering consumer channels and also assure that the wholesomeness of all legal products be determined.

b. Circuit officials at the New York City Port of Entry were not always advised of U.S. Customs actions to deport or destruct products rejected by MPIP. Although this situation was not found elsewhere to this extent, we believe it warrants reporting because of the volume of imports at New York.

Part 327.13 of the Federal Meat Inspection Regulations require MPIP inspectors to report inspection findings to the Director of Customs and to request the Director to refuse admission to any product which is designated as "U.S. Refused Enrty." The notification to Customs must request that they direct that the product be exported by the consignee within 30 days after such notice is issued unless the consignee, within the 30 days, causes the destruction thereof for human food purposes under the supervision of a Program inspector.

The New York Import Inspection Circuit Office used a preprinted letter to advise Customs of rejected shipments. The letter contained all the prescribed information and requested Customs to advise them when the product had been exported. Our review of the files disclosed rejected notices in a pending file issued to Customs as far back as 1967, for which there was no evidence of a reply from Customs on product disposition. There were 19 such notices issued in 1967; 15 issued in 1968; about 40 issued in 1969; and about 100 issued in 1970 for which a reply had not been received from Customs as of March 1972. We were told that once the notices were sent to Customs, no further action was taken by the Circuit office to determine what action Customs had taken, if any, on the rejected shipment. Without timely followup by the Circuit office, there were no assurances that the reject notices were not lost in the processing cycle or inadvertently not acted upon by Customs. The New York Circuit should establish a coordinated procedure with Customs officials to assure that rejected imports are disposed of within the prescribed time limits.

c. A need existed for USDA inspectors, either MPIP or Animal Health, to provide technical assistance to U.S. Customs inspectors in assuring that inedible horsemeat was properly decharacterized with dye and charcoal prior to release in commerce. Inedible horesmeat imports were not adequately inspected for decharacterization by the Customs inspectors assigned inspection responsibilities at the El Paso, Texas, Port of Entry. The Customs inspectors were not sufficiently trained in sampling procedures and in identifying proper decharacterization of the product. As a result, the probability of unwholesome horsemeat being directed into consumer channels were increased. Horsemeat and horesmeat products, whether decharacterized (inedible) or nondecharacterized (edible), may be imported when accompanied by a USDA approved official horse meat inspection certificate from the country of origin. Mexico and Canada are the principal suppliers. Both types of product are used in animal pet foods. However, edible horsemeat, if wholesome and properly labeled, can be sold for human consumption, thus it is subject to USDA inspection. Inedible product, on the other hand, is examined only by U.S. Customs. The majority of both types of product enter the United States at various points in Texas and Minnesota.

In 1970, over 167,000 pounds of inedible horsemeat was imported through the port of El Paso, Texas. U.S. Customs officials there informed us that this amount was greatly increased in 1971 but did not have figures to substantiate the increase. Discussion with the Assistant Director of U.S. Customs at El Pao revealed that Customs does not have the facilities to off-load an entire shipment of horsemeat at the Customs dock. In lieu thereof, his Customs inspectors look into about five boxes to determine that they contain meat and not other high duty or unauthorized items. We were told that although Customs inspectors knew that inedible horsemeat was supposed to be decharacterized, they did not have a complete understanding of what complete decharacterization is. There are no defrost facilities at the dock, therefore, none of the product is ever defrosted or chopped in its frozen condition to insure complete decharacterization. Another factor contributing to superficial inspection was that inedibles have duty-free entry.

We were further advised that Customs had not requested official guidelines or instructions from USDA on sampling procedures, how to determine if decharacterization is proper and complete, and what to do when decharacterization is incomplete. The Assistant Director of Customs stated that he was not adequately staffed to inspect 100% of the imports. He stated that U.S. Customs was willing to cooperate with USDA in any way within the confines of their time and manpower to assure proper inspection of inedible horsemeat imports.

There appeared to be an unwillingness on the part of USDA officials to get involved. An official of the Animal Health Division stated that they had turned over inspection of inedible horsemeat to the Plant Quarantine Division and didn't have anything more to do with it. The Plant Quarantine Division official told us that they only see the paperwork on inedible horsemeat and do not make any of the actual inspection of the product. MPIP inspectors had consistently refused to respond to Customs requests to confirm the degree of decharacterization.

This audit did not disclose any instance of either edible or inedible horsemeat being diverted improperly into channels for human consumption. However, the PRC Branch in Dallas, Texas, had discovered one instance of inedible, not properly decharacterized, mixed with edible product in a warehouse near the border. Although this product was ordered by ARS for use in the screwworm eradication program there was no control to prevent its improper use. Also, the MPIP does not have the resources to verify that all horsemeat reaches the consignee intact and is used for the purpose intended. Since the Animal Health Division has different consumer protection responsibilities, we believe MPIP should make an effort to cooperate with U.S. Customs in assuring that consumers are properly protected from unwholesome products.

6. Coordination of laboratory services

Better coordination of the analytical workload was needed between the Field Operations Division, Standards and Services Division, and the Laboratory Services Division which includes the field chemical laboratories. Special analysis programs were developed at the Washington Headquarters level without prior assurance that the laboratories had the capabilities to perform the work without overburdening the routine workload. In turn, the laboratories had not kept higher level fully informed of workload problems on a timely basis. As a result, several thousand samples received from program inspectors were discarded without analysis. Overtime costs were incurred in an unsuccessful attempt to analyze all samples. The overall efficiency of the laboratories was impaired.

The major functions of the chemical laboratory in the food control program were determining product composition, controlling use of chemical additives and checking for residues. Most of the analytical work of the filed laboratories was generated by the analyses program for fat, water, protein, and other additives in products to determine compliance with prescribed Federal levels of acceptance. The other major portion of the workload concerns residue control analyses for heavy metals, pesticides, and hormones which may be harmful to consumers. In addition to these routine sampling programs, field laboratories were involved in special programs such as those for detecting diethylstilbestrol (DES) and polychlorinated biphenyl (PCB). DES is a growth promoting hormone added to cattle feed and PCB is a chemical contaminant occasionally found in poultry feeds.

Chemists in charge of the field laboratories stated that they were not consulted when a new sampling program was developed and little consideration, if any, was given as to their capabilities to process samples generated by the new programs. Instructions were usually received from the Laboratory Services Division, sometimes verbally, and sometimes in writing, when a new sampling program was initiated. Some examples of programs initiated without proper planning and coordination by the Laboratory Services (LS), Field Operations (FOD), and Standards and Services Division (SSD) were as follows:

a. On March 29, 1971, the Chemistry Group, issued instructions to the laboratories stating that the Field Operations Division had requested them to "gear up" for a high priority program. The program was for 6,000 diethylstilbestrol (DES) samples to be analyzed during the remainder of calendar year 1971, and sampling would begin April 5, 1971. These instructions voiced the realization by the Chemistry Group that the workload would be heavy since there was a manpower shortage and the analysis methodology had not been fully evaluated. The labs were told to freeze the samples if they couldn't get the method to work. They were also told to backlog indefinitely the chlorinated hydrocarbon (CHC) samples so that work could be carried out on the DES samples. No actions were taken to suspend CHC sampling or to adjust the rate of incoming samples from other programs to compensate for this added workload. Labs were told to do the best they could and backlog the rest of the samples. In November 1971, the Chemistry Group advised the labs to discard all diethylstilbestrol samples for which analysis could not be started within 10 days of the collection date and backlog all other routine residue samples in the same category. Again, no action was taken to reduce the input of samples to the labs to more nearly equal the quantity the labs could process.

b. In July 1971, the FOD sent instructions to Regional Directors explaining a "Hamburger Study" that was to begin. These instructions were not received by the concerned laboratories. The laboratories began receiving numerous samples for the study without any notice of what to do with them. The Chemistry Group, LS, told the labs that they were also unaware of the study. Instructions were eventually received by the laboratories from circuit offices of the FOD. The FOD originated this study but did not coordinate it with the LS or any of the laboratories prior to dissemination.

c. The Chicago laboratory was assigned a program for identifying animal and vegetable oils in animal tissues during 1971. As of March 1972, approximately 120 samples had been received and backlogged. No analysis was made because of an excess of higher priority work and an absence of methodology to perform analysis. Inspectors were still submitting samples at the time of our audit. It appeared that the program should have been suspended.

d. A February 22, 1972, letter was issued by the FOD to the Regional Directors advising them that during the months March through May 1972, their Foreign Program Branch would conduct a survey for organo-phosphorus compounds in meat from certain Australian establishments. The letter prescribed the sending of samples to the laboratories for analysis. The laboratories, however, had not received any instructions on this program. The New York lab stated that samples were received and they did not know what to do with them until after they consulted with the LS. As of April 5, 1972, the San Francisco lab had not received any official instructions on the testing to be conducted and told us that they did not have established capabiltiy for isolation to determine the existence or organo-phosphorus compounds.

Our audit disclosed that most of the labs had not maintained accurate and complete control records over the samples to include dates received, backlogged, or analyzed, condition, results of analysis and final disposition. Consequently, we could not verify the accuracy of statistical reports forwarded to the Chemistry Group. However, summary data prepared by the Chemistry Group for all seven labs in the period January–May 1972 indicated that 5,672 samples were discarded of which 3,156 were residue samples. The labs incurred over 6,000 hours of overtime in this period. Some examples of the workload conditions were as follows:

(1) The St. Louis laboratory had difficulty in managing the workload. The analysis of routine samples was halted and a program for arsenic residues was abandoned due to special work generated by the PCB crisis. About 425 samples were discarded in the first quarter of 1972.

(2) The San Francisco laboratory experienced difficulty with the workload because of a shortage of capable personnel experienced in residue testing and an absence of priorities. Backlog of samples had been eliminated largely by use of about 4,300 overtime hours in the period July 1971 to March 1972. However, about 650 residue samples were discarded in the same period.

(3) The workload at the New York laboratory had increased substantially since July 1971. Resources and capabilities were not adequate to prevent backlogs. About 1,200 overtime hours were expended in the period July 1971 to March 1972. To alleviate the huge backlog of samples at the N.Y. laboratory, inspectors at establishments in the Northeastern region were advised to suspend routine sampling of products for 30 days beginning February 4, 1972. The lab also obtained permission to discard about 300 fat, moisture, and additive samples in February 1972. In addition, about 500 samples for residue analysis were discarded during the period August 1971–February 1972. Even with these actions, the backlog at the N.Y. laboratory increased from 569 samples on March 7, 1972, to 971 on April 17, 1972. Without a control over inputs, it appeared evident that more samples will have to be discarded without analysis.

The Laboratory Services Division should establish and implement workload planning and control procedures to assure that laboratories have the capability to analyze samples generated from routine and special programs. Coordination between LS, SSD, and FOD, and with the concerned laboratories, is essential towards an effective workload control system, particularly when special programs are contemplated. An effective control system would considerably reduce the unnecessary costs and wasted efforts incurred by program inspectors and laboratory personnel in processing samples which ultimately must be discarded. Available man-hours at the laboratories could be better managed and overtime could be considerably reduced.

7. Analysis program for fat, moisture, and additives

Workload priorities had not been adjusted at the field chemical laboratories to place primary emphasis on the more important programs for detecting residues harmful to consumers. A disproportionate share of the resources at these laboratories were applied to analyses designed to detect excesses of fat, moisture and additives in products. The need to adjust priorities was included in the MPIP Plan of Work for 1971. We found that the desired changes had not been fully implemented. Further, that a considerable number of residue samples were backlogged at the laboratories and subsequently discarded. Some of the overtime used by the laboratories to reduce backlogs was directed to these analyses for fat, moisture, and additives rather than to residue analyses.

The analysis of product for fat, moisture, and additives is part of the overall regulatory control program. Approximately 4,000 federally inspected processing establishments are monitored for compliance with standards set by regulations. About 91,600 such samples were submitted to the seven chemical labs in 1971. These were analyzed without cost to the industry. In addition, either plant laboratories or commercial laboratories can be certified by the Laboratory Services Division to conduct these analyses. In Washington, D.C., the MPIP monitors the technical competency of the certified labs by comparing 25% of the results with a matching sample analyzed by one of the MPIP labs. At the time of our audit, there were about 160 certified labs, the majority owned and operated within the individual processing establishment. However, the desire to prevent disclosure of "special formulas" and obtain free Federal quality control analysis had resulted in only nominal use of certified labs by the industry.

Our review disclosed little justification for continuing these analyses for fat, moisture, and additives at present levels. In reaching this conclusion, major consideration was given to the following factors:

(1) Less than 3% of the total samples analyzed for fat, moisture, and additive content by the MPIP laboratories in 1971 were out of compliance with standards. The noncompliance rarely, if ever, constituted a direct threat to human health. Generally, sampled lots were retained by MPIP inspectors only when a series of previous samples indicated continuous noncompliance.

(2) The MPIP Plan of Work for 1971 had acknowledged the lower priority required for this program as follows:

Objective: Increase the capacity to analyze for antibiotics and chemical residues, food additives, chemical compounds and packaging materials."

"*Execution:* We expect to increase staffing to take care of these increasingly important problems. However, as noted earlier, we may also need to make a reduction in certain sampling programs of a less critical nature. For example, it may be necessary to reduce the number of analyses of products with respect to purely economic factors, such as fat, moisture, and extenders. So that this reduction not be excessive, we contemplate an increased utilization of private "certified" laboratories to run many samples for the industry and at industry expense. Sufficient determinations will be made to assure that approved levels for these substances are not abused."

(3) About 500 processing establishments have adopted a Statistical Quality Control program approved by MPIP. In essence, the plants have accepted the responsibility to manufacture a higher quality product and MPIP in turn reduced the workload by sampling only a portion of the product. The program includes such controls as fat and moisture content analysis by a certified or commercial laboratory.

Generally, these establishments without a laboratory, but participating in the program, had not incurred excessive costs through the subsquent use of commercial services. Therefore, we believe this practice could be extended on a much broader basis to include the many plants not having an approved Quality Control Program.

In our opinion, the MPIP could fulfill its regulatory responsibilities and adequately protect consumers by performing analyses for excess fat moisture, and additives only as a means of monitoring the technical competence of certified labs. Further, this workload could be lessened by reducing the sampling requirements for establishments where products are consistently in compliance with Federal standards.

Consideration should be given to revising the Regulations to require processing establishments to use the commercial laboratories certified by the MPIP in obtaining quality analyses for fat, moisture, and additives.

8. Laboratory equipment management

A program for replacing obsolete, unserviceable, and uneconomically repairable equipment was lacking. This significantly added to the reduced capabilities of the field laboratories to effectively provide laboratory services for the meat and poultry inspection program. Although annual inventories of equipment were made, the results were not used to identify and report those equipment items that should be planned for replacement. We also noted that some newly acquired equipment items were not effectively utilized due to improper planning as to site location and adequacy of installation.

The Laboratory Services Division needed to establish an equipment management program for the equipment items peculiar to laboratory operations. The program should identify current and future equipment requirements for each of its laboratories. Provisions should be made for identifying and phasing out obsolete and uneconomically repairable equipment sufficiently in advance to assure timely budgeting for replacements.

The following are examples of the type of equipment conditions noted in our review:

a. At the Chicago laboratory, the two Gas Chromatographs (GC) in use were old and reaching obsolescence. Due to their age and stage of obsolescence, needed repairs were frequent, costly, and caused excessive downtime. One of the GC's had to be altered each time in order to run specific types of analyses. This caused use of overtime on weekends as this was the only time available to alter the GC and run certain analyses. Also, a need for an Atomic Absorption unit was expressed by the Chemist-in-Charge. He stated that this unit would have resulted in substantial time saved in analyzing samples for arsenic content and would have given the laboratory the capability to make analyses for heavy metals instead of remailing the samples to the Beltsville laboratory for analyses.

b. In the St. Louis laboratory, an $18,700 Kjeldahl unit designed to determine protein content in meat samples had not been used since November 1970 due to faulty installation. The unit was installed in September 1970 and in November 1970 it was found to be improperly installed. Evidence on file indicated that the faulty installation was not reported until November 1971, a year later. We noted that the contractor's warranty had expired on or about September 23, 1971. We also noted that the laboratory used overtime to reduce a backlog of needed analyses. The overtime could have been reduced had this equipment item been operative. The General Services Administration office advised the laboratory on February 24, 1972, that the necessary repairs could not be made until a pending laboratory decision had been made on whether to relocate the unit. This incident indicated a weakness in planning for new equipment acquisition to assure that the items were properly located, adequately installed, and sufficiently tested within the warranty period to determine acceptability.

c. At the New York laboratory, capitalized equipment items in serviceable and unserviceable condition were kept in storage rooms. These appeared to be excess to the labs needs, but were not reported as such. We were told that they were being held for possible future use. A Monroe Calculator valued at $917 and in need of repairs was excess to the labs needs but not reported as such. There were also serviceable items including a vacuum oven and a vacuum pump which were kept in storage rooms. We believe that more effective equipment utilization could be achieved by having all laboratories report monthly to the Laboratory Services Division on equipment on hand and not in use. If the labs cannot justify retention of the items, the LSD should determine whether the items were needed at its other labs and take redistribution or disposition action as necessary.

d. Some of the laboratories experienced delays in getting inoperable equipment repaired in a timely manner. Not all equipment items were covered by a Blanket Purchase Agreement which would authorize field laboratories to place orders for repairs. When equipment breakdown occurred, Chemists-in-Charge had to obtain a repair authorization from both the Chemistry Group in Washington, D.C., and the Procurement Office in Chicago, Illinois. This procedure caused unnecessary equipment down-time and most likely contributed to the excessive overtime used at the field laboratories. Field laboratories should be provided with appropriate procurement authority for obtaining repair services on a timely basis.

9. Identifying training needs

A better coordinated and more systematic approach to planning, directing, and evaluating the training function was needed. In general, much basic information necessary to operate a training program was not adequately maintained, exchanged, and evaluated by the Regional Offices and the Training Branch. There was a lack of communication between these groups which prevented full understanding of mutual problems. As a result, training needs and requirements were not identified and accomplished on a timely basis; the adequacy and effectiveness of the training performed was not determined; some marginal employees of limited capability were retained in the inspection program.

The MPIP Training Program is administered by the Training Branch located in Denton, Texas. Organizationally, it is under the direction of the Field Operations Division. Responsibilities of the Training Branch include developing and implementing a program for the training of Federal, State, and other personnel engaged in meat and poultry inspection programs. To this end, it supervises and directs the activities of the field training centers. Training centers are located in Ft. Worth, Texas; Omaha, Nebraska; St. Paul, Minnesota; Sioux City, Iowa; Gainesville, Georgia; and Springdale, Arkansas.

There were no full-time positions for Training at the Regional Offices of the Field Operations Division. This was an additional duty assigned to a Deputy or Assistant Deputy Director. These offices did not maintain the official personnel file for each employee. Consequently, records of employee experience, performance appraisals, and formal training were kept informally.

The MPIP cannot perform its mission without a cadre of experienced, well-trained personnel. Every employee-supervisor, inspector, and clerk needs to gain and maintain proficiency. Formal, on-the-job (OJT) and self-study methods are commonly used by the MPIP. Because of the number of employees needing training the scope of technical matter to be covered, and the need for consistency, a Training Branch exists to assist the line organization in this effort.

Our audit disclosed that neither the Regional Offices nor the Training Headquarters had developed a system of priorities and criteria for identifying training needs. The training headquarters prepared and sent the Regional Offices schedules of the courses to be offered during the year and the dates the courses were to be held. Thus, training was of necessity, fitted into the training headquarters schedule rather than preparing a schedule of courses based on current identified needs. Then throughout the year, Regional Offices submitted the names of individuals that would attend the various courses. The Regional Offices usually contacted the circuit supervisors to determine who should attend the courses offered. This system did not assure that those most in need of training were identified and sent to training since an inventory of training needs had not been established and since Regional Offices, circuit supervisors, and plant inspectors in charge did not maintain adequate records on training given or needed for individual inspectors. Under this system, each time a course was changed or a new course offered, regional personnel had to recontact circuit supervisors to have nominations submitted.

Consequently, numerous adverse situations had existed. For example:

a. Our interviews with inspection personnel and related record reviews, disclosed many cases where inspectors had either never received formal training or had not been timely trained. In the North and North Central Regions, 9 of the 25 persons sampled had not received any formal training. Eight of the nine had joined the MPIP since 1966. In addition, 12 had waited anywhere from 2 to 23 years to receive training.

b. Very few intermittent employees had received formal training. A survey performed by the training headquarters in 1971 indicated that about 750 intermittent poultry inspectors were employed of which 156 performed all the duties required of a comparaable grade full time inspector. Of the remainder, 350 performed post-mortem line work only and 242 performed post-morten and other duties. The survey further disclosed that 459 employees worked on a recurring basis throughout the year within extended idle periods and 291 worked fulltime during seasonal operations. We were informed that many intermittent employees where housewives who for various reasons were reluctant to go to training schools. However, this did not obviate their need for training and their needs should be identified and met, to the extent practical, the same as fulltime personnel.

c. Little emphasis was placed on maintenance or refresher-type courses. During the audit we noted that many MPIP personnel had received little or no formalized training even though they have been employed for many years. However, training headquarters records for 1971 showed that of 2,154 employees attending formal training only 77 employees had attended refresher-type courses. Consequently, many MPIP personnel may not be up-to-date on the newest and best inspection techniques, methods, etc. Such training, and a change in environment, could provide encouragement to employees who may believe they have been forgotten.

d. The special needs of import inspectors were not identified and met until October 1971 when a crash program was implemented. About 180 personnel had received formal training in import inspection as of March 1972. However, at least 40 more inspectors with primary responsibility for imports had not attended the course. Yet to be identified was the number of personnel inspecting imported products at inland destination points who also needed specialized training.

We believe a system for identifying training needs should be established at Regional Offices. The Training Branch should develop a system for retrieving and inventorying this information on a continuous basis. Further, training officials could secure greater cooperation and commitment from the Regions by direct consultation as to the adequacy and timeliness of the courses to be offered.

10. Action on prior OIG addit recommendations

Adequate corrective action had not been taken on some recommendations presented in the previous audit, 161–4–S, dated December 18, 1969.

Recommendations 23 and 24 in that report disclosed the need for expanded programs of both supervisory and on-the-job training respectively. In the past two years, the MPIP had made considerable progress in developing a program. However, we found during this audit that the plans had not been implemented on a meaningful and timely basis.

a. We could not verify that an expanded program of supervisory training had been implemented. In general, training needs had not been determined adequately. (See Detail-9). The Southwestern and Northern Regions had made the most progress in accomplishing both the Civil Service requirement for new supervisory and updating older personnel. The record of the other Regions was less satisfactory. For example, 13 Circuit Supervisory in the old North Central Region were required to have 80 hours of training. Only one had completed it.

Our review disclosed many instances in which better supervision was needed among not only Circuit Supervisors, but also subcircuit supervisors and plant Inspectors-in-Charge. This condition had contributed adversely to plant sanitation, inspection procedures, and employee conduct, development, and morale. We realize that training, by and of itself, does not necessarily make a good supervisor, but it is the most widely recognized vehicle for assuring improvement. In our opinion, the MPIP needed to place additional emphasis on this activity.

b. Recommendation 24 called for a standardized program of on-the-job training. With the exception of two self-learning guides developed by the Denton staff, little progress had been made in this area. We noted that one of the above guides for processing had been distributed to very few plants. A poultry inspection guide was still being tested in several Regions.

We believe it is essential that the capabilities and suitability for employment of newly-hired inspectors be thoroughly evaluated and documented during their probationary period. Since all cannot receive formal training oi a timely basis, a systematic program of OJT is needed to adequately make the above determinations. Unsatisfactory and marginal employees must be identified promptly and either removed from the rolls or have improved their performance to the extent that there is a reasonable assuance they will perform satisfactorily.

GENERAL COMMENTS

a. Our interviews with food inspectors throughout the country revealed a general distrust of the Food Inspector Career Appraisal Program (FICAP). This situation was brought about by review board action taken to lower ratings when a circuit average is consistently above the other circuits. We were told by the inspectors that the ratings were lowered by regional officials who had no knowledge of the individual's job performance. This situation resulted in lowered employee morale since the concerned individuals believed that this was done to insure the promotion of other inspectors. We believe that the cause of this situation was inadequate communications and explanation of the workings of the FICAP system.

b. Results of interviews with 95 statistically selected inspectors indicated that possibly as many as 42% of the inspection force had not had a physical examination within the past three years. Present requirements do not specify any check-ups or physical examinations subsequent to the preemployment physicals. We noted that some States, such as Arkansas, require plant personnel to obtain yearly health certificates. It seems reasonable to us for MPIP to provide, at a minimum, blood tests and chest X-rays on a periodic basis to help insure that inspection personnel are free from communicable diseases.

c. We noted that printing requirements and distribution of certain publications could be greatly reduced. We were informed that the Directory of Meat and Poultry Inspection Program Establishments, Circuits and Officials was distributed to inspection offices in sufficient quantity that each inspector could have his own copy. This publication is reprinted in its entirety every two months. We were told in several instances that one copy was retained for office use and as many as 25 others were thrown away. In addition, since the Directory is printed in a form suitable for use in a loose-leaf binder, it would appear reasonable to reprint only those pages requiring change. Several poultry inspectors questioned the need for them to maintain an up-to-date Manual of Meat Inspection Procedures. These inspectors had no training or experience in red meat, were in areas which were predominantly poultry raising areas, and had no expectation of transferring into red meat. We also noted that inspectors were receiving individual copies of a publication entitled "Dairy Plants Surveyed and Approved for USDA Grading Service." Inspectors told us they had no possible use for this publication. We were unable to assess the cost impact of this overdistribution of publications, but believe that a more limited distribution would result in considerable savings.

d. The chemistry laboratories were located in buildings not designed as laboratories and safety hazards, both potential and actual, were present. Some safety surveys have been performed and safety hazards identified, but corrective action was not always taken on a timely basis. Of particular concern was the delay of GSA building managers in acknowledging and providing needed equipment and improvements at the Chicago, Kansas City, and San Francisco laboratories. Because of the inherent danger in working with chemicals, volatile gases, etc., laboratories should be constantly checked for potential safety hazards and timely actions taken to have these hazards eliminated.

NATHANIEL E. KOSSACK,
Inspector General.

OCTOBER 18, 1972.

EXHIBIT A

SAMPLE SELECTION

The Administrative Services Staff, MPIP, maintains a record of personnel assignments in the Field Operations Division. Assignment information is prepared by the Regional Offices on the Form CP-490, Assignment Record. At intervals of approximately two months, a cumulative listing of active and in active assignments, by occupation, by Region, is issued. For the purposes of this audit, it was necessary to prepare a machine listing of each assignment. The C&MS Automated Data Systems Staff performed this task. The resultant inventory was edited to remove Regional Office, Circuit Supervisory, and clerical personnel. The net in-plant inspection force as of November 1, 1971, was 7,685 personnel.

The sample was designed to produce estimates that would be accurate within a range of plus or minus 10 percent with a confidence level of 95 percent. This required that 95 personnel be selected for interview. Greater accuracy, within a range of 15 percent, would have required 367 interviews. Since an estimation of conditions indicating trends, rather than precision, was desired, an increased allocation of audit time and manpower was not justified.

A sample of 95 inspection personnel was selected by random numbers. These were later verified at the Regional Offices. These persons were interviewed and asked to respond to 20 sample questions. In no instance, did any person refuse to answer the questions because of fear of self-incrimination.

The responses to intervew questions are shown in Exhibit A. This also shows the computed sample error rate and the results projected to the universe of 7685 personnel.

STATISTICAL PROTECTION OF MPIP INSPECTION PERSONNEL[1]

Interview checklist	Responses		Sample error rate (percent)	At 95 percent confidence level projected number of inspection personnel in universe	
	Yes	No		Lower limit	Upper limit
1. To your knowledge, has the circuit supervisor inspected your work in the past 6 months?	89	6	6.3	161	1,030
2. Has a supervisor discussed your work performance with you in the past year?	91	4	4.2	61	822
3. Are you required by your supervisor to receive his advance approval before suspending inspection?	16	79	16.8	761	1,983
4. In your present assignment under your present supervisor, have you ever suspended inspection for sanitation deficiencies?	76	19	20.0	961	2,259
5. Has your present supervisor ever overruled your decision to suspend inspection?	2	93	2.1	15	599
6. Has your present supervisor discussed the USDA employee conduct regulations with you?	70	25	26.3	1,330	2,805
7. Do you receive the biweekly program issuance by mail?	94	1	1.0	[2]0	415
8. Is the manual of inspection procedures readily available for your use?	93	2	2.1	15	599
9. Can official records and reports be stored securely in the Government office facility?	93	2	2.1	15	599
10. Have you been in your present assignment without rotation, more than three years?	32	63	33.6	1,821	3,389
11. Have you ever refused a promotion?	14	81	14.7	630	1,806
12. Do you receive overtime pay almost every pay period?	72	23	75.0	5,003	6,402
13. In the past year has any plant owner or manager ever threatened, intimidated or interfered with the performance of your official inspection duties?	14	81	14.7	630	1,806
14. Do you have any other employment?	9	86	9.5	330	1,337
15. In the past year have you worked for pay outside official duty hours for any segment of the meat and poultry industry?	1	94	1.0	(2)	415
16. Do you have any relatives employed at the plant(s) where you are assigned?	0	95	0	[3]0	238
17. Do you purchase products from any establishment where you conduct official inspection?	16	79	25.8	761	1,983
18. Do you use your private vehicle in performing official duty?	58	37	61.0	3,889	5,418
19. Did you have a physical examination within the past 3 years?	65	30	31.5	1,691	3,220
20. Is your eyesight corrected by glasses or contact lenses?	57	38	60.0	3,804	5,372

[1] Universe of 7,685 inspection personnel as of Nov. 1, 1971.

[2] The value is less than 1.

[3] Although the sample disclosed no errors, it does not necessarily follow that there are no errors in the universe. It can be said that there is a 90-percent assurance that no more than 238 inspectors have relatives employed at plants where they are assigned.

Note: These results are an estimation of the extent of the conditions tested. Since the reliability of all the responses could not be verified no further claim to the accuracy of the projections is intended or implied.

EXHIBIT B

GENERAL SANITARY CONDITION OF PLANTS REVIEWED BY MPIP AND OIG PERSONNEL

Number	Name and location	Acceptable	Need Improvements	Unacceptable
P356	Chestnut Ridge Farms, Salorsburg, Pa		X	
706	Triolo Bros., Wrightstown, N.J	X		
1435	Boulevard Beef Co., Hartford, Conn	X		
7878	Thumann, Inc., Jersey City, N.J	X		
1861	Schloesser & Weingarten, Inc., Roosevelt, N.Y.	X		
376	Cross Bros. Meat Packers, Inc., Philadelphia, Pa.	X		
7887	Peter D. Villari, Inc., Philadelphia, Pa	X		
657	Baum's Bologna, Inc., Elizabethtown, Pa		X	
544	Formost Kosher Sausage Co., Philadelphia, Pa.	X		
449/P12	R. J. Reynolds Foods, Inc., Lockport, N.Y	X		
492	Fairbanks Farms, Inc., Asheville, N.Y	X		
P87	Swift & Co., Georgetown, Del	X		
P935	Paramount Poultry, Inc., Harbeson, Del			X
914-I	The Kroger Co., Salem, Va	X		
1451	Bay State Beef Co., Inc., Washington, D.C		X	
P806	Holly Farms Poultry Industries, Inc., Temperanceville, Va.	X		
P413	Gold Kist Poultry, Boaz, Ala	X		
P6666	Spring Valley Farms, Inc., East Gadsden, Ala	X		
P419	Breeden Poultry & Egg, Inc., Morganton, N.C			X
P843	Armour Creameries, Marshville, N.C			X
P1284	Central Soya of Canton, Inc., Canton, Ga		X	
P890	Canton Poultry, Inc., Canton, Miss			X
P477	Dent Poultry Co., Buena Vista, Ga			X
P910	Harrison Poultry, Inc., Bethlehem, Ga	X		

Number	Name and location	Need		
		Acceptable	Improvements	Unacceptable
P687	Southeastern Poultry of South Carolina, Inc., West Columbia, S.C.			X
P868	Cagle's Inc., Atlanta, Ga	X		
P323	Ralston Purina Co., Trussville, Ala	X		
P519	Wayne Poultry Co., Laurel, Miss		X	
P6529	Poultry Products Co., Inc., Montgomery, Ala	X		
P192	Gold Kist, Inc., Guntersville, Ala	X		
A-24	The Quaker Oats Co., Marion, Ohio	X		
P473	Wayne Poultry Co. Div. of Allied Mills, Inc., Fort Recovery, Ohio.	X		
217	Lincoln Meat Co., Chicago, Ill	X		
17-S	John Morrell & Co., Chicago, Ill	X		
1227	Great Lakes Packing Co., Chicago, Ill		X	
89	The E. Kahn's Sons Co., Cincinnati, Ohio		X	
298	Gus Juengling & Son, Inc., Cincinnati, Ohio		X	
914G	The Kroger Co., Solon, Ohio		X	
P1019	Kralis Brothers Poultry, Inc., Warsaw, Ind		X	
6863	Marburger Pkg. Co., Peru, Ind	X		
3-H	Swift & Co., Rochele, Ill		X	
20-Y	Wilson-Sinclair Co., Albert Lea, Minn		X	
P529	A-G Cooperative Broiler Plant, Arcadia, Wis	X		
396	Dubuque Packing Co., Dubuque, Iowa			X
2-SD	Armour & Co., Huron, S. Dak		X	
17-U	John Morrell & Co., St. Paul, Minn	X		
P301	Dairyland Poultry, Inc., Endeavor, Wis	X		
8988	Joppru, Inc., Thief River Falls, Minn	X		
6786-A	Great Lakes Steak Co., Detroit, Mich			X
807	American Beef Packers, Inc., Oakland, Iowa	X		
244	Iowa Beef Processors, Inc., Mason City, Iowa		X	
245-A	Iowa Beef Processors, Inc., Fort Dodge, Iowa	X		
199-N	George A. Hormel & Co., Fremont, Nebr		X	
P286	Armour & Co., Washington, Ind		X	
205	Emge Packing Co., Inc., Ft. Branch, Ind			X
425	Kenosha Packing Co., Inc., Hebron, Ill		X	
110	Contris Packing Co., Inc., Findlay, Ohio			X
125	City Dressed Beef, Milwaukee, Wis		X	
7023	Sixty-Six Packing Co., Tucumcari, N. Mex	X		
P463	Texas Poultry & Egg Co., Dallas, Tex	X		
P632	O. K. Processors, Inc., Van Buren, Ark	X		
P846	Hanford Produce Co., Clarksville, Ark	X		
377	Beeville Packing Co., Beeville, Tex		X	
P898	Hanford Produce Co., Charleston, Ark	X		
401/P459	Oakridge Smokehouse, Schulenburg, Tex	X		
18/P212	C. Finkbeiner, Inc., Little Rock, Ark	X		
2277/P746	Prospect Farms, Inc., N. Little Rock, Ark	X		
P350	J-M Poultry Packing Co., Inc., El Dorado, Ark		X	
P138	Campbell Soup Co., Fayetteville, Ark	X		
P705	Montaire Corp., De Queen, Ark	X		
P7085	Holly Creek Fryers, Inc., Broken Bow, Okla	X		
P7156	Hope Foods, Inc., Hope, Ark	X		
P377	Swift & Co., Muskogee, Okla	X		
343	Puckett Packing Co., Sayre, Okla		X	
P172	Arkansas Poultry Co-op, Inc., Bentonville, Ark		X	
P481	Tyson's Poultry, Inc., Springdale, Ark	X		
P963	Ralston-Purina Co., Springdale, Ark	X		
2372	Clayton Packing Co., St. Louis, Mo		X	
P391	Kansas Food Products, Inc., Hill City, Kans	X		
P117	Poppy Food Co., Los Angeles, Calif	X		
224-8	Hygrade Food Products Corp., Spokane, Wash		X	
4-G/P133	Campbell Soup Co., Modesto, Calif		X	
537F	Oscar Mayer & Co. Inc., Vernon, Calif		X	
7056	Interstate Packing Co., Fort Collins, Colo	X		
7693	Terminal Food Center, Inc., Butte, Mont		X	
2800	Stoeven Bros., Dixon, Calif		X	
1616	Palace Meat Co., Yuba City, Calif	X		

EXHIBIT C

EXAMPLES OF ADVERSE CONDITIONS DISCLOSED BY ESTABLISHMENT REVIEWS

1. No. 396—Dubuque Packing Co.—Dubuque, Iowa

This is a very large slaughtering and processing establishment employing about 3,500 workers. The plant slaughters approximately 1,500 cattle, 11,000 hogs, and 2,300 sheep and calves per day.

Some of the most significant items noted were:

a. The links on the chains used for hanging cattle to the rail for processing were encrusted with manure and grease and presented a definite source of contamination when the cattle were dehided.

b. Large splashes of grease were falling from the cattle rail in the kill floor area.

c. The rear portions of the hog scalding vats were caked with old hair, grease, and scum. The metal support beams to the rear of the vats were rusted away to the point that they appeared to be in danger of falling under the heavy weight of water, thus presenting a potentially dangerous situation.

d. Each carcass cooler inspected had dirty and cracked floors, walls, and ceilings. Condensation on the ceilings was very heavy and fell directly on the carcasses. Also, unprotected carcasses were rubbing against the pillars in the cooler which were caked with old blood from previous contacts.

e. The dry storage warehouses were in extremely bad condition. Many bags of sugar, cereal mixes, and other conditioners for meat additives were broken open and their contents were exposed and spilling on the floor. The floors were encrusted with old dirt and spillage of meat conditioners. There was dirt, dust, and filth everywhere. Dried dog feces were in the floor in one area and birds were flying about freely.

f. In the processing departments there appeared to be direct contamination of processed meats by contacts with rust, grease, old and rotten meat and fat in cracks and crevasses of machinery, conveyors, knives, and saws. There were hundreds of meat carts filled with chunks of boned pork and beef, ground meats, and sausage mixes which were uncovered and exposed to heavy dripping of ceiling condensation throughout the plant.

These were just a few of the more significant deficiencies noted during our review. It is readily apparent that this plant is in great need of an improvement program involving the outlay of a considerable amount of money.

2. No. 6786-A—Great Lakes Steak Co.—Detroit, Michigan

This is a small processing establishment which was recently granted Federal inspection. The plant was formerly under State inspection. The circuit supervisor had only been in place for two weeks when our review was made. Sanitation was very bad. Of 30 items rated by the circuit supervisor on the CP-468, 10 were rated unacceptable and eight were considered minor variations. Some of the major items noted were:

a. There was a build-up of grease, dirt, and other substances on the floor of the freezer.

b. The pattie machines, cutting boards, boning tables, and grinder/chopper were not clean. Evidence from previous use was observed.

c. There were cracks in the freezer floor and the floor in the receiving area was badly pitted and not clean.

d. Product control was poor as various primal cuts of meat were pumped with a tenderizing solution and placed on racks in the freezer while similar primal cuts not pumped were frozen in the same manner. There was no evidence of either product being tagged or identified while in the freezer to prevent mislabeling.

3. P419—Breeder Poultry and Egg, Inc.—Morganton, N.C.

This is a poultry slaughter plant. On the day of our review the sanitary conditions were completely unacceptable and operations were held up for 2¾ hours on three of the four lines. The fourth line was down for the entire day due to a defective rubber drive belt. Rubber particles peeling from this belt would have fallen onto the product. Some of the major deficiencies noted were:

a. The blood tunnel did not appear to have received any cleaning effort. The dried blood build-up on the rails and shackles within the tunnel was about ¼ inch thick.

b. The gizzard peeling machines had a build-up of meat and gizzard scrappings of from ¼ to ½ inch beneath the rollers and we were unable to determine when the machines had last been disassembled for cleaning. The Inspector-in-Charge stated that to his knowledge this had never occurred.

c. The picking machines had to be recleaned three times and still there was a large handful of feathers packed into one corner of the machine.

d. Woden baffles were present in the ice house even though they had been scheduled for replacement prior to the review.

e. Shatterproof light fixtures had not been installed and the Inspector-in-Charge was not aware of the requirement.

4. 657—Baum's Bologna—Elizabethtown, Pa.

This is a slaughtering and processing plant. However, the slaughter operation is very small. Several items in the facilities and maintenance area were rated unacceptable by the circuit supervisor. They were as follows:

a. Rails—wooden scaffolding and wooden rails in the bologna holding cooler need replacement with ones of noncorrosive and cleanable material.

b. Operating areas—several items including supporting frame-work of boning tables need reconditioning to eliminate flaking paint and rusted metal; asbestos pipe covering fraying in several areas over the stuffer; and rusted product stand in the coarse grinding room.

c. Dry storage area in basement needs to be closed off from the furnace room and thoroughly cleaned.

5. 205—Emge Packing Co.—Fort Branch, Ind.

This is a slaughter (cattle, hogs) and a pork product processing establishment. This plant was rated as unacceptable by the reviewing team. There was some actual product contamination in the curing areas with considerable potential for additional contamination. Some deficient areas noted were:

a. Lighting was bad in general throughout the plant with one of the hog coolers having almost no light.

b. The floors in the kill area were extremely slick which could have been prevented by proper cleaning. Excessive amounts of rock salt were spread on the slick spots to prevent slipping.

c. In the processing area, some walls were crumbling and loose paint was evident as well as some rusty metal fixtures.

d. There was loose plaster in the chopping room and ceiling leaks in the basement pork holding cooler. In the pork packing and south pickle pumping rooms, ceilings were leaking so badly that the water was running down the walls with product contamination occurring in the pickle pumping room.

e. There were some foul odors in the corners of the kill area and one of the drains gave off the odor of urine.

6. No. 377—Beeville Packing Co., Inc.—Beeville, Texas

This is a relatively small red meat slaughtering plant handling about 75 head of cattle a day. Sanitation was barely adequate. Although there has been extensive work at this plant recently there are several additional areas requiring improvements.

a. The rails and rollers were not high enough to prevent large cattle from dragging on the floor. The plant was designed to handle calves.

b. The dry storage area was filthy and in unkempt condiiton with cobwebs and crickets in evidence.

c. The outside premises were not in conformance with the two-year old blueprints which indicated that certain areas were to be paved.

d. Lighting in the offal cooler was insufficient.

e. Meat being transported from the plant was not hung in the trucks but was being laid on the floor which had evidence of meat particles from previous shipments.

7. No. P–843—Armour Creameries—Marshville, N.C.

This is a turkey slaughtering and processing plant. Turkeys are prepared ready-to-cook with some being pumped with self-basting ingredients. A cut-up line was also operated on a limited basis. Poor sanitation and maintenance of equipment has been a chronic problem.

a. The plant was initially visited on a Friday, but the plant was not in operation and wasn't scheduled to resume until the following Wednesday. At this point, it was noted that the overhead areas were in poor condition with heavily encrusted rust and flaking paint. Some of the light fixtures were so badly rusted that they crumbled when touched. The circuit supervisor advised the plant to replace rusted through lights and to have the flaking overhead under control by Wednesday or they would not be allowed to operate.

b. On return Wednesday, operations were held up for four hours for additional scraping of rust in the packing area and at the inspection station.

8. P–286—Armour & Co.—Washington, Ind.

This is a turkey slaughter and turkey product processing plant averaging a daily kill of 8,000 birds. The plant is relatively new but conditions were not satisfactory.

a. The overhead ventilation blower was not filtered and was blowing dirt onto the iced product.

b. There was inadequate access to wall areas in the dry storage area for rodent control.

c. The ice making machine, when activated after a period of inoperation, spews out rusty ice. There is an enclosed line with an auger drive that delivers ice to the dropping point. The galvanized duct used as a drop guide was rusty and water was dripping from it into the ice in the tank below.

d. The area used as a loading dock also housed a compressor and a battery charging unit. The compressor was leaking oil and the charger was leaking battery acid on the floor. There was no retaining walls to restrict the flow of these items. The floor had a layer of oil that was not completely washed off and the leaking acid had corroded the floor.

9. No. 224–B—Hygrade Food Product Corp.—Spokane, Wash.

This is a medium-sized processing establishment. The plant is about 60 years old and has many areas not suitable for use requiring continual review for sanitary conditions. Some of the items rated unacceptable by the circuit supervisor follow:

a. There was evidence of a leaking ceiling in the inedible hallway. Floors were deteriorating in the inedible hallways, lower inedible area, and offal pack room, and there was a broken wall in the inedible pack area.

b. There was scaling paint over the door to the loading dock and areas of rust on the grinder and several scales.

10. No. 110—Contris Packing Co.—Findlay, Ohio

This slaughter establishment kills only boars (80–90 per day) and the meat is sold to other plants for processing. The facility is old and general appearance is poor. Although plant management had been informed of our visit and were instructed to do everything possible to make the plant appear sanitary, the entire plant was rejected for additional clean-up resulting in a thirty-minute delay in operations. Review of Forms CP–455 revealed that the plant is rejected on the average of twice a week for poor sanitation.

a. In the anti-mortem area, repairs were needed on the pens and roof.

b. There was evidence that improved maintenance was needed in the inedible area and that two doors needed replacing in the offal area.

11. P-890—Canton Poultry Co.—Canton, Mississippi

This poultry slaughter establishment is a medium-sized facility killing young chickens at the rate of 6,000 per hour. The sanitation of the equipment was rated unsatisfactory and operations were held up for almost three hours until all equipment was cleaned. In addition to the unclean equipment, the following items were noted:

a. Areas of scaling paint on the walls and some areas of rust on the overhead structures in eviscerating room.

b. In the carcass cooler there were some holes in the wall and some breaks around the door jamb.

c. Also some scaling paint and rusty shields in the picking room.

12. P-477—Dent Poultry Company—Buena Vista, Ga.

This is a medium-sized slaughtering establishment processing young chickens at the rate of 100 per minute. Operations were held up for two hours while improperly cleaned equipment was rewashed. In addition the following items were noted:

a. The floor of the shipping dock was not properly drained.

b. The lighting in the carcass coolers was inadequate.

c. There were cracks and holes in the wall of the offal house and water occasionally backed up on the floor.

d. Water pressure was insufficient to properly wash the sides of the eviscerating trough allowing blood and fecal matter to accumulate.

13. No. 425—Kenosha Packing Co.—Hebron, Illinois

This establishment is a cattle slaughter plant with an approved kill rate of 26 per hour. Slaughter of cattle under the Kosher kill method was taking place during our review. In general, sanitation was below average and product contamination was taking place as described below:

a. Carcass contamination was occurring from the point of initial hide split at the brisket to the point where the hide puller was applied. The skinner would scrape the area where the incision was to be made with his knife, wipe the blade on side of the front leg, and then begin the skinning operation without rinsing the knife.

After skinning back approximately six inches of hide on each side, the hide with the matter wiped on it would lap over and contact the already partially skinned carcass.

b. The doors around the kill floor exiting the building were of such poor condition that an excessive insect problem would occur with the arrival of warm weather.

c. The blood pit in the head skinning area wasn't draining properly and the skinner was standing in approximately eight inches of blood.

14. P–687—Southeastern Poultry of South Carolina, Inc.—W. Columbia, S.C.

This establishment is engaged in the slaughter and dressing of young chickens. At the time of our review the plant was operating two split lines at an average rate of 22 birds per minute per inspector. Generally, preoperative sanitation was adequate although several items of equipment had to be recleaned including fat buildup inside one of the chillers. However, other items of a more serious nature were noted.

a. The blood tunnel was not washed down during the noon break. This allowed congealed blood to block the drain resulting in a blood buildup of almost twelve inches.

b. The larger cooler was dirty with dirty water standing in the floor drain and there was a strong offensive odor. The cooler was ordered cleared and cleaned.

c. The overhead ice manufacturing room had water soaked plywood covers in two areas which allowed water and condensation to drip into the ice storage room below. The walls in the ice storage room were of cement blocks that had deteriorated to the point that by rubbing your hand on the wall you would gather large quantities of powdered cement plaster.

d. Once the plant had started their daily operations, the conditions of sanitation deteriorated without any apparent concern for continuous housekeeping by employees or management. DOA's were left lying on the floor during the noon break. Employees were allowing product to spill over on the floor. The circuit supervisor commented that there were times when concern for the wholesomeness of the product were seemingly jeopardized by employee indifference.

15. No. 2800—Stoeven Brothers Meat Co.—Dixon, Calif.

This is a slaughter establishment killing cattle and sheep. At the time of our review, sanitation was generally satisfactory. However, we noted that the circuit supervisor had made an extensive review just five days prior to our visit and a planned improvement program listing many facility deficiencies was established. These facility deficiencies still existed at the time of our review. Some of these items are:

a. Condensation on the upper drain from the overhead unit in the lamb cooler running down a beam onto the carcasses.

b. Cracks in the ceiling of the cow cooler.

c. Paint peeling on the overhead in one of the chill boxes.

d. Mold on the walls and ceilings in the lamb and beef coolers.

We further noted that morale among inspection personnel at this plant was extremely low due to supervisory problems mentioned elsewhere in this report.

16. P–935—Paramount Poultry—Harbeson, Del.

This is a large poultry slaughter and processing plant. The cleanup of this plant the night before our visit was inadequate even though the plant was aware of our visit. Inspection was withheld for approximately two hours for recleaning.

EXHIBIT D

SUMMARY OF IMPORT INSPECTION CONDITIONS AT SELECTED PORTS OF ENTRY AND INLAND DESTINATION POINTS

New York, N.Y.

We reviewed inspection at 2 facilities in the New York Port Authority, 2 facilities in Newark, N.J., and 2 facilities in Jersey City, N.J. Generally, we observed that inspection was being conducted in a proper manner. All inspectors assigned full-time import duty had received formal training. Circuit supervision and guidance appeared to be continuous.

Four of the 6 above facilities used for conducting inspection of imported product, although acceptable under current regulations, will not meet the criteria for designation as "official import inspection establishments" as proposed by MPIP.

The approved label file contained obsolete labels and did not make a distinction between those approved and those obsolete. There were about 422 labels from 69 nonapproved establishments.

Importers or their agents were not given receipts for samples collected for laboratory analysis, contrary to Part 327.11 of the FMI.

U.S. Customs was properly notified when foreign products were rejected for entry into this country. However, Customs had not always notified MPIP of the final disposition action. The circuit did not follow up to secure a response, and thus did not have full assurance that the rejected shipments were, in fact, exported or destroyed.

Baltimore, Md.

There was one inspector assigned full-time import duties. He had received formal training and circuit supervision appeared adequate. We observed the inspection of canned product and the sealing of containers for destination shipment.

An inspection facility was not provided by Baltimore importers. Conditions of can inspection were performed at the docks or cold storage warehouses and sample cans were taken to the circuit office for product examination. This was not a desirable procedure for inspection.

We noted that the inspector was not following the proper procedure when laboratory results showed excess phosphate in canned hams. The next shipment should have been retained until laboratory results were obtained.

Other than these comments, inspection procedures appeared adequate and the assigned inspector was well versed in his duties.

Norfolk, Va.

We reviewed all areas and facilities where product is accepted for inspection. We observed the inspection of canned goods and frozen boneless beef. The inspectors were experienced, well trained, and enthusiastic concerning their work. Circuit supervision appeared to be excellent.

Records of the Foreign Programs Branch, MPIP, indicated that the Norfolk inspectors had rates of rejection higher than any other port in the United States for all types of products. This had resulted in an industry complaint and several Congressional inquiries. Based on interviews with MPIP and industry personnel, observation, and record examination, we determined that:

(1) The inspectors are strict enforcers of laws, regulations, and procedures governing import inspection. We observed inspection of a shipment of about 547,700 pounds of frozen beef from New Zealand. Twenty-three lots consisting of 411,240 pounds were accepted, but 4 lots of 93,480 pounds were rejected. The extent of hair, bone, and extraneous matter in the latter was obvious.

(2) Officials of the Norfolk Port and Industrial Authority advised substantially that neither they, the meat importers or insurance brokers, had any evidence which would tend to discredit the conduct of inspection by the USDA inspectors at Norfolk. In essence, their complaint was not that inspection there was too strict, but that, by comparison, it was too lenient at other ports.

(3) The crux of the controversy is higher meat rejection insurance rates for product consigned to Norfolk than for other eastern ports where USDA rejection rates are lower. In essence, the largest underwriter, Lloyds of London, bases insurance premiums not only upon the loss experience of individual brokers, but also upon the average rate of rejection by MPIP inspectors at the various ports. The Norfolk facility apparently lost some trade as meat importers utilized ports with lower rates. Reduced meat cargoes also appear to have an adverse economic impact on handlers, warehousemen, and truckers.

Wilson, N.C.

Designation inspection was conducted at Manufacturers Bonded Warehouse, Est. 3892. This facility has been receiving product from the Norfolk Port of Entry since March 1971. About 2.2 million pounds of frozen beef and lamb have been consigned. (107 lots). Only 6 lots of lamb had been rejected.

Neither the Inspector-in-Charge or the three inspectors assigned part-time import duty had any training in imports. The inspectors were scheduled to receive OJT Training from personnel in Charleston, S.C.

Inspection was conducted in a small room lacking screen doors. Flies were a problem. Paint was flaking from the walls near the examination table.

Random samples were selected and marked in the prescribed manner. However, the inspector then returned to regular duty at a nearby plant until notified that the samples were defrosted. There was no supervision or control over the actual cutting, weighing, and bagging of samples. We noted that the sample bags leaked water from the defrost tank.

Jacksonville, Fla.

Inspection was conducted at one of two approved facilities in cold storage warehouses. There was one inspector assigned import duty. He had received formal training. Circuit supervision appeared adequate.

Facilities and equipment were adequate. One facility was still in the construction stage. The only exception noted there was scaling paint on the ceiling.

We observed the inspection of canned product. Samples were selected and handled in accordance with prescribed procedure.

Tampa, Fla.

We determined that two full-time and two part-time inspectors were attempting to handle a heavy workload. There was a complete breakdown of supervision. The Circuit Supervisor had been on detail in Puerto Rico for over a year. The acting supervisor was in poor health and had not checked the import work in over six months.

The two full-time inspectors, both GS–9, shared responsibility for scheduling the work. Neither was designated as being in-charge. They expressed a need for guidance in many areas of import procedure. Both had received formal training.

The facilities approved for inspection were adequate, but records indicate that sanitation had been a chronic problem since 1970.

While observing the unloading of frozen boneless beef from Australia, we noted that one shipment of 1,120 cases was broken down into 8 lots of approximately 180 cases per lot.

This shipment was from the same establishment in Australia and had the same marking on each case. The inspectors were not aware that they could combine these lots. As a result, they had selected four times as many samples as were needed. Such practices could account for the extensive overtime hours charged at this port.

There had been four instances in the past 9 months where consignments from Tampa were found not stamped as "U.S. Inspected and Passed." The inspectors explained that this was an oversight on the part of warehousemen doing the stamping. They did not have time to check this procedure.

The Regional Office was aware of many deficiencies in import inspection at Tampa, including supervision, since a review in 1970 by a Deputy Director. There had been no effective follow-up action.

The Area Office in Tallahassee currently has responsibility for the Tampa circuit. We presented our findings to the Area Director and noted that corrective action was promptly initiated.

St. Paul, Minn.

This circuit is a destination inspection point. They receive frozen boneless and processed product. Both inspectors working full time on imports had received import training.

We reviewed the inspection of frozen boneless horsemeat from Canada at establishment #3991 Merchants Refrigeration. The product usually received here is fresh boneless horsemeat. However, the product received for inspection at the time of our review was frozen boneless horsemeat. The inspection room at this facility was new and very adequate for inspection of the usual product. There were no racks for defrosting of frozen product. The samples were defrosted by hot air on the floor of the inspection room while they were in the receiving containers. The drainage was not adequate enough to handle all the blood and the floor had to be washed before and during inspection causing a delay in time.

The samples were chosen by use of a random numbers table but all product was not subject to sampling. The product was received on a railroad car in a frozen state. It was not going to be unloaded until two days after it was received. Since it would take two days to defrost the samples by hot air, they were selected on the day of arrival. The product was in 100 lb. bags and stacked about 12 bags high in the car. Therefore, the samples had to be taken off the top layer of the shipment. Most of the shipment was not subject to the chance of being sampled.

Every sample was not weighed although there was a scale in the room. The inspector spot-checked a couple of the samples to find out if he was taking the required 12 lbs. He was usually inspecting more than a representative sample (Some samples weighed as much as 24 lbs.).

Detroit, Mich.

This circuit receives a large amount of both processed product and frozen boneless beef. We could not observe the inspection of boneless beef as none was being shipped during our review. We were able to inspect the facilities used for boneless beef inspection. This was a very good facility. The inspectors were approving their own overtime and forwarding the T/A's directly to the Regional Office. One inspector stated that the Circuit Supervisor had never observed him inspecting product.

During our review of processed product inspection various deficiencies were noted. The inspection was performed at Motor City Cartage Co. They did not have any defrost facilities but inspection of frozen boneless lambs legs was performed. The inspector inspected and passed this product without having it defrosted. When asked why this procedure was used the inspector stated they do not receive very much frozen product at this plant and were therefore given the inspection of what does come in without requiring defrosting. (The amount received in this shipment was eight boxes of about 30 lbs. each.)

Processed product from establishment 102 (Canada) began entering the country about the first part of March 1972. To the present date (April 27, 1972) 12 lots, consisting of about 23,000 lbs. have entered the U.S.A. The product, which was various pounds of All Beef Franks, Smoked Franks, Corned Beef, Roast Beef and assorted samples, has not been sampled for laboratory analysis by the import inspectors. When the inspectors were asked why a history of compliance has not been established on these products, they stated it was an oversight on their part.

Importers are allowed to determine what constitutes a lot. For example, processed product from Canada was coming in by truck. This product is broken up into the amount each purchaser is buying and called a lot. A separate 410 is made out for each lot by the broker and then sent into the U.S. There is usually five or six lots on one truck. Each lot consists of the same product from the same establishment. The inspector stated that the reason they inspect each as a lot is because they were told that each separate Form 410 constituted a lot.

Samples were being chosen by use of a random numbers table but when the lots were unloaded the pallets were not stacked with the required amount of 25 boxes per pallet. Some of the pallets contained less than 25 boxes while others had as much as 38 boxes on them.

Cincinnati, Ohio

This circuit is a destination inspection point. The usual product received here is containerized boneless beef from Australia. The inspector has not received import training. The circuit supervisor felt that any processing inspector could perform import inspection.

During our review it appeared that the inspector was doing a very adequate job. The samples were selected according to procedures and inspection was made on these samples. There has been no rejections of shipments at this site for about a year.

The inspector stated they do not use a refused entry stamp and that he has never heard of one. He also stated that his supervisor has never observed him while he was actually inspecting imports.

St. Louis, Mo.

Destination inspection was conducted at several approved cold storage warehouses. One full-time inspector was assigned import duty. He had not received formal training in import inspection. The Circuit Supervisor had formal training in imports and was providing continuous guidance.

No inspection was being performed at the time of our visit. We observed the facilities approved for inspection and found them to be adequate.

El Paso, Tex.

This port has a heavy volume of both import and export work. One full-time inspector is assigned both duties. A part-time inspector assisted when available. The latter had not received formal training.

The full-time inspector is experienced and conscientious. However, he appeared to have too great a workload. About 20 percent of his time was spent inspecting poultry, lard, and beef tripe being exported to Mexico. There were about 9 shipments each day. In addition, during our visit he was attempting to perform inspection of frozen boneless beef at two warehouses about five miles apart. He had received little direction or supervision from either the Region or Circuit office. He was in the habit of telephoning direct to the Foreign Program Branch in Washington when a crisis or problem developed.

The facilities approved for conducting inspection were adequate. Inspection was performed in a proper manner with the exception of the sampling procedure. In most instances, a list of random numbers was given to the dock foreman who called for sample cartons as they were unloaded from the truck. The inspector usually did not observe the procedure due to pressures of other work.

We could not determine the extent of sampling for laboratory analysis during 1971, since the records could not be located. It appeared that very few species samples were taken.

The "U.S. Refused Entry" stamp was applied to all rejected lots. However, we observed that a mixed shipment of edible and inedible horsemeat had all been stamped "USDA inspected and passed." The part-time inspector had not supervised the use of the stamp by the warehousemen. These marks were immediately obliterated from 22 boxes of inedible product.

Seattle Wash.

We observed the inspection of frozen boneless beef and canned product at the ports of Tacoma and Seattle respectively. Three of the four fulltime inspectors assigned import duty had received formal training. Circuit supervision appeared to be highly effective.

The facilities at each port were adequate. We observed that inspection was conducted in a proper manner.

At Tacoma, the service contractors personnel were handling dirty boxes and frozen product without washing their hands. This was corrected. We noted that the deficiencies found during the PRC review in 1970 had been corrected.

There had been little direction from the Regional Office. The authority of the San Francisco Circuit Supervisor as regional coordinator was not recognized.

San Francisco, Calif.

We reviewed inspection at two facilities equipped to handle frozen boneless beef and two where canned product was examined. There were four full-time inspectors assigned import duty. They had received formal training. Circuit supervision appeared to be adequate.

The facilities approved for inspection of imported product were acceptable. Inspection appeared to be conducted in the prescribed manner. Most of the deficiencies noted in the PRC review of 1970 had been corrected. However, we noted that overflowing bloody water from a defrost tank was still being dumped into the bay instead of a sewer. Also, the temperature of the defrost water was not adequately controlled and many samples had a "cooked" appearance.

At the outset of this audit, the Regional Office had almost totaled disinvolvement from the import inspection program. Since December 1, 1970, the San Francisco Circuit Supervisor was delegated responsibility to act as regional coordinator for import work. This was a burden since he already had a heavy workload. Both the supervisor and the Regional office staff acknowledged that no meaningful coordination and review of Regional import activity had been effected in the past two years.

Los Angeles, Calif.

We reviewed inspection at four facilities equipped to handle frozen boneless product. Generally, we observed that inspection was being conducted in a proper manner. All inspectors assigned full-time import duty had received formal training. Circuit supervision appeared adequate.

The PRC Review of 1970 disclosed that the service contractor had equipped a mobile trailer for examination of frozen product. The deficiencies noted then were still in existence. Although there is adequate equipment for sampling and defrosting, the facilities are inadequate from the viewpoint of space and sanitation. We observed that meat cartons were opened on the outside exposing the product to dust, flies, and other matter. Lack of space prevented a continuous sample preparation and inspection operation. Employees of the service contractor and the inspector had to alternate in the use of the unit.

Adequate welfare facilities were not available within a reasonable distance of the inspection facilities.

The import inspection operation was fragmented throughout the Los Angeles Port Authority. Import applications were processed in the Federal Building downtown. The current Circuit Supervisor had obtained space for a central inspection office in the U.S. Customs Building. We were informed of numerous plans for improving the efficiency of the inspection system.

EXHIBIT E

MPIP STATEMENT IN RESPONSE TO THE REPORT

Subject: Audit Report, Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program—Report No. 60102–1–W

To: Nathaniel E. Kossack, Inspector General, Office of the Inspector General

We appreciate the opportunity of providing you with our response so that it can be included in your final report when issued.

For clarity, we have numbered each response to coincide with each recommendation:

1. We concur in this recommendation and plan to proceed in taking action to carry it out.

We believe, however, for the most part, this recommendation should be expanded to include the entire Animal and Plant Health Inspection Service (APHIS), rather than limit it to the Meat and Poultry Inspection Program (MPI) only. Therefore, we are exploring implementing this recommendation with other APHIS program elements.

2a. Since March of 1972, practically all of the newly created field supervisory positions have been filled. Many with men having little previous supervisory experience. This has necessitated concentrating our efforts in training, developing awareness and understanding of job requirements and responsibilities. Since March 19 meetings have been held between Regional Directors and Area Supervisors and 173 meetings between Area Supervisors and Circuit Supervisors have been held. The primary thrust of these meetings has been defining relationships between the supervisory levels, outlining job requirements including explanations of new job descriptions and fixing of responsibilities. Tape recorders are being issued to supervisory personnel to improve and expedite communications between levels of supervision. We feel progress has been made in this area and is beginning to show in the form of improved in-plant inspectional performance.

The following is a summary of the current status of the plants identified as problem plants at the time of the OIG review. Individual reports relating to specific problem areas in each plant are on file for further review:

Of a total of 38 plants, 30 are now operating at acceptable levels as a result of rehabilitation and facilities improvement programs. Programs were initiated and time schedules established to correct deficiencies. In several plants, problem areas are still rejected for use because needed corrections were not completed.

Eight plants are still in a category of problem plants. Generally, they are in this category because their facilities and buildings are not modern and/or management is less than fully cooperative. Operations in these plants are being conducted at an acceptable level, but they are frequently interrupted because of problems with sanitation of equipment and facilities. Improvement programs are of a continuous nature. Where sanitation continues to present problems, delayed operations are not uncommon especially in older plants and in those where plant management does not place the required emphasis on sanitary operations.

2b. We are developing a form and procedure for documenting progress and results of plant improvement and rehabilitation programs. Also, the daily sanitation form (CP 455) is being revised and the instructions for its use are being improved. This should be ready by December 1972.

3. All regions have instituted direction and control measures to improve import inspection, i.e., (a) Staff members assigned import responsibility meet frequently with Washington staff to coordinate procedures and discuss means to further unify applications nationally. (b) They now actively emphasize the need to unify import inspection within their individual areas of responsibilities. (c) Import training courses have been backed strongly. Import inspectors and supervisors were made readily available for training. (d) Active steps are being taken to insure improved firstline supervisional coverage in the areas of frequencies of visits, knowledge of import inspection, and uniform application of inspection.

The Western Region now conducts regional reviews of major ports, meets with import supervisors, and executes followup reviews. Rejection rates between ports are now being compared and analyzed. Workloads are being monitored to determine manpower needs for adequate and efficient application of import inspection in a manner to minimize unnecessary overtime charges. What has been stated for the Western Region is generally applicable to each of the other four regions.

It is unfortunate that the then Southwestern Regional Deputy believed that "Import activities are directed from Washington." This was not Field Operations policy but, admittedly during the turbulence attendant to the recent organization, considerable referral of decisions to Washington took place. During this period, Washington often furnished information and answers to import inspectors who could not get answers locally. In most cases, this was done with approval and knowledge of the regions. There was no intent to encourage a habit of bypassing local supervision. In summary, the majority of direct calls from field inspectors, including the El Paso individual, were prompted by local supervisors who did not have answers to certain problems. This practice is no longer sanctioned by the Washington staff and regional or local supervision. All referrals to Washington must be routed through local to regional supervision. Responses follow a similar communication chain.

Prior to the audit, Tampa had been identified as a continuing problem port with most deficiencies related to inadequate supervision. Since that time, Southeastern regional and Washington staff visits, training of individuals and new local supervision have improved the overall situation to the level of good and efficient import inspection. As a mitigating circumstance just prior to the OIG audit, the Tampa supervisor was lost to the takeover of Puerto Rico, leaving supervision of Tampa again obviously inadequate. This inadequate supervisory situation did not appear to affect the application of good and efficient import inspection. As stated, both assigned inspectors are of equal grade (GS-9). One had been recognized unofficially as being in charge and apparently managed imports in an adequate manner. The newly assigned area supervisor has now identified, in writing, an import inspector in charge.

Regional Import Coordinator—Prior to OIG audit, regional responsibilities for imported products, the application of import inspection and coverage of import facilities were not specifically identified in any staff member's job description.

A recently revised job description, however, definitely fixes the responsibilities for a region's imported products program to an appropriate regional staff member.

Each region presently has an assigned GS-1863-13 identified with responsibilities for coordinating its regional import inspection program.

4. It is the assessment of Foreign Programs that the recent emphasis on training and the improved supervisory coverages have lessened the problems of varied interpretations between inspectors. Correlation meetings of import supervisors including group visits to each port within their regions have also helped decrease variations in application of inspection between ports. Continued improvements can and will be made.

Procedures to identify specific problem plants (foreign producers) direct to Foreign Reviewers have been instituted. There are now means available to identify plants incurring substantial or abnormal rejections at time of inspections or from Washington based computer data checks. Such information is channeled through Foreign Programs Staff by cable to resident or responsible Foreign Reviewers. Such findings prompts immediate visits to these plants by Foreign Programs Reviewers and officials of the foreign inspection system.

The complex variables which contribute to the differences in rejection rates between ports are being reduced by close correlation of information between import inspectors and Foreign Reviewers. The recent training program and increased supervisory effort by MPI is also lessening differences in application of procedures.

Although insurance underwriters may utilize a known port's rejection rate, their main interests and information are based on those shipments which they insure. The insured importers do not represent the entire industry nor do they insure all their imports. Usually only those products they feel may not pass inspection are insured.

A recent study of computer data showed that individual ports' do not all receive products from the same plants. In cases where they did, the results did not vary too greatly.

Another point of interest is that the port of Norfolk is considered by some importers to be too expensive to use. Comments indicated that total handling costs through Norfolk are approximately 20 cents a hundred weight more than other eastern ports.

The concept to license or certify formally trained import inspectors and allow only these individuals to perform import inspection is not consistent with MPI policy. Recent direction is to eliminate rather than create "the select specialist" and train enough individuals to cover needs. Regional offices are responsible to have enough formally trained inspectors available to cover import assignments. The training group will continue to provide formalized import training courses.

Discussions have been held with training group staff concerning: (a) Development of refresher course packets to keep trained inspectors informed and up to date. (b) Means to evaluate the effectiveness of training and identify possible future training needs. The development of the Import Inspection Handbook, an inspectional guide and/or training publication is presently in progress.

5. Prior to this report, it had been determined that Washington level explanatory meetinsg between MPI, U.S. Customs, Veterinary Services, and Plant Quarantine were needed. To date, this has been done at some of the local levels. The Washington office of U.S. Customs has been contacted to set up preliminary meeting to discuss MPI requirements and cooperation with Customs. It was also agreed that these Washington meetings should cover items such as: Identification of all products amenable to MPI regulations, specific agency responsibilities for inedibles, guidelines for decharacterization of inedibles, cooperative interagency working relationships and a policy for handling refused entries for national program uniformity.

Most inspectors report there is an average to very good working relationship between MPI and Customs officials. This does not offset the fact that unauthorized products did enter the United States, that other products were not brought to the attention of MPI and that the combined MPI/Customs handling of refused entry products is not always wholly acceptable.

We conclude more often than not that unauthorized products which enter the United States are either: (a) smuggled in with other cargo, (b) possibly labeled as other than meat products, (c) hand-carried in by passengers or crewmen and usually do not receive clearance by Customs. Added to these are legitimate entries for personal consumption which are subsequently diverted to unauthorized use.

Regional offices have been advised to instruct import supervisors to meet with U.S. Customs officials and discuss the necessity of being informed whenever a product's or shipment's amenability to MPI regulations is questionable.

Continued control of refused entries until exported out of the United States has not been adequately followed up in all ports. Certain ports have very good controls; others do not. Regional offices have been informed of this problem.

Inedible horsemeat seemed to be a major concern in this audit. El Paso and Minneapolis Import Inspectors advised Foreign Programs that, to their knowledge, no inedible horsemeat has been entered recently. El Paso does receive inedible horse offal entries.

The El Paso inspector claims to occasionally check inedible shipments (on frozen block cutter) to determine degree of decharacterization for his own benefit. He reports Customs had requested this once possibly 10 years ago. Customs does not have the facilities to off-load entire shipments at their inspection plant, nor do they use a true random selection over the entire load. Inspectors in both areas claim Customs is welcome to their sampling plans and experience upon request.

Inedible horsemeat products are presently the responsibility of Plant Protection and Quarantine; however, there is no reason why MPI cannot assist Customs as recommended by OIG.

Section 329.17 B 3 of the Meat Inspection Manual states that identification of the ultimate consignee is needed for importation of "edible" horsemeat. This may be a result of past problems with horsemeat dealers. This is an administrative ruling and has not been tested legally. From a strictly legal standpoint, such product when entered and passed becomes domestic and may move freely in commerce.

6. One hundred percent efficiency in the laboratory is not really possible or expected since we have selective sampling as well as objective programs. Overtime is used to handle unusually heavy workloads. While it might be desirable to staff the laboratories to handle all emergencies, it would not result in the best or most economical use of

manpower. We cannot anticipate the number or extent of emergencies, so to staff to handle every contingency would result, in many cases, in overstaffing and people being idle a good part of the time. Also, we are faced with employee ceilings which do not permit indiscriminate hiring. However, additional ceilings have been requested and where granted, new people are being hired.

It is true some samples were discarded. These were samples collected in 1971 and discarded in 1972. Every effort is made to run all samples submitted; however, if, due to emergency situations, this is not possible, we do try to run part of each type to give the program some data on which to make decisions. Judicious use of overtime is frequently required in these situations.

Generally, we do consult with the laboratories regarding new programs and their capabilities to handle the sample backlog. Nevertheless, there have been cases when they were not consulted, and we are implementing a computerized program to assist in regulating samples and workload in each laboratory. This was initiated with the DES sampling program and is presently being expanded to other residues and eventually to all laboratory samples.

While there generally has been good coordination between the laboratory and other Divisions when new sampling programs were initiated, there have been some exceptions. These problems have been eliminated to a great extent by the recent reorganization. Technical Services, which develops most of the sampling programs in conjunction with the Statistical Services Staff and Scientific Services, which includes the laboratories, all are under the supervision of the same Deputy Administrator. This, with the computerization program, which includes a printout of all proposed incoming objective samples, should preclude similar problems in the future.

Not all of the laboratories have a "logging" program for samples. However, each does have some system of control. Each system is presently being evaluated with the goal of developing the best system which would then be used uniformly in all of our labs.

To further reduce the workload problem, agreements have been made with the States of Kentucky and California to have their laboratories run selected Federal samples. When this program has been fully evaluated, we plan to make similar arrangements with other States.

7. We agree the company should maintain control of the fat, moisture, and additive used in its operations, and we should monitor their results. We presently have a voluntary program involving the use of certified laboratories and plant quality control. This is all we could accomplish under our present regulations; however, we are in the process of preparing for publication in the Federal Register a proposed regulation regarding plant quality control programs which we will monitor. Also, we are looking into the wider use of certified laboratories.

We concur that reduced sampling can be accomplished in plants where products are consistently in compliance. In fact, this has been done with imported products and we are planning a similar program for domestic product when the entire sampling program is computerized.

8. Every effort is made to keep abreast of the most recent technological developments and replace obsolete equipment with the most modern equipment available. This past fiscal year over $500,000 was spent for new equipment. There are instances when some laboratories are not furnished specific types of equipment because of a limited number of samples to be run which would require that equipment. Such samples are directed to the laboratory specifically equipped to conduct those analyses.

A system of maintaining a record of repair for each major piece of laboratory equipment is being implemented. This should further assist in determining when to replace a certain piece of equipment, as well as evaluating the durability of specific brands of equipment. We do not believe it is good policy to dispose of equipment just because it has become a certain number of years old.

9. The reorganization of MPI which began in late 1970 early recognized this need. Earlier, formal training had been hampered by a need to place priority on assisting States in their efforts and by personnel restrictions that limited ability to release individuals for training. Positions in the regional and area offices were established to coordinate training needs (though of necessity including duties in labor-management relations, safety, and civil defense), and the positions have been filled since early 1972. The criticism that priorities have not been established is not founded in fact. Priorities have indeed been established for initial training of new hires and supervisory training. It is futile to state priorities further until significant progress can be demonstrated in these areas. Such progress is almost totally dependent upon hiring ability to permit release of personnel from essential jobs; for which we have made an urgent plea. Our training framework is ready and willing to meet the day when employees can be released for training in greater numbers. We have attempted to relieve the strain also by plans (already implemented in part) to reduce formal on-the-job training at training centers and placing the responsibility on supervision at the worksite with the help of a structured program.

10. A main thrust of the reorganized unit has been increased attention to supervisory training. When the planning and development that has gone into this effort is considered, it is difficult to envision more attention. This effort is just beginning to show fruition with our first areawide session and our first two circuitwide conferences. We are reinforcing this vertical schooling with "one-day one-skill" workshops. Once vertical legs of supervisory meetings are established through each area, we can operate horizontally by centralized conferences. Failure to adequately respond to an earlier noted deficiency—meeting the Civil Service Commission's required 80-hour minimum of supervisory training—can easily, and in some measure properly be laid to neglect. More appropriately, however, it would be noted that in 1970 Circuit Supervisors (then OIC's) were needed to assist in reviews to determine adequacy of State programs, in 1971 positions were not filled pending an evalution of needs in he reorganized unit, the Department in 1971 committed Circuit Supervisors to a State workload that approximately doubled their total duties, and that circuits (210 as opposed to an earlier 145) were only substantially headed in May of 1972. During the hiatus caused by the above, Circuit Supervisors with extremely heavy workloads could be ill-spared for any purpose.

11. Early recognition of the need for an expanded and structured on-the-job training program is demonstrated by the revised direction begun in mid-1971. We are familiar enough with such training to know that without centrally devised and carefully tested programs, it will at best be variable and at worst be largely ineffective. For this reason, implementation has awaited careful preparation of guides and field trials. Structured initial training, by use of the guides, is reduced (in time element) at training centers, but greatly expanded (to an approximate year) overall. Such a guide is on stream for employees hired initially for poultry plants. A similar guide is now in the late stages of field trial for hires into meat establishments.

KENNETH M. MCINROE,
Associate Administrator, Meat and Poultry Inspection Program.

FACT AND RUMOR ABOUT OSHA

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Occupational Safety and Health Act has caused a wealth of controversy and correspondence in the 3 years since its enactment. Public Law 91–596, intended by Congress to protect the American worker from the hazards of his employment, has been accused of every "unfair, dictatorial practice" in the book.

The Job Safety and Health magazine, has printed an article pointing out the misconceptions and misunderstandings that have cropped up as a result of OSHA. The report is invaluable not only as a source of personal information but as a research tool usable in answering constituent inquiries regarding the act. I insert this article from the Job Safety and Health magazine, and commend it to my colleague's attention:

FACT AND RUMOR ABOUT OSHA

(Can you separate fact from fiction about the Occupational Safety and Health Administration? Here's a quiz to test your "OSHA-Q.")

Rumors of thousands of dollars in penalties, possible jail sentences, invasion of privacy, and "Hitler-like" tactics have given many employers concern over the possibility of an inspection by a compliance officer from the Occupational Safety and Health Administration (OSHA).

Most, if not all, of this apprehension is caused by misinformation and misunderstanding.

The Williams-Steiger Occupational Safety and Health Act of 1970, administered by OSHA, was not designed to put employers out of business or in jail, or to raise money for the federal coffers. It was passed "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."

To discover how much—or how little—you know about the Act and its administration, take the following true-false quiz. Some—but not all—of the statements are based on the distortions and rumors that abound. The answers follow on the next pages.

1. OSHA opposes amending the Occupational Safety and Health Act to exempt small employers from compliance with the Act.

2. OSHA's "Hitler-like" inspection system dictates steps an employer must take to correct violations discovered during an inspection.

3. Employees cannot be cited by OSHA, even for flagrant and willful violations of the standards and of company policy.

4. All of OSHA's standards are subject to change, so there's no point in making costly plant alterations now to comply with rules that might not exist next year.

5. OSHA is the government's "big stick" to drive small companies out of business.

6. OSHA published 250 pages of complicated and contradictory standards, and it's impossible to find anyone who understands them.

7. OSHA inspectors levy on-the-spot fines for alleged violations of standards without even giving employers a grace period to correct the violations.

8. Employers should receive a warning—not a fine—for a first violation of standards. First-instance penalties are unfair and represent an erosion of freedom.

9. OSHA has generated a lot of new and

unnecessary recordkeeping requirements to harass employers.

10. The Occupational Safety and Health Act can prescribe penalties of $10,000 or jail sentences for violation of some of its requirements.

11. OSHA can close down a business it finds in violation of the standards.

12. OSHA operates in a vacuum in setting new job safety and health standards.

13. Since OSHA compliance officers arrive for an inspection with no advance warning, the employer has no chance to check the other's credentials and may be letting an imposter on his premises.

14. Some of the standards are unrealistic. The one stating that ice in drinking water shouldn't come in contact with the water is not only absurd, but it has nothing to do with safety or health.

15. OSHA inspections can be ridiculous. Employers can be penalized for such nitpicking violations as not having three-pronged plugs on electric typewriters.

16. Complying with OSHA's safety and health standards would drive profits down and increase costs for the consumer.

17. OSHA sets exacting health standards on toxic agents without considering if industry has the technical knowledge to comply.

ANSWERS

1. True. But the size of an establishment has nothing to do with whether it is a safe and healthful place to work, and all employees are entitled to equal on-the-job protection.

But OSHA does favor amending the Act to allow administrative decisions to exempt from inspection certain classes of employers, such as those in low-hazard industries. Such authority would allow OSHA to direct its efforts to higher-hazard establishments where it is needed most urgently.

2. False. OSHA does not dictate or prescribe what steps an employer should take to come into compliance. The employer is free to decide for himself what action to take, so long as it eliminates the hazard.

3. True. Congress declined to interfere with the traditional employer-employee relationship. Congress concluded that employers should control employees' conduct regarding safety and health practices in the same ways that they handle other cases of disregard for company policies.

If an employer can show evidence of repeated efforts to have his employees comply, his "good faith" will be considered by OSHA in setting any proposed penalties.

4. False. These standards are not temporary. OSHA is updating or otherwise improving some standards, but there will not be a wholesale replacement of present standards.

5. False. There is no evidence that OSHA has driven any small employers out of business. Small, independent businessmen are essential to a vital nation. But Congress, in passing the Act, also recognized that the nation's employees—including those in small businesses—in many cases have not been adequately protected against on-the-job hazards. There are deaths, injuries, and illnesses in establishments of all sizes.

The Act also authorizes loans through the Small Business Administration to small companies that are "likely to suffer substantial economic injury" in complying with the safety and health standards. (See the article on pages 16–20).

6. Partially true. The standards are indeed voluminous, but they need to be. They cover a wide variety of hazards in five million workplaces nationwide. But few, if any, employers could possibly be covered by all of the standards.

For those who need interpretations of the standards, help is available from any of OSHA's 71 field offices across the country. An employer may call or visit the nearest OSHA office (listed in the telephone directory), or he may request a conference with an OSHA representative off his premises. OHSA also is holding 1,200 seminars annually with employers and employees to explain the standards. Many groups in the private sector are publishing those standards that apply to their industries.

7. False. OSHA compliance officers cannot levy immediate fines. At the closing conference after an inspection, the compliance officer discusses possible violations with the employer and asks him to estimate a reasonable time for abating the violations. The OSHA area director, the only one who issues citations or proposed penalties, considers this and other factors in his decision.

If an employer disagrees with the decisions, he may contest them within 15 working days to the Occupational Safety and Health Review Commission, an independent three-member panel. If the employer disagrees with the Commission's action, he can appeal directly to the U.S. Circuit Court of Appeals.

8. False. Congress established a first-instance penalty system of enforcement rather than a first-instance warning because it believed employers otherwise would do little to correct hazards until after an inspection. This belief was based on the rising toll of job-related deaths, injuries, and illnesses in the decade before the Act was passed.

The Act does not represent a deterioration of freedom. Instead, it reinforces the freedom of 60 million employees to work without fear of dangers to their safety and health.

9. False. The limited new recordkeeping requirements under the Act are designed to provide needed data, not to harass employers. Employers with eight employees or more need only keep a log of job-related injuries and illnesses and post an annual summary of these for their employees, plus keep a detailed supplementary record on each case. This is the same information already required on workmen's compensation forms, and these can be used instead of a separate federal form.

Employers with fewer than eight employees are not required to maintain the log of job injuries and illnesses, the supplementary record or the annual summary.

Each employer, however, must report to OSHA if there is a fatality or an accident hospitalizing five or more employees. In these cases, he must notify his nearest OSHA office within 48 hours.

Recordkeeping forms do not have to be sent to the government, with one exception: a relatively few employers each year are required to submit this information as part of OSHA's nationwide effort to develop a more accurate national profile of job injuries and illnesses.

10. True. Proposed penalties can range as high as $10,000 per violation in cases of willful and repeated violations of the Act's requirements. A willful violation that results in the death of an employee is punishable by penalties of up to $10,000 or imprisonment for up to six months. Prison sentences can be imposed only by the courts.

The purpose of OSHA, however, is to assure a safe and healthful work environment for all employees—not to raise funds or administer punishment. In fiscal year 1972 OSHA issued 23,230 citations with proposed penalties of $2,291,000—or slightly under $100 per citation.

The proposed penalties are affected by a number of factors—size of the establishment, gravity of the violation, history of previous violations, and employer "good faith" in attempting to comply with safety and health regulations.

1. False. In a rare case, where a situation of imminent danger exists throughout an entire establishment and the employer refuses to abate the condition, the Secretary of Labor can seek a U.S. District Court order to close the establishment until the danger is abated.

12. False. Initial standards set by OSHA were existing national consensus or established federal standards. The consensus or established federal standards. The consensus standards were developed by such groups as the American National Standards Institute and the National Fire Protection Association. OSHA receives advice on new or amended standards from its National Advisory Committee on Occupational Safety and Health. And OSHA is appointing standards advisory committees—15 by mid-1973—to focus on new amended standards in specific industries or to control specific health hazards. The committees include representatives of employers and employees, state and federal officials, and technical experts. Employer and employee groups, trade associations, industrial hygienists, and others are also encouraged to offer their counsel in developing standards. (See "From the Deputy's Desk," page 31.)

13. False. Although OSHA compliance officers do not give advance notice of inspection except in rare cases, employers may easily check their credentials at once. Each inspector carries Department of Labor credentials that identify him or her as an OSHA compliance officer. The credentials carry a number assigned to each particular officer. The number can be verified by phoning the officer's regional or national office.

14. OSHA has revoked this standard, as well as similar obsolete standards such as the height of toilet partitions.

This standard had originated at a time when ice was chopped from rivers and was not sanitary, so half a century ago it did affect employee health.

15. False. Though an inspector will check to see that electrical devices are properly grounded as necessary, few employers, apparently, believe the inspections have been "nitpicking." In fact, 95 percent of the employers inspected so far have accepted OSHA's citations, proposed penalties, and abatement periods without contest—a good indication that OSHA is administering the Act fairly but firmly.

16. False. In passing the Act, Congress indicated its belief that safety will increase productivity. The costs of complying with the Act will be more than offset by increased productivity, reduced man-hour and equipment losses, improved morale, and lowered insurance premiums and workmen's compensation payments.

17. False. In setting new health standards, OSHA considers feasibility information—for example, the practicalities involved in controlling exposures to hazardous substances in the workplace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. GOLDWATER (at the request of Mr. GERALD R. FORD), from 5 p.m. today through June 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KETCHUM), to revise and extend their remarks, and to include extraneous matter:)

Mr. BELL, today, for 20 minutes.

Mr. CRANE, today, for 5 minutes.

Mr. ANDERSON of Illinois, today, for 30 minutes.

Mr. Kemp, today, for 5 minutes.

Mr. Mizell, today, for 5 minutes.

Mr. Hogan, today, for 10 minutes.

Mr. Railsback, today, for 25 minutes.

Mr. McCloskey, on Monday, June 25, for 1 hour.

(The following Members (at the request of Mr. Dingell), and to revise and extend their remarks and include extraneous matter:)

Ms. Abzug, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Dominick V. Daniels, for 10 minutes, today.

Mr. Mathis of Georgia, for 5 minutes, today.

Mr. Dent, for 30 minutes, on June 20.

Mr. Gaydos, for 30 minutes, on June 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden, and to include a newspaper article.

Mr. Bingham and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $467.50.

Mr. Melcher, to revise and extend his remarks in the body of the Record, notwithstanding it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,082.50, and to include extraneous matter.

Mr. Rodino, at the conclusion of his remarks concerning the amendment offered by Mr. Biaggi, and to include a letter.

Mr. Gonzalez, to extend his remarks in the Record during the course of his remarks on the LEAA bill, and to include extraneous matter.

(The following Members (at the request of Mr. Ketchum) and to include extraneous matter:)

Mr. McKinney.

Mr. Price of Texas.

Mr. Gude in five instances.

Mr. Keating.

Mr. Veysey in two instances.

Mr. Wyman in two instances.

Mr. Armstrong.

Mr. McClory.

Mr. Whalen.

Mr. Hogan in two instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Froehlich.

Mr. Robert W. Daniel, Jr.

Mr. Baker.

Mr. Young of Alaska.

Mr. Frenzel.

Mr. Skubitz.

(The following Members (at the request of Mr. Dingell) and to include extraneous matter:)

Mr. Helstoski.

Mr. Long of Louisiana.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. O'Neill.

Mr. Evins of Tennessee in two instances.

Mr. Roy.

Mr. Edwards of California.

Mr. Rangel in 10 instances.

Mr. Stratton.

Mr. Biaggi in five instances.

Mr. Mann in six instances.

Mr. William D. Ford in three instances.

Mr. Eilberg in 10 instances.

Mr. Dominick V. Daniels in two instances.

Mr. Bingham in three instances.

Mr. Donohue.

Mr. Brinkley.

Mr. Vanik in two instances.

Mr. Anderson of California in three instances.

Mr. Fulton.

Mr. Howard in two instances.

Mr. Stokes in five instances.

Miss Jordan in two instances.

Ms. Abzug in 10 instances.

Mr. Zablocki in two instances.

Ms. Chisholm in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1413. An act to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, to the Committee on Government Operations.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 19, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1044. A letter from the Deputy Assistant Secretary of Defense, Installations and Housing, Department of Defense, transmitting notice of five construction projects proposed to be undertaken for the Air Force Reserve, and notice of cancellation of a previous notification pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1045. A letter from the Director, Office of Legislative Affairs, Department of State, transmitting notice of Presidential intent to transfer certain appropriations pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1046. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a copy of an agreement with the Democratic Republic of Vietnam on ending the war and restoring peace in Vietnam, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

1047. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting a copy of a proposed amendment to a concession contract on the South Rim of Grand Canyon National Park, Ariz., pursuant to (79 Stat. 969; 16 U.S.C. 20); to the Committee on Interior and Insular Affairs.

1048. A letter from the Chairman, National Water Commission, transmitting the final report of the Commission on the Nation's water resources, pursuant to Public Law 90-515; to the Committee on Interior and Insular Affairs.

1049. A letter from the Secretary of Commerce, transmitting the 17th program report of the United States Travel Service for calendar year 1972, in compliance with section 5 of the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

1050. A letter from the Director, Executive Office of the President, Special Action Office for Drug Abuse Prevention, transmitting the annual report on the activities of the Office, pursuant to section 233 of Public Law 92-255; to the Committee on Interstate and Foreign Commerce.

1051. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 7950. A bill to extend for an additional year the Manpower Development and Training Act of 1962, and for other purposes; with amendment (Rept. No. 93-288). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. Brown of Michigan):

H.R. 8761. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL (for himself, Mr. Conable, Mr. Davis of Georgia, Mr. Findley, Mr. Froehlich, Mr. Keating, Mr. Mann, Mr. Quie, Mr. Rinaldo, Mr. Ware, and Mr. Wolff):

H.R. 8762. A bill to reform the budgetary process of the Congress to improve congressional control over the budget and national priorities, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. BURGENER (for himself, Mr. Archer, Mr. Butler, Mr. Cronin, Mr. Denholm, Mr. Gunter, Mr. Ketchum, Mr. Moorhead of California, and Mr. Young of Illinois):

H.R. 8763. A bill to amend title 5, United States Code, to provide for a reduced retirement annuity for a Member of Congress who remains in office after becoming 70 years of age; to the Committee on Post Office and Civil Service.

By Mr. BURTON:

H.R. 8764. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. DOMINICK V. DANIELS:

H.R. 8765. A bill to amend the Occupational Safety and Health Act of 1970, to establish a Federal Rescue Resource Service; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 8766. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

H.R. 8767. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Sarbanes, Mr. Eckhardt, Mrs. Collins of Illinois, Mr. Vanik, Mr. Ashley, Mr. Rees, Mr. Brademas, and Mr. Anderson of California):

H.R. 8768. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.R. 8769. A bill to provide that members of all commissions, councils, and similar bodies in the executive branch of the Government appointed from private life shall serve without any remuneration for their services other than travel, subsistence, and other necessary expenses; to the Committee on Post Office and Civil Service.

By Mr. NEDZI (for himself, Ms. Abzug, Mr. Benitez, Mr. Brademas, Mr. Breaux, Mr. Buchanan, Mr. Corman, Mr. Dellums, Mr. Fisher, Mr. Hansen of Idaho, Mr. Harrington, Mr. Heinz, Mr. Hungate, Mr. Johnson of Pennsylvania, Mrs. Mink, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Rhodes, Mr. Roybal, Mr. Stokes, Mr. Symington, Mr. Treen, Mr. Wampler, and Mr. Young of Illinois):

H.R. 8770. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. PERKINS (for himself and Mr. Dominick V. Daniels):

H.R. 8771. A bill to strengthen State workers' compensation programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PEYSER (for himself and Mr. Gilman):

H.R. 8772. A bill to amend title 28 of the United States Code to exempt volunteer firemen from Federal jury duty; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 8773. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 8774. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. Hays, Mr. Minshall of Ohio, Mr. Ashley, Mr. Vanik, Mr. Johnson of California, Mr. Ashbrook, Mr. Mosher, Mr. Murphy of New York, Mr. Brown of Ohio, Mr. Bingham, Mr. J. William Stanton, Mr. Miller, Mr. Roncalio of Wyoming, Mr. Stokes, Mr. James V. Stanton, Mr. Won Pat, Mr. Keating, Mr. Seiberling, Mr. Guyer, Mr. Danielson, Mr. de Lugo, Ms. Abzug, Mr. Young of Georgia, and Mr. Steelman):

H.R. 8775. A bill to authorize the establishment of the Ohio and Erie Canal National Historical Park in the State of Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. Waldie, and Mr. Young of Alaksa):

H.R. 8776. A bill to authorize the establishment of the Ohio and Erie Canal National Historical Park in the State of Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 8777. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALLO of New York (for himself, Mr. Addabbo, Mr. Archer, Mr. Burgener, Mr. Clancy, Mr. Cleveland, Mr. Dominick V. Daniels, Mr. Delaney, Mr. Denholm, Mr. Erlenborn, Mr. Fauntroy, Mr. Froehlich, Mr. Giaimo, Mr. Grover, Mr. Guyer, Mrs. Heckler of Massachusetts, Mr. Hillis, Mr. Hogan, Mr. Ketchum, Mr. Maraziti, Mr. Mazzoli, Mr. Mitchell of New York, Mr. Murphy of Illinois, Mr. Nedzi, and Mr. O'Brien):

H.R. 8778. A bill to prohibit the use of appropriated funds to carry out or assist research on living human fetuses; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York (for himself, Mr. O'Hara, Mr. Peyser, Mrs. Sullivan, Mr. Walsh, Mr. Won Pat, Mr. Young of Illinois, Mr. Wydler, Mr. Zablocki, and Mr. Zwach):

H.R. 8779. A bill to prohibit the use of appropriated funds to carry out or assist research on living human fetuses; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York (for himself, Mr. Addabbo, Mr. Archer, Mr. Cleveland, Mr. Grover, Mr. Guyer, Mr. Hillis, Mr. Lent, Mr. Maraziti, Mr. Mazzoli, Mr. O'Hara, Mr. Young of Illinois, and Mr. Zablocki):

H.R. 8780. A bill to amend title 18 of the United States Code to make it a Federal crime to carry out any research activity on a live human fetus or to intentionally take any action to kill or hasten the death of a live human fetus in any federally supported facility or activity; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey (for himself, Mr. Bell, Mr. Clay, Mr. Derwinski, Mr. Duncan, Mr. Eckhardt, Mr. Eilberg, Mr. Findley, Mr. Fulton, Mrs. Hansen of Washington, Mr. Kemp, Mr. Lehman, Mr. McDade, Mr. Melcher, Mr. Mills of Arkansas, Mr. Mollohan, Mr. Reuss, Mr. Rodino, Mr. Roe, Mr. Seiberling, Mr. Tiernan, Mr. Vanik, Mr. Veysey, Mr. Young of Florida, and Mr. Won Pat):

H.R. 8781. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. VANIK:

H.R. 8782. A bill to repeal the bread tax, and for other purposes; to the Committee on Agriculture.

H.R. 8783. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF:

H.R. 8784. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 8785. A bill to establish a Joint Committee on National Security; to the Committee on Rules.

By Mr. ANDERSON of California (for himself and Mr. Hanna):

H.R. 8786. A bill to provide for a Federal income tax credit for the cost of certain motor vehicle emission controls on 1975 model motor vehicles sold in the State of California; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 8787. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CRONIN:

H.R. 8788. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mrs. Sullivan, Mr. Widnall, and Mr. Wylie):

H.R. 8789. A bill to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half-dollars and quarters, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID:

H.R. 8790. A bill to allow a credit against Federal income tax for State and local real property taxes on an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. ROBINSON of Virginia:

H.R. 8791. A bill to extend commissary and exchange privileges to certain widows of deceased veterans and to certain disabled veterans; to the Committee on Armed Services.

By Mr. ROYBAL (for himself, Mr. Brown of California, Mr. Danielson, Mr. Holifield, Mr. Moss, Mr. Rees, Mr. Waldie, and Mr. Charles H. Wilson of California):

H.R. 8792. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Edwards of California, Mr. Railsback, and Mr. Roe):

H.R. 8793. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 8794. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. Beard, Mr. Dan Daniel, Mr. Duncan, Mr. Kuykendall, Mr. Mazzoli, Mr. Montgomery, Mr. Pickle, and Mr. Quillen):

H.J. Res. 621. Joint resolution providing for the designation of the first week of October of each year as "National Gospel Music Week"; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 622. Joint resolution designating, and authorizing the President to proclaim, February 11, 1974, as "National Inventor's Day"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 623. Joint resolution, stable Purchasing Power Resolution of 1973; to the

Committee on Government Operations.

By Mr. BENNETT:

H. Res. 440. Resolution to amend the Rules of the House of Representatives to provide that no rollcall or quorum call shall be conducted by electronic device after the House has entered into special orders after the conclusion of the legislative program and business on any day; to the Committee on Rules.

By Mr. HARRINGTON (for himself, Mr. Badillo, Mr. Obey, Mr. Kastenmeier, Mr. Riegle, Mr. Brown of California, Mr. Eilberg, Mr. Fraser, Mr. Matsunaga, Mr. Blatnik, Mr. Podell, Mr. Rosenthal, Mr. Roybal, Mr. Burton, Mr. Bingham, Mr. Dellums, and Ms. Schroeder):

H. Res. 441. Resolution calling on the President to promote negotiations for a comprehensive test ban treaty; to the Committee on Foreign Affairs.

Mr. HARRINGTON (for himself, Mr. Leggett, Mr. Moakley, Mr. Won Pat, Mr. Stokes, Mr. Waldie, Ms. Abzug, Mr. Conyers, Mrs. Burke of California, Mr. Murphy of Illinois, Mr. Stark, Mr. Roe, Mr. Drinan, Mr. Edwards of California, and Mr. O'Hara):

H. Res. 442. Resolution calling on the President to promote negotiations for a comprehensive test ban treaty; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Badillo, Mr. Brown of California, Ms. Chisholm, Mr. Eilberg, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. Mann, Mr. Mitchell of Maryland, Mr. O'Hara, Ms. Schroeder, Mr. Wolff, and Mr. Won Pat):

H. Res. 443. Resolution to amend the Rules of the House of Representatives to provide, as an item of the order of business of the House, for a period in which heads of executive departments and agencies are questioned in and report to the House; to the Committee on Rules.

By Mr. HARRINGTON (for himself, Mr. Badillo, Mr. Brown of California, Ms. Chisholm, Mr. Eilberg, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. Mann, Mr. Mitchell of Maryland, Mr. O'Hara, Ms. Schroeder, and Mr. Won Pat):

H. Res. 444. Resolution to amend the Rules of the House of Representatives to provide, as an item of the order of business of the House, for a period in which heads of executive departments and agencies are questioned in and report to the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIAIMO:

H.R. 8795. A bill for the relief of John J. Egan; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 8796. A bill for the relief of Dr. Gernot M. R. Winkler; to the Committee on the Judiciary.

H.R. 8797. A bill to authorize the burial of the remains of Marie E. Newman in Arlington National Cemetery, Va.; to the Committee on Veterans' Affairs.

By Mr. MEZVINSKY:

H.R. 8798. A bill for the relief of William M. Korman; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

255. By the SPEAKER: A memorial of the Legislature of the State of Utah, relative to hosting the 1976 Winter Olympic Games in Salt Lake City; to the Committee on the Judiciary.

256. Also, memorial of the Legislature of the State of Utah, relative to returning to the States a portion of Federal user charges in the Aviation Trust Fund; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

HEARINGS BY FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE ON FEDERAL INFORMATION SYSTEMS AND PLANS—PHASE II—PRESENT AND PLANNED INFORMATION AND COMMUNICATIONS SYSTEMS OF FEDERAL AGENCIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on April 3, 1973, I announced that hearings on Federal information and communications technology would be held by the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee in three phases, beginning on April 10 and continuing in June and in September of this year; Record, page 10648, April 2, 1973.

The hearings on April 10 and 17 consisted of testimony from the Nation's outstanding technical experts on the application of new information and communications technology to such fields as education, health care, local government, rural development, cable television, and similar areas involving the delivery of information about Federal programs to our citizens.

Phase II of these hearings will begin on Tuesday, June 19 and continue on Tuesday, June 26, and on Tuesday, July 17. These hearings will receive testimony from Federal agency witnesses who will review selected Federal information systems and technology, plans for the future, and the role which Federal agencies are playing in the development and application of new information and communications technologies. The hearings will begin at 10 a.m. each of the days listed above and will continue in the afternoons. All will be held in room 2203, Rayburn House Office Building.

Mr. Speaker, I insert the text of the news release announcing phase II of these hearings in the Record.

The news release follows:

Federal Information Technology Hearings Resume; Agency Witnesses Will Appear

Representative Chet Holifield (D., Calif.), Chairman of the House Government Operations Committee, and Representative William S. Moorhead (D., Pa.), Chairman of the Foreign Operations and Government Information Subcommittee, announced that the Subcommittee will resume its hearings on government information technology on Tuesday, June 19, at 10:00 a.m. in Room 2203, Rayburn House Office Building. They will continue on Tuesday, June 26, and on Tuesday, July 17.

This series of hearings is examining all aspects of Federal information systems and plans. They began in April with testimony from the Nation's outstanding technical experts on the application of new information and communications technology to such fields as education, health care, local government, rural development, cable television, and similar areas.

The June and July hearings will concentrate on a review of selected Federal information systems, plans for the future, and the role Federal agencies should play in the development and application of new information and communication technologies. Later hearings planned for September of this year will examine certain implications of such technology, their impact on personal privacy, and the types of safeguards that will be required.

Witnesses at the Tuesday, June 19, hearing will include representatives of the Defense Civil Preparedness Agency, Department of Defense; the Department of Housing and Urban Development; and the Federal Information Center program, General Services Administration. The Defense Department witnesses will discuss the Decision Information Distribution System (DIDS), an experimental early warning disaster program. The Housing and Urban Development witnesses will describe the operation of the Integrated Municipal Information System (IMIS).

The hearing on Tuesday, June 26, will feature testimony from the Social Security Administration; Department of Health, Education, and Welfare; the Automated Data and Telecommunications Service (ADTS), General Services Administration; and from the Office of Applications of Space Research, National Aeronautics and Space Administration.

The final day of hearings in July, following the Congressional holiday recess, will include testimony from witnesses of the Office of Telecommunications, Department of Commerce, and from the Office of Telecommunications Policy, Executive Office of the President.

Members of the Subcommittee, in addition to Moorhead, are: Reps. John E. Moss, D-Calif.; Torbert H. Macdonald, D-Mass.; Jim Wright, D-Tex.; Bill Alexander, D-Ark.; Bella S. Abzug, D-N.Y.; James V. Stanton, D-Ohio; John N. Erlenborn, R-Ill.; Paul N. McCloskey, Jr., R-Calif.; Gilbert Gude, R-Md.; Charles Thone, R-Nebr.; and Ralph S. Regula, R-Ohio. Ex officio members are Reps. Chet Holifield, D-Calif., and Frank Horton, R-N.Y.

RESOLUTION OF THE INDIANA GENERAL ASSEMBLY

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, June 18, 1973

Mr. HARTKE. Mr. President, I ask unanimous consent that a resolution adopted recently by the Indiana General Assembly on the subject of providing aid to North Vietnam be printed in the Record.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION NO. 71

A concurrent resolution memorializing the Federal Administration and Congress not to expend American funds on the rebuilding of North Vietnam.

Whereas, The Federal Administration had indicated a desire to supply funds to North Vietnam for the purpose of repairing war damaged areas; and

Whereas, Recently returned prisoners of war were mistreated and tortured by North Vietnam; and

Whereas, The United States has never extended funds to a former enemy unless an unconditional surrender has first occurred; and

Whereas, Funds are badly needed for important domestic programs; and

Whereas, We believe that those Communist Countries which have fostered, supported and perpetuated this war and have aided North Vietnam throughout this war should have the responsibility to continue their support of North Vietnam by helping with the necessary rebuilding: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

Section 1. That in the interest of the people of the United States, we respectfully urge the President and the Congress to spend American dollars on American citizens and not on the country of a former enemy.

Section 2. That funds would be better spent on those Americans who have suffered directly as a result of this war; especially those who have lost friends or family or who have suffered lasting injury.

Section 3. That the Principal Clerk of the House of Representatives be directed to forward copies of this resolution to the President of the United States and to all members of the Indiana Congressional delegation.

HOPE THAT MR. NIXON AND SECRETARY BREZHNEV DISCUSS EUROPEAN TROOPS REDUCTIONS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. ROUSH. Mr. Speaker, I rise to express some personal hopes for the summit talks which begin today between President Nixon and Secretary General Leonid I. Brezhnev, of the Soviet Union.

There are 300,000 American troops currently stationed in Western Europe. A number of developments over the past 5 years raises serious questions in my mind about the need and advisability of maintaining this troop level.

During the last 5 years, with the growing amicable relationship between this country and the U.S.S.R., the likelihood of either nation tolerating a land war in Europe has diminished.

In addition, the recent accords between East and West Germany highlight that an East-West detente has been substantially developed.

Recent news accounts of a major new Pentagon study indicate that NATO and the Warsaw Pact nations have achieved a close balance in military power in Europe.

All of these facts suggest that Mr. Nixon and Secretary Brezhnev could very usefully discuss mutual reductions of troops from the European theater.

When we consider the severe problems of the dollar, I think we would all agree that any action to stem the flow of dollars abroad would be welcome. A withdrawal of American troops from Europe would have such an effect.

Second, I hope Mr. Nixon raises the serious concerns that large numbers of citizens of this country have over the plight of Jews in the Soviet Union.

Mr. Speaker, I have great hopes for the Nixon-Brezhnev summit. I think that a discussion of European troop reductions and the plight of Soviet Jewry would enhance the value of the talks to both nations.

ROBERT KONKLE, SUPERINTENDENT OF INDIANA STATE POLICE, WRITES ON POLICE-PUBLIC COMMUNICATIONS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. BRAY. Mr. Speaker, it is vitally important that the public be aware of what their law enforcement agencies are doing and how they function. The following article by Indiana State Police Superintendent Robert Konkle, which appears in the June 1973 FBI Law Enforcement Bulletin, tells how it is done in Indiana:

THAT UNIQUE CAPABILITY

(By Robert K. Konkle)

The channels of communication between police and public might best be described as "lifelines" on the strength of which rests either the survival or loss of mutual understanding and support.

As a part of total law enforcement operations, special voluntary efforts to tell the public how it functions and what it is doing are relatively new police ventures.

Not so very long ago, police administrators gave scant attention to ideas that press and public should be provided with more information than was asked for or demanded. Although safety education efforts were, for the most part, given their early due, lawmen tended to regard expanded public information efforts and extension of services and courtesies to the press with some suspicion.

In recent years, however, as American law enforcement strives to attain professional status, police administrators are becoming keenly aware of the fact that an effective press and public information program has become an operational necessity.

Maintaining closer liaison with the public leads to the recognition that public information techniques developed in the private sector can be of equal value to law enforcement operations. In business, success or failure depends on public awareness and acceptance of the services or commodities being produced. Service and protection are the products of law enforcement. The better police are able to explain how these services are performed, the stronger the bond of understanding becomes between the police and the public.

INFORMATIONAL PROGRAMS

Since 1933, when it was created and empowered with statewide traffic and criminal jurisdiction, the Indiana State Police has given special attention to programs and efforts designed to keep Hoosier citizens aware of the department's enforcement efforts and to offer representative community groups safety education services and other kinds of informational programs.

The foundation of Indiana State Police community relations begins with an active and energetic press relations effort. In the department's administrative ranks, the staff of the public information section, in concert with the superintendent's office, maintains daily liaison with the news media in the Indianapolis area.

Telephone and personal contact with representatives of the news media are reinforced with periodic statewide distribution of news releases concerning department enforcement and service operations.

Supplementing press relations efforts emanating on the general headquarters level, line commanders throughout the department's 19 district field installations maintain daily contact with community news agencies whose primary interest lies in topics of local interest.

Full-time working members of the Hoosier news media, and out-of-State reporters whose "beat" may include parts of Indiana, are entitled to receive press credentials, renewable annually, issued by the Indiana State Police. Troopers are required, within the bounds of reason, to assist reporters at emergency scenes or under other similar circumstances when the credentials are presented.

Parallel to these efforts to maintain positive lines of communication between the department and the press, emphasis is also applied to establishing direct contact with the public.

In 11 of the largest State police districts there is a public information officer with the rank of sergeant whose primary responsibility is to meet with community groups to present a complete range of State police information and education programs.

In addition, in every district installation, there are troopers designated as assistant public information officers. Depending on the volume of community requests for programs, they may be assigned to these duties either part or full time.

Earlier in the department's history, these specialists were referred to as "safety education officers." Although much of their work in the local communities concerns traffic and pedestrian safety, they are also trained and prepared to meet the increasing public demand for information concerning the entire crime spectrum, particularly narcotic and drug abuse.

Their expertise and knowledge of the department's total enforcement operations is more than coincidental—it is both planned and vital. Their attention to public needs for information releases criminal investigators and other enforcement specialists to concentrate on their own particular efforts.

Indiana State Police public information officers provide an important and effective part of the department's total public service obligation. In a year's time they will meet with nearly a half-million Hoosier citizens to provide educational services and to explain department operations.

Equally important, their presence serves as a viable and direct public contact that enables individual citizens to ask questions about their State police, to offer advice or suggestions pertaining to local problems, and to respond to complaints.

FILMS

In recent years, Indiana State Police public information efforts have been reinforced through a concept and a special capability that may be unique in the annals of American law enforcement.

Drawing on basic talent available within the ranks of the department, the Indiana State Police has, for more than a decade, been able to produce its own motion picture films.

Films, which have long been a major source of public entertainment, now play an increasingly important role in public education and information throughout the world. For countless millions of daily viewers in theaters, classrooms, community organizations, and via television, motion picture films provide "the next best thing to being there."

The Indiana State Police film experience originated in the early 1950's as the department's audio-visual aids technicians began to provide television station news departments with 16 mm. film clips shot at disaster scenes or other kinds of newsworthy events.

The next step was to begin providing all television stations with filmed public service announcements concerning traffic safety and film clips promoting trooper recruiting programs.

In 1958, based on their accumulated experience in producing these short film clips, department personnel produced the first information film expressly designed for showing to community groups.

"State Police Cadet" was a 29-minute film that explained the department's recruiting program and how young men are selected and trained to become troopers. It was written and directed by former Staff Captain Lloyd D. Hickerson, commander of the public relations, now retired from the force. It was also the first department film shot in color.

In March 1960, following an airline crash in southern Indiana that claimed 63 lives, Captain Hickerson and his staff, shooting film at the scene to provide to television stations, decided to produce a film that would attempt to show how the crash occurred and to tell the indepth story of emergency efforts at the scene and the official investigation procedures.

"Operation Disaster," a 29-minute color production, became the first Indiana State Police film to gain national attention for the department. In subsequent Federal hearings at Los Angeles, the film provided a valuable narrative for investigators exploring the facts and evaluating testimony concerning the disaster.

"Operation Disaster" still serves today as an important training and information aid to official community agencies who may one day face the prospect of providing emergency services in case of similar calamities.

Following the retirement of Captain Hickerson in 1963, the department continued to concentrate on producing filmed public service announcements and providing television news media with film clips of newsworthy incidents.

Then, in 1965, following the Palm Sunday tornadoes that claimed nearly 300 lives and caused millions of dollars destruction throughout northern and central Indiana, State police film crews under the direction of Lt. David R. Levendoski filmed an account of how the many storms progressed, the paths each of the several twisters took, and how the survivors set out to rebuild their devastated homes and communities.

"Death Out of Darkness" is a film that also continues to provide Hoosier citizens with valuable data describing how tornadoes are spawned and what kinds of protective measures should be taken. The film has recurring value each spring as the tornado season gets underway.

Lieutenant Levendoski, now commander of the department's public information section, credits his former mentor, Captain Hickerson, for teaching him the skills necessary to write and direct information and documentary films.

In 1966, the Indiana State Police introduced American law enforcement to a new concept in traffic speed timing with a device called "Vascar."

Paralleling efforts to show prosecutors, the courts, and news media that Vascar was a better and more efficient traffic enforcement tool, the department produced a film that demonstrated to viewers exactly how it worked and how it would be used by troopers patrolling Hoosier highways.

The device, now employed by police agencies throughout the world, gained much of its initial recognition and acceptance from showings of the film "Vascar." It was recently estimated that, since the film was released for public showing in 1966, it has been seen worldwide by upwards of 40 million people.

In 1968, the department produced a film entitled "Trooper" designed to support trooper recruitment efforts and also to help the public see and understand the many things that a trooper—or any police officer—might encounter on just one "routine" patrol. It also marked both the end and the beginning of a significant point in the production of Indiana State Police films.

The efforts of every law enforcement agency, either routine or in special categories, are affected by the balances between budget allowances and priorities.

In the Indiana State Police, as in all police agencies, the highest priorities are those of traffic and crime. Toward the efforts of both goes the bulk of budget expenditures. As these primary responsibilities grow larger, funds for support programs and projects dwindle.

In 1968, the cost of producing a film had reached nearly $5,000. Although that figure represented only a fraction of the cost to have a film made by commercial firms, it had become too expensive for our own budget.

BUSINESS COMMUNITY COOPERATION

In 1969, following my appointment to the post of superintendent, I wanted to retain, if possible, the department's capability to produce its own information films. Why not, I suggested, enlist the aid of legitimate business and industry?

As a matter of background information, there has been long-standing resistance in most areas of law enforcement to accept little beyond tacit support from the private sector. These are policies founded on the premise that financial or other kinds of direct aid from business and industry to law enforcement also carries with it implications of police endorsement of products and profit-making organizations.

Although the policy has merit, I also felt that business and industry have a shared responsibility with law enforcement in matters of public health and safety.

There had been some precedent set in our department regarding aid from the business community. For many years, one of the State's insurance firms has annually donated their billboard space to eye-catching traffic safety messages alongside Indiana's major highways.

The problem came to a crux when Lieutenant Levendoski suggested that a need existed for a definitive public information film dealing with farm safety. He suggested that we attempt to find a reputable sponsor who would agree to underwrite the essential film processing costs. In return, the film would credit the sponsors for their cooperation.

I agreed and set out to find a sponsor. Within a few days we had reached agreement with representatives of Farm Bureau Insurance. They were pleased to have the opportunity to be able to offer us assistance, and we were anxious to produce a quality film that would justify their cooperation.

Early in 1971, we released for public showing the film, "Seeds of Safety." It graphically demonstrates the everyday hazards that farmers and farm families must face.

Since release of the film, copies have been purchased by farm organizations, business firms, governmental agencies, and universities throughout the Midwest and as far west as Colorado and Utah. Agricultural authorities in New Zealand have recently ordered copies of the film.

In 1972, the National Safety Council presented the Indiana State Police and Farm Bureau Insurance with its highest award, "The Award of Honor," designating the "Seeds of Safety" film as one of the Nation's most outstanding public safety efforts.

Most significantly, the film represented a common denominator linking the efforts of law enforcement through the support of business and industry.

Based on success of the farm safety film and by careful study of other public safety needs, the department produced a bicycle safety film in 1972. "On a Bicycle Built for You" is, however, far from a routine cycling safety film. It is aimed primarily at the adult cyclist and stems from the fact that adult bicycle sales in the United States have surpassed the number of new automobiles sold.

The film tells the story of a middle-aged couple who take up cycling for the first time since their childhood. It demonstrates the exercise benefits available and, at the same time, reminds both adult and juvenile riders of the traffic laws and commonsense riding practices that apply to all cyclists. It also stresses the advantages of planned community bikeways.

The film was sponsored by the Huffman Manufacturing Co., Dayton, Ohio, one of the Nation's largest bicycle manufacturers. Since its release, the film has gained the endorsement of the National Safety Council and the Bicycle Institute of America.

"One Week Last Summer," a film concerning the joint Indiana State Police-Kiwanis International Career Camp, was released late in 1972. Sponsored by the Indiana District of Kiwanis International, the film tells the story of a summer camping program for Hoosier high school youngsters who are given the opportunity to learn about the career opportunities that will one day be available to them in all the jurisdictions of law enforcement.

"The Busters," a film completed this year and now available for showing, is about narcotic and drug abuse. But, as the film explains, it makes no attempt to study the problems of cause and rehabilitation. Instead, it presents the story of how trained and dedicated police officers, at the risk of their own lives, seek to identify and apprehend the drug peddlers whose victims are the drug user. The film was sponsored by Hook Drugs, Inc., a Hoosier drugstore chain.

Currently in production is a film, to be entitled "RV," aimed directly at the nationwide boom in sales of recreational vehicles (RV's). The film stresses the importance of trading with reputable dealers, installing proper hitch connections, over-the-road safe towing practices, and the laws that apply to owning and operating travel trailers, truck campers, motor homes, and boat trailers. Back for a repeat appearance as sponsor will be Farm Bureau Insurance.

In the planning stages for this summer is a film dealing with the operation of motorcycles. The motorcycle scene is still a controversial one. But, in light of the fact that cycle sales are increasing at a tremendous rate, it is an area that law enforcement and the public—regardless of personal viewpoints—must examine for the safety and well being of all riders and motorists.

The terms of film sponsorship are simple and direct. The sponsor underwrites basic technical costs. In addition, we ask that the sponsor also purchase 12 copies of the film for distribution to our public information officers in the field. In return, the department provides the sponsors with a copy of the script for approval and suggestions. In the film titles, a panel appears listing the name of the sponsor and crediting the firm for making the production possible.

Lieutenant Levendoski writes and directs each production and calls on his fellow officers in the department, personal acquaintances, and the many friends of the Indiana State Police to play certain roles or provide services that may be required in each film.

In the recently completed drug film, for example, casting required the help of 38 people. The list of "actors" who gladly donated their time included: department police and civilian employees; professional business people; college and high school students; and the friends and family members of our public information staff.

In addition, a local automobile dealer loaned the film crew a car that appears in the film, a motel owner allowed his parking lot to be used in another scene, a local fire department provided an aerial-ladder truck to use as an elevated camera platform, and local police officers appeared in several film sequences.

Each film production requires a great deal of planning and even more work; but, the results are proving the worth of our efforts.

Running time of Indiana State Police films is usually about 15 minutes. This length is best suited for officers presenting ½- to 1-hour community programs.

Purchase of Indiana State Police films is on a nonprofit basis. Generally, the films can be purchased for less than $100, and any extra charges are for handling purposes only. Inquiries concerning film purchases may be directed to the Indiana State Police, Attention: Lieutenant Levendoski.

There are many professionally produced films available which are quite good and, when our budget permits, we are able to purcase one or more copies. Too often, however, we cannot afford the costs involved.

Production of our own films, with the support of business and industry, enables us to show Hoosier citizens the efforts being made by their own State and local police. We can provide information to people who have a right to be informed. We can provide instruction that may save lives and property, as well as provide solutions to serious problems.

It is, indeed, a unique capability.

OUTBLUFFED AGAIN

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, the Hopewell News, a respected newspaper in my home area, last week published an editorial describing developments in the submarine-launched ballistic missile capabilities of the Soviet Union as compared to those of the United States.

These facts are most disturbing. They should be publicized, and I salute the Hopewell News for doing so. I commend the editorial to the attention of the Members of the Congress:

> OUTBLUFFED AGAIN
>
> Well, it looks like the Russians did it to us again. First they carted off all of our wheat, at bargain prices some say. And now it develops that they apparently hoodwinked us at the bargaining table on the matter of arms limitations.
>
> Columnist Joseph Alsop observes that the U.S. agreed to limit itself to 600 submarine-launched nuclear missiles. The Soviet Union will be permitted to have 950 such missiles, because at the time of the talks the Soviet missiles were said to be shorter-ranged. This presumedly made them less effective. After this agreement was reached, the Soviet Union tested a submarine-launched nuclear missile with a range of 4,500 miles—longer than any in the U.S. arsenal.
>
> It doesn't look like Uncle Sam is a very good poker player, and the stakes are about as high as they can get. Add to this the powerful congressional opposition to proposed levels of defense expenditures, which include the development of such things as a new and more effective nuclear striking force at sea, and you've got a worsened combination of foolishness.
>
> It is time we got our heads screwed on straight while we still have them.

STRUGGLE OF LITHUANIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. EILBERG. Mr. Speaker, June 15, 1940, is a sad day in the history of the Lithuanian people. It marks the forcible annexation of Lithuania to the Soviet Union.

Since that date, the Lithuanian people have continuously struggled to reject the oppressive communist system from Lithuanian soil.

Lithuania has had a history of foreign domination, Russian as well as German. In 1795, Lithuania was annexed by Russia. Although the Lithuanians persistently tried to overthrow Russian control, they were unsuccessful.

Russian domination came to an end in 1915 when Lithuania was overrun by German armies. On February 18, 1918, however, a 20-member council proclaimed Lithuania an independent state. Russia signed a peace treaty with Lithuania on July 12, 1920, recognizing it as an independent nation. Unfortunately, their independence lasted only two decades.

During this period, Lithuanian culture flourished. Achievements were made in literature, opera, and music.

A democratic government was established, and under a provisional constitution, Antanas Smetona was elected President of the Lithuanian Republic.

A great emphasis was placed on improving agriculture which was the primary occupation of Lithuania. In addition, industrialization had progressed. Many new public schools were built during this time.

Despite Lithuania's struggle to remain neutral during the Second World War, it again was conquered by the Russian Army. On June 15, 1940, the Soviets demanded immediate formation of a "friendly" government and occupied the country. Lithuania was declared a constituent republic of the U.S.S.R. on August 3, 1940.

A few days after the German attack on the Soviet Union on June 22, 1941, Nazi forces overran Lithuania. During this period, thousands of German families settled in Lithuania and almost all Lithuanian Jews were executed by the Nazis.

When the war turned against Germany, the Russians again dominated Lithuania.

Today, Lithuania is virtually closed to the outside world, and Western observers are allowed only in the city of Vilnius. This isolation is often attributed to military reasons noting that the Baltic coast is ideally situated for missile bases. We have learned from the few people who have escaped Lithuania that there is a total lack of freedom and that the country is completely dominated by the Russians.

The United States recognized the independent Lithuanian Government on July 27, 1922, and it has never recognized that nation's incorporation into the Soviet Union. It continues to maintain diplomatic relations with the representative of the former independent Government, which has a legation in Washington.

The Lithuanian people also continue to resist the Soviet rule and will not accept Russian slavery. What Lithuania and the other Baltic States, Latvia and Estonia, do ask for is political, religious, and cultural freedom.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the Communist regime. On May 14, 1972, Romas Kalanta, a Lithuanian youth, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered widespread demonstrations which have confirmed their fight for freedom and independence.

Lithuania, Mr. Speaker, is a small, struggling nation. We, the people of the United States, must not forget their cause and continue to encourage and reinforce their determination to gain national independence.

LEONID BREZHNEV—ENEMY OF FREEDOM AND THE RUSSIAN AND OTHER PEOPLES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. ASHBROOK. Mr. Speaker, on June 16, Soviet Communist Party Leader Leonid Brezhnev arrived in the United States for a 10-day visit and extensive meetings with President Nixon. With Brezhnev's arrival in the United States, we are hearing a barrage of newscasts about détente and about a friendlier and more enlightened Soviet Union.

Before eagerly embracing our Russian comrade, however, let us consider the oppressive Soviet political system and its daily denial of civil liberties to the Russian people.

In 1970, Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and other books, was convicted to a 3-year prison term. Amalrik was convicted under article 190 of the Russian legal code, which prohibits "the spreading of deliberate fabrications that defame the Soviet state and public order." Although scheduled to be released several weeks ago, it has been reported by Robert Kaiser of the Washington Post Foreign Service that Soviet officials are detaining Amalrik beyond his 3-year prison term while authorities conduct a new investigation under article 190. Kaiser notes that:

> Prospects of an early return home now appear slim, as Soviet authorities seldom begin an invesitgation of this kind without its ending in a trial and conviction.

Amalrik's case is not unique. Censorship of dissenting views and imprisonment of dissidents are a way of life in the Soviet Union. So great is the Kremlin's fear of other points of view that official jammers are used to block reception of foreign radio broadcasts by the Russian people.

Therefore now that Brezhnev has arrivde in the United States let us not forget the great gulf which separates our two systems of government. Brezhnev and the Kremlin clique are still the enemy of freedom and their own Russian people.

The peoples of the U.S.S.R. are, of course, not the only victims of Soviet repression. For instance, officials of three groups of Czechoslovak, Hungarian, and Polish heritage addressed an open letter to Mr. Brezhnev on the occasion of his present visit to the United States. The violations of human rights cited in the open letter remind us of the abuses listed by our forefathers in our Declaration of Independence with one sad, notable difference: the Founders of our Nation abhorred and threw off the yoke of tyranny—their descendents of today, with open arms, welcome the tyrant to our shores.

I include at this point the open letter cited above.

OPEN LETTER TO MR. LEONID I. BREZHNEV

Mr. Secretary,

The terror imposed upon the nations of East-Central Europe by the ideology, the political power and military might of Soviet oppression repudiates and negates almost every article in the Declaration of Human Rights.

It denies that men are born free and equal in dignity and rights and that all should act in the spirit of brotherhood.

It denies the right of life, liberty, and security of person.

It denies the principle that no one shall be subjected to cruel, inhuman, or degrading treatment.

It denies that no person shall be arbitrarily arrested, detained or exiled.

It denies that all are equal before the law and entitled to its equal protection.

It denies the right to fair and public hearings by an independent and impartial tribunal.

It denies the right to freedom of thought, conscience, and religion.

It denies the right to freedom of opinion and expression.

It denies the right to freedom of peaceful assembly.

It denies that the individual may not be held in slavery or servitude.

It denies that the will of the people shall be the basis of the authority of government.

That these human rights are so flagrantly repudiated in Czechoslovakia, Hungary, Poland and even in your own country is cause for our concern.

1956 in Hungary and Poland, 1968 in Czechoslovakia and 1970 in Poland again have shown clearly the eternal unquenchability of man's desire to be free, whatever the odds against success, whatever the sacrifice required.

Americans of Polish, Hungarian, Czech or Slovak descend will never recognize the Soviet domination of East-Central Europe. We cannot condone in words or even in our minds any summit meeting, treaty declaration or tacit understanding which promotes or acknowledges the subjugation of our sisters and brothers.

The claim of the nations of East-Central Europe to independence and liberty is not based on sentiment or politics. It is deeply rooted in history, in culture and in law. No matter what sort of puppet government they may maintain we do not mean to see that claim abandoned.

The fulfillment of the political, economic and ideological aspirations of the peoples of East-Central Europe is blocked by the occupation of their territory by the Red Army, by the unscrupulous economic exploitation by the Soviet Union, and by the brutal control exerted by the arms of the Soviet Secret Police. Giving testimony to the sincerity of your stated principles of non-interference in internal affairs, recognition of the right of every state to sovereignty and of promotion of unbreakable peace, behooves you to:

Assure the right to emigrate to those Soviet citizens, residents and political prisoners who desire to leave the Soviet Union and find a new life in their chosen land.

Stop the economic exploitation of the peoples of East-Central Europe and cease to use the products of Czechoslovakia, Hungary and Poland to support the spread of Communist doctrine and Soviet influence throughout the World.

Remove all Soviet troops from Czechoslavakia, Hungary and Poland.

Guided by the traditions, convictions and principles expressed above we call upon you, Mr. Secretary, that in order to accomplish your own stated goal of "unbreakable peace in which alone is possible a true cooperation of sovereign European States with equal rights," during your visit with our President hasten by every honorable and reasonable means the arrival of the day when the men and women of Czechoslovakia, Hungary and Poland will stand again free from Soviet military and ideological domination, in liberty and justice.

Czechoslovak National Council of America—Prof. V. Busek, President.

Coordinating Committee of Hungarian Organizations in North America—Istvan B. Gereben, Executive Secretary.

Polish American Congress Inc.—Aloysius A. Mazewski, President.

JAMES V. PASTORIUS RECEIVES BRONZE MEDAL FOR HEROISM

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. HOWARD. Mr. Speaker, at a time when young people are maligned for their lack of initiative, I feel that we should take special notice of a singular act of heroism.

James V. Pastorius of Monmouth Beach, while boating in the Shrewsbury River, watched as Leslie E. Groesbeck—a 16-year-old high school student—fell from a boat into deep water and floated inert, face down, 600 feet from the nearest bank. James, then aged 17, jumped from a nearby boat, swam to Leslie, lifted his face from the water, and began towing him toward the bank. Even though he was heavily dressed, James swam 175 feet and there found footing in wadeable water. Leslie, after being taken to the bank, revived and recovered.

For conspicuous bravery, the Carnegie Hero Fund Commission has awarded James V. Pastorius a bronze medal.

Mr. Speaker, I join today with every New Jersey citizen in honoring James V. Pastorius, a fine young adult who risked his own life to save that of another. In an increasingly impersonal world, acts of personal involvement such as this are far too rare.

SPACE SHUTTLE—THE TIMING IS RIGHT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker. there has been much discussion of our national space program in recent times which centered around the development of a low cost earth-to-orbit transportation system—generally called the space shuttle. Recently, Rockwell International, the prime contractor of the shuttle program, made a significant analysis of the importance of the space shuttle to our national economy. I am including in the RECORD a summary of that analysis. I urge all Members of Congress to read this timely and significant analysis.

The summary follows:

SPACE SHUTTLE—THE TIMING IS RIGHT

SUMMARY

We stand at the threshold of a new dimension in space transportation. All historical evidence shows that major developments in land, sea, and air transportation signalled profound changes in human affairs—if the time was right, if the need was there, and if the new potential was grasped.

The Space Shuttle serves missions and operations designed to meet near-term and long-range needs and objectives. Its purpose is to lower the economic barrier which now limits the utilization of space for economic and social objectives. Achieving these objectives helps us deal with important national and global problems confronting us now and in the future.

The Shuttle's timeliness does not lie in our ability to dispatch a few people or instruments into "Big Space." The Shuttle lends muscle to our Promethean ability to bring a relatively small element of space to "Big Mankind"—to demonstrate to all of us on this planet that cislunar space, Earth's "Cosmic Little Acre," holds options and resources which can improve our lives, our hopes, and our future by enabling us to grow into a more mature partnership with our planet and ourselves. Our world is no longer earth-bound. This is as important for us today as it was for the people five centuries ago to realize that the Earth was round.

Shuttle Timing and the Earth Services Satellite Network. A striking fact about information transmission via satellites is the widening scope of their services and their capacity to raise by many orders of magnitude the volume of data transferred back and forth between points anywhere on the globe. But the socio-economic and ecological consequences of this capability run much deeper and are much broader, affecting eventually every state of the union and every country on Earth.

A comprehensive global information transmission system via satellites saves millions of tons of cabling. This translates into a sizeable reduction in raw material consumption—among them, copper and lead, two scarce metals. It stimulates the use of computers in industry and commerce—for control systems, business, banking, credit transfer and administration—contributing to a world in which great improvements in efficiency and economy in countless daily operations are achieved through the routine exchange of vast quantities of data between computers via satellites. It broadens the channels of contact between individuals (teleconferences) and opens the possibility for reducing the high level of personnel traffic in industry, commerce, and administration—the need to move thousands of tons of transportation equipment and consume billions of Btu's just to confer, one with another. It makes the decentralization of cities possible, permitting improved ecological integration of urban and natural environments to the benefit of both.

The need for total management of the terrestrial environment and its resources, and of Man's interaction with them will inevitably grow in the decades ahead. Sensory imaging technology is so promising that scientific and engineering progress will be rapid in the seventies. The timing of the Shuttle could not be more right for the build-up of a sophisticated Earth Observation System. In the eighties and nineties most of the Earth Services Information and Transmission Satellite Network must be built to yield the benefits which will be needed with growing urgency as this century draws to a close. Every year of delay in readying the Shuttle-based space transportation system will shift the build-up of the Earth Services network downstream and harm our national and global ability to deal with environmental and associated crises.

Shuttle Timing and the Energy Crisis. The national and world demand for energy will continue to grow in the decades ahead. The rise in the consumption of electricity is particularly fast and will represent an increasingly large fraction of the overall energy demand. At the same time, "easy" (economically accessible) energy sources (crude oil, natural gas) show signs of depletion. Recovery of new reservoirs of fossil fuels ("easy" and "less easy" ones, such as tar and oil shale) draws opposition on environmental grounds. While new oil and gas fields will nevertheless be exploited and recovery from existing reservoirs can be increased through improved technologies, the environmental confrontation will become more pressing. Thus, we face a dual confrontation—one related to the demand for energy resources and the other to the environmental impact of utilizing existing, primarily fossil, energy sources and new, non-fossil sources.

The expected proliferation of nuclear power plants can be made significantly more compatible with human and biological environmental requirements by selecting sites in regions where the environment and its resources (land and water) are not already burdened heavily by population, industry, and cultivation. Preferred regions are in northern latitudes, in earthquake-free areas (e.g., at Hudson Bay or the southern coast of Greenland). This removes, however, these power plants from major consumer markets.

Next to nuclear power, the utilization of solar power offers the greatest promise. But almost all of the maximum-insulation areas (with 2 billion thermal kwh or more of solar energy input annually) are also far from major consumer markets.

Therefore, global power transmission and distribution is the key to large-scale transition from fossil to nuclear and solar power, which would solve the energy crisis. The key to global distribution is the Power Relay Satellite, utilizing microwave power transmission—a new approach to providing needed global electrification. Energy is beamed from the power generating complex to a passive relay satellite which reflects the microwave beam into the consumer area where the energy is reconverted to electricity in clean high-efficiency electromagnetic power plants.

The Power Relay Satellite is Shuttle-compatible. In fact, in the effort to find enduring solutions to the energy crisis, it is the only Shuttle-compatible concept involving space technology conceivable within the next 20 years. To deliver a 10-million-kilowatt power beam to the terrestrial receiver station requires a power relay satellite of about 4 million square feet, weighing less than 30 tons. By comparison, a solar space power plant generating an equal amount of power requires a solar absorber area of about 80 million square feet and weighs over 10,000 tons.

Shuttle and Our Balance of Trade Posture. In broadening the potential application of space, the Shuttle contributes solutions not only to a multitude of bio-ecological and human-environmental confrontations and crises but to this country's international economic posture as well. The benefits considered here can be classified as Shuttle-direct, Shuttle-induced, and space-direct. The Shuttle-direct contributions to the country's economic posture are based on the fact that the U.S. possesses a cost-effective transportation monopoly in an area of activity that is becoming increasingly important to many nations. This monopoly is likely to last for many years because the development of a reusable space transport is not worthwhile for countries with less than "whole space programs." With the exception of the U.S. and U.S.S.R., all countries involved in space activities maintain only partial space programs.

The Shuttle-induced economic benefits are derived from its position on the "cutting edge of technology." The orbiter will be the most advanced aerospacecraft for many years and will create technology-intensive supporting industries whose products constitute high-technology exports upon which this country's balance of trade will increasingly depend during the eighties and nineties.

Finally, the Shuttle will generate many space-direct benefits for this nation's economic position on the world market. The Shuttle-supported development of satellite power relay systems, however, has potentially a greater impact on the nation's trade balance than all other benefits combined. A Power Relay Satellite can beam power to many places in its hemispheric field of view. The world demand for electricity will rise steeply in the next few decades, and since antenna arrays are cheaper than on-orbit power plants, it affords the U.S. an opportunity to become the world's major exporter of electric power.

The timing of the Shuttle is right for combating our deepening crisis in foreign trade during the eighties and nineties.

JUNIOR OPTIMISTS OF COLUMBUS, GA.

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. BRINKLEY. Mr. Speaker, I recently had the opportunity to talk personally with Mr. C. C. Scarborough, adult adviser of the Junior Optimist Club in my hometown of Columbus, Ga. My conversation with Mr. Scarborough reinforced my admiration for the outstanding work and community service projects carried out by the fine young people of this organization. Since August 1960, the Junior Optimists of Columbus have earned and donated more than $22,000 to the less fortunate of the Columbus and Phenix City, Ala., areas.

Mr. Speaker, I commend to the attention of my colleagues the following correspondence from Mr. Scarborough which outlines some of the donations made by the club:

OPTIMIST CLUB OF COLUMBUS,
Columbus, Ga., June 14, 1973.

HON. JACK BRINKLEY,
Cannon House Office Building,
Washington, D.C.

DEAR MR. BRINKLEY: I appreciate very much your telephone call of June 7 in regard to the work of the Junior Optimist Club.

Since August 1960, through their various projects, the Junior Optimist Club has been able to purchase and donate the following to the needy people of the Columbus and Phenix City areas:

67 Common wheelchairs at $190.00 each	$12,730.00
17 Motor driven wheelchairs at $500.00 each	8,500.00
1 Hospital bed, complete	175.00
1 Automatic lift	185.00
1 Set of leg braces	128.75
3 Sets of aluminum crutches	54.00
1 Telephone shoulder rest	4.25
Repair of wheelchairs	413.35
Donations on 1 iron lung	200.00
	22,390.35

This money raised by the Junior Optimist Club and members of the local high school cheerleaders.

Sincerely,

C. C. SCARBOROUGH,
Junior Optimist Adult Advisor.

NATIONALISM STRONG IN LITHUANIA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. GIAIMO. Mr. Speaker, Americans who have family and friends in European nations behind the Iron Curtain are well aware that the current warmth in the cold war does not mean that oppression in countries under Soviet control has lessened. Quite the contrary is true; to maintain control over diverse and proud peoples, the Soviets have adopted a wide range of oppressive measures designed to stifle free speech, expression of religious beliefs, and freedom of travel.

On this anniversary of the Soviet takeover of Lithuania, we are well reminded by the Lithuanian community in America that the Soviet control system remains one of political prisons, denial of self-determination, and undermining of the personal freedoms we fought for and enjoy as Americans.

We are reminded of this from other sources as well—the frequent and plaintiff appeals for freedom of prominent literary, scientific, and cultural figures within the Soviet Union; the struggle of Soviet Jews to emigrate to countries of their choice, without confiscation of their property; the tales of numerous officially sanctioned moves to eliminate religious worship, political activity, and even free speech of individuals.

Our commitment as Members of the Congress in response to these reminders should be twofold: First, to remain continually aware, both as legislators and as leaders of the public, that Soviet détente should not disguise the remaining totalitarian nature of Communist ideology as practiced in the Soviet Union; and, second, to insure that in our increased commercial and diplomatic dealings with the Soviets every measure is taken to help insure greater guarantees of freedom for those caught behind the Iron Curtain.

The spirit of nationalism is strong and remains strong in those such as Lithuanian Americans whose friends and family remain behind in nations stripped of their sovereignty. The longing for personal freedom is also strong, no less so 33 years after those freedoms were lost in the Soviet occupation of Lithuania. The quest for nationality and for personal freedom will, in the long run, triumph over the misguided tactics of strong men and dictators. We can help by remembering the oppression, by committing ourselves to its end, and by acting to foster personal and national freedom whenever possible though our actions in the Congress.

WHAT IF YOU CAN'T AFFORD A LAWYER?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. CONYERS. Mr. Speaker, as a longtime supporter of legal services for the poor, I would like, today, to register my continuing support for such a program. In accordance with this view, I would like to express my belief that the proposed Legal Services Corporation Act should be given the support of this House as a means to insure the representation of the poor as well as the rich in the courts of this Nation.

I am inserting the following article in the Record, in full agreement with its message:

[From the Toledo (Ohio) Blade, May 27, 1973]

LEGAL AID AND JUSTICE

In asking Congress to provide America's poor with free legal assistance "independent of political pressures," President Nixon has submitted a new version of a 1972 bill advocating the creation of a Legal Services Corp. as substitute for the existing legal services program. The latter has operated for eight years under the wing of the Offices of Economic Opportunity, which is rapidly being dismantled by acting director Howard Phillips.

Two years ago Mr. Nixon proposed such a corporation, saying that it could "provide a most effective mechanism for settling differences and securing justice within the system and not on the streets." But last year he vetoed an LSC bill and then he turned Mr. Phillips loose early this year to starve the existing program before its June 30 expiration despite a fully funded budget.

Mr. Nixon's belated but active show of support for the new bill, which would claim $70 million in his budget outlay, revives hopes for this continuing program which annually handles a million cases at the remarkably low average cost of $60 per case. The bill is hedged with strictures that should be subject to debate and amendment. But at least the President has somehow turned his mind to one of the pressing domestic concerns of the country.

Early in April, James Kilpatrick, the conservative columnist, wrote with concern that whatever else under the OEO was scrapped, continuing neighborhood legal services to the poor "must be maintained" if ever the country is to balance its dual systems of law in this country, one for the rich, another for the poor.

Chief Justice Warren Burger once remarked that "this program attracts young idealistic lawyers, sometimes they have more zeal and adrenalin than judgment and skill." But he also concluded that while abuses occasionally were serious, there have been few. The bulk of case work by these lawyers involves legal problems arising from housing, domestic relations, employment, and consumer grievances.

"Justice," as the President repeated, "is served far better and differences are settled more rationally within the system than on the street." What it all adds up to is equal justice under law in practice as well as in noble concept.

STRONG SUPPORT FOR LEGAL SERVICES BILL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. DELLUMS. Mr. Speaker, the fate of the legal service program in this country has been hanging in the balance for the past several months. We cannot allow this program to die; the legal needs of the poor of this country must be met. In my opinion, it is imperative that as a body we act quickly and positively on the legal service corporation bill.

I urge that we consider the opinion of those in an excellent position to judge the value and strength of such a program. I offer the Members of the House the views of experts in the form of a resolution passed by the county bar association of Jackson County, Okla. Identical resolutions were passed by Harmon and Greer Counties. I insert this resolution into the Congressional Record:

RESOLUTION

Whereas the President of the United States has proposed that the Legal Services Program be continued in the form of an independent corporation, and

Whereas it is esesntial that the Legal Service Program as it presently exists be continued, pending the adoption by Congress of necessary enabling legislation to bring such a corporation into being, and

Whereas the Acting Director of the Office of Economic Opportunity has issued an order placing all Legal Services Programs on a thirty day, month to month funding basis which is fiscally unsound, demoralizing to Legal Services personnel, and provides no assurance of continuing effort on their behalf to the poor people who come to Legal Services lawyers for representation, and

Whereas the professional record of Legal Services lawyers as a group has been exemplary and they have professionally and properly represented those persons who have sought their services,

Now therefore be it resolved that the Jackson County Bar Association urges the modification of the thirty day funding regulation to provide for annual funding of Legal Services Programs so that they can effectively function in contracting for services of personnel and office facilities with some assurance fo continuation beyond the immediate future, pending the passage of an adequate Legal Services Corporation Bill which would preserve the independence of the lawyer-client relationship as set out in the Canon of Ethics of the American Bar Association.

SHOULD NOT LITTLE GIRLS BE ALLOWED TO PLAY IN LITTLE LEAGUE BASEBALL?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. MATSUNAGA. Mr. Speaker, in recent weeks we have heard of many incidents of girls wishing to play in organized baseball. The male-oriented youth leagues have resisted. In the light of recent reports which tell of insistence on barring girls from youth baseball teams, I believe that my colleagues will be interested to know that a young lady named Carol "Casey" Kishimoto from my State of Hawaii broke the sex ban more than 14 years ago. Few, if any, females had managed to break into the male domain of the baseball diamond when Carol "Casey" was at the bat for the Kalakaua A.C. in the Police Activities League. In these days when more and more barriers built on sexual discrimination are falling aside, it is comforting to think that so many years ago, under the spell of Aloha, the "guys" on the team of Kalakaua A.C. in Honolulu, Hawaii, included Carol "Casey" Kishimoto. According to all reports, she was an above average player who pitched as a southpaw for her team. And what is most comforting to know is that during the 4 years that she played, she caused no complications or embarrassment to her coach, her teammates, or anyone else, purely on account of her sex. Perhaps the little league traditionalists who withdrew its charter from the city of Ypsilanti, Mich., for refusing to remove Carolyn King from one of its teams, ought to take a serious second look at its existing policy.

I include at this point an article from the Honolulu Star-Bulletin detailing Ms. Kishimoto's baseball career:

CAROL WAS STAR ON BOYS' TEAM LONG BEFORE CURRENT SQUABBLES

(By Rod Ohira)

Mighty Caseys come and go but there may never be another one like Carol Kishimoto.

After all, even Ernest Lawrence Thayer didn't envision the star of his Mudville nine to be anything but a man.

But baseball has caught the fancy of several teen-age girls on the Mainland, presenting a frightening problem for traditionalists in the sport.

There's Carolyn King in Ypsilanti, Mich., whose talents in baseball already have cost her city its Little League charter.

Then there's 13-year-old Yvonne Burch, who was playing for a Babe Ruth team in Concord, N.C.

The pony tailed teen-ager attracted national attention by winning a starting berth in rightfield and hitting a triple her first time at bat. However, a national ruling was handed down last Wednesday to the Concord officials who dropped Yvonne rather than lose their charter.

Those who know Carolyn and Yvonne and the countless other girls who may be playing in boys' leagues will tell you how great they are.

But even before Carolyn or Yvonne were born, there was a Mighty Casey in Hawaii.

It was 14 years ago that "Casey" Kishimoto began swinging her mighty bat and pitching her way to fame for Kalakaua A. C. in the Police Activities League.

Carol can do a hula, bake a pretty good cake and sew a neat stitch.

"But I don't think I can pitch or bat anymore. It's been such a long time," the shy 23-year-old said with a timid smile. "I feel it's okay for girls to play boys' sports because there just aren't enough sports for women.

"They just started a Bobby Sox program in Hawaii, maybe that's the answer.

"All the publicity when I was playing gave me an inferiority complex. You know, like I was something different . . . a freak."

"Casey" gave up baseball when she was 12 and went on to graduate from McKinley High School and the University of Hawaii.

"I wasn't going to play the last season but my mother talked me into it because there was a chance to travel," Miss Kishimoto said. "And as it turned out, I have no regrets."

Carol enjoys playing tennis now although she recalls her last chapter in baseball vividly.

"A few years ago, they asked me to umpire some games at Cartwright Field and I did it because it was an emergency," "Casey" said. "I ended up doing it for two seasons."

Just how good was Casey? Well, some of her teammates on the all-star team that traveled to Los Angeles during her final season included Punahou stars Nolan Ramirez and Keith Kasparovich and Ryan Kurosaki, now the pitching star of the University of Nebraska.

"Oh, she was above average," recalls Sgt. Ray Kawano of the PAL. "She played four years with us and although our rule still doesn't specify boys only, we've sort of discouraged girls from coming out since Carol finished up."

CHEMICAL AND BIOLOGICAL WARFARE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. RANGEL. Mr. Speaker, the American military program is, tragically, one shrouded in secrecy and stealth. Much of our tax dollar, and too much of our military and scientific knowledge, goes toward developing and perfecting our destructive capabilities. Today, the Pentagon is satisfied with our guns, and bullets, and nuclear devices. However, it is not yet satisfied with our chemical and biological warfare program. Unbeknownst to millions of Americans, and to Members of Congress, the American chemical warfare effort is alive and well. On bases all across the country, scientists, military men, and ordinary citizens are hard at work producing diseases and gases and germs. Instead of working to end wars and cure disease, we allow men and money to do the opposite.

In the book, "Chemical and Biological Warfare—America's Hidden Arsenal," author Seymour M. Hersh provides a detailed and thorough account of this disturbing subject. Included in his book is discussion of our use and development of 2,4,5–T herbicide and "Agent Orange."

I have submitted two proposals in the House designed to halt this developing trend toward chemical aggression. I hope that my colleagues in Congress will read Mr. Hersh's book and give thoughtful attention to my legislative proposals, "The Herbicide Export Control Act of 1973" and "The Chemical Warfare Prevention Act of 1973."

TRUTH ON THE INSTALLMENT PLAN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Ms. ABZUG. Mr. Speaker, last month WCBS–TV broadcast an editorial on the subject of the President and his reaction to the Watergate scandal. They quite rightly point out that the President has yet to respond fully and openly to any of the questions raised by this scandal, but rather has chosen to tell us only bits and pieces designed to protect his rapidly falling reputation.

I commend the editorial to the attention of my colleagues and include it at this point in the RECORD:

WCBS–TV EDITORIAL

On Wednesday the American people read the President's third major statement on Watergate. It is disturbing, however, that each of these statements, rather than being a full accounting of everything the President really knew about the case, was a limited response to events—just enough to meet the challenge of the moment.

This week, under the pressure of escalating revelations and charges, the President revealed much more of the Watergate story. But in each installment, the President seemed to be more concerned with saving his own neck than with getting at the truth. On April 30, his explanations were wrapped in sanctimonious rhetoric about the presidency and this week he gave us a 4,000 word dissertation largely on national security. Each was an exercise in justifying his failure to deal with the scandal spreading at his feet.

This week the President admitted, in effect, that he may have created the climate in which a coverup took place. He said that he was afraid that an investigation of Watergate might jeopardize other national security operations. As a result he urged caution in the investigation to his two top aides, H. R. Haldeman and John Ehrlichman. This admission raises some questions. Why should the President have thought that breaking into the headquarters of the Democratic National Committee might be a legitimate intelligence activity? Was the President confusing national security with his own political security?

President Nixon also said that he had been told that the CIA might be involved. But the two top officials at the CIA at that time said he never asked them about it. Why didn't he contact them when he was first told about this possibility? And who gave him this information? Further, Mr. Nixon told us that by July of last year he knew that there was no CIA involvement and was warned by the then acting head of the FBI, L. Patrick Gray, that "the matter of Watergate might lead higher." Did he then instruct Mr. Haldeman and Mr. Ehrlichman to abandon caution in the investigation? It stretches faith to believe that a man as experienced and as canny as Mr. Nixon didn't pursue Patrick Gray's lead and find out for himself who was involved.

But the bigger question is why he didn't tell us all this before. What was he waiting for? President Nixon's piecemeal approach is disturbing. Americans don't like to question the integrity of their President. But when they are given the story on the installment plan, it's hard not to.

RESOLUTION—LEGAL AID SOCIETY OF MECKLENBURG COUNTY, N.C., BOARD OF DIRECTORS—APRIL 9, 1973

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mrs. CHISHOLM. Mr. Speaker, the President has submitted to us a bill proposing the formation of a National Legal Services Corporation. I agree with the concept of such an organization. The presently functioning legal services program has made great strides in the effort to assure that the poor of this country have equal access to adequate legal representation as that enjoyed by the rich. The formation of a national corporation would continue the progress already made. There seems to be great agreement among the bar associations in this country that it is imperative that the legal services program continue in some form. Similarly there seems to be substantial agreement that the best means for this program to continue would be in the form of a national corporation. The American Bar Association on February 16 passed a resolution endorsing the creation of such a corporation. I would like at this point to introduce into the RECORD a resolution passed by the Legal Aid Society of Mecklenburg County, N.C. which endorses that passed by the ABA. I believe it important for us, as legislators, to be aware of the feelings of the legal community and particularly of those attorneys who have been dealing in this field in the past and thus can best judge the relative success of the program.

The board of directors of the Legal Aid Society of Mecklenburg County, N.C. hereby endorses the resolution passed by the house of delegates of the American Bar Association on February 16, 1973.

However, until such time as Congress makes a decision enacting a legal services corporation, we strongly urge that all programs, including the many legal services backup centers, be funded at their present level through the termination of their current program years.

Any other approach would cause deterioration of the services provided both by neighborhood offices and by the centers and would cause lowering of staff morale, all to the detriment of those clients most in need of legal services.

The Board further urges not only the 26th judicial bar but also the North Carolina Bar Association to similarly endorse the resolution of the American Bar Association and to support the continuation of the national legal services program.

The executive director of this society is instructed to send a copy of this resolution to Richard M. Nixon, President of the United States; to Howard Phillips, Director, Office of Economic Opportunity; to Lawrence McCarty, Director, Office of Legal Services, OEO; and to all Members of the North Carolina Congressional Delegation.

YOUTH CAMP SAFETY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. McKINNEY. Mr. Speaker, in the near future, Congress will once again take up the matter of safety in the Nation's summer camps.

As you know, this has been a concern of mine for some time, going back to when I served in the Connecticut House of Representatives. In the 93d Congress, I am cosponsoring the youth camp safety legislation which has been introduced by Congressmen Daniels and Peyser.

In a recent edition of the Christian Science Monitor, Jeff McCulloch wrote a very thorough article on this subject and I believe that many of the Members would find it most edifying. Accordingly, I would like to have Mr. McCulloch's article reprinted in the Record at this point:

How Safe Is Your Child's Summer Camp?

(By Jeff McCulloch)

How safe are the summer camps many thousands of American children will be invading in the warm weeks ahead?

"Nobody knows," is the answer in too many places, say a growing number of parents and lawmakers concerned about the lack of federal and state laws regulating the camps.

Parents are urged to check for themselves.

Fewer than half the states have laws that specifically apply to youth camps. There is no federal camp-safety law. And there is little overall data available to show the present status of youth-camp safety, parents complain.

Almost all camps are touched by some laws, at least by local health ordinances. Ernest F. Schmidt, executive vice-president of the American Camping Association (ACA), says of the some 20 states that have camp safety laws, he considers Michigan's the best. This law has enough teeth, he says, that the state can close a camp almost overnight if the need arises.

CHECK THE LAWS

Meanwhile, officials point out, parents can check the laws of the state in which the camp is located. They also can check for accreditation with the ACA.

Lack of ACA accreditation does not mean it is an unsafe camp, they note. Many outstanding camps are not members.

If the camp is accredited with the ACA, parents should ask about the date of the last accreditation inspection.

Some parents warn that "a lot can happen in the five years between ACA inspections."

The best way to evaluate a camp, most parents say, is to visit it. In addition to inspecting the physical site, parents should check the age and qualifications of staff members and the ratio of staff members to campers.

Numerous unsuccessful efforts have been made to pass national safety legislation. Sen. Abraham A. Ribicoff (D) of Connecticut has reintroduced a bill and Rep. Dominick V. Daniels (D) of New Jersey, chairman of the select subcommittee on labor, plans to hold hearings—for the fourth time—on the House version of the youth camp-safety bill.

A staff member of the subcommittee thinks this might be the year for passage for the bill. He credits wide news-media coverage and particularly a vigorous publicity and lobbying campaign waged by parents with arousing public support for such a bill.

SUBSTITUTE MEASURE

Last year a substitute measure, sponsored by Rep. J. J. Pickle (D) of Texas, was passed, calling for a national survey of youth camps. The survey is being conducted this summer by a firm under contract to the Department of Health, Education, and Welfare. It is expected to be completed by October.

One outspoken parent pushing for stronger safety laws is Mitchell Kurman of Westport, Conn., who had good reason to be careful in selecting a camp for his youngest daughter.

His son had been drowned in a canoeing accident in Maine in 1965. The canoe contained no lifejackets.

Mr. Kurman said the camp director, who had never been to Maine, had placed the boys in the hands of a counselor "who had a limited—and, therefore, dangerous—idea of canoeing."

The group from the camp had experienced a boating accident previously in Ontario, Canada, before it had continued to Maine. And after the accident the group had continued to Mt. Washington, N.H., to "keep a schedule," Mr. Kurman said.

PRESEASON VISIT

When his daughter asked to go to a camp, Mr. Kurman went far beyond looking at brochures. He concluded his research with a preseason visit to a camp in Vermont, where he inspected the site and talked to people in the area. He found a conscientious camp director and a qualified staff, and his daughter spent three happy summers at the camp.

Not everyone believes that federal regulation is the answer. J. W. "Tex" Robertson is "news editor" and past president of the Camping Association for Mutual Progress (CAMP), formed to oppose federal intervention in the camping scene. Mr. Robertson believes that a federal camp-safety law would be "just another notch of bureaucracy."

"We think our state government is responsible and can take care of it," he insists. Texas recently passed a camp safety law.

Mr. Kurman disagrees: "I don't think parents should have to know what the laws are in the state of Texas to send their children there."

Mr. Kurman points to the case of his late son—a Connecticut resident killed in Maine on a trip with a New York camp—as evidence that federal control is needed.

The ACA is supporting but not insisting on federal legislation. Both Mr. Schmidt and Mrs. Theresa Phinney, executive secretary of the New England Camping Association (a section of the ACA), predict that even if federal legislation is not passed, all states soon will have adequate laws because of intense public pressure.

To help parents to know what to look for, a booklet called "Standards for Camps" can be obtained for 25 cents from the American Camping Association, Bradford Woods, Martinsville, IN 46151.

MALIGN NEGLECT

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. YOUNG of Georgia. Mr. Speaker, because our system of rights and freedoms is based on our Constitution, our democracy is said to be a nation of men governed by law—law for all, not just a few. It is access to that body of law and its protections which will make our forefathers' dreams of freedom a reality.

Through the many public-spirited private legal aid programs which have developed across the country, the legal profession has made a permanent and effective contribution to the full fruition of those dreams of democracy. Those private programs and attorneys have been the model for publicly supported legal aid and legal services programs. From private aid to publicly supported programs, each step has been an important move toward greater constitutional democracy.

The legal aid program in Georgia is more than 20 years old and over the years has involved and continues to involve leading members of the Georgia bar as well as younger attorneys and law students. Their concern about the status of federally supported legal services programs has been more than manifest in their voluminous correspondence with my congressional office, both here and in Atlanta.

We need to let these attorneys know that their efforts over more than a quarter of a century to bring our judicial system's protections to the poor as well as the rich will not be crippled by our defeat of H.R. 7824.

But my concern about passing this legislation is not simply a question of the desires of my own constituents. I am deeply concerned about the fate of a program that is vital to the quality of justice in North Carolina—the legal services program in Forsyth County. This program is not in my district but has been an outstanding one, and its future is now uncertain, as is the future of all such programs across the Nation. Forsyth County's legal services program has helped some 3,000 people a year to attain adequate legal representation. The office has been professionally and capably run, always with the highest ideals motivating the behavior of the attorneys. The article that follows appeared in the Winston-Salem Journal on February 26 of this year.

MALIGN NEGLECT

The White House has sent a panzer division to settle the war on poverty, and so rapidly are its field forces striking this week that the casualties include both foes and friends of the Nixon administration.

But it may not be just the blitzkrieg of the Office of Economic Opportunity that is bringing the friendly casualties. It may be simply a deliberate vagueness in the general's orders, designed to ensure that no one will be left to tell the tale.

We know that the President plans to end many of the programs of OEO, and such as he believes worth saving will be delivered as captives to other departments.

We do not know what the President plans to do with the program of legal services for the poor. Although the White House is on record as favoring its continuation, this week the field marshals—without any White House protest—are laying siege to the legal services program.

Last year Congress and the President agreed that legal services was a good program and worth continuation. But a bill to establish it as a separate office failed because the Senate wanted an independent, non-political board of directors while the White House sought a board that was directly responsible to the president.

In the new budget this year the President asked for money to continue legal services, but he has made no proposal on how it is to be continued after OEO falls on June 30. Meanwhile the legal services director has been fired, and the program is being run by men on record as hostile to the concept of legal aid for the poor and indigent. Local legal aid programs are under a 30-day funding restraint, which is a bureaucratic form of strangulation. In one state half the local programs have collapsed. and in other states the programs are in jeopardy.

Our own program in Forsyth County cannot make plans beyond the next few months. If the status of the legal services program is not resolved soon, it will have to stop taking on cases that may be carried in the courts until April or May. And it is unable to plan for alternative funding for the aid program it runs under a Model Cities grant.

Despite a limited budget, the local legal aid program helps some 3,000 people a year, and the worth of the services it provides is beyond dispute.

But unless the President issues clear and authoritative orders to the men he sent to demolish OEO, the legal services program will fall. That, as we understood it, was not the intent or spirit of the New Federalism.

I strongly support the passage of H.R. 7824 creating a National Legal Services Corporation free from political interference. I believe that it is through such an organization that we can best serve the pressing legal needs of the poor people of this nation.

LITHUANIAN FREEDOM

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. HOWARD. Mr. Speaker, I think it is highly appropriate that the Congress spend a moment considering the plight of those citizens of the Baltic States. We, the American people, must support these patriots until the reins of their oppression are overthrown and they, too, share in the blessings of free government.

Today, the prospects of world peace are near. However, claims of world peace will only be a myth unless all people have the right of self-determination.

The Members of the 89th Congress realized this and adopted House Concurrent Resolution 416 which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations and other international forums. I share the hopes of the Lithuanian people that our current negotiations with Russia can help bring the freedom of these brave people, who have been courageously struggling for the past 33 years. Their bravery is a firm foundation on which eventual freedom rests.

BALTIC STATES FREEDOM DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. CARNEY of Ohio. Mr. Speaker, in June of 1940, the Russians, in blatant disregard of all their previous pledges, invaded Lithuania, Latvia, and Estonia, conducting mass deportation to Siberia and causing the death of thousands of innocent people. The sad fate and memory of these victims are very much alive today as we pay tribute to the gallant, freedom-loving peoples of the Baltic states who lost their independence and became captive to Communist totalitarian tyranny.

When the revolution freed the Russian nations from the shackles of tsarist rule, the Baltic States fulfilled their national dream of self-government and independence. In the brief period before World War II the people of Latvia, Lithuania, and Estonia formed their own democratic governments, rebuilt their wartorn lands, and developed national customs and freedoms. Unfortunately, Russia interrupted this liberty and peace with an invasion and occupation, ending the independent progress of the Balkan States.

Large-scale arrests and imprisonment of leaders and able-bodied men began immediately. Within a few days, centering around June 14, 1941, some 10,000 Estonians, 15,000 Latvians, and 34,000 Lithuanians were deported to the Soviet Far East. Only the Nazi attack brought a temporary halt to the Russian cruelty.

For over a quarter of a century, Soviet troops and secret police have harassed the captive nations, continuing their systematic murder and deportation. It might be assumed that by now the people of the Baltic nations would be ready to accept their fate. Yet they persisted in their attempts to throw off the yoke of communism. The national spirit is kept alive and is exemplified by groups in America who strive to support, encourage, and help the ones they love at home. We must continue to support these fine people in their unceasing effort to make their homeland free again.

Thirty-three years have passed since the tragic invasion. Many do not know that the independent nations of Latvia, Lithuania, and Estonia ever existed. But for the beleaguered men and women, the dreams of liberty still remain. We must hope with them that someday the Baltic states will again resume their rightful place among the free nations of the world.

GATT COMPLAINTS AND COUNTERVAILING DUTIES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. VANIK. Mr. Speaker, on May 7, I requested information from the Secretary of State regarding several issues in the trade reform legislation currently being considered by the House Ways and Means Committee. In a letter of June 12 from Mr. Marshall Wright, the Assistant Secretary for Congressional Relations, the Department provided an answer with some valuable information on various aspects of our trade situation and the need for new legislation.

Because of the importance of this legislation to the entire economy and to every Member of Congress, I would like to enter portions of that letter in the RECORD at this point. Of particular interest is the list of complaints filed with the GATT concerning unfair trade practices. The United States appears to have filed more of these complaints than have been filed against itself. It would seem from this listing that more must be done to strengthen the "policing" authority of GATT—and that the United States should receive more from any new trade negotiations than it concedes. In addition, the Department's answer to my second question concerning countervailing duties is particularly interesting, especially where the Department states:

> We believe that any negotiations on countervailing duties should be linked to the development of workable rules limiting export subsidies and that if a viable solution to the subsidy problem could be found, the countervailing duty issue would be largely resolved.

This is an interesting position in light of several of the GATT complaints filed against the United States. For example, the European Community has filed a complaint about our new DISC program, while another country has filed complaints about our export subsidy on unmanufactured tobacco. It would be my hope that in light of the Department's statement on export subsidies that the Congress will soon be able to close the new tax loophole known as DISC and eliminate other costly subsidies such as export payments on agricultural goods.

Portions of the letters follow:

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 7, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In the Department of State's testimony before the House Ways and Means Committee on H.R. 6767, the Trade Reform Act of 1973, could the Department please provide for the hearing record a complete listing of

1) all complaints, actions, or requests placed by the United States Government with GATT concerning unfair and protested foreign trade practices, and

2) all complaints, actions, or requests placed by other Governments (by name of government) with GATT concerning unfair and protested trade practices on the part of the United States government.

In addition, with respect to Section 303(a) (2) of H.R. 6767, could you please provide further details on the meanings of the explanatory note accompanying the bill. The relevant explanation reads:

This injury requirement (referred to in 303(a)(2) will apply only so long as such a determination is required by the international obligations of the United States, i.e., under the GATT. A principal reason why this requirement is being introduced is that the GATT requires an injury determination generally in countervailing duty cases but the United States prior countervailing duty law was in existence at the time GATT was created and the absence of an injury requirement falls under the "grandfather clause" of the Protocol of Provisional Application. The question of injury requirements in United States and other countervailing duty statutes is currently under consideration in the GATT. The purpose of this statutory provision is to comply with the technical requirements of the GATT without prejudicing the positions that the United States may finally take on this question.

What is the United States Government's position on this issue?

DEPARTMENT OF STATE,
Washington, D.C., June 12, 1973.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: The Secretary has asked that I reply to your letter of May 7 containing questions for the hearing record on H.R. 6767, the Trade Reform Act of 1973. Our responses to your questions are presented below in the order in which the questions appeared in your letter.

1. With respect to your questions concerning complaints of unfair trade practices filed with the GATT, the resolution of disputes between contracting parties is provided for under Article 22 and Article 23. Article 22 allows for consultation between contracting parties and Article 23 sets up procedures, including the withdrawal of equivalent concessions, for cases in which concessions have been impaired or nullified.

Enclosed is a list of U.S. actions and requests under Article 22 and 23 and a list of other contracting parties' requests of the U.S.

In addition to the procedures of these two GATT Articles, the U.S. and other contracting parties notified the GATT in 1970 of practices that each party believed constituted non-tariff barriers to trade. Over 100 notifications constituting thirty-eight U.S. practices were received by the GATT Secretariat; the U.S. submitted more than 300 notifications of foreign practices. These notifications form the GATT non-tariff barrier inventory and are the basic information for the five GATT working parties seeking solutions to these NTBs.

2. Foreign governments have criticized the U.S. countervailing duty statute because it does not contain an injury provision. They regard U.S. practice as an important non-tariff barrier and have suggested that an international countervailing duty code be negotiated which would require the U.S. to require a showing of injury to domestic industry before applying countervailing duties, in conformity with Article VI of the GATT. The Protocol of Provisional Application (grandfather clause) now exempts the U.S. law, which antedates the GATT, from this requirement.

The U.S. position has been that the subject of countervailing duties can only be considered in the context of a solution to the problem of export subsidies, including subsidies on both industrial and agricultural products. Present GATT provisions result in an imbalance of international obligations in that policing actions against subsidies are more strictly constrained than are the subsidies themselves. We believe that any negotiations on countervailing duties should be linked to the development of workable rules limiting export subsidies and that if a viable solution to the subsidy problem could be found, the countervailing duty issue would be largely resolved.

I. COMPLAINTS BY THE UNITED STATES UNDER GATT

Description of complaint	Country	Date	GATT article
Residual import restraints after BOP justification removal.	Italy	1960	22
Quantitative restrictions on tariff concession items.	France	1961	22
Import restrictions on turkeys.	Canada	1961	22
Import restraints on tariff concession items.	France	1962	22
Import restraints on citrus	United Kingdom	1963	22
Quantitative restrictions on food products.	Austria	1963	22
Additional duty on potatoes	Canada	1963	23
Tariff treatment	Japan	1964	22
Import restrictions on food products.	West Germany	1964	22
Quantitative restraints on food products.	Norway	1966	22
Import restrictions on grains	Denmark	1970	23:2
Quota restrictions no longer justified for balance of payments.	Japan	1971	23
Margins of preferences	Jamaica	1971	23
EC preferences granted to Netherlands Antilles.	Netherlands	1972	22
Compensatory taxes exceeding bound rates.	European Community.	1972	23:2
Quantitative restrictions	France	1972	23
Dollar area quotas	United Kingdom	1972	23
Rebate of certain taxes on exports.	Italy	1972	23
Tax practices on exports	Belgium-Netherlands-France.	1972-1973	23

II. COMPLAINTS AGAINST THE UNITED STATES UNDER THE GATT

Description of complaint	Country	Date	GATT article
Restrictions on dairy imports	Netherlands	1952	23
Quantitative restrictions	Uruguay	1961	22
Export subsidy on unmanufactured tobacco.	Malawi	1970	23
DISC	European Community.	1972	23

PRESIDENT SHOULD BE CAUTIOUS IN NEGOTIATIONS WITH BREZHNEV

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. EVINS of Tennessee. Mr. Speaker, while we wish the President success in his negotiations with Chairman Leonid Brezhnev this week, certainly a word of caution is in order.

Someone has said that the United States has never lost a war and never won a conference, and the record supports this contention.

The House Foreign Affairs Committee, in a report dated September 27, 1961, cites 45 specific violations of international treaties and agreements and refers to the "grim record of the Soviet Union" in international relations.

As a result of the President's trip to Russia last year, the United States agreed to a $1,100 million grain deal with the Soviet Union that depleted American wheat and grain reserves and which has contributed to inflation in the United States, increased the price of food to American consumers and feed to farmers, and resulted in major dislocations of our rail freight system.

Let us hope that history will not repeat itself in the current negotiations for—on the record—it is difficult to have faith in any agreement made with Russia.

Beware of the Bear, Mr. President.

CONTEST WINNERS COME TO WASHINGTON

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Ms. ABZUG. Mr. Speaker, I rise to congratulate the many fine students in my district who participated in an essay contest which I sponsored on the topic "A Problem in My Neighborhood—How It Should Be Solved." The students wrote many excellent essays on a variety of problems, and came up with imaginative and thoughtful solutions.

Tomorrow the six winners—Charity Comancho, James Chory, David Freiman, Helen Hernandez, Lauren Schaffer and James Williams—will arrive in Washington for 2 days of sightseeing and fun. I want to congratulate these students for their accomplishments, and hope that they have a most enjoyable stay in our Nation's Capital.

[From the New York Times, June 16, 1973]

CRIME, DEATH AND LIFE ON WEST SIDE ARE TOPICS OF CHILDREN'S WINNING ESSAYS

(By Fred Ferretti)

"There is no safe place in the world but in our coffins."

"When I say crime on the streets I mean the children who try to take money and toys from other children."

"There are gangs of boys. We can't trust them. No telling what they will do."

These are excerpts from essays by 16 children in schools on Manhattan's West Side. 10 girls and 6 boys. They were finalists in an essay contest sponsored by Representative Bella S. Abzug, Democrat of Manhattan and had been asked to write on "A Problem in My Neighborhood—How It Should Be Solved."

Some of them wrote on crime; some on problems of the aging, as seen through their young eyes; some on pollution, ground and air, and some on subway graffiti.

Others, like Helen Hernandez, wrote of gangs and safety, and coffins. She was one of the six winners.

"That was the hardest thing I had to do," said Ms. Abzug, after announcing the six winners and giving consolation prizes of transistor radios and books about the District of Columbia to the 10 losers, many of whom were near tears on the school stage. "I'm going to find a way to get them all to Washington."

The other five winners—Charity Comancho of Public School 51, James Chory of P.S. 187, David Freiman of P.S. 173, Lauren Schaffer of P.S. 81 and James Williams of P.S. 11—will fly to Washington for two days as guests of Ms. Abzug. Their fare and expenses were donated by the West Side Chamber of Commerce.

Prior to yesterday morning's readoff, all of the schools in Ms. Abzug's 20th Congressional District had been asked to have their fifth- and sixth-graders write about the problems of their neighborhoods. The finalists were selected, and yesterday morning they met on the stage of P.S. 75 at 95th Street and West End Avenue.

The girls wore what were obviously their best dresses, and the boys wore jackets that seemed uncomfortable on them.

They set quietly, fidgeting only slightly, occasionally nudging one another, hardly looking like participants in what P.S. 75's principal, Louis Mercado, called "a program that we hope will lead to the development of the community activists of the future."

As they read they were judged by a panel of adults—Eleanor Friedman of the English Department of Julia Richman High School; Robert Jefferson, admissions liaison head of the City University; Daniel Brennan, assistant to Jacqueline Wexler, president of Hunter College, and Ilene Barg, a producer for ABC News.

Some of the youngsters read haltingly, others dramatized their words, and others spoke little above a whisper.

James Williams stole the show. His topic was pollution and what everyone should be doing about it. As he came to that portion of his essay where he had written, "You are a Congresswoman . . ." he turned to Ms. Abzug and pointed and asked, "Why don't you do something?" Ms. Abzug was taken aback for an instant, then she applauded vigorously.

MOUNT WASHINGTON RESIDENT LAUDS NEWS COVERAGE OF WATERGATE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, for the past several years many people have been openly critical of the news media in this country. I think that recent events have proven that while members of the press, like all of us, are sometimes guilty of mistakes, most of the time they perform a great service to society. One of my constituents, Mr. Charles Dugan, has made this point very well in a letter to the editor of the Pittsburgh Press. I insert his letter in the RECORD for my colleagues' consideration.

The letter follows:

NEWSPAPERS LAUDED IN WATERGATE ISSUE

Isn't it high time our nation's newspapers were given a well-deserved pat on the back for their coverage and disclosure of the Watergate mess?

The late Will Rogers once said that all he knew was what he read in the papers. I'm sure he was speaking for most, if not all, of us.

In recent times the Fourth Estate has been under fire and subjected to more and more criticism.

It's good to see it has come through it all—perhaps a bit bloody, but unbowed.

CHARLES DUGAN, *Mount Washington.*

WASTEFUL EXPENDITURES

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. SKUBITZ. Mr. Speaker, since I have consistently viewed with some skepticism this Nation's vast expenditures for deep space exploration and moon shots, I read with warm interest a piece on the Op-Ed page of the June 5 issue of the New York Times. I commend it to my colleagues and include it in the RECORD.

The writer is a former astronaut, Brian O'Leary, now an assistant professor of astronomy and science policy assessment at Hampshire College. We must assume that he speaks and writes with some authority. Mr. O'Leary warns us that we are embarking on a merry-go-round that will involve expenditures of up to $15 billion in this decade of the seventies and lead to a commitment of more than $35 billion in the nineteen-eighties.

At best, writes Mr. O'Leary, we have become involved in the squandering of public funds for projects and programs that are of questionable value and importance.

As one who has consistently opposed this type of spending, as well as some others, I am naturally impressed with scientific testimony that bolsters my position. From the day that one of our leaders vowed that we must and will beat the Russians to the moon, we have enmeshed ourselves in an ever widening and deepening spiral of enormous spending.

And spending aside, the program has, in Mr. O'Leary's view, absorbed a large share of our best scientific and technical talent that might better have been devoted to such critical current problems as research on energy sources, mass transportation, pollution control, and even research on a healthy economic growth that might have slowed inflation and halted dollar devaluation.

The article follows:

[From the New York Times, June 5, 1973]

PIE IN THE SKY

(By Brian O'Leary)

AMHERST, MASS.—The spectacular problems of the $2.5-billion Skylab mission and the failure of the first three Soviet Salyut space stations may have dealt a death blow to manned space flight. The enormous expense, the high risk, the much-ballyhooed and grossly exaggerated claims about the pertinence of manned earth orbital flights to the quality of life on earth are creating an ever-widening credibility gap between the public interest and a vested interest inherited from the space race of the nineteen-sixties.

The result is the squandering of public funds. The Nixon Administration has talked economy in setting its ceiling to Federal spending this year and has backed it by impounding funds and vetoing social programs. But how about lavish spending on defense and space? The war dividend never came about, and we are spending more than ever on efforts which capture the money but not the imagination of Americans.

The $2.5 billion for space is far more significant than it might first appear because it uses a large share of our best technological talent. Pollution control, research on energy sources and mass transportation, in addition to research and development for economic growth, remain begging for this kind of resource.

Japan and the NATO countries, which spend a much higher percentage on technology-intensive goods, are showing industrial productivity growths of as much as five times higher than the United States. One would think that even the White House would advocate limiting Federal spending on unprofitable and unnecessary defense and space ventures in order to meet the spending ceiling and to focus on research and development toward alleviating the balance of payments imbalance.

Not so. As a prime example, the Administration, NASA and most of Congress have approved the space shuttle which is the largest nondefense technological program now under way in the United States, and is as helpful as a white elephant to the balance of payments, to national security, to energy and environmental problems, to exploratory enthusiasm, or to any other goal near and dear to the American people. Designed to go into earth orbit and land like an airplane, the space shuttle replaces Skylab in NASA's succession of manned space extravaganzas. If approved, it will cost us between $5 and $15 billion to develop during the nineteen-seventies and will commit us to a more than $35-billion space program in the nineteen-eighties. The public funds requested for the supersonic transport and Skylab were minuscule by comparison.

Congressional hearings show that any economy claimed for the space shuttle is, at best, marginal. If we want a large space program in earth orbit, if we can design shuttle payloads to be much less expensive than they are now, and if there are no significant cost overruns, then perhaps the space shuttle should be built.

But there is no indication that any of these things is happening; in fact the evidence points to the reverse. Most significantly, the Administration's cuts of the annual NASA budget to about $3 billion, when combined with the rapidly escalating annual expenditures on the space shuttle, imply a nearly threefold decrease in space sciences and space applications funds over the next five years according to figures recently released by NASA. Yet these are the parts of the space program that really count—they support planetary exploration, scientific experiments in earth orbit and on the moon, all weather forecasting and earth resources satellites and some communications satellites. What payloads could we possibly put into the space shuttle if the funds to develop them have essentially disappeared over the next five years? The cancellation or suspension of many promising programs such as the Grand Tour of the outer planets, the High Energy Astronomical Observatory, Venus Pioneer, some communications satellites and advanced propulsion could be just the beginning.

What I am suggesting is the indefinite postponement of the space shuttle program, a reduction in excessive NASA management costs and the establishment of a moderate unmanned space program emphasizing space science and applications. I believe all this can be done with an annual budget of less than $2 billion.

How about changing the Manned Spacecraft Center in Houston into the National Energy Research Center?

LITHUANIA

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, today, June 15, 1973, is a sad day for the people of Lithuania for today we observe the 33d anniversary of the Soviet Union's shameless takeover of the Lithuanian national state.

Mr. Speaker, all during my service in this House I have argued for self determination for all people and I have time and time again raised my voice for the people of the three Baltic nations, Latvia, Lithuania, and Estonia. During the 89th Congress I strongly supported House Concurrent Resolution 416, which urged the President of the United States to continue to press for a full airing of the status of the Baltic States before various international forums.

In the time of so-called détente, let us not forget the cause of self determination, a policy of this nation first uttered by a great Governor of my State and a great President, Woodrow Wilson, more than half a century ago.

Mr. Speaker, on this day it is well to keep the cause of the people of Lithuania before us lest we forget. Lest we forget.

FREEDOM FOR LITHUANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. DONOHUE. Mr. Speaker, on June 15, 1940, the nation of Lithuania was forcibly annexed into the U.S.S.R. Today, I wish to join in paying tribute to this struggling nation and her people, who were denied the right of self-determination 33 years ago.

This Baltic State declared its independence on February 16, 1918, only to have its newly gained freedom destroyed by Soviet occupation during World War II. Under the aegis of communism, Lithuania has been denied the blessings of religious and political freedom. Thus freedom-loving people have been denied the right of national self-determination. Though this nation is tiny, the strength and the determination of its people are great.

Soviet oppressors have found that the spirit of freedom does not perish easily. The post-World War II history of Lithuania bears grim testimony to this. In the years following the war, native Lithuanians took to the hills to fight the Soviet occupation army, at a cost of over 50,000 Lithuanian lives.

The courage and sacrifice of these determined people was brought home with new force last year by the mass demonstrations of protest against Soviet occupation, culminated by the self-immolation of three Lithuanian youths. These actions demonstrate beyond the ability of words that the Lithuanian people have not acquiesced to annexation, but rather still strive for independence and freedom.

Mr. Speaker, thousands of Lithuanians must now live under Soviet rule. The hopes and prayers of free people throughout the world are with the Lithuanians who want to return to the freedom that they once enjoyed. Therefore, let us take the time on this sad anniversary to recognize that this valiant struggle is still going on, to remember our obligation to those who quest for, and are willing to sacrifice to attain, freedom, and to acknowledge the efforts to gain national self-determination by Lithuanians the world over, with the fervent hope that they will be successful.

Certainly, the time has come for everyone to demand that the principle of self-determination be respected and that the nation of Lithuania be free to choose its own form of government. We should have a single standard for freedom. Its denial, in whole or in part, anywhere in the world, is intolerable.

ALLOUEZ, WIS., CENTENNIAL

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. FROEHLICH. Mr. Speaker, it is a pleasure for me to join with the 15,000 residents of Allouez, Wis., in celebrating the 100th anniversary of their town.

Alllouez is an unincorporated community in northeastern Wisconsin lying near Green Bay between the Fox and East Rivers.

In 1873, the people of Allouez separated from the township of Bellevue to form their own town. However, the actual history of the area now comprising Allouez goes back much further than the 100 years we are celebrating. I am submitting for inclusion in the RECORD, a short history of Allouez, reprinted from the Green Bay Press-Gazette.

Today, Allouez is a prosperous community and her residents are a vital force in the Green Bay metropolitan area. While her larger neighbor has grown considerably over the past years, Allouez has been able to preserve her own uniqueness and the many benefits of a small, friendly community.

I am sure that on this 100th anniversary, the citizens of Allouez are looking forward with confidence to another century of progress and prosperity. As their own centennial slogan says, "We've Only Just Begun."

A short history of Allouez follows:

[From the Green Bay (Wis.) Press-Gazette]

ALLOUEZ LOOKS BACK TO ITS BEGINNINGS

(Much of the material on Allouez's history has been excerpted from copy prepared for the centennial book. Material was provided by Robert Rahr Flatley, Dorothy Straubel Wittig and Mrs. Rosemary Reinhart.)

It could have ended up Menomineeville—or even Shantytown.

But it has been Allouez for better than a century, and the 15,000 people who live on the east bank of the Fox, between De Pere and Green Bay and the Devil River, or the Manitou, will celebrate their centennial with appropriate ceremony starting June 17.

The town's namesake was a Jesuit missionary—Fr. Claude Allouez—who was one of the first explorers and convertmakers into the Wisconsin wilderness.

Father Allouez is said to have baptized more than 10,000 Indians and preached to more than 100,000 in 24 years as a missionary. He got to the New World in 1658 and in 1665 came to what is now Wisconsin.

He occupied a mission on the Lake Superior shoreline near Ashland for four years. In 1669 Father Jacques Marquette replaced him and Allouez went to Sault Ste. Marie. Early in November of that year he headed for La Baye—the Green Bay area.

It took the group until December to reach the mouth of the Oconto River, where Allouez decided to winter, establishing a temporary mission.

He tried again to reach La Baye in February, crossing the bay on the ice, but got only as far as Point Sauble. But in April of 1670 he moved to the mouth of the Fox, then upstream into the Wolf River country. He went back to the Sault, then came back in September with Father Claude Dablon. These two explored the Lake Winnebago region, then Dablon returned to the Sault and was replaced at La Baye by Father Louis Andre.

In 1671 the two moved their location from Red Banks to a permanent site on the east bank of the Fox below the rapids on the foot of what is now George Street in De Pere.

They built a hut and chapel which burned down in 1672, but was rebuilt and became known as Les Rapids des Peres—the rapids of the fathers. That name became shortened to De Pere. Father Allouez tried to make the river the River of St. Francis, but it became known as the Fox.

Father Allouez stayed until 1676 and was at De Pere when Marquette returned, a sick man, that same year. Marquette died and Allouez was ordered into Illinois to replace him.

He returned to Wisconsin only once, serving in Illinois and Michigan and died in 1689 near Niles.

His mission and the settlement it spawned branched out along the river for a century or more and in 1816 an American military expedition to the mouth of the Fox found cabins and trading posts extending from the juncture of the East and Fox all the way to the rapids.

The settlement area was known as La Baye, and was peopled by an amalgam of French and Indians. It was Indian territory across the Fox, with a Menominee Village near Walnut Street.

There were the ruins of a fort which had been occupied by both French and English and the Americans took over this site.

One commander, Col. Joseph Lee Smith, tried to establish a post on the ridge where Cotton House now stands, but was ordered back across the river. His move had triggered a brief real estate boom among people who did business with the military.

Some of these folks—saloon keepers and such—put up rude places of business and the area became known as Shantytown.

In 1824 Judge James Doty arrived and picked the place for the site of his court. He changed the name to Menomineeville, but the Shantytown tag stuck.

John Lawe laid out a village plat the same year, and it looked like prosperous days were ahead for Menomineeville. Daniel Whitney lived at first in Shantytown, but acquired land at the junction of the rivers across from the fort. In 1829 he platted the village of Navarino, cleared land, built a dock and a warehouse.

Gradually, settlers abandoned Menomineeville for Navarino. That name came from Navarino bay in Greece, site of a naval battle between the British, French and Russians over a Turkish-Egyptian ensemble.

In 1835 Doty, who had become an agent for John Jacob Astor, platted another village which he named Astor—this one to rival Whitney's. The two did compete briefly, but in 1839 they combined to form the community of Green Bay.

While all of this was going on, Menomineeville faded.

Among the community's pioneers was Robert J. Irwin, who arrived about 1817. His daughter is said to be the first child of American parents born in the area.

Irwin bought a parcel of land near what is now Riverside and Mirimar drives from Joseph Ducharme Sr. Price was a barrel of whiskey and a barrel of flour. The transfer was the first real estate deed recorded in Brown County.

Irwin's store was also the post office, with a Masonic lodge in a room upstairs.

Irwin was named a justice of the peace in 1820 and served with the legislative council of Michigan until 1830. He organized a volunteer company during the Black Hawk war of 1832 and was named Indian agent a year later.

When Henry Baird brought his 14-year-old bride to Shantytown in 1824 he moved into part of a log house which had been the Fort Smith officer's quarters. The John Dousmans occupied the other half of the structure.

Morgan L. Martin also spent time in the area, coming in 1827 at the suggestion of his cousin James Doty. Also in 1827, Rev. Richard Cadle and his sister, Sarah, began an Episcopal mission in Shantytown.

In 1830, George McWilliams and Edwin Hart started to build a mission house which was chartered by the second session of the Wisconsin territorial legislature as Wisconsin University of Green Bay and later called Hobart University. The school lasted until 1831.

In 1831, a Catholic church was built between what is now Riverside Drive and Allouez Cemetery. First pastor was Rev. Samuel Mazzuchelli. Trustees of the St. John the Evangelist parish were Louis Grignon, Jacques Porlier and Hyott Brisque.

In 1833, Father Mazzuchelli brought in two nuns to open a school. They purchased a home from Baird and helped nurse the populace during a cholera epidemic.

The actual Town of Allouez came into being April 7, 1874, after residents of the area petitioned for establishment of a new town.

Thomas McLean was elected first chairman, with Joseph Ducharme and Joseph Thomas supervisors. The treasurer was hired for one per cent of all the taxes he collected. The first clerk was paid $25 a year. Original tax levy was $950—$800 for schools and $150 for general operations.

Roads were a concern then, as now, and in 1893 Allouez set aside $500 to put a foot bridge across the Devil River. Eight years later the bridge was judged worn out and a new steel one had to be built. The town fathers salvaged materials from the bridge and sold them for $20.50, splitting the take equally with the town of Bellevue.

JUNE 15TH: A DAY OF BITTERNESS FOR LITHUANIANS THROUGHOUT THE WORLD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. RANGEL. Mr. Speaker, when blacks in America are not free, we are not free. When Jews in the Soviet Union are oppressed, we too are oppressed. Similiarly, when Lithuanians in Eastern Europe and Russia are persecuted, liberty is diminished throughout the world.

It is in this light that June 15 takes on special meaning. For on June 15, 1940, Lithuania was forcibly annexed into the Soviet Union. Russia's Lithuanian citizens yearn to be free. They are striving, with the aid of Lithuanian Americans, to publicize their plight and educate the free world.

Let us remember the Lithuanian people and their cause, and rededicate ourselves to letting freedom reign in Russia, America and throughout the world.

THE 198TH ANNIVERSARY OF THE BATTLE OF BUNKER HILL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. O'NEILL. Mr. Speaker, today we commemorate the 198th anniversary of the Battle of Bunker Hill. This first major battle of the Revolution was an attempt by about 1,000 colonialists to lay seige to the city of Boston, to drive the British troops out. The colonial force objected to the loss of their almost century old right to a high level of self-government. Their anger was aroused when King George III attempted to levy taxes on their tea—an act on which they had not been given the opportunity to vote. When George III quartered troops in the city of Boston, the people of the surrounding area decided to revolt. They could not see King George's right to rule in their private affairs, especially since they had no voice in the election of the English Parliament.

The battle which we commemorate today actually took place on Breeds Hill overlooking Boston. During the night, the 1,000 American troops fortified the hill. The following day they fought off 2,000 well-trained British regulars for hours. The British received very heavy casualties, but as the Americans began to run out of ammunition, the British finally succeeded in driving them from the hill.

Instead of routing or capturing the American force and ending the American Revolution in its infancy, the British had allowed the colonialists to win a moral victory. Before the battle, they had not considered that a determined force of colonial militia might withstand British regulars for so long and make them pay so heavily. This battle initiated the colonialists determination to fortify every hill and dispute every inch of ground with the British. It proved that the American colonialists would stand up and fight for their rights. It showed their determination to strive for the ideal of freedom.

In this battle, our Nation's first major step toward independence, our ancestors fought for freedom and equality. Today, we certainly have our independence; strength, prestige and glory mark our position in the world. Our country had taken many long strides toward equality and toward the essential rights of freedom of speech and religion, freedom from fear and want. But we still have a long way to go before these freedoms are truly inalienable.

Today, as we remember this battle and the ideals for which our ancestors fought so hard, can we honestly say that we have lived up to the standard they set for us?

Our system of checks and balances has been perilously assaulted.

The executive branch has impounded funds for domestic reform programs established by our elected legislators. Government corruption has become widespread, and an unpopular, distant war continues. All of these seem to be reminiscent of the outrages perpetrated in the time of King George, that led to the Revolution and to the battle that we honor today.

Let the remembrance of this Bunker Hill Day serve to remind us of our responsibility, not only to ourselves, but to the proud revolutionaries who won for us this great land, and to our descendants to whom we should bequeath an even greater land. Only after we have accomplished the objectives of lasting peace and freedom will we have met our obligations to the founders and defenders of our country.

JUSTICE REGARDLESS OF THE ABILITY TO PAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. STOKES. Mr. Speaker, one of the most appalling inequities in our society is the disparity between legal recourse available to the rich and that available to the poor. Yet, like many American inequities, this problem is one which we have the means and the ability to correct at least in part—through the creation of a National Legal Services Corporation. A bill proposing such a corporation will be before us for a vote on Wednesday. I urge passage of this measure. The opportunity to seek legal redress is fundamental to our democracy. A person's wealth should not determine the availability of such opportunity.

I submit the following editorial from the Columbus Dispatch of May 29 which demonstrates why a solution such as a National Corporation should be sought:

DAY IN COURT PRICE SOARING

Many an American is haunted by the lingering fear that when the time comes for his day in court he will be denied it simply because of the economics of it all.

He is not concerned he will be caught in some highly spectacular legal action where costs run into the hundreds of thousands of dollars.

He is concerned by the routine costs of more mundane matters such as a dispute over an installment or with landlords and collection agencies or even such commonplace tiffs as those with a neighbor or a spouse.

For the wealthy, legal fees are no problem. Those in the middle income brackets generally can find financial backing on their credit ratings.

But for the poor this constitutes a monumental problem. While he can turn to legal aid groups and the public defender in criminal cases, he has little recourse in civil lawsuits.

Congress has before it a recommendation from the Nixon Administration which would go far in helping the nation's poor obtain high quality legal assistance in civil matters.

The proposal calls for creation of an independent Legal Services Corporation and would be funded to the tune of $71.5 million during the next fiscal year.

That funding total is an index to what legal services are costing in this country. Minimum attorney charges of $50 an hour are not uncommon. Court costs, too, can be prohibitive.

Without such a program, the poorer American is faced with unacceptable choices. He can remain silent and not defend himself at all or he can violate the maxim that "the man who represents himself in court has a fool for a client."

Worse, he can attempt to settle the dispute with bare knuckles in the street.

Justice would be far better served if difrences are settled rationally within the confines of a courtroom.

THE STATE DEPARTMENT ON RHODESIAN CHROME

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. FRASER. Mr. Speaker, the ground under arguments defending the Rhodesian chrome amendment has been crumbling steadily ever since Congress passed the amendment in 1971. Convincing evidence has shown that the amendment makes no sense from the standpoint of national security and is actually damaging to the American economy.

Now we have a statement in which the Department of State effectively refutes five frequently heard arguments in favor of the amendment.

In a recent letter to our colleague from Michigan (Mr. VANDER JAGT) the Assistant Secretary of State for African Affairs says of the Rhodesian chrome amendment:

> In my four years as Assistant Secretary the exemption of Rhodesian sanctions has been the most serious blow to the credibility of our African policy.

With the evidence against the amendment mounting with the passage of time, its proponents have little left now but an irrelevant contention that we should uphold this violation of international law so as to show the world that the U.S. Congress is a power superior to the United Nations Security Council. Surely Members of Congress do not propose to base our laws on such irrational ground. The United States, like any other country, regularly binds itself to international obligations for its own benefit and for the benefit of the world at large. Surely the Congress does not want to make a practice of going back on the word of two Presidents just to prove that it is tough. It is time for us to recommit ourselves to international social justice, law, and order by again adhering to the U.N. sanctions against Rhodesia that we freely accepted for 4 years.

With the permission of Mr. VANDER JAGT, I include the letter to him from Assistant Secretary of State David D. Newsom in the RECORD at this point:

JUNE 12, 1973.

Hon. GUY VANDER JAGT,
House of Representatives,
Washington, D.C.

DEAR GUY: Following our conversation the other evening at the British Embassy, I felt that some further comments on the Rhodesian chrome issue might be helpful to you. The standard arguments in favor of an exemption from the sanctions for strategic minerals and my comments on them are as follows:

1. *We need the minerals for national defense purposes.* If this argument had validity at any time it would seem to be negated by the fact that we are currently requesting the Congress to release chrome from our stockpile. The other major mineral imported from Rhodesia, nickel, is being reduced to zero in the stockpile. It is also pertinent to point out that of our total chrome imports only 10% goes for direct defense purposes.

2. *Rhodesian sanctions have increased our dependence on the Soviet Union.* We purchased approximately 30% of our metallurgical grade chrome from the Soviet Union before sanctions because Soviet chrome ore is the richest in the world. The exemptions under Rhodesian sanctions did not decrease the dependence on Soviet chrome, the imports of which have even increased. Chrome is also available from South Africa, Turkey and Iran.

3. *The Soviet Union raised the price of chrome because of Rhodesian sanctions.* The price of chrome actually went up because of a general rise in the price of minerals worldwide related only marginally to Rhodesian sanctions. Iran was the first actually to increase its price. We have always paid something of a premium for Soviet ore because it is of the highest grade.

4. *Our exemptions represent only a small portion of Rhodesian trade since others are not obeying the sanctions.* Imports of strategic minerals from Rhodesia in 1972 amounted to approximately $13 million, in 1973 so far more than $8 million, representing nearly 5% of Rhodesia's trade. While the percentage is small, the psychological impact is great and the foreign exchange helps Rhodesia in the area where sanctions have hurt the most. In our relations with the Africans, unfortunately it is the fact that we are legally breaking sanctions which is highlighted. The Africans have been slow to put the spotlight on other sanctions violations although they are now moving to do this more effectively.

5. *Sanctions are not effective.* It is true that sanctions are not totally effective, but they are the one element pushing the Rhodesians to negotiate and to make a settlement. Moderate Africans within Rhodesia urge that sanctions be continued even though they may themselves be hurt by them.

In my four years as Assistant Secretary the exemption on Rhodesian sanctions has been the most serious blow to the credibility of our African policy. While you and I in our travels may not encounter strong expressions on this subject, our Ambassadors in certain key countries emphasize the importance of this issue in the basic attitudes of these countries toward us. The fact that we have in African eyes chosen to go counter to a mandatory Security Council resolution and have for our own purposes weakened sanctions suggests to the Africans that we do not attach importance to the institutions and issue of significance to them. The impact is greatest in countries where we have very specific interests, such as Nigeria and Kenya, and is greatest among the youth who are the coming generation in Africa.

I hope the foregoing will be helpful to you as you contemplate the issue now once more put before the Congress.

Sincerely,
DAVID D. NEWSOM,
Assistant Secretary for African Affairs.

BUSINESS INVESTMENT THE KEYSTONE OF ECONOMIC ABUNDANCE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. PRICE of Texas. Mr. Speaker, it is an unhappy fact that the American economy has fast been losing its ability to compete with other nations in world markets. We hear every day of workers being laid off and factories closed down because of competition from imports. Organized labor has been advocating the building of a high wall of protection around our shores to keep out foreign goods. The dollar has been devalued; that is, cheapened, twice within the past 2 years in an effort to strengthen our weakened international trading position. It now takes over $100 to buy the same ounce of gold which 2 years ago was priced at $35.

Our Nation incurred its first balance-of-trade deficit of this century in 1971, when our imports exceeded our exports by $2.1 billion. In 1972 the trade deficit worsened considerably, totaling $6.4 billion. The sad story is that foreign products now account for 9 out of 10 home radios bought in this country, 1 out of 6 new cars, 7 out of 10 sweaters, 19 of 20 motorcycles, and 9 out of 10 baseball gloves.

America's exports during the decade of the 1960's grew at a slower rate than the exports of our European trading partners and at a considerable slower rate than exports of Canada and especially Japan. During that decade Japanese exports expanded over 16 percent a year ago, a pace more than double the 7-percent growth rate for the United States.

A large part of the reason for our deteriorating trade balance is because in 1970, the average labor cost per American worker was $4.18 an hour; this exceeded the labor cost per West German worker by nearly 2 to 1, the labor cost per French, Italian, and British worker by more than 2 to 1, and the labor cost of the Japanese worker by better than 4 to 1. In that year, $100 could buy only 24 man-hours of labor in our country compared to 105 man-hours in Japan.

Productivity is the key to improvement in our foreign trade balance and the road to a higher standard of living for all Americans. By productivity is meant the rate of output, which usually is measured in terms of output per man-hour. If a worker can produce more per hour this year than last year, his product can now be sold more cheaply and the worker can be paid more. Increases in productivity come about as the result of changes in various factors: Better managerial techniques, more efficient layout of work, improved worker morale, incentive plans such as bonuses and profit sharing, and perhaps most of all, from the use of capital equipment. Machinery has eased man's burden since time immemorial, especially so since the industrial revolution of the 19th Century.

Unfortunately, the United States has been lagging behind other industrial nations in the accumulation of capital. During the years 1961 to 1967 the annual rate of capital investment in these United States—about 17 percent—was lower than that in any of the other major countries. According to the International Economic Report of the President, transmitted to the Congress March 1973, gross private investment in plant and equipment as a share of GNP averaged annually, during the recent 1969–71 period, only 10 percent in the United States compared to 13 percent in Canada, 17 percent in France and also in West Germany, and fully 20 percent in Japan.

Our lagging growth rate in capital investment is reflected in our lagging growth rate in productivity, which, as I have said, is a basic measure of our ability to compete abroad and of our ability to forgo a higher standard of living for ourselves and our children. Below are shown the productivity trends for leading industrial countries, taken from the President's International Economic Report of March 1973:

	Percent increase in productivity[1]	
	Between 1965 and 1972	Between 1971 and 1972
United States	20.0	3.5
United Kingdom	36.6	8.1
Italy	41.5	5.0
West Germany	42.0	3.8
France	53.3	8.2
Japan	130.3	11.7

[1] Percentages are calculated from 1972 figures which are estimates.

At the same time that American capital investment and productivity are lagging, compared to many of the economies with which we must compete in world markets, certain groups in our Nation stoutly oppose congressional efforts to stimulate research and development expenditures, plant and equipment spending, and productivity improvements. For example, organized labor, the same pressure group which now is agitating for a high tariff wall around this country on the ground that our industries are too sick to compete on equal terms with foreign enterprise, bitterly fought against provisions in the Revenue Act of 1971 designed to put some life into our competitive stance—provisions such as the 7 percent tax credit for corporate capital investments and the accelerated depreciation write-off for plant equipment and machinery.

A little noticed but very important part of our wage-price stabilization program has been the establishment of the President's National Commission on Productivity. The Commission is charged with the task of exploring the whole subject of productivity and promoting increases in its growth in every way possible. The Commission's work may have more long-range importance than our current program of wage and price restraints, because the success of our efforts to curb inflation, to compete in world markets, to raise the national standard of living, to achieve full employment, and to attain our environmental and social goals ultimately depends on how well we perform in the productivity area. The advent of "productivity bargaining" in labor-management negotiations is one encouraging sign that organized labor recognizes the key role of productivity. A productivity bargain has been defined as "a settlement whereby employees accept changes in working arrangements which will achieve more economic production in return for higher pay or other specific benefits." In recent years, productivity bargaining has resulted in the elimination of restrictive work rules and other drags on output in such basic industries as steel production, construction, longshoring, and the railroads. This kind of bargaining is a promising new development on the labor-management scene.

Capital investment, in providing the tools and facilities of production, enables workers to produce more and earn more. It takes a lot of money to create and maintain a job for each worker. Suppose businessmen and investors did not supply the tools and equipment; suppose each worker had to supply his own? The American Rolling Mills, in a house organ article, refers to such a situation in an imaginary ad. This ad reads:

> Wanted: experienced open-hearth man who can furnish his own open-hearth furnace; good pay, steady work, furnace must be in good condition.

What steelworker can supply his own open-hearth furnace? What machinist owns his own lathes? What engineer his own locomotive? How much wealth could American workers produce if they had to furnish their own tools and equipment?

We need employers and investors to supply enough equipment for hundreds of thousands of new workers coming into the job market each year, and to replace machines that are worn out and outdated. The way to more jobs and greater abundance is to have more investors. The way to have more investors is to let them try to make profits in a free market. Profits represent the wages, the earnings of those who are willing to take the risks of owning business enterprises. Samuel Gompers, founding father of the old Ameircan Federation of Labor and its president for nearly 40 years, spoke with clear vision and understanding when he said:

> The worst crime against working people is a company that fails to make a profit.

REPEAL OF THE BREAD TAX

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. VANIK. Mr. Speaker, I have today introduced legislation to repeal the 75 cents per bushel processing tax imposed on all wheat processed for domestic consumption. This processing tax, paid by the millers or bakers, is, in effect, a regressive bread tax which is estimated to increase the cost of the average loaf of broad by approximately 2 cents.

The Senate Agriculture Committee, in reporting out the Agriculture and Consumer Protection Act of 1973 included an amendment deleting this tax at the end of this year. By a vote of 77 to 12, the Senate accepted a floor amendment moving the effective date of the repeal of the bread tax to the time of the enactment of the farm bill. It would be my hope that the House Agriculture Committee will accept this amendment and make the repeal of this tax effective as of July 1 of this year.

This tax should be repealed for it places a highly regressive tax on the consumer, the millers, and the large number of small independent bakers who have been caught between rising wheat prices and the Cost of Living Council's controls.

Since January 1, 1972, it is reported that 81 major independent bakery plants have been forced out of business. There are approximately 300 independent wholesale bakeries left in the United States—and they are facing imminent bankruptcy because of the cost squeeze which has developed in the last 2 years. If this tax is not repealed, it is certain that there will be further business collapses—with the result that the industry will become highly monopolistic and the consumer will suffer for decades to come. The repeal of this bread tax will permit the survival of these small, hometown bakeries, reduce the pressures for an upward increase in the price of bread, and probably result in some price reductions.

Mr. Speaker, it is my hope that this legislation will be accepted by the House at the earliest possible date.

THE 33D ANNIVERSARY OF THE SOVIET INVASION OF LITHUANIA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. WYMAN. Mr. Speaker, this month marks the 33d anniversary of the Soviet invasion of Lithuania. This is a day of special sadness; not only for Lithuanians but for all freedom loving people throughout the world. On that day in 1940, that independent nation was forcibly annexed into the Soviet Union.

Lithuania achieved its independence on February 18, 1918, following more than 100 years of Soviet domination. Thereafter, they made remarkable economic and political progress. Their achievements were cut short in 1940 by the German invasion; a short time later the Russians occupied the country. A gallant people, the Lithuanians waged a brave fight for their freedom; faced with mass deportations, many died resisting their oppressors.

Lithuanians are still risking their lives in defiance of the Communist regime. Their courage and determination serve to remind us all that there has been no real acceptance of the Soviet rule there to date.

Mr. Speaker, to remember this day is not a happy task, but it is significant for it symbolizes the spirit of those who have not given up their struggle for a free Lithuania. We all hope that they will one day be successful.

A CONGRESSMAN REFLECTS ON AMNESTY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, our distinguished colleague from New York (Mr. Robison) has in recent weeks sought to place into perspective the issue of amnesty. He merits high praise for that effort.

While loud voices have been clamoring either for an unconditional, blanket amnesty or for no amnesty whatsoever, Mr. Robison has clearly laid out for Congress and the American people both the history of amnesty and the philosophy behind the action to grant amnesty.

I concur with Mr. Robison that it is not yet time to consider any specific legislative amnesty proposal. But I also concur that we should use this time to give thought to what form an amnesty should take if, in fact, one is declared at some future time. Some are firm in their resolve on the subject; few, however, at this time have the proper knowledge or understanding to have a firm position. Thus, it is imperative that we take steps now to consider this question, which could have impact on future generations of Americans.

I am pleased that Mr. Robison has undertaken the responsibility of bringing forth the various ramfications of the amnesty issue. He is demonstrating once again not only his thoughtful and careful analysis, but his commitment to the obligations of a legislator.

An article by Norman C. Miller in the Monday, June 18, Wall Street Journal does an excellent job of presenting the qualities of thoughtfulness and compassion which have been the hallmarks of Mr. Robison's years in the House. All of us could do well to give careful thought to the article and to Mr. Robison's articulate, deep-felt responses to Mr. Miller's questions:

A Congressman Reflects on Amnesty

(By Norman C. Miller)

Washington.—Amnesty. The very word provokes intense emotion. President Nixon, reflecting dominant public opinion, declares there shall be no forgiveness for Vietnam draft dodgers or deserters. In Congress, there is almost no dispute of the President's hard line. The tiny band of Democrats openly urging amnesty are all ultra-liberals, predictable spokesmen for any and all anti-Vietnam and anti-Nixon causes, and they exert little influence on most lawmakers.

It's surprising, then, to find a lonely amnesty advocate on the Republican side who is a pillar of the congressional establishment. Howard Robison is a 15-year GOP veteran almost unknown outside the House but highly respected within it for his thoughtful approach to issues. And lately, the balding 57-year-old Congressman has taken to the House floor for a series of speeches calling for a period of national reconciliation—"a binding up of the nation's wounds"—after a bitterly divisive war.

"Amnesty could be another step in the process of reconciliation—not a daring stroke taken by a trembling government in the face of a truculent minority that threatens our institutions, but a display of magnanimity and governmental self-confidence," he declared in the first of several of his speeches. "Only a strong and self-assured government can afford to forgive; weak regimes cannot afford to give an inch."

It has been Rep. Robison's hope that his speeches would spark the beginning of an amnesty debate among the many lawmakers who share his moderate politics. But that has not occurred so far, unfortunately. Amnesty surely is an issue deserving debate, whichever side one takes.

Quite apart from the merits of Rep. Robison's amnesty argument, it is worth examining the reasons why this Republican Congressman from conservative upstate New York chose to confront this politically charged issue. For Mr. Robison's approach to politics illustrates a style that is too seldom recognized. At a time when the Watergate scandal casts a cloud over all politicians, it is well to remember that there are politicians who deeply care about the issues, who agonize over them, who shun shoot-from-the-hip solutions, who aren't fearful of taking the unpopular side when their conscience demands it. Often, they do not get headlines, yet they can exercise seminal influence.

The scope of Rep. Robison's thinking is indicated by this abridged version of a lengthy tape-recorded interview with him:

Q. Why did you decide to take on the amnesty issue?

A. Well, I was here in the days when the war began and maybe I have some feeling that perhaps I could have done something to head it off. Maybe I'm trying to wash my conscience in part.

The war in Vietnam hurt me, bothered me, worried me—not so much the war itself as much as what it was doing to the country, the young people. And I guess if you want to look to motivation, I want to heal those wounds.

One other thing, the President on a couple of occasions took what I thought was an unnecessarily hardnosed attitude toward the question of amnesty. It didn't seem to me that this is quite the way I would like to see the public viewpoint toward the end of the war expressed.

I think it's important to do all that we can now, not to wipe off the slate, but to at least produce an atmosphere within which differences of opinion and attitudes that were so strong between young people and older people over the whole war episode can be submerged in a new feeling of national unity. I just want the whole thing behind us, for the younger citizens especially.

Q. Why do you think the President has taken a hardnosed position against amnesty?

A. I'm not sure I understand the President when he says he's against amnesty. If he means blanket amnesty, then I'm against it, too. It's impractical, it's unfair, it's inequitable to those who served in the war and, particularly, to those who died in the war or who were wounded in the war.

But I do believe the time is going to come when, if not Mr. Nixon, then another President or the Congress, will have to say: These young men are in Canada or elsewhere and they are looking for some sort of resolution of their lives. We can't leave them there and forget about them or let them come home at their own risk and face criminal proceedings, each and every one. That would clog up the criminal court dockets a little more and it could be two years or so before some would have a trial. We can do that or we can be practical and begin to think about how you set up a review board of some sort, and try to encourage resolution of the problem rather than just resist trying to find an answer to it.

Q. Do you rule out amnesty for deserters?

A. I tend to, yes. My tentative opinion is that there's a difference in motivation. The deserter did go into service, did take an oath of service, and I think the responsibilities that he accepted were different or heavier than those who merely ran away from the possibility of assuming those responsibilities.

Q. Let me cite some of the arguments against amnesty so you could speak specifically to these points. The President, among others, contends that an amnesty would dishonor those who did serve.

A. Well, yes, I think a blanket amnesty possibly would. But on a case-by-case basis where you try to apply an equitable standard for those who served and for those who did not, I don't think that brings dishonor on anybody. And, in fact, probably does the national concepts of justice honor, instead.

Q. What about the argument that an amnesty would encourage disrespect for all laws and even sanction lawbreaking?

A. I don't think the numbers of people we're talking about are all that big. I wish you could give me some good statistics on it. As best we can discover, Pat Buchanan [a White House aide] is about right when he put the number at about 15,000.

I don't think that is such a large number of lawbreakers that the nation is in any peril or ever was in any peril from the existence of such a group. And I think consideration of the numbers of people involved is central to trying to encourage an atmosphere to consider the issue.

If there are four or five hundred thousand people up there in Canada, then amnesty begins to look like capitulation. But if, in fact, there are only 15,000 or somewhere in that neighborhood, it's a much smaller problem and I think there's much less need to be all that hardnosed over its resolution.

I think the Vietnam experience has to be one, in our overall national experience, comparable perhaps only to the anguish and the breaking up of families and the attitudes that occurred during the Civil War years. You remember that President Lincoln granted amnesty after the Civil War, and I have a quote here from Lincoln that I'm going to cite in my next speech. He said, "A government can properly have no motive of revenge, no purpose to punish merely for punishment's sake." Isn't that nice?

Q. I want to ask you about one more specific argument that's made against amnesty, which was made by Vice President Agnew some time ago. He contended that granting an amnesty of any kind would be a tacit admission that the U.S. was wrong in fighting the war and that these people were right.

A. I would feel that Mr. Agnew might be reflecting the attitude I've read about on the part of some of the young people in Canada or elsewhere—that they don't feel that they were wrong, that the country was wrong. And that they don't intend to come home on their knees apologizing to the country; it's the country that will have to apologize to them. Well, if they feel that way they can stay in Canada for all I'm concerned.

I think this a mutual problem between the nation and them. I don't think anybody really owes anybody an apology and the question is rather, "Let's look at how do we get back together again."

Q. You mentioned handling the cases on a case-by-case basis. What is your thinking on the kind of mechanism that should be set up?

A. I haven't really gotten to it. I think that's something we'll try to address in the future weeks. Actually it would be a good point to clarify right here, that I'm not at this point making specific proposals. I think its' far too soon to begin to worry about that part of it because any such proposal would die aborning in this Congress, given the national attitude. You have to lay a foundation first, to try to bring about an objective, mature, reasoned attitude to consideration of the pros and cons.

Q. Do you have any tentative feeling about the idea of requiring alternative service of persons granted amnesty?

A. Yes, I think there should be contingent service, which might possibly be waived given the family situation of a young man—for instance, one with a wife and children.

Q. The central theme of your first two speeches, as I read them, was that only a strong government can forgive. How did you happen to choose that theme?

A. Well, I think it's true. We're not capitulating to anybody. Although the parents of a boy who was killed in the war—how do they feel if there is an amnesty of some sort? I can understand their bitterness and unhappiness and continued feelings of injustice. But insofar as the nation is concerned, I think it would be an indication of the strength of the nation if we could heal over this particular wound. And only a strong nation can do that.

Q. What's happened to the four or five other Republican members of Congress who at one point last year expressed interest in pushing amnesty?

A. I think they're biding their time. If they see I can survive the first two or three months, or whatever, in this kind of effort, and nothing horrible happens to me, maybe they'll begin taking a public position of support. I would like to think so, particularly on the Republican side. Given the fact that we've got a Republican administration for the next three years, showing some Republican interest is probably the fastest way of making progress. I'm not sure it's going to be resolved by legislative action. It shouldn't be. The President can do this.

Q. Would you have any guess as to the silent sentiment in Congress for amnesty?

A. I think there's a strong majority against it, but I also think there is a strong undercurrent of minority support for amnesty. I think the majority presently against it is not very objective. I don't think they've thought about it. I think its' an emotional sentiment.

Q. This kind of issue development isn't done by many Congressmen. Do you consider the promotion of issue discussion as a major role of a Congressman?

A. You can get by easily here by just doing your committee work or by just taking care of your district, saying the proper thing and not getting anyone upset or mad at you. The old apocryphal story, "There go the people and I must follow them because I am their leader," that's a very tempting attitude to take, and I guess a lot of us do it. But I don't think that would be a very satisfying role, at least it wouldn't be for me.

Ralph Nader's interviewers said I am a compromiser and a facilitator, and I've never felt either of those characterizations were critical. I think compromise is essential to make our whole system go. And I guess facilitator means someone who helps move things along and helps facilitate the operation of the system. I guess that's precisely what we're doing here.

Q. Do you ever get frustrated that a lot of times it may seem that very few people are paying attention and that it takes so long?

A. Sure I get frustrated. I'm frustrated over my inability to spread myself as far as I would like. I think that's a common complaint around here. But one of the things that I supposedly have as a good quality is patience.

SOLAR ENERGY COLLECTION IN SPACE URGED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker. today we search for means to relieve our energy shortages. Space has become a key element in that search. Recently the United Nations Committee on Peaceful Uses of Outer Space has taken cognizance of the importance of developing solar energy satellite systems. As our energy crisis deepens, it is important that we pay close attention to the opportunities available to us through a convergence of the low-cost space transportation system—the space shuttle—and the opportunity to use orbiting satellites to provide the energy essential to maintaining and improving our standard of living at home and abroad. The article follows:

[From the Los Angeles Times, May 23, 1973]

SOLAR ENERGY COLLECTION IN SPACE URGED

(By Don Shannon)

UNITED NATIONS.—Space, already playing a major role in communications, may soon provide help in the earth's energy crisis, an Italian scientist believes.

Franco Fiorio, a delegate to the scientific and technical subcommitee of the U.N. Committee on Peaceful Uses of Outer Space, is an eager supporter of proposals to collect solar energy in orbiting vehicles and direct the energy in beams of microwaves to points on earth. The microwave technique could even work. Fiorio believes, in beaming energy from power plants in remote areas of the earth to satellites which would redirect it to population centers.

"Energy is the third great potential for space," he said. "We have already seen the development of space communications from the beginning 15 years ago to 60,000 satellite channels for radio and television. We are now at the beginning of transportation in space with the shuttle.

SEES LOWER COST

"It cost $15,000 to put a pound of weight in orbit with the Saturn and Apollo rockets but the shuttle will do the work for $150 a pound and may drop to $100 with refinement."

Energy production in space would not only alleviate the world shortage of fossil fuels but would also reduce pollution, Fiorio explained. Solar energy, whether produced outside the atmosphere or in desert regions of the earth for relay by satellite (cheaper over great distances than power lines), creates no pollution.

"One of the things we're worried about with nuclear energy is the possible buildup of radiation to dangerous levels even with the most careful regulation," the Italian said. "Using microwave relays by satellite, we could build large nuclear plants at isolated places like the North Pole. Instead of a one-megawatt plant every few miles on the California coast we could have a single 1-million megawatt plant at the North Pole."

FAR ABOVE CLOUDS

He said North American Rockwell Corp. has proposed an experimental relay satellite and Arthur D. Little, Inc., a huge solar energy collector which would orbit in space, far above the clouds which sometimes hamper solar plants on earth.

Eventually, with improved transportation, Fiorio envisages orbiting factories for certain processes which consume large amounts of energy on earth. He cited the manufacture of silicone crystals used in microcircuits and lasers, a high cost operation because they must be made in a vacuum and at extremely low temperatures.

"In space, the vacuum and cold are free," he said. "Even more mundane things such as precision ball bearings could be made more easily in space. It's hard to create a perfectly spherical shape here but molten metal automatically forms a perfect sphere in space."

CORRECTS ERRORS

Fiorio is chairman of the subcommittee's working group on remote sensing of the earth, which has been a major interest of the U.N. group. U.S. Delegate Arnold W. Frutkin reported to the subcommittee's current session that nearly 40 countries had taken part in experiments using the Earth Resources Technology Satellite (ERTS) program launched by the United States in 1972. The work has brought correction of gross inaccuracies in maps of the Amazon region, given Norway snow-cover charts to help in water resource management and provided the first accurate land-use maps of the Mekong Delta.

The United Nations lacks funds to promote experiments such as the energy relay satellite, Fiorio acknowledged with regret, but the subcommittee serves as a valuable forum for the promotion of new ideas.

LITHUANIA'S DAY OF SORROW

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. HELSTOSKI. Mr. Speaker, June 15 was the 33d anniversary of the Communist takeover and occupation of Lithuania. This day is a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world.

Before the actual takeover of Lithuania by the Soviets, there was no doubt that Moscow had far-reaching intentions which could endanger the independence of Lithuania. The Lithuanian Prime Minister, A. Merkys, who was in Moscow, sent an urgent message to the President of the Republic of Lithuania, A. Smetona, to send a message to the chairman of the Presidium of the Supreme Soviet of the Soviet Union, assuring the loyalty of the Lithuanians toward the Soviet Union.

The efforts of the Lithuanian Government to satisfy the rulers of the Kremlin were not successful. The government of Moscow was merely pursuing the plan to implement its secret agreements with Nazi Germany regarding Lithuania. The so-called disappearance of Soviet soldiers and other Soviet charges were intended to create a pretext to annex the unfortunate country. The Soviet Government, knowing the charges were unfounded, did not seriously attempt to investigate the matter.

On June 14, 1940, the Lithuanian Minister of Foreign Affairs was given the Soviet ultimatum. The Moscow Government accused the Lithuanian Government of kidnapping and torture of Soviet soldiers in charge of the Soviet military bases in Lithuania and demanded, among other things, that a government be immediately formed in Lithuania capable of assuring proper fulfillment of the treaty of mutual assistance between the Soviet Union and Lithuania. The Soviets also demanded that free entry into Lithuania be immediately assured for units of the Army of the Soviet Union which would be stationed in the most important centers of Lithuania and which would be sufficiently numerous to assure the enforcement of the treaty of mutual assistance between the Soviet Union and Lithuania.

Immediately an emergency meeting was called by the President of the Republic who suggested rejection of the Soviet demands. He urged the organization of military resistance against Soviet aggression. He recommended also that the Government should leave the country and organize abroad for the restoration of the independence of Lithuania. However, the majority of the cabinet were determined to comply with the Soviet demands in order to prevent the destruction of the country. In their opinion, it was impossible in a few hours to organize any substantial resistance against the Red Army. Finally, the President of the Republic agreed to accept the ultimatum and appointed Gen. S. Rastikis as Prime Minister who was considered as being not acceptable to the Soviet Union. The Soviet Union then decided to send V. G. Dekanozov, Deputy Commissar of Foreign Affairs to the Lithuanian capital to take charge of the formation of the new cabinet.

The President felt that under these conditions he could not perform his constitutional duties. He was unwilling to legalize the Soviet distinction of Lithuanian independence. He decided to carry on the struggle for the restoration of Lithuania's independence from abroad and left Lithuania on June 15, 1940. On the same day large military units of the Red army occupied Lithuania and Dekanozov, the Soviet special emissary, arrived at Kaunas. It was his mission to form a new government and to complete the task of incorporating Lithuania into the Soviet Union.

From the very beginning of the Soviet occupation, the Lithuanian people were opposed to Soviet rule. The resistance at first was passive, later developed into revolt. Passive resistance was shown by boycotting elections to the People's Diet, by boycotting parades on such occasions as Soviet holidays of November 7 or May 1, by mass demonstrations of religious and national feelings on All Souls Day—November 2.

Active resistance began with the founding of underground organizations. The resistance movement caused great concern to the state security police. When on June 22, 1941, Nazi Germany attacked the Soviet Union, a spontaneous and general revolt broke out against the Soviet rule throughout the country. On June 23, 1941, the Kaunas radio station was occupied by insurgents and a provisional national government was proclaimed. Units of former Lithuanian army troops, incorporated into the Soviet forces, likewise revolted at Vilna and Varena. It was estimated that 90,000 guerrillas took part in the insurrection.

The plan to enslave Lithuania was prepared in Moscow long before the occupation of the Lithuanian nation by the Soviet troops. A few hours after the mutual assistance pact between Lithuania and the Soviet Union was signed on October 10, 1939, the Deputy Commissar of the Soviet Union, General Serov, issued an order for the arrest and deportation of all anti-Soviet elements from Estonia, Latvia, and Lithuania. Under the cover of the mutual assistance pact, the Soviet Union was able to plant large numbers of NKVD agents and other subversives in Lithuania. These elements jointly with the Lithuania Communist Party prepared the careful execution of General Serov's order.

On July 7, 1940, the director of the security department and the secretary-general of the Lithuanian Communist Party, ordered the arrest of the leaders and active members of all non-Communist parties. As a result, about 2,000 Lithuanians were arrested and imprisoned.

This was only the first step toward a complete takeover of Lithuanian.

In 1944 the Soviets invaded Lithuania for the second time. The return of the Red invaders was followed by a new wave of deportations and arrests.

There were several waves of mass deportations, but the Lithuanian people were hardest hit by deportations carried out in 1948–49 when, in order to break the resistance of Lithuanian farmers against forcible collectivization of their land, about 10 percent of Lithuania's population was driven to Siberia.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the Communist regime. The protests of the Lithuanian people against the denial of the right of national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest of Soviet oppression. This act triggered widespread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuania people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia, and Estonia into the Soviet Union.

The 89th Congress during its second session was explicit in its determination to forestall any Russification and absorption of the Baltic States by the Soviet Union when it unanimously adopted House Concurrent Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations and other international forums.

Mr. Speaker, at this point of my remarks, I would like to insert the text of the legislation which was passed by the House and Senate without a dissenting vote and call upon the President to bring this issue of the liberation of the Baltic States in the United Nations and demand that the Soviets withdraw from Lithuania, Latvia, and Estonia and to give them the freedom to which they are entitled.

The articles follow:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and coöperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly depriced of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

[From the CONGRESSIONAL RECORD, 89th Congress, second session, Oct. 22, 1966]

CONCURRENT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES TO URGE CERTAIN ACTIONS IN BEHALF OF LITHUANIA, ESTONIA, AND LATVIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1573, House Concurrent Resolution 416.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

Mr. KUCHEL. Mr. President, I wish to say that I am delighted that this matter is being taken up. It deserves attention in this session as a mark of our continuing concern for those peoples who have been deprived of their democratic institutions and are unable to speak for themselves.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 416) was agreed to.

EXECUTIVE POSITION

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

DEPARTMENT OF STATE,
Washington, June 1, 1965.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

STATEMENT CONCERNING THE CAPTIVE NATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. CRANE. Mr. Speaker, at a time when there is much discussion of détente, and of an easing of tensions between East and West, it is essential that Americans not be so overcome by the euphoric hope of peace that they overlook the unchanging tyranny which enslaves millions of men and women throughout the world.

While Communist leaders speak of "peaceful coexistence," the fact is that a policy of increased repression is being implemented within the Soviet Union. Recently Michael Parks, the Moscow correspondent of the Baltimore Sun, noted that—

> An intensive 18 month drive by the secret police has virtually ended the Soviet civil rights movement's activities as an organized group. A few of its most prominent members remain free, even active, but most are either in prison, under investigation and awaiting arrest, underground, or simply have withdrawn.

The publications, including the respected Chronicle Of Current Events, that knit the dissidents into their loosely organized democratic movement have been suppressed. None has appeared for more than 7 months. Arrests of members of the civil rights movement, which sought political liberalization in the Soviet Union, now number more than 65 in the last year alone. They have been carried out in Moscow, Leningrad, Odessa, and other major cities. In the past 18 months, more than 260 persons have been arrested on charges of anti-Soviet nationalism in the Ukraine as part of a related crackdown on Ukranian nationalism.

The Nation which today calls itself the U.S.S.R. is in reality a collection of captive nations. Armenia fell to Communist domination in 1920, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, and the Ukraine in the same year. The Far Eastern Republic fell in 1922, the Mongolian People's Republic in 1924, Estonia, Latvia, and Lithuania in 1940. These, it must be remembered, are only the nations which have been forcibly incorporated within the Soviet Union itself.

The Soviet Government has become the largest colonialist and imperialist power in world history. Not only has it forcibly incorporated many nations and millions of people into the U.S.S.R. but has, in addition, dominated and controlled the lives of the people of Albania, Bulgaria, Poland, Rumania, Czechoslovakia, Hungary, East Germany, and the Communist states of Asia.

At this time Americans remember particularly the suffering of the Baltic States. Latvia, Lithuania, and Estonia were overrun by the Soviet Union 33 years ago and during this period have lost more than one-fourth of their population to Soviet terror and occupation.

June is a very sad as well as a glorious month for Balts in all parts of the world. In June 1940 the Soviet Union invaded the Baltic States and took them over by force. One year later, in June 1941, the Soviets started mass deportations and over 150,000 Lithuanians, Latvians, and Estonians were sent to Siberian slave labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in overthrowing the Communist regime of their country and freedom and independence were restored and a free government was reestablished. This government remained in existence for more than 6 weeks but was quickly suppressed by the invading Nazis.

The Baltic States are ancient and peaceful countries. This year marks the 772d anniversary of the formation of the Lithuanian State and its unification by Mindaugas the Great into one kingdom in 1251. Balts throughout the world—as well as all freedom loving peoples—look forward to the time when these States will once again be free and independent.

Men and women throughout the world have shown their view of communism by fleeing from it whenever the opportunity has arisen. The Berlin Wall was constructed, in violation of all international law and allied agreements, because the people of East Germany would not, of their own accord, remain in a Communist state. Since the very beginning of the Soviet occupation, the Baltic States have waged an intensive fight for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

As we remember these brave people who suffer under a ruthless tyranny, we must rededicate ourselves to their eventual freedom and independence and must make it clear that they are not forgotten. Any peace which might be purchased at the expense of the freedom of others would not be worth the paper upon which it was written. It would be unworthy of the American people, who wish for others the same freedom and independence they are determined to preserve for themselves.

VU OFFICIALS LABEL HEALTH BUDGET OF PRESIDENT GIANT STEP BACKWARD

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. FULTON. Mr. Speaker, one of the more shortsighted economies that the present administration is attempting to undertake is that which will cut back on the Nation's health budget by half billion dollars over the next fiscal year.

This will be the effect of Federal spending for health programs if the President's budget proposals are accepted by the Congress.

Just what impact this drastic reduction would have on medical education biomedical research and health care in this country is termed by highly knowledgeable and competent spokesmen at Vanderbilt University Medical Center in Nashville, as "A giant step backward." The views of these individuals, all well known in their field, were outlined recently in an article in the Nashville Banner entitled "VU Officials Label Health Budget of President 'Giant Step Backward.'" Mr. Speaker, I include this article by Frances Meeker in the RECORD at this point, and commend it to the attention of my colleagues:

VU OFFICIALS LABEL HEALTH BUBGET OF PRESIDENT "GIANT STEP BACKWARD"

(By Frances Meeker)

Vanderbilt University medical officials warn that President Nixon's proposed health budget for 1974 would be a "giant step backward" in medical education, biomedical research and health care in this country.

With the President asking for $500 million less in 1974 for medical schools than in his 1973 budget, Vanderbilt School of Medicine, along with other medical schools across the nation, will be forced to cut back, or completely eliminate, many far-reaching program undertaken with federal authority and supported by federal funds.

"The federal cutbacks are severe and serious," said Dr. John E. Chapman, Vanderbilt acting vice chancellor for medical affairs, "and medical education and health care will suffer if this becomes law unless other support can be found."

The proposed federal budget reduction would give the ax to the Mid-South Regional Medical Program, which provides continuing education for physicians and other health care professionals, training programs and pilot programs for health care in the mid-south region and to the Hill Burton program for hospital construction.

PHASE OUTS

It would phase out research training grants and fellowships for young doctors and research support grants that have funded such programs as the neo-natal lung center at Vanderbilt directed by Dr. Mildred Stahlman, and the psychopharmacology center for mental health operated by Vanderbilt at Central State Hospital and directed by Dr. Allan D. Bass, acting dean of the Vanderbilt medical school.

It would mean a cutback in Vanderbilt's current plan to increase its first year medical school enrollment by 10 per cent each three years, which was a federally funded plan to help relieve the doctor shortage, which would be followed by a reduction of faculty members.

"Our immediate problem is the very serious question of how we will be able to maintain programs that have been supported by federal subsidies for over 20 years," said Dr. Chapman, "and then we have the problem of the future—because the future belongs to those who prepare for it—and we are not going to be preparing very many scientists."

Other Vanderbilt officials joining Dr. Chapman in giving their reactions to President Nixon's budget were Dr. Bass, Paul Gazzerro, associate vice chancellor for medical affairs for operations and fiscal planning, and D. Gene Clark, acting director of Vanderbilt Hospital.

While Vanderbilt's planned increased first year enrollment in the medical school will be less than anticipated because of inadequate funding, Vanderbilt medical educators are more concerned perhaps about the phasing out of training grants, and sponsored research for young doctors who want to specialize in medical science, which finds the causes of diseases and ways of curing them.

"These grants have had terrific impact upon medical education and medical science because they have been the source of funds for faculty, equipment, program development and research and for fellowships for bio-medical science," said Dr. Chapman.

He also compared the research programs of medical schools to "knowledge in the bank." He said training of researchers today is important "down the road ten years" when we would have had these scientists, and when we would have had these medical educators."

"Now we won't have them because there is no way to train people in positions that don't exist because of lack of funding," Dr. Chapman said.

SMALL AMOUNT

Dr. Bass pointed out that the tuition, which has stayed constant, and endowments, provide a relatively small amount of support to the medical school. The major source of funds, he said, is sponsored research, which at Vanderbilt amounted to $14.5 million in 1972 as compared to $8 million in 1968.

Medical school tuition at Vanderbilt is $2,700, a year, apart from housing and other living costs.

Vanderbilt already has received notice that nearly $3 million will be cut from the sponsored research grants, and as other grants come up for renewal, their prospects for continuation are bleak. This means stiff competition among the nation's medical schools for the remaining grants.

Dr. Bass said that in addition to the loss of research funds, the educational aspects of the federal cutbacks are of extreme concern because Vanderbilt medical school has played a major role in training doctors, scientists, and medical school professors.

"Research will be reduced," he said, "but we hope in this area, because of the quality of Vanderbilt, we will be highly competitive for what funds are available but the immediate impact will be upon our educational and training programs to a greater extent than on our research programs."

ENTIRE GENERATION

The medical school dean said Vanderbilt has "excellent graduate training" with the major portion federally supported. He said an entire generation of new teachers will be cut off.

"The quality of health care and health education will go down," declared Dr. Bass. "The last few years we thought we were preparing for a better quality but what we are now saying is that we are going to settle for a reduction in quality."

The Vanderbilt officials pointed out that the federally funded medical programs have never been fully funded and are receiving only about 65 per cent of what had been promised by the federal government to enable them to expand enrollment and conduct research.

Gazzaro said if the programs were fully funded, Vanderbilt would be receiving in excess of $750,000 annually, but this year it received $530,000.

"On the other hand, we have had to comply 100 per cent with the government's regulations while the government has given us only 65 per cent of what it promised."

Clark said the hospital would suffer from the loss of training support furnished by the medical school, but the main effect of the proposed budget on the hospital would be the elimination of the Hill-Burton program through the loss of funds in the form of grants for the construction of new facilities.

CHILDREN CENTER

"Our latest facility—just completed—is the Children's Rehabilitation Center which was funded by grants from the Hill-Burton source," said Clark. "With the dying of this program nationwide, that will no longer be a source of funding for construction."

The hospital director said there is a demand in this country for $12.7 billion dollars for facility modernization for hospitals and that the Hill-Burton program had begun to move into this area.

"We would be a very likely candidate for facility modernization if such funds were to become available since we are operating under a hospital bed plan of 1925," said Clark, noting that 44 per cent of the hospital beds in Davidson County are substandard, that is, they do not meet the 1973 standards.

He said the replacement hospital now in the planning stage at Vanderbilt would have to be financed by the sale of bonds and an increase in hospital rates to patients.

Pointing out that the President's proposed budget cut to health is not yet law, Dr. Chapman called on a "concerned public" to go to bat for the medical schools and for the future of its own health care.

"I think that an informed public will inform Congress and Congress will make their public's deep concern over the issue of health care—and I am speaking of health care in the broad sense of health education, health research and the delivery of health care—known to the President," said Dr. Chapman.

"Then I think the executive and the Congress will both see to it that these plans are altered in a way that makes medicine again have a favorable outlook as to resources for quality education and quality care."

TRIBUTE TO BISHOP CHARLES P. GRECO

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. LONG of Louisiana. Mr. Speaker, the bishop of the Catholic Diocese of Alexandria has recently retired, because of his age. I think it fitting and proper that we pause to reflect on the life of this man, the Most Reverend Charles P. Greco.

For the past 55 of his 78 years, Bishop Greco has been a priest. For the past 27 years—since 1946—he has been bishop of the Alexandria Diocese.

It would be impossible to recount the number of lives this man has touched in one way or another during the more than five decades he has served God.

I know of his many and varied accomplishments, and I feel it most appropriate to applaud Bishop Greco for his service to God and to his fellow man.

THE PRICE OF CLEAN AIR

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. KEATING. Mr. Speaker, the Environmental Protection Agency announced 3 days ago "drastic plans" for reduction in automobile transportation in 18 major metropolitan areas, including Washington, D.C.

The EPA announcement is in response to clean air requirements spelled out by Congress in the 1970 Clean Air Act. The requirements for 1975 are those which prompted the decision by EPA, and Acting Administrator Robert W. Fri, said, that—

> We are basically attacking the problem by asking people to change their habits—their long-standing and intimate relation with private automobiles. This is a fundamental change, but the only one which will work.

While details of the EPA plan will vary from city to city, and while not all of these details are presently known, it seems apparent that new plans will call for some of the following:

First, limitations on on-street parking;

Second, new systems of carpooling;

Third, the banning of all automobiles from certain cities during certain times of the day;

Fourth, restrictions on the number of deliveries permitted to downtown retailers during normal working hours; and

Fifth, large surcharges on available offstreet parking.

On one of the evening network news programs last Friday, a correspondent from the Los Angeles area reported that many citizens were wondering if "they would be more miserable with the new EPA regulations than they are now with all the smog."

These events are certain to prompt some serious rethinking on the part of Congress and the entire American populace in regard to just how much clean air we really want and need.

One partial solution to the clean air problem in the District of Columbia was offered in a bill which I put before the Congress on May 10, 1973. This legislation would require that all civilian employees of the Federal Government pay for the privilege of parking, and that all federally controlled parking spaces be allocated on the basis of car pools.

While the immediate impact of this legislation would be felt more dramatically in the District of Columbia, its enactment could provide a model for other cities which are considering actions to reduce the number of automobiles going in and out of their urban area.

When this bill was introduced more than 1 month ago, some persons expressed doubts about the need for adopting such new policies. Yet the recent action by the Environmental Protection Agency may serve to illustrate the need for reasonable and fair measures such as these to help offset the necessity for such drastic steps as those announced by EPA.

If the plans outlined by EPA are fully implemented, this will affect property rights in that restrictions may be placed on the number of automobiles permitted to be owned by each family.

If the new EPA guidelines go into effect, we may witness the creation of a new and unwieldly bureaucracy which will have the task of enforcing regulations and guidelines which, from a practical standpoint, could be completely unenforceable.

All this adds up to a distinct possibility of the average consumer confronted with costs and burdens which were not envisioned 3 years ago when Congress passed the Clean Air Act.

The result of these new policies could be a consumer backlash against the environmental movement which may deal a serious blow to the Nation's commitment toward cleaning up the environment.

This is a time for everyone to carefully consider the full implications of a clean environment. The questions which need to be raised and discussed are difficult ones. It is now apparent, however, that the original goals set forth in the Clean Air Act of 1970 may not be as reasonable as once believed.

The real question before us is not whether the United States will back off its original commitment to clean up the air, but whether the benefits of clean air are necessarily commensurate with the total costs.

I believe we can have it both ways. I believe we can move forward on a positive program aimed at reducing air pollution, and that such a program can be implemented without the staggering costs which will probably be incurred if we maintain our present course.

I believe the Congress and the American people will sustain their present commitment to produce a cleaner environment if it is clear that we are moving in that direction with reasonable attitudes toward what benefits are attainable at certain costs.

I sincerely hope that, in view of the recent announcement by the Environmental Protection Agency, Congress will give its thoughtful attention to the issues raised in my legislation, H.R. 7712. I believe its enactment into law would be a proper and fair step in the direction of reducing air pollution.

AL LOWENSTEIN ON WATERGATE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. BINGHAM. Mr. Speaker, I commend to my colleagues and other readers of the CONGRESSIONAL RECORD the following powerful commentary by a former Member of the House, Al Lowenstein, who served during the past year as chairman of Americans for Democratic Action—the ADA:

THE WATERSHED OF WATERGATE

(By Al Lowenstein)

The unprecedented events and revelations of the past few months should make it unnecessary to stress that we cannot afford the customary "off-year" period of detachment or disengagement. We must try to influence the course of affairs in this extraordinary situation with all the determination and resources we can command.

One cannot be expected *not* to feel a kind of interior satisfaction over the capsizing of a palace guard whose combination of arrogance, dishonesty, and corruption has done such general damage to the nation and to cherished institutions. But we also must shudder at what all this has done to accelerate the decline of the credibility of all politics and of all government, and to erode further the influence of morality and high purpose in shaping the public's attitude toward its governance. Thus, in addition to exposing wrong-doing and bringing the guilty to justice, we must assess the extent of the damage and search out ways to repair, protect, and improve the fabric of the Republic. We must examine what has happened to us as a people during the cumulative tragedy of the last ten years, and we must think out what we want next: How did we get from *there* to *here?* What went wrong? How do we go about setting things right?

Meanwhile, there is the additional task of defending much that is hopeful and good against continuing assault. One might hope that the Administration, with its prestige in tatters, would abandon at least some of the policies which have divided and weakened a country weary of discord and division. But so far there is little to sustain such a hope.

The effort to justify years of horror in Indochina has extended to December-scale bombing in Cambodia, now without a scrap of legal or constitutional sanction.

The national outcry for reordered priorities has been twisted into the excision from the national budget of some of its most necessary and hopeful ingredients—and to achieve this strange end, even stranger procedures are concocted, including the ignoring of laws duly enacted whenever they don't suit the President.

Newsmen who insist on upholding the First Amendment face jail, while special "privileges" are discovered to shield executive bureaucrats who break the law.

The famous "compassion" which Henry Kissinger seeks for liars and crooks in high place is not sufficiently expansive to apply to the unwillingly unemployed, or to Cambodian peasants, or to welfare mothers, or to draft resisters, or to retarded children.

"Strict constructionism" vanishes (and the Constitution reels) under bombings, impoundments, and concealments, while some of the highest law-enforcement agencies and officials in the land rationalize and sometimes organize crimes, burglarize people's files and burn their own, and peddle illegal influence while waving banners touting law, order, and honor.

Meanwhile, vital aspects of the national agenda remain neglected, though not even the current Ambassador to India is not likely to try to describe this neglect as benign.

But this sad, appalling and sinister mess provides opportunities almost as extensive as the dangers. The quality of Presidential leadership is clearer to millions of Americans, and people of all persuasions are disgusted as seldom in the past. It begins to be generally understood that men who lie about buggings can lie about bombings, that those who find "honor" in the Vietnam involvement are the same people who found honor in degrading the FBI, and that some who rode to power exploiting fears of crime have used power, once attained, to commit crimes and to shield criminals. So now it should be easier to focus attention and harness energies to deal effectively with real problems, and to forge new alliances out of shared frustrations. All of those who are determined to end the corruption of the public arena and to prevent the dismantling of much of what has been most promising in America since World War II should now be able to join together.

The end of the fighting in Vietnam should make possible the end of the fighting *about* Vietnam in the Democratic Party and among all Americans alarmed by the attitudes and tactics of the Nixon Administration. To refight the past in the midst of this present is to invite renewed defeat in the future. Wouldn't it be more useful to join together to try to prevent even more privilege from flowing to the too-privileged, and to try to restore constitutional balance and protect the general liberties? And to use the watershed of Watergate to elect a different leadership in 1974 and 1976?

What America needs now is the involvement and unified efforts of concerned and outraged people, not what Burke once called the "lumpish acquiescence" of a citizenry grown cynical about its capacity to end wrong-doing.

One dangerous side-effect of last fall's election is that some otherwise sensible people now seem to believe that the ideas and programs we have worked for are unacceptable to a majority of Americans.

There always will be moments when people of principle find themselves swimming upstream. There always will be sensitivities that unscrupulous, ambitious people can seek to manipulate to their own advantage. But whatever else November 1972 was, it was not a repudiation of the Roosevelt-Kennedy tradition. The desperate maneuverings of demagogues determined to divert attention and misstate choices show how clearly the President and his surrogates understood this central political reality. We must understand it as clearly, and act accordingly: to clarify what the Administration seeks to confuse, to unify whom the Administration seeks to polarize.

One sad fact underscored by the voting is how many Americans are losing faith in the electoral process. Mandates and coattails, trends and inconsistencies, all must be argued against the backdrop of record numbers of citizens refusing to vote for anyone in an election featuring presidential candidates whose goals and programs offered very real choices. We failed to make those choices clear and compelling to most voters. But that is a very different problem than the problem we would face if most voters had understood the choices and were prepared to vote *for* injustice, and against their own best interests in the process.

So now more than ever we must work to inform and arouse opinion, and to do that effectively we must offer honest and intelligent leadership that can articulate and inspire. This will not be easy, in the face of the wealth and power to distort now concentrated in the White House, and in the wake of bullets that destroyed those best equipped to lead the effort. But the fact that these things are not easily done should propel us into working harder to do them, if we understand the stakes and care as we have professed to care about the outcome.

We are not at a high point in the annals of the Republic. But there is reason for hope, and where there is reason for hope, there is incentive for work. Certainly there is no excuse for quitting when there is so much to do—so many wrongs to right, so many wounds to heal.

Robert Kennedy once wrote, "Our future may lie beyond our vision, but it is not beyond our control. It is the shaping impulse of America that neither fate nor nature nor the irresistable tides of history, but the work of our own hands, matched to reason and principle, will determine our destiny. There is pride in that, even arrogance, but there is also experience and truth. In any event, it is the only way we can live."

What we need now is to end the damaging detour that has led to such waste of lives and resources and has so hobbled the national spirit. Given the urgency and virtue of our goals, we would have to work for them even if they seemed impossible. But we should know they are not impossible—and that knowledge should increase our determination to work to achieve them. In any event, that is the only way we can live.

I. F. STONE ON IMPEACHMENT: PART II

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Ms. ABZUG. Mr. Speaker, in today's RECORD, I include the second portion of I. F. Stone's three-part series on impeachment. This part discusses the history of impeachment, with special emphasis on its inclusion in our Constitution by the Constitutional Convention of 1787 and the nature of the phrase "high crimes and misdemeanors."

Part I of this series appeared at page E4133 of the RECORD of June 15, 1973, and I shall include the third and concluding part in tomorrow's edition of the RECORD.

Part II follows:

I. F. STONE ON IMPEACHMENT: PART II

Impeachment is a form of trial by legislature. Its roots go back to a dim past when parliaments in France and England were more courts than legislatures. As the political power of the English Parliament grew, it began to use impeachment against corrupt or tyrannical officers of the Crown. Charges were brought by the Commons and tried before the Lords. The first impeachment is usually given as the Earl of Suffolk's case in 1386. In the revolutionary seventeenth century, impeachment was used by the House of Commons to terrorize the King's ministers and finally to establish parliamentary supremacy. Once this was achieved, the use of impeachment for political purposes died out. The seven years it took the Commons to try Warren Hastings by impeachment (1788–1795) finally demonstrated that it was too cumbersome—and repugnant—a process for ordinary criminal prosecution. The last trial by impeachment in England was in 1806.

The Framers of the Constitution were well aware of the abuses which mark trial by legislature. They outlawed one form altogether: the bill of attainder by which earlier parliaments, with or without hearing evidence, simply found a man guilty by majority vote. This was a device much used by subservient Parliaments under Tudor despotism and again by a revolutionary Commons in the seventeenth century. The outstanding example was the famous Earl of Strafford case where—realizing that the House of Lords was not convinced by the evidence in his impeachment—the Commons dropped that procedure, voted the Earl guilty by bill of attainder, and had him executed. The Puritans, our spiritual ancestors, were often as ferocious as Bolsheviks.

In writing the power of impeachment into the Constitution, the Framers sought to shut the door firmly on such excesses. The Constitution forbids trial by impeachment for ordinary citizens and ordinary crimes. The impeachment procedure was limited to trials of the President, the Vice President, "and all civil officers of the United States." In case of conviction the penalty may not be more than "removal from office and disqualification to hold any office of honor, trust or profit under the United States." Any other punishment for any crime involved can be imposed only after separate trial in a court of law. Impeachment was to be a weapon for policing conduct in office.

The Framers were principally concerned with providing a check on the President. The other officers were added to the impeachment clause in the final days of the Convention as a last-minute afterthought and were accepted without debate. During earlier discussion of the impeachment clause, Georga Mason of Virginia—more responsible than any other statesman for the Bill of Rights—spoke of impeachment as a necessary weapon to deal with "attempts to subvert the Constitution."[1] The words seem to fit the revelations being generated by Watergate. When Senator Ervin, who has seen them, says the domesitc espionage plans in the as yet unpublished Dean documents display "the same mentality employed by the Gestapo in Nazi Germany,"[2] the words Colonel Mason used are not too strong to be applied today.

Much fresh material for an exploration of the impeachment process and its history is provided by Raoul Berger and Michael Les Benedict. Benedict offers a new view of the politics in Andrew Johnson' trials, the only impeachment of a President. Berger's book brings together a fascinating collection of his law review articles on the tantalizing legal problems involved in impeachment. Both books began long before Watergate as recondite studies into long forgotten questions, but they come off the press as urgent and controversial, though neither foresaw, or could have foreseen, how rapidly unexpected developments like the burglary of Watergate would make impeachment a live issue again.

Berger—after a lifetime in government and private practice—has had an extraordinary second career since his retirement. Zest for controversy and love of learning shine through the pages of his law review articles and books. Now, at seventy-two, he is writing a book on executive privilege, a topic of even more immediacy than impeachment, and one on which he has testified brilliantly before several congressional investigations.[3]

He strongly opposes the inflated claims of executive priivlege made in recent years, notably by then Attorney General Rogers under Eisenhower. Berger is also a strong opponent of the expansion in presidential war powers, a subject on which he published a law review article of first importance last year.[4] Those two studies and a major law review article on impeachment[5] which is embodied in his new book seem to have drawn their motivation from opposition to the Indochina war.

Berger's basic position might be described as that of a radical traditionalist, seeking to strip away false, distorted, or mythological precedents by a return to the Constitution, its sources, and its Framers, and fashion new conceptual weapons against current governmental usurpations. In this sense, he is like the late Justice Black and Senator Ervin a fundamenatlist in constitutional law.

In two chapters of this new book on impeachment Berger considers the possibility of using impeachment to deal with the continuing Indochina war. In the first of these he discusses the impeachment of Andrew Johnson. "His impeachment," Berger writes, "poses an issue which may again confront us: is the President impeachable for violating a statute for example, an act that prohibits the use of appropriated funds for maintenance of ground troops in Cambodia if in his judgment it violates his constitutional prerogatives?"

The restriction on ground troops in Cambodia was passed by Congress in 1971, and not openly flouted by the executive. But the question has again become urgent with passage by the Senate, and debate in the House, of the Eagleton amendment which would bar the use of *any* funds for continued bombing over Cambodia.

The parallel with the impeachment a century ago is this: The immediate precipitant of President Andrew Johnson's trial was his attempt to remove Secretary of War Stanton in definance of the newly passed Tenure of Office Act. Johnson claimed he had a right to ignore the act because he considered it an unconstitutional interference with the President's right to remove his cabinet officers as he pleased. Nixon, similarly, has taken the position that a cutoff of war funds while combat of any kind is in progress would be an unconstitutional interference with his powers as Commander-in-Chief. Whether Nixon will dare cling to so extreme a position in a crunch, against the background noises of Watergate, remains to be seen.

Berger, who takes a rather conventional view of Johnsons' impeachment, believes such a constitutional crisis should be resolved by an appeal to the Supreme Court rather than by impeachment, as happened in Johnson's case. But in his concluding chapter Berger advocates impeachment as a last resort when the President takes the country into war without congressional consent.

Berger ends his book with a plea that we not deduce from the failure—and the legal clumsiness—of the Johnson impeachment that impeachment has proven "its unfitness as an instrument of government." But he favors its use only "as a last resort" and "with extreme caution." The Framers, he writes:

"Foresaw that impeachment might be subject to superheated partisanship, that it might threaten presidential independence; but recalling Stuart oppression they chose what seemed the lesser of evils. In our time the impeachment of President Truman, apparently for his conduct of the Korean War, was suggested by its staff to the Republican high command. There have been reiterated demands for the impeachment of President Nixon arising out of dissatisfaction with his program for disengagement from the war in Vietnam. . . . Those who are unwilling to concede that the President, without a congressional declaration of war, may commit us to a full-scale war with all its ghastly consequences may yet turn to impeachment as a curb on such presidential adventures."

Benedict's book on Johnson's impeachment devotes itself to rebutting the conventional view that it was the work of a radical Republican minority. His exhaustive analysis of the events which precipitated impeachment and of key votes during the trial shows that in fact Johnson's unwise and stubborn tactics drove the moderate Republicans into an alliance with the radicals though the former were lukewarm about any thorough Reconstruction of the South.

This is a useful corrective but it does not go far enough. The deeper issues were radical

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Footnotes at end of article.

and class issues which disguised themselves in constitutional form. Basically the war was fought between contending white men; slavery was a moral and burning issue only for a minority of them. Otherwise the North would have imposed a thoroughgoing land reform on the South—as we did on a defeated Japan—and taken other basic steps to make a free landowning yeomanry of the blacks. To feel the agony of those issues for the newly emancipated and for great Republican radicals like Sumner and Stevens one must still go to the pages of DuBois's *Black Reconstruction*, however one feels about his political proposals. These deeper realities do not obtrude into Benedict's useful but sedate pages.

But Benedict does touch in his conclusion on a basic constitutional point, though he writes in a mood of what may be premature defeatism. He tries to rebut those historians who have seen in the Johnson impeachment an attempt to convert the American presidential system into one of parliamentary supremacy:

"But in fact it had not been Congress but the President who had been claiimng broad new powers. It was Andrew Johnson who had appointed provisional governors of vast territories without the advice and consent of the Senate, who had nullified Congressional legislation, who claimed inherent quasi-legislative powers over Reconstruction. *In many ways, Johnson was a very modern President, holding a view of presidential authority that has only recently been established* [Italics added]. Impeachment was Congress's defensive weapon; it proved a dull blade, and the end result is that the only effective recourse against a President who ignores the will of Congress or exceeds his powers is democratic removal at the polls."

But what if the President uses his power to pervert the electoral process itself? What if he casts a pall on free discussion by setting up a secret network to buy and burglarize the opposition? These are new questions raised in the wake of Watergate.

In one respect, which would be crucial in any attempt to impeach Nixon, the events of Watergate, and its aftermath, have dated both books. To understand this change one must begin by observing that until now the central issue in impeachment has revolved around a famous phrase in the Constitution. Article II, which deals with the Presidency, says in its final section 4, that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

What are high crimes and misdemeanors? This question has embroiled every impeachment trial in American history whether of a President or of judges. No phrase in the Constitution is more Delphic. A glance at its history is necessary to understand its ambiguities.

In the framing of the Constitution, Madison thought it "indispensable that some provision should be made for defending the community against the incapacity, negligence or perdify of the Chief Executive." The impeachment clause, as reported out for debate by the Special Committee, provided for the President's removal from office by conviction on impeachment only for "treason or bribery," though an earlier version included "or corruption."[6]

The Framers had already written special clauses on treason into the new Constitution to narrow its meaning and regulate its mode of proof and trial. Their purpose was to avoid the abuse of the treason charge in English law and in English impeachments. All kinds of retrospective and "constructive," i.e., inferential, treasons were used to suppress opposition and restrict fundamental liberties in both common law prosecutions and in impeachments by Parliament.[7]

So in the debate on the impeachment clause, as reported in Madison's notes, Colonel Mason wanted to know why this was limited "to treason and bribery only." He said, "Treason as defined in the Constitution will not reach many great and dangerous offenses." He added, "Attempts to subvert the Constitution may not be treason as above defined." He therefore proposed to add "or maladministration." Madison objected, "So vague a term will be equivalent to a tenure during pleasure of the Senate," which sits as a court to judge a bill of impeachment when brought by the House. So Colonel Mason withdrew "maladministration" and substituted "other high crimes and misdemeanors."

But just what are "high crimes and misdemeanors"? If the Framers were thinking of the Warren Hastings trial which had just begun in London when they wrote the phrase into the Constitution, the confusion was further confounded by that trial. The phrase may have been used in the bill of impeachment[8] as an over-all rubric, but no less an authority than the magisterial English legal historian Holdsworth tells us that the specific charges were against Hastings were "serious breaches of the criminal law" and that in his trial the House of Lords rejected the view that it was not bound by the ordinary rules of evidence,[9] as might well be the case in the trial of a nonindictable offense. This seems to demonstrate that by the time our Constitution was being written, English usage had already turned "high crimes and misdemeanors" into an empty phrase, making impeachable crimes no different from indictable crimes.

Is this what the Framers intended? What are impeachable offenses under this clause in the American Constitution? Unfortunately this question has never been conclusively answered. The standard authority for the House of Representatives, *Hinds' Precedents*, devotes thirty-eight closely printed pages to the question without arriving at any definite answer.[10] "The meaning of the phrase, 'high crimes and *misdemenaors*,'" says Cooley in a footnote to Blackstone, "underwent much discussion in the case of President Johnson, who was tried on articles of impeachment in 1868, but the result of the case was not such that any authoritative rule can be derived from it."[11]

The answer lies somewhere in a murky area bounded by two definitions, one usually put forward by those who desire to impeach, the other by the defenders of those whose impeachment is being sought.

The first definition was bluntly expressed in the aborted effort by the Republicans to impeach Mr. Justice Douglas, the most recent attempt at impeachment. This began April 15, 1970, in a speech in the House by Republican Leader Gerald Ford. "The only honest answer," he said, sounding like a Jacobin, "is that an impeachable offense is whatever a majority of the House of Representatives considers [it] to be at a given moment in history [and] . . . conviction results from whatever offense or offenses two-thirds of the other body [the Senate] considers to be sufficiently serious to require removal of the accused from office."[12] These are constitutional opinions he must regret as the possibility of a Nixon impeachment looms up. They embody exactly the same view taken by those who impeached President Andrew Johnson, but failed in the Senate by one vote of the two thirds required to convict.

The other equally classic definition, almost invariably put forward by the defense, was formulated by former Judge Simon H. Rifkind of New York as counsel for Mr. Justice Douglas. In a memorandum of law submitted to the House committee early in the proceedings, Judge Rifkind argued that only indictable offenses were impeachable, i.e., offenses against federal law. "There is nothing in the Constitution or in the uniform practice under the Constitution," he argued, "to suggest that Federal judges may be impeached for anything short of *criminal* conduct [emphasis in original]. And the prohibition against *ex post facto* laws, the protection of due process, the protection of the First Amendment, and considerations of 'separation of powers' prevent any other standard."[13]

It is ironic—but not really strange—that this argument on behalf of one of the greatest liberal Justices in our history is identical in substance with that put forward in defense of one of the most hated illiberal—Supreme Court Justice Samuel Chase, whose removal by impeachment was sought—also unsuccessfully—for his conduct of trials under the Alien and Sedition Acts and the common law of seditious and criminal libel.

The House committee in its final report on the Douglas impeachment resolution concluded that it did not have to "take a position" on either of these two conflicting concepts of impeachment because "intensive investigation" had "not disclosed credible evidence that would warrant preparation of charges on any acceptable concept of an impeachable offense."[14] The House accepted this verdict, clearing Mr. Justice Douglas.

But earlier in its report the House committee did take a position, and it was somewhere—though just where was not at all clear—between the prosecution's and the defense's interpretation of what constitutes an impeachable offense. It said the precedents showed "that the House of Representatives, particularly in the arguments made by its Managers [i.e., prosecutors] in the Senate trials [of impeachments], favors the conclusion that the phrase 'high crimes and misdemeanors' encompasses activity which is not necessarily criminal in nature."[15] This is precise as description but inconclusive as doctrine.

Berger is critical of Johnson's impeachment and is downright effusive in praise of Johnson's defenders. But when it comes to the theory underlying the impeachment he agrees with Johnson's prosecutors. On the basis of a formidable inquiry into four centuries of English precedents, he concludes that "the test of an impeachable offense in England was not an indictable, common law crime." The Framers, Berger argues, separated impeachment from criminal process when they "withheld from Congress the power to inflict criminal punishment" by impeachment and limited the penalty on conviction by impeachment to removal and disqualification from office. His final argument is that the Constitution specifically provides that an official convicted on impeachment "shall nevertheless be subject to Indictment, Trial, Judgment and Punishment according to Law." Were impeachment a criminal process, this would be a violation of the double jeopardy clause.

There are additional arguments for this in the Federalist Papers. One of the arguments in the Federalist Papers for making the Senate rather than the Supreme Court the final judge of impeachments is that this would prevent an official convicted on impeachment from having to come before the same court if he were later prosecuted "in the ordinary course of law."[16] The same Federalist Paper also shows that the Framers were not thinking of impeachment as a criminal process when it said that the Senate, sitting as the court on impeachment charges, "can never be tied down by such strict rules, either in the delineation of the offense by the prosecutors, or in the construction of it by the judges, as in common cases serve to limit the discretion of the courts in favor of personal security."[17] It is clear that impeachment offenses were not intended to be limited only to indictable crimes.

FOOTNOTES

[1] In Madison's "Notes" in *Documents Illustrative of the Formation of the Union* (Government Printing Office, 1927), p. 691.

[2] *Washington Post*, June 1, p. 1, in an inter-

view the Senator gave in Winston-Salem, North Carolina.

[3] His two-part study, "Executive Privilege v. Congressional Inquiry," in the *UCLA Law Review* in 1965 (referred to above), is already indispensable for serious consideration of the problem.

[4] "War Making by the President" in *The University of Pennsylvania Law Review,* November, 1972.

[5] "Impeachment for 'High Crimes and Misdemeanors,'" *Southern California Law Review,* XLIV (1971), already cited in Benedict's book on Johnson.

[6] *The Making of the Constitution,* by Charles Warren (Barnes & Noble, 1967), pp. 660–661.

[7] Indeed Hamilton in the Federalist Papers (No. LXXIV), answering the objection that the new Constitution as first presented contained no Bill of Rights, pointed to the treason clause as evidence of the Framers' concern for civil liberty. And Madison in No. XLIII explained that the purpose of the clause was to outlaw those "new-fangled and artificial treasons . . . by which violent factions, the natural offspring of free government, have usually wreaked their alternate malignity on each other."

It is again timely to recall that the Framers, in dealing with treason, the greatest danger to national security, were concerned with protecting the individual from the abuse of this charge by the state, and therefore made its prosecution more difficult than that of ordinary crimes. They did not provide that, where national security was involved, normal constitutional and legal safeguards might be suspended. The Constitution does not, in this as in many other respects, embody the jurisprudence of Richard Nixon or of the late Joseph McCarthy.

[8] *The Encyclopaedia Britannica* (14th ed.) in its article on Hastings says he was tried for "high crimes and misdemeanors."

[9] Holdsworth's *History of English Law* (London, 7th ed., 1956), vol. 1, p. 384.

[10] See Sections 2008 to 2023, *Precedents of the House of Representatives,* Asher C. Hinds, ed. (Government Printing Office, 1907), vol. 3, pp. 321–359.

[11] Quoted in the *American and English Encyclopaedia of Law* (New York and London, 1900), vol. 8, p. 249, citing 4 Cooley's Blackstone 5, note.

[12] Associate Justice William O. Douglas, Final Report by the Special Subcommittee on H. Res. 920 of the Committee on the Judiciary House of Representatives, 91st Congress, 2nd Session, September 17, 1970, p. 36.

[13] Legal Materials on Impeachment, Special Subcommittee on H. Res. 920 of the Committee of the Judiciary, as above, August 11, 1970, p. 24.

[14] Final Report cited in footnote 30, p. 349.

[15] Ibid., p. 37.

[16] No. LXV at page 335, Everyman's Library.

[17] Ibid., p. 334.

NATIONAL GOSPEL MUSIC WEEK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. BAKER. Mr. Speaker, along with several colleagues, I am today reintroducing legislation providing for the designation of the first week of October of each year as "National Gospel Music Week."

Gospel music is an integral part of our American heritage. As Mahalia Jackson has pointed out:

> Blues are the songs of despair, gospel songs are the songs of hope. When you sing gospel, you have the feeling that there is a cure for what's wrong.

Gospel music, thus, offers the people something to believe in—a reason for forging ahead instead of dropping out.

This uniquely American music speaks to the common experiences shared by all of us—happiness, grief, and the goodness of God and man. The composers, authors, publishers, and performers of gospel music have dedicated their lives to the glory of God through their various talents. It is fitting that we set aside some time each year to recognize them for their faith and their contributions to our American life.

WBBM EDITORIAL BACKS METRIC CONVERSION PROGRAM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. McCLORY. Mr. Speaker, it was good to receive support for a measure designed to convert our Nation to the metric system of weights and measures in an editorial on WBBM radio, Chicago.

According to the report which I have received, the editorial was broadcast during 10 of its regular newscasts on June 4, 1973.

The editorial should encourage the Congress to take action on this measure in which a number of my colleagues have joined with me in proposing a present congressional commitment and a 10-year period for substantial conversion to the metric system (H.R. 724).

The WBBM editorial follows:

THE METRIC SYSTEM

> Children, teen-agers, adults and even teachers who have had a difficult time with the "new math" may be in for a much bigger challenge if Congressman McClory has his way! The gentleman from the Thirteenth District is trying to get legislation through the House which would convert the United States to the metric system during a decade of transition.
>
> That would mean an end to such things as inches and feet, pounds and tons—and a beginning of such things as grams and kilograms, meters and kilometers.
>
> Certainly that language is unfamiliar to many Americans—but it is hardly new to camera buffs, pharmaceutical employees or experienced businessmen who have always bought or sold on the world market with the metric system. And since we are today more than ever involved in international trade, it makes no sense for us to retain the old British Imperial System of weights and measures—a system which even the British have given up. Indeed, the only countries who have not modernized their system are Burma, Ghana, Jamaica, Tonga and the United States.
>
> Congressman McClory proposes that the public be educated over the next ten years to the metric system. That is, admittedly, no mean task; but if the government and schools cooperate and communicate, we can be optimistic about its feasibility.
>
> In fact, we must be for our present system has to go. It is antiquated and inadequate. Congressman McClory has noted that "conversion to the metric system would bring our great nation into step with every other nation of the world". In this case, we agree that it would be foolish to march to the beat of a different drum.

RAYMOND H. HERZOG

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. FRENZEL. Mr. Speaker, Mr. Raymond H. Herzog, president of 3M Co., with headquarters in St. Paul, Minn., recently made available to the Los Angeles Times some special remarks about multinational firms. These remarks stressed the fact that despite a good deal of criticism about multinationals, there is plenty of evidence to show that they are a great aid to our economy and that they create, rather than export U.S. jobs.

Mr. Herzog's remarks call for an expansion of free and fair trade, not a return to the protectionism of the 1930's. He also supports the President's trade legislation.

I believe that Mr. Herzog's remarks form a fine, accurate, and needed presentation on the subject of our economy, our trade balances and multinational firms. I commend them to my colleagues. His remarks follow:

REMARKS OF MR. HERZOG

> There are new protectionists among us who would impede the growth of U.S. businesses in other countries—the so-called "multinationals." They would do so through a variety of restrictive trade, tax and investment controls. Basing their use largely on emotional appeals, they provide few specifics to back up charges that the U.S. multinational companies are "exporting jobs," flooding the country with "cheap imports" or "enjoying tax incentives" denied to companies which operate only in the United States.
>
> Indeed, the weight of available facts contradicts the thesis, held in some segments of labor, that U.S.-based multinational companies are hurting our balance of payments or sending jobs abroad. Similarly, the idea that steps to discourage investment abroad will improve the U.S. economy or enhance our country's ability to compete in world markets is in defiance of reliable factual evidence.
>
> Plenty of evidence exists, however, that we do have a balance-of-payments problem. But that imbalance would be much worse if U.S. companies had made no direct investments in plants and facilities abroad, since three times the number of dollars which are directly invested outside the United States each year are returned through earnings, royalties and other fees. The figures show that direct investment abroad in 1972 totaled $3.3 billion, while the return during that same year was $10.4 billion.
>
> Thus, without foreign direct investment, our overall 1972 payments balance would have been in worse shape by $7.1 billion. Without the foreign tax credit and the tax deferral on foreign source income—both of which the new protectionists in Congress would eliminate—it is unlikely that this investment would have been made.
>
> Take the 3M Co. itself. In 1972 it returned $145 million to these shores from its investments abroad and, in the process, created 500 new jobs in the United States related directly to our overseas business, out of a total of 3,400 new jobs for Americans created by

3M last year. In the period of 1968–1972, moreover, 3M helped reduce the balance-of-payments deficit by over $600 million.

Where, then, does the U.S. balance-of-payments deficit come from?

Three of the principal components of our payments deficit are: our military presence overseas, our foreign aid program and our propensity to travel abroad.

A fourth component is our balance of trade with other nations, which went into deficit in 1971 for the first time in this century. The deficit, about $2 billion in 1971, rose over $6 billion in 1972—in response, at least in part, to a growing need to import many kinds of raw materials and fossil fuels.

The tally sheet would be even bleaker if it were not for the growth of multinational companies, which in 1970 accounted for 62 per cent of total U.S. exports in the manufacturing sector. (The U.S. Tariff Commission, in an exhaustive study of American-based multinational companies published in February 1973, notes that "industries which are larger investors abroad also contribute the most to aggregate U.S. exports, whereas industries in which multinational corporations are less important also are less important exporters.")

There is another allegation by the new protectionists that needs refutation. U.S. multinational corporations do not "run away" to low-wage countries in order to reimport back into the United States. Rather, 80 per cent of the investment in plants abroad by U.S. companies is in Canada and Europe—both high-wage areas. When you take productivity into account, 3M's per-unit costs abroad approximate those. Protectionists have alleged, too, that the jobs created abroad by U.S. companies could have been generated here instead, simply by serving overseas markets exclusively by exports. That's pure wishful thinking.

Quite simply, there is no way U.S.-based companies could serve their overseas markets through exports alone. Tariff and nontariff barriers, shipping costs, administrative and other expenses give competitors who manufacture in one market a virtually unassailable advantage over companies which export to it.

Moreover, for most types of products, the requirements of customers in a particular marketplace cannot be serviced quickly or completely enough from afar. The alternative to manufacturing abroad is to forfeit those markets to non-U.S. competitors, among them companies based in England, Germany, Italy and Japan.

It follows that if overseas markets cannot be effectively served by exports alone, the jobs which multinational companies have created in other countries would not otherwise have been created here.

The multinationals, because of the exports generated by their overseas operations, are creating jobs at home at a much faster rate than are other U.S. companies, From 1960 to 1970, U.S. employment by multinational companies increased 31 per cent while total U.S. manufacturing employment increased only 14 per cent.

In an attempt to administer a coup de grace direct foreign investment by U.S. companies, the protectionists allege that these companies pay lower taxes on their overseas operations than they would pay if these operations were set up at home. This is not true.

The tax rates which companies like 3M pay in the countries where they operate are comparable to those in the United States—and in some cases higher. If the rate is lower abroad, 3M pays the difference in U.S. taxes when the earnings are returned.

These facts are just part of the growing body of evidence that U.S. multinational companies have made—and increasingly make—a substantial contribution to our nation's economic health.

I do not deny that some U.S. industries have been sorely injured by low-price imports—the overwhelming majority of which are not producted by U.S.-based firms.

What has happened is simply that worldwide industrial development, made possible by unprecedented worldwide prosperity, has allowed other nations to become our trade equals. In some labor-intensive industries, they have gained an advantage. We retain a strong edge in high technology, capital-intensive industries such as computers, aerospace and many others.

In industries in which U.S. jobs cannot presently compete, we need broader adjustment assistance programs—such as were called for in the president's trade message—to retrain workers in higher-technology industries. We should also grant the President the authority he requests to negotiate with our trade partners to assure fairer access for U.S.-made products in their markets.

But shotgun legislation to restrain American companies from investing abroad would aggravate our problem by closing off, to U.S. industry and the American worker alike, overseas markets which account for 94 per cent of the world's population.

The facts clearly argue for freer, fairer trade—not a return to the protectionism of the 1930s. Only freer trade will develop a world economy in which people are partners in sharing economic progress, rather than rivals in almost continual conflict.

FOR LITHUANIA: THE FUTURE BRIGHTENS

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. MADDEN. Mr. Speaker, since the days in 1940 when Lithuania's freedom was shackled by the Communist dictators, the spirit of liberty for Lithuania has not diminished.

Back in the days of Lenin and Stalin, the optimism for the future of communism was at its peak. Since the overthrow of the dictator, Khrushchev, and the assumption of the present Communist regime has seen the economy and its production capacity at its lowest level.

The heads of the present Soviet dictatorship have descended to a degree where they are now asking help and assistance from our Nation, to feed their starving masses suffering from the absolute failure of their agricultural production. Only a few years have passed since the Soviet leaders would totally ignore asking the United States to ship millions of tons of grain and other food stuffs to feed their enslaved population.

On many occasions, I have spoken on the anniversary of Lithuanian enslavement and predicted that eventually the imprisoned population of the Soviets would prove to be the greatest offense for the destruction of the Communist tyranny.

Over the centuries many tyrants have been overthrown through the failure of their ability to govern and to establish a stable economy under their system of absolute rule and despotism:

Tyranny brings about discontent and insurrection among millions of its subjects who have no vote or opportunity to participate in elections in a government opposing freedom for the people.

The Lithuanian people have not relented one iota in their desire for national self-determination and religious liberty. The violation of human rights inflicted by the tyrannical persecutions of the leaders of the Soviet Union will eventually restore freedom and independence. Lithuania can look into the future with confidence when they find dictator Brezhnev coming to Washington with his retinue of co-Communist conspirators asking our President to cooperate, negotiate, and contract with the sole idea to get aid of our free democracy to rescue their failing communistic economy and help establish an agricultural production that will feed millions of his subjects.

It is now that Lithuanians, along with other Soviet captive nations, should urge our President to avoid any unwise agreements or call upon the American people to sacrifice either directly or indirectly in any agreements that would help the Communist dictatorship survive. Over the centuries all dictators have eventually collapsed through their desire for power, expansion, and enslavements that are sure to lead to destruction and eventually freedom for millions of their helpless citizens. I hope the free world, including the United States, has learned a lesson and will profit by the failures of dictatorships since the beginning of civilization. The time is right for Lithuania and other captive nations in central Europe to use their collective power and protest free world aid to the collapsing economy of the Soviet dictators and bring back to their mother nations freedom, liberty, and self-government.

U.S. CHAMBER SUPPORTS HOUSE HMO BILL

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. ROY. Mr. Speaker, the Health Maintenance Organization Act of 1973 is presently pending before the House Committee on Interstate and Foreign Commerce, on which I am privileged to serve.

I would like to call the attention of my colleagues to the special report of the Chamber of Commerce of the United States which deals with health maintenance organizations:

CHAMBER OF COMMERCE OF THE UNITED STATES—HEALTH MAINTENANCE ORGANIZATIONS

WHAT IS AT ISSUE

What role should Federal Government play in development of Health Maintenance Organizations (HMOs) as possible way of improving delivery of hospital and medical care . . . Should initial program be permanent or experimental . . . how much should be spent?

WHY IMPORTANT

Rapidly-escalating health costs . . . improvement in delivery hospital, medical care . . . are major concerns of business. HMOs, such as Kaiser Foundation Medical Program, provide comprehensive "package" services on prepaid basis to those participating in plan. Some argue this integrated system superior to present fee-for-service system . . . more efficient . . . can lower costs. Others say no proof HMOs can provide comprehensive medical care, efficiently, economically to substantial segments of population . . . no proof they can flourish in marketplace without Federal subsidies . . . or reduce cost of purchasing services under employer-financed health insurance programs.

MAJOR PROPOSALS

H.R. 51 (Rogers, D-Fla., Roy, D-Kans., others). Authorizes $280.7 million over 5 years to encourage expansion, development of 100 HMO's on experimental basis. Money may be spent for feasibility studies . . . planning, initial development costs . . . loans for initial operating costs . . . evaluation of program effectiveness. *Coverage:* open to all in test areas; employers required to offer option of HMO coverage to employees, but cost to firm cannot exceed outlays under company-sponsored health insurance program. *Services offered:* comprehensive . . . including physicians' services, inpatient, outpatient, hospital and extended care, diagnostic and rehabilitation, preventive health.

S. 14 (Kennedy, D-Mass., Williams, D-N.J., others). Authorizes $1.5 billion over 3 years to encourage expansion, development of HMOs on *permanent basis*. Money may be spent for feasibility studies . . . planning, initial development costs . . . construction grants and loans . . . grants and loans for operating costs. Also *establishes:* Quality Health Care Commission and Federal Malpractice Reinsurance program. *Coverage:* everyone. *Services offered:* all services in H.R. 51, but even more comprehensive in scope.

H.R. 4871 (Staggers, D-W.Va., Devine, R-Ohio); S. 972 (Javits, R-N.Y., Schweiker, R-Pa.) for Administration. Authorizes an unspecified sum (1974 Budget provides $60 million) to encourage expansion and development of HMOs on *experimental basis*. Funds would be available for payment of planning costs . . . initial operating costs in medically-underserved areas. *Coverage:* not specified. *Services offered: physicians, hospitals, health maintenance.*

CHAMBER POSITION

Supports legislation such as H.R. 51 because it offers opportunity to experiment with Health Maintenance Organizations as one method of improving delivery of health care services.

Opposes S. 14 because of its permanent nature and potential for unlimited growth in fashion that could preclude freedom of choice by employers and employees.

CONGRESSIONAL STATUS

The Senate passed S. 14 on May 15 by a vote of 69–25—but only after adopting a Javits-Kennedy proposal to cut the authorization from the proposed $1.5 billion to $805 million for Fiscal Years 1974–76. A House Commerce Subcommittee on Public Health and Environment is ready to report H.R. 51 (as a clean bill with a new number) to the full Interstate and Foreign Commerce Committee.

The Administration, many members of Congress, and some experts in the health field believe that Health Maintenance Organizations—popularly called HMOs—can solve many of our major health problems. As a result, Congress is considering legislation that would put some hundreds of millions of dollars into the development and expansion of these organizations. The Senate has already passed its bill S. 14, and a House Commerce Subcommittee seems to be on the verge of reporting an entirely different bill.

Much of the pressure to provide Federal funds for HMOs, of course, is coming from the same source that is creating concern in other health care matters—costs.

Total spending for health has jumped from $25.9 billion in fiscal year 1960 to $83.4 billion in fiscal year 1972—an increase of over 220%.

Personal health care outlays amounted to $72 billion or $340 per person in fiscal year 1972, including *at least* $20 billion a year spent by business for employer-sponsored health insurance programs, industrial medical facilities and Medicare payroll taxes.

The substantial increase in expenditures results from many factors, including population growth, greater use of health services and supplies by the population, improvements in technology and treatment procedures, and inflation. According to estimates prepared by the Social Security Administration, about 52% of the $38 billion increase in personal health care expenditures since fiscal year 1965 was brought about by rising prices. Population growth accounted for 10%, and greater use of services and introduction of new medical techniques, the remaining 38%.

Besides inflation, other important and well-documented health problems face the country. They involve shortages and maldistribution of medical manpower, lack of access to care by important segments of the population, particularly in the inner city and rural areas, and inefficiencies and fragmentation in the organization and delivery of health and medical care services.

HEALTH MAINTENANCE ORGANIZATIONS

Generally speaking, a Health Maintenance Organization is any organized system that provides at least physician services, emergency care, and hospitalization to individuals who voluntarily agree to obtain their medical care for a fixed sum of money agreed upon in advance.

Probably the best known and largest example is the Kaiser Foundation Health Plan, Inc., which was started in 1942. The key features of this type of system are:

(1) a fixed, prepaid charge for members of the plan;

(2) voluntary enrollment, assuring subscribers of at least one choice of another health plan;

(3) independent operation of each group;

(4) sharing among the involved physicians of a percentage of the total income from subscribers on an incentive basis;

(5) a requirement that the group medical managers (member-doctors and hospitals) live within budgeted incomes;

(6) services from a group-controlled hospital as a base;

(7) full-time salaried doctors responsible for the quality of care.

Many believe a system incorporating these features will bring greater efficiency and better organization to the delivery of health care services, and development of HMOs is a key feature of the Administration's health strategy. In his 1972 Health Care message, the Preident said:

"The HMO is a method for financing and providing health care that has won growing respect. It brings together into a single organization the physician, the hospital, the laboratory and the clinic, so that patients can get the right care at the right moment.

"HMOs utilize a method of payment that encourages the prevention of illness and promotes the efficient use of doctors and hospitals. Unlike traditional fee-for-service billing, the HMO contracts to provide its comprehensive care for a fixed annual sum that is determined in advance.

"Under this financial arangement, the doctors' and hospitals' incomes are determined not by how much the patient is sick, but how much he is well. HMOs thus have the strongest possible incentive for keeping well members from becoming ill and for curing sick members as quickly as possible."

RELATIVELY SMALL NUMBER COVERED

At the end of 1971, according to health insurance industry estimates, about 180 million persons—nearly 9 out of 10 in the civilian population—had protection againt hospital expenses. Insurance companies protected 63% of the 180 million, and Blue Cross/Blue Shield covered 43%. Only about 5% were covered by HMO-type organizations in independent health insurance plans that assume responsibility and risk for the organization and delivery of the hospital and medical services on a prepaid basis.[1]

Social Security Administration data show that these independent plans covered about 8.5 million persons for hospital care, 10.9 million for surgical services and 10.8 million for x-ray and laboratory examinations. Since 1960, coverage under these plans for these types of services has grown between 43%–48%.

Further analysis shows that so far a few big plans have dominated the field. Of the 8.5 million covered by the independents, over 2 million were in two of the six Kaiser Plans, one in Oakland and the other in Los Angeles. Approximately 39% were enrolled in 10 plans.

At the end of 1972, about half of those covered were in only 28 plans, and some of them were quite small.

BARRIERS TO HMO DEVELOPMENT

With so many apparent advantages, why aren't more people covered by independent health insurance plans? A number of barriers impede the development of HMO-type organizations:

First, the laws in 22 States prohibit or limit the group practice of medicine, which is an indispensable element in this type of system. Second, most people lack knowledge about this type of system, and its advantages and disadvantages. Third, most physicians prefer to practice on the basis of a fee for each service rendered.

A final serious difficulty is that it takes substantial amounts of capital to get Health Maintenance Organizations started. At the end of 1971, for example, the Kaiser Foundation Health Plan, Inc., had a total investment in facilities of $293 million, or $125 per person, based on 2.3 million enrolled members. About 70% of this investment has been made since 1965. Now, costs are going higher. Walter K. Palmer, Vice President-Finance Kaiser Foundation Health Plan, Inc., has pointed out what inflation can do to the cost of constructing full-service medical centers:

"There are currently under construction, in one of the regions, two major full-service medical centers. When completed in 1974, they will cost $250 per member related to the membership capacity of these facilities. Costs includes architects fees, land, building construction, equipment and land improvements, such as parking and landscaping. It is estimated that similar facilities commenced today would cost $300 per member."

ECONOMIC ADVANTAGES OF HMOS

Whether the HMO system results in substantial economies in health care delivery is far from determined.

Advocates of prepaid group practices contend that the system is able to provide more comprehensive benefits at lower costs than the traditional fee-for-service arrangement. Others disagree sharply.

U.S. Civil Service Commission statistics for the Federal Employees Health Benefits program show the hospital utilization of employees covered by group practice and individual practice plans is substantially lower than those insured under Blue Cross/Blue Shield and indemnity benefit plans. Because there seems to be no significant difference in the length of the hospital stay among the employees covered by the different plans, it means the real savings in utilization is in the number of persons admitted as hospital inpatients. (Table I).

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[1] Totals exceed 100% because of duplicate coverage.

Data for the Federal Employees Health Benefits program also show that less surgery is performed under group practice plans than under Blue Shield. (Table II).

Others are convinced that widespread development of Health Maintenance Organizations will not result in any appreciable cost savings over medical care obtained through the fee-for-service system. This view is well expressed by Alex Gerber, M.D., a well-known California surgeon who is engaged in the group practice of medicine:

"Many people believe that group practice, through its use of pooled resources and paramedical personnel, can offer great cost-savings. Here, again, I fear they are overly optimistic. In actual practice, the savings tend to be relatively small. Such as they are, they tend to be put back into improvements of service or to redound to the benefit of the doctors rather than to bring about lower charges to patients. Group practice can offer a high quality of care, but not necessarily cheaper care.

"Even the mighty Kaiser system, with all its advantages of huge scale, admits freely that savings on that account are relatively minor. Kaiser's lower total cost results almost entirely from fewer hospital admissions and fewer patient days as compared to surrounding areas generally. This is comparing apples to oranges. California, especially, abounds in numerous small, proprietary hospitals operating under standards that are mediocre or worse, and the costly, inferior care that they give distorts the general average. A more valid comparison would be between Kaiser and fee-for-service groups that maintain equally high standards. My experience leads me to believe that such a study would show that Kaiser has no cost advantage important enough to overcome the disadvantage of its less personal and often inconvenient care.

TABLE I

HOSPITAL UTILIZATION UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM, 1968[2]

(Hospital Days Used Per 1,000 Covered Persons)

Plan:	Hospital days
Individual practice	471
Group practice	422
Blue Cross-Blue Shield	924
Indemnity (Aetna)	987

TABLE II.—SURGICAL PROCEDURES PERFORMED UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM, HIGH OPTION PLAN, 1968

[Annual rate per 1,000 covered persons]

Surgical procedure	Blue Shield	Group practice
All procedures	75.0	34.0
Tonsillectomy and/or adenoidectomy	6.9	2.4
Female surgery (mastectomy, D and C, hysterectomy)	9.2	4.8
Appendectomy	2.1	1.0
Cholecystectomy	2.1	1.5

DIFFERENT APPROACHES CONSIDERED

Congress is considering two different approaches to HMO legislation.

The key underlying question is whether a big new program should be set up to subsidize HMO's on a permanent basis, or whether legislation should set up a mechanism for pilot-testing to find out whether we should embark on any permanent subsidy program.

The Senate has passed its bill, S. 14—but before doing so cut the proposed $1.5 billion authorization to $805 million.

The House Interstate and Foreign Commerce Committee is likely to approve an experimental, pilot-testing approach reported by its Subcommittee on Public Health and Environment.

Essentially, it is H.R. 51, cosponsored by the Subcommittee Chairman Rogers (D-Fla.) and Roy (D-Kans.), *although it will be reported as a clean bill with a new number.*

It is a much more modest proposal than the Senate-passed bill. It would authorize about $280.7 million in Federal appropriations to assist no more than 100 HMOs between fiscal year 1974–78.

A key aspect of the legislation, which the Senate bill backs, is program evaluation. It authorizes $20 million in Federal funding to evaluate the operation of HMOs. The results will determine whether financial assistance should be extended to additional organizations.

HMO Option for Employees. One section of the bill would require employers with health insurance programs to amend these plans so employees could elect to enroll in a Health Maintenance Organization.

Many employers—generally large companies with collective bargaining agreements in effect—already make the option of prepaid group practice available to their employees. Some firms make this option available only after a company has carefully evaluated the type and scope of the benefit protection, the quality of medical services provided, and the proximity of the plan to the employees' residences. The purpose is to ensure that both the company and the employee receive good value for the dollars expended. If the prepaid group practice doesn't meet company criteria, then the firm does not enter into a contract.

The Chamber would prefer to see enrollment in HMOs stimulated through the normal collective bargaining process—but the bill does contain some protections.

It would be applicable only to those firms offering health insurance to their employees; no employer would be required to pay more for the HMO option than he now does for health insurance under collective bargaining or other contractual agreements; and, finally, since the legislation is experimental, there will be an opportunity to make changes if they prove to be necessary.

One change made by the Subcommittee in this area seriously weakened the experimental nature of the bill. As originally written, this provision would apply only to the 100 HMOs receiving Federal assistance. The Subcommittee broadened it to include all HMOs.

NATIONAL CHAMBER POSITION

Constructive improvements can be made in the delivery of hospital and medical care systems, whether carried out through prepaid group practice plans, medical care foundations, or through expansion of the outpatient service facilities of urban hospitals. There is no single delivery mode that is the "answer" to improved delivery of medical care services for the American people.

The National Chamber supports legislation that offers the opportunity to experiment with Health Maintenance Organizations as one method of improving health care delivery. However, the legislation must be built around the concept of pilot-testing, rather than permanent legislation, because employers, employees, and government still need answers to these kinds of questions:

Can HMOs provide quality medical care on an efficient and economical basis for *substantial* segments of the population?

Can large numbers of organizations flourish in the marketplace without the benefit of continuing Federal subsidies?

Can HMOs lower the cost of providing hospital and medical care services under employer-financed health insurance programs?

It is unsound to pump hundreds of millions—perhaps billions—of Federal dollars into Health Maintenance Organizations until this concept has been more thoroughly tested.

RARICK REPORTS TO HIS PEOPLE: THE ENERGY CRISIS, AN INTERVIEW WITH SALEM S. AL-SABAH, THE AMBASSADOR OF KUWAIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. RARICK. Mr. Speaker, an area of the world that relatively few Americans know very much about, but one that will play an increasingly important role in helping the United States meet its oil needs in the foreseeable future is the Persian Gulf area.

More than half of the world's proven reserves of petroleum lie beneath the sands and shallow waters of the gulf area. As the energy shortage continues to grow in the United States and Western Europe, the global influence of these oil-rich Arab States continues to increase.

Kuwait, located at the northern end of the Persian Gulf, is a strategic oil-producing center, and a long-time friend of the United States. To help us understand the position that this region will play in the future, in light of the energy shortage, and in the political situation in the Middle East, I have invited as my guest today His Excellency the Ambassador from Kuwait, Salem Al-Sabah.

INTERVIEW WITH AMBASSADOR AL-SABAH

Mr. Rarick. Mr. Ambassador, thank you for joining us.

Within the next few years, oil experts tell us that the U.S. will import from 25 to 75 per cent of its oil from the Persian Gulf area—much of it from Kuwait. Is production in your country being expanded to meet such growing energy needs?

Al-Sabah. Thank you very much for giving me this opportunity to clarify my country's oil position. In dealing with this question, one should bear in mind the following two factors:

1. While we are keen on meeting the growing oil demands of the industrialized nations we have to see to it that our best interests are served.
2. That the burden of supplying oil should not, and need not, fall on one state or one region alone.

Rarick. Well, we hear that Kuwait has frozen oil production at 3 million barrels a day. Does this mean that you are running out of oil?

Al-Sabah. No, and I hope not. Reliable information indicates that at the present rate of production we have a reserve that will last 30 years or more. However, with the development of modern technology more oil might be discovered. Oil is our only resource and we know that it will be depleted one day. So we are facing the situation where we have to increase our production and invest the accruing royalties or prolong the life of oil reserves for the next generations. The

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[2] Source: Hearings, *Health Maintenance Organizations*, Subcommittee on Public Health and Environment, Committee on Interstate and Foreign Commerce, 92nd Cong., 2nd Session, Pages 64–65.

Parliament and the Government of Kuwait chose the latter and put a ceiling on production at 3 million barrels a day.

The following guidelines have been taken into consideration before the decision was made:

a. Present needs for development.

b. Future needs for the coming generations.

c. International monetary situation.

d. Investment opportunities.

Rarick. Some Arab oil-producing countries are reported indicating that they might hold back oil supplies to the U.S. unless Washington alters its policies toward Israel. This is one fear many Americans have concerning a growing dependence on foreign oil imports. Is there any truth to this report circulated by the U.S. press?

Al-Sabah. Well, let me say this, that in the old days, trade and interest followed the flag. But nowadays, it's the other way around. The flag and interest follow the trade. You have your energy needs and we have the energy. So, I think we ought to sit together and discuss the obstacle which might affect our ability to meet part of your needs. Under these circumstances, politics may play a role since Kuwait is an Arab country and Arab countries, as you know, are concerned about the one-sided American policy. Vis-a-vis the Arab-Israeli conflict and wish the United States would adopt a more even-handed and balanced American policy in the Middle East. It's quite natural that we do not want our oil to participate in oiling the Israeli war machine used solely to seize more and more Arab land. Finally we have our own public opinion to account to.

Rarick. In the past, the U.S. has maintained a staunch pro-Israeli foreign policy, much to the displeasure of many Arab nations. Do you have any indications from our Government that the U.S. is moving toward a more neutral position in the Arab-U.S. relations?

Al-Sabah. During the 1956 Suez crisis, I remember, and I was a student then, that we demonstrated in support of American stand because we felt that the American government took the right decision. But now unfortunately, we turn to our public opinion and find that it is totally disillusioned about the one-sided American policy in the Middle East. Now, with the war in Vietnam almost over, we hope that the United States would reassess her policy according to her best interest. We know that the American people are basically friendly to our people and this would give us the hope that eventually a more even-handed policy would be formulated. And of course, there is the further pressure of the energy crisis. And as you indicated, even a food-production crisis.

Rarick. Mr. Ambassador, your neighbouring country of Iraq has looked to the Soviet Union for a recent arms buildup, and has purchased a number of Soviet-made tanks and jet fighters. Kuwait, on the other hand, has looked toward the U.S. for military hardware. Is there a significance to this split in the Arab community?

Al-Sabah. Well, there is no division in the Arab community—none whatsoever—concerning our stand towards Israel. We are all united on that. Each country, however, has its own foreign policy and its own individual security measures. As you know, it's no secret that Iraq has an arrangement with the Soviet Union and the United States has similar arrangements with other countries in the region. But, as for Kuwait, we are having a number of offers from different sources for arm supplies and our policy is to get the best available equipment. Of course, the quality of the equipment and the worth of the relations are factors in this choice.

Rarick. But there is no deep significance that we should interpret this as being any division among the people in the Middle East?

Al-Sabah. No, I don't think so. And I may add that we, in the area, believe as you do in the United States, in the well-known doctrine of "unity in diversity".

Rarick. The suggestion has been made in the American press that one reason for a buildup of American-produced military hardware in Kuwait is a result of outside pressure on your country. Are these suggestions accurate?

Al-Sabah. As I have said before we are not coming to the United States for arm supplies and that we have so many offers from various countries and we are considering all. Now, on the matter of outside pressures, I would like to emphasize that all of the talked about threats against our country is sheer speculation, but we cannot dismiss them. We have to prepare ourselves for any eventuality.

Rarick. Kuwait then, is still the master of its own destiny And it can take care of its own matters.

Al-Sabah. That's right.

Rarick. Well, are there any special political implications of the U.S.-Kuwait arms deal?

Al-Sabah. It's very difficult to judge on this, because we haven't decided one way or the other, but as I said, we are looking into the American offer more closely than the others.

Rarick. I understand our country has indicated a willingness to sell arms to your country. This is looked upon badly in some U.S. quarters.

Al-Sabah. They are already in Kuwait now with their offer to sell arms. But as for how badly this may be looked upon in some quarters is not our concern.

Rarick. Of course, if Americans do sell arms as is reasonably expected, that there will probably be American engineers or arms people who will go to your country to help indoctrinate your people—to teach them how to use these weapons.

Al-Sabah. We have Americans working in the oil fields and, of course, if there is any arms deal, we will be having an exchange of ideas, but our people have been coming here for training and maybe some will be going there.

Rarick. Another question that I hear from my people, is the concern that we, as Americans, might get involved in the Middle East in any of the arms buildups, there's a possibility that there could be an American involvement in any future regional conflicts in this area.

Some political analyzers in this country have expressed concern that U.S. involvement in the Middle East arms buildup could involve the U.S. in future regional conflicts. Do you have any indications that these fears are founded?

Al-Sabah. We talked about arms, but let me say that the philosophy behind the acquisition of arms in Kuwait is that we do so only to protect our sovereignty and independence, not like, for example, others who seek to extend their borders and to occupy the land of others through one act of aggression after the other.

But let me digress a little here and add that spending on our defense is outmatched manifoldly by our sepnding on health, education and other social services. Now to turn to your question about any possible American involvement in the Middle East, I fear that the continued occupation of Arab lands by Israel, made possible by the continued United States support, in arms and money, could be the basis of possible American involvement.

Rarick. In your country, do you feel there is any idea of expansionism?

Al-Sabah. No, on the contrary.

Rarick. You feel then that you have the right to defend yourself?

Al-Sabah. Yes.

Rarick. You have the right to make mutual friends around the world?

Al-Sabah. Absolutely.

Rarick. Our guest today has been the Honorable Salem S. Al-Sabah of the country of Kuwait. We are indeed happy that you would be with us on this program today, and I'm sure that many of our people in Louisiana have enjoyed meeting you through the TV media in their homes. I am sure they have learned much from your answers and philosophy that you have extended to them. We are most happy to have you in the United States and wish you and the people of Kuwait well.

Al-Sabah. Thank you very much for giving me this opportunity and I think, in doing so, it will give your people a chance to judge for themselves.

Rarick. Thank you very much, Mr. Ambassador.

Al-Sabah. Thank you.

PRICE CONTROLS THREATEN COLORADO FIRM—200 EMPLOYEES TO LOSE JOBS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. ARMSTRONG. Mr. Speaker, during recent months I have watched with mounting concern the growing national acceptance of wage-price controls as a substitute for responsible economic policy.

Such controls are futile. These repressive measures have not controlled inflation. But they have caused shortages and rationing. Worse shortages, black markets, product quality deterioration, more inflation and pressure for still more stringent controls are inevitable unless we reverse our present reckless policies.

I have often discussed the overall policy considerations and I have tried to show the already serious damage to our economic system and the future threat to our nation.

Today I want to be more specific:

In my congressional district, there is a firm which may very well be driven out of business within the next several weeks as a result of price controls instituted last Wednesday. This firm is the Red Seal Potato Chip Co. It is a food processing company specializing in manufacture of potato chips and is the largest such firm in Colorado, a State with the highest per capita consumption of potato chips in the Nation. Red Seal employs approximately 200 people many of whom have been with the company for 15 to 20 years, and will undoubtedly have difficulty gaining employment of a nature to match their skills should Red Seal be forced to shut down this summer.

Red Seal serves all major food chains in the state including Safeway, King Soopers, National Tea, Albertson's, Target, K-Mart, and others. It also makes private label potato chips for a great many customers in the State. To do this, Red Seal supports approximately 50 truck routes, provides a payroll well in excess of $150,000 per month and is a significant factor in the local economy.

In the event anyone should think potato chips are a minor item in the food processing industry, let me point out that Red Seal purchases and chips some 25,000 tons—50 million pounds—of potatoes each year. This staggering amount clearly suggests disaster for many potato farmers if Red Seal is forced to close its doors.

The standard method for obtaining chipping potatoes is through a contract, with an agreed-upon price, for a specified period at the height of the growing season. Contracts expiring in mid-July call for payment of $2.30 per hundredweight, plus freight. While freight has normally been about $1.10 from Arizona to Colorado, increased fuel costs have jacked that up to $1.25. Thus Red Seal must pay a total of $3.55 per hundredweight for its potatoes under present contracts.

Bad weather has made it impossible for farmers to keep up with their contracts and they are now supplying only about 70 percent of contract amounts. The processor must then go into the noncontract market to obtain the necessary additional 30 percent to meet his production needs. From Colorado, at this time of the year, the only place a manufacturer can realistically look for additional potatoes is California. As a result of the selective price controls imposed last week—which exclude unprocessed agricultural products—the open potato market in California has jumped to $8 per hundredweight plus an additional $1.50 for shipping. For a firm requiring 200,000 pounds of chipping potatoes per day, this amounts to a substantial increase in supply costs which Red Seal cannot recover due to last week's edict. The processor is forced to absorb the increase himself.

In the case of Red Seal Potato Chips, the increase in supply costs for potatoes, while staggering, is not the only problem. Vegetable oils made from soybeans is a second element in the cost squeeze. Normally sold for 13 cents per pound on contract and presently 21.5 cents on open market, soybean based vegetable shortening has jumped 2 cents a pound due to the recent devaluation of the dollar. Soybeans are presently at their highest rate in many years and Red Seal must use some 300,000 pounds every 4 weeks. A single penny per pound increase therefore increases supply costs to Red Seal by $3,000 per 4 week period. As a result of the selective price control policy vegetable shortening will not go down in price as would have otherwise been the case in a seasonal market.

Now what does this mean in real dollars to the total manufacturing problem faced by processing firms like Colorado's Red Seal Potato Chip Co.? Are not they simply caught up in the inflationary spiral like everyone else? The answers to these questions are not pleasant.

While Red Seal is obviously victimized, as is everyone else in business and agriculture by inflation, the selective price controls imposed upon them lead to disaster. Red Seal's losses through price increases for supplies which it cannot pass on to the market will amount to $5,950 per day until July 15 when it's present supply contracts expire. After that, accountants estimate losses will jump to $7,450 per day. The simple fact is, Red Seal cannot absorb such losses very long. They will be forced to shut their doors and go out of business unless some relief is provided.

The president of Red Seal, Mr. Earl S. Wilson, informs me that he has received little encouragement from initial calls to the Cost of Living Council. He believes he will need relief by July 1st if he is to keep going. The relief must be in the area of 12 percent on Red Seal's private label potato chips and 5 percent on the Red Seal brand. Otherwise, he is through. So are 200 employees.

Mr. Wilson does not quarrel with the opportunity farmers have been provided to increase their prices. He fully realizes that the agricultural industry has unfairly been made a scapegoat for too long. The farmer has been, and still is, caught in a squeeze not of his own making. And it is about time he be allowed to start earning a full dollar for his product.

But the control policy places food processors in an impossible situation. While they are required to pay an open market price for their raw agricultural commodities, they cannot include that price increase in their selling price. Such a policy is patently unfair.

The inevitable consequences are unpleasant indeed, not only for food processing firms, but for farmers who supply them and for those who desire their products.

Mr. Speaker, Red Seal is just one of hundreds of companies, employing thousands of workers, who are being forced to the wall by these illogical policies.

In every State, similar problems are cropping up. They will grow steadily worse until we kick the controls habit and implement the fiscal restraint necessary to curb inflation.

LAW DAY, 1973, AT BOSTON COLLEGE LAW SCHOOL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with great pride and personal satisfaction that I attended a dinner meeting of the Boston College Law School Alumni Association honoring the alumni members of the judiciary on the occasion of Law Day, 1973.

The guest speaker was the Honorable Cornelius J. Moynihan, associate justice of the Superior Court of the Commonwealth of Massachusetts. Judge Moynihan is an outstanding teacher of property law at Boston College Law School, a prolific writer and contributor to the American law of property and to the annual survey of Massachusetts law, the author of the widely used "Introduction to the Law of Real Property," and a preeminent jurist who dispenses justice with a superb mixture of scholarship and human understanding.

I was fortunate indeed to study real property in Judge Moynihan's class at the law school, and was particularly proud when in 1963, as a member of the executive council of the Commonwealth, I had the privilege of voting to approve the then-Professor Moynihan's appointment to his present judicial post.

I should at this time like to share with you the judge's observations on the role of the judiciary on the occasion of the Law Day, 1973, dinner:

THE PLACE OF THE JUDICIARY IN AMERICAN LIFE

I am truly happy to be with you this evening and to join with you in honoring two of my former colleagues on the faculty of the Law School and so many graduates who have become members of the judiciary.

Professors O'Reilly and Sullivan were the first two graduates of the Law School to become law professors. Each has been for over thirty years a dedicated and inspiring teacher. The Law School owes to each of them an enormous debt of gratitude for a lifetime of devoted and talented service.

I have had the memorable experience of having taught both of them in Law School. In fact, I gave Professor O'Reilly the lowest grade in an examination (it was a B–) that he ever got in his life. And as I recall it, when Professor Sullivan was a student in my course in Personal and Real Property, he was fascinated by my style of teaching. After one class in which we had exhausted the subject matter of a case dealing with the law of coparcenary of a manure pile, I heard him snicker to a fellow student, "My God, the man is crazy". You can see that in those days we spent our time in class dealing with the large social issues of the times.

I am also delighted to be present on this happy occasion when the St. Thomas More award is being presented to Judge David Nelson. I know of no alumnus of the School more worthy of the honor. Since admission to the bar, he has personified one of the finest traditions of the profession. He has not only been an able and active practioner of the law, he has also been an enlightened and progressive leader in the community. In our troubled city, he has helped to build a bridge of communication and understanding between black and white. I assure you that all of us on the Superior Court welcome him to our membership.

II. TRIBUTE TO GRADUATES WHO ARE MEMBERS OF THE JUDICIARY

It is peculiarly appropriate that at a dinner in observance of Law Day, the Alumni Association of the Law School should honor those of its members who have become Judges. I join with you in paying tribute to them. Almost every one of them was a student of mine at Boston College Law School. I like to think that in some small measure I contributed to the process of making them able members of the profession.

III. THE PLACE OF THE JUDICIARY IN AMERICAN LIFE

A. On an occasion such as this when we honor the graduates of the Law School who are judges, it may be well to consider for a few minutes the place of the judiciary in American life.

It is a remarkable, and in some respects a surprising fact, that of the three branches of government, none is held in higher esteem that the judiciary. During the last two centuries, if not in colonial times, our courts have been shown a high degree of respect and honor as institutions of government. If we inquire into the basis of this respect it can be said to be founded upon these factors:

(1) The integrity of judges;

(2) the fidelity of judges to the Law; and

(3) the confidence and trust of our people in the Rule of Law itself.

The public has expected our judges to observe a high standard of honesty, both moral and intellectual, in the discharge of the duties of office, and fortunately, lapses from this standard have been few. This is all the more remarkable when we recall that in most of our states judges are elected to office, not appointed. Nothing is more destructive of the independence of the judiciary, or more corrosive of honesty and impartiality, than requiring a judge to become a political candidate for judicial office. Years ago, it was wisely said, "There is nothing wrong in making a judge out of a politician but there is everything wrong in making a politician out of a judge".

B. The Courts in the Last Decade:

The degree of confidence that our people have shown in the courts is strikingly evident if we look at the record of events during the last ten years. Those years have constituted a decade of vast change and deep unrest. In that decade we have witnessed a surging demand for racial equality and fair treatment under law. We have seen the fabric of our nation almost torn asunder by a war that polarized our people. We have seen peaceful protest movements change into disruptive and dangerous mob violence. Campus rebellions and seizure of buildings became almost commonplace. No segment of our society remained untouched in this decade of unrest and rebellion. From university classrooms to religious seminaries to prisons—all felt the impact of unrest and change. And to climax events, our cities have almost been crushed by an avalanche of crime.

C. The Courts in Time of Crisis:

Inevitably, the courts have been involved in these tempests of our times. They are not insulated or isolated from events that shape our lives. Mr. Justice Holmes once wrote that the Law is the witness and the external deposit of morality. It is also the mirror of life in all of its varied facets.

How have the courts responded to the recurrent cries of our times? On balance, what does the record show? There can be no single or clean cut answer to this question. Opinions will vary depending on the viewpoint of the observer. It is my own view (and it may well be a biased one) that on the whole the judicial record is fairly good.

To cite a few instances:

(1) In the fight for racial justice, the courts have been in the forefront of the battle. The United States Supreme Court, in particular, has had an inspiring record of enlightened leadership in this.

(2) In cases arising from anti-war demonstrations and protests, the courts have, on the whole, exercised a sensible restraint.

(3) Again, in cases stemming from campus riots and seizure of university buildings, the courts have, I believe, acted wisely and sensibly.

D. The Courts and Crime:

It is when we come to consider the functioning of our courts in the area of the administration of criminal justice that we notice an uneasiness in the public mind. It is doubtful that the public is satisfied that the courts are making an effective contribution to the fight on crime. This popular dissatisfaction is due to many causes. Among these causes is, of course, the genuine fear for personal safety that has become so widespread in our cities as a direct result of the increase in crimes of violence. A second cause is a misplaced confidence in the ability of the courts to solve the complex problem of crime. As we well know there is a widespread fallacy that if judges would only hand out long prison sentences in every case, the crime problem would largely disappear.

A third reason for loss of public confidence in this area is the unsettling effect of a few notable U.S. Superme Court Decisions. These decisions, really few in number, have contributed to an unfortunate suspicion that courts are over-zealous in protecting the interests of criminal defendants. The classic case in court is *Miranda* v. *Arizona*. I have always felt that this decision was a bad piece of judicial legislation—as unwise as it was unnecessary. On the whole its effect was probably more psychological than practical. Yet in my own experience, I was required in three cases to release a murderer because his confession was obtained in violation of the *Miranda* rule and there was not sufficient evidence to commit him. In one of these cases a homosexual had murdered an eight year old boy after abusing him. In these cases the confession had been obtained before the *Miranda* case but the trial took place after it.

E. The Public Demand for Judicial Intervention:

Public confidence in our courts may, of course, be carried to an extreme and there are instances of this happening. Too often there is evidence a naive belief that every problem that arises can be solved by a decision of the courts, that every social or economic dislocation can be corrected by the judicial department of government. Indicative of this attitude is the increasing demand for judicial intervention in matters of local concern or of local administration. Judges are asked, for instance, to issue decrees on the subject of dress codes for high school students; to determine how many four letter words a school teacher can write on a classroom black-board; to conduct civil service examinations; and to supervise our prisons.

I am frank to state that I am not aware of any special competence that judges have to solve the terribly complex social problems that trouble our times. They are not gifted with a wisdom denied to the legislative branch of the government. Perhaps we judges should have in mind the famous remark of the Duke of Wellington that he thought he should always have a man standing behind him whose duty it would be to remind him that he was not God.

At times one may think that every U.S. Supreme Court Justice needs two such men. I must confess to having such a thought upon reading the recent abortion decisions handed down by that court. You will recall that in those cases, the court reached the remarkable conclusion that all pregnancies are divided into three parts, and then proceeded to legislate on that basis.

IV. CONCLUSION

These random observations of mine on the place of the Judiciary in American life may or may not meet with your endorsement. I am confident, however, that you will agree that all of us, judges and lawyers alike, have a common ideal: to practise our profession as servants of the Law in a ministry of Justice. In the conduct of human affairs, there is no higher calling. May it not be said of us—as St. Thomas More said of the bishops who subscribed to the Oath of Supremacy demanded by Henry the Eighth—"They lacked the grace to stand to their Learning".

IN SUPPORT OF A LEGAL SERVICES CORPORATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. RANGEL. Mr. Speaker, under the leave to extend my remarks in the Record, I wish to state my strong support for the bill proposing the creation of a National Legal Service Corporation. In light of this support, I am inserting in the Record a salient article written by Pulitzer Prize-winning columnist, Davis S. Broder. The column appeared in the Washington Post on February 21. It deals with the desperate situation of legal services in this country today.

After quoting from President Nixon's poverty program reorganization message of 1969 in which the President characterized "the sluggishness of many institutions at all levels of society in responding to the needs of individual citizens as one of the central problems of our time," Mr. Broder points out how the President's current domestic policies do nothing to revitalize these lagging institutions. With particular regard to the abandonment of a strong and viable legal services program for the underprivileged in this country, Mr. Broder comments:

> It is a callous sacrifice of the minority who are poor to the political tactic of attempting to create a Republican majority from the many who are complacent and comfortable.

I concur with the opinion of this distinguished columnist.

The article follows:

Political Gain: Billing It to the Poor

(By David S. Broder)

Whatever its shrewdness as a political tactic, the Nixon administration's retreat from welfare reform and its willingness to abandon or dismember the program of legal services for the poor is undercutting the moral and logical base of its own design for reshaping domstic policy.

That is a sweeping statement, I realize, but it is the only conclusion one can draw from a consideration of the contradictions between the premises of the President's program and the actions he is sanctioning today.

A convenient starting point from which has happened is a paragraph of Daniel P. Moynihan's new book. "The Politics of a Guaranteed Income," in which Mr. Nixon's first-term domestic counselor discusses the three "strategies" available to the government to assist the poor in America.

One was the "services strategy," the direct provision or financing of a wide variety of programs aimed at meeting the needs or improving the opportunities of the poor. As Moynihan notes, this was "quintessentially the approach of political liberalism in the middle third of the 20th Century."

The second was the "legal strategy," the use of the courts and the legal process to end discrimination and obtain equal access to all public programs and facilities. This approach, carried out by both private organizations and the government, was embodied, among other places, in the legal services program of the anti-poverty agency, the Office of Economic Opportunity.

The third was the "income strategy," the transfer of money to the poor via the simple mechanism of taxing-in-and-paying-out, with the goal of enabling the poor to obtain, through the marketplace, the goods and services they most valued for themselves.

Given this choice of options, Mr. Nixon's domestic strategy unfolded in clear and logical terms.

In his first years as President, we saw Mr. Nixon slowing the growth rate of domestic service programs, while putting increasing reliance on the income and legal strategy. His own words are worth recalling.

In his 1969 welfare reform message, he said: "I propose a new approach that will make it more attractive to work than to go on welfare, and will establish a nationwide minimum payment to dependent families with children. I propose that the federal government pay a basic income to those American families who cannot care for themselves in whatever state they live."

In his poverty program reorganization message of that same year, Mr. Nixon proposed that "the office of legal services . . . be strengthened and elevated so that . . . it will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions at all levels of society in responding to the needs of individual citizens is one of the central problems of our time," he said. "Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met."

In the light of that history, what can one say about Mr. Nixon's current domestic policy? He has carried forward his campaign against the "services strategy" full blast and in his new budget is proposing not just the slowdown, but the abolition of dozens of programs designed to provide services for the poor.

But what has happened to the other two strategies that were to substitute for it? The incomes strategy has been abandoned by Mr. Nixon. There is no welfare reform or minimum-income proposal in his budget, and none is likely to be forthcoming.

As for legal services, the outlook is equally grim. Having frustrated Congress's efforts to create an independent, nonpolitical Legal Services Corporation by insisting on personal control of its board of directors, Mr. Nixon is now presiding over the destruction of the existing OEO legal services program, which has been signally successful in obtaining equal access to government benefits for its poor clients and which enjoys the strong support of the organized bar.

At the same time, he is continuing the other phases of his decentralization program by proposing to go beyond general revenue-sharing into a broad range of subsidies to local governments, for them to use as they wish.

In effect, he is telling the poor, "Don't come to Washington with your problems. Get what you need from your local government."

To do that to the poor, without giving them the financial or legal resources to wage the fight for their rights in those thousands of local communities, is not a strategy for achieving social justice and simultaneously reducing the power and influence of the central government.

It is a callous sacrifice of the minority who are poor to the political tactic of attempting to create a Republican majority from the many who are complacement and comfortable.

It is a disillusioning spectacle for those of us who thought Mr. Nixon was attempting something more worthy.

HON. MIKE McCORMACK CALLS FOR COAL RESEARCH AND DEVELOPMENT TO AVOID DEPENDENCE ON PETROLEUM IMPORTS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker, this morning, my colleague, Congressman MIKE McCORMACK, addressed the National Coal Association on the subject of coal and energy.

I believe that Congressman McCORMACK's comments are of profound importance and should be thoughtfully considered by every Member of this body. As you know, Congressman McCORMACK is chairman of the Subcommittee on Energy of the House Science and Astronautics Committee and has taken the lead role in proposing an organized program to overcome the energy crisis.

As Congressman McCORMACK points out in this article, coal is the "one source of energy that can protect us from dependence on imported petroleum." He also made a series of well-prepared and extremely thoughtful recommendations for research and development involving coal. I submit herewith the text of Congressman McCORMACK's remarks.

ADDRESS BY CONGRESSMAN MIKE McCORMACK

To me, the energy crisis that this nation faces today may be divided into four separate, distinguishable crises. Each is interrelated with the others, and each is of approximately equal concern to this nation at this time.

The first crisis has to do with the availability and distribution of gas, petroleum products, and electricity to avoid shortages during the coming months. We are all familiar with reports of localized shortages of gasoline, heating oil and fuel for farm vehicles, motor transports, police and fire departments, ambulances, and jet planes. Each day brings new reports that municipal governments, for the first time, are unable to contract for the delivery of petroluem-based fuels for public service vehicles.

In the Pacific Northwest, interruptible electric power has been cut off from some major industrial users, such as aluminum reduction plants. In this instance, the shortage is caused by a light snowpack and the consequent low spring runoff in the Columbia River system, but it indicates how fragile our energy supply system really is. Closer to home, of course, is the fact that voltages in the Boston-Washington corridor must be cut on warm days, such as we experienced last week.

This is the first element of the energy crisis—the problems that we face within the next twelve to thirty-six months to distribute the energy that is available to us so that necessary services are provided for, and to assure that the economy of each region in this country is protected from harm. A classic example of this problem is the prospective shortage of fuel for the harvest, now underway in Texas and the Southwest. This will continue as the harvest moves north to Canada. This is a management crisis, and I believe that the fact that we are not prepared to handle it in a timely and orderly manner is a national disgrace. I will return to this immediate phase of our energy crisis, but I want to emphasize that this is just one indication of the immediate need for a national energy policy and for aggressive programs to carry it into effect.

The second crisis we face is one of providing reasonable, prompt relief for the first crisis, without avoidable harm to the environment. We have been plagued by unnecessary delays in getting nuclear and other thermal power plants built and producing; by delays in building oil refineries and deep water ports; in exploring and developing oil and gas fields, on shore and off; in developing new, modern, safe coal mines and coal gasification and liquefaction plants.

The delays that we have encountered in these areas have a number of causes, including the unforeseen impact of environmental protection laws, and, in some cases, obstructionist litigation in the name of environmental protection. We have also experienced lack of managerial and administrative imagination and planning.

This demonstrates again the need for a National Energy Policy. However, it must be emphasized that correction of all these delays immediately would not, in and of itself, solve this nation's energy problems. It would, of course, have a significant impact in the near future, but it would not protect us from the third crisis.

The third crisis involves the apparently unavoidable necessity of importing vast quantities of oil from the Middle East during the 1970's and 80's.

Being dependent upon imports is a new phenomenon that has come upon us so suddenly that we are experiencing great difficulty in comprehending the magnitude of the problem and its implications. James E. Akins, writing on the oil crisis in *Foreign Affairs* magazine, April, 1973, says, "As late as February, 1970, President Nixon's Task Force on Oil Imports assumed that . . . the United States could remain essentially self-sufficient in oil," and that "most of (our imports) could come from the Western Hemisphere."

"These projections were spectacularly wrong," Akins points out. "Total imports this very year, 1973, will be . . . substantially above the level the Task Force predicted for 1980." Estimates by the State Department now predict that by 1980, about 35% of our total consumption of oil will come from the Mideast. There are suggestions that even these estimates are too conservative, and that the twelve to fifteen billion dollars per year trade deficit that such imports would create may be low by a factor of two. This is one of the major elements of our energy crisis and one of the most serious problems facing our nation. It is already upon us, and will inevitably become much worse.

Beyond this, however, lies the fourth crisis—the simple fact that the United States, and even the "oil-rich" Middle East, are inevitably running out of natural gas and petroleum.

The twentieth century will be marked in history as an incredible orgy of burning of gas and petroleum, when this country and a few other nations rose to remarkable levels of affluence and glory. But this profligate use of cheap energy, which we treated as a "throw-away" item of little consequence, is coming to an end—probably for us by about the year 2000. By then, even with exploration and drilling programs, off-shore and in Alaska, we will have burned up virtually all of these resources. It is not too soon to realize that we must develop programs that will provide us with adequate energy for the future—enabling us to maintain our national security, provide a decent standard of living for all, and still protect our environment. A challenge of this magnitude, even though the curtain may not fall for 25 to 30 years, constitutes our fourth crisis, and, because of its profound implications for our way of life, it is no less urgent than the other three.

To attack all these problems at once we must have an integrated national energy policy with aggressive programs which will provide us with increased amounts of energy we will require, while conserving our natural resources and protecting our environment to the fullest possible extent.

To deal with the immediate crisis of the distribution of energy available to us this year and next, we need, more than anything else, better planning and better management. I support S. 1570, by Senators Jackson and Humphrey and others, which will require the President to draft and implement a distribution plan for petroleum and petroleum products. This non-voluntary program avoids the objection from industry that a voluntary program might involve violations of anti-trust laws.

However, I submit that this is not enough.

Before we can handle the problems of energy demand and distribution, we must understand the factors controlling them. The fact that our present and impending regional shortages of fuels and electricity came upon the government and the public without much warning is, to me, inexcusable. My Subcommittee on Energy has recently held hearings on this subject. As a result of our findings, I shall soon propose that an energy data and information center be established immediately, containing all the relevant information affecting energy production and consumption, with computer capability to analyze the interrelationships of each with the other, and to determine in advance the impact of any reasonable, predictable phenomenon upon the availability of any form of energy in any region of the United States at any time in the near future. With the advantage of such information, the Administration should be able to take timely action to avoid future energy crises.

In providing solutions for our second crisis, several steps are obvious. Of course we must enact legislation at once to authorize construction of the Alaska pipeline. We must also take whatever steps are necessary to eliminate needless litigation which is presently delaying the siting of some nuclear power reactors, oil refineries, pipelines, deep water ports, and other similar facilities. In this respect, I am encouraged by AEC support of plans to standardize nuclear reactor design.

It is essential that we adopt a common sense and realistic approach toward immediate conflicts between energy requirements and environmental protection. While we must impose the strictest feasible environmental control on every step of every form of energy conversion, handling, and consumption, it is self-defeating for us to allow blind emotionalism to keep us from providing the energy we need, when we need it. It should be emphasized that for any state or area to assume that it can enjoy the benefits of clean energy by dumping the associated environmental problems into another region is unconscionable and cannot be tolerated. To assume that a society can have an expanding population with an increasing standard of living, particularly for those of low-income levels, while imposing new energy-consuming environmental standards for automobiles, industry, and power plants, without additional energy production, is irrational. Predicating our present policies on such irrationality would have a catastrophic effect during the next ten to twenty years.

Of course, it appears impossible today for us to avoid the third crisis—the importation of very large quantities of petroleum, through the 1970's and into the 1980's. Long-range predictions of this sort are likely to prove unreliable, but the best imaginable situation is still profoundly disturbing. Obviously, importation, in and of itself, is not necessarily unhealthy, although the associated trade deficit almost certainly would be. Much more serious are the national security implications associated with *dependence* upon such imports, particularly from the Middle East. I therefore join with Senator Jackson in proposing that this nation build a ninety day reserve of petroleum in this country at the earliest possible moment.

It is at this point that the coal industry, working with the federal government, can make a profound contribution to our national security and our way of life by helping to alleviate the energy crisis. *Coal is the one source of energy that can protect us from dependence on imported petroleum.* During the next 20 to 30 years, coal alone can provide us with adequate quantities of domestically produced and reasonably inexpensive liquid and gaseous hydrocarbons adaptable to our existing industrial and energy infrastructure.

In addition to the 90 day reserve of petroleum, I will recommend standby procedures under which many central power stations presently burning oil or gas shall be able to convert if necessary to the burning of coal within the ninety day period allowed by our petroleum reserves. I will recommend that, although no scrubber system exists today which will meet air quality standards for stack gas emission, provision also be made to equip plants on standby for conversion to coal with the best scrubber systems available. Such a standby program obviously also assumes that coal will be available to be burned. This, in turn, assumes operating coal mines and transportation systems. It may also require amending our environmental protection laws to relax air quality standards until technology catches up with our desires.

I do not take the potential cost or the logistical implications of this matter lightly, but the options open to this nation in the event that, for any reason, our oil supplies should be abruptly cut off, let us suppose, in 1980, would be 1) yielding to whatever demands the oil-producing countries might make as the price for resuming exports, or 2) taking military action to secure the oil, or 3) going without one-third of our oil supply, and suffering the economic and societal consequences. Obviously none of these options is acceptable.

Not only must we rely on the burning of more coal, we must, in the near future, depend upon liquid and gaseous fuels produced from coal. I am appalled by the fact that, although it has been common knowledge that our coal reserves will last for several hundred years, and although it has been obvious that we must have coal gasification and coal liquefaction plants on the line in the very near future, we have not yet established an organized, integrated, sharply-managed, mission oriented program for coal utilization. During the last ten days I have heard persistent rumors that in his coming energy message, the President will recommend shifting the Office of Coal Research into the Atomic Energy Commission. I hope this is true, and that it comes to pass. I will certainly support it, for I believe that the national laboratories operated by the AEC have the organizational, scientific, and technical expertise to put together a crash program to get coal back into the mainstream of energy production. Here, I want to make a sharp distinction between coal, on the one hand, and all of the alternate energy sources on the other. While we cannot establish an Apollo-like program or another Manhattan project for all of energy, we can certainly do so for coal.

I believe that a national commitment to have full-size, economically feasible coal gasification and liquefaction demonstration plants on the line by 1980 is not an unrealistic goal if the project is managed by a national laboratory and if it is appropriately well-funded, starting with adequate planning money in Fiscal Year 1974, and massive financial support for pilot plant construction in 1975. It seems realistic to me to assume demonstration of several processes for both liquids and gas; and that processes for high and low BTU gas, for off-site and on-site consumption, be demonstrated. I think it is instructive to consider that such a monumentally important goal would cost only a small fraction of the cost of putting a man on the moon. Indeed, it probably would not be more than the cost of a single new combat-ready aircraft carrier.

Obviously, other research must accompany coal gasification and liquefaction R&D. We must undertake immediate, thorough, studies of new, safe, deep mining techniques, including remote mining, all having a minimum impact on the environment; on in-situ coal gasification and liquefaction; on pre-combustion clean-up of high-sulfur coal, including solvent refining, either in-situ or after mining.

We need a program to demonstrate economically feasible and environmentally acceptable methods for neutralizing acid mine wastes, and for land and environmental reclamation in any area where strip-mining is contemplated.

We must undertake to develop a workable exhaust clean-up technology, with the goal of meeting present EPA standards by 1980 for central power stations burning high sulfur coal, at a cost of not more than one mil per kilowatt.

We must explore the pipeline transportation of coal, specifically to East and Midwest markets.

We must have a systems-analysis of the logistics of coal gasification and liquefaction, including especially the availability of process water, and the economic trade-offs related to the location of coal, water, and markets for synthetic fuels. We should study the possible synergistic benefits of using raw, untreated sewage as process water in coal gasification and liquefaction processes, thus possibly obtaining otherwise unavailable process water, while reducing or even eliminating the need for sewage disposal facilities in some communities.

All such studies, and research and development, should, it seems to me, be financed partially by the coal industry, and partially by the federal government. All patents should be licensable to any applicant. Federal involvement should terminate with successful demonstration.

A massive research and development program must also be undertaken at once to develop new sources of energy. Several categories of research are inexpensive compared to, for instance, nuclear energy research, and may yield results on a relatively short time scale. These include solar energy for space heating of buildings and the heating of hot water for domestic uses, as well as central power stations located in the desert and powered by large "solar farms."

Work in geothermal energy can and should be pushed aggressively. Sources of geothermal energy such as high pressure underground waters, hot water and hot rocks, should be investigated, and feasibility studies for covering energy from these sources should be carried out as rapidly as possible.

We have established a national policy that the year 1980 is a target date for having the Liquid Metal Fast Breeder demonstration plant on the line. I think this is a commendable goal and that it should be supported, along with alternate breeder concepts on a longer time scale. However, I believe that research and development in solar and geothermal energy should be given the same priority and the same target date for successful demonstration plants.

At the same time, of course, we need to increase our support for basic research and applied R & D for new types of batteries, for commercially feasible fuel cells, and for less expensive solar cells. We must investigate cryogenic transmission, electrical energy storage, high voltage transmission, a national electric grid, and other energy research areas as they evolve.

We must also provide incentives for energy conservation, but we must not delude ourselves into thinking that even successful conservation programs will significantly relieve the pressures in any of the four crisis areas I have earlier described. Nevertheless, I think we should consider a horsepower tax on all automobiles over 100 horsepower, and on all automobile engines providing less than twenty miles per gallon. I think we should consider providing income tax benefits, even including a negative income tax, for acceptable home improvements which contribute to energy conservation. We should provide incentives for designing new public buildings which require less energy to heat, light, and cool than some established norm.

For the more distant future, of course, lie the great adventures of nuclear fusion and satellite solar energy. It seems to me that these two programs should be on parallel timeliness. I am encouraged by recent programs in plasma confinement studies, and I am supporting an increase of $9.5 million in the fusion budget for FY 1974 for ten specific projects, that, hopefully, will prepare the groundwork for an accelerated fusion research program, should one be recommended for Fiscal Year 1975. It is my hope that we may have a fusion demonstration plant on the line before the year 2000, and that, if satellite solar energy does prove to be feasible, and if a technique can be developed to mass-produce cheap, relatively efficient solar panels, we may have a satellite solar energy demonstration unit functioning at the same time.

All this amounts to the greatest challenge and the greatest commitment this nation has ever undertaken short of a major war. It will demand more from many of us than we have ever been asked to do before. But the role of coal and the challenge to the coal industry are uniquely important.

Providing adequate energy while protecting our environment will be an act of dedication to the future. It will require new ideas, resilience, calculated risks, and creative imagination. This is a time for looking forward, and I, as Chairman of the Energy Subcommittee, am looking forward to working with you in industry. I am convinced that we will succeed.

DESERTER? NO—RESISTER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Ms. ABZUG. Mr. Speaker, last month Army Medic Eddie Sowders made a dramatic and public return to military control, after more than 3 years of absence from the Army. He returned in this manner, during informal congressional hearings, to show that war resisters are not "cowards, criminals, or underachievers" as some people say. He has now received a dishonorable discharge.

His story is told in a recent statement distributed by Safe Return, which I include in the RECORD at this point:

DESERTER? NO—RESISTER

Like many GIs, I at one time supported the war in Vietnam. I believed the President and military leaders when they said our mission in S.E. Asia was to protect the Vietnamese from aggression. So, in 1966, I volunteered for Vietnam duty.

I was assigned to an evacuation hospital where we received "fresh" casualties direct from combat areas. Many of these victims were Vietnamese civilians, mostly women and children hit by U.S. artillery and bombing. Many had been severely burned by napalm and white phosphorous; weapons used only by the U.S. These casualties would come in "waves", sometimes hundreds at a time, when U.S. forces attacked their hamlets. What affected me most I guess, were the children. I watched many of them die from their terrible wounds; we "saved" others—to be crippled or maimed for the rest of their lives.

Some of the GIs I worked with reacted to this carnage by intensifying their hatred for the "gooks." Many of us, however, began to understand through our personal experience of Vietnam, the depth of the lies and deceptions practiced on us, and the American people, by our country's leaders. It was they who trained us to kill without question and to hate our "enemy"—the Vietnamese. They concocted such phrases as; "kill-ratios", "secure-areas", "search and destroy" and the like, to mask the reality of their combat policy in Indochina.

Yet, it is these same policy-makers (and their successors) who today brand me, and hundreds of thousands like me, as "criminals" who must be punished. The Pentagon dismisses us resisters as "under-achievers," "immature," and "poor material." How true! For the majority of resisters to this war, especially "deserters" these insults are nothing new. Poor white people, Blacks, Puerto Ricans, and Chicanos have always been called "underachievers" and worse. When my parents were forced onto welfare due to unemployment and illness, the same things were said.

We are wanted of course, when there are wars to be fought. Then, we're drafted or driven into the military, shipped off to fight and die in the name of a society that has only exploited and oppressed us. When we come home (if we come home) we're hit with unemployment and cut-backs in the disability and training programs we were promised.

Like thousands of other vets, I learned the truth about Vietnam, first-hand. In April 1970, I made my decision to refuse further participation in a military system which had forced me to help carry out its policies in Vietnam. For the past three years, except for a period in Canada, I've lived underground in America, cut off from my family and friends. It has meant drifting from one low-paying job to another, often going without food or shelter.

"I make no apology for my act of resistance. I could do nothing else at the time. But, underground life has become intolerable to me. So, I'm here today, to draw attention to the true facts concerning my case and the cases of tens of thousands just like me. We are not criminals to be hunted and imprisoned. Over half a million of us have "deserted" from the military since 1965. Most have already returned to military control, to be punished with jail and bad discharges. Like thousands of AWOLs before me, I'll be court-martialed by a jury composed of career officers, sentenced to a military prison and finally, returned to civilian life with a bad discharge to insure that their punishment extends into the rest of my life as much as possible."

* * * * *

Eddie Sowders has spent his entire adult life under the shadow of the military. In 1965, at age 18, he enlisted in the Army to escape the frustration and poverty of home. He was trained as a medic and sent to Germany. He volunteered for Vietnam, and arrived there in July 1967. During his year in Vietnam, where he was stationed in an evacuation hospital which treated "fresh" casualties from the field, he treated thousands of wounded Americans and Vietnamese. He left there opposed to the war and determined to help bring it to an end. He started to do this within the military, even reenlisted and requested a second tour in Vietnam, to go there and work visibly against the war. But Eddie was soon forced to face the decision of remaining in uniform or "deserting". In April, 1970, he went to Canada. Two years ago, he returned to the United States and has lived underground as do tens of thousands of military resisters like himself, under the constant threat of apprehension and imprisonment. He has remained, all during his years in exile and underground, active against the war and with movements for social change. He is now in the stockade at Ft. Meade, Md., awaiting court-martial.

The history and present situation of Eddie Sowders is not unlike that of most resisters to the war in Southeast Asia. There have been over 450,000 "desertions" since the beginning of the war. 560,000 men have been given debilitating less-than-honorable discharges from the military as a DIRECT result of their opposition to the war and to the racism and oppression rooted in the military system. With draft resisters and civilians who have been arrested and convicted added to these figures, nearly one million people would benefit from a just amnesty.

Eddie's mother, Mrs. Lora Sowders, of Detroit, also spoke during the amnesty hearings:

"I am the mother of eight children, two girls and six boys. We've never, since I can remember, had an easy life and we've raised our children in poverty. Because he is disabled, the best job my husband could get was as a guard, which payed very little. I also worked, but during the time my husband was off, we could not afford a sitter.

"My oldest son, Eddie, got along well in school and wanted to go to college, but school authorities refused his request for college courses. So, Eddie quit school, because they weren't teaching him a thing; there was nothing to hold him there. They denied him a future. With no education, he couldn't get a decent job. He was only prepared for service and they only trained him for war. A war that poor have been forced to fight, but one which we didn't want or need.

"Eddie didn't know that when he volunteered for Vietnam—he still believed in his country. I tried to tell him how senseless the war was, but he sincerely believed he was doing the right thing. I was afraid for him while he was there. I knew that the only thing he could gain was death, because the war was not for us, the poor Americans.

"While in Vietnam, Eddie wrote about how he had been brainwashed into believing in the war. He wrote with a new understanding of many things: his childhood, education, beliefs, and things that led him into the military. He returned from Vietnam sullen and quiet, not wanting to discuss what he had seen.

"Yet, he re-enlisted and requested to return to Vietnam to somehow help in ending the war he was now so strongly opposed to. Over a year later, he left the Army and went to Canada, which made me happy.

"I didn't raise sons to be fed into and pushed around by the military, simply because I haven't the money needed to keep them safe. My son, Eddie, and the thousands of men like him, need and deserve an amnesty, without conditions, because they are not criminals. They have all left the military or refused the Draft in opposition to a war that none of us stood anything to gain from, but everything to lose."

Safe Return is a national committee with the objective of winning a universal, no-strings amnesty for all categories of war resisters.

They have a Washington office staffed by Vietnam-era vets, who are lobbying on Capitol Hill and providing a regular distribution of amnesty materials to all members of Congress. They also assist family members of war resistors to lobby with their individual Congressmen.

Safe Return has sponsored the public surrender of three Vietnam veterans who have refused further military service out of opposition to the Vietnam war. They had lived for several years either underground or in exile and their surrender dramatized the need for universal amnesty. They waged vigorous campaigns of defense for these men, based on their duty to refuse to execute criminal military policies in Indochina.

Safe Reuturn also provides speakers for public events and debates; publishes relevant materials on amnesty, and acts as a clearinghouse for people seeking suggestions and ideas on implementing local amnesty work.

FORA, Families of Resistors for Amnesty, has been organized with the aid of Safe Return. Several hundred family members have already joined and a number of chapters are in formation in cities like San Francisco, Portland. Detroit, New York, Seattle, and New Jersey. FORA chapters are conducting petitioning and letter-writing campaigns, distributing the new FORA resister-bracelets, and in some towns, working on local electoral referendums on amnesty. Safe Return may be reached at 156 Fifth Avenue, Suite 1003, New York, N.Y. 10010.

SUTTON BLASTS REVENUE SHARING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1973

Mr. RANGEL. Mr. Speaker, the Citizens Task Force on Revenue Sharing, a group involved in analyzing this new fiscal policy, recently held hearings in New York City to consider the efficacy of revenue sharing as it relates to our city.

The Task Force listened to testimony from the distinguished president of the Borough of Manhattan, Percy Sutton. I now submit excerpts from President Sutton's remarks for the information of my colleagues.

The success of revenue sharing may well influence and reflect the future success of our cities and our Nation. We would do well to carefully scrutinize this fiscal policy before we accept it.

Mr. Sutton's testimony, as reported by the New York Voice on June 1, 1973, follows:

GOOD IN THEORY BUT NOT PRACTICE: SUTTON BLASTS REVENUE SHARING

Following are excerpts from testimony on Revenue Sharing by Manhattan Borough President Percy Sutton before the Citizens Task Force on Revenue Sharing at hearings held last week at the Association of the Bar, 42 West 44th St.

Revenue sharing, as it is now structured and as it is presently funded, is not adequate to meet the most elementary needs of the people of the Borough of Manhattan.

The concept of revenue sharing is a necessary one. The trend in American government for decades has been to centralize and super-centralize at all levels.

It is the super-centralization of power at the Federal level in the hands of the President that has helped to create a climate in which a Watergate could occur. It is the super-centralization on a local level which has resulted in vast inefficiency and unresponsiveness in city government.

So the concept of revenue sharing is a good one—to return the power of decision making to the local units of government to implement and deliver the services of government at that level where they might be most efficiently and accountably delivered.

Revenue sharing is the wave of the future.

But Revenue sharing as it is now being implemented is nothing short of a major disaster for the City of New York and for my Borough of Manhattan. At the same time that the Nixon administration is launching a revenue sharing program, it is also causing the cutback of some 13 major social services in the Borough of Manhattan.

The much-heralded Federal Revenue Sharing Plan will result in a net loss of funds for New York City. This is because of a number of sweeping cutbacks—the moratorium on Federal housing subsidy funds; the new legislative ceiling on federal social service spending; the discontinuation of the model cities program; the tightening of income eligibility grants for day care and food stamps; the seven provisions of the proposed Federal budget for 1974 halting the O.E.O. Community Action Emergency Employment Act Assistance, halting urban renewal funding and halting the Neighborhood Youth Corps.

For the City of New York, and for cities across America, the funds thus held back by the Nixon budget substantially exceed the new monies available for revenue sharing. The result is a net loss.

I and my colleagues are left, therefore, with the choice of drastically cutting back services or else petitioning the Legislature for a State takeover of certain municipal services. I find it very ironic that a revenue sharing program which was originally conceived as a device for maximizing decision making at the local level should instead result in vastly increased pressures for the centralization at the State level of what are essentially local services.

HOUSE OF REPRESENTATIVES—*Tuesday, June 19, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not mercy and truth forsake thee; bind them about thy neck; write them upon the table of thine heart.—Proverbs 3:3.

"Send down Thy truth, O God;
Too long the shadows frown;
Too long the darkened way we've trod;
Thy truth, O Lord, send down.

"Send down Thy love, Thy life,
Our lesser lives to crown,
And cleanse them of their hate and strife;
Thy living love send down.

"Send down Thy peace, O Lord;
Earth's bitter voices drown
In one deep ocean of accord;
Thy peace, O God, send down."

EDWARD R. SILL.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 470. An act to amend the Securities and Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such Acts, and for other purposes;

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974; and

S. 1386. An act to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JESSE McCARVER, GEORGIA VILLA McCARVER, KATHY McCARVER, AND EDITH McCARVER

The Clerk called the bill (H.R. 1315) for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver.

There being no objection, the Clerk read the bill as follows:

H.R. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following persons the amount shown opposite his or her name:

Jesse McCarver	$1, 500
Georgia Villa McCarver	12, 500
Kathy McCarver	1, 000
Edith McCarver	2, 000

The amounts paid under this Act shall be in full settlement of all claims of the named individuals against the United States arising out of the automobile accident which occurred on June 12, 1965, near McMinnville, Tennessee, on State highway numbered 8, between an auto driven by Georgia Villa McCarver and a vehicle driven by a member of the Tennessee National Guard while on weekend training maneuvers.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That notwithstanding the time limitations of section 715 of title 32, United States Code, or of any other statute of limitations, the Secretary of the Army is authorized to consider, settle, and if found meritorious, to pay in accordance with otherwise applicable law the claims of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver arising out of an automobile accident which occurred on or about June 12, 1965, near McMinnville, Tennessee, on State highway numbered 8, involving a military vehicle driven by a member of the Tennessee National Guard: and the claims filed on or about April 24, 1970, in behalf of the said Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver with the Department of the Army based upon that accident are to be held and considered to have been timely filed."

AMENDMENT OFFERED BY MR. BAKER TO THE COMMITTEE AMENDMENT

Mr. BAKER. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BAKER to the committee amendment: At the end of the committee amendment add a new section, as follows:

"SEC. 2. No amount paid under the authority provided in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEONARD DIAMOND

The Clerk called the bill (H.R. 2771) for the relief of Leonard Diamond.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SFC, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, SFC, U.S. Army (retired).

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be

The SPEAKER. Is there objection to

passed over without prejudice.

the request of the gentleman from California?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4589) for the relief of Roger Stanley, and the successor partnership Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without predjudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GUIDO BELLANCA

The Clerk called the bill (S. 464) for the relief of Guido Bellanca.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SLOBODAN BABIC

The Clerk called the bill (S. 666) for the relief of Slobodan Babic.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE PRESIDENT TO APPOINT VICE ADM. HYMAN G. RICKOVER, U.S. NAVY (RETIRED) TO THE GRADE OF ADMIRAL ON THE RETIRED LIST

The Clerk called the bill (H.R. 1717) to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy (retired) to the grade of admiral on the retired list.

Mr. WYLIE. Mr. Speaker, I do not know that this has laid over under the rules of the objectors committee for 7 days. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. This ends the call of the Private Calendar.

COMMISSION ON THE BANKRUPTCY LAWS

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 499) providing for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

The Clerk read as follows:

H.J. RES. 499

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of the first section of the joint resolution entitled "Joint Resolution to create a commission to study the bankruptcy laws of the United States" approved July 24, 1970 (84 Stat. 468), is amended to read as follows:

"(c) The Commission shall submit a comprehensive report of its activities, including its recommendations, to the President, the Chief Justice of the United States, and the Congress prior to July 31, 1973. The Commission shall cease to exist thirty days after the date of the submission of its final report."

SEC. 2. Money appropriated for the purposes of carrying out the joint resolution entitled "Joint resolution to create a commission to study the bankruptcy laws of the United States" approved July 24, 1970 (84 Stat. 468), shall remain available until expended or until the Commission established under such joint resolution ceases to exist.

The SPEAKER. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, the House Committee on the Judiciary, by unanimous voice vote, with no dissenting vote, reported out favorably House Joint Resolution 499.

The purpose of this resolution is to extend the period of time for the submission of the report of the Commission on the Bankruptcy Laws of the United States from June 30 to July 31, 1973. In addition, it would extend the life of the Commission 30 days beyond the date of the submission of the report to close its office, answer press inquiries, and circulate copies of the report. Further, this resolution would allow the Commission to expend funds for its operation during the 60-day closeout period which have been previously appropriated.

Let me explain that the Commission on the Bankruptcy Laws of the United States was established by Public Law 91-354, 84 Stat. 468 on July 24, 1970. As enacted, this law provided for a 2-year term for the Commission. Appointments to the Commission were not completed until late May 1971, and the Commission was unable to open an office until June 1, 1971. So, 10 months elapsed before the Commission and staff were able to commence the study contemplated by the legislature.

Because of this late start, we extended the life of the Commission 1 year by House Joint Resolution 1006 in the 92d Congress, and increased the authorization for funds.

I can fully attest, at can my colleague Mr. WIGGINS, how hard this Commission has worked. Mr. WIGGINS and I have served as Commissioners since its inception. Regular meetings have been scheduled on a monthly basis as all members of the Commission have other professional responsibilities and must travel some distance to attend these meetings. Lately, it has been necessary to meet quite often on weekends.

Our task has been a complete examination of existing bankruptcy law, a full scale study of the Bankruptcy Act and the results of our endeavors will, in fact, be a completely new suggested Bankruptcy Act. We are almost finished with this enormous task. We strove to meet the June 30 deadline for the submission of our report, but rather than sacrifice the quality of all of our months of study and work and also because it was necessary to schedule the last meeting of our Commission for June 7–12, 1973, we felt it necessary to give our staff 30 additional days to complete their task of rewriting and editing all of our work. It aslo made sense to give the Commission 30 days after the submission of their report to close up the office and complete the numerous housekeeping chores that need to be completed. In fact, most commissions contain that language and this one should have.

In addition, $826,000 was authorized and appropriated for the operation of this Commission through June 30, 1973, or fiscal year 1973. As of June 30, 1973, the Commission estimates it will have $59,240 of unused but authorized and appropriated funds. The Commission estimates that it will need to expand $31,500 for July and $3,750 for August or a total of $35,250, leaving an unexpended sum of $23,990 when the Commission expires to be returned to the U.S. Government.

Therefore, Mr. Speaker, I urge my colleagues to support House Joint Resolution 499.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this constitutes the second extension, does it not, to July 31?

Mr. EDWARDS of California. The gentleman is correct. Congress extended the life one previous time because of a delay of 10 months in appointing members to the Commission.

Mr. GROSS. Whatever the reason, the second extension is to July 31 and the House, in effect, makes a third extension to August 31. Is that not correct?

Mr. EDWARDS of California. That is correct, in order to close up the office.

Mr. GROSS. Does it take a month to do that? Where are these headquarters?

Mr. EDWARDS of California. These headquarters are located downtown at 1060 16th Street NW., Washington, D.C.

Mr. GROSS. Why does it take a month to close down an office? Is this in order to keep some people on the payroll?

Mr. EDWARDS of California. This is not in order to keep people on the payroll. As I pointed out in my remarks, the total money to be spent in August is $3,750. People are already being released. It takes just about that amount of time to close down the offices and take care of the paperwork after 3 years of hard work by a dedicated staff.

Mr. GROSS. If the gentleman will yield further, I do not want to make a serious case out of this, but it does seem to me if this committee is going out of business on July 31, it ought to be able to close it out on that date, headquarters and all, but again I am not going to make a serious issue of it.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from yielding.

Mr. Speaker, I associate myself with the remarks of the gentleman from California (Mr. Edwards). I will attest to the hard work which he and my colleague, the gentleman from California (Mr. Wiggins), and the other Commission members and Commission staff have put into this important project.

I think we should recognize that the Bankruptcy Commission has performed a comprehensive review of the complicated and lengthy Federal bankruptcy laws, many of which date back a century or more in slightly less than 2 years. It is extremely important that the final report of the Commission be fully completed, and a 1-month extension for this purpose seems reasonable. The Commission has performed very well. I am happy to support this short extension of time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Edwards) that the House suspend the rules and pass the joint resolution (H.J. Res. 499).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7447, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, when is it proposed to call up the conference report?

Mr. MAHON. We have a heavy schedule for the remainder of the week. I think the chances are it will be called up on Monday. If we are able to file the conference report tonight it would be in order on Friday, but we have a very heavy schedule for Friday.

Mr. GROSS. If it is called up next week we will have ample opportunity to look at the changes that were made in conference?

Mr. MAHON. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Conference Report (H. Rept. No. 93–295)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7447) "making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 12, 16, 26, 29, 31, 32, 36, 37, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 9, 10, 14, 15, 21, 24, 27, 28, 30, 33, 44, 48, 49, 50, 52, 57, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, and 82, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$6,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,399,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$151,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,248,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$20,000,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$243,510,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$35,500,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$87,500,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,972,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$471,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$255,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

COMMISSION ON INTERNATIONAL RADIO BROADCASTING

International Radio Broadcasting Activities

For an additional amount for "International radio broadcasting activities", $1,150,000: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$475,000,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

Salaries and Expenses

For an additional amount for "Salaries and expenses", $2,250,000.

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$95,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 17, 18, 19, 20, 22, 23, 25, 34, 35, 38, 42, 43, 45, 46, 51, 60, 68, 81, 83, and 84.

George Mahon,
Jamie L. Whitten,
Joe L. Evins
(except amendment No. 83),
William H. Natcher,
Daniel J. Flood,
Tom Steed,
John M. Slack,
Julia Butler Hansen,
John J. McFall,
E. A. Cederberg,
John J. Rhodes,
Robert H. Michel,
Louis C. Wyman,
Burt L. Talcott,
Robert C. McEwen,
Managers on the Part of the House.

John L. McClellan,
Warren G. Magnuson,
John O. Pastore,
Alan Bible,
Robert C. Byrd,
Gale W. McGee,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings,
Birch Bayh,
Thomas F. Eagleton,
Milton R. Young,
Roman L. Hruska,
Norris Cotton,
Clifford P. Case,
Hiram L. Fong,
Ted Stevens,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

CHAPTER I.—DEPARTMENT OF AGRICULTURE

Agricultural Programs

Agricultural Research Service

Amendment No. 1: Deletes the item of $18,000 proposed by the Senate.

Environmental Programs

Soil Conservation Service

Watershed and Flood Prevention Operations

Amendment No. 2: Appropriates $20,000,000 for flood restoration work as proposed by the Senate instead of $12,500,000 as proposed by the House.

Agricultural Stabilization and Conservation Service

Emergency Conservation Measures

Amendment No. 3: Appropriates $15,000,000 for flood restoration work as proposed by the Senate instead of $2,500,000 as proposed by the House.

The Conferees are in agreement that these funds shall be available for restoration of leased government-owned lands in reservoir areas, in cooperation with the lessees, so as to restore their value.

Consumer Programs

Food and Nutrition Service

Child Nutrition Programs

Nonfood Assistance

Amendment No. 4: Appropriates $6,000,000 for school lunch facilities instead of $18,700,000 as proposed by the Senate.

CHAPTER II. DEPARTMENT OF DEFENSE—MILITARY

Military personnel, Navy

Amendments Nos. 5, 6, 7 and 8: Appropriate $41,399,000 instead of $34,606,000 as proposed by the House and $46,597,000 as proposed by the Senate for three fiscal years in which overobligations were made. The amount agreed to is distributed by fiscal years as follows: For fiscal year 1969, $151,000 instead of $50,000 as proposed by the House and $165,000 as proposed by the Senate; For fiscal year 1971, $20,000,000 instead of $16,958,000 as proposed by the House and $23,834,000 as proposed by the Senate; and for fiscal year 1972, $21,248,000 instead of $17,598,000 as proposed by the House and $22,598,000 as proposed by the Senate.

Amendment No. 9: Includes new title "General Provisions" as proposed by the Senate.

Amendment No. 10: Includes language "or in or over Laos" as proposed by the Senate as addition to House language providing that none of the funds in the bill can be expended to support combat activities in, over or from off the shores of Cambodia by United States forces.

Amendment No. 11: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides an increase in transfer authority from $750,000,000 to $825,000,000, an increase of $75,000,000 instead of an increase of $170,000,000 as proposed by the Senate. Includes Senate language providing that none of the funds transferred may be used in support of combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER III. DISTRICT OF COLUMBIA

Amendment No. 12: Deletes the appropriation of $8,500,000 for "Federal Payment to the District of Columbia" proposed by the Senate.

The conferees are agreed that all programs in the next fiscal year's budget for which there is a demonstrable need and are fully and completely justified to the satisfaction of the Committees on Appropriations will be approved.

CHAPTER V. VETERANS' ADMINISTRATION

Amendment No. 13: Appropriates $20,000,000 for Assistance for Health Manpower Training Institutions, instead of $25,000,000 as proposed by the Senate. The committee of conference is agreed that $15,000,000 is to be applied to the pilot program for assistance in the establishment of new State medical schools, authorized by subchapter I of Public Law 92–541, and $5,000,000 may be used by the Administrator to implement any part of the aforementioned legislation.

CHAPTER VI

Department of the Interior

Amendment No. 14. Appropriates $18,500,000 for "Bureau of Land Management, Management of Lands and Resources", as proposed by the Senate instead of $17,177,000 as proposed by the House.

Amendment No. 15. Appropriates $2,900,000 for "Bureau of Indian Affairs, Resources Management", as proposed by the Senate instead of $2,036,000 as proposed by the House.

Amendment No. 16. Deletes appropriation of $34,000,000 for "Bureau of Mines, Helium Fund" proposed by the Senate.

Amendment No. 17. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $3,100,000 for "National Park Service, Construction".

Department of Agriculture

Forest Service

Amendment No. 18. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $39,563,000 instead of $38,425,000 as proposed by the House and $38,948,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 19. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to transfer $3,179,000 from "Forest research" to "Forest land management" instead of $3,600,000 as proposed by the House and $3,429,000 as proposed by the Senate. Projects not approved for transfer, in addition to those not approved by the Senate, include: wildlife habitat research, Fresno, California, $50,000; and fire research, Macon, Georgia, $200,000. In addition, the Department is directed not to reprogram within "Forest land management" the following projects: Wildlife habitat management, Sierra National Forest, $65,000; Wildlife habitat management, Clark and Mark Twain National Forests, $300,000. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 20. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language to prohibit the use of funds currently available or made available under the supplemental bill for realigning the regional boundaries of the Forest Service.

Historical and Memorial Commissions

American Revolution Bicentennial Commission

Amendment No. 21. Inserts heading as proposed by the Senate.

Amendment No. 22. Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $2,868,000 for "American Revolution Bicentennial Commission, Salaries and Expenses."

Pennsylvania Avenue Development Corporation

Amendment No. 23. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $350,000 for "Pennsylvania Avenue Development Corporation, Salaries and Expenses".

CHAPTER VII

Department of Labor

Departmental Management

Amendment No. 24: Appropriates $40,000 for "Salaries and expenses", as proposed by the Senate.

Manpower Administration

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which will make $44,500,000 heretofore appropriated for "Manpower training services", available until September 30, 1973 to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, instead of appropriating an additional amount of $44,500,000 for this purpose, as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees reached the conclusion that additional appropriations for the summer jobs program are not needed at this time since a total of $1,595,297,000 is available for obligation in fiscal year 1973 under the appropriation for "Manpower training services", of which the Department of Labor currently plans to obligate only $1,220,000,000. It is clear that ample funds are currently available within this appropriation to fully support the Neighborhood Youth Corps summer jobs program for the coming summer. It is the intent of the conferees that at least as many Neighborhood Youth Corps summer job opportunities should be provided from this source as were provided in last summer's program.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Amendment No. 26. Deletes appropriation of $2,000,000 for "Mental health", proposed by the Senate.

The conferees agreed to the deletion of this appropriation with the understanding that the projects for combating alcoholism among Alaskan natives which the Senate amendment was designed to support have been approved for funding and will be funded from appropriations currently available for fiscal year 1973.

Amendment No. 27. Inserts citation of title IX of the Public Health Service Act, as proposed by the Senate.

Amendment No. 28. Appropriates $17,000,000 for "Health services planning and development" as proposed by the Senate, instead of $12,000,000, as proposed by the House.

Amendment No. 29. Deletes appropriations of $20,000,000 for regional medical programs and $15,000,000 for construction of outpatient facilities proposed by the Senate.

In agreeing to delete these additional appropriations, the conferees take note of the fact that $150,000,000 has already been appropriated for fiscal year 1973 for regional medical programs and $70,000,000 has been appropriated for construction of outpatient facilities. The Congress is clearly opposed to the termination of these programs. Legislation to extend the authorizations for them through June 30, 1974 has been passed by overwhelming majorities in both the House of Representatives and the Senate. The conferees urge that the funds which have been appropriated for the regional medical programs and the Hill-Burton program be released for obligation, in accordance with Congressional intent.

National Institutes of Health

Amendment No. 30. Inserts heading, as proposed by the Senate.

Amendment No. 31. Deletes appropriation of $60,000,000 for "National Cancer Institute", proposed by the Senate. In deleting this additional appropriation, the conferees take note of the fact that $492,205,000 has been appropriated for the National Cancer Institute for fiscal year 1973, of which the Administration currently plans to obligate only $432,205,000. The full appropriation is available until June 30, 1974, and the conferees are agreed that the entire amount should be obligated and spent for the Cancer program, as intended by the Congress.

Amendment No. 32. Deletes appropriation of $5,000,000 for "National Eye Institute", proposed by the Senate.

In deleting this appropriation, the conferees take note of the fact that $38,562,000 has already been appropriated for fiscal year 1973 for the National Eye Institute, of which the Administration currently plans to obligate only $34,397,000. The conferees believe that the full amount appropriated should be obligated, and spent, in accordance with Congressional intent.

Amendment No. 33. Inserts heading, as proposed by the Senate.

Amendment No. 34. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which will appropriate $100,000 for "Health Manpower" to remain available until expended to carry out the Family Practice of Medicine Act, as proposed by the Senate, and will delete an appropriation of $27,300,000 proposed by the Senate for aid to schools of the various health professions.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

In deleting the funds for assistance to the schools of the health professions, the conferees take note of the fact that ample appropriations for fiscal year 1973 for this purpose have already been enacted, but have not been released for obligation. The conferees believe that the full amounts appropriated should be made available to the schools, and urge that the funds be obligated and spent as intended by the Congress.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates an additional amount of $2,000,000 for "Health manpower" to carry out the Physician Shortage Area Scholarship program.

Amendment No. 36. Deletes appropriation of $13,900,000 for "General research support grants", proposed by the Senate.

In deleting this appropriation, the conferees take note of the fact that $60,700,000 has already been appropriated for general research support grants for fiscal year 1973, of which only $26,124,000 has been released for obligation. The conferees are agreed that these funds can and should be used for the support of biomedical research, and urge that the full appropriation be obligated and spent.

Amendment No. 37. Deletes appropriation of $24,100,000 for "Research training programs", proposed by the Senate.

In agreeing to delete this appropriation, the conferees take note of the fact that $192,345,000 has already been appropriated for fiscal year 1973 for research training programs, of which only $149,842,000 has been released for obligation. The conferees believe that the full appropriation should be obligated and spent for the training of biomedical researchers, and urge the Administration to release these funds.

Office of Education

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which will appropriate $13,800,000 for "Education for the Handicapped" to remain available until September 30, 1973 instead of $26,300,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate. The conferees recognize that other funds amounting to $12,500,000 are available within the amount of $143,609,000 already appropriated for "Education for the Handicapped" for fiscal year 1973 which the Department is not planning to spend. It is the intent of the conferees that a total of $26,300,000 should be used for the purpose intended by the Senate amendment, which is to prevent cuts in programs for education of the handicapped as a result of administrative errors by officials of the Office of Education.

Amendment No. 39: Appropriates $243,510,000 for "Higher education" instead of $226,510,000 as proposed by the House and $260,510,000 as proposed by the Senate.

The increase over the amount provided in the House bill includes $3,000,000 for special services for disadvantaged students, $12,500,000 for developing institutions, and $1,500,000 for foreign language training and area studies.

Amendments Nos. 40 and 41: Provide that $35,500,000 of the $87,500,000 for strengthening developing institutions shall be available through December 31, 1973, instead of $23,000,000 of the $75,000,000 as proposed by the House and $48,000,000 of the $100,000,000 as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends availability through September 30, 1973 of fiscal year 1973 appropriations for language training and area studies, university community services, land-grant colleges, college library programs, and veterans' cost-of-instruction payments, with an amendment which will provide $13,860,000 for language training and area studies under Title VI of the National Defense Education Act instead of $15,360,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers on behalf of both the House and Senate are highly critical of the Department's actions with respect to items proposed for rescission. Little was done in the way of anticipating Congressional action on these items. As a result, those who wish to apply for funding are required to do so on extremely short notice. The conferees are aware that to date the Department has acted with less than alacrity, and expects that all possible considerations be given to applicants.

Social and Rehabilitation Service

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will make available $590,000,000 instead of $610,000,000 as proposed by the Senate for grants under section 2 of the Vocational Rehabilitation Act; provide that allotments to States under section 2 shall not exceed $600,000,000, instead of

$645,000,000 as proposed by the Senate; and provide that $5,000,000 previously appropriated for fiscal year 1973 shall remain available until expended for the construction of the National Center for Deaf/Blind Youths and Adults, as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 44: Appropriates $100,000,000 for "Nutrition program for the elderly" as proposed by the Senate, instead of $50,000,000 as proposed by the House.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends availability through December 31, 1973 of fiscal year 1973 appropriations for Title III of the Older Americans Act, as amended by the Older Americans Comprehensive Services Amendments of 1973.

Related Agencies

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing language which extends availability until expended of $8,000,000 of the sum previously appropriated for Action under the heading "operating expenses, domestic programs". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER VIII

Legislative branch

Amendment No. 47: Deletes the appropriation of $289,000 for "Office of Technology Assessment, salaries and expenses", as proposed by the Senate.

Amendments Nos. 48 and 49: Correct spelling error and add word "further" omitted in "Provided further" in language for "Modifications and enlargement, Capitol Power Plant", as proposed by the Senate.

CHAPTER IX. DEPARTMENT OF DEFENSE—CIVIL

Department of the Army

Corps of Engineers—Civil

Flood control and coastal emergencies

Amendment No. 50: Appropriates $103,000,000 as proposed by the Senate instead of $70,500,000 as proposed by the House.

Water Resources Council

Water resources planning

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $250,000, to remain available until expended, instead of $500,000, to remain available until expended, as proposed by the Senate for the National and regional assessment program. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER X. DEPARTMENT OF COMMERCE

Participation in United States expositions

Amendment No. 52: Appropriates $8,000,000 as proposed by the Senate instead of $6,500,000 as proposed by the House.

The judiciary

Representation by Court-Appointed Counsel and Operation of Defender Organizations

Amendment No. 53: Appropriates $2,972,000 instead of $2,900,000 as proposed by the House and $3,043,000 as proposed by the Senate.

Amendment No. 54: Provides that not to exceed $471,000 shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals and by judges of the Superior Court of the District of Columbia instead of $400,000 as proposed by the House and $543,000 as proposed by the Senate.

Commission on Revision of the Federal Court Appellate System of the United States

Amendment No. 55: Appropriates $255,000 instead of $240,000 as proposed by the House and $270,000 as proposed by the Senate.

Related agencies

Commission on International Radio Broadcasting

International radio broadcasting activities

Amendment No. 56: Restores the language of the House and appropriates $1,150,000 instead of $1,650,000 as proposed by the House.

Small Business Administration

Salaries and Expenses

Amendment No. 57: Provides for the transfer of $1,000,000 as proposed by the Senate instead of $500,000 as proposed by the House.

Disaster Loan Fund

Amendment No. 58: Appropriates $475,000,000 instead of $150,000,000 as proposed by the House and $500,000,000 as proposed by the Senate.

United States Information Agency

Salaries and Expenses

Amendment No. 59: Appropriates $2,250,000 instead of $2,600,000 as proposed by the House.

CHAPTER XI. DEPARTMENT OF TRANSPORTATION

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to reprogram $2,000,000 to carry out the provisions of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513), and to extend to June 30, 1974, the availability of the funds reprogramed.

CHAPTER XII. DEPARTMENT OF THE TREASURY

Internal Revenue Service

Amendment No. 61: Deletes the appropriation of $164,000 for Salaries and Expenses, as proposed by the Senate.

Amendment No. 62: Provides $5,600,000 for Temporary Employment for Accounts, Collection and Taxpayer Service as proposed by the Senate, instead of $3,124,000 as proposed by the House.

Amendment No. 63: Appropriates $9,600,000 for Accounts, Collection and Taxpayer Service, as proposed by the Senate, instead of $9,748,000, as proposed by the House.

Executive Office of the President

Economic Stabilization Activities

Amendment No. 64: Appropriates $4,400,000 for Salaries and Expenses, as proposed by the Senate.

Independent agencies

General Services Administration

Amendment No. 65: Appropriates $900,000 for Operating Expenses, Property Management and Disposal Service, as proposed by the Senate, instead of $1,000,000 as proposed by the House.

CHAPTER XIII. CLAIMS AND JUDGMENTS

Amendment No. 66: Inserts language identifying additional Senate documents transmitting requests for appropriations for Claims and Judgments not considered by the House.

Amendment No. 67: Appropriates $23,108,029 for Claims and Judgments as proposed by the Senate instead of $20,368,059 as proposed by the House.

Title II. Increased pay costs

Legislative Branch

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to insert a center head and provide $276,240 for "Contingent Expenses of the Senate, inquiries and investigations" to be derived by transfer.

Amendment No. 69: Appropriates $186,000 for Senate Office Buildings as proposed by the Senate.

Amendment No. 70: Appropriates $3,100 for Senate Garage as proposed by the Senate.

Department of Defense—Military

Amendment No. 71: Appropriates $175,651,000 for Military Personnel, Army, as proposed by the Senate, instead of $180,651,000 as proposed by the House.

Amendment No. 72: Appropriates $7,924,000 for Reserve Personnel, Army, as proposed by the Senate, instead of $8,119,000 as proposed by the House.

Amendment No. 73: Deletes appropriation of $4,509,000 for National Guard Personnel, Air Force, as proposed by the Senate.

Amendment No. 74: Appropriates $95,000,000 for Operation and Maintenance, Navy, instead of $93,000,000 as proposed by the House and $103,068,000 as proposed by the Senate.

Amendment No. 75: Deletes appropriation recommended by the House of $620,000 for Secretary of Defense Activities.

Amendment No. 76: Appropriates $18,000 for Armed Forces Institute as proposed by the Senate instead of $67,000 as proposed by the House.

Amendment No. 77: Deletes appropriation recommended by the House of $140,000 for Defense Nuclear Agency.

Amendment No. 78: Appropriates $3,045,000 for Defense Mapping Agency as proposed by the Senate instead of $2,712,000 as proposed by the House.

Amendment No. 79: Appropriates $3,000 for Defense Investigative Service as proposed by the Senate instead of $225,000 as proposed by the House.

Amendment No. 80: Appropriates a total of $23,002,000 for Operation and Maintenance, Defense Agencies, as proposed by the Senate instead of $23,700,000 as proposed by the House.

Department of Health, Education, and Welfare

Office of Child Development

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $150,000 for Child Development to be derived from transfer as proposed by the Senate.

Department of the Treasury

United States Secret Service

Amendment No. 82: Appropriates $2,050,000 for Salaries and Expenses, of which $300,000 shall be derived from transfer as proposed by the Senate instead of $2,125,000 as proposed by the House.

Amendment No. 83: Reported in disagreement.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to validate obligations incurred beginning June 5, 1973, if otherwise in accordance with the provisions of the bill. The Senate language expands a present provision prohibiting the use of appropriated funds designed to support or defeat legislation pending before the Congress, except in presentations to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Conference total—With comparisons

The total new budget (obligational) authority for the fiscal year 1973 recommended by the committee of conference, with comparisons to the budget estimate total, and the House and Senate bills follows:

Budget estimate[1]	$3,607,105,504
House bill	2,855,542,209
Senate bill	3,699,239,279
Conference agreement[2]	3,362,845,279
Conference agreement compared with:	
Budget estimate	−244,260,225
House bill	+507,303,070
Senate bill	−336,394,000

[1] Includes $444,225,070 in budget estimates not considered by the House.

[2] Includes $21,274,000 for 1972, $20,000,000 for 1971, and $151,000 for 1969.

George Mahon,
Jamie L. Whitten,
Joe L. Evins
(except amendment No. 83),
William H. Natcher,
Daniel J. Flood,
Tom Steed,
John M. Slack,
Julia Butler Hansen,
John J. McFall,
E. A. Cederberg,
John J. Rhodes,
Robert H. Michel,
Louis C. Wyman,
Burt L. Talcott,
Robert C. McEwen,
Managers on the Part of the House.

John L. McClellan,
Warren G. Magnuson,
John O. Pastore,
Alan Bible,
Robert C. Byrd,
Gale W. McGee,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings,
Birch Bayh,
Thomas F. Eagleton,
Milton R. Young,
Roman L. Hruska,
Norris Cotton,
Clifford P. Case,
Hiram L. Fong,
Ted Stevens,
Managers on the Part of the Senate.

TO PROHIBIT MISUSE OF NAME OR SYMBOL OF FEDERAL GOVERNMENT IN COLLECTION OF DEBTS

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 689) to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey false impression that any agency of the Federal Government is involved in such collection, as amended.

The Clerk read as follows:

H.R. 689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 712 of title 18 of the United States Code is amended to read as follows:

"§ 712. Misuse of names, words, emblems, or insignia

"Whoever, in the course of collecting or aiding in the collection of private debts or obligations, or being engaged in furnishing private police, investigation, or other private detective services, uses or employs in any communication, correspondence, notice, advertisement, or circular the words 'national', 'Federal', or 'United States' the initials 'U.S.', or any emblem, insignia, or name for the purpose of conveying and in a manner reasonably calculated to convey the false impression that such communication is from a department, agency, bureau, or instrumentality of the United States or in any manner represents the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

(b) The table of sections for chapter 33 of title 18 of the United States Code is amended by striking out of the item designated

"712. Misuse of names by collecting agencies to indicate Federal agency."

and inserting in lieu thereof

"712. Misuse of names, words, emblems, or insignia.".

The SPEAKER. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, the House Committee on the Judiciary, by unanimous voice vote, with no dissenting vote, reported out favorably H.R. 689 with a committee amendment.

The thrust of this bill is to close the loophole in section 712 of title 18 of the United States Code. Section 712 in its present form only speaks to persons in the business of collecting debts and exempts individuals collecting private debts. The committee amended the bill merely as a matter of draftsmanship so as to include the purpose in one paragraph and to eliminate any question as to whether oral communication was included within the scope of the section. The author, Mr. Koch, agreed that these drafting changes would make the bill more effective.

Mr. Mike McKevitt, our former colleague and now Assistant Attorney General for Legislative Affairs, in a statement before subcommittee No. 4 on May 24, 1973, submitted the Justice Department's strong support of H.R. 689, as amended. Mr. McKevitt pointed out that this statute, section 712 of title 18, in its present form, was passed in 1959 in response to numerous complaints about a common practice among unscrupulous collection agencies for determining the whereabouts of delinquent debtors.

The forms used would be drafted in such a manner as to suggest that a payment would be forthcoming if the individual would submit the needed information on the delinquent debtor. The firms would use names such as "Reverification Office," "Claims Office," "Treasury Department," or "Disbursement Office" on their correspondence.

The interpretation that section 712 only applies to persons who are "in the business of" collecting debts was upheld in the recent case of United States against Boneparth, in the Second Circuit Court of Appeals. Boneparth, a Harlem furniture merchant would send an impressive form to delinquent debtors from the "Location and de-Disbursement Department," bearing the legend "U.S. Bureau," adorned with curlicues, embossed with an eagle, and having a Washington, D.C., return address. Although the court thought that these were unconscionable practices by the merchant, it could not stretch section 712 to cover the collecting practices of merchants collecting their own debts.

This bill, H.R. 689, as amended, would bring the Boneparth situation within its coverage and end those collection abuses.

Therefore, Mr. Speaker, I urge my colleagues to support H.R. 689, as amended.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I concur in what the gentleman from California has stated. I urge a favorable vote on this measure.

Mr. KOCH. Mr. Speaker, as the original sponsor of the bill we are now considering, H.R. 689, I would simply point out that this is a simple bill, but one that would go far to extend prohibitions against unconscionable practices to all individuals collecting debts owed to them.

This legislation is designed to close a loophole in our Code of Crimes and Criminal Procedure that become evident in the Second U.S. Circuit Court of Appeals decision on February 23, 1972, dismissing the indictment against a Harlem furniture company for fraudulent collection practices. The court of appeals' action reversed a previous conviction by a lower court.

The ruling, U.S.A. against Boneparth, written by Judge Wilfred Feinberg, while acknowledging that the appellants' practice was unconscionable, held that the Federal statute did not apply to merchants collecting their own debts.

My bill would clarify section 712 of title 18 to specifically bring persons attempting to collect their own debts under its prohibition against misusing official sounding names in order to convey the false impression that any agency of the Federal Government is involved in the collection. The court of appeals' decision limited the application of this section to collection agencies.

The Harlem furniture company involved in the case that has pointed to the need for corrective legislation used financial disclosure forms purportedly issued by the U.S. Fund Bureau headquartered in Washington, D.C.

Judge Feinberg is quoted in the New York Law Journal of February 24, 1972, as having stated in his decision:

> We reached this conclusion with a heavy heart because the record reeks from the unconscionable practices of (the) appellants.
>
> The company operated a furniture and appliance store in Harlem. Most of the sales were made on credit, so that liquidation of accounts receivable was a constant problem.
>
> The company did not use a collection agency but collected its own bills. Collections were pursued with understandable persistence. But when all else seemed to fail the company chose to resort to sheer trickery.

Mr. Speaker, while the present law, enacted in 1959 may have originally been aimed at unscrupulous practices of collection agencies, there surely was no intent to give immunity to those making their own collections. It is important that the Congress act promply to close this loophole, and I urge my colleagues to vote "aye" on this measure.

Mrs. SULLIVAN. Mr. Speaker, I wholeheartedly endorse the purpose of H.R. 689 as reported from the House Committee on the Judiciary, and I congratulate the gentleman from New York (Mr. Koch), a valued member of my Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, for initiating this legislation.

This bill closes a loophole which apparently has permitted firms and individuals seeking to collect their own debts to use a reprehensible device which has been illegal since 1959 when used by a debt collection agency or a detective agency. The device is to use forms or return addresses, or a firm name, or the initials "U.S." or similar stratagems to give the false impression that a communication is from an official agency of the Federal Government.

This practice has been widespread, and I hope the passage of H.R. 689 will not only close a glaring loophole in the criminal code dealing with this kind of deception but will also stimulate the Department of Justice to enforce the law effectively.

During hearings of the National Commission on Consumer Finance in 1970 into the general subject of debt collection practices, we received extensive testimony from an assistant U.S. attorney in New York of the prevalence of this practice after I cited a case called to my attention by a Missouri banker whose debt collection business had been solicited by a firm which used the name "U.S. Bureau of Collections" with a Washington, D.C., return address. An investigation which I initiated through the Federal Trade Commission brought out the information that the Washington address was that of an answering service.

Although the firm used a St. Louis post office box number as its "Midwest Regional Office" the answering service disclosed to the FTC that its client was actually located in a town in Illinois.

Mr. Speaker, I am old fashioned enough to believe that people should pay their legitimate debts, and I hold no brief for deadbeats and chiselers. In writing the Consumer Credit Protection Act of 1968, I worked hard for the enactment particularly of title III dealing with garnishment, the first Federal law ever written on this subject, not because I felt that debtors should not have to pay what they owed, but because the methods used in many of the States for collecting debts through garnishment were cruel and one-sided in the extreme. Not all debt claims are "legitimate," by any means. One of the most important chapters of the final report of the National Commission on Consumer Finance proposed many far-reaching changes in debt collection practices, and I strongly support most of those changes and reforms. But this is not to say that I think the creditor is always wrong and the debtor always right. There must be fairness to both sides.

But to misrepresent a communication from a credit or a debt collection agency as coming from a Federal agency—perhaps in such a way that it implies that a response will bring a tax refund or a payment of some kind—is to stoop to an unconscionable trick.

As the Judiciary Committee points out in its report on H.R. 689, this trickery is a violation of the Federal criminal code when indulged in by a firm in the business of collecting debts. It should also be outlawed for anyone who attempts to use it in collecting debts or in tracking down individuals for private purposes.

The bill should pass.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 689, as amended.

The question was taken.

Mr. SEBELIUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 238]

YEAS—399

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—0

NOT VOTING—34

Ashbrook
Badillo
Blatnik
Burke, Calif.
Chisholm
Conlan
Danielson
Diggs
du Pont
Fisher
Goldwater
Gray
Hanna
Heckler, Mass.
Helstoski
Landgrebe
Landrum
Leggett
Mitchell, Md.
Moss
Passman
Poage
Railsback
Rarick
Reid
Rooney, N.Y.
Staggers
Stanton, James V.
Stokes
Thompson, N.J.
Van Deerlin
Vigorito
Wiggins
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. du Pont.

Mr. Rooney of New York with Mr. Fisher.

Mr. Vigorito with Mrs. Heckler of Massachusetts.

Mr. Stokes with Mr. Helstoski.

Mr. Reid with Mr. Goldwater.

Mrs. Chisholm with Mr. Van Deerlin.

Mr. Mitchell of Maryland with Mr. Leggett.

Mr. Blatnik with Mr. Passman.

Mr. Staggers with Mr. Landgrebe.

Mr. James V. Stanton with Mr. Railsback.

Mr. Gray with Mr. Ashbrook.

Mr. Diggs with Mr. Danielson.

Mr. Moss with Mr. Wiggins.

Mr. Badillo with Mr. Zwach.

Mrs. Burke of California with Mr. Rarick.

Mr. Hanna with Mr. Landrum.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills which have just been passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RETIREMENT OF FRANK E. BATTAGLIA, DEAN OF OFFICIAL REPORTERS OF DEBATES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker and Members of the House, it is possible that not all of the Members know that Frank E. Battaglia, the dean of our Official Reporters of Debates, is retiring after a service that has continued for 30 years in the House, and therefore I think it is proper that we should take note that we are losing the services of not only the dean of our Reporters of Debates, but a man who has spent 30 years of service during the course of the legislative history of the House of Representatives in taking down faithfully the utterances of the Members during our sessions, and this has continued ever since the days of the late great Speaker Sam Rayburn.

Frank Battaglia was born and raised in New York City, and worked his way through the City College of New York and through Fordham Law School, where he received an LL.B. degree.

Frank studied shorthand at the DeWitt Clinton High School, New York City, and utilized this skill in several secretarial jobs while attending night school. Through this practice he attained the skill necessary for verbatim shorthand reporting. Having achieved this skill, he worked as a free lance shorthand reporter in practically every court in New York City. He also took depositions in many States in the Northeast section of our country.

Frank decided to come to Washington after he learned of the need for shorthand reporters here. Prior to coming to the House of Representatives he reported various governmental agencies, subsequently confining his work as a freelance reporter to congressional committee hearings.

Frank was appointed as an Official Reporter of Debates of the House of Representatives in 1943 by the late Hon. Sam Rayburn.

Mr. Speaker, I believe that I speak for every single Member of the House when I say that we wish Frank well in his retirement. We are sorry to lose his services, and we only hope that in his retirement he will find happiness and contentment after having served us so faithfully for 30 years, and that the knowledge that we all will miss him and miss his happy personality and his extreme capability as an Official Reporter of Debates will bring him many, many happy memories.

Mr. FASCELL. Mr. Speaker, will the gentleman from Texas yield?

Mr. GONZALEZ. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I too would like to join the gentleman from Texas in his remarks about Frank Battaglia.

Frank has been a very conscientious and dedicated member of our staff of Official Reporters of Debates in the House of Representatives. He has served, I think, every Member of the House faithfully, and has done an outstanding job. We certainly shall miss his services and fine personality. And while Frank is leaving the House of Representatives I might add that he is coming down to our great State of Florida. I wish him all the best in the years of his retirement.

Mr. MAZZOLI. Mr. Speaker, will the gentleman from Texas yield?

Mr. GONZALEZ. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I, too, wish to join the gentleman from Texas in his remarks this morning on the retirement of Frank Battaglia. I appreciate the fact that the gentleman from Texas has taken this time to inform us of the fact that Frank Battaglia will be retiring shortly. Frank has done an excellent job. He will be missed.

Mr. GIAIMO. Mr. Speaker, will the gentleman from Texas yield?

Mr. GONZALEZ. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, I too would like to join with the gentleman from Texas in paying my respects to Frank Battaglia, a man who has served us well in the House for 30 years. He has earned a well-deserved retirement.

Frank and I have known each other for 14 years. He is an alumnus of the same school, Fordham, that I went to. I have had a very fine relationship with him. Frank has been an able servant here in the House. We are going to miss his services in the years to come.

We are happy that he is going to enjoy his retirement, which again I say he so well deserves.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the retirement of Frank E. Battaglia.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF SERVICE CONTRACT ACT TO CANTON ISLAND

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5157) to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

The Clerk read as follows:

H.R. 5157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(d) of the Service Contract Act of 1965 (41 U.S.C. 357(d)) is amended by inserting "and Canton Island," between "Johnson Island," and "but".

EFFECTIVE DATE

SEC. 2. The amendment made hereby shall be effective with respect to all contracts entered into at any time after the date of enactment.

The SPEAKER. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Canton Island is located in the central Pacific about 1,700 miles southwest of Hawaii. The island is actually an atoll 8 miles long and nearly 4 miles wide. This bill is simply an amendment to add Canton Island to the Service Contract Act.

In 1939 the United States and the United Kingdom agreed jointly to administer Canton Island until 1989. At various times it has served as an observation point for solar eclipses, a stopover for transoceanic commercial flights, and as a satellite tracking station.

In the 80th Congress Public Law 80–505 extended the jurisdiction of the U.S. District Court of Hawaii to American subjects on Canton Island. However, the island is not covered by the Service Contract Act of 1965. Canton Island was selected in 1969 by the U.S. Air Force as an impact-scoring and evalution area for select missiles launched from the Vandenberg Air Force Base.

Subsequently a contract was procured at the base for operation of maintenance services. That contract will be rebid in the immediate future.

There is concern that without a wage determination as required by the Contract Act, a severe wage cutting among bidders is likely, creating problems for employees in the Government under the incumbent contract. The contract affects approximately 283 personnel, 123 from American Samoa, and 160 from Hawaii and the mainland.

Since the Service Contract Act now includes Puerto Rico and the Virgin Islands and American Samoa, Guam, Wake Island, and Johnston Island, it seems inequitable that Canton Island employees should be excluded from coverage. I am advised by the Department of Labor's Office of Special Wage Standards, which administers the Service Contract Act, that any cost to the Government will be minimal.

The bill was unanimously reported by both the subcommittee and the full committee of the Committee on Education and Labor.

I urge its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Iowa.

Mr. GROSS. What is the native population of Canton Island?

Mr. CLAY. There are no natives.

Mr. GROSS. Let me ask, then, about the cost estimate which says—

> That result would, we believe, be minimal.

What is meant by "minimal" cost?

Mr. CLAY. I should think that the minimal cost would be the administration involved in making sure that none of the people being employed under an Air Force contract would be paid less than the prevailing wages in the area.

Mr. GROSS. There is no estimate, and the report says, "we believe" it would be minimal.

The gentleman has nothing to offer by way of any dollar figure that would be involved?

Mr. CLAY. No. I do not think the dollar figure is a question here. We are talking about an administrative cost in the event someone makes an objection that he is being paid less than the law provides.

Mr. GROSS. Let me ask the gentleman, do not administrators cost money to administer a law?

Mr. CLAY. Legislators cost money to enact laws, too, sir.

Mr. GROSS. That is what I thought, so when we speak about cost, it can be cost in a number of different ways.

Mr. CLAY. Certainly, and the cost of the time involved today in discussing this matter can be determined, I would imagine.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. WYLIE. I notice on page 2 of the report it says:

> In 1939, the United States and the United Kingdom agreed jointly to administer Canton Island until 1989.

Is the United Kingdom going to participate in the payment of the costs of the administration of the island?

Mr. CLAY. I am not aware of any cost that is involved.

Mrs. MINK. Mr. Speaker, will the gentleman yield so I may respond to the gentleman from Ohio?

Mr. CLAY. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, the only persons now occupying Canton Island are those persons who are in the employ of the U.S. Government. As a result of the U.S. Air Force contract on the island there are approximately 250 employees, some from the State of Hawaii and other parts of the mainland United States and some from American Samoa.

The Library of Congress in analyzing the jurisdictional issue sent the committee a report indicating that the United States by virtue of the fact that it passed legislation conveying the court's authority in the State of Hawaii over these individuals on Canton Island has already exercised jurisdiction with respect to the working conditions, the personnel, and internal matters affecting these employees as to justify legislating in this area. So I do not think there is any conflict with the United Kingdom, and certainly the United Kingdom is not present on the island today.

It is a technical matter and was the basis for omitting this island when we considered this legislation previously.

Furthermore, there was no contract on the island at that time. However since that time, subsequently, the Air Force has installed a mission there and we believe in order to at least preserve equity among all U.S. employees the service contract ought to be extended to them.

Mr. WYLIE. Mr. Speaker, will the gentleman yield for a further observation?

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, the report says the island will be jointly administered by the United States and the United Kingdom, and I was attempting to determine what role the United Kingdom might play in the administration of the island. That is question No. 1.

Question No. 2 is: Are there any citizens of the United Kingdom on the island or is it contemplated there will be some? And is there an agreement with the United Kingdom that the United States will pay the entire cost of administering the island? Are the costs of administering this island which is jointly administered with the United Kingdom by agreement with the United States to be paid for by the United States?

Mr. CLAY. In answer to the gentleman's first question, to my knowledge there are no people living on the island who are citizens of the United Kingdom.

In answer to the second part of the question, this is a contract which is being let by the U.S. Government, so any costs that would be incurred would be our responsibility. It is not a joint contract between the United Kingdom and the U.S. Government.

Mr. WYLIE. I thank the gentleman.

Mr. CLAY. Mr. Speaker, I reserve the balance of my time.

Mr. QUIE. Mr. Speaker, as the gentleman from Missouri indicated, there was no opposition to this legislation. It was my understanding that when the service contract legislation passed last Congress, to make certain the Department of Labor would set prevailing wages at that time, Canton Island was left out because of the joint control with the United Kingdom, but there are no citizens, I understand, of the United Kingdom there.

As far as the cost of this—and I would ask the gentleman from Missouri if this is not true—the contract providing services will be let whether we pass this legislation or not. Is that correct, I ask the gentleman from Missouri?

Mr. CLAY. Yes, that is correct.

Mr. QUIE. All this legislation does is to insure that the Department of Labor sets the prevailing wages, just as they do on a service contract in any military base in the United States itself. This being totally a U.S. responsibility there now, it just is a matter of justice that the prevailing wage be set for that contract as well as others.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. Is there anything to prevent the United Kingdom, that is, the British Government, from coming in at any time?

Mr. QUIE. I do not know of anything that would prevent it but I do not think that would make any difference to this legislation because it would only affect the U.S. contract for services performed on the island.

Mr. GROSS. It would make quite a difference if they came in and the United States was paying one wage scale and the British another.

Mr. QUIE. It would. But the British are not going to come in until 1989.

Mr. GROSS. They are not going to come in until 1989?

Mr. QUIE. They have chosen not to and cannot after 1989.

Mr. GROSS. Is this by any chance another of the fall backs as a result of the U.S. abandonment of Okinawa and likely to become a center for military and/or civilian personnel in the Pacific?

Mr. QUIE. I would not expect that because of the size of it. I think that generally the people from Hawaii probably have the best understanding of the use of Canton Island as it affects the Hawaiian Islands, because, if I recall correctly, there are times when aircraft are diverted to Canton Island rather than to Hawaii.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, a few moments ago a member of the committee seemed to belittle my question regarding minimum cost. The gentleman from Minnesota will agree with me, will he not, that on page 2 of the report there is a subhead which says, "Cost Estimate"?

Also, it goes on to say the result would be minimal. That language is to be found in the report, is it not?

Mr. QUIE. That is correct, but I think the report is accurate in what it says. When any employee of the Federal Government has additional duties, there would be some cost, but it is insignificant.

It is as though there were, say, five military bases in a State and we set the prevailing wage on four of them; what is the cost of setting the prevailing wage on the fifth one? It is really hard to tell.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, if there was no cost at all, there would be no reason for reference to "minimal costs"; is that not correct?

Mr. QUIE. There will be cost.

Mr. GROSS. I say, if there was no cost, there would be no reason for stipulating in the report, would there?

Mr. QUIE. I would expect that would be correct.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 5157, a bill to extend the Service Contract Act to Canton Island.

The Service Contract Act of 1965 provides labor standards for employees working under U.S. Government service contracts. It provides for the payment of prevailing wages and fringe benefits in the locality and requires safe working conditions.

Under the existing act, coverage is provided to all of our States, the District of Columbia, Puerto Rico, the Virgin Islands, the Outer Continental Shelf lands, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island. The latter six islands and atolls are all American possessions in the Pacific.

Geographic coverage under the act has

not been extended to Canton Island in the past because of its unique political status. To settle a dispute over ownership of the island, the United States and Great Britain in 1939 agreed to administer the island jointly until 1989. If no prior agreement to the contrary is reached, the arrangement is to continue after that date until modified or terminated by the United States and Great Britain. In 1938, administrative control of Canton Island was placed under the Interior Department by Executive order.

This agreement has worked out satisfactorily, and we have used the island for such purposes as observing solar eclipses, a stopover point for transoceanic commercial flights, and as a satellite tracking station. The jurisdiction of the U.S. District Court of Hawaii extends to U.S. citizens involved in civil or criminal cases arising on or within the island.

The Air Force is currently considering bids for a contract to provide base support services on Canton Island, and will probably make the award no later than July 1, 1973. Employment under an existing contract now includes some 123 personnel from American Samoa and 160 personnel from Hawaii and the U.S. mainland. Practically all of them would be affected by a wage determination if one were conducted under the act. If coverage of the act is not extended to the island prior to the letting of a new contract, however, it is likely that the act will be excluded from the contract for 5 more years.

It is my understanding that the wages currently paid are at the prevailing rate level, so that no increase in cost would be necessitated by this legislation. The bill would merely provide protection to the individual service contract workers, the Government, and responsible contract bidders from a "buy-in" which might occur should a bidder submit a contract with unrealistically low wages which might have to be increased after the contract was awarded.

I see no reason why American employees on Canton Island should be excluded from coverage of the Service Contract Act which is provided to all other American employees. Therefore, I urge the adoption of H.R. 5157.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill H.R. 5157.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ELECTION TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a privileged resolution (H. Res. 445) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 445

Resolved, That Mrs. CARDISS COLLINS, of Illinois, be, and she is hereby, elected a member of the standing committee of the House of Representatives on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING DEPENDENTS ASSISTANCE ACT OF 1950

Mr. STRATTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO MAKE PERMANENT CERTAIN PROVISIONS OF THE DEPENDENTS ASSISTANCE ACT OF 1950, AS AMENDED

SEC. 101. Sections 10, 11, and 12 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2210, 2211, and 2212) are repealed.

SEC. 102. Chapter 59 of title 10, United States Code; is amended by adding after section 1172 the following new section and inserting a corresponding item in the analysis:

"§ 1173. Enlisted members: discharge for hardship

"Under regulations prescribed by the Secretary concerned, a regular enlisted member of an armed force who has dependents may be discharged for hardship."

SEC. 103. Section 401(3) of title 37, United States Code, is amended to read as follows:

"(3) his parent (including a stepparent or parent by adoption and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became twenty-one years of age) who is in fact dependent on the member for over one-half of his support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under regulations prescribed by the Secretary concerned, and he is not considered a dependent of the member claiming the dependence unless——

"(A) the member has provided over one-half of his support for the period prescribed by the Secretary concerned; or

"(B) due to changed circumstances arising after the member enters on active duty, he becomes in fact dependent on the member for over one-half of his support."

SEC. 104. Section 403 of title 37 is amended—

(1) by striking out that part of the table in subsection (a) which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, E–4 (four years' or less service), and E–4 (over four years' service) and inserting in place thereof the following:

"E–4	$81.60	$121.50
E–3	72.30	105.00
E–2	63.90	105.00
E–1	60.00	105.00";

(2) by striking out the last sentence in subsection (a);

(3) by striking out "subsection (g)" in the second sentence of subsection (b), and inserting in place thereof "subsection (j)";

(4) by inserting the following new subsections after subsection (f):

"(g) An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for quarters as a member of the uniformed services in pay grade E–4.

"(h) The Secretary concerned, or his designee, may make any determination necessary to administer this section with regard to enlisted members, including determinations of dependency and relationship, and may, when warranted by the circumstances, reconsider and change or modify any such determination. This authority may be redelegated by the Secretary concerned or his designee. Any determination made under this section with regard to enlisted members is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(i) Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay."; and

(5) by redesignating subsection (g) as subsection (j).

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Section 302 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 202. Section 302a of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 203. Section 303 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 204. Section 308a of title 37, United States Code, is amended by striking out "June 30, 1973" and inserting in place thereof "June 30, 1975".

SEC. 205. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

SEC. 206. This Act shall become effective on July 1, 1973.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STRATTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill is threefold:

First, it would enact into permanent law certain provisions of the Dependents Assistance Act of 1950, as amended, which have been regularly extended in the past with the extension of the draft induction authority. These provisions would continue the housing-allowance rates of the Dependents Assistance Act—DAA—for junior enlisted personnel in the grade of E–4—with less than 4 years of service—and below. The Dependents Assistance Act expires at the end of this month.

If this legislation is not passed, over 368,000 junior enlisted personnel will have their income reduced between $15 and $76.50 per month.

Second, the bill would continue for an additional 2 years the existing authority to pay special pay to physicians, dentists, optometrists, and veterinarians. These special pays range from $100 to $350 a month. The existing authority expires at the end of this month. If it is not extended, there will be no authority to pay the special rates to health professionals entering the service after that date.

Finally, the bill extends for an additional 2 years the authority to provide a bonus of up to $3,000 a year for a 3-year initial enlistment in the combat elements. That authority was initiated by Congress 2 years ago with passage of the last extension of the draft induction authority. The bonus provision was part of the compensation improvements designed to move us toward an all-volunteer force. Like the induction authority, the bonus expires June 30. The initial enlistment bonus has been helpful in attracting personnel to the combat elements, and the Department of Defense has asked for its continuation.

It should be understood that H.R. 8537 would simply continue the present rates of the pay and allowances concerned. In the case of the housing allowances for junior enlisted personnel, it makes permanent a procedure that has been in effect for 23 years.

In the case of special pay for health professionals and the combat enlistment bonus, it continues for 2 years the authority to pay the rates currently in effect.

The Department of Defense has requested additional legislation which would provide additional special pay for health professionals in some instances and additional pay or bonuses for categories of hard-to-get personnel in critical-skill areas. Such legislation was passed by the House last year but received no action in the Senate. It is hoped that the committee will have an opportunity to consider the legislation again this year. However, because of the expiration date of existing laws, there was not time to consider major substantive revisions to the special-pay and bonus statutes at this time. Therefore, the present bill should be considered an interim extension of present authority pending future consideration by the committee of such additional incentives as may be required in special-skill areas as we move into the all-volunteer force environment. You can be sure that our committee will continue to follow retention results closely as the draft induction authority comes to an end June 30 and will be prepared to recommend to the House changes that may be required to attract needed professional personnel to the Armed Forces.

There is a committee amendment. Briefly, the purpose of the amendment is to continue the present authority of the Armed Forces to continue the payment of basic allowance for quarters to the dependents of a member who may be in a nonpay status as a result of being AWOL, in confinement or such. The bill as introduced contained language proposed by the Department of Defense which would have limited this authority to cases of pretrial confinement by foreign governments. The committee did not believe this limitation of authority appropriate and, therefore, approved the amendment which deletes the language proposed by the Department of Defense and substitutes in lieu thereof the present language of section 5 of the Dependents Assistance Act. That provision has been in effect 23 years and has worked well in providing Secretarial authority to continue housing allowances for families of junior enlisted personnel in deserving cases.

The bill was approved without opposition by the Committee on Armed Services.

I urge its passage by the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. How long is this authority to be continued?

Mr. STRATTON. This authority would continue, in the case of the basic housing allowance for enlisted men, as permanent law. It is something we have been carrying out for 23 years, but we have traditionally been renewing the authority every time the draft induction authority was renewed. Since, as the gentleman knows, we are not proposing to renew the draft authority this year, the committee is proposing to make this allowance arrangement permanent legislation.

Mr. GROSS. The housing allowance?

Mr. STRATTON. Just the housing allowance; that is right. In the case of special pay for health professionals, that would continue for 2 years more. The arrangement for paying basic allowances for quarters to those individuals who are confined would be also permanent legislation.

Mr. GROSS. Are cutbacks in troop strengths being made?

Mr. STRATTON. There are cutbacks in troop ranks being made, that is correct.

Mr. GROSS. Mr. Speaker, the gentleman has said it will be necessary to continue giving special pay to doctors and other professionals; is that correct?

Mr. STRATTON. Yes, because what we need, of course, are qualified health professionals in the armed services, and with the expiration of the draft authority the draft for doctors is also expiring; so we are not going to get the medical personnel we will need in the armed services in the days to come unless there is some financial incentive for them. There are still a few doctors who have a continuing obligation to serve their country, because they have been deferred from earlier military service under the Berry plan, but that is a rather limited number, and when these are used up we will have to depend entirely upon volunteers in the health services, and we are just not going to get anybody if we do not raise the pay.

Mr. GROSS. So the answer is that in order to get doctors and certain other professionals, we will have to give them premium pay?

Mr. STRATTON. Exactly. The gentleman is exactly right.

Mr. BRAY. Mr. Speaker, I yield myself such time as I may consume.

The bill has been adequately explained by the gentleman from New York (Mr. STRATTON). It is unfortunate that, although last year the House passed the legislation that would have gone all the way toward taking care of the gap in providing health professionals in military personnel, the other body did not act on that bill, so all we can do is continue the legislation which is now effective, and that is what we are doing.

Mr. WYLIE. Mr. Speaker, will the gentleman from Indiana (Mr. BRAY) yield?

Mr. BRAY. Yes, I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, on page 4, at line 22, there is language which, as I understand, is different than the present law, and the language I refer to says that "the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not * * * be contingent on the right of such member to receive pay."

Now, what is the explanation for that language? How can an enlisted man receive quarters and not receive pay?

Mr. STRATTON. Mr. Speaker, will the gentleman from Indiana (Mr. BRAY) yield to me?

Mr. BRAY. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, this wording referred to is existing law. As I explained in my statement, the Defense Department had originally proposed the language which is stricken out from line 11 through line 19. Their language would have restricted the arrangement that has been in existence for all these years, and the committee felt that since this was emergency legislation and we were simply extending what had been in effect, we ought to go back to the original language. So the language that appears as a committee amendment is actually the language in the law as it now stands.

Mr. WYLIE. Mr. Speaker, I understood the gentleman to say that we are changing existing law.

Mr. STRATTON. No. The DOD proposal would have changed it. We are retaining the language as it is.

Mr. WYLIE. Mr. Speaker, will the gentleman from Indiana yield to me?

Mr. BRAY. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, under what circumstances would enlisted personnel be entitled to quarters and not be entitled to pay?

Mr. BRAY. That would come about in several instances:

One if a serviceman was being held in confinement in a foreign country, because of alleged violation of that country's laws, there are several conditions whereby quarters allowance should be paid even where pay is withheld.

Mr. WYLIE. Mr. Speaker, I thank the gentleman.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. STRATTON) that the House suspend the rules and pass the bill H.R. 8537, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRUST TERRITORY OF THE PACIFIC ISLANDS AUTHORIZATION

Mr. BURTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6129) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, as amended.

The Clerk read as follows:

H.R. 6129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for each of the fiscal years 1971, 1972, and 1973, $60,000,000"; and inserting in lieu thereof: "and for each of the fiscal years 1974, 1975, and 1976, $60,000,000 plus such sums as are necessary, but not to exceed $10,000,000, for each of such fiscal years, to offset reductions in, or the termination of, Federal grant-in-aid programs or other funds made available to the Trust Territory of the Pacific Islands by other Federal agencies".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BURTON. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I rise in support of H.R. 6129 to provide for the continuance of civil government for the Trust Territory of the Pacific Islands.

The Trust Territory of the Pacific Islands is not a territory of the United States. It is administered by the United States pursuant to an agreement with the Security Council of the United Nations. It includes the northern Marianna Islands, the East and West Caroline Islands, and the Marshall Islands. There are over 2,000 islands all together scattered across 3 million square miles of the western Pacific Ocean. The land area is about 700 square miles with an estimated population of 107,000. The Chief Executive is a Commissioner appointed by the President, and the territory has a legislative body composed of a 12-member senate and a 21-member house of representatives.

It is necessary for the Congress to appropriate funds to operate the territorial government. The normal full range of government services must be provided, including education, health service, resources management and development, public works, public affairs, transportation, and communication. H.R. 6129 authorizes the same level of spending which has been provided during the last several years.

The administration recommended legislation which was without a dollar ceiling or a time limitation. However, because of the importance of maintaining congressional control over the budgetary aspects of the administration of the trust territory, the Committee on Interior and Insular Affairs is recommending both a ceiling on the amount authorized to be appropriated and a time limitation on the authorization. As approved by the committee, H.R. 6129 authorizes the appropriation of $60 million for each of the fiscal years 1974, 1975, and 1976, plus an additional $10 million per year to offset any curtailment or termination of Federal grant-in-aid programs by other Federal agencies.

Mr. BURTON, chairman of the subcommittee handling the legislation, will furnish additional information on the bill.

Mr. Speaker, I urge approval of H.R. 6129.

Mr. BURTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us was unanimously reported out of the Territories Subcommittee and the full Interior Committee. The bill was introduced pursuant to a request of the administration which was necessary because the current authorization for the funding of the trust territories expires as of June 30 this year. The administration asked for an open-end authorization for an unlimited duration. The subcommittee and full committee unanimously decided that rather than having an open-ended authorization we would extend the current level of authorization of $60 million, with an allowance of a supplemental $10 million because of the elimination of certain current ongoing programs that the trust territories participate in.

As I noted earlier, this legislation was approved without dissent. I am not aware of any controversy and I urge my colleagues to suspend the rules and pass the bill.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. SAYLOR), the ranking minority member of the committee.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 6129. For years I have watched with concern the plight of the Micronesians as they seek to pull themselves into the 20th century. Vast distances, cultural and ethnic biases and, at times, indifferent caretaker governments have thwarted Micronesia's attempt to achieve social, economic, and political stability. Only within recent years has sufficient U.S. financial assistance been pumped into the trust territory to stimulate modernization. Today, however, the significant progress, which has been made in Micronesia's development, hangs in jeopardy. In the face of across-the-board cuts in Federal spending, the trust territory, too, has been designated to take its share, apparently with little forethought as to the consequences.

The proposed fiscal year 1974 budget for the trust territory is $56 million. Moreover, it is reasonable to assume that in fiscal year 1974 at least one-half of the $10 million now furnished through other Federal programs will be slashed. In other words, for fiscal year 1974, the trust territory must recognize the possibility of a 13-percent reduction in available funds from that of preceding years. This means, of course, the brunt of the reduction will be absorbed in reduced capital improvements unless the government of the territory is willing to undergo a major reduction-in-force of its employees—a step which would only add to the unemployment problems that already plague Micronesia.

Among the developing nations—and Micronesia certainly falls in this category—investment represents the brightest hope for the future. Without sufficient capital improvements, the development of a sound economic base with its follow-on social and political institutions, is not feasible. For example, within the trust territory, we are just beginning to see the establishment of a local tax base. In fiscal year 1973, it is estimated that over $4 million in local taxes will be collected. With increased capital improvements, it could be anticipated that even more local revenues would be generated.

However, such is not the case reflected in the reduced trust territory budgets for fiscal year 1974 and beyond. It appears to me, therefore, that we must either accept the likelihood of destroying sources of local revenue, which could eventually supplant most of today's required U.S. subsidy, or sustain the present level of financial support for the territory. It is the latter course which H.R. 6129 intends to follow.

The bill authorizes the same level of financial support for fiscal years 1974, 1975, and 1976 that the trust territory has enjoyed since 1971. Further, it provides a $10 million annual bulwark in the event grants-in-aid and other Federal programs are terminated in Micronesia. Lastly, since the authorization extends over 3 years, the proposed legislation permits the government of the trust territory to engage in long-range planning, an ingredient essential to the process of economic development.

I do not mean to imply, Mr. Speaker, that the trust territory will enjoy prosperity over the next 3 years while Federal support for vital programs here at home wanes. On the contrary, Micronesia is beset with inflation, magnified by the distance goods must travel. A 12-to-1 trade imbalance, rising freight costs, shipping tie-ups, and foreign devaluation of the U.S. dollar—all are major factors diluting the effectiveness of U.S. financial assistance to the territory. Indeed, to maintain the current level of governmental services with no reduction in funding, the trust territory must engage in severe belt-tightening. Therefore, on bipartisan grounds, I petition passage of H.R. 6129—not as a handout to the Micronesians, but in the hope of developing in Micronesia a viable economy which can compete favorably with its Pacific neighbors.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of H.R. 6129. As you know, the United States administers the Trust Territory of the Pacific Islands pursuant to a strategic trusteeship agreement concluded in 1947 with the Security Council of the United Nations. This agreement charges the United States with the promotion of political, social, educational, and economic development of the trust territory. For the first 15 years of American administration, however, little was done to improve the bare subsistence level of the Micronesians, who had suffered under 30 years of Japanese occupation and from the ravages of World War II. In those days, only $7 million were annually appropriated to accommodate the needs of roughly 75,000 inhabitants scattered over 3 million square miles of ocean. Obviously, such a pittance could go little further than to pay the salaries of the assigned American administrators.

In 1962, however, a change in U.S. policy toward Micronesia was effected. Annual appropriations for the trust territory were gradually increased, thereby encouraging and stimulating political, social, and economic progress. By fiscal year 1971, the level of annual appropriation reached $60 million, supplemented by an additional $10 million from U.S. grants-in-aid and other Federal programs managed outside the Department of the Interior. This level of funding has remained constant throughout fiscal years 1972 and 1973.

As a result, long-range plans became a reality. Today, universal education through the 12th grade appears an imminent possibility; a system of new or renovated hospitals and dispensaries, which will eventually make available to all islanders modern medical treatment and health facilities, is underway; community infra-structures, which will provide an adequate water supply, sewage disposal, electrical power, air terminals, roads and harbors, are under construction; and economic programs, which are designed to develop Micronesia's natural resources, are moving ahead.

In spite of significant progress, however, much remains to be done. H.R. 6129 provides for the continuance of civil government in the trust territory at the same level of funding as authorized for the past 3 years. For fiscal years 1974, 1975, and 1976, $60 million in Department of the Interior funds are authorized.

Moreover, to offset possible reductions in U.S. grants-in-aid and similar programs, the proposed legislation authorizes for the trust territory such sums as necessary, not to exceed $10 million, for each fiscal year.

Negotiations have been underway for over 3 years to develop a long-term relationship between Micronesia and the United States.

Progress has been made, but many details await accord. Pending agreement on the future status of the trust territory, what Micronesia needs now is assurance that the level of U.S. financial support will be held at least constant for a reasonable length of time. H.R. 6129 allows for just such assurance. The proposed authorization permits development projects to continue unabated. It allows sufficient flexibility for the Trust Territory High Commissioner and the Congress of Micronesia to engage in long-range planning and to exploit economic breakthroughs as they occur. On the other hand, it is no blank check; H.R. 6129 insures a periodic review by the U.S. Congress of the trust territory's achievements and expenditures.

Mr. Speaker, our obligations toward the people of Micronesia are clear. Under article 6.2 of the trusteeship agreement, the United States will:

> Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication.

Accordingly, the budget of the trust territory offers no field for arbitrary "penny pinching." The reduction of funds, even of the slightest magnitude, may result in the abandonment of vital programs essential to economic or social growth and reflects adversely on the good intent of the U.S. Congress and the citizens of the United States. Consequently, I urge my colleagues to support H.R. 6129. It is a prudent bill, molded to meet the needs of the Micronesians, but modest enough not to be wasteful.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield 3 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I take this time to ask someone knowledgeable about this bill what has been spent in the past for this purpose?

Mr. DON H. CLAUSEN. Mr. Speaker, if the gentleman will yield, the level of our funding has been at the rate of $60 million for the last 3 years.

Mr. GROSS. Per year?

Mr. DON H. CLAUSEN. Per year.

Mr. GROSS. I would ask the gentleman why are we saddled with all of this expense? I thought the United Nations had some sort of interest in this.

Mr. DON H. CLAUSEN. If the gentleman will yield, we always have assumed a responsibility under the trusteeship agreement, and at this time the committee felt that it was necessary to move toward a specific commitment on our part in order to enhance our negotiating position relating to the political status question of these islands in the Pacific at this time.

Mr. GROSS. And the United Nations has no responsibility whatever?

Mr. DON H. CLAUSEN. If the gentleman will yield, yes, the U.N. does. However, the Micronesians have their own taxing responsibilities. In the islands they raise an amount annually of some $4 million in taxes to meet the budgetary commitments of the Trust Territory of the Pacific Islands.

Mr. GROSS. $4 million to meet what obligations?

Mr. DON H. CLAUSEN. The obligations of the Government, the districts in Micronesia.

Mr. GROSS. Does the gentleman mean the United Nations has put this amount of money in?

Mr. DON H. CLAUSEN. No. This is raised by the local districts, the local people.

Mr. GROSS. They have raised $4 million, and do they pay this to the United Nations? Are they members of the United Nations, or do they have money raised to operate the government, is that what the gentleman is saying?

Mr. DON H. CLAUSEN. No. It is my understanding that they collect these taxes just as any other subdivision in our own country would collect taxes, and this becomes a part of their overall administrative budget.

Mr. GROSS. Plus the $60 million we give them?

Mr. DON H. CLAUSEN. That is correct. This is used basically for capital improvements dealing primarily with shipping facilities, roads, and airports.

When we consider the fact that they have some 20 populated centers scattered over some 3 million square miles, and the fact that we do have some security interests, as well as trusteeship interests, certainly the Department of the Interior, as evidenced by the filing of the departmental report by our former colleague, Mr. John Kyl. The Interior Department concentrated on these points, and Mr. Kyl spells out the considerations in detail in his letter to the Speaker which is included in its totality in the committee report.

Mr. GROSS. Is this being designed as a fall-back position from Okinawa? Are we going to have to pay for reestablishing another Okinawa somewhere or other in the Pacific, and is to be in this Trust Territory?

Mr. DON H. CLAUSEN. At this point I think it would be premature and inappropriate for me to respond to that question because we cannot be specific. We, the committee, are in the process of evaluating the negotiating team efforts with the trust territory as it relates to the future political status question. The purpose of the negotiations is to determine what our future relationship with these islands and their people will be with the United States.

Mr. GROSS. I would say to the gentleman that I am going to look with a jaundiced eye on any expenditure for the creation of another Okinawa. I do not think we should have turned Okinawa back to Japanese for another 25 to 50 years, or as long as this Government maintained a substantial military preserve in the Pacific.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Hosmer).

(By unanimous consent, Mr. Hosmer was allowed to speak out of order.)

AUTHORIZATION OF APPROPRIATIONS FOR THE SALINE WATER PROGRAM FOR FISCAL YEAR 1974

Mr. HOSMER. Mr. Speaker, shortly this afternoon there will be before us the authorization for appropriations for the saline water program for the fiscal year 1974. The bill as it came down from the administration is one thing; the bill that is coming before us is another thing.

The authorization is sought to be increased by 140 percent, and there are other increases amounting to 264 percent. The total amount of this authorization is only $15.8 million, but here we have a program that has been going for about 20 years on which a quarter of a billion dollars has been spent and great progress has been made. It is time to cut it loose instead of continuously subsidizing it, now particularly, in a period when we are short on funds.

I shall strenuously object to this proposal later in the day.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Burton) that the House suspend the rules and pass the bill H.R. 6129, as amended.

The question was taken.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 14, not voting 32, as follows:

[Roll No. 239]

YEAS—387

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—14

Collins, Tex.
Crane
Devine
Dickinson
Gross
Hicks
Hillis
Holt
Hutchinson
Miller
Rousselot
Snyder
Taylor, Mo.
Wylie

NOT VOTING—32

Ashbrook
Badillo
Blatnik
Breaux
Brooks
Chisholm
Danielson
Fisher
Frelinghuysen
Goldwater
Gray
Hanna
Hansen, Wash.
Heckler, Mass.
Landgrebe
Leggett
Morgan
Moss
Passman
Poage
Rarick
Reid
Rooney, N.Y.
Sandman
Sisk
Skubitz
Staggers
Steiger, Ariz.
Thompson, N.J.
Towell, Nev.
Van Deerlin
Wiggins

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Frelinghuysen.

Mr. Rooney of New York with Mr. Van Deerlin.

Mr. Blatnik with Mr. Ashbrook.

Mr. Brooks with Mr. Passman.

Mrs. Chisholm with Mr. Hanna.

Mr. Gray with Mr. Badillo.

Mr. Fisher with Mr. Skubitz.

Mrs. Hansen of Washington with Mrs. Heckler of Massachusetts.

Mr. Morgan with Mr. Danielson.

Mr. Rarick with Mr. Landgrebe.

Mr. Reid with Mr. Sandman.

Mr. Staggers with Mr. Steiger of Arizona.

Mr. Moss with Mr. Goldwater.

Mr. Leggett with Mr. Wiggins.

Mr. Breaux with Mr. Sisk.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and ask for the immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1385

An act to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for each of the fiscal years 1971, 1972, and 1973, $60,000,000" and inserting in lieu thereof "for fiscal year 1974, $60,000,000".

SEC. 2. The Act of June 30, 1954, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 4. (a) The government comptroller for Guam appointed pursuant to the provisions of section 9–A of the Organic Act of Guam shall, in addition to the duties imposed on him by such Act, carry out, on and after the date of the enactment of this section, the duties set forth in this section with respect to the government of the Trust Territory of the Pacific Islands. In carrying out such duties, the comptroller shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Trust Territory of the Pacific Islands. The salary and expenses of the comptroller's office shall, notwithstanding the provisions of subsection (a) of section 9–A of the Organic Act of Guam, be apportioned equitably by the Secretary of the Interior between Guam and the Trust Territory of the Pacific Islands from funds available to Guam and the trust territory.

"(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Trust Territory of the Pacific Islands and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Trust Territory of the Pacific Islands including those pertaining to trust funds held by such government.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the High Commissioner of the Trust Territory of the Pacific Islands all failures to collect amounts due the government, and the expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Trust Territory of the Pacific Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of such government are properly accounted for and audited.

"(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the High Commissioner, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(e) If the High Commissioner does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the High Commissioner, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

"(f) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the High Commissioner and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

"(h) The government comptroller shall make such other reports as may be required by the High Commissioner, the Comptroller General of the United States, or the Secretary of the Interior.

"(i) The office and activities of the government comptroller pursuant to this section shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the High Commissioner, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

"(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

AMENDMENT OFFERED BY MR. BURTON

Mr. BURTON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Strike out all after the enacting clause of S. 1385 and insert in lieu thereof the provisions of H.R. 6129, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6129) was laid on the table.

AUTHORIZING THE PRESIDENT TO APPOINT VICE ADM. HYMAN J. RICKOVER, U.S. NAVY (RETIRED) TO THE GRADE OF ADMIRAL ON THE RETIRED LIST

Mr. STRATTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1717) to authorize the President to appoint Vice Adm. Hyman J. Rickover, U.S. Navy, (retired) to the grade of admiral on the retired list.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the vital contribution of Vice Admiral Hyman G. Rickover (United States Navy retired) to our national defense and in special recognition of his invaluable guidance, initiative, and perseverance in developing the nuclear submarine, the President is authorized to appoint the said Hyman G. Rickover to the grade of admiral on the retired list with all the rights, privileges, benefits, pay and allowances provided by law for officers appointed to such grade.

Mr. STRATTON. Mr. Speaker, this bill is an expression by Congress of its desire to honor Vice Adm. Hyman G. Rickover in the most appropriate fashion: by authorizing the President to promote him to the grade of full admiral in the naval service to which he has given his life. Because he is on the retired list, Admiral Rickover is no longer eligible to be considered for selection to the grade of admiral under normal promotion procedures.

Admiral Rickover is presently in the status of being a retired officer recalled to active duty and is thus carried on the list of retired admirals rather than the list of active-duty admirals.

Admiral Rickover has long had a special relationship with the Congress. If it had not been for the intercession of Congress, he would have been retired years ago as a captain. The Congress, in its judgment of defense programs, has benefited greatly from Admiral Rickover's advice and from his candor. It is, therefore, particularly fitting that this honor came at the initiative of the Congress.

Admiral Rickover's achievements are too well known to require repeating. He is a rare American whose dedication to his country and tenacity in pursuit of excellence have contributed greatly to the strength of our national defense. It is rare, indeed, that one man can be said to make so great an impact on the defense policies of his country. The honor this bill would bestow on Admiral Rickover is richly deserved.

Mr. KING. Mr. Speaker, I am very pleased to join with my colleagues in support of this legislation to permit the President to promote Vice Adm. H. G. Rickover, U.S. Navy (retired) to the grade of full admiral on the retired list. Admiral Rickover justly deserves the title "Father of America's Nuclear Navy" because I feel if it had not been for his dedication and expertise, the military strength of our country would not be what it is today.

I had the pleasure of being with Admiral Rickover last year when Congressman STRATTON and I inspected the Knolls Atomic Laboratory at Schenectady, N.Y., and later the site of the Navy's prototype of the Trident submarine to be constructed at West Milton, N.Y., in my own district. I was greatly impressed by Admiral Rickover's keen mind, his ready wit and his thorough knowledge of our Nation's nuclear submarine program.

Mr. Speaker, in my opinion, Admiral Rickover has contributed immeasurably to building our modern nuclear Navy which is today a major factor in preserving peace throughout the free world. It is my hope that the legislation we are considering today to permit the President to promote this distinguished American to the rank of full admiral will be overwhelmingly approved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 1717, just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WATER RESOURCES PLANNING AUTHORIZATION

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6338) to amend the Water Resources Planning Act to provide for continuing authorization for appropriations, as amended.

The Clerk read as follows:

H.R. 6338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (Public Law 89–80; 79 Stat. 244; 42 U.S.C. 1962d) is amended to delete, immediately after the phrase "(c) not to exceed $3,500,000," the words "in fiscal year 1973 and such annual amounts as may be authorized by subsequent Acts" and to insert "annually for fiscal years 1974 and 1975".

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I rise at this time to state my support of H.R. 6338, as amended, a bill to amend the Water Resources Planning Act to provide additional authorization for appropriations.

The legislation, simply stated, provides authorization of an added annual appropriation of $3,500,000 for use by the Water Resources Council for the next 2 fiscal years—1974 and 1975. A similar authorization was provided for fiscal year 1973 in Public Law 92–396, enacted during the second session of the 92d Congress.

The purposes of the added authorization are twofold. First, not to exceed $2,500,000 could be appropriated in each of the 2 fiscal years for the preparation by the council of the second national water assessment. The Water Resources Planning Act provides for such assessments to be made periodically, and the council has decided as a matter of policy to prepare and publish them at 5-year intervals. Two years are required to actually compile the data and publish the report. Accordingly, this authorization will not be needed after fiscal year 1975 until some years hence when it is time to start work on the third national assessment.

The second purpose of the added authorization is to provide funding for the Water Resources Council to coordinate and supervise the preparation of river basin and regional water and related land resource plans—$1 million is authorized to be appropriated for this purpose in each of the 2 fiscal years. Absent this authorization, it would be necessary for the council to designate one of the water resource action agencies to be the lead agency; thus, in effect, delegating its coordinating function. A number of river basin plans have been prepared in this manner and experience has shown that coordination and standardization suffer—and the responsibility for keeping on schedule become obscured.

While it appears that this bill will increase Federal costs by some $7 million over the 2-year period, this is actually not the case. There will be savings of an approximate equal amount in the budgets of the cooperating water resource agencies and the net impact on Federal expenditures will be negligible.

Mr. Speaker, Mr. Johnson of California, chairman of the subcommittee handling the legislation, will present additional information on this legislation. I know of no opposition to this bill and I urge its approval.

Mr. HOSMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Saylor), the ranking minority member of the Committee on Interior and Insular Affairs.

Mr. SAYLOR. Mr. Speaker, in a year when our calendar is replete with dozens of examples of poorly conceived and ineptly administered programs seeking further congressional authorization, I take particular pleasure in rising to support an ongoing program of unquestioned benefit to our Nation's future.

I refer to the program set out in the Water Resources Planning Act of 1965, a program administered by the Water Resources Council:

First. To prepare national inventories of water supply and demand;

Second. To develop principles, standards and procedures for project formulation and evaluation;

Third. To establish continuing liaison with the various river basin commissions;

Fourth. To administer grants-in-aid to the States for water resource planning; and

Fifth. To foster and review river basin plans.

This Council is an interdepartmental, independent agency. Its members are cabinet officers and bureau chiefs with statutory and administrative responsibility for a great variety of Federal programs. The Council's Chairman is the Secretary of the Interior and its Vice Chairman is the Chairman of the Federal Power Commission.

Under their direction, real progress has been made toward a long overdue ordering of our approach to water resource planning. Seven river basin commissions have been set up: New England, the Great Lakes, the Pacific Northwest, the Souris-Red-Rainy, the Ohio, the Missouri and the Upper Missouri Basins. Additionally, a series of grants have been made to the States to augment their water planning abilities. Via this program, the number of technically qualified people in State water planning has increased, State and regional water planning has greatly improved, and State water programs are farther ahead than they would have been without the grants.

The Water Resources Council has earned the respect and the admiration of many Members of Congress and is certainly deserving of our further support.

I commend Mr. Hosmer, a distinguished member of the Committee on Interior and Insular Affairs, who has shown fine leadership in the field of water resource planning and development.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume to speak on behalf of the bill H.R. 6338, to amend the Water Resources Planning Act to provide additional authorization for appropriations.

The Water Resources Planning Act is administered by the Water Resources Council. Its duties, pursuant to law, are: First, assessing national water supplies and needs; second, coordinating river basin and regional water and related land resources plans; and third, administering a grant program to River Basin Commissions to defray the Federal share of operating such commissions.

As the act now stands on the statute books, appropriations are authorized in the amount of first, $5,000,000 annually for planning grants to States; second, $6,000,000 annually for the Federal share of operating river basin commissions; and third, $1,500,000 annually for administering the Water Resources Council. There are no specific funds authorized to be appropriated for the preparation of national assessments or for coordinating the preparation of basin and regional plans.

Absent specific appropriations for these purposes the Council, in prior years, has relied on contributed data and staff resources from the water resource action program agencies to coordinate plans and to prepare the national assessment. In the case of river basin plans, the practice has been to designate a lead agency which would then, in turn, secure its own appropriations from Congress for this activity. Other contributing agencies to overall regional plans would likewise request funds to cover their inputs.

This approach to coordination has proven to be awkward and ineffective. H.R. 6338 affords a mechanism for improving coordination and standardization of river basin planning by authorizing an annual appropriation of $1,000,000 to the Water Resources Council with which to finance centralized management. The President's budget for fiscal year 1974, in anticipation of enactment of this legislation, contains a request for $775,000 for this activity.

The first national assessment prepared by the Water Resources Council was prepared by personnel detailed to the Council by the other water resource agencies and relied heavily on data inputs from these agencies. Experience demonstrated that attainment of time schedules and standardization of input data, as well as analyses, was virtually impossible in the absence of a centralized control mechanism. H.R. 6338 will provide this mechanism for the second assessment scheduled for preparation during fiscal years 1974 and 1975, by authorizing appropriations in the amount of $2,500,000 for each year. The President's budget anticipates this authorization by including the sum of $2,395,000 for this purpose for fiscal year 1974.

In summary, Mr. Speaker, I would like to emphasize that the Federal cost of this legislation is more apparent than real. The administrative structure that will be afforded as a result of this legislation will enhance efficiency in the implementation of programs already authorized to be conducted. The legislation actually authorizes no new work, no new man-days of effort, and no activity not already provided by statute. Accordingly, it is probable that the legislation will actually result in an overall reduction in the Federal cost of the programs carried out by the Water Resources Council. These are the reasons that I urge my colleagues to join with me in suspending the rules and passing this legislation.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Kentucky.

Mr. SNYDER. The gentleman from California, of course, as well as serving on the Committee on Interior and Insular Affairs, is also a valued member of the Committee on Public Works, where I am also privileged to serve with the gentleman.

I would like to know if this is funding for the same organization that caused us so much concern last year, when it was anticipated that they were going to change certain standards for tests for figures for the benefit-cost ratio on public works projects, and other proposed regulations such as deactivating and defunding of projects that did not have construction starts within 3 to 5 years?

Mr. JOHNSON of California. I would say to the gentleman from Kentucky that the Water Resources Council did make a study, and they have made preliminary recommendations. The study is still under active consideration by the Water Resources Council. In the absence of a permanent director of that council they are now waiting, I presume, for the new director to be appointed. It is my information that they will go into a further study of their recommendations, and that the report will be rendered some time in late July and August.

Now, certainly those recommendations are going to be reviewed by the administration, the Office of Management and Budget, and the other agencies that are concerned with them. However, I do not think that out of this particular study will come the actual deauthorization of projects which are already authorized in the backlog. I believe that deauthorization was mentioned by the Water Quality Commission, another commission, and that study and report will be made as of June 30.

This commission will be heard before the Committee on the Interior in the other body I do believe this week, or the next week, just prior to the other body leaving for the 4th of July recess.

Both of these reports have certain recommendations that are somewhat difficult and troublesome from the standpoint of their operations under criteria that was laid down. As far as I know, the criteria that is being used is the old criteria, and the discount rate is still used is the rate of 5.5 percent. They have recommended a much higher rate in their study. But that has not been accepted as yet on the part of the administration.

Mr. SNYDER. If they make such recommendations, and they are accepted on the part of the administration, will the funding of the council at this point allow those recommendations to be implemented, barring any action of the Congress?

Mr. JOHNSON of California. That would have nothing to do with it. I think if they do recommend them it is up to the Congress then to enact legislation that would set policy for benefit considerations, and the proper discount rate. That legislation is pending, as the gentleman knows, in our own committee, and it is also being considered in the other body at this particular time.

Mr. SNYDER. The gentleman will recall that in the Rivers and Harbors Bill last year, which I believe was vetoed, or did not get called up for some reason or other, we wrote some language into that bill that would have prevented these new regulations taking effect—of course, as I say, that did not become law.

Now, my question is, is the funding of this council at this point going to put them in a position to make those regulations effective if the Congress does not act on the legislation now pending in the Committee on Public Works, to deactivate all those projects, so many of which would appear to be favorable?

Mr. JOHNSON of California. No, it would not have that affect.

Mr. SNYDER. I thank the gentleman.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, this council has been in existence since 1965. Could the gentleman from California tell me where the money is being spent?

Mr. JOHNSON of California. I believe that the council has been in existence since 1965. It was authorized in the 89th Congress, I do believe.

Mr. WYLIE. That is the date I used.

Mr. JOHNSON of California. I am sorry, I thought the gentleman said 1935.

Mr. WYLIE. I said 1965.

I wonder if the gentleman could tell me where the money is being spent?

Mr. JOHNSON of California. The money is being spent on the operation of the council, the river basin commissions program, and grant-in-aid programs to the various States. There are seven river commissions at the present time in operation.

The housekeeping for the water resources council has an amount of $1,500,000 for that purpose. It authorizes $5 million for the State grant program, and the Federal share of the river basin commissions program amounted to $6 million.

Mr. WYLIE. It is my understanding that most of the money is being spent in two States, on the Colorado River in Arizona and California.

Mr. JOHNSON of California. No, it is not. These commissions are scattered throughout the United States. I do not have the actual area, but it is not being spent on the Colorado River in the States of Arizona and California.

Mr. WYLIE. I have just two more questions. Does the gentleman know how much money has been spent so far, and how much longer it is contemplated that this Council will be needed?

Mr. JOHNSON of California. It is a permanent council, and it has much work to be done. I think throughout the United States we have a very real problem dealing with our water resources law. They are responsible for working with the States within the various river basins dealing with all of the problems of water resource development throughout the United States. I think there is a need for this Water Resources Council for some time to come, because they are dealing with one of the essentials. Since we have enacted the Environmental Protection Act of 1969 and the Water Pollution Control Act of 1972, it makes it mandatory that we carry on this type of function if we are going to coordinate and solve our water resource problems and have an adequate supply of water and other benefits that come with good basin development.

Mr. WYLIE. I would agree with the gentleman, but would it be appropriate for this Council, for example, to make an estimate of the water supply needs for the city of Columbus, Ohio?

Mr. JOHNSON of California. I presume it would be an eligible agency, but there are other agencies that would do a job much faster, I would say.

Mr. WYLIE. I am attempting to find out the thrust of the jurisdiction of the Council. The gentleman has been very helpful. I would like to know how much money has been spent so far.

Mr. JOHNSON of California. I do not have the total figures, but I would say that the administration has recognized this as being a very essential part of our water resources concern. They have supported the amounts that were included in the first three items, and they also have supported and recommended in the 1974 budget amounts that would carry on the functions of the other two programs that I have related to the Congress here in the amount of $2,395,000, where the bill calls for $2,500,000, and for an amount of $775,000, where the bill calls for an authorization of $1 million.

So I think the amounts that are asked for in the legislation are fully supported by the administration and the Office of Management and Budget, and also by the Department of the Interior.

The executive communication that came up recommended the enactment of this bill, and they are the ones who drafted the bill itself.

Mr. WYLIE. I thank the gentleman very much for yielding.

Mr. HOSMER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 6338, amending the Water Resources Planning Act to provide for continuing authorization for appropriations.

Mr. Speaker, we have before us a proposal to augment and strengthen the role of the Water Resources Council in coordinating and guiding the future development of regional and national water resources.

Like my colleagues from Pennsylvania (Mr. SAYLOR) and California (Mr. JOHNSON), I have tremendous admiration for the past work of the Water Resources Council and corresponding confidence that a decision by the House to increase the Council's authorization would be a wise and farsighted move.

As the gentleman from California pointed out the Council's first national assessment of water needs and supplies was completed in 1968. This study was, of necessity, based upon highly limited data and analysis provided by a variety of State and Federal water agencies. The difficulties of assembling a conceptually unified body of knowledge under such circumstances are obvious and it has become increasingly clear that the accuracy and practicality of future assessments demand improved methods of data gathering and analysis.

Passage of H.R. 6338 will aid the council in preparing a second national assessment. This second assessment will place special emphasis on areas not previously studied in order to provide a more consistent national data base. The resulting report should give us a more complete picture of our national and regional water resource problems. This study will also lead to new factors and yardsticks for evaluating alternative courses of action in future water resource planning and management.

As has also been mention, this apparent increase in Council funding is actually illusionary. The previous study was a hodge-podge of staff input from a number of agencies. This increase will take much of this outside input and turn it into inside output by centralizing many staff functions.

Mr. Speaker, we need this Council for the coordination and order it brings to a vital field of enormous national importance. I urge support for this excellent proposal.

SALINE WATER PROGRAM

(Mr. HOSMER asked and was given permission to speak out of order.)

Mr. HOSMER. Mr. Speaker, earlier in

the afternoon I mentioned to the membership that the bill coming later in the day to authorize appropriations for the saline water program goes 140 percent over the administration request for total OSW budgetary authorization and 60 percent over the administration's request for new authorizations.

At the time the amendment is offered to make the unwarranted increases, I shall oppose it vigorously, and I trust the membership will understand that here involved is a very clear issue of economy in government and of following through on the budgetary recommendations.

Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Illinois. Mr. Speaker, I support H.R. 6338, which would increase appropriation authorizations for the Water Resources Council for fiscal years 1974 and 1975. The increased authorizations amount to $3.5 million annually for administrative expenses of the Council; not more than $2.5 million for the preparing of the national water assessment as required by law, the remaining $1 million for administration and coordination of river basin and regional plans prepared pursuant to the Water Resources Planning Act.

The work of the Water Resources Council is important to my congressional district, which borders on that most important river, the Mississippi. The funds authorized in this legislation will enable centralized management of the activities of the Water Resources Council on a continuing basis.

The President's budget for fiscal 1974 contains $2,395,000 for work in connection with the national assessment and $775,000 for administration and coordination of river basin plans. Appropriations for the projects are naturally contingent upon our adoption of this authorizing legislation today.

Our water resources are important not only to my congressional district but also to the well-being of the Nation as a whole. We should adopt this legislation to assure that our water resources will receive the full amount of attention and development they require for the sake of the Nation.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 6338, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1501) to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974, and ask for immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1501

An act to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (Public Law 89–80; 79 Stat. 244; 42 U.S.C. 1962d) is amended to delete, immediately after the phrase "(c) not to exceed $3,500,000", the words "in fiscal year 1973" and to insert the words "in fiscal year 1974" in lieu thereof.

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Strike out all after the enacting clause of S. 1501 and insert in lieu thereof the provisions of H.R. 6338, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Water Resources Planning Act to provide for continuing authorization for appropriations."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6338) was laid on the table.

PERMISSION FOR COMMITTEE ON APPRORIATIONS TO FILE REPORT ON THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1974

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the Department of Housing and Urban Development; Space, Science, Veterans, and certain other independent agencies appropriation bill for 1974.

Mr. TALCOTT reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HISTORICAL PROPERTIES PRESERVATION AUTHORIZATION

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7127) to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historical properties throughout the Nation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470) is further amended in the following respects:

(a) Section 108 is amended by deleting the first sentence and inserting in lieu thereof the following: "To carry out the provisions of this title, there are authorized to be appropriated not more than $15,600,000 in fiscal year 1974, $20,000,000 in fiscal year 1975, and $24,400,000 in fiscal year 1976."

(b) Section 206 is amended by deleting all of subsection (c) and inserting in lieu thereof the following:

"(c) For the purposes of this section there are authorized to be appropriated not more than $100,000 in fiscal year 1974, $100,000 in fiscal year 1975, and $125,000 in fiscal year 1976: Provided, That effective January 1, 1974, no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization."

(c) Section 201 is amended by inserting the following new subsection:

"(g) The Council shall continue in existence until December 31, 1985."

(d) Section 101(b)(1) is amended by deletting "and American Samoa," and inserting "American Samoa, and the Trust Territory of the Pacific Islands."

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina will be recognized for 20 minutes, and the gentleman from Kansas will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield to the gentleman from Florida (Mr. HALEY), a member of the committee, such time as he may consume.

Mr. HALEY. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I want to take just a moment to express my support for H.R. 7127, as recommended by the Committee on Interior and Insular Affairs.

This legislation, like a comparable bill introduced by the ranking minority member of the committee (Mr. SAYLOR) is designed to extend the national historic preservation program.

If H.R. 7127 is enacted, it will be the second extension for this program which was created by Congress in 1966. At that time, it was felt that a program of matching grants-in-aid should be offered to encourage the States to develop comprehensive statewide historic preservation plans and to enable them to take steps to preserve and restore places of regional, State, and local historical significance.

In the years since that time, practically every State has developed a program for historic preservation and more than $14 million of Federal funds have been allocated to the States. The enthusiasm for the program has grown, as experience with it has matured so that the future now is even more promising.

Not only has the National Historic Preservation Act provided needed financial assistance, but it has extended new protection to properties of State and local historical significance. Under it, places nominated by the States may be added to the National Register of Historic Places. The importance of this feature of the overall program is demonstrated by the fact that the National Register now includes more than 4,000 entries.

It is the responsibility of the Advisory Council on Historic Preservation to review direct and indirect Federal activities which might adversely affect these properties. This procedure affords those interested in preservation an opportunity to comment and suggest alternatives to the contemplated action.

Another major element of the program involves U.S. participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property. This organization concentrates on worldwide historic preservation problems. It is supported by each of the 57 member nations which are assessed 1 percent of their anual contribution to UNESCO as their share of the cost of the centre.

In the past, no nation has been permitted to pay more than 30 percent of the total cost of operating the centre, but in the future, under this legislation and under the revised bylaws governing the centre, this maximum share will be reduced to 25 percent.

In the next 2 years, it is anticipated that the U.S. contribution will decrease as a result of the decrease in the maximum contribution of any one nation. By 1976, however, it is possible that some new nations might begin to participate which might result in some increase in the U.S. share. The members of the committee felt that a modest amount of flexibility in the authorization level could be justified by fiscal year 1976 since the maximum permissible contribution, in any event, would not exceed 25 percent of the total budget of the centre.

CONCLUSION

Mr. Speaker, I want to commend the members of the Subcommittee on National Parks and Recreation who reviewed this legislation and perfected it. Instead of recommending an open-ended authorization, they recommended a program limited both in terms of time and dollars. While it is limited, it allows room for sound programing and for orderly growth. At the same time, it effectively insures continuous congressional review.

I am happy to join my colleagues in the committee in recommending the enactment of H.R. 7127 and I urge the Members of the House to consider it favorably.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I wish to express my support for H.R. 7127, a bill to amend the National Historic Preservation Act of 1966. The principal thrust of this bill is to extend and expand for 3 more years, the funding authorization and level for this program, since it otherwise would expire at the end of fiscal year 1973.

Perhaps the most important aspect of this program is the incentive it provides to the State and local governments and private interests to help perform the large task of assuring that some of the best of our Nation's historic resources are preserved, rather than passed into oblivion by the bulldozer and the wrecking ball.

The program established by the 1966 act encourages the States to develop and submit plans for the preservation of important historic resources within their States. The Federal Government, through the program authorized by this original act, will pay 50 percent of the cost of both survey and plan preparation, and acquisition and development. Of course, the other 50 percent comes from the States and other local sources. Hence, this is a truly cooperative venture which greatly stimulates interest at the grassroots through the State governments across the Nation.

So popular and successful is this program, that it is important to note that the matching fund capabilities of the States considerably exceed the amount of the Federal share available through this program. The interest in this program across the Nation is strong, and is growing stronger.

The bill before us also provides for continued funding authorization for U.S. participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property. Our continued participation is certainly warranted in this activity as the centre serves as a focal point for the collection, development, and dissemination of greater knowledge in the techniques of preserving historic resources around the globe from ruin, by deterioration and purposeful destruction.

H.R. 7127 also provides for the continuation, through 1985, of the Advisory Council on Historic Preservation, which was established with the enactment of the original act in 1966. Unless such extension provision is made, the Council would be automatically terminated in 1975 by terms of the Federal Advisory Committee Act. Since this Council has continuing responsibilities, it seems only appropriate that its continuity be provided for.

This bill further provides for the inclusion of the Trust Territory of the Pacific Islands as a governmental entity able to participate in the historic preservation program.

Mr. Speaker, this bill assures a continuing effort in preserving our historic heritage, and by a means of stimulating local interest, involvement, and support. This legislation has significance for every part of our country, and I urge its support by my colleagues.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I note that the gentleman makes reference to the fact that this continues our support for the UNESCO Centre in Rome.

Mr. SAYLOR. That is correct.

Mr. GROSS. Mr. Speaker, I am not exactly sure how much we are going to put into this. It does not at the same time authorize travel, junkets to Rome for members of the committee, does it?

Mr. SAYLOR. No, it does not, but I can say to my colleague from Iowa that if he would only talk to his people out in Iowa, I am sure that they would be most happy to have the gentleman from Iowa travel to Rome for the purpose of inspecting this cultural centre. And maybe, bring a little of it back to some of the folks in Iowa, because he has a great capacity for absorbing so many things here on the floor and all the bills that come up. I am sure that what he learned over there would be of invaluable assistance, not only to the Members of Congress, but to his colleagues and to his constituents in Iowa.

Mr. GROSS. Mr. Speaker, I am beginning to believe, if the gentleman will yield further, I am beginning to believe from the exuberance of the gentleman and the appearance of the gentleman today, that he might well be on his way to Rome.

Mr. SAYLOR. I say to my colleague from Iowa that I have been to the Rome Centre, and I hope I have absorbed something of what they are trying to do.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is a pleasure for me to speak in behalf of the enactment of H.R. 7127—a bill providing for the extension and expansion of the national historic preservation program.

BACKGROUND

As most Members will recall, this program was originally authorized in 1966. At that time, it was viewed as a continuing program, but the authorization was limited in order to maintain better congressional control and oversight over it. In 1970, even though many of us were disappointed with the lack of progress which had been made, we extended it for 3 additional years in the hope that a more conscientious effort would be made to achieve the objectives which it sought to accomplish.

I am pleased to report that progress under the program has improved significantly during the last 3-year authorization. The States, generally, have assumed a great deal of responsibility for important historic preservation projects. Many of them have developed their own registers of historic places or enacted historic preservation acts after the national model. Practically all of the States have made their share of the required matching funds available and are moving forward with their historic preservation plans and acquisition and development projects.

EXISTING PROGRAM

Mr. Speaker, the existing national historic preservation program can be best explained by dividing it into four parts:

The key element of the program involves matching assistance. Under the 1966 Act, all of the States, the District of Columbia and the territorial possessions of the United States, as well as the federally-chartered National Trust for Historic Preservation, are eligible to participate in the grants-in-aid program. These grants—which are matched dollar for dollar by the recipient—are used to further approved historic preservation planning, acquisition and development programs.

Another feature of the program involves the National Register of Historic Places. From the beginning, this legislation was aimed at encouraging State and local interest in historic preservation. To help accomplish this, the National Register was expanded to include not only places of national significance, but places of regional, State and local significance as well. To make this expansion meaningful, the act provided that any Federal or federally assisted or licensed programs should take into consideration the possible effects of such undertakings on National Register properties.

To help protect these places of historic significance, the act established an Advisory Council on Historic Preservation. While we did not go so far as to say that any Federal project or federally assisted project could be stopped, the act does provide that the Council should have a reasonable opportunity to review projects which might adversely affect a National Register property and which would permit the preservation of the historic values.

Finally, in 1970, the Congress authorized United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property. This organization is an independent, international organization which is principally concerned with worldwide historic preservation problems. In addition, it is the principal coordinator of information on preservation technology and training. Just since the United States became a member in 1971, 32 Americans have participated in specialized training programs offered by the Centre and two conferences on technical programs have been held in the United States. It will also interest the Members of the House to know that the Architect of the Capitol requested and received technical advice concerning stone preservation in relation to the West Front of the Capitol. Similar assistance is being extended through the Centre with respect to preservation problems at four historic, adobe, Franciscan Missions in Texas.

EXPLANATION OF H.R. 7127, AS AMENDED

Mr. Speaker, this legislation is not complicated nor is it controversial. In fact, everyone who appeared before the Subcommittee on National Parks and Recreation recommended that this program be continued, but I should take a moment to briefly explain what it will do if it is enacted as recommended:

First, it extends the matching grants program for 3 additional years and authorizes the appropriation of $15.6 million in fiscal year 1974, $20 million in fiscal year 1975, and $24.4 million in fiscal year 1976. All of this money, if requested by the Office of Management and Budget and appropriated by the Congress, will be used to promote the preservation of places which are most meaningful to the American people at the grass roots level. As amended, the bill extends the program to the Trust Territory of the Pacific Islands.

To me, this is the heart of the national historic preservation program. It helps protect and restore those places which make people proud of their communities and their States. It helps save remnants of the past so that our children and future generations can better understand and appreciate the contributions of those who preceded them. More of this needs to be done. People appreciate their heritage more when they can see evidence of the work and accomplishments of their forefathers. These are the tangible things that help us understand what makes America the great Nation that it is.

Second, this legislation authorizes the continued participation of the United States in the International Centre for 3 additional years. While I fully expect that we will want to extend our membership beyond that time, the members of the committee agreed that we should also review this phase of the program periodically. The cost of each nation's membership is determined by a formula based on their respective contributions to UNESCO. Over the last 3 years, the appropriation of $300,000 was authorized in 3 equal installments, but the actual contribution of the United States for its first 3 years of membership is not expected to exceed $230,000.

H.R. 7127 authorizes the appropriation of $100,000 annually in fiscal years 1974 and 1975. While it may not be needed, they agreed that $125,000 should be authorized for fiscal year 1976 so that the United States can meet its obligation under the formula if the membership of the Centre expands significantly. In the past, no nation has been permitted to contribute more than 30 percent of the total assessment, but the governing body of the Centre recently agreed that this maximum should be reduced to 25 percent beginning in 1974. This will probably result in a reduction of the U.S. contribution next year; however, in future years, as new nations participate in the Centre, the U.S. contribution could increase—but never more than 25 percent of the total budget.

Finally, Mr. Speaker, H.R. 7127 provides for the continuation of the Advisory Council on Historic Preservation. At the time that this advisory body was created, it was to continue indefinitely. During the 92d Congress, general legislation was approved, however, which provided for the termination of all Federal Advisory Committees which did not have a fixed term. Under this Act, the Advisory Council would be discontinued in 1975 unless otherwise provided by law. It was felt that the Council's existence should be assured, so the committee amended the bill to extend it until December 31, 1985.

CONCLUSION

In conclusion, I want to say that this bill is one which I think everyone can support. Every part of the country has a stake in its approval. It has been thoroughly reviewed and carefully considered by the National Parks Subcommittee and by the Members of the Committee on Interior and Insular Affairs. While there may be some who would say that more funds should be authorized, I believe the amounts included in the bill—if appropriated—will result in a very healthy and vibrant program. Based on past experience, I think that the Members of the House can be assured that the committee will watch this program carefully and be guided in the future by the experience of the next 3 years.

I am pleased that Representative Johnson of California joined me in cosponsoring the bill now before the House and I want to add my appreciation for the support of our colleague from Pennsylvania (Mr. Saylor) and our colleague from Oregon (Mr. Dellenback) who also cosponsored a similar measure. H.R. 7127, as recommended, is the product of the efforts of all of these gentlemen and of the other members of the committee. It is a constructive proposal and I urge its approval by the Members of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Just to confirm my worst fears, this bill calls for an expenditure of $15.6 million in fiscal year 1974, $20 million in fiscal year 1975, and $24.4 million in fiscal year 1976; is that correct?

Mr. TAYLOR of North Carolina. That is correct. The committee thought that these figures were reasonable.

I might point out to the gentleman that more emphasis is being placed on historic preservation and on history now, as we face the bicentennial, than at any other time in our history.

The administration recommended appropriating $15.6 million for fiscal year 1974. We put in a figure just large enough to cover the administration recommendation for appropriation.

Mr. GROSS. If the gentleman will yield further, I hesitate to ask the question about where it is proposed to get the money. Are we going to borrow it?

Mr. TAYLOR of North Carolina. Of course, this money, like other money we appropriate, will have to come from the General Treasury.

Mr. GROSS. Like the arts and the humanities and all the rest of it, we are confronted with a $27 billion interest payment in fiscal year 1974. I am sure the gentleman is aware that $27 billion will be required to meet the interest on the Federal debt in 1974.

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 7127 which is an amendment to the act of October 15, 1966 (80 Stat. 915).

Prior to the enactment of the act of October 15, 1966, the major burden of preservation of historical treasures had been borne by private agencies and individuals.

Because of the ever increasing extensions of urban centers—building of highways—industrial development, the Congress, in 1966, in its wisdom determined to take appropriate steps to preserve the historical and cultural foundations of this Nation.

Under this act the Secretary of Interior was authorized—

To maintain and expand a national register of our State and national objects of significant historical—architectural—and archeological values.

To establish a system of matching grants-in-aid to the States to preserve—protect—rehabilitate—and restore these State and National treasures.

We created an advisory board—made up of the Secretaries of Interior—Housing and Urban Development—Commerce—Treasury—the Secretary of the Smithsonian Institution—the Chairman of the National Trust for Historical Preservation—to give guidance.

And we authorized that not more than $2 million be spent in fiscal 1967—and not more than $10 million each year for fiscal 1968, 1969, 1970.

In 1970—we again appeared before this body and submitted an amendment to the act of 1966—recommending certain amendments to the act relating to the size and membership of the advisory board (17 to 20 members).

We recommended that there be appropriated not more than $7 million in fiscal 1971—$10 million in 1972 and $10 million in fiscal 1973.

And then we added a new section to the act which provided for our membership in the International Centre for the Study of the Preservation and Restoration of Historical and Cultural Properties—and for the purpose of this section we authorized that not more than $100,000 annually be appropriated for fiscal year 1971—and for each of the 2 successive years.

Now—what was the reason for establishing the Centre—what was its purpose—why did we become members?

Every nation of the world possesses priceless treasures—treasures that money cannot buy—and yet—because of the lack of qualified conservators and the art preservation—these treasures are deteriorating and one day will cease to exist—unless we find the answers to preserve them.

The west wall of the Capitol is a good example of what I mean.

Those who saw the ravages of water and mud on the paintings and sculptures of Michaelangelo during the Florence flood—will also understand what I mean.

Those who were in Florence—who saw young boys and girls take priceless books covered with mud, saturated with water and page by page clean them—dry them—press them out—and treat them—to preserve them for humankind—will understand what I mean.

The reason for the Centre was the recognition that we lacked qualified and people skilled in the art of preserving our national treasures.

The original concept was for an organization to serve as a research and training center and as a clearinghouse for the exchange of scientific knowledge and to provide specialists to those who could not afford—to examine works of art and restore them for the benefit of all mankind.

Anyone who visits Rome—Athens—cannot help but realize that there are the treasures—not of Italy and Greece alone—but of all humankind.

Again this body in its wisdom—in May of 1970—approved our membership in the Rome Centre and authorized that we appropriate not more than $100,000 in 1971, $100,000 in 1972—and $100,000 in fiscal 1973.

We are here today recommending to this body that funds be authorized so that the important work now being performed under the National Historical Preservation Act can go forward.

We are here today recommending that funds be authorized so that we may continue participation in the Rome Centre.

My colleague from North Carolina has already said what should be said to justify the passage of this bill—anything I say would be in a sense repetitious. However I would like to say a few words about the Rome Centre.

I do not believe that anyone questions the fact that we lack people with the skills and the knowledge to conserve and preserve our national treasures.

I do not believe anyone will quarrel with the objectives of the centre—

To create a clearing house of knowledge;

To exchange scientific skills:

To provide specialists when needed to preserve works of art—historical or archeological treasures.

One might ask the question—and rightly so—are we getting our money's worth? Should we contribute more or less? Should changes be made?

I asked myself these questions—$100,000 is not considered much money by Congress as a whole—it is more money than many of us will accumulate in a life time.

Our committee deemed it advisable to send two members to the International Conference at the Rome Centre to find out what was being done and whether we should continue our participation to the tune of $100,000 a year.

Legislative matters made it impossible for any member of the committee to go. I regret that the only justification that I can present comes from the statement of those connected with the program.

The committee has been advised that the Centre—

Collects — studies — and circulates documentation concerned with scientific and technical problems;

Gives advice and recommendations on general and specific problems connected with preservation and;

The committee was advised that in 1972 the Centre did a study of the masonry of the west wall of our Capitol and recommended methods for its preservation.

The committee was advised that the Centre's experts are to be sent to San Antonio, Tex., to develop methods for treating the deteriorating fabric of four missions all on the national register of historic places.

It has assisted in training researchers—32 from the United States received such instruction this year.

The Centre offers a variety of training courses in preservation and restoration—the principal one being a course in preservation and conservation of monuments and sites.

Is it worth $100,000 a year? Only you can answer the question.

I do know that if we had the knowledge to preserve masonry of the kind in the west wall of the Capitol—perhaps we would not have had to authorize the $60 million for a new west front.

If the scientists sent to San Antonio are successful in preserving the priceless fabrics which are found at the four missions—we will have preserved something that money cannot buy.

To continue our membership we are proposing $100,000 be authorized for 1974 and 1975.

List of members—56 nations—and budget for 1973–1974—

Austria $26,868, Belgium $5,166, France $29,500, Germany $33,000, United Kingdom $28,996, United States $91,000, Japan $26,570, Ceylon $210, Korea $478.

Mr. DON H. CLAUSEN. Mr. Speaker, as a member of the Interior and Insular Affairs Committee which reported H.R. 7127, I am pleased to rise in strong support of it.

A great deal of information about our past, which is essential to obtain a clearer and more meaningful picture of the lives of those who lived before us, remains buried in the ground awaiting our discovery. The study of this information can bring the past alive for us all and for our children. Before us today is a bill which provides the means for preventing the needless and irreparable destruction of these records and also will protect valuable legacies of our past.

This legislation will greatly increase the ability of the individual States to continue their efforts in the preservation of historical structures and places of State and local significance. Our participation in the international effort for preservation will also be continued by this bill.

In my opinion, this legislation is necessary to assure fulfillment of national aspirations in the preservation of our heritage.

Mr. JOHNSON of California. Mr. Speaker, as one of the cosponsors of H.R. 7127, I am pleased to rise in support of the enactment of the legislation now before the House.

As everyone knows, the basic thrust of this legislation is to encourage the States and their political subdivisions to expand their efforts to preserve places of historical significance. While past programs have concentrated on preserving those places considered to be of "national significance," the national historic preservation program created by Congress in 1966 emphasized the importance of protecting, preserving and restoring those areas and places which are significant in terms of regional, State, and local history.

This program has just begun to show tangible results. During the first authorization period, the States had not yet developed a historic preservation program, but by fiscal year 1973 nearly all of the States had programs underway and those that did not are expected to participate during fiscal year 1974.

Mr. Speaker, H.R. 7127 authorizes the appropriation of $15.6 million in fiscal year 1974, $20 million in fiscal year 1975, and $24.4 million in fiscal year 1976. This sounds like a large sum—and it is—but the Members of the House should remember that every dollar is matched by their State and local units of government in an effort to preserve those places which are most meaningful to the people in communities all across the Nation.

The money is distributed to the States on the basis of a formula which assures each a fair share. Thirty percent is divided equally among the participating States, 45 percent is divided on the basis of need, 17.5 percent—but not more than $1,750,000—is allocated to the National Trust for Historic Preservation, and the remainder is held for contingency needs and administrative costs.

Since the program began, about $21 million has been appropriated. Of this amount, about $10 million has already been distributed to the States and another $5¾ million is available but not yet assigned to them. Slightly over $4 million has been granted to the National Trust for Historic Preservation.

Mr. Speaker, I feel that this is a very worthwhile program. Every dollar used is spent to help present and future generations of Americans appreciate their heritage. It is a pleasure for me to associate myself with the gentleman from North Carolina in urging the approval of H.R. 7127 by the Members of the House.

Mr. PRICE of Illinois. Mr. Speaker, I rise in support of the bill H.R. 7127, National Historic Preservation Act amendments, which would provide matching grants-in-aid to the States for programs to preserve their historic places and would provide for U.S. participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property. The present provisions in the Historic Preservation Act relating to these matters will expire on June 30, 1973, unless the Congress approves this extension.

Specifically, H.R. 7127 authorizes $15.6 million in fiscal 1974, $20 million in fiscal 1975, and $24.4 million in fiscal 1976 for the grants-in-aid to the States; $100,000 in fiscal 1974, $100,000 in fiscal 1975, and $125,000 in fiscal 1976 to cover U.S. membership in the International Centre; the continued operation of the Advisory Council on Historic Preservation through December 31, 1985; and the participation of the Trust Territory of the Pacific Islands in the program.

Mr. Speaker, I realize the need for replacing the old with the new, tearing down the obsolete and erecting the modern in its place. But it makes my heart sad to witness the unnecessary demolition of a place with true historical significance. This legislation has broad support and will be instrumental in helping us preserve the physical aspects of our proud heritage. I urge my colleagues to vote favorably on H.R. 7127.

Mr. DORN. Mr. Speaker, we fully support this legislation to extend the provisions of the Historic Preservation Act. This bill authorizes matching grants in aid to the States for historic preservation programs that will be an important part of our national Bicentennial celebration. Additional funding authorizations will be necessary, Mr. Speaker, to assure a birthday observance worthy of a great nation, but this bill is a splendid step in the right direction. In South Carolina we are extremely proud of a historic preservation program unsurpassed in the Nation. Through the dedicated and devoted efforts of Dr. Charles E. Lee, director of the State department of archives and history, and many other citizens, our program of historic preservation has become a model for the Nation.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 7127, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeants at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 385, nays 16, not voting 32, as follows:

[Roll No. 240]

YEAS—385

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—16

Archer
Blackburn
Collins, Tex.
Conlan
Crane
Devine
Dickinson
Goodling
Gross
Hutchinson
Mathis, Ga.
Miller
Satterfield
Scherle
Treen
Wylie

NOT VOTING—32

Ashbrook
Badillo
Bolling
Breaux
Chisholm
Conyers
Danielson
Fisher
Fountain
Frelinghuysen
Fuqua
Goldwater
Hanna
Hébert
Holifield
Jones, Tenn.
Landgrebe
Leggett
Litton
Morgan
Moss
Passman
Rarick
Reid
Rooney, N.Y.
Sikes
Staggers
Steiger, Ariz.
Thompson, N.J.
Van Deerlin
Wiggins
Wydler

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Frelinghuysen.
Mr. Rooney of New York with Mr. Hanna.
Mr Hébert with Mr. Danielson.
Mr. Sikes with Mr. Jones of Tennessee.
Mr. Staggers with Mr. Wiggins.
Mrs. Chisholm with Mr. Leggett.
Mr. Breaux with Mr. Steiger of Arizona.
Mr. Morgan with Mr. Wydler.
Mr. Moss with Mr. Conyers.
Mr. Fuqua with Mr. Ashbrook.
Mr. Fountain with Mr. Goldwater.
Mr. Fisher with Mr. Landgrebe.
Mr. Van Deerlin with Mr. Badillo.
Mr. Reid with Mr. Rarick.
Mr. Holifield with Mr. Litton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1201) to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other puposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1201

An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915; 16 U.S.C. 470), as amended, is further amended as follows:

(a) Section 108 is amended by deleting the first sentence and inserting in lieu thereof the following: "There is authorized to be appropriated not more than $15,000,000 annually for fiscal year 1974 and for each of the two succeeding fiscal years to carry out the provisions of this title."

(b) Subsection (c) of section 206 is amended to read: "There is authorized to be appropriated not more than $100,000 annually for fiscal year 1974 and for each of the two succeeding fiscal years for the purposes of this section."

(c) Section 201 is amended by inserting the following new subsection:

"(g) The Council shall continue in existence until December 31, 1975".

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of North Carolina: Strike out all after the enacting clause in S. 1201 and insert in lieu thereof the provisions of H.R. 7127, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7127) was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5464, SALINE WATER PROGRAM AUTHORIZATION, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 434 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 434

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5464) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes, and all points of order against section 1 of said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Interior and Insular Affairs now printed on page 2, line 13 through page 3, line 22 of the bill notwithstanding the provisions of clause 4, rule XXI. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 434 provides for an open rule 1 hour of general debate on H.R. 5464, a bill to authorize appropriations for the saline water program for fiscal year 1974.

It shall be in order to consider the committee amendment printed on page 2, line 13 through page 3, line 22 of the bill notwithstanding the provisions of clause 4, rule XXI of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill. All points of order against section 1 of the bill for failure to comply with the provisions of clause 4, rule XXI are also waived.

H.R. 5464 authorizes $9,127,000 to be appropriated for the program. In addition, $6,675,094 is authorized to be distributed from funds carried forward from fiscal year 1973 and other past years. This provides for a total authorization of $15,802,094. This money will be spent for research and development, and for design, construction, acquisition, modification, and maintenance of saline water test beds and test facilities and conversion modules.

Mr. Speaker, the programs of the Office of Saline Water have been instrumental in advancing the technology of saline water over the last 20 years. I urge adoption of House Resolution 434 in order that we may discuss and debate H.R. 5464.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank my friend the gentleman from Texas for yielding.

Did the committee request a waiver on the points of order on this bill?

Mr. YOUNG of Texas. According to the provisions as outlined in the rule, yes.

Mr. QUILLEN. Mr. Speaker, House Resolution 434 provides for the consideration of H.R. 5464, to authorize appropriations for fiscal 1974 for the saline water conversion program conducted by the Office of Saline Water, an agency of the Department of Interior. This rule provides for an open rule with 1 hour of general debate. In addition, it waives all points of order against section 1 of the bill for failure to comply with the provisions of clause 4, rule XXI, which deals with transfer of funds. Also, it makes in order an amendment recommended by the Committee on Interior and Insular Affairs printed on page 2, line 13 through page 3, line 22 of the bill, notwithstanding the provisions of clause 4, rule XXI.

The primary purpose of H.R. 5464 is to authorize appropriations for fiscal 1974 for the saline water conversion program conducted by the Office of Saline Water.

The bill authorizes $9,127,000 to be distributed among five categories of program activity—research expense; development expense; design, construction, acquisition, and maintenance of saline water conversion test beds and test facilities; design, construction, acquisition, modification, and maintenance of saline water conversion modules; and administration and coordination. Additionally, $6,675,094 is authorized to be distributed to these categories for obligation and expenditure of funds carried forward from fiscal 1973 and prior years.

H.R. 5464 also provides authority and limited authority to transfer funds among the several categories. These transfers may not be more than 10 percent except in the administration and coordination categories which are limited to 2 percent.

The bill also authorizes any additional appropriations that may be necessary to cover future statutory increases in employee salary schedules and fringe benefits.

There is a reduction in this authorization because of redirection of the program from previous emphasis on sea water distillation, and also a reduction in staff.

Mr. Speaker, I urge the adoption of this rule so that the House may begin debate on H.R. 5464.

Mr. Speaker, I have no further request for time but I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The vote was taken by electronic device, and there were—yeas 389, nays 4, not voting 40, as follows:

[Roll No. 241]

YEAS—389

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Crane
Gross
Rousselot
Symms

NOT VOTING—40

Alexander
Ashbrook
Aspin
Badillo
Breaux
Carey, N.Y.
Chisholm
Clay
Danielson
Davis, Ga.
Diggs
Evins, Tenn.
Fisher
Frelinghuysen
Gettys
Goldwater
Hébert
Horton
Landgrebe
Litton
Lott
Morgan
Moss
O'Hara
Passman
Rarick
Regula
Reid
Rooney, N.Y.
Ruppe
Sandman
Sisk
Steiger, Ariz.
Steiger, Wis.
Stratton
Talcott
Thompson, N.J.
Van Deerlin
Wiggins
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Reid.

Mr. Rooney of New York with Mr. Sandman.

Mr. Morgan with Mr. Frelinghuysen.

Mr. Carey of New York with Mr. Horton.

Mrs. Chisholm with Mr. O'Hara.

Mr. Evins of Tennessee with Mr. Ruppe.

Mr. Fisher with Mr. Steiger of Arizona.

Mr. Hébert with Mr. Talcott.

Mr. Diggs with Mr. Sisk.

Mr. Passman with Mr. Davis of Georgia.

Mr. Van Deerlin with Mr. Clay.

Mr. Breaux with Mr. Lott.

Mr. Gettys with Mr. Ashbrook.

Mr. Stratton with Mr. Wiggins.

Mr. Wolff with Mr. Steiger of Wisconsin.

Mr. Badillo with Mr. Rarick.

Mr. Danielson with Mr. Goldwater.

Mr. Alexander with Mr. Landgrebe.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, on rollcall 240, dealing with historical preservation authorization (H.R. 7127), I did not hear the bells. I was engaged in a telephone conversation. Had I been on the floor, I would have voted for the bill in question.

SALINE WATER PROGRAM AUTHORIZATION, 1974

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5464) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5464, with Mr. Tiernan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Johnson) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Saylor) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Florida (Mr. Haley).

Mr. HALEY. Mr. Chairman, I rise at this time in support of H.R. 5464, to authorize appropriations for the saline water conversion program for fiscal year 1974.

For years, it has been the policy of the Congress that appropriations for this research and development program be authorized annually. This policy has enabled the Committee on Interior and Insular Affairs to maintain a high degree of oversight and control over expenditure levels and program emphasis.

Authorizations and appropriations for this program have been running in the $25 to $30 million range for the last several years, and the major items of expenditure have been on the seawater distillation process. For fiscal year 1974, the administration has proposed a drastic reduction in the program and has already initiated this reduction by impounding present fiscal year funds. The budget request for fiscal year 1974 calls for only $2,527,000 in new money. This amount, added to about $6,675,000 of impounded carryover funds which would be released, would provide a total program level of only about $9.2 million.

The Committee on Interior and Insular Affairs believes that some reduction in this program is in order, but that the administration's proposed reduction is too severe. The committee agrees that the phasing out of seawater distillation research is a supportable action but termination of brackish water research, as proposed by the President's program, is neither realistic nor supportable.

The committee amendment to H.R. 5464 provides authority to appropriate funds to continue needed research and development on a number of processes for conversion of brackish water, while continuing to give emphasis to seawater conversation by the members process known as reverse osmosis.

The committee amendment increases the amount authorized to be appropriated by $6.6 million—to a total of $9,127,000. This sum, plus the carryover, would provide a total program of $15.8 million. By comparison with the program authorized in the last session of Congress for fiscal year 1973, this is a reduction of about 40 percent.

Mr. Chairman, I believe that this is responsible legislation. It would keep a worthwhile public program going at a reasonable level during the next fiscal year. Next year, we can look at the program again and determine whether further reduction can be justified.

The enactment of H.R. 5464, as reported, would make it possible to maintain the skeleton staff of experts that has been assembled and trained at public expense—although the staff has been reduced by one-half from the level of last year. I think it is important that we preserve this technical capability until we get a few more years of research information on the processes which show promise such as those that we are emphasizing in the fiscal year 1974 program.

Mr. Johnson of California, chairman of the subcommittee handling the bill, will provide more detailed information on the legislation.

Mr. Chairman, I urge the enactment of this bill.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Chairman, in rising to support the future of the Office of Saline Water, I am mindful of Coleridge's lines from the rhyme of "The Ancient Mariner":

> Water, water everywhere nor any drop to drink.

This was written to describe the situation of a ship's crew becalmed in the horse latitudes, but it could well describe mankind's predicament as we approach the final quarter of the 20th century. Three-fifths of the earth's surface is covered with water and millions of acres of the land surface have water under them, but most of this water cannot be used for drinking or irrigation purposes because of its salinity.

The idea of making sea water or brackish surface water potable has long fired the imagination of farsighted men.

In 1791, Secretary of State Thomas Jefferson sent a message to the Congress urging greater effort to develop desalting techniques. In those days, our Nation was but a strip of development between the Appalachians and the Atlantic Ocean. Interest in desalting was limited to those with a responsibility for ships and their crews—the eastern seaboard had plenty of water and it was not until the Western and Gulf States were settled that voices were raised in favor of methods to purify seawater and the billions of gallons of brackish groundwater underlying much of America's arid lands.

Like many other areas of technology, desalting was given a shot in the arm during World War II. Those of my colleagues who served in the Navy during the war may recall being issued a small, plastic vaporizer that would desalt small amounts of seawater if one were unfortunate enough to be stranded in a liferaft. Even with hours to daydream on a raft, however, I doubt if many of us could have foreseen today's vast desalting plants that produce fresh water by the millions of gallons.

These awesome facilities are an outgrowth of the direct Federal investment in desalting research that commenced shortly after the end of World War II when President Truman told Congress—

> Experience in recent years has been that it may not be possible to meet the shortages of water, which are a threat in some areas, through our extensive water-resource programs. I recommend, therefore, that the Congress enact legislation authorizing the initiation of research to find the means for transferring salt water into fresh water in large volume at economical costs.

From this beginning, the Office of Saline Water developed into one of the world's leading agencies in the field of desalting research. As a Member of Congress and the Interior and Insular Affairs Committee of the House, I take special pride in OSW's record of the past two decades and in my own solid support for these programs over the years.

Mr. Chairman, there are compelling reasons for continued Federal interest and participation in desalting research. On the domestic front, continued improvement and refinement of the various techniques developed under OSW's leadership promise us an era of cheap and abundant water for drinking, irrigation, cooling, industry, and so forth. With the environmental considerations that now affect public policy, the water purification methods of recent development will be instrumental in meeting the "zero discharge" requirement of Federal law. I am especially happy to point out that OSW's new emphasis on purifying brackish ground and surface waters promises advances of immeasurable importance to my colleagues from inland arid and semi-arid regions.

Desalting research can also contribute to our position in the international community. Technological triumph is nothing new to this country. Our citizens have walked on the bottom of the sea and on the surface of the Moon. Our men of science have achieved miracles in medicine, aeronautics, physics, agriculture, and engineering; in desalinization, we are on the threshold of equally important technological achievements. Think of it: American technology bringing fresh water to the arid lands of this Earth. This is a field in which we must have a position of international prominence.

With all of these considerations in mind, I strongly urge my colleagues in the House to support the continuation of this program. I particularly urge their support of this bill in light of the committee amendments to it, which authorize an overall program of increased research in the purification of brakish water. There are some in Congress and in the administration who favor limiting OSW's future activity to seawater membranes, freezing and other new processes, but the overwhelming majority of my colleagues on the full Interior Committee and on the Water and Power Resources Subcommittee voted to continue OSW's other areas of research after hearing from governmental, industrial, and scientific witnesses.

Few areas of public investment offer the returns that the purification of previously unusable waters offer us in a period of increasing water famine. It would be extremely shortsighted to weaken our sponsorship for this program just when it is needed most.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield myself this time to speak in behalf of H.R. 5464, a bill to authorize appropriations for the Saline Water Conversion program for fiscal year 1974.

This measure, as reported from the Committee on Interior and Insular Affairs, authorizes appropriations of $9,127,000, an amount approximately 65 percent less than the average amount authorized for this program over the last 5 years. The measure also establishes the manner in which funds carried forward from previous years is to be obligated and expended. The amount so carried forward is $6,675,000. Thus the bill actually provides direction for an aggregate program of $15,802,000.

In keeping with the procedures followed by the Congress in recent years, the authorization is in five categories. Such a breakdown assures that the moneys provided for the program will be spent more nearly in keeping with the intent of the Congress. The bill provides, however, some flexibility for administrative latitude by permitting transfers among categories of expense not to exceed 10 percent. The single exception to this rule applies to the administration category where the latitude is limited to 2 percent.

Contrasted to the bills which we have brought out in recent years, where the major items of expense were related to the construction or purchase of fairly large modules, test beds and pilot plants, this bill contains very little money for major procurement. The bill is also characterized by a shift in emphasis away from research and development on seawater distillation technology. Operation and maintenance of the VTE/

MSF plant in Orange County, Calif., is the only distillation-related activity in this program.

Seawater conversion is not being slighted. however, inasmuch as substantial amounts are provided for reverse osmosis, electrodialysis and freezing processes for converting seawater.

The principle issue which we have faced in the committee in bringing out this legislation is the role of Federal support for brackish water research. The draft legislation submitted by the administration did not provide for any continuing support in the brackish water area. The information available to the committee, based on extensive hearings from representatives of the desalting industry and water managers at all levels of government, conclusively indicates that there is still justification for work to be done by the Office of Saline Water in the brackish water field. Indeed, the interest and concern being shown for the saline content of our western rivers—and the recently adopted national goal of zero discharge of waste water—make it crucially important that we continue to refine demineralization technology.

These are the factors which support the committee amendment adding $6.6 million to the amount requested by the administration. The point will doubtless be made that this represents an inflationary increase of more than 200 percent—or stated otherwise, this bill will be castigated as a "budget buster."

I have already pointed out, Mr. Chairman, that our bill as amended, is only about one-third of the amount we have freely authorized in recent years. Very few Federal programs can match our action from this standpoint.

Also, I would like to assure the Members that this subject has not been superficially considered in our committee. My Subcommittee on Water and Power Resources has visited all of the Department's research stations—some of them more than once. We have visited many industrial contractors to look at the work firsthand. We took testimony from upwards of 30 research and management practitioners and we received spontaneous statements of support from about 40 others.

The committee agreed that there is little justification for further large-scale support of the distillation process which has been the beneficiary of most of our funds over the last 20 years. There have been improvements in this technology but we have reached a plateau from which there seems little chance of going further. The distillation technology is on the shelf and available for private or public water managers to employ.

Specifically, the impact of H.R. 5464, as amended by the Committee on Office of Saline Water Installations is as follows:

CHULA VISTA TEST STATION, SAN DIEGO, CALIF.

This station will be completely dismantled and salvaged. It has been the site of large-scale seawater distillation modules and test beds. This station occupied lands leased from San Diego Gas and Electric Co. The lease is being canceled.

ORANGE COUNTY, CALIF.

This station is funded for operation for the fiscal year. The activity carried out at this site consists of the VTE/MSF module authorized and funded for construction in prior years.

ROSWELL, N. MEX.

The vapor compression test bed will be dismantled and salvaged; thus closing out distillation work at the Roswell site. The Brackish Water Membrane Test Center will continue in operation as a site for testing pilot plants utilizing advanced membrane technology suitable for salinity control of natural water supplies and waste water treatment.

FREEPORT, TEX.

The VTE test bed will be dismantled and salvaged; thus closing out distillation research and development at this site. The Materials Test Center will continue to operate a contract operation for the fiscal year 1974.

WRIGHTSVILLE BEACH, N.C.

This facility will continue to function as the site for testing of all desalting pilot plants except brackish water membrane systems which will be tested at Roswell, N. Mex.

The fact that we have not "made the deserts bloom," through seawater distillation, does not mean that we should abandon other concepts of desalting. The committee bill recognizes this principle and very properly shifts the emphasis to other areas of inquiry.

I believe all of this supports my view that this bill warrants the support of the Members of the House and I urge its passage.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Florida.

Mr. HALEY. As chairman of the full committee, I commend the chairman of the Subcommittee on Water and Power Resources for bringing this legislation to the floor.

Over the last 5 years this project has carried appropriations of approximately $26 million. Over a period of 10 years or more it has averaged out a little better than $22 million. So this is a substantial reduction from what the program has been. As the gentleman stated it is a very fine program and a necessary program. I hope the House will support the bill.

Mr. JOHNSON of California. The chairman of our full committee is absolutely correct. It has carried in the last 5 years somewhere in the neighborhood of $27 million. We are asking for a very meager amount to carry the research which should be done.

Mr. HOSMER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman, I would say to my colleagues that we are all now very much aware of the energy crisis. I think this is something that is paramount in the minds of most of us at this time. We are now headed pell-mell toward what we should call a water crisis, and I think we have been heading in this direction for some time. Unless we use the foresight that should have been used several years ago in connection with energy problems, we are going to be faced with a crisis in the supply of water, not only in this country, but in the world.

The fact is, we do face a worldwide fresh, potable water shortage. The theory under which the OSW was originally conceived was that it would do the basic, heavy research which private industry could not, and could not reasonably be expected to undertake, to the point that it could be taken over by private industry.

Now, in the flash distillation process we have achieved that point. The OSW no longer will be proceeding with any heavy expenditures there.

But there are a number of other processes which need to be further explored and in considerable detail.

The budget request before the Congress in January of this year would really dismantle the Office of Saline Water. Much of the work that has been done would be lost down the drain. I believe it is extremely important that we give this modest increase to the OSW so that they can pursue and finalize the very important work they have done, to put us in a better position to solve the Nation's and the world's water shortage.

I should like to say one final word. Under the leadership of the Director of the Office of Saline Water, Pat O'Meara, the taxpayers of this country are getting some of the most effective and efficient work done by any agency I am familiar with in the Federal Government.

I believe we should vote confidence to this excellent agency and permit it to continue the work it has been doing so well in the past few years, and prepare to forestall a more serious crisis.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I want to make clear to the Members of the Congress that our committee's action to add $6.6 million to the administration's bill for the Office of Saline Water was taken after extensive hearings, after questioning many, many witnesses who wanted to be heard on the matter. These witnesses emphasized the need for continued research into desalting techniques.

H.R. 5464, as amended by our committee, reflects more accurately the needs of that tremendous part of the United States which does not have an ocean shore from which to draw water by distillation desalting.

In the great State of Oklahoma, we have two great resources—land and water. Our land base is finite; we cannot increase the number of acres given to us. But we can increase the amount of potable life-giving water available to us. The average Oklahoman is a salty character; he has built a prosperous State by the sweat of his brow. His salty character may reflect, in part, the saline character of much of the underground water supplies of western Oklahoma. Out in Oklahoma we built the Foss Dam and Reservoir, which formed a huge pool of water—but that water turned out to be too salty to drink. Using the technologies developed by the Office of Saline Water, we designed the membrane desalting plant which is currently under construction at Clinton, Okla. This plant will desalt the municipal water supply for four Oklahoma cities—Clinton, Bessie, Hobart and Cordell.

Because of the funding and the direction which the U.S. Congress provided for the Office of Saline Water, this technology was ready to render drinkable the salty water of Foss Reservoir when a growing Oklahoma needed it.

But Oklahoma is not alone, at least half of these United States have tremendous underground reserves of water which must be desalted to make them available for human needs. Some of this water is simply brackish, containing a light load of dissolved salts, but others have a terrific loading of salt—as in the brine coming out of the geothermal wells.

We have heard much about the energy crisis, but we must not lose sight of the much more real and much more frightening specter of a water crisis—a growing shortage of this absolutely vital necessity. As our population continues to grow, our water requirements will grow also. We must find the technologies—before the emergency is upon us—to render salt brines drinkable, to purify the brackish waters that underline the Great Plains.

Recognizing these future needs and being acutely aware of our present imperative needs for more and better water supplies, our committee has restored the reverse osmosis high recovery test bed at Roswell, N. Mex., which was eliminated in the administration's budget request. We want it to continue the valuable work which led directly to the Foss Reservoir plant; we want it to continue learning how to get all the salt out of a water supply, with a minimum expenditure of energy and dollars. We have increased the research and development budget to provide for essential research into the field of geothermal desalting, which will provide both water supplies and energy. Any source of desalted water which will produce energy, instead of spending energy, ought to have our full cooperation.

We have restored a total of $6.6 million to the spartan budget authorization proposed by the administration. We restored these funds because they are a wise and prudent investment in the future of America. I am proud to support H.R. 5464, as amended, and I urge its passage.

Mr. HOSMER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. Dellenback).

Mr. LUJAN. Mr. Chairman, will the gentleman from Oregon (Mr. Dellenback) yield?

Mr. DELLENBACK. I yield to the gentleman from New Mexico (Mr. Lujan).

Mr. LUJAN. Mr. Chairman, I rise in support of H.R. 5464 a bill to authorize funds for continuing the work of the Office of Saline Water.

Mr. Chairman, when this program started the cost to desalt 1,000 gallons of sea water was about $7—today the cost for desalting 1,000 gallons of sea water is around $1 and for brackish water about 35 cents.

Our work has been productive in this area. We are at a point where the end of this program is in sight as a successful program.

We do need to fund it at the $9 million level.

Mr. DELLENBACK. Mr. Chairman, one of the great needs of this Nation is increased supplies of potable water. The Office of Saline Water has done an outstanding job of dealing with this need and in preparing for the future in this particular field. Particularly is it true in the area of research and development, where great work has been done in significantly advancing the technology of saline and brackish water conversion.

Our subcommittee heard absolutely no testimony against continuing authorizations in this field. The only question is one of the amount of such authorizations.

Now, far too often every one of us who sits on an authorizing committee comes to the conclusion that the amounts which come forward in authorization bills are speculative amounts, amounts that we think would be nice if we could have them, but they are not backed up by hard data.

That is not the case in this particular instance. Every dollar that is called for in the committee's version of this bill is backed up by specific proposals and is backed up by a clear understanding that there are projects calling for those particular dollars.

Mr. Chairman, let there be no misunderstanding about this. We are not dealing with a speculative thing; we are not dealing with speculation. We are not dealing here with the question of whether or not these dollars can be solidly, affirmatively and valuably used for the type of research and development which badly needs to be done. It is clear that those dollars can be so used. It is a question of whether or not we should go forward with these particular projects.

Mr. Chairman, the hearing record is available as to the needs that are demonstrated. The report deals with specifics in this particular regard.

Essentially, I say this: The problem is great. The need in this area, as my colleague, the gentleman from Oregon (Mr. Wyatt) said earlier, is growing. We have a "sleeper" here in the way of serious trouble down the road if today, while we still have time, we do not go forward with research and development in this field.

Now, if we talk in terms of percentage increase, the percentages sound as if we have substantially increased what was called for in the basic bill. And in terms of percentages that is absolutely correct. If we deal in terms of dollars, however, we are not here dealing with a massive deficit; we are dealing here with the expenditure or the proposed expenditure of reasonable amounts, particularly when measured against the needs in this particular area.

Mr. Chairman, we are not talking just about the needs of the Northwest or of the West; we are talking about needs for our country nationwide. We should here today authorize every dollar called for in the committee's version of this bill.

The subcommittee which listened to the testimony brought before it, when it finally came to mark up, voted 17 to 1 in favor of this full amount.

The CHAIRMAN. The time of the gentlemen has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DELLENBACK. I thank the gentleman..

Mr. Chairman, in the full committee when we went into a discussion of the specifics of this, there was again only one negative vote. So it was an almost unanimous action of the subcommittee and it was an almost unanimous action of the full committee. And that negative vote was from a supporter of the Office of Saline Water, our respected colleague from California (Mr. Hosmer) whose judgment is normally very sound, but in this particular instance I suggest his judgment is wrong. This is borne out by the bipartisan action of the subcommittee and the bipartisan action of the committee.

Mr. Chairman, I would urge the strongest possible support today of no reductions being made in the amount called for by the subcommittee and the full committee, and call for support of the committee's amendment as it is before us.

Mr. HOSMER. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. Towell).

Mr. TOWELL of Nevada. Mr. Chairman, since I took office on January 3, the subcommittees and full committees I have served on and by the votes we have taken on the floor of the House of Representatives, it seems in each instance we are merely voting through the committee system to deal with a crisis, to put out a fire that is burning today, with very little thought being given to what is happening 5 years, 10 years, 15, and 20 years from now.

I say to you—and this has been mentioned by some of my colleagues on the matter of the energy crisis—that if this House 15 or 20 years ago had been paying attention to the energy crisis and the fuel and power shortages, we would not be in the situation we are in today.

Therefore, I strongly urge you to vote in favor of the committee bill and in favor of full funding for the Office of Saline Water so that we do not find ourselves with a critical water shortage in the years ahead.

In many of the areas of the West you will find we are already moving into that stage of shortage. Yet we have water which with research can be developed and can be used economically for crops, for populations, for industry and used wisely on all of those fronts.

So I hope you will all sincerely consider this bill and realize that we have a chance to think to the future and not merely put a fire out today. We have a chance to think ahead and do something to avoid a crisis in 1983 and in 1993 by voting in favor of this bill today.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman.

Mr. CONTE. I want to commend the gentleman for his timely presentation here today and join with him.

I would like to advise him that if he would like to look at the RECORD of 15 years ago, I was on this floor speaking of the energy crisis and speaking about our doing away with the oil quota system, but it fell on deaf ears at that time. Therefore I shall listen to the gentleman today and vote with him.

Mr. TOWELL of Nevada. Thank you. I am glad to hear there was somebody doing that here at that time.

Mr. HOSMER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Chairman, I rise in support of H.R. 5464. Shakespeare once said "What is past is prologue." This thought is worth keeping in mind whenever we are called upon to consider the future of any Federal program.

The Office of Saline Water was established 20 years ago to foster the development of desalting technology to meet the water needs of a rapidly growing nation. During these two decades, the Office of Saline Water has spent nearly $270 million. As a result, the technology for large-scale desalting is at hand, although in many areas of possible development the costs of desalted water are not yet competitive.

Today, the worldwide use of desalting in relatively small plants is impressive. As of January 1971, there were 688 distillation plants with a capacity of more than 290 million gallons per day, 54 membrane process plants with a daily capacity of nearly 14 million gallons, and crystallization process plants with total capacity of 300,000 gallons per day. This amounts to more than 300 million gallons per day of useful water that would not have existed were it not for research and development efforts of the Office of Saline Water. Additions to this worldwide system are estimated to have raised today's total capacity to about 440 million gallons per day. In Fountain Valley, Orange County, California, which is near my congressional district in Southern California, a sea water distillation module with a capacity of 3 million gallons per day nears completion.

As I have said, desalted water in many areas may not yet be able to compete economically with regular water sources, but the OSW's past achievements in this area can give us confidence that future water costs can be sharply reduced. Twenty years ago, the rock-bottom price for desalted water was about $7 per 1,000 gallons at today's prices. Today, the same thousand gallons can be bought for $1 if the original water was from the sea, and 50 cents per thousand gallons from brackish water plants. When we look at the prices of other vital products, such as beef, gasoline, lettuce, electricity and clothing, we can't help but marvel that so much has been accomplished in only two decades.

There are those in Congress and in the executive branch who see these accomplishments as good reason to phase out the Office of Saline Water, but I suggest that their well-intentioned budget-cutting is misdirected. The time is certainly ripe to put a number of poorly conceived, unproductive Federal programs to death, but the Office of Saline Water is a productive program. There are still more mountains to climb in the desalting field and OSW's past is an admirable prologue to a brilliant future in which desalting technology can serve more than a water supply function.

These new functions include desalting contaminated ground or surface waters as well as certain municipal and industrial waste waters. This would be particularly attractive in areas where waste-water reuse is practicable and in situations where it is absolutely necessary to remove all pollutants from waste water before returning the water to the natural environment.

In summation, Mr. Chairman, I would restate Shakespeare's admonition that past is prologue. The Office of Saline Water has an admirable record and an equally admirable future if we act wisely today in opposing efforts to phase out this program.

I urge a yes vote on H.R. 5464.

Mr. HOSMER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CRONIN).

Mr. CRONIN. Mr. Chairman, I rise in support of this legislation. Avco Corp., which is located in my district, has been a leader in developing a new freezing process through technology developed by the aerospace industry. Our committee had a chance to visit Avco and see first hand what they are doing. They are perfecting a system for desalting water that reduces by one-half the water treatment cost while using one-third the energy, includes a resource recovery system, and yet is compact enough to fit in a trailer-truck. This system can—and, with funding, will—be applied to industrial waste treatment and water pollution as well as desalinization.

Avco is only $500,000 away from providing the technology required to solve our Nation's water purification problems. The Federal Government has invested millions of dollars in the desalinization program, and yet we are now curtailing our efforts at the very moment when we need Federal assistance most to retain our technological leadership in this field and when water pollution and waste treatment are national objectives.

Avco—and others in the field—have made significant contributions, not only to the United States, but to the international problem of water purification.

Desalinization is a world market. However, Japan is presently accelerating its desalinization program, and the Arabs have budgeted and are spending hundreds of thousands of dollars annually for plants which will be completed by 1980. This one project—for a relatively small amount of money—could help capture this large market and return to the Government of the United States a positive balance of payments in our international trade.

The Office of Saline Water is the only agency currently funding the development of such technology. The Office of Saline Water can economically solve the problems of drinking water and industrial waste treatment. This effort deserves our continued support, and I urge the support of my colleagues in passage of this legislation.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us was introduced as a result of an executive communication requesting that $2.52 million in new moneys be added to about $6.75 million in carryover funds to give OSW a total fiscal year 1974 budget of $9.2 million. In committee, amendments were added for another $6.6 million, for a total budgetary authority of $15.8 million. That was added by way of a committee amendment, which we will have before us shortly to vote up or to vote down.

The committee amendment represents 140 percent of the administration's request for the total OSW budgetary authority, and 264 percent of the administration's request for new money authorization. Those are pretty healthy figures.

What we are seeing before us today is bureaucracy in the throes of survival, because it is planned to cut out this program that has been going on for 21 years now, and which has served its purpose well, but it has completed that purpose, so let us give the taxpayers a break. Get the bureaucrats and the contractors who are living off of this program out of their pockets.

So what has happened? As has been indicated, 40 of these people who are contractors and suppliers for the Office of Saline Water, or for the bureaucrats of the Office of Saline Water, whose position at the Federal trough is being endangered, were corralled and brought down here to try to convince the Members that the fate of the Nation depends upon this $6.6 million.

I was referred to as being "mistaken" several minutes ago. Let me tell the Members I have been in this technical area for a long, long time, and I can spot anybody who is coming around to try to get another handout. Believe me, one can spot those, all over the Office of Saline Water, if one has got the eyes to do so.

It is time to cut off this program. There always comes a time to cut off any program, and that is the time when its original function has been accomplished.

Today we can desalt water in this country and all over around the world on an economic basis where the price of water is high enough to justify it. There are not any technological break-throughs that have to be made. There are not any millions or any billions of dollars that have to be poured into this program. We have done that. We have put a quarter of a billion dollars in this, and we have gotten our return.

If the Members want to suck along with these bureaucrats, just go ahead and vote for this committee amendment. It is time to set them up on their feet and let this industry do the job that we have subsidized thus far.

Vote against the amendment, but do it with one's eyes wide open. Realize that if the Members vote to put this $6.6 million in, the primary purpose in doing so is to keep that OSW bureaucracy alive. That is why they have been down here for this money. Unless we vote against the amendment, they will get it.

I urge the Members to vote "no" on this amendment when it comes up.

Mr. RUNNELS. Mr. Chairman, from the earliest times, when our residents conducted rain dances, to the present day when professional rainmakers seek moisture from the clouds, an adequate water supply has been one of the basic problems of the Southwest.

In my home State of New Mexico ground waters are our principal source of supply and with each passing year we are faced with the reality that someday we will not have sufficient water to meet our needs unless other sources are found.

It is ironic that under our land is a quantity of water of such vast proportions that if we ever can find an economical means to convert it to fresh water, we will have more water than we ever dreamed.

It is with this background that I want to express my support for passage of H.R. 5464 which authorizes fiscal year 1974 appropriations for the saline water program of the Department of Interior.

Nearly 75 percent of the earth's surface is covered with water of which 97 percent is ocean salt water. Two and one-half percent of the water supply is composed of the less salty brackish water and the frozen waters of the polar regions. This leaves one-half percent of the available water for the fresh water needs of the world.

Continued Federal research on economical conversion of brackish water is not only important to the people of the southwest, but could provide the answer for the future freshwater needs of the entire Nation. It is no secret that the water needs of the United States has grown rapidly. Where we now use 400 billion gallons per day, it is estimated this need will double by 1980.

Since 1952, the Federal Government has been the prime stimulus in developing the necessary technology to produce freshwater at a reasonable cost. In the last 10 years progress in desalination research has reached the point that we are said to be on the verge of a breakthrough which would allow large-scale production of freshwater from previously unusable sources.

The Saline Water Test Facility at Roswell, N. Mex., has provided a central location for the test and evaluation of brackish water desalting and contains blending facilities to simulate the various ground waters found through the United States. The center, completed in 1970, is the largest of its kind in this Nation and has recently undergone extensive improvements in preparation for testing of a high-recovery reverse osmosis test bed plant.

One important advantage of the reverse osmosis process over other methods is the smaller amount of energy required. In view of the energy shortage this should be a prime consideration in assigning priorities for Federal expenditures for water research.

Significant advances have been made in the area of converting brackish water and, in my opinion, the investment could be a bargain for the taxpayer. The return, however, will not be realized if the Federal Government abandons the project at this critical juncture in development.

Mr. PRICE of Illinois. Mr. Chairman, the growth, development, and improvement of the national well-being depends upon the availability of essential resources. Water, the most common and most abundant of all raw materials, is one of these essential resources. Abundant as it is, however, water must be processed and cleaned in order to be made available for consumption. Although the demand for clean drinking water is currently being met in most residential, industrial, and the agricultural regions of the Nation, future growth and development of the United States calls for the availability of water in areas where it is a scarce resource. Development of arid regions for agricultural purposes, development of sea coasts for massive habitation and the satisfaction of fresh water demands for crowded urban areas all depend upon the development of technology which can economically provide water in increasing amounts to all sectors of the Nation, regardless of climate, geography, or terrain.

The saline water program offers the Congress an opportunity to further the development of alternative and additional sources of consumable water. Since it was first funded in 1952, the Office of Saline Water has done much to advance the technological know-how concerning salt water conversion. In the past two decades, the OSW has placed an emphasis on distillation for the conversion of sea water. The efforts of this research will be climaxed later this year when the Orange County, Calif., distillation plant will begin production of water to the potential capacity of 15 million gallons a day. Furthermore, the sea water conversion technology now provides water for areas where there is no alternative. The process of sea water conversion is now commercially feasible and water can now be produced through plants which can provide essential and cheap water for needy areas.

The authorization for the Office of Saline Water will provide for continued investigation into possible methods of sea water and brackish water conversion. This program has been weighed heavily toward the distillation of sea water but, with the application of this process toward cheap water production, has shifted toward sea water reverse osmosis technology which, according to preliminary investigations, is shown to have a promising future for commercial application. H.R. 5464 will allow for development in this area and will also allow for continued research into brackish water reverse osmosis, electrodialysis, freezing, ion exchange and piezodialysis, all of which will enhance the water conversion technology and will expand the Nation's ability to utilize its water resources.

I would like to point out that, as the chairman of the Joint Committee on Atomic Energy, I have long been interested in the development of the Nation's capacity to produce adequate supplies of essential resources. I have long been concerned with the growing resource scarcity and have often encouraged the development of an increased ability to produce enough water to meet the Nation's demand. H.R. 5464 provides the authority for the OSW to further expand the national water technology, takes into consideration the protection of the overall environment, searches for inexpensive techniques and will help to insure the continuation of the national well-being. H.R. 5464, the authorization for the saline water program, deserves to be approved by Congress.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conservation Act of 1971 (85 Stat. 159), during fiscal year 1974, the sum of $2,527,000 to remain available until expended as follows:

(1) Research and development expense, including design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds, test facilities, and modules, not more than $927,000; and

(2) Administration and coordination, not more than $1,600,000.

Expenditures and obligations under paragraph (1) may be increased by not more than 10 per centum and expenditures and obligations under paragraph (2) may be increased by not more than 2 per centum, if any such increase under either paragraph is accompanied by a corresponding decrease under the other paragraph. Funds authorized and appropriated prior to fiscal year 1974 for any purpose under the Saline Water Conservation Act of 1971 may be obligated and expended for any purpose specified in paragraph (1) and shall remain available until expended.

SEC. 2. In addition to the sums authorized to be appropriated by section 1 of this Act there are authorized to be appropriated such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

SEC. 3. For fiscal years beginning after June 30, 1974, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of the

Saline Water Conversion Act of 1971. Funds so appropriated may remain available until expended.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment:

Page 1, beginning on line 3, strike out all of section 1 and insert in lieu thereof the following:

That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159), during fiscal year 1974, the sum of $9,127,000 to remain available until expended as follows:

(1) Research expense, not more than $2,000,000;

(2) Development expense, not more than $3,200,000;

(3) Design, construction, acquisition, modification, operation and maintenance of saline water conversion test beds and test facilities, not more than $1,350,000;

(4) Design, construction, acquisition, modification, operation and maintenance of saline water conversion modules, not more than $677,000; and

(5) Administration and coordination, not more than $1,900,000.

(b) Funds authorized and appropriated prior to fiscal year 1974 for any purpose under the Saline Water Conversion Act of 1971 may be obligated and expended as follows, notwithstanding any other provisions of law:

(1) Research expense, $2,400,000;

(2) Development expense, $400,000;

(3) Design, construction, acquisition, modification, operation and maintenance of saline water conversion test beds and facilities, $2,000,000; and

(4) Design, construction, acquisition, modification, operation and maintenance of saline water conversion modules, $1,875,094.

(c) Expenditures and obligations under paragraphs (1), (2), (3) and (4) of subsections (a) and (b) of this section may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) of subsection (a) of this section may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Chairman, one of the reasons for the amazing development of American economic and industrial strength has been the genius and enterprise of its citizens combined with their willingess to make public investment in technological research. The fields of agriculture, industrial production, communications, transportation, and power production owe much of their present viability to publicly provided "seed money" in the early stages of their development. This seed money was vital.

But a second factor has also been vital to American success. That factor has been the prompt withdrawal from these areas of subsidy as soon as possible. It is neither proper nor productive to indefinitely finance and supervise burgeoning private industries.

Once the basic research and development has been taken care of, the industry is expected to sink or swim on its own merits in a free enterprise society. That has been the American success formula and we ought not to abandon it now.

The saline water industry is a salient case in point on this score right here and now as we make this kind of decision concerning it. Since the beginning of direct Federal involvement to promote desalting and saline technology and industrial development, beginning in 1952, approximately $267 million has been spent by the Office of Saline Water, first primarily by contract research and development, and more lately by more direct operations by the Office itself.

On the whole, this agency has done an outstanding job. I have supported its programs up until today, but today, 20 years later, the desalting industry is definitely here to stay on an economically viable basis. Now the time is ripe for the fledgling to be kicked out of the nest. The demand for potable water and the commercial viability of several desalting processes are enough to attract research and development capital from the private sector in the years ahead. Throwing more Government dollars into the program is totally unwarranted. All it will do is perpetuate an Interior Department bureaucracy at a time when that bureaucracy should be pruned.

The bill we have before us was introduced as a result of an Executive communication requesting that some $2.52 million in new moneys be added to some $6.75 million in carry over funds. This would be ballooned by the amendment before us, and I urge defeat of it. I would increase the administration's request by $6.6 million.

It is unconscionable for this Congress to stoke the fires of inflation by extending new money authorization requests when they are not needed, and when the only purpose is to support the continued easy existence of a large bureaucracy. If other committees treated other programs this way the resulting level of Federal spending would break the economic back of American society. How much in Federal income taxes do the Members' constituents pay? Divide that amount into the $6.6 million and Members will find out how many American citizens total income payments are going to be wiped out by the committee amendment before us. I think it is unconscionable to do that kind of thing to those people for this illogical purpose.

If, by voting for this massive spending increase Congress abdicates its responsibility to maintain control over Federal spending, we will ultimately surrender our functional power to do so. Each time we set the stage for an Executive veto or impoundment by supporting irresponsible funding levels for pet programs, we risk weakening congressional authority over the very programs we seek to strengthen. In this particular case we ought not to risk these consequences to subsidize a mature industry that needs no subsidy and to retain on the public payroll those who are no longer required by the Nation's interest.

Those who are competent will be retained to take care of building the Colorado River desalting project.

The fact that the other body today voted for the bloated sized bill here sought to be passed ought to be a warning to every single person in this body to watch out for a Treasury raid.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from New York (Mr. Smith).

Mr. SMITH of New York. Mr. Chairman, does the gentleman feel that the continuation of the work of the Office of Saline Water to the extent of the money on hand and the amount requested in the communication is justified?

Mr. HOSMER. I certainly support the way the bill was recommended by the administration before this amendment was proposed.

I urge the defeat of the amendment.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. Gross and by unanimous consent Mr. Hosmer was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I wish to commend the gentleman for the position he has taken today in trying to bring a measure of fiscal sanity to this program.

I want to repeat what I said earlier this afternoon on the House floor, that there is going to be a realization here some one of these days that the dollar is worth 31 cents and becoming more valueless as Congress continues to spend money which we do not have for things with which we can dispense, thus feeding the cancer of inflation.

Mr. Chairman, I also pointed out a little while ago that it is estimated Congress will have to appropriate in fiscal 1974 $27,500,000,000 to pay the interest on the Federal debt. Ten years ago, in 1964, the interest on the Federal debt was $10 billion. It is now nearly triple that amount.

Mr. HOSMER. The gentleman is right. This is a fiscal sanity vote, and nothing else. I urge that the Members vote no.

Mr. SAYLOR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have listened with interest to our colleagues from California (Mr. Hosmer), and his plea for voting against this committee amendment.

Is it not strange that he said he supports the administration's measure which has in it his pet project to take care of all of the water that was going to come from the use of geothermal steam? And, the one that has in it California's pet project to improve the Colorado River so that we could take care of our commitment to our neighbors in the Republic of Mexico to the south.

Then, he said we should vote against

the committee amendment to get rid of a bloated bureaucracy.

Members of the House, is there any more bloated bureaucracy than the Atomic Energy Commission? I want to tell the Members that I have heard the gentleman who preceded me in the well, stand here year after year and argue against cutting the AEC budget when some of us tried to make just a little bitty cut in the hundreds of millions of dollars being put into the atomic energy program. And when the Atomic Energy Commission said they had their program ready for production of electricity and all they needed was one experimental station, they came in and got it in last year's budget, they have it in this year's budget and they will have it in next year's budget for a couple hundred million dollars for his pet projects.

Now, if the gentleman's purpose were sincere and he were cutting out money in every program, there might be some credence to it.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I want to make a couple of corrections. First, there is nothing in here to take care of the Colorado River water; nor is there anything in here that will take care of geothermal steam, despite what the gentleman says.

As far as the atomic energy authorization is concerned, I am sure the gentleman will be delighted to know that this year it is being cut 2.7 percent over last year.

Mr. SAYLOR. That is 2.7 percent.

Mr. HOSMER. I do not see that any derogation of my motives has a blasted thing to do with the merits of this argument.

Mr. SAYLOR. All I can tell the gentleman is I am willing to have this program cut 2.7 percent below last year, and we would have a lot more in it than the committee allowed this year.

The committee heard from the people in the executive branch downtown, we heard from the people in the industry, and we heard from interested Members of Congress. They were unanimous in telling us that we should increase the amount of money we put in. And we did.

I hope the committee amendment will be sustained.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we are dealing with a very real problem here, a problem of research and development to reclaim and utilize some of the waters that are found in the United States of America. In many areas we are very short.

We started out with a much larger program. We have completed a good deal of this program. We admit that the distillation processes have been completed. The state of the art and technology are on the shelf for industry and public and private water users to use.

In this amendment we have added $2 million in the field of research, $2.8 million in the field of development, $1.1 million for test beds, nothing for modules, and $300,000 for administration.

I want to say that this gives congressional control over the program that is going to be allowed in this bill in the categories.

We also perfected another amendment, a second amendment, to close the open ended aspects of this bill.

In the overall, the breakdown of the categories as reported—this is all funds-carryovers, new money and what we added—the figures for research is $2 million, for development $3.2 million, for test beds $1,350,000, for modules $677,000 and for administration $1.9 million.

I also want to say to the Members of the Committee that the total program amounts to this: Research, $4.4 million; development, $3.6 million; test beds, $3,350,000; modules $2,552,094—most of that is to dismantle, salvage and clear up the sites and turn them back—and administration, $1.9 million.

Where is this money going to be spent? It is going to be spent in San Diego, Calif. It is going to be spent in Orange County, Calif. It is going to be spent in Roswell, N. Mex.; in Freeport, Tex.; in Wrightsville Beach, N.C.; at various field stations, contractor facilities, and for headquarters staff.

I want to say that the staff is down to 78 members at the present time, 78 employees. They have sufficient expertise in those 78 people to carry this program forward and to do the job that this bill with its amendment asks for.

I want to say a word about the Office of Saline Water. I have watched all but one of the Directors of the Office of Saline Water, and I believe we have had a very good program.

Mr. Chairman, what we have today is the best performance we have had since the Office was created. This Office was created, or the legislation was offered and perfected by the late Senator Clair Engle when he was chairman of the House Committee on Interior and Insular Affairs.

Mr. Chairman, I want to say this about the public agency people who come in to testify, the private sector people who come in to testify, and others who were just interested scientists, physicists, and citizens. They all stated that they were in full support of the proposed legislation, with the amendments, to carry out an active program in further research and development in the three fields, reverse osmosis, electrodialysis, and freezing processes.

Now, this is what the bill restricts it to, and there is a restriction as to the sites where this is going to be carried out. It also adds a second amendment that takes care of the open ended provisions of this bill.

I think we have to give credit to the efforts that have been performed by those who have been in charge of this program and those who have participated in it. The results can speak for themselves. There are plants being built all over the United States and all over the world, but we have a lot further to go in research and development in the three fields I have mentioned, and this calls for an increase of $6 million.

Mr. Chairman, I am certain that the overall moneys that are spent will come within the projected figure.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, beginning on line 4, strike out all of Section 3.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TIERNAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5464) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes, pursuant to House Resolution 434, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. HOSMER. Mr. Speaker, I demand a separate vote on the first committee amendment.

The SPEAKER. Is a separate vote demanded on the other committee amendment? If not, the question is on the amendment.

The amendment was agreed to.

The Clerk will report the committee amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Page 1, beginning on line 3, strike out all of section 1 and insert in lieu thereof the following:

"That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159), during fiscal year 1974, the sum of $9,127,000 to remain available until expended as follows:

(1) Research expense, not more than $2,000,000;

(2) Development expense, not more than $3,200,000;

(3) Design, construction, acquisition, modification, operation and maintenance of saline water conversion test beds and test facilities, not more than $1,350,000;

(4) Design, construction, acquisition, modification, operation and maintenance of saline water conversion modules, not more than $677,000; and

(5) Administration and coordination, not more than $1,900,000.

(b) Funds authorized and appropriated prior to fiscal year 1974 for any purpose under the Saline Water Conversion Act of 1971 may be obligated and expended as follows, notwithstanding any other provisions of law:

(1) Research expense, $2,400,000;

(2) Development expense, $400,000;

(3) Design, construction, acquisition, modification, operation and maintenance of saline water conversion test beds and facilities, $2,000,000; and

(4) Design, construction, acquisition, mod-

ification, operation and maintenance of saline water conversion modules, $1,875,094.

(c) Expenditures and obligations under paragraphs (1), (2), (3) and (4) of subsections (a) and (b) of this section may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) of subsection (a) of this section may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

Mr. HOSMER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 281, nays 125, not voting 27, as follows:

[Roll No. 242]

YEAS—281

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Clark
Clausen, Don H.
Clay
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Dingell
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Flynt
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hinshaw
Holifield
Holtzman
Horton
Howard
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
King
Kluczynski
Koch
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Mahon
Mailliard
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Tex.
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Ware
Whalen
White
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NAYS—125

Abdnor
Archer
Arends
Bafalis
Baker
Beard
Bennett
Bevill
Bowen
Bray
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Butler
Carter
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Cochran
Cohen
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Downing
Edwards, Ala.
Erlenborn
Fish
Flowers
Ford, Gerald R.
Fountain
Froehlich
Gilman
Goodling
Grasso
Gross
Gubser
Gunter
Guyer
Hammerschmidt
Hanrahan
Harsha
Hastings
Heinz
Henderson
Hicks
Hillis
Hogan
Holt
Hosmer
Huber
Hudnut
Hutchinson
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
Kuykendall
Kyros
Latta
Lent
Lott
McClory
McCollister
McEwen
Macdonald
Madigan
Mallary
Mann
Martin, Nebr.
Mayne
Michel
Miller
Minshall, Ohio
Mizell
Montgomery
Mosher
Myers
Nelsen
Nichols
O'Brien
Parris
Powell, Ohio
Price, Tex.
Pritchard
Quillen
Railsback
Rinaldo
Robinson, Va.
Roncallo, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Shoup
Shuster
Skubitz
Snyder
Spence
Stanton, J. William
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Treen
Waggonner
Wampler
Whitehurst
Whitten
Wydler
Wylie
Yates
Young, Fla.
Young, S.C.
Zion
Zwach

NOT VOTING—27

Andrews, N.C.
Ashbrook
Aspin
Badillo
Breaux
Chisholm
Danielson
Diggs
Donohue
Fisher
Frelinghuysen
Goldwater
Gray
Hébert
Landgrebe
Morgan
Moss
Passman
Rarick
Reid
Rooney, N.Y.
Steelman
Steiger, Ariz.
Stratton
Thompson, N.J.
Van Deerlin
Wiggins

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Badillo.

Mr. Rooney of New York with Mr. Danielson.

Mr. Hébert with Mr. Passman.

Mr. Gray with Mr. Rarick.

Mr. Donohue with Mr. Frelinghuysen.

Mrs. Chisholm with Mr. Moss.

Mr. Stratton with Mr. Steiger of Arizona.

Mr. Diggs with Mr. Aspin.

Mr. Breaux with Mr. Landgrebe.

Mr. Morgan with Mr. Andrews of North Carolina.

Mr. Fisher with Mr. Ashbrook.

Mr. Reid with Mr. Wiggins.

Mr. Van Deerlin with Mr. Goldwater.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HOSMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 400, nays, 4, not voting 29, as follows:

[Roll No. 243]

YEAS—400

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch

Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill

Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence

Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Crane
Gross
Hutchinson
Snyder

NOT VOTING—29

Arends
Ashbrook
Aspin
Badillo
Breaux
Chisholm
Danielson
Dingell
Donohue
Fisher

Frelinghuysen
Goldwater
Gray
Landgrebe
Mills, Ark.
Morgan
Moss
Passman
Rarick
Reid

Rodino
Rooney, N.Y.
Steiger, Ariz.
Stratton
Talcott
Thompson, N.J.
Van Deerlin
Waldie
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Arends.

Mr. Rooney of New York with Mr. Aspin.

Mr. Breaux with Mr. Landgrebe.

Mrs. Chisholm with Mr. Rodino.

Mr. Dingell with Mr. Fisher.

Mr. Morgan with Mr. Frelinghuysen.

Mr. Gray with Mr. Mills of Arkansas.

Mr. Waldie with Mr. Wiggins.

Mr. Badillo with Mr. Passman.

Mr. White with Mr. Ashbrook.

Mr. Stratton with Mr. Rarick.

Mr. Danielson with Mr. Talcott.

Mr. Donohue with Mr. Steiger of Arizona.

Mr. Reid with Mr. Van Deerlin.

Mr. Moss with Mr. Goldwater.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of an identical Senate bill (S. 1386) to authorize appropriations for the saline water program for 1974, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1386

An act to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159), during fiscal year 1974, the sum of $9,127,000 to remain available until expended as follows:

(1) Research expense, not more than $2,000,000;

(2) Development expense, not more than $3,200,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $1,350,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules not more than $677,000; and

(5) Administration and coordination, not more than $1,900,000.

(b) Funds authorized and appropriated prior to fiscal year 1974 for any purpose under the Saline Water Conversion Act of 1971 may be obligated and expended as follows, notwithstanding any other provisions of law:

(1) Research expense, $2,400,000;

(2) Development expense, $400,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and facilities, $2,000,000; and

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $1,875,094.

(c) Expenditures and obligations under paragraphs (1), (2), (3), and (4) of subsections (a) and (b) of this section may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) of subsection (a) of this section may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

SEC. 2. In addition to the sums authorized to be appropriated by section 1 of this Act there are authorized to be appropriated such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law or other nondiscretionary costs.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5464) was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RECLASSIFICATION OF DEPUTY U.S. MARSHALS

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 433 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 433

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5094) to amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed on hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from California (Mr. DEL CLAWSON) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 433 provides for an open rule with 1 hour of general debate on H.R. 5094, a bill providing for the reclassification of positions of deputy U.S. marshal.

The rule provides that it shall be in order to consider the committee amendment in the nature of a substitute now printed in the bill as an original bill.

H.R. 5094 reclassifies the position of deputy U.S. marshals at grades GS-5, GS-7, GS-9, and GS-11 of the general schedule. Grade 5 will be used only for trainees. Under present procedures, these positions are classified at grades GS-4 through GS-9.

The first year cost of implementing the bill is estimated to be approximately $2,069,818. The estimated 5-year cost—

based on an estimated 5.5 percent annual increase in Federal salaries—is $11,551,-843.

Mr. Speaker, enactment of H.R. 5094 is necessary to make the pay of deputy U.S. marshals commensurate with the difficulty of their duties and responsibilities and the personal risks to which they are exposed. I urge adoption of House Resolution 433 in order that we may discuss and debate H.R. 5094.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, today we are considering House Resolution 433, the rule on H.R. 5094, to provide for the reclassification of positions of deputy U.S. marshal. This rule is an open rule with 1 hour of general debate. It also makes the committee amendment in order as an original bill for the purpose of amendment.

The purpose of H.R. 5094 is to reclassify the positions of deputy U.S. marshal, other than supervisory or managerial positions, at grades GS–5, GS–7, GS–9, or GS–11 of the general schedule.

During the 92d Congress, an almost identical bill was vetoed by the President. No hearings were held on H.R. 5094, but hearings were held in the last Congress, on the bill that was vetoed.

This bill would raise the grade levels mentioned above. At present, they are classified at grade levels of GS–4, GS–5, GS–6, GS–7, GS–8, and GS–9.

The estimated cost of this bill, based on 1,320 employees, is $2,069,818. The 5-year cost estimate, based on a 5.5-percent annual increase, would be $11,-551,843.

The committee report contains letters from the Civil Service Commission, the Office of Management and Budget, and the Department of Justice strongly opposing this legislation, because of the cost and the preferential treatment given to marshals.

Minority views were filed by Congressmen Gross and Derwinski in opposition to this bill. They state that enactment of this bill "would legislatively establish grade levels for one particular occupation which are known to be incorrect when compared with other similar occupations; would create internal grade inequities among present members of the Marshal Service, which could lead to widespread classification appeals; would create chaotic pay disparities; and would be in direct contravention of the economic guidelines which are supposed to apply indiscriminately to all salaried Americans."

Mr. Speaker, I urge the adoption of the rule in order that the House may work its will on this legislation.

Mr. LONG of Louisiana. Mr. Speaker, I have no furher requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5094) to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. Henderson).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5094, with Mr. Meeds in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. Henderson) will be recognized for 1 hour, and the gentleman from Iowa (Mr. Gross) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina (Mr. Henderson).

Mr. HENDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Dulski) the chairman of the House Committee on Post Office and Civil Service.

Mr. DULSKI. Mr. Chairman, I rise in support of H.R. 5094.

This is a very simple but very necessary piece of legislation. The sole purpose of this bill is to raise the salaries of nonsupervisory deputy U.S. marshals.

Under existing law, deputy U.S. marshals are compensated in accordance with the General Schedule pay rates, contained in title 5 of the United States Code. Ordinarily, these marshals are hired at grade GS–6, which has a starting salary of $8,572 per year. Grades GS–7 and GS–8 are considered to be the full working levels for nonsupervisory deputy marshals.

Under the provisions of this bill, the positions of nonsupervisory deputy U.S. marshal would be classified at grades GS–5, 7, 9, or 11 of the General Schedule but GS–5 would be used only for a trainee.

Thus, the effect of this legislation is to elevate the pay of nonsupervisory deputy marshals from the existing range of GS–6 to GS–9, to a range of GS–7 to GS–11.

Deputy U.S. marshals perform a variety of important and often dangerous functions.

They repeatedly are required to perform emergency services because of their demonstrated ability to handle difficult and potentially explosive situations.

Consequently, their hours of duty are irregular, and the demands on their mental and physical health often are severe.

There can be no question that these deputy marshals frequently are exposed to great personal danger while carrying out their assigned duties.

Unfortunately, the pay of these deputy marshals is not commensurate with the difficulty of their duties and responsibilities and the personal risks to which they constantly are exposed.

When compared to the salaries of Washington area police forces, such as the District of Columbia police force, the pay of the deputy U.S. marshals suffers badly.

If the pay of these employees is not increased, the Government cannot hope to compete with the municipal and county police forces for the competent personnel it needs to fill these vital positions.

Therefore, in the interests of equity, competency, and the safety of the American public, I urge the passage of this legislation.

Mr. HENDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5094, which was ordered reported by the Post Office and Civil Service Committee.

The sole purpose of this legislation is to raise the General Schedule grade levels of all deputy U.S. marshal positions other than supervisory or managerial positions.

Under this legislation, the positions of nonsupervisory deputy U.S. marshals would be classified at grades GS–5, GS–7, GS–9, or GS–11 of the General Schedule. Under existing procedures, these positions are classified at grades GS–4 through GS–9.

Since the classification standards for deputy U.S. marshal positions were issued by the Civil Service Commission in 1967, the duties and responsibilities of deputy U.S. marshals have been substantially expanded.

The responsibilities of these deputy marshals now include participation in airline antipiracy programs, protection of witnesses who are required to testify in Federal proceedings, transportation of prisoners, and protection of prosecutors, judges and Deputy Attorneys General.

Despite the significant increase in the scope of responsibilities of deputy marshals, the Civil Service Commission has failed to take the necessary action to improve the pay status of these employees.

During the 92d Congress, a bill similar to H.R. 5094 passed the House under suspension of the rules and subsequently passed the Senate. However, that bill—H.R. 13895—was vetoed by the President.

As a result of congressional action on H.R. 13895, the Civil Service Commission has launched a full-scale study of the deputy U.S. marshal occupation.

However, while the Civil Service Commission's study could result in some improvement in the compensation of deputy marshals, our committee is not convinced that the commission is prepared to elevate these employees to the pay status they fully deserve.

H.R. 5094 will affect approximately 1,300 deputy U.S. marshals and the first-year cost of implementing this bill is estimated to be approximately $2,070,000.

Mr. Chairman, I believe this is a small price to pay in order to attract and retain the mature and responsible individuals we need to carry out the duties of this vitally important occupation.

All of us can be proud of the role that deputy U.S. marshals have played in our Nation's efforts to combat crime. For this reason, H.R. 5094 deserves the support of every Member of this body.

Mr. GROSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose H.R. 5094 for the same reason I opposed a similar bill which was justifiably vetoed by the President in the 92d Congress.

First, it proposes by statute to reclassify the pay grades of U.S. deputy marshals. This authority and responsibility has always rightfully rested with the Federal agencies and the Civil Service Commission. To do otherwise establishes an unwise precedent and invites other groups of employees to seek similar treatment from the U.S. Congress.

It should be pointed out that the Civil Service Commission is expected to publish by June 30, 1973, a new standard for marshals which will significantly restructure the profession in the Federal service.

Therefore, in spite of Civil Service Commission's findings on the proper classification for deputy U.S. marshals, we have before us H.R. 5094 which would violate this determination.

Second, it creates internal grade inequities among present members of the marshal service, which could lead to widespread classification appeals.

And, finally, the pay increases contained in this bill average out to over 20 percent. The increases are in addition to the 5.14 percent statutory raise deputy marshals received in January 1973, and the raise they will be eligible for in 1974. Also, deputy marshals will continue to be eligible for within-grade increases and promotional increases as they are advanced to higher grades. This clearly exceeds the economic guidelines imposed by the Government.

Mr. Chairman, it is estimated H.R. 5094 will cost the American taxpayer over $2 million in the first year, and over $11.5 million in the next 5 years. It should be clear by now we can hardly afford such ill-conceived, untimely, and expensive legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, last Wednesday evening, on nationwide radio and television, the President discussed the American economy, and the various actions he is taking and proposes to take to hold down inflation.

I would like to quote two paragraphs from the President's address. They are:

> The battle against inflation is everybody's business. I have told you what the Administration will do. There is also a vital role for the Congress, as I explained to the Congressional leaders just a few moments ago;
>
> The most important single thing the Congress can do in holding down the cost of living is to hold down the cost of Government. For my part, ,I shall continue to veto spending bills that we cannot afford, no matter how noblesounding their names may be. If these budget-busters become law, the money would come out of your pocket—in higher prices, higher taxes, or both.

Let us give these statements serious consideration. It was the same philosophy, plus the discriminatory nature of H.R. 13895, a similar bill which was passed in the 92d Congress, which prompted the President to veto that bill. In his statement of disapproval, the President said:

> There is no justification for this highly preferential treatment, which discriminates against all other Government employees who perform work of comparable difficulty and responsibility and whose pay is now the same as that of deputy marshals.

Nothing has occurred since that veto to justify the enactment of H.R. 5094.

Mr. Chairman, the general schedule classification system is based on the principle that all Federal positions should be evaluated by the same methods against the same standards.

H.R. 5094 would legislate position classification of deputy U.S. marshals by statute, and would establish a dangerous precedent in direct conflict with the recognized principles of general schedule classification.

There is no basis for decreeing that the bulk of the 1.3 million general schedule employees must remain subject to the studies, tests and evaluations which now determine their grades, but that 1,300 deputy marshals will henceforth be exempt from the standard procedures, This action is preferential to deputy marshals, and unfair to every other Federal employee.

H.R. 5094 is preferential legislation of the worst sort, beneficial to only a small segment of the Federal work force, and will only open the floodgates for other occupations in the Federal service to demand similar treatment.

The pay increases proposed by H.R. 5094 are excessive and unwarranted and would not be based upon increases in value of services received, as is the case with promotions under the general schedule. Such an action would have a deleterious effect on the morale of other Federal employees.

The statutory principle of "equal pay for substantially equal work" would be subverted by the conversion rules which are provided in H.R. 5094, since this bill would place many employees in different grades on the basis of their current step in grade. For example, those now in step 7 of GS–6 would advance to step 10 in GS–7, but those in step 8 of GS–6 would advance to step 1 in GS–9. Thus, two employees whose work is presently identical could find themselves two full grades apart if one happened to have a few more weeks service than the other. And to show the further inequity of this procedure, the employee in step 7 advanced to GS–7 would receive $12,373, while the employee in step 8 advanced to GS–9 would receive only $11,614 or $1,045 less than the employee with less tenure. This same inequity would prevail among GS–8 employees, who would be advanced to GS–9 and GS–11.

Mr. Chairman, for these reasons I urge my colleagues to defeat this legislation.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, the bill, H.R. 5094, which reclassifies the positions of deputy U.S. marshals, is a constructive proposal to bring a measure of justice and equality to present incumbents and future recruits of this critically occupational group.

I believe the legislation is warranted because for too long now the U.S. Civil Service Commission has refused to classify deputy U.S. marshals properly, thereby depriving them of pay rates commensurate with their responsibilities. To demonstrate this view, let us consider the tentative standards for deputy U.S. marshals which are to be published by the Civil Service Commission by June 30, 1973:

> Deputy U.S. marshals perform a wide range of law enforcement duties including serving a variety of civil writs and criminal warrants issued by Federal courts; tracing and arresting persons wanted under court warrants; seizing and disposing of property under court orders; safe-guarding and transporting prisoners; providing for the physical security of court facilities and personnel; providing for the physical security of jurors and key Government witnesses and their families; preventing civil disturbances or restoring order in riot and mob violence situations; and performing other special law enforcement duties as directed by a court order or by the Department of Justice. These positions require ability in locating and identifying wanted persons or property; knowledge of court procedure; basic knowledge of business records and practices, knowledge of Federal and State laws which deputies must enforce, as well as relevant court decisions; and ability to deal with individuals from all levels of society.
>
> Deputy marshals are required to carry firearms and be proficient in their use; to operate motor vehicles; and to work irregular hours as necessary. Performance of these duties may involve personal risk, exposure to severe weather conditions, considerable travel, and arduous physical exertion.

And, in addition to these duties, it should be borne in mind that members of the Marshal Service may also be called upon to perform quasi-investigatory duties at the request of other Federal law enforcement agencies. On some occasions, the Marshal Service performs such police functions as mob and riot control, safeguarding of Federal officials and witnesses, and maintaining public order and safety.

One of the specialized law-enforcement activities carried out by deputy marshals is to plan and make arrests of persons wanted for serious criminal violations, such as forgery, counterfeiting, illegal entry into the United States, smuggling, kidnaping, auto theft, tax evasion, parole or probation violations; or violations of narcotics, alcohol, tobacco, gambling, or firearms laws.

Since March 1972 to the present, there have been 23 nonserious injuries, 30 serious injuries which required hospitalization, 2 cases involving total disability, and 2 fatalities. In the past 5 years, from 1968 to 1972, there have been seven fatalities in the U.S. Marshal Service. These injuries and fatalities have all been service connected. The fact that there are only approximately 1,654 deputy marshals in the service gives these statistics added significance.

As another example of the range of duties of the deputy U.S. marshal and the special assignments he is called on to perform, is the Federal antihijacking program. The deputy U.S. marshals were the first Federal law-enforcement personnel to provide protection for persons and property against hijacking. They have made many arrests in this connection and have executed their duties in this field in a highly creditable and professional manner.

Since the inception of the air piracy effort, the U.S. Marshal Service has:

First, prevented at least 29 hijacking attempts;

Second, made a total of 3,846 arrests;

Third, made 385 arrests for possession of other concealed weapons;

Fourth, made 1,041 arrests for violation of Federal and State narcotic laws;

Fifth, seized $18,598,836 worth of narcotics;

Sixth, seized $1,748,943.10 in U.S. currency and recoveries; and

Seventh, collected $17,603.28 in fines.

Mr. Chairman, I bring these facts and figures to the attention of this body to dramatize the responsibilities and inherent dangers of the deputy U.S. marshal occupation.

Clearly the pay of deputy U.S. marshals is not commensurate with the responsibilities of this law-enforcement occupation. Under the present classification system, a deputy marshal enters the service at the level of GS-4 pay, which pays $6,882, and the top grade and step of nonsupervisory personnel is step 10 of GS-9, which pays $15,097. This is not to imply that all deputy marshals reach the top step in GS-9, because they do not. In fact, the average grade of all supervisory and nonsupervisory officers in the U.S. Marshal Service who retired in fiscal year 1972 was GS-9, step 3, or $12,388.

According to information received from the International Association of Chiefs of Police on June 7, 1973, a police patrolman's pay in major cities of the United States is as follows:

	Starting salary	Maximum	Number of years to reach the maximum
Chicago	$10,524	$13,680	3½
Cleveland	11,742	12,242	2
Detroit	9,000	12,750	4
Los Angeles	10,670	13,990	3½
New York	11,000	13,950	3
Phoenix	8,772	11,124	4½
San Francisco	13,440	14,040	3
Washington, D.C	10,000	14,400	7

Again, these figures should be compared with the starting salary of a deputy U.S. marshal, $6,882 ,and the average grade of all officers in the U.S. Marshal Service who retired in 1972, which was step 3 of GS-9, at a pay rate of $12,388. A comparison cannot be made. All of them pay their starting patrolmen more than we pay starting deputy U.S. marshals.

Mr. Chairman, the record is quite clear. Deputy U.S. marshals are required to perform duties which involve considerable personal risk, exposure to severe working conditions, physical exertion, irregular and long hours, and extended periods of time away from home. However, at the present time pay is not commensurate with these responsibilities.

It is time for the Congress to remedy this situation in some measure by passing H.R. 5094.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, I commend the gentleman from Maryland for his remarks. I associate myself with those remarks.

Mr. Chairman. I wish to express my full support for H.R. 5094, which raises the grade levels of all U.S. deputy marshal positions other than those in the categories of supervision and management. Passage of this legislation would result in raises totaling $2,069,818, which would be applied to the salaries of 1,320 deputy marshals. It is my firm opinion that such a reclassification scheme is deserved and long overdue.

Our Federal deputy marshals are asked to perform difficult, risk-laden duties year in and year out, yet the salaries authorized for these men have not remained competitive. We cannot expect to retain quality officers if we refuse to offer them compensation commensurate with their awesome responsibilities.

Mr. Chairman, as my colleagues well know, this is not the first time we have fought this battle. Legislation similar to this bill was passed in the course of the 92d Congress and then vetoed by the President. He claimed at that time that approval of these grade reclassifications would discriminate against other Federal employees.

I can only state that I felt then that the deputy marshal's difficult and dangerous responsibilities entitled him to greater compensation, and that my opinion on this point has not wavered in the least. I would hope, also, that congressional passage of this measure a second time will meet with favorable Presidential action.

Mr. Chairman, I would like to commend Congressman Udall and the Post Office and Civil Service Committee for the excellent work they did on this bill. I was gratified to see H.R. 5094 receive not only an 18-to-1 vote for passage in committee, but the endorsement of the American Federation of Government Employees. I sincerely hope this body will grant similar approval today to the timely reclassification of U.S. deputy marshals.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. Hillis).

Mr. HILLIS. Mr. Chairman, I rise in support of H.R. 5094. This bill is similar, but not identical, to H.R. 13895, which was passed by both Houses in the 92d Congress, but was vetoed by the President on October 27, 1972.

H.R. 5094, as amended, was approved by the Subcommittee on Manpower and Civil Service by a voice vote on May 10, 1973, and approved by the full Post Office and Civil Service Committee by a vote of 18 ayes to 1 nay on May 17, 1973.

This bill would put deputy U.S. marshals on a comparable basis with other Federal law enforcement officers, but yet not quite as high as some municipal officers.

In recent years the deputy marshals have seen not only their workload increased but the level and incidence of danger have also increased. Their hours of duty are irregular, and the demands on their mental and physical health are often severe. They are frequently exposed to great personal danger while carrying out their assigned duties.

They are often called upon to work long hours away from home, and, as crime and violence have increased, their job has become increasingly more dangerous.

The Civil Service Commission and the Justice Department have the tools to establish the proper classification for deputy U.S. marshals, but they have failed to use them. As a result, the morale of the U.S. deputy marshal service is falling to a new low level.

We should recognize the deputy marshal for what he is: a major factor in our efforts to fight crime; and the least we can do is to provide proper compensation for his activities.

H.R. 5094 will provide for this long-overdue compensation and I urge my colleagues to support this measure.

Mr. GROSS. Mr. Chairman, I yield five minutes to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of H.R. 5094, a bill to reclassify U.S. deputy marshals at grades GS-5, GS-7, GS-9 and GS-11 of the general schedule.

Mr. Chairman, I believe the legislation is justified and is a proper action for the Congress to take. The reasons for this position are as follows:

During the June 27, 1972, hearing on H.R. 13895, a bill similar to H.R. 5094, a question was asked of Mr. Donald Hill, Associate Director of the U.S. Marshal Service, as to how he would compare the job of a deputy marshal with, say, the Metropolitan Police with respect to the personal danger that is connected with the job. Mr. Hill replied:

> I think it would compare equally. The danger to a deputy marshal comes from several of his duties—the witness program, the protective program, the air piracy program, and of course deputy marshals are handling groups of prisoners every day into the courts and normally there is no restraining equipment used in the courts.
>
> There is always the danger of an ambush. I think that everybody is aware of the recent——

Another question was asked if Mr. Hill considered the job of deputy marshal a hazardous occupation. Mr. Hill replied:

> I most certainly would. Prisoners are restrained while being transferred, but there is always a potential danger there. There is hardly any aspect of the job that doesn't present danger—even on a routine service of a civil process there have been deputy marshals shot and assaulted.

Mr. Hill testified further that in 1971, approximately five deputies lost their lives in the line of duty.

Bearing this testimony in mind, let us compare the starting salaries of police officers in major jurisdictions of the United States and the starting salary of a U.S. deputy marshal. A U.S. deputy marshal starting pay is pegged at a GS-4 pay rate, with a corresponding salary of $6,882, while the starting salaries of police officers in major jurisdictions of the United States are as follows:

Boston, Mass	$8,283
Buffalo, N.Y	8,510
Chicago, Ill	10,524
Cleveland, Ohio	11,742
Detroit, Mich	9,000
Los Angeles, Calif	10,670
New York City	11,000
Washington, D.C	10,000
San Francisco Calif	13,440
Montgomery, County, Md	9,000

Obviously, the starting salaries of police officers in other jurisdictions of the United States are considerably higher than the starting salary of a U.S. deputy marshal. In the city of Washington, D.C., the difference in pay is $3,118.

The main point I wish to make is that deputy U.S. marshals duties, in the words of Mr. Donald Hill, Associate Director of the U.S. Marshal Service in June of 1972, are comparable with respect to the personal danger that is connected with the job of the Metropolitan Police, but their pay rates are not.

Mr. Chairman, the time has come to recognize the degree of hazard and personal danger deputy U.S. marshals face on their jobs with proper pay rates. This is what H.R. 5094 does, and I highly endorse it.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California, and also with those of the distinguished chairman of the committee, the gentleman from North Carolina (Mr. HENDERSON).

On this bill, I know that it has been revised downward from the bill which was vetoed by the President. I would like to ask the gentleman from California, considering the fact that the former bill was vetoed, what assurance do we have in the redrafting of this bill that it will now be acceptable.

Mr. ROUSSELOT. Mr. Chairman, I am really not in charge of details at the White House, so I really cannot answer that.

Mr. EVINS of Tennessee. Mr. Chairman, I thought the gentleman had a direct line to the White House.

Mr. ROUSSELOT. I am afraid not.

I would like to say that I believe this is a reasonable adjustment. My feeling is, and the reason I have supported the bill, is that I feel it is an adequate and positive request for men who have hazardous duty, and we call upon them to perform all kinds of chores in very difficult situations.

I think that we should not always stand and look for which way the wind is going to blow at the White House, but do what we think is correct as it relates to the public servants we are talking about who serve our country, and do a creditable job in carrying out that responsibility.

Mr. EVINS of Tennssee. I agree with the gentleman.

Let me ask the gentleman a further question. Have there not been additional duties required of the marshals and deputy marshals, such as skyjacking surveillance and monitoring duty, which is very hazardous, and by reason of these additional duties the bill should be acceptable in the revised form?

Mr. ROUSSELOT. The gentleman is exactly correct. The testimony both last year and this year proves that these requests, which are relatively minor, are clearly justified. I believe the gentleman makes an excellent point that the duties of U.S. marshals through the years have been increased.

I am sure the gentleman knows I am not known as a big spender in the Congress, and I have certainly tried to use fairness and justice as it relates to employees of the Federal Government. I feel that these personnel have made their case and made it properly to the committee on which I serve, and therefore I do support the bill.

Mr. EVINS of Tennessee. I thank the gentleman.

Mr. HENDERSON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas, a member of the committee (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from North Carolina (Mr. HENDERSON) and the committee members in favor of passage of H.R. 5094.

There has been much testimony attesting to the fact that the duties of our deputy U.S. marshals have expanded and become increasingly hazardous. The Civil Service Commission agrees that deputy U.S. marshal classification and pay treatment should be elevated to reflect the range of duties and responsibilities that exist in the marshal service at this time. I would like to stress that these positions have not been adjusted by the Commission in 6 years.

In this bill, we are speaking of promotions from grade 4 to grade 5 and from grade 9 to grade 11. These are not supergrade promotions and they are not inconsistent with the President's actions last night to exempt wages from the freeze.

This bill, which I was pleased to cosponsor, is not an act to subvert the classification principles upon which the Federal merit system is based—rather, it is a measure to insure the equity of our Federal merit system—to adjust the classification of an occupation to be consistent and timely with its undisputed, increased hazardous responsibilities and risks.

Mr. BRASCO. Mr. Chairman, I rise in support of H.R. 5094, a bill to raise the general schedule grade levels of all nonsupervisory deputy U.S. marshals.

This bill would bring a measure of justice to approximately 1,300 Federal employees who perform faithful, efficient service to our country under the most trying of circumstances.

The duties required of deputy U.S. marshals include protection of political figures, heads of departments and agencies, witnesses and judges, transportation of prisoners, service of civil and criminal processes, making of arrests, and maintenance of order in Federal courtrooms.

Deputy marshals are repeatedly called upon to perform emergency services, with frequent exposure to physical harm.

As is the case with most of our law enforcement officials, the deputy marshals have seen not only their duties and responsibilities increased in the past few years but also the incidence of danger in carrying out those responsibilities.

Despite this increase in level of responsibility and exposure to danger, the Civil Service Commission has taken no action to raise the pay level of these employees to the status they deserve.

There can be no doubt that we, in the Congress, are the only hope of these dedicated individuals.

We must take action now. Otherwise we run the risk of causing irreparable damage to the quality and efficiency of this vitally important corps of law enforcement officers.

Mr. WILLIAM D. FORD. Mr. Chairman, as a consponsor of H.R. 5094, I rise in support of this bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal. On October 14, 1972, both the House and the Senate passed similar legislation but the bill was subsequently vetoed by President Nixon on the grounds that it discriminated "against all other Government employees who perform work of comparable difficulty and responsibility and whose pay is now the same as that of deputy marshals."

Those of us who are familiar with the work of the U.S. Marshal Service were astounded by the President's veto message. Deputy U.S. marshals perform a wide variety of duties and, in recent years, these duties have become more and more hazardous. Since 1970, for example, the marshals have become involved with airline antipiracy programs and their work has been effective in the prevention of at least 29 hijacking attempts and the seizure of almost $18 million worth of narcotics. Since 1971, they have also been assigned the duty to guard witnesses required to testify in Federal proceedings in addition to their responsibility in protecting prosecutors, judges, and deputy attorneys general.

The Post Office and Civil Service Committee in considering this legislation, determined that the pay of deputy marshals is definitely not commensurate with the difficulty of their duties and responsibilities.

The purpose of this legislation is simple, but it will affect about 1,320 nonsupervisory deputy marshals presently classified in grades 4, 5, 6, 7, 8, and 9 of the general schedule. The bill will upgrade them to provide them with salaries equivalent to those now being paid to members of city and county police forces across the country.

This legislation is vital if the U.S. Marshal Service is to continue to recruit and keep top personnel and I urge my colleagues to pass this bill once again.

Mr. GROSS. Mr. Chairman, I have no further requests for time.

Mr. HENDERSON. Mr. Chairman, this side has no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress that personnel discharging law enforcement responsibilities be adequately paid, in amounts commensurate with the degree of danger and stress incident to these responsibilities; and that, to this end, deputy United States marshals shall be paid at rates not less than the rates at which other law enforcement personnel are paid.

(b) Section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Each position of deputy United States marshal (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–5, GS–7, GS–9, or GS–11, except that GS–5 shall be used only for a trainee.".

Sec. 2. (a) Effective on the effective date of this section, a deputy United States marshal on the rolls on such date to whom the amendment made by the first section of this Act applies, shall be converted, as follows:

(1) a deputy United States marshal in GS–4 immediately before the effective date of this section shall be advanced to that step of GS–5 which corresponds numerically to that step of GS–4 which he had attained immediately before such effective date;

(2) a deputy United States marshal in GS–5 immediately before the effective date of this section shall be advanced to that step of GS–7 which corresponds numerically to that step of GS–5 which he had attained immediately before such effective date;

(3) a deputy United States marshal in step 1, 2, 3, 4, 5, 6, or 7, respectively, of GS–6 immediately before the effective date of this section shall be advanced to step 4, 5, 6, 7, 8, 9, or 10, respectively, of GS–7;

(4) a deputy United States marshal in step 8, 9, or 10, respectively, of GS–6 immediately before the effective date of this section shall be advanced to step 1, 2, or 3, respectively, of GS–9;

(5) a deputy United States marshal in GS–7 immediately before the effective date of this section shall be advanced to that step of GS–9 which corresponds numerically to that step of GS–7 which he had attained immediately before such effective date;

(6) a deputy United States marshal in step 1, 2, 3, 4, 5, 6, or 7, respectively, of GS–8 immediately before the effective date of this section shall be advanced to step 4, 5, 6, 7, 8, 9, or 10, respectively, of GS–9;

(7) a deputy United States marshal in step 8, 9, or 10, respectively, of GS–8 immediately before the effective date of this section shall be advanced to step 1, 2, or 3, respectively, of GS–11; and

(8) a deputy United States marshal in GS–9 immediately before the effective date of this section shall be advanced to that step of GS–11 which corresponds numerically to that step of GS–9 which he had attained immediately before such effective date.

(b) An increase in pay by reason of an initial adjustment of pay under subsection (a) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step-increases. Service by an employee performed immediately before the effective date of the conversion of the employee under subsection (a) of this section shall be counted toward not to exceed one step-increase under the time-in-step provisions of section 5335 of title 5, United States Code.

(c) No rate of basic pay in effect immediately before the effective date of this section shall be reduced by reason of the enactment of this Act.

Sec. 3. The preceding provisions of this Act shall become effective at the beginning of the first applicable pay period which commences on or after the date of enactment of this Act.

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Meeds, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5094) to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes, pursuant to House Resolution 433, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 84, not voting 30, as follows:

[Roll No. 244]

YEAS—319

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conlan
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Dickinson
Diggs
Dingell
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mann
Maraziti
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rees
Rhodes
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Tex.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki

NAYS—84

Archer
Arends
Biester
Blackburn
Bray
Brown, Ohio
Burgener
Burlison, Mo.
Camp
Cederberg
Chamberlain
Clawson, Del
Cohen
Collier
Conable
Cotter
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
du Pont
Erlenborn
Evans, Colo.
Findley
Fish
Ford, Gerald R.
Frelinghuysen
Frenzel
Froehlich
Gilman
Goodling
Gross
Grover
Gubser
Hammerschmidt
Hanrahan
Hansen, Idaho
Heinz
Hicks
Hosmer
Hudnut
Hunt
Hutchinson
Keating
Kemp
McKay
Mallary
Martin, Nebr.
Martin, N.C.
Mayne
Michel
Miller
Mosher
Myers
Nelsen
O'Brien
Powell, Ohio
Price, Tex.
Pritchard
Regula
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Ruppe
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shuster
Skubitz
Snyder
Steiger, Wis.
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Treen
Ware
Wydler
Wylie
Zion
Zwach

NOT VOTING—30

Ashbrook
Aspin
Badillo
Blatnik
Breaux
Broomfield
Chisholm
Danielson
Donohue
Dorn
Fisher
Goldwater

Gray
Hanna
King
Landgrebe
Litton
Melcher
Moss
Passman
Rarick
Reid
Reuss
Rooney, N.Y.
Rose
Sisk
Steiger, Ariz.
Thompson, N.J.
Van Deerlin
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Fisher.
Mr. Rooney of New York with Mr. Rarick.
Mr. Blatnik with Mr. Passman.
Mr. Breaux with Mr. Reuss.
Mrs. Chisholm with Mr. Hanna.
Mr. Danielson of California with Mr. Wiggins.
Mr. Reid with Mr. Badillo.
Mr. Moss with Mr. Steiger of Arizona.
Mr. Donohue with Mr. Broomfield.
Mr. Gray with Mr. Landgrebe.
Mr. Litton with Mr. King.
Mr. Melcher with Mr. Ashbrook.
Mr. Sisk with Mr. Goldwater.
Mr. Dorn with Mr. Aspin.
Mr. Van Deerlin with Mr. Rose.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill H.R. 5094, just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. STAGGERS. Mr. Speaker, on rollcalls 238, 239, and 240 I was absent on official business. If I had been present, I would have voted "aye" on all three rollcalls.

PERSONAL EXPLANATION

Mr. MORGAN. Mr. Speaker, during rollcall Nos. 239, 240, 241, 242, and 243, I was detained at a meeting at the Blair House. Had I been present, I would have voted "aye," and ask that the permanent RECORD so indicate.

INEQUITY OF PHASE 3½ FREEZE

(Mr. KEATING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEATING. Mr. Speaker, a number of constituents have brought to my attention the gross inequity caused by the current freeze as it relates to retailers and wholesalers of agricultural products. Specifically, the problem arises when a wholesaler had purchased a large amount of agricultural products at a price higher than he had been selling such products during the "freeze base period" of June 1–8, 1973.

Such wholesaler has no choice but to sell these products, such as tomatoes, potatoes, and other vegetables, because they will rot; and yet he is forced by the freeze to reduce his price to less than the amount he paid for the produce. The President announced the price freeze on June 13, 1973, and the "freeze base period" is stipulated by Executive order as the "period June 1–8, 1973." During June 9, 10, 11, 12, 13, many retailers and wholesalers purchased produce at prices higher than they were sold during the freeze base period, and it is these vegetables which, under the freeze regulations, must now be sold at prices lower than they actually cost the seller.

It seems to me that we have come a long way in economic regulation when we tell the private businessmen that they must sell goods for prices less than which they paid for them. In my opinion this amounts to an appropriation of their property, because these businessmen must dispose of their produce during the freeze period because of the nature of the product.

My office has contacted the Cost of Living Council and asked if these businessmen would be allowed to sell this produce at their own cost, not with the intent of making a profit but merely to avoid substantial losses because of the freeze base period. To date, we have been informed that no exceptions to the freeze base period have been granted, and unless a bankruptcy was imminent a hardship exception would be unobtainable. It appears to me that the solution to this particular inequity is not difficult. These sellers should be allowed to sell these perishable goods at the level or prices that existed during the freeze base period or at their cost, whichever is higher.

Subsequent to the President's announcement on June 13, 1973, all produce purchased by the sellers should be restricted by the freeze base period. I have written to the Cost of Living Council to this effect and am advising my colleagues that there may be many wholesalers and retailers in their districts with similar problems. Action by the Cost of Living Council to remedy this situation should be supported throughout the United States to avoid the anomaly of having Uncle Sam force American firms to sell their produce at less than they paid for it. The losses that are estimated by the constituents in my district are significant. For one firm they are estimated at $25,000 to $35,000, and for another firm they are estimated at $40,000.

I do not believe that this is the intended result of the current price freeze, and I urge the Cost of Living Council to adopt reasonable regulations to implement the freeze as equitably as possible.

THE NEED FOR A SPENDING CEILING

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MATHIS of Georgia. Mr. Speaker, I call to the attention of all the Members of the House a fine statement by our distinguished majority leader regarding the need for a spending ceiling. I certainly agree with the gentleman from Massachusetts, and I have spoken out on this issue many times.

I am sorry that action has not been taken before now on this critical subject. This is so important that we should have already adopted a ceiling. In fact, I think we should not enact another appropriations bill until such a ceiling is adopted. It is today the 19th of June. Almost 6 months of the 93d Congress are gone, and all we have are statements and proposals. What we need, Mr. Speaker, and what the American people want, and deserve, is action. We have dilly-dallied around until the hour is late indeed. This House, like Nero, is fiddling while Rome is burning. It is time for action.

O, LIBERTY, WHAT CRIMES ARE COMMITTED IN THY NAME

The SPEAKER pro tempore (Mr. SEIBERLING). Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

(Mr. ALEXANDER asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, during the past 4 years, I, as a Member of Congress have become increasingly appalled by the continuing immoral covert and overt invasions of the right of privacy of American citizens. As a member of the Subcommittee on Foreign Operations and Government Information, I have a double duty for vigilance—first to the citizens who elected me to the Congress, and, equally, to my colleagues who elected me to this subcommittee.

My remarks today are a part of my efforts to discharge this responsibility by advising the Members of Congress and the public of the dangers which threaten every American's right of privacy.

There is a battle that has to be fought and we have got to win it. The administration seems to be hell-bent on efforts which could invade the privacy of every American citizen.

The most recent incursion in this direction started off innocently enough. The Department of Agriculture wanted to improve its statistics, so it sought, and was granted, an Executive order from the President to obtain some personal financial information from the income tax returns of 3 million farmers.

President Nixon's Executive Order 11697, authorizing the inspection of income tax returns of farmers by the Department of Agriculture—"as may be needed for statistical purposes only"—and a slightly modified Executive Order 11709 for similar purposes presents the frightening prospect that the administration is attempting to begin the process of making personal income information of whole classes of people available to various departments and agencies without regard to the private nature of the information, or protecting individuals from possible abuses.

These are strange orders. They are so broad that any Agriculture Department employee could be authorized to go down to the Internal Revenue Service and inspect the tax returns of any farmer in the country.

The name, address, social security number, size of farm, gross income, expenses, are in these returns.

They would allow Federal bureaucrats to examine such personal financial information with no reason other than for statistical purposes.

The opportunity for abuse of this Executive order is obvious. The USDA said this data was vital to its operations. If this is true, then why did the same administration which issued this order totally eliminate funds from its budget for a farm census in 1974?

Such blanket authority to inspect individual tax returns of any group, as these Executive orders provide, clearly constitutes an invasion of the right of privacy of that group.

There is only one reason why a citizen submits a tax return to the Government and that is to compute taxes—it has no other purpose.

For the first time in American history, an entire class of our people could—as a result of these orders—have their privacy invaded.

I am alarmed by the technical capacity of, and the increasing tendency of, the Government to engage in invasions of the right of privacy of our people. Aided by computer technology, with its enormous storage and rapid retrieval capabilities, Government has at its fingertips the power to compile a "profile" or dossier on any individual from bits and pieces of data gleaned from many sources.

With only a social security number, the most personal information can be compromised, can be manipulated, and misused for political or other purposes.

The tasks with which we as Members of Congress must deal are legion. But it is incumbent on us to make the continuing oversight of Government activities which may result in an invasion of the right of privacy a top priority.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I rise to commend the gentleman from Arkansas. There is in this House of Representatives no more zealous fighter for the rights of the people to their privacy than is the case of the gentleman from Arkansas, a member of the Foreign Operations and Government Information Committee.

It is he who brought to the attention of this committee this flagrant violation of the rights of privacy; this violation of the sacred trust the people have and the belief that they are filing their income tax returns only for the purpose of paying their taxes.

If the people believe they are going to be used for other purposes, I think the self-enforcing tax law we have will be jeopardized along with the rights of liberty and privacy of the individual.

I would like to pose a question to the gentleman from Arkansas, who also serves as a member of the Committee on Agriculture. Is it not the case that, under the Executive order, information which would be more information than would be needed for legitimate statistical purposes is being requested of those who report farm income on their tax returns?

Mr. ALEXANDER. Mr. Speaker, that is true.

I appreciate the remarks of the gentleman from Pennsylvania and his observation of this blatant overextension of authority to a secretary of a department in this Government to constitute wholesale invasion of the right of privacy of a class of people.

The classic atmosphere of personal privacy is a political climate where each person decides for himself what personal information he will share with whom.

In this instance, no one asked a single farmer in the United States whether he was willing to share this personal financial information with the Department of Agriculture.

There was no consultation with any farm organization, nor was there even a public announcement from the White House, or the Agriculture Department when the order was issued. It just popped up like Pandora in the Federal Register one day.

The gentleman from Missouri (Mr. LITTON) brought it to the attention of the House of Representatives and the Committee on Agriculture. Meanwhile, I asked the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations to investigate the invasion of privacy implications of the order. Hearings and inquiries were set in motion.

There were a number of questions in our minds. Is the first Executive order a model for the Department of Commerce to inspect tax returns of businessmen? Is it a prototype for HUD to use to examine the tax returns of homeowners receiving insured loans through FHA; Is this a plan for the Department of Labor to pry into the tax returns of wage earners? Does it mean that HEW now inspects tax returns of doctors and teachers?

Is this evidence of a master plan of the Federal Government to oversee the private affairs of every group of citizens?

We were shocked at what we eventually uncovered. A committee hearing confirmed our worst fears.

In a letter from the Department of Justice, responding to an inquiry from the House Subcommittee on Foreign Operations and Government Information, Robert Dixon, Jr., assistant attorney general in the Office of Legal Counsel, responded to many of the questions in our minds. The query was made as a part of the effort by the subcommittee to have the implementation of the order suspended. Mr. Dixon wrote:

> The original order (Ex. O. 11697) was prepared by the Department of the Treasury in language designed to serve as a prototype for future tax return inspection orders. This Department (of Justice) approved the order as to form and legality. It (the Department of Justice) was not requested to, nor did it, express any policy judgement.

This blatant disregard for the rights of private citizens haunts the spirit of the Constitution, the memory of which is not present in some parts of Washington, D.C.

The American farmer has earned a reputation of being a loyal, honest, hard-working, taxpaying, nonprotesting citizen. What shocks the conscience more than this gross injustice, is the fact that this administration would, without press conference or any announcement, pick on the humble farmer, obviously assuming that because of his reputation for loyalty to government and obedience to the law he would quietly submit to this injustice.

The Executive orders favoring the USDA were to be the first in a series. They were designed specifically as prototypes, or models for future snooping into tax returns by other Federal agencies. Well, I for one, am not going to stand idly by while the first waves from 1984 wash over me and the fine people of Arkansas whom I represent.

The British statesman, Edmund Burke once made a comment which is appropriate for this discussion:

> All that is necessary for the forces of evil to win in the world is for enough good men to do nothing.

Let us not be among the "good men" who do nothing whom Burke warned against.

My colleagues downtown they are chipping away at the rock which we call the Constitution. And, as Justice Brandeis said:

> Every unjustifiable intrusion by the government upon the privacy of the individual whatever the means employed, must be deemed a violation of the Fourth Amendment.

It is frightening to think that the administration is trying to chart a sinister course for our Government that is fundamentally different from the free and open society that was envisioned by our Founding Fathers.

I shudder to think of the opportunities for bureaucratic abuse that were created by this wholly irresponsible act. Is this another white-collar criminal conspiracy to spy upon and to abuse the rights of the American taxpayers?

Is our American Government becoming the master and our Nation's citizens the servants?

Is this not a case of unjustifiable intrusion to which Justice Brandeis referred?

You bet it is. All the Agriculture Department needs to do is to advise farmers why it needs the information and then ask them to supply it voluntarily. If the farmers want to do this, they will. If they do not, they will not, and this is their right.

That is something called "informed consent." It is a simple thing, but it is the difference between a democratic form of government and a totalitarian one.

It is the difference between servants and masters. And, this is something they have apparently forgotten downtown. The people are the masters and the Government is their servant—not the other way around.

This incident with the income tax information, and other current events, clearly indicate that the executive branch is more devoted to assuming power, is more dedicated to telling the people what they have to do, like it or not, than it is to serving our citizens as most of us were taught to believe that our Government is supposed to do.

Now, I do not care how well intentioned the need for statistics and other information is. The road to tyranny is too often paved with good intentions. And, I do not think there is a Member of Congress who has not been impressed in recent months with how far allegedly good intentions can go astray.

Even the Justice Department, which gives a lot of lipservice to its devotion to the right of privacy, has lost sight of its responsibility. The Assistant Attorney General looked at this new Executive order when it was a draft and checked it as to "form and legality." The Department informed the Foreign Operations and Government Information Subcommittee that it did not—I repeat—did not express any policy judgment. Why did it not? Because it was not asked to do so. Well, no one asked me to make this speech today—call it dissent, if you will—but nevertheless, I am making it. And, the Justice Department should have done so too. I call this to the attention of the Judiciary Committee.

Let us talk a moment about the right of privacy. Or, rather the concept of privacy. Privacy is the ability to be confident of security in our homes, persons, and papers. It is not only the bedrock of freedom. Privacy is the essence of democracy. If we cannot speak to each other without Government eavesdropping, or pay our taxes without being snooped upon by hordes of bureaucrats—we soon will not be able to speak, or transact business without Government permission.

As a result of the failure of many officials to speak up and say, "This order is wrong and potentially dangerous to fundamental rights," where do we stand today?

Well, let me tell you. We have an order by the President designed as a prototype to invade the privacy of every American citizen. What other Federal agency is about to snoop into the personal tax returns of our citizens? Are businessmen next on the list? Union members, homeowners, doctors, lawyers? Who knows?

But, I will wager this: Unless this sort of outrageous activity is stopped now, we will all find out soon. Only, by then it may be too late."

Mr. SEIBERLING. Mr. Speaker, will the gentleman from Arkansas (Mr. Alexander) yield?

Mr. ALEXANDER. I yield to the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Speaker, I want to commend the gentleman from Arkansas for this very illuminating and very shattering exposé of what is only the most recently discovered in a long series of moves of this sort.

I think that he has also put his finger on the threat to the liberties and the privacy of every single citizen in this country if we do not draw the line and, in fact, roll back the line.

The famous cartoonist, Herblock, of the Washington Post, a couple of weeks ago made a speech on what he calls the "Secret Snooper State." He pointed to the two sides of this picture; he pointed, on the one hand, to officials of the executive branch in this administration and in previous administrations, but much more so recently it is to assert the right to keep from the public everything that they, the Government, want, and that they in particular are trying to do.

On the other hand, they are asserting the right to invade the individual citizen's privacy, so that what we have is a phenomenon where the Government seeks to keep more to itself and seeks to invade more and more the individual's home and private life.

As Herblock pointed out with respect to the effort by certain officials in the executive branch who keep their own public activities concealed, never in human history did so many public officials need so much privacy, as we are begining to discover.

This fits into other realms like the invasion of homes. We have the Collinsville incidents in Illinois where Government narcotics agents without warrant in the dead of night broke down the doors of private residences of ordinary citizens and after they had broken in and terrorized them discovered they had the wrong address.

If they had gone through the legal procedures and gone to a court and gotten a search warrant, they would not have had that kind of a dreadful situation occurring.

We are just now begining to find out that this has been going on all over the country, in my district, and in the districts of other Members.

Mr. Speaker, I want to commend the gentleman for taking this time to highlight this very serious threat not to a few people with whom we may disagree but to every single person in this country.

Mr. ALEXANDER. I thank the gentleman.

When individual liberties are encroached upon in the name of allegedly good deeds of government for statistical purposes only, for the general welfare, or for reasons of national security, I am reminded of the story of Madam Roland.

During the 18th century, when the French were struggling to throw off the yoke of monarchs and assume the role of freedom, liberty, and equality, one of its earliest leaders was Madam Jean Manon Phlipon Roland. In the course of events, the group of patriots to which she belonged, the Girondists, ran afoul of those of Robespierre. In the end, Madam Roland was sentenced to death in the name of the very cause for which she fought.

Just before she was guillotined, her shaved head locked tightly on the block, she strained to get her last look at the statue of Liberty which had been erected by the scaffold in the Place de la Concorde. Then she raised a profound question for every freedom-loving nation. Her question was a warning. She said:

> O, Liberty, what crimes are committed in thy name.

Mr. Speaker, in connection with the subject I have been discussing here today, I believe that many of our colleagues will be interested in an article titled "A Fight Over Who Can Look at Your Tax Return" which appears in the June 25, 1973, issue of U.S. News & World Report. Therefore, if there is no objection, I would like to include the new article in the Record at this time.

A Fight Over Who Can Look at Your Tax Return

A presidential order opening the income-tax returns of 3 million farmers to examination by U.S. Department of Agriculture officials has aroused concern in Congress over the privacy of 72 million other people who file returns.

For six decades, secrecy of tax returns has been held sacrosanct. On the only two occasions on which Congress acted to weaken the wall of privacy, the vote was quickly reversed.

Then, last January 17, President Nixon and Treasury Secretary George P Shultz issued an order allowing Agriculture Department officials to see all tax returns of farmers. The aim was to help the Department to compile lists of farmers, by type of farm and gross income, for periodic surveys used to project crop production, costs and the like.

The January 17 order, officials later made clear, was intended to be a model for others, in case additional agencies felt the need to get similar information about other groups.

"INVASION" OF A RIGHT?

In the ensuing months, with Congress protesting vigorously, the original order affecting farmers has been made less sweeping. But the argument goes on.

"A wholesale invasion of the right to privacy," Representative Bill Alexander (Dem.), of Arkansas, called the President's action.

Congressman Jerry Litton (Dem.), of Missouri, said the executive order "made the tax return of every American farmer literally an open book to the USDA."

L. C. Carpenter, vice president of the Mid-Continent Farmers Association, warned:

"Every American—farmer or nonfarmer—should be concerned about this threat to privacy. If the basic American right to privacy can be taken from the farmers, it can be taken from every taxpayer."

The highly personal information the people are required to enter on their returns, members of Congress explain, is entitled to privacy as a basic right under the Constitution. Beyond that, Congressmen worry about the potential for political misuse of such intimate details.

Since 1926, an executive order has been required for access to tax returns. Never in that time, until now, has the income-tax information of any large group been so exposed.

WHEN RETURNS ARE SHOWN

Generally, the chances that anyone except an employe of the Internal Revenue Service will see your federal return are small. There are some circumstances in which this may happen.

The Congressional Joint Committee on Internal Revenue Taxation has the power to request and inspect returns. Also, the Federal Government has arranged for an exchange of data with the tax collectors in 48 of the 50 States. And, of course, if the IRS believes there has been outright evasion of taxes, it can send a return to the Justice Department for prosecution.

Any Cabinet officer or agency chief, by formal request, can gain access to the return of an individual involved in a case before the agency, particularly if criminal violations are suspected.

In practice, these rules have meant that in ordinary situations the regulations provide that tax returns are to be used for tax enforcement only.

The possibility of a radical departure from this policy set off an investigation of the Nixon executive order by the House Foreign Operations and Government Information Subcommittee. Report and recommendations from that investigation are expected before the usual August recess of Congress.

ALL FOR ECONOMICS

What the testimony shows, among other things, is that the Agriculture Department has been seeking farmer tax-return data for years.

An address list of farmers, with figures on gross income or total output for each type of operation, was sought for the construction of samples for surveys.

In 1970, for example, then Secretary Clifford M. Hardin wrote the Internal Revenue Service asking for such data. He assured IRS—and his successor echoed him—that Agriculture officials did not want to—and would not need to inspect any tax returns. They just wanted the tax-return data they had listed.

On Jan. 17, 1973—when the farm economists had decided their request was dead—President Nixon responded with an executive order, complete with regulations signed by Treasury Secretary George P. Shultz and the President.

Agriculture officials discovered their new authority went far beyond anything they had requested. They were granted access to all of the information on all income-tax returns of all individuals who reported income from farming.

EXPLOSION IN CONGRESS

When the action came to the attention of congressional committees concerned with tax-return privacy, the reaction was explosive.

Tht House Subcommittee—headed by William S. Moorhead (Dem.), of Pennsylvania—announced hearings.

A query to the Justice Department about the origin and purpose of the executive order granting blanket authority for inspection of farmers' returns brought an answer that raised congressional ire still higher.

The order, said officials at the Justice Department, "was prepared by the Department of the Treasury in language designed to serve as a prototype for future tax-return-inspection orders."

LIMITED ACCESS

On March 27, the Nixon Administration yielded to the violent reactions from Congressmen. Mr. Nixon issued an amendment to his January order—with new regulations—limiting the Department of Agriculture's access to farmer returns.

Under the new order, Agriculture officials can still get from IRS the specific data they have been requesting all along and can inspect lines on a farmer's return giving such data. But unlimited inspection of returns would be barred.

The investigating Congressmen are unmollified by that retreat. They still demand to know what future plans motivated the original "prototype" order for wide-open access to the tax returns of 3 million farmers.

Beyond that, these investigators insist that even the sharply restricted version of the executive order is an intolerable breach of privacy.

On May 15, Representative Moorhead wrote to Agriculture Secretary Earl Butz. Despite the restrictive amendment of the inspection order, he said, it was the unanimous view of his Subcommittee that access to tax returns should remain unused until the investigating committee's recommendations were issued.

Three weeks later, Mr. Moorhead received a reply from Don Paarlberg, Director of Agricultural Economics.

Dr. Paarlberg assured Mr. Moorhead that no Department employe would be examining farmers' tax returns. But he said the Department was going ahead to arrange with Internal Revenue to get the requested data, including names, addresses, and gross farm income, on tapes direct from the Revenue Service's computers at Martinsburg, W. Va.

Mr. Moorhead's firm response dated June 7—just one day after Dr. Paarlberg's—was directed once again to Secretary Butz. Said the Congressman:

"As chairman, I urge you personally to give the Congress a categorical assurance that the Department of Agriculture will cease and desist from all efforts to obtain private financial data from farmers' income-tax returns until you receive our findings and recommendations."

At mid-June, Mr. Moorhead was still waiting for that assurance. His Subcommittee, meanwhile, went ahead with its investigations.

"NOT SATISFIED"

On June 13, Representative Alexander—the principal instigator of the probe—told "U.S. News & World Report" that he is "not at all satisfied" with explanations from Agriculture officials, and he revealed that he is determined to bring about a reopening of hearings on the issues.

Said Mr. Alexander, "The Administration seems to be charting a course that is fundamentally different from a free and open society."

What action is the Subcommittee likely to take in the end?

Comments from members of the panel make it clear they will propose that federal departments and agencies be prohibited from inspecting the tax returns of whole groups of people and from getting from IRS the sort of tax-return data requested by Agriculture.

SUBCOMMITTEE'S POSITION

The Department of Agriculture, a committee member contends, should be given the names and addresses of farmers by Internal Revenue, "but not the tax-return data on farmer income or production."

To get that information for statistical surveys, committee members argue, Agriculture officials should write to farmers individually and ask them to supply the information voluntarily.

However, staff members concede that the committee has no powers to prevent Agriculture from using its executive order to get the controversial information directly from tax returns.

SECRECY OF TAX RETURNS—THE RECORD OF SIX DECADES

1910: Appropriations Act of 1910 provided that federal tax returns could be inspected only on order of the President.

1910–24: Privacy of returns was a debated issue in every new revenue act, but secrecy was maintained.

1924: Revenue Act of 1924 provided for public listing of taxpayers and their incomes and for inspection of returns by the two revenue committees of Congress and by a special committee of the Senate or House.

1926: Revenue Act of 1926 eliminated public listing of incomes and required a resolution of either house, or a joint resolution, for inspection of returns by any committee other than the two revenue committees.

1931: Income-tax returns were opened by executive order to inspection by State officials.

1934: Congress enacted the "pink slip" provision under which basic income data from individual returns would be made public at tax-collectors' offices.

1936: "Pink slip" provision was repealed before it took effect.

1936–1973: No major changes in law concerning inspection of income-tax returns have been enacted since 1936. Privacy rule may be breached only upon the issuance of a presidential order.

YEAR OF DECISION

The **SPEAKER** pro tempore (Mr. SEIBERLING). Under a previous order of the House, the gentleman from New York (Mr. HASTINGS) is recognized for 10 minutes.

Mr. **HASTINGS**. Mr. Speaker, yesterday the President signed into law the Health Programs Extension Act of 1973.

I would like to express my appreciation to my colleagues in the House that supported its passage by an overwhelming 372 to 1. The legislation had 161 cosponsors, and the Senate accepted the House provision by a vote of 94 to 0.

I am especially grateful to my colleagues on the Subcommittee on Public Health and Environment for their unanimous bipartisan support of the measure. The able leadership of Chairman PAUL ROGERS and ranking minority member ANCHER NELSEN gained rapid consideration of this essential measure by the House leadership.

But we are just beginning our awesome task. We have just one more year before these programs expire once again: health services research and development, health statistics, public health training, migrant health, comprehensive health planning, Hill-Burton programs, allied health training, regional medical programs, population research and family planning development disabilities, medical libraries, and community mental health centers. We face a year of decision. A better system for organization and delivery is essential.

Indeed, we have a rare, if not unique, opportunity to study, overhaul and redirect, as necessary, the entire Federal health structure. The massive infusion of Federal tax dollars has so far failed to produce adequate health care resources, accessible to the Nation's population. More than money is clearly needed.

In full cooperation with the other interested congressional committees, with health professionals of every kind, and with the public, our Subcommittee on Public Health and Environment is seeking a new approach to the welter of Federal health programs. Across the country, we see a hopelessly expensive health care system, growing exponentially, taking a bigger chunk of every citizen's income each year. The cost of health care is growing twice as fast as the rate of inflation—about $23 million a day. Adding to this problem is the fact that the wrong people in the wrong places are making the wrong decisions about the health care system.

First, it seems incredible that our Nation—a nation deeply rooted in technology and science aimed at human progress—does not have a national health policy. We have no definable, ordered priorities to insure the attainment of equitable health care services for everyone. We have no plan to build upon our strengths to insure the health care that the Congress has referred to as a right. Is the right of health care to be construed only as a false promise?

Clearly, the Federal Government must have the capacity to develop a policy to set national priorities to fulfill the promise of equitable health care services at a reasonable cost. Then it must insure that these priorities are met.

We must integrate and coordinate the decisionmaking process, so that sensible allocation of limited resources can be made among all the conflicting priorities. At the same time, we must decentralize the decisionmaking process, so that people close to the problems, people who know best the needs of their own communities, can make the final decisions.

The future Federal approach to health care should incorporate three fundamental elements: First, a regional approach both to planning and to implementation: second, a plan of special revenue-sharing for health, embodying the best of the President's New Federalism; and third, an equitable system of national health insurance.

National health insurance is coming in

the seventies. We can no longer tolerate a situation where a serious illness can bankrupt a family, despite its possession of a reasonable amount of private insurance. We can no longer tolerate a situation where the elderly, struggling to survive on a limited fixed income, are now paying more in average out-of-pocket costs for health care than before the inception of Medicare. We can no longer tolerate the denial of health care for any citizen, regardless of circumstance.

We must be cautious, however, as we consider the various national health insurance proposals. It will do us little good if our tax increase exceeds our saving in health expenses. This is a real danger. Medicare and medicaid are perfect examples—hospital charges doubled within 5 years of the passage of that legislaion. The administration has promised its new national health insurance plan this year. We in Congress eagerly await the proposal.

In the meantime, we must strengthen and improve the structure of the health care system, in anticipation of the increased demands. We cannot tear the existing health care structure down; we cannot afford the bulldozer approach. If we do, national health insurance will precipitate a jump in health costs like no other seen in this country. In the words of my distinguished colleague from Kansas (Dr. BILL ROY) the effect would be just like "pouring a bucket of gasoline on a fire."

Central to bringing health care costs under control is an improved system of planning and demonstration, and a rational system for implementation. We have proved beyond all doubt that we cannot plan and implement everything from Washington. Regardless of how it is accomplished, we must insure that the final decisionmakers are out where the problems are, that they are citizens of the area for which they are making decisions. Our subcommittee is examining proposals that would regionalize and decentralize health care decisionmaking nationally.

Ideally this plan would complement, rather than disrupt, our present system of health care. The free practice of medicine would continue. The plan would build on our existing successes and offer fresh approaches to our failures.

The precise form of this regional system, and how it might be brought about, are of course open issues. But the regional concept for health has worked well in other Western countries, and it has demonstrated its effectiveness with our own successful health programs. It now deserves closer study for application to our total health picture.

The New Federalism and special revenue-sharing for health would work especially well within a regional context. New Federalism means nothing more than letting communities decide for themselves how best to spend their tax dollars. So far, the administration has proposed four special revenue-sharing programs: in education, in manpower, in law enforcement, and in community development. It should be noted that all four of these programs are particularly well suited to local action. There is no question in my mind that States, regions, and local communities should decide for themselves how to aportion available public funds in these four areas.

An administration proposal for special revenue-sharing in health is yet to come, but I hope one will come soon.

Such a proposal, either from the Congress or the administration, would show the Health Programs Extension Act in its best light. It is not a blanket blessing on all categorical Federal programs but instead a device for keeping the present funding sources in place until better funding plans or systems can be developed.

An essential feature of any health revenue-sharing legislation will be a provision that no region or State gets less money for health than it did under the categorical programs. On this point, a precedent has already been set by the better communities bill, the proposed revenue-sharing program for community development. That bill includes just such a provision, one that insures that no city suffers a cutback in net community development funds due to the enactment of the bill. Another essential feature of revenue-sharing for health will be built-in public accountability for the use of public funds and for the effectiveness of supported health programs.

At this point in our discussion, we should understand that the new federalism is not some kind of subterfuge for reducing the Federal effort toward human resources. The facts show otherwise, and rather dramatically. In 1968, 45 percent of the Federal budget was spent for defense, and 32 percent for human resources. For fiscal 1974, the President's budget provides 30 percent for defense and 47 percent for human resources, a complete reversal. We must take this reversal and build on it; we must act on the new priorities this reversal indicates.

But we have certainly reached a point where hard choices in social programs are essential. We have discovered that the Federal pot of gold has a bottom after all. If new programs are to begin, old ones must be reexamined. We must cut and paste to produce a better product. Such a task is not easy, and I submit that hard choices are just as difficult for a member of one party as for a member of another.

The action we have taken on the Health Programs Extension Act, and the overwhelming nature of that action, has clearly demonstrated the need for closer, ongoing, mutual efforts in health by the administration and Congress. In this year of decision we cannot afford to work at cross purposes. Both Congress and the administration desire, and the people demand, a restructured Federal effort in health which will give us the best possible return on our health dollar. The people will not be served by needless confusion of authority between the branches of Government.

I hope the administration, at all levels, will continue to work closely with those developing the new approaches to health care delivery. Those who must implement our plans should work side by side with the Congress in developing them.

In conclusion, a year of decision is upon us. It is a critically important year that will directly affect every Member in this Chamber and the well-being of every one of his constituents. Let us begin now to make the best use of this opportunity.

Thank you.

CONGRESSMAN ANNUNZIO DEPLORES ADMINISTRATION PROPOSAL FOR SALE OF PHANTOM JETS TO SAUDI ARABIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the administration recently announced that the United States is ready to sell somewhere between 24 and 30 Phantom F–4 jets to Saudi Arabia. The F–4 Phantom jets are offensive weapons of great destructive potential, and the sale of these jets to Saudi Arabia could easily destroy the balance of power in the Middle East and create a situation in which hostilities could break out any time.

The United States has always been committed to maintaining a balance of power in the Middle East, but the sale of these jets to Saudi Arabia would clearly give the Arab States a military advantage over the tiny State of Israel. For the United States to take steps at the present time that would increase tensions and endanger the precarious stability of the Middle East is appalling.

Saudi Arabia does not seem to be in any serious danger of being attacked by her neighbors. To what possible use, then, could she put the offensive F–4 Phantom jets? We know that Saudi Arabia is no friend of the State of Israel and the probability is that some of these jets would be transferred to Egypt with the objective of intimidating Israel with increased military strength. Even though a no-transfer clause is included in our contract with Saudi Arabia, history has shown that a similar agreement was broken by the Libyan Government in a contract with France. It should be obvious to our State Department, therefore, that the possibility of Saudi Arabia transferring these jets to Egypt is a real one.

Since 1948, when the State of Israel was first established, the United States has been deeply concerned about maintaining the independence of Israel. We have always been willing to give the Israeli Government the means for its own defense and to help maintain the Mideast balance of power. Yet, in the face of increasing sales of military weapons to the Arab states by the French and Soviet Governments, the Nixon administration has not given the Israelis the needed number of jets to maintain the balance of power. The situation could be compounded further by sale of the F–4 Phantom jets to Saudi Arabia. This could lead to a steep escalation of the Mideast arms race, and a full-scale war could easily break out thereafter.

The administration has yet to provide a clear and coherent statement on why it made the major decision to sell Phantoms to the Arab States. Possibly the decision was made in order to get preferential treatment in purchasing oil from Arab nations. There appears to be no other reason for proposing this dangerous transaction; but, even if our oil crisis is the real reason for the sale of these Phantom jets to Saudi Arabia, is it justification enough for risking another war in the Middle East?

The State Department should halt the sale of these Phantom jets to Saudi Arabia in the interest of preserving world peace. The peace agreement between Israel and her Arab neighbors has always been shaky and the sale of these jets will not make matters any better.

The American people should not be coerced by demands of oil-producing countries for protection of their "national security," when these states actually are not in danger of being attacked.

It is imperative that we insure a continuation of the balance of power in the Middle East. This cannot be done without continuing our time-honored strong commitment toward the State of Israel.

I call on the Nixon administration to help reduce tension and promote reconciliation in the Middle East by abandoning at once the sale of Phantom jets to Saudi Arabia.

NATIONAL GRANDPARENTS' DAY

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, on behalf of my good friend, Congressman HENRY HELSTOSKI, and one-fourth of the Members of this House, I have introduced a resolution calling for the establishment of National Grandparents' Day on the fourth Sunday of November each year.

Mr. Speaker, this bill calls for the expenditure of no public funds. It simply pays deserved attention to America's grandparents, a group numbering in the millions. It has drawn support from members of both major political parties representing widely divergent ideologies and totally different constituencies.

I might point out that the bill is cosponsored by my good friend and neighbor, Chairman PETER W. RODINO, JR., chairman of the House Judiciary Committee, which has jurisdiction over national holidays and other observances.

Very likely, Mr. Speaker, this is the only measure presently pending before the House which is cosponsored by our friends from New York, Messrs. RANGEL and KOCH, as well as the gentleman from California (Mr. GOLDWATER) and the gentleman from Louisiana (Mr. RARICK). We have support from our friends from Virginia and Maryland (Mr. BROYHILL and Mr. GUDE) whose constituents are a hop, step, and a jump away, and Mr. WON PAT, whose Guam constituents are thousands of miles away in the central Pacific Ocean.

We have support from members of the Women's Caucus, the Black Caucus, the farm bloc, and various caucuses named for days of the week, the Tuesday-Thursday Club and its severest critics, some younger Members of the House like the able gentlewoman from Colorado (Mrs. SCHROEDER) and California (Mrs. BURKE), as well as many older Members. To be sure, this is a significant cross-section of the House.

Mr. Speaker, I urge all Members to get behind this resolution. To be sure it is not one of the cosmic issues of the 93d Congress, but on the other hand it certainly shows good will on our part and as I said a few minutes ago, it costs the hardpressed taxpayers nothing which is an important consideration.

The fact that we do not purport to address an issue of cosmic proportions or that this bill does not seek to resolve a grave national crisis, does not mitigate its importance.

The National Conference on Aging in 1971 gave testimony to the terrible loneliness and feeling of disregard felt by many millions of older persons whose families have left for other parts of the country. America has undergone a transformation in the last 50 years as the barriers to the ability to move about the country to seek better opportunities have broken down. But as Americans move about leaving their family homes they also leave behind parents and grandparents who too often suffer the loneliness that forgetfulness and neglect, however unintentional, bring on. What we seek here is a means of reminding Americans of the debt owed to those who built the foundation of their own successes. We are saying to the millions of older Americans that we care and we hope that all Americans in the proper spirit also care and remember.

OHIO AND ERIE CANAL NATIONAL HISTORIC PARK AND RECREATIONAL AREA

(Mr. REGULA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. REGULA. Mr. Speaker, yesterday, on behalf of Mr. VANIK, Mr. SEIBERLING, and 24 of my colleagues, I introduced legislation that would authorize the establishment of the Ohio and Erie Canal National Historical Park and Recreation Area.

This bill follows the pattern set by legislation establishing the Chesapeake and Ohio Canal National Historical Park, part of which runs through our Nation's Capital.

Approximately 36 miles of canal paralleling the Tuscarawas River in the State of Ohio between the towns of Clinton and Zoar would be under consideration for possible inclusion within the national park system by the terms of the bill. This section of the Tuscarawas River lies on the southern edge of heavily populated northeast Ohio and traverses 3 counties, Summit, Stark, and Tuscarawas.

The Ohio Department of Natural Resources has completed an exhaustive study of this area and has stated:

> The river valley offers diverse landscapes, historical significance and opportunity to satisfy recreational needs of expanding urban areas.

The old canal towpaths and channels, and adjacent woodlands represent an open corridor offering outstanding opportunities for recreation.

The area is replete with history. The Delaware Indians claimed and utilized the Tuscarawas River in 1750. At that time, the valley was already recognized as a major transportation route. The Muskingham Trail originating in Lake Erie followed the ridges along the Cuyahoga, Tuscarawas, and Muskingham Rivers to reach the Ohio River. Those same streams were parts of a major canoe route from the Great Lakes to the Mississippi. The Muskingham Trail was so important to the Indian way of life that it was designated as sacred ground and kept open to Indian commerce even in times of war. Artifacts are still found throughout the area.

As early as 1765, George Washington, considered the Tuscarawas River as part of an all water route from the Great Lakes to the Ohio River and beyond. The Ohio and Erie Canal route eventually paralleled the Indian Trail and had a tremendous impact on the development of the Ohio territory.

The canal was begun in 1825 and completed in 1832. It was dug by hand and log plows pulled by mules. Contracts for canal construction were let in short sections of a mile or less to farmers owning adjacent land. Eventually the canal spanned a 309 miles route. The locks and spillways along the canal were made of large hand hewn stones and white oak timbers. The bottoms of the locks were surfaced with white oak timbers to protect against erosion. Gates were built of heavy oak timbers and culverts were constructed to carry lateral drainage under the canal. Several aqueducts carried the canal over major streams. Remains of the aqueducts are still visible.

The communities of Clinton, Canal Fulton, Massillon, Navarre, Bolivar and Dover were cities alive with warehouses and taverns. Those cities literally grew up with the canal. Both freight and passenger "packet" boats made the trip from Cleveland to Portsmouth in 80 hours.

The canal was the main route of transportation and commerce until about the time of the Civil War when railroads began to take over. By 1845, packet boats had almost disappeared although freight boats were still in constant use until the great flood of 1913 ended the useful life of the canal.

Today, several locks, remnants of aqueducts and abandoned channels and long portions of the canal itself are still visible in Stark and Tuscarawas Counties.

This area has excellent restoration potential for hiking, riding and nature study. The Ohio Historical Society has restored portions of the canal and the towpath of the canal has been officially designated as the "Ohio Buckeye Trail". The river and canal corridor have outstanding canoeing possibilities and float trips from 3 to 36 miles could easily be developed. Scenic drives and bridle trails could be incorporated within the park and the rewatered sections of the canal would provide excellent winter sports opportunities.

This bill, while fully justifiable on its own merits, is, in my opinion a perfect companion bill to legislation already introduced this year that would establish the Cuyahoga Valley National Historical Park and Recreation Area.

The text of H.R. 8775 is as follows:

A bill to authorize the establishment of the Ohio and Erie Canal National Historical Park in the State of Ohio, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and interpret the historic and scenic features of the Ohio and Erie Canal and to develop the Canal for public recreation, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Ohio and Erie Canal National Historical Park. The park shall comprise an area along the Tuscaraws River between Clinton and Zoar, Ohio, specifically depicted on a map, numbered —— and dated ——, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, D.C. The Secretary may revise the boundaries of the park from time to time by publication in the Federal Register.

Sec. 2. Within the boundaries of the park, the Secretary may acquire lands and interests in lands by donation, purchase, exchange, or transfer. Any lands or interests in lands owned by the State of Ohio or its political subdivisions may be acquired only by donation. When any tract of land is only partly within the boundaries of the park, the Secretary may acquire all or any portion of the land outside of the boundaries in order to minimize the payment of severance costs. Land so acquired outside the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not exchanged shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended. When the Secretary determines that he has acquired enough lands or interests in lands to constitute an administrable unit, he shall establish the Ohio and Erie Canal National Historical Park by publication of notice in the Federal Register.

Sec. 3(a). The owner of improved property acquired by the Secretary may elect to retain a right of use and occupancy for twenty-five years or for a term ending at the death of the owner or his spouse, whichever is later. This right of use and occupancy may be leased or conveyed. The Secretary shall pay the owner the fair market value of his property on the date of its acquisition, less the fair market value of the right retained.

(b). The Secretary may terminate this right of use and occupancy upon his determination that the property has ceased to be used for noncommercial residential purposes and upon tender to the holder of an amount equal to the fair market value of that portion of the right which remains unexpired.

(c). As used in this section, the term "improved property" means a detached year-round, one-family dwelling whose construction was begun before January 1, 1973, and which serves as the owner's permanent residence, together with so much land on which the dwelling is situated and which is in the same ownership as the dwelling as the Secretary shall designate as necessary for the enjoyment of the dwelling for noncommercial residential purposes.

Sec. 4. The Secretary shall administer the park in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467), as amended.

Sec. 5. There are authorized to be appropriated sums necessary to carry out the purposes of this Act.

PERSONAL EXPLANATION

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, June 11, 1973, I was present in the Chamber and voting throughout the day. However, my vote was not recorded on roll No. 204 for some reason. I would like the Record to show that I did attempt to vote in favor of H.R. 6713, and had it been recorded properly, I would have been listed as voting "yea."

THE DIRKSEN CONGRESSIONAL LEADERSHIP RESEARCH CENTER

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, last Friday, June 15, 1973, President Nixon traveled to Pekin, Ill., to honor the memory of the late Senator Everett McKinley Dirksen, by taking part in a cornerstone laying ceremony for the Dirksen Congressional Leadership Research Center. An editorial appearing in the Peoria Journal Star, while the President was in Pekin, reminds us of the contributions from Senator Dirksen during his distinguished career of public service, with emphasis on the special talent he had for promoting cooperation between the executive and legislative branches of Government in the interests of the national welfare.

Senator Everett Dirksen was the key link between the executive and legislative branches of the Federal Government in the administration of three Presidents during some of the most crucial years in the modern life of the Republic. He was at the core of the process of compromising and adjusting policies and programs to make them acceptable and produce effective action.

As the editorial points out:

> The rupture in that characteristic of our Government came almost simultaneously with his death. A large section of Congress declared its own war on the then President and eventually on the presidency. . . .
>
> There is no Everett Dirksen to effectively temper the guerrilla war now going on in the Nation's Capitol.

Some of my colleagues who have been around here for more than a few years may remember the words of the late President Herbert Hoover when he was asked for a statement upon the occasion of the death of Senator Robert Taft, of Ohio. President Hoover said:

> Senator Taft was more nearly the irreplaceable man in American life than we have seen in three generations.

I believe that many of my colleagues on both sides of the aisle in both the House and the Senate will agree that the same might be said of the late Senator Dirksen. As the editorial points out a man of his ability and understanding is badly needed here in Washington in 1973.

The article follows:

[From the Peoria (Ill.) Journal Star, June 15, 1973]

DIRKSEN CARRIED THE FLAG

(By C. L. Dancey)

"I carry the flag for the president," said Everett Dirksen once.

What few realized was that when he died an era died with him.

WHERE IS THAT FLAG NOW ON CAPITOL HILL?

When the United States of America emerged from World War II, disbanded the armies, mothballed the fleet, shut down the war plants and sought to return to normalcy, we looked around at a shattered world in which we alone seemed to stand alone as a tower of strength.

To our unwilling attention then came the reality of a rapacious Stalinist Russia eager to increase and exploit the troubles of that war-torn world into world conquest and bring its peoples under an institutionalized totalitarian system that would be "irrevocable."

The terrible tests which faced us then, uninvited and unwanted, were dangerous indeed.

Harry Truman, as president, was a decisive man who stepped up to those challenges boldly—and Congress gave him unprecedented powers. Senators Vandenberg and Taft put country before party when the chips were down—and before presidential ambitions—and aided Truman from the Congress. So did Everett M. Dirksen.

Much of Truman's political philosophy was anathema to Dirksen, but Dirksen was not a "hater" and he was not one to put party strife above national welfare or Christian duty, either one.

He was the Vandenberg and the Taft of the House of Representatives then, and he played a key role in putting together a majority in the House to pass the Marshall Plan. Not to snipe at it—but to pass it. Not for a Democratic president, but for the good of mankind.

A bitter opponent of Gen. Dwight D. Eisenhower in primary and convention, Sen. Everett M. Dirksen "carried the flag" for President Eisenhower in the U.S. Senate and held a special position and role in relation to the presidency. In that period, Majority Leader Lyndon Johnson and Minority Leader Everett Dirksen "negotiated" to achieve a modus vivendi of parties and of Congress with the President of the United States that permitted this government to be effective in trying times.

With the election of John F. Kennedy, Dirksen again fought the partisan battles—but carried the day **FOR** the President when it came to matters he felt transcended "politics." He, and he alone, fashioned the success of the break-through civil rights bill JFK had called for.

(Dirksen "carried the flag" but not blindly. He had something to say first about where "the flag" was going!)

Dirksen's special relationship with President Kennedy was attested to publicly by Kennedy at a time when it was not just political rhetoric but when it counted—at election time.

Everett Dirksen and Lnydon Johnson had worked together as friendly foes for almost a generation, and when Johnson became president, they could still negotiate "peace" between Congress and the Presidency on the issues bigger than politics.

The team approach marked the Dirksen years, and with it both the Congress and the President had maximum effectiveness. They influenced each other in arriving at policy, instead of paralyzing each other.

In all those years the size of the federal establishment grew and the powers of the chief administrator, the president, with them—but always they were tempered by "negotiation" with the Congress. It was a process that worked.

For three presidents, during the most crucial years in the modern life of the Republic, Everett M. Dirksen was the key link between the separate branches, executive and legislative. He was at the core of the process of compromising and adjusting policies and programs to make them acceptable and produce effective action.

The rupture in that characteristic of our government came almost simultaneously with his death. A large section of Congress "declared its own war" on the then president and eventually on the presidency—even as a dozen senators were busy scrambling for the White House themselves.

(That is an ambition that virtually precludes the kind of consideration and cooperation Sen. Dirksen made possible.)

Ironically, today, while we have negotiated peace in the nation-rending struggle in Southeast Asia, those who called for "negotiation" and "peace" so loudly abroad have in many cases been the very ones to "declare war" and to divide the Congress and the Presidency into warring camps.

There is no Everett Dirksen to effectively temper the guerrilla war now going on in the nation's capital. And sometimes it seems as if there is no one there to listen, if one should arise.

It is especially fitting that the President should come to today's memorial occasion in Pekin.

Yet, the best memorial for Everett Dirksen—and this country—would be for some person to arise on the Washington scene with his knowledge, his forbearance, his persuasiveness . . . and above all, his ROLE in providing mutual understanding between legislators and administration.

It is badly needed in 1973. And the history of Everett Dirksen reminds us that bridging this gap is not solely the responsibility of the President.

It lies with equal weight on the Congress.

Mr. Dirksen faced that responsibility.

It seems to have died when he died.

But here on this day, in Peoria and Pekin and Central Illinois, Mr. President, we greet you in the spirit that once lived in Washington when Everett Dirksen "carried the flag." . . . That is:

In agreement or disagreement, with respect for The Presidency, the feeling that every president is Our President, regardless of party—and that much of the posture and well-being of this land depends on the stability of that office.

NIXON IN PEKIN

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, last Friday in the town of Pekin, Ill., my congressional district was honored by a visit from President and Mrs. Nixon. The President came to Pekin at the invitation of Mrs. Everett McKinley Dirksen for the purpose of laying the cornerstone for the Dirksen Congressional Leadership Research Center which will occupy one wing of the new Pekin Public Library now being constructed.

To my great sorrow and disappointment I was unable to accompany the President on this historic visit because we were deliberating the Department of Agriculture appropriation bill here on the House floor and as a member of the Subcommittee of the Appropriations Committee responsible for that bill it was incumbent for me to be here for the debate. However, I did send the following telegram:

> Since the Minority has no control over the scheduling of legislation in the House where we are considering one of the Appropriation bills the President is so concerned about, I do regret not being able to be where I'd much prefer to be—with the President, Luella Dirksen and all my friends who will be participating in this most significant cornerstone laying.
>
> From this point on we can make the Dirksen Congressional Leadership Research Center a living monument to the late Senator's revered memory and we thank you, Mr. President for giving it its initial heartbeat.

As you might imagine Mr. Speaker, the excitement was running rather high in Pekin since this is the first time in history that a President has visited that city and I include the story appearing on the front page of the Pekin Daily Times in the Record at this point:

Seen by Crowd Estimated at 23,500 Persons

(By Dave Watters)

President Richard M. Nixon said in Pekin today that the opening of dialogue with the People's Republic of China and the continuing policy of negotiations with the Soviet Union give this country hope that Sen. Everett M. Dirksen's "hope, his dream, that his grandchildren would grow up in a world of peace will be realized."

Speaking before a cheering crowd estimated at well over 10,000 persons in the immediate vicinity of the new Pekin Public Library and Dirksen Congressional Leadership Research Center, the President said that if those two policies had not been realized in recent years, the world situation could "result in a military confrontation."

Entire crowd there and along motorcade route was estimated at 23,500.

"When I opened the dialogue with the People's Republic of China," Nixon said, "I was thinking not just of this generation, but of the next, because one-fourth of the people on Earth live there—and they are among the ablest in the world."

Departing extensively from his pre-announced speech, the President said that if such dialogue had not been established, it would endanger future generations.

The President, who arrived shortly after the intermittent morning drizzle ended, urged Watergate-numb Americans not to become cynical about politics and politicians.

Without directly mentioning the Watergate scandal, the President stressed the basic soundness of the American political system at ceremonies honoring the late Sen. Dirksen, saying "It would be a tragedy if we allowed the mistakes of a few to obscure the virtues of most" in American politics.

"We live in a time when many people are cynical about politics and politicians," Nixon said.

"In this profession—as in any—there is much that could be improved. But there is also much to admire.

"The system is working. The way to make it work is to bring more good people into it. Everett Dirksen would tell the cynics of the day not to shun the system—but to share in it, to enter the political arena and to fight for their ideals."

He also referred to his upcoming summit meeting with Mr. Brezhnev of the Soviet Union, saying he is making "no easy predictions" and anticipates "some hard bargaining."

"You can have great hope," he said, "that as a result of these talks, "the two great nations will make progress toward reducing the tensions of the world."

And he added that the progress will be made "not at the expense of other nations."

The President's speech followed an emotional introduction by Mrs. Dirksen, whose efforts resulted in the first official presidential visit to this community in history.

And the President responded with extensive words of praise for the late minority leader, who is buried only about four miles from the site of the observance.

"The study of Everett Dirksen's life can teach us many things," he said.

"In the first place, if Everett Dirksen's career symbolizes anything, it symbolizes the importance of a constructive, cooperative relationship between the Congress and the President, a relationship of mutual respect and mutual accommodation.

He recalled some historical moments in the Congress in which Sen. Dirksen had a part.

"Whether the President's name was Roosevelt or Truman, Eisenhower or Kennedy, Johnson or Nixon was not the important thing.

"Whether the President's label was Republican or Democrat made little difference.

"The important thing, as Dirksen saw it, was that progress was better than deadlock—and that neither the Congress nor the Executive could travel very far without the other."

He called attention to the difficulties the administration is now having with the Congress, saying that "too often, we think that a strong executive must mean a weak legislature—and that a strong legislature must mean a weak executive.

"Everett McKinley Dirksen knew better than that. He believed in both a strong Congress and a strong President.

"He knew the risk if they became rivals, but he also knew the potential if they became partners. Both that risk and that potential still exist today, on one crucial issue after another.

"Responsible partnership," the President said, "means recognizing that neither partner can have his own way all the time. It means developing a spirit of give and take—with both sides doing some giving and both sides doing some taking."

The President dealt, one by one, with many of the nation's problems, including that of inflation, which he admitted is one of the largest ills now facing the nation.

"Inflation, after all, is a byproduct of our prosperity," he said. "Our booming economy has encouraged people to buy more than they have ever bought before. Since supplies have been short, these demands have driven prices up.

"We are putting the brakes on rising prices. But in applying those brakes, we have been careful not to throw our whole economy into a disastrous skid which will drive it off the highway of the nation's prosperity."

Recalling the beginning of Phase IV of his economic plan two days ago, the President emphasized that the program is designed "to get us out of a controlled economy, not pull us further into one.

"We must not destroy the freedom and flexibility that aren't the key to our prosperity," he said. "We must not control the boom in a way that will lead to a bust."

The President said that "over the long run, the answer to rising prices does not lie in rigid controls," and drew prolonged applause with his remark that "the best way of holding down the family budget is by holding down the federal budget and by working to expand the supply of important goods."

President Nixon arrived almost exactly at 11:30 a.m. and was greeted by cheers and waving American Flags and banners.

There were no derisive shouts and no negative banners, altho two did appear briefly about an hour and a half prior to the President's arrival.

Both were greeted by hoots and boos and lasted only a period of a minute or two before disappearing in the crowd.

It could not be determined immediately what happened to the signs or their bearers, but there was one report that at least one of the placards, reading "Impeach Nixon," was torn up by the crowd.

During his early remarks, the President said that "for the first time in 12 years, America is at p eace in Vietnam and we can be thankful for that.

"For the first time in eight years, all of our prisoners of war are home, here in America.

"For the first time in a generation—and I see many young men in the crowd—no one will be drafted into our Armed Services."

When he greeted the crowd, the President recalled a conversation with Sen. Dirksen some time ago, when he told the late senator he hoped to visit Peking, China, before his term expired.

"And the senator, with that wonderful sense of humor of his, said, 'Well, you know, Dick, I'm sure Peking, China, is a great place. But you've never really seen anything until you've seen Pekin, Ill.' "

ENTHUSIASTIC CROWD GREETS NIXONS; NOTHING MARS CEREMONY AT LIBRARY

(By Ellen Paullin)

President and Mrs. Nixon received a welcome today in the triangle beside Pekin Public Library that should leave a warm glow in their hearts, and certainly that welcome, and the reason for it, will never be forgotten for those lucky enough to crowd in the little area today.

A program which seemed almost informal and casual at times was never interrupted by discord, though often slowed by standing ovations. There seemed not an unplanned sound—unless it was the noon whisite which had an almost cheerful tone near the end of the ceremony.

There was no doubt that the Presidential party had come for one purpose: To honor the memory of Pekin's Senator Everett M. Dirksen. The late Senator's twin brother, Tom, introduced to the crowd, brought observations from strangers that Pekinites have recognized for a lifetime: "Oh, he DOES look like him!"

The group on the platform, shining with faces of some of the top men of the nation, nonetheless had a familiar, homey look. Senator Howard Baker, of Tennessee, son-in-law of the Dirksens, was introduced by Master of Ceremonies Henry Altorfer as "Joy Dirksen's husband" and referred to as "home folks to most of us." Baker, along with his wife and daughter, Cynthia, was honored with a standing ovation. His presence today, after his TV exposure from Washington recently, was a thrill secondary only to the visit of the President and Mrs. Nixon.

Mrs. Louella Dirksen, widow of the senator, was accorded today the respect and honor which have long been familiar to her as she has distinguished herself as an individual, as well as a helpmate that Senator Dirksen credited with many of his political victories.

From various vantage points at the site, spectators were treated to some glimpses which may never again be duplicated—two of the most charming women of the nation, the First Lady and Mrs. Dirksen, smiling into the crowd as the President addressed Pekinites and those who had come from afar to see the First Family; the President with his arms around "the Dirksen women"—Mrs. Dirksen, her daughter and granddaughter; and a line-up of current congressional greats who are well aware of the tremendous greatness of the man whose memory they honored today.

As the crowd assembled, the skies, at times, seemed to threaten the proceedings, but at 10:28 there was the first sign that everything remained on schedule: The plastic sheet which covered the speaker's stand was removed and the microphone testing began. The crowd enjoyed a little by-play with the man at the mike, but the chairs on the platform remained shrouded in plastic. Soon the Pekin High school band struck up a march, and as those in the crowd surveyed the scene, they noted the flags, buntings and patriotic drapings; the welcome signs; the Pekin band sweaters worn by the young people recruited as ushers. A helicopter—army colored—chattered away, periodically, and the sprinkle never quite got to be too much to bear.

First on the platform were Mayor William Waldmeier, Tom Dirksen, Mrs. Louella Dirksen, Henry Altorfer, the Rev. Roy B. Davis and Librarian Richard Peck. It was 10:53 a.m. when Altorfer started the service, and there was a noticeable brightening of the sky as Rev. Davis, rector of St. Paul's Episcopal church and member of the library board, gave the invocation. The President later credited Rev. Davis with helping to keep the skies clear.

S-Sgt. Stanley Newel, Pekin's returned prisoner of war, led the crowd in the pledge of allegiance as Steve Zielinski, Eagle Scout, presented the flag. Zielinski, PCHS student, was recently named the outstanding Scout of the Pekin area. The Star Spangled Banner kept spectators on their feet, and then Peck introduced members of the library board, after thanking Mayor Waldmeier for naming board members who are highly competent as well as interested in the library.

As the members stood to be recognized, the crowd was aware of the massive hulk of the new building rising around the old Carnegie library, with its fancy tiled roof and decaying cupola. John Hackler, the library architect, a Pekinite and long time friend of the Dirksens and Bakers was introduced, followed by the construction company head and another Pekinite, Lou Fischer, job foreman.

Members of the foundation board for the Dirksen Congressional Leadership Research Center was next to stand, and as the introductions continued, it was noted that the Illinois Congressional team had found it necessary to remain in Washington to follow thru with legislation important to the President. Among those caught in the press of Washington affairs was Congressman Robert Michel of this district. His predecessor, however, former Pekinite and former Congressman Harold Velde was in the crowd.

Mayor Waldmeier stood to perform his "first official duty of the day" as he presented marigolds to Mrs. Dirksen, and then, as he spoke of the imminent arrival of the President, he told of an earlier meeting with Mr. Nixon. "I told him, 'You should come to Pekin sometime,' and he replied, 'That's what I'm going to do."

That announcement was followed by mounting excitement as the crowd learned that the President and Mrs. Nixon were only seven minutes away. Just as the band prepared to play during the interlude, a parade of dignitaries approached the platform: President Pro Tem of the Senate James O. Eastland, Senate Majority Leader Michael Mansfield, Senate GOP Leader Hugh Scott, Sen. Roman Hruska, Senator Howard Baker and his wife, Joy, and their daughter, Cynthia, Illinois Congressman Leslie C. Arends, and Illinois Senators Charles Percy and Adlai Stevenson. Their cars had preceded the President's.

Pekinites who knew Joy Dirksen in her teens could not help but be struck by the strong resemblence in her daughter, and those who knew of Senator Baker's avid interest in photography noted that Cynthia shares that interest. Both she and her father were snapping pictures from the platform, even as they and those about them were being photographed. The Bakers, having just arrived in town, waved from the podium as they recognized friends in the crowd, and then there was a short period of amiable milling around as the various dignitaries exchanged pleasantries.

About that time, rain started to spot the scene, and umbrellas blossomed, but as cheers from the motorcade route began to seep into the triangle, the moisture abated, and the crowd rose to the thrilling strains of "Hail to the Chief." The President's approach was a slow, hand-shaking route, with Mrs. Nixon joining in greetings the local citizens who lined the pathway.

Then, on the platform, the tumult reached a crescendo as the Nixons came into full view of the entire crowd, embracing Mrs. Dirksen and accepting the welcome of Pekin.

Possibly the proudest moment of Mrs. Dirksen's life came when she turned to say, "Mr. President, will you join me in unveiling the cornerstone?"

And there, as Pekin watched, the two pulled the cover from the simple granite slab, marked only, "15 June 1973."

THE 800TH LIFETIME AND THE ENERGY CRISIS

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, we hear and read a great deal today about the energy crisis, environmental integrity, pollution, and man's disregard for the bounties of nature.

Recently I had the pleasure of reading the feature address made to the Kansas Academy of Science on April 27 by William W. Hambleton, the director of the Kansas Geological Survey. I commend it most strongly to my colleagues as presenting a facet of these problems that one does not encounter too often nowadays. Mr. Hambleton is a scientist with no ties to any commercial or industrial activity. His views, therefore, are public interest views.

Mr. Hambleton's talk concludes with some recommendations, among which is the immediate creation of a Department of Natural Resources and Energy. I note that Secretary of Interior Morton only this week made a similar suggestion. If it were to be created, the Nation could go farther and do worse than put Kansas' William Hambleton in charge of it.

THE 800TH LIFETIME AND THE ENERGY CRISIS

(By William W. Hambleton)

One should approach an address dealing with ecology, the environment, or energy with a certain degree of humility, and a realization that even the experts have much to learn. I reflected upon this condition when I happened to notice again the original of a *Peanuts* cartoon that Schultz had presented to one of my colleagues. Lucy is instructing Linus: "Here's a nice pebble, Linus . . . take it home and observe it. The fascinating thing about pebbles is their growth; for some grow up to be stones while others grow up to be rocks. You shall hope of course, that it grows up to be a rock, for a pebble that grows up to be a stone is like a youth that has gone astray." Linus responds: "Sigh, I have so much to learn."

If 50,000 years represents the history of man and his lifetime is reckoned at 62 years, man has been on earth for 800 lifetimes. He spent 650 of these in caves and drew upon earth resources in order to stay alive. If he did not live in harmony with nature, at least he was not in a position to cause discord. Only during the last 70 lifetimes has it been possible for him to communicate; only during the last 6 lifetimes has the printed word been available to him; only during the last 4 has it been possible for him to measure time with precision; and only during the last 2 has the electric motor been available. During the last, or 800th lifetime, most of the material goods that we know have been developed, and we have gained most of our understandings of our physical and biological world. The 800th lifetime represents a sharp break with all past human experience. Peter Drucker has described this 800th lifetime as the "Age of Discontinuity," and Alvin Tofler has described it in terms of "Future Shock." Humility is indeed called for, and we do have so much to learn.

Nevertheless, I shall sally forth and attempt to tell you something of my perceptions about the earth as a system, especially with respect to some of the environmental and energy problems which have gained the attention of almost everyone in the past few years. Because I am a geologist, these perceptions may differ greatly from the perceptions of those in other disciplines.

A system can be defined as anything which is not chaos, and the earth by this definition clearly is a system in spite of large random elements. The task of learning is to perceive what is chaos and what is not chaos in the world. It is equally important to perceive order where it exists, and not to perceive it where it does not.

As a system, the earth behaved, although it did not know it, generally in a Newtonian manner and according to the Second Law of Thermodynamics. That is to say, it behaved as an order-disorder system, and has cycled locally throughout its history from high energy to low energy states. From time to time, the earth pushed up mountains, creating high-energy states, then cycled through erosional processes to states of minimum energy and disorder. At times it concentrated within its crust certain resources such as iron, coal, gas, and oil; these concentrations we would now call mineral deposits. However, during its cycling process, the earth dispersed these resources. Thus, throughout its entire history the earth has cycled and recycled resources through processes of concentration and dispersal. These processes continue today. To put it another way, natural earth processes are by far the principal agents in modifying our environment. Resources and environmental modification are inextricably linked, for environmental degradation is a natural process on earth. Perhaps Robert Frost has produced the most poetic explication of the Second Law of Thermodynamics in his poem "Mending Wall," which contains the line "something there is that doesn't love a wall," and goes on to describe how neighbors each spring replace the stones that have fallen from the wall during the winter. Is it because of spirits, hobgoblins, or elves? No, freeze and thaw and gravitational attraction have caused the wall, an ordered condition, to obey the Second Law of Thermodynamics and move toward a condition of disorder and minimum energy.

The wasting of earth resources through natural cycling has continued for nearly 4½ billion years without benefit of man; a notion which today seems to evade some of those who describe themselves as environmentalists. The introduction of man certainly has changed the entire time frame of this process. His numbers and capabilities, especially in this 800th lifetime, have enabled him within a short time actually to accelerate earth capabilities for concentration and dispersal of resources. Another notion which seems to evade the environmentalist is that very little matter has been lost from the earth's envelope throughout its history.

Let us now attempt to document some of these ideas. In 1792, Vancouver, who had been Captain Cook's navigator, passed through Santa Barbara Channel and recorded in his log that the surface of the sea was covered with a slimy substance, and the breeze brought with it the strong smell of tar. The next morning, he observed that the sea had dissolved tar floating on its surface, which covered the sea in all directions within the limits of his view. The place was so foul that he pulled up anchor and departed, the bottom of his ship being covered with tar. Remember, in 1792 no drilling for oil or gas had taken place anywhere, especially in Santa Barbara Channel. In other words, earth recycling was taking place, and I would hazard a guess that probably more crude oil and gas have been lost by natural processes than man has produced.

William Pecora, late Director of U.S. Geological Survey, has estimated that more than 1 million tons of fixed nitrogen in the form of ammonia and nitrates are deposited annually from the atmosphere to the earth as a part of a natural precipitation process. In the United States alone, more than 4 million tons of sodium chloride, 2½ million tons of sodium sulfate, and 36 million tons of calcium compounds fall upon the landsurface—all in rainwater.

Particulate matter and natural gases dispersed from volcanos "pollute" the atmosphere as a continuing phenomenon. From three eruptions alone—the Krakatoa eruption in Java (1883), the Mount Katumai eruption in Alaska (1912), and the Hekla eruption in Iceland (1947)—more dust, ash, and combined gases were ejected into the atmosphere than from all of man's activities to date.

Many have long believed that water issuing from natural springs is beneficial to health because of its purity. Springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. Lemonade Spring in New Mexico carries 900 pounds of sulfuric acid per million pounds of water, which is 10 times the acid concentration of most acid mine streams in the nation. The Azure Yampa Spring in Colorado contains 8 times the radium content that the Public Health Service sets as a safe limit. Certain plants on the Colorado Plateau contain selenium, which is toxic to cattle. The smoke of the Great Smoky Mountains is caused by the natural emission of terpenes from the forests. Natural landslides, fault scraps, and the like, scar the face of the earth just as certainly as do disfiguring strip mines.

Last December 2, Hershel Byrd, a resident of rural southern Shelby County, Alabama, was started by a rumble that shook his house, followed by the distinct sound of trees snapping and breaking. Two days later, hunters in a nearby woods found a crater approximately 460 feet long, 380 feet wide, and 165 feet deep. Those events mark the time of formation and discovery of a large sinkhole in Alabama, caused by solution of the underlying limestone. This large, natural-solution feature, is just as ugly as the most badly managed open-pit mine or quarry I have seen.

Many environmentals are shocked to learn that the geologic record is replete with examples of the complete demise of certain species of animals. Perhaps the dinosaur is the most widely-publicized example of this kind of disappearance, but I assure you that numerous other examples can be cited.

Mother Nature, "who doesn't like to be fooled" according to one of the popular television advertisements, is our greatest polluter in man's terms. In thermodynamic terms, however, we are simply observing earth concentration and dispersal of resources.

Man's introduction into the 4½ billion year time frame of the earth, and especially during his 800th lifetime, presents new problems, but they should be kept in perspective. During his entire history, man has attempted to replicate earth's natural concentration and dispersal processes. At whatever level of sophistication, use results in concentration of substances toxic or useless to man, and he has attempted to disperse them, emulating the earth by distributing them into the air and waterways. Only his numbers have made this scheme unworkable; thus creating some of our present problems.

Historical perspectives should be retained, nevertheless, lest our environmental goals become ridiculous. Even the noble Indian, as reported by iconoclast Nick Fent, our hydrologist friend from Salina, has moved his living site because of nitrate contamination of spring water caused by infiltration from his refuse. Nick further reports that "you always hear about how the Indian lived in such harmony with nature. He polluted just as much as the rest of us, but he wasn't as numerous. When the teepee got so full that he couldn't stand up, he moved somewhere else."

We are shocked by the environmental degradation and ecological displacement caused by strip-mining. Perhaps one should remember that the wheat fields of Kansas represent one of the major ecological displacements of all time. The vast plains of the Mid-Continent supported rich and diverse forms of life, including the buffalo. Plowing and fencing have caused major environmental degradation in modern environmental terms, as can be verified by anyone who has seen the landscape from 30,000 feet in an aircraft.

Max Brewer, Alaskan permafrost expert and Commissioner of Alaskan Department of Environmental Conservation, has noted that "in Alaska we have many lakes and streams totally untouched by man which do not meet federal water quality standards. We worry about siltation during bridge construction at the same time Cook Inlet is silted by glacial flour for which there is only one source—nature's glaciers."

Some of our soil conservationists are embarking upon a program of complete sediment control in our rivers. They seemingly do not realize that sediment is produced as part of the process of natural earth recycling or that sediment deposited in the flood plains of our rivers is the source of natural enrichment that makes our bottomlands so productive. Furthermore, the dynamic behavior of the stream is little understood. If the sediment is removed, the excess energy of the stream causes it to begin downcutting, thus creating new sediment.

Am I suggesting that we should ignore environmental pollution? Not at all! I am suggesting that we should avoid being ridiculous and that we should view our environmental protection efforts in terms of natural earth processes and history. I am suggesting also that man must use earth resources and must modify the environment in order to survive. I am suggesting further, that regardless of man, the earth will continue to disperse and reconcentrate matter and energy, used or unused by man. The carbon compounds from the burning of coal and oil eventually will be reconcentrated, and new coal and oil will be formed by organisms. Our garbage and even our plastic wastes will be degraded in time. But Mother Nature, the greatest polluter of all, is not very sentimental about all of this and leaves man's survival to man. Earth processes are supervised by extremely well-behaved angels, whereas social systems are supervised by people, who are not well behaved, and our predilection for mistaken predictions can lead us badly astray.

Several weeks ago, I was riding in a one-peso cab on the Paseo de la Reforma in Mexico City with a cab driver whom I knew spoke English because I had been speaking with him. During our trip, my cab had several near collisions with another cab; a situation which you can well appreciate if you know something about the temperament of Latin drivers. Upon reaching a stop light, my cab driver lowered his window and discoursed at length in volatile Spanish about the ancestry and driving capabilities of the other cab driver in remarks addressed to that individual. When this discourse ceased, I inquired as to the nature of the conversation. My driver said "I told him, friend, do be careful." With regard to our environmental decisions, in this 800th lifetime, I would say also "Friend, do be careful."

In one area especially, the admonishment "Friend, do be careful," is especially important with respect to decisions which must be made soon. I refer to our energy consumption and requirements, and the environmental-crisis condition which we are rapidly approaching. The production of energy, perhaps more than any other factor, has placed great stresses upon the environment, and has placed us upon a collision course between satisfaction of energy needs and environmental protection. Our position is critical, but not yet disastrous. I am not talking about a physical shortage of fuel in the world before 1980 or 1985, at cost of production comparable with today's costs. I am not talking about a physical shortage of fuel in the U.S. at any price: that is, if the price of gasoline were to go to ten dollars per gallon and the price of gas to five dollars per thousand cubic feet, we quite clearly would have adequate supplies because demand would drop. I am talking about the end of an era of available low-priced energy derived from hydrocarbons that the world has enjoyed for the last 25 years or more of this 800th lifetime.

This low-priced energy will be available neither in the United States nor abroad. I am also talking about the disappearance of low-cost domestic sources of energy in the U.S. and about increased reliance on imports. Why has this situation seemingly come upon us so suddenly and why does the public not yet understand the problem? First of all, the order of magnitude bruited about concerning energy consumption and the dimensional units used, are so confusing that the layman, let alone the professional, scarcely can grasp the implications. We are confused by numbers relating to demand and consumption, availability, and reserves expressed as proven, possible, additional, potential, and the like. Furthermore these numbers are expressed in a variety of units such as barrels, tons, BTU, cubic feet, and even, in a recent paper, equivalent tons of coal. The units are so astronomical in magnitude that the average citizen has as little understanding of their meaning, as he does of the national debt. Who, I ask, can visualize a trillion cubic feet of gas, a billion barrels of oil, or 10^{12} BTU?

Secondly, our use of energy has increased at a far greater rate than the most accurate predictions were able to foresee.

Let me give you a few of these numbers as anchors for our discussion. Look at the situation a short twenty years ago. In 1950, the United States oil consumption was 7 million barrels per day; production was 6.7 million barrels per day, and we had a shut-in capacity of more than 2 million barrels per day. We will consume about 17 million barrels per day. We will consume about 17 million barrels per day of crude oil during 1973, of which approximately 6 million barrels per day will be imported. The import part computes out to around 28 percent. Our needs are projected to increase to somewhere around 24 million barrels per day by 1980; but our production is projected to stay about level. Thus, as you can see, unless something changes we will be importing half of our crude oil by 1980. If you want a larger number, our present use is somewhere around 6 billion barrels per year.

As for gas, we are consuming around 24 trillion cubic feet a year, importing better than a trillion cubic feet, mainly from Canada. Our consumption is predicted to increase to somewhere around 35 trillion cubic feet by 1980.

We are consuming approximately 600 million tons of coal a year, and consumption is expected to rise to between 750 and 925 million tons by 1980. We export about 71 million tons.

In the United States, then, we use around 600 million tons of coal per year; around 17 million barrels of oil per day, or better than 6 billion barrels per year; and around 24 trillion cubic feet of gas. Only in coal did we not face a deficit.

A third very important factor in the present energy crisis was a 1954 decision of the Supreme Court in the Phillip's case that the Federal Power Commission had both the authority and responsibility to set the price of gas at the wellhead. If you had owned a gas well at that time, and were selling gas to a pipeline company at a contract price, your contract would have been abrogated by the decision and the Federal Power Commission would have told you at what price you could sell your gas. Because of the great difficulty involved in setting the price for individual wells, the FPC went to an area pricing schedule.

For most of southwestern Kansas, where most of our gas is produced, this price was set at 16 cents per thousand cubic feet. This price was so low, set in an effort to protect the consumer, that it no longer was profitable to explore for gas. Furthermore, this cheap gas virtually drove coal from the market as an energy resource, and depressed the price of crude oil. As a consequence, we became profligate users of gas, wasting it with abandon, and using it as a fuel for purposes for which coal or crude oil were much better suited. Except for gas, production of crude oil and coal began to decline beginning in 1958, and reserves declined. Kansas is an excellent eraple. In 1958, Kansas produced more than 120 million barrels of crude oil per year. In 1971, this production had declined to 78.5 million barrels, a decline of 7.4 percent over the previous year, and in 1972 production declined to 73.7 million barrels, an additional 6.1 percent decline in production. Drilling declined, and only 19 of 199 holes more than two miles from production found new production. Kansas refineries processed 132 million barrels of crude oil; but of this amount 64 million barrels were imported, including nearly 10 million barrels from Canada. This oil was produced from 42,000 wells of which 38,000 were stripper wells producing less than 10 barrels per day; 585 more holes were plugged than were reported drilled. During 1971 natural gas production in Kansas was .89 trillion cubic feet, a decline of 1.6 percent over the previous year.

Assuming no increase in demand, the United States now has proven reserves of oil and gas for about 10 years. However, this amount of oil and gas will not be available each year, because the oil and gas cannot be produced at a sufficiently high rate to meet our demand. Our consumption would be of little consequence if our rate of use were not increasing at around 3.5 percent per year, if our resources were distributed at the right places and at the right time, and if we knew that we could draw upon adequate reserves to supply our needs for the foreseeable future. However, even if we experienced increased exploration activity because of the price increases, except for the Alaskan slope and offshore, it is not likely that we will find large new reserves in the United States. The problem is compounded because we really do not know the magnitude of our reserves. Many policy decisions must relate to the difficult question of potential supplies with respect to undiscovered deposits, as well as deposits that cannot be produced profitably now, but may become workable in the future.

Uncertainty is introduced because most mineral deposits lie beneath the earth's surface and are difficult to locate and examine in a way that yields accurate knowledge as to the extent and quality. Another source of uncertainty is that specifications for recoverable materials are constantly changing as the advance of technology permits us to produce minerals that were once too low-grade, too inaccessible, or otherwise impossible to recover profitably. Thus, it is often difficult to estimate, measure, or prove reserves with a high degree of accuracy until they have been largely mined out, let alone estimate the extent of unexplored reserves of an inferred or possible class. Estimates of proved reserves prepared in advance of appreciable production commonly reveal errors from 25 to 50 percent, usually on the conservative side; the error in estimates in unexplored or incompletely explored deposits is much larger, usually on the high side by an order of magnitude, that is to say by a factor of ten.

A fourth cause of our present energy crisis results from the vigorous efforts of environmental groups and environmental legislation. Sulfur-emission standards have denied use of the coal reserves of the eastern United States, and proposed legislation, if passed, would prevent any strip-mining of our huge low-sulfur coal reserves in the western states. Oil spills in Santa Barbara Channel and elsewhere have effectively blocked off-shore exploration, especially on the Atlantic seaboard. Similar efforts have prevented construction of a pipeline from Prudhoe Bay to coastal ports in Alaska. Other environmental efforts have prevented construction of power plants and transmission lines. On March 7, the Federal Power Commission issued a news release which reports that 35 steam, electric-generating units, totalling more than 30,000 megawatts, originally scheduled for service by the summer of 1973, are not now expected to be ready. The study shows that thirty of these delayed units are nuclear fueled, with capacity totalling nearly 27,400 megawatts. The other five are fossil-units. Many units which have received operating licenses are not available for full load operations due to limitations imposed by environmental considerations, technical problems, or license restrictions. In addition, 51 nuclear units totalling nearly 45,000 megawatts, which have been granted construction permits, have not yet received operating licenses. Environmental siting considerations have prevented construction and other matters such as uncertainties concerning secondary core-cooling and collapsed fuel rods are responsible for restricted load operations and delays in construction.

A fifth factor, which contributes to our energy crisis, is our failure to fund research and development in the use of other fuel sources. We are only spending several hundred million dollars a year for such enterprises, but Senator Jackson estimates that we will require $20 billion for an energy research and development program over the next decade on coal gasification, shale-oil plants, advanced power-cycle plants, coal liquification, geothermal and solar power, and the breeder and fusion reactors. Even if this effort is undertaken, commercial, demonstration plants are ten to fifteen years away.

As a sixth factor, the international situation with respect to energy has changed drastically. Until about 1969, a buyer's market existed for crude oil being produced mostly in the Arab states and Venezuela. International pretroleum companies were able to set the posted price of crude oil, which in turn determined the royalty payments to the producing countries.

In 1951 when Iran nationalized its oil and was the largest producer in the Middle East, it was producing only 340,000 barrels per day. When production was cut off, it was relatively easy to move across the Persian Gulf to Iraq, Kuwait, and Saudi Arabia. Today, Iran is producing more than 5 million barrels per day, Saudi Arabia is producing more than 6 million barrels per day, Kuwait is producing 3 million barrels per day, and by 1980 Saudi Arabia alone may be producing more than 20 million barrels per day. Even as late as 1967 when the Suez Canal was closed, Libyan production could be increased to take up the slack.

However, in 1960, a little-noticed event took place. Iran, Venezuela, and Saudi Arabia banded together to form OPEC (Organization of Petroleum Exporting Countries) and subsequenty were joined by other Middle East countries to form an eleven-nation cartel. As long as a buyer's market persisted, these countries could be played off one against the other in terms of price. With the turn toward a seller's market, another significant event took place in 1970 after Colonel Gaddafi of Libya seized power in a military coup, rejected prevailing royalty rates, and launched a bitter ten-month campaign for a better deal. Other Arabian countries developed sophistication in dealing with the international petroleum companies, exemplified by Saudi Arabia's shrewd Minister of Oil and Mineral Wealth, Sheik Yamani. The Arab states now control 60 percent of the world's proven reserves and are bargaining with increasing skill. Their income, which was $4.4 billion a year five years ago, has soared to more than $10 billion and by 1980 easily could reach $40 billion. Saudi Arabia, which has a population of about 7 million, would have greater monetary resources than the U.S. and Japan combined. Saudi Arabia's income from the sale of crude oil is approximately $60 million per day. Libya enjoys an income of $2 billion per year and has a population of only approximately 2 million people. In a seller's market, OPEC has became a controlling crude-oil cartel, composed of producing countries with fantastic incomes, and such small populations that the income can be spent only with difficulty. Led by Sheik Yamani, the Saudi Arabian government oil agency, Petromin, will acquire a 25 percent share in Aramco, the huge producing company through which Exxon, Texaco, Standard of Cal., and Mobil have been pumping Saudi Arabian oil. By 1983, the Saudi share of Aramco will have increased to 51 percent.

A similar situation prevails in the other OPEC countries, which look to development of distribution, refining, and marketing facilities of their own. The royalty paid producing companies has more than doubled since 1970 and doubtless will increase further. The OPEC countries are now interested in placing constraints on production rates, for oil left in the ground now will appreciate in value. At the present time, about 20 percent of the oil imported into the United States comes from the Arabian countries; the bulk of our imports comes from Venezuela, which produces mainly a high-sulfur crude oil. The Venezuelan productive capacity cannot satisfy the demand of the United States, and inevitably we must turn to Middle Eastern oil and face attendant problems relating to national security and an increasing balance of payments deficit.

Finally, one must examine the shortages of the past winter regarding fuel oil and the anticipated gasoline shortages of the summer. We have built no new refineries in the United States during the past few years, largely because a refinery must be constructed in terms of the crude-oil stocks which are fed to it and a great uncertainty exists in this area. A U.S. catalytic refinery is designed to operate economically with a product output of about 60 percent gasoline and jet fuel in the light fractions, and about 40 percent fuel oil and heavier fractions. Furthermore, the sulfur content of the oil must be anticipated in the design. Uncertainties as to supply sources, opposition to siting new refineries, opposition to new port facilities and the like have contributed to the problem. During the past winter, in order to provide fuel oil for heating purposes during an unusually cold winter, refineries deferred changing product mix that would build up gasoline stocks for summer use.

The prospects for relieving the energy shortage are very bleak. What, then can be done?

1. We must immediately establish a Federal Department of Natural Resources and Energy. The natural resource and energy industries and the public are faced by a weltering confusion of regulations and policies issuing from nearly 65 federal agencies. Not even Congress has an authoritative source of information and advice. The policies developed by such an agency might be wrong, but at least they would have the merit of consistency.

2. In order to maintain an adequate resource and energy capability, this new federal agency should treat energy supply and demand as part of an integrated energy system. The requirements for energy are shifting constantly in terms of quantity, form and substance. Additional factors include accommodation to end use patterns and the need to resolve resource conflicts within the social requirements that resources must be provided without destroying the quality of the environment. Hopefully, such an integrated policy would serve to avoid the ridiculous spectacle which we have witnessed since 1954 when the Federal Power Commission established area gas pricing at the well head, thereby discouraging exploration and depressing the price of other energy resources.

3. Inasmuch as the reserve calculations for both proved and underdeveloped resources are of doubtful quality, national standards for reserve estimates should be applied consistently throughout the nation.

4. The pricing structure of the entire energy industry should be decontrolled to the point where prices are free to seek the market level, and at both state and federal levels, taxation policies should be developed that actually encourage exploration and resource development in order to assure the capital flow necessary for our energy needs. An estimated $500 billion will be required by 1985 and these capital requirements will be met only with great difficulty under present policies.

5. Present restrictions on leasing and offshore drilling should be removed immediately, and construction of the Alaskan pipeline should proceed. With the leadtime requirements for development, we can no longer defer this activity. Compromises must be made between energy and environmental-protection needs. I am convinced personally that offshore production can be regulated to minimize oil spills, and that in terms of earth recycling history and the absence of significant damage to the biota in Santa Barbara Channel, that the remaining unavoidable spills will have little effect on the environment.

6. State and federal policies should support and encourage the development of all energy resources, for all will be needed. Research and technological feasibility studies should proceed on every possible source of energy from organic waste such as cow manure, to solar and wind energy, hydrogen transfer systems, the breeder reactor, and geothermal energy.

7. A major policy of energy conservation should be instituted. Its elements include development of more efficient systems, mass transit, and even federal building codes that would require insulation of buildings at acceptable levels. Studies indicate that adequate insulation can conserve as much as 30 percent of the energy used to heat buildings. Great differences exist in the efficiency of air conditioners, for example, and manufacturers should be required to post efficiencies prominently on their equipment. Incidentally, if prices rise to realistic levels, conservation policy is almost unavoidable. The homeowner may conclude from cost analysis that insulation is cheaper than fuel.

8. Nationally, realistic pollution and environmental control programs should be adopted which represent basic compromises. Much pollution control at projected federal standards is energy intensive and counter productive. The amount of energy required to achieve zero point-source effluent into our waterways will require tremendous amounts of energy, whose production creates further pollution. Such legislation as House Bill 6482 should be avoided. This bill, containing many recommendable requirements, arbitrarily limits strip-mining coal to areas of less than 20 degrees. This bill does not permit accommodation to local conditions. In some areas, for example, land surface, presently exceeding the slope limitations, would be enhanced by strip-mining and reclamation to slopes less steep than the original land surface.

9. Although commitment to foreign imports may be unwise for security reasons, many opportunities exist for negotiation in an increasingly open-ended economy. With mutual interdependence increasingly evident, the desire for increased trade declared, many opportunities are presented. The recent requirements of the Soviet Union for grain provide for opportunity to negotiate for energy resources. However, these negotiations will require inclusion of natural-resource experts at the highest levels of the State and Commerce Departments, and these experts should be regarded as fundamental to foreign policy development. We cannot negotiate agreements with the kind of naivete that characterized recent grain exports, for the nations with whom we are dealing already are committed to the use of high technical skills in trading negotiations.

Possibly the consuming countries should form their own cartel in order to deal with the producing countries on equal terms. Parenthetically, I would suggest that we might even investigate the potential for stockpiling imported oil and gas—abundant underground storage facilities are available in salt cavities, mines, and even depleted oil and gas reservoirs.

At the state level, it is exceedingly important that we determine distribution and consumption patterns in order that we can deal intelligently with shortages as they occur. We should support research on alternate energy sources, and encourage exploration in every way. We can also take the lead in conservation matters relating to improvement of building codes and consumer protection.

In conclusion with respect to energy and environmental matters, this 800th lifetime will not be easy. Many compromises will be necessary. We can look forward to local shortages of energy over the next four or five years as we struggle to develop stable sources of supply from foreign countries, develop our own resources, build new electric-power capacity, build new refineries, and develop new transportation and port facilities. In another 10 to 15 years, as demand increases in all other countries, our energy situation could become catastrophic unless we proceed vigorously to develop alternative sources of energy, many of which are minimal in their impact on the environment. However, we must begin now to allocate research and development dollars to the production of alternative energy sources; we must undertake stringent conservation programs to reduce our energy consumption; and we must become a much wiser public in understanding our problems.

This 800th lifetime will not be dull or easy, but it should be exciting and productive for those who are willing to make a commitment to something greater than their "convulsive little egos." I invite your commitment to those institutions which are the change-agents of our society. Every person who thinks of himself as responsible must care for every institution he touches, and for those he touches intimately he must care deeply. I invite you to commitment to a lifelong learning process with breadth if you would participate fully in this 800th lifetime. To paraphrase Linus, "We have so much to learn."

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THE PEOPLE SUPPORT CONGRESS ON SPENDING CONTROL

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, the people are solidly backing the Congress against the executive branch on this question of spending control.

According to a recent Harris poll, 45 percent of the people—as against 26 percent—feel that Congress should enact its own spending ceiling and prohibit the President from impounding appropriated funds.

That is exactly the approach that the House leadership proposes to take—new anti-impoundment procedures combined with a $267.1 billion spending ceiling for fiscal 1974.

The Harris poll reflects continuing public support for the great social and humanitarian programs initiated by Democratic Congresses and Democratic Presidents of the years past. Forty-two percent of the people—as against 38 percent—said they do not oppose social programs, provided that Congress does not overspend its budget ceiling.

It is clear that the people want Congress to continue to pass judgment on all spending requests. That is our responsibility under the Constitution. This Nation will not accept spending by unilateral decree; it will not tolerate one-man rule or anything like it.

The House leadership is proposing sound, responsible spending-control legislation. That is what the public wants and expects, and Congress should enact it promptly.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Breaux (at the request of Mr. O'Neill), from 3:30 today through June 29, on account of official business of the Committee on Merchant Marine and Fisheries.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ketchum), to revise and extend their remarks, and to include extraneous matter:)

Mr. Hastings, today, for 10 minutes.

Mr. Kemp, today, for 15 minutes.

(The following Members (at the request of Mr. Alexander) and to revise and extend their remarks and include extraneous matter:)

Mr. Ichord, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel.

Mr. Skubitz and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $552.50.

(The following Members (at the request of Mr. Ketchum), and to include extraneous matter:)

Mr. Zion.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Shoup.

Mr. Frenzel.

Mr. Zwach.

Mr. Collins of Texas in four instances.

Mr. Moorhead of California.

Mr. Findley.

Mr. Broyhill of Virginia in two instances.

Mr. Nelsen.

Mr. Keating.

Mr. Hansen of Idaho.

Mr. Derwinski in two instances.

Mr. Shuster.

Mr. Forsythe.

Mr. Huber.

Mr. Quie in two instances.

Mr. Rousselot.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Dent.

Mr. Clark.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Lehman in 10 instances.

Mr. Stubblefield in three instances.

Mr. Preyer.

Mr. Waldie.

Mr. Udall in 10 instances.

Mr. Drinan.

Mrs. Schroeder.

Mr. Montgomery.

Mr. Bennett.

Mr. Rogers in five instances.

Mr. Evins of Tennessee.

Mr. Brademas in six instances.

Mr. William D. Ford in three instances.

Mr. Roncalio of Wyoming.

Mr. Dominick V. Daniels.

Mr. Johnson of California.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 470. An act to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such Acts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 20, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1052. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to further amend the Economic Stabilization Act of 1970, as amended, to authorize the President to prohibit or curtail the exportation of articles, commodities or products from the United States, and for other purposes; to the Committee on Banking and Currency.

1053. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for the settlement under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLAND: Committee on Appropriations. H.R. 8825. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; (Rept. 93-296). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5649. A bill to extend until November 1, 1978, the existing exemptions of the steamboat *Delta Queen* from certain vessel laws; (Rept. No. 93-289); referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8606. A bill to amend the Small Business Act; (Rept. No. 93-290). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 6187. A bill to amend section 502(a) of the Merchant Marine Act, 1936; (Rept. No. 93-291). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee of conference. Conference report on H.R. 7447; (Rept. No. 93-295). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 446. Resolution providing for the consideration of H.R. 8510. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; (Rept. No. 93-292). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 447. Resolution providing for the consideration of H.R. 8662. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; (Rept. No. 93-293). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 448. Resolution waiving certain points of order against H.R. 8760. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93-294). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. Addabbo, Mr. Bingham, Mr. Burton, Mr. Cohen, Mrs. Collins of Illinois, Mr. Coughlin, Mr. Cronin, Mr. Diggs, Mr. Green of Pennsylvania, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Lott, Mr. Robinson of Virginia, Mr. Roush, Mr. St Germain, Mr. Stuckey, Mr. Thompson of New Jersey, Mr. Veysey, and Mr. Yatron):

H.R. 8799. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself, Mr. Addabbo, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Butler, Mrs. Collins of Illinois, Mr. Coughlin, Mr. Cronin, Mr. Diggs, Mr. Green of Pennsylvania, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Lott, Mr. Robinson of Virginia, Mr. Roe, Mr. Roush, Mr. St Germain, Mr. Stuckey, Mr. Thompson of New Jersey, Mr. Veysey, and Mr. Yatron):

H.R. 8800. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia:

H.R. 8801. A bill to amend section 105(d) of the Internal Revenue Code of 1954 to provide that the excludability from gross income of disability pension payments to an individual shall be determined without regard to whether or not the individual has reached retirement age; to the Committee on Ways and Means.

By Mr. BURTON (for himself, Mr. Holifield, Mr. Moss, Mrs. Hansen of Washington, Mr. Stark, Mr. Dellums Mr. Roybal, Mr. Brown of California, Mr. Danielson, Mr. Edwards of California, Mr. Ryan, and Mrs. Burke of California):

H.R. 8802. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. COUGHLIN:

H.R. 8803. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways nd Means.

By Mr. DORN:

H.R. 8804. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. HUBER (for himself, Mr. Burgener, Mr. Derwinski, Mr. Hudnut, Mr. Milford, Mr. Montgomery, Mr. Parris, Mr. Rousselot, Mr. Stuckey, and Mr. Treen):

H.R. 8805. A bill to limit certain legal remedies involving the involuntary busing of schoolchildren; to the Committee on the Judiciary.

By Mr. KEMP (for himself and Mr. Devine):

H.R. 8806. A bill to establish a Federal Legal Aid Corporation through which the Government of the United States of America may render financial assistance to its respective States for the purpose of encouraging the provision of legal assistance to individual citizens who are in need of professional legal services for prosecutions or defense of certain causes in law and equity; to the Committee on Education and Labor.

By Mr. KETCHUM:

H.R. 8807. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit or deduction for contributions made for the purpose of influencing the passage of State or local referendums and initiatives; to the Committee on Ways and Means.

By Mr. McKINNEY (for himself and Mr. Wolff):

H.R. 8808. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 8809. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines; to the Committee on Agriculture.

By Mrs. MINK (for herself, Mr. Bingham, Mr. Brasco, Mr. Clay, Mr. de Lugo, Mr. Hicks, Mr. Leggett, Mr. Meeds, Mr. Mitchell of Maryland, Mr. Rosenthal, and Mr. Sarasin):

H.R. 8810. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Burton, and Mr. Hanley):

H.R. 8811. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR (for himself and Mr. Steelman):

H.R. 8812. A bill to provide for the regulation of surface mining operators in the United States, to authorize the Secretary of the Interior to make grants to States to encourage State regulations of surface mining, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 8813. A bill to amend the Federal Railroad Safety Act of 1970 to extend the authorization for appropriations thereunder for 1 year; to the Committee on Interstate and Foreign Comemrce.

By Mr. JAMES V. STANTON:

H.R. 8814. A bill to amend title II of the Social Security Act to provide that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage (and meets the other conditions of eligibility therefor), regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 8815. A bill to amend the law of the District of Columbia relating to the reporting of certain physical abuse of children; to the Committee on the District of Columbia.

By Mr. THONE:

H.R. 8816. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 8817. A bill to reduce the percentage rates of employee deductions, agency contributions, and deposits for civil service retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. WALSH:

H.R. 8818. A bill to amend title 5, United States Code, to include security guards at installations of the Federal Government within the provisions of such title relating to civil service retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 8819. A bill to amend title 10 of the United States Code to provide that interest paid on certain special savings deposits of prisoners of war and other missing members of the armed forces shall be exempt from Federal taxation; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8820. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD:

H.R. 8821. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY:

H.R. 8822. A bill to establish a Federal-State Legislative Council; to the Committee on Government Operations.

By Mr. BOLAND:

H.R. 8825. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commission, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Abdnor, Mr. Addabbo, Mr. Anderson of California, Mr. Annunzio, Mr. Badillo, Mr. Bafalis, Mr. Baker, Mr. Barrett, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Bray, Mr. Breaux, Mr. Breckinridge, Mr. Brown of California, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Burke of Massachusetts, Mrs. Burke of California, Mr. Byron, Mr. Clancy, Mr. Clark, Mr. Del Clawson, and Mr. Collins of Texas):

H.J. Res. 624. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Conyers, Mr. Corman, Mr. Dan Daniel, Mr. Davis of Georgia, Mr. Davis of South Carolina, Mr. Denholm, Mr. Dent, Mr. Derwinski, Mr. Donohue, Mr. Eilberg, Mr. Esch, Mr. Fauntroy, Mr. Findley, Mr. Forsythe, Mr. Frelinghuysen, Mr. Gaydos, Mr. Goldwater, Mr. Gonzalez, Mrs. Grasso, Mrs. Green of Oregon, Mr. Green of Pennsylvania, Mr. Grover, Mr. Gude, and Mr. Gunter):

H.J. Res. 625. Joint resolution to authorize and request the President to issue annually a proclmation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself and Mr. Helstoski):

H.J. Res. 626. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of eash year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Hinshaw, Mrs. Holt, Mr. Howard, Mr. Hunt, Mr. Kemp, Mr. King, Mr. Kluczynski, Mr. Koch, Mr. Landgrebe, Mr. Lent, Mr. Long of Maryland, Mr. McDade, Mr. McEwen, Mr. McFall, Mr. Minish, Mrs. Mink, Mr. Mitchell of New York, Mr. Mitchell of Maryland, Mr. Montgomery, and Mr. Murphy of New York):

H.J. Res. 627. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Nix, Mr. O'Brien, Mr. Passman, Mr. Patten, Mr. Pickle, Mr. Podell, Mr. Quie, Mr. Rangel, Mr. Rarick, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Sarasin, Mr. Sarbanes, Mrs. Schroeder, Mr. Sebelius, Mr. Shipley, Mr. Slack, Mr. Snyder, Mr. Spence, and Mr. James V. Stanton):

H.J. Res. 628. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Steele, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Treen, Mr. Veysey, Mr. Waldie, Mr. Whalen, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Wolff, Mr. Won Pat, Mr. Young of South Carolina, Mr. Young of Illinois, and Mr. Zwach):

H.J. Res. 629. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. HILLIS:

H. Res. 449. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

257. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to investigating the prosecution of five residents of New York in Fort Worth, Tex., to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 8823. A bill for the relief of James A. Wentz; to the Committee on the Judiciary.

H.R. 8824 A bill to provide for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderventer; to the Committee on Interior and Insular Affairs.

By Mr. GIAIMO:

H. Res. 450. A resolution to refer the bill (H.R. 8795) for the relief of John J. Egan to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

241. The SPEAKER presented a petition of Dennis M. Ribarich, Co. C, 1/52, APO N.Y. 09139, and others, relative to initiating impeachment proceedings against the President of the United States; to the Committee on the Judiciary

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SENATE—*Tuesday, June 19, 1973*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. Walter D. Huddleston, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose kingdom is above all earthly kingdoms, watch over this Nation, its leaders, and its people in this crucial hour of world history. In our dealings with other nations may we be kind but firm, generous without extravagance, right without compromise. May our strength and wisdom be applied in bringing freedom, justice, and peace to the world.

Guide by Thy higher wisdom the President and all our leaders. In our dealings with each other may we be gentle, understanding, and fair. In dealing with ourselves may we require the best. May our private lives and public actions be in accord with our prayers.

We pray in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 19, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Walter D. Huddleston, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 18, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR HOUSE JOINT RESOLUTION 499 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 499, to extend a commission study on bankruptcy laws for a period of some 2 months—which I understand the House will pass later today—be held at the desk. I hope that it can be acted on at an appropriate time without being referred to committee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 210, 211, and 212.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937

The Senate proceeded to consider the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, which had been reported from the Committees on Labor and Public Welfare, Finance, and Commerce, with amendments. The amendment of the Committees on Labor and Public Welfare and Finance is to strike out all after the enacting clause and insert:

TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

Part A—Temporary Provisions

Sec. 101. Section 2(a) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "Women" in paragraph 2 and inserting in lieu thereof "individuals";

(2) by striking out "Men who will have attained the age of sixty and will have completed thirty years of service, or individuals" in paragraph 3 and inserting in lieu thereof "Individuals"; and

(3) by striking out "such men or" in paragraph 3 thereof.

Sec. 102. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the rate of the tax imposed with respect to wages by section 3101(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3101(b) of such Code of so much of the compensation paid to such employee for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(b) Section 3202(a) of such Code is amended—

(1) by striking out "1965" wherever it appears in the second sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the second sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the second sentence thereof.

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 9.5 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101(a), 3101(b), 3111(a), and 3111(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee representative for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out "In addition to other taxes" and all that follows to "except that" and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 9.5 percent of so much of the compensation paid by such employer for services rendered to him after September 30, 1973, as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973;".

(e) Section 3221(a) of such Code, as amended by section 102(d) of this Act, is further amended—

(1) by striking out "1965" wherever it appears in the first sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the first sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the first sentence thereof.

(f) Section 3221(b) of such Code is amended by striking out all that appears therein and inserting in lieu thereof the following:

"The rate of tax imposed by subsection (a) shall be increased, with respect to compensation paid for services rendered after September 30, 1973, by the rate of tax imposed with respect to wages by section 3111(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3111(b) of such Code."

Sec. 103. (a) Section 6 of Public Law 91-377, as amended by section 8(c) of Public Law 92-46, is further amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(b) Section 8(b) of Public Law 92-46 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(c) Section 5(b) of Public Law 92-460 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

Sec. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(6) If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased in an amount equal to the difference between (i) the amount (before any reduction on account of age) which would be payable to such individual under the then current law if his or her annuity were computed under the first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such amount' contained therein; and (ii) the amount (before any reduction on account of age) which would have been payable to such individual under the law as in effect prior to July 1, 1973, if his or her annuity had been computed under such first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein (assuming for this purpose that the eligibility conditions and the proportions of the primary insurance amounts payable under the then current Social Security Act had been in effect prior to July 1, 1973): *Provided, however,* That, in computing such amount, only the social security benefits which would have been payable to the individual whose annuity is being computed under this Act shall be taken into account: *Provided further,* That if an annuity accrues to an individual for a part of a month the added amount payable for such part of a month under this section shall be one-thirtieth of the added amount payable under this section for an entire month, multiplied by the number of days in such part of a month. If wages or compensation prior to 1951 are used in making any computation required by this paragraph, the Railroad Retirement Board shall have the authority to approximate the primary insurance amount to be utilized in making such computation. In making any computation required by this paragraph, any benefit to which an individual may be entitled under title II of the Social Security Act shall be disregarded. For purposes of this paragraph, individuals entitled to an annuity under section 2(a)(2) of this Act shall be deemed to be age 65, and individuals entitled to an annuity under section 2(a)(3) of this Act who have not attained age 62 shall be deemed to be age 62. Individuals entitled to annuities under section 2(a)(4) or 2(a)(5) of this Act for whom no disability freeze has been granted shall be treated in the same manner for purposes of this paragraph as individuals entitled to annuities under section 2(a)(4) or 2(a)(5) for whom a disability freeze has been granted. In the case of an individual who is entitled to an annuity under this Act but whose annuity is based on insufficient quarters of coverage to have a benefit computed, either actually or potentially, under the first proviso of section 3(e) of this Act, the average monthly wage to be used in determining the amount to be added to the annuity of such individual shall be equal to the average monthly compensation or the average monthly earnings, whichever is applicable, used to enter the table in section 3(a)(2) of such Act for purposes of computing other portions of such individual's annuity."

(b) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a) (3), (4), or (5) of this Act" and inserting in lieu thereof "section 3(a), (3), (4), (5), or (6) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3. The preceding sentence and the other provisions of this subsection shall not operate to increase the annuity of a spouse (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding three paragraphs."

(c) Section 2(i) of the Railroad Retirement Act of 1937 is amended by striking out "the last paragraph plus the two preceding paragraphs" and inserting in lieu thereof "the last paragraph plus the three preceding paragraphs".

(d) Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new subsection:

"(q) A survivor's annuity computed under the preceding provisions of this section shall be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3: *Provided, however,* That in computing such an amount for an individual entitled to an annuity under subsection 5(a)(2), the 90.75 per centum figure appearing in the third paragraph of section 3(e) of this Act shall be deemed to be 82.5 per centum."

Sec. 105. If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the pension of each individual under section 6 of the Railroad Retirement Act of 1937 and the annuity of each individual under the Railroad Retirement Act of 1935 shall be increased in an amount determined by the method of computing increases set forth in subsection (a) of section 104 of this Act, deeming for this purpose the average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

Sec. 106. All recertifications required by reason of the amendments made by sections 104 and 105 of this Act shall be made by the Railroad Retirement Board without application therefor.

Sec. 107. (a) For the purpose of preparing and submitting the report provided for in subsection (c), it shall be the duty and responsibility of representatives of employees and retirees to designate (within the thirty-day period commencing on the date of enactment of this Act) and notify the Congress of the identity (by name and position) of the labor members, and of representatives of carriers to designate (within such thirty-day period) and notify the Congress of the identity (by name and position) of the management members, who shall compose the group authorized to prepare in their behalf, the report provided for in subsection (c).

(b) The group so authorized to prepare the report provided for in subsection (c) shall—

(1) hold such meetings (which shall not be less often than once each month) as may be necessary to assure that such report will be submitted within the time provided, and contain the material prescribed under, subsection (c); and

(2) submit to the Congress, on September 1, 1973, November 1, 1973, and January 1, 1974, interim reports as to the progress being made toward completion of the report provided for in subsection (c); except that no such interim report shall be submitted after the submission of the report provided for in subsection (c).

(c)(1) Not later than March 1, 1974, representatives of employees and retirees and representatives of carriers, acting through the group designated by them pursuant to subsection (a), shall submit to the Congress a report containing their joint recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system, which recommendations shall take into account the specific recommendations of the Commission on Railroad Retirement.

(2) The joint recommendations contained in such report shall be specific and shall be presented in the form of a draft of a bill suitable for introduction in the Congress.

Sec. 108. (a) The amendments made by section 101 of this Act shall become effective on July 1, 1974: *Provided, however,* That those amendments shall not apply to individuals whose annuities began to accrue prior to that date. The amendments made by such section 101 shall cease to apply as of the close of December 31, 1974.

(b) The amendments made by section 102 of this Act shall become effective on October 1, 1973, and shall apply only with respect to compensation paid for services rendered on or after that date: *Provided, however,* That such amendments shall not be applicable to any dock company, common carrier railroad, or railway labor organization described in section 1(a) of the Railroad Retirement Act of 1937, with respect to those of its employees covered as of October 1, 1973, by a private supplemental pension plan established through collective bargaining, where a moratorium in an agreement made on or before March 8, 1973, is applicable to changes in rates of pay contained in the current collective-bargaining agreement covering such employees, until the earlier of (1) the date as of which such moratorium expires, or (2) the date as of which such dock company, common carrier railroad, or railway labor organization agrees through collective bargaining to make the provisions of such amendments applicable.

(c) The amendments made by sections 103, 104, 105, 106, and 107 of this Act shall be effective on the enactment date of this Act: *Provided, however,* That any increases in annuities or pensions resulting from the provisions of sections 104 and 105 of this Act shall be effective on the same date or dates as the benefit increases under title II of the Social Security Act which gave rise to such annuity or pension increases are effective.

PART B—PERMANENT PROVISIONS

SEC. 120. (a) Effective January 1, 1975, the following provisions are (subject to subsection (b)) repealed:

(a) section 6 of Public Law 91–377 (as amended);

(b) section 8(b) of Public Law 92–46 (as amended); and

(c) section 5(b) of Public Law 92–460 (as amended).

(b) The provisions of subsection (a) shall not become effective unless, prior to January 1, 1975, the "future amendments" referred to in section 3231(i) of the Internal Revenue Code of 1954 are enacted.

SEC. 121. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act), as amended by section 102(a) of this Act, is further amended to read as follows:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the employee rate prescribed under section 3231(i) plus the sum of the rates of tax imposed with respect to wages by section 3101(a) and 3101(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee for services rendered by him after December 31, 1974, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after December 31, 1974."

(b) Section 3202(a) of such Code is amended by striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act), as amended by section 102(c) of this Act, is further amended—

(1) by striking out "9.5 percent" and inserting in lieu thereof "17.0 percent", and

(2) by striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act), as amended by section 102(d) of this Act, is further amended by—

(1) striking out "equal to 9.5 percent" and inserting in lieu thereof "equal to the employer rate prescribed under section 3231(i) plus 9.5 percent", and

(2) striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(e) The amendments made by the preceding provisions of this section shall become effective January 1, 1975, and shall apply only with respect to compensation paid for services rendered on or after that date.

(f) Section 3231 of the Internal Revenue Code of 1954 (relating to definitions of terms employed in the Railroad Retirement Tax Act) is amended by adding at the end thereof of the following new subsection:

"(i) EMPLOYEE RATE; EMPLOYER RATE.—The sum of the 'employee rate' for purposes of section 3201 and the 'employer rate' for purposes of section 3221(a) shall be 7.5 percent subject to such division as may be provided by future amendments to this subsection."

PART C—MISCELLANEOUS

SEC. 130. This title may be cited as the "Railroad Retirement Amendments of 1973".

TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

SEC. 201. Section 15a of the Interstate Commerce Act (49 U.S.C. 15a) is amended by adding at the end thereof the following new subsection:

"(4) (a) The Commissioner shall by rule establish within ninety days after the date of enactment of this Act requirements for petitions for adjustment of interstate and intrastate rates of common carrier by railroad based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements established pursuant to section 553 of title 5, United States Code, shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b) (1) The Commission shall, within sixty days of the filing of a verified petition by any carrier or group of carriers in accordance with the rules promulgated under paragraph (a) of this subsection, act upon said petition.

"(2) Prior to action upon any provision in a verified petition which relates to intrastate rates, the Commission shall request from any State authority having jurisdiction over any such rates within ten days from the filing of such petition, a recommendation as to the action the Commission should take. The Commission shall give due regard to any such recommendation received within forty-five days from the date of request."

SEC. 202. This title may be cited as the "Railroad Rate Adjustment Act of 1973".

TITLE III—SEPARABILITY

SEC. 301. If any provision of this Act or the application thereof to any person or circumstances should be held invalid, the remainder of such Act or the application of such provision to other persons or circumstances shall not be affected thereby.

The amendment of the Committee on Commerce is to the substitute amendment of the Committees on Labor and Public Welfare and Finance, to strike out the language beginning on page 28, after line 17, down to and including line 18 on page 29, as follows:

"(4) (a) The Commissioner shall by rule establish within ninety days after the date of enactment of this Act requirements for petitions for adjustment of interstate and intrastate rates of common carrier by railroad based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements established pursuant to section 553 of title 5, United States Code, shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b) (1) The Commissioner shall, within sixty days of the filing of a verified petition by any carrier or group of carriers in accordance with the rules promulgated under paragraph (a) of this subsection, act upon said petition.

"(2) Prior to action upon any provision in a verified petition which relates to intrastate rates, the Commission shall request from any State authority having jurisdiction over any such rates within ten days from the filing of such petition, a recommendation as to the action the Commission should take. The Commission shall give due regard to any such recommendation received within forty-five days from the date of request."

And, in lieu thereof, insert:

(4) (a) The Commission shall by rule establish on or before August 1, 1973, requirements for petitions for adjustment of interstate rates of common carrier subject to this part based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements, established pursuant to section 553 of title 5 of the United States Code (with time for comment limited so as to meet the required date for establishment), shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

(b) (1) The Commission shall, within sixty days of the filing of a verified petition by any carrier or group of carriers relating to interstate rates in accordance with rules promulgated under paragraph (a) of this subsection, act upon said petition or said petition shall be deemed approved.

(2) The Commission shall, within thirty days of the filing of a verified petition by any carrier or group of carriers relating to intrastate rates in substantial accord with rules promulgated under paragraph (a) of this subsection, act upon such petition when the Commission finds that the State authority having jurisdiction thereof shall have denied, in whole or in part, a petition filed with it by such carrier or group of carriers seeking relief regarding such intrastate rates or shall not have acted finally on such petition within sixty days from the presentation thereof.

(3) Any increased freight rates authorized shall not exceed a reasonable level by types of traffic, commodities, or commodity groups and shall preserve existing market patterns and relationships and present port relationships by uniform maximum increase limitations within and between the major districts.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished senior Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

I urge my colleagues to support the passage of H.R. 7200 as amended jointly by the Labor and Public Welfare Committees and the Senate Commerce Committee. It is an important piece of legislation which secures needed railroad retirement improvements and which requires expeditious action by the Interstate Commerce Commission on rate increase petitions based upon carrier increases resulting from the railroad retirement improvements.

I would like to describe for my colleagues those aspects of H.R. 7200 which were considered by the Senate Commerce Committee, namely the ICC procedures for considering rate increase petitions.

PURPOSE AND BRIEF DESCRIPTION

Title I of H.R. 7200 would increase the tax which railroads are obligated to pay under the Railroad Retirement Tax Act and, therefore, would increase the railroads' expense of doing business. (For a complete explanation of Title I of H.R. 7200, as reported by the Committee on Labor and Public Welfare and the Committee on Finance, see Senate Report No. 92–202). Railroads presently have the authority to petition the Interstate Commerce Commission for rate increases to offset expense increases, but there is no requirement that the Commission act upon those petitions within any specified period of time. Title II of H.R. 7200 as reported by this Committee would require the Commission to act within sixty days on a petition for interstate rate increases based upon higher expenses resulting from the railroad retirement tax increases provided for in Title I. Petitions for intrastate rate increases occasioned by such tax increases would also have to be acted upon by an appropriate State agency within sixty days and any requested review of such action by the Commission would have to be completed in thirty days. Any rate increases granted could not exceed reasonable levels on particular traffic, commodities, or commodity groups and would not exceed reasonable levels on particular traffic, commodities, or commodity groups and would have to maintain the existing relationships within and between major districts.

BACKGROUND

On March 7, 1973, representatives of railroad labor and management, complying with the Congressional directive expressed in section 6 of Public Law 92–460, entered into an agreement to support legislation that would provide, among other things, for certain temporary railroad retirement increases. To pay for such increases, railway labor and management agreed to support legislation which would either (1) "provide a tax on transportation charges effective October 1, 1973, to finance railroad retirement taxes in excess of social security taxes, as provided under existing law amended as proposed * * *" or (2) "modify Interstate Commerce Commission procedures so as to permit prompt freight rate increases to cover increases in cost." By the terms of the agreement, the determination as to which "type of legislation" would be jointly supported was left to the discretion of the carriers. (See Appendix A.)

When the legislation was formulated, the carriers decided to support legislation that would "permit prompt freight rate increases to cover increases in cost." While on the face of the agreement "cost" referred to only those amounts necessary "to finance railroad retirement taxes in excess of social security taxes, as provided under existing law amended as proposed * * *," the requested legislation provided for expedited procedures to consider rate increases for costs not only associated with railroad retirement increases, but also for costs resulting from any negotiated wage increases. The legislation provided that any requests for rate increases would be approved by the Commission within thirty days if the amount requested approximated "that needed to offset increases in expenses theretofore experienced or demonstrably certain to occur * * *." Following such an increase, the Commission would commence hearings for the purpose of making the final rate determination and order refunds if interim rate increases exceeded those which were finally approved.

This railroad management and labor request legislation was introduced by House Interstate and Foreign Commerce Committee Chairman Harley O. Staggers as H.R. 7200. The House Interstate and Foreign Commerce Committee favorably reported, and the House passed, this bill after amending certain of its provisions. For example, Title II of the bill was amended to limit the thirty day rate increase procedure to petitions for rate increases based upon increases in taxes under the railroad retirement act, as amended, occurring before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. In other words, the House did not provide expedited procedures for "pass through" of negotiated wage increases; instead, the House limited such "pass throughs" to increases in expenses occasioned by increases in railroad retirement taxes occurring under the 1973 amendments or any other amendments occurring before July 1, 1975.

In the Senate, the railway labor and management legislation was introduced by Senator Ribicoff (S. 1805). Senator Hathaway introduced a bill (S. 1867) which revised both Title I and Title II of the legislation proposed by railway labor and management. Three Committees took jurisdiction over the legislation: Labor and Public Welfare and Finance (Titles I and III) and Commerce (Titles II and III). On June 11, 1973, the Labor and Public Welfare Committee and the Finance Committee jointly reported H.R. 7200. H.R. 7200 as amended was then referred to the Senate Commerce Committee. This bill is now being reported with an addtiional amendment.

NEED

Title II of H.R. 7200 is needed for several reasons. In the first place, as the Association of American Railroads established in testimony before the Committee, petitions for rate increases are not always treated in a timely fashion by the Interstate Commerce Commission. As a result, the railroads contend that as much as 1.164 billion dollars may have been lost during the period 1967 through 1972. There is a need, therefore, to eliminate this regulatory lag at least as to petitions for rate increases based upon legislatively mandated cost increases so as to minimize these losses.

Secondly, there is a need to facilitate implementation of the agreement between railway labor and management in order to avoid disruption of needed transportation services or last minute action by Congress to avert such disruption. This is not to say that Congress should ignore its legislative responsibilities and "rubber stamp" legislation jointly agreed to in the collective bargaining process. But, where there is a demonstrated need, Congress should stand ready to assist the collective bargaining process by enacting facilitating legislation.

As developed in testimony on H.R. 7200 and related bills (S. 1867 and S. 1805), there is a need to carefully consider requests for rate increases based upon increases in railroad expenses occasioned by higher railroad retirement taxes. While the present financial conditions of some carriers may justify "pass through" of the expense increases, this may not be the case with all carriers. Prompt consideration of requests for rate increases is needed, but there is no demonstrated need that such increases must be automatically granted. With respect to intrastate rates, careful consideration can best be assured by permitting State agencies to receive the views of local shippers when railroads petition for increases in intrastate rates.

Finally, there is a need to preserve a fair rate structure when acting upon general freight rate increases. As the Commission has pointed out in Ex Parte No. 281, Increased Freight Rates and Charges, 1972, 341 I.C.C. 288, served October 4, 1972, its general freight rate increases are permissive in nature. Commission authorizations for rate increases "do not require that any respondent increase its rates by any particular amount . . . nor do they preclude variability of application, provided increases do not exceed those allowed." The Commission went on to conclude: "The public interest and the maintenance of a lawful rate structure must prevail over respondents revenue need, however pressing." Thus, in a situation where the expedited procedures are required, the Commission must carefully examine the way in which any general freight rate increase would be implemented by particular carriers.

DESCRIPTION AND ANALYSIS OF COMMITTEE AMENDMENT

Section 201 of the proposed bill would amend the Interstate Commerce Act to provide for an expedited procedure for petitions requesting adjustments of interstate rates of common carriers (subject to part I of the Interstate Commerce Act) based upon increases in expenses of such carriers pursuant to section 102 of the bill—i.e. railroad retirement tax increases. On or before August 1, 1973 the Commission is required to establish in an informal rulemaking proceeding requirements for such rate increase petitions which would "facilitate fair and expeditious action on any such petition . . . by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses." In order to meet the August 1 deadline, the Commission could modify its rulemaking procedures to require comments sooner than 30 days after publication of the proposed requirements.

The Commission is required to act upon a petition for an adjustment in interstate rates within sixty days of the receipt of such petition. If the petition has been filed in accordance with the requirements established pursuant to rule as discussed above, the petition shall be deemed approved as filed if the Commission fails to act within the required sixty days. This provision was included to insure timely action by the Commission within the sixty-day period.

Increases for intrastate rate adjustments would first be considered by the State authority having jurisdiction over such intrastate rates. The State authority is required to act upon such petition within sixty days of its presentation by the carrier. If the State authority denies in whole or in part a petition or fails to take action, the Commission, upon petition to it by the carrier, is required to act upon such petition within thirty days. The Commission can overrule a denied petition if such denial unduly burdens interstate commerce.

The bill specifically requires that any increase freight rates authorized "shall not exceed a reasonable level by types of traffic, commodities, or commodities groups and shall preserve existing market patterns and relationships and present port relationships by uniform maximum increase limitations within and between the major districts." (For text of amendment see changes in existing law section *infra*). The word "present" describing port relationships is used to distinguish those relationships which now exist from any relationships which the Commission might establish.

The bill as reported by the Committee is designed to meet the needs outlined above. By requiring the Commission by August 1 to promulgate rules for requirements of petitions for expedited rate increases and by requiring the Commission to take action on such petitions within sixty days, rate increases which are granted to offset increases in railroad retirement taxes could be available to the carrier no later than October 1st, 1973, when such increases would go into effect. (Intrastate rates could be delayed an additional thirty days if denied by a State authority). This procedure, then, satisfies the agreement between railroad labor and management to support legislation which would "modify Interstate Commerce Commission procedures so as to permit prompt freight rate increases to cover increases in costs."

The proposed legislation also insures careful scrutiny by the Commission or a State authority prior to approval of rate increases. There would be no automatic "pass through" of expense increases occasioned by higher railroad retirement taxes. This "pass through" would only be available to the railroads if it is justified.

Finally, any rate increase authorized by the Commission or State authority could not exceed a reasonable level by types of traffic, commodities, or commodity groups. And, such authorized rates would have to preserve existing market patterns and relationships and present port relationships by providing for uniform maximum increase limitations within and between the major districts. This would assure that "the public interest and the maintenance of a lawful rate structure" would "prevail over revenue needs, however pressing." (See 341 I.C.C. 332.)

In summary, the bill as reported would provide for prompt freight rate increases to cover increases in expenses occasioned by higher railroad retirement taxes to the extent that such increases are justified. The burden of justifying such rate increases would be on the petitioner. Local shippers would be assured an opportunity to participate in decisions with respect to intrastate rates because State authorities would consider such decisions. And, finally, any rate increases granted would have to be conditioned in such a way as to assure that rates did not exceed reasonable levels by types of traffic, commodities, commodity groups and to guarantee that existing marketing patterns and relationships and present port relationships would also be preserved.

Mr. DOLE. Mr. President, I wish to voice my support for H.R. 7200, the Railroad Retirement Act of 1973. The special significance of this act is that it assures the temporary benefit increases enacted by Congress in prior years will be extended. Thus an abrupt and sharp reduction in income for nearly a million retirees of the Nation's railroad system will be avoided. Retired employees, spouses, and widows will be guaranteed continuation of their pension incomes without fear of drastic reduction and the grave financial consequences which would result.

The railroad retirement system is one of the most complicated of such plans in the country. Last year, the Commission on Railroad Retirement in its report to the President and Congress concluded that the system faced a financial crisis and needed a thorough overhauling to make it capable of fulfilling its obligation to its participants, bring it up to date, and make it financially solvent in the future.

The passage of H.R. 7200 can be viewed as a success for all the parties involved—the railroads, their employees and the Congress. It goes a long way toward settling a major part of the railroad retirement system's problems and is hopeful evidence that good faith negotiations will settle the remaining issues.

The manner in which the agreement embodied in H.R. 7200 was reached is unique in the railroad industry. In recognition of the coming crisis in the system, railway labor and management agreed to negotiations without a strike or congressional intervention. This step was encouraging in light of the history that Congress has over a period of many years been forced to legislate many special measures to deal with railroad disputes.

The legislation we are considering this year lays the groundwork for placing the system on a sound financial base, and the representatives of the parties believe that within a reasonable period of time a mutually agreeable solution to the other problems of the Railroad Retirement Act can be reached.

I am hopeful that we are seeing the beginning of a new era in this field—an era marked by harmony, constructive joint effort, and increased security for the millions who depend on the railroad retirement system.

Again, I would express my support for H.R. 7200 and hope that it will become law without delay.

Mr. HATHAWAY. Mr. President, the bill before the Senate, H.R. 7200 is another of the links in what may seem to be an interminable chain of temporary railroad retirement legislation. This Senator, however, has no intention of creating an infinite chain of temporary legislation; in his mind this is the penultimate legislation leading to a long overdue restructuring of the railroad retirement system. This legislation was considered in some detail in 2 days of public hearings by the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare. Representatives of the administration, the Railroad Retirement Board, railway management and railway labor appeared. They told us what they thought was good about the bill and what they thought was bad about it. The bill that emerged from the committee balances as best we could the interests of labor, of management and of the general public. While all of the parties are not ecstatic about all of the provisions, I believe that all of the concerned interests have informed the committee that they support the main thrust of the bill and there is nothing in the bill that they cannot live with. In some areas this might be a minor accomplishment; in this one it is major. For once, at least, no one seems to be so much against the legislation that he would throw out the baby, because the bath water is a little soiled.

The pending bill has three objectives. First, it would extend through 1974 the 15-, 10- and 20-percent benefit increases provided on a temporary basis starting in 1970. Second, it provides a vehicle and incentive for railroad labor and management to send Congress specific recommendations for restructuring the railroad retirement system on a sound actuarial basis. And third—which is really outside my area—it eases the method of obtaining freight rate increases to offset the additional costs the railroads may have in meeting the additional tax obligations they would assume under the bill.

The bill as it came to this body from the House seemed to be in need of refinement so as to reach the objectives which had been so clearly stated by all of the parties concerned. Therefore, I introduced a modified version of the House-passed bill as a vehicle for obtaining comments on the detailed improvements which seemed to be in order. The comments were not slow in coming to the attention of the committee and the bill has been modified in accord with the committee's understanding of the comments. As the bill now stands I urge its acceptance. It should be sent to the House for its consideration and if there are any serious differences of opinion between the two bodies, the differences are the legitimate subject for a conference between the two Houses.

The bill is divided into three titles; title I of the bill contains provisions which would amend the Railroad Retirement Act and the Internal Revenue Code, title II would amend the Interstate Commerce Act, and title III contains a separability provision. Title I of the bill is further divided into three parts, only two of which are substantive; part A contains provisions which would be in effect until the end of 1974, while part B contains provisions which would become effective after 1974. As was mentioned previously, title II of the bill is not within the jurisdiction of this committee and would hope that the Senator from Washington, the chairman of the Committee on Commerce would speak to this point.

The first section of the bill would permit men to retire on full railroad annuities at age 60 provided that they had at least 30 years of railroad employment. Under the present law, men with 30 years of service who retire between ages 60 and 65 receive reduced annuities, while women of the same age who have at least 30 years of railroad employment are paid full annuities. The provision would become effective on July 1, 1974, and cease to apply after December 1974.

This section is identical to a provision in House-reported H.R. 7200, except that under the House bill the provision would continue in effect after 1974. There is no real reason to believe that this provision will not be made permanent along with the temporary benefit increases, as soon as a method is found to put the system on a sound actuarial basis. The committee felt, however, that because this provision does represent a drain on the fund of approximately $70 million a year, it should be put on the same temporary footing as the recent benefit increases. This is based upon the principle that permanent changes should not be made to the detriment of the fund until permanent financing is found.

The second section of the bill would reduce railroad retirement taxes paid by employees by 4.75 percent, from 10.6 percent of wages to 5.85 percent—the rate paid by employees under the social security program. Employer taxes would be increased by an identical 4.75 percent of wages, from 10.6 to 15.35 percent. The new tax rates would be effective generally for wages paid after September 1973 and before January 1975. This section is identical to a provision in House-passed H.R. 7200.

In another section, the House-passed

bill would provide an exception to this provision for certain railroads and dock companies. Under the exception, the new rates would not apply to the so-called "steel roads" until the earlier of, first, the expiration of their current labor contracts, or second, the time such contracts are renegotiated. Under the committee amendment, the exception would be provided also for certain railway labor organizations which find themselves in the same position with regard to their labor contracts as the steel roads.

The third section of the bill would extend until December 31, 1974, the 15-percent increase in annuities which became effective in 1970, the 10-percent increase in annuities which became effective in 1971, and the 20-percent increase in annuities which became effective in 1972. This section is identical to a provision in House-passed H.R. 7200.

Sections 104, 105, and 106 of the bill provide automatic increases in railroad annuities if social security benefits are increased after June 1973 and before January 1975. If social security benefits are increased in this period, the increase in individual annuities will be the same dollar amount that would have been provided had the individual been receiving a social security benefit based on similar earnings covered under social security. These sections are identical to the provisions of House-passed H.R. 7200.

The House-passed bill would establish a joint labor-management group consisting of members representing the railway labor unions and the carriers to consider all matters relating to the restructuring of the railroad retirement system. This group would report its recommendations to the Senate Committee on Labor and Public Welfare and to the House of Representatives Committee on Interstate and Foreign Commerce not later than July 1, 1974.

In the view of the committee, the provision of the House-passed bill did not spell out in sufficient detail the composition and duties of the labor-management group. Moreover, if it did not submit its recommendation well before July 1, the Congress might not have adequate time to consider what is expected to be a major restructuring of the railroad retirement system involving coordination with the social security program. Therefore, the committee amendment revises this provision of the House-passed bill.

The committee amendment would call on representatives of employees and representatives of railroad employers to create a joint group to recommend changes in the railroad retirement program which will assure the long-range actuarial soundness of the program. The group would be expected to notify Congress within 30 days after the bill is enacted of the names and positions of its members. In preparing its report, the group would be expected to meet at least once a month, and to furnish Congress with interim progress reports. The interim reports would be submitted on September 1, 1973, November 1, 1973, and January 1, 1974. The final report would be submitted to Congress no later than March 1, 1974—rather than July 1, as under the House bill. It is expected that the recommendations for restructuring the railroad retirement program will take into account the recommendations of the Commission on Railroad Retirement and that the recommendations will be specific and in a form suitable for legislative action.

The bill would provide also that the temporary early retirement provision for men authorized by the bill and the temporary benefit increases of 15, 10, and 20 percent—which bill authorizes through December 31, 1974—would become permanent on January 1, 1975, provided certain tax rate increases are made effective by further legislation.

Railroad retirement tax increase would go into effect January 1, 1975, in the amount of 7.5 percent of taxable payroll above other retirement taxes already in the Internal Revenue Code. The burden of this tax is not allocated between employers and employees, but is left to further legislation.

In this connection I would quote from the report on the bill:

> It is the Committee on Labor and the solution of the serious financial problems facing the Railroad Retirement Fund cannot be delayed beyond the 18-month extension of the temporary benefits increases provided in this bill. That is the reason the Committee included provisions imposing a 7.5 percent tax commencing January 1, 1975. Although further legislation would be required to allocate the tax before it could become legally effective, the Committee intends these provisions to serve as clear notice of its intention to take appropriate action to deal with the long-range financial problems of the Fund. The 7.5 percent figure is based on the Railroad Retirement Board's current estimate of the amount required to put the Railroad Retirement Fund on an actuarially sound basis, assuming that the temporary increases become permanent and the 30 year retirement provisions in this bill become effective. However, the Committee also wishes to point out that the 7.5 percent figure is not inflexible, and that should the parties agree on a restructuring of the system which reduces the actuarial deficit faced by the Fund—for example, by agreeing to eliminate dual benefits—the 7.5 percent figure can be reduced to whatever amount is appropriate. The Committee is confident that before this increase becomes effective the parties will be able to achieve a solution to the long-range funding problems through collective bargaining under section 107 of this bill. However, the Committee must also recognize the need to provide for funding in this bill, if the parties are unable to reach an agreement. The Committee hopes that this provision will act as an incentive to the parties to provide their own solution, which, of course, may include a reevaluation of the benefit structure as well as changes in the tax rate.

Mr. President, all of this, I know, is complicated. I assure the Senate, however, complicated as this sounds, it is simple compared with the recommendations railway labor and management are invited to present to Congress next winter. Not later than March 1, 1974, railway labor and management are to send their specific recommendations for a new railroad retirement program. They have been frank in their appearances before the committee in saying that they know this is their last chance—that if they do not send Congress realistic recommendations for a sound and soundly financed railroad retirement system, then the lead will fall to other hands. They know that whatever they recommend, Congress will go over it with care. They know that the final document will be a congressional document. Their input will depend on how hard and how honestly they work. Moreover, they know that in the meantime the committee will be forming its own ideas as to how the system might be restructured on an equitable and actuarially sound basis. They know that the committee intends this to be the last piece of patchwork legislation; the next time railroad retirement legislation is before the Senate it will be for the purpose of creating a viable program on a financially sound basis.

The amendment of the Committee on Commerce to the amendment of the Committee on Labor and Public Welfare in the nature of a substitute was agreed to.

The amendment in the nature of a substitute as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR SALINE WATER PROGRAM FOR FISCAL YEAR 1974

The Senate proceeded to consider the bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

> That there is authorized to be appropriated to carry out the provisions of the Saline Water Conservation Act of 1971 (85 Stat. 159), during fiscal year 1974, the sum of $9,127,000 to remain available until expended as follows:
>
> (1) Research expense, not more than $2,000,000;
>
> (2) Development expense, not more than $3,200,000;
>
> (3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $1,350,000;
>
> (4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $677,000; and
>
> (5) Administration and coordination, not more than $1,900,000.
>
> (b) Funds authorized and appropriated prior to fiscal year 1974 for any purpose under the Saline Water Conversion Act of 1971 may be obligated and expended as follows, notwithstanding any other provisions of law:
>
> (1) Research expenses, $2,400,000;
>
> (2) Development expense, $400,000;
>
> (3) Design, construction, acquisition saline water conversion test beds and facilities, $2,000,000; and
>
> (4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $1,875,094.
>
> '(c) Expenditures and obligations under

paragraphs (1), (2), (3), and (4) of subsections (a) and (b) of this section may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) of subsection (a) of this section may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

SEC. 2. In addition to the sums authorized to be appropriated by section 1 of this Act there are authorized to be appropriated such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

Mr. TUNNEY. Mr. President, I would like to take this opportunity to speak briefly in support of S. 1386. As you know, this bill as originally introduced on behalf of the administration called for a dramatic cut in the level of funding for the Office of Saline Water. I believe such a move would represent a short-sighted stroke of false economy.

According to the Department of the Interior, current projections of water needs by the year 2000 indicate a need for the large-scale production of low-cost fresh water from the sea and from inland brackish water. The Federal Government should be assuming a leadership role in stimulating the growth of a full-scale desalting industry capable of supplying these future needs.

If the Federal Government is to assume that leadership role, it is imperative that the Office of Saline Water retain the capability to maintain a continuing research program investigating potentially new desalting technologies as well as the accompanying technical capability to support planning and development of demonstration plants.

Last year Congress committed this Nation to a 10-year, high-priority program to clear up the Nation's water resources. Desalting technologies developed under the auspices of the Office of Saline Water have crucial applications to high quality waste treatment, and it is likely that reductions in this program will only result in comparable increases in the Environmental Protection Agency's waste treatment program.

In addition, salinity in the Colorado River has become a problem of both national and international concern. The salinity of the river was high even in its original state, and use of the water by man has significantly increased the salinity to an extent which adversely affects both agricultural and urban users. The Environmental Protection Agency has estimated that present salinity levels are causing economic losses of many millions of dollars a year to U.S. users, and this cost will increase in the future unless salinity control measures are taken. Current technological studies in the Office of Saline Water constitute a significant portion of the solution to this problem.

Finally, numerous large coastal metropolitan areas are now counting on desalinization to solve their long-term municipal water needs. If we terminate the program now, we will find ourselves without the requisite technology to meet our future water needs.

This bill will increase the amount of the authorization for fiscal year 1974 to support further research and sustain the technical capacity to support planning and development. I strongly urge the Senate to take favorable action on this bill.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPLACEMENT OF AMERICAN FALLS DAM, UPPER SNAKE RIVER PROJECT

The Senate proceeded to consider the bill (S. 1529), to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River project, Idaho, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, after the word "the", strike out "district" and insert "present spaceholders"; on page 2, line 1, after the word "the", strike out "Upper Snake River" and insert "Minidoka"; in line 5, after the word "the", where it appears the second time, strike out "Upper Snake River" and insert "Minidoka"; in line 10, after the word "the", strike out "Upper Snake River" and insert "Minidoka"; in the same line, after the amendment just stated strike out "project." and insert "project: *Provided*, That the design, construction, and operation of the replacement dam shall not result in a maximum water surface elevation at the dam higher than elevation 4,534.5 feet: *And provided further*, That the Secretary shall continue the program of prevention of and compensation for erosion related to the reservoir."; in line 17, after "Sec. 2.", insert "(a)"; after line 23, insert:

(b) The constructing agency shall: (i) include as a part of the project, a river crossing meeting the then current Department of Transportation standards for Federal-aid secondary highway two-lane traffic, which crossing shall be located on top of the replacement dam or immediately downstream from the dam, and which crossing shall be financed by State, Federal, and private funds, or any combination thereof as the parties deem appropriate; and (ii) coordinate the design of project crossing to allow the inclusion of an additional two lanes, which additional two lanes shall be the responsibility of the Idaho Department of Highways and which may be funded with State or Federal funds.

(c) The plans and specifications for the construction of the dam shall require that an adequate two-lane, two-way crossing shall be maintained at or near the site of the dam during construction.

On page 3, line 21, after the word "and", where it appears the second time, strike out "shall require delivery of water to the spaceholders to be contingent upon fulfillment of the contract obligations:" and insert "the delivery of water to the spaceholders shall be contingent upon the execution of such contracts and the fulfillment of the obligations thereunder:"; on page 4, at the beginning of line 13, strike out "defer" and insert "defray"; in line 22, after the word "shall," insert "be approved by the Secretary so long as it does"; in line 24, after the word "the", where it appears the second time, strike out "Upper Snake River" and insert "Minidoka"; on page 5, line 1, after "Sec. 5.", strike out "Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications." and insert "Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications of the construction of the dam and of the proposed operation of the dam and reservoir. Preliminary design plans shall be submitted to the Secretary by the constructing agency. The Secretary shall approve said plans, or must promptly set forth specific objections to the preliminary design plans. If the parties cannot agree, said specific objections shall be submitted to binding arbitration by an engineering consulting board. The Secretary shall select one member of the board, the constructing agency shall select one member of the board, and the two members so selected shall select a third member. The consulting board's decisions on the specific engineering questions shall be binding on the Secretary and the constructing agency. The constructing agency shall then prepare final designs and specifications. Costs incurred heretofore and hereafter by the Secretary in reviewing such designs, specifications, plans, and construction shall be nonreimbursable and such amounts as are required are authorized to be appropriated for this purpose. The Secretary is authorized to accept fund advances from the beneficiaries if necessary to avoid delays occasioned by appropriations and to make compensation by payment or credits."; on page 6, line 2, after the word "wildlife", strike out "conservation" and insert "enhancement"; in line 6, after "(79 Stat. 213)", insert a period and "In addition, specific facilities for public recreation may also be provided in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460, et seq.)."; and, in line 10, after "Sec. 7.", strike out "There are authorized to be appropriated such sums as may be necessary for the construction of specific facilities for public recreation and fish and wildlife conservation and for the operation and maintenance of the American Falls replacement dam." and insert "There is hereby authorized to be appropriated for construction of specific facilities for public recreation and fish and wildlife enhancement the sum of $400,000 (July 1972 prices) plus or minus such amounts, if any, as may be required by reason of the changes in the cost of construction work of the type involved therein as shown by engineering cost indices. There are also authorized to be appropriated such funds as may be necessary to meet the prorated construction cost apportionable to the irrigation storage rights of the Michaud Division of the Fort Hall Indian Reservation for space in the reservoir behind the American Falls Replacement Dam and such cost shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 368a). There are also authorized to be appropriated such funds as are required for the operation and maintenance of the dam and related facilities."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter called the Secretary) is authorized to negotiate and enter into agreements with the American Falls Reservoir District or other appropriate agency representing the present spaceholders (hereinafter called the constructing agency), which agreements shall authorize the constructing agency to finance and provide for the construction of a dam to replace the existing American Falls Dam of the Minidoka project, Idaho-Wyoming. The United States shall take title to the dam upon a determination by the Secretary that construction of the dam is substantially completed, and the dam shall be a feature of the Minidoka reclamation project and shall be considered to be a "Government dam" as defined by the Federal Power Act (Act of June 10, 1920, 41 Stat. 1063, as amended). The Secretary shall operate and maintain the replacement dam as a feature of the Minidoka project: *Provided,* That the design, construction, and operation of the replacement dam shall not result in a maximum water surface elevation at the dam higher than elevation 4,354.5 feet: And provided further, That the Secretary shall continue the program of prevention of and compensation for erosion related to the reservoir.

SEC. 2. (*a*) Replacement of the existing dam as authorized in section 1 hereof shall in no way alter or change the present proportionate storage rights of present spaceholders in the American Falls Reservoir and shall constitute a reaffirmation of existing contract rights between the Secretary and the spaceholders except as otherwise provided in this Act.

(b) The constructing agency shall: (i) include as a part of the project, a river crossing meeting the then current Department of Transportation standards for Federal-aid secondary highway two-lane traffic, which crossing shall be located on top of the replacement dam or immediately downstream from the dam, and which crossing shall be financed by State, Federal, and private funds, or any combination thereof as the parties deem appropriate; and (ii) coordinate the design of project crossing to allow the inclusion of an additional two lanes, which additional two lanes shall be the responsibility of the Idaho Department of Highways and which may be funded with State or Federal funds.

(c) The plans and specifications for the construction of the dam shall require that an adequate two-lane, two-way crossing shall be maintained at or near the site of the dam during construction.

SEC. 3. The constructing agency may enter into repayment contracts with the spaceholders in the existing American Falls Reservoir providing for the repayment by the spaceholders of proportionate shares of the total project costs incurred by the constructing agency for engineering, financing, designing, and constructing the replacement dam, and the Secretary shall be a party to said contracts and the delivery of water to the spaceholders shall be contingent upon the execution of such contracts and the fulfillment of the obligations thereunder: *Provided,* That said contracts shall be consistent with the terms of existing contracts between the Secretary and the spaceholders for repayment of the costs of the existing American Falls Dam: *And provided further,* That the Secretary is authorized to amend said existing contracts to extend the repayment periods as necessary to bring the combined repayment obligations within the spaceholders' repayment capacity.

SEC. 4. The constructing agency may contract with an appropriate non-Federal entity for the use of the falling water leaving the dam for power generation, which contract shall provide for a monetary return to the constructing agency to defray the costs of construction of the replacement dam. The constructing agency may enter into agreements with an appropriate non-Federal entity to coordinate the construction of hydroelectric power facilities with the construction of the replacement dam. The contract and agreements for use of the falling water shall not be subject to the limitations of section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1194), or any similar limitations in any other applicable Acts of Congress: *Provided,* That said contract for falling water shall be approved by the Secretary so long as it does not impair the efficiency of the project to serve the other purposes of the Minidoka project.

SEC. 5. Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications of the construction of the dam and of the proposed operation of the dam and reservoir. Preliminary design plans shall be submitted to the Secretary by the constructing agency. The Secretary shall approve said plans, or must promptly set forth specific objections to the preliminary design plans. If the parties cannot agree, said specific objections shall be submitted to binding arbitration by an engineering consulting board. The Secretary shall select one member of the board, the constructing agency shall select one member of the board, and the two members so selected shall select a third member. The consulting board's decisions on the specific engineering questions shall be binding on the Secretary and the constructing agency. The constructing agency shall then prepare final designs and specifications. Costs incurred heretofore and hereafter by the Secretary in reviewing such designs, specifications, plans, and construction shall be nonreimbursable and such amounts as are required are authorized to be appropriated for this purpose. The Secretary is authorized to accept fund advances from the beneficiaries if necessary to avoid delays occasioned by appropriations and to make compensation by payment or credits.

SEC. 6. The Secretary is authorized to provide specific facilities for public recreation and fish and wildlife conservation enhancement in connection with the replacement dam, and the costs of such facilities shall be repaid in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213). In addition, specific facilities for public recreation may also be provided in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460, et seq.).

SEC. 7. There is hereby authorized to be appropriated for construction of specific facilities for public recreation and fish and wildlife enhancement the sum of $400,000 (July 1972 prices) plus or minus such amounts, if any, as may be required by reason of the changes in the cost of construction work of the type involved therein as shown by engineering cost indices. There are also authorized to be appropriated such funds as may be necessary to meet the prorated construction cost apportionable to the irrigation storage rights of the Michaud Division of the Fort Hall Indian Reservation for space in the reservoir behind the American Falls Replacement Dam and such cost shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 368a). There are also authorized to be appropriated such funds as are required for the operation and maintenance of the dam and related facilities.

Mr. CHURCH. Mr. President, I support favorable consideration by the Senate of S. 1519, a bill to authorize the construction of a replacement for the existing American Falls Dam which is a feature of the Minidoka reclamation project in southeastern Idaho.

The American Falls Dam was constructed by the Bureau of Reclamation in 1927. A chemical reaction between the cement and the aggregate in the concrete which comprises the dam has led to gradual deterioration in the structure. The Bureau has concluded that the dam does not meet current safety standards, and severe restrictions have had to be imposed upon the amount of water which can be stored in the reservoir.

The reservoir behind the American Falls Dam represents nearly half the usable storage on the main stem of the Upper Snake River. Nearly 900,000 acres of land receive irrigation water from the reservoir, and it is also the backbone of a coordinated reservoir system which is operated to provide irrigation, flood control, recreation, fish and wildlife conservation, and hydroelectric power throughout the basin.

Storage in the reservoir is presently limited to less than 65 percent of its usable capacity. Greater restrictions will be necessary as the deterioration of the dam advances. Constraints on operation will pose serious threats to the agricultural economy of the area and to the recreation, fish and wildlife, flood control, and hydroelectric power functions served by the reservoir system.

Furthermore, the roadway on the crest of the existing dam is the only crossing within an 80-mile reach of the river. The outdated, 17-foot roadway must carry over 3,000 cars per day including heavily loaded farm produce trucks and agricultural equipment.

The Bureau of Reclamation has conducted a study to investigate the possibilities for replacement and rehabilitation of the American Falls Dam. The Bureau's special report dated December 1972 found that the replacement of the dam in the proximity of the present site would be preferable to rehabilitation.

The Secretary of the Interior, however, has made no recommendation to the Congress concerning the situation. Unfortunately, in recent years reclamation project proposals have seldom been endorsed by the administration. The construction authorized projects have been inadequately funded, the congressional additions to budget requests have been impounded. The water-users of the American Falls Reservoir, faced with the threats of crop failure, have sought other means of expeditiously replacing the dam.

The measure being considered, S. 1529, would authorize an alternative to reclamation financing which was proposed by the water-users in the interest of expediting completion of a replacement dam. In this alternative, an appropriate water-users organization would be authorized to construct the dam, using private financing, and transfer ownership to the Secretary for operation and maintenance as a project feature. The water-users agency would be authorized to contract with an electric utility for the use of falling water at the dam for hydroelectric power generation to help defer the costs of constructing the dam. The Idaho Power Co., which is a spaceholder in the reservoir and which owns existing dam, has expressed its interest in such a contract.

The replacement dam would not result in any increase in the capacity of the existing reservoir and it would not affect existing rights to water.

This proposal has the full support of the water-users who are dependent upon the existing reservoir, the State of Idaho, and other interested local people. It also has the support of the Department of the Interior and the Office of Management and Budget with technical amendments which were largely adopted by the committee.

The local people have displayed initiative and courage in undertaking the financial risks and burdens associated with this proposal. They deserve the cooperation and assistance of the Congress in making prompt replacement of the dam possible. I urge the Senate's favorable action on S. 1529 as recommended by the Interior Committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes."

Mr. McCLURE. Mr. President, today the Senate approved by voice vote S. 1529, a bill to authorize the replacement of American Falls Dam through private funding. This needed Idaho project will serve to provide a balance between serving those whose lives are tied closely to agriculture, and those who are concerned with recreation and other multiple uses of the land. The fact that this project will be constructed through a system of private funding indicates a concern for getting the job done by those who are most concerned with the project, and closest to the problem, without coming to the Federal Government and asking for the Federal solving of Idaho's problem.

What has been exhibited by this action of the Senate today is the culmination of cooperation and understanding among the spaceholders and others dependent upon American Falls Dam, State government, and the Federal Government.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized and have used their time, there be a period for the transaction of routine morning business for not to exceed 10 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on my own recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield the remainder of my time to the distinguished assistant majority leader.

SENATOR MANSFIELD BECOMES A GRANDFATHER

Mr. ROBERT C. BYRD. Mr. President, the wings of the morning have brought good tidings from afar. The senior and very distinguished Senator from Montana, our able and beloved majority leader, has realized perhaps the greatest blessing that can come to anyone, and that is the birth of a grandchild.

Caroline Hayes Theresa Marris, 7½ pounds, was born this morning at around 8 o'clock.

I myself am a grandfather, and I know that one reaches a new plateau in life and has his first taste of immortality when a grandchild is born. Perhaps above all else, grandchildren contribute to those of us who are older a feeling of always being young. As the years go by, there will be nothing in life more precious and more enjoyable to the majority leader than this little granddaughter who first breathes the breath of life on this day, Tuesday, June 19, 1973.

Cornelia Gracchus was the mother of the Gracchi. She had 12 sons and daughters. She lost all of her children except two sons. One day a wealthy neighbor stopped to talk with Cornelia and proudly exhibited her jewels. She then haughtily asked Cornelia whether she had any jewels. Cornelia—great Roman woman, as she was—turned to her two remaining sons and proudly said, "These are my jewels."

MIKE MANSFIELD has many treasures, many blessed memories, many things that come his way. But I dare say that today and in all the future days of his life he will look upon this little grandchild as his most precious jewel, and this day as his most memorable day. I am sure that my colleagues join me in offering congratulations to our distinguished majority leader and in wishing him many years of pleasure in his new grandchild's company.

Mr. AIKEN. Mr. President, I appreciate the words which the Senator from West Virginia has spoken. I think he has spoken for all of us.

I can understand how our majority leader is thrilled today; but I also believe that after he has been thrilled for the 11th time, as I have been, maybe he will get used to it.

We certainly appreciate the work MIKE MANSFIELD has done. I hope his granddaughter will follow in his footsteps and do the world as much good as he has done. We do appreciate MIKE and do commend him and congratulate him on having a new generation of Mansfields come to this world. But as I have already said, the Senator from West Virginia spoke for all of us.

Mr. MANSFIELD. Mr. President, may I say that I am grateful to the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), and the distinguished senior Senator from Vermont, the dean of the Republicans in this body, for their kind remarks.

I only want to say that when I talked to our daughter's mother this morning, I did not know what our grandchild's name was going to be. I still do not know how the distinguished Senator from West Virginia found out, but I am delighted that he has supplied me and the Senate with the information that her names are to be Caroline Hayes Theresa. It could not have been a better choice.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

Construction Projects Proposed To Be Undertaken for the Air Force Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on five construction projects proposed to be undertaken for the Air Force Reserve (with an accompanying paper). Referred to the Committee on Armed Services.

Report of National Commission on Productivity

A letter from the Chairman, National Commission on Productivity, transmitting, pursuant to law, a report of that Commission, dated March 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of U.S. Travel Service

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the U.S. Travel Service, for calendar year 1972 (with an accompanying report). Referred to the Committee on Commerce.

International Agreements Entered Into by the United States

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements entered into by the United States (with accompanying papers). Referred to the Committee on Foreign Relations.

Report on Inventory of Nonpurchased Foreign Currencies

A letter from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on Inventory of Nonpurchased Foreign Currencies, as of December 31, 1972 (with an accompanying report). Referred to the Committee on Foreign Relations.

Report of Special Action Office for Drug Abuse Prevention

A letter from the Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President, transmitting, pursuant to law, a report of that Office, dated 1973 (with an accompanying report). Referred to the Committees on Government Operations and Labor and Public Welfare.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that a communication to the President of the Senate from Jerome H. Jaffe, M.D., Director, Special Action Office for Drug Abuse Prevention, be jointly referred to the Committee on Government Operations and the Committee on Labor and Public Welfare.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUMMARY-DIGEST OF FEDERAL WATER LAWS AND PROGRAMS

A letter from the Chairman, National Water Commission, transmitting, for the information of the Senate, a Summary-Digest of Federal Water Laws and Programs (with an accompanying document). Referred to the Committee on Interior and Insular Affairs.

REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, his report for the fiscal year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF U.S. ENVIRONMENTAL PROTECTION AGENCY

A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of that Agency (with an accompanying report). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HUDDLESTON):

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 181

"A concurrent resolution to memorialize the Congress of the United States to take necessary steps to make Department of Agriculture regulations uniform

"Whereas, in Louisiana this year the Mississippi River and other rivers and bodies of water have overflowed causing extensive flooding of many areas in the state; and

"Whereas, such flooding has reached unprecedented high levels, has caused extensive damage to thousands of acres of rich Louisiana farmland and has made it impossible for many farmers in the state to plant their crops; and

"Whereas, it has come to the attention of the Legislature of Louisiana that there exists discrimination in the terms under which agricultural loans are made to Louisiana farmers when compared to such terms of loans in other areas of the nation, this discrimination being due to regulations of the Department of Agriculture; and

"Whereas, the flooding of the Mississippi River and its tributaries is not only a state problem but also a national problem, particularly in view of the fact that Louisiana due to its geographical location is at the lowest point in the drain of water from one and one-fourth million square miles of the United States and Canada, the Mississippi Drainage Basin containing forty-one percent of the area of the forty eight continental United States; and

"Whereas, the geographical location of Louisiana farmers is such that they suffer losses as a result of waters reaching this state from as far away as western New York and Central Montana; and

"Whereas, there is no reasonable classification for discrimination against Louisiana farmers and such discrimination by the Department of Agriculture is clearly unreasonable and even tends to be arbitrary and capricious; and

"Whereas, failure to extend loans to Louisiana farmers at terms comparable to those received by farmers in other areas of the nation whose lands are inundated would be extremely unfair since such flooding is an Act of God completely out of the control of man and for which Louisiana farmers should not be denied the benefits given to other farmers in the United States.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby memorialized to take whatever steps within its power to make Department of Agriculture regulations uniform so as to make the terms of loans to Louisiana farmers comparable to those extended to farmers in other areas of the United States.

"Be it further resolved that copies of this Resolution shall be transmitted to the presiding officers of the two houses of the Congress and to each member of the Louisiana Delegation in Congress."

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 177

"A concurrent resolution to memorialize the United States Congress to take whatever steps in its power to extend the deadline to apply for Federal crop insurance

"Whereas, in Louisiana this year the Mississippi River and other rivers and bodies of water have overflowed causing extensive flooding of many areas in the state; and

"Whereas, such flooding has reached unprecedented high levels, has caused extensive damage to thousands of acres of rich Louisiana farmland and has made it impossible for many farmers in the state to plant their crops; and

"Whereas, pursuant to the provisions of the Federal Crop Insurance Act, 7 USCA § 1501 through § 1520, under the administration of the Federal Crop Insurance Corporation within the United States Department of Agriculture, the deadline for applying for federal crop insurance has been fixed at June 20, 1973; and

"Whereas, in order to apply for federal crop insurance farmers are required to have first planted their crops prior to the deadline for making application to obtain such insurance; and

"Whereas, because of the present flooded conditions existing in the state flooded acres of farmland can not possibly be planted in time to meet the current deadline of June 20th; and

"Whereas, failure to extend the deadline for applying for federal crop insurance to those Louisiana farmers whose lands are inundated would be extremely unfair since such flooding is an act of God completely out of their control and for which they should not be denied the benefit of obtaining federal crop insurance.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby memorialized to take whatever steps within its power to extend the deadline by which to apply for federal crop insurance to at least forty-five days past the present deadline of June 20, 1973 for farmers in the state of Louisiana whose farmland cannot be planted by the current deadline because of flooded conditions existing within the state.

"Be it further resolved that copies of this Resolution shall be transmitted to the presiding officers of the two houses of the Congress and to each member of the Louisiana Delegation in Congress."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Finance:

"H.J.R. No. 26

"A joint resolution of the 40th Legislature of the State of Utah, requesting the Congress of the United States to pass legislation to return to the States a portion of the Federal user charges flowing into the aviation trust fund

"*Be it resolved by the Legislature of the State of Utah:*

"Whereas, the federal government has a vital interest in the development of a national air transportation system and to this end has concentrated its efforts in airport development in the major metropolitan areas of our nation, which airports serve the national and international traveler;

"Whereas, state government has a major responsibility for developing a state system of multi-sized airports which will complement and include the national system and bring air service to all citizens of our nation;

"Whereas, the federal government has levied user taxes of such magnitude on the aviation public as to preempt the field in taxation; and

"Whereas, the national policy has been established as being one to encourage the development of the small cities and towns of this nation and to avoid the problems associated with continued urban concentration.

"Now, therefore, be it resolved, by the Legislature of the State of Utah that Congress is requested to find the proper avenue and pass the necessary legislation to assure that the funds amassed by aviation user taxes on the federal level be returned in part to the state on an equitable and proportionate basis so as to allow the states themselves to provide and maintain their share of the total air transportation system.

"Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States and to each Senator and Representative from the State of Utah."

A resolution adopted by the State Librarians and other representatives of the Thirteen Original Colonies, held in Philadelphia, praying for the enactment of legislation to establish a program for preserving and making accessible documentary resources throughout the Nation. Referred to the Committee on Government Operations.

A resolution adopted by the Montana Young Republicans, in support of the President. Ordered to lie on the table.

A resolution adopted by the Republican State Convention of the Republican Party of Virginia, expressing appreciation for the dedicated service to the nation by Spiro T. Agnew. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 11. A bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma (Rept. No. 93–227). Referred to the Committee on Public Works with instruction to report within 10 days.

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I report favorably without amendment, S. 11, the Arkansas River Basin compact, Arkansas-Oklahoma.

I ask unanimous consent that the bill now be referred to the Committee on Public Works for a period of not to exceed 10 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. CLARK, from the Committee on Public Works, without amendment:

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes (Rept. No. 93-228).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 1636. A bill to amend the International Economic Policy Act of 1972 (Rept. No. 93-229).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CASE:

S. 2017. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHILES:

S. 2018. A bill to increase the amount of compensation an individual receiving disability insurance benefits under title II of the Social Security Act may earn. Referred to the Committee on Finance.

By Mr. HART:

S. 2019. A bill for the relief of Mr. Julio Hernandez Guerrero, Lydia Rodriguez de Hernandez, and children, Daniel, Martha, Ricardo, David, Anna, Martin, Marcela, Sara, and Olga. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2020. A bill to provide that the Administrator of the Social and Economic Statistics Administration, Department of Commerce, be subject to Senate confirmation, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HATHAWAY:

S. 2021. A bill to recognize the role of certain State and local agencies in assuming the responsibility for carrying out low- and moderate-income housing programs, to affirm the continuing responsibility of the Federal Government in carrying out such programs, to facilitate the interim operation of such programs by those State and local agencies, to provide for the resumption of the operation of such programs by the Federal Government in an expeditious manner, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TUNNEY:

S. 2022. A bill to provide increased employment opportunity by executive agencies of the United States Government for persons unable to work standard working hours, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. STAFFORD:

S. 2023. A bill to amend section 1819 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to make loans under certain circumstances to veterans for the acquisition of lots on which to place mobile homes owned by such veterans. Referred to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself and Mr. JACKSON):

S. 2024. A bill to provide emergency public service employment for unemployed Indian Americans living on reservations, to assist in providing needed public services to preserve Indian customs and identity and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S.J. Res. 126. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2018. A bill to increase the amount of compensation an individual receiving disability insurance benefits under title II of the Social Security Act may earn. Referred to the Committee on Finance.

Mr. CHILES. Mr. President, I wish to call the attention of this body to the plight of the handicapped American, the disabled who are receiving compensation under our social security system, and who have been singled out for a rather unusual and discriminatory application of our social security regulations. I am referring to the way the law is administered so that an individual's disability status is jeopardized if he earns between $90 and $140 per month and is removed if his earnings exceed the latter figure. The basis of this regulation is the way the Secretary of Health, Education, and Welfare has interpreted and applied the law which says that the disabled by definition are unable to perform "substantial gainful work."

The purpose of the bill I am introducing today is first to remove the amount between $90 and $140 from consideration as far as interpreting the word "substantial" is concerned and to allow the disabled the possibility of up to $140 per month in earnings so long as the nature of the work performed is not inconsistent with his disability. Second, to provide flexibility in defining what we mean by "substantial" work. Certainly, what was substantial back in 1932 is hardly that today, and what was in 1969 may not be in 1972 or 1975. Therefore, I would propose to tie the maximum earnings allowable to the same exemption we allow retired persons under the social security law. Today it would to $2,100 per year, but it would be more, depending upon what happens in the Congress this year to pending welfare reform legislation.

Aside from the foregoing, this bill, which I introduced last year as an amendment to H.R. 1, would remove an aspect of the law which discriminates between the retired and disabled person. For example, if a 61-year-old disabled person earns more than $90 per month, his earnings prompt a reconsideration of his status and might well under the circumstances be considered "substantial." One year later he may "retire" under reduced pension and earn up to $140 per month with no questions asked, or possibly more if the exemption is raised this year.

In other words, we have established a more flexible monetary standard for determining full retirement than we have for determining full disability. We are encouraging retired persons to supplement their social security incomes without jeopardizing their retired status while we penalize the disabled who are by definition younger and, therefore, more encumbered with financial responsibilities and obligations and thus in greater need. Of course, the disabled veteran has no such restrictions of any kind.

I think it is fundamental to the human spirit to make use of oneself, to find useful, remunerative things to do, no matter what the handicap, no matter what the limitation. Was Helen Keller disabled? Did she in her lifetime rise above her disability to find "substantial gainful work?" Do not some of the 1.6 million disabled persons receiving an average monthly income of $145 today aspire to some useful activity, if we did not interpret the law in such a narrow sense that they are effectively denied the chance? I am not insisting that the disabled beneficiaries be allowed to earn exorbitant extra incomes which would render the concept of disability compensation meaningless. What I propose is a system that permits some meaningful, useful, remunerative activity if the spirit and flesh are somehow willing, even if medical determinations have indicated that they should not be.

I am simply proposing that we allow the handicapped the same exemption we allow our retired citizens insofar as extra earnings are concerned. This would not swell the disability rolls: It would not entail any substantial, if any, increase in allocations. It would provide balance and equity in the treatment we provide our disabled citizens on the one hand and our older citizens on the other: It would lend a quality of dignity to our concept of the disabled person: and it would for those who can muster the effort, provide a means to supplement to a very modest degree the meager income that is already well below the minimum standard for poverty in this country. An average of $1,752 per annum which the disabled receive is hardly exorbitant: add to this now the exemption we provide them automatically when they "retire" and we come up with the "outrageous" sum of $3,432 per annum at the maximum, assuming, of course, they have the steady physical capacity to earn the extra $2,100.

Allow me to end my remarks by reading to you from a letter sent to me by the handicapped adults of Tampa, Florida's third largest city:

> There are many young adults and middle-aged people physically handicapped from birth, childhood, or later in life who receive welfare or social security. Many of these people are capable of a certain amount of work. However, our earning capacity is limited because of our handicaps, thus preventing us from making enough money to live on. We feel that we should be allowed to work and continue to draw social security. This would be in line with a privilege accorded the elderly, who are allowed to earn up to $1,600 a year. We feel that handicapped young people, who desire a more active life and can make a contribution to our society are entitled to the same privilege.

Mr. President, this is all my bill is designed to accomplish—to accord them that same privilege.

I ask unanimous consent to have this proposal printed in the RECORD at this point in my remarks.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223 (d)(4) of the Social Security Act is amended by inserting immediately after the first sentence thereof the following new sentence: "Under such criteria, an individual who is engaged in any gainful activity shall not, solely by reason of his earnings from such activity, be regarded as being able to engage in any substantial gainful activity, unless such individual is compensated for such activity at a monthly rate (or any equivalent rate if such individual is compensated on a daily, weekly, or other basis) which is not in excess of the dollar amount specified in section 203(f)(1)(E) or, if greater, the 'exempt amount', as that term is used in section 203(f))."

(b) The Secretary of Health, Education, and Welfare shall revise the regulations authorized to be promulgated by him under section 223(d)(4) of the Social Security Act so as to conform such regulations to the requirements imposed by the amendment made by paragraph (1), and such regulations, as so revised, shall become applicable not later than the first day of the first month which begins more than thirty days after the date of enactment of this Act.

By Mr. PROXMIRE:

S. 2020. A bill to provide that the Administrator of the Social and Economic Statistics Administration, Department of Commerce, be subject to Senate confirmation, and for other purposes. Referred to the Committee on Post Office and Civil Service.

BILL TO REQUIRE CONFIRMATION OF THE ADMINISTRATOR, SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Mr. PROXMIRE. Mr. President, I am today introducing a bill to require that the Administrator of the Social and Economic Statistics Administration (SESA) in the Department of Commerce be confirmed by the Senate.

IN CHARGE OF SENSITIVE FIGURES

First of all, this is a very important post. At least 16 of the major monthly economic indicators are prepared by the Department of Commerce and this agency. These include the Nation's Income, Expenditure and Saving Accounts; the Gross National Product; Sources of Personal Income; National Income; Disposition of Personal Income; Corporate Profits; Gross Private Domestic Investment; New Plant and Equipment Expenditures; New Construction; New Housing Starts; Business Sales and Inventories; Manufacturer's Shipments, Inventories and New Orders; Merchandise Exports and Imports; the U.S. Balances on Goods, Services, and Transfers; the U.S. Overall Balances on International Transactions; and the Federal Sector of the National Income Accounts.

These are among the most important and sensitive statistics the Government produces. They are equaled in importance only by the unemployment figures and the Consumer and Wholesale Price Indexes.

SUBORDINATE AT CENSUS BUREAU REQUIRES CONFIRMATION

In addition, the Administrator of SESA has under him the Census Bureau whose Director must be confirmed by the Senate. This anomaly should be corrected.

UNQUALIFIED NOMINEES

Both Mr. Edward Failor who is now serving as head of SESA and Mr. Vincent Barabba, who has been nominated to head the Census Bureau, are unqualified to head these agencies.

Mr. Failor has no professional statistical background whatsoever. He comes to the position directly from CREEP—Committee To Reelect the President. Prior to that he was Chief of the Office of Assessment and Compliance of the Bureau of Mines where his stewardship received a stinging rebuke in a General Accounting Office report. His other qualifications include a position as legislative lobbyist for the Association of Coin Operated Laundries in Iowa.

Mr. Barabba also comes from a political background having been involved in polling for the President in the recent campaign. Until very recently he has not even been a member of any of the professional groups involved in the statistical world.

BLS HEAD CONFIRMED

The only statistical position in the Government of comparable or superior importance to the head of SESA is that of the Commissioner of the Bureau of Labor Statistics. He puts out the monthly figures on unemployment and the wholesale and consumer price indexes.

That position is for a 4-year term and is confirmed by the Senate. SESA's head should also be confirmed.

RELIABILITY AND CREDIBILITY OF GOVERNMENT STATISTICS

But far more important is the question of the reliability and credibility of the Government's statistics. A series of recent events has threatened public confidence in the Government's figures.

Mr. President, there is now a credibility gap with respect to the management of Government statistics. Here is why.

The Bureau of Labor Statistics, on orders of the White House, stopped its monthly press conferences by its professional staff. It did this immediately following an interpretation of the unemployment figures by its professional staff which contradicted the optimistic and political interpretation of the Secretary of Labor.

Instead of a press conference by professionals, regular political comment by the Council of Economic Advisers, the head of HUD, the Secretary of the Treasury, and others was substituted.

They gagged the professionals and substituted highly partisan political comment and interpretation of the monthly figures.

Next, a number of the professionals at the BLS were reorganized out of their jobs.

Then the head of BLS, Geoffrey Moore, was fired. Dr. Moore was a highly competent professional who was both loyal to the administration and loyal to his professional ethics. Yet, he was fired.

Meanwhile, statistical series which were unpalatable to the administration were discontinued. At no time did they "cook" the figures but they did put gross political interpretations on them and they did stop issuing figures which were embarrassing.

Now the President has appointed two unqualified political hacks to head SESA and to head the Census Bureau.

OPENING THE DOOR TO ABUSE

If we allow these nonprofessional and unqualified men to head two of our key statistical agencies, we are opening the door to potentially great abuse. That is why I am introducing this bill to require that Mr. Failor be confirmed by the Senate if he is to continue to head SESA and that is why I am opposing the nomination of Mr. Vincent Barabba to head the Census Bureau at a confirmation hearing tomorrow.

Consider the following possibilities for abuse of our statistics if men like Messrs. Failor and Barabba head our most important statistical units.

SCENARIO FOR ABUSE

Here is the scenario for abuse.

Without resort to burglary, bugging, breaking and entering, or other criminal acts, the statistics on unemployment, prices and other matters vitally affecting the economy and political and public opinion, could be "cooked" or "doctored" on the eve of a close election.

Incredible? Fantastic? Equity Funding fabricated hundreds of millions of dollars of phoney insurance policies through computer manipulation. Men at the highest levels of government are now deeply involved in criminal acts committed for the purpose of winning an election.

But jiggering the figures could be done without resorting to crime. While it is a crime for citizens to give false information to the Government, it is not yet a crime for the Government to give false information to its citizens. An election could be influenced or rigged without resorting to criminal acts merely by manipulating the crucial figures. The temptations are even greater than resorting to crimes.

Men of high professional qualifications are far more likely to resist "cooking" the key figures than those with no professional background. The former have their professional pride and the esteem of their peers to offset the pressures from political superiors.

But what happens if the political appointees are put in the professional jobs? What if their basic experience is that of regional director of a Presidential campaign, an an official of CREEP writing partisan speeches, or as a political lobbyist for narrow economic interest, as is the case with Edward D. Failor who now heads SESA without confirmation by the Senate.

Will men of this kind have the fortitude to stand up to the preelection pressures to politicize the figures when their careers have been built by trying to win elections? Will they hold fast or will they go along with the pressures as "team players?"

This is why the head of SESA should not be a political appointee and why I am introducing this bill so that after its passage he cannot serve without the advice and consent of the Senate. This is why the nomination of Vincent Barabba as Director of the Bureau of the Census should be rejected.

I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective on the day after the date of enactment of this Act, the Administrator of the Social and Economic Statistics Administration, Department of Commerce, shall be appointed by the President, by and with the advice and consent of the Senate, and no individual shall hold such position from that date unless he has been so appointed.

SEC. 2. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the folllowing:

"(98) Administrator of the Social and Economic Statistics Administration, Department of Commerce."

By Mr. HATHAWAY:

S. 2021. A bill to recognize the role of certain State and local agencies in assuming the responsibility for carrying out low and moderate income housing programs, to affirm the continuing responsibility of the Federal Government in carrying out such programs, to facilitate the interim operation of such programs by those State and local agencies, to provide for the resumption of the operation of such programs by the Federal Government in an expeditious manner, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATHAWAY. Mr. President, I am introducing today a bill to direct the Federal Government to assume the responsibility for funding low and moderate income housing programs which State and local agencies have taken over during the period of the moratorium on federally-subsidized housing programs, at such time as the moratorium is lifted.

I have on a number of occasions expressed my opposition to the moratorium which the President has placed on housing programs to aid low and moderate income families. First, the moratorium is an obvious violation of the 1968 Housing Act. In fact, its effect is an obvious violation of the 1968 Housing Act. In fact, its effect is to selectively repeal provisions of that act for a period of time, probably 18 months. This is an illegal usurpation of legislative powers by the Executive. Second, the moratorium has caused and will continue to cause a great deal of hardship to those groups in our society and those areas of the country which are most in need of government assistance to provide decent housing.

My own State of Maine, for example, is greatly affected by the moratorium. Estimates are that over 50 percent of Maine's family housing demands can only be filled by subsidized housing. An inadequate supply of standard housing, coupled with a per capita income figure substantially below the national average, make Maine dependent on federally subsidized housing programs to meet the needs of its population. And up to the time of the moratorium, there had been increasingly successful use of the various Federal programs—section 235, section 236, section 23, and Farmers Home Administration programs—to provide housing for lower income families.

Now that source of assistance has been cut off. Evidence compiled by State officials suggests that the consequences of the moratorium, particularly if it is continued for the full 18 months suggested by the administration, could be disastrous. Owing to the short building season imposed by Maine's severe climate, an 18-month moratorium means in effect the loss of 2 years worth of new construction. Furthermore, this could well result in bankruptcy for some of the smaller construction firms which have been established in recent years—firms which not only provide needed housing but also furnish good employment opportunities in a area where unemployment runs far above the national average. I am sure that other States face problems similar to those which Maine is encountering in face of the moratorium on federally subsidized housing programs.

The Maine State Legislature is currently considering legislation to authorize the Maine State Housing Authority to subsidize certain housing programs previously funded by the Federal Government. In undertaking these obligations, the State Housing Authority will require that programs funded meet the same standards as those set under the Federal programs as well as achieve the same purposes. I am certain that other State governments are also considering measures to enable them to step into the breach and assume responsibilities heretofore shouldered by the Federal Government, in order to continue benefits to their needy citizens.

I applaud such efforts by State governments, and I feel they should be recognized at the Federal level. Furthermore, I believe that the Federal Government should recognize that it has a continuing obligation, under the 1968 Housing Act, to support programs of this nature, and to fund them when the moratorium is lifted.

The bill I am introducing today is designed to recognize efforts by State and local government agencies to undertake the operation of low and moderate income housing programs during the moratorium, to affirm the continuing responsibility of the Federal Government in this area, and to direct the Federal Government to take over funding of subsidized housing programs which the States have initiated when the moratorium is ended.

Specifically, the bill provides that at such time as the Secretary of Housing and Urban Development enters into new contracts under the various low and moderate income housing programs, he shall enter into contracts to provide assistance payments or contributions with respect to dwelling units or projects which, prior to such time—first, were operated with subsidies or other similar assistance from State agencies or units of local government; and second, were operated in substantially the same manner and for substantially the same purposes as Federal activities in this area. In addition, it makes similar provision for the takeover of funding for subsidized housing programs administered by the Secretary of Agriculture.

These provisions shall apply to programs similar to those coming under section 235 or 236 of the National Housing Act, section 312 of the Housing Act of 1964, section 23 of the U.S. Housing Act of 1937, section 521 of the Housing Act of 1949, or under any provisions of law which may be enacted under new legislation to provide housing for substantially the same purposes.

In another section of the bill, the Secretary of HUD and the Secretary of Agriculture are directed to establish plans and procedures to assure the prompt, efficient, and orderly resumption of Federal funding of low and moderate income housing programs. In addition, they are authorized to furnish technical assistance and training to State and local agencies to assist them in carrying out the programs they undertake during the period of the moratorium.

Mr. President, I feel strongly that the Federal Government must recognize its continuing obligation to provide housing for our low-income citizens and to achieve the National housing goal. State and local governments which step into the breach during the period of the moratorium should be recognized for their efforts and relieved of the financial obligations which they have assumed, which are rightly those of the Federal Government, when the Federal Government is in a position to resume these obligations. The bill I am introducing today will accomplish this purpose.

I ask unanimous consent that the complete text of the bill be printed in the RECORD at this point:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

FINDINGS

SECTION 1. The Congress finds and declares that—

(1) the achievement of the national housing goal, as set forth in section 2 of the Housing Act of 1949, of "a decent home and a suitable living environment for every American family" is the responsibility of the Federal Government;

(2) recent budgetary and economic actions and conditions have temporarily reduced the extent of the Federal Government's efforts toward achieving such goal;

(3) agencies and officials of several States have undertaken, during the period of reduced Federal efforts, to perform the Federal role by operating programs to provide housing for families of low and moderate income;

(4) this extraordinary effort by such State agencies and officials should be encouraged and assisted by the Federal Government;

(5) the Secretary of Housing and Urban Development and the Secretary of Agriculture will assume financial responsibility for the interim programs, but in the meantime, such Secretaries should be authorized (A) to assist State agencies and officials in administering such programs during the period of reduced Federal efforts, and (B) to establish plans and procedures for the prompt, efficient and orderly resumption of the Federal Government's efforts toward achieving the national housing goal.

RESUMPTION OF FEDERAL ROLE

SEC. 2. (a) At such time as the Secretary of Housing and Urban Development enters into new contracts under the provisions of section 235 or 236 of the National Housing Act, section 312 of the Housing Act of 1964, or section 23 of the United States Housing Act of 1937, he shall enter into contracts to provide assistance payments or contributions with respect to dwelling units or projects which, prior to such time—

(1) were operated with subsidies or other similar assistance from State agencies or units of local government; and

(2) were operated in substantially the same manner and for substantially the same purposes as dwelling units or projects subject to such provisions.

The amount of any assistance payment or contribution under this subsection shall be an amount which would be payable if the dwelling unit or project were subject to any such provision, as determined by the Secretary. Any sums available for assistance payments or contributions under any such provision shall be available for the purposes of this subsection. Payments or contributions under this subsection shall be made to the appropriate State agency or unit of local government.

(b) At such time as the Secretary of Agriculture enters into new loan agreements upon which the interest is determined in accordance with the provisions of section 521 of the Housing Act of 1949, he shall enter into contracts to make assistance payments with respect to dwelling units or projects which, prior to such time—

(1) were operated with subsidies or other similar assistance from State agencies or units of local government; and

(2) were operated in substantially the same manner and for substantially the same purposes as dwelling units or projects with respect to which the interest rate is determined under such provisions.

The amount of any assistance payment under this subsection shall be determined as the difference between (A) the market rate of interest on the loan with respect to which the payment is made, and (B) the rate of interest such loan would bear if such loan were subject to section 521 of the Housing Act of 1949. Assistance payments under this subsection shall be made from the Rural Housing Insurance Fund, and such fund shall be reimbursed by annual appropriations in an amount equal to such payments. Payments under this subsection shall be made to the appropriate State agency or unit of local government.

TECHNICAL ASSISTANCE AND PROCEDURES

SEC. 3. (a) The Secretary of Housing and Urban Development and the Secretary of Agriculture are authorized to furnish technical assistance and training to State and local agencies and officials to assist them in carrying out programs to provide low and moderate income housing which serve substantially the same purposes as programs carried out under sections 235 and 236 of the National Housing Act, section 23 of the United States Housing Act of 1937, and section 521 of the Housing Act of 1949.

(b) The Secretary of Housing and Urban Development and the Secretary of Agriculture are directed to establish plans and procedures to assure the prompt, efficient and orderly resumption of the Federal Government's efforts toward achieving the national housing goal, as described in section 2 (a) and (b).

SEC. 5. The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each report to the Congress from time to time, but at least once each year during the period of the reduced Federal housing effort, on their respective activities under this Act.

By Mr. TUNNEY:

S. 2022. A bill to provide increased employment opportunity by Executive Agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes. Referred to the Committee on Post Office and Civil Service.

FLEXIBLE HOURS EMPLOYMENT ACT

Mr. TUNNEY. Mr. President, I am introducing legislation today which would make possible more fulfilling working and family lives for thousands of Americans and help end the discrimination, particularly against women with children, imposed by the basic pattern of working hours in our society.

This bill would institutionalize the practice of providing flexible hours employment opportunities in the Federal Civil Service. As these flexible hours personnel practices are developed, the Federal Government hopefully would serve as a model to be emulated by private and other public employers.

The prime beneficiaries would be working parents, particularly working mothers, and other men and women approaching retirement age who want to end full-time work gradually, rather than with abrupt retirement, and who still have much to contribute.

Also benefiting would be those pursuing educations, from the high school throuh the graduate and professional school levels.

Over the long run, as flexible work scheduling becomes institutionalized in our society, I believe it would enhance the quality of the working and family lives for countless citizens.

The legislation provides that, wherever feasible and after a 5-year phase-in period, 10 percent of all positions at all levels of Federal civil service shall be made available on a "flexible hours" basis for people who either cannot work or do not desire to work full time. A "flexible hours" job is one which provides a permanent, responsible position with standard civil service protections and prorated fringe benefits, but which allows people to work hours consistent with their parental responsibilities, physical limitations, or educational requirements.

The flexible hours concept has been successfully used by Federal agencies in the past. Unfortunately, these efforts were small in scale and administered strictly for the convenience of the agencies involved. Some local governments have provided flexible hours scheduling with great success in such diverse areas as education and welfare administration. Many employers in the private sector have discovered that structuring working hours to meet certain special needs of their employees has resulted in benefits to both themselves and their staffs.

Mr. President, flexible hours employment alone will not produce fulfilling work for all citizens. It is clearly, however, a constructive first step toward improving the quality of our working and family lives. A copy of the "Flexible Hours Employment Act" and a section-by-section analysis follow immediately. I hope, Mr. President, that this legislation can receive reasonably early and favorable committee consideration. I believe it represents a great opportunity for the Congress to make an important contribution toward working meaningful lives for many thousands of Americans.

Mr. President, I ask unanimous consent that the section-by-section analysis and the bill be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Flexible Hours Employment Act".

SECTION 1. As used in this Act, the term—

(1) "Executive Agency" means an Executive department, a Government corporation, and an independent establishment, including the United States Postal Service;

(2) "flexible hours employment" means part-time employment, as for example, 4 hours per work day or, 1, 2, 3 or 4 days per work week, and includes such other arrangements as the Secretary establishes consistent with the policy set forth in section 2(a) and

(3) "Secretary" means the Secretary of Labor.

SEC. 2. (a) It is the policy of the United States Government that, unless adjudged impossible by the Secretary, at least two per centum of the positions at each and all levels in all Executive Agencies shall be available on a flexible hours employment basis for persons who cannot work or do not desire to work full-time within one year after the date of enactment of this Act. Not later than two years after the date of enactment of this Act, four per centum of such positions shall be available for such persons. Not later than three years after the enactment of this Act, six per centum of such positions shall be available for such persons. Not later than four years after the enactment of this Act, eight per centum of such positions shall be available for such persons. Not later than five years after the date of enactment of this Act, ten per centum of such positions shall be available for such persons.

(b) Each Executive Agency shall adopt and maintain procedures, continuously conduct activities and projects, and undertake such other efforts as may be appropriate to carry out the policy of subsection (a) of this section. The Secretary shall promptly formulate and implement and thereafter supervise a program to assist Executive Agencies in carrying out such policy.

(c) Each Executive Agency shall report quarterly to the Secretary on the procedures, activities, projects and other efforts undertaken to carry out the policy of subsection (a) of this section. The quarterly reports shall contain documentation concerning the extent to which the employment requirements of subsection (a) have been fulfilled and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

(d) The Secretary shall report annually to the Congress on the procedures, activities, projects and other efforts undertaken to carry out the policy of subsection (a). The annual reports shall contain documentation concerning the extent to which the employment requirements of subsection (a) have been fulfilled and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

SEC. 3. (a) The Secretary shall carry out all his or her functions relating to the welfare of wage and salary earners through the Employment Standards Administration of the Department of Labor, or any Administration of the Department of Labor that may, after the effective date of this Act, be charged with responsibilities similar to those of the Employment Standards Administration, including—

(1) the conduct of research and experimentation projects and any other activities designed to promote, in public and private

employment, the advancement of opportunities for persons who are unable or who do not desire to work standard working hours;

(2) the promotion and supervision of programs for flexible hours employment in the Executive Agencies; and

(3) the encouragement of adoption of flexible hours employment practices by all public and private employers.

(b) The Secretary shall carry out all of the functions of this Act through the Employment Standards Administration of the Department of Labor, or any Administration of the Department of Labor that may, after the effective date of this Act, be charged with responsibilities similar to those of the Employment Standards Administration.

Sec. 4. No person who is otherwise qualified for full time Federal employment shall be required to accept flexible hour employment as a condition of new or continued employment.

Sec. 5. All persons employed in flexible hours employment positions pursuant to the policy established by section 2(a) of this Act shall receive, on a pro rata basis, all benefits normally available to full-time employees of all Executive Agencies in similar position or grade.

Sec. 6. No Executive Agency subject to the provisions of this Act shall, for the purpose of determining that agencies personnel ceiling requirement, count any employee employed on a flexible hours employment basis other than on a pro rata basis according to the percentage of hours such employee works in each 40 hour work week.

Sec. 7. No person employed as an expert or consultant pursuant to section 3109 of title 5, United States Code, and no person who is employed for more than 20 hours in any 40 hour work week by any employer other than an Executive Agency may be counted for the purpose of determining compliance with the policy established in section 2(a) of this Act.

Sec. 8. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Section-by-Section Analysis

Section 1 defines the terms "Executive Agency", "Flexible Hours Employment" and "Secretary". "Flexible Hours Employment" means part-time employment as, for example, four hours per work day or one, two, three, or four days per week and other similar arrangements that the Secretary of Labor finds to be consistent with the basic policy set forth in Section 2.

Section 2, Subsection (a) sets forth the basic policy established by this legislation. It requires that, unless adjudged impossible by the Secretary of Labor, 2 percent of the positions at each and all levels in all Executive Agencies must be made available on a flexible hours employment basis within one year of the date of enactment. Two years after enactment, 4 percent must be so available. Three years after enactment, 6 percent must be so available. Four years after enactment, 8 percent must be so available. Five and all subsequent years after enactment, 10 percent must be so available. These positions shall be made available for persons who cannot or do not desire to work full time.

Subsections (b), (c) and (d) establish reporting procedures through which the Secretary of Labor administers the review and oversight of the implementation of Subsection (a) policy and through which the Congress is kept informed as to the extent of, barriers to and development of measures to increase fulfillment of Subsection (a) policy.

Section 3 requires the Secretary of Labor to promote expansion of flexible hours employment practices by all public and private employers.

Section 4 provides that no person can be forced, against his or her will, to accept flexible hours employment as a condition of new or continued employment. This is to protect present full-time employees in the Civil Service against the possibility that they might be forced into changing their own currently satisfactory working arrangements in order that their employing agencies might meet the policy goals stated earlier.

Section 5 provides that persons employed in flexible hours employment positions shall receive, on a pro rata basis, all benefits normally available to full-time employees working in similar Federal positions or grades.

Section 6 requires that, when counting employees for purposes of determining compliance with agencies' personnel ceiling limits, persons in flexible hours employment positions shall not be counted on other than a pro rata basis according to the percentage of hours each person works in each forty-hour workweek.

Section 7 says that persons employed as outside experts or consultants or persons who work more than twenty hours per week outside the Federal government may not be counted for the purpose of determining compliance with the policy and goals established by this legislation.

Section 8 authorizes to be appropriated such sums as are necessary to carry out the purposes of this legislation.

By Mr. STAFFORD:

S. 2023. A bill to amend section 1819 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to make loans under certain circumstances to veterans for the acquisition of lots on which to place mobile homes owned by such veterans. Referred to the Committee on Veterans' Affairs.

Mr. STAFFORD. Mr. President, the bill I am introducing today would permit a veteran to use his GI home loan provisions to purchase a mobile home lot with a GI loan even if he had prevously purchased a mobile home.

Under present provisions of section 1819 which relate to the purchase of mobile home lots, the veteran is limited to purchasing a lot in combination with the purchase of the mobile home; thus, both must be bought together.

This particular provision discriminates against a veteran who either owned a mobile home upon entering the service, or purchased one during his time of serving the United States.

Under the provisions of the law, a veteran would not be able upon discharge to buy just a lot on which he could place his home, but he would be forced into the situation of purchasing a new mobile home at the same time he bought this lot.

Because of this discrimination, I am introducing a bill which would allow the purchase of a mobile home lot by a veteran who already owns a mobile home.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1819 of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting "or the mobile home lot guaranty benefit, or both," immediately after "loan guaranty benefit" each time it appears in such subsection; and by striking out "mobile home" immediately before "loan guaranteed" in the second sentence of such subsection.

(2) Subsection (b) is amended—

(A) by inserting "(1)" immediately after "(b)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(C) by adding at the end thereof a new paragraph as follows:

"(2) Subject to the limitations in subsection (d) of this section, a loan may be made to purchase a lot on which to place a mobile home if the veteran already has such a home. Such a loan may include an amount sufficient to pay expenses reasonably necessary for the appropriate preparation of such a lot, including but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad."

(3) Paragraph (1) of subsection (c) is amended by striking out the word "and" at the end of clause (1) and inserting in lieu thereof the following: "or the loan is for the purpose of purchasing a lot on which to place a mobile home previously purchased by the veteran, whether or not such mobile home was purchased with a loan guaranteed or made under this section or purchased with a loan guaranteed, insured, or made by another Federal agency, and".

(4) The last sentence of paragraph (1) of subsection (d) is amended to read as follows: "In the case of any lot on which to place a mobile home, whether or not the mobile home was financed with assistance under this section, and in the case of necessary site preparation, the loan amount for such purposes may not exceed the reasonable value of such lot or an amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator."

(5) Paragraph (2) of subsection (d) is amended by striking out the period at the end of clause (C) and inserting in lieu thereof a comma and the word "or"; and by adding at the end of such paragraph the following:

"(D) $5,000 for six years and thirty-two days in the case of a loan covering the purchase of an undeveloped lot on which to place a mobile home owned by the veteran and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation; or

"(E) $7,500 for eight years and thirty-two days in the case of a loan covering the purchase of a suitably developed lot on which to place a mobile home owned by the veteran."

(6) Paragraph (3) of subsection (e) is amended to read as follows:

"(3) the loan is secured by a first lien on the mobile home purchased with the proceeds of the loan and on any lot acquired or improved with the proceeds of the loan;".

(7) Subsection (f) is amended by inserting "and mobile home lot loans" immediately after "loans".

(8) The first sentence of subsection (i) of such section is amended by striking out the period at the end of such sentence and inserting in lieu thereof a semicolon and the following: "and no loan for the purchase of a lot on which to place a mobile home owned by a veteran shall be guaranteed under this section unless the lot meets such standards."

(9) Subsection (n) is amended by inserting "and mobile home lot loans" immediately after "mobile home loans".

By Mr. McGOVERN (for himself and Mr. Jackson):

S. 2024. A bill to provide emergency public service employment for unemployed Indian Americans living on reservations, to assist in providing needed public services to preserve Indian customs and identity and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SENATE CONCURRENT RESOLUTION 33—SUBMISSION OF A RESOLUTION RELATIVE TO IMPROVING THE LIVING CONDITIONS OF AMERICAN INDIANS

(Referred to the Committee on Interior and Insular Affairs.)

THE INDIAN ECONOMIC DEVELOPMENT AND EMPLOYMENT ACT OF 1973

Mr. McGOVERN. Mr. President, the time has long since passed for the Congress and indeed for the country as a whole to come to grips with the current living conditions on the Indian reservations of this country.

It is impossible to turn back the clock, no matter how justified that action would be. It is not realistic to attempt to return to the terms of the Sioux Treaty of 1868, nor do I believe that a majority of the Indian people would desire that. It is important, however, for us to initiate a policy that will provide greater opportunities for our Indian citizens.

It is inexcusable that a visitor from the Brookings Institution to the reservations in the year 1971 would have to describe his observations as follows:

> An Indian reservation can be characterized as an open-air slum. It has a feeling of emptiness and isolation. There are miles and miles of dirt or gravel roads without any signs of human life. The scattered Indian communities are made up of scores of tar-paper shacks or log cabins with one tiny window and a stovepipe sticking out of a roof that is weighted down with pieces of metal and automobile tires. These dwellings, each of them home for six or seven persons, often have no electricity or running water—sometimes not even an outhouse. The front yards are frequently littered with abandoned, broken-down automobiles that are too expensive to repair and too much trouble to junk. The number of unemployed is striking. Evreywhere there seems to be dozens of Indians standing around doing nothing.

We must guarantee that a visitor to the reservations in the year 1981 would not be able to relate that observation.

On April 9 of this year, Mr. Lloyd Eagle Bull, the secretary of the Oglala Sioux Tribal Council in South Dakota, concluded his statement before the House Subcommittee on Indian Affairs by saying:

> And now we have gotten to the real issue. The issue isn't Wounded Knee. It isn't the treaty of 1868. The issue is jobs. . . . I want to tell you that there is nothing more important that you can do for my people than to get a job program for us. We have an unemployment problem which goes back for generations. No wonder that so many people, even young people, lose hope. Get us jobs, and there won't be an Indian problem anymore.

I fully believe that Mr. Eagle Bull is right. The root cause of the problems of Indian health, social stability, and educational incentive seems clearly to be economic deprivation. The high rate of self-destruction among Indians in the 20–34 age group, that group which in our society is one of the most productive, has been attributed by Dr. Emery A. Johnson, the director of the Indian Health Service, to the total frustration, the sense of hopelessness, which stems from the lack of opportunities on the reservation.

Indian people should not have to leave the reservation—their friends, relatives, customs, and past, to participate along with the rest of the country in the most affluent society in the history of man. We in the Congress formed the reservation boundaries, and now it is our duty and responsibility to try as best we can to bring to the reservation the opportunities we have brought to the other parts of the country. We must make an affirmative and substantial commitment to Indian development; our goal must be to give the Indian people the opportunity for economic parity with other Americans.

Perhaps we have already forgotten the effects of the Great Depression on our country: the humility of being unemployed, the feelings of inadequacy when one could not provide food for his family, he frustration of having no control over one's destiny. Yet at the depth of the depression the rate of male unemployment reached only 25 percent. The Indian reservations of this country have for decades had to endure a rate of unemployment almost double that figure, and even today the rate of unemployment on the Crow Creek Reservation, for example, in my own State of South Dakota is a staggering 70 percent of the labor force.

It was clear in the 1930's that only the Federal Government had the resources and capabilities to prime the pump and break the unemployment cycle. It is equally clear to me today that the Federal Government is again uniquely capable of effectively acting to remedy the present situation.

Although in the current fiscal year over $900 million will reach the reservations from the various Federal agencies, this amount simply provides for the public services that would otherwise be funded by State and local governments. What is needed is what was called for by the Interior Department Task Force appointed by Secretary Udall in 1961, and by the report of the President's Task Force on Indian Affairs in 1967:

> A combined on-the-job training and public works program to provide immediate employment on Indian reservations and to upgrade the skills of the many unskilled unemployed.

Indian leaders to whom I have spoken are practically unanimous in their feeling that work programs such as those initiated by the Civilian Conservation Corps in the 1930's, the public works acceleration program in the early 1960's, and by the Emergency Employment Act of 1971 were enormously popular and successful.

It is for these reasons, Mr. President, that I am today introducing on behalf of myself and my colleague, Mr. JACKSON, the Indian Economic Development and Employment Act of 1973.

The Bureau of Indian Affairs reports that there are approximately 60,000 reservation Indians unemployed, for a 40-percent rate of unemployment, with substantial numbers of other persons underemployed. It is my hope that the legislation which we are introducing today will reduce by one-third the rate of unemployment, providing 20,000 jobs on reservations across the country with concomitant increases in security and stability for the entire community. In addition, the multiplier effect of the infusion of purchasing power into the area will likely lead to the creation of other jobs in the now small private sectors of the reservations.

The program itself is to be administered by the Secretary of Labor, with the applicant tribes submitting their applications to the Secretary for approval. Any tribe, on Federal or State reservation, where the rate of unemployment is equal to or greater than 18 percent of the labor force, is eligible to formulate its own public service job program and apply to the Secretary for funding.

The widest possible discretion is to be allowed the applicant in the formulation of its plans so that the tribe might set its own priorities as to what public service projects would be most beneficial to the reservation. Some guidelines are of course prescribed, and the plan must provide for the employment of at least 20 percent of those unemployed. But generally a philosophy of self-determination is to be encouraged. All projects are to be located within the geographical area over which the applicant tribe exercises political jurisdiction; and all employees are to be Indians, except where it is advisable to hire outside supervisory personnel with special expertise. Indian culture and identity should be respected and preserved.

The proposed act calls for the expenditure of $150 million per fiscal year for salaries and administrative costs. However, if the investment of $150 million per year results in a reduction of commitments to mental and penal institutions, a reduction of the welfare rolls, an increase in tax revenue, and a decrease in the public works appropriation—and I believe that it will—the net cost will be substantially less.

This figure represents an extremely modest investment in the future of 500,000 Americans who have been neglected for too long. We have been neglecting our legal and moral trust obligations to this group of people ever since it became apparent that they were no longer militarily capable of defeating the United States. Any other trustee who behaved similarly would be discharged immediately.

The time has come for us to stop procrastinating and to address the situation with positive legislation. I believe that the Indian Economic Development and Employment Act can be the first step.

At the same time, Mr. President, I think we must once again address the overall goals with respect to American Indian reservations.

Since 1953, under House Concurrent Resolution 108 of that session, we have pursued the course of termination. Our efforts have been designed to integrate the American Indian into white society in every respect, and to terminate the special relationship that has existed between the Government and the reservations. Over time it was expected to end the reservation system.

That policy has been a disaster, for reservation and nonreservation Indians alike. Eliminating the reservations cannot eliminate the Indian problem; instead it is aggravated. For those who have little else, the policy takes away their identity and their roots as well.

Therefore, I am also submitting a concurrent resolution, similar to one I have sponsored before, to repeal the 1953 resolution. It is time to put aside the fears and the false impressions the termination policy has fostered, and to declare our intention that the Indian people will be permitted to retain their rich cultural heritage and choose their own destiny.

I ask unanimous consent that the bill and concurrent resolution be printed in the RECORD.

There being no objection, the bill and concurrent resolution were ordered to be printed in the RECORD, as follows:

S. 2024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Economic Development and Employment Act of 1973".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) Widespread and all-pervading unemployment and underemployment have existed on Indian reservations ever since the creation of the reservation system and have resulted in tragic conditions of dependency and social disorganization;

(2) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons;

(3) Expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(4) In times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(5) It is appropriate during times of high unempoyment to fill unmet needs for public services in such fields as environmental quality, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks and other public facilities, development of the natural resources, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement.

(6) the deplorable living conditions of American Indians can only be alleviated through a sustained positive, and dynamic Indian policy with the necessary constructive programs and services directed to the governing bodies of these groups for application in their respective communities, offering self-determination and self-help features for the people involved.

(7) Modern day needs of Indian people are no longer responsive to the programs and services of the two major Federal Indian service agencies alone (the Bureau of Indian Affairs and the Division of Indian Health), but the complete solution of Indian problems will require new and innovative services for the full development of Indian people and their communities.

(8) American Indian communities should be given the freedom and encouragement to develop their maximum potential; and

(9) Indian culture and identity should be respected and preserved. It is therefore the purpose of this Act to provide unemployed and underemployed American Indians with needed employment, as well as vocational training, through the performance of useful public services.

ESTABLISHMENT

SEC. 3. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available during times of high unemployment for the purpose of providing employment in jobs providing needed public services and training which would otherwise be unavailable.

ELIGIBLE APPLICANTS

SEC. 4. Financial Assistance under this Act shall be provided by the Secretary only pursuant to Tribal Plans submitted by Indian tribes on Federal or State reservations where the rate of unemployment is equal to or greater than 18% of the labor force according to statistics of Department of Interior, Bureau of Indian Affairs.

TRIBAL PLANS

SEC. 5. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to a tribal plan which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this act. Any such plan shall set forth a public service employment program designed, in times of high unemployment, to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Tribal plans setting forth the public service employment program shall provide for the employment of at least 20 per centum of those unemployed, provided that for good cause shown the Secretary may waive this provision temporarily.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand in the area to be served, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector in the area to be served as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired;

(9) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counselling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that the applicant will, where appropriate, maintain or provide linkages with manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(14) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(15) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement;

(16) assurances that the applicant will not use employment positions to further any partisan interests or nepotism.

(17) assurances that all public service work projects are located within the area over which the applicant exercises general political jurisdiction of the applicant reservations.

(18) assurances that all persons employed by the applicant shall be Indians except for good cause shown in isolated cases.

(19) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall describe.

ALLOCATION OF FUNDS

SEC. 6(a) The amounts appropriated under this Act shall be apportioned among the applicant Tribes in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each reservation bears to the total number of such persons on all reservations in the United States.

(b) Not less than 80% of the funds appropriated pursuant to this Act shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 7(a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each of the applicant tribes and of each of the persons employed in a public service job under this Act to assure that the guidelines prescribed in Sec. — are being followed.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) The Secretary shall transmit to the Congress annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by subsections (a) and (b) of this section and information on the extent to which segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

SPECIAL PROVISIONS

SEC. 8. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will not impair existing contracts for services or result in the substitution of federal or other funds in connection with work that would otherwise be performed, and (B) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the populations of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, including necessary adjustments in payments on account of overpayments or underpayments.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally-supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally-assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

DEFINITIONS

SEC. 9. As used in this Act, the term—

(a) "Secretary" means the Secretary of Labor.

(b) "public service" includes work in such fields as environmental quality, housing and neighborhood improvements, recreation, education, public safety, maintenance and building of streets, parks, and other public facilities, development of the natural resources, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement.

(c) "Unemployed persons" means persons who are without jobs and who want and are available for work.

(d) "Underemployed persons" means:

(1) persons who are working parttime but seeking fulltime work;

(2) persons who are working fulltime but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(e) "Indian" means a person who is an enrolled member of an Indian tribe located on a Federal or State reservation.

APPROPRIATION

SEC. 10. For the purposes of carrying out the provisions of this Act there are authorized to be appropriated $150,000,000 for fiscal years 1974, 1975, 1976, 1977, 1978 and 1979.

S. CON. RES. 33

Whereas it is recognized by Congress that American Indians (including Alaska Natives) suffer from deplorable economic, health, education and social conditions which prevent them from sharing equally in the great social and economic advances achieved by our nation; and

Whereas periodic reversals in our government's Indian policy throughout the years have ruled against full development if the human and economic potential of Indian communities, thus prolonging the aforementioned conditions; and

Whereas the Constitution as construed, long-continued legislation and executive usage, and a long line of judicial decisions have recognized that the United States has the continuing duty and legal and moral obligation of trustee to American Indians, requiring the highest degree of loyalty, care, skill and diligence by the United States in fulfilling that trust responsibility; and

Whereas what has come to be known as the termination policy declared in H. Con. Res. 108, now in effect, has had adverse social consequences for tribal communities, which apprehension and uncertainty have severely limited the ability or willingness of Indian tribes to develop fully the human and economic potential of their communities in accord with their cultural values; and

Whereas the Administration's policy has been stated to be one of advancing Indian opportunities for self-determination, without termination of the special federal relationship with recognized Indian tribes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of Congress that,

(1) the deplorable conditions under which American Indians and Alaska Natives live will be alleviated only through an Indian policy which contains and supports constructive programs and services directed to the governing bodies of these groups for application in their respective communities, offering self-help and self-determination features, and these Indian governing bodies should be recognized as having the full authority to determine the extent and manner of utilizing all available resources for their communities, with the technical advice and guidance of appropriate federal agencies;

(2) American Indian property will be protected; Indian culture and identity will be respected; the necessary technical guidance and assistance and support will be given to insure future economic independence as well as for continued efforts to reach maximum development of natural resources; inadequate and substandard housing and sanitation will be corrected; a comprehensive health program incorporating and assuring curative and preventive physical and mental health will be further developed for Indians; and a long-term general, vocational and professional education program will be encouraged and developed for both old and young American Indians so that they share fully in our society;

(3) American Indian communities will be given the freedom and encouragement and support to develop their maximum potential, and Congress will pursue a policy of developing the necessary programs and services to bring Indians and Alaska Natives to a desirable social and economic level of full participating citizens;

(4) our national Indian policy will give full recognization to and be predicated upon; the unique relationship that exists between this group of citizens and the federal government and that a government-wide commitment shall derive from this relationship that will be designed to give Indians the freedom and encouragement and support to develop their individual, family and community potential and to determine their own future to the maximum extent possible.

It is further declared to be the sense of Congress that this statement of national Indian policy replaces the policy set forth in H. Con. Res. 108 (83rd Congress [August 1, 1953]); and

The Secretary of the Interior should examine all existing legislation dealing with Indians and Alaska natives and report to the Congress at the earliest predictable date his recommendations for such legislation and such additional legislation and reorganization of existing federal agencies dealing with Indian programs as, in his judgment, may be necessary to accomplish the purposes of this resolution.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S.J. Res. 126. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day." Referred to the Committee on the Judiciary.

DESIGNATING FOURTH SUNDAY IN MAY "GRANDPARENTS DAY"

Mr. RANDOLPH. Mr. President, the quality and strength of a society, according to the historian Arnold Toynbee, can be measured best "by the respect and care given to its elderly citizens." We have, in recent years, attempted through legislation to provide better treatment of our older citizens in the areas of health and economics.

In the matter of respect, our society has in some way regressed, and there is no legislative panacea for this situation. Our sociologists report an increasing fragmentation of the American family, a growing gap between generations created in part by mobility and affluence. Even in the more primitive societies, the elder members are an integral part of the family structure, accorded respect for their wisdom and experience.

There are too many instances in America today where those who created the present generation of affluence—the grandparents—are regarded as a social or economic burden. There are too many instances where those who sacrificed their own economic well-being to rear and educate families are shunted aside to some quiet corner where others are given the responsibility of providing for their needs. There are too many instances where those who could provide the love and patience and understanding to help the troubled and neglected and unhappy children of fragmented families are ignored and unwanted.

I say "too many" because this lack of familial rapport would be excessive if only it occurred in a few cases. I am well aware that there is in this Nation a vast reservoir of abiding affection for grandparents, and they expect no special recognition of their role in the American family.

It is to reaffirm and reinforce this affection, however, that I am introducing a joint resolution authorizing and requesting the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day."

Mr. President, a West Virginian, Anna Jarvis of Grafton, was responsible for originating the National observance of Mother's Day. Today, another West Virginian, Mrs. Joe McQuade of Gauley Bridge, is spearheading the movement to create a nationwide observance of Grandparents Day. Robert K. Holliday, editor of the Fayette Tribune—Oak Hill—has been actively assisting Mrs. McQuade in this effort. Already Mrs. McQuade succeeded at the State level; West Virginia Governor Arch Moore proclaimed May 27 of this year to be officially observed as Grandparents Day in our State. This date was selected in West Virginia because it is midway between Mothers Day, the second Sunday in May, and Fathers Day, the third Sunday in June.

My resolution, if adopted, would call on the people of the United States, together with interested groups and organizations, to observe Grandparents Day with appropriate ceremonies and activities. It would be a day, I feel, not only to honor our immediate grandparents, but also to remember those citizens residing in nursing and boarding care homes.

ADDITIONAL COSPONSORS OF BILLS

S. 37

At the request of Mr. Griffin (for Mr. Metcalf) the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 37, to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget.

S. 397

At the request of Mr. Mathias, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 397, the full disclosure bill.

S. 838

At the request of Mr. Tower, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 838, to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

S. 1064

At the request of Mr. Burdick, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1064, the judicial disqualification bill.

S. 1293

At the request of Mr. Brooke, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 1293, the National Historic Records Act.

S. 1600

At the request of Mr. Hughes, the Senator from Iowa (Mr. Clark), the Senator from California (Mr. Cranston), the Senator from Arkansas (Mr. Fulbright), the Senator from Colorado (Mr. Haskell), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 1600, to require annual authorization prescribing the maximum number of members of the Armed Forces of the United States that may be deployed in major geographic regions of the world outside the United States.

S. 1604

At the request of Mr. Tower, his name was added as a cosponsor of S. 1604, the Fair Housing Opportunity Act.

S. 1610

At the request of Mr. Moss, the Senator from Arizona (Mr. Goldwater), the Senator from Minnesota (Mr. Humphrey), the Senator from Maine (Mr. Muskie), the Senator from Massachusetts (Mr. Kennedy), and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 1610, to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes.

S. 1796

At the request of Mr. Mathias, the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from New York (Mr. Javits), and the Senator from New Mexico (Mr. Domenici) were added as cosponsors of S. 1796, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations.

S. 1818

At the request of Mr. Gurney, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1818, to authorize issuance of a meritorious service passports to members of the Armed Forces of the United States who were captured and held by an enemy force during the Vietnam conflict to enter, without charge, certain designated units of the national park system and national recreation areas.

S. 1907

At the request of Mr. Burdick, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 1907, to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service.

S. 1949

At the request of Mr. Tunney, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 1949, to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to expand the definition of "developmental disability" to include autism.

SENATE CONCURRENT RESOLUTION 32—SUBMISSION OF A CONCURRENT RESOLUTION TO REQUEST A PRESIDENTIAL PROCLAMATION OF "UNITED STATES SPACE WEEK"

(Referred to the Committee on the Judiciary.)

Mr. MOSS submitted a concurrent resolution, which reads as follows:

S. Con. Res. 32

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind; and

Whereas the United States space program and its technology directly and indirectly benefit relations among countries, astronomy, medicine, business, air and water cleanliness, urban development, industry, agriculture, law enforcement, safety, communications, the study of the earth resources, weather forecasting, and education; and

Whereas the United States space program has an efficient organization and strong moral leadership, both of which serve as good examples to the people of the United States and to the people of all nations; and

Whereas the National Aeronautics and Space Administration and other organizations throughout the world involved in space exploration programs have cooperated in the cause of the peaceful exploration of space for the benefit of all mankind; and

Whereas the United States space program, through Project Apollo and other space efforts, has provided our Nation with scientific and technological leadership in space; and

Whereas the United States aerospace industry and educational institutions throughout the United States contribute much to the United States space program and to the Nation's economy; and

Whereas in the week of July 16 through 22, 1969, the people of the world were brought closer together by the first manned exploration of the Moon: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President is requested to issue a proclamation designating the seven-day period of July 16 through 22 of each year as "United States Space Week", and calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 107

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. HARTKE), and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Resolution 107, to require due process of law in the formulation of the foreign and military policy of the United States.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 236 AND 237

(Ordered to be printed, and to lie on the table.)

Mr. BARTLETT submitted two amendments, intended to be proposed by him, to the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

CONTINUANCE OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 238

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

ESTABLISHMENT OF A FEDERAL FINANCING BANK—AMENDMENT

AMENDMENT NO. 239

(Ordered to be printed, and to lie on the table.)

EXPLANATION OF THE DOMESTIC ENTERPRISE BANK ACT

Mr. JAVITS. Mr. President, the Domestic Enterprise Bank would be established substantially to supplement current efforts to provide job opportunities, stimulate minority entrepreneurship, and encourage the economic development in depressed "high risk" rural and urban areas.

The Bank would be a source of development financing and would provide supportive technical assistance. In essence it would be very much like the World Bank in its purposes, operations, and structure. The World Bank has demonstrated that the provision of attractive credit is a powerful development tool in underdeveloped areas and that such a venture can be economically sound.

The Domestic Enterprise Bank would be established as an autonomous corporation authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders, to sell participations in its loans, and to provide supportive technical assistance. The financing would be for private business and commercial projects where capital is not otherwise available on normal terms. Loans could go to businesses and projects of all sizes, but with small business loans it might be more efficient for the Bank to operate through guarantees to local banking and financial institutions or by using local banks as agents. Loans could also be made to public agencies for essential public development projects such as transportation or power facilities which could not be financed through other sources, but this would not be the major purpose of the Bank.

The Bank would have the limited authority to make mortgage loans to developers for low- and moderate-income housing in eligible areas in aid of business development, although this would not be a sizable activity for the Bank.

The Bank could take the initiative in bringing management and capital together for projects and could itself act as developer of a particular project until such time as a private purchaser could be found. Unlike a tax incentive economic development scheme, which is essentially passive, the Bank approach would provide an active entrepreneurial agent.

Eligibility for the Bank's programs fall into two broad categories:

First, as to eligible areas, the primary condition would be that the project be located in a development area designated by the Secretary of Commerce as an area having a high proportion or concentration of unemployed or low-income persons or, if not in such area, generate new jobs of which at least 25 in number and not less than 50 percent are to be held by persons who prior to such employment were unemployed or low-income residents of eligible poverty areas. Both urban areas and rural areas would also be eligible since it must be recognized that urban unemployment cannot be eradicated until the massive population migration from rural areas is slowed or halted. The potential borrower under this criteria would also have to be certified by appropriate local officials regarding the adequacy of his architectural design, and the provision of public or private assistance for any families or businesses displaced. Another condition would be a general requirement that the Bank be satisfied that the project would contribute to raising living standards in the area, so that the borrower would have to explain and provide some assurances about the "trickle down" effect of his business into the local community, including employment of local persons and firms in the construction of the project and as employees of the establishment. As a further condition of financing, the Bank would have to be satisfied that the borrower had adequate equity or other financial interest in the facility to insure his careful and business-like management of the project; the share which the borrower would have to put up would vary according to such conditions and be determined by the Bank.

Second, as to eligible enterprises, the primary condition would be that the enterprise is threatened or has been substantially harmed by increase in foreign imports or technological obsolescence. Enterprises could qualify under this criteria without regard to geographical location. As a condition of financing the Bank would have to be satisfied that the changes proposed by the enterprise would enable the enterprise to preserve or create jobs and operate on a sustaining basis. The traditional requirements as to financial interest and management ability would have to be met.

The Bank would be empowered, in connection with its loan activity to undertake insurance arrangements in connection with such an enterprise. Such arrangements might take the form of self-insurance on a project by the Bank, coinsurance of a project by the Bank, coinsurance between the Bank and the borrower, or reinsurance arrangements concluded by the Bank with insurance companies to protect the facility against casualty loss.

The Bank would initially issue $3 billion in capital stock subscribed by the Federal Government. As was true of the World Bank, 20 percent of the Government subscription would be paid in initially—$600 million—with the Bank having a call on the remaining 80 percent—$2.4 billion—as a reserve to meet the Bank's liabilities on its own borrowings on the private bond market. In this manner there would be a guarantee or reserve for private investors in the Bank's bonds. It would sell bonds at market interest rates, just like the World Bank, in order to raise the bulk of its loan funds. The initial $600 million paid in by the Government would be raised by the Secretary of the Treasury through sale of U.S. obligations on the market, so that there would be no drawdown of tax revenues to finance the Bank. This is the manner in which most of the U.S. Government contributions for the international development banks have been raised, including the World Bank, the Inter-American Bank, and the Export-Import Bank. Through this technique, only the credit of the United States is called upon; all the funds for the Bank's activities would come ultimately from private investors without burden on the taxpayer. The Government stock would earn dividends for the Treasury which should more than offset the cost to the Government of paying the interest and principal due on the Treasury bonds sold to finance its subscription to Bank stock. This method of financing, using the sale of U.S. Government bonds rather than congressional appropriations, is necessary to insure bondholders that the Government guarantee will be made good on the Bank's bonds. Otherwise, the Bank would have to go through the risky appropriation process whenever it called upon its reserves of Government stock.

The Bank would be organized through the establishment of a commission which would appoint incorporators. The commission would be composed of the Vice President, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the majority and minority leaders of the Senate and House of Representatives. The commission would appoint incorporators, who would serve as the initial board of directors, two-thirds of whom would be representatives of the private sector and one-third Government officials or employees. The President would thereafter appoint the 20 directors, with the advice and consent of the Senate, for 4-year terms on a staggered basis—10 directors appointed every 2 years. Fourteen of the directors would be from the private sector—6 from business and finance, 2 from organized labor, 2 from private social welfare organizations or foundations which deal with the problems of poverty, 2 representing the general public, and 2 representatives from education. The remaining six directors would be from government, including Federal, State, and local government.

I am submitting an amendment, intended to be proposed by me, to the bill (S. 925) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowing from the public, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 114 TO S. 1263

At the request of Mr. HUGHES, the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of amendment No. 114 to S. 1263.

ADDITIONAL STATEMENTS

ALL-VOLUNTEER ARMED SERVICES

Mr. THURMOND. Mr. President, the all-volunteer armed services are now a reality. Although I have never been completely convinced this will be in the best interest of our country, I am willing to wait and see how it works out.

A recent article in U.S. News & World Report explains the educational opportunities the all-volunteer armed services will make available beginning July 1. As the ranking Republican member of the Senate Armed Services Committee, I can attest that many benefits are available for young men and women for the asking. Never in the history of the world have so many benefits been offered for joining the armed services.

In order for this idea to succeed, we must have qualified and competent applicants. The magazine article explains in detail some of the benefits which can be accrued from joining the volunteer force. I believe my colleagues would like to have this information so they can further promote and support this effort.

Mr. President, I ask unanimous consent that the article entitled "One Way to a Free Education," which appeared in U.S. News & World Report, June 18, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE VOLUNTEER ARMY—ONE WAY TO A FREE EDUCATION

Starting July 1, the Defense Department will be offering free education—all the way from high school through college—to almost everyone who joins the new, all-volunteer armed forces.

There has never been anything like it before, officials said—and they expect it to be a strong spur to recruiting.

Dr. M. Richard Rose, Deputy Assistant Secretary of Defense for Education, told "U.S. News & World Report":

"Four years of service can now be four years of learning and growth. We are determined that, when a man or woman returns to civilian life, society will benefit by having a better citizen with an employable skill."

Altogether, the Pentagon plans to spend 6.6 billion dollars on training and education in the fiscal year beginning July 1.

The separate training and education programs of the Army, Navy, Air Force and Marine Corps are to be consolidated except for special needs. In the process, the U.S. Armed Forces Institute, which offers correspondence courses, will be de-emphasized in favor of more on-the-job and classroom learning at civilian institutions.

About 1,000 high schools, two-year community colleges and four-year universities have been signed up as "Servicemen's Opportunity" institutions.

CHOICE OF CAREERS

At these schools, military personnel will be able to get not only vocational training but advanced college degrees in any field in which they are interested.

Dr. Rose, a former faculty member of the University of Pittsburgh's graduate school of education, said a major goal of the program was to equip soldiers, sailors and airmen for productive lives after they leave the service.

Dr. Rose said a high-school graduate should be able to earn a junior-college degree or its equivalent during four years of military service. By re-enlisting for another two years, he would be able to continue his studies and go for a bachelor's degree in arts or sciences.

The education will be free, Dr. Rose emphasized, and the serviceman or woman will be paid while getting it.

Most schooling for military personnel is to begin after the first six months of active duty, at which time they will become eligible for in-service tuition grants from the Veterans Administration (VA).

By mid-1974, after its first full year of operation, the all-volunteer armed forces are scheduled to reach a strength of around 2.2 million.

Within that period, Dr. Rose said, the Defense Department hopes to have 149,000 servicemen and women enrolled in VA's high-school completion program, working toward diplomas or their equivalents.

Under this program, for the first six months, students go to school on their own time for half the course period and attend the rest of the time under a work-release plan. After that, they study on their own time.

The Defense Department has not broken down costs yet, but the VA will spend 12.5 million dollars on highschool-completion actiivites.

For education beyond high school Pentagon officials hope for an initial sign-up of about 100,000 members of the armed forces.

Ultimately, it is planned that about 335,000 servicemen and women, including officers, will be going to school.

In the past, it has been difficult for military people to earn high-school diplomas or college degrees because of transfers from one duty post to another. They often found schools at their new stations unwilling to accept course credits earned at institutions near their old stations.

This problem has now been solved, Dr. Rose said. With the aid of the American Council on Education, the Defense Department is contracting with schools all over the country, and overseas, to offer continuing education without loss of credit.

THIRST FOR KNOWLEDGE

"About 85 per cent of all people who come into the armed forces are seeking some form of education," Dr. Rose said. "And what we want is an additional return on the 6 billion dollars we invest annually on all training and education. We want to make people better able to compete in society.

"What we are offering, basically, is a chance to map out career goals. We figure our best recruiting vehicle will be the man or woman who goes back to civilian life and reflects satisfaction with what he has been doing.

"Training is based on analysis of the job skills required. We need to bring aptitudes, education and goals into perspective. I think our greatest opportunity in the armed forces is making career education a reality. The armed forces represent an opportunity to serve the country and grow personally."

Dr. Rose added:

"This society is certificate-happy. Unless you have an acceptable certificate, you get the lower-paying jobs.

"I am determined that every guy or gal who comes into the armed forces will go out with a piece of paper equivalent to that held by their civilian counterparts."

GOVERNMENT SECRECY

Mr. MOSS. Mr. President, for some time I have been concerned over the dangerous ramifications of too much secrecy in Government. Because of this concern, I recently appeared before Senator KENNEDY's Subcommittee on Administrative Practice and Procedure to give testimony on Executive secrecy and congressional inquiry. The apparent imbalance in the relationship of Executive and congressional powers and authority that have been leading this Government toward a government of Executive supremacy must end. This can be done only if the Congress reasserts its constitutional prerogatives. Hopefully, such a reassertion will be forthcoming.

A former U.S. Senator from Oregon, Wayne L. Morse, in the June 18, 1973, issue of the Nation also expresses concern over Government supremacy and secrecy that is leading toward "a government by the Presidency." This article is entitled "Supremacy and Secrecy: The Deeper Meaning of Watergate." Because of the appropriate nature of Senator Morse's statement to the general issue of Government secrecy, I ask unanimous consent that excerpts from his article be printed in the RECORD.

There being no objection, the articles was ordered to be printed in the RECORD, as follows:

SUPREMACY AND SECRECY: THE DEEPER MEANING OF WATERGATE

(By Wayne L. Morse)

We are far along the road toward a government by Executive supremacy and secrecy—a government by the Presidency. If this continues, unchecked by Congress and the courts, we are destined for government of arbitrary, capricious discretion by mere men and women with all their human frailties, instead of constitutional self-government by a free people through law.

Presidents have been leading us for some years toward a government of unchecked Executive will through usurpation of power not granted them by the Constitution. Eisenhower did it frequently, starting in 1953, when he enunciated the Eisenhower-Nixon-Dulles military-containment policy for Asia without the slightest right of constitutional or international law. I warned then that he had set up a military incubator that would hatch a war in Asia and result in the killing and wounding of thousands of American soldiers as well as Asians. The American people were deceived by his rhetoric. Eisenhower, as Nixon is now doing in his shifting alibis of the Watergate scandal, concealed his many acts of outlawry in Southeast Asia from Congress and the American people in the name of national security and with the false claim that Presidents have a right to act secretly, free of Congressional checks.

The trend toward a police state in our country, now dramatized by the Watergate scandal, could have been checked years ago if Congress had kept faith with a basic principle of democratic self-government—that in a democracy there is no substitute for full public disclosure of the people's business. The constitutional crisis in which the nation's finds itself is largely attributable to the war in Vietnam, which has been prosecuted by the usurpation of unconstitutional power on the part of four Presidents—Eisenhower, Kennedy, Johnson and Nixon—unchecked by Congress and the Supreme Court, or by much of the press, or by an outcry from most Americans. It is a political reality that permitting the usurpation of power by officials of government tends to breed further usurpation of power, just as secrecy in government fosters more secrecy. Such practices help create an environment that encourages the use of dictatorial police-state procedures and tactics in the administration of government.

Nixon has already exercised dictatorial rule in both foreign and domestic policies to a far greater degree than did Eisenhower, Kennedy and Johnson combined. The Watergate scandal may now serve as a window through which the American people can see the extent to which some of their basic constitutional rights and procedural guarantees of liberties and freedoms have been gradually subverted.

But Nixon cannot justify his adoption of policestate tactics in the name of national security. It simply is not true—though he and other Presidents have so asserted—that a President has a right, in the name of security, to keep his foreign or his domestic actions secret from Congress. Under our Constitution, with its advise and consent provision, Congress is entitled to be informed of any proposed foreign policy commitment before it is entered into by the President. Nixon and Kissinger both have violated this constitutional principle in their dealings wth China and Russia, as well as with the countries of Southeast Asia. We still don't know to what we have been committed.

The American public must be on guard against the trends toward a police state in our country through the extension of government by Executive supremacy and secrecy. Some of the manifestations are the illegal use of wiretapes, the breaking into homes, offices and other buildings without probable cause, and infiltration and entrapment by covert operatives to induce commission of crime. Additional examples are the use of *agents provocateurs*, blackmail threats by federal officers to force confessions irrespective of the victim's guilt, denial to individuals of their rights under the Bill of Rights. A most dangerous police-state practice is Presidential usurpation of the constitutional power to make war without a declaration of war, as Nixon has done throughout his Presidency and is now doing in Laos and Cambodia. It is nothing less than the exercise of dictatorial power, and amounts to war criminality. The fact that other Presidents before him illegally usurped war-making power without a declaration of war does not excuse Nixon's criminality. Neither does it excuse the Congress for not exercising its constitutional checks.

Likewise, Nixon's impoundment of appropriated funds and his transfer of appropriated funds from the purposes for which they were designated to other unauthorized uses is an example of police-state dictatorship in another area of Executive activity. It is in violation of the Separation of Powers Doctrine of the Constitution. The American people should understand that if the growing trend toward the use of police-state procedures by American Presidents is to be stopped, the Congress and the Supreme Court must exercise the legislative and judicial checks provided in the Constitution against such abuses.

In the event that Presidents themselves or the Congress or the Supreme Court do not protect the American people in their constitutional rights, the voters must unite at the ballot box to make clear to officials in the three branches of our federal government that they are the servants, not the masters of American citizenry. An aroused American public should teach the President and the Congress that it is much more important that our constitutional system of checks and balances remain inviolate than that any federal officeholder, elected or appointed, who violates this doctrine should remain in office.

The types of political corruption which produced the Watergate burglary and its associated crimes are not singular to this one horrible example of politics at its worst. The American public must insist that Congress pass, and the President sign, legislative controls on political campaigning that will cleanse the streams of American politics of their many pollutants. Big money from corrupting sources was part of what made Watergate possible. I have often said that, when I reach the point of writing the chapter on political financing in a book on which I am working, I will probably be writing about the number-one cause of political corruption in American politics.

It is a shuddering and shattering experience for those people who would prefer to believe only the best of politics and politicians to come face to face with the Watergate debacle. However, the ugly fact is that too many politicians are "kept" politicians, in that they are not free to exercise an honest independence of judgment on the merits of each issue that comes before them, and in accordance with the facts as they find them.

Let us hope that one of the results of Watergate will be a sustained and irrepressible public demand for a thorough overhaul of our election campaign laws. Let us hope also that the Senate Select Committee on Presidential Campaign Activities and the Department of Justice, acting through Mr. Cox, the special prosecutor, will see to it that the interests of the American people, in accordance with the rules of justice, are fully protected in the prosecution of all who were involved in the Watergate corruption.

NATIONAL MULTIPLE SCLEROSIS MOTHER OF THE YEAR

Mr. FANNIN. Mr. President, I would like to share with my colleagues a special privilege I enjoyed just recently in my capacity as a Senator from the State of Arizona. It was my privilege on June 6 to meet a very beautiful young lady, Mrs. Mary Ell Ruffner of Phoenix, Arizona, who is also a very exceptional young lady.

Mrs. Ruffner was in Washington to be honored at the White House by Mrs. Nixon as National Multiple Sclerosis Mother of the Year. She has been here many times before, however, as a member of the National Advisory Commission on Multiple Sclerosis, which was established under the provisions of a bill passed by the Senate last October. The Commission is charged with "determining the most effective means of finding the causes and cures and treatments" for MS.

Mrs. Ruffner is the mother of a 3-year-old son, Jason, and the wife of a brilliant young Phoenix lawyer, Jay Ruffner. She shows no visible signs of the disease that struck just a few weeks before her marriage in 1966, yet she must live each day in the fear of what this crippling, neurological disorder may develop into.

It has not stopped her. In addition to being on the National Commission, Mrs. Ruffner is active in Arizona politics and Phoenix community affairs as well as the activities of the Central Arizona Chapter of the National Multiple Sclerosis Society.

Multiple sclerosis is a mysterious disease with an unpredictable course which can, in many cases, result in total disability. We do not know the cause of MS, nor a cure for it. We do not even have an effective treatment, yet every year hundreds of thousands of Americans are affected by it.

We do have hope that the solution is not too far in the future. The $100,000 Ralph I. Straus Award established last month by the New York philanthropist is expected to serve as a strong incentive for more MS research and the National Commission is expected to provide the direction that is needed to pinpoint the proper approaches for that research.

Multiple sclerosis is a terrifying disease, but with the courage and efforts of such people as Mrs. Ruffner it will, by the grace of God, not be with us forever.

TRIBUTE TO OWEN ROBERTSON CHEATHAM

Mr. HARRY F. BYRD, JR. Mr. President, in October 1970. Mr. Owen Robertson Cheatham, an outstanding native Virginian and a dear personal friend, died of a heart attack while attending a University of Oregon football game at Eugene, Oreg.

The Virginia-born industrialist and philanthropist founded Georgia-Pacific Corp., now headquartered in Portland, Oreg., in 1927 with $6,000 in personal capital. During his lifetime, he saw the company take its place among the Nation's top 100 corporations with assets of over $1 billion.

Mr. Cheatham never lost sight of his humble origins and during his lifetime devoted much of his energy, his love, and his financial resources to the tiny church in Concord, Va., which his grandfather helped build and in which his mother and father were married.

On June 3 of this year, distinguished guests from throughout the United States assembled at the New Concord Presbyterian Church to help dedicate a memorial and formal gardens to the memory of Mr. Cheatham.

The Owen Cheatham Memorial is the center for a 47-acre tract owned by the Cheatham Memorial Trust, a family effort which will provide for maintenance of the gardens as part of the old church operation in which the family has been active for more than a century.

The Lynchburg, Va. Daily Advance of Saturday, May 26, 1973 describes the memorial garden and monument in great detail. I commend it to my colleagues as a place well worth viewing whenever they might be in the Lynchburg vicinity, and ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dedication of Owen Cheatham Memorial Garden

Dr. Terrence J. Dinlay, rector of St. Bartholomew's Episcopal Church in New York, will be guest speaker at the dedication of the Owen R. Cheatham Memorial Garden and Monument at New Concord Presbyterian Church at 11 a.m. June 3.

The Rev. Wilson T. Dowling, pastor of the church, will open the ceremony, which will also include the dedication of the newly-completed maintenance supervisor's residence and library built on the rear of the church.

The Memorial Garden and Monument, which was recently completed, was financed by Mrs. Cheatham, who lives in New York City.

New Concord Presbyterian Church was founded in 1835, and the first section of the present edifice was constructed in 1885. Since that time the Cheatham family has been continuously associated with the church's development and the expansion of its facilities and grounds.

Owen Cheatham's grandfather helped build the original sanctuary from stone which was furnished from his own quarry, Cheatham's mother and father were married in the church, and all eight of their children were baptized and attended services at the church. Cheatham's parents and maternal grandparents are all buried in the church cemetery.

In more recent years, Owen Cheatham, who died in 1970, funded, the church remodeling which included the construction of the vestibule; the addition of the 89-foot steeple and the alterations to the sanctuary including new pews, pulpit, carpets, general repairs and redecorating.

In 1957, Cheatham, a native of Campbell County and founder of Georgia-Pacific Corp., donated the assembly hall with its kitchen, ancillary facilities and water well. In 1963 he built the manse, which is located to the right of the church and presently occupied by Dowling.

The concept of the garden and monument alludes to the formality of the Williamsburg Gardens. However, the church garden design has been softened to blend into the natural beauty of the location as opposed to restoration.

The retention of a twin oak, estimated to be 125 years old, was considered a key to the design. In order to preserve the landmark tree, the curves of the walks were configured to avoid damage to the roots. Thus, the total design evolved into a series of curves in the paving, an oval Memorial wall and flower beds. These aesthetic elements consciously reflect the softness of the countryside. The architectural materials also reflect the sense of traditional Colonial American culture.

The walks are paved with old Virginia, wood mold, Colonial brick made of local shale and clay in Salem, home of Old Virginia Brick Co. The brick is similar to that being used in restoration in Williamsburg and Richmond.

In laying the walks, the "grape vine" joint, which has been in use for hundreds of years, was employed to emhasize the past use of the brick. The Granite Monoliths were obtained from a Massachusetts quarry, linking earlier settlers from two sections of the American Colonies.

All of the plants used in the garden are native to Virginia. The tall shrubs which enclose the Garden are American Boxwood. The trees surrounding the oval are native American Holly, and inside the American Boxwood hedge, the billowing shrubs are English Boxwood, now considered native to Virginia.

Between these beds and the walks are white Azaleas. The oval bed which divides the walk contains Dwarf Yaupon Holly. Outside of the enclosing beds of American Boxwood, American Dogwood are planted and beyond the Memorial six Magnolias are planted. The background surrounding the entire area is a forest of mixed hardwoods. The area, which comprises approximately 50 acres, was given to the New Concord Church by the Cheatham Memorial Trust.

THE PRESIDENT'S REPORT ON FOREIGN POLICY

Mr. GOLDWATER. Mr. President, 6 weeks ago, on May 3, President Nixon submitted to the Congress his Annual Report on Foreign Policy. Although it is the most comprehensive and detailed of his foreign policy messages, it has been little noted by the news media.

The report describes encouraging progress toward an era of international stability and general peace. Noteworthy, and largely ignored, is the President's caveat that détente with the Communist powers has by no means been achieved, however.

An editorial in the June issue of Air Force magazine comments on the wisdom of that cautious judgment and supplies some enlightening comparisons between the United States and Soviet expenditures for military forces, and military research and development. Total annual Soviet investment in these areas is said to exceed our own by a considerable margin. The U.S.S.R. is strengthening its forces in every major category, while our general purpose forces are being cut to the lowest level since the Korean war, against a background of nuclear parity.

These diametrically opposed trends in the United States and Soviet defense efforts already have made the United States the second ranking military power, at least in terms of quantity. What effect may that have on future negotiations for mutual arms reduction, international security, access to a fair share of the world's energy resources, and a host of other issues that are vital to U.S. interests and pertinent to our responsibilities to the world community?

The questions raised by this editorial are worth pondering. I commend it to your attention, and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The President's State of the World Message

(By John L. Frisbee)

On May 3, President Nixon submitted to the Congress his Annual Report on Foreign Policy, better known as the "State of the World" message. The 190-page document is by far the most comprehensive and enlightening in Mr. Nixon's series of annual foreign-policy statements. It is an outline of the course he wants the U.S. to follow in shaping a durable peace between now and the end of his Administration in the nation's bicentennial year. Equally significant, it contains some hardheaded warnings in the section on national defense—warnings that are sorely needed on the Hill and in the public at large.

We are concerned primarily with the message's observations on three aspects of defense policy, which is still the foundation on which our foreign-policy structure rests.

The Nixon Administration has made more headway toward accommodation with the two major Communist powers than has any of its predecessors. There is plenty of evidence in the foreign-policy report that Mr. Nixon and his advisers have not been taken in by their own success, however. That, we believe, is among the most important revelations of the message.

Despite progress toward détente (which too many people believe is already here), the Administration warns that "the Soviet Union is strengthening its armed forces in every major category, including those in which the United States traditionally has had a substantial margin of superiority. A Soviet military presence now has been established in many strategic areas of the world. . . . We have no responsible choice but to remain alert to the possibility that the current trend toward détente with the Soviet Union and China may not prove durable."

Although the Administration clearly believes it neither feasible nor useful to attempt to regain nuclear superiority, it is "determined to maintain a national defense second to none." Ongoing programs in the strategic area are judged to be sufficient to deter all-out nuclear war in the foreseeable future, and both flexible and controllable enough to provide the President those options that he has called for "to face any potential aggressor contemplating less than all-out attack with unacceptable risks." This we can only read as an endorsement of the continued need for a Triad of strategic systems: submarine-launched missiles to help guarantee assured destruction of Soviet cities as part of the deterrent to all-out nuclear war, and the more accurate and controllable land-based missiles and bombers in their dual role of acting as deterrent to all-out war and providing the President options against a less than all-out attack on the U.S. or its allies.

In this era of approximate nuclear parity, the report stresses that "greater reliance must be placed on nonnuclear forces. . . . Our ground, naval, and air forces have now reached the absolute minimum necessary to provide a credible conventional deterrent in an age of strategic parity. Compared to . . . 1964, we have a third fewer combat ships, thirty-seven fewer aircraft squadrons, and three and a third fewer ground divisions. . . . They are at the lowest level since the Korean War." There has been no reduction in comparable Soviet forces, which outnumber ours and are undergoing "significant qualitative improvements."

The report goes on to say that the U.S. defense budget now takes only six percent of our Gross National Product and represents less than one-third of the total federal budget. (By comparison, it has been estimated that the Soviet military budget absorbs as much as forty percent of the USSR's GNP, that it probably is about $10 billion a year higher than ours, and that the Soviets may be investing up to $26 billion a year in military research and development, compared to our $8 billion in FY '73. These comparisons do not suggest a lasting Soviet dedication to détente.)

While the State of the World message reflects guarded optimism concerning the attainment of a durable peace, it also contains, as we have indicated, sober warnings that need to be taken to heart as Congress sets about cutting the FY '74 defense budget. We believe the forces that budget will support are no more than minimally adequate. If they are, in fact, "second to none," it is not by virtue of size, but of quality and combat experience.

It will become increasingly difficult to maintain even a minimum acceptable level of U.S. defense unless two very hard facts of life are better understood by the American people. The first, as information in the President's report suggests, is that we are running second to the USSR in force size, defense investments, and probably most significant in the long run, military research and development. That gap must not be allowed to widen.

Second, there is, as the report makes clear, only a "trend toward détente." It is not an accomplished fact, and no amount of wishful thinking will make it so.

So any "trend toward détente"—an unmeasurable factor—must be weighed against the measurable and quite visible trend toward clear-cut Soviet military supremacy.

It now is not, as we suggested some months ago, a case of being between the rock and the hard place, but between the rock and the *soft* place. And, in this analogy, the United States does not represent the rock.

THE INTERNATIONAL FINANCIAL CRISIS

Mr. HARRY F. BYRD, JR. Mr. President, on May 30, June 1, and June 5, the Subcommittee on International Finance and Resources of the Senate Finance Committee, held hearings on the causes of and possible solutions for the international financial crisis.

On June 1, one of the witnesses was Mr. Eliot Janeway, a financial writer and analyst, who presented very interesting testimony.

Subsequent to the hearing, Mr. Janeway wrote a column published in a number of newspapers on June 11, describing the hearings and his own proposals. I believe his column will be of widespread interest.

I ask unanimous consent that the column, "U.S. Agripower Called Means to Stability," be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

U.S. Agripower Called Means To Stability

(By Eliot Janeway)

New York City.—The daily devaluation of the dollar is adding a new dimension to Dr. Milton Friedman's classic definition of inflation as a "hidden tax." The Nixon Administration is pointing with permissive pride to devaluation as just a "normal readjustment"—just as some judges and educators are talking about lapses of personal responsibility where law-and-order is concerned. But devaluation is levying a tax on every family in the country, one that is being toted up with each trip past the cash register at the supermarket.

Before the latest run quickened into a stampede, the dollar had suffered something like a 40 per cent devaluation since the supposedly epochal Smithsonian readjustment negotiated in December, 1971. The other side of the coin from this drop in the international dollar saw the cost of food inside America jump by the same telltale 40 per cent. Penny for penny, percentage point for percentage point, every loss suffered by the international dollar was literally eaten by Ameirca's food buyers. To paraphrase Ernest Hemingway's immortal title, the bell that has been tolling for the dollar around the world has been tolling for America's consumers at their own kitchen tables.

Dealing from financial weakness has always been a sure way for any country to invite indignity and to organize chaos. The coldness of the rebuff dealt President Nixon by French President Georges Pompidou in Iceland suggests that the place for the meeting was well chosen, if not the time. Further frantic political probes aimed to offset domestic shocks with diplomatic surprises are fated to produce more bad news until the dollar begins producing good news.

Making the dollar do just this is within America's ready reach—and not as they used to say about the stock market, because "the dollar is now so cheap." Despite the defensive posture into which she has been thrust, America commands economic resources which are not only distinctive, but unique. Dealing from her native economic strength could recoup the financial losses which have been swamping the dollar since America has been dealing from financial weakness.

The way to do it is to mobilize America's world monopoly on the commercial availability of "agripower." In the new world taking shape in the shaky 1970s, agripower promises to pack a more potent political punch than nuclear power, air power, propaganda power, student power, woman power, black power, labor power—and by no means just inside America. In every country, without exception, any claimants to power are sure to lose it unless they can count on feeding their supporters with agripower. Even Leonid Brezhnev, Russian Communist party leader, admits it, which is reason enough why inviting him to Washington is another giveaway instead of the takeback that has been overdue since he took Kissinger for a hay ride. Not even countries eating relatively high on the hog can manage without Americanizing their diets by paying off in hard cash to American agripower.

But America can turn the tables on her successful industrial customers who have taken over as her harsh creditors—who, in fact, now have more to say about how much the dollar is worth than the American government itself. The way to do so is to mobilize American agripower both as a shield to protect the dollar and as a battle axe to get its own back. Last week I presented a proposal to the Senate Finance Committee's Subcommittee on International Finance and Resources calculated to do so.

The Subcommittee's roster attests to its representative character. Its Chairman, Sen. Harry F. Byrd Jr. [Ind., Va.], a major figure in the present Senate, is winning still new luster for the most distinguished name in America's continuous public service. Sen. Byrd is an independent in thought as well as in stance. On his Democratic flank, Sen. Vance Hartke of Indiana commands the firm support of every traditional source of majority power voting block strength; and Sen. Mike Gravel of Alaska is not likely to be outdone by populist competitors. On Byrd's Republican flank, Sen. Robert Dole of Kansas is the former Chairman of the Republican National Committee; and Sen. W. V. Roth Jr. of Delaware is earning in his own right the respect which flows automatically to any Republican senator from the tiny state whose favorite sons are big corporations. The five interrelated questions which the subcommittee posed in its call for its present hearings reflect the nonpartisan sense of urgency rapidly uniting America in demanding the defense of the dollar.

All five questions offer the alternative of America acting unilaterally or in concert with other trade powers. How to strengthen the dollar is question No. 1. What can be done to cut the United States payments deficits is question No. 2. How can international money speculation be cut is question No. 3. Funding short-term overseas dollar liabilities is question No. 4. The need for a new Bretton Woods is question No. 5.

I offered a single solution to all five of these interrelated questions. More precisely, I offered it as a single-purpose solution to the four substantial questions; and as an explanation of how to finesse the fifth question, which is the procedural one about the need for a new Bretton Woods. I expressed the confidence that the assertion of American agripower could and would overnight solve the four interrelated problems of strengthening the dollar, cutting the dollar payment deficit, inhibiting speculation of the dollar, and funding the huge overhang of short-term dollar liabilities now being called.

Without an effective American initiative in asserting American agripower, I argued, no new Bretton Woods is thinkable as a respite from the present retreat via chaos en route to panic. With it, I concluded, no new Bretton Woods would be needed. Next week, I will detail the proposal aimed at catapulting American agripower into its own and at bringing the dollar back as American agripower moves forward.

THE ANCHOVY CRISIS

Mr. SAXBE. Mr. President, we are all aware of the growing reliance on the soybean as a food supplement for both humans and animals, and the resulting increase in the demand for this proliferate legume.

But, unfortunately, the real reasons behind the popularity of the soybean do not always come to the public's attention.

It was gratifying, therefore, to find an article in Scientific American—June, 1973—that indirectly sheds much light on the growing use of the soybean and its importance to the world food supply.

The article, entitled "The Anchovy Crisis" and written by C. P. Idyll, describes the recent decline of the anchovy fishing industry in the waters off the coast of Peru. The article points out that fishmeal made with the anchovy has been used for many years to enrich feed for poultry and other livestock, and that, because of the abundance of anchovies, such meal could be produced most inexpensively.

Now, however, with anchovy production running only about one-third as much as in 1965, the availability of anchovy fish meal has been sharply reduced, forcing feed grain manufacturers to seek a new enriching supplement for their product.

The alternative selected by most feed grain suppliers is the soybean, thereby creating a demand for millions and millions of tons just to satisfy these new requirements.

Mr. Idyll presents a thorough explanation of the anchovy crisis, showing how overexploitation, combined with periodical ecological disturbances, has brought about a reduction of the anchovy supply.

But, more than that, he helps us with his discussion of the anchovy problem to identify just one of many situations that have created so great a need in the world today for the soybean.

This, in turn, helps us to recognize the reasons why the price of soybeans, and consequently the cost of feed grains—and ultimately the cost of poultry and other livestock—continues to rise.

I ask unanimous consent of my colleagues in the Senate to print the aforementioned article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Anchovy Crisis

(By C. P. Idyll)

Over the past decade the world's largest fishery has been in the Peru Current. A periodic ecological disturbance, combined with the heavy fishing, now threatens to destroy the industry.

The world of the Peruvian anchovy is the sweep of a great cold ocean current. In a slow northward drift the current carries the little fishes along in company with countless tiny plants and animals that the anchovies avidly devour and with larger fishes, squids and a host of other marine animals. The anchovies form thronging legions that wheel and dart in the current. Their world is often entered by aliens: birds that plunge from above, snatching up the anchovies by the hundreds of thousands, and men who cast great net enclosures around the fishes, carrying them off to shore by the millions.

In the brief life-span of the anchovy, rarely longer than three years, its cold-current environment usually changes only within narrow limits. During the lifetime of some generations, however, their world may be put out of joint. The slow northward drift of the current, only two-tenths to three-tenths of a knot (compared with the six knots of the Gulf Stream off Florida), becomes still slower and may even reverse itself. The water grows warmer and less salty; the makeup of its populations changes and many of the usually abundant microscopic plants and animals dwindle in number. Finding their world poorer, the little anchovies scatter; many may die prematurely and many in the successor generation may not be born at all. The sea change known as El Niño has arrived.

Coastal Peru is normally a cool and misty land, quite unlike the steamy Tropics that occupy the same latitudes on the eastern coast of South America. The Peru coast is kept that way by the temperature of the ocean current, which in the south can be as cool as 10 degrees Celsius (50 degrees Fahrenheit) and only reaches about 22 degrees C. (71.6 degrees F.) in the north. Although the northernmost part of Peru is a mere three degrees of latitude below the Equator, the average air temperature is a moderate 18 to 22 degrees C. (64.4 to 71.6 degrees F.). Along the 1,475 miles of Peruvian coastline, a distance 100 miles longer than the Pacific coast of the U.S., there are no marshes, mudflats and estuaries—only arid desert, most of it a treeless, monotonous, barren brown. This bleak strip of sand extends a short distance inland, rarely more than 40 miles or so, to the upthrust Andes, one of the most awesome mountain ranges in the world. The high rain shadow of the Andes robs the prevailing southeast winds of their moisture and keeps the coastal region arid. A few streams that rise in the mountains cross the desert; their narrow valleys suport what little agriculture exists along the coast.

The Peru Current consists of four components, the interaction of which creates, molds and changes the world of the anchovy. Two of the components travel in a northerly direction: the Coastal Current, flowing next to the shore, and the Oceanic Current, located farther out to sea. Between the two, on and near the surface, runs the Peru Countercurrent. Beneath all three runs the Peru Undercurrent. Both the Countercurrent and the Undercurrent flow southward.

The Coastal Current runs deep and hugs the land from about Valparaiso in Chile in the south to north of Chimbote in Peru, a stretch of some 2,000 miles. The anchovies live mostly in the northern part of this great band of water, which constantly changes shape and size, becoming wider or narrower, deeper or shallower, altering and twisting like an elongated amoeba. The Oceanic Current is longer than the Coastal Current. It is often several hundred miles wide, and it runs as deep as 700 meters. It flows north to a point about opposite the Gulf of Guayaquil before bending west.

The great northward sweep of water is often called the Humboldt Current, after the German naturalist who described the phenomenon following a visit to South America in 1803. Humboldt thought that the cold of the water was the chill of the Antarctic. His conjecture was partly right: the current does include subantarctic water. Much of the cold, however, is the cold of subsurface water. As the water on the ocean surface is swept away by the prevailing winds, deeper low-temperature water wells up slowly to replace it. The trade winds in this part of the world, channeled and bent by the Andes, blow from the south and southeast, mostly parallel to the shore. This prevailing wind urges the surface water northward at the same time that another influence, the Coriolis force, deflects it to the west. As the resulting steady offshore drift skims off the surface layer the cold subsurface water rises with stately slowness to replace it, traveling vertically at a rate ranging from 20 to 100 meters per month, depending on the location and the season.

The biological effect of the upwelling is enormous. That stretch of water, only a tiny fraction of the ocean surface, produces fully 22 percent of all the fish caught throughout the world. Its richness springs from a constantly renewed supply of the chemical nutrients—principally phosphates and nitrates—that stimulate plant growth. Accumulated gradually in the deep layers of the ocean as the debris of dead marine plants and animals sinks to the bottom, the nutrients travel with the upwelling water to the top levels. There the light is sufficient to drive photosynthesis, and the nutrients help the marine plants to flourish. The concentration of nutrients in the Peru upwelling is many times greater than that in the open ocean. In terms of the amount of carbon fixed photosynthetically per cubic meter of water per day, the range in the upwelling region is from 45 to 200 milligrams, compared with less than 15 milligrams in the water immediately adjacent. Perhaps only one other part of the world ocean is richer: the Benguela Current of the southwestern coast of Africa.

The Peru upwelling sustains an enormous flow of living matter. The food chain begins with the microscopic diatoms and other members of the phytoplankton that comprise the pasturage of the sea. The plants absorb the nutrients and grow in rich profusion, providing fodder for billions of grazing animals, principally minute crustaceans such as copepods but including arrowworms and a wide variety of other small marine herbivores. The food chain can then go on to several more links, progressing from the small fishes that eat the herbivores to the larger fishes and squids that prey on the small fishes and perhaps continuing to include one or more further advanced levels of marine predation. The food chain in the Peru Current does go on in this fashion to some degree, but most of its energy flow stops with the anchovies. This single fish species has succeeded in capturing an extraordinarily high proportion of the total energy available in the ecosystem and in converting it into enormous quantities of living matter. At the height of the anchovies' annual cycle the total bulk of the species is probably of the order of 15 to 20 million metric tons.

The Peruvian anchovy belongs to the same genus (*Engraulis*) as the common anchovy of the eastern Atlantic and the Mediterranean (*E. encrasicolus*), but it comprises a separate species (*E. ringens*). Its life begins in the form of an egg, a tiny oval spot of nearly transparent protoplasm adrift in the sea. Eggs can be spawned at almost any time of the year but there are two periods when the anchovies' reproductive activity is highest. The major spawning occurs in August and September, during the southern winter, and it is repeated on a lesser scale in January and February. Anchovies are precocious: most females are capable of spawning when they are a year old. By then each female, a little over four inches long, may produce 10,000 eggs. If she survives to the age of two and reaches a length of six inches, her output increases to some 20,000 eggs.

The delicate larvae that hatch from the eggs lead a perilous existence. Many species of fish produce eggs that contain a considerable store of yolk; the reserve of nutrient helps to sustain the newly hatched young until they adjust to finding their own food. The anchovy egg has a negligible yolk store, and so the larva must locate food quickly or starve. To make matters worse, the larva has limited swimming powers and a high rate of metabolism. If more than a few wiggles are required to obtain the food it needs, it will not survive. Because every larva consumes plankton in substantial amounts and because the peak hatches produce larvae numbering in multiples of billions, only enormous swarms of miscroscopic plants and larval crustaceans can sustain the anchovy stock. Nor is starvation the only peril; the larval anchovies feed swarms of predators. They are eaten by the same copepods that will, if the little fish survive, be the anchovies' own main sustenance. Arrowworms also devour them, and so do their own parents.

One month after the time the anchovy larvae are hatched more than 99 percent of them have perished. Even with such a high mortality rate, a process that begins with billions of spawning fish, each casting 10,000 to 20,000 eggs, produces enormous quantities of anchovy larvae. The little fish grow rapidly; in the course of the first year they attain a length of 4.2 to 4.3 inches. The year-old fish are so slender, however, that they weight a scant third of an ounce.

The anchovy schools do not move at random; apparently because of a strong preference for the cold water of the Coastal Current they remain within a comparatively restricted zone. The Coastal Current is at its narrowest during the southern summer, running close to shore and seldom exceeding 200 meters in depth. Within this shrunken world the anchovies press together in enormous concentrations near the shore and close to the surface. It is now that predators fare best. The larger fishes and the squids feed well; the several species of guano birds have to fly only short distances from their island nesting grounds and need not dive deep to reach their prey. The greatest of the predators, the fisherman, finds summer work the easiest. He can often set his purse seine within sight of port and gather in anchovies 100 tons at a time.

El Niño occurs at regular intervals. There is said to be a seven-year cycle, but in actuality the phenomenon is far less precise in its appearance. The severe environmental dislocations may be repeated for two or more years in a row or may not recur for a decade or longer. Another kind of regularity, however, has given El Niño its name. The change usually begins around Christmastime and so is given the Spanish name for the Christ Child. The complicated chain of events in a year of El Niño disturbs the anchovies, sometimes profoundly. The wind now comes from the west rather than from the southeast, and it is laden with moisture from the Pacific. With no mountains to rob the air of its burden of water the arid coast is often subjected to torrential rains and severe windstorms. In a desert region where even a heavy mist can cause problems the floods of El Niño are are often devastating. Oddly enough, however, in some Niño years no rain falls.

A warning that the sea change may be on its way is given when the temperature of the coastal water begins to rise. If the increase in temperature persists and spreads, the delicately adjusted world of the anchovy tilts. With the warm water comes unfamiliar inhabitants of the northern Tropics: the yellowfish tuna, the dolphinfish, the manta ray and the hammerhead shark. Some of them feed on the anchovies. A greater threat to the anchovies' survival, however, is a slowing of the northbound Coastal Current and a decline or even a halt in the usual upwelling of subsurface waters. As the supply of nutrients diminishes, the planktonic plant life that provides the base of the ocean food chain becomes less abundant. As a result herbivorous planktonic animals become scarcer, and so it goes link by link up the chain. Furthermore, the water temperature is now too high to suit the anchovies themselves. Even if the shortage of food has not yet greatly reduced their numbers, the fish scatter, no longer forming the enormous schools that normally afford the guano birds and fishermen such rewarding targets.

The effect on the guano birds and marine animals is among the most serious of the changes wrought by El Niño. The birds starve or fly away, deserting their nestlings. Fishes, squids and even turtles and small sea mammals die. Their decaying bodies release evil-smelling hydrogen sulfide that bubbles up through the water and blackens the paint on the boats in the harbors. This unpleasant phenomenon is called El Pintor (The Painter). Patches of reddish, brownish or yellow water similar to the "red tides" that upset the Florida tourist industry become relatively common. They are caused by prodigious blooms of dinoflagelaltes: microscopic planktonic plants that are toxic in high concentrations. The greater frequency of the blooms during Niño years may be because the nutrient composition of the seawater suits the organisms better then or because the less vigorous currents fail to disperse accumulating clusters of dinoflagellates as quickly as usual.

The causes of El Niño are wind changes and sea changes on a very large scale. When the steady southeast trade winds weaken or when the wind blows from the west, the ocean currents that run to the northwest are no longer pushed along with the same vigor. Under normal circumstances the south-flowing Peru Countercurrent is weak, but when the prevailing winds fail or are reversed, the Countercurrent thrusts a tongue of warm water into the cleft between the now less vigorous Coastal and Oceanic currents. As it meets less resistance the Countercurrent penetrates farther south, pushing the weak north-flowing currents aside and covering their cold waters with a 30-meter layer of warm tropical water. The water may have come from as far away as the Panama Bight, north of the Equator, and part of it may even have originated as a land runoff in Central America. It can be as much as seven degrees C. warmer than the north-flowing Coastal Current and is lower in salinity, deficient in oxygen and poor in nutrients. In some Niño years the Countercurrent pushes the tropical water as far as 600 miles south of the Equator.

The organisms most obviously affected by a Niño year are the guano birds, various species that are colloquially lumped together under the same name that is applied to the droppings that accumulate in large quantities on the rocky islands where they nest. There are three principal species: the guanay, or cormorant (*Phalacrocorax bougainvillii*); the piquero, or booby (*Sula variegata*), and the alcatras, or pelican (*Pelicanus thagus*). Over the millenniums the bird droppings have accumulated in piles as high as 150 feet on some islands. Because guano is perhaps the finest natural fertilizer known, the guano islands have provided the foundation for a valuable industry. Of the guano birds' diet between 80 and 95 percent is made up of anchovies, and the coastal waters of Peru support what is probably the largest popualtion of oceanic birds anywhere in the world. In recent years estimates of the birds' total number have gone as high as 30 million. The five million individuals that inhabited one particular guano island are believed to have consumed 1,000 tons of anchovies a day. The guano birds' annual catch in recent years is calculated to average 2.5 million metric tons, or between a fourth and a fifth of the commercial-fishery catch.

Following every Nino year of any consequence the bird population declines just as the anchovy population does. When the warmer water scatters the dense surface schools of fish, the birds find it harder to feed themselves, let alone their nestlings. Adult birds fly to other areas. Juvenile birds, less efficient fishers than their parents, perish in large numbers. The deserted nestlings are doomed to starvation. After the severe Nino year of 1957 the guano-bird population, then estimated to be 27 million, plummeted to six million and dropped to a low of 5.5 million the following year. Numbers slowly increased thereafter, so that there were 17 million birds when the Nino year of 1965 arrived. The year the population fell to 4.3 million.

Since then the guano birds have failed to recover at the normal rate. There is concern that the commercial anchovy fishery, which has expanded greatly in the same period, is depriving the birds of so much food that their numbers may fall below the level that is critical to their survival as social species. The late Robert Cushman Murphy of the American Museum of Natural History devoted some years to the study of these populations, and it was his opinion that the birds and the fishermen were essentially incompatible. It seems likely, however, that in spite of Murphy's contrary view the two competitors will be able to coexist at some suitable level of commercial fishing. At the same time it may well be that the size of the commercial catch in recent years has prevented the bird population from regaining its former numbers.

It is not commonly known that in the past few years the anchovy fishery has made Peru the world's leading fish-producing nation. Until recently Peru was harvesting anchovies at a rate of 10 million metric tons or more per year. This is a greater weight than that of all the species of fish being caught by any one nation in the Old World, and is twice the tonnage of the combined all-species catch of all the nations of North and Central America. The fish meal made from the Peruvian catch is sold around the world to enrich feeds for poultry and other livestock; the fish oil goes into margarine, paint, lipstick and a score of other products. In 1970 the export of fishery products brought Peru some $340 million, nearly a third of the nation's foreign-exchange earnings. In addition to this the tax revenues from the industry and the domestic employment it provides have become major elements in Peru's economy.

The anchovy industry began in earnest in 1957. Within 10 years the profits that could be made from catching and processing the fish attracted hundreds of fishing boats and led to the construction of dozens of fish-meal factories. No fish stock, however, can stand unchecked exploitation. Government authorities and fishery biologists became concerned about the future of the resource. Peru was a newcomer to large-scale commercial fishing and had neither fishery scientists nor administrators with experience in management. The Peruvian government turned to the United Nations for help.

In 1960, with a grant from the UN Development Programme and a matching amount in Peruvian funds, the Instituto del Mar del Peru was set up to conduct research on the anchovy stocks and to advise the government on management of the fishery. The Food and Agriculture Organization of the UN (FAO) recruited experienced fishery scientists from around the world to work at the institute, conduct research on the anchovy stocks and train a Peruvian staff. Located in Lima, the institute is now a firmly established fishery-research center where more than 50 young Peruvian scientists are conducting the studies needed to establish conservation regulations for the anchovy fishery. The Peruvian staff is advised by a few resident FAO scientists and by a panel of distinguished experts from around the world, organized by the FAO, that meets twice a year.

It has taken biologists nearly a century to unravel the intricacies of fish populations and the complexities of their response to the dual stresses of environmental change and human exploitation. Until last year fishery biologists could point to the management of the Peruvian fishery as an exemplary application of this hard-won knowledge. A major stock had been put under rational control before exploitation had depleted it, and conservation measures seemed to be ensuring an enormously high yield at the limit of the biological capacity of the Peru Current ecosystem. Then in 1972 such pride was chastened, if not utterly humbled.

After the Niño year of 1965 the fishery had enjoyed several very successful seasons, culminating in 1970 with an anchovy catch of 12.3 million metric tons. Then, toward the end of April, 1972, and only a few weeks after the start of the season, fishing suddenly faltered. By the end of June catches had dwindled to almost nothing, and at the close of the 1972 season only 4.5 million tons of anchovies had been harvested. The catch this year threatens to be even poorer. Indeed, there is some reason to fear that the world's greatest stock of fish may have been irreversibly damaged, in which case the Peru fishery would be destined to collapse altogether.

That is the gloomiest outlook. It is based on two disturbing circumstances. First, the size of the "standing stock" (the total anchovy population) now appears to be far smaller than normal. It may be as low as one or two million metric tons, compared with an average of 15 million tons in recent years and an estimated 20 million tons in 1971. Second, "recruitment" (the numbers of fish grown big enough to enter the commercial fishery in any year) has been by far the smallest ever observed. It is scarcely 13 percent of the recruitment in a normal year.

What is causing the trouble? Very possibly El Niño has been a major factor, but some puzzling circumstances have made the scientists closest to the subject uncertain about the extent of the relation between the sea change and the reduction in the anchovy stock. It is clear, however, that the Niño year of 1972 was one of the most severe ever observed. Instead of remaining at the normal level of 22 degrees C. the surface temperature of the Coastal Current rose to 30.3 degrees in February. Although the temperature fluctuated thereafter, it remained higher for the rest of the year and was still above normal in January, 1973. It did not fall to near-normal temperature until March of this year. At the same time that the temperature rose the salinity of the water declined from a normal 35 or 36 parts per 1,000 to 32.7 parts per 1,000.

Tropical and subtropical marine plants and animals began to appear far south of their usual limits: dolphinfish, skipjack tuna and the tropical crab *Euphilax*. The guano birds fled from their nesting islands, abandoning their young; their population may now number no more than a million. The warm Countercurrent forced the cold-seeking anchovies so close to the shore that the fishermen often found the water too shallow for their nets. Moreover, the crowded fish did not spawn as abundantly as usual and the eggs and larvae, already reduced in numbers, did not survive at the usual rate because of greater predation by their own close-packed parents.

Biologists are nonetheless unwilling to blame El Niño for all these occurrences. For example, with respect to the anchovies they note that recruitment of young fish to the adult population was observed to fall below normal levels before it became obvious that the surface temperature of the Coastal Current had risen. In seeming contradiction to this, however, the tropical crabs too made their appearance before the surface temperature rose, apparently indicating that a body of tropical water had by then already invaded the world of the anchovies. In the light of such oddities the experts frankly admit that they do not know how much influence El Niño exerted on the anchovies in 1972.

Quite apart from the sea change, however, the Peruvian commercial fishery must accept a share of the blame. The 1970 catch of 12.3 million tons considerably exceeded the 10-million-ton level that fishery biologists had estimated to be the maximum sustainable yield of the Peruvian stock. Several economic and political stresses were responsible for the excessive catch. Foremost among these harsh realities is that there are many more fishing boats and fish-meal factories in Peru than are needed to harvest and process the catch. The anchovy fleet is so large that it could harvest the equivalent of the annual U.S. catch of yellowfin tuna in a single day or the annual U.S. salmon catch in two and a half days. The fleet could be reduced by more than 25 percent and still comfortably harvest a rational quota of 10 million tons of anchovies a year. Moreover, the record 1970 catch figure does not measure the full toll the fishery took of the anchovy stock that year. Conservative estimates of losses from spoilage at sea and unloading and processing ashore raise the commercial total to some 13 or 14 million tons.

At this writing the future of the Peruvian anchovy is uncertain. The gloomy forecasts based on biological sampling in 1972 have been confirmed by additional observations early this year and by the results of trial fishing allowed at that time. For three weeks in March the anchovy fleet went to sea and about one million tons of fish were caught. During that brief period the catch per unit of fishing effort (a statistic that provides a measure of the size of the stock) declined rapidly. This suggests that the fleet had caught a significant proportion of all the fish that were available. Most of the catch consisted of fish recruited since July, 1972. There will not be any substantial additions to the stock until this coming October, when the progeny of the present population, much reduced by the fishing in March, have grown big enough to enter the fishery. Even so, fishing was authorized again in April with the quota set at 800,000 tons. Only 400,000 tons were taken. At present the 1973 catch is forecast at no more than three million tons.

If things are as bad as the worst prognostications indicate, the anchovy fishery may, like the California sardine industry and the Hokkaido herring industry, collapse forever. Many aspects of the history of the Peru fishery bear a disturbing resemblance to the events that brought about these earlier disasters.

Nature being what it is, the Peruvian coast will sooner or later once again have normal winds and ocean currents. If the anchovy population has not been too severely reduced, the fishery will then begin to recover. On the other hand, human nature being what it is, difficulties may arise in enforcing soon enough and strictly enough the moderate catch quotas required to avoid overexploitation of the diminished population. Unless such a policy of moderation is achieved, not only will the fish stock suffer but also the world of the Peruvian anchovy will be permanently changed. The guano-bird population will be further reduced and perhaps even eliminated. There will also be enormously complex effects among the many other animals that depend to a greater or lesser degree on the presence of the little fish. Finally, if the anchovies' world is allowed to go awry, the biggest loser will be man. He will have lost not only a rich natural resource but also some of the quality of his own world.

A TRIBUTE TO FORMER PRESIDENT HARRY S. TRUMAN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a tribute to former President Truman by the distinguished Senator from Mississippi (Mr. Stennis).

The PRESIDING OFFICER. Without objection, it is so ordered.

A Tribute to Former President Harry S. Truman by Senator Stennis

The people throughout the nation mourned the passing of former President Harry S. Truman. He was of the people, he spoke the language of the people, and he fought for the principles that can make our nation strong.

President Truman was a man of high integrity who also had tremendous personal and political courage.

He served as President during turbulent times, and it became his lot to make many difficult decisions. He made them wtih courage and stood with the consequences. He had to decide on the use of atomic weapons to end the war with Japan. In 1946 he had to deal with vast strikes in the raliroads and mines. In 1947 he had the problem of resisting communist expansion in the Eastern Mediterranean, and he propounded the Truman Doctrine. In 1948 the Marshall plan for the recovery of Europe was brought into being. Then there was the North Atlantic Alliance, and the Berlin Airlift. In 1950 he had the decision of whether to stand in Korea, and in 1951 the question of whether or not to relieve General MacArthur. These were indeed troubled times.

President Truman, however, was a man who rose to the occasion in difficult times. His experiences in life had prepared him well. He lacked many advantages in his earlier years, and had experienced adversity, including a business failure wherein he ultimately paid all his debts to the last dollar. He had learned at the county level of government to understand the people and to make sound decisions that represented the wishes of the majority of the people. His life in public service had formed his abilities

He was a man of great strength of character and dedication, and with these qualities he combined an uncommon amount of common sense. During the time he served as President it was not always possible in the time available to be sure that all of the facts had been completely obtained and analyzed and it was sometimes necessary to proceed on the basis of assumptions, but he had a fine instinct to sense the right decision. He made sound judgments and carried them out with courage.

Mr. Truman's personal characteristics served him well in office. He had an unusual amount of vitality and stamina, and this helped him to devote the necessary energy toward solving the great problems that arose successively during his tenure in office. He was a man who was very human and approachable, and who had more than his share of humility for one who held his high office. This made it easy for Americans to understand him and to place themselves in his position when he arrived at national decisions. This also enabled him to understand very thoroughly the American people, as he repeatedly demonstrated over the years, and especially in his campaign for reelection in 1948.

I have read with the utmost interest the book "Harry S. Truman," written by his daughter, Mrs. Margaret Truman Daniel. It makes clear some facts that have been misunderstood by a great many people, and it is a definite contribution to history. I have written Mrs. Daniel a personal note to tell her that I think she rendered the country a splendid service in writing the book.

I think that while Mr. Truman was President, and making the many decisions that were so crucial for the free world, it was not evident that in time he would be readily recognized as one of the best of our Presidents. Perhaps this was because he did not recognize this himself. He thought of himself only as a hardworking man who did the best he could. Time has proven that most of his major decisions were correct. History is proving that he was one of our great Presidents.

Mrs. Stennis and I extend every expression of condolence to Mrs. Truman, Mrs. Daniel, and other members of the family.

TIME TO MAKE PUBLIC THE INTELLIGENCE COMMUNITY BUDGET

Mr. PROXMIRE. Mr. President, my examination of the intelligence community has led me to conclude that there would be no security risk in publishing publicly the aggregate budget of the various intelligence components. Former high Government officials have agreed with this position as well as other Members of Congress.

There would be no security risk because it would not reveal anything of a sensitive nature to our potential adversaries. The Soviet Union or the People's Republic of China would not be able to exploit this information. It could not be turned against us. In fact, it would be a deterrent to attempts at surprise attack or other devious hostile actions. Knowledge of the active and accurate U.S. intelligence efforts, at a budgetary level, would remind adversaries that we will not let down our guard.

SUSPICIONS CONFIRMED

Now, however, there is confirmation of the highest quality that just such a release of budgetary information would pose no security threat. No less than the current Director of Central Intelligence, James Schlesinger, has testified before the Armed Services Committee that the combined budget of the intelligence community is not classified for reasons of national security.

Mr. Schlesinger has reservations about releasing this budgetary data even though it does not rest on national security. The real reason it should remain classified, he asserts, is to limit the number of people in Congress who have access to it. Again the purpose is not to hide sensitive facts but, astonishingly, to keep Congress from reviewing that budget and possibly cutting it back.

The rationale goes like this. If all Members of Congress have access to the combined budget of the intelligence community, then someone might object to its size without any particular knowledge of its operations and offer an across-the-board cut.

END RUN AROUND CONGRESS

So there we have it. Classifying the intelligence community budget is just a protective device to preserve autonomy and budgetary flexibility.

The Department of Defense undergoes the most detailed examination. HUD, NASA, Veterans, Agriculture, Commerce, Transportation, and all other Government departments also receive scrutiny that is beneficial for the organizations involved and the taxpayer. This is our system of government. It is the check and balance so necessary to curbing excesses.

Obviously the intelligence community cannot undergo the type of searching public review that these other agencies are subjected to. But we should not overrate this concern for security. The Department of Defense is a stronger institution due to congressional oversight. Many successful reforms have started as the result of congressional interest.

So must it be with the intelligence community.

Now that the Director of Central Intelligence has confirmed that no danger of exposing national security information would be involved, it is time for the oversight committees to make the budget of the intelligence community public.

PEARL BRACKETT

Mr. BEALL. Mr. President, "What you do depends on what you believe in." These words are part of the philosophy of a truly remarkable woman. She is Mrs. Pearl Brackett, assistant superintendent of public schools in Baltimore City. Mrs. Brackett is a concerned, active person who is involved with many community activities, but most importantly, she is involved with people.

She is particularly concerned about the development of community education and said:

> I see on every hand how ultimately it will help us solve social and city problems. It is not a racial issue. Color has nothing to do with the solution. We must develop the capacity to mingle with all kinds of people.

Mrs. Brackett has made an impact on many people in Baltimore City through her talking, smiling, and her quest for quality education.

Recently, the May 29, 1973, edition of the Baltimore News American carried an article in tribute to Mrs. Pearl Brackett. I ask unanimous consent that the article entitled "A Smiling Bustling Dynamo Who Gets People Together," by Dorothea T. Apgar be printed in the RECORD so that my colleagues may share the spirit of this fine woman.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEARL BRACKETT: A SMILING, BUSTLING DYNAMO WHO "GETS PEOPLE TOGETHER"

(By Dorothea T. Apgar)

"What you do depends upon what you believe in," might be a simplification of Mrs. Pearl Brackett's personal philosophy.

The pleasant-faced Assistant Superintendent for Baltimore City Public Schools is a dynamo of energy—bustling, talking, smiling her way from one task to another "getting people together"—but far more than that, encouraging and inspiring people and groups to face community problems, educational problems, neighborhood, racial and ethnic problems.

Pearl Brackett places great stress on friendship-communication between people. Friendship she defines as "freedom to talk to each other; you don't have to agree on many things."

The product of an educated middle-class family that included a long line of ministers, Anna Pearl Cole was raised by her godparents (her aunt and uncle) in Washington, D.C., where her uncle held a minor government position and her aunt was a teacher.

Pearl attended a private school in Washington until she was 14, when she returned to Baltimore to live with her mother, Mrs. Rosina M. Cole. Because her secondary schooling had been so advanced, Pearl went into an accelerated program at Douglass High School and then on to Coppin State College, from which she graduated at the age of 18.

The summer she spent when she was 16 with Dr. Mary Bethune, founder of Bethune College, remains as a time of inspiration to her. "I have never heard a voice like hers," Mrs. Brackett related, the memory still fresh. "Though Dr. Bethune was homely, she inspired people, because she believed in them. She was a great exponent (of the viewpoint) that you should believe you can do something even if someone else says you can't do it," a view Mrs. Brackett has followed faithfully and interpreted for others throughout her career in education.

The young Pearl knew she would have to earn her living, and had no question about the field. "Education has always been a highly regarded value in my family," she said very simply. When she first started as a teacher, her pay was $3.00 a day.

As an interesting sidelight to the value of friendship one of her Coppin State classmates was Rebecca Carroll. Rebecca was valedictorian and Pearl was salutatorian at their commencement exercises. Rebecca Carroll is now acting assistant superintendent for elementary education in the city schools. They have remained friends as well as professional colleagues.

Mrs. Brackett's challenges began during her years as principal of first Gilmor (School 108) then School 74, where she was the first black principal to work with an integrated staff. In 1962 she was made principal of the new Belmont School (School 217).

At Belmont, Mrs. Brackett created a parent-teacher community association that residents of the area who didn't have children in the school could also join, because she wanted all neighborhood residents to feel part of the school.

That way, she felt, they would take personal pride in the school. She instituted classes two nights a week for adults: children could enroll too if they were interested. She encouraged it to be everyone's school. Part-time custodial care for nights when the school was open was staffed by residents in the community.

Her viewpoint was "this was our school, our investment in the community. Community education and involvement—that is a concept which we lived at Belmont."

There were jobs the students could sign up for—office worker, lunch aid, play leader, class librarian, and so forth. Each child spent only one hour a week away from class. "But everybody had to do something in connection with the school."

Mrs. Brackett herself taught a class in enriched reading—"to inspire and instill interest in learning—an incentive program." Those were good years. She smiled, and added "we dared to do at Belmont."

That was the period immediately before social unrest came to the surface. "I never had seen or known of militant groups in my life until the middle 60's," she said. Because of her upbringing and environment, she had no personal knowledge of racial unrest.

When Mrs. Brackett was appointed area director it was her first contact with the real depth of unrest in society. "I was exposed for the first time to problems of emerging school revolution in the city and changes in behavior."

In the beginning, she said, she wasn't equipped to withstand the animosity and what was behind it. Eventually she realized "you have to develop an insulation against four-letter words, differences in hair styles, behavior patterns, etc."

She saw then that the staffs needed training in human relations. She wanted to make it possible for people to work together; to put into effect "my belief in the ability of people to do what they can do—once they are trained—and that people can do much more than they think they can do" (after that training).

"The first premise is: I believe that a person must, first of all, be conscious of something he can do well before he can respond to any training in other areas; for instance, a janitor can paint a cabinet well, a poorly educated woman can make good jelly or crochet. The point being to dignify the person, so they will accept something more (and presumably better)."

Mrs. Brackett explains her philosophy and ideology in brisk, rapid, clear speech; sometimes caught up with her own enthusiasm. Her concern for the city schools is evident. "It is a persisting problem," she said, "the community school should be part of the neighborhood, all day and evening, not just occasionally. I tried to evaluate it as—what are the strength, what are the things that needed changing, what can you do to help effect that change?"

Mrs. Brackett was the first black woman to be appointed to her present position. "I had no feeling that to be black was any different," she said in clear forthright tones. "I was raised with a feeling of adequacy. Even today my mother does not use or like the term black.

"I always sought to recognize what I was able to do and to do it as well as I possibly could. Those have been my goals. My approach in working with any effort is a multiethnic approach. I don't think color is a factor in being effective.

"I've been proud and black all my life." She said it proudly, but gentled it with a cheerful smile.

Most important on her agenda, beyond her own community involvement, is instituting community education. "I see on every hand how ultimately it will help us solve the social and city problems. It is not (just) a racial issue. Color has nothing to do with the solution. We must develop the capacity to mingle with all kinds of people." She thinks there is a responsibility "to keep plowing so more and more people come to the surface."

Mrs. Brackett serves on a round dozen boards including National Council of Christians and Jews, Baltimore Museum of Art (trustees) and the advisory board of the Junior League—the first black person to serve on that board.

Her aim in serving, she explained, is to "try to make way for those of other minority backgrounds to serve on these boards." She also has membership in community and educational organizations too numerous to mention.

Somewhere along the line she achieved an additional B.S. from Morgan State College, a master of arts degree at New York University, and has taken graduate study at the Universities of Vermont and Maryland and Johns Hopkins.

She admits she has always enjoyed being innovative—likes to think up a new way to do something.

Mrs. Brackett has a cross section of acquaintances that spans ethnic, racial, economic and social levels. "I seek with just fervor every opportunity to educate and socialize not only my group but other groups to the point that they can deal with their own needs."

She leaned forward, hands clasped. "We all have prejudices of some kind. If we keep our eye on an issue, we find that all the techniques of working in a group minimize the force of racial issue."

There have been times when some embarrassment (because of race) has angered her. "However I'm not reluctant to protest," she said. "I don't ignore the reality of the grave injustices that have been imposed upon people of my race," she added.

"Each of us has a responsibility to be able to joke about our 'hang-ups' especially in group relations."

She loves to cook—calls it her weakness. She learned to cook as a teenager. "My mother believed every member of the family should have a task." Hers was cooking. "I made it into a task I enjoyed."

Mrs. Brackett participates in benefits such as the Committee for the Mayors Ball on June 16, which will promote free presentations of cultural arts and live performances throughout the city, because it shares in the cultural life of the city. "Baltimore," she said, "will be as great as each of us tries to make it be."

She smiled a broad smile and lifted her hands a little: "My attitude is—getting the big picture. That's my favorite saying. You don't go off on a tangent or just see one facet. You have to see the whole picture."

AWARDS GIVEN BY THE FUND FOR HIGHER EDUCATION—IN ISRAEL

Mr. CRANSTON. Mr. President, I would like to draw the attention of the Senate to the recipients of awards to be given by the Fund for Higher Education—in Israel—on June 23 and 28. Twenty of the 23 recipients are executives and employees of Daylin, Inc., a company based in Beverly Hills, Calif.

Although geared toward making profits for its investors, Daylin, Inc., has shown a strong sense of social responsibility that has been reflected year after year by the actions of its guiding executive officers.

The newest manifestations of the dedication will be expressed on June 23 and June 28 when, at parallel dinners in New York and Los Angeles respectively, the Fund for Higher Education—in Israel—will honor 23 individuals, 20 of whom are Daylin executives and employees. All are being recognized for their signal contribution in support of the ideals of the fund.

Those dinners mark the Second Tri-University Dinner of the unique Fund for Higher Education—in Israel—an organization that supports institutions of higher learning, both in Israel and the United States. The beneficiary institutions of these two fund-raising events are Tel Aviv University and Hebrew University in Israel and Stonehill College in North Easton, Mass.

Mr. Amnon Barness, board chairman of the fund, as well as Daylin, is the general chairman of the dinners. His fellow cofounders of Daylin, Inc., Mr. Max Candiotty, president, and Mr. Dave Finkle, chairman of the executive committee, have leading roles in the responsibility for the success of these events.

I salute those men and women who will be honored by the Fund for Higher Education—in Israel.

In New York it will be William M. Wolff of Daylin, and his two brothers, Charles M. Desenberg and Milford M. Desenberg, Jr. Each will receive the flame of truth award, and the Desenberg-Wolff Center for Theoretical Studies will be established at Tel Aviv University.

The Maimonides Laurel of the fund will be presented to Gerson Reichman and Seymour Edelman, and posthumously to Samuel Denenberg, all Daylin executives.

Other Daylin officials who will become diplomates of the fund are Steve Adler, Robert Karan, Noel Kleinman, Bernard Nebenzahl, Bernard Rackmil, Sheila Saperstein and Robert Schiller.

In Los Angeles the flame of truth award will be conferred on Charles "Chic" Watt, in whose name will be established the intramural gymnasium and tennis courts complex at Stonehill College; and Bernard Kritzer, for whom there will be named a wing in the Daylin Building of a residence center at Hebrew University.

The flame of truth will also be awarded posthumously to Eugene L. Wyman, a founding director of the fund and former National Democratic Committeeman. The award will be accepted by his widow, Mrs. Rosalind Wyman, a woman of extraordinary ability and understanding.

The Maimonides Laurel will be conferred on Jerry Callner and George Lehman.

Five individuals who will be made diplomates of the fund are Ted Crey, Phyllis Friedman, Curt Silberberg, Arnold Prepsky, and Pat Long.

I want to extend my sincere congratulations to Daylin, Inc., a fine company with an active sense of social responsibility, and to its outstanding executives.

RESOLUTIONS APPROVED BY MEMBERSHIP OF RESERVE OFFICERS ASSOCIATION IN SUPPORT OF ADEQUATE NATIONAL SECURITY

Mr. THURMOND. Mr. President, one of the Nation's leading associations, the Reserve Officers Association of the United States, conducted its national convention in Las Vegas, Nev., last week.

At this convention 37 resolutions were approved, many of which go to the heart of the needs of a strong national defense.

Also, the convention elected as the new national president, Rear Adm. B. Hayden Crawford, U.S. Naval Reserve, of Tulsa, Okla. Admiral Crawford succeeds Army Brig. Gen. Robert D. Upp of Los Angeles, Calif.

Mr. President, these resolutions are important, especially to the Members of Congress who will have to decide upon many of the issues they address. I ask unanimous consent that these resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Reserve Officers Association of the United States Report of the National Resolutions Committee to the 1973 National Convention Recommending Adoption of Certain Resolutions in Support of Adequate National Security

A CALL FOR ACCOMPLISHMENT OF THE RESERVE "BILL OF RIGHTS"

Whereas, the Congress of the United States in 1967, after extensive and thorough investigation, enacted a Public Law (PL 90-168) designed to revitalize the Armed Forces Reserves and to provide for the personnel thereof a "Bill of Rights", and

Whereas, this law required the Department of Defense and the Military Services give full support, manning, management, equipment and training to the military Reserve organizations, in structures compatible with that of the Active Duty Forces, and

Whereas, this law requires the Military Services, the Department of Defense, and the Secretariat thereof to make periodic reports of progress in organization and training of the Reserves, and the state of readiness of the Reserves as required by law, and

Whereas, indigenous to this public law is the requirement for equal and full partnership of the Reserves in preparation for possible actions to defend this nation, and to preserve its peoples' freedoms, and

Whereas, pursuant to this law, the Secretary of Defense has promulgated the Total Force Concept, assigning to the Reserves a major responsibility never before envisioned in the history of this nation for the nation's defense, strengthening the aims and purposes of the Reserve Vitalization Act, and

Whereas, there are growing signs and easily ascertainable evidence that the full spirit and letter of this law is not being fulfilled, and that such failure of fulfillment is detrimental to the best interest of this nation and national security, and

Whereas, in various elements and facets of the military services there are growing signs of inequality, imbalance, and nonsupport.

Now therefore be it resolved that the Reserve Officers Association of the United States respectfully calls to the attention of the Congress the need fully to examine discrimination against the Reserves, inequality of various kinds of fringe benefits and incentives to service, and the existence of so-called "Lip Service" to the Reserves and the Total Force Concept, and

Be it further resolved that the Secretary of Defense, the Secretaries and staffs of the various Military Services, and the military leaders themselves apply their attention to the facts which may be revealed and the issues which may be raised, to the end that both the Spirit and the Letter of Public Law 90-168 shall be served, and the security and safety of this nation secured for now and for posterity.

EXPRESSION OF APPRECIATION TO GEN. LEWIS B. HERSHEY

Whereas, General Lewis B. Hershey has maintained a long and illustrious military career in the service of the United States spanning more than 56 years, and

Whereas, General Lewis B. Hershey has devoted more than 35 years to the planning and the operation of the Selective Service System, serving under six presidents and through three wars, and

Whereas, General Lewis B. Hershey concluded his long and distinguished career by serving from 1 February 1970 through 27 March 1973 as Manpower Advisor to the President of the United States, and

Whereas, General Lewis B. Hershey has demonstrated a love for the people of this country, on a parity with his love of country, through his many years of meaningful service to our citizens in working with the American Red Cross, the Boy Scouts of America, Veterans organizations, and other civic groups, and

Whereas, General Lewis B. Hershey has been a long time leader in the Reserve Officers Association of the United States, serving as National Chairman for the Minuteman Memorial Building Fund, and by Convention vote has for several years served as Honorary National President Emeritus,

Now therefore be it resolved that the Reserve Officers Association of the United States publicly recognize General Hershey's tireless and selfless devotion to duty, to country, to community, and to his fellow man, and extend to him an expression of our great appreciation for his service to both active and Reserve Armed Forces in maintaining our National Security.

HONORARY LIFE MEMBERSHIP NOMINATIONS

Whereas, the below listed patriotic Americans and allied officers have earned the respect and esteem of this Association and its members, and

Whereas, it is desired to give merited recognition to these individuals and to extend to them the rights as members to participate in programs focused on the ROA objective of adequate national security,

Now therefore be it resolved that Honorary Life Memberships in the Reserve Officers Association of the United States be awarded to:

Capt. Jack Jacobs of New Jersey, an ROTC graduate and recipient of the Congressional Medal of Honor,

Mr. James R. Wilson, long time director of the American Legion's National Security Commission,

Adm. John S. McCain, U.S. Navy,

Gen. Ralph Haines, U.S. Army, and

His Royal Highness, Prince Peter of Greece and Denmark, former International President of the Interallied Confederation of Reserve Officers.

(Approved by the National Executive Committee 17 February 1973.)

EQUAL JUSTICE FOR RESERVISTS

Whereas, Brig. Gen. Robert D. Upp, the National President of the Reserve Officers Association of the United States, has worked diligently during the entire term of his office and sounded a clarion call for equal justice for members of the Reserve who are engaged in training for possible full time service to their country, and

Whereas, with the support of other National, Department, and Chapter officers, as well as the National Staff, he has advanced a program which is designed wholly to encourage and motivate the Service Forces to the end that their effectiveness will be greatly enhanced,

Now therefore be it resolved by the Reserve Officers Association of the United States in National Convention assembled that every effort be expended by Gen. Upp's successor to achieve "Equal Justice".

EXTENSION OF SELECTIVE SERVICE ACT

Whereas, the Selective Service Act expires on June 30, 1973, and

Whereas, the need for rapid expansion of the military forces of the United States is a military necessity for the defense of America,

Now therefore be it resolved that the Reserve Officers Association of the United States urges Congress to *extend* the induction provisions of the Selective Service Act on a Standby basis and to implement the Selective Service System to provide for registration and capability for immediate call-up.

STATUTORY PROTECTION OF RESERVISTS IN EMPLOYMENT

Whereas, present statutory protection of Reservists in employment is limited to prevention of discrimination of those Reservists currently employed by their employer, and

Whereas, there is no protection for a Reservist who is denied employment by virtue of the fact that he is a member of the Reserve Components,

Now therefore be it resolved that the Reserve Officers Association of the United States recommends that remedial legislation be adopted by the Congress of the United States, protecting members of the Reserve Components from discrimination in initial hiring by virtue of the fact that they are a member of the Reserve Components.

SOCIAL SECURITY OFFSET IN THE SURVIVOR BENEFIT PLAN

Whereas, the Survivor Benefit Plan inaugurated in September 1972 provides a substantially improved plan for the support of surviving dependents of qualified military retirees, and

Whereas, the Survivor Benefit Plan, in its present form includes a provision requiring the reduction of a survivor's annuity by an amount equal to the survivor's entitlement to Social Security benefits due to military service, and

Whereas, many veterans have sufficient covered employment in non-military occupations to authorize maximum Social Security payments to survivors without coverage attributed to military service, and

Whereas, in such cases, Social Security entitlement is unaffected by additional military coverage,

Now therefore be it resolved that the Reserve Officers Association of the United States seeks a clearly established policy that there shall be no Social Security Offset, in the administration of the Survivor Benefit Plan in any case where the amount of Social Security entitlement has not been increased by coverage acquired in military service.

ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS

Whereas, the defense program of the United States provides that the Reserve components are the immediate back-up force for the active forces, and

Whereas, this mission requires the Reserve forces to maintain the highest state of readiness in their history, and

Whereas, the volunteer force environment combined with the increased importance of the Reserve mission, requires that the Reserve components have effective spokesmen and be represented properly at the highest decision making level, and

Whereas, the position of Deputy Assistant Secretary of Defense for Reserve Affairs, a statutory position created by the Reserve Bill of Rights, reports to the Assistant Secretary of Defense for Manpower in Reserve Affairs, and

Whereas, the Office of the Deputy Assistant Secretary of Defense for Reserve Affairs has greater responsibility than just manpower aspects of Reserve affairs but in addition covers all details concerning not only personnel but training, logistics and budget, responsibilities that are not found in the office of the Assistant Secretary of Defense for Manpower Reserve Affairs, thus covering greater responsibility than its superior office.

Now therefore be it resolved that the Reserve Officers Association of the United States hereby recommends that the Congress of the United States adopt legislation, creating the office of the Assistant Secretary of Defense for Reserve Affairs separate and distinct from the Assistant Secretary of Defense for Manpower.

PARTICIPATION IN THE BICENTENNIAL CELEBRATION

Whereas, members of the Reserve forces are the direct military descendants of the minute men of the American Revolutionary War of Independence, and

Whereas, other civic and national agencies are planning elaborate programs to celebrate the Bicentennial,

Now therefore be it resolved that the Reserve Officers Association of the United States strongly advocates active participation of the entire Association in the national and local programs of the Bicentennial celebration.

RECOMMENDING THREE STAR RANK FOR CHIEF OF ARMY RESERVE, CHIEF OF NATIONAL GUARD BUREAU, AND CHIEF OF AIR FORCE RESERVE

Whereas, the defense program of the United States provides that the Reserve components are the immediate back-up force for the active forces, and

Whereas, this mission requires the Reserve forces to maintain the highest state of readiness in their history, and

Whereas, the volunteer force environment combined with increased importance of the Reserve mission, requires that the Reserve components have effective spokesmen and be represented properly at the highest decision making level, and

Whereas, the position of Chief of Naval Reserve calls for a Vice-Admiral whereas the positions of Chief of Air Force Reserve, Chief of Army Reserve and Chief of National Guard Bureau only call for Major Generals,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Congress of the United States to adopt legislation specifying that the positions of Chief of the Air Force Reserve, Chief of the Army Reserve, and Chief of the National Guard Bureau, be elevated to the grade of Lieutenant General.

INCREASE IN THE NUMBER OF MARINE RESERVE CORPS FLAG OFFICERS

Whereas, from staff studies made by Headquarters Marine Corps and by Marine Corps Reserves Policy Boards, approved by the Commandant of the Marine Corps and the Secretary of the Navy, it is evident that the Marine Corps Reserve upon mobilization will need at least 5 additional Marine Corps Reserve General officers, and

Whereas, the House has previously passed legislation on three separate occasions recognizing that the studies had clearly identified the Marine Corps' need for additional Reserve General Officers, and

Whereas, the Reserve forces are a vital part of the National Defense and an integral part of the Total Force Concept,

Now therefore be it resolved that the Reserve Officers Association of the United States support the passage of legislation authorizing at least 5 additional Reserve General Officers.

NAVAL RESERVE FLAG OFFICERS

Whereas, the present utilization of inactive duty flag officer talent in the Naval Reserve relates only to mobilization assignments, and

Whereas, organizationally, with one exception, they are not in the chain of command as it relates to the Reserve Force, and

Whereas, it is believed that their talents and abilities could be more fully utilized if they had organizational positions within the Naval Reserve Force, and

Whereas, their identification organizationally with the training and force programs would be a boon to the entire Selected Naval Reserve,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of the Navy be urged to provide additional inactive duty Naval Reserve Flag Officer Billets within the Naval Reserve Force structure.

STATUTORY TOURS FOR RESERVE OFFICERS

Whereas, under the pending proposed reorganization of the Army and Air Force, certain Reservists will be afforded the opportunity of contract tours of active duty.

Now therefore be it resolved by the Reserve Officers Association of the United States that statutory tour commissioned officers of Reserve components of the Army and Air Force on Active Duty not be charged against the strengths in grade of the active Army and Air Force.

OPPOSE CLOSURES OF NAVAL RESERVE CENTERS AND NAVAL RESERVE AIR STATIONS

Whereas, it is understood planning is underway in the Navy Department to further reduce the number of Naval Reserve Centers and Naval Reserve Air Stations, and

Whereas, any such reductions would further deplete the capability of the Naval Reserve to maintain its numerical personnel requirements, and

Whereas, this is particularly significant in an atmosphere of an All Volunteer Force, and

Whereas, the geographic spread of Naval Reserve Activities is essential to the Navy's community relations throughout the country and to a sound recruiting program, and

Whereas, through repeated base closures during recent years, Naval Air stations and Centers are at a minimal number to support the Naval Reserve.

Now therefore be it resolved that the Reserve Officers Association of the United States opposes closure of Naval Reserve Centers and Air Stations which will deprive the Naval Reserve of the geographical spread essential to properly maintain its Reserve program, and

Be it further resolved that the Reserve Officers Association of the United States urges the Secretary of the Navy to maintain the existing geographic spread of Naval Reserve Activities.

CREWS FOR RESERVE FLEET SHIPS

Whereas, recent and planned drastic reductions in the number of active ships in the Navy reduces the Navy's overall combat capability, and

Whereas, many of these ships have been decommissioned and placed in the Reserve Fleet, and

Whereas, in a contingency situation, many of them would inevitably be reactivated, and

Whereas, trained crews would not be available,

Now, therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Navy to implement a Naval Reserve Program to provide trained crews to man designated Reserve Fleet ships.

THREE-YEAR ENLISTMENT IN RESERVE COMPONENTS

Wheras, in the need to encourage enlistment in the Reserve components, a shorter period of enlistment may be effective, and

Whereas, a statement of obligation is no longer appropriate to the Reserve components, and

Whereas, the Reserve components should not be placed in a more difficult position than the active services in regards to recruiting,

Now, therefore be it resolved that the Reserve Officers Association of the United States supports legislation to allow a three-year initial enlistment in the USAR without reference to obligation.

EQUITABLE TREATMENT FOR ENLISTED RESERVE PERSONNEL IN TO AND NON-TO POSITIONS

Whereas, geographic and other conditions often deny Enlisted Reservists the opportunity of filling TO positions in units authorized training for pay, and

Whereas, promotions for Enlisted Reservists above grade E-7 are not authorized for personnel in non-pay status,

Now, therefore be it resolved that the Reserve Officers Association of the United States support amendment of applicable regulations to provide Reserve of all Services personnel in non-pay status be given equal consideration for promotion with similar personnel in pay status.

SPAR PROGRAM COORDINATOR

Whereas, the former Secretary of Transportation authorized increased numbers of women to serve on active duty, and

Whereas, the Commandant of the Coast Guard has commenced increased recruiting and training of inactive duty SPARS, and

Whereas, there has not been a Coast Guard training program for women since World War II, and initial coordination by an experienced officer is of utmost importance.

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of Transportation to establish an advisor and coordinator billet for these new programs, for so long as is necessary to ensure success, and to assign a senior woman officer with prior training by the Coast Guard, whose responsibilities should include advising and coordinating the efforts of those responsible for matters involving recruiting, training, housing, discipline, welfare, and related activities of women on active and inactive duty.

SUPPORT OF VETERANS BENEFITS

Whereas, the United States has been involved in a military conflict in Southeast Asia, defending the principles of freedom for which our nation was founded, and

Whereas, many Americans in the Armed Forces of the United States served their country both proudly and honorably in this most difficult conflict,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the widespread support of any and all rehabilitation and employment programs, as well as any and all constructive educational and financial aid programs, which are designed to assist the veterans of this conflict in attaining their rightful place in today's society, and

Be it further resolved that the Reserve Officers Association of the United States commends all those who have honorably served their country during this conflict, and that all ROA chapters and individual members are encouraged to initiate and support programs which will be of assistance and benefit to such veterans in general and particularly to those disabled.

NAVAL SELECTED RESERVE

Whereas, present planning in the Navy Department is to reduce the budgeted manning level for the Naval Selected Reserve from 129,000 to 116,981, and

Whereas, the existing number does not meet requirements indicated in Navy testimony to the Armed Services Committees, and

Whereas, the stated objective of this reduction is to provide funds for upgrading and procuring modern training equipment and ships for the Naval Reserve, and

Whereas, since the present budgeted strength of the Naval Reserve is not sufficient to meet a major contingency, any plan to reduce manpower levels is considered unwise, and

Whereas, recent and planned reductions in the active forces emphasize the necessity for increasing the Naval Selected Reserve if realistic contingency and/or mobilization personnel requirements are to be met,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of the Navy be urged to maintain the Naval Selected Reserve at the present manning level of 129,000 and institute a program to increase the Naval Selected Reserve strength as the active Navy is further decreased.

NAVAL RESERVE FACILITIES

Whereas, the immediate requirements for augmentation personnel to meet the Navy's contingency and mobilization need must come from the Naval Reserve, and

Whereas, to support an effective Force requires adequate facilities and modern training equipment, and

Whereas, most of our Reserve Centers have high backlogs of essential maintenance and antiquated training equipment, and

Whereas, the entire complex of facilities is in need of an updated master plan for maintenance and installation of modern equipment, and

Whereas, such action would be in keeping with the intent of the recent Secretary of Defense's directive of all Services relating to the maintenance and support of the Reserve Forces,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of the Navy be urged to establish requirements for modern training equipment and maintenance at Naval Reserve Activities and budget for an orderly modernization program on an appropriate long range plan.

(This Resolution supersedes and updates Res. No. 21, June 1972.)

SEPARATE RESERVE CONSOLIDATED BASE PERSONNEL OFFICES—CBPO

Whereas, the Department of the Air Force plans to merge the Reserve and active duty CBPOs and

Whereas, the support previously furnished Reservists by active duty CBPOs left much to be desired, and

Whereas, the justification for placing the servicing responsibility of all Reservists, regardless of command channels, with the Reserve CBPO was a savings in manpower and increased efficiency, and

Whereas, Reserve support is needed at times when active duty personnel are generally not on duty, and

Whereas, Reserve personnel are available for duty in the CBPO when needed and have proven themselves capable of more effectively servicing Reservists, and

Whereas, the Reserve and active duty personnel systems, ostensibly basically similar, are in reality quite different, and

Whereas, it is important to maintain the Reserve unit's integrity,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Air Force to disapprove this merger of Reserve CBPOs into the active duty CBPOs.

CONCURRENT RECEIPT OF VA COMPENSATION AND EARNED RETIRED PAY

Whereas, there is a basic inequity in the field of military retired pay because of the continuing practice of deducting VA compensation from such retired pay, and

Whereas, non-military retirees may receive their VA compensation in full without deduction from other income, and in justice it would seem that those who have given a large measure of their lives to the military service should be the last to have such compensation, when justified as determined by the VA, in effect refused them, as is now the case, and

Whereas, the President's Advisory Commission on Veterans Affairs reviewed this subject and made a report recommending the permission of concurrent payment of VA disability compensation and retired pay for military personnel based on longevity, and

Whereas, that Commission also has emphasized the absence of any similar prohibition against the concurrent payment of VA disability compensation and retirement benefits from other sources,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that steps be taken to provide legislation that will correct this inequity to the end that VA compensation and military earned retirement pay be paid concurrently where both have been independently justified by the service and the disabilities of the individual military retiree.

INTEGRITY OF EARNED RETIRED MILITARY PAY

Whereas, this Association has long supported the principle of the inviolability of earned retired pay, as evidenced by our Resolution of 24 February 1967, which is still a valid mandate of the Association, and

Whereas, we continue, as then, in the conviction that military retired pay is earned income, as repeatedly established by many court decisions, and in justice should not be subject to elimination or reduction by reason of the receipt by a military retiree of income to which he may have become entitled from other sources,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that there be added to an appropriate military measure under consideration by the 93rd Congress an amendment in substantially the following words, or in words carrying the same meaning and intent: "Notwithstanding any other provisions of law, earned military retired pay shall not be reduced by reason of income received by a military retiree from other sources, whether civilian or governmental."

ANCILLARY BENEFITS FOR SURVIVORS OF RESERVISTS WHO DIE WHILE ON RESERVE DUTY

Whereas, Dependency and Indemnity Compensation (DIC) is provided by the Veterans Administration for survivors of military personnel who die in line of duty while on extended active duty, active duty for training or on inactive duty training, and

Whereas, ancillary benefits, such as military medicare, exchange and commissary privileges, are provided by DOD only to survivors of those who die while on extended active duty, and

Whereas, this is an obvious discrimination against survivors of Reservists who died in line of duty, while on active duty for training or on inactive duty training, or as a result of a service connected disability suffered while serving on inactive training or active duty for training,

Now therefore be it resolved that the Reserve Officers Association of the United States supports action to extent these ancillary benefits to all survivors of military personnel who are eligible for Dependency and Indemnity Compensation.

"SINGLE MANAGER" CONCEPT FOR AIR FORCE RESERVE INDIVIDUAL MOBILIZATION AUGMENTEE PROGRAM

Whereas, in past wars and emergencies, when the Reserve has been mobilized, individuals of many and varied specialties have contributed immeasurably to our national defense, and

Whereas, there is in the Air Force Reserve inventory a wealth of talent and skills which could likewise be used in future mobilizations, and

Whereas, the development of requirements, training standards and programs of the Individual Mobilization Augmentee programs, has been characterized by a considerable lack of uniform effectiveness, and

Whereas, there are "Single Manager" programs which have been developed in certain career fields and skill specialties, and which are considered successful, and

Whereas, it is feasible to develop such "Single Manager" programs in other career fields in the Air Force occupational spectrum,

Now therefore be it resolved that the Reserve Officers Association of the United States urges Air Force officials to take steps to establish "Single Manager" Individual Mobilization programs in all feasible career fields.

JET TRANSPORT AIRCRAFT FOR THE NAVAL AIR RESERVE

Whereas, the Naval Air Reserve airlift capability is the only organic airlift remaining in the Navy, and

Whereas, its equipment is obsolete and increasingly ineffective, and

Whereas, the C–118 type aircraft in the Naval Reserve VR Program are reaching the stage where replacement by modern aircraft is essential, and

Whereas, in order to provide a mobilization airlift capability and to meet present airlift requirements, the transition of Naval Air Reserve transport aircraft into jets should be an item of the highest priority,

Now therefore be it resolved by the Reserve Officers Association of the United States that it supports the Secretary of the Navy in his efforts to provide adequate jet airlift capability for the Naval Reserve.

PHYSICAL DISABILITY RETIREMENT FOR MEMBERS OF THE RESERVE COMPONENTS

Whereas, the President and the Secretary of Defense have announced a policy of reliance on a strong and ready Reserve to meet augmentation requirements in any future emergency, and

Whereas, the Congress, in passing the Military Selective Service Act of 1971, recognized this policy by requiring that any increase in the size of the Armed Forces beyond statutory limits would come through mobilization of the Reserve components, and

Whereas, this requires that members of the Reserve components attain and retain a degree of physical fitness which would qualify them for immediate mobilization, and

Whereas, through no fault of their own some Reservists may fall below the physical requirement for retention in the Reserves, after having served faithfully over a number of years yet short of the 20 satisfactory years required for eligibility for retired pay under Chapter 67, U.S. Code, and

Whereas, there are no retirement benefits for such persons who have performed faithfully to maintain a state of readiness,

Now therefore be it resolved that the Reserve Officers Association of the United States seek legislation which would provide prorated retired pay at age 60 for those who, after 10 satisfactory years of Reserve participation were prevented from completing 20 satisfactory years under Chapter 67, U.S. Code, by reason of physical disability.

MINIMUM NOTIFICATION OF REDUCTION-IN-FORCE ACTIONS

Whereas, the policy of some Department of Defense agencies has been that Reserve officers subject to being terminated from active duty because of a reduction in force action have been given advance notice of approximately three months, and

Whereas, such short notice has adversely effected many personnel in accomplishing necessary personal affairs in making the adjustment of relocation and decision on a future career,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the enactment of legislation precluding termination from active duty because of a reduction in force action unless there has been advance notification of 180 days to the Reserve officer concerned or unless the officer concurs in writing with a date prior to the minimum period.

DELAY RELEASE OF RESERVE NURSES

Whereas, Navy and Army Selection Boards for the grade of Commander and Lieutenant Colonel in the Nurse Corps had before them many Selection Folders, with a small quota to fill, and

Whereas, of the officers considered the overwhelming majority were Regular Officers, and

Whereas, the said Selection Boards did select all Regular Nurses, some of whom were in the primary zone and some below the zone, and

Whereas, a large number of experienced Navy and Army Nurses, all Reserves, were not selected, the majority of whom are being involuntarily released as of 30 June 1973, and

Whereas, the Navy and the Army are engaging in a recruiting campaign to secure qualified nurses, from which it follows that the Navy and Army Nurse Corps are below strength, and

Whereas, it being apparent, even though the Navy and Army, because of budgetary limitations, must cut down on its active duty officer strength, that the cut is not being equitably distributed as between Regulars and Reserves,

Now therefore be it resolved that the Reserve Officers Association of the United States petition the Secretaries of the Navy and the Army to delay the release from active duty of all concerned Reserve Nurses unless and until a new Selection Board has reviewed their records and an equitable distribution of available billets be made, and

Be it further resolved that the Reserve Officers Association of the United States petition the Secretary of Defense to direct uniform nurse retention and elimination procedures among the Armed Forces.

SUPPORT OF THE AIR RESERVE SQUADRON TRAINING PROGRAM

Whereas, new programs are continuously being developed in response to changing AF requirements, and

Whereas, the resource of trained, experienced personnel is a limited resource, and

Whereas, there is a continuing requirement for the retention and availability of such resources, and

Whereas, the Air Reserve Squadrons have demonstrated their value in the past as a trained manpower resource from which other Reserve Programs can be supported, and

Whereas, the AF Reserve has a capability for maximum utilization of all reserve personnel through centralized assignment processes,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Air Force to institute an appropriate program providing the necessary training opportunities and manpower resources to support changing and future Air Force Reserve missions.

(This resolution updates Resolution No. 14, June 1970.)

EXPANDED ROLES AND MISSIONS FOR THE FORCES

Whereas, the total force concept is fundamental to Air Force planning, and has been since the early 1960s and recently the Secretary of Defense, in his 21 August 1970 memorandum, broadened significantly the meaning and application of this concept in support of Reserve Forces, and

Whereas, one objective of the total force concept is integration of planning, programing, and management by the Reserve Forces of active force mission, and

Whereas, a trend toward greater reliance on the Reserve components permits the active force to reduce their involvement in current roles and missions, and

Whereas, management actions must be intensified and a broader base of involvement be established for Reserve units and supporting elements toward assumption of a more active force role and mission, and

Whereas, the Reserve Forces have affectively proven that they are "cost effective", and

Now therefore be it resolved that the Reserve Officers Association of the United States urges Congress, and the Department of Defense to appoint a committee to examine potential roles and missions for the Reserve Forces on an Air Force-wide basis where savings may be realized by converting to Reserve management.

SUPPORT OF THE ESTABLISHMENT OF BASE SUPPORT SQUADRONS

Whereas, the Tactical Air Command has eliminated the Base Support functions from the Reserve Wing structure, and

Whereas, the recall of Reserve flying units in case of national emergency does not now provide for additional base support personnel to supplement the existing active duty base functions, and

Whereas, such capability is deemed necessary to provide for such large increases of personnel and flying activities,

Now therefore be it resolved that the Reserve Officers Associations of the United States encourages the establishment of separate Reserve Base support squadrons to be available as needed to augment the increased activity in base support functions associated with National Emergency situations.

OVERGRADE MANNING AUTHORITY—AIR CREW POSITIONS

Whereas, current Reserve UDLs (manning documents) call for large number of Lt. and Capt. rated/designated positions, and

Whereas, all rated/designated personnel being released from EAD are being released as Captains, and

Whereas, experienced rated/designated personnel are not able to secure assignments due to this situation, and unit manning is being affected.

Now therefore be it resolved that the Reserve Officers Association of the United States supports the establishment of overgrade manning authority for Air Crew positions during the interim period of extensive conversion and reconversion of flying units.

THE BACKGROUND OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, The United Nations Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly of the United Nations in 1948 and was transmitted to the Senate of the United States on June 16, 1949.

Last week marked the 24th anniversary of this treaty's transmission to the Senate. At this time I feel that it is appropriate to review the background of the Genocide Convention as summarized by the report of the Senate Foreign Relations Committee which was issued on March 6, 1973:

I ask unanimous consent that the background review be printed in the RECORD.

There being no objections the review was ordered to be printed in the RECORD, as follows:

BACKGROUND OF THE CONVENTION

While genocide is not new it was the Hitler persecution of various minorities, particularly the Jews, during World War II that gave impetus to this convention. Drafted under United Nations auspices, it was adopted by the General Assembly on December 9, 1948, by a vote of 55 to 0, and entered into force in 1951. As of today, 75 nations are parties to it.

On June 16, 1949, the convention was transmitted by President Truman to the Senate. Hearings were held by a subcommittee of the Foreign Relations Committee in 1950, and the convention was favorably reported to the full committee together with recommended understandings and a declaration. No final committee action, however, was taken.

In 1953, Secretary of State John Foster Dulles expressed "some doubt as to whether * * * the Genocide Treaty is going to accomplish the purposes which were in the minds of those who drafted it." Dulles added: "I believe that the solution of the problem which must be envisaged by that treaty could better be reconsidered at a later date. I would not press at the moment for its ratification."

In 1963, Secretary of State Dean Rusk said that the Kennedy administration would ratify the Genocide Convention if the Senate gave its advice and consent, and this was repeated on behalf of the Johnson administration in 1965.

On February 19, 1970, President Nixon urged the Senate "to consider anew this important convention and to grant its advice and consent to ratification." Such action, said the President, "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." The President added that "the Attorney General concurs in the Secretary of State's judgment that there are no constitutional obstacles to United States ratification."

COMMITTEE ACTION

The committee considered the President's request at several meetings in 1970 and, because the last hearings were held in 1950, decided to refer the convention to a subcommittee consisting of Senator Church, chairman, and Senators Symington, Pell, Cooper, and Javits. On April 1, the subcommittee announced that it would hold hearings on April 24 and 27 on the constitutional and legal implications of the Genocide Convention. These hearings took place as scheduled and everyone who asked to testify was heard. Specific invitations were sent to representatives of the American Bar Association but declined at that time. A further hearing was held on May 22 to receive the views of Senator Ervin. The hearings are printed for the use of the Senate.

The subcommittee considered the convention in executive session on May 12 and subsequently recommended that the full committee report the convention favorably with understandings.

On July 28, 1970, the full committee by a vote of 6 to 5 ordered the convention reported favorably to the Senate but reconsidered this vote by a vote of 7 to 5. The votes on the two motions follow: To report favorably, ayes, Senators Fulbright, Church, Symington, Pell, McGee, Javits; naays, Senators Sparkman, Mansfield, Aiken, Cooper, and Williams of Delaware. To reconsider the vote, ayes, Senators Sparkman, Mansfield, Church, Aiken, Case, Cooper, and Williams of Delaware; nays, Senators Fulbright, Symington, Pell, McGee, and Javits. A request by the American Bar Association to be heard on the Convention was received under date of September 17 and this was considered at a meeting on November 23. The committee then took note of the fact that the House of Delegates of the American Bar Association in February rejected by a vote of 130 to 126 a motion to reverse its opposition to ratification of the Genocide Convention and therefore upheld the 1949 resolution presented to the committee at the 1950 hearings which are also available for the information of the Senate. The committee, after further discussion on November 23, voted 10 to 2 to report the convention favorably to the Senate, subject to the understandings and declaration. The vote was as follows: voting in the affirmative, Senators Fulbright, Mansfield, Gore, Church, Symington, Pell, Aiken, Case, Javits, and McGee; voting in the negative, Senators Sparkman and Cooper.

The convention was formally reported to the Senate on December 8, 1970, but was not brought to a vote before the close of the 92d Congress. In accordance with subsection 2 of rule XXVII of the Standing Rules of the Senate the treaty was returned to the Committee on Foreign Relations at the beginning of the 92d Congress.

Inasmuch as a fresh start had to be made on the convention in 1971, the committee decided to hold one more hearing for the purpose of taking testimony from those not previously heard. This was done on March 10 and the record of this hearing, too, is printed and available to the Senate.

On March 30, 1971, after thorough discussion, the committee again voted 10 to 4 to report the convention favorably to the Senate subject to the understandings and declaration previously recommended. Voting in the affirmative were Senators Fullbright, Church, Symington, Pell, McGee, Muskie, Spong, Case, Javits, and Scott. Voting in the negative were Senators Sparkman, Aiken, Cooper, and Pearson. Prior to this vote, the committee voted to table a reservation offered by Senator Cooper (which is further discussed in a later section of this report), by a vote of 7 to 6, as follows: in favor of tabling, Senators Fulbright, Church, Pell, McGee, Muskie, Javits, and Scott; against tabling, Senators Sparkman, Spong, Aiken, Case, Cooper, and Pearson.

The 92d Congress adjourned without further action on the convention and again, in accordance with subsection 2 of rule XXVII of the Standing Rules of the Senate, the treaty was rereferred to the Committee on Foreign Relations, where it was considered at an executive session on February 27, 1973. There have been no new developments, nor indeed requests to testify, that would warrant holding further hearings. Therefore, in view of the already voluminous record made on the treaty, the Committee on that date and by voice ordered the convention reported favorably to the Senate without a dissenting vote.

As noted, the 1950 (in limited numbers), 1970, and 1971 hearings on the convention are available to the Senate, but a few words in summary may be helpful. In 1950, representatives of numerous groups, with a claimed total combined membership of approximately 100 million people urged ratification. Only the American Bar Association appeared in opposition. In addition to the executive branch, represented by witnesses from the Departments of State and Justice, the following organizations presented favorable testimony in 1970 and 1971: the American Civil Liberties Union, Ad Hoc Committee on the Human Rights and Genocide Treaties, New York State Bar Association Committee on International Law, Ukrainian Congress Committee of America, and the U.S. Constitution Council. Individuals testifying in favor were Senator William Proxmire and Bruno Bitker, attorney at law. Organizations testifying against the convention were the American Coalition of Patriotic Societies, the Liberty Lobby, and the American Bar Association, Individuals presenting opposition testimony were Senator Sam J. Ervin, Jr., Senator Russell Long, Harry Leroy Jones, attorney at law, and Dr. William L. Pierce (representing himself as a "white American and as a National Socialist"). Other statements were submitted for the record. In connection with the latest hearings, the committee expresses its appreciation to the Ad Hoc Committee on the Human Rights and Genocide Treaties for representing 53 national citizens organizations which otherwise might have sought to present testimony on their own. These 53 constituent organizations, composed of religious, veterans, labor, social, ethnical, and women's groups are listed on pages 113 and 114 of the 1970 hearings and the committee directs the attention of the Senate to them.

The committee also wishes to note, in connection with the testimony of the American Bar Association, that in addition to the very close vote in the House of Delegates, the following sections and committees of the association were reported to be in favor of ratification: Section of Individual Rights and Responsibilities (with a dissent and minority report); World Order Under Law Committee (with a dissent); Criminal Law Section; Section of International and Comparative Law; Section of Family Law; and Section of Judicial Administration Opposed was the Young Lawyers Section (p. 141, 1971 hearings).

Mr. PROXMIRE. Mr. President, I urge the Senate to delay no longer in ratifying this important human rights convention.

THE FEDERAL GOVERNMENT AND PRIVATE AVIATION

Mr. DOMINICK. Mr. President, for about as long as I can remember and certainly as long as I have been in the Congress, I have been speaking out against the ever-increasing impositions of the Federal Government on private aviation. As a longtime private pilot, I am becoming more and more disturbed over the increasing rise in charges to the private aircraft user while the services he is entitled to have shown a steady decrease. I am not alone in my concern. More and more of my aviation comrades are telling me they, too, are upset. They want to know why the Federal Aviation Agency has reportedly grown from 39,835 employees with a budget of $567.9 million in 1960 to 52,825 employees with a budget of over $1.5 billion today. Why has all this growth occurred while at the same time attention to the needs of private aviation has diminished.

The latest is another attempt to further tax general aviation. Well, I intend to fight that one all the way. Increased user charges to private aviation are not in order. Mr. Butterfield, all the editorials I am inserting are worthy of your attention. Hopefully, you will, during your tenure as Administrator of FAA, take some of these editorial comments to heart and direct the FAA accordingly.

Mr. President, I ask unanimous consent that these editorials, entitled "Dear Mr. Butterfield," "Government Go Home," and "A Federal Auto Agency?" be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

DEAR MR. BUTTERFIELD

(By Archie Tramwell)

The other day I was in Washington and tried to see you, but was told that you were tied up being briefed by members of your staff. Since it was your first week as FAA Administrator, staff briefings were obviously necessary, however, it's unfortunate that we missed one another because I had hoped to brief you, also, on some things about the FAA that your staff will undoubtedly neglect to cover.

One thing I would have mentioned is the attitude at 800 Independence Avenue. As I rode up on the elevator I overheard one of your staff members tell his companion, "Remember, Joe, around here *planning* is an acceptable alternate to *doing* something," and he laughed.

As a taxpayer, and an aircraft owner who is about to be hit with user charges to cover the FAA budget, I couldn't even smile. Until someone shows me figures proving I'm wrong, I'm going to hold the opinion that the bureaucracy you have just inherited is the most inefficient organization ever created.

For instance, while you were being briefed did any of your staff members mention that you have one employee for every 2.6 airplanes in the civil fleet?

Think about it; that means you have enough employees to assign a man to every individual airplane in the fleet for 15 hours 20 minutes *each week!* Heavens, Mr. Butterfield, the *owner* of an airplane doesn't spend that much time with it each week. And that 15 hours 20 minutes doesn't take into account all the designees, medical examiners and authorized inspectors who help in the FAA's business.

It's also improbable that any of your staff pointed out that you have one full-time employee for every 13.8 pilots in the country. Breaking it down, one or another of your employees can spend two hours 45 minutes *per week* with *each* pilot in the nation! The average general-aviation pilot only *flies* 45 minutes per week. Two hours 45 minutes is more time than a doctor spends with a patient in the hospital and you can't convince me that I need more attention from my government because I hold a pilot's certificate (which my government tested me for, remember) than I do from my doctor when I am sick.

I expect that your staff members did brief you on FAA budgetary matters, but did they really lay it *all* out? The proposed 1974 budget is $2.126 billion. That's a *lot* of money. It's $15,185 for each civil airplane in the fleet. Damn, that's half what my airplane is *worth*. Of that $2.126 billion, $1.225 billion is earmarked for day-to-day operation. Extrapolating from the Department of Transportation's Cost Allocation Study, one third of that bill, or about $365.5 million, is spent to provide the services FAA feels are necessary to keep general aviation in line—*exclusive of airport and airways improvements*. (The remaining $859.5 million in day-to-day operating expenditures, you know, theoretically go for services to less than 2,500 airliners and FAA's services to the military.)

That also is a lot of money. Again using Cost Allocation Study numbers, general aviation can be expected to fly 30 million hours, give or take a million, in 1974. Therefore, the bill for FAA operating services will be $12.25 *per hour* in 1974. That may not seem like much to a man like you whose background is flying multi-million-dollar military jets, but that $12.25 is the average, and the *average* general-aviation airplane is probably like my own—single-engine, under five years old, more than 200 horsepower.

Do you know what $12.25 will buy in *other* than government services for my airplane? It'll buy enough fuel to fly it *two* hours, enough maintenance to fly it *three* hours, enough insurance to fly it 12 hours, enough oil to fly it 25 hours. In fact, fuel, maintenance, insurance and oil all together cost me less than $12.25 per hour.

The point is that your predecessors gave a lot of lip service to cost effectiveness, but none of them did anything about it—like can half the bureaucrats at 800 Independence and build a fire under the butts of the other half. Perhaps they didn't because when they got the briefings you were getting the other day, no one dared tell it like it is.

Although we haven't met yet, I think I may learn to like you, Alex, and so this letter: I don't want you to begin your Administration with the same handicap previous Administrators may have had.

GOVERNMENT GO HOME

(By Richard L. Collins)

Threatened changes in aviation have a disquieting effect on many people. Regardless of the source of the thunder—the Environmental Protection Agency, the Department of Transportation, the FAA or the Office of Management and Budget—some pilots tend to greet each new cloud as a potential straw to break the airplane's back, or at least to shift the CG so far aft that the poor thing spins in.

The argument that something is impossible to do or is too expensive to bear is a lousy one. More important, there are hopeful signs that aviation will approach the problems of the 1970s with positive instead of negative thinking. Aviation cannot progress by moaning over every change and asking for preferred poor-boy status. Aviation can become stronger and more valuable to the consumer only by welcoming and meeting challenges responsibly as a means toward progress.

The most important current storm is over something called public benefit. Basically, the Administration proposes to say that since there is no public benefit to aviation, no public funds should be spent on it. They are saying that no deleterious effect on the economy would result from general aviation's just fading away. If this could be proved and sold to Congress, the scheme would be to collect all of the costs of the airport/airways system and other aviation-related items for the user.

There *is* public benefits to aviation. We have editorialized about it and hope you are in contact with your representatives in Washington on the subject. We could still lose the battle, though, and the optimistic way to ponder that possibility would be to feel that aviation could make a good thing out of such a loss.

In trying to maintain the status quo, aviation has been put in a position of having to justify itself. If, however, it is decided that there is no public benefit to aviation, then the shoe will be on the other foot. The Government will have to justify *its* role in aviation—to the user, who pays. If you think that proving the public benefit of aviation could be difficult, think of trying to justify the Government's role in a no-benefit aviation system.

If, in fact, there is no public benefit to aviation the FAA's and the DOT's roles in aviation should be reduced drastically—to the point that the aviator-Government relationship would be like the present boater-Government relationship. The Coast Guard, with fewer employees than the FAA and a hell of a lot more boats than we have airplanes to worry about, is the sailor's FAA. It is charged with maintaining safety and order on the high seas and navigable waters subject to the jurisdiction of the United States. The primary purpose of most of the Coast Guard's duties is to prevent loss of life or property due to unsafe or illegal practices. A few changes in its wording and the Federal aviation Act could be modified to comprise such relatively simple obligations.

A Government phase-out would not bring chaos to aviation, because the Government has done very little for aviation over the years. If anything, the attitude of some people in Government has been one of working against aviation instead of for it. The regulatory system that has been developed is confusing. Enforcement of regulations more often than not comes after the crash. Air-traffic has become nightmarish and wasteful. Airport development has been needlessly expensive because of unnecessary regulation. (Some states and communities have found it less costly to build an airport without Federal aid and red tape than to meet Federal specs and get matching funds.) The FAA's role in bringing more safety features to airplanes is lifeless when compared to what Ralph Nader and the legal profession have done. The insurance companies often do more to assure that airplanes are flown by competent pilots than does the FAA, since insurance requirements are generally in excess of those required by the FAA.

The list could go on endlessly, yet I don't think you could prove that aviation would be measurably less safe today if it had been decided 30 years ago that there was no public benefit to aviation, and if the FAA's role had been limited to being similiar to that of the Coast Guard in the manufacture, navigation and general use of boats in the United States. The cost of flying today might be more equal to that of boating.

So if the Powers That Be decide tomorrow that there is no public benefit to aviation, don't listen to the prophets of doom who say that "*this* is the end." *This* could be made into a good thing. Aviation might be unshackled from the chains of an overgrown bureaucracy that now spends most of its time complicating what is basically simple. The airplane could then develop in a new and purer atmosphere—with services and support existing only where the need is so clear and absolute that the user is willing to pay for it.

A Federal Auto Agency?

What would the gigantic automobile industry be like if it were ruled by a Federal bureau comparable to the Federal Aviation Agency?

Take the automobile itself. Huge piles of engineering material are submitted by the auto manufacturer's engineering department to a division of the Federal Auto Agency, which itself is full of engineers. These engineers go to work on the efforts of the manufacturer's engineers, snipping, prodding, poking, and ordering changes. They must be made, because the law says so—and besides, it's all in the interest of safety, isn't it? The cost starts skyrocketing. . . .

Test drivers from the Federal Auto Agency next must work it over. By the time they get through, and order more changes, the cost has gone up again. But the car finally gets on the market complete with Federal certificate, even though the initial cost of reaching this point is several million dollars more than it ever used to be. Now you, the consumer, buy it. You must maintain detailed logs of everything you do with your car. The FAA requires that you take it to a Federally certificated facility every 5,000 miles for inspection. Once a year you must take it to such a facility and have it completely recertificated.

To operate it? The fuel and oil must be "approved." If a spark plug fails, it must be replaced only with an approved plug at a properly certificated facility. Flat tire? Certificated facility must fix it, and the tire itself must be approved. Buy a new radio? The set must be approved, but it can't be installed at all unless the FAA approves. Valves ground? Federal approval.

What about you, the driver? You can't even touch the wheel without a Federal certificate. If you're new, an FAA-certificated instructor must be with you. A whole set of Federal rules says how long you must study and prescribes the elaborate and detailed curriculum. Once the instructor okays you, you're ready for your driver's license test by a Federal agent—with one exception. . . .

Before you can get over that hurdle, you must submit your body to a special Federally designated doctor who sees to it that you meet physical standards arbitrarily set by a tight little band of Federal doctors—automedical specialists they call themselves. Before you can drive the family to the country for a picnic or to the corner drug store, you'll probably have to get someone to drive you 50 miles to find one of those special FAA doctors, pay an excessive fee (because he's special, you understand), then drive 50 miles to get home.

But let's say that you've managed to survive all this, and still retain your desire to drive. What happens to you, once you drive off with all the legal documents, in a legal auto? You must be wary. Because the Federal Auto Agency has the grave responsibility of looking out for the safety of the entire populace, they are strict. If you stop and ask a Federal employee for directions, likely as not you'll be hauled before a Federal inspector and charged with not being able to navigate your car properly. If you run into bad weather and pull over to the side of the road to play it safe, you're liable to be charged with a Federal violation for not having properly prepared yourself in advance with a full analysis of the weather. And if a Federal agent finds one suitcase too many in your trunk—which, of course, must carry a sticker showing the Federal limitations—you're likely to end up in a Federal court.

You may be terrified occasionally by a 100-passenger gas turbine bus screaming by you on the highways at 100 mph or more. But these are the very latest developments in buses, and that's the price you pay for progress. The Federal Auto Agency is forever preoccupied with these buses, worried lest ordinary motorists get in their way, and is constantly at work trying to figure out how to restrict all the nation's major turnpikes to the buses.

You might even see (or feel) an occasional military weapons carrier of some kind go screaming by or around you at 200 mph, scaring you half to death. Don't worry too much about that either. FAA is well aware of all this and has actually approved it. Matter of fact, a fair percentage of its top officials are military men. These death-defying military operations on the highways, you're reassured, are "in the interest of national defense." Obviously, you don't object—unless you are opposed to the defense of your country.

If a Federal Aviation Agency like we have now can be justified, we surely must need a Federal Auto Agency. After all, there are 70,000,000 motor vehicles on the roads; nearly 40,000 people were killed in autos last year, and about 1,400,000 more were injured. Now that it's a Federal policy to protect everyone against both himself and everyone else at the same time, the need for a Federal Auto Agency is long overdue. The fact that the U.S. automobile death rate has decreased steadily since 1920 (just as has the death rate in general aviation for the past 15 years) should not be permitted to stand in the way of so gigantic a Federal bureaucracy.

Would such an FAA help? Depends on how you look at it. The number of autos and people on the road would be reduced by at least half, a major safety step in itself. The few rugged individuals left would be excellent physical specimens, would know all the rules inside out, and you couldn't tell the professionals from the nonprofessionals. Every automobile would be a blue ribbon piece of machinery, complete with a Federal certificate of approval.

But the automobile industry as we know it today would be nonexistent. A so-called economy model car would cost at least $25,000; a "good" car would hit $100,000. As is already the case with aviation, the Federal Government would probably have one employee for every two or three cars. True, the economy of the United States would probably be wrecked.

But things would sure be a hell of a lot safer.

FEDERAL CUTBACKS CREATE SEVERE UNIVERSITY PROBLEMS

Mr. BIDEN. Mr. President, in recent months, members of the University of Delaware administration have contacted me concerning the fiscal difficulties that school is facing because of current administration policies toward funding for higher education.

The impact of impoundment of funds, and proposed cutbacks in various existing Federal programs will have severe impact on the university disrupting the financial planning and causing the elimination of many currently offered curricula choices.

Dr. Donald F. Crossan, vice president for university relations presented me with a brief summary of just what the detrimental effects these cutbacks will have on the University of Delaware.

According to Dr. Crossan:

> The proposed federal budget contains none of the funds for general support to institutions of higher education which were authorized in the Omnibus Higher Education Law enacted last year. If the President's budget prevails, many worthwhile programs in land grant colleges and universities will be adversely affected.

The problem of continuing funds for higher education is not confined to Delaware alone, but will attack the quality of higher education across the country.

I request unanimous consent to print the entire text of Dr. Crossan's statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement of Dr. Donald F. Crossan

The University of Delaware faces a very real budgetary problem created by the straitened revenue situation in the State of Delaware and the proposed cutbacks in federally-supported educational programs.

The federal budget calls for phasing out the following programs of vital importance to higher education: interest subsidies on academic facilities and college housing loans;

college teacher fellowships; aid to college libraries; university community services; new capital contributions to the National Direct Student Loan Fund; undergraduate teaching equipment, and capitation grants to land-grant colleges for various professions including nursing. The proposed federal budget contains none of the funds for general support to institutions of higher education which were authorized in the Omnibus Higher Education Law enacted last year. If the President's budget prevails, many worthwhile programs in land-grant colleges and universities will be adversely affected. This is certainly true for the University of Delaware.

The University calls attention to some specific examples of effects of the federal cutbacks as they relate to State and the University of Delaware. The elimination of the Bankhead-Jones and Morrill-Nelson Act funds will result in $165,000 deficit in the University's 1973–74 funding. These funds were built into the budget of the University over many years and support five (5) professorships in the Department of English; two (2) professorships in the Department of History, and two (2) professorships in the Department of Chemistry. A loss of this magnitude in federal dollars in the academic budget of the University will have unfortunate consequences.

The proposed cut in the Federal Agriculture Research Service budget for fiscal 1974 will result in a decrease of $106,521 in the budget of the University of Delaware's College of Agricultural Sciences.' To absorb this drastic cut, the University will have to reduce the staff of that College by at least two (2) combination faculty/research positions and their supporting funds for supplies and supporting staff. Furthermore, operational funds and supporting personnel on one year contracts will have to be cut back in order to help balance the budget. This will mean the loss of at least one (1) full-time research assistant and three (3) graduate student assistantships. In the State of Delaware, 25% of the total income of the State comes from the farm sector, and the College of Agricultural Sciences enrollment has been increasing. Such cutbacks will, therefore, have far-reaching, deleterious consequences for the University's service to the State's agricultural sector.

The effects of the federal cutbacks in health education programs will directly reduce the number of graduate traineeships in the College of Nursing previously available through the National Institute of Health and the National Institute of Mental Health, and will directly reduce or eliminate support of graduate instruction. Furthermore, the elimination of the capitation grant program will particularly affect instruction in the College of Nursing since that College especially depends on those funds for resource persons and specialists to enrich the instructional program.

The total reduction in income from federally-financed programs at the University will approach $800,000. A loss of revenue of this magnitude will seriously affect the educational programs of the University.

THE VOLUNTEER ARMY AND THE BUDGET

Mr. CRANSTON. Mr. President, those who continue to support the draft have tried to place the blame for higher defense spending on the volunteer army.

Congressman William Steiger, a distinguished Representative from Wisconsin who has spent much time and thought on the issues associated with the volunteer army, has written a revealing article with some startling facts about the real sources of higher spending. He points out that: Only one-tenth of the increase in defense spending over the last year is due to the volunteer army; even without ending the draft, an armed force of 2.3 million today would cost $5.5 billion more than a force of the same size in 1969 because of inflation; the phenomenon of "grade creep," or too many people in the higher ranks, costs an added $1 billion in fiscal year 1973; 15 percent of the FBI's criminal investigations, and no less than two-thirds of the FBI's total apprehensions, have been draft-related, with taxpayers' money paying for these cases.

Mr. President, at a time when the Congress is taking a hard look at the budget, I think that Congressman Steiger's article deserves special attention. I ask unanimous consent that the article, printed in the Christian Science Monitor on June 13, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Budget and the Draft

(By William A. Steiger)

With the impending expiration of the draft, June 30, those who would regiment the young and militarize our foreign policy are making a last ditch effort to extend the power of conscription. Their chief vehicle is a campaign to blame the increase in defense spending on the volunteer force.

The facts do not support this claim. It is true the defense budget as a whole has risen $4.1 billion over last year; but less than one-tenth ($400 million) of that increase is attributable to volunteer force costs. Moreover, by placing Selective Service on a standby basis, we will have $45 to $50 million that we have been spending every year on classification and registration, without impairing our ability to mobilize in an emergency.

An important side benefit from the end of inductions will be a return of the Justice Department to the fight against such real threats to our security as organized crime, drugs, and crime in the streets. This past year, when only 25,000 men were inducted into the military, U.S. attorneys handled 10,444 draft cases—11 percent of the Justice Department's entire criminal case load.

During the same period, the FBI investigated 17,353 draft cases and 26,591 desertions—15 percent of their criminal investigations. These cases accounted for a startling two-thirds of the FBI's total apprehensions. With the volunteer force, there will be few, if any, draft evasion cases, and desertions should decrease considerably as men join the armed forces out of free choice rather than coercion.

Under compulsory military service there are further unmeasured social costs. An estimated 35,000 people have worked full-time as draft counselors. More than 750 attorneys who specialize in draft law have spent a substantial amount of time handling selective service cases. Ironically, the major result of this enormous effort is simply that some youths were exempted from service, while others were forced to take their place. For the most part, those involved in draft-related activities are able, bright, and committed to reform. In view of the wide variety of social problems which could have benefited from citizen involvement, the draft has caused a serious drain of talent from productive activity.

When we compare current military personnel costs with those in effect in 1969 (the year in which the program to end the draft was initiated), it becomes clear that the military's bugetary problem stems from expenses that bear no relation to the volunteer force. Miscellaneous payments enacted long ago account for 77 percent of the military pay appropriation increase since FY (fiscal year) 1969; only 23 percent is attributable to the volunteer force. Critics also forget that the bulk of the "volunteer force" pay increase would have been necessary even under conscription to eliminate the disgrace of forcing young men to serve for wages below the poverty line.

The greatest culprit in increasing personnel costs has been inflation. Even if no steps had been taken to end the draft, an armed force of 2.3 million men today would cost $5.5 billion more than a force of the same size in FY 69, simply due to cost-of-living increases. Another nonvolunteer force item, retired pay, has skyrocketed by $2.3 billion since FY 69. The phenomenon of "grade creep"—too many individuals in the higher grades—counts for an added $1 billion this fiscal year.

The budgetary cost retirement, grade creep, and the pay schedule can be reduced through careful and comprehensive planning. Long-term savings can be generated through prompt Congressional passage of the Special Pay Act. The selective reenlistment provisions, for example, eliminate a bonus which is currently paid to every individual who signs up for a second tour, whether or not his skill is in short supply. Nearly $125 million will be saved by FY 78 through this action, and the institution of a system which is directed only at skills in demand.

In addition to the reduction in outlays which will result from a more efficient program, even greater savings will accrue through increased retention of skilled personnel. Experience with the nuclear incentive (the one special pay authority which was signed into law last year) demonstrates the potential of the Special Pay Act. Before Special Pay was instituted, the reenlistment rate among nuclear qualified petty officers in the critical 6–9 year retention period was just 14 percent. Use of the incentive more than doubled the rate to over 30 percent—and reductions in training costs for the few men involved in this limited skill produced an annual savings of nearly $10 million.

Applying the same principle to nuclear officers has led to even greater cost avoidance. For each $13,000 spent on incentive pay, the Navy avoids the expenditure of at least $26,000 which would otherwise have been budgeted for training costs. When the Special Pay authority is expanded beyond the nuclear field to the many skills where there are manpower shortages and high training costs, the savings will be dramatic.

The volunteer force presents defense planners and budget specialists with a unique opportunity to reform military personnel policies and save the taxpayers billions of dollars. That opportunity will be lost if those responsible for change insist on focusing their attention on the extension of the executive's induction authority, rather than on a comprehensive overhaul of the military compensation system.

THE FAIR HOUSING OPPORTUNITY ACT

Mr. TOWER. Mr. President, I am pleased today to join my distinguished colleague from Tennessee (Mr. Brock) in cosponsoring legislation designed to further eliminate the vestiges of discrimination on the basis of sex in our society. The measures I associate myself with today address two specific areas of discrimination against women—discrimination in housing sales and mortgage lending and discrimination in credit transactions.

In reviewing the question of equal opportunity, I found confusion regarding the interpretation of the fair housing amendments of 1968 which prohibit discrimination on the basis of race, color, religion, or national origin only. S. 1604, the Fair Housing Opportunity Act, would extend the provisions of sections 804, 805, 806, and 901 of the fair housing amendments of 1968 to include a prohibition against discrimination on the basis of sex in sales and mortgage lending transactions. With this clarification, congressional intent would be manifest.

I was further dismayed to learn the full extent of discrimination against women in credit transactions following hearings held by the National Commission on Consumer Finance last summer. Credit is an integral part of this Nation's economic system. Consequently, when women are restricted in their participation in credit transactions, they are denied full participation in that system. Certainly, this cannot be tolerated in today's society. Credit must be made available to individuals solely on the basis of their creditworthiness. S. 1605, the Equal Consumer Credit Act, would therefore amend the Truth in Lending Act to prohibit discrimination on the basis of sex or marital status in any consumer credit sale thereunder. This development in the legal framework of our Nation is a natural step as the role of women in our society continues to change. It will not only benefit the individual affected, but will also assure that we have a strong economy and a high level of employment to the ultimate benefit of us all.

Let us look briefly at the present situation. One of the most persistent misconceptions in this area is the notion that women generally seek employment simply to earn "pin money." This basic misconception accounts for many of the present inequities, for, in response to it, many employers hire women at lower salaries than comparable men, and deny them raises, for they believe women do not need the money. While this notion is contradicted on a daily basis by reliable statistics, it continues to persist.

Recently, the University of Michigan Institute for Social Research released results of a survey showing that 40 percent of all employed women are independently supporting themselves, 32 percent are the sole breadwinners for their families, and 8 percent are the major wage earners in their homes. These women include professionals and nonprofessionals. They include women putting husbands and children through college, career women living alone, and women supporting families in the lowest economic segments of our society. In fact, in families with total incomes of less than $5,000, the institute survey shows 57 percent of the wage earners to be women. This would appear to conclusively refute the pin money theory.

For many working women, employment is the only alternative to public assistance. This includes some 13 million women with full responsibility for the welfare of more than 10 million minor children. Furthermore, Census Bureau statistics indicate that working women have often been responsible for raising poor families into the middle class. Certainly, it appears that America's employed women are accomplishing that which the Federal Government has been unable to accomplish; namely, providing the essentials for existence to many of this Nation's poorest families and raising a substantial group of them into the middle class.

With these facts in mind, it is impossible to rationalize or justify the blatant and persistent discrimination against women in the credit community. Nevertheless, the Commission on Consumer Finance reports that women experience discrimination in several major areas:

First. Single women are often required to meet higher income, employment tenure, and residence standards than men of any marital status when applying for credit cards or personal loans;

Second. Single women are traditionally unable to obtain mortgages to purchase real estate, regardless of their individual creditworthiness, without a male cosigner whose creditworthiness is often not questioned;

Third. When single women with established credit marry, their creditors generally require that they reapply for credit, and often will only renew credit in the husband's name. This results in a loss of personal identity to married women within the financial community. Similar restrictions are not generally placed on men, however, and are, therefore, discriminatory;

Fourth. Widows, divorcees, and separated women have a particularly difficult time reestablishing credit as individuals, even though they may have been handling their family finances and credit transactions for many years; and

Fifth. When married couples apply for credit, creditors often refuse to consider a wife's income.

Certainly these examples of discriminatory practices seem irrational and inconsistent when considered in light of the statistics presented earlier on employed women. I feel it is extremely important that we in the Congress move to expedite enactment of both the Fair Housing Opportunity Act and the Equal Consumer Credit Act, and as ranking minority member of the Banking, Housing and Urban Affairs Committee to which they have been referred, I shall certainly urge early hearings and a favorable report.

OIL AND GAS

Mr. BARTLETT. Mr. President, I ask unanimous consent that there be printed in the Record an article entitled "Blaming It on the Oil Men," by Jenkin Lloyd Jones and published in the Washington Evening Star-News on June 16, 1973.

There being no objection, the article was ordered to be printed in the Record, as follows:

Blaming It on the Oil Men

In connection with the Emergency Petroleum Allocation Act of 1973, Sen. Henry Jackson, D-Wash., has insisted that the Federal Trade Commission investigate whether major refiineries are not squeezing out independent retailers.

If the investigation is conducted fairly, by all means let's have it. There would certainly be a temptation to knock off the 2-cents-less unbranded gas station if the major companies find that they can market all the gas that they can make through their own brand-name outlets.

The oil business is a peculiar three-headed animal. It produces. It refines. It markets. Not all these functions are compatible. For example, it would seem idiotic for a company that both refines and markets to supply cutrate competitors. Yet a refinery operating at close to capacity produces cheaper gas than one operating at half-capacity.

Since in the past it was deemed certain that independent retailers would band together to build their own refineries if they couldn't buy gasoline from the plants of the majors, the rule was to welcome any tank wagon to the loading dock.

That incentive has now disappeared. The trading stamps and premiums are vanishing. And as demand outruns supply there is no doubt that the major companies would prefer to see No Gas signs go up last on their own stations.

But the reaction of many "liberals" to the oil-gas crunch was predictable—blame the oil men. The stereotype of the grasping exploiters of our petroleum resources is deeply ingrained in their own peculiar demonology.

A new movie, "Oklahoma Crude," is instructing a new generation that American oil men in the boom days murdered like the Mafia, cheated like carnies and looked like Jack Palance. The anxious wildcatter with a decent wife and kids who gradually lost his shirt on a succession of dusters was never very good theater.

So the cry is arising that the petroleum shortage is a phony, dreamed up by the oil barons to kite prices. How phony is it?

Four years ago the American Petroleum Institute was pointing out that consumption of petroleum products and natural gas in the United States was rising about 4 percent a year and that unless the 10 billion barrels on the Alaska North Slope could be tapped, unless offshore fields could be exploited and unless refinery capacity could keep pace, we'd soon be in trouble.

There was one miscalculation. Pollution-control devices on new cars have lowered gas mileage about 10 percent, and by 1976 can be expected to lower it another 15 percent. Moreover, people are simply driving more. So the consumption is rising about 6 percent a year.

In the meantime, the ecologists have succeeded in blocking the Alaskan pipeline. They have succeeded in locking up most new offshore drilling leases. And the howl every time some company has tried to build a refinery has resulted in just one new one in five years. So the jam has arrived.

We're in natural gas trouble, too, thanks largely to the Federal Power Commission that held the price down to such an unrealistic level that factories and homes all over America dashed for it. What the gas producers should have done was to agree jointly to withhold their precious product from the market until a realistic price was set. But that, of course, would have put them all in jail for violation of antitrust.

So we have been blithely burning this resource in broad daylight in our curb lamps when it's nearly a lead-pipe cinch that three generations from now much of the world's population will be depending on proteins extracted from natural gas to keep from starving.

The ecologists meant well. The politicians meant well. But having been caught in a series of gross blunders in spite of the oil industry's warnings, they are now beginning to point fingers at the warners and hint of conspiracy.

There's not much more easy oil in America—oil within 5,000 feet of the surface. We can go to deep formations—15–20 thousand feet at a price. We can cook our oil shales and if Canada will let us we can mine out its tar sands. And we can import from overseas which will require not baloney dollars but solid exports competitive in the world market, sans unrealistic wages and featherbedding. The labor bosses may have to figure that one out.

But mostly we'll need to drive smaller engines fewer miles. The bicycle might get us to the supermarket but you can't pedal intercity trucks or freight trains or combines. Unless we can find a radical new source of power, we'll be scrambling for oil.

That's what the much-cussed petroleum industry was trying to tell the kids who were happily driving their jalopies to the damn-the-pipeline rallies.

DEATH OF RAYMOND M. LAHR

Mr. SCOTT of Pennsylvania. Mr. President, it was with much sadness that I learned of the passing of Raymond M. Lahr, chief political correspondent for United Press International in Washington, this past week. Ray was a fine newsman, highly respected by his colleagues.

His career with United Press began in 1937. He worked in UP bureaus in Chicago and Springfield, Ill., and in Lincoln, Nebr., before coming to Washington in 1943. He covered labor news and later headed the House UP staff and then the Senate UP staff. When UP merged with the International News Service in June 1958, Ray became chief political writer for United Press International.

Mr. President, Ray Lahr was a responsible and fair reporter who will be much missed by those of us who knew him and worked with him. I ask unanimous consent that his obituary as it appeared in the Washington Star-News be printed in today's Record.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

Raymond Lahr Dies, Reporter for UPI

Raymond M. Lahr, 58, chief political correspondent here for United Press International for the past 15 years, died yesterday after a heart attack in Johns Hopkins Hospital in Baltimore. He lived on Laurel Court in Falls Church.

Mr. Lahr came here with UPI in 1943 and covered labor news. He later headed the House United Press staff and then the Senate staff. While covering the Senate he reported on the Senate investigation of the ouster of Gen. Douglas MacArthur and the Army-MacArthur dispute.

He became chief political writer in June 1958, coinciding with the merger of UP and International News Service.

Born in Kokomo, Ind., he graduated from the University of Chicago in 1936 and went to work for UP the next year. He worked in UP bureaus in Chicago, Springfield, Ill., and Lincoln, Neb., before coming to Washington.

He was co-author, with Hearst newsman J. William Theis, of "Congress: Power and Purpose on Capitol Hill."

He leaves his wife, Sarah, a former member of the Fairfax County School Board.

STRENGTHENING THE OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. DOMINICK. Mr. President, a radio editorial which was broadcast recently by station WEEI in Boston has been brought to my attention. The editorial, entitled "Strengthening OSHA", endorses my bill, S. 1147, to amend the Occupational Safety and Health Act.

S. 1147, which I introduced on March 8 this year, proposes the changes I think are necessary to make OSHA work effectively. It has been cosponsored by 22 of my colleagues: Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Brock, Mr. Cook, Mr. Dole, Mr. Domenici, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Hansen, Mr. Hatfield, Mr. Helms, Mr. Hruska, Mr. McClure, Mr. Scott, Mr. Taft, Mr. Thurmond, and Mr. Tower. It is my hope that hearings will be scheduled in the near future on this and other bills proposing amendments to OSHA.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Strengthening OSHA

You may think that OSHA is the name of a new foreign car, but not if you are a businessman. In that case you know that the initials stand for the Occupational Safety and Health Act of 1970. WEEI thinks the goal of the act—to make our jobs safer for all of us—is beyond reproach. In fact, we think OSHA should be given every chance to work. That's why we support legislation sponsored by Senator Peter Dominick of Colorado.

His bill—already co-sponsored by 22 other senators—would make for a more workable approach to better safety and health standards on the job. Here's what it would do. The legislation would allow the small businessman to call in OSHA inspectors for advice and technical assistance without the danger of citations being handed out during this consultive visit. At the present, if an OSHA inspector sees a violation, he has no choice but to issue a citation. The chance of this happening all but prevents the small businessman from asking OSHA's assistance in making his plant or office safer for the workers.

The bill would also make OSHA look at the entire picture. In determining whether or not to fine the business, officials would have to take the gravity of the violation and the good faith of the employer into account. And it would make the law flexible enough to realize that a safety procedure being used by a company could be equal to, while not necessarily the same as, a recognized OSHA standard. None of the provisions of Senator Dominick's bill would lessen the protection of employees, and not a single employer would be exempted from coverage.

WEEI believes the legislation would strengthen, not weaken, the Occupational Safety and Health Act of 1970. Job safety is very important. It calls out for cooperation between the government and the employer—not coercion. We urge you to contact your Senator or Congressman and ask him to support Senator Dominick's proposed changes for OSHA, Senate Bill 1147. Your action now could make your hours on the job a little bit safer.

THE REPORT OF THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Mr. TOWER. Mr. President, the report of the President's Committee on Mental Retardation, entitled "MR 72, Islands of Excellence," presented a number of national, State, regional, and local programs that typify the positive approach to prevention and alleviation of mental retardation. One of the articles highlighted the efforts of the Texas Education Agency to bring the handicapped children of Texas into the mainstream of education and life. Rather than labeling and isolating the handicapped child, the State plan provides for giving each child an education suited to his ability to learn. I commend the efforts of the Texas Education Agency and the local school districts.

Mr. President, I ask unanimous consent that the report be printed in the Record so that it will be available to Senators.

There being no objection, the report was ordered to be printed in the Record, as follows:

Texas Removes the Label

If you are interested in EMRs, TMRs, MBIs or other such labels, don't go to Texas. If you are looking for the usual special education classrooms, proudly displayed, you will find few in Texas.

However, if you care about *children* and their individual, special needs, take a look at Texas.

Something special is happening to special education there. And what is happening may well be a preview of a new era in education in general. The new concept of comprehensive, personalized education for individual needs is called Plan A.

The primary goal in this child-centered plan is to provide each handicapped child in the state with an education suited to his ability to learn. Specialists are available to give the special help required to the child as well as to the teacher.

By deemphasizing labeling and isolation in self-contained classrooms, and by focusing on the learning needs of each child rather than on the handicap, Texas is giving an increasing proportion of its handicapped children the opportunity to move into the mainstream of education—and of life.

Contrary to fears that handicapped children would drown in this mainstream, they are being taught to swim.

"They used to bring these kids in here and tell me, 'this one's got an I.Q. of 55. This one's MBI.' I don't want to know what their I.Q. is or what they can't do. All I care about is what they can do."

The speaker was a muscular shop teacher in North East San Antonio's Roosevelt High School. He was standing by, unconcerned, as a group of students, most of them handicapped, expertly handled makeshift levers and ramps to load onto a truck the 7 x 9 foot house they had built. The scaled-down red and white building, a highly professional construction job, was to be the Christmas toy collection headquarters for a local radio station.

Across town, at Alamo Heights Junior School, a resource teacher was working in a "resource room" with four students who had reading problems. Later one would go to math class, two to social studies, and the fourth to shop, where he is learning on lawnmowers, tractors and auto engines, to be an expert mechanic. The school does a brisk business in lawnmower repair. In the old system, all would have been labeled mentally retarded and isolated in a special education self-contained unit.

The same system of integration was taking place with children in classrooms through the school. Those with special needs were receiving personalized help, then returning to art, music, physical education, shop, or regular classrooms.

"We still have to match the child carefully with the regular teacher, the principal explained. "Those who may discourage or squash the child's initiative don't get these children."

Until higher education catches up with the changes in elementary and secondary education, a great deal of the success of a comprehensive system depends on the understanding of the principal and administrative staff, and the individual teacher's attitude and instincts, in addition to teaching techniques.

Directors of Special Education are discovering that principals trained in primary and early childhood education generally are more realistic toward children with varying special needs than are those coming from other education fields. The latter seem more oriented toward rigid, chronological criteria for grade placement.

Technique and instinct both are apparent in Victoria Plaza Elementary School, where trained residents of Victoria Plaza, a model housing unit for aged persons, across the street, regularly take part in the school's program, and supply an extra dimension of care for the children.

Integrated regular classrooms and resource rooms buzz with teacher-child dialogues:

"Tell me why you chose that picture, Robert." Probing into the learning process.

"Let's break up this ball of clay. Now, with all these pieces, do we have *more* than we had before? Or less? Or the same amount?" Developing concepts of conservation of matter.

"Would you like to make some figures with the clay?" Creativity.

Piaget all the way.

The newest educational techniques are most obvious, however, in the early childhood education programs. At Edgewood's Cardenas Early Childhood Center, children from three to five years are given highly specialized attention. Although most are handicapped mentally or physically and are predominantly Mexican-American, there is a mixture of children from several cultures and with a wide range of IQs.

Brilliantly colored, and carpeted throughout, the demonstration school is alive with the joy of children discovering the world and themselves. But it is ordered exuberance.

In one learning area of a large room, a group marches around in a circle, beating out a ragged rhythm with whatever can be turned into a percussion instrument. One child has thick glasses, two or three have hearing aids, one a brace on her leg, and a few are marching to the rhythm of a very distant drum. With them are a teacher assistant and a Spanish-speaking volunteer, who is young and male.

Over in a "learning well," two carpeted steps down, a little girl sits with a teacher who is giving her individual instruction. In several intimate, quiet rooms, small groups of children are working with teachers who are specialists in specific fields, such as speech therapy, or emotional disturbance.

Around a table in another corner there is a social event—a party. A mother sits a little apart, observing over a cup of coffee. She is a member of the parents' group, PIENSA, an integral part of the center's program.

Every few minutes, the action changes, to keep pace with the attention span of these young children.

The scenes at the San Antonio schools are being duplicated in many parts of the State, now that Plan A is expanding to 187 school systems. It is expected to cover the state by 1976, serving the needs of every handicapped child in Texas.

As it grows, the effect it is having in regular primary and secondary education, as well as teacher training, is slowly becoming noticeable, though not fast enough to keep up with Plan A's pace.

It is the early childhood programs, more than any other educational advancements, however, that are moving Texas' special education program out of the column marked perpetuation of mental retardation and into the column of prevention.

Plan A had a nebulous beginning in the late '60s, with the State plan for education of handicapped children, provided for under Title VI of the Elementary and Secondary Education Act of 1965, as amended.

In-depth research on the Texas State Plan, as well as on many other State plans, indicated that special education was not being responsive to the obvious call for massive restructuring of education in general. Instead, the special education plans seemed to be perpetuating the status quo. And the status quo was not working.

In 1968, for example, less than half of all *known* handicapped children in Texas were participating in the type of special education program they needed. (In one school district, there were 8 *known* multi-handicapped children under 6 years of age. After the Plan A program started, 42 were found.)

More than 40 counties provided no special education for their handicapped children.

Under 6 percent of the school-age population throughout the State were receiving special education services in 1968, while educators estimated that 10–20 percent needed such services. Many, receiving little or no help, dropped out of school.

A disproportionate number of minority children were enrolled in special education. There were unanswered questions concerning the adequacy of the standards by which they were measured.

In addition to these statistics, there was the ever-present label, the stigma, the isolation that perpetuates and accentuates the handicap. And the dehumanization of the category—an EMR, a TMR or some other faceless designation.

Costs were increasing; benefits decreasing.

Researchers brought in experts in special education and related fields, distilled their ideas into a report with 17 recommendations for drastic changes in special education.

Major recommendations were:

Discontinue labeling and categorizing children. (Do not label one child as brain injured, another as emotionally disturbed, a third as mentally retarded, etc.)

Shift the emphasis from the handicapping condition to the educational needs of each child. (Discontinue emphasizing the fact that a given child is crippled. Instead, assess his individual needs and program his educaction accordingly.)

Shift the emphasis from the self-contained special class to mainstream or regular education facilities. Where a handicapped child can achieve, provide him with an education in the regular school program with modifications and support as needed.

The research findings and recommendations, supported by the Texas Education Agency, resulted in legislation that was passed unanimously by both houses of the Texas Legislature in 1969.

With wholehearted support from the State Board of Education and the Commissioner of Education, Plan A began during the 1970–71 school year, with a pilot project in five school systems. In 1972–73 there are 70,000 handicapped Texas children receiving these special services. By 1976, Plan A is expected to serve all of Texas' handicapped children, from 3 to 21 (with infant stimulation programs in many areas).

Case finding is the responsibility of the local school district, and because of the change in funding patterns, it is to the district's financial advantage to get the children in school.

Under Plan A, however, funds are alloted to school districts according to average daily attendance, and exceptional children who spend more than half of their time in regular classes—including art, music, gym, shop, homemaking, etc—are eligible to be counted in average daily attendance. For each 3,000 children in average daily attendance, the school district is allotted 20 professional instructional units, 7 teacher aides, and 3 professional supportive personnel units. For each additional 1,000 pupils there is an additional entitlement.

School districts may form cooperative programs, especially for severely handicapped children. Several have done this. Some regional programs have been established for children who cannot cope with a regular classroom.

Previously, there was little or no assistance to teachers in regular classrooms that included handicapped children. Supportive staff positions were not available, nor was there a possibility of contracting for services.

To assist the regular classroom teacher, specialists are now available, including educational diagnostician, helping teacher, resource teacher, teacher aide, counselor, visiting teacher, speech therapist, teacher of the deaf, blind, and others for special needs.

Funds are available for appraisal of handicapped children, with each child receiving an individual prescription. Each child is given individual help in this program, rooted in Piaget's theories of cognitive learning.

In addition to the programs in the early childhood centers, there is a homebound program for stimulation of infants and for the bedridden.

The Texas Education Agency's Special Education Department is currently holding a continuing series of institutes to create awareness of the need for curriculum change, and to train teachers and administrators in the application of Piaget's learning theories to curriculum development for exceptional children.

Each participant is responsible for bringing ideas and results of the conference back to the school district, and implementing changes if there are implications for that school district.

Those attending return to their schools and children with a heightened interest in the child as an individual rather than in terms of norms or as a subject to be located within a set of statistics. They are filled with Piaget's commitment to adapt the school to the mind of the child, to adapt teaching techniques to the cognitive structures of the child's thinking process, and to adapt the content of what is taught to that which is relevant rather than traditional.

They learn to replace teacher monologues with dialogues between child and teacher, and between child and materials. Teachers are taught to listen, to teach the child *how* to learn, to stimulate his own activity and to encourage him to direct that activity into meaningful channels.

Strategies for curriculums change are growing out of these progressive concepts, which are based on sound knowledge of human development as it relates to the learning process itself.

While these educational changes are taking place, Plan A classes are being examined in minute detail by Project PRIME (Programmed Re-entry Into Mainstream Education), the largest single study ever underfor the Handicapped, the Texas Education taken in special education. Findings will give policy makers across the nation firm data on how handicapped children can benefit most from integration into the regular classroom, and to identify strategies and climates in administration and teaching necessary to accomplish this goal.

PRIME is a cooperative venture of the U.S. Office of Education's Bureau of Education Agency, local school districts and higher education institutions.

The outcome of this study, combined with the dynamic concept of Plan A, promises an impact that will spread beyond the limits of special education, and far beyond the borders of Texas.

LITHUANIA—ONCE A FREE NATION

Mr. SCOTT of Pennsylvania. Mr. President, June 15 was a day of sorrow because it marked another year of waiting for the people of Lithuania and for my many Lithuanian American constituents. Thirty-three years ago last Friday, Lithuania was forcibly annexed by the Soviet Union. The country was taken, but the hearts of the people were not. They want to be free.

Throughout my Commonwealth of Pennsylvania there are thousands of Lithuanian Americans, many of them in Philadelphia, Pittsburgh, Wilkes-Barre, Scranton, and Erie. They have emigrated to America, where there is freedom and where there is peace. They have come to live in a State that played so great a role in the attainment of American independence, nearly 200 years ago, after much struggle against tyranny.

But today their thoughts return to their proud and brave homeland where they seek freedom and seek peace. But there is tyranny and much struggle. They remember the sacrifice last year in Kaunas of a young man, Romas Kalanta, who burned himself to death to protest Soviet oppression. They remember and grieve, but they also continue to hope and pray that Lithuania will someday be a free nation, and that the sacrifices of her people will not be in vain but in the just attainment of independence.

Mr. President, the people of Lithuania and all the Baltic states must be assured that America cares. One way they can know this is by our continued support of Radio Free Europe and Radio Liberty. Eastern Europe needs to hear the news, objectively reported and presented without censorship. I strongly urge that we support legislation that will keep open channels of information and opinion on matters of vital concern to this part of the world.

I also strongly share the sentiments of Lithuanian Americans on their day of sad reflection.

INFLATION—CONTROLLING ECONOMY THROUGH TIGHT MONEY ALONE WILL NOT WORK

Mr. DOMENICI. Mr. President, a recent nationwide public opinion survey indicates that 70 percent of the American people consider inflation and the high cost of living to be this Nation's No. 1 problem. And I am sure there is not one of us here today who does not wish he could come up with a solution to this matter that concerns so many of our citizens. But we all know the problem of inflation is caused by numerous forces, and just as the problem cannot be traced to one single cause, we cannot realistically call upon one single agency or segment of the economy to find a workable solution to inflation.

But we have been doing just that. We have been asking Mr. Arthur Burns and his Federal Reserve Board to manipulate the prime interest rates to control spiraling inflation. And we have found this ineffective, because we have been asking for a single solution to a terribly complex problem. Certainly, the Federal Reserve Board's regulation of the commercial banking system is an ingredient in a cure for our economy's problems, but control of the money supply alone is simply not a total answer.

Early in my term here in the Senate, I wrote to leading financial experts in my State of New Mexico to ask them to share their views on inflation with me. Although each had different suggestions for solutions, they agreed unanimously that we cannot rely on the Federal Reserve Board and higher interest rates alone to curtail inflation. This method, when used alone, is ineffective and eventually hurts the wrong people. High interest rates do not stop consumers from buying homes. They just make the homes more expensive. And high interest rates do not keep our citizens from buying on credit, they just make the debt larger.

Mr. R. L. Tripp, president of the Albuquerque National Bank, believes that a joint approach of using our Government spending policy as well as our monetary policy will help solve our economic problems. He writes:

> In 1969, the entire burden of stablization, it seems to me, fell upon the Federal Reserve System. In an attempt to control inflation, the Board created an extremely tight money situation which led to the credit crunch and interest rates that went through the ceiling.

Mr. Tripp believes that placing the entire burden on monetary policies is a mistake. There needs to be a fine balance between monetary and fiscal policies. He adds that the worst possible situation is one in which we are faced with the possibility of each blaming the other and attempting to place full responsibility on the other. And this is what we have today.

And Mr. Bruce J. Pierce of the Bank of New Mexico says:

> Arthur Burns prefers a tighter Federal budget so that he will not have to use his monetary policy weapon while the President and Congress ask that the FRB tighten down the screws on the money supply so that they will not have to use their weapon of less federal spending.

He adds it is important that the Congress also take up the fight against inflation by disapproving any over-large and wasteful spending bills.

Although most of those responding to my inquiry believe the Federal Reserve Board should retain its autonomy in the interest of maintaining a good system of checks and balances, they also agreed the Federal Reserve Board alone cannot cure inflation. It is important that each of us accept responsibility for that segment of the economy upon which we can have an impact. We cannot continue to point the finger of blame at one another. That will solve nothing.

Said David Livingston of the First National Bank in Albuquerque:

> The primary role of the Federal Reserve Board is to promote the economic health of the country in the long run by providing the necessary funds for orderly economic expansion while protecting the dollar abroad.

He adds:

> Stabilization of the economy in the short run is primarily the responsibility of the President and Congress. Fiscal responsibility must be exercised if short run economic problems are to be overcome and dislocations between the private and public sectors of the economy are not to be exaggerated.

Mr. President, I am calling upon Congress and I am calling upon the Federal Reserve Board to each realize and recognize their own areas of responsibility and to exercise that responsibility in the interest of a healthy economy for our Nation and for the sake of our strength in the international trade and monetary markets.

SURVEY OF STATES ON TEACHER PREPARATION FOR THE TEACHING OF READING

Mr. BEALL. Mr. President, the Library of Congress, at my request, has completed a survey of the reading certification requirements of the 50 States for the regular elementary teachers and for reading specialists.

I had this chart prepared in conjunction with S. 1318, the Elementary School Reading Emphasis Act of 1973, which was introduced by me on March 22, 1973, and which was cosponsored by Senators Dominick, Pastore, Montoya, and Domenici.

This measure has already received the endorsement of a number of State superintendents as well as considerable interest on the part of educators and the general public, not only in my State of Maryland, but throughout the country.

Because my colleagues may be interested in the requirements in their State, and because of the national interest in this subject, I ask unanimous consent that this chart prepared by Mr. Wayne Riddle of the Library of Congress, be printed in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

50 STATE SURVEY BY THE LIBRARY OF CONGRESS AT THE REQUEST OF SENATOR J. GLENN BEALL, JR. (R-MD.) ON THE CERTIFICATION REQUIREMENTS IN THE METHODS OF READING INSTRUCTION FOR PUBLIC SCHOOL TEACHERS IN SELECTED STATES

	Regular elementary school teachers					Reading specialists at the elementary school level		
State	Number of course hours (credit)	Type(s) of course(s)	Percent meeting present requirements	Changes in requirements in the past 5 years	Number of course hours (credit)[1]	Type(s) of course(s)	Percent meeting present requirements	Changes in requirements in the past 5 years
Alabama	0	NA[2]	NA	None		NA	NA	None.
Alaska	"3 courses"	Techniques, diagnosis, prescription.	50	1971—no specific requirement in the methods of reading instruction previously.	M.A	Techniques, diagnosis, prescription, materials.	NS[3]	None.
Arizona	3 s.h	Methods	100	None	15 s.h	Methods, remedial, practicum or internship.	100	1971—Course sequence mandated.
Arkansas	3 s.h	NS[3]	NS	1972—none before	M.A	Methods, remedial, laboratory practice.	NS	None.
California	"1 course"	Methods, to include phonics.	100	1971—Inclusion of phonics not previously specified.	NS	Certification based upon recommendation by local educational agency and passage of examination; or observation by a panel appointed by the State educational agency.	100	None.
Colorado	0	NA	NA	None	NS	NA	NA	None.
Connecticut	6 s.h	Methods (3) children's literature (3).	NS	1972—None before	M.A	Methods, remedial, practicum, children's literature.	NS	None.
Delaware	3 s.h	Methods	100	None	15 s.h. (graduate).	Methods, remedial, practicum	100	None.
Florida	2 s.h	Methods	NS	None	21–33 s.h	Foundations, methods, remedial, children's literature.	NS	None.
Georgia	5 q.h.[4]	Methods	90	None	25 q.h	Methods, remedial	100	None.
Hawaii	0	NA	NA	None		NA	NA	None.
Idaho	0	NA	NA	None		NA	NA	None.
Illinois	2 s.h	Methods	90	None	32 s.h	NS	100	None.
Indiana	6 s.h.[4]	Developmental and corrective reading.	NS	1970—none before	30 s.h	Foundations, diagnosis, laboratory practicum.	100	None.
Iowa	3 s.h	Methods	80	None	M.A. plus 4 years of experience.	Approved program basis	100	1970.
Kansas	0	NA	NA	None	12 s.h. (graduate).	Foundations, remedial, practicum.	80	1971—requirements specified.
Kentucky	6 s.h	NS	NS	1972—none before	12 s.h. (graduate).	do	NS	Do.
Louisiana	3 s.h	NS	25	1971—none before		NA	NA	None.
Maine	0	NA[5]	NA	None	12 s.h	Remedial	100	Do.
Maryland	3 s.h	Methods	80–85	1972—none before	12 s.h	Foundations, remedial, practicum.	85	Do.
Massachusetts	0	NA	NA	None	18 s.h	NS	"Most"	Do.
Michigan	0	NA	NA	do	12 s.h. plus 4 years of experience.	Methods, diagnosis, treatment of difficulties.	87	Do.
Minnesota	0	NA	NA	do	"6 courses"	Developmental reading, remedial, practicum.	NS	Do.
Mississippi	6 s.h	Methods	99	do	15 s.h	Developmental reading	99	Do.
Missouri	4–5 s.h	Methods	20	None	NS	Methods, remedial, psychological testing, practicum.	90	1970—Psychological testing requirement added.
Montana	0	NA	NA	None		NA	NA	None.
Nebraska	0	NA	NA	None		NA	NA	None.
Nevada	2 s.h	Methods	100	None	M.A	NS	100	None.
New Hampshire	0	NA	NA	1970—from specific requirements to approved program basis.	M.A	NS	95	1970—from specific requirements to approved program basis.
New Jersey	"1 course"	Methods	100	None	24 X.h	Methods, practicum, psychological testing.	NS	1371—requirement raised from 18 to 24 s.h.
New Mexico	3 s.h	Methods, remedial.	85	None	10 s.h. (for elementary reading teachers).	Foundations, remedial, practicum.	70	None.
New York	6 s.h	NS	70	1972—none before		NA	NA	None.
North Carolina	0	NA	NA	None	18–30 s.h	Methods, remedial, practicum	NS	None.
North Dakota	0	NA	NA	None	"8 courses" (graduate).	Foundations, remedial, practicum.	100	None.
Ohio	3 q.h	Methods	100	None	18 q.h	Foundations, developmental, remedial, practicum.	100	1972—none before.
Oklahoma	3 s.h	Methods and materials.	100	None	12 s.h	Foundations, remedial, practicum.	100	None.
Oregon	6 q.h	Methods	75	1972—minimum specified	15 q.h	Methods, remedial, practicum	90	1972—minimum specified.
Pennyslvania	NS	NA	NA	1969—3 s.h. required previously.	NS	NS	NS	1969—general guidelines outlined.
Rhode Island	3 s.h	Methods	NS	None		NA	NA	None.
South Carolina	3 s.h	Methods	NS	None	12 s.h	Methods, remedial, practicum	NS	None.
South Dakota	0	NA	NA	None		NA	NA	None.
Tennessee	3 s.h	Methods	NS	None		NA	NA	None.
Texas	"1 course"	Methods	100	None	6 s.h	Methods, diagnosis	100	None.
Utah	0	NA	NA	None		NA	NA	None.
Vermont[6]	NA	NA	NA	NA	NA	NA	NA	NA.
Virginia	3 s.h	Methods	NS	None	M.A	Foundations, remedial, practicum	NS	1972—none before.
Washington	"1 course"	Methods	100	None	20 q.h	NS	100	None.
West Virginia	2–3 s.h	Methods	33	None	27 s.h	Foundations, remedial, clinical experience.	100	None.
Wisconsin	"1 course"	Methods	60	1973—requirement made mandatory.	M.A. or 30 s.h	Advanced methods, measurement, remedial, supervision, internship.	100	1972—none before.
Wyoming	8 s.h.[5]	Methods	95	None	6 s.h. (additional to standard requirement).	Remedial	95	None.

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[1] Where this space is left blank (—), no separate certification for specialized reading teachers at the elementary school level exists.

[2] NA—Not applicable.

[3] NS—Not specified (if in a "Number of course Hours" column, a requirement exists but the number of hours is not specific; in other columns, NS indicates that the data is unavailable).

[4] s.h.—semester (credit) hours; q.h.—quarter (credit) hours.

[5] 8 s.h. of courses in the methods of teaching elementary skills, including reading.

[6] Due to staff limitations, the State of Vermont has declined to answer all inquiries related to this study (see attached note).

OLD-TIME MUSIC HALL

Mr. SCOTT of Pennsylvania. Mr. President, last week I spent a memorable evening at the British Embassy, accompanied by a number of my congressional colleagues, members of the administration, and members of the Washington diplomatic corps. We were invited by His Excellency, the British Ambassador, the Earl of Cromer and Lady Cromer to attend a performance of the "Old-Time Music Hall," staged by the British Embassy Players.

For a few hours we were transported back in time to the period of the First World War, as this band of talented amateur and semiprofessional actors, singers, and musicians brought back to life the entertainment of that era.

My colleagues and I were impressed not only by the caliber of the performance, but by the obvious enthusiasm of the performers as they shared with us these glimpses of English and Scottish culture and tradition.

Lord Cromer expressed the views of all of us when he said:

> What better example could be found of the Anglo-American "natural relationship" than members of both Houses of Congress, officials of the U.S. Administration, and others from many walks of life joining together under the roof of the British Embassy to sing with equal fervor "Yankee Doodle Dandy" and "Land of Hope and Glory"?

The British Embassy Players were formed in 1964, and this, the 9th version of Old-Time Music Hall, is the group's 36th full-scale production. Currently 160 strong, the players' membership is drawn mainly from the staff of the British Embassy and from British and Commonwealth subjects residing in the Washington area, along with a number of Americans with family or cultural ties with Britain.

The Old-Time Music Hall has developed into a Washington tradition in only 9 years, playing to capacity audiences for a 2-week period every summer.

In addition to major productions, which include comedies, dramas, mystery plays, Shakespeare, Gilbert and Sullivan operettas, musicals, and variety shows, the players stage a great many 1-night productions for special causes. In the last 2 years, the group has donated approximately $11,000 to various charities.

MINIMUM WAGE LEGISLATION

Mr. DOMINICK. Mr. President, a recent editorial appearing in the Detroit Free Press is highly critical of the minimum wage bill recently approved by the House of Representatives. I bring it to the attention of my colleagues because it zeroes in on the major issues which will be raised when minimum wage legislation is considered in the Senate again this year.

The minimum wage bill I have introduced on behalf of Mr. TAFT and myself, S. 1725, is similar to our substitute, which failed by one vote in the Senate last year. It does, however, contain several significant changes—including greater increases in minimum wage rates, more limited application of the youth differential, and extension of minimum wage coverage to Federal, State, and local government employees.

I ask unanimous consent that the Detroit Free Press editorial be printed in the RECORD, to be followed by a chart my staff has prepared comparing the various minimum wage proposals pending in this Congress, as well as the 92d Congress.

There being no objection, the editorial and chart were ordered to be printed in the RECORD, as follows:

DETROIT FREE PRESS EDITORIAL ASSAILS HOUSE PACKAGE

Like the decision to double the President's recommendations for Social Security benefits made by the last Congress, this new Congress has gone far beyond Mr. Nixon's own high but reasonable recommendations.

The President had supported a proposal to increase the minimum hourly wage from $1.60 to $1.90 this year, $2.10 a year later and $2.20 after two years. He would not have included any new workers in the coverage, and advocated a 'youth differential' for beginners or summer job-seekers.

The House went way beyond it. It voted for a $2 minimum this year and $2.20 next year. It jacked up the rate for agricultural workers, who now get a minimum of $1.30 an hour, to a schedule which would reach the same $2.20 rate in 1976.

It included an estimated one million household domestics, not now covered, and put them on a schedule which will reach the $2.20 level in 1975. It extended coverage to about five million federal, state and local government employes, and by a narrow margin beat down the youth differential.

It will affect those it was designed to help, but the effect, we fear, will be disastrous. It will, quite simply, price a lot of jobs out of existence, invite evasion of the law and, at the same time, increase the pressure by those already at or above the minimums for greater inflationary increases.

No one needs to be told there is a shortage of jobs for teenagers this summer and, we imagine, there are plenty of teenagers who would be willing to work for $1.50 or $1.60 an hour. But if an employer is forced to pay $2, the job will cease to exist. Most supermarket baggers have already vanished, and the restaurant busboy is an endangered species. This proposed 24 percent immediate increase in the minimum wage could well finish them off.

We question whether the inclusion of domestic helpers is even constitutional. Congress derives its power to set minimum wages from the interstate commerce clause. It taxes the imagination to consider domestic help interstate commerce, even if the maid in Toledo spends some time dusting Grand Rapids furniture or watching a television set made in Japan. The same constitutional question applies to state and local government workers.

Even if it is constitutional, it is damaging. . . . Call it slave labor if you will, but $5 or $8 a day is considered the going rate in much of the nation. If the legal rate goes up to $16 for an eight-hour day, the jobs will disappear in whole or in part, or householder and helper will collude to break the law.

Further, over the long run, this bill will force wages and prices up all along the line. The worker now getting $2 will, reasonably enough also want a 25 percent increase to $2.50. The worker getting $2.50 will hardly be content.

Fortunately, the key vote on the bill, a Republican substitute, was only defeated by a fairly slim margin, 218–199, although the record vote on the bill itself was 287–130. This means that if the Senate passes the House version and Mr. Nixon vetoes it, his chances are good of being upheld in the House.

We think he should and expect he will.

MINIMUM WAGE LEGISLATION

WAGE RATES—92D CONGRESS

Erlenborn:	
Non Ag. pre-1966	$1.80; $2.
1966	$1.70; $1.80; $2 (2 yr later).
Ag	$1.50; $1.70.
Williams:	
Non Ag. pre-1966	$2; $2.20 (2 yr later).
1966	$1.80; $2; $2.20 (2 yr later).
Ag	$1.60; $1.80; $2; $2.20.
Dominick-Taft:	
Non Ag. pre-1966	$1.80; $2.
1966	$1.70; $1.80; $2.
Ag	$1.50; $1.70.

WAGE RATES—93D CONGRESS

	1973	1974	1975	1976	1977
Administration:					
Non Ag. pre-1966	$1.90	$2.10	$2.20	$2.30	------
1966	1.80	2.00	2.10	2.20	$2.30
Ag	1.50	1.70	1.85	2.00	------
Dent (H.R. 7935):					
Non Ag. pre-1966	2.00	2.20	------	------	------
1966	1.80	2.00	2.20	------	------
Ag	1.60	1.80	2.00	2.20	------
Erlenborn (H.R. 8304):					
Non Ag. pre-1966	1.90	2.10	2.20	------	------
1966	1.80	2.00	2.10	2.20	------
Ag	1.50	1.70	1.85	2.00	------
Williams (S. 1861):					
Non Ag. pre-1966	2.00	2.20	------	------	------
1966	1.80	2.00	2.20	------	------
Ag	1.60	1.80	2.00	2.20	------
Dominick-Taft (S. 1725):					
Non Ag. pre-1966	1.80	2.00	2.10	2.20	2.30
1966	1.80	2.00	2.10	2.20	2.30
Ag	1.50	1.70	1.90	------	------

MINIMUM WAGE LEGISLATION

YOUTH DIFFERENTIAL—92D CONGRESS

Students	Nonstudents
ERLENBORN	
1. Rate—80 percent	1. Rate—80 percent.
DOMINICK-TAFT	
2. Full-time students under 21	2. Under 18.
3. Any industry	3. Any industry.

YOUTH DIFFERENTIAL—93D CONGRESS

Students	Nonstudents
ADMINISTRATION	
1. Rate—85 percent.	1. Under 18. (a) Rate—80 percent. (b) 1st 20 weeks of any job.
2. Full-time students under 21.	2. 18 and 19. (a) Rate—85 percent. (b) 1st 13 weeks of any job.
3. Any industry.	3. Any industry.
4. Part time work (20 hrs per week). Full time during vacations.	4 6 employees or 12 percent of work force.
ERLENBORN (H.R. 8304)	
1. Rate—80 percent.	1. Rate—80 percent.
2. Full time students (no age limit).	2. Under 18.
3. Any industry.	3. Any industry.
	4. 1st 6 mo. of any job.
DOMINICK-TAFT (S. 1725)	
1. Rate—85 percent.	1. Rate—85 percent.
2. Full time students (no age limit).	2. Under 18.
3. Any industry.	3. Any industry.
4. Off campus—part time work (20 hrs per week).	4. 1st 6 mo. of any job.
5. On campus—no hour limit.	

Minimum Wage Legislation, Extensions of Coverage—93d Congress

Administration: None.

Dent (H.R. 7935):

1. Federal, state, local government employees (minimum wage and overtime).

2. Domestic employees (minimum wage and overtime).

3. Reduces or eliminates minimum wage or overtime exemptions affecting employees in following industries: transit; nursing home; seasonal industry; laundry and dry cleaning industry; maids and custodial employees of hotels and motels; and employees of conglomerates.

Erlenborn (H.R. 8304): None.

Williams-Javits (S. 1861):

1. Federal, state, loval government employees (minimum wage and overtime).

2. Domestic employees (minimum wage only).

3. Employees of small retail and service firms—"establishment" exemption repealed (minimum wage and overtime).

4. Agricultural employees—coverage extended to local, seasonal hand-harvest laborers, and such employees included for purposes of 500 man-day test (minimum wage only).

5. Reduce or eliminates minimum wage or overtime exemptions affecting employees in the following industries: agricultural processing; seafood processing; cotton ginning; sugar processing; local transit; hotels, motels, restaurants; nursing homes; auto, aircraft and truck and trailer dealerships; catering and food service; bowling establishments; motion picture, theaters; small loggers and sawmills; shade-grown tobacco; oil pipelines; and 40% allowance for non-supervisory work by administrative and executive employees in retail-service industries.

Dominick-Taft (S. 1725):

1. Federal, state, local government employees (minimum wage only).

SI KENEN—A DISTINGUISHED RECORD

Mr. RIBICOFF. Mr. President, along with many of my colleagues I was pleased to learn of the recent selection of Mr. Isaiah L. Kenen, better known as "Si," as chairman of the American Israel Public Affairs Committee—AIPAC. This achievement crowns more than 30 years of dedicated efforts on behalf of the American Jewish community and the promotion of closer American ties with the State of Israel.

Si began his work in Washington in 1951, and during this time he established himself as a valuable source of information on the Middle East. The development of the close friendship between the United States and Israel has been assisted greatly by Si's efforts to make known the strong coincidence of interests between the two countries.

Last year, Israel's Foreign Minister, Abba Eban, said at a dinner honoring Si's 30 years of service that he has been "a partner and architect of a very great drama—the modern deliverance of the Jewish people."

Si Kenen's commitment to the highest ideals goes back more than half a century. At the age of 12, he organized a Young Judea group in his native Toronto. Kenen took his BA degree at the University of Toronto and his law degree at the Cleveland Law School. He was admitted to the Ohio bar, but chose journalism instead, rising to be political and editorial writer of the Cleveland News. He was a cofounder of Local No. 1 of the American Newspaper Guild in Cleveland in 1933, and served as the guild's international vice president from 1938 to 1940. In 1943 he won its Heywood Brown Award for outstanding journalistic achievement.

That same year, Kenen came to New York as director of information for the American Emergency Committee for Zionist Affairs. A few months later he became the executive director of the American Jewish community. While in that position, he organized the Jewish delegation to the 1945 United Nations Charter meetings in San Francisco. Kenen was later in charge of the Jewish delegation to the Four-Power Paris Peace Conference in 1946.

The following year, when the British took the Palestine issue to the United Nations, Kenen was invited by the late Moshe Sharett, then political chief of the Jewish agency and later Israel's Foreign Minister and Prime Minister, to become director of information for the agency's UN delegation . As such, he traveled with the UN Special Committee on Palestine—UNSCOP—and coordinated press relations during the partition debate in late 1947. Later, when the state was established, he was invited by Sharett to continue as information officer of Israel's UN mission.

Kenen left New York in 1951 to become the Washington representative of the American Zionist Council. Realizing the great stake American Jewry had in the survival of the then still infant Jewish state, he helped create the American Israel Public Affairs Committee in 1953.

Today, AIPAC represents thousands of American friends of Israel. Its executive committee is composed of distinguished national and local Jewish leaders, with two former Congressmen, Emanuel Celler and Herbert Tenzer as cochairman of its national council.

Assumption of the chairmanship of AIPAC is a fitting tribute to Si's lifetime of service and accomplishments. As one who has enjoyed both working with him and being his friend, I extend my warmest congratulations and best wishes. I know I am joined by many of my colleagues in wishing Si many more productive years and continued success in his efforts to strengthen the ties between the United States and Israel.

TEST BAN OPPORTUNITY DURING SUMMIT

Mr. KENNEDY. Mr. President, a week ago, the Senate Foreign Relations Committee approved Senate Resolution 67 by a 14 to 1 vote, calling on the President to take immediate steps to achieve a comprehensive nuclear test ban treaty.

On Friday, a letter was sent to the President urging that he act on the recommendations contained within that resolution. I would hope that this matter would be formally raised by the President in his meeting with General Secretary Brezhnev. Clearly, this is a subject on which the groundwork has been laid for the past 10 years.

The resolution states that it is "the sense of the Senate that the President of the United States first, should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and second, should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear tests."

I introduced this measure on February 20, 1973 along with Senators Hart, Mathias, Muskie, Humphrey, and Case. It is now cosponsored by 34 Senators.

The letter reads:

Dear Mr. President: We are writing as co-sponsors of Senate Resolution 67 which was passed by a 14–1 vote of the Senate Foreign Relations Committee late this week.

Today we are urging you to act on the recommendations contained within that resolution because of the unique and compelling opportunity presented by the visit of Soviet General Secretary Brezhnev to this country.

We urge you to propose to the Soviet leader a suspension of underground nuclear testing to remain in effect so long as the Soviet Union abstains. We urge as well that you set forth promptly a new proposal based on the realities of 1973, to achieve what we all desire—a final and permanent halt to the testing of nuclear weapons.

It was ten years ago this month that a temporary suspension of testing was announced while new negotiations with the Soviet Union began for a permanent treaty. That initiative led to the conclusion of a treaty less than two months later.

For the past decade, we have failed to complete the obligation imposed on us by the Partial Test Ban Treaty, and reaffirmed countless times thereafter, to determinedly seek a comprehensive test ban treaty. We have failed to up-date our negotiating position despite vast changes in seismology, in satellite reconnaissance, in the potency of our strategic arms, and in our improving relations with the Soviet Union.

SALT I established an impressive and significant limitation on the quantitative arms race. A CTB would complement that accord by restricting the qualitative arms race. It would demonstrate convincingly to the world that the U.S. and the U.S.S.R. are finally willing to put an end to the pursuit of marginal new improvements in nuclear weapons which cost large sums but which buy no real increase in security.

As you stated in Moscow to the Soviet people, "in an unchecked arms race between two great nations, there would be no winners, only losers. By setting this limitation together, the people of both our nations, and of all nations, can be winners."

A new initiative to achieve a comprehensive test ban treaty would surely be in the interest of world peace.

Sincerely,

Edward M. Kennedy, Hubert H. Humphrey, Charles McC. Mathias, Edward W. Brooke, Quentin N. Burdick, Alan Cranston, Mark O. Hatfield, Harold E. Hughes, Walter F. Mondale, Adlai E. Stevenson III, Harrison A. Williams, Vance Hartke, Frank E. Moss, Edmund S. Muskie, Clifford P. Case, Philip A. Hart, Birch Bayh, Dick Clark, Mike Gravel, William D. Hathaway, George S. McGovern, Gaylord Nelson, Abraham Ribicoff, Joseph R. Biden, Jr., John V. Tunney, Floyd K. Haskell, J. Wm. Fulbright.

IDENTIFYING GIFTED AND TALENTED CHILDREN

Mr. JAVITS. Mr. President, the Lipper Foundation, since its establishment in 1958 has made more than $500,000 in grants to educational and charitable groups in the United States and abroad. Its principal interest has been in areas relating to children.

Recently, the foundation has developed a concept of making available to developing nations educational tests designed to identify gifted children at a very early age so that through their early identification their talents can be developed as assets to the societies in which they live.

There have been a number of studies with respect to the identification of the gifted and talented. As a lay person, I cannot comment on the feasability of any of these developments but I do feel that because of the unique focus of the project developed by the Lipper Foundation, that concept merits the attention of those interested in this field. I therefore, ask unanimous consent that there be printed in the RECORD the descriptive material on this project sent to me by the foundation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Children as a National Asset in Developing Nations—Or Identifying the Potential Winners and Insuring Their Development

FACTS

1. Most countries have severe resource restrictions regarding the amount of money available for primary education in terms of facilities, qualified personnel and instructional aids.

2. The formal education experience is often limited in duration due to requirements that the young child assist in his family's effort as regarding food production and preparation, as well as other required labors.

3. Even during the period of school attendance the child may not be able to study effectively due to fatigue, malnutrition and inadequate motivation. In many areas school attendance is viewed by the parents, and consequently the child, as a nonproductive experience in terms of the family's quest for survival.

4. Primary grade teachers are often ill-equipped to either identify the superior to peer child at an early age or, even if such potential becomes recognised, provide appropriate instruction, guidance and motivation.

5. To attempt to educate all children equally discriminates against the superior to peer child as it does the child of below normal potential or one having learning difficulties or disabilities.

6. Where limited economic opportunity exists, education for all can result in frustration, and ultimately political and social unrest.

CONCLUSIONS

1. It would be of benefit to the child and the society if there were a basis for identifying those children possessing relatively superior capabilities, provided they could be afforded the opportunity to develop to their potential.

2. There are obvious political and social risks in the creation of an elite group of children, adolescents, and young adults who might become isolated from their family and communal unit in terms of activity and motivation. However, the potential benefits to all concerned would appear to offset the risks.

3. The attempt to educate fully all children is a luxury only developed nations can afford. Only the richest nations can afford to assist the child with learning difficulties or inferior to peer learning capacity. Developing nations must logically invest their limited resources more discriminately.

4. It is possible through testing to determine those children possessing the greatest potential for learning, and possibly therefore, leadership. There are of course risks of errors and biased selection, but if even a small number of potential social contributors are identified, who would not have otherwise been afforded the opportunity for development, the society will have been enriched far beyond the cost of the testing and ensuing development program.

Believing the above facts and conclusions to be valid, The Lipper Foundation recently commissioned Sara Edmondson to investigate available psychological tests which might be used with 5–7 year-old children. Although there is interesting work being done in the development of testing for much younger children the requirements and associated costs for highly trained personnel and individual testing ruled these out for use in developing areas.

To the extent possible the study entitled "Project Impact" attempted to select culture-free, non-verbal tests, as these seemed most appropriate to use during the first years of schooling and least likely to favor special groups within the community. The tests selected can also be administered, but not necessarily evaluated, by local school teachers with minimal or no special training.

If the percentage of the early year's school population, identified as superior to peer, were to be small, then additional testing could be carried on, probably by trained psychological personnel and possibly even on an individual basis.

The four tests recommended for field testing by The Lipper Foundation study were the Raven's Progressive Matrices, the Goodenough-Harris Draw-A-Man Test, the Elithorn Perceptual Maze test and the Porteus Maze Test.

The Raven's Progressive Matrices test is designed to measure general mental ability. The test consists of non-verbal figurative drawings. The child has to discover the principle upon which a figurative matrix is constructed, and then select the missing part from a number of choices. Scoring is based upon the total numbers of correct solutions. This test has been used in Africa, particularly in Zambia, Southern Rhodesia and in the Sahara. It has also been used in India, Canada and Singapore.

The Porteus Maze Test has been used in Jamaica and measures general mental ability as well as a number of other factors. The test consists of a series of printed mazes through which a child must, with a pencil, trace his way.

The Elithorn Perceptual Maze Test is similar to the Porteus Maze Test as the intent is to measure general mental ability. It consists of target dots imbedded in a lattice structure. The testee has to trace a path through a maximum number of target dots. The paths are white against a black background. Group administration is recommended and consists of two demonstration mazes, followed by thirteen test items.

The Goodenough-Harris Draw-A-Man Test measures intellectual maturity based upon the child's drawing. It correlates substantially with measures of general mental ability. It relates to the ability to do abstract thinking. The content consists of a test booklet of three blank pages in which children are directed to draw, at staged intervals, a picture of a man, a woman and themselves. The test can be administered to groups beginning with primary grades. The test is to be taken using a soft pencil, no crayons, and with no other drawing or ready material present. Children should be praised as a group after each stage is completed, and no adverse criticisms or suggestions should be made at any point in the testing process. There is no time limit. Experienced personnel can score 20 to 30 drawings per hour. However, psychological training is necessary to interpret the results. Children unaccustomed to drawing figures or representations are at a disadvantage in this test, and the disadvantage increases with age. The test has been used in New York with American Negro and Puerto Rican children as well as in Japan, Argentina, the Arctic, Jamaica, Singapore and Nepal.

Although individual testing is recommended in the administration of the Porteus Maze Test and the Raven's Progressive Matrices Test is presently designed for children having had several years of schooling they have been included in the proposed test series due to their history of cross cultural success.

There of course are numerous problems involved in the implementation of a test series designed to identify children who will, presumably, thereafter receive special attention and advantages. Positive teacher attitude, parental acceptance and understanding are vital. All must recognize that to be effective the test series must identify the "winners" who will be but a small percentage of those tested.

Parents may have to be compensated in some way for the loss of a young worker. Siblings will have to accept in non-resentful manner the presence of a child who, in all probability, will have different prospects and opportunities from their own and perhaps even a different, probably protein enriched, diet.

Teachers will have to accept the prespective loss of their potentially superior students and at the same time adopt a positive view to the identification of children who will, it is hoped, be afforded greater educational opportunities than they themselves can provide, or for that matter, enjoyed themselves.

The community and government must come to view the identified children as recently discovered raw material assets of the society and not as a group to be feared or controlled for personal or political gain.

Lastly the identified children must be motivated to feel and believe that they are being offered exceptional opportunities not available to their peers, on a basis of their potential for social contribution. It would be a pity if, once successfully identified, and developed, that significant benefit for society did not result because such children were not properly motivated.

Clearly continued testing is desirable to confirm the results of the original test series and possibly to refine further the selected group or define areas for specialised study.

It is also probably unavoidable in many societies that the children receiving the special attention would logically best be separately housed and fed, as well as receive medical attention of a standard which may not be generally available.

The separation of a specific group of children from their family and community units will cause psychological and social problems unless recognised as a potential problem and handled intelligently. Interestingly, in both China and Russia, where significant material and economic progress has been achieved, children have regularly, without mental capability distinction, been separated at an early age from the family unit, apparently to the benefit of their society.

"Equal opportunity for all" is accepted in the United States as a desirable concept. However, it has never been achieved as a practical reality. It appears more logical and socially constructive to attempt a program of "unequal opportunity, for the unequally capable, for the good of all".

It is hoped that a program of early testing can indicate the unequally capable, and that the asset once identified can be successfully developed.

HOUSATONIC VALLEY REGIONAL HIGH SCHOOL, FALLS VILLAGE, CONN.

Mr. RIBICOFF. Mr. President, on June 15 I had the honor of speaking to the graduating class of the Housatonic Valley Regional High School in Falls Village, Conn.

These students have had the opportunity to live in one of the most beautiful areas of Connecticut and the entire Nation.

During my talk to them I spoke of the threats to the upper Housatonic River Valley and what must be done to to preserve it.

I ask unanimous consent that that portion of my prepared remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR ABE RIBICOFF

My own experience in working to save the Connecticut River Valley and Long Island Sound from pollution and uncontrolled development has demonstrated that piecemeal solutions to the problems of the environment are not adequate.

What is needed is a comprehensive approach, one in which all elements of the conservationist's goals are brought into play.

We have a unique opportunity here in the Housatonic River Valley to create a comprehensive, long-range program to preserve and protect this region. In short, the comprehensive, long-range ecological damage has not been perpetrated. But the threat is very much there. The potential for ecological destruction is very much there.

Nature was kind to us when she created the Housatonic River Valley. So far man has not been able to destroy her work. We must make sure that what nature has created, we preserve.

We must work together to save the character, the beauty, the way of life of these small towns.

We must stop schemes to crisscross the region with concrete highways.

We must stop ideas like the Corps of Engineers' plan to tap the river for New York City's water supply.

We must control the developers before they devour the remaining open space and forest.

THE ETHICS OF LAWBREAKING

Mr. RANDOLPH. Mr. President, on last evening I read and reread the lead editorial in the Evening Star and the News, of Washington, D.C., of Monday, June 18, 1973. It was, in my opinion, a well reasoned assessment of certain Watergate testimony. The closing paragraph of the writer is a truism which we should underscore for repeated thought. I ask unanimous consent to print in the RECORD the editorial, and I hope all who read the words will give the utmost consideration of its message.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ETHICS OF LAWBREAKING

The Watergate testimony of Jeb Stuart Magruder has brought out once again, and probably not for the last time, the theme of what might be called conflicting higher moralities.

As he has done with other witnesses, Tennessee's Senator Howard Baker persisted in demanding a Watergate rationale. How come, he kept asking, that a bright, able chap like you went along with an impulsive buccaneer such as Gordon Liddy, committing the President's re-election campaign to a quarter of a million dollars worth of patently illegal espionage?

Magruder, eager to explain, recalled the turbulent climate of the several years prior to Watergate, a time when anti-war groups and segments of the radical left were busy with an array of illegal activities. Then up popped the name of the Rev. William Sloan Coffin, who taught Magruder an ethics course 15 years ago and who, as a leading light of the peace movement, was indicted for obstructing the Selective Service System. Since Coffin and his allies had obeyed a morality they considered higher than the laws of the land, Magruder said, he proceeded to go along with a plot to do essentially the same thing.

Coffin's response to the Magruder testimony bears examining. "Jesus and Jimmy Hoffa both broke the law," he said, "but there's a world of difference between what they did. Whatever we did, we did in the open to oppose an illegal war in Vietnam. What he (Magruder) and others did, they did behind closed doors."

The professor is right in saying his old student should have failed the ethics course. But maybe that's because of the teacher he had. Somehow, the section on means and ends must have been fuzzed over. Besides, Coffin sounds like he'd be happier teaching specious reasoning.

Jesus and Jimmy Hoffa, indeed. To be sure, the Nixon men implicated in the Watergate-Pentagon Papers crimes have tended to wrap themselves in the banner of national security. It is no less transparent to find Coffin hiding behind a crucifix, and at the same time brushing aside the fact that many an illegal act, up to and including violence, was committed in the name of peace, not out in the open, but with the same degree of covertness as the Republicans' dirty-tricks operations.

The pattern is clear. The law-breakers on the left had an enemy. It was Richard Nixon, and before him, Lyndon Johnson. The Nixon men had an enemy. It was anyone opposing Richard Nixon. The trick of the mind, employed by both sides, was to conjure the opposition as so devilish as to make any action, taken to thwart the opposition, appear on the side of the angels.

Meanwhile, available to those in and out of government, were the Constitution, the established system of legal means and the traditionl political process. It's painful to remember that, for a time at least, too many people lost faith in those things.

PAKISTANI PRISONERS OF WAR

Mr. TOWER. Mr. President, in early April there was a spate of reports from New Delhi suggesting that as a result of ongoing talks betwen India and Bangladesh the 93,000 Pakistani prisoners of war and civilian detainees may after all be able to go home.

On April 17, the formula for the release of the POW's was formally announced in the joint statement issued in New Delhi following talks between the Foreign Ministers of India and Bangladesh as a precondition for the release of the POW's was dropped. But their release and repatriation were linked to the exchange of some 260,000 Biharis with nearly 150,000 Bengalis stranded in Pakistan. In addition, it was stated that India will transfer 195 POW's to Dacca for war crimes trials.

Pakistan was not very happy over the introduction of new conditions, but it did consider the Delhi-Dacca declaration as a departure from the previous position and, therefore, pregnant with the possibilities of a breakthrough in the stalemate. Consequently, on April 20, it invited India to send its representatives to Pakistan to discuss the Dacca-Delhi declaration and clarify some of the points therein. Until the middle of May, one read alternatively that India would respond to the Pakistani invitation and that it would not. On May 12 India formally told Pakistan that the latter must accept the Delhi/Dacca offer in full before there could be further talks which will be restricted to working out the modalities for the implementation of the formula. Simultaneously, a campaign was launched suggesting that Pakistan was not interested in the repatriation of is POW's, but was trying merely to get propaganda mileage out of their continued detention in India.

Pakistan has once again written to India to reconsider its decision and agree to the talks in which not only the repatriation of the POW's, but the exchange of populations and any other issues could be discussed.

It is true that the April 17 proposals have delinked the question of the recognition of Bangladesh from the release and repatriation of the POW's, but it has simultaneously introduced another condition which equally violates the stipulation in the Geneva Conventions of 1949 that the POW's will be repatriated without delay upon the cessation of hostilities. Further, India and Bangladesh are demanding Pakistan to agree in advance to the trial by Dacca of a given number of its POW's. Pakistan today has an elected Government which cannot be expected to be a party to such a demand voluntarily. One would like to hope that the Government of India, which still has considerable influence in Dacca, will use its powers of persuasion against any display of vendetta in the larger interests of normalization and peace in South Asia.

AN ACT OF FAITH IN AMERICA

Mr. McINTYRE. Mr. President, I am sure many of my colleagues experienced the same frustrations I experienced in preparing commencement addresses for this grim spring of 1973.

How to stand before those bright young men and women and deliver an upbeat message in a downbeat *time; how* to acknowledge the blows the system has sustained—and is still being dealt—while attempting to rekindle trust and confidence in that system was indeed a demanding challenge.

Yes, we could make a sophisticated argument that the very failure of those clandestine attempts to subvert the system proves once again that the system is sound, is functioning, and that it will survive. But how convincing we were—especially with the young—remains to be seen. Disenchantment takes a greater toll among the idealistic than it does among the cynical.

And it may well be, Mr. President, that sophistication is not the antidote to disenchantment. Perhaps, if we had but spoken from the heart and expressed the simple act of faith so touchingly and eloquently delivered by a member of the graduating class of the New England Aeronautical Institute in Nashua, N.H., we would better have met the need.

This young man, a native of Iran, is named Hormoz Soheili. According to Brig. Gen. Harrison R. Thyng, the president of the institute and Daniel Webster Junior College, Mr. Soheili's address brought the entire audience to its feet in "thundering ovation" and left "not a dry eye in the house."

Mr. President, some times it takes an outside eye, an outside heart, to see and to appreciate what we have here in the United States of America. Mr. Soheili sees, and his heart responds. And I ask unanimous consent that the text of his moving tribute to our country be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS BY HORMOZ SOHEILI, JUNE 3, 1973

Ladies and gentlemen—Faculty and friends: Welcome to our graduation. My name is Hormoz Soheili and I am from Iran. Some people call me Harry, others call me Persian, and some have called me camel-driver. My job today is to talk to you and your job is to listen. If you should finish your job before I finish mine, please let me know.

When Omar Khayyam was 68 years old, he tried to learn the Persian instrument, called the sitar. It looks like an American guitar. One day when he was busy practicing, a young 20-year old man started to laugh at him. He said to Omar, "Aren't you ashamed and embarrassed that a man of your age is starting to learn to play the sitar?" and Omar replied, "My dear son, the day I would be embarrassed is the day someone asks me if I can play the sitar and I have to say no."

Yes, my friends, because it is never too late to learn. You can learn from the day you are born until the day you die.

Three years ago, when I arrived in this country, I was nervous and afraid. I was not afraid because of you people, I was afraid because I thought I could never make it to this my graduation day. On that day three years ago I was alone. I was far away from home. I had no friends and no one to talk to because I could not speak a word of English. However, with the help of friends, I learned your language, your customs, and your habits. And I am very pleased that I can be graduating today.

After we are graduated, we shall be leaving Nashua, and leaving so many memories behind. We have passed our school days and look to tomorrow. You might go to work, to another school, or maybe travel.

But listen please and listen well, because now it is our turn to furnish leadership and understanding to others around the world.

I don't know how much you know about your country, I have been in many different countries where I have spent much time traveling. Recently I had the opportunity to see your country also, as a matter of fact, I hitchhiked all the way to San Francisco. I went because I wanted to meet people and visit your cities, museums, factories, monuments, schools and universities. As I told you, I have been in many different countries, but there is nowhere like the United States of America. Your country is the greatest country in the world. Maybe you can't believe how much freedom you have. You have the opportunity to go to fine schools and universities, you have books, libraries, and good teachers to help you. You can improve yourself as much as you want. You can be a doctor, lawyer, salesman, engineer, Senator, or even President, if you really wish. Though not everyone has had the opportunity to be educated. You have had that chance. Take that opportunity to help yourself, your community, your country, and the people of the world.

Let's hold our hands together. Please, let's hold our hands together and work hard and show the people around the world that you are still the best country in the world. To stay number one will take the energy of the young and the experience of older people.

I am not an American. I wish I were one. I promise that I will be a good citizen when I do become one. Let me hold your hands and help you somehow to keep the United States the best country in the world.

God loves you; God loves America; and peace be with you.

Thank you very much ladies and gentlemen, faculty and friends. I like to thank all the friends and people who helped me these past few years. I think it is your custom to give gifts to people who graduate from college or school. I think it's very nice. I receive many gifts from friends; and I thank all of you. I received a nice gift this morning. When I saw that gift, I cried; and I would like to show it to you. This gift is an American flag.

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

Mr. GRAVEL. Mr. President, the enormous impact and importance of sports in forming and strengthening global understanding is far too often overlooked. But it is an aspect of international relations that has, over the years, been highly successful. Recent history provides us with numerous instances when athletes from different countries have come together in mutual endeavors, while at the same time, political leaders from these countries have been unable to establish effective lines of communications among themselves.

Endeavors such as the Partners of the Americas Sports Program, the Peace Corps' Sports Corps, the Department of State's International Athletics Division, and numerous private organizations contributing to international understanding through sports deserve our fullest praise, support, and encouragement. They can and have opened many doors to better international understanding.

I wish to call my colleagues attention to a speech delivered by the Honorable Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs, before the Conference of the General Assembly of International Sports Federations, held in Oklahoma City. In his remarks to this distinguished international gathering of sports leaders, Assistant Secretary Reich points out the role of the Department of State in promoting international understanding through sport in cooperation with the private sector and makes suggestions to U.S. sports groups in contributing toward this goal.

In light of the pending sports legislation before the Congress, as well as the tremendous national concern regarding America's role in international sport, I believe Mr. Reich's speech will be of interest to all Senators. It will be must reading for Americans concerned with harnessing an important international vehicle of understanding—sports. I therefore, ask unanimous consent that Mr. Reich's comments be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

We all have two important interests in common—sports, and furthering international understanding. You represent thirty-seven different sports played in all nations of the world by many millions of people. You personify mankind's continuing commitment to sports. Throughout history—from the Egyptians to the Romans to the Greeks to the Celts to present day—sports have ennobled man's existence. But not until the modern Olympic era began in 1896 have sports, as one kind of cross-cultural, transnational interaction and communication, become a significant force for international understanding.

I shall discuss the rationale for this informal communication (I call it people-to-people diplomacy); the interest of the U.S. Department of State in the activity; and our work, in cooperation with the private sector, in furthering international understanding through sports. In my closing, I shall acquaint you with twelve suggestions I offer to U.S. sports groups, when they request them, for contributing toward this goal.

PEOPLE-TO-PEOPLE DIPLOMACY

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better today than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

While technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has gone public. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people interchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research, scholars such as Dr. Herbert Kelman at Harvard University are developing a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur. They contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures. These predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.

ROLE OF STATE DEPARTMENT IN INTERNATIONAL EXCHANGE

When you think of the State Department's conduct of our international affairs, people-to-people diplomacy and exchange-of-persons program may not come immediately to mind. It is, nonetheless, a significant Department activity carried out with 126 nations of the world. The Bureau of Educational and Cultural Affairs works constantly to improve the climate for diplomacy and international cooperation.

To fulfill the aims of the Mutual Educational and Cultural Exchange Act of 1961, Department-sponsored programs are designed to strengthen patterns of cross-cultural communication in ways which will favorably influence the environment within which U.S. foreign policy is carried out and help build the intellectual and human foundations of the structure of peace.

More specifically, these programs aim to increase mutual understanding and cooperation between the American and other peoples by enlarging the circle of those able to serve as influenital interpreters between this and other nations, by strengthening the institutions through which people abroad are informed about the United States, and by improving channels for the exchange of ideas and information.

The exciting, challenging job of the Bureau of Educational and Cultural Affairs is to use its resources to reinforce the work of American individualr and organizations who want to help construct the foundation of better relationships with the rest of the world.

It also coordinates, as necessary, the activities of other government agencies with international exchange programs in such fields as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come to the State Department from private business, I have gained great appreciation for what is being done at an investment of $45 million annually. There are several major elements in the Department's exchange program:

Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States. The international visitor program brings to this country about 1,500 foreign leaders and potential leaders annually for short orientation tours. Each year we send abroad several leading performing arts groups and athletic stars. For example, in the past two years, Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; and Kareem Jabbar and Oscar Robertson of the Milwaukee Bucks visited Africa. (The visit of the U.S. table-tennis team to the People's Republic of China was, of course, totally a private effort.) We also send some 150 U.S. lecturers abroad annually for short lecture tours.

These programs depend on the cooperation of thousands of private individuals and organizations whose response has been outstanding. The Department works closely with a number of organizations that assist in carrying out these activities.

The National Council for Community Services to International Visitors (COSERV) is a network of 80 voluntary organizations in the United States, which enlists some 100,000 Americans to provide hospitality and orientation for international visitors.

The National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities.

The Institute of International Education and several private programming agencies help carry out the Fulbright and international visitor programs.

PRIVATELY SPONSORED EXCHANGES

We in the Department of State are aware our programs represent only a portion of the total private-public participation of Americans in exchanges aimed at furthering international mutual understanding. Service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world.

More than 40 national sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad. Several youth organizations conduct international exchanges with nearly 5,000 American and foreign teenage participants each year.

Numerous foundations, businesses, and institutions throughout America facilitate the private studies of many of the nearly 150,000 foreign students who come to the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad .

The People-to-People Federation and its committees actively promote and carry out meaningful exchanges; 430 American cities are linked through the Sister City Program with communities in 63 countries of the world.

What may not be quite so apparent yet is the quite logical social and political fall-out of these countless millions of contacts between people and organizations of various nations. Such contacts become ongoing human and institutional interactions. In turn, these interactions develop into the dynamic and largely spontaneous growth of thousands upon thousands of linkages—between towns and cities, clubs and organizations, professional societies, universities and cultural institutions, sports enthusiasts and businesses, government ministries, labor unions, and individuals—all over the world. These linkages in turn become webs of more and more complex relationships. As a result physical, psychological, cultural, and economic interdependence, become an indisputable over-arching reality.

But we have not as yet arrived at the millennium. Swords cannot yet be beaten into plowshares. For the foreseeable future there will be much work for my diplomatic colleagues in their customary stocks-in-trade of crisis management, conflict settlement and trade negotiation. But hopefully constructive, cooperative and complementary linkages and webs will become commonplace *at* every level of society and *between* every level—and *among* institutions public and private as well as *within* each such sector. At that point there should be less of the traditional *political* and more of the new functional emphasis in our foreign offices.

As the recent annual Foreign Policy Report of the President stated, "These trends are not a panacea but they are contributing to the climate of international understanding in which governments can pursue the adjustment of official relationships. They also afford the individual citizen meaningful ways to help build the structure of peace which is America's goal."

SPORTS FURTHER INTERNATIONAL UNDERSTANDING

So much for informal, international communication in general; what about sports, in particular? In this decade we have witnessed some of the most significant international sports events in history; some have *made* history. I should like to comment on the ways in which sports, as a universal language, can further international understanding. (I recognize of course the nature of the contribution of sports varies greatly depending on the countries involved, their relationships, and the particular sport.)

Sports open doors to societies and individuals and pave the way for expanded contact—cultural, economic, and political. The recent table-tennis exchanges with the people's Republic of China are an outstanding example in which U.S. athletes have been involved.

Sports provide an example of friendly competition and give-and-take two-way interchange which hopefully characterizes and dignifies other types of relationships between nations in this era of growing interdependence.

Sports convey on a person-to-person basis and through the media to the broader public a commonness of interests shared with other peoples across political boundaries. This awareness and emphasis can carry over to and influence other kinds of international relations.

Sports enhance understanding of another nation's values and culture, so important but often absent in many forms of international communication. These qualities include determination and self-sacrifice, individual effort as well as teamwork, wholesomeness, empathy, good sportsmanship, and a sense of fair play. Sports thus help to improve perceptions of other peoples and to close the gap between myth and reality.

Organizing and administering international sports are the basis for ongoing, serious communication and cooperation across ideological and political barriers. This is demonstrated here. In this work, sports associations, as nongovernmental groups, are symbols of the freedom of peoples to organize themselves, to travel and communicate across national boundaries, and to work together to carry forward freely their own interests. They further the ideals of freedom.

Your respective sports associations help develop leadership which is needed especially by the developing nations as they struggle to reduce the gap between the have and have-not peoples of the world.

I could illustrate each of these values of international sports with many examples, as I am sure you could. We could cite cases in which negative results were realized. But on balance, the many thousands of ongoing interactions in sports annually are a tremendous force for good in the world. For all these reasons, the U.S. State Department has a serious commitment to international sports.

THE ROLE OF U.S. DEPARTMENT OF STATE IN SPORTS

Since sports in the United States is a nongovernmental activity, the State Department's role reflects this basic concept in international sports. Our interest is in furthering international mutual understanding and communication through sports. As part of the official U.S. cultural relations program, our sports office in the Department carries out, in cooperation with the cultural officers in our embassies, a small, but excellent, and we hope catalytic, program. It includes sending overseas each year 10–20 coaches on request of other nations.

We also send a small number of outstanding athletes abroad to conduct demonstrations and clinics. We are planning to send abroad on request a few carefully selected groups of coaches and athletes to teach the organization and administration of sports. We bring several sports administrators annually to the U.S. for orientation tours as recommended by our embassies. We occasionally arrange to "pick up" a US group participating in a sports event abroad and send them on a goodwill tour into additional countries. Last month, for example, the Coca Cola Company sponsored an AAU international swimming meet in London; we sent four small teams of U.S. participants after London into Eastern Europe and North Africa.

We also make a few small seed money grants each year to help selected organizations raise private funds to carry out their programs more effectively. Reflecting our interest in two-way interchange, we recently assisted the Partners of the Americas to send a group of basketball coaches to Latin America and bring soccer coaches to the United States.

In addition to these programs, we facilitate private efforts, when possible, by providing briefings in the United States or abroad, by offering suggestions for cooperative programming, by assisting with communications, or by furnishing guidance on international affairs Our Consulate General in Munich provided considerable planning assistance to the U.S. Olympic Committee over a period of months in response to their request.

There are thousands of privately-sponsored international sports activities annually involving trips to and from the United States of athletes, coaches, and administrators. It is in our national interest—in the U.S. taxpayers' interest—to help ensure that these activities do in fact contribute, to the maximum extent possible, to better international mutual understanding. We assist while at the same time seeking to preserve and encourage the private sector initiative, vigor, and dynamism which are America's strength. Therefore, our facilitative role in helping U.S. sports organizations carry on *their own* international programs effectively is our most important one. As the focal point for all these activities, our sports office has a big job to do.

I frequently have been asked by leaders of private U.S. sports organizations what more they might do, beyond what they already are doing, to further international understanding. You might be interested in 12 suggestions I offer to them for their consideration and action:

1. Help strengthen the Olympic movement, including the Olympic development program.
2. Strengthen the ties which bind us with other peoples by actively participating in international sports associations.
3. Increase exchanges both to and from the United States of leaders in sports.
4. Increase the exchange of sports films, journals, and other printed materials.
5. Develop cooperative programming with other private organizations such as People-to-People Sports Committee, Partners of the Americas, Operation Cross-Roads Africa, Sister Cities International, youth, and community service organizations.
6. Seek greater public visibility through the madia to expose the maximum number of people here and abroad to the international goodwill generated.
7. Help insure U.S. participants in international sports interchange gain advance understanding of important cultural differences and political realities.
8. Seek facilitative and financial assistance of U.S. companies operating internationally, since they have an interest in carrying out public service activities abroad as they do in the United States.
9. Develop and carry out international sports events in support of disaster relief, which also serves to dramatize the humanity of sports.
10. Encourage and publicize the participation of international federation representatives at sports events to dramatize the universality of sports and its contribution to international understanding.
11. Assist other nations as requested in building their counterpart sports organizations to ensure ongoing interchange.
12. Provide home hospitality, in cooperation with community organizations, for international sports visitors to the United States.

While we carry out a few programs and facilitate many more, our most important consideration, as a government, lies not in winning but rather in increasing understanding as a basis for cooperation. From the standpoint of the U.S. Department of State, one of the most important sports exchanges in recent years was the visit of the table-tennis team to the People's Republic of China. It didn't matter who won; it did matter that it opened the way for greatly increased two-way communication. In many less spectacular instances sports interchange, whether we have won or lost has contributed greatly over the years to our common objective of furthering international mutual understanding.

It is an honor to welcome officially to the United States this group of distinguished sports leaders from around the world for your first conference in our country. Together with you, I am grateful to the General Assembly of International Sports Federations, the International Softball Federation, the Amateur Softball Association of the United States, and the dedicated citizens of Oklahoma City for making possible this important meeting.

Thank you for your continuing efforts to further the ideals of sports worldwide and in the process for helping to build the human foundations for the structure of peace.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

FOOD, FARM, AND FOREIGN POLICY

Mr. AIKEN. Mr. President, the Congress is currently considering three of our most important pieces of legislation.

I refer to the farm bill, foreign policy legislation, and the land-use bill now before the Senate.

These bills are now so hopelessly interwoven that it is virtually impossible to consider one of them intelligently without giving attention to the others.

Most persons in public life are aware that, to a considerable extent, higher food prices in the United States today are the direct result of greatly increased foreign demand.

This does not look to be a temporary situation; quite the contrary.

We may have to get used to both China and Russia and other countries making massive purchases of wheat and feed grains in the U.S. market while expecting to pay for these purchases with products necessary for implementing our own growing demand for energy and other commodities and goods for which we have a continuing domestic need.

To meet this new and growing challenge, we now have to devise a whole new justification for farm legislation.

We now have to formulate our relations with other countries on a basis that never existed before.

And, we now have to develop strong land-use policies involving State and Federal cooperation if we are to solidify our leadership among nations and maintain a strong economy here at home.

In my opinion, we are facing an expanded and desirable prospect for American agriculture.

I will not try to suggest in detail a new mechanism reconciling the competing and conflicting domestic and foreign policy objectives which farm legislation must serve at this time.

That will take time, understanding, and patience.

I do want to call the attention of my colleagues to this blend of objectives and leave in the Record some rather big questions that Congress is going to have to wrestle with.

The modern family farm bears little resemblance to the farm of a generation ago.

More often than not it is still a family operation, but the family farmers are more like business executives today.

They talk knowingly about acreage allotments, CCC and FHA loans, target prices, and grain futures, subjects that are a deep mystery to most city folk.

In fact, some people seem to think that a new-fangled "farm slicker" has taken over from the old "city slicker" and is responsible for pumping up food prices in an unconscionable way.

The fact is, however, that few farmers in the United States are making exorbitant profits off the higher food prices of today.

And, all up and down the line, the profit margins of food producers, food processors, and retailers are well below the profit margins of industrial enterprises.

It is true that, over the years, the incomes of the 1 million or so commercial farms that produce nearly 90 percent of our basic foodstuffs have more nearly caught up with the incomes of other kinds of producers.

But, the modern farmer today is squeezed by skyrocketing costs for his livestock feed, his farm equipment, and his family living costs.

More than half the farmers in the United States still earn incomes far below the national average.

That is partly because they provide only about 10 percent of what is sold on the market.

What is new is that more people than ever before in history are now dependent on the production of the American farmer and the American food handling and processing industries.

For one thing, more Americans want to eat more meat than ever before, and in an ever greater variety of cuts and preparations to save time and effort.

Americans are paying more for food because, for justifiable reasons, they want to spend less time and effort preparing food.

Meanwhile in Europe and Japan, and in a growing number of other countries, more millions each year are insisting upon eating habits very like our own.

These millions can afford to, because both in America and abroad they are earning more in the multitude of growing industries.

Russian grain purchases a year ago came on top of this growing trend in Europe, Japan, and North America toward a different kind or, a richer, square meal.

The prospect is that China will come forward next with increasing demands for more American wheat, cotton, and other commodities.

Finally, of course, there are the nations of Asia and Africa with chronic food deficits who look to the United States for a margin of supply and of help.

So, do not look under the bed for conspirators to explain why food prices have shot up, especially meat prices.

It is just that the demand has increased of late much faster than the supply.

Never before in history, not even in World War II, have so many millions been dependent on the American farmers.

This year, for the first time since World War II, the American farmer is being encouraged to go all out to produce his best.

Despite the refusal of the weather to bend to the dictates of either the Agriculture Department or the Congress, the prospects are good for a 1973 record harvest of both wheat and soybeans.

We are not in a food crisis, but we are in a brand new situation.

The old justifications for farm legislation may be laid aside, but nothing of comparable substance has yet taken their place.

Between 1933, when Congress passed the Agricultural Adjustment Act, and the mid-1960's, the objective of farm legislation was to increase the farmer's income relative to his counterparts in the towns and cities.

No social legislation ever passed by the Congress had a more profound effect.

While it was on the books, millions of farm families left the land for alternative employment.

But, by the mid-1960's, the costs of this policy, both the direct budgetary costs of farm subsidies and the new social costs resulting from mass migration to the urban communities, demanded change.

Besides, the incomes of more successful, commercial farmers no longer lagged behind the incomes of other kinds of producers as they did so disastrously in the 1930's.

The change came with hardly any fanfare.

Congress began to substitute direct payments and acreage retirement for price supports on many major farm products.

The result was to reduce the influence of Government and increase the influence of the market in the farmer's life.

It is not an absolute shift, but rather one of degree.

Most farmers still have to borrow money at planting time.

But, it used to be that much of the crop, when harvested, was placed under Government seal in storage and often left there for some years because it paid the farmer better than paying off his loan.

Now, with prices much higher, it pays the farmer to pay off his loan in cash and sell his crops on the market.

The system has not changed much in this regard; the farmers are just reacting to price changes like other people do.

I mention these elementary technical points because some may have the impression that the farmer is now solely dependent on market competition.

He is not and should not be.

What is different is that acreage limitations are now being liberalized or eliminated and price supports rendered academic for many important crops because of the booming demand in the market.

The Government, instead of paying the farmer not to produce or telling him how much of what crop he ought to produce, is now signaling full-speed ahead in the production of wheat and feed grains particularly.

The dimensions of this new ballgame, brought about in such large measure by increasing foreign demand, were not realized in the Department of Agriculture or in the Congress even as recently as a year and a half ago before the Russians moved into the grain market in a massive way.

There is no lack of Monday-morning quarterbacks now demanding an accounting for this ignorance.

An accounting, perhaps, there should be, but I, for one, am not looking for devils or conspirators.

I appreciate the increase in world trade as an indication of better living conditions for all people and living prices for our farm producers.

That the Russian demand was underestimated was almost inevitable.

Countries like Russia hardly welcome foreigners anxious to improve local crop forecasts.

Yet, that is just the problem that the Agriculture Department faces in trying to estimate Russian demand.

Secretary Brezhnev himself may say that Russia will be a "long-term buyer on the world grain market."

But what this means in terms of tons of wheat and tons of soybeans each year is a most complex technical and political puzzle.

We may be doing business with the Russians and that is good.

But we can still be a long way from talking the same language.

Their state trading practices are much at variance with our ideas of economic efficiency.

If we were to adopt similar practices in selling wheat and feed grains to Russia, other countries would very likely adopt similar tactics themselves, and perhaps not just for the grain trade.

We have economic and political principles to defend, just as the Russians do.

It is not in our interest or in keeping with our form of government to promote the growth of state trading monopolies in the world.

Finding ways of doing business with these monopolies may involve a long and difficult search.

We will need a combination of the best of diplomatic skills and the best of technical skills.

There is another reason why those of us who have worked on farm policy for many years underestimate the new, worldwide dependence on the U.S. farmer.

For the past 40 years we were nurtured first on the need to improve farm incomes and next on the need to prevent disastrous surpluses.

We used to worry about the problems of too much supply, not about the problems of too much demand.

I offer this as a reason, not just an excuse.

Sometimes it is a good thing that it is hard to teach old dogs new tricks.

Anybody with experience in farm policy deliberations knows how dangerous it is to make abrupt changes on the basis of 1 year's harvest or 1 year's extraordinary demand.

The long-range danger in the world market for basic foodstuffs is still the danger of wild price fluctuations, leading to wild cycles of shortage and surpluses.

This may not be so in another generation if population trends again rush ahead of increases in farm productivity.

But neither the Congress nor the Department of Agriculture can afford to base their recommendations on academic speculation.

I do not blame the Department of Agriculture for having reacted slowly last year to the vast increase in commercial demand from overseas.

We can only blame them if they now fail to help fashion with the Congress a new policy for the very new situation we face.

The new policy must reconcile a major foreign policy objective with a major domestic objective, and the two may sometimes be in conflict.

The foreign policy objective is easily stated.

How can the United States convince the world that it will remain the world's most reliable supplier of basic foodstuffs?

There are so many reasons why such a posture is absolutely necessary for the maintenance of peace in the world and well-being here at home that it is hard to know where to start.

First. With the new and unprecedented

dependence on the American farmer has come a new and unprecedented U.S. dependence on foreign sources of energy.

Can we hope to pay for the latter if we cannot sell more basic foodstuffs abroad?

Is there any real alternative?

Second. Are we to say to Japan, so thoroughly dependent on imported foodstuffs, that we just do not know if there will be any room in our market for Japanese buyers in the near future?

Are not questions of national security involved here?

Third. Are we to say to the Russians and Chinese, to whose leaders farm policy is a matter of political life and death, that we just do not have any foodstuffs to sell for a while?

Or should we keep our options open?

Fourth. We have been trying desperately to persuade our Western European friends to rationalize their cockeyed farm policy so as to discriminate less against our farm exports and relieve their consumers and taxpayers of a huge burden of price supports.

Are we now to say, "Don't bother. We need the food at home"?

The foreign policy aspects of farm policy are very clear.

Somehow, some way, we must fashion a policy that convinces the world that we intend to remain the most reliable supplier of foodstuffs on the world market.

It is not that we have to accept each and every order from overseas—not by a wide margin.

The key word is "reliable."

We must remain the best supplier on the world market.

The domestic problem is equally easy to state.

Are we to permit foreign demand to push up the price of food here at home to the point where the family food budget becomes the symbol of uncontrolled inflation?

The dollar devaluation, plus the run against the dollar in the world gold markets, has greatly increased foreign speculative demand for U.S. wheat and feed grains.

There is no mystery to it.

A speculator in Europe or Japan today would much rather have a ton of soybeans, delivered in 6 months, than a few hundred dollars perhaps losing value in a bank or stock account.

He knows there is going to be a healthy demand for soybeans for some time, even though the price has tripled in recent months.

As to the demand for dollars, he is much less certain.

This kind of speculation is, by its nature, a short-term problem.

The long-term problem of the place of food costs in the budget of the American family is much more complex.

For the past generation the percentage of a family's income necessary for the purchase of food has been declining.

Twenty years ago, in 1952, the food bill of the average American family took 23 percent of the family's after tax, disposable income.

In 1972, last year, it took only 15.7 percent.

It is possible, but by no means sure, that there will be a slight temporary reversal to this trend this year, but still the share a family spends for food will be far less than in any other big country in the world, save Canada.

If the average American family today has two cars, two TV sets, and a vast variety of appliances, and if that average family travels more than ever before, just reserve a word of thanks for the American farmer.

His efficiency has made it possible for the average American family to eat very well while spending a smaller share of its steadily rising income on food.

We are now working on a new agreement between the American farmer and the American people and their Government to replace an old agreement that served us and the world very well for so many years.

Under the old agreement the American farmer promised to provide ample food at steadily reduced relative prices.

In turn, he was promised a higher relative income for fulfilling his promise, and those who were able to do so, did earn much higher incomes.

Under any new agreement what we want is reliability.

We want to be able to count on the farmer and his ingenuity to produce enough to keep food prices in line with other prices at home and to make available adequate supplies to meet our foreign policy objectives.

In return for keeping that promise, the Government must continue to safeguard farmers' incomes.

How in the future the Congress and the administration decide to safeguard farmers' incomes against the promise of steadily increasing production—and I emphasize steadily—will determine how well we reconcile the competing and conflicting foreign and domestic demands on our farm economy.

The present farm bill promises no more than a temporary short term answer to this problem of reconciliation.

But it should be judged this way.

Does it, at least for now, help the United States to remain the most reliable supplier of farm products on the world market?

Does it safeguard farmers' incomes without adding to the inflationary forces now rampant in the economy?

For the long run, I would like to put on the record two basic questions which should be addressed if this year's farm bill is to evolve into a really new farm policy.

First, whose responsibility is it to carry food reserves now that the U.S. farm economy is operating at greatly expanded land use capacity?

Second, has the time come for land use planners and conservationists to add farm land—arable land, that is—to the list of scarce natural resources that should be protected as a matter of policy in the United States?

The answer is "yes."

For 40 years, off and on, the desirability of establishing food reserves based on estimates of national security and on world minimum needs has been debated in this country.

But, so long as price supports were creating surpluses and excess capacity, the debate lacked a sense of urgency.

The time has come now to be serious about this question.

When I talk about food reserves, I do not mean just grains stored for a long time under Federal loans.

I mean establishing a carryover in basic products that would serve to guide and strengthen farm policy.

Establishing a minimum carryover is a very difficult technical and political problem, for it would quickly fail if the carryover were used simply to elevate or depress prices.

On the contrary, reserve policy should serve to stabilize prices and insure adequate production.

The Government would not just have to make loans and seal stored crops; it would have to call loans or sell grain from time to time under a workable reserve policy.

How is this to be done?

Should Congress try to devise a broad authority and delegate it to the Secretary of Agriculture?

Or should the Congress devise a mechanism to guide the Secretary of Agriculture, thus taking a major responsibility itself?

I concede that this is a difficult choice.

If these questions are not difficult enough, we may ask, What should be the responsibility of other countries?

The United States cannot maintain a food reserve for the whole world by itself.

Yet, determining a reserve policy for ourselves would be somewhat easier if it was part of a broad agreement reached with other countries under which they would do their share.

The Japanese, for instance, should be able to do better than having only 1 week's supply of feed grains on hand, as they said they had this spring.

Reaching some agreement on reserve policy will be even more important in the forthcoming trade negotiations than trying to reduce physical barriers to farm trade.

As for adding farm land to the list of natural resources that should be protected, here is a subject that might actually unite the farmers and the city people.

If my colleagues who represent cities and urban areas are worried about the urban sprawl, I would suggest that States might curb that sprawl somewhat by discouraging developers from leapfrogging over each other onto farmland, further and further from the city center.

If, as it appears, we must conserve farmland for future production, more of our States should think in terms of statewide zoning and land use plans with the dual objective of containing urban sprawl and conserving farmland.

At present, only the States of Vermont and Hawaii have begun to take serious action.

If there is to be a national land use plan, I believe the conservation of farmland should be one of its major objectives.

In Vermont, we have been building over the years a structure of zoning and land use planning.

The primary motive originally was not so much to conserve farm land as it was to keep the State a good place to live.

But, the objective of conserving productive land is served as well.

These objectives cannot be served by individual cities and countries acting on their own.

I question whether the Federal Government only as a last resort can or should get into the business of invoking master land use plans.

But States, particularly farm States, can.

Adding the conservation of farmland to the list of purposes would make statewide zoning and land use planning more practical.

The time has come to take these subjects out of the realm of academic speculation and give them serious political consideration.

Time is of the essence because food, farm, and foreign policy have become a mixture of closely related objectives.

Every farm program from now on will be a major piece of foreign policy legislation, with our own family food budget seriously involved.

Agricultural production is different from factory production.

Farmers cannot close their doors whenever demand falls off or prices become disastrously inadequate.

But, the responsibility of the American farmer in the field of foreign policy and domestic requirements is great.

Given the assurance of reasonable prices and being rid of the specter of export controls and increased imports, American agriculture can, and will, produce enough to meet growing demands both at home and abroad.

This cannot be achieved, however, unless this Nation takes steps promptly to protect and conserve the land necessary for such production.

Mr. FANNIN. Mr. President, I ask unanimous consent that Miss Jackie Schafer be given the privilege of the floor during debate on the bill as well as during voting periods.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I rise to discuss some very serious shortcomings of S. 268, the national land use policy bill. First, I would point out that Senators HANSEN, BARTLETT, and I have participated in and followed S. 268 through the Interior Committee markup sessions, and have a great deal of interest in this legislation. The minority members of the Interior Committee have been faithful and diligent in seeing to it that a requisite quorum in order to do business was always there, and we actively participated in the discussion on S. 268 in markup. We intend to offer amendments to S. 268, which were not successful during markup. We propose these amendments in the spirit of attempting to make S. 268 a piece of legislation which is practical and which will accomplish our aim of assisting the States in undertaking and achieving land use planning. We will introduce these amendments which we believe will strengthen the bill; we will follow one uniform theme to insure that the States remain in the driver's seat as far as land use planning is concerned, just as the Constitution of the United States envisioned that they should.

There has been criticism that some members of the committee are attempting to obstruct, and stall so as to prevent any type of land use bill from passing the Senate. I say such accusations are false, our constructive amendments will bear out our intention to maintain the states' proper roles and States prerogatives in land use planning.

I was pleased that my colleagues accepted Senator BARTLETT's and my sugestion that Indian lands be included within the purview of S. 268. It makes no sense to exclude any land from the scope and objectives of assisting in proper land use planning, and I was happy to see that our Indian people will have an opportunity to join in the spirit of full partnership in the planning of their own land.

Let me take this opportunity to express some very real concerns about S. 268, and recall again that our theme and purpose will be to maintain the prerogative for the State to do land use planning and not allow a preemption to occur.

The Land Use Policy Act as reported out of the Interior Committee would rob the States of their right to plan for land uses. Under the guise of "assistance," the Federal Government will deprive the States of one of the last vestiges of State police power.

As has happened so many times in the recent past, the Federal Government will dangle Federal dollars in front of the States to induce the States to surrender decision-making authority to Washington.

This bill as reported goes much further than simply requiring States to set up processes for land planning. It spells out what these processes must be. It gives the Federal Government dictatorial power over the State planning process. This bill goes into the substantive issues of land use policy; it is not limited to procedural matters. Washington would actually exercise State constitutional rights.

We cannot allow this to happen.

Land use legislation has occupied an ever increasing amount of congressional time since 1970. The plethora of bills was over 200 in the 92d Congress. This indicates the importance, the scope, and the variety of approaches to land use.

The reported bill is said to be a grant-in-aid program which reserves to the states the prerogative under the Constitution of the United States to regulate land use planning. We believe this bill is not what it purports to be—we believe, in fact, that it would effectively preempt state and local rights to plan and regulate land uses. It would shift the traditional responsibilities from the local and state governments to the federal government.

Most members of the Committee agree that some legislation bearing on a national policy for land use ought to be enacted. However, we believe that such legislation must preserve local and state prerogatives.

This legislation would be the first step in establishing a total "National" Land Use Program. The direction is indicated in one of the stated purposes: "to study the feasibility and possible substance of national land use policies which might be enacted by Congress."

The majority report states "this Act does not contemplate sweeping changes in the traditional responsibility of local government for land use management." Presently, local and state governments maintain and possess all the initiative to plan and manage private and state land. S. 268 will remove that initiative, thus preempting local responsibilities, and drastically alter the traditional system.

Most of the states which have adopted statewide planning still emphasize the local role in land use regulation. Only two states have opted wholly for state control; the other states place the major responsibility on county and local units, but retain a veto power or other enforcement mechanism to assure that local jurisdictions comply with statewide criteria. S. 268 would alter the roles so that the federal government would possess veto power to enforce national criteria via approval of state programs and processes.

As time has passed and local zoning has apparently proven unable to do its job of resolving an expanding society's problems, the solution has seemingly been to separate the planning decisions further and further from the local community—to rely on some higher governmental entity to resolve local problems.

S. 268, as reported, is a grandiose plan to remedy, in the words of Section 101 (a), a situation created by "management decisions often made on the basis of expediency, tradition, short term economic considerations, and other factors too frequently . . . unrelated or contradictory to sound environmental, economic, and social land use considerations." S. 268 will not cure these evils, but will actually alter and destroy the historic right of State and local government to zone and regulate land use within their own jurisdictions. S. 268 is an example of Federal overkill. Though the bill declares traditional property rights will not be enhanced or diminished by anything in the act, a close reading of it proves the opposite. Under the guise of helping by way of "encouragement" and "assistance", the Federal Government will dictate how, when and where the States will exercise State constitutional rights.

The stated policies of section 101 are developed in Washington—implemented and reviewed under standards and guidelines established in Washington.

EFFECTS OF S. 268 ON PRIVATE PROPERTY

Land utility is transient in nature. Historically, the marketplace has dictated the highest and best use of land. S. 268 would, however, define the use for large amounts of land and thus would render the marketplace ineffective. Private ownership of land has been the stimulus for man's initiative and incentive and has made the standard of living in America the envy of all the world. S. 268 would stifle private ownership. We do not believe even the drafters of S. 268 contemplate such a reversal of tradition. But, when the use of land is tightly restricted, its productivity is lost: that must not occur in a nation which relies so heavily on the historical institutions that have made America the greatest nation in the history of the world.

A national land use bill will stimulate the regulation of private property. The critical issue, in what has been termed the "quiet revolution" of land use planning, is how far the use of property can be restricted without compensating the property owner for diminution of value. In other words, when does a restriction become a "taking"? The Fifth and Fourteenth Amendments to the Constitution of the United States provide that "private property" shall not "be taken for public use, without just compensation."

Consider the following hypothetical situation: A man purchases, in good faith, three hundred acres of land containing a lake which he intends to develop for resort purposes. He reflects its development potential. The land use bill becomes law; and because it is found that the lake in question is of vital importance to a species of endangered waterfowl, it is found to be an "area of critical environmental concern." The state, therefore, outlaws any development of the property containing the lake as being incompatible with its designation. As a consequence, the land loses three-quarters of its market value.

Under these circumstances, does the designation constitute a taking or impairment of property rights which is compensable under the law of each and every state?

The current language clearly states that the Act will not enhance or diminish the rights of owners of property as provided by the Constitution of the United States or of the State in which the property is located. Normally, this should suffice. But, this act will compel action by the state that will adversely affect the financial interests of individual land owners under circumstances where state law may or may not provide adequate protection.

Although this bill mandates the states to implement plans to regulate the use of land, it prohibits them from expending any grant money to acquire interests in real property. It is reasonable to expect that novel forms of regulating the use of property may ultimately erode the protection presently afforded property owners by the Constitution. Since there is such a hazy boundary between a "taking" and "control," it should not be overlooked that land may be taken for the public benefit under the guise of regulation without compensation. It is not equitable that the individual property owner bear the burden for public benefit.

The task force, which drafted "The Use of Land: A Citizens' Policy Guide," urges that the judicial precedents which "require a balancing of public benefit against land value loss" should be reexamined in light of new values. However, William Whyte, in his book, "The Last Landscape," draws a distinction that we believe is important. He said: "We cannot compel a benefit by the police power, for if we do we are forcing the owner to forgo money that he might properly realize and thereby shoulder a cost that should be borne by the public."

Those who qualify the protection which the 5th and 14th amendments guarantee property owners, jeopardize the one single characteristic of American life, the right of private ownership of property, that so distinguishes our lives from those of people in other countries. The words of Justice Oliver Wendell Holmes are as relevant today as they were when he rendered his opinion in Pennsylvania Coal Co. against Mahon. He cautioned:

> When this seemingly absolute protection is found to be qualified by the police power, the natural tendency of human nature is to extend the qualification more and more until at last private property disappears. . . . The general rule, at least, is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking. . . . We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.

S. 268 is aimed at the surface use of land and thus acts to restrict exploration for underground resources whose existence and extent are now unknown. A conflict exists between a land-use program that is surface oriented, and those activities which are required to develop subsurface resources. S. 268 will compound the difficulties of our Nation's current efforts to discover and utilize domestic resources to ease our energy and metal shortages. We must not handcuff domestic potential in this era of grave need.

Lest we be accused of needlessly crying "Wolf," consider the surprising consequences, unimagined and unintended by the Congress which passed it, of the court interpretation and bureaucratic administration of the National Environmental Policy Act. Before the Congress of the United States enacts legislation which could so substantially alter property rights as S. 268, it would be well advised to consider very thoroughly the possible ramifications of such comprehensive legislation.

Boiler plate disclaimers and the so-called safeguard provisions in S. 268 are not sufficient to protect traditional rights when the prerogatives of local and state government have been eroded by mandatory provisions such as:

Section 102(5), which calls for the establishment of authority and responsibility of the Secretary of Interior to administer and review with the heads of other Federal agencies the state planning process and program conformity to the provisions of the Act.

Section 204(1), which explains that the Secretary will review the State program to determine that the State has not left out any areas of critical environmental concern which are of more than statewide significance.

MECHANICS OF S. 268

Section 203. State Land Use Program, contains the mechanics of S. 268. It calls for a state program that follows the requirements of section 202, which is the State planning process. That process is judged by the Secretary of Interior as to its "adequacy" in other words, whether the process included all the specific requirements enumerated. Then the State is told that it must have specific "methods of implementation" for both the process and program. This is where the Federal government tells the states how, when, and where to exercise their own constitutional prerogatives.

The States, under section 204(a)(3)(A), must exercise control over the use and development of land in areas of critical environmental concern; exercise control over the use of land within areas which are or may be impacted by key facilities; and control proposed large scale development of more than local significance in its impact upon the environment.

SANCTIONS

The legislative history of this bill and its predecessor, S. 632, in the 92d Congress, show the very real prospects for sanctions being imposed against states who either do not participate in the program, or who disagree with the conclusions reached by the Secretary of Interior in his review of the state program. One of the major issues is whether participation under this act is to be permissive or mandatory.

Sanctions, in the nature of percentage withholding of state allotments from the Airport and Airway Development Act, the Federal Aid Highway Act, and the Land and Water Conservation Fund, were stricken from S. 632 during floor debate in the 92d Congress and where also excluded in S. 268. The Chairman has reserved his right, however—and in fact now has an amendment pending—to attempt to insert sanctions into the bill during floor action.

The governors of the various states have overwhelmingly voiced their disapproval of sanctions. The governors feel strongly that sanctions act as a disincentive and that land use planning could work only in a spirit of trust and comity. Certainly, the governors have little power to defend state actions in disputes arising under this proposed legislation. The Administrator of EPA and the Secretary of Interior have far more control over the state program than does a governor.

"AREAS OF CRITICAL ENVIRONMENTAL CONCERN"

The full measure of federal preemption is realized in the definition of areas of "critical environmental concern." Here the government would require the states to designate lands as critical where "uncontrolled or incompatible development *could* result in serious damage to the *environment, life,* or *property* or the *long term public interest* which is of more than local significance." This definition mandates the inclusion of: "fragile or historic lands;" "natural hazard lands;" and "renewable resource lands." These areas are to be specifically *protected* and control exercised over their use and development. Use and development must *"not substantially impair* the historic, cultural, scientific, or esthetic values or natural systems or processes within fragile or historic lands." The state must assure that loss or reduction of long-range continuity and the concomitant endangering of future water, food, and fiber requirements within renewable resource lands are *minimized or* eliminated. The state must finally assure that "unreasonable" dangers to life and property within natural hazard lands are minimized or eliminated.

This bill does not require the federal government—the largest landholder in the United States with over one third of the total acreage—to designate such areas on federal land. Areas of critical environmental concern are to be designated only on private, state and Indian lands. In these areas federal determination of use and development will prevail over the desires, wishes, and requirements of the private land owner or the state.

The breadth and scope of such a definition is impossible to accurately calculate. It is not folly to say that in some states every square foot of private and state land could fall within such a limitless definition. Here then lies the seed of the destruction of the American concept and practice of private ownership of land.

ADJACENT LANDS

Of the 2.2 billion acres of land within the United States, the federal government owns 755.3 million acres, or one third of the Nation's land. Federal lands are exempt from the stringent requirements placed on private and state lands.

Section 401 sets forth the federal responsibilities and requirements for the management of federal lands. Federal lands must simply be "coordinated" with state and local planning and management activities on adjacent non-federal land. Agencies which manage federal land must "consider" state land use programs—nothing more, nothing less. Federal land management coordination is ultimately exacerbated by a proviso in Section 401(a), which limits that "cooperation" to the extent "... [it] is not inconsistent with paramount national policies, programs, and interests." A federal agency under this exception could virtually override all private and state uses on adjacent non-federal land. The states, on the other hand, pursuant to Section 402(a)(1), must "develop methods for insuring that federal lands within the state . . . are not significantly damaged or degraded as a result of inconsistent land use patterns in the same geographic region."

Section 403 (a) provides for machinery to establish a "Joint Committee" to review "and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from . . . [the] management of federal lands and adjacent non-federal lands." The purpose of this section is to provide a mechanism to resolve adjacent land use problems, but, that purpose is flouted by the last subsection in Section 403. Subsection (g) states "... the Secretary shall ... not resolve any problems with or conflict between the planning and management of federal lands and adjacent nonfederal lands in a manner contrary to the requirements of the laws governing the federal lands involved" Section 403 then is hollow and mere window dressing.

The significance of the adjacent lands issue comes into better focus when states like Arizona, with 44.6% federal ownership; Nevada, with 85.5%; Utah, with 66.2%; Idaho, with 63.8%; Oregon, with 52.1%; Wyoming, with 48.3%; and Alaska, with more than 90%, are considered. The extent and scope of "adjacent land" is not defined in S. 268, and a large portion of the private and state owned lands in those aforementioned states will probably come within the adjacent lands criteria. The federal review authority and process under S. 268 could force private and state uses of adjacent lands to conform to federal demands or uses. When this provision is coupled with the requirements for areas of critical environmental concern, federal control is staggering. Federal dictates will prevail in areas of critical environmental concern and on adjacent private and state lands.

EFFECTS OF S. 268 ON EXISTING AND PROSPECTIVE STATE LAND USE LAWS

To date, Florida, Hawaii, Maine and Vermont have major land use legislation. Arizona, Maryland, Colorado, Oregon, Washington and Wisconsin are actively considering such legislation. The question is—what effect will S. 268 have under a permissive program and what effect will it have under a mandatory—(sanction)—concept?

Consider a hypothetical situation in which S. 268 becomes law and is permissive—in other words, without sanctions. Florida has a land use law and opts not to participate in S. 268. Florida's neighbor to the north, Georgia, has no state land use law and decides to participate in S. 268. Georgia, pursuant to Section 203(a)(3)(A) designates and exercises control over areas of critical environmental concern. Georgia then designates Lake Seminole, which is located in the extreme southwest corner of the state, as an "area of critical environmental concern," The lake happens to be partly in Florida. We are immediately confronted with at least three governmental entities potentially interested in that "area of critical environmental concern." Georgia could not exercise control over that portion of the lake in Florida, and the Secretary of the Interior could not influence that portion either. Thus, the purpose of designating such areas is undermined because there is no uniformity of control; geographic areas often cross political state lines. Here then, is the potential for a checkerboard pattern of conflicting land use efforts. Here also, is the denial of the stated purposes of S. 268, "To establish a National Land Use Policy." The stated purposes cannot be accomplished within the framework of a permissive national land use policy. The drafters of S. 268 envisioned mandatory participation, and thus our concern for the loss of state and local initiatives.

Should a mandatory scheme with sanctions be enacted, there is little doubt that the federal government will have preempted states' rights.

CONCLUSIONS

We believe S. 268 only gives lip service to the principle that the responsibility and authority for land use planning is a prerogative of the state. S. 268 forces the states to submit to what the federal government has decided is best for them. The loss of state control may be disguised under numerous formats, but as so often has happened in the past, once a state is placed under a federal program involving approval of "state plans," the autonomy of the state is compromised. The financial sanctions which could be applied by Washington coerce the states into compliance regardless of whether the state believes that the federal government is following the requirements of the law in question. Guidelines and regulations issued pursuant to a federal law enhance federal authority even more.

Unfortunately, the "natural" course of events seems to be more and more direction from the federal bureaucracy and less and less input by state and local government until virtually 100 percent federal control evolves.

This great nation was founded, grew, and prospered in the climate of free enterprise and opportunity—where the role of government took second place, and man was allowed maximum liberty. Prosperity and the problems of modern man dictate, perhaps, a moderation of that climate—but, certainly not a revolutionary adoption of a scheme such as S. 268. When the commanding power of government needed to be exercised in the demonstrable public interest, the Fifth and Fourteenth Amendments to the Constitution adequately protected the rights of the individual. The inherent wisdom of restricting the centralization of power and decision-making authority should require no advocate. American history is replete with evidence that individuals, collectively, make wiser judgments than governments. Individuals are not always right, but their mistakes are not so enormous.

The breadth and scope of the definition and requirement for areas of critical environmental concern leave no doubt that control over such areas is preempted by the Federal Government. We must on this issue alone, ask ourselves if such a course of action is necessary or desirable. We cannot support a land use planning bill which accomplishes such an end. We cannot support a bill which lays this foundation, and even goes so far as to mortar the bricks of federal intervention in the historic pattern of private ownership of land. We are not prepared to assist in the destruction of this cornerstone of our free enterprise system. Finally, we are not prepared to agree with those who believe that only "Washington" possesses the brainpower and capability to cure the ills of our nation. We have long relied on our states for purpose and strength and we will continue to believe our system of government works best when local prerogatives are preserved.

Mr. President, we will be offering amendments which I think will assist in making this bill the type of bill we started out to pass originally in this Congress.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. FANNIN. I am pleased to yield to the distinguished Senator from New York.

Mr. BUCKLEY. Mr. President, I share many of the concerns of the distinguished Senator from Arizona, although I suspect that he and I are marginally on different sides of the equation on this particular bill.

We are coming in this country, I think, to a sudden realization that our land is not inexhaustible and that decisions that are made today and in the near future will have a profound and permanent effect on the land for generations to come.

The Constitution quite clearly vests in the States the authority and the responsibility for determining land uses, except in those particular instances where there is an evident and obvious national interest. I believe, therefore, that while it is appropriate for Congress to urge and stimulate the States to assess their land inventory and to develop appropriate measures for land utilization that is within their responsibility, we must be very careful that the Federal Government does not step over the line and trespass on the rights of the States or that we create a leverage in the Federal Government that will have the effect of empowering it to dictate decisions more appropriately left to the States.

In legislating the means for achieving certain social objectives found to be in the national interest, Congress too often trips over the fine line which divides encouragement from coercion. In my judgment, the Land Use Policy and Planning Assistance Act of 1973, as reported by this Committee, succeeds by the thinnest of margins in conforming its requirements to its stated purpose: "to encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs."

As reported, S. 268 does not impose any sanction on any State for failure to implement the provisions of the Act, other than ineligibility for the grants authorized by the Act. The Chairman has, however, announced his intention to offer to the full Senate an amendment which would impose on any non-conforming State the further penalty of withholding from such State an increasing portion of funds under three significant federal programs. Should this or a similarly coercive amendment succeed, I shall have to reassess my position. I see no reason why a state should not be required to subject itself to the discipline of implementing the land use planning procedures described in the Act. At the point where a state adopts a land use program, however, there are wide areas where subjective judgment can be brought to bear as to such a program's adequacy. Even though the Act does not vest in the Secretary the authority to make such a judgment, he could nevertheless utilize the naked power that the sanctions proposed by the Chairman would grant him in order to compel a state to substitute the Secretary's judgment for its own. Given the extent of the planning procedures the Act requires of a state, it should not be too difficult for a Secretary to find procedural technicalities on the basis of which to find a state in default should he wish to.

Among my chief concerns with this legislation was the potential for undue interference in the relationship between the states and their political subdivisions. Some of my major concerns have been resolved as a result of changes made in the mark-up sessions. As the Act now stands, with limited and explicit exceptions, nothing in it should be construed to *require* a State to assume the power to override decisions made by local governments affecting land use within their jurisdiction where such decisions impose more stringent controls over development or over areas of critical environmental concern than those deemed necessary by the State. The pending Federal legislation does not, by its terms, erode the right of local governments to restrict the development of land within their own jurisdiction. This question was discussed at some length in the mark-up session, and I believe any latent ambiguity was removed in the language finally agreed to. I refer specifically to the language of Section 611(h) and to the limited application of the override authority required of a State under subparagraph 203(a)(3)(c) and subsection 203(d) to "arbitrary or capricious" local regulations. Should a State determine for itself that the power to override local policies is necessary or desirable, it of course continues to have the power to do so by enacting appropriate legislation.

Another major concern with the pending Federal legislation, which is shared by many members of the Committee, is that enactment of this kind of Federal law in itself threatens to usurp the constitutional prerogative of the States to govern the use of the land within their jurisdiction.

My own support of S. 268 is premised on the belief that our policy is essentially limited to requiring the States to implement the planning process stipulated in the Act *in good faith*. In reviewing a state's progress in adopting a land use plan for the purpose of determining eligibility for a grant, the Secretary of Interior is not to substitute his judgment for that of the State as to the adequacy or merits of the substance of any plan adopted in good faith.

An exception to this is made in the case of Section 204(1), which authorizes the Secretary to require a State to protect those areas of critical environmental concern which he judges to be of more than statewide significance.

I support this provision because I believe there are certain environmentally critical areas in which there is a legitimate Federal concern in the use to which private and State-owned lands is put. However, as in any conferment of broad discretion upon an administrator, it is expected, and indeed required under paragraph 306(g)(2), that the Secretary's determination of the national interest be reasonable.

I understand that an amendment or two may be offered to provide more concrete criteria for the utilization of the Secretary's judgment in determining to what use, in fact, an area of environmentally critically importance on a broader than statewide basis may be put. I will study any such proposals with care, as I do believe that we must make certain that the exercise of the Secretary's judgment in this area is not casual but is, in fact, a part of the consideration of our environmental needs as viewed from the national perspective.

I alluded earlier to fears that an overzealous Secretary might abuse sanctions, should these be introduced into the Act by amendment. Even without sanctions, there remains the problem of assuring an appropriate balance between state and federal prerogatives. I believe the Act as reported out goes a long way towards protecting the states against arbitrary federal action. Section 306, dealing with Federal review of grant eligibility, provides for an ad hoc hearing board of appeal for any State determined by a Secretary to be ineligible for a grant under this Act. The composition of this board under S. 268 as reported is far more independent of the Federal administrating agency than was originally contemplated. In addition, the Secretary is required to carry the burden of proof to establish a State's ineligibility before the board, under standards specified in subsection 306(g). The adoption by the Committee of these safeguards has diminished the fear, which I expressed last year, that a Secretary might allege some procedural defect in a State's planning process in order to correct what he in fact felt to be a weakness in the substance of a State's program.

I might say that I will be following this particular debate with great care. I believe that a number of amendments will be proposed to clarify and modify the bill as reported by the committee. This could be of enormous importance in shaping the ultimate effect and impact of the proposed legislation in this delicate area where the Federal Government may attempt to trespass on the constitutional rights of the States, or where the Federal Government may tend to dictate that the States themselves ought to intrude on the prerogatives of local government.

As the bill stands I will support it, but modifications which overly expand the power of the Federal bureaucracy could be destructive of the safeguards we were able to hammer out in committee. If such amendments are adopted I may have to withdraw my support of this legislation.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from New York, especially for the contributions he made during the time we had the bill in committee, and for the amendments he was able to get through which were vital to this legislation.

We do have some areas of disagreement, but we have many, many more areas of agreement.

I share the Senator's views with respect to sanctions, which are unfair to the States. I will support him also in other areas to see that we do not take the prerogatives away from the States and the local communities.

I think the Senator has performed a commendable service. I trust we will have success in some of these amendments in the Senate.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. HANSEN. Mr. President, first of all, I would like to observe that it is not often that a Senator from an eastern State with little or no federally owned lands, far removed from the problems to those of us in the West, chooses to become a member of the Committee on Interior and Insular Affairs. As a consequence, I think it can be observed that when the Senator from New York first indicated his desire to become a member of the Committee on Interior and Insular Affairs, some eyebrows were raised. We wondered what his purpose was, and why he would be particularly interested in this committee which historically has concerned itself generally with the problems of Federal ownership. Those of us who may earlier have been somewhat puzzled by his interest have long since had our doubts resolved.

The Senator from New York (Mr. BUCKLEY) probably has much more to do before he clearly identifies all of the Federal legislative subjects that concern him as a Member of this body. We already know that he is interested in protecting and in preserving the environment insofar as it relates to natural beauty and the order of material things.

He is equally concerned and involved in seeing that this country does not become unduly dependent upon any foreign government for things that are important to it.

He has participated and made a very fine contribution as a knowledgeable person who understands energy and the implications and ramifications of the economy being traditionally geared to an abundant source of energy. He views with alarm changes in this historic pattern that could militate against the best interests of America.

Certainly, he is better able to articulate these points than I, but I do want to say that it has been a pleasure and a revealing and rewarding experience to work with the Senator from New York. We have tackled, I think, the toughest legislative calendar that the Committee on Interior and Insular Affairs has had, certainly since I have been here, and I am told that it has had in many a year.

The Senator from New York stated:

> Among my chief concerns with this legislation was the potential for undue interference in the relationship between the states and their political subdivisions. Some of my major concerns have been resolved as a result of changes made in the mark-up sessions. As the Act now stands, with limited and explicit exceptions, nothing in it should be construed to *require* a State to assume the power to override decisions made by local governments affecting land use within their jurisdiction where such decisions impose more stringent controls over development or over areas of critical environmental concern than those deemed necessary by the State.

My question to the Senator from New York is with respect to section 204 on page 77 of the act, which states:

> As a further condition of continued eligibility of a State for grants pursuant to this act after the five complete fiscal year period following the enactment of this act, in accordance with the procedures provided in section 306, it shall be determined upon review of the State land use program that—

Then, there are listed the following subsections which provide that (1) in designating areas of critical environmental concern, that the State has not excluded any areas of more than statewide significance, that (2) the State is demonstrating good faith to implement the purposes, policies, and requirements of its State land use program, and that:

> (3) State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this act.

My question to the Senator from New York is as follows: As he reads that language, does he feel that this legislation does impose a requirement upon the States to see that the State's laws, regulations, and the criteria conform with the act so as to do what I gather the Senator believes has been averted?

Mr. BUCKLEY. In the process of going through this very complex bill, section by section, it was my intent, and I think we succeeded in it at every point, that, where someone could read in an implication that the "requirements of this act" would require a State to adopt the authority to override local decisionmaking, except in the few clinically defined areas, we have made clear no such implication should be read.

If the distinguished Senator from Wyoming knows of the areas that might have been overlooked in this attempt to clarify, I would certainly like him to call them to my attention, and perhaps we can introduce further amendments to take care of that situation. But my whole effort in proposing the amendments which were proposed in committee was that at every point where some future judge or some future State legislature or some future Secretary of the Interior, in looking over the bill or the record, would try to infer a positive direction from the Federal Government to a State to preempt an area of traditional local responsibility in those areas not alluded to, we would rebut that inference.

Mr. HANSEN. I would simply say, as I read this section 204(3), on page 79 of the bill, that it does impose an obligation upon the State legislatures to see that State laws, regulations, and criteria affecting the State land use program do indeed comply and are in accordance with requirements of this act.

It would seem to me that what the act requires that in the event there are laws, regulations, or criteria which are not in accordance with the act, then it is the responsibility of the legislature to comply either by enacting new laws or by amending or repealing old laws.

I would invite the Senator's further examination of that point, for my own edification, as well as his.

Mr. BUCKLEY. I would point out to the distinguished Senator that most of the requirements of this act are procedural, and also, I believe when we get beyond the procedural requirements, when we get into any area of substance to the States—let us forget for the moment the relationship of States to local governments—here we get right to the point of the importance of sanctions. If we do not have sanctions attached to this act, which would be coercive in effect, then we have a situation where a State, having gone through the planning procedure, may or may not choose to qualify itself for further grants after the initial 5-year period by determining whether or not it wishes to conform with the requirements of this act.

Mr. HANSEN. I quite agree with the distinguished Senator that, insofar as the bill reported by the committee goes, it is largely procedural. I would call the distinguished Senator's attention to subsection 204(2), beginning on line 16, on page 78, which has to do with qualifying for grants. Of course, the question of sanctions, I think, is one that must be determined early. We cannot see what this bill does or what effect it will have upon the actions of the States, until we determine once and for all whether or not it will have sanctions, as the distinguished chairman of the committee (Mr. JACKSON) has said he proposes to call for. I would hope that we could, at an early date, resolve the sanction issue and get a vote when the Senators implicity understand the issue.

I want to say further, since the distinguished chairman of the committee is here, that I have no intent at all to try to delay action on this bill. It is a very complicated bill. It has many ramifications in it that I think need to be understood. Consequently, I will oppose any time limitation. But let me say again that I am not trying to enter into any filibuster. I just want to be sure that, if and when this bill becomes law that those who supported the bill insofar as we are able to bring about an understanding on their part, will know what is in the law.

I think sometimes, in our zealous enthusiasm for a concept, we have not always gone to sufficient lengths to bring about that kind of understanding. I would hope that, as we debate the various parts of this proposal before us, each of us can understand, if we are interested, and I hope we will be, what the law is.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JACKSON. Should I offer my amendment at this time on sanctions, or incentives as I prefer to call it, I wonder if my good friend would be willing to agree on a unanimous-consent arrangement to vote, say, by 4:30 this afternoon. That would give us sufficient time for full debate. We came in at 10 o'clock. There are stacks of amendments. In the interest of orderly procedure, I am wondering, if we devoted a whole day to this amendment, which is an important amendment, we could not get an agreement to vote on it.

Mr. HANSEN. I may respond to my distinguished chairman that it may very well be that we could vote before 4 o'clock.

Mr. JACKSON. Not later than 4:30.

Mr. HANSEN. I understand what the Senator is proposing. I will object to a unanimous consent. What I would like to do, and what I think would be useful to other Senators, is to have an opportunity to examine or raise questions as to each section of the bill wherein sanctions apply regardless of the time it takes. I certainly do not think we ought to take more time than that, but I want to be sure that every Senator who has a legitimate question will be afforded an opportunity to ask it. So I must say, in all honesty, that we may, for all I know, vote sooner than that, but I would object to an agreement.

Mr. JACKSON. I am prepared to offer an amendment on incentives whenever we can get an understanding on a time limitation, just on this amendment. I point out that we have many amendments pending, and in the interest of the urgency of considering many other bills which are on the calendar that we should dispose of before the July 4 recess, I would hope that we could vote on it today.

Mr. HANSEN. Did I understand the distinguished Senator to say that he will not offer his amendment on sanctions until there is an agreement on a time limitation?

Mr. JACKSON. I need to know, because obviously I would want to know how long we are going to be on one amendment. I thought we could at least agree on some of these amendments, so Senators could be on notice when the vote would come. That is all. This is on just one amendment. I am not asking for a time limitation on the entire bill. It is my understanding the Senator from Arizona, and I think the Senator from Wyoming, will not agree to a unanimous-consent agreement overall. That is the right of any Senator. All I am asking now is if we could have a vote on one amendment out of a long, long list of amendments. That would give us a whole day to consider just one amendment. We came in at 10 o'clock. That is a long time for 1 amendment, wher. we have 15 or 16 other amendments.

It is in that context that I want to make clear my desire or willingness to agree to a time limitation just on this one amendment. A number of Senators on both sides of the aisle have asked when there might be a vote on it. That is the basis of my request.

I fully understand the Senator's position, and he certainly, under all the rules, is entitled to take whatever stand he wishes on it. But I would just hope that, in light of the heavy calendar we have, including the so-called Alaskan pipeline bill, we could get an agreement on one amendment only at this time.

Mr. HANSEN. Mr. President, I understand the Senator's great concern with the urgency concerning the Alaskan pipeline bill. It is an urgency that I share. The Senator has been a very articulate spokesman for an adequate domestic oil supply and for bringing into being sufficient storage facilities so as to minimize the opportunity for the immediate blackmail that otherwise would result as our dependency upon foreign sources of supply increase.

I would say that if the Senator feels that the urgency of this legislation is so compelling as to warrant laying aside would certainly be most pleased to sup- this bill and taking up that bill first. I port him in that endeavor. I think that is a measure that would well serve America. Considering the sheer idiocy of not having constructed a pipeline when our reserves, by all indications, are capable of supplying 2 million barrels of crude a day to this country, and we have known of its existence for as many years as we have known of it, in light of the fact that our dependence upon foreign sources now approaches one-third of our daily consumption, and the imbalance of payments for oil alone by the year 1985 will be between $25 billion and $30 billion a year, I understand why the distinguished chairman of the committee might feel that he wants to take that bill up very quickly. I would say, however, that with respect to the national land use——

Mr. JACKSON. Mr. President, might I just say that objection was raised to taking up the so-called Alaskan right-of-way bill. That is why this bill is up for consideration. And it is my understanding that the right-of-way bill is not going to come up until this bill is disposed of. And it would go on the double track. That means that it could well be that the right-of-way bill would not be brought up until sometime in July.

We have a number of bills which we must consider very shortly. The national debt limit bill is one such bill. I point out that I am very anxious to pass the Alaskan right-of-way bill next week.

Mr. HANSEN. I quite agree with the distinguished chairman of the Committee on Interior and Insular Affairs. I can only say that as a member of the minority party in this body, I have very little to do with the setting of the calendar. I am sorry, as I know the Senator is, that the leadership in whose hands these important decision-making responsibilities lie is not as sensitive to the concerns that engage most of us in this country.

I think there is a difference between the Alaskan pipeline issue and the national land use measure now pending before the Senate. They are both tremendously important to this country, and while both need to be resolved, I think that there is a particular urgency about our energy supply situation. When we contemplate blackouts, the closing of schools and factories, the stoppage of transportation systems, and the possible threat to our national security that could result if the military were unable to perform its duty, the energy crisis transcends the importance of the national land use plan.

Mr. President, we are plowing new ground. I think that we should recognize this when we consider the land use plan.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. JACKSON. Mr. President, I should like to state for the RECORD that I think the bill now pending before the Senate will have a tremendous beneficial impact on the energy issue. One of the major problems in the energy area is that States do not have the kind of State land use programs necessary to identify the areas which are to be preserved and conserved.

I would point out to my good friend, the Senator from Wyoming, that a number of States along the Atlantic seaboard refuse to address the problem of energy facilities and are saying that they do not want any more refining or any more outloading facilities.

We have in this land use planning bill in its broad thrust and effort two principal purposes: we have to identify the areas that should be developed and the areas that ought to be conserved. So. we must balance development and conservation.

Concerning one area of development—energy, I would point out that on page 122 of the bill we deal with the importance of identifying public utilities and energy facilities in defining "key facilities". If the Senator turns down to line 21 of page 122 of the bill, in (2) it states that "major facilities on non-Federal lands for the development, generation, and transmission of energy" are to be part of "key facilities."

So, I want the record to show, Mr. President, that the legislation we have pending before the Senate does attempt to induce the States to identify the areas that ought to be set aside for appropriate purposes in connection with the broad areas of energy, including petroleum, fossil fuels, nonfossil fuels, all elements of energy development, generation, and transmission.

So, I view this bill as a building block to build order out of chaos so that we can proceed in the 27 years remaining in this century with a program in which we can say in advance what areas we need to set aside to be conserved and what areas should be used for development.

As the Senator knows, I am not an either/or man. We must have development and we must have conservation. That is the whole thrust of this legislation. We would not have the measure before the Senate today if the States were doing their jobs. We are in the most unique situation in our history, considering the progress we have made in the last almost 200 years of our Nation and as we approach our 200th anniversary when we have to use legislation to prod the States to exercise their State's rights. The States will not act. The thrust of the bill will be to go to the States at certain periods of time for them to identify areas that should be properly set aside for refining along the coast and for outloading facilities. Several States along the eastern seaboard in particular, an area that gets 80 percent of its oil from foreign sources, say "We don't want refining and we don't want outloading." We have the bill because of failures of the States to exercise their States rights. We are going to have to preempt States' rights.

I want to set the record straight on the thrust of the legislation. I think that most Senators will agree that if our rate of growth is too slow, and if we are to survive, and if our rate of growth is to be such as to end poverty in this country and provide for the material benefits for man, certainly we need a roadmap to determine where we are going.

Let me give the Senator a figure. Two

years ago this December we reached $1 trillion in gross national product. It took us 200 years to achieve that total output. The first half-trillion, the first $500 billion, took us 185 years. I am speaking now in terms of current dollars. The second half-trillion of gross national product was achieved in 15 years. And, Mr. President, thoughtful experts in the business world and the environmental world are saying that between now and the year 2000, we will literally have to rebuild America. In other words, in the next 37 years, though it is hard to believe, we will rebuild all of that which took 200 years to do, and we are going to accomplish that in 37 years, so that we are going to have to duplicate every highway, every airport, every school, and every home.

How is that kind of building going to take place? Will it be on an orderly basis, so that we will not create the kind of chaos we are currently creating? Will it be on a basis which we will not do irreparable harm to areas that ought to be preserved? Will it be on a basis which will allow us to avoid energy shortages? Will it be on a basis which will enable us to provide the kind of economic growth to end poverty, so that the have-nots will have a chance to participate in the process by being able to last to have the opportunity to achieve a decent standard of living?

This bill is the beginning—a building block. It is indeed a roadmap, Mr. President, by which we can plot our course to do the things that we need to do socially as a nation, to bring forth the fruits of our abundant economic system for mankind, for a better life for our people, materially speaking, and at the same time deal with the quality of life, the esthetic values that are so important, the values that are not material, the values that help to provide the kind of environment that makes life worth living.

This is what we are trying to do. And, Mr. President, this is a must. It is urgent.

I could not help but make this comment, lest there be any personal misunderstanding that this is not a must bill. This measure dovetails into the energy problem, it dovetails into the agriculture problem, and it dovetails into every important piece of legislation we take up on this floor.

Should we not know where our highways are going to be laid out for the future, between now and the year 2000? Should we not ask the States, "Where are you going to locate your airports?" Or should we be granting Federal funds for airports, highways, and parks, only to find out 15 years from now that we will have to undo the highways, undo the airports, and run the roads through the parks, all provided by Federal funds?

Mr. President, I just hope that this bill will be understood in the larger context of a great and growing nation which needs to do both, to have a quality life and economic growth. I am not a zero growth man, I will say to my good friend; I think that is fine for the "haves," and that is where most of the argument comes from. Those who have made it say, "Look, we do not need all this."

I cannot help telling one story. I was in New York a couple years ago talking about the energy crisis. A lady said to me, "Senator, we have just got to curtail this growth and wasteful use of energy."

I said to her, "Well, what is an example of how you are going to curtail energy consumption?"

She said, "We must not allow any more new air-conditioning units to be put in."

I asked her, "Where do you live?"

Well, she lived up on Park Avenue. Obviously, she was not drawing welfare, I do not think.

I asked, "Well, what about the poor in New York? What about the people in Harlem and Bedford-Stuyvesant who may not have air conditioning?"

She said, "Senator, we have got to cut it off some place."

Mr. President, throughout my life in this body, I have tried to support those programs which will make life better for all of our citizens, rich and poor alike, and I do not buy the the argument of those persons who have made it, Mr. President, and want to go around telling everyone else, "Sorry, we are not going to be concerned about you, because if we take care of you, then our environment will be despoiled."

Mr. President, a nation that was able to win the race, in World War II, in the Manhattan project, of discovery of the atomic bomb, a nation that won the race to the Moon, putting not only one man on the Moon within a decade, but, in 6 different voyages, putting 12 men on the Moon, is a nation that can do both, can provide, through the abundance of this great private enterprise system—and the only real private enterprise system on Earth (other systems are capitalistic, with cartels and monopolies)—this free private enterprise system that has produced the greatest abundance of any country in the world. I say it can provide both quality and quantity.

Fifty years ago, Mr. Lenin promised the people of the Soviet Union bread and freedom, Mr. President, and I cannot help but remind the people of this country, in connection with Mr. Brezhnev's visit, that they have not achieved either. They have neither bread nor freedom; the bread they are now getting is from the United States. I want to see better relations with the Soviet Union, so I shall not discuss that subject. I want to see a more peaceful world. But I just want to point out that this is a great country, Mr. President, and that we can do both: We can achieve material abundance for all of our people, and we can do it with quality life, with a good environment. No task is too great for this country.

Mr. President, the whole thrust of this legislation is to provide the chance, as I say, to exercise State's rights. We would not have this bill before us if the States had exercised State's rights. We are just trying to give them a little nudge and say, "Get on with the business."

Things are moving too fast, Mr. President. We cannot afford delay and consume time in indecision. Now, more than ever before, we need decision.

This bill fits in with the energy problem and with all our other problems, and I hope that the Senate will move expeditiously on it.

I thank my good friend from Wyoming. I did not mean to preempt his time, but he has most graciously consented. I was to answer a question, but I made a speech. That is not unusual in this body, but I thank the Senator for his courtesy.

Mr. HANSEN. Mr. President, I want to thank my distinguished colleague and good friend from Washington (Mr. JACKSON), for making the remarks he has just made. It is precisely because I recognize the importance of what the Senator is saying that I said I did not think we should have a time limitation. He may want to make the same speech again, and I hope he will, because it is an important speech. The trouble is there are not very many of us around right now to hear it. Later on this afternoon there may be others around who should hear it, and I hope that they will. What the Senator says should be underscored and pondered. It bears serious, sober reflection and second thoughts, to make certain that as we construct this roadmap for the years remaining in this century for America to double again the entire efforts that it has made in the nearly 200 previous years——

Mr. JACKSON. If I may interject there, may I correct something I just remembered. I said that between now and the end of this century would be 37 years. I threw in an extra decade. I meant 27 years.

Mr. HANSEN. Fine.

Mr. JACKSON. I said 37 years between now and the end of this century. Actually it is 27 years, a little less—26 years and 7 months.

Mr. HANSEN. Mr. President, the Senator's arithmetic is quite right. I recognize that we are talking about 27 years as he has just pointed out.

My point is that if we are going to construct a roadmap that will be useful to this body, and to the people of America, to undertake the tremendous job of doubling all of the constructive effort that has characterized these past nearly 200 years of time that this country has been a republic, if we are going to do all this within 27 years, then I say, let us not turn over the drafting of that roadmap to someone in the kitchen who may not have heard what has been discussed at the dining room table, because they may need to know some of the things that are being talked about in other parts of the house.

The distinguished Senator from Washington (Mr. JACKSON) speaks of this legislation as a building block. It will be, indeed. It should be a good building block. We should know what we are building with. There should be no doubt in anyone's mind as to how each of us, to the extent he is able, may take the blocks and fit them together, shaping the corners and straightening the lines, so that we will build an institution that will stand and serve us well.

One of the most profound statements the Senator made this morning—and he has made a number—was that this bill dovetails into every piece of legislation we consider upon this floor. I agree with him. When we consider that we are drafting a blueprint that will cover practically all of the land—and that is what this bill does, although there are some who say that it really does not do that, in that it just covers those lands in non-Federal ownership—the fact is, and I challenge anyone to deny it, that when we look at all of the criteria that are to be observed by the State Land Use Planning Commissions which, in many cases, have not yet been set up, no one can say with positive assurance that one single acre of land in private ownership can be identified that does not come under the criteria that require inventory, examination, and appraisal. Additional criteria also require participation in a planning process and a program. This program must be ultimately implemented. Indeed this bill calls for implementation in order to make certain that the police powers of the State are brought to bear to assure that the land use planning authority in each State has, indeed, undertaken its job seriously and conscientiously. The planning must be in sufficient detail so as to make certain that there is no single piece of ground that could have a major overriding concern in the future welfare of America that was overlooked because, in haste, not enough time was given to the job.

The Senator from Washington points out, on page 122 of the bill, that provision is made for the identification of major facilities on non-Federal land for the development, generation, and transmission of transmission of energy.

Mr. President, as one who has an interest in energy, I do not claim any of the expertise that the Senator from Washington possesses in this area, but I do have the interest. I have that interest because my State of Wyoming is one of the major energy storehouses of this country. We rank fifth in the order of States in reserves of oil and gas. We probably are first in coal. We are equally likely soon to be first in the production of uranium, along with Colorado and Utah. The State of Wyoming has the major oil shale reserves of the country. I do not claim that we have any corner on sunshine, but certainly if we look at the historic sources of energy—if coal, oil, natural gas, oil shale—and now uranium—we do have a very major interest.

My point is that this bill and this provision which calls for the siting of plants that the Senator from Washington and I recognize as being necessary is in a bill that gives to the States 3 years time in which to inventory, assess, and plan a program and implement the kind of policy that each of the 50 State land use planning commissions feels will best serve the particular State in which it functions.

So, despite the fact that it is urgent to get on with this siting process, I say again to my good friend from Washington that we know the oil is up there in Alaska, and we know that it is not going to come down to the lower 48 States until a pipeline is built. I am constrained to say, with all due reference to my good friend from Washington, that the opportunity for relief from the energy shortage as afforded by this bill is somewhat removed, and is not nearly as immediate as is the opportunity to do something about the energy crisis if we will get on with the Alaska pipeline bill. I know perfectly well that once we have given the green light to the people interested in the construction of the Alaska pipeline—and that may be all 209 million of us, if the power shortage and the energy shortages get worse in this country—it will take some time to get that job done, too. But I am trying to make the point that if we are concerned about priorities and if we are concerned about trying to get the most important things done first, let us make no mistake, insofar as I am concerned, as to the relative significance of immediate action required by the Alaska pipeline bill and this bill.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JACKSON. I point out that if we had petroleum flowing into the United States right now, we could not solve the gasoline problem. The Senator knows that.

Mr. HANSEN. I agree with the Senator completely. He is correct.

Mr. JACKSON. Who has been stopping the refineries? It is the States, and local governments, Mr. President. That is what we are doing in this bill. It does not come under the bill I authored—the National Environmental Policy Act.

Mr. COOK. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. COOK. The Senator knows that an environmental impact study has to be filed with the Federal Government in relation to any organization in the United States today that wishes to build a refinery.

Mr. JACKSON. No, the refinery must meet air quality standards under the Federal Water Pollution Control Act.

Mr. COOK. Certainly.

Mr. JACKSON. No impact statement must necessarily be filed on a refinery, particularly on the siting decision. It is only when the Federal Government acts. This is the point. They have to meet air quality standards and water pollution standards. But the National Environmental Policy Act, section 102(2)(c) stipulates that the impact statement applies only to a major Federal activity.

I ask the Senator if he can name a State along the Atlantic seaboard right now that will consent to the building of an oil refinery. That is where the big shortage is.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HANSEN. I have the floor. I yield.

Mr. COOK. If the Senator reads the law as I read it, even in the air quality standards as they now prevail, if in fact we do not have the equipment and the equipment is not being manufactured in the United States, they cannot meet that criteria, and that criteria goes down the drain as a matter of Federal standards; and, therefore, he loses out, whether it is on a State basis or on a Federal basis.

Mr. JACKSON. I have been advised that Chairman Train of the Council on Environmental Quality stated that the NEPA provisions in effect are not required in connection with the purely private construction of a refinery. Obviously, that has nothing to do with NEPA, but in every instance in this country the local air quality standards and the local water requirements and zoning have to be met. That is what this bill is dealing with.

I want to emphasize that when we talk about the energy crisis, the industry has not been building refineries. There is not enough refining capacity, and probably will not be for 3 years, to take care of the petroleum we import. The area of trouble has been with the States and local governments. Zoning laws and other rules apply, and they have stopped it. So it is not big old Uncle Sam that is blocking refineries. I want to make that very clear. It is the failure of the States and local governments to act.

As I pointed out to the Senator, here is an area, the east coast of the United States, that gets 80 percent of its petroleum by imports, and two-thirds of the States have even passed laws prohibiting new refineries, prohibiting outloading facilities. This is a matter of fact. That is one of the reasons why we want the States to start dealing with this problem realistically—to start considering the need for energy facilities. Uncle Sam is guilty of many things, but this happens to be one sin that I do not think Uncle Sam has been implicated in at this point.

Mr. COOK. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield.

Mr. COOK. The Senator from Washington may find that he is meeting himself coming around, because a moment ago I heard him say that this was an effort to reestablish States rights to the respective States, and all of a sudden I hear him talk about the fact that there are no refineries because the States will not allow them to be built. Apparently, the indication seems to be that through this kind of vehicle, the Federal Government would have authority to overcome that objection of the States.

Mr. JACKSON. No. May I qualify it?

Mr. COOK. I wish the Senator would.

Mr. JACKSON. Will the Senator from Wyoming let me answer?

Mr. HANSEN. As a matter of fact, Mr. President, I should like to take advantage of this opportunity to say something that bears repeating.

This is precisely why I must oppose a time limitation. I think that what the Senator from Washington is saying is very important, and the points raised by the Senator from Kentucky are very important. I want to make sure that the people of this country know, so far as they can, through their elected representatives, what this bill is all about. My guess is that if it were not for the colloquy we have already had, there is an area that would remain in the dark insofar as comprehension and wide understanding are concerned.

I am happy to yield.

Mr. JACKSON. We made a decision in this measure not to include the Energy Facilities Siting Act. What we have pending before the committee, as the Senator knows—it is a joint arrangement with the Committee on Commerce and I believe the Committee on Public Works; three committees are looking at it—are bills—energy facilities, siting, powerplant siting, and deep water port facilities proposals—which, in effect, would say that if the States do not act within a certain period of time in connection with energy facilities siting, then the Federal Government, under the commerce clause, constitutionally speaking, could preempt the rights of the States and could go in and require that areas be made available for energy facilities and for outloading facilities to take care of this enormous increase in imports.

I just want to say to my good friend, the Senator from Kentucky, that there will be a big fight on these energy facilities bills, but unless we get this kind of authority, we are not going to have outloading facilities where we need them and we are not going to have refineries where we need them.

I am trying to be objective and judicious about this problem, because it is a mixed bag. We do not have the refining capacity in this country. It takes 3 years from the time you start until you have refined products on the line. So for the next 3 years we are going to have less gasoline, less diesel oil, and less fuel oil, next year and the year after, than we have right now, because of this lag factor.

There is not enough refining capacity in surplus outside the United States to take up the difference. So on all counts, both at home and outside the United States, we are caught in that kind of bind.

Again I say this in response to the Senator from Kentucky: The States have not acted in this area. They have failed to act. It is a sorry situation when the Federal Government may have to come in and possibly preempt States' rights because the States will not act. This we will debate in relation to the energy facilities siting bills.

Mr. HANSEN. Mr. President, I wish to make an observation at this point: It is extremely important that we understand what is in this bill. Unless we do understand what is in the bill, there could be a lot of sincere but misguided or misinformed Senators voting for a bill that they thought would do certain things.

Let me illustrate exactly what I mean. I hope I may have the attention of the Senator from Washington while I say this. If I misquote him or take him out of context I hope he will correct me.

The record will disclose that he implies that this bill that we are talking about would do something about this siting matter.

Mr. JACKSON. No, we do not.

Mr. HANSEN. If I may finish, in the colloquy with the Senator from Kentucky he qualified what he said about the siting provision. He now implies that this authority is not in this bill to override the States, but there have been conversations with the commerce committee to talk about a siting provision which would do that. That is what I think he was saying.

I find nothing in this bill to preempt State's rights to give the Federal Government the authority to go in and say, "You are going to site a refinery here."

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JACKSON. I think I made it very clear that we kicked around the idea in connection with this bill whether the energy siting bill should be in. We decided it should not.

Mr. HANSEN. That is the point I am trying to make.

Mr. JACKSON. I am saying that.

Mr. HANSEN. I know but——

Mr. JACKSON. Second, I did point out that under the key facilities provision of the bill which the States must meet, they are required to identify, looking way down the road, the major facilities on other than Federal lands for development, generation, and transmission of energy.

We face an emergency in connection with the refining problem and some other land use aspects of the energy problem, so we are dealing with the problem on a special basis in the energy facilities siting bills so we can get action without delay. But S. 268 looks down the road and asks the States to assume the responsibility to identify these areas in advance so that they can crank it into their land use program, well in advance of need.

That is the distinction: One is an emergency in which we are holding hearings separately so that we can deal with the specific problem, for we find ourselves curiously in a situation, even with all the petroleum coming in, where we would not be able to handle it, that is, refine it, and make it available to the fellow who wonders why he does not have gasoline at his local station. So we have that problem to deal with separately from S. 268. That is what we have done.

I hope that clarifies the record.

Mr. HANSEN. I hope it does. I want to say this. The Senator from Washington was talking about the shortage of petroleum in this country, and he spoke about, as I recall, the failure of States to site any refineries.

I think I would not be too naive to say that the average listener might have concluded that early action on this bill would resolve these problems when it does no such thing, which is why I think it is necessary that we understand what this bill does and what it does not do.

The only way I know we can arrive at that understanding within this body is to see that Members who are interested in the problem ask questions to be sure that what they have in mind and what they hope might be in the bill is in the bill.

Mr. President, it is like a lot of other problems we hear about. If you talk about farming, land use planning, or doing away with crime, you are for motherhood whatever it is, each person in his own mind likes to think what he believes that particular phrase or act or idea embodies. It is easy for us to say, "Yes, we are for land use planning," because we are frustrated with the fact that we get into a traffic bottleneck and it takes an hour and a half to get to work. Another person's idea is that he does not like the building going in next door to his home. Maybe it is what another person thinks about conditions which obtain in the neighborhood that militates against the financial success of his business. So he may have another idea. Those are understandable concerns and interests that people have.

In America, we have a way of dealing with those things. We give each person an opportunity to have his say. We have a Constitution that guarantees that certain rights, though they may be voiced or felt by only one person, are going to be respected. I do not find anything wrong with that.

When the Senator from Washington made his opening statement, he spoke about the things that were wrong. Just to refresh the Senator's memory, let me call attention to some of his language. He was speaking about the attitudes of persons who are in the position in which I find myself. I do not mean that he was pointing his finger at me. Let me read what the distinguished Senataor from Washington said on Friday, June 15, at page 19800 of the RECORD:

> Their contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is conflict, waste, and inefficiency; it is farmers' groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.
>
> The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land use problems.

Mr. President, I read that statement to point out that land use planning means many things to many people. We need to understand what the bill provides, because if the bill becomes law, the courts of the country, including the Supreme Court of the United States, will not go around asking what we may have had in mind at the time we voted. Some of us may not even be around to be asked.

Mr. McCLURE. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield.

Mr. McCLURE. Mr. President, I would appreciate it if the Senator would speak to one point which he discussed in the colloquy between myself and the Senator from Kentucky (Mr. COOK) and the Senator from Washington (Mr. JACKSON), in regard to whether key facilities are covered by the bill.

As the Senator from Wyoming has pointed out, the Senator from Washington said that key facilities are not covered by the bill except through State action. I bring that up at this time because the Senator says that what really is in the bill, and what it really does—and I refer to page 74 of the bill—when we are talking about the eligibility of States for siting plans, and while we are talking in the bill about planning grants, is that if we get into the active sections, we probably are talking about land.

Section 203(a), subsection (B), refers to "exercising control over the use of land within areas which are or may be impacted by key facilities, including the site location and the location of major improvement and major access features of key facilities."

On pages 76 and 77, in subsection (d) of the same section 203, we are talking about implementation of the State plan as the condition of continuing eligibility. On page 93 we are talking about the Federal review and determination of grant eligibility, and in that section we are saying, the Secretary—meaning the Secretary of the Interior—has the authority to consider the State plan and in his judgment determine whether or not the State plan has made adequate provision for what is listed back in section 203.

I think the question needs to be discussed, needs to be stated on the record, by the Senator from Washington as well as other Senators, as to whether or not this approval of State plans, the eligibility continuation under State plans, the determination by the Secretary, actually do leave the determination or the location of key facilities within State discretion or whether or not actually there is a preemption by the Secretary's review procedure over State decision. I think this gets right to the heart of the matter in an understanding of what this bill does or does not do. I thought it might be well to have this discussion right now in connection with the colloquy between the Senator from Kentucky (Mr. COOK) and the Senator from Washington (Mr. JACKSON).

Mr. HASKELL. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. HASKELL. In response to the question raised by the distinguished Senator from Idaho, as the Senator is well aware, the bill merely asks the States themselves, as opposed to the local government units, to address themselves to five areas, one of which the Senator from Idaho has mentioned. After the inventorying process, the program is adopted. This would be only if the States had not made a good faith effort to address themselves to those areas where there would be a decision of ineligibility of the State for S. 268's grant money.

But I would additionally like to point out that it is not the Secretary of the Interior who could even make such a determination. There is a board to be appointed, the Senator from Idaho is well aware. I point the attention of the Senator from Idaho to page 98 of the bill, lines 16 through 20, where it talks about, "in the case of ineligibility based upon the requirements of sections 402, 505, and 601 (i), (j), (k), and (l)"—which are definitions of critical areas and uses of more than local concern, including key facilities—"the State has failed to make a good faith effort to comply with the requirements"——

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. HANSEN. Mr. President, I am happy to yield.

Mr. McCLURE. The Senator made reference to appeal procedures, but that same good-faith effort requirement does not appear in section 203 with respect to the standards of continued eligibility. If the Senator will refer back to page 73, which has the standards for State land use programs and standards that the Secretary must find, there is no statement in that section about good-faith effort, although we may have intended that it be included there.

If the Senator will look at the subsequent sections that have to do with continued eligibility, section 306, again there is not the provision in section 306 for the standard of good-faith effort which is contained in the appeals procedure that the Senator from Colorado refers to.

Mr. HASKELL. If the Senator will yield again——

Mr. HANSEN. Yes, I am happy to yield.

Mr. HASKELL. I would call the attention of the Senator from Idaho to page 99 of the bill. The Senator from Idaho was referring to the program of adopting a land use program, and at the top of page 99 the Senator will notice the language, "in the case of ineligibility based upon" such grounds—and I refer the Senator back to page 98—the Secretary shall carry the burden of showing that the State has failed to comply with the requirements of the act. In other words, the burden is placed upon the Secretary to demonstrate State ineligibility before an appeals board.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. HASKELL. The Senator from Wyoming has the floor.

Mr. McCLURE. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield.

Mr. McCLURE. Would not the Senator from Colorado agree that neither section 203, which starts out, in subsection (a), "As a condition of continued eligibility,", nor section 306, which is on page 93, which deals with Federal review and determination of grant eligibility, it says, "the Secretary, before making a grant to any State" must, and then follow the provisions of section 306 and section 203, contains the good faith effort language which is contained in the review language of the section to which the Senator referred on page 99?

Mr. HASKELL. I would call the Senator from Idaho's attention to page 73, section 203 (a), from which the Senator was reading. The determination will be made in accordance with the procedures provided for in section 306, which, of course, is the Federal review—

Mr. HANSEN. Mr. President, which page did the Senator say?

Mr. HASKELL. It would be on page 73. The Senator from Idaho raised the question of determination of whether the State land use program was adequate or was subject to the review that I was talking about a moment ago. I pointed out that in section 203, which is the section of the bill dealing with State land use programs, the determination of continued eligibility must be in accordance with procedures provided for in section 306. Then we turn to page 93 of the bill, and we set forth elaborate procedures whereby the Secretary may make his determination, which include, of course, that if the Secretary should make an adverse determination, he would have to carry the burden before a review board.

Mr. McCLURE. Mr. President, if the Senator will yield, would not the Senator agree that the Secretary, in his initial judgment under section 203 standards and section 306 standards, is not bound by the good faith effort requirement of the appeals procedure?

Mr. HASKELL. I would differ with the Senator from Idaho. He, of course, could make a determination arbitrarily and capriciously, but if he is going to make the determination stick, then he has to carry the burden before the review board that we were talking about earlier.

Mr. McCLURE. I am not sure I like the language "arbitrarily and capriciously."

Mr. HASKELL. That is my language, I may say to the Senator; that is not the language of the bill.

Mr. McCLURE. That is language of art which perhaps should not be part of the legislative record, because the bill does not give that kind of standard.

Mr. HASKELL. It certainly does not. All I meant to say was that if we had some Secretary who did not do the job the way he should do it, and did it advisedly——

Mr. McCLURE. Let me say I have never heard of any Secretary who took action that he did not think was reasonable.

They are all reasonable men. They sometimes take action that the Senator and I would not agree with.

Mr. HASKELL. I am sure they are reasonable men.

Mr. McCLURE. That is what we are concerned about. It seems to me that if we want to make certain that the States' efforts are on the good faith effort basis, the language which we did adopt by amendment in the committee with respect to the review procedure ought to be included also in the schedules for the adoption of the program and the schedules of the program itself in sections 203 and 206. And if that is what we intend to say, we do not say so clearly in the body of the bill. Instead we say that a Secretary may not do that, but we can correct it on appeal.

Mr. HASKELL. Mr. President, I would say that we are saying that all Secretaries are reasonable men under ordinary circumstances.

Mr. McCLURE. Mr. President, let me say that we can make that as an assumption for the purpose of discussion. However, I am not at all certain that I would make that presumption as a matter of record.

Mr. HASKELL. Mr. President, let us do it for the purposes of discussion and let us assume that some Secretary in exercising his best judgment comes to the wrong conclusion. The bill specifically states under section 203 that before any adverse action to a State can be taken, the Secretary must go before the appeals court and carry the burden of proof.

I am sure that the distinguished Senator from Idaho will remember the lengthy discussion we had in the committee on this very point.

Mr. McCLURE. Mr. President, would the Senator point to the provision of section 203 that requires that the Secretary has that burden of proof.

Mr. HASKELL. Yes. I will have to start out with section 203 and end up with section 306. I am reading from line 13 on page 73 where it says that the determination shall be made "in accordance with the procedures provided for in section 306."

Now, what are those procedures? We turn to page 93 and find these very elaborate procedures which the Secretary must follow before he can take any adverse action, and I am sure that the Senator from Idaho will recall that we were very concerned not to vest arbitrary power in any Secretary, though he be the most reasonable of men. Therefore, we adopted the language as set forth in section 306.

Mr. McCLURE. And the Senator's explanation is that the procedural requirements found on page 96 under section 306 limit the application of the discretion of the Secretary contained in section 203?

Mr. HASKELL. Yes. The Senator from Idaho has adequately expressed my opinion. I will state it again. The Secretary cannot act under section 203 unless he follows the procedures set forth in section 306.

Mr. McCLURE. That raises another issue which perhaps at another time, and on my own time rather than on the time of the very patient and generous Senator from Wyoming, we will discuss further. It has to do with the composition and the makeup of the ad hoc hearing body and whether or not the ad hoc hearing body is an independent body which is capable of exercising discretion which is different from that exercised by the Secretary. I think at the present time that we need to discuss the makeup of that board and determine whether or not the review procedures which are provided for under section 306 will result in any kind of an action predictably different from that already taken by the Secretary under section 203 which does not have the good faith requirement in it.

That is some of the basis of my concern, that perhaps this bill does not necessarily do what we in our deliberations in committee decided it ought to do. And I am not at this time any more than raising the suggestion that maybe we ought to look at the language to make certain that the intentions actually expressed by the committee will be carried out in the interpretation of the act.

Mr. HASKELL. Mr. President, I want to be sure for the record that I understand the concern of the Senator from Idaho, which I understand we will discuss at a later time. The Senator is concerned about the composition of the board as set forth in section 306.

Mr. McCLURE. The Senator is correct.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HARRY F. BYRD, JR.) laid before the Senate a message from the President of the United States submitting the nomination of Lt. Gen. Richard Giles Stilwell, Army of the United States—major general, U.S. Army—to be assigned to a position of importance and responsibility designated by the President, to be general, which was referred to the Committee on Armed Services.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2303. An act to continue mandatory price support for tung nuts only through the 1976 crop;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes; and

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 2303. An act to continue mandatory price support for tung nuts only through the 1976 crop. Referred to the Committee on Agriculture and Forestry.

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308. Referred to the Committee on Post Office and Civil Service.

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes. Placed on the calendar.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 8152 be considered as having been read the first and second times and that it be placed on the calendar. I do this at the request of the distinguished Senator from Arkansas (Mr. McCLELLAN). I understand that this has been cleared with the distinguished Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes. Referred to the Committee on Appropriations.

UNANIMOUS-CONSENT AGREEMENT ON S. 343

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished assistant Republican leader (Mr. GRIFFIN) and with the distinguished Senator from Kentucky (Mr. COOK), who is the ranking minority member of the Committee on Rules and Administration.

I ask unanimous consent that at such time as S. 343, a bill to designate the first Tuesday in October as the date for Federal elections, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Kentucky (Mr. COOK) and the distinguished chairman of the committee, the Senator from Nevada (Mr. CANNON); that time on any amendment in the first degree be limited to 1 hour; that time on any amendment to an amendment, debatable motion or appeal be limited to 30 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the consideration of S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Nevada (Mr. CANNON), and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. CANNON: *Provided*, That in the event the manager of the bill, Mr. CANNON, is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Nevada (Mr. CANNON) and the Senator from Kentucky (Mr. COOK): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

UNANIMOUS-CONSENT AGREEMENT ON NASA AUTHORIZATION BILL

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished Senator from Arizona (Mr. GOLDWATER), the distinguished Senator from Utah (Mr. MOSS), the distinguished

Senator from Washington (Mr. JACKSON), and with the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that at no later than 4 p.m. today the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 7528, the authorization bill for NASA; that the unfinished business remain in a temporarily laid aside status until the disposition of H.R. 7528, or until the close of business today, whichever is earlier; that the time on H.R. 7528 be limited to one and one-half hours, to be equally divided between the Senator from Arizona (Mr. GOLDWATER) and the Senator from Utah (Mr. MOSS), the manager of the bill, with time on any amendment limited to 30 minutes, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that both the Senator from Arizona (Mr. GOLDWATER), the ranking minority member on the Space Committee, and the distinguished manager of the bill (Mr. MOSS) want a roll call vote on final passage of the NASA authorization bill, so Senators are hereby alerted.

I thank the Senator for yielding.

PRIVILEGE OF THE FLOOR

Mr. HASKELL. Mr. President, on behalf of the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that Mr. John Heritage of his staff be accorded the privilege of the floor, and make a similar request on behalf of the Senator from Alabama (Mr. SPARKMAN), that Mr. Carl Coan be accorded the privilege of the floor during the debate on S. 268, the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Oklahoma in order that he may make a statement without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I have heard the very interesting discussion of the Senator from Wyoming. And I share his concern about an overriding and effective land use bill. I concur with the Senator from Wyoming, the Senator from Colorado, the Senator from Arizona, and the Senator from Washington. We have a great need for a land-use proposal in the various States.

As a former Governor, I am aware of the need for States in this area to have additional financial assistance. In the end result, land use control through various land-use programs is an area in which, in my opinion, the Federal Government should not intrude.

When I was Governor of the State of Oklahoma, I instituted a study of the Arkansas River Basin and expanded the existing plans on a National and State basis for the purpose of coordinating State planning at the local level.

Prior to that time, I was a member of the State Senate. I worked on programs and bills to improve the environment of Oklahoma, and particularly in the area of pollution caused by the oil and the gas industry. This was accomplished. I am very happy to say that the lakes and rivers in Oklahoma are not dead as they say about Lake Erie. I am glad to say that fish are now in the streams that were polluted before and that the actions that were formerly permitted by which oil companies did pollute are now forbidden.

I read with great interest the colloquy had between the chairman of our committee, the Senator from Washington and the Senator from Idaho. They agreed that land use is a responsibility of State and local governments. They agreed that the Federal Government should stay out of the implementations or putting into action the programs on land use. It was their intention to stimulate the State and local process rather to substitute a Federal process.

The Senator from Washington said—and he said again this morning—that he wanted to encourage States to exercise what has always been their constitutional rights under the police power of the State.

My colleagues merely wanted to encourage, to urge, to provide an inducement, to prod, to do a little nudging, to get on with the State business, to guide, to stimulate, but not to force the States to act. Their goal was merely to assist the States in implementing their planning process.

This is the kind of language that I like. I find myself in agreement with their comments. But I also find myself confused, and I wonder if my distinguished colleagues and I have been reading the same bill (S. 268). Because when you get away from the platitudinous dictum of the committee report about State constitutional prerogatives over land use, and get down to the statutory language, it is obvious that this bill could and probably would turn the Federal Government into a huge zoning board.

I find the bill does not just urge or prod or provide financial assistance, or stimulate or guide or even direct, but that it forces a State. My distinguished friend from the great State of Colorado said a minute ago that the bill asks the States, but I call his attention to section 201(e) on page 63 of the bill, which states that each State shall submit a plan. Starting on line 5, it says:

> *Provided,* That if no grant is requested by or active in any State after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days thereafter to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306: And provided further, That, should no grant be requested by or active in any State during any two complete fiscal year periods after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days from completion of such period to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306.

So this is clearly not a voluntary program, although a State can enter it in a voluntary way. Whether a State enters it on a voluntary basis or on a compulsory basis, the State eventually must, by law, if this measure becomes law, enter this program; and the Federal Government will dictate some of what is in that land-use program.

Section 204, paragraph 1, as shown on page 78, dictates that the Secretary of the Interior shall be the ultimate arbitrator of what areas of critical environmental concern are in the plan, because areas of critical environmental concern are of more than State significance, and this, of course, is subject to the ad hoc hearing board's decision. But in that decision, it is only necessary for the Secretary of the Interior to prove that he was acting reasonably in implementing the act.

Section 203, paragraph 3, on page 79, requires the State legislatures to pass laws consistent with the purposes and programs of this act.

Mr. President, this section and this paragraph would require that State legislators act in a way that would be consistent with the requirements of the act. If sanctions are added in this bill today or on some subsequent day of the consideration of the bill, or in the future, they could very well force legislatures to act contrary to the will of the people. The sanctions could interfere with the objectivity that the members of the legislature would have, and interfere with the way in which they would represent their own districts.

Later in section 203, in paragraph (4), there is a requirement for approval by the Governor of the State involved. With sanctions, this could eliminate the freedom of action of the Governor to use or not to use his veto. This is interfering with the executive branch of the State government.

The sanctions as outlined by the distinguished Senator from Washington are a progressive kind of sanction for the first year after 5 years of this act. If the State is not complying, there would be a 7-percent, then 14 percent the following year, and then 21 percent setting aside of State funds in the areas of airports, highways, and land and water conservation. I have not yet received information on what this could mean to the respective States, but it is obvious that it would mean a very substantial amount of the support that they are accustomed to receiving and depending on in their highway, airport, and land- and water-use programs.

It is interesting that the areas in which this bill proposes to reduce expenditures, Mr. President, are those areas the bill is supposed to be most interested in, such as the location of key facilities, airports and highways, and the areas of land and water conservation.

So, while hitting the States over the head with sanctions, the Federal Government would be reducing their effectiveness in the areas that are the goals of this bill.

I would like to point out, too, that in this inconvenience and interruption of State programs and interference with the progress of a State that was declared ineligible, and to which sanctions would apply, it would not only be the citizens of that State, but of virtually all the States, who would suffer, because we all use the airports, the highways, and the land and water areas of all the States.

On page 121, in section 601(i)(2), under definitions, the definition of "natural hazard lands" includes, among other descriptions, areas frequently subject to weather disasters.

The State of Oklahoma, like many States, is in an area where there are very frequent weather disasters, which are beyond the ability of those in the State to predict or prevent. Certainly this provision is an example of the breadth and scope of the areas of critical environmental concern that would permit the Secretary to mandate programs—not just the processes but the programs—that would become a very integral part of the State.

The State of Oklahoma is a State in which tornadoes occur from time to time in various parts of the State. So in just this small part of the language that gives the Secretary responsibility to review and to change what the State would find in its best interests, as its land-use policy. This gives full permission to cover the entire State. I agree definitely with the goals of S. 268. However, I inform my distinguished colleague from Colorado I do not agree that S. 268 is a mere nudge or a prod to obtain the State's cooperation. It is more than just a carrot and a club. So far as a Governor would be concerned and a member of the legislature, it is an atomic bomb, because the amounts of money that would be involved in sanctions that would be added to the bill while it is being considered today and in the future, or at some future time, would prevent a Governor from actually exercising his judgment as he saw fit. It would require him to submit to the will of the Federal Government. So it is not just a carrot and a stick. It is not just a prod. It is not an urge, or a stimulation of State processes, it is an atomic bomb. It is an action that he could not resist.

Private land use is one of the last bastions remaining in the ever-dwindling reservoir of State's rights and State's responsibilities. I hope that the Senate will give close consideration to the amendments which will be offered to S. 268 in an effort to reassert the basic State prerogatives over land use and land-use planning.

I thank my good friend the Senator from Wyoming. I yield back to him and thank him very much for giving me this opportunity to listen to the comments that he has made. I thank him also for his contributions to this legislation.

Mr. HANSEN. I would ask my distinguished colleague from Oklahoma a question. As a former Governor of that great State, have you had any experience in making recommendations to the State legislature for the passage of legislation as you thought would serve well the interests of Oklahoma?

Mr. BARTLETT. Yes, I have Senator. I would inform the Senator from Wyoming that in the Arkansas River development study which I cited, a study made in great depth, using State and Federal resources to do it, and over a period of time, and a study which is still going on today, I was unable to receive support from the legislature in this area.

However, I still think that this is a proper area of responsibility for the State legislature and the Governor. I think there is needed to be, in this case, an explanation of just what was planned and what was needed; and this has been going on. For instance, I think that the leaders of the various counties involved have a much better understanding today of what we were trying to do several years ago; but this is part of the whole process that is very important in land-use planning, because it is important that the people support the programs that are brought forth. Although we find, and I know that the Senator found as Governor of the great State of Wyoming, that many citizens are greatly concerned that Government is not responsive nor responsible to the desires of the people. There seem to be, so often, so many who feel that at the Federal level they know better what a State should do than the State itself. I do not support that contention.

Mr. HANSEN. Referring to section 204(3) on page 79 of the bill which deals with a further condition of continued eligibility of a State for grants, I find that the review of the State land-use program share determine that—

> State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this Act;

I say to my distinguished colleague from Oklahoma that this would seem to presume that State laws, regulations, and criteria would have to be in conformance to and in accordance with the requirements of this act. My question is: Does my distinguished colleague share my conclusion?

Mr. BARTLETT. I share the conclusion of my distinguished friend from the State of Wyoming, and draw his attention to the fact that section 203 is entitled "State Land-Use Programs"—not processes.

Mr. HANSEN. Yes. I have this thought: First, we start out in the bill with processes, then with programs, and then with the exercise of police powers to implement the programs.

I am wondering whether the distinguished Senator from Oklahoma would feel that to impose a requirement that State laws, regulations, and criteria would have to comply with the requirements of this act might place a Governor in an extremely difficult situation.

The Senator earlier observed that sometimes recommendations made by a Governor to a State legislature are not always followed up with appropriate implementing action. Would it be the Senator's opinion that this same situation could well occur in a resolution of this sort of directive?

Mr. BARTLETT. I certainly share the Senator's opinion. I would add that this requirement could prove to be very embarrassing to a Governor, because he would be required, insofar as subsection (4) is concerned, to have reviewed and approved the State land-use program, and then the members of the legislature would have to, according to this requirement, adopt the various programs which include the areas of critical environmental concern, including fragile or historic lands, renewable resource lands, natural hazard lands, key facilities, the development of public facility utilities, and so forth.

So it is all-encompassing in all the programs required, but it would require the legislature to pass laws implementing these.

Mr. HANSEN. I thank my distinguished colleague from Oklahoma. I want to compliment him on his incisive understanding of what this bill is all about, and on the very effective work he has done both in participating in the adoption of amendments that I think have been helpful and, further, in calling attention to the areas in the proposed legislation which deserve and cry out for attention. The record of the distingiushed Senator from Oklahoma is a very impressive one, and I thank him for his contributions.

Now, Mr. President, I have a statement that I hope will be helpful in putting into perspective some of the broad concerns which I feel and which I think may be shared by others. I want to set the stage and lay a little groundwork for what I hope could indeed be a better understanding and result in the stimulation of the kind of interest that I think is necessary, in order to bring about the sort of understanding and comprehension that I believe should precede adoption of the pending legislation.

Mr. President, although I favor the general concept of land-use planning, I have some reservations about how this bill will affect the rights of State and local governments, and ultimately private landowners, to plan for the wise and balanced use of their lands.

Throughout the time that this measure was pending before the Senate Interior and Insular Affairs Committee, I made an effort to insure that the primary responsibility for land-use planning be retained by the States and local governments. The Senate has been assured that the purpose of this proposed legislation is to "encourage better and effective land-use decisionmaking at the State and local levels, and not to provide substantial new land-use decisionmaking authority on the Federal level." However, the specific provisions of this bill belie its stated intent. The threat of Federal override would be more ominous if Senator JACKSON is successful in adding crossover sanctions to the bill.

SANCTIONS

Senators will recall that during the last session of Congress, the Senate deleted crossover sanctions from S. 632, the predecessor of S. 268. Nevertheless, an amendment has been introduced which will put some "teeth" into the land-use bill to force the States to comply with a federally mandated plan.

The National Governors Conference unanimously opposed the inclusion of any crossover sanctions in their policy position on land-use planning. The Governors said:

> The national land use policy should refrain from the imposition of economic sanctions against states which are unable to comply with federal land use policy requirements. Because of the highly sensitive nature of land use control, major accommodations will have to be made between state and local governments before such controls can be exercised equitably and judiciously. Furthermore, sanctions generally have proved an ineffective tool in bringing about desired change. In this instance, they would be even less likely to be effective, since they focus on the Governor alone, when it is the equal responsibility of state legislatures and local governmental officials to develop the joint relationships necessary for exercising land use control.

The imposition of sanctions is more than a nudge or prod. It is coercion which would force the States to shape their plans in a mold cast by the Federal Government. In effect, each State would have two Governors: The one back home in the State capital and another in the Office of the Secretary of the Interior in Washington. Since the sanctions issue transcends every issue in this bill, I urge that it be resolved at the outset of the debate.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Section 204(l) presently provides that the Secretary of the Interior shall review the substance of the States' determination of "areas of critical environmental concern." In order to qualify for funds or to avoid sanctions—if they are adopted—the States must include those areas which the Secretary determines are of "more than statewide significance." Although the States may define "areas of critical environmental concern" which are of more than "local significance," predetermined areas must be included in the State's plan. Such criteria coupled with the secretarial review openly invite the Secretary of Interior to impose his will to preempt the responsibility of the States. This is contrary to the policy statement of the National Governors Conference which recommended that the legislation should "encourage States to regain their sovereign responsibilities for the protection of critical environmental areas." This is but another example of how the purpose of the bill is thwarted by the specific provision in the bill.

PUBLIC LANDS

A distinct problem exists in those States where the Federal Government owns substantial amounts of land. The bill, in its present form, would effectively bring only the non-Federal lands under a comprehensive State planning procedure. Due to the high proportion of Federal lands in Western States, and their intermingled pattern with private and State lands, land use must conceptually include all lands, both Federal and non-Federal. Federal preemption also exists for the planning of "adjacent non-Federal lands." There should not be a dual standard for Federal and State lands. Separate legislation for Federal lands is not the answer. If a national land use policy is to be the key to the enhancement of our environment and the development of our resources, one-third of the Nation's land should not be excluded from the scope of this bill. That is about the amount of real estate in the United States that is owned by the Federal Government—about one-third of the Nation's total land area.

The bill in section 611 provides that—

> Nothing in the Act shall be construed to expand or diminish . . . State jurisdiction, rsponsibility, or rights in the field of land and water resource planning, development or control.

But as a condition of eligibility, the Secretary is required to review the laws, regulations, and criteria of each State land-use program to determine if it is in accordance with the act. This would require the State legislatures to enact, amend, or repeal laws to conform with the federally mandated bill.

FEASIBILITY STUDY OF NATIONAL LEGISLATION

Section 102(b)(11) refers to "the feasibility of enacting national land use legislation." Section 307 establishes the mechanism to implement this purpose. Congress ought not to be undertaking studies to undermine the intent of S. 268 "Assistance to the States." Moneys appropriated for this act should not be used to subvert the constitutional rights of the State, and the bill should be strictly limited to seeing that the tools necessary to carry out the task of land-use planning are made available to the States and local governments. It is inconceivable that we could on the one hand call for assistance to the States, and on the other study the feasibility of assuming that power by the Federal Government.

PRIVATE PROPERTY RIGHTS

Ownership of private property is one of the most cherished rights and freedoms of our Nation. It means more than just holding a deed and paying taxes on real estate.

Private ownership of land was a great stimulus in the development of the United States. The right to ownership of property provides the drive that has made Americans the most productive people in the world. Our standard of living is the world's highest.

The marketplace always has determined the use of land and the value of land. S. 268 would change that. It would define the use for tremendous areas of land. A small committee in each State would have the duty and responsibility of determining nearly all land uses for a long time in the future. The whims of the Secretary of the Interior would be given overriding authority.

The committee has attempted to make it abundantly clear that the implementation of land-use planning cannot deprive an individual of his property without due process and, if warranted, compensation. Such legislative history should serve as an adequate safeguard of the rights of private property owners. However, I believe that it is probable that attempts will be made to take property for the public benefit under the guise of regulation without compensation. This intent is documented by the following excerpts from the task force on "The Use of Land: A Citizen's Policy Guide." I am going to read from that book some of the quotations that I think bear out the assertion I have just made.

I read from page 118:

> Public acquisition cannot, and need not, be the whole answer to the problem of open space and historic conservation.
>
> In the first place, funds for land purchase are limited. It is unlikely that they will be sufficient even to buy all the land that should be accessible to the general public, and it is inconceivable that the nation would allocate funds to acquire all the vast areas that ought to be left in natural or agricultural or historic condition.

On page 136 I read:

> Such a system, based on non-compensatory controls and supplemented by other techniques, appears to present the only realistic hope of achieving the permanent protection of critical open spaces, including buffer zones between urbanized areas. A congressional mandate for the establishment and support of state-controlled greenspaces could have a significant influence on local and judicial attitudes to such a program.

On page 145 I read:

> Like other guarantees of the Bill of Rights, the takings clause establishes a basic principle that must be continually interpreted and applied by lawmakers and judges.
>
> In thousands of cases, courts have had to determine whether a particular restriction went too far to be sustainable without compensation. Decisions and rationales have been widely divergent. The result is uncertainty about how far restrictive powers can go before expensive compensation must be paid.

On page 146 I find these words:

> Many precedents are anachronistic now that land is coming to be regarded as a basic natural resource to be protected and conserved and urban development is seen as a process needing careful public guidance and control.

On page 173 I find these words:

> Needed regulations are often not adopted for fear of adverse court decisions. Or the public need for tough environmental safeguards is left unsatisfied because of arguments that such regulation is impossible without massive payments to affected landowners—payments that are obviously unavailable in tight governmental budgets. It is important that state and local legislative bodies adopt stringent planning and regulatory legislation whenever they believe it fair and necessary to achieve land-use objectives. This legislation, in addition to its direct benefits, can help to create a consensus that tight protective restrictions are valid and appropriate ways to achieve more orderly development and to protect natural, cultural, and aesthetic values.

> The doctrines applied by the courts need changes too.

On page 174 I find this language:

> The courts should "presume" that any change in existing natural ecosystems is likely to have adverse consequences difficult to foresee. The proponent of the change should therefore be required to demonstrate, as well as possible, the nature and extent of any changes that will result. Such a presumption would build into common law a requirement that a prospective developer who wishes to challenge a governmental regulation prepare a statement similar to the environmental impact statements now required of public agencies under federal programs.

On page 175 I find these words:

> It is time that the U.S. Supreme Court reexamine its earlier precedents that seem to require a balancing of public benefit against land value loss in every case and declare that when the protection of natural, cultural, or aesthetic resources or the assurance of orderly development are involved, a mere loss in land value will never be justification for invalidating the regulation of land use. Such a re-examination is particularly appropriate considering the consensus that is forming on the need for a national land-use policy.

Mr. President, I hope that all people interested in this bill will examine very carefully these statements taken from the book "The Use of Land," in order to better understand what is in the minds of those persons who feel that we cannot have the kind of land-use planning we need without taking this second and very long step to set aside or at least to minimize or to alter the thrust of the fifth and 14th amendments to the Constitution of the United States.

I could quote many more statements to support my contention. There can be no doubt but what those persons believe that we cannot make progress within the framework of our Constitution. They believe we cannot make progress by writing laws in this body to face up to a problem without going the second step of amending the Constitution.

Mr. President, the protection afforded private property owners by the fifth and 14th amendments to the Constitution has been clearly established.

Those advocates of this bill who seek to expand the proper exercise of State police powers to accomplish public objectives they find socially justifiable without recognizing the rights of private property ownership would bend the Constitution. They would spell out in Federal law their idea of a new order. This quiet revolution would resolve all the problems as they see it.

Senator JACKSON lets us have a glimpse at this new American utopia. He does this by asking us to look back at what we now have. He says:

> Their contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is conflict, waste, and inefficiency; it is farmers groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.
>
> The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land use problems.

But there are some of us who doubt that a new Federal law and the planned and programed changing of the intent and thrust of the fifth and 14th amendments will solve all of America's problems.

We are old fashioned enough to believe that it is still worthwhile and instructive to compare our progress under the constitutional protections we enjoy, whether we are on the currently popular or unpopular side, with any other system that holds the majority is always right.

Chief Justice Holmes in Penn Coal Company against Mahon put it very well 51 years ago:

> When this seemingly absolute protection is found to be qualified by the police power, the natural tendency of human nature is to extend the qualification more and more until at last private property disappears. But this cannot be accomplished in this way under the Constitution of the United States. The general rule, at least, is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking . . . We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.

Those of us who believe this legislation needs closer examination and refinement do not doubt that land is our most valuable natural resource. We agree that we face a crisis in land use decisionmaking. Our land use policy, procedures, and institutions must be improved. There is a need for effective land use planning.

But we find it strange indeed that the chairman of the committee would threaten us with Federal zoning and Federal control if a bill is not passed which, in effect, mandates the States to implement a federally supervised and reviewed concept of land use and further requires the exercise of police powers to accomplish these purposes.

If one lesson is clear it is this: Each of the 50 States is different. Local people understood their own particular problems best.

As the President has said:

> The time has come to turn away from the condescending policies of paternalism . . . of Washington knows best.

The whole idea behind revenue sharing is to help States and cities and communities to solve their problems—to return power to the people—to return some of their tax dollars back to them so they can do the job which they understand best.

This legislation, like revenue sharing, can help. Let us amend it to do what it says it does.

I yield the floor.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from Wyoming for a very profound statement on just what is involved in this particular legislation.

I should like to discuss with him a couple of items that I think are of vast importance to the Senate, including just exactly what is provided in the bill and the procedure that is to be followed.

I think the Senator has brought out exceedingly well that the Federal Government is set up as the overseer of almost every section of land in the country.

Mr. HANSEN. If we start first from the premise that nearly a third of the land is already federally owned, and then impose a Federal law on the privately owned land in the Nation, or make a law that is applicable to them, and the State use planner then makes a finding that the law does apply, I think we can very well reach the conclusion that this bill would indeed impinge upon practically every acre of land in the United States.

Mr. FANNIN. Is it not correct to say that we set standards for the States and localities, and we also set standards for private land, that we do not set for Federal land, the land that we really have the responsibility to manage? It seems to me very unfair that we should ask others to do more than we are really doing for ourselves.

Mr. HANSEN. The Senator from Arizona is precisely correct. That is exactly what the bill provides. It calls for coordination and cooperation between the Federal Government and Federal land management agencies, on the one hand, and the State land use planners, as they may devise laws, on the other. But actually the thrust and the authority that would follow the implementation of the bill, I think, as the Senator points out, does apply specifically and exclusively to privately owned land.

I agree with the Senator's further statement that it is manifestly unfair to pass a bill which imposes all sorts of requirements and obligations and responsibilities on privately owned land, but ignores totally accepting the fact that there must be coordination and cooperation with respect to the Federal programs on Federal land.

Mr. FANNIN. In our discussions, I think the Senator will agree, we have taken such steps on the floor of the Senate in many instances. It has been said that we have superior ability in Washington to handle these lands over the ability to handle them on the State level. I know that the distinguished Senator from Wyoming, as Governor of his State, had experence in and responsibility for handling the land of the State of Wyoming. I am sure that he was well aware of the programs of his State and was held responsible for them by the people of his State, who would have been critical of him if he had not provided leadership to protect the land.

Now it appears we are saying, at the

Federal level, that we can do a better job thousands of miles away, in many instances, with respect to the very area that is involved.

We set up a process and a requirement designating areas of critical environmental concern. The Federal Government makes that determination. I know that this subject has been covered and expanded upon. A decision may be made by a State, and the Governor will approve it, but the Secretary of the Interior has the right, under the proposed legislation, to challenge the State's selection of its areas of environmental concern. I realize that there is an appeal process; but is it not a stringent requirement that a State would not have the right to make a determination upon its own lands, when there are people in the locality who should be able to make that determination?

Mr. HANSEN. Mr. President, I think it is strange. It underscores the psychology that I find distressingly prevalent in Washington, that only Washington knows best, that only Congress knows best, that only bureaucrats know what ought to be done. And as a consequence I find it disturbing that there are those who can find fault with the contemporary scene. And certainly as long as there are people there will be problems. I know that there are problems. However, I think that we have a pretty good mechanism already devised for resolving problems. And if we can work within the established framework of government as constrained by the Constitution, we can get the job done better than we could do it in any other way. And we will not lose any other options that we now cherish very highly.

So, I do agree with my good friend, the Senator from Arizona, that this is a strange attitude.

Mr. FANNIN. Some would call it the psychology of conceit, that we think we have the great ability here to make the determination of what ought to be done. Yet we are in an area here that is many, many miles away and we are not familiar in many instances with what is involved. Still we will not depend upon the newly elected responsible officials who are responsible people, to make those decisions.

We could go on with some other matters. We require, as the Senator brought out in his statement, planning agencies to set up the criteria by which the State planning agency will operate. Is it not true that many States have planning agencies that work quite efficiently?

Mr. HANSEN. I am not sure how many States have them. My guess is that there could be found in probably each of the 50 States at least one or more of such agencies. I know that we have them in Wyoming. We have one dealing with the fish and wildlife. We have a new agency which was just created by action of the legislature that is supposed to deal generally with land matters.

We passed a zoning law a number of years ago in Wyoming. It has been implemented in a number of counties. Most of them are now using it. There are indeed land planning agencies in a number of States to my knowledge.

Mr. THURMOND. Mr. President, I would like to ask the distinguished Senator the effect that such requirement as we talked about would have upon the ability of the Governor to get such laws passed.

I know that the distinguished Senator mentioned it earlier. What are the thoughts of the distinguished Senator on that matter?

Mr. HANSEN. I am sure that, as I reflect upon my 4 years as chief executive of the State of Wyoming, I probably have little to offer by way of profound conclusions. My good friend, the Senator from Arizona, who occupied the position of Governor of his State for 6 years perhaps has had more experience.

The point is, however, that despite the earnestness and despite the need, as recognized by the chief executive, the fact remains that all he can do is propose and it is up to the legislature to dispose. Oftentimes they are not disposed to look with too great favor upon the recommendations given them by the Governor. However, the fact is simply that they require a Governor to do something or they look to him for leadership which will automatically result in the passage of laws. That is being very naive indeed.

Mr. FANNIN. I would agree that it is very naive. In some States they have a Governor of one party and a legislature of another party. And I can speak with a little remembrance in that regard.

Mr. HANSEN. Mr. President, if the Senator would allow me to interrupt, I can speak of the problem that exists when it is all on the same side. That is sometimes even more vexatious.

Mr. FANNIN. I can recall when, with a State Senate of 28 members—and I happened to be Republican—there were 27 Democrats and 1 Republican. So, I had my caucus normally in a telephone booth. However, I would say we must realize that when they say that we must be for every phase of this program, it involves State law. We are making a great demand upon the States. A State will either have to amend, repeal or enact laws to comply with the requirements of this act.

We made the point, as the Senator brought out very ably in a prior colloquy, that a State land use program must be reviewed and approved by the Governor. The Governor must take action. The Governor is required to do what is necessary under this act whether he agrees with it or not.

Mr. President, I thank the Senator for his cooperation and for his excellent efforts on behalf of a good bill on land use planning.

I know that the Senator is sincere in offering the amendments that he will offer to bring about what we think and what we believe Congress would consider to be a fair and equitable bill.

We talk about and refer constantly in the bill to the fact that, "Nothing in this Act shall be construed to expand or diminish Federal, interstate or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development or control; . . ." Yet prior to this we have required the States to change the laws to comply with the bill. And certainly it would not be true if we amended, enacted or repealed State laws in accordance with the provisions of the bill. Then this would not have the effect it would if we took it as it is in the bill presently. In other words, if we had not already amended the law, a government instrumentality could expand or diminish Federal, interstate or State jurisdiction or responsibility.

I think that this is a subject which I think certainly should be considered by everyone.

Mr. HANSEN. Mr. President, I agree completely with my good friend, the Senator from Arizona. This section, like so many others in the bill, needs to be read. It is an easy matter, and it is a matter of which I am guilty perhaps as much as anyone, and perhaps more. We come into the Chamber and vote upon a proposition and we have not even read the bill. We have perhaps had a chance to read it, but have not availed ourselves of the opportunity to do so. And we really do not know what we are doing. We could pass some laws that will certainly come back to haunt us.

I remember when the distinguished Senator from Washington, the chairman of our committee, and I were discussing some of the ramifications of our present energy dilemma. There was talk about the effect that some of our regulations and laws dealing with the environment had upon that energy crisis. Although we may not have agreed in every detail, I think it can be said that each of us recognized that there certainly are laws that have made a solution or a resolution of a problem more difficult than would otherwise have been the case.

Two years ago or a year ago we had a lot of discussion about some of the regulations that were drawn up under the Occupational Safety and Health Act, an act that I supported. I think there were only three votes aginst it.

I must admit that I had not read the bill. And I would have to say that no one else read it either, because as the Senator from Nebraska (Mr. Curtis) pointed out in his statement which accompanied his amendment, many codes and many regulations were incorporated by reference into that law, and that all of those codes and references were never printed in one single document. As a matter of fact, the Library of Congress estimated that if you were to take the OSHA Act and add to it those documents which by reference were incorporated into it and make a part of it, and pile one on top of the other, you would probably wind up with a pile of material in excess of 30 feet in height.

When Senator Curtis asked if he could check out all of the appropriate documents to bring to the Senate in order that we could demonstrate to the Members of the Senate some dimension of the problem in trying to understand what the law said by visibly exhibiting everything that was a part of the law, he could not obtain those materials because the Library of Congress said, as I understand or recall what he told me about it, that some of the documents were very few in number indeed, and while they would permit people to read them within the Library of Congress, they could not be checked out.

So that is an example, I say to my good friend from Arizona, of what happens when, in our enthusiasm for an idea, for a concept, for a notion, we vote for something when we really do not know what we are voting about.

I am convinced that we will make some changes in that OSHA law in time. We are finding that many of the regulations are being changed. There were some ridiculous ones, as I recall. One was that if you had an employee in your place of business, you had to have a split toilet seat. I was talking with a good friend of mine who works for the Department of Labor, stationed in Denver, and he said that particular regulation made better sense than some. He said:

> Who knows but what an employee of the department might be making his rounds calling upon employers to find out if they are complying with the law, and as he makes the inspections, he goes into all of the areas of the building, and in the rest room he might want to get a drink, and if the toilet seat was not split, it could fall down and hit him on the back of the neck and break his neck.

So that may have had more reason than some of the regulations. But the point is that so many times we do not know what we are talking about. We do not know what is in the bill; we just think the idea is good. After all, who is against health and safety for employees? No one would be, obviously. I was not. But three people, by their votes, indicated they were; and I guess that was because they took the time to read the bill.

I vowed right then, I say to my good friend from Arizona, that I was not going to vote for another piece of legislation that could go as far as that one went without knowing what was contained in it.

By the same token, I hope that each of us will take the time to study this bill. It is not nearly as long as the OSHA legislation; this bill is about 75 pages long. The first part contains the action that was passed last year, as the Senator knows, and there are a total of about 135 pages. We can well afford to take the time to read this bill and to raise questions about provisions in it that we do not understand, in order to make certain that we do know what is contained in the bill. On the basis of that kind of a study, I should think we would be better able to adopt amendments, to delete sections from the bill, and to determine ultimately whether we will support it or whether we will vote not to add it to the law.

Mr. FANNIN. Mr. President, I agree with the distinguished Senator from Wyoming, and I certainly commend him for the illustrations he has used. Great damage has been done because of the hurried process that was utilized in passing the OSHA bill. Many considerations were not given to the bill that would have been given if time had permitted. But in the rush of business affairs, we did vote for a bill which was what the Senator has referred to as more or less of a motherhood bill.

Who could be against safety and the protection of the worker? But we had companies that went bankrupt; we had millions of dollars spent, many times unnecessarily, without the benefit of views from many areas of the country that we found were affected and would be affected. Changes are being made, but look at the costs involved. Changes are not easy to make. It is difficult to administer the act, because many provisions are found to be just verbiage, and very detrimental in effect.

I am concerned that this bill could be far more damaging, even, than the OSHA bill, because of the tremendous coverage involved.

I agree with the Senator that it is essential that we take the time to review the provisions of this bill, that we understand the complexities in the bill, and the consequences that would result if some of these provisions are not changed.

I do appreciate very much a chance to discuss it with the distinguished Senator from Wyoming.

Mr. HANSEN. I thank my colleague very much. You know, the concept seems to be that where the States have failed, the Federal Government must step in, and if it does step in, everything will be all right, all problems will be solved, all disagreements will cease, and all controversy will end. That seems to be a fair interpretation of some of the statements I have read about this measure.

Mr. President, I cannot believe that it is going to be that way at all. I think, in terms of the trend in the country today, instead of taking every problem to the Federal Government, expecting that a simple solution can be worked out that will fit every one of the 50 States, the thrust of the current thinking is in exactly the opposite direction: to send the problems back home, send them back to the people who understand them, the people who live with them, the people who know what they are all about, and let them take a look at these problems.

I must say that makes great sense to me.

Mr. FANNIN. That is the procedure that was followed in this great country for years and years, and is the basis of the free enterprise system. I realize we are prone now to blame the States, as we talk about the energy crisis, but how can we place the blame on the States? We talk about that they did not have additional refineries in the States. But the pressure was not evident just a few years ago. There were many, many reasons why more refineries were not built. It was not just the location of the refineries; there were many other factors involved: The economics and the need. Not too many years ago we had adequate facilities.

So when we start blaming the States for the energy crisis, or when we start blaming the States for the shortage of petroleum refinery capacity, I think we are wrong, because after all we have made decisions here and they have made decisions at the State and local levels, all of which have affected what has happened.

Certainly the Federal Government should bear its fair share of the blame. In fact, I think if we were to put it on a percentage basis, we were probably 80 percent at fault and the States were 20 percent at fault. I think we should bear that in mind in seeking to fix the blame.

Mr. HANSEN. Mr. President, I thank the Senator from Arizona, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

EXTENSION OF TIME FOR A SPECIAL AD HOC COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the provisions of Senate Resolution 13, 93d Congress, agreed to January 9, 1973, the Special Ad Hoc Committee to Study Questions Related to Secret and Confidential Government Documents shall have until July 31, 1973, to report its findings and recommendations to the Senate and, upon submission of its report, the committee shall cease to exist.

In explanation, may I say that this would extend the life of the committee for 1 month only. The purpose is to give us time enough to submit a final report and then go out of existence.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. SCOTT of Virginia. Mr. President, I have been looking at a copy of the bill before the Senate and at the committee report. They are quite lengthy, and it is difficult for a Member not serving on the committee to be familiar with the entire measure. Therefore, I would like to ask the ranking member of the committee a few questions with regard to the bill, if it is agreeable to the Senator from Arizona.

Mr. FANNIN. I would be pleased to respond to the distinguished Senator from Virginia.

Mr. SCOTT of Virginia. I note on page 86 of the report a reference to the cost of this proposal. As I add the figures, they amount to somewhat more than $1 billion that would be spent. The first item is $800 million, then $120 million, $80 million, $16 million, and finally $50 million.

I wonder whether this is a wise expenditure of funds at this time, when we have a deficit in our national budget. Could the distinguished Senator comment on that?

Mr. FANNIN. I will be pleased to comment and to advise the Senator that this Senator did not vote for that amount. Last year, as I recall, we had an amount of approximately $170 million for a 5-year period. This is $800 million at $100 million a year for an 8-year period, for the Federal appropriations, for grants to the States for development and implementation of State land use programs.

I further wish to inform the Senator that there is no formula by which this money will be administered to the States. In other words, we do not have a formula by which the grants will be made, on a population basis or other basis. There is a provision that supposedly would be based on the need of the land use program. But we have no assurance as to just what policy would be followed in that regard.

Then we have the $120 million, which is $15 million annually, as stated in the report, to coordinate, study, conduct, or implement land use planning in interstate regions. I realize that many regions in the country need more money than others. But we still do not have a formula as to how this amount of money would be appropriated or would be expended.

Then we have the item of $80 million, at $10 million annually, for the Indian tribes. I am in favor of bringing Indian lands under this bill, because I feel that we should cover the Indian lands, give them the same protection and the same opportunity to participate. Of course, the basis for handling the Indian tribal lands is different from the basis for handling other lands. At the same time, I felt that if we were going to work on a land use policy, a program for the States, we should include the Indians and give them the same opportunities we gave others. I want the Senator to understand that I favored that, and I still favor that we include the Indian tribes. But I did not have in mind the expenditure of the amount of money that is involved in the other stipulations. Of course, if we have the full appropriation for this amount, it will amount to more than $1 billion.

As the Senator will observe, we have the $16 million, $2 million annually, in Federal appropriations over an 8-year fiscal period, for contracts or grants for research on and training in land use related subjects. This is not a large amount, but we still do not have a formula for determining how it is going to be distributed.

Then there is $50 million, $10 million annually, that would be for the administration of the program.

Mr. SCOTT of Virginia. Would the distinguished Senator agree that even these amounts, based on his past experience in Congress, may not be the total the Congress may be called upon to authorize in the future?

We seem to have a pattern here that when we introduce a bill and when we pass it, the authorizing legislation is for a lesser amount that ultimately is determined to be the total cost that Congress authorizes.

I note that the bill creates a new office in the Department of the Interior—item 5, for $50 million, $10 million annually over a period of 5 years by Federal standards, it seems a little low for a new office that is being created to assume such responsibilities as appear to be in this bill. Would the Senator comment on that?

Mr. FANNIN. As I responded previously, I feel that we are going far beyond what is needed to carry through the program that was intended by the title of the act and by the intent.

If the Senator will read further as to the intent of the act, it was not to take over the State programs, not to dictate to the States, but to assist them and to coordinate their efforts, especially in States where there are Federal lands, to assist in the programing of Federal and State lands. Of course, we do not control the Federal lands, but we set these controls on the State and private lands.

Mr. SCOTT of Virginia. Does the Senator mean that the act as originally introduced would not invade the prerogatives of a State or does he mean the act as it is before the Senate today?

Mr. FANNIN. The act before the Senate today does invade the prerogatives of State government to a far greater extent than the act passed last year. The protection of property rights in the act last year was far greater than in this bill. The specific provision to protect property rights was deleted from the bill. There is a provision in the bill so far as constitutional rights are concerned; but so far as definite protection of property rights is concerned, the stipulation in the bill last year, referred to as the Jordan amendment, was removed from the bill.

Mr. SCOTT of Virginia. I was a general practitioner in the legal field, not a specialist, but it is my understanding that zoning is a State and local matter; that there is no zoning power in the Federal Government

I just wonder: is this bill consistent with that concept, that planning and zoning jurisdiction resides in the State and local government rather than the Federal Government?

Mr. FANNIN. I will just refer to some of the stipulations we have previously discussed on the floor. The Senator did not have the opportunity to hear the discussion that took place. The State land use planning process is set up and then is subject to a review by the Secretary as to whether certain processes have been followed. In the areas of critical environmental concern, the Secretary has the right to determine whether all questions of critical environmental concern have been covered. If not, he can come in and challenge the Governor of the State on whether or not there has been compliance. They do have an appeals process but in that appeals process the determination must be whether or not the Secretary has been reasonable.

That is a difficult determination to overthrow. If it appears reasonable under the appeals process it stands. This is a dangerous principle.

I would like to cover other stipulations in the bill that I think would be of great concern to the Senator.

Mr. SCOTT of Virginia. If I may interject, the Senator was discussing environment. I understand some sort of State plan under the proposal is submitted to the Secretary and he has to approve the State plan. Is that correct?

Mr. FANNIN. The Senator is correct.

Mr. SCOTT of Virginia. Then, if a State is not satisfied it would be necessary to show the Secretary was arbitrary and capricious; that his judgment was not reasonable.

Mr. FANNIN. This bill provides that the States will receive Federal dollars when they formulate a land use plan pursuant to the provisions of the bill. Once that first Federal dollar is accepted then Dr. Jekyll becomes Mr. Hyde and they become slaves of Washington.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. SCOTT of Virginia. I am glad to yield.

Mr. McCLURE. The Senator from Virginia is pointing to a portion of the provision of the bill that is very troublesome. The interrelationship of several different sections of the bill must be clearly understood. It is valuable to have the discussion so we may understand what the bill does and does not do. This morning the Senator from Colorado (Mr. HASKELL) and I had some colloquy concerning this point. I think it is well to go over it again, and we will do so later.

Section 202 of the bill deals with the process that the State must go through.

Section 203 deals with the program that must be adopted by the State to implement the process and the plans adopted.

Section 204 has some specific things that must be done by the State in order to continue its eligibility for program grants under the bill. When we talk about eligibility, we have to remember that there will be offered an amendment with respect to sanctions against the States if they fail to live up to the requirements of this section. So we are not just talking about program grants under the bill, but also highway money, airport and trust fund money, and HUD money.

These are the three areas in which Federal funds have the greatest impact. All of this is covered by the review process in which the Secretary makes determinations of whether or not the State has complied with section 202, second, has gone through the program implementation, sections 203 and 206, and third, whether or not it has adopted reasonable regulations that deal with the section 204 requirements that are rather specific about environmental concern and key facilities.

This is all covered by section 306 review procedures, which have two stages; one stage is review of the program and approval of the program by the Secretary, and the second is, if there is any adverse action taken, the review of his decision by an ad hoc hearing committee.

This morning the Senator from Colorado (Mr. HASKELL) and I discussed the review provision and pointed out the standards, the two protections for the State. First, the Secretary has to carry the burden of proof, and second, the finding has to be that the State has made a good faith effort.

But the point that concerns me, to carry that one step further, on pages 98 and 99 of the bill one will find the language in section 206 which deals with that review. The burden of proof is set forth. Section 306(g) on page 98 states that the Secretary "shall carry the burden of proof to establish ineligibility under the following standards:"

Then, it refers to sections 402, 505, and 601 (i), (j), (k) and (l), but it does not refer to the good faith efforts of section 202 or to section 203, or any other subsection in 204, except subsection (1). It may be that when we get to (3) of 306 we may need qualifying language to make certain that the catchall in subsection (3)—that is, section 306(g)(3)—does not substitute around the good faith provision and simply say that the Secretary has the burden to prove the States have not adopted reasonable regulations.

Mr. SCOTT of Virginia. Let me ask the Senator a question. Is a State bound by the provisions of this act if it does not seek any money under the act?

Mr. McCLURE. I would say to the Senator that the way the bill is now, the only sanctions, the only penalty for a State that does not comply is loss of a planning grant under the bill.

There is a pending amendment which would call for the reduction of State highway moneys, airport and trust money, and money in the HUD area, which would be much more severe.

Mr. SCOTT of Virginia. Under the act before us now, it appears like a carrot of Federal money for planning, zoning, and other purposes, being held out to the State and the State must submit a plan in order to get this Federal money. Is this too simple a statement?

Mr. McCLURE. I think it goes rather further than that, but essentially that is correct.

Mr. SCOTT of Virginia. Then, if the Jackson amendment is agreed to, the amendment I understand will be offered by the Senator from Washington, which goes well beyond the provisions of the existing act and goes into what other money?

Mr. McCLURE. The highway trust fund money, the grants for construction of highways, the airport and airway construction money, that deals with airport facilities and airports, and housing and urban development funds that deal with Federal programs in housing. Those three categories are felt to be the ones with the greatest impact on land use and it would also include in a reduction, if the States have not complied with the provisions of this act.

Again, the act is intended to require of the States only that they adopt a plan that, first of all, requires certain processes in the act, that are enumerated in the act; that the State has considered certain specific land-use considerations in the adoption of its plan, and that the State has adopted a legislative program and a regulatory program which will implement the State's plan.

Those are the criteria which the States would be compelled to live up to under this bill. It is not intended under the bill to substitute the discretion of the Federal Government for that of the State government, but some of the discussion we have had is directed to whether or not the bill adequately states that philosophy.

Mr. SCOTT of Virginia. I thank the Senator.

Mr. FANNIN. Mr. President, if I could clarify one point, does not the Senator agree that it is the intent of the bill that if the States do not come in, at a certain point—the point would be 90 days after the 8 years have expired, that they are supposed to submit a plan to the Secretary——

Mr. McCLURE. That is the intent of it.

Mr. FANNIN. That is the intent of the legislation, although there is no penalty involved unless we have sanctions in this particular bill.

Mr. McCLURE. That is correct. It is the intent of the bill that the States would have to go through a process, consider these features, and come up with a plan, along with implementation of a plan that says, "Here is what we in the State have as the State plan."

Mr. FANNIN. So it is not voluntary, as some persons have said. It is a plan that, at the end of a certain period, as far as time is concerned, certain events must take place. If the State does not have a plan at the end of that 8-year period——

Mr. SCOTT of Virginia. Is this a statewide plan that each State would submit?

Mr. FANNIN. It would be a plan that would be the State plan, where the localities would be involved, and that would be their responsibility to the State. The State would then submit a plan to the Secretary.

Mr. SCOTT of Virginia. Is it overall land use for the entire State?

Mr. FANNIN. For the entire State. Of course, the Federal Government tells us what is provided for. Incidentally, Indian lands are included in the lands——

Mr. SCOTT of Virginia. If the Senator will permit, let us explore this further. The Senator is saying that this plan is submitted to the Secretary by the State and then the Secretary passes on the reasonableness of it?

Mr. FANNIN. Certain provisions of the plan. Air and environmental concern is one area that is to be specifically considered, as to whether the State plan covers the area of air and environmental concern that he thinks is necessary.

Mr. SCOTT of Virginia. I would say to the Senator quite candidly that while we all want a clean environment and a healthy environment, I am concerned that we may have gone too far already in the field of environment.

I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I think two points, or perhaps three, must be made, when the expression "overall plan" is used. First of all, under the provisions of the plan, States are encouraged to leave decisions to the local level to the extent that they can——

Mr. SCOTT of Virginia. If that is true, why do we need this law, because the local levels are considering these problems without intervention from the Federal Government?

Mr. McCLURE. Occasionally it can be pointed out where local governments have not agreed, where different judgments could be arrived at with respect to the decisions.

Mr. SCOTT of Virginia. If we believe that government is best at the local level, if local government then has decided not to act, then it has made that decision. This bill would put the Federal Government into that decisionmaking.

Mr. McCLURE. Not necessarily, because the State is encouraged to do so, remembering——

Mr. SCOTT of Virginia. The carrot is held out.

Mr. McCLURE. No; remembering, if the Senator will, that local governments are the creatures of State governments. The State establishes cities and counties and, under their various constitutional and legal requirements, can disestablish them. The State has supervisory authority under the police authority of the State if it wishes to exercise it.

But I wanted to make two other points with respect to the overall State plan. One is that the Federal plans are excluded from the State plan under the rather uncertain mandate in the bill that Federal land management agencies and land planning agencies would coordinate planning and management of Federal lands with adjacent lands—a very difficult concept and one that is very difficult to apply.

Mr. HASKELL. Mr. President, will the Senator yield?

Mr. SCOTT of Virginia. Let me make the statement, before I yield further, that, of course, the distinguished Senator from Idaho and I are from entirely different States. We do not have the large amount of Federal ownership and Federal control of lands in the East that the Senator does in the West.

Mr. McCLURE. I would say to the Senator we have some plans to change that.

Mr. SCOTT of Virginia. It will be without the support of the Senator from Virginia, I will assure the Senator of that; but I would agree with the distinguished Senator that ordinarily the localities, the county governments or political subdivisions, are answerable to the States. However, I am concerned that we would have them answerable to the Federal Government under this proposed act. The Senator seems to believe, as I understand, that this is not true. Yet I wonder, in practice, when we hold out the incentive of Federal money, if the Federal Government is not ultimately going to call the shots.

Mr. McCLURE. I think the Senator's fears are very well expressed and founded on past experience. That is why the committee has been very, very careful in attempting to write legislation which specifically and clearly says that the Federal Government's discretion shall not be interposed to distort the State decisions. Whether we have accomplished that adequately under the language of the bill is the subject of some of the debate.

The other point I wanted to raise in this area is the fact that there are some decisions in which the Federal level would logically preempt State decisions. The bill, in my estimation, in this area is very unclear. I proposed amendments at various points in the discussion of the bill that would have at least, in my mind, addressed themselves to clarifying the question of which specific areas, narrowly defined, would be within the discretion of the Federal Government as distinguished from the discretion of the State government.

We have attempted to deal with that in terms of critical environmental concern and key facilities of more than Statewide concern, but the distinctions have not been clearly drawn in the legislation and I am concerned that this may be an avenue by which the secretarial discretion can override the subjective decisions of the States——

Mr. SCOTT of Virginia. We are talking about a carrot of over $1 billion. Is not this fairly weighty amount that the States will want to participate in?

Mr. McCLURE. The Senator is talking about $1 billion. For my State of Idaho alone, yes, that would be.

Mr. SCOTT of Virginia. The entire country.

Mr. McCLURE. But $1 billion spread over 50 States and spread over a several year period is not that much money, really, by the time we get down to the necessary support of all the planning agencies that would necessarily be created in pursuance of this bill.

Mr. SCOTT of Virginia. The Senator from Colorado, I believe, wanted to participate in our discussion.

Mr. HASKELL. Yes, I did, if the Senator from Virginia will yield. There was some discussion that this bill only takes into consideration and only provides for State laws, and then orders the Federal Government not to do things that are harmful to the State plan. I would like to mention to the Senator from Virginia that in the Interior and Insular Affairs Committee we have the twin of this bill which would make the Federal Government plan its plan so as not to be to any extent harmful.

Mr. SCOTT of Virginia. Has that legislation been favorably reported?

Mr. HASKELL. That has not been reported. It is in the committee. However, it is a counterpart of this measure.

Mr. DOMENICI. Mr. President, will the Senator yield? I have some questions which I would be happy if any of the three Senators could answer for me. Three things disturb me. Let me take them up separately and talk about regional planning problems. Does the Senator know how we will solve that kind of problem? Will either of the Senators tell me how this bill proposes to have a common impact upon that kind of regional area?

Mr. FANNIN. Mr. President, under the cost of the act on page 86 of the report, it reveals that there will be $120 million, at $15 million annually, in Federal appropriations over an 8-full-fiscal-year period following enactment of the act for grants to the States to coordinate, study, conduct, or implement land-use planning in interstate regions.

Mr. DOMENICI. So that the States in their individualness, yet working with other States, could propose as part of the implementation plan that they seek separate grants for the purpose of suggesting interstate plans.

Mr. FANNIN. That is true. I am not in agreement with the amount of money involved. I know that is not the question that the Senator asked me. But this does provide for the amount of money that I related.

Mr. DOMENICI. Mr. President, my second concern has to do with Indian lands, and in particular Indian lands that are closer to municipalities and urban growth. I am certain that the Senators have had some such problems in their States or localities. I know that we do in New Mexico. We run into the situation where we have local zoning and in planning such areas, we would run into jurisdictional problems regarding the city involved. What would this bill purport to do with that in terms of Indian participation in the determination of whether such a policy should be created?

Mr. HASKELL. Mr. President, there is a separate title of the bill which provides for planning by the Indian tribes on Indian lands under separate grants to Indian tribes. One section in that title involves the coordination of planning of the Indian lands, State lands, and Federal lands.

There is a provision in the bill. Perhaps the Senator from Arizona would like to expand further upon it.

Mr. FANNIN. Mr. President, I thank the Senator from Colorado. The Senator from Colorado was with me in Arizona at the time that we had hearings on the legislation. And we had representatives from the Indian tribes, especially one tribal chairman who supported the legislation and was very anxious to have the Indian tribes participate.

In the cost of the act, on page 86 of the report, it provides $800 million, at $100 million annually, in Federal appropriations over an 8-full-fiscal-year period following enactment of the act for grants to States for development and implementation of State land use programs.

This is included in the legislation.

One of the great problems is in determining the amount of money that would be needed and would be utilized. We do not have a formula for the exact amount of money. I hope that we will be able to work out a formula for that.

Mr. DOMENICI. Let me follow through to see if I understand. The Senator can correct me if I am wrong. This is wholly a jurisdictional program now with reference to who has authority to plan Indian land, whether it be the municipalities or the State. Do I understand that we are not trying to change that jurisdiction at the moment?

Mr. HASKELL. That would be my understanding.

Mr. FANNIN. It would certainly be my understanding that there would be cooperation and coordination with the Indian tribes. Certainly, I would expect that we would give every assistance possible to settle any problem that is not a part of the proposed legislation.

Mr. DOMENICI. So the Indians themselves will determine whether they want to be a part of the planning program. They will determine whether they want to apply. They say that the bill seeks to cause them to coordinate with other planning units—State, regional, or the like.

Mr. FANNIN. That is the intent of the bill, generally speaking.

Mr. McCLURE. Would it be a fair statement to say that the bill neither extends nor diminishes the authority of Indians to deal with their own land?

Mr. FANNIN. That would be the intent. There would be planning and program assistance, but we would not dictate to the Indian tribes. In fact, I wish we could have the same provisions so far as the States are concerned.

Mr. SCOTT of Virginia. Mr. President, let me ask the Senator from New Mexico a question. As I understand, the distinguished Senator is a former mayor of the largest city in his State. I just wondered whether he has any concern, as a former mayor, about the Federal Government overseeing planning and zoning.

Mr. DOMENICI. Let me address myself to answering the Senator's question. I think the answer to the Senator's question is: Will the Federal Government really take this whole process over? I am satisfied that the Federal Government will have to get into the enticing business.

If I understand correctly, we are saying to the States that the Federal Government is very much concerned about individual States getting on with land use planning and in doing it on a national basis. I am not concerned, in this instance, about the first phase. I will listen to the debate on further amendments which seek to impose sanctions, to see whether they would make it impossible for a State to remain independent as it proceeds with its planning. But I see no other way, in response to the question, to get the work done. It is a serious national problem.

Mr. JOHNSTON. Mr. President, will the Senator from Virginia yield?

Mr. SCOTT of Virginia. I yield.

Mr. JOHNSTON. Mr. President, I am quite concerned about the question raised by the Senator from Virginia. Who is accepting whose final say whether this is, in fact, a Federal authorizing bill?

Mr. DOMENICI. I do not believe it is intended to be so. I believe it is the intent of the committee to encourage and perhaps, if the Jackson amendment should be agreed to, to enforce the land use planning on the States, a goal with which I wholeheartedly agree.

Mr. SCOTT of Virginia. Would not the Senator agree that if one wants to know the future, he studies the past? When the Federal Government enters a field like this, does it not generally supplant the State act?

Mr. JOHNSTON. It certainly does. The important thing is that the bill in its present form gives the Secretary of the Interior the power to zone nationwide.

I should like to engage in a colloquy, if I may, with the floor manager of the bill. I think I can prove my point by the provisions of the bill.

Mr. SCOTT of Virginia. I did want to make a few more comments, but I shall be glad to yield temporarily for whatever questions the Senator from Louisiana cares to ask.

Mr. JOHNSTON. Let me follow, then, the Senator from Virginia, because the explanation of the point I wanted to make would take a little bit of time.

Mr. SCOTT of Virginia. Mr. President, I appreciate the distinguished Senator's attempting to answer the various questions that have arisen in my own mind, but quite candidly I am concerned about the Federal Government invading a field that is generally reserved for the States and the local governments.

We have had a problem in Virginia over the last several years with the Voting Rights Act, under which, in the field of voting, where decisions have generally been made by the States and the local governments, we have had to submit a plan—Virginia and several of the other States—for any changes in the boundary lines of our cities and counties to the U.S. Attorney General for approval, and any changes in our election laws. It has sort of made us subservient to the Federal Government.

I am fearful that there is a parallel between the Voting Rights Act and this measure. I am fearful that in the field of zoning and planing, the State governments are going to have to go to this new office in the Department of the Interior for final decisions. As the distinguished Senator from Arizona mentioned, the Secretary of the Interior determines the reasonableness of the zoning and planning by the State governments.

Frankly, I would rather see the local and State governments performing this function as they have in the past. I do not see how at least this one Senator can support the bill. Certainly I cannot if the amendment for sanctions is adopted, which I understand will be proposed by the distinguished Senator from Washington.

I just wanted to get my own personal thoughts into the Record on this matter. I believe this is a bad bill, and I shall vote against it.

Mr. DOMENICI. Mr. President, I wonder if the distinguished Senator from Arizona would exchange a few further thoughts with me. I have a further question with regard to the Indians.

Mr. FANNIN. Mr. President, I shall be very pleased to do so.

Mr. DOMENICI. As I understand, the Senator from Idaho said that this bill does not seek to change the law as to authority over Indian lands. If it is trust land, it remains trust land, and if they seek to participate in this planning procedure or process, we have not changed that.

With reference to the final say-so, then, over Indian land, do I correctly understand that as to trust land we are not changing the relationship of the Secretary to the Indian trust land, with reference to planning under this process; is that correct?

Mr. FANNIN. That is correct. The way I understand the Senate bill, that is correct.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. BARTLETT. I think we need to be very careful that we understand that as far as the Indians and Indian lands are concerned, they can, if they wish, apply for planning grants under this bill, and that if they are then given grants for planning on Indian lands, they would then be subject to the same criteria that others are with reference to the contents of the processes and the various procedural aspects of the bill.

Mr. FANNIN. That is correct, if they elect to do it on that basis.

Mr. BARTLETT. If they elect to come in. The Secretary of the Interior would then have the review of the results of the program, which is slightly different, in one respect, than the reviews that the States have, because the Secretary now has responsibility over the trust lands, and so he has other statutory authority and other statutory responsibility in addition to what is written here; and to that extent he would have some review of the results of the planning activities on Indian lands, which would not be true on the review of the results of the planning activities by the States.

Mr. FANNIN. That is my understanding.

Mr. DOMENICI. So, then, it is my understanding that if Indian people have complaints about the strings that are attached, for want of a better word, under the trust relationships that have heretofore been available for the determination, this will not change that. That final review is still the prerogative of the Secretary, not because of this legislation but under the trust relationships in other parts of the law.

Mr. BARTLETT. I would say to the Senator from New Mexico that that is exactly correct. In this legislation, the relationship between the Indians and the Federal Government is not changed as a result of this. It does not increase Federal control over their lands; neither does it decrease Federal authority.

Mr. FANNIN. To further expand for the benefit of the distinguished Senator from New Mexico, on page 115 of the bill, under subsection (4) on that page, the explanation is very clear, if the Senator would like to have something for a reference.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. McCLURE. Mr. President, there are many things that need to be said for the Record on this matter. I have stated most of my basic philosophy in the colloquy with the Senator from Washington when we opened the debate on this bill last week.

I am convinced that traditional concepts of private property ownership will be changed. Our fundamental ideas about the right to use properties the way we see fit will be to some degree changed by this legislation, just as they have been changed over the last half century or more as we have greater and greater official impact, as we have greater numbers of people interacting with each other in more and more ways.

This is brought about as a simple necessity of a growing and a more complex society. It is brought about because of the technological revolution that gives more people more opportunities to do more things than they have ever done before.

For instance, we have a provision in this bill that deals with the problem of second home subdivisions. If this were not an affluent society in which people could afford to own second homes, we would not be confronted with that kind of necessity in dealing with that problem today. If we were not worried about the fact that we are building more highways in this country in the last 20 years, ever since the Interstate Highway Act was adopted during the Eisenhower administration, we would not be concerned about the necessity to plan for the location of those highways. If we were not involved in Federal programs to aid the construction of airports, the Federal Government would not be involved in that kind of decisions today. And if we were not more and more involved in public housing, we would not be concerned about legislation that dealt with the Federal role in the location of housing projects. But we are involved in those things.

As I remarked last week, just a few brief years ago our population passed the 100 million mark. As as matter of fact, from the founding of this Republic—well, we might go back even further to the time when the first Colonists landed. From the beginning in the early 1600's until 1930, we had grown to a population of 130 million people. Yet, with that entire interval that led to the growth of 130 million people in this country, from then until 1970, we had grown to 213 million in the brief span of just 40 years. The next 30 years will see our population grow to another 100 million people.

So the pace of the growth of population is also causing us to recognize the necessity for devising new means to live together, just as early in this century we adopted the zoning laws which pretty largely boomed after World War II in their application, the effect of which was a balancing of property rights. It was not a denial of property rights, but a new incursion by government under police power to balance my property rights with the property rights of my neighbors. It was an attempt to say you cannot use your property in a way that will damage someone else's property.

We are now confronted with a new philosophy which I think we had better recognize. It is no longer a balancing of property rights; it is an imposition of social decisions upon property rights, and that is a very different thing than that simply of balancing the equities of competing property rights. But I believe that we are impelled by the necessity for new procedures to deal with the complex interrelationships of various decisions that will be made by units of government and individuals who are dealing in all kinds of property development and community development proposals. So I am reluctantly—very reluctantly—impelled to the belief that we need legislation and I support this kind of legislation at this time because we have made some bad decisions in the past where we did not have any mechanisms by which we might relate one decision to another.

While I am in favor of passing legislation, and I have tried to take it at every step of these proceedings, I am absolutely determined to preserve the planning process and the decisionmaking process to the State and local government. To the extent that this bill goes beyond that, it will have my opposition. I am attempting in the various portions of this debate, and will attempt further in some amendments to be offered, to define the areas which are properly the Federal Government's and to reserve all the rest of the decisionmaking process to the State government.

It has been said that all we are doing here—and I use the term of the Senator from Washington, the chairman of the committee, who agreed with me last week that this is an action-forcing device and it is not intended by this bill to take the decisions away from the State and local government, that it is simply an effort to provide both the inpetus and the means by which the States can and will act. That is one reason why I have departed from the administration's position with respect to grants for the planning process. If we expect the States to do the job that is outlined for them here, and if we are really honest with the people who are concerned about the conflict in land uses, we have to recognize that it will be a costly planning process. If we really want the States to do this job, we are going to have to assist them to do it. That is where we get into the great process. That is why I have supported the provisions in the bill with respect to the grants for planning provided for in this legislation.

It is absolutely essential, if the State and local governments are to meet the requirements of this act both as to the extent of the planning process and the time frame within which it is to be done, that we have to provide them the money to buy the kind of structure necessary to get the job done; otherwise, it is an exercise in futility. We are talking to ourselves and deluding the people in our belief that we have done something. Without this financial assistance, they will not accomplish it.

There is one area in the bill that I want to point to, in addition to the ones we have mentioned before, concerning the review process and whether we have adequately pinned down the fact that the State is only required to make a good faith effort, that the Secretary has the burden of proof to show that the States have not done what the act requires; that is, with respect to the HUD 701 programs.

As I recall the evolution of this bill in its various committee prints—and there were many of them because we were revising this at every executive session—we started out saying that the various agencies of the Government would have to check off on the State planning process before there was approval by the Secretary of the Interior. We finally, at one stage, had the requirement that all would be approved and later the Secretary would have the approval but it would be subject to the checkoff by the other agencies.

Somehow, in the process of this, when they got around to the HUD 701 programs, the grant eligibility in the first instance does not have to require any participation in the HUD 701 programs. But as I read the bill, any renewal of a grant would require that the State be participating in the HUD 701 program.

I do not believe it was the intention that we should force the States to participate in a Federal program if they did not wish to participate in it, but somehow that requirement has grown into the language of the act.

It would seem to me that the language which appears in the bill at the bottom of page 94 and at the top of page 95 is not in agreement with the decision of the committee. I refer particularly to the language in section 306(c) (2) which says as follows:

> . . . and (2), pursuant to section 204(6), the State is participating in programs established pursuant to section 701 of the Housing Act of 1954, as amended.

If I might have the attention of the Senator from Washington, is it our intention, as is stated on the top of page 95, that the States must be participating in HUD 701 programs to continue to be eligible for the grants under the bill? This is language which appears only in the final version of the bill. It did not appear in the previous committee prints in this form. It seems to me that somehow we have got from one point to this point without any conscious committee action.

Can the distinguished chairman of the committee explain to me whether it is our attention to require participation in the HUD 701 programs?

Mr. JACKSON. The answer is "Yes." It is our intention to require participation in that particular provision—section 701—of the Housing Act of 1954. There is another provision, which we are trying to find now in the bill, covering this same subject matter. It is on page 79, beginning on line 19.

Mr. McCLURE. That is section 204, subsection 6.

Mr. JACKSON. That is right. That requirement is set out there, beginning on line 19.

Mr. McCLURE. I would say to my chairman that yes, I read that section 204, subsection 6, and again the language which appears in section 306(c) as requiring it, but the committee print No. 4 which was the immediate working draft preceding this bill does not have that language in it.

The committee did not, in its deliberations, vote to make this change. That is the reason why I question whether it was the intention of the committee that this specific language be included in the bill as reported.

Mr. JACKSON. I have checked with the staff, as I do not want to rely on my memory completely, and my staff advises me that section 203(6) has always been in the drafts of the bill and that there was a voice vote specifically on subsection 306(c) in relation to an amendment offered by the distinguished Senator from Arizona (Mr. FANNIN) on this general subject.

Mr. McCLURE. I would ask the Senator from Arizona, then, to respond as to what the Senator's intentions were with regard to that section.

Mr. JACKSON. The Senator from Arizona was not present, but it was part of a list of amendments that had been submitted and were reviewed by the committee in markup. We took them up in the absence of the Senator from Arizona (Mr. FANNIN), due to business out of the country on that particular day.

Mr. McCLURE. I would say to my chairman of the committee that it is my understanding the list that was submitted was an attempt to take out the language rather than to put it in.

Mr. JACKSON. The Senator is correct.

Mr. McCLURE. So it would seem to me, then, that the inclusion of this language, requiring participation, is directly opposite to the intention of the committee. I think it was perhaps a clerical error——

Mr. JACKSON. No. The proposal of the Senator from Arizona was defeated——

Mr. FANNIN. The complete section.

Mr. JACKSON. —and after that was defeated, then the language that we are now discussing was placed in the bill by a voice vote of the committee. It was not done by some act of legerdemain or hocus-pocus that occurred on the current bill. It was a vote by the committee. I will ask for the minutes. We cannot get them at this time, but I will ask for the minutes of the meeting, so that that question can be responded to correctly.

Mr. FANNIN. My amendment would have deleted the section, and it did not pertain to what was finally adopted. So I cannot speak on the developments of that particular adopted provision. I was not there.

Mr. McCLURE. I say again—and I am sure the committee minutes will reflect the action that was taken—that a great number of us were unable to attend the final session, and I do not know exactly who was there. I had a commitment on that Monday, as I recall, that kept me from attending that committee session, so I was not present when this occurred. But it was my understanding that the amendment that was offered, which would have deleted language, failed. So the language was not deleted.

It takes positive, affirmative action to put new language in, and it was my understanding that that positive, affirmative action was not taken by the committee in regard to the compulsory aspects of participation in section 701 programs.

Mr. FANNIN. The report to me was that my amendment was not successful.

Mr. McCLURE. I am concerned because some people in the Banking, Housing and Urban Affairs Subcommittee have questioned our authority to deal with the housing programs in this manner, in which we force the States to participate in what ought to be a voluntary decision by them, as to whether they want to participate in a section 701 program.

I hope that at some time before we complete action on this bill, we will have the advantages of the minutes of the meeting of the committee and a list of the members who were present, so that we can pursue this matter a little further and determine whether or not the committee did consciously act to insert this provision in the bill, as I believe they did not intend to do.

Mr. President, some other questions have been raised with respect to the review requirements and the review authority under the cross references. I have suggested on a couple of occasions that it seems to me that we need to make at least some effort to clarify the intention of the bill with respect to the Secretary's discretion to override the decisons made by the State planning and local planning agencies pursuant to the State plan. I refer particularly to the review under section 306(g), subsection 3 primarily, because subsections 1 and 2 deal with specific provisions, and subsection 3 deals with a general provision.

It seems to me that we ought to insert again in section 3 a provision that the good-faith efforts of the State shall not be overridden by the decision or the discretion of the Secretary of the Interior. I think that if we do not make that change, we are in danger of doing the very thing we said we did not intend to do, which perhaps we have not done. But I think that in fairness to the honesty of our position, we ought to make very clear that we do not intend to do it.

Various amendments were offered, and perhaps will be offered again, to substitute a stronger test in favor of a State decision as compared to the good-faith requirement that is present in this bill, which would allow the Secretary to disapprove only if the State action is arbitrary and capricious. That was turned down in the committee.

I favored that language, because I think we ought to nail down absolutely and without question that the Federal Government is not going to step in and overturn the results of the State planning process simply because a Federal official does not like it. I think that if we say he cannot do it except when their action is arbitrary and capricious, we will have made that much more clear than we will by the action in the bill which says the Secretary cannot overturn it if there have been good faith efforts by the State. I prefer the strongest test.

The decision we did make in the discussion in the committee, which says that the Secretary shall carry the burden of proof, was a constructive step; it was a step in the right direction. It did much to relieve my fears with respect to the supervisory authority of the Federal Government with respect to the State decision. But again I think we must make very clear at every step that we are protecting the prerogatives of State and local governments, that we are living up to our commitment that this is simply an action-forcing device, and that we are not preempting the State decision or overturning the State decision.

There is again that area which is very difficult to define, which I do not believe the bill does adequately define, that deals with areas of critical environment concern and key facilities. It is not clear in my mind, nor clear in the bill, in my judgment, that when we talk of the necessary preemption of State decision by the Federal Government, we have limited it very carefully to those areas in which the decision must be made by the Federal Government rather than by the States.

I think we have opened a door through which the secretarial discretion can march almost unlimited in its breadth. I hope that before we have completed this matter, we will have closed that door by a narrow definition of the Secretary's discretion or a narrow definition of those areas in which the Federal preemption must necessarily be exercised.

There are areas, there are decisions, there are facilities that require a Federal decision as distinguished from a State decision. But if we are to be honest in what we are doing here, we must carefully and closely and narrowly define those areas and not simply say that the Secretary shall have the discretion to determine what those are; because if we have done that, a Secretary could march his minions through there, the legions of Rome notwithstanding. I am concerned that we have not done that adequately.

I hope that before we have completed the bill, we will have narrowed, either by amendment or by legislative history, the area of secretarial discretion to that which we all agree must be exercised, but no broader than that.

Mr. JOHNSTON. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 98, beginning with line 13, strike out all through line 4 on page 99 and insert in lieu thereof the following:

"(g) The Secretary shall carry the burden of proof to establish grant ineligibility. Except with respect to sections 306(b)(2), 306(c), 402, and 505, the Secretary shall be required to show that State actions or decisions are arbitrary and capricious in order to prove a State ineligible pursuant to this Act. With respect to the excepted sections, the Secretary is required to show that the State has failed to make good faith compliance with the requirements of the Act and reasonable regulations established thereunder."

On page 72, beginning at line 8, delete all through line 19.

On page 120, line 25, strike out "as defined and designated by the State" and insert in lieu thereof the following: "such areas are subject to State definition and determination of their extent".

On page 121, lines 4 and 5, strike out all after "significance." and insert in lieu thereof the following: "Nonexclusive examples of such areas are:"

On page 121, line 2, insert "serious" between words "result in" and "damage to".

On page 122, on line 6, strike out "as determined by the State," and insert in lieu thereof: "such areas are subject to State definition and determination of their extent".

On page 122, lines 8 and 9, delete "including but not limited to—" and insert in lieu thereof "nonexclusive examples of such areas are—".

Mr. JOHNSTON. Mr. President, the colloquy we have had in the Senate has concerned, to a very large extent, the question of who, the Federal Government or the States, ought to be engaged in this very massive and very important business of regulating land use in the United States.

I am a supporter of land use. I believe the Federal Government not only should encourage and give the carrot of Federal funds in order to assist in the land use planning process, but also should add its expertise. But, Mr. President, I am concerned because this bill, in effect, gives to the Secretary of the Interior the power to zone vast land areas in the United States, to pass on the adequacy of restrictions adopted by the States in those areas, and at least to withhold funds for failure to do so and at most—if the Jackson amendment is agreed to—to withhold all kinds of Federal funds, including Federal highway funds.

I would like to go over the bill very carefully on a section-by-section basis with the distinguished Senator from Colorado (Mr. HASKELL), who is serving as floor manager of the bill, to determine whether or not my approach to the bill is correct and to determine what the bill really involves.

There are four aspects of this bill that seem to me to grant vast power to the Federal Government.

First, we have the consideration on page 73 of the duty of a particular State. What must a State do to remain eligible and thereby avoid the sanctions that may be put on later? The State, in order to be eligible, must exercise control over use and development of lands in

"areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values"—whatever that is—"or natural systems"—whatever that is—"or processes within fragile or historic lands; that loss or reduction of long-range continuity and the concomitant endangering of future water, food and fiber requirements within renewable resource lands are minimized or eliminated; and that unreasonable dangers to life and

> property within natural hazard lands are minimized or eliminated."

This is a requirement of the bill in order for a State to remain eligible for grants under the bill; and in turn, it is a requirement or it will be a requirement if the sanctions amendment passes.

Let us consider for just a moment how far the State must go. The State must exercise its control in such a way that it does not substantially impair the "esthetic values."

I submit, Mr. President, that anytime you do most anything in an area of a forest, lake, or whatever it is, you could be impairing someone's idea of an esthetic value. The Secretary is going to have the right to determine whether or not esthetic values have been changed. You must also be sure you do not impair or endanger the "food and fiber requirements within renewable resource lands."

This is a matter of some importance to us in Louisiana. The Red River Valley in my State is a very important farm area. What this bill says, in effect, is that Louisiana must take steps not to endanger the food-producing qualities of the Red River Valley.

Does this mean we cannot build a highway? We have plans to build a 4-lane highway with a 300-foot right-of-way, but under this bill, in order to remain eligible for grants, we have to eliminate or minimize anything that might interfere with the ability to produce food in such a rich area of land.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. Yes, I yield.

Mr. HASKELL. My comment to the Senator would be that all this section does is to ask in the instance the Senator stated: Is the State of Louisiana addressing itself to what are areas of critical environmental concern? I do not know if the State would consider the Red River valley or how much of it would be considered such an area. Of course, as long as they address themselves to the problem it is my understanding they have satisfied the requirements of the bill.

Mr. JOHNSTON. My distinguished friend from Colorado has put his finger exactly on the point of my amendment. If what the Senator said is correct insofar as what this bill means, I would withdraw my amendment. But I submit, and I think I can show from other sections of the bill, that the bill requires the State of Louisiana to do more than determine what it thinks are areas of critical environmental concern and, in fact, vests that power in the Secretary of the Interior. My amendment would put that power in the States.

If I may go a couple of steps further, let us go into what is critical environmental concern. I refer to page 120 of the bill. There it is stated:

> Areas of critical environmental concern "mean areas as defined and designated by the State on non-Federal lands where uncontrolled or incompatible development could result in damage to the environment, life or property, with a long-term public interest which is of more than local significance.

Now, such areas shall include:

> Fragile or historic lands where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes, and streams; rare or valuable ecosystems, and geological formations; significant wildlife habitats; and unique scenic or historic areas.

Mr. President, it will be noted that the words "esthetic values or natural systems" include virtually the entire United States because no area lacks esthetic value or is not part of the natural system.

Most ecosystems and geological formations include every square mile in the United States.

"Rare or valuable ecosystems." What area of the United States is not valuable? Is there any area in this country that is not valuable? Every square mile in this country is valuable. Yet if a State fails to include ecosystems and geological formations, it is in violation of the law. Let us go further.

A State must include:

> Natural hazard lands where controlled or incompatible development could unreasonably endanger life and property, such lands to include flood plains.

Virtually half of my State is a flood plain. Therefore, to be eligible my State would have to include flood plains and we would have to restrict anything that would endanger life or property.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. I yield.

Mr. HASKELL. I would like to point out to the Senator from Louisiana that these areas we are talking about are "subject to State definition of their extent."

Then, if I may point out to the Senator, there is a printing error in the bill on line 2, page 121, before the word "damage" there should be the word "serious." It was in the bill and it will be inserted by technical amendment at the appropriate time.

But we are talking about serious damage and areas subject to State definition. I wanted to make that comment.

Mr. JOHNSTON. I thank the Senator. I have two points on the question of the State.

First of all, it is somewhat a contradiction in terms to say such areas shall be included but the State shall define them. If there is to be a contradiction, let us go to the next point.

How do we define what these areas are? If we look at page 78 of the bill we find what happens in the case of areas of more than statewide significance. The Secretary submits a list of these areas to the State and the Secretary's determination is final unless it is not reasonable.

On first reading, that sounds very good. The Secretary is involved with the original definition only where it is an area of more than statewide interest. But, Mr. President, I submit to you that virtually half of this country is of more than statewide interest. If I may give the example of my own State, we have river systems. The whole Mississippi River Valley with its farmland is of more than statewide interest. Is it not?

Mr. HASKELL. Yes.

Mr. JOHNSTON. The Louisiana coast is certainly of more than statewide concern. We drill for oil. We produce over 1 billion pounds of seafood a year. The Louisiana coast and marshlands are of more than statewide concern. Are they not?

Mr. HASKELL. Excuse me?

Mr. JOHNSTON. The question was, The Louisiana coast and the marshlands of Louisiana are of more than statewide concern. Are they not?

Mr. HASKELL. I would assume that it would depend on where the marsh was located. I can think of one marsh in Louisiana, on the Texas border, where I have done some fishing, that would be of more than local concern. Perhaps there are others that are not.

Mr. JOHNSTON. Any place where there was good hunting and fishing would be of more than statewide concern. Would it not?

Mr. HASKELL. My view is that it would be subject to definition by the State. Admittedly, the State cannot say, "We have no areas of environmental concern." Certainly, that would not be true in Louisiana, because there are such areas. But the State has the freedom to define the extent of such areas. Let us take a flood plain. What is a flood plain. Is it one that floods every 10 years or every 50 years? How are we going to define "flood plain" and give the people protection? One State will say, "We will define it as one which has a flood every 100 years." Another State may say, "One that has a flood every 10 years." Or take a shoreline. Is it only undeveloped shoreline? Shoreline on only major rivers? Is it 10 feet from the water or 2 miles?

Mr. JOHNSTON. If I really thought the State had the right to designate them, and if I really thought the State's designation would hold, that would be fine. The fact of the matter is that on page 78, which contains section 204, in subsection (1), the Senator will find this language with respect to designating areas of critical environmental concern which are of more than statewide concern:

> Within 3 years from the date of enactment of this act and thereafter, as he deems appropriate, the Secretary shall, after affording an opportunity for public comment, submit to each State a description of areas within such State which are of more than State-wide concern.

In a review of the Secretary's designation, in section 306(g)(2), on page 98, of the bill, the Senator will find:

> In the case of ineligibility based upon the requirements of subsection 204(1)—

Which I just read—

> the Secretary's determination of the national interest is reasonable and the State has failed to comply with the requirements of this Act.

All the Secretary need prove is that his designation is "reasonable."

Mr. President, what this means is that every year or so, or as often as the Secretary wants to do it, he will submit to the States a list of States areas that are of critical environmental concern. Would the Secretary be "reasonable" in submitting in that list farmland? Surely, because we have a food shortage. Areas where there is oil drilling? Certainly. There is an energy crisis. Lakes? Certainly. They are listed as areas of critical environmental concern. Rivers? Certainly. Flood plains? Yes. They are already listed. Marshland where the ecology is rare? It is indeed rare. Mountains which are rare geological formations——

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. I yield.

Mr. HASKELL. Under the section the Senator is referring to, on page 78, it refers to areas of critical environmental concern of more than statewide significance.

Mr. JOHNSTON. Who determines whether they are of more than statewide significance?

Mr. HASKELL. First, the Secretary says so under the review procedures of section 306, but the section goes on: Any new area, including submissions made by the Secretary, shall not be subject to review until 2 years after such submission, to give them time to discuss it. Again once the review starts, ineligibility cannot be determined except after interagency review and concurrence by the ad hoc hearing board.

I would say, for example, an obvious area of more than statewide significance would be Grand Canyon. That would be obvious.

Mr. JOHNSTON. What about the Rocky Mountains?

Mr. HASKELL. I do not think we could call the whole Rocky Mountain area of more than statewide significance.

Mr. JOHNSTON. It is a rare geological formation.

Mr. HASKELL. Well, I would submit to the Senator that the Secretary could not so reasonably interpret the law, if this bill becomes law, because then he would have to declare all mountains everywhere in the United States to be in such a category.

Mr. JOHNSTON. And he might do so quite reasonably.

Mr. HASKELL. That is where I guess I would differ from the Senator from Louisiana. I would consider such a Secretarial decision as patently unreasonable.

Mr. JOHNSTON. Mr. President, I do not share this overwhelming confidence in the ability of people here in Washington to know what is going on in all of the 50 States. Just last week I had a meeting in my office with people from the Flood Insurance Division of the Department of Housing and Urban Development and with insurance people, people in the building business, people in the mortgage lending business in the State of Louisiana. I hesitate to keep referring to the State of Louisiana, but I do so because I know it best. I know its particular problems. There is no other State exactly like it. But literally, the Federal Government, and particularly the Department of Housing and Urban Development, would prevent the building of homes in whole areas worth millions of dollars in the city of New Orleans, La., because they consider it too dangerous.

We tried to tell them that people have been living in New Orleans for over 250 years, that we are familiar with the problems of hurricanes, but there is very little we can do about it when a hurricane hits at just the right time in the right place. We are building levees. We are providing for protection. But the requirement that we build houses on stilts that would add 20 percent to the cost of a building I do not think is reasonable.

I do not want to turn over to the Secretary of the Interior the ability to go down to my State and say, "You cannot use that land in that way because it is not safe or because it damages some geological formation or it is important to the Nation." Most of my State is important to the Nation, and a Secretary could very easily find that; but I do not trust the Secretary to know the problems of my State as well as the citizens and elected officials of my State do.

If I may go on to a couple of other points about my amendment. I will be very interested to hear my distinguished colleague defend, what I think there are rather indefensible conditions, included in the provisions on page 72 regarding the development of subdivisions, particularly the matters the States are required to take into consideration.

States are required to regulate any subdivision more than 10 miles from town. Anytime there is a subdivision with the accompanying building of homes. The putting in of streets and the selling of property more than 10 miles from a town, then the State would have to adhere to this bill.

The bill requires that a number of things shall be done which are very good. It requires that a State shall take into consideration existing water systems, power systems, water collection systems, disposal systems, soil erosion, public health problems, and safety problems, and that the State set up a system of review whereby it may not approve such a subdivision unless these factors are taken into consideration.

That is good, I submit. That is what a State ought to do. We have these problems in the Washington, D.C., area where subdivisions were allowed to be built without a determination of whether sewerage systems could deliver the load. And this section of the bill is directed to that problem. What I disagree with is the three other things that a State is required to do.

A State is required to take into consideration the effect on the scenic or natural beauty or natural environment. A State is required to take into consideration the natural view.

The trouble is that standards sometimes change very rapidly and are not regarded in the same way by different people. Many people disagree on whether trailer parks are intrinsically beautiful. But a State has to take into consideration natural beauty and also the natural potential for public recreation. That includes beaches, shorelines, and wild areas.

My question for my friend, the distinguished Senator from Colorado, is if a State has to take all of those things into consideration, does it not also have to take into consideration other considerations of beauty?

Mr. HASKELL. Mr. President, I would say to the Senator from Louisiana that the two subsections that the Senator read are two things to be taken into consideration by the developer.

Mr. JOHNSTON. How does a State take them into consideration?

Mr. HASKELL. I might give the Senator an example from my State. We have a very beautiful part of the State called the San Luis Valley which has been bought up by investors to subdivide and where, without consideration for any of the impact on the valley as a whole, they have merely run bulldozers through the mountainsides and through old ranches and left nothing but crisscross scars on the mountainside.

This bill attempts to ask a State to do what many towns have already done. They have planned unit development legislation that many cities and counties have adopted. Actually the language in this particular bill is taken from some of these ordinances and statutes. All they provide is that one takes into consideration the different factors. I think that a very good example would be if someone wanted to put a 30-story building in the center of the District of Columbia. It would be out of character if we were to have such a building for the District of Columbia. For all I know, we may have such a statute. However, if we were to have such a statute, it would clearly offend the environment of the District of Columbia to have a 30- to 40-story building.

Mr. JOHNSTON. How tall is the Washington Monument?

Mr. HASKELL. I do not know. However, that is a monument. I was thinking more in terms of a building. That would be a clear example where one would be violating the sort of natural habitat or environment of the area.

Mr. JOHNSTON. Mr. President, my question is this, if I may interrupt the Senator. If one takes that into consideration, is it not implicit in the requirement that he be able to regulate or prevent a building if it offends his notions of beauty.

Mr. HASKELL. Subject to—which fortunately we have in our system, as the Senator is well aware—the check of a court upon the State. Obviously one can say to the State that it did not take such a factor into consideration. Fortunately, he can take the State to court, and if the State was arbitrary, he can go right ahead with his development.

Mr. JOHNSTON. The answer is that States are able to prohibit or restrict based upon their notions of natural beauty, subject only to being arbitrary or capricious.

Mr. HASKELL. Mr. President, let me give an example of both of these things, both the scenic and natural beauty and the natural environment and also the open space requirement which the Senator mentioned.

As I am sure the Senator is aware, many jurisdictions require that one set aside a certain percentage of the land for open space for recreation. This is not defined in statute, but flexible—a matter of negotiation. This is the kind of thing that a State could do. Maybe Louisiana would want to require that one set aside more than 5 percent.

Mr. JOHNSTON. Mr. President, if my friend would yield, I would like to ask a simple question.

Mr. President, my question is this. I know that there are all kinds of examples. I know that the Senator can cite some good examples which are implicit in this requirement that the State take into consideration the natural beauty, that the State must be able to regulate and prohibit building based upon the notion of beauty, environment, et cetera, subject only to being arbitrary or capricious.

Mr. HASKELL. Mr. President, subject to reasonableness and a valid demonstration of public purpose, yes. If it was unreasonable, the State would be taken into court on that order.

Mr. JOHNSTON. At what point, we are going to require States to take into consideration other things that could be defined differently, and about which people disagree violently? All of the things that the Senator talks about, such as the open space requirement, are capable of being defined with some precision, such as the provision that there not be more than one structure in a lot. That can be defined. Natural beauty cannot be defined, nor can the potential for public recreation be defined.

What we are requiring in this bill is that the State turn over to an administrator absolutely unbridled power, if it were constitutional—and I submit that it is not constitutional to turn over such power—subject to no definition. There is a very clear line of cases on vagueness and ambiguity. But if it were constitutional, then we would be requiring the delegation of the most absolute power to restrict development that we could imagine, the most unreasonable power to define beauty and notions of beauty and potential for public recreation. The definitions are so wide and broad and so all-encompassing that it would turn over the power to take over development and do so based on ambiguous and very vague standards.

Mr. HASKELL. Mr. President, would the Senator permit a comment? Of course, in the bill that we are talking about, there are two out of the nine subsections that a developer must take into consideration, and this means that it is only when he is in a governmental area in which the State can take proper control that the State steps in.

That is two things. One is that he must take account of the effects on the environment.

I stress that he must take into account the effect. What the effects are is not a reason for overturning the development, so long as he is taking into account the effect on natural beauty.

Mr. JOHNSTON. Well, if my colleague will permit me to interrupt——

Mr. HASKELL. Yes.

Mr. JOHNSTON. A moment ago I think we established that in order to take into account those effects, the State must have a right to restrict a development because of those effects. Did we not establish that?

Mr. HASKELL. Well, actually, I am sure that I was discussing the matter with the Senator along those lines when we were talking about the fact that they must take into consideration scenic or natural beauty. But I had not read the provision to see that all they needed to do was take into consideration the effect on scenic or natural beauty; and for that reason, if I were going to put in a development plan, I would certainly want one section of that plan to address itself to the effects on natural beauty; but I think if the State threw out my plan, because they did not like the effect, I would take them to court on that basis, that they did not have that right, because I had done what was necessary, which was to point out the effects.

Mr. JOHNSTON. The State is the one which must take into account the effect on natural or scenic beauty, and, as we pointed out a moment ago, the State's decision will stand unless it is arbitrary and capricious; is that not correct?

Mr. HASKELL. As to the State's determination on a given development, let us say the State determined it did not have enough open space. If the Senator will turn to page 98 of the bill, he will see that if there was not enough open space, and the State so decided, the showing would have to be made, if we were going to throw out the plan, because the State had not adopted a proper standard, that the State had failed to comply with the requirements pursuant to the act. That would be subsection (3) on page 99.

But think of ourselves as a private developer, and the State goes overboard and requires 50 percent open space. I would submit to the Senator that the developer then goes into court and changes the State's regulations. And I would suggest that provision is absolutely necessary as to the second homesites, where we have basically, at least in Colorado, selling to people all across the Nation. In fact, I was on a vacation in Mexico last fall, and I read in the Mexico City News "Invest in Colorado; Buy a Lot in Colorado." I did not know where it was; there was a beautiful picture. But when they are selling these things nationally and internationally, you have to have some kind of protection against the developer who goes in without any regard whatsoever for what it looks like, what it is going to be like to live there after you retire, or what it is going to be like to build a house there as your second home.

I would say to the Senator from Louisiana that this is a fine thing. The States should take this action, and of course, it is held back from being arbitrary by the Courts of the States.

Mr. JOHNSTON. If we know what we want them to do or not to do, we ought to be able to tell them in the statute. We ought to be able to tell them the requirements as to open space and other requirements, without resort to vague language about taking into consideration scenic beauty.

However, Mr. President, I do not think that objection is nearly as serious as the implications of turning over to the Secretary of the Interior the power to first designate areas of critical environmental concern in the States—and he can do so with virtually the entire State—and then to pass on a State's regulation of those areas, because, Mr. President, it is not an idle concern that administrators in Washington are totally unfamiliar with the geology, with the land area, and with the problems of the different States.

I submit that the bill gives that power to the Secretary. My amendment very simply gives to the States the power to define initially what is an area of critical environmental concern. Whereas the bill is presently written, in areas of critical environmental importance, of more than statewide significance, the Secretary makes that finding. Initially, he must do that. If his determination is valid, if it is reasonable, he would give the State the power to define the areas, and let the State's determination stick, if he said it was reasonable, because the State, after all, and the people in it, know more about the problems of that State than does the Secretary of the Interior or some bureaucrats in Washington.

Mr. BARTLETT. Mr. President, I commend the Senator from Louisiana for his amendment. I know that I share with him the concern as to whether property rights and the further concern of moving those property rights from the various States to the Federal Government for consideration.

The people of my State feel quite concerned about the Government being responsive to their wishes. They have been concerned in so many areas where the Federal Government has assumed additional powers, has taken them away from the State and local governments, and has not been responsive to the people.

I commend the Senator from Louisiana, because I am concerned about the tremendous power the bill gives to the Secretary of the Interior. It seems to me it sets him up as a zoning czar. He would be a zoning czar.

On page 78 of the bill, we read:

> It shall be determined, upon review of the State land use program, that—
>
> (1) in designating areas of critical environmental concern, the State has not excluded any areas of critical environmental concern which are of more than statewide significance.

I point out that that is significant; that this amendment addresses itself to the State's defining this area. At present there is no definition in the bill of those areas of critical environmental concern which are of more than statewide significance.

Second, the definition section, on page 121, contains a definition of "areas of critical environmental concern," and gives the right to the States to make these definitions completely, without interference by the Federal Government.

I commend the Senator from Louisiana for having pointed out how in many parts of the definition the Secretary of the Interior could consider a whole State to fall, or a substantial part of a State to fall, under just one small part of this broad definition, because the definition includes "shorelands of rivers, lakes, and streams; rare or valuable ecosystems and geological formations; significant wildlife habitats; and unique scenic or historic areas."

We are speaking of broad areas that would come within the ability of the Secretary to decide whether or not States would come within the definition of those areas.

Under "Natural Hazard Lands," those areas subject to frequent disasters would be included. In mid-America, a part of the country is subject to tornadoes. This would qualify an entire State for consideration.

The farm belt area would qualify with most of its land. So I join the Senator from Louisiana in his amendment. I think it astutely defines or permits the definition to fit the requirements of the individual State much better than having it done at this level. It also points out that the States are in a much better position to reflect the wishes of their people than is the Federal Government. There are too many people in the Federal Government who think they know best what should be done for people across the country than the people in those areas.

It is quite proper to bring out that there have been efforts made to provide land use study and zoning at the State level which have failed. This has happened in my case, when I was Governor of the State of Oklahoma, insofar as the studies of the Arkansas River Basin system were concerned.

We made the first land-use study of that system and attempted to have programs adopted along that river system. That was not accomplished in the legislature. I think the reason it was not was that it was not properly and fully explained. But the effort continues to have the kind of planning take place here that many of us think is important. But it is important, also, that the planning that does take place at the local level within the State be planning that lies within the areas of acceptability by the people of that area in the State, that it be consistent with the desires and wishes of those people. So the fact that there has been planning which has been turned down does not mean that the system has not worked or that there has not been a considerable buildup of effort and capability as well as expertise in the area of planning.

When I was Governor of Oklahoma, we set up a whole new office to coordinate planning between the regions of the State, between the communities of the State, and between the State and Federal Government. This has been expanded since that time of a few years ago, so that I have confidence that the State and local governments have a more expert knowledge of their area in the State than does the Federal Government.

Accordingly I feel that this is a very important amendment offered by the Senator from Louisiana. It has my strong support, and I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, I cannot think of a more important piece of legislation for the future growth of our country than S. 268, the Land Use Policy and Planning Assistance Act. Particularly in the densely populated States along the east coast, we have reached the point in development where steps must be taken immediately if we are to preserve our natural resources in the face of urban sprawl and growth.

In the Commonwealth of Massachusetts, the State government has over the years worked toward a balanced and effective land use policy. Massachusetts has had since 1972 a State land use policy council to coordinate planning for land use, transportation, water quality, and coastal zone management. Massachusetts was the first State to develop a program under the Water Pollution Control Act. And the Department of Environmental Affairs has worked effectively to in a cooperative effort to protect the natural resources of Massachusetts with both Federal and local government assistance and expertise.

The Land Use Policy and Planning Assistance Act will promote the financial and technical assistance so desperately needed by our States to assure that in the future our resources are protected before they are threatened and will serve to preserve these natural gifts for generations long after us.

The Land Use Policy Planning and Assistance Act further illustrates the effectiveness of Federal-State partnership in conservation, preservation, and land use efforts. In specific cases in my State of Massachusetts and in many States around this Nation, we have found unique Federal-State solutions to unique preservation and land use problems.

I have introduced in this Congress and the last Congress legislation to establish the Nantucket Sound Islands Trust. This bill sets up a Federal, State, and local partnership to protect the unique resources of the islands off the coast of Cape Cod. In this instance, working with local residents we have found a particular program which will best serve the needs off that area.

In the Connecticut River Basin in Masssachusetts and in the harbor of Boston, the Commonwealth of Massachusetts has mountain and island resources which have suffered the crush of population expansion and density. I have introduced legislation to bring Federal assistance to the preservation of these areas and the Commonwealth has developed programs for an orderly and planned conservation, recreation, and land use program.

I have introduced legislation to set up a demonstration project in Berkshire County, Mass., to determine if the county government can become an effective tool in solving the problems of the environment.

The crisis for our resources—land and water, mountains and islands, rivers and forests—in our densely populated States means that we cannot afford to abandon any approach to protecting these resources. Local government, county government, State government, and the Federal Government all have a role to play in protecting this heritage.

Time and growth have brought us to the brink in saving many of our land and water resources. And we must use all the tools at our disposal to reverse that devastation.

Let us all remember. This land use bill is the most important environmental quality measure we have considered since we adopted the National Environmental Policy Act in 1969. Land use is the basic determinant of environmental quality, as Russell Train and the Council on Environmental Quality have repeatedly stated, and I hope this body will adopt this measure overwhelmingly.

But it is not a panacea, and we must remember that also. It is a measure intended to stimulate land use planning by the States. The plans themselves will take some years to prepare, and even then, after the plans are prepared, there will have to be programs developed to implement the plans.

In the interim, after the bill is law, and while land use plans are being prepared, we would make a grave mistake to set aside our work in preservation and conservation such as parks, seashores, rivers, wilderness areas, and the like. In Massachusetts, the Mt. Holyoke range, the Boston Harbor islands, Berkshire County, and the Cape Cod islands are under very real and severe development pressures. As the Governor of Massachusetts said before the Senate Interior Committee:

> I am of the firm belief that there is not an acre of land in this State that is not now being eyed for one type of development or another.

Action is needed now on the bills to preserve and conserve these areas. Waiting will be too late.

As important as it is, this land use bill would not have created the Cape Cod National Seashore, Yellowstone National Park, Point Reyes National Seashore, or any other of the national preservation and conservation areas.

In the same vein, I want the record to show this Senator's belief that even with a strong land use planning law, which we badly need, we will still, each year, have to be alert for the opportunities to add to the inventory of lands and waters protected by special-purpose Federal legislation.

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to join in the colloquy on the amendment proposed by the Senator from Louisiana (Mr. JOHNSTON). I do so only to make a point of clarification. In his explanation of his amendment, the Senator from Louisiana mentioned several specific examples of what might be covered by the terminology in S. 268, "areas of critical environmental concern." In his discussion of areas of more than "local significance," the Senator mentioned Louisiana's coastal areas, its salt marshes, and its coastal wetlands.

It is important to recognize, Mr. President, that these specific geographic areas are presently covered by the National Coastal Zone Management Act, Public Law 92-583. By agreement with the Committees on Commerce and Interior and Insular Affairs, the legislation under consideration today mandates that there shall be two programs: One for a coastal States coastal zone, and another for the interior portions of the Nation. This agreement is spelled out in more depth in the CONGRESSIONAL RECORD of Monday, June 18, at pages 20044 through 20051. I make this clarification of the record so that there will be no misunderstanding by any Members of the Senate that this legislation extends the authority of the Secretary of the Interior into any coastal areas covered by the Coastal Zone Management Act.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS

The PRESIDING OFFICER (Mr. DOMENICI). Under the previous order, the hour of 4 p.m. having arrived, the Chair now lays before the Senate H.R. 7528 which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment, to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space flight operations, $555,500,000;

(2) Space Shuttle, $475,000,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $64,600,000;

(5) Lunar and planetary exploration, $312,000,000;

(6) Launch vehicle procurement, $177,400,000;

(7) Space applications, $161,000,000;

(8) Aeronautical research and technology, $160,000,000; of this amount $14,000,000 is reserved for the JT-3D Refan Retrofit Research Program;

(9) Space and nuclear research and technology, $72,000,000;

(10) Tracking and data acquisition, $248,000,000;

(11) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Replacement of transportation facility, Goddard Space Flight Center, $660,000;

(2) Rehabilitation of vibration laboratory, Goddard Space Flight Center, $710,000;

(3) Modifications of and addition to 25-foot space simulator building, Jet Propulsion Laboratory, $740,000;

(4) Modification of planetary mission support facilities, Jet Propulsion Laboratory, $580,000;

(5) Rehabilitation and modification of 600 pounds per square inch air supply system, Langley Research Center, $2,410,000;

(6) Construction of systems engineering building, Langley Research Center, $1,620,000;

(7) Rehabilitation of airfield pavement, Wallops Station, $570,000;

(8) Rehabilitation of communication system, Wallops Station, $575,000;

(9) Modification for fire protection improvements at various tracking and data stations, $1,885,000;

(10) Modification of space launch complex 2 West, Vandenberg Air Force Base, $980,000;

(11) Modification of power system, Slidell Computer Complex, $1,085,000;

(12) Space Shuttle facilities at various locations, as follows:

(A) Modifications for auxiliary propulsion and power systems test facilities, White Sands Test Facility, $1,290,000;

(B) Modifications for shuttle avionics integration laboratory, Lyndon B. Johnson Space Center, $1,240,000;

(C) Modifications for radiant heating verification facility, Lyndon B. Johnson Space Center, $1,260,000;

(D) Modifications for the Orbiter propulsion system test facilities, Mississippi Test Facility, $11,300,000;

(E) Modifications for external tank structural test facilities, Marshall Space Flight Center, $4,400,000;

(F) Modification of manufacturing and subassembly facilities for the Orbiter, NASA Industrial Plant, Downey, California, $2,650,000;

(G) Modification of and addition to final assembly and checkout facilities for the Orbiter, Air Force Plant Number 42, Palmdale, California, $7,350,000;

(H) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $9,510,000;

(I) Construction of Orbiter landing facilities, John F. Kennedy Space Center, $28,200,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $14,785,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,600,000;

(15) Facility planning and design not otherwise provided for, $11,600,000.

(c) For "Research and program management," $705,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law of which not more than $549,020,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, shall be available for personnel and related costs.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action: *Provided, however,* That nothing in this Act shall be deemed to be inconsistent with any provisions of law now or hereinafter enacted relating to impoundment or selective withholding of appropriated funds.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)), is amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;".

SEC. 7. Title II of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471 et seq.), is amended by adding at the end thereof the following new section:

"DISPOSAL OF EXCESS LAND

"SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of $50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action."

SEC. 8. Section 5316, title 5, United States Code, is amended by deleting paragraphs (15), (16), and (17) and by substituting therefor a new paragraph (15) to read as follows:

"(15) Associate Administrators, National Aeronautics and Space Administration (6)."

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1974".

The PRESIDING OFFICER. Time on the bill, 1½ hours is under control.

Who yields time?

Mr. MOSS. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Aeronautical and Space Sciences be permitted the privilege of the floor during the consideration of H.R. 7528, and during any votes with respect thereto: Craig Voorhees, Mary Jane Due, Glen P. Wilson, Charles F. Lombard, and Robert F. Allnutt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, in order to correct a typographical error, I ask unanimous consent that the word "hereinafter" on line 1, page 25, be corrected to read "hereafter."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, we have before the Senate today H.R. 7528, a bill to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1974 for research and development, construction of facilities, research and program management, and for other purposes. The Committee on Aeronautical and Space Sciences unanimously ordered this bill, as amended, reported with the recommendation that it be passed.

Before discussing H.R. 7528, I would like to acknowledge the wise counsel of the committee's ranking minority member, the Senator from Arizona (Mr. GOLDWATER), during the hearings, the markup, and other deliberations on this bill. His help and cooperation have made the committee's task easier and is greatly appreciated. I also would like to acknowledge the dedication and effort of the other members of the committee who, despite heavy schedules, found the time to give to this important authorization bill. Also, I wish to acknowledge specifically the work of a devoted, knowledgeable, skillful and highly motivated staff. The members of our committee staff have worked with diligence on the authorization bill now before us.

Mr. President, the aeronautical and space activities that NASA conducts on behalf of the American people are of great merit and great value to all mankind. The bill before the Senate deals, in legislative jargon, with the authorization of appropriation of funds to continue these activities for another year. But in a broader, and more meaningful sense, this bill has to do with the quality of our lives, the productivity, safety and comfort of our society, and even with our destinies.

As Members of the Senate know, I became a member of the Aeronautical and Space Sciences Committee at the beginning of this Congress. I had been in general support of NASA programs in the past, on the basis of such time as one Senator could devote to studying the subject, and on the basis of endorsements by Senators responsible for following these matters more closely.

In the past 6 months, I have devoted a great deal of my time in close review of the many facets of NASA programs. The experience has been eye-opening.

The three volumes of hearing which each Member has before him are a veritable primer on the techniques and technicalities of aeronautics and space. More importantly, they outline in some detail the vast array of benefits we are realizing every day from investments in NASA work during the past 15 years—benefits to such diverse areas as education and weather forecasting; communications and aircraft safety; the environment and surgical techniques; manufacturing methods and water resource management; land use planning and highway safety; and the list could go on.

Rather than take the time of the Senate, I will refer those who may be interested in further elaboration to our printed hearings in general, and in particular to pages 817 through 1004. And to those who would say "that's fine, but what about the next 15 years?" I refer you to pages 245 through 316 for a fascinating glimpse of the aeronautical and space world of the 1980's.

These benefits from scientific inquiry and research in high technology do not magically appear in the marketplaces of the world. Each of them results from painstaking work over the years by the scientists, engineers, and technicians engaged in NASA programs. It is through this legislative process that we provide the financial support and policy direction that lead, in time, to a better way of life.

In a moment, Mr. President, I will present a detailed summary of actions taken by your committee in considering and marking up this bill. First, I wish to give the Senate an overview of the situation as we see it.

The fiscal year 1974 appropriations which H.R. 7528 as amended would authorize total $3.046 billion, the lowest annual appropriation for NASA since fiscal year 1962, a dozen years ago, and the lowest percentage of the Federal budget—less than 1.2 percent—in as many years. This is not to say the bill merits support simply because it is severely austere. More important are the national and worldwide benefits of the programs the bill authorizes, and the importance to our economy of continuing a viable national aeronautics and space sciences effort.

Last year, the administration proposed, and Congress fully endorsed, a balanced program which could be supported by an essentially level NASA budget over the next few years. This program included continuation of active, though restricted, work in both space sciences and the direct application of space science and technology to solution of present-day problems here on earth. At the same time, it included development of the basic elements of a new space transportation system, including the space shuttle, by the end of this decade. Consciously deferred were bolder options such as the larger, expensive automated interplanetary expeditions, and manned earth orbital space stations.

After acceptance, and fiscal year 1973 funding by Congress of the first increment of this new, more stable program, the administration chose to draw back. As part of reductions in numerous Federal programs, the aeronautics and space budget plan for fiscal year 1973 was cut sharply, and a 1974 budget far short of the "constant level" just approved was put forward.

Thus the committee considered the fiscal year 1974 authorization request from NASA in light of the following facts:

First. Numerous programs, ranging from the shuttle through major science and applications projects to relatively minor technology efforts, had been deferred, reduced or cancelled;

Second. Although the overall fiscal situation would not permit restoration of all the worthwhile programs, the most shortsighted administration decisions could be remedied by additions of less than 1 percent to the total funding request;

Third. Unanticipated pressures were placed on the budget plan since its formulation, including the degradation of the first earth resources technology satellite—ERTS—the tragic loss of the unique research aircraft "Galileo," and the serious problems with the Skylab workshop;

Fourth. Continuation of a balanced national program of research and development in aeronautics and space will require larger budgets in the years ahead.

The chart on page 5 of the committee report displays the NASA budget trend from 1964 through 1978. Funds which would be available for new starts in science, applications and aeronautics at the "constant budget" level are in the shaded area.

Mr. President, I ask unanimous consent that a table of figures on which the chart is based be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Fiscal year—				
	1974	1975	1976	1977	1978
Shuttle development	$475	$850	$1,100	$1,190	$1,090
Manned flight operations	482	290	177	169	169
Construction, tracking, and program management	1,069	1,111	1,061	1,041	1,024
Aeronautics, science, applications, and technology	1,081	1,149	1,062	1,000	1,117
Total	3,107	3,400	3,400	3,400	3,400

Mr. MOSS. Mr. President, the fiscal year 1974 budget plan for the National Aeronautics and Space Administration presented to the Congress totals $3.107 billion. The administraton's authorization request was for $3.016 billion, as it is planned to carry over $91 million from fiscal year 1973 to finance the fiscal year 1974 plan. This amount of fiscal year 1973 research and development obligational authority became available last January when the President ordered NASA's fiscal year 1973 outlays reduced by $179 million.

The House approved a bill with a total of $3,073,500,000, an amount $57.5 million above the administration's request and $27.5 million above the amount recommended by your committee.

The NASA authorization for fiscal year 1974 recommended by your committee totals $3.046 billion; this is $30 million—less than 1 percent—above the authorization request, and nearly $400 million—well more than 10 percent—below the amount authorized for fiscal year 1973. The NASA Administrator, Dr. James C. Fletcher, testified that to carry out the programs included in the fiscal year 1974 budget will require somewhat larger budgets during the next few years; but that those budgets will not have to be any larger than the level budget of about $3.4 billion—in fiscal year 1971 dollars—which was projected last year. The President's fiscal year 1974 budget shows preliminary planning for NASA outlays of $3.2 billion for fiscal year 1975.

The future year estimates of the funds needed to carry out the programs contained in NASA's fiscal year 1974 budget—that is, the runout costs—can be found on pages 38 and 150 of the committee hearings. The estimated runout costs in view of committee amendments appear on page 104 of the committee report. Since these are runout costs, they show the costs of some programs decreasing rather substantially by fiscal year 1978. Those that do not decrease are either programs like the space shuttle which will not be completed by fiscal year 1978 or are programs like research and program management which are assumed to continue at about the same level.

The NASA budget which the committee is recommending for fiscal year 1974 is the minimum amount of authorization required to maintain a balanced NASA effort in aeronautics and space. A further cut in this budget will require that a major program or projects be canceled or deferred indefinitely.

Of the $3.046 billion recommended by the committee, $2.231 billion is for research and development, an amount $34 million more than requested; $110 million is for the construction of facilities, $2 million less than requested; and $705 million is for research and program management, $2 million less than requested. In addition, the committee is recommending six legislative amendments to the bill and agrees with two legislative amendments adopted by the House.

The NASA budget for fiscal year 1974 recommended by the committee in H.R. 7528 represents a substantial reduction in NASA's R. & D. activity and a considerable tightening of NASA's civil service manpower complement, which will be reduced by 1,880 positions. This will bring NASA civil service employment down below 25,000 by the end of fiscal year 1974, a reduction of more than 9,000 employees from the 1967 peak.

Mr. President, I ask unanimous consent that a table summarizing the NASA funding requests for fiscal year 1974, the House action of those requests and the amounts recommended by the committee be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Budget request	House action	Senate committee action
Research and development:			
Space flight operations	$555,500,000	$548,500,000	$555,500,000
Space shuttle	475,000,000	500,000,000	475,000,000
Advanced missions	1,500,000	1,500,000	1,500,000
Physics and astronomy	64,600,000	59,600,000	64,600,000
Lunar and planetary exploration	312,000,000	309,000,000	312,000,000
Launch vehicle procurement	176,400,000	177,400,000	177,400,000
Space applications	147,000,000	159,000,000	161,000,000
Aeronautical research and technology	146,000,000	180,000,000	160,000,000
Space research and technology	$65,000,000	$75,000,000	$72,000,000
Tracking and data acquisition	250,000,000	240,000,000	248,000,000
Technology utilization	4,000,000	4,500,000	4,000,000
Total	2,197,000,000	2,254,500,000	2,231,000,000
Construction of facilities	112,000,000	112,000,000	110,000,000
Research and program management	707,000,000	707,000,000	705,000,000
Grand total	3,016,000,000	3,073,500,000	3,046,000,000

RESEARCH AND DEVELOPMENT

Mr. MOSS. Mr. President, H.R. 7528 contains 11 research and development programs which total $2,231 million. These programs support manned and unmanned space flight projects, space science and technological experiments, space shuttle development, launch vehicle development, space applications, aeronautical research and technology, and necessary support activities such as spacecraft tracking and data acquisition. The recommendations of the committee for these programs result in a net total for research and development $34 million above the request by NASA and $23.5 million below the amount approved by the House. These recommendations will support a budget plan that is $91 million above the committee's recommendations; these additional funds being carried over from fiscal year 1973. The details of these programs and differences between the House and Senate will be further described as I proceed through a summary of each program.

Mr. President, the committee is recommending $555,500,000 for the space flight operations program. This is $338,700,000 below the amount authorized for fiscal year 1973 for this program. The committee recommendation is identical to the NASA request and $7 million above the amount authorized by the House. This program includes $233,800,000 for the Skylab flight project; $90 million for the joint United States-Soviet Apollo-Soyuz test project; $220,200,000 for funding a variety of technical activities necessary for common support of various flight projects; $21 million for space life sciences; and, $15,500,000 for mission systems and integration activities.

Skylab was scheduled to be completed in January of this year. The $234 million request is less than half the amount appropriated last year. The serious difficulties encountered early in the mission make funding requirements uncertain at this time. The committee decided that it would not be prudent in the present circumstances either to reduce the authorization or to provide increased authority which may be needed.

At the committee's request, NASA has appointed a Skylab investigation board. An interim oversight hearing was held on May 23, and the committee is continuing close review of the program. Successful repair efforts by the crew have greatly improved the chances for a successful mission within the budget estimates.

The Apollo-Soyuz test project is approximately half way through its development cycle and is scheduled for a launch during mid-1975. Arrangements with the Soviets have proceeded smoothly and are on schedule. All of the funds authorized and appropriated for this project are spent here in the United States, since each nation is paying for its share of the joint project.

The second R. & D. program in this bill is the space shuttle program. The committee recommends $475 million for this program, the level of the NASA budget request. The House added $25 million to the space shuttle program to speed up the development schedule. The committee has determined that this addition is unnecessary.

The space shuttle is a reusable space transportation system for taking payloads from the surface of the earth to and from low-earth orbit, substantially reduce the total cost of our space projects and providing our space operations with a great flexibility not possible with the existing stable of launch vehicles. This transportation system will open up many significant opportunities to utilize space for the benefit of man and to expand the frontiers of science.

In addition to administration support, full funding was urged by organized labor—the AFL-CIO, the UAW, and the IAM; by the chairman of the Space Science Board of the National Academy of Sciences, Nobel Laureate Charles Townes; and by many others in testimony and letters to your committee.

It is estimated that the development of the space shuttle system will cost $5.15 billion—1971 dollars—the same amount as estimated last year. The Administrator of NASA testified that the program is on schedule and within cost and that he has every reason to believe that the program can be completed on schedule within the estimated cost. In its consideration of the space shuttle program, the committee questioned witnesses from NASA, the Department of Defense, from outside the Government and from the European Space Research Organization.

John Foster, Director of Defense Research and Engineering of the DOD, endorsed the development of the shuttle and testified that the selected configuration will meet the needs of the Department of Defense. He also testified that it is appropriate for this development program and the funding to be the primary responsibility of NASA, as this approach simplifies the management process, eliminates duplication of effort, and consequently helps bring about a more efficient program. Through written agreement, NASA and the DOD have provided for full cooperation in the space shuttle development, and the DOD has had full representation on the shuttle configuration and facility selection boards.

Last year, Congress overwhelmingly approved initiation of a program to develop the space shuttle. Since that time, budget decisions by the administration have delayed the shuttle program by about 9 months. However, design refinements have reduced cost estimates by an amount commensurate with the costs of delay, so that the cost estimates are unchanged.

Mission models developed by NASA through consultation with potential users of this transportation system have also undergone continuing refinement. The most recent projections point to the likelihood of greater savings over the use of existing or improved expendable launch vehicles than was forecast last year.

The case for the space shuttle does not rest solely on the ability to postulate operational cost benefits in the period of 1980 to 1990. It rests as well on other advantages including the introduction of a totally new and vastly improved way of using space, and the importance to the Nation of high technology work.

The committee continues its strong endorsement of the space shuttle.

The next research and development program in the bill is the advanced missions program for which the committee is recommending $1.5 million for fiscal year 1974, the amount requested by NASA and the same level as authorized for 1973. The objective of this program is to provide a proper basis for establishing requirements and specifications for future space systems in which men could play a role through the study and analysis of possible new space flight missions and systems.

The committee is recommending $64.6 million for the physics and astronomy program. This is identical to NASA's request and $5 million more than approved by the House. This program supports theoretical and laboratory research, aircraft balloon and sounding rocket flights, small explorer satellites, large automated space observatories, and experiments aboard manned spacecraft. NASA's budget plan for this program for fiscal year 1974, which your committee supports, is $95 million, with $30.4 million carried over from fiscal year 1973. The budget plan is $61.6 million below the amount authorized last year, due primarily to the suspension of the high energy astronomical observatory—HEAO—project.

The suspension of HEAO was a severe blow to the scientific community. The scientists have agreed, however, that under the circumstances of the budget constraints imposed on NASA, the proposed restructured HEAO project is an acceptable compromise.

The House reduced the physics and

astronomy program by $5 million, directing the cut at the orbiting explorer satellite projects and supporting research and technology. The orbiting explorer projects are relatively small and inexpensive spacecraft, each dedicated to a specific objective and have provided the data for some of the most important results in space science. It is the view of many scientists that the explorer missions are the most cost effective missions in the space program and, therefore, the committee did not agree with the House cut; nor did the committee agree with the House cut in supporting research and technology, which had already been reduced below the level of last year. The full amount is needed to carry on the theoretical work needed to explain observed phenomena and to develop advanced experiments and concepts for future space science missions.

The committee is recommending $312 million for the lunar and planetary exploration program, the amount requested by NASA. The objective of this program is to explore the moon, the planets and satellites, asteroids, comets and interplanetary space between, using ground-based astronomy, automated spacecraft which fly by, orbit, and land on other bodies in our solar system, combined with data from the Apollo landings and prior lunar missions, and ground-based research. The principal flight projects requiring support during fiscal year 1974 are the Mariner Venus-Mercury 1973 mission; the Viking 1975 missions; the Mariner Jupiter-Saturn 1977 missions; and the ongoing Pioneer missions now headed toward Jupiter. In addition, there is the Helios flight project, a joint effort with Western Germany building the spacecraft and the United States providing the launch vehicles which will explore the region close to the Sun.

The House cut this program $3 million directing that the reduction be taken in supporting research and technology. The committee disagrees with this reduction. The supporting research and technology project has already been reduced below the level of last year by the Office of Management and Budget and these studies are necessary to define scientific objectives, develop concepts for future flight missions and design future flight experiments. Much of this effort is conducted in our universities.

The committee is recommending $177,400,000, the amount approved by the House, for the launch vehicle procurement program. Launch vehicles are procured only for approved missions and these procurements are coordinated with the Department of Defense so that launch vehicles are procured on a least-cost basis. The committee recommendation is $1 million more than the NASA request to provide launch services for the earth resources technology satellite B mission recommended under the space applications program.

The committee is recommending $161,000,000 for the space applications program. Under this program projects are undertaken to develop and demonstrate applications of space technology that are of direct benefit to man. Through this program NASA has identified and developed the technology leading to some of the most important benefits of space becoming available to the Nation. Areas in which this is being done are: Weather and climate, earth resources, pollution and environmental monitoring, earth and ocean physics, satellite communications, geodesy, and similar activities. The program is designed to improve our existing technology in these areas, as well as to experiment with new space-based platforms which can provide information to be used for the benefit of man. For many years it has been the view of your committee that these application-type projects should receive first priority attention from NASA and the committee was disappointed to see that NASA's planning for fiscal year 1974 was $54,200,000 below the authorization for fiscal year 1973. NASA's minimum recommended budget to the Office of Management and Budget for this program was $220.1 million. Because of the $67.1 million reduction in this program by the OMB, a number of flight projects were delayed, a number were deleted, one was terminated, work in communications satellites will be phased out, and planned ground-based and airborne supporting activities were reduced. The committee disagrees with many of these actions and, agreeing with the House, has added $7 million to this program to bring the second earth resources satellite into a ready status in its present configuration for launch at an early date. The committee also added $5 million to provide for a suitable aircraft and associated scientific equipment to replace the research aircraft which was destroyed in a landing accident on April 12, 1973, while returning from a scientific instrumentation checkout flight. It was planned that this aircraft would be used extensively during fiscal year 1974 for earth resources surveys. This action on the part of the committee agrees with action taken by the House on this matter.

In addition, the committee added $2 million to the space applications program for NASA to formulate a long-term energy program utilizing the many technologies developed by NASA in its aeronautical and space programs. As stated in its report on the NASA fiscal year 1973 authorization bill, the committee believes that all potential sources of energy should be fully and expeditiously explored. NASA with its broad capabilities in energy-related science and technology should do its part in finding solutions to the critical energy problem which this country faces. The committee expects NASA to cooperate closely with other agencies on energy projects. As a result of its actions on space applications program, the committee is recommending $14 million more for this program than requested by NASA and $2 million more than approved by the House in H.R. 7528.

The committee recommends $185 million for the aeronautical research and technology program. This amount is $20 million less than the amount provided in the House bill, H.R. 7528, but $14 million more than the NASA request. The objective of this program is to provide for research and engineering investigations into aeronautics to provide for technological advances in civil and military aviation. This is especially important in the face of growing international competition. In this program, NASA has maintained and continues to maintain closely coordinated efforts with other agencies, such as the Department of Defense and the Department of Transportation, responsible for other aspects of our civil and military aviation. The principal objectives of the fiscal year 1974 program will be to: First, reduce environmental pollution attributable to aircraft operations through the development of quiet, pollution-free aircraft engines and the refinement of aircraft operational procedures; second, reduce air traffic congestion and consequent delay and air traffic hazards; third, reduce noise of existing narrow-bodied jet aircraft; fourth, investigate advanced supersonic technology; fifth, investigate advanced helicopter and other vehicles and their associated technology for VSTOL aircraft; and, sixth, provide assistance to the military departments in solving technical problems associated with their current development programs. The committee was disappointed to find that a number of aeronautical projects, instituted in prior years, were terminated because of the President's efforts to reduce Federal expenditures. One of the programs terminated was the refanning of the JT3D Pratt & Whitney aircraft engine, which powers aircraft such as the Boeing 707 and the McDonald-Douglas DC–8. The purpose of this engine refanning project was to reduce the engine noise to acceptable levels. The committee considers this refanning project to be extremely important as these four engine, slim-bodied jets are the noisiest airplanes flying in the the civil aviation fleet and cause great disturbance to those who live and work around our airports. Consequently, the committee agrees with the House addition of $14 million for the JT3D engine refanning project to be reinstated.

NASA requested $65 million for the space research and technology program. The committee agreed with the House redesignation of this program as the space and nuclear research and technology program, and recommends $72 million for the program, assessing a $3 million cut against space research and technology and, agreeing with the House, providing $10 million for space nuclear propulsion to support new and continued research in this important area, which the administration proposes to drop entirely. Specifically, this is $10 million to be used for investigations of the technology for nuclear systems such as the gas-core reactor in addition to continued work on solid-core nuclear reactor rockets. The increased funding also would be used for research in thermionic reactor power systems to provide a base for the eventual development of nuclear-electric space power propulsion systems. The $3 million cut was assessed against general space research and technology on the basis that economy should be pursued in this part of the program.

None of the $3 million cut is to be applied against the nuclear activity discussed above. The House provided $75 million for this program, the reasoning being essentially the same as the committee's except that the House did not reduce the amount for space research and technology.

The committee is recommending $248 million for the tracking and data acquisition program. This program provides responsive and efficient tracking and data acquisition support for all of the NASA flight projects and, as mutually agreed, for the projects of other Government agencies and other countries and international organizations engaged in space research activities. This tracking and data acquisition support is provided by world-wide networks which control flight missions and provide for the acquisition and communication of all scientific and technical data produced by the flight vehicles. The record of this program activity in NASA is outstanding. The House cut the funds for the tracking and data acquisition program by $10 million. However, NASA has notified your committee that several unanticipated and uncontrollable events have increased the anticipated cost for this program for fiscal year 1974 by $8 million—see page 84 of the report. Thus, the $10 million reduction by the House would severely limit the support needed for existing and planned flight projects. Millions of dollars have been expended in each of these flight projects and it is only prudent to provide adequate tracking and data acquisition support. The committee, therefore, restored $8 million to the House cut, and recommends $2 million less than the NASA request. At this level, the agency will have to strive for maximum efficiency in the program; limitations, on the support provided, will have to be imposed but with hard work the program should be able to provide enough support to meet the objectives of the flight projects.

NASA requested $4 million for its technology utilization program. The objective of this program is to increase the return on the national investment in aerospace research and development by encouraging additional uses of the knowledge gained from these activities and to shorten the time gap between the discovery of the new knowledge and its effective widespread use. The House added $500,000 to increase technology transfer. While the committee strongly supports this program, it does not agree with the House increase. The committee believes that the most effective means to effect technology transfer is through the direct participation of NASA personnel in problem solving activities in disciplines outside the usual aerospace sector. The committee recommends $4 million for the technology utilization program.

CONSTRUCTION OF FACILITIES

The committee is recommending an authorization of $110 million for the NASA construction of facilities program for fiscal year 1974. This is $2 million less than the request. The House approved the full amount of the request.

The construction of facilities program consists of 23 separate items, including 9 construction projects for the space shuttle program, estimated to cost $67,200,000. Except for the Orbiter landing facilities at the John F. Kennedy Space Center, these shuttle projects represent modifications to existing facilities. Of the 14 remaining items, 10 are for the modification or rehabilitation of existing facilities at NASA installations; one is for the replacement of a transportation facility at the Goddard Space Flight Center; one is for a new systems engineering building at the Langley Research Center; one item is for small—under $250,000—miscellaneous new construction projects; and the final item is for facility planning and design activities. Each of these projects is necessary to support approved programs, and is justified.

NASA requested $13,600,000 for facility planning and design; this is an increase of $5.6 million above the amount authorized for fiscal year 1973. While the committee appreciates the need for such funds to carry out well-managed facility projects, the committee also believes that NASA can reduce the amount needed by deferring some work until the peak planning and design requirements for shuttle facilities are satisfied. Accordingly, the committee is recommending a reduction of $2 million in the facility planning and design authorization.

RESEARCH AND PROGRAM MANAGEMENT

The committee is recommending that $705 million be authorized for NASA's research and program management program. This is $2 million less than requested and approved by the House. This program includes funding for the research carried out in Government laboratories, management of programs, and other NASA activities. Of the funds requested for this program, $549,020,000—approximately 78 percent—are for salaries and related expenses of NASA civil service employees, over 60 percent of whom are scientists, engineers, and technicians. In recent years, NASA has moved aggressively to adjust its work force to its lower budget levels, resulting in a total of 24,970 civil service positions in NASA as of June 30, 1974; more than 9,000 below the peak employment of July 1967. To assure that NASA continues to critically review and assess its personnel requirements, the committee adopted language in the bill placing a ceiling on personnel and related costs equaling the amount NASA requested for this purpose.

Costs other than those related to personnel are estimated at $157,980,000, or a slight increase over fiscal year 1973. The committee believes that these costs can be reduced below the fiscal year 1973 budget and, accordingly, recommends the reduction of $2 million to be allocated by NASA among the several categories of these expenses.

LEGISLATIVE CHANGES

The committee approved and recommends eight legislative amendments to the bill recommended by the administration.

The first amendment, adopted by the House, modifies section 1(b), item (12), to specify the estimated cost for each individual Space Shuttle construction facility as recommended for authorization in lieu of a total amount for all Space Shuttle facilities. The purpose of this amendment is so that Congress can control each Space Shuttle facility as an individual project rather than to allow these projects to be lumped together as proposed in the original bill. NASA uses advance planning and design fund to conduct studies and define cost estimates; therefore, your committee believes it is reasonable that NASA should be expected to live with these estimates.

The second and third amendments, not adopted by the House, would modify sections 1(c) and 4 to establish the ceiling of $549,020,000 plus amounts appropriated for pay raises on the amount authorized and made available for personnel and related costs. This amendment is essentially identical to one added by Congress to the NASA authorization bill during past years and has the same intent.

The fourth amendment to the bill, not adopted by the House, modifies section 4(c) of the bill to preclude any inconsistency between the provisions of this bill and any other legislation which might be enacted by Congress with respect to the impoundment or selected withholding of appropriated funds. Thus the authority to reprogram funds would remain clear without suggesting a loophole to general anti-impoundment legislation.

The fifth amendment, not adopted by the House, would delete section 6 of the original bill, a provision which was included the past few years but which the committee considered to be no longer necessary. The deleted provision would deny payment by an institution of higher education of any funds provided under a NASA program to any student convicted by any court of record for involvement in disruption or other specified activities at any institution of higher education which prevented officials or students from engaging in their duties or pursuing their studies. The committee believes that the section is no longer needed, as the matter is the subject of general legislation.

The sixth amendment, adopted by the House, amends section 203(b) of the National Aeronautics and Space Act of 1958 by adding a new paragraph (11) which would authorize NASA to enter into agreements, upon terms approved by the Administrator, with concessioners to construct and operate facilities and services at its several installations to provide visitor services. This authority was requested by NASA in a message to the Senate dated March 30, 1973.

The language of the amendment parallels closely that applicable to the National Park Service and it is intended that this authority will be administered in a manner not inconsistent with National Park Service operations. The purpose of the amendment is to alleviate very congested visitor conditions being experienced at the John F. Kennedy Space Center, Fla., although the authority is not limited to this center. Existing facilities at the Kennedy Space Center were provided by NASA and are operated under contract. However, these facilities, because of the large numbers of visitors, are inadequate and must be expanded to meet the needs of the public. An expansion was authorized in the fiscal year 1972 budget but was not funded.

The seventh legislative amendment, adopted by the House, adds a new section 7 to the bill modifying the National Aeronautics and Space Act of 1958 by adding a new section 207 to title II of that act to require NASA to provide Congress 30 days advance notice of any action to declare any government-owned land, valued in excess of $50,000, excess to NASA needs. The purpose of the amendment is to insure that Congress is promptly informed of such matters.

The eighth amendment, not adopted by the House, adds a section 8 of the bill and amends section 5316, title 5, United States Code, by deleting the three NASA positions in the Federal Executive Salary Schedule, level V, of Associate Administrators for Advanced Research and Technology, for Space Sciences and Applications, and for Manned Space Flight, and inserting in lieu thereof, "Associate Administrators, NASA (6)." This amendment updates section 5316 to recognize the additional levels of responsibility which have been established within NASA since the original three positions were established at level V in 1966, and would simplify any subsequent reorganization within the agency by deleting the functional designation following the title of Associate Administrator. No change in individual salaries is effected by this amendment at this time. This amendment was proposed as draft legislation by NASA and introduced in the Senate as S. 913. The Committee on Post Office and Civil Service, to which S. 913 was referred, has notified the Committee on Aeronautical and Space Sciences that it has no objection to your committee recommending this amendment to the Senate.

CONCLUDING REMARKS

Mr. President, H.R. 7528 is a sound bill. It does not contain all of the programs in aeronautics and space that I would like to see authorized, but considering the budget restrictions under which the Federal Government must operate, it offers the good, balanced program of space and aeronautical activities. I am sorry to see some longer range projects and programs deemphasized but again, considering the restraints, I believe the bill recommended by your committee offers an acceptable mix between long range and short range projects. Let me remind the Senate once again that to carry out the programs in this bill will require slightly higher budgets during the next few years. Hopefully, in future years NASA's budget will go back to the projected level budgets of $3.4 billion—in 1971 dollars—which will provide for the initiation of new undertakings in aeronautics and space. It is essential that as a nation we continue to advance our science and technology and to apply these advancements to solving our problems. The NASA program for fiscal year 1974 will contribute to such advancements.

I urge the Senate to support H.R. 7528 as amended and reported by the committee.

Mr. President, I invite attention to the fact that our committee this year held the most lengthy hearings that have ever been conducted by the Committee on Aeronautical and Space Sciences, has heard more witnesses than have ever before been called on a NASA authorization bill, and has indeed made a very diligent effort to look into all phases of the program of the National Aeronautics and Space Administration. We believe that the authorization we now recommend is one that is indeed austere. We have held it down, and we think it is the minimum that possibly could permit NASA to go forward with a meaningful program.

We all have in mind what is occurring now with respect to the Skylab as it orbits the earth in one of the most remarkable displays of the entire space program. It is almost unbelievable that the Skylab has survived the accident that occurred at launch and has been restored to usefulness. This has been accomplished by the excellent work of the astronauts in space and by the space team on the ground, so that we could talk with them and counsel them, and tell them how to operate, so that we have a successful operation, and it will continue with crews that will later go up to the Skylab.

As I indicated in my opening remarks, the ranking minority member of our committee is a Senator with great knowledge and background in this field. He has devoted many years of his senatorial service in working on the matter of aeronautics and space, as well as in broader areas, but concentrating in the field of aeronautics, in which he is so knowledgeable.

Therefore, I would like to yield at this time to the Senator from Arizona because I would like his comments on the matter before us.

The PRESIDING OFFICER. The Senator from Arizona has 45 minutes on his own time.

Mr. GOLDWATER. Mr. President, I shall use the time that I need, but it will not be that much time, I can assure the Presiding Officer.

I wish to commend the distinguished chairman of the Committee on Aeronautical and Space Sciences for his able presentation of the purposes served by H.R. 7528.

I have served on this committee since my return to the Senate and I want particularly to compliment the chairman on this occasion for his very able work. Here is a man who came to the committee this year. He had an interest in space and aeronautics for some years. To his great credit he stepped right in and he learned the substance of NASA programs thoroughly.

I assure the Senate we have one chairman in this body who is most zealous and who tries constantly to keep himself completely informed in this scientific and technological field. He and I agree, and we hope our colleagues agree, this is probably one of the most important fields we are engaged in for the future of our country.

Under his very able leadership the committee has conducted a very thorough review of NASA programs and a detailed examination of the fiscal year 1974 authorization request, which now lies before the Senate.

As our colleagues may recall Congress last year approved a constant budget of $3.4 billion for NASA. This year's authorization request is $300 million below that figure.

Dr. Fletcher, the very capable Administrator of NASA, has testified that the NASA budget will have to be restored to the $3.4 billion level in order to maintain the currently existing balanced program within NASA.

Mr. President, I might point out here that the great contribution Dr. Fletcher has brought to the NASA program has been continuity and a level. Prior to his coming to NASA we might have a $8 million budget one year, a $4 billion budget the next year, a $6 billion budget the next year; it jumped all over the place, and even within NASA there was uncertainty as to where they might be in programs and their program levels in the years ahead. But Dr. Fletcher, in bringing his scientific background and business background to NASA has established a constant level budget, so that now scientists of NASA can plan far ahead in programs.

As part of the NASA reduction, aeronautics was reduced from an authorized $275,300,000 authorization in fiscal year 1973 to a budget request in fiscal year 1974 of $240 million. The principal casualty here was a program known as QUESTOL. This program was to provide funds to research and develop a quiet, short takeoff and landing aircraft to benefit intercity commuters in congested areas. I for one deeply regret the deletion of QUESTOL and will push for its restoration at the earliest practical moment.

This is very important because one of the major problems we face today in aviation transportation within this country is getting the traveler from the city to the airports. As the airports grow farther and farther away from the major centers of population, we have to think, for example, of better ways to get the people from, for example, downtown Washington to Dulles or Friendship. The best prospect we have is in the QUESTOL aircraft which will take off and land in short distances, and it is very quiet.

It rather disturbs me that we have no program going today to meet this problem. Foreign countries are moving into the development of STOL aircraft. Here again, we find our once dominant position in aviation subject to challenge.

Another casualty of OMB cutbacks was the refan program to quiet the JT–3D engines on the Boeing 707's and the Douglas DC–8's. OMB did allow $18 million to proceed with the work on JT–8D engines powering the Boeing 727's, the Boeing 737's, and the Douglas DC–9's. Faced with a choice of having to delete one program or the other, I believe NASA correctly decided to go ahead with the refan program of the JT-8D engine, because far more of these aircraft will be in use over the next 10 years or so.

I am very encouraged by the progress that is being made on reduction of the decibel level of jet engines on takeoff, cruising, and particularly landing.

In view of increased complaints from the public about commercial aircraft noise, the Committee on Aeronautical and Space Sciences increased the outlay for engine refan by $14 million to permit work on both the JT-3D and JT-8D engines. I believe this was a sound decision—a decision in the public interest. I hope OMB will review its position in the light of growing concern about aircraft engine noise.

One very timely and worthwhile addition to this year's authorization bill is a $2 million item under "Space applications devoted to energy studies." While no one can predict what technology or combination of technologies will ultimately relieve the impending energy crisis, the Committee on Aeronautical and Space Sciences was able to identify technology within NASA that might make a contribution, notably, solar cells and microwave transmission.

In this connection, it should be pointed out that the Senator from New Mexico (Mr. DOMENICI), made an important contribution in creating the energy studies program.

I mention this because there is no doubt that we are experiencing a shortage of fossil fuels. And, while we know where some deposits and sources of fuel are, we are not able to bring them into this country because of the constant opposition of people who speak in the name of ecology.

But we have made from the Earth resources satellite several discoveries that may prove to be new oilfields. We are not certain that they are oilfields. We are not certain yet that geological discoveries can be made by the Earth resources satellite. There is optimism about the use of ERTS satellites for this purpose. In the case of the Southwest, ERTS may have discovered new copper deposits.

The authorization request for the Space Shuttle amounts to $475 million for fiscal year 1974. Over its life cycle the shuttle will save the space program and its users somewhere between $5 billion and $15 billion.

Most of the savings will occur in the payloads;

Because they will need less redundancy;

Because they will use more off-the-shelf items; and

Because we will have the ability to repair them in space or bring them back to the Earth for refurbishment.

On June 7, 1973, the crew of Skylab I dramatically demonstrated the importance of repair in space when they were able to deploy a solar panel that had been jammed during lift-off. By their brave act the astronauts gave us a very good example of how a Shuttle crew will be able to repair malfunctioning satellites.

Astronauts Conrad, Kerwin, and Weitz have done an outstanding job, and, I am sure, the entire Nation is grateful.

With reference to the Space Shuttle, I know there is opposition to it. Most of the opposition comes from those who do not understand what the program really is. There are those who argue that expendable boosters should be used to launch our space payloads, and that no effort should be made to build reusable rockets. I disagree with them. The Space Shuttle will give us the ability to travel in space, leave men in the labs, and return men to earth, without the rather precarious and dangerous ocean landings that we have used otherwise.

Anyone who had the opportunity to visit this year's Paris Air Show, as I did, probably came away with one clear impression: we can expect greatly increased competition from the Europeans and the Soviet Union.

In this light, the seed money represented by the NASA budget becomes more vital to the economic well-being of the Nation. NASA's technology is the cutting edge for high technology wares in this country and for export markets. During the past few years America has exported well over $3 billion of aerospace goods, while importing about $400 million. For those of us who are concerned about the stability of the dollar; for those of us who are concerned about America's trade deficits, it is obvious that we must have a national commitment to keep America first in space and first in aeronautics.

Mr. President, I stress aeronautics because, while 5 years ago we were the world's dominant airframe and engine producer, today we have dropped about 12 percentage points in the airframe market. One of the things about the visit to the Paris airshow that impressed me was the great determination on the part of European designers and manufacturers not just to catch the United States, but to surpass us. It was my pleasure and privilege to fly the French A-300 airbus, which, in my opinion, will give the American manufacturers great competition as our airlines begin to look for larger airbuses for shorter hauls.

Mr. President, I have a table that shows the trading patterns in aerospace products, and I ask unanimous consent that it be included at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOREIGN TRADE—EXPORTS OF U.S. AEROSPACE PRODUCTS CALENDAR YEARS 1968 TO DATE

[Millions of dollars]

	1968	1969	1970	1971[1]	1972
Grand total	$2,994.4	$3,138.4	$3,397.4	$4,195.9	$3,822.9
Total, military	765.6	1,111.4	887.3	1,121.3	866.6
Complete aircraft, total	470.9	601.0	467.0	633.3	405.5
Transports	100.6	37.9	81.9	80.7	126.1
General aviation	.6	.6	4.5	.5	1.4
Rotary	9.8	32.5	22.7	43.8	53.4
Fighters and bombers	278.6	483.6	330.8	477.7	206.11
Trainers	11.0	10.2	12.9	12.0	14.5
Other, including used	7.3	36.2	14.2	18.6	4.0
Engines, total	31.1	50.0	45.1	48.2	57.4
Jet and gas turbine	24.1	38.1	28.1	29.7	44.5
Missile turbine	3.0	8.0	10.0	12.6	6.0
Internal combustion	4.0	3.9	7.0	5.9	6.9
Parts, accessories and equipment, including spares, total	192.8	303.4	266.5	319.9	300.0
Engine spares and accessories	41.9	58.4	63.9	58.3	79.0
Other spares and equipment	150.9	245.0	202.6	261.6	221.0
Rockets, guided missiles, and parts, total	$133.8	$157.0	$108.7	$119.9	$103.7
Complete rockets and guided missiles	41.6	67.3	8.1	26.1	18.0
Parts and accessories for rockets and guided missiles	92.2	89.7	100.6	93.8	85.7
Total, civilian	2,228.8	2,027.0	2,501.1	3,074.6	2,956.3
Complete aircraft, total	1,405.4	1,241.0	1,528.2	1,913.8	1,622.4
Transports, new	1,200.2	946.9	1,283.1	1,566.5	1,135.0
General aviation, new	101.3	125.6	112.5	89.4	130.3
Rotary wing, new	33.0	29.1	26.9	45.7	52.3
Other, including used	70.9	139.4	105.7	212.2	304.8
Engines, total, new and used	115.7	102.4	117.6	148.5	183.9
Jet and gas turbine	92.4	82.0	98.4	128.6	158.6
Internal combustion	23.3	20.4	19.2	19.9	25.3
Parts, accessories, and equipment for aircraft and engines, including spares, total	707.7	683.6	864.3	1,012.3	1,150.0
Engine spares and accessories	191.0	177.0	201.1	226.8	268.3
Other spares and equipment	516.7	506.6	663.2	785.5	881.7

[1] Revised.

Note: For earlier years, see previous editions of "Aerospace Facts and Figures."

Source: Bureau of the Census, "U.S. Exports, Schedule B Commodity and Country." Rept. FT 410 (monthly).

AEROSPACE FACTS AND FIGURES, 1973-74—TOTAL AND AEROSPACE BALANCE OF TRADE, CALENDAR YEARS 1960 TO DATE

[Dollar figures in millions]

Year	Total U.S. trade balance[1]	Aerospace			Aerospace trade balance as percent of U.S. total
		Trade balance	Exports	Imports	
1960	$5,369	$1,665	$1,726	$61	31.0
1961	6,096	1,501	1,653	152	24.6
1962	5,178	1,795	1,923	128	34.7
1963	6,060	1,532	1,627	95	25.3
1964	7,556	1,518	1,608	90	20.1
1965	5,852	1,459	1,618	159	24.9
1966	4,524	1,370	1,673	303	30.3
1967	$4,409	$1,961	$2,248	$287	$44.4
1968	1,133	2,661	2,994	333	234.9
1969	1,289	2,831	3,138	307	219.6
1970	2,708	3,089	3,397	308	114.6
1971[4]	[2] −2,014	3,823	4,196	373	(3)
1972	−6,439	3,258	3,823	565	(3)

[1] U.S. balance of trade is the difference between exports of domestic merchandise and imports for consumption.

[2] 1st negative U.S. balance of trade since 1888.

[3] Not applicable.

[4] Revised.

Source: Bureau of the Census, "U.S. Exports, Schedule B Commodity and Country," Report FT 410; "U.S. Imports, General and Consumption, Schedule A Commodity and Country," Report FT 135; "Highlights of U.S. Export and Import Trade," FT 990 (all are monthly publications).

Mr. GOLDWATER. Mr. President, one of the interesting features of this chart is that imports of aerospace wares has risen from $61 million in 1960 to $565 million in 1962. While the figure is small when balanced against exports, this is a trend that provides concern for the future.

Mr. President, today the Senate is acting on a NASA authorization request that is below the administration and Congress recognized last year as being a lean, bare-bones budget.

While I strongly support efforts within the administration and Congress to arrest inflation; while I support governmentwide efforts to stabilize the dollar; I, nevertheless, believe it was a mistake to cut the NASA budget by $300 million.

I believe it was a mistake because technology, research, and development programs cannot be turned on and off like a water spigot. I believe it was a mistake because the Nation should be increasing its spending for research and development, not reducing it.

If we fail to invest in the future, we shall leave a legacy of mediocrity and despair.

Mr. President, in closing, I want to emphasize something I have said time and again. I fully believe that within 5 years all of the money spent on the NASA program over the years will be turned back into the economy every year. Moreover, the investment will have a multiplier effect.

To me the whole future for the young people of this country, and the young people not even born, resides in the development of space—not what we can do in space in the exotic and interesting way we have done, but rather from spinoff and fallout from space. Already our lives have been richly enhanced by the money we have spent. I could stand here for a very long time and talk about many developments from space that have benefited our wives, our children, and every one of us living in this country.

Let me close by reciting an interesting incident that occurred in California, when a relatively young person was shot in the head by a .22 caliber bullet. The bullet, as lead pellets do, disintegrated. While surgery was able to remove most of the parts of the bullet, there remained one very small sliver of lead, which was touching upon the main part of the brain that controls all of the sensory facilities. They did not dare operate, because they were afraid he would perish.

So they put him in a NASA centrifuge nearby. A centrifuge is a machine used to simulate G forces on pilots and astronauts to determine what they can stand and what it does to a human being. This young man was placed in a centrifuge, what the doctors felt was a sufficient amount of G force was applied to his body and his brain. This force, which actually makes things heavier, made that little piece of lead in his brain, which, let us say, was of the weight of about one-one-hundredth of an ounce, heavy enough, by applying 5 G's, to start it moving. That is exactly what happened. This small piece of lead moved away from this important part of the man's brain. When the centrifuge was stopped, he climbed out of the seat, well, happy, and completely cured.

This is one example of the literally thousands we hear of every day that have resulted from the expenditure of money in the NASA program.

I urge my colleagues in this body to accept the work of the committee. It has been diligent work. It has been hard work. We are all as interested in reducing spending as anyone else, but I think it would be a grave mistake to reduce this budget any further, and I urge its passage.

Mr. DOMENICI. Mr. President, will the Senator yield me 3 minutes?

Mr. GOLDWATER. I am happy to yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The Senator from New Mexico is recognized for 3 minutes.

Mr. DOMENICI. Mr. President, first let me thank my distinguished colleague from Arizona for his kind remarks regarding the Senator from New Mexico and his participation in the bill which is before the Senate.

Mr. President, in order to put the discussion of the NASA fiscal year 1974 budget into proper perspective, it is necessary to look briefly at the history of NASA's expenditures over the last several years.

During the agency's first year—fiscal year 1959—Congress appropriated less than $.5 billion. Over the next several years Congress increased funding each year until NASA's appropriations reached a peak in 1965 of slightly over $5 billion. This crest in the NASA budget under the very competent leadership of our former Senator from New Mexico, Senator Anderson, led the way for the successful development and completion of the Apollo program. After 1965 NASA's funding steadily declined until it reached approximately $3.5 billion at the completion of the Apollo flights last year. Last year's budget gave the Nation a fiscally responsible level of funding which permitted NASA to continue the basic programs of aeronautics and space.

It is apparent that NASA has done an outstanding job in fulfilling their main objectives while experiencing severe cuts over the last 7 years. There is simply no room left for delays in projects or level-of-effort reductions. Let me briefly review the major program areas that are included in the fiscal year 1974 budget.

Aeronautics and advanced research, the fundamental legislated function of the NACA/NASA since 1915.

Space physics, astronomy, and Earth-oriented applications, the key to the understanding of the Earth and means by which we may more accurately monitor its actions.

Planetary exploration, the search for understanding of the solar system in which Earth evolved and for the sources of life in the universe.

Skylab, the mission now underway to accomplish over 200 investigations in astronomy, space physics, medicine, biology, engineering, materials development, and Earth and environmental surveys.

The Apollo Soyuz test project, the only high-technology cooperative U.S.-U.S.S.R. engineering effort and U.S. international commitment.

Space Shuttle, the only foreseeable sound means of exploiting the full capabilities, practical applications, and values of space systems at a reasonable cost.

These program areas are all vital to a well-balanced national set of goals in aeronautics and space.

The technology, both direct and indirect that was derived from NASA research and experimentation has made this world a better place to live. These accomplishments are only the beginning in that increased technology under the proper direction means a healthy environment, clean water, and a realistic management of our natural resources.

If this Congress were to reduce the funding levels of these programs, we would be depriving our future society of scientific benefits that we today received from past technology.

In summary, I feel it is imperative that we understand that this Nation's space program has only just begun to convert its space research and technology into today's society. For every dollar spent today on research and technology, we will benefit twofold by its future practical application.

Mr. President, it seems to me that many Americans have an erroneous idea about science and technology and America. It seems to me that we want very much to remain competitive in this world, we want very much to reach a point where we can really compete in the international marketplace, when our balance of payments can reach a better posture, and yet we do not understand what has made America the competitive genius it is, what is its scientific genius, and then taking the scientific knowledge and applying it to technology and productivity. It is productivity through technology which comes from science that made America great. It is that same system that will keep us great.

So I say to those who think the program we are considering today is not too much of a stimulant for science and technology, that certainly it is a significant part of America's continual effort to get young people into the sciences, to put our best young talent into our scientific field, with the hope that they would take a science and turn it into technology and take technology and turn it into production.

It is that cycle that makes this country what it is. Among the reasons that I support the bill is that very reason.

Mr. President, I hope that Americans understand the need for productivity and the need for America to stand at the top in production and productivity. Productivity among all the other countries of the world is behind our strength. It is behind our dollar. It is behind the international balance of payments. The only way that we can remain at the top of this situation is if we remain at the top of the pile.

I am pleased to congratulate the chairman of the committee and the ranking minority member for bringing before the Senate a good bill.

I compliment the chairman of the committee in particular. I understand that he came to this committee this year.

And I say, as did the Senator from Arizona, that the Senator from Utah has done an excellent job.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 28, line 13, strike out Sec. 9 "This Act may be cited as the National Aeronautics and Space Administration Authorization Act, 1974" and insert the following new section:

"No new contract may be entered into after the date of enactment of this Act, by the Administrator of the National Aeronautics and Space Administration for tracking and data acquisition in any country in which the employees employed in a tracking or data acquisition facility located in that country are, because of government policy or law, separated by race, or discriminated against because of race."

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KENNEDY. Mr. President, my amendment to H.R. 7528 is designed to limit U.S. support for the tracking station in South Africa.

The purpose of my amendment is not intended to affect those decisions involving the very technical requirements to adequately maintain tracking facilities in our space program. But rather, this amendment is designed to uphold this country's commitment to those principles that seek the guarantees of human and social justice.

Our Government has maintained a space tracking station in South Africa since 1960. During those years, U.S. taxpayers have spent nearly $33 million to support a facility that completely violates all U.S. laws regarding fair and equal treatment of employees. South Africa is the last country in the world that continues to legally permit segregation based on race. These policies pervade not only the domestic activities in that country, but also the activities of foreign nations who are functioning in that land. Thus, the U.S. Government is openly encouraging the South African government to maintain racist policies with U.S. dollars in a U.S. operated facility. This is a totally unjustifiable position for our Government to continue.

My amendment, therefore, would require the NASA to withdraw all of its support from those facilities in countries like South Africa, where the official government policy, and laws are designed to maintain discriminatory employee conditions based upon race. And I am confident that this is a notion that can be supported by the Members of this Senate and of the Congress.

As a result of criticism in Congress of the employment record at the South African station, NASA has pressed CSIR—Council for Scientific and Industrial Research—to make some substantial improvements. The changes that have been made, however, have merely emphasized the South African station's dependence on an apartheid employment structure, and the impossibility of applying basic standards of civil rights as recognized by the U.S. Government.

A NASA spokesman—Mr. Shapley before the Africa Subcommittee, April 6, 1973—has himself admitted that "the situation will never be satisfactory to us as long as South Africa's apartheid practices continue." He added that NASA is "dependent in our operations on service that we get from this station." Talking of the CSIR, he said:

The station is, in fact, under their control and it is in the interest of the functions that we perform to have the service continue to be available to us.

In other words, this operation of the CSIR, carrying out a service of management, staffing, and operation on an apartheid basis, is an essential aspect of the location of the station in South Africa. The other aspect is the geographical location, which could be provided equally well by Botswana, Lesotho, or Swaziland.

Under the contract, CSIR actually operates the station and determines the number of personnel at different activities. Discrimination is, therefore, applied at their discretion, and NASA has no power to interfere. Although the U.S. taxpayer is financing the service, NASA as the agency responsible is not able to control the extent of discrimination involved in the spending of these funds, and certainly cannot maintain the standards of social justice which have been established by the U.S. Congress for U.S. Government agencies as well as private employers. An EEOC—Equal Employment Opportunity Commission—spokesman, at the same hearing, stated unequivocably that the "improvements" at the station, if set beside equal employment policies of the United States, would certainly not meet the necessary standards. NASA commented:

It certainly would not meet any of NASA's guidelines for its own operations.

The facts of the case, after all the "improvements" agreed on formally between NASA and CSIR in special consultations, show discrimination in hiring, training, wages and fringe benefits, promotion and even work facilities. Under the technical training schemes provided by NASA for CSIR personnel, 28 whites have received special courses, and no blacks at all. Even though NASA is paying for this training scheme, the CSIR is deliberately excluding all blacks from participation, NASA has explained that "Until steps are taken by CSIR to recruit black employees in the technician category, NASA is not in a position to assist in their training."

There is no provision for primary schooling for children of black employees, and none for them to go on to secondary school; the planned programs took so long to be cleared by South African Government agencies that the primary school has not even been started. There are gross disparities in the sick leave and annual vacation given to white and black employees. There is no hospital provision for blacks or their families. Out of 203 technical staff, none are black. The top black salary at the station for a skilled laboratory assistant, $2,005 per annum, barely overlaps with the lowest white salary, $1,930 for a raw trainee. On March 1, 1973, the 50 black CSIR employees who made up 23 percent of the total labor force received only 5 percent of the salaries, under 3 percent of the pensions, and no medical benefits at all. The details are as follows:

Salaries:	
Whites	$1,431,047
Blacks	78,116
Pensions:	
Whites	105,325
Blacks	3,117
Unemployment insurance:	
Whites	512
Blacks	184
Medical:	
Whites	26,474
Blacks	----------

Most of the salaries for black employees, starting at $801 per annum, are below the minimum effective level of $1,932 per annum, the amount set by South African experts as the absolute minimum which keeps the average-sized family from malnutrition and starvation, and the minimum recommended by the U.S. State Department for U.S. private investors in South Africa. The "improvements," which comprise wage raises—the levels were even lower before than they are now—houses for black employees, the construction of a black primary school for their children, assistance with secondary education away from home, provision of lunch canteen facilities, and medical assistance, do not begin to provide even a subsistence income to the black employees, let alone equality with the whites. Even these improvements were announced by NASA as major concessions by CSIR, so that the implication is that there will not be any further progresss. They were made only after the station was questioned in Congress, and there is no evidence of any sense of social responsibility on the part of the station management, or any commitment to self-sustaining program. There does not even seem to be provision for regular cost-of-living raises for black employees, so that the small real gains made so far are likely to be eroded within a year or two—since the cost of living for the poorest people in South Africa is rising very steeply, and in fact accelerating—the current rate is well over 10 percent per annum.

It is impossible to justify the operation of a station through CSIR, a South African Government agency which imposes apartheid labor structures on the NASA station, not only in the context of South African legislation, but as an element of South African Government policy. The use of U.S. taxpayers' funds is, therefore, subject to apartheid policies. Even if NASA proposes to spend money on such things as a primary school, the CSIR has a veto on this expenditure. In the case of training programs, the CSIR can impose a strict racist pattern of whites only, even for those trainees studying in the United States, by merely refusing to recruit black high-school graduates.

CSIR, and the whole economic environment and labor market in South Africa, allows NASA to make savings on its operational costs, for the South African station. Apartheid is a strong element in its attractiveness for NASA. It would be far more expensive to operate on a basis of equal opportunity employment policies, in an independent African country. The poverty wages, and gross racial discrimination in employment at the station, represent a direct subsidy by the oppressed black people of South Africa for an agency of the richest country in the world. So the U.S. Government is directly benefitting from apartheid, in the way that it discourages private companies from doing. As long as it stays in South Africa, it is locked into apartheid. This is seen by such companies as a token of hypocrisy; they use the tracking station as an excuse for their own refusal to apply equal employment standards to their operations in South Africa.

NASA has another African tracking station, in Madagascar, where the achievements in training local Africans make the so-called "improvements" at the South African facility seem pitiful. The station in Madagascar is operated directly by NASA, through a U.S. contractor, and it includes a vigorous program for training local personnel, covering all job requirements without any job restrictions. The result of this is apparent in that since 1969 U.S. personnel fell from 110 to 60; Malagasy personnel increased from 125 to 148, and of these technical and administrative positions were occupied by 45 in 1969, rising to 73 now. In South Africa, there are no blacks in technical or managerial positions.

The conclusion to be drawn from this is that the sooner NASA transfers the functions of its South African facility to other African stations, both existing and new ones, the quicker it will reach a stage where the facility can be supported largely by local personnel and supporting facilities. Insofar as the cost of new facilities in Botswana, Lesotho, or Swaziland—which are technically feasible alternatives to South Africa—is increased by the need to provide roads, buildings, communications, and other services, this would be an invaluable contribution to the development of these desperately poor counties. It is already U.S. Government policy to encourage private investment in these three countries as an alternative to South Africa. NASA should be asking the lead in this, as a U.S. Government agency, perhaps with special allocations from the foreign aid budget to supply the necessary infrastructure. Every year that goes by with NASA training only white South Africans is a loss to the development of free Africa, which desperately needs massive inputs of scientific and technical training of the kind that NASA can help provide. The operation of the facility through U.S. contractors, which would be necessary in Botswana, Lesotho, or Swaziland, is a standard practice for NASA—for example, on Ascension. A facility in Botswana could draw on the high school graduates of many neighboring African countries with advanced educational systems, such as Zambia.

Mr. President, it is my hope that this amendment will be adopted by the Senate, because it extends one of the most fundamental principles of our Government's concern for decency and justice. There is clearly no justification for the United States to continue paying the South African Government to operate a U.S.-owned facility, where all employees are treated solely upon the color of their skin rather than on the basis of their ability to perform on the job.

Mr. MOSS. Mr. President, I yield myself 5 minutes.

Mr. President, I am happy to respond to the Senator from Massachusetts. First, we are aware of his concern with the policies of segregation and apartheid that apply in the Republic of South Africa. This has given us great concern for some period of time. I personally—and I am sure that the other members of the committee feel the same way—am anxious to find some way to deal with this problem and not to be a party to perpetuating this practice at all.

Mr. President, I also reiterate for the record that we plan in the committee to hold hearings later this year on all of our foreign commitments emanating from NASA and international agreements by NASA. And one of the foreign agreements we are going to look into with care is the one that has to do with the tracking station in South Africa. It is a very important tracking station and has great value.

A preliminary inquiry indicates that it would take about $35 million to replace it and that it might take as long as 3 years to complete an alternate tracking station. There are, however, in the southern part of the continent of Africa other areas that might be suitable. This is another thing that we might need to inquire into. It has been suggested that perhaps Botswana or perhaps Swaziland might be used or perhaps the existing tracking station in the Madagascar Republic might be enlarged.

I would hope that the Senator would not press for his amendment at this time because of the current needs we have for the tracking station there.

It is essential to our Venus and Mercury spacecraft to be launched this fall and controlled out of this tracking station. Currently, the space vehicles on their way to Jupiter are being controlled from this space station. This is not only for Earth orbital craft, but is also for deep space missions. It is of importance to us.

At the same time we recognize the social problem involved. It was the same thing that we have been vexed with so often. I therefore assure the Senator that when the hearings are held later this year, we will welcome very much any information he could present to our committee to help us in evaluating this matter, and I reiterate my personal desire to see if we can get out of a situation that is so contrary to the philosophy that we adhere to in this country. I would be interested in trying to find an alternative.

Mr. KENNEDY. I appreciate those assurances from the distinguished Senator from Utah. I know the Senator has served on an Anglo-American parliamentary group that has concerned itself with African affairs, and is particularly well briefed on these particular policies, which I think so many Americans find objectionable.

I hope that during the course of the hearings we will be able to hear from some of the NASA officials who, as I have understood, have indicated that the actual practices of the station in South Africa fail to meet the NASA guidelines for ther own employees in this country, and as I understand it, they have also failed to comply with the equal employment policies of this administration, let alone other administrations.

So, with the assurances that we will have such an opportunity, and the committee will have a chance to review this situation and consider it in detail, and with the very obvious concern of the floor manager of the bill—and I want to say how much I appreciate that—I wish to indicate my willingness to work with the floor manager, the Senator from Utah (Mr. Moss) on this matter, and hopefully we will be able to resolve this inequity. Therefore, I withdraw the amendment.

The PRESIDING OFFICER (Mr. DOMENICI). The amendment is withdrawn. Who yields time?

Mr. MOSS. From the time on the bill, I yield 3 minutes to the Senator from Nevada, a very valued member of the committee.

Mr. CANNON. Mr. President, I should like to address very briefly one of the few additions that the committee made to the NASA fiscal year 1974 budget request. This was the addition of $10 million to the Space Research and Technology program to maintain a technology base for nuclear power and propulsion which the committee believes is necessary to support our space activities in the future.

My colleagues may recall that the Congress has always supported a strong space nuclear propulsion program and yet, in spite of this support and positive testimony as to the comparative worth of a nuclear propulsion system, the executive branch has gradually curtailed and finally, with the fiscal year 1974 budget submission, terminated all of this effort—I might add after the expenditure of in excess of $1.4 billion. Therefore, the net result of many years of work and a large dollar investment in a highly successful technology program to provide an advanced space propulsion capability for the Nation was a complete abandonment of the program without a reasonable attempt to protect the options for the future by maintaining even a small ongoing technology effort. This action is simply incomprehensive in view of the consistent testimony over the years from the most knowledgeable experts in the space propulsion field that nuclear propulsion offers a unique capability far beyond that offered by chemical systems. Further, the testimony has indicated that this is the only system within reasonable technological attainment which can offer an advanced space propulsion capability in the immediate future.

Mr. President, a similar situation exists in the program to develop nuclear power sources and conversion systems for spacecraft power which would support those future missions having larger electrical power requirements. This program also has been whittled away until there is very little left beyond that necessary to support presently identified missions. Again, I view this action as permitting vital technology to lapse.

Mr. President, the nuclear power and propulsion developments involve long lead times and, therefore, there is a need to continue to do our homework today to have the capability to exercise options in a variety of space programs in the future. We cannot ignore advanced propulsion and electrical power systems and expect to have flexibility to do the things that we may want to do. It is for these reasons that the committee has added $10 million for continuing nuclear power and propulsion technology efforts. In so doing, the committee has increased the funding for the Space Research and Technology program which supports other advanced space research and technology tasks. A general cut of $3 million was assessed against these other activities so, in effect, the net addition by the committee to this program is only $7 million.

In closing, Mr. President, I would like to advise that the House is in full agreement with the need for continuing these vital activities as evidenced by the addition of $10 million also to H.R. 7528 in its action on this bill.

Mr. MOSS. Mr. President, I am happy to yield to the Senator from Delaware (Mr. BIDEN) 2 or 3 minutes, or whatever he may require.

Mr. BIDEN. Two minutes is plenty.

Mr. President, I rise to comment on this bill that although there are a number of things that I think make a "yea" vote necessary, to continue the space program under this $3 billion authorization, I would like to point out for the record that as far as I am concerned, the $0.5 billion, which is roughly one-sixth of the total of this bill, for the Space Shuttle, I am not at all convinced is worth the expenditure.

There are a number of very tangible benefits to be derived from our space program, ranging from communications to medical advances to man learning more about his environment. But the Space Shuttle that we are talking about and for which $0.5 billion is included in this bill, is something we will be making a long-range commitment to, which will range into the billions of dollars if we decide that is the road to go.

I just want to make it clear for the record that although I shall vote "yea" on the bill today, that vote should not be construed as supporting the Space Shuttle. I hope that when the matter gets to the Appropriations Committee, those who have been opponents of the Shuttle and the SST will do what they can to pare down this $3 billion-plus authorization so that it is more realistic, in the sense that there are other priorities in this Nation, in my opinion, which would be much more deserving of a half-billion-dollar appropriation than the Space Shuttle.

I thank the chairman for granting me this time. I shall vote "yea" on the bill.

SOLAR ENERGY

Mr. WEICKER. Mr. President, at a time when there are pressing domestic needs, it is all too easy to go for the short term and question large Federal expenditures for space.

Nevertheless, even a cursory look at results from the space program would argue against such a course. This program, albeit directed toward the starts, has already yielded valuable advances here on Earth—in medicine, communications, nutrition, weather forecasting, pollution monitoring, and other facets of those very domestic needs that concern us all.

In particular, NASA's continuing investigation into alternative energy systems for its space missions has direct relevance at a time when America is anguishing over a threatened shortage of conventional energy production. The space program and long-range answers to the "energy crisis" go hand-in-hand.

If the Congress, or the Nation, think of NASA's job as completed with the landing of a man on the Moon, we are ignoring the vast potential of the space program to improve our human environment. NASA unquestionably has developed the capabilities to reach "for the stars," to continue to carry out large scale technology programs with its in-house capabilities, research facilities, expertise, and management experience.

To cut back drastically now, to dismiss this competency and experience as irrelevant to the problems of the Nation, this indeed would be to sell the space program and America short. Therefore, let us not fail to plant the seeds for technology development programs that may be futuristic, but hold the key to a quality of life for generations yet unborn.

The achievements engineered by NASA were not isolated successes, without application to their Earth and our lives. In a January 1973 speech before the American Institute of Aeronautics and Astronautics, I stated that the real benefits from the space program emerged as "offshoots" of our effort to land a man on the Moon. As I concluded then, I believe these benefits can come only from reaching for the stars, and certainly not from grubbing around in the ledgerbooks.

Clearly the emphasis of the space program has shifted from an outer space exploration orientation toward programs of specific Earth applications. NASA's years of experience in the near bounds of Earth's space can now be utilized to the fullest extent possible for solving Earth-based problems, such as environmental protection, food production and planning, and energy resource development.

One of the most promising of these areas—energy resource development—involves harnessing man's true source of life, the Sun. To quote from a front-page article on solar energy in the Wall Street Journal of April 16, 1973:

> The attraction of harnessing an inexhaustible power supply becomes apparent when it's realized that over the next 30 years the United States is expected to consume more energy than it has since the arrival of the Mayflower.
>
> Yet many of its present energy sources are either, like natural gas, in short supply or, like coal, a major cause of pollution. Even nuclear power no longer has the assured growth that was once predicted. Solar en-

ergy proponents, on the other hand, say that power from the sun is not only environmentally safe but also will be shown to be economically competitive with other power sources.

The Senate Aeronautical and Space Sciences Committee has realized that although the greater part of Federal funds for solar energy research has gone to National Science Foundation, NASA has been an equally important pioneer in the development and application of solar energy systems, such as the power supply for much of the Skylab mission now orbiting the Earth.

In light of the present energy crisis, the committee has stated in its report on the NASA authorization bill for fiscal year 1974, that:

> It is convinced that all potential sources of energy should be fully and expeditiously explored and that NASA has broad capabilities that can and should be studied fully for their potential application to solving the energy shortage facing the Nations. It is a question of utilizing fully all our resources in the face of crisis.

To this end, the committee has increased the space applications budget for NASA by $2 million, for purposes of formulating a long-term energy program. This program is to incorporate development of all the many technologies and power systems that the space agency has utilized or investigated.

I applaud the committee's farsighted action in this regard. It represents well-founded recognition of NASA's particular accomplishments in advanced energy components for space missions. I am hopeful that these technologies will be used to harness solar energy, since NASA already has a demonstrated expertise in such areas as photovoltaics, solar energy collection, thermodynamics and heat transfer, power conversion, and energy absorbing coatings.

We can see how private industry has taken advantage of NASA's contributions in solar energy research, as the following article from Business Week magazine of May 19, 1973, illustrates:

THE SUN BREAKS THROUGH AS AN ENERGY SOURCE

Freeman A. Ford gets impatient when people talk wistfuly about harnessing the bountiful energy of the sun. "There's been a great deal said about solar energy, but very little action," he says. So, last year, Ford set up Fafco, Inc., in Atherton, Calif., to sell sunpowered heating systems for swimming pools. Since then, some 40 pool owners in California and Florida have shelled out anywhere from $200 to $2,000 for his black plastic panels that take the chill out of pools for nothing but the cost of pumping the water through them. Beams Ford: "We've identified a need, and we've filled it."

Experts have long predicted wide use of solar energy as a source of electric power in the 21st Century. But the looming energy crisis has prompted researchers and businessmen alike to take a closer look at the sun's potential. Their startling conclusion: Solar energy may blossom into a significant commercial market in as little as three years.

Although systems that convert sunlight to electricity are not likely to reach the commercial stage for some time, the experts expect solar energy to start assuming a substantial share of the nation's heating and cooling load, which accounts for about 20% of total energy consumption. "What's going on right now is rather skimpy," says James A. Eibling, Battelle Memorial Institute's director of solar energy work, "but you'll be overwhelmed with how much will be going on a year from now."

A NEW INDUSTRY

As if to underscore this prediction, Arthur D. Little, Inc., the Cambridge (Mass.) research and consulting company, last week announced a major program to cultivate "a solar climate-control industry." ADL has signed up 18 companies already, including such giants as Corning Glass, Du Pont, Ashland Oil, and Honeywell, who are paying $15,000 each to support a study of short-range markets. "This is no research project," insists ADL Vice-President Peter E. Glaser, "but a program to develop a new industry." Glaser hopes for a total of 40 clients before he begins a hardware-evaluation phase next year.

Several years ago, Glaser attracted worldwide attention when he came up with an intriguing Space Age approach to solar power. Instead of depending on sprawling "solar farms" that could be blanketed by rain and haze, he proposed huge power-generating satellites that would convert sunlight to electricity in orbit and relay the power to earth over microwave beams. However, like other schemes for central power stations fueled by the sun, Glaser's satellite system is decades away, at best. Today, even earthbound solar stations are prohibitively expensive, mainly because solar cells or other devices needed for the conversion step are so inefficient.

Using solar heat directly is another matter. For years, the Japanese have warmed their bath water with solar heaters. Rooftop solar water heaters are also common in Latin America, India, and the Middle East. In Australia, they are found on schools, hospitals, and banks as well as private homes.

A few companies make solar water heaters even in the U.S. Before natural gas became widely available in Florida, for instance, Solar Water Heater Co. in Miami sold more than 60,000 units. "There's still a good market," says President Walter Morrow. "I get a dozen or so requests each day. If the people want to make their own, I sell them plans and materials." Across the continent, California Institute of Technology, under contract to Southern California Gas Co., is developing advanced solar water heaters that could supplement conventional gas and electric units.

PRESSING NEED

Why, then, has it taken so long for Americans to take solar energy seriously? One reason is that the benefits have always seemed to be marginal. "Energy has been so inexpensive to us," Battelle's Eibling points out. Arthur D. Little's Glaser notes, too, the problem of breaking into the fragmented and tradition-bound housing industry. Erich Farber, director of the University of Florida's solar energy laboratory, puts it more bluntly: "Ignorance is the major reason solar heating systems aren't on the market. Most manufacturers don't know it can be done."

But now, says Farber, the squeeze on oil and natural gas will force manufacturers, builders, and homebuyers to consider solar water heaters. Rising fuel costs are also beginning to make solar energy feasible for space heating. Already it is cheaper than electric heating in many areas (map). Farber admits that installation cost may run eight times as high as for electric systems and about twice as much as for gas. But, he says, "it pays for itself in seven or eight years."

A joint panel of solar energy experts, formed by the National Science Foundation and the National Aeronautics & Space Administration, recently concluded that solar climate-control systems might be included in 10% of all new buildings by 1985. Arthur D. Little says that by then the solar equipment market should reach $1-billion a year.

ALREADY WORKING

Today, a score of homes in the U.S. get at least part of their heat from do-it-yourself solar systems. George Lof, a civil engineering professor at Colorado State University, says that the sun has supplied at least 25% of the heat for his Denver home during the past 15 years. On the roof of his house are two rows of solar panels propped up to catch the sun. The panels are nothing more than shallow glass boxes, with several layers of transparent glass covering a black-coated one. As in a greenhouse, the clear glass traps most of the sun's heat-bearing waves; the black surface absorbs them, raising its own temperature to well over 200 F.

All day long, air flows through the panels to pick up this heat. If the heat is needed immediately, the air travels through conventional forced-air ducts and returns to the panels. Otherwise it circulates around the base of two gravel-filled cylinders that rise like miniature silos from the basement to the roof of the two-story house. The gravel stores enough heat to warm the house during the evening hours. After that, Lof depends on his gas furnace, as he also must do during extended periods of cloudiness. Still, Lof figures that his jury-rigged solar "furnace" shaves $150 a year from his heating bill.

Lof has worked with Richard A. Tybout, an economics professor at Ohio State University, on an extensive cost analysis of solar climate control in eight U.S. cities. His conclusion: "Heating *and* cooling is the way to get an early solar payoff." That is because the same equipment could be used all year long at very little extra cost. In the summer, solar heat could power an absorption cooling system like the kind found in gas refrigerators. Lof hopes to land an NSF grant to build a house at Colorado State with both solar heating and cooling. He plans to use a hot water system instead of a hot air system such as the one in his home. Hot water tanks, rather than gravel-filled cylinders, will store the heat.

Lof stresses that solar systems would only complement, not replace, conventional heating and cooling units. A backup system is needed anyway for bad weather, so it makes little economic sense to design a solar system big enough to handle the entire load if it is to be used for only a few days of the year.

COMMERCIAL BUILDINGS

Office buildings are especially suited for solar heating and cooling, because peak occupancy is usually during daylight hours. Gershon Meckler, a Washington (D.C.) engineering consultant, has developed and patented several solar energy systems and is working on 10 different designs for apartment and office buildings. One of his projects, a small office building in Denver designed for Financial Programs, Inc., is in its fifth year of operation.

This building has banks of skylights that let in sunshine to reduce the need for electric lighting. The skylights are also equipped with heat-exchanger louvers containing circulating water that carries away the heat generated by the sun's rays. Photocells control the movement of the louvers, keeping them pointed toward the sun. In winter, the hot water collected by the louvers circulates through the building's radiators. In summer, Meckler says, the heat exchanger also cuts the building's air-conditioning needs in half.

More advanced systems are on the way. Frederick Dubin, a New York architect, is designing solar heating systems for two office buildings that the federal government will put up in Saginaw, Mich., and Manchester, N.H. One private demonstration project is already at the construction stage: the three-story Massachusetts Audubon Society building in Lincoln, Mass., which is scheduled for occupancy by 1976. Solar collectors on its roof will produce hot water for heating and cooling, and the system may handle as much as 75% of the total load. "This building will be a demonstration of solar energy technology here and now," says Alan H. Morgan, executive vice-president of the society.

SOLAR CELLS NEXT

Eventually, if the price of photovoltaic cells drops far enough, thermal systems based on solar energy may have to make way for electric systems. Central power stations based on solar cells may be a long way off, but researchers are hopeful that solar-cell-powered buildings will be appearing in the 1980s.

The first house with solar cels on its roof will soon be ready for experiments at the University of Delaware. Next month, Karl Boer, director of the school's Institute of Energy Conversion, will throw a switch to activate lights and appliances, all powered by the sun. For a year or so, a computer will turn equipment on and off to simulate family use.

Boer says that none of the solar equipment is based on new technology. The cadmium sulfide solar cells, for example, were first developed by the government for the space program. The two-bedroom house will have three power systems: the rooftop solar cells, an array of thermal collectors mounted beneath the cells to trap the sun's heat for climate control, and a conventional hookup to a power grid. Batteries will store excess power from the solar cells, and special salts that are formulated to retain large amounts of heat in a small space will store the thermal energy from the collectors.

THE ECONOMICS

While the technology may not be innovative, the financing arrangements definitely are. If the electric utilities get a piece of the action, Boer seriously believes that every new dwelling could be equipped with solar cells by the end of this decade. So he brought in Delmarva Power & Light Co., which is paying for 30% of the $125,000 project. Every Friday, Boer's architects, sociologists, and engineers report to a Delmarva official. The utility is studying the feasibility of supplying solar panels to customers just as phone companies supply telephones to their subscribers. Delmarva would then sell electricity for peak demand and for backup systems.

Pettinaro Construction Co. of Wilmington, Del., is building the house. Project manager Richard Butler asserts that a four-bedroom solar house of similar design could be built right now for $50,000 to $70,000, roughly 40% more than comparable homes cost in the area. Boer is even more optimistic. Solar power would add no more than 15% to cost, he says, and mass production would cut that amount in half. The amortized cost, he insists, would be about $1.50 per million Btu and 2.7¢ per kilowatt-hour. "It compares favorably with the average price of energy in Delaware," he says.

Not all experts agree with Boer's sunny outlook for solar cells. But just about everyone working in the field is pleased that his sort of experimentation is finally here. "The sun is an energy source that we are just beginning to think about in the right terms," says ADL's Glaser. "Anyone can tap it. We will no longer be competing for limited resources. And it will mean dollars to those who are the most clever in gadgeteering."

It is important to remember that NASA does not have the charter to apply its resources toward Earth-based solutions for harnessing solar energy. Actually the National Science Foundation has that authority, with a budget of $12 million for research and development in fiscal year 1974. Since NASA has proven its capabilities in solar energy research, I would hope that NASA would work closely with NSF in the promotion of commercially feasible consumption of solar power for the 1970's.

It is time for NASA to take up the vital role it should and could play in making solar energy a viable alternative. It is encouraging to note that the Solar Energy Panel, a joint council composed of experts from NASA and NSF, has concluded:

> There are no technical barriers to wide application of solar energy to meet U.S. needs . . . For most applications, the cost of converting solar energy to useful forms of energy is now higher than conventional sources, but with increasing constraints on their use, it will become competitive in the near future.

Within the constraints of this $2 million authorization for energy studies, NASA should reconsider its role in the field of solar energy and begin to formulate a program for the development and application of solar energy for terrestrial use. Of course, NASA must coordinate with the National Science Foundation, but NASA's unique experience and capabilities warrant its own solar energy plan for the future. In the CBS radio broadcast of "Your Earth" of March 17, 1973, commentator Michael Krauss looked into the future and noted:

> NASA also believes that solar energy could produce a major portion of our electrical needs within ten to twenty years. But in order to reach that level, the House Science Committee projects federal funding for research on the order of some 100 million dollars a year for the first three years. After that, the cost estimates are being put at about a 150 million dollars annually. In all—over a fifteen year span—the total bill could come to something like three billion dollars. Most of the experts are quick to concede that the initial outlays of cash may seem steep to the taxpayers. But over the long haul the investment may well be worth it. And in the view of many lawmakers, the U.S. may well have no choice but to spend the money—or have more Alaska pipeline quandries.

An impact of this magnitude cannot be achieved without a large scale commitment and a coordination program—with vision, practical planning, and expert management. I believe that NASA has much to offer in the initial stages of project formulation and technology development for the harnessing of abundant and clean energy from the Sun.

I am therefore requesting that the distinguished chairman of the committee direct NASA to submit a full and detailed report of its energy studies, which are being funded with the additional $2 million authorization. This report should be submitted no later than March 1, 1974, and include an assessment of current technologies, a proposed program for developing solar energy for widespread Earth application within the century, together with a schedule of projected funding necessary to achieve this goal.

At this point in time we are facing difficult choices. But we have never benefited by playing to our immediate desires. Instead, even in the worst of times we have decided to take the high road, toward our greatest future potential. In spite of the time it has taken to make significant advances in medicine, in education, in space itself, we seem unaware of, or indifferent to, the reality of "lead time" required to accomplish important new landmarks for mankind. We must now invest not only our dollars but our future, in reaching for the stars so that we might live a better life on Earth.

Mr. CRANSTON. Mr. President, as we are debating the NASA authorization bill, two men out in space are working calmly and competently to make the Skylab mission a success. I make this point not only to honor Astronauts Conrad and Kerwin, but to comment that as a nation we are beginning to take space feats in stride. I submit that we have compiled an impressive record as a leader in space technology, and that we must continue this effort by voting full funding for NASA.

H.R. 7528 contains authorization for $3.046 billion for NASA in fiscal year 1974. Contained in that bill is $475 million for the Space Shuttle, an amount equal to the administration request. The Senate committee decided not to add the $25 million added by the House to reverse the slowdown of the Shuttle and to support an earlier buildup of personnel. The committee heard from NASA witnesses that the stretchout would not add to total program cost and decided against adding funds at this time. I concur, somewhat reluctantly, with the committee's judgment.

The effect of the Shuttle on employment is well known: It will provide jobs representing more than 750,000 man-years—a man-year is one man working 1 year—in this decade alone. During the peak employment year, 1976, there will be 50,400 aerospace jobs and 75,600 jobs in supporting businesses, totalling 126,000 jobs nationwide.

Opponents of the Shuttle readily agree that the program will provide badly needed jobs, but they seem to feel that these jobs are a wasteful luxury so long as there is hunger and want in America. My distinguished colleague from Maryland, Senator MATHIAS, answered this point very well when he said, on May 30, that—

> To use this argument as the basis for opposition to the Space Shuttle . . . misses an essential point. For it appears to be based on the false logic that implies that we can never pursue a second or third priority goal as long as our top priority is not completely achieved. And that is hardly a prescription for a balance of priorities.

I agree completely with this clear-headed statement, as I so often agree with Senator MATHIAS.

Mr. President, it is hard to prove that the Shuttle program puts food into the mouth of a hungry child. But the products of Space Shuttle employment will affect the general well-being of all of us.

Take, for example, an outstanding task confronting the world today—the search for peace. Arms control and disarmament are areas in which the contributions of satellites have been particularly dramatic. Thanks to satellite observations, we can identify objects the size of a manhole cover. There is no doubt that the reassurance that this capability provides continues to be a sine qua non of the SALT agreements. And looking farther ahead, both the United States and the Soviet Union have proposed the establishment of an International Disarmament Organization—IDO—to be operated by the United Nations to insure that the terms of a treaty are being observed. IDO would be in charge of all inspection operations, including inspection from space. Satellites would be particularly useful in monitoring arrangements for regional nuclear-free zones, port deliveries, and cease-fire lines.

Or just consider the so-called energy crisis. Not long ago schools and factories were temporarily closed in order to conserve our dwindling supplies of gas and oil. Yet every day the Sun produces 1,000 times as much energy as all the energy sources on Earth. Harnessing the energy of the Sun could well liberate us from "dirty" sources of energy and dissolve the blanket of air pollution that threatens to choke our cities. We have already launched seven orbiting solar observatories in order to gather vital data about the Sun. Theoretically, a solar energy station orbiting in space could tap the Sun's energy and transmit it back to Earth for our use.

The space program has already had an important spinoff effect in still another area—medicine. Let me mention just a few of the many examples.

Sensors developed for use in space are already being used for infants with breathing problems. A space helmet developed for astronauts and test pilots under stress is being adapted to detect hearing defects in children. An electronic pacer, perfected by miniaturization techniques developed in the space program, can be implanted in the chest to keep the heart beating normally. An instrument measuring muscular tremors originally developed to record the impact of micrometeorites on space vehicles, aids the early diagnosis of neurological diseases. Supersensitive infrared detectors developed for space research is proving useful in the early detection of cancer. The list is dazzling.

Space technology helps to clean up our environment and our oceans as well. Data gathered by sensors which were originally developed by aerospace engineers will be used by the Bureau of Commercial Fisheries to determine the effect of pollutants on certain types of crabs. Waste and sewage disposal systems are beginning to use collection, processing, and disposal techniques developed by space technology. Life support systems developed for space are already being applied to manned underwater research programs. Earth resources satellites help farmers to time their harvest and to detect crop diseases. In Imperial Valley, Calif., for example, the Earth resources technology satellite program will include sequential satellite pictures to monitor pest control efforts against the pink boll worm, a hazard to the cotton crop.

Other socially beneficial uses of satellites spread over many fields. Fishing fleets can be served through the detection of large schools of fish as well as the pattern of currents and tides. Weather satellites will soon be able to make accurate weather predictions as much as 2 weeks in advance. Sports programs are beamed to our living rooms live via satellite. And all this is in addition to the opportunities for peaceful cooperation with the Soviet Union, as symbolized by the planned Apollo-Soyuz dockup. The enthusiasm with which Russian and American scientists and technicians are learning each other's language and sharing ideas is contagious. It's small wonder that Dr. James Fletcher, the Administrator of NASA, calls the Apollo-Soyuz program "a very major milestone."

Satellites are here to stay. And I think they can improve our lives tremendously. So let us not take a "penny-wise pound-foolish" approach to spending. The Space program has had an outstanding record of meeting schedule and cost requirements. The Space Shuttle in particular is designed to save money in the long run. So let us not chip away a little here and nibble away a little there. Let us give the shuttle program the funding it deserves.

There is another important area in which the benefits of the Shuttle program are particularly helpful: high-technology exports.

Mr. President, it goes without saying that a nation whose trade position is weak ought to look for ways of promoting the export of goods and services in which it can compete effectively.

Clearly, space capability is one area in which we are not merely competitive—we are the leader.

Last year, Mr. President, we sold $3.92 billion worth of aerospace products abroad, and the estimated figure for calendar year 1973 is no less than $4.07 billion.

On October 9, 1972, President Nixon outlined a specific policy for space launchings whereby the United States will provide launch assistance to other countries and to international organizations for peaceful satellite projects. This policy stresses that launches will be offered on a nondiscriminatory, cost-reimbursable basis. Since the Shuttle will provide launch services at lower costs and offer orbital maintenance services never before available, the participation of foreign countries—already large—should markedly increase. Revenues derived from these launch services and orbital maintenance services will become positive factors in our balance of payments position.

In January, for example, NASA was informed that the European Space Research Organization voted to authorize the development of a "sortie laboratory" to fly with America's Space Shuttle in the 1980's. This laboratory will be carried into orbit in the payload bay of the Shuttle orbiter and will carry on research operations lasting 7 to 30 days. A preliminary estimate is that the project will cost between $250 and $300 million, to be funded by the nations of Europe.

Significantly, the Sortie Lab—or Space Lab as it is called in Europe—in conjunction with the Shuttle, provides another opportunity for international participation. At a time when we are asking Europe to share our international expenses, the Sortie Lab is a fine example of the financial and technological contribution that the European community could realistically make to the Shuttle program during the next several years.

A Shuttle-borne Sortie Lab will provide a new and exciting opportunity for scientists who are not astronauts to perform their experiments in the space environment.

For the first time, scientists of many nations will join each other and carry out their own experiments in space. The technical, cultural, and scientific advantages of this type of joint endeavor will enrich the lives of the people of many lands.

The Sortie Lab is only one example of the ways in which the benefits of the Shuttle program quickly spill over from dollars and cents to new forms of international cooperation. This cooperation has already been one of the most successful—if little publicized—facets of our Space program. A rich harvest has already been gathered and shared.

First of all, there has been the advancement of scientific and technical progress. In a very real way our space program has helped to stimulate interest in scientific applications and direct technical solutions to the often unrelated problems of individual nations. Some of our own space experiment programs have been enhanced by activities in other countries. Nations have become less sensitive to access to information about sovereign land areas in resource programs requiring regional or global measurements. We have also witnessed the extension and strengthening of ties among scientific and national communities.

NASA's international programs include ground-based programs with 84 countries, personnel exchanges with 40 countries, cooperative project agreements with 28 nations, and tracking and data acquisition agreements with 22 nations.

Of particular significance is the agreement between the United States and the Soviet Union, signed by President Nixon and Chairman Kosygin of the U.S.S.R. in May 1972. In 1971, NASA and the Soviet Academy of Sciences had agreed to cooperate and exchange data relating to space meteorology, the environment, space science, biology, and space medicine. The best known and clearly the most dramatic commitment was to develop compatible rendezvous and docking systems for future generations of spacecraft and to conduct a joint experimental flight during 1975 to test those systems. The Apollo-Soyuz Test project must certainly rank as one of the key steps in the long-range objective of reducing tensions between ourselves and the Soviet Union. As a strong first step, it represents a complex technical venture aimed at developing a mutually constructive relationship. The expected success of this program may serve as a model for productive cooperative efforts in other fields.

Mr. President, I ask the Members of this Chamber of consider the thoughts expressed by President Nixon in his message of January 5, 1972:

> Views of the earth from space have shown us how small and fragile our home planet truly is. We are learning the imperative of universal brotherhood and global ecology—learning to think and act as guardians of one, tiny blue and green island in the trackless oceans of the universe. This new program will give more people more access to the liberating perspectives of space, even as it extends our ability to cope with the physical challenges of earth and broadens our opportunities for international cooperation in low-cost, multi-purpose space missions.

I strongly urge you to support our Nation's Space program and to vote for H.R. 7528.

UNANIMOUS-CONSENT AGREEMENT ON S. 1125

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 1125, a bill to amend the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, is called up and made the pending business before the Senate, there be a time limitation of 1½ hours to be equally divided between and controlled by the distinguished Senator from Iowa (Mr. HUGHES) and the distinguished Senator from New York (Mr. JAVITS) or his designee; that time on any amendment thereto in the first degree be limited to 40 minutes; and that time on any amendment to an amendment, debatable motion or appeal be limited to 20 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism, debate on any amendment shall be limited to 40 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and debate on amendments in the second degree, debatable motions or appeals shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1½ hours, to be equally divided and controlled, respectively, by the Senator from Iowa (Mr. HUGHES) and the Senator from New York (Mr. JAVITS), or his designee: Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

LEAVE OF ABSENCE

Mr. CLARK. Mr. President, in accordance with rule V of the standing rules of the Senate, I ask unanimous consent to be absent from the Senate on official business from June 21 to June 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent to be absent from the Senate on official business from June 21 through June 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS

The Senate continued with the consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MOSS. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with no time taken out of the time on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

Who yields time?

Mr. MOSS. I yield myself 1 minute.

Mr. President, we are in a dilemma. We understood that Senator FULBRIGHT was coming to the floor, but he is not here as yet. The ranking minority member of the committee and the committee are ready to proceed with the vote.

I will suggest the absence of a quorum, but I ask that a phone call be made to see whether the Senator is coming to the floor. We are anxious to proceed with the bill.

Mr. President, I suggest the absence of a quorum.

Mr. GOLDWATER. Mr. President, I suggest that the time for the quorum call be taken out of my time.

The PRESIDING OFFICER. Without objection, the time for the quorum call will be taken from the time allotted to the distinguished Senator from Arizona (Mr. GOLDWATER).

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 28, between lines 12 and 13, insert the following new section:

SEC. 9. (a) Notwithstanding the foregoing provisions of this Act, not more than $2,924,160,000 may be expended in the fiscal year ending June 30, 1974, for all programs authorized by this Act. The Administrator of the National Aeronautics and Space Administration in his discretion may determine the extent to which sums authorized by this Act for particular programs are reduced in compliance with the limitation contained in this section. Nothing contained in this section shall be deemed to authorize any increase in the amount of any such authorization.

On page 28, line 13, strike out "Sec. 9" and insert in lieu thereof "Sec. 10".

Mr. FULBRIGHT. Mr. President, I am submitting this amendment to the NASA authorization for fiscal year 1974 (H.R. 7528) which would reduce the appropriations authorized in the bill by 4 percent.

The bill, as reported by the Committee on Aeronautical and Space Sciences, authorizes appropriations totaling $3.046 billion for the National Aeronautics and Space Administration. The committee's recommendation is $30 million larger than the administration's budget request of $3.016 billion, although it is somewhat smaller than the House authorization.

My amendment would have the effect of reducing the authorization by $121,840,000—$121.8 million. The authorization would therefore be $2,924,160,000.

I understood earlier in the day that this matter would not come up this soon and that possibly other amendments would be introduced.

Because of our total obligations, the deplorable condition of our budget, and the criticism this body receives from the executive branch and others with respect to being irresponsible in the field of spending, I believe that as a matter of principle this amendment should be offered.

Some may consider this a futile gesture, but I hope it is not. One reason I am offering this amendment is because of the change in the mood in this body with respect to the war in Vietnam, with regard to the Joint Committee on the Budget, and the desire to hold down spending. Individual Senators in party caucuses have made statements to the effect that the Senate must become responsible in the field of economics and not be known as a spendthrift body.

The reason for this amendment is pure, simple economics. We have very serious inflation, which everyone must be aware of. I agree with the President that it is the most serious domestic problem we face.

In view of the cuts in important health and educational programs I think that it is necessary to cut back on all these programs. The space program, in particular, should be cut back because it has no relation to our needs at the moment. This is a long-term program at best.

Those of us who have insisted that Congress is responsible as the executive branch have the opportunity to prove it. The Constitution gives the power of appropriations and power of the purse to the leigslative branch. It is our duty to act responsibly and to take present conditions into account.

I thought, for example, that the Senate acted wisely in deleting some $31 million from the administration's request of $224 million for the U.S. Informatoin Agency. Cuts have also been made in other programs, including the recent action to limit farm subsidies.

I firmly believe that every agency, including NASA, can take a cut of these proportions without in any way seriously hampering that agency's operations. The state of our economy demands that it be done.

It is claimed that the NASA budget has already been reduced significantly from the levels of recent years. I would certainly hope so, because, after all, we were told that the Apollo program and the race to the moon were crash programs that demanded high-level funding for short periods.

Already, from 1959 through fiscal 1973, we have spent more than $72 billion for Government space activities. This includes funds expended both by NASA and the Department of Defense as well as other agencies. This colossal amount will be greatly increased in years ahead, particularly if the Space Shuttle proceeds as scheduled.

I see no reason that we should continue racing in space. We proved our point to the Russians, and now, I am pleased to note that there is cooperation between the two countries in space efforts.

Mr. President, it should be emphasized that one of the major justifications for the Space Shuttle is its military potential. The predominant portion of our Federal budget is already going to the military, yet here is one more significant expenditure which should be at least partially charged to the military budget.

The recent GAO report raised strong questions about the economic justification of the Space Shuttle.

At a time when we have serious problems of inflation, when many of our important health and education programs are lacking funds, and when there is a strong need to hold down spending, I think we must cut back on the space program, which, whatever its merits may be, cannot justifiably be given top priority.

Many of us in Congress have said that we are every bit as responsible and concerned about limiting spending as is the Executive. Indeed, I believe Congress should lead the way. This amendment presents an opportunity to do so. It will force NASA to tighten its belt somewhat, but I am sure it can be done. After all, when the Office of Management and Budget demands a cutback in funding, the various agencies, including NASA, manage to accommodate themselves to such cuts.

This amendment would represent a minimal reduction in the overall NASA budget, yet the amount of money involved—$121.8 million—is quite significant when contrasted with funds available for a number of important Government programs in the fields of health and education.

It is particularly regrettable that the committee's bill would increase the authorization over the amount requested by the administration.

If anything we should be reducing the administration's requests rather than increasing them—that is if Congress is serious about exercising authority and responsibility in budgetary matters.

Mr. President, the cumulative effect will be significant if we do this across the board on all these measures. It is very difficult to see the effect when there is only one measure before us. This is $121 million, or 4 percent of this very large authorization. It is a relatively small amount. However, as I have stated, I think the cumulative effect is important.

I would like to have a yea and nay vote on the amendment. I wish to go on record as doing my best to cut these programs, especially those that have no real relation to our immediate needs. I would exempt a program such as disaster relief which we recently considered. That is a different type program, dealing with our own people who have suffered from a disaster. There are some domestic programs that serve the immediate needs of the people of this country that should not be cut. But this is not one. The only immediate impact would be on some jobs. That is unfortunate, but there are so many needs in other areas that the job problem should be taken care of with reasonably astute management in the transfer of these people to more productive efforts.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. I do not think there is any need for me to elaborate on this amendment. We have been over it for many years and it is basically a question of priorities.

Mr. MOSS. Mr. President, I shall be brief. I agree with the Senator from Arkansas that there is no point in belaboring the subject. I would, however, like to point out that a 4-percent cut is not negligible; it is a sizable cut in the authorization we are talking about. As I tried to point out in my opening statement, the committee has spent long hours and heard many witnesses and compiled a record that runs through three volumes, inquiring very carefully into this program. We trimmed everything we thought could be trimmed and still have a program that would be somewhat successful. Some things we had to terminate.

The Senator said it is a question of keeping jobs. The authorization we propose is cutting out 1,880 jobs in NASA alone, and NASA employment is down ever since the high point in 1967.

But I would point out NASA programs do have an immediate impact. It is not only long-range things we are talking about. The Senator said it is purely economics and there is a change in mood since Vietnam. Neither of those reasons is applicable. What we are talking about today is the launching of the second Earth resources satellite, and the results from the first one have been detailed with respect to the economic impact it has had on the people of this country. We are already reaping the benefits of the aeronautics and space program. The amendment would knock out the money for restarting the DC–8 and 707 engine refan program which was eliminated by OMB because of the cost.

That has an immediate impact. The amendment would also knock NASA out of its contribution to meeting the energy crisis.

I say it is not a small and insignificant cut. It is a very significant cut and it would have a very adverse effect on the program if it were to prevail.

Mr. COOK. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. COOK. Has not the committee already done what the Senator from Arkansas is requesting by this amendment? I understand that last year for fiscal year 1973 this body approved appropriations of $3.407 billion.

Mr. MOSS. That is correct.

Mr. COOK. This year the committee is approving a budget of $3.107 billion. It seems to me that the committee has really already exercised that degree of prudence that the Senator from Arkansas is asking by reason of his amendment. As a matter of fact, it would be cutting it—this would be $121 million, but the committee cut is almost $300 million from last year. So it seems to me that the import of the economy that the Senator really wants has already been accomplished by the committee in relation to its budget last year and the submission this year. Is that correct?

Mr. MOSS. The Senator is correct. The committee rather regretfully had to cut the matter back to where it is now, and we had to exercise the greatest care in trying to tailor our budget so that programs of greatest importance could continue.

Some of them have had to be suspended and have been dropped because of the cutbacks that have already been made.

Mr. COOK. So, therefore, in essence, what the chairman is saying is that more than a 4-percent reduction has already been made from the funds that were appropriated last year, in the funds the committee is asking the Senate to concur in this year. Is that correct?

Mr. MOSS. Yes, over 10 percent.

Mr. President, I am ready to yield back my time.

Mr. FULBRIGHT. Mr. President, just one comment. The Senator talks about vast programs which may have an immediate impact. For example, the Space Shuttle has military significance. It has been justified, to a large extent, on that basis.

I only wish to point out again that between 1959 and 1973 we have spent some

$72 billion on space activities. One may be able to pick out ERTS or one or two other projects which could have immediate effect, but I submit most of them have no immediate effect on the welfare of the people of this country.

With respect to the Space Shuttle, the GAO raised serious questions about the economic justification of the Space Shuttle. It is a very large part of the space program and one which commits us far into the future. I simply do not believe this program deserves a high priority.

I am sure that every committee which considers legislation thinks it has done all that can be done. I sympathize with that. We usually feel the same way in the committees on which I serve. Unfortunately, sometimes this body has increased the amounts far beyond what the committee felt was right. But I submit that economic conditions today are far more serious than in the past. Nobody realized a year ago that the dollar was going to be devalued to this extent. Nobody realized that the markets, which are an indication of the judgment of the world as well as that of our own people of confidence in the economy of this country, would be in their current condition.

We are confronted with serious conditions. The President just announced plans for what is called the phase 4 program, recognizing the condition of our economy and the serious effect of inflation. Look upon the whole gamut of Government activities and consider which ones are more or less important in meeting our immediate needs—reducing inflation and in providing for the health and welfare of our people. I do not believe the space program will rank as one of the more important. All I am saying is that the space program ought to take a fair share of the reduction in spending, and yet this bill contains an increase over the request of the administration. I do not see any justification for that.

The Democratic caucus voted for a spending ceiling. As a matter of fact, we voted for a ceiling below the administration's request. This administration has charged the Congress with being irresponsible are not able to control the budget, and regrettably we are now running the risk of justifying that charge.

Each committee feels its particular jurisdiction is somewhat sacred and that it has the most important activity in the Government. I sympathize with that feeling. However, it is the responsibility of the entire Senate to vote on it and to consider the overall picure. I believe we must do all we can in trying to control expenditures. That is what this is all about.

The exorbitant size of the program is quite well known. An enormous amount of money—more than $72 billion—has been spent on space. I do not see why we should not begin to pare it down a little at a time, as we can, in order to cause as little disruption as possible during the transitional period.

Mr. MOSS. Mr. President, may I make one comment? My colleague has talked about great spending. We are talking about 1 percent of the total budget that we will vote on this year in the Congress. So we are talking about 1 percent of what the budget is, and then we are talking about cutting it still lower than that.

Mr. President, I yield to the Senator from Connecticut such time as he may require.

Mr. WEICKER. Mr. President, I thank the Senator for his generosity.

First, I want to commend the ranking Republican member of the committee (Mr. GOLDWATER) for the superb job he has done on this legislation.

You know, Mr. President, I am just not going to sit back any longer and have one of the favorite whipping boys of the Senate set up as a target again for cutbacks without responding to it rather directly. Mr. President, there is no constituency out in space, no constituency on the Moon, so it is very easy to demagog against the space program, but to me it also shows a lack of leadership to do so. I say a lack of leadership because, clearly, the very complex problems that confront the country today are not going to be resolved by some ward politician going ahead and offering demogagic answers to these complex problems.

The chairman had a very hard time, as I am sure he will admit, with the Senator from Connecticut, because I felt there ought to be additional moneys added to this program. Specifically, I felt that there should be additional moneys added for a second Skylab. I felt additional moneys should be coming in many areas of the space program.

This is the greatest and most positive scientific effort undertaken by the United States of America. When we talk about no benefits, we must understand that the main thrust of the program is to explore. The main thrust of the program is to conduct a search for knowledge in the areas of science and in space, but the fallout in benefits to the Nation has been tremendous.

When we talk about an energy crisis, assuming we have no answer to that with our known sources of energy, it seems to me we have to explore other possibilities such as solar energy.

We talk about communication. Just think what the space program has done in this area alone. Unless we want to have telephone poles all over the United States of America, I suggest to you the solutions provided by the space program have come just in time.

We talk about medicine. Walk into the emergency care unit of any hospital. Where do my colleagues think the monitoring equipment came from? I am talking about the heart monitoring equipment and the brain monitoring equipment. I certainly know about that in a very personal sense. No one knows how many lives have been saved by the technology advances made under the auspices of the space program.

Talk about our lead in computers. No question about that. The space program allowed private enterprise in conjunction with the national government the opportunity to put into practical application the science of computers. That is why we lead the world in that area.

I could go on and on and just talk about the advances made in weather forecasting alone, which has helped along with our resources on earth to make great advances in this field and many others including to help us identify the sources of pollution from space.

This is the country I know and hope for, reaching for the stars, not setting out, for example, to build a better toaster, but to conquer space, and because of that, make its applications usable on earth.

This program has been continually cut back. I am making this speech now because I am afraid that next year it will be cut back again. I think we are past the point where we can subtract further unless we want to throw everything overboard. Then we will forfeit our scientific leadership in the world—not our military leadership, but our scientific leadership on behalf of men and women everywhere.

As I said, no amount of speaking here in the Senate Chamber or on the street corners by politicians is going to bring about a better life. We are going to have to achieve that through science. That is exactly what we are doing in this bill.

So I commend the committee and again the ranking minority member for a job well done. I would have liked more, but I realize that everything is a matter of compromise. I assure you, Mr. President, I am not going to sit here and see an across-the-board cut take place. If we want to establish leadership in this Congress, may I suggest that we not do across-the-board cutting, but be a little more specific and a little more positive in the approaches we take, either plus or minus.

I certainly advocate the rejection of this amendment.

Mr. MOSS. Mr. President, I thank the Senator from Connecticut.

Mr. President, I am ready to yield back the remainder of my time.

Mr. COOK. Mr. President, may I have 1 minute?

Mr. MOSS. Mr. President, I yield the Senator from Kentucky 1 minute.

Mr. COOK. Mr. President, I would suggest that on occasion we should reflect on some of the testimony we have had before the committees of the Congress. And I think that some of the best testimony we had last year before our Subcommittee on Oceanography was by Dr. Jacques Cousteau. Dr. Cousteau said at that time that the only way we can look forward to clean water in the ocean and a resolution of our problems in the ocean is going to be through the Skylab and the types of photography that have been developed as a result of this program, we will have a way by which we can solve the problem and find the culprits that are destroying the ocean.

He gave some very stark and real comparisons of what the oceans were like years ago and what they are like today.

I would rather that the Senator from Arkansas some day go after a whale rather than after a minnow.

Mr. MOSS. Mr. President, I thank the Senator. I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I

could not hear what the Senator from Kentucky had to say about me.

Mr. MOSS. He said he hoped that the Senator from Arkansas would some day go after a whale rather than a minnow.

Mr. FULBRIGHT. This is a whale. I am just trying to cut off one little fin.

Mr. President, I will end with one further comment. This program was originally inspired by our efforts to outdo the Russians after they sent up Sputnik. We panicked and this has been the result. It adds up to an enormous sum, $72 billion. I think it is about time that we begin to bring it back within reason. The Russians have acknowledged our leadership. They are no longer competing with us. They are not in the same league.

There is no point in continuing to spend these large amounts on activities that may be interesting but are not very utilitarian.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the rollcall votes which are about to be had back to back be 10 minutes with the warning bell to sound at the end of 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

The result was announced—yeas 27, nays 69, as follows:

[No. 202 Leg.]

YEAS—27

Abourezk
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Church
Clark
Dole
Fulbright
Hollings
Huddleston
Hughes
Javits
Mansfield
McClellan
McClure
McGovern
Muskie
Nelson
Pearson
Pell
Proxmire
Randolph
Roth
Schweiker
Scott, Va.
Talmadge

NAYS—69

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Cannon
Case
Chiles
Cook
Cotton
Cranston
Curtis
Domenici
Dominick
Eagleton
Eastland
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hruska
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mathias
McGee
McIntyre
Metcalf
Montoya
Moss
Nunn
Packwood
Pastore
Percy
Ribicoff
Saxbe
Scott, Pa.
Sparkman
Stafford
Stevens
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—4

Ervin
Mondale
Stennis
Stevenson

So Mr. FULBRIGHT's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute was agreed to.

Mr. MOSS. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GURNEY. Mr. President, I support the proposed fiscal year 1974 authorization for NASA. Any attempt to delete money from the NASA authorization, already at an austere level, would be disastrous to the space program.

It is my view that the space program is a tremendous national resource which we must continue to use to full advantage. The committee recommendation of $3,046,000,000 is the absolute minimum amount necessary to retain the technical team and facilities we must have for an admittedly low key, but viable space program in the next decade. Any further reduction in this already lean budget would put a crippling stranglehold on the space program for the future.

The new proposed authorization is the lowest level of funding for NASA since fiscal year 1962, and the lowest portion of the Federal budget—1½ percent—in many years.

One item which I consider particularly valuable to the space program is the Space Shuttle. The proposed funding level for the shuttle is $475,000,000. The continuing refinement of the Space Shuttle design has increased the cost savings of this program.

Besides being fully reusable, the Space Shuttle opens up an improved way of using current technology in space and the possibility of new technological advancements.

Safety is one aspect that must be considered in evaluating the authorization for the Space Shuttle. With more and more manned exploration of space and our increasing utilization of space satellites to provide us with vital information about the Earth's weather, our need for flexible access to these space vehicles is increasing dramatically. The Space Shuttle will be able to provide rescue capabilities for our men in space. It will be able to repair, maintain, refuel, and refurbish automated satellites and probes or retrieve them for return to the Earth. The shuttle will provide a crucial link between the manned and the unmanned parts of the space program.

The Space Shuttle will build on the past for the future. The technological advances that make the Space Shuttle possible will be added to by the shuttle itself. Since the Shuttle mates the rocket and the airplane technologies, advances in both areas may be possible from new experiences and knowledge gained from this program.

I believe there is one point that every Member of Congress will agree on. The development and operational costs of space transportation must be minimized. After carefully reviewing all the facts available, I believe this shuttle program will do just that. The fully reusable Space Shuttle is the system that will significantly reduce the cost of each payload we put in space.

It is important to realize that more than just the exploration of space is involved here. There are real down-to-earth problems that are being solved as a direct result of our exploration of space.

As we approach the end of the current stage of space exploration we must realize that the spin-offs from this era have greatly affected our daily lives. We not only have had a revolution in communication and computerization, but development of countless products used in the home by all of us. It is calculated that there have been at least 3,000 usable spin-off products resulting from space exploration—corningware, teflon, fetal heart monitors, new commercial battery systems, flame retardants, high temperature heavy load bearings used in the transportation industry, advances in medical technology, especially in cancer research, new technologies in energy exploration—just to name a few. The Space Shuttle has the potential for many more advances.

Technological advances offer some hope for delivering mankind from the dilemmas it faces today. We must vote for these technological advances and in doing so vote for our own future. This authorization deserves the support of all of us.

Mr. HELMS. Mr. President, speaking as a member of the Aeronautical and Space Sciences Committee, I unhesitatingly support this bill, H.R. 7528. It provides authorizations for the National Aeronautics and Space Administration during fiscal year 1974.

The committee held extensive hearings on the NASA budget at which expert testimony was received from witnesses both within NASA and from the public. It is my conclusion that the hearings and other information provided for the committee have made a strong case for the continued development of the space program, both manned and unmanned, to the fullest extent possible, considering our present budget constraints. I do not see how the Congress can authorize much less than the amounts contained in this bill and still expect to have a viable civilian space program.

In my judgment the committee has improved the bill as originally submitted by the administration and as passed by the House. I note with particular approval the restoration of the $10 million cut made by the House in the Skylab program. The unfortunate events occurring shortly after the launch of the Skylab workshop dictated this restoration, and I feel certain the House conferees will go along with it. I urge them to do so.

I also approve of the priorities the committee has assigned to the Earth resources survey program and aeronautical research and development, particularly noise reduction. One must agree with the committee's conclusion that the Earth Resources Technology Satellite—ERTS—is a remarkably productive spacecraft whose global coverage must quickly be replaced by a second satellite should the first one, which is already crippled, fail completely. An additional $7 million is authorized to proceed at once to bring the second ERTS into a state of readiness. And in the field of aeronautics, the committee will certainly find little argument that "aircraft noise reduction ranks as one of the highest priority areas in terms of public concern." Fourteen million dollars is added to modify additional aircraft engines in the noise abatement effort. In both these actions I have described, the committee agreed with the House. I believe the committee properly rejected an increase the House made in the aeronautics area—an addition of $20 million to reinstate the quiet short-haul experimental aircraft program. This program was terminated by NASA and NASA will now work closely with the Air Force in its ongoing STOL program, the results of which will eventually be shared by civilian as well as military aircraft.

Mr. President, I will not attempt to go into any more of the details of this bill; it has already been adequately explained by the chairman and ranking minority member. I would simply point out to the Senate that the amount authorized for NASA in this bill represents the lowest authorization for the space agency in the last 12 years. This amount, $3.016 billion, also represents the lowest percentage of the Federal budget in 12 years. The percentage is 1.2. The total amount authorized over $300 million below last year's authorization and well over $300 million below last year's appropriation.

Some Senators may argue that even this is too much money, that aeronautical and space research is not worth even 1.2 cents of the taxpayer's dollar. This, in my view, is extremely shortsighted and negative. I personally believe that in some areas of its overall program NASA should be getting even larger funding, because of the demonstrated worth of these programs. But given the state of the economy today, and the primary responsibility facing the Congress to balance the Federal budget, I believe this authorization represents a reasonable effort to keep our Nation's space program moving forward.

I urge passage of the bill.

Mr. CURTIS. Mr. President, I wholeheartedly support H.R. 7528. It is a good bill that will enable the productive work of NASA to go forward.

I wish to commend the chairman and the ranking minority member for the excellent work done by the Committee on Aeronautical and Space Sciences this year.

In these days of inflation and rising prices the American people are looking to us to control Federal spending. And, at a time when our Nation is facing inflation and uncertainty about the dollar, I believe it is the duty of the Senate to lend every effort to control Federal spending.

I would point out to my colleagues in the Senate that the total funding of slightly more than $3 billion recommended by the Committee on Aeronautical and Space Sciences represents a decrease of over 10 percent when compared to the authorization of $3.4 billion passed by the Senate last year. NASA's proposed programs for fiscal year 1974 have been reviewed in depth by the committee, which reached the conclusion—supported in depth by the record—that H.R. 7428 represents the minimum amount of funding necessary to carry on a prudent, balanced space program.

Over a year ago, the Space Agency in an extensive projection, estimated that annual funding in the amount of $3.4 billion per year—based on 1971 dollars—would be necessary to execute a prudent program in aeronautical and space technology in the decade of the seventies. Based on this estimate, NASA last fall presented to OMB a fiscal year 1974 program plan totalling $3.54 million.

Since that time, through a sequence of program terminations, cutbacks, and cost outlay ceilings, the administration has pared NASA's request down to $3.016 billion, a decrease of approximately 15 percent.

The Committee on Aeronautical and Space Sciences examined the administration's fiscal year 1974 program in depth in hearings held earlier this year. It was concluded that an additional $30 million should be added to this request, primary to augment vital efforts in earth resources, energy, aircraft noise abatement, and nuclear research.

However, it should be emphasized that these moneys represent only an additional 1 percent over the administration's request.

The NASA authorization bill before us today is more than 10 percent below that passed by the Senate last year. Coupled with the effects of inflation over the preceeding year, this represents a significant reduction in the country's space program. I believe the program has been cut back as much as reasonably possible, and perhaps more.

I agree with the distinguished gentleman from Arizona that H.R. 7528 is less than a "bare bones" budget.

NASA's budget represents the cutting edge of future technology for the wellbeing of all Americans.

I know the Senate will support H.R. 7528 because it is a sound investment in the future.

Mr. ALLEN. Mr. President, 3 years ago Americans were shocked and apprehensive when we learned that three of our astronauts were in grave peril thousands of miles from earth on their journey to the Moon during the Apollo 13 mission. It was only because of their high degree of training, skill, and courage that these three brave men were brought back home safely. Today, NASA has done it again.

The expertise and selfless dedication of the NASA-industry team at the Marshall Space Flight Center in Huntsville, Ala., and the Johnson Space Center in Texas coupled with the cool, professional performance of the outstanding Skylab crew, Conrad, Kerwin, and Weitz, have enabled NASA to recover from what appeared to be a total failure of the $2½ billion Skylab program.

Among the items in the NASA legislation pending before us today is an authorization of $475 million for continued development of the Space Shuttle. During the last 3 years we have heard of the many mission objectives that this new space transportation system will provide. I believe that the activity during the past few days of the Skylab crew points out more vividly than anything I could say as to the versatility which is gained by having men in the space system to repair, refurbish, and reuse a satellite in orbit.

Mr. President, the Space Shuttle is the logical follow-on to the Skylab program and is part and parcel of long-range planning. To change our space plans now would be much like changing horses in the middle of a stream. I purposely juxtapose spacecraft and horses because failure to carry through in an orderly manner our space program, which has been so successful and which holds so much promise for mankind, would have us retrogress, not progress.

History will record that the United States won the technological preeminence of space exploration. Let us not have history also record that America abrogated its position in this vital endeavor by unrealistic funding limitations just as the program was about to mature.

The United States cannot afford to quit now. We cannot afford to continue using throwaway launch systems and spacecraft by ignoring the potential of a reusable shuttle transportation system that will, in the year to come, not only pay for its development costs—but will enhance our space-faring missions many fold.

For the sake of our Nation's future in this competitive world, I am opposed to any reduction in NASA's budget request. I do support, as I have said many times in the past, stability in funding for our space program so it may continue in an orderly step-by-step fashion.

Mr. HATFIELD. Mr. President, all too commonly our perceptions of America's space program tend to encompass only manned lunar and interplanetary expeditions. Yet it is becoming increasingly apparent that space technology is also applicable to problems of land and resource development we face here on Earth.

I refer specifically to the remarkable data now being obtained from the Earth Resources Technology Satellite, launched by NASA late last summer. In my own State of Oregon, Dr. Charles Poulton, of Oregon State University, has been making use of ERTS data to study forest infestation and to assist one of Oregon's counties in developing a comprehensive land use plan. The aerial photographs obtained from the ERTS satellite are invaluable for this purpose and indeed are of enormous potential benefit not simply to governments in the United States but to foreign nations as well.

I am inserting for the information of my colleagues a report, "Natural Resources Inventory and Monitoring in Oregon with ERTS Imagery," which was prepared by Dr. Poulton and his colleagues. In view of the very critical land use bill we are debating today, this report should be of special interest. Furthermore, I would like to express my gratitude to Drs. Stanley Freden and Paul Lowman, of the Goddard Space Flight Center, who have taken the time to brief me on this outstanding NASA program.

Mr. President, I ask unanimous consent that Dr. Poulton's report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATURAL RESOURCES INVENTORY AND MONITORING IN OREGON WITH ERTS IMAGERY

(By G. H. Simonson, D. P. Paine, C. E. Poulton, R. D. Lawrence, J. H. Herzog, and R. J. Murray)

ABSTRACT

Multidiscipline team interpretation of ERTS satellite and highflight imagery is providing resource and land use information needed for land use planning in Oregon. A coordinated inventory of geology, soil-landscapes, forest and range vegetation, and land use for Crook County, illustrates the value of this approach for broad area and state planning. Other applications include mapping fault zones, inventory of forest clearcut areas, location of forest insect damage, and monitoring irrigation development. Computer classification is being developed for use in conjunction with visual interpretation.

1. INTRODUCTION

Land use planning is receiving high priority attention at state and local levels in Oregon. ERTS imagery has the potential to provide much resource data urgently needed in the planning process throughout the state.

Rapid population growth and accelerating urban, industrial and recreational development are placing unprecedented demands on the fixed amount of land resources available. Conflicting land uses and speculative land conversions are leading to an increased recognition of potential problems and the need for long range planning.

Problems of growth and attendant pressures on the fixed land resource are common to some degree in most states. The situation in Oregon is similar to that of other Western states. Mountainous terrain, wide variations in climate, intermingled public and private land ownership, varied land use and highly variable population densities characterize much of the Western region. Inadequate planning for land use and urban expansion has contributed to the problems apparent in rapidly urbanizing regions such as the Los Angeles Basin, and could lead to similar problems for the Willamette Valley in Oregon. Extensive and largely uncontrolled speculative growth of recreation subdivisions in remote areas is adversely affecting open space attributes over wide areas of the West.

Oregon exemplifies much of the West in its stage of development and is an excellent test area. The very fact that much open space remains, often in attractive surroundings, is creating demands on land that threaten to diminish quality of environment and liveability in the state. Oregon citizens are becoming aware that direction and control of land development is needed to achieve a balance between economic growth and environmental quality. Land use planning in all counties is required by recent legislation and will be further strengthened through current legislative proposals for state wide standards.

2. PURPOSE OF THE STUDY

The Oregon ERTS project is directed toward applications in land use planning. Present planning efforts in the state although commendable, are often based on inadequate, incomplete and sometimes outdated land resource information. Our primary objective is to demonstrate the usefulness of ERTS imagery in compiling and presenting a coordinated resource and land use information base for land use planning. We are utilizing multiple-discipline team interpretation of ERTS satellite and high flight imagery, and ground truth to provide planners with a current, comprehensive inventory of range and forest vegetation, soils, geology, water areas and land use. The resource information is compiled on ERTS imagery for working with local planners to analyze and assesss applications and methods of presentation for land use planning.

3. APPROACH

ERTS imagery for all of Oregon is given a quick-look analysis for information content and usefulness. However, we are doing a comprehensive pilot study of land use planning applications in only one county at present. Crook County in Central Oregon was selected for an in-depth study because land use planning there is just beginning, the county has an active interest in obtaining resource information; county boundaries largely coincide with a major watershed, and the area is representative of much of Oregon east of the Cascade Mountains. The county has a varied terrain of rangeland, forested mountains and irrigated valleys. The population is relatively low and Prineville is the major town. Ranching, forest products, farming and recreation are the major enterprises.

Most of our work to date has been in generalized mapping of the resources and land use through ERTS image interpretation, on-the-ground observations, and existing resource information. Black and white prints of MSS, band 5 imagery at 1:1,000,000 scale were initially used. Recently we have been able to start work with color-reconstituted transparencies of bands 4–5–6 and 4–5–7, and enlargements of band 5 at a scale 1: 250,000. NASA highflight photography at 1:120,000 and larger scales is being used in conjunction with ground truth observations, and will be used later in multistage sampling experiments of forest inventory and larger scale analysis of resources.

4. RESULTS

Generalized maps of Crook County showing geology, soil-landscapes, vegetation and land use, and timber density are illustrated in Figure 1 to 4. Abbreviated explanatory legends for the map symbols are appended. Figure 5 shows the geographic distribution of several land resource units defined by a high degree of similarity in resource and land use characteristics as determined from the individual resource maps. These maps are drawn on ERTS color-reconstituted, 1:1,000,000 scale imagery and constitute a broad, synoptic picture of the terrain, land uses, and resources of the country.

The individual resource maps of Crook County (Figures 1 to 4) show 12 soil-landscape units, 8 geologic divisions, 17 vegetation and land use units, and 5 classes of timber density. Surface water areas show on several of the maps. Overlaying these maps provide an ideal mechanism for informed, rational solution of specific land use problems.

The five combined land resource units delineated as examples in Figure 5 have the following general charactertistics:

1. Nearly level to gently sloping alluvial flood plains and terraces with deep, well-drained medium textured soils. Minor poorly drained soils may be alkaline. Soils on terraces may be moderately deep to indurated hardpans. This land is used for irrigated cropland, meadowland, and homesites.

2. Nearly level to gently rolling, lightly dissected volcanic plains with vegetation types including low sagebrush, big sagebrush and sagebrush-juniper on shallow and very shallow, stony and very stony soils, mostly with clayey subsoils. This land is used for grazing and wildlife habitat.

3. Hilly, mixed volcanic, juniper-sagebrush uplands with moderately deep, clayey soils. This land is used for grazing, wildlife habitat and recreation.

4. Steeply sloping mountainous, mixed volcanic terrain with open Ponderosa pine and scattered occurence of other conifers, on moderately deep, medium and fine textured soils. This land is used for commercial timber, summer grazing, wildlife habitat and recreation.

5. Strongly dissected lava plateaus with low sagebrush on scablands and open Ponderosa pine in the draws. The soils are very shallow and very stony in scabland areas, with moderately deep, medium textured soils on north slopes. This land is used for grazing, wildlife habitat and recreation.

About 12 to 15 of these land resource units are needed to adequately characterize Crook County at this level of generalization. Many of the same units would have wide extent on a state map.

Information shown at this scale and level of generalization is helpful in developing an overview and general understanding of the resources, potentials and problem areas of a county. Information presented on ERTS imagery at this small scale appears to be most appropriate for general planning at state or regional levels. County level and local area planning generally requires more detailed information but the support highflight imagery is ideal for determining and presenting these higher levels of detail in selected problem areas. ERTS imagery enlarged to a scale of 1:250,000 is well suited for mapping resource and land use information with a degree of generalization useful for broad planning at the county level. Assessment of ERTS imagery in consultation with county planners has supported these preliminary judgments.

5. OTHER APPLICATIONS

Several significant uses of ERTS imagery in land use and resource inventory and monitoring have been demonstrated in other parts of Oregon. The alignment and distribution of faults in much of south-central Oregon has been mapped at 1:1,000,000 on ERTS, band 5 and color reconstituted bands 4,5, and 6. These are shown for the Deschutes Basin on Figure 6. Similar mapping on high flight imagery shows a slight increase in detail, but with very serious geometric fidelity loss. The area is dominated by the west end of the Brothers Fault Zone which crosses the figure just above the Newberry scarp. The juvenile character of this zone is shown by the lack of a single integrated break and by the crossing of the Green Ridge Fault by extensions of this zone. Green Ridge faulting is dated at 2 to 4 million years ago. This relation is not clear on high flight imagery.

Different MSS band combinations and a variation in intensity level in color reconstitutions of ERTS imagery show advantages in identifying delineating, and seasonal monitoring of various vegetation types. For example, bands 4,5,7 seem best for identifying juniper woodland. Bands 4,5,6 appear to be most sensitive for picking up the initial flush of green growth of annual grasses and winter grains. The contrast between dry grasslands and shrub-steppe vegetation is apparently very strongly enhanced by the combination of bands 4,5 and half power 7.

Forest clearcut areas are easily seen and mapped on 1: 1,000,000 scale ERTS imagery. Examination of color reconstituted frames indicates that clear-cut areas can be visually stratified by age to some degree from the ERTS imagery. Computer classification has been successful for delineating clear-cut areas from digital data and will greatly increase capability to discriminate age differences. Tussock moth damage is spreading rapidly in forests of Eastern Oregon. Algorithms are in an intermediate stage of development for detecting forest areas experiencing this insect infestation from digital data.

Irrigation development is rapidly expanding along the Eastern Oregon-Washington border near the Columbia River. ERTS imagery has provided the first up to date and accurate record of this development. Satellite imagery is an excellent means of measuring the extent and rate of increase of this important change in land use.

THE SPACE SHUTTLE

Mr. TUNNEY. Mr. President, our space program has been a success in harvesting the heavens for new scientific information and for testing our technology against the challenge of the Moon and beyond. Now, that program is on the threshold of developments that will turn much of its exploring genius away from the vastness of our planetary system and toward the everyday problems we face here on Earth.

We are about to use space as a vantage point from which to observe and learn more about the Earth. Actually, that is what the Space Shuttle program is all about. It is intended to utilize space science in the solution of man's ageless efforts to protect himself against natural havoc and against hunger and want.

The marvels of science are about to be brought into our communities and into our homes. That is why I strongly advocate the Space Shuttle program, for to deny mankind this commonsense voyage would be much like foreclosing on Columbus' explorations three centuries ago.

Space is about to pay-off in our daily lives, and the Space Shuttle is the vehicle that will assure that the dividends continue far into the future.

The shuttle will permit orbiter vehicles to cruise above the Earth and study climate, land forms, ocean currents, and other global manifestations that directly affect our daily lives. The pay-off for mankind will be as hard and practical as the Space Shuttle is sleek and sophisticated.

The cost of the program may seem high, but it will be a sensible investment toward knowledge that will make our planet more livable and our lives more secure. The program will open unimagined opportunities to improve our environment and to reduce problems that annually cost us billions of dollars.

With the Shuttle, scientists will be able to commute to orbiting space labs and observe the Earth with such scrutiny and precision as to affect agricultural shortages, environmental pollution, and a host of other global concerns.

Here are but some of the areas where space science has sensible application here on Earth:

First, weather forecasting and observation. Improved weather forecasting and observation would save builders, farmers, and property owners $2.5 billion annually, the National Academy of Sciences estimates. We have come a long way in our ability to predict weather conditions accurately and quickly. However, the newest satellites are limited in size and power output which in turn limits sharpness and resolution of photographs and related information which are relayed back to Earth. The Shuttle will permit us to place satellites in orbit, or construct, maintain, and repair larger satellites or possibly orbiting, manned weather laboratories. The Shuttle could also perform specialized weather assignments such as tracking storm fronts, hurricanes, or tornadoes.

Second, forestry. Our forests are a storehouse of raw materials; the wood products industry is a major segment of our economy. With space-borne sensors, we can learn much about the type and vigor of timber in an area, the identity of damaging agents or organisms and the potential yield of timber or forage per acre. In the United States, losses from diseased timber alone are estimated at $82.6 million, while pest-caused losses were recorded at $579 million in 1965.

Photographs from space could provide foresters with an abundance of information necessary to prepare forest cover-type maps, for watershed and wildlife habitat management, recreation surveys, and to make timber counts and to calculate numbers of cut and standing trees—all of which are important for the continual task of forestry management.

Third, agriculture. Similar techniques can be used in enhancing farm production. One of the major causes of low agricultural production is the inability of farmers to detect and correct in time plant diseases and insect infestation. In the United States alone, losses caused by plant disease are estimated at $3.7 billion annually, and losses caused by pests are estimated at an additional $3.8 billion.

Fourth, hydrology. Californians are all too familiar with the limiting factors of an inadequate fresh water supply. The Gemini and Apollo programs have illustrated how photos from space can aid in managing water resources, providing information on surface and subsurface flows of water and in determining site suitability for construction of dams and for holding and collecting of water. From the Shuttle, repeated visual, infrared, and microwave device observations can be made of snowpacks, glaciers, and ice accumulations to predict annual runoffs. And this can be done on a scale much larger than allowed by conventional means. This information can be of vital importance to flood control, irrigation, and power production programs.

Fifth, geology and mineral resources. One picture from space can be used to determine the applicable features of a region of the globe in the geologist's search to discover and map the Earth's resources. Photos from Gemini flights have proven the value of this method of map production over the traditional method which required years of surface exploration. Through continual access to space which the Shuttle provides, we will have continual access to such tools.

Sixth, geothermal energy. We have heard extensive discussions lately regarding the energy crisis. One possible solution, geothermal energy, has been little explored but may prove to be most important in areas where geologic conditions are suitable.

Remote sensors adaptable to space platforms can detect discrete sources of heat in bedrock formations. When these sensors are used in conjunction with photogeological mapping, an efficient tool can be developed to form geothermal maps which will aid in utilization of natural steam as an energy source.

Seventh, cartography and land-use management. Civil engineers, geographers, geologists and all those associated with earth sciences are in constant need of current and accurate maps. Urban and regional planners need them to control urban sprawl and plan for continual urban development as populations increase. In addition to being accurate, photographs from space provide more information than any map available and are ready for use by the specialists in a very short period of time.

Eighth, environmental quality. Space-borne sensors can detect air and water pollution, track movements of bodies of polluted air or water and aid in detecting the source. Such sensors can be used day or night and hopefully, as we drag our heels in the development of alternatives to such widespread polluters as the internal combustion engine, such sensors can also provide clues to pollution control.

The scientific data that will flow to earth with the Space Shuttle will enable our Nation to deal effectively with many human and social problems and will mean even more effective use of our natural resources.

Today, we are not debating whether we should have a space program, but rather the direction and level of support it should have in the future. Again this year, as last year, the Space Shuttle is the pivotal question.

The Shuttle's critics have argued that its price is too high. Yet, no other major technological program has undergone the extensive cost accounting that NASA has imposed on the Shuttle program. NASA has a good record in adhering to its budget as demonstrated by the Apollo program, which was concluded on schedule and within original estimates.

The long-range social and scientific implications of Space Shuttle are enormous, and so are the shorter range features of providing new incentives to our aerospace industry, still the most sophisticated in the world. Since 1969, funding for the space program has been cut 25 percent, and further cutbacks to eliminate Space Shuttle will, I fear, deplete initiative in the industry and reduce its capacity to contribute to our national well-being.

California as the center of much of our Nation's space and defense production, has, of course, a great deal at stake with the Space Shuttle. Here are some dollars and cents:

First, by mid-1974, the projected employment in the program should approach 18,000 for aerospace workers and exceed 25,000 for nonaerospace workers.

Two thousand jobs will be added in the Edwards AFB/Palmdale area, the western test range at Vandenberg AFB will see an increase of 2,400 by 1983. Employment at the Downey plant, which dropped to 6,200 as the Apollo program ended, will climb to between 15,000 to 16,000 by 1976. Canoga Park area will witness an increased employment of 2,000 workers.

Second, of the $2.5 billion contract awarded Rockwell International last fall, it is estimated $1.4 billion will flow into the California economy and will increase the gross State product by an estimated $2.8 billion and will increase personal income by $2.2 billion for the State. These figures do not include an additional $10 million which California will receive for space facilities construction.

The men and women put to work on the Space Shuttle in California will be forerunners of countless others who will be employed throughout our country as the space discoveries about our Earth are applied to our fields and forests and on the production lines in our factories.

Clearly, the current space program must provide for the future as well as the present, generating long range benefits as well as meeting current needs.

The fiscal year 1974 NASA budget of $3.046 billion provides for long-term balance in the Space Agency's program by continued development of the Space Shuttle which benefits space science and applications as well as manned space flight. The important High Energy Astronomical Observatory—HEAO—project has been restructured into a two-block project with the first set of missions using centaur vehicles, and the second using the Space Shuttle. Other important programs to be continued are the Mariner Venus/Mercury program, the viking mission, the outer planets mission and the internationally significant Helios project.

Important space applications programs such as the Nimbus weather monitoring series, the Tiros series, the Earth Resources Survey Technology Satellites—ERTS—and the GEOS series will be continued at their requested funding levels until such time as the Shuttle can provide the needed transportation into space.

I would like to commend the Senate Aeronautical and Space Sciences Committee for adding $14 million, in concurrence with the House action, to restore the JT–3D refan program. The JT–3D aircraft, which are the DC–8 and 707 versions, represent large portions of the airline fleet and will persist in large numbers well into the 1980's.

A strong space program, including the Space Shuttle, is essential to our national well-being. Any progress we make against poverty, pollution, maldistribution of resources and other progress depends on an abundant and expanding economy. To achieve this, we must increase our technological and scientific capabilities and the aerospace industry in the essential reservoir of such progress. Already, as a nation, we have derived great benefits from the know-how developed by areospace. For example, in the field of medicine, we are applying space instrumentation in the cardiovascular and neurological areas. Sensors are being used in the diagnosis of infant breathing problems and advance infrared detectors are showing promise in early cancer detection. The benefits from Space Shuttle will be even more prodigious and directly applicable in all our lives.

Sometimes, the space program is viewed as a competitor with our social programs. Actually, they are complementary, for we cannot stifle one without harm to the other. Advanced technology will provide tools to deal with many of our social ills and, significantly, will fuel the economic incentives to increase productivity and to put Americans to work.

Mr. MOSS. Mr. President, this year the Committee on Aeronautical and Space Sciences held its most extensive authorization hearings in its entire history. We held 12 days of testimony, heard 50 witnesses and the printed proceedings come to 1,811 pages. For the first time we heard witnesses from interested outside groups such as labor, industry associations, and professional organizations.

One factor that was particularly impressive was the broad strong support for a vigorous space program and specifically, for the Space Shuttle. The decision by Congress last year to support the shuttle was sound.

Mr. President, those who oppose the the Space Shuttle conjure up so many reasons for the Congress to change its mind that I hesitate to take the time of the Senate to answer them all. I would like to take a few moments to address myself to some of the major points that are made in opposition, and to demonstrate as briefly as I can that none of these arguments have substantive merit.

The Space Shuttle is the next logical step in the space age. I might remind my colleagues that we have been living in that age for 15 years. It is not something that may happen 10 or 15 years from now—it is and has been a reality. No one seriously argues that man will stop launching communication satellites, weather satellites, Earth resources satellites, scientific probes, or, in the foreseeable future, the various satellites supporting our defense programs.

The Space Shuttle will be the key to these activities. Replacing the plethora of launch systems we use today, the shuttle will provide a single, flexible, broadly capable transportation system for taking our payloads to low earth orbit. Fifteen years ago we viewed what was then called "outer space" as a mysterious, hostile, far-distant environment. Today, we have come to realize that it is a region holding vast benefits for man that begins only about 100 miles away. Viewed in this light, it is entirely logical and reasonable that we should have a relatively simple, reliable, economical way of taking our instruments there. That is what the Shuttle will give us by the end of this decade.

Lest it be thought that the Shuttle is simply some manned spaceflight boondoggle supported only by NASA and its colleagues in the aerospace industry, let me refer my colleagues to a few examples of broader ranging support from our hearing record.

Dr. Charles H. Townes is a Nobel laureate and the inventor of the maser and the laser. A man of long experience in both industry and the academic world, he is currently Chairman of the Space Science Board of the National Academy of Sciences and a past Vice Chairman of the President's Science Advisory Committee. In his appearance before our committee, Dr. Townes pointed out that contrary to what the Senate has been told from time to time, the Space Science Board has not taken a position on the Space Shuttle and that, as might be expected among eminent scientists, there are different opinions on that Board. He then gave, in a few short paragraphs, as eloquent a statement of the issues involved in his personal opinion as I have heard.

Mr. President, I ask unanimous consent that this statement, from page 1565 of our hearing record, be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

SPACE SHUTTLE

I believe there are two general considerations which are crucial in any decision about the Shuttle. One is a judgment of the general importance of space in the future. Is space work going to be pursued by the Nation actively and substantially? Is it going to be an important part of human activity, or is it a field from which we now retract? Certainly, the future of manned activities in space will depend very heavily on the Shuttle, but so will almost any other extensive use, I believe. If we expect that space will be important, expanding, a more everyday affair for mankind, then we should be moving forward with the Shuttle. If we believe that space work has had its day, or at least that it will continue only in a smaller way, then there is more of an argument for no further major development of transportation systems at this time.

The other broad question one must consider, and which I think very much affects people's judgment of the Space Shuttle, is how space operations and technology are expected to develop as a result of the Shuttle—to what extent will there be substantial changes in the modes of space operation and the types of apparatus built? If we continue our present route, with space equipment built in its present style, space operations are terribly expensive. The Space Shuttle does give us the hope that there can be a substantial change in the nature of space operations and reduction of costs. To what extent such a hope will materialize is, of course, a matter of technological judgment.

As for myself, I have seen technologies change and develop since my professional career began in 1939, and I am quite hopeful that there will be a substantial change and reorientation of the style in which we do space work which will reduce costs. This is not simply because transportation is less expensive, but rather because the Space Shuttle has an excellent chance, in my judgment, of reducing the cost of scientific and technological uses of space, and increasing their effectiveness.

I believe it is these two broad issues which must be primarily considered, and where one finds differences of views: The first, how important is space going to be to mankind in the long run, and how extensive will be our explorations? Second, to what extent is the Space Shuttle going to really change space technology and operations to make space a more everyday affairs and one which we can afford? Personally, I am hopeful on both scores.

One can also make useful semiquantitative economic arguments about the Shuttle. I think the economic studies which have been made are generally adequate, and I do not think that a great deal more can be said about them. The eventual decision boils down, as I see it, to considerations which are not quantifiable, but are matters of both human and technological judgment.

Mr. MOSS. Mr. President, asked if, supposing the United States were a proprietary company, he would advise for or against going ahead with the Shuttle, Dr. Townes said simply, "I would advise for it." He likened the decision to "an overall business judgment as to whether one moves ahead or retracts" and concluded that his "own inclination is toward the positive, future-looking approach which is characteristic of American business."

American labor supports Space Shuttle development. The executive council of the AFL–CIO adopted a resolution last year supporting the Shuttle—see page 1485 of the hearings—and Mr. Andrew J. Biemiller reiterated that position this year. Mr. Floyd E. Smith, international president of the International Association of Machinists and Aerospace Workers, entered testimony in our record. Let me quote briefly from his statement, which appears on page 1484 of the hearings:

> Many sincere and well-meaning people oppose the continuation of the spaceshuttle project because they believe it will soak up funds needed for such other priorities closer to home as housing, education, health, recreation, pollution control and mass transit.
>
> Mr. Chairman, no one is more aware than we are of the critical deficiencies in these and other areas. No organization has taken a stronger stand in support of programs needed to correct these deficiencies. But we recognize that the foundation of needed improvements in our social environment is a stronger, more technologically advanced and thus a more competitive economy.

Mr. Leonard Woodcock, president of United Automobile Workers, also testified during our hearings. I asked him for the position of the Automobile Workers on slowing down or stopping the Shuttle. He said that such a step would be "the height of folly," and that we should not "turn our backs on all we have done."

Rather than go on reviewing the RECORD of support for the Space Shuttle, let me turn to some other issues.

Mr. President, one might get the impression from listening to the Shuttle opponents that scientists are against the development of this new space transportation system.

Certainly, there have been a few prominent scientists, such as Dr. James Van Allen, who have expressed doubts over many years about manned spaceflight in general and in recent years about the Shuttle. But if one looks closely at the list, he will discover that it is the same small group of scientists whose names appear over and over again.

I am not trying to imply that these are the only scientists who oppose the Shuttle, because scientists are a notoriously independent group and have diverse opinions—as do lawyers or even legislators—but we do keep seeing the same names over and over again. I might add parenthetically that even Dr. Van Allen's opposition is not as hard as it was last year, for he told our committee on April 10, 1973, that his opposition would disappear if he could be assured that other areas of NASA's research would not suffer.

Mr. President, I would like to call attention today to the fact that many scientists not only support our manned spaceflight efforts, but are positively excited about it.

Just last week, NASA announced that 36 scientists, including four from England, France, and Canada, have been selected to define the experiments to be undertaken by the large space telescope. This telescope, which must be launched by the Space Shuttle, has been identified by astronomers as one of the highest priority scientific projects.

Mr. President, I ask unanimous consent that the NASA press release describing this project be placed in the RECORD at this point. I doubt if one could find anti-Shuttle sentiment among this group of distinguished scientists.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TEAMS NAMED FOR LARGE SPACE TELESCOPE

Thirty-six scientists representing 27 organizations and four countries have been selected by NASA to define the experiments to be carried aboard its Large Space Telescope.

Scheduled to be launched by the Space Shuttle in the 1980's, the Large Space Telescope (LST) will be able to look at galaxies 100 times fainter than those seen by the most powerful Earth-based optical telescopes. Within the solar system, it will be able to provide long-term monitoring of atmospheric phenomena on Venus, Mars, Jupiter and Saturn, leading to a better understanding of our own atmosphere.

Selection of the instrument definition teams represents several months' evaluation of 118 proposals submitted to an ad hoc subcommittee of NASA's Space Science and Applications Steering Committee, headed by Dr. Nancy G. Roman.

The guidance system will be capable of holding onto a target for extended periods within 0.005 seconds of arc. (This is equivalent to locking onto a single strand of hair at a distance of two miles).

Solar panels will provide electrical power to the LST, and its images will be transmitted to Earth by television.

The spacecraft will orbit Earth at an altitude of 648 to 778 kilometers (350 to 420 nautical miles) at an inclination of 28.5 degrees.

The manned Space Shuttle, which NASA is developing for operations beginning in the late 1970s, will be used to launch, test and retrieve the LST from orbit as required for repair, refurbishment, and updating of its instruments.

Project management of the LST has been assigned by NASA's Office of Space Science to the Marshall Space Flight Center, Huntsville, Ala., with participation in the project by the Goddard Space Flight Center, Greenbelt, Md., and other NASA centers.

Twenty-eight team members will define scientific experiments in five areas: high resolution spectrography, low resolution spectrography, imaging optics, infrared devices and astrometry. A sixth team, comprised of three members, will study the data handling and operations problems for all experiments.

In addition, five scientists will serve as at-large members of a scientific working group which will oversee the work of the team members. It includes Lyman Spitzer, Princeton University; Arthur D. Code, University of Wisconsin; E. Margaret Burbridge, University of California, San Diego and Royal Greenwich Observatory, England; John Bahcall, Institute for Advanced Study; and George B. Field, Smithsonian Astrophysical Observatory.

Scientists expect the LST to contribute significantly to the study of energy processes that occur in the center of galaxies; the study of early stages in the formation of stars and planets; observation of such highly-evolved stellar objects as supernova remnants and white dwarfs, and other studies related to the origin of the universe.

Weighing between 9,000 and 11,000 kilograms (20,000 and 25,000 pounds), and LST will be 12 to 16 meters (40 to 52 feet) long and 3.6 to 4 meters (12 to 13 feet) wide. Its most important optical element will be a diffraction-limited mirror approximately three meters (ten feet) in diameter.

PLANNING GROUPS FOR LARGE SPACE TELESCOPE

At-large members, scientific working group

Lyman Spitzer, Princeton University.

Arthur D. Code, University of Wisconsin.

E. Margaret Burbridge, University of California, San Diego., and Royal Greenwich Observatory, England.

John Bahcall, Institute for Advanced Study.

George B. Field, Smithsonian Astrophysical Observatory.

LST instrument definition teams

High Resolution Spectrograph

Albert Boggess, Goddard Space Flight Center.

Charles F. Lillie, University of Colorado.

Robert G. Tull, University of Texas.

Donald C. Morton, Princeton University.

William Fastie, Johns Hopkins University.

F. Roesler, University of Wisconsin.

Imaging Optics

Robert E. Danielson, Princeton.*

Antoine Labeyrie, Observatory of Paris, France.

Eric H. Richardson, Dominion Astrophysical Observatory, Canada.

Krzysztof Serkowski, University of Arizona.

Frederick L. Schaff, Westinghouse Corporation.

J. R. P. Angel, University of Texas.

Thomas B. McCord, Massachusetts Institute of Technology.

Gerald M. Smith, Jet Propulsion Laboratory.

Daniel J. Schroeder, Beloit College.

Low Resolution Spectrograph

Robert W. Noyes, Smithsonian Astrophysical Observatory.*

J. B. Oke, Hale Observatories.

W. M. Burton, Culham Laboratories, England.

George R. Carruthers, Naval Research Laboratory.

Edward A. Beaver, University of California, San Diego.

R. Edward Nather, University of Texas.

A. D. Boksenberg, University College, London.

Infrared Devices

Gary Neugebauer, California Institute of Technology.*

D. E. Kleinmann, Smithsonian.

Richard T. Hall, Aerospace.

Astrometry

William R. van Altena, University of Chicago.*

L. W. Fredrick, University of Virginia.

Otto G. Franz, Lowell Observatory.

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*Team leader.

Data Handling Operations

R. C. Bless, University of Wisconsin.
David Fischel, Goddard Space Flight Center.
R. A. Parker, Johnson Space Center.

Mr. MOSS. Mr. President, as the gallant Skylab crew prepares to return to Earth with the people of the world thrilled by their extraordinary feats of skill and courage, I wonder how many realize what a cornucopia of scientific data is coming back with them? When the Skylab program is finished, a total of 9 astronauts will have spent about 140 days in space. They will have conducted the following experiments: 44 in solar astronomy; 146 in earth observations; 24 in astrophysics; 26 in life sciences; 9 in man systems; 17 in materials science; and 4 others for a total of 270. These 270 experiments involve, on the ground, 202 principal investigators, 424 convestigators, 113 associated professionals, 253 foreign professionals, and 19 student investigators, for a total of over a thousand directly involved investigators plus many thousands more scientists and students who will be studying and interpreting this mass data for years. I do not think you will find many of these scientists hostile to the manned space program.

Mr. President, there is one other group of scientists that I would like to mention and that is the scientists who worked and are still working on the mass of data from our six successful Apollo missions to the Moon. At the fourth annual Lunar Science Conference held in March of this year in Houston, the renowned geologist, Dr. Gerald J. Wassenburg, of the California Institute of Technology, presented a most unusual testimonial to NASA on behalf of the Apollo lunar science community. This testimonial was an open message of thanks and appreciation by the scientists to NASA for the almost unbelievable accomplishments of the Apollo program. Let me read just two sentences from this tribute:

> As a result of the Apollo expeditions, there are now a set of lunar observatories and a harvest of instrumented data and lunar samples which are of incalculable value. The preliminary evaluation of these observations has already revolutionized our models of planetary character and our theories of solar system evolution.

Mr. President, I ask unanimous consent that this remarkable tribute to NASA by the scientists be printed in the RECORD at this point.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO NASA

On behalf of the scientific community, we wish to congratulate the National Aeronautics and Space Administration upon the completion of the Apollo flight program. The conception, design and implementation of lunar exploration represents an extraordinary human and technological achievement—the first exploration of another planet by man. To attain this goal it was necessary to achieve many successive levels of technological capability and to surpass formidable barriers. This was accomplished brilliantly by the dedicated engineers and astronauts of NASA in conjunction with skilled management. On this technical base a new branch of science has been built.

The scientific aspects of the Apollo program also have evolved by stages, and not without some awkward moments. There was little precedent for interweaving the development of technical capabilities and the planning and execution of complex scientific experiments in the unfamiliar lunar environment. To interface the difficult flight problems and the growing scientific objectives, the NASA utilized the external scientific community in conjunction with their own administrative and engineering structure. This provided healthy and critical evaluations in which both parties learned to appreciate the common problems. A vital scientific enterprise grew and completed a wide variety of unique experiments on behalf of a worldwide scientific community.

As a result of the Apollo expeditions, there now exist a set of lunar observatories and a harvest of instrumental data and lunar samples which are of incalculable value. The preliminary evaluation of these observations has already revolutionized our models of planetary character and our theories of solar system evolution. The scientific information which is now being developed and the potential for understanding which still remains in the Apollo collections will constitute an ongoing testimonial to the success of the Apollo missions.

Our participation in the Apollo program has offered to each of us great scientific opportunities. We feel privileged to have been a part of these historic endeavors.

Sincerely,
THE APOLLO LUNAR SCIENCE COMMUNITY,
Council for the Fourth Lunar Science Conference.

Mr. MOSS. Mr. President, in summary, let me say that there are literally thousands of scientists who enthusiastically support all phases of our space program and who are aware of the important role that man can play. And, as time goes on, I think that more and more, everyone, not just scientists, will come to agree with Skylab Program Director William C. Schneider who said, after the astronauts fixed the Skylab solar panel:

> We went a long way today towards proving that space is a place where man is a useful animal to have around. Man, with the great computer he has between his ears, was able to figure a way to fix it.

THE SHUTTLE SQUEEZE

Opponents of the Shuttle argue that it would squeeze all other programs out of the NASA budget for years to come. It is indeed encouraging to see for the first time some of those who make this argument lend support to any NASA program.

But again, the facts bear little relation to this argument. The overall fiscal situation led the OMB to reduce the NASA budget this year by more than $400 million—and the biggest victim of that reduction was the Space Shuttle, cut $85 million and slipped 9 months. Many other programs were cut or delayed, and the bill before the Senate restores the most important of these.

It is simply wrong to argue that the Shuttle will squeeze other programs out of the NASA budget. The fact is that space sciences, space applications, and aeronautics currently enjoy their largest percentage of the NASA budget in the history of NASA. For example, those programs were allotted only 14 percent of the fiscal year 1964 budget; only 16 percent of the fiscal year 1970 NASA budget; they total 29 percent of the fiscal year 1974 authorization request, and if the NASA budget returns to the constant level approved by Congress last year, they will total 30 percent of the fiscal year 1978 budget. Thus, space sciences, applications, and aeronautics which are said to be squeezed from the NASA budget have doubled the share they had 5 or 10 years ago. By distinction, manned spaceflight programs, which took over half the NASA budget in 1964 and 1970, take only one-fifth in 1974 and less than one-tenth in 1978.

TOTAL PROGRAM COSTS

Mr. President, one of the more spurious arguments made against the Space Shuttle program is that the Shuttle is not going to cost just the $8 billion research, development, and production costs, but that it is going to be a $40 billion or $42 billion or $50 billion program. Thus, by adding the cost of payloads to the cost of the Shuttle, it is alleged that the Shuttle is just the tip of the iceberg.

Well, Mr. President, this is like saying that if I bought a truck for $8,000 this would be only a fraction of the cost of all of the cargo that I might carry in it over a period of 12 years. This might be true—in fact, I might haul a load of diamonds in it every day worth millions of dollars but I would not charge the cost of the cargo against the cost of buying and operating the truck.

I do not know what the United States may be spending on a total space program in the 1980's or 1990's. It may well be $40 billion or $50 billion or $60 billion, but this would be for the entire program and it would not seem to me to be unusually high. In the past 12 years, we have spent nearly $70 billion on our total space program, or an average of about $5.8 billion per year.

It is true that in the last several years this average has dropped to about $4.6 billion per year, but even that would add to $55 billion over a 12-year period and excludes the cost of commercial and foreign spacecraft the Shuttle would carry. It certainly does not seem unreasonable to me to assume that we will be spending this magnitude of money for our total program in the period starting 7 years from now. I believe it is likely to be more.

But the real point is that, for that kind of money, we will be accomplishing a lot more in space and we will be doing it for less money than if we continue to try to operate with the outmoded systems that we are now using.

So, Mr. President, let us be very sure what we are talking about here. In 1971 dollars, the Space Shuttle will cost about $8.1 billion to research, develop, and buy. Any additional figures you may hear are operational costs for a total space program—for NASA, for defense, for the Commerce, Interior, Agriculture Departments, for Comsat and other communications companies, and for other nations. And the costs will, in fact, be far cheaper with the Shuttle than without.

SHUTTLE AND MANNED SPACECRAFT

Mr. President, in the course of Shuttle debate, we have often heard somewhat amorphous reference to the parochial justification of keeping men in space, apparently NASA's most glamorous activity. It is argued that the shuttle may not be so much an economical and versatile transportation system as it is an excuse to extend "NASA's manned spaceflight extravaganzas."

Let us step back and ask the right questions about the shuttle before we entertain these arguments.

NASA has a job to do in placing scientific and applications payloads into space. Now, what is the most effective and cheapest way to do these missions? The way we have done it up to now is to send them on their way as an all or nothing proposition. The payloads have been cast into space to either work right or, if they do not, to be written off.

This entails tremendous expense in the design and construction of payloads: to buy every ounce of reliability; to build in redundant backup systems; and to build whole duplicate spacecraft as backups in the event the first one fails.

With this situation, it is quite natural for future planning to ask how we might be relieved of these cost burdens, to ask whether a new transportation system could be devised that could repair, return, and refurbish satellites and, therefore, allow them to be built far more cheaply to begin with. This is exactly what the Space Shuttle will do with its large weight and volume capacity and flexibility to launch and retrieve unmanned payloads.

What is all this worth to us? A savings of billions in payload costs to perform the same missions through 1990. This figure is based on actual redesign studies of spacecraft for the Shuttle era. Far from being an excuse to send man into space instead of cheaper unmanned vehicles, the Space Shuttle will in fact make unmanned payloads far more cost-effective.

Let us keep in mind that a basic purpose of the Space Shuttle is to provide transportation for unmanned spacecraft and to make them pay even higher dividends than in the past. The fact that men will pilot the Shuttle is only an essential means to this end.

DOD AND THE SHUTTLE

The argument is frequently heard that the Department of Defense should pay some or all of the costs of the Shuttle. This argument, of course, has nothing to do with whether the Shuttle should be built, but is simply a quibble over what part of the Federal budget should support it. However, in the usual bootstrap fashion, having argued that funds should be placed in the defense budget rather than the NASA budget, the critics then argue that the funds would not survive in the DOD budget and thus somehow the Shuttle should not be built.

Here are the facts. NASA will pay for Shuttle research and development leading up to production. NASA and DOD will each then buy Shuttle vehicles from the production runs. Each agency will then, of course, pay for its own payloads and other users will pay for their payloads.

Mission model projections indicate that about one-third of the Shuttle flights will be Department of Defense flights. The other two-thirds will be NASA flights carrying either NASA payloads or payloads of commercial and foreign users. The National Aeronautics and Space Act of 1958 clearly places responsibility on NASA for development of space technology like the Shuttle. To place responsibility and funding for the Shuttle development in DOD would be a questionable management decision and a questionable budgetary decision. And if a program which was only one-third for national defense would survive in the defense budget which is laden with programs 100 percent for national defense, then serious questions should be raised about the priorities within the defense budget.

Those who suggest mixed NASA and DOD funding for the Shuttle have little understanding of the practical reasons for placing large-scale development within a single department. Programs funded and managed jointly by two or more agencies almost inevitably lead to waste and higher cost. This has proven true even within the Department of Defense, when two military agencies are involved, and it would almost certainly be true in a program as complex as the Shuttle if two separate agencies were in charge.

Perhaps those who urge joint funding and management are seeking to fulfill one or their prophesies: that the Shuttle will experience large overruns. NASA is the logical and proper agency to fund and manage development of the Space Shuttle.

GAO AND THE SHUTTLE

I know of no large Federal program which has been so thoroughly reviewed from both economic and technical standpoints so early in its history as has been the Space Shuttle. In fact, there have been so many reviews and so many reports that it must at times become confusing to decisionmakers simply trying to keep the various reports in perspective.

The Shuttle was proposed by the administration and overwhelmingly approved by the Congress only after a 1-year cost benefit study by the Mathematica Corp., based on data supplied by NASA and by detailed contracted studies by the Aerospace Corp., and the Lockheed Corp. The General Accounting Office has now devoted nearly a year of review to these economic aspects of Space Shuttle justifications prepared by the administration, and has issued two reports. GAO acknowledges that it is "plowing new ground" in these efforts, the first of their kind by GAO.

Last year, after review of the Mathematica report, the GAO stated that the Shuttle was "economically justified in terms of the 10-percent investment criteria."

The new GAO report focuses on a NASA fact sheet last revised on March 15, 1972, in which NASA attempted to summarize in nine pages the several thousands of pages of economic and technical studies of the Space Shuttle.

The important part of the GAO report is, of course, its recommendations. I will discuss these in a minute. The main conclusion of the report is that "GAO is not convinced that the choice of a launch system should be based principally on cost comparisons." In recognizing the importance of considerations other than cost, the GAO conclusion is in accord with the position the Committee on Aeronautical and Space Sciences has taken in recommending to the Senate continuation of the Space Shuttle program; that is, that the fundamental reason for developing the Space Shuttle is the routine access to space and other new capabilities the Shuttle will provide and that "the case for the Space Shuttle does not rest solely on the ability to postulate operational cost benefits in the period of 1980 to 1990"—Senate Report 93–179, May 30, 1973, page 27.

With respect to the question of costs, the GAO report states that—

> GAO is not certain that the Space Shuttle is economically justified . . . even though NASA's calculations show that it is.

The report identifies nine areas as examples of uncertainty of cost estimates with respect to which NASA was unable to remove GAO's "reservations" regarding cost savings. Clearly, no one can remove all uncertainty about estimates of cost projected 15 or 20 years into the future, and it is appropriate for GAO and the Committees of the Congress to retain a healthy skepticism about such estimates. Our review in the area of cost-and-benefit analysis shows that NASA's estimates, conservative to begin with, are holding up quite well under further study as design and development of the Shuttle proceed.

The GAO report also presents the preliminary results of the most recent NASA analysis. These evolving studies point to considerable increases in potential cost benefits for the Shuttle.

The GAO report expresses a general feeling of uncertainty as to the cost of future space payloads and points out that it is not known precisely what space missions are to be flown in the 1980's and 1990's. Obviously, one could never lay out and freeze a decade or two in advance all the scientific, military, applications and other missions that will turn out to be desired in the 1980's and 1990's. NASA has been proceeding through a detailed, continuing process of describing and analyzing alternate sets of space missions representing the kinds of programs which might be undertaken over the next 15 to 20 years. Those missions financed by Federal funds are subject to annual authorization and appropriation, and it is obvious that the administration would not propose and the Congress would not approve flight plans so far into the future.

The GAO recommendations for consideration by the Congress are:

> To enable the Congress to reach the most prudent decision on the funding of the Space Shuttle or the alternative expendables system, GAO recommends that the Congress consider the future space missions used in NASA's economic analysis of the Space Shuttle to determine whether these missions are a reasonable basis for space program planning at this time. In addition, GAO recommends that, as part of the NASA authorization and appropriation process, the Congress review the estimates for the Space Shuttle annually, giving due consideration to the appropriateness of the mission used in making those estimates.
>
> If the Congress chooses to accept our recommendation that it review the proposed

> space missions and if significant revisions are made, it may be appropriate to direct NASA to reestimate and expendable systems to see whether the relative merits of the alternatives might be significantly affected.

And that is all. GAO does not say "stop the Shuttle" or even "slow it down."

The Committee on Aeronautical and Space Sciences as part of its annual review of NASA programs, does consider Space Shuttle mission models as they evolve. The March 1973 revision of the 1971 NASA mission model appears on pages 81 through 140 of part 1 of the committee's hearings on S. 880. And the committee held a hearing on March 6 of this year specifically for the purpose of reviewing potential space activities in the mid-1980's. As pointed out in Senate Report 93-179, the committee intends to continue close review of all NASA programs including the Space Shuttle.

In summary, Mr. President, cost-benefit analyses continue to support the decision made last year to develop the Space Shuttle. The latest GAO report has not found any substantial reason for questioning the correctness of that decision. In my view, the fact that many months of detailed GAO study fail to find any real weakness in the NASA position is one of the strongest endorsements the Shuttle could have.

In conclusion, Mr. President, no single argument or combination of arguments presented by the opponents of the Shuttle gives any reason to believe that the decision made by the Congress last year to support the Shuttle was wrong. That decision was right.

Mr. President, I am prepared to yield back the remainder of the time for the proponents.

THE GAO REPORT

Mr. GOLDWATER. Mr. President, before yielding back my time I have certain comments to make concerning the GAO, which has initiated some very unusual practices in the last several years.

The report to Congress issued by the General Accounting Office entitled, "Analysis of Cost Estimates for the Space Shuttle and Two Alternate Programs," dated June 1, 1973, is a hodgepodge of indecision, innuendo, and irrelevancy.

On page 13 of the report, there is a section entitled: "Issue 1—Are five orbiters enough?" In general, this section of the report challenges NASA's estimate that five orbiters will be sufficient to support 581 shuttle flights over a 12-year period. But the challenge is unsupported by any GAO estimates. In fact, the GAO admits it has no good basis for comparison, and is unable to come up with firm conclusions."

The following is a quote from this section of the report that appears on page 14:

> . . . Since the Space Shuttle will be a new development, no good basis for comparison exists. Three indicators we considered which admittedly are not closely comparable to the Shuttle are the experiences of the X-15 test vehicle and the F-111 aircraft and insurance rates of commercial airlines. These would indicate that Shuttle losses might be expected to be as shown below:
>
> Commercial airlines—1 to 2 vehicles.
>
> X-15 test vehicle—1 to 2 vehicles.
>
> F-111 (based on the first 40,000 flying hours, about the same amount of flying hours as would be required for 581 Shuttle flights)—about 12 vehicles.
>
> Although we do not accept any of these as being comparable enough to draw firm conclusions, we believe they suggest that NASA may be optimistic in its estimate and that it is conceivable that the NASA estimate does not adequately provide for cost that ultimately may be required for acquisition of the orbiters. . . .

The GAO insinuates that NASA will lose one or two Shuttles. It does this by citing experience of commercial airlines and the X-15 test vehicle. Yet to protect itself the GAO states that, and I quote:

> We do not accept any of these as being comparable enough to draw firm conclusions . . .

On page 15 of the report the GAO takes up the question of dropped tank costs. Here is a partial quote:

> If, as has happened for other major U.S. systems, the tank design changes, and if NASA's planned cost reduction techniques are not as successful as planned, experienced cost-weight relationships indicate that costs could be as much as 100 percent more than NASA's estimate. . . . .

I submit there are two very big "ifs" in this conclusion, if in fact, it can be called a "conclusion." Moreover, GAO gives no substantiating figures as to why the cost could be as large as a 100 percent more than NASA's estimate.

In fact, this section is so iffy and hedged in counter-statements, as to be largely useless.

And, finally, on page 35 we find the following paragraph:

> . . . As we have indicated in chapter 2, we believe NASA has been optimistic about the Space Shuttle estimates and that it did not refine the expendable estimates to the same degree that it did the Shuttle estimates. Although NASA believes its estimates are conservative, our experience with estimates for large systems involving significant uncertainties has taught us to view such estimates with a healthy skepticism. If the Shuttle is fully approved and NASA is able to keep it within the current cost estimates, we will be among the first to applaud its achievement.

The last sentence of this paragraph deserves some examination. It states, and I quote:

> If the Shuttle is fully approved and NASA is able to keep it within the current cost estimates, we will be among the first to applaud its achievement.

From the construction of this sentence, it is difficult to determine what exactly the GAO intends to applaud. Is it the full approval of the Shuttle? Or is it that happy state of affairs where NASA keeps within its current cost estimates?

And it may come as a surprise to some of the Senators that GAO, which used to be concerned with accounting has now somehow or other gotten into the applause business.

Now, here is the GAO trying to pass on the results of a high technology program—a program that will not be operational until the 1980's. I submit the GAO does not have the capability to make that kind of a judgment.

How many rockets has the GAO built?

How many air-frame engineers does the GAO have?

How many satellites has the GAO built?

How many boosters has the GAO launched?

To ask the GAO to pass on the space shuttle is a little bit like asking a nurse's aide to perform open-heart surgery.

When the accountancy profession and the engineering profession have had a chance to study the GAO report, I believe there will be one thing lacking, and that is applause.

Finally, the GAO on page 40 makes its conclusions and recommendations. Five issues of a general nature are raised by the GAO. These do not concern accountancy or economic problems, but such things as how the space program stands in relation to other national needs and whether or not the value of new technology might justify the space shuttle program.

And, on page 43, the GAO condescendingly advised the Congress of the following:

> We recommend that, as a part of the NASA authorization and appropriation process, the Congress review the estimates for the Space Shuttle annually, giving due consideration to the appropriateness of the missions used in making those estimates. . . .

It may come as something of a surprise to the GAO that the Aeronautical and Space Sciences Committee of the Senate and the Science and Astronautics Committee of the House have been doing that for the past few years. In fact, it is part of the responsibility of these committees to make just this kind of review.

While I have doubts that the Members of Congress who sit on these two committees will appreciate being reminded of their duties by the GAO, I have no doubt that both of these committees have given the shuttle careful and thorough scrutiny.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CLARK). All remaining time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

The result was announced—yeas 90, nays 5, as follows:

[No. 203 Leg.]

YEAS—90

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—5

Fulbright
Mansfield
Nelson
Pell
Proxmire

NOT VOTING—5

Ervin
Mondale
Stennis
Stevenson
Symington

So the bill (H.R. 7528) was passed.

Mr. MOSS. Mr. President, I move that the vote by which the bill was passed be reconsidered

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, which the clerk will state.

The second assistant legislative clerk read as follows:

S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, by authorization of the distinguished majority leader and having cleared the request with the distinguished minority leader, as well as with Senators HANSEN, FANNIN, JOHNSTON, and JACKSON, that time on the amendment to be proposed by the Senator from Washington (Mr. JACKSON) to the land use policy bill (S. 268) be limited to 2 hours to be equally divided between and controlled by the Senator from Washington (Mr. JACKSON) and the Senator from Wyoming (Mr. HANSEN); that time on the amendment by the Senator from Louisiana (Mr. JOHNSTON) be limited to 30 minutes, to be equally divided between and controlled by the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Washington (Mr. JACKSON).

Mr. MUSKIE. Mr. President, I ask the Senator from West Virginia, there is provision there for other amendments?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW AND UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized under the standing order, the Senate resume the consideration of the unfinished business, S. 268.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate resumes the consideration of the unfinished business, S. 268, tomorrow, the amendment by the Senator from Washington (Mr. JACKSON) become the pending amendment and that consideration of the amendment by the Senator from Louisiana (Mr. JOHNSTON), which is presently pending, immediately follow the disposition of the amendment to be proposed by the Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that it be in order to order the yeas and nays on both the Jackson and the Johnston amendments at this time, with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on both amendments.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendments to either of the two amendments be limited to 30 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10 o'clock tomorrow morning, following a recess.

After the two leaders or their designees have been recognized under the standing order, the Senate will resume the consideration of the unfinished business, the land use policy bill, S. 268.

The question at that time will be on the adoption of the amendment by Mr. JACKSON, having to do with sanctions. On that amendment there is a time limitation of 2 hours. The yeas and nays already have been ordered thereon. Hence, there will be a rollcall vote on the Jackson amendment at no later than about 12:15 p.m. tomorrow, if all the time is taken thereon. The yea-and-nay vote could come earlier, of course, if time is yielded back .

Following the disposition of the Jackson amendment, the Senate will resume consideration of amendment No. 231, by Mr. JOHNSTON, on which there is a time limitation of 30 minutes and on which the yeas and nays have already been ordered.

Further action on amendments to the land use policy bill undoubtedly will occur tomorrow. So all Senators are alerted to the fact that there will be at least two yea-and-nay votes tomorrow, presumably more.

Whether or not the Senate will complete action on the land use policy bill tomorrow cannot be foreseen as of now. It may very well be that during the afternoon, if it becomes clear that final action cannot be achieved on the land use policy bill tomorrow, the leadership would want to resort to a second track. On the calendar are various measures which could be called up in the event the second track is resorted to on tomorrow.

I might mention one in particular as being S. 1112, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act. Although I mention that bill, there are others which could be called up. As the distinguished majority leader has stated, it is planned to move to the multiple track system whenever such appears to be advisable.

Perhaps I should also mention the fact that, as all Senators are aware, conference reports can be called up at any time, and yea-and-nay votes can occur thereon.

The Senate has a heavy calendar on which to complete action before the holiday recess. For example, the continuing resolution must be adopted, and the debt extension bill must be acted upon.

Senators should keep in mind that following the July 4 holiday recess, there will be only 4 weeks in which to transact legislative business prior to the August recess. Senators should be prepared, I think, for possible Saturday session.

The following calendar measures will

be called up as the situation permits, but not necessarily in the order listed:

S. 1443, to authorize the furnishing of defense articles and services to foreign countries and international organizations;

S. 440, the war powers bill;

S. 1435, the District of Columbia home rule bill;

S. 1081, to authorize the Secretary of the Interior to grant rights-of-way across Federal lands;

S. 343, to designate the Treasury after the first Monday in October as the day for Federal elections.

Other measures, as they become cleared on the calendar, may be called up at any time.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:17 p.m., the Senate recessed, in accordance with the previous order, until tomorrow, June 20, 1973, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 19 (legislative day of June 18), 1973:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Richard Giles Stilwell, [redacted] Army of the United States (major general, U.S. Army).

EXTENSIONS OF REMARKS

LAWLESSNESS—A THREAT TO OUR WAY OF LIFE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 19, 1973

Mr. SCOTT of Virginia. Mr. President, certainly, all Members of this body would agree that reducing the Nation's crime rate is one of the most pressing problems facing all levels of government. Lawlessness is a threat to our very way of life. It threatens the ideals upon which a free and democratic society functions.

As the ranking Republican member of the Senate Judiciary Committee, our friend and colleague, ROMAN L. HRUSKA, has long been a leader in the fight against crime. His untiring service in committee and on the floor of the Senate has resulted in the passage of a vast number of major pieces of legislation to combat the forces of crime.

Recently, my State was honored to have the annual meeting of the National Sheriff's Association in Richmond and to have Senator HRUSKA to speak before the association.

I believe Senator HRUSKA's speech is valuable reading for all of us. I, therefore, request unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE ROMAN L. HRUSKA, U.S. SENATOR, BEFORE THE NATIONAL SHERIFFS' ASSOCIATION, RICHMOND, VA., JUNE 18, 1973

My first statement this morning is a hearty greeting with congratulations and commendations to you—the National Sheriffs' Association—as you gentlemen met for your 33rd annual convention here in Richmond.

It is the sheriff of every county courthouse in America who forges a vital link in the chain of law enforcement which protects the people of our nation.

It is you at the local level, closest to both the fears and the aspirations of the citizens, who can best insure safety and security to the individual American.

Your labors and concerns are noted. There is appreciation for them. And as time goes on, both the notation and appreciation will rightly broaden and intensify.

I would like to take this oportunity to discuss with you rather briefly two items of legislation which are currently pending in the Congress and which should be of great import to those of you on the cutting edge of law enforcement.

PROPOSED NEW FEDERAL CRIMINAL CODE

The first item which I would draw to your attention is the proposed new Federal Criminal Code.

In 1966 Congress created the National Commission on Reform of Federal Criminal Laws for the purpose of recodifying our current federal criminal laws.

The product of nearly three years of deliberation by the commission was submitted to the Congress and the President two years ago.

In 1971 and 1972, the Senate Subcommittee on Criminal Laws and Procedures conducted an ambitious program of hearings on the Final Report of the Commission, and in January of this year Senator McClellan, Senator Ervin and I introduced a bill—S. 1—the massive Criminal Justice Codification, Revision and Reform Act of 1973, which represents one alternative in search of a rationalized penal code on the federal level.

During this same period of time, the Department of Justice labored diligently in a related effort which culminated in S. 1400, the Criminal Code Reform Act of 1973, which I introduced on March 27th. These two bills—S. 1 and S. 1400—now provide the Congress with two major legislative items upon which to build a new Federal Criminal Code.

To be sure, there are a number of differences between S. 1 and S. 1400—some minor, others more substantial—but even a cursory comparison demonstrates their essential similarity of conception and execution.

Regardless of differences, it must be emphasized that neither bill is partisan in nature.

The reform, revision, and codification of the federal criminal law is universally conceded to be mandatory.

For far too long, our efforts to protect life, property, human rights, and domestic tranquility have been crippled by the most basic element of the criminal justice system—the law itself.

We need a rational, integrated code that is at the same time workable and responsive to the demands of a complex contemporary society.

There are those who say that this legislation drastically encroaches on areas of state sovereignty. But I submit to you that, although the bill does reflect a modest extension of federal jurisdiction in certain instances, extreme caution has been taken to limit expansion to areas of compelling federal interest not adequately dealt with now.

Moreover, as they have in the past, federal prosecutors, under guidelines issued by the Justice Department, can be expected to continue to exercise discretion by deferring to local authorities in cases of primarily state concern.

It is my hope that by the end of 1974 the Congress and the President will have approved a bill which will modernize and standardize all aspects of federal criminal law.

This is an essential effort addressing all of the tough questions that confront criminal law today—capital punishment, gun control, narcotics abuse, obscenity—and beyond these controversial items, such major improvements as the standardized grading of offenses, systematized approaches to jurisdictional questions, and appellate review.

I would hope that you will recognize this effort for what it is—not a federal grab for more authority in the area of law enforcement, but a reaffirmation of one of the fundamental precepts of a federal system.

Crime control is now, and must continue to be, primarily the function of state, county and local governments.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The second legislative item to which I would address your attention is the matter of the authorizing legislation for the Law Enforcement Assistance Administration and the prospects for law enforcement special revenue sharing.

Having recognized the primary responsibility of you and your state and municipal associates in the effort to maintain order and justice in America, the federal government must at the same time recognize the fiscal crunch which the several states are experiencing in attempting to meet their responsibilities.

Crime control dollars are now being made available to state and local groups by the Law Enforcement Assistance Administration through a bloc grant program.

The value of this program to date must be recognized—but at the same time we must not fear to develop the program further—to increase your resources and options and thereby allow *you* to develop your efficiency even beyond current bounds.

This past year was a rewarding one for law enforcement personnel. For the first time in decades, the country experienced a net reduction in crime.

Now this was not the triumph of those of us who serve on the banks of the Potomac. It was yours and I congratulate you.

The federal government plays only a supportive role in our various criminal justice systems—you—ladies and gentlemen—are the troops.

Although this tremendous progress has been made however, there is still no greater need in America today than that of safe streets.

If we cannot feel secure in our own homes, then all other pleasures are lessened and government has failed in a basic obligation to the electorate.

In 1968, Congress enacted the Omnibus

Crime Control and Safe Streets Act. It was realized at that time that crime had become a plague that posed an enormous threat to our survival as a free and democratic nation.

To the Congress, it had become apparent that our law enforcement and criminal justice agencies faced a bleak future—and the people an even more dismal one—unless they could be given prompt and substantial support.

Congress felt that there was an urgent need for a new, vigorous, and forceful iniative in the area of law enforcement. The time had come for restructuring and modernizing our response to crime.

However, we did not want to move in the direction of a national police force. We did not want to usurp, dictate, or dominate local responsibilities in any part of the criminal justice system. Congress said as much in the Act's preamble which states:

"Congress finds further that crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively."

You have all heard of the bloc grant concept. Permit me to explain it in a nutshell. Instead of creating a new federal agency to parcel out financial aid to obedient and subservient local recipients, Congress simply resolved to protect our freedom and self-determination by placing the states and localities in charge of their *own* programs.

Now this concept was not popular with a vocal minority in Congress that clung to dangerous theories of federal dictation. Yet, local control is what the people demanded, and this is what the Congress wisely voted.

Thus, in accordance with the principles I have just set forth, the Law Enforcement Assistance Administration was created and authorized to provide technical and financial assistance to the states and local governments for improved methods of law enforcement and crime control.

Do not let anyone mislead you. This self-help program that relies upon local responsibility has been a success. I will give you figures shortly to prove that.

It has created a dynamic new leadership at both the state and local level in criminal justice—and that includes *you*.

It has done much to erase old rivalries and instill a renewed spirit of cooperation.

What I have just described is the essence of what President Nixon calls the "New Federalism".

In his Inaugural address this January President Nixon asserted and I quote: 'Ask not what your country can do for you; ask what you can do for yourself." In so saying, he was talking to the individual, to be sure, but he addressed at the same time our state and local governments and institutions. Indeed, the bloc grant concept embodied in the Safe Streets Act was the forerunner or prototype of the "New Federalism."

Crime is still with us, of course, but we need to acknowledge the great strides forward that have been taken in the race against lawlessness since LEAA was enacted. Not everyone will admit the truth. In fact, many chose to talk while ignoring the facts.

Opponents say that LEAA and the bloc grants concept is oppressive and authoritarian. But, as we have all emphasized so many times previously, what this program is all about is *more* democracy, *more* local control, and *more* responsibility for the people in their own communities.

They say that the innovation is ineffective and useless. But a close look at the latest FBI crime statistics say otherwise:

For the first time since 1955—17 years—there was last year an actual *downturn* of crime in this country.

The number of serious crimes reported in the United States in 1972 was 3 percent less than in the year before.

Declines of from 2 to 7 percent were reported in 1972 for burglary, auto theft, larceny, and robbery.

In the six U.S. cities of a million or more population, the combined decrease for all crimes was 12 percent; in cities of 500,000 to one million, it was 7 percent; in cities of 100,000 to 500,000, it was 2 percent.

Of the 154 cities having 100,000 or more population 94 of them reported a decline in serious crime. This compares with decreases reported by 53 cities the year before, 22 cities in 1970, and only 17 cities in 1969.

Serious crime in our nation's capital declined last year by 27 percent—the steepest drop of any big city in the country.

From San Franicsco, where serious crime dropped 19 percent last year, to New York, where it fell by 18 percent, the forces of law and order are moving to gain the upper hand over the forces of crime and chaos. A few critics have tried to quarrel with the scorekeeping. But, the facts speak for themselves. Progress is being made.

LEAA has also played a significant role in the federal effort to curb drug abuse, a menace which threatens the very lives of a great number of our young people.

The Congress will shortly act on a reconsideration of the statutory scheme underlying LEAA. It is my belief that the current scope of federal/state jurisdiction will not be disturbed in this process.

Indeed, I would expect that the Congress will move to further streamline the operations of LEAA and improve the hand of our states and localities, in keeping with the precepts underlying special revenue sharing.

This, in my view, is essential if we are to continue to make inroads against the menace of crime. I believe that we shall.

HARLEM PREP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. RANGEL. Mr. Speaker, this spring, Harlem Preparatory School once again celebrated the graduation of a fine class of students, and individuals.

I join with the parents, relatives, and friends of the graduates in congratulating them for their success and wishing them much luck in their future endeavors.

I now submit, for the collective attention of my colleagues, an editorial that appeared in the June 9 New York Amsterdam News entitled, "Support the Prep":

SUPPORT THE PREP

So far as we are concerned the Harlem Preparatory School, located in the heart of Harlem has higher educational standards than any other high school in the country, because no student can graduate from Harlem Prep until he is admitted to matriculation at some college or university. Therefore, every graduate at Harlem Prep goes on to college. No other high school in the United States can make that statement.

The valedictorian of Harlem Prep's graduating class this year is 19 year old Clifford Thomas Jacobs, who has been notified that he has been accepted to Columbia University, Boston University, Adelphi University, New York University, Fordham University, Brown University, and the University of Wisconsin!

That list of accepting universities gives one a pretty good idea of what kind of scholars Harlem Prep is turning out.

And one of the amazing parts of the Harlem Prep story is that it is educating such students at a much lower cost than what we are spending to educate youngsters in our City Universities.

This week as New York salutes another graduating class at Harlem Prep, we heartily join in that saluate. But we offer another salute to Dr. Ed Carpenter, headmaster at Harlem Prep, and his small faculty of educators who are accomplishing so much with so little.

Harlem Prep was born in poverty, has never had adequate funds to operate as it should and is in dire need of money right now to keep its doors open.

We urgently solicit public support for it with the assurance that there is no better investment—both in our community and in America.

LEAA IS NEEDED TO FIGHT HIGH CRIME RATE IN METROPOLITAN AREAS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. LEHMAN. Mr. Speaker, today the House unanimously passed the law enforcement assistance amendments. While I consider these amendments a substantial improvement over the present law, the bill as passed still does not give special preference to urban areas having high crime rates, unfortunately.

Crime is among the most serious problems facing our Nation. In our cities, people are subjected daily to personal assault and loss of property. Older and younger persons alike are becoming fearful of leaving the safety of their homes.

I had hoped that the committee would favorably consider targeting resources to those metropolitan areas where the high rates of crime are a threat to the everyday existence of law-abiding American citizens.

Nonetheless, LEAA has been of service to south Florida. Through LEAA, south Florida has received assistance in such areas as drug rehabilitation centers and special safe streets projects.

I am particularly pleased that the bill includes rehabilitation in the list of purposes of LEAA. Recidivism only makes the crime rates climb, and without rehabilitation, we cannot expect to see a significant decrease in the incidence of crime.

The bill will help to streamline the flow of assistance to the States and local governments, by requiring that time limits on consideration of grants be met.

The bill also contains language to strengthen civil rights enforcement powers and responsibilities. LEAA will be required to use enforcement procedures which include the ultimate sanction of funding cutoffs in the case of noncompliance.

I am certain these amendments which we passed today will have the effect the House desires—sufficient assistance to bring about a reduction in crime, an increase in successful rehabilitation, and a better system of criminal justice.

STUDENT AID AND THE NATIONAL STUDENT LOBBY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Ms. ABZUG. Mr. Speaker, representatives of the National Student Lobby recently appeared before the Labor-HEW Subcommittee of the House Appropriations Committee to present the lobby's position on student aid for fiscal year 1974.

The NSL has received the support of numerous colleges across the Nation for its stand in favor of increased funding for student financial aid, and I include the text of the NSL resolution and a listing of schools expressing their support for it at the conclusion of my remarks:

NATIONAL STUDENT LOBBY RESOLUTION

Whereas: Students must take an active role now in stating the critical financial needs of students to Congress during the Fiscal Year 74 (academic year starting Sept. 1974) appropriations process for Federal student financial aid programs, and

Whereas: President Nixon has pledged that "no student will be denied access to post-secondary education for financial reasons," and Congress has also authorized such a goal in the Education Amendments of 1972, and

Whereas: Amounts appropriated in April, 1973 or Fiscal Year 73 (academic year starting Sept. 1973) are totally insufficient to meet the needs of students (as little as 50% of the Office of Education panel-approved requests for aid), and

Whereas: Current funding for the new and crucial Basic Opportunity Grant program is grossly insufficient ($12 million instead of $622 Million requested by Administration), and so low as to necessitate restriction of BOGs to freshman for fall 1973, and

Whereas: Additional eligibility of proprietary and vocational school students for Federal student aid monies means an *additional 25* percent increase in funding is needed for 2-yr. and 4-yr. college students simply to remain at the current level of aid,

Therefore, be it resolved that, students from the colleges listed below support substantially increased funding for student financial aid for FY 74 (NSL support $596 million increase to $2,137 million), as follows:

[In millions]

Basic opportunity grants (BOG, new program)	$959
Supplemental opportunity grants (current EOG)	200
National direct student loans (NDSL, 3% loans)	293
Federally insured student loans (FISL, 7% bank loans)	$350
College work-study	270
College work-study for veterans (new program)	15
State scholarship incentive grants (new program)	50
Total	2, 137

SCHOOLS HAVING PASSED FINANCIAL AID RESOLUTION

Name of School and Authorized Signature

Oregon State, University, Kerby Anderson, ASOSU 1st Vice-President.

Marian College of Fond du Lac, Harlan D. Swift, Student Body President.

University of Pittsburgh, Regis F. Kaufman, Student Body President.

Concordia Teachers College, Timothy G. Miesner, Student Body President.

Georgia Institute of Technology, Greg Williams, Student Body President.

Birmingham-Southern College, Brenda Montgomery, SGA secretary.

Sam Houston State University, Lang Zacharias, Student Body President.

Indiana University, Steve Damig, Student Body President.

University of Virginia, Larry J. Sabato, Student Body President.

University of Wisconsin-Milwaukee, Michael DeLonay, Special Asst. to President.

Southern Colorado State College, Elaine Stefanic, SGA President.

Henderson State College, Freddie Lookadoo, Student Government President.

Pomona College, Ian Campbell, Student Body President.

University of Missouri at Rolla, Michael Ragan, Student Body President.

Mary Baldwin College, Susan E. Baughman, Student Body President.

University of Wyoming, Steve A. Miller, Student Body President.

Manchester Community College, James W. Sorensen, Student Body President.

St. Francis De Sales, Michael Chimielewski, Student Body President.

Northeastern State College, Jerry Donley, Student Body President.

Upper Iowa College, Stephen C. Worester, Student Body President.

Ashland College, M. L. Duff, Student Body President.

Tabor College, Roger Gossen, Student Body President.

Friends University, David Hawthorne, Student Body President.

Alma White College, Donald K. Hansen, Student Body President.

University of Dayton, Francisco J. Torrado, Student Body President.

Muhlenberg College, Kent J. Rossmiller, Student Council.

New York State University at Oneonta, Steven Goldenberg,, Student Body President.

Financial Aid Petition—Muhlenberg College. Signatures of 86 students supporting the National Student Lobby position on student aid appropriations.

THE FUEL SHORTAGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. DERWINSKI. Mr. Speaker, a recent editorial on WGN, a Chicago broadcasting company, very thoroughly discusses the fuel shortage. More specifically, the question of an increase in the Federal tax on gasoline.

At this point, I insert it into the RECORD. I associate myself with the reasoning therein:

THE FUEL SHORTAGE

The Nixon Administration has hoisted a trial balloon on the gasoline-shortage front. Treasury Secretary George Schultz says the administration is considering . . . just considering . . . asking Congress to increase the federal tax on gasoline. The increase under consideration . . . a dime a gallon . . . amounts to 250 per cent of the four-cent-a-gallon tax already imposed.

Such a tax would do several things. First, it might cut the demand for gasoline, considering that a 20-gallon fill-up would cost an extra two dollars. Second, according to Schultz, it might accelerate the trend toward smaller cars . . . those that can go farther on a tank-full. Third, it would provide an estimated $10 billion a year to the treasury, always welcome with a deficit budget. And fourth, any tax increase is viewed as dampening inflation, taking dollars out of the market-place where they compete for goods and services, thus pushing up prices.

It's been said that the economy of this country, at least in peace-time and at least for the last-half century, that the economy is geared to the auto industry . . . not only the manufacture and sale of autos, but the raw materials used to make the cars, the highway construction industry and the hundreds of thousands of service businesses which keep the cars rolling. So, any significant change in driving habits could have an even more significant effect on the economy.

Then, there's the question of who will be affected the most. As with any price increase on a necessity or near-necessity, those who can least afford the added burden will suffer the most . . . at least in terms of percentage of income. And, we'll all pay more, for everything else, as truckers pass on their increased cost of delivering the other things we buy.

At this point, we think an increase in the gasoline tax is wrong. Certainly, there must be better and more equitable ways of overcoming a gasoline shortage if there really is a shortage. Of course, we're still not sure whether there is a REAL gasoline shortage. That's what we'd really like to know . . . before we undertake a mass correction. We'd like to know that we're sick . . . before we're asked to swallow some distasteful medicine.

THE 100TH ANNIVERSARY OF THE THOMASTON EXPRESS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mrs. GRASSO. Mr. Speaker, in March 1873, George Grille started a single sheet newspaper from his home in Thomaston, Conn. This first edition of the Thomaston Express is celebrating its 100th anniversary of distinctive and dedicated service.

Since its inception, the Express has been owned and published by several different men and is presently under the direction of Caesar DelVaglio. The paper has grown considerably since the days of 1918 when the linotype machine was first introduced into its system of production. Today the Express is a newspaper with an average scope of 20 pages covering news of northwestern Connecticut. It has a weekly circulation of about 2,800 residents in Thomaston, Plymouth, Northfield, and Terryville.

During a 100-year history, the Thomaston Express has been the recipient of numerous literary awards which reflect its high standards of journalism. As one of the most important forces in the life of the region, the Express has contributed significantly to the development of the community by means of reliable and detailed reporting about the people and events which have influenced the growth of the region.

The Thomaston Express has plans for a special edition later in the year which will commemorate its anniversary. This centennial publication will review the history of the newspaper as well as the many memorable phases of Thomaston history in the past century.

It is with pride and pleasure that I join so many other residents of the Sixth District and the State of Connecticut in paying tribute to the Thomaston Express on its 100th anniversary.

GENERAL SIMPSON RETIRING TO RESIDENCE IN BRYAN, TEX.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the residents of the city of Bryan, Tex., recently had the privilege of welcoming a distinguished individual to their community. Lt. Gen. Ormond R. Simpson, who served his country for 37 years, made his residence in Bryan upon retiring from the U.S. Marine Corps. General Simpson and I attended Texas A. & M. University and we share fond memories for our alma mater, which is near the city of Bryan. I am happy to have General Simpson become one of my constituents in Texas' Sixth District.

The local newspaper in Bryan, Tex., the Eagle, carried the good news about General Simpson on June 13, 1973.

The article follows:

GENERAL SIMPSON RETIRING TO RESIDENCE IN BRYAN

Lt. Gen. Ormond R. Simpson, who ended a 37-year Marine Corps career in May, will return to Bryan in July with his wife and family. He was accorded full military retirement honors in Washington, D.C., April 30.

Gen. Simpson's military career began in July 1936 when he was designated Military Honor Graduate upon completing Texas A&M College. His was a career that was to span three wars—two tours overseas in World War II, combat in Korea, and finally, as commanding general of the Corps' 1st Marine Division in Vietnam.

The general and his wife, the former Marjorie Miller of Bryan will move to their retirement home on Quail Hollow Drive July 1. Their son, Rick, works for a computer firm with offices in Washington, D.C., and their daughter, Martha Fields, is pursuing graduate studies at the University of North Carolina.

Gen. Simpson's mother, Mrs. Stanton Fields Simpson, lives in Corpus Christi, where Simpson attended secondary schools. His sister, Mrs. Preston Doughty, also resides in Corpus Christi.

General Simpson has a long list of military credits and is heavily decorated for combat performance. During his second World War II tour, he took part in the planning for and the subsequent invasion and occupation of Japan. In May 1962, when American troops were requested by the government of Thailand, General Simpson was ordered there as the commanding general of the 3d Marine Expeditionary Brigade.

In the past eight years, he has commanded the 2d Marine Division; the Marine Corps Base, Camp Lejeune, N.C.; Marine Corps Recruit Depot, Parris Island, S.C., and the Marine Corps Supply Center, Albany, Ga. During 1969, he commanded the 1st Marine Division in Vietnam, for which he received the Distinguished Service Medal.

Personal decorations have been pinned on him after completion of almost every tour of duty in the Marine Corps. He was presented the Distinguished Service Medal, his second, during retirement ceremonies.

His last assignment with the Marine Corps was as Director of Personnel, Deputy Chief of Staff (Manpower) at Headquarters Marine Corps. He took over that job with his promotion to three-star general July 1, 1971.

THOUGHTS UPON BEING DISCONNECTED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BROWN of California. Mr. Speaker, a few days ago, in the middle of a telephone conversation with a local government official back in my California district, I suddenly found that I had been disconnected in the middle of my friend's sentence. This is not an unusual occurrence on the FTS—Federal Telecommunications System—but I was not using the FTS at the time. I was calling on Ma Bell's commercial line.

As I called the operator and reestablished my connection, I was reminded of an item I saw several months ago in the Washington Star. Over the weekend I located a copy of this item, a column by Mr. Norton Mockridge, and I would like to share it with our colleagues at this time.

[From the Evening Star and Daily News, Jan. 2, 1973]

HERE IS REAL PHONE SERVICE

(By Norton Mockridge)

NEW YORK.—Val Choslowsky, of Washington, D.C., says he's come across the finest phone book in the world. It's the one in Helsinki, Finland.

"For instance," he writes, "It will tell you a man's name, address, and phone number, but also the name of his current wife. And that little feature, in divorce-prone Helsinki society, is watched with particular interest by various gossips, since surprising developments may be ascertained among the listings from one edition to another.

"Moreover, the book will further tell you the man's position and job in the business community, including the correct and latest title. Promotions and, of course, demotions, are readily available from this source.

Val continues, "In addition to all this, the man's education is listed for all to see—an important feature in a land where a Ph.D. enjoys a considerably higher social status than a mere M.A., not to mention one who has barely scraped through high school, which, at best, compares to our junior college, at that.

"As a matter of fact, to be listed in the phone book at all is a status symbol of sorts, since the ownership of a private residence line (as opposed to a business line) automatically gives one a share in the phone company. The cost of maintaining a line is no sneezing matter.

"While there might be some features of the Helsinki phone directory that escaped me, it's the Finnish phone service itself which has impressed me," adds Choslowsky.

"In addition to the fact that everything works efficiently one can, by dialing 037, get the titles, show times, and locations of all current movies. Dial 008 and you can summon a physician or, by dialing 440477, secure the services of a dentist. A doctor who responds to these calls, incidentally, is referred to as 'doctor de jour.'

"Events of interest for the day in Helsinki may be had by dialing 058, while arrangements with 0152 will get you up in the morning. Summoning a taxi is a phone company service. The number depends on just where in the city you happen to be at the time, and you're never more than five minutes away from one, no matter what the weather.

"If you dial 045, they'll tell you what jobs are available, while 031 gives the latest stock quotations. If you're in a quandary as to what to cook for dinner, 049 will give you the recipe of the day.

"World news comes to you via 017 (033 gives the latest ball scores and other sports news), and the latest news in English can be had by twirling out 018. A sermonette for inspiration is available on 050, but I understand that betting advice (055) and lottery announcements (035) are more popular. Time (061) and weather (038) are mundane enough, of course.

And he concludes, "Desperate alcoholics and potential suicides can get last-minute reprieves by calling special numbers, and, to beat all, there is a number a teen-ager can call for the latest recording hits. And so it goes with the telephone service in a civilized country!"

THE POOR NEED LEGAL SERVICES

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mrs. BURKE of California. Mr. Speaker, it is of grave importance that the legal services program, which has provided legal assistance to poverty-stricken people across this country, continue to survive. The need for such services is great, in my home district in California, in New Jersey, and throughout the other States. I have on many occasions spoken in support of legal services for the poor. There can be no real justice when any portion of this Nation's population is denied free access to the judicial system. I am submitting to this body a resolution of the Sussex County Bar Association of New Jersey, to which I give my full support. The continuation of legal services is imperative if this country is to lead the way in assuring justice for all under the law.

The resolution follows:

RESOLUTION

Whereas, the Sussex County Bar Association recognizes as a prime concern and chief goal of our society the achievement of equal justice under the law regardless of economic status; and

Whereas, the Sussex County Bar Association recognizes the effectiveness of Somerset-Sussex Legal Services in fostering and effectuating this goal; and

Whereas, in the course of day to day dealings between Somerset-Sussex Legal Services and the members of the Sussex County Bar Association it has become evident that the activities of the former have been conducted in a constructive manner and with a high degree of professionalism; and

Whereas, the members of the Sussex County Bar Association consider it imperative that the Legal Services Program in general and Somerset-Sussex Legal Services in particular continue to operate and function;

Now therefore, be it unanimously resolved by the Sussex County Bar Association that it steadfastly supports the continued federal funding of the Legal Services Program in general and Somerset-Sussex Legal Services in particular; and that it strongly urges the President of the United States and all elected officials to support the uninterrupted continuation of the operation of the Legal Services Program.

SALUTE TO DISTRICT OF COLUMBIA NATIONAL GUARD

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. MONTGOMERY. Mr. Speaker, recently it was my privilege to attend an open house at the D.C. Armory designed to give citizens of the community a better insight into the mission of the District of Columbia National Guard. I salute the D.C. Guard for the important role it plays in our Nation's defense and its added burden of being called to active duty during large demonstrations and official Government functions such as the inauguration. For the benefit of my colleagues, I would like to present the following report on the open house:

D.C. NATIONAL GUARD SPONSORS OPEN HOUSE

On Sunday, June 3rd, the District of Columbia National Guard held an Open House at the D.C. Armory from 11:00 a.m. to 7:00 p.m., to which the general public was invited to see its local Army and Air Guard units in training and the varied weapons and equipment on display. According to Major General Charles L. Southward, the Commanding General, the purpose of holding the Open House was four fold:

To show the families and friends what we do as Guardsmen.

To enhance community interest in the National Guard and let the citizens of Washington know what the Guard is, what it does, and how it stands ready to serve the community.

To enhance the morale of our own personnel through their involvement and interest in exhibiting their unit skills and equipment to the public, with the hope that many of our members will continue their participation by reenlistment.

To stimulate interest on the part of young men and women in the community, as well as veterans, by publicizing the many opportunities that membership in the National Guard can offer, including full-time employment.

Attendance at the Open House was estimated at between 12 and 15 hundred, and while this fell short of hopes and expectations, the venture was considered a successful effort that achieved, at least to some degree, its goal in each of the aforementioned areas. Visitors expressed considerable interest in the variety of exhibits on display and in the missions of the varied units represented. The Guardsmen showed keen interest in the event by enthusiastically tackling the job of setting up their exhibits and explaining their equipment and missions to visitors, and finally, at least eight young men were sworn in as members of the Guard during the Open House, with interest in membership expressed by numerous others.

Among the activities on display were an Army Field Hospital in operation, a demonstration of Military Police activities, a completely equipped Maintenance unit, an exhibit of Historical Infantry uniforms and equipment, a field photo lab, helicopters from the Army Guard Aviation Unit, and a variety of exhibits by the Air Guard units, including communications and survival equipment. Also on display was an exhibit by the D.C. Youth Leader Program, one of the many community relations activities sponsored by the D.C. Guard. One Military Police unit provided karate demonstrations, which proved quite popular with the younger visitors.

The public was also given an opportunity to sample some "good-ole" Army chow, and listen to an excellent musical program by the D.C. Guard's own 257th Army Band. The Band is composed of many accomplished musicians, both amateur and professional, and they offered a wide variety of musical selections from light classics to rock, as well as the standard military marches.

Visitors were provided complete information on the many benefits offered through Guard membership—the opportunity to earn extra money, and at the same time build valuable retirement benefits, and also the opportunity to learn valuable skills which can help in obtaining good civilian jobs. Information on numerous full-time employment opportunities was also made available. Most visitors were surprised to learn that the D.C. Guard employes nearly 600 full-time technicians, in countless job skills ranging from supply clerks to jet engine mechanics. The value of such skills to the average young high school graduate is obvious in today's employment market situation.

The D.C. Guard exerted considerable effort to publicize this Open House through the local news media. Most of the citizens of the District of Columbia are probably not even aware of the many activities of their Guard units, and of course, attracting attention from the news media in this rather "sophisticated" community, news-wise, is not easily achieved. Local activities of this type are just not "big news" as a rule. However, the D.C. Guard is community-oriented. It feels it belongs to the community, and the citizens deserve to be informed of its activities.

The drafting of young men into the military service has ended, but the need for a strong, well-trained National Guard continues. The Department of Defense is looking toward the National Guard now more than ever before as its primary back up force. It is hoped that through efforts such as the June 3rd Open House, the community will be made fully aware that the D.C. National Guard is ready, willing, and able to serve the community and Nation, and will offer its full support and encouragement.

SAN JOSE STUDENTS REORGANIZED FOR ENVIRONMENTAL STUDIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. EDWARDS of California. Mr. Speaker, for the second consecutive year, Willow Glen High School in San Jose, has been honored by the Environmental Protection Agency for its fine environmental studies program. I am proud that this San Jose school has again been so honored, and I feel that the activities of Willow Glen students deserve the attention of my colleagues here as well.

Twenty-one students have been honored individually, with scholarships, awards, and certificates of merits. Mr. Frank Schavio, the ecology teacher who helps the students with their projects, has been awarded a special Environmental Protection Agency citation for meritorious service to the cause of environmental education. Mr. Schavio, who was named San Jose Teacher of the Year last year, has been awarded a certificate of merit for his teaching excellence this year.

The students' ecology-minded activities ranged from year-round campus landscaping to consumer protection projects. They organized Indian food and clothing drives and have cultivated a half-acre plot of land near the school for an organic garden. Mr. Schavio and his students have also testified at a variety of local, regional, and State hearings on environmental legislation.

The ecology activities of these fine young people are important, not only to their individual educational development, but to the public as a whole. Through their efforts the entire community will, hopefully, become increasingly aware of and sensitive to the environmental crisis that faces us.

With this question, as with other pressing problems that face our Nation, the younger generation must be congratulated for spurring their elders on to action. I have every hope, and, indeed, every expectation, that Willow Glen High School and other San Jose schools will continue their important environmental studies programs. The program at Willow Glen deserves the commendation of all of us and emulation by other educational institutions around the Nation.

IN DEFENSE OF UKRAINIAN INTELLECTUALS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. KOCH. Mr. Speaker, in connection with my testimony before the House Ways and Means Committee on June 14, 1973 in favor of the Jackson/Mills-Vanik amendment to the Trade Reform Act, I would like today to discuss the plight of the Ukrainians. With the visit of Secretary Brezhnev to the United States it is appropriate that we give some attention to certain Ukrainian Soviet citizens now in U.S.S.R. jails who are considered political prisoners by their supporters in the United States.

An organization located in my district, the Ukrainian Congress Committee of America, Inc., 302 West 13th Street, New York, N.Y. 10014, has publicized several cases of more than 100 Ukrainian intellectuals in 1972 alone who were imprisoned for "anti-Soviet agitation and propaganda." Their statement, which appeared in the June 17, 1973, New York Times was printed in the June 18, 1973, CONGRESSIONAL RECORD. While I have no personal knowledge of these cases, I must be concerned about any violation of human rights. In relation to these Ukrainians, as well as to Soviet Jews and all other Soviet refugees, the United States has announced a policy of welcoming to this country all Soviet refugees, without regard to quota restrictions. I am pleased to have been the sponsor of this proposal, which took effect on September 30, 1972.

In my concern for these Soviet citizens who are the victims of oppression I have asked the President to take up the question of these Ukrainian prisoners with Secretary Brezhnev as well as the plight of Soviet Jews. Furthermore, we must continue to press for the inclusion of the Jackson/Mills-Vanik amendment in the Trade Reform Act to assist those oppressed people in the U.S.S.R. who seek to emigrate.

THE LITHUANIAN-AMERICAN COMMUNITY OF THE U.S.A., INC., REPORT ON THE UNRESOLVED LEGACIES OF THE BALTIC NATIONS DURING 33D ANNIVERSARY OBSERVANCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. ROE. Mr. Speaker, I wish to join with my colleagues here in the Congress today in somber observance of the 33d anniversary of the subjugation of Lithuania as a national independent sovereignty and solemnly reflect upon the courage, fidelity, and dedication to the principles of representative democracy manifested by the long struggle for freedom of the oppressed citizens of Lithuania, Latvia, and Estonia from the Soviet Union.

The people of Lithuania have been strongly supported and their cause for freedom, equality, and justice kept alive and vibrant by many Americans. I take this opportunity to particularly commend on the pages of this congressional journal of history the great contribution that the Lithuanian-American community has made to this noble effort over these many years. In response to a recent communique that I received from the Honorable Vytautas F. Volertas, president of the Lithuanian-American Community of the U.S.A., Inc., I respectfully call your attention to the following statement they have issued in commemoration of the June 15, 1940, annexation of Lithuania into the Soviet Union, which most poignantly and clearly manifests the serious issues that are of deep concern to all Americans and Americans of Lithuanian heritage who continue in the vanguard of seeking to achieve freedom, national integrity, and sovereignty for the people of Lithuania and other "captive nations" of the world:

BALTIC NATIONS: THE UNRESOLVED LEGACIES

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

The Lithuanian people have continuously struggled to reject the oppressive communist system from Lithuanian soil ever since the forcible annexation into the Soviet Union on June 15, 1940.

The post-war history of Lithuania bears grim testimony to this rejection of forcible incorporation. From 1944 to 1952, anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerrilla warfare at a cost of over fifty thousand Lithuanian lives. During Stalin's era, over one-sixth of the Lithuanian people were deported to Russia and Siberia in an effort to depopulate and subjugate the Lithuanian Nation. To demonstrate the extent of this depopulation in comparison to the United States, it would mean the elimination of all the people from the thirty largest cities in this country.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the communist regime. The protests of the Lithuanian people against the denial of the right and national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered wide-spread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia and Estonia into the Soviet Union.

The 89th U.S. Congress during its second session was explicit in its determination to forestall any Russification and absorption of the Baltic States by the Soviet Union when it adopted House Concurring Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations and other international forums. The European Security Conference is such an international forum. We ask your support in urging the United States delegates to openly state the U.S. policy of non-recognition and raise the Baltic question directly as Congress has specified.

Mr. Speaker, this statement is submitted for congressional recognition and consideration. I know you will want to join with me and our fellow citizens of Lithuanian ancestry in this annual observance and extend renewed encouragement to Soviet Lithuanians in our mutual concern for their national independence and individual well being.

WHEN THE GAMBLER "GIVES" YOU THE CAB FARE HOME THAT'S "REVENUE SHARING"

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. ROUSSELOT. Mr. Speaker, revenue sharing has not yet proven to be a sound method of financing State and local governments. It is neither responsible nor realistic for the Federal Government to establish a mechanism for showering the State and local governments with a "windfall" from funds that do not exist. There are no revenues to share—only deficits—and once again it is the hard-working taxpayers who will ultimately have to bear the burden as the Federal Government goes further and further into debt. It is especially ludicrous that the Federal Government is "sharing" revenues when most cities, counties, and States report that they are accumulating substantial surpluses in their operating capital.

I bring to the attention of my colleagues the following advertisement placed in the June 4, 1973 edition of U.S. News & World Report by Warner & Swasey Co., of Cleveland, Ohio, which points out that a much more honest approach than "revenue sharing" would be to return to the States the taxing power which is rightfully theirs, and to allow the States to decide how much to tax and spend for those programs which they individually need.

WHEN THE GAMBLER "GIVES" YOU THE CAB FARE HOME THAT'S "REVENUE SHARING"

Where does the Federal Government get all the revenue it's going to "share" with the States? From the States—that is, from the pocketbooks of the working taxpayers in the States.

It would be so much more effective and fair if Washington simply reduced its tax take by the 30 billions it is planning to "give" the states. The end result would be better because it all would be locally managed, closely watched. And think of all the millions we'd save by getting rid of those thousands of bureaucrats now busily handling those billions into Washington and (*some* of them) out again!

THIS IS 1973: BRING 'EM HOME

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the editor of the newspaper, the Eagle, in Bryan, Tex., recently wrote an editorial that shows tremendous insight to a problem facing this Nation. He points out that U.S. troop commitments and our foreign relations are due some tedious scrutinizing by Congress. The results over the past decades and today of our foreign commitments have left the American dollar in poor shape.

I think Congress and the general public would benefit by reading the Eagle editorial; then give the points brought out in that article careful thought.

The editorial follows:

THIS IS 1973: BRING 'EM HOME

It's time Uncle Sam stopped being the "fat boy with the candy" in dealing with other nations.

This is the world of 1973. We are still acting like it was the world of 1946.

If we don't stop our way of doing, the American dollar is going to continue to slide down the greased pole into near worthlessness.

President Nixon's meeting with Premier Pompidou furnished a fine example of our lack of toughness and our grandiose gestures.

Before our talks with M. Pompidou started, Henry Kissinger threw into the discards our ace when he announced that we would make no "unilateral decisions" regarding Western

Europe. In doing this he told Pompidou not to worry about our withdrawing our troops from Western Europe—about the only card we can use to bargain with our tough-minded Western European allies.

We are deep in debt and running a deficit year after year. Our dollar is dropping daily. Why should we continue to spend millions of these dollars abroad to pay for a substantial share of Europe's defenses?

We are not going to have to go through the motions of officially devaluing our dollar. The world is doing it for us every day. A big drain on the dollar is keeping about 300,000 troops and their dependents in Europe.

As a starter, we should immediately bring home the thousands of dependents. Then we should start a scheduled withdrawal of the troops themselves.

There was a reason why we put troops in Western Europe in 1946—Western Europe was helpless and broke. But today West Germany is one of the most prosperous nations in the world and many other European nations have a prosperity they never had before. It's time they picked up the burden of their own defense.

There are those who say the withdrawal of our troops would be an invitation for Russia to roll over the West. These 300,000 U.S. troops could scarcely slow down the armed might of Russia. Let's face it—our military deterrent is nuclear.

It was a good idea to go into South Korea in Harry Truman's day. But isn't protecting South Korea, Japan and other nations in the Far East for 20 years long enough?

Granted we brought some of this on ourselves by laying down an ultimatum that Japan's militarism must never exist again, but times have changed. Stricken Japan is now the world's fastest growing nation economically. It should assume a far larger share of its own defense and the defense of other nations in that part of the world.

We should start a scheduled withdrawal of our 45,000 men in South Korea and stop that drain on the dollar.

Of course, we do not want to draw back into isolationism. Of course, we do not want to approach the world with a chip on our shoulder.

But it's time we roused ourselves from our dream of deluded grandeur. Even Rip Van Winkle finally woke up.

CONSERVATION PRACTICES ON RETIRED ACRES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. ZWACH. Mr. Speaker, over the years in Minnesota, Charles L. Horn of the Minnesota Emergency Conservation Committee, has been one of the most active and knowledgeable practical conservationists in our State.

During the sessions of the Minnesota Legislature, he always has had a representative present to testify at the committee meetings.

I have just received a letter from Mr. Horn in regard to conservation practices on retired acres.

Because we soon will be debating these matters on the floor of the House, I would like, with your permission, to insert Mr. Horn's letter in the Congressional Record so that his thinking on this matter may be available to my colleagues.

The letter follows:

Conservation Practices on Retired Acres

It seems that we are living in a time of sensationalism. Unless something is dramatic and gets the newspaper headlines we are unconcerned and go our separate ways. This is especially true of our natural resources. For years we have watched the soil erosion on the farm lands get progressively worse without doing anything to correct the situation. In the 50's there were still small farms raising grains and hay and an active soil bank program. Not the erosion problem we have today. Since that time much of the wetland area has been drained, small farms consolidated into larger ones, an increasing amount of land being plowed in the fall, and the retired acres are left without cover crops. In addition, all of these factors have caused the steady decline of wildlife. The farming industry is important to the country and must be supported with many of these changes being necessary for the continued high production of farm products. But we can do something about the millions of retired acres that are left bare each year causing much of the erosion problem.

Now is the time we must act and correct the mismanagement of the soil and water. The Agriculture Act of 1970 expires at the end of this year and a new program will be adopted for 1974. Part of the new program must be that there is an opportunity for long term agreements on the retired acres. These agreements should last three years or more and would require a permanent cover crop. If this is to be a Department of Agriculture Act these stipulations must be included as it is a major soil and water conservation practice. With the nation becoming more urbanized it is necessary that this legislation does more for the city dweller than just control surplus crops. This program will give him both soil and water conservation, as well as better wildlife habitat.

The continuous process of wasting our resources must be stopped. We definitely do not need to have our top soil washed down the Mississippi River into the Gulf of Mexico. It is necessary that we all support the new agriculture bills stipulation that a cover crop is required on all of the retired acres. So, I am asking everyone to give the cover crops on retired acres amendment of the New Farm Bill their support.

I. F. STONE ON IMPEACHMENT—PART III

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Ms. ABZUG. Mr. Speaker, in today's Record, I include the third and concluding portion of I. F. Stone's series on impeachment. Part III discusses possible bases for impeachment proceedings against Richard Nixon, including the establishment of such extra-legal agencies as the "plumbers" and the extra-legal acts which they committed, the continued bombing of Cambodia without legal authority, the exercise without legal basis of such "inherent powers" as executive privilege and impounding of duly appropriated funds, and the offer of the directorship of the FBI to Judge Matthew Byrne while he was presiding over the Ellsber-Russo trial.

Part I of this series appeared at page 19931 of the June 15, 1973 Record, and Part II appeared at page 20163 of the June 18, 1973 Record.

Part III follows:

I. F. Stone on Impeachment—Part III

This question will loom up as a crucial point if it turns out that *political* as distinct from *criminal* charges play their part in any effort to impeach Nixon. There are three kinds of political offenses which might be alleged. One might be that Nixon's failure properly to control secret agencies he had himself set up—*and the establishment of such agencies without statutory authority*—constituted a malfeasance of such magnitude and so dangerous to constitutional government as to warrant removal by impeachment even if it could not be proven beyond reasonable doubt that he was personally culpable for the burglaries and their attempted cover-up.

A second type of political allegation would arise if Congress finally passes the Eagleton bill to shut off all funds for continued warfare in Indochina, and passes it again over a Presidential veto, and the President still insists that he can divert funds from other purposes and continue the bombing because he and he alone is the judge of his own war powers as Commander in Chief. Unless he stated a readiness to abide by the results of an appeal to the Supreme Court, impeachment would be the only resort left to enforce the war powers of Congress and its power of the purse.

A third type of political allegation might arise from the sweeping assertion by Nixon of such so-called "inherent" powers as executive privilege and impoundment of funds whose social purpose he disapproves. No other President has ever dared to exercise these powers as broadly as Nixon has. They represent a threat to a government of equal and separate powers, a big step toward Presidential dictatorship.

This last category of possible political charges is the most difficult of all and serves to emphasize in the clearest form the wisdom of a broad consensus before resort to a weapon so grave as the removal of a President. The Constitution wisely requires a two thirds vote of the Senate rather than a mere majority for conviction. Republicans as far right as Goldwater and as far left as McCloskey should be persuaded of the need for trial by impeachment before it is even begun, though that only requires a majority vote of the House. Otherwise the country will be torn apart by controversy, polarized in an atmosphere which will make reasoned debate and equitable judgment impossible. The clearest evidence that so broad a consensus was beginning to take shape came in the joint letter on May 18 by Senators Goldwater and Cranston, usually on opposite sides of the fence, calling on Elliott Richardson before his confirmation as Attorney General to give a special prosecutor power to reach into the White House itself in his investigation not only of Watergate but of the Ellsberg-Russo trial.

To be honest about it, how one feels about the "inherent" powers of the Presidency has been generally determined throughout our history by how one feels about the use to which they are put and the pressing needs of the time. The Presidency is a great office precisely because of its flexibility in emergency. People on the left like myself applauded when Truman and Eisenhower invoked executive privilege to shield government officials against the witch hunt, as waged first by Nixon on the House Un-American Activities Committee in the late Forties and then by McCarthy in the Fifties. We applauded when, in conflicts with the military-industrial complex, Truman, Eisenhower, and Kennedy in turn impounded, i.e., refused to spend, money voted for arms race purposes, including such projects as the 70-group air force and the Nike-Zeus antimissile.

These are but a few of many examples of a double standard which must be faced before one can reasonably decide that abuse of "inherent" powers has grown so serious that it is a clear violation of the Constitution and a danger to the Republic.

But it has yet to be widely realized that the facts coming out in the affairs of Watergate and the Pentagon Papers have short-circuited the old controversy over whether impeachable offenses need be indictable. The main offenses coming to light in the various investigations of Watergate involve a wide range of indictable crimes, all impeachable even under the strictest definition of "high crimes and misdemeanors." These would provide the second and easiest category of charges for a bill of impeachment as more evidence accumulates. Even breaking and entering, normally a crime only under state law, is covered because the original burglary of the Democratic National Committee headquarters took place in the District of Columbia where breaking and entering is a federal offense.

The revelations piling up include violations of federal electoral campaign, banking, and securities laws; federal statutes making it a crime to obstruct justice or conceal evidence of crime; infractions of the laws guaranteeing free trial and of the statutes limiting the jurisdictions and regulating the activities of the CIA and the FBI and possibly also the less well known but equally powerful Defense Intelligence Agency (DIA) and the supersnooper electronic agency, the National Security Administration (NSA).

Also involved are the laws which make it a crime to conspire to violate any of these laws, whether or not the crime itself was finally committed. In prosecutions for conspiracy, circumstantial evidence is usually and necessarily relied upon. So are conspirators ready to turn state's evidence in hope of mitigated sentences. The conspiracy charges beginning to take shape against high officials of the Administration may or may not end by involving Nixon himself. If they do, this would prepare for trial by impeachment in a most far-reaching form.

A third major category of possible charges for impeachment has been almost entirely overlooked, though it consists of one of the two crimes specifically mentioned in the impeachment clause of the Constitution. This is bribery (the other, of course, is treason). This was touched on so lightly in the Goldwater-Cranston letter to Richardson, on May 18, that its significance has not been appreciated.

That letter cited eleven questions arising from the Ellsberg-Russo trial which called for extensive investigation by the Special Prosecutor. The eleventh was "The communication to the trial judge by Mr. Ehrlichman." That communication, made on April 5 at San Clemente and discussed again on April 7 at Santa Monica, was the offer of a high post in the government, the directorship of the FBI, to the trial judge while he was presiding over a trial in which the government's good name was at stake.

Any comparable offer by a private plaintiff would have been regarded as a bribe, and the Ellsberg-Russo defense so characterized it. The offer was made by Ehlrichman, then Nixon's top aide for domestic affairs. When it was first broached at the summer White House in San Clemente, Nixon himself—according to Judge Byrne—entered the room briefly and ostensibly only to meet the judge.

The whole affair and the President's involvement might have been more fully disclosed if the defense had had time to file a motion for appeal with the Ninth Circuit after Judge Byrne refused to dismiss the case on the ground that the secret offer was improper and an interference with the right to free and impartial trial. But this was foreclosed when Judge Byrne dismissed the indictment on other grounds four days later, on May 11.

The circumstances under which Judge Byrne's secret visits with Ehrlichman took place and the circumstances under which news of these visits leaked out have yet to be adequately explored. But enough is now known to demonstrate that this covert attempt to interfere with impartial trial ought not to go unexamined and unpunished.

The sequence of events is itself eloquent. On April 26, after a still unexplained delay, Judge Byrne was given documentary evidence that Hunt and Liddy, working directly under the supervision of Ehrlichman, had burglarized the safe of Ellsberg's psychiatrist in Los Angeles. The judge seems to have angered the government when he read the memorandum about the burglary in open court. Shortly afterward as if in retaliation someone leaked the news of the judge's visit to the San Clemente White House. It appeared in the *Washington Star-News* April 30, just four days after the news of the burglary was made public.

The leak must have come from the White House itself. It was made to the only one of Washington's two newspapers with which the Administration is still on speaking terms, though the conservative *Star-News* and its staff columnists have been as critical as the *Washington Post* of the Watergate affair. The reporter who wrote the story, Jeremiah O'Leary, is a veteran capitol journalist. The visit by Byrne to San Clemente seems to have been entirely a White House affair. "The *Star-News* learned," O'Leary wrote, "that Judge Byrne was brought to the San Clemente White House by the Secret Service from Los Angeles with instructions to take care that the press not learn of the visit."

No mention was made in the story of Ehrlichman. The way it was written, if not the way it was leaked, pointed the finger directly at the President. Indeed the story speculated on Nixon's impropriety. "The secret meeting with Nixon," as O'Leary wrote, "also prompted some question about the propriety of the judge in the Ellsberg-Russo case conferring while the trial was underway with a President who made little secret of his distaste for the turning over of the Pentagon Papers to several newspapers for publication."

The day that story appeared in the *Star-News* happened also to be the day on which the White House announced it had accepted the resignations of Haldeman and Ehrlichman. If the leak was Ehrlichman's, it would have been one of his last acts as the President's top aide for domestic affairs.

The repercussions at the trial were immediate. The first edition of the *Star-News*, an evening paper, hits the streets about 9:30 AM, or 6:30 AM Los Angeles time. Someone must have called defense counsel about it well before 10:00 AM Los Angeles (or 1:00 PM Washington) time when court was scheduled to open. Defense Counsel Charles Nesson phoned Judge Byrne that morning to let the judge know that questions would be asked him about the story in the *Star-News*. The judge arrived twenty minutes late with a prepared statement which he read as soon as court convened. He said he was doing so in response to a telephone inquiry to his chambers from Defense Attorney Nesson. With the jury out of the courtroom, the judge said he was reading the statement because he wanted "no misunderstanding" about the meeting.

Judge Byrne said the meeting took place on April 5 as the result of a phone call from Ehrlichman at the Western White House. He said the latter asked "me to talk with him regarding a subject he said had nothing remotely to do with the Pentagon Papers case." Byrne said Ehrlichman "suggested the possibility of a future assignment in government. During this meeting I was briefly introduced to the President, for one minute or less. We merely exchanged greetings." Byrne said his "initial reaction" to Ehrlichman's offer "was that I could not and would not give consideration to any future position" while the case was pending.

The judge went on to say that he estimated at the time that the trial would last another month. Why make the estimate if the job offer was not left open for consideration later? And was it in accord with judicial ethics to preside over a trial while secretly harboring the possibility of an attractive offer from one of the contestants? Byrne added that he had another brief conversation with Ehrlichman in which he confirmed his initial reaction. Where, when, and how this second conversation took place was not then disclosed.

Not until two days later, and then only in response to a question from defense counsel, did Byrne reveal that he had had not one but two meetings with Ehrlichman about the job offer. This is how the second disclosure came about. On May 1, the day after the San Clemente meeting was admitted by the judge, the defense moved for dismissal, in part because the job offer could be interpreted as a bribe. Defense Counsel Leonard Boudin put the matter with the utmost tact:

Given the extraordinary interest the White House has shown in this case we would, were we to use blunt language, characterize this as an attempt to offer a bribe to the court—an event made in the virtual presence of the President of the United States—which was frustrated only because the judge refused to listen to the offer.

To be less tactful but more accurate the offer was *not* frustrated. It was only postponed. *The judge did not "refuse to listen." He only refused to answer until the trial was over.* A cynical observer might conclude that this put the White House in the advantageous position of not having to deliver on the offer if the judge's performance in the Pentagon Papers case should prove unsatisfactory, as it did.

The judge seems to have felt uneasy. When court opened next morning and before the jury was brought in he made a further revelation. He said, "Having gone through your motion yesterday . . . there are a couple of areas . . . that I want the record to be clear on." He then disclosed that the job discussed was the head of the FBI. The second conversation took place on April 7, and "it was at that *conversation* [italics added] that I confirmed my initial reaction." Then the judge began to bring in the jury. But Defense Counsel Leonard Weinglass stood up and asked:

Q. Was that [conversation] personal or by telephone?

Judge Byrne. That was a direct conversation.

This was how defense counsel and the press first learned that there had been a second meeting with Ehrlichman. It was later learned that this took place in Santa Monica, but how or where or why was never disclosed.

Who asked for the second meeting? What led the judge at that meeting to "confirm" his "initial reaction"? Was the rejection at the first meeting less than firm? Why was the offer left open for later consideration?

As Leonard Weinglass pointed out to the press, defense counsel would be in jail if it had offered a prize job to the judge during the trial. Had Ehrlichman been a private party instead of the President's top domestic aide, it would have been obvious to the judge that the offer had the earmarks of a bribe and that his duty was not just to turn it down but to turn Ehrlichman in.

In the court on May 1, Defense Counsel Boudin, arguing the formal motion to dismiss, put the matter directly on the White House doorstep, as an impeachment inquiry would do:

"We do not see how the effect of the San

Clemente incident can be mitigated. The conduct of the President (who made it clear yesterday that he takes responsibility for the actions of his subordinates) has compromised the judiciary to the point where a fair trial is impossible now or in the future. It would have been infinitely wiser if the Judge had refused to visit San Clemente in the midst of what may be the most important political trial in our time. . . .

That no disclosure was made before the issue was raised by the defense is perhaps an indication that judges, like the rest of us, have human failings. But it is these very human failings which make it improper for this case to proceed. No human being can possibly erase from his consciousness past events which may influence future conduct. The White House, by initiating this meeting has irretrievably compromised the court."

On May 4, the defense submitted a memorandum of points and authorities to support the argument that the San Clemente visit and the job offer alone were enough for dismissal, but Judge Byrne ruled that same day against this part of the motion. He simply claimed that he had not been biased by the offer.

On May 7, newspaper accounts from Los Angeles carried the news that the defense was preparing to challenge the judge's decision by an appeal on mandamus to the Ninth Circuit Court of Appeals. The Ninth Circuit, if favorable to such a motion, could have ordered a hearing on the San Clemente visit and the job offer. It might have ruled that these cast such a cloud over the Ellsberg-Russo trial that it must be suspended for an immediate hearing on this issue. Ehrlichman could have been called as a witness. The President might have been asked for a deposition, or even been subpoenaed.

Such action was rendered moot when Judge Byrne, on May 11, dismissed the case. But he did not cite his visits to San Clemente and Santa Monica to discuss the offer of the top job in the FBI among "the bizarre events" which the judge said in his final ruling had "incurably infected the prosecution." Byrne as a judge and Nixon as a lawyer could hardly have been unaware of the professional ethics the offer violated.

But the fuller significance of these two secret meetings with the judge did not become apparent until several weeks after the trial was over. On May 22, then Secretary Richardson, at the Senate Judiciary Committee hearings on his nomination to be Attorney General, stated that the President had been informed about the Ellsberg break-in "in late March."

It was also "in late March" when the roof began to cave in on the White House. It was on March 20 that McCord sent a letter to Judge Sirica informing him that perjury was committed at the first Watergate trial, and the pressure had been applied to him to remain silent. Dean on that same day asked Nixon for a private interview and next day told him that he, Haldeman, and Ehrlichman had to "tell all" in order to save the Presidency. It was on March 21 that Nixon says he began his own investigation.

By the end of March, therefore, Nixon was on notice that news of the Ellsberg break-in might soon be disclosed either by McCord or Dean, or be both, and that this information might have to be produced in Judge Byrne's court in Los Angeles. (Indeed, Dean told the story to Federal Prosecutor Silbert on April 15, confronting Nixon with the alternative of ordering the submission of this information to Judge Byrne or suppressing evidence. It was the latter course that Nixon seemed to favor, until pressure was applied by Kleindienst and Petersen.)

So when Nixon met Judge Byrne on April 5, the President knew but the judge did not that there had been a break-in, that its disclosure to the judge might lead to a mistrial and dismissal of the case, and that if the judge disclosed the break-in in open court it would be another black eye for the Administration.

Secretly to dangle the offer of a high post before the trial judge while all these decisions were pending was to taint justice irremediably. When the Goldwater-Cranston letter included Ehrlichman's communication to the judge among the "serious questions" left by the Ellsberg-Russo trial, if called for them "to be viewed and uncovered as a totality from start to finish." Such an investigation would have to determine whether the offer to the judge by Ehrlichman constituted an attempt to bribe the judge and obstruct justice. Such an investigation would inescapably confront the question of whether Ehrlichman could take such serious steps without Nixon's prior knowledge and approval.

Had so sharp a lawyer and crafty a politican as Nixon, running the most centralized and closely controlled Administration in history, watchful over the slightest delegation of authority, so suddenly become an absentee landlord in the White House? Was he so stratospherically elevated beyond all mundane matters that at the summer White House on April 5 he could find Ehrlichman in conference with the presiding judge of the Pentagon Papers trial, shake hands with the judge, and not know, *not ask*, what was going on? Could he have been so unaware, so incurious? Only an idiot could believe it. But in this as in other aspects of Watergate only trial by impeachment is likely to be able to get at the truth of the President's complicity.

THE NEED FOR APPRENTICESHIPS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. COLLIER. Mr. Speaker, a letter from a constituent, Joseph A. Pritasil of North Riverside, Ill., discusses the benefits that would accrue from a well-planned program of apprenticeships.

Such a program, operated by business and industry rather than by bureaucrats, would, in the long run, bring in additional revenues to the Treasury, in contrast to the billions that have been frittered away on the numerous governmental training programs of the past decade.

Mr. Pritasil's letter follows:

NORTH RIVERSIDE, ILL.,
May 29, 1973.

HON. HAROLD R. COLLIER,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR MR. COLLIER: The problem on my mind is the young people, teenagers going to and coming out of high school. We have an enormous asset in our young generation; yet it seems to me that many people in a position of inflence do not care much about what direction they are going.

We have had a new frontier era in the early 60's, where everyone was expected to go to college, qualified or not; and unless he did, he was considered just nothing. Then we had a great society where many programs were put through, OEO, special training programs, specialized on-the-job training, etc. Yet, it didn't produce any of the intended and desired results.

I believe what we need today more than ever, in order to cope with technological advances in the world, in industrial competition, in our business and in our well-being, is to encourage through some sort of legislation, if necessary, leaders of our industries, labor, business and leaders of our Government, as well as the schools, to work together and train our young as we were trained in our younger days. By that I mean a regular and thorough apprenticeship training. We have had many on-the-job training systems; but when the jobs are gone and a particular skill no longer necessary, the young people affected are looking for another possible training. All of this costs a large amount of money to the taxpayer, since I know that many of these programs, if not all, were financed wholly, or in large part, by the Government.

In apprenticeship programs, whether it be in manufacturing of products, in pharmaceuticals, in retail, construction, or what have you, the apprenticeship programs would train people for the real future in the industry of their choice.

In industrial manufacturing, we are facing a tremendous shortage of skilled help; and because of this shortage, we are being surpassed in the quality of workmanship everywhere in the world. Today, you cannot buy a domestic automobile, appliance, industrial equipment, or a new home without having problems with corrections, repairs and the agony of getting the new equipment working properly. We have to put pride back into our workmanship, and only through practical education can it be achieved. It is my sincere belief that every industrial and business establishment could absorb at least 1 apprentice for every 10 or 15 journeymen and could teach them the trade, whatever it may be, whether it takes 3, 4 or 5 years to acquire the necessary skills to become a journeyman.

The argument, which I often hear from industry, that people are trained in one place and then leave for another is not very valid if all manufacturers and businesses would do this type of training. Then, obviously, some of the people would stay with the company from which they learned the trade. Those who would leave would be replaced by those who were trained by other companies. The cost of the apprenticeship training must be absorbed by business and industry, not by the Government, because it is business and industry who will benefit most from such training. Therefore, it would not be a burden but a very profitable investment for the future, for economy and for our nation. I do believe we could accomplish great results through good will and some real guidance from our Congress and our Government. It would be an enormous help to everyone.

There is also a critical shortage of technical high schools, where youngsters can learn the metal manufacturing, wood manufacturing, dress making, home economy, etc. As you know, our own Riverside-Brookfield High School has a small program in machine shop, car repair and others. Yet it is nowhere near to what is needed.

Some plants are importing skilled craftsmen from Europe and Asia, simply because we do not have our own.

I would appreciate it very much if you in your contacts with other law makers could discuss it or have a committee on labor or industry possibly initiate and encourage such programs throughout the country. I don't believe we should depend on foreign help in any of our skills as we do now. We could educate and create our own and again be a nation of craftsmen as it was in the not too distant past. The shortage in industry is so critical that I will not be surprised when 10 years from now machinists or skilled technicians will be paid equivalent to an engineer with a Master's Degree; not because it is so difficult, but because there will be very few who will have the necessary skills.

Sincerely yours,

JOSEPH A. PRITASIL.

SOVIET JEWRY AND TRADE REFORM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. ROSENTHAL. Mr. Speaker, the Trade Reform Act of 1973 currently before the Committee on Ways and Means is one of the most significant pieces of legislation this Congress will deal with. This is true not only because of its impact on our overall trade policy but also its meaning to East-West détente.

A vital element of the latter factor is the moral question of a citizen's freedom of emigration. This can be seen most clearly in the plight of Soviet Jewry. It is this question to which I have addressed my testimony before the Ways and Means Committee's hearings on the Trade Reform Act of 1973, I am insertthat testimony in the RECORD at this point:

STATEMENT OF THE HONORABLE BENJAMIN S. ROSENTHAL BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON THE TRADE REFORM ACT OF 1973, JUNE 15, 1973

Thank you, Mr. Chairman, for allowing me to testify before this committee concerning those provisions of the pending legislation which would grant most-favored-nation status to the Soviet Union. I am a co-sponsor of the Mills-Vanik legislation which "prohibits most-favored-nation status to any non-market economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens."

As chairman of the Subcommittee on Europe which includes the Soviet Union in its jurisdiction, I have considered these problems carefully and for sometime. I also travelled late last year to the Soviet Union where I discussed the problem of Soviet Jews with Soviet officials, with Americans and other foreign observers, and with Soviet Jews themselves. My conclusion: 1972 was a setback for Soviet Jews despite the record-high emigration to Israel.

Soviet officials seemed determined to treat the status of their Jewish citizens as an "internal" problem. In order to prevent emigration, the Soviet Union has posed a number of barriers and discriminatory practices against its Jewish citizens. These include various forms of harassment and intimidation, and geographical discrimination.

Although the exit tax, directed primarily at retaining the intelligencia, has been suspended as of March, 1973 there is no guarantee that it won't be reinstated or that other equally abhorrent means of limiting emigration will not continue to restrict emigration of various nationalities. Emigration practices still remain discrimnatory and arbtrary. Our greatest error, in my judgment, would be to limit our attention to the education tax which came into existence last August. It would be an exceedingly unfortunate diversion of our attention from the real problems of human rights in the Soviet Union were we to accept a suspension of the tax, whether real or not, as a solution to this problem.

Also, it would be short-sighted were we to believe that this is a problem affecting Jews alone. There are several hundred nationalities in the Soviet Union who face similar or identical restrictions on emigration as do Soviet Jews. The tragedy is that, aside from the Jews and the ethnic Germans whose cause the Bonn government has effectively aided, no one speaks for these other nationalities. Our efforts therefore, are really on behalf of many thousands of Soviet citizens who cannot speak for themselves.

I would like to give the Committee one example of how other forms of discrimination and harassment, more subtle than the exit tax, operate against Jews in the Soviet Union today.

Of those Jews who have been allowed to emigrate over the last year on the basis of "family reunion"—the only legally recognized basis for emigration from the country—about 85% came from border areas of the USSR, where only 15%–20% of all Soviet Jews live. Only 10%–15% of those Jews who were allowed to emigrate came from the Russian "heartland" (i.e., the Ukraine, the Russian Republic, and White Russia. This area includes the main cities Moscow and Leningrad.)

Eighty-five percent of the Jewish population lives in the Russian heartland. This geographic distribution of emigration reflects a policy of Soviet authorities to restrict heavy emigration of Jews from the main centers and direct emigration permission to those areas judged harder to assimilate and control.

I don't believe the Soviets will try to eliminate emigration, but through their discriminatory practices, they will continue to try to limit the exit of highly educated Jews.

University graduates who apply for emigration usually lose their jobs immediately. They are forced to support themselves with part-time menial jobs. They are subject to the Soviet laws against "idleness", even though they have been deprived of their livelihood by the government. Their greater problem is the uncertainty of knowing if they will ever be allowed to emigrate. They also suffer harassment while they wait.

No single issue shows the diversity of history and of social and political values between our country and the Soviet Union as the question of emigration of Soviet Jews.

Although our support of Soviet Jewish emigration serves to widen the gap between western and communist ideology, we cannot turn our backs on a moral conviction which the United States has upheld since as early as 1839 when Ulysses S. Grant intervened with czarist authorities to halt expulsion of Jews—that each individual has the right to freedom of worship.

I believe that the Soviets seriously misunderstand our political system by ignoring Congressional response to the legitimate outrage of groups in America which have taken up the cause of Soviet Jewry. I am convinced that improved trade ties are useful to both countries and to the cause of world peace. But both the President and the Soviets must understand that normal relations between our countries cannot proceed while Jews and others in the Soviet Union are harassed and prevented, by whatever means, from exercising their right to emigration.

An important long-range goal for the United States today is to strengthen ties between the Soviet Union and the West so that channels of communication access (through trade as well as others means) remain open and improvable. It is equally important, however, to represent the proper concern of our citizens about the injustices of Soviet society today, particularly on fundamental issues of human rights. Allowing the Soviet Union, and ourselves for that matter, the luxury of continued isolation from each other may hurt both countries and the cause of world peace. Yet ignoring the legitimate concerns of our own citizens about those policies is a form of political self-isolation in which elected officials cannot afford to indulge.

The Soviet Union today faces severe political pressures from its attempts to enter the modernized industrial and technological world of the late 20th century. Increased trade with the United States is part of this Soviet process of opening its gates to Western ways. This proposed increase of trade is also part of the threat which the Soviet government perceives from this modernization process. The United States must make realistic but hard-headed judgements about how much flexibility exists within the Soviet government for these changes and then pursue policies calculated to maintain and to develop further that capacity for free movement of peoples and ideas.

The most effective means the United States has to deal with the USSR on the problem of emigration is through economic leverage. Not only would the Soviet Union greatly benefit from improved trade conditions but the United States would find such conditions favorable in addition to achieving its goals of liberalized emigration. United States negotiators should propose emigration rights for Soviet Jews to incorporate these principles:

1. The opportunity to apply for exit visas in *all geographic regions* of the Soviet Union without fear of sanction or reprisal by Soviet authorities.
2. The availability of all relevant visa application rules and procedures in published and public form.
3. The maintenance of all normal employment, dwelling, pension, and related economic, social and civil rights and benefits for visa applicants.
4. Amnesty for visa applicants who have been imprisoned or otherwise confined by reason of having applied for emigration.
5. The maintenance of a significant level of permits to emigrate distributed among *all geographic regions and occupational* groups of the Soviet Union.

The Soviet Union is now giving very high priority to widened commercial relations with the US. It would not be an overstatement to say that this priority is viewed as an imperative. The Soviet economy badly needs the advantages of Western technological knowhow, both to improve the capacity of its industrial sector in the long run and, for more immediate impact, to meet the growing demands of its consumers. The US also stands to gain from expanded trade through greater access to the Soviet Union's vast resources in raw materials and energy.

There is also great disparity between the two economies which underscores the urgency felt by the Soviet leadership for more commercial ties with the West. Statistics show that Soviet productivity is lower, their consumption is lower, and the quality of their consumer goods is lower. Soviet consumers are aware of the disparity in quality and therefore seek foreign goods.

Obviously, the situation provides commercial opportunities for the United States. Given the Soviet imperative for more trade with the US, and the considerable American economic advantage, an increase in trade would, according to the Department of Commerce, result in a bilateral balance of trade very favorable to the US for the immediate future, especially in machinery and grains. Access to valuable Soviet raw materials is also important to our country. The prospect for joint ventures for the exploitation of natural gas could reap large benefits to the US, not only to the entrepreneurs in charge but also to the American economic which needs additional energy sources. The impact of increased trade would be greater, however, in the Soviet Union than in the U.S. In our talks in Moscow, Soviet officials expressed a desire to maintain and accelerate the rapid increase in trade between the two countries, and emphasized that both sides will benefit from the increase.

They regard the Soviet trade position as somewhat handicapped now for three reasons: First, the Soivet Union does not have most favored nation status. Second, for more than two decades, Soviet-American trade has been so minimal that it can be said that little trading experiences now exist between our countries. Developing such experience takes time. Third, the Soviet Union has an unfavorable balance of trade with the United States.

Obviously there is great divergence in views between the US and the Soviet Union. We clearly view the question of freedom of emigration differently. Yet economic involvement has always served to mitigate political and ideological problems. Let's use the Soviet need for American trade as a means to give Soviet Jews that which they so desperately desire and so richly deserve.

SCHOOL INTEGRATION ACTION: CRISIS FOR COMMUNITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. TEAGUE of Texas. Mr. Speaker, this country's Federal funding for independent school districts was intended to aid education for our children. In Corsicana, Tex., the sad news that Federal funding would not be granted has placed that school district in a serious dilemma.

A recent editorial in the Corsicana Daily Sun points out that the citizens, the school authorities and city government officials have approached the problem with a great deal of concern. They are faced with meeting Federal guidelines and public guidelines which has placed them on a "tightrope."

I recommend the editorial that appeared in the June 11, 1973, issue of the Corsicana Daily Sun to Members of Congress and the general public for their consideration on a dilemma that affects all of us.

The article follows:

SCHOOL INTEGRATION ACTION: CRISIS FOR COMMUNITY

One of the major crises for our city in the coming weeks—and perhaps much longer—came to a head late this week in the form of a letter from the director of civil rights of the federal Department of Health, Education and Welfare. The letter informed Supt. Joe Lindsey of the rejection by HEW of Corsicana's plan for removal of vestiges of racial segregation throughout our 5,000-student school system.

Hearings are scheduled to begin late next week in Dallas to determine acceptability of the plan in the eyes of a federally designated judge.

The rejection comes as a serious blow to our schools already tightening their belts because of major losses in federal funds as a result of federal guidelines reflecting a supposed decrease in poverty-level students here.

But it is also a blow to our community as a whole, because no institution other than the city government itself concerns more of our citizens—and even city affairs seldom have the emotional impact of school troubles.

Frankly, we are in "a heap of trouble" about our schools, and observers of school affairs must have a sense of helpless dread for what seems to lie ahead.

The Daily Sun has voiced what we think is the great bulk of public opinion in prasing the Board of Trustees for straightforward, compassionate, and realistic action toward coming up with an integration plan that would walk the tightrope between acceptability according to federal guidelines and the will of the majority of Corsicanans, black and white.

Our educational overseers listened intently to anyone who wanted to express an opinion or ask a question at the well publicized mass meeting, and the final plan strongly reflected the overwhelming attitude of those present. The three major demands of the public were that Lincoln school not be closed, that early primary graders be kept in their own neighborhoods, and that any plan for integration be fairly applied throughout the city. The proposed plan met those demands and fell within what legal and educational minds considered such precedents as the "Charlotte-Mecklenberg Case" which indirectly precipitated the latest integration impetus.

The future is uncertain but depends, for the time being, on the views of the judge in Dallas next week. If he should decide the Corsicana plan is acceptable, we can go ahead with the slightly more expensive but widely accepted system proposed already.

If he should not accept the plan, we are in for perhaps agonizing and certainly expensive alternatives most or all of which have been opposed by the entire community, black and white. Whatever approach is eventually taken, it is likely to involve the greatest test of community spirit in the history of our town.

We must prepare for it by admitting that it is not a black problem or a white problem or a mere school problem or a mere financial problem or a problem that will go away if we ignore it. (We cannot even avoid it by rejecting federal funds, because our educators have said our schools cannot exist without direct federal funds and the ultimately federally affected funds which come through the State and which comprise the overwhelming majority of operational finances for our schools.)

It is a problem which we must face head-on and with all the good will and common sense and brotherhood we can muster.

A bi-racial committee has been suggested for improving racial relations in our schools. That seems a good idea. But what we really need is a bi-racial committee made up of every white person and every black person in town, committed to transcending whatever problems the federal guidelines or the courts may cause to be built in our path.

THE NEW MAJORITY PARTY, U.S.A.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. DERWINSKI. Mr. Speaker, it is important that we recognize what the public is thinking in their analysis of the Watergate issue and in so doing, passing judgment on the Nixon administration. I insert into the RECORD at this point, an open letter to the New Majority Party, U.S.A. It was carried in the form of an advertisement in the Chicago Tribune of June 1, and paid for by a conscientious citizen, Mr. Paul B. Shoemaker.

The open letter follows:

AN OPEN LETTER TO: THE NEW MAJORITY PARTY, U.S.A.

EVANSTON, ILL.,
June 1, 1973.

DEAR MEMBERS AND VOTERS:

URGENT

Now is the time for all good men and women to come to the aid of their party and their president. The foregoing historic statement has been paraphrased to alert new majority members to rally round the president. Official 1972 election returns confirm that the president received the largest popular vote in history—47,108,459 votes—60.7% of the total—a landslide.

THE ISSUE

Self-appointed high priests, in and out of government, who manage the news for their own selfish interest, are determined to nullify the landslide mandate given to the president last November. If their objective, to remove the president from office, is achieved during this critical political period, the very sanctity of the ballot box may be at stake. Action of this magnitude would result in irreparable damage to our democratic electoral process. Most certainly a high crime against the republic. We cannot permit a small though powerful group to create such a disastrous impact on the electorate.

Phone, wire or write your senator, congressmen, newspapers and T.V. media. Tell them that our 49 state landslide mandate must be honored. The president who has this mandate must remain in office.

THE PRESIDENT

The presidential missions to Peking and to Moscow are the most significant and far-reaching summits ever achieved by any president. The new open door to China and 800 million people—a U.S. liaison diplomatic office in Peking—and now a new expanding level of trade—a presidential performance beyond that of any other leader in our time.

The miracle mission to Moscow—Haiphong harbor mined—Hanoi bombed—yet Moscow wanted a summit meeting. An American president, speaking via Moscow T.V. to millions of Russians about his crusade for peace is still a memory of achievement that Americans praise and cherish.

The wind down of the war—500,000 G.I.'s back home—our wonderful POW's now with their loved ones—all this in spite of political anti-war opposition during complex and difficult negotiations for a cease fire.

The president has moved on domestic issues with equal courage and determination. His goals for effective programs concluded and to be initiated are well known.

Now the most outstanding leader this country has ever known is in jeopardy because a few powerful elements, politicians and news media with *malice toward one* are attempting to mold public opinion against him.

ACTION NEEDED

Now is the time to come to the aid of your country and your president. No other leader can fill the oval office and perform as he has in the past and will in the future. His crusade for a lasting peace must be fulfilled.

A tidal wave of communications should be directed to the Congress and the news media in protest to the sinister forces who, like Samson of old, are destroying the temple of the electorate. Re-affirm your vote. Insist that the landslide mandate that the president has been given, remains with him in the White House. Phone, wire or write your congressmen, senators and news media now.

Be sure also to write a personal note to President Nixon. Tell him of your support. Tell him, too, that he is the *greatest—because he is.*

Sincerely,

PAUL SHOEMAKER.

LOOPHOLE COSTS NEW YORK $4.5 MILLION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. RANGEL. Mr. Speaker, a loophole in the Social Security Act is costing New

York City and New York State about $4.5 million in Federal funds this year. Today I am introducing legislation to plug this loophole.

Present law prevents Federal reimbursement of two-party payments made by the States and cities to senior citizens, the handicapped, and the blind under the aid to the aged, blind, and disabled program. A two-party check is issued when a client owes money which, if unpaid, will result in the loss of vital services such as rent or utilities. Although there is reimbursement for two-party payments under the aid to dependent children program for the care of dependent children, the cities and States must now finance most two-party payments under the aged, blind, and disabled program. This puts a multimillion-dollar burden on New York which should be taken up by the Federal Government.

Credit for exposing the dimensions of this problem must go to New York State Comptroller Arthur Levitt. Levitt, the top fiscal watchdog of my State, prepared a report which revealed that New York City and New York State face an estimated loss of $4.5 million in 1973 for currently nonreimbursable two-party checks under AABD.

This figure represents 50 percent of the approximately $9 million which will be dispensed this year under these conditions. Because of the requirement that the city and the State must share the expense of these two-party payments, each faces a loss of about $2.25 million.

The problem is not limited to New York. This loophole in the law affects all States and localities which make two-party payments to aid to the aged, blind, and disabled clients.

This type of payment, according to Comptroller Levitt's report, is increasing, resulting in a growing and significant loss of Federal aid. The Federal Government has a moral obligation to reimburse New York for these expenses. Only this costly legislative oversight now blocks fulfillment of that responsibility.

The AABD program is slated to be taken over by the Federal Government in 1974. My bill would authorize reimbursement of two-party payments made by the cities and the States under the AABD program retroactive to January 1, 1973.

It is unfortunate that a legislative loophole has forced this great financial load on the shoulders of the hard-pressed State and local governments. Congress should enact my bill and correct this injustice and let the Federal Government pay its fair share for this program.

THE BALTIC REPUBLICS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mrs. GRASSO. Mr. Speaker, 33 years ago, in June 1940, the Soviet Union forcefully incorporated into the U.S.S.R. the Baltic nations of Lithuania, Latvia, and Estonia. On this sad anniversary, we pay tribute to the spirit of the people of those nations, who have now lived under Soviet domination for more than a generation.

For two decades before the Soviet takeover, the Baltic states lived in freedom regained only in 1918, following the collapse of the Russian Empire. In 1920, peace treaties were signed in which the Soviet government recognized "without reservation the sovereign rights" of the Baltic states. With the treaties, the Soviets abandoned "voluntarily and for all time—the sovereign rights of Russia" over the Baltic people and their territory.

Despite additional Soviet assurances in 1926 and 1933 of the right to independence and self-determination, Lithuania Latvia, and Estonia were placed in the sphere of Soviet influence during the discussions which led to the Nazi-Soviet Nonaggression Pact of 1939. Less than a year later, as Hitler's forces marched toward Paris, the Soviet Government, in blatant disregard of two decades of formal pronouncements, unleashed its Army and snuffed out the independence of these Baltic states. It is this event which we sadly remember today.

The indomitable spirit of the Baltic people has persisted, however, and they have never fully accepted the forcefully imposed Soviet rule. For two decades, revolts, demonstrations, and guerrilla warfare have marked their struggle against oppression. In his appeal to the Presidium of the U.S.S.R. Supreme Soviet, Liudvikas Simutis, an imprisoned Lithuanian liberationist, illustrates the psychology of his people:

> I wanted to live, to study, and to play. But what sort of life is it when already for three days the body of a murdered neighbor lies in the street and no one is allowed to bury him. What kind of study is it when one after another of your school friends stop appearing at the school—together with their families they were transported to Siberia in nailed railroad cars. What kind of play is it when the grown-ups wail.

The struggle goes on today. On May 14, 1972, 19-year-old Romas Kalanta doused himself with gasoline and set himself ablaze in Kaunas, Lithuania. "Do not save me," he cried to his rescuers. "I am dying for the freedom of Lithuania." He repeated these words again and again in the hours before he died at a nearby hospital.

Several months after the Soviet takeover in 1940, the U.S. Department of State declared in a policy statement:

> The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention on the part of one state, however powerful, in the domestic concerns of any other sovereign state, however weak.

Mr. Speaker, today we again rededicate ourselves to these ideals, as we pause to honor the valor and courage with which the Baltic people have fought against Soviet oppression.

Mr. Speaker, I would like to call attention to House Concurrent Resolution 416, which was adopted unanimously by both the House and Senate during the 89th Congress:

> *Resolved by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—
>
> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

The principle of self-determination is a basic right of all people. It is not a privilege to be dispensed at the whim of any nation. It is a principle to be respected by the whole world. The time is long overdue for the nations of Lithuania, Latvia, and Estonia to be freed from domination and allowed to choose their own form of government. The denial of freedom in any place in the world is intolerable.

PROPOSED AMENDMENTS TO THE LEGAL SERVICES CORPORATION BILL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. QUIE. Mr. Speaker, I support the concept of an effective program of legal services for the poor provided through the mechanism of an independent Legal Services Corporation. The only way we can achieve this goal is to pass a bill which contains sufficient safeguards against abuses of the program that it can be enacted.

Accordingly I plan to offer a series of amendments to the committee-reported bill which are designed to strengthen its provisions in a number of respects which I feel need strengthening. In my judgment these will contribute both to the operation of the program—which ought to be focussed directly on the provision of legal services for the poor—and to the prospects of enacting this legislation.

The proposed amendments, with a brief explanation of each, are as follows:

> Page 23, beginning with line 20, strike out everything through the period in line 24 and insert in lieu thereof:
>
> "To participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity."

The committee bill would permit essentially full-time employees of the corporation or of a recipient agency, on their own time, to engage in or encourage others to engage in, any of the activities—including "any illegal activity"—set forth in clauses (A), (B), and (C) of the amendment. I think this clearly is wrong. The amendment permits such employees, on their own time and while not engaged in activities carried on by the corporation or by a recipient, to participate in or to encourage others to participate in, "any picketing, boycott, or strike." I am told that a complete ban on these activities during the period of employment during their "off" time would raise a serious constitutional issue. But there is no reason at all to permit activities such as rioting, contempt of court, and illegal conduct at any time.

Page 24, line 24, strike out "provided pursuant to this Act".

The language of the committee bill could be interpreted to permit the corporation or a recipient of assistance from the corporation to contribute or make available funds and program personnel and equipment to a political party, political association, or candidate for elective office, if the funds came from a non-Federal source. Removing the words "provided under this Act" makes clear that neither the corporation nor a recipient of Federal funds shall permit any of its resources to be used for these purposes.

Page 25, strike out lines 3 through 13 and insert in lieu thereof:

"(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, referendums, or similar measures."

This amendment should be read in conjunction with amendment No. 7 which deals with limitations on lobbying. Paragraph (4) is rewritten to remove any reference to "legislative proposals"—which is already covered—"Executive orders, or similar enactments or promulgations"—which are then covered under the section amended by amendment No. 7—and to absolutely prohibit the use of any resources to advocate or oppose "any ballot measures, initiatives, referendums, or similar measures." Prohibition against support for political parties or candidates is covered in the section amended by amendment No. 2. Taken together, they would now represent a complete ban against involving the program in political issues.

Page 25, lines 17 and 18, strike out "in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association".

At first glance, this amendment might offend attorneys. But the Canons of Ethics and Code of Professional Responsibility of the American Bar Association—even though it is the product of a private organization—is written into the bill in another place where it has general application—section 6(b)(3) on page 23, lines 3 through 8. Section 7 to which this amendment applies deals with the terms of grants and contracts made under the act and contains a number of important limitations on activities—including lobbying and political activity by employees. It is not appropriate to suggest that these limitations are in some manner to be vitiated by a document which is subject to change without congressional review. That is the undeniable effect of leaving in the phrase which would be stricken by this amendment, and I think it would both weaken the limitations placed in the act and create needless ambiguities with respect to the intent of Congress.

Page 26, beginning in line 16, strike out everything after "assistance" through line 20 and insert in lieu thereof:

", except that no individual, capable of gainful employment, shall be eligible for the receipt of legal assistance if his lack of income results from his refusal or unwillingness, without good cause, to seek or accept employment;".

This language prohibits the furnishing of legal assistance to the "voluntary poor" who freely choose that particular life style. There is a similar prohibition in the Economic Opportunity Act, which was incorporated in the committee bill. However, it reads in terms of refusal to "seek or accept employment commensurate with—"health, age, education, and ability," which seems to many of us to be extremely subjective criteria. The language of the amendment reverts to the original introduced bill language, but adds the clause "without good cause" which leaves the discretion to the corporation to determine "good cause." Even though the language is less explicit, I feel it strengthens the hand of the corporation to deal with the problem.

Page 27, line 2, insert a semicolon after "law" and strike out everything that follows through line 6.

The committee bill would prohibit full-time attorneys paid in whole or in part under the act to engage in compensated outside practice of law but would permit uncompensated outside practice as deemed appropriate by the corporation. My amendment prohibits all outside practice by full-time attorneys. While my amendment does not seek to prohibit an attorney from performing such customary work as drawing a will for his own family, it would prohibit any pro bono publico work on the assumption that he is engaged fulltime in such work under this act and that is where his full energies should be concentrated.

Page 27, strike out lines 7 through 16 and insert in lieu thereof:

"(5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State, or local agency, or to undertake to influence the passage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel of any recipient may (A) testify or make a statement when formally requested to do so by a governmental agency, or by a legislative body or a committee or member thereof, or (B) in the course of providing legal assistance to an eligible client (pursuant to guidelines promulgated by the corporation) make representations necessary to such assistance with respect to any executive order or similar promulgation and testify or make other necessary representations to a local governmental entity;".

This amendment would rewrite the committee bill prohibition against legislative advocacy to include administrative advocacy. Like the committee bill, it permits testimony or other representations upon request of an agency or legislative body—but unlike the committee bill the request must be made "formally," thus restoring that requirement of the introduced bill. Unlike the committee bill, it limits the testimony or other representations which the legal services lawyer may make to those made before local governmental agencies. This is quite deliberately intended to concentrate limited resources where they are most needed—upon legal representation. However, it is recognized that this may require extensive and often informal contact with a wide range of local agencies, so no limitation is placed upon such contacts except that they be made in the course of providing legal assistance to an eligible client.

Page 28, strike out lines 3 through 8 and insert in lieu thereof:

"And insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain at any time during the period for which such compensation is received from the activities described in clauses (B) and (C) and from taking an active part in partisan or nonpartisan political management or in partisan or nonpartisan political campaigns".

The committee bill would have permitted attorneys employed essentially full-time in the program to engage, on their own time, in political activities such as providing voters with transportation to the polls—the reference in clause (B) in the amendment—voter registration drives—clause (C), and "any political activity"—clause (A), page 27, line 20. The amendment preserves these rights for part-time employees—those receiving less than one-half their annual professional income from the program—but forbids the activities set forth in clauses (B) and (C) at any time during the course of their employment. However, I feel that you could not prohibit "any political activity"—which could include even voting—to a full-time employee in his time off the job. Accordingly the prohibition adopts the mode of the Hatch Act, except that it is applied to both partisan and nonpartisan activities, and forbids "taking an active part in—political management or—political campaigns." This, together with the other amendments previously described, would take this program out of politics.

Page 29, line 15, strike out "75" and insert in lieu thereof "50".

This section 7(b)(3) is intended to prohibit grants to or contracts with so-called "public interest law firms" which are defined in the committee bill as those which expend 75 percent or more of their resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both. The amendment changes the 75 to 50 percent, thus making it more difficult for such firms to qualify. The basic assumption is that these firms already are adequately financed by foundation and other private funds, and that such funding ought not be replaced by the limited resources available under this act.,

Page 30, line 19, strike out "a majority" and insert in lieu thereof "at least two-thirds".

The committee bill—as did the introduced bill—required that the corporation insure that "any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body a majority of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided." The amendment would raise a majority to "at least two-thirds." The purpose is to make even more certain that the program is tied closely to the legal profession. A simple majority of lawyers fit better in the context of services run by community action agencies, with all the attendant requirements for representing various interests. This program is meant to move away from that mode and to be firmly imbedded in our system of justice. It should, therefore, have a greater degree of professional direction.

Page 36, strike out lines 7 through 11 and insert in lieu thereof:

"(b) Non-Federal funds received by the corporation, and funds received by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended by recipients for purposes other than those authorized by this Act (except that this provision shall not be construed in such a manner as to make it impossible to contract or make other arrangements with private attorneys or private law firms for rendering legal assistance to eligible clients under this Act)".

The introduced bill had a prohibition against the commingling of Federal and non-Federal funds by the corporation or a recipient of assistance. The committee bill did not use the term "commingled" but rather spelled out the essence of the prohibition, which is to maintain separate accounts. The amendment adds all of the language following the comma after "Federal funds." The purpose is to assure that non-Federal funds of a recipient shall not be used for a purpose prohibited under the act. However, in the instance of grants made to private attorneys or law firms, or in the experiments with the use of private attorneys or firms, it is recognized that such a prohibition would not be feasible. For example, private attorneys or firms typically would be using non-Federal resources for representation in criminal cases—an activity prohibited by the act.

LEGAL SERVICES PROGRAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, the provision of free legal services to persons unable to afford them is basic to the realization of justice in this country. A person's wealth should not dictate his opportunity to obtain the benefits of our judicial system. Because this is so, I support the continuation of the legal services program after the proposed cutoff date of June 30 through passage of the Legal Services Corporation Act of 1973. The municipal council of Jersey City, N.J., shares this support. Because it adequately presents the pressing need for the continuation of the legal services program I submit to the RECORD at this time a resolution adopted by the Council.

RESOLUTION URGING THE CONTINUATION OF LEGAL SERVICES TO INDIGENT PERSONS

Whereas, there is a continuing need for legal services for the poor, not only in Jersey City, Hudson County and the State of New Jersey but also throughout the nation; and

Whereas, there are, at present, federally funded Legal Services Programs to meet this need in Hudson County, the State of New Jersey and each of the states of the United States; and

Whereas, the Hudson County Legal Services program provides legal services to three thousand indigent Jersey City residents each year which represents 57% of the total number of cases it handles each year; and

Whereas, these federally funded Legal Services programs provide counsel for the everyday legal problems facing the poor including family, consumer, housing, employment, social security and veterans matters; and

Whereas, these legal services will not be available to the indigent residents of Jersey City, Hudson County, the State of New Jersey and each of the states of the United States if the Legal Services program is terminated; and

Whereas, the continuation of these Legal Services program has been seriously threatened by the federal government; now, therefore,

Be it resolved by the Municipal Council of the City of Jersey City that it continues to support the need for adequate legal services to the poor of Hudson County, the State of New Jersey and each of the other states of the United States.

Be it further resolved, that the President of the United States be and he is hereby urged to continue the Legal Services program after June 30, 1973.

Be it further resolved, that copies of this resolution be sent to Richard M. Nixon, President of the United States; Mr. Howard Phillips, the Acting Director of O.E.O.; William T. Cahill, Governor of the State of New Jersey; Senator Harrison A. Williams and Senator William P. Case, the United States Senators from New Jersey; Congressman Dominick V. Daniels and Congressman Henry Helstoski, the two U.S. Congressmen whose districts encompass Hudson County; Mr. Martin L. Haines, President of the New Jersey Bar Association and Mr. Martin J. Brenner, President of the Hudson County Bar Association.

WHITE HOUSE BUGGING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. MICHEL. Mr. Speaker, in an editorial appearing in the June 9, 1973, edition of the Peoria Journal Star, the editor, Mr. C. L. Dancy, expresses his surprise that so little attention has been given by the media here in Washington to the memoirs of former diplomat, Charles E. Bohlen.

While I have not read the memoirs, apparently Mr. Bohlen relates to instances of phone tapping of Presidential assistants which was apparently going on as long ago as 1943 during the administration of Franklin D. Roosevelt. I thought my colleagues would be interested in this editorial comment and I place it in the RECORD at this point:

NOT A NIXON INVENTION: WHITE HOUSE BUGGING

I can't understand why Washington, D.C., is not totally rocked by the just-published memoirs of Charles E. Bohlen.

The famous professional foreign service officer, who rose from interpreter for presidents to advisor and ultimately ambassador to the Soviet Union, has casually reported that the "wiring-tapping" technique of checking on the internal security of White House aides has been going on apparently for over 30 years.

Recently the Washington press and others professed surprise and outrage that Mr. Nixon's "plumbers" checked on some of his aides to prevent leaks. All seemed convinced that this was shameful, paranoid and certainly invented by Richard Nixon. Surely, it must then come as a much greater shock for the critics to learn that it has been routine for more than a generation.

Instead, Bohlen's "revelation" has passed unnoticed.

Bohlen, a career officer in the State Department bureaucracy, trained as a Russian specialist, vaulted from the ranks to intimate association with President Franklin D. Roosevelt because of the indiscretion of a Harvard professor.

During Foreign Minister Vyasheslav Molotov's visit here in 1942 the president brought in Harvard professor Samuel Cross as his interpreter. However, the White House soon learned that Prof. Cross was entertaining Cambridge dinner parties with little stories of "what Roosevelt said to Molotov" and "What Molotov said to the President."

Furious, FDR called upon the Department of State to provide him with a sensible and discreet, inservice interpreter as he headed for Tehran. He got Charles E. Bohlen.

Bohlen later learned from good friends in government that from then on his phone was tapped—as a standard security precaution.

It didn't upset him in the least, apparently, and he regarded it as a perfectly sensible and prudent action.

That was in 1943—thirty full years ago!

It was done by Franklin D. Roosevelt, five presidents back!

Isn't it odd that so many in Washington have professed to be shocked and scandalized that President Richard Nixon took similar precautions amid the very delicate secret negotiations to end our war in Vietnam and bring our prisoners back? Isn't it odd that after 30 years this practice abruptly becomes "an attack on traditional American values?"

I confess to considerable confusion about many "reports" in the orgy of suggestions and pure innuendo, treating inevitable associations and long-standing governmental practices as if they were scandalous, suggestive, and newly-minted since Nixon came to office.

If the President has done some wrong, at Watergate or elsewhere, why is there not a tight focus on developing the "case," producing the evidence, and nailing it down? Responsibility demands it and the President should certainly be accountable for any misconduct.

Why, instead, are the spacific matters delayed, dragged out, and left inconclusive, while an orgy of irrelevant and ordinary facts of life are trumpeted forth as if they were significant discoveries? Why instead are we subjected to what has long been known in the business as a continuing "hatchet job?"

If Nixon has really done some misconduct, this political whoop-de-do all around the mulberry bush merely distracts from the real process and the real evidence.

And if such evidence doesn't exist, then we are witnessing the dirtiest and most irresponsible game of "a-charge-a-day" based on flimsy associations and interpolations—or pretenses that normal precautions are somehow new and sinister—since Joe McCarthy played that same game.

I wonder which?

DR. JEROME KAGAN, COMMENCEMENT ADDRESS, ASSUMPTION COLLEGE, MAY 27, 1973

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, Dr. Jerome Kagan, Professor of Human Development at Harvard University, delivered a very moving and highly significant commencement address at the 56th graduation exercises of Assumption College in Worcester, Mass.

While I was privileged to receive an honorary degree from this outstanding institution, it was an additional delight to hear Dr. Kagan's remarks which called for us all to make the realization that in these days of tribulation and restlessness, man must seek his direction by holding to a rational and sensible set of high moral values.

For the benefit of my colleagues, I place a copy of Dr. Kagan's speech in the RECORD:

DR. JEROME KAGAN, COMMENCEMENT ADDRESS, ASSUMPTION COLLEGE, MAY 27, 1973

We face two great crises on your commencement day—a frightening division between rich and poor Americans that tears at the increasingly frail cohesiveness of our community, and a dissolution of the basic values that have guided the direction of many lives for many centuries. Both themes are profound and I could speak to each for many more minutes than we have this afternoon. I have decided to speak to the second for I cannot add any more facts or generate stronger emotions on the first issue than probably exist in your minds and hearts at this moment. The mutual suspicion that exists between our urban ethnic minorities and our suburban white majority is dangerous, and the elimination of poverty is a goal we must effect. More members of ethnic minority groups must assume positions of responsible power so all can see that there is no organized cabal sitting in responsible offices plotting their subjugation; no sinister plot, just typical human incompetence, shortsightedness, and narcissism. However, despite the present seriousness of this tension, I am optimistic about its successful resolution, perhaps sooner than any of us dare believe. Many nations have survived periods of domestic strife. During the last quarter of the seventeenth century, England was afflicted with epidemic plague and a social conflict as severe as the one we are experiencing today and members of the Royal Society were certain that the nation was on the verge of collapse—but she did not destroy herself. What makes the contemporary scene especially threatening is not our economic problems but a less frequent social phenomenon; namely, a loss of faith in fundamental values with no immediately obvious ethnic to replace it. Many of the young and middle aged in our society are, temporarily I hope, ideologically naked. In an attempt to deal with the uneasiness that such a state produces, many have chosen to emphasize the style or quality of a life, rather than a specific content.

This attitude is reasonable for there are only a handful of dialectics whose polarities compete for the loyalty of the social community. Each holds the stage for about a century before yielding to its counterpart who demands equal opportunity to direct man's life. One of these guiding ideas pivots on a distinction between form and content; the style of a message in contrast to its meaning, or speaking more euphemistically, music in contradistinction to words. When we live under the unquestioned reign of one, the other rests in shadows, and ordinarily we do not regard it as a serious possibility for directing a life. But when it creeps out of the darkness and challenges the persuasive power of its rival, parading its intutitive attractiveness, we become acutely aware of the choice each of us had but did not recognize. Since the changing of polarities rarely occurs more than once every five or six generations, it is an unusual experience to witness the conflict; and to feel its pull—an event not unlike the excitement accompanying the infrequent but predictable visits of Halley's comet. We live in a time when many of you are given a choice of following the piper of commitment to a particular idea or to join one who sings primarily of the quality and honesty of the act. The forces that have led to this ideological assymmetry are the same ones that have eroded the heavy sounding words that were the bulwark of the 19th century American ethic. These standards have their most simplistic representation in the Boy Scout code I recited when I was about 10 years younger than you are this day. They were a catechism that gave certainty and direction to each day and set the compasses of motivation and action on an unerring course. The themes of this catechism spoke rather plainly about the inherent rightness of loyal friendships, a thrusting and accommodating posture to authority, hard work, and a delay of immediate pleasures for the sake of later, but as we were told, potentially more tasty ones. These ideas served earlier generations well. But the dense parade of events in the two decades behind us has sullied some of these homely directives. Adults began to tire of them when they discovered that catastrophe did not follow close upon their violation. What is perhaps more central is that dramatic changes in our theory of human nature led to an intellectual analysis of our values and the inevitable weakening of the particular collection of standards that guided human conduct for so long a time.

Some commentators have blamed the wars, others technology, and still others population density as the villains who have fogged the clarity of our earlier ethic. But the chief villain—and some of you may not view this secular change as unfortunate—is man's insatiable need for consistency in thought and action. We cannot easily hold a belief that does not make sense, and beliefs lose their rational appeal when we see too many duplicates of ourselves holding opposite standards with the same conviction we hold ours. This encounter with dissonance is fatal to fixed beliefs and, much like the water that dissolved the wicked witch of the East, it erodes our confidence in the direction we should take. Your values have been sculpted in a culture that does not give unequivocal priority to one set of rules, a time that applauds Emerson's dictum that consistency is the hobgoblin of small minds; a time that has fathered the catchy phrase "situation ethics." We have become suspicious of absolute goods; of values with a clear and hard content line. Such an ethic, your generation wisely notes, has produced a contemporary condition of living that is unfriendly to body and spirit. We grapple with the bizarre paradox that creative intellectual analysis, persistence and hard work—the backbone of the 19th century morality—have produced a social creature that is toxic to the creator—a psychological form of the auto-immunological reaction physiologists believe to be the culprit in several serious, indeed often fatal, human diseases. You are therefore appropriately suspicious of values with a hard core of content, suspicious of the usefulness of absolute rules. But to live a life with no rules is impossible and many have adopted, or perhaps we should say adapted to, the other pole of the music-words dimension. They have selected to emphasize the style of a life rather than a particular virtue. The dictum is to do "your own thing". There is no particular competence that draws special grace. Whatever you do, do it with elegance, with beauty, with honesty.

Two personal experiences brought this home to me in dazzling clarity. I was wandering through the State Museum in Amsterdam one August afternoon, enjoying room after room of Dubuffet's work. One room attracted me more than the others. It contained a dozen paintings, each about three by four, entitled "Hair." It was clear what Dubuffet was up to. He had tried for over a year to create such a faithful replica of hair that a viewer could not resist touching it. He won. For I was compelled to place my hand on one particular canvas, convinced that it had to be hair, not paint. He had painted hair more faithfully than any artist I knew. But he could have painted a shoe, the bark of a tree, or a piece of broken glass. The choice of content was secondary to the style of the performance. On another occasion I was watching the Royal Danish Ballet perform Carmen in Symphony Hall. In the second act, Don Jose executed an elegant dance in the gypsy cafe, and the thieves, who were initially hostile and unfriendly, immediately accepted him. They disagreed violently with his values, class membership, and intentions, but he was a masterful dancer and this was sufficient to persuade them of his acceptability. The artist—be he writer, poet, or painter—must always attend to style, but when he combines style with content, when he marries music and words, then we are predisposed to award him the privilege of greatness. We all agree that the 19th century placed too much priority on the message and not enough on the style, while the 20th gives privileged emphasis to form. I suspect that one reason for our contemporary friendliness to personal style is the belief that it more faithfully reflects honesty. Modern man has divorced style from content because he has developed a deep distrust of words—the current Watergate affair acts to strengthen that distrust. Our very human need to trust others seeks gratification in the sincerity of a man's thought and behavior rather than his goals, be they proclaimed or inferred.

Your generation seeks the honesty of being and feeling. It is said that you trust only the evidence of your eyes, ears, and heart. You are suspicious of too many well posed arguments, for you have seen how often they deceive. Thus, some of your generation are turning against rationality and seeking verification in feelings; trusting ideas that feel correct, as if you believe that the poet has the inside track to truth. The Portuguese novelist DeQuerioz lived this idea, for a beautiful sentence always pleased him more than an exact one; but Auden, whom I much prefer, insists that one must never sacrifice what one knows to be true in order to promote what one would like to be true. Let me quote Auden directly. "When I began to write poetry I found that I could not accept the doctrine that in poetry there is a suspension of belief. The poet must never make a statement simply because it sounds poetically exciting. He must also believe it to be true."

At a time when emotional rhetoric is rampant from both left and right, this simple proposition should be celebrated. Many of you think that style seems more representative of a man than his words, because style seems to capture all, rather than part, of a person. Remy de Gourmont has noted that a bird's song is conditioned by the shape of the beak, implying that any performance that is characteristic of a creature should be a reflection of a whole system. We are depressed by the realization that man alters the shape of his beak, and his song is not a faithful reflection of the structure of the source; not a true mirror of the man. When you declare, "Don't trust a person over 30," you are venting your anger on an adult generation that told stories they neither believed nor composed. Your attraction to style is adaptive, and I rejoice in the honest vitality it has imparted to your character. But life is long and it is difficult to navigate by style alone.

An undergraduate who had just come out of an LSD trip wrote, "Even during the darkest moments of the experience, I must have held on to a hope that out of the chaos some fragment of worth might be retained. If this hope had not been present, I never would have recovered. We must all hold on to something, even if it is unpleasant."

A relish for beauty of experience is most happily realized around a mission, around a story line. It is not clear yet what this storyline will be, or what it should be, in the closing decades of a much too complex century. But none of us should deceive ourselves into thinking that we do not require any direction, or that we can find it in the newspaper headlines each day. In science an elegant style with no problem to solve, no questions to ask, elicite the dubious classsification, "methodologist." If we are fortunate enough to combine a substantive direction that is outside the style, with an elegant form we are blessed indeed.

I have come to develop a great affection and admiration for your generation. I sense your uneasiness in the lack of mission that describes our society, your tension in a community that says, "Pick a goal, any goal, which one today." The loss of a consistent and intuitively attractive set of standards for your generation was made most clear to me in the hushed silence of my undergraduate seminar one Tuesday morning several springs ago. The twenty of us were a bit stunned when I asked what standard each of them held so dearly that they would be threatened if it were attacked. Initially they could think of more. Finally, after 5 long minutes, they agreed on one—an attack on their usefulness; on their instrumental role in shaping a better society; on their capacity to contribute something to the community. Each felt an obligation to make a salutary contribution to the culture. I interpret their remarks as a sign that the bud of a morality is forming. The chant that I detect across campuses everywhere says "Have a healing effect upon society." There is some acknowledgement that any one of a number of paths will do, and no one way has yet acquired a privileged position.

One reason for this ambivalence stems from a conflict over whether all loyalty should be to the self or whether one should lend part of oneself to people and institutions outside the self; to collective endeavors. Your generation seeks—indeed needs—individual differentiation, and a Peace Corps year in a New Guinea village is as much an attempt to sculpt the self as it is an act of service. Many young adults regard the self as a mural. The mission of a life is to perfect the mural, and the vicarious excitement we all share in a man's solitary voyage around the world reflects the delight we take when any person comes closer to perfectibility. This form of individualism is refreshing and gives the word its nicest connotations. But as with all choices, it exacts a price: The total commitment to self can leach the connective fibers that binds one to another. If we do not place part of ourselves in someone else, in some entity, if all the investment is in the local body, then we lose interest in the other and each becomes expendable. We touch but do not adhere; an atmosphere of alienation perfuses the social space. Your generation clearly senses this danger and your attempts to cope with this conflict are promising. There is a desire to shape, direct and minister to the society; to effect its institutions and to nurture its disadvantaged.

These intentions are reminiscent of the words of St. Paul in Chapter 13 of his first letter to the Corinthians:

"Love is patient; love is kind and envies no one. Love is never boastful, nor conceited nor rude: never selfish nor quick to take offense. Love keeps no score of wrongs: does not gloat over other mens sins, but delights in the truth."

I have a deep faith that your generation will sculpt a better morality for your children than the one you inherited. When it is combined with your appreciation for style, we will see a renaissance, only seven centuries after the last one. I wish you all well, and will borrow from a favored poem of Robert Graves to convey my hope that you marry style with standard.

When a dream is born in you
  With a sudden clamorous pain,
When you know the dream is true
  And lovely, with no flaw nor stain,
O then, be careful, or with sudden clutch
You'll hurt the delicate thing you prize so much.

Dreams are like a bird that mocks,
  Flirting the feathers of his tail
When you seize at the salt box,
  Over the hedge you'll see him sail
Old birds are neither caught with salt nor chaff:
They watch you from the apple bough and laugh.

Poet, never chase the dream
  Laugh yourself, and turn away.
Mask your hunger; let it seem
  Small matter if he comes or stay;
But when he nestles in your hand at last,
Close up your fingers tight and hold him fast.

LEGAL AID TO POOR FACES THE AX

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. LEHMAN. Mr. Speaker, an editorial appeared in the March 23, 1973, Miami News regarding the legal services corporation proposal of the administration.

In light of the fact that the House is scheduled to begin consideration of H.R. 7824, Legal Services Corporation Act, on Wednesday, I would like to commend the attention of my colleagues to this article:

LEGAL AID TO POOR FACES THE AX

Eagerly dismembering the antipoverty Office of Economic Opportunity, the Nixon hatchetmen appear keenest to get at the legal services program. That program is being cut back not because it has been ineffective—the standard excuse for this blood-letting—but for exactly the opposite reasons. The Office of Legal Services has been successful—too successful, in fact, for the President's comfort or for the comfort of some of the special interests he champions.

The program employs 2,400 attorneys in 900 neighborhood offices. They are aided by "backup" centers, often based in universities and law schools, that do legal research and advise the front-line attorneys. The whole program has been watched, and was meant to be insulated from political interferences, by and advisory committee sponsored by the American bar association.

Mr. Nixon is willing, he says to leave some federally paid lawyers scattered around urban areas in a program that would amount only to an expansion of the old legal aid to the poor, lawyers who could help the poor when they get caught in the personal legal tangles that go with poverty.

The administration, however, wants the legal services program to stop trying to make life substantially better for the poor. It should be forbidden, Mr. Nixon says, from engaging in class action and test-case suits that seek lasting, across-the-board improvements for the poor.

Legal service offices have been most effective at that and, of course, most bothersome. They have won cases against commercial practices that abuse consumers, especially the poor. They have forced bureaucracies to live up to their own regulations when dealing with poverty families. They have expanded the rights of tenants and of workers.

An administration memo is specific about Mr. Nixon's aim: The poverty lawyers should not be allowed to engage in litigation aimed at bringing about "fundamental social change."

Despite Mr. Nixon's promise to send the Congress a bill for an independent corporation, supporters of the program are apprehensive about the structure and mission of an administration-sponsored legal service. Sen. George McGovern (D. S.D.) said the administration "seems to be seething with antagonism toward legal services" and Sen Jacob Javits (R. N.Y.) expressed his "profound concern" about the program, which he calls one of the most gifted developments in the antipoverty program.

But John D. Ehrlichman, chairman of the President's Domestic Council, notified the House Subcommittee on Equal Rights more than two weeks ago that an administration bill was in the final stages of preparation. And Howard Phillips acting director of OEO, charged by the President with dismantling most of the poverty programs, says the bill "will prevent the diversion of legal services funds into political channels and away from the priorities of disadvantaged citizens."

Under the plan on the Administration's drawing board, a national corporation whose directors would be appointed by the President, would set policy guidelines and parcel out the funds to the states. State corporations would be operated by a board of directors, to be chosen by either a legislature, a state bar association or a governor.

Supporters of legal activism fear that such an approach would undermine law reform and class action pursuits because poverty lawyers might have to step on the toes of those who appointed them.

The President has said he wants to end costly and ineffective programs. Few would argue against that. In the case of legal services, however, as in many of the antipoverty and public-service projects that are being axed, the rule doesn't apply. Mr. Nixon is hitting hardest at the programs that work best.

STATE BAR SUPPORT FOR LEGAL SERVICES

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Miss JORDAN. Mr. Speaker, this week the House will consider legislation to reorganize and continue the legal services program first established as part of the Economic Opportunity Act. This is a vital program which deserves to be rescued from the ruins of the Office of Economic Opportunity. It has provided access to the legal process for thousands of citizens who had never before been able to use the courts to achieve justice. It has been of immeasurable assistance in making the rights and protections of our laws and Constitution applicable to every citizen, regardless of whether they can afford to hire lawyers.

Despite the opposition from those who think the legal services program has tried too hard and achieved too much, it has retained the support of major community, citizen and professional groups across the country, including professional bar associations. I would like to call the attention of my colleagues to the endorsements of the legal services program by two state bar associations, those of Nevada and Texas. The State Bar of Nevada has adopted a resolution encouraging the continuation of the legal services program because of the "grave problems to the indigent clients and ethical and practical problems to all members of the State Bar" which the demise of the program would cause. The State Bar of Texas has adopted a position report "On Legal Services to the Poor in Civil Matters" which bears directly on the questions presented by H.R. 7824. Further, the president of the State Bar of Texas, Mr. Jim Bowmer, has consulted with the State Bar Standing Committee for Legal Services to the Poor in Civil Matters and indicated that, in his opinion, the State Bar of Texas would accept and support H.R. 7824 as reported by the House Committee on Education and Labor.

I welcome this support from the distinguished members of the legal profession in Texas, and urge my colleagues in the House to support this worthy legislation.

I include the State bar association statements at this point in my remarks:

Resolution

Whereas, certain pronouncements of national import have raised serious questions with respect to the funding of legal services programs in Nevada and throughout the Nation; and

Whereas, the elimination of the Washoe and Clark County Legal Services Programs and their resultant withdrawal from all pending cases presents grave problems to the indigent clients and ethical and practical problems to all members of the State Bar, both immediately and on a continuing basis; and

Whereas, it is recognized that the best interests of the Nation, State and the Nation's poor coincide in insuring equal access to the legal process as a forum for the redress of grievances and the preservation of life, liberty and property;

Now, Therefore, the State Bar of Nevada urges the President of the United States and the Nevada Congressional Delegation to act promptly to maintain Nevada's legal services programs; and

Hereby resolves that Legal Services programs be maintained in Nevada and the Nation, to promote equal access to the legal process as a forum for the redress of grievances and the protection of life, liberty, and property for those truly in need, who deserve and seek its shelter, and that federal funding of said programs in Nevada and the Nation be provided, and this resolution be made public and herewith communicated to the President of the United States and each member of the Nevada Congressional Delegation.

Dated this 30th day of March, 1973.

HERBERT M. JONES,
President, State Bar of Nevada.

Position Report of the State Bar of Texas, on Legal Services to the Poor in Civil Matters

"I was a father to the poor; and the cause which I knew not I searched out."—Job 29: 16.

PREFACE

This Position Report is intended for the aid and guidance of the Bar, but is not to be construed or considered as an inflexible or unchanging policy. Certainly in this fast-moving field, we contemplate, and hope, that as the Bar gains knowledge and experience and as conditions alter, the Bar will both enlarge its own role in Legal Services to the Poor, and will also adjust its positions accordingly. This Report does, however, incorporate into one report both certain positions already taken by the State Bar and the Board's present views.

It is the policy of the Bar that the poor are entitled to legal representation and that to the extent possible, legal services to the poor should be rendered through the private practicing Bar. This Position Report is made in the light of that policy, and in the hope that it will be helpful in implementing and enlarging it.

REPORT

1. Commitment

The State Bar of Texas is committed to the proposition that adequate and competent legal services by qualified lawyers shall be made available to the poor in civil cases in Texas, despite their inability to pay a fee.

2. Inadequacy of present services

Legal aid is now available to a very small percent of our population. There is practically no legal aid available in the rural areas. There are numerous cities which have no legal aid and there are other cities where the legal aid projects are completely inadequate. The Bar is cognizant of this inadequacy and one of the top priority objectives of the State Bar of Texas is to do everything possible to make legal services available to all of the poor.

3. Two methods of rendering services

The State Bar of Texas recognizes that legal services to the poor can be rendered through two basic methods. One is through private practitioners and the other is through "legal aid offices." The State Bar recognizes the value and necessity of each.

The State Bar is of the opinion that the overall legal aid program should be handled both by the Wisconsin type of Judicare and the conventional legal aid office staffed by career legal aid lawyers who are specialists in the problems of the poor. Much has been written on the two methods of handling legal aid and the many pros and cons will not be discussed in this report. It is recognized that in the metropolitan areas a substantial part of the legal aid work consists of brief matters which can be handled more efficiently by a staffed office. In sparsely settled rural areas involvement of private attorneys is almost a must. Even in the metropolitan areas some of the legal work can be farmed out to private attorneys.

4. Action by the Bar

In order to pursue these objectives, State Bar has created the State Bar of Texas Standing Committee on Legal Services for the Poor in Civil Matters. According to the "Policies of the State Bar of Texas Relating to All Sections and Committees," it is the responsibility of this Committee to encourage and assist in the creation and expansion of legal aid projects throughout the State and to cooperate and actively work with local bar associations, the Office of Economic Opportunity and Department of Health, Education and Welfare and other appropriate groups.

5. Proposed Corporation

The State Bar has authorized the creation of a nonprofit corporation, one of whose purposes is assisting and coordinating, but not assuming responsibility or control of, legal aid projects and work throughout the State. It is visualized that such a corporation backed up by a strong Board of Directors and staffed by qualified lawyers, will be a tremendous boon to legal aid in Texas. The respects in which this corporation could help in the field of legal aid are numerous and will not be set out in this report, but it is anticipated that such a corporation would be of material assistance in some of the projects and problems which are set forth in this report.

6. Recognition of necessity for local bar support

(a) In order for legal aid to be successful, is it important not only that the officers and directors of the State Bar of Texas, but also the local bar associations, be interested in legal aid to the extent of realizing that a strong legal aid program is essential to every community. The State Bar is not blind to the fact that many local bar associations are indifferent to the program, but an effort will be made to correct this weakness.

(b) It is obvious that if legal aid is to be successful in a community, it must have the wholehearted support of the local bar. If such support does not exist, then a legal aid Project in that community will not succeed. High on the agenda of the next meeting of the Presidents of local bar associations, will be the subject of legal aid. A program for such meeting should be carefully planned and executed so as to emphasize the fact that a legal aid program is conducive to a peaceful and stabilized community.

7. Legal aid offices

(a) The Directors on April 24, 1971 (by a resolution) adopted as a policy its support and endorsement of maximum representation by the legal profession on the Board of Directors of all local legal aid projects in the State. At least a two-thirds majority of licensed attorneys is required for such Boards. It is only right that local bar associations have a voice in the operation of local legal aid projects and the two-thirds membership on the Board will give them the opportunity to fulfill their obligation and responsibility. It is the position of the State bar that the operation of a legal aid office is similiar to the operation of a conventional law office and that lawyers are, therefore, better qualified to oversee the operation of such legal offices.

(b) The State Bar is of the opinion that the governing Board of a local legal aid project has a moral and ethical obligation to the community to determine such broad policy matters as the financial and similar criteria of persons eligible to participate in the legal aid program, selection of the various services which the project will make available to such persons, setting priorities in the allocation of available resources and manpower, and determining the types or kinds of cases staff attorneys may undertake to handle and the type of clients they may represent. Obviously, the local Bar would be obligated to insure that its policies are being faithfully carried out by the project's director (who, of course, has no more latitude than the Board he represents) and staff attorneys. After a staff attorney has accepted a client or case of the nature and type sanctioned by Board policy, the local Board must take special precaution not to interfere with its attorneys independent professional judgment in the handling of the matter.

(c) There has been a great amount of

complaining by public officials and others, both in and out of Texas, about some of the law reform cases handled by some local legal aid projects. Without in any way attempting to pass on any individual past instances, an effort should be made to avoid frivolous suits which are not definitely related to the welfare of the poor. Local Boards should establish in advance policies concerning the filing of suits. They may also consider a screening committee to work in cooperation with the Director of the local project in order to curtail the filing of improper suits which are contrary to such advance policies, always being careful to maintain the validity and the integrity of the attorney-client relationship.

In a local office, primary consideration should be given to work which is required in order to help the individual client and the vast amount of legal work required to file and prosecute complicated and involved law reform cases should always be secondary to this purpose. The individual client should not be neglected.

8. Licensed Texas attorneys

Staff attorneys of local legal aid projects must be licensed to practice law in Texas. The staff of legal aid projects may make use of properly certified law students as provided in accordance with Senate Bill 66 of the 62nd Legislature (Acts 1971, 62nd Legislature, Chapter 706, Page 2336.)

9. National Legal Services Corporation

The State Bar is not opposed to the passage by Congress of a Bill to create the National Legal Services Corporation, but takes the position that any Bill to create such a corporation should include in it provisions which would:

(a) Require that two-thirds of the National Legal Services Corporation Board of Directors be attorneys.

(b) Require that two-thirds of the governing bodies of local legal services organizations be attorneys.

(c) Prohibit collection of any fee or part thereof from clients of legal services organizations for services rendered by an attorney or paraprofessionals, including the National Legal Services Corporation.

(d) Provide for reasonable notice to the State Bar of the State concerned of an application by a legal services organization for a grant or funding.

(e) Provide for reasonable notice by the National Legal Services Corporation to the State Bar of the State concerned of any intent to make a grant to or to fund a legal services organization or a legal services program to be conducted in the State concerned.

(f) Allow payments from National Legal Services Corporation funds to independent practicing attorneys who perform legal services for persons who can afford to pay *no fee*, or only a part of the usual fee, for such services under standards and guidelines to be established by the Board of Directors of the National Legal Services Corporation.

(g) Prohibit rendition of legal services for any federal agency or any local or state government body.

10. Funding

The principal source of money for the establishment of legal aid projects is appropriations made by Congress for OEO. At present there is no money available. Many other sections of the Nation have been more alert in requesting money, hence most of the money appropriated by Congress has gone into projects in other sections of the Nation. Texas is drastically under-funded. In order to remedy this situation, it is necessary to demonstrate to Congress and OEO in a realistic manner that additional funds are necessary. This can be done by having local communities prepare and file applications for the establishment and funding of legal aid projects. Also, applications should be filed to expand existing projects. Such applications will show a real need. This procedure should be pushed with the Presidents of the local bars. United Fund and Community Chest types of funding should be sought when practicable.

The extension of legal services to the poor is in many instances provided by non-profit corporations which have their own Board of Directors and which set policy regarding the needs and desires of that autonomous body. Any policy passed by the State Bar should be in the form of recommendation only and the integrity of local boards is in no way diminished by such policy.

CONCLUSION

The State Bar of Texas recognizes that it is its responsibility to do everything possible to make certain that the legal aid projects throughout the State of Texas function in such manner that there shall be not only EQUAL JUSTICE UNDER THE LAW, but that in the bar's effort to accomplish this noble objective, the voice of the bar be heard to the end that the program be conducted according to the high standards of the legal profession.

THE STATE BAR OF TEXAS.

LAYMAN'S BANQUET—THE THIRD ANNUAL CONFERENCE OF THE AME ZION CHURCH, CLEVELAND, OHIO

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. STOKES. Mr. Speaker, it is with a feeling of pride that I stand here today and tell my colleagues about the layman's banquet of the third annual conference of the AME Zion Church which will take place in Cleveland, Ohio on June 23, 1973. This banquet will be dedicated to the memory of the late Rev. Albert L. Fuller, a fine man who had a lifelong interest in the activities of his church, and particularly in the layman's organization. He was proud of this organization and I know that he would have enjoyed its third annual banquet.

Mr. Speaker, the layman's banquet is not just a frivolous social gathering. The members of the organization have arranged this occasion in order to raise the necessary funds to prepare the Viola Spottsworth Camp in Grovesport, Ohio. The money which the layman's organization raises on June 23d will be used to clean up the camp and get it ready for the summer months.

I would like to take this opportunity to pay tribute to some of the individuals who have made this occasion possible. Mr. Albert Davis, the general director of the Third Ohio Annual Conference; Ms. Joyce Booker, chairwoman of the banquet; Ms. Gertrude Montgomery, cochairwoman; Mary Taylor; Rose Alexander; Betty Johnson; Ernestine Longino; and Thelma Fraser— each of these concerned men and women deserve our tribute today.

Mr. Speaker, the AME Zion Church has long been a place of social consciousness and concern in this society. The Third Annual Ohio Conference takes its rightful place in this long tradition.

LEGAL SERVICES CORPORATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, we will soon be considering the Legal Services Corporation Act—H.R. 7824—which was recently reported with overwhelming bipartisan support by the Committee on Education and Labor on which I serve.

This bill would remove the legal services program from the Office of Economic Opportunity and establish an independent legal services corporation. This idea was originally conceived by the President's Commission on Executive Reorganization which was headed by Roy Ash, the present Director of the Office of Management and Budget, in response to what the Commission felt was the threat of outside political interference with the program.

The legislation was drafted with close cooperation from the American Bar Association and has its unqualified support. It is also supported by various other legal organizations throughout the country.

I have recently received a communication from the State bar of Michigan in which they express their continued support for the need for adequate legal services to the poor and the need for vital and independent programs to provide this representation.

Mr. Speaker, at this point, I would like to insert into the RECORD this resolution, which was unanimously adopted by the Board of Commissioners of the State bar of Michigan on March 17 of this year:

STATE BAR OF MICHIGAN—RESOLUTION

Whereas: There is a continuing need for legal services for the poor.

Whereas: There are twelve federally funded Legal Services Programs to meet this need in Michigan.

Whereas: These programs are facing an expanding demand for legal services and increased operating expenses.

Whereas: The funding for these programs has not increased since 1970 in spite of the increase in demand and operating expenses.

Whereas: The State Bar of Michigan continues to support the need for adequate legal services to the poor and the need for vital and independent programs to provide this representation.

Now, therefore, it is resolved:

1. The United States government should increase the level of funding of Legal Services programs to enable them to provide adequate legal services to eligible clients and to prevent a serious deterioration of the quality and quantity of service because of increased expense and mounting caseloads.

2. Government at all levels and lawyers from both the public and private sectors should take every step necessary to insure that legal services lawyers remain independent from political pressures in the cause of representing clients.

3. The Congress of the United States should create a legal service corporation of a design consistent with the foregoing principles and the need to maintain full and adequate legal services for the poor.

DIMENSIONS OF THE ENERGY CRISIS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BRADEMAS. Mr. Speaker, in the last several months an estimated 1,500 independent gasoline stations in the United States have gone out of business because of what is said to be a shortage of fossil fuels, an "energy crisis."

Against this background, some have claimed that there is no energy crisis, others that there is a crisis and it is the fault of environmentalists, and others that the crisis was caused by the giant petroleum producers.

These conflicting points of view are discussed in a perceptive article by a respected colleague, Congressman Morris Udall of Arizona, chairman of the Subcommittee on Environment of the House Interior and Insular Affairs Committee, in the June 16, 1973, New Republic. In the article, Mr. Udall describes what he calls an "energy binge" in the United States, why in his opinion a recent Presidential energy message is replete with "nonsolutions," and what some of the real solutions are. I highly commend Mr. Udall's article to the reading of our colleagues and insert it at this point in the Record:

Ending the Energy Binge

(By Morris K. Udall)

That fantastic machine, the U.S. trillion-dollar economy and America's unprecedented living standard have largely been built on energy extracted from oil, gas and coal. These "fossil fuels" heat our homes, cook our food, run our factories, mills and railroads. They gave us the auto age and the space age. For decades we have been led to believe that supplies of these fuels would last almost indefinitely at low cost. Working on that assumption, national policy since World War II has discouraged imports of foreign oil so that production of our own "unlimited" reserves would not be stifled. In the 30 years we were locked into that policy, our population burgeoned by some 60 million and each American increased his energy intake by *three* times.

WRONG ASSUMPTIONS

It is now clear that our assumptions were wrong. We have been on an energy binge, and the hangover could be protracted and painful.

First, a few statistics: Americans, six percent of the people on this planet, last year consumed 40 percent of all energy used.

Since 1950, when we led the world in energy consumption, we have tripled (our) electrical demands.

By 1970, our production of gas and oil began to peak out, so that now we are using more gas than we find and more oil than we refine.

If energy demand were to level off today, the story would be alarming enough; but every study and projection tells of an even more frightening future. This year we'll have to find new energy for the 11,000,000 gas burning autos Detroit will produce and the 2,500,000 new homes constructed. Moreover there are the undeveloped countries with their rising expectations, the exploding Common Market, the inventive Japanese, the Chinese looking for new trade relationships, and the development-minded Russians—all of whom will be looking for more gas, oil and coal, and some of it from the same markets we will seek to tap.

And when they compete with us it will be with fire in their eyes because they know that much of the world's precious oil reserve is spent moving big American cars, sometimes three to a family, currently accounting for 48 percent of the world's autos and 55 percent of all the gas consumed; that the British and Germans are getting along with approximately half as much per capita, and their standards of living aren't so bad; and that the lion's share of the additional energy demanded by Americans will be for uses others view as outrageous luxuries like air conditioning, for which 210 million Americans consume as much energy as 800 million Chinese use for every purpose! One additional bit of bad news is that most of the world's remaining known petroleum reserves lies in the nations of the Mideast whose current demeanor toward the United States is less friendly than to many of our major energy competitors.

Most of us were asleep at the switch when all this happened and we're in for some tough adjustments. The Midwest oil shortage last winter was not a one-shot accident, but rather, in all probability, a minor preview of the years just ahead. For unless I miss my guess, gasoline shortages and electrical blackouts will be our regular companions for the rest of the 1970s.

THE PRESIDENT'S SOLUTIONS

Everyone in Washington has "solutions" for the energy crisis. Two of them, the centerpieces of the President's recent Energy Message, I find highly questionable, and, when tied together as an exclusive package, totally unacceptable. They are nonsolutions.

The first is to simply buy more oil from the Arabs. It won't work. The United States has been the world's greatest trader and producer of modern times. But in 1971 we sold fewer goods abroad then we bought—the first time that happened since 1892. One big reason: we paid out $7 billion for foreign oil, a sum that almost exactly matched our trade deficit, itself a major culprit of inflation at home. Analysts claim that our 1971–72 dollar devaluations were in no small part due to the large dollar balances in the hands of oil-producing countries and were used to make a "run" on US currency in international markets. If we accept unbridled consumer demand for energy as a fact of life, we can count on buying $14 billion of Mideast oil by 1975 and some $30 billion a *year* by 1980. What will these kinds of purchases do to the dollar and where will we find the American exports to pay for them?

But if the economic implications of such a dependency are worrisome, the political considerations are downright frightening. How would it affect our commitment to Israel? Even if a political solution were found to current Mideast divisions, could we really plan on a constant supply of energy transfusions from countries whose policies can be reversed on a day's notice by a coup d'etat or by a sheik who turns unfriendly?

A second nonsolution is the all-out dig-dam-drill approach. As blackouts and gas station shortages begin to hit more and more, we'll hear advice whose effect, though tucked into nice euphemisms, will be this: forget all environmental and health considerations and get on with strip mining for coal, both on private and scenic public lands of the West, After all, coal is cheap and accessible. We'll also be advised to get more gas and oil by drilling from the fishing waters of Maine to the beaches of North Carolina and off the coast of California. And before this chorus has ended, there will be persuasive arguments for building hydroelectric dams on every last river site.

For a few years we'll have no choice but to buy *some* Mideast oil. And there is *some* digging and drilling we should and can do without environmental damage. But neither solution is tolerable in the long run. For sooner or later (20-60 years depending on how pessimistic you are) mankind is out of gas and oil. In a few centuries or less, you can scratch coal.

THE HARSH TRUTH

The harsh truth is that eventually we need permanent, renewable, clean, large-scale energy sources, like the Windmill or the old waterwheel that *consume nothing and pollute nothing*. We have some cushions that will let us overdraw our energy bank account for a time, but we should aim right now at a balanced energy budget before the year 2000. The question is how do we do it? Part of the answer lies in the experience of the 1960s when we spent $25 billion for a crash program that harnessed the brains and enthusiasm of the scientific community and put a man on the moon; we desperately need, now, that kind of program for energy research and development, and we ought to give it that kind of money and that sense of urgency.

While we search for long-range solutions, we can buy time in several ways. First we should zero-in on the incredible and wasteful way we use our fossil fuels. Even assuming—as I do not—that every kilowatt burned and every auto mile traveled is essential, we could find ways to provide those same kilowatts and miles with far less gas, oil and coal. For example conventional electric power stations extract only 30 percent of the potential energy in each unit of coal or oil they burn. We can make substantial improvements here and have more electricity from the same quantity of fuel. In addition, we have too many home appliances. But without reducing the number, we can better design appliances to do the same work using far less current. We waste immense quantities of heat and light in our homes, offices and factories. We can have nearly the same levels of comfort if we will design and insulate buildings and heating and cooling machinery to operate in less wasteful ways. Finally, coal requires great energy to transport, and it is the worst polluter when it burns. We should perfect promising new processes that may enable us to turn coal into pipeline gas, solving both problems at one stroke.

This short-range program, plus the energy conservation efforts discussed later, will help buy time; it may take two decades to prove out the permanent power sources needed for the long haul. Legislation now pending, and a new bill I will offer, will create government-industry development corporations to go to work on such possibilities as these:

LONG-RANGE SOLUTION

The fast breeder nuclear reactor. We are running out of nuclear fuel, uranium, but the breeder reactor creates more nuclear fuel than it burns. The Nixon administration is already fully committed to its development. However, there are serious health, safety and environmental hazards that have yet to be solved.

Nuclear fusion. This is a much more complicated and hence dubious source of electricity directly converted from atomic energy. It is held out by respected scientists as the ultimate answer, with none of the environmental demerits of the breeder, but its mysteries may not be worked out for decades, if ever.

Geothermal power. This is the heat of the earth that man has always seen in volcanoes and geysers. The US is far behind in this technology.

Ocean tides and currents. There is power here if we harness it. The windmill provides the cleanest mass-produced energy known to man; like methods lending themselves to more universal use must be pursued.

Solar energy. Harnessing and transmitting the heat of the sun into everyday energy production by using massive reflectors and other devices.

Long shots. While we're at it, we ought to look at every other possible lead. One German scientist makes an impressive case for large, 400-foot high windmill farms as a supplement to other power systems.

SHORT-RANGE SOLUTIONS

While the scientists and engineers are at work, there are things we can do in 1973. They involve new attitudes and habits of energy thrift and conservation. For the fact is Americans have been energy glutton champions. We could keep most of the comforts and conveniences of our present high living standards and "the American way of life" and still cut home and personal energy consumption by one-third. For in time, we could help head off higher gasoline prices and/or rationing by cutting back on our extravagant use of the motor vehicle. Does your family really need that third car, the new snowmobile or motor home? Can you cut your monthly driving miles by 15–25 percent?

We can get commuters out of cars and into mass transit or car pools or neighborhood bus pools. Government can give this effort a big boost by opening up the Highway Trust Fund to help cities pay for subways, new buses and so on. The Senate approved such a plan this year, but once again the House, under pressure from established highway construction and automobile interests, turned it down. We have to find ways to encourage commuters to live closer to the places where they work.

But while we are cutting down on auto miles, we have to recognize that under the best of circumstances, our living patterns will always require millions of private autos for point-to-point travel. Thus we must insist on government policies that encourage *smaller cars with smaller engines*.

Public attitudes and life-styles are affected by our friends in communications and advertising. With industry and government, they did their part to get us into this mess and they can help get us out. The electric industry should spread the message of energy thrift with the same vigor they taught us energy gluttony. Things like turning down the thermostat by five degrees in the winter and up five in the summer, buying smaller cars and fewer gadgets. But if each of us takes some steps so that personal per capita energy consumption declines by one-third, we'd jointly be striking a blow for a sounder dollar, a cleaner environment, and a stronger, self-sufficient America.

President Nixon has suggested a new office of energy conservation to spark voluntary programs in the private sector and, more importantly, coordinate and direct the efforts of the disparate and far-reaching federal government, the most gluttonous energy user of them all. We need a hardboiled energy conservationist leading this office who will show us the way toward requiring the kind of insulation and heating and cooling units in new homes that are efficient in saving energy, informing us what appliances burn what quantities of electricity, and placing stiff luxury taxes on the wasteful ones; making war on loud, garrish neon signs. They contribute nothing to our country and they burn enough energy to bring on some shortages we can avoid; reforming our cockeyed electrical rate structures, a crazy system that rewards waste. If my home and your home are the same size and I burn twice as much electricity, the local utility company will penalize your thrift and reward my extravagance. The same is true of industry. Rate structures now decrease charges as use goes up—it ought to be the reverse.

HERB KLEIN—A GOOD GUY LEAVES THE GOVERNMENT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. VAN DEERLIN. Mr. Speaker, Herbert G. Klein, a fellow San Diegan, is returning to private life at the end of this month, after more than 4 years of distinguished service as the first director of communications for the executive branch.

Mr. Klein has been a true and good friend of the working newsman while operating in the highest councils of an administration not particularly noted for its cordial relations with the press.

Although Herb and I differ in our politics, we do have a solid basis for mutual understanding stemming from our many years of toil in San Diego's journalistic vineyards. Herb, in fact, through his exemplary performance on the San Diego Union, probably helped hasten the demise of at least one of the two local dailies which at various times employed me.

Mr. Klein stands out as one of the "good guys" in this administration, and particularly so in the close circle of advisers around the President.

For those who might have missed it, I include at this point a splendid tribute to Mr. Klein by Hugh Sidey that was carried last week in Time magazine:

So Long to Old Herb Klein

He is really not that old (55) nor is he vanishing from view. He is leaving the White House as Communications Director for a job in television, which will keep him in public matters.

But for 27 years he has been a considerable chunk of Richard Nixon's better nature. And that role is coming to an end.

His is a rather remarkable story. He was, these last years, abused and downgraded and ignored by Nixon and his supermen and yet he has stayed loyal, kept his honor, and goes off as one of the President's few remaining displays of decency and good humor.

He wasn't as efficient as the iron man H.R. Haldeman. Herb Klein kept his files in his coat pocket or somewhere, and like most ex-reporters he ignored flow charts and organization tables. What he had was an understanding that democracy and its government are untidy and considerably inefficient, and there isn't a hell of a lot you can do about that without destroying their soul.

Old Herb would listen to conflicting views, now and then admit mistakes had been made and take phone calls from critics as well as friends. He always figured it was a big wide world out there and a lot of people had something to say. The know-it-alls like John Ehrlichman found that sort of notion close to heresy.

When they finally pushed him farther and farther from the Oval Office he hardly complained. He took to the road supporting Nixon in the editorial offices and the newsrooms around the country. He brushed up against a lot of people in those journeys, and he made a lot of friends. Now when one travels and comes across these men and women, whether in the big metropolitan dailies or those dusty one-horse shops where the editor can be found feeding the presses, they ask with some concern if Herb got caught in Watergate. When they are told no, they almost always smile and say quietly, "I didn't think so. I like Herb."

He was no saint. Nor was he the best White House aide in all history. But he was an oasis of consideration and sympathy in a Teutonic desert of heel clicks and "Yes, sirs."

There are not many men on the beat here who haven't had a thoughtful moment or two and a few good laughs with Herb. Up in Alaska campaigning with Richard Nixon in 1958, he joined in a little dog-sled race and ended up in the snow, much to everybody's delight. In 1960 he knew that most of the men he had to deal with were a lot more sympathetic to John Kennedy than to Richard Nixon. He took it with good grace and for the most part kept his temper as he tried to get a fair shake on the front pages.

Once he sent out letters of complaint about the treatment Candidate Nixon was getting, and then he had second thoughts and called them back. At the Waldorf Astoria bar he bought the drinks for all those offended and went back to his old rut of being decent to people.

Once when Lyndon Johnson was doing a little campaigning out in California and had stopped at El Toro Marine Corps Air Station to send more troops off to Viet Nam. Herb showed up in the stands just to look over the President, the likely opposition for Nixon, who was gearing up to go again. Herb wrangled a handshake with L.B.J. like any tickled tourist, wished the President good luck and went off with a smile.

He had peddled the old Nixon propaganda with a straight face and given some of the dullest speeches on record, but he has always been there to listen when people, small as well as big, needed somebody to talk to when the rest of the White House was buttoned up, which was most of the time.

Herb still has some political mileage in him. But he probably has seen the pinnacles. Last year some of us were standing in the magnificent Hall of St. George in the Kremlin on the final day of Nixon's Moscow summit. All Russia's elite were there, cosmonauts and marshals, diplomats and artists, the Politburo and the KGB agents.

They played *The Star-Spangled Banner*, and then Nixon and his Soviet hosts walked down the length of the huge hall. It was a splendid moment.

As the President passed, there in view across the room was Herb Klein. He looked like he had slept in his suit, or maybe hadn't slept at all in those frantic days. But his face had the same kindly look, and there was a smile and a lot of pride and warmth beneath the surface. The thought occurred to us then, and again last week, that here was one of the few men around Nixon who gave more than he took.

INFLATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. FRENZEL. Mr. Speaker, in the Washington Post of Sunday, June 17, Joseph R. Slevin had an editorial on the subject of inflation. In my judgment, it is one of the few public statements which describes the problem in other than simplistic terms.

Slevin quotes Irving Friedman, professor in residence at the World Bank, who has pointed out that inflation now is quite different, and obviously more persistent, than ever before.

According to Friedman, the difference is that inflation is now worldwide—no single country can cure it—and it continues through good times and bad—business slowdowns cannot cure it.

Slevin and Friedman are to be congratulated for trying to open the eyes of the world about inflation. In this country we have not had the devastating experience with inflation that most countries of the world have endured. What seems to be intolerable inflation to us is pretty standard for others.

I do not believe that this country is going to learn very quickly to tolerate the current inflationary levels, but I think it is time that economists and politicians begin to explain that simple programs of single governments are not going to have the substantial and sudden effect of ameliorating a worldwide problem.

If we continue to be dedicated to a strong and growing economy, full employment, strong cradle-to-grave social welfare programs, and unlimited education, we are certainly not going to stop inflation very quickly. Given the choice between inflation and prolonged unemployment, any country, including ours, will opt for a little inflation.

I believe we should take a closer look at the inflation rate of our country, its favorable relationship to the rates of other countries and our other national economic goals and then set a target for limiting inflation which is more realistic than the inflation target contemplated when phase II was established.

PRICE FREEZE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. KEATING. Mr. Speaker, the price freeze is continuing to cause severe problems for wholesalers and retailers and employees who are employed in the field of agricultural products. I have been notified by the president of one firm in my district that he intends to close his plant this Friday because they cannot purchase vegetable oil at prices low enough to produce margarine at the "freeze base period" prices. This company is also closing a plant in Minnesota effective today and over 350 employees will immediately lose their jobs.

The basic problem faced by this particular firm is that it cannot purchase vegetable oil at a price low enough to sell its finished product, margarine, so they have no choice but to close down.

I do not believe that the current freeze is intended to displace employees and terminate the operation of companies dealing with agricultural products.

Another constituent of mine has informed me that the freeze level of fruits and vegetables will force sellers to stop purchasing these commodities because they cannot make them available to the consumer at the freeze base period price without selling them at significant losses.

The inevitable result will be shortages of many fruits and vegetables during the next 2 months and the unavoidable black markets which will appear to the detriment of the American consumer and the legitimate wholesalers and dealers in agricultural products.

I am urging the Cost of Living Council to immediately adopt a flexible approach in the implementation of the freeze concerning agriculture products to prevent shortages, black markets, and especially, to prevent the closing of plants and the loss of jobs by firms in this field.

It is admitted that the regulation of the agricultural products is a very difficult matter and the Cost of Living Council should be prepared to give immediate attention and responses to all jobs involved with these perishable products because the products must be sold and answers must be obtained immediately.

NORTH VIETNAM USES SLAVE LABOR TO CONSTRUCT NEW ROAD

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. HUBER. Mr. Speaker, the use of forced labor in Communist countries is by now getting to be a time-honored tradition that dates back to the creation of the first camps by Lenin. So, it is not unusual to have the Daily Telegraph of London report this story, but it should remind my colleagues that not only does North Vietnam use forced labor, but our eminent visitor Leonid Brezhnev is reported to hold some 5,000,000 people in forced labor camps, including thousands of Russian Jews and religious dissenters of various beliefs. Therefore, I commend this article to the attention of my colleagues.

The article follows:

SLAVES CONSTRUCT NEW HO CHI MINH TRAIL

(By John Draw in Saigon)

Using thousands of slave labourers, the Communists are building a road from the Demilitarised Zone to Viet Cong sanctuaries 100 miles north of Saigon, according to intelligence officials in Saigon.

The route, which runs parallel to the Ho Chi Minh Trail, starts at the former American Marine Base, of Khe Sanh, and pushes south and south-east to Viet Cong controlled areas all over South Vietnam.

Intelligence officials say the northern portion of this road, called by the Communists Route 14, has already been opened to cars.

WINDING THROUGH JUNGLE

"This road will be very difficult to close," said an official. "It winds its way through jungle and pushes to the outskirts of quite a few important cities."

Saigon officials viewed this second Ho Chi Minh Trail as an effort by Hanoi to continue to feed the fighting in South Vietnam, even if forced to leave Laos and Cambodia alone as a result of some arrangement between the big powers.

According to headquarters sources the Communists have been using 20,000 troops and "countless thousands" of civilan labourers, especially those living in Viet Cong controlled areas, in this undertaking.

Prisoners of war and civilian detainees who have not been released by the Communists have also been used as "slave labourers."

AGRICULTURE, ENVIRONMENTAL, AND CONSUMER PROTECTION APPROPRIATIONS, 1974

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. PRITCHARD. Mr. Speaker, I regret that I was unable to be present last Friday to vote on the bill (H.R. 8619) making appropriations for agriculture, environmental, and consumer protection programs for the fiscal year ending 1974. I had to give three major speeches that day in Seattle, including a major address to the Municipal League of Seattle and King County at their annual civic awards luncheon. These speech commitments were made prior to the scheduling of Friday sessions by the House leadership.

I would have voted for:

The amendment forbidding funds for payment of salaries for "Cotton Inc.";

The amendment reducing the farm price support limit from $55,000 to $20,000 per crop—other than sugar and wool; and

Final passage of the bill containing the amendment reducing the price-support limit.

Taxpayers are unhappy with the present agricultural price-support system because of the high costs. In 1971, total costs of the farm programs were about $4.3 billion, which was about 5.0 percent of the total revenue from personal income tax. If this cost is prorated among individual taxpayers, we find that a family of four with an income of $8,000 contributed $26 toward the operation of price-support programs in 1971. A similar family making $12,000 paid $63, and the contribution from a single individual making $10,000 was $72.

In 1972, the cost of price supports was $4.7 billion; in 1973, $6.1 billion. The 1974 proposed budget would spend $3.9 billion for these programs.

Consumers should be dissatisfied because of the much higher food costs that they have to pay as the result of the price-support programs, in addition to the costs that they assume as taxpayers. This is an especially important consideration among the poor, who spned a much higher proportion of their incomes for ation among the poor, who spend a much higher proportion of their incomes toward farm price supports than do the more affluent.

In most years, average farm prices are raised about 60 percent by the supply restriction and price-support programs. This is an average value, of course, and in the case of some commodities it is much more. Those products which are highly processed before reaching the consumer have relatively small proportions of their value represented by raw farm products, and for the most of these goods the retail price is only about 10 to 20 percent higher than it would be in the absence of price supports. Other goods, however, are marketed in much the same form as when they leave the farm—milk, eggs, meat, and grain products, for example—and the retail price of these would be almost as much higher proportionately as the farm price is, that is, the retail price could drop almost 50 to 75 percent if price supports were eliminated.

I was pleased that the House adopted the amendment to limit individual farm subsidies to $20,000 per crop. Three times in the past this reform has passed the House only to be rejected in the Senate. If we had limited payments to $20,000 in 1972 the taxpayers would have saved roughly $655.8 million. As consumers they would have saved even more.

THE BUDGET AND THE DRAFT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BENNETT. Mr. Speaker, my good friend and colleague, Congressman William A. Steiger of Wisconsin recently wrote an article which appeared in the Wednesday, June 13, 1973, Christian Science Monitor in the Opinion and Commentary section. I think it well expresses the relationship between the new volunteer military and the budget. I would like to include the article herein:

The Budget and the Draft

(By William A. Steiger)

With the impending expiration of the draft, June 30, those who would regiment the young and militarize our foreign policy are making a last ditch effort to extend the power of conscription. Their chief vehicle is a campaign to blame the increase in defense spending on the volunteer force.

The facts do not support this claim. It is true the defense budget as a whole has risen $4.1 billion over last year; but less than one-tenth ($400 million) of that increase is attributable to volunteer force costs. Moreover, by placing Selective Service on a standby basis, we will save $45 to $50 million that we have been spending every year on classification and registration, without impairing our ability to mobilize in an emergency.

An important side benefit from the end of inductions will be a return of the Justice Department to the fight against such real threats to our security as organized crime, drugs, and crime in the streets. This past year, when only 25,000 men were inducted into the military, U.S. attorneys handled 10,444 draft cases—11 percent of the Justice Department's entire criminal case load.

During the same period, the FBI investigated 17,853 draft cases and 26,591 desertions—15 percent of their criminal investigations. These cases accounted for a startling two-thirds of the FBI's total apprehensions. With the volunteer force, there will be few, if any, draft evasion cases, and desertions should decrease considerably as men join the armed forces out of free choice rather than coercion.

Under compulsory military service there are further unmeasured social costs. An estimated 35,000 people have worked full-time as draft counselors. More than 750 attorneys who specialize in draft law have spent a substantial amount of time handling selective service cases. Ironically, the major result of this enormous effort is simply that some youths were exempted from service, while others were forced to take their place. For the most part, those involved in draft-related activities are able, bright, and committed to reform. In view of the wide variety of social problems which could have benefited from citizen involvement, the draft has caused a serious drain of talent from productive activity.

When we compare current military personnel costs with those in effect in 1969 (the year in which the program to end the draft was initiated), it becomes clear that the military's budgetary problem stems from expenses that bear no relation to the volunteer force. Miscellaneous payments enacted long ago account for 77 percent of the military pay appropriation increase since FY (fiscal year) 1969; only 23 percent is attributable to the volunteer force. Critics also forget that the bulk of the "volunteer force" pay increase would have been necessary even under conscription to eliminate the disgrace of forcing young men to serve for wages below the poverty line.

The greatest culprit in increasing personnel costs has been inflation. Even if no steps had been taken to end the draft, an armed force of 2.3 million men today would cost $5.5 billion more than a force of the same size in FY 69, simply due to cost-of-living increases. Another nonvolunteer force item, retired pay, has skyrocketed by $2.3 billion since FY 69. The phenomenon of "grade creep"—too many individuals in the higher grades—counts for an added $1 billion this fiscal year.

The budgetary cost of retirement, grade creep, and the pay schedule can be reduced through careful and comprehensive planning. Long-term savings can be generated through prompt congressional passage of the Special Pay Act. The selective reenlistment provisions, for example, eliminate a bonus which is currently paid to every individual who signs up for a second tour, whether or not his skill is in short supply. Nearly $125 million will be saved by FY 78 through this action, and the institution of a system which is directed only at skills in demand.

In addition to the reduction in outlays which will result from a more efficient program, even greater savings will accrue through increased retention of skilled personnel. Experience with the nuclear incentive (the one special pay authority which was signed into law last year) demonstrates the potential of the Special Pay Act. Before Special Pay was instituted, the reenlistment rate among nuclear qualified petty officers in the critical 6–9 year retention period was just 14 percent. Use of the incentive more than doubled the rate to over 30 percent—and reductions in training costs for the few men involved in this limited skill produced an annual savings of nearly $10 million.

Applying the same principle to nuclear officers has led to even greater cost avoidance. For each $13,000 spent on incentive pay, the Navy avoids the expenditure of at least $26,000 which would otherwise have been budgeted for training costs. When the Special Pay authority is expanded beyond the nuclear field to the many skills where there are manpower shortages and high training costs, the savings will be dramatic.

The volunteer force presents defense planners and budget specialists with a unique opportunity to reform military personnel policies and save the taxpayers billions of dollars. That opportunity will be lost if those responsible for change insist on focusing their attention on the extension of the executive's induction authority, rather than on a comprehensive overhaul of the military compensation system.

PRESIDENT'S ENERGY MESSAGE

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. SHOUP. Mr. Speaker, previously I inserted into the Record remarks relating to the work of my science advisory council at Montana State University in Bozeman, Mont. The members of that group have over the past months given much of their valuable time to a study of the energy crisis and one of the most recent efforts has been to formulate a response to the President's message on the energy crisis. The study group's statement is, I feel, constructive in its general import and thoughtful in its particulars, some of which are disputable points but all of which are basis for further dialog:

Comments on the President's Energy Message

President Nixon's energy message to Congress is timely. We have little disagreement with its general content. Our concern is more with his balance of emphasis and some important omissions. In order to better explain the following remarks, we wish to outline the energy crisis as we see it.

In its clearest form, the energy crisis results from too many people wanting too many things which require more energy than we can supply, or which require energy at a rate we cannot sustain. For example, in the case of fossil fuels, it isn't that coal and oil are not being produced today on the earth. It is simply that some time back, probably in the last several hundred years, we passed the point where these resources were being produced at a rate to match our consumption. Our exponential growth rate now puts that point far behind us and beyond our capability to retreat to.

Today, at current demand and growth rates, we can see the end of known oil and natural gas resources in the next few decades. Coal resources may last a few hundred years, depending on the uses to which they are put. Our exponential growth rate brings these deadlines toward us in an accelerating way which is hard to visualize. Worst still, long before these deadlines arrive, we can expect some probably severe problems with energy shortages. It is not clear that energy sources alternative to the conventional uses of fossil fuels are being or can be developed rapidly enough to avoid this situation. That is what we see today, and it is only the beginning of problems we must face in the next few centuries.

The President devotes the thrust of his energy message to: (1) the discovery and development of more oil and natural gas supplies; (2) rapid expansion in the exploitation of domestic coal resources; (3) conversion to fission (fast breeder) reactors and fusion as the ultimate source of energy in 30 to 50 years. We are much less enthusiastic than the President about the safe and successful development of nuclear energy. Most of the measures he suggests relating to fossil fuels, while perhaps necessary to some extent in the immediate future, attack only the symptoms of the energy problem and not its basic causes. At best, these measures may help us to go on doing what we are doing for the next few years, namely to expand our per capita consumption of energy. The worst aspect of these measures, in our opinion, is that they invite Americans to help deepen the present crisis and to hasten the day of reckoning when we run out of conventional fuel resources. In the end, such actions will not only aggravate the energy problem and complicate the possible solutions, but they will decrease the vital grace period in which scientists and engineers are expected somehow to find solutions.

We wonder whether the President sees the true size of the monstrous problem facing us or only that annoying portion of it which has surfaced in the past few years.

The President's message seems to us to attach only minor importance to the energy-consuming habits of the American people. It is relatively certain that these habits *will* be changed, and within our lifetime, either by decision or by default. Our feeling is that if rational decisions are made to effect change now, we will be attempting to meet the energy crisis intelligently and with some freedom of choice. If we wait for circumstances to change our habits for us, we opt for a situation which favors social chaos and possible economic collapse.

Throughout his message, the President refers to our energy "needs." The word should be changed to "wants." We don't really know what our needs are—this subject could stand some serious research. As a people, we have demonstrated that our wants are virtually unlimited. How to back away from this unsupportable position is politically, sociologically and even psychologically very difficult, yet extremely urgent. In our opinion, this problem should have received first priority in the President's message. Instead we find the suggestion—both explicit and implicit—that we should forge ahead, increasing both our consumption and our appetites in the same old groove. This kind of "progress" cannot fail ultimately to increase the seriousness of our problems related to energy.

The President's message says nothing about the relationship of population growth to the energy crisis—yet our growth and increasing appetites constitute a considerable part of the problem. We see the recent decline in birth rate in this country to be a quite favorable development regarding long range planning. However, we note that this decline is not sufficient to solve our short range problems. Worldwide, particularly in the developing countries, the situation is not at all favorable.

The President's message does not mention the petrochemical industries, which make use of petroleum and coal as their basic sources of raw materials. In our haste to use up our remaining fossil fuels, we should pause to consider whether various medicines and vitamins, cosmetics, paints, plastics, fabrics, lubricants, asphalt, etc., deserve some of our attention with regard to long term conservation measures to ensure adequate supplies for the future.

In terms of research and development, the President's message places a great deal of faith and money in developing our ability to convert to nuclear energy, both fission and fusion. We consider fission so fraught with as yet unsolved radioactive waste disposal problems that instead we would rather see future energy source development take place utilizing even high sulfur coal, with its reasonably well understood environmental problems. We note also that the primary fuel supply for fission reactors is so limited that it may not even outlast oil and natural gas. The solutions to the very difficult problems of harnessing the fusion process require a series of scientific breakthroughs which may never happen, much less happen in time to be of practical use in solving our energy problems. In short, the safe and successful use of nuclear energy is to some extent a dream, and nuclear energy may well provide a path leading to self-destruction at the end.

Normal caution and a reasonable choice of alternatives should dictate that research efforts at least comparable to those in nuclear energy should be directed toward the development of solar and geothermal energy sources. These sources are relatively nonpolluting, they provide a steady energy income which can be budgeted, and they are sources to which the earth and its life forms are already well adapted. The President's proposed 1974 energy research and development budget allocates 73 per cent of the total funding for nuclear energy and only 2 per cent for solar and geothermal energy. We consider this to be a gross imbalance. We also wonder whether the direction and thrust of energy R and D may not be lost in a somewhat diffuse federal bureaucracy. We think it would be advisable to have a single government agency responsible for the entire energy research area.

In summary, we think that the view expressed of our energy problems in the President's message is much too limited. The message does not attack a very important aspect of the energy crisis, which is too many people wanting too much. It lays too much stress on faster development of our remaining fossil fuel resources, a course which hastens the onset of the crisis and decreases our chances of solving it. The message does not consider the resource problems of our petrochemical industries, and it places too much faith on the development of nuclear energy—to the virtual exclusion of other sources such as solar energy.

A crisis need not lead to a catastrophe, but it certainly implies the proximity and possibility of a catastrophe. Dealing with the energy crisis is going to take all the wisdom, foresight and luck we can muster if our civilization is to avoid catastrophe. Presently we seem to be depending mostly on luck.

HERBIE SCHWARTZ

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. CLARK. Mr. Speaker, on this coming Friday, June 22, 1973, a gathering will be held in Boston for an outstanding American and it is a tribute in which I would like to join. Herbie Schwartz is known in Boston as "Mr. Marine Corps." A wounded and decorated veteran of the Guadalcanal campaign with the 1st Division when he returned after World War II, he took over proprietorship of the Atlantic Tavern, better known as "Herbie's," from his father.

In the years after the war, "Herbie's" became the legendary home for marines and former marines and in a few short years included hundreds of others who were simply friends of Herbie Schwartz.

A quiet, unassuming man he provided a warm hostelry for thousands of Bostonians—and always in a manner that somehow combined Marine Corps discipline with the warmth of a colonial hearth.

In these somewhat trying days when so many things about our country are being questioned it is refreshing indeed to find a man who no one has ever questioned. War hero, warm friend, concerned citizen for the veteran—America and his friends can be proud of Herbie Schwartz.

GAO ENJOYS "RARE ESTEEM AS ACCURATE, OBJECTIVE, AND EFFECTIVE"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Post in an article on Sunday last commented favorably on the excellent work of the General Accounting Office as the fiscal watchdog of the Congress.

Certainly I concur in the view of the writer—Lucia Mouat—that GAO reports—

> Enjoy rare esteem as accurate, objective and effective.

I want to point out further that Elmer Staats, the able and genial Comptroller General of GAO, is highly regarded in Congress and the executive branch for his superb leadership of this great agency that has saved the American taxpayers millions of dollars.

Because of the interest of my colleagues and the American people in this most important work, I place in the RECORD herewith the article from the Washington Post.

The article follows:

CONGRESS GENERAL ACCOUNTING OFFICE BECOMES FISCAL FBI

(By Lucia Mouat)

After a half-century of near anonymity, the General Accounting Office—Congress' fiscal FBI—has begun to wield enormous influence on the performance of government agencies.

Last year the investigating auditing agency saved taxpayers $263 million. In more than 1,000 fact-finding reports, it exposed Executive Branch wrongdoings ranging from military cost overruns to unsanitary food processing.

Couched in discreet language and always accompanied by the criticized agency's own view of the facts and comments, these reports enjoy rare esteem as accurate, objective and effective.

Technically, GAO's enforcement power is almost nil. However, in a city where information is often tightly guarded, the agency's influence extends far beyond its legal powers.

Often fact-finding alone spurs reform. In the GAO's annual finger-pointing at hundreds of specific cases of wasted taxpayer dollars, one exposure to the spotlight is usually enough for an errant federal agency.

Among the many savings last year were more than $1 million when the Department of Defense switched to buying surplus American butter (rather than buying its European counterpart) and more than $131 million when the Army followed GAO's suggestion to reduce heavy-equipment purchases and instead repair equipment already on hand.

Over the years, GAO has slowly but steadily been extending the scope of its probes—all with Congress' approval.

Formally set up in 1921 to keep close watch over congressionally appropriated funds, GAO at first assumed a clerical preoccupation with whether or not agencies balanced their books and spent what they said they did for declared purposes.

Twenty-three years ago, Congress authorized the GAO to look beyond mere fiscal accountability to efficiency and, three years ago, to delve even deeper—into the sensitive area of program effectiveness.

This ever-broadening interpretation of auditing is implicit in the original legislation, in the view of Elmer B. Staats, GAO's comptroller general, and well within the bounds of at least the Latin definition of oversight—the word he prefers to use.

Strict fiscal accounting now takes 10 per cent of the 4,800-member staff's time. Establishment of internal audits in various federal agencies and departments (about half of them so far) has helped to lighten this load.

Also, as the prospect for more lump sums of federal money going directly to state and local governments grows, the GAO has been working with these governmental units to establish sound, uniform audit standards.

The comptroller general, a tall, red-haired Kansan who has a Ph.D. in public administration from the University of Minnesota and enjoys the independence of a 15-year presidential appointment (he is midway through), is openly eager to move the office into areas in which the GAO is "more uniquely equipped" to serve Congress and which are more "relevant" to the national legislature's needs.

He envisions the GAO's role not as that of a "think tank" for Congress, assessing national program priorities and advocating one solution over another, but rather as one pointing out areas of waste, inexpensive alternatives, and of assessing whether specific programs meet their legislative objectives.

At a time when the legislative branch has been rapidly losing ground in its tug of war with the executive branch, the scope and clout of the auditing agency's role as a congressional helpmate are considered crucial.

Accordingly, an effort is reviving on Capitol Hill to strengthen the GAO's legal muscle as a fiscal instigator. One such effort passed the Senate in 1969, but was never reported out by the House Government Operations Committee.

One of the GAO's major problems in collecting data for Congress is the stone wall of noncooperation it meets in some agencies.

Two of the biggest withholders of information are the Treasury (though Staats stresses that the situation is improving) and the Internal Revenue Service.

In the case of Treasury's refusal to provide the working papers behind the Lockheed transaction with the Emergency Loan Guarantee Board, congressional committee intervention secured the data, but as Staats says, "They (Treasury officials) still contend officially we have no legal right to it."

The crux of the difficulty here is that when the GAO has a difference of legal opinion with an executive-branch agency, the Justice Department in effect becomes the counsel for both sides. Almost invariably, according to GAO officials, the executive-branch version of the law gains the upper hand.

One current case in point involves GAO's relatively new job of gathering data on presidential campaign contributions and monitoring campaign media spending. Several times the GAO came across failures of finance Commitees for the Re-election of the President to report certain contributions. Although the Justice Department has, as a result, levied fines in a few instances, Staats repeatedly has called on the office of the attorney general to "take the initiative" in prosecuting more of the many alleged violations.

"How can you get separation of powers under such conditions?" asks Staats, "We think it's essential not to have to depend on the executive branch to say whether or not we can bring a case to court."

The GAO also seeks power to subpoena records of the many contractors who supply goods and services to the government. Although the law is quite clear that such records be provided, reluctant contractors often opt for delays to stave off the GAO. "They don't say 'no' but they don't say 'yes,'" says Paul Dembling, GAO's general counsel.

Bills introduced by Sens. Abraham A. Ribicoff (D-Conn) and Sam J. Ervin Jr. (D-N.C.) would provide the GAO both of these valuable legal tools.

In GAO's view, the mere possession would be a deterrent. As Dembling puts it, "Having a club in the closet could prove to be very useful."

The House, in which no such legislation has been introduced, is considered less likely to vote the GAO the new powers. However, as one GAO staff member says, "The House voted to cut off funds for the U.S. bombing of Cambodia this year—who knows what they'll do on the GAO?"

As GAO auditing functions have broadened at least in theory, so has the nature of the staff. In the last four years, more lawyers, engineers, sociologists and the like have been hired than accountants. In addition to a headquarters and 50 on-site audit offices in various governmental agencies in Washington, there are 15 field offices around the United States and four overseas. The GAO network operates on a $90-million a year budget.

About 70 per cent of the legislative agency's reports are self-initiated. Congressional requests from both individuals and committees have quadrupled in six years and now keep about 25 to 30 per cent of the staff fully occupied.

A few on Capitol Hill think the GAO is too friendly with the executive branch. "I don't think they're really digging as much dirt out as they should be," says one Republican committee aide.

And some who commend the non-partisan nature of GAO's reports criticize the politics involved in the follow-through, if any, by Congress. On the House Government Operations Committee in the mid-1960s, says Rep. Robert McClory (R-Ill.), the Democratic majority "deliberately sidestepped investigations of discrepancies and irregularities which might reflect on the (Democratic) administration."

The timing of GAO reports is a universal concern. Everyone would like to see them come out faster and be more closely timed to congressional appropriations and authorization decisions. With access delays a substantial factor, the average GAO report takes six to nine months before the agency's printing office (it has its own) puts out the final version.

However, as Staats points out, so-called "letter" reports, a few pages long, often can be issued within a week or two, and GAO staff members can always brief congressional committee members well before any GAO report is finished.

DRINAN SUPPORTS VETERANS' LEGISLATION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. DRINAN. Mr. Speaker, I was very happy to have the opportunity to testify before the Veterans' Affairs Committee last week when the Subcommittee on Pension and Compensation held hearings on the reductions in veterans' pensions as a result of the 20-percent increase in social security benefits enacted last year. Following are my remarks to the committee which I would like to share with my colleagues at this time:

STATEMENT OF CONGRESSMAN ROBERT F. DRINAN

Mr. Chairman:

I welcome this opportunity to stand before this Committee on behalf of the many veterans and their dependents within my Congressional District who have suffered a reduction in pension as a result of the 20 percent increase in Social Security benefits enacted last year.

We are all aware of the fact that some 1.2 million pensions were affected by this action. Since by law an increase in income becomes effective on the last day of the calendar year during which the increase occurs, veterans' pensioners did not experience this reduction which averaged out to between $9.00 and $14.00 per month, until January of this year. Needless to say, most of these pensioners were relying on these few extra dollars. Though this amount may not seem critical, we must keep in mind that 76 percent of the persons receiving veterans' pensions are also receiving Social Security pensions and that these persons rely on these two sources of income to meet the ever escalating cost of living. The majority of them are elderly and fall within a low income bracket.

In addition to our concern for these persons, we must be mindful of the fact that 21,000 persons were dropped from the pension rolls as a result of this increase in Social Security benefits. We must also realize that these are the effects that can be identified at this time and that there will be another category of individuals affected by this increase as of 1974—widows. Since the provision of H.R. 1, which allows a widow who files at age 65 or over to obtain 100 percent of her husband's benefits, did not become effective until May of this year, it will not be reflected in the reduction in veterans' pensions statistics until 1974. Many of these widows who have already sustained a reduction in their pensions by reason of the 20 percent increase in Social Security benefits will be subject to a further reduction in 1974, unless some action is taken to off-set these increases. I am confident that it is not necessary to impress upon this Committee the hardship that will be placed on this category of widows.

Foreseeing this repercussion of the Social Security increase, I joined last year in sponsoring legislation, H.R. 100, to amend the United States Code to make certain that recipients of veterans' pensions and compensation do not have such pension or compensation reduced because of increases in monthly Social Security benefits. This measure was again introduced in the 93rd Congress as H.R. 1492.

We are all familiar with Public Law 92–198, The "No-Loss" Pension Formula, which was signed into law in December 1971, to off-set the March 1971, 10 percent increase in Social Security benefits. This law created a new and more responsive formula for determining veterans' pensions by providing an average cost of living increase in pension of 6.5 percent and an increase of $300 in the income limitation to establish the current limits of $2,600 for a single pensioner and $3,800 for pensioners with dependents.

Yet, in spite of this action, the 20 percent increase in Social Security benefits affected the total aggregate income of pensioners in such a way that the formula of Public Law 92–198 was not expansive enough to off-set the increase.

This Committee has before it for consideration a number of measures to deal with this situation. I do not feel that Social Security benefits should be counted in computing veterans' pensions. They are both incomes which the recipient has earned for two different reasons. I empathize fully with the thousands of pensioners who feel that they have been cheated. What has been given to them by one hand of the government has been taken away by another. These people have worked for many years and have looked to this assistance, which they have earned, in their retirement.

I urge this Committee to move forward in responding to this problem. I remain hopeful that the 93rd Congress will not forget them and will act to restore their pensions.

FDA VITAMIN CURBS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. MOORHEAD of California. Mr. Speaker, on June 7, 1973, the Star-News of Pasadena, Calif. in my district published an editorial on legislation before the House on which I am a cosponsor. The legislation would amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements and I feel the editorial is well done and would be of interest and benefit to all citizens who come in contact with it.

As a cosponsor of this legislation, I urge that hearings be scheduled as soon as possible in the House Interstate and Foreign Commerce Committee and that the legislation be brought to the Congress where, hopefully, it will be enacted.

The text of the editorial is as follows:

FDA Vitamin Curbs

Another example of Big Brotherism—the federal government forcing its omniscient will upon the people of the land, ostensibly to protect them from themselves—is aborning in the sanctimonious halls of the Federal Food and Drug Administration.

Those vitamins and minerals you may have been taking for years as a supplement to your diet, if they happen to exceed what the FDA considers to be the recommended daily allowance, are about to be considered drugs, which would subject their sale to various restrictions, even the requirement of prescriptions.

The FDA proposes new definitions of "food" which would classify vitamins and minerals as "drugs" if the dosage is more than the recommended daily allowance. Also proposed are restrictions on the dissemination of information about vitamins and minerals: "No statement can be made that the storage, transportation, processing or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of diet."

Reasoning behind the proposed regulations is that somehow vitamins and minerals can be injurious to your health, even vitamin C.

Not only are the proposals of the FDA an infringement on the right of choice in the food a person eats, but they constitute usurpation of the legislative powers of Congress which has already recognized that vitamins, minerals and other food supplements are within the statutory definition of foods.

There is, perhaps, some justification for saying certain vitamins or minerals taken to great excess could be harmful to health, but chances of that happening are rare indeed and require no regulation. As a practical matter, the proposed regulations amount to the federal government telling the individual how much and what kinds of food he can eat.

Some 145 congressmen have joined in sponsoring legislation which would prevent the FDA from carrying out its proposals to regulate vitamins and minerals as drugs. The Star-News joins with them in opposition to this unwarranted invasion into the private lives of individuals. The FDA is justified in regulating matters which are injurious to the health. It is a far stretch of the imagination, however, to conclude that vitamins and minerals are injurious to the health. And if they might be, it is still the individual's choice.

The FDA is using the recommended daily allowance for a purpose for which it was never intended. There is no scientific basis for interfering with the constitutional right of the American consumer in exercising his freedom of choice in the food he eats. Neither the U.S. Pharmacopeia, the Homeopathic Pharmacopeia, nor the National Formulary define vitamins or minerals as drugs by reason of a percentage of U.S. recommended daily allowances.

A bill submitted by Congressman Tom Rees of California, H.R. 6044, defines vitamins and minerals specifically as food under food supplement categories and then mandates that a supplement has to be injurious to health before the FDA may place restrictions on it.

"They (the FDA) are putting restrictions on Vitamin C, for example," Rees said. "There is absolutely no proof at all that it's injurious to health. In fact, it's the other way."

Under FDA proposals, for instance, a 90 milligram tablet of Vitamin C would be classified as a vitamin, while a 100 milligram Vitamin C tablet would be defined as a drug. Similar restrictions are proposed down the line on vitamins and minerals. Adhering to this ruling, will a cup of fresh orange juice containing 120 mgs. of vitamin C (over 1½ times the recommended daily allowance for Vitamin C) be labeled as a drug?

The question is ridiculous, and so is the regulation. But that is the effect of the FDA's proposals.

Under its new proposal to restrict dissemination of information, the FDA would prohibit labels, for instance, which indicate that pure flour is unprocessed flour, or prohibit advertising which indicates that some food items are reinforced with vitamins because the processing has removed the food value from them.

The FDA has overstepped its bounds in its attempt to regulate vitamins. Congress must step forward and prevent this unwarranted usurpation of authority and invasion of privacy.

FARM FAMILY OF THE YEAR

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. STUBBLEFIELD. Mr. Speaker, as one who is proud to represent a congressional district referred to as a part of rural America, I am delighted to bring to the attention of the readers of the Congressional Record a farm family's achievements recognized by the Farmers Home Administration of Kentucky and making them eligible for the coveted award of Farm Family of the Year for Kentucky.

The Edward M. Ayer family of Calhoun, Ky., was awarded the outstanding Farm Family of the Year by the judges who considered the family's progress in financial matters, improvements of the farming operation, contributions to a better community, and generally doing the most with what it has—financial and human resources.

As a member of the House Agriculture Committee and one who has a great deal of respect for the family farm operation, I want to include for the readership of this daily Record the McLean County News article on the Edward M. Ayer family as it summarizes the excellent accomplishments of this dedicated farm family that I am privileged to have the benefit of representing here in the Congress:

Edward M. Ayer Family Selected by FHA as 1972 Farm Family of Year for Kentucky

The Edward M. Ayer family of Route 3, Calhoun, is the 1972 FHA Farm Family of the Year for Kentucky. The choice of the judges made from winners of the nine Kentucky districts was announced today by John H. Burris, State Director of the Farmers Home Administration.

The able panel of judges consisted of Barney Arnold, Farm Service Director of station WHAS, Louisville; Jack Crowner, Farm Service Director of WAVE, Louisville; and Don Davis, Public Information Director of Dairymen, Inc., Louisville.

The judges determined the family to be "outstanding" rather than using the concept of "best", "biggest," or "most successful." They considered the family's progress in financial matters, improvements of the farming operation, better living, contributions to a better community and doing the most with what it has—financial and human resources. This covered such things as appearance of the farm, quality of livestock, herds and crop production, efficiency, record keeping, net income, conservation practices, cooperation with agnecies, participation in community activities, and accomplishments of the children.

The Ayers operate a 589 acre swine, beef, and crop farm in McLean County, located seven miles northeast of Calhoun. Mr. Ayer, age 39, and his wife, Lula, have two children, Kathy, age 14, and Keith, 10, who are actively engaged in school activities, and the farm.

Both Mr. and Mrs. Ayer were born and reared in McLean County. Each graduated from Calhoun High School. Both had farm backgrounds, and farming has been their life work. In 1961, they obtained their first loan from the Farmers Home Administration. At that time they owned seven acres of land and had a one-third interest in 70 acres. They currently own 285 acres and rent an additional 339 acres. They operate the farm to produce corn, soybeans, tobacco, and forage crops. A swine herd of 55 sows is farrowed in a modern farrowing house, and currently eight pigs per litter is reared. A beef herd is well managed, and a good calf crop record is achieved.

Since obtaining supervised credit from FHA, Mr. Ayer has increased corn production from 75 to 130 bushels per acre. Soybeans have gone from 25 to 35 bushels an acre. Land and buildings have been constantly improved. Mr. Ayer firmly believes a farmer must continually use better farming practices if he is to achieve success. This theory is proven sound by the Ayers when a $100,000 net worth gain is shown for the period since 1961.

Mr. Ayer has made good use of other agricultural agencies. He makes use of current research, and adopts it to his program. Land is fertilized to need, and it is used according to its capabilities. Full use is made of lime and cover crops. Pastures are improved and clipped as needed. The Soil Conservation Service recognized Mr. Ayer in 1971 by awarding him a Master Conservation Certificate.

The Ayers are skilled in money management. They have a home food program which produces their vegetables, fruit, and meat. Productive resources have taken precedent over spending for luxury items. Careful record keeping and detailed financial and production records are maintained. Membership in the Ohio Valley Farm Analysis has assisted their program.

The Ayer family is also interested in their community. Mr. Ayer is a member of the Oak Grove Methodist Church where he serves on the Administrative Board and the Board of Trustees. He is a member of the Farm Bureau, Ohio Valley Farm Analysis Group, Vice-President of the McLean Planning and Zoning Board, and a director of Southern States Petroleum Board. Mrs. Ayer is a member of the same church and teaches the Junior High Class. She is active in local homemakers and 4-H Clubs.

Kathy, a high school freshman, is active in 4-H work and has won numerous ribbons for sewing, photography, cooking, floral arrangements, and modeling. She is a cheerleader at school. She serves as secretary of the Oak Grove Sunday School.

Keith, a fifth grader, is interested in sports, 4-H competition, and his church. His projects include tractor driving, a horse project, and beef calf production. He won the county beef calf ribbon at this year's fair.

Operating loans provided by FHA have been repaid in full. Land loans are ahead of schedule. FHA is proud to have provided capital to this family when they could not borrow from commercial sources at reasonable rates and terms. At present most lending institutions would gladly take their business. Their success to date is a tribute to their sound judgment, willingness to work, and strength of character. The family farm still has a great place in America when managed by a family like the Ayers.

LEGAL SERVICES CORPORATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, in recent weeks public attention has been directed considerably to the President's submission of a bill to create a Legal Services Corporation; and to the bill which will come before us for consideration as the means to continue legal services to the poor. Unfortunately, attention to the unrelated activities of the Office of Economic Opportunity has perhaps prevented many from considering the moderate and conservative position in support of a substitute program with strong safeguards and controls. Robert R. Stone, Jr., a local northern Virginia and District of Columbia attorney, has offered some well-reasoned comments on both past abuses of the legal services programs as officially documented, and some suggestions for guidelines he feels should be included if we are to have a good legal services program.

I call Mr. Stone's informative and well reasoned comments to the attention of our colleagues, in the hope they will be useful in determining the course of legal services for the future:

COMMENTS ON LEGAL SERVICES PROGRAMS

It is a pleasure as a private citizen to offer comments on the activities of the Office of Legal Services, and indirectly on proposed legislation to create a Legal Services Corporation.

Over the past several months it has been a distinct pleasure to serve on a consultant basis; as Special Counsel to the Acting Director of the Office of Legal Services (OLS), Mr. J. Laurence McCarthy; and his fine staff. It is from that vantage point, as well as from the viewpoint of a practicing attorney that observations are offered. Allow me to point out that preparation of this letter has been accomplished as a private citizen; and the remarks are intended to be the expression only of the undersigned. At the same time, it is useful to acknowledge discussions with the executive level OLS staff; with many fine attorneys who serve poverty level clients across the nation, and with past leadership of the Office of Legal Services, including two past Directors of that office.

The operating history as well as the legislative history of the legal services program is intertwined with the history of O.E.O.

The lack of controls which caused the many and well documented abuses in OEO, attached also to the programs of the Office of Legal Services.

In 1969 such deficiencies were documented in an official GAO report, dated August 7, 1969, "Effectiveness and Administration of the Legal Services Program, Title III, of the Economic Opportunity Act, 1964 (B–130515).

Attention is respectfully called to the following criticism by GAO:

"On the basis of our review of 34 annual evaluation reports, we (GAO) concluded that achievement of these objectives had been limited partly because OEO had neither clearly defined program objective and priorities nor provided the essential direction and guidance to program grantees on how to engage in activities directed toward law reform and economic development. Accordingly, we recommended to the Director of OEO that he more clearly define program objectives and priorities and instruct grantees on how to engage in these activities."

"OEO disagreed with our conclusion. It informed us in 1969 that it viewed its immediate objective as one of increasing its law reform and economic development activities without neglecting basic client services and that it had consciously refrained from issuing guidelines, monographs, and formal policy statements on priorities and methodologies because it believed that such determinations could not be made at that time on the basis of the program's limited experience" . . .

"We also recognize the difficulties inherent in establishing precise objectives and priorities for all Legal Services program grantees. We believe, however, that for Legal Services program grantees to adequately plan, program, and budget their resources to meet the major program goals, it is essential for program grantees to have clearly defined objectives and priorities and a plan for achieving these objectives."

In addition to the lack of controls, in a recent Report to the Congress; titled "The Legal Services Program—Accomplishments of and Problems Faced by its Grantees (B–130515); the GAO pointed to the difficulty (in) interpreting and analyzing the results (i.e., the achievements and problems of local services programs) because, quote "(1) grantees had not defined their objectives in operational terms, (2) grantee records were inadequate, and (3) the confidentiality of the attorney-client relationship precluded our review of certain grantee records.

"Adequate data was not available to determine the actual number and types of cases handled". The report continues:

"We believe that emphasis should be placed on developing better operational, managerial, and administrative techniques that will enable program grantees to better serve their intended beneficiaries and provide more reliable data on grantee accomplishments". (end of GAO quotes)

With this background, it is most important that the concept of legal services *not* be judged on the merits of its past history; or on the activities past or present of the Office of Economic Opportunity.

At the same time, it would appear that the need for reasonable guidelines, restrictions, and establishment of policy priorities are long overdue—if legal services are to be delivered efficiently and intelligently to eligible clients in the best tradition of the practicing Bar.

While *no* significant OEO/OLS response developed from criticisms of the loose operating structure and lack of controls over activity of local "grantees" (legal services projects) from 1969 until most recently; it can be stated that the most recent past Directors saw the need, and offered various suggested regulations, to OEO.

Currently, such earlier proposals, together with proposals prepared by attorneys on the staff; or consulting OLS have been offered as OEO "guidelines", or proposed regulations.

Without the necessity of concurring with each proposal it is suggested they offer a vast improvement over the "unfettered do your own thing" approach which often characterized the former operations of Legal Services.

Based upon discussions with a number of dedicated "poverty lawyers" the principle of this moderate client oriented direction is welcomed; as is an enlarged role for local Bar Associations.

Basically, the OLS proposed regulations offer restrictions which are imposed upon their fellow practicing attorneys by economic considerations.

In this connection, a recent ABA Journal article "English Legal Aid System at the Crossroads" by Michael Zander, a reader in law of the London School of Economics, offers a criteria for determining whether and how the legal aid (project) attorney should proceed to represent his client.

The article points out that legal aid in civil cases is granted or refused by the Law Society, the solicitors' professional body, acting through committees of private practitioners. (This is after the initial "means" or eligibility test is met.)

Then, the committee (of practicing lawyers) applies the case "merits" test.

To quote the ABA Journal article "The committees apply the merits test, which in civil cases is whether a solicitor would advise a reasonable client who had the means to spend his own money in pursuing or defending the proceedings."

It is suggested that such a test curtails many of the activities of over zealous or radical attorneys which are justified causes of criticism.

Hundreds of hours have been devoted by current OLS attorneys to the construction of regulations which mandate this "merit"-oriented reasonable man tests; with committees selected by local Bar Associations carrying heavy weight in policy matters and with one main goal in mind—quality legal representation of individually eligible clients.

If the controversy over O.E.O. has resulted in an unwillingness or incapacity to look at the independent actions of OLS, this is most unfortunate at a time when the merits of the concept of Legal Services are before the Congress.

Both the concept and the question of building in reasonable tests for policy and performance deserve careful attention. Passage of "bad" legislation offering little direction to attorneys delivering legal services would be unwise; and a great disservice to those who need help in this fight for equal justice. Conversely, condemning the concept of legal services without attention to the question of providing legal services to those who need and cannot afford such services could create untold problems.

Lacking unique wisdom to offer more specific advice on legislation, and moreover restrained by even the role of an OLS consultant, it is nevertheless offered that those who seek a legal services program within a framework which discourages abuse and encourages legal representation of the highest quality should now unite to ensure that legal services become an integral part of our judicial system.

A permanent and well considered mechanism once in operation will hold the best attorneys now in legal services and continue to attract able attorneys; and likewise eliminate those not primarily concerned with quality legal efforts. It will be an inspiration to all concerned for the poor and will add a new dimension to the fight for "equal justice for all."

While mindful of abuses, and sharing in many concerns that have been expressed, it would be fair to characterize this analysis as strongly supportive of ACTION designed to create a constructive means to lessen the economic barriers to adequate legal assistance.

Government cannot do it all, but neither can the private practicing Bar. I reach the conclusion, however reluctantly, that government has a role to play in helping the legal profession in meeting its responsibility to serve all citizens. In that spirit, I respectfully invite consideration of these comments, which I would be pleased to elaborate on more fully.

SECOND THOUGHTS ON WATERGATE

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. ZION. Mr. Speaker, the talented editor of the Vincennes Sun-Commercial has penned some relevant thoughts on Watergate and I believe he lends some proper perspective to this whole affair. I commend Mr. Brooks' remarks to my colleagues:

WATERGATE

(By William E. Brooks, Jr.)

The human element is beginning to play the part that should have been considered all along in what will be known as the Watergate scandal.

Too much of the early reporting and commentary was about abstract ideals and lofty principles, generally those which should be followed by someone else. Statements which now are open to doubt were accepted as engraved verities. The good, the pure, the noble and the virtuous were invited to draw up a bill of particulars against the evil, the impure, the ignoble and the devious. The American people were treated to reams of what purported to be revealed truth.

Then, one day, other voices were heard. The chief witness against the Nixon White House staff was invited by his former attorney to join in a lie detector test. Curiously, the chief witness has said neither Yes, No nor Maybe. The hired gun was a familiar and less than reputable figure in the Old West. The hired bug may be part of the new Washington.

There has been a lot of talk about the failure of President Nixon to open his doors to newsmen who work on the big scene. What has not been asked in terms of human relations is a simple question: "Why should he?"

The reporters and editors who made a career of criticizing, ridiculing and opposing the man who now sits in the White House want more than they are willing to give themselves. The two major newspapers which opposed President Nixon's election have carried the burden of the Watergate story.

The thrust of their effort has been to prove that the American people were wrong when they re-elected the President. If anyone wishes to discuss human arrogance, a learned debated might begin on the mental inflexibility of newsmen who refuse to believe the election returns of November, 1972.

If a small group of reporters and editors are unable to grasp that fundamental fact of the democratic process, why should Mr. Nixon throw open the doors of his office, smile, and wave them inside for advice and counsel? What they have advised is that the election is a fraud, that the President either should quit or be impeached, or that the entire government be thrown away for some vague leadership not provided for by law, nor approved by vote of the people.

Then there is the all-the-world's-a-plot theory.

As it has been outlined, vaguely, it seems that a shadowy group of powerful men picked out George McGovern as the easiest Democrat for President Nixon to beat. Whereupon, they began doing dirt to other, better Democrats to make certain that McGovern got the nomination. This was successful that President Nixon was elected by a landside, whereas he might have been elected by only a cave-in against some other candidate.

Somewhere in the hereafter, Joe McCarthy must be slapping his leg and throwing his hat on the floor. This plot to outdo McCarthyism at its worse is seriously discussed in what are said to be liberal, intellectual, enlightened, and progressive circles of our land.

Did the White House gang also pick out Tom Eagleton? Did someone fake the voices of McGovern and Mankiewicz when Eagleton got that famous and much delayed call from above? How silly can the whole business become?

I don't know the whole story nor any of the answers about Watergate.

I do know it involves human beings, not philosopher-kings nor voices crying in the wilderness. It makes me much more comfortable to be convinced that the discussion involves human judgment, frailty and error. That's the kind of conversation I can get into on a basis of personal experience.

TRADE BILL

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. DENT. Mr. Speaker, last week, I had the privilege of appearing before the House Ways and Means Committee to present my views on the proposed trade bill, as well as to address myself to the additional issues of imports that displace American workers; trade adjustment assistance, and U.S. and foreign multinationals. I would like to insert my remarks for the information of my colleagues:

TESTIMONY OF HON. JOHN H. DENT, 21ST DISTRICT, PENNSYLVANIA, BEFORE THE COMMITTEE ON THE WAYS AND MEANS, HON. WILBUR MILLS, CHAIRMAN, JUNE 14, 1973

Mr. Chairman and Members of this Committee:

I appreciate very much the opportunity to be able to present to you today some views that I have on the matter of international trade and the proposal for new legislation, now before this Committee, made by the President of the United States.

This testimony is in opposition to the Administration proposal on trade and tariff as presented.

Mr. Chairman and Members of this Committee, I came to the U.S. Congress, sixteen years ago, an avowed free trader. In my early days in Congress, I came upon a report put by the Committee chaired by the Honorable Thomas Steed, entitled the "Impact of Imports on American Employment and Unemployment". After reading the report, I was amazed to find that my long belief in free trade was shaken to the roots. On my own, I made a list of all of the witnesses who appeared before the Steed Committee. Five years later, I requested and was given an *Ad Hoc* committee assignment and I was made Chairman of the same title committee. That particular committee is currently under the jurisdiction of the General Labor Subcommittee, which I am privileged to chair. From 1963 thru the present year, my committee has traveled to the four corners of the world, has put hundreds of pages of reports and testimonies on record; has made on sight inspections both inside and outside the United States. It is thus with considerable study that I present this testimony.

I hope to be able to summarize briefly some of the matters that I think are of the gravest importance. I believe that it is very necessary, with regard to the kind of leglisation, to discuss imports that displace American workers; trade adjustment assistance and U.S. and Foreign multinationals.

It is well known to the Members of the Committee that I opposed the enactment of the 1962 Trade Act, and I think the current bill is the same wolf in sheep's clothing I said then, and I think history has proven me to be right, that, with the passage of the 1962 Act, this nation would find itself in a more serious position in ten years than it had ever been, with the exception of the Great Depression. That time has come—ten years later—in spite of all the built in props that Congress has seen fit to put into the economy—Social Security, unemployment compensation, government spending programs, aid to education, and similar programs. In spite of these well intentioned efforts, we in the Congress have not addressed ourselves to the one blow that could wreak havoc upon this economy of ours.

I take a very narrow view, my critics say, because I lay the great portion of the blame for our present condition on antiquated, outmoded, and outdated international policies. For some unknown reason, men and women, intelligent toward every other kind of a problem that we face, seem to have a blank mind when it comes to considering the real dangers and the grave impact of excessive imports on the American economy. The great danger to the production facilities themselves is that they are being closed down and phased out. The loss of jobs deprives Americans of an opportunity to earn a living in the kind of work that they would like to do and have been doing for years. George Ball conjectured that this nation should dispense with the so called "unsophisticated" industry. Well, we phased out those "unsophisticated" industries, throwing the baby out with the bath, and destroyed hundreds of thousands of American jobs, for that great number of Americans who need that type of work the most, and in whose numbers are high percentages of unemployment. In my humble opinion, this nation cannot survive on distribution and consumption. We must have first and primary production of goods and services.

There is a large group in America, or at least a group speaking as though they were representing a large group, that has admitted satisfaction in seeing this country become a service oriented economy. You will note that this same group also stresses very heavily that we must correspondingly become a greater agricultural exporting nation. It is all very well, except for the fact that economic history, not only of this country, but for other countries, dictates that an agriculture economy cannot satisfy the needs of great nations and their peoples. In fact, we were the first to stand out and start a foreign aid program with the avowed purpose of developing countries that depended on agricultural output. It was our ultimate goal in establishing their self-reliance to provide an industrial base; to help these countries become independent of other nations by making them capable of manufacturing, mining, and producing. We have helped many nations become self-reliant and become exporting nations.

At the same time we have allowed ourselves to become a nation of raw materials, agricultural products, and finances to feed the industrial might of other nations. The result of such actions is reflected not only by the unemployment in the industrial sector, but in the great national debt that we have created both here and abroad. The nation has allowed itself to be logically mesmerized into a situation where it honestly believes that it can survive without production. What kind of logic can dance to a swan song? To wit: the so called energy crisis. We have *allowed* our oil supply to become scarce; we have not fully researched the many uses of coal. The current situation is a Sunday school picnic compared to what will come in the very near futre, particularly if the oil producing nations suddenly decide to put a high dollar price on a barrel of oil. And which of us wants to guarantee that will not happen? Yet, who of us is determined to deal with that problem with foresight?

Despite the optimism of the President's recent Economic Report (Jan., 1972), domestic employment as it relates to U.S. trade remains a problem. First, recent import increases are largely in those industries which are labor-intensive from the standpoint of skill levels and man-hours (e.g., footwear, electronics assembly, various consumer goods . . .). Second, the continuing shift toward service-producing industries in the U.S. economy aggravates this situation. And third, U.S. imports are increasingly originating from the Far East where labor costs are significantly lower than elsewhere. These disruptions in the employment patterns have, to a large degree, been brought about by changes in both the volume and composition of U.S. imports. These changes have displaced domestic resources faster than the nation has been able to transfer these resources elsewhere. Excess production capacity has complicated the resource transfer.

On June 28, 1962, four different sources of support for the Kennedy Round Trade Agreements made their respective predictions regarding the number of jobs that would be created under that particular Agreement. These predictions were made by the following in my own Committee, the Ways and Means Committee, and the joint Economic Committee.

1. The Department of Labor predicted an additional 3,000,000 jobs.

2. Secretary of Labor Goldberg forecast 4,000,000 additional jobs.

3. Secretary of Commerce Hodges predicted the number would be nearer 6,000,000.

4. And the Importers Council hoped for a wopping 12,000,000. At the same time, Mr. Charles Percy, then of Bell and Howell, now a U.S. Senator, speculated that an additional 15,000 positions would be created. Unfortunately, none of these speculations bore fruit.

At that time in 1962, there was a total of 16,800,000 persons engaged in manufacturing, with a payroll of $90 billion a year, and with a total population of 160,000,000 people. Today, with a total population of 208,000,000 there are 14,127,000 persons employed in the manufacturing sector. I point this out because, in spite of all their predictions, there has been a loss of jobs in the manufacturing sector, in the face of a production consumption increase of 50–60%. According to a report prepared by Stanley Ruttenburg for the IUD, between 1966 and 1969, U.S. foreign trade produced the equivalent of a new loss of half a million American jobs.

Among the most severely hit domestic industries are those manufacturing consumer products.

Imported products sold in the U.S. now account for 37 percent of all TV sets; 63 percent of all phonographs; 92 percent of radios; 96 percent of tape recorders; 15 percent of steel products; 20 percent of textiles; 53 percent of shoes.

The advance in electronic imports is startling. In just two years, between 1968 and 1970, the U.S. annual production of television receivers declined by 2,350,000 and radios by 6,000,000. In the same span, imports of TV sets increased by 1,790,000 units. Radio imports jumped by four million.

Imported parts and components, as well as finished products, are replacing U.S. production in many industries.

From these figures, it is not hard to figure out where the work is going—and who is losing it.

But this tells only a part of the story. Other domestic industries and their workers are also being hit hard by the rising tide of imports.

Non-rubber footwear: Imports in 1960 amounted to 26.5 million pairs. In 1971, imports rose to 268.6 million pairs.

Hardwood plywood: Imports in 1950 came to 58 million square feet—about 7% of the U.S. total. By 1971, hardwood plywood imports had risen to 5.03 *billion* square feet—about 71% of the U.S. total.

Toys and games: Imports increased from 568 million in 1960 to 1,032 million in 1969 and almost 100% increase.

Auto: Imports amounted to 21,000 in 1950; 444,000 in 1960; and 2,600,000 in 1971.

Pottery and china: Imports increased from 2 million dozen in 1947 to 34 million dozen in 1970—a 1,600% increase!

These examples of skyrocketing import totals show why the United States is now in a trade deficit situation. That deficit would be worse—much worse—if it were not for the fact that we have an export surplus in some of our domestic products to help offset the overall gain in import totals.

Jobs go down the drain by the thousands. Once thriving communities now lie in despair, the men and women out of work, the tax base shattered. The imports have taken over. We are talking about Monessen, Pa. (steel); Brockton, Mass. (shoes); Utica, N.Y. (radios); New Bedford, Mass. (textiles); Elmira, N.Y. (typewriters); Memphis, Tenn. (televisions); and on and on and on.

The electrical manufacturing industry has been particularly hard hit. The 1972 Convention of the International Union of Electrical, Radio and Machine Workers heard these situation reports:

In early 1970, the Standard Kolman Plant in Oshkosh, Wisconsin, closed down, laying off the last of 1,100 workers. The jobs went to Mexico.

On July 1, 1970, Emerson's Jersey City, N.J. plant closed down. There were 1,000 people working there then, but several thousand worked there in years past. The work went to Taiwan.

On July 1, 1970, Sessions Clock, Forestville, Conn., shut its doors, Fifty people were made unemployed. The work went to Japan.

On September 1, 1971, Bendix closed its York, Pa. plant. Six hundred IUE employees worked there, making electrical equipment for the Navy. Now, Mexican workers supply our Navy at wages of 42c an hour.

On October 1, 1971, Warwick Electronics in Zion, Illinois, closed down. It had once employed 1,600 people. The work went to Mexico and Japan.

On November 1, 1971, RCA shut down a Cincinnati plant, laying off the last of a workforce which had once numbered over 2,000. The semi-conductors and transistors once made in this plant are now being made in Belgium and Taiwan, among other locations.

In February, 1972, McGraw-Edison ended production at its Voicewriter Division in West Orange, N.J. Some 700 people lost their jobs.

The message is the same, Mr. Chairman, in industry after industry, as unions in their working jurisdictions report on what is happening.

In the steel industry, imports of raw steel rose from 10.3% of U.S. consumption in 1965 to over 18% in 1971. It is estimated that this rise in imports means U.S. steelworkers have lost 75,300 job opportunities during the six-year period.

In the rubber industry, imported tires cost 8,900 job opportunities in 1970 and 10,000 in 1971.

In the electronics industry, imports of home-use electronic products (radios, TVs, tape recorders, etc.) resulted in 32,800 jobs lost between 1966 and 1971. In electronic components, the job loss was 84,200 over the same period. This represented a total drop of 117,000 U.S. production workers or a 27% decline in employment in the industry.

In the footwear industry, shoe industry employment in the U.S. dropped by 18,700 workers.

The President has posed to us in this Body a partial solution—trade adjustment assistance. I would like to respectfully suggest that the American people want JOBS—not assistance, and while Trade Adjustment Assistance is imperative, it in no way directly addresses the problem of imports. It merely serves to mend the harm done by them. I am talking about jobs that Americans *need!* One estimate shows 900,000 work opportunities lost because of imports into the U.S. That surely calls for more than Trade Adjustment Assistance! This Administration's inclusion of Trade Adjustment Assitance in it bill is, of course, a long overdue recognition that imports *do* indeed adversely affect jobs. I repeat—and I do not at all intend to minimize the importance of trade adjustment assistance—American workers would prefer jobs to assistance any day of the week!

Since it has finally been recognized that imports adversely affect the labor market, it is imperative to provide for a better way of adjusting our manufacturing system. Any adjustment must be done with the welfare of the worker and firm in mind—in a way that mitigates the injury to both. Adjustment assistance should pay for itself, in part, since the U.S. economy would be made more competitive, through the enhancement of the skills of the work force.

It is essential to improve current standards of trade adjustment assistance and to further liberalize the standards of award. It is incredible that between 1962 and December 1969, *not one* worker petition was approved by the commission. In the four years between December 1969 and May 1973, after the regulations were "liberalized", 35,000 workers were covered. In light of these fairly conservative awards, it would seem that liberalizing the trade adjustment assistance standards would be an integral part of any Trade package. Such is not the case in the current Administration proposal. It is to say the least—retrogressive. The Administration bill is the only one I know that proposes to decrease worker benefits, both in *level* and *duration*—a proposal that is in direct conflict with the general purpose of trade adjustment assistance—that being, to provide those workers, who lose jobs so that the larger majority may benefit from freer trade, a reasonable level of compensation.

The proposed bill places new and increased demands on already seriously inadequate state unemployment compensation programs, which are not required to meet any minimum federal qualification or duration standards. It was these very state inadequacies that resulted in the enactment of federal standards for Trade Adjustment Assistance in the 1962 Act.

One cannot discuss the loss of jobs in America without discussing, at the same time, the recent and dynamic growth of the multi-national corporation, the modernized version of the "runaway plant." For example:

—If a multinational does not like a U.S. minimum wage of $1.60 an hour, it may simply close its plant and move across the border to Mexico and pay workers 16 cents an hour.

—If a multinational does not like our National Labor Relations Act, it may remove its facilities to some land where unions are either non-existant or legally disapproved.

—If a multinational does not like America's Fair Employment Practices Laws, it may set up shop in South Africa.

—If a multinational does not like America's long overdue concern for the environment, it may move and pollute some other country's natural resources.

—If a multinational does not like U.S. taxes, it may structure its accounts to show little profits here while recording huge gains in other countries with little or no corporate taxes.

—If a multinational does not like our safety codes, our Social Security, our child labor laws, or our unemployment compensation, it may move and avoid all social costs.

American-based multinationals, by moving to another part of the world, shun the laws of this country, just as they shun the flag of this nation—a flag they refuse to carry on the high seas. American flag ships carried only 4.7 percent of our country's oceanborne foreign trade in 1970. While U.S. multinationals had a runaway flag fleet large enough to be the world's fifth biggest maritime power, the fleets of these non-Americans are more than four million deadweight tons larger than the American flag fleet.

While U.S. based multinational operations blanket the world with nearly 12,000 overseas operations, they are most heavily concentrated in the industrialized, well-developed and prosperous nations—1,255 in Canada, 923 in the United Kingdom, and 559 in Japan. Direct overseas investment involves the transfer of capital, technology, and management expertise from this country to some other country. But more important, these overseas operations represent an international trade-off, in which the average American citizen gets the worst of the bargain.

It is a trade of American jobs for jobs in France, Australia, South Africa, the Far East, and anywhere in the world.

It is a trade of revenue dollars for the U.S. Treasury for unrepatriated and untaxed dollars.

It is a trade of exports and a healthy balance-of-trade deficit.

It is a trade of balance-of-payments surplus and a sound American dollar for a balance-of-payment deficit and a dollar that is still shaky despite devaluation.

It is trade of the skills and livelihood of American workers for the stock dividends of a privileged few.

In the past ten years, major American corporations have focused less on exports than on building plants and producing goods overseas. Between 1960 and 1970, for example, the value of American investment abroad has risen from $32 billion to $78 billion, and almost 3,600 American companies now have at least one plant overseas. According to AFL-CIO Research Director Nat Goldfinger, "Fully 25 percent of all U.S. trade today consists not of transactions between a U.S. company and foreign nationals, but transfers between divisions of these multinationals—with the type of goods and their prices determined by the company's internal needs and tax considerations, rather than by the dictates of international competition."

The U.S. Department of Commerce's Studies on U.S. Foreign Investment lists the following as motives for investing abroad:

A need to get behind tariff walls to safeguard a company's export markets.

Greater efficiency and responsiveness by producing in the local market as compared with exporting to it.

The possibility of lower production costs which make it cheaper to produce components abroad.

The fear that competitors going abroad may capture a lucrative foreign market or may, by acquiring cheaper sources of supply, threaten the domestic market position of the company.

The need to diversify product lines to avoid fluctuations in earnings.

A desire to assist licensees abroad who may need capital to expand operations.

A desire to avoid home country regulations, e.g., anti-trust laws in the U.S.

Mr. Chairman and Members of this Committee, it is imperative that we in this Body address ourselves to this problem—before it becomes totally unmanageable. We are talking about companies without countries. It is imperative to establish a trade policy that deals with the realities of today—not the realities of yesterday. It is imperative to do so for the worker, for our economy, for our stability as a nation, and for our very freedom as a democracy.

Thank you.

TIME TO BREAK THE PLOWSHARE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, the Plowshare program's development of nuclear stimulation techniques of freeing natural gas locked in tight, deep, formations in the Rocky Mountain west has proceeded far enough. This technology, while demonstrating relative technical success in test wells, remains highly questionable for use in full field production.

Any consideration of the Plowshare program must be taken in the context of its objective, developing a technique of nuclear stimulation for application in full field production. The Lawrence Livermore Laboratory projects the stimulation by nuclear devices of 5,680 wells[1] with three to four devices of 100 kiloton in each[2] in order to recover 300 trillion cubic feet of natural gas. That is 17,000 to 22,000 100-kiloton devices over a 35-year period. While preliminary test wells have subdued some concern by successful detonations and increased gas production, we must consider those questionable aspects of nuclear stimulation in the context of these full field figures compounding increased probability for serious consequences.

Concern continues over possible contamination of ground water. Water did enter the Gasbuggy cavity in New Mexico through a cementing port in the emplacement well casing. There remains the possibility that water could enter cavities in succeeding wells through defects in the casing or from other sources. The half lives of strontium-90 and cesium-137, 28 and 30 years respectively,[3] mean that they will remain of possible danger beyond the life expectancy of the casings. We are assured that if these nuclides are dissolved, only minor movement will result before decay.[4] There remains, however, the possibility of high salinity content water, under intense depth pressures, leaking into the cavities, dissolving these nuclides, and then moving out from the cavity through created fractures.[5] The movement of such contaminated water, its possible eventual association with other groundwaters contributing to river flow and water supply for human consumption, agricultural and industrial use, remains an item of serious concern.

The U.S. Geological Survey in a 1972 study on Rio Blanco and field development of the Piceance Basin, reported its concern over water damage through the mixing of low quality aquifers with good ground water from fracturing of the Mahogany Zone in the Piceance Basin.[6] While spalling apparently did not have such effects at the Rio Blanco test shot on May 17, numerous such shots through full field development amplify cause for such concern.

The same USGS study concludes that full field development would be incompatible with concurrent underground mining of oil shale.[7] The Green River formation contains an estimated 1.8 trillion barrels of crude oil shale. Tracts which are considered the most economically recoverable contain an estimated 54 billion barrels.[8] This is a serious trade-off of energy sources. A substantial increase in cost of extraction, reduction in the amounts extractable, and questionable advisability of extraction given the magnitude and number of nuclear blasts with possible resulting spall affects, formation fracturing, and associated radioactivity below, all give reason for concern.

Dr. Edward Fleming of the Division of Applied Technology stated in a speech before the Gas Men's Roundtable of Washington that 100,000 barrels of tritiated water will be produced by each well.[9] Extended to full field production, we are thinking in terms of 568,000,000 barrels of water that must be disposed of in such a way as to insure its containment until decay has rendered the tritium harmless. Three main proposals have been set forth for disposal, to inject it into deep wells, to inject it into the cavity from which it came, or into cavities created for disposal purposes. The USGS in its Rangely study, near Rangely, Colo., has effectively shown the relationship between ground movement and the injection of large quantities of water into lower formations. These studies demonstrate that the injection of water can cause slippage along existing faults. If such large quantities of water are to be induced into wells, or into cavities with their extending fractures, there indeed appears to be cause for concern and for further investigations of possible effects.

Plutonium may be used in future stimulation devices, however, if uranium is used, the quantities required for full field production would detract considerably from our reactor program. There is already a need for an acceleration of exploration and extraction of uranium to continue development of nuclear power at the pace required to meet our power needs. Any diversion of uranium to nuclear stimulation should receive thorough examination.

I am by no means opposed to extraction of this natural gas. We should go after it—but not by nuclear stimulation. If natural gas had been allowed to reach a more realistic price earlier, and if Plowshare hadn't offered its expecta-

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Footnotes at end of article.

tions of nuclear stimulation, private industry might be further along in developing conventional techniques. Likewise, the Bureau of Mines has requested and desires massive funding for development of hydrofracturing techniques applicable in these tight formations. It is working with chemical explosives and studying existing geological fracture systems. Yet, its efforts along these lines have been limited to $437,000 in fiscal year 1973.

Conventional methods would induce propping agents into created fractures to hold them open under the great depth pressures. Conventional methods produce no radioactivity in the gas or loss of quality in initial gas. The numerous concerns which I have mentioned, as well as others, would not be a part of conventional, nonnuclear, recovery of these gases.

We have witnessed the third test of nuclear stimulation of trapped natural gas. Yet, to date, there has been no usable gas marketed from any of these wells. The technology seeks permeability, but produces only a glazed chimney with closing fractures.

I contend that that portion of the $4.6 million proposed for funding of nuclear stimulation under the Plowshare program, somewhat less than $3.8 million, should be stricken and used for higher priorities in the AEC's reactor development efforts. Given the serious concerns and doubts surrounding Plowshare, with the flurry of activity to meet our Nation's energy needs, is Plowshare worth $3.8 million which could be put to effective use elsewhere?

FOOTNOTES

[1] "AEC Comments on Statement of Opposition to Project Rio Blanco by David M. Evans," April 27, 1973, p. 1.

[2] B. Rubin, L. Schwartz, and D. Montan, "An Analysis of Gas Stimulation Using Nuclear Explosives," Lawrence Livermore Laboratory, Rept. UCRL—51226, May 15, 1972, p. 20.

[3] Harris B. Levy, "On Evaluating the Hazards of Groundwater Contamination by Radioactivity from an underground Nuclear Explosion," Lawrence Livermore Laboratory, Rept. UCRL—51278, September 18, 1972, p. 9.

[4] "AEC Comments on Statement of Opposition to Project Rio Blanco by David M. Evans," April 27, 1973, p. 5.

[5] David M. Evans, "Statement before the Subcommittee on Public Lands of the Senate Interior Committee," May 11, 1973, p. 3 of statement.

[6] "Study Group Report Project Rio Blanco," United States Department of the Interior Geological Survey, September 1972, p. 32.

[7] Ibid, p. 4.

[8] *Guide to National Petroleum Council Report on United States Energy Outlook*, Presentation made to national Petroleum Council, December 11, 1972, p. 20.

[9] Dr. Edward H. Fleming, Jr., "Another Gas Supply Alternative," Speech before the Gas Men's Roundtable of Washington, March 6, 1973, p. 6.

FEDERAL HOUSING PROJECTS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. PREYER. Mr. Speaker, in the May 15, 1973, issue of the Christian Science Monitor there is an article concerning the efforts of the housing authority in Greensboro, N.C., to improve the total environment of Federal housing projects. The Greensboro Housing Authority is one of only 13 housing authorities in the Nation funded for a research effort to find ways to improve housing management. Of these 13 authorities Greensboro is the only authority experimenting in the area of innovative furniture components for the residents of public housing. If the research in this area proves successful, Greensboro's accomplishment could literally affect limited-income housing throughout the country.

As Mr. William C. Gordon, executive director of the Greensboro Housing Authority, notes in the Monitor article, public housing in the United States has too often failed because "not enough attention has been paid to helping public housing residents adapt to their new environment." I would like to commend the Greensboro Housing Authority for turning their attention to improving the total environment of public housing residents and would like to share with my colleagues the Christian Science Monitor article which follows:

DESIGNER FURNITURE FOR PUBLIC HOUSING

(By Conrad Paysour)

GREENSBORO, N.C.—Milo Baughman is to furniture design what the name Christian Dior is to women's fashions. They are both involvements with glamour and elegance, far removed from the world of the ghetto.

So it's a little more than surprising to find Milo Baughman working with former residents of the ghettos, which is exactly what he's doing in Greensboro.

Mr. Baughman, who lives in Utah, is a consultant to the Greensboro Housing Authority, the agency that administers federal public housing in Greensboro.

He is helping to design furniture to meet the special needs of public-housing residents, many of whom were former slum tenants.

Mr. Baughman's work with the Greensboro Housing Authority is a labor of love. He has spent many hours in the city, without a fee, and the consultant fee he will get in the future will be nominal.

"TOTAL ENVIRONMENT"

"I've long been interested in this matter of 'total environment,'" he said during a visit to Greensboro. He once tried to establish an organization in New York to do some of the things he will do for the Greensboro Housing Authority.

As everybody knows, public housing in the United States has too often failed to accomplish what it is designed to do.

William C. Gordon, executive director of the Greensboro Housing Authority, attributes some of the failures to the fact that not enough attention has been paid to helping public-housing residents adapt to their new environment.

Mr. Gordon noted that when many people move into public housing projects, from the slums, they bring their old and battered furniture with them.

"We have also noticed that many of our clients go heavily into debt buying new furniture for their new apartments," he added. "The new furniture is often of low quality, and the people often pay high interest rates for credit."

Mr. Baughman cited an example of how furniture can play a big part in the attitude of public housing residents. He said a group of Harvard students once conducted a survey of residents of high-rise public housing apartment buildings to see what they thought of their new homes.

"Surprisingly, many of the people said they would have preferred fewer windows," Mr. Baughman said. The reason they wanted fewer windows was that they were ashamed for their neighbors to be able to look in and see their furniture.

FIVE STYLES PLANNED

Mr. Baughman's work with the Greensboro Housing Authority is a part of a contract that the housing authority has with the United States Department of Housing and Urban Affairs (HUD). HUD is interested in finding new ways to solve public-housing problems.

If the furniture project is successful, HUD could use the Greensboro study as a pilot for public housing throughout the U.S.

Mr. Baughman said the furniture he and others will design will not be a simply "government issue" furniture.

"We feel that residents should have a choice in selecting their furniture," he declared. To prepare for the design project, residents of public-housing projects in Greensboro were interviewed to see what kind of furniture they liked.

As a result, five basic furniture styles were chosen for the Greensboro experiment: early American, Mediterranean, provincial, contemporary, and modern.

The goal is to come up with furniture that will be stylish but sturdy, economical but practical.

SPECIAL PROBLEMS FOUND

Mr. Baughman mentioned some of the special problems in designing furniture to meet the needs of public-housing residents.

For example, elderly residents of public-housing need one type of furniture, whereas low-income younger families need another type. Furniture for the elderly has to be easy to move, and chairs have to be made differently than chairs made for younger people.

Among other things, Mr. Baughman is designing funiture that has replaceable parts, so that people don't have to replace a whole piece of furniture when only part is damaged.

"The arms of sofas can be replaced so that you can buy a new arm just as you can buy a new fender for your Volkswagen," said Mr. Baughman.

SUPPORT SOUGHT

He is busily getting support from furniture manufacturing companies.

The residents of public housing will pay for their own furniture. A special fund is being set up so that people can buy the furniture on the installment plan. When a person makes a payment on his furniture, that portion of his payment immediately becomes available for another public housing resident to borrow against.

Mr. Baughman says that furniture manufacturers might be able to use techniques they pick up in the project for mass-producing furniture for sale to the general public.

And Greensboro Housing Authority executive director Gordon says that if the idea catches on, the public housing market could, in itself, be profitable for furniture manufacturers. "The potential is really tremendous," he declared. "The potential is for up to 400,000 new units of subsidized housing a year."

VOTE TO TERMINATE TUNG NUT PROGRAM IS MILESTONE IN FARM LEGISLATION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. FINDLEY. Mr. Speaker, yesterday, when the House approved by unanimous consent my bill, H.R. 2303, to terminate the mandatory price support program for tung nuts, an important milestone was reached in farm legislation.

It had been 25 years since the House approved the termination of any of the price support programs that were approved during the 1930's and 1940's. In short, until yesterday, we have treated these programs as if they were sacred and above careful reconsideration.

Each year, we had appropriated funds for their continuance without subjecting them to a close scrutiny to determine if they were still needed or if they were doing the job they were designed to do.

But the House action yesterday clearly indicates that now we are willing to terminate programs that have outlived their usefulness.

The tung nut program has cost American taxpayers over $12 million during the last 24 years while encouraging production of a commodity that no longer has a substantial domestic market.

Yesterday we recognized that conditions have changed and that this once useful program has become an unnecessary burden to the taxpayer.

Many taxpayers may not even know what tung nuts are, much less that we have for years been appropriating their dollars to subsidize production.

Tung nuts grow on trees in moderate climates. In the United States production is limited to the Gulf Coast States. Tung nuts yield an oil that at one time was popular as a drying agent in paints, lacquers, and varnishes. Before the development of synthetic substitutes, tung oil was an important commodity.

Prior to World War II, the United States was a net importer, largely from China. When Pearl Harbor cut off incoming supplies, tung oil was officially declared a strategic commodity for defense purposes. All available supplies were controlled for use by the military. Although there is a 5-year lag between planting and oil production, tung output in the United States was greatly expanded during this period.

Immediately after the war, an average of 100 million pounds of tung flowed into the United States from China each year, at prices well below American production costs.

As a result, the still expanding United States tung industry appealed to Congress for a mandatory support program. In 1949, Congress granted this request.

All products from Communist China were embargoed in 1950, stopping the heavy flow of tung oil. With supplies available only from South America and United States producers, the support program worked reasonably well.

Since 1959, rising production costs, coupled with a succession of freeze damage and hurricane disaster years, have almost destroyed the tung industry in the United States. Most of the tung groves still in existence are well past their prime. The owners must now decide whether or not to replant the groves. If we continue this program, we will encourage them to do so—at the taxpayers' expense.

In addition, the chemical industry has developed substitutes that have reduced the U.S. market for tung from over 100 million pounds annually to less than 30 million pounds.

The world price for tung oil currently hovers between 12 and 15 cents a pound. The Commodity Credit Corporation, is supporting tung oil at 27.6 cents per pound, which is 65 percent of parity, the lowest level permitted by the 1949 legislation.

As has been the case for the past several years, the Commodity Credit Corporation, assumes ownership of the entire crop by paying the producers the loan rate. Because the producers cannot get even half the loan rate in the market, they keep the loan and give up ownership.

As the Commodity Credit Corporation disposes of this supply of tung oil, it is unable to recover even half the costs, a considerable loss to taxpayers.

Since 1949, the tung nut support program has cost the taxpayers over $12 million.

Clearly, now is the time to terminate this program.

The House action was a major step in that direction. Not only have we taken action to save taxpayers a substantial amount of money, we have shown that we can move decisively and end programs that are no longer needed. This makes our action yesterday somewhat of an historic occasion.

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. HANSEN of Idaho. Mr. Speaker, on May 23, 1973, Deputy Assistant Secretary of State for Educational and Cultural Affairs Alan A. Reich, addressed the General Assembly of International Sports Federations, emphasizing the importance of furthering international understanding. In his remarks in Oklahoma City, Mr. Reich stressed the potential impact of international sports on "people-to-people diplomacy."

I am inserting the speech, "Sports—Gateway to International Understanding" in the RECORD as another example of Mr. Reich's ongoing efforts to bring about total communication among the peoples of the world.

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

We all have two important interests in common—sports, and furthering international understanding. You represent thirty-seven different sports played in all nations of the world by many millions of people. You personify mankind's continuing commitment to sports. Throughout history—from the Egyptians to the Romans to the Greeks to the Celts to present day—sports have ennobled man's existence. But not until the modern Olympic era began in 1896 have sports, as one kind of cross-cultural, transnational interaction and commmunication, become a significant force for international understanding.

I shall discuss the rationale for this informal communication (I call it people-to-people diplomacy); the interest of the U.S. Department of State in the activity; and our work, in cooperation with the private sector, in furthering international understanding through sports. In my closing, I shall acquaint you with twelve suggestions I offer to U.S. sports groups, when they request them, for contributing toward this goal.

PEOPLE-TO-PEOPLE DIPLOMACY

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better today than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

While technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has gone public. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people interchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research scholars such as Dr. Herbert Kelman at Harvard University are developing a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur. They contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures. These predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationlist lines.

ROLE OF STATE DEPARTMENT IN INTERNATIONAL EXCHANGE

When you think of the State Department's conduct of our international affairs, people-to-people diplomacy and exchange-of-persons program may not come immediately to mind. It is, nonetheless, a significant Department activity carried out with 126 nations of the world. The Bureau of Educational and Cultural Affairs works constantly to improve the climate for diplomacy and international cooperation.

To fulfill the aims of the Mutual Educational and Cultural Exchange Act of 1961, Department-sponsored programs are designed to strengthen patterns of cross-cultural communication in ways which will favorably influence the environment within which U.S. foreign policy is carried out and help build the intellectual and human foundations of the structure of peace.

More specifically, these programs aim to increase mutual understanding and cooperation between the American and other peoples by enlarging the circle of those able to serve as influential interpreters between this and other nations, by strengthening the institutions through which people abroad are informed about the United States, and by improving channels for the exchange of ideas and information.

The exciting, challenging job of the Bureau of Educational and Cultural Affairs is to use its resources to reinforce the work of American individuals and organizations who want to help construct the foundation of better relationships with the rest of the world.

It also coordinates, as necessary, the activities of other government agencies with international exchange programs in such fields as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come to the State Department from private business, I have gained great appreciation for what is being done at an investment of $45 million annually. There are several major elements in the Department's exchange program:

Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States. The international visitor program brings to this country about 1,500 foreign leaders and potential leaders annually for short orientation tours. Each year we send abroad several leading performing arts groups and athletic stars. For example, in the past two years, Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; and Kareem Jabbar and Oscar Robertson of the Milwaukee Bucks visited Africa. (The visit of the U.S. table-tennis team to the People's Republic of China was, of course, totally a private effort.) We also send some 150 U.S. lecturers abroad annually for short lecture tours.

These programs depend on the cooperation of thousands of private individuals and organizations whose response has been outstanding. The Department works closely with a number of organizations that assist in carrying out these activities.

The National Council for Community Services to International Visitors (COSERV) is a network of 80 voluntary organizations in the United States, which enlists some 100,000 Americans to provide hospitality and orientation for international visitors.

The National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities.

The Institute of International Education and several private programing agencies help carry out the Fulbright and international visitor programs.

PRIVATELY SPONSORED EXCHANGES

We in the Department of State are aware our programs represent only a portion of the total private-public participation of Americans in exchanges aimed at furthering international mutual understanding. Service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world.

More than 40 national sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad. Several youth organizations conduct international exchanges with nearly 5,000 American and foreign teenage participants each year.

Numerous foundations, businesses, and institutions throughout America facilitate the private studies of many of the nearly 150,000 foreign students who come to the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad.

The People-to-People Federation and its committees actively promote and carry out meaningful exchanges; +30 American cities are linked through the Sister City Program with communities in 63 countries of the world.

What may not be quite so apparent yet is the quite logical social and political fall-out of these countless millions of contacts between people and organizations of various nations. Such contacts become ongoing human and institutional interactions. In turn, these interactions develop into the dynamic and largely spontaneous growth of thousands upon thousands of linkages—between towns and cities, clubs and organizations, professional societies, universities and cultural institutions, sports enthusiasts and businesses, government ministries, labor unions, and individuals—all over the world. These linkages in turn become webs of more and more complex relationships. As a result physical, psychological, cultural, and economic interdependence, become an indisputable overarching reality.

But we have not as yet arrived at the millennium. Swords cannot yet be beaten into plowshares. For the foreseeable future there will be much work for my diplomatic colleagues in their customary stocks-in-trade of crisis management, conflict settlement and trade negotiation. But hopefully constructive, cooperative and complementary linkages and webs will become commonplace at every level of society and between every level—and among institutions public and private as well as within each such sector.

At that point there should be less of the traditional political and more of the new functional emphasis in our foreign offices.

As the recent annual Foreign Policy Report of the President stated, "These trends are not a panacea but they are contributing to the climate of international understanding in which governments can pursue the adjustment of official relationships. They also afford the individual citizen meaningful ways to help build the structure of peace which is America's goal."

SPORTS FURTHER INTERNATIONAL UNDERSTANDING

So much for informal, international communication in general; what about sports, in particular? In this decade we have witnessed some of the most significant international sports events in history; some have made history. I should like to comment on the ways in which sports, as a universal language, can further international understanding. (I recognize of course the nature of the contribution of sports varies greatly depending on the countries involved, their relationships, and the particular sport.)

Sports open doors to societies and individuals and pave the way for expanded contact—cultural, economic, and political. The recent table-tennis exchanges with the People's Republic of China are an outstanding example in which U.S. athletes have been involved.

Sports provide an example of friendly competition and give-and-take two-way interchange which hopefully characterizes and dignifies other types of relationships between nations in this era of growing interdependence.

Sports convey on a person-to-person basis and through the media to the broader public a commonness of interest shared with other peoples across political boundaries. This awareness and emphasis can carry over to and influence other kinds of international relations.

Sports enhance understanding of another nation's values and culture, so important but often absent in many forms of international communication. These qualities include determination and self-sacrifice, individual effort as well as teamwork, wholesomeness, empathy, good sportsmanship, and a sense of fair play. Sports thus help to improve perceptions of other peoples and to close the gap between myth and reality.

Organizing and administering international sports are the basis for ongoing, serious communication and cooperation across ideological and political barriers. This is demonstrated here. In this work, sports associations, as nongovernmental groups, are symbols of the freedom of peoples to organize themselves, to travel and communicate across national boundaries, and to work together to carry forward freely their own interests. They further the ideals of freedom.

Your respective sports associations help develop leadership which is needed especially by the developing nations as they struggle to reduce the gap between the have and have-not peoples of the world.

I could illustrate each of these values of international sports with many examples, as I am sure you could. We could cite cases in which negative results were realized. But on balance, the many thousands of ongoing interactions in sports annually are a tremendous force for good in the world. For all these reasons, the U.S. State Department has a serious commitment to international sports.

THE ROLE OF U.S. DEPARTMENT OF STATE IN SPORTS

Since sports in the United States is a nongovernmental activity, the State Department's role reflects this basic concept in international sports. Our interest is in furthering international mutual understanding and communication through sports. As part of the official U.S. cultural relations program, our sports office in the Department carries out, in cooperation with the cultural officers in our embassies, a small, but excellent, and we hope catalytic, program. It includes sending overseas each year 10–20 coaches on request of other nations.

We also send a small number of outstanding athletes abroad to conduct demonstrations and clinics. We are planning to send abroad on request a few carefully selected groups of coaches and athletes to teach the organization and administration of sports. We bring several sports administrators annually to the U.S. for orientation tours as recommended by our embassies. We occasionally arrange to "pick up" a US group participating in a sports event abroad and send them on a goodwill tour into additional countries. Last month, for example, the Coca Cola Company sponsored an AAU international swimming meet in London; we sent four small teams of U.S. participants after London into Eastern Europe and North Africa.

We also make a few small seed money grants each year to help selected organizations raise private funds to carry out their programs more effectively. Reflecting our interest in two-way interchange, we recently assisted the Partners of the Americas to send a group of basketball coaches to Latin America and bring soccer coaches to the United States.

In addition to these programs, we facilitate private efforts, when possible, by providing briefings in the United States or abroad, by offering suggestions for cooperative programming, by assisting with communications, or by furnishing guidance on international affairs. Our Consulate General in Munich provided considerable planning assistance to the U.S. Olympic Committee over a period of months in response to their request.

There are thousands of privately-sponsored international sports activities annually involving trips to and from the United States of athletes, coaches, and administrators. It is in our national interest—in the U.S. taxpayers' interest—to help ensure that these activities do in fact contribute, to the maximum extent possible, to better international mutual understanding. We assist while at the same time seeking to preserve and encourage the private sector initiative vigor, and dynamism which are America's strength. Therefore, our facilitative role in helping U.S. sports organizations carry on their own international programs effectively is our most important one. As the focal point for all these activities, our sports office has a big job to do.

I frequently have been asked by leaders of private U.S. sports organizations what more they might do, beyond what they already are doing, to further international understanding. You might be interested in 12 suggestions I offer to them for their consideration and action:

1. Help strengthen the Olympic movement, including the Olympic development program.
2. Strengthen the ties which bind us with other peoples by actively participating in international sports associations.
3. Increase exchanges both to and from the United States of leaders in sports.
4. Increase the exchange of sports films, journals, and other printed materials.
5. Develop cooperative programming with other private organizations such as People-to-People Sports Committee, Partners of the Americas, Operation Cross-Roads Africa, Sister Cities International, youth, and community service organizations.
6. Seek greater public visibility through the media to expose the maximum number of people here and abroad to the international goodwill generated.
7. Help ensure U.S. participants in international sports interchange gain advance understanding of important cultural differences and political realities.
8. Seek facilitative and financial assistance of U.S. companies operating internationally, since they have an interest in carrying out public service activities abroad as they do in the United States.
9. Develop and carry out international sports events in support of disaster relief, which also serves to dramatize the humanity of sports.
10. Encourage and publicize the participation of international federation representatives at sports events to dramatize the universality of sports and its contribution to international understanding.
11. Assist other nations as requested in building their counterpart sports organizations to ensure ongoing interchange.
12. Provide home hospitality, in cooperation with community organizations, for international sports visitors to the United States.

While we carry out a few programs and facilitate many more, our most important consideration, as a government, lies not in winning but rather in increasing understanding as a basis for cooperation. From the standpoint of the U.S. Department of State, one of the most important sports exchanges in recent years was the visit of the table-tennis team to the People's Republic of China. It didn't matter who won; it did matter that it opened the way for greatly increased two-way communication. In many less spectacular instances sports interchange, whether we have won or lost has contributed greatly over the years to our common objective of furthering international mutual understanding.

It is an honor to welcome officially to the United States this group of distinguished leaders from around the world for your first conference in our country. Together with you, I am grateful to the General Assembly of International Sports Federations, the International Softball Federation, the Amateur Softball Association of the United States, and the dedicated citizens of Oklahoma City for making possible this important meeting.

Thank you for your continuing efforts to further the ideals of sports worldwide and in the process for helping to build the human foundations for the structure of peace.

Thank you.

ENLISTED AIDE PROGRAM: A HOBSON'S CHOICE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mrs. SCHROEDER. Mr. Speaker, on April 18, 1973, Senator Proxmire, with the aid of the General Accounting Office, exposed another example of the wasteful and largely unwarranted practices which seem to abound in the military establishment. The GAO reported to Senator Proxmire that approximately 22 million tax dollars are presently expended each year on a program which provides 970 high ranking officers with personal aides.

What is alarming is that in many instances these "aides" perform duties wholly unrelated to any bona fide military activity. Specifically, personal "aides" are frequently called upon to clean house, run personal errands, serve family meals, and perform other duties generally reserved for private domestic help.

One of the bolder apologists for the enlisted aide program, Col. James T. Moore of the Army's Enlisted Aide School, was paraphrased in a recent article in the Baltimore Sun as saying that many of the officers involved could be earning substantially higher salaries in nonmilitary occupations and that those who are proposing to do away with the program ought to give some thought to paying generals $150,000 a year.

But Colonel Moore is not the only one who views the program as a means of compensating the 970 officers presently enjoying the services of enlisted aides. The Internal Revenue Service has recently reported to me that officers utilizing enlisted aides in an unauthorized manner may be in receipt of taxable income. Since such unauthorized usage is widespread according to the GAO report, a large number of officers may now find themselves in a dilemma. If they report such services as income, they simultaneously admit breaking military regulations. If they fail to report such income, they may be violating Federal income tax laws.

I am including for the Record a copy of the letter I received from the Internal Revenue Service and a copy of a letter I recently sent to Secretary-designate Schlesinger.

Internal Revenue Service,
Washington, D.C., June 8, 1973.

Hon. Patricia Schroeder,
Denver Federal Building,
Denver, Colo.

Dear Mrs. Schroeder: This is in further reply to your letter of May 17, 1973, to then Commissioner Walters, regarding the enlisted aide program of the Armed Forces and the Federal income tax consequences to officers who are provided aides. Specifically, you request that we consider whether the value of services performed by enlisted aides for officers could be construed as comprising taxable income to the recipients of such services. You ask that our consideration not be limited to the circumstances under which the services performed are authorized by statute, but also include the situation where the officer utilizes the aide for purposes outside the scope of the statute.

Your letter refers to a recent report of the General Accounting Office (B-177516, "Enlisted Aide Program Of The Military Services," April 18, 1973) that examines various aspects of the enlisted aide program. The GAO report states that enlisted aides are assigned to senior officers holding command-type positions and that, as of December, 1972, aides were assigned to 860 of the 1,317 admirals and generals and to 110 Navy captains.

The GAO report also points out that aides are assigned to relieve officers of minor details that could be performed by the officers only at the expense of their primary military and official duties. Although the exact duties that may properly be assigned to enlisted aides are not delineated by statute, the Department of Defense Directive extracted in appendix VII to the report provides, in pertinent summary, that the duties of enlisted aides must be concerned with tasks relating to the military and official responsibilities of the officers and must further the accomplishment of a necessary military purpose. The directive also prohibits the assignment of duties that contribute only to the personal benefit of officers and that have no reasonable connection with official responsibilities.

Under section 61(a) of the Internal Revenue Code of 1954 gross income means all income from whatever source derived, including compensation for services.

Section 1.61-2(d)(1) of the Income Tax Regulations provides, in part, that if services are paid for other than in money, the fair market value of the property or services taken in payment must be included in income.

Generally, in order to conclude that the value of a service provided by an employer to an employee is includible in the latter's gross income under section 61(a) of the Code, the service must be provided primarily to compensate the employee. If the service is provided primarily for the benefit of the employer in his trade or business, the value of the service would not be includible in the employee's gross income.

It appears from the information contained in the GAO report that the purpose of the enlisted aide program is to promote the efficient performance of the official duties and responsibilities of the officers concerned. It further appears that if an officer utilizes an enlisted aide in the manner prescribed in the Department of Defense Directive referred to in the report, the services of the aide primarily benefit the officer in his official capacity and, necessarily, the branch of the Armed Forces of which the officer is a member. On this basis it is our view that the value of such services would not be includible in the officer's gross income.

In a situation where an enlisted aide is utilized in an unauthorized manner, the officer may be in receipt of taxable income. Such a determination is essentially factual and could properly be made only on a case-by-case basis after analysis of all the relevant facts and circumstances involved.

We regret the delay in replying to your letter and hope that it has not inconvenienced you.

Sincerely yours,

LESTER W. UTTER,
Chief, Individual Income Tax Branch.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 18, 1973.

Hon. JAMES R. SCHLESINGER,
Secretary Designate, Department of Defense,
The Pentagon, Washington, D.C.

DEAR SECRETARY: Enclosed is a copy of the Internal Revenue Service's response to my inquiry concerning the Federal income tax consequences of the enlisted aide program.

The IRS determined that an officer who utilizes an enlisted aide in a manner not authorized by DOD Directive 1315.9 may be in receipt of taxable income. In other words, if an officer uses an enlisted aide to accomplish a private purpose rather than a military purpose, such services may be considered taxable income which the officer would be obligated to report on his income tax return.

Since the General Accounting Office Report to Congress, "Enlisted Aide Program Of The Military Services" (B-177516), did indicate abuses in the $21.7 million program, I believe you should upon assuming office issue a directive warning officers of their potential tax liability for the unauthorized use of military servants.

If an officer, however, feels obligated to report the services of his or her enlisted aide as taxable income the officer would, at the same time, be in violation of DOD Directive 1315.9 which prohibits the use of enlisted aides for personal purposes.

Such a Hobson's choice can be avoided, and the public saved $21.7 million, by junking the whole military servant program.

With kind regards.

Sincerely,

PATRICIA SCHROEDER,
Member of Congress.

IS CONSCIENCE "INOPERATIVE"?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Ms. ABZUG. Mr. Speaker, there is an interesting dichotomy between the concept of conscience discussed at the Watergate hearings and that applied to discussions of amnesty.

Janet Neuman of Washington, D.C., has raised most pertinent questions in a letter printed in today's Washington Post which I insert in the RECORD at this point:

REAL QUESTIONS

The following dramatic dialogue between Sen. Howard Baker and Herbert L. Porter at the Senate Watergate Hearings on June 7th raises some very basic questions.

Senator Baker, after chastising Mr. Porter for taking part in the "dirty tricks" against his better juudgment, said: ". . . I really expect that the greatest disservice that a man could do to a President of the United States would be to abdicate his conscience."

Is it, in fact, a possibility for a citizen to follow the dictates of his own conscience or is he committed to the law of the land, or orders emanating from the President, who is also the Commander in Chief of the Army and Navy? And if Senator Baker's admonition is valid, what about the war resisters and the CO's who abided by that philosophy and who are now paying dearly for having done so?

Is there one set of rules? Or do the rules change according to circumstances?

These are not hypothetical questions. They are real, and these questions, as much as others not being explored, need a clear and definite answer—and a fair one.

JANET N. NEUMAN.

WASHINGTON.

DAYTON DAILY NEWS PROPOSES FEDERAL OVERSIGHT OF PROFESSIONAL SPORTS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. WHALEN. Mr. Speaker, the Dayton Daily News, a daily newspaper in my congressional district, has concluded a lengthy series on the operations of the Emprise-Sportservice conglomerate.

The informaton developed by the News in this enterprising journalistic undertaking points to what might be restrainedly termed "unholy alliances" in the world of professional sports. In addition, in its June 13 editorial, the News concluded that the problems illuminated by reporters Gene Goltz and Jay Smith probably could not be corrected by actions on the part of individual States. The News said:

> It is probably necessary that professional sports be brought under federal protection in an agency specifically developed for their regulation and security.
>
> There is serious reason to fear that organized crime is playing private games with the public's games.

Mr. Speaker, I believe that the data assembled by the Dayton Daily News are significant and worthy of the attention of the Members of the House and the other body. Fortunately, the News has been sending Members complimentary copies of the issues of the paper containing the stories and any who might not have seen them may obtain copies from the newspaper upon request, I am sure.

For the purpose of the RECORD, however, I would like to insert at this point one article from the June 12 issue of the News and the editorial on the series which appeared on June 13:

PROTECT PROFESSIONAL SPORT WITH FEDERAL REGULATION

The Daily News series about the Emprise-Sportservice conglomerate has charted some of the potent dangers that can result from the association of a seemingly aboveboard business with the figures and resources of organized crime. And the series has revealed, too, the pitiful naivete and incapacity of state agencies to cope with the potential challenges—indeed, their inability even to recognize the challenges.

Technically just a company that contracts to huckster hot dogs and drinks at stadiums and racetracks, Emprise-Sportservice in fact is deeply involved in the financing and operations of professional sports in this country. Behind the entering wedge of loans to money-troubled teams and facilities, the company has forced its way to the ownership and control of team franchises and arenas.

That might be shrugged off as merely sharp practice—perhaps even charitable interest, when a failing sport effort is propped up—were it not for Emprise-Sportservice's long, frequent and intimate dealings with men who are known to law enforcement agencies as members of the Mafia and of other crime syndicates.

In such a situation, professional sports could be made vulnerable to use and manipulation by organized crime.

Emprise-Sportservice has been directly involved in the operation, for example, of racetracks that are now known to have been owned at least in part by Mafia figures. Nor does the involvement end at the boundaries of the sports fields or the doors of the rooms where receipts are counted. The company is reported to have made large contributions to politicians who, in some states, were in a position to aid the firm with grants of racing permits and favorable dates.

Ohio, also, is a classic example of the inability of most states. The juxtaposition of Empire-Sportservice operations and of hoodlum involvement in Ohio sports goes back into the 1930s. The company has been intimate in the operations of several racetracks in this state since then. It further has held state licenses to sell beer and liquor at its installations.

The best that can be said of the Ohio Racing Commission and the Ohio Department of Liquor Control is that they have been massively indifferent to the situation. Many states acted quickly to force Emprise Sportservice operations into trust management when the company was convicted in a federal court in 1971 of conspiring to hide the real ownership, by Mafia figures, of a Las Vegas casino.

Incredibly, the State of Ohio has not yet acted. Ohio remains one of few states where the company has not drawn a second glance from agencies charged with protecting the public interest. Other states at least managed to act when knowledge virtually was forced on them by the company's conviction and by testimony last year at hearings of the U.S. House Select Committee on Crime.

It is doubtful that the obvious challenges to professional sports and to the public's interest in them could be handled successfully state by state, even if the states were to beef up—as they should in any case—their enforcement agencies. It is probably necessary that professional sports be brought under federal protection in an agency specifically developed for their regulation and scrutiny.

There is serious reason to fear that organized crime is playing private games with the public's games.

UNBRIDLED POWER, MONEY FORM PORTRAIT OF FIRM

(By Gene Goltz and Jay Smith)

Emprise Corps., its chief subsidiary, Sportservice Corp., and their nation-wide complex of subsidiaries and affiliates form a conglomerate colossus with a gigantic invisible web of influence in American sports, business and politics.

On the surface, the conglomerate appears merely to be the world's largest operator of food and drink concessions at sports events.

But its widespread power in the fabric of American life, is also based on a shadowy network of unregulated money-lending activities, loan shark tactics, financial manipulations, business alliances with organized crime figures, political payoffs, and violations of law from one end of the United States to the other.

Several conclusions about Emprise-Sportservice's activities emerged from The Daily News' 10-month investigation on which the series of articles that concludes today has been based. These include:

A lot of money has passed between Emprise-Sportservice and organized crime. The conglomerate has a well-documented history of dealings and business alliances with underworld figures, including loans that helped crime figures take control of racetracks. One law enforcement official says Emprise-Sportservice is part of organized crime operations in America.

A lot of money has passed from Emprise-Sportservice to public officials in many states. Top officials of the conglomerate have admitted making numerous political contributions to protect their interests. In many cases, law enforcement officials have accused the conglomerate of bribery and promoting conflicts of interest among public officials.

Emprise-Sportservice is extremely powerful in the sports world. It controls large segments of horse racing in America and may well be the most dominant influence. It also has tremendous clout in professional sports, especially baseball, basketball and hockey—through loans, financial manipulations and its extensive concession operations that often get special benefits because of lending activities.

Emprise-Sportservice is also very powerful in court. The conglomerate shares no expense in hiring the best legal and financial talent it can find to fight its many court battles and represent its corporate interests.

Emprise-Sportservice may be the first documented example of links between big business and organized crime elements, as well as between sports and the underworld.

Emprise-Sportservice, as a key method in its operations and influence, engages in money-lending operations that bear similarities to loan sharking and which, despite the big business scale and antitrust aspects involved, are not subject to governmental laws or regulation the way conventional lending institutions are.

Despite all this, there are no audit controls or other checks on concession sales figures to guard against illegal skimming at publicly owned sports stadiums, arenas and other facilities where Emprise-Sportservice operates concessions under contracts with governmental bodies.

Also despite all this, federal, state and local governments have done very little about it, or even much to learn about the conglomerate's operations, except for the racing commissions and liquor departments in a few states and the Metropolitan Crime Commission of New Orleans, and almost no effort has been made to coordinate various investigations. Professional sports has done almost nothing.

Only once in its 58-year history has any part of the concession empire been convicted of a criminal act. That was on Apr. 26, 1972, when Emprise Corp. was found guilty in a Los Angeles federal court of conspiracy to conceal the ownership of a Las Vegas gambling casino.

Three Mafia figures—two from Detroit and one from St. Louis—were also convicted in the same case.

Since this was a felony conviction and many states prohibit convicted felons from holding racing permits or the liquor licenses which concessionaires need for their operations, it posed the threat of potential disaster for the conglomerate.

Some states began or stepped up their investigations because of the conviction and a few forced Emprise-Sportservice to put their interests in trust until the conglomerate's appeal of the conviction is resolved.

Immediately after the conviction announcements came from the world of professional sports that investigations of Emprise-Sportservice would be undertaken.

The commissioners of major league baseball and the National Basketball association were among those who announced investigations. Sports Illustrated magazine said the announcements came "after conspicuous hestitation."

What has resulted from these investigations?

Not much.

Security chiefs of the four major professional sports associations for baseball, football, basketball and hockey were contacted recently by The Daily News.

All conceded they have not been pursuing in-depth investigations. They said, however, that they were keeping abreast of developments from other investigations by government agencies and newspapers.

NBA Commissioner Walter Kennedy had previously written letters to the Arizona and Arkansas racing commissions vouching for the character of the Jacobs family, the owners of Emprise-Sportservice.

Now Kennedy faced the problem of what to do about the Jacobs family's ownership of the Kansas City-Omaha Kings, formerly the Cincinnati Royals basketball team.

If the conviction of Emprise Corp. on the conspiracy charge were to be upheld on appeal, it would not look good.

Kennedy handled the problem by saying he would wait until Emprise exhausted its appeals before considering any action on their ownership of the Kings.

Then, on May 29, 1973, the sale of the Kings to a Kansas City group was announced. Kennedy's problem was eliminated.

He never did disclose what his investigation had uncovered.

Emprise Sportservice also has removed some of the racing permit and liquor license problems with some corporate shuffling.

In Arizona and Louisiana the conglomerate transferred its holdings to a new corporation called Sportsystems Corp. or its subsidiaries.

This new company also is owned by the Jacobs family, but the name-changing appears to create legal barriers to action against the concessionaire on the basis of that Las Vegas casino conviction even if upheld on appeal.

Sportsystems Corp. is not guilty of anything, and in fact did not exist at the time of the conviction. In most states it cannot be held accountable for previous actions by Emprise, Sportservice or any subsidiary.

In Louisiana, liquor and beer permits held by Emprise-Sportservice and its subsidiaries were revoked. But Emprise-Sportservice challenged the action in court. Before the matter was decided, the permits were transferred to Louisiana Sportsystems Corp. in the conglomerate's continuing practice of corporate maneuvering and manipulation that confounds and frustrates authorities.

"The same reasoning used in revoking the permits could not be used with this new company," said Robert L. Roshto, attorney for the commissioner on Alcoholic Beverage Control in Louisiana.

"Emprise's name is eradicated from the ownership," Roshto explained. "Emprise, of course, was the entity that was convicted of the felony."

By such laws and such reasoning, the concession colossus has been able to slip away from trouble whenever any of its operations have run afoul of the law.

New York State, however, has a law under which new companies are responsible for the actions of predecessor firms. Federal authorities used this law to keep Emprise from slipping out of the Las Vegas casino case.

The original indictment was dismissed on the ground that the alleged illegal acts were committed by an "old" Emprise Corp., which had by then been replaced by a "new" Emprise Corp., even though the same Jacobs family owned both. But the government then secured a new indictment of the "new" Emprise based on that New York law.

Authorities of some states are trying to keep up with developments and new revelations about Emprise-Sportservice.

The Louisiana attorney general's office decided last week to send an investigator to Dayton to check out the documentation behind The Daily News' series on Emprise-Sportservice where non-confidential material is involved.

Charles Blackmar, a St. Louis University law professor who has been appointed trustee by the state to oversee Emprise-Sportservice holdings in Missouri, has requested complete information on The Daily News ininvestigation and series.

In a letter to The Daily News Blackmar wrote, "The purpose of my office is to report to the (state liquor control) supervisor as to the fitness of these corporations to hold beer and liquor licenses in the state of Missouri."

In contrast to other states, the Ohio attorney general's office has expressed no interest in Emprise-Sportservice.

Meanwhile, some public agencies and investigators have been studying ways to achieve tighter control over the world of sports.

Aaron Kohn, who was an FBI man for 17 years before becoming director of the Metropolitan Crime Commission of New Orleans, does not believe local or state governments are equipped to adequately regulate sporting events across the country and the concessions that accompany them.

Kohn told the U.S. House Select Committee on Crime last year that he favors some federal supervision.

"I believe it is possible for the states, including Louisiana, to do a better job if the people demand a better job, and are watchful enough of governmental processes," Kohn testified.

"But I also believe that the organized crime problem in every one of its aspects, including the impact on sports, is now at such proportions that the checks and balances value of federal, state and local involvement is needed in order to deal with its scope."

Kohn said he believes that professional sports groups cannot effectively police themselves. They have effective fact-finding staffs, he said, but their self-interest stands in the way of effective action.

"Athough efforts are being made for self-regulation within some of the sports groups, I am convinced that the money managers of sports are more concerned with maintaining a good image than they are in protecting a character and integrity.

Kohn said there were some exceptions, but they were "inadequate and spotty."

"The security personnel of the National Football League are apparently effective fact-finders," Kohn said.

"But team owners, and the administrators whom they employ, do not make decisions consistent with the facts, in the public interest.

"State racing commissions, empowered to keep the sport clean, too often fail to do so."

Kohn said the powers of Congress are needed to regulate those who make a business of sports.

"Federal restrictions should be extended also to concessionaires and others providing services for, or engaged in contracts with, sports enterprises.

"The vast nature of Emprise Corp.'s national financial manipulations, with its pattern of deception, clearly indicates that localized controls are inadequate.

"Food and beverage concessions handle a substantial part of the money spent at sporting events. The concession business is all cash. The concessionaire, Emprise-Sportservice for example, can make arbitrary reports of income, if so inclined.

"Opportunities for tax cheating are great. Only completely reliable and ethical management can be depended upon to not abuse such opportunities."

Kohn recommended three corrective measures:

1) A federal data pool, which would collect information from all local and federal agencies and make it available to law enforcement and sports-security agencies everywhere.

2) A federal law requiring licensing of nearly everyone financially involved in professional sports. This would include owners, trainers and jockeys in horse racing, and owners, managers, coaches and trainers in football, baseball, basketball and other sports. About the only persons Kohn excluded were the players. He would also license concessionaires and owners and operators of sports stadiums.

3) Liberalization of the United States Code to enable federal prosecution of anyone who moves across state lines to carry out corrupt schemes.

The House Select Committee on Crime incorporated Kohn's suggestions in a final report that is to be released by June 30, when the committee is phased out of existence.

The committee, which conducted hearings last year on the influence of organized crime in sports, added several other recommendations.

Among these are the appointment of a federal commissioner of racing, a National Racing commission to set down racing rules, and a federal Track Security office to conduct investigations.

The committee will also recommend to the states with pari-mutuel racing that they adopt strong conflict-of-interest statutes. The committee would make it a crime for racing officials and political figures to "make a gift, contribution, enter into a contract or give anything of value to each other."

The adoption of such a statute would hit directly at Emprise-Sportservice, whose officers have admitted giving money and gifts to numerous governors, legislators and other public figures.

When the recommendations of the crime committee will ever be made into law is conjectural. The record centers in Washington and state capitals are filled with copies of reports containing innumerable recommendations, and all they are doing is gathering dust.

Aaron Kohn: "I believe it is possible for the states, including Louisiana, to do a better job if the people demand a better job and are watchful enough of governmental processes."

DOCTORS CRITICIZE FDA ON COMBINATION DRUGS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. CRANE. Mr. Speaker, recently, the Food and Drug Administration has taken steps to remove fixed combination medicines from the market. It has based its actions upon amendments passed by the Congress in 1962 requiring it to determine the existence of substantial evidence of effectiveness of all drugs marketed between 1938 and 1962, as well as those approved since the amendments were adopted.

Needless to say, all of us are concerned with making certain that drugs which are marketed are both safe and effective. There seems to be significant evidence, however, leading to the conclusion that combination drugs are not only safe and effective but, in addition, are far less expensive.

In a statement presented to the FDA, the Congress of County Medical Societies pointed out the following illustration:

> A six month old baby, under the care of a local health department, had been prescribed four different medicines, separately packaged, each with a prescribed dosage of one-half teaspoonful every four hours. As parents, as well as physicians, we know how difficult it is to get this much medicine into a child orally. Today, all four medicines are available in a single combination, greatly increasing the chance that the baby will, in fact, receive all of the prescribed medicine. What's more the fixed combination product can be purchased for $1.75, compared to $6.00 total cost for the four separate medicines.

A major area of disagreement between the FDA and practicing physicians is the difficulty of evaluating what is "substantial evidence of effectiveness." The private physician's clinical experience with drug products is radically different from that of the academic physician—to say nothing of the nondoctors who occupy positions of importance in the FDA.

The Congress of County Medical Societies declared that—

> We have become concerned about the small number of practicing physicians who are selected to serve as members of the FDA's panel on drug efficacy . . . it appears that fewer than two per cent of the members of such panels are physicians in active private practice, with the remaining . . . drawn largely from the academic world or the staffs of large teaching hospitals, where many of the problems faced in daily office practice are simply not confronted. We urge the FDA to seek out the judgment of physicians in private practice, who are familiar with the safety and effectiveness of drug products used on their many patients every day.

The movement toward bureaucratic medicine, decided by Government administrators in Washington offices, is a dangerous trend. In their appearance before the FDA, the doctors of the Congress of County Medical Societies—those in attendance were Francis A. Davis, M.D., M. Robert Knapp, M.D., John C. Hawk, Jr., M.D., Marshall F. Driggs, M.D., Lawrence Tilis, M.D., and Marvin Edwards, editor of Private Practice, the journal of the Congress—set forth many of the reasons why with regard to the question of combination drugs.

I wish to share with my colleagues the statement which these distinguished doctors presented to the FDA on May 24, 1973, and insert it into the RECORD at this time:

STATEMENT TO THE COMMISSIONER OF THE FOOD AND DRUG ADMINISTRATION BY THE CONGRESS OF COUNTY MEDICAL SOCIETIES, MAY 24, 1973

We are here today not only as representatives of private physicians, whose practice is very much affected by the decisions and policies of the FDA, but primarily as spokesmen for our patients, who are directly affected by the removal of drug products which they have used safely for years to relieve their illnesses.

We are here, frankly, to urge the Food and Drug Administration to review its present policies, which we believe have led to the recall of medicines which are both safe and clinically effective.

As physicians, we have found that public confidence in medical treatment has been seriously undermined by FDA recall of medicines prescribed for a patient by his doctor, by FDA statements about drug product ineffectiveness, and even by the now-common knowledge that American physicians are often unable to prescribe products which have been used successfully in other nations. As the physician loses the right to prescribe the best medications available, his effectiveness is reduced.

We are primarily interested in two subjects—the delay in approval of new drug applications and the removal of drugs from the market—but because of limited time available to us today, we want to discuss in detail only one area of concern: the FDA's apparent intent to preclude the availability of fixed combination medicines.

We are aware, of course, that the 1962 amendments require the FDA to determine the existence of substantial evidence of effectiveness of all drugs marketed between 1938 and 1962, as well as those approved since the amendments were adopted. We have followed FDA policy in the Federal Register, and have reviewed the department's statements on the desirability and effectiveness of fixed combinations.

We are in full agreement that safety and effectiveness are the two prime considerations in prescribing any drug product. We would also agree that a single entity drug product would be preferable to a fixed combination if it were possible to achieve the same broad-range therapeutic effect. However, as physicians, we are also concerned about the cost of that medicine—especially when the money comes directly out of the patient's pocket—and about means of reducing the inconvenience of taking medicines, so we can induce the patient to carefully follow the entire regimen of treatment for maximum effectiveness.

To illustrate the importance of cost and convenience, I point to a recent case in which a six-month old baby, under the care of a local health department, had been prescribed four different medicines, separately packaged, each with a prescribed dosage of one-half teaspoonful every four hours. As parents, as well as physicians, we know how difficult it is to get this much medicine into a child orally. Today, all four medicines are available in a single combination, greatly increasing the chance that the baby will, in fact, receive all of the prescribed medicine. What's more, the fixed combination product can be purchased for $1.75, compared to $6.00 total cost for the four separate medicines. That is a significant cost difference to a low-income family; multiplied by many thousands of prescriptions a month, it is also a significant factor in total health care costs.

If the FDA removes fixed combination products, many physicians, to retain the effectiveness made possible by convenience, will ask local pharmacists to prepare mixes, as they did a hundred years ago. Not only will this be more costly, the finished product will be inferior to the fixed combinations available today simply because the local pharmacist will not have the expensive equipment and quality control procedures to prepare the mixtures most effectively.

The one big area of disagreement between the FDA and those of us who practice medicine is in the difficulty of evaluating what is "substantial evidence of effectiveness". Obviously, such findings are difficult at best, but we believe they have been complicated greatly by adding a comparative element in the evaluation of combinations. In addition to determining effectiveness of a product, there is now added the requirement that each ingredient enhance the total effectiveness.

Demonstrating efficacy is difficult enough, whether in a clinical setting or in the laboratory; it is often impossible to prove or disprove *enhanced* efficacy. It is our experience that such findings cannot be reliably drawn from double blind studies.

In many aspects the practice of medicine still remains an art, rather than an exact science. There are some scientific diagnostic procedures and scientific treatments, but the patients' therapeutic response to many drugs and to some surgical procedures is highly individualized. There are some complaints for which a specific cause may not be immediately found, such as dizziness, backache, headache, dysuria, dysmenorrhea, etc. To afford prompt relief, a doctor frequently will have to use drugs on a trial basis. Needless to say, his experience with drugs and his knowledge of his patient's personality are the main criteria that determine the selection of treatment.

Since much of medicine is an art, there is very little chance that we can develop tests that could accurately predict effectiveness, or prove to what extent efficacy is enhanced by the individual components of a fixed combination drug. Yet the physician in private practice needs the availability of safe and useful drugs, both as single entities and in fixed combinations, to treat his patients. Safe drugs must be considered potentially useful, not worthless, until there is proof otherwise.

The private physician's clinical experience with drug products is quite different from that of the academic physician. The private physician sees many patients whose illnesses can be effectively treated by use of available drug products. In addition, he sees some patients whose illnesses cannot be scientifically diagnosed in the usual clinical setting; therefore, he has to use drugs to relieve symptoms. The academic doctor, on the other hand, usually sees only patients who have previously been seen by a physician in private practice and subsequently referred to him for treatment. The patient usually has a disease which *can* be diagnosed and treated scientifically, although frequently only after exhaustive studies. In addition, the private physician has a more intimate knowledge of his patients and is more familiar with the economics of illness. He also knows, empirically, which medicines are convenient to take and which medicines relieve the symptoms of "everyday illnesses".

We have become concerned about the small number of practicing physicians who are selected to serve as members of the FDA's panel on drug efficacy. From our information, it appears that fewer than two percent of the members of such panels are physicians in active private practice, with the remaining 98 percent drawn largely from the academic world or the staffs of large teaching hospitals, where many of the problems faced in daily office practice are simply not confronted. We urge the FDA to seek out the judgment of physicians in private practice, who are familiar with the safety and effectiveness of drug products used on their many patients every day.

The private physician handles the total medical needs of 90 percent of the American population, as well as acting as the primary physician for most of the other 10 percent, and his clinical judgment of efficacy is drawn from long personal observation. We believe this clinical experience with products which have been used millions of times offers a valid source of information in determining drug product safety and efficacy.

We are aware that the FDA favors use of double-blind, controlled, cross-over, comparative data; on the other hand, most of the data in package inserts is drawn from clinical impressions, and the FDA frequently accepts recommendations made by NAS/NRC panels on the basis of clinical impression. In fact, it has been our observation that little valid data is available today as a result of double-blind study, and what double-blind data *is* available is seriously questioned as to its validity both by practicing physicians and medical academicians. One example is the controversial "Diabetes Study".

We know the FDA does believe some drug combinations should be left on the market; for example, oral contraceptives. Yet, we as physicians believe the effectiveness of our practice will be compromised, and our value to our patients reduced, if the FDA removes those fixed combinations which now appear to be in danger of removal, such as the more than twenty cough mixtures covered by a notice in the Federal Register of February 9. We would hope, for the sake of our patients, that the FDA will delay taking any action to remove combination cough medicines until private physicians have had an opportunity to consult with the department's scientists and present evidence of clinical experience with their millions of patients. Along this line, we would also like to urge the FDA to reconstitute its physician committees to include more physicians in active private practice.

We believe your decision to review FDA policies toward fixed combinations, with an eye toward increased emphasis on clinical experience, will result in a major benefit to our patients who will thus be able to retain the use of high-quality medicines at lower cost and with greater convenience than if such medicines were to be prescribed individually.

NEW PRICE FREEZE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BIAGGI. Mr. Speaker, with the new price freeze now in effect, gas and fuel prices will not rise for at least a 60-day period. However, what will be happening behind the pumps during this temporary period? For the last few months, oil companies as well as officials of the Department of the Interior have been preparing the Nation for an "energy crisis."

Their actions have been so successful that there have been no major uprisings by the consumers to protest price hikes of as much as 12.5 percent in 1 week. Instead the public has taken an apathetic, "What can I do?" attitude due to the successful publicity the oil industry has generated about an alleged fuel shortage. They realize you can substitute chicken for meat but what can you substitute for gas?

If we hold the future in our hands, as our President claims, then why is not anything being done? Why do we feel helpless concerning the energy shortage? The answer might be public deception by both a vital industry and one's own government. Is it a coincidence that the shortage has appeared right after the major oil companies were being threatened with numerous lawsuits by environmentalist groups? The oil moguls were being attacked by environmental protectionists in two major areas. The first being the lack of concern demonstrated by the industry for oil spills caused by both offshore drilling and shipping methods, while the second consisted of the controversial construction of the now supposedly "vital" Alaskan pipeline.

The industry's lack of concern for the project's imposing environmental dangers was particularly irritating to most environmentalists. There were also recent attacks by tax reformers concerning the "generous" depletion allowances the Government was providing for the oil industry. Under such fierce criticism something was needed to get Americans and the Government behind the oil interest instead of against it. An "energy crisis" seems to be the industry's solution.

While the "crisis" is most effective on this front, it also serves another purpose—that of eliminating competition. This is being achieved by supplying fuel only to major oil company affiliates while denying full deliveries to independent wholesalers and retailers. This is very dangerous. The Federal Government has the responsibility to step in and prevent the destruction of a competitive market in the oil industry or else be faced with the need to establish permanent price controls on oil products. Mr. M. B. Holdraf, founding member of the Independent Gasoline Marketers Council stated to the Senate Antitrust and Monopoly Subcommittee that unless the Government intervenes within the next 6 months the independents will "pass from the scene solely because he will be squeezed out of business."

It therefore must be concluded that unless the Government does not step in to provide an adequate supply of oil and to preserve a free competitive market, consistent with our free-enterprise system, regular fuel shortages and a completely regulated oil industry is inevitable.

Let me say that I am aware of a need to find new energy resources and to develop new means of providing energy to the consumer market. However, the shortages and crises we are now experiencing are nothing more than a smoke screen to hide the collusive practices of the oil industry and its allies in the Department of Interior. I have warned that such was occurring in the past several years, as has many of the independent oil products distributors and wholesalers. Now, we are reaping the disastrous results of our past inactivity.

Nevertheless, this Congress still has an opportunity to assure an adequate supply of oil and other energy resources, by eliminating all barriers to the importation of oil, by permitting a rapid expansion of mining for oil in the Gulf of Mexico under proper Federal supervision and by establishing a special unit, similar to the Manhattan atomic bomb project, to develop and implement a safe method to obtain the oil from Alaska's North Slope. The time for action is now.

EDUCATION OF HANDICAPPED CHILDREN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BRADEMAS. Mr. Speaker, I want to bring to the attention of my colleagues the first of a two-part series, written by Bart and Andrew Barnes, on the problems of providing educational services to handicapped children as mandated by several recent court decisions.

The article, "Special Education: A New Storm Center," appeared in the Washington Post on May 29.

As the authors say, Mr. Speaker:

> In courthouses and statehouses across the nation, it is being argued increasingly that America's handicapped children are entitled, as a matter of basic constitutional right, to just such an education. In a landmark decision, a federal judge in the District of Columbia has ruled precisely that. There is similar litigation pending in at least 20 states.
>
> Educators say the impact of that decision and of legislation at the Federal and state level affecting handicapped children is potentially as great as the Supreme Court's 1954 decision outlawing school segregation.

Mr. Speaker, I insert the materials at this point in the RECORD so that my colleagues might understand the urgency of providing increased support for special services to handicapped children:

SPECIAL EDUCATION: A NEW STORM CENTER

(By Bart Barnes and Andrew Barnes)

For 13-year-old Kenny, his early years in the public schools of Prince Georges County were successful, despite a visual handicap that made it hard for him to see anything at a distance or outdoors in daylight.

There were times when his vision problem made it difficult for him to keep up with the rest of the class, particularly when blackboard instruction was being used. But overall his grades were satisfactory. School officials assured his parents that he was a bright child.

That was until a year ago this month. In May, 1972, a school psychologist, the director of special education for the Prince Georges schools and the director of pupil placement called Kenny's parents in for a conference.

They were terribly sorry, they said, but Kenny's handicap was such that he could not benefit any more from the public schools of Prince Georges County.

No longer would there be a place for Kenny in the school he'd been attending and there was no program of special education that he could benefit from. Kenny's parents were told to send him to a private school, but he was denied admission at the two Virginia schools to which he'd been referred. One said it had no program suitable for him and the other said it could not assure his safety.

For the last year, Kenny has remained at home and has received no formal education at all.

Throughout the United States, there are an estimated 1 million children of school are, who, like Kenny, have been excluded from the public schools because of a physical, emotional or mental handicap.

They are among an estimated 7 million handicapped children of school age in the United States, one in every 10. They suffer from impairments ranging from profound mental retardation to minimal learning disabilities.

It's estimated that to educate all of them to their fullest potential would cost up to $10 billion a year for highly specialized teachers, equipment and programs.

Yet in courthouses and statehouses across the nation, it is being argued increasingly that America's handicapped children are entitled, as a matter of basic constitutional right, to just such an education. In a landmark decision, a federal judge in the District of Columbia has ruled precisely that. There is similar litigation pending in at least 20 states.

Educators say the impact of that decision and of legislation at the federal and state level affecting handicapped children is potentially as great as the Supreme Court's 1954 decision outlawing school segregation.

Of America's 7 million handicapped children, an estimated 40 per cent are now receiving some form of specialized educational service; the remaining 60 per cent are not, according to Alan R. Abeson, of the nonprofit Concil for Exceptional Children.

Hundreds of thousands of them are confined to institutions where they receive little or no training, not even in such basic functions as feeding and clothing themselves.

There are people like Milbert, 16, confined at Rosewood State Hospital outside of Baltimore since he was 10 years old, the victim of minimal brain damage at birth, deafness and hyperactivity.

At the age of 6, he was classified as "educable" at the University of Maryland Hospital. For one academic year, the Baltimore public schools set a teacher to his home periodically for tutoring. But after a year, the teacher decided that Milbert was "not ready to be taught" and stopped coming.

Over the next few years, Milbert's mother was able to teach her son to print his name, address and telephone number, but because of a family crisis the boy was sent to Rosewood in 1966.

After one term at the school there, he was ruled "disruptive" and once again "not ready to be taught . . ."

His parents were informed that he would receive no further instruction. Three years later, his mother took leave without pay from her job to visit Milbert on a daily basis at Rosewood to try to teach him herself. She found he had regressed substantially, could no longer write at all and, despite repeated efforts, she was unable to teach him.

There are people like Andy Cowin, 23, with a keen mind, but afflicted by a condition of cerebral palsy that makes it almost impossible to control the muscles in his right hand and arm. Crown is a college graduate but he remembers others he went to school with at a school for the handicapped in Massachusetts who simply withdrew, as he says, "into the world of the crippled."

"Handicapped" can mean a variety of things: blindness, withered limbs, emotionally disturbed to the point where a child is unable to function in a normal classroom. It can mean an inability to communicate or to understand and carry out directions for reasons ranging from an organic defect to brain damage at birth.

It can mean mental retardation, so profound that a child has no measurable intelligence quotient and is barely able to lift his head, or so slight that with extra help at school a child can be taught to be a functioning and contributing member of society.

But no matter how severe or slightly the handicap, it's the opinion of people like Abeson and the Council for Exceptional Children that all people with handicaps are entitled as a matter of right to whatever education will best equip them to cope with their environment. That can mean, Abeson says, learning how to read or learning how to feed yourself—but whatever it is, it must be provided at public expense.

"We hold," says Abeson "that there is no such thing as an ineducable child."

For Kenny of Prince George's who suffers from cataracts in both eyes, and Milbert of Baltimore, the issue is heading toward a resolution in federal court. They and 18 other handicapped children are asking the court to order the state to provide them at public expense with an education suited to their needs.

In his decision in Washington last August, U.S. District Judge Joseph C. Waddy bluntly informed the D.C. Board that lack of money was not an excuse for failing to provide special education for any child needing it.

"The inadequacies of the District of Columbia public school system," the judge said "whether occasioned by insufficient funding or administrative inefficiency, cannot be permitted to bear more heavily on the exceptional or handicapped child than on the normal child."

In addition to the lawsuits on behalf of the handicapped pending throughout the nation, there were 800 bills introduced in state legislatures during 1971–72 dealing with education for handicpped children.

Approximately 250 of those measures were enacted.

At the federal level, legislation is pending in both the House and Senate to require the federal government to underwrite 75 per cent of what it costs to educate a handicapped child over and above the cost of educating a nonhandicapped child.

What it boils down to, said August W. Steinhilber, director of Federal and Congressional Relations for the National Association of School Boards, a group that looks after local school interests at the federal level, is that the "local school boards could have the legal obligation to provide specialized services for children based on their needs."

This, he said, would be a substantial departure from the basic philosophy, underlying most school systems today. That philosophy, he said, has been "you teach to the mean, to the median of the class; you're teaching to the average student. But as part of your regular program you don't necessarily provide specialized services."

Traditionally, says the Council for Exceptional Children's Fred Weinraub, "schools have been for those students who fit in. The ones who don't fit in have to fend for themselves."

It was in 1969, 15 years after the Supreme Court decision outlawing racial segregation in the public schools, that the parents of two retarded children in Utah took the state to court when it refused to provide a public education for them.

In handing down his decision, Judge D. Frank Wilkins adopted language virtually identical to that used by the Supreme Court in Brown vs. Board of Education.

"Today it is doubtful that any child may reasonably be expected to succeed in life if he is denied the right and opportunity of an education."

Segregating the two retarded children from Utah's system of public education, the judge said, "can be and usually is interpreted as denoting their inferiority, unusualness and incompetency. A sense of inferiority and not belonging affects the motivation of a child to learn. Segregation, even though perhaps well intentioned, under the apparent sanction of law and state authority has a tendency to retard the educational, emotional and mental development of children."

There have been similar outcomes in lawsuits in Pennsylvania and Michigan as well as the Waddy decision last summer in Washington.

In Pennsylvania, the state agreed to a court order in the fall of 1971 stipulating that no laws would be applied "which would postpone, terminate or deny mentally retarded children access to a publicly supported education, including a public school."

That order followed the filing of a suit by the state's Association for Retarded Children and a trial before a three judge panel.

Central to the argument at the trial was the contention that education "must be seen as the continuous process by which individuals learn to cope and function within their environment. Thus, for children to learn to clothe and feed themselves is a legitimate outcome achievable through an educational program."

Last October in Michigan, others amounted to denial of "equal protection" under the 14th amendment.

Children with learning, social, mental or physical handicaps, he said, have a right to a public education.

Partially for children who are poor and black, the consequences of being misdiagnosed as retarded or handicapped when they are not can be as severe as being excluded from school, says Stanley Herr, the lawyer who argued the suit against the D.C. School Board that resulted in Judge Waddy's decree last summer.

Cultural biases built into standardized testing and unilateral on-the-spot diagnoses by teachers have, in part, been the causes of such misdiagnoses, Herr argued. The result is that children who are not retarded are assigned to "inferior special education programs which tend to propel children toward the self-fulfilling prophecies of failure.

Under Judge Waddy's decision of last summer, children who are assigned to special education classes are now entitled to certain procedural safeguards, including independent testing and a hearing.

There are other children, argues the Council for Exceptional Children's Weinraub, who do have learning disabilities that could be corrected. The problem is they are never diagnosed.

"You remember the kid in school you knew wasn't dumb but somehow couldn't learn to read?" Weinraub said. "He was one of the gang in the first grade. By the third grade he was a little bit behind everybody else. By the fourth grade, he was getting into trouble and by seventh grade, he was spending most of his time in the principal's office. It could be a learning disability, maybe one that reverses the letters 'b' and 'd' or one where he sees a five-letter-word as five separate letters, not a single word. But a kid like that needs help, not necessarily for all 12 years, maybe only for two years or six months."

And, says Herr, there have been others in Washington and elsewhere who are simply diagnosed as handicapped and excluded from school because they are discipline problems. (Under the Waddy decree, such children are entitled to a hearing and due process before being excluded.)

It was just such a child, an 11-year-old named Gregory that got Herr into the case in the first place. When Herr first met him, Gregory had been out of school for three years, expelled by his principal for throwing spitballs. He had an IQ of only 39, the principal said. He could come back to school only when he behaved himself—and when there was a class small enough to accommodate him.

For the next three years, Gregory's mother heard from the school once. A secretary called to announce Gregory would be graduating next week from sixth grade. Wouldn't his mother like to come? After informing the secretary that Gregory had not been attending classes for three years, she didn't hear from the school again.

"I began to wonder just how retarded he really was when he could take three buses across town to get to my office," Herr said. "So I had him tested. He was reading at his grade level."

Gregory is now back in school.

PAY RAISE FOR FEDERAL EMPLOYEES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. WALDIE. Mr. Speaker, I am introducing today a bill which would, in effect, give most Federal employees a one-half percent pay raise on September 1, 1973.

This legislation would reduce from 7 to 6½ percent the employee payroll deduction currently paid into the Civil Service Retirement Fund.

The present figure of 7 percent is based upon a 1970 actuarial projection that "normal costs" of the system would require a total contribution rate of 14 percent of the salaries of those people covered by the fund—7 percent from the employees, to be matched, under the law, by an equal contribution rate of 7 percent by the employing agency.

However, experience over the past 3 years has shown that the normal costs have not approached 14 percent. Indeed, they have been below 13 percent for much of the recent past.

This overpayment into the fund has resulted in a $400 million surplus which the Civil Service Commission has applied toward the unfunded liability—a debt which is clearly not in any way the responsibility of Federal employees.

I believe that the time is overdue for the Congress to redress this inequity.

This is particularly true in view of the fact the present administration is on record as opposing virtually any liberalization of retirement benefits on the sole grounds of increased costs. I, for one, will continue to push for needed changes in the retirement system, even if there might be some increased costs involved. But until such legislation is passed and signed by the President, and normal costs do, in fact, approach 14 percent, I do not think that Federal employees should continue to subsidize the retirement system.

In this time of runaway inflation, perhaps one-half percent does not seem that much—but I believe that the $150 million dollars that is currently being overpaid each year by Federal employees should be in their pockets and not Government coffers.

Finally, Mr. Speaker, this bill would allow the administration to reduce its budget by a similar amount of money, as the employing agency's matching contribution will also be reduced by one-half percent.

Logically, then, I would expect this legislation should have the support of those who want to limit the Federal budget.

Mr. Speaker, the full text of the bill follows:

H.R. 8817

A bill to reduce the percentage rates of employee deductions, agency contributions, and deposits for civil service retirement purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 8334(a)(1) of title 5, United States Code, is amended to read as follows:

"The employing agency shall deduct and withhold 6½ per cent of the basic pay of an employee, 7 per cent of the basic pay of a Congressional employee, and 8 per cent of the basic pay of a Member.".

(b) The first sentence of section 8334(c) of title 5, United States Code, is amended to read as follows:

"(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

EMPLOYEE

Percentage of basic pay and service period:
2½—August 1, 1920, to June 30, 1926.
3½—July 1, 1926, to June 30, 1942.
5—July 1, 1942, to June 30, 1948.
6—July 1, 1948 , to October 31, 1956.
6½—November 1, 1956, to December 31, 1969.
7—January 1, 1970, to August 31, 1973.
6½—After August 31, 1973.

MEMBER OR EMPLOYEE FOR CONGRESSIONAL EMPLOYEE SERVICE

2½—August 1, 1920, to June 30, 1926.
3½—July 1, 1926, to June 30, 1942.
5—July 1, 1942, to June 30, 1948.
6—July 1, 1948, to October 31, 1956.
6½—November 1, 1956, to December 31, 1969.
7½—January 1, 1970, to August 31, 1973.
7—After August 31, 1973.

MEMBER FOR MEMBER SERVICE

2½—August 1, 1920, to June 30, 1926.
3½—July 1, 1926, to June 30, 1942.
5—July 1, 1942, to August 1, 1946.
6—August 2, 1946, to October 31, 1956.
7½—November 1, 1956, to December 31, 1969.
8—After December 31, 1969.

SEC. 2. The amendments made by the first section of this Act shall become effective at the beginning of the first applicable pay period which begins on or after September 1, 1973.

GREAT NEED FOR EDUCATION ABOUT DRUG ABUSE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BRADEMAS. Mr. Speaker, I want to bring to my colleagues' attention an excellent analysis, contained in a letter. I recently received from the executive vice president of the American Medical Association, Ernest B. Howard, M.D., of the need for drug abuse education.

Says Dr. Howard:

> From the broad social viewpoint, the most important aspect of education and information in this field is on the preventive level, because drug addiction and dependence constitute a group of interrelated conditions and represents a form of psychic contagion which is . . . spread by misinformation and misrepresentation.

Dr. Howard goes on to note that programs for the prevention of the drug abuse must, of necessity, be comprehensive and long term, and he adds:

The Drug Abuse Education Act of 1970 was an excellent beginning for such programs. Although programs developed under the limited time of this act vary widely in quality, discontinuing support for such school and community programs would seriously hamper the development and refinement of school and community anti-drug education programs.

Mr. Speaker, the Select Subcommittee on Education, which I have the honor to chair, is presently conducting hearings on H.R. 4715, a bill introduced by the gentleman from Washington (Mr. Meeds) which would extend the Drug Abuse Education Act for 3 years, and our subcommittee will conclude those hearings on Saturday, June 23, in Lancaster, Pa., and in Washington, D.C., on Wednesday, June 27.

Mr. Speaker, I insert Dr. Howard's letter at this point in the Record:

American Medical Association,
Chicago, Ill., June 6, 1973.

Hon. John Brademas,
Chairman, Select Subcommittee on Education, Committee on Education and Labor, House of Representatives, Rayburn Office Building, Washington, D.C.

Dear Congressman Brademas: Presently pending before your Subcommittee is H.R. 4715 which would extend the Drug Abuse Education Act for three years. We would like to take this opportunity to offer our support since education concerning drug abuse is a critical element in our Nation's overall efforts to resolve this serious problem.

The American Medical Association is deeply concerned about the problems of drug abuse and drug dependence. Physicians throughout the country are being called upon increasingly to treat cases of this type. In this context, doctors become involved in various kinds of educational and information-giving activities. They are called upon to provide advice and counsel to alarmed parents of those youngsters who are involved or are suspected of being involved; and as a natural extension of this function, they are often asked to advise the community at large on these questions. Finally, the treatment of the drug dependent person includes a major element of re-education with respect to his attitudes about drugs in general, drug dependence, and drug taking because correction of the mental, physical, and social complications of the drug-life is still insufficient if the victim's attitudes remain unchanged.

From the broad social viewpoint, the most important aspect of education and information in this field is on the preventive level, because drug addiction and dependence constitute a group of interrelated conditions and represents a form of phychic contagion which is, in significant part, spread by misinformation and misrepresentation. Once established through the involvement of enough persons it creates a drug culture which is disseminated and perpetuated by contact in an environment where the folklore of drug-taking is an accepted fact.

It is apparent that drug abuse and its resulting human tragedy continues to be of epidemic proportions in the United States. It is also apparent that drug abuse is a complex social problem with serious medical and legal aspects. Any programs aimed at preventing or ameliorating this problem must, of necessity, be comprehensive and long-term.

The Drug Abuse Education Act of 1970 was an excellent beginning for such programs. Although programs developed under the limited time of this act vary widely in quality, discontinuing support for such school and community programs would seriously hamper the development and refinement of school and community anti-drug abuse education programs. Since the effectiveness of these programs cannot be realized in a short period of time, continued support is needed.

We would urge that greater financial support be available for those drug abuse education programs which are under the leadership and direction of state departments of education and local school districts. Since the impact of school-based programs is seldom confined to the classroom but more often reaches out into the community, and since these programs reach more of the youth in community than does any other program, it is very important that these programs have adequate financial support.

The legislation before you allocates one-third of the funds authorized for programs based in the educational institutions and agencies of the state and two-thirds of the authorized funds for Community Education Project programs. We would recommend that the legislation be amended to provide an equal allocation of funds to each of the two parts of this program. In this way each will have the resources to support a meaningful drug abuse educational program.

The American Medical Association believes that this program of support for drug abuse education should be continued and we would urge its support by your Subcommittee. We are grateful for the opportunity to support an extension of this legislation and we respectively request that our comments be included in the records of your hearings on H.R. 4715.

Sincerely,

Ernest B. Howard, M.D.

THE CONTRIBUTIONS OF VETERINARY SCIENCE TO COMPARATIVE MEDICINE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. NELSEN. Mr. Speaker, recently a very distinguished paper was presented at the regional meeting of the Hudson Valley Veterinary Medical Society in Albany, N.Y., by Dr. George C. Poppensiek.

Dr. Poppensiek discussed the contributions of veterinary science to the study of diseases in humans. Since comparative medicine is so important to public health, I am placing Dr. Poppensiek's article in the Record. My colleagues will be interested in the extent to which diseases of animals are similar to those which afflict humans and the extent to which veterinarians in their study of animal diseases actually make a contribution to the understanding of human illnesses. This article which appeared in the May–June 1973 issue of Veterinary News entitled, "Disease at the Interface of Medicine and Veterinary Medicine," follows:

Disease at the Interface of Medicine and Veterinary Medicine

(By George C. Poppensiek)

(Note.—This paper was presented at the regional meeting of the Hudson Valley Veterinary Medical Society, held at the DeWitt Clinton Hotel in Albany, N.Y. on February 14, 1973.)

Veterinary medicine occupies a unique position in the broad arena of bio-medical sciences. It deals with animal diseases, but animal diseases have relevance to the health and welfare of man.

The veterinarian is concerned on the one hand with diseases of economic importance in food-producing animals. In this area of professional responsibility he serves the agricultural community, to assure wholesome food of animal origin for the consuming public.

He is concerned with public health aspects of animal diseases; those transmissible to man, such as tuberculosis of cattle and swine. He is concerned with brucellosis, particularly as it relates to the ingestion of contaminated milk, butter or cheese from infected cattle. Brucellosis produces problems of inferility in cattle and goats; infertility and arthritis in swine. Also when it is transmitted from these animals to man it is manifested by chronic, degenerative lesions throughout the body, particularly in the bones, joints, eyes and cardiovascular system. Others of the serious transmissible diseases from animals to man include anthrax, rabies; ringworm. The list is long and impressive. These mentioned are just a few examples.

The veterinarian serves the pet-owning public by ministering to the illnesses of the great number of dogs, cats—and horses—which have become part of the way of life of most Americans. In this service, he identifies a broad spectrum of diseases which are similar to—or even identical to—diseases of man. While the veterinary practitioner is concerned with the diagnosis and treatment of these diseases, he also serves as a vanguard diagnostician who identifies those diseases which provide resources for veterinary researchers in comparative medicine. These include metabolic diseases, such as diabetes, cardiovascular disease, neurological disease; infectious and parasitic diseases, such as toxoplasmosis. They include the malignant-diseases; the cancers. And they include chronic degenerative diseases, such as chronic kidney diseases; pulmonary emphysema; skin diseases; immunological diseases; bone and joint diseases; diseases of the newborn; diseases of aging; endocrine diseases; blood dyscrasias.

Comparative medicine is almost as old as medicine itself. The ancient Greeks understood that information about the process of life could be gained by dissecting and studying animals. During other periods of human history, anatomists and physicians had to rely exclusively on dissection of animals as the only source of information about body structure and function because of a church-imposed ban on dissection of the human body.

Study of the mechanism of disease in animals was one of the cornerstones in building modern medicine in the 19th century. Since that time, comparative pathology has been recognized as a part of medicine, but apparently its importance has not been fully appreciated. Dr. Robert W. Leader,* while on the staff of the Laboratory of Comparative Pathology at the Rockefeller University (now Head, Department of Pathobiology, University of Connecticut), expressed his thoughts on the concepts of unity in mechanism of disease in the Rockefeller University Review:

"In spite of these early beginnings in medicine and other sporadic observations of the natural diseases of animals by some of the great men in biology and medicine such as Hunter, Pasteur, Koch, and the University's own Carl Ten Broeck and Richard Shope, there has been a consistent and inexplicable neglect in translating knowledge of diseases that affect animal into their possible relationships to man. We retain a pre-Darwinian vestige of the belief that man stands alone in his Olympian relationship to that part of the environment that involves disease processes, although we can translate normal functions and structures analogously. This is patently fallacious in terms of phylogeny, because man is one of many animals, and while he may have the most complex nervous system, he certainly is less graceful than the cat, less agile than the gibbon, and less aquatic than the dolphin.

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*Leader, Robert W. The Concept of Unity in Mechanisms of Disease, Rockefeller Reviews. No. 1 Jan-Feb. 1967, p. 9–13.

"Near the end of the eighteenth century, Cuvier opened the entire science of comparative anatomy. He so brilliantly pursued structural similarities and worked them into patterns among species that he could demonstrate previously unsuspected relationships among widely divergent animals, from mollusks to mammals. He developed such a reputation that many believed him able to build a body from a few bones by mer inference. In his appreciation of the continuity of structure and function he eclipsed all previous concepts, and gave birth to the science of paleontology, which has filled our museums with reconstructed fossils of mammoths, saber-toothed tigers, and pterodactyls.

ONE RIPPLE IN THE STREAM

"Following the inspiration of Cuvier, Darwin and others, there have been exhaustive studies of phylogenetic relationships by anatomists, zoologists, and physiologists. Analogies among species have been the cornerstone of their work. Somehow, medicine has strayed from this broad concept of unity in the study of disease and has segmented itself into various compartments, the principal of which are veterinary medicine and human medicine. These are artificial divisions and the sooner the borderlines are obliterated, the sooner we will harvest the benefits of the study of diseases of all animals and apply these to advancement of human welfare.

"Most university libraries contain hundreds of books on comparative studies, yet often comparative pathology and comparative medicine do not even appear in the subject catalogues. This is partly because most students of disease have been physicians with an inclination to regard experimental animals principally as tools or test tubes in which diseases could be produced and the results applied by extrapolation to reach solutions to human ailments. This idea was advanced by the immense successes of Pasteur, Koch, and others in diagnosing diseases and preparing vaccines. Such experiments with artificial "models" have been highly productive, for they have lightened the burden of sufferers from diabetes, malnutrition, heart defects, and many other ailments. We have now reached a state of complexity of medicine that resists such direct assault, for arteriosclerosis, rheumatoid arthritis, multiple sclerosis, and cystic fibrosis are not easily related to straightforward simple causes.

"It is my thesis that we must open our minds and our eyes to the potential of comparative studies of organic and psychic diseases in all species of animals. For this purpose, man must cease to regard himself as unique and accept his status as one ripple in the stream of biology. Doctor Dubos has said, "If we look carefully enough, we will eventually find an animal model for every human disease." (Olsson, Sten-Erik, Clinical Orthopaedics and Related Research, Symposium on Comparative Orthopaedics, January-February 1969. No. 62, Guest Editor)

COMPARATIVE MEDICINE

Pertinent Examples of Animal Models for the Study of Disease at the Interface Between Human Medicine and Veterinary Medicine:

1. The cause of multiple sclerosis in man has not been determined. A disease producing the same lesions was found in Icelandic sheep. It is called rida. The same disease was later identified in many areas of the world, including Scotland and the United States. It was named scrapie by the Scots and is most commonly known by that name.

A virus that is highly resistant to heat and to acid treatment has been found to be the cause of scrapie. Its strange characteristics have caused some scientists to call it a "subvirus". It is supposedly devoid of ribonucleic acid, defying biologic understanding.

In a research laboratory in England, four of seven research workers who were studying scrapie in sheep developed signs of illness identical to multiple sclerosis.

2. Visna (from the Icelandic language, meaning "wasting") is a disease of sheep that produces a chronic degenerative demyelinating encephalitis. The disease resembles human disseminated sclerosis, the cause of which is unkonwn.

Visna is a virus disease resembling scrapie in sheep, which, in turn resembles multiple sclerosis in man. The visna virus behaves serologically (immunologically) like another virus disease in sheep called maedi (meaning in Icelandic, "difficult breathing"). Visna affects the central nervous system, maedi, the respiratory system. Yet they are similar serologically.

Maedi causes obstructive respiratory disease by inducing a thickening in the oxygen-absorbing and carbon-dioxide displacing tissue of the lungs (the alveoli). Bronchial infiltrations occur and the disease resembles pulmonary emphysema in man.

To add another point of great interest in these two diseases (visna and maedi), it has been found that the viruses which cause them have a relationship to the avian (chicken) and murine (mouse) leukemia viruses.

3. Rheumatoid arthritis in man has comparable illnesses in animals. Swine suffer from arthritis caused by bacterial infections which produce painful and chronic destructive diseases in joints. For many years erysipelothrix and streptoccocal infections were known to cause crippling arthritis in swine. More recently a microbe called mycoplasma has been found to cause crippling arthritis in a number of species of animals, including swine and poultry. Its relationship to crippling arthritis in man is not throughly known. Rheumatoid arthritis is also a disease seen in horses. While these animals also serve as models for research on the problem of rheumatoid arthritis in man, the role of mycoplasma infection in the disease as seen in horses has not been determined.

4. Chronic pulmonary emphysema is a debilitating lung disease in man. The horse, which has a lung structured similarly to man, suffers from an identical disease called "heaves" by the laity. Some research workers are studying the developmental process of chronic pulmonary emphysema in horses to gain a better understanding of the cause and nature of the disease in man.

5. The Guillain-Barre syndrome in man (known descriptively as polyradiculoneuritis) is a disease of the spinal nerves causing burning, tingling sensations throughout the body, eventually resulting in paralysis. A disease with identical lesions is seen in hunting dogs and is called "Coon-dog paralysis." Dogs bitten by raccoons often develop this syndrome. It is not known if an infectious agent transmitted in raccoon saliva is responsible for the disease. Studies are under way to make this determination.

6. The first transmissible tumor-producing virus was identified in chickens by Dr. Peyton Rous of the Rockefeller Institute for Medical Research. A virus is a living microbe capable of causing disease. The Rous sarcoma virus produces a cancer (malignant tumor) in chickens.

Since Rous discovery, other cancer-producing virus have been found in animals. The diseases which they produce in animals are identical to many forms of cancer in man wherein the cause has not been established.

Cats are used to study leukemia because the cat has all the varieties of leukemia seen in man. A virus has been identified in cat leukemia. This has also been done in the mouse. Poultry are used to study avian forms of leukemia. Ultimately the cause and pathogenesis of leukemia will be elucidated, most likely through an intensified study of leukemia in animals now in progress at a number of research institutions, including Colleges of Veterinary Medicine.

Recently a herpes virus recovered from a South American black spider monkey apparently cause lymphoma and leukemia in marmosets, similar to Marek's disease in chickens.

7. Periodontal disease is said to be second only to caries (dental cavities) in the dental problems of man. It was believed to be primarily an infectious disease wherein the gums develop inflammatory lesions and the teeth become loose, decay and must be removed. Treatment has involved extensive surgery.

Evidence has been developed by studies of the identical disease process in dogs that the disease is essentially a nutritional disease; an imbalance in calcium-phosphorus metabolism. With an adequate intake of calcium, the disease can be prevented, and in many instances, treated effectively at very low cost.

8. Bladder stones are found commonly in cats. Research in this disease has uncovered a virus which triggers the formation of the stones. The disease has been produced experimentally by inoculation of cats with this crystal-forming virus. The same virus produces calcification in tissue cultures of heart muscle, as well as kidney epithelium. This raises interesting questions about the cause of bladder stones, kidney stones, gallstones and even calcification of blood vessels in cardiovascular disease.

9. Round worms of dogs and other species of animals at one time were not believed to be transferable to man. It is now known that the larvae (newly hatched small worms from the eggs) of the round worm of the dog produce eosinophilic hepatomegaly (liver disease) and eosinophilic pneumonitis (inflammation of the lungs) in young children who swallow the round worm eggs. Later, these same larvae migrate through the retina of the eyes of children, producing lesions that resemble retinoblastomas. Retinoblastomas are malignant tumors of the eye requiring removal of the eye to save the life of the patient.

10. Measles, a common disease of childhood, is caused by a virus which produces a skin rash in children (and sometimes in adults). But in the unborn infant, at about the fourth month of pregnancy, serious birth defects may occur if the mother is infected at that time. The measles virus has strong "first cousin" relationship serologically to the canine distemper virus which causes a common and serious disease of the lungs, intestine and brain in dogs. Also, the measles virus has a strong "first cousin" relationship to rinderpest virus in cattle. Rinderpest does not exist in the United States, but elsewhere in the world, where it does exist, it frequently descimates cattle herds. It is a very destructive virus, while the dog may be a possible reservoir for measles, the cat has similar potential for the mumps virus.

11. Some of the most perplexing of all diseases are diseases of connective tissue (such as that seen in rheumatoid arthritis) and glomerulonephritis, a serious kidney disease in man. In this latter disease, the filter beds of the kidney, called the glomeruli, sometimes develop the deposit of a waxy, glassy substance which destroys the glomeruli. This is called "hyaline" degeneration.

A variety of mink called "Aleutian mink" because of their attractive bluish fur suffer from a connective tissue disease, wherein there are blood-serum alterations and pathological changes in body organs that are similar to:

(a) Rheumatoid arthritis in man.

(b) Plasma cell hepatitis in man.

(c) Multiple myeloma in man, a tumor of bone marrow that also produces an unusual globulin (serum protein) in the circulating blood.

(d) lupus erythematosis in man, a disease of the skin and other organs

12. Dogs suffer from a variety of neurological diseases. There is a disease that has been observed in Coon hounds; dogs that are used for hunting racoons. If bitten by the raccoon, these dogs may develop a paralysis that has remarkable similarity to a paralytic disease in man called the Guillain-Barre syndrome wherein the patient shows parethesia (burning, itching, numbness) of the limbs and muscular weakness, or a flaccid paralysis. The cause in man is unknown. Some believe it is an auto-immune neurologic disease; others feel that it is due to a demyelinating virus. In the dog the evidence is good that a demyelinating factor is introduced by the raccoon. Some are speculating that it might be a mutation of the canine distemper virus which is not an uncommon infection in raccoons. And canine distemper is related immunologically to measles in man. (Note: this item further elaborated in item 4)

There is a progressive sclerosing panencephalitis of teenagers with early mental deterioration; a degenerative brain disease. It is associated with extremely high levels of measles antibodies. It is quite similar to demyelinating encephalitis, a degenerative brain disease, of dogs following infection with distemper virus. Further, Poodles have epileptiform convulsions, like epilepsy in man.

13. The equine arteritis virus has interesting possibilities in the study of cardiovascular disease. And equine infectious anemia, another virus disease of horses essentially a reticulcendotheliosis, has bearing on the connective tissue diseases. (See item 11)

14. Pulmonary adanamatosis in sheep, a nodular benign lung disease that eventually becomes malignant has relevance to the study of cancer.

15. The baboon is superior to all other primates, even the chimpanzee, for the study of comparative reproductive problems. Also, the baboon is an animal in which epilepsy-like seizures may be created readily. (See item 12)

16. Many of the inherited defects in the human, such as cleft palate, are known to occur in animals, particularly in dogs. Abnormalities in organ neogenesis (newly developing organs in the embryo and fetus) occur in calves in utero when the mother is infected with the bovine virus-diarrhea agent. The cerebellum fails to develop and the newborn animal is unable to stand or walk. This is cerebellar ataxia. It also is seen in newborn kittens if the mother is infected during pregnancy with the feline panleukopenia virus. In both diseases cited, blindness is also observed.

Some kinds of birth defects are caused by toxins. Studies on cyclopedia in sheep at the New York State Veterinary College and at Utah State University have unmasked a phytotoxin that will produce deformaties in lambs if fed at a critical stage in gestation.

17. Bone metabolism in hibernating and non-hibernating bats offers a resource for the study of bone disease and parathyroid disease. During hibernation the metabolic processes are slowed down to a minimum but some anabolic (life maintaining) processes go on at a comparatively stable rate to maintain health. During the six month hibernation period, a bat will lose about ⅓ of its body weight. Calcium is drained from the skeleton to maintain blood calcium levels compatible with life. But the calcium drainage from bone results in a progressive softening of bone. At arousal, the restoration of the skeletal mass begins promptly. Physical-chemical and endocrinological (hormone regulation of calcium metabolism) studies of these natural processes in bats will provide mechanisms for understanding metabolic bone disease in higher animals and man.

18. The prominent calcitonin-rich ultimobrachial bodies of salmon make them excellent subjects for studies on the homeostatic controls of calcium metabolism.

19. Extraction of ammonia by fish gills, rather than kidneys, makes possible the study of kidney damage with ammonia toxicity.

20. The shortage of pancreatic islets in most fish, with resultant limited inability of the fish to metabolize carbohydrates provides the student of diabetes with unlimited cases.

21. Behavioral students traditionally use such species as primates, cats, rats or pigeons. The concept of trained fish is frequently overlooked. Pavlovians would be interested to know that each day on fish farms throughout the southeastern United States thousands of pond-raised catfish react to the sound of a dinner bell.

22. Cystic fibrosis, an inherited disease of the pancreas and other organs is primarily a disease of children. No animal model has been found. However, a factor in one of the blood-serum proteins (euglobulin) of cystic fibrosis patients has been found to cause ciliary dyskinesia (impairment of motion of small hair-like projections) in rabbit trachea (windpipe) maintained in tissue-cultures.

23. Lemurs develop pulmonary emphysema. (See also item 2 and item 4; pulmonary emphysema)

24. The cassowary seems to be predisposed to crippling osteoarthritis. (See item 3)

25. Opossums are prone to subacute bacterial endocarditis and apparently are refractile to some neurotropic viruses.

26. Mink encephalopathy may be related to scrapie in sheep and multiple scelerosis in man, or perhaps kuru in man. (See items 1 and 2)

27. Dogs are satisfactory for studying catarrhal regional enterocolitis but if one is interested in ulcerative or diphtheritic lesions, swine are the animals which should be used.

28. Calves are susceptible to ulcerative gastritis (stomach ulcers) and lesions in the true stomach appear to be related to the effects of the specific fatty acids: acetic propionic or butyric.

29. Dogs suffering from infectious hepatitis (inflammation of the liver) frequently develop a uveitis (inflammation of the pigmentary layer of the eye). This can be related to the study of uveitis in man.

30. Many canine breeds are true acromeglaics (have enlarged bones) such as St. Bernards and Newfoundlands; others are dwarfs with traits of chondrodystrophy) abnormal growth of cartilage at the ends of long bones) such as the Dachshund, Pekinese and Basset Hound. For reasons not fully understood, certain breeds are more susceptible to certain diseases. Cancer is most common in the Boxer, disc degeneration and urinary calculi are most common in the Pekinese and Dachshund. Diabetes, obesity and pyometra (hormone-induced degenerative sloughing of the lining of the uterus) in the Rottweiler. Hip dysplasia (dislocation) is much more frequent in large dogs than in small dogs. Other diseases, such as necrosis of the femoral head (Legg-Perthes disease in man) and luxation of the patella (knee-cap) occur almost exclusively in miniature dogs.

31. For additional examples, see Cornelius, Charles E., Animal Models—A Neglected Medical Resource, New England Journal of Medicine, 281:934–944 (Oct, 23) 1969; and Leader, R. W., Discovery and Exploitation of Animal Model Diseases, Fed. Proc. 28, No. 6, Nov.-Dec. 1969, 1804-1809.

RARICK REPORTS TO HIS PEOPLE: MULTINATIONAL CORPORATIONS, THEIR EFFECT ON THE U.S. TAXPAYER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. RARICK. Mr. Speaker, a number of U.S.-based companies have come under criticism in the press recently because of their growing economic power which many people consider dangerous. These "multinational" companies—large corporations which operate in several countries—have been taken to task by labor groups, foreign governments, and Congress among others.

Multinationals are a fairly recent development on the business scene. Several thousand U.S. companies have at least one foreign subsidiary, but only about 200 U.S.-based companies have extensive foreign holdings covering a wide section of the world. The multinational development is not unique to American business, however. Japanese, West German, British and French corporations are engaged in overseas operations that reach around the globe.

In the time we have today, we will discuss the multinational companies and how they affect the American citizens and taxpayers. We will look into the relation they play in controlling the value of the U.S. dollar in overseas money markets and how they influence the employment picture in this country.

Multinational corporations represent big business at its biggest. It has been reported that I.T. & T. has more employees overseas than the U.S. State Department. The fleet of tankers owned by Standard Oil is said to be half again as large as that of the Soviet Union. The stockholders of General Motors number more than the population of the country of Liberia. The names of the U.S.-based multinations reads like a list of the blue-chip stock on the New York Stock Exchange: General Motors, Standard Oil, Ford, General Electric, IBM, United States Steel, and I.T. & T., just to name a few.

There are also a large number of foreign-based companies that are equally well-known to Americans: Volkswagen, Sony, Unilever, and Mitsubishi among others. Foreign-owned corporations will have a larger affect on Americans within the next few years.

Congress has pending tax-reform and foreign-trade legislation that would curb the growth of these companies and require more rapid payment of U.S. taxes on profits earned abroad.

Why all the sudden interest in these corporate giants? A number of attacks have been leveled at them. Labor claims that job opportunities in this country are reduced when the big companies' production facilities and technology are shipped overseas. Some labor groups say that as many as a half million U.S. jobs have been "exported" to foreign markets by multinational companies.

At the present time, American-based firms are exempt from paying income taxes on the profits made overseas until they are returned to the United States. Some companies have been accused of taking advantage of this "loophole" in order to juggle the would-be tax money to their advantage. Revenues to the Government are delayed by this maneuvering, critics contend.

Some foreign governments see the U.S.-based companies as exploiting their country's resources for profit. In some areas of the world they are feared as "imperialists" and have had their investments "nationalized" by the host countries.

One serious accusation recently leveled against multinationals is that they were instrumental in undermining the dollar overseas by speculating in European money markets. This, critics say, led to the February dollar devaluation.

Free trade arrangements have been worked out between large companies and governments of a number of companies to allow the duty-free flow of manufactured goods or parts. Ford Motor Co. is a good example. Ford's research showed that Asia was a prime target to market a small, rugged, inexpensive vehicle which was a combination of a car and a pickup truck.

Since Asia was to be the primary market, and the car-pickup, called the Asian Ford, would be in competition with similar ones manufactured in Japan, Ford developed a complex interlocking of international conveyor belts that connected many Asian countries.

Singapore was the site of an electric parts and plastics factory. Engine foundries were set up in Thailand and Taiwan. The transmissions and axles were manufactured in Indonesia, and a diesel engine plant was set up in South Korea. A plant is also scheduled for Malaysia, possibly another in India, and even one for Communist China if it should be opened to foreign investment, it is reported. Ford estimates that by 1980 the regional production enterprise to manufacture the Asian Ford will represent an investment of a billion dollars.

Most multinational companies deny that they are fleeing high U.S. wage scales for the cheap labor markets of Asia and some parts of Europe. The multinationalists claim that as a result of their activities, more—not less—jobs have been brought to the Unied States. There was a net increase in the total number of new jobs in the United States during the period 1966–70, according to studies conducted by one multinational lobby group. The majority of new jobs were created by foreign-based companies expanding their operations in the United States, however, not the growth of U.S. companies. Government studies show that actually, during the same period, there was a net loss of potential American jobs resulting from U.S. operations moving to other countries—a reported total of 603,100 jobs.

Labor costs abroad average about 65 per cent of what multinational companies are required to pay for the same skills in the United States. The jobs that are created by multinationals in the United States are not production line positions. These have been largely taken over in manufacturing operations by foreign nationals overseas. Jobs created in the United States by multinationalists were filled by management, research, and service employees—"white collar" jobs.

Many new jobs for Americans have been created by multinational companies, however. During the past 18 months, at least seven Japanese companies have begun setting up new plants in the United States. They involve a wide range of manufacturing activities from soybean processing plants in the Midwest to electronic parts assembly plants on the west coast. Sony and Mazda are two of the Japanese-based multinational companies that have invested in American factories.

The sheer magnitude and economic power of these corporate empires have caused alarm in a number of circles. There is general agreement that the large overseas holding by these companies and the foreign branches of U.S. banks can trigger massive monetary crisis. Experts say that a movement of even a small fraction of their dollar holdings from one currency to another could seriously damage the standing of a weak national currency. It is estimated that about $10 to $12 billion is available quickly to the corporations on any given day to shift from weak currency to strong ones. Excessive speculation earlier this year has been pointed to as one of the factors leading to the 10-percent devaluation of the dollar. A congressional investigation to determine the extent that multinational transactions affected the drop in the value of the dollar in European money markets will soon be undertaken.

Charges have been made against multinationals accusing them of manipulating foreign affairs to suit their business interests. A number of reports have surfaced charging that large corporations have exploited weaker, small countries, have attempted to prevent governments from taking power, or have attempted to oust governments whose policies they disliked. It is difficult to imagine businesses being as powerful as their critics have made them out.

But a listing of countries by gross national product and multinational company by gross annual sales, may put the economic power that these corporations yield into perspective. The first 22 economic powers are countries, ranging from the United States to Argentina. Next on the list is General Motors, with a gross annual sales of $24.3 billion. That is more money than was made by Switzerland, Pakistan, and South Africa. In fact three U.S.-based multinational corporations are in the top 30 economic powers of the world. A total list of the top 100 shows 59 are nations and 41 are multinational corporations.

So it is not difficult to see how some nations would feel intimidated by companies in their country which produce billions of dollars more than their country does. As the British and French empires learned during the earlier days of this century, former colonies which have been nurtured along can quickly turn on their benefactors. Fort Motor Co. in Argentina, for instance has paid off a million dollars in extortion money to Communist terrorists in order to prevent threatened violence. Two months earlier Eastman Kodak paid a reported $1.5 million in kidnap ransom to free a top executive. All told, estimates put the amount paid to the terrorists in that Latin American country by big businesses over the past few years to be about $13 million.

This week the Libyan dictator, Qaddafi, nationalized and took over control of a U.S.-based multinational oil producer. The $140 million Libyan operations of Hunt Oil of Dallas were seized by the north African government. The three other top American oil companies in Libya were put on notice that Qaddafi wants full control of their holdings on his nation's territory.

Shakey as it often is, investment in foreign countries of large sums of American investor's dollars continues at alarming rates. Just last week a massive $8 billion, 20-year fertilizer deal was agreed to by the Soviet Union and the multinationalist Occidental Petroleum Corp.

Multinational corporations have made an impact on big business in this country and the world in recent years. The economic power they exert not only in foreign governments, but within the Government of this country is far reaching. Within the next few months congressional investigators should provide U.S. taxpayers with valuable insight into how his tax money is being manipulated to the advantage of large corporations.

MORE EFFECTIVE ENFORCEMENT OF SEX DISCRIMINATION LAWS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BRADEMAS. Mr. Speaker, Dr. Irene Tinker of the Federation of Organizations for Professional Women testified last month before the Labor-HEW Subcommittee of the House Appropriations Committee on the need to hire additional staff in the Office of Civil Rights at the Department of Health, Education, and Welfare and to strengthen enforcement of a variety of Federal laws and regulations concerning sex discrimination in educational institutions.

Because I believe this testimony would be of interest to a number of my colleagues, I would like, at this point, to insert the text of Dr. Tinker's remarks in the RECORD:

STATEMENT OF DR. IRENE TINKER OF THE FEDERATION OF ORGANIZATIONS FOR PROFESSIONAL WOMEN BEFORE THE LABOR—HEW SUBCOMMITTEE OF THE HOUSE APPROPRIATIONS COMMITTEE, MAY 21, 1973

Re additional postions requested by the Office for Civil Rights, Department of Health, Education and Welfare

I am Dr. Irene Tinker, Presiding Officer of the Federation of Organizations for Professional Women. I am a political scientist, specializing in comparative urban and regional development. Currently I am a Research Fellow at the Bureau of Social Science Research and I have experience as a college professor, administrator, and in curriculum development. I am speaking today in behalf of the Federation of Organizations for Professional Women. The Federation is a newly formed umbrella organization of professional groups dedicated to women's equal rights. Our affiliates include the gamut of organizations for women from all-women professional groups such as the Association of Women in Science or the American Association of University Women through committees, usually composed of men as well as women, of disciplinary associations such as American Economic Association's Committee on the Status of Women in the Economics Profession or the Committee on Women Historians of the American Historical Association or the Committee on Women in Development of the Society for International Development to action groups like the Women's Equity Action League and Caucuses such as the Women's Caucus for Political Science.

I come before this subcommittee to bring to your attention the most important need for additional staff positions in the Office for Civil Rights of the Department of Health Education and Welfare. I would particularly like to stress the personnel shortage in the Higher Education Division which is responsible for administering a variety of federal laws and regulations concerning sex discrimination in educational institutions. These laws and regulations include Executive Order 11246 as amended by Executive Order 11375, Title IX of the Education Amendments of 1972 and Title VII (Section 799 A) and Title VIII (Section 845) of the Public Health Service Act (as amended by the Comprehensive Health Manpower Act and the Nurses Training Amendments Act of 1971. In addition, the Higher Education Division of the Office for Civil Rights must enforce prohibitions against discrimination because of race, color, and national origin such as Title VI of the Civil Rights Act of 1964 with regard to institutions of higher education.

The work of the Office for Civil Rights of HEW is absolutely vital to the effective implementation of the federal laws and regulations concerning sex discrimination in educational institutions. Up to the present, institutions of higher education have not been particularly eager to end their discrimination against women—whether those women are staff, faculty or students. As an example, I cite the University of Michigan which did not devise an acceptable affirmative action plan to end discrimination against women in their employ until the Office for Civil Rights withheld seven and a half million dollars in contract funds from the university.[1] There is also the case in which a graduate school of international relations decided whom they wanted to hire before they began their official search. They then created a job description, using this white male's resume as a basis, and advertised the position. Much to their surprise, a woman candidate's qualifications fit the job description better than those of the male for whom it was designed. Since the female applicant was in London, however, the Search Committee did not offer her an interview on the grounds that they could not afford to pay her expenses to come for the interview. I need not add that the originally selected white male was the person hired.

Helen Astin, Research Director for the University Research Corporation and Alan Bayer, Associate Director of the Research Office of the American Council on Education, reported the results of a survey of 60,000 faculty members at 300 representative institutions last June. They found that—and I quote—"sex is a better independent predictor of rank than such other factors as the number of years since completion of education, the number of years employed at the present institution, or the number of books published"—end quote. The data they collected reveal that men and women with similar academic credentials frequently are not recruited, promoted, or paid on an equal basis. Keep in mind that these findings reflect the massive pattern of discrimination against women in higher education which still existed nearly four years after Executive Order 11246 as amended took force.[2] Alan Pifer, President of the Carnegie Corporation of New York, has reluctantly concluded that "without the threat of coercion it seems unlikely higher education would have budged an inch on the issue [of sex discrimination]. Certainly," he continued, "it had every chance to do so and failed." [3]

The task of enforcement of national policy prohibiting sex discrimination is just beginning. Although the Executive Order 11246 was amended in October 1967 to include sex, and the Office for Civil Rights was given a year's grace for its enforcement, it was not until January 1970—fourteen months later—that the question of sex discrimination was added to the compliance reviews. Yet in November 1972, a Report of the Task Force set up by the former Commissioner of Education Sidney P. Marland, Jr. concludes that the effective implementation of the civil rights policy as applied to women has yet to take place. Let me quote from this report entitled "A Look at Women in Education: Issues and Answers for HEW."

"OCR's work is absolutely critical to the effectiveness of any civil rights law applying to HEW programs . . . Clearly the impact of anti-sex discrimination laws will depend largely on how effectively OCR carries out its job. . . . So far, the record in enforcing equal treatment for women in employment under the Executive Order has been disappointing." [4]

That, from an official report. Clearly, the enforcement of the federal laws and regulations concerning sex discrimination in educational institutions by the Office for Civil Rights has been woefully inadequate.

OCR has received 544 individual complaints of discrimination and nearly 500 class complaints involving patterns of discrimination since it was established. That means that one of every five campuses in this country has had a case filed against them. None of the class complaints has been satisfactorily concluded.

Of the 544 individual cases, 355 involved charges of sex discrimination. According to a letter from Peter Holmes, Director of the Office for Civil Rights, on May 8 of this year, 45 cases of complaints on the basis of sex discrimination have resulted in findings in favor of the complainants, 18 are still being negotiated and 31 have been settled without findings. This means that only 94 of the 355 sex discrimination cases have been dealt with. Some of the remaining 261 cases may be among those 82 cases filed after March 15, 1972 and therefore transferred to the Equal Employment Opportunity Commission. The total backlog of all types of cases under the jurisdiction of OCR is apparently then 361. Why this backlog, this inadequate enforcement?

The Higher Education Division of the Office for Civil Rights was established in July 1972. In January 1973 they reported a staff of 13 in Washington with another 62 professional staff assigned to the ten regions. Last year the staff could not be increased because of the veto of HEW's budget. It seems obvious that this staff of 75 cannot clear up the backlog of 361 individual cases, review affirmative action plans of the 500 universities and colleges already charged, deal with new sex discrimination complaints involving Executive Order violations and student affairs complaints generated by Title IX, as well as continue to enforce Title VI.

The United States Civil Rights Commission report: "Federal Civil Rights Enforcement Effort: A Reassessment," issued in January under its mandate from Congress to investigate civil rights enforcement, puts the problem quite succinctly:

"The Higher Education Division has failed to compel use of goals and timetables by its recipients. Failure to adopt criteria to determine whether discrimination has been eliminated represents a major weakness. In addition, the Higher Education enforcement program receives low priority, the evidence of which is inadequate staff and a correspondingly small number of compliance reviews." [5]

There is a solution to this problem and the solution is to give high priority to civil rights enforcement in higher education institutions. For Congress not to grant OCR's request for 165 addtional positions, 50 of which would be in the Higher Education Division, would indicate that civil rights enforcement has low priority. Surely Congress would not want to do this.

Perhaps this subcommittee may wish to scrutinize the OCR request to see if their estimate of additional staff necessary to meet the workload is low. I suspect that 50 additional positions for the Higher Education Division may well represent a low estimate. The Office for Civil Rights bases its estimate on the person-hours needed to complete the expected number of investigations and compliance reviews. OCR's estimate of the backlog of individual complaints is significantly lower than the Federation's calculation which is based on the figures provided to us by Peter Holmes. I believe the backlog may be 180% of the OCR estimate.[6] If this is so, additional person-hours will be needed to eliminate the backlog. The confusion regarding the exact backlog reveals the insufficiency of current record-keeping practices at OCR. The additional staff are necessary to the improvement of the quality of recordkeeping in the office so that an accurate picture of enforcement activities is available to the Executive, Congress, and the public.

Let me mention at this point the particular staffing problem faced by the Higher Education Division of OCR. Revised Order No. 4 issued by the Department of Labor in December 1971 includes obligations for a complex salary analysis and the validation of tests utilized in the process of hiring and promoting. These provisions and other enforcement provisions in the current HEW Guidelines involve complicated procedures. The Office for Civil Rights needs specialists to evaluate the efforts by institutions of higher education in this field. It must have adequate personnel and adequate funds to train the staff they hire. I can not exaggerate the need for a staff of well trained enforcement specialists. The report of the Commissioner's Task Force, mentioned earlier, points out that enforcement efforts have been weak in the area of compliance review. Specifically the Task force complains that

"OCR has failed to develop uniform standards to guide its own personnel in compliance reviews. Investigations are handled by regional office staff, and procedures and compliance standards vary from region to region, from institution to institution. Not only does an absence of uniform standards frustrate effective civil rights policy, it is unfair to any institution making a genuine effort to comply with the Federal government's equal employment demands." [7]

The need for a well trained staff to avoid problems of this sort is obvious.

Moreover, it should be noted that the Office for Civil Rights has not yet brought a university contractor to hearing, an administrative enforcement mechanism provided for in the Executive Order. I have been informed by reliable sources within HEW that the quality of OCR's investigations has been so poor that the General Counsel's office has been unwilling to proceed to a hearing with-

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Footnotes at end of article.

out more sophisticated supporting data and documentation. This will not be possible until the staff of the Higher Education Division of OCR is adequate in size and sophistication to handle the work of enforcing the civil rights provisions under its jurisdiction.

Another area where the Task Force cites the Office for Civil Rights for weak Executive Order enforcement efforts is that of accountability. Under the present regulations, contractors are not required to submit their affirmative action plan to Federal officials. In fact, small contractors (those with contracts amounting to more than $10,000 but less than $50,000) are not required to put their affirmative action plans in writing. Many contractors do not bother to put their plans in writing even if required to do so because federal officials do not verify them unless a compliance investigation is held. To strengthen its Executive Order enforcement procedures, the Commissioner's Task Force recommended that "HEW guidelines require contractors to submit affirmative action plans for approval or disapproval whether or not a compliance review has been made; plans should be accepted or rejected within three months after submission."[8] The Federation wholeheartedly concurs in this recommendation and urges this subcommittee to increase the appropriation for the Higher Education Division of the Office for Civil Rights to allow the necessary additional staff.

There is one further issue which vitally concerns academic women and that is discriminataion against women by many research institutions. A random sample of the employment patterns of several prominent research institutions suggests that there has been no attempt to hold these institutions to the equal employment opportunities requirements of their federal contracts. As a result these bodies are rife with sex and race discrimination. Two examples should suffice to indicate the scope of the problem.

The Brookings Institution, surely one of the most prestigious research bodies in Washington and an outspoken supporter of equal rights in the abstract, is at this moment in contravention of its federal contract obligations concerning equal employment opportunities. As an employer of over 50 persons and as a holder of federal contracts in excess of $50,000, The Brookings Institution is required by law (Executive Order 11246, as amended) to appoint an Affirmative Action Officer within its organization, to develop a written Affirmative Action program, and to publicize these measures for the benefit of employees and potential employees. These steps have not been taken.

The appended statistics indicate why these steps are necessary. Of the 35 trustees, only one is a woman. She was appointed this year. Of the total 177 professional employees as of December 1972, 150 (85 per cent) were men; 27, or 15 per cent, women. The bulk of those women were in the research assistant category. Of the senior personnel and associated staff (those academicians who remain at their universities and consult with Brookings periodically), 12 or 6 per cent were women. While we have no similar body count for minorities, we understand that there are few black professionals.

Gladstone Associates provides a second example of employment patterns among research bodies performing publicly funded studies. Gladstone Associates, a prominent Washington consulting firm in economics, employs fewer women than Brookings and just as few minority members. Of the 14 officers and senior associates none are women and none belong to minority groups. Of the 32 administrative positions, only 3 are held by minority group members.

Similar patterns of discrimination against minorities and women have been found in every research institution we have looked at. While our examination is not complete, it is sufficient to convince us that there exists a pervasive failure to comply with civil rights obligations in federal government contracts throughout the research industry.

Yet despite these statistics and despite these failures to conform to federal law, research institutions continue to receive government contracts—no questions asked. To rectify this situation will require a much-strengthened civil rights enforcement. So far, research bodies have escaped scrutiny of their employment, salary, or promotion practices or any effort to enforce the requirement of developing and publicizing written affirmative action plans. Since the responsibility for enforcing the Executive Order as it relates to research institutions lies with the agency issuing the contract, a given research institution may well have affirmative action obligations to a variety of federal enforcement agencies. Consequently, no one agency has overall responsibility for insuring adequate compliance. In theory the Labor Department which has policy responsibility for the Executive Order, should perform this role. In practice it has not. The Federation recommends that the system of assigning enforcement functions be altered, perhaps by designating one compliance agency such as the Office of Contract Compliance of the Department of State for all research contracts on foreign affairs and defense policy. At the minimum, the responsibility for compliance of research institutions should be changed from the Office of Federal Contract Compliance of HEW to the Higher Education Division, OCR. The reason for this is that research institutions such as Brookings more closely parallel higher education than they do the construction industry, a major industry dealt with by The Office of Contract Compliance. This theory was followed when enforcement of the Title VI as it relates to educational TV was assigned to the Higher Education Division.

In conclusion, I urge the members of this subcommittee to establish civil rights enforcement as a high priority issue for the coming fiscal year. The achievement of equal rights for all people is a goal worthy of this nation's attention. Granting the appropriation requested by HEW for the Office of Civil Rights is the bare minimum necessary to begin the job at hand—indeed the subcommittee should carefully examine the Office for Civil Right's request to determine whether even more adequate allocations for staffing and staff training are not necessary.

FOOTNOTES

[1] Alan Pifer, "Women in Higher Education," Speech before the Southern Association of Colleges and Schools, Miami, Florida, November 29, 1971, p. 12.

[2] Scientific Engineering Technical, "Manpower Comments," June 1972, Volume 9, Number 6, p. 10.

[3] Alan Pifer, "Women in Higher Education," p. 13.

[4] Report of the Commissioner's Task Force on the Impact of Office of Education Programs on Women, "A Look at Women in Education: Issues and Answers for HEW," November 1972, U.S. Office of Education, HEW, p. 43.

[5] U.S. Commission on Civil Rights, "Federal Civil Rights Enforcement Effort: A Reassessment", January 1973, p. 187.

[6] The OCR staff estimated that the backlog of individual complaints was 180 and approximately 200 respectively in two telephone calls.

[7] "A Look at Women in Education," pp. 43–44.

[8] "A Look at Women in Education," p. 45.

FEDERATION OF ORGANIZATIONS FOR PROFESSIONAL WOMEN; FOUNDED NOVEMBER 18, 1972

American Association of University Women.

American College Personnel Association.

American Economic Association's Committee on the Status of Women in the Economics Profession.

American Medical Women's Association, Inc.

American Psychological Association, Committee on the Status of Women.

American Society for Microbiology, Committee on the Status of Women Microbiologists.

Association of Women Mathematicians.

Association of Women in Science.

Committee on Women Historians of the American Historical Assn.

Center for the Continuing Education of Women (U. of Cal., Berkeley).

Intercollegiate Association of Women Students.

National Association Women Deans, Administrators, and Counselors.

National Institutes of Health—Organization for Women.

Project on the Status and Education of Women—Association of American Colleges.

Women's Caucus of the College Art Association of America.

Women's Caucus for Political Science.

Women for Change Center (Dallas, Texas).

Women in Communications.

Women's Equity Action League.

National Women's Political Caucus Center for Continuing Education of Women, U. of Cal., Berkeley.

INSTITUTIONAL FRIENDS

American Association of University Professors.

Association of Asian Studies.

Washington Forum.

Society of Engineers.

Committee on Women, American Society for Microbiology.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 8, 1973.

DR. IRENE TINKER,
Federation of Organizations for Professional Women, Chevy Chase, Md.

DEAR DR. TINKER: Secretary Weinberger has asked me to respond to your letter of April 5, 1973, which requested data on the implementation of Federal laws and regulations regarding affirmative action.

It is my understanding that Mrs. Rose Brock, from this Office, has contacted you by telephone and discussed the information you requested. This information is summarized below:

During the past calendar year, the Office for Civil Rights had on hand or received a total of 544 individual complaints; 355 of these charged sex discrimination. In most of these cases, the complainant did not provide ethnic identification. When the complaint was recorded as a sex discrimination complaint, that was determined to be the primary charge.

82 of these complaints were received after March 15, 1972, and subsequently were transferred to the Equal Employment Opportunity Commission.

52 investigations of complaints have resulted in findings in favor of the complainants; 7 on the basis of race discrimination and 45 on the basis of sex discrimination. Settlements of 18 of the sex discrimination cases are still being negotiated. The remaining 31 cases have been settled to the satisfaction of the complainant.

In many cases, the specific details of the settlements are worked out between the two parties after the employers have accepted our findings. Therefore, in many cases the specific nature and detail of the settlement is not on file in this Office.

Many universities voluntarily take corrective action, such as promotions and salary adjustments, after class complaints are filed and without an investigation from this office. In most of these cases, the Office for

Civil Rights lacks detailed information on the changes made. This information could best be obtained from the women's organizations which are present on most campuses today.

The only cases OCR has transferred to another agency, through December 31, 1972, are the 82 cases transferred to EEOC identified above.

Thank you for your interest in the efforts of this Office and I hope the information is helpful to your organization.

Sincerely yours,

PETER E. HOLMES,
Director, Office for Civil Rights.

MALE/FEMALE DISTRIBUTION AMONG PROFESSIONALS AT THE BROOKINGS INSTITUTION

	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Economics studies	67	100	59	88	8	12
Senior fellows	15	100	13	87	2	13
Research associates	5	100	4	80	1	20
Research assistants	12	100	7	58	5	42
Associated staff[1]	35	100	35	100	0	0
Government studies	29	100	23	79	6	21
Senior fellows	7	100	6	86	1	14
Research associates	6	100	5	83	1	17
Research assistants	2	100	0	0	2	100
Consultants	2	100	2	100	0	0
Associated staff	12	100	10	83	2	17
Foreign policy studies	72	100	60	84	12	16
Senior fellows	19	100	19	100	0	0
Research associates	13	100	9	59	4	31
Research assistants	20	100	12	60	8	40
Associated staff	20	100	20	100	0	0
Advanced study program	9	100	8	89	1	11
Senior staff	8	100	8	100	0	0
Staff associate	1	100	0	0	1	100
Social Science Computation Center	26	100	14	54	12	46
Director and assistant director	2	100	2	100	0	0
Applications	8	100	2	25	6	75
Operations staff	7	100	5	71	2	29
Systems staff	3	100	2	67	1	33
User services	6	100	3	50	3	50

[1] Associated staff refers to nonresident scholars who are affiliated with Brookings.

GLADSTONE ASSOCIATES (URBAN LAND ECONOMIC CONSULTANTS)

	Total		Men		Women	
	Number	Percent	Number	Percent	Number	Percent
Professional:						
Officers	12	100	12	100	0	0
Senior associates	2	100	2	100	0	0
Associates	18	100	15	83	3	17
Research associates	16	100	3	19	13	81
Administrative:						
Manager	1	100	1	100	0	0
Administrative secretary services	15	100	1	--------	6	(1)
Library, receptionist, travel	4	100	0	0	4	100
Accounting	7	100	0	0	7	100
Computer	4	100	2	50	2	50
Reproduction	1	100	1	100	0	0

[1] 8 unknown.

Note: While this breakdown concerns allocation of positions to men and women, a study of the allocation of jobs to minorities shows an equally blatant picture of discrimination. There are no blacks, chicanos, etc. in officer or senior associate slots. 1 associate belongs to a minority group. No research associate belongs to a minoirty group. Among administrative personnel there are 3 members of minority groups.

Source: Based on Nov. 30, 1972 director.

NATIONAL AIRPORT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, as many Members of this House know, recent proposals made by the Federal Aviation Agency regarding a reduction of traffic at Washington National Airport have aroused anew the controversy in the metropolitan area over the best use of this facility.

Members of a Committee for National, composed of residents of my northern Virginia district, feel that their views with regard to the National Airport controversy have not been fully aired. They have requested, therefore, that I insert the full text of an address made to them at a luncheon meeting in Arlington on June 6, in which the speaker, Mr. George A. Spater, chairman of the board and chief executive officer of American Airlines, made a forceful case against the new FAA proposals.

Mr. Spater's speech reads as follows:

SPEECH BY MR. GEORGE A. SPATER

I am pleased to have an opportunity to talk to you today, at a time when most organizations that interest themselves in airport problems seem to be taking a negative view. Your Committee for National is one of the few organizations I know that is "for" something, and I want to discuss why I believe this attitude is not only appropriate to your local problems, but constructive in terms of broader national interests.

First, because of its immediate concern to all of us, I want to comment on the proposed policy announced by the FAA in January relating to the future of the airports serving the Washington area.

The new FAA Administrator has been quoted recently to the effect that the FAA is reconsidering its proposal, after reviewing comments from the carriers and from a number of Congressmen. This is welcome news. We can all agree with the general policy that Washington National should be developed for short-haul service and Dulles for long-haul flights; but the FAA's specific proposal prohibiting the use of Washington for nonstop flights of more than 650 miles and one-stops of more than 1,000 miles is not, in our opinion, a good rule.

Leaving aside legal considerations, the 1,000-mile one-stop limitation is wrong for two reasons: First, it would not accomplish that FAA's goal of shifting any substantial amount of traffic to Dulles. Second, it would result in an inferior and inconvenient air service to the public.

Let me give you an example. We operate three daily flights from Washington to Oklahoma City via Chicago. Since Oklahoma City is more than 1,000 miles from Washington, the rule originally proposed would have required us to discontinue these three services.

The total number of passengers now moving from Washington to Oklahoma City on ourselves, Braniff and TWA, on all the flights operated by the three carriers combined, aggregate only 75 per day. These are spread over the entire day so it is not possible to establish a nonstop flight out of Dulles at one single time of the day that will attract enough of these 75 passengers to cover its costs.

Therefore, the only result of the 1,000-mile limit in this case would be to require all Oklahoma City passengers to change planes in Chicago, with the need to move themselves and their baggage between flights, as well as subjecting them to the possibility of missing the connection. In sum: no new service at Dulles, and a vastly inferior service at Washington National.

The same problem would exist for the public and for us between Washington and Salt Lake City (with an average daily movement of 58 passengers, or Washington and El Paso (where the average volume is 34 passengers a day), or Washington and other points more than 1,000 miles away where the traffic is not great enough to support much, if any, nonstop service. Indeed, of the 50 odd flights a day American Airlines operates at Washington National, 24 are one-stop flights with origin or destination beyond the arbitrary 1,000-mile radius.

We do not disagree with the concept that Washington National should be considered a short-haul, high-density airport, but urge that it also be available for multi-stop service to cities where nonstop service cannot be justified or where traffic volume is insufficient to support more than minimal nonstop service.

In reconsidering its proposal, I agree with Mr. Pearson's suggestion that the FAA should also look to the introduction of the DC-10 and 1011 at Washington National to help resolve the problem. These aircraft were specially designed for short and medium haul, high-density routes and to perform at a noise level far below that of the older jets. Short-haul commuter traffic cannot be served through Dulles, and it seems even more unreasonable to deprive the neighbors of Washington National of the noise relief that would come from the substitution of these new, quieter wide-bodied aircraft for the 727's and DC–9's now in service.

The FAA's restriction on the number of movements at Washington National, together with the growth of short-haul traffic, clearly points towards the need to use these more efficient and quieter wide-bodied aircraft.

The objection has been raised that roadway access and parking facilities at Washington National are inadequate to handle the larger number of passengers carried by the wide-bodied jets. But parking facilities can be added and curbside access improved. This expansion and modification is needed whether or not the wide-bodied aircraft are permitted to operate. Congestion on the highway to and from the airport is part of a broader problem common to almost all cities and is caused by commuter traffic between the suburbs and the city center. This area's mass transit plans, with service to National included, will make a significant contribution to reducing highway congestion.

Some of those who would restrict the normal development of Washington National do so because they are concerned about diversion from Dulles. Yet in the last five years Dulles enplanements have increased by 63.9%, while enplanements at Washington National have increased by only 25.1%. Enplanements at Friendship have also increased at a faster rate than Washington National.

The very existence of your committee and the fact that you call yourselves the Committee for National shows that you are concerned with the benefits that an airport can provide to a community. I would like to add a few thoughts in support of that concept.

This group is familiar, I am sure, with the importance of Washington National Airport as an employer of people and the creator of purchasing power in this area: 8,500 employees with an annual payroll of $86,000,000, according to the most recent study, which covered 1970.

Even more important is the significance of this airport as your convenient access to the rest of the country.

A few years back you may have read a European best seller called "The American Challenge". It was translated into English and had heavy sales in this country after it was published here in 1968.

The book discusses the great industrial strength of our country.

It is notorious that the American industrial plant is the greatest in the world. But this book makes the striking point that the second greatest industrial plant is not that of Russia or Japan or Germany. It is the American-owned industrial plant in Europe. We Americans have the two greatest concentrations of industry in the world: Our own at home and the one we own and operate in Europe.

Our economic influence is far greater than this, however. When I was in London last year, I just happened to notice in one block. A restaurant called "Wimpy's" where American-style hamburgers are sold under a name derived from an American comic strip character, a second restaurant called "Texas Hamburgers" and an American movie involving a story on the American Civil War.

People all over the world are buying American drinks: Whiskey, Coca Cola, and in Paris I recently saw California wine for sale.

They are buying American clothes. They are eating American food. In Weybridge, England, I had a lunch which included American asparagus. I had dinner in Munich where we had California strawberries. And so on without end.

But this too is not the complete story. American businessmen are scurrying all over the world looking for things to buy in foreign countries that they expect to sell in the United States and for things they can make there for sale in the United States or wherever a market can exist.

On my way to the Orient a year ago, I met a man in his late 30s or early 40s who told me a remarkable success story. About 10 years ago, he opened a florist shop in Portland, Oregon. He was just limping along and was constantly bothered by a candle salesman who was trying to convince him that he should stock candle in addition to flowers. The salesman was such a pest that the young florist told the salesman that he would take one dozen of each variety that he was selling. Well this developed into a pretty bulky order because candles, it turned out, come in lots of shapes, sizes and colors.

Then the florist found that he simply couldn't sell the candle in his store. When the bill came in for the candle inventory, it nearly broke him and he went to a local supermarket and convinced them to take on his stock. The supermarket proved to be a good place to sell candles and in a few weeks the manager of the store told the florist he wanted some more. The florist got out of the flower business and went in the candle business. And he turned out to be quite a candle salesman. In a couple of years, he had taken over the complete output of the company whose candles had crowded his flower shop.

When his sales exceeded the capacity of the candle manufacturer, he decided to manufacture himself. He learned how to make candles and then flew to Japan. The Japanese were not making any candles except small spindly ones used for religious purposes. He taught a Japanese manufacturer to make the types of decorative candles he was selling and set up his own source of supply.

At the time I met this industrious fellow in an airplane bound for Japan, he had become the largest supplier of candles in the United States and Canada and was beginning to branch out into foreign countries.

All this is supposed to have a point to it, and the point is this: Air transportation has changed the world far more drastically than any other medium of transportation in the history of man. The great U.S. industrial plant in Europe has been mainly a development of the last 20 years, after the introduction of the jet airplane, which made it possible for state-side management to supervise worldwide industrial companies. My candle-maker friend is an example of what a single individual can do.

That air transportation has changed the economic world is demonstrated by the few facts already given. It has also changed many other aspects of our life.

Take, for example, the field of diplomacy. For generations, it has been conducted by governmental representatives located in far distant places. Air transportation has made possible the diplomacy of Henry Kissinger—a representative of the seat of power who, in a world swing occupying a few days, is able to talk directly to the heads of foreign states and come back and report to Washington.

The role of ambassador is past. To quote James Reston of the New York Times:

"Diplomacy has been transformed by the fast jet airplane . . . When the head of an American mission abroad reports something really important to his capital, the chances are somebody from Washington will be sent out to deal with it . . ."

The airplane has also changed the recreation of the world's people. Before World War II, nobody made a European pleasure trip in less than a month. Today people by the millions go to Europe for one or two weeks. The Gourmet Magazine wrote about a woman from Washington who was so intrigued by an article on a London food shop that she went over one day and back the next to buy fancy groceries for a party she was giving.

The airplane has not only brought you to the recreation, it has brought the recreation to you. The schedules of the National and American Leagues today are based on the use of air transportation. The same is true of hockey, basketball, tennis and golf. The competition that now exists could not have operated with the older system of transportation. One of the ski instructors at Sun Valley, Idaho, where he teaches from November to April each year, is the head of the ski school at Thredbo, the principal ski resort in Australia where he teaches from June to October. Race horses move from New Zealand to Yonkers, New York and back again by air.

The more serious types of recreation: music, the theatre, ballet, are the slaves of air transportation. In late 1970 we sponsored a visit of the Australian Ballet to the United States. This group came to this country, made 69 appearances here and returned to Australia in not much more than the time it formerly would have required to make a one-way trip.

The airplane has also changed the geographic distribution of colleges and universities. Young people in your community are no longer largely limited to education at nearby schools; they are attending institutions of learning all over the country, and in many cases, in other countries.

I have drawn most of my examples from international air transportation because it is so spectacular, but the lesson is equally applicable, although perhaps not so dramatically, to access within our own country for every type of purpose.

In this age of air transportation a community that has a major airport has a geographic, economic and cultural advantage. Any community that voluntarily relinquishes this advantage is dissipating the greatest asset it can have. I admire and respect and support the efforts that your organization has made to keep Washington National open; the benefits are well worth the efforts.

SENATE—*Wednesday, June 20, 1973*

(Legislative day of Monday, June 18, 1973)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art eternal and unchangeable, make us followers of the truth. Give us ears to hear the truth, minds to understand the truth, and wills to act upon the truth. Deliver us from all falsehood, from half-truths and from hiding the truth. Make us loyal partners of all who serve the truth. Give us courage to be true to truth, and true to Thee this day and every day.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 20, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Robert C. Byrd, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on June 18, 1973, the President had approved and signed the following acts:

S. 38. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes;

S. 49. An act to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; and

S. 1136. An act to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Robert C. Byrd) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committee.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, June 19, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTION FROM THE COMMONWEALTH OF PUERTO RICO CALLING FOR THEIR EXCLUSION FROM S. 352, THE VOTER REGISTRATION ACT

Mr. MANSFIELD. Mr. President, I am in receipt of a resolution from the House of Representatives of the Commonwealth of Puerto Rico calling for the exclusion of the Commonwealth of Puerto Rico from the Voter Registration Act, S. 352. This resolution was approved by the House of Representatives of the Commonwealth of Puerto Rico on May 29, 1973.

I ask unanimous consent that a letter from the Secretary of the Senate, Francis R. Valeo, forwarding this to me on behalf of the House of Representatives of Puerto Rico, together with the resolution, be printed in the Record.

There being no objection, the letter and the resolution were ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Secretary,
Washington, D.C., June 19, 1973.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: I am forwarding herewith a Resolution calling for the exclusion of the Commonwealth of Puerto Rico from the "Voter Registration Act" (S. 352), which was approved by the House of Representatives of the Commonwealth of Puerto Rico on May 29, 1973.

Sincerely yours,

Francis R. Valeo,
Secretary of the Senate.

Resolution To Request From the Congress of the United States of America To Exclude the Commonwealth of Puerto Rico From the "Voter Registration Act" (S. 352)

STATEMENT OF MOTIVES

Whereas: Before the Congress of the United States Senate Bill No. 352 is being processed, known as "Voter Registration Act", which, upon approval on its original drafting, would include Puerto Rico within a federal voters registration system for the election of federal officials, among which is included the Resident Commissioner of Puerto Rico in the United States;

Whereas: If said bill is approved in the aforesaid form, the effect in Puerto Rico would be that there will be two systems of voters registration; one for the election of one sole official, the Resident Commissioner, and another, for all other elective posts. This would bring about unnecessary difficulties in the Puerto Rican electoral process; would produce a great confusion and would destroy the already directed purpose of carrying out in Puerto Rico an electoral reform which responds to the Puerto Rican political realities;

Whereas: The intervention in Puerto Rico of a federal voters registration process is incompatible with the autonomic spirit of the present political relationship between Puerto Rico and the United States;

Therefore, be it Resolved by the House of Representatives of Puerto Rico:

Section 1.—It is hereby requested from the Congress of the United States of America, both, from the Senate and from the House of Representatives, that the Commonwealth of Puerto Rico be excluded as jurisdiction wherein it may apply, the "Voter Registration Act" (S. 352), now under its consideration.

Section 2.—Copy of this Resolution, duly translated into the English language, shall be transmitted by the Secretary of this House of Representatives to the Senate, and to the House of Representatives of the United States, to each Senator, and to each Representative of the Congress of the United States, to the Governor of Puerto Rico, and to the Resident Commissioner of Puerto Rico in the United States.

And in testimony whereof, I issue these present to which I set my hands and affix the seal of the House of Representatives at the Commonwealth of Puerto Rico, at the Capitol building, San Juan, Puerto Rico, this 29th day of May one thousand nine hundred and seventy three.

Enrique Piñero,
House of Representatives Secretary.

NOTIFICATION TO THE PRESIDENT OF CONFIRMATION OF NOMINATIONS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the President be notified of the confirmation of the nominations by the Senate on last Thursday and Friday.

The PRESIDING OFFICER (Mr. Nunn). Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader desire to be recognized?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington (Mr. Jackson). Time is running.

The text of the pending amendment is as follows:

On page 84 after subsection 208(b) insert new subsections (c), (d), and (e), as follows:

(c) Section 15 of the Airport and Airway Development Act (84 Stat. 219, 225) is amended by adding the following new subsection:

"(d) Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement to Federal funds apportioned for airport development pursuant to paragraphs (A) and (B) of subsection (a)(1) and paragraphs (A) and (B) of subsection (a)(2) of this section in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

(d)(1) Section 104, title 23 of the United States Code, is amended by adding the following subsection:

"(2) Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement to Federal-aid highway funds, other than funds authorized to be appropriated under subsection (b) of section 108 of the Federal Aid Highway Act of 1956, as amended, or funds for planning and research, which would otherwise be apportioned to such State in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

(2) Subsection (f) of section 109, title 23 of the United States Code, is amended by deleting "or control of" in the first sentence.

(e) Subsection (b) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 900), as amended, is amended by adding after the second paragraph the following paragraph:

"Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement under paragraphs (1) and (2) of this subsection in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. MANSFIELD. On the time allotted to the amendment of the Senator from Washington.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Time is equally divided between both sides. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Am I correct in my understanding that the pending matter before the Senate is the Jackson amendment, cosponsored by Senator HASKELL and Senator HATFIELD.

The PRESIDING OFFICER. The Senator is correct.

Mr. JACKSON. Mr. President, on behalf of Senator HASKELL, Senator HATFIELD, and myself, I offer the amendment to provide additional encouragement to States to exercise States' rights and develop State land use programs. This amendment is supported by the administration; it is contained in the administration's proposed land use bill, S. 924. Furthermore, it is vigorously supported by all the major environmental organizations. It would impose moderate reductions in a State's entitlement to certain Federal funds in the event that the State has not made a good-faith effort to comply with the limited provisions of the Land Use Policy and Planning Assistance Act at the end of 5 years from date of enactment.

Under the amendment, any State which fails to develop a State land use program at the end of 5 years which meets the requirements of the act would experience a phased withholding over 3 fiscal years of certain Federal funds. The withholding would begin at 7 percent the first year, go up to 14 percent and end at 21 percent in the third year. The programs from which funds would be withheld are the funds for airport development under the Airport and Airway Development Act, Federal-aid highway funds for primary and secondary Federal aid highways, and funds under the Land and Water Conservation Fund Act of 1965. This sanction would be invoked only after 5 fiscal years—I emphasize that—and the funds withheld would not be lost to the State. When the State land use program again meets the requirements of the act, any funds withheld must be disbursed to the State. Finally, the sanction could not be invoked until a determination of ineligibility of the State for grants is made in the interagency review process and concurred in by the independent ad hoc hearing board.

I believe this amendment is important for two reasons. The first, to encourage States to improve their land use decisionmaking, has already been mentioned. Equally as important is the need to insure that major Federal programs which have an immediate and direct impact on land use or which stimulate development do not contribute to unplanned, ugly, and inefficient land use patterns. It makes good commonsense to ask the State to have the means to plan and control in an orderly fashion the secondary growth stimulated by these Federal programs before that growth occurs.

The three programs chosen to be included in the "sanction"—or, as I prefer to call it, "the additional incentive"—are those which are thought to have the most significant long-range and irreversible impacts upon land use patterns because of the exceptional influence they have over public and private development. The balance of two developmental programs and one environmental program was struck to insure that all interests have a stake in avoiding the loss of funds and in developing State land programs which do meet the act's requirements.

This sanction was included in S. 632, the Land Use Policy and Planning Assistance Act, reported by committee last year. During Senate consideration of S. 632, I agreed to an amendment by Senator HANSEN to delete this sanction from the measure. I did so reluctantly in order to insure the passage of the Land Use Policy and Planning Assistance Act. However, since then we have worked very hard to accommodate concerns of several of my colleagues about the measure. In addition, we and many others have conducted extensive public education on the need for the establishment of planning processes and programs at the State level. The States themselves are moving rapidly to develop such land use decisionmaking capacity.

I know that the politically expedient course would be not to offer this amendment. This is particularly true in a year when the States and local governments have felt the pinch of Federal budget cuts and impoundments. It is also no secret that this amendment bears the added burden of affecting programs under the jurisdiction of other committees. But for the reasons I gave above, I believe this amendment is necessary and I plan to fight vigorously for it. I am happy to say that supporting me will be the administration, all the major environmental groups, professional planning associations, and a number of governors. Publicly, and privately to me, a number of governors have indicated that this amendment is needed by them to urge their legislatures to enact the necessary enabling legislation.

I commend this amendment to my colleagues.

Mr. President, I ask unanimous consent that an excerpt from the report, setting forth the full legislative background of sanctions in the land use legislation be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NOTE: THE ISSUE OF "CROSS-OVER" SANCTIONS

It will be recalled that S. 3354 and S. 632, earlier versions of S. 268 reported by this Committee in former Congresses (and, in the case of S. 632, passed by the Senate) did contain sanctions which affected other Federal programs. An amendment to add a similar sanction to S. 268 was offered and then withdrawn by the Chairman. Instead, the Chairman announced that he would offer the amendment on the Senate floor for full Senate consideration. The Chairman gave the following reasons for withdrawing the amendment:

The decision to defer consideration of sanctions enabled the Committee to focus its markup efforts on the substantive requirements of the bill. Furthermore, it placed the discussion of the sanction in the proper forum—the full Senate—where the inter-jurisdictional ramifications can be fully debated by all interested parties.[1]

Several Committee members requested that the full legislative background of the sanctions be provided in the report. The background is as follows:

The sanctions to be applied to States which fail to develop State land use program or otherwise establish their continued eligibility for grants have been perhaps the most controversial aspect of the land use policy bills of the last three Congresses.

The first land use policy proposal, S. 3354, introduced on January 29, 1970 by Senator Jackson, contained the traditional sanction of termination of any financial assistance extended under the bill for State failure to adhere to the bill's guidelines and requirements or to enact State implementing legislation. In addition the first "cross over" sanction (i.e., a sanction which affects other Federal programs) provided that upon the termination of financial assistance to a State, or should such State not prepare an "acceptable Statewide Land Use Plan," by the beginning of the fourth fiscal year after enactment such State will:

(1) have its entitlement to certain additional Federal assistance programs, which shall be designated by the President, reduced at the rate of 20 per centum per year until such time as the provisions of this title are complied with, and

(2) be denied the issuance of any right-of-way permits or other permits available under the public domain or other Federal laws to use or to cross the public domain or other Federal lands until such time as the provisions of this title are complied with.

In S. 3354, as reported on December 14, 1970, the Committee retained the traditional grant termination sanction, but substituted for the "cross-over" sanction the following:

SEC. 315. (a) After the end of five fiscal years from the beginning of the first fiscal year after the initial issuance of regulations . . . implementing the provisions of this title, no Federal agency shall, except with respect to Federal lands, propose or undertake any new action or financially support any new State-administered action which may have a substantial adverse environmental impact or which would or would tend to irreversibly or irretrievably commit substantial land or water resources in any State which has not prepared and submitted a statewide land use plan in accordance with this Act.

(b) Upon application by the Governor of the State or head of the Federal agency concerned, the President may temporarily suspend the operation of paragraph (a) with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits [an acceptable] schedule . . . for submission of a statewide land use plan: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised due diligence to comply with the terms of that schedule.

The principal differences between this cross-over sanction and the earlier one are: (1) it touched all new Federal actions which may have substantial adverse environmental impacts or irreversibly or irretrievably commit substantial land or water resources, not just certain Federal assistance programs; (2) the actions would be stopped entirely—neither proposed nor undertaken—rather than simply reduced by 20 percent; (3) an escape clause was provided; and (4) the sanction would be invoked only for failure to submit a plan, not for failure to meet all the requirements of the Act.

S. 632, introduced by Senator Jackson on January 26, 1971, was virtually identical to S. 3354, as reported, and, therefore, contained the substituted version of the cross-over sanction, S. 992, the Administration proposal introduced (by request) on February 17, 1971, did not have a cross-over sanction. (Both proposals contained the traditional sanction of termination of financial assistance extended under them.)

On May 18, 1971, the first day of hearings on S. 632 and S. 992. Senator Jackson, in comparing S. 632, his bill, and S. 992, the Administration proposal, made the following statement in response to testimony of Russell E. Train, Chairman of the Council on Environmental Quality:

I think this is one of the major differences . . . between the two bills. You rely on grant-in-aid incentives. We go a step further. We provide grant-in-aid, but we also provide that as to the future . . . no Federal agency shall undertake any new project [in a State] which does not have a land use plan.[2]

A colloquy followed:

Mr. TRAIN. But as I read the bill, Senator, it does not require that that land use plan be approved or conformed to any particular criteria. . . .

The CHAIRMAN. . . . although we do require that it must be prepared and they must submit a statewide land use plan. We started out earlier, as you recall, to take away grant-in-aid funds on a passoff decision basis. But we felt that this was the minimum that we could insist upon in order to get the States to really plan their land on a statewide basis. . . . [T]here is a real question in my mind whether simply providing for grant-in-aid funds is ample to induce the States to do this job. . . .

Mr. TRAIN. We agree that we are asking the State to undertake and make a very difficult decision here. It is not going to be easy to do. Therefore, we agree that if they could be worked practically and appropriately, that some sort of penalty provisions with respect to States that do not have qualified programs would be desirable.

. . . I simply want to say at this point that the Administration would be happy to work with this Committee in trying to develop practical, appropriate teeth, if you will, in this program.

The CHAIRMAN. I understand that. We will certainly work closely with you. . . .[3]

The following year, the Administration submitted an amendment to S. 992 which contained a cross-over sanction. The Administration-sponsored sanction adopted the approach of a percentage reduction in funds of certain programs originally taken in S. 3354. States found ineligible for grants after the deadline for submission of the State land use program (after three years from enactment) would suffer a reduction of funds from three programs over a three fiscal year period at a rate of 7% the first year, 14% the second year, and 21% the third year. The funds subject to withholding were to be: (a) funds for airport development provided for pursuant to the Airport and Airway Development Act; (b) federal-aid highway funds other than funds for planning or research; and (c) funds from the Land and Water Conservation Act of 1965, as amended.

In the mark-up of S. 632, the Committee chose to adopt the Administration sanction in an amended form. The differences between the sanction contained in S. 632, as reported on June 19, 1972, and the Administration sanction were:

(1) the withheld funds were not to be permanently lost to the ineligible State. Rather they were to be held in escrow and, when the State again became eligible, returned to it. The opportunity for a State to recoup the funds if it comes into compliance with the act was regarded by the Committee as an "incentive on top of a sanction".

(2) funds for interstate highways were not to be withheld; only funds for primary and secondary highways. The Committee felt that to include the interstate highway funds would result in the punishing of the neighboring State, for the misfeasance or nonfeasance of the ineligible State.

(3) in accordance with the timetable of S. 632, the sanction would not be applied until after the fifth year.

A discussion of the Committee-adopted sanction was provided in the report on S. 632 (Report No. 92–869, p. 30):

The three . . . programs were carefully chosen. Two of them—the development program of the Airport and Airway Development Act and the primary and secondary (not Interstate) Federal-aid highway programs—were selected because of their extraordinary impact upon land use patterns and the urbanization they generate. Absent the coordination of plans for these highways and airports with State land use programs which meet the requirements of the Land Policy and Planning Assistance Act, the purposes of the act would be frustrated. To balance the withholding of these development funds and to insure that those who hold development in disfavor do not attempt to frustrate a State's efforts to become eligible in order to force the invocation of the sanctions and inhibit such development, the third grant-in-aid program to which the sanctions would apply would be the Land and Water Conservation Fund.

At the direction of the Chairmen of the Committees on Interior and Insular Affairs, and Public Works, staff members of the two met and developed an alternative sanction which was introduced on the floor of the Senate as part of a package of amendments jointly sponsored by the two Chairmen—amendments which resolved certain jurisdictional questions raised in conversations between the two Committees. The alternative sanction was similar to the sanction in S. 632, as introduced. The principal difference was that the freeze on new Federal activities would occur even should a State submit a State land use program if that program fails to meet the requirements of the Act. The sanction read as follows:

SEC. 307(b) (1) After five fiscal years from the date of enactment of this Act, no Federal department or agency shall, except with respect to Federal lands, propose or undertake any new action, financially support any new State-administered action, or approve any loan or loan guarantee which might have a substantial adverse environmental impact or which would significantly affect land use in any State which has not been found eligible for grants pursuant to this Act. Such actions shall be designated in the guidelines promulgated pursuant to section 502 of this Act.

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[1] Speech by Senator Henry M. Jackson at a conference entitled "Conservation and Development: Grounds for Compatibility" sponsored by the Task Force in Land Use and Urban Growth, Smithsonian Institution, Washington, D.C., May 24, 1973.

[2] *National Land Use Policy: Hearings on S. 632 and S. 992*, Committee on Interior and Insular Affairs, United States Senate, May–June 1972 (p. 92).

[3] Ibid., pp. 92 and 97.

(2) Upon application by the Governor of the State or head of the Federal department or agency concerned, the President may temporarily suspend the operation of paragraph (1) of this subsection with respect to any particular action, if he deems such suspension necessary for the public health, safety, or welfare: *Provided,* That no such suspension shall be granted unless the State concerned submits a schedule, acceptable to the Secretary, for meeting the requirements for eligibility for grants pursuant to this Act: *And provided further,* That no subsequent suspension shall be granted unless the State concerned has exercised good faith efforts to comply with the terms of such schedule.

However, during Senate consideration of S. 632 on September 19, 1972, an amendment introduced by Senator Hansen, deleting all crossover sanctions, prevailed on a voice vote.

On January 9, 1973, Senator Jackson introduced S. 268, S. 268, as introduced, was virtually identical to S. 632 in the form in which it passed the Senate. Thus, S. 268 did not provide for any cross-over sanction. In introducing S. 268, Jackson stated:

As is well known, I was and remain opposed to two successful amendments striking the sanctions from the act and reducing the funding by two-thirds.

Therefore, although the proposal I introduce today is virtually identical to the Senate passed measure, the committee will hold hearings early in February where . . . the critical questions of funding and sanctions can be fully explored.

S. 924, the Administration proposal, introduced (by request) on February 20, 1973, contains the same sanction which the Administration proposed as an amendment to S. 992. (Included in both proposals is the traditional sanction of termination of financial assistance extended under them.)

Underlying all these cross-over sanction proposals is the belief that Federal programs which stimulate alterations—sometimes massive and sudden—in land use patterns should not proceed unless sound planning and land use controls are in effect to minimize any adverse land use, environmental and urban service impacts which otherwise would result absent such planning and controls.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appears in today's Washington Post and which supports this amendment. I also ask unanimous consent to have printed in the RECORD an excellent letter from Senators HUMPHREY, CASE, HART, and NELSON to all of my colleagues in the Senate vigorously supporting the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW SHALL THE LAND BE USED?

Crucial environmental and social legislation is now being debated in the Senate. The Land Use Policy and Planning Assistance Act is a broad and useful bill that promises to establish sound land use guidelines that should have been set up years ago. Sen. Henry M. Jackson (D-Wash.) spoke with accuracy when he noted recently that "failure to pass this legislation when I first introduced it three years ago has already resulted in more waste, inefficiency and environmental damage than took place in the first 100 years of our existence as a nation." Many diverse groups have closed ranks—a rare event even among environmental groups—in support of this land use bill; these include the American Institute of Architects, the Sierra Club, and the conferences of governors and mayors. It is clear that not only are the days of mindless growth ending but that planning for the future cannot be done on the archaic notion that there is plenty of land beyond the next valley.

In the last session of Congress, the Senate passed a bill—by 60 to 18—but the House did not. This time, Congress has given itself running room so that last minute jamming cannot be used as an excuse for inaction. The bill is not another tentacle of the federal government reaching out to grasp control over local jurisdictions. If anything, it is the opposite: an opportunity for the states to use federal money—grants totaling $100 million per year for eight years, with a 90 per cent federal share. As both a sanction against delay and an incentive for action, an important amendment will be offered by Senator Jackson stating that if a state does not come up with its own land use planning programs then it would suffer cutbacks in such areas as federal aid to highways, airports and land-water conservation programs. Whether this amendment is seen as a sanction or an incentive, it is the kind of economic shorthand that a state's officials can understand.

Reports earlier this week suggest that strong opposition to the land use bill exists; arguments are being made that property values will be endangered, that the federal government will take over and that nothing rash should be done. The latter is precisely the point: rashness has already taken its toll—worked by the exploiters and abusers of the land out for the quick return, with only casual thought of the long term consequences, whether economic, social or environmental. But the consequences now press in, suggesting that the longer Congress waits to pass a strong land use and planning bill, the tougher the bill will be when it does come.

U.S. SENATE,
COMMITTEE ON
LABOR AND PUBLIC WELFARE,
Washington, D.C.

DEAR COLLEAGUE: This letter is to urge your support of S. 268, the Land Use Policy and Planning Assistance Act, which is scheduled for Floor debate on Tuesday, June 19. This legislation has the unanimous endorsement of the National Governors' Conference and broad support among professional planners and conservation organizations.

The time has come for strong Federal support of state land use planning for critical areas and uses of more than local concern. The bill is modeled after the American Law Institute's Model Land Development Code and provides incentives for all states to develop programs similar to those recently adopted by states which have taken the lead in land use planning. The bill fully complements the steps Congress has already taken to improve air and water quality. Land use legislation is another major step needed to help insure a decent environment for all Americans.

Basically the legislation is a grant-in-aid program to assist states in developing land use programs. It is, however, neither state zoning nor Federal control of state and local land use decisions. While a state could qualify under the Act with a land program putting decisions of more than local impact directly under state control, the experience with states which have developed similar programs suggests that in most cases local control is the proper way to proceed. Throughout the bill the emphasis is on local control and implementation of land use decisions, subject only to state standards insuring that the broader public interest is fully considered in decisions of more than local impact.

The bill focuses on much-needed procedural reforms of land use decisionmaking. With one limited exception, it does not contain or impose any substantive Federal policy, but merely requires states to go through the disciplined process of developing their own substantive policies related to state needs. The exception is Section 204(1) which authorizes the Secretary of Interior to require a state to appropriately protect, under state law, areas of critical environmental concern of more than statewide significance where there is a legitimate Federal interest in the use to which such land is put. This provision is strictly construed to require the Secretary to carry the burden of proof establishing the reasonableness of his determination that such an interest exists.

We also urge your support for one strengthening amendment—the so-called "sanctions" amendment—to be offered on the Floor. This is a provision for temporary withholding of a portion of financial assistance for Federally supported projects with extensive land use impacts until a state has gone through the process of developing a land use program.

With the passage of this legislation, Congress will have taken an important initial step toward bringing our land use policies in this country into the modern age. We hope that you will join us in support of the Committee bill without any weakening amendments.

GAYLORD NELSON,
U.S. Senator.
HUBERT H. HUMPHREY,
U.S. Senator.
PHILIP A. HART,
U.S. Senator.
CLIFFORD P. CASE,
U.S. Senator.

Mr. JACKSON. Mr. President, I reserve the remainder of my time.

Mr. FANNIN. Mr. President, the distinguished chairman of our committee, the manager of the bill, has stated the need for incentives in order to properly handle this legislation. I wish to read what we are now doing in accordance with the present terms of the bill. We have total incentives of $1.16 billion. There is another $50 million for department operational costs. I wish to review what this provides.

There is a sum of $100 million annually for each of 8 years after enactment to be appropriated by the Secretary of Interior for grants to the States to assist them in developing statewide planning processes and land use programs. If $100 million is not an incentive I do not know what would be.

I agree we do not have the formula by which to distribute this money, but we do have $100 million annually for 8 years for $800 million.

Then, $15 million annually for each of the 8 fiscal years after enactment is authorized to be appropriated by the Secretary of Interior for grants to the States to carry out the purposes of section 205 concerning coordination of land use planning in interstate areas. That is another $120 million. I would consider that a great incentive.

Then, we have the sum of $2 million annually for each of the 8 years after enactment to be applied by the Secretary to carry out research and training procedures under section 308(c).

Here we are providing all this money for these purposes. Then, the manager of the bill says that we need to give an incentive. We are not talking about incentives. We are talking about placing a gun at the Governor's head and saying, "If you do not do this we are going to penalize you."

We have $10 million annually for each of 8 years after enactment to be appropriated by the Secretary of the Interior for grants to Indian tribes to assist them to develop land use programs for reservations and other tribal lands. I support that expenditure if it is properly managed. In fact, I support the inclusion of Indian tribes and Indian reservations because I thought it was necessary and that they were deserving of the same consideration non-Indians would be given. So we were able to include this provision in the bill. But here we are providing another $80 million. This, of course, would assist both the Indian tribes and the States, and the communities that are involved.

A sum of $10 million is provided annually for the first five fiscal years after enactment, to be appropriated by the Secretary of the Interior for administrative purposes. At the end of the fourth fiscal year the Secretary is directed to review programs of this act and submit to Congress his analysis and recommendations for amendment to the act. I am referring to the report which states:

> After the end of the fourth fiscal year after the enactment of this act, the Secretary shall review the programs established by this act and shall submit to Congress his assessment thereof and such recommendations for amendments to the act as he deems proper and appropriate.

That could mean additional funds. If we are spending that amount annually it is not usually the procedure to lower expenditures, so we may increase them. We do not know. We hope it will not be necessary to do so. But here we are talking about an expenditure of $1.66 billion and in the other 3 years from the standpoint of the administration, additional funds. Then, it is said we are not giving an incentive. It seems strange to me that this would not be an incentive. Here we are going to take away funds from the States. I realize that the amount of money is considerable. It is said this money will be returned to the States if they comply. Under the amendment it is provided:

> Any State which has not been found eligible for a grant under the Land Use Policy and Planning Assistance Act after five fiscal years from the date of enactment of that Act shall suffer a withholding of 7 per centum of its entitlement under paragraphs (1) and (2) of this subsection in the following fiscal year. If such State has not been found eligible by six fiscal years from the date of enactment of that Act, it shall suffer a withholding of 14 per centum in the following fiscal year, and, if not found eligible by seven fiscal years from the date of enactment of that Act, shall suffer a withholding of 21 per centum in the following fiscal year. Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld.

So we are saying, "If you do not follow our dictates we are going to withhold funds from the States for 3 fiscal years." The withholding would begin at 7 percent for the first year, go up to 14 percent and then 21 percent in the third year. The funds would be funds for airport development under the Airport Development Act. These are very important funds. One can imagine the difficulty a Governor would be in if he turned down those funds by not abiding by the provisions of the bill. Then, we have Federal aid to highway funds. Imagine the position of a Governor and the State legislature if they said, "No, we are not going to be willing to make that sacrifice." Senators know what would be said about such an action. Then, we have funds under the Land and Water Conservation Act of 1965. This sanction would be invoked 5 years after the bill has become effective.

The amendment provides:

> Funds so withheld shall be held in the Department of the Treasury until the State is determined to be eligible for a grant pursuant to the Land Use Policy and Planning Assistance Act. Upon such determination, the Department of the Treasury shall disburse to the State the funds so withheld.

I think it would be ruled in many instances that the Secretary has been reasonable in his determination.

I think this is a very unfair amendment, placing these sanctions in the bill. I think it is extremely unfair and I feel it would be detrimental to the States. It would not be an incentive.

The distinguished Senator from Wyoming is going to talk about what the Governors have said. It has been said the Governors support this bill. The Senator from Wyoming will thoroughly cover whether or not the Governors support this legislation.

These sanctions were included in S. 632, reported by the committee last year, and during Senate consideration they were deleted. They were deleted because the Members of the Senate did not want them to be included. I do not believe their position has changed.

Mr. President, I feel it is very necessary that we defeat this amendment if we are going to preserve the rights of the States in what they feel is proper and beneficial to them.

I yield to the Senator from Wyoming.

Mr. HANSEN. Will the Senator yield to me to make a unanimous-consent request?

Mr. FANNIN. I am pleased to yield.

Mr. HANSEN. Mr. President, I ask unanimous consent that a member of my staff, Mr. Sam Marler, may be on the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield to the distinguished Senator from Colorado (Mr. HASKELL) such time as he may desire.

Mr. HASKELL. I thank the Senator very much.

Mr. President, the land use planning bill before us addresses a third form of pollution in this country. We have addressed ourselves to water pollution. We have addressed ourselves to air pollution. But possibly the worst pollution of all is the misuse of land. This bill seeks to address itself to that problem on a national basis.

There is national sentiment for a land use bill. We see such diverse communities as Boca Raton, Fla., Boulder, Colo., and Monterey, Calif., attempting to prevent a despoilation of the land, attempting to control growth in a planned, orderly manner. But I am sure we all recognize that the local government unit does not have the geographical spread to do an adequate job in planning and preventing despoilation of the land.

For that reason, S. 268 addresses the problem, adopts a national land use programs, designates that the State has the responsibility to insure that land use planning is accomplished, and gives the State the right to plan on a State-wide basis or on a regional or local government basis, which would be coordinated at the State level.

Furthermore, Mr. President, the bill leans over backwards, if I may say so, to protect States' rights, to protect the right of a State to adopt a plan that is particularly germane to the climate of that individual State.

But, Mr. President, this is the United States of America. We are not 50 separate units going all our own way. We cannot—I submit—have some States planning and other States not planning. In that way we would have a crazy quilt going across the Nation, in which some States planned and other States disregarded planning. In view of the fact that this is the United States, in view of the mobility of the people of this country, we must have all States planning.

Therefore, I am very happy to cosponsor the amendment of the distinguished Senator from Washington, which would provide leverage to force the States to enter the planning process. I believe the sanctions are extremely moderate and tolerant. However, I think they are very necessary if we are to have a national policy.

I thank the Senator from Washington.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HASKELL. I certainly yield.

Mr. JACKSON. I commend the distinguished junior Senator from Colorado for a very fine statement and commend him for the tremendous job he did during the course of the hearings on the land use bill. His penetrating questions, his comments, and his suggestions have been invaluable.

I would like to ask my friend a question. Is it not a fact that the three areas of sanctions deal with the long-range planning problems that all States must address themselves to; that is, to identify—not exclusively; there are others, but to identify—where the roads are going to go, where the airports are going to be located, where areas ought to be conserved, so that we avoid allowing a haphazard appropriation process of making funds available to a State without a State land use program?

Is not that the basic thrust of the incentives to the States in this amendment?

Mr. HASKELL. I concur with the Senator from Washington completely. In the bill we recognize, for example, that key facilities include airports and highway interchanges. Without planning at the State level for those facilities, we cannot have adequate planning. Therefore, it is only logical that these funds to build such facilities should be affected should the States not fulfill their responsibilities.

Mr. JACKSON. I would also point out, Mr. President, in this connection, that we did modify the so-called sanctions in the administration bill. For example, we felt that States that complied with the law should not be interfered with in connection with interstate systems, so that the interstate system will be cut off by an abutting State or an adjoining State that did not comply with the law. Therefore, although they would be denied under the sanctions in the administration's proposal (S. 924), funds for the interstate program. We have confined it to primary and secondary highways. Is that not correct?

Mr. HASKELL. The Senator is correct.

Mr. JACKSON. In addition, we also have put the money in escrow, and the States can get all of the money back upon compliance, which is another difference.

Mr. HASKELL. I think that is a very important factor. No State will ever lose the money on any permanent basis. It will always be able to recoup payment of the highway funds, for example.

Mr. JACKSON. The money is held in escrow until compliance, which is a very important point. Under the administration sanction, the funds would have been permanently lost to the States.

Mr. HASKELL. A very important and very equitable point.

Mr. JACKSON. Would not the Senator also say that under the administration bill sanctions started at the end of the third year, and our sanctions would not start until the end of the fifth year?

Mr. HASKELL. The Senator is correct. Again, this is a very important point, because sanctions would not be instituted until the fifth year after passage of the act.

Within 5 years the States will have developed their programs. We would allow the States adequate time to do their jobs, but we still retain some push behind the States to get their jobs done.

Mr. JACKSON. Again I want to commend the able Senator from Colorado for his first-rate leadership on this issue. It has been a very complicated bill. He is an outstanding lawyer. I would point out that his vigorous interrogation in the hearings and careful attention in markups, along with that of other members of the committee, has been extremely useful, I think, in working out what I believe is a good bill, provided we get this amendment which we are sponsoring adopted.

Mr. HASKELL. I thank the Senator from Washington very much. I appreciate his leadership as chairman of the committee in bringing to the floor what I think is an extremely useful piece of legislation.

Mr. JACKSON. I thank the Senator.

Mr. President, I reserve the remainder of my time.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. McCLURE. Mr. President, I want to express both my concern and my support for the Senator's amendment with respect to sanctions. My concern is with respect to one of the matters that has been outlined because it deals with those Federal programs which we might term to be key facilities They are those Federal programs which have the greatest likelihood of having an impact upon land use decisions That is the reason why they are tied into this amendment.

My concern is that we have not really, adequately defined the distinction between Federal preemption on key facilities where Federal preemption needs to be clearly spelled out and appropriately applied, and those key facilities which are within the prerogatives of the States to determine within the boundaries of their own State plan.

We had much discussion yesterday with respect to the secretarial discretion on the review of State plans.

But there is within the bill, implicit at least, a Federal override on those matters which are of more than statewide concern. As I read the bill at the present time, the Secretary is the one who makes the determination on what is of more than statewide concern. Am I correct on that statement?

Mr. JACKSON. The Senator is correct, subject, I believe, to the approval of the ad hoc review board. I think that is a limitation. The Secretary makes the original designation. However, that exercise of discretion is subject to the final action of the ad hoc review board.

Mr. McCLURE. If there is a dispute then between the State and the Federal Government about the determination as to whether the State plan makes adequate reference to the area or to facilities of more than statewide concern, that matter becomes a matter for the ad hoc review board.

Mr. JACKSON. The Senator is correct.

Mr. President, I yield to the Senator from Colorado so that he might remark on the matter.

Mr. HASKELL. Mr. President, in response to the Senator from Idaho, it is my understanding that it is only environmental areas of more than statewide concern which the Secretary can designate. The Secretary is not empowered, as I read the bill, to designate key facilities within the State. The State at the State level must divest itself of facilities.

Mr. McCLURE. But the areas of more than critical concern which the Secretary might determine to be of more than statewide concern, and therefore improperly considered by the State, are within the prerogatives of the Secretary's decision. That decision itself, I understand, from the chairman's response would be subject to review by the ad hoc review board.

Mr. HASKELL. The Senator is correct.

Furthermore, should the Secretary indicate such an area, then the remedy is provided in the statute for the State to respond. Then we would have the ad hoc board review the decision.

Mr. McCLURE. We would have to look to the ad hoc decision. That was touched on yesterday in debate. I think that it needs to be touched on further. We did in the committee by amendment to the bill change the makeup of the ad hoc review board. It now provides for a representative appointed by the President and one appointed by the Governors' Conference. The Governors themselves will select the representative for the Governors, and the third will be from an independent agency which has been set up to select the people who are objective and without any bias toward one side or another. Is that not correct?

Mr. HASKELL. I believe the Senator is absolutely correct. There was considerable discussion, as the Senator will recall, on the composition of this board. I do not recall whether it was the Senator from Idaho or the Senator from New York (Mr. BUCKLEY) who put in an amendment on the composition of the board to provide that the National Governors' Council would choose a member. Then, of course, the President would choose a Federal official to be a member. Then the two together would pick a nonpartisan member. And if they cannot agree, then the National Council would make a choice. The Senator is correct.

Mr. McCLURE. Mr. President, we went to great lengths to make sure that the ad hoc review board would be capable of independent judgment.

Mr. HASKELL. Indeed we did. And as I recall there was extended discussion in the committee on this very point.

Mr. McCLURE. Mr. President, I think it is important when we look at the question of sanctions to be very clear that we understand to what the sanctions apply.

Mr. HASKELL. I agree.

Mr. McCLURE. Mr. President, as I stated at the outset of the hearings, I would not have wanted to vote on the question of sanctions in the beginning of the deliberations because I was not certain in my own mind at that point that the Federal Government was limiting its role to assisting the State. The legislation could have been construed, by some at least, as a Federal take-over of the process and substituting Federal discretion for State discretion.

As I said at the outset, if all we were talking about was ultimately the Federal decision on the planning process, I would have to be opposed to the sanctions. However, if the bill, as it finally emerged, was an action forcing device which simply stimulated and assisted the States to do their own planning process, then I could vote to support the chariman on his suggestion that there ought to be a real stake involved to make certain that the States would engage themselves seriously in the planning process.

I believe that is what the bill does at the present time, and I think that is what the changes would do.

Mr. HASKELL. Mr. President, I concur with the distinguished Senator from Idaho. I remember very well the discussion had in the committee. Therefore, the rationale of the Senator is correct.

Mr. JACKSON. Mr. President, I want to announce that I do not know whether the Senator was present on the floor when I had a colloquy with the Senator from Colorado and pointed out that we had made some adjustments in the bill as proposed by the administration as far as the sanctions are concerned.

I think that we have a good amendment here, by which the States will have the money in trust until they can comply. And at the same time the Senator from Colorado pointed out it will avoid the unequal treatment where one State has complied and the other State has not complied, and yet the first State will be hurt by the application of the sanction to the second.

I thank the Senator for his inquiry on this whole question as it relates to other aspects of the bill before he made his decision on this amendment. I thank him for his expressions and for his thoughtful comments and hard and tough questions which enabled us to bring out a good bill. I also commend him for his support of the amendment.

Mr. McCLURE. Mr. President, I thank the Senator.

If the Senator would yield, I have one other comment with respect to the Federal override, because in my judgment what we have brought out in the bill and in the legislative history is a very, very limited Federal decisionmaking process with respect to areas of critical environmental concern and a very, very limited role, almost a total denial as a matter of fact, on any decisions on Federal key facilities.

We had discussed the matter in the committee and have discussed it again on the floor as it concerns energy siting legislation and the siting of key facilities for various purposes under various Federal statutes. I know it is the intention of the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), to bring forward separate legislation in regard to energy siting. This bill does not address itself directly to that question. Is that not correct?

Mr. JACKSON. The Senator is correct. A bill is pending before the committee that would do that. We will schedule early hearings. I believe that it deserves a very high priority because time is of the essence. We did not try to incorporate it into this bill because we would have become involved in too many subjects. This bill is a long-reaching bill and the energy siting is separate from this bill.

Mr. McCLURE. Mr. President, some aspects of energy siting have to do with transmission and pipelines and also have to do with another bill, S. 1081, having to do with rights-of-way.

Mr. JACKSON. The Senator is correct, and we hope that bill will be up next week.

Mr. McCLURE. So even though we do not address it directly here, it is not being ignored simply because there is no specific provision for it in this legislation?

Mr. JACKSON. No; it is a part of what I would like to describe as a comprehensive energy program, as outlined in the bills which are pending and as a part of a comprehensive environmental program.

We are doing both here. We have a strip mining bill, we have a land use bill—we are trying to look at the total program, and relate man's need for economic growth to provide for a better standard of living, and also trying, in doing that, to provide for quality growth, quality life, the environment, the whole totality of life.

Mr. McCLURE. I would say to the Senator that I think the committee has really done very well under the able leadership of our chairman in bringing this legislation forward. We are not all in agreement on every word, every sentence, and every concept within the bill.

For instance, this area of sanctions causes me trouble with respect to procedures and criteria between the land use planning set forth under this program and that which is called for under the Coastal Zone Management Act. I know why we did it: on the practical question of jurisdictional problems. But when we get into sanctions, we begin to focus on the difficulty of the practical problems in connection with land use planning.

Mr. JACKSON. When we are talking about sanctions here, we are pushing the sanctions to achieve certain economic and environmental goods in connection with the several States.

I would point out that in our energy siting bill, we are dealing there with an economic problem, and we are, in effect, saying we will give the States so long to act on the siting of urgent, necessary energy facilities, and for failure to act there is a sanction, and the sanction is Federal preemption. We are trying to deal with it on an evenhanded basis, look at the problem honestly, and see pragmatically what will work.

How do you get the States to do this job, both environmentally and economically? Environmentally they have not been doing it, and we are trying to focus on and balance these conflicts so that we can make some sense out of anarchy. We have anarchy today in both areas, both in the environmental and in the economic area, and we are trying to establish some new rules of the road.

We faced, as the Senator has mentioned, some very pragmatic situations. We have different committees involved. We are realistic; we can only go so far and do so much so fast.

I am confident that this is a sensible beginning, and it is a beginning, let us not kid ourselves. It is not more than a beginning, and we ought to keep that in mind. But I think it is a good beginning in trying to inject some horse sense into the land use decisionmaking.

Mr. McCLURE. Will the Senator yield further?

Mr. JACKSON. I yield.

Mr. McCLURE. The kind of interrelationship that exists not only in jurisdictions within Congress, but also in political jurisdictions where one State adopts a plan which is inconsistent with overall goals that are necessary for other States, could not have been more sharply focused than by the 5-percent reduction in electrical energy in this area last week, in order to meet a power shortage which did not exist here, but in the Northeast. It existed in an area where the people have consistently blocked the efforts of those who would provide additional energy, and that energy shortage which they created for themselves was imposed upon another area where the people were willing to go forward with energy-producing facilities.

That is the kind of problem we inevitably get involved in as we look at the conflicting actions of various jurisdictions.

Mr. JACKSON. I think that is an excellent example.

Mr. McCLURE. The people of New Mexico are concerned about the Four Corners powerplant. There has been much said about that. The Four Corners powerplant does not exist to create energy for the use of the people there; it was created to provide energy for people in other parts of the country.

Mr. HASKELL. If the Senator will yield, along those lines, I know that the Senator from Idaho would feel that facilities in one part of the country affect other areas of the country. But this is one Nation, as I have said before, it is not 50 entities going their own way. Just as we do not want someone in one State making plans which affect energy needs in other States, we do not want some States planning and others not planning. We want some kind of general national policy, and this, as I see it, is one of the reasons for the sanctions. Do the Senator from Idaho and the Senator from Washington concur in that view?

Mr. JACKSON. I would certainly agree, and I think the example the Senator from Idaho mentioned about power is a classic example. The genius of the American utility system, public and private, lies in interconnections. They do cross State lines, and when a given State fails to carry its share of the burden and its output fails to have the necessary kind of backbone facilities, then it hurts other areas.

In New York City, we all know they cannot agree on where their power facilities should be; they can only agree that they want more and more power, "but let us get it from the other fellow."

This legislation, I believe, lays the foundation in connection with key facilities, and so on, and in connection with the energy directives. S. 268 will help to make a good beginning toward having, shall we say, a more comprehensive approach to these problems, rather than a fractionated approach.

Mr. McCLURE. And so long as we have the policy which is set forth here in the general concept that the States in their own wisdom can come up with differing plans, there will still be diversity, there will still be the local option to make the decision, and the uniformity to which the Senator from Colorado refers is not the result of a planning process that imposes the same kind of plan for every State in the Union, but a simple requirement that they go through a planning process to consider these problems and make a decision.

Mr. JACKSON. This is not an environmental and economic monolith that we are producing here, but what we are saying is that we want to make diversity work; and diversity can only be effective in the context of looking at the total picture.

This is what I think we are trying to do, in addition to the other things that have been mentioned.

Mr. McCLURE. It is not the people from my State who are causing the subdivision problems in Arizona, in New Mexico, in Colorado, and in my own State. It is the people from other States who are causing this kind of problems, that lead us to include in this measure the requirement that they consider the impact of legislation on subdivisions. What has happened in Arizona, Colorado, New Mexico, and to a growing degree in Nevada and Idaho, is the kind of pressure that is put upon us, not by our residents in our own States, but the residents of metropolitan areas who are seeking an escape in a second home somewhere, in a summer home or a winter cabin.

These things cross State lines, and while we do not want to dictate to Arizona what kind of subdivision ordinances they should adopt or what kind of subdivision regulations they should have, we do wish to make certain that in all of our States these issues are considered.

Mr. JACKSON. I reserve the remainder of my time.

Mr. President, a parliamentary inquiry, and I ask unanimous consent that the time for the inquiry not be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will state his parliamentary inquiry.

Mr. JACKSON. How much time remains on my side, and how much to the opponents?

The PRESIDING OFFICER. The Senator from Washington has 20 minutes. The Senator from Wyoming has 45 minutes.

Mr. JACKSON. I reserve the remainder of my time.

Mr. FANNIN. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McGOVERN). On whose time?

Mr. FANNIN. To be taken out of my time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I yield such time as the Senator from Oklahoma may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BARTLETT. Mr. President, the advocates of the pending bill have been talking about assisting the States, urging and prodding them, talking about the constitutional rights of the States, the value of local government to property rights, the historic approaches to man's property residing in the States and allocated in most cases to the local governments.

Mr. President, if this bill were a good bill, if it were one that was desired and would work to the satisfaction of the people of the States and the local communities, sanctions would not be necessary.

Why is it necessary to have a club, even more than a club, to force a bill down the throats of the lawmakers of the States, and then talk about the responsibilities of the States?

Why do we have sanctions in the bill? It is not to prod or to urge or to encourage the States, it is to force them to do something that the sponsors of the bill know the lawmakers in the States do not want. Its advocates want to force the lawmakers to do something that the people in the local communities are not asking for and do not want—and that is Federal interference.

Congress was not elected to tell the people what is good for them, but to represent their wishes. I do not believe that this bill represents the desires or the wishes of the people of this country. The bill would force State legislatures to pass laws which would conform to the requirements of the bill, to the programs required by the bill and, in that sense, it would usurp the responsibilities that the lawmakers and the State legislatures have to their constituents, to their people.

It would do the same with the Governor. It would require that he must approve the plan for land use in his State. This would have the same effect of negating the responsibility of the Governor. It would force him not to be able to use his veto or to act independently in representing the wishes of his people. I would force compliance by the Governor. It would force compliance by the members of the State legislature.

The bill, according to its advocates, seems to be one that is voluntary on the part of the States, but it is not a voluntary bill, although a State may join voluntarily, certainly; but if it chooses not to do so, or if it drops out, then it is forced later on to submit a State land use plan according to the requirements of this act.

The sanctions are not just a prod or even a club, in my opinion, they are an atomic bomb, because they would withhold money from the highway funds, from the Airways Act, and from land and water use programs in amounts that would prevent a Governor or the members of the legislature from acting independently or representing the people or representing their folks. They would be deprived of representation at the local level with this bill, with sanctions that are in such amounts that a Governor or a legislature could not resist the dictates of the bill.

In the first 3 years of ascending percentages, 7 percent, 14 percent to 21 percent of the various Federal financial supports, it would amount in Oklahoma, with highway funds alone, to $21.3 million.

There is no Governor, there is no State legislature that could leave that money in escrow indefinitely. They would be forced to go along with a program or an act not representative of their people in order to get the funds for highway construction. The same would be true so far as airports are concerned and land and water use programs.

The distinguished chairman said:

> How do you get the States to act?

Then he said:

> Pass this bill.

What he means is, "Let us force the States to act."

The States do act. The States are planning. The States are expanding their scope. This was true when I was Governor of Oklahoma. In our case, we planned along the Arkansas Basin and made studies for planning. We tried to pass a program for planning but, I am afraid, in our case, we did not develop enough support; but I think it can very well be done. We increased planning at the State level with a new agency which was created to coordinate with the local communities and the regions of the State; but the distinguished chairman says:

> How do you get the States to act?

His answer is:

> You force them.

My answer is that the leaders of the States should lead their own people and not force them. The people of this country are tired of being forced by bureaucrats, of being forced by the Federal courts. They want responsive government. They want responsible government. They want government to be closer to them.

This bill is a bill which would take government further away from the people.

There has been a lot of talk about States' rights and States' responsibilities. This bill would limit those rights severely.

I should like to impress upon the advocates of the bill, and my good friend the Senator from Colorado, that democratic government without the support of the people is not democratic government, and that this bill would deprive. It would deprive representation by the people as their leaders would see it to represent them in a clear and objective way.

The people are tired of bureaucratic government. They are tired of government that is not responsive. The bill, so far as Congress is concerned, would abdicate the responsibilities of Congress. It would pass the buck in two directions. It would pass the buck to the Secretary of the Interior, and it would create a czar for zoning—a zoning czar in the Secretary of the Interior.

Also, it would pass the buck to the courts, because, like the Clean Air Act and the National Environmental Protection Act, it is very broad in its coverage, in its scope, and in the responsibilities it would convey to the proper bureaucratic officials. In this case, the Secretary of the Interior would have tremendous powers to review State plans, to change State land use plans as he would see fit, in the areas of environmental concern beyond State significance. This virtually would give him a free opportunity—in fact, a free area of demand—to act, to regulate States in their land use programs.

We have seen very recently in the news that Mr. Fry of NEPA points out requirements, according to NEPA, that in just a few years will force several very large metropolitan areas to decrease the number of cars that are permitted to operate in those areas, such as Los Angeles, possibly cutting out automobile transportation completely, and reducing automobile transportation in northern New Jersey to 60 percent. Is this what the people want? Is this what Congress intended? I do not think so.

I think we must look at what we are intending to do in this bill, and then we must look at what we are doing. We are giving the opportunity for a duplication of the broad powers of the Clean Air Act and the NEPA in a bureaucratic structure having no control by Congress, limited control by local government, and limited control by State govrenment.

The Clean Air Act has been interpreted by the courts in recent days to prevent a business, an industry—and this could be in a depressed area—in a rural area from being located there if it would in any way increase the pollution of that area. I do not think this was intended in all cases.

I believe we need here a land use bill that will give the Federal Government the opportunity to truly help the States, to give them financial support, to require certain things of them in the processes they would consider in developing a land use plan; but in the development of the programs, they would be completely free to develop the programs for the people of their communities and their State as they see fit.

Do we in Congress—do I, a representative of the State of Oklahoma—know better what is best for the State of Nevada, the State of Arizona, the State of Colorado, or any other State? Certainly not. But if I have knowledge of what is good for a State, it would be Oklahoma.

I think it is very important that we provide the right kind of mechanism of law to deal with a very important area of land use planning. I believe that these sanctions, this club, this atomic bomb, not only would destroy the value of local representation and local government and State government and State representation but also would destroy the opportunity to make some real progress in land use planning.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, will the Senator from New York permit me to secure some time? I understand that the Senator may already have been recognized.

Mr. BUCKLEY. Mr. President, I yield such time as he may need to the Senator from Nevada.

Mr. BIBLE. I thank the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. I am going to support the bill, but I am going to oppose the sanctions, so I am willing to take time from both sides.

The PRESIDING OFFICER. The Senator from Washington (Mr. JACKSON) controls the time for the proponents of the amendment.

Mr. BIBLE. I am willing to divide the time equally between the proponents and the opponents, because I am going to speak half for each. I support the bill but oppose the amendment.

Mr. HASKELL. Mr. President, we have only 20 minutes on our side, and two Senators wish to have time yielded to them.

Mr. BIBLE. I assure the distinguished Senator from Colorado that I shall not speak too long.

I support the proposed Land Use Policy and Planning Assistance Act of 1973. In doing so, I want to recall and associate myself with some observations made by our esteemed colleague, the distinguished Senator from Washington (Mr. JACKSON), when he opened the debate on this all-important legislation last Friday. Observations which bear repeating because they help us focus on the critical need for this legislation at this point in time.

The chairman properly reminded us that the problem addressed by the bill is really related to the incredible rate of economic growth that has marked our country in recent years. He illustrated his point with some interesting statistics about the growth of the Nation's gross national product. The gross national product reached the $1 trillion level some 3½ years ago. Half that growth took place over the first 185 years of our history. The other half—growth value at $500 billion—occurred over the brief span of only 15 years. Now economists are forecasting a doubling of the GNP over the next 50 years. We are told that what used to take 200 years to achieve will now be reached in one-fourth the time.

Senator JACKSON's illustration aptly dramatizes what this bill is all about. The past is prelude to the future. If history teaches us anything, it teaches that if the Nation and the 300 million people we expect by the year 2000 are to obtain the full benefits such growth can bring, we cannot rush pell-mell into the next century without careful regard for our finite land resources. There must be planning. There must indeed be a roadmap of where we want to go. Thinking people at the State and local levels of government—assisted by Washington—must chart the course and devise the land use plans needed to assure the orderly development of their communities and States in the years ahead.

The proposed legislation before the Senate today is especially notable in two major respects. It is an outstanding exercise in creative federalism, and it proceeds on the premise that all wisdom does not emanate from Washington. It recognizes that the wisdom and common sense needed to plan ahead abounds at the State and local levels of government throughout the country, and leaves the essential planning job to the jurisdictions most directly and intimately involved.

The purpose and effect of the bill will be to revitalize and strengthen State and local land use decisionmaking, while at the same time insuring that constitutionally protected property rights are not infringed by a Washington bureaucracy.

The bill does not mandate "Federal planning" or "Federal zoning." Planning and zoning will remain State and local government functions—as they should.

The bill does not permit wide-ranging increases in Federal authority over State and local decisions respecting State and local lands. It is an "enabling act," the thrust of which is to encourage the States to exercise their "States' rights" and develop State and local land use plans.

It does not mandate statewide land use planning to the exclusion of local jurisdiction. Primary emphasis at the State level would be focused on land uses of more than local concern. The bill does not envisage any wholesale State preemption of local planning decisions. It does not call for statewide zoning. On the contrary, it contemplates a reinvigoration of local zoning powers.

It does not alter any existing landowners' rights to seek judicial redress for what he regards as an unlawful "taking" of his property.

The committee bill very wisely avoids the so-called crossover sanctions that were proposed in last year's bill and eliminated here on the floor of the Senate. I am strongly opposed to any such sanctions. I do not believe Nevada or any other State should be threatened with the denial of her entitlements under other Federal legislation in order to enforce compliance with this or any other program. We need incentives, not penalties. The challenge here in Washington is to assist the States, not to deprive them. This is a challenge the committee bill has met admirably well.

Ninety-percent Federal grants launched and sustained the Federal highway program. The 90-percent grants and the two-thirds/one-third grants provided by this bill will do the same for land use planning. The 90-percent grants for interstate planning, the 100-percent grants for Indian land use planning, and the substantial allowance for research and training provided by the committee bill all add up to a formidable incentive for progress.

I am pleased to be able to say, Mr. President, that at its biennial session earlier this year, the Nevada State Legislature enacted and the Governor has approved new land use planning legislation seeking essentially the same objectives envisaged by this bill. Nevada stands ready to cooperate in the fulfillment of the committee's objectives. I dare say that given the incentives in the pending bill, the States generally will do likewise.

Mr. President, I am happy to pay tribute to Mr. William Van Ness, who worked closely with us when he appeared before the Land Use Committee in the State of Nevada. He made valuable contributions to many, many parts of the Nevada land use bill, just passed by the State legislature and signed into law by the Governor, and which has just become effective. It is very much the same as the Federal law.

Mr. President, this Land Use Policy and Planning Assistance Act comes before the Senate against a long background of legislative effort by three Senate committees over a period of several years. Comparable legislation passed the Senate last year by a vote of 60 to 18. The present bill has been endorsed by the administration, the National Governors' Conference, the Council of State

Governments, the National Association of Counties, the League of Cities, the Conference of Mayors, and myriad other groups. It is—as I have said—an outstanding example of creative federalism. A statesmanlike balancing of State, local, and Federal interests.

The bill is a high tribute to the genius and leadership of my good friend, Senator Jackson. He and my other colleagues on the Senate Interior Committee who labored so diligently with him—and the able staff of the committee—have performed a great service for the Nation.

It is time to move this landmark legislation forward.

Mr. President, I ask unanimous consent to have printed in the Record a telegram received from Governor O'Callaghan of the State of Nevada in opposition to the crossover sanctions in S. 268.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Carson City, Nev.,
April 5, 1973.

Senator Alan Bible,
Capitol Hill, D.C.:

I oppose imposition of crossover sanctions in S. 268, Land Planning Act.

Mike O'Callaghan,
Governor of Nevada.

Mr. HANSEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The proponents have 17 minutes remaining and the opponents have 27 minutes remaining.

Mr. HANSEN. Mr. President, I yield such time to the Senator from New York as he may desire.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I rise in opposition to the Jackson amendment. I think it is necessary to understand that we are dealing with brand new legislation that could have and will most certainly have a most profound effect on land policies across our entire Nation and, of course, that is its purpose. It is legislation promulgated on the principle that the role of the Federal Government is merely to encourage the States to adopt and follow a planning process on the basis of which the States will develop their own land use programs designed to meet the needs of their own States, as the political process in each State determines those needs.

In the report language and in the discussions of the committee it was accentuated that it is not the role of the Federal Government to second-guess the actual shape of any such program; yet I believe that sanctions that are proposed would inevitably create a situation where the arbitrary hand of the Federal Government would become visible, would begin encroaching on the constitutional prerogatives of each State; would, in turn, be utilized to encourage States to encroach unnecessarily on the prerogatives of local levels of government.

I believe we ought to live with this legislation a few years and see how it works and then come back and reassess the entire situation and see where, if at all, it is failing in its objectives.

I believe the technique of the cutoff of funds from the programs is a dangerous precedent for Congress and will lead to invocation of all kinds of similar measures in all kinds of grant-in-aid programs, thereby changing the thrust from encouragement to naked dictation.

Mr. President, one thing should be taken into consideration in weighing the merits of the Jackson amendment and that is that, as the bill is now structured, totally external agencies, namely HUD and EPA are granted the right to find any State ineligible for Federal assistance after the planning process has been concluded. To put it another way, a finding by HUD or EPA that a State planning program does not conform with one of the requirements in totally disconnected legislation would enable these agencies to invoke the sanction. It seems to me we would be fooling ourselves if we did not believe that somewhere down the line somebody in these two agencies would, in effect, be invoking the sanctions that would be created by the Jackson amendment, not to advance the proposition of this legislation but in order to coerce States into compliance with other directives under other legislation totally unrelated to land use planning.

I therefore urge on all my colleagues the wisdom of defeating the Jackson amendment. I urge the wisdom of waiting to see what the actual impact of this legislation is on the States. I urge the wisdom of understanding that if we adopt the Jackson amendment it will then be necessary to eliminate from the bill all kinds of other provisions which would create the ability of an unrelated agency to use sanctions in order to cause the States to follow dictates in all kinds of other areas that are not within the bill now under consideration.

I believe I have supplemented the remarks made by others in opposition to the amendment. I yield back my time to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I yield such time as he may desire to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I have strongly supported the principle of a rational land-use policy developed by the States with leadership and financial assistance from the Federal Government. By and large that principle is well expressed in S. 268 as reported by the Interior Committee. States are called on to begin a land use planning process adapted to State and local needs, following the general guidance of Federal policies set forth in this bill. This approach promises progress in establishing a rational basis for land use decisions.

The amendment offered by the Senator from Washington (Mr. Jackson), our colleague and my close friend, would introduce an element of coercion into the development of State land use planning in a form which I do not think can be justified. We are just beginning to understand the way Federal policies will affect State and local land use decisions. I sincerely doubt that 5 years from now, when the sanctions proposed by Senator Jackson's amendment would be imposed, the level of our knowledge will have sufficiently progressed to allow us with assurance to replace Federal judgments for State judgments. This is especially true when the penalty to the recalcitrant State is the losing of substantial sums of Federal financial assistance.

In addition, Mr. President, I point out to my colleagues that the Federal programs from which funds would be withheld from States under the sanctions proposed by Senator Jackson are not directly related to the land use planning process which would be established by this legislation.

One portion of his amendment would amend title 23 of the United States Code to impose a penalty withholding Federal-aid highway funds from States which do not comply with some Federal judgment of adequate land use planning.

Mr. President, the Federal-aid highway program is under the jurisdiction of the Committee on Public Works, which I have the responsibility to chair. Highways on our Federal-aid systems are already required to be planned with meticulous care and consideration for environmental effects and other land use consequences. This requirement is now a part of title 23 as a result of the work of our committee. Under section 134, title 23, each highway project in an urbanized area must be developed and considered in a continuing comprehensive transportation planning process in which responsible local officials take a prominent role. Section 109(j) requires each Federal-aid highway project to comply with guidelines assuring the consideration of adverse environmental effects, adverse effects on employment, tax bases, and property values, potential displacement of people, farms, and businesses, as well as the effects on desirable community and regional growth.

Each project, as you can see, is considered extensively for its contribution to and effect on important land use concepts. To impose a penalty for inadequate land use planning against the federally assisted highway program of a State is therefore illogical. It is wrong to penalize a State's participation in a program which gives extensive consideration to land use consequences of Federal expenditures for some failing in the State's approach to other land use areas. It is not proper to use as a sanction a program whose projects are not the cause of poor land use policy.

I expect that the other sanctions proposed by our able colleague involving the Airport and Airways Development Act and the Land and Water Conservation fund, have the same weaknesses.

When the shape of any national policy is more clearly defined and when we have had more experience with the performance of States under this legislation, the Congress can consider whether sanctions are an appropriate means for implementing national land use policy.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I yield 3 minutes to the Senator from Tennessee (Mr. Baker).

Mr. BAKER. Mr. President, I thank

the distinguished Senator for yielding me a brief time in which I may comment on the pending legislation.

As the able chairman of the Interior and Insular Affairs Committee (Mr. JACKSON) pointed out earlier today, the United States may in the 27 years remaining in this century experience growth in facilities equal to that we have experienced in our first 200 years as a nation. This growth will take place against the backdrop of vastly diminished land reserves. It is very apparent that land use programs capable of rationalizing the commitment of our remaining land reserves have become a necessity.

I commend the Senator from Washington (Mr. JACKSON) and the Interior and Insular Affairs Committee for bringing this issue before the U.S. Senate.

I note that the bill as reported does not contain sanctions, but is a program of assistance to the States in meeting the demands of land use planning and programming. I feel that this is an improvement over the bill reported last year, and I am delighted that is the result. Certainly the implications of land use planning pervade some institutions basic to our concept of Government. I feel that care must be taken in initiating such programs.

In that respect, Mr. President, I oppose the effort, or any effort, on the floor of the Senate of the United States to impose Federal sanctions. I feel they are premature. I think they are unwise. I think we are dealing with an issue that is so pervasive, so important, and so unknown that we dare not resort to the device of Federal sanctions at this time.

Earlier, in response to my general feeling that some land use policy must be arrived at by the Congress involving partnership between Federal and State and local government, I was privileged to join, in the Public Work Committee, the distinguished chairman, Mr. RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Mr. MUSKIE, in proposing an amendment, in lieu of the so-called Jackson amendment, which would charge the Council on Environmental Quality to report to Congress its recommendation for legislation necessary not only with regard to accomplishment of land use policies but as to the most appropriate procedure for implementation of those policies. I feel it is important that, in light of our revitalized Federal partnership of governments, careful attention be given to accomplishing planning goals within the traditional framework of governmental responsibilities.

It is thus that I state my opposition to the Jackson amendment. I state my opposition to imposition of Federal sanctions at this time. I state my support for a general, broad-based system of land use planning with full involvement of every agency of Government, but I utter the caution that we proceed carefully.

Mr. HASKELL. Mr. President, how much time do the proponents and opponents have?

The PRESIDING OFFICER. The proponents have 17 minutes remaining. The opponents have 11 minutes remaining.

Who yields time?

Mr. HASKELL. Mr. President, I yield to the Senator from Oregon 8 minutes.

Mr. HATFIELD. Mr. President, today I rise as a cosponsor of the amendment of the Senator from Washington (Mr. JACKSON) and the Senator from Colorado (Mr. HASKELL) and, at this moment, as a spokesman for the administration as expressed in the very powerful and succinct words of the Chairman of the Council of Environmental Quality, Mr. Russel Train. Mr. Train appeared before our Senate committee and spoke on behalf of the bill. Let me quote one or two of his sentences. Mr. Train stated that:

> It needs sanctions—tough sanctions—or it will never work. We have over the last few decades been parceling out moneys through a variety of Federal programs hoping that good results would naturally follow. This is particularly true of the various planning assistance programs that sprang up in profusion during the 1960's. Many have argued that if the land use bill simply contains sufficient money, the job will get done. I disagree. In the first place, the major issue confronting the States is not so much financial as it is political namely, the relationship between States and local government over who exercises what powers over land development. Most assuredly, better planning is needed, and this cannot be done cheaply. But it is the premise of the Administration's approach that without sanctions in the bill, prospects for truly effective State land use control will be compromised.

He want on to say:

> If the Congress means business, the bill should say so.

I do not think we can have any clearer language of position and viewpoint expressed than those words which I have just read as it relates to the position of the administration.

Mr. President, I ask unanimous consent to include in my statement at this point a letter dated May 22, 1973, from the Governor of the State of Oregon addressed to me, indicating the position of the State of Oregon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 22, 1973.

Hon. MARK O. HATFIELD,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR MARK: As I indicated in my testimony before the Senate Committee on Interior and Insular Affairs, I strongly support S. 268. There is no single action that does more for environmental protection and enhancement than land use planning.

In Oregon, we have worked long and hard to produce sensible land use planning. In 1969, the Legislature adopted a law which required all cities and counties to develop land use planning and zoning. Presently on the verge of enactment is a refinement of this legislation that clarifies state and local responsibilities in regulating land use.

The carrot-stick approach has been very successful in developing Oregon's land use philosophy. Unless sanctions are included in S. 268, I fear that states will "pussyfoot" in meeting their responsibilities to protect our nation's fragile resources. Withholding dollars from the states' pocketbooks is the most effective stimulus to development of effective land use policies.

In addition, I urge Congress to set up a system which will establish national land use policy. I firmly believe that problems do not stop at state boundaries and that policies to solve major growth and development issues can only be established at the national level. It is too big an issue to be included in S. 268, but it is an issue that cannot be further overlooked.

Sincerely,

TOM MCCALL,
Governor.

Mr. HATFIELD. Mr. President, as a former Governor I have been frequently asked what my view is on the question of sanctions, because generally speaking it is assumed that Governors and former Governors would be naturally opposed to sanctions.

I must say that on the surface it appeared to me as a former Governor in support of decentralization of power from Washington, D.C., back to the people, I would be opposed to sanctions. However, I point out that I believe the sanctions contained in this amendment would actually strengthen the hands of the Governors. It would give to the Governors of the various States the kind of weapons with which they need to deal with the public viewpoint and political viewpoints in their area.

I believe that coming from the State of Oregon, people would be surprised that I would support sanctions. This bill would not have a great impact on my State. The State of Oregon is one of the leading States in the country when it comes to recognition of its natural resources, its forests, and all of the other great resources.

Let me point out that back in 1911 the State of Oregon declared that all of its beaches would be public in order to maintain public access to the beaches and afford generally the opportunity to the public to enjoy the beaches.

This was land classification. This was State recognition of the responsibility for wise land utilization.

I would also point out that in my State we have about 50 percent, or a little more than 50 percent, Federal ownership. And much of that Federal ownership includes the rich timber lands. The Federal bureaus have responsibility for the management of those resources. However, I would also point out that under State law we have the Elliot State Forest. That forest is probably one of the most capably administered forests in any part of our Nation or the world.

The State of Oregon recognizes its responsibility for wise land use and resource management in its activities in the forest areas.

In 1955, when I was a member of the State Senate, we were considered at that time to be far out radicals for proposing that the State have a voice in air and water quality. Since that time we have had a law. And the State moved very rapidly into land use as it related to air and water.

The State of Oregon has the finest State parks in the United States. We have developed a river greenway which has been reported upon nationally in magazines because of the State's progressiveness in the area of land management and land utilization.

I remember one time when I was Governor and the highway department was proposing to build a piece of interstate highway. In their wisdom, which is typical of highway engineers, they were determined to make the most of the money they had to spend. That was to their credit. They decided that the shortest distance between two points was a straight line and that the highway would have to go that way. However, if the highway had gone in that direction, it would have gone through some of the richest and most irrigated lands we had in the State of Oregon. It was pointed out that building the highway on an arc line between two points would put the highway over marginal land. Between the efforts of the State highway commission and other agencies we were able to develop the best land use.

Mr. President, I could go on and on and indicate other activities that have occurred in my State. However, the impact of this law upon my State would not be as great as it would be on other States. I point out that we should not penalize the progressive States, because when a State does not follow this line of action, it certainly reflects on its neighboring States and what its neighboring States refuse to do reflect upon that State.

I am glad to say that I come from the Northwest and that the neighboring States of Washington, Nevada, and California are also progressive States.

Mr. President, this is certainly a national problem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I yield the Senator from Oregon 1 additional minute.

Mr. HATFIELD. Mr. President, I close by saying that what we have accomplished in our State is something that can be done through all of the other States. I feel it is very important that we provide them with the tools with which to work. I think that the sanctions precisely and effectively do that and would accomplish that objective.

Mr. JACKSON. Mr. President, if the Senator from Oregon would yield, I take this opportunity to express my appreciation for the tremendous help the Senator gave the committee not only in connection with this part of the bill, but also for this interest in the bill as a whole.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I yield myself an additional half a minute.

I know that as a former governor, the Senator from Oregon has a better understanding than someone like myself who never had the opportunity to serve in that capacity. I feel that with his experience, his input in connection with this bill has been invaluable.

I commend him again.

Mr. HATFIELD. Mr. President, I thank the Senator from Washington.

Mr. JACKSON. Mr. President, I yield 5 minutes to the distinguished Senator from Wisconsin who has played such a very important part in this bill, particularly in connection with the so-called housing development problem.

Mr. NELSON. Mr. President, I thank the distinguished Senator from Washington. May I commend the Senator from Washington for his very creative effort in designing this legislation. I also commend him for offering this important amendment which is designated to include compliance with the objective of this legislation.

Mr. President, this legislation only attempts to induce the States to exercise the authority they already have to protect the integrity of their own land. Everyone here has paid lipservice to the concept that we ought to do some planning for the purpose of preserving our country and exercising some sensible control over the future growth of this Nation which will involve an additional 200 million people in the next 35 or 40 years.

This legislation simply provides that the States shall come forward with a modest plan to comply with this legislation within a 5-year period or certain Federal funds shall be withheld until they do comply. This is a weaker amendment than the amendment supported by the Republican administration.

The argument is made that we should not impose standards upon the States. We are simply saying to the States that they should do the jobs they ought to have done a long time ago.

The beauty of the land in this country is not exclusively a State asset. It is a national asset.

That thin cover of topsoil that is 10 or 12 inches thick is not exclusively an asset of the State where that land is located. It is a national asset.

The scenic beauty of this country is not exclusively the scenic beauty of the State where that scenic beauty is located. It is a national asset.

The rivers of this country and the 1,500 rivers in my State are not exclusively the rivers of the State of Wisconsin. They are national assets. We all have a valid interest in the preservation of these assets.

Everyone in the Senate, so far as I know who was a Member when we passed the Air and Water Pollution Act voted to require certain pollution standards.

We imposed standards upon all the rivers and lakes in this country, and the same people who are standing here today saying, "Oh, we cannot impose these sanctions" did in fact support legislation imposing air and water pollution standards and provided for Federal enforcement of the standards in every State in the Nation.

That was done in recognition of the fact that the water in our rivers and lakes is in fact a critically important national asset. I voted for that, and so did everyone else. And now we are enforcing the law. The Environmental Protection Agency is saying, "You have got to meet these standards and reduce the pollutants going into these rivers."

That is a whole lot tougher piece of legislation than this measure is. All we are saying here is, "Adopt a State law and run your own business, and control your own development in some sensible fashion."

Now, to those who say, "You should not withhold highway funds because it has nothing to do with the objectives of this bill I say that is a lot of nonsense. Wherever you build a highway, you induce economic growth. When you build a park, no matter what the purpose, you induce growth around the park. When you build an airport, you induce economic growth around the airport.

These are Federal funds. We ought to be saying to the States "Let us see your plan for that growth, so we do not destroy the beauty of our country."

Several years ago, when I was Governor of my State, I tried to get the legislature to zone the interchanges around the Federal highways. We passed it in one house of the legislature, but we got defeated in the other house.

My view was then and still is that when you put an interchange in, an limited access highway, you induce——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. Will the Senator yield me 1 additional minute?

Mr. JACKSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. JACKSON. I yield 1 minute to the Senator from Wisconsin.

Mr. NELSON. Wherever you place these interchanges, you are including economic growth. It is Federal money, and there ought to be some sensible controls designed by the States and the local governments to see that the growth is sensible and well planned.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I reserve the remainder of my time. We have only 1 minute remaining. I wonder if the other side might yield some time. How much time remains on the other side?

The PRESIDING OFFICER. Eleven minutes.

Mr. HANSEN. Mr. President, I yield myself such time as I may require.

Are there other Senators present who would like to speak against sanctions? If there are, I would be happy to share the time with them.

Mr. President, let me say that I believe most of the points that need to be discussed have been considered here yesterday and again this morning. I do not think there is much new that could be brought up, at least that this Senator knows about. But I believe it could be useful and helpful to try to clarify the positions of some individuals and organizations who seemingly are on both sides of this issue.

Reference has been made repeatedly this morning to the position of the Governors of the 50 States. Yesterday there were submitted for the RECORD telegrams from the present chairman of the National Governors Conference, Governor Evans of Washington, and the immediate past chairman, Gov. Marvin Mandel of Maryland, indicating that they favored land use planning.

Of course, that statement is true. I, too, favor land use planning, and I do not say that with tongue in cheek, but as a person who, I would like to believe, knows something about what this bill contains.

It is one thing to say that you endorse the bill as it was reported by the committee, but it is another thing for others to imply that, having given that sort of endorsement, it follows that you support every amendment that may be proposed by those Senators who are the most active proponents of the bill. In this instance, with reference to the National Governors' Conference, it cannot be implied from their general support of the bill that they favor the inclusion of sanctions.

I would like to read, if I may, Mr. President, a message which was received from the National Governors' Conference, stating the Governors' unanimous opposition to inclusion of crossover sanctions in land use legislation. This is the provision that the Senate rejected last year. The following is the policy position adopted unanimously by the National Governors' Conference on June 6, 1973:

> The national land use policy should refrain from the imposition of economic sanctions against states which are unable to comply with federal land use policy requirements. Because of the highly sensitive nature of land use control, major accommodations will have to be made between state and local governments before such controls can be exercised equitably and judiciously. Furthermore, sanctions generally have proved an ineffective tool in bringing about desired change. In this instance, they would be even less likely to be effective, since they focus on the governor alone, when it is the equal responsibility of state legislatures and local governmental officials to develop the joint relationships necessary for exercising land use control.

Now, it should surprise no one here, and I am fully aware of the fact, that there are within this body a number of Senators who have served as Governors of their States. In fact, at various times during the debate this morning I think there have been more Members of this body present who have served as Governors than Senators not having occupied that position.

Why has the National Governors' Conference taken the position that it adopted at its Lake Tahoe Convention?

It is very simple. If Senators will look at section 202(b) on page 67 of this bill, and read beginning on line 13, they will find the following language:

> In the determination of an adequate statewide land use process of any State, it shall be confirmed in accordance with the procedures provided in section 306 that the State has an eligible State land use planning agency established by the Governor of such State or by law, which agency shall—
>
> (1) have primary authority and responsibility for the development and administration of a State land use program.

Then in section 204(3) on page 79 of the bill, Mr. President, I find these words, beginning on line 4:

> State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this Act;

Preceding that is language indicating that unless these conditions are met, the Secretary of the Interior, not the governors of the 50 States but the Secretary of the Interior, shall have the right to withhold grants to the States, and if sanctions were to be made a part of this act, he would also, at the expiration of 5 years, on finding that the States were not in compliance, have the right to impose sanctions.

This bill would require the State legislatures, not the governors but the State legislatures, to either amend, enact, or repeal laws presently on the books to comply with this act in order to avoid the added incentives, as they were referred to earlier by the distinguished chairman of the committee, so as not to suffer the imposition of sanctions. It is for this reason that I think it should be abundantly clear and an easy choice for everyone here who sincerely believes that the people of the United States, the people at the local level who understand the problems best and who come to grips with them every day, have the right to decide what kind of program will best serve their specific purposes and be most responsive to their specific problems. It is for this reason, Mr. President, that I think the Senate should reject the imposition of sanctions.

Further, the sanctions, according to the Jackson amendment, will not be imposed until after a period of 5 years time. I should think that most of us might agree after 5 years of experience when we have had the opportunity to see how the bill is working, we can make the decision whether we want to have sanctions applied by the Secretary of the Interior.

I would hope very much that the Senate in its wisdom would reject this proposal which specifically has been unanimously opposed by the National Governors Conference.

Mr. President, I now yield 1 minute to the distinguished Senator from Georgia is (Mr. Nunn).

The PRESIDING OFFICER (Mr. Bartlett). The Senator from Georgia is recognized for 1 minute.

Mr. NUNN. Mr. President, I should like to associate myself with the position and the remarks of the distinguished Senator from Wyoming (Mr. Hansen) and other Senators who oppose the pending amendment.

I have had some experience in the area of planning. I served on the Middle Georgia Planning Commission for 2 years, was president of the Georgia Planning Association, and was the vice chairman of a committee in the Georgia House of Representatives called the Committee on Planning Communities.

The Georgia House of Representatives—like many other States—is moving forward on this very important subject.

I should like to commend the Senator from Washington and others who sponsor the pending bill, because I believe that it is necessary, but if we pass sanctions today, I believe that it will have three results: One, it is premature, as we can do it any time within a 5-year period if it becomes necessary, or absolutely necessary, as the Senator from Wyoming has just said. Two, it is unwise for that same reason. Three, it would have the practical effect of getting the program off the ground as a Federal effort that would, in effect, be interpreted by many people around the Nation as a gigantic Federal zoning power. I believe that would be disastrous to most of us who feel that it is most important to have some orderly planning for the growth of America.

Those who sponsor the sanctions amendment, in all sincerity, I am sure, in effect would be working against their own purpose, which is to have a planned and orderly growth for this Nation.

For these reasons, Mr. President, I oppose the amendment and urge its rejection.

Mr. DOMENICI. Mr. President, my reaction to the Jackson sanctions amendment is negative because I feel that the thrust of the amendment is contrary to certain stated objectives of the basic bill.

It is my understanding that this bill is an effort by the Congress to induce the States to take action to develop and implement land use programs in accordance with a national land use policy. Language such as "cooperate with and render assistance to" and "encourage and assist" is found throughout the bill and its report, indicating to me that, as written, this bill is not intended to coerce specific State actions or programs, but rather to induce such actions within the guidelines of a national policy.

The language of the bill and specific provisions in it also indicate that there are to be incentives for States to participate in carrying out the national policy with flexibility enough to provide for local and regional variations. Under this amendment, I am convinced that we would be changing from "incentives" to "disincentives" to achieve the purposes of the bill. I am opposed to such an approach, particularly when some of the sanctions would apply to Federal assistance not directly connected with the objectives of this bill and with traditional legislative histories and purposes of their own. Such an approach would lead inevitably, I fear, to an adversary status between the Federal Government and State governments and diminish the spirit of inter-governmental cooperation so essential to accomplish the broad purposes of this bill, which I heartily support.

It is the history of the bill that says States are to determine whether they are exercising a "good faith effort" or not. I'm concerned that in the future some determinations will be made giving for authority in "good faith effort" to the Secretary of Interior than is intended. Because of this concern on my part I don't believe sanctions are in order—they are premature.

Mr. HANSEN. Mr. President, I yield the remainder of my time to the distinguished Senator from Vermont (Mr. Aiken).

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, let me say that while I plan to support the bill as it came from the committee, I cannot for one moment agree with the proposal to impose sanctions on those States which do not meet the requirements of the Interior Department. That is too much like giving the Interior Department not only the power of a judge but also the power of execution if it should find the party in court to be guilty.

Now, as to the sanctions which appear to cut down on the transportation facilities of a State if it does not do exactly what the Department insists upon. I think we might as well set up a national policy and leave the States out of it as to do that, because what would happen to the States if their transportation systems became impaired to the ultimate extent provided for in this amendment and which would be decided on by the Interior Department, I do not know.

Certainly the bill is good, but the proposed amendment is bad.

The PRESIDING OFFICER (Mr. Nunn). The time of the Senator from Wyoming (Mr. Hansen) has expired. The Senator from Washington (Mr. Jackson) has 1 minute remaining.

Mr. JACKSON. Mr. President, this, to me, is a very, very important amendment if we are going to have a meaningful land use planning act.

I understand the point of view of the opposition, but I wonder, Mr. President, what their position will be next month in relation to the energy facilities siting measures when they come in and want to support the preemption as they must if we are going to do something about energy—of States' rights, in order to site energy facilities, in order to build port facilities. This involves a situation in an area where the States have failed to act. The States will not act. I am wondering whether we will not find ourselves asking for the approach of imposing sanctions where energy is involved, but we will follow a different road where the environment and economic development are involved, as in S. 268.

This is precisely the problem before the Senate. This is no wild amendment. The administration is supporting even tougher sanctions.

Those who have looked at the problem know that it makes no sense to pour out billions of dollars in grants-in-aid for highways, for airports, and for other developments, and not have a road map to follow. That is what we are asking to be done, and I hope, therefore, that the Senate will adopt the amendment.

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment (No. 233) of the Senator from Washington (Mr. Jackson).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. Clark), the Senator from Alaska (Mr. Gravel), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

On this vote, the Senator from Iowa (Mr. Clark) is paired with the Senator from Louisiana (Mr. Long).

If present and voting, the Senator from Iowa would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that if present and voting, the Senator from Alaska (Mr. Gravel) would vote "yea."

The result was announced—yeas 44, nays 52, as follows:

[No. 204 Leg.]

YEAS—44

Abourezk
Bayh
Bellmon
Biden
Brooke
Case
Chiles
Church
Cranston
Eagleton
Hart
Haskell
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—52

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hathaway
Helms
Hollings
Hruska
Huddleston
Johnston
Mathias
McClellan
Montoya
Muskie
Nunn
Randolph
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—4

Clark
Gravel
Long
Stennis

So Mr. Jackson's amendment (No. 233) was rejected.

Mr. HANSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FANNIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, yesterday in a colloquy with the junior Senator from Idaho (Mr. McClure), he raised a question concerning the adoption of section 306(c), as it now appears in the bill, S. 268, by the Interior Committee in our mark-up session on May 21. Senator McClure was not present that day, but he stated on the floor yesterday, and I quote from the Record:

> The committee did not, in its deliberations, vote to make this change. That is the reason why I question whether it was the intention of the committee that this specific language be included in the bill as reported.

Yesterday following this colloquy the minutes of the May 21 meeting were shown to the Senator from Idaho. As I indicated on the floor yesterday, the committee did affirmatively adopt the language that is now in the bill, and the minutes of the meeting so reflect. The present language was prepared by the staff to serve as a substitute to an amendment by the junior Senator from Louisiana. A rollcall vote was taken on Mr. Johnston's amendment, and it was defeated on a tie vote of 6 to 6. Following this vote, the present language was adopted by a voice vote as I indicated on the floor yesterday.

Since yesterday's Record left the impression that the committee in reporting the final bill might have acted in a manner which did not reflect what actually happened in the mark-up session, I feel it is important to make this clarification as supported by the committee record.

The PRESIDING OFFICER (Mr. Chiles). Pursuant to the previous order, the Senate will now resume the consideration of the amendment (No. 231) of the Senator from Louisiana (Mr. Johnston).

The text of the amendment is as follows:

> On page 98, beginning with line 13, strike out all through line 4 on page 99 and insert in lieu thereof the following:
>
> "(g) The Secretary shall carry the burden of proof to establish grant ineligibility. Except with respect to sections 306(b)(2), 306(c), 402, and 505, the Secretary shall be required to show that State actions or decisions are arbitrary and capricious in order to prove a State ineligible pursuant to this Act. With respect to the excepted sections, the Secretary is required to show that the State has failed to make good faith compliance with the requirements of the Act and reasonable regulations established thereunder."
>
> On page 72, beginning at line 8, delete all through line 19.
>
> On page 120, line 25, strike out "as defined and designated by the State" and insert in lieu thereof the following: "such areas are subject to State definition and determination of their extent".
>
> On page 121, lines 4 and 5, strike out all after "significance." and insert in lieu thereof the following: "Nonexclusive examples of such areas are:"
>
> On page 121, line 2, insert "serious" between words "result in" and "damage to".
>
> On page 122, on line 6, strike out "as determined by the State," and insert in lieu thereof: "such areas are subject to State definition and determination of their extent".
>
> On page 122, lines 8 and 9, delete "including but not limited to—" and insert in lieu thereof "nonexclusive examples of such areas are—"

The PRESIDING OFFICER. On this amendment there is a one-half hour time limitation, the time to be divided 15 minutes to a side.

Mr. HANSEN. Mr. President, the Chamber is not in order.

The PRESIDING OFFICER. The Senate will come to order. The Senators will please be seated. The Senator will withhold until the Senate is in order.

The Senator from Louisiana may proceed.

Mr. JOHNSTON. Mr. President, for the benefit of Senators in the Chamber, we expect the debate on my amendment to be rather short. It is hoped that we can terminate the entire debate within 15 or perhaps 20 minutes, maybe within even a shorter time than that. So I hope that Senators who are not familiar with the amendment will remain in the Chamber and listen, because I think the amendment makes an important point.

The bill has been widely promoted and advertised as being a land use and planning bill to preserve the rights of the States and to make essential decisions as to the use of their land. In that regard, I am a strong supporter of land use planning. Indeed, in the Committee on Interior and Insular Affairs, I voted to report the bill to the Senate, because I thought we needed land use planning.

But the bill in its present form gives to the Secretary of the Interior the right to control virtually every acre of land in the Nation, subject only to his decision that that land is an area of critical environmental concern. The term "area of critical environmental concern" sounds rather restrictive in scope; but the term is so broad as to encompass geological formations that are rare or valuable. After all, a geological formation is everything from a hill to a valley to a river to a piece of ground to a piece of rock. "Geological" encompasses everything. If the Secretary of the Interior determines that any geological formation is more than a statewide grant, then he can declare it initially and without any intervention by a State to be an area of "critical environmental concern."

If the State fails to regulate or in some cases prohibit development in those areas, then the State will lose its eligibility for grants.

This is not an idle fear on the part of us who are from the State of Louisiana, because we have had Federal administrators come to our State and actually tell people that they could not live in some areas of the State because they are too treacherous; because they are flood areas, even though our people have been living there for a hundred years. The point is that this country is a varied country. Each State has a different interest, a different geology, a different topography, a different culture, different needs, and different problems. Those problems ought to be adjusted in terms of land use, at least in the first instance, by the States themselves, not by the Secretary of the Interior.

What my amendment does is simply this: It gives to the State the right to designate and define areas of critical environmental concern. However, should the State, in undertaking the duty imposed upon it by statute, fail to act in good faith, and if in fact the State acts arbitrarily and capriciously, then the State should lose its eligibility under the act.

However, so long as a State is going about its business in good faith, so long as its decisions cannot be held to be arbitrary and capricious, those decisions ought to be allowed to stand. A State ought to be allowed to control its own land use and not have it imposed by the Secretary of the Interior.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. Who will determine whether an act is arbitrary or capricious?

Mr. JOHNSTON. Initially, under the procedure set up in the present law, the Secretary of the Interior submits a list of areas of critical environmental concern.

Mr. FULBRIGHT. Under the Senator's amendment, who would determine whether an act is arbitrary or capricious?

Mr. JOHNSTON. In my amendment, a review board would make the determination.

Mr. FULBRIGHT. The burden is on the Secretary to prove?

Mr. JOHNSTON. That is correct.

Mr. FULBRIGHT. I thank the Senator.

Mr. JOHNSTON. As the bill is now, a State can lose its eligibility if it does not go along with the Secretary in his determination, if the Secretary's determination is shown to be reasonable.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. BENTSEN. I would really like to have that point more clearly defined. Is the burden on the Secretary, in the bill as it now stands?

Mr. JOHNSTON. The burden is on the Secretary in the bill as it now stands.

Mr. BENTSEN. To do what?

Mr. JOHNSTON. To prove that his decision is reasonable.

Mr. BENTSEN. In the amendment of the Senator from Louisiana, the burden is on whom?

Mr. JOHNSTON. The burden of proof is still on the Secretary. But a different standard of proof is required. Under my amendment the Secretary must prove that the action of the State was arbitrary and capricious.

The way the language in this bill is set out, every decision of the Secretary could be held to be reasonable. For instance, what areas would be "areas of critical environmental concern?" The Rocky Mountains are areas of critical environmental concern. All the river valleys and all the farm areas, which provide food and fiber, are certainly areas of critical environmental concern. The coastline, the marshes, virtually the entire Nation is of interest to the entire Nation.

The amendment does one other thing. Under the bill a State is required to regulate subdivision projects of 50 homes or more, more than 10 miles from town. I think housing developments should be regulated insofar as water, sewer, electricity, streets, and public services are concerned, but the bill in its original form goes further and requires a State to regulate to achieve such goals as the preservation of scenic and natural beauty or the potential of an area for recreation.

These are matters that are totally undefinable and these goals unattainable. The concept of natural beauty varies from year to year and from week to week. It has no place in an act of Congress. To require a State to take into consideration whether a place of beauty will be scarred, is to require it to act in accordance with a standard that is impossible to define and impossible for people to agree on.

I reserve the remainder of my time.

Mr. JACKSON. Mr. President, I yield myself 5 minutes.

The pending amendment would destroy the effectiveness of S. 268. It would make the bill mere rhetoric.

I think Members of this body had better decide whether they want a land use bill or they do not. They are not going to fool anyone after we have taken appropriate action.

First, it would apply virtually one standard of review to all the requirements of the bill. The single standard is the arbitrary and capricious test. The bill, however, contains several different types of requirements; these different types of requirements require different review standards. These different types of requirements and the standards of review concerning each type are delineated in subsection 306(g). This subsection was suggested by Senator BUCKLEY and added by committee in mark-up.

I fully agree that Federal review of the substance—the policies embodied—in the State land use program should not go beyond a cursory review under either the arbitrary and capricious or good faith efforts standards. This clause 306(g)(1) ensures.

However, the Johnston amendment would allow only a cursory review for all the other requirements of the act. This would be a debilitating amendment. For example, the procedural requirements of sections 202, 203, and 204 must be subject to a full Federal review. For example, if a State fails to allow property owners' participation or to establish or appoint a planning agency with full coordinating authority, the State's eligibility should be denied whether or not the failure is the result of arbitrary or capricious action.

Another aspect of the pending amendment could allow the frustration of one of the act's principal purposes: encourage each State to develop a land use program for areas of critical environmental concern. The entire definition contained in the bill becomes entirely discretionary. The States would be free of any of the kinds of areas proposed in the definition.

The definition now in S. 268 has been carefully drawn so as to require the States to consider the various areas of critical environmental concern. S. 268 gives the States great flexibility in defining the extent of those areas, but they must consider them. For example, a State must consider "flood plains"; but it is free to determine that only 100 flood plains are to be included in the land use program. Or it might choose 50 year or 10 year flood plains.

Take another example. The States are required to consider shorelands, but they are free to define the extent of those shorelands. Is it shorelands of all bodies of water, or only of lakes of certain size or streams of a certain acre-foot flow? Is it all shoreland along the designated water areas, or only undeveloped shoreland? Does the shoreland run only 10 feet inland from the water's edge or a mile?

Obviously, the States must make these kinds of decisions on the extent of the critical areas or uses. And it is these decisions which determine how much of the land area is involved.

The pending amendment would allow the States to excuse themselves from even going through the exercise of determining the extent of its area of critical environmental concern.

The Johnston amendment would delete two of the standards which the installment land sales and second homesite projects would be held to. This portion attacks the heart of the so-called Nelson amendment. The Senator from Louisiana argues that requiring a developer to take into account the effects of proposed development on scenic or natural beauty, the environment, and open space valuable for public recreation is somehow unconstitutional as vague. The Senator must also presume that the Wild and Scenic Rivers Act, the Highway Act, the National Environmental Policy Act also cannot stand because they have similar language. Furthermore, all across the country, planned unit development legislation has been held constitutional.

The language of that type of legislation is often much more vague than the Senator from Louisiana suggests is the language of the two provisions of S. 268. Essentially the developer negotiates with public land use decisionmakers and may be required to meet a number of "subjective" requirements—such as avoiding stream lakes, dedicating certain open space, building below the line of the crest of hills, et cetera.

In fact, the Nelson amendment language is not nearly as strong as these constitutionally types of legislation. How can anyone be opposed to requiring a developer to take into consideration—I emphasize those words—"take into consideration"—the effects on natural, scenic, environmental, and open space amenities? It makes plain good sense to require that.

Mr. President, I recommend that the pending amendment be defeated unless we plainly want to gut the bill and have no bill at all.

I reserve the remainder of my time, and I ask unanimous consent that the Senator from Wisconsin handle the time on my side for the remainder of the time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. JOHNSTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. JOHNSTON. Mr. President, all I can say, in deference to my distinguished friend the able chairman of the committee, is that what he has to say about this amendment simply is not quite accurate. My amendment does not reduce this bill to mere rhetoric. It does not frustrate the encouragement of States to do land use planning. It simply does not. What my amendment does is return to the States the right to make the initial land use determination, something that the bill in its present form does not do.

If the Senators will please look at page 78. It states there that the Secretary shall "submit to each State a description of areas within such State which are of more than statewide concern."

Mr. LONG. Mr. President, will the Senator yield for a question.

Mr. JOHNSTON. I yield.

Mr. LONG. Mr. President, can we assume correctly that the Senator's amendment presumes that there is some intelligence left at the State level?

Mr. JOHNSTON. Absolutely.

Mr. LONG. Can we assume that not all of the intelligence in the country is situated in the Interior Building on Virginia Avenue?

Mr. JOHNSTON. Absolutely so.

Mr. LONG. I thank the Senator.

Mr. JOHNSTON. Mr. President, I support the great goals of the legislation and the great goals stated by my distinguished friend, the Senator from Washington. My amendment does not frustrate these goals. It simply leaves with the State the power to make the initial determination.

On the question of natural beauty, we are talking about denying a citizen the right to use his property. If we are going to do that, we should not do it on a vague standard, such as failure to comply with consideration of natural beauty.

If a man owns a piece of property, under the Constitution, he ought to be able to use it. If we are going to deny him this right, it ought to be over something more substantial and concrete than saying he is interfering with the natural environment or the natural habitat or something that I do not know the meaning of.

If we know what we are trying to do, we ought to be able to define it and put it in the bill. If we do not know, let us take it out of the bill. Let us take vague criteria out of this kind of legislation, criteria such as scenic beauty.

Mr. JACKSON. Mr. President, of course I have the highest respect for my friend, the Senator from Louisiana, who has been an invaluable member of our committee. He played a most important part in the deliberations on the bill.

Mr. President, I merely observe that if we are going down this route, the States will be able to do anything they want. They will not have to really meet the tests that we are trying to lay down in order to get the States to move on land use planning.

It is for that reason that I state again that if we do something like this, we are really back where we are now. They have that discretion at the present time.

They will get $1 billion in Federal assistance over a period of 8 years. I think the Federal Government has the right to insist that they meet certain standards.

As I say, we will be before the Senate on the energy problem next week. I am not an either/or man. I believe in energy and I believe in development. However, Senators will have the opportunity to find out which way they want to go. Do they want to go one way on environment and a different way on energy?

I believe that we have to do both in this country. I believe that we have to move forward on the energy program. And I believe that this country is great enough and has the talent and the resources to provide for our economic well-being as well as our environmental well-being.

We cannot turn around and in one breath say that we are not going to request the States to do certain things environmentally and then when it comes to energy say that we are coming in and take over.

We will have a vote on this matter next week perhaps. And it will be interesting to see whether we want one system on energy and a different system on the environment.

I submit that with the challenges facing this Nation in the years ahead and the tremendous growth that will take place, we must have a road map to know the areas in which we should develop sensibly and the areas that can be made available for other purposes. That is what this legislation is all about.

I want to see both programs go forward in a sensible way. The States are not doing the job in the energy area. It is incredible, but the States are demanding more gasoline and yet they do not want any refineries or port facilities to bring in their oil, 80 percent of the oil on the East Coast is imported.

I know that the argument is going to be made that we cannot expect them to have refineries and port facilities located in their State. May I point out that the main problem in the energy field is whether we will vote to preempt States' rights. We will have the opportunity to do so next week.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JACKSON. I will yield in a moment.

We are trying on the one hand to get the States to take some sensible steps environmentally. The whole breakdown is in the environmental and energy area on the exercise of States' rights.

We would not have this bill pending before the Senate today if the States had exercised their rights.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG. Mr. President, if the Senator is so worried about facilities, we in Louisiana would be willing to provide a site for every refinery that needs one. If the Federal Government will let them come to Louisiana, we will build a port. All that is needed is for the Government to let them come.

Mr. JACKSON. I do not know whether it is economically or environmentally sound to have all of the refineries and ports in Louisiana. I am afraid that we would have to have the Senator's committee revise the tax laws in order to do it.

Mr. LONG. It is completely sound to build them in Louisiana, unless someone wants to build them on the East Coast. That would be a different matter. I will tell the Senate that it does not have to worry about the location. We will provide a location if the Federal Government will let them come to Louisiana.

Mr. BIDEN. Mr. President, as a Senator from a State that is concerned about oil, I would like to go on record as telling the Senator from Louisiana that Louisiana will have Delaware's support, and I want that on the record.

Mr. LONG. The Senator has my support now.

Mr. JACKSON. Any other volunteers? Going, going, gone. I think that all my time is gone now. Mr. President, I am prepared to yield back the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield 1 minute to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, we have touched on a number of things that the amendment does not do. I want to point out that there are two standards and not one simple standard set for the Johnston amendment. One is water pollution control. The Clean Air Act amendments, and the other specific measures are mentioned in section 306(b)(2). Housing and Urban Development is mentioned in section 306(c). The Federal use arrangements and the Federal land grants, under section 5, are subject to grandfather compliance. The rest, and the catch-all, would require that the Secretary show that the States were arbitrary and capricious in the adoption of the failure to act on the State land use plans.

If we really mean what we say, let us leave the prerogatives to the States. Now is the time to act.

I voted for the sanctions measure under the expectation that there would be no effort made to affect the ability of the States to adopt their own plans.

Now is the time for us to stand up and be counted and allow the States to make their own plans.

The PRESIDING OFFICER (Mr. CHILES). All time has expired. The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

Mr. GRIFFIN. The Senator from Alaska (Mr. STEVENS) is detained on official business, and, if present and voting, would vote "yea."

The result was announced—yeas 38, nays 59, as follows:

[No. 205 Leg.]

YEAS—38

Allen
Baker
Bartlett
Bennett
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Johnston
Long
McClellan
McClure
Nunn
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Talmadge
Thurmond
Tower
Weicker

NAYS—59

Abourezk
Aiken
Bayh
Beall
Bellmon
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Ervin
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stafford
Stevenson
Symington
Taft
Tunney
Williams
Young

NOT VOTING—3

Gravel
Stennis
Stevens

So Mr. JOHNSTON's amendment was rejected.

AMENDMENT NO. 232

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask that it be stated. This amendment is sponsored by myself, my colleague Mr. MONDALE, and the distinguished Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER (Mr. ABOUREZK). The amendment will be stated.

The legislative clerk read as follows:

> On page 127, line 2, immediately after the words "land ownership patterns," insert the following: "particularly those pressures resulting from use of national parks, national seashore and lakeshores, wild and scenic rivers, wilderness areas, and other Federal lands,".

Mr. HUMPHREY. Mr. President, first of all I should like to commend the Committee on Interior and Insular Affairs and particularly its distinguished chairman the Senator from Washington (Mr. JACKSON), and the distinguished Senator from Colorado (Mr. HASKELL) for bringing in this excellent proposal for land use planning. I strongly endorse S. 268, Land Use Policy and Planning Assistance Act, as legislation which is urgently needed.

As we look at population growth and distribution projections for the next few decades, estimates of per capita income for the future, requirements for housing, transportation services, recreation, and many other data, it is quickly obvious that the mounting pressures on our limited land resources will become even greater as time goes by. We can no longer afford the "frontier" attitude toward land held by too many of us for too long. More careful conservation of our land, through provision for its most prudent use, is required.

The development of State land use policies and planning processes called for under this bill are essential to optimizing the use of our increasingly scarce land resources. The assistance to State and local governments provided by the bill should go a long way toward eliminating the current "helter-skelter" pattern of growth we so often observe.

However, growth and environmental protection cannot be made an either/or situation. There are still too many Americans who do not adequately participate in this Nation's affluence to permit us to follow a policy of "no economic growth." At the same time, our environment will be destroyed, our quality of life, if not our lives themselves, ruined, unless we take strong and immediate steps to preserve our environment. I believe that this legislation will bring about the rational planning and decisionmaking process that is an essential precondition to establishing the balanced policies needed to meet both of these crucial objectives.

Passage of the Land Use Policy and Planning Assistance Act of 1973 will also be an important first step in the development of the balanced national growth and development policy this Nation is so much in need of. As the committee stated in its report on S. 268:

> (The bill) would encourage the States to develop the financial, institutional, and human resources, and require of the State legislation to establish the necessary machinery and procedures, to insure that . . . the many planning tasks which such (national growth and development) laws will require will be conducted effectively and not in isolation from one another.

Of course, land use planning is only one aspect of a balanced national growth and development policy. Such a policy would deal with specific policies regarding population growth, settlement and distribution patterns, economic growth, environmental protection, income distribution, energy and fuels, transportation, education, health care, food and fiber production, employment, housing, recreation and cultural opportunities, communications, welfare, technology assessment and transfer, monetary and economic policy, and their interrelationships over time, as well as land use policy. What we need is a mechanism for developing and relating national policies dealing with all of these factors, such as that proposed in my balanced national growth and development proposal. But, as I mentioned before, this is a very important step in the right direction.

Now, Mr. President, I have a few questions regarding the provisions of S. 268 which I should like to address either to the distinguished chairman or the distinguished Senator from Colorado (Mr. HASKELL) regarding matters of special concern to me. I would also like to propose an amendment to section 606(c) of this bill.

First, I am concerned that, as we move into the land-use area, every step be taken to assure that Federal, State, and local government not interfere with the "property rights" of individuals.

I would appreciate from the manager of the bill confirmation of my understanding that nothing in S. 268 would reduce, in any way, the traditional property rights of individuals, including the right to compensation for property taken by the Government for public purposes.

Mr. HASKELL. The Senator from Minnesota is correct. I refer the Senator to subsection 203(f), which states:

> (f) nothing in this act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located.

Mr. HUMPHREY. That language is very clear but I thought for the purposes of legislative history it would be well that we, once again, recite it here for the RECORD and make it manifestly clear that there is no interference in what we call the traditional individual property rights under terms of this legislation.

Mr. HASKELL. The Senator is correct. I refer the Senator to pages 55 through 58 of the committee report for additional legislative history which discusses how S. 268 protects the rights of private property owners in considerable detail.

Mr. HUMPHREY. While I agree with the intent of section 202(d) relating to "development projects," I am concerned that some of the smaller "developers" affected by this provision may experience substantial difficulty in preparing acceptable maps and other information for review by the appropriate unit of Government, as required in this legislation.

Is it the intent of this bill that State programs would make technical expertise available, not only to local jurisdictions, but also to smaller developers who could have problems in fulfilling the review requirements of this act and subsequent State programs?

Mr. HASKELL. The Senator from Minnesota is correct. We try to keep the reporting requirement simple. I can conceive of circumstances in which a small developer with limited experience could have trouble complying. But let me assure the Senator from Minnesota that it is my expectation that such need would be met under this bill. It is our intent that such developers be provided by the State with the technical help needed. Perhaps the distinguished Senator from Wisconsin (Mr. NELSON), who authored this provision, would like to comment on that.

Mr. HUMPHREY. I understood that the Senator from Wisconsin was involved in this particular part of the legislation and if the Senator from Wisconsin would help us here I should like to ask him for his comments.

Mr. NELSON. I am sorry, I was engaged in conversation here and I did not hear the Senator.

Mr. HUMPHREY. This is in reference to the small developers that would be involved in terms of this legislation and whether the intent of the bill is that State programs would make technical expertise available not only to the local jurisdiction of Government, but also to the smaller developers who might have some problems in fulfilling the requirements of this legislation.

Mr. NELSON. Yes. That was and is the intent. As a matter of fact, that was the intent from its inception, that is, to provide assurances that the large developers, in the development of building in the rural and scenic areas did so in a way that would be compatible with the environment. If some of the smaller developers covered under our criteria did not have sufficient capacity to prepare adequately for the review of their proposed projects, I think that the technical expertise available from the State government or the local government should be available to guide and counsel small developers.

Mr. HUMPHREY. That is very reassuring from the committee. I just wanted to develop this legislative history, because this is very important legislation. It is the first major effort that Congress has made in a total national growth and development policy, particularly on land use.

I think it is imperative that we make manifestly clear what we mean by the legislation and what the legislation does not mean.

I thank the Senator from Wisconsin, who has given much attention to this matter. He has removed any doubts I have as to the intent of the legislation. So it is now fair to say that smaller developers, who may not have the cash flow, the resources, and the technical experts to meet all the standards of this Federal legislation, could call upon State governments to assist them. Is that correct?

Mr. NELSON. That is correct.

As the Senator knows, in the whole county extension program we have had in this country for a hundred years, that has been their fundamental principle. In the Soil Conservation Service, in the guidance of farmers and people involved in that, they call upon the expertise of the county agent and the State government. We have the same situation here, that that kind of expertise be available to advise, consult, and guide developers—large ones as well as small ones—since they will want to be sure that they are developing their proposal in compliance with the law.

Mr. HUMPHREY. I thank the Senator.

Just one point: My amendment, which has just been presented to the Senate, is based on the fact that I believe that this bill, S. 268, does not give adequate priority to one land use problem that can result in some cases from actions taken by the Federal Government.

Because of Federal decisions to establish national parks and seashores, wilderness areas, wild rivers, and so forth, tremendous land use pressures—transportation, sewage, and water supply development projects, public accommodations, and so forth—are exerted in areas adjacent to such federally designated areas. Generally, the small rural communities in these adjacent or nearby areas are simply incapable of adequately coping with the critical land use pressures that emerge. These communities require and should be provided with technical help in making these important decisions by the Federal and/or State government.

The ever increasing amount of federally managed recreational lands, and the continued rapid expansion in its use by the public, will undoubtedly result in even greater land use and zoning problems than these rural communities have experienced in the past.

The Department of Interior estimates a sustained increase in use of these recreational areas of roughly 10 percent every year. The parks service system, for example, reported an increase in visits from 121 million people in 1965 to 211 million people in 1972. Other agencies in the Federal recreational system report similar rates of increase. The size of our Federal recreation area is also growing. At present, it is approaching 500 million acres.

How can we expect the thousands of small communities all around the country that border these Federal areas to be able to cope, by themselves, with these critical land use problems. How can we reasonably expect these communities, without technical advice, to make the best decisions regarding the location of the motels, gasoline stations, marinas, souvenir stands, new roads, sewage treatment facilities, and other facilities that invariably mushroom in such communities?

Many of us have heard leaders of communities which have been affected by such Federal action plead for help from all quarters. To date, the response to these pleas has been inadequate. I believe that these communities would be able to make much better land use decisions and enhance the environment surrounding our national recreational areas, if they were provided with the help of technical experts with experience in helping other communities cope with similar kinds of land use problems.

I believe that this problem deserves special recognition in the act we are debating today. I suggest that such priority be demonstrated by amending section 606(c) of S. 268 by adding the words "particularly those pressures resulting from use of national parks, national seashores and lakeshores, wild and scenic rivers, wilderness areas, and other Federal lands,".

The Senator from Wisconsin (Mr. NELSON) has joined me in sponsoring this amendment, as has my distinguished colleague the Senator from Minnesota (Mr. MONDALE).

That is the purpose of my amendment, and I would like to get the views of the manager of the bill.

Mr. HASKELL. It occurs to me that this is an excellent addition to the bill.

The pressures of tourism, which I understand very well, because I am from the State of Colorado, exacerbate problems in the national parks and lakeshore areas. For that reason, I concur heartily in the amendment, and I would be very pleased to accept it.

Mr. HUMPHREY. I thank the Senator.

We have exactly the same problem in the wilderness area in the Superior National Forest. Our local communities in that area are not up to providing all the facilities, land use planning, and zoning that is required. That is the purpose of this amendment. I thank the Senator from Colorado.

I gather that the Senator from Wyoming joins us in this amendment.

Mr. HANSEN. Mr. President, I do, indeed. I should like to respond with a question or two.

I think the amendment is definitely needed. I agree with the distinguished Senator from Colorado, who understands the pressures that can develop around areas of national interest, the national parks. I think of the great national park system we have throughout the country.

It occurs to me that the land use plan can and must play a very important role in helping communities on the peripheral areas of national parks and national seashores respond to the need of people for a place to stay and for all the other things that happen.

I have talked with the Superintendent of Yellowstone National Park, an area with which I have some familiarity; and he and others in the National Park Service are greatly concerned about the impact that people are having on that area, as more and more want to see it at certain times of the year. Thought is being given now, this year, to implement a reservation program which would enable and authorize the superintendents of several national park areas—perhaps the Senator from Colorado may know how many and which have been designated for experimentation in the program—to permit reservation of certain facilities within those national parks, of which Yellowstone is one. This would give people an opportunity to make reservations ahead of time. That will not suit some people who drive up, for example, to an area they have been in before or heard about and who are told they cannot get in.

The fact is that there just is not enough room in these areas if the Park Service is to continue with its program, as I am certain it intends to do, to preserve and protect these pristine areas that embody very significant but extremely fragile values.

I think the amendment by the distinguished Senator from Minnesota responds to and addresses to this problem. I hope very much that the amendment is agreed to.

The distinguished Senator spoke about something else—

Mr. HUMPHREY. Some questions I asked.

Mr. HANSEN. Yes. I gather from what the Senator from Minnesota has said that it is not the intent of this amendment to reduce, minimize, or qualify the rights of private property owners. Am I correct?

Mr. HUMPHREY. That is correct. That is why I asked the question of the floor leader of the bill, to make sure that this bill, in any of its provisions, does not reduce those rights.

Mr. HANSEN. I think that is very important. If I may, I should like to explore with my distinguished colleague his thinking on this matter, in order that we may be able to establish some legislative history which could be useful.

I have heard no one on the committee say that there is any intention on the part of anyone on that committee to minimize or restrict the rights of owners of private property, nor have I heard anyone express any inclination to bend, restrict, or modify the 5th and 14th amendments to the Constitution.

My feeling is that in the States of Colorado, Wyoming, Minnesota, and California for example there are a number of areas of private property, that are near and contiguous to national parks. With good land use planning these private areas could play an important and vital role. If attention is given to what our future needs will be and these needs are called to the attention of the owners of private property, there will be a reason and, as well, an incentive to make such accommodations and arrangements as would seem indicated to better serve the traveling public.

I wish to ask my colleague if this in a general way reflects his thinking.

Mr. HUMPHREY. Absolutely; this surely does. The Senator is once again detailing this matter. All of these great recreational areas become more usable when the surrounding area is able to provide what we might call backup services. After all, we have to have places for lodging, for food, and many times to take care of our basic needs as human beings. There is nothing in this legislation, as I understand it, and that is why I asked the question earlier, that jeopardizes those individual rights.

Mr. HASKELL. Mr. President, will the Senator yield?

Mr. HANSEN. I yield to the Senator from Colorado.

Mr. HASKELL. In connection with what has been said by the Senator from Minnesota, there certainly is nothing in the bill that would prevent that. Furthermore, the bill goes one step further and states that nothing in the State land use program will jeopardize national parks. It seeks to impose the same burden on the Federal Government so that the Federal Government will not jeopardize State lands.

Of course, as the Senator from Minnesota is well aware, each State is free to develop its own plan if it desires. The section I read specifically says that no private rights will be taken.

Mr. HUMPHREY. I am glad we have established it as a matter of legislative history.

Mr. HANSEN. I think it will be useful and constructive as well that this point be understood and be made, as I am certain this colloquy endeavored to do, that that is the thrust of this bill. It is not the intent at all through land use planning to say to the States, "You have to expand your exercise of the police powers which reside within the States to infringe upon the rights of owners of private property," but rather to compliment what will become increasingly clear to them, it may indeed go to their best long-range economic interests if they understand the potential for new kinds of activities.

I think in areas near national parks and monuments it is obvious there is a physical limitation to the number of people that a park can accommodate, say, on an overnight basis. If that is understood then these peripheral areas can provide the services and make necessary arrangements that can result in our National Park System being able to take care of more Americans without any serious deterioration in the quality of excellence that we hope to maintain within the system.

I would ask my good friend from Minnesota if that is his feeling.

Mr. HUMPHREY. It is my feeling. We do not diminish the power of State governments to take whatever action they think necessary in zoning or land use legislation to protect the beauty, the topography, the use of the land that surrounds a Federal installation. That is very important because many States like my State are involved in the whole subject of land use policy.

I was reading an editorial which appeared in one of the newspapers in Minnesota on the subject of our legislature reviewing land use policy. Of course, we have large recreational areas in our State, as does the State of Wyoming. They mean a great deal to us. The beauty of our State is one of our great assets. I do not want anything in this colloquy to indicate that we are diminishing State authority to guide in the use of the land or exercise land use policy that is constructive for better development and protection of the people of the State.

Mr. HANSEN. If I may respond, it was not my intent to imply in this colloquy that there was any idea on my part that this would limit, restrict, or modify the authority and the right of the State to exercise its police power, but rather to spell out as clearly as could be that conversely it is not our intention to restrict, modify, or abrogate the rights of owners of private property. That is the point.

Mr. HUMPHREY. Exactly.

Mr. HASKELL. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. HASKELL. If the Senator from Minnesota would accept a comment, we very carefully drafted the section to say that nothing in this act shall be construed as enhancing or diminishing individual land values. We very carefully addressed ourselves to that problem because we did not want anything to be interpreted as encroaching on private property or encroaching on the police power of the State governments.

Mr. HUMPHREY. Mr. President, I have an editorial entitled "Land Use and the Legislature," which was published in the Minneapolis Tribune on June 11, 1973, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAND USE AND THE LEGISLATURE

The state Legislature has yet to pass the comprehensive land-use plan that the governor and many environmentalists believe is essential if Minnesota is to avoid the damage that unchecked economic growth can bring. It did, however, put into the lawbooks a number of bills that encourage us to believe such a plan may emerge before the 1973–74 biennium is over.

Perhaps the most significant of the new laws—some environmentalists are calling it the biggest "sleeper" of the session—is the Environmental Policy Act. Under the act, an 11-member Environmental Quality Council (EQC) composed of seven agency heads and four citizens will have the power to order environmental impact statements on public and private projects "where there is a potential for significant environmental effects."

What the full impact of this law will be is as yet unclear, but in theory, at least, it could delay if not prevent construction of such major projects as sports stadiums, industrial parks, shopping centers, housing developments, public roads and the like, if damage to both people and the natural environment could be shown to be the likely result. This new law also forbids approval of a project wherever there is "a feasible and prudent alternative" and rules that a decision on a project cannot be allowed to turn on economic considerations alone.

Among other unheralded but potentially potent laws are the Subdivided Land Act, which will allow the state securities commissioner to prohibit the Minnesota marketing of any subdivided land by a promoter who does not follow environmental, legal or ethical rules; the Critical Areas Act, which gives the governor and the EQC the authority to protect from developers certain areas that the state sets aside because of their unique physical or historic characteristics; the Mineland Reclamation Act, which provides for restoration agreements before the land is exploited, and a law that reclassifies marshland as public water for drainage purposes, which will have the effect of imposing controls on previously unchecked drainage.

Land use for too long has been a neglected issue in spite of the fact that land-use decisions are the most important determinant of urbanization patterns in a society that becomes more urban every day. But attitudes are changing. According to the report of a citizens task force headed by Laurance Rockefeller, "There is a new mood in America. Increasingly, citizens are asking what urban growth will add to the quality of their

> lives. They are questioning the way relatively unconstrained piecemeal urbanization is changing their communities and are rebelling against the traditional processes of government and the marketplace which they believe have inadequately guided development in the past."
>
> The report, which is due to be published this month in book form as "The Use of Land: A Citizens' Policy Guide to Urban Growth," argues for an end to the landowner's traditional presumed right to develop his property regardless of the cost in scenic, ecological and cultural assets and proposes that "tough restrictions will have to be placed on the use of private land."
>
> "There is no environmental problem more serious than our land use dilemma," said Russell Train, chairman of President Nixon's Council on Environmental Quality, in February. "The abuse of our land is termed by many as the ultimate problem of pollution," said Gov. Anderson in the environmental message he sent to the Legislature the same month. Minnesota has made a start: The dilemma is being defined; ways to check the abuses are being sought. How successful these efforts will be will depend on how the state agencies choose to interpret the new laws and how the public—citizens, business and labor, alike—responds.

Mr. HUMPHREY. Mr. President, we are very proud of the fact that the Governor of Minnesota, Governor Anderson, in the environmental message he sent to the legislature, outlined a splendid program for land use and protection of many of our natural resources in Minnesota. I sent that mesasge to a number of people throughout the country because I thought it was one of the most forward-looking proposals on land use and growth that any Governor had made. I suppose that is parochial pride, but that is the way I felt.

This legislation today is in the spirit of what the Governor of our State was talking about, and I believe it is some of the most important legislation we have ever undertaken or hope to pass in this body.

I am finished with my comments unless the Senator wishes to address some questions to me.

Mr. HASKELL. I have none.

Mr. HANSEN. I have one further question, if I may get a response and the ideas of my distinguished colleague from Minnesota.

In the West where a varying amount of real estate, but a rather large amount in any event, is owned by the Federal Government, the adjacent lands issue is of great concern. There is in this bill language that addresses the subject of adjacent non-Federal lands and how far or what may be the rights of the Federal Government to deal with the issue of activities on non-Federal lands, primarily privately owned lands that are adjacent or contiguous to areas in Federal ownership.

I raise the question because in Wyoming and in many of the Western States we have two railroads that go through that State—I guess more at one time. Back in the middle 1800's, as the Senator knows, the railroads were given, as a means of encouraging them to tie the country together with bands of steel, alternate sections 10 miles wide on either side of the railroad.

So those lands are in private ownership. They are owned by the railroads. Then, in between those lands, in checkerboard fashion, are Federal lands.

In my State of Wyoming the Federal Government owns slightly in excess of 48 percent of the surface. If we were to assume, through the language of the bill that refers to "adjacent non-Federal lands," that this adjacency means to include land, within 1 mile, of Federal land the Federation of Rocky Mountain States, of which Wyoming is a member, in analyzing the impact of this particular section, concluded that an additional 22 percent of the surface of Wyoming could be under some sort of Federal jurisdiction or Federal control, depending upon how far it might be implied "adjacent lands" extends.

So my question to the distinguished Senator from Minnesota is, What is his feeling as to the right of the Federal Government to exercise control over privately owned lands adjacent or contiguous to federally owned lands insofar as the land use planning bill which we are now discussing is concerned?

Mr. HUMPHREY. As the Senator knows, I am not privileged to be a member of the committee, so I cannot speak with the detailed and intimate knowledge that would come from the hearings that have been held on this legislation. All I can give the Senator is one Senator's opinion.

Mr. HANSEN. I value that opinion very greatly, I might say.

Mr. HUMPHREY. I thank the Senator.

Section 401, under title IV, requires that the Federal Government have its policies consistent with State programs or with State plans for land use. Section 402 says that State land use programs should be consistent with Federal programs. "Consistent" does not mean no use. What it means is compatible use, which I think has been pretty well defined in the hearings, and I do not want to try to interpolate those hearings with my lack of day-to-day, detailed knowledge of what transpired in the committee. So section 401 has the same requirements on Federal land as section 402 has on the States. That is about the best I can give my answer.

Mr. HANSEN. I would observe that section 401(a) reads:

> All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State land use programs prepared pursuant to this Act and State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning, and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs, and interests.

It seems to me the thrust of this section is that the Federal Government and its agencies are called upon to consider the State land use programs and shall coordinate insofar as——

Mr. HUMPHREY. That is correct, but it is also clear that State policies cannot override these Federal standards. I think that is important, because the last language— so we do not have any misunderstanding—reads:

> adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs and interests.

Mr. HANSEN. I appreciate the Senator's reading that language. I think it is very important. What it says—and I suspect the Senator would agree with me—is that the use and the management of these privately owned lands that are in this particular category of adjacency cannot be used in a manner that would be inconsistent with paramount national policies, programs, and interests.

Mr. HUMPHREY. That would be my judgment.

Mr. HANSEN. Would that be the judgment of the Senator from Colorado?

Mr. HASKELL. Yes.

The States' land use program is an entity in and of itself. It is within the States' jurisdiction. The State adopts the land use program. It cannot adopt a program which affects Federal lands. We could not give the States that authority.

Similarly, we are not asking the Federal Government to plan for the States. We are saying to the States, "Please make your uses consistent with national policies to the extent that it is practical to do so." So we have made a great attempt to see to it that one governmental jurisdiction does not interfere but rather coordinates with the other.

Mr. HUMPHREY. What we are really saying to the States and to the Federal Government is, "Work these things out so that you are not in opposition to each other." We have a policy which is consistent or at least takes into consideration the needs of the other jurisdiction.

Mr. HASKELL. That is correct.

Mr. HANSEN. There should be regulation and cooperation and consideration to an extent which is not inconsistent with paramount national policies.

Mr. HASKELL. The Senator is absolutely correct.

Mr. HUMPHREY. That is the controlling line.

Mr. HANSEN. It is to be considered except when a State bumps into a Federal policy or program of paramount national interest; and whenever that happens, the State or private landowner, under the Federal act, yields.

Mr. HUMPHREY. That is correct; that is my understanding.

Mr. HASKELL. I would point out to the Senator from Minnesota two things. If there is a conflict between State use and Federal use, the purpose of setting up a Federal-State ad hoc joint committee is to try to solve the problem. Let us interpret what is meant by national policy in the use of Federal lands.

In my State, we have the Air Force Academy. I do not think my State would allow a plant such as a steel mill to be built on the border of the Air Force Academy, because the steel mill would cover the Academy with smoke. That would not be a proper thing for my State to do. But I do point out to the Senator from Minnesota and the Senator from Wyoming that if there is a conflict between the two governments, we have an ad hoc hearing board to resolve the conflict.

Mr. HUMPHREY. That is exactly correct. We have the Environmental Protection Act, which must be considered in any national use program. Meetings would be held on national priorities or national interests, to which we are directing our attention.

Mr. HASKELL. The Senator is correct.

Mr. HANSEN. I ask my good friend from Colorado if it is not a fact that in considering the recommendations of the ad hoc committee, the Secretary must be guided by the language on page 110 of the bill, subsection (g) of section 404, beginning on line 3, which reads as follows:

> In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall give careful consideration to the purposes of this Act and not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner contrary to the requirements of the laws governing the Federal lands involved.

Mr. President, my observation is—and I ask if I am right in this interpretation—would not the Secretary have to consider the recommendations of the ad hoc joint committee in light of and not to exceed the effect of this restriction?

Mr. HASKELL. The Senator is correct. If I could expand on that, if there were a specific Federal law dealing with a specific piece of land, such as the Air Force Academy in my State, obviously the ad hoc committee could not interfere with that Federal use.

This situation clearly protects the Federal Government where there is specific usage involved.

Mr. HANSEN. Mr. President, I appreciate that observation. I am grateful the Senator from Colorado and I am equally grateful to the Senator from Minnesota. I think it is important that we understand the dimensions and the extent of the cooperation and the restrictions imposed under the terms of this bill upon the Secretary in trying to resolve conflicts between private landowners or States on the one hand and the Federal Government on the other. And in that context, Mr. President, I would like to read from State land use programs, section 402, on page 105, line 21, which reads as follows:

> STATE LAND USE PROGRAMS
>
> SEC. 402. (a) As a condition of continued eligibility of any State for grants pursuant to this Act, after the five complete fiscal year period following the enactment of this Act, the Secretary shall have determined that—
>
> (1) the State land use program developed pursuant to sections 203 and 204 of this Act includes methods for insuring that Federal lands within the State, including, but not limited to, units of the national park system, wilderness areas, and game and wildlife refuges, are not significantly damaged or degraded as a result of inconsistent land use patterns in the same immediate geographical region; and
>
> (2) the State has demonstrated good faith efforts to implement such methods in accordance with clause (3) of section 204.

Mr. President, I would observe for the benefit of the staff present on the floor that I believe that should read clause (2) instead of (3). Is that correct?

Mr. HASKELL. The Senator is correct.

Mr. HANSEN. Mr. President, subsection (b) reads:

> (b) The procedures for determination of grant eligibility provided for in section 306 shall apply to this section.

What that says in other words is, as I recall section 306, that if the Secretary finds there is noncompliance, he can withhold grants. Am I correct in that understanding?

Mr. HASKELL. I believe the Senator is correct.

Mr. HANSEN. Mr. President, the point I want to make is that this language seems to establish as a condition of continued eligibility that the Secretary shall determine that the land use program developed pursuant to these various sections, including methods for insuring that the Federal lands within the State including, but not limited to, units of the National Park System, wilderness areas, and game and wildlife refugees, are not significantly damaged or degraded as a result of inconsistent land use patterns in the same immediate geographical region.

It is to that point that I want to call the attention of the distinguished Senator from Minnesota and the distinguished Senator from Colorado to see what their thinking is as to what is implied by these words, "* * * in the same immediate geographical region * * *" How far is that and what are the dimensions of this language?

Mr. HUMPHREY. Mr. President, let me yield on that point to the member of the committee, the acting manager of the bill, the Senator from Colorado (Mr. HASKELL), and then I will give my point of view. However, the Senator from Colorado listened to the testimony on this subject.

Mr. HASKELL. I did. If I may say to the Senator from Wyoming, we are talking about Federal lands within a State. We are talking about the words "units of the national park system * * * are not significantly damaged or degraded as a result of inconsistent land use patterns * * *"

I believe the Senator asked what was meant by adjacent and how far the State should go to protect it.

I would say that it would depend upon each situation in each State. For example, the lake regions of the State of Minnesota have quite different problems than do the mountainous regions of the State of Colorado. Therefore, I do not think it is proper to give a mild definition in order to protect the rights of any governmental unit, because what we might do to protect a region would be different in Maine than in Florida.

That is why we have the general language, ". . . are not significantly damaged or degraded. . . ."

I trust that answers the Senator's question.

Mr. HUMPHREY. Mr. President, may I say that the instance of a private company coming in and wanting to put a steel plant right up alongside of a resort area in a national park, with the plant being 2 miles beyond the boundary of the park would, I think, significantly damage or degrade the Federal properties there, the Federal recreation area.

Mr. HASKELL. I would concur with the Senator from Minnesota.

Mr. HUMPHREY. What we are depending on here is regional consultation between State and Federal officials on this matter. I do not think any State would permit it because the environmentalists in the States would be up in arms.

Again, it might very well be that in another area where the topography was different, where the recreation area was different, that within 50 miles of a Federal recreation area, a particular industry or plant might be established because it would not significantly damage or degrade the Federal recreation area.

Mr. HASKELL. I would be on a case-by-case basis.

Mr. HUMPHREY. I think that is the way in which to do it. I doubt that we could draw a narrow perimeter to define the area.

In my State in the wilderness area we do have taconite plants nearby. But they are not such as give off the kind of emissions that tend to damage or degrade the particular Federal reservation.

There is a problem on what we do with the taconite tailings, the residue. We have a serious problem in Lake Superior today, a very serious problem. That is a case where, had the proper land use policy been defined earlier, we might very well have spared ourselves what is almost a catastrophe today in the city of Duluth where the water supply from Lake Superior appears to be significantly damaged by asbestos particles that can be very injurious to an individual's health.

Had we had this kind of legislation earlier, I think it would have been interpreted as meaning that the location of a plant in that particular area, close enough to the water, so that tailings would have gone into the water, would have significantly damaged the public property.

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield?

Mr. HANSEN. I yield.

Mr. ROBERT C. BYRD. Mr. President, would it be possible to get a unanimous-consent agreement on the amendment?

The Senator from Maine has been waiting. If the colloquy is going to go on, we may save time if we could get an agreement.

Mr. HANSEN. I said yesterday, and I repeat, Mr. President, I certainly have no intention at all of trying to filibuster this bill. Basically, I am in sympathy with the idea that good land-use planning within proper parameters can be helpful and useful. I endorse land-use planning, but I want to spell out and see that I understand what we are talking about. So I must say to my good friend from Minnesota that I hope we can conclude this part right away.

Mr. HUMPHREY. Mr. President, I suggest to the Senator from Wyoming, since the amendment seems to be pretty well agreed to, that if we could get a vote on the amendment, the colloquy might then be more productive between the Senator from Colorado and the Senator from

Wyoming, because I think they know much more about the intricate details of the bill than the Senator from Minnesota, though I would be happy to participate in whatever colloquy the Senator may desire.

Mr. HANSEN. Mr. President, let me say that the Senator from Minnesota does not do himself justice. I am impressed, as I know all of us are, with his great knowledge and experience, and I think his contribution has been very helpful indeed.

In order to make certain that we understand what this bill will do, I would ask my good friends the Senator from Minnesota and the Senator from Colorado if they might be willing to accept two definitions that could be useful and helpful in seeing that we understand what is meant by "adjacent lands."

My proposed amendment for adjacent non-Federal lands would read as follows:

> "Adjacent non-Federal lands" means all non-Federal lands which are in the immediate geographic proximity of and border Federal lands.

The definition for adjacent Federal lands would read:

> "Adjacent Federal lands" means all Federal lands which are in the immediate geographic proximity of and border non-Federal lands.

I am not talking about an activity on a piece of land which clearly impinges on the rights of others or degrades the quality of the adjacent lands. If you have a smokestack on your land which pollutes the adjacent lands, I think any court could recognize the deleterious effect of activity. I am talking about activities that would not have that sort of effect, but which, in the opinions of some people, might be construed to be harmful.

Mr. MUSKIE. Mr. President, will the Senator from Wyoming yield for just a moment?

Mr. HANSEN. I yield.

Mr. MUSKIE. I ask unanimous consent that Leon Billings and Don Alexander of the Public Works Committee staff may have access to the floor of the Senate during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask my good friend from Colorado if he might be willing to accept the language I have stated to accompany the Humphrey amendment, which I think would clear up the problem all the way around.

Mr. HASKELL. Mr. President, I would say to my good friend from Wyoming that in view of the fact that my thought processes perhaps are not as fast as they ought to be, I would like a little opportunity to look at the amendment and see what it does to the bill, and respond at a later time.

Mr. HANSEN. I have no objection to that at all.

Mr. HUMPHREY. Mr. President, it would be my hope that we could do that. The Senator from Wyoming is a very reasonable man, and I would hope we would be able to take a look at the language, because it might involve some possible complications. I do not see any at the moment, but if we could hold it up for a little while, I would be happier.

Mr. HANSEN. Let me add that I think we need to define as clearly as we can define it what is meant by "adjacent lands," and it is in the spirit of trying to help clarify that issue that I make the proposal.

Mr. HUMPHREY. I agree. The question that bothered me was "that borders on." I think we ought to have some definition.

Mr. HANSEN. Well, if it does not border, I think it is all the more important that we have some definition of what we are talking about.

Mr. HUMPHREY. I think so, too.

Mr. HASKELL. Does the Senator from Wyoming have in mind that we just look at it informally?

Mr. HANSEN. Would the Senator like to have some colloquy on it?

Mr. HASKELL. I would just like to think about it.

Mr. HUMPHREY. Mr. President, may we now have a vote on the amendment which I have offered?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY).

The amendment was agreed to.

LEAVE OF ABSENCE

Mr. HUDDLESTON. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent to be absent from the Senate on official business from June 21 to June 25,1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House has passed, without amendment, the bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; and

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The message further announced that the House had passed the bill (S. 1501) to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. HARVEY, and Mr. KUYKENDALL were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1717. An act to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list;

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes;

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island;

H.R. 8537. An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes; and

H.J. Res. 499. Joint resolution providing for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred, as indicated:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection; and

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver. Referred to the Committee on the Judiciary.

H.R. 1717. An act to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list; and

H.R. 8537. An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes. Referred to the Committee on Armed Services.

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshall, and for other purposes. Referred to the Committee on Post Office and Civil Service.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. CURTIS. Mr. President, I realize the very commendable purpose and objective of the proponents of this measure. I have a very high regard for all of them. I have an especially high regard for the distinguished chairman of the Committee on Interior and Insular Affairs. It is not very often that I disagree with that committee, because they handle so much legislation that is vital to that section of the country from which I come.

But, Mr. President, I am unalterably opposed to the passage of this legislation. I think it would be a serious mistake for the Congress of the United States to enact this proposal or anything similar to it.

What we are doing here is embarking upon a program in which the Federal Government determines land use, not for the land owned by the Federal Government, but for all the private people. The land involved might be the smallest lot in a city, it might be a 5-acre patch, or it might be a farm of 10,000 acres, but the Federal Government launches into the business of determining land use.

We can spend hours and hours amending it, changing this section or changing that language, but it will not make any difference. A very few years from now, if we embark upon this measure, the great power of the Federal Government will be used to determine the use of all land in the country.

Mr. President, whoever determines the use of land determines its value. I would like to commend, not only to all Senators but to the entire public, the reading of the minority views in the committee report on the bill, which were written by the distinguished Senators Mr. FANNIN, Mr. HANSEN, and Mr. BARTLETT. It is an excellent statement and very sound in principle.

What this bill is is just a start. Oh, yes, sanctions were defeated today, but the proponents of this bill are for sanctions, and they will be back again. If we make the mistake of enacting this measure, they will be back here next year or the year following and say that in order to make it work, we have to have sanctions.

This minority report by these three distinguished Senators is very well worth reading. It points out the inherent danger of this legislation.

Of course, Mr. President, we want wise use of our resources in this country, but the part I challenge is this: I challenge the notion that government always knows best, and I specifically challenge the notion that the Federal Government always knows best.

The Federal Government with its redtape, its bureaucracy, its great power, its ability to pour out billions of dollars in grants to get States and individuals to surrender their rights, is a mighty powerful institution. Yet, it is not always right.

I was particularly struck with three sentences in the minority report to which I have referred, on page 160, where it states:

> The inherent wisdom of restricting the centralization of power and decision-making authority should require no advocate. American history is replete with evidence that individuals, collectively, make wiser judgments than governments. Individuals are not always right, but their mistakes are not so enormous.

Mr. President, whoever determines the use of land, determines its value. If a citizen has a piece of land and the purpose for which he would like to use it causes it to have a value, say, of $500 an acre and the wise, all-powerful bureaucrats in Washington decide that that land should have another use, either because of the way it would affect adjacent property, or something else, and the land ends up with a value of $200 per acre, they have taken property from that citizen without just compensation or due process of law. He had something worth $500 and the Government deliberately reduced it to $200. That is what it is.

Oh, I realize that there are enthusiasts for this cause and that cause who want the great power of the Government to force their theories on everyone else.

Mr. President, Congress should beware of this legislation. Congress passed the environmental control bill and we have had time, now, to see how that act is being administered and enforced. The rights of citizens are being disregarded and ridiculous rulings are being promulgated. On the floor of the Senate, within the past 2 weeks, there was discussion about an environmental proposal that would have kept orchardists and their employees out of an orchard for days after a spraying unless they were garbed in a certain manner. That was ridiculed, and it should have been ridiculed.

Mr. President, that is what happens when we surrender the right of free men and women to live their lives and give that right to the Federal Government.

This bill is wrong. We will regret it if we pass it. We cannot judge it by what is contained in its pages today but by what it will grow to be.

Not only have the environmental laws gotten out of hand in their application, but another well-meaning statute, the Occupational Safety and Health Act, has been administered and interpreted in a way that has been harsh, unjust, and destructive. Congress decided that the only place where there was any wisdom to bring about safety was in the Federal Government and our citizens suffer from harsh and unreasonable regulations.

Now, all individuals are interested in safety. I maintain that a small businessman with just a few employees, who are very likely members of the family of the proprietor is more interested in safety than are bureaucrats. Yet we are forcing people out of business because we made the foolish decision that the Federal Government was all-wise in the field of safety, just as we made the decision that the Federal Government was all-wise in the field of environmental control.

Mr. President, this bill should not be enacted into law. If it is, in a matter of a few years, we will live to regret it.

I am aware that some decisions have to be made and some authority has to be vested in order to curb the individual who has a total disregard for the rights of others, but let that power reside in the States and the localities. That is where it is now. They will not have a thing to say about it if this bill is enacted into law because once the Federal Government enters this field, it will preempt it.

The bill should be defeated.

Again, Mr. President, I commend Senators HANSEN, FANNIN, and BARTLETT for their position in regard to this bill and for their excellent minority report.

I am aware of the good intentions of everyone in advancing the pending bill, but I believe it is filled with danger and I would be untrue to myself if I did not say so.

Mr. FANNIN. Mr. President, I want to commend the distinguished Senator from Nebraska for the statement he has just made. I know of his great work on the OSHA program and how disappointed he was that the amendments he had offered were not accepted. We are all paying because he was not successful in that regard.

The Senator has made sound recommendations in regard to this legislation. I am hopeful that we can still amend the bill in order that it will represent what I believe all of us thought we were voting on at the very start of committee consideration. It is regrettable that it has not turned out that way.

Again I commend the distinguished Senator from Nebraska for his fine statement regarding the results that may accrue if the bill is passed in its present form.

Mr. MUSKIE. Mr. President, I have a few opening remarks to make on the bill in general and then I will be calling up the first of three amendments which I intend to offer.

I should like to say to the distinguished floor manager and the author of the bill and the chairman of the committee, as well as to the distinguished Senator from Arizona (Mr. FANNIN) that I am amenable to a time limitation on this amendment at any time.

Mr. JACKSON. Mr. President, I do not need more than a few minutes. I would suggest to the Senator that he take whatever time he needs to comment, but I do not believe that I will need more than 1 or 2 minutes.

Mr. MUSKIE. All right. Then why do I not take a few minutes at this point while the Senator is considering the question of a time limitation with the Senator from Arizona.

Mr. FANNIN. If the Senator could delay asking for a time limitation and would go right ahead and make his comments now, I should like to have a little time to study the amendment.

Mr. MUSKIE. Fine. I yield myself 10

minutes for my general comments and in that time perhaps we can reach an agreement.

The PRESIDING OFFICER (Mr. Scott of Virginia). The Senator from Maine is recognized for 10 minutes.

Mr. MUSKIE. Mr. President, I have had the opportunity to review the Land Use Policy and Planning Assistance Act, S. 268, and the committee report on the bill. I want to compliment the Senator from Washington and his colleagues on the Committee on Interior and Insular Affairs for their diligent work and careful consideration of this vital legislation.

As my colleagues know, I believe that a major Federal role in land-use planning is essential if States and local governments are to properly coordinate land-use conservation and development programs. A Federal presence will be necessary if the pressures for unwise and haphazard development which now confront States and political subdivisions are to be resisted. And Federal guidance will be important in determining good and bad land-use practices.

The experience which the Subcommittee on Air and Water Pollution has gained in implementation of the Clean Air Act indicates that States and local governments can and will act responsibly with Federal cooperation to consider more carefully land uses and the structure of development patterns which are environmentally sound.

Last week, the Environmental Protection Agency published proposed transportation controls, many of which have been worked out in cooperation with States and local governments to structure transportation-related land uses to avoid violation of health-related air quality standards required by the Clean Air Act. But the absence of sound land-use planning mechanisms have complicated this process.

Currently the Environmental Protection Agency is working with States and localities to develop land-use control process for complex sources of air pollution, such as shopping centers, major housing developments, other commercial activities, and such transportation facilities as highways and airports. These regulations are intended to avert future adverse air quality impacts from unsound site location decisions. State and local land-use decisional capability will be essential to the effectiveness of this process.

The controversial nature of currently proposed transportation control not only points out the difficulty of undoing the damage of past failures, but also underscores the need to avoid future mistakes as land-use decisions are made.

S. 268 can be of assistance in the development of this Federal-State-local partnership. States and localities, in many cases, will be encouraged to take a comprehensive look at land-use conservation and development activities and to plan patterns of land conservation and development which will be in the best interest of the citizens of the State and local governments involved.

Mr. President, last year, during Senate debate on similar legislation and early in this session, I proposed legislation to aid this Federal, State and local planning process by establishing Federal policy criteria which should be considered in any rational land-use decisional process. I am pleased to see that some of these criteria are included in the legislation before us today. I ask unanimous consent that the text of S. 792 and my introductory remarks be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Environmental Protection Permit Legislation

Mr. Muskie. Mr. President, during the opening weeks of the new Congress, Members in both Houses, and particularly in this body, have observed over and over again that the legislative branch is losing its power and its place in the system of checks and balances to the executive branch. In many areas these complaints and concerns are justified; the President has ignored legislative and appropriations decisions of the Congress at will, arrogating to himself and to his office decisions which are explicitly reserved to the Congress.

But I am also concerned, Mr. President, that the Congress itself is contributing to its own decline as a responsive and effective institution. Increasingly we have found it convenient to delegate to the executive or to the courts decisions for which we are responsible. Increasingly we have legislated procedures and called them policy. And increasingly we have avoided the task we were elected to perform—making tough decisions in areas of public policy which cry out for our attention.

One of the areas of public policy which demands attention we have not given is the development and protection of the Nation's limited land resources. It is true that the Senate has considered and passed legislation to require the States to develop land use policies; but, once again, this legislation would have delegated almost unlimited discretion to the executive and to the States to decide what was good land use and what was bad land use. Once again, the Congress would have passed the buck—with no instructions on what to do with it.

The task of creating policies to regulate land use decisions cannot be left solely to the States or to the executive. The buck stops here—in the Congress. Only here can the Federal interest in the public health and welfare be balanced against private decisions regarding property use. Only here can land use regulatory policies be set that take into account all the conflicting interests and make the appropriate tradeoffs from a national perspective.

There is no question of the need for such a policy and for regulation of land development decisions based on such a policy. In fact, such a regulatory mechanism is required in both the Clean Air Act and the Water Pollution Control Act. Implementation plans and programs under both acts must include, where necessary, land use controls. Uncertain land use policies regarding the development of land resources and the need for effective regulatory procedures also lie at the root of our difficulties in solving the energy crisis, in dealing with transportation problems, and in preserving biologically productive land areas.

Just as Congress has recognized that the problems of air and water pollution respect no State boundaries and demand national solutions, so, too, we are now realizing the national scope of our energy and transportation crises. It is time, however, that we also recognized the national scope of other problems which result directly from our lack of a national policy to regulate our use of limited land resources:

The quality of rural life is increasingly threatened as local citizens are crowded off the land and out of their houses by wealthy vacationers seeking recreational property and rural homes.

Highway construction and urban renewal programs devised without respect for people's lives and communities have robbed city dwellers of open space, recreational opportunities, pleasant surroundings, and often their homes.

Commercial and industrial site selection decisions have transformed and often permanently degraded large areas of land, simply because inadequate consideration was given to the effects of the attendant transportation, energy, housing, and waste treatment needs of the people who would come with the development.

Unplanned development and land use has destroyed flood plains, valuable wetlands, timberlands, and farmlands.

These are national problems; and until we set basic regulatory policy on a national level, these problems will continue to plague us. It is not enough for Congress to say that land use planning is good public policy—though land use planning is essential; and it is not enough to require the States to develop land use plans of their own—though they must act expeditiously to develop such plans. Those kinds of decisions are not really decisions at all; they merely are new applications of the same old, bad habits in failing to cope with yet another pressing issue. Pronouncements of rhetoric have never constituted effective, substantive policy. Nowhere is this truth plainer than in our experiences under the National Environmental Policy Act; although that law has provided some valuable procedural protections, it offers no relief from bad decisions which are a product of good procedure—because it contains no enforceable standards and guidelines against which to measure those decisions.

We should not make the same mistakes in developing national land use regulatory legislation that we have made in other areas; we cannot afford to. We must not sit still and allow the States or the Federal bureaucracy to create fragmented, disoriented, and often contradictory regulatory policies and programs which will permit private, selfish decisions to exacerbate critical national problems and override the public interest.

The bill which I introduce today, the Environmental Protection Permit Act, would require the establishment of regulatory mechanisms at the State level to review private land development decisions, and it would establish in law specific criteria against which to assess those State programs and to permit or deny them to take effect.

Under the provisions of this bill, which would become title VI of the Water Pollution Control Act, the Environmental Protection Agency would be prohibited from making grants for the construction of waste treatment facilities under the Water Pollution Control Act, delegating control of water pollution permit programs to States, or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any State which does not have an approved program for granting environmental protection permits. This enforcement provision is, of course, subject to refinement, but it recognizes the fact that effective air and water pollution control requires the effective regulation of our limited land resources.

The specific land use policy criteria set forth in this bill are clear statements of the elements of good land use. They are the product of lessons the Subcommittee on Air and Water Pollution has learned from hearings in Machiasport, Maine, and Lake Tahce, from the development and implementation of the Clean Air Act and the Water Pollution Control Act, and from years of hearings on the economic and social roots of environmental pollution. They are by no means complete in setting forth all the necessary guidelines, but they are a set of criteria from which we can refine an effective set of final guidelines.

The provisions of this bill also reflect beginning efforts which have been made to regulate land use in several States, particularly the State of Maine. In establishing the land use regulation commission in 1969, Maine assumed a position of national leadership in resource analysis and mapping, comprehensive planning, establishment of land use standards and land use districts, and enforcement. The Maine Land Use Regulation Commission establishes standards for and restraints upon the use of land in the unorganized townships of the State, 49 percent of Maine's total land area and more than 10 million acres.

Coupled with the site selection permit program administered by the State's environmental improvement commission, the LURC has given the people of Maine an opportunity to protect their public property rights against private waste.

Nothing is more central to the development of a national growth policy and to the preservation of a livable environment than effective land use planning and regulation. As Dr. George Wald has said:

> There is nothing more valuable in the Cosmos than an acre of land on earth.

Unless we in Congress understand and act on our responsibility to make the hard, tough policy decisions which we were elected to make, we and our children will be witnesses to the defenseless waste of that land.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill together with the bill itself be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. The Federal Water Pollution Control Act is amended by adding at the end thereof a new title to read as follows:

"TITLE VI—ENVIRONMENTAL PROTECTION PERMITS

"SEC. 601(a) The Administrator shall not, at any time after June 30, 1975, (1) make any grant in a state in accordance with the provisions of Title II of this Act, (2) approve any state permit program in accordance with the provisions of Section 402 of this Act or (3) grant any extension of time for achievement of air quality standards in accordance with the provisions of section 110(e) and 110(f) of the Clean Air Act (42 U.S.C. 1857 et. seq.), unless at the time of the grant application for a project in such state or at the time of submission by such state of a permit program or a request for extension of time for compliance with air quality standards, that state has in effect an environmental protection permit program approved by the Administrator in accordance with the provisions of this title.

"(b) Any approval of a state permit program in accordance with section 402 of this Act and any extension of the effective date for compliance with air quality standards granted in accordance with subsection (e) or (f) of section 110 of the Clean Air Act for a state shall be suspended where such state does not have, before July 1, 1975, an environmental protection permit program approved by the Administrator in accordance with the provisions of this title, and such suspension shall remain in effect until that state has an approved environmental protection permit program.

"SEC. 602(a) (1) Upon application of a state, the Administrator shall approve a state environmental protection permit program as adequate when he determines that (A) such state has an adequate process for issuing permits, (B) there is an adequate mechanism to oversee and enforce compliance with permit requirements to assure that no proposed development or expansion of capacity of any industrial, commercial or residential facility and no other development or activity which would in any way affect existing utilization of land will occur without an environmental protection permit issued by the state in accordance with the provisions of this title, and (C) in issuing permits, the state will follow the environmental protection criteria specified in subsection (c).

"(2) Approvals of state environmental protection permit programs granted by the Administrator shall be valid for a period not to exceed four years from the date on which approval is granted.

"(3) Application for reapproval, or changes in or amendments to the state environmental protection permit program shall be reviewed and approved by the Administrator in the same manner as initial applications for approval of the state environmental protection permit program.

"(4) Whenever the Administrator determines, after a public hearing, that (A) a state is not administering a program approved under this title in accordance with requirements of this title, or (B) a state has issued any environmental protection permit in violation of the criteria specified in subsection (c) of this section, he shall so notify the state and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the state, and made public, in writing, the reasons for such withdrawal.

"(b) For the purposes of this title, an adequate process for issuing permits shall include (1) a program for developing policies and procedures to implement the environmental protection permit program which shall include:

"(A) adequate opportunity for public hearings during development and revision of the environmental protection permit program in each major population center of the State and at such other places in the State as are necessary to assure that all persons living within the State have adequate opportunity to attend a public hearing on the environmental protection permit program at a place within a reasonable distance from their homes;

"(B) adequate opportunity, on a continuing basis, for participation by the public and the appropriate officials or representatives of local government in development, revision and implementation of the environmental protection permit program;

"(C) processes to review and revise as necessary, on at least a bi-annual basis, guidelines, rules and regulations to implement the environment protection permit program published by the State or by political subdivisions of the State in cases where the States' responsibilities have been delegated in accordance with the provisions of section 603 of this title;

"(D) a mechanism for coordinating all State programs and all Federal grant-in-aid or loan guarantee programs under which the State or its political subdivisions, or private persons within the State, are receiving assistance to assure that such programs are conducted in a manner consistent with the guidelines, rules and regulations published by the State or its political subdivisions and intended to implement the environmental protection permit program;

"(E) adequate provision to coordinate planning activities of a State with the activities relating to environmental protection permit programs of surrounding States; and

"(F) assurance that the taxation policies of the State and its political subdivisions are consistent with and supportive of the goals of the State environmental protection permit program, and

"(2) Procedures for issuance of individual environmental protection permits which provide that:

"(A) there shall be a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

"(B) there shall be an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to issue or to refuse to issue a permit;

"(C) all information presented to the State or a local government with regard to any application for issuance of a permit shall be available for public inspection at a place designated by the unit of government to which the application for an environmental protection permit is made; and

"(D) decisions relating to applications for environmental protection permits shall be announced publicly at a time and place specified at least 30 days in advance of the announcement.

"(c) The Administrator shall not approve a State environmental protection permit program which does not assue compliance with the following environmental protection criteria:

"(A) public or private development will be permitted only if in the process of development, and in the completed project, the development will not result in violation of emission or effluent limitations, standards or other requirements of the Clean Air Act and this Act;

"(B) industrial, residential or commercial development will not occur on agricultural land of high productivity, as determined on a regional basis by the Secretary of Agriculture, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents that would not otherwise be available;

"(C) industrial, residential or commercial development will not occur where it would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation, unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the emission or effluent limitations, standards or other requirements of the Clean Air Act or this Act at any place where such expansion of such systems or any activities relating thereto may occur;

"(D) redevelopment and improvement of existing communities and other developed areas is favored over industrial, commercial, or residential development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, and that development contrary to these principles shall be allowed only where specifically approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

"(E) no industrial or commercial development shall occur only where there exist adequate housing opportunities, on a non-discriminatory basis and within a reasonable distance or any such development, for all persons who are or may be employed in the operation of such development;

"(F) no development shall occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by such lands;

"(G) there shall be no further commercial, residential or industrial development of the flood plains of the navigable waterways in the state;

"(H) those responsible for making less permeable or impermeable any portion of the landscape will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snow-melt;

"(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

"(J) utilities, in locating utility lines, shall make maximum possible multiple use of utility rights-of-way; and

"(K) any major residential development will include open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

"(d) A State may exempt from the requirement of an environmental protection permit program any single family residential building constructed by a person on land owned by such person and intended to be his principal residence on a year-round basis, where such person has not, within the previous five-year period, constructed another such residential building which was or would have been eligible for exemption in accordance with the provisions of this subsection.

"Sec. 603. The Administrator may approve as adequate in accordance with the provisions of this title, a State environmental protection permit program which delegates the permit granting responsibility assigned under this title to one or more political subdivisions of a State where such State continues general responsibility for establishing poliices for the environmental protection permit program and the Administrator determines that the other responsibilities of the State under this title will be adequately performed.

"Sec. 604 (a). The Administrator is authorized to make grants to any unit of local government within a State which, as a result of actions taken to implement the State environmental protection permit program, has suffered a loss of property tax revenues (both real and personal). Grants made under this section may be made for the tax year in which the loss of tax revenue first occurs and for each of the following two years: *Provided, however,* That the grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the date of enactment of this title and the actual property tax revenue received by the local government for the tax year in which the tax loss first occurs and for each of the two tax years following the year in which the tax loss first occurs.

"(b) Grants under this section may be made only where there has been no reduction in the tax rates and the tax assesment valuation factors employed by the local government in determining its tax valuation and tax rates. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, then, for the purposes of determining the amount of a grant under this section for the year or years in which such reduction in the tax rates or the tax valuation factors is in effect, the Administrator shall use the tax rate and tax assessment valuation factors of the local government in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by such local government had such reduction of tax rate or tax assessment valuation factors not occurred.

"Sec. 605. (a) The Administrator is authorized to make grants, upon such terms and conditions as he deems appropriate, for the development and revision of a statewide environmental protection permit program.

"(b) Such grants may be in an amount up to 75 per centum of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the statewide environmental protection permit program: *Provided, however,* That grants under this section may be made to political subdivisions of a State only in those instances where a State has delegated to a political subdivision part or all of its permit granting functions in accordance with the provisions of section 603 of this title.

"Sec. 606. Each department, agency and instrumentality of the executive legislative and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, shall comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any activity of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so, except that no such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this title granted during the preceding calendar year, together with his reason for granting each such exemption.

"Sec. 607. Nothing in this title shall be construed to require or authorize that any State environmental protection permit program include provisions to supersede or otherwise avoid the authority of any political subdivision of a State to refuse to permit any development within the area of its jurisdiction.

"Sec. 608. (a) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for grants in accordance with the provisions of section 604 of this title, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(c) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for implementation of the provisions of this Act, other than section 604 or 605, $25,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"(d) Sums appropriated in accordance with the provisions of this title shall remain available until expended.

"(e) The Administrator, after public hearings, shall promulgate such regulations as he deems necessary to implement the provisions of this title."

Section-by-Section Analysis: Environmental Protection Permit Legislation

This legislation would become Title VI of the Federal Water Pollution Control Act.

Section 601 states that after June 30, 1975, EPA is prohibited from making waste treatment grants or approving state permit programs under the Federal Water Pollution Control Act or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any state which does not have an approved program for granting environmental protection permits. Further, existing EPA approvals of state permit programs or extensions of air quality standards are suspended in states that do not have approved permit programs by July 1, 1975.

Section 602(a) requires that approval of a state environmental protection permit program be conditioned on the state having (A) an adequate process for issuing permits, (B) procedures to oversee and enforce compliance with permit requirements to assure that no development occurs without environmental protection permit being issued by the state and (C) procedures to assure compliance with the site selection criteria specified in subsection (c). Approvals of state environmental protection permit programs are valid for up to four years, and applications for reapproval, or changes in or amendments to the state environmental protection permit program must be approved by EPA in the same manner as the original permit program.

EPA can revoke a permit when it determines that (A) a state is not administering a program in accordance with the law or (B) a state has issued any environmental protection permit violating criteria specified in subsection (c) and if, after notification of the violation by EPA, the state does not take corrective action within 90 days. EPA cannot withdraw approval of any state program without first notifying the state, and making public, in writing, the reasons for the withdrawal.

Section 602(b) states that an adequate process for issuing permits must include (1) a program for developing policies and procedures to implement the environmental protection permit program which include:

(A) adequate opportunity for public hearings during development and revision of the permit program in each major population center of the state and at such other places as necessary to assure that all persons in the state have adequate opportunity to attend a public hearing on the environmental protection program at a place within a reasonable distance from their homes;

(B) adequate opportunity, on a continuing basis, for participation by the public and local government officials in development, revision and implementation of the permit program:

(C) processes to review and revise as necessary, on at least a bi-annual basis, state and local guidelines, rules and regulations to implement the environmental protection permit program.

(D) a mechanism to coordinate all state programs and all Federal grant-in-aid or loan guarantee programs under which the state or its political subdivisions, or private persons within the state, are receiving assistance, to assure that such programs are conducted in a manner consistent with the requirements of the environmental protection permit program;

(E) coordination of planning activities with the environmental protection permit programs of surrounding states; and

(F) assurance that state and local taxation policies are consistent with and supportive of the goals of the environmental protection permit program; and

(2) Procedures for issuance of individual environmental protection permits which provide

(A) a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

(B) an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to refuse to issue or to issue a permit;

(C) public availability of all information presented to the state or a local government with regard to any application for issuance of a permit; and

(D) public notice, at least 30 days in advance, of the time of announcement of decisions relating to applications for environmental protection permits.

Section 602(c) requires that no state environmental protection permit programs be approved which does not assure compliance with the following environmental protection criteria:

(A) public or private development will not be permitted which can cause violation of the Clean Air Act or the Federal Water Pollution Control Act;

(B) development will not occur on high productivity agricultural land, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents;

(C) no development will occur that would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the Clean Air Act or the Federal Water Pollution Control Act at any place where such expansion of such systems or any activities relating thereto may occur;

(D) redevelopment and improvement of existing communities and other developed areas is favored over development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, with development contrary to these principles allowed only where approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

(E) industrial or commercial development will occur only where there is available adequate housing, on a non-discriminatory basis and within a reasonable distance of the development, for all persons who are or may be employed in the operation of the development;

(F) no development will occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by those lands;

(G) there will be no further commercial, residential or industrial development of the flood plains of navigable waterways;

(H) persons making any portion of the landscape less permeable or impermeable will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snowmelt;

(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

(J) utilities, in locating utility lines, will maximize multiple use of utility rights-of-way; and

(K) any major residential development includes open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

Section 602(d) allows states to exempt from the requirements of an environmental protection permit program any single family home constructed by a person on his own land and intended to be his principal residence on a year-round basis, if that person has not, within the previous five years, constructed another similar home.

Section 603 permits delegation of state permit granting responsibilities to local government in the state, where the state continues general responsibility for establishing policies for the environmental protection permit program and the other responsibilities of the state will be adequately performed.

Section 604 authorizes EPA to make grants to any local government which, as a result of actions taken to implement the permit program, has suffered a loss of real or personal property tax revenues. Grants may be made for the tax year in which the loss of revenue first occurs and for each of the following two years, but, that the grant for any tax year cannot exceed the difference between (1) the annual average of all property tax revenues received by the local government in the three years immediately proceeding enactment of this title, and (2) the actual property tax revenue received for the tax year in which the tax loss first occurs and for each of the two succeeding tax years. Grants can be made only where there has been no reduction in tax rates or tax assessment valuation factors. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, EPA must use the tax rate and tax assessment valuation factors in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by the local government.

Section 605 authorizes EPA to make grants for the development and revision of state-wide environmental protection permit programs.

The grants may cover up to 75% of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the state-wide environmental protection permit program. Grants can be made to political subdivisions only in those instances where a state has delegated to them part or all of its permit issuing functions.

Section 606 requires that Federal agencies (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, must comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any Federal activity only if he determines it to be in the paramount interest of the United States to do so. However, no exemption can be granted due to lack of funds unless the funds have been specifically requested in the budget and the Congress has failed to appropriate them. Exemptions shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President must report to Congress each January all exemptions granted during the preceding calendar year, together with his reason for granting each of the exemptions.

Section 607 provides that nothing in this title is to be construed to require or authorize that any state environmental protection permit program override the authority of any political subdivision of a state to prohibit any development within the area of its jurisdiction.

Section 608(a). For tax loss reimbursement grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(b) For state program grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(c) For EPA administration there are authorized to be appropriated $25,000,000 for fiscal year 1974, $25,000,000 for fiscal year 1975, and $25,000,000 for fiscal year 1976.

(d) Authorizes appropriated sums to remain available until spent.

(e) Give EPA authority to publish regulations necessary to implement the law.

Mr. MUSKIE. As I indicated earlier, I believe that establishment by Congress of criteria similar to those proposed in S. 792 are absolutely necessary to any definition of acceptable land use planning policy and to avoid ad hoc bureaucratic and judicial determinations in the absence of statutory guidance.

I am pleased to note that the bill, in addition to limited application of some of the criteria which I proposed in S. 792, proposes a review of the need for and desirability of national land use policies to guide State and local government.

Section 307(c) instructs the Council on Environmental Quality to report to the Interagency Advisory Board on Land Use Policy within 1 year specific recommendations for the establishment of national land use policies. Additionally, the Board must recommend legislation to implement such policies to the Congress within 3 years.

Mr. President, the States are on notice. They have an opportunity to come to grips with critical land use decisions. They are on notice to decide what is good and what is bad land use and to act accordingly.

As a result of this legislation, future Federal initiatives in this area of public policy can be reduced if not avoided. This legislation is instructive not destructive. No sanctions are provided except the warning that positive, public interest oriented, environmentally sound land use programs must be developed at the State and local level. Failure to develop such programs will predictably result in Federal policies and Federal sanctions.

However, in the interim, congressional guidance as to the basis for land use decisions is so important that I would urge that even the limited application of land use criteria established in this bill should be extended to major developmental activities in all areas of States. The proposed limitation in application of such criteria to land sales or development projects which are proposed at least 10 miles outside of metropolitan areas should be deleted and such criteria should be made applicable to other key facilities and large scale developments which have major impact on the environment.

There is no justification for these distinctions. If these criteria are appropriate for land sales or development projects, then they are equally appropriate for key facilities and large scale development regardless of their location. I shall propose an amendment to achieve that result.

As I have indicated, other issues which I discussed during debate on last year's bill are recognized to a greater degree in this year's bill. Other executive agencies, in addition to the Interior Department, have an expanded role in establishing and overseeing implementation of the policies established under this law. While the Interior Department is still the lead agency, EPA. HUD and other Federal agencies with environmental and land use responsibility will actively participate in the review process. While I continue to have strong reservations regarding the Interior Department's role in this legislation, I am pleased to note the general guidelines authority has been vested in the Executive Office of the President.

This is an important addition to the bill. It is consistent with the amendment which I offered last year. It will assure consideration of competing Federal interests and provide an executive to executive relationship between the State and the Federal Government. Conflicting goals will be rationalized in the executive office of the President.

While Interior will serve as the administrative-granting agency, the executive office of the President will fulfill two important functions: first, it will issue guidelines to Federal agencies to insure maximum cooperation with the purposes of the Act consistent with other national policies, goals and objectives; and second, to issue guidelines to States to assure that the minimal requirements of the Act are adhered to and that Federal funds do not subsidize development of programs which are inconsistent with the policy of this act.

But, most important, this provision clearly establishes that the overall responsibility for implementation of national land use policy rests with the President of the United States.

I am also pleased to note that, under section 202(a), States must consider the impact of land use programs on the local property tax base. The requirement should force recognition of the developmental pressures which the current property tax-based revenue system creates. It should also create pressure to reform the heavy local property tax burden and, thus, relieve these communities from existing pressure for unplanned development.

The addition of the provision to S. 268 is recognition of the fact that you cannot seriously consider land use planning without considering the impact of the property tax on land use.

Today 66 percent of all locally generated revenues come from the property tax—$38 billion.

Today about 40 States set maximum limits on the property tax rates cities may charge and set limits on local borrowing which relate to the property tax base.

When a city reaches the limits imposed by State law—as some cities have—its only recourse is to somehow influence use of land for greater tax productivity. If this fails, municipal services—police, fire protection, sanitation, et cetera—must be cut back.

My Subcommittee on Intergovernmental Relations has published a study entitled "Property Taxation: Effects of Land Use and Local Government Revenue." This study clearly identified the close identity of property tax and land use. It stated:

> The low taxation of land based on present-use value also facilitates speculative holding of land in the path of urban development for large capital gains. An added incentive for withholding land from the market for large price rises comes from the favorable capital gains treatment of land investment profits under the Federal income tax laws. Another Federal income tax feature, the allowance of business building depreciation, creates local pressures to allocate more value to building improvements and less to nondepreciable land. A focus on building improvements in assessments for local property taxation inhibits rehabilitation of older residential properties.
>
> Large acreages of vacant close-in suburban land as well as rebuildable central city sites are withheld from the market for large price rises under the present property tax system. That occurs as land is taxed at low effective rates, in relation to realistic market value, and building improvements are subject to a relatively greater tax burden. Consequently land prices are high in urbanizing areas and builders "leapfrog" further out to cheaper lands for residential development. Less than optimum size communities are created, entailing high per-unit costs of services, increased daily commutation, and an extension of urban sprawl.

Mr. President, S. 268 represents a significant improvement over last year's bill. Many of the proposals which I advanced last year have been recognized. The executive office of the President has responsibility to guide Federal and State agency compliance with this statute.

There is a limited application of national policy guidelines in the development of State land use processes. And there is recognition of the need to develop more precise national land use policy guidelines. There is recognition of the relationship of the property tax structure to land use decision. And there is recognition of the relationship between State and local agencies in the development of land use planning programs.

These are essential elements of proposals which I have advanced. While their scope is more limited than I have proposed, their inclusion in the legislation is a good beginning.

Mr. President, I send my amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 102, line 24, after "policies" insert the following: "and any requirements or procedures necessary to assure that the national land use policies are implemented"

Mr. MUSKIE. Mr. President, at this point, before proceeding with an explanation of the amendment, I yield 2 minutes to the distinguished Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. Until the amendment by the Senator from Maine is disposed of, the amendment of the Senator from New Jersey is not in order.

Mr. CASE. I ask unanimous consent that, despite the rule, the amendment may be offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> At the end of the bill, add a new section:
>
> That, on and after the date of the enactment of this Act, no Federal department or agency shall, unless specifically authorized by Congress, utilize in connection with any Federal public works project or any other nonpark or nonrecreational project or program any Federal lands designated or utilized for parks, recreation, or the preservation of its natural values unless such department or agency shall have first made available, without the transfer of funds, lands of a like kind (comparable in value, quality, and quantity) as a replacement for the lands to be so utilized. The Secretary of the department or the chief administrative official of the agency administering the land for use as park or recreational land or for preservation of its natural values shall determine whether replacement lands to be made available are of like kind. Lands made available as replacement lands under this section shall be administered in the same manner as were the lands they replaced.
>
> SEC. 2. On and after the date of enactment of this Act, no State or political subdivision thereof shall receive any Federal funds in connection with any public works project or other nonpark or nonrecreational project or program involving the utilization of lands administered or designated by such State or subdivision for use as park or recreational land or for preservation of its natural values unless such State or subdivision gives to the Secretary of the Interior assurances, satisfactory to him, that the park or recreational lands or the lands preserved for their natural values so utilized shall be replaced by the State or subdivision with lands of a like kind (comparable in value, quantity, and quality) and that such replacement lands will thereafter be administered in the same manner as were the lands they replace. Any controversy arising between the Secretary of the Interior and such State or subdivision with respect to whether replacement lands are of a like kind may be submitted by any of the parties thereto to the Commission established pursuant to section 4 of this Act.
>
> SEC. 3. (a) On and after the date of enactment of this Act, no Federal department or agency shall, unless specifically authorized by Congress, utilize in connection with any Federal public works project or any other nonpark or nonrecreational project or program any private lands, without regard to how such lands were acquired by the United States, which, immediately prior to such acquisition, were designated or utilized for parks, recreation, or the preservation of its natural values unless such department or agency shall have first offered to make available to the owner of the private land, without transfer of funds, lands of a like kind (comparable in value, quality, and quantity) as a replacement for the lands to be so utilized. The Secretary of the Interior shall determine whether the replacement lands offered to the private owner are of a like kind. In making this determination, the Secretary shall consider any limitations on the use of private land to be acquired that may be desirable to impose on the use of the replacement land. Any controversy arising between any of the parties involved with respect to whether replacement lands offered are of a like kind may be submitted by any of the parties to the Commission established pursuant to section 4 of this Act.
>
> (b) On and after the date of enactment of this Act, no Federal funds shall be made available to any State or political subdivision thereof in connection with any public works project or other nonpark or nonrecreational project or program involving the utilization of any private lands, without regard to how such lands were acquired by such State or subdivision, which, immediately prior to such acquisition, were designated or utilized for parks, recreation, or the preservation of its natural values unless such State or sub-

division shall have first offered to make available to the owner of the private land, without transfer of funds, lands of a like kind (comparable in value, quality, and quantity) as a replacement for the lands so utilized. The Secretary of the Interior shall determine whether replacement lands offered are of a like kind. In making this determination, the Secretary shall consider any limitations on the use of the private land to be acquired that may be desirable to impose on the use of the replacement land. Any controversy arising between any of the parties involved with respect to whether replacement lands offered are of a like kind may be submitted by any of the parties to the Commission established pursuant to section 4 of this Act.

SEC. 4. (a) There is hereby established a commission to be known as the Park and Recreational Replacement Lands Review Commission (herein referred to as the "Commission").

(b) The Commission shall be composed of nine members appointed by the President as follows:

(1) four from the executive branch of the Government; and

(2) five from individuals in private life who are widely recognized for their knowledge of, or experience in, or for their interest in, the fields of real estate or conservation.

(c) The President shall designate one of the members of the Commission to serve as Chairman. Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointments were made. Five members of the Commission shall constitute a quorum.

(d) Members of the Commission from private life shall not receive compensation for service on the Commission, and members of the Commission from the executive branch of the Government shall serve without compensation in addition to that received for their services in such branch, but all members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(e) The Commission shall have the power to appoint such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Commission may also obtain the services of experts and consultants in accordance with the provisions of section 3109 of title V, United States Code.

(f) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government information for the purposes of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information directly to the Commission upon request made by the Chairman of the Commission.

(g) It shall be the duty of the Commission to hear and determine all controversies submitted to it pursuant to this Act and the findings and determinations of the Commission shall be final. It shall be the further duty of the Commission to advise and make recommendations to the Secretary of the Interior to assist him in carrying out the provisions of this Act.

SEC. 5. This Act may be cited as the "Park Land Protection Act".

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. CASE. Mr. President, the amendment I have offered is the same as S. 1368, which I introduced earlier this year, having introduced it in previous sessions for several years. It provides, in substance, that whenever park land is taken for a public use, it must be replaced in kind before that action can occur.

I have discussed this matter with the manager of the bill and with Senator BIBLE, the chairman of the subcommittee on Parks and Recreation. They are not unsympathetic with the motive or the purpose of the amendment, but they correctly have pointed out that we have had no hearings on it.

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. MUSKIE. Mr. President, I yield to the Senator such time as he may require.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. I thank the Senator.

As I was saying, and that they would be obliged to resist the amendment at this time on this legislation. I can understand this point of view. I have great sympathy with the orderly procedures which they urge. On the understanding that I have now with the Senator from Nevada that some time during this year my measure will be considered in the regular course in a subcommittee I am prepared to withdraw the amendment and express my appreciation to the Senator for that purpose.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JACKSON. I have discussed this matter with the Senator from Nevada (Mr. BIBLE) earlier in the day. He is the chairman of the subcommittee that would be handling the bill introduced by the Senator from New Jersey.

I can corroborate for the Senator from New Jersey that a hearing will be held some time during the course of the year in connection with the legislation he has proposed. I think it is a very important bill and deals with the problem of saying, in effect, that we are going to maintain the status quo. That before park lands are taken they should be in a position to indicate how they are going to be replaced.

I commend the Senator for the prosecution of this proposal. I am delighted that he is withdrawing the amendment because we have not had the opportunity to have appropriate hearings, but we will proceed some time this year to have the hearings so that the matter can be fully ventilated.

Mr. CASE. With that assurance, for which I am most grateful, I withdraw the amendment. I thank the Senator from Maine.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey having been withdrawn, the question recurs on the amendment of the Senator from Maine.

Mr. MUSKIE. Mr. President, is it in order to ask for the yeas and nays on the amendment? I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, I can state the case for the amendment in less than 5 minutes. At that point we can judge whether or not we can move quickly to a vote. The amendment is very short and it would be an addition to section 307(c) of the bill on page 102, to which I have already made reference. The last sentence in that section reads:

> Before the end of the third full fiscal year following the enactment of this Act, the Board shall recommend to the Congress such legislation as it may deem appropriate or necessary to establish national land use policies.

That sentence ends at that point in the bill. I would add the following to the sentence:

> and any requirements or procedures necessary to assure that the national land use policies are implemented.

Earlier in the day the Senate rejected the so-called sanctions amendment offered by the distinguished floor manager of the bill (Mr. JACKSON) to bring pressure upon the States and localities to implement the provisions of the bill. I voted against that because I felt that we needed to see more clearly the policy directions which would be taken under the bill before we imposed such sanctions.

This amendment is designed to require that the Interagency Advisory Board on Land Use Policy suggest to Congress not only additional land use policy, but also the requirements and procedures which are necessary to assure that land use policies which the board recommends are implemented as the land use policy for the 50 State programs.

In other words, this amendment would place before Congress, in 3 years, recommendations as to either incentives or sanctions designed to move the States toward a national land use policy.

Both last year and this year, much controversy has surrounded the question of sanctions to force the States and localities to comply with the land use planning requirements specified in the law. To date, I have not been satisfied with any of the solutions which have been proposed.

The full land use program specified in this bill would not become effective for 5 years. Certainly, if that is the case, we do have more time for deliberation as to what methods may be most appropriate to assure that the programs are implemented consistent with the national policy directions which Congress specifies.

For that reason, I think a further review after 3 years, as would occur as a result of this amendment, is fully appropriate. To adopt a strict sanction provision now without determining the relationship of those sanctions to national land use policies would be premature. To burden this important legislation with sanctions which would not be relevant for 5 years is equally unnecessary.

My proposal would permit the development of more realistic, program-related sanctions or incentives, as appropriate.

We will have an opportunity to observe the State's response to this legislation.

We will have the benefit of the policy recommendations of the Council on Environmental Quality and the Interagency Advisory Board.

We will have the benefit of a 3-year learning period.

If, after that time, sanctions or incentives are deemed appropriate they can be evaluted in light of national land use policy recommendations. The Congress will have the opportunity to consider the most appropriate combination of both and act or refuse to act on the basis of State performance and national need.

For that reason I offer the amendment to the Senate at this time.

Mr. President, that completes my explanation.

Mr. JACKSON. Mr. President, I commend the Senator from Maine for offering the amendment. He discusses very clearly the concern for environmental quality and the need for the Council on Environmental Quality and the Interagency Advisory Board to follow this matter very closely to determine whether or not the act can be implemented and then come up with the necessary requirements or procedures, as the amendment states, to make sure the national land use policies are implemented.

I believe this would occur, as I understand it, under the terms of the bill, after the full 3 years have expired.

I am very pleased that there is a clear policy directive of the Congress expressing this concern, so that the Chairman of the Council on Environmental Quality would come to Congress and ask for legislation or authority, whatever he needs, to see that the Act is a reality. That is the thrust of it.

Mr. MUSKIE. This is something like the psychology of a second shoe falling. This bill is the first shoe, and it will give a clear indication, if adopted, to the States that Congress is serious about this business. If the States do not respond effectively, Congress is thinking of sanctions in 3 years. It may have a very salutary effect. The Senator has correctly interpreted the amendment.

Mr. JACKSON. I am ready for a vote on the amendment. I know that a rollcall has been ordered. I know of no other Senators who have asked for time. I am prepared to vote.

The PRESIDING OFFICER. The question is on adoption of the amendment offered by the Senator from Maine for himself and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) would vote "yea."

The result was announced—yeas 61, nays 37, as follows:

[No. 206 Leg.]

YEAS—61

Abourezk
Aiken
Baker
Bayh
Beall
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Domenici
Eagleton
Griffin
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevenson
Symington
Taft
Tunney
Williams

NAYS—37

Allen
Bartlett
Bellmon
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Helms
Hruska
Johnston
Long
McClure
Nunn
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—2

Gravel
Stennis

So the amendment offered by Mr. Muskie, for himself and other Senators, was agreed to.

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I send my second amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, line 6, after "regulatory" insert "and planning".

On page 74, strike out all beginning at line 24 and continuing through line 4 on page 75 and insert in lieu thereof:

"(F) assuring that (i) any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause (1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan, (ii) any developmental activities in combination with pollution sources will not cause such violations to occur, and (iii) the program is consistent with the goals, policies, objectives, standards, and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution."

On page 94, line 10, after "with" insert the following: "and will not cause violation of."

On page 94, line 16, after "Secretary" strike the period and insert the following: *Provided, however,* That for the first full fiscal year following initial submission of State land use programs to the Administrator, he shall have one hundred and eighty days in which to communicate his views to the Secretary."

Mr. MUSKIE. Mr. President, I shall not ask for a yea-and-nay vote on this amendment. It is designed to clarify the relationship between this bill and other environmental laws. It should not take too long to explain it. I cannot predict how long a discussion it may trigger, but I do not believe it will be very time consuming.

Mr. JACKSON. Mr. President, I might say that I am prepared, at the outset, to accept the amendment. I believe that what the Senator has done is to take four amendments and treat them en bloc as one amendment. I am prepared to accept the amendment.

I believe that the Senator from Idaho (Mr. McClure) would like to speak. It will not be necessary for me to take any time, but we have a caveat with respect to the Senator from Idaho. I may say that I doubt whether there will be any other speakers on the amendment.

Mr. MUSKIE. Mr. President, it may be helpful if I take just 2 or 3 minutes to explain the thrust of these amendments for the benefit of those Senators who are in the Chamber and listening.

This amendment, while it addresses separate sections of the bill, is for one purpose—to implement the stated intent of the Interior Committee to insure that State land use programs are—

> Coordinated with the regulatory activities of all State agencies enforcing air, water, noise or other pollution standards and must assure that no violation of any applicable air, water, noise or other pollution standards or implementation plan occur in areas or uses within the program's compass.

Both the Clean Air Act (sec. 110) and the Federal Water Pollution Control Act (sec. 208) have specified pollution-related land use requirements. Waste management planning for the latter and transportation and land use controls for the former, are important aspects of programs to fulfill water and air quality objectives.

These are regulatory programs. They are supported by civil, economic and, in some cases, criminal sanctions. They are intended to stimulate public and private efforts to protect public health and welfare and enhance the quality of a deteriorating environment.

My only interest is to assure that S. 268 indeed "strengthens" the ability of States—that it is in fact "nuts and bolts" legislation to require States to gain "authority and ability to develop their own land use policies," not to supplant, reduce or otherwise limit the effect of regulatory statutes.

The first part of the amendment is to subsection 202(b)(4). This part includes the planning aspects of pollution control regulatory programs among those with which the State land use planning agency must coordinate its activities. As the law is presently written, only the regulatory aspects of pollution control programs are covered. However, as I have indicated, the air and water programs include requirements related to planning to assure achievement of pollution control standards, and I believe it is essential that these planning activities, along with the regulatory activities, be given recognition in any effort to coordinate with a State land use program.

The second provision of this amendment revises clause (F), paragraph (3) of subsection 203(a) to broaden coverage from a showing that sources of air, water, noise and other pollution do not violate applicable pollution requirements, to also assure that new developmental activities do not create violations of the pollution control laws. Examples of developmental activities which, while they may not be sources of serious pollution themselves, may result in violation of pollution control laws are shopping centers, drive-in movies, race tracks, or other activities which can draw large concentrations of people or automobiles to them and thus result in violation of pollution control standards.

Currently, the Environmental Protection Agency is implementing both regulations covering transportation controls and what they call complex sources of pollution such as those I have listed above. These regulations are intended to assure that the results of concentrations of people and vehicles at such developments are anticipated and planned for in overall programs. This provision assures that the land use program is supportive of, and in no way infringes upon, these planning activities. The addition of this provision will also assure that the land use program is consistent with the goals, policies, objectives, standards, and other requirements of the Federal Water Pollution Control Act, the Clean Air Act and other Federal laws controlling pollution.

May I emphasize, anticipating a question that may be asked, that it is not the intent of this amendment to, in effect, add to the goals, policies, objectives, standards, and other requirements of those pieces of environmental legislation, but simply to assure that this legislation is implemented in a way which is consistent with those pieces of legislation. The purpose of this is to assure that, beyond focusing on control of individual sources as the present provision of S. 268 does, there is also general recognition of the policies and objectives which these other environmental laws meant to achieve and there is assurance that the land use program will proceed consistent with these policies and objectives articulated in existing laws.

The third part of the amendment, to paragraph 2 of subsection 306(b) directs the Administrator of the Environmental Protection Agency, in reviewing State land use programs, to assure that not only is there nothing in the State program which is incompatible with the environmental laws now in existence, but also that there is nothing in the State program which will cause any violation of the standard through creating activities which attract concentrations of people or vehicles and cause pollution.

The final provision of the amendment revises the current 60-day limit on Environmental Protection Agency review of plans to give the EPA 180 days to review State programs during the first fiscal year in which these programs are submitted for review. This 180-day period during the initial submission phase is intended to allow the Agency to gain experience in examining plans and avoid undue burdens which could be imposed on the Agency if heavy and tight time schedules are imposed at a time when it faces the largest volume of State plans and has the most limited degree of experience in dealing with them.

Mr. President, that concludes my explanation. It is technical in many respects, but it had to be made, and I am happy now to answer any questions with respect to it.

Mr. McCLURE. Mr. President, there are parts of the amendment offered by the distinguished Senator from Maine with which we would have no disagreement at all. I think the portion providing for planning, which is the first part of the amendment, is not harmful at all, and perhaps is constructive.

The third portion of the amendment, which refers to the addition of language to say what it will not cause violation of, I think, does not change but makes clear that the plans cannot violate the provisions of these other standards. That again, while it may not be necessary, is certainly not harmful to the intentions of this act.

The final provision is a relatively simple one that says instead of a 2-month review period, the Environmental Protection Agency shall have 6 months to review the plans submitted by the States. In that connection, I might say if we really want the plans in operation, we ought not to extend unreasonably the length of time for review by Federal agencies. That is one of the problems we have now, that it is hard to get decisions from State agencies, and here we are passing a law requiring the States to do certain things, but extending very greatly the time period in which Federal bureaucrats can make their decisions, and I am not certain that it is wise.

However, I think that is a simple, easily understood portion of the amendment, and I suggest that we will all be able to make up our minds as to whether that is good or bad. But the one I should like to address myself to is the second provision of the Senator's amendment. This language, or language at least in part identical to this, was in the original legislation and was considered by the committee after extended discussion and it was stricken. It was stricken for a very real and valid reason. The Senator says that it is not intended by this language to broaden any existing law. But I would say that no statement of intent of that kind can possibly overrule the very express provisions of this amendment that would, indeed, very greatly broaden the application of present law, to the extent which is not clear at this time.

This becomes a dangerous kind of addition to the language of the bill. I refer to this language within the bill—within the amendment—which is subsection (2), subsection (f) as set forth in the amendment,

> Any developmental activities in combination with pollution sources will not cause such violations to occur.

That is far beyond any existing statutory provision in the Air Quality Control Act or in the Water Pollution Control Act. This is an addition to present law that extends it into areas which none of us have defined as yet. I suggest that adoption of this amendment will cause untold difficulty in that one provision alone.

The second part is, in my estimation—and this may be arguable—an extension of the present provision of this act, to say that this act must be used to further the goals of the act. It does not say "not to be inconsistent." It says,

> You shall use this act as a lever to make certain things happen which are not required by other laws but are the goals of other laws.

We took that language out of the bill, after discussion in the committee and by agreement of the committee, because we felt that that kind of statutory enactment here would undoubtedly lead to an expansion of the provisions of other laws, without us really being able to see exactly how they would operate in practice.

So, for that reason, subsection (2) and subsection (3) of subsection (f), the second amendment—second portion of the amendment of the Senator from Maine, suggests to me that the amendment should be defeated. It is a very dangerous extension without any prescribing of the limits or the definitions of that extension. So that I think we would find, after having done it and it was put into practice, we had unleashed a monster.

We should reject the amendment of the Senator from Maine.

Mr. MUSKIE. Mr. President, I must apologize to the Senator from Idaho, because I found it very difficult to hear everything he said. For some reason, there seems to be some interference with the acoustics in the Chamber and I could not hear everything he said. However, I think I understand his objection to the amendment, and if I misstate what his objection is, I hope that he will correct me because I do not do so intentionally.

I gather that the Senator is concerned with the second of the amendments—the second of the provisions in my amendment, on the grounds that it would have the effect of augmenting or adding to the requirements of the standards or the goals of the environmental legislation. I am sure I have made it clear that is not the intent, nor do I believe it to be the effect.

Let me put my point in this way: I think the Senator focused on this language.

> Any developmental activities in combination with pollution sources will not cause such violations to occur.

My answer to the Senator is, was it the intent that S. 268 permit developmental activities which would cause such violations to occur? Because that is the reverse of his interpretation.

Mr. McCLURE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. McCLURE. We are getting into a dangerous area when we assume that the negative of something is the opposite of the positive. For instance, we can say that if something is not black then we assume it is white. I assure the Senator, and I am sure that he would agree, there are many other changes which could be made, but that is one that is not really the positive. So I do not believe that my opposition to this language necessarily carries the implication that S. 268 is intended to permit violations. That is why I indicated some positive action. But when we read this in connection with the Supreme Court decision, the Pratt case just recently handed down, which permits absolutely no degradation of the existing quality standards, and then add to that, activities in combination with other sources, then we have virtually said no change of any kind in land use can be permitted under a State plan which is formulated in conjunction with this legislation. I am certain that is not the intention of the Senator from Maine. He has stated that it is not his intention, but I submit that is the effect of the language he is submitting.

Mr. MUSKIE. I do not agree with the distinguished Senator. I do not think that the merit of the amendment is dismissed by suggesting holding it up to a mirror which would be a reverse picture of the Senator's position.

Let me read from the report of the National Air Quality Act of 1970. It touches on this question:

> Implementation standards will require other changes of public policy: Land use policy must be developed to prevent location of facilities which are not compatible with implementation of national standards.

That is what my amendment talks about.

Here I have before me, materials issued by EPA on June 11, 1973, dealing with complex source regulations—let me read from that regulation:

> On April 18, 1973, the Administrator proposed amendments to those regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations, so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources but also the pollution arising from mobile source activity associated with such buildings, facilities, and installations.

That language, I say to the Senator, is a correct interpretation of what is required by the Clean Air Act. If S. 268 is not amended as I have suggested, then the effect of S. 268 may be to amend those considerations, those values, and those requirements out of the Clean Air Act.

If it is the desire of the Senator or of the Senate to remodel the Clean Air Act, let us do it directly.

The tenor of this amendment and its thrust are to make S. 268 neutral with respect to the clean air laws. I think it does that. I have no pride of authorship in this language. If the Senator can suggest better language to achieve that purpose, I would welcome it. I do not think the Senator's interpretation of it is correct or, if it is correct, that his understanding of the Clean Air Act is consistent with that act or with the regulations which have been developed under it or the policies established under it.

I repeat that the intent of this language is to neutralize the effect of this legislation on the clean air law and the Water Pollution Act, and I do not think it does any more than that.

Mr. McCLURE. Mr. President, if, indeed, as the Senator suggests, it is the desire to make certain that this is neutral with respect to these other Acts, I can refer him to no better language than that which the committee painstakingly developed over the course of many days of hearings and discussion and executive session and amendments of this bill. I refer to the very language which he suggests should be stricken, because it indeed does leave this bill in the posture of being neutral with respect to the requirements of the Clean Air Act and the Water Pollution Control Act.

The language he is suggesting, far from leaving it neutral, injects entirely new and untried standards for the enforcement of that act which, taken in conjunction with the recent Supreme Court decision, would make a completely different application of this act from that which has been stated is the intention of the Senator from Maine. I might add, too, while we are talking about review by EPA and what EPA wishes to do with respect to the State plans, Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency, in commenting upon the proposed legislation—I refer to the report that is on file in connection with this measure—said:

> From the point of view of this Agency, our interests are adequately represented in S. 924 through the representation on the National Advisory Board and the review mechanism in section 203 (a) and (c).

He went on, both before and after in that report, to indicate that since this was a process-oriented bill that was being suggested by the administration, they did not want to get into the review. Rather than extending the period of time in which they should review it, he said:

> We do not need to at all, so long as we are satisfied that the process which the State is implying and the review mechanisms which are set forth within the bill are more than adequate to meet the needs of the Environmental Protection Agency in seeing that the legitimate interests of the Federal Government were protected on Federal lands, on Federal decisions, and with respect to the process followed by the State.

So, for all these reasons, it seems to me that, in spite of what the Senator from Maine has said, it does something different from what he intends it to do.

For example, I suggest to the Senator from Maine that I am certain he did not intend, when Congress was talking about air quality control, that there should be a 100-percent ban on vehicular traffic in Los Angeles. I am certain that right now there is no intention on the part of anyone here to say to the people of Los Angeles that they cannot drive their automobiles any more during certain periods of the year, that they have to stop, 100 percent. Yet, the effect of legislation which has been passed has been precisely that.

It was not the intention of Congress, in passing air quality control legislation, to greatly invade the prerogatives of the State and the police powers of the State in such things as parking regulations, licensing taxis, and fees for use of interstate tunnels, as has been suggested now by the EPA, as necessary to meet the requirements of the air quality standards that have been adopted.

So we have to be careful that we do not go beyond our stated intention when we adopt language that has results we did not intend.

I agree with what the Senator says about his intention. I am saying that, in my view, the language necessarily will result in consequences which go far beyond the stated intention of the Senator.

Mr. JACKSON. Mr. President, first let me say that the Muskie amendment basically involves the language we had adopted in the bill last year; second, it is in the bill as I introduced it this year.

As I interpret the language—and, in fairness to the Senator from Idaho and the Senator from Maine, I think we are talking about interpretation—as the floor manager of the bill, the amendment does take a neutral stance. This is the way I interpret it.

I read from subsection (F) of the amendment:

> (1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan.

Then it goes on:

> any developmental activities in combination with pollution sources will not cause such violations to occur.

It goes on, further:

> The program is consistent with the goals, policies, objectives, standards and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution."

As I interpret it—and I say this for the legislative history—it does not add anything new. It does, in effect, make clear that those laws are applicable and that we are not by implication—and I think this is what the Senator from Maine has in mind—repealing any of the existing law.

We accepted it previously on that basis, and I wanted to make this statement so that the legislative history would be clear. I sum it all by saying that we are not adding and we are not detracting; we are clarifying it—at least, I am, in accepting the amendment.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. McCLURE. The language in the bill—perhaps I should read it for the benefit of those who may not be familiar with that language—at the bottom of page 74 and the top of page 75, says, in effect, after the previous language that appears on page 73, that the State has developed an adequate State land use program, which program shall include a statement of State land use policies, objectives, and methods of implementation for assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause "(1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan."

That is the language in the bill. If it is our intention to leave it neutral, what could be more clear than that the plans cannot be in conflict with applicable statutes? I ask the Senator from Washington and the Senator from Maine what applicable State or Federal statute in the pollution control areas today speaks, as No. 2 in the second portion does speak, of combinations of pollution sources as a violation of the law? Point out for me one statute that has that standard today?

Mr. JACKSON. I suggest that the Senator from Maine may wish to respond as he interprets his language. I have given my interpretation of the language, and perhaps we can complete the record by the Senator from Maine commenting on the language in (F) as contained in his amendment, as contrasted with (F) in the pending bill.

Mr. MUSKIE. Mr. President, I say in response to the Senator, first of all, that I have indeed, read that language of the committee.

Mr. McCLURE. I did not mean that the Senator had not.

Mr. MUSKIE. Second, I do not always agree with Mr. Ruckelshaus and neither does the Senator or the committee, because Mr. Ruckelshaus is opposed to provisions of the bill.

But let me say on the question of ambient air standards, which are subject to the Clean Air Act, pollution is the product of a combination of sources—stationary sources, mobile sources, inanamate sources, power sources, industries, backyard burning. The Clean Air Act requires the establishment of ambient air standards.

But now, let us get down to the specific language. Subsection (F) on page 74 states:

> assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause (1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan;

I want to read several things into the RECORD, so the RECORD will disclose the intention of this amendment.

In my explanation earlier this afternoon of my amendment I had this to say about it.

The second provision of this amendment—and that is my amendment—revises clause (F), paragraph (3) of subsection 203(a) to broaden coverage from a showing that sources of air, water, noise, and other pollution do not violate applicable pollution requirements, to also assure that new developmental activities do not create violations of the pollution control laws. Examples of developmental activities which, while they may not be sources of serious pollution themselves, may result in violation of pollution control laws are shopping centers, drive-in movies, racetracks, or other activities which can draw large concentrations of people or automobiles to them and thus result in violation of pollution control standards.

I quoted from EPA regulations earlier because it is an EPA responsibility to administer and enforce the Clean Air Act. Now, whether or not the language I have just read from my remarks earlier this afternoon is a valid explanation of the policy established under the Clean Air Act, I think it is testified to by this language in the regulation. I read it:

> The Administrator proposed amendments to those regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources, but also pollution arising from mobile source activity associated with buildings, facilities, and installations.

That was my understanding, as the author of the Clean Air Act, of its intent with respect to this situation. I felt that S. 268 impinged upon that policy implication of the Clean Air Act, and so I offered this amendment.

The language itself, which the Senator addressed my attention to in the bill, does not clarify the ambiguity, however painstakingly the committee considered it. It simply avoids the question.

The Senator and I may disagree as to what the policy should be, but I think it is clear what the policy established by the Clean Air Act is, and I think it is clear that S. 268 as written can be interpreted to undermine that policy as encompassed in the Clean Air Act.

Mr. McCLURE. Mr. President, the Senator from Maine suggests that since ambient air quality standards are a combination of several different inputs or contributions, that satisfies the combination of elements language which I questioned in his amendment.

Would not the Senator also agree that in addition to the law which Congress enacted it also directed the administering agency to adopt regulations, and those regulations become a part of the law, just as much as if we had written them ourselves. Is that not a correct statement of the posture of the law?

Mr. MUSKIE. No. I think the regulations are something to be challenged in some circumstances. There is such a thing as arbitrary, unreasonable, inaccurate regulations, improperly interpreting the will of the legislature. I do not give them a blank check.

I cite EPA's regulation because it coincides with my interpretation of the Clean Air Act.

Mr. McCLURE. The regulation was adopted pursuant to a standard or finding in law, just as the statute is, just as any law we pass is binding until it is upset or changed.

While the Senator refers to ambient air quality standards, the regulations talk about emissions; they do not talk about ambient air quality standards.

Mr. MUSKIE. May I say to the Senator that to enforce ambient air quality standards one must get to the emissions.

Mr. McCLURE. That is the point I am getting at. But the combination of things here are not things under the statutes, but combinations of things under the regulations, and the regulations do not refer to ambient air quality standards.

Mr. MUSKIE. What creates pollution is the consumption of energy by increasing concentrations in numbers of people and energy consuming machines. If we really want to get at the reasons for that pollution, we can avoid all the consequences that we want, but we have to be concerned with the combinations and the combinations are determined and established by land use policies or the lack of them. That surely must be clear.

Mr. McCLURE. And it surely must be clear that the use of this language, which is not used in air quality standards, although it is indirectly referred to, that ambient air standards and the regulations which make no such reference, combined with other factors, shows an abdication of principles of those acts.

Mr. MUSKIE. I guess what I need to have answered, if I have not had answered already, is an explanation of what he has not made clear, of what deleterious effects he thinks will flow from the use of this language in my amendment.

Mr. McCLURE. There are two parts of the amendment which I object to, and which I outlined previously in the deliberations of the committee. One is this. The other is furthering the aims of other acts by using this act as a tool to accomplish what could not be accomplished by other acts. It says that this act shall be used to attain the goals of another act.

Mr. MUSKIE. That language is not found in my amendment. My amendment says; "The policies shall be consistent with."

Mr. McCLURE. It says "Shall further the aims and goals." That is the kind of language that I think is wrong.

The Senator says, what causes pollution? Certainly, any activity of any human being or animal, or nature itself. Rotting vegetation causes methane gas. It is pollution if man does it; it is not pollution if nature does it. We do not like eutrophication of our lakes and streams, but it is a natural process. If we accelerate it, it is pollution.

Mr. MUSKIE. I have not addressed any of my remarks to any of the natural forms of pollution, but to man-made forms of pollution. I do not think there is anything in the amendment that aims at natural forms of pollution. We are getting at man-made forms of pollution.

Mr. McCLURE. The point I am trying to make is that we are extending the implications of those acts in ways which cannot be predicted with any kind of certainty when we inject the two factors I have mentioned.

Mr. MUSKIE. I do not agree.

Mr. McCLURE. That is just as plain at this time as if we were to assure that the Senator from Maine, in some rare and rash moment, would try to suggest that Maine potatoes are superior to Idaho potatoes, which I would not agree to, and I think the facts are all on my side.

Mr. MUSKIE. If the Senator's judgment in other matters is as unsound as in this one, then I command the unanimous support of the Senate.

Mr. McCLURE. I have some evidence on my side that suggests that the buying and preference habits of the American public clearly show which is the preferable product, and that comes down on my side.

Mr. MUSKIE. The unanimous buying habits have resulted in the internal combustion engine and the gas-consuming monster which has confronted us with the problems we have, so buying habits are not necessarily the best test of what is best for America.

Mr. McCLURE. Aside from the difference of opinion on that slightly extraneous subject, I think it is important for us, in adopting this language, to realize the kinds of implications which are read into language in the interpretations by the courts. That is the fear which I express. That is the reason why the committee, in amending this language, adopted the very clear provision which is in the proposed statute as presented to the Senate now, and which the Senator proposes to strike. I think the considered action of the committee is the kind of action that ought to be sustained by the Senate.

Mr. MUSKIE. May I just add this to the Record so that it may be complete? In my colloquy with the distinguished Senator, a reader of the Record—one who is wise enough to attempt to make that kind of effort—may be under a misapprehension as to what the clean air law requires with respect to implementation. So let me read this from section 110 of the act under the portion of the act entitled "Implementation Plan":

> The Administrator shall approve such plan or any portion thereof if he determines that it was adopted after reasonable notice and hearing and that: (B) it includes emission limitations, schedules, and timetables for compliance with such limitations and such other measures as may be necessary to assure attainment and maintenance of such primary or secondary standards, including, but not limited to, land use and transportation controls.

In other words, contrary to the Senator's suggestion that the standards provided for in any way will be implemented only by emission controls, the act provides other implementation means that are clearly indicated in the language which I have just read.

Mr. FANNIN. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. Yes, I am glad to yield for a question.

Mr. FANNIN. "We must enhance the air," says a recent Supreme Court case. "We cannot now degrade the air even if the air is of a higher standard than Federal law requires."

Do you agree with my interpretation of the court case?

Mr. MUSKIE. Will the Senator repeat that?

Mr. FANNIN. "We must enhance the air," says the Supreme Court. "We cannot now degrade the air even if the air is of a higher standard than Federal law requires."

Mr. MUSKIE. The Senator is reading from the Supreme Court's decision, and I do not have the language of that decision before me. I assume the Senator is reading accurately.

Mr. FANNIN. I trust so.

I will ask the Senator this question: Does not this amendment really ratify that Supreme Court decision, if that is the Supreme Court decision as I have indicated?

Mr. MUSKIE. The effect of this amendment is to insure, to the extent that I am able to anticipate the effects of he bill before us, that the bill does not have the effect of modifying the clean air law. This amendment is not addressed to that decision or the subject of that decision; it is addressed to the point of making this bill neutral with respect to the clean air law. If that effect of the clean air law is effectively stated, reading from the Court's decision, then the effect of this amendment will be not to change it.

Mr. FANNIN. I agree that that is the effect of this amendment. It seems to me it would not change it, but it would ratify it.

Mr. MUSKIE. No; it is not the effect of the amendment to modify, repeal, ratify, or in any way change the clean air law.

Mr. FANNIN. That is a different interpretation from mine, but the Senator is certainly entitled to his interpretation.

Could the Senator give me his meaning of "developmental activities," as used in his amendment?

Mr. MUSKIE. I think the words "developmental activities" are so well known that they can be described by endless lists of illustrations either by the Senator from Arizona or myself.

There is housing construction, erection of structures of one kind or another, building of roads, transporting of people, construction of rail lines—you name it. "Developmental activities" are activities designed, I suppose to build communities, to build homes, and all the related activities.

Mr. FANNIN. As incorporated in the amendment, it would be my concern that this would be a no-growth, no-progress amendment. In other words, the Senator would say that we should just let our land sit idly by and do nothing.

Mr. MUSKIE. I think the Senator is really straining. It reminds me of the anecdote Mr. Gromyko told us at lunch yesterday. He said the hardest task in the world is to catch a black dog in a dark room when the dog is not there. I think that describes the Senator's reaction to that question with respect to this amendment.

Mr. FANNIN. I would not agree, but let us listen to what it says:

> Assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan, any developmental activities in combination with pollution sources will not cause such violations to occur, and the program is consistent with the goals, policies, objectives, standards and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution.

So with this amendment the Senator wants to reaffirm our current predicament that does not allow any building that would degrade our air.

Mr. MUSKIE. Mr. President, may I say to the Senator that I must vigorously disagree with his interpretation. The amendment has to be read in the context of the bill.

Mr. FANNIN. Mr. President, may I ask the Senator——

Mr. MUSKIE. Mr. President, may I finish. The Senator has put a question to me. The Senator objects to the bill.

Mr. FANNIN. The Senator is correct if these amendments are passed.

Mr. MUSKIE. Mr. President, I respect that disagreement. However, let us not attribute it to my amendment. The bill will control developmental activities. That is the effect and the purpose. It will channel developmental activities.

All I am saying is that the developmental activities under this bill are planned to work so that they should not have an effect on or violate the air and water pollution law. That is all I am saying. I am not creating a bill as far as I am concerned. The problem addressed to me would not exist without this legislation. I am trying to amend the bill so as to be sure that it prevents violation of the law.

Mr. FANNIN. My opinion is that it goes further than this country can afford. Laws that tie the Nation's hands and prevent it from building are dangerous.

Mr. MUSKIE. Mr. President, all I am saying is that the Senator is chasing a black dog in a dark room.

Mr. FANNIN. Mr. President, I cannot agree with the Senator. A careful analysis of this language would show it to be a no-growth, no-progress provision.

Mr. MUSKIE. Mr. President, I vigorously disagree with the Senator. It has no such effect. It is not intended to have such effect. The clean air law has not had that effect. It is the clean air law that this amendment relates to.

Mr. FANNIN. Mr. President, I feel that it goes beyond that.

Mr. MUSKIE. Mr. President, I think the record is clear that the Senator and I do not agree.

QUORUM CALL

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Muskie amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) would vote "yea."

The result was announced—yeas 65, nays 33, as follows:

[No. 207 Leg.]

YEAS—65

Abourezk
Aiken
Baker
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Fulbright
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—33

Allen
Bartlett
Bellmon
Bennett
Brock
Byrd,
 Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
McClure
Saxbe
Scott, Pa.
Scott, Va.
Stevens
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—2

Gravel
Stennis

So Mr. Muskie's amendment was agreed to.

Mr. JACKSON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS obtained the floor.

Mr. JACKSON. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mr. James Walsh, of the staff of the Committee on Commerce, be granted the privilege of the floor during the debate on the land use bill, S. 268.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I take this time only to ask the Senator from Washington (Mr. Jackson) whether it is not a fact that the review which is required or permitted under section 306(b)(2), which is the review by the EPA, and the review which is given by section 306(c) of the Department of Housing and Urban Development, is subject to the same kind of appellate review of their action that applies to the discretionary action of the Secretary of the Interior in approval or disapproval of a State plan.

Mr. JACKSON. It is subject to that review. The Senator is correct.

Mr. McCLURE. I thank the Senator from Washington for that observation.

Mr. STEVENS. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER (Mr. Scott of Virginia). The amendment will be stated.

The assistant legislative clerk read as follows:

S. 268

On page 133, line 9, strike the word "and".

On page 133, line 15 strike the period, add a semicolon and the word "and".

On page 133 at the end of the bill add a new subsection 611(i) as follows:

"(i) to affect in any way the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to Section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). Nor may an Ad Hoc Federal-State Joint Committee be established in Alaska during the existence of the Joint Federal-State Land Use Planning Commission."

Mr. STEVENS. Mr. President, this amendment will exempt from the bill the activities of the Joint Federal-State Land Use Planning Commission for Alaska which was established pursuant to Section 17 of the Alaska Native Claims Settlement Act. Second, my amendment will prohibit the establishment of an Ad Hoc Federal-State Joint Committee under section 403 of the bill in the State of Alaska.

Last year, the distinguished chairman of the Senate Interior Committee (Mr. Jackson), the senior Senator from Kentucky (Mr. Cook) and I engaged in an important colloquy to the effect that nothing in the previous land use planning bill, S. 632, was designed to affect in any way the functioning or jurisdiction of the Joint Federal State Land Use Planning Commission. I understand that this is still correct. My amendment would insure that this interpretation is specifically stated in the language of the statute.

It is my specific intent that the policy of S. 632 as reflected in the colloquy is to remain under my amendment.

I ask unanimous consent that the colloquy I have referred to be printed in the Record and made a part of the permanent legislative history of my amendment.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

[From the Congressional Record, Sept. 19, 1972]

Colloquy

Mr. Jordan of Idaho. Mr. President, I yield 2 minutes to the Senator from Alaska on the bill.

Mr. Stevens. I thank the Senator from Idaho.

Before I ask the chairman of the committee a question, I would like to preface the question by saying we in Alaska are indebted to him and the Senator from Nevada for the work they did on the Alaska Native Claims Act, which created the Federal-State Land Use Planning Commission.

That Commission is working well. It has ironed out many problems between the Federal Government and the State of Alaska.

My question to the chairman of the committee is whether the Joint Federal-State Land Use Planning Commission under the Alaska Native Land Claims Act is in any way affected by the bill before us, which, as I understand it, requires the establishment of a State land planning commission and authorizes joint Federal-State commissions.

Mr. Jackson. Mr. President, I can assure the Senator that the Joint Use Planning Commission which was set up pursuant to the Alaska Native Claims Act is not in any manner affected by S. 632. I point out further that the Joint Planning Commission runs, I believe, for 5 years.

Mr. Stevens. Yes.

Mr. Jackson. And I would add that it is the State of Alaska, not the joint commission, which would be eligible for grants. The Joint Commission which the Senator has referred to is entirely separate, and will function separate and apart from the grant-in-aid program under S. 632.

Mr. Stevens. Is my understanding correct, then, that there is no intent in this bill in any way to modify the terms of the Alaska Native Claims authorization for that joint Federal-State Land Use Planning Commission, which has, as the Senator will recall, specific provisions pertaining to land claims in Alaska only? Is it correct that there is no intent to modify that arrangement?

Mr. Jackson. The Senator is correct.

Mr. Cook. Mr. President, will the Senator from Idaho yield me 1 minute?

Mr. Jordan of Idaho. I yield the Senator from Kentucky 1 minute.

Mr. Cook. I would like to be sure that what the Senator is saying is true, but I am not sure that it is, because on page 76 of the bill, under State land use programs, the State must file its land use program with the Department of the Interior, and as of this stage the State exercises determinative authority as to what shall and shall not be done. On page 78 we find the language:

"State administrative review of land use plans, regulations and implementation thereof of local governments with full powers to approve or disapprove."

Then, as to everything which is of such magnitude that it changes the land-use program, we then go over to page 83, where it provides that if it is this big a change, it then is referred to the Secretary of the Interior, and if the Secretary of the Interior does not like the plan as it has been changed, he can make a determination on his own how that plan should work, and so state to the respective States.

The Presiding Officer. The Senator's 1 minute has expired.

Mr. Cook. Mr. President, if I may have 30 seconds more——

Mr. Jordan of Idaho. I yield the Senator 1 more minute.

Mr. Cook. I am not sure that one can authoritatively say that a land-use commission that has been set up under another act within the framework of a State can function without the authority of this bill imposes on the State to submit to the Department of the Interior a full land-use plan for its entire State.

Mr. Jackson. Mr. President, may I say on this question that the language referred to by my good friend from Kentucky on page 76 will be subject to a clarifying amendment which I shall offer later, but I want to make it very clear that there is nothing intended in this bill—and when we add this other amendment I do not think there can be any question about it—to in any manner change the provisions of the Alaska Native Claims Act as to the Joint Planning Commission. The Commission serves in a purely advisory capacity as the Senator from Alaska knows.

Mr. Stevens. That is correct.

Mr. Jackson. I want to assure the Senator of that fact, and I think the record will be completely clarified when the clarifying amendment has been offered. I speak as the author of S. 632 and the Alaska Native Claims Act, and want to make the legislative intent very clear.

Mr. Stevens. I thank the Senator very much.

Mr. STEVENS. Mr. President, I am offering this amendment also to insure that the authority of the Joint Federal-State Land Use Planning Commission remains the same as it is now. This commission should not conflict with a State agency granted powers pursuant to section 202 of the act. I intend that my amendment shall not create such a conflict.

My amendment will, however, prohibit the establishment of an Ad Hoc Federal-State Joint Committee under section 403 prior to the expiration of the Joint Federal State Land Use Planning Commission. I remind my colleagues that section 17(a)(10) of the Alaska Native Claims Settlement Act (85 Stat. 688) states:

> The Commission shall cease to exist effective December 31, 1976.

This amendment will not prohibit the establishment of such an Ad Hoc Committee in Alaska subsequent to that date.

My amendment will, however, in the interim prevent both the Federal Government and the State government from establishing an Ad Hoc Committee in Alaska and thus usurping the powers of the Joint Federal-State Land Use Planning Commission.

The Joint Federal-State Land Use Planning Commission has powers to make recommendations for the development of Alaska. These are powers similar to the Ad Hoc Committees of section 403. In addition, the Joint Federal-State Land Use Planning Commission is charged with the responsibility of specifically taking into account the needs of Alaska Natives. This is an important function which must not be overlooked in planning for the development of Alaska. The needs of Alaska Natives are not the only consideration, of course—nor are they any more important than any other consideration. However, this particular aspect has been charged by Congress to the Joint Federal-State Land Use Planning Commission and it is a function that is not specifically mentioned in section 403.

I should like to preserve the jurisdiction and the role of the Joint Federal-State Land Use Planning Commission for Alaska as it is, without regard to the passage of this act.

I urge the Senate to adopt my amendment and I would urge my good friend from Washington, the distinguished chairman of the committee, to accept it.

Mr. JACKSON. Mr. President, as one of the authors of the Alaska Native Claims Settlement Act which established the Joint Federal-State Planning Commission for Alaska, I can say that the statement just made by the able Senator from Alaska (Mr. STEVENS) is correct. The colloquy which he has placed in the RECORD on the discussion of the Land Use bill last year is correct.

I am prepared to accept the amendment.

It was never intended that this act should in any way interfere with the jurisdiction of the Joint-Federal State Land Use Planning Commission established pursuant to the Alaska Native Claims Settlement Act.

I am therefore prepared to accept the amendment.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 234

Mr. JACKSON. Mr. President, I call up my amendment No. 234 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 119, after section 509, between lines 11 and 12, insert a new section 510 as follows:
>
> FEDERAL REVIEW
>
> SEC. 510. The standards for review to determine eligibility of Indian tribes for grants pursuant to this title shall be the same as those provided for determination for eligibility of States for grants under this Act. The review shall be conducted entirely by the Secretary of the Interior and the review procedures provided in section 306 (a) through (f) shall be inapplicable to this title.

Mr. JACKSON. Mr. President, this amendment is a technical one. It adds a new section to the end of title V. Title V provides grants to Indian tribes to assist them to develop land use programs for reservation and other tribal lands. The requirement for these programs are similar to the requirements elsewhere in the act for State land use programs.

First, this amendment would ensure that the standards for review of the land use programs of Indian tribes would be the same as those provided in the act for the State land use programs.

Second, it would provide sole authority to review the tribal land use programs to the Secretary of the Interior. Federal review of State land use programs is conducted on an inter-agency basis and includes the deliberations of an independent ad hoc hearing board prior to any determination of ineligibility. This procedure is inappropriate in the case of tribal land use programs because those programs address Indian trust lands. The Federal Government, in general, and the Secretary of the Interior, in particular, have a unique responsibility in relation to those lands: the responsibility of a trustee. In the case of review of tribal land use programs concerning those lands, superimposed over the normal review function of determining proper expenditure of grant funds is the trustee responsibility of review to determine that the trust "property" is put to wise use. Given the Secretary's knowledge of tribal lands and the extreme difficulty of segregating the two review functions, the amendment provides the Secretary with full authority to review the tribal land use programs to be developed under title V.

Mr. BELLMON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. BELLMON. Does this amendment apply to the Indian tribes such as we have in Oklahoma which are not living on reservations or on Indian tribal lands?

Mr. JACKSON. My staff assures me that the Oklahoma problem was carefully considered and that at Senator BARTLETT's urging language was included to insure coverage of Oklahoma Indians.

Mr. BELLMON. We have had that problem in the past with some of these bills.

Mr. JACKSON. The Senator is correct. I have discussed this matter with the ranking minority member. It is really a technical amendment, and I believe he has no objection.

Mr. FANNIN. In fact, I commend the distinguished Senator for the amendment and for providing this means of bringing it in concert with the other provision of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLURE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> (a) Page 121, line 10, insert after "include" the words "coastal wetlands, marshes, and other lands inundated by the tides; beaches and dunes; significant estuaries."
>
> (b) Page 130, line 15, through page 131, line 13—Strike.
>
> (c) Page 75, line 24 after the word "Act" through page 76, line 8—Strike.

Mr. JACKSON. Mr. President, will the Senator yield momentarily?

Mr. McCLURE. I yield momentarily.

Mr. JACKSON. The Senator from South Carolina (Mr. HOLLINGS) and the Senator from Washington (Mr. MAGNUSON) would like to be present in connection with this amendment; and if the Senator has no objection, I should like to suggest the absence of a quorum.

Mr. McCLURE. I have no objection.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, we have an extremely heavy schedule, about which more will be said later, but at this time I ask unanimous consent that the pending business be laid aside for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTED MAYOR AND CITY COUNCIL FOR THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 208 (S. 1435) that it be laid before the Senate and made the pending business in the interim.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment.

Mr. ALLEN. Mr. President, I should like the record to show that the junior Senator from Alabama voted "No" on this bill, the so-called home rule bill for the District of Columbia.

The District of Columbia is the Federal city; it is the seat of the U.S. Government. I feel that to provide for a municipal government elected by the residents of the District would not be in the public interest; it would not be in the national interest. I do not believe that it is consistent with the view of the District of Columbia being the Federal city.

It was the intent of the Founding Fathers that the District would be governed by the Congress of the United States, that the residents of the District of Columbia would not even be allowed the voting franchise. That has all been changed and the District does have a voice in the election of the President. They have three electoral votes, I believe. They are authorized to vote in national elections. But for the District to be given home rule, in the judgment of the Senator from Alabama, would not be desirable. I feel Congress should retain its control over the operation of the District of Columbia and the municipal government in the District of Columbia. I think it is certainly in order for the President to name the Mayor and the members of the Council. I feel that this is the proper method of maintaining and carrying on the municipal government for Washington in the District of Columbia. I do not believe it would be in the public interest or the national interest to change this system.

I believe Congress would rue the day when this change is made to remove the check and balance that Congress has and that the executive department of the National Government has in the operation of the municipal government and the city of Washington.

I do not plan to ask for a yea and nay vote. I would not object if someone else did. But I want the record to show that the vote of the junior Senator from Alabama on home rule for the District was in the negative.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HELMS. Mr. President, first, I realize this is a fait accompli but, like the Senator from Alabama, I will not press the point, not even to the extent of asking for the yeas and nays. I do wish to associate myself with the statements of the Senator from Alabama and I join him in his forecast that we will rue the day when this is accomplished. I, too, would like to be recorded as voting in the negative.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. Helms). The Senate will be in order.

Mr. GOLDWATER. Mr. President, I do not believe this is the proper way to dispose of this important piece of legislation. I admit I do not know if I would vote for it or vote against it. I am very strongly inclined to vote against anything that would change our constitutional intent without having the opportunity to go into the matter or a vote on the matter.

I find great division in Washington among Washingtonians on this matter. I have not been able to read the hearings on this legislation. I would like to have this matter discussed briefly for an hour or two on this floor. I hope we do not handle an important piece of legislation like this through unanimous consent without hearing anything about it. As I said, I am neither opposed to it nor am I for it. I do have a strong feeling about trying to change our constitutional process. I wish to be shown as one who would prefer to have this matter go through the normal process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for 5 additional minutes.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT of Virginia. Mr. President, I also would like to voice an objection to this matter being heard under a unanimous-consent agreement. The Senator from Virginia was not in the Chamber at the time. Representing a nearby State and not having an opportunity to study this somewhat detailed piece of legislation, I am concerned that there would be anything in the bill that would in any way adversely affect the citizens of nearby Virginia, such as a commuter tax, which has been proposed. There may be other provisions. Also I would like to study this bill before the Senate passes it. It might be necessary to offer some amendments of some kind. I am not prepared today whether I would or would not vote for the bill without knowing what is in it.

Mr. ALLEN. I say to the Senator from Virginia that I agree with the view he is outlining. As the Senator from Alabama understood the request of the distinguished majority leader, the pending business is laid aside for only 5 minutes, so if the Senator from Virginia would like to see this bill passed over to another day, all he would have to do is to see that the discussion lasts for 5 minutes. I dare say we have discussed for some 4 minutes already.

Mr. SCOTT of Virginia. If the Senator will yield further, I would like to ask the distinguished majority leader if he might withdraw his request for the immediate consideration of this matter to give those of us who do have a concern in opportunity to study the measure.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. I am delighted to do so. The reason for calling it up at this time was that the manager of the bill was awaiting the arrival of two Senators who were interested in the McClure amendment. They were not in the Chamber and we have such a heavy schedule that I thought this might be a good time to do so, and thereby reduce the list of legislation to be considered.

I am delighted to withdraw the request. But in return I wonder if I could ask unanimous consent that when the bill is considered there be 1 hour on the bill, 30 minutes on amendments, the time to be equally divided between the manager and the opponents.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, the request is that there be a time limitation of 1 hour on the bill, and how long on amendments?

Mr. MANSFIELD. Thirty minutes on amendments and 20 minutes on amendments to amendments, with the request in the usual form.

Mr. ALLEN. Well, I anticipate the bill is going to pass overwhelmingly and I do not believe any useful purpose would be served by extended debate. If I thought some useful purpose would be served by debate, I would engage in such debate; I feel so strongly about it. But I do feel that ultimately it will pass the Senate, so I will not object.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. I thank the Senator from Washington. I hope the Senators he was waiting for have arrived in the Chamber.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Missouri (Mr. Eagleton), and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. Eagleton: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition there shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Missouri (Mr. Eagleton) and the Senator from Pennsylvania (Mr. Scott), or his designee: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and managemet of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Idaho.

Mr. McCLURE. Mr. President, I am grateful for the delay which allowed some of the people interested in this particular amendment to get to the Chamber to participate in the discussion. I will not pretend that the subject matter is not controversial because it is.

Mr. President, the amendment would reinsert "coastal wetlands, marshes, and other lands inundated by the tides; beaches and dunes; significant estuaries" within the definition of "fragile or historic lands" which is one of four categories under the definition of "areas of critical environmental concern". The deletion of these coastal areas from S. 268, originally introduced and as passed by the Senate as S. 632 during the 92d Congress, constitutes the omission of important examples of environmental areas from the definition of "fragile or historic lands."

It has been stated that the reason for this deletion was in recognition of the passage of the Coastal Zone Management Act of 1972.

The sponsors of that act passed during the last Congress raised no objection to this provision during debate on S. 632 and on the contrary felt that provisions of S. 632, as passed, now S. 268 provided no conflict with coastal zone legislation.

The deletion of the coastal areas which would be reincluded by this amendment gives no encouragement nor guidance for the development and implementation of a statewide land use planning approach which takes account of the relationship of coastal areas to fragile or historic lands and development of more than local concern existing throughout the State.

Coastal areas include some of the most unique and important natural areas and deserve to be an integral part of any statewide land use planning and regulation effort.

Much of the development and land use which occurs outside the coastal zone has a direct or indirect impact on coastal areas. To separate coastal areas from statewide land use management is to ignore the interrelationship between the two and continues the type of artificially separate planning which land use legislation is designed to correct.

As one who supported the Coastal Zone Management Act, I realize that the coastal zone is unique in character and requires special attention on a comprehensive basis, but this should not lead to its exemption from the land use planning program. Including coastal areas under the definition of "fragile or historic lands" in no way repeals any portion of the coastal zone legislation nor does it limit the assistance available to the States under the Coastal Zone Management Act. To the contrary, this amendment insures the availability of additional funding and other support under the bill now before us.

Mr. President, my amendment would also eliminate a requirement that a State be eligible under the Coastal Zone Management Act as a condition for spending Land Use Act funds for coastal planning. This requirement goes beyond the scope of the Coastal Zone Management Act. A State should be able to participate in the coastal zone program should it desire to do so as well as in the land use program, but a requirement of involvement in one program as a condition for the other is unnecessary and places an unreasonable burden on the States.

I do not intend to prolong the discussion. I think the issue is relatively clear. I shall be glad to respond to questions of those who have been so vitally concerned with the coastal zone areas of our United States. I think the record has been made by the Senator from Washington (Mr. MAGNUSON), the Senator from South Carolina (Mr. HOLLINGS), and other Senators who are very much concerned about the management of our coastal zone areas as critical areas in any kind of environmental controls in this country. I applaud and support that action.

I want to reiterate that this amendment of mine in no way subtracts from the application of the Coastal Zone Management Act. It simply avoids the separation of planning processes. It simply brings together the planning under the national land use program with planning that must be done under the Coastal Zone Management Act. I think it is essential that that kind of coordination be achieved, not by doing so separately, but that it must be planned and coordinated, rather than done separately. That is the purpose of the amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. MAGNUSON. The trouble with the Senator's amendment is that it changes the rules and it changes the concept of the coastal zone management and land use objectives.

I am going to put in the RECORD, in a few minutes, documentation of every State that has moved on this program. The States have their plans for coastal zone management and they want to keep their plans as separate as they can. It is not predicated on what they do for specific land use, but if the overall plan fits in, which I am sure it will, every State in the Union that is involved as a coastal State has submitted what it is doing. It is not only the coastal States that are involved, but the States surrounding the Great Lakes. In fact, there are few States in the Union that are not involved.

The trouble with the amendment is that it would, in effect, subvert the agreement we have between the Commerce Committee and my distinguished colleague's committee that these matters should go along separately.

The President signed the Coastal Zone Management Act into law, and the provisions of the land use bill now pending in the Senate were pretty carefully drafted to take care of the situation which is now underway. I think that is the trouble with the amendment of the Senator from Idaho.

Mr. McCLURE. I would respond to the Senator from Washington simply by saying again that the fact that the States have acted under the Coastal Zone Management Act in no way detracts from their ability to function under the land-use act.

Mr. MAGNUSON. Then why have the amendment?

Mr. McCLURE. Because the criteria, the regulations, the procedures require a separation of the two plans.

Mr. MAGNUSON. We had testimony on all this. I know where the amendment comes from. The Senator does, too. Does he not?

Mr. McCLURE. Of course.

Mr. MAGNUSON. All right.

Mr. McCLURE. The Senator expresses some doubt as to the wisdom of adopting an amendment which will interfere with the plans of the States. I would say that this amendment does not do that in any way, shape, or form.

Mr. MAGNUSON. Mr. President, I ask the Senator to yield so that I may make a more complete statement in the RECORD, and to put in some very pertinent evidence of the effect of the Coastal Zone Management Act.

Mr. McCLURE. I yield.

Mr. MAGNUSON. Mr. President, I must denounce any effort to subvert the agreement between the Committee on Commerce and the Committee on Interior and Insular Affairs to protect and, in fact, mandate a separate coastal zone management program as provided for in Public Law 92-583. The National Coastal Zone Management Act, which passed the Congress last year and was signed into law by the President, is one of the most important pieces of environmental legislation to pass the 92d Congress, and I am proud to have been its author.

The provisions in the land-use bill now pending in the Senate were carefully drafted. These provisions prevent the land-use bill from superseding the Coastal Zone Act. States must coordinate their land use and coastal zone programs. States may combine and consolidate lead agencies responsible for the programs. Moreover, States may submit single programs to the Secretaries of Commerce and Interior for eligibility under the management phase of the Federal granting procedure. Indeed, it is also provided that if a State is a coastal State, it must be participating in the coastal zone management program at the end of the first 5 years of the land-use program in order to continue eligibility under the Land-Use Act.

Another change in the land use bill was removing the words "coastal wetlands, marshes, and other lands inundated by the tides; beaches, dunes, and significant estuaries" since these areas clearly are covered by the Coastal Zone Act and need not be placed under the jurisdiction of the Secretary of the Interior or the Land Use Act.

Finally, the two committees worked out language which would require proportional spending by the two departments on these two programs. And as a further incentive to the States to proceed forthwith, States may not spend coastal zone grants on projects outside the coastal zone and vice versa with land use grants.

These steps were necessary, Mr. President, because of the continued efforts of the administration to subvert the will of Congress on the matter of the National Coastal Zone Management Act.

Developments with regard to funding indicate that the administration does not believe that it is required to implement that law.

Earlier this year, I was contacted by officials of my State of Washington reaffirming their support of, and the State's need of, the Coastal Zone Management Act of 1972. They have advised me of their desire that the act be effected now as a separate program rather than being delayed and possibly ensnarled in Congress subsequent considerations of the land use legislation for the interior of the Nation.

At this point, I ask unanimous consent that a letter addressed to me and Senator JACKSON from John A. Biggs, director, Washington Department of Ecology, be printed in its entirety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 9, 1973.

Hon. WARREN G. MAGNUSON, and Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

Re Impoundment of Funds—Federal Water Pollution Control Act Amendment of 1972, and National Coastal Zone Management Act.

DEAR SENATORS MAGNUSON AND JACKSON: Over the past several months I have become concerned and discouraged over the actions of the Administration in impounding funds provided in the Federal Water Pollution Control Act Amendment of 1972 and the Coastal Zone Management Act of 1972 to assist states and local governments. It is a greater disappointment for, as you know, Governor Evans and I were both actively supporting these two most important bills.

I am writing, in part, to encourage you in your efforts to change Administration policy in this regard.

With regard to the Coastal Zone Management Act, the State of Washington was counting on funds provided therein to assist in the carrying out of the Shoreline Management Act of 1971 which was approved by our state's electorate at the last general election. The planning and management programs of the state bill are designed to carry out environmental protection policies stated in the federal legislation. It is tragic that this valuable state program may not be implemented to its fullest possible extent.

The impoundment of funds destined for pollution abatement facilities is equally detrimental to the State of Washington. If we are to meet the high standards of the Act—standards we support—it will take the best efforts of all. The electorate of the State of Washington at the last general election, by an overwhelming vote, committed the State of Washington to a policy of carrying its fair share through the approval of $225,000,000 bond issues. The federal share must be provided or the entire sewerage facilities construction program will be worse for our state than if the bill did not pass.

Finally, let me express concern over land use planning and regulation proposals presently pending in Congress. We are presently engaged here in Washington in fending off efforts of various interests to undermine the Shoreline Management program. These interests propose its demise through establishment of a comprehensive land use program for the state which would, in effect, do away with the specially designed, environmentally protective shoreline statute now in existence. In your deliberations on the land use bills, I urge a similar policy approach. In other words, keep the Coastal Zone Management Act alive.

Thank you for consideration of my views. Please call on me if I can be of assistance.

Kindest regards.

Very truly yours,

JOHN A. BIGGS,
Director.

Mr. MAGNUSON. Mr. President, as I have pointed out time and time again, the coastal zones of our country are endangered because of their wealth for commerce, natural resources, recreation, scenic beauty, and other benefits to mankind. This very wealth demands the special attention of the States. Many of them already are proceeding into the phase of actually solving these problems. Washington State voters have approved the Shorelines Management Act. California has adopted proposition 20. The Federal act encourages this kind of responsibility by the States.

A very cursory examination of the history of the coastal zone legislation will show that it was not conceived in haste. It was the outgrowth of at least two decades of conscious awareness of the challenge and a combination of public and private endeavors exploring alternatives and agreeing upon the best means of accomplishing the desired result.

The Governor of Washington, Daniel Evans, wrote me in 1970 urging enactment of the act. As he pointed out, funds must be provided if the act is to be effective. Governor Evans, of course, never contemplated that Congress might pass the law, the President would sign it, but that the administration might attempt to withhold life from the act by intentionally seeking to halt its funding on grounds that it should be combined with land use legislation. Governor Evans' letter emphasized the immediacy of the situation, noting that the Washington Department of Natural Resources alone has responsibility for about 1,400 miles of tidelands, 7,000 acres of harbor land, and 1,000 square miles of navigable tidewaters, among other coastal zone areas.

Legislatively in the State of Washington, on May 21, 1971, the Washington Shorelines Management Act of 1971 became law. Its history dates back to at least 1969 when the Ocean Beaches Committee of the Washington Environmental Council became concerned with regulating haphazard coastal development. The law became "permanent" in the November 1972, general election in which the voters of my State affirmatively approved the measure in lieu of another approach.

Mr. President, the mandate of the people of my State is for a separate Federal coastal zone program including the Federal funds necessary to assist in creating the effective coastal zone regulatory mechanism called for in the Federal act. In my opinion, it does not serve the interests of the Nation for there to be any possible ambiguity on the part of Congress as to the need for separate coastal zone and land use programs. The lines must be clear so that the decisions also will be clear to those who must administer these programs.

At the conclusion of my remarks, I ask unanimous consent that a report on the progress of coastal States toward coastal zone management programs be made a part of the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

STATUS OF STATE COASTAL ZONE MANAGEMENT EFFORTS

ALABAMA

Governor: Honorable George C. Wallace.

Coastal Zone Contact: Bill J. Starnes, Director, State Planning Division, Alabama Development Office.

Land Use Contact: R. C. Bamberg, Director, Alabama Development Office.

Administrative structure

Although Alabama currently has no comprehensive coastal zone legislation, there are several ongoing programs with more specific focus in the State. The State Docks Authority has control over certain harbor areas landward of established "harbor lines." The Alabama Water Improvement Commission sets and enforces water quality regulations and regulates the location of industries and domestic sources of pollution in the State. The Department of Conservation and Natural Resources promulgates and enforces laws and regulations to protect, develop, and conserve the marine resources of the State and maintains responsibility for activity below the mean high-tide line.

The State prevents the alteration of wetlands and estuaries by refusing to approve Corps of Engineers project applications for projects deemed potentially harmful to the environment.

Coordination and development of Statewide planning programs is dealt with through the State Planning Division of the Alabama Development Office. Local and regional planning are covered by Acts 657 and 1126, passed by the State legislature in 1969. The Acts authorize the creation of the State agency and 12 regional planning and development districts, one of which encompasses the State's coastal region.

Current activities

At the present time, both coastal-related legislation and a comprehensive program in the area of coastal zone management are in the planning stage in Alabama. Principal among these is a wetlands preservation proposal which the Department of Conservation and Natural Resources is developing for presentation to the State legislature.

ALASKA

Governor: Honorable William A. Egan.

Coastal Zone Contact: Dr. Y. R. Nayudu, Director, Division of Marine and Coastal Zone Management, Department of Environmental Conservation.

Land Use Contact: Joe Josephson, Co-Chairman, Joint Federal-State Land Use Planning Commission.

Background

Article VIII of Alaska's State Constitution contains several provisions for the utilization of the State's renewable resources. They are to be "utilized, developed and maintained on the sustained yield principle subject to preferences among beneficial uses." The State is allowed only to lease its rights to renewable resources (not to sell or deed them) with the provision that improper usage will result in forfeiture of these rights. The constitution also empowers the State to establish regulations to protect and preserve "areas of natural beauty, or of historical, cultural, recreational, or scientific value."

Administrative structure

In Alaska's State government, three departments are responsible for coastal resource management. The Department of Natural Resources manages the use of the State's water, land, and mineral resources. The Department's activities include management and protection of State lands, management of water resources, and issuance of permits for use of State-owned uplands and wetlands. The Department of Fish and Game coordinates the development of tidal and submerged lands as they affect fish and game resources, through its Habitat Section. The Department of Environmental Conservation is responsible for air and water quality management, and has recently established a Division of Marine and Coastal Zone Management.

This Division is responsible for the development of marine and coastal zone research and for management of the State's total interest in the coastal zone, including the continental shelf and the State's interest in waters beyond the territorial seas. The Division also reviews permits for use of the marine environment, wetlands and adjacent uplands.

Legislation

Alaska Land Act (Act 169–1959): provides for classification of the State's lands according to their highest and most beneficial use, based on area land use plans. The Act requires public hearings on the classification procedures and before regulations may be set.

Current activities

The Division of Marine and Coastal Zone Management is engaged in long-term programs designed to define present base level environmental characteristics and to monitor externally and internally induced environmental modifications. Priority topics within these programs include accumulation of a data base for development of planning and management programs for coastal wetlands, investigation of existing and proposed pulpmill sites, identification of the source and magnitude of mercury contamination of halibut. and definition of the critical oceanographic features of Prince William Sound. Finally, comprehensive coastal zone legislation and regulations are currently under study.

The Sea Grant Program funds the Coastal Resource and Science Service Center in Anchorage, Alaska. The Center is presently engaged in collecting technical information on the ecosystems of the Alaska coastal zone and in providing a coastal resource and science information service to assist with land use and environmental decision-making.

CALIFORNIA

Governor: Honorable Ronald Reagan

Coastal Zone Contact: John E. Bennett, Director, Department of Navigation and Ocean Development

Land Use Contact: Norman B. Livermore, Secretary for Resources

Background

The concept of comprehensive coastal zone management has been under study for some time in California. In 1965, the Governor's Advisory Commission on Ocean Resources was appointed and made a number of significant recommendations concerning the elements of a comprehensive coastal plan. In 1967. the State legislature enacted the Marine Resources Conservation and Development Act which mandated the development of the California Comprehensive Ocean Area Plan (COAP). This Act also created the California Advisory Commission on Marine and Coastal Resource (CMC) to advise the State on the proper development of its coastal resources and to review the COAP after it had been developed; CMC has since been dissolved. The COAP was completed by the Department of Navigation and Ocean Development and was delivered, along with a coastal resources inventory and a set of maps depicting site characteristics, land use and ownership, to the legislature in May, 1972.

Administrative structure

In addition to the traditional State agencies which have coastal zone responsibilities in California, coastal management now resides with a 12-member Statewide Coastal Zone Conservation Commission and six regional commissions which oversee the Coastal Conservation Act. The San Francisco Bay Conservation and Development Commission has limited statutory authority for the management of San Francisco Bay. Finally, the State agency concerned with marine resources development is the Department of Navigation and Ocean Development, which is a part of the Resources Agency along with the Departments of Conservation; Fish and Game; Parks and Recreation; Water Resources; and the State Lands Division.

Legislation

McAteer-Petris Act (Act 1162–1965): creates the San Francisco Bay Conservation and Development Commission (BCDC). The BCDC is given responsibility for regulating any "proposed project that involves placing fill, extracting materials or making any substantial change in use of any water, land, or structure" within San Francisco Bay or its managed wetlands, and also extends limited jurisdiction over developments within a 100-foot strip inland.

Coastal Conservation Act (Passed by the electorate as Proposition 20, November, 1972): sets up the California Coastal Zone Conservation Commission and six regional commissions which are to prepare a coastal zone conservation plan. The plan is to be presented to the State legislature by December 1, 1975, with the planning procedures (i.e., objectives and guidelines) developed by August 15, 1973. The Act also provides for interim permit control over that portion of the coastal zone lying between the 3-mile limit seaward and 1,000 yards landward of mean high tide. Any person wishing to undertake any development within the permit areas must obtain a permit from the Regional Commission as well as from all the other State, county, or local agencies as required by law. The Commission's long-range planning jurisdiction extends from 3 miles at sea to 5 miles inland or the highest elevation of the nearest coastal mountain range, whichever is shortest. The Act appropriates $5 million for use by these commissions.

Current activities

The State and regional commissions set up by the Coastal Zone Conservation Act are now in operation and are engaged in determining the coastal zone boundaries and establishing the administrative framework for carrying out the interim permit control on development. The COAP material has been turned over to the State Commission to prevent inadvertent duplication of past effort.

CONNECTICUT

Governor: Honorable Thomas J. Meskill.

Coastal Zone Contact: Whitney Beals, Senior Environmental Analyst, Office of Policy Planning and Research, Department of Environmental Protection.

Land Use Contact: Gordon T. Allen, Administrative Assistant to the Governor.

Administrative structure

The Connecticut department most strongly involved in coastal resource management is the Department of Environmental Protection. The Department is divided into a Division of Preservation and Conservation, incorporating parks and recreation, fish and waterlife, forestry, and water and related resources, and a Division of Environmental Quality, incorporating air compliance, water compliance, solid waste management, pesticides control, and radiation control. The Department is responsible for air and water quality standards and their enforcement, and also maintains responsibility for fish and wildlife management programs and the acquisition of land, including tidal wetlands.

The Office of State Planning is part of the Department of Finance and Control. It is empowered to prepare Statewide plans in conjunction with other State agencies and to provide technical and financial assistance to regional planning groups.

Legislation

Wetlands Protection Act (Act 695–1969): requires the Commisioner of the Department of Environmental Protection to make an inventory of all the coastal wetlands within the State and to develop maps showing the boundaries of the wetlands as a basis for a permit system regulating wetlands uses. Once an area is designated as wetlands, no dredging or construction alterations are allowed without a permit from the Department of Environmental Protection. The Water and Related Resources unit oversees the wetlands program.

Department of Environmental Protection (Act 872–1971): Sections 57–60 require the Commisioner of the Department of Environmental Protection to regulate by permit the erection of all structures and dredging in tidal, coastal or navigable waters. The Water and Related Resources unit is responsible for implementing these sections.

Public Utility Environmental Standards Act (Act 575–1972): sets up the Power Facility Evaluation Council and requires that no construction or modification of a facility which may have an adverse environmental effect begins without a permit from the Council.

Current activities

The Department of Environmental Protection is presently in the process of inventorying, mapping and analyzing the State's natural resources, including those of the coastal zone. This effort is designed to develop a data base which can assist local communities in making resource use decisions.

Both the Office of State Planning and the Department of Environmental Protection are active in the federally funded Long Island Sound Regional Study. The $3.5 million study, being directed by the New England River Basins Commission, will result in a comprehensive plan for the conservation, preservation, and prudent development of the waters and related lands of Long Island Sound.

DELAWARE

Governor: Honorable Sherman W. Tribbitt.

Coastal Zone Contact: David R. Keifer, Director, State Planning Office.

Land Use Contact: Same as above.

Administrative structure

Delaware's new Department of Natural Resources and Environmental Control is the primary State agency concerned with resource management. Four divisions report through its Secretary to the Governor: the Division of Environmental Control; the Division of Fish and Wildlife; the Division of Parks, Recreation and Forestry; and the Division of Soil and Water Conservation. The Governor's Council on Natural Resources and Environmental Control is an advisory body reporting directly to the Governor. The Water and Air Resources Commission has retained its semi-autonomous status as the coordinator of water resources and related estuarine programs but has had its staff consolidated into the Division of Environmental Control.

The State Planning Office of the Executive Department remains responsible for administering the permit system of the Delaware Coastal Zone Act.

Legislation

Coastal Zone Act (Act 175–1971): bans all heavy industry and port or dock facilities within two miles of the shoreline not in existence at the time of passage of the Act and requires a permit from the State Planning Office for all other manufacturing uses or expansion of existing heavy industrial uses. The Act mandates that in reviewing permit applications the following factors be considered: environmental impact, economic effect, aesthetic effect, effect on neighboring land uses, and county and municipal comprehensive plans for the development and/or conservation of their areas.

Current activities

The Delaware State Planning Office has recently completed a preliminary coastal zone land-use plan which is to undergo public review during the next several months. The plan, authorized under the Delaware Coastal

Zone Act of 1971, is the result of a number of special studies designed to develop a workable definition of heavy industry and to analyze the scope and conformity of local codes and ordinances.

Early in 1972, the former Governor appointed a Task Force on Marine and Coastal Affairs for the State of Delaware. A report, entitled "The Coastal Zone of Delaware," containing the research and recommendations of the Task Force was published in July, 1972. In response to this report, several bills to expand protection of Delaware's coastal zone have been introduced in the State legislature. The Administration has introduced a coastal zone management bill to accompany the Delaware Coastal Zone Act. The bill provides for control over all other land uses (including residential and commercial development) not covered by the 1971 legislation. The bill calls for a nine-member Coastal Zone Management Board to develop a plan and administer a permit system to regulate activities in the coastal zone.

Two wetlands bills, both of which would establish permit systems for the use of any wetlands in the State, have also been introduced to the legislature. One bill authorizes the Secretary of Natural Resources and Economic Control to issue or deny permits; the other authorizes the Secretary to make recommendations to a citizen board which would then issue or deny permits.

FLORIDA

Governor: Honorable Reubin O'D. Askew.

Coastal Zone Contact: Bruce Johnson, Coordinator, Coastal Coordinating Council.

Land Use Contact: John Davis, Chief, Bureau of Land Use Planning, Division of State Planning.

Background

Florida has established a series of legal controls over specific coastal activities. The State maintain permit and/or lease control over most submerged lands and water column use, including dredge and fill, marina construction, and living and non-living resource extraction. Development is controlled where beach erosion or water quality problems might exist. Finally, the State has classified many coastal areas as special use areas, including aquatic parks, wilderness area, and wildlife refuges.

Administrative structure

Florida operates under a system where administrative powers are shared by the Governor and a 6-member, elected Cabinet. The environmental responsibilities of the Governor include the Department of Pollution Control, and the Department of Administration, containing the Division of State Planning. The several agencies dealing directly with the management of natural resources report to the Governor and Cabinet. Coastal zone management decisions involving navigable waters, submerged lands, marine resources, and other elements of the public trust are the responsibility of the Governor and Cabinet functioning as a coastal zone authority. All decisions are made in regularly scheduled meetings open to the public.

Within this framework, the Coastal Coordinating Council is an advisory agency consisting of the executive directors of the Department of Natural Resources, Trustees of the Internal Improvement Trust Fund, the Department of Pollution Control, and the Secretary of Administration. Administration of the Council staff is within the Department of Natural Resources.

Legislation

Coastal Coordinating Council (Act 259–1970): creates the Coastal Coordinating Council within the Department of Natural Resources. The Act charges the Council to organize a continuous program of research into problems relating to the coastal zone, to coordinate plans and activities among the various levels of government and the areas of the State, to collect and disseminate pertinent information on coastal zone matters, and to develop a comprehensive State paln for the protection, development, and zoning of the coastal zone.

Setback Lines (Act 280–1971): requires construction setback lines on open beaches to be established on a county basis by the Department of Natural Resources after comprehensive topographic and engineering studies and public hearings.

Land Conservation Act (Act 300–1972): provides for the issuance of State bonds, upon the approval of the voters, to finance the cost of recreation lands. The principal on these bonds is not to exceed $200,000,000 for environmentally endangered lands, and $40,000,000 for outdoor recreation lands. The Governor and Cabinet are given the responsibility and the authority to develop and execute a comprehensive plan to protect and conserve these lands.

Environmental Land and Water Management Act (Act 317–1972): provides for the preparation of land development regulations for "areas of critical State concern" and requires the review and approval of "developments of regional impact." This Act, which is administered by the Department of Administration, also establishes an Environmental Land Management Study Committee to study all facets of land resource management in Florida and to recommend necessary changes and possible legislation.

Current activities

As part of its planning function, the Coastal Coordinating Council published the "Florida Coastal Zone Management Atlas" in December, 1972. The Atlas explains the rationale being used to develop Florida's coastal zone management program and applies this rationale in general map form to the entire Florida coastal zone on a county-by-county basis. Several cooperative projects are now in progress for detailed application of the concepts to the regional, county, and local levels of government. The Council initiated eight research contracts during 1972, involving marine ecology, resource analysis, and planning and management aspects of coastal zone management. A similar number of contracts, oriented toward filling identified research needs, is anticipated during 1973.

GEORGIA

Governor: Honorable Jimmy Carter.

Coastal Zone Contact: James T. McIntyre, Jr., Director, Office of Planning and Budget.

Land Use Contact. Same as above.

Administrative structure

The Georgia Department of Natural Resources, created in April, 1972, coordinates State activities in coastal management. Amendments to the Coastal Marshland Protection Act gave the Department authority to administer the coastal marshland permit program and to issue orders, conduct hearings, and bring suit against anyone in violation of the Act's provisions.

The Executive Reorganization Act of 1972 abolished the Ocean Science Center of the Atlantic Commission and transferred its functions to the Department of Natural Resources and Community Development and the Board of Regents of the University System of Georgia. The Department of Natural Resources and Community Development now has the primary responsibility for clarifying State policy and implementing planning in the coastal and offshore waters of the State.

The State Office of Planning and Budget has authority for "coordinating planning and programming for comprehensive development" of the State.

Legislation

Coastal Marshland Protection Act (Act 1332–1970 as amended): requires that a permit be obtained from the Department of Natural Resources for dredging, draining, removing, or otherwise altering any marshlands within an estuarine area. The Act also gives the Department the right to develop rules and regulations after public hearings, and to institute court action to enforce the provisions of the Act.

Vital Areas Council Act (Act 609–1973): creates a 15-member Vital Areas Council to designate specific areas of vital State concern within specified regions. The Council is to recommend standards for the protection and orderly development of these areas and to report their findings to the 1974 session of the Georgia General Assembly.

Current activities

The Office of Planning and Research of the Department of Natural Resources has analyzed the elements of a comprehensive planning program in the coastal zone of Georgia. The Office has drawn up tentative work programs for two alternative approaches to the development of a management plan for the State's coastal zone. The final decision as to whether to take a minimal management or a comprehensive management course will be made by the Governor, based upon the available recommendations of all affected agencies.

HAWAII

Governor: Honorable John A. Burns.

Coastal Zone Contact: Dr. Shelly Mark, Director, Department of Planning and Economic Development.

Land Use Contact: Same as above.

Background

Interest in the coastal zone has paralleled Hawaii's interest in land use control which culminated in the passage of the State Land Use Law in 1961. The Land Use Law was an outgrowth of the "General Plan for the State of Hawaii," prepared by the Department of Planning and Economic Development in 1961 and updated in the "State of Hawaii General Plan Revision Program" of 1967.

In 1964, the Department of Planning and Economic Development conducted a study, "Hawaii's Shoreline," which assembled data on existing and possible future uses of the State's coastal zone. This study was a major factor in the decision to include shoreline areas under the designation of Conservation Districts in the Land Use Law of 1961.

In 1969, the Governor appointed a Task Force on Oceanography to study the problems and potentials of the State's marine resources. The resulting report, "Hawaii and the Sea," recommended increased research into these resources and the methods of best utilizing them at the State level.

In addition, numerous technical reports on coastal zone-related matters have been produced by the Department of Planning and Economic Development, the Marine Affairs Coordinator's Office, and the University of Hawaii Sea Grant Program among others.

Administrative structure

There are four State agencies which report to the Governor in the area of land use planning and management. The Land Use Commission sets the land use district boundaries and passes on permits in districts designated as either Rural or Agricultural. The Department of Planning and Economic Development administers the staff of the Land Use Commission with its Director serving as a voting, ex-officio member of the Commission. The Board of Land and Natural Resources approves permits for use of land in Conervation Districts. The Department of Land and Natural Resources provides staff for the Board of Land and Natural Resources. The Director of this Department serves as Chairman of the Board and also as a voting, ex-officio member of the Land Use Commission.

Legislation

State Land Use Law (Act 187–1961 as amended): creates a State Land Use Commission and directs it to classify the entire State into four land use districts: Conservation, Agricultural, Rural and Urban. Urban Districts are regulated by county zoning controls. Agricultural Districts are regulated by the counties and by the State Land Use Commission with applications for development requiring the approval of both agencies. Generally, the regulations permit only traditional agricultural uses. However, certain other uses are permitted by special permit. Rural Districts are regulated by both the counties and the State Land Use Commission. Conservation Districts are regulated solely by the Department of Land and Natural Resources. Development is stringently controlled although this district is divided into two general subzones; a General Use Zone and a Restricted Watershed Zone.

Shoreline Setback Areas (Act 136–1971, as amended in 1973): mandates the Land Use Commission to establish setback areas along the State's shorelines between 20 to 40 feet inland from the "edge of vegetation growth." Construction of any structures is prohibited without special permit.

Current activities

Legislation to require development of a coastal zone plan by the Department of Planning and Economic Deveopment upon which to base the management of Hawaii's coastal zone activities was passed by the 1973 State Legislature. Recognizing increasing State interest in this area, the Sea Grant Program at the University of Hawaii has undertaken research into the legal, economic, institutional, biological, and physical considerations necessary for the development of an effective coastal zone management program. Another special research unit, the Hawaii Environmental Simulation Laboratory, is presently making an extensive study of coastal development in the Kaneohe Bay region.

ILLINOIS

Governor: Honorable Daniel Walker.

Coastal Zone Contact: Anthony Dean, Director, Department of Conservation.

Land Use Contact: Harold A. Hovey, Director, Bureau of the Budget.

Administrative structure

Chapter 111.5 of the Revised Statutes of Illinois establishes the Environmental Protection Agency, the Pollution Control Board, and the Institute for Environmental Quality. These agencies maintain regulatory control over air and land resources and over effluent discharges in the State.

The Office of Planning Analysis of the Bureau of the Budget coordinates planning for the intelligent use of the State's natural resources. The Natural Resources Development Board of Illinois is responsible for State review of proposed local projects. The Department of Transportation issues permits for the construction of facilities in or along Lake Michigan. The Department also regulates water diversion and the maintenance of water levels in Lake Michigan. Finally, the Department of Conservation maintains the State Outdoor Recreation Plan and has responsibility for fish, game, parks, and forestry.

Legislation

Filling and Dredging (Chap. 19 Ill. Rev. Stat.—1911, as amended): gives regulatory power to the Illinois Department of Transportation to issue permits for any filling, dredging, construction of bulkheads, placements of outfall structures, or other alteration of the natural shorelines of Illinois' lakes and streams (including Lake Michigan).

Current activities

The Army Corps of Engineers and the City of Chicago are jointly engaged in the Chicago-South End of Lake Michigan Study of flood control and waste water management. The Corps has also recently concluded a Beach Erosion Control Study for the City of Lake Bluff. The State has now asked the Corps to study erosion along the entire Illinois Lake Michigan shoreline.

The State of Illinois has two coastal counties, Cook County and Lake County. The City of Chicago covers almost the entire shoreline area of Cook County. The City, which is generating a lakefront development plan, is considering the establishment of public ownership of its Lake Michigan shoreline area and the creation of offshore artificial islands to control erosion. The Department of Conservation is in the process of acquiring the Lake Michigan shoreline from Illinois Beach State Park north to the Wisconsin border. The shoreline area would eventually be included into the State Park system.

As a member of the Great Lakes Basin Commission, Illinois also is participating in the development of a comprehensive resource management plan for the Great Lakes region.

Several pieces of legislation to further State control of the Illinois coastal zone are pending in the State legislature. One bill would provide for public access to the beaches bordering Lake Michigan now owned or controlled by local units of government. A second bill, entitled the Lake Michigan Bill of Rights, would create a commission to approve and revise Lakefront Management Plans developed by local units of government. The coastal zone as defined by the bill includes the Illinois waters of Lake Michigan, submerged lands owned by the State, and the shorelines of the Lake up to a distance of one quarter mile inland. Finally, the so-called Regulated Activities Act would require a permit from the Department of Transportation before such activities as drilling for gas or oil, dredging, excavating, or construction of an airport in or on Lake Michigan could take place.

INDIANA

Governor: Honorable Otis R. Bowen, M.D.

Coastal Zone Contact: William J. Andrews, Deputy Director, Department of Natural Resources.

Land Use Contact: William J. Watt, Executive Assistant to the Governor.

Administrative structure

The Indiana Department of Natural Resources is most directly involved in coastal resources management on Indiana's 45-mile Lake Michigan shoreline, which includes Lake, Porter and LaPorte Counties. The Divisions of State Parks, Nature Preserves, Water, Fish and Wildlife and Enforcement have significant functions in this particular area of the State.

Specific programs having coastal zone impact are divided among three other State agencies. The Air Pollution Control Board and the Stream Pollution Control Board have direct responsibility for the State's air and water pollution control programs, respectively. The Environmental Management Board has overall coordinating responsibility for environmental control programs, including air, water and noise pollution control, radiation and solid waste disposal. The Indiana Port Commission has responsibility for continuing development, operation and maintenance of public ports.

The Division of State Planning is a part of the Department of Commerce, and is empowered to prepare Statewide plans in cooperation with other State agencies and to provide technical and financial assistance to regional planning groups.

Legislation

Landfills in Lake Michigan (IC 1971, 4–18–13): requires permits be obtained for construction of fills in Lake Michigan by riparian owners. A 1973 Act deletes former provision for mandatory issuance of permits and makes issuance discretionary by the Natural Resources Commission with the approval of the Governor.

Navigable Waters (IC 1971, 14–3–1): vests supervision and control of all navigable waters in the Department of Natural Resources; includes permit authority for uses of water from navigable waters, for taking of sand, gravel or other minerals from navigable waters or for disposal of spoil therein, and for any type of construction in navigable waters. Title to bed of Lake Michigan lakeward of line of Ordinary High Water to the State boundary is in the State of Indiana.

Current activities

New geologic maps covering both surficial and bedrock materials have recently been completed. Modern soils surveys have been completed for one of the three counties involved and are well advanced in the other two counties. Continuing observations are being made on shoreline erosion problems during the current period of high level on Lake Michigan.

As a member of the Great Lakes Basin Commission, Indiana participates in the preparation and review of a comprehensive joint plan for the water and land resources of the Great Lakes Basin area.

LOUISIANA

Governor: Honorable Edwin W. Edwards.

Coastal Zone Contact: Patrick W. Ryan, Executive Director, State Planning Office.

Land Use Contact: J. Kelly Nix, Executive Assistant to the Governor.

Administrative structure

The Louisiana Advisory Commission on Coastal and Marine Resources, a ten-member citizen group, advises the Governor directly. Management responsibilities in the State's coastal zone are presently in the hands of three State agencies: the Wildlife and Fisheries Commission is the predominant agency involved in living resource development and use; the Department of Conservation is responsible for non-living coastal resources management such as oil and gas production and mineral extraction; and, the Department of Public Works manages the State's flood protection, navigation, and water resources programs.

State land management planning is handled by the State Planning Office within the Executive Department. The State Planning Office is preparing a State Growth and Conservation Policy which will coordinate closely with any coastal zone management planning.

Coastal zone research is centered within the Louisiana Center for Wetlands Resources, established in 1970 at Louisiana State University. The Center brings together under common administration the University's Coastal Studies Institute, Department of Marine Sciences, and Office of Sea Grant Development.

Legislation

Advisory Commission on Coastal and Marine Resources (Act 35–1971); requires the Advisory Commission on Coastal and Marine Resources to develop and distribute a Coastal Zone Management Plan by September 15, 1973, at which time the Commission is to be disbanded. The Plan is to consider all aspects of coastal and marine resources management including socioeconomic and legal factors, monitoring systems, transportation, power development, waste management, recreation, land use, and resource management. The Commission is further required to determine which of the existing permanent State agencies is most appropriate to implement the management plan as well as the legislative action necessary to institute the policies set forth in the Act.

Superport (Act 444–1972): creates the Deep Draft Harbor and Terminal Authority to represent the State in the development of any "superport" of its coast. The Authority is empowered to purchase or lease bottom lands for use in superport facilities. The Act requires that an environmental protection plan developed by the Wildlife and Fisheries Commission, the Center for Wetlands Resources, and the Port Authority be employed as a guide in all phases of the superport development program.

Atchafalaya Basin (Act 365–1972): creates the Governor's Atchafalaya Basin Commission and the Atchafalaya Basin Division of the Department of Public Works. The Division is required to prepare a land and water use plan for the area in an effort to understand and resolve the competing recreational and developmental demands for uses of the Basin.

Current activities

The Coastal Resources Unit of the Center for Wetlands Resources, Louisiana State University, complete a study called a "Proposed Multiuse Management Plan for the Louisiana Coastal Zone" in December, 1972. The project was prepared for presentation to the Louisiana Advisory Commission on Coastal and Marine Resources. The plan is based upon the relationship between "development corridors," areas where land surfaces are suitable for development and transportation, and "basin areas," wetland areas conserved for natural resources development.

Having compiled necessary basic data and technical information, primarily through the research efforts of Louisiana's Center for Wetlands Resources, the Louisiana Advisory Commission on Coastal and Marine Resources has organized into subcommittees to analyze specific coastal zone issues and alternative solutions. The Commission is also continuing its study of the impact of State agencies on the coastal zone and is maintaining a "register" of all coastal zone projects proposed or planned in Louisiana.

The Louisiana Advisory Commission on Coastal and Marine Resources is to be disbanded in September, 1973. New legislation has been prepared to keep coastal zone planning alive by forming a Division of Coastal Planning. The Division will be under the direction of the Office of State Planning, which is responsible for the State's Growth and Conservation Policy and land use planning.

MAINE

Governor: Honorable Kenneth M. Curtis.

Coastal Zone Contact: Philip M. Savage, State Planning Director.

Land Use Contact: Same as above.

Administrative structure

Major State government reorganization has taken place in Maine. The last session of the legislature created seven new departments: Agriculture, Commerce and Industry, Environmental Protection, Finance and Administration, Educational and Cultural Services, Manpower Affairs, and Transportation.

Responsibility for the protection of Maine's major resources is vested in the Department of Environmental Protection, which consists of three divisions: air quality control, water quality control, and land quality control. The State Planning Office in the Executive Department has a Coastal Planning Group which is responsible for an ongoing inventory of the State's coastal zone.

Legislation may be introduced in this session of the legislature to create two new departments: Marine Resources and Conservation.

Legislation

Wetlands Preservation Act (Act 348–1967): authorizes the State Wetlands Control Board to impose "any conditions they feel necessary to protect the public interest" regarding the filing, dredging or altering of coastal wetlands. A permit for such activities requires the approval of both the Control Board and the municipality involved.

Wetlands (Act 541–1967): gives the Wetlands Control Board the further power to "adopt, amend, repeal or modify" orders regarding the alteration of coastal wetlands.

Site Selection (Act 571–1970): requires a license from the Department of Environmental Protection for any commercial, residential or industrial development which occupies a land area in excess of 20 acres, or which contemplates drilling for or excavating natural resources, or which occupies on a single parcel a structure in excess of 60,000 sq. ft. in ground area.

Mandatory Zoning (M.R.S.A. Title 12, Sec. 4811–1971): provides that inland and coastal lands within 250 feet of normal high water are to be subject to State zoning if not put under local zoning by June 30, 1973. The Act authorizes the Maine Environmental Improvement Commission and Land Use Regulation Commission to set standards for such localities to enforce.

Land Use Regulation Commission (M.R.S.A. Title 12, Chap. 206–A; 1972): sets up a seven-member Land Use Regulation Commission to extend planning and subdivision control to all "unorganized and deorganized" areas of the State. The Commission is to adopt an official "comprehensive land use guidance plan" not later than July 1, 1973. The plan is to be developed to guide the Commission in classifying lands into protection, management, development, and holding districts. The Commission is further empowered to prepare specific land use guidance standards for the use of air, lands, and waters in the various districts.

Current activities

The State Planning Office's Coastal Planning Group is coordinating the preparation of the State's "Coastal Development Plan." The State Planning Office defines this as "the essential elements of a plan; a resource inventory and a basic land capability analysis"—a coastal resource data base upon which future plans and policies might be based. An indepth study of Penobscot Bay has been completed to serve as a pilot for the other six regional plans (all to be completed by December, 1974). Inventory and mapping of geography, geology, hydrology, forestry, wetlands, marine environments, water quality, scenic and historic sites, and recreation are to be included.

Legislation to amend the Site Selection Act of 1970 to limit heavy industrial development on the Maine coast to six minor civil divisions is now pending in the State legisature. This bill would further restrict all terminal and oil refinery facilities on the coast to two of these six divisions.

MARYLAND

Governor: Honorable Marvin Mandel.

Coastal Zone Contact: Anthony F. Abar; Director, Program Planning and Evaluation, Department of Natural Resources; Land Use Contact: Vladimir Wahbe, Secretary, Department of State Planning.

Administrative structure

The Maryland Department of Natural Resources was created in 1969 in an effort to bring together previously independent departments involved in natural resource management. These included: Forests and Parks; Fish and Game; and Water Resources. The Maryland Environmental Service created in 1970 to provide a regional approach to cities of water, wastewater, and solid waste facilities was also placed in the Department of Natural Resources.

The majority of programs dealing with the State's coastal resources are operated by the Department of Natural Resources. The Department of State Planning is responsible for developing the State Development Plan and its associated land use inventory.

Legislation

Wetlands (Act 241, 1970 as amended): divides the State's wetlands into two categories: State(areas below the mean high tide line) and private (areas not State wetlands which support aquatic vegetation and are subject to regular or periodic tidal action). On State wetlands dredging and filling are prohibited without a permit from the Board of Public Works. The Board makes its decision after receiving recommendations from the Department of Natural Resources. On private wetlands, activities are regulated by the Department of Natural Resources through a permit system operated in accordance with rules and regulations developed by the Department.

Power Plant Siting Act (Act 31–1971): deals with land acquisition, research and certification. The Act requires long-range planning by utilities, a 10-year plan of possible sites for construction, environmental suitability investigation of possible sites by Department of Natural Resources, and streamlined certification procedure. The Maryland Department of Natural Resources has the primary responsibility for administering the program. The program, including research into the environmental effects of power plant operation, is financed by a surtax on electric energy generation.

Shore Erosion Control (Act 245, 1970 as amended): provides for long-term low interest loans for shore erosion protection devices in high erosion areas and technical assistance to shore owners concerning shore erosion measures.

Twenty to thirty projects with a total cost of approximately $500,000 are funded each year; technical assistance and advice is provided for many more privately-funded projects. The Department of Natural Resources has primary authority for this program.

Current activities

The Department of Natural Resources is studying ways to provide more comprehensive and coordinated management of the State's coastal resources under its existing authority and powers. Such activities are being coordinated with the Department of State Planning's activities related to development of the State Development Plan and its associated land use inventory.

In the 1973 legislative session, land use legislation which included coastal areas as critical areas was seriously considered by the State legislature but not passed. Coastal zone management legislation was also introduced but not acted upon.

MASSACHUSETTS

Governor: Honorable Francis W. Sargent

Coastal Zone Contact: Arthur Brownell, Commissioner, Department of Natural Resources

Land Use Contact: Robert Marden, Assistant Secretary for Planning

Administrative structure

Massachusetts State government has undergone major reorganization in the past year. Within the Office of Environmental Affairs, reorganization has brought together a number of agencies, including the Department of Public Health, and the Department of Natural Resources. The Department of Natural Resources now has six major divisions: Water Pollution Control (water quality), Mineral Resources, Conservation Services (wetlands control), Law Enforcement, Water Resources (research and planning), and Marine Fisheries.

A new Intersecretariat Task Force on Land Use has been established that includes five of the executive offices. The Task Force is being set up by the Office of State Planning and Management (within the Office of Administration and Finance) in conjunction with the Department of Community Affairs. Under the Intersecretariat Task Force are a number of other task forces, including one on Ocean Resources. The Coastal Zone Management Subcommittee of the Ocean Resources Task Force has studied the problems of developing the institutional machinery for coastal resource management and suggested legislation to establish such machinery.

Legislation

Hatch-Jones Act (Chap. 131, Sec. 40, Mass. General Laws–1965): requires public hearings, review, and primary local control over permits and projects involving the dredging and filling of coastal and inland wetlands. Local conservation commissions may place restrictive conditions on such projects to preserve fisheries, prevent pollution, prevent floodings, etc.; these conditions may be appealed to the State Department of Natural Resources, which may replace the local decision with protective measures of its own. The State Department of Public Health may also impose conditions to preserve navigability and ensure protection from erosion.

Coastal Wetlands Protection Act (Chap. 130, Sec. 105, Mass. General Laws–1965): authorizes the Commissioner of Natural Resources to take the initiative to adopt, amend, modify, or repeal orders regulating or restricting the altering of coastal wetlands.

Commission on Ocean Management (Executive Order No. 59–1968): creates the Massachusetts Commission on Ocean Management to develop a comprehensive long-range estuarine area management plan. The Commission serves as the nucleus of the Subcommittee on Coastal Zone Management mentioned above.

Current Activities

The Coastal Zone Management Subcommittee of the Ocean Resources Task Force published its preliminary report in August, 1972. Among its recommendations were that:

Legislation for coastal resource management be enacted quickly.

Coastal Resource Council, chaired by the Governor and having the Secretaries of Community Affairs, Environmental Affairs, Transportation and Construction, and Administration and Finance as part of its membership, be created to serve as the "Board of Director" of the coastal resources management program.

The Office of Environmental Affairs become the lead agency in developing a Statewide program by conducting a resource inventory and developing guidelines with the major responsibility for planning exercised by local bodies, and

An environmental monitoring, inventory, and information system be developed as a data base for decision-making.

The Department of Natural Resources has created a working group under the Commissioner, coordinated by a full-time professional, to begin resource inventory of the coastal zone, coordinate ongoing related coastal zone management departmental programs, and initiate additional reasearch studies.

MICHIGAN

Governor: Honorable William G. Milliken

Coastal Zone Contact: Ralph W. Purdy, Deputy Director for Environmental Protection Branch, Michigan Department of Natural Resources. Alternate: William D. Marks, Chief, Water Development Services Division, Department of Natural Resources

Administrative Structure

The Michigan Department of Natural Resources is the agency responsible for coastal zone planning and management. Water and resources management and regulation activities are centralized within the Department. Water and related land resources planning and recreation planning are also Department responsibilities.

Comprehensive land use planning is also coordinated through the Department's Office of Land Use, with interagency coordination provided by the Inter-Departmental Committee on Water and Land Resources Planning.

Legislation

The Shorelands Protection and Management Act (Act 425 of the Public Acts of 1970): requires the development of comprehensive plan for the use and development of Great Lakes shorelands. Included in the plan must be an inventory of existing governmental agency plans affecting the shorelands, identification of shoreland problems and recommendations for steps required to establish and implement comprehensive State shoreland planning and management programs.

The Act requires that surveys be conducted to identify high risk erosion areas and critical environmental areas. Upon State designation of such areas local agencies may regulate land use so as to prevent erosion damage to future structures and to assure environmental protection. Provisions are made in the Rules promulgated under the Act for a State permit system to provide controls if local agencies fail to take action.

Current Activities

The inventory of both high risk erosion areas and environmental areas has been completed by staff of the Department of Natural Resources. The critical areas have been identified and designated. Proposed rules promulgated in accordance with the Act are undergoing review and are close to formal adoption. Additional field work is being conducted to gather data for use by local units of government and the Department.

The shorelands plan called for in Act 245 has been formally adopted by the Natural Resources Commission upon revision as a result of public hearings. It will soon be submitted to the Governor and legislature. The plan sets forth three basic principles to protect and preserve Michigan's shorelands. The plan proposes: (1) to limit developments to those which specifically require a shoreline location, (2) to require permissible developments to be planned and constructed to harmonize with the capacities of the shoreland ecosystem, and (3) to foster and facilitate public acquisition of significant shoreland environmental areas.

MINNESOTA

Governor: Honorable Wendell R. Anderson

Coast Zone Contact: Joseph Sizer, Director of Environmental Planning, State Planning Agency

Land Use Contact: Same as above

Administrative structure

The Minnesota Department of Natural Resources is the State agency most concerned with water and related land resource planning and management. The Department has responsibilities in the areas of recreation, fish and wildlife protection, and flood control, as well as overseeing the State's shoreland zoning program. In an effort to consolidate the coordination of State and local activities pertaining to water and related land resources, the water use planning functions of the Water Resources Planning Commission were recently transferred to the Bureau of Planning of the Department of Natural Resources.

The Environmental Quality Council, composed of departmental directors, serves as a policy-making body in the area of environmental quality and management. The State Planning Agency is responsible for maintaining Statewide coordination of land planning and management in Minnesota.

Legislation

Shoreland Management (Chap. 105.485, Minn. Stat.-1969): requires counties to enact and enforce shoreland zoning ordinances for unincorporated lands within 1,000 feet of the normal high water mark of a lake or pond or within 300 feet of a river or stream. The Commissioner of Natural Resources is responsible for setting zoning standards for the counties.

Surface Use Zoning (Chap. 631, Minn. Stat.-1969 as amended): authorizes the Commissioner of Natural Resources to establish surface use control for watercraft on any public water of the State when so requested by a local unit of government.

Current activities

As required by the Shoreland Management Act, the coastal counties have developed their classification and regulation schemes based on guidelines established by the Department of Natural Resources. The Shoreland Management Unit of the Department of Natural Resources has recently begun to develop a comprehensive plan for the maintenance of shorelines and the control of dredging, filling, and waste disposal. The Minnesota Pollution Control Agency is presently involved in a cooperative planning effort for Duluth Harbor and is studying water quality problems of the North Shore of Lake Superior.

Several pieces of legislation which would provide for increased management in the coastal zone are likely to be enacted during the current legislative session. One bill would expand the Shoreland Management Act to include incorporated as well as unincorporated areas. A second bill, entitled the Critical Areas Act, would authorize the Environmental Quality Council to set criteria for the designation of areas of critical State concern and would require that a unit development plan be drawn up by the local unit of government affected. Finally, a third bill would provide for the designation of wild, scenic, or recreational rivers by the Commissioner of Natural Resources and would require local land use ordinances in the areas through which the rivers flow to meet minimum standards set by the State. A number of rivers within Minnesota's coastal area are expected to be covered by this Act.

MISSISSIPPI

Governor: Honorable William L. Waller.

Coastal Zone Contact: Dr. James B. Rucker, Director, Marine Resources Council.

Land Use Contact: Dr. Preston T. Bankston, Director, Liaison and Coordination Office.

Administrative Structure

The Mississippi Marine Resources Council is an autonomous body reporting directly to the Governor, who serves as Chairman. The Council is, in effect, a "Board of Directors" determining the State's objectives with regard to coastal zone management. The Council has an Executive Director and staff which serves as the operational group. This operational group interfaces with other agencies and coordinates activities in implementing the Council's policies. The Council staff is also actively engaged in coastal zone management planning and project implementation and management.

Other State agencies significantly involved in planning and management in Mississippi's coastal zone include the Marine Conservation Commission which regulates commercial fishing; the State Port Authority; the State Oil and Gas Board and the State Mineral Lease Commission. In addition, the Gulf Regional Planning Commission coordinates long-term planning in the coastal counties of the State (Hancock, Harrison, Jackson and Pearl River). The Commission is active in the areas of land use, transportation, recreation, water and sewage disposal.

Legislation

Marine Resources Council (Act 2034–1970): creates the Mississippi Marine Resources Council to coordinate all plans for "effective, efficient and economic" development of the State's marine resources. The Act also requires the Council to support a program of marine science research and to provide the Governor, the legislature and State agencies with the information necessary for wise decision making in regard to development of Mississippi's marine resources.

Coastal Wetlands Protection Act (H.B. 140–1973): designates the Mississippi Marine Resources Council as the regulatory agency for activities conducted on State-owned public wetlands. These public wetlands are defined as all lands below the watermark of ordinary high tide and all publicly owned accretions above high tide. The Act becomes effective July 1, 1973.

Current activities

Coastal zone management is advancing on several fronts in Mississippi. Mississippi's Sea Grant research programs, which have been oriented toward providing solutions to marine problems, is administered by the Universities Marine Center. This administrative body represents the major universities in coordinating Sea Grant research programs and serves as a research arm of the Marine Resources Council. Additionally, the Gulf Coast Research Laboratory, an arm of Mississippi's Institutions of Higher Learning, conducts continuing research programs in marine sciences which provides a data base for coastal zone management programs.

Mississippi's preliminary coastal zone management plan has been completed by the Marine Resource Council's contractor and is presently undergoing review and evaluation by the Council. The plan is being initiated and developed in accordance wtih the requirements and guidelines of the Coastal Zone Management Act of 1972. This initial management plan includes an inventory of resources, a study of coastal zone users, and the State's goals and objectives for future planning and development. The plan, which is to be continually updated and evaluated, will be followed by plans and programs oriented toward more specific short-term goals. In addition, a Citizen's Advisory Committee and a Technical Advisory Committee will be established to aid the Council in its work.

The Marine Resources Council interfaces with the Gulf Regional Planning Commission in studying problems which are of mutual interest. The Gulf Regional Planning Commission is studying the development of a regional plan for open spaces, recreation, and environmental appearance in Mississippi's coastal counties.

NEW HAMPSHIRE

Governor: Honorable Meldrin Thomson, Jr.

Coastal Zone Contract: James Minnoch, Director of State Planning, Office of Comprehensive Planning.

Land Use Contract: Same as above.

Administrative structure

There are four major agencies through which most of the State's natural resource planning programs are carried out. The Office of Comprehensive Planning, attached to the Governor's Office, exercises a supervisory function over resource planning. The Department of Resource and Economic Development conducts outdoor recreation planning and supervises forest and park planning. Major water programs are administered by the Water Supply and Pollution Control Commission. However, the comprehensive planning functions of the Commission are carried out in close cooperation with the Office of Comprehensive Planning.

New Hampshire also has a Council of Resources and Development, which functions as an inter-agency coordinating group consulting on common problems in the field of natural resources and their development. The Council also reviews the sale of surplus State lands. The Chairman is the Director of State Planning.

Legislation

Wetlands (Act 215–1967): provides for control over dredging and filling of tidal areas and public waters. The Act authorizes the Port Authority to rule on permits and hold public hearings before any dredging or filling can take place. The Fish and Game Department is also authorized to impose any conditions on the permit issuance it feels are necessary, if fish or wildlife might be affected by the project.

Dredge and Fill (Act 483–A–1969): authorizes the Special Board on Dredge and Fill to promulgate rules and regulations concerning filling and dredging in the tidal areas of the State.

Power Plant Siting (Act 357–1971): sets up an inter-agency Site Evaluation Committee (SEC) chaired by the Director of the Water Supply and Pollution Control Commission. The Act requires a certificate of site approval from the Public Utilities Commission on a finding by the SEC that the new power plant will not unduly interfere with orderly development or have an unduly detrimental effect on the environment. The Public Utilities Commission is to be bound by the SEC's land use decisions.

Current activities

The new England Regional Commission awarded a grant of $20,000 to the State of New Hampshire to study and report on the need and mechanisms for participation by the State in the Coastal Zone Management Act of 1972. As a result of this study, which has now been completed, a second grant of $20,000 was recently awarded. The Office of Comprehensive Planning has asked the South Eastern New Hampshire Regional Planning Commission in Exeter to undertake a year-long, comprehensive study as a continuation of the State effort. The Regional Planning Commission, under the direction of Charles A. Tucker, will participate in coastal zone studies and planning under the guidance of the Director of the Office of Comprehensive Planning.

NEW JERSEY

Governor: Honorable William T. Cahill.

Coastal Zone Contact: Richard Goodenough, Director, Division of Marine Services, Department of Environmental Protection.

Land Use Contact: Richard J. Sullivan, Commissioner, Department of Environmental Protection.

Administrative structure

The agency primarily responsible for coastal zone management activities in the State of New Jersey is the Division of Marine Services of the Department of Environmental Protection. The Division of Marine Services administers the State's wetlands permit and shore protection programs among its other responsibilities. In addition, the Governor has recently established by executive order, a State Planning Council to recommend State policy on developmental activities.

The New Jersey Division of Fish and Game maintains responsibility for an extensive wetlands acquisition program under authority of the Green Acres Land Acquisition Act of 1961.

Legislation

Wetlands Act (Act 27—1970): requires that a permit be obtained from the Department of Environmental Protection prior to the dredging, filling, polluting, building upon or otherwise altering of any coastal wetlands. After public hearings are held and wetlands areas to be protected are inventoried, the Department is also empowered to adopt, amend, or repeal orders altering the wetlands.

Current activities

Mapping of wetlands (under the Wetlands Act of 1970) is being followed by the issuance of regulations on a county-by-county basis. The regulations for Middlesex, Monmouth, Ocean, Atlantic, and Cape May Counties were approved by the Department of Environmental Protection and are now in effect.

Assembly Bill 527 creating an ocean sanctuary extending three miles offshore from Sandy Hook to Cape May has been passed by the State Assembly and is awaiting the approval of the Senate. The Bill provides strict control over development or any activity which might endanger the ecology of the area.

A second proposal, which would broaden the Wetlands Act of 1970 is pending in the New Jersey legislature. This bill, entitled the Major Coastal Areas Facilities Review Act, designates specific coastal areas where heavy industry and offshore facilities can and can not be located; no person would be allowed to build or expand a "major facility" in the delineated areas without obtaining a permit from the Commissioner of Environmental Protection.

Governor Cahill has recently declared his opposition to four "superport" sites suggested by the Army Corps of Engineers in New Jersey. He cites the possibility that a large offshore port would add to pressure for the further development of the coastal region. The superport controversy remains an important issue in New Jersey State government.

NEW YORK

Governor: Honorable Nelson A. Rockefeller

Coastal Zone Contact: Henry G. Williams, Jr., Deputy Director, Office of Planning Services; Dr. W. Mason Lawrence, Deputy Commissioner, Department of Environmental Conservation.

Land Use Contact: Henry G. Williams, Jr.

Administrative structure

The New York State Department of Environmental Conservation coordinates State, regional, and local plans for environmental preservation and conservation. Marine coastal zone-related activity is centered in Long Island's Suffolk and Nassau Counties. New York also has an extensive coastal zone on the Great Lakes, comprised of part of the shoreline of Lake Erie and all of the shoreline of Lake Ontario within the United States. The Regional Marine Resources Council of the Nassau-Suffolk Regional Planning Board has been conducting marine coastal research since 1965, and Suffolk County's Departments of Planning and Environmental Control, and the Suffolk Environmental Quality Council have been involved in regional marine coastal and wetlands planning and management in recent months. Several regional planning commissions, regional water resources planning boards, and local planning boards are involved in planning in the Great Lakes coastal zone in New York. The State Office of Planning Services in the Executive Department coordinates local, regional and State planning in New York. The Office recently conducted a study and inventory of Long Island's marine wetlands.

Legislation

Long Island Wetlands Act (L. 1959, c. 545). provides State assistance for preservation and management of marsh areas owned by local governments. The State is empowered to share the cost of such activities on a 50–50 matching basis if the local government first designates the land for conservation purposes.

Department of Environmental Conservation (L. 1970, c. 140): creates a Department of Environmental Conservation with one of its responsibilities to provide for the protection and management of marine and coastal resources and of wetlands, estuaries and shorelines.

Current activities

Two proposed wetlands bills are awaiting action in the New York legislature. Both bills would provided additional protection to wetlands, including control over dredging, filling or otherwise altering existing wetlands.

The New England River Basins Commission is sponsoring a local, regional and State cooperative study of Long Island Sound. The multi-year study, begun in 1971, will inventory all present and proposed uses of Long Island Sound's resources. High priority will then be given to plans for preservation of water quality; conservation of wetlands; availability of shorelands for commercial, recreational, and residential use; and the institutional arrangements and legal requirements for conserving and developing the Sound's resources.

NORTH CAROLINA

Governor: Honorable James E. Holshouser, Jr.

Coastal Zone Contacts: James E. Harrington, Secretary, Department of Economic and Natural Resources; Ronald K. Ingle, Assistant Secretary, Department of Administration.

Land Use Contact: Ronald F. Scott, State Planning Officer, Department of Administration.

Administrative structure

The North Carolina agencies involved in coastal planning and management fall primarily within the Departments of Administration and Natural and Economic Resources. These agencies include the Divisions of Commercial and Sport Fisheries, Commerce and Industry, Mineral Resources, State Parks, Recreation, and the Office of Water and Air Resources. In addition, the Department of Transportation and Highway Safety houses the State Ports Authority which has the authority to acquire and develop ports and harbors.

The North Carolina Council on Marine Sciences is housed within the Department of Administration. The Council, which was given statutory authority in 1970, is charged not only with coordinating marine planning but also with maintaining a general overview of activities within the coastal zone.

The State Planning Division of the Department of Administration is responsible for coordinating interdepartmental planning and ensuring that strategies for resource allocation are consistent with the long-range goals of the State.

Legislation

Estuarine study (Act 1164–1969): requires a comprehensive study of he State's estuarine areas to be undertaken by the Division of Commercial and Sport Fisheries of the Department of Conservation and Development with a "view toward the preparation of a comprehensive and enforceable plan for the conservation of the resources of the estuaries, the development of their shorelines, and the use of the coastal zone."

Dredge and fill (G.S. 113–229–1969, amended 1971): requires "individuals" wishing to engage in dredging or filling of any estuarine waters, tidelands, or marshlands to obtain a permit from the Department of Conservation and Development.

Wetlands Protection Act (G.S. 113–230–1971): authorizes the Department of Conservation and Development to adopt rules and regulations to protect coastal marshes and contiguous lands after public hearings and the preparation of maps.

Current activities

In early 1972 a State-Federal Committee was appointed to work with the Marine Science Council in developing a comprehensive plan for marine resources in North Carolina. A preliminary plan was published in December, 1972.

Several local planning efforts are also underway: Currituck County has declared a moratorium on development to allow time for preparation of a comprehensive resource management plan; and a pilot plan for coastal zone management has been prepared by the State for New Hanover County.

Legislation has been introduced in the current session of the North Carolina legislature to establish a Statewide coastal zone management program. This legislation would create a Coastal Resources Commission within the Department of Natural and Economic Resources as well as a Coastal Resources Advisory Council. The bill requires that a coastal area management plan be developed by the Secretary of Administration with the advice and assistance of the Advisory Council. The bill further provides for the designation and control by permit of areas of critical State concern. The Secretary of Natural and Economic Resources and the Commission would administer this aspect of the State program.

A bill to create a State land policy council is also pending in the State legislature. The bill would require the council to develop policy with respect to land use and land management for the protection of the environment and the conservation of basic land resources. The bill contains the provision that if the coastal areas management bill was to be passed its provisions would apply in coastal areas in lieu of those of the land use bill.

OHIO

Governor: Honorable John J. Gilligan.

Coastal Zone Contact: Dr. William B. Nye, Director, Department of Natural Resources.

Land Use Contact: Dr. David C. Sweet, Director, Department of Economic and Community Development.

Administrative structure

The Ohio Department of Natural Resources is the lead agency for the administration of the Coastal Zone Management Act in the State of Ohio. Within the Department, responsibility for this activity rests with the recently established Shoreland Management Section of the Division of Planning. The Division incorporates full capability and expertise for the development of land use plans and implementation schemes for State, local, and regional planning activities.

The Department has initiated action to establish a State level Shoreland Management Task Force composed of representatives from the Ohio Environmental Protection Agency, Department of Economic and Community Development, Department of Public Works, and the Ohio Department of Transportation. These agencies all have assigned responsibilities in the future development of the coastal zone. The purpose of the task force is to ensure that the policies and views of these agencies are incorporated in the Ohio Shoreland Management Program.

Current activities

As a member of the Great Lakes Basin Commission, Ohio participates in the preparation and review of a comprehensive joint plan for the water and land resources of the Great Lakes Basin area.

Within the Department of Natural Resources the Shoreland Management Section has established objectives for the next biennium. Program activities in the next year will consist of the development of a comprehensive work program and the initiation of a pilot study in a selected area of the coastal zone. Further Department activities pertain to the administration of permit programs for the construction of structures and extraction of minerals, oil and gas on the Ohio shoreline of Lake Erie.

The Ohio Environmental Protection Agency is developing a comprehensive plan for the protection and enhancement of the air, water, and other natural resources of the State, including the coastal zone.

Finally, several pieces of legislation dealing with specific problems in the coastal zone are awaiting action in the Ohio General Assembly. One bill would establish the Lake Erie Shore Erosion Control District along Lake Erie for the purpose of developing and implementing, at the local level, a comprehensive shore erosion protection plan along the entire Ohio shoreline of the Lake. A second bill would require that all local subdivisions of the State delineate the flood plains in their jurisdiction (including the Lake Erie flood plain) and adopt flood plain management ordinances to regulate future development of these areas.

OREGON

Governor: Honorable Tom McCall.

Coastal Zone Contact: Kessler R. Cannon, Assistant to the Governor for Natural Resources.

Land Use Contact: Same as above.

Administrative structure

The Office of Planning of the Executive Department serves to provide Statewide coordination of Oregon's various planning programs. A number of State agencies conducting natural resource planning programs report to the Governor. Some of these agencies are: Department of Environmental Quality; Division of State Lands; Fish Commission; Game Commission; Water Resources Board; Marine Board; Soil and Water Conservation Commission; and Nuclear Thermal Energy Council.

The Oregon Coastal Conservation and Development Commission was established by the 1971 State legislature to develop a coastal zone management plan. The 30-member Commission is composed of 24 local elected officials from the coastal zone (8 port district, 8 city, and 8 county members) and 6 representatives appointed by the Governor from the State at large.

Legislation

Beach access (Act 601–1967): gives the citizens the right to unrestricted use of Oregon's beaches up to the vegetation line. The Act prohibits any improvements on the area without a permit from the State Highway Division.

Power plant siting (Executive Order—1969): creates the Nuclear Siting Task Force of the Nuclear Development Coordinating Committee. The Governor's Task Force is empowered to approve or disapprove nuclear power plant locations with primary attention to be focused on the effects the installations will have on the environment.

Coastal zone management plan (Act 608–1971): set up the Oregon Coastal Conservation and Development Commission. The Act charges the Commission to develop a natural resource management plan and method of implementation, and directs the Commission to submit the plan to the 1975 session of the Oregon legislature. The plan is intended to be used as a standard against which proposed uses of natural resources can be evaluated. The Act defines the coastal zone to include the entire drainage basins of all Oregon's coastal rivers and tributaries with the exception of three major rivers that transcend the coastal mountain range.

Coastal construction moratorium (Executive Order—1971): directs that "all State agencies involved in construction or construction-related activities on the coast stop planning for or implementing any project that would modify the natural environment of the coast." The Governor further ordered that the Local Government Relations Division of the Executive Department and the Department of Transportation work with cities, counties, and councils of government to "initiate complete land use plans" along the Oregon coast.

Current activities

Natural resource management policies and performance standards are presently being developed by the Coastal Commission. Estuary planning guidelines have been developed outlining a local-State partnership program for each of the coastal estuaries. Eventually, a management package will be developed for each of the 18 natural resource categories of critical environmental concern identified by the Commission.

Establishment of a State Land Conservation and Development Commission has been proposed to strengthen land use planning Statewide. as well as within the coastal zone.

PENNSYLVANIA

Governor: Honorable Milton J. Shapp.

Coastal Zone Contact: C. H. McConnell, Deputy Secretary, Engineering and Construction, Department of Environmental Resources.

Land Use Contact: Dr. Maurice K. Goddard, Secretary, Department of Environmental Resources.

Administrative structure

The Pennsylvania Department of Environmental Resources is the department most heavily involved with resources management in the Commonwealth of Pennsylvania. The Department is responsible for the State's land and water management programs, all aspects of environmental control, and the regulation of mining operations. Specifically, the Department is responsible for State parks; development of the State Water Plan; investigation, design, and construction of flood control projects; watershed soil and water conservation; water quality management; development of the Environmental Master Plan; and, the State's topographic and geologic survey activities.

The Office of State Planning and Development is responsible for the preparation of plans and programs for the physical and economic development of the State. It is empowered to prepare, and keep up-to-date a long term development program of all major State improvement projects. The Office is further empowered to conduct and stimulate research and to collect, analyze, and publish information relating to the proper economic and physical development of the State and the conservation of its natural resources.

The Pennsylvania Fish Commission and the Pennsylvania Game Commission are involved in managing the extensive fish and game programs of the Commonwealth.

Current activities

The Commonwealth of Pennsylvania maintains an active role in the Great Lakes Basin Commission. The Commission is involved in the preparation of long-range, comprehensive and coordinated joint plans for development of water and related land resources in the Great Lakes Basin.

A portion of Erie County is Pennsylvania's only area within the Great Lakes Basin. The Department of Environmental Resources manages the Pennsylvania State Park at Erie which covers the entire Presque Isle Peninsula. At the present time, essentially all of the remainder of the land bordering Lake Erie in Pennsylvania is owned by private land owners or local communities.

RHODE ISLAND

Governor: Honorable Philip W. Nobel.

Coastal Zone Contact: Glenn Kumekawa, Executive Assistant for Policy Program Review.

Land Use Contact: Daniel W. Varin, Chief, Statewide Planning Program.

Administrative structure

The Coastal Resources Management Council, which reports directly to the Governor, is responsible for administering the State's Coastal Management Program. It is composed of the Directors of the Departments of Natural Resources and Health along with representatives of the State legislature and the general public. The Division of Coastal Resources within the Department of Natural Resources provides technical information and staff services to the Council. The Division of Planning and Development of the Department of Natural Resources maintains responsibility for activities related to planning, land acquisition, and engineering studies. The Department also contains the divisions of Agriculture, Parks and Recreation, Fish and Wildlife and Forest Environment, and Enforcement and is the regulatory agency for all permits concerned with wetlands and marshes.

The Governor has recently established an Office of Policy and Program Review to formulate basic policy directions and to evaluate implementing programs for all major activities of State government, including management of coastal resources.

The Statewide Planning Program of the Department of Administration is responsible for compilation and review of the State Guide Plan with the guidance of the State Planning Council.

Legislation

Intertidal Salt Marsh Act (Chap. 26, Laws of R.I.–1965): requires that a permit be obtained from the Department of Natural Resources before commencement of filling, excavating, or otherwise disturbing the ecology of a salt marsh.

Coastal Wetlands Act (Chap. 140, Laws of R.I.–1965): authorizes the Director of the Department of Natural Resources to issue orders restricting the uses allowed on coastal wetlands. Wetlands are defined as salt marshes and such contiguous uplands up to 50 yards upland of the salt marsh as are considered necessary to protect the marsh.

Coastal Management Council Act (Chap. 279, Laws of R.I.–1971): creates the Coastal Resources Management Council to administer a management program for all coastal activities below the high water mark and those activities occurring on land which involve power plants, mineral extraction, shoreline protection facilities, intertidal salt marshes, or sewage and waste treatment and disposal Control over these activities is to be accomplished by use of a permit system based on a comprehensive resource management plan. The Act also requires that the management plans be consistent with the State Guide Plan maintained as part of the Statewide Planning Program.

Current activities

The Coastal Resources Center, a relatively new marine program at the University of Rhode Island, is working directly with the Coastal Resources Management Council's Subcommittee on Planning to develop a long-range master plan. Immediate objectives are: an inventory of marine resources, an identification of problems in the coastal region, a plan for barrier beaches, and the recommendation of policy alternatives to the Council and the communities involved. The final plan will also include emphasis on marine mining and commercial fishing.

The Statewide Planning Program has received a grant from the New England Regional Commission for the preparation of a shore area, land use plan. The plan will express and refine the States' development strategy as it affects the entire 420-mile coastal shoreline inland to a maximum distance of one mile. This plan will also bring together the applicable elements of Federal policy for coastal zone, land use, and water quality.

SOUTH CAROLINA

Governor: Honorable John C. West.

Coastal Zone Contact: James M. Whitmire, Jr., Executive Assistant, Office of the Governor.

Land Use Contact: Same as above.

Administrative structure

The Marine Resources Center of the South Carolina Wildlife and Marine Resources Department contains the South Carolina Marine Research Laboratory, the focal point of the State's Sea Grant Program, and the Office of Marine Conservation, Management and Services, directly responsible for the management of the State's marine resources.

The South Carolina Water Resources Commission is responsible for coordinating the views of various State agencies and recommending policy with regard to South Carolina's water and related land resources. The Commission is divided into four major sections: the Division of Administration; the Division of Engineering and Planning; the Division of Land and Water Management; and the Division of Geology and Hydrology. The Division of Land and Water Management is responsible for carrying on special environmental studies, evaluating sites for the disposal of dredged material, and preserving the navigability of the State's waterways.

Recently, a Coastal Zone Planning and Management Council was established by the Governor. It is to be co-chaired by the Directors of the Water Resources Commission and the Marine Resources Division.

Legislation

Coastal Zone Planning and Management Council (Executive Order—December, 1972): creates the Coastal Zone Planning and Management Council to formulate, recommend and administer a planning and management program designed to promote "public health, safety, and welfare in the maximum beneficial use of the South Carolina coastal zone."

Current activities

The "Port Royal Sound Environmental Study" was published by the South Carolina Water Resources Commission in November, 1972. The study not only compiled necessary data but set forth a number of conclusions as well. Among these were: all dredging and filling of marsh areas should be halted; a comprehensive management plan including zoning should be developed and implemented; and a capacity-use study should be conducted in the area.

The South Carolina Office of Planning, Division of Administration, has identified the preservation and compatible use of wetlands as a high-priority problem in South Carolina. Accordingly, an intensive survey of the marsh areas of Charleston harbor has been conducted to serve as a guide to future development of the area.

The South Carolina Marine Research Laboratory is also conducting a long-term intensive estuarine survey covering the entire South Carolina coast. The survey represents a effort to gather environmental baseline information, including water chemistry and living organism distribution, to serve as a foundation for future coastal zone management efforts by the State.

The South Carolina legislature is currently considering two bills to improve management of the coastal zone. A tidal wetlands bill would provide for control over the State's tidal areas by an interagency council. A tidelands management and protection bill would establish a commission to prepare a management program for the State's coastal area with a permit program to regulate activities in the coastal zone.

TEXAS

Governor: Honorable Dolph Briscoe.

Coastal Zone Contact: Bob Armstrong, Commissioner, General Land Office.

Land Use Contact: Edward Grisham, Director, Division of Planning and Coordination.

Administrative structure

The Commissioner of the General Land Office has been designated as the chief administrative officer for the Texas coastal zone program. The Environmental Planning Division, with the aid of the Legal Division of the General Land Office, will coordinate the coastal zone management program with other natural resource agencies comprising the Interagency Council on Natural Resources and the Environment. The Interagency Council is an interagency planning organization composed of 13 State agencies which have specific responsibilities in the area of natural resources. The Division of Planning Coordination of the Governor's Office, acting as staff for the Interagency Council, will also aid in coordination.

The Texas Council on Marine Related Affairs was created in 1971 in order to advise State planning and regulatory agencies in addition to the Governor and the legislature on "comprehensive assessment and planning of marine related affairs."

Legislation

Open Beaches (Act 19–1959): establishes public ownership of the State's beach areas up to the vegetation line. When the line of vegetation cannot be determined or when it is located a substantial distance from the shoreline, the line is to be drawn 200 feet from mean low tide. State, county, and district attorneys are authorized to bring suit to remove anything obstructing public access to these areas.

Coastal Public Lands Management Act (S.B. 644–1973): calls for formulation of a comprehensive management program for the surface lands of State-owned coastal submerged lands and islands and vests admintrative responsibility for planning and management with the Commissioner of the General Land Office. The Act also authorizes limited leasing of certain lands for public purposes and establishes a permit system for construction, maintenance, and use of private structures on coastal islands and submerged lands.

Current activities

The recommendations of the Natural Resources Interagency Council were submitted to the Governor and legislature in December, 1972. Among these was a recommendation for establishment of a "continuing mechanism for insuring future coordinated management of Texas' coastal resources . . . with its major thrusts being in the development of suggested guidelines and criteria for coastal resource usage, promoting improved cooperation between governmental bodies, and between government and private persons."

The "Superport" issue is currently receiving a good deal of attention in Texas. The fourth special session of the 62d Texas Legislature (1972) passed an act creating the Texas Offshore Terminal Commission to develop a plan to accommodate supertankers at the earliest possible date, including recommendations for the port locations which would insure optimum protection of the environment.

Several programs begun under the coastal resources management program of the Natural Resources Interagency Council are currently in progress. These programs include bay and estuarine management, legal institutions, waste management, economic development, transportation, and power plant siting.

VIRGINIA

Governor: Honorable Linwood Holton.

Coastal Zone Contact: Dr. William Hargis, Jr., Director, Virginia Institute of Marine Science.

Land Use Contact: Alexander Gilliam, Jr., Special Assistant to the Governor.

Administrative structure

There are a number of agencies presently involved in coastal zone activities in the Commonwealth of Virginia. The Virginia Marine Resources Commission grants permits for dredging and for the construction of marinas, piers, and docks. The Commission is also responsible for maintaining State overview of local government regulation of wetlands. The Commission of Outdoor Recreation is responsible for creating and administering a long-range plan for the acquisition and protection of outdoor recreation facilities. The Virginia Port Authority maintains responsibility for the conservation and development of land, water, and related resources through the several Soil and Water Conservation Districts of the State.

The Division of State Planning and Community Affairs is responsible for coordinating Statewide planning activities in Virginia. The Division is charged with developing a master plan to coordinate State efforts in the areas of transportation, commerce, agriculture, resources, and land use. The Virginia Institute of Marine Science under the Commonwealth's Oceanographic Law, conducts research on marine environments and resources with special attention to their wise management and utilization. In June, 1970, the Governor officially designated the Institute as the Commonwealth's Coastal Zone Laboratory.

The Secretary of Commerce and Natural Resources has recently established an interagency Coastal Zone Task Force to coordinate planning and management of coastal zone activities.

Legislation

Wetlands Act (Chapter 2.1, Code of Virginia—1972): gives initial control of a permit system for wetlands regulation to local governments, with the advice of the Virginia Institute of Marine Science. If local governments fail to develop regulations within the framework of the State law, authority for the control of the wetlands in such areas passes to the Marine Resources Commission. The Act was recently strengthened by extending the definition to cover certain nontidal wetlands and by provision for the repair of damaged wetlands.

Current Activities

The Virginia Marine Resources Commission and the Institute of Marine Science are developing criteria and guidelines for their own use and for guidance of local wetlands boards in carrying out the provisions of the Wetlands Act of 1972. The Institute is also actively engaged in several research and development programs including inventories of shorelines, shorelines conditions and use patterns, wetlands evaluation, and the development of an informational system. In this last category, the Institute is engaged in a joint effort with the Water Control Board to develop mathematical models of all the tidal waters of Virginia.

At the present time, critical environmental area definition and policy seems to be at the forefront of coastal resources management activity in Virginia. In July, 1972, the Virginia Assembly authorized the Office of State Planning and Community Affairs to study the areas it determined were environmentally sensitive and to report on strategies for their development. The Office's preliminary recommendations point to the need for the State to assume a more active role in the preservation and protection of critical areas in the State, including the coastal zone.

WASHINGTON

Governor: Honorable Daniel J. Evans.

Coastal Zone Contact: John A. Biggs, Director, Department of Ecology.

Land Use Contact: James M. Dolliver, Administrative Assistant to the Governor.

Administrative structure

Two Departments within the State of Washington carry on activities in the area of coastal zone management. The Department of Ecology consolidates the previously separate Department of Water Resources, the Water Pollution Control Commission and the air quality and solid wastes sections of the Department of Health within its jurisdiction. Two major responsibilities, the shoreline management program and the State environmental impact program, were recently added through legislative action.

The Department of Natural Resources manages coastal lands deeded to the State through one of its ten management divisions, the Surveys and Marine Land Management Division. Under this program, State land is inventoried and identified according to potential uses, and preliminary site plans are subject to public group, local government and State review before use decisions are made.

Legislation

Thermal Power Plant Siting Act (Chapter 80.50 RCW–1970): establishes a Site Evaluation Council composed of the heads of the major State agencies or their designees. The Act requires that the establishment of environmental and biological guidelines be given top priority in the development of site evaluation programs.

Shoreline Management Act (Chapter 90.58 RCW; ratified by electorate as Initiative 43B, November, 1972): applies to marine waters, streams with a mean annual flow of 20 cubic feet per second, and lakes larger than 20 acres; applies to land extending landward 200 feet from the ordinary high-water mark and includes all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the above described water areas. The Act establishes a cooperative program between local governments and the Department of Ecology, with the Department having the responsibility for adopting general guidelines for local government to be used for: (1) the development of "master programs" (comprehensive shoreline use plans) by local government within their jurisdictions, and (2) providing criteria to local government for use in evaluating permits for development or alteration of the shorelines as required by the regulatory phase of the Act. The Department is also responsible for developing procedures for the permit system (to be administered locally), for designating the shorelines subject to the Act, and for reviewing all permits issued by local government pursuant to the Act. Local government is responsible for conducting an inventory and preparing master programs and for initiating and administering the regulatory program. If local government fails to undertake a planning program and adopt a plan, the Department is required to prepare the plan.

Current activities

As required by the Shoreline Management Act, the Department has prepared and adopted permit procedures and guidelines for use by local government. The Department has also developed procedures for conducting local shoreline inventories. At this time (April, 1973) all local units of government have completed inventories and are initiating the master program planning phase. Master programs are required to be completed by December 24, 1973. and submitted to the Department for approval. Approximately 1,500 permits for shoreline alteration or development have been submitted by local government to the Department for review.

WISCONSIN

Governor: Honorable Patrick J. Lucey.

Coastal Zone Contact: Harry J. Schmidt, Director, Bureau of Planning and Budget, Department of Administration, Thomas G. Frangos, Administrator, Division of Environmental Protection, Department of Natural Resources.

Land Use Contact: Farnum Alston, Assistant to the Governor.

Administrative structure

The Wisconsin Department of Natural Resources, created by combining the Water Resources Commission and the Conservation Commission, is responsible for long-range planning for the management of State water, forest, and fish and game resources. The Department is also authorized to oversee the State's shoreland management program. The Board of Preservation of Scientific Areas, within the Department's administration, prepares plans for preservation of areas of special scientific interest.

The Department of Local Affairs and Development promotes local and regional planning and assists in the preparation of development plans for local units of government.

The Department of Administration manages the State's critical resources information program which inventories, locates, and monitors critical resources as an information base for planning and decision making. The Department also administers the State land use policy planning program and is developing a Statewide system for acquisition and maintenance of needed land use and resource information.

Legislation

Water Resources Act (Act 614–1965; Sec. 59.971 Wis. Statutes): requires county governments to zone all unincorporated shoreland areas within their boundaries subject to State guidelines and review. Areas are to be zoned as either Conservancy, Recreational-Residential, or General Purpose Districts. Commercial establishments are prohibited from Conservancy Districts and only allowed in Recreational-Residential Districts by special permit. Industrial plants are barred from Conservancy and Recreational and only allowed in General Purpose Districts by special permit. Power plants are allowed in any district by special permit. If a county's program is found to be lacking, the Department of Natural Resources is empowered to step in and administer the program directly.

Navigable Waters (Sec. 144.26 Wis. Statutes): provides for State planning and regulation of uses of navigable waters and their shorelands, and sets use priorities.

Floodplain Zoning (Sec. 87.30 Wis. Statutes): provides for floodplain zoning by local government in accordance with State criteria, and for State regulation where local units fail to perform.

Current activities

To aid the counties in meeting the State's criteria for zoning, the Department of Natural Resources is providing technical assistance to county governments, including a model ordinance which illustrates a recommended method for fulfilling the legislative mandate.

In February, 1973, a series of policy recommendations of the Wisconsin Land Resources Committee were set forth in the Committee's "Final Report." The Committee identified basic areas of Statewide or regional significance and recommended that policies and statutes be adopted to provide State control over land use decision-making in these areas. To implement this recommendation, the Committee proposed several revisions in the land regulatory system, with State involvement in setting standards for local regulation and guidelines for local decision-making on matters of more than local concern.

In a special environmental message to the State legislature, delivered in April, 1973, the Governor outlined a series of legislation to institute the recommendations of the Land Resources Committee. The Governor recommended passage of a land resources act, a power plant siting act, and a wetlands protection act among others.

AMERICAN SAMOA

Governor: Honorable John M. Haydon.

Coastal Zone Contact: Donald F. Graf, Executive Secretary, Environmental Quality Commission.

Land Use Contact: Edgar S. Marcus, Chief, Planning Division, Office of Economic Development and Planning.

Background

At the present time, the Governor and Lieutenant Governor of American Samoa are appointed by the Secretary of Interior. However, machinery has been set up for the eventual election of these officials by popular vote. Coordination between the Federal government and the Territory is handled by the Deputy Assistant Secretary for Territorial Affairs.

Over ninety-six percent of the land area in American Samoa is owned communally. Occupancy and use of this land is strictly regulated by Samoan custom. The Territory does, however, regulate coastal construction through the zoning provisions of the Code of American Samoa. To insure "development of recreation facilities and the retention of the natural scenic beauty of the (coastal) area", Sec. 30.034 of the Code provides that no structure of any type may be constructed between the existing road and the mean high water mark of the ocean without the prior approval of the Territorial Park and Recreation Board. If no road or highway parallels the ocean, "there shall be no structure between the mean high water mark and thirty (30) feet inland."

Current activities

The Office of Economic Development and Planning began a 3-year program to develop a Territorial Comprehensive Plan during FY 72. The Plan, subject to periodic updating, is to provide the growth guidelines for American Samoa for the next 20 years. The focus of the Plan is to be primarily on physical development and the problems inherent to a rapidly increasing population with severely limited land resources.

The Office of Marine Resources of American Samoa is involved in studies at various coastal sites in an effort to assess the potential impact of proposed construction on the marine environment.

PUERTO RICO

Governor: Honorable Rafael Hernandez Colon.

Coastal Zone Contact: Cruz A. Matos, Secretary, Department of Natural Resources.

Land Use Contact: Enrique S. Cloquell, Chairman, Planning Board.

A Department of Natural Resources, with statutory charge to concern itself with the coastal zone, was recently created in Puerto Rico. The Department's management authority complements the policy formulation of the Environmenal Quality Board and the zoning and building standards work of the State Planning Board.

"Puerto Rico and the Sea", a citizen's report to the Governor on marine affairs in Puerto Rico, was published during 1972. The study was conducted by a Parent Committee and five subcommittees: Living Resources, Recreation, Coastal Zone Management, Institutional Arrangements, and the Role of Puerto in the Caribbean Area.

The study revealed that approvals for development in the coastal areas of Puerto Rico are being granted on a case-by-case basis without the benefit of effective planning or zoning. Coastal projects are submitted to an array of *ad hoc* reviews. Most projects need approval from the Public Services Commission, the Environmental Quality Board, and various Federal agencies.

The Parent Committee recommended that the following be implemented through the newly reorganized administrative structure:

All concerned governmental agencies hold public hearings before granting approvals of projects located within 200 meters of the sea.

The Planning Board biannually publish a map showing the current status of all applications for the approval of projects located within 200 meters of the sea.

Comprehensive coastal zone policies and plans be adopted to provide for the protection and the development of the coastal zone.

The government acquire control over the sites suitable for ports, power plants, and heavy industry.

VIRGIN ISLANDS

Governor: Honorable Melvin H. Evans.

Coastal Zone Contact: Leopold E. Benjamin, Administration Assistant to the Governor.

Land Use Contact: Thomas R. Blake, Planning Director, Office of the Governor.

Administrative structure

There are eleven executive departments of the government, the heads of which are appointed by the Governor with the advice and consent of the unicameral legislature. The Department of Conservation and Cultural Affairs is the department most involved in natural resources management. This Department administers the use of submerged lands for the Territorial Division of the U.S. Department of the Interior, and is responsible for the review of applications to build in or alter territorial waters and shorelines. A directorate of marine resource management has just been established within the Department.

The Division of Environmental Health within the Department of Health is responsible for air and water quality standards and their management. Overall planning for the Islands is handled by the Planning Office in the Office of the Governor. The Commissioner of Public Works, in addition to his other duties, acts as Zoning Administrator. Harbors and airports are managed by the Virgin Islands Port Authority.

Legislation

Shoreline Alteration (Act 3404—1973): requires permits for any dredging or other alteration of territorial waters or lands subject to tidal action. Applications are to be reviewed by the Department of Conservation and Cultural Affairs and approved by the Governor, with the concurrence of the legislature. The Act also establishes a Natural Resources Reclamation Fund, to be financed through the assessment of fees on the transport of sand and gravel, and to be used for research and reclamation projects.

Current activities

A major current concern within the islands is the indiscriminate dredging of commercial sand, as evidenced by the recent passage of Act 3404. To further control such activity, it is expected that the administration of permits required under the Rivers and Harbors Act will be transferred to the Port Authority.

The Department of the Interior, in conjunction with a citizens advisory committee, has completed work on a report entitled the "Virgin Islands and the Sea," which will be published shortly.

Mr. HOLLINGS. Mr. President, I wonder if my distinguished friend from Idaho will yield for a question? I want to ask whether a single coastal State has asked the Senator or the administration to recommend this amendment.

Mr. McCLURE. I did not hear the question.

Mr. HOLLINGS. The Senator talked about the great concern of the coastal States and the confusion over coordination. Speaking about coastal States, I ask the Senator if he can cite a single one that recommends or supports the Senator's amendment.

Mr. McCLURE. I cannot say whether any State has recommended it—they have not talked to me about whether they desire an amendment which would coordinate this act and land planning—any more than I can say that it does not. I simply have not heard from them.

Mr. HOLLINGS. I was wondering, because last weekend there was a Coastal Zone Management Conference for coastal State officials at Annapolis, Md. Some 33 States were represented there, and they went over the language of S. 268 which was very studiously and carefully drawn by the author of the bill, the chairman of the Interior and Insular Affairs Committee, the Senator from Washington (Mr. JACKSON). There is coordination provided in S. 268. That was the whole point. The Senate committee's action would meet the very point the Senator makes. This bill would provide coordination, because, on pages 68 and 69, the act calls for coordination of particular coastal zone and land use activities.

At this point I think it would be well to emphasize that what we are speaking of here is the possibility of one State agency working with two departments of the Federal Government, which, of course, is not unusual. In fact, they rather prefer, with respect to particular features in the Coastal Zone Management Act, to work with NOAA in the Department of Commerce because of its expertise, and those concerned with land use can work with pertinent authorities within the Interior Department should this legislation become law.

What the Senator is raising now was all worked out with support of the States. It prompts me to ask about the administration when he says the administration recommends it.

I know that at one time I had contact with the director of the White House Domestic Affairs Council, Mr. John Ehrlichman, who was a land use lawyer. He was for the approach proposed by the Senator from Idaho. We had the issue of a separate coastal zone program on the Senate floor last year, and we passed it by a unanimous roll call vote. Now that he has left the White House, I wonder who down there is nibbling away at this bill when we have it worked out for separate coastal zone and land use programs on the Federal level.

When the Senator says the administration, we do have some question. Quite candidly, when he talks about "my administration," he means the President of the United States, because the Senator has taken this position.

The fact is that I worked with the President to create the National Oceanic and Atmospheric Administration—NOAA—which he instituted in Reorganization Plan No. 4 of 1970.

It was after its institution and approval by Congress and it was debated whether the entire matter should go to the Commerce Department or to the Department of the Interior. It was determined by President Nixon to put it at Commerce. We did not put it there.

Now we have a coastal zone plan. The Senator is talking about a coastal zone plan. His amendment would completely wreck the program.

I have tried to ask the question in a friendly fashion.

We have many States which have tried their best to institute both programs. They found acceptance for a coastal zone plan in the State of Washington, in the State of Maryland, in the State of California, and in Oregon, Texas, Rhode Island, and many others. They have tried also to implement land use programs and in most cases the Governors who supported it were unable to obtain approval of the land use programs, but were able to get the legislative cooperation and institution of a coastal zone program.

The Senator is interested in delaying coastal zone development. We do not like this. It is like Aesop's fable where a dog having one bone drops it to try to pick up another larger one. We would drop one outstanding program for the other program.

By this amendment, the administration is trying now to implement its will with some nebulous idea. There must be coordination. In order for the State to get the land use program, it has to have coordination under the law. We have written it into this law.

Mr. President, I do not know whether there is further purpose in dwelling on the very comprehensive statement of the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON). We simply must defeat the amendment of the Senator from Idaho, amendment No. 1. I understand that he has amendment No. 5 which will be renumbered as amendment No. 2, and take this up later.

I strongly question the administration's position and the very merit of its position. Rather than promoting this coastal zone program and getting it worked out with land use, it will bring about certain delay and discoordination.

Mr. President, I ask unanimous consent that a list of reasons for opposing this amendment and any others on this matter be here inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEN REASONS WHY THE SPECIFIC COASTAL ZONE PROVISIONS IN S. 268 (LAND USE BILL) MUST NOT BE DELETED AS PROPOSED BY THE ADMINISTRATION

1. The Administration opposes appropriation of funds to assist states under the 1972 Coastal Zone Management Act. If, nevertheless, Congress appropriates such funds, the Administration will clearly impound such funds unless the Coastal Zone Provisions remain in S. 268. Mere Congressional appropriation of state coastal zone funds may not be enough.

2. Adopting the Administration position will deny the states funds immediately needed under the Coastal Zone Management Act of 1972. There are 34 Coastal states. Most have, or readily will have, comprehensive state management programs for their coastal areas. With one or two possible exceptions, such states do not have statewide land use regulatory programs and cannot readily obtain them. Several with Coastal Zone laws have rejected statewide land use laws. (e.g. Rhode Island, Maryland, Washington).

3. Such provisions in S. 268 assure fulfillment of congressional intent. Congress provided full discussion and consideration of the Administration's position that states must first have statewide land use planning and regulation laws but specifically rejected it for good and sound reasons in passing the Coastal Zone Act.

4. The Coastal Zones of the states are in environmentally critical jeopardy. Congress, in the 1972 Coastal Zone Management Act, recognized this by providing specific funds for such areas alone and further by permitting funding of a state program for only part of the state's coast in order to provide immediate attention to the most urgent of such critical areas. The land use bill, S. 268, which the Administration seeks to use in lieu of the 1972 Coastal Zone Act, provides no immediate funds to states for segments of the state or for anything less than a statewide program.

5. Arguments for excluding the Coastal Zone Act provisions are fallacious. Some provisions in S. 268 recognizing the authority and jurisdiction of the Commerce Department (National Oceanic and Atmospheric Administration—"N.O.A.A.") under the Coastal Zone Management Act of 1972 are only the same as or similar to provisions in that bill recognizing the authority and jurisdiction of other federal agencies under other existing laws.

6. The states have relied upon both the congressional action in enacting the separate Coastal Zone Act and upon the President's signing it into law after previously opposing it.

7. The Administration's failure to budget funds for the Coastal Zone Management Act is clearly not due to monetary consideration, nor is it purported to be. While excluding the authorized funds for the Coastal Zone Act, the Administration budgeted $20 million for the not yet enacted land use bill.

8. Removal of the grounds for the Administration's failure to budget state funds under the Coastal Zone Act will not increase the Administration's budget.

9. Some 20 years of study have conclusively established that the environment of the lands and waters of the coastal zones requires a separate management regime which now exists under the guidance of the agency created by the President in Reorganization Plan No. 4 of 1970 to specifically attend to national marine environment matters, the National Oceanic and Atmospheric Administration—("N.O.A.A.") and that this responsibility should not be assigned to the Department of the Interior.

10. The Administration's attempt to include the coastal zone (for which N.O.A.A. is responsible) in the Interior Department Land Use Bill is an effort to prematurely accomplish purposes of the Administration's Department of Natural Resources and should be reserved for consideration in the context of that governmental reorganization proposal.

Mr. HOLLINGS. Mr. President, I urge the defeat of the amendment.

Mr. President, unless the Senator from Idaho would wish to engage in a further discussion, I think that we ought to have the yeas and nays on this particular amendment.

The PRESIDING OFFICER. Does the Senator from South Carolina ask for the yeas and nays?

Mr. HOLLINGS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I urge defeat of the amendment.

THE RELATIONSHIP OF S. 268, THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973, TO THE NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972 (PUBLIC LAW 92–583)

Mr. STEVENS. Mr. President, I note the statements that have been made over the last several days by the chairman of the Oceans and Atmospheric Subcommittee (Mr. HOLLINGS), and by the Senator from Ohio (Mr. SAXBE) who cited the statement of the ranking minority member on the House Oceanographic Subcommittee (Mr. MOSHER). These statements are of great importance.

The Coastal Zone Management Act of 1972 was a landmark bill. It provided a comprehensive system of management for our coastal and estuarine areas. It is most unfortunate that the bill has not been fully funded thus far. I hope that after this legislation, S. 268 is enacted in a form complementary to that statute, with the same legislative history and stressing the same national policies, that both bills will receive the financial support they must have if we are to manage our territory—both land and coasts—with the care we must.

Land Use Planning and Coastal Zone Management are two aspects of the environment that will be lost forever if we spend our time bickering now and do not take firm action to preserve our land and coasts for future generations.

Congress has spoken strongly in enacting the Coastal Zone Management Act of 1972. I am pleased to note the provisions of S. 268 which insure that statute remains intact and is not undercut by the Land Use Policy and Planning Assistance Act of 1973.

It is most important that we clarify the legislative history of S. 268 now to insure that there is no conflict between this and the Coastal Zone Management Act of 1972.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. BUCKLEY. Mr. President, it seems to me first of all that the Commerce Committee did a brilliant job in writing a bill to bring about protection of some of the most sensitive and environmentally important areas of our Nation; namely, the coastal areas which are the seedbed for the production of marine life on which we depend for food and pleasure, which is essential to the entire biology of the sea.

I do believe that we should move toward a more comprehensive approach to a protection of all of our environment. This is, of course, what the bill under debate at the present time attempts to do.

I believe that the inclusion of the coastal zones in the overall State plan is logical and that it will not disrupt the very fine work accomplished by the Commerce Committee. It will in the long run simplify administration and will simplify our entire approach to the handling of the protection of our lands of all varieties.

I, therefore, urge Senators to vote in favor of the amendment.

Mr. McCLURE. Mr. President, I would say only in furtherance of the adoption of this amendment—and I have no intention to prolong the debate—that one of the purposes of the National Land Use Planning Act oft stated and reiterated by every proponent of national land use planning of which I am aware, that has been emphatically driven home is the point that we need to do away with the hodge-podge of planning activities to provide a more comprehensive overall national pattern for planning.

We have gone at great length in the last 3 days of debate on this bill to point out that this is not a preemption by the Federal Government, but a stimulation of land planning activities by the States.

We have gone at great length to point out that we need to have coordinated activities, not just have an effect on States or have an effect on a particular State, but a comprehensive plan of all our land planning activities within all 50 States.

The Coastal Zone Management Act accommodation that is written into the bill—which is frankly an accommodation of the conflicting jurisdiction of committees of the Congress—does not achieve this objective, but perpetuates the divisions which have plagued us.

I do not think there is a single one of us that would try for a moment to subtract one iota from the credit that should be given to the Committee on Commerce who developed the Coastal Zone Management Act. That act was then taken by the Interior Committee who wanted more comprehensive legislation.

I fully concede every bit of honor that should be given to the people who labored so long and so hard to bring that bill to the Congress in shape to be passed and enacted into law, but having dealt with the planning procedure which affects only portions and some of the States that should not now stand in the way of overall comprehensive plans that deal with all of the States, I would again state what I said in the beginning, that my amendment does not—the amendment which I have offered—in any way subtract from the responsibility of or the provisions of the Coastal Zone Management Act.

It simply says that the land use planning activities required under the pending bill should be for the entire States, including the areas that will be managed and planned under the Coastal Zone Management Act.

The Senator from South Carolina did make reference to another amendment which has been circulated, which I am not going to introduce. However, it probably will be introduced and discussed. That deals with the separate funding of the zone activities that may indeed have some effect on the planning activities. However, my amendment does not. It has no effect upon it. It simply requires that in those States, some 33 States, that have coastal zones and that might be under the Coastal Zone Management Act, will coordinate their action within the umbrella of statewide comprehensive land planning and not separate for one sort under one standard, under one criterion, under one separate funding procedure, as compared to the others.

The reason for the amendment which I have offered is to further the very objectives for which we have been debating and legislating, and that is to bring about the coordination of land planning activities which is so badly needed, as the Senator from Washington (Mr. Jackson) has so eloquently stated on numerous occasions on this floor.

Mr. JACKSON. Mr. President, may I just state for the record that the language in the pending bill dealing with the Coastal Zone Management Act has its genesis in the agreements that were worked out between Senator Magnuson as chairman of the Commerce Committee and the Senator from South Carolina (Mr. Hollings), who is chairman of the Subcommittee on Oceans and Atmosphere; and that a statement of position is embodied in the letter sent to all of our colleagues on June 19. Rather than read the letter into the Record, since it has been alluded to in part here, I ask unanimous consent that the letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 19, 1973.

Dear Colleague: S. 268, the Land Use Policy and Planning Assistance Act, is the pending business of the Senate. By agreement between the Committees on Interior and Insular Affairs and Commerce, certain provisions have been included in the measure to form a basis of accommodations between the Land Use Policy and Planning Assistance Act (LUPPA) and the Coastal Zone Management Act of 1972.

During the 92nd Congress, when the CZMA and the LUPPA were considered in the two Committees, questions were raised concerning the relationship of the two measures, should they both be enacted. It became clear that a means of accommodation must be found to insure coordination between the two Federal agencies administering the Acts and between the two programs which the two Acts would require to be developed by each coastal State. During the floor debate on the LUPPA in September 1972, an agreement was reached between Senator Jackson (Chairman of the Interior Committee and sponsor of LUPPA), and Senators Magnuson and Hollings (Chairmen, respectively, of the Commerce Committee and its Subcommittee on Oceans and Atmosphere, and cosponsors of the CZMA) to the effect that, if both measures were to become law, they would operate side-by-side, and steps would be taken to insure that the necessary cooperation and coordination would occur.

The parties to the agreement felt that the Department of the Interior has the expertise to administer a grant-in-aid program in support of State land use programs relating to land use in general, but that the National Oceanic and Atmospheric Administration possesses the "wet-land" and oceanic expertise necessary to administer a grant-in-aid program to assist the development of State management programs specifically for the coastal areas. Accordingly, it was their belief that the grant-in-aid programs and the administrative responsibilities should remain separate.

Furthermore, it was felt that the Acts are fully complementary. Few dispute that the heavily populated and highly pressured coastal zone is perhaps the most significant "area of critical environmental concern" and to protect the coastal zone the States need to obtain an early planning start directed at that zone alone. In fact, coastal zone can serve as "pilot" programs to formulate procedures and techniques for the more ambitious State land use programs called for under S. 268. It was believed that regulations could be drafted by the Federal agencies administering the two Acts to resolve any conflicts or administrative difficulties which might develop between the State programs formulated under the two Acts.

Subsequent actions of the Administration, however, have established the necessity of further legislative activity. Not the least of these actions was the submission by the Administration of a budget proposal for fiscal year 1974 which included a request of $20 million for the Department of the Interior in expectation of the enactment of the LUPPA and no request for funds to enable the Department of Commerce to implement the CZMA which was already enacted into law.

The result was Committee adoption of amendments to S. 268 to provide for cooperation and coordination at both the Federal and State levels in the implementation of the two Acts.

We earnestly solicit your support of the provisions in S. 268 relating or referring to the Coastal Zone Management Act. These provisions ensure that the strength and effectiveness of two fully complementary programs to provide better planning and management of our finite land base will be maintained.

Warren G. Magnuson,
Chairman, Committee on Commerce.
Ernest F. Hollings,
Chairman, Subcommittee on Oceans and Atmosphere.
Henry M. Jackson.
Chairman, Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I think we are prepared to vote, and I suggest that we proceed with the vote.

The PRESIDING OFFICER (Mr. Scott of Virginia). The question is on agreeing to the amendment of the Senator from Idaho (Mr. McClure). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Montana (Mr. Metcalf), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden) and the Senator from Kentucky (Mr. Huddleston) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) and the Senator from California (Mr. Tunney) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. Case) is absent on official business.

The Senator from North Dakota (Mr. Young) is detained on official business.

The result was announced—yeas 14, nays 76, as follows:

[No. 208 Leg.]

YEAS—14

Bartlett
Bellmon
Bennett
Buckley
Curtis
Domenici
Dominick
Fannin
Fong
Goldwater
Hansen
Hruska
McClure
Scott, Pa.

NAYS—76

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Eagleton
Ervin
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams

NOT VOTING—10

Biden
Case
Eastland
Fulbright
Gravel
Huddleston
Metcalf
Stennis
Tunney
Young

So Mr. McClure's amendment was rejected.

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I yield to the distinguished minority leader.

LEGISLATIVE PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise for the purpose of asking the distinguished majority leader: What is the program for the rest of today, for tomorrow, and for the rest of the week—and maybe next week, if he has his crystal ball in good, shiny condition?

Mr. MANSFIELD. Mr. President, if I had a crystal ball, I do not know whether I could read it, in view of the schedule which confronts the Senate in the days and weeks ahead.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND USE POLICY AND PLANNING ASSISTANCE ACT—ORDER FOR 10-MINUTE VOTE ON NEXT ROLLCALL VOTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the next rollcall vote—and I understand it will be the last for today—be concluded within a 10-minute period.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MANSFIELD. As I have indicated, that will be the last rollcall tonight.

Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the amendment to be offered by the distinguished Senator from Arizona (Mr. Fannin).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

LIMITATION OF DEBATE ON HANSEN AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment to be offered by the distinguished Senator from Wyoming (Mr. Hansen), which will be laid before the Senate this evening and will become the pending business tomorrow, be voted on at the hour of 9:45 tomorrow morning.

I ask unanimous consent that it be in order at this time to ask for the yeas and nays.

Mr. HANSEN. Mr. President, reserving the right to object—and I am not certain that I shall object—let me observe that this is the amendment that deals with the subject of areas of critical environmental concern. I do not think it will take more than 45 minutes; but I am inclined to believe that I should object to the time limitation proposed. I will do my best to see to it that the Senate is not delayed, but I do not want to foreclose to any Senator the opportunity to understand what this section deals with and what the amendment provides.

Mr. MANSFIELD. If we could get a definite time to vote on the amendment, with so many Senators in attendance in the Chamber at this time, it would be helpful, because we do have a tremendously heavy schedule, of which the distinguished Senator is aware; and I would hope that in the meantime he would consider that matter and let us say 10 o'clock, with the time equally divided and with no morning hour tomorrow.

Mr. JACKSON. For my side, if we could agree on an hour, I would not take more than 10 minutes on our side, and 50 minutes to the other side.

Mr. HANSEN. Mr. President, in light of the great generosity of the chairman, I must say that I have to agree to that.

Mr. HOLLINGS. Will the Senator restate the request? Is it 9:45?

Mr. MANSFIELD. Ten o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The Senator from Montana requested unanimous consent that it be in order to order the yeas and nays. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

JULY 4 RECESS

Mr. MANSFIELD. Mr. President, in further response to the questions raised by the distinguished Republican leader, I call attention to the fact that the Senate has agreed that at the conclusion of business on Tuesday, July 3, we would go into a recess which would extend up to July 10. In other words, it would be a week off. What the joint leadership is trying to do is to make it possible that instead of going out at the conclusion of business on Tuesday, July 3, we would go out at the conclusion of business, if possible—which I doubt—on Friday, June 29, or, to be more practical and more realistic about it, at the end of business on Saturday, June 30, rather than Tuesday, July 3.

If we can do that, the Senate would reconvene on Monday, the 9th of July. In that way, we would get about 10 days, and it would give Senators a chance to catch their breath.

May I point out, further, that when we return after the July 4 recess, we will only be in session for something on the order of 3 weeks before we go into recess again for more than a month. Here is the schedule which causes——

Mr. SCOTT of Pennsylvania. Before the Senator does that. I want to be clear that that does not suggest—I ask this for the benefit of our High Church Episcopalians present—that we are requesting any Sunday sessions so far.

Mr. MANSFIELD. No. If there were a way to do it, I would consider it.

Mr. PASTORE. And that takes care of the Catholics, too.

Mr. JACKSON. Mr. President, will the Senator yield, for those of us in neither category, or part of the great unwashed?

Mr. MANSFIELD. I yield.

Mr. JACKSON. I understood the majority leader to say that we would return on Monday, the 9th, and I had understood earlier that the previous proposal was to return on Tuesday, the 10th.

Mr. MANSFIELD. That is correct. But this is to make up in part for the 3 or 4 days we will get at the beginning, if we can work this out.

Mr. JACKSON. We are making up two of them on the two Saturdays.

Mr. MANSFIELD. No, we do not count that.

Mr. JACKSON. No dispensation is being granted?

Mr. MANSFIELD. No dispensation. Saturday, Sunday, Monday, and Tuesday—4 days; if we can work it out this way. If we cannot work it out—and the legislation has to be faced up to—we will stay in session until the conclusion of business on Tuesday, July 3.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Now, getting down to the nub of the question, following the disposition of this bill—which I thought we could finish today—we would then turn to the Federal Financing Bank Act, S. 925, on which there is a time limitation. That would be followed—though not necessarily in this order—by S. 1125, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, on which there is a time limitation; S. 440, the War Powers Act, on which there will be some debate;

followed, in turn, by S. 1994, the Atomic Energy Commission authorization, on which we hope the distinguished Senator from Rhode Island, the distinguished Senator from Vermont, and the distinguished Senator from Tennessee will agree to a time limitation.

Then we have S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia, on which there is a time limitation. If that does not take us through the week, we have the matter of S. 1443, a bill to authorize the furnishing of defense articles and services to foreign countries and international organizations. Another is S. 2016, a bill to amend the Rail Passenger Service Act of 1970, which is very important. Then we have S. 1636, a bill to amend the International Economic Policy Act of 1972.

That is what I thought we might finish this week, through Saturday. We will do as much of that as we can, and what we do not finish this week, we will take up next week. In addition, we have the Omnibus Crime Control Act, S. 1930; the debt ceiling bill, which is very important; the Alaska rights of way bill, S. 1081; S. 207, Federal elections, on which there is a time limitation; the agricultural appropriation bill; the continuing resolution; the urgent supplemental appropriation bill; and very possibly the HUD appropriation bill.

This is a difficult schedule, if we can make it. But it is going to call for a great deal of cooperation, accommodation, and understanding; and because of that, we will have to come in this Saturday. We may have to come in the following Saturday. We will come in early; we will stay as late as we can.

The distinguished minority leader and I have discussed this matter, and we are really at the mercy of the Senate, and it calls for a great deal of cooperation.

Mr. SCOTT of Pennsylvania. And not for the first time.

Mr. MANSFIELD. No, but more so than ever.

LIMITATION OF DEBATE ON ATOMIC ENERGY COMMISSION AUTHORIZATION BILL

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I am ready to agree to a time limitation on the authorization bill for the Atomic Energy Commission: 1 hour on the bill and a half hour on any amendment.

Mr. SCOTT of Pennsylvania. And amendments thereto.

Mr. PASTORE. That is correct.

Mr. AIKEN. I am ready, too.

Mr. PASTORE. One hour on the bill and a half hour on any amendment or any amendments thereto.

Mr. AIKEN. That is plenty of time.

Mr. MANSFIELD. Mr. President, I make that request. I ask unanimous consent that the request of the distinguished Senator from Rhode Island, agreed to by the distinguished Senator from Vermont, be agreed to and that the normal rule apply.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. That is it. So I ask that when I ask Senators for cooperation, they show a little kindness.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the consideration of S. 1994, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, debate on any amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Rhode Island (Mr. Pastore): *Provided*, That, in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Rhode Island (Mr. Pastore) and the Senator from Pennsylvania (Mr. Scott), or his designee: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

Mr. SCOTT of Pennsylvania. One further request, Mr. President. Could I suggest the possibility of 10-minute rollcall votes this week and next, with the exception of rollcalls on final passage and that they be 15 minutes? Would the distinguished majority leader be amenable to that? Other than this one.

Mr. MANSFIELD. Would the Senator consider a 15-minute rollcall the first time around, to be followed by 10-minute rollcalls until final passage, which would be 15 minutes?

Mr. SCOTT of Pennsylvania. I agree.

I hope Senators understand that there will be a 15-minute rollcall vote on the first rollcall vote on a bill, 10 minutes on rollcalls thereafter, and 15 minutes on final passage of any bill requiring a rollcall.

I thank the distinguished majority leader.

Mr. MANSFIELD. One more thing. I hope all Senators will look at the Congressional Record tomorrow, just to emphasize the amount of business which is before the Senate this week and next week. Keep in mind, also, that the measures will not necessarily follow in the order in which they were started, because we need a little flexibility to take care of opportunities as they arise.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937

Mr. HATHAWAY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7200.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HATHAWAY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Hathaway, Mr. Pell, Mr. Nelson, Mr. Hughes, Mr. Mondale, Mr. Schweiker, Mr. Taft, Mr. Beall, Mr. Long, Mr. Bennett, Mr. Magnuson, Mr. Pastore, Mr. Hartke, and Mr. Griffin conferees on the part of the Senate.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration, in the Department of the Interior, and for other purposes.

Mr. FANNIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Page 71, line 15 through pages 73, line 2, strike and insert; "which meets the objectives of section 203(a)(3)(A) of this Act."

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senate will be in order so we can hear the Senator from Idaho.

Mr. FANNIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Idaho is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator yield to me for a unanimous-consent request that the Senate go into executive session to consider a nomination?

Mr. McCLURE. I am happy to yield.

EXECUTIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

GENERAL SERVICES ADMINISTRATION

The legislative clerk read the nomination of Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services, which was reported earlier today.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate resumed the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 124 add a new subsection (o); Environment: The social, economic, and natural conditions affecting man and the quality of life.

Mr. McCLURE. Mr. President, my amendment is very brief. It would add to the bill in the definition section the definition of the term "environment."

As the clerk reported the amendment, the word environment would mean the social, economic, and natural conditions affecting man and the quality of life.

This is a matter which was discussed at some length in committee and after about an hour and a half of debate we decided we could not agree on what we meant by the term "environment." After the discussion we had an analysis of the bill, and we came up with a list of definitions for the term environment, when it is used one way or another. In some places it is in the context of the natural environment, in other places it is economic and social conditions. I think it is important for us when we are discussing the term "environment" to understand what we mean.

So many people assume that the word refers only to those natural conditions that affect man. That is not true and it is not what this bill does.

Since that discussion in committee we have made a number of changes in the bill to attempt to reflect what we were talking about, but again, not coming to grips with the fact that the environment is far broader than the trees, rocks, rivers, and lakes.

Some friends of ours from Pennsylvania are concerned about an industrial park encroachment near Philadelphia. They seek an extension of the term environment. What is it? It is farmland, a valley in which man has substantially changed the natural conditions, but they find it more pleasing to them than would be the case if the industrial park moved in.

I have no allusions at this time that we can go back in the bill and pick out some 20 to 30 areas in the bill that talk about the term in detail, but I think it is important that we understand in the context of this bill or any other legislation dealing with it that we are talking about something broader in scope.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. JACKSON. The distinguished Senator raises a proper question. The problem we ran into, as the Senator stated, is that "environment" is used in many different places in the bill. It has one meaning in one place and it has another meaning in another place. I was looking at the record. The Senator from Washington offered one meaning at the markup which was: "All social, natural, and economic conditions having a significant effect on man and his quality of life and surroundings." The Senator from New York (Mr. BUCKLEY) had a definition: "Man's total physical surroundings, whether natural or manmade."

We ran into that old obstacle course of the English language. It gets very difficult and it depends on how one uses the term "environment" and what background and context it is used in. I do not think we can in this bill leave to the courts and the judiciary some finite guidelines on the meaning of "environment." I regret that once again we are going to give the courts opportunities to expand decisional law.

I commend my colleague from Idaho for his expertise. He is a good lawyer and he is extremely precise in these matters. But I have the general feeling that we were all in the same boat and that we could not end up with a simple definition that would be universally applicable. That is the problem.

Mr. McCLURE. That was the difficulty as we tried to adopt that definition. We have many definitions in the context of the bill. We found it almost impossible to define the word. In one place in a certain context it may mean one thing and in another context it may mean still another thing. I thought it was important for us to make certain that whoever looks at this bill realizes that we at least discussed the definition and we realize there is an infinite variety of definitions of the term "environment."

Mr. JACKSON. The Senator is correct. I think this dialog will help in the legislative history of this problem of the description in the bill. I would hope that those who come after us and try to figure out what we have been doing during the committee operation, the mark-up, and debate on the floor will realize we are not operating in a straitjacket and that there must be, shall we say, some commonsense in the application of the use of the word "environment" and not to place a strained definition on the word "environment," and that is as close as we can come to a definition.

Mr. President, having established that legislative history, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FANNIN. Mr. President, I ask unanimous consent that my amendment be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated, as follows:

> Page 71, line 15 through page 73, line 2,—strike and insert: "which meets the objectives of section 203(a)(3)(A) of this Act."

Mr. JACKSON. Mr. President, I wonder if we could propound a unanimous-consent request.

I ask unanimous consent that the debate be confined to 20 minutes, 10 minutes to a side, one half being controlled by the able Senator from Wisconsin and one half controlled by the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, this amendment would delete from section 202 the specific criteria contained in subsection (d)(2)(D) and substitute a reference to the general objectives of the State land use program found in section 203(a)(3)(A). The two sections are largely duplicative and the more general statement of objectives in 203 is more consistent with the principle that the bill is concerned with the procedures developed to control land use decisions and not the specific substantive decisions.

This bill does not strike a balance; it is an extensive zoning provision. The duplicating language is unnecessary and very confusing.

I think there is a detailed method of the implementation of the program, and the only change my amendment makes is to say it shall be a method of implementation which meets the objectives of section 203(a)(3)(A) of this act.

I want to refer to that, because it is important. It is quite all-encompassing and sufficient. It provides methods of implementation for:

> Exercising control over the use and development of land in areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values or natural systems or processes within fragile or historic lands; that loss or reduction of long-range continuity and the concomitant endangering of future water, food, and fiber requirements within renewable resource lands are minimized or eliminated.

When we have a definition that broad, I do not see the reason for having a further definition of what is involved as the provisions included in what I propose to strike. Here we have one method of implementation which covers financial capability, capacity of existing systems for water and power supply, and waste water collection. This is what is included in the general provision. We are really zoning at the Federal level for something that I think is not necessary.

It also makes reference to areas of high seismicity and unstable soils.

In other words, what we are doing is providing unnecessary language in this bill. It would be far better if we adopt the language that is provided heretofore in the bill.

I reserve the remainder of my time.

Mr. NELSON. Mr. President, every Member of the Senate has received communications from me explaining the purpose of the amendment which was included in the bill by the Interior and Insular Affairs Committee, and they also understand very well what the amendment proposed by the Senator from Arizona (Mr. FANNIN) does. Therefore, I shall not go into a lengthy discussion of this measure.

Mr. President, I ask unanimous consent that a detailed statement on my second home and subdivision regulation amendment as adopted by the Interior and Insular Affairs Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

Mr. President, I urge support for the provisions of the Second Home and Subdivision Regulation Act, which have been incorporated in the land use policy bill as Subsection (d) of Section 202 and as subsections (1) and (m) in Section 601.

The second home and subdivision regulation measure was introduced by me on March 28 as an amendment to the land use policy bill. Original cosponsors of the measure were Senator Henry Jackson, Chairman of the Senate Interior Committee and author of the land use bill, and Senator Mark Hatfield. Senators Hubert Humphrey, Jacob Javits, George McGovern, Bob Packwood, and Jennings Randolph subsequently joined as cosponsors.

After testimony, including a statement which I presented, and discussion at public hearings, the Senate Interior Committee adopted the measure as part of the land use bill by a 9–4 vote. In including the second home and subdivision regulation measure in the land use bill, the Committee modified the proposal but retained its strength and substance. The measure has the strong support of environmental groups.

The program based on my amendment is designed to insure that all states now take the necessary steps to halt the environmental damage being caused by the explosion of leisure living developments in our nation's rural and scenic areas. The second home and subdivision regulation program would also be an important step in providing better environmental assessment and more careful planning for all future large scale residential developments in our rural areas.

Under the measure, states would be required to establish programs within three years to insure that the environmental and public service effects of large scale developments in rural and scenic areas will be reviewed and taken into account before such projects are built. It would be necessary for a state to establish such a program to receive the grants and avoid any penalties which are provided for in the land use bill.

The program could be implemented either by local governments subject to state criteria and standards, with such implementation subject to state approval if it fails to meet the standards, or by direct state implementation.

In determining whether such projects would be permitted, the local or state government would be required to establish programs within three years to insure that the project met specific criteria, such as adequate protection of the natural environment, compliance with Federal air and water quality requirements, adequate water and sewage treatment plans, and compatibility with state and local land use plans.

The measure defines a "large scale residential development" as a project involving 50 or more lots for sale or a project involving the construction for housing of 50 or more units and such projects would have to be covered by the state program.

To assure that the measure addresses the specific problem with which it is concerned, the large rural and scenic second home and subdivision development, the scope of its provisions is limited to those projects ten miles or more outside the boundaries of the Standard Metropolitan Statistical Areas (SMSAs). The SMSAs are the unit used by the Federal government to define the nation's urban areas.

The basic thrust of the land use policy measure, S. 268, is to encourage and assist in state and local development of a framework and process which will insure better land use decision-making.

In this purpose I heartily concur. But there is one land use practice that is of such pressing national concern that speedy action by the most appropriate government level must be begun immediately if we are to avoid a resource tragedy of unprecedented proportions.

I am speaking of the explosion of massive real estate developments for second homes or year-round living outside the nation's cities and suburbs. This is an epidemic of land development that is threatening nearly every remaining scenic area in this country, from prime agricultural land to beautiful lake frontage in rural areas. It is an unparalleled land boom frequently involving poorly planned, unregulated, incompleted projects posing disillusionment and future financial loss to families who see their leisure living dream turn into a recreation slum. It is all too often a chaotic kind of growth which puts spiraling demands for services onto hard-pressed local governments who once may have seen only the allure of a big gain in tax base.

The current land boom is also a bubble that could well burst with further tragic consequences for the consumer and the environment. Today, the pace of the land developments is racing far ahead of actual housing demand. According to the recent report of the Task Force on Land Use and Urban Growth of the Citizens' Advisory Committee on Environmental Quality, in 1971 for every six lots sold in such developments only one home was started.

To specifically address this non-urban home development phenomenon, on March 28 of this year, I introduced as an amendment to the land use policy bill the second home and subdivision regulation program.

It should be emphasized that this measure is concerned with an environmentally critical stage in the large real estate development that is not presently addressed in Federal law or in most state laws. Most Federal and state law to date in this area is concerned primarily with developers' advertising and sales practices. When it comes to environmental considerations, these measures are frequently after the fact. The environmentally critical decisions, of course, are the original site location and planning decisions, and the second home and subdivision regulation program would place state and local governments in a position to more effectively influence this vital concern.

The arguments for Congressional steps now to strongly encourage and support more effective state and local environmental regulation of these large scale real estate development projects in rural and secenic areas are compelling.

The non-urban home development has swiftly become a nationwide trend with profound implications for the whole country's environment, economy, future growth patterns, and quality of life. The scope of this new phenomenon in American land use almost defies the imagination.

Giant developers are buying up and subdividing countryside at an appalling rate for recreation living developments. Not even the deepest wilderness is free from being quickly converted into a hodge podge landscape of condominiums, cottages, mobile home parks, and masses of campsites.

To say that America has enormous expanses of land that have yet to be touched is to miss the whole point. In their drive to capitalize on America's affluence, mobility and leisure time, private developers are carving up the already limited prime scenic areas first—the valleys, the waterfront, the hillsides, the mountain vistas, the historic sites, the forests, the land surrounding national and state parks. Far from any random, local occurrence, the private development of our most treasured scenic areas has become a powerful national force and a major national concern.

To get an idea of the scale of what is happening, we must recognize that the current boom is comparable in magnitude to the gigantic explosion of the American suburbs that has dwarfed our cities since World War II. It represents another development in what University of Minnesota Geographer John R. Borchert calls the Auto-Air-Amenity Epoch.

Ten or 20 years ago, it was the land just outside the city limits that was coming under assault, along with the most immediately accessible recreation spots and the famous retirement areas of Florida and the Southwest.

Now an army of platters and bulldozers is sweeping over the eastern slopes of the Appalachians; the Atlantic, Pacific and Gulf coastlines: the most distant inland lake and riverfront areas in Wisconsin, Minnesota and Michigan; the hills, valleys, forests and lakefront of northern New England.

The instant, chaotic urbanization that has characterized much of America's metropolitan growth is now threatening or is already well underway in southern Vermont, the Poconos of Pennsylvania, the Adirondacks of New York, and the Everglades region of Florida.

First, we abandoned the countryside for the cities. Then as the cities began to decay, we fled to the suburbs. Now, as the suburbs begin to choke in congestion and pollution, we are fleeing back to the countryside, to the mountains, the valleys, the streams, or, where these are scarce, to artificial lakes and nondescript rural land.

When we have destroyed the last remnants of our natural heritage, there will be no other frontier, no more hiding places. There will only be left the gutted hulk of a once beautiful land.

As we have so often in the past, we are once again viewing precious land as an expendable resource to be developed, used, then left. Once again, we are sacrificing the future quality of American life for a quick profit and a futile attempt at instant satisfaction in the present. Once again, we have failed to make adequate provision for the continuous protection and renewal of the values of the land as it is developed.

Among those who have documented the extent and environmental dangers of the current non-urban real estate development explosion are pulitzer prize winning reporter Robert Cahn in a recent Christian Science Monitor series. Mr. Cahn's excellent series and the results of an opinion survey of the Monitor's readers on land use problems have previously been inserted in the Record.

The figures cited by Cahn and others illustrate this tremendous new challenge to the future of the American environment and our public recreation and scenic resources.

According to the National Association of

Home Builders, two to three million Americans now own second homes. Sales volume to handle the non-urban land rush is now estimated at $4 to $6 billion a year, according to the Office of Interstate Land Sales Registration in the Department of Housing and Urban Development.

Land developers in the U.S. now number more than 10,000, according to the American Land Development Association. Included in the giant companies is GAC Properties, Inc., which in 1971 sold land to 25,597 purchasers and ended the year with $414.6 million in contracts receivable. ITT Community Development Corp. now has underway a 100,000 acre development involving one-third of a Florida county, with a projected population of 750,000 people. In California, a single company, Boise Cascade, sold more than $300 million worth of lots within the state over the last five years (Boise Cascade has since pulled out of the recreation land business, with serious losses). Horizon Corporation of Tucson has sold land to more than 100,000 families in recent years.

As our automobile-highway and air travel systems bring most of the country within easy reach of some metropolitan area, the remotest wilderness is now fair game for the landsellers and subdividers. "Southern Vermont is now switfly becoming an upper middle class suburb," says former Vermont Governor Philip Hoff. Horizon Corporation has bought 24,345 acres for a huge proposed development within New York's 6 million acre Adirondack Park. In the Poconos in northeastern Pennsylvania, 35,000 to 45,000 vacation home lots have been sold to refugees from crowded metropolitan areas of the East Coast. California City, a subdivision in the Mojave Desert, covers 100,000 acres.

The land development boom is now underway in the Upper Midwest. Already, Wisconsin has some 100,000 recreation homes. In the past 10 years in the state, about 20 of the large scale projects in rural areas have been built or are pending or proposed.

The tremendous pressure of the buying, subdividing and selling of hundreds of thousands of acres of land for massive, often hastily planned leisure living projects simply transcends the limited resources and expertise of most local governments and the limited capacity of the environment to absorb such punishment.

The toll in environment destruction is appalling. More than 900 square miles of our richest natural environment—the coastal wetlands—has been dredged and filled, much of it for private subdivisions. Open space that should have been permanently preserved for public access and use has been obliterated in some of the most scenic areas in the country. Only 2 per cent of our 59,157 miles of U.S. coastline has been preserved for public recreation.

In much of the upper Great Lakes region, soils are simply unsuited for septic tanks. Yet intensive home development with septic tanks along lake and river frontage long ago became a regional habit. The price is hundreds of once pristine lakes degraded or destroyed.

In Florida, a richly endowed natural environment has been a basic part of the foundation of the state's economy and way of life. Yet the massive alteration by developers of the estuaries and marshes that are vital to this fragile environment has been common throughout the state.

In Virginia, plans for about 50 separate subdivisions have been mapped out for Massanutten Mountain, a spectacular ridge which rises out of the Shenandoah Valley at the foot of Shenandoah National Park.

In New Mexico, despite present estimates that the state's water can only support 850,000 people without seriously disturbing other uses or tapping limited groundwater, the population is already one million and more than a million acres have been subdivided.

To make way for the vacation home boom in the Poconos, roadbuilding has accelerated soil runoff and erosion and small lots are being laid out on steep slopes and in floodplains.

Geologists studying a new California land sales project suggested in their report that some of the proposed buildings would eventually slide down the bluffs toward the sea, according to Mr. Cahn's articles. A 1970 California report stated that in the state's Nevada County, subdivision development had damaged 37 per cent of the stream mileage by siltation, stream bank modifications and domestic water discharges.

Action now to assure comprehensive environmental reviews and better planning of large scale rural leisure living projects is in the interests of everyone concerned, from the developer and the local government officials to the consumer and the environmentalist. If the abuse of the recreational and development boom is not curbed, there is the danger of a no-growth backlash across the country in which even legitimate, well-planned growth is rejected.

Both government and economic interests must take steps now to restore the public's confidence that they can act in the long term public interest instead of solely for the short-term private gain.

In a few states, cities and counties around the country now, there are encouraging signs of an awakening to the need to more carefully assess the environmental and public service impact of the recreation land development boom and to adopt better land use management policies in general. As pointed out in a recent article in Urban Land magazine, Wisconsin, Minnesota, and Vermont have established statewide criteria concerning certain kinds of zoning. Wisconsin is now considering further land use management steps. Washington and Vermont are implementing tax incentives for preservation of open space.

New Jersey, Connecticut, Maryland, Delaware, Washington and Vermont are establishing statewide controls over "areas of critical concern." Maine, Vermont, and California have established statewide or regional review over developments above a certain minimum size. Hawaii has established a State Land Use Commission to define statewide zones for various uses. Just recently, New York adopted in legislation a land use and development plan to protect Adirondack Park, one of the most important scenic areas of the East.

New land use measures were also on the list of new environmental initiatives approved by the voters in the nationwide elections last fall. For instance, California voters approved a measure to protect the state's coastline. The voters of Washington approved a similar program.

However, the massive nationwide environmental impact by the leisure living land boom can be dealt with only by effective action in all states. The recreation land rush is a national phenomenon involving huge corporations with nationwide sales for large scale projects threatening tremendous destruction to our already heavily damaged national scenic and recreation resources.

Let me emphasize that the chief concern of this amendment is with the environmental and public service problems confronting the nation from the explosion of second home developments in the rural countryside, a coast to coast phenomenon which must be dealt with quickly if our remaining scenic landscape and recreation resources are to be saved. The environmental and public service problems of "first home" developments in our suburbs are another national concern whose solution must carefully take into account the goals of city and suburban residents, rich and poor, environmentalists and laboring man. The problem of balanced growth in our urban areas should be the subject of a major piece of legislation in and of itself.

As I mentioned earlier in this statement, to make certain that the measure addresses the specific problem with which it is concerned, the large scale second home and subdivision project in our rural and scenic areas, the provisions are limited to developments which occur ten or more miles outside our urban areas as defined by Standard Metropolitan Statistical Areas.

It is estimated that America's population will increase by at least 88 million people by the end of the century. A significant portion of the development to serve this growing population will take place in rural America.

The danger is that we will repeat the reckless, unplanned growth patterns of the past that have given us decaying cities and increasingly polluted, congested suburbs. The leisure living development boom is a first wave in this new American growth, and we are already witnessing its widespread environmental abuse and spiraling public service demands.

The challenge is to adopt public policies now which will assure that our future growth is more harmonious with our human and environmental needs.

It is my conviction that the second home and subdivision regulation program in the land use policy bill is a major and urgently needed step in protecting our remaining national scenic and recreation resources and an important beginning in wiser growth policies for rural America.

In general comment on the land use policy bill now before us, I believe that its adoption would be an important initial step in nationwide land use reform. As the Interior Committee Chairman himself has pointed out, however, this measure falls short in some key respects, such as the elimination of penalties and the cutback in funds adopted over the Chairman's opposition in Senate Floor action late last year. In addition to co-sponsoring this legislation, I will support every reasonable effort to strengthen its provisions, including the amendment which will be offered by the Chairman to restore the sanctions for refusal to undertake land use planning.

Explanation of Second Home and Subdivision Regulation Act

A Nelson amendment incorporated into the land use policy bill, S. 268

PURPOSE

The purpose of the measure is to establish protections against the rapidly increasing environmental damage from large scale leisure living and other residential real estate projects in scenic and rural areas. Because the problem is so serious and is nationwide in scope, it was singled out in the land use bill for high priority attention by adoption of the amendment.

SUMMARY

Under the second home and subdivision regulation program, states would be required to establish programs to insure that the environmental and public service effects of large scale residential developments will be reviewed and taken into account before such projects are built. It would be necessary for a state to establish such a program to receive the grants and avoid any penalties which are provided for in S. 268, the land use bill.

KEY PROVISIONS

Implementing agency

The program could be implemented either by local governments subject to state criteria and standards, with such implementation subject to state disapproval if it fails to meet the standards, or by direct state implementation.

Environmental review

In applying for approval for a project, a developer would be required to include a statement regarding the proposed project's effect upon the environment and on the demand for public services, considering criteria specified in the legislation.

To make available the land use expertise at the state level, the state would review the application and make comments and recommendations for the consideration of the decision-making agency.

Project decision

In granting approval of a proposed project, it would be necessary for the decision-making agency to find that the development would meet specific criteria, including adequate consideration of the natural environment and open space, adequate water and sewage treatment plants, compatibility with local and state governments' ability to provide public services, consistency with state and local land use plans, and establishment of the developer's financial capability to complete the project and comply with the requirements.

Definition of development

With provisions in several other Federal and state laws as precedents, approval under this program would be needed for projects involving 50 or more lots for sale or involving the construction for housing of 50 or more units. Also, in line with the program's purpose of regulating large scale scenic and rural residential development, the coverage of the program would be limited to projects occurring ten miles or more outside the boundaries of the nation's Standard Metropolitan Statistical Areas (urban areas).

Enforcement

Provision must be made for procedures for issuance of cease and desist orders and other appropriate remedies for violations of the program's requirements.

Incorporation in land use bill

The provisions of the second home and subdivision regulation amendment were incorporated into the land use bill as Subsection (d) of Section 202 and as subsections (l) and (m) in Section 601.

Sponsorship

The original amendment was introduced March 28 by Senator Gaylord Nelson with Senators Henry Jackson and Mark Hatfield as cosponsors. Subsequently, Senators Hubert Humphrey, Jacob Javits, George McGovern, Bob Packwood, and Jennings Randolph joined as cosponsors.

Text of Senator Nelson's Amendment on Recreation Land Developments in Rural Areas as Adopted by Senate Interior Committee in Land Use Policy Bill, S. 268

Section 202 is amended by inserting at the end thereof a new subsection (d) as follows:

(d)(1) In the determination of an adequate statewide land use planning process of any State, it shall be determined in accordance with the procedures provided in section 306 that the State has established a program to regulate land sales or development projects (hereinafter referred to as "projects" or "project") as defined in subsection 601(1).

(2) Such program shall include:

(A) a procedure for identification of project subject to such program;

(B) a procedure for consideration of each proposed project which procedure affords adequate notice to all affected State and local governments and assures that the developer provides to such governments the following—

(i) a map of the project setting forth the proposed lot lines and the improvements which the developer proposes to make, and a schedule of completion of all such improvements and sales of such lots;

(ii) a showing of financial capability of the developer, or the posting of a performance bond by the developer, sufficient to insure that such schedule and the requirements of this subsection will be met; and

(iii) a statement of the potential effects of the proposed project in sufficient detail to establish whether the development meets the criteria in clause (2)(D) of this subsection;

(C) State review of the proposed project including (i) an evaluation of the consistency of the proposed project with the statewide land use planning process and the State land use program, once approved pursuant to this Act; (ii) an analysis of the proposed project as it relates to the criteria in clause (2)(D) of this section; (iii) comments on the local and regional need for the proposed project; and (iv) specific recommendations concerning whether the proposed development should or should not proceed;

(D) a method of implementation of the program which shall insure that—

(i) the financial capability of the developer is established as required in clause (2)(B)(ii) of this subsection;

(ii) the project will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed development is planned and approved, and sufficient financing for the construction of the expanded systems is available;

(iii) the project will not cause unreasonable soil erosion;

(iv) the project is not located in areas which constitute an undue risk to public health and safety, which may include flood plains and areas of high seismicity and unstable soils, all such areas as defined by the State;

(v) the effects on the scenic or natural beauty or the natural environment are taken into consideration;

(vi) open space possessing valuable potential for public recreation is taken into consideration, such open space may include beaches, shorelines, and wild areas;

(vii) the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services, including transportation, education, and police and fire protection;

(viii) the project will be developed within the time schedule submitted by the developer or within an alternative schedule necessary to insure that the project will meet the other criteria above; and

(ix) the project is consistent with local land use plans, regulations, and controls and with the State land use program once approved pursuant to this Act.

(3) The method for implementation of clause (2)(D) of this subsection shall meet the requirements of section 203(c) and shall include procedures for issuance of cease and desist orders and other appropriate remedies for violations of this subsection or the provisions of State law or regulations enacted or promulgated pursuant to this subsection.

DEFINITION OF DEVELOPMENT

Add the following subsections to section 601:

(1) "Land sales or development projects". "projects", or "project" means any of the activities set forth in clauses (1) through (3) below which occur ten miles or more beyond the boundaries of any standard metropolitan statistical area or of any other general purpose local government certified by the Governor as possessing the capability and authority to regulate such activities:

(1) the partitioning or dividing into fifty or more lots for sale or resale primarily for housing purposes within a period of ten years of any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer;

(2) the construction or improvement primarily for housing purposes of fifty or more units within a period of ten years on any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer, inclduing the construction of detached dwellings, town houses, apartments, and trailer parks, and adjacent uses and facilities, whatever their form of ownership or occupancy; and

(3) such other projects as may be designated by the State.

(m) "Developer" means any person or persons who directly or indirectly through any formal or informal combination or aggregation, own or control a tract or tracts of land for which such person or persons propose a "project" as defined in subsection (1) hereof.

Response to Points Raised by Opposition to Nelson Amendment Section of the Land Use Bill

(The Nelson amendment, adopted as part of the land use bill by a 9–4 vote in the Senate Interior Committee, encourages establishment by the states of second home and subdivision environmental regulations in scenic and rural areas. The amendment was incorporated into the land use bill as Subsection (d) of Section 202 and as subsection (1) and (m) in Section 601.)

1. The second home and subdivision program is concerned with large scale residential developments only, projects which are likely to pose a significant environmental and public service impact. Projects of 50 or more lots or housing units would be covered, if they are located in rural areas (10 or more miles outside our Standard Metropolitan Statistical Areas, which define the Country's urban areas). The figure of 50 lots as a cut-off point for purposes of regulating large scale deevlopers is widely used, with precedents in the Interstate Land Sales Act, the housing programs of the Department of Housing and Urban Development, and California subdivision regulations.

2. While the measure does require a developer to show financial capability, it does not, as has been charged, automatically mean total "front end funding" or a performance bond, although either would be adequate to satisfy the requirement. The measure requires "a showing of financial capability of the developer, or the posting of a performance bond by the developer, sufficient to insure that such schedule and the requirements of this subsection be met." The provision is merely meant to assure that large scale residential development projects will not be left partially finished. Any developer who could be reasonably expected to complete the project he is planning should be able to qualify under a state law implementing this provision.

3. It is simply not true that the program would shift the burden to the developer to provide public utilities and facilities or social services. The measure merely requires a process which will insure that "the development will not exceed the capacity of existing systems . . . unless expansion is planned and approved, and sufficient financing is available." There is no requirement that the developer bear the responsibility for financing these systems. The section merely requires that the systems be provided in some manner. The provision of services by state and local government as is now the common practice is entirely acceptable under the legislation.

4. The provision would not discriminate against the small housing project or the small developer. Its concern is with the large scale residential development in rural areas, and this is the reason for the 50 lot cutoff and the limitation of coverage to projects outside urban areas. Further, in order to bring state resources and expertise to bear in helping with the environmental assessment process, the measure requires state review and comment on the developers' environmental study. As will be discussed in a Floor colloquy, it is the expectation of the authors of the amendment and the land use bill that this state technical expertise will be made available not only to the local government but to developers who may need

assistance in their environmental studies and plans. The land use bill authorizes $100 million a year in Federal funds for the next 8 years to aid in the state land use plans and their implementation. The improved environmental and public service planning which is the objective of this program should benefit everyone involved—homeowners seeking recreation, developers seeking profit, environmentalists seeking protection, and local government officials seeking tax base.

5. There is no significant overlap between this program, which would be implemented at the state and local level, and existing Federal programs. The Interstate Land Sales Act, one Federal program, is directed primarily at developers' advertising and sales practices; this measure is directed at the environmental and public service aspects of these projects, such as the original site location and planning decisions.

Under the HUD new communities program, there are only some 20 Federally aided projects around the country; the large scale second home developments which are the chief concern of this measure number in the hundreds. Furthermore, the requirements for Federal guarantees for the new community projects are at least as stringent as those which would be required at the state level under this legislation. For instance, complete conformance with local zoning and building codes is a prerequisite of the Federal guarantee. For all HUD programs backing developments of 50 units or more, environmental statements under the National Environmental Policy Act are presently required. Finally, many of the large scale leisure living developments are occurring in remote rural areas where zoning and building regulations are frequently either weak or nonexistent. Without any meaningful land use controls, developers in these areas in effect have a blank check which all too often has resulted in major damage to the environment. This measure is especially aimed at achieving more effective utilization of state and local authorities to fill this important land use policy gap.

Mr. NELSON. Mr. President, this part of the bill, very simply, provides that in the development of its land use program, each State shall provide for some reasonable guidelines for developments of 50 housing units or more 10 miles outside the standard metropolitan statistical area, and those guidelines shall be considered and incorporated into the State plan itself.

The guidelines are very modest. In fact, any State that bothered to address itself to the question of unplanned, undeveloped growth in many of the most beautiful parts of our country would surely adopt guidelines that were more detailed, more specific, and much more strict than the modest guidelines that have been included in this bill.

These guidelines simply require that the State, in developing its plan, must address itself to the question of the financial capability of the developer.

The State plan must also include a provision to assure that the project proposed will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal. All that is required here is that the State be sure that there are facilities for sewage treatment, disposal of waste water, or, if the project is to use septic tanks, that there have been adequate percolation studies to be sure that once the septic tanks are in, the soil will have the capability of handling the effluents—a very modest and reasonable requirement which would be required within the city limits of any of the standard metropolitan statistical areas in the country, anyway.

It is required that the project will not cause unreasonable soil erosion. There are certain places in construction in my State, in the clay country, where, once you disturb the soil, the erosion never stops. So all this provision says is that the plan require that that question should be looked into.

It is provided that the project be not located in areas which constitute an undue risk to public health and safety, which may include flood plains and areas of high seismicity and unstable soils, all such areas as defined by the State—again a very modest and reasonable requirement.

It provides that the effects on the scenic or natural beauty or the natural environment must be considered. The State will decide what is to be taken into consideration involving the scenic or natural beauty.

It provides that open space possessing valuable potential for public recreation must also be taken into consideration.

It provides that the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services.

It provides that the project is consistent with local land use plans and regulations, and so forth.

These are modest, reasonable standards, and all that is required is that the State, in developing its plan, include guidelines to assure that the projects covered would be reviewed to determine their impact according to the specific criteria in the legislation.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. HOLLINGS). Six minutes.

Mr. FANNIN. Mr. President, let us consider exactly how this would be implemented and let us take into consideration that such a determination is subjective in nature; what is scenic beauty or the natural environment as it is written in this particular bill and in this particular section. It is so difficult to know exactly what is involved or how it will be interpreted or applied?

It is very simple to just say that the method of implementation of the program shall meet the objectives of the section which I read as follows:

> . . . exercising control over the use and development of land in areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values or natural systems or processes within fragile or historic lands; that loss or reduction of long range continuity and the concomitant endangering of future water, food, and fiber requirements within renewable resource lands are minimized or eliminated;

This covers the complete needs that are involved. It then goes on to say:

> and that unreasonable dangers to life and property within natural hazard lands are minimized or eliminated;

Mr. President, I cannot see why we need this confusing language that does not add anything to the bill but detracts from it. It would be very difficult for anyone to determine exactly what is intended.

The Senator said that this will not cause unreasonable soil erosion. That is covered in the standards remaining in the bill.

I say again that it is unnecessary, confusing, and very detrimental to leave that language in the bill.

Mr. President, I trust that the Senators will realize that there is sufficient protection and there is not this confusion that is prevalent in the stipulation I have read that is provided in the bill.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. FANNIN. Mr. President, in this legislation we in many cases create problems that I think we will later regret. We try to cover every little factor that could be involved in a planning program. And in doing so, we make a very confusing bill, and often one that has conflicting provisions.

I do not feel that the language that remains in the bill is at all confusing. It is very clear. I think that it would be acceptable. I trust that the members of the Senate will improve this language so that we not have the confusion that now exists.

Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Arizona. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE) is absent on official business.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

The result was announced—yeas 24, nays 64, as follows:

[No. 209 Leg.]

YEAS—24

Allen
Bartlett
Bennett
Brock
Byrd, Harry F., Jr.
Curtis
Dole
Fannin
Fong
Goldwater
Griffin

Gurney
Hansen
Helms
Hruska
Long
McClellan
McClure
Scott, Pa.
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—64

Abourezk
Aiken
Baker
Bayh
Beall
Bellmon
Bentsen

Ervin
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Mansfield
Mathias
Bible
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Chiles

McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Church
Clark
Cook
Cranston
Domenici
Dominick
Eagleton

Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Sparkman
Stafford
Stevenson
Symington
Taft
Weicker
Williams

NOT VOTING—12

Biden
Case
Cotton
Eastland
Fulbright
Gravel
Huddleston
Hughes
Magnuson
Metcalf
Stennis
Tunney

So Mr. FANNIN's amendment was rejected.

TOWARD A BALANCED LAND USE POLICY

Mr. MATHIAS. Mr. President, in the late 19th century, Frederick Jackson Turner published his famous essay on the frontier in American History. Now, over three quarters of a century later, we are coming to grips with events which are in direct descent from that essay. The end of the frontier meant the beginning of the day when Americans would, for the first time have to cope with a limitation on the availability of land. This means not only less of a frontier, but also the passing of a state of mind. Turner saw the psychological impact of the closing of the frontier. We today must deal not only with the psychological impact but also the physical reality as well of a dwindling resource in comparison with our population and our needs. The accessibility of land has dwindled to such an extent that we can no longer use our land as if it is an unending national resource.

I have long been interested in problems of land use. In 1961, I introduced, as a Member of the House of Representatives, H.R. 6702, a bill to foster the creation of tax-supported public recreation parks and related facilities. Again, in 1963 I offered a bill to amend the Soil Conservation and Domestic Allotment Act in order to achieve a more balanced land use policy within our urban areas. In 1963 I offered for consideration by the House of Representatives a bill, H.R. 553, which had as its objective the preservation and acquisition of open spaces throughout our Nation. My interest in systematic land use development and management was also reflected in the introduction of Senate Bill 2554 on September 21, 1971, although modeled after S. 632 as originally introduced in the 92d Congress, it did, in my mind, contain many new and practical amendments, which I am told were the origin of many provisions in the bill reported by the Interior Committee which we are today considering.

On March 16, 1972, I sponsored a land use conference in Columbia, Md., attended by land use planners, citizens, and elected officials from those counties making up the Frederick-Baltimore-Washington corridor. Mrs. Connie Finney of Howard County volunteered her services to summarize the thousands of pages of testimony and findings of the conference. Her efforts are most appreciated. It should be noted that the recommendations contained in the workshops coincide with the legislative recommendations which we are now considering. At the heart of the conference's recommendations is the cry for the respect for our land. One specific recommendation of one workshop is the creation of a national land-use policy, of the type which we are today considering. It is for these reasons that I support Senate bill S. 268 and I pledge my support to see that it be enacted into law. The summary report of that conference was printed in the CONGRESSIONAL RECORD of September 18, 1972.

Mr. President, the bill which we are considering today is a welcome first step toward solving some of the problems which face us as a result of the dwindling of a most precious resource. We must encourage our many governmental systems to move toward cooperation—toward better land use planning. This bill does that by encouraging consideration of national land use policies. It also requires better land use management by the Federal Government—an institution which as a user and holder of land has enormous impact on development.

Legal notions of property have increasingly come to stress obligations as well as rights, and limitations on the use of the property are a common part of modern life. Hopefully, limitations can be kept to an absolute minimum and the type of approach represented by S. 268 can help us accomplish this goal and enhance the value of this precious national resource—our land—for the benefit of all citizens.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

HOUSE JOINT RESOLUTION 499—TO EXTEND THE TERM OF THE COMMISSION ON BANKRUPTCY LAWS

Mr. ROBERT C. BYRD. Mr. President, having cleared this matter on the other side of the aisle, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 499.

The PRESIDING OFFICER (Mr. HATHAWAY) laid before the Senate a message from the House of Representatives on House Joint Resolution 499, a joint resolution providing for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

Mr. ROBERT C. BYRD. I ask unanimous consent that the joint resolution be considered as having been read the first and the second time, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice, and the Senate will proceed to its immediate consideration.

There being no objection, the joint resolution (H.J. Res. 499) was ordered to a third reading, read the third time, and passed.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

PERSONAL STATEMENT

Mr. MAGNUSON. Mr. President, I invite it to the attention of the majority whip and the minority leadership that I left my office exactly when the five bells rang, but the elevators were jammed and I was unable to reach the Chamber in time for the last vote.

It seems to me that when all these people are in the Capitol, which they are entitled to be, we ought to have another 2 minutes or so to make it over here.

I wish to announce myself as being against the McClure amendment, and that there was no possible way, because of the elevator situation, to get here. When all these people are in the Capitol, which we all welcome and want them to be here, there ought to be a little more leeway on these votes after the five bells have been rung.

Mr. ROBERT C. BYRD. Mr. President, as the Senator states, especially when these crowds of tourists are in the Capitol, as they are at this time, it is extremely difficult for a Senator to get to the floor within the 10-minute period, especially if there is a problem with elevators.

I am sorry that under the rules the Senator cannot now cast his vote, even though he has a good reason for having been late. Perhaps the Senate would want to consider again tomorrow as to whether or not we wish to stick with 10-minute voting. Perhaps it ought to be 12 minutes instead of 10 minutes; this would still save some of the time of the Senate and at the same time preclude a Senator from missing his vote. Perhaps, as the Senator from Washington now has.

Mr. MAGNUSON. The elevator boy was new. It was a summer replacement, I suppose, and he would not have stopped for anything. He just had people going up and down, and there was no chance to do it.

At any rate, I want the RECORD to show that I was against this amendment. I think a matter of 2 or 3 additional minutes, particularly during the summer season, would be very helpful to many of us who find ourselves in the office with people, and we leave when the five bells ring. It will be that way now until we quit in August and, therefore, a little space of time, 2 or 3 more minutes or something of that kind, would be most welcome. Many of us just miss these votes.

THE NEED FOR AN INCREASE IN SOCIAL SECURITY BENEFITS

Mr. LONG. Mr. President, the Senator from Connecticut (Mr. RIBICOFF) suggested at a hearing before the Senate Finance Committee the other day that in view of the runaway inflation which this Nation has been experiencing, the Congress should increase the social security payments of the people living on fixed incomes who are being so badly victimized by this inflation.

I hope that the President will not take the view that it is inflationary for us to do justice to the people who are suffering the most from inflation. He himself, as a candidate for office, proposed a measure, which he followed through in good faith and helped us enact into law, to provide for an automatic cost-of-living increase to take effect whenever the cost of living advanced more than 3 percent over a 12-month period. Unfortunately, under that law the first increase could not go into effect until January 1975. But the inflation is going on right now. I have no doubt that the Senate, if presented with the opportunity, would vote to make the first cost-of-living increase in social security payments take place next January so as to reflect at least the extent that inflation has taken from the value of social security payments since last year's benefit increase became effective last October.

But it is not enough to stop at that point, with only an increase in social security benefits. Last year we also enacted a program called the supplemental security income program under which the Federal Government would guarantee aged, blind, and disabled persons, beginning next January, an income of $130 a month, with $195 a month for a couple.

The needy, aged, blind, and disabled on public assistance are being victimized by inflation, too. The majority of them are also receiving a small social security benefit. If all we do is to increase social security payments, these people will be no better off because the law requires that the SSI payments be reduced by the same number of dollars that we have increased the social security payments.

If we wish to do justice to SSI beneficiaries, in line with what we propose to do for the social security beneficiaries, it would be necessary to increase the SSI payment to take into account the effect of inflation. Given the rate of inflation between the time the law was enacted last year and January 1974, we could certainly justify an increase of $10 a month for a person, and $15 a couple, for beneficiaries of the SSI program.

There are also some oversights in H.R. 1, the social security bill enacted last year. I was dismayed to find that H.R. 1, as enacted, failed to provide for so-called "essential persons"—usually the spouse an aged person who is entitled to welfare assistance. This applies to the situation where a man over 65 years of age is entitled to draw welfare payments but his wife, relying on his income, is less than 65 years of age and is thus not entitled to assistance by herself.

This oversight in the SSI program should be corrected before January; otherwise, there would be additional injustice and inequity that no one ever intended. A number of States are now moving completely out of the program of paying assistance to the aged, even to the extent of supplementing Federal benefits, because the Federal Government is moving into the area.

There was another oversight. We made sure that all disabled persons receiving cash assistance would be eligible for the new SSI program. But we forgot to assure that all medically needy disabled persons—those not on cash assistance—will continue to be eligible for medicaid. This result was never intended, and these persons should also be protected.

Now one might ask, why should this be offered as an amendment to the debt limit bill? What is the urgency? We must move quickly, because of the enormous administrative and technical work involved. A tremendous amount of work is necessary and is going on right now in getting ready to implement the new SSI program for the aged, blind, and disabled next January. There may even be some doubt whether that deadline can be met. We certainly cannot wait to act with regard to the aged who are being victimized by inflation and who will lose benefits we never intended them to lose next January unless we act. The administrative details related to the changes I am proposing must be taken care of between now and January 1.

For Congress to tarry much longer would mean that the administration necessary to carry forward the intent of Congress could not be provided in time for those who should be assisted to receive the benefit of our action by January 1.

Another amendment that should be provided on the debt limit bill has a closer deadline. I am speaking about a postponement in a number of new regulations that the Secretary of HEW has proposed. These new regulations would make tremendous modifications in the program for social services in the 50 States.

The Congress last year was justifiably concerned about the runaway cost of social services, and we put a $2.5 billion limitation on Federal funds. Unfortunately, the Secretary went far beyond the intent of Congress in his regulations to control the cost of the program. We in Congress intended that up to $2.5 billion could be made available to provide social services under the Social Security Act. It appears that, as an economy move, this administration by regulations intends to cut back drastically in the social services program, far beyond anything that Congress intended. It has been suggested that the Secretary will have saved about $1 billion at the expense of poor and low-income persons by denying them social services that Congress intended for them to have.

He has tried to justify his action, in some respects, as reflecting congressional intent, because the Congress itself was concerned about social services costs and this concern led to the legislation passed last year.

But we have thought about it, Mr. President, and most of us have concluded that in some respect even Congress might want to modify some of what we did last year on social services. In any case we certainly intended to allow the States a fair opportunity to use their share of the $2½ billion, and to have far broader latitude than the Secretary of HEW is at this point willing for them to have. A postponement of the regulations will give us a chance to review the law and see what changes we might want to make.

Now, I have little doubt that we could override a Presidential veto if the President should veto what we have suggested with regard to social services. I would hope that the President would not veto that measure, however, because, if we do not act promptly, on July 1, the Secretary's drastic cutback on poor and low-income persons in terms of social services, would go into effect.

Looking at that June 30 deadline, it is necessary for Congress to act promptly and, hopefully, we should take care of it on a bill that we should have some reasonable belief the President is likely to sign. The debt limit bill would be the logical bill on which to offer an amendment.

I propose to offer amendments of the sort I have mentioned. If someone else should offer them first, I will join in supporting measures of that kind. It would be a great tragedy if, after the runaway inflation occurring in this country since the President let up, under phase III, on inflation controls, this Congress failed to provide relief for those people most adversely affected.

I will join the Senator from Connecticut (Mr. RIBICOFF) in offering amendments of this nature. I will certainly support him in the amendment he has offered. In fact, as I have said, I will offer a broader proposal than the Senator has offered, because it seems to me that the measures I have proposed here are the minimum of what we can do, and we really should not be too long in doing it—because of the urgency in the face of the deadlines and because of the time required to administratively implement that which I believe Congress would want to do.

HALE BOGGS

Mr. LONG. Mr. President, in the first few months of a new Congress, it is common to regret the absence of friends and colleagues who, for one reason or another, have not returned to the Senate or to the other body. This time for me that feeling is especially pronounced, for in the closing days of the 92d Congress I lost a close friend, a colleague from Louisiana, who for 30 years had been one of the ablest men in our Nation's public life. I refer, of course, to Hale Boggs, the House majority leader, whose tragic disappearance in Alaska last October brought an untimely end to a brilliant career.

Eight months have passed since Hale disappeared in Alaska, yet even today his loss is difficult to accept for it came abruptly when he was still approaching the pinnacle of his distinguished career. There is no doubt in my mind that Hale would have become the next Speaker and that he would have been one of the very best in our country's history.

He was a man of rare gifts. He had a keen mind that went quickly to the heart of an issue. He had courage, conviction, and a large view of life and politics. Most of all, he had the essential gift of a leader: the ability to reconcile divergent views and find the common ground of agreement. Where lesser men could see only hopeless disagreement and deadlock, Hale could see a way. The last time I saw him—late at night, Saturday, October 14—he was hard at work unjamming the legislative process and making certain the machinery of the 92d Congress operated smoothly until adjournment.

He spent most of his career reconciling and serving competing loyalties in his own life. He was a southerner who represented and served the people of his district with all his considerable ability. He was a Democrat who worked hard for his party and undertook its difficult assignments, including the chairmanship of the 1968 Democratic Platform Committee. And, he was a national leader who brought a national perspective to his profession.

Hale and I were contemporaries in the politics of our State. We were both elected during the 1940's, and we both came to Washington as very young men. In the early 1950's, I supported Hale for Governor of our Louisiana. I campaigned hard for him, because I believed then, as I believe now, that he was one of the ablest men our State has ever produced. In the Congress, our careers were remarkably parallel. Hale was a member of the Committee on Ways and Means and I, a member of the Finance Committee. Hale became House majority whip in 1962, and I became Senate majority whip in 1965. Throughout these years we worked as closely together as any two Members of the Congress. Together, we accomplished much for our State and Nation which would have been impossible without cooperation.

This is the first Congress in which I will not have the benefit of Hale's friendship and advice. My regret at Hale's absence is relieved considerably by the knowledge that his lovely and talented wife, LINDY, will be carrying on his work in the House.

Earlier this spring memorial services were held for Hale in New Orleans. One passage of Scripture seemed particularly appropriate for the man whose memory we honored, and I have saved it for today. Isaiah, chapter 61, verses 3 and 4:

> And they shall be called in it the mighty ones of justice, the planting of the Lord to glorify Him. And they shall build the places that have been waste from of old, and shall raise up ancient ruins, and shall repair the desolate cities, that were destroyed for generation and generation.

Mrs. Long joins me in conveying our deepest sympathies to LINDY, who has been so strong these past few months, and to her fine children and grandchildren.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacet non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

AMENDMENT NO. 244

Mr. HANSEN. Mr. President, I send to the desk my amendment No. 244 to S. 268. I ask that it be made the pending business, to be taken up by the Senate when we convene tomorrow morning.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> On page 121, line 1, insert the following: Between "uncontrolled" and "incompatible" delete "or" and insert in lieu thereof: "and".
>
> Line 1, strike "could" and insert in lieu thereof: "would".
>
> Line 2, insert "irreversible" between "in" and "damage".
>
> Lines 2-3, strike "or the long term public interest".
>
> Line 4, strike all after "significance." through page 122, line 2.

ORDER TO HOLD BILL AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5157 to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island be held temporarily at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, following the remarks of the two leaders or their designees tomorrow, I ask unanimous consent that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ORDER FOR RECESS FROM THURSDAY UNTIL FRIDAY, JUNE 22, 1973, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until the hour of 10 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM FRIDAY UNTIL SATURDAY, JUNE 23, 1973, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in recess until 10 a.m. on Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 9. A bill to consent to the Interstate Environment Compact (Rept. No. 93-230).

My Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S.J. Res. 95. Joint resolution relating to the taking of the 1974 Census of Agriculture (Rept. No. 93-232).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 433. A bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes (Rept. No. 93-231); and

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes (Rept. No. 93-233).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia (Rept. No. 93-234).

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, with amendments:

S. 1916. A bill to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes (Rept. No. 93-235).

By Mr. PERCY, from the Committee on Government Operations:

S. 2045. An original bill to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate. Placed on the calendar.

Mr. PERCY. Mr. President, I report an original bill which was ordered favorably reported by the Committee on Government Operations at an executive session today, June 20. This bill is a composite of two bills that have already passed the Senate. The first bill, S. 518 was passed by a vote of 63 to 17 on February 5, and was again passed by the Senate over the veto of the President. The second bill is S. 590 which was passed by the Senate on May 9 by a vote of 72 to 21 after having been reported by four committees of the Senate.

I ask unanimous consent that, at the next printing of the bill (S. 2045) the Senator from North Carolina (Mr. Ervin), and the Senator from New York (Mr. Javits) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services:

James R. Schlesinger, of Virginia, to be Secretary of Defense.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MAGNUSON, from the Committee on Commerce:

Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. ERVIN, from the Committee on Government Operations:

Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF (for himself, Mr. Hartke, Mr. Church, Mr. Mondale, Mr. Kennedy, Mr. Pastore, Mr. Humphrey, Mr. Nelson, and Mr. Pell):

S. 2025. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to establish 1974 (rather than 1975) as the first year in which adjustments in benefits, wage base, and earnings limitation, can be made on account of increases in the cost of living. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. Aiken, and Mr. McGee):

S. 2026. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. MONDALE:

S. 2027. A bill to amend title 38 of the United States Code to make more equitable the procedures for determining eligibility for benefits under the law administered by the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HART:

S. 2028. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohibit unfair and deceptive sales and other anticompetitive practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS (for himself, Mr. Church, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Javits, and Mr. McGovern):

S. 2029. A bill to provide assistance for South Vietnamese children. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2030. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2031. A bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2032. A bill to implement the Shrimp Fishing Agreement with Brazil. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2033. A bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes. Referred to the Committee on Commerce.

By Mr. BIDEN:

S. 2034. A bill to amend the Federal Property and Administrative Services Act of 1949 to require that public buildings be put in a safe condition prior to disposal. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (for himself and Mr. Long):

S. 2035. A bill to amend the Merchant Marine Act of 1936 to establish a nuclear vessel incentive support program. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 2036. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, to provide funding to develop more efficient automotive engines, and for other purposes. Referred to the Committee on Finance.

By Mr. STEVENSON:

S. 2037. A bill for the relief of Roy M. Kelly. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. Fannin, and Mr. Abourezk) (by request):

S. 2038. A bill to authorize grants for Indian tribal governments, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER:

S. 2039. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty. Referred to the Committee on Armed Services.

By Mr. INOUYE:

S. 2040. A bill to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to permit an air carrier to hold both scheduled and supplemental certification; and

S. 2041. A bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board the flexibility to approve air carrier-surface carrier control relationships when such relationships are found to be in the public interest. Referred to the Committee on Commerce.

By Mr. HATFIELD:

S. 2042. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. BELLMON:

S. 2043. A bill to amend the Consolidated Farm and Rural Development Act. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE:

S. 2044. A bill to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products. Referred to the Committee on Finance.

By Mr. PERCY:

S. 2045. An original bill to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate. Placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF (for himself, Mr. Hartke, Mr. Church, Mr. Mondale, Mr. Kennedy, Mr. Pastore, Mr. Humphrey, Mr. Nelson, and Mr. Pell):

S. 2025. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to establish 1974 (rather than 1975) as the first year in which adjustments in benefits, wage base, and earnings limitation, can be made on account of increases in the cost of living. Referred to the Committee on Finance.

SOCIAL SECURITY BENEFITS ESCALATION

Mr. RIBICOFF. Mr. President, today I am introducing legislation to assure all social security beneficiaries of an increase in retirement benefits as of January 1, 1974. Under present law social security benefits are not scheduled to increase until January 1, 1975.

In the past few years Congress has substantially raised the social security benefit levels. But the cost of living has nullified much of these increases. Property taxes have jumped by nearly 39 percent in the last 4 years, nearly twice the overall increase in the Consumer Price Index. And the impact has been especially severe for the aged because nearly 70 percent own their own homes.

Public transportation costs have risen by over 33 percent during this same period. Here again, senior citizens are hard hit since many must rely on public transit instead of private automobiles.

Food prices have gone up by at least 34 percent in the 4-year period. This is tragic for the elderly who spend 27 percent of their income for food as compared to 17 percent of all Americans. And medical care costs—a significant cost factor to the aged—have increased 36 percent.

And all of these price increases have been escalating even more rapidly in the last few months.

It would be one thing if social security benefits were at an adequate level. But they are not. Social security benefits for millions of older Americans—even with the 20-percent increase enacted last year—still fall below the Government's own poverty benchmark. Average annual payments for retired workers amounted to $1,944 in 1972, nearly $40 below the poverty threshold for single aged persons. For widows, average benefits were more than $320 under the impoverished standard.

It is unconscionable for us to let prices skyrocket out of sight while millions of older Americans are denied an increase in social security benefits.

The legislation I am proposing would change the effective date of the so-called cost-of-living escalator in the social security law from January 1, 1975 to January 1, 1974. This escalator provides that when the Consumer Price Index goes up by at least 3 percent in any year, social security benefits will be raised to keep pace with the inflation. In view of the 7-percent inflation to date this year I hope that Congress will take speedy action on this proposal.

By Mr. HUMPHREY (for himself, Mr. Aiken and Mr. McGee):

S. 2026. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

MR. HUMPHREY. Mr. President, I have been distressed to observe the decline in U.S. support for the development of the low-income countries. Part of the reason for our poor performance stems from a disagreement over how aid should be administered.

Many people have expressed a strong preference for multilateral aid over bilateral aid. I share that view.

But some of the things America has to offer others are best carried in a bilateral form. For example, the great tradition and experience of rural cooperatives ought to be brought to the attention of the developing countries, and this is not likely to happen except through a bilateral program. The same is true of our private voluntary programs and our great universities and land grant colleges which have so much to offer the world. And, in any event, it would not do to cut off bilateral aid until multilateral efforts are ready to take over the job.

The world can ill afford to let its total support for the poor and the powerless of the earth decline. And that is exactly what will happen if American bilateral aid and its support of multilateral aid continues to lag.

In the negotiations for the replenishment of the funds of the International Development Association, the soft loan window of the World Bank, I am unhappy to learn that it is America that is dragging its feet. I know that we have serious problems at home. Nobody is more mindful than I of the ills that beset us or more anxious to heal them. Yet, with all our problems, we are a very privileged people. Even our determined attacks on our problems reveal our basic strength. It is not like America, even under great stress, to forget other people in much greater need. This is not in keeping with the splendid traditions of this great Nation.

Americans are generous people. They are citizens of the world as well as citizens of the United States. Since they are not directly represented on any of the international bodies as individuals, it is up to their Government to represent them in their keenly felt role as world citizens. I believe that we are failing to represent our citizens in that role when we permit this richest of all the world's nations to become the laggard in the world's development effort. We can do much better. Not only for humanitarian reasons. But the peace and political stability we seek can only come about when the poor are brought into the development process.

It was with a sense of genuine reassurance, therefore, that I learned of the vigorous new initiative of a bipartisan majority of the House Foreign Affairs Committee on American foreign economic aid legislation. Nowhere have I seen a more apt summary of that important initiative than in an editorial last Thursday, June 7, in the Minneapolis Tribune from which I would like to quote one paragraph:

> One has to be impressed as much by the ingenuity as the substance of a foreign aid proposal offered last week by a bipartisan majority of the House Foreign Affairs Committee. Consider this unlikely combination of elements: The bill should appeal to development idealists. It offers new markets to profit-minded American exporters. It has the potential of increasing U.S. employment. It would not increase taxes, and it is politically shrewd in other ways as well.

Mr. President, I believe so strongly that we are in need of such new departures in foreign aid that I am today, on behalf of Senator Aiken and myself, introducing a bill identical to the House committee version to amend the foreign aid legislation.

In joining with me in this effort, my good friend and distinguished colleague, George Aiken, brings to this effort a deep sense of commitment to the principle that American aid should reach those most in need.

In past years, I worked closely with Senator Aiken in the development of legislation dealing with foreign economic assistance. During our joint efforts, I was always impressed with Senator Aiken's knowledge of the ingredients needed to make the development process become more effective. His cosponsorship of the Mutual Development and Cooperation Act of 1973 is symbolic of continuing bipartisan efforts to make American assistance responsive to the real needs of the world's poor.

I believe this bill will do much to get America back on a true course in our relations with the developing countries.

For too long U.S. foreign policy has been preoccupied with great power relationships. If a nation has a nuclear capability, or if it belong to the central trading establishment of the world, we have a place for it.

But our policy today has little room for those nations where most of humanity lives. I submit that such a policy is not only bad morality, it is bad security, bad economics, and bad diplomacy as well. The world is shrinking and economies and societies are growing more interdependent. We have got to make this world work, and it will not work for the most fortunate unless it works reasonably well for the forgotten majority.

We have no choice but to meet this challenge. We cannot forget the world's majority which is powerless today, but can vitally affect our future and our children's future tomorrow. Our foreign policy will not be whole, nor will it be viable until it is a policy which takes account of the developing nations and works to make the bounties of the earth available to them as well as to ourselves.

The bill we are introducing today is by no means all idealism, though it is idealistic. It is practical and toughminded, and it serves the highest national interest—our interest in making this world more livable for all of us and our children.

First, this bill recognizes a veritable intellectual revolt among scholars of development who are turning against the long-held view that growth alone is the answer that will trickle benefits down to the poorest majority. These scholars, and now this bill, start from the proposition that the poorest majority must share in the work of building a nation and must share more equitably in the fruits of development at the outset—not at some future date after growth targets have been met. Greater equity and greater participation, instead of taking a toll on growth, supports and reinforces it.

Years ago, the Congress took an initiative in passing title IX of the Foreign Assistance Act, which expressed an earlier version of these views. The evidence of scholarly study and of experience now bears out the wisdom of that congressional view, and today it reappears in more mature and tangible form in this bill. It is more tangible because this bill specifies the fields of endeavor which will most directly benefit the poorest majority and commits money to each of those sectors. And each field is responsive to a deeply rooted human problem that permeates the societies of the low-income countries. The three fields of emphasis are first, food, nutrition, and rural development, second, population planning and health, third, education and human resource development.

Increasingly, the AID program has given sustained attention over a period of time to a problem in one of these three fields. And there are some stirring success stories to tell as a result.

One story is about malaria. Twenty years ago, well over 10 million people in South Asia alone were afflicted with the disease. More than 1 million died each year. Today the disease is under control.

Another success story is about cereal production in South Asia. Seven years ago India imported 10 million tons of grain following a monsoon failure to avoid widespread famine. During the ensuing years, she was able to accumulate nearly 10 million tons of grain reserves from the expanded production made possible by the green revolution in which American aid programs, public and private, played such an important role.

Thus, when the Bangladesh crisis arose, India was the principal food donor, providing nearly 2 million tons of food. Even with this unprecedented generosity, India has come very close to surviving this year's drought, one of the worst in a century, by using its food reserves.

A third story is about population. A decade ago, populations were exploding throughout the poor lands and nobody was doing anything about it, and governments did not even dare to speak of it very openly. Today, although the problem is far from solved, it is out in the open and governments—almost all of them—have population stabilization as an official or semiofficial goal, and they are mounting campaigns to solve population problems. That is real progress in one short decade on such a basic and sensitive problem.

These three success stories not only refute some of the recent allegations by ill-informed authors to the effect that we do not know how to help in the development process; they also illustrate the worth of the problem-solving approach to development. That is the approach where we concentrate enough resources over enough time on an acute human problem affecting the poorest majority to get some results. That is the first very basic reform built into this bill. This new approach to foreign aid will enable the little guy to be reached—millions of lower income families will be affected.

The second reform introduced by this bill, grows out of an interesting piece of research done by our House colleagues. That reseach shows that the United States is doing very well in increasing its exports to the developing countries as a whole. In fact, these countries have become very important customers, importing about as much as the Common Market—including the United Kingdom—plus Japan.

It is a critical and growing market whose importance is not often appreciated However, the House committee looked deeper and found that in the poorest countries—those with per capita GNP of $200 per year or less—U.S. exports are not doing well at all.

Not only are we losing our share of this market to other exporters, we are losing in absolute dollar volume of sales. American exports to these markets are dependent on U.S. Government financing, mostly AID and Public Law 480. The Export-Import Bank and private loans are not very large. This is not surprising, since these countries cannot afford to import except on easily repayable terms. Other exporting countries understand this and are supporting their exporters by offering steadily increasing financing on attractive terms with low-interest rates, long maturities and generous grace periods.

This bill would remedy this situation by setting up a new Export Development Credit Fund with authority to make credit available to pay for U.S. exports to the lowest-income countries on terms that are competitive. It would be able to finance about $1 billion per year at interest rates of perhaps 3 percent.

The difference between such low rates and the approximately 7 percent it would cost the fund to borrow money from the U.S. public, would be paid for out of receipts on old aid loans which are now largely used for relending by AID.

These receipts, which are increasing in volume each year, make it possible to establish such a Fund with borrowing authority similar to the Export-Import Bank, on a fiscally sound basis, and without charge to the U.S. budget. The Fund would only finance exports which actually helped with development, thereby enabling these countries to develop the ability to repay and to become better customers for our future exports. There would be no luxury items or military goods. And the Fund's clients would be the least developed countries where U.S. exports are lagging.

Mr. President, the bill we are introducing today is social statesmanship in the highest form, where two very important U.S. goals can be served simultaneously. I refer to the goal of helping the development of the lowest-income countries and the goal of helping U.S. exports, both immediately and in building markets for the future. As many as 80,000 U.S. jobs may be created once the Export Development Credit Fund gets into operation. Thus, America's role in helping our less fortunate world neighbors need not be at the expense of those in need at home. Rather, it can help them to get jobs, which we will agree is the most basic way to help them solve their problems.

There is a third purpose served by the bill we introduce today. It recognizes that America's responsibilities with respect to the developing countries reach far beyond our aid programs. U.S. policies on trade, investment, science policy, cceans, debt relief and other subjects may affect very profoundly the destinies of poor countries.

Yet until now, these policies are made without coordination—without systematically informing ourselves of how they will affect our interests in development. This bill institutionalizes a coordinating procedure that would insure that the development factor was always considered. That factor may not predominate, but at least it has to be heard.

In order to do this, the bill sets up a Development Coordinating Committee and makes as its chairman, the head of the Mutual Development and Cooperation Agency—the proposed successor to the AID, which is the agency most sensitively attuned to the subject of development.

Mr. President, I believe this bill is a great improvement on present legislation.

It will focus bilateral aid on the most pressing human problems.

It will put the great U.S. industrial machinery and agriculture at the service of development while protecting U.S. exports and U.S. jobs. And it will weave into the fabric of our Government policies some common threads of development. It will put America back onto a course in world affairs in which we can again lift our heads and be proud. And in my view, it will justly deserve and receive the support of the people of America and the Congress.

Mr. President, I ask unanimous consent that the full text of the bill along with a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Mutual Development and Cooperation Act of 1973."

(b) Strike out "Agency for International Development" each place it appears in such Act and insert in lieu thereof in each such place "Mutual Development and Cooperation Agency".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 3. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In the chapter heading, immediately after "CHAPTER 1—POLICY" insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(b) In section 102, relating to statement of policy, insert "(a)" immediately after "STATEMENT OF POLICY.—", and at the end thereof add the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the peaceful advance of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

"(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production, rural development and nutrition; population planning and health; education, public administration, and human resource development.

"(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, particularly those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

"(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

"(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest majority of people and their capacity to participate in the development of their countries.

"(6) United States development assistance should continue to be available through bilateral channels until it is clear that multilateral channels exist which can do the job with no loss of development momentum.

"(7) Under the policy guidance of the Secretary of State, the Mutual Development and Cooperation Agency should have the responsibility for coordinating all United States development-related activities. The Administrator of the Agency should advise the President on all United States actions affecting the development of the less-developed countries, and should keep the Congress informed on the major aspects of United States interests in the progress of those countries."

(c) At the end thereof, add the following new sections:

"Sec. 103. Food and Nutrition.—In order to prevent starvation, hunger, and malnutrition, and to provide basic services to the people living in rural areas and enhance their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $300,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 104. Population Planning and Health.—In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There is authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, $150,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 105. Education and Human Resource Development.—In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration and human resource development. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $115,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 106. Selected Development Problems.—The President is authorized to furnish assistance on such terms and conditions as he may determine, to help solve economic and social development problems in fields such as transportation and power, industry, urban development and export development. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $93,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 107. Selected Countries and Organizations.—The President is authorized to furnish assistance on such terms and conditions as he may determine, in support of the general economy of receipient countries or for development programs conducted by private or international organizations. There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $60,000,000 for each of the fiscal years 1974 and 1975, which amounts are authorized to remain available until expended.

"Sec. 108. Application of Existing Provisions.—Assistance under this chapter shall be furnished in accordance with the provisions of title I, II, VI, or X of chapter 2 of this part, and nothing in this chapter shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this or any other Act in accordance with which assistance furnished under this chapter would otherwise have been provided.

"Sec. 109. Transfer of Funds.—Notwithstanding the preceding section, whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision.".

DEVELOPMENT LOAN FUND

Sec. 4. Section 203 of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) Strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation".

(b) Strike out "for the fiscal year 1970, for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973" and insert in lieu thereof "for the fiscal years 1974 and 1975 for use for the purposes of chapter 1 of this part and part V of this Act and".

ADMINISTRATIVE POSITIONS

Sec. 5. Chapter 2 of part III of the Foreign Assistance Act of 1961, relating to administrative provisions, is amended as follows:

(a) In section 638, relating to Peace Corps assistance, insert before the period at the end thereof "; or under part V of this Act".

(b) At the end thereof, add the following new section:

"Sec. 640B. Coordination.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the Administrator, Mutual Development and Cooperation Agency, Chairman; the Under Secretary for Economic Affairs, Department of State; the Assistant Secretary for International Organization Affairs, Department of State; the Assistant Secretary for International Affairs, Department of the Treasury; the Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture; the Assistant Secretary for Domestic and International Business, Department of Commerce; the President, Export-Import Bank of the United States; the President, Overseas Private Investment Corporation; the Special Representative for Trade Negotiations, Executive Office of the President; and the Executive Director, Council on International Economic Policy.

"(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

"(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

"(d) The Chairman of the Development Coordination Committee shall report annually to the President and the Congress on United States actions affecting the development of the low income countries.".

UNITED STATES EXPORT DEVELOPMENT CREDIT FUND

Sec. 6. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"Sec. 801. General Authority.—(a) In the interest of increasing United States exports to the lowest income countries, thereby contributing to high levels of employment and income in the United States and to the establishment and maintenance of long-range, growing export markets, while promoting development of such countries, the President shall establish a fund, to be known as the 'United States Export Development Credit Fund', to be used by the President to carry out the authority contained in this part.

"(b) The President is authorized to provide extensions of credit and to refinance United States exporter credits, for the purpose of facilitating the sale of United States goods and services to the lowest income countries which advance their development. The provisions of section 201(d) of this Act shall apply to extensions of credit under this part. The authority contained in this part shall be used to extend credit in connection with the sale of goods and services which are of developmental character, with due regard for the objectives stated in section 102(b) of this Act.

"(c) The receipts and disbursements of the Fund in the discharge of its functions shall be treated for purposes of the budget of the United States Government in the same fashion as the receipts and disbursements of the Export-Import Bank of the United States under section 2(a)(2) of the Export-Import Bank Act of 1945, as amended.

"Sec. 802. Financing.—(a) As may hereafter be provided in annual appropriation Acts, the President is authorized to borrow from whatever source he deems appropriate, during the period from the enactment of this part through December 31, 1977, and to issue and sell such obligations as he determines necessary to carry out the purposes of this part: *Provided*, That the aggregate amount of such obligations outstanding at any one time shall not exceed one-fourth of the amount specified in section 7 of the Export-Import Bank Act of 1945, as amended. The dates of issuance, the maximum rates of interest, and other terms and conditions of the obligations issued under this subsection will be determined by the Secretary of the Treasury with the approval of the President. Obligations issued under the authority of this section shall be obligations of the Government of the United States of America, and the full faith and credit of the United States of America is hereby pledged to the full payment of principal and interest thereon. For the purpose of any purchase of the obligations issued under this part, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations issued under this part. The Secretary of the Treasury may, at any time, sell any of the obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of such obligations shall be treated as public debt transactions of the United States.

"(b) Except as otherwise provided in section 806, the amounts borrowed under subsection (a) of this section shall be paid into the Fund and used to carry out the purposes of this part. Any difference between the interest to be repaid on export credits made under this part and the interest paid by the Fund on obligations incurred under subsection (a) of this section shall be paid into the Fund out of receipts specified in section 203 of this Act.

"(a) Receipts from loans made pursuant to this part are authorized to be made available for the purposes of this part. Such receipts and other funds made available for the purposes of this part shall remain available until expended.

"SEC. 803. LENDING CEILING AND TERMINATION.—(a) The United States Export Development Credit Fund shall not have outstanding at any one time loans in an aggregate amount in excess of one-fourth of the amount specified in section 7 of the Export-Import Bank Act of 1945, as amended.

"(b) The United States Export Development Credit Fund shall continue to exercise its functions in connection with and in furtherance of its objectives and purposes until the close of business on December 31, 1977, but the provisions of this section shall not be construed as preventing the Fund from acquiring obligations prior to such date which mature subsequent to such date or from assuming prior to such date liability as acceptor of obligations which mature subsequent to such date or from issuing either prior or subsequent to such date, for purchase by the Secretary of the Treasury or any other purchasers, its obligations which mature subsequent to such date or from continuing as an agency of the United States and exercising any of its functions subsequent to such date for purposes of orderly liquidation, including the administration of its assets and the collection of any obligations held by the Fund.

"SEC. 804. REPORTS TO THE CONGRESS.—The President shall transmit to the Congress semi-annually a complete and detailed report of the operations of the United States Export Development Credit Fund. The report shall be as of the close of business on June 30 and December 31 of each year.

"SEC. 805. ADMINISTRATION OF FUND.—The President shall establish a committee to advise him on the exercise of the functions conferred upon him by this part. The committee shall include the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, the President of the Export-Import Bank and the Administrator of the Mutual Development and Cooperation Agency.

"SEC. 806. PROVISION FOR LOSSES.—Ten per centum of the amount authorized to be borrowed under subsection 802(a) shall be reserved and may be used to cover any losses incurred on loans extended under this part. Receipts specified in section 203 of this Act may also be paid into the Fund for the purpose of compensating the Fund for any such losses.

"SEC. 807. EXPORT-IMPORT BANK POWERS.—Nothing in this part shall be construed as a limitation on the powers of the Export-Import Bank of the United States.

"SEC. 808. PROHIBITION OF LOANS FOR DEFENSE ARTICLES OR SERVICES.—The authority contained in this part shall not be used to extend credit in connection with the sale of defense articles or defense services. This provision may not be waived pursuant to section 614 of this Act or pursuant to any other provision of this or any other Act.

"SEC. 809. DEFINITIONS.—As used in this part—

"(a) 'Lowest income countries' means the poorer developing countries, with particular, but not exclusive, reference to countries in which, according to the latest available United Nations statistics, national product per capita is less than $200 a year.".

REFERENCES TO EXISTING ACT AND ADMINISTERING AGENCY

SEC. 7. All references to the Foreign Assistance Act of 1961, as amended, and to the Agency for International Development shall be deemed to be references also to the Mutual Development and Cooperation Act of 1973 and to the Mutual Development and Cooperation Agency, respectively. All references in the Mutual Development and Cooperation Act of 1973 to "this Act" or to any provisions thereof shall be deemed to be references also to the Foreign Assistance Act of 1961, as amended, or to the appropriate provisions thereof, and references to "the agency primarily responsible for administering part I" shall be deemed references also to the Agency for International Development. All references to the Mutual Development and Cooperation Act of 1973 and to the Mutual Development and Cooperation Agency shall, where appropriate, be deemed references also to the Foreign Assistance Act of 1961, as amended, and to the Agency for International Development, respectively.

SECTION-BY-SECTION ANALYSIS OF THE MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

I. INTRODUCTION

The Mutual Development and Cooperation Act of 1973, (the "bill") amends the Foreign Assistance Act of 1961, as amended (the "Act") by making certain changes in provisions relating to development assistance and by adding a separate authority for a fund to finance increased U.S. exports to the lowest income countries. It does not purport to deal in a comprehensive way with all the programs authorized by the Act.

II. PROVISIONS OF THE BILL

Section 2. Mutual Development and Cooperation Act

(a) This subsection changes the title of the basic legislation authorizing the U.S. bilateral foreign economic and military assistance programs from "The Foreign Assistance Act of 1961" to "The Mutual Development and Cooperation Act of 1973".

(b) This subsection changes the name of the agency responsible for administering U.S. bilateral foreign economic assistance programs from the "Agency for International Development" to the "Mutual Development and Cooperation Agency".

Section 3. Policy; Development Assistance Authorizations

(a) This subsection changes the name of chapter 1 of the Act to reflect the fact that the bill adds authorizations for various categories of development assistance to the existing provisions of the chapter, which relate to policy.

(b) This subsection calls for the restructuring of U.S. relationships with developing countries, in the light of progress made and changed conditions, to reflect the new realities, with emphasis on several criteria:

(1) increased concentration of bilateral assistance programs on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less concentration on large-scale capital transfers, which when made should be in a multilateral framework;

(2) focus on problems in agriculture and rural development, education, health, family planning, and other areas affecting the lives of the majority of the people in the developing countries;

(3) maximum use of the private sector, especially institutions with ties in developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies;

(4) collaborative style of administering U.S. bilateral development assistance programs to support recipient countries' own development goals;

(5) highest priority for programs which directly improve the lives of the poorest people and their capacity to participate in development;

(6) availability of bilateral development assistance until multilateral agencies can carry on with no loss of development momentum;

(7) responsibility on the Administrator of the Mutual Development and Cooperation Agency, under the Secretary of State's policy guidance, for coordinating (though not controlling) all U.S. activities relating to overseas development, advising the President on all U.S. actions affecting development, and informing the Congress on U.S. interests in development progress.

(c) This subsection adds seven new sections (sections 103–109) to chapter 1 of the Act, which together constitute a completely new system of authorizing the appropriation of funds for bilateral development assistance. Whereas previous authorizations have provided funds for Development Loans, Technical Cooperation and Development Grants, Alliance for Progress, and Programs Relating to Population Growth, the bill authorizes funds in five categories divided primarily according to sector or field of activity: Food and Nutrition, Population Planning and Health, Education and Human Resource Development, Selected Development Problems, and Selected Countries and Organizations.

The bill provides authorizations for the five categories for the fiscal years 1974 and 1975 in a total amount essentially the same as that proposed by the Executive Branch, but with somewhat different distribution among the five categories. Activities falling into more than one category may be funded from one or more categories, as appropriate. Funds are to be used in accordance with existing provisions of law, but the bill provides for somewhat greater transferability of funds among the five categories than is now permitted among present funding categories in the Act.

The seven new sections are the following:

Section 103, which authorizes the appropriation of $300 million for each of the fiscal years 1974 and 1975 for agriculture, rural development, and nutrition.

Section 104, which authorizes the appropriation of $150 million for each of the fiscal years 1974 and 1975 for population planning and health.

Section 105, which authorizes the appropriation of $115 million for each of the fiscal years 1974 and 1975 for education, public administration, and human resource development.

Section 106, which authorizes the appropriation of $93 million for each of the fiscal years 1974 and 1975 to help solve economic and social development problems in fields such as transportation and power, industry, and urban development.

Section 107, which authorizes the appropriation of $60 million for each of the fiscal years 1974 and 1975 to support the general economy of selected countries, primarily through program lending, or to contribute to certain development programs conducted by private organizations such as the International Executive Service Corps (IESC), the Asia Foundation, cooperatives, credit unions, and voluntary agencies, or by international organizations such as the Organization of American States (OAS).

Section 108, which requires assistance authorized under this chapter to be furnished in accordance with the provisions of law applicable to one of the categories of assistance now in the Act (Development Loans, Technical Cooperation and Development Grants, Alliance for Progress, or Programs Relating to Population Growth), and which assures that the restrictions, criteria, authorities, and other provisions of law which would have applied to the provision of this assistance, if the funding categories had not been restructured, are not rendered inapplicable as a result of the restructuring.

Section 109, which provides for limited transferability of funds among the five new categories of assistance, permitting up to 15 per cent of the funds made available for any of the five categories to be transferred to any of the other four, provided that the category to which the funds are transferred is not thereby increased by more than 25 per cent (leaving transfers between any of the five new categories and any other funds appropriated under the Act to be governed by an existing provision, Section 610 of the Act).

Section 4. Development Loan Fund

(a) This subsection amends the existing loan receipt reuse authority of Section 203 of the Act to include dollar receipts from loans made under all predecessor foreign assistance legislation.

(b) This subsection extends the loan receipt reuse authority to fiscal years 1974 and 1975 and authorizes reuse for the restructured categories of development assistance contained in the bill as well as for specified purposes of the new United States Export Development Credit Fund created by the bill.

Section 5. Administrative Provisions

(a) This subsection puts the United States Export Development Credit Fund on the same footing as the Export-Import Bank, the Peace Corps, and the Mutual Educational and Cultural Exchange program, by exempting the Fund from prohibitions on assistance to any country contained in the Act.

(b) This subsection adds a new section 640B to the Act, requiring the President to establish a system for coordinating U.S. policies and programs affecting U.S. interests in overseas development and, to that end, to establish a Development Coordination Committee to advise the President, chaired by the Administrator of the Mutual Development and Cooperation Agency, with members drawn from various interested Executive Branch agencies; requiring coordination abroad under the direction of the Chief of the U.S. Diplomatic Mission; asserting the Secretary of State's foreign policy guidance of programs authorized by the Act; and requiring the Chairman of the Development Coordination Committee (the Administrator of the Mutual Development and Cooperation Agency) to report annually to the President and the Congress on U.S. actions affecting development.

Section 6. United States export development credit fund

This section adds a new part to the Act (Sections 801–809), creating a fund for the purpose of increasing U.S. exports to the lowest income countries.

Section 801 (general authority) establishes the Fund, to be known as the "United States Export Development Credit Fund"; authorizes the President to extend credit or refinance U.S. exporter credits, on terms no easier than the minimum terms specified by law for development lending under part I of the Act, to facilitate the sale of U.S. goods and services of a devolpmental character to the lowest income countries; and provides that the Fund shall be treated in the same fashion as the Export-Import Bank for purposes of exclusion from budget totals and exemption from expenditure and outlay limitations, including requirements for transmission of an annual budget and an annual report to the Congress.

Section 802 (financing) authorizes the President, as may be provided in appropriation acts, to borrow up to one-fourth (currently $5 billion) of Export-Import Bank loan, guaranty, and insurance authority, during the period from the enactment of this legislation through December 31, 1977, to be used (except for $500 million of reserves) for the puposes of the Fund. Any difference between the interest the borrowers are to pay to the Fund or export credits extended (at low rates of interest) and the interest the Fund pays on the funds it borrows (at higher rates of interest), which constitutes an "interest subsidy", must be paid into the Fund from dollar receipts from loans made under foreign assistance legislation. Receipts from loans made by the Fund, if not needed to pay interest or repay the principal on the Fund's obligations, may be reused for the purposes of the Fund, and all deobligated funds may be reobligated for the purposes of the Fund.

Section 803 (lending ceiling and termination) places a lending ceiling on the principal amount of loans by the Fund outstanding at any one time amounting to one-fourth (currently $5 billion) of the Export-Import Bank loan, guaranty, and insurance ceiling, and authorizes the Fund to operate until December 31, 1977.

Section 804 (reports to the Congress) requires a detailed report on the operations of the Fund to be transmitted to the Congress semi-annually.

Section 805 (administration of Fund) requires the President to establish an advisory committee consisting of the Secretaries of Commerce, Treasury, and State; the President of the Export-Import Bank; and the Administrator of the Mutual Development and Cooperation Agency.

Section 806 (provision for losses) reserves 10 per cent ($500 million) of the Fund's borrowing authority to cover losses and provides that receipts from loans made under foreign assistance legislation may also be used for that purpose. Any amounts borrowed from the reserve would eventually have to be repaid, and foreign assistance receipts could be used for that purpose. Losses may include loans written off or payments suspended or deferred, or the interest payments required to service funds borrowed in the amount of the loans written off or payments suspended or deferred.

Section 807 (Export-Import Bank powers) provides that this part does not limit the powers of the Export-Import Bank.

Section 809 (definitions) defines "lowest income countries" as the poorer developing countries with special reference to countries where national product per capita is under $200 a year.

Section 7. References to Existing Act and Administering Agency

This section assures that the change of the title of the Act to "Mutual Development and Cooperation Act of 1973" and of the name of the administering agency to "Mutual Development and Cooperation Agency" will not affect existing or future references to either.

May 30, 1973.

Mr. HUMPHREY. Mr. President, the Mutual Development and Cooperation Act of 1973 has received widespread bipartisan support which I would like to bring to the attention of my colleagues. During the testimony on this legislation in the House Foreign Affairs Committee, several witnesses with considerable experience in the problems of development made statements in support of this new approach to foreign aid.

I ask unanimous consent that statements by Mr. Orville Freeman, Mr. James P. Grant, Mr. Douglas Dillon, and Mr. David Rockefeller, along with two articles in the Christian Science Monitor and one editorial in the New York Times be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ORVILLE L. FREEMAN*

Mr. Chairman and Members of the Committee: First I would like to congratulate the Committee for the proposals under discussion today. In my opinion, they represent the kind of bold new approach to foreign assistance necessary both for the development of the world's less developed nations, and ultimately for the benefit of all nations, rich and poor.

THE PROPOSED EXPORT DEVELOPMENT CREDIT FUND

Available evidence indicates that the United States is rapidly losing ground to other developed nations in the supplying of goods to the world's poorest nations—those with per capita incomes below $200. In many cases the reason for our lagging position is not our inability to produce the needed goods at competitive prices, but our failure to offer the goods on terms commensurate with the ability of the poorest nations to pay. While the Export-Import Bank, which provides credit on only slightly concessionary terms, has provided powerful encouragement for American exports to those nations with incomes above $200, it has had little impact on sales to the lowest income nations. By contrast, Europe and Japan have continually increased their level of concessionary financing for the poorer countries. As a result, the United States has not been able to compete effectively for this growing market, which includes about 60 percent of the world's people.

Therefore I wish to express my emphatic support for the proposed Export Development Credit Fund. This Fund, if established, would permit a significant growth in American exports to the poor countries. This would mean tens of thousands of new jobs for American workers. At the same time the goods and machinery we can supply could serve as a catalyst for sustained economic growth in many poor nations.

This economic growth which is so badly needed in the poor nations can be viewed as a worthy goal in itself. However, a generation of experience also indicates that economic progress in developing nations can lead to a future rapid growth in exports from the more advanced nations. The economic development which today's financed exports can help promote, then, can provide escalating future benefits both for the poor countries and for the United States.

Our 18 years of experience with Public Law 480, the legislation which enabled us to export farm products to low income countries on concessional terms, is instructive in considering this legislation. That legislation had two important objectives: to reduce U.S. farm surpluses and to alleviate hunger in the recipient countries, helping them buy time with which to modernize their own agricultural economies. A large number of these countries have been remarkably successful as is evidenced by the pronounced decline in requests for food aid over the past six or eight years.

An important by-product of PL 480 was the development of dollar markets for U.S. farm exports as various developing countries acquired a capability for commercial imports. Fortunately for our balance of payments, U.S. commercial exports of farm products are soaring, climbing from under $5 billion in 1965 to an estimated $11 billion in the fiscal year ending this month. Public Law 480 exports meanwhile have declined from $1.32 billion to about $1 billion.

Countries which became accustomed to using U.S. farm products when they were available under concessional terms continued to use them as they switched to commercial purchases. Established working relationships with U.S. exporters also facilitate continuing purchases of U.S. farm products.

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*The Views expressed in this testimony are those of the witness, and do not necessarily represent those of Business International Corporation, or others of its Directors, officers, or staff.

In effect, what is being proposed in this legislation is a program to develop concessional markets for U.S. industrial exports in markets where we are losing out to other industrial exporters. Those countries where incomes are below $200 contain a majority of the world's people. Someday they will constitute a large and lucrative market for our exports, as do a number of the richer developing countries today. If we can establish ourselves as suppliers during the early stages of economic development, then we will have an opportunity to remain as suppliers in the future when markets will be far more lucrative than they are today.

If we are to ensure the participation of American producers in the future growth of the developing countries, we must act now to build the healthy trading relationships that are needed. Business experience indicates that export potential will be maximized through long-term buyer familiarity with American products, and American producer familiarity with the particular needs of the buying country. The soft-term financing which would be provided by the proposed Export Development Credit Fund would be an important step in the right direction.

Furthermore, if American firms achieve a stronger position as suppliers of developing country markets, then as these markets grow we can expect to see added opportunities for American investments in many nations. Once countries are using a given piece of imported equipment extensively, whether it be a machine tool or a computer, they often become interested in having it produced domestically once the market becomes sufficiently large. Not surprisingly, investment frequently follows exports.

Recent studies of U.S. corporations with holdings abroad show that significant numbers of jobs at home in the United States, as well as a sizable level of exports, are generated through the need to supply the factories abroad with necessary inputs. Establishment of a position as a supplier of goods is often the prerequisite of successful investment in a foreign country, however. Thus without the kind of impetus to American exports to developing nations which the Export Development Credit Fund could provide, our potential future role in many nations may be foreclosed by the actions of other developed nations, which are currently building profitable economic relationships in these nations with greater care and forethought than we are.

Finally on this subject, I would like to point out the proposed Fund's potential in improving our long-term balance of trade position. Many feel that our growing trade deficits constitute the greatest single threat to the welfare of the United States today. I do not think we would be wise to pass up te opportunity this proposed Fund provides to bolster our future trading position among such a large number of countries.

Our mutual interest in agricultural development

At this point I would like to turn to an additional aspect of the new foreign assistance proposals—the focus on solving certain key problems with a particular effort to reach the poorest sectors of the population *within* developing countries. For many reasons, I think that the new emphasis is highly desirable. Since I have a special interest in the development of agriculture and the world food situation, I will first make some observations on these crucial subjects.

This year, while acting to meet the threat of famine in parts of Africa and India, those concerned with the global food situation have seen world reserve stocks of essential grains sink to their lowest level in more than two decades. The Director-General of the Food and Agriculture Organization of the United Nations, Dr. A. H. Boerma, has noted that the world is currently just one bad harvest away from widespread famine and critical shortages of foodstuffs. Fortunately, the outlook for this season's crops is good in many crucial areas of the world and, outside of portions of sub-Saharan Africa, starvation may be largely avoided.

But while keeping our fingers crossed during the coming year, we need to look forward to the next decade and beyond. In my opinion, the world food outlook is not a bright one. It seems very likely that global food reserves will not soon be rebuilt to the rather consistently high levels of the 1950's and 1960's. The capacity of food donor countries, including the United States, to aid those which are having difficulty meeting their own food needs will be severely diminished. Such a new situation is likely because global demand for many important food commodities may rise considerably faster than our ability to expand supplies in the coming years.

Skyrocketing food prices in our own supermarkets have recently made many Americans aware for the first time of the inexorable logic of supply and demand. The news media have correctly pointed to several factors, including poor harvests in Asia and the Soviet Union, the disappearance of the anchoveta off the coast of Peru, and bad weather in the United States, as contributing to the current short supply of important food commodities. It is my feeling, however, that these short-term factors may be diverting our attention from some more fundamental longer term trends which are altering the dimensions of the world food situation.

Throughout human history, population growth has accounted for nearly all the growing demands which were made on the earth's food-producing capacity. During the seventies rapid population growth continues to generate demand for more food, but in addition we are now witnessing the emergence of rising affluence as a major new claimant on world food resources. Historically there was only one important source of growth in world demand for food, but now there are two.

At the global level, population growth is still the dominant source of growth in demand for food. Expanding at nearly 2 percent per year, it will double in a little more than a generation. Merely maintaining current per capita consumption levels will therefore require a doubling of food output over the next generation.

Population growth is slowing in most rich countries and in a few poor countries, but throughout most of the world it continues to be very rapid. The world currently divides into essentially two groups of countries in demographic terms: the rich countries, which have low rates of population growth, and the poor countries, most of which have rapid rates of population growth. Fully four-fifths of the annual increment in world population of an estimated 70 million occurs in the poor countries.

Some of the relatively small poor countries add more to the world's annual population gain than the larger rich ones. Mexico, for example, now contributes more to world population growth than does the United States. The Philippines adds more people each year than does Japan. Brazil adds 2.6 million additional people in a year while the Soviet Union adds only 2.4 million.

The effect of rising affluence on the world demand for food is perhaps best understood by examining its effect on grain requirements. Grain consumed directly provides 52 percent of man's food energy supply. Consumed indirectly in the form of livestock products, it provides a sizeable share of the remainder. In resource terms, grains occupy more than 70 percent of the World's crop area.

In the poor countries the annual availability of grain per person averages about 400 pounds per year. With only this much grain available, nearly all must be consumed directly to meet minimum energy needs. Little can be spared for conversion into animal protein.

Throughout the world, per capita grain requirements rise with incomes. The amount of grain consumed directly rises with income until per capita income approaches $500 per year, whereupon it begins to decline, eventually leveling off at about 150 pounds. However, total grain consumed, directly and indirectly, continues to rise rapidly as per capita income climbs. As yet no nation appears to have reached a level of affluence where its per capital grain requirements have stopped rising.

Within the United States and Canada, per capita grain utilization is currently approaching one ton per year. Of this total, only about 150 pounds is consumed directly in the form of bread, pastries, and breakfast cereals. The remainder is consumed indirectly in the form of meat, milk and eggs. The agricultural resources required to support an average North American are nearly five times those of the average Indian, Nigerian or Colombian.

There is now a northern tier of industrial countries—beginning with Ireland and Britain in the West and including Scandinavia, Western Europe, Eastern Europe, the Soviet Union and Japan—which are more or less where the United States was in terms of its economic advancement and dietary habits in 1940. As incomes continue to rise in this group of countries containing some two-thirds of a billion people, a sizable share of the additional income is being converted into demand for livestock products, particularly beef. These countries (many of them densely populated, such as the Western European countries and Japan, or suffering from a scarcity of fresh water, as is the Soviet Union), lack the capacity to satisfy the growth in demand for livestock products entirely from indigenous resources. The result is growing imports of livestock products, or of feedgrains and soybeans with which to expand indigenous livestock production.

From both continuing population growth and spreading affluence, then, we can expect pressures on the world's food resources to continue increasing rapidly. I believe that it will be very difficult to adequately meet these rising pressures within the world's present pattern of food production. International stocks of important grains are likely to remain at a dangerously low level. Perhaps two thirds of the roughly 50 million acres of cropland in the United States which were idled under farm programs through much of the sixties, and which in a very real sense have served as the world's food safety valve, are likely to be brought back into near-permanent production. If this situation comes about, developing countries will have nowhere to turn for food aid when bad weather, insects or a disease outbreak sharply diminish or even destroy a year's crop, or if population growth greatly outstrips indigenous producing capacities. Global food scarcity may force us to tighten our belts but in the poor countries it may require forfeiture of life itself.

This unpleasant possibility underscores the need for promoting agricultural development in the developing countries with a special urgency. I support very strongly the inclusion of explicit attention to the problem of food production in the current legislative proposals. The world's greatest reservoir of unexploited food potential is in the developing countries. Rice yields per acre in India and Nigeria are only one-third those of Japan. and corn yields in Thailand and Brazil are less than one-third those of the United States. In these countries and many others, dramatic increases in food supply are possible if farmers are given the necessary economic incentives, agricultural inputs, and technical know-how. The United States has proven its ability to play a valuable role in aiding agricultural development abroad, and we should take even fuller advantage of our expertise in this domain.

If the food producing capacities of many important developing countries do not increase substantially within the next decade, there are likely to be many unfortunate consequences for the United States. A growing worldwide increase in demand relative to supply will tend to drive food prices upward, not only in international markets, but at home as well. If we should try to isolate ourselves from world scarcity, the situation could arise where famine and misery take a growing toll in many poor countries while we in the United States consume a disproportionately large share of the world's food production—clearly an unpalatable alternative. A policy of isolation on the food front might also seriously jeopardize many crucial foreign supplies of non-food resources, including energy and key raw materials. Yet if we should have to share food scarcity with the rest of the world, our own standard of living would suffer. Clearly, therefore, it is in the self-interest of the United States to aid the development of agriculture in the developing world.

SMALLER FAMILIES THROUGH SOCIAL PROGRESS

Another important factor in the world food situation is of course population growth. Slowing rapid population growth will serve the development interests of the poor countries, and will also serve the interests of the world community by helping to reduce the ultimate number of claimants on the world's finite resources, both food and non-food. In this context, the focus in the proposed law on reaching the poorest sectors within developing countries, and the complementary emphasis on rural development, represent a sophisticated and necessary comprehensive approach to the urgent need for slowing population growth.

History has shown that birth rates do not usually decline voluntarily in the absence of a minimal level of social amenities, including literacy, an assured food supply, a reduced infant mortality rate, and at least rudimentary health services. By placing an increased emphasis on meeting these basic needs, particularly in the rural areas—where the majority of the world's people live—the United States can simultaneously help the world's forgotten majority attain a more decent life and stem the rapid population growth which threatens the well-being of everyone. At the same time, rural agricultural development will help reduce the massive employment and rural-urban migration problems confronting many poor countries.

In the past some have suggested that there is a conflict between the goals of rapid economic growth and the widespread distribution of the benefits of growth among the population. Recent evidence from several nations, however, has proven that this is not necessarily the case. Several Asian countries have combined rapid economic growth with greatly improved income distribution, and have also experienced considerably reduced unemployment and falling birth rates, which have been brought down further with the introduction of effective, national family planning programs.

Looking specifically at agriculture, evidence from various parts of the developing world indicates that intensively farmed small holdings are generally considerably more productive on a per acre basis than larger holdings. Thus the goal of widespread, employment-creating agricultural development goes hand in hand with the need to significantly expand food production in the developing countries and to increase the motivation for smaller families.

POTENTIAL BENEFITS OF THE NEW "PROBLEM SOLVING" APPROACH

I would like to end my testimony by commenting on an aspect of the proposal which struck me—the notion of "problem solving" in specific fields which is substituted for overall country programming and the more general idea of resource transfers of the past. I think the change in approach is a good one. It helps focus more attention on the critical areas which could improve the welfare of the majority of mankind, rather than on GNP totals alone which, while important, have failed to reflect adequately the needs of the poor in many developing countries.

Furthermore, I know from personal experience that a major international effort in a particular problem area can have dramatically beneficial consequences. During the mid-1960's, when I was serving as Secretary of Agriculture, widespread famine in the near future in major parts of Asia was seen as a real possibility. For many it appeared to be a certainty. A concerted effort by many in both the developed and the less developed nations, however, resulted in the rapid development and spread of high-yielding varieties of wheat and rice which has become known as the Green Revolution. While the Green Revolution has obviously not been the final answer to the world's food problems, it has enabled several Asian nations to achieve previously undreamed of levels of grain production. It has been an essential means of buying time with which to slow population growth and further develop agricultural potential. It is an impressive example of man's ability to confront successfully a problem of seemingly super-human proportions.

Such dramatic breakthroughs may not occur in all of the problem areas specified in the proposed legislation. Nevertheless, the focusing of energies and purpose on these key issues holds the promise of greater progress than the less concentrated approach of the past has yielded.

STATEMENT OF JAMES P. GRANT,* PRESIDENT, OVERSEAS DEVELOPMENT COUNCIL, BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, JUNE 12, 1973

Mr. Chairman and Members of the Committee: I appreciate the invitation to testify before this Committee. The proposals made by a bipartisan majority of the Committee for increasing the effectiveness of U.S. assistance to developing countries and to establish a new credit facility for expanding our exports to the one billion people who live in the lowest income countries of Asia, Africa, and Latin America are possibly the most far-reaching and important of any broadly supported Congressional initiative in this field since the launching of the Marshall Plan 25 years ago. I will address separately each of the four major proposals in the bill.

NEW NAME AND TITLE

Changing the title of the legislation to the Mutual Development Cooperation Act and the name of the administering agency to the Mutual Development and Cooperation Agency would make them reflect more accurately the true nature of the relationship now emerging between the United States and the developing countries. As detailed in the Overseas Development Council's recent publication *The United States and the Developing World: Agenda for Action* (February 1973), international politics and power relationships are changing, with security concerns giving way to economic issues among nations. This change will require the United States and other rich nations to pay greater attention to the needs and desires of many developing countries than ever before—for reasons of morality, self-interest, and the development of effective international institutions, which we in the United States in particular require.

Development can be a mutually beneficial process both for the low-income countries in need of outside resources and for the outside countries supplying those resources. This is increasingly true as the world grows more interdependent and as all countries rely more on international cooperative efforts to solve their problems and to achieve their national goals. For example, improving the U.S. balance of payments and increasing domestic employment are two goals that depend on reform of the international trade and monetary systems; in both instances, cooperation by developing countries will improve the prospects for success. The ability, and willingness, of developing countries to cooperate in these areas is likely to be greater if they are making progress toward achieving their national development goals and we are assisting in the process. Similarly, our growing need for relatively assured access to their raw materials frequently requires both improvements in their infrastructure to permit physical access and their continued economic and social progress to maintain their political viability.

"Mutual Development and Cooperation" may be a headline writer's nightmare, but it is a good shorthand way of describing a relationship in which the U.S. perceives a direct self-interest in the success of the development efforts of the low-income countries. It is also a more suitable characterization of a style of administering development assistance which looks to the developing country to take the lead in setting its own goals and planning development activities.

REDIRECTION OF BILATERAL DEVELOPMENT ASSISTANCE

The Committee members have taken a very important and constructive step in increasing and sharpening the focus of the now much diminished bilateral assistance program on acute problem areas, and in emphasizing especially the importance of assisting developing countries in programs and projects which will benefit *the poorest majority of the people* in these countries and which will enable them to participate more effectively in the development process.

The circumstances surrounding bilateral development assistance have changed dramatically in the past 10 years. In the early 1960s, not only was bilateral development aid larger both in absolute amounts and in purchasing power, but it also was a much larger proportion of the total foreign exchange available to low-income countries. Now, however, the developing countries (excluding major oil exporters) have more than doubled their earnings from exports of goods and services, to over $50 billion annually in 1972. At the same time the private investment and aid flows from other developed countries have increased from approximately $4 billion to over $11 billion, and multilateral financial institutions have assumed a much greater role in transferring resources. Thus the diminished amount now available for bilateral development aid—some $1 billion—has a much diminished role both in transferring resources generally and in financing major capital projects.

Over the same 10 years, the global development effort has had remarkable success in increasing the rate of growth in national product. During the 1960s, the developing countries average a 5.5 percent increase in GNP—a rate of growth unequalled by the rich countries at a comparable stage of their development. A number of developing countries have experienced very substantial economic growth, attaining GNP growth rates of 10 per cent or even higher. Some low-income agricultural societies have been transformed into industrializing economies in amazingly short periods, and others are following suit. Exports of manufactured goods have shown dynamism; for the developing countries as a whole, they have been increasing rapidly and now account for 23 per cent of their total world exports.

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*The views expressed in this testimony are those of the witness, and do not necessarily represent those of the Overseas Development Council, or others of its Directors, officers, or staff.

Yet unemployment levels in many developing countries are still increasing, some even exceeding those of our own Great Depression; the income gap between the poorest half of the population and those well-off is actually widening; the bottom two-thirds of the population still have no meaningful access to health facilities; a majority of the rural population are illiterate; and urban settlements are mushrooming because of massive rural migration. In many areas, these problems become less manageable every day because population growth continues unrestrained. Finally, if the debt burden that has built up in a number of major, very low-income countries continues to accumulate, it will become insupportable. This situation has led some people to throw up their hands in despair, others to argue that aid is only "making the rich richer," and still others to state that development is aggravating global environmental and population problems.

These are the real issues which must be met in seeking to answer the question: "Where next with development assistance?" The global community now knows from the experience of the 1960s how to achieve increases in national product when it has the will to devote international and national resources to the task. However, to continue to measure development by GNP increases alone is to forget that, after all, the goal is human progress. Development must now be seen as encompassing the minimum human needs of man for food, health and education, and for a job which can give him both the means to acquire these basic needs as well as the psychological sense of participating usefully in the world around him. Last February in New Delhi, a wise and perceptive Thai set forth the aspirations of Asian man as seen through his life cycle from the womb to the grave. His "Ode of a Developing Country Man" (Annex A) is a most expressive description of the meaning of development. We need to develop ways of achieving this broadened concept of development as successfully as did the global community in accelerating growth in output over the past 10 years.

Fortunately, experience in a number of poor countries during the past 10 years offers some encouraging evidence that an effective combination of domestic as well as international policies can simultaneously create new jobs, increase access to health and educational services, improve nutrition, reduce income disparities, and check population growth. The possibility is best illustrated in East Asia, by countries with very different political and economic systems; namely, the experience of post-1960 China on one side of the ideological barrier, and the experience of South Korea, Taiwan, and the city-states of Hong Kong and Singapore on the other.

Contrary to a common assumption of the 1950s and 1960s, the development record of these countries indicates that policies that enhance social equity need not deter overall economic growth—and that many such policies can even speed it up. Thus, in the smaller East Asian countries just mentioned, growth rates over the past decade have averaged an impressive 10 per cent annually. But in addition, the income, health, and education of the bottom half of the population has improved greatly, the disparity between the income controlled by the upper and bottom 20 per cent of the population has been reduced, birth rates have dropped sharply, and the dependence of these countries on foreign aid has either ended, or, as in South Korea, has been greatly reduced. All of these countries have found a way to increase the ability of the average worker to participate effectively in the development process, thereby helping both the individual and his society.

This has required not only favoring use of plentiful labor over scarce capital-intensive equipment, but also providing the incentives and merchanisms to encourage savings, establishing or supporting institutions to give small farmers and entrepreneurs ready access to capital and technology, and ensuring the availability of rudimentary but meaningful educational and health services for virtually all. Through such policies, these countries have made social justice a major ally of growth. The acceleration of growth through full employment should not surprise us, as it not only means that more people have a stake in society, but that national output is increased by putting idle labor resources to work, and that scarce capital and foreign exchange are used more efficiently. Elsewhere, countries as different as Israel, Ceylon, and Yugoslavia have dealt effectively with some of the problems discussed here.[1]

There also is important new evidence that in an increasing number of poor countries, birth rates have dropped sharply despite relatively low per capita income, and despite the lack or relative newness of family planning programs. The common factor in these countries of Latin America and Asia is that the majority of the population has shared in the economic and social benefits of significant national progress to a far greater degree than in most poor countries—or in most Western countries during their comparable period of development (see Annex B). This evidence demonstates that appropriate policies for making health, education, and jobs more broadly available to lower income groups in poor countries contribute significantly toward the motivation for smaller families that is the prerequisite of a major reduction in birth rates. It is becoming increasingly clear that if the developing countries are to escape the threat posed by rapid population growth within an acceptable time frame, more families must acquire the motivation to limit births, not only be provided with improved means to do so.

In the 1970s, development planners need to give far more attention than heretofore to the effect of alternative development strategies on birth rates. Equally important, the population crisis must be dealt with in the broader context of the development crisis—with more emphasis on the possible ways of treating the basic "disease" of poverty, thereby creating the needed motivation for smaller families. Combining policies that give special attention to improving the well-being of the poor majority of the population and policies that provide large-scale, well-executed family planning programs should make it possible to stabilize population in developing countries much faster than reliance on either approach alone.[2]

It is no accident that most of the non-socialist "development successes" have taken place in societies with broad access to varying combinations of trade, investment, and aid. Nor is it an accident that the major innovations introduced through development cooperation have resulted primarily from U.S. assistance programs—private and public—which explicitly concentrated on particular functional areas. These innovations include the programs such as comprehensive rural development in Korea and, in particular, Taiwan; the "Green Revolution:" the extraordinary spread of public health measures as exemplified by malaria eradication: and the acceptance of the need for large-scale family planning programs.

The bilateral development aid requested by the Administration and supported by the proposed bill is a relative drop in the bucket when contrasted with the total needs of the developing countries (excluding major oil exporters) for more than $70 billion of foreign exchange. However, if bilateral assistance is looked at as a weapon to be targeted primarily on the critical specific problems of development (and particularly on helping the poor majority to participate more effectively in the development process), this amount can be of great significance. President Nixon in his May 3 report on the State of the World, and A.I.D. in its Congressional presentation have both recognized the need for such a greater focus. The proposal now before the Committee will ensure that this shift takes place more rapidly, and more extensively than otherwise might be the case.

I might add that my personal involvement with these hard-core development problems began some 25 years ago as the result of this Committee's initiative to address this range of problems in the rural sector of China, when it authorized the Sino-American Joint Commission on Rural Reconstruction (with its unique collaborative style of 3 Chinese and 2 American Commissioners), and required earmarking of a certain proportion of the funds for its use. I acted as the Commission's Executive Secretary for its first year on the mainland, and again later, briefly, in Taiwan. That early Congressional initiative contributed greatly to the subsequent unique combination of accelerated growth and greatly increased social justice in rural Taiwan, and I hope we will witness the establishment of similar joint groups in other countries to which considerable discretionary authority can be delegated.

COORDINATION

The current bill recognizes that the actions taken by the United States in such fields as import policies, export promotion, international monetary policy, environmental protection, and a regime for the oceans may be more important to some developing countries than our actions on aid. It rightly provides that whenever the United States formulates policies on such subjects, the decision-making process should also take into account the effects on the important U.S. interests in advancing the progress of low-income countries.

A mechanism for assuring efficient use of all major tools affecting the U.S. interest in development is not in operation today despite the fact that President Nixon publicly recognized in 1971 the need for better coordination, with particular reference to the different U.S. entities involved in the aid process through bilateral, international, and multilateral mechanisms. A.I.D., the U.S. agency with the greatest expertise in the development process, is not even a member of the President's Council on International Economic Policy or of the National Advisory Council chaired by the Treasury.

The need for better coordination was identified by Edwin Martin, Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development, in his most recent report. Ambassador Martin points out that in many donor countries, the development assistance agency that is most knowledgeable about development matters is not represented in such policy decisions—and often is not even directly involved in all aid decisions. He called upon governments to correct this anomaly.

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[1] Possibly the best general discussion of these new policies is in *Development Reconsidered*, by Edgar Owens and Robert Shaw, D.C. Health (1972).

[2] See *Smaller Families Through Social and Economic Progress*, by William Rich, Monograph No. 7, Overseas Development Council (1973).

The coordination proposals in this bill should meet this need to increase the effectiveness of U.S. policy decisions and expenditures in this important field.

EXPORT DEVELOPMENT CREDIT FUND

The bill establishes an Export Development Credit Fund to make credits available for financing U.S. exports having a developmental value to countries in the lowest income brackets. The Fund could mean a major breakthrough for American exports to a potentially major market and should also prove useful to the lowest income countries. Quite apart from our long neglect of China, the United States in recent years has increasingly neglected the future market potential of the poorest billion people living elsewhere in the developing world. The Fund can help to correct this neglect by providing financing which is competitive with that of other industrial nations and which also increases funds for financing our exports—thereby creating markets for the immediate future and for follow-on orders, as well as helping build stronger economies that can develop into better customers for U.S. goods over the long run.

U.S. exports to less developed countries as a whole totalled over $16 billion in 1972—nearly the same as our combined exports to Japan and the recently enlarged European Community (including the U.K.). These exports have been growing at about 10 per cent a year over the past few years. Yet several facts become apparent if one examines the statistics on U.S. exports to those developing countries with the very lowest annual income—below $200 per capita—and as one reviews the background analysis and descriptive material released at the press conference on this bill:

First, total U.S. exports to the lowest income category of developing countries are not expanding, but actually decreasing. With over 60 per cent of the population of the poor countries, this category now takes only 10 per cent of our exports to developing countries.

Second, other rich countries are expanding their exports to these lowest income countries along with expanding their aid to these countries.

Third, American exports to these countries are heavily dependent on U.S. Government financing, which is not increasing.

Fourth, very little of the financing for the lowest income countries, approximately $100 million in 1972, comes from the Export-Import Bank—most comes from A.I.D. and PL 480, which are decreasing. This contrasts sharply with the financing pattern for our rapidly growing exports to the much less populous, more advanced developing countries for which the slightly concessional Ex-Im terms are suitable, and where its loans and medium-term guarantees have increased to over $2.5 billion in 1972.

Many U.S. exporters believe that a major factor behind our poor performance in these markets is the shortage of financing available on sufficiently concessional terms. Hence the idea of a Fund to make credits available to these markets at more attractive terms appears sound. Nevertheless, a number of questions about the proposed Fund need to be answered.

1. *Where is the line between export credits and development loans?* There is no easy answer to this question, other than the intention of the lender. It is clear, however, that large-scale export promotion to the lowest income countries requires a substantial concessional component, which is not presently available for American exporters.

There is a modest subsidy component in Export-Import loans, which are usually at a rate lower than that at which Ex-Im Bank borrows on the market, with the interest differential being made up from other income available to Ex-Im Bank. There obviously is a large concessional element in the typical IDA loan, and a still large but somewhat smaller element in A.I.D.'s concessional loans, which are on harder terms.

In the United States, Ex-Im Bank loans to developing countries have increasingly begun to resemble development finance as the Bank has extended repayment periods and followed flexible rules. For instance, direct loans by Ex-Im Bank in FY 1970 for conventional electrical equipment had maturities ranging from 5½ years to 16, with a median of about 10. At the same time, A.I.D. development financing has begun increasingly to incorporate elements from export credits, e.g. to shift from untied to tied procurement, from largely grants to mostly loans, and from highly concessional loans to credits on increasingly hard terms. Other industrial countries—such as Canada, Germany, Japan, and France—promote exports to lowest income countries by blending a "cocktail" for individual transactions, using their public aid funds in combination with commercial term funds so as to bring about modifications in the terms and conditions of commercial credits, especially to reduce the rate of interest.

A recent study[a] examining the interaction between development finance and export credits notes:

"Unlike other donor countries, the U.S. government has sought to maintain a fairly rigid line between its foreign aid program and the activities of the Export-Import Bank of the United States. The line is based less on a clear distinction between what the two agencies actually do than on their stated motivations. What Eximbank does is labeled export credit; because the mission of that agency is to promote exports, despite the fact that Eximbank has been making long-term direct loans to developing countries (among others) for a longer time than any other development finance or national export credit agency. What USAID and the World Bank do is called development finance, or foreign aid, because here the motivation is to be bankers of the poor. Yet the loans of these agencies finance exports too, and, as far as the World Bank is concerned, often on terms comparable to those of the national export credit agencies."

It is clear from the text of the proposal that the Export Development Credit Fund is designed to increase U.S. exports that have a developmental character to the populous lowest-income countries. In addition, these credits should help to strengthen the economies of these countries, thus bringing a better life to their people, increasing their ability to meet these future obligations, and assisting them to become increasingly better markets for U.S. industry.

2. *Would the availability of credit on softer terms actually increase U.S. exports?* Or might it merely displace existing financing? Nobody can be certain what will happen in this inexact science, but the bulk of the credit used from this Fund should result in additional exports. We do know that the vast bulk of financing for the market represented by countries with annual per capita GNPs under $200 now comes from PL 480 and A.I.D. loans and grants. Since the Fund is not intended for financing exports of agricultural surpluses, there should be no effect on PL 480. Since A.I.D. loans and grants will be made available on terms generally better than those of the Fund, and since most of the developing countries need more rather than less concessional terms, A.I.D. financing should not be displaced unless the U.S. Government chooses—as a matter of deliberate policy—to withdraw them and substitute Fund credits. It is possible that the $116 million loaned in the most recent year by the Export-Import Bank would be displaced by the Fund, but if so, it would again be a matter of deliberate U.S. governmental decision. Given the heavy debt burden some of the poorest countries carry, it might be good if the softer terms of the Fund were substituted for the harder terms of the Export-Import Bank; in any case, a small amount of exports is involved. There is no way of knowing whether the rather small amount of private financing (about $250 million) might be displaced by Fund credits. To the extent this financing covers sales from parent companies to subordinates, it probably would not be affected. Likewise, exports financed by private equity capital probably would not be affected. My own guess is that the residue of private loan financing that might be displaced by the Fund would be very small indeed.

Is the poor performance of U.S. exports to these markets relative to others due to uncompetitive financing—or to other causes? Clearly the overvaluation of the dollar until recently was a contributory factor, but it must be remembered that this factor did not prevent our exports to the more advanced developing countries from rising rapidly. Another factor has been that the tied aid of other countries to these lowest-income countries has been rising while ours has been falling. Although we do not have comprehensive statistics, there is a great deal of material in the form of known cases of bids lost because of lack of competitive financing. U.S. exporters with whom I have talked in recent weeks believe that the lack of suitable financing is a very important factor in the situation. Many of them point out that exports are often lost because Americans do not bother to bid—believing that they cannot win because of inadequately competitive financing.

Whatever the history and causes of our poor export performance to this category of countries, I think there are two reasons to expect that more attractive financing would help. First, if a line of credit were extended by the Fund to the government of country A for a particular purpose, such as imports of electrical equipment or heavy construction equipment, that government would have an incentive to make sure that American exporters were given a fair opportunity to compete for business. Otherwise, country A would fail to make use of a valuable resource, and in due course the line of credit would be withdrawn. Second, and much more critical, once it became known that there was a substantial line of credit available to country A for imports from the United States, there would be an incentive for U.S. exporters to pay more attention to that market. If this were to happen, some dramatic changes probably would take place. U.S. exporters might be encouraged to send representatives to importing countries or to arrange, where warranted, for a local resident representative to insure that they are notified of tenders to bid, to secure copies of specifications for them, and to represent their interests in general. These basic preliminary steps can be very important in increasing U.S. exports on commercial terms to a particular market on a long-run basis.

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[a] "The Bankers of the Rich and the Bankers of the Poor: The Role of Export Credit in Development Finance," by Nathaniel McKitterick and B. Jenkins Middleton, Overseas Development Council Monograph No. 6 (1972).

Now that there has been a substantial devaluation of the dollar, and that U.S. price indices are trending upward at a slower pace than those of our competitors, there is every reason to expect that American goods will be able to compete on price and quality for these markets. This is precisely the right time for U.S. Government action to make sure that U.S. exports can compete on financing terms as well.

I hope that the Fund would be administered in such a way as to correct more than the deficiency in U.S. financial competitiveness. It should also aim to help provide U.S. business with timely information and encouragement to seek sales in these markets, and it should analyze other obstacles to U.S. exports and make appropriate recommendations as to how they can be removed.

3. *Will this create U.S. jobs?* The Export-Import Bank has done some calculations which show that each additional $12,500 of exports creates one U.S. job. At that rate, if the Fund were to stimulate $1 billion of exports each year, some 80,000 additional jobs would be created.

4. *Is this an unwarranted subsidy of U.S. business?* It need not be, if properly administered. One object is to make U.S. exports competitive in financing terms. But they must still meet the competition from Europe and Japan on price and quality. And there is plenty of competition. In addition, it might prove useful for the Fund to provide a price test prohibiting any exported under Fund financing from charging more for his exports than for his domestic sales.

5. *Is this moving in the direction of tying aid and therefore counter to desirable trends in aid-giving?* This is neither aid nor in substitution of existing aid, but is financing for export promotion. Insofar as bilateral aid to be administered by MDCA is concerned, that is already largely tied and this does nothing to tie it further.

6. *Since developing countries are already saddled with a heavy debt burden, will lending them more increase their problems?* Of course, compared with a grant, any loan is hard. As a supporter of development, I hope that an increasing flow of grant funds will be made available. But it is not reasonable to suppose that all low-income country imports could be financed with grants. Some must be paid for with cash (the hardest form of import), and some with commercial loans and investments. The Fund would add a new dimension between grants and commercial credits. Assuming the imports it finances are of the developmental character required in the bill and are used productively, they should improve the ability of the importing country to manage its debt burden.

In this connection, the question has been raised whether these loans will ever be repaid. Our experience with the developing countries is that they do repay their loans. Occasionally they get into financial trouble and have to ask for debt relief. But they do not normally default on loans. Since the Fund will be extending credit on terms that the borrowers can more easily afford to pay, and for goods and services which strengthen the borrowers' economies, there should be fewer problems of need for debt relief than would be the case if these credits were not available or if they were only available on harder terms.

7. *Will Fund-financed exports help development?* This is a critical question, since not all imports do help development. The proposed bill sensibly provides that the Fund may only be used to finance goods that do advance development. Stating that policy may be as far as the law should go, but in administering the Fund, care would be required to prevent low-utility exports from being financed. I believe that the Fund should have a flexible commodity eligibility test, designed to make certain that its exports-support development in the importing country. Beyond that, there may be good reason for the Fund to verify that the import and investment policies of the importing country are such that Fund-financed exports to that country have a reasonable prospect of being constructively used. Such tests should not lessen the Fund's usefulness as a promoter of U.S. exports, since the range of U.S. goods and services helpful to development is very broad and can range from capital goals to individual raw materials, fertilizer, and food.

In order to take these development considerations into account, the Fund should have some expertise in the development business. In that connection, the Advisory Committee established by the proposed bill should prove valuable, for wherever the President might locate the Fund administratively, the Committee would ensure that the extensive development experience accumulated by the U.S. Government was brought to bear on its decisions. The PL 480 Inter-agency Committee has proven extremely valuable for this purpose with respect to agricultural commodities.

Despite the need for assessment of the developmental impact of the U.S. goods and services financed, the Fund should resist the temptation to try to tell the importing country how to run its internal affairs. For developing countries increasingly are evolving ways of protecting themselves from wasteful and harmful investment decisions. In any case, the functions of the Fund could be jeopardized by overly zealous application of rigid development criteria

8. *What about the use of American ships?* The mandatory use of American ships for certain commodities and certain destinations may make U.S. exports sharply more expensive than they would otherwise be. To prevent our exports from thus becoming uncompetitive, I propose that the bill be amended to permit the Fund to use aid receipts to pay for the *difference* between the cost of U.S. ships and other cheaper ships, whenever that difference is a serious problem.

9. *Which countries should be eligible?* The bill provides that lowest-income countries with less than $200 per capita annual GNP are to be the main recipients of Fund credits, but avoids making per capita GNP a rigid test of eligibility. Although per capita GNP is the best measure we have of poverty, it is not a perfect measure. Nor does it measure precisely the relative ability of countries to borrow on commercial terms or to service debt. Finally, it does not measure accurately the countries where U.S. exports are having particular difficulty. For those reasons, the record on the legislation should make clear the Congressional intent that the Fund be administered flexibly to take account of all relevant factors, including ability to pay, poverty, and the need for a subsidy to support U.S. exports.

CONCLUSION

Finally, Mr. Chairman, I would like to express my support for this work of the majority of the members of your Committee. Their labors have produced a bill which is a vast improvement in substance over present legislation—and which warrants, and I believe will attract, the support of important segments of the U.S. public. In my view, their initiative is, in the words of Congressman Zablocki in introducing this bill on May 30, ". . . in the best tradition of Congressional lawmaking. It embodies a bipartisan consensus on how future foreign aid programs should be structured."

ANNEX A: ODE OF A DEVELOPING COUNTRY MAN

(As told by an Asian humanist to James Grant)

While in my mother's womb, I want her to have good nutrition and access to maternal and child welfare care.

I don't want to have as many brothers and sisters as my parents had before me, and I do not want my mother to have a child too soon after me.

I want good nutrition for my mother and for me in my first two to three years when my capacity for future mental and physical development is determined.

I want to be able to go to school, together with my sister, and to learn a usable trade, and to have the school impart social values to me.

When I leave school I want a job, a meaningful one in which I can feel the satisfaction of making a contribution.

I want to enjoy good health; for this to be possible I need access to low-cost, readily available drugs and medical services, and I expect my government to provide free preventive health services.

I want to live in a law and order society, without molestation.

I want my country to relate effectively and equitably to the outside world so that I can have access to the intellectual and technical knowledge of all mankind, as well as to capital from overseas.

I would like my country to get a fair price for the products that I and my fellow citizens create.

As a farmer, I would like to have my own plot of land, with a system which gives me easy access to credit, to new agricultural technology, and to markets, and a fair price for my produce.

As a worker, I would want to have some share, some sense of participation, in the factory in which I work.

As a human being, I would like inexpensive newspapers and paperback books, plus access to radio and TV.

I need some leisure time for myself, and to enjoy my family, and want access to some green parks, and to the arts, and my cultural heritage.

I would like to have the security of cooperative mechanisms in which I join with others to do things which we cannot do alone.

I want clean air to breathe and clean water to drink.

I need the opportunity to participate in the society around me, and to be able to help shape the decisions of the economic and social as well as the political institutions that so affect my life.

I want my wife to have equal opportunity with me, and I want both of us to have access to the knowledge and means of family planning.

In my old age, it would be nice to have some form of social security to which I have contributed, but best of all would be to have my children able and desirous of providing for me.

These are the fundamentals of life, and what development should seek to achieve for all.

ANNEX B

FERTILITY LEVELS AND SOCIAL INDICATORS FOR DEVELOPING COUNTRIES, 1970

	Crude birth rate (birth/thousand) 1970	Crude birth rate (birth/thousand) 1960	Per capita GNP	Percent literacy	Death rate	Life expectancy	Infant mortality (1,000 births)	Extent of family planning programs percent
Argentina	21	23.0	[1] 1,068	91	8	67	56	[2] 0.6
Barbados	21	30.0	523(1969)	92	[3] 8	[4] 65	42	
Singapore	[3] 22	[5] 35.6	960	75	5	68	[3] 21	[6] 64.0
Uruguay	22	24.0	833	91	9	69	54	[2] 1.9
Trinidad-Tobago	23	40.0	890	89	6	66	37	[2] 19.6
Taiwan	[3] 27	[5] 37.1	373	85	[3] 5	68	[3] 18	[7] 56.0
Chile	28	35.0	854	84	9	61	92	[2] 11.3
Cuba	29	32.0	280	94	7	69	[8] 41	n.a.
Sri Lanka	[3] 29	[5] 35.1	169	75	8	62	50	
South Korea	[3] 29	[5] 39.3	258	71	[3] 10	58	60	[7] 30.0
Costa Rica	33	48.0	539	84	7	65	60	[2] 17.4
Jamaica	36	42.0	630	82	[8] 7	65	32	[2] 3.3
Brazil	[9] 37	40.0	394	67	[9] 9	64	94	[2] 1.1
Guyana	37	42.9	[9] 330	80	7	61	43	
Egypt	[3] 37	[5] 49.3	200	26	[3] 17	53	[3] 120	[6] 13.0
India	[3] 38	[5] 44.2	96	28	[3] 16	50	[3] 128	[7] 13.2
Malaysia	[3] 38	[5] 41.1	355	43	[3] 10	63	[3] 75	[6] 13.0
Turkey	[3] 39	[5] 41.0	257	46	[3] 13	54	[3] 119	[10] 5.0
Venezuela	41	46.0	[1] 931	76	7	67	46	[2] 6.2
Mexico	[9] 42	45.0	670	76	[9] 9	61	66	[2] 1.0
Thailand	[3] 42	[5] 44.2	174	68	[3] 9	56	[3] 68	[7] 18.7
Colombia	42–44	46.0	320	73	10	60	76	[3] 4.1
Paraguay	[9] 43	41.0	246	74	[9] 10	58	67	[2] 2.3
Peru	[9] 43	46.0	446	61	[9] 12	54	62	[2] .2
Pakistan	[3] 43	[5] 51.3	150	16	16	51	132	
Bolivia	44	44.0	203	40	19	50	108	NA
Ecuador	44	47.0	267	68	11	52	80	[2] 1.8
Philippines	[3] 44	[5] 46.6	266	72	[3] 10	55	[3] 78	[7] 8.1
El Salvador	[9] 44	50.0	294	49	[9] 10	58	63	[2] 10.5
Indonesia	[3] 45	[5] 46.6	105	43	[3] 18	48	[3] 135	[10] .8
Dominican Republic	[9] 48	49.0	356	65	[9] 14	58	72	[10] 6.8
Morocco	[3] 49	[5] 50.1	211	14	[3] 16	51	[3] 149	[7] 4.0
Honduras	49–51	49.0	267	45	17	49	136	[2] 5.9
Kenya	[3] 51	[5] 47.0	141	20–25	[3] 17	48	[3] 115	[11] 2.2

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[1] Income distribution in Argentina is better, and in Venezuela worse, than the average for Latin America; in Venezuela the poorer half of the population receives a smaller proportion of total income than any other country of the region. ECLA, Income Distribution in Latin America (U.N. Publication Sales No. E. 71. II. G. 2), pp. 41–61.

[2] Accumulated acceptors as a percentage of women of fertile age.

[3] 1971 data.

[4] Average of male and female life expectancies, 1951–69.

[5] Average 1960–65 data.

[6] Acceptors as a percentage of married women, 15–44 yrs, in 1972.

[7] Users as a percentage of married women, 15–44 yrs, in 1972.

[8] 1968 data.

[9] 1970 estimate.

[10] Acceptors as a percentage of married women, 15–44 yrs, in 1971.

[11] Users as a percentage of married women, 15–44 yrs, in 1971.

Sources: AID Economic Data Book, Latin America, Oct. 5, 1972. Selected Economic Data for the Less Developed Countries, AID, June 1972. Population Program Assistance, AID, December 1971, p. 210. 1972 World Population Data Sheet, Population Reference Bureau, Inc., Population table 19. Statistical Yearbook 1971, United Nations, p. 76. Data on percentages of accumulated acceptors are from Benjamin Viel, M.D., "Family Planning in Latin America: The Past, Present, and Future Role of IPFF," n.d., p. 8, prepared for the International Planned Parenthood; Federation, Western Hemisphere Region, Inc. United Nations Population Division, Working Paper No. 38, "Estimates of Crude Birth Rates, Crude Death Rates, and Expectations of Life at Birth, Regions and Countries, 1950–65," February 1971. Agency for International Development, "Population Program Assistance, Aid to Developing Countries by the United States, Other Nations, and International and Private Agencies," forthcoming (1972) issue. Dorothy Nortman, "Population and Family Planning Programs: A Factbook," Reports on Population/Family Planning, Population Council, September 1972.

Hon. THOMAS E. MORGAN,
Chairman, House Foreign Affairs Committee,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I regret that I am not able to appear before your Committee to testify in person on the encouraging initiative taken by a majority of the members to improve the effectiveness of U.S. support for the development of low-income countries. Nevertheless, I do wish to associate myself with this endeavor and give it my strong endorsement.

I welcome the emphasis on the human problems of the poorest majority of people living in the developing countries. From my association with the Rockefeller Foundation and the Pearson Commission I can attest to the value of U.S. support for efforts to fight disease, malnutrition, overpopulation and ignorance. These are the most pervasive problems of the developing countries, and the Congressmen wisely emphasize their desire to direct U.S. programs at them.

I also support the effort to assure that the U.S. Government consider the total impact of all its decisions that affect the developing countries. The economic and political power of this country is so great that many of our actions in trade, monetary and investment policies, or our proposals for the regime of the seas or in the international environment do have an important effect on the developing countries. Given our interest in supporting their development, it is well to develop a better procedure for taking into account the totality of those effects.

Finally, I strongly favor the imaginative proposal to create the Export Development Credit Fund. The United States is falling behind other industrialized countries in exports to the lowest income countries and steps should be taken immediately to remedy this decline. I personally believe that many U.S. exporters can improve their performance in this market. Clearly other countries believe that the poor countries have a market well worth pursuing and have developed their policies accordingly. We should do likewise.

I find particularly appropriate the proposal for financing the interest differential between what is borrowed and what is loaned from repayments on old aid loans. That innovation makes it perfectly feasible to finance these export credits from public debt authority. I recall that in 1957 the Administration submitted to the Congress a proposal for public debt authority to finance the Development Loan Fund. It was passed by the Senate and the House Foreign Affairs Committee but failed on the floor of the House. The weakness with that proposal was that annual appropriations would have been required in increasing amounts to cover the differences between the interest the DLF paid and what it charged its borrowers. Now, however, with receipts from previous DLF and other loans coming in, there will be ample funds to meet the costs and make the Fund financially viable without recourse to annual appropriations of new funds. Since we use borrowing authority and investment income to finance exports to Europe, Japan and the more developed low-income countries such as Brazil and Taiwan at slightly subsidized rates, it only makes sense to use a similar authority to finance exports to the poorer countries as well, but at more concessional rates. Otherwise, U.S. exports to those areas will continue to decline. As a consequence, the welfare of American workers also will suffer—and the poorest countries will be deprived of American goods and services they can fruitfully use to advance their development.

The Committee may find some who will object to the proposal on the grounds that creating the Fund would increase the already heavy debt burden of the poorest countries. However, any such objections are met by the injunction in the proposal that these credits be used for goods and services of a developmental character so that over the extended period of repayment the credits will more than increase the ability of recipients to meet these obligations. Properly administered, there is no reason the Fund cannot improve American exports and at the same time significantly promote the development of the low-income countries.

In closing, I would like to say how impressed I am with this farsighted initiative which reflects the realities of the future rather than the outworn dogmas of the past.

Sincerely,

DOUGLAS DILLON.

JUNE 11, 1973.

Hon. THOMAS E. MORGAN,
Chairman, House Foreign Affairs Committee,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: When I learned of the initiative by a bipartisan majority of your Committee on the foreign aid bill, I was most encouraged and wanted to testify in person. Regrettably, previous commitments prevent that. But I believe this letter will record my vigorous support, particularly of two features of the proposal.

First, I believe that it is important that the now reduced American bilateral development aid program concentrate on priority areas in which we have, or can develop, a special expertise, and particularly on those problems so basic to the broad modernization of the developing countries, including food production, rural development, education, health, and family planning. Such programs should help a larger proportion of the people in these countries participate more effectively in the development process. The Committee's approach commendably gives sharp priority to these fields and actually authorizes funds according to those categories.

Second, I applaud the proposed Export Development Credit Fund. U.S. exports to the lowest income countries with a population of apparently one billion people are doing poorly, in part because these countries lack foreign exchange but also because financing on terms that meet our competition is not available. On price and quality I think our exports would do well now and better in the future, provided financing is available on favorable terms.

The proposal to finance this Fund with borrowing authority would have been more debatable ten years ago. However, there now is available from repayments and interest on existing aid loans a growing stream of funds that can be used to cover the difference between the interest the Fund must pay on its borrowings and the lower rate of interest it will receive on its credits. If that difference had to be met from annual appropriations I would have doubts; but given the availability of receipts from earlier loans, I believe public debt authority is a sound procedure.

It is interesting to note that this same use of borrowing authority and payments on earlier aid loans was recommended by the Peterson Task Force in 1970. In much the same manner the Export-Import Bank subsidizes interest on its loans from its investment income.

I am concerned, however, that the definition of "lowest income countries" not be so interpreted as to exclude the poorest countries in Latin America. I am particularly anxious that countries such as Bolivia, Paraguay, Haiti, and Honduras be eligible at this time for credits on concessional terms since they have difficulty meeting with normal commercial terms.

The Fund is a necessary and useful instrument for American exports to become competitive in this neglected market. The members of the House Foreign Affairs Committee are to be commented for their creativity and foresight in proposing a mechanism which can simultaneously contribute to our need for significantly increased exports and to help accelerate the development of the lowest income countries.

I also applaud the Committee's desire to have an improved system of coordination for United States policies and programs which affect our interests in the development of the low income countries. This need for improved coordination has been noted in the past and still remains largely unmet. This principle is a commendable one at a time when we must consider the totality of U.S. actions affecting the developing countries.

Sincerely,

DAVID ROCKEFELLER.

[From the Christian Science Monitor, June 8, 1973]

REDIRECTING FOREIGN AID TO POOREST OF THE POOR

(By Harry B. Ellis)

WASHINGTON.—Getting United States foreign aid down to the poorest people in the poorest countries is the thrust of a sweeping new proposal by key congressmen.

Growth rates of developing nations often are impressive, the sponsors point out. But generally, within those same countries, the income gap between rich and poor steadily widens.

The existing structure of U.S. foreign aid, experts agree, does little to help millions of Asians, Africans, and Latin Americans mired in the deepest poverty.

A proposal by a majority of the House Foreign Affairs Committee would revamp United States bilateral foreign aid by zeroing in on the root problems—nutrition, health, education, population control, rural development—linked with poverty.

Their bill, introduced as amendments to the Foreign Assistance Act, would not cost American taxpayers more money, but it would redirect the flow of U.S. aid.

IN LINE WITH NIXON

The bipartisan sponsors, numbering at least 26 of the committee's 40 members, stress that their recommendations are in line with President Nixon's own suggestion, voiced in his "state of the world" message of May 3, that aid should move in this direction.

The new House proposal agrees with the Nixon administration's foreign assistance bill, now before Congress, that $1 billion should be allocated to bilateral economic aid in fiscal year 1974, beginning July 1.

This $1 billion is apart from military assistance proposed by the White House. Also separate is the administration's request for $600 million for reconstruction work in Southeast Asia.

Sponsors of the House measure, headed by Clement J. Zablocki (D) of Wisconsin, do not seek changes in military aid or the Southeast Asia funds, but would channel the $1 billion of economic help into projects for the very poor.

These are defined as "food, rural development, and nutrition; population growth and health; and education and human resources development."

"Projects," says a statement by the House sponsors, "would be selected which most directly benefit the poorest majority of the people in these countries. . . .

"We are learning," the statement adds, "that if the poorest majority can participate in development by having productive work and access to basic education, health care, and adequate diets, then increased economic growth and social justice can go hand in hand."

Experience shows that spurts of economic growth in developing lands, spurred by injections of foreign aid, often enrich a relatively small class of people, but do not "trickle down" to the very poor.

The way that social and economic power is shared in many Asian, African, and Latin American countries, experts concur, prevents newly developed wealth from being shared fairly between the urban elite and the rural poor.

PROJECTS AIMED AT POOR

Countless millions of the latter, in the words of Robert S. McNamara, president of the World Bank, "lie beyond the reach of traditional market forces and present public services."

How to reach them? Neither the World Bank, nor the United States Government, nor any other donor, can order a power elite in a developing land to change its way of doing business.

But a beginning can be made, note the House sponsors, if economic aid is aimed specifically at projects directly benefiting the poor.

The problem of equity, or making the "trickle down" work, now is universally regarded as a challenge facing every industrialized nation, or agency, giving aid to backward lands.

Mr. McNamara, sketching the world at the end of this century, foresees affluent Western countries enjoying average incomes per person in the range of $8,000, while some 2.5 billion people in the developing world may receive less than $200 each, and 80 million of these less than $100.

So there is a double gap—between rich and poor nations, and, within the poor lands, between the power elite and the rural majority.

In an effort to keep the rich-poor nation chasm from widening, the United Nations established as a reasonable principle that rich countries should give to poor ones 0.7 percent of their gross national product (GNP).

Collectively, Mr. McNamara told the annual meeting of the World Bank in Washington last year, affluent nations are falling far short of that standard, giving, on average, only half of 0.7 percent.

The United States, whose aid as a percentage of GNP has declined steadily in recent years, does even worse. By 1975, at the present rate, said Mr. McNamara, the U.S. is expected to share only 0.24 percent of its GNP with developing nations.

[From the Christian Science Monitor, June 12, 1973]

EASIER CREDIT TERMS PROPOSED: UNITED STATES EYES EXPORTS TO POOR LANDS

(By Harry B. Ellis)

WASHINGTON.—Last year the United States exported $16.3 billion worth of goods to developing countries, almost as much as the U.S. sold to Japan and the enlarged Common Market combined.

Poor countries, in other words, now buy about as much from the United States as 10 of the world's richest lands together do.

But there is a curious skew to these sales to the "third world," according to a majority of members of the House Foreign Affairs Committee, who hope to revamp the U.S. foreign aid program.

Sales of American goods to the "richer" developing lands, those with per capita annual incomes above $200, indeed are growing. But exports to the poorest countries, those with incomes below $200, are shrinking.

A major reason is financing. The more affluent developing countries, like Mexico, Brazil, Korea, and Taiwan, can afford to borrow money to pay for American goods from the Export-Import Bank.

BANK TERMS TOO STEEP?

The poorest lands, including India, Pakistan, and many African nations, cannot afford standard Eximbank terms. "In many cases," states the House committee panel, "lack of financing on competitive terms, rather than price or quality, explains the U.S. inability to compete for this market."

Meanwhile, exports by Japan, Canada, West Germany, Britain, and some other Western lands to developing countries grow faster than those of the U.S., again partly because of financing.

Other nations, notes the House study, often make it easy for poor countries to borrow money. Trade flows in the wake of this borrowing.

"This market of about 1 billion people (low income countries, excluding Communist areas), whose gross national product has been increasing approximately 5 percent annually, is important at present and promises to grow more important in the future.

NEW AGENCY PROPOSED

"Europe and Japan," continues the House committee report, "apparently believe this and offer vigorous and steadily increasing government financing programs which help develop their markets in these countries.

"If the United States wants to avoid further losses and perhaps increase its share in this market, there will have to be increased government financing on terms that compete."

At least 26 of the 40 members of the House Foreign Affairs Committee believe this should be done through the creation of a new agency, the Export Development Credit Fund.

These congressmen, including Clement J. Zablocki (D) of Wisconsin and several other Midwesterners, have introduced a bill to this end. Their measure is offered in the form of amendments to the Foreign Assistance Act.

In addition to creating the new credit agency, the amending bill would focus $1 billion of U.S. economic aid, requested by

President Nixon for fiscal year 1974, on the projects helping the poorest people in the poorest lands.

ABOUT 80,000 NEW JOBS?

The proposed credit agency would, in the view of its sponsors, "kill several birds with one stone" by enabling U.S. exporters to compete in the poorest lands and extending credit that the latter could afford.

One result, the sponsors believe, would be the creation of "an estimated 80,000 new U.S. jobs," through expansion of American exports.

The fund, which would operate at a level of about $1 billion yearly, would, like the Export-Import Bank, be authorized to borrow from the U.S. Treasury or the public.

This money would be borrowed by the fund at market interest rates. The fund then would finance U.S. exports to the poorest countries on competitive terms, perhaps 30 years' maturity at 3 percent interest, with 10 years of grace.

The gap between the fund's soft-term loans and its harder term borrowing would be covered by repayments of past foreign aid loans now flowing into the Treasury.

MARKET ACCESS WIDER

American taxpayers would not be shouldering an additional burden. U.S. businessmen would have access to wider markets and, in the process, new jobs would be created in the United States.

Over a period of time, according to the bipartisan proponents of the measure, aid-recipient nations, as their economies grew, would tend to increase their purchases of American industrial goods.

The sponsors point to Taiwan as an example. In 1960, they note, U.S. exports to that island nation totaled $100 million, 90 percent of which were U.S. aid-financed. Last year the United States sold more than $800 million worth of goods to Taiwan, very little of which was financed by U.S. credits on concessional terms.

The proposed credit fund, its sponsors suggest, might be administered by the Export-Import Bank, by the Department of Commerce, or independently. An interagency advisory committee would oversee its operations.

PROPOSALS IN THE HOPPER

Separately the committee majority proposes to change the name of the existing Foreign Assistance Act to "the Mutual Development Act," administered by the Mutual Development and Cooperation Agency.

All these proposals now go into the congressional hopper, along with President Nixon's request for $1 billion in economic aid, $600 million for reconstruction work in Southeast Asia, and $1.31 billion for military assistance.

The last two figures are not affected by the proposals emanating from the House Foreign Affairs Committee, which concentrates on the agreed figure of $1 billion for bilateral economic aid.

The committee sponsors want to see that $1 billion redirected to help the poorest Asian, Africans, and Latin Americans, and supplemented by a soft-loan credit agency.

[From the New York Times, June 5, 1973]

Overhauling Aid

Committees in both houses of Congress have moved in recent weeks to revise drastically President Nixon's foreign assistance program, which Chairman J. W. Fulbright of the Senate Foreign Relations Committee has already dismissed as "a relic of the past."

It is not that the $2.9-billion aid request is extravagant in terms either of this country's ability to pay or the needs of the less-developed nations. Even in the improbable event that the portion of the over-all aid budget allocated to economic assistance—$1.6 billion—were fully funded, it would represent a slippage in this country's already low position among donor nations in aid as a percentage of gross national product.

One basic trouble with the President's aid package is that it remains heavily oriented toward military and related assistance, a hangover from an era of politics that has become increasingly obsolete with the progress of détente, the emergence of a multipolar world and the supposed windup of the Indochina war. Much of the $1.31 billion requested by the President for military assistance is of doubtful utility either for the United States or for its proposed recipients. Ignoring the President's proposals, the Foreign Relations Committee has approved a Fulbright-drafted military authorization bill which would drastically reduce arms aid next year and would eliminate all military grant assistance over the next four years.

Equally sweeping and notably constructive proposals on the economic side have been advanced by a 22-member majority of the House Foreign Affairs Committee. Setting aside for the moment the $600 million earmarked for Southeast Asia, which raises special problems deserving close Congressional scrutiny, the House group has proposed that the remaining $1 billion in economic assistance be redirected to focus on the most acute problems of the poorest nations: rural development, food and nutrition, population growth and health, education and human resources development.

In addition, the Congressmen would establish a new $1-billion Export Development Credit Fund for the lowest income countries which would have the dual purpose of aiding development and stimulating United States exports to nations accounting for one-third of the world's population.

Although these and other new House proposals mark a sharp departure from past aid practices and the Administration's program, they represent, in effect, a thoughtful elaboration on recommendations made by a Presidential task force three years ago and move in a direction Mr. Nixon himself advocated in his last State of the World message.

If United States foreign aid is to serve United States interests and the cause of peace in the "radically different world" which was noted in that Presidential message, its purposes and structure should be radically revised along the imaginative lines that the two Congressional committees have begun to chart.

By Mr. MONDALE:

S. 2027. A bill to amend title 38 of the United States Code to make more equitable the procedures for determining eligibility for benefits under the law administered by the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

JUDICIAL REVIEW FOR VETERANS

Mr. MONDALE. Mr. President, I am introducing today legislation which would allow veterans judicial review over their disputes with the Veterans' Administration, and would raise to $100 the maximum fee a veteran can pay an attorney for the representation of a veteran claim. An identical bill is being introduced in the House of Representatives by Congressmen Edward I. Koch, Democrat of New York and Les Aspin, Democrat of Wisconsin.

Under current law, all differences of opinion on veterans' claims are determined administratively. No appeals outside the Veterans' Administration are possible.

This legislation is necessary to extend the right of judicial review, which everyone else enjoys, to veterans. Under the present system, the Veterans' Administration is both a party to a dispute and the judge. It is difficult for the veteran, therefore, to obtain an impartial review of his claims.

Mr. President, this bill also seeks to improve the existing situation with regard to representation by counsel of the veteran. Present law provides that an attorney may charge a veteran no more than $10 for legal services. This provision, purported to safeguard a veteran, in effect denied him the services of counsel. This bill, therefore, would permit a veteran to pay an attorney up to $100 for legal services rendered and, if the matter was the subject of an appeal decided in favor of the veteran, the bill further provides that the Veterans' Administration would be obliged to pay the attorney representing the veteran a reasonable fee for services rendered as well as reimbursing the veteran the $100 first advanced by him.

Admittedly, lawyers should be prevented from depriving a veteran of a substantial part of his benefits by exacting an exorbitant fee, but the $10 ceiling effectively denies a veteran the assistance of counsel, and quite possibly, therefore, benefits.

I was outraged to learn that VA regulations prevent an attorney for a veteran from contacting a Member of Congress for assistance in handling a veteran's claim. The penalty for seeking such congressional assistance is that the attorney can be investigated regarding his competency to represent a claimant and he forfeits his right to a fee. My bill would also correct this violation of first amendment rights; it will open the way for a veteran to take his case to court.

Mr. President, I believe that this bill, if enacted, will go a long way to redress the legitimate grievances of the young men who have served this country in its Armed Forces.

Mr. President, I ask unanimous consent that this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 38, United States Code, is amended to read as follows:

"(2) The term 'veteran' means a person who served in the active military, naval, or air service, and who was discharged or released therefrom other than by a discharge imposed by a court-martial."

Sec. 2. (a) Subchapter I of chapter 51 of title 38, United States Code, is amended by inserting immediately after section 3005 the following new section:

"§ 3006. Treatment of claims

"(a) The Administrator shall provide to any claimant for any benefit under law administered by the Veterans' Administrator a list of such documentary information and other evidence which the claimant will likely need to support his claim.

"(b) If at any time after any claim is made for any benefit, any officer or employee of the Veterans' Administration obtains from any military department or agency any military record, including health records, for the purposes of determining eligibility for such benefit, the Veterans' Administration shall immediately mail a copy of that record to the claimant or his representative.

"(c) In the administration of the provisions of this title relating to benefits, any claimant shall be presumed to be entitled to the benefit claimed. Such presumption must be rebutted by clear and convincing evidence to the contrary."

(b) The analysis of such subchapter I is amended by adding at the end thereof the following:

"§ 3006. Treatment of claims."

SEC. 3. Section 3404 of title 38, United States Code, is amended—

(1) by amending subsection (a) thereof to read as follows:

"(a) The Administrator shall recognize any individual admitted to practice law before the highest court in any State or the District of Columbia to act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Veterans' Administration."

(2) by striking out "section" in subsection (b) thereof and inserting in lieu thereof "chapter"; and

(3) by amending subsection (c) thereof to read as follows:

"(c) The Administrator shall determine and pay reasonable fees to agents or attorneys recognized under this chapter in allowed claims for monetary benefits under laws administered by the Veterans' Administration. Such reasonable fees shall not exceed $100 with respect to any one claim except that in any case in which a claimant for monetary benefits prevails upon an appeal to the Board of Veterans' Appeals or upon review pursuant to section 4010 of this title, the Administrator shall pay all reasonable fees."

SEC. 4. (a) Chapter 71 of title 38, United States Code, is amended—

(1) by amending the last sentence of section 4004(a) by striking out the period at the end thereof and inserting in lieu thereof the following: "; but any such decision is subject to judicial review as provided for in section 4010 of this title.";

(2) by amending section 4004(b) by striking out "When" and inserting the following: "Subject to an appeal under section 4010 of this title, when";

(3) by striking out paragraphs (3), (4), and (5) of section 4005(d) and inserting the following:

"(3) Copies of the 'statement of the case' prescribed in paragraph (1) of this subsection will be submitted to the Board of Veterans' Appeals, to the claimant, and to his representative, if there is one. Submission of the statement of the case by an employee of the Veterans' Administration to the Board of Veterans' Appeals shall initiate review by the Board of Veterans' Appeals. The claimant will be afforded a period of 60 days from the date the statement of the case is mailed to provide to the Board of Veterans' Appeals such supplemental information with respect to his case as he deems appropriate, including specific allegations of error of fact or law. Such 60-day period may be extended for a reasonable period on request for good cause shown.

"(4) After the 60-day period, or longer period if such 60-day period is extended, has expired, and regardless whether or not supplemental information has been submitted to the Board of Veterans' Appeals by the claimant, the Board of Veterans' Appeals shall review the case and will base its decision on the entire record.";

(4) by amending section 4005A(b) to read as follows:

"(b) Upon the filing of a notice of disagreement, the Board of Veterans' Appeals and all parties in interest will be furnished with a statement of the case in the same manner as is prescribed in section 4005. Furnishing of the statement of the case to the Board of Veterans' Appeals shall constitute notice of appeal by the party in interest who filed notice of disagreement. The party in interest who filed a notice if disagreement will be allowed thirty days from the date of mailing of such statement of the case to provide to the Board of Veterans' Appeals such supplemental information as he deems appropriate. Extension of time may be granted for good cause shown but with consideration to the interests of the other parties involved. The substance of the supplemental information will be communicated to the other party or parties in interest and a period of thirty days will be allowed for filing a brief or argument in answer thereto. Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice."

(5) by adding at the end thereof the following new section:

"§ 4010. Judicial review

"(a) Any claimant who disagrees with the decision of the Board of Veterans' Appeals with respect to his appeal may at any time before the sixtieth day after the date on which the claimant has received notification in writing of such decision file a petition with the United States court of appeals for the District of Columbia circuit or the circuit wherein such claimant resides for a judicial review of such decision. A copy of the petition shall be forthwith transmitted by the clerk of the Court to the Board. The Board thereupon shall file in the court the record of the proceedings on which the Board based its decision, as provided in section 2112 of title 28.

"(b) If the claimant applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the Board, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Board, in such manner and upon such terms and conditions as the court may deem proper. The Board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken and it shall file such modified or new findings, and its recommendations, if any, for the modification or setting aside of its original decision, with the return of such additional evidence.

"(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the decision in accordance with chapter 7 of title 5, and to grant appropriate relief as provided for in such chapter."; and

(6) by amending the analysis of such chapter by adding at the end thereof the following:

"4010. Judicial review."

(b)(1) Section 211 of title 38, United States Code, is amended by striking out subsection (a) thereof; by striking out "(b)"; and by striking out the side heading for such section and inserting in lieu thereof: "§211. Opinions of Attorney General".

(2) The analysis of subchapter II of chapter 3 of such title is amended by striking out "211. Decisions by Administrator, opinions of Attorney General." and inserting the following:

"211. Opinions of Attorney General."

By Mr. HART:

S. 2028. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohibit unfair and deceptive sales and other anticompetitive practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

TRUTH-IN-HOUSING

Mr. HART. Mr. President, bills whose titles begin with the words "Truth-in" have an attraction to them, and not just because politicians like to convince people that truth is on their side.

"Truth-in—" bills are attractive, because they have a history of efficacy and because the American consumer has proven remarkedly able to fend for himself provided he has all the facts at hand.

Congress has enacted truth-in-packaging and truth-in-lending laws, and interest is growing in a "truth-in" approach to life insurance.

Today, I introduce a bill to extend that approach to still another field—the field of housing.

The caveat of "let the buyer beware" has long been connected with the sale of housing.

But we are coming to realize that too many unhappy homebuyers have been given that answer after discovering an unsuspected defect in a newly purchased house.

With the rising costs of housing and home repairs, chances increase that such an answer will leave a family a choice between a broken budget or a busted home.

A better response would be a truth-in-housing law requiring that a prospective homebuyer be told the structural condition of the unit before the sale.

Complaints about the "buyer beware" rule are not new, but the need to discard that approach has been highlighted by recent investigations of Federal housing programs.

In one study of units sold under the 235 subsidy program, the General Accounting Office found defects in 24 percent of the new houses inspected and in 39 percent of the existing houses.

The sale of houses with costly defects may be a cause of the abandonment problem afflicting some Federal housing projects for low- and moderate-income families.

Information on the structural conditions of those units might have saved Government dollars by heading off mortgage guarantees and subsidies on houses which were good candidates for abandonment.

But such consumer assistance should not be limited to homebuyers on the lower end of the economic scale. More than a few middle-income families have become distressed, financially and otherwise, when their dream house turned out to be a lemon.

Factual information on defects and estimates of possible repair costs would help a family, regardless of income, decide if it could afford to buy a particular house.

Some private firms now offer an inspection and reporting service, but too few families, particularly first-time buyers, are aware of the existence of these firms or of the need for an inspection.

Further, in a tight housing market the pressure is to close now and inspect later. One way to ease that pressure would be to require that an inspection report be available before closing.

Critics of a truth-in-housing law may point out that the Federal Housing Administration now inspects new units before insuring a mortgage and that the home building industry is moving toward a multiyear warranty on new construction.

Unhappily, FHA inspections have been less than adequate and, of course, are not made when sales involve noninsured loans on existing houses.

As welcome as housing warranties are, they are no substitute for providing the consumer with sound product information. Even with a warranty, a prudent buyer wants to know the quality of the product if for no other reason than life is easier if you never have to use the warranty.

So from the point of view of consumer protection alone, the time has come to retire the "buyer beware" caveat.

However, there is an additional and equally valid justification for Federal truth-in-housing legislation—and that is to protect and foster the Federal Government's interest in housing.

Too often amid reports of scandals involving the most recently enacted housing programs, we forget that Federal involvement in this area is neither new nor limited to assisting moderate- and low-income families.

Actually, these programs are extensions of earlier policies, still in effect, which hold that homeownership is one desirable way of meeting the Nation's housing needs.

In the early decades of this century, families had to put down as much as 50 percent of the selling price to qualify for a mortgage, and the life of mortgages were shorter with higher payments.

To encourage lenders to make more housing money available at cheaper rates, thus opening the opportunity for homeownership to more families, the Federal Government provided mortgage insurance.

In conjunction with FHA insurance, the amount of money needed for downpayments has been lowered and the length of mortgages increased.

Also, the Federal Government grants tax deductions for mortgage interest and real estate tax payments which reduce Federal revenues by an estimated $8 billion a year.

If the Nation continues to encourage homeownership as a desirable goal, and if the Federal Government continues to "invest" $8 billion a year in housing through tax deductions alone—as I am sure it will—then the Federal Government should take an interest in helping homebuyers shop wisely and in protecting them against fraud.

The purchase of a house will be the largest financial commitment many families will ever make. Whether you are a family buying the once-in-a-lifetime house or a family which moves often, you still want value for your dollar.

To be fully effective then, a truth-in-housing program should:

Cover every type of sale involving a family unit, regardless of type of financing used and regardless of whether the sale involves private parties only, an agent or a lender;

Insure that the required information be available to a buyer far enough in advance of closing to be useful;

Require disclosure of detectable costly defects;

Offer estimates of repair costs and estimates of the remaining useful life of each major component of the house;

Provide a buyer with an opportunity to recover losses resulting from misrepresentations about the condition of the house.

The truth-in-housing bill I am introducing today attempts to meet those aims in these ways.

The law will be administered by the Federal Trade Commission, in consultation with agencies traditionally concerned with housing and lending.

Every seller, agent, or lender involved in the sale of a one- to four-family house will be responsible for having prepared a written report on any defects in the unit.

Only one report will be required, but it must be presented to the buyer prior to closing. If it is not, the buyer may void the sales contract. Further, if the report is not available more than 48 hours before closing, the buyer has 96 hours after closing to void the contract.

This provision is designed to encourage the responsible parties to prepare the report in advance of the closing date. In the best of situations, a buyer could see the report as soon as he shows any interest in purchasing the house.

The report must disclose any defect which seriously affects the usefulness and livability of the unit. However, the defect must be one which can be detected by a reasonable inspection. An inspector, for example, would not be required to cut through walls to examine every foot of electrical wiring.

All defects in the plumbing, heating, and electrical systems should be reported, in addition to defects in the structure or other major components of the house, as defined by the Federal Trade Commission. The condition of the roof, beams, and the basement could be covered in the last category.

The report would include estimated repair or replacement costs resulting from any defect and estimates of the useful lives of the structure and its components.

The cost of any inspection would be paid by the buyer at closing.

A buyer may sue for damages and costs if the written disclosure includes a false statement or fails to report a detectable defect. The suit may be brought against any or all of the parties responsible for having the disclosure made. Those parties, in turn, may ask the court to determine who should pay and how much.

The purpose in making the seller, the agent, and the lender responsible is to better insure that the required report will be made for every type of house sale.

It is my hope that lending institutions might take the lead in developing sound inspection procedures, for the information should be as useful to them in approving mortgage applications as it will be to a prospective buyer.

Criminal penalties will be established for willful violations of requirements to report serious defects. However, neither the criminal nor the civil liability provisions apply to any part of the report dealing with estimates. This information is for guidance only, and it would be unreasonable, if not impossible, to hold an individual liable for such estimates.

At this point, let me insert the politician's usual disclaimer.

I do not pretend to have exhausted the discussion of this topic or that my bill is a final answer.

To the contrary, several unaddressed questions quickly come to mind.

What controls, if any, should be instituted to guard against inflated charges for inspections?

Will such requirements unduly delay closing house sales?

How should the sale of individual condominium units be handled?

Would such legislation discourage lenders from making mortgage money available?

Should the report contain estimates of utility costs and information about proposed zoning changes or public works projects which affect the value of the house?

In view of these questions—and the others which are certain to arise—this bill is offered more as a vehicle to launch a dialog than as solution. However, we must start such a dialog.

Housing is too important an investment, for the individual and for the Nation, to be left to chance as is too often the case today.

Providing adequate information about the structural condition of a house is one way to reduce reliance on chance.

This approach to achieving that goal is endorsed in the current edition of American Home magazine.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Housing Act".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that competition in the business of selling dwellings for occupancy by not more than 4 families and competition in making mortgage credit available for the purchase of such dwellings would be improved by the uniform and full disclosure of certain information with respect to their condition and useful life and the condition of their components, including, but not limited to, structural components and plumbing, heating, and electrical systems. It is the purpose of this Act to promote sound and effective price competition by minimizing the capacity of advertising and sales practices to deceive the consumer, and by enabling the consumer to obtain the facts necessary to make an informed choice with respect to the cost of purchasing and maintaining such a dwelling.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(1) "Commission" means the Federal Trade Commission;

(2) "substantial defect" means a defect which seriously affects the use and livability of any dwelling unit and which a proper inspection on the date of closing could reasonably be expected to disclose; and

(3) "date of closing" means the date on which the beneficial title to the property is transferred to the purchaser.

GENERAL REQUIREMENTS OF DISCLOSURE

SEC. 4. (a) Any person who sells or acts as an agent in the sale of or who furnishes mortgage credit for the purchase of a dwelling for occupancy by not more than 4 families shall be responsible for the written disclosure, in such form as the Commission may require, to the purchaser of the dwelling of any substantial defects which exist as of the date of the disclosure.

(b) Such written disclosure shall include any substantial defects as of that date relating to—

(1) the structure and the major components thereof;

(2) the plumbing system;

(3) the heating system;

(4) the electrical system; and

(5) such other matters as the Commission may require.

(c) Such written disclosure shall also include the estimated cost of eliminating any such defect, and the estimated remaining useful life of each of the matters enumerated in the preceding subsection.

(d) Any person who sells, or acts as an agent in the sale of, or makes mortgage credit available for the purchase of, a dwelling for occupancy by not more than 4 families shall be reimbursed at the closing by the purchaser for the cost of any inspection relating to such written disclosure.

(e) Any contract for the purchase of a dwelling for occupancy by not more than 4 families, where the written disclosure required by this section has not been made to the purchaser in advance or at the time of his signing, shall be voidable at the option of the purchaser. A purchaser may revoke such contract or agreement within 96 hours, where he has received such written disclosure less than 48 hours before he signed the contract or agreement, and the contract or agreement shall so provide, except that the contract or agreement may stipulate that the foregoing revocation authority shall not apply in the case of a purchaser who (1) has received such written disclosure and inspected the one- to four-family dwelling to be purchased in advance of signing the contract or agreement, and (2) acknowledges by his signature that he has made such inspection and has read and understood such report.

UNLAWFUL SALES ACTIVITIES

SEC. 5. (a) It shall be unlawful for any person to sell, act as an agent in the sale of, or make mortgage credit available for the purchase of, a dwelling for occupancy by not more than four families without conforming to the provisions of this Act.

(b) The sale of, or the furnishing of mortgage credit for the purchase of, such a dwelling in violation of subsection (a) constitutes an unfair and deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act.

CIVIL LIABILITIES

SEC. 6. (a) If any part of a written disclosure required by section 4(b) contains an untrue statement of a material fact or fails to state a material fact required to be stated therein, the purchaser acquiring the dwelling covered by such written disclosure (unless he knew of such untruth or omission at the time of closing) may bring an action in any court of competent jurisdiction, against the seller or his agent in the sale, and the person who furnished mortgage credit for the purchase of that dwelling.

(b) In any action brought under subsection (a), the plaintiff is entitled to recover actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney fees.

LIMITATION OF ACTIONS

SEC. 7. No action shall be maintained to enforce any liability created under section 6 unless it is brought within one year after the later of—

(1) the date of closing,

(2) the date on which the untrue statement or omission of the material statement would have been discovered by the exercise of reasonable diligence.

In no event shall any such action be brought more than 3 years after the closing date on such purchase.

CONTRARY STIPULATIONS VOID

SEC. 8. Any condition, stipulation, or provision contrary to the provisions of this Act, or purporting to bind any person acquiring any dwelling to which this Act applies to waive compliance with any provision of this Act or with any requirement of the Commission under this Act shall be void.

ADDITIONAL REMEDIES

SEC. 9. The rights and remedies provided by this Act shall be in addition to any other legal or equitable remedy that may be available to a purchaser of a dwelling to which this Act applies.

PENALTIES FOR VIOLATIONS

SEC. 10. Any person who willfully fails to make written disclosure in violation of section 4 or who willfully, in such written disclosure, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein, shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both.

JURISDICTION OF OFFENSES AND SUITS

SEC. 11. The District Courts of the United States shall have jurisdiction of offenses under this Act, and shall have concurrent jurisdiction with State courts, of all actions brought under section 6. Any such action may be brought in the district to which the defendant is found, or is an inhabitant, or transacts business, or in which the property is located. Process in any such case may be served in any district in which the defendant is an inhabitant or may be found.

ADMINISTRATION

SEC. 12. (a) This Act shall be administered and enforced by the Commission. The Secretary for Housing and Urban Development, the Administrator for Veterans Affairs, and the Secretary of Agriculture shall provide such assistance and information to the Commission as it may require. The Commission is authorized to issue such rules and regulations as may be necessary to achieve the purposes of this Act. Prior to issuance of such rules and regulations, the Commission shall consult with the Secretary for Housing and Urban Development, the Administrator for Veterans Affairs, and the Secretary of Agriculture.

(b) In the exercise of its functions, the Commission may obtain upon request the views of any other Federal agency which, in the judgment of the Commission, exercises regulatory or supervisory functions with respect to any class of persons subject to this Act.

ADVISORY COMMITTEE

SEC. 13. The Commission shall establish an Advisory Committee to advise and consult with in the exercise of its functions under this Act. In appointing the members of the Committee, the Commission shall seek to achieve a fair representation of the public interest and of the interests of any class of persons subject to the Act. The Committee shall meet from time to time at the call of the Commission, and members thereof shall receive not to exceed $100 per day including traveltime, and shall be reimbursed for expenses of travel and subsistence incurred while engaged in the performance of their duties.

COOPERATION WITH STATE AUTHORITIES; JURISDICTION OF REAL ESTATE COMMISSION OR SIMILAR BODY OF STATE

SEC. 14. (a) In the exercise of its functions under this Act, the Commission shall cooperate with State authorities charged with the responsibility of regulating the sale of dwellings subject to the provisions of this Act. The Commission may request the views of any State authority which, in the judgment of the Commission, exercises regulatory or supervisory functions with respect to any class of persons subject to this Act.

(b) Nothing in this Act shall affect the jurisdiction or power of the real estate commission (or any agency or office performing like functions) of any State over the sale of any such dwelling or such persons.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

By Mr. WILLIAMS (for himself, Mr. CHURCH, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, and Mr. MCGOVERN):

S. 2029. A bill to provide assistance for South Vietnamese children. Referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, all of us are very gratified that our military involvement in Vietnam has finally ended, that our prisoners of war have returned home, and that progress is being made in tracking down Americans who are in missing-in-action status.

While I feel enormous relief that our country is no longer pursuing dubious military and political goals in Vietnam, I still have two driving concerns in regard to the situation in Southeast Asia. First, I fear that the administration is unwittingly moving this country toward a similar catastrophic involvement in Cambodia or Laos. In this regard, I trust that we in Congress will be successful in preventing such an unwise reinvolvement in another Asian civil war.

Second, and of equal importance, the priorities our officials have established in providing whatever limited assistance this Nation can provide for South Vietnam after the fighting do not adequately address some of that nation's most pressing human needs. Over the last few years, I have been impressed that the greatest suffering in Indochina, and especially in South Vietnam, is among the children. In a war which has forced tremendous hardships on the civilian population, too frequently it is the children who have suffered the most because they have been the marginal members of families which have been violently disrupted.

Official estimates indicate that there are over 700,000 orphans or half-orphans in South Vietnam. Furthermore, nearly half of the South Vietnamese population is under 15 years of age, and approximately 25,000 of these children had American fathers and are subjected to varying degrees of racial discrimination because of their lighter or darker skin color.

For nearly 2 years I have closely followed this situation in Vietnam and have introduced legislation which would upgrade the priority of attention and resources directed at the various problems of these children. It has been encouraging to note that the efforts of many of us in Congress appear to have stimulated some intelligent responses by the Agency for International Development and the Department of State. Unfortunately, these reactions have not, generally, put the problems which exist there in proper perspective.

In discussing this matter, I think of

a letter to a member of my staff from Dick Hughes, the freelance journalist who temporarily ended his writing career in Vietnam to devote all his time and energy to providing shelter for children living on the streets of Saigon and Danang, the "Shoshone boys." In this letter, Dick said:

> My guess of last February was right, unfortunately. We are facing a "the war's all over" donor sympathy. Mail is slackening; those who do write inquire, "What'll you do now that it's all over?" "Coming home, now?"

Of course, nothing could be further from the truth. Although the number of daily casualties has dropped off, the institutions and framework necessary to cope with dire needs of housing, health, feeding, and education of Vietnamese children have not been established. And in their absence, thousands of these young people are homeless, hungry, and sick. Furthermore, I understand that the mortality rate in orphanages is over 80 percent.

Mr. President, significant steps must be taken to stem these problems. And I believe that this is the time for some degree of American participation in this effort. This is especially true in light of the fact that over the last several years, the Vietnamese Government agency responsible for the social well-being of its people has been at the bottom of that Government's administrative structure. And, American activity has reflected a similiar shamefully low priority.

In its data presentation book for fiscal year 1974, AID has set aside $85 million for refugees and social welfare. Of this figure, I am deeply disappointed that only $2.5 million is slated to be spent on child care. Out of such a large amount of funds, it is my view that a more significant commitment should be directed toward the problems of children.

Since a strong commitment to confront and overcome the particular problems of children is necessary, I am today offering a bill which I hope will be considered when the Senate Foreign Relations Committee considers foreign economic assistance legislation. I am most pleased that Senators Church, Hatfield, Hughes, Humphrey, Javits, and McGovern have joined me in sponsoring this bill which does several things to meet this objective. First, it authorizes the expenditure of $2.5 million during fiscal 1974 to assist the Vietnamese Government in the development, staffing, and funding of agencies responsible for providing the direction and continuity for programs essential to improving the health and welfare of South Vietnamese children.

I am hopeful that the present level of relative peace in Vietnam can be sustained and that the South Vietnamese will be able to concentrate on their numerous social problems. Should this be the case and if economic assistance to South Vietnam is continued, our assistance at this time in bolstering such organizations as the Ministry of Social Welfare, which has made a noble attempt at meeting its responsibilities with minimal fiscal support, would be invaluable. This sort of organization must be strengthened as South Vietnam recovers from the devastation of decades of war and as American involvement—military and humanitarian—begins to diminish.

Second, this measure provides $5 million for use by international, United States, or South Vietnamese private voluntary agencies to provide the facilities and means which would allow families to remain intact and hopefully to avoid the abandonment of unwanted children. More specifically, funds under this section would be used to establish, expand, or improve day-care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs.

The final section of the bill authorizes the expenditure of up to 10 percent of that $5 million for the facilitation of intercountry adoption of South Vietnamese orphans, and children who have been abandoned or whose parents have irrevocably relinquished parental rights. This provision is envisioned as a solution to the problems of at least one small percentage of the many Vietnamese children who have been disadvantaged by the war. However, it is an important part of the bill for several reasons: Too frequently orphaned or abandoned children who do not have a family die at a young age, especially if they are living in an orphanage; the children who had American fathers often are subjected to racial discrimination in the very color-conscious Vietnamese society; and a large number of Americans have expressed a strong interest in adopting Vietnamese orphans.

Mr. President, I have offered legislation similar to this on three occasions before. I was very pleased to note that after modifying my original bill the Senate Foreign Relations Committee accepted legislation on two different occasions which was very much like the bill we are offering today. I have been encouraged that the able chairman of that committee (Mr. Fulbright) has recognized the special, pressing needs of Vietnamese children and has supported that legislation which would have instructed the administration on the kind and amount of involvement that we in Congress expect to be undertaken on this particular issue. I am hopeful that once again this legislation will enjoy the support of the Foreign Relations Committee when it acts on foreign economic assistance legislation.

After so many years of American involvement in a war which has disrupted and destroyed the lives of millions of Vietnamese, I believe that we must insist that a realistic portion of whatever funds which will be spent in Vietnam be directed at problems which all Americans can feel pride in helping to solve. A vital first step in facing those problems lies in sharing the responsibility of caring for South Vietnam's most innocent victims, the children who are now orphaned, homeless, wounded, hungry, and uneducated. We must take that step now.

Mr. President, I ask unanimous consent that my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 534. Assistance to South Vietnamese Children: (a) It is the sense of Congress that inadequate provision has been made (1) for the development, staffing and funding of South Vietnamese governmental agencies responsible for providing the direction and continuity for programs related to the health and welfare of South Vietnamese children, (2) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (3) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1), (2), and (3) of subsection (a) of this section. Of the funds appropriated pursuant section 532 of this Act for fiscal year 1974, $2,500,000 shall be available solely to carry out the purposes described in such clause (1) and $5,000,000 shall be available until expended solely to carry out the purposes of such clauses (2) and (3). Not more than ten per centum of the funds made available to carry out clauses (2) and (3) may be expended for the purposes, referred to in such clause (3). Assistance to carry out the purposes referred to in clauses (2) and (3) of subsection (a) of this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States or South Vietnamese voluntary agencies."

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2030. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, and ask unanimous consent that the letter of transmittal and statement of need be printed in the Record with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

The Secretary of Commerce,
Washington, D.C., May 29, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
U.S. Senate, Washington, D.C.

Dear Mr. President: Enclosed are four copies of a draft bill "To exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971," together with a statement of purpose and need in support thereof.

We have been advised by the Office of

Management and Budget that there would be no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

Frederick B. Dent,
Secretary of Commerce.

Statement of Need

Statement of the Purposes and Provisions of the Draft Bill "To exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971"

Prior to the enactment of Public Law 91-654, approved on January 5, 1971, section 3114 of the Revised Statutes of the United States (19 U.S.C. 257) imposed a 50 percent duty on foreign equipments purchased for and foreign repairs made to vessels documented under the laws of the United States. Remission of the tariff under certain circumstances was provided for in section 3115 of the Revised Statutes (19 U.S.C. 258).

Public Law 91-654, effective January 5, 1971, repealed sections 3114 and 3115 of the Revised Statutes with respect to entries made on or after January 5, 1971, left those sections in effect with respect to entries made prior to that date, and amended section 466 of the Tariff Act of 1930 to reenact the substance of sections 3114 and 3115 of the Revised Statutes with respect to entries made on and after that date.

The purpose of the draft bill is to exempt from duty foreign equipments and repairs made to vessels operated by or for any agency of the United States where entry was made prior to January 5, 1971.

The duty on foreign repairs made to and foreign equipment purchased for American-flag vessels was suspended by Public Law 200, 78th Congress, for the period from December 17, 1943 to December 17, 1945. At the time the suspension expired, the War Shipping Administration (one of the predecessor agencies of the Department of Commerce in maritime matters) had approximately 3,250 vessels in operation through general agents to furnish logistics support to the Armed Forces. These operations ceased on June 30, 1949.

During the Korean War, the Maritime Administration of the Department of Commerce operated vessels through general agents for the same purpose from 1950 to 1953. The maximum number of such vessels in operation during this period was 541.

During the Vietnam War, the Maritime Administration of the Department of Commerce operated vessels through general agents for the same purpose from 1965 to 1970. The maximum number of such vessels in operation during this period was 172.

Many of these vessels were repaired abroad during these periods and substantial duties were incurred which still remain unpaid. The amount is unknown because the paper work to compute it has not been done.

Payment of these duties would serve no useful purpose since it would merely involve a transfer of funds from one Government agency to another. Enactment of the draft bill would save the Government money since it would make unnecessary the work involved in the computation and payment of the duties.

The draft bill is identical to H.R. 11186, 92nd Congress, which was introduced by Mr. Mills and was unanimously reported favorably by the Committee on Ways and Means (House Report No. 92-669).

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) shall not apply to entries made in connection with arrivals before January 5, 1971, of vessels owned by the United States, or bareboat chartered to the United States, and operated by or for the account of any department or agency of the United States.

Sec. 2. On or after the date of the enactment of this Act, no department or agency of the United States shall be entitled to a refund of any duties paid before January 5, 1971, by any department or agency of the United States under section 3114 of the Revised Statutes of the United States.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2031. A bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the Record with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IX, section 902(a), of the Federal Aviation Act of 1958 is amended by the insertion of title XI, section 1101, into the first sentence so that it reads in part: "Any person who knowingly and willfully violates any provision of this Act (except titles III, V, XVII, XI, section 1101, and XII) . . .".

Sec. 2. Title I–, section 901(a)(1)(A), of the Federal Aviation Act of 1958 is amended by the insertion of title XI, section 1101, into the first sentence, so that it reads in part: "(A) any provision of titles III, IV, V, VI, VII, XI, section 1101, or XII of this Act . . .".

Sec. 3. Title IX section 901(a)(2), of the Federal Aviation Act of 1958 is amended by the insertion of title XI, section 1101, into the first sentence, so that it reads in part: "Any such civil penalty may be compromised by the Secretary of Transportation in the case of violations of titles III, V, VI, XI, section 1101, or XII . . . .

Secretary of Transportation,
Washington, D.C., May 17, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for introduction and referral to the appropriate committee is a draft bill

"To amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards to Air Commerce."

This proposal would amend the Federal Aviation Act of 1958 so that failure to comply with title XI, section 1101 would fall under the civil penalty section of the Act, section 901(a). Title XI, section 1101 of the Federal Aviation Act of 1958 requires "all persons to give adequate public notice, in the form and manner prescribed by the Secretary of Transportation, of the construction, or alteration, or of the proposed construction or alteration of any structure where notice will promote safety in all commerce." Currently the applicable sanction section of the Act provides for a penalty under section 902 (a). This section establishes a criminal penalty of not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

The purpose of this amendment is to make a failure to comply with section 1101 a civil penalty under section 901(a) and not a criminal penalty under 902(a). Section 901 (a) provides for a civil fine of not more than $1,000 for each violation. This amendment would allow the Secretary of Transportation to compromise a civil penalty at his discretion and give the Department a more flexible response to those who fail to give notice as is required by section 1101 of the Act and Part 77 of the Federal Aviation Regulations.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of the proposed legislation to the Congress.

Sincerely,

John W. Barnum,
Acting Secretary.

Section-by-Section Analysis of a Bill

To amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards to Air Commerce.

Title XI, section 1101, as implemented by Part 77 of the Federal Aviation Regulations, requires that an individual who intends to build a structure greater than 200 feet above ground level must give notice to the Secretary of Transportation. Failure to give notice is a violation of the Act and is punishable under section 902(a). Section 902(a) provides for a criminal penalty of a fine of not more than $500 and for any subsequent offenses a fine of not more than $2,000. This bill would substitute a civil penalty under section 901 (a), for a failure to comply with section 1101 of the Federal Aviation Act. Section 901(a) provides for a civil penalty of a fine of not more than $1,000 for each violation.

Section I of the bill amends section 902(a) of the Federal Aviation Act so that it includes title XI, section 1101, among those exceptions to which section 902(a) does not apply.

Section II of the bill amends section 901 (a)(1)(A) of the Federal Aviation Act so that it includes title XI, section 1101, among those sections to which section 901(a)(1)(A) does apply.

Section III of the bill amends section 901 (a)(2) of the Federal Aviation Act so that it includes title XI, section 1101, among those sections to which section 901(a)(2) does apply.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2032. A bill to implement the Shrimp Fishing Agreement with Brazil. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to implement the Shrimp Fishing Agreement with Brazil, and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Offshore Shrimp Fisheries Act of 1973."

DEFINITIONS

Sec. 2. When used in this Act—

(a) the term "treaty" shall mean the Agreement Between the Government of the Federative Republic of Brazil and the Government of the United States of America Concerning Shrimp, signed on May 9, 1972, including related Annexes, Notes, and Agreed Minutes, as these documents may be amended from time to time:

(b) the term "shrimp" shall mean the shrimp *Penaeus* (M.) *duorarum notialis, Penaeus brasiliensis,* and *Penaeus* (M.) *aztecus subtilis.*

(c) the term "area of agreement" shall mean the area in which United States vessels carry on a shrimp fishery in the vicinity of Brazil, as described by the following boundaries: the waters off the coast of Brazil having the isobath of thirty meters as the southwest limit, the latitude 1° north as the southern limit, the longitude 47° 30′ west as the eastern limit, and a line running from the point of 4 degrees 44 minutes north latitude, 51 degrees 30 minutes west longitude at an azimuth of 17 degrees to the point of 4 degrees 51 minutes north latitude, 51 degrees 28 minutes west longitude and thence at an azimuth of 43 degrees to the point of 8 degrees 58 minutes north latitude, 47 degrees 30 minutes west longitude as the northwestern boundary;

(d) the term "vessel" shall mean every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water;

(e) the term "Secretary" shall mean the Secretary of Commerce or his delegate;

(f) the term "transship" shall mean the transfer of shrimp from one vessel to another vessel, or the receipt of shrimp by one vessel from another vessel;

(g) the term "fishing" shall mean the taking or attempted taking of shrimp by any means whatsoever;

(h) the term "vessel owner" shall mean any person, partnership, corporation or association which is the owner of record of a vessel documented under the laws of the United States, except that, with respect to sections 4 and 5 hereof, the Secretary may issue such regulations as he deems appropriate to cover applications for and issuance of letters of voluntary compliance and permits with respect to vessels owned by corporations which are owned or controlled by one or more other corporations.

(i) the term "regulations" shall mean rules and regulations issued by the Secretary from time to time as he deems necessary to carry out the purposes and objectives of the treaty and this Act.

(j) the term "gear" when applied to any vessel involved in a violation shall mean any single set of net and doors for a single trawl vessel, or for a vessel capable of towing more than one net at a time, as many sets of nets and doors as the vessel is capable of towing; provided that if the vessel owner, master, or other person in charge of the vessel can show that a particular set (or sets) of net and doors was actually involved in the violation, then that set (or sets) shall be deemed to be the "gear" of the vessel involved in the violation.

PERMITS

SEC. 3. (a) The Secretary is authorized to issue permits to vessel owners for vessels documented under the laws of the United States to engage in fishing in the area of agreement: *Provided*, That the number of vessels which are the subject of permits shall not exceed 325 or such other number of vessels as may be specified in the treaty from time to time as authorized to fish in the area of agreement. No vessel owner may be issued a permit with respect to a vessel unless such vessel meets the requirements of the treaty, the Act and the regulations.

(b) Except as provided in section 4(d), a permit shall be valid only for the vessel with respect to which it is issued and shall not cover more than one vessel, except that a vessel owner may, with the prior consent of the Secretary, transfer a permit to another vessel whether or not owned by the same vessel owner.

(c) Permits shall be issued for a calendar year, and may be renewed annually.

(d) Permits shall contain such provisions, and shall be issued upon, and subject to, such terms and conditions as the Secretary deems necessary to carry out the treaty, the Act and the regulations. Permit provisions may include, but are not limited to—

(i) the manner, place, and time of conducting fishing operations,

(ii) the keeping of records,

(iii) the furnishing of information to the Secretary,

(iv) the identification and marking of the vessels,

(v) limitations on transshipment operations,

(vi) restrictions or prohibitions on the employment on any permitted vessel of a master or other person against whom a civil penalty has been assessed pursuant to Section 9,

(vii) prohibited activities,

(viii) revocation of permit for failure to pay a civil penalty assessed against a vessel owner pursuant to Section 9, and

(ix) the maintaining of an office in the United States by the holder of a permit at which all notices, legal documents and other material may be served.

Permits may be suspended or revoked by the Secretary for failure to comply with any of the terms or conditions thereof, or with the treaty, this Act or the regulations. Upon any such suspension or revocation, the permittee shall be afforded a prompt opportunity, after due notice, for a hearing by the Secretary. The decision of the Secretary rendered in connection with such hearing shall be final and binding.

(e) Permits may be returned to the Secretary. In addition, the Secretary may issue regulations requiring the return of unutilized permits under such circumstances and upon such terms and conditions as he deems appropriate. If the Secretary reissues a permit to another vessel owner, a prorated amount of the annual permit fee for the portion of the year during which the permit is held by another vessel owner shall be refunded to the original permittee. Except as specified in this subsection (e) and in section 4(c), permit fees shall not be prorated.

(f) The annual fee for a permit for any year other than 1973 shall be $615 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purpose of covering administrative costs. The annual fee for a permit for 1973 shall be $1230 for enforcement services plus an amount of not more than $200, as determined by the Secretary, for the purpose of covering administrative costs: *Provided*, That the annual fee for a permit for 1973 for any vessel first documented in that year or certified as not having been engaged in fishing in the area of agreement in 1972, shall be $615 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purpose of covering administrative costs. The amount of any deposit transferred to the Offshore Shrimp Fisheries Fund pursuant to section 5 of this Act shall be credited toward the annual permit fee.

(g) Any permit which has been suspended or revoked, or which is required to be returned, shall be surrendered to the Secretary.

PERMIT PROCEDURE

SEC. 4. (a) Vessel owners may apply for permits to engage in fishing in the area of agreement. The method and time for application shall be announced in advance in the Federal Register.

(b) The owner of any vessel for which application for a permit is refused may petition the Secretary for reconsideration, and shall be entitled to a hearing. The decision of the Secretary rendered in connection with such reconsideration shall be final and binding.

(c) The Secretary may reissue permits which have been returned pursuant to section 3, to vessel owners with outstanding applications, who have not been able to obtain permits under the procedures set out in subsection (d). The fee for such reissued permits shall be the prorated share of the annual fee for the portion of the year during which the new permittee holds the permit.

(d) If application is made with respect to more vessels than the number of permits allowed to be issued under section 3(a), the following procedure for granting permits shall apply—

(1) All vessel owners to whom letters of voluntary compliance have been issued, pursuant to section 5 of this Act, shall have first priority for permits but only as to vessels covered by such letters.

(2) After all vessel owners under subparagraph (1) have been considered for permits, all vessel owners who have been engaged in fishing in the area of agreement, during the last five years, shall have second priority for permits. However, in no event shall a vessel owner be eligible for receiving a permit under this subsection for a given vessel during the first six months after the effective date of this Act if the Secretary determines that such vessel has engaged in activities during the period from May 9, 1972, to the effective date of this Act which would have constituted a violation specified in section 8(a)(3) or 8(a)(5), but only to the extent 8(a)(5) relates to use of fishing gear and the closure of the area of agreement to fishing, if the Act had been in effect during such period. In the event of any such determination, the vessel owner affected thereby shall be given notice thereof and an opportunity for a hearing. The decision of the Secretary rendered in connection with the hearing shall be final and binding.

(3) After all vessel owners under subparagraph (1) and (2) have been considered for insurance of a permit, all other vessel owners who have made application may be considered for permits.

If the number of vessels for which application is made in the categories outlined in subparagraphs (2) or (3) is more than the number of permits available after having accounted for the vessels in the previous category (or in the case of subparagraph (1), if the number of vessels for which application is made in that category is more than the number of permits available pursuant to the Treaty). then the number of permits available shall be proportionally distributed within the applicable category, in a manner provided in the regulations.

SEC. 5. The Secretary shall issue a letter of voluntary compliance to a vessel owner who has had vessels engaged in fishing in the area of agreement at any time subsequent to May 9, 1972, for all vessels of such owner documented under the laws of the United States which meet the requirements of the Treaty, and for each of which the vessel owner has, prior to August 1, 1972, deposited and continuously maintained, until the transfer referred to in the following sentence, $700 in a special account in a bank or trust company insured by the Federal Deposit Insurance Corporation for the purpose of reimbursing the United States for enforcement expenses as provided in Article 6 of the Treaty. On or before the issuance of a letter of voluntary compliance the deposited funds referred to above, shall be transferred in the manner provided for in regulations, through the Secretary, to the Offshore Shrimp Fisheries Fund, established pursuant to section 6 of this Act.

OFFSHORE SHRIMP FISHERIES FUND; ENFORCEMENT EXPENSES

SEC. 6. (a) There is hereby established on the books of the Treasury a separate fund, the Offshore Shrimp Fisheries Fund, to be used by the Secretary to make payments for enforcement expenses as provided in Article VI of the Treaty. The fund shall be credited with permit fees collected pursuant to section 3 for enforcement expenses, funds appropriated under section 12(a), amounts transferred through the Secretary from deposits in the special accounts referred to in section 5, and amounts collected for minimum penalties pursuant to section 9.

(b) The Secretary of Commerce, through the Secretary of State, shall pay, or cause to be paid, on behalf of the United States the enforcement expenses as provided in Article VI of the Treaty.

(c) In the event that a vessel owner, master, or other person in charge of a vessel, pays on behalf of the United States the unusual enforcement expenses incurred in carrying out the seizure and detention of a vessel, referred to in Article VI of the Treaty, and is not assessed a civil penalty under section 9 of this Act within two years from the date of such seizure in respect to the violation for which the vessel was seized, such vessel owner, master, or other person shall be entitled to reimbursement of amounts so paid. Application for reimbursement shall be made to the Secretary.

INFORMATION AND REPORTS

SEC. 7. (a) Each master or other person in charge of a vessel which is the subject of a permit under this Act shall keep a logbook in the form and manner prescribed pursuant to the treaty and set forth in regulations.

(b) In addition to the logbook, owners of vessels which have permits under this Act shall supply to the Secretary, in such form and at such times as he may prescribe, any other information necessary in order to carry out the purposes and objectives of the Treaty, the Act or the regulations, which information may include data on fishing beyond the area of agreement in order to determine to the extent possible the full potential of the shrimp fishery.

(c) Except as otherwise provided in the Treaty, information obtained pursuant to this Act shall be treated as confidential commercial information pursuant to section 552 of title 5, United States Code.

(d) The Secretary shall have the power to require by subpoena the production of all such logbooks, records, or other information required pursuant to this section. The Secretary may delegate the power to sign subpoenas and to receive documents.

(e) In case of contumacy or refusal to obey a subpoena issued to any person, corporation, partnership, or other entity, the Secretary may request the Attorney General to invoke the aid of any district court of the United States or the United States courts of any Territory or Possession within the jurisdiction of which said person, corporation, partnership or other entity is found, resides, or transacts business to secure compliance.

PROHIBITIONS

SEC. 8. (a) No master or other person in charge of a vessel documented under the laws of the United States shall—

(1) engage in fishing in the area of agreement, unless the vessel is the subject of a permit in force pursuant to this Act;

(2) transship shrimp in the area of agreement, unless each vessel engaged in the transshipment is the subject of a permit in force pursuant to this Act, or is otherwise authorized to fish in the area of agreement pursuant to the treaty;

(3) assault or attempt to prevent any duly authorized officer from boarding, searching, seizing or detaining a vessel in accordance with such officer's duties under the treaty;

(4) engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels allowed to be present in the area of agreement at any one time to 160 or such other number as may be allowed pursuant to the treaty.

(5) engage in fishing in the area of agreement in contravention of Annex II, as it may be modified from time to time pursuant to Article II of the treaty, or any regulations issued by the Secretary to implement such Annex.

(b) No master or other person in charge of a vessel documented under the laws of the United States shall

(1) fail or refuse to keep or provide any logbooks or any other information required pursuant to this Act, or provide or furnish false logbooks or other information;

(2) violate any other provision of the treaty, this Act, or any regulation promulgated by the Secretary, the violation of which is not covered by subsection (a).

PENALTIES

SEC. 9. (a) Any master or other person in charge of a vessel who violates Section 8 hereof may be assessed a civil penalty by the Secretary, after notice and opportunity for a hearing, of not more than $10,000 for a violation of Section 8(a) and $3,000 for a violation of Section 8(b). Except as provided in this section, the minimum penalty assessed shall be not less than the amount sufficient to cover the unusual enforcement expenses, if any, incurred by the United States pursuant to Article VI of the treaty in connection with such violation; *Provided that* if the person against whom the penalty has been assessed has paid on behalf of the United States such unusual enforcement expenses, the minimum penalty requirement shall not apply. The amount of any such minimum civil penalty assessed shall be deposited directly into the Offshore Shrimp Fisheries Fund. The amount of any such civil penalty over the minimum penalty may be compromised by the Secretary.

(b) The Secretary shall notify any vessel owner involved in a violation of Section 8 of the outcome of any proceeding under subsection (a) above.

(c) The Secretary, after notice and opportunity for hearing, may assess against a vessel owner a civil penalty equal to the value of the catch on board the vessel when detained and the value of the gear involved in a violation of Section 8(a)(1), or involved in a second or subsequent violation of any other provision of Section 8(a) by a person against whom a penalty had previously been assessed under Section 9(a) for a violation involving the operation of a vessel owned by the same person as the vessel involved in such second or subsequent violation. The amount of any such penalty shall be deposited as miscellaneous receipts into the general fund of the Treasury.

(d) Upon failure of the party penalized as provided in this Section to pay the penalty within 30 days of the assessment thereof, the Secretary may request the Attorney General to commence action in the Federal District Court having jurisdiction over the party for such relief as may be appropriated. In any such action for relief, the Secretary's penalty assessment shall be final and unreviewable unless the penalized party has otherwise sought judicial review thereof.

(e) In any hearing held by the Secretary in connection with the assessment of a civil penalty hereunder, the vessel owner, the master or any other person against whom a penalty may be assessed may appear in person or by counsel at such hearing or in lieu of a personal appearance may submit such affidavits or depositions as he deems necessary to the defense of any charges which may be considered by the Secretary at such hearing.

ENFORCEMENT

Section 10.—(a) This Act shall be enforced jointly by the Secretary, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of the Treasury.

(b) Any duly authorized law enforcement officer of the Government of Brazil who is exercising responsibility under Article V of the Treaty shall be empowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement as follows: any such officer may board and search any vessel which he has reasonable cause to believe has violated any provisions of the treaty. If after boarding and searching such vessel the officer continues to have reasonable cause to believe that a violation has been committed, he may seize and detain the vessel for the sole purpose of delivering it, as soon as practicable, to an agent of the United States Government at the nearest port to the place of seizure or any other place which is mutually agreed upon by the Government of Brazil and the Secretary of State.

REGULATIONS

SEC. 11. In addition to any specific authority contained in this Act, the Secretary is authorized to issue all regulations necessary to carry out the purposes and objectives of the treaty and this Act. Prior to the issuance of any regulations dealing with the marking of vessels or with the use of radiotelephone frequencies, the Secretary shall consult with the Secretary of the Department in which the Coast Guard is operating.

APPROPRIATIONS

SEC. 12. (a) There is hereby authorized to be appropriated such amounts as are necessary for enforcement expenses pursuant to article VI of the treaty, to be deposited in the Offshore Shrimp Fisheries Fund.

(b) There is also hereby authorized to be appropriated such amounts as are necessary for domestic enforcement expenses and the expenses of administering the provisions of the treaty, this Act and the regulations, to be available until expended, when so provided in appropriation acts. So much of the permit fees as are identified for administrative costs shall be deposited as miscellaneous receipts to the general fund of the Treasury.

SEVERABILITY

SEC. 13. The provisions of this Act shall be severable and if any part of the Act is declared unconstitutional or the applicability thereof is held invalid, the constitutionality of the remainder and the applicability thereof shall not be affected thereby.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2033. A bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference a bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this title."

SEC. 2. Section 303 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 1762) is amended to read as follows:

"There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this title."

SEC. 3. The following statutes, relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers, are hereby repealed:

(a) The Act of May 30, 1908, as amended (45 U.S.C. 17–21).

(b) The Act of June 30, 1906, as amended (45 U.S.C. 35).

(c) The Act of May 27, 1908, as amended (45 U.S.C. 36).

(d) The Act of May 27, 1908, as amended (45 U.S.C. 37).

SEC. 4. The following sections of titles 45 and 49, United States Code, are amended by striking out the following language,

(a) in section 6 of the Act of March 2, 1893, as amended (45 U.S.C. 6) the words following the word "Act" up to, but not including, the word "provided",

(b) in section 6 of the Act of April 10, 1910 (45 U.S.C. 13) the words following the word "sections" in the fourth line thereof, up to but not including the word "to" in the fifth line thereof,

(c) in section 5 of the Act of March 4, 1907 as amended December 26, 1969, Pub. L. 91–169, section 1 (45 U.S.C. 64a) the words following the word "Act,",

(d) in section 2 of the Act of May 6, 1910 (45 U.S.C. 39) the words following the word "month", and

(e) in section 25 of the Act of February 4, 1887 (49 U.S.C. 26(h)) all of the words following the word "hereunder",

and inserting in each section in lieu thereof the words "shall be liable to a civil penalty, to be assessed by the Secretary of Transportation in such amount, not less than $250 nor more than $2,500, as he deems reasonable. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under these provisions shall be covered into the Treasury as miscellanous receipts."

SEC. 5. Section 6 of the Act of March 4, 1907, as amended, is further amended by adding at the end thereof the following:

"The Secretary is authorized to prescribe, as necessary, appropriate rules, regulations, orders, and standards to carry out the provisions of this Act."

SEC. 6. The provisions of the Act of February 17, 1911 (45 U.S.C. 22–34) are deleted in their entirety and the following inserted in lieu thereof:

"SECTION 1. When used in sections 1–5 of this Act, the terms "carrier" and "common carrier" mean a common carrier by railroad, or partly by railroad and partly by water, within the continental United States, subject to the Interstate Commerce Act, as amended, excluding street, suburban, and interurban electric railways unless operated as a part of a general railroad system of transportation. The term "railroad" as used in said sections shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in said sections shall be held to mean persons actually engaged in or connected with the movement of any train.

"SEC. 2. It shall be unlawful for any carrier to use or permit to be used on its line any locomotive unless said locomotive, its tender, and all parts and appurtenances thereof are in proper condition and safe to operate in the service to which the same are put, that the same may be employed in the active service of such carrier without unnecessary peril to life or limb, and unless said locomotive, its boiler, tender, and all parts and appurtenances thereof have been inspected from time to time in accordance with the provisions of sections 3 and 4 of this Act and are able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

"SEC. 3. The Secretary of Transportation shall prescribe as necessary, appropriate rules, regulations, orders and standards governing the safe operation, condition, mainteance and inspection of all locomotives, their tenders and all parts and appurtenances thereof. It shall be the duty of the Secretary to see that the provisions of this Act and the rules, regulations, orders and standards promulgated thereunder are observed by common carriers subject hereto. The Secretary may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or organizational entity of the Department of Transportation of any function provided in this Act. The Secretary is further authorized, under such terms and conditions as he deems appropriate to provide for the inspection of steam locomotive boilers by any competent person or organizational entity outside of the Department.

"SEC. 4. Whenever any inspector of the Department of Transportation shall, in the performance of his duty, find any locomotive, or any apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations of the Secretary established hereunder, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such locomotive shall not be used until in serviceable condition: *Provided*, that a carrier, when notified by an inspector in writing that a locomotive is not in serviceable condition, because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the Secretary by telegraph or by letter to have said locomotive reexamined, and upon receipt of the appeal from the inspector's decision, the Secretary shall assign an officer or employee of the Department of Transportation, or any other competent person other than the inspector from whose decision the appeal is taken to reexamine and inspect said locomotive within 15 days from date of notice. If upon such reexamination the locomotive is found in serviceable condition, the Secretary shall immediately notify the carrier in writing, whereupon such locomotive may be put into service without further delay; but if the reexamination of said locomotive sustains the decision of the inspector, the Secretary shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within 30 days, appeal again to the Secretary, and upon such appeal, and after hearing, the Secretary shall have power to revise, modify, or set aside such prior decision and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, that pending either appeal the findings of the inspector shall be effective."

"SEC. 5. Any common carrier violating the provisions of this Act relating to locomotives, tenders, their parts and appurtenances, or any rule or regulation made under such provisions or any lawful order of any inspector shall be liable to a civil penalty, to be assessed by the Secretary of Transportation in such amount, not less than $250 nor more than $2500, as he deems reasonable. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under these provisions shall be covered into the Treasury as miscellaneous receipts."

By Mr. BIDEN:

S. 2034. A bill to amend the Federal Property and Administrative Services Act of 1949 to require that public buildings be put in a safe condition prior to disposal. Referred to the Committee on Government Operations.

Mr. BIDEN. Mr. President, I am today introducing for appropriate reference a bill that would impose restrictions on the disposal of the General Services Administration of unsafe Federal buildings.

This bill has developed from my work on the Public Buildings and Grounds Subcommittee of the Public Works Committee. That committee, as I am sure my colleagues know, is responsible for reviewing and approving the prospectuses for all leased and lease-purchase Federal buildings. In the course of a discussion recently, the General Services Administration representatives said that they wanted to move from and dispose of a building that had been determined to present a serious hazard in case of earthquake. I raised with them the question of the use to which the building would be put after disposal and specifically whether it might be used for an office building again in its presently dangerous condition. Summarized, the answer seemed to be that since the knowledge of the condition of the building was general, no one would want to use it for an office building. Frankly, I do not feel that we can rely this much on faith in such a serious matter. There was also some indication that local codes might prohibit its reuse after Government offices moved out, but I question whether we should rely on this either.

The Government in its role as a property owner must set a good example for others just as it should in everything it does. If anything, Government has a special obligation to protect not just its employees but every citizen of the country. For this reason, I cannot imagine deciding that a building is unsafe for Government employees, but not taking any positive action to prevent use of the building for other office workers. My bill, therefore, would require the GSA, when it disposes of a building because of unsafe conditions, either to put the building in safe condition prior to sale; to require the new owner to change the use to one that can safely be conducted on the existing premises; or to require that the building must be demolished by the new owner. This bill would not require GSA to make a complete inspection and determine that a property meets all standards before disposing of it. It simply requires that when GSA has already decided that a building is unsafe for Government use, it shall not let someone else use it for the same purposes. I think this is a minimal protection that we can provide for our citizens.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(l) (1) The Administrator may not sell or otherwise dispose of any unsafe building owned by the United States unless he determines that—

"(A) such building will be restored to safe condition, either by the Administrator or by the transferee, prior to its first occupancy after sale or disposal;

"(B) such building will be subject only to uses which do not result in safety consideration; or

"(C) the building is being sold or disposed of for demolition.

"(2) For the purposes of paragraph (1)—

"(A) a building is unsafe if it poses a hazard to the health or safety of employees or visitors of sufficient magnitude that the hazard was a significant reason for the determination to sell or dispose of the building; and

"(B) a sale or other disposal includes any transfer of functions with respect to the operation, maintenance, or custody of any Federal building by the Administrator to any other Federal agency."

By Mr. MAGNUSON (for himself and Mr. LONG):

S. 2035. A bill to amend the Merchant Marine Act of 1936 to establish a nuclear vessel incentive support program. Referred to the Committee on Commerce.

NATIONAL NUCLEAR MERCHANT SHIP PROGRAM

Mr. MAGNUSON. Mr. President, today along with my distinguished colleague from Louisiana, Senator LONG, I am introducing legislation which proposes to amend the Merchant Marine Act of 1936, to provide incentive support on a payback principle for the first several competitive nuclear-powered merchant ships to be built in U.S. shipyards and owned by American operators.

As most of my colleagues know, maritime nuclear propulsion in the United States and, in fact, all of the industrial nuclear power activities in the United States can be traced back to pioneering naval reactors' efforts of the period 1948–58, out of which emerged the civilian nuclear power program starting around 1955.

President Eisenhower's "Atoms for Peace" policy decision of 1955 led to the NS *Savannah* project and evolution of its pressurized water reactor system which was representative of 1956–58 state-of-the-art.

The *Savannah*'s NSS was designed and constructed during the period 1958–61, underwent sea trials during 1961–62 and, as you know, operated until 1970. Although *Savannah*'s operation was a technical success, the ship was never intended to be economically competitive and, indeed, her inability to meet expenses led to the decision to decommission the ship.

Considerable effort was expended by industry after 1958, upgrading the reactor design but, for the most part, the U.S. Government's funding of the nuclear maritime program was significantly reduced.

Over the period 1966–70, the U.S. nuclear maritime activity was confined to a compartively low level of study effort. During this same period Germany vigorously forged ahead, completing the *Otto Hahn* which today has 3 years of operating experience. The *Otto Hahn* performance was again a technical success for American nuclear technology and serves as the prototype for today's nuclear merchant ship reactor design. The *Otto Hahn* is presently refueling with an advance core design. Also, Japan has built and fueled its N.S. *Mutsu*, an elementary nuclear ship by our standards but, nevertheless, one which will give Japan a technological base from which to build. Recently Japan has announced plans to build a 330-megawatt thermal—MWT—nuclear plant to power a high speed containership.

In 1970, the Maritime Administration and industry initiated a complete reassessment of nuclear propulsion to determine the proper role, if any, of nuclear power in the maritime field.

The reassessment produced three significant points affecting the future role of nuclear propulsion.

First. Powering requirements: The emergence of fast containerships and giant tankers has generated a sharp demand for increased power which is readily understood when one considers the economic advantage gained by increased size. Powering requirements have increased from approximately 20,000 shaft horsepower for the high-powered ship of a decade ago to over 120,000 shaft horsepower for vessels now underway.

Second. Fuel costs: Concurrently with the increase in ship's power has been an associated escalation in fossil fuel costs due to many factors abroad. Just a few years ago bulk oil price was about $2.50 per barrel, now it is around $4 per barrel and all projections are that oil costs may rise to at least the $5 per barrel value within a few years. The problem that a potential shipowner faces in predicting his fuel oil costs over a 25-year period are self-evident and makes it very difficult for the owner to figure a return on investment.

Third. Market: Detailed studies by the Maritime Administration show a world market of approximately 2,500 high-powered ships in the next two decades. As a result, primarily of these factors, the detailed studies by the Maritime Administration and others using marine reactors of large size indicate that nuclear ship reactors are economically competitive today in the approximately 100,000 to 120,000-shaft horsepower level and will become increasingly more competitive in the future at lower power levels as oil costs continue to rise.

I believe that the basic research and development stage of nuclear-powered merchant ships is well behind us. American industry today has the technical skill and capacity to build nuclear ships that can be operated efficiently, safely, and economically.

This legislation should help American shipbuilders and ship operators capitalize on nuclear power to support the rebuilding of our U.S. merchant fleet. It should also be helpful in moving us toward greater fossil fuel conservation.

I ask unanimous consent that the bill be printed in the RECORD. I am hopeful that by using this bill as a working paper, in forthcoming hearings we can develop appropriate means to move ahead in this promising new technology.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IX of the Merchant Marine Act, 1936, is amended by redesignating sections 906 and 907 as 907 and 908, respectively, and by inserting after section 905 the following new section:

"SEC. 906. For every nuclear-powered vessel receiving construction differential subsidy under title V of this Act which was contracted for before July 1, 1978, the Secretary of Commerce may provide incentive support payments to cover such portion of the construction cost differences arising from the use of nuclear propulsion units as he may determine is necessary for the purpose of fostering the advance of United States-flag maritime technology. Recipients of incentive support payments under this section shall repay the sums received through governmental recapture of 20 per centum of each vessel's annual net operating income, as defined in the Maritime Administration's uniform vessel accounting system until the entire amount of incentive support payments for each such vessel shall have been recovered by such Administration, except that the vessel owner shall not be liable for recapture of vessel profits for repayment of incentive support payments until after the nuclear-powered vessel in question has become fully licensed, insured, and otherwise completely operational. Further, repayment of incentive support moneys received under this section shall be made exclusively from recapture of annual operating profits as set forth above; owners of such vessels shall incur no liability for repayment of incentive support moneys in those years during which vessel operation does not produce a positive net operating income, as defined in the Maritime Administration's uniform vessel accounting system."

By Mr. MOSS:

S. 2036. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, to provide funding to develop more efficient automotive engines, and for other purposes. Referred to the Committee on Finance.

Mr. MOSS. Mr. President, the bill I introduce is a proposal to place a tax on the sale of automobiles based on their rated fuel consumption. The proceeds of the tax would be directly applied to a Government-sponsored program to develop more efficient engines within established pollution standards.

The tax is so designed that the standard Pinto probably would pay no tax. The tax rate increases as the fuel consumption rate increases to the point at which the average Cadillac would bear a tax of hundreds of dollars.

American automobile engines are extremely inefficient, because in the past, Americans wanted high power output and low initial cost and did not complain too bitterly if the fuel consumption was high. The American automobile engine industry has been built around the production of high output engines which guzzle great quantities of fuel. This tax and the resulting program seeks to speed the change in the industry design philosophy.

The advantages of the tax are as follows:

First. A strong incentive to produce more efficient engines.

Second. A strong incentive to buy smaller cars.

Third. Money for a program to develop more efficient engines.

Fourth. A longer range solution to the energy crisis by reducing the fuel consuming base.

Fifth. Decrease in highway costs because of smaller cars.

Sixth. Less use of automotive materials because of smaller cars.

Seventh. Less pollution because of less fuel consumption.

Eighth. An easily established and easily enforced tax.

America has tremendous technological wealth. It is our responsibility, through measures such as I am proposing, to create incentives for industry to use our technology to enable us to learn to live better through careful utilization of our resources. Conservation of energy through a better utilization of energy is a highly important, practical and plausible way to alleviate the energy crisis.

By Mr. JACKSON (for himself, Mr. FANNIN, and Mr. ABOUREZK) (by request):

S. 2038. A bill to authorize grants for Indian tribal governments, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself, the Senator from Arizona (Mr. FANNIN) and the Senator from South Dakota (Mr. ABOUREZK) a bill to authorize grants for Indian tribal governments, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 12, 1973.
Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To authorize grants for Indian tribal governments, and for other purposes".

We recommend that the proposal be referred to the appropriate committee for consideration and that it be enacted.

Briefly stated, the bill provides two categories of granting authority to the Secretary. The first category in Section 4(a) is discretionary general granting authority which would permit the Secretary and any tribe to enter into grant arrangements for the tribe's performance of programs and activities now performed under existing appropriations authorizations by Bureau of Indian Affairs staff. The second category in Section 4(b) is authority for grants from the appropriations authorization contained in the bill and proposed at the $25 million level in the President's Budget for fiscal year 1974. The provisions of the bill are discussed in more detail below.

Section 1 of the proposal provides that the Act may be cited as the "Indian Tribal Government Grant Act".

Section 2 provides for a declaration of policy. Subsection (a) states that the United States repudiates any policy or purpose aimed at terminating its Indian trust responsibilities. Subsection (b) states that the policy of the United States is to promote Indian self-determination and to achieve the greatest possible degree of tribal control in the planning and administration of programs serving their reservations. Subsection (c) states the policy of the United States to assist tribal governments in promoting the welfare and economic well-being of their members by the provision to such governments of financial assistance such as provided for under this proposal.

Section 3 provides definitions of terms used in the proposal.

Section 4(a) provides discretionary general authority for the Secretary to make grants to tribes for Indian tribal programs upon their request from funds appropriated under the Snyder Act (25 U.S.C. 13) and any other Act (except the present proposal) authorizing appropriations for the administration of Indian affairs. The grants would be made to accomplish the general purposes for which the funds were appropriated and would be subject to mutually agreed to terms and conditions.

Section 4(b) provides authority for the Secretary to make grants from the funds appropriated under the appropriations authorized in section 16 under regulations prescribed by him. The regulations may provide for two types of grants under this subsection. The first is an entitlement based on a formula which would be set out in the regulations. The second type of grant would be based on an evaluation of the tribe's plans and needs.

Section 4(c) authorizes revisions or amendments to grants and precludes any grants which would impair the Secretary's ability to perform his trust responsibilities.

Section 4(d) provides that a tribe may end a grant arrangement upon 120 days notice and that if the grant was for a program or activity previously performed by the Secretary, the Secretary would assume the performance of the program or activity. Such an action by a tribe would not prejudice their subsequently receiving grants to perform the same or other programs or activities.

Section 5 requires the Secretary to notify the tribes of the estimated amounts of any grant to which they would be entitled under section 4(b). Such notices would be given as soon as possible following submission of the appropriation request to the Congress.

Section 6 requires the submission of a plan by a tribe before the tribe can receive a grant under section 4(b). The plans will set out the intended uses of any entitlement grants which the tribe has been notified that it may receive if funds are appropriated as requested.

In addition, the plan may include a proposal and request for a grant (or grants) under section 4(a) for the accomplishments of purposes for which the funds were appropriated. The plan may also include a proposal and request for a nonentitlement grant under section 4(b). There is no requirement that a tribe's plan be approved by the Secretary with respect to an entitlement grant.

Section 7(a) sets out the programs and activities which may be included in a tribe's plans and the purposes for which funds granted (on either an entitlement or nonentitlement basis) under section 4(b) may be utilized. The purposes are:

(1) Strengthening tribal government including expenditures for executive direction, comprehensive and other planning, financial management, and technical assistance;

(2) Developing natural resources and construction, improvement, maintenance, and operation of community facilities;

(3) Economic development, employment assistance, work experience, training and related special youth programs; and

(4) Land acquisition in connection with items (1) thru (3) above with the Secretary having the authority to take land in trust if it adjoins on at least two sides land held in trust for Indians by the Secretary.

Section 7(b) requires that funds received as grants be used for programs and activities which directly benefit reservation residents.

Section 7(c) provides that the funds received as grants may be utilized to meet the matching requirements of other Federal programs.

Section 8 authorizes the payments to tribes to be made in installments, with the objective of minimizing the time between the transfer of funds from the United States Treasury and their disbursement by the tribe.

Section 9 sets out the requirements relating to financial controls, records, reports, and audits by the Secretary and the General Accounting Office of the use of the grants by the tribes. Included is a requirement for disclosure by the tribal government to its members of its reports on the use of the funds.

Section 10(a) provides that if a tribe fails to comply substantially with the provisions of the Act, after opportunity for a hearing and a sixty (60) day notice, the Secretary may (1) reduce the amount to be paid the tribe in the same or succeeding fiscal year by an amount equal to any amount not spent in accordance with the Act, (2) terminate payments to the tribe, or (3) limit future payments to programs and activities not affected by the failure to comply.

Section 10(b) provides for a judicial appeal by a tribe of any sanctions imposed by the Secretary under section 10(a).

Section 11 provides that the Indian Civil Rights Act (25 U.S.C. 1302), which includes equal protection provisions as well as other rights similar to those in the Bill of Rights in the Constitution of the United States, shall apply to actions of tribes in using funds granted under section 4.

Section 12 provides that the funds granted to a tribe under section 4 are tribal funds for purposes of 18 U.S.C. 1163 which imposes criminal penalties on whoever "embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied, any of the monies, funds * * * belonging to any Indian tribal organization * * *."

Section 13 authorizes the Secretary to prescribe rules, regulations and standards and to conduct research to determine the effectiveness of the proposal in the development of Indian rseervations. Tribal governments are to be given an opportunity to review and comment on proposed rules, regulations and standards.

Section 14 provides that Davis-Bacon wage rates are not to be applicable to construction undertaken by the tribe but that such rates are to apply to any contractors or subcontractors of the tribe.

Section 15 requires the Secretary to establish standards for relocation payments and assistance consistent with those under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and provides that the full cost of such payments and assistance may be paid from grants under section 4.

Section 16 authorizes the appropriation of such sums as may be necessary for the purposes of the proposal.

Becasue of the very short time that there will be between submission of a budget amendment or supplemental appropriaton request for the first appropriation under the proposal and the time when the grants will be made, the Secretary is authorized in section 17 to waive any of the requirements of sections 5 and 6 relating to notice to tribes of the anticipated entitlement amounts and the submission by the tribes of their plans.

Sections 4(a) and 4(b) authorizes the grants mentioned by the President in his message of March 1, 1973, to the Congress on Human Resources in which he stated:

"I shall also propose new legislation to foster local Indian self-determination by developing an Interior Department program of bloc grants to federally recognized tribes as a replacement for a number of existing economic and resource development programs. The primary purpose of these grants would be to provide tribal governments with funds which they could use at their own discretion to promote development of their reservations."

The general granting authority proposed in section 4(a) may be used in conjunction with or independent of the grants authorized under section 4(b). The section 4(a) authority would enable the Secretary to permit greater Indian control of and involvement in the planning and administration of the local govermental and other programs now controlled by Federal employees who are responsible to Federal officials rather than to the elected local Indian government. For example, rather than utilizing funds appropriated for housing development to hire a Federal employee to assist the tribe in improving the housing conditions on the reservation, the Secretary could use the authority to grant funds to the tribe so that they could hire their own employee for the same purpose. Of course, in each instance the tribe and the Secretary must agree that a grant will accomplish the purposes for which the funds were appropriated.

Section 4(b) authorizes the Secretary to establish by regulation the basis for the grants authorized. Under the terms of section 13, such regulations would be proposed for review comments by the Indian tribal governments before being finally determined and placed into effect. We believe that this flexible authority is necessary to provide for changes in the new program so that it can be kept most responsive to tribal needs.

The funds would be allocated among the tribes based on population and on economic development needs as reflected by such factors as individual and tribal income. We would apportion 90 percent among the tribe on an entitlement basis and ten percent based upon an evaluation of the tribes' plans and needs.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

John C. Whitaker,
Under Secretary of the Interior.

By Mr. TOWER:

S. 2039. A bill to amend section 1402 (a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I am today offering legislation to correct an inequity in the military retirement roles. During the Indochina war the Department of the Navy, in particular the Marine Corps, had a requirement for certain reservists possessing skills necessary to conduct their mission. Letters were sent out to these men with the promise of a later recomputation of retired military pay should they volunteer to return to active duty.

In the tradition of selfish sacrifice that marks our armed services, these men returned to active duty and performed their duties well. Nevertheless, when time came for the recomputation that was promised them, they were forsaken. The promise was broken.

Retirement laws now provide for a recomputation of retired military pay if a retiree returns to active duty for a period of 2 years. When the system of recomputation was changed in 1958, this period had been 1 year, but it was later changed to 2 years to prevent recomputation on the basis of a very short tour of active duty. The problem is that the wording of the law prevents recomputation unless the basic is unchanged for at least 2 years.

This legislation would affect an estimated 3,500 people at an annual cost of about $1,300,000. Both the Department of Defense and the House Special Subcommittee on Retired Pay Revisions support this bill, which was originally introduced in the House by Congressman Sisk. I strongly urge early, favorable consideration of this legislation so we can keep that promise and right this growing inequity.

By Mr. HATFIELD:

S. 2042. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes. Referred to the Committee on Rules and Administration.

THE NATIONAL ZOO AND AQUARIUM ASSISTANCE BILL

Mr. HATFIELD. Mr. President, for most of our citizens the zoo forms the only contact they may have with the animal kingdom. Furthermore, as civilization further expands into wilderness areas, zoos may well become the last refuge of many vanishing species.

Though today's zoos thus have a high and increasing educational value, they are presently in need of serious and extensive help.

I wish to share with my colleagues a recent editorial in the Washington Post noting some of the problems that plague the National Zoo in the Nation's Capital. It demonstrates what has happened to a zoo whose budget was stretched to its breaking point, and, then, finally pushed beyond. A similar economic state of affairs afflicts almost every zoo in this country.

The result is not merely that an irreplaceable learning experience is lost; an additional and equally ominous price is the agony and suffering caused animals trapped in such unfortunate environments.

Today I am introducing a bill to create a National Zoological and Aquarium Corporation which would provide badly needed assistance to zoos and aquariums across the Nation.

This Corporation is authorized to devise standards for the accreditation of zoos and aquariums. To enable such centers to meet and surpass those standards, the Corporation is also authorized to provide grants, loans, and technical assistance. The Corporation is further authorized to borrow money and to issue and sell obligations to a maximum aggregate total of $10 million outstanding. Such funds would implement needed modernization of these centers, would train professional staffs, would insure mortgages during construction of projects, and would establish a pilot project for model zoos or aquariums—in short, would preserve and upgrade to an acceptable level these invaluable institutions. Not simply poor and backward zoos and aquariums, but those who are taking the initiative to modernize would benefit from this legislation. Furthermore, the bill establishes a revolving fund which imposes no undue drain on the Treasury.

In introducing this measure, I wish to commend Congressman G. William Whitehurst of Virginia and his wife Genette for their important work in this area and for their efforts to assume this legislative responsibility in the Congress.

Mr. President, I insert the editorial from the April 27, 1973, edition of the Washington Post and ask unanimous consent that it and the text of my bill be printed at this point in the Record.

There being no objection, the bill and editorial were ordered to be printed in the Record, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is created as an agency of the United States of America a body corporate to be known as the National Zoological and Aquarium Corporation (hereafter in this Act referred to as the "Corporation").

Sec. 2. The Corporation shall have the following general powers:

(1) To have perpetual duration and succession in its corporate name.

(2) To sue and be sued in its corporate name.

(3) To adopt, alter, and use a corporate seal, which shall be judicially noticed.

(4) To adopt, amend, and repeal such bylaws, rules, and regulations as it deems necessary to carry out this Act.

(5) To enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures.

(6) To determine and keep its own systems of accounts and the forms and contents of

its contracts and other business documents, except as otherwise provided in this Act.

(7) To have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates.

(8) To acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business, and to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor.

(9) To accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business.

(10) To settle and compromise claims by or against it.

(11) To have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

SEC. 3. Upon termination of the corporate life of the corporation all of its assets shall be liquidated and, unless otherwise provided by law, shall be transferred to the United States Treasury as the property of the United States.

SEC. 4. (a) The management of the Corporation shall be vested in a Board of Directors (hereafter in this Act referred to as the "Board") to be composed of seventeen members as follows:

(1) The Director of the National Zoological Park, ex officio.

(2) The Comptroller General of the United States, ex officio.

(3) Fifteen individuals to be appointed by the President, by and with the advice and consent of the Senate, as follows:

(A) two officers or employees from the Agricultural Research Service of the Department of Agriculture;

(B) one officer or employee from the Department of State;

(C) one officer or employee from the National Oceanic and Atmospheric Administration;

(D) one officer or employee from the Department of the Interior;

(E) two professors of zoological park management from colleges or universities;

(F) four individuals from among representatives of national humane associations;

(G) four individuals from among directors of zoos.

(b) (1) The members described in subparagraphs (E), (F), and (G) of subsection (a) shall each be appointed for a term of six years, except that, in the case of the members first appointed, one member described in each such subparagraph shall be appointed for a term of two years and one shall be appointed for a term of four years. An individual appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(2) No individual may serve for more than two terms as a member described in subparagraph (E), (F), or (G) of subsection (a). For purposes of this paragraph, an individual who has served more than one-half of a term shall be considered to have served all of such term.

(c) Members of the Board shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this Act.

SEC. 5. (a) The Board is authorized to appoint an Executive Director of the Corporation who shall receive compensation at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315 and who shall perform such duties as the Board may prescribe.

(b) The Board is authorized, subject to the civil service laws and regulations, to appoint and fix the compensation of such additional personnel as may be necessary to carry out this Act.

SEC. 6. (a) It shall be the duty of the Corporation to establish, and from time to time revise, standards for the national accreditation of zoos and/or aquariums in the several States and the District of Columbia, including roadside parks where animals are displayed in their natural habitat.

(b) The Corporation is authorized to provide technical assistance in the form of the services of Federal officers or employees to assist any zoo and/or aquarium applying therefor in complying with the accreditation standards established under this Act.

SEC. 7. (a) The Corporation is authorized to make grants of funds to any public nonprofit zoo and/or aquarium which meets, or will meet, the accreditation standards established under this Act, on such terms and conditions as it deems appropriate, to provide for—

(1) the training of the professional staff which meets, or will meet, the accreditation standards established under this Act; and

(2) research by the professional staff which meets the accreditation standards established under this Act.

No grant under this subsection shall exceed 75 per centum of the aggregate cost of the training or research, as the case may be, for which the grant is made.

(b) The Corporation is authorized to make grants of funds to any public nonprofit zoo and/or aquarium which meets the accreditation standards established under this Act for the purpose of enabling such zoo and/or aquarium to establish a pilot project for a model zoo and/or aquarium. The Corporation is also authorized to make grants of funds to any public nonprofit agency for the purpose of enabling such agency to establish a pilot project for a model zoo and/or aquarium which will meet the accreditation standards established under this Act. No grant under this subsection shall exceed 50 per centum of the aggregate cost of the pilot project for which the grant is made.

SEC. 8. (a) The Corporation is authorized (1) to insure mortgages (including advances on such mortgages during construction), upon such terms and conditions as it may prescribe in accordance with the provisions of this Act, and (2) to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon.

(b) To be eligible for insurance under this Act, the mortgage shall (1) be executed by a zoo and/or aquarium which meets, or will meet, the accreditation standards established under this Act, (2) be made to and held by a mortgagee approved by the Corporation as responsible and able to service the mortgage properly, and (3) cover a property or project which is approved for mortgage insurance prior to the beginning of construction or rehabilitation and is designed for use as a zoo and/or aquarium facility which the Corporation finds will be constructed in an economical manner, will not be of elaborate or extravagant design or materials, and will be adequate and suitable for the purposes for which designed. No mortgage shall be insured under this section unless it is shown to the satisfaction of the Corporation that the applicant would be unable to obtain the mortgage loan on reasonable terms without such insurance.

(c) The mortgage shall—

(1) not exceed 90 per centum of the amount which the Corporation estimates will be the value of the property or project when construction or rehabilitation is completed;

(2) have a maturity satisfactory to the Corporation, but not to exceed fifty years from the beginning of amortization of the mortgage, and provide for complete amortization of the principal obligation by periodic payments within such term as the Corporation shall prescribe; and

(3) bear interest (exclusive of premium charges for insurance, and service charges if any) at a rate not to exceed such rate as the Corporation finds necessary to meet the mortgage market.

(d) The Corporation shall fix premium charges for the insurance of mortgages under this Act, which charges shall be deposited in the revolving fund created by section 10 of this Act.

SEC. 9. (a) In order to assist zoos and/or aquariums which (1) meet, or will meet, the accreditation standards established under this Act, and (2) are unable to obtain a mortgage loan with insurance provided under section 8 of this Act, to carry out needed projects for the construction or modernization of zoo and/or aquarium facilities, the Corporation is authorized, subject to the limitations contained in this section, to guarantee to non-Federal lenders making loans to such zoos and/or aquariums for such projects, payment when due of principal and interest on loans approved under this section.

(b) No loan guarantee under this section with respect to any construction or modernization may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under this Act with respect to such project, exceeds 100 per centum of the cost of such project.

(c) Guarantees under this section shall be subject to such terms and conditions as the Corporation determines to be necessary to carry out this Act and protect the financial interest of the United States.

(d) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section shall not exceed $———.

(e) The Corporation shall fix fees to be charged for the guarantee of loans under this section, which fees shall be deposited in the revolving fund created by section 10 of this Act.

SEC. 10. (a) There is established in the Treasury of the United States a revolving fund which shall be available to the Corporation, without fiscal year limitation and as provided by appropriation Acts, to carry out the provisions of this Act.

(b) The premiums charged for insurance under section 8 of this Act and the fees charged for guarantees under section 9 of this Act shall be credited to and form a part of the revolving fund.

(c) There are authorized to be appropriated to the revolving fund for the fiscal year 1974 such sums as may be necessary to carry out the provisions of this Act.

SEC. 11. (a) The Corporation is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this Act. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000.

(b) The Corporation may pledge its assets and pledge and use its revenues and receipts for the payment of the principal of or interest on said obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Corporation is authorized to enter into binding covenants with the holders of said obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Corporation, stipulations concerning the susbequent issuance of obligations or the execution of leases or lease-purchases relating to properties of the Corporation and such other matters, as the Corporation may deem necessary or desirable to enhance the marketability of said obligations. The issuance of obligations by the Corporation shall be subject to the requirements of sections 102 through 104 of the Government Corporation Control Act (31 U.S.C. 847–849) and of no other law.

(c) Obligations issued by the Corporation under this section—

(1) shall be in such forms and denominations;

(2) shall be sold at such times and in such amounts;

(3) shall mature at such time or times;

(4) shall be sold at such prices;

(5) shall bear such rates of interest;

(6) may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums;

(7) may be entitled to such relative priorities of claim on the assets of the Corporation with respect to principal and interest payments; and

(8) shall be subject to such other terms and conditions;

as the Corporation determines.

(d) Obligations issued by the Corporation under this section shall—

(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

(2) contain a recital that they are issues pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Corporation acquired by them under this section; and

(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes.

SEC. 12. (a) At least fifteen days before selling any issue of obligations under section 11 of this Act the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Corporation may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Corporation may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

(b) Subject to the conditions of subsection (a) of this section the Corporation may require the Secretary of the Treasury to purchase obligations of the Corporation in such amounts as will not cause the holding by the Secretary of the Treasury to exceed $2,000,000,000. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Corporation in excess of such amount.

SEC. 13. For the purpose of any purchase of the Corporation's obligations, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the Corporation's obligations under this Act. The Secretary of the Treasury may, at any time, sell any of the obligations of the Corporation acquired by him under this Act. All redemptions, purchases, and sales by the Secretary of the obligations of the Corporation shall be treated as public-debt transactions of the United States.

SEC. 14. (a) Notwithstanding the provisions of sections 105 and 106 of the Government Corporation Control Act (31 U.S.C. 850 and 851), the Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each Government fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with balances in depositories. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the Corporation, one for public inspection at the principal office of the Corporation, and the other to be retained by him for the use of the Congress.

(b) A report shall not be made under subsection (a) of this section until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General. The expenses of the audit shall be paid as provided in section 301 of the Government Corporation Control Act (31 U.S.C. 866). Nothing in this chapter shall be construed to relieve the treasurer or other accountable officers or employees of the Corporation from compliance with the provisions of existing law requiring the rendition of accounts for adjustment and settlement pursuant to section 236 of the Revised Statutes of the United States (31 U.S.C. 71), and accounts for all receipts and disbursements by or for the Corporation shall be rendered accordingly.

(c) Subject only to the provisions of this Act, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the treasurer or other accountable officer of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Corporation shall determine to have been necessary to carry out the provisions of this Act.

(d) Nothing in this section or in the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be construed as denying to the Corporation the power to obtain audits of its accounts and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

ELITISM AT THE NATIONAL ZOO

One of the greater pastimes in our town—for resident Washingtonians as well as the swelling numbers of widespread visitors to the Nation's Capitol—is the zoo. It is, after all, the National Zoo, supposedly a unique showcase of animal life. Certainly the diversity of its inhabitants ranks it among the world's fine zoos, especially since the arrival last year of those two furry, elitists from China, the pandas.

But according to reports by Washington Post staff writer, John Saar, the pandas have put quite a crimp in the zoo's modest budget, and many of the park's older inhabitants have been feeling the pinch. It turns out that some $550,000 of the zoo's federal funds for the current fiscal year were spent on the two pandas, amid strong complaints from some of the keepers that the rest of the zoo's 1,800 occupants have been neglected as a consequence.

Neither Ling-Ling nor Hsing-Hsing has yet been declared persona non grata. But there is beginning to be talk about the size of their expense accounts. Specifically, the critics charge that the pandas have been allocated unnecessarily large quarters, displacing other rare and important residents. As a result, the employees say, a quite rare antelope miscarried, and two white rhinos—ranked among the world's rarest animals—were sent on indefinite loan to the San Diego Zoo. Furthermore, say the critics, more emphasis ought to be placed on other financial needs at the zoo; there is overcrowding, there are dilapidated animal living quarters and there is a serious soil erosion problem.

Not all of the zoo's troubles can be laid at the paws of the pandas, however. More serious than the budget problems, in our view, is the complaint of an investigator for the Washington Humane Society that there has been a recurrent pattern of neglect of animals. "It is not deliberate cruelty," said field investigator Mark Kimbrell, "but neglect, and there is something about the way in which the zoo is now operated which allows these things to happen."

Mr. Kimbrell emphasized that the zoo has "tremendous institutional problems over funding and skilled help," but he charged that conditions there are causing animal deaths. Indeed, he stated that justified complaints of animal neglect at the zoo average one a month. In view of the fact that Mr. Kimbrell's organization is specifically chartered by Congress to investigate allegations of neglect or cruelty to animals—and to initiate prosecution when necessary—his charges ought not be taken lightly.

The Humane Society should continue to monitor conditions at the zoo on a regular basis, and should make its findings public. In addition, Congress ought to take into account the heavy budget strain caused by the arrival of the pandas, as well as the urgent need for improvements in living conditions generally at the zoo. Otherwise, it is pointless for zoo officials to keep on acquiring new animals. The capital city of the United States ought to be able to afford a first-class zoo not only for the sake of the people from Washington and around the world who visit it regularly—but for the welfare of the animals who must live there year around.

By Mr. BELLMON:

S. 2043. A bill to amend the Consolidated Farm and Rural Development Act. Referred to the Committee on Agriculture and Forestry.

RURAL LOAN MARKETING ASSOCIATION

Mr. BELLMON. Mr. President, those of us who serve on the Committee on Agriculture and Forestry had great hopes that the Rural Development Act of 1972, which was an extended project of the committee, would provide the "helping hand" needed to give those Americans who choose to live and work in nonmetropolitan areas the opportunity to do so.

It now appears that two things will gravitate against maximum use of the authorities in the Rural Development Act. First, the President's fiscal 1974 budget indicates the administration will authorize only $200 million in loan guarantees for rural business and industrial loans during the coming year.

Second, rural bankers have indicated that even with the guaranteed loan program there will be a need for a secondary market for the guaranteed loans to provide ongoing funds for development of rural communities.

In order to help alleviate these problems I am today introducing legislation to create a "Rural Loan Marketing Association." This legislation is modeled after the Federal National Mortgage Association and the Student Loan Marketing Association which Congress previously created to form secondary markets for home mortgages and insured student loans, respectively.

Specifically, this bill:

Establishes a Government-sponsored private corporation to serve as a secondary market and warehousing facility for loans made by private lenders for any purpose in communities of less than 50,000 population.

Establishes a Board of Directors to be composed of seven representatives of rural banks who would own one class of stock, seven representatives of institutional investors who would own a separate class of stock, and seven citizens of rural communities selected by the President.

Authorizes transfer of $5 million from the Farmers Home Administration's Rural Development Insurance Fund to help establish the Association.

Authorizes the Association to make advances on the security of, purchase, service, sell, or otherwise deal in loans made to public or private organizations or individuals in rural areas.

Authorizes issuance of common and preferred stock and debentures with proceeds to be used for the transactions in rural loans as provided above.

Mr. President, during recent months this Nation has faced for the first time in its history short supplies of certain foods. The result has been sharply increased food prices and controls of various kinds. Such conditions are unnecessary and can be avoided in the future.

If the people of this Nation are to be well fed in the future, food producers must have access to necessary operating capital. The purpose of this bill is to provide access for food producers to the principal supplier of operating funds.

I ask unanimous consent that a section-by-section analysis of the bill be made a part of the RECORD at the conclusion of these remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Sec. 1. The Consolidated Farm and Rural Development Act is amended by adding a new subtitle.

Sec. 2. Provides for the establishment of a Government sponsored, privately-financed corporation to act as secondary market and warehousing facility for rural loans made by authorized lenders.

Sec. 3. Provides for creation of the Rural Loan Marketing Association, a body corporate to maintain its principal office in the District of Columbia. Exempts the Association from all taxes, with the exception of real property taxes levied by local governments. Authorizes transfer of $5 million from the Rural Development Insurance Fund to help establish the Association. Such advances from the Fund are repayable with interest.

Sec. 4. Establishes a twenty-one member Board of Directors, one designated as Chairman by the President. Establishes an interim Board of Directors, seven representatives of institutional investors, and seven residents of rural areas. The interim Board shall arrange for the initial stock offering.

Sec. 5. When the President determines sufficient stock has been purchased by rural lenders and institutional investors the holders of each class of stock shall elect seven members to the Board.

Sec. 6. Provides for appointment by President of seven public members and annual election of 14 members by stockholders.

Sec. 7. Provides for semiannual meetings of the Board of Directors and authorizes the Board to establish policies and hire personnel.

Sec. 8. Authorizes the Association to make advances on the security of, purchase, service, sell, or otherwise deal in farm or nonfarm loans made by rural lenders.

Sec. 9. Provides for common stock of $100 par value to be issued in classes with rights of cumulative voting for directors and provides for declaration of dividends on common stock after any due dividends on preferred stock are paid.

Sec. 10. Provides for issuance of preferred stock with the usual provisions for preference on dividends and privileges of payment in case of dissolution of the Association.

Sec. 11. Provides for issuance of bonds or other debentures to obtain funds with which to operate.

Sec. 12. Enumerates the powers of the Association which includes the normal powers of corporations.

Sec. 13. Provides for an annual audit.

Sec. 14. Provides that obligations issued by the Association shall be lawful investments, and may be accepted as security for, all fiduciary, trust, and public funds of the United States. Exempts securities issued by the Association from compliance with laws administered by the Securities and Exchange Commission and provides that for purposes of the Federal Reserve Act the Association shall be deemed an agency of the United States.

Sec. 15. Provides that obligations issued by the Association shall be lawful investments under various provisions of the national banking laws.

Sec. 16. Severability.

By Mr. HARTKE:

S. 2044. A bill to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I introduce legislation to continue for 3 years from September 30, 1972, the suspension of duties on imports of certain dyeing and tanning materials, the domestic supply of which is almost nonexistent.

Legislation for the temporary suspension of duties on certain dyeing and tanning extracts was first enacted in 1957. With various changes, including the addition of other dyeing and tanning extracts, the suspension of duties has been extended on a number of occasions. The last such extension, which terminated on September 30, 1972, was provided in Public Law 91-388.

My proposal would suspend the duty for 3 years from September 30, 1972, on certain dyeing and tanning products of canaigre, chestnut, curupay, divi-divi, eucalyptus, hemlock, larch, tara, mangrove, myrobalan, oak, quebracho, sumac, urunday, wattle, and valonia, and which are provided for in items 470.23, 470.25, 470.55, 470.57, and 470.65 of part 9A, schedule 4, of the tariff schedules of the United States. In addition, the bill includes tanning materials of logwood provided for in item 470.15 of the tariff schedules.

The only vegetable tanning material which has been produced in the United States in significant quantity is chestnut tanning extract. With the continued decline in the availability of chestnut trees, domestic firms producing tanning extract have been unable to secure raw materials. Thus, the domestic availability of tanning extract has steadily declined.

I am informed that the conditions which led to the original suspension of duties on these dyeing and tanning materials continues to exist. Similarly, a lack of domestic availability has developed with respect to logwood extract.

These imported vegetable tanning materials are needed by the tanning and leather industries to convert raw hides and skins into leather. Also certain of the materials are used by the oil well drilling industry as a thinner for fluids used in rotary drilling operations.

In view of the continued lack of domestic availability of these dyeing and tanning materials, the suspension of duties for 3 years from September 30, 1972, as provided in my bill is warranted.

In view of the fact that the previous suspension of duty terminated on September 30, 1972, my bill also provides that the entry or withdrawal of any articles which was made after that date, and on or before the date of enactment of the bill may be liquidated or reliquidated as though such entry or withdrawal had been made after the date of enactment. Such liquidation or reliquidation of any entry or withdrawal is subject to a request being filed therefor with the customs offices concerned on or before the 60th day after the date of enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "Canaigre," and inserting in lieu thereof "Logwood, canaigre,";

(2) by inserting "470.15," immediately before "470.23,"; and

(3) by striking out "9/30/72" and inserting in lieu thereof "9/30/75".

SEC. 2. (a) The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after September 30, 1972, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendments made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 17

At the request of Mr. HANSEN (for Mr. SCHWEIKER) the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 17, the National Diabetes bill.

S. 37

At the request of Mr. METCALF, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 37, to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget.

S. 650

At the request of Mr. TOWER, his name was added as a cosponsor of S. 650, to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1191

At the request of Mr. MONDALE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1191, the Child Abuse Prevention Act.

S. 1304

At the request of Mr. STEVENS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1304, to amend certain provisions of title XI of the Organized Crime Control Act of 1970 relating to explosives.

S. 1535

At the request of Mr. BELLMON, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1535, a bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees as a part of court costs, in civil cases involving the Internal Revenue law.

S. 1637

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON), and the Senator from Minnesota (Mr. HUMPHREY), were added as cosponsors of S. 1637, to discourage the use of painful devices in the trapping of animals and birds.

S. 1769

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1828

At the request of Mr. ROBERT C. BYRD, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1828, to require the advice and consent of the Senate on appointment of the Mining Enforcement and Safety Administration Director.

S. 1852

At the request of Mr. BELLMON, the name of the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 1852), the Federal Child Support Security Act.

S. 1963

At the request of Mr. BELLMON, the Senator from Indiana (Mr. BAYH) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1963, a bill to provide for legislative budget review by the General Accounting Office.

S. 2045

At the request of Mr. PERCY, the Senator from North Carolina (Mr. ERVIN), and the Senator from New York (Mr. JAVITS), were added as cosponsors of S. 2045, to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate.

SENATE CONCURRENT RESOLUTION 34—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE ENERGY CRISIS

(Referred to the Committee on Armed Services.)

Mr. DOMINICK. Mr. President, I submit for appropriate reference a Sense of Congress Resolution relating to petroleum usage and the Department of Defense. Previously, on May 10 of this year, I addressed a letter to that Department urging its consideration of a 10 percent reduction in consumption of petroleum products for functions not related directly to national security. My investigation into the Department's consumption figures now leads me to believe that it is appropriate that all Members of Congress have an opportunity to express their approval of such an idea.

Presently all of us are hearing varied and diverse reports about the impact of our energy crisis. What we need now is action of an immediate nature to attempt to alleviate our present problems as well as those which will be arising in the months to come. We are all aware, for example, of the reports of problems for our farmers. In my State, we know that our wheat crop may be imperiled because combiners from other States will not come unless they are guaranteed a fuel supply. In some sections of my State the wheat harvest is no more than 3 weeks away.

In the face of these shortages we are beginning to see the folly of too much reliance on foreign imports to solve our oil problems. Last week we read of the nationalization of a U.S. interest in Libyan oil, an omen of the effects that energy will have on our foreign affairs in the foreseeable future. We need to make our citizens aware of the gravity of our present and future supply situation, and I believe that the Federal Government should lead the way in cutbacks. We cannot ask sacrifices of them without providing the leadership of requiring the Government to do the same.

In addition to my letter to Defense, I have requested the study of the feasibility of a 10-percent reduction in consmption by all Federal agencies. I expect a reply to be forthcoming shortly and I shall seek to maximize such cutbacks whenever and wherever possible.

Mr. President, last summer the entire Denver metropolitan area had only one days reserve of gasoline. Last winter our school system was closed because of heating oil shortages. This year one of the major suppliers has, I have been told, cut off all supplies of butane and propane, fuels which are used extensively in our rural areas.

Some of our gasoline stations are already limiting customers to 10 gallons per customer and others are sharply cutting back their hours of operation or closing entirely.

In view of these warnings, it seems only appropriate that the largest user of oil and gas be required to cut back by 10 percent where such cutbacks would not affect national security or essential training exercises. This resolution does not attempt to formulate the areas of cutback nor does it make such cutback mandatory. If passed however, it would save over 1 billion gallons of petroleum products which would not only set an example, but would materially assist in our efforts to preserve consumption and rein in our galloping demand for energy resources.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 34

Whereas fuel shortages are now being experienced in all parts of our country,

Whereas projections are that such shortages may be anticipated on a much larger scale in the future,

Whereas the Department of Defense is one of the largest single consumers of petroleum products in the United States and the world,

Whereas the Department of Defense in its 1973 estimates will consume the following totals of petroleum products:

Aviation Gasolin , 344,946,000 gallons.

Jet Fuel, 7,636,104,000 gallons.

Motor Gasoline, 480,102,000 gallons.

Distillates (Heating oil, kerosene & diesel fuel), 1,144,920,000 gallons.

Navy Standard Distillate, 805,308,000 gallons.

Residual Fuel, 1,687,770,000 gallons.

Other, 1,512,000 gallons.

Total, 12,100,662,000 gallons.

Whereas a reduction of consumption of petroleum products by the Department of Defense would aid in meeting the energy shortages this country now faces,

Whereas immediate and appropriate action is required to alleviate the energy shortages: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Congress that (1) the Department of Defense should implement a 10% reduction of its consumption of petroleum products except where such reductions would be directly related to the national security including essential training programs.

(2) It is further declared to be the sense of the Congress that the Secretary of Defense should within 30 days after the passage of this resolution notify in writing the Armed Services Committee of the Senate and the Armed Forces Committee of the House of Representatives of his plan for implementation of such resolution.

AUTHORIZATION FOR SECRETARY OF THE INTERIOR TO GRANT RIGHTS-OF-WAY ACROSS CERTAIN FEDERAL LANDS—AMENDMENT

AMENDMENT NO. 240

(Ordered to be printed, and to lie on the table.)

Mr. MONDALE. Mr. President, on behalf of myself and Senators BAYH, MANSFIELD, HASKELL, STEVENSON, PERCY, PROXMIRE, MCINTYRE, STAFFORD, NELSON, ABOUREZK, CASE, CLARK, HATHAWAY, HUGHES, KENNEDY, MUSKIE, and PELL, I am introducing an amendment to S. 1081, as reported, to provide for a congressional decision—after a study and negotiations—on the means of transporting North Slope Alaskan oil which would be most in the national interest.

I, along with the Senator from Indiana (Mr. BAYH) and 15 other Senators, have previously introduced legislation dealing with this subject—S. 1565. The amendment which I am introducing today is basically similar to S. 1565.

Both this amendment and S. 1565 have attempted to obtain a speedy resolution of a problem which is now more than 4 years old—how the vast oil deposits on Alaska's North Slope can best be transported to meet the energy needs of the United States. Both have attempted to speed the resolution of the controversy surrounding the Alaska pipeline and bring oil to American markets in the shortest possible time.

I have previously stated that it is my belief that a pipeline delivery system through the MacKenzie Valley of Canada would be the most logical means of transporting this oil to American markets.

A Canadian route would deliver the bulk of North Slope oil resources where they are needed most—in the area east of the Rocky Mountains.

A Canadian route would deliver these resources over an environmentally sounder route than would an Alaskan route.

Costs to consumers for oil in the eastern two-thirds of the Nation would be substantially reduced by a Canadian route.

Finally, I believe the national security interests of the United States would be aided by a Canadian route.

PURPOSE OF AMENDMENT

However, the amendment which I am introducing today does not require that this route for delivery of North Slope oil be taken. All the amendment seeks to do is to give Congress the necessary information it needs to make a well-informed decision on Alaskan oil. Support of this amendment need not imply support for the ultimate feasibility of a trans-Canadian pipeline to transport this oil. All it need imply is a desire to see Congress exercise its responsibilities over national energy policy and over the Federal lands through which any Alaskan oil pipeline will run, and make a decision which will affect American energy policy for decades to come only on the basis of adequate information.

Indeed, if the case for a trans-Alaska pipeline is as compelling as advocates of that route maintan, this amendment will provide a mechanism by which a final decision can be made within 1 year to get construction underway. On the other hand, it gives the unbiased look at a Canadian alternative route which we have not had to date, a study which advocates of a trans-Alaska route seem reluctant to have undertaken.

Central to this effort is our desire to see these resources utilized as quickly as possible. But we must recognize that no pipeline from Alaska will keep our gas tanks full this summer or prevent possible fuel oil shortages this coming winter.

The 10 billion barrels of oil on the North Slope of Alaska are a precious national resource. By the mid-1980's, this field may be supplying up to 10 percent of our annual oil needs. But we must not waste that resource, and we in Congress must not make hasty decisions which may only delay the ultimate delivery of North Slope oil.

TWO PIPELINES?

S. 1081, as reported, contains a provision which holds forth the prospect of two oil pipelines from Alaska's North Slope. It would allow the Secretary of the Interior to issue rights-of-way permits for a trans-Alaska pipeline, and seek negotiations with Canada on the possibility of a second, trans-Canadian oil line at some indefinite date in the future.

This prospect must be seriously examined, however. Less than 1 year ago, the Joint Economic Committee in hearings conducted by the Senator from Wisconsin (Mr. PROXMIRE) heard very strong testimony on the likelihood—or lack thereof—of a second pipeline.

> One of the more elaborate arguments put forth by trans-Canada supporters is based upon the hypothesis that a second oil line will be built from Alaska's North Slope to transport additional crude oil to the lower 48. Such speculation borders on fantasy and reveals the absence of even a casual inquiry into the facts.
>
> It is assumed that this phantom oil line will be required for basically three reasons: (1) Extensions to the Prudhoe Bay field; (2) Increases from secondary recovery in the Prudhoe Bay field; and (3) New finds through continued exploration.
>
> To date, 75 developmental wells, excluding dry holes, have been drilled in the Prudhoe Bay field. The balance of the drilling required to fully develop the field will be within the perimeter of the field which has been well defined. The developmental program to date precludes any significant field extension and has substantiated the previously estimated 9.6 billion barrels of recoverable oil.
>
> As to discovery of additional fields through continued exploration, it should be noted that to date no proven commercial oil fields other than Prudhoe Bay have been found, and exploration drilling has either eliminated or revised downward the potential of a number of once exciting projects.

The author of this statement was Edward L. Patton, president of the Alyeska consortium, which wishes to build the trans-Alaska pipeline. No new reserves have been discovered since the date of that statement.

In July of 1972, Secretary of the Interior Morton stated that:

> It is uncertain that a second oil line will be needed at all, since additional reserves must be discovered by future drilling. Such a line, in any case, is many years away.

In an analysis prepared by the Department of the Interior and submitted to the Senate Interior Committee in April of this year, the Department clearly states that:

> Resources to justify a second oil pipeline have not yet been demonstrated.

Mr. President, I believe the prospect of a second oil pipeline, as Mr. Patton indicated, is a "phantom." We cannot simply state that two pipelines can be built without further analysis of whether that statement bears any relationship to reality. And the strong testimony of supporters of a trans-Alaska pipeline indicates that there is no prospect of this happening in the near future. Indeed, any prospect of it occuring at all is at best a long shot which will not occur until 1990, if ever.

TIME OF DELIVERY

The central thrust of the amendment I am introducing today is to speed the decisionmaking process in delivering Alaskan oil. If S. 1081, as reported, is passed unamended, we face a substantial amount of time in the courts litigating environmental issues of real importance and also face the real possibility of lengthy construction time on an Alaska route.

There are now indications from highly-placed sources that delays on a trans-Alaskan pipeline—both in the courts and in construction time—may be much more than proponents of such a line may thus far have been willing to admit.

On May 17, J. K. Jamieson, chairman of the board of Exxon Corp., the world's largest oil company, and one of the principal partners in the consortium seeking to build a trans-Alaska pipeline, stated that Exxon's most optimistic estimate on when a trans-Alaska pipeline could be completed was late 1978.

Prior to this statement, backers of a trans-Alaska pipeline had been optimistically estimating completion dates of 1976 or early 1977.

Now, there is a growing realization

that as little time as possible should be spent in unending court litigation, provided that Congress has adequate information on which to base its decision. Yet this time in the courts would be the result of passage of S. 1081, as reported from the Interior Committee.

There are also some who would wish to see Congress go on record now as declaring the environmental impact statement completed thus far on the trans-Alaska pipeline as adequate, and remove the courts and the Congress from any further consideration of this issue.

This approach, I fear, would undo years of effort in making the National Environmental Policy Act into an effective means of providing adequate information on which to base crucial decisions. For there is much evidence that the environmental impact statement completed thus far did not adequately consider a trans-Canadian alternative, as required under section 102(2)(c) of NEPA. A variety of factors—including the projected gas pipeline from Prudhoe Bay in Alaska through the Mackenzie Valley of Canada to the Midwestern United States—were not adequately considered in that statement, and to declare this statement to be adopted by the Congress would virtually destroy the validity of NEPA.

THE AMENDMENT

There is an alternative approach, which the amendment I am introducing today exemplifies. That approach is to fill in the many information gaps now missing with regard to a trans-Canadian route by which to transport North Slope oil to the United States, and to build in a congressional decision at the end of this process. This I believe to be the only approach which complies with the spirit of the National Environmental Policy Act, and still offers supporters of both a trans-Alaska and a trans-Canadian pipeline the assurance that a congressional decision—not reviewable in the courts—will be made within approximately 1 year.

The amendment I am introducing today provides the following:

First, negotiations would be conducted by the Secretary of State with the Government of Canada to ascertain the answers to a variety of important questions to which we do not have definitive answers today. The Secretary of State would report the results of these negotiations within 8 months to the Interior Committees of the Senate and House. Points of negotiations would include estimated dates for completion of construction; quantity levels of oil from the North Slope of Alaska which the Canadian Government would guarantee through a Canadian pipeline; the ownership, financing, and regulation of the Canadian sector of a trans-Alaska-Canada pipeline, and other questions of similar importance.

Second, the National Academy of Sciences would be directed to undertake a comparative 11-month study of the environmental, economic, and national security implications of both a trans-Alaska and a trans-Canadian pipeline alternative.

With regard to the environmental risks of the routes which would be studied, the language of the amendment exactly parallels the language of section 102(2)(c) of NEPA. This requires the National Academy to undertake the type of study which should have been undertaken by the Department of the Interior, but which has never been undertaken.

The economic and national security aspects of the study would include the relative effects of a trans-Alaska and a trans-Canadian pipeline on American national security; overall economic effects, including effects on consumers in various sections of the country; and effects on American balance of payments. This part of the study would encompass the particularly important questions of regional dependence on insecure foreign oil sources and the cost effects on consumers of routing the pipeline through Alaska or through Canada.

In preparing this study, the Academy would analyze and compare the relative advisability and feasibility of transporting North Slope Alaskan oil through either a trans-Alaskan or a trans-Canadian route.

In undertaking this task, the Academy would have much information at its disposal. In addition to the Department of the Interior's Environmental Impact Statement, which would be the basic document for description and analysis of the trans-Alaskan pipeline alternative, the Academy could make use of over 100 studies—including a $7 million study prepared by a consortium of 16 major oil companies—on a trans-Canadian route. What we need is an unbiased, professional analysis of this information before Congress makes its decision.

Third, this amendment provides for restrictions on exports of North Slope oil. Under provisions of the amendment, no exports could be made unless the President found an "imminent threat to national security" should such exports not be made. If such a finding were made, authority under it for the President to allow exports would expire at the end of 60 days, unless Congress approves of such action. I believe this provision is absolutely crucial whether Congress decides to opt for a trans-Alaskan or a trans-Canadian route. I also strongly believe that if we do choose a trans-Alaskan route—and fail to forbid exports—that a very substantial percentage of the production of an Alaskan line would be earmarked for Japanese consumption. In 1971, the President of the consortium seeking to build the trans-Alaska pipeline, stated that one-quarter of the production of such a line was earmarked for sales beyond the west coast, most of which presumably would go to Japan.

Recently, University of Washington geology Prof. Eric Cheney, in an article in the Seattle Times, showed that if a trans-Alaskan line is built, the west coast will be unable to absorb the entire production from such a line until 1988.

I believe this provides one more strong reason for a trans-Canadian line. But no matter what decision is ultimately made on the routing of trans-Alaskan oil, we must provide that this oil will stay in the United States—and not fuel foreign industrial competition to American industry during years when American industry will need every gallon of oil it can get.

Fourth, the amendment builds in a procedure to insure a congressional decision within 90 days of receipt of the report of the National Academy.

This decision would not be reviewable in the courts, thereby assuring progress on whichever route Congress selects shortly after that congressional decision is made.

The amendment also prohibits the Secretary of the Interior from issuing rights-of-way permits for any delivery system for North Slope Alaskan oil until Congress has authorized and directed him to issue rights-of-way for a particular route. The amendment does not affect the bill's provisions regarding granting of rights-of-way for any pipeline system other than that from the North Slope of Alaska.

CANADIAN GOVERNMENT

Without doubt, no pipeline through Canada can be built without the cooperation of the Government of Canada. There is no debate on this point. Recently, some have questioned that willingness of the Government of Canada to cooperate in this undertaking. There is no hard negotiating data on this point, once again pointing out the need for negotiations at the earliest possible date.

Should these negotiations prove that the Canadians are not interested, we will have lost nothing, for a final nonreviewable congressional decision would still be made within little more than a year. This decision, while preserving the integrity of the National Environmental Policy Act, would allow construction of a trans-Alaskan pipeline to begin without further delay in the courts if the trans-Canadian route is proven to be unfeasible.

However, I believe that the Canadian Government will express interest in a trans-Canadian oil pipeline, inasmuch as it avoids dangerous tanker traffic off the west coast of Canada and spurs the development of potential oil reserves in the northwestern sections of Canada. As recently as May 14 of this year, Prime Minister Trudeau stated on the floor of Parliament that:

> We do not favour the route from Alaska which would take oil tankers over the ocean into waters that are very narrowly confined between the United States and Canada. That is still our policy, and our policy is still to indicate that the Mackenzie route is one which we would be prepared to consider if there is application made in the proper form, and that we would be very happy to follow up on that.

And on June 8, speaking in the House of Commons, Minister of Energy, Mines and Natural Resources, Donald Macdonald stated again that:

> Our distinct preference is to have a Mackenzie route. . . .
>
> The United States administration, of course, insists on handling its own resources

in a different way. We have made clear to the United States the possibilities of a Canadian route, but I do not think we are really in a position to direct them as to how they should dispose of their resources within their jurisdiction.

In sum, the Canadians are receptive—if we in Congress show that the attitude of the American administration is not the attitude of the American people.

Whatever the answer to Canadian willingness to cooperate, we should and must find out quickly. The amendment we are proposing today would enable us to do just that.

In sum, this amendment expresses the desires to proceed as rapidly as possible—consistent with the spirit of NEPA—to develop North Slope Alaskan oil. It will give the Congress the intensive negotiations and study of a Canadian alternative route that we need to make an informed decision. It will enable Congress to make the final decision on how this vast oil resource is best to be transported to the United States, thereby exercising the responsibility we must shoulder for framing national energy policy.

It offers backers of the trans-Alaskan pipeline the assurance that if negotiations with Canada prove unsuccessful, or if Congress for whatever reason decides that an Alaskan route is the wisest means to move North Slope Alaskan oil, that construction of such a pipeline could begin in little over 1 year. It offers backers of a trans-Canadian line the full and fair study that has not yet been done on this alternative, and the ability to get that information to the Congress.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 240

Strike out all after line 20 on page 31 through line 23 on page 35 and insert in lieu thereof the following:

TITLE II—DELIVERY OF ALASKA NORTH SLOPE OIL

SEC. 201. Congress hereby finds and declares that—

(a) the question of how the oil resources of Alaska's North Slope can best serve the needs of the Nation raises issues of national importance;

(b) a continuing legal controversy exists as to whether the Interior Department has complied with its obligations under the National Environmental Policy Act to study and describe a trans-Alaska-Canada transportation corridor as an alternative for an Alaskan land and maritime route for the delivery of North Slope oil;

(c) this controversy poses the threat of continued litigation that could significantly postpone the implementation of any delivery system for North Slope oil;

(d) it is the will of the Congress to avoid the uncertainties of continued litigation and to facilitate the delivery of North Slope oil resources in the manner that will best serve the environmental, economic and national security needs of the Nation; and

(e) recognizing its constitutional responsibility to regulate interstate and foreign commerce (article I, section 8) and to protect the public interest in the public lands (article IV, section 3), the Congress hereby seeks to insure that sufficient information is made available promptly to facilitate the congressional decisions as to which delivery system for North Slope Alaska oil will best serve the overall national interest.

SEC. 202. (a) The "Academy" means the National Academy of Sciences.

(b) The "Academy President" means the President of the National Academy of Sciences.

(c) A "corridor" means an all-land trans-Alaska-Canada utility corridor, including any pipelines contained therein, for the delivery of North Slope Alaska oil to markets in the 48 coterminous States of the United States.

SEC. 203. (a) The President of the United States is authorized and requested, utilizing the services of the Secretary of State, to enter into negotiations with the appropriate officials of the Government of Canada immediately upon enactment of this Act to ascertain within sixty days from the date of enactment of this Act:

(1) the willingness of Canada to receive applications for the construction of a corridor, and

(2) should such willingness exist, the route which would be preferred by the Canadian Government for the Canadian sector of a corridor (hereinafter, the "preferred Canadian route").

(b) If, as a result of the preliminary negotiations authorized under subsection (a) of this section, no preferred Canadian route is determined within sixty days after enactment, the Academy shall designate a preferred Canadian route for purposes of the study to be undertaken pursuant to section 205 of this title.

(c) The Secretary of State is directed to report to the Interior and Insular Affairs Committees of the House and Senate within seventy days from the date of passage of this Act the results of the preliminary negotiations authorized under subsection (a) of this section.

(d) For purposes of determining the feasibility of construction, operation and maintenance of a corridor, the President of the United States is authorized and requested, utilizing the services of the Secretary of State, to enter into negotiations with the appropriate officials of the Government of Canada immediately upon the conclusion of the preliminary negotiations undertaken pursuant to subsection (a) of this section.

(e) Within 240 days from the date of passage of this Act, and based on the negotiations conducted pursuant to subsection (d) of this section, the Secretary of State shall submit to the Interior and Insular Affairs Committees of the House and Senate, his findings on—

(1) the need for understandings, agreements or treaties to protect the interests of the Governments of Canada and the United States and any party involved with construction, operation and maintenance of a corridor;

(2) the estimated costs of construction and operation of an oil pipeline in a corridor;

(3) the estimated feasible date for commencement and completion of construction of an oil pipeline within a corridor;

(4) the quantity levels of oil from the North Slope of Alaska which the Government of Canada would guarantee through a corridor;

(5) the willingness of the Government of Canada to increase its exports for oil to the United States during the period of time before a corridor is in operation;

(6) the ownership, financing and regulation of the Canadian sector of a corridor; and

(7) any other results of the negotiations which he may deem relevant.

SEC. 204. Within thirty days following passage of this Act, the Director of the National Science Foundation shall contract with the Academy President for the performance by the Academy of a study in accordance with the requirements set forth in section 205 of this title.

SEC. 205. (a) The Academy shall undertake a comparative study of the following alternatives for the delivery of North Slope Alaskan oil:

(1) an Alaskan land and maritime route, as outlined in the Department of the Interior's Final Environmental Impact Statement on the trans-Alaska pipeline system, and

(2) a corridor from the North Slope area of Alaska across land in the State of Alaska, connecting with the preferred Canadian route to the Canadian-American border, and then to Seattle and Chicago.

(b) The study of the Academy shall include, for each of the routes in subsection (a) above, a detailed statement on:

(1) the actual and potential effects on the environment, including, but not limited to

(A) the environmental impact of the proposed route;

(B) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(D) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(2) the effects of such a route on the national interest of the United States, including, but not limited to—

(A) effects on national security;

(B) overall economic effects, including effects on consumers; and

(C) effects on American balance of payments.

(3) such other factors as the Academy may deem relevant.

(c) The Academy, for each of the factors above, shall analyze and compare the relative advisability and feasibility of transporting North Slope Alaskan oil through the routes studied under this section.

(d) For purposes of this study, the Secretary of State is authorized and requested to periodically inform the Academy President of the progress and interim results of the negotiations authorized by section 203 of this title.

(e) In carrying out the study, the Academy—

(1) is directed to solicit and take full account of relevant views of and materials from members of the public, government agencies, citizen groups, and all others concerned with the delivery of North Slope oil to the forty-eight coterminous States of the United States and the effects thereof;

(2) is authorized to use to the extent deemed advisable the Department of the Interior's final environmental impact statement on the Trans-Alaska pipeline system for describing and evaluating the route described in subsection (a)(1) of this section;

(3) is authorized and requested to cooperate, and develop and exchange appropriate information, with public and private bodies in Canada with a view toward insuring that the environments of both nations are protected, legal and regulatory uncertainties are reduced, and the energy requirements of the people of the United States and the people of Canada are adequately met;

(4) is directed to utilize to the maximum extent feasible information currently available for purposes of describing and evaluating the route described in subsection (a)(2) of this section;

(5) is directed, when describing and analyzing the alternative routes in subsection (a) of this section, to consider the relationship of environmental, economic and other effects of a projected natural gas pipeline from the North Slope of Alaska through Canada for markets in the 48 coterminous States

of the United States to the factors set forth in subsection (b) of this section.

(f) Within three hundred and thirty days after passage of this Act, the Academy President shall submit simultaneously to the Director of the National Science Foundation, the President of the Senate and Speaker of the House of Representatives, and the House and Senate Committees on Interior and Insular Affairs, the study of the Academy, together with his findings and conclusions based thereon, pertaining to the relative advisability and feasibility of transporting North Slope Alaskan oil through the routes studied under this section.

SEC. 206. (a) In conducting the study pursuant to section 205 the Academy President is authorized to enter into contracts and other agreements with such persons, institutions or agencies as he may determine necessary and appropriate to carry out the purposes of this title.

(b) The Academy President is authorized to secure from any department, agency or instrumentality of the Federal Government any information he deems necessary to carry out his functions under this title. Upon request of the Academy President, the head of any Federal department, agency, or instrumentality is authorized—

(1) to furnish the Academy President such information as may be necessary for carrying out his functions to the extent it is available to or procurable by such department, agency or instrumentality, and

(2) to detail to temporary duty with the Academy President, on a reimbursable basis, such personnel within his administrative jurisdiction, as the Academy President requests, each such detail to be without loss of seniority, pay or other employee status.

SEC. 207. (a) Notwithstanding the provisions of this or any other laws, no rights-of-way over, upon, or through the Federal lands shall be granted, issued or renewed for any delivery system to transport the oil resources of the North Slope area of the State of Alaska to other states in the United States until the completion of the negotiations provided for in section 203 of this title, and the Academy study provided for in section 205 of this title, and until and unless the Congress has enacted legislation specifically authorizing and directing the Secretary to grant such rights-of-way.

(b) Notwithstanding any other provision of law or regulation, no crude oil, finished products or unfinished oils (as defined in Presidential Proclamation No. 3279, of March 10, 1959, as amended and modified) produced from the geographical area in which the President is authorized to establish special national defense withdrawals by section 10(b) of the Alaska Statehood Act (Act of July 7, 1958; 72 Stat. 339) shall be exported from the United States or any of its territories or possessions unless the President makes and, within three days thereafter, publishes an express finding of an imminent threat to national security should such exports not be made, *provided that* should such a finding be made and published, the authority thereunder shall expire no more than sixty days after date of the publication of said finding, unless the Congress shall within said period approve such exports in whole or in part, under such terms and conditions as it may deem desirable.

SEC. 208. (a) Within 30 days of receipt of the study provided for under section 205 of this title, and after determining, based on the results of said study, and results of the negotiations provided for under section 203 of this title, which delivery system for North Slope oil will best serve the overall national interest, the House and Senate Committees on Interior and Insular Affairs shall report legislation to the full House or Senate, as the case may be, authorizing and directing the Secretary to grant rights-of-way needed for the transmission of oil from the North Slope area of the State of Alaska along one of the routes described in section 205(a) of this Title.

(b) Legislation reported under subsection (a) of this section shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such legislation is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(c) Debate on such legislation shall not exceed 10 hours, which shall be divided equally between those favoring and those opposing the legislation. Debate on amendments shall not exceed 5 hours, divided equally between those favoring and those opposing the amendment. A motion further to limit debate is not debatable. A motion to recommit the legislation is not in order, and it is not in order to move to reconsider the vote by which the legislation is agreed to or disagreed to.

(d)(1) Motions to postpone, made with respect to the consideration of legislation reported pursuant to subsection (a) of this section, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such legislation shall be decided without debate.

(e) If, prior to the passage by one House of legislation pursuant to section 207(a) of this title, that House receives from the other House legislation of such other House passed pursuant to said section, then—

(A) the procedure with respect to the legislation of the first House shall be the same as if no legislation from the other House had been received; but

(B) on any vote on final passage of the legislation of the first House, the legislation of the first House shall be voted on as an amendment in the nature of a substitute to the legislation received from the other House.

(f) (1) There shall be a conference of the two Houses to resolve any differences between the legislation as passed by each House.

(2) A conference report shall be highly privileged in each House. It shall be in order at any time after the third day after which such a conference report is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(g) Debate on the conference report shall be divided equally between those favoring and those opposing the conference report. A motion to recommit the conference report shall not be in order and it shall not be in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(h) Motions to postpone, made with respect to the consideration of such conference report and motions to proceed to the consideration of other business, shall be decided without debate.

(i) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such conference report shall be decided without debate.

(j) Legislation authorizing and directing the Secretary to grant rights-of-way pursuant to section 207(a) of this Title shall be agreed to no later than 90 days following receipt by the House and Senate Interior and Insular Affairs Committees of the study provided for in section 205 of this Title.

(k)(1) The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(2) Any rule provided in this section may be waived or suspended by the Senate or the House of Representatives only by a vote of two-thirds of the Members voting, a quorum being present.

(3) If a point of order is made in either the Senate or the House of Representatives, and sustained by the Presiding Officer of that House, that any bill, resolution, amendment, motion, or other matter is not in order by reason of any rule provided in this Title, the decision of the Presiding Officer may be overruled only by a vote of two-thirds of the Members voting, a quorum being present.

SEC. 209. After the Congress has determined, based on the information obtained pursuant to sections 203 and 205 of this Title, which delivery system for North Slope Alaskan oil will best serve the overall national interest, and in furtherance of that determination has authorized and directed the Secretary to grant the rights-of-way needed for the transmission of oil from the North Slope area of the State of Alaska, the Secretary, pursuant to such Congressional mandate, shall grant such rights-of-way.

SEC. 210. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Title.

Mr. BAYH. Mr. President, the amendment which the able senior Senator from Minnesota (Mr. MONDALE) and I are introducing today will result in a binding, fully informed congressional decision within 14 months on the most desirable means of delivering Alaskan oil to the lower 48 States.

Unfortunately, there has been some misinformation spread regarding the objectives of the Mondale-Bayh amendment. Thus it may be worthwhile, Mr. President, to state at the outset some of those things our amendment does not do.

It does not preclude a subsequent congressional decision to proceed with the proposed trans-Alaskan pipeline. Indeed, it lays the foundation for a final decision on the merits of that approach in a fixed time frame.

It does not make a commitment to a trans-Canadian pipeline. Indeed, it recognizes the necessity of gathering more information on that possibility.

It does not contain delaying mechanisms. Indeed, it could well lead to faster delivery of Alaskan oil than S. 1081 as reported.

We proceed, Mr. President, from the clear recognition, which we believe is shared by our colleagues, that the substantial oil and natural gas in Alaska should be utilized as soon as possible, in a manner consistent with our national interest. Our amendment is aimed directly at that goal.

The amendment, which we are introducing for ourselves and a bipartisan group of 16 other Senators, is a modified version of legislation (S. 1565) we introduced earlier this year. Our amendment deals only with the delivery of Alaskan oil, it does not affect the general rights-of-way issues in S. 1081.

Mr. President, we feel that the question of whether Alaskan oil is delivered by the proposed Alaskan land-sea route or by an all-land Canadian route is an issue of utmost concern to the American people and therefore should be decided by Congress.

However, because of the prejudgment of this matter by the Department of the Interior and Department of State, and the out-of-hand dismissal of the Canadian alternative, we do not today have adequate information about the feasibility and desirability of the Canadian alternative.

To gather information about that alternative, to retain for Congress final authority on this matter, and to facilitate speedy construction of a delivery system, our amendment contains the following provisions:

First. As a first step, the State Department would enter into preliminary negotiations with Canada to determine where, if an oil pipeline is to be constructed through Canada, the Canadians would most prefer it.

Second. Based on the Canadian indication of a preferred route the National Academy of Sciences would undertake an exhaustive study of that route, considering all economic, environmental, and related issues.

Third. While this study is in process, the State Department would continue negotiations with Canada, this time with the broader purpose of assessing the overall desirability and feasibility of an oil pipeline from Alaska to the lower 48 States. Under negotiation would be the whole range of relevant issues including financing for a pipeline and Canada's willingness to increase oil exports to the United States during the construction period.

Fourth. The results of those negotiations and the conclusions of the National Academy study would be available to the Congress in 11 months, at which time the Congress should have 3 months to make a final decision on what rights-of-way should be granted across public lands for the delivery of Alaskan oil.

It is extremely important to emphasize here, Mr. President, that such a congressional decision would not be subject to litigation. Construction could begin as soon as Congress acts. For those who are concerned about not delaying the delivery of Alaskan oil, as I am, this fixed maximum 14-month process is far more appealing than the delay of 2 years or more which will result if S. 1081 is passed as reported.

Moreover, Mr. President, S. 1081 as reported asks Congress to abdicate its proper decisionmaking role on the matter of how Alaskan oil will be delivered to the lower 48 States. The bill would simply give the Secretary of the Interior expanded authority to grant wider rights-of-way on public lands that he currently has under the Mineral Leasing Act.

It was this maximum width for rights-of-way issue that brought the question before Congress. The Interior Department and oil companies, despite ample warnings from opposing litigants, sought a go-ahead from the courts in direct violation of the Mineral Leasing Act. It was this shortsighted attitude that has caused the delays to date in bringing Alaskan oil to the lower 48 States.

Now if the Congress gives away the final authority on this question, the Secretary of the Interior can be expected to grant rights-of-way for the Alaskan pipeline. This will trigger the pending litigation—which will take 2 years or more to resolve—on the adequacy of the environmental impact statement on the pipeline.

Instead of accepting further delay in the resolution of this question, and to preserve a final decision for Congress, we can adopt the Mondale-Bayh amendment and in 14 months, with adequate information, choose to go ahead with either the Alaskan or Canadian delivery system. That decision can be made solely on the merits with due attention to the following important issues: actual date of oil delivery, location of the greatest energy shortages, environmental damage and risks, balance-of-payments implication, impact on national security and any other factor the Congress deemed appropriate.

Mr. President, there is a crucial point to be found in the vehement oil company opposition to the Mondale-Bayh amendment. If the Congress were to decide next year after weighing all available information that it wanted to go ahead with the Alaskan pipeline, the oil companies would have their approval many months sooner than if they go back into the courts, as S. 1081 would have them do.

Thus, if the oil companies felt they could win this issue on the merits a year from now, if all their claims about delays and problems with a Canadian line are well founded, they would serve their own interests by supporting the Mondale-Bayh amendment.

One can only conclude that they do not have sufficient confidence in the merit of their position to take this approach. Instead, they are seeking a course of action in which the decision on a oil delivery system is made by the Secretary of the Interior, already committed to the position of the oil companies.

Mr. President, on the basis of the information thus far available, the oil companies' fear that they could lose this issue, if it is decided on the merits a year from now, is justified. We already have the following information which argues for a Canadian delivery system, rather than the Alaskan line:

First, The Pacific region, which would be the prime beneficiary of an Alaskan pipeline, currently provides most of the petroleum it consumes. The situation in the Midwest and the East is quite different, with demand many times local supply. Because of this, a barrel of crude oil in 1971, the last year for which reliable figures are available, cost 64 cents more in the Midwest than on the west coast. If the Alaskan land-sea route is adopted that price discrepancy, still relevant, will more than double to $1.43 per barrel. On the other hand, if an all-land trans-Canadian route is used to deliver the oil, the discrepancy will be cut in half.

Second. Since it is generally agreed that the natural gas from Prudhoe Bay would have to transverse Canada, it would make sense to explore fully the possibility of a single corridor for the oil and gas with significant cost savings in rights-of-way, parallel road construction, and other expenses associated with the construction and operation of fuel pipelines.

Third. There have been authoritative reports that the oil companies involved in the venture are contemplating the sale of as much as 500,000 barrels per day—25 percent of the oil from Alaska—to Japan. To export oil at a time when there is a serious shortfall between domestic supply and demand strikes me as ludicrous and I have been concerned by the absence of adequate assurances from the oil companies that none of the Alaskan oil would be exported. Our amendment contains strong limitations on the exportation of Alaskan oil.

Fourth. While recognizing that it will be impossible to utilize Alaskan oil and gas without incurring some environmental damage and risk, I think we must minimize that risk, even as we consider economic factors, consumer requirements, national security, delivery dates, and the overall national energy situation. It appears, in this regard, that the Canadian route is far more preferable on environmental grounds.

We have been subjected, Mr. President, to repeated and purportedly authoritative comments by private American interests about what Canada will and will not require as conditions for a trans-Canadian oil line. These comments are presumptuous; they are not authoritative. The lack of certainty about Canada's attitude toward an oil pipeline, which would probably go through the Mackenzie Valley, was recently highlighted by the vastly different statements made by certain of our colleagues after a visit to Ottawa.

The fact is that we have not conducted proper bilateral negotiations with Canada, so no one can speak with confidence about what conditions Canada will seek if American oil is to transverse that country. We must be wary of those who presume to relate to us the policy of the Canadian Government.

Yet there are public statements by Canadian officials on the record over a period of more than 2 years. The Canadian Minister of Energy, Mines, and Resources made a typical statement this March in a televised interview. Minister MacDonald said:

> If the Americans came back and said to us, look, we've had second thoughts on that

> trans-Alaska pipeline, we would like to take you up on your willingness to entertain an application about the oil line through the Mackenzie route, I think the interests of the West Coast (or Canada) would dictate that the Government of Canada should enable that kind of application to go ahead.

That is an extremely open-minded statement; one which augurs well if bilateral negotiations are undertaken in good faith by our State Department.

Despite the available information which suggests to me that a trans-Canadian line would be more desirable than the Alaskan line, I wish to reiterate that support of the Mondale-Bayh amendment by any Senator does not imply opposition to the Alaskan line, nor a commitment to the Canadian line.

As indicated earlier, this is an issue which can only be resolved by the Congress when all information has been made available to us. Thus the need for adoption of this amendment.

I urge my colleagues, no matter what their position on the delivery of Alaskan oil, to give this amendment their most serious consideration with due attention to the important goals of expediting delivery of Alaskan oil, which we could accomplish, and reserving for Congress a final decision on this matter which is basic to our entire national energy policy in an era when energy is in the forefront of major domestic issues.

Mr. PROXMIRE. Mr. President, I am delighted to take this opportunity to associate myself with the remarks of my distinguished colleagues in support of this amendment.

The amendment to be offered to S. 1081 which has just been introduced goes to the heart of the issue which is at stake here: the Alaskan pipeline controversy.

I know that virtually everyone here agrees on the importance of bringing the vast supplies of oil and natural gas which have been discovered in northern Alaska into the American market. However, the controversy continues as to the best route for transporting these vital resources into the United States.

A consortium of major oil companies has developed a plan for routing a pipeline from Prudhoe Bay across the State of Alaska to the city of Valdez in the south and from there by tankers to the west coast. This project has already been approved by the Interior Department on behalf of the Nixon administration. Passage of S. 1081, unamended, would give the go-ahead to these plans by ending the right-of-way problems.

However, any renewed construction of the trans-Alaskan line would be short-lived inasmuch as the environmental questions have yet to be resolved by the courts. The amendment which we are introducing recognizes the continuing legal controversy which exists as to whether or not the Interior Department has fulfilled the requirements of the National Environmental Policy Act to study and describe a trans-Canadian route for the delivery of Alaskan oil. Even if the Senate votes in favor of legislation which would remove the obstacles of the Mineral Leasing Act with regard to rights-of-way, further litigation over the NEPA issue will hold up delivery of Alaskan oil for at least another year and possibly more.

The importance of our amendment is that it would limit further construction delays to a period of 1 year. During this time the requirements of NEPA would be met by a comprehensive environmental and economic study of the Canadian route by the National Academy of Science. At the same time, negotiations would be opened with the Canadian Government to determine its willingness for a trans-Canada pipeline, thus clearing the way for construction to begin on one route or another when Congress makes the final decision at the end of 1 year. These provisions would end the need for any further court litigation and enable the Congress to make an informed decision in the matter of route selection.

Mr. President, up until now we have been bombarded with arguments in favor of the trans-Alaskan route. Too little attention has been given to the merits of the alternate possibility of a pipeline across Canada. We have been told that construction of a trans-Canadian pipeline system would involve time-consuming negotiations with Canada, that it would be far more costly than the Alaskan route, and would prove more destructive of the environment. Predictably, the catch-all rationale of "national security" has also been advanced to support the trans-Alaskan route.

But what are the facts of the case? In the absence of an official and comprehensive study comparing the two routes, the arguments of the Interior Department stand on shaky ground.

On the other hand, a number of carefully researched independent studies have been made. The results of the studies substantially challenge the claim that a trans-Alaskan route would best meet the energy and security needs of the United States. In fact, these studies make a compelling case for the environmental and economic superiority of a trans-Canadian pipeline. To complicate the situation we see that some of the same companies who have argued strongly against the feasibility of a trans-Canadian route have themselves issued a study indicating just the opposite. Early in 1973 a consortium of 16 major oil companies released a 4-year study of the feasibility of a trans-Canadian pipeline. Their conclusions indicated that—

> 1. Construction and operation of a 48-inch diameter crude oil pipeline from the arctic coasts of Alaska or Canada to Edmonton, Alberta, is technically feasible.
> 2. Such a pipeline can be built and operated without major or irreparable damage to the arctic environment.
> 3. It can be designed, built, and in operation within a period of four years after a final decision to proceed, providing final governmental approvals are granted within the first year.
> 4. Northern residents should benefit from economic development in their region. The size of the project is such that training and employment can be offered to all northern residents who wish it.
> 5. The 1738 mile pipeline, with pump stations and terminal facilities, can be built for about $3,400 million on the basis of the construction timetable shown in Exhibit 6-4.
> 6. At a volume of 1.8 million barrels per day, crude oil can be transported from Prudhoe Bay to Edmonton on a 7 percent flow-through net income basis at a 30-year average tariff of $1.15 per barrel. It can be delivered from Prudhoe Bay to the Chicago area for an approximately average tariff of $1.55 per barrel, and to Puget Sound at about $1.40.
> 7. A feasible route, compatible with the concept of a transportation corridor and having minimum effect on the environment, can be established. A general route that meets these conditions has been selected on the basis of aerial and ground reconnaissance and soil borings in permafrost areas.
> 8. The pipeline can be designed to withstand the moderate seismic ground accelerations to be expected along its route. Further research may reveal areas of potential fault displacement that the route should avoid or for which special design would be required.

It is thus clear that further study of this controversy is vitally needed if the Congress is ever to have the opportunity of making an objective and informed judgment.

Mr. President, we have an obligation to represent our constituents in the Senate with wisdom and responsibility. We cannot fulfill that obligation responsibly on this issue until all of the facts have been given a thorough and impartial study in accordance with the language of the National Environmental Policy Act. The amendment which we have introduced provides for such a study. It does not formulate a decision in favor of either of the two routes.

If proponents of the trans-Alaskan route are, indeed, convinced of the superiority of that choice, they should have nothing to fear from an objective analysis of the Canadian route. They have nothing to lose from a 1-year moratorium which would permit such a study since litigation on the NEPA question insures at least a 1-year delay in any case, and either pipeline can be built in approximately the same length of time after Congress makes the final decision a year from now.

Mr. President, I urge the Senate's support for this amendment.

AUTHORIZATION OF DEFENSE ARTICLES AND SERVICES FOR FOREIGN COUNTRIES—AMENDMENTS

AMENDMENT NO. 241

(Ordered to be printed, and to lie on the table.)

Mr. MONDALE (for himself and Mr. ROTH) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973—AMENDMENTS

AMENDMENT NO. 242

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE submitted amendments, intended to be proposed by him, to the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

AMENDMENT NO. 244

(Ordered to be printed.)

Mr. HANSEN (for himself, Mr. FANNIN and Mr. BARTLETT) proposed an amendment to Senate bill 268, supra.

AMENDMENT NO. 245

(Ordered to be printed, and to lie on the table.)

Mr. BUCKLEY submitted amendments, intended to be proposed by him, to Senate bill 268, supra.

ESTABLISHMENT OF FEDERAL FINANCING BANK—AMENDMENT

AMENDMENT NO. 243

(Ordered to be printed, and to lie on the table.)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 925) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 232, TO S. 268

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Amendment No. 232 to S. 268.

NOTICE OF HEARING ON GUARANTEED STUDENT LOAN PROGRAM

Mr. PELL. Mr. President, the guaranteed student loan program, under which the Government guarantees loans made by private banks to students, was the subject of special legislation last year. This special legislation was made necessary due to a difference in interpretation of the so-called needs test by the Office of Education. It was thought that this difference was suitably resolved so that the banks could easily make loans to students.

Information received by the Subcommittee on Education indicates that students this year are again experiencing difficulty in getting the guaranteed student loans from banks, in that the banks are stating that the need statement supplied by the school acts as an effective bar to the granting of a loan. This is a misinterpretation of the law. As written, it provides for a "needs test," which is advisory to the bank but not mandatory.

To ward off a crucial situation causing great anxiety to students and their parents, I have scheduled a hearing of the Subcommittee on Education for Friday morning, June 22, 1973, at 9:30 a.m. in room 4232, to discuss this matter, and I invite all interested parties to contact Stephen J. Wexler, counsel to the Subcommittee on Education, at 225-7666.

ADDITIONAL STATEMENTS

UNITED STATES-SOVIET TRADE

Mr. HUMPHREY. Mr. President, one of the agreements coming out of the visit of Soviet General Secretary Brezhnev is an agricultural-research accord including improved information and statistics on each country's crops.

These improved data will permit U.S. farm planning to project potential exports. When Senator BELLMON, Congressman REUSS, and I were in Moscow in November-December 1972, we made specific recommendations to Soviet leaders, urging that agricultural statistics be included in any joint agreement. We then transmitted our feelings on this subject to Presidential Science Adviser Dr. Edward David, Jr.

We are pleased to have played a part in this area of U.S.-U.S.S.R. progress. We might also note that this modest progress illustrates two principles worth keeping in mind: First, the Soviet Union, when pressed in areas where cooperation is of mutual value, can be expected to change even long established practices. This suggests we press hard for other reciprocal data on commercial and financial affairs. Second, this agreement proves that when the U.S. Congress and the executive branch work together, their combined efforts may provide greater chances of success—even in U.S.-U.S.S.R. relations.

I ask for unanimous consent to print a recent article from the New York Times, a joint letter to former Presidential Science Adviser Dr. Edward E. David, Jr., and the text of the United States-Soviet agreement in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIVE PACTS REPORTED READY FOR BREZHNEV'S U.S. VISIT

(By Bernard Gwertzman)

WASHINGTON, June 2.—The United States and the Soviet Union plan to use the visit by Leonid I. Brezhnev to this country next week to announce five or six specific agreements intended to promote further cooperation between the two nations, Administration officials and Soviet diplomats said today.

Officials from both countries were busy today discussing unresolved questions so that the accords, enlarging upon last year's Nixon-Brezhnev meeting in Moscow, would be ready by the time the Soviet Communist party leader arrived in Washington this weekend for the official visit June 18 to 26.

At the same time, Administration officials disclosed that Mr. Brezhnev, while in Washington next week, planned to have at least two lunches at Blair House, his official residence here, to meet some Americans not in the Administration.

LUNCH WITH LEGISLATORS

Members of the Senate Foreign Relations Committee will be invited to one lunch—tentatively set for Tuesday—and about 40 business executives to the other. On both occasions, Mr. Brezhnev is expected to stress his desire for closer ties between the two countries, particularly in trade.

Mr. Brezhnev has been encouraged by the White House to meet with the Senate committee because of Congress's concessions unless Moscow allows free emigration of Jews and others from the Soviet Union.

The Administration has not given much publicity to the contemplated agreements, preferring to maintain some surprise for next week when the accords are expected to be signed, provided unresolved questions are settled by then.

The agreements include the following:

An accord on oceanography, including provisions for joint exploration and exchange of information, in matters dealing with deep waters.

A widening of the current two-year renewable cultural exchange program to include broader contacts and ties.

An agreement in the field of transportation by which experts in auto, rail and air transportation would exchange visits and experiences.

An income-tax agreement to accommodate the growing number of nationals from each country expected to be working in the other.

An agricultural-research accord that would include information and statistics on each country's crops, making it easier for the United States to project Soviet needs in a given year.

SCIENTIFIC ACCORD LIKELY

In addition, several officials said the two sides were working on a significant scientific agreement, but it was not possible to find out what it was about.

These agreements would be in addition to any understanding that Mr. Nixon and Mr. Brezhnev might reach toward a further limitation of strategic arms, or in various projects aimed at promoting commerce between the two countries.

Mr. Nixon and Mr. Brezhnev will also discuss the Middle East, Indochina and Europe, but no specific public agreements are expected to result from those talks.

A Soviet advance group arrived in Washington Sunday night, and has been meeting with American officials about the itinerary. Late this afternoon, it was still not known whether Mr. Brezhnev wourld arrive in Washington Saturday or Sunday.

FORMAL GREETING MONDAY

Tentatively, Mr. Brezhnev is expected to be greeted formally at the White House Monday morning and to be the guest at an official dinner that night. He will stay in the Washington area through Thursday before leaving Friday for San Clemente, Calif., to be Mr. Nixon's guest at the California White House. He is scheduled to return to Washington on Monday, June 25, and leave for Moscow on June 26. He is expected to stop in Houston to visit the space center.

Mr. Brezhnev's visit has been criticized by Senator Henry M. Jackson, Democrat of Washington, as poorly timed. The Senator has suggested that it should be postponed because of the Watergate atmoshpere here.

But today Senator Hugh Scott, the Republican leader, defended the visit in a Senate speech. He said that it was "naive" and "unfortunately partisan" to suggest that Mr. Nixon was disabled because of Watergate.

"The coming Brezhnev visit is intended to be the epitome of more than a year's arduous preparation," he said. "Its product will almost certainly be solid progress in improving U. S. relations with the Soviet Union and a strengthened détente."

AMERICAN EMBASSY,
Moscow, December 1, 1972.

Dr. EDWARD E. DAVID, Jr.,
Office of Science and Technology, Executive Office of the President, Executive Office Building, Washington, D.C.

DEAR DR. DAVID: As a result of our Congressional Delegation visit here during the week of November 27–December 2 inclusive, it is abundantly clear that the Soviet government as a matter of policy restricts the timely dissemination of the type of crop information we normally publicly provide and consider minimally essential.

As the U.S. Congress will be considering prospective Soviet agricultural purchases from the United States in preparing new agricultural legislation it is imperative that we move mutually toward improvement in this area of information. If the United States farmer can not plan better to meet future Soviet purchases this potentially beneficial market may lose a good deal of its attractiveness.

In accordance with the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics, signed May 24, 1972, on cooperation in the Field of Science and Technology specific understandings are now being worked out. We the undersigned members of the United States Congress recommend inclusion in the Memorandum of Cooperation on Science and Technology Research in the Field of Agriculture the following problem area, i.e. improved techniques for developing technical and statistical systems for crop reporting on a timely, accurate and reciprocal basis.

In our meeting with Minister Maskevich this matter was specifically discussed. It is our understanding that he would agree to support this if it were included as a specific program area in the Memorandum of Cooperation.

Yours truly,

Hubert H. Humphrey,
U.S. Senator.
Henry Bellmon,
U.S. Senator.
Henry Reuss.
U.S. Representative.

Executive Office of the President,
Office of Science and Technology,
Washington, D.C., December 20, 1972.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: I greatly welcome you and your colleagues interest in the President's Cooperative Program in Science and Technology with the U.S.S.R. I thank you for the suggestion, in your letter of December 1, to propose "Improved techniques for developing technical and statistical systems for crop reporting on a timely, accurate, and reciprocal basis," as an area of U.S.-Soviet cooperation. We will follow this up through our Working Group on Agricultural Research.

In a recent meeting with the Soviets, our proposal for cooperation on agricultural economics, including methods of analysis, did not lead to agreement. I very much hope that your conversations with Minister Matskevich will have increased the chances of success in this general area.

Please let me know at any time if you have further interest in our rapidly developing cooperative program.

Sincerely,

Edward E. Davis, Jr.,
Director.

Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Field of Agriculture

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics;

Taking into account the importance which the production of food has for the peoples of both countries and for all of mankind;

Desiring to expand existing cooperation between the two countries in the field of agricultural research and development;

Wishing to apply new knowledge and technology in agricultural production and processing;

Recognizing the desirability of expanding relationships in agricultural trade and the exchange of information necessary for such trade;

Convinced that cooperation in the field of agriculture will contribute to overall improvement of relations between the two countries;

In pursuance and further development of the Agreement between the Governement of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Fields of Science and Technology of May 24, 1972, and in accordance with the Agreement on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural and Other Fields of April 11, 1972, and in accordance with the Agreement on Cooperation in the Field of Environmental Protection of May 23, 1972;

Have agreed as follows:

ARTICLE I

The Parties will develop and carry out cooperation in the field of agriculture on the basis of mutual benefit, equality and reciprocity.

ARTICLE II

The Parties will promote the development of mutually beneficial cooperation in the following main areas:

1. Regular exchange of relevant information, including forward estimates, on production, consumption, demand and trade of major agricultural commodities.

2. Methods of forecasting the production, demand and consumption of major agricultural products, including econometric methods.

3. Plant science, including genetics, breeding, plant protection and crop production, including production under semi-arid conditions.

4. Livestock and poultry science, including genetics, breeding, physiology, nutrition, disease protection and large-scale operations.

5. Soil science, including the theory of movement of water, gases, salts, and heat in soils.

6. Mechanization of agriculture, including development and testing of new machinery, equipment and technology, as well as repair and technical service.

7. Application, storage and transportation of mineral fertilizers and other agricultural chemicals.

8. Processing, storage and preservation of agricultural commodities, including formula feed technology.

9. Land reclamation and reclamation engineering, including development of new equipment, designs and materials.

10. Use of mathematical methods and electronic computers in agriculture, including mathematical modeling of large-scale agricultural enterprises.

Other areas of cooperation may be added by mutual agreement.

ARTICLE III

Cooperation between the Parties may take the following forms:

1. Exchange of scientists, specialists and trainees.

2. Organization of bilateral symposia and conferences.

3. Exchange of scientific, technical and relevant economic information, and methods of research.

4. Planning, development and implementation of joint projects and programs.

5. Exchange of plant germ plasm, seeds and living material.

6. Exchange of animals, biological materials, agricultural chemicals, and models of new machines, equipment and scientific instruments.

7. Direct contacts and exchanges between botanical gardens.

8. Exchange of agricultural exhibitions.

Other forms of cooperation may be added by mutual agreement.

ARTICLE IV

1. In furtherance of the aims of this Agreement, the Parties will, as appropriate, encourage, promote and monitor the development of cooperation and direct contacts between governmental and non-governmental institutions, research and other organizations, trade associations, and firms of the two countries, including the conclusion, as appropriate, of implementing agreements for carrying out specific projects and programs under this Agreement.

2. To assure fruitful development of cooperation, the Parties will render every assistance for the travel of scientists and specialists to areas of the two countries appropriate for the conduct of activities under this Agreement.

3. Projects and exchanges under this Agreement will be carried out in accordance with the laws and regulations of the two countries.

ARTICLE V

1. For implementation of this Agreement, there shall be established a US-USSR Joint Committee on Agricultural Cooperation which shall meet, as a rule, once a year, alternately in the United States and the Soviet Union, unless otherwise mutually agreed.

2. The Joint Committee will review and approve specific projects and programs of cooperation; establish the procedures for their implementation; designate, as appropriate, institutions and organizations responsible for carrying out cooperative activities; and make recommendations, as appropriate, to the Parties.

3. Within the framework of the Joint Commitee there shall be establised a Joint Working Group on Agricultural Economic Research and Information and a Joint Working Group on Agricultural Research and Technological Development. Unless otherwise mutually agreed, each Joint Working Group will meet alternately in the United States and the Soviet Union at least two times a year. The Joint Committee may establish other working groups as it deems necessary.

4. The Executive Agents for coordinating and carrying out this Agreement shall be, for the Government of the United States of America, the United States Department of Agriculture, and for the Government of the Union of Soviet Socialist Republics, the Ministry of Agriculture of the USSR. The Executive Agents will, as appropriate, assure the cooperation in their respective countries of other institutions and organizations as required for carrying out joint activities under this Agreement. During the period between meetings of the Joint Committee, the Executive Agents will maintain contact with each other and coordinate and supervise the development and implementation of cooperative activities conducted under this Agreement.

ARTICLE VI

Unless an implementing agreement contains other provisions, each Party or participating institution, organization or firm, shall bear the costs of its participation and that of its personnel in cooperative activities engaged in under this Agreement.

ARTICLE VII

1. Nothing in this Agreement shall be interpreted to prejudice or modify any existing Agreements between the Parties.

2. Projects developed by the US-USSR Joint Working Group on Agricultural Research which were approved at the first session of the US-USSR Joint Commission on Scientific and Technical Cooperation on March 21, 1973, will continue without inter-

ruption and will become the responsibility of the US-USSR Joint Committee on Agricultural Cooperation upon its formal establishment.

ARTICLE VIII

1. This Agreement shall enter into force upon signature and remain in force for five years. It will be automatically extended for successive five-year periods unless either Party notifies the other of its intent to terminate this Agreement not later than six months prior to the expiration of this Agreement.

2. This Agreement may be modified at any time by mutual agreement of the Parties.

3. The termination of this Agreement will not affect the validity of implementing agreements concluded under this Agreement between institutions, organizations and firms of the two countries.

THE JOB CORPS CUTBACK—THE CASE OF TONGUE POINT

Mr. PACKWOOD. Mr. President, on June 12, Secretary of Labor Brennan announced his plan for implementing the major reduction in the Job Corps which was provided for in the President's budget for 1974. In essence, the budget calls for a 20 percent cutback in both funds and enrollment capacity for 1974 but the Secretary's implementation plan calls for a 55 percent cut for the Women's Job Corps Center at Tongue Point in Astoria, Oreg.

I know that it is usual for Senators to object to budget cuts that affect activities in their home State and that arguments that cuts should be made somewhere else are often viewed with skepticism. However, the allocation of the budget cuts among the different Job Corps Centers has been arrived at in such a peculiar manner that I believe it is legitimate in fact necessary, to determine whether there is any objective evidence to support the drastic reduction that has been applied to the Tongue Point Center. The need for close examination is particularly cogent in light of recent commendations that have been accorded the center. Based on its proven capacity as an achiever of both goals and subsequent awards, Tongue Point has enjoyed strong support from the people it serves, the community to which it belongs, and from the very guardian of its well-being, the Department of Labor.

In his statement announcing the implementation of the cutback, Secretary Brennan said:

> Performance has been and will continue to be, the key factor in any decision we have made, or will make in the future, relative to the status of any Job Corps center.

I applaud that statement and, in stressing the fiscal responsibility of Congress, I will continue to support cuts that are based on objective performance standards in getting the most out of a program for every single dollar spent in its maintenance.

When the major cutback in the Job Corps was made in 1969 by Secretary Shultz, the Labor Department announced publicly the criteria that were used for assessing the performance of the different camps and gave ratings for each of them. It should be noted that no such data are available from the Labor Department concerning this cut and it is hard for me to understand how cuts can be based on performance if the Department does not have performance ratings for each camp. While I do not have data on each camp. I have been supplied with performance data comparing the Tongue Point camp with average data for all women's centers and that data does not support cutting Tongue Point by 55 percent while cutting the combined total of all other women's centers by less than 15 percent. Mr. President, I ask unanimous consent that the available statistics be printed in the RECORD at the conclusion of my remarks, as further evidence of the disproportionate nature of this reduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PACKWOOD. Before I discuss that data, let me revert quickly to the criteria that were used in allocating the cuts in 1969. At that time the Department of Labor used four criteria: costs, length of stay, the 30-day loss rate, educational gains and placement rate. The placement rate was considered the most important and was given double weight in arriving at the performance index. So that there can be no question as to the appropriateness of the criteria, I will use the same criteria to discuss the allocation of this year's cut.

Let us look first at the costs—an issue which should command our utmost scrutiny and an area where Tongue Point appears vulnerable; however, after the necessary examination the Center proves itself of comparable worth and not of weakness. The man-year cost at Tongue Point has averaged 6 percent higher than that for all Women's Job Corps Centers over the last 2½ fiscal years. This appears like a substantial adverse factor for the Center—but appearances often belie reality. The cost of living is higher in the Far West than in the United States as a whole and the most objective figure that I can find to measure that regional differential turns out to be exactly 6 percent. This 6 percent figure is not mine—it is that of the Department of Labor. It comes from the latest annual family budget figures published by the Department of Labor which show that family consumption items average 6 percent more in nonmetropolitan areas of the West than they do in such areas taking the United States as a whole. Thus while Tongue Point does have a higher unit cost than all women's centers, it seems to me that that is little more than a reflection of the higher cost of living.

In the second criterion, average length of stay, the Tongue Point Center rated substantially below the average but in the other criterion measuring holding power of the center—the dropout rate in the first 30 days—the Center rated slightly above the national average. In the most important of all the factors, and that is, or at least was, the Department of Labor's opinion, Tongue Point rated above the national average. Since the placement rate of Tongue Point exceeded that of all centers, I just cannot understand how, in the face of this higher placement rate, the Department of Labor can justify such an enormously larger reduction in funds.

I do not have any figures relating to educational success, which was the other factor used by the Department of Labor in 1969, but from my own knowledge of the excellence of the educational program there, I cannot doubt that if educational achievement data were available, Tongue Point's comparative record would be outstanding.

I have touched only briefly on a number of elements for concern prompted by Secretary Brennan's announcement. I ask unanimous consent that further questions regarding this grave matter, as contained in a letter to Mr. William H. Kolberg, Assistant Secretary for Manpower, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PACKWOOD. We all know that these are times of budgetary stringency and we must recognize that no Senator's State is immune when budget cuts are applied to individual programs. But, as the administration has repeatedly stated, budget cuts are to be used to weed out the inefficient programs. If we are to wield the ax, let us use the discriminating blade of an open mind, sharpened by the recognition of success. Tongue Point by this rule deserves no deep cut, for the center more than adequately meets the standard of efficiency.

The Department of Labor should review its action, discard arbitrary determinations, and reassert its well-founded pride in Tongue Point by revising its reduction to a justifiable level. The Department should do so with all possible dispatch and within the firm presence of objectivity.

EXHIBIT 1

MANPOWER ADMINISTRATION—COMPARATIVE STATISTICS—TONGUE POINT JOB CORPS CENTER FOR WOMEN AND ALL WOMEN'S CENTERS

	Fiscal year 1972	1st quarter, fiscal year 1973	1st half, fiscal year 1973
TONGUE POINT			
Category I and II terminations (percent)	41.59	40.31	44.14
Category III terminations (percent)	58.41	59.69	55.86
30-day loss rate (percent)	32.53	20.92	22.53
Average length of stay (months)	3.73	3.98	3.98
Placement rate, all categories	72.50	NA	78.00
Man-year costs	$5,605	$5,584	$5,841
ALL WOMEN'S CENTERS			
Category I and II terminations (percent)	55.38	56.60	55.90
Category III terminations (percent)	44.63	43.40	44.11
30-day loss rate (percent)	23.83	22.07	23.92
Average length of stay (months)	6.1	6.3	6.3
Placement rate, all categories	78.8	74.8	77.7
Man-year costs	$5,276	$5,276	$5,472

EXHIBIT 2

JUNE 18, 1973.

Mr. WILLIAM H. KOLBERG,
Assistant Secretary for Manpower,
Department of Labor,
Washington, D.C.

DEAR MR. KOLBERG: On Tuesday of last week, June 12, 1973, Secretary Brennan announced plans for a "smaller but more effective Job Corps". In this time of particular budgetary constraints, such a move is consistent with the Administration's desire to trim proven excess and consolidate that which is good in federal programs. And, while I support the general intent of this announcement, I am disturbed by the specific implementation of Secretary Brennan's proposal as it pointedly relates to the Women's Job Corps Center at Tongue Point in Astoria, Oregon.

Without additional statistics and information, I am confused as to why the Tongue Point facility will suffer a 55% reduction compared to a less than 15% reduction in trainees for the ten other Women's Job Corps Centers. This concern is prompted by a number of considerations.

What sort of qualifications were utilized in making the reduction decisions? In 1969, apparently, a "performance index" was used in the objective examination of each Job Corps Center. Was the same system used in formulating Secretary Brennan's decision of June, 1973? If so, were the centers ranked numerically? What was Tongue Point's position compared to the other ten centers? These questions are of particular concern when they are juxtaposed alongside the record of Tongue Point, for recent statistics from the Department of Labor would seem to indicate that the Tongue Point Women's Job Corps Center's performance places a cut of 55% in question and would lead me to believe that it is disproportionate in nature. Therefore, in the interest of precision in this matter, I would appreciate performance data for Tongue Point and each additional center now operating, the telling information utilized in making reduction determinations.

I believe this drastic cut must be supported by objective Department of Labor statistics. If the evidence is not discernible, if it is not concrete, then, revisions must be made.

There are additional factors that contribute to the difficulty of fair and even-handed evaluation. Reluctantly, comparisons are inevitable between the Tongue Point facility and other centers. My interpretation of recent information compares Tongue Point favorably with the average of all Women's Job Corps Centers. I have been informed that in addition to "performance" (Secretary Brennan's "key factor in any decision we have made"), cost is also a major consideration. But, what sort of criteria are used in weighing the "man-year costs"? Classification is needed in determining whether differences in the cost of living between the West Coast and other sectors of the country are significant to the degree of altering the man-year costs for different centers. That the West Coast cost of living is cited by some to be as much as 6% higher than other sectors of the nation would, thus, have significant impact.

Related to the issue of man-year costs is the unclear status that a less than capacity complement of trainees may lend to higher costs. Specifically, does Tongue Point operating at 650, instead of a full complement of 730, significantly alter man-year costs? Is this fluctuating number of trainees dependent on individual center policy or is the level maintained from out of Washington, D.C.? Depending on the determination and the importance of a full complement, man-year costs may be more dependent on the output of the Department of Labor in Washington than the input of the Center at Tongue Point.

One additional point. How is this transition to a reduced enrollment to take effect in a smooth and an orderly fashion by July 1, 1973? Secretary Brennan asserts that "no present Corpsmember will be left high and dry because of center closures", yet the reduction of Tongue Point from its present enrollment of 650 to 330 trainees in such a short time provides the ideal atmosphere for confusion, despite the assurances of an orderly transition.

I realize the complexity of this situation, but the Secretary's proposal creates a web of complex ramifications, not the least of which tremendously alters the Women's Job Corps Center at Tongue Point.

Your close attention and consideration of this matter is most appreciated.

Cordially,

Bob Packwood.

NORTHEAST RAIL CRISIS

Mr. RIBICOFF. Mr. President, on June 15 I testified before the Senate Commerce Committee's Subcommittee on Surface Transportation about the rail crisis in the Northeast. Ironically only minutes before I appeared I received news from Torrington, Conn., that the Penn Central Railroad had on the previous day announced that beginning this week freight service to Torrington would be reduced from 5 days to 2.

Service cutbacks and abandonments are becoming a daily occurrence in Connecticut and its neighboring States. Even now the threat of a complete collapse of the Penn Central and the five other major bankrupt railroads in the area is imminent.

Congress must act and act quickly to head off such a disaster by developing a rail system that meets tomorrow's needs.

I ask unanimous consent that the full text of my prepared remarks before the Subcommittee on Surface Transportation be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Ribicoff

America is facing the most serious transportation crisis in its history. We have been able to weather temporary interruptions in our transportation systems before. Now, however, there is the strong possibility that rail freight service to many sections of the populous northeast will cease entirely.

At the moment, 6 major railroads serving the 17 northeastern states are in bankruptcy. They are the Penn Central, Lehigh Valley, Boston and Maine, Central New Jersey, Reading, and the Erie Lackawanna. The trustees of the Lehigh Valley Railroad have already proposed that line's liquidation. The mammoth Penn Central faces a similar fate. Even before a decision on liquidation is made, that company may be forced by a pressing cash deficit to shut down.

It is almost impossible to imagine what will happen if these railroads—that serve over ½ the American people—cease functioning.

The Penn Central alone moves a daily average of 770,000 tons of freight through the northeast. We simply do not have the trucks or the highway capacity to absorb even a fraction of that load.

Possibly the most critical aspect—as evidenced by this week's heat wave—is the impact a shutdown would have on our energy supplies. The power companies are already finding it difficult to meet peak summer demands. If their supplies of oil and coal—much of which is delivered by rail—are suddenly interrupted, we could experience a prolonged blackout covering the entire northeast.

The situation today is the result of years of railroad mismanagement, inept government regulation, and the complete absence of any comprehensive national transportation policy.

This is not the first time however that the railroads have been in trouble.

For years we have seen rail passenger service deteriorate and disappear. In Connecticut, a train trip used to be a relaxed and enjoyable affair. Now you are lucky to even get a train.

When you do, there is a good chance it will be late, the cars will be overcrowded and there will be no heat in the winter or no air conditioning in the summer.

As bad as driving is in the northeast corridor, it is no wonder that millions of former riders left the train and joined other automobile commuters on crowded highways.

To help save what remains of intercity rail passenger service Congress created Amtrak. While Amtrak has not been as successful as we had hoped, the record of its Metroliner between New York and Washington is proof that rail travel can still be a viable method of transportation. If offered reliable, economical and relatively swift train service, the public has shown it will patronize it willingly.

It is ironic that at a time when we are concerned about the environment and a shortage of energy we as a nation are allowing the transportation system that uses less fuel and pollutes less to atrophy.

Look at the facts. The automobile uses 2½ times the energy per passenger-mile of a train. Far less air pollution is created per passenger by the most heavily travelled diesel or electric railroad than a car carrying an equal number of people. A similar comparison can be made of truck and rail freight traffic.

A few years ago it would have been unimaginable that the Penn Central and other major railroads would be on the brink of collapse.

Even today I doubt that many people realize the seriousness of the present crisis.

This is no longer a regional problem, but one with national consequences. If these lines collapse the total national transportation system will be in chaos.

This Subcommittee and the full Commerce Committee are acting to head off a disaster by authorizing the ICC to direct one carrier to operate over the lines of another carrier. While such an order would stretch the resources of the other railroads, it would mean that no section of the country would be completely without rail service.

In addition loans to help meet the present cash shortages are available under the Hurricane Agnes legislation, the Emergency Rail Service Act of 1970 and Amtrak's authorizing legislation.

If all are called into play we may be able for the moment to head off the system's collapse.

We cannot, however, rely on emergency legislation forever, but must also develop permanent solutions.

Neither of the plans offered by the ICC or the Department of Transportation that you are now studying insures adequate service to the northeast. DOT would establish a new private corporation to reduce the present system to a central core of profitable lines. The ICC would grant itself the authority to choose essential rail lines in the northeast and supervise their operation.

Both these plans imply *less* rail service. I don't think we can afford a cutback if we expect to preserve a market for the rail system we hope to build in the future or if we hope to keep the American economy knit together.

I believe, any new system should be based on the premise that rail service should be preserved and upgraded. This is the reasoning behind your proposal, The Essential Rail Services Act, which I have cosponsored. Under this plan a Northeast Rail Line Corporation would be established to purchase tracks and roadbeds in the northeast. By relieving the railroads of this costly burden, we will place them on a more competitive basis with the trucking industry which has had the use of public roads for years.

We presently have the technology to build extremely fast passenger and freight trains, but very few miles of track able to handle them. It would be a major task of the new corporation to upgrade the track to accommodate the rail service Europeans and Japanese have had for years and Americans have a right to expect.

At this date no one can know what the final version of any legislation will look like. More than likely it will comprise the best features of the several bills now before you.

During this transition period, we would not, however, permit more lines to be abandoned, but instead should insure their potential usefulness by preserving them.

It has been the industry's practice to allow lines they find expendable to deteriorate. Then they claim the expense of improving them would be too great and petition for their abandonment. This has happened all over the Northeast—only recently I asked the ICC to refuse Penn Central's request to abandon service on the last line serving the Upper Housatonic River Valley of Connecticut.

Some lines may eventually have to be dropped, but we should declare a moratorium until we know what the final bill looks like.

Whatever the final language, it is going to have to reflect basic changes in our present public and private railroad policies.

We must realize that rail service that serves all the people will be expensive, but not nearly as expensive as no service at all. Those nations with great rail service have made a national commitment to support it with whatever funds are necessary. We must do the same.

The old concept of railroad ownership and management has failed. As your Committee's staff study revealed, the Penn Central system with its complicated leased lines and overlapping jurisdiction was a managerial quagmire. While a total government takeover may not be needed, it is clear that this national problem demands strong directives and assistance from the federal government to eliminate the duplication and waste inherent in the present system.

In a way, the collapse of the Penn Central and the other lines may be a blessing in disguise. For years commuters in the northeast have known that the railroads were not doing their job efficiently or effectively. The shock of the Penn Central has, however, alerted the rest of the Nation to the need to review and revamp our entire rail transportation system. If Congress acts positively and promptly, America can once again have rail service it can be proud of.

We must use this opportunity to break with the past and develop rail systems that are responsive to today's and tomorrow's needs.

THE ENERGY CRISIS

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD two articles which appeared in the Washington Post on June 13 covering the increased use by Middle East countries of oil as a political weapon and the need for more crude oil by some of our independent refineries.

With serious problems like these occurring, it is indeed difficult to understand how we can idly stand by and quarrel about whether Alaska's vast oil resources should be tapped and, if so, should a pipeline be built through Alaska or should an alternate route through Canada be studied and considered.

The Nation needs Alaska's oil as soon as possible and the trans-Alaska pipeline provides the most satisfactory answer to transporting this oil. We must stop arguing and get on with the business of seeing that it gets built promptly.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 1973]

ENERGY EXPERTS FEAR USE OF OIL AS WEAPON

(By Marilyn Berger)

Libyan President Muammar Qaddafis' explicit linkage of U.S. support for Israel with Libya's nationalization of an American-owned petroleum company caused mounting concern yesterday among energy experts who saw the move as the consummation of a threat to use oil as a political weapon.

The Libyan action was the first by an Arab nation in which American policy in the Middle East was used as a main reason for expropriation. While the amount of oil involved is not significant, experts in the oil industry expressed concern that Libya's move would put pressure on other oil-producing nations, especially Saudi Arabia, to carry through on their threats to limit oil production.

Egyptian President Anwar Sadat, in Tripoli to discuss the forthcoming union of Egypt and Libya, called the nationalization of the Nelson Bunker Hunt oil company "the beginning of a battle against American interests in the whole Arab region."

He said: "America must fully realize that it cannot protect its interests if it continues defying the Arab nations and supporting Israel without limitations."

Sadat said that "if America wants to entrust Israel with the task of protecting its interests, Israel will not be able to protect herself nor American interests in the area." The expropriation, he said, is "a fundamental part of the formidable conflict and . . . the first spark triggering the start of the battle."

[Radio Tripoli has announced that Libya has set up a committee to estimate compensation, with money due from the firm in fees, taxes and debts to Libya deducted from the compensation, according to Reuter.

[Libyans employed by Bunker Hunt were advised to join the Arab Gulf Exploration Co., which would take over the U.S. firm.]

Because of statements like this, and earlier threats, industry officials are taking the Libyan expropriation extremely seriously. The White House, however, had no immediate comment, referring reporters to the State Department. At the State Department, spokesman John King said "we are studying the remarks" made by Qaddafi.

Qaddafi's remarks left little to speculation. Speaking on the third anniversary of the ouster of U.S. forces from Wheelus Air Force Base, he said: "The time has come for us to deal America a strong slap in its cool, arrogant face."

He said "it is high time the Arabs take serious steps to undermine American interests in the region . . . American imperialism has exceeded every limit . . . The Americans support our Israeli enemy."

Past threats from the Arab world had been generally understood to be directed toward inducing a more "evenhanded" American policy in the Middle East. Paradoxically, the Libyan expropriation came only 11 days after the state Department announced U.S. readiness to sell a "limited number" of F-4 Phantom Jets to Saudi Arabia.

That decision was seen as an effort to improve the U.S. position in the biggest oil producing country in the Arab world. Libyan relations, however, have never been very warm with the conservative Saudi regime.

Libya's action followed earlier support to the front-line Arab states consisting of funds and, more recently, the transfer of Mirage supersonic jets to Egypt. The concern among oil experts is that with Libya taking concrete actions, other countries will feel compelled to escalate their support to the so-called confrontation states by carrying out old threats.

Saudi Arabian Petroleum Minister Sheikh Ahmad Zaki Yamani, they recall, has said his country would not significantly expand its present oil production unless Washington changes its pro-Israeli stance in the Middle East. Kuwait has already said it would not expand production.

These experts point out that to meet projected energy needs for 1980 there would have to be a significant increase in production.

REFINERIES SEEK MORE CRUDE OIL

(By Morton Mintz)

The gasoline shortage would be greatly eased or would end altogether if the giant oil companies would supply available crude to half-idle refineries owned by independent firms, a petroleum executive testified yesterday.

While refineries owned by the majors are running about 90 per cent of capacity, those owned by independents are operating at only about 50 per cent, M. B. Holdgraf, executive vice president of the independent Hudson Oil Co. in Kansas City, Kan., told the Senate Antitrust Subcommittee.

It is "very difficult to understand" why refineries in Kansas and Oklahoma, for example, cannot obtain crude being produced right next to them, Holdgraf said under questioning by subcommittee chairman Philip A. Hart (D-Mich.).

Holdgraf, a former marketing vice president of one of the largest companies, Shell, told of a recent "catastrophic" dislocation caused when Triangle Refineries, a subsidiary of Kerr-McGee, withdrew from a Midwest pipeline system after supplying gasoline at the rate of 4 million gallons per month.

"Where has the diverted product gone?" Hart asked.

To find out, Holdgraf suggested, ask Triangle to identify the sources of the gasoline it supplied, and then ask these Triangle suppliers what they are now doing with the gasoline, and so on up the line. Hart directed his staff to act on the suggestion.

Holdgraf made a prediction about the ultimate finding: that the eight biggest companies will be shown to have been exchanging the gasoline among themselves in order to increase each other's marketing strength in particular regions.

In a dialogue with Sen. Edward M. Kennedy (D-Mass.), Holdgraf expressed doubt that the giant integrated companies—mainly the eight that produce and refine crude and control all operations up through retailing—have engaged in an antitrust conspiracy, as was contended by several state attorneys general last Friday.

Rather, Holdgraf said, they act, consciously, in parallel. He compared them to elephants at a circus. The largest enters, followed by the next largest. And so on, nose to tail, until all are in the tent.

At the same time, the Justice Department should answer "absolutely" the question whether there is collusion, Holdgraf said.

The witness, testifying for the Independent Gasoline Marketers Council, said the best answer to the problem is divest the production and sale of crude oil from marketing in order to create "a free market in crude oil and a free market in finished products."

If the giants will not be divested, the question is whether the oil industry can remain in the private sector, Holdgraf said. "Nationalization or regulation as a public utility may be unavoidable," he testified.

In preparing testimony, Holdgraf warned that independents will disappear within six months unless the government intervenes.

TRIBUTE TO D. MICHAEL HARVEY

Mr. JACKSON. Mr. President, yesterday the Secretary of the Interior issued a Citation for Meritorious Service to Mr. D. Michael Harvey, who is now a Special Counsel to the Committee on Interior and Insular Affairs. The citation was an award for Mr. Harvey's outstanding service with the Department of the Interior where he served as Chief of the Division of Legislation and Regulatory Management in the Bureau of Land Management.

The Committee on Interior and Insular Affairs is extremely fortunate that a young man of Mike Harvey's ability and skill is serving on our staff, and in the brief time that he has been with the committee, he has amply demonstrated the skills and devotion to public service which earned him this high award by the Department of the Interior. I ask unanimous consent that the citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION

Citation for meritorious service to D. Michael Harvey in recognition of outstanding skill and performance of duty in the field of legislation and regulatory management.

Mr. Harvey began his Federal career on February 1, 1960 in the Bureau of Land Management. Demonstrating outstanding ability he progressed to the position of Chief, Division of Legislation and Regulatory Management. He has spearheaded an extremely comprehensive and complex legislative and regulatory program. During the last five years he played a leading role and was deeply involved in the submission to Congress of five major legislative proposals involving the management and protection of the National Resource Lands. Most significant of these was the National Resource Lands Management Act of 1971 an Organic Act for the Bureau of Land Management. He has participated in policy discussions at the highest levels in the Department, with the Office of Management and Budget, the Council on Environmental Quality and many other Federal agencies.

Mr. Harvey also played a significant role in assuring that the Department's views and problems were considered by Congress in the settlement of the long-pending Alaska Native Claims. Mr. Harvey has been able to combine high technical skill with energetic drive, and has demonstrated an ability to inspire and retain confidence among persons within and outside the Department.

His broad knowledge of Departmental policies and Bureau programs has enabled him to secure full understanding and cooperation of the Office of Legislative Counsel, Congressional Committee staffs and the Office of Management and Budget. He has served with distinction as a Department witness at Congressional hearings on many legislative proposals. For his consistent record of outstanding service and achievements Mr. Harvey is granted the Meritorious Service Award of the Department of the Interior.

ROGERS C. B. MORTON,
Secretary of the Interior.

DR. FRED L. BEACH

Mr. BEALL. Mr. President, it has been called to my attention that an esteemed scholar who resides in my State of Maryland is retiring after 30 noteworthy years of service to the Federal Government in the field of education. I would like to insert the following information in today's RECORD as a small tribute to this man in particular, and, in general, to the many Americans who devote a substantive part of their lives, energy, and wisdom to the performance of public services in one or more governmental functions. My fellow Marylander who is retiring from public service is Dr. Fred F. Beach who resides with his talented wife, at 6696 Glenbrook Road, Chevy Chase, Md.

Dr. Beach has served in the U.S. Office of Education since 1941. As a matter of fact, when Dr. Beach joined the Federal Government, there was no Department of Health, Education, and Welfare; rather the educational interests of the Government were carried out as a part of the functioning of the Federal Security Agency. Dr. Beach joined the Federal Government after having served in teaching and administrative positions in the New York State educational system in the 1920's and 1930's. He is a native of the State of Pennsylvania and attended undergraduate schools in both Pennsylvania and New York. His master's and doctoral degrees were awarded by Syracuse University and Columbia University, Teachers College, respectively. His fields of specialization were educational curriculum and administration.

During his years of impressive service to the Federal Government in education, Dr. Beach served as the administrator of that portion of the Federal education establishment dealing with the administration of our school systems and institutions. For years, he served as the chief of what was titled the State School Administration Unit. Over that period of time, it was Dr. Beach's goal to represent on the national scene the emerging functions and responsibilities of State Departments of Education, State Boards of Education, and their administrative heads whom we know today as Chief State School Officers. During the 1940's, 1950's, and 1960's, State school systems enjoyed a very rapid and strategic period of development in our rapidly growing total effort to provide better educational opportunity for the youth of this great Nation.

During this same period, Dr. Beach planned, organized, conducted, and published many research papers on the emerging patterns of State school administration across the Nation. Much of his research and writing stands today as landmark contributions in the field of educational administration. He and members of his staff, over the years, have probably presented the Nation with one of the more significant bodies of new knowledge relative to the influence and importance of State school administration.

In later years as the role of the Federal Government in education has shifted to one of giving financial support to many sectors of the educational community, Dr. Beach has applied his intelligence and sophistication to making portions of that support system operate more efficiently and effectively. He has been recently serving as the Assistant Director to the Division of State Agency Cooperation in the U.S. Office of Education which has as its primary responsibility the administration of title V of the Elementary and Secondary Education Act of 1965. This program provides Federal financial assistance for the strengthening of State Departments of Education and for conducting special studies related to major educational issues confronting the States and, in turn, the Nation. Currently, this latter portion of the program is carrying out investigations of such timely and important issues as school finance, accountability in education, educational governance at the State level, and others.

It gives me great pleasure today to acknowledge the outstanding contribution which my fellow Marylander has made through providing 30 years of distinguished service to the Federal Government and through this Government to the youth of the Nation. May his commitment, contribution, and dedication to public service be replicated and strengthened by those of us who remain to carry on one of the primary functions of government—that being to provide an equal and adequate opportunity for the youth of this Nation to assimilate and improve upon our great cultural and technological heritage.

TWENTY-FIVE YEARS SINCE U.N. VOTE ON GENOCIDE

Mr. PROXMIRE. Mr. President, in less than 6 months, the United Nations will celebrate a silver anniversary of sorts: On December 9 of this year, it will be 25 years since the General Assembly adopted the Genocide Convention by a vote of 55 to 0. Since then, 75 nations have signed the treaty, and I am sorry to say that the United States is not among them.

The failure of the United States to ratify the Genocide Convention is puzzling, to say the least. Nearly two centuries ago, our country was founded on the principle of enabling every citizen to enjoy "life, liberty, and the pursuit of happiness." We, Americans, cherish each and every individual life, and yet we cannot publicly ally ourselves to the principle that genocide is a crime under international law which we would undertake to prevent and punish.

If the decade of the 1920's was known as the age of innocence, then perhaps the decade of the 1970's should be known as the age of complexity. With life and government becoming increasingly complicated, and with our globe becoming more heavily populated, it is all too easy for people to lose sight of our most basic values. Therefore, it is imperative that we incorporate whatever safeguards we can guarantee a person the opportunity to live a full, productive life.

There are those who say that a situation similar to the persecution of the Jews during the last World War can never occur again. But such complacency is sad—and dangerous. We must do everything within our power to prevent such an experience from being repeated, and one concrete avenue of action is the Genocide Treaty. For a nation that prides itself on efforts to further the cause of human rights, our lack of action on this agreement is a disgrace. For the sake of humanity, the Genocide Convention must be ratified without delay.

NEED TO TAP ALASKAN OIL AND GAS

Mr. STEVENS. Mr. President, I would like to emphasize the widespread support the trans-Alaska pipeline is receiving. It is apparent that energy companies from some of our Northeastern and Midwestern States are in wide disagreement with their representatives in Washington who advocate a trans-Canadian pipeline.

Leaders in the energy field believe that the trans-Alaska pipeline should be built now and that consideration should be given to building a second oil pipeline through Canada. The other day, I shared with the Senate letters I received from energy companies located in Iowa, Michigan, and Wisconsin. Today I would like to share letters from energy companies located in Connecticut, Illinois, Massachusetts, and New Jersey.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTHERN CONNECTICUT GAS CO.,
June 4, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: This is in reply to your letter of May 24 relative to the construction of the Trans-Alaska Pipeline.

It is essential to the best interests of this country that we make adequate provision for its energy needs. In our opinion, these needs require the construction of both the Trans-Alaska Pipeline and the Trans-Canadian Pipeline.

We support efforts to proceed forthwith in the construction of the Trans-Alaskan Pipeline and with all reasonable dispatch with respect to the Trans-Canadian Pipeline.

Very truly yours,
RICHARD H. BOWERMAN.

NORTHERN ILLINOIS GAS CO.,
Aurora, Ill., June 8, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Thank you for your recent letter in support of the Trans-Alaska pipeline.

As the sixth largest gas distributor in the Nation, we heartily support the all-Alaska route as the quickest and most economical method of tapping needed Alaskan energy supplies to help ease the national energy crisis in this Nation.

We have made a concerted effort to communicate this need to our senators and congressmen, with mixed results. Your efforts to build support for the early approval of this vital project are greatly appreciated.

Sincerely,
C. J. GAUTHIER,
Chairman and President.

HAVERHILL GAS CO.,
Haverhill, Mass., June 7, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: We are interested in your support for the construction of Trans-Alaska pipeline. Of course, we in the east would like to see the Trans-Canadian line built and hope that it will be someday. In the meantime, we are glad to support any effort to bring additional fuel into the lower 48 states. I hope every effort will be made to expedite the Trans-Alaskan line.

I am sending a copy of this letter to Senators Kennedy and Brooke and hope they will support you in your effort.

Very truly yours,
J. J. FAHEY,
President.

ELIZABETHTOWN GAS CO.,
Elizabeth, N.J., June 4, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I am pleased to respond to your invitation to write you in support of the construction of the Trans-Alaska pipeline.

I am aware that the proposed construction of the proposed oil pipeline from Prudhoe Bay to Valdez, Alaska, has been extensively studied as to its environmental and economic impact by the Department of Interior and other interested Federal and Alaska agencies. As a result, the construction of such a line has been found by the Secretary of the Interior to be appropriate and in the national interest.

Therefore, I can find no reason for any further delay whether for studying other routes or for other reasons, and I feel the Secretary of the Interior should be authorized to issue the necessary permit so that construction can commence as quickly as possible.

Sincerely,
JOHN KEAN,
President.

PRESCRIPTION FOOD

Mr. HUMPHREY. Mr. President, because of the vital message it contains, I would like to enter into the RECORD a transcipt of the "Prescription: Food" film document, along with recognition of the organizations that are currently supporting this special national communication effort, organized and coordinated by John Blair Co.

NATIONAL COMMUNICATIONS PROJECT CHRONOLOGY

"Prescription: Food" was presented as a community service, in each of the below listed communities—without commercial interruption:

In Memphis, Tenn., by by the General Foods Corp., on March 14, 1972, over the facilities of WMC–TV, the Scripps-Howard Broadcasting Co. station that produced the documentary film;

In Cleveland, Ohio, by Abbott Laboratories and Ross Laboratories in cooperation with the American Academy of Pediatrics on December 7, 1972, over the facilities of WEWS-television, the Scripps-Howard Broadcasting Co. station which developed the pilot communications project designed to present this filmed message city-by-city, nationally; and in Washington, D.C., by Abbott Laboratories and Ross Laboratories in cooperation with the American Academy of Pediatrics and the District of Columbia Children Hospital, on June 5, 1973, and again on June 10, 1973, over the facilities of WMAL–TV, the Evening Star Broadcasting Co.'s station, which has launched this vital communication project nationally.

I ask unanimous consent that the transcript of this excellent and timely film, dealing with an urgent and too often overlooked national problem, be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PRESCRIPTION FOOD

ANNOUNCER. The following program is brought to you without commercial interruption as a public service by Ross Laboratories, a dvision of Abbott Laboratories, in cooperation with the American Academy of Pediatrics.

FRED THOMAS. Good evening. I'm Fred Thomas. Welcome to "Prescription Food," a documentary look at the problems of malnutrition among the very young. We believe the documentary you are about to see and the panel discussion to follow will point the way to some opportunities to overcome the corrosive effects that malnutrition has on our nation's young. Now, "Prescription Food."

Dr. FRAZIER. I'm Dr. Robert Frazier, Executive Director of the American Academy of Pediatrics. This film concerns hunger among children. More importantly, it portrays some of malnutrition's devastating effects—small stature, weak, underdeveloped muscles and anemia, and it points to some of the newer findings relating malnutrition in early childhood to retarded mental development.

The film suggests a solution to these problems of hunger and malnutrition, adequate nutrition in early childhood, and makes the point that such nutrition is available to any concerned community. While the people in this film are of just one city, similar problems are likely found everywhere. It remains, then, for doctors, nurses, welfare workers, for government, for hospitals, for every citizen to make their contribution toward wiping out malnutrition among children in the United States.

NARRATOR. St. Jude Hospital, just north of downtown Memphis, is the children's research hospital founded by entertainer Danny Thomas. It is known throughout the world as a pioneer in the treatment of leukemia, a rare form of cancer which afflicts children. Because cancer patients usually have nutritional problems, many of St. Jude's staff, such as Dr. Paul Zee, are specialists in the field of nutrition. Three years ago, Dr. Zee began treating a number of children who were not victims of leukemia. In fact, they appeared to be normal children, except that they did not seem to be getting enough to eat.

Dr. ZEE. Well, I have seen malnutrition as a child in Holland, and I have seen it—on a professional basis—in South America, and I have seen severely malnourished, small and stunted children, well known from care pictures, and when you go through the city here, these are not the kind of children that you find, but once we started looking into it, we saw these children coming into the clinic, we found that a child who we thought was eight years old turned out to be ten years old, then we started comparing them to normal charts, we found how stunted in growth they were. When we looked at the biochemistry, we found how low many of the values were. Of course, these are not written all out, all over them, but on the inside, we found how undernourished they were, and secondly you drive through poor Memphis, what

I didn't recognize was behind the houses I was driving by, there was another alley, and behind that alley, there were even—there were conditions I have never heard of. Memphis is just as bad, if not worse than many of the other big cities with big urban areas.

NARRATOR. The children treated at St. Jude were referred to the hospital by a long established community self-help organization called Memphis Area Project South. All of the children lived in the MAP South area, composed of nine census tracts which run south from Deal Street. The MAP South area is in that part of Memphis politely referred to as the inner city. It is old, poor and crowded. Most of its inhabitants are black and the median family income is $2,600 a year. Using MAP South's nine census tracts as the test area, pre-school age children were selected at random and given routine examinations and blood tests. They were also weighed, measured and sometimes disturbed from their routines.

Dr. DONALD PINKLE. The early years that we learn about malnutrition through its effect, one cannot sit with the children each day and see how much they eat, but one can measure such things as height and weight and hemoglobin levels and vitamin A levels, and from our knowledge of effects, one can then reason that there is a lack of nutritious food in sufficient quantity in their diet, and we discovered a shocking degree of malnutrition, an epidemic in our own city of Memphis, among low income families.

Dr. ZEE. Did you find how—did you get in the camera how thin she is? See how her shoulders come out? How thin she is? See how thin her arms are, and let's show your legs. See, three millimeters. That is—even I have more than that. I have more on my wrists. And see how loose those shoulders are? See how loose?

NARRATOR. Dr. Zee's survey of a random sample of children found that, first of all, in layman's terms, the children from MAP South area of Memphis are small for their ages. In fact, when their measurements were plotted on a growth chart, on which an average child's height and weight is 50 percentile, half of the children were below the 25th percentile; 16 per cent of the children were below the third percentile for height and weight, meaning 16 per cent of the children were severely stunted in growth, stunted to a degree usually found only in undeveloped nations with a very limited food supply.

Secondly, blood tests revealed 90 per cent of the children under three years of age were anemic, and among those three to five years old, 75 per cent were anemic, causing them to be weak, drowsy, slow to respond.

Thirdly, in addition to finding most of the children retarded in growth and anemic, St. Jude's survey revealed that one-fourth of the children suffered from infections of the skin or respiratory tract—a common effect of malnutrition, which not only increases susceptibility to disease, but impairs the body's ability to heal itself of minor injuries and infections.

But the most serious handicap Dr. Zee found in the children of MAP South has to do with the effect of malnutrition on the brain. Doctors have known for some time that the soft skull of an infant grows only as much as is necessary to accommodate the brain. The head gets larger only as the brain cells multiply and enlarge. Thus, in small children, the measurement of the size of the head indicates the size of the brain. When the children surveyed by St. Jude were measured and figures plotted on a normal growth chart, 15 per cent of the children had head circumstances below the second percentile, meaning 15 per cent of the children had brains severely stunted in growth.

This degree of stunting below the second percentile indicates strongly these children will have some type of mental disability, and perhaps more important, the brain will not catch up if the child is well fed later in life.

St. Jude's research confirms what has been shown in earlier studies: the brain does almost all of its growing very early.

Dr. ZEE. The brain grows most in a human—for instance, grows most in the first six months after birth, and the last six months before birth, so before and after birth, for six months on each side, there is a rapid growth of the brain, and as it grows, if you interfere with it nutritionally, it cannot be reversed and it has been definitely shown in animal studies.

Here, we have what for all practical purposes looks like a newborn baby. However, this baby is two months old, it weighs five pounds and nine ounces, and it was born with a weight of five pounds and eleven ounces, so in the last two months, it only has—in fact has lost two ounces of its birth weight. The baby was born in a hospital locally, and the mother was sent home three hours after the baby was born. There's no subcutaneous fat whatsoever. For instance, the buttocks—they're severely malnourished. There's no fat whatsoever there. The head circumference is rather small; the soft spot is rather small. And it has been shown that babies who are severely malnourished like this child was—many of them have been shown to be mentally retarded. This was not in our country, but it was in South America, where conditions are much more severe.

Of course, now we have two months; we still have four months left of brain growth. If we actively push it, we may reverse some of the damage that's been done at this point. It is possible that a child will continue to be smaller than normally, and there may be—is less intelligent than normally. But we cannot say for sure.

NARRATOR. And so Dr. Zee found himself with hundreds of young patients who not only were apathetic and slow to learn; they were also small, anemic, and suffering from an assortment of minor colds and skin infections. For the disease which held them back, he prescribed no exotic medicines or vaccines—only food—in this case surplus food from the United States Department of Agriculture. Once a month, cereal, orange juice, evaporated milk, and other items, are distributed by MAP South workers to about a thousand families in South Memphis. The food is provided under the federal government's food supplement program. Government regulations say the USDA surplus food must go only to families with incomes of less than $3,000 a year, and only enough food may be allotted to feed those members of the family who are under six years of age.

Despite these limitations, the program is a start, and it does move some 200 tons of food into South Memphis each month.

St. Jude Hospital adds to the prescription baby food and an iron-enriched infant formula called Similac. Once the children were getting better food and more of it, the next step was to follow up with routine medical care.

MAP South's nine census tracts were divided into four areas, and a nurse practitioner was assigned to each one. The nurses have become family doctors, and they have renewed a practice seldom seen these days—house calls.

NURSE. She really looks better, Mrs. Berritt. Seem like she is picking up some weight. What is she eating?

Mrs. BERRITT: She eats off the table, Ma'am.

NURSE. Oh, something like what—like what did she have for breakfast?

Mrs. BERRITT. She eat two—an egg and a half. She eat some cereal, and a glass of milk.

NURSE. She really looks much better. Tina, we're going to see what a big girl you are. That's it, that's beautiful. Now stand nice and tall. Don't hold on to anything. Okay, twenty-three pounds. My!

Okay, I'd like to show you where that is on the growth schedules—

SPEAKER. One of the major problems in our poverty—in the poverty society is that there is no access to medical care. And by building up a relation between the nurse practitioner and her—and the patient, we have now an access between the two. They—if there is a child that's sick, she can call the nurse practitioner and then has access to whatever needs to be done. And they don't have to take a bus to the city hospital, wait a long time, get a doctor they don't know, get referred to another doctor they do not know. And they—it is inconvenient in a line.

NURSE. There are many advantages in going in to the patient and seeing them in their own environment, getting that rapport that you get only by being in a natural environment. The patients are happy to have us come. I think it's perhaps my first experience in really seeing a medical person go to the patient. And I find going into the home you get an entirely different view and picture of a child.

Mrs. Granberry is the mother of seven children. Her husband has just finished his term in the service, and he's employed for a minimum of 85 dollars a week, but he's working for a nursery, which of course—if the weather is inclement he doesn't get an income. And he is expected to pay for—fifty dollars a month for rent, on the average of 25 to 35 dollars for utilities, and he's just above the food stamp eligibility. So there's just nothing—well, a minimum of about twenty dollars left for food for the month—for seven children. Not being eligible for food stamps, there's just no way of stretching the food dollar. So the Granberrys really don't have sufficient to provide for the family.

I believe that we've gained another concept of what we can really do for a child by seeing them in their own environment. We can understand better how unrelated some of the directions and orders that we give to the family on homegoing—after a child is rehabilitated to a degree, they leave the hospital, and the—an awareness that they're going back to the environment from which they came is going to give us a different—well, put the orders in a different framework, for example.

For example, there are many skin conditions that we see, and you advise the mother to soak the foot three times a day, as it's common when a child has stepped on a nail. Well, it's important to know that there is probably, in many of these homes, no hot water. Some don't have plumbing at all. Some don't have a pan or utensils to soak the foot in. And so you think in terms of providing for that; if you really want that wound to heal, you'll see about providing a pan to soak the foot in.

SPEAKER. We have a number of children who are under five years old, who are severely stunted in growth. We have—or the MAP South community does have a supplementary food program, and these children are on the food program. And they receive medical care at our place. And despite their and our effort, we cannot make these children catch up in the growth that they are lacking. And we have recognized that part of this environment. And through the help of St. Peter's and the—and one lady who volunteers her services—Mrs. Haijar—we are able to bring five children—and now at least seven children—in for supervised play and three meals a day, five days a week. At night they go home, and in the morning they come back.

NURSE. It's actually to see what we can recoup from malnutrition. We know that the damage done is permanent; quite a bit of it is permanent. So we thought, what could we do for a child if we had them in a controlled situation for a ten-hour period each day, and expose them—although we fed them well; it's excellent food that they get here—we also exposed them to a very healthy atmosphere, with plenty of room to play, other children to play with, nice, clean little beds to sleep in for nap time, and to see whether that would help in promoting better health, and particularly in gaining weight, because these kids haven't gained weight in a long period of time.

The children are from rather poor families, and it is a fact that in some cases they don't have a wide range of food of the variety that we can offer them here, and the plentiful supply of milk, and the very healthy atmosphere where they can really run around. Their homes are quite congested, and no opportunity for them to play, as here. Some people have asked why have the parents neglected them, and that isn't so at all. They have, in most cases, very loving parents and loving families. It's just a case of not having the proper food in the correct amount.

Our program is restricted to children under six years old who, even when food is provided to a family, who's desperately in need of food, naturally our youngster is competing with other family members for that food, and this is another problem. And particularly in a very young child, when he doesn't even know how to eat by himself, and is perhaps on the bottle too long, doesn't know about solid food—his chances of really getting in there and getting at the food are very slim. So we try to teach them to handle food by themselves—become self-sufficient.

Dr. Zee. And it is amazing to see how much these children open up, how they—ebullient they become, how joyful, cheerful they become. It is really remarkable how they open up, and it is sometimes tragic to see how these children—they can—go home again, how they withdraw into themselves again. And in the second place, they gained weight more than we expected them to, and they gained in height more than we expected. The only problem is, a program like this must be done for at least a year, if not more, for the children to catch up the severe lack of growth that they have.

And unfortunately, they're only able to do it for two months. We do it for two months because the waiting line is too long. If we have more children—or more places—we would put them in for three months or six months. But we're really making a compromise. It should be done for a whole year and more.

Nurse. But the two major causes of poor pregnancy that stand out above all these others are poor nutrition and the youth of the mother. And so that's why we want to spend a lot of time on talking about how to obtain a good diet. And the purpose of the clinic is primarily to give good prenatal care to these ladies who before have not been able because of money or transportation, to get the kind of care that they have needed. And most of the ladies that we see here in the clinic have not had access to this care, and usually they would go to John Gastin or to one of the city hospitals when they were ready to deliver, with no previous prenatal care.

So we've been trying to have a concerted effort to pick out the ladies that are pregnant, to bring them into the clinic as soon as we find out that they are, and to start them with instruction on how to care for themselves with prenatal vitamins, and the nurse teaches them about the physical problems that they will encounter. And I teach them about their nutritional needs and how to plan their diet so that they will get an optimal diet. And the doctor sees them each time in the clinic—the same doctor—to check any problems that they have.

They are delivered at St. Joseph Hospital, and then their babies are followed in our nutrition program.

Dr. Zee. They come from an area where three years ago there was an enormous high infant mortality. And the effect of this has been that instead of the census-take of being eight deaths—eight infant deaths that year, we have—that is, three years ago—we have now one death. We also find that the children that are born are not quite as small as other children are, but we do find a large number of—term—that is, nine-month infants—which are severely undergrown. And we have followed those children for one year now, and it is amazing how well they do.

Narrator. Dr. Zee and his coworkers have learned a great deal during the last three years about the effects of malnutrition. They have, of course, shown again what was already known—when a child is deprived of food, he may be physically and mentally crippled for life. But more important, they have proven that a surprisingly small and inexpensive amount of food prevents malnutrition.

The nutrition clinic's food by prescription program is a model of practical research, but it is only a beginning. St. Jude Hospital is a research institution. It can only study a disease and find a cure; then it is up to others to carry out the treatment. There are indications that this is happening. The organization known as the Fund for Needy School Children has used St. Jude's findings to get government funds for a highly successful free lunch program in Memphis city schools. The Memphis and Shelby County Health Department, at first slow to respond to St. Jude's research, now has taken over and expanded the hospital's infant feeding program.

Through the Health Department, babies born in low income families at city of Memphis hospitals are given the infant formula Similac for one year.

The staff of St. Jude's nutrition clinic is encouraged by these and other examples of a growing concern for the children of Memphis. Yet, much remains to be done.

Speaker. We need more food, and many of the low income families still do not have adequate food, in spite of food supplement programs, infant formula program, and food stamps. A large proportion of low income families, for one reason or another, are not able to get food stamps. The food stamps themselves do not provide an adequate amount of food at the prices we have today. The food supplement is inadequate. So what is needed for improved nutrition among low income families in Memphis is more food. Now you can put more food into their hands by providing a higher income, or by improving our food stamp program or food supplement program, making these more liberal than they are.

I'm in favor of the food supplement program; I think it should be increased considerably. More families should be included in it, and more food should be made available to each family enrolled in the food supplement program.

Dr. Zee. If you could provide a mother who is pregnant with a proper diet, and her child in the first years of life with a good diet, you might—may actually prevent a number of problems, such as children who are inferior in the sense that they don't perform well; they don't get their high school education, so you get the problems of unemployment, public works, correction institute. As you well know, poverty is typically related to the high number of mental retardants—cerebral palsy and other neurological disorders. And each of those disorders takes a large amount of money to correct or to maintain. Mental institutions, corrections, judicial systems, police force and the like—they are very expensive compared to three meals a day and a can of milk a day.

Speaker. We have an epidemic of malnutrition in progress in Memphis and throughout these United States, that is largely unrecognized and uncared for. If this were smallpox or diphtheria or—why, we would all be up in arms, and we would be now taking all measures to eliminate this epidemic that we are dealing with—an epidemic of malnutrition, which is every bit as bad as an epidemic of smallpox or diphtheria, in terms of mortality, disease and disability, and we're doing very little to correct this epidemic, to stop this epidemic, in relationship to its severity, extent, and future damage to the American pepole.

Thomas. The problems of hunger and malnutrition that you've just seen are not confined to Memphis. They are present in the District, in nearby Virginia and Maryland—including Montgomery County, one of America's richest counties. In a moment we'll take a filmed look at hunger in our own back yard. Meantime, if you would like more information about the problem and what you can do about it, write Prescription Food, Box 311, Washington, D.C.

The Nation's Capital is blessed with a unique medical center and staff who care deeply about children. They are the men and women from the Children's Hospital National Medical Center. One of them is Dr. Annette Heiser.

Dr. Annette Heiser. The life begins for many Washingtonians right here in the newborn nursery, and it's here that the most important thing this little baby is doing is eating, many times a day, and he's eating well, because one of the first orders a doctor writes for him is his diet. He's using up more calories in his first few days and weeks of life, proportionately, than he'll ever use up, because he's growing so fast and he's using up lots of energy. And for that reason that—it's important that as pediatricians we tell mothers something about eating, about nutrition. We can't take it for granted. Each of us eats three times a day at least, and how often do we think about how well we're eating? We don't see many of the gross forms of malnutrition, fortunately, in our clinics, because even though we may be poor, we have opportunities for getting good food.

And since we spend so much time every day, and money, on eating, we should be selective and educated as to what we choose, in order to get the maximum of good health.

Thomas. The work of Children's is not confined within hospital walls. Children's Hospital serves ten thousand people in its neighborhood through its comprehensive community health care program. Nutritionist Lilia Parekh sees the problems first-hand.

Lilia Parekh. We are trying to be the private—I shouldn't say trying—this is what we aim to be—the private physician for this particular geographic or service area. And this includes pediatrician services, the nurse, social worker, nutrition. We have a dental clinic, speech and hearing services, also mental health services. We feel that we provide a very comprehensive service to the parents; I shouldn't say parents—for the children. This is, right at this point, probably one of our weaker points, where we cannot provide adult services. Right now we are a pediatric clinic, except for the eyeglass and prenatal program.

We have tried to provide health care to the families within our area, not on our own terms, but try there to see where it is convenient for the family to come in. And this is why we have tried evening clinics, we have tried opening our clinics on Saturdays; also right now we have a 24-hour a day telephone service, where families can call our pediatrician in case they need a doctor. Now I think this is a very big help for them, to know that anytime of the day they can call one of our doctors.

(Scene of nurse attempting to give treatment to a small patient.)

Nurse. Okay, now wait a minute. Open your hand. I won't hurt it. I just want to make a little picture on it. I want to take the ink pen and make a small picture on your arm.

(Child cries.)

Nurse. Let me just put this on. That's it. Now let's make a little circle. Okay? Yes, you have to leave that on until Wednesday, hear? Okay?

Mother. Now that's going to stay there till Wednesday. Now will it come off if you wash it?

Nurse. Yes, try not to wash around where the circle is.

Parekh. We feed a number of babies who, for various reasons, fail to develop as they should, because the food is not available in the home, or the mother is not there to feed the baby properly.

Nurse. And we do get a chance to go to the warehouse, and we do our marketing at the Safeway.

Parekh. First of all I think I want to come in, not as a nutritionist, really, not as an employee of Children's Hospital, but as a friend of this mother, to show her that I'm really concerned. I'm not going in there to check up why she didn't make her appointment, but really to show her that I'm concerned why Imani was not in the clinic. And when I can establish myself as a friend to her, she's more likely not to tell me anything that is not true. I don't mean to say that they tell me lies, but sometimes a parent is—tell us what they think we like to hear. But I think in a relationship where it is friendly relationship and she knows I'm not going to point my finger at her, then she tells me the truth. And it takes a while to establish this relationship—sometimes three or four visits—and this is why I like being able to follow through on patients, through the first year, not just seeing them one time.

Question. Now can you tell me what kind of milk Imani is taking?

Mother. Whole milk—carton milk.

Question. How much does she take at one time?

Mother. An eight-ounce bottle with each meal, and one with her nap, and maybe at bedtime.

Question. What does she eat from the table now?

Mother. She eats everything from the table. She doesn't eat any more baby food. She eats breakfast, which is eggs and applesauce or maybe—

Parekh. I see. Okay. Well, I brought some things here for you. Since Imani is a little over eight months now, she should be eating—we should make sure that she should be eating foods that are high in iron. And you know, we talked about iron and what it's used for, and here's a little pamphlet—Why Do Children Need Iron? We have very many young mothers who come to our clinic, and unlike probably many years back where they had grandparents and aunts with whom they lived with, to learn how to care for babies, most of the time these young mothers live alone or with their girlfriends, who are as young as they are. So I think it's very important that we do talk to the mothers about the total child care, not only feeding but the nurse gets involved with them; social worker gets involved with them.

Thomas. Through Mrs. Parekh and others, Children's Hospital spreads the word about D.C. food stamp and supplemental food programs. Although Washington's supplemental food program is one of the most successful in the country, many pregnant women, mothers with young infants, do not take advantage of the food that is available.

FHA HOME LOANS

Mr. TAFT. Mr. President, last month I read an article in the Wall Street Journal which describes a situation I believe to be of utmost importance.

The article, entitled "Backing Off," indicates that the Federal Housing Authority may have overreacted to the housing scandals revealed last year by imposing such strict and cumbersome regulations that program operations have been unduly hindered. The regulations have discouraged mortgage lenders from participating in the programs and may have unnecessarily prevented many low and moderate income Americans from obtaining decent housing.

The last few years' experience emphasizes the importance of administering the FHA programs carefully, but excessive administrative caution is counterproductive. Particularly during the present moratorium on federally subsidized housing, it would be tragic to allow those few FHA programs which are operative to be hamstrung in this manner.

I ask uanimous consent that the May 14 article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 14, 1973]

Backing Off: Lenders Sharply Cut Their Writing of FHA-Backed Loans

(By Edward Foldessy and Timothy Schellhardt)

The harsh regulations adopted by the Federal Housing Administration in the wake of the scandals that swept the agency last year are causing some equally harsh side-effects. Many of the nation's mortgage lenders have cut back sharply their writing of FHA-insured home loans, while others have abandoned the market entirely.

In the process, lower-income and middle-income families, the very people the various FHA programs were designed to help, are finding it more difficult to obtain home financing.

Bankers and other lenders insist they don't want to penalize any potential home buyer, but some say the new rules and accompanying red tape make it almost impossible for them to stay in the FHA arena.

One rule imposed last year, in effect, requires that lenders certify the accuracy of all statements made to the FHA by appraisers and others. "They wanted us to certify things we have no way of knowing," says a New York banker, "so we're just not making any FHA loans."

Figures supplied by the Federal Housing Administration reflect the disenchantment. Applications by lenders for FHA mortgage insurance in the first quarter of this year amounted to only 139,790, down more than 50% from 293,909 a year earlier.

The decline mainly hurts families with modest incomes—persons who could afford to buy a home with an FHA mortgage but who simply can't qualify for a conventional mortgage. Most lenders, for example, won't issue a conventional noninsured mortgage to a prospect if more than 20% to 25% of his income is needed to meet house payments. By contrast, the FHA will allow up to 35%. Thus, a buyer has to have an annual net income of $11,200 to $14,100 to qualify for a $25,000, 25-year conventional mortgage carrying a 7½% interest rate (and that assumes a relatively low $600 in annual real-estate taxes). By contrast, a person with annual net income of only $8,100 could get a similar FHA mortgage.

According to some estimates, FHA-backed mortgages accounted for less than 10% of all loans written last year on homes housing one to four families. That contrasted with about 40% in 1970.

"CLASSIC CASE OF OVERREACTING"

Increased competition from private mortgage insurers and a relatively low 7% yield to lenders on FHA loans (compared with 7½% to 7¾% on conventional mortgages) may account for some of the decline. But FHA officials admit last year's scandals in a number of cities have been a major factor in the slowdown of the agency's insurance activities.

Those scandals basically involved schemes by real-estate speculators who bought up marginal housing and then sold it at hefty markups to low-income families. The families soon found they couldn't meet payments on the FHA-insured loans, and, as a result, there were massive defaults. It was charged at the time that the speculators were aided by some FHA officials who didn't demand accurate appraisals or thorough credit investigation before approving applications. Federal investigators obtained more than 50 indictments against real-estate firms, contractors, builders, FHA employes and others in cities across the nation, including Philadelphia, Chicago and New York.

After the scandals were uncovered, George Romney, then Secretary of Housing and Urban Development, ordered stiffened regulations for obtaining FHA insurance. Appraisal procedures were tightened, and mortgage lenders had to certify that homes had been properly inspected—that the heating, plumbing and electrical systems and the roofing were in good repair—and in some instances that repairs had been made with FHA-approved materials.

"It was a classic case of overreacting," charges one Philadelphia lender who claims the red tape and "overly cautious" attitude adopted by the local FHA office have forced his company out of FHA mortgages.

CHECKING THE PLUMBING

Another big lender, Philadelphia Savings Fund Society, expresses similar sentiments. "We have continued in the FHA market to the extent we can," says M. Todd Cooke, president. "But as a practical matter it has proved virtually impossible" because of the new regulations, he adds.

Dollar Savings Bank of Pittsburgh was so taken aback by the regulations that it called a meeting of the executive committee to consider pulling out of the FHA market. It decided to stay. "We didn't want to penalize the potential buyer who couldn't qualify for a VA (Veterans Administration) mortgage or afford a conventional loan," a spokesman explains. But the bank, which had been one of the largest VA and FHA lenders in Pittsburgh, is writing few FHA loans now. "In the last six months we've handled about a dozen," the spokesman says, adding that Dollar Savings Bank currently has only three FHA applications being processed out of 153 home loans it is working on.

"In almost every application the seller had to get a plumber and an electrician to verify that the plumbing and electricity were in good repair," the Dollar Savings official says. After those conditions were met, "We encountered what we felt was a lot of nit-picking on credit" matters—"a lot of little things we didn't think important."

"Undoubtedly, part of the slowdown in our activity has been due to these new requirements. All the things we did made additional processing necessary," says Woodward Kingman, acting FHA administrator. Mr. Kingman says the FHA has been concentrating on "getting quality rather than quantity," but he admits that approach hasn't worked well as private mortgage insurers siphon off the good business and leave the FHA "with the dregs of the business." He adds: "There's just too much red tape still, and we've got to do something to correct that. The FHA just can't continue to get only the dregs of the business."

People in Washington say that HUD brought on much of the problem when it decentralized its housing operations and gave the 79 HUD district offices authority to interpret the loan regulations themselves.

"You're getting 79 different interpretations of the regulations, and as a result many mortgage bankers don't want to go through that hassle of understanding all the various requirements," says a mortgage banker.

According to one private consultant who has investigated some of the HUD offices, homes often are being appraised far below their actual value now. "Because of the scandals, HUD officials are afraid to make any decisions for fear their jobs will be on the line," he says.

He cites the requirement by one HUD office in California that one of its investigators travel 170 miles to Redding, Calif., to make sure that a hot-water facuet didn't leak before it approved the loan application. It didn't leak.

Others place the blame for the FHA's problems on the fact it began to offer housing subsidies in late 1968. "The effort was well intentioned . . . but its results have been unhappy to say the least," says Everett Mattson, president of the Mortgage Bankers Association of America. "It has undermined the normal lender-borrower relationship; and, within the FHA organization, it has generally made poor welfare workers out of once good credit examiners and vice versa."

Miles L. Colean, consulting economist for the association, puts it another way: "The federal government's housing and mortgage programs are suffering from an advanced stage of bureaucratic schizophrenia, and neither policy makers or administrators can tell whether they are credit examiners or social workers."

The FHA became part of HUD in 1965, and the mortgage bankers association now has called for the return of the FHA to the status of an independent federal agency. The association has argued that the "FHA can't perform its private market function well so long as it is under the jurisdiction of HUD, which is also responsible for a long list of nonmarket functions."

WELCOME AMBASSADOR KAUL

Mr. CHURCH. Mr. President, India has sent as its new envoy to Washington, the distinguished and experienced diplomat, Mr. T. N. Kaul. Those of us familiar with Mr. Kaul would agree with the Christian Science Monitor that his long "record puts him in the forefront of the world's diplomats."

Although here for several weeks now, he has been unable to present his credentials at the White House, a delay not missed by those interested in the improvement of United States-Indian relations and United States-Asian relations, as a whole. I, for one, welcome the assignment and arrival of Mr. Kaul to the United States, and hope that his efforts here will better the communication and mutual understanding between the world's two largest democracies. I hope President Nixon will receive Ambassador Kaul as soon as possible in order that India's representative can get on with the critical transactions between the two Governments, as our representative in New Delhi, Ambassador Moynihan appears to be doing.

It is a fact that cultural and economic relations between the peoples of India and America are thriving, but that political relations are not as good. Someone of Mr. Kaul's stature is a welcome gesture on the part of India in furthering the official "serious diaglog" the President himself called for in his Foreign Policy Report of May 3, 1973.

More important than personalities or protocol, however, is the recognition by the U.S. Government on all fronts that India's future and its part in Asia's future is of utmost consequence. As the Christian Science Monitor properly editorialized on June 19:

> India's importance as the dominant power on the Indian Subcontinent and as a strategically placed neighbor of China entitles her to a high place in America's diplomatic considerations.

I ask unanimous consent that the editorial entitled "Indian Envoy Kept Waiting," be printed here in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> [From the Christian Science Monitor, June 19, 1973]
>
> ### INDIAN ENVOY KEPT WAITING
>
> Patrick J. Moynihan was sent to New Delhi in February as the new American Ambassador to India and an opener in an effort to improve relations between the world's most populous and the world's most powerful democracies.
>
> Indian Prime Minister Indira Gandhi responded to Washington's olive branch by naming one of her closest political friends and supporters, Triloki Nath Kaul, as her Ambassador in Washington.
>
> Eight days after his arrival Mr. Moynihan was received by President Giri for the ceremony of presenting his credentials and he had his first meeting with Mrs. Gandhi herself two weeks later. Mr. Kaul's reception in Washington was "correct" but different. He finally got to see President Nixon one month after his arrival, and then he was received at the White House for the formal presentation of credentials along with the ambassadors of six other countries. The six were: the Yemeni Arab Republic (North Yemen), Nepal, Malawi, the Sultanate of Oman, Cambodia and Jordan.
>
> No diplomat could fail to notice that the head of the new Chinese mission (not even a titular ambassador) was received by President Nixon less than 24 hours after flying into Washington.
>
> The contrast makes it clear that Mr. Nixon does not attach as much importance to his relations with India as he does to those with China.
>
> It is not unusual for a new ambassador to wait several weeks before presenting his credentials to the White House. The practice of grouping several ambassadors together for the credentials ceremony was introduced under President Johnson as a time-saving measure, and to cope with the big influx of envoys from newly independent countries. Foreign diplomats do not much care for being herded together in a batch for the ceremony, but have to live with the way things are done in Washington today.
>
> While this system may be practical from the President's point of view, one can see how national sensitivities can be hurt by it. Couldn't an exception have been made in the case of Mrs. Gandhi's envoy? Mr. Kaul's record puts him in the forefront of the world's diplomats. He has been Ambassador in Peking, Moscow, and London, and his last post, before coming to Washington, was permanent head of the Indian foreign ministry. But more than that, India's importance as the dominant power on the Indian subcontinent and as a strategically placed neighbor of China entitles her to a high place in America's diplomatic considerations.
>
> Unfortunately Washington has been responsible for a series of gaffes in its handling of relations with India, dating from the Indo-Pakistani crisis of 1971. Mr. Moynihan's appointment to Delhi went some way to make amends. It was a "pat on the back" in the words of one Indian spokesman. But Delhi felt its usefulness was undercut by Washington's subsequent decision to resume arms sales to Pakistan.
>
> Mrs. Gandhi's choice of a diplomat of Mr. Kaul's stature for the Washington post was a welcome gesture. The least the White House can do is to give him the hearing and the attention he deserves.

FUTURE OF AMERICAN ENERGY NEEDS

Mr. STEVENS. Mr. President, Mr. Stephen A. Wakefield, Assistant Secretary of the Interior for Energy and Minerals, delivered a major address before the 27th annual meeting of Texas Independent Producers' & Royalty Owners' Association at San Antonio, Tex., last May 29.

In this address Mr. Wakefield predicted the future of American energy needs. This future was forecast by many in the oil industry years ago. The independent producers have long advocated increased domestic exploration. So have many of us in Congress.

The fact of the matter was however until very recently, because of very cheap prices for foreign crude, domestic exploration took a back seat to importation.

This Nation, said Mr. Wakefield, has 230 billion barrels of oil and 1,000 trillion cubic feet of gas, at an estimate, discoverable and recoverable onshore in the Lower 48. That estimate was made by the U.S. Geological Survey. The National Petroleum Council estimates 200 billion barrels of oil. The Potential Gas Committee estimates 600 trillion cubic feet. These figures differ. But the fact remains their is a great deal of as yet undiscovered petroleum and hydrocarbon fuels available.

Mr. Wakefield stressed the need for the trans-Alaska pipeline. He said:

> We badly need this production, not only as a source of refinery feed, but for the dollars it can save us.

He estimated that when the pipeline was flowing at full capacity, it would save the United States "at least $2.5 billion annually in its balance of trade." This is a lot of money. And these estimates are only at current prices. If the price of foreign crude rises, the trans-Alaska pipeline will save this Nation—and each oil-consuming American—a great deal more.

Mr. Wakefield spoke of a problem I believe to be at least as critical if not, if not more so, than any other major economic problem facing this country. This is the relation between the "energy crisis" and "balance of payments crisis." He pointed out that there is presently no connection between the two "crises" in the mind of the general public. He said:

> I submit that they are *directly related*, and that within the next year or two this relationship will be glaringly apparent to everyone. A major threat to the soundness and stability of the dollar over the next decade will come from the payment require-

ments for oil imports, which may range between $25 and $30 billion annually by 1985.

Mr. Wakefield indicated that our payments for imported oil alone this year, 1973, will be $9 billion. Next year it will be over $10 billion. By 1975—in only 2 years—it will be increasing at an annual rate of $2 billion a year.

The best answer to the problem is to increase domestic exploration. Says Mr. Wakefield:

> The Nation will need all the oil and gas it can get and the older onshore provinces are going to have to supply their share.

Alaska, offshore, and deep basins, as well as exotic fuels must be developed. My colleagues know my feelings on this. But this does not absolve the Lower 48—the traditional and proved oil sources—from producing their fair share. There is no other way we will be able to keep this country moving.

We will also need to improve our recovery techniques. A great deal of oil is still in place and unable to be produced because we have not developed the technology we need to get out every drop of oil from our presently producing traps.

This is a challenge equal to any challenge ever faced by geologists and petroleum engineers. It is a challenge Mr. Wakefield has made to the independent producers. I think it is one that must be made to the entire country.

I request unanimous consent to print in the Record a press release summarizing the speech and the speech of Mr. Steven A. Wakefield of May 29.

There being no objection, the press release and speech was ordered to be printed in the Record, as follows:

[Department of the Interior news release, May 29, 1973]

Interior Official Warns of Oil Import Costs

The threat of rising oil imports to the Nation's balance of payments was stressed today by Stephen A. Wakefield, Assistant Secretary of the Interior for Energy and Minerals, at a meeting of Texas independent oil men held in San Antonio, Texas.

Speaking to the Annual Meeting of the Texas Independent Producers' and Royalty Owners' Association (TIPRO), Wakefield stated that the Nation's 1973 oil imports will cost $9 billion, and forecast a figure in excess of $10 billion for 1974. These amounts would be reduced by $2.5 billion annually, he added, if the Alaskan pipeline were delivering its ultimate capacity of 2 million barrels a day of crude oil to U.S. markets.

By 1975 Wakefield said, the Nation's bill for foreign oil would be increasing at a rate of two billion dollars a year. "The major threat to the soundness and stability of the dollar over the next decade will come from the payment requirements for oil imports, which may range between $25 and $30 billion annually by 1985," he declared.

Citing geological estimates of large volumes of oil and gas yet to be found in the United States, Wakefield urged development of the Nation's domestic energy resources as the alternative to mounting dependence on foreign oil sources with its attendant financial and security problems. He reviewed the energy programs announced April 18 by President Nixon in his second energy message, and stressed the importance of domestic oil and gas development. "This is no time for the independent oil man to chuck the business and go fishing," he told the audience. "With the demand we clearly foresee for energy, and the costs of buying energy from abroad, the Nation will need every drop of oil it can find within its territorial limits."

Wakefield praised the independent oil producer's contributions to the economy, calling him a key figure in the development of the Nation's petroleum resources. "The nature of petroleum occurrence in this country is such that we need the boldness, the initiative, the variety of approaches, and the sheer numbers of those thousands of participants who will get out and find the elusive pockets of oil and gas that are needed to replace the quantities we use," he said.

Remarks of Stephen A. Wakefield

By now the people of America have at last reached the settled conviction that they have an energy problem on their hands, and for what dubious satisfaction there is in it, you have every right to say "Dammit, we told you so!" Of all the voices raised in warning against exactly what has happened, the earliest and the loudest were those of the independent oil producers in Texas. The ugly visions you so clearly foresaw ten years ago are now realities: we now have an outright shortage in gas that will get precipitately worse over the next few years. Moreover, despite unrestricted access to the world market, we also have a shortage in oil, which will probably get better, but only at the cost of rapidly rising dependence on foreign sources and a critical drain on our balance of payments.

The irony of all this is that while we are curtailing natural gas and allocating gasoline in an effort to share the misery occasioned by short supply there are literally hundreds of billions of barrels of oil and hundreds of trillions of cubic feet of gas here under our very feet waiting to be discovered and produced. We are sitting at a banquet table, and yet we starve.

It is true that authorities disagree quite widely as to the volume of undiscovered oil and gas remaining to be found in the United States. The thing they do agree upon, however, is that these amounts—whatever they are—are extremely large.

The U.S. Geological Survey estimates that 230 billion barrels of oil and 1,000 trillion cubic feet of gas can be found and recovered onshore in the Lower 48 States.

The National Petroleum Council, assisted by the Association of American Petroleum Geologists issued a report a few years ago which held that at least 200 billion barrels of crude oil could be found and recovered in the lower 48 in the onshore provinces.

The Potential Gas Committee, in its current report, estimated that we could expect 600 trillion cubic feet of gas to be found and produced onshore in the Contiguous United States.

I'm not especially in love with numbers, but I hope the ones I have just used may be worth something to convey the essential truth that there is a whale of a lot of oil and gas here in the United States, onshore, which is a target for the independent prospector. The resources are there. The hang-up is in the economics of turning them into proved reserves. If we can cure the hang-up, then it seems to me that the amount of oil and gas we shall have available from domestic sources in the future depends entirely upon how energetically and intelligently we look for it and develop it.

The President's energy message of April 18 is directed toward removing these economic hurdles that have been keeping venture capital from going into businesses that are devoted to developing our domestic energy resources.

The oil import program has been completely overhauled to assure that domestic oil will not be crowded out of its markets, while at the same time giving the consumer access to the world market for oil that cannot be supplied at home.

The President has asked Congress for legislation to restore free market conditions to the wellhead pricing of all new gas, and all old gas under expired contracts.

He has directed the Secretary of the Interior not only to accelerate leasing on the Continental Shelf, but to develop a long-term leasing program for *all* energy resources on public lands.

He has requested legislation to remove the restrictions on right-of-way width which now bar further action toward constructing the Alaska pipeline. While the environmental issue must still be resolved in the courts, the action sought by the Congress will, if granted, at least dispose of one formidable obstacle to our needed access to the vast oil reserves of Alaska's North Slope. We badly need this production, not only as a source of refinery feed, but for the dollars it can save us. At its full delivery capacity of 2 million barrels a day, the Alaska pipeline will save the United States at least $2.5 billion annually in its balance of trade. This is what an equivalent volume of foreign crude oil would cost us in dollar exchange at current prices. Obviously, in view of steadily rising prices of foreign oil, the ultimate savings will be a great deal more.

A number of proposals having to do with nuclear power development, oil shale and geothermal energy, and converting coal to environmentally acceptable fuels are also included in the President's message. These are a few years further down the road than the more immediate proposals aimed at stimulating the expansion of our domestic oil and gas industry. They are important segments of our energy supply picture, and they will become much more important as we approach the close of this Century. But the most critical period we face is the one between now and 1985, and we must not forget for one second that by far the greatest part of our energy supply must come from oil and gas for the foreseeable future. If it doesn't come from our own wells at home, it must come from abroad.

I am aware—and so are you—of all the arguments that have been presented against imported oil, and I'm not going to rehearse them here. But there is one aspect of oil imports that has not been given the attention it deserves, and I want to speak briefly to that point here.

The talk of "energy crisis" is all over the news media, and you can hear some expression of public concern about it at also every meeting you attend. Periodically, we also hear talk about a "dollar crisis" or a "balance of payments crisis," mainly as it affects our relationships with other large industrial and trading nations. But there has as yet been no linkage of the two "crises" in the public mind. I submit that they are directly related, and that within the next year or two this relationship will be glaringly apparent to everyone. The major threat to the soundness and stability of the dollar over the next decade will come from the payment requirements for oil imports, which may range between $25 and $30 billion annually by 1985.

We fret today about our balance of payments deficits, we go to extraordinary lengths to stimulate increases in exports and we are highly gratified if these efforts result in added earnings of as much as a billion dollars a year. Yet this year—1973—our payments for imported oil alone will be nine billion dollars. Next year it will be well over ten billion dollars, and by 1975 it will be increasing at an annual rate of two billion dollars a year.

Now, if what I have said so far is true—and I believe it is—it means that this is no time for the independent oil producer to chuck the oil business and go fishing. With the demand we can clearly foresee for energy, and the costs of buying that energy from abroad, the Nation will need every drop of oil it can find within its territorial limits. It is one thing to recognize that we will have to increase our imports of oil—and gas. It is something else to simply give way in the marketplace so that our reliance on these foreign imports is greater than it absolutely needs to be.

I am saying that there is a role for the independent producer, and moreover, he has some choice in what that role will be. For the small operator who has no call to become a big operator, the outlook is certainly no worse than it has been on many past occasions, and in my opinion, it has prospects of becoming better.

I submit that the independent has some significant things going for him. His small size—so often thought of as a liability—brings him some important assets. Being small, he is likely to be much more flexible and imaginative than a large company is permitted to be with its committees and boards and other trappings of institutionalized management. He simply must be. He lives a lot closer to the margin, and alertness is the prerequisite to his survival. I do not have to remind you that among participants with limited resources in a high-risk business there are only two kinds of operators: the quick and the dead.

Despite the lack of any sensational advances, petroleum technology does, year by year, continue to extend the industry's capabilities and enhance its prospects of finding and producing oil and gas. Rarely is any technique of the past ever completely outmoded or abandoned. Far more often, the new knowledge and new techniques combine with the old to improve the total capability of finding and recovering petroleum. The result is that each year, hundreds of new pools and new fields are found, developed, and produced that would have been submarginal under the technology existing a few years before. They may—at least most of them—be too small to attract the interest of larger companies. But they may be well worth the resources committed to them by smaller operators, and I predict that this process will continue as technology continues to enhance the oil finder's art.

If I have seemed to lean hard on gagetry as a solution, I did not intend to do so. One of the most refreshing things that has happened to the science of onshore exploration in recent years has been the renewed interest in geology, particularly subsurface geology, as an approach to oil finding. For forty years, the fair-haired boy of petroleum exploration has been the geophysicist with his reflection seismograph, and tens of billions of barrels of oil have been found by the squiggles on seismic records that indicated the presence of structural traps. But these instruments, even after a half century of development, still remain largely blind to trapping mechanisms that do not present a subsurface relief profile. Yet we know that vast amounts of oil and gas have been found—largely by pure chance—in stratigraphic traps which present no relief detectable from the surface by instruments now available.

It is becoming much too costly to find these stratigraphic traps through random drilling on a hit-or-miss basis. There is, accordingly, a need for an exhaustive kind of detective work which utilizes all evidence that can be related in any way to the occurrence of oil and gas in such formations—including seismic evidence. It is out of such hard intellectual effort, coupled with new and imaginative approaches to oil findings, that have come some significant new onshore discoveries in recent years.

Let me repeat: the Nation will need all the oil and gas it can get, and the older onshore provinces are going to have to supply their share. The newer provinces—Alaska, the offshore, and the deep basins like Delaware and Anadarko—have gotten most of the headlines and the interest, and a lot of the drilling money over the past several years. They are the new horizons, and it is understandable that people tend to expect a great deal of them, because they do have a great potential. But the fact is that these new frontiers will supply only a part of our total future oil and gas needs. The prolific Louisiana offshore, for example, has been under development for twenty-five years, and during all that time it has added less than six billion barrels of crude oil to proved reserves compared with seventy billion that has been added from onshore fields in the Lower 48 during the same period of time. The deep basins will make a welcome contribution—to our gas supply, not to oil. But as better technology and concepts improve our capabilities for both discovering and recovering petroleum hydrocarbons, the previously unexploited potential of the old areas will continue to yield billions of barrels of oil and trillions of cubic feet of gas for the markets of the future.

For the past several years, a steadily increasing portion of oil added to proved reserves has come from improved recovery practices—a cash dividend from the conservation practices that many of you in this room have helped to develop. I believe this trend will continue, and that a recovery rate of 50% of original oil in place is not an unrealistic goal to shoot for. While the tried and true waterflood will probably be the mainstay of our increased recovery efforts for years to come, the potential for miscible solvents and thermal methods offers exciting prospects for extremely high recovery rates. The stake is four billion barrels of oil for each percentile we can raise the recovery rate above the present 31 percent. Fourteen billion dollars that need not be subtracted from our balance of payments. In the context of rising demand and rising prices for oil, the attractiveness of these previously submarginal sources is greatly increased.

Throughout the President's energy message there is repeated reference to the great potential of our domestic energy resource base and the need for developing and expanding its capability to supply our needs. The independent, whose range is the domestic oil patch, is therefore a key figure in the development of our nation's petroleum resources, and he is due to remain so. The nature of petroleum occurrence in this country is such that we need the boldness, the initiative, the variety of approaches, and the sheer numbers of those thousands of participants who will get out and find the elusive and widely scattered pockets of oil and gas that are needed to replace the quantities we use. And because the job will be more difficult in the future than it has been in the past, we will need the independent's unique contribution even more. There is a definite and important role for him to play, although the forces of change will leave their mark on him, as they will upon every participant in the economic process. If he adapts to the new requirements, and meets the new demands upon his talents and resources, he will continue to be an honored and essential member of a vital industry—and the Nation will be stronger and more secure because of him.

IMPOUNDMENT—COURT ACTION AND HISTORY

Mr. HUMPHREY. Mr. President, the issue of congressionally appropriated funds has been at the center of the controversy between the executive branch and the Congress. Recent court cases on the matter of impoundment have resulted in a series of decisions overruling the White House and the Office of Management and Budget. A recent article in the Washington Star entitled "Courts Reject Impoundment in Eight of Nine Cases" provides an overall review of some of the impoundment issues that have been ruled on by the Federal courts. These cases clearly indicate that the executive branch has overreached its authority and violated both the law and the Constitution.

Congressman J. J. Pickle, from the 10th District of Texas, has given us further insight into the issue of impoundment in a splendid article in the New York Times of June 10.

The Congressman has given us a historical analysis and review of the attempts on the part of Presidents to impound appropriated funds. Congressman Pickle has stated the issue in clear and unmistakable terms:

> We have today the choice, as we did in 1951, of enacting new legislation. In that legislation we can legalize the new form of policy impoundments we see today or we can put the impoundment authority back into a historical perspective, with the Congress clearly in charge
>
> The decision which path we take is in the hands of the Congress and the courts.

We are indebted to Congressman Pickle for his scholarly research and incisive definition of the issue.

I ask unanimous consent that the articles I have mentioned from the Washington Star and the New York Times be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star-News, June 10, 1973]

Courts Reject Impoundment in Eight of Nine Cases

(By Fred Barnes)

The Maryland Department of Employment and Social Services, its treasury increased by some $20 million, will send out welfare checks as usual tomorrow.

But the stipends will be provided only because two federal courts last week forced the Nixon administration to fork over the $20 million, which it had impounded for several weeks.

The Social Security Act required the administration to hand over the money, said Judge Edward S. Northrop of U.S. District Court in Baltimore in ruling on a suit filed by Maryland officials.

And the 4th U.S. Court of Appeals, rejecting a request by Justice Department attorneys representing the administration, refused to block Northrop's order while the administration works up a formal appeal.

The Maryland case represented another embarrassing court defeat on impoundment for the administration—its eighth loss in a row.

Federal judges have ruled that impoundment was unlawful in cases involving water pollution, highway, Indian education, veterans education, housing and welfare funds.

Clearly, impoundment has turned into a legal disaster area for the administration. Its overall court record is 1–8, with the lone victory coming in April 1972 when a federal judge in San Francisco upheld the impoundment of federal housing funds.

Besides the Maryland case, the administration has suffered these recent court defeats on impoundment:

The 8th U.S. Court of Appeals, in a ruling chastising the administration for changing its argument in midstream, declined to tamper with an order instructing the administration to turn highway construction funds over to Missouri officials.

Prodded by Judge Gerhard Gesell of U.S. District Court here, the administration was forced to begin spending $25 million appropriated to spur college enrollments by Vietnam veterans. The money had been impounded after Congress refused to withdraw its appropriation of the funds.

Judge Robert R. Merhige Jr. of U.S. District Court in Richmond, calling impoundment a "flagrant abuse of executive discretion," ruled that the administration must immediately release Virginia's share of impounded water pollution control funds.

The political or ideological persuasion of the federal judge involved in an impoundment case apparently makes little difference. Both liberals and conservatives have ruled against impoundment.

Gesell and Merhige, for instance, are two of the most liberal judges in the federal judiciary. But Northrop and the judges on the 4th U.S. Court of Appeals are among the most conservative.

For the administration, things may soon get worse. At least a dozen impoundment suits are now pending and others are expected to be filed by state and local governments whose hopes have been bouyed by the recent rulings.

In a suit filed in U.S. District Court here on Friday, Pennsylvania and the cities of Philadelphia and Pittsburgh are seeking $380 million in impounded education funds.

The other pending impoundment suits involve funds for highway construction, water pollution control, education, environmental assistance, rural electrification and land grant colleges.

The administration has already appealed what is perhaps its worst impoundment defeat in court. That was the ruling by Judge Oliver Gasch of U.S. District Court here that the administration must release $6 billion in water pollution control money.

The Gasch ruling has been challenged before the U.S. Court of Appeals. The Maryland case, once it is appealed by the administration, will be heard quickly by the 4th U.S. Court of Appeals, with a ruling expected late this summer.

[From the New York Times, June 10, 1973]

MYTH AND DISTORTIONS

(By J. J. PICKLE)

WASHINGTON.—During recent debate over Presidential authority to impound funds, constant repetition has almost made fact of the myth that our third President began the practice long ago. The charge is that President Jefferson refused to build fifteen gunboats to patrol the Mississippi River.

A portion, however, of his fourth annual message to the Congress (Nov. 8, 1804) reads: "The act of Congress of February 28th, 1803, for building and employing a number of gunboats, is now in a course of execution to the extent there provided for."

Similarly, research proves the undoing of nearly all the impoundment precedents paraded about these days.

In his comments (Op-Ed page May 25), Senator Hugh Scott proposed a case for impoundment which he purported to base on historical precedent, including the Jefferson incident, on constitutional and legislative authority, on common sense and on judicial ruling, or the lack of it, in this field. I believe a closer reading of the history books and the facts of the matter show none of his assertions provide the carte blanche authority for impounding of funds which the present Administration assumes.

When one reads beyond President Jefferson's 1803 message—he said he was deferring funds for building fifteen gunboats—and proceeds to his 1804 message, one finds that *defer* the money—not impound it—was precisely what he did.

A further reading into the history of the period sheds more light on the situation. Building the gunboats was Jefferson's idea in the first place—he preferred them to expensive forts and ships of war to defend our coastal cities. And he originally proposed to build 250 such gunboats. But the first ones built proved unwieldly, and changes in the international situation brought about by the purchase of the Louisiana territory gave the frugal Jefferson time to wait until more usable gunboats could be designed.

What is really important in the Jefferson gunboat incident is that he obviously felt a strong duty to inform the Congress when and why he was deferring the money and to inform the Congress again in 1804 that he had carried out its law.

Between President Jefferson and the twentieth century, only one other so-called impoundment precedent has been found—that of President Grant withholding some river and harbor funds Aug. 14, 1876. This case is most notable for its isolation. Most impoundments were so isolated and so sporadic as to weigh very little in the history of Federal spending.

Senator Scott is correct that the original theory of impoundment was rooted in common sense. If a project or program can be executed for less than the amount Congress appropriated, then no legislator, no citizen, no President would want to spend that extra money.

In 1941, President Roosevelt announced that because of the war emergency he was not going to allocate funds for any water resource project that did not have an important national defense value. In this, the only case of massive impoundments until the present times, Congressional outcry was massive and bitter.

Concern by both the executive and legislative branches over the legality of wartime impoundments under President resulted in the Hoover Commission of 1949 and a recommendation that further legislation be enacted to grant the President authority "to reduce expenditures under appropriations, if the purposes intended by the Congress are carried out." Again it was emphasized the President was to have authority to save money if and only if he were still carrying out the mandates of the Congress.

The Hoover Commission report resulted in the 1951 amendments to the Anti-Deficiency Act. The language of the amendments was vague and easily stretched to read as control of the race or tempo of program implementation. And it is only one step from controlling the rate of program implementation to controlling the achievement of the program at all, which is where we stand today.

The Administration seems to assume when the word "management" was added to the budget office this gave them clear authority to manage Federal funding even if it meant ignoring Congressional directions. A simple reading of the reorganization act and Executive order setting up the new Office of Management and Budget shows there is no such authority included there.

We have today the choice, as we did in 1951, of enacting new legislation. In that legislation we can legalize the new form of policy impoundments we see today or we can put the impoundment authority back into a historical perspective, with the Congress clearly in charge.

The decision which path we take is in the hands of the Congress and the courts.

MIA'S

Mr. THURMOND. Mr. President, the signing of the January 27 cease-fire agreements evoked deep emotions from a war-weary Nation. We were grateful when the last remaining ground forces were brought home from South Vietnam. We breathed a long sigh of relief when the POW's returned and we shared in the joy as they were reunited with their families.

Our happiness and sense of accomplishment, however, were tempered by the knowledge that some 1,300 American men are still listed as missing in action. Because of the agreements, which explicitly provide for expedient and accurate accounting of the MIA's, we still had high hopes of determining the fate of the brave men. It has been almost 6 months now, and our efforts have been constantly thwarted by the Communists.

The families and friends of the MIA's remain in doubt. They are living on the fringes of hope—still clinging to the slim possibility that their loved ones have survived. With this hope, however, is the dread fear that they might not be so fortunate. The overriding concern of the MIA families is to obtain concrete information on what has happened to the men. I have heard many relatives say they could take bad news, but the real mental anguish is not knowing.

Mr. President, many Americans are being cruelly tormented by the delay tactics being employed by the Communists. The agreements set up sophisticated machinery to obtain information about American MIA's and the administration is doing everything possible in this regard. We must have cooperation from the other side, however, if our efforts are to be fruitful.

It is impossible for the Communists to dodge their responsibilities in this matter. The agreement signed January 27 is unequivocal. It says:

> The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

Mr. President, the Joint Casualty Resolution Center and the Four-Power Joint Military Team, set up by the agreements to account for MIA's, have done the best they can under the circumstances. They have been kept out of many areas where many men were thought to be missing. They are being kept out of Communist-held territories in Laos, where 300 Americans are missing, and Cambodia, where at least 20 men were lost.

Furthermore the Communists will not permit National Red Cross teams to inspect places where American prisoners were held. They have not yet made arrangements to return the bodies of 55 men who died in captivity. I repeat again, Mr. President, this is contrary to their written pledges.

Even with full cooperation from the Communists, the task before the inspection teams will be different. There are some 1,300 men still unaccounted for in Southeast Asia and 1,100 others who have been declared officially dead but whose remains have not been recovered. More than 1,900 of the composite 2,400 in these two categories are the results of air crashes. There are approximately 1,000 such crash sites involving over 50 different models of aircraft. These sites are scattered throughout rugged terrain, including uninhabited jungles and mountains. Some 90 percent of these sites are in militarily contested areas or areas controlled by the other side. Unexploded booby traps and hostile guerillas present danger to the teams.

President Nixon has undertaken an historic effort to establish better relations with all nations, Communist countries included. General Secretary Brezhnev is in Washington this week in intensive negotiations which, hopefully, will further this goal. Before meaningful relations can be established, there must exist mutual trust between countries. This would be an opportune time for the Communists to prove that they can be trusted by helping use in our search for the MIA's.

EXCESS PROPERTY PROGRAM

Mr. EAGLETON. Mr. President, last year the General Services Administration announced its intention to terminate the eligibility of Federal grantees for excess property and the support functions of the Federal Government. When the proposed amendment to the Federal Property Management Regulation was published in the Federal Register, interested parties were invited to comment on the proposal. Because of the large number of comments received by GSA, the deadline for comments was extended for an additional 30 days, until July 31, 1972.

Despite this extension and despite the fact that comments on the regulation changes were still being received, the Department of Health, Education, and Welfare unilaterally terminated its excess property program for HEW grantees on July 14, 1972.

After careful review, the General Services Administration determined to continue its policy on acquisition and use of excess property pending completion of a study to determine the need for modification of the program. Thus, other Federal agencies are still operating under the excess property program, but as of July 14, 1972, no applications for excess property by grantees are being porcessed by HEW.

The HEW decision to terminate the program is contrary to existing Federal regulations. It violates the expressed intent of GSA to give further study to the merits of the program.

Mr. President, I find it ironic that at a time when the administration is concerned about inflation and fiscal responsibility, it is eliminating one of the most effective and most justifiable cost reducing programs of the Federal Government in one of its largest agencies.

In my own State of Missouri, institutions of higher education have received millions of dollars worth of valuable property—and I emphasize that is property the Federal Government no longer has use for—since the program began. The machinery and equipment acquired under the program have made it possible to carry on instructional and research programs with sophisticated materials. Strict budgetary limitations prevent these institutions from paying market prices for such equipment. Without the excess property program, the schools are unlikely to be able to obtain the kind of equipment which has so significantly enriched their programs in the past.

I believe the saving to the taxpayers through the excess property program is great. The alternative to this program is to greatly increase expenditures for higher education so that institutions can afford to pay market prices for the equipment needed to preserve the quality of instructional and research programs.

Mr. President, an excellent report on this subject entitled "Current Status of the Missouri Excess Property Program" has been prepared by the Missouri Commission on Higher Education. I ask unanimous consent that the full text of this report be printed at the end of my statement.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CURRENT STATUS OF THE MISSOURI EXCESS PROPERTY PROGRAM

DEVELOPMENT OF THE MISSOURI EXCESS PROPERTY PROGRAM

The Missouri Commission on Higher Education learned in mid-1971 that excess federal property could be transferred from holding agencies to grantees to support federal grant objectives for scientific research and for educational programs. The possibility of substantial benefit to programs at Missouri institutions of higher education warranted the establishment of a formal program to encourage the utilization of excess property. The initial funding of the program was through voluntary contributions from public and private institutions.

In December, 1971, two full-time staff officers were hired. From the outset, the complexity of transferring federal property was apparent, from insuring adherence to federal regulations, to developing property accountability systems, to establishing credentials at installations throughout the country. Locating sources of property was a major task in the initial months of the program. Nevertheless, over $3 million in excess property was transferred during the first year.

Thirty-nine institutions of higher education in the state had grants which could be supported by the transfer of excess property. Each of these submitted want lists, which were then consolidated. In keeping with federal requirements, requests were carefully reviewed to insure that equipment and supplies to be transferred were directly applicable to a current and open federal grant. Some institutions which received excess property chose not to participate in the Missouri Excess Property Program. Comments in this report refer only to the experience of institutions of higher education participating in the program.

Prior to suspension of Department of Health, Education, and Welfare participation, grants by the Office of Education under Titles I and II (facilities) and Title VIA (equipment) were supported. Thereafter, the principal grants supported have been those of the National Science Foundation. Occasionally transfers of property are also made in support of grants and contracts from the Law Enforcement Assistance Administration, the Department of Commerce, the National Aeronautics and Space Administration, the Bureau of Mines, and Department of Defense agencies.

By mid-1972, many additional schools were eligible for support of newly awarded grants. The initial establishment of a sound program had been achieved. Unfortunately, it was just at this time that the Department of Health, Education, and Welfare decided to suspend participation.

IMPACT OF DHEW SUSPENSION OF PARTICIPATION

On July 14, 1972, the Department of Health, Education, and Welfare announced that DHEW approval of excess property transfers would be suspended until completion of an interdepartmental study of such transfers. Despite General Services Administration recommendations to the contrary, and despite thousands of letters of protest from grantees, the decision has remained in effect.

The immediate results were quite damaging to Missouri grantees. Only 14 institutions remained eligible for support under National Science Foundation and other federal grants. Had DHEW participation continued, over 26 Missouri institutions would have been eligible for support of Title VIA and Title I grants.

In the seven months prior to July 14, 1972, excess property worth $1.2 million was transferred to 25 of the 39 eligible Missouri institutions. In the ten months after that date, $2.4 million in excess property has been transferred to 14 Missouri institutions, mostly in support of National Science Foundation grants. Requests for support of research grants and contracts from other agencies have been increasing over the past two months.

Before the cutoff date, over 80 percent of transfers were in support of Office of Education grants. Excess property transfers in support of Office of Education grants were often of benefit to entire colleges or programs. By comparison, National Science Foundation grants directly benefit a narrower group of programs and far fewer students. The provision of specialized equipment for scientific research has, of course, great national significance.

The impact of Office of Education grants was greatly enhanced by the utilization of excess federal property. Title VIA equipment grant funds of $300,000 were supplemented by $640,000 in excess property. Excess Property support of Title I and II facilities grants was also significant, amounting to about $400,000. Cost overruns in building projects have, in practice, been met in part by utilizing funds intended for equipping the new facilities, so that few new buildings are equipped as planned in the initial grant. Excess property could have supplied much of the equipment deficit, thus helping meet the federal objectives of the projects.

The total negative impact cannot be comprehended from the dollar amounts involved. Many new sources of property had just been located and a broad range of grant programs was just becoming eligible for support when DHEW participation was suspended. The negative impact of the decision was heightened by the fact that the General Services Administration and DHEW officials had been encouraging grantees to make the utilization of excess property an integral part of their planning, particularly for equipment grants, right up to the announcement date. Furthermore, in view of the stringent controls on educational budgets at the federal and state level, in an inflationary period, cancellation of the excess property program at this point seems to be an ill-timed decision.

ANALYSIS OF THE REASONS FOR DHEW SUSFENSION

Replies to inquiries concerning the suspension of participation have generally referred to an Office of Management and Budget position paper dated July 19, 1972, on "Use of Federal Supply Sources by Federal Grantees." The principal reasons given are:

1. Grantees are given priority access to

useful and valuable property, thus reducing the availability of surplus property for donation under the Federal Property Act.

2. Adequate inventory and accountability procedures are costly.

3. Use of personnel to screen property is costly.

Each of these points is subject to serious question. To the extent that problems do exist, administrative remedies are available. Termination of the entire excess property program because of minor problems is unwarranted.

The first assertion is also the least tenable. Federal grantees are indeed in a favored position. By virtue of awarding grants and contracts, the government of the United States has confirmed that the activity supported is of sufficient benefit to merit national support. Excess property represents a major way in which federal program impact may be substantially enhanced without major additional public expenditures. Moreover, in higher education, the type of property required for support of grantee activities is unlikely to reach the stage of surplus donation. Area utilization officers of the General Services Administration in Florida, California, Texas, Missouri, Virginia, and Illinois have stated that it is their responsibility to see that federal agencies utilize excess property to the fullest extent possible. They deny that the more desirable equipment and supplies will reach the point of surplus property donation.

In addition, the report of the Task Force on Procedural and Organizational Changes of the National Association of State Agencies of Surplus Property dated December 12, 1972, acknowledges difficulties in equitable allocation and distribution of surplus property:

"The geographical sub-division of the organization into various HEW regional operations has resulted in establishing barriers which discourage and handicap the personnel from providing their services beyond regional boundaries. Furthermore, the system of H.E.W. Regional staffing does not take into account the concentration of federal property in the country with the result that system does not provide adequate means to accomplish equitable allocation and distribution."

This has not been a problem in the acquisition of excess property by institutions of higher education in Missouri.

The second problem, maintaining inventory and accountability for property, has not proven to be a major problem. Procedures are well-defined and estabished and fit in with normal agency and institutional programs. In the case of property transferred in support of National Science Foundation grants, the institution usually acquires title to the property.

The third assertion, that personnel for screening property are costly, is actually quite a complex matter. But it should be obvious that no rational system would invest in a service which returns less than it pays. In Missouri, the ratio of return to investment ran over 60 to 1 the first year. The problem of screening property applies to surplus property too. Representatives of each institution must visit the State Agency to select material. The use of a central service, as in Missouri, is an economic solution to obtaining excess property. Excess property is not an unlimited commodity, and competition among agencies is keen for more desirable items. The limited screening staff available to most State Agencies for Surplus Property has its hands full with the location of surplus property. A major savings in cost comes from the lack of any need for warehousing facilities for excess property. Charges to the institutions involve screening, transportation, and sometimes packing, crating, and handling. No expensive warehousing facilities and staff are involved, however, as is the case in surplus property operations.

Please note that all these comments relate to the experience of institutions of higher education only. The operations of secondary schools and vocational education programs are different administratively, as well as different because of the less sophisticated programs and far greater numbers of people involved.

EXCESS PROPERTY AND THE PUBLIC INTEREST

The utilization of excess property is of national public benefit for several reasons. The program ensures that equipment purchased by tax dollars is used to public benefit. Utilization of excess property by institutions of higher education permits those institutions to enhance, extend, and sophisticate their programs. In many instances, while quite sophisticated equipment was needed for proper education, excess property has been the only source for such equipment in view of limited budgets. This is particularly true in the case of electronic equipment for instructional purposes.

Continuation of the federal excess property program is in the national interest. Participation in the program should be resumed by the Department of Health, Education, and Welfare. Agencies not currently utilizing federal excess property in support of their grant activities, such as the National Institutes of Health, should be encouraged to initiate participation. Higher education, government-sponsored research, and utilization of public property would all benefit from an expanded federal excess property program.

EXHIBIT 1. INSTITUTIONS PARTICIPATING IN THE MISSOURI EXCESS PROPERTY PROGRAM PRIOR TO JULY 14, 1972

Avila College.
Central Missouri State University.
East Central Junior College.
Florissant Valley Community College.
Forest Park Community College.
Jefferson College.
Kansas City Art Institute.
Lincoln University.
Meramec Community College.
Missouri Southern State College.
Missouri Western State College.
Northeast Missouri State University.
Northwest Missouri State University.
Park College.
Penn Valley Community College.
Southeast Missouri State University.
Southwest Baptist College.
Southwest Missouri State University.
Stephens College.
St. Louis University.
St. Mary's College of O'Fallon.
University of Missouri—Columbia, Kansas City, Rolla, St. Louis.

EXHIBIT 2. INSTITUTIONS CURRENTLY PARTICIPATING IN THE MISSOURI EXCESS PROPERTY PROGRAM

Central Missouri State University.
Columbia College.
Northeast Missouri State University.
Northwest Missouri State University.
Park College.
Southwest Baptist College.
Southwest Missouri State University.
St. Louis University.
The Lindenwood Colleges.
University of Missouri—Columbia, Kansas City, Rolla, St. Louis.
Washington University.

EXHIBIT 3. LIST OF EXCESS PROPERTY ITEMS TRANSFERRED

Abrasive wheels.
Accelerometers.
Airplane.
Amplifiers, various.
Asher, low temperature.
Audio recording tape.
Audio signal generator.
Automatic dispensing burrettes.
Balance.
Barrels, syringe.
Bi-directional counter.
Blood gas analyzer.
Bookcases.
Brass sheet.
Bulletin boards.
Cable, coaxial.
Cages, animal.
Calculators.
Calibrators, electronic.
Cameras.
Centrifuges.
Chairs.
Chemicals, laboratory.
Circuit breakers.
Citizen band transceivers.
Clarinet.
Cloth.
Colorimeter.
Connectors.
Coulter electronic counter.
Cryoflask.
Crystal mixer.
Cystoscope.
Degreaser.
Desks, office.
Desks, student.
Dessicator, plates.
Developer, photographic
Developer, xerographic.
Digital counter-timer.
Digital multimeter.
Dissecting scissors.
Distillation apparatus.
Distortion analyzer.
Drill presses.
Drums.
Drum heads.
Duplicating machine.
Dynograph.
Electrolytic hygrometer.
Electrophoresis cell.
Electron tube test set.
Ellipsograph.
Environmental chambers.
Expanded scale meter.
Fans.
Filing cabinets.
Film, photographic.
Fire extinguishers.
Flame photometer.
Flutter meter.
FM calibration unit.
FM signal generator.
Forceps.
French horn.
Frequency counters.
Frequency meters.
Furnace, micro-combination.
Furnace, tube.
Gages.
Galvanometer.
Gas chromatograph.
Gaseous oxygen transfer unit.
Generator, square wave.
Gold wire.
Grommets.
Hardness tester.
Heating unit.
Helium cart.
Honing machine.
Hydraulic press.
Hydraulic test console.
Hydrogen flame detector.
Incubator.
Indicator.
Indicator light.
Jet aircraft simulator.
Keypunch, IBM 56.
Kit, wash test.
Klystron power supply.
Laboratory stools.
Light box.
Light bulbs.
Linear variable transformer.
Magnetic eraser heads.
Magnometers.
Map cabinets.
Medical books.
Microdensitometer.

Microfiche reader.
Micrometer.
Microphone.
Miscroscopes.
Microvoltmeter.
Milling machines.
Miscellaneous electronic parts.
Miscellaneous office supplies.
Miscellaneous tools.
Modulator.
Monitor system.
Motors.
Motor generator.
Multilith offset press.
Multimeter test leads.
Nikon camera lens, 55mm.
Null balance detector.
Oboe.
Open fault locator.
Optical comparator.
Optical prism.
Oscillators.
Oscillogram processor.
Oscillograph.
Oscilloscopes, various.
Oscilloscope plug-in modules, various.
Oscilloscope cameras.
Outboard motor skiffs and trailers.
Panel meters.
Panendoscope.
Paper, various.
Pen points, drafting.
PH meters.
Photometer, flame.
Photomultiplier.
Photostat machine.
Planimeter.
Platinum.
Platinum crucibles.
Polishing compound.
Pot, 60 quart.
Potentiometer.
Power supplies, various.
Power supply modulator.
Precision drafting machines.
Pressure regulator assemblies.
Pressure/vacuum unit.
Projector, movie.
Projectors, slide.
Projectors, opaque.
Projectors, overhead.
Pulse generators.
Pump, water.
Pumps, vacuum.
Pyrometers.
Q meter.
Quartz Lamps, infra-red.
Radio interferometer.
Receiver subassembly.
Recorder, chart, various.
Recorder, tape.
Recorder, thermal writing.
Recorder, television.
Rectifier.
Reflectometer.
Refractometer.
Resistance meter.
Respirators.
Reversible motor.
RF test sets.
RF tuners.
Rivet spinner.
Rotary file.
Roto-tellite switches.
Saxophone.
Scintillation detector.
Sensitive video VTVM.
Sewing machine.
Shower, emergency.
Sieves, standard.
Sieve shaker.
Signal generators, various.
Small parts cabinets.
Sonic measuring system.
Sousaphone.
Spectrophotometer.
Spectrum analyzer.
Splints.
Sterilizers.
Suction appartus.
Surgical scissors.
Surface plate, granite.
Sutures.
Tables, drafting.
Tape recorder test set.
Telescopes.
Teletype unit.
Temperature chamber.
Temperature recorder.
Tester, dead weight.
Theodolite.
Thermometer.
Thermocouples.
Time meter.
Timer.
Titrator.
Transducer and strain gauge.
Transient light detector.
Transistor test set.
Trombone.
Truck.
TV cameras.
TV monitors.
Typewriters, various.
Ultraviolet lamps.
Vacuum chamber.
Vacuum ovens.
Valves.
Vectorscope.
Vibrotest Megohmeter.
Video mixing and gating controls.
Vidicon tubes.
Voltage calibrator, AC.
Voltmeters, various.
Wall clock.
Watt meters.
Waveguide probe.
Wire gauge.
X–Y recorder system.
Zeiss metallograph.

CHOLESTEROL AND THE LAW

Mr. SAXBE. Mr. President, Dr. Richard N. Podell of the Harvard School of Public Health has done extensive research to determine the effects that current government policy and food laws have upon efforts of physicians to persuade the American people to reduce their intake of high cholesterol foods. His conclusion is that many of our laws today actually hold back the development and sale of appetizing low cholesterol, low saturated fat food. Dr. Podell has prepared a paper on the subject entitled, "Cholesterol and the Law," and I ask unanimous consent to print it in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

CHOLESTEROL AND THE LAW

(By Richard N. Podell, M.D.)

In 1965 the American Heart Association recommended that the public restrict intake of cholesterol and saturated fat. Recently the A.M.A. Council on Food and Nutrition endorsed a similar policy.

Will Americans be able to accept these recommendations despite a clear preference for foods which are high in cholesterol and saturated fat? Perhaps, but only if the foods which are low in cholesterol and saturated fat meet the public's demand for good taste at a reasonable price. Fortunately, we have the technology to produce most of our favorite high cholesterol, high saturated fat foods in versions which have less cholesterol and saturated fat. Yet many of these desirable products are not generally available. Why?

Food laws and government policy have held back the development and sale of appetizing low cholesterol, low saturated fat food. As a result individuals are forced to choose between foods they enjoy and the foods their doctor recommends. In effect we have unintentionally established a powerful "pro-cholesterol" national food policy. We can examine the effects of this policy on the nation's eating habits in four major areas.

First is the problem of insufficient information on food labels. On January 19, 1973 the Food and Drug Administration announced that it will begin to allow the cholesterol and saturated fat content of foods to be printed on their label. Previously a statement of cholesterol or saturated fat content had been forbidden. Now the manufacturer may declare it, but is not required to do so. He still may make no "claim indicating suggesting or implying that the product will prevent, mitigate or cure heart or artery disease . . ."

The January 19th regulations are a major step forward, but, they do not go far enough. One doubts that manufacturers of foods high in saturated fact or cholesterol will so label them voluntarily. Therefore even the alert consumer still will not know whether to avoid these foods, or how to choose the best among several high cholesterol brands.

For example, most of the non-dairy "creamers" are made largely from coconut oil, which is a highly saturated fat. Their labels could state that coconut oil content. Instead almost all the brands are described as made with "vegetable fat" or "vegetable oil", suggesting to many that they have little saturated fat. It does not seem likely that these manufacturers will voluntarily disclose their products' content of saturated fat.

The consumer would be much more likely to obtain the information to choose a cholesterol-saturated fat restricted diet if we *require* a statement for those foods which are high in cholesterol or saturated fat.

A second problem has been the legal restrictions on the sale of substitutes for important high saturated fat foods.

For example, milk may be prepared using vegetable oil in place of the highly saturated milk fat. This is called filled milk. If the vegetable oil is predominantly unsaturated, filled milk can be an excellent food for persons on a cholesterol lowering diet. Yet filled milk has been illegal in interstate commerce. The federal Filled Milk Act of 1923 states:

"It is hereby declared that filled milk is an adulterated article of food, injurious to the public health and its sale constitutes a fraud upon the public . . . It shall be unlawful for any person to . . . ship or deliver for shipment in interstate or foreign commerce any filled milk."

In November, 1972 a United States District Court ruled that the Filled Milk Act violates the Constitution. At this writing, the Filled Milk Act is not being enforced, but it is not clear whether the government intends to appeal the decision to a higher court. If the decision stands an important barrier to the development of an excellent food will fall. However other legal barriers remain. Several states have their own versions of the filled Milk Act. Also, the United States Department of Agriculture requires that filled milk sell at an artificially high price, thus decreasing its attractiveness to the consumer.

Cheese is another important dairy product which is relatively high in saturated fat. Cheese can be made from skim milk, but most people prefer the taste of fattier cheese. Fortunately simple "filled" cheeses are excellent alternatives to standard cheese. (Adequate substitutes for the more exotic varieties have not been developed). Yet most of the supermarket managers I interviewed had never heard of filled cheese. None were stocking it on their shelves.

Part of the reason may be the federal Filled Cheese Act. This law sets a small but bothersome annual tax on every grocery or supermarket selling filled cheese. In addition it provides that:

"Every wholesale dealer and every retail dealer in filled cheese shall display in a conspicuous place in his sales room a sign bearing the words 'Filled Cheese Sold Here' in black faced letters not less than six inches in length. . . "

Individual states have also passed laws which inhibit the sale of filled cheese.

Ice cream is another favorite high saturated fat food. However its calories are more than one quarter saturated fat. Ice milk contains less saturated fat, but even so saturated fat contributes fifteen percent of its calories.

Mellorine is a name for ice cream in which the saturated milk fat is replaced with vegetable oil. Mellorine has far less cholesterol raising effect than ice cream. Yet mellorine is *illegal* in many states.

Until recently it was even illegal to replace the saturated fat of hot dogs with unsaturated vegetable fat.

The third problem area concerns the incentives for food companies to pursue the development of new low cholesterol, low saturated fat foods. Food development and marketing is expensive. The cost of a nationally marketed failure is five million dollars or more. Private companies face particularly difficult decisions if their new low cholesterol products compete with their own high cholesterol foods. Such factors discourage innovation. Even so we have learned to produce excellent low saturated fat, low cholesterol foods.

This ability was strikingly demonstrated at the St. Paul's School of Concord, New Hampshire. A team of nutritionists from the Harvard School of Public Health helped St. Paul's modify the recipies for their usual foods. Major food companies cooperated, providing products which include vegetable oil filled hot dogs, a cholesterol-free egg mix, a corn oil substituted cheese, a highly polyunsaturated margarine and a soybean oil non-dairy creamer. Vegetable oil substituted ice cream was made on campus as was a low butterfat milkshake. The result was good food, student acceptance and a substantial drop in the boys' serum cholesterol. The National Diet Heart Study demonstrated similar results for several hundred middle aged volunteers.

Each new food product requires a major selling point. For the low cholesterol, low saturated fat foods the major selling point is obviously the probable benefit of lowering blood cholesterol. However in recent years regulations have severely restricted marketing efforts based on this theme. Perhaps the regulatory agencies are now prepared to accept a more realistic approach to the marketing of low cholesterol food. How far they have advanced is not yet clear.

If marketing is inhibited then sales are limited, costs rise and storeowners are reluctant to give valuable shelf space to the new product. Therefore, long term demand is not likely to develop. Faced with such prospects many prudent companies will decide not to market low cholesterol-low saturated fat products at all.

The vicious cycle just described must be broken if Americans are to have a realistic opportunity to choose a low cholesterol diet. This can be done in several ways. The company's financial risk can be shared through government research and development grants or contracts. Responsible, honest, but aggressive advertising must be allowed and encouraged. The public and the medical profession should have access to a list of low cholesterol, low saturated fat substitute foods. Physicians and consumer groups should encourage local food stores to reserve a section where customers can locate low cholesterol diet foods.

The fourth problem area involves the policies of the major institutions which directly choose the recipes and menus for many Americans. For example, the United States Government supplies meals to millions of servicemen and civil servants. State governments, hospitals, universities and major businesses serve millions more. An important illustration of an institutional food policy is provided by the School Lunch Program.

Each year government provides billions of lunches to school children. Two years ago nutritionists reported an analysis of the fat content in a sample of school lunches. On the average fifty percent of the fat was saturated, a value higher even than that in the average American diet. Certainly no one deliberately tried to raise the cholesterol of the nation's school children, but that was the effect.

The explanation for our pro-cholesterol food policy is complex. The most restrictive legislation was passed before we began to understand the relationship between diet and heart disease. Its purpose was to protect the consumer from deception and certain producers from competition. It is not clear why this policy has not been completely revised in the light of current medical recommendations. However one important reason may be that the motivation behind food policy is usually economics or protection from fraud. Health implications are considered important only occasionally. Until recently few physicians and fewer politicians had looked at the impact of food policy on national eating patterns. Therefore the effects of food legislation on cholesterol have not been a focucs of major concern.

Ultimately each individual should be free to adopt a high or low cholesterol diet as he or she wishes. But the policies of government and industry profoundly influence the comparative attractiveness of the alternatives. Present policy unnecessarily encourages eating patterns which lead to high cholesterol levels. Physicians spend much time treating the effects of atherosclerosis and much energy urging patients to practice preventive medicine. Therefore physisians have a special interest in laws and policies which support rather than hinder these efforts. I believe we also have a special responsibility to speak out on the issues.

ARTS AND THE OLDER AMERICANS

Mr. CHURCH. Mr. President, Congress must, of necessity, deal with harsh problems facing so many older Americans: inadequate retirement income, health care costs that keep rising despite Medicare's essential assistance, nutritional inadequacies, nursing home deficiencies, and much more.

We should and will continue our efforts to deal with such problems, but it seems to me that we should also keep watch over positive developments which make life not only better, but more enjoyable, for the elderly of this Nation.

One of the most heartwarming of these developments is occurring in Idaho and in growing numbers of communities and regions of the United States.

I am referring to programs which bring the elderly together with arts of all kinds. In some cases performing artists visit the elderly; in some cases the elderly are the performers; in many other cases, other talents and skills of older persons are being developed or renewed.

In the words of the National Council on the Aging:

> As our society moves closer to enabling the aged to gain an adequate income, decent housing or secure dependable health services, it must also assure that the family of man and its institutions includes them in opportunities to enjoy the full human experience.

The "full human experience" has certainly been broadened in my home State by an "Arts for Idaho's Senior Citizens" which has made impressive strides in less than 2 years.

The Idaho Arts Commission, the Idaho Office on Aging and Boise State College have formed a partnership which concentrated at first upon bringing entertainment to senior citizen audiences. As of May 1, 88 cultural and artistic programs had been completed in the Treasure Valley area of the State; 22 different performers had entertained 30 different audiences in 10 different communities. An expansion program to the Magic Valley area had, by May 1, completed 10 programs involving 4 different performers for 6 different audiences in 6 communities. Some entertainers are young persons just beginning their careers; others are seasoned artists. All of this is done at no cost to senior citizens and it is available at their request. To judge by the comments made by the elderly at the end of such performances, the programs are enthusiastically received and well attended.

The success of the program has led directly to the first annual Idaho Senior Citizen Talent Show, held eve of this year's annual State conference on aging last month in Boise.

Mr. President, I ask unanimous consent that the program for that event be printed at the end of my remarks. It will give some idea of the magnitude of the event and the number of persons who participated in the actual show and the preparations for it.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. It is impossible in this statement to describe the complete success of the show; suffice it to say that it was a smash hit in which older persons from all parts of the State—the winners in regional contests held earlier—took enthusiastic part. Some of the entertainers displayed talents which had been developed over a period of decades. Others—such as a group of five blind persons who sang, danced, and played musical instruments—had come into being only within a period of months.

It is clear that the show will become an annual event and an Idaho tradition. Dr. Gerald Reed, talent show organizer and director of special projects for Boise State College, even hopes that 1974 efforts will include a "Festival of Heritage Arts" to display handwork talents of Idaho's elderly.

One of the significant features of the Idaho arts project is that Dr. Reed and many others of those involved are donating their time and talents. There is a multiplier effect at work here: the modest funds provided by the Arts Commission and Office on Aging are yielding big dividends because community interest and support runs so high.

I have described the Idaho program and talent show in some detail because I believe that they have set an example which could be followed elsewhere.

It also seems to me that the Idaho experience makes persuasive arguments for broadened interest at the Federal level in activities that increase cultural opportunity for the elderly.

A promising beginning has already been made. Last year, when I suggested to the Administration on Aging that it encourage programs similar to Idaho's, I was told that the AoA was working with the John Kennedy Center for the Performing Arts on a survey of the elderly and the arts. A distinguished advisory committee and the National Council on the Aging were also involved. Their interest led to the publication of an excellent booklet, "Older Americans and the Arts: A Human Equation," written by Mrs. Jacqueline Sutherland of the NCOA staff. Another step was taken recently when the NCOA established a Center for Older Americans and the Arts. Mrs. Sutherland has been called upon, with increasing frequency, to give technical advice in many parts of the Nation. She has been to Boise and has selected the Idaho project as a fine example of what can be done to bring the arts and the elderly together. That center is now funded with a 6-month grant from the National Endowment for the Arts.

A recent report from the NCOA Center gives several examples of growing interest in arts and the elderly. I ask unanimous consent to have an excerpt from that report printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DETAILS OF EXAMPLES OF CONSULTATION

1. An arts component has been added to the curriculum of the Aging Section of the Division for Continuing Education of Catonsville Community College, Catonsville, Maryland as the result of discussions initiated by us. We further suggested formation of "The Autumn Players Troupe", identified a funding source and helped write the proposal which resulted in a $9,000 grant.

Now in its planning stage, this creative dramatics project is involving retired persons of the area in the entire gamut of play production and APT's tour throughout Maryland in Summer, 1973 will extend statewide living proof of the positive effects of engaging in creative expression. Further this art activity is being purposely utilized by the school to reach and inform older persons of the opportunities for continuing education at the college.

2. Kankakee Community College, Kankakee, Illinois added an arts component to the curriculum of the on-going pre-retirement seminars offered around the State to businesses and unions following several discussions with Center staff and has employed retired persons as staff to implement this new phase of their activity.

3. Artists-in-residence are now housed in an untold number of Senior Centers throughout the nation. This is a direct result of a memorandum issued by the National Institute of Senior Centers, a program of NCOA followed by consultation by Senior Center program people with our Project Director. The objective is three-fold:

(a) Expose older persons to qualified instruction;

(b) provide them opportunity to share a relationship with the young;

(c) give young artists field work experience and introduce them to a totally new opportunity for employment upon graduation.

4. Problem: Neighborhood cultural centers of the Model Cities Program, are becoming aware that far more older people live in their neighborhood than when the program began six years ago. Originally geared to serve the young, they now seek ways to also serve older persons.

Solution: When a Denver, Colorado group visited our office, we—

(a) recommended program content;

(b) informed them as to funding mechanisms in the field of aging;

(c) established, as a continuing resource, contact for them with the Regional Office of NCOA in Denver, located just two blocks from their own office but about which they had no knowledge. This contact resulted in establishing a pattern of response and service by us with Model Cities personnel in major cities throughout the nation, such as New York City, Seattle, Wash., Atlanta, Ga., etc.

5. Arts forums held in major cities are now including the aged and their talents and needs as part of any agenda taken to the community for the first time. Staff has participated in several forums held in the states of Georgia, Maryland, New York and Florida. Invitations have been accepted to appear as a panelist or resource person in Kentucky, Tennessee, Illinois and Colorado during the next three months.

6. The Rhode Island State Arts Council and the State Commission on Aging have held a combined *Arts and the Aging Conference.* Staff initiated and participated in the conference held in November, 1972, after we learned that no dialogue had ever existed between the two groups. The resources of both are now being employed to achieve "Older Americans and the Arts" objectives.

One of our long-range goals will be to spark similar relationships between Arts Councils and Aging Commissions in every state.

Mr. President, I believe that the National Endowment, the Administration on Aging, and the Kennedy Center are to be commended for the support and leadership they have provided thus far. I also believe that the time has come for broadened Federal effort to provide modest amounts of support to encourage grassroots interest and support of the kind that has yielded such rich dividends in Idaho.

As soon as funding is provided for the Older Americans Act Amendments of 1973, now Public Law 93–29, I intend to ask the new Commissioner of Aging, Dr. Arthur Flemming, to review AoA plans to build upon the foundation they have already provided. It seems to me that AoA should have a major leadership position in this area.

As chairman of the Senate Committee on Aging, I will also do what I can to encourage the development of other programs intended to enrich the lives of older Americans by the display of their own talents or by enjoyment of the talents of others.

EXHIBIT 1

PROGRAM: FIRST ANNUAL IDAHO STATEWIDE SENIOR CITIZEN TALENT SHOW

Welcome and Opening Remarks.

Dr. Jerry Reed, Director, Talent Show, and BSC Office of Special Projects (Mrs. Barbara McGowan, Secretary and Assistant Director, Talent Show).

Introductions.

Suzanne D. Taylor, Executive Director, Idaho Commission on the Arts; Mr. Wil Overgaard, Deputy Director, Idaho Office on Aging; Mr. Tim Bird, Program Technician, Idaho Office on Aging; Mr. Ed Wimmer, Grants Management Specialist, Idaho Office on Aging; Marjorie Lynch, Regional Director, ACTION.

Mrs. Cecil Andrus, Judge.

Mr. John Collias, Judge.

Mr. Kenneth Hill, Judge.

Mrs. Len Jordan, Judge.

Mrs. Marion Tanner, Judge.

Miss Suzanne Taylor, Judge.

Mr. Carl Warner, Judge.

Mr. Bob Gibb, Master of Ceremonies.

(1st Special) Oinkari Basque Dancers.

1st Place Winner, Lewiston Regional Contest.

(Hod Kincaid, Oral Presentation).

2nd Place Winner, Pocatello Regional Contest.

(Cecile Chambers, Violin Solo).

1st Place Winner, Twin Falls Regional Contest.

Belua Russel, Gay Nineties Dance.

2nd Place Winner, Treasure Valley Regional Contest.

(Musical Misfits, Musical Selections).

(2nd Special) David Six, with Joan Immesberger at the piano.

1st Place Winner, WICAP Regional Contest.

(Fred Haun on the Dulcimer).

2nd Place Winner, Lewiston Regional Contest.

(Ben Bear, Recitation).

1st Place Winner, Pocatello Regional Contest.

(Fulton Caldwell, Vocal Solo).

2nd Place Winner, Twin Falls Regional Contest.

(Zella Pace, Ragtime Piano).

(3rd Special) Mr. Carroll Meyer, at the piano.

1st Place Winner, Treasure Valley Regional Contest.

(The Blind Five, Musical Selections).

2nd Place Winner: WICAP Regional Contest.

(4th Special) "The Blackfoot Hotfooters".

Awards.

A SUMMARY OF THE WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. DOMENICI. Mr. President, I am very proud of the roles of leadership various individuals, educational institutions, and organizations from New Mexico are playing in dealing with problems of national consequence. As an example of the kind of leadership I am referring to, I am pleased today to request the printing in the RECORD of a document entitled "A Summary of the Federal Water Pollution Control Act as amended, October 18, 1972."

This document was prepared for a seminar series on the Water Pollution Control Act Amendments of 1972 by the New Mexico Environmental Institute under the direction of Prof. John W. Hernandez, Department of Civil Engineering, College of Engineering of New Mexico State University in Las Cruces, N. Mex.

I commend this summary to the attention and consideration of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A SUMMARY OF THE FEDERAL WATER POLLUTION CONTROL ACT AS AMENDED, OCTOBER 18, 1972

(By John W. Hernandez)

ACKNOWLEDGEMENTS

This summary and analysis were prepared by John W. Hernandez, Department of Civil Engineering, New Mexico State University, under a Title I, Higher Education Act grant. Parts of the text, particularly sections under Title V were taken from a publication titled

Federal Water Pollution Control Act Amendments of 1972—An Analysis of PL 92-500, by David E. Gushee, Analyst for the Congressional Research Service, The Library of Congress.

TITLE I: RESEARCH AND RELATED PROGRAMS

Section 101. Goals and Policy

Goals: In the Act, Congress has shown clear intent to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Two significant National goals are enunciated:

(1) that by July 1, 1985, wherever attainable, water quality will be maintained that will provide for the protection and propagation of fish, shellfish, and wildlife, and provide for recreation in and on water; and

(2) that by December 31, 1985, the discharge of pollutants into all navigable waters will be eliminated.

Policy: The Act contains a number of policy statements, including:

(1) that the discharge of toxic pollutants in toxic amounts be prohibited;

(2) that Federal financial assistance be provided to construct publicly owned waste treatment facilities;

(3) that area-wide planning be implemented for waste treatment management; and

(4) that public participation be provided for in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program.

Section 102. Comprehensive Plans and Program

The Act places particular emphasis on the concept of a continuing planning process that involves all concerned parties and that leads to the development and updating of comprehensive pollution control plans by river basins. In each basin where a significant water quality problem exists, a planning agency will be designated by the governor(s) of the state(s) concerned to prepare a comprehensive management plan. An example of a part of such a plan for a basin would be the development of recommendations for the location and nature of treatment works to provide the most effective and economical means of pollution control within the basin. Another element of a basin plan would be recommended means of encouraging both multi-municipal and industrial use of such treatment works (see also Section 208).

Section 104. Research investigations, training, and information

Special studies and research are provided for in the Act (not all are listed in Section 104) that range from studies of the Great Lakes, lake pollution, and estuary studies to pesticide studies. Among programs worthy of note are the following:

Surveillance System—Federal agencies are to cooperate with states, and their political subdivisions, to monitor and report on the quality of navigable waters, groundwaters, the contiguous zone, and oceans.

Oil Pollution Studies—EPA, with the Coast Guard, is to engage in research, studies, experiments, and demonstrations for control of oil and hazardous substances and to report (in the Federal Register) on specifications and technical information on chemicals used to control and remove these substances. Studies are also to be conducted on the long-term chronic biological effects of the disposal of oil wastes.

Vessel Wastes—The Coast Guard is to conduct studies on the equipment to be installed on vessels to receive, retain, treat, or discharge human wastes, particularly from small recreation vessels.

Section 106. Grants for pollution control programs

Under this Section, states are eligible to receive what EPA determines to be the reasonable costs of developing and carrying out a pollution control program. Beginning in fiscal 1974, to qualify for a grant each state will be required to set up the equipment and procedures to evaluate water quality throughout the state and a procedure for an annual updating of these data. By January 1, 1975, and annually thereafter, each state agency must file (with EPA) a report on actual water quality in the state and compare it to that set by water quality standards. The report must include an analysis of how the existing water quality provides for the protection of aquatic life and for recreation and recommendations for additional actions for continued improvements in water quality. Also required is an estimate of costs and benefits of meeting a clean water goal and a proposed plan of action to bring non-point sources of pollution under control.

Section 115. In place toxic pollutant

EPA, with the Corps of Engineers, will identify and remove in-place harbor and waterway pollutants. (Possible examples of such pollutants include sludge beds or sediment deposits that constrict the waterway or tend to constitute a contributing source of organic pollutants.)

TITLE II: GRANTS FOR THE CONSTRUCTION OF TREATMENT WORKS

Section 201. Purpose

The purpose of Federal grants for publicly owned waste treatment works (POTW) is to insure that management plans and practices are employed that provide for the application of the "best practical waste treatment technology" available.

ELIGIBILITY FOR CONSTRUCTION GRANTS

The EPA is authorized to make construction grants to any state, municipality, or intermunicipal or interstate agency up to the time that comprehensive area-wide basin plans have been developed and approved and appropriate management agencies designated and approved. When these plans and agencies have been approved, no grant will be made unless the proposal issues from an approved agency and conforms to an approved plan.

For grant purposes "construction" includes feasibility studies, engineering, economic analyses, surveys, designs, plans, working drawings, specifications, construction, modifying or extending facilities, and buying existing facilities to make them part of an area-wide waste-treatment management system.

The term "treatment works" includes facilities used in storage, treatment, recycling, and reclaiming of liquid municipal or industrial wastes. Also included are such related facilities as waste-water collection systems, pumping equipment, standby units, and land acquisition for either the treatment facilities or ultimate disposal of residues. It can also include other approaches to preventing, abating, reducing, storing, treating, separating, or disposing of municipal wastes such as storm-water runoff or industrial waste, inluding waste in combined stormwater and sanitary sewer systems. Any grant application involving these latter elements, however, should provide evidence that these other aproaches are a cost-efficient alternative to the more conventional treatment works.

For a sewer collection system to qualify it must be a replacement or major rehabilitation of an existing system necessary to the total integrity and performance of the system, or in the case of a new collection system in an existing community there must be sufficient existing or planned capacity at the sewage treatment works to handle the additional flow.

BEST PRACTICAL WASTE TREATMENT TECHNOLOGY

There is no concise definition of the term "best practical waste treatment technology" in the Act. This Section of the Act indicates that the application of "best practical technology" in the design and operation of sewage treatment plants will include the consideration of advanced waste treatment technology, but it does not specifically call for the application of tertiary treatment. The Act contains two specific requirements that must be met, and EPA can not make grants after June 30, 1974, unless both are satisfied. These are that:

(1) alternative waste management techniques have been studied and evaluated and that the proposed works are based on the best practical technology over the life of the work, and

(2) proposed works take into account and allow, to the extent practical, the application of technology at a later date that provides for reclaiming or recycling of water or elimination of the discharge of pollutants.

EXCESSIVE INFILTRATION

In addition to the two provisions on "best practical technology," no grant may be approved after July 1, 1973, unless it can be shown that the sewer collection system discharging into the proposed treatment works is not subject to excessive infiltration.

EPA is authorized to award grants for studies of existing sewer systems to evaluate infiltration.

ENCOURAGE WASTE TREATMENT MANAGEMENT

The Act lists a number of management practices to be encouraged, including:

(1) management on an area-wide basis that provides control over all point sources and non-point sources of pollution, including in-place or accumulated pollutants;

(2) multiple-user revenue producing facilities that provide for recycling and reclamation of waste waters; and

(3) management that combines "open-space" and recreational use of water and lands.

Section 202. Federal Share of Construction Costs

Federal grants are normally for 75 percent of eligible project costs. Federal grants for all sources for a project cannot exceed 80 percent of the total project costs.

Grants awarded after January 1, 1971, and before July 1, 1971, on which actual construction had not begun by July 1, 1971, will also be increased to 75 percent on request of the applicant, provided that the project has associated with it an ongoing or proposed waste-water collection system costing as much or more than the treatment works and provided further that the state water pollution control agency certifies that adequately treated effluents from the treatment plant must be returned to the groundwater in order to insure that groundwater supplies will be sufficient and suitable for the area's water supply needs.

Publicly owned treatment works on which construction was started after June 30, 1966, but before July 1, 1972, will be reimbursed for the difference between the amount they did get as Federal financial support and 50 percent of total cost, provided the project was approved by the appropriate state water pollution control agency and met the requirements of the Water Pollution Control Act in effect at the time the project was initiated. If the project was, in addition, constructed in conformity with a comprehensive metropolitan treatment plan, it gets an additional 5 percent of total cost.

Section 203. Plans, Specifications, Estimates, and Payments

Each applicant must submit to the EPA for approval plans, specifications, and estimates for each proposed project. EPA approval is deemed a contractual obligation of the United States for payment of its proportional contribution to such project. As work on the project progresses, partial payments for construction costs incurred may be made. These payments may not exceed the Federal share of the cost of construction incurred to the date plus the Federal share of the value of the materials which have been stockpiled. After completion of the project and approval of the final payment by EPA, EPA will pay the remaining balance of the Federal share for the project.

Section 204. Limitations and Conditions on Federal Grants to A Public Agency

USER CHARGES

The EPA has issued guidelines applicable to payment of waste treatment costs by certain industrial and non-industrial recipients of waste treatment services that establish classes of users and criteria against which to determine adequacy of treatment service charges imposed on various classes of users. One requirement is that the charge must reflect all factors influencing cost of waste treatment.

Before a public agency can obtain a grant for any treatment works, the public agency must adopt a system of charges that provides:

(1) that each recipient of services pay its proportional share of operating, maintenance and replacement costs; and

(2) that industrial users pay for that portion of construction costs which is allocable to the treatment of the industrial waste and an appropriate share of the Federal portion of the costs of construction.

Section 208. Area-wide planning

DESIGNATION OF AREAS HAVING WATER QUALITY PROBLEMS

Based on EPA guidelines, each state will identify areas that have substantial water quality problems because of urban-industrial concentrations or other factors. The governor(s) of the state(s), after consultation with local governmental officials, must designate (a) the boundaries of the area, and (b) a single organization capable of developing effective area-wide waste treatment management plans for the area. If this has not been done by July 18, 1973, designation of such areas can revert to a local government through local initiative.

PLANNING PROCESS

The planning organization for an area has one year from the date of designation to establish a continuing area-wide waste treatment planning process. Elements of the management plan are:

(1) Provision for management of all area waste waters, including runoff;

(2) provision for considering management alternatives;

(3) provision for treatment works to handle present and anticipated municipal and industrial wastes for a 20-year period, including waste-water and storm-water collection systems, land required for treatment purposes, and financing arrangements;

(4) establishment of priorities for construction of these facilities;

(5) establishment of regulations to insure that applicable pretreatment requirements are met for industrial and commercial wastes entering the waste treatment system;

(6) establishment of programs to identify non-point sources such as mine drainage, agricultural runoff, salt water intrusions, and construction activities, and to control these sources;

(7) establishment of procedures to control disposal of residual wastes; and

(8) establishment of means for carrying out the plan, including program financing and timing.

CERTIFICATION OF PLAN

Within two years after the planning process is initiated for an area, waste treatment plans for the area must be certified by the governor(s) of the state(s) involved; an annual certification that the area-wide plans are consistent with basin plans is provided for in subsequent years. Area plans are submitted to EPA annually for approval.

PUBLICLY OWNED TREATMENT WORKS MANAGEMENT AGENCIES

The governor(s) of the state(s), after consulting the area planning agency, will designate waste treatment management agency(s) for the area at the time that the initial area-wide plan is submitted to EPA for approval. EPA has four months to accept or reject the designation; grounds for rejection are that the designated management agency does not have adequate authority to function. Regional waste treatment management agencies are the operators of the area's publicly owned treatment work and must be able to:

(1) enter into contracts to design and construct waste treatment facilities;

(2) manage, operate, and maintain these facilities;

(3) assess charges and accept funds, grants, and other monies, to man short and long-term indebtedness, and to repay debts and be fiscally self-sustaining;

(4) assess participating communities their proportional share of treatment costs;

(5) accept industrial wastes for treatment and refuse to accept wastes from communities that do not meet charges, assessments, pre-treatment requirements, or other elements of the area-wide plan.

TITLE III: STANDARDS AND ENFORCEMENT

Section 301. Effluent Limitations

EFFLUENT LIMITATIONS AND WATER STANDARDS—THE GENERAL CASES

The Act provides for the establishment of regulations, by EPA, for standards and for effluent limitations for discharges originating from a number of different sources under a variety of conditions; the various standards and limitations are designed to accomplish different goals at different times. Procedures for EPA establishment of standards and regulations are spelled out in different parts of the Act (Sections 301, 302, 304, 306, 307, 311, 312, 316, 402, 404, and 405); the general approach and the factors considered vary slightly depending on the regulation. Control and enforcement will be based on limitations, not standards.

EFFLUENT LIMITATIONS FOR NONPUBLICLY OWNED TREATMENT WORKS

(1) Effluent limitations imposed on nonpublicly owned point-source discharges will be based on the following conditions. An effluent limitation will:

(a) apply to a specifically designated industry, category of industrial waste or to a type or class within an industrial category;

(b) apply within a specified-frame;

(c) establish the degree of effluent reduction attainable through the application of a specified level of technology to a particular category of waste-water source in terms of the amount of constituents and the chemical, physical, and geological characteristics of pollutant; and

(d) specify the factors to be taken into account in determining the control measures and practices to be applicable to a point-source from a designated industrial category.

(2) Effluent limitations for non-publicly owned treatment works will require the following:

(a) the application of the best practicable control technology currently available to the treatment of point-source discharges by July 1, 1977; or

(b) the achievement of any more stringent limitations by July 1, 1977, including those necessary to meet water quality standards, treatment standards, or schedules of compliance established by any state or by other EPA regulations (see Section 302); and

(c) the application by July 1, 1983 of the "best available technology economically achievable" (for the particular category of point-source) that will reasonably result in progress toward the national goal of eliminating the discharge of all pollutants; and

(d) the application by July 1, 1983 of "best available technology" to eliminate the discharge of all pollutants if EPA finds that elimination is technically and economically achievable for the particular category of point-source.

MODIFICATION OF EFFLUENT LIMITATIONS FOR NONPUBLICLY OWNED SOURCES

For a permit application filed after July 1, 1977, to make an effluent discharge, EPA can modify effluent limitations calling for the application of "best available technology" if the discharger proves to EPA that the modified requirements will:

(1) represent the maximum use of technology within the economic capacity of the owner or operator making the discharge; and

(2) result in reasonable further progress toward eliminating the discharge of pollutants.

EFFLUENT LIMITATIONS FOR PUBLICLY OWNED TREATMENT WORKS (POTW)

Effluent limitations for point-source discharges of pollutants must require the following:

(1) the application of secondary treatment (as defined by EPA) at all POTW approved for construction prior to June 30, 1974 (four years will be allowed for construction after approval) or in existence on July 1, 1977; or

(2) the application of appropriate technology necessary to meet any more stringent limitations (by July 1, 1977) applied in order to meet water quality standards, or to meet treatment standards that are a part of a schedule of compliance established by a state or other Federal regulation (see Section 302); and

(3) the application of "best practical waste treatment technology" by July 1, 1983, which includes assurance that alternative waste management techniques have been evaluated.

PROHIBITION AGAINST DISCHARGE OF WARFARE AGENTS

In addition to limitations placed on effluents, there is an absolute prohibition on the discharge into navigable waters of any radiological, chemical, or biological warfare agent or any high-level radioactive waste.

POSSIBLE APPLICATION OF EFFLUENT LIMITATIONS TO FEDERAL ACTIVITIES

Any point-discharge from any Federal activity must over the life of the treatment works, meet requirements imposed by local, state, interstate, and Federal regulations on discharges to navigable waters (see Section 313). The various effluent limitations described in this section apply to Federal facilities in a variety of ways. Four sample cases are described in terms of the anticipated effects of applicable effluent limitations:

Case 1: A Federal agency owns and operates a waste-water treatment facility that receives what would be classed as essentially domestic sewage. The discharge would be a "point source" from a "non-publicly owned treatment works" and the "category of source" might be described as a "small non-public community." EPA will establish what constitutes "best practical technology" for each category of source, and in this case it would probably be the same as that required for POTW on that particular date.

Case 2: A Federal agency has a small metal-working plant that treats its industrial waste waters before discharging them to a stream. EPA will set effluent limitations that are applicable to all small chrome plating plants (the applicable category of source) so that:

(a) if the Federal plant is in existence on July 1, 1977, it will have to meet limitations based on what EPA has determined to be best practical technology available to treat chrome wastes. If the plant is built after October 18, 1972, alternative management techniques must have been considered and the possibility of adding recycle or reclamation facilities provided for; and

(b) if the new plant is in existence on July 1, 1983, it must meet EPA limitations based on what EPA believes to be the best treatment technology available for chrome plating wastes. If EPA finds that it is economically and technically feasible, it may require that the discharge of wastewaters from small chrome plating plants be totally eliminated.

Case 3: When either of the two facilities described in Cases 1 and 2 discharges into a water that a state or EPA has identified as one where the EPA effluent limitations do not provide sufficient protection for the receiving water to meet applicable water quality standards, then more stringent regulations may be applied (Section 302). A state may also adopt a time-table setting earlier compliance dates.

Case 4: A Federal facility that has offices, housing, food handling facilities, and some industrial activities discharges its waste-waters into a sewer system belonging to a local or regional public body. The facility must meet a number of criteria with respect to those waste-waters:

(a) it must pay a proportional share of operating and maintenance costs and certain capital cost (Section 204);

(b) it must limit infiltration into the system (Section 201);

(c) it must meet pretreatment standards set by EPA for each particular category of source (at a large facility pretreatment) (see Section 307); and

(d) it must not discharge wastes that EPA has designated as toxic pollutants, or combination of pollutants, into a POTW such that an effluent limitation or standard cannot be met by the POTW.

Section 302. Effluent Limitations Related to Water Quality

There will be receiving waters where, because of the use of the water and because of urban and industrial concentrations, the EPA effluent limitations will not be sufficient to protect water quality standards. These areas must be identified by the state(s) and priority rankings for the identified navigable waters must be established based on the uses made of the water and the severity of the pollution. EPA is to publish a list of pollutants for which it has developed suitable correlations between maximum daily loads of pollutants and the achievement of water quality objectives. The state(s) will then establish the maximum daily load for each pollutant (including thermal loads) at a level necessary to implement the applicable water quality standards where seasonal variations, other variable factors, and controllable pollutant inputs are considered, and a margin of safety provided to allow for unknowns in the relationships between effluent limitations and water quality. These maximum daily loads for each critical area on a navigable water, and the priority rankings, are submitted to EPA for approval. If approved they become part of a continuing, ongoing compliance plan for that water. EPA may decide that it is necessary to establish more stringent effluent limitations, including alternative effluent control strategies for point source(s) to meet applicable water quality standards. Public hearings must be held on proposed limitations to determine feasibility and the relationship between costs and benefits. The proposed limitation will not become effective if, at the hearing, someone affected by the limitation proves that there is no reasonable relationship between the costs and the benefits obtained.

Section 303. State Water Quality Standards and Implementation Plans

Based on EPA established criteria, the states are to continue to develop and adopt water quality standards for both inter- and intra-state waters. The Act contains provisions for adopting new standards, for periodic review and revisions at least every three years and for approval by EPA. If a state fails to adopt adequate inter- or intra-state standards, there is a procedure in the Act for EPA to establish appropriate standards. Dates and time-tables are specified in the Act as to when standards become effective under various circumstances.

The states must maintain an EPA approved continuing-planning process to meet the objectives of the Act. Elements of the plan are the following:

(1) effluent limitations that are at least as stringent as those of EPA;

(2) regulations and standards (National Standards of Performance, toxic materials standards, pretreatment standards, regulations for discharge of oil and hazardous substances) that are at least as strict as those recommended by EPA:

(3) plans for each of the area-wide waste treatment management areas;

(4) basin plans that give priorities for the achievement of water quality goals through the various area-wide plans, including priorities for plant construction;

(5) limitations, by areas, of total maximum daily thermal and pollution load for those waters identified as having a problem meeting water quality standards;

(6) controls for the deposition of all residuals from any waste-water treatment process.

(7) an implementation process that includes schedules for compliance;

(8) provisions for monitoring, submission or reports, and water quality inventories; and

(9) procedures and time-tables for review and revision of all of the elements of the plan.

Section 306. National Standards of Performance

NATIONAL STANDARDS USED TO DEFINE "BEST AVAILABLE"

EPA is charged with developing criteria, guidelines, standards, and information for a number of concepts embodied in the Act; these guidelines will, in many cases, define what is meant in the Act. The National Performance Standards are, in effect, to define what is meant by "best available" demonstrated control technology. A standard of performance is an estimate of the greatest degree of effluent reduction achievable through the application of "best available" technology to a particular category of point source. National Performance Standards will be set industry by industry, with differentiation among classes, types, sizes, and processes. The concept of "best available" technology includes processes, operating methods, other alternatives, and, where practical (technically and economically feasible), no discharge of pollutants. EPA will promulgate standards after following a specified procedure, and has already done so for a number of categories of sources. In establishing and revising standards, EPA must consider the cost of achieving effluent eductions, energy requirements, and other nonwater quality environmental impacts.

NEW SOURCES

Standards apply only to new sources. A new source is a discharge where construction on the facility began after the publication of a proposed National Standard applicable to the source, and where that standard is finally promulgated. Standards will be applied and enforced by the state(s) except in the case of Federal facilities. A new point source constructed to meet all applicable standards of performance cannot be subject to more stringent standards of performance during the 10-year period following its construction, or during the period of depreciation or amortization as defined by the Internal Revenue Code for such a facility, whichever period ends first.

Section 307. Toxic and Pretreatment Effluent Standards

TOXIC EFFLUENT STANDARDS

The Act authorizes EPA to promulgate standards on the discharge of toxic materials (or combination of toxic pollutants). In adopting standards, EPA considers public health and aquatic toxicity of the pollutant, persistence, degradability, usual or potential presence in any water of affected organisms, the importance of the organisms, and the nature and effect of damages to these organisms. The standards may include a prohibition of the discharge of a toxic pollutant or combination of pollutants. In all cases, the standard should be set at a level that includes a margin of safety sufficient to cover unknowns. Standards are applicable to particular categories of sources (the Act identifies only one specific category, "dredged materials").

PRETREATMENT STANDARDS

These are EPA promulgated standards that apply to industrial, commercial, and non-publicly owned sources which discharge into a sewer system that is part of a publicly owned treatment works.

The pollutants for which pretreatment standards will be adopted are (a) those that pass through conventional POTW treatment works because they are not susceptible to treatment, and (b) those that will interfere or be incompatible with the operations of the treatment works. A pretreatment standard will apply to a specific category of source. State or local agencies may adopt additional and more stringent pretreatment standards. New sources (as defined for National Standards of Performance) that discharge into a POTW are subject to pretreatment standards. When EPA develops a National Standard of Performance or an effluent limitation for a category of source, pretreatment will also be specified.

Section 308. Inspection, Monitoring, and Entry

States are given the basic responsibility for carrying out the inspection, monitoring, planning, and enforcement activities through a designated state water pollution control agency. In return for support funds for EPA these agencies must maintain required studies, reports, and surveillance programs. Associated with each program are time-tables and deadlines.

As discussed in Sections 102, 208, and 302, state agencies must designate areas (waters) where EPA effluent limitations are not sufficient protection to meet the applicable water quality standards. In part, the designation of these waters will be based on data collected via the state's surveillance system. Beginning January 1, 1975, the law requires that states submit annual reports to EPA comparing measured stream quality with water quality standards. This report is to include evaluations of (1) the relationship between existing quality and use of the water for recreation and propagation of aquatic life, (2) actions necessary to improve water quality, (3) the estimated cost-benefit relationship in achieving the objectives of the Act, and (4) the nature and extent of non-point sources of pollution and estimates of the cost of controlling these sources (see section 106).

The states will develop EPA approved procedures for entry, surveillance, monitoring, inspection, and reports. These state requirements apply to both publicly owned and non-publicly owned sources of discharge, except for Federally owned or operated sources.

EPA will specify the records that operators of point-source discharges must establish, maintain, and submit. It will also describe monitoring equipment or methods that must be installed, employed, and maintained. Effluent sampling requirements will be established. EPA has the right of entry, at reasonable times, to the premises of an effluent source to inspect equipment and see, copy, and make public records that do not compromise company trade secrets.

Section 309. Enforcement

Enforcement is left first to the state(s) concerned and then to EPA if a state should fail to abate a violation of the Act, or a violation of a regulation adopted under the Act. The Act provides for significant penalties under both civil and criminal actions. If EPA brings a civil action against a municipality, the state becomes a party and is liable for payment of any judgement if state law prevents the municipality from raising revenues needed to comply with the judgement.

The procedures outlined in the Act for enforcement require that (1) if EPA finds a source in violation, (2) EPA then notifies both the state and operator of the source, and (3) if no appropriate action is commenced by the state within 30 days, EPA will issue an order to the operator to comply with specified conditions and limitations. Continued violation will result in civil action for permanent or temporary injunction.

EPA has the authority, after following a specified procedure, to enforce permit conditions and regulations in a state where permit violations are common or where the state has taken insufficient action enforcing permit conditions and limitations (see also Section 402).

Under another section of the Act (504), a designated state agency or EPA can bring a suit to stop any action that constitutes an imminent and significant danger to public health or to the livelihood of a person or persons.

Section 313. Federal Facilities Pollution Control

Federally owned or operated sources are, in general, not subject to state or local inspection, surveillance, or entry regulations (Section 308), nor to state enforcement of Federal standards of performance and limitations (Section 306). However, Federal facilities making either a point source or a non-point source discharge of pollutants must comply with Federal, state, interstate, and local requirements to the same extent that any person is subject to these rules. The President may, for one year periods (renewable), exempt a Federal facility except for toxic substances, new sources, and pretreatment requirements, or where Congress has appropriated funds for corrective action, if he finds it paramount to the National interest to do so.

Section 316. Thermal Discharges

EPA's authorization to issue effluent limitations and standards under Sections 301, 302, and 306 also includes the right to promulgate limitations on thermal discharges. If, at a public hearing, the operator of a point source whose discharge is subject to an effluent limitation because of a thermal component demonstrates to EPA's satisfaction that the proposed effluent limitation is more stringent than necessary to assure the propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or out of the particular body of water, then EPA may impose a less restrictive effluent limitation that will assure adequate protection. Thermal effluent limitations applicable to point sources may require that the location, design, construction, and capacity of cooling-water intake-structures reflect the best technology available for minimizing adverse environmental impact. If a point source having a thermal component is modified to meet all applicable thermal limitations, then this source cannot be subject to more stringent thermal effluent limitations during the 10-year period following completion of modification or during the amortization or depreciation period as defined by IRS Code, whichever period ends first.

Section 318. Agriculture

The Act makes special provisions for pollutants discharged from aquaculture projects that are state or Federally supervised. After public hearing, EPA may issue a permit allowing the discharge of specific pollutants for approved projects that fall into this category. EPA is to issue guidelines and procedures for processing applications for permits under this Section.

TITLE IV: PERMITS AND LICENSES

Section 401. Certification for Federal Licenses

A waste-water discharge (actual or potential) who is an applicant for, or who operates under, a Federal permit or license must provide a certificate from the state in which the discharge originates (or will originate) to the Federal licensing agency showing that any such discharge complies with applicable state and Federal effluent limitations, toxic effluent standards, and standards of performance. The state water quality agency must establish procedures, which include public notice and public hearings where appropriate, for processing certificates. If a state does not have the legal authority to issue such a certificate, then the responsibility reverts to EPA. A state or EPA, as the case may be, must act on a request for a certificate within one year: if it fails to act within this time, the requirement for a certificate is waived.

Section 402. National Pollutant Discharge Elimination System

THE FEDERAL PERMIT SYSTEM

Under the Act, it is unlawful to discharge any pollutant from any point source, including those from publicly owned waste treatment works, unless the discharger has a permit which certifies that the discharge complies with applicable effluent limitations, water quality standards, effluent limitations based on toxicity, and pretreatment standards for discharge into publicly owned waste treatment works. A permit is also required for the discharge of any pollutant for which there is no established effluent limitation or limitation by reason of toxicity: in these cases, the permit certifies that no such limitation exists.

Permit holders (for all point sources other than publicly owned treatment works) are required to achieve, not later than July 1, 1977, effluent limitations which require the application of best practicable (waste) control technology currently available. Publicly owned treatment works are required to achieve secondary treatment by the same date. In addition, all point source discharges must comply with applicable water quality standards requirements.

Dischargers required to obtain permits include, among other point sources, municipal and other publicly owned waste treatment works, industries discharging directly to navigable waters, and concentrated animal feeding operations: industrial, commercial, and residential discharges to municipal or other publicly owned waste treatment works, properly functioning marine engines, and certain discharges to wells associated with oil and gas production are among exclusions listed in EPA regulations as not requiring permits. Prior to the 1972 amendments, permit granting activities related to water pollution were administered under the Refuse Act of 1899 by the Corps of Engineers in cooperation with EPA. EPA is now responsible for permit granting activities, with one exception. The Corps of Engineers will continue to issue dredge and fill permits in accordance with criteria comparable to the ocean discharge criteria adopted by EPA. EPA may restrict that discharge of dredge material in specified sites if EPA determines that such discharge will have an unacceptable adverse effect on municipal water supplies, fishery resources, or recreational areas.

EPA may reassign the responsibility of issuing permits to a state through approval of a state program. Permits granted under the 1899 Refuse Act will remain in effect for their term. Applications for permits under the Refuse Act on which decisions had not been reached by October, 1972, become applications for permits under the amended Act.

Regulations have been drafted by EPA with respect to permit applications (Federal Register, Vol. 38, No. 7, Thursday, January 11, 1973). (There will be special categories of permits for certain discharges such as the disposal of pollutants into wells and the disposal of sewage sludge into a navigable water.) Permit application regulations specify the following;

(a) an applicant for a permit must secure the required application form(s) from, and file them with, the EPA Regional Administrator;

(b) any person making a discharge not covered by the Refuse Act Permit Program but which is now covered under the new permit program must apply for a permit on or before April 16, 1973;

(c) any person wishing to make a discharge after June 16, 1973, must apply for a permit not later than 180 days in advance of the date on which it is desired to commence the discharge. A person who desires to make a discharge on or before June 15, 1973, must give a minimum of 60 days notice: if such notice is impossible, he must apply to the EPA Regional Administrator for a variance;

(d) an application submitted by a corporation must be signed by an official of the rank of corporate vice president or above. In the case of partnership or sole proprietorship, the application must be signed by a general partner or the proprietor, respectively. In the case of a municipal, state, Federal, or other public facility, the application must be signed by the official having responsibility for the overall operation of the facility;

(e) except as provided below, a fee of $100 will be charged in connection with each application for a permit which involves no more than one outlet from which the discharge will flow. If there is more than one outlet, an additional $50 will be charged for each. Agencies or instrumentalities of Federal, state, or local governments will not be required to pay any fee in connection with the filing of an application for a permit;

(f) the application fee for minor discharges is $10 per application. A minor discharge is one that is less than 50,000 gallons on all days of the year unless their environmental impact (as determined by the EPA Regional Administrator) is significant. If there is more than one discharge from a facility and the total aggregate discharge from all outlets exceeds 50,000 gallons on any day of the year, then none of the discharges will be considered to be minor. Where an application is filed for a permit for a minor discharge and where, after review of the application, the EPA Regional Administrator believes that due to the particular characteristics of this discharge it should not be considered to be a minor discharge, the applicant shall be advised of this determination, and within a reasonable time (not less than 30 days) he must complete the normal application forms and provide the normal fees specified in the regulations; and

(g) permittees who wish to continue to discharge subsequent to the expiration date of their permit must apply for reissuance of the permit, using proper forms, not less than 180 days prior to permit expiration.

STATE ADMINISTRATION OF THE PERMIT SYSTEM

A state water quality agency may be authorized by EPA to administer the permit programs. EPA has issued guidelines and application forms for its permit granting program. For the approval of a state permit program, the state, in its application to EPA for approval, must indicate:

(a) that the state has the requisite authority to issue permits containing effluent limitations, abatement schedules, and monitoring requirements;

(b) that the state can establish effluent limitations requiring the application of "best practicable control technology currently available" for industrial sources, and secondary treatment for municipal sources or compliance with applicable water quality standards, whichever is more stringent, by July 1977; and

(c) that the state agrees that all outstanding state permits will be reexamined and re-issued to conform to the requirements of the Act.

The state permit granting agency must notify the public and the EPA of each application for a permit and must provide an opportunity for public hearing before making a decision. EPA must notify any affected downstream state(s) so that such a state has an opportunity to express its views.

Permits granted by a state agency are for a fixed term that can not exceed five years. A permit must set forth the applicable effluent and other limitations plus the monitoring requirements needed to demonstrate compliance.

The state water quality agency notifies EPA of each action taken on all permit applications, including the decision to grant a permit. Even after approving a state program, EPA retains the right to review and approve any proposed permit unless it specifically waives that right at the time it approves the state program. If EPA determines, after public hearing, that a state agency is not administering its permit granting program properly, it can withdraw its approval of the program and take over these functions if the state does not correct the problem within 90 days.

States with approved permit granting programs have authority to force compliance with the terms under which any permit has been issued. Such a state may order the cessation of any discharge for which a permit application has not been made. The state can issue administrative orders requiring compliance, or it may proceed with civil suits. Willful violation of permit conditions, false statement, and tampering with monitoring equipment are subject to criminal penalties.

EPA will monitor the effectiveness of state agencies in enforcing the provision of their permits. EPA has the authority to intervene in individual cases by notifying the person or organization in violation or by issuing an order for the offender to comply. An order for compliance will specify a time within which compliance must occur. If EPA finds that a state's enforcement activities are ineffective, it must notify the state. If the state does not correct its program within 30 days, EPA will give public notice of the agency's ineffectiveness and take over its enforcement activities until the state's program is improved to meet EPA's standards.

TITLE V—GENERAL PROVISIONS

Section 504. Emergency powers

Upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health, welfare, or livelihood of anyone, EPA may bring suit on behalf of the United States in district court to immediately restrain the person causing or contributing to the alleged pollution to stop the discharge of pollutants or to take such other action as may be necessary.

Section 505. Citizen suits

Any citizen or group of citizens that have an interest which is or might be adversely affected—as interpreted in Sierra Club vs. Morton, 50 U.S.L.W. 4397 (1972). This decision includes aesthetic, conservational, and recreational values as well as economic values—may, after a 60-day notice (intended to give the appropriate administrative agencies a chance to act and thus make the civil action unnecessary), commence a civil suit in the district court against any alleged violators of effluent standards, limitations, or of orders issued with respect to standards or limitations by either EPA or state control agencies, except in those situations where the appropriate control agency is already prosecuting the case.

Similarly, any interested citizen or group may commence action against EPA where there is alleged a failure of EPA to perform any act or duty which is not discretionary.

Section 509. Judicial review

Interested persons or groups can obtain a review of decisions made by EPA and by state agencies with respect to effluent limitations, standards of performance, pretreatment standards, toxic effluent standards, and issuance or denial of discharge permits. Application is to be made within 90 days of the administrative decision to the Circuit Court of Appeals for the Federal judicial district in which the appellant resides or transacts business.

Section 511. Environmental impact statements

Applicants for grants for construction of publicly owned treatment works (primarily waste treatment management agencies) and applicants for discharge permits for new sources (both waste treatment management agencies and industrial concerns) must comply with provisions of the National Environmental Policy Act (NEPA), including the filing of environmental impact statements that document the applicants' consideration of alternative approaches to fulfillment of their operating objectives. Applicants for discharge permits for existing sources, however, are exempted from NEPA requirements.

The EPA is exempted from NEPA requirements in its activities leading to setting of new source performance standards, developing effluent limitations, developing guidelines for water quality standards, and establishing "best practicable" and "best available" treatment standards. Similarly, state, regional, and interstate planning agencies are exempted from NEPA, even though impact statements have been required heretofore. The bill's specified requirements for the planning processes and for the factors to be considered in developing guidelines and establishing standards include wording similar to the intent of NEPA.

DEFINITIONS

Act: The Federal Water Pollution Control Act, as amended, Public Law 92–500.

Applicable effluent standards and limitations: All state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.

Applicable water quality standards: All water quality standards to which a discharge is subject under the Act and which have been (1) approved or permitted to remain in effect by the EPA.

Contiguous zone: The entire zone established or to be established by the United States under Article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

Discharge: When used without qualification includes a discharge of a pollutant(s).

Discharge of pollutant(s): (1) Any addition of any pollutant to navigable waters from any point source; (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

Effluent limitations: Any restriction established by a state or the EPA on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.

Interstate agency: An agency of two or more states established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by the EPA.

Municipality: A city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency.

National pollutant discharge elimination system: The system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans, by the EPA.

Navigable waters: The waters of the United States, including the territorial seas.

New source: Any building, structure, facility, or installation from which there is, or may be, the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance which will be applicable to such source if such standard is thereafter promulgated.

Permit: Any permit or equivalent document or requirement issued to regulate the discharge of pollutants.

Person: An individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

Point source: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant: Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. It does not mean (1) "sewage from vessels" or (2) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if such state determines that such injection or disposal will not result in the degradation of ground or surface water resources.

Pollution: The man-made or man-induced alteration of the natural chemical, physical, biological, and radiological integrity of water.

Schedule of compliance: A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

Sewage: Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

Sewage sludge: The solids and precipitates separated from wastewater by unit processes.

State water pollution control agency: The state agency, designated by the governor, having responsibility for enforcing state laws relating to the abatement of pollution.

Trade secrets: A secret method or process, not patented, known only to certain individuals using it in compounding some article of trade having a commercial value.

Treatment works: Any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature necessary to recycle or reuse water at the most economical cost over the estimated life of the works.

WALK A MILE FOR YOUR HEALTH DAY—SUNDAY, JULY 1

Mr. PROXMIRE. Mr. President, it is sad but true that most Americans are physically out of shape. A recent nationwide survey shows that almost 50 million adult Americans get no physical exercise except that required by their jobs. This poor physical fitness takes its toll: in heart disease, in poor health, in declining ability to cope with life. More than half of all deaths in the United States are caused by some form of heart disease.

Regular, moderate exercise has many benefits. For example, it has been shown that such exercise can be a big help in preventing heart disease and other illnesses. So it is important that Americans start to get in shape.

Walking is great exercise. It is so simple that everyone can do it, except the disabled and very young. It requires no special equipment. It is fun. And it is not likely to lead to overexertion, which can be worse than no exercise at all.

Because of the benefits and joys of walking as exercise, an effort is well underway to urge Americans to observe Walk a Mile for Your Health Day on Sunday, July 1.

On this day, Americans are urged to get outdoors and walk a mile, alone or with family or friends, to symbolize a commitment to get in shape. We hope it will be the beginning of a regular habit of exercise.

This day has been endorsed by the American Heart Association, the American Medical Association, the President's Council on Physical Fitness and Sports, the Amateur Athletic Union, and doctors and athletes.

These organizations, as well as health and physical fitness proponents in the Congress and elsewhere, join in urging all Americans to get in shape. This does not mean just those who have a good athletic background and are likely to keep physically fit anyway. This means everyone, of any age or occupation. We all can benefit from regular exercise.

Part of the effort to bring Walk a Mile for Your Health Day to the attention of Americans is a short walk of interested Senators and others tomorrow morning at 9:30 on the Senate steps of the Capitol. I would like to urge all my distinguished colleagues who care about health and physical fitness to join us for this important event.

Mr. President, I hope we all will use Sunday, July 1 as a day to start getting in shape, or to underline our commitment to keep in shape.

I ask unanimous consent that the letters and proclamations endorsing Walk a Mile for Your Health Day, from organizations, doctors, and athletes, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHATHAM, MICH., *January 18, 1973.*

DEAR SIR: My name is Bruce Ruska. I'm 24 years old and single. Today is the 18th of January 1973. I don't know where you are, but I'm in Alger County and it's a really great day for winter. My girl friend and I just came back from a mile hike down the highway in Forest Lake, Michigan. As I was walking I began thinking what would it be like if we set aside one day during the summer, probably a Sunday, when people would walk instead of drive. We could call it, "Walk A Mile for Your Health".

This would be so helpful in so many ways; physical fitness would probably be the first. But just think of all the other ways—pollution from automobiles—I really don't know how much it would help pollution but it should in some way. I know it wouldn't be possible to stop all people from driving; people do have emergencies. But if people would sit down and just think about it, what harm could it do? Setting aside one day a year for this purpose sure wouldn't be asking much.

I just wonder how many people drive to the corner store maybe a mile away for a pack of cigarettes, a quart of milk, a loaf of bread, or a Sunday paper. Why can't people walk? How about a Sunday walk in the area around you? I know that in the area I live in, Alger County, in the Upper Peninsula, I haven't seen all the beauty of nature within a couple of miles of my home town. People can learn many beautiful things from nature. People can have picnics and outings, getting together, talking to people, forgetting everyday problems, out in the fresh air of nature, while we still have some fresh air left to breathe.

Walking and driving are two different things. What do you think about when you are driving? Do you think about the trees or the sky or how beautiful nature is? How about the beer cans and debris along our highways! I don't know about you, but my mind is on my driving, do I need gas, maybe a quart of oil, do my tires have enough air in them? I hope you get my point.

Now let's take a look when people are walking. Maybe you're walking down a highway, you talk about how beautiful the big blue sky is, the color of trees, heck, you could place those beer cans in a neat pile alongside a highway so the clean-up crew can do a better job at keeping our highways cleaner. How about teaching your children to be better citizens! How about walking down a trail on a beautiful summer day with your family and friends! Maybe you're going on a picnic or may just be walking along a nice fishing stream. Stop and think about it, if not for you, how about your children!

It's hard for me to put down on paper the feelings I had while I was walking down that highway on this beautiful winter day. I know many people who should read this will probably joke about it. People will probably think I'm one of those nature lovers, but I'm not, I'm just an average human being like you. So stop and just think about it for a second, "Walk A Mile For Your Health".

I would be very pleased if you would write back and let me know how you feel on this subject. I would also like to know if you plan to pursue this very important subject or whatever. Thank you.

Sincerely yours,

BRUCE RUSKA.

WALK A MILE FOR YOUR HEALTH DAY—BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

A PROCLAMATION

Whereas appropriate physical exercise on a regular basis is instrumental in promoting good health and in preventing heart disease;

Whereas walking is a safe, inexpensive and effective form of exercise which is available to everyone except the disabled and the very young;

Whereas a recent national survey by the President's Council on Physical Fitness and Sports showed that 49 million adult Americans get no exercise beyond that required by their jobs; and

Whereas there are many urgent personal and economic reasons for placing greater emphasis on preventive health care;

Now, therefore, the President's Council on Physical Fitness and Sports does endorse and proclaim Sunday, July 1, as Walk-a-Mile-for-Your-Health-Day. States, municipalities and other local jurisdictions, and sports clubs and organizations, are urged to promote activities appropriate to this observance, and all individual Americans are urged to walk a mile on that day, alone or in company with others, as the first step toward a regular program of physical fitness.

In witness whereof, I have hereunto set my hand this fourteenth day of June, in the year of our Lord nineteen hundred seventy-three.

AMERICAN HEART ASSOCIATION,
New York, N.Y., May 23, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: We are delighted by your plan to promote the benefits of physical fitness by establishing July 1 of this year as Walk a Mile for Your Health Day. We are especially pleased that you will be promoting walking rather than some form of strenuous exercise which might pose some risk to someone unaccustomed to any regular exercise—as too many of us are.

The American Heart Association has a Committee on Exercise, and an important result of that committee's work was the publication last year of a booklet entitled, "Exercise Testing and Training of Apparently Healthy Individuals: A Handbook for Physicians." I am enclosing a copy for your review. The committee is now working on an exercise booklet designed for the individual with heart disease, and other echelons within the organization are developing educational material as well as actual exercise programs for the general public.

If you feel it would be helpful, we would be pleased to distribute a copy of your letter to all Heart Associations. This would serve to inform them of your plans and to give them the opportunity to participate in their local communities if they wish to do so. If you like the idea, as a practical matter it would be helpful if you would send us another copy of your letter on a single sheet of your stationery.

We appreciate being given the opportunity to cooperate in this project.

Sincerely,

WILLIAM W. MOORE, *Executive Director.*

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., June 8, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: On behalf of the American Medical Association, I would like to commend you for your efforts to encourage persons to establish a continuing exercise program leading to personal physical fitness and good health. Your proposed "Walk A Mile For Your Health Day" would seem to be an appropriate means to draw attention to the value of maintaining a regular exercise program.

The AMA has long supported the need for exercise, within personal limitations, as an important component of total health. In 1966, the Association's House of Delegates urged "state and local medical societies to emphasize, through all available channels, the need for physical activity for all age groups and both sexes. Other organizations and agencies concerned with the health of the public should be informed of the interest, support and activities of the American Medical Association in this area and should be encouraged to join the Association in promoting physical fitness through all appropriate means."

As part of our activities in the health education of the public, the Association has developed a series of "Timely Tips on Health and Safety" which have been available to physicians to enclose in mailings to their patients. One of these flyers is concerned with walking. I am enclosing a copy for your information.

We are happy to offer our support of your proposed "Walk A Mile For Your Health Day" and we hope that it will receive wide support and participation.

Sincerely,

ERNEST B. HOWARD, M.D.

THE COOPER CLINIC,
Dallas, Tex., May 30, 1973.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am happy to learn of the planned "Walk a Mile for Health Day" schedule for 1 July 1973. I heartily endorse such activity and believe that it will help to make Americans more conscious of the value of exercise in maintaining good health.

Being the author of many publications dealing with exercise and health, I know the true value of walking. Therefore, I am happy to add my name to the list of supporters of this nationwide event and will co-operate with you in any way.

Sincerely,

KENNETH H. COOPER, M.D.

LAMPKIN, WOLFE, BURGER, ABEL,
MCCAFFERTY & NORMAN,
Oklahoma City, Okla., May 4, 1973.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This letter comes to express my entire support for your Walk A Mile For Your Health Day. I am a great believer in physical fitness and I sincerely hope that more people will embark on a regular exercise program for walking for their health.

Please do not hesitate to contact me if I can help in any other way. Good luck and much success.

Sincerely yours,

WAYNE WELLS.

SEATTLE, WASH., *May 15, 1973.*

U.S. SENATE,
Committee on Appropriations,
Washington, D.C.
Attention: Senator William Proxmire, Wisconsin.

DEAR SENATOR PROXMIRE; Thank you so much for the honor of your request to endorse your excellent idea of "Walk a Mile for Your Health Day" on July 1.

You are so right when you say many people have lost sight of the importance and almost our Constitutional right to exercise. It's so easy, like brushing your teeth, if one makes a habit of it.

I would like to point out that if people would do some sort of physical activity during each day, there would be no need to take sleeping pills at night, pep pills in the morning, their appetites would be healthier and they wouldn't believe how much more alert their minds would be. Their whole mental, emotional and physical self would be for the better. Everyone would enjoy the whole idea of living!

This isn't just for the ears of older folks, either. Our youth is taking advantage of their young bodies. So many high school students are out of shape, especially girls, because girls are not really encouraged into sports. We must start more programs for them. If young adults would just climb the stairs instead of taking the elevator, walking to school or such instead of hitch-hiking and playing volleyball instead of watching TV all Saturday afternoon, they would be healthy human beings instead of wheezing old people at the young age of 60.

Thank you, sir, for the chance to say my part. I am so glad some of our leaders are real leaders like you, Senator! And I will certainly do my share to talk up your Day in the Seattle area and get people going.

Sincerely,

PATTY JOHNSON.

INCREASE IN PAY FOR MEMBERS OF CONGRESS

Mr. FANNIN. Mr. President, recently in the press there have been reports that the Commission on Executive, Legislative, and Judicial Salaries will recommend that the pay for Members of Congress be raised to $55,909 per year.

Such a recommendation would be irresponsible at this time when we are attempting to bring inflation under control.

A pay increase of almost 30 percent for Congress would cause very justified indignation at a time when the Government is attempting to encourage our workers to settle for a maximum of 5.5 percent.

Congress has been criticized for failing to do its part, to carry its burden, in the leadership of America. If we allow ourselves a $25,000-a-year increase in salary then the Congress will again demonstrate the fiscal irresponsibility that has caused the erosion of respect for the Congress.

Mr. President, just 4 years ago, over the strong objection of many of us, congressional salaries were raised by 41 percent. If a boost to $55,000 is now allowed, then it will mean congressional salaries will have been raised more than 83 percent in the past 4 years.

Word that the pay for Members of Congress could be raised to $50,000 or $55,000 per year has resulted in outrage around the Nation. The Arizona Republic, in an editorial last Thursday, referred to the suggestion as "Madness on the Potomac."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD so that my colleagues in the Congress will have some reading as to the reaction to any such pay raise.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MADNESS ON THE POTOMAC

Members of the United States Senate and the House of Representatives are the only organized working groups who get the nation's highest pay raises by simply not asking for them.

It is a slick technique. And unless cost-pinched voters of America sway Congress with a deluge of outrage, the august lawmakers may pull off another salary coup.

A special federal salary commission has recommended new pay levels of $55,000 per year for senators and congressman. That's nearly a 30 per cent pay increase over the $42,500 they now receive.

The present salary is 41 per cent over the $30,000 paid up until 1969 when the most recent increase went into effect.

Under rules of Congress, salary increases take effect without approval or disapproval of the members. Thus, no congressman can be accused of seeking a boost. Without any vote being recorded, a congressman might even claim to constituents that, alas he really didn't want the raise.

One attempt was made in 1969 by Rep. H. R. Gross, R-Iowa, to vote down the raise to $42,500, but House leaders defeated any roll call.

A few voices of reason still rise in Congress. Rep. Ronald Brotzman, R-Colo., is attempting to change the rule, and force congressmen to vote yea or nay on any pay raise. Taxpayers would know the nest-featherers at a glance.

But beyond the technique Congress uses to grease through pay raises is the question of equity. Few members in Congress could explain to taxpayers why wages out in the hinterlands are held by law to 5.5 per cent, while Congress can approve its own 30 per cent windfall.

Members of Congress also enjoy excessive emoluments of the office, in relation to the work. Congressional Quarterly notes that the speaking and writing circuit is a gold mine for those who don't want to sit and conduct the nation's business while on the public payroll.

Sen. Hubert Humphrey earned $83,451 in 1971 in speaking and writing fees—while also collecting $42,500 in salary. Sen. Mark Hatfield pulled in $39,338 for speaking and writing. And so the list goes.

Haircuts for congressmen are less than $2, while senators get theirs free. Hospital care at government hospitals is based on a small room charge. Steam baths and swimming facilities are on premises in Washington.

And heaven knows the number of other cost-free services rendered to lawmakers by taxpayers and interested lobbyists and Washington hangers-on.

The hint that a $55,000 pay level is needed is an outrage.

Approving it would be madness.

Mr. FANNIN. Mr. President, it should be pointed out that the system under which pay raises are granted to Congress was concocted to fool the public. It allows all Members of the House and Senate to disclaim any responsibility for hefty increases. There is some irony in the fact that this scheme was devised by those very legislators who are the most vocal advocates of a more open system in which all Members of Congress stand up to be counted.

It is evident that this system has not worked. An increase of 41 percent in 1969 was disastrous—I am convinced that it was one of the actions which helped fire the inflationary spiral President Nixon has been trying to check.

An increase of 25 to 30 percent at this time would be unconscionable.

Earlier this year, on April 6, it was my privilege to join in sending a letter to the President urging that no salary increases in the senior levels of the executive, legislative, and judicial branches be recommended this year.

Mr. President, I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 6, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Commission on Executive, Legislative and Judicial Salaries will be making recommendations on salary increases in their report to be issued after June 30, 1973. It is our understanding that at the April 9 meeting, or subsequent to that date, a tentative recommendation of salary increases of 25% is likely to be forthcoming.

While we recognize the necessity for periodic review of the salary structure of those in the senior levels of the Executive, Legislative and Judicial Branches, it is the belief of the undersigned that any public recommendation for salary increases at this time would be inappropriate.

Your efforts to hold the line on inflation while faced with rising labor costs, increased prices and a difficult international monetary environment have found wide support among us, and it would appear to be very counterproductive to seek any increase in salaries under the purview of this Commission in the immediate future.

For that reason, we urge you to hold in abeyance any actions recommended by the Commission through the remainder of this calendar year and until the inflationary spiral is sufficiently under control to justify increases throughout the economy. We cannot support any proposal for such increases while the nation is seeking to stabilize its economic position both domestically and in the international community.

Mr. FANNIN. Mr. President, this letter was signed by myself and 17 other Senators.

SENATOR McGEE DISCUSSES THE UNITED STATES AND THE UNITED NATION

Mr. HUMPHREY. Mr. President, the United Nations has come under a severe attack from many Americans, yet it has promoted numerous noteworthy accomplishments and promises a great deal of hope for the future. The list of achievements and the explanation for an optimistic attitude toward the U.N. are clearly evident in an address by my distinguished colleague, Senator McGEE, entitled "The United States and the United Nations: An Urgent Need for a Greater U.S. Commitment." I heartily endorse Senator McGEE's conviction that the U.N. must be made more effective and that the United States must play an active and constructive role in the process.

Senator McGEE is uniquely qualified to comment on the role of the United States in the U.N., having recently completed his assignment as a Senator delegate to the 27th General Assembly. He acknowledges that the United States does not succeed in having its wishes approved in every vote within the United Nations, and he admits that the United States has been subject to much criticism from other member states. But the spirit of dialog that is fostered by this international body frequently prevents military and diplomatic involvement by the United States that would be more costly in terms of both money and good will.

Moreover, while the United Nations is castigated for failing to control every outbreak of hostilities in the world, peacekeeping interventions in Kashmir, Cyprus, the Middle East, and the Congo attest to the beneficial qualities of U.N. oversight. If only one such conflict had been controlled as a result of U.N. action, the saving in human suffering averted would far outweigh the monetary costs involved.

There are those who question the need for such an organization. They claim that it represents an impediment to the achievement of its original goal, and that the world would be better off if it were dissolved. But these critics should examine the list of accomplishments that Senator McGEE presents. Besides its peacekeeping role, the United Nations can count tremendous successes in both the economic and social fields. The World Bank provides billions of dollars in credit to developing nations for growth, the food and agriculture organization program has directed its resources at overcoming the age old problems of malnutrition and starvation, disarmament has been encouraged through numerous treaties conducted under the aegis of the U.N., and it has lessened the strains which newly acquired independence often creates. This partial list illustrates the endless valuable projects that would cease without the coordination provided by the United Nations.

Mr. President, the Congress must renew its interest in and support for the United Nations. I can only echo Senator McGEE's sentiments when he remarks that its future "rests with our ability to exercise foresight and wisdom to insure that it will indeed become more effective and more efficient." The future of mankind depends on the strength of a body which offers a forum for international dialog and which is responsive to international problems.

I ask unanimous consent that Senator McGEE's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND THE UNITED NATIONS: AN URGENT NEED FOR A GREATER U.S. COMMITMENT

(By Senator GALE McGEE)

The United Nations is suffering from a declining interest and support on the part of the United States. Indeed, there is a great danger that the United States could be responsible for the unraveling of the United Nations unless we recommit ourselves to making it more effective and more efficient.

In Congress, we are witnessing an erosion of support for the U.N. The Executive branch of government is no less culpable in this regard, for it has not provided the leadership to stem the increasing Congressional hostility to the U.N., let alone promote a greater spirit of support for, and understanding of, the institution. Both Congress and the Administration are guilty of placing the United Nations far down the list of their respective priorities.

My concern for the future viability of the United Nations stems from my longtime belief in, and support of, the organization. My belief in the U.N. was further enhanced when I had the privilege of serving as a member of the U.S. delegation to the 27th General Assembly last fall. I went to the United Nations as a blind devotee and returned as a constructive critic. Yet, I returned firmly convinced that it must be made more effective and that the United States must play an active and constructive role in this process. Indeed, it would be a great tragedy if the United Nations should wither away due to neglect on our part.

I believe the growing disenchantment with the U.N. in this country stems from our overexpectations and misconceptions of the institution, particularly in the area of peacekeeping. We have often lost sight of the effective peacekeeping role it has been able to play over the past 25 years, in spite of its many limitations and the numerous obstacles with which it has been confronted. We have also lost sight of those less glamorous aspects of the U.N. operations which rarely make headlines, but which are the very foundation of future worldwide stability.

In the area of peacekeeping, the entire world has been spared much tragedy and potential suffering by United Nations operations in Kashmir, Cyprus, the Middle East and the Congo. Although considerable criticism has been leveled at the United Nations for its inability to completely control every outbreak of hostilities, I believe it is important to keep in mind that if the U.N. can act to ease tensions in just one area of the world, it has served its purpose well. If it can prevent local conflagrations from escalating into potential major power confrontations, as it did in the Congo, mankind is spared the tremendous tragedy associated with the vast expenditure of human and natural resources during a widespread outbreak of hostilities.

Much criticism is leveled at the United Nations because many Americans believe that it no longer acts in our best interests or is an effective tool of U.S. foreign policy. To begin with, the organization was never intended to be a "playground" of the United States. Yet, the "China vote" during the 26th General Asembly admitting the People's Republic of China and expelling the Taiwan government provoked widespread outrage in the U.S. However, while I favored a "two-China" policy in the United Nations, I also felt very strongly that many people and their representatives in this country exercised a great lack of international sophistication and maturity. Slogans such as "Get the U.S. out of the U.N. and the U.N. out of the U.S." certainly do nothing to enhance our prestige or our image as an international leader. Just because the United States may from time to time lose a vote in the United Nations is certainly little reason for us to pick up our marbles and go home, so to speak. I would hope that our nation has evolved beyond this very narrow view of the world.

My point is this—the United Nations is truly responsive to the views of the U.S. on many issues; but in order for the U.S. to succeed in gaining acceptance of its position, we are going to have to be willing to put considerable effort into such an undertaking. One of my principle assignments as a Senate delegate to the 27th General Assembly was to obtain approval of the U.S. resolution asking for a reduction in our assessed contribution from 31.52% to 25%. Going into the 27th General Assembly few people gave us much of a chance to gain support for our position. Yet, when it came to the final vote by the Assembly, some 81 nations lined up on our side, with only 27 nations against us and 22 abstentions. This victory required an immense amount of behind-the-scenes effort not only in New York but also in the foreign capitols of the world. The members of the U.S. Permanent Mission to the United Nations, who were responsible for planning and carrying out the strategy to reduce our assesed contribution, did an outstanding job in seeing this issue through to its final resolution. We won because we felt the issue was important enough for us to put forth an all-out effort. This demonstrates a very important fact—we get out of the United Nations what we are willing to put into it.

While the U.S. finds itself the object of much criticism from many other nations at the U.N., we are no less so than the other major powers, particularly the Soviet Union. For example, the Soviets were the target, on many occasions during the 27th General Assembly, of very vitriolic diatribes from the People's Republic of China. However, it would be hardly intelligent for the U.S. to base its foreign policy upon reaction to criticism. Some of the criticism with which we are confronted at the U.N. is justified. Much of it is not. Just the same, it is a healthy sign when nations engage in dialogue, no matter how vitriolic or how unwarranted the accusations may be.

And that brings us to the less glamorous aspects of the United Nations operations—those things it is doing in the field of human development. The future stability and harmony of the world rests with the ability of the international community to make this planet a better place in which to live for all—whether one is Tanzanian, Indonesian, Indian, Brazilian, French, Russian, or American.

The United Nations is approaching universality where the world can at long last have a truly international institution. This has been, perhaps, one of the most important developments in the history of the institution. The growth of the United Nations from some 50 nations 27 years ago, to its present size of 132 nations, has enabled the organization to focus its efforts on a larger view of the world. In so doing, the international community is coming to grips with those problems which promote instability and, therefore, provide the seeds of conflict. The needs of the common man all around the world must be met if we can ever hope to achieve true peace and harmony. The remarkable achievement of the United Nations is that 132 nations have determined that this time it will work.

During my service at the United Nations, it became increasingly apparent to me that one of the most vital functions served by the institution was its ability to act as a safety valve. It serves as an international forum for the underdeveloped nations where they can prick the consciences of the rich nations. For many of these nations, the U.N. provides them with the only vehicle in which their voices can be effectively heard. It is in this forum that the developing nations can win critical trade concessions, present their cases for aid, economic assistance, emergency relief, and make the big powers more responsive to their problems.

By promoting a spirit of dialogue among nations, worldwide tensions are often times eased. It is far better for the United States and the other rich nations to be objects of criticism, rather than being drawn into hostilities because the avenues to dialogue are closed. It is this spirit of dialogue which saves the United States from the military and diplomatic involvement that is much more costly and we gain as a nation in the broader fields of improving the standards of living of the peoples of the world.

The United Nations, indeed, has scored outstanding successes on the economic and social front. Yet, it is these crucial developments which are not generally appreciated by the U.S. public and many of the elected representatives. I would briefly like to discuss some of these accomplishments on the economic and social fronts.

Because of the United Nations health programs, we are on the verge of wiping malaria from the face of the earth. Through UNESCO, we are coming to grips with a major plague of mankind—illiteracy.

The U.N. Development Program surveys have turned up mineral deposits of over $13 billion in value, most of which have been discovered in the developing nations. The United States has a direct national interest at stake with this program as we are confronted with dwindling natural resources and find ourselves in the midst of an energy crisis.

Last year the World Bank and the IDA provided loan capital credits of more than $2 billion to the development nations. Target of $12 billion has been established for the five year period beginning last year. This program is vitally important in providing the capital desperately needed to enable developing nations to achieve economic viability.

The Food and Agriculture Organization programs are aimed at fighting the problems of malnutrition and starvation which have plagued mankind throughout his history.

The United Nations has played an important role in treaties curbing the arms race such as the Test Ban Treaty, the Outer Space Treaty, the Non-Proliferation Treaty, and the treaty against emplacement of weapons of mass destruction on the sea bed.

During the 27th General Assembly, the Stockholm Declaration on the Human Environment received overwhelming endorsement of the member states. The principles of the Stockholm declaration were accepted and the first U.N. machinery to carry out a global effort in the critical field of trying to save the world from the destruction of its environment has been set up.

An important law of the Sea Conference has been set for Santiago, Chile, in 1974, as man attempts to preserve the sea bed and ocean floor and their resources for peaceful purposes.

Finally, since its inception, this organization has played an instrumental role in easing the transition of almost a billion people on this earth from colonial to independent status. This was achieved with very little violence.

All these efforts are extremely important to the future stability of the world. In recent years, we have come to discover that our social, economic, and political problems are no longer endemic to the nation-state, but are supranational in scope. Scientific and technological development is no respecter of national boundaries. Poverty and disease are not confined to national boundaries. Environmental problems associated with air and water pollution can be found in every Western nation. If man is to survive on this planet, he must also find solutions to the overwhelming problems associated with his dwindling natural resources and an efficient use of these resources. No one nation can do this alone. It requires international cooperation and commitment. The United Nations represents the only international organization in the world today which is equipped to handle these problems. But its success in meeting these challenges rests solely with the member-states.

I was very impressed, during my service at the United Nations, with the importance that other nations almost universally attached to the institution. I was also very impressed with the caliber of the members of the U.S. Permanent Mission to the U.N. and the intense commitment they have to the success of this institution. Yet, I am equally disturbed that this commitment is not manifested in either Congress or the Executive branch of our government. We have all the tools to make the United Nations a truly effective organization. But we lack the most important ingredient—the commitment from the Congress and the President.

It has been said that the United Nations is what the nation-states make it. If we are disappointed that it has not become what we had hoped it would become, we must keep in mind that the member-states have given the United Nations very little sovereignty or power. Therefore, it is up to the member-states to make it a viable institution and it is the responsibility of the United States to take the lead in this effort. Making the United Nations effective requires patience and considerable effort. We are not above criticism and we as a nation are not above losing on issues from time to time. Yet, I believe that the time has long passed when the world's greatest democracy feels it has to engage in immature chauvinism. Recently, we have witnessed too many instances of the Congress and the President engaging in these kinds of exercises which are neither becoming our heritage and tradition, nor are they in our own best interests.

The United Nations is presently at the crossroads of its development as an international institution. What it will come to be in future years rests with our ability to exercise our foresight and wisdom to insure that it will indeed become more effective and more efficient. But it will require a much greater commitment and involvement than we have recently been willing to devote to the U.N. One of the most critical needs right now is for the United States to demonstrate its unequivocal support for the organization. I can think of no better way to achieve this than if the President would address the 28th General Assembly when it convenes this next fall. This act, in itself, would go far to allay legitimate fears on the part of many other nations that the U.S. is losing interest in the U.N. I also believe that it is extremely important for the Congress to upgrade, considerably, our voluntary contributions to the U.N. While I recognize that the resources the U.S. has made available to the United Nations have not been efficiently utilized in many instances, we must not let this deter us from playing a vital role in seeing that the needs of these programs are adequately met. This does not mean we cannot demand that numerous wasteful practices be eliminated. In my estimation, we have come a long way in seeing that the resources of the United Nations are efficiently administered. Yet, this requires considerable patience on our part. The U.N. is not the only governmental body that has been plagued with inefficient use of resources. We in the United States have had this problem brought into increasing focus of concern as we come to grips with considerable waste in the administration of our own domestic programs.

It is also my recommendation that any Congressman or Senator who has presidential aspirations should serve as a delegate to the General Assembly because of the valuable political experience they would gain through dealing with foreign representatives at the United Nations. This experience provides one with a broader and more meaningful view of the world today, which is so critical for an effective conduct of our foreign policy.

The United Nations represents a crucial hope for the future of mankind. I believe it is worth fighting for as our future as a nation depends on its effectiveness in coming to grips with supranational problems. Our relations with other nations simply cannot be effectively conducted apart from this international organization. The U.N. must always play an integral role in U.S. foreign policy.

In conclusion, I would like to quote from Inis L. Claude, a prominent American educator, political scientist, and international affairs expert, who once observed:

"Only one thing seems to me reasonably certain: the future peace of the world depends more heavily upon the vigilance, farsightedness, wisdom, courage, persistence, and power of the United States than upon any other factor. The founders of the League of Nations and the United Nations were on the right track, I think, when they undertook to make those organizations serve as symbols of an American commitment to active leadership in the quest for a just and lasting peace."

FOODGRAIN SHORTAGE IN BANGLADESH

Mr. SAXBE. Mr. President, as my colleagues are all aware there has been and there continues to be a desperate foodgrain shortage in Bangladesh. There is agreement among those involved with this problem that before the largest of the Bangladesh rice crops is harvested in November there will be foodgrain shortages that if not met will result in the starvation death of literally millions of people.

The chaos of mass starvation will be accompanied by intensely violent political activity that threatens to throw not only Bangladesh, but large parts of West Bengal into political turmoil. Such turmoil may well involve the United States both directly and indirectly.

It has become apparent during the past weeks that there will be two critical food shortage periods this year in Bangladesh. In normal years there is a food scarcity in the period just before the November harvest; that is, from late September through mid-November.

This year there will be an earlier critical food shortage period as well. This period will be from middle July through middle August. This July shortage is the result of the failure of the major rice crop of last year, which usually allows the Bengali population to survive until the rice crop is harvested in mid-August.

In December of last year the United Nations issued the Chandler report which estimated the overall imported food need at 2.5 million tons. One-third of this amount, or 850,000 tons, was to be purchased by the Government of Bangladesh, spending one-third of the national budget for the purchases, and two-thirds or 1.7 million tons was to be donated by the international community.

Earlier this year it became clear to the Government of Bangladesh that the international community was not responding to its commitment. Immediately the Government of Bangladesh began buying even more food than had been asked of them. To date they have purchased over 1.2 million tons of food grains, spending over $140 million from a total government budget of little more than $200 million.

To date the United Nations operation has delivered approximately 700,000 tons of food to Bangladesh, for a deficit in their commitment of nearly 1 million tons.

The United Nations, supported by the United States, has mounted a large importation program that until May of this year was importing an average of over 300,000 tons of food grains into Bangladesh each month. In May, however, the importation fell off precipitously. This is true of the present month as well. Further, as importations schedules now stand, July will also fail to meet the previous importation levels. In total, for the 3-month period of May, June, and July, the total amount of food grains imported will be some 400,000 tons.

This represents a deficit of 500,000 tons from the previous importation rates, which would have delivered more than 900,000 tons in any 3-month period.

The result is that from the middle of July until the middle of August the Bengali population will suffer from a food deficit that will approach 35 percent of their minimal survival need.

This part of the world has suffered famine before. During the 1943 Bengal famine the food deficit was 6 percent, and more than 2 million people starved to death. We are here confronted with a food deficit of 35 percent that threatens a starvation death for many millions of men, women, and children.

In order to prevent the impending starvation and the political upheaval, some 500,000 tons of food grains must be delivered to Bangladesh before the last week in July, with first arrivals reaching Bangladesh as soon as is possible.

As you all know, the United States cannot provide this quantity of food in this short time period, both for lack of wheat and for lack of adequate rail, port, and shipping capacities.

Each month the Soviet Union is receiving more than 1 million tons of food grains from the United States. The diversion of 500,000 tons, then, represents less than 2 weeks of food-grains diversion, and a very small percent of the total Soviet purchase of last year.

The worldwide food grain shortage has made it impossible for normal donor nations to aid the people of Bangladesh at this time. The total available food grains that could arrive in Bangladesh from Canada, Australia, Japan, the EEC, and Thailand within the necessary time would meet only a small part of the 500,000-ton minimum need.

Even at this late date, however, there is a solution to the desperate situation in Bangladesh. The solution is to have wheat presently going from the United States to the Soviet Union diverted to Bangladesh.

It should be appreciated that the present plight of Bangladesh is in part the result of the unavailability of food grains on the international market which was caused by last year's United States-Soviet wheat sales which accounted for 65 percent of all the wheat that moved around the world.

Wheat presently on the seas and being loaded in the ports can get to Bangladesh within the required time, but only if the decision to divert the wheat is made within the next few days.

It is clear that any delay will seriously reduce the possibility that such a diversion will save the people of Bangladesh from mass starvation.

With this in mind, I am calling for your help in bringing this problem and this solution to the immediate attention of the President, so that he may enter immediately into discussions with Chairman Brezhnev and forthwith take the necessary steps to assure that starvation in Bangladesh is prevented and that the people of Bangladesh are helped in their struggle to establish a viable and peaceful society.

While Secretary General Brezhnev is in Washington it would be a humanitarian effort of the first magnitude if he and President Nixon jointly showed their interest to aid Bangladesh by diversion of some shipments.

I will circulate among you a letter to the President and Secretary General Brezhnev calling for this action. I hope you will recognize the severity of the crisis and join in this letter.

JACKSON CHALLENGES BREZHNEV ON EMIGRATION

Mr. JACKSON. Mr. President, the visiting lobbyist, with notebooks of facts and figures, with briefing papers, charts, displays and a fistful of statistics is a part of daily life in the Nation's Capital.

At noon each day the best restaurants in Washington are filled with lobbyists who have something to sell, and with Washington officials who come to hear them out.

Yesterday, with all the skill of an industrial lobbyist, the General Secretary of the Communist Party of the Soviet Union entertained a number of Senators at lunch. And with the familiar tactics that accompany such lunches, he offered an elaborate display of statistics and extenuation. According to Brezhnev, emigration from the Soviet Union is virtually free.

What is so curious about all this is that if Mr. Brezhnev is right—if virtually all those Soviet citizens wishing to emigrate are in fact free to go—then he need not fear, he need not even object to the Jackson amendment: for all that amendment does is condition trade concessions on free emigration. The amendment—printed at page 11549, CONGRESSIONAL RECORD, April 10, 1973—which is sponsored by 77 Senators and more than 280 Members of the House, provides that the extension of most-favored-nation treatment and U.S. Government credits, credit guarantees or investment guarantees to the Soviet Union and other Communist countries cannot take place unless the President reports to the Congress that the country in question does not deny its citizens the right or opportunity to emigrate. Therefore, if emigration from the Soviet Union were truly free, the addition of the Jackson amendment to the statute books would not limit the President's authority to make trade concessions to the Soviet Union. In fact, it is my great hope that by the time our amendment is enacted into law—and we intend to see that it is—the practice in the Soviet Union will be such as to permit the President without hesitation to make the statutory report of compliance.

But the truth is that the Soviet Union continues to deny its citizens the right and opportunity to emigrate.

The statistics that Mr. Brezhnev cited at lunch yesterday are wrong and misleading. Perhaps Mr. Brezhnev himself has been misled. Perhaps his chief of staff, his domestic adviser and his Kremlin counsel have shredded the real records and doctored the rest.

Mr. Brezhnev reported that last year 61,000 persons applied to emigrate and that 60,200, all but 800, were granted permission to leave. The fact is that in all of 1972 only 31,700 persons left the Soviet Union for the West. Thus, Mr. Brezhnev has overstated by nearly 100 percent the number of visas granted and the percentage of applicants permitted to go in 1972.

Mr. Brezhnev reported that, in the first 5 months of 1973, some 10,100 exit permits have been granted. What he failed to say was that this represents a decline in the rate of emigration from last year, a slowing-down since the Moscow summit. Note: 10,100 in 5 months is an annual rate of 24,240, well below the 31,700 of 1972. Moreover, Mr. Brezhnev failed to mention that the rate for the last several weeks shows a steep decline. In the first half of June, the number of visas dropped to a rate of 1,700 a month. Equivalent to annual rate: 20,400 vs. 31,700 in 1972.

These are not just numbers that Mr. Brezhnev is speaking about. These are the lives and the liberty of innocent men and women who desire only to be free.

More than the numbers themselves are wrong and misleading. What the Brezhnev numbers cover up is an organized system of repression in the Soviet Union that terrorizes and intimidates those who wish to emigrate to the point where many are afraid to apply. Applicants are immediately fired from their jobs, and often the elderly lose their pensions and the young are often expelled from school. Applicants are brutally harassed and mistreated by the secret police, and many have been sent to the infamous labor camps, to prison and to mental institutions.

Despite these inhuman measures, more than 110,000 brave men and women have placed themselves in jeopardy by securing from abroad the documents necessary to file emigration applications. And there they remain, in the Soviet Union, making a mockery of Mr. Brezhnev's assertion that 95 percent of those wishing to emigrate are free to do so. How many thousands more would apply if emigration were as free as Mr. Brezhnev says it is cannot be estimated.

Finally, there are several hundred persons in the Soviet Union, Jewish and gentile, who have requested in vain permission from their government to be reunited with close relatives in the United States. Their number may not be significant to the Soviet leadership—Mr. Brezhnev did not even bother to mention these individuals—but the importance of each and every one of them to their American families cannot be overstated.

RAILROAD RETIREMENT LEGISLATION

Mr. SCHWEIKER. Mr. President, yesterday the Senate passed by a voice vote a bill on railroad retirement, H.R. 7200. After the other body passed this bill, it was referred jointly to three committees: Labor and Public Welfare, Finance and Commerce. My interest in and work on this legislation was as a member of the Committee on Labor and Public Welfare and as ranking minority member of the Subcommittee on Railroad Retirement of that committee. I wish at this time to present my own views on this vital legislation.

From the standpoint of the Committee on Labor and Public Welfare, these were the crucial provisions of this bill:

First, the temporary benefit increases for railroad retirement annuities are extended for an additional 18 months, until December 31, 1974.

Second, railroad employees who have reached age 60 and have served in the industry for 30 years are eligible for retirement annuities.

Third, the tax levied on each railroad worker to finance the railroad retirement annuities, instead of costing the worker 10.6 percent of wages and the employer an equal amount, will now be apportioned so that the worker's share is 5.85 percent and the employer's share is 15.35 percent. This reduces the worker's payment down to the same tax he would pay if he were covered by social security.

And fourth, there is to be a tax increase of 7.5 percent added on to the existing taxes after January 1, 1975.

Mr. President, I was in full accord with the provisions of the bill H.R. 7200 as it was amended by the Committee on Labor and Public Welfare, except for the additional 7.5 percent tax provided for in section 121 of the bill.

In the full committee, I proposed an amendment to strike entirely this section from the bill, but the vote was a tie at 8 to 8, so the amendment failed to pass.

I wanted to see the tax provision struck from the bill because it was the overwhelming view of both labor and management witnesses before the subcommittee that if this provision stayed in the bill, it would interfere with a truly remarkable process of collective bargaining which is in progress between labor and management in this often embattled railroad industry.

Mr. President, labor and management have already made tremendous strides, by free collective bargaining, to negotiate a way out of the serious dilemma being posed by the condition of the railroad retirement fund. Congress should certainly do nothing that would hinder this progress.

Thus far, labor and management have reached the agreement that from now on, railroad employees will pay a payroll tax that is only equal to what their payroll tax would be under social security—with the balance of the cost being assumed by the rail carriers. This is a tremendous breakthrough, because it signals the first recognition within the railroad industry that the railroad retirement fund must be streamlined into a two-tier pension package—the first tier being like social security, the second tier being like any other private pension plan in industry. The confusion between these two functions over the years has been what has dogged the railroad retirement fund and helped lead to its financial difficulties.

Each railroad worker is now saving 4.75 percent of his wages—the difference between the 10.6 percent he formerly paid in payroll taxes and the 5.85 percent he will pay now. A 4-percent wage increase was also part of the same package. What has made this latest round of negotiations different from previous negotiations between labor and management in the rail industry is that in this round the matter of wages and the matter of pensions were negotiated together, in the same context.

Mr. President, I fear that inclusion of the 7.5 percent additional tax will only serve to upset this delicate balance that has been achieved thus far by this unprecedented round of comprehensive bargaining between rail labor and rail management.

Here is how this tax provision would undermine the collective bargaining process. Labor has just come away from the bargaining table with a tax saving for each worker of 4.75 percent. But if the workers anticipate a tax increase in 18 months, they can expect that it will erode away at least part of the saving they have won at the bargaining table. This will mean that in the coming bargaining, they will not be as flexible as otherwise. They will try to hold on to whatever they now have. And this rigidity will hurt the free give-and-take that is absolutely necessary if labor and management are to settle this dispute themselves, instead of dropping it in the lap of Congress.

In short, Mr. President, a negotiating process has begun between rail labor and rail management. It has gone far and accomplished much but it is not yet finished. In my opinion, Congress would be making a grave mistake to throw any obstacles, such as this tax provision, in the path of this partially completed bargaining process.

Mr. President, I take the view that this tax of 7.5 percent being included in H.R. 7200 will be counterproductive, because it will interfere with the free collective bargaining process that has, happily, begun in the railroad industry. This tax is sought neither by the representatives of management nor the representatives of labor. Although the tax provision does not specify which share of the tax will be borne by each side. I still feel it is not conducive to a final labor-management negotiated settlement of this important problem.

THE GERMANYS AND THE U.N.

Mr. McGEE. Mr. President, in yesterday's—June 19—publication of the Washington Post, there appeared an editorial commenting on the applications of both West Germany and East Germany for admission into the United Nations.

The editorial comment on this event should be quite enlightening for many Members of the U.S. Senate who are of the opinion that the U.N. has fallen into disfavor all around the world.

As the editorial noted:

> If the U.N. did not exist, it would have to be invented. West Germany's and East Germany's eagerness to join proves the point again.

Contrary to views expressed in this body last week, I do not see calls from other nations for dissolution of the United Nations, nor do I see one single member of the U.N. withdrawing from participation in the organization. These facts, and the fact that both Germanys strongly desire to become members of the

United Nations, is the strongest evidence one could compile that the U.N. still commands immense support among the international community. Attempting to portray it as being otherwise is nothing more than engaging in sheer fantasy.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

The Germans Apply at the U.N.

Groucho Marx once said he wouldn't want to join any club that would have him for a member but fewer and fewer nations take that approach to membership in international organizations. On the contrary, from the general organization, the United Nations, to the smaller specialized agencies dealing in health, weather and the like, the tendency is to make membership representative of all political elements on the world scene. The United States contributes to some 70-odd groups, down to (up to?) the "International Agreement Regarding the Maintenance of Certain Lights in the Red Sea." Membership in this and better known organizations is generally deemed essential to the prestige and other specific interests of their members—to the limit of their budgetary and bureaucratic capacities.

The United Nations, of course, has been the chief beneficiary, if that is the correct word, of the urge for "universality." For 25 years the United States enforced the arbitrary standard that good behavior, *as defined by the United States,* was a requisite for membership, but that standard went by the boards when the People's Republic of China was admitted two autumns ago. It then became only a matter of time and maneuver to bring in governments of the three other states left divided by World War II. One such pair, West and East Germany, filed their formal applications last week, having composed their sharpest differences to their own satisfaction. If only because they will pay about eight per cent of the U.N.'s budget when they are voted in next fall, they are especially welcome. The two Koreas and the two Vietnams offer special problems but not insoluble ones. Of the four, only North Vietnam does not yet belong to at least one of the U.N. halfway houses, the specialized agencies. U.N. membership remains the best available access to the benefits of belonging to the international community, and sooner or later, one can confidently predict, the Koreans and the Vietnamese will be there.

Over the last quarter century, many—perhaps too many—of the energies of international organizations have been spent on issues of membership. What with the proliferation of nations and organizations since World War II, the trade has been very brisk. At the beginning of that period, there was a certain tendency to hope that mere membership would answer or ease the questions that had led the organization to be formed in the first place. It would be difficult to prove this is so but it would be more difficult to prove that things would be made better by disbanding the organization. As it is, the simple existence of an organization like the U.N. creates pressures on nations to justify their national policies in terms of their professed ideals. The United States, for instance, is regularly called on to demonstrate that it is not abandoning the goals or the procedures of the U.N. No one pretends that such pressures are stronger than other factors which feed national policy, or that they uniformly should be, but on balance it is good to have those pressures applied. If the U.N. did not exist, it would have to be invented. West Germany's and East Germany's eagerness to join proves the point again.

THE RED CROSS AND FRANCIS STANTON

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an outstanding address by an outstanding American, Frank Stanton, formerly head of the Columbia Broadcasting Corp. and presently chairman of the American Red Cross, an article that has to do with the aims and accomplishments of that great organization, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Closing Paragraphs of Frank Stanton's Inaugural Address

In closing this, my first report to you my co-workers in the Red Cross, I would like to make some general observations that seem to me worth keeping in mind as we move into a future that is bound to make heavy demands not only upon our resources, but also upon our dedication. This country is now going through an agony of constitutional crisis, unparalleled since the bleak days of "Reconstruction" following the Civil War. Good men and women of all parties, of all ages, of all sections of the country are profoundly disturbed that crisis stems not from any external incursion upon our freedoms or even from threats of such incursion, nor from any natural disaster that has overcome us. It stems from an internal erosion of the high sense of responsibility that is a necessary concomitant of the idea of freedom and a necessary condition of the exercise of any freedom worth having. To me, ever since as a schoolboy during the first World War, I first became aware of the Red Cross as a clear and bright ray of humanity in a world darkened with conflict, the Red Cross has been a luminous symbol of that sense of responsibility—in the classical words of the liturgy, "An outward and visible sign of an inward and spiritual grace" that must inspire the processes of democracy if they are to work or to have real meaning.

I do not think that I overstate the case for making this organization even stronger than it is, even more concerned than it is, even more alert to new or enlarged opportunities than it is, at a time when the continued existence of free institutions, and the very proposition that they are adequate to the pressures and complexities of the world today, have been thrown into torturous doubt. It is certain, from our experience as a people even before our beginnings as a nation, that strong and purposeful voluntary associations have been active and constant allies in our odyssey towards the political and institutional realization of freedom. The reason is clear: in order to be free of an all-pervading government, which does everything, and of an all-pervading dependence upon government to do everything, the American people learned from the earliest colonial days that they must voluntarily organize to do things for themselves and their neighbors.

Hardly a significant area of life in this country has been unaffected and unenriched by organized voluntary action. In education, a vast number of our most prized institutions were established and nurtured, not by government, but by voluntary action. Most of our cultural institutions—museums, music and drama centers, conservatories—have been founded and supported by voluntary action. A great proportion of our health and welfare agencies—hospitals, benevolent associations, relief organizations—were originated and continued to be financed by voluntary action.

The advancement of learning through great libraries, through strong learned associations and through seminars and forums, has been accomplished to a major extent through voluntary action. Even our economic life, through trade associations, labor unions and consumer groups, has been directed significantly by voluntary action. Nor have these been isolated episodes in our history. Impelling the earliest settlers of New England, the Middle Atlantic colonies and the old South, the idea of voluntary associations and their proliferation as new needs, new problems and new opportunities arose, spread into the Western Reserve, up and down the Mississippi Valley, across the mountains and along the Pacific coast as America moved westward.

All of this was not merely a social phenomenon or an accident of history. It inhered in the very concept of freedom, not only by limiting the need for all-embracing governments, but also by enlarging the definition of freedom. The Bill of Rights and other constitutional and statutory guarantees of freedom can do little more than assure a people freedom from restraint, coercion or oppression. If this were ever to become our whole vision of freedom, it would constitute no more than a passive freedom—the freedom to be left alone—and if it had stopped there, it would hardly be worth either constructing in the first place or straining to preserve. We value such freedom, and are willing to go all the way down the line in its defense, only because it gives us the positive, affirmative freedom to act, to get things done, to have a part in and, indeed, a responsibility for the great, varied cluster of activities that give a society its ultimate character and point.

So far as the evolution of American institutions goes, such voluntary associative action, far from being indebted to government for its genesis, has inspired government to increase its commitment to those activities without pre-empting them—as in education, health care, aid to the disabled and indigent, and disaster preparedness and relief. And it has been due to the notable lack of self-aggrandizement, for the most part inbuing our voluntary association, that they have been willing and eager to work with governments, national, state and local, and with sister organizations overseas. I am sure that it was the historic bearing of the American Red Cross in this respect that led the late British political scientist, Harold J. Laski, not the gentlest observer of the American scene, to call it "the outstanding example of international generosity in the whole world."

Finally, if you will permit a personal word, I look forward greatly to having a part in the life and mission of this, in many respects, most inclusive and farthest reaching of all our voluntary associations. In a way, my joining you in an active role is a fulfillment of a concern with our strength as a free people that has commanded a major part of my time and attention for many years. The noblest and most revealing measure of that strength may well consist, less in what a free people is not constrained to do, than in what it voluntarily chooses to do. That being so, I know that together we will build for the American Red Cross a future as noble and as revealing of the best in us as nearly a century of our forebears' work has been of the best in the past.

IMPACT OF NATIONAL NO FAULT ON THE LOW-INCOME CONSUMER

Mr. MAGNUSON. Mr. President, there has been a low keyed but persistent effort to label S. 354, the National No Fault Motor Vehicle Insurance Act, as "discriminatory against the poor." This is not so.

In the first place, S. 354 insures that automobile insurance will be available to each and every driver to pay for all losses at all times at a cost which cannot be so great as to deny economically disadvantaged persons, as a class, access to insurance, thereby effectively depriving them of the opportunity of legally operating motor vehicles (sec. 103(a)(4)). Many opponents of S. 354 have told the low-income consumer that because S. 354 requires a person to buy insurance before he operates his motor vehicle that the bill will effectively prevent poor people from driving automobiles. Provisions in S. 354 referred to above insure that the compulsory insurance features of S. 354 will not deprive the economically disadvantaged as a class access to automobile insurance.

This is not to say that the cost of automobile insurance will not be so high for some people that they will not be able to afford to purchase it. For example, the driver who has been convicted on several occasions for drunk driving will have to pay a high price for the insurance plan described in S. 354 no matter what his economic station of life. If he chooses not to buy insurance and operates his vehicle in violation of the law, the State can impose any penalty it chooses to impose upon him for operating his vehicle without the required insurance. But if he is involved in an accident, he has the right to receive insurance benefits from the assigned claims plan subject to a deduction of $500 for every year that he has operated his vehicle without the required insurance.

In the second place, S. 354 does not discriminate against the poor person who is a victim of an automobile accident. Under S. 354 a person receives compensation for the losses he sustained. There is no discrimination between the rich person and the poor person. This is not true under the present system where the rich person receives more than 60 percent of his economic loss whereas the poor person receives less than 40 percent of his economic loss, even though his economic loss is far less than that of the rich person. The poor person has to settle quickly for a small amount in order to continue to provide food and shelter for his family. A person with greater means can continue to fight the insurance company for a fair settlement. Another thing causing discrimination is the way the insurance adjuster helps the friendly banker much more readily than he does the blue-collar worker, divorcee, or bartender.

Under S. 354 a poor person will not be required to subsidize the losses of the rich person as he does under the present system or State no fault plans which permit insurance companies, on the basis of fault, to shift losses between themselves. Under S. 354 a person's insurance company is only required to pay the losses which that person sustains. If a person makes $5,000 a year he will be charged on the basis of what his potential loss is. This is not true under the present system or a no fault plan which requires a person's insurance company to pay the losses not only of his policyholder but of any other person whose losses were caused by the negligence or fault of the policyholder.

Under these systems, a person is not charged for what he can recover if he is injured in an automobile accident. Rather, he is charged on the basis of what damage he might cause. If the average income of all drivers within the community is $15,000 per year, then the poor person pays a premium based upon a $15,000-pear-year loss rather than his own potential loss of $5,000 per year. A $30,000-a-year wage earner also pays a premium based upon the average loss exposure of $30,000. In this way, a poor person who is a careful driver ends up subsidizing the rich person who is a careful driver. Under S. 354, this kind of discrimination between rich and poor will be prohibited. This is not to say that all poor people will pay less for their insurance than all rich people. Not only does the amount of loss determine the insurance premium cost but also the chances for sustaining that loss. If the poor person is a bad driver, then he will probably pay more for his insurance than the higher income wage earner who is a careful driver and less likely to be involved in an accident. But under S. 354 the careful low-income driver will no longer subsidize the higher income driver.

It is my sincere hope that the economically disadvantaged people in this country will not be misled by members of the "injury industry" who will go to any length to protect their economic well-being and defeat the passage of meaningful no-fault automobile insurance programs. There is a certain irony in the fact that those very people urging poor people to oppose S. 354 because of its compulsory insurance features are advocating the passage of compulsory liability insurance plans at the State level which impose mandatory costs upon the poor person without conferring any of the benefits which S. 354 would confer.

NEW DISCLOSURES ON THE AIR WAR

Mr. HUGHES. Mr. President, the American people can now know the whole truth about the air war in Indochina, past and present. The Defense Department this week removed the secret label from an 83-page report on U.S. bombing and casualties in Indochina since 1964.

For the first time, the American people have a country-by-country breakdown on our bombing efforts. At long last, the Defense Department has recognized that it was wrong to deny our own people the information well known to the people under our bombs.

For several years I have been trying to get the facts before the Congress and the people. Last year, and again this year, I have introduced legislation, cosponsored by 14 of my colleagues, to require monthly disclosure of the figures on U.S. bombing and casualties. Until now, the Defense Department always refused to declassify these facts on alleged grounds of possible danger to national security. I rejected those claims, but I welcome this new decision by the Pentagon.

While I have had a chance only to glance at this 83-page report, I am pleased that the full document will be printed in the Armed Services Committee's hearings on the defense authorization bill. Rather than publishing them in the Congressional Record as well, I would urge all interested persons to study these figures when they become conveniently available.

Here are some of the facts which we now have on the public record for the first time.

These new figures show that our bombing in Laos alone was about equal to that of all our bombing in World War II. Our bombing in North Vietnam exceeded that in the Korean war.

We now know for the first time that our B–52's began bombing in Laos in December 1965—over 4 years before what was publicly admitted in 1970.

The secret war in Laos took the lives of 263 Americans, with another 570 wounded. Seven Americans died in hostile action in Thailand, and another 534 in what were described as "nonhostile" incidents.

The air war over North Vietnam cost 204 American lives in hostile actions and, strangley, 297 lives in "nonhostile" ones. These new figures also show that one American died over North Vietnam in March of this year in a hostile incident, though I am not aware of any previous announcement of this fact.

Our involvement in Cambodia has resulted in 204 U.S. deaths as of March 31, and there have been more since that time. These deaths and casualties will continue until we end our involvement in this war once and for all.

The newly revealed May bombing figures for Cambodia are shocking when compared to the declassified figures. In both April and May of this year, we dropped over 53,000 tons of bombs. This is more in 1 month than we dropped in Cambodia in either 1970 or 1972, and slightly below the 62,000 tons dropped in all of 1971.

The continuing ferocity of the air war makes it urgent for the Congress to cut off all funds for such bombing.

Mr. President, these new disclosures are important contributions to public knowledge and understanding of this long and tragic war. So long as our involvement continues, I shall insist on continued monthly publication of these facts. And I trust that the Defense Department will not again try to conceal this vital information behind a cloak of secrecy.

THE PEACE CORPS

Mr. PERCY. Mr. President, the Peace Corps has long been a source of inspiration for me with its thousands of selfless young men and women who have volunteered to work in remote areas of the world, helping to plant crops, to build schools, to teach, and to assist in myriad efforts to raise living standards. I believe that they project an image abroad of the best that the United States has to offer.

I ask unanimous consent to print in the Record a letter I have received from Norma Scheid of Sterling, Ill., citing a specific example of the selflessness and helpfulness of our Peace Corps volunteers abroad. Mrs. Scheid survived a plane crash in Afghanistan to find herself and other survivors in a Kabul hospital, injured, hungry, and bewildered, when members of the Peace Corps arrived to help.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Senator: On April 18 I was on a tour into the mountains north of Kabul, Afghanistan (Bamian)—the plane crashed just after take off for our return to Kabul.

Including our native guide there were 14 of us plus the pilot and co-pilot and the steward. The pilot and co-pilot and 2 of our group were killed. Others were very severely hurt—lacerations, gasoline liquid burns (1 severe), 4 broken arms, fractured necks 2, crushed vertebrae 4, internal injuries 2, broken nose 1 and *many* minor bruises, lacerations, and burns. Our tour leader is still in a San Francisco hospital. I was one of the 3 lucky ones who walked away from the crash—I had 2 broken fingers and a broken right arm that has kept me from writing this sooner.

I want you to know and any others who would be interested about our experience with the Peace Corps at Kabul when we were in the Wazir Akbar Khan Hospital. We arrived there at 1:30 p.m. the day after the crash. The doctors had treated us all but only the head doctor understood a few words of English. The suffering patients were wondering 'What now?'—when the Peace Corps came in!!

Dr. and Mrs. Dean Johnson had gathered in all available corps-women when they heard of the crash on short wave. They washed and salved us. Q tips used to remove the gravel from the runaway from our ears and eyes. Combs, washcloths, thermometers, cases of pop as we couldn't drink the water (later home boiled was brought), paper cups, straws, towels, their next best robes and slippers, ointment for scratches and burns as we discovered them, *English words,* sympathy, understanding, friendship and compassion.

We had had no food since our lunch on the 18th in Bamian, at 7 p.m. On the 19th, I realized we weren't getting any. I contacted Dr. Johnson, who said your supper will be there in 30 minutes! In 40 minutes our inner wants were cared for by trays catered to us by the Kabul International Hotel. Dr. Johnson had called them of our predicament and for the week we were there each meal was served to us by the Captain of Waiters!

We were honored to have our Ambassador and Mrs. Neuman come in person, others came in later from our Embassy including the Womens' Organization—some of whom were nurses.

So many did so many thoughtful and kind deeds but none were so important as the coming of the Peace Corps at the time they were so badly needed on that day of our near panic.

Sincerely,

Norma N. Scheid.

A SOUTH AMERICAN STATESMAN LOOKS AT THE MULTINATIONAL CORPORATION

Mr. JAVITS. Mr. President, as we all know the multinational corporation is under critical review, if not attack, at home and abroad. It is my concern that the pendulum could swing too far and cause damage not only to the American-based multinational corporation but also to the American economy and in turn the world economy in a way contrary to our national interests.

I have found Roberto Campos' voice a welcome and sane addition to the ongoing debate. Mr. Campos is a world renowned economist, a former Finance Minister of Brazil, a member of the Pearson Commission, and presently a distinguished leader of the Brazilian private sector.

Mr. Campos puts his finger on the dilemma the multinational corporation presently faces when he states:

> Thus, a paradox occurs: in Latin America multinational corporations are regarded as an economic ramification of American imperialism, while in their country of origin they are accused of disregarding the national interest.

Mr. Campos then goes on to develop his thesis that "the multinational corporation is neither an angel nor a beast."

I commend reading of Roberto Campos' article "The Art of Identifying Enemies" which appeared in the Brazilian publication O Globo on May 16, 1973, and ask unanimous consent that it be printed in the Record. In doing so I wish to disassociate myself from any adverse implication respecting the policy of any country as characterized by Mr. Campos.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From O Globo, Rio de Janeiro, Brazil,
May 16, 1973]

The Art of Identifying Enemies

(By Roberto Campos)

In the demonology of Latin America, the multinational corporation is the newest incarnation of imperialism. It is the enemy now most in vogue. In order to form "clear and well-defined" ideas on the matter, as Descartes would want, we wish to point out things which, because they are obvious, are overlooked.

First, multinational corporations are not a diabolical invention of American imperialism. Indeed, because of the distressing narrow range of their limited markets, some small countries were pioneers in the field: Denmark, with the East Asiatic Company; the Netherlands, with Philips, Shell, and Unilever (the latter two in association with Great Britain); Switzerland, with Nestlé; and Italy, with Pirelli and Olivetti. Secondly, the multinational corporations are becoming more and more stateless, representing an average of the interests of their countries of origin. In the United States, cradle of the majority of the great multinational corporations, they are increasingly being accused of conflicting with national interests; the labor unions accuse them of taking their jobs away by exporting factories instead of products; the Treasury criticizes them for their insistence on exporting capital, reinvesting profits abroad, and unpatriotically speculating against the dollar, thereby worsening the balance of payments problem; the Congress is investigating these corporations' political abuses and influence peddling. Thus, a paradox occurs: in Latin America multinational corporations are regarded as an economic ramification of American imperialism, while in their country of origin they are accused of disregarding the national interest.

FRIEND OR MONSTER

As usually happens, that new form of organization, which is steadily transforming international trade into commerce between companies rather than commerce between countries, has qualities and defects, advantages and hazards, which must be analyzed pragmatically, not exercised ideologically. The advantages are: (A) the capacity to transfer technology; (B) the attraction of international investment resources; (c) the rationalization of production by increasing its scale; and (d) the facility of international marketing, thereby promoting the expansion of trade. The hazards are: (a) the suffocation or displacement of less technically and financially equipped national entrepreneurs; (b) the exercise of political influence by reason of the very size of the enterprises: (c) the globalization of business decisions according to production and market strategy, made in control centers located outside the country; and (d) the attempt by the governments of countries of origin to assert extraterritorially their policies in relation to the exportation of capital, trade with enemy countries, tax systems, and antitrust legislation.

The multinational corporation is neither an angel nor a beast; its advantages should be fully utilized and its disadvantages minimized. That is precisely what calls for skill in the underdeveloped country, which on the one hand needs capital and technology and on the other hand needs to carry out its own development plans.

THE PROBLEM OF NATIONALIZATION

There are positive ways and negative ways of protecting the national entrepreneur and of promoting the domestication of the foreign enterprise.

Among the negative ways one may point to: (a) expropriation and confiscation; (b) compulsory nationalization within a predetermined period of time; and (c) compulsory majority national participation in all enterprises. These systems might be called, respectively, the Chilean formula, the Andean Group formula, and the Mexican formula. All of them have their disadvantages. The first ends up by causing damage to the national entrepreneur himself, because it checks the inflow of new investment, slows down the process of growth, and therefore lessens the national entrepreneur's opportunities for expansion. The second has a less discouraging effect and can be applied in certain sectors, such as mining, where the technological processes are not so dynamic and where the period of amortization can be easily calculated. It does, however, have some drawbacks: (a) knowing the fatal date of the transfer of control, the foreign companies refrain from transferring more modern technology and renewing equipment; and (b) the domestic capital expected to acquire control might perhaps find more productive uses elsewhere. The Mexican formula is the least discouraging to new inopportunities for administrative corruption, because of the necessity of making exceptions in cases where there is no managerial experience or no local capital available for assuming control. "Straw men" proliferate in Mexico, that is, figureheads who lend their names as a cover for effective control of the companies by foreign interests.

But there are also positive ways of protecting the national entrepreneur and encouraging the gradual nationalization of the enterprises. These are what we might call the Brazilian formula. On the one hand an effort is made to compensate for the relative weakness of the national entrepreneur, giving him preferential access to public credit, official guaranties, and mechanisms for financing small and medium-scale business. On the other hand, the foreign companies are encouraged to open their doors to national participation in the stock market, by means of tax incentives for open-capital companies. However, we are still not applying another protective mechanism, which already exists by law but is virtually unused. This is the antitrust legislation, which permits the Brazilian Government to intervene in the market to prevent monopolistic maneuvers, whether by national or foreign concerns. This device, when skillfully applied, could prevent the acquisition of national companies by foreign ones for the purpose of monopolizing the market. In principle, if foreign investment only acts as a substitute for national investment, without adding new technology, diversifying products, or reducing costs by dramatic changes in the scale of production, it is undesirable. Growth investment is preferable to what is just substitute investment.

THE QUESTION OF CONTROL

Instead of resorting to anti-imperialist slogans, Brazil preferred a pragmatic coexistence with the multinational corporations. We are less dismayed than other countries about the loss of control and the infringement of sovereignty deriving from the multinational presence.

We believe that even the largest of the enterprises does not have the capacity to defy government policy, considering that (a) the government can manipulate the irresistible weapons of the tax collection department, credit, foreign exchange, and the labor system; (b) the basic infrastructure inputs—transportation, power, communications, petroleum, and steel—are under national control; (c) the most effective instrument for adapting the enterprises to the national interest is the nationalization of the managers; and (d) in view of the development of an international consciousness concerning the direct sovereignty of States, multinational corporations do not find the climate for the exercise of force, nor do they find support from their own governments for antagonizing other governments (diplomatic protection today is limited to action through the courts for claiming payment of compensation for expropriation).

It is natural that there should be conflicts of interest between the host countries and the multinational corporations, inasmuch as the latter seek to maximize their level of employment and income in the host country.

One example of such possible conflicts is found in the export problem. Export strategy can lead multinational corporations to reserve special or even exclusive preference for their home headquarters in the matter of foreign markets. Another example is the mobility of capital, which at times induces the enterprises to make sudden and massive transfers of resources in the expectation of increases in the value of hard currencies. It is said, for example, that in the recent speculative flight of the dollar in search of the yen and the German market, the Arab sheiks and the multinational corporations were equally responsible.

These problems can be solved by a mixture of pressure, negotiation, and regulation, without going to the extreme of cutting off one's nose to spite one's face. Brazil managed, for example, to transform the multinational corporations into valuable instruments for the expansion of industrial exports, by making the approval of new projects or the expansion of existing ones subject to an agreement on exports. Incidentally, this is perhaps the best way of guaranteeing the transfer of more modern technology to Brazil, for otherwise the product would not be competitive in the international market. Contrary to this pragmatic posture, the Andean Group, which wishes to develop regional integration, is restricting the participation of multinational corporations in the Group, which means forfeiting the most effective instrument for promoting industrial exports.

The acid test of time will tell whether the Brazilian formula is preferable to the others. In the light of the new rate of growth and the increasing autonomy vested in us by the formation of foreign exchange reserves and the increase in exports, it appears likely that we may have learned the difficult art of distinguishing between the true and the false enemies of development.

As Brazil becomes more pragmatic, Latin America is becoming more ideological. That kind of isolation does us no harm, because if the Brazilian model is successful, it will have the force of example and it will be contagious. Nothing succeeds like success.

INDOCHINA AGREEMENT

Mr. GOLDWATER. Mr. President, we have all heard a great deal of discussion concerning the new agreement over Indochina reached recently in conferences at Paris between Dr. Henry Kissinger and North Vietnam's Le Duc Tho. And, of course, we are again hearing from people who believe that almost any concession the United States makes in its dealings with the Communists is too much.

It is my considered opinion, Mr. President, that the United States did, indeed, give away more than it received. However, I believe it should be noted that the items which we gave up can easily and quickly be withdrawn should the Communists fail to keep their part of the new agreement.

I believe the most lucid and best balanced presentation of this situation was published in the Arizona Republic of June 13. In that editorial, consideration was given to the mood of Congress and of the American people at the present time and the conclusion was reached that Dr. Kissinger had again demonstrated that he is a realistic professional in the field of diplomacy.

Mr. President, I ask unanimous consent to have the Arizona Republic editorial entitled "Kissinger Does His Best" printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KISSINGER DOES HIS BEST

The draft Kissinger-Le Duc Tho communique, leaked to the press in Paris yesterday probably provides a good key to the new Indochina agreement that will be signed, possibly today.

Basically it is an agreement between North Vietnam and the United States, bearing the concurrence of South Vietnam and the Vietcong, or Communist guerrillas operating in South Vietnam.

On the whole, the draft communique is an extension of an amplification of the Paris peace agreement of last January. Dr. Henry Kissinger and Le Duc Tho, who negotiated both agreements, apparently were making a major effort to secure an enforceable standstill between the warring factions.

It is hoped the military standstill will lead to elections in South Vietnam.

To secure the new agreement, the United States pledged:

To end bombing of Cambodia and Laos immediately;

To stop aerial surveillance of North Vietnam immediately;

To resume clearance of the mined harbors of North Vietnam within five days and complete the job within 30 days;

To resume economic aid talks with North Vietnam within four days.

In return North Vietnam has promised:

To observe the Jan. 27 cease-fire agreement;

To exchange civilian prisoners with South Vietnam;

To account for missing persons and permit grave inspections;

To establish the National Council for Reconciliation within 45 days;

To proceed with discussions of procedures for elections to be held under international supervision.

Even a cursory inspection of the Kissinger Le Duc Tho communique indicates that the United States gave away more than it received. The mining of harbors, the bombing of Cambodia and the withholding of foreign aid—these are the three hole cards Kissinger had in his hand at Paris.

Although he gave these three cards up, it is of course possible for the United States to declare the agreement inoperative and go back to bombing, to mining and to refusing foreign aid. It's possible, but not likely.

For the truth of the matter is that Congress was on the verge of cutting off all American measures in Indochina. Le Duc Tho knew that as well as Dr. Kissinger did.

The United States took what it could get at the bargaining table. If North Vietnam keeps its side of the bargain, the United States will be the winner. An honest election, under foreign supervision, will continue the friendly government, not a Communist-dominated coalition, in Saigon.

It also will give the final proof, if final proof is needed, to American determination to support its alliance with South Vietnam.

And what if North Vietnam doesn't keep the agreement signed yesterday? No one knows, of course, but South Vietnam does have a substantial military organization and it might be able to maintain its integrity—as South Korea has done—assuming the continuation of American supplies.

That may be a long bet, from the American standpoint, but with the mood in Congress and in the nation today, it is the best the United States can get. Henry Kissinger has again demonstrated he is a realistic professional in the field of diplomacy.

U.S. MULTINATIONAL FIRMS AND EXPORTATION OF U.S. JOBS, CAPITAL, AND TECHNOLOGY

Mr. FANNIN. Mr. President, one of the most important issues before Congress concerns our future course in international trade. It is urgent that all Members know the facts and recognize the misconceptions concerning our problems in world trade.

One of the misconceptions is that multinational corporations are bad for America. The truth is that U.S. multinational firms have beneficial economic effects for the Nation, and such firms are essential to our future.

Earlier this year the Senate Finance Committee's Subcommittee on International Trade held hearings on multinationals.

Testimony in these hearings prompted Dr. William L. Casey Jr., associate professor of Economics at Babson College, Mass., to prepare a very interesting paper concerning multinationals. Dr. Casey, who received his Ph. D. in economics from Boston College, has a special research interest in international finance.

In his paper, Dr. Casey points out that the net direct foreign investment income generated by our multinational firms has been a strong positive element in our balance of payments, and U.S. multinational firms are not net exporters of capital as some critics would have us believe.

Dr. Casey has concluded that benefits to U.S. employment accrue directly through the export stimulation that investments abroad provides. Multinational firms may export jobs, but they also import jobs. He believes that restrictions to halt the exporting of jobs would inevitably serve to block the importing of jobs.

Mr. President, I believe that the views of Dr. Casey will help to better inform the Congress on this issue and I ask unanimous consent that his outstanding paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

U.S. Multinational Firms and the Exportation of U.S. Jobs, Capital, and Technology

(By William L. Casey, Jr.)

In assessing the total impact of U.S. multinational firm operations abroad on the general welfare of the U.S. economy, logic dictates that a balanced view must be taken of relative costs and benefits. As in the case of free trade, the free flow of direct investment capital between nations produces a trade-off; individual countries benefit but not without cost. The internal political decision to support *or* restrict capital movements abroad must be preceded by a careful analysis of current international economic conditions or circumstances which determine whether a country's interests on balance will be served best by the promotion of freer capital flows or by a restriction of the same.

It is relatively easy for proponents of the Burke-Hartke bill to cite specific examples of how the U.S. multinational firms militate against special segments of the U.S. economy. Conversely, opponents have no difficulty in structuring a defense by citing specific benefits. Isolated arguments, however, are of little value to public policy makers *unless* the relative merits of opposing views are examined in such a way as to determine in which direction the scales tip.

First of all, it must be recognized that the impact of U.S. direct investment abroad on the U.S. economy is ambiguous. The primary, superficial effects are clearly discernible but the secondary and tertiary effects are not. The purpose of this paper is not to resolve all of the complex issues that have emerged from recent congressional hearings and other public debates on those aspects of the Burke-Hartke bill relating to multinational firm operations; rather, it is to shed light on the complexities and ambiguities of such issues and to expose the superficiality of some testimony to date particularly from the proponents of the aforementioned bill.

U.S. MULTINATIONALS AND THE EXPORTATION OF CAPITAL

It is undeniably true that new foreign investments made by U.S. multinationals abroad may serve as a short-term source of U.S. balance-of-payments disturbance. Furthermore, it is reasonable to expect that financial managers of U.S. subsidies abroad will honor their responsibilities to stockholders during periods of foreign speculation against the dollar by engaging in hedging operations designed to prevent corporate asset depreciation. Clearly, U.S. multinationals have contributed to pressure on the international dollar during recent crises through the conversion of corporate-owned dollars into harder currencies. However, despite the validity of these contentions, it does not follow that U.S. balance-of-payments and international dollar difficulties are ultimately traceable to U.S. multinational firm operations abroad. Indeed there is reason to believe that harsher restrictions on the same would eventually serve to compound our international financial problems.

The reasons for the erosion in foreign confidence in the dollar, and the accompanying loss in value, are simple, not complex. Speculative crises have been spurred by the flooding of foreign exchange markets abroad with dollars which, in turn, has resulted from persistently large U.S. balance-of-payments deficits. If indeed it can be demonstrated that U.S. multinationals through their direct investments are responsible in total or in part for U.S. balance-of-payments deterioration during the past decade, then the condemnations of multinationals by Burke-Hartke proponents are justifiable. However, this is not the case.

Admittedly, spurts in new direct investments abroad over a short period of time can produce temporary disequilibria in external balance, but deterioration in the U.S. balance-of-payments posture has been a long-term phenomenon dating back to the late 1950's. Over the long term, the balance-of-payments effects of foreign investment programs tend to be favorable in the absence of artificial capital controls. The conclusion that repatriated earnings, royalties and fees from past foreign investments eventually grow in excess of new investment outlays is both theoretically and empirically verifiable.[1] Recognition of the same has prompted both economists and members of Congress to condemn the U.S. direct investment controls of 1968 since their inception. The following position statement is typical.

"Restriction of U.S. direct investment abroad must eventually undermine this country's balance-of-payments position through a decline in profits and dividends from abroad, through a drop in earnings from the sale of technology and managerial services, and through a loss of exports to subsidiaries and to foreigners making purchases through U.S. dealer-subsidiaries.[2]"

Proponents of the Burke-Hartke bill may argue that U.S. multinational firms are exporters of capital but they may not argue with validity that these firms are *net* exporters of capital. In our balance-of-payments experience surpluses on long-term and capital account reveal quite the opposite. Historically, the net direct foreign investment income generated by our multinational firms has been a strong positive element in our balance of payments. To restrict the operations of multinationals, therefore, is to restrict the net inflow of repatriated earnings which currently is serving to offset, in part, trade deficits and other payments difficulties.

Nevertheless, enthusiasm about the positive aspects of direct foreign investments must be tempered by political reality. In an atmosphere of free capital flows our multinationals will contribute positively to our balance-of-payments position. Unfortunately, however, restrictions may come from the other side. If the policies of a few foreign countries today—designed to limit the transfer of subsidiary earnings back to the U.S. or to restrict the importation of goods by subsidiaries from U.S. parent companies—become universal, then the positive effect of our direct investments on our balance of payments will soon disappear. Under such conditions it may become necessary to retaliate in order to protect our balance-of-payments interests. Unfortunately, in a foreign investment war, as in the case of a trade war, there will be no ultimate winners. The temptation to impose harsh capital restrictions or to impose tax penalties on U.S. multinationals should be resisted unless there is a total breakdown in international cooperation.

U.S. MULTINATIONALS AND THE EXPORTATION OF JOBS

The impact of U.S. direct investments abroad on domestic employment is clearly a more emotional issue than the broader balance-of-payments implications. Obviously, firms that invest abroad create jobs abroad and, assuming a fixed corporate investment capacity, it is reasonable to conclude that foreign investments compete with domestic investments. U.S. labor groups, arguing in support of the Burke-Hartke bill, implicitly make such an assumption from which the conclusion is derived that U.S. corporate investment policy is a zero sum game; namely, that there exists a one-to-one trade off between jobs created abroad and those lost at home.

On the surface this line of argumentation seems logical, and indeed it is, if one accepts the assumption of a fixed corporate investment capacity. The difficulty is with the assumption, of course, because it ignores the very nature of job-creating corporate investment as a dynamic process. When U.S. firms invest abroad market forces are unleased which create secondary and tertiary employment effects, some of which are most favorable to U.S. domestic labor interests. U.S. direct investments abroad, both directly and indirectly, create domestic jobs as well as foreign jobs. Benefits to U.S. employment accrue directly through the export stimulation that investments abroad provides. Overseas plants of U.S. multinational firms are major customers of U.S. export industries, averaging over the past five years approximately 25 per cent of total annual U.S. exports. Obviously, when U.S. exports expand because of the increased import needs of growing U.S. subsidiaries abroad, employment is created within U.S. export industries.

It is true that multinational firms based in the United States import as well as export. The question naturally arises of whether job losses in U.S. import-substitute industries offset job gains in U.S. export industries. Apparently this is not the case. As reported by the New York-based National Foreign Trade Council,

"U.S. multinational companies are leading exporters of U.S. products, accounting for roughly half of total U.S. merchandise exports. Industries with the largest participation in foreign investment were found by the U.S. Tariff Commission to be the heaviest contributors to U.S. exports. A survey by the Emergency Committee for American Trade found that exports of 74 multinational corporations in manufacturing increased by 181 per cent in the last decade, compared to a 124 per cent growth in total U.S. manufactured exports.

"The U.S. Tariff Commission has stated that those industries with substantial U.S. foreign investments are least associated with the recent rise in U.S. imports. In those U.S. industries where imports have made the fastest inroads, the imports have generally not come from U.S. subsidiaries abroad. Apart from imports under the U.S.-Canada auto agreement, imports from foreign manufacturing affiliates constitute only a very small percentage of total U.S. imports." [3]

On balance, therefore, it would appear as though the trade-induced effects of U.S. multinational firm transactions on U.S. employment are generally beneficial.

Apart from trade-induced benefits, there are additional aspects of U.S. foreign investments which promote domestic job expansion, although indirectly. U.S. multinationals with profitable enterprises abroad are provided with investible funds through the repatriation of earnings which can be used domestically to support domestic real investments and to create additional domestic jobs. Indeed, aggregated statistics reveal that *most* domestic real investments are made by those U.S. firms which are *most* active abroad, the implication being that the relationship between domestic and foreign investment is more complementary than competing.

Furthermore, it must be noted that the growth of U.S. multinational firms abroad has been accompanied by the growth of U.S. multinational bank operations. Another complementary relationship emerges when successful business enterprise abroad produces the need for banking services, thereby generating bank earnings which can be repatriated back to the U.S. and rechanneled by parent banks into domestic investments

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Footnotes at end of article.

creating domestic job opportuntiies. Finally, and most indirectly, domestic jobs may be created by *foreign* direct investment in the U.S. made possible by the availability of Eurodollars and other dollars abroad which originated in the first instance through the expenditures made by U.S. multinationals.

In conclusion, therefore, it is accurate for proponents of the Burke-Hartke bill to cite U.S. multinationals as exporters of jobs; however, it is deceiving to ignore the equally valid fact that multinationals also import jobs. Restrictions designed to prevent the former inevitably would serve to block the latter. Because of the complexities of the direct and indirect employment effects that foreign investments tend to produce, it is impossible to measure with precision exactly how many jobs will be gained or lost per unit of foreign investment expenditure; however, careful analysis would seem to indicate a net beneficial effect and therefore would seem to justify a liberal rather than a restrictive U.S. direct investment policy.[4]

U.S. MULTINATIONALS AND THE EXPORTATION OF TECHNOLOGY

In addition to other arguments cited above, proponents of the Burke-Hartke bill are quite vocal in criticizing U.S. multinationals as exporters of American-developed technology. It is claimed that the short-term U.S. balance-of-payments benefits of the same do not justify the resulting loss of industrial and military secrets nor the resulting erosion of U.S. marketing and productivity advantages which costs Americans jobs.

As articulated by Mr. Nathaniel Brenner, the Director of Marketing of Coates and Weller Corporation, the central employment argument is as follows:

"For many years our advanced products enabled us to compete in international markets despite high prices (and high wage rates).

"What has happened in the 1960's and continues is that American corporations, via licensing agreements, foreign plant construction and other multinational arrangements, have given away for a very small portion of real cost and value this advanced technology and, with it, the jobs it created. Where a multinational corporation licenses a product abroad, it gives away the technology created by Americans educated at public expense, and the American jobs which produce that product, for the 5 or 10 per cent represented by the license fee or return on invested capital. Result—the American worker loses a job, the U.S. loses an export product and becomes an importer of that product, but the corporation still nets 5 or 10 per cent. Result—unemployment plus balance-of-payments problems. Naturally, the foreign producer can sell for less—he hasn't had to invest in the education, the R & D, or the wages which support the American system."[5]

In assessing the valadity of such a position it is again necessary to penetrate beneath the surface in examining secondary as well as primary implications. On the one hand, it must be admitted that the dissemination of American know-how abroad will expand the production horizons of foreign countries and will raise foreign labor productivity. If American technology is properly assimilated and utilized by the importing country, then employment, investment, and balance-of-payments benefits will accrue. However, this need not be at the expense of American employment and investment opportunities nor American balance-of-payments solvency. Again it is erroneous to assume a zero sum game.[6]

The transfer of technology across international boundaries is a dynamic process which takes many forms. It may involve the transfer of physical items such as drawings, tooling, machinery, process information, specifications and patents; but, on the other hand, it may arise simply through personal scientific contact or through the dissemination of scientific journals. The United States is a net exporter of technology because this is our comparative advantage. As the most technologically advanced country in the world, it is natural to expect a net outflow of technical information and know-how. The effect of artificially blocking the multinational firm's involvement in the process through passage of Title 6 of the Burke-Hartke bill will simply be to spur the dissemination of our advanced technology through other avenues. The U.S. direct investment bans of 1968 have failed in part because of the ease by which the capital restrictions have been circumvented. Technology transfers will prove to be as uncontrollable because of the availability of commercially valuable scientific information capable of being disseminated through personal contact, publications and other means. This, of course, begs the question. Of central importance is not whether technology transfer *can* be controlled, but rather, whether it *should* be.

Few would argue with the proposition that U.S. exportation of technology, with or without multinational firm involvement, is a logical extension of the principle of comparative advantage. Multinationals adhere to the principle but have added a new dimension through the exportation of technology in support of foreign production operations. High technology goods are both produced and sold abroad as well as being produced at home for purposes of exportation. The most efficient production processes and techniques are also transferred abroad in support of foreign operations.

Certainly, proponents of Burke-Hartke restrictions have a valid case if American firms are "giving away" technical know-how without adequate compensation and if the transfer of the same leads to a loss of competitive advantage in American industry. Evidence seems to indicate, however, that this is not the case. Much of the know-how transferred abroad by American firms does not qualify as secret information guarded by patent rights; rather, it is know-how that foreign recipients could acquire through other means, e.g., technical journal. As a result its acquisition does not necessarily compromise the competitive advantages of American industries.[7] On the other hand, some transfers do involve system-specific technology which foreign recipients could not acquire through other means, and, as a result, relative competitive advantages may be altered through multinational firm patent sales and licensing arrangements. Nevertheless, this is precisely the type of technology that American firms will not transfer abroad or internally without adequate compensation; it will hardly be "given away" by profit seeking firms. Transfers will be made if compensation is adequate to cover real and opportunities costs including the surrendering of internal technical "secrets" and the potential loss of future markets. Experience has shown that the price of transfer which foreign recipients must pay is in many instances prohibitive because of high costs and, therefore, the market transfer process does provide a built-in check against the wholesale erosion of American technological advantages.[8]

Even in those cases in which such transfers are made, it is not at all clear that U.S. multinationals militate against American economic interests. It was shown earlier in this paper that secondary domestic employment benefits do result from profitable U.S. multinational firm ventures abroad; the profitable sale of technology is no exception to this rule. Furthermore, it must be reiterated that technological transfer is a dynamic, not a static process. U.S. technology, exported and applied abroad, often returns through horizontal or vertical transfer in more sophisticated and applicable forms, thereby supporting American industry and employment. The United States is a major importer, as well as exporter, of technology. In recent years the U.S. share of total world expenditures for imported technology has approximated 12 per cent which is more than France's share and only slightly less than Japan's and Germany's shares.[9]

The implications are clear. If U.S. government policy blocks the exportation of technology from the U.S., beneficial imports will be blocked as well through expected foreign retaliation. Admittedly, the U.S. is a net exporter of technology but in many product and production process areas U.S. technology is sold abroad with alternative or similar technologies available from other countries. The public policy blockage of U.S. exports would not prevent the application of technology from other sources; rather, it would only result in loss of income to the United States with adverse balance-of-payments repercussions.[10]

The U.S. government has the responsibility to protect the nation against the loss of military secrets through private technological transfers. The national security argument made by proponents of the Burke-Hartke bill has validity. However, in other areas unrelated to defense or national security, natural market processes would seem sufficient to guard against the loss of U.S. competitive advantages in high technology endeavors. Mutual benefits do accrue ultimately to both technology-exporting and technology-importing countries. Artificial barriers against technology transfer are no more defensible than artificial trade or capital restrictions. After all, free technological transfer is a corollary of free trade and free capital flows.

FOOTNOTES

[1] For a theoretical treatment see Norman Buchanan, *International Investment and Domestic Welfare*. New York: Holt, 1945, pp. 167–172 and Evsey D. Domar, "The Effect of Foreign Investment on the Balance of Payments," *Essays in the Theory of Economic Growth*. New York: Oxford University Press, 1957, pp. 129–153.

[2] Report of the Joint Economic Committee, Congress of the United States on the January, 1970, Economic Report of the President, House Report No. 91–972, 91st Congress, 2d Session, 1970, p. 49.

[3] National Foreign Trade Council, *Crucial Issues and Challenges Facing International Business and the World's Economies: Declaration of the Fifty-Ninth National Foreign Trade Convention*, New York, November 13–15, 1972, pp. 14–15.

[4] This recommendation is based on the assumption that international cooperation will prevail in the future structuring of foreign direct investment policies by national governments. Restrictive policies abroad, which could be designed to block the favorable employment effects of our direct investments, could force U.S. investment policy to proceed in the same direction. See the discussion on page 4.

[5] Quoted by AFL–CIO President George Meany in *A Modern Trade Policy for the Seventies*, based on a speech delivered to the Aluminum Association at the Waldorf-Astoria Hotel in New York City, October 26, 1972, pp. 10–11.

[6] See pages 4–6 for a discussion of the weaknesses of the zero sum game thesis.

[7] G. R. Hall and R. E. Johnson, "Transfers of United States Aerospace Technology to Japan," *The Technology Factor in International Trade*, New York: Columbia University Press, 1970, pp. 306–312.

[8] *Ibid.*, pp. 306–357.

[9] Graham Jones, *The Role of Science and Technology in Developing Countries*, Oxford University Press, 1971, pp. 1–15.

[10] National Foreign Trade Council, *Op. Cit.*, p. 25.

AN EDUCATIONAL HONOR FOR ILLINOIS

Mr. **PERCY**. Mr. President, last month the National Education Fair was held here in Washington for educators from across the country. Sponsored by the U.S. Office of Education's Bureau of Elementary and Secondary Education, the conference was designed to facilitate the sharing of successful education practices.

I am very proud that a title III ESEA project in Peotone, Ill., Early Prevention of School Failure—EPSF—was one of the 12 ESEA projects selected from among several hundred exemplary projects to participate in the education fair. To be considered as exemplary, projects must show evidence of success, cost effectiveness, innovation, and the quality of being exportable to other schools with similar needs. EPSF fulfilled the exacting requirements.

The objectives of EPSF are to identify students with learning disabilities at the kindergarten level, then to provide each child with an individually prescribed program of instruction geared to his needs. The program is constantly revised as the child progresses, with an eye toward fulfilling his unique physical and verbal potential.

I commend Mrs. Luceille Werner, the project director of EPSF, and her colleagues in the Peotone school system who achieved such a high degree of success with this program and who brought this recognition of educational excellence to Illinois.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 9 a.m. following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will resume consideration of the unfinished business, S. 268, the national land use policy bill. The question will be on the adoption of the amendment by the Senator from Wyoming (Mr. HANSEN), amendment No. 244. There is a time limitation of approximately 1 hour on that amendment. The vote will occur at 10 a.m., and the yeas and nays have been ordered. There will be other yea-and-nay votes during tomorrow, presumably.

The Senate will continue its consideration of the land use policy bill and, hopefully, will complete action on that bill tomorrow.

I believe that is all I have to say. The distinguished majority leader has already indicated the program for the days ahead.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow morning.

The motion was agreed to; and at 6:21 p.m., the Senate recessed, in accordance with the previous order, until tomorrow, June 21, 1973, at 9 a.m.

NOMINATIONS

Nominations received by the Senate June 20 (legislative day of June 18), 1973:

Joint Federal-State Land Use Planning Commission for Alaska

Burton W. Silcock, of Virginia, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska, vice Jack O. Horton, resigned.

In the Navy

The following named Reserve Officers of the U.S. Navy for permanent promotion to the grade of commander:

LINE

Albrecht, Eugene William
Anagnostos, George
Arnold, Coy Hudson, II
Avenengo, Charles Melvin
Aydelotte, Samuel Robert
Aylward, William E.
Bacon, Robin Leigh
Baker, Robert Allen
Barling, Stephen Douglas, Jr.
Bell, William Frederick
Berggren, Paul Dow
Best, William V.
Blackwell, Edwin Harrison, Jr.
Blakeman, Frederic Birdsey
Blaker, Charles Franklin
Borgardt, Elmer G.
Boyden, Donald Lamont
Briggs, Franklin Henry
Brocklehurst, Donald James
Burcham, Gary Don
Carlin, Bernard Thomas
Childress, Carlisle Hugh
Chrisman, George F., Jr.
Clinkscales, Hulan Ferrell
Coen, Richard Joseph
Collins, Clyde
Collins, Jesse Ray
Colohan, William Joseph
Cook, Paul Mack
Cowan, Robert Charles
Creech, Billy Sims
Crowley, Barrett Kirkman
Daniels, William Donald
Dawson, Allan J.
Dearing, Paul Wayne
Dellinger, David Worth
Disilvestro, Richard Alfred
Domville, Compton N., Jr.
Doremus, Robert Bartsch
Ervin, Robert Earl
Eskew, John Burgess
Evans, Arnold Alan
Falkenstein, Timothy O.
Fare, Claude Lee
Farris, Gary Francis
Fetzer, Norman Charles
Francis, Jon Kenneth
Fredian, Thomas Vincent
Gallo, Michael John
Gebhart, John Dewall
Giannonatti, Curtis Alan
Gonsalves, Virgil Anthony
Graham, Robert Everett
Griffin, Donald Allen
Hamel, Donald Rodolphe
Hannon, Edward Robert, II
Harker, William Gilbert
Harris, Donald E., Jr.
Henry, George Richard
Hood, Warren Wheeler
Howell, Eugene Davis
Hushaw, Walter Dale
Ivey, Ora Franklin
Johnston, Roy Warren
Kaucher, William Delmar
Kelly, Theodore Alanson
Kish, John Theodore
Lavin, Lawrence M.
Lockeman, George Franklin, Jr.
Luna, William Loyd
Lynch, Hubbard, Jr.
Lynch, John Edmund, Jr.
Maaske, Gary Lee
Maloney, John Joseph, Jr.
Matthews, Billy Charles
McCarthy, John D.
McCullough, Raymond Keith
McDaniel, Peter Wilcox
McGirr, Francis William, Jr.
McKinney, Charles Preston
Meleski, David R.
Miller, David Weaver
Miller, Donald Milton
Montag, Richard Varley
Monteau, Levi
Moran, William Thomas
Moser, Carter Harris
Mueller, Donald Charles
Murphy, Warren T., Jr.
Musselman, David Eugene
Newton, William Preston
Oehlbeck, Ronald John
Oliver, John Edward
Olson, Dennis A.
Pacalo, Nicholas
Piersee, Charles Ralph
Prater, James
Quackenbush, Abram Harold
Radam, Robert Lucas
Ready, George E.
Reed, Sullivan Webster
Remsen, Henry
Rinard, Tommie F.
Rogers, Ronald David
Rogstad, Allen Rockwell
Ross, Charles Patrick
Sage, Alfred George Jr.
Sanders, Frederick Haydn
Sarajian, Harry
Scarfato, Thomas J.
Schlosser, Floyd William
Schwarz, Paul Philip
Sequeira, Frank Edmund
Smith, Richard Hilman
Spann, Howard William
Stack, Thomas Michael
Steffen, Werner H.
Tatro, Carl Joseph Jr.
Taylor, Otis Wintfred II
Vannorden, Gerald J.
Vesterby, Roger Earl
Walrod, David Joseph
Wells, Jack Dell
Weltner, Howard Allen
Wenzlau, Charles Norman II
Whipple, Fred Eugene
Willis, David Huntington
Woodall, Elliott Arnold

SUPPLY CORPS

Armitage, James Harold
Chancler, Robert T.
Flaush, Donald A.
Hohenberg, Morris
Lesser, Murray
Meilert, John James
Oaks, Jacob G., Jr.
Roethe, Edward A.
Scolpino, Frank J., Jr.
Wagoner, Edgar Lee, Jr.

CHAPLAIN CORPS

Black, Richard David
Brasley, Lucian Roger
Cusick, William Francis
Howland, Joseph Albert
Landry, Gene Daniel
Whatley, Wallace Hestel

NURSE CORPS

Cieslelka, Caroline Anna
Colford, Therese Veronica

Ewalt, Lois Ione
Heston, Esther Ellicott
Johnson, Audrey Maxine
McCarthy, Eileen Johanne
McCree, Hazel Pauline
Miller, Edna Feintuch
Morichelli, Irma Mary
Schoonover, Dona Jean
Sherer, Vera Lorraine

The following named officers of the U.S. Navy for permanent promotion to the grade of captain:

LINE

Taylor, Leslie A.
Goldbeck, Lewis H., Jr.

SUPPLY CORPS

Sappanos, Louis M., Jr.

CHAPLAIN CORPS

Stewart, Dell F.
Ferreri, Peter J.

MEDICAL SERVICE CORPS

Beam, Walter E.

CONFIRMATION

Executive nomination confirmed by the Senate June 20 (legislative day of June 18), 1973:

GENERAL SERVICES ADMINISTRATION

Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Wednesday, June 20, 1973*

The House met at 12 o'clock noon.

Rabbi Nathan Kapner, Hillel Hebrew Academy and Synagogue, Massapequa, N.Y., offered the following prayer:

O Lord, be Thou with this assembly of legislators who have been selected to guide the destinies of our great Nation. Humbly we ask Thy blessings to grant them good health and strength so that these honored lawmakers be sparked with God's divineness and inspired to translate into law the Biblical moral and ethical ideals laid down by our ancestors: The hatred of tyranny and the love of freedom—the very foundation of our democracy.

Permit us to be sensitive to our aged, to the handicapped, and to the destitute in our midst.

We pray that our Republic uphold the reverence for all humanity in every land and continue to build a society based on love and compassion and the dignity of man. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7200. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes; and

H.R. 7528. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes.

RABBI NATHAN KAPNER

(Mr. RONCALLO of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALLO of New York. Mr. Speaker, I am proud that our opening prayer in the House of Representatives was delivered by Rabbi Nathan Kapner, the spiritual leader of the Hillel Hebrew Academy and Synagogue of Massapequa, my hometown. It is indeed an honor for all the residents of the Third Congressional District on Long Island to have Rabbi Kapner here. He is the first clergyman from my new district to deliver the House opening prayer and I am proud that he was invited to do so.

It is most appropriate that Rabbi Kapner is with us today for, this evening, in my district, Jew and non-Jew alike are to march to the Russian mission estate in Glen Cove to protest the plight of Soviet Jewry.

Rabbi Kapner has long been concerned with the well-being of his Jewish brethren. Among his many outstanding accomplishments is his work with many blind Jewish youth in our community. With the assistance of braille prayer books and texts, Rabbi Kapner has helped these young people to become educated and fulfilled members of the Jewish community so that they can take full part in the traditional services of the synagogue and be knowledgeable of their traditions and history.

On behalf of my constituents and colleagues, I thank Rabbi Kapner for being with us today.

JUDICIAL REVIEW FOR VETERANS' CLAIMS

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, Congressman LES ASPIN, and I are introducing legislation today that would allow veterans judicial review over their disputes with the Veterans' Administration. An identical bill is being introduced in the Senate today by Senator WALTER MONDALE.

Under current law, all differences of opinion on veterans' claims are determined administratively, and no appeals outside the Veterans' Administration are possible.

This legislation is necessary to extend the right of judicial review to veterans. The way it is set up now, the veteran too often does not get a fair shake. The Veterans' Administration is both a party to a dispute and the judge.

Furthermore, the bill concerns procedural changes within the Veterans' Administration and relates specifically to representation by counsel of the veteran. At the present time, the law provides that an attorney may only charge a veteran no more than $10 for legal services. This provision, purported to safeguard a veteran, in effect denies him the services of counsel. Our bill would permit a veteran to pay an attorney up to $100 for legal services rendered and, if the matter is the subject of an appeal decided in favor of the veteran, our bill further provides that the Veterans' Administration would be obliged to pay the attorney representing the veteran a reasonable fee for services rendered as well as reimbursing the veteran the $100 first advanced by him.

We are outraged by finding that VA regulations prevent an attorney for a veteran from contacting a Member of Congress for assistance in handling a veteran's claim. The penalty for seeking such congressional assistance is that the attorney is warned he subjects his competency to represent a claimant to investigation and he forfeits his right to a fee. Our bill would correct this violation of first amendment rights.

Mr. Speaker, we believe that this legislation, if enacted, will go a long way to redress the legitimate grievances of the young men who have served this country in its Armed Forces.

PRISONERS OF WAR AND MISSING IN ACTION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, last Thursday when Dr. Kissinger met with Members of the House on an informal basis, I asked him the question, Did he think there were any Americans still being held captive in North Vietnam, Laos, and South Vietnam? I failed to include in my question Cambodia. Because many Members were interested in Cambodia, I have received an answer from Dr. Kissinger that before May of this year there were no known Americans held as prisoners or missing in action in Cambodia.

In May of this year, Mr. Speaker, two Americans in an F-4 were lost and are classified as missing in action over Cambodia. It is presumed that these two Americans have lost their lives.

Also, Mr. Speaker, there are 20 international civilian press personnel missing in Cambodia, and of these 20, 5 are members of the American press.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONGRESS WILL NOT BE BULLIED AWAY FROM ITS RESPONSIBILITIES AS GUARDIAN OF THE PURSE

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I am gratified to note that President Nixon has signed four pieces of domestic legislation which he previously opposed.

These new public laws are the health programs extension, including a continuation of Hill-Burton hospital construction;

The Economic Development Act to help rural areas help themselves;

The Airport Development Acceleration Act; and

The Veterans' Cemeteries and Burial Assistance Act.

It is unfortunate that the President could not have accepted the will of Congress graciously and simply signed the legislation. Instead, he had to deliver his little lecture attacking Congress on fiscal responsibility.

According to his definition, a program is fiscally irresponsible if he has not recommended it in his budget. Congress has no intention of accepting the President's budget recommendations, part and parcel, without question. We will continue to examine each program carefully and to pass judgment on it.

We do not intend to overspend an overall budget ceiling. But we do intend to adjust the national priorities reflected in this budget. We must assure that domestic and humanitarian programs receive a fairer share of the money that is available.

The President can shake his finger all he wants. The Congress is not about to be bullied away from its constitutional responsibilities as guardian of the purse.

TEXTILE ROLLBACK?

(Mr. DORN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, in April the Congress time and again rejected as unwise and unfair any price rollback. However, the effect of the recent freeze order, as it now stands, is to implement a rollback in the textile industry. This is because manufactured goods being shipped by the industry to its customers at the time the freeze was imposed were goods that were contracted for—and their prices determined—months ago when the industry's costs were lower. To impose a freeze based on the price levels of current shipments will result not in a freeze but in a rollback. This would have particularly disastrous effects on the cotton and wool segments of the textile industry, as extensive commitments have been made for raw materials at higher prices.

I urge the Cost of Living Council to date the effect of the price freeze for manufactured textile goods at the date of the actual contract or the date of the invoice. Contracts for shipments to customers were formulated many months ago for delivery at certain price levels. I respectfully urge the Council to eliminate this rollback provision. This can be accomplished by changing the definition of "transaction" so as to allow the industry to deliver in accordance with contracts which were within ceiling guidelines in effect at the time the contracts were agreed to.

If this rollback provision is not eliminated we face substantial curtailment of production at a number of textile plants, with the resultant underemployment and unemployment. Crippling our great textile industry, with its more than 2 million employees, will not aid our efforts to curb inflation. We pledge our continued support for all reasonable efforts to control inflation, which is perhaps the greatest threat to the Nation today. But this must be done in a fair manner, one that does not lead to greater problems of underemployment and curtailment.

PRICE FREEZE FORCES CLOSING OF MARGARINE PLANT

(Mr. KEATING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEATING. Mr. Speaker, I have been informed by the president of the Miami Margarine Co. of Cincinnati, Ohio, that this company will be forced to close its doors effective Friday of this week as a result of the current price freeze.

Approximately 280 persons employed in my district will be out of their jobs. According to information I have received from the company, it is unable to purchase the vegetable oil it needs to produce margarine at a price low enough to allow it to sell margarine at the "freeze base period" price.

The Miami Margarine Co. is the largest single margarine manufacturing facility in the United States. It is a very sad state of affairs when the U.S. Government forces companies to close down and forces employees out of their jobs.

I have written to John Dunlop, Director of Cost of Living Council, protesting the lack of flexibility of the Cost of Living Council in dealing with drastic situations such as this case. A meeting has been set for 2 o'clock today with the National Association of Margarine Manufacturers and the Cost of Living Council in Washinton, D.C.

This problem is not limited to my district. Margarine manufacturers throughout the United States are adversely affected.

It is my sincere hope that immediate remedial action will be taken to enable the company to continue in operation and avoid the displacement of these employed people.

APPOINTMENT OF CONFEREES ON H.R. 7200, AMENDING RAILROAD RETIREMENT ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, HARVEY, and KUYKENDALL.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 245]

Ashbrook
Badillo
Blatnik
Bolling
Breaux
Burke, Calif.
Chisholm
Clark
Culver
Danielson
Dingell
Fisher
Fraser
Gray
Gubser
Hanna
Harsha
Hébert
Heckler, Mass.
Holifield
Kazen
Landgrebe
McKinney
Mann
Mathias, Calif.
Passman
Pepper
Pritchard
Rarick
Reid
Rooney, N.Y.
Steelman
Teague, Calif.
Thompson, N.J.

The SPEAKER. On this rollcall 399 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 448 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 448

Resolved, That during the consideration of the bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, rule XXI, are hereby waived with respect to any appropriation contained in such bill.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes to the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 448 permits the Committee on Appropriations to submit the 1974 appropriations bill without being subject to points of order for the Department of Transportation and other related agencies for action on the floor of the House of Representatives.

House Resolution 448 provides that the provisions of clause 2, rule XXI of the Rules of the House are waived with respect to any appropriation contained in the bill which is not yet authorized by law.

The total cost of H.R. 8760 is $2,752,631,006, which is a reduction of $140,101,000 below the amount requested.

Appropriations are made in the bill for the Department of Transportation, the National Transportation Safety Board, the Civil Aeronautics Board, the Interstate Commerce Commission, the Federal Aviation Administration, and the Coast Guard.

Mr. Speaker, I urge adoption of House Resolution 448 in order that we may discuss and debate H.R. 8760.

Mr. QUILLEN. Mr. Speaker, House Resolution 448 is the rule under which we will consider H.R. 8760, the Department of Transportation and related agencies appropriation bill of 1974. This rule waives points of order against the provisions of clause 2, rule XXI, because the bill includes funds for several programs for which the authorization has passed the House, but has not yet been enacted into law.

The purpose of H.R. 8760 is to appropriate funds for the Department of Transportation and related agencies for fiscal year 1974.

The total cost of this bill is $2,752,631,006, which is a reduction of $140,101,000 below the amount requested. The total amount of new budget authority in this bill is broken down as follows:

Title I—Department of Transportation	
Office of the Secretary	$50,475,000
Coast Guard	720,628,006
Federal Aviation Administration	1,527,400,000
Federal Highway Administration	40,300,000
National Highway Traffic Safety Administration	44,632,000
Federal Railroad Administration	37,500,000
Urban Mass Transportation Administration	34,800,000
Title II—Related agencies	
National Transportation Safety Board	$7,975,000
Civil Aeronautics Board	81,198,000
Interstate Commerce Commission	34,750,000
Panama Canal Zone Government	62,500,000
Washington Metropolitan Area Transit Authority	110,473,000

The Appropriations Committee deferred action on a $25,000,000 request for Coast Guard training, a $93,000,000 request for grants to the National Railroad Passenger Corporation and $35,063,000 of the request for the traffic and highway safety appropriation. The authorization for these items has not yet passed the House.

Mr. Speaker, I urge the adoption of House Resolution 448 in order that the House may begin debate on H.R. 8760.

Mr. Speaker, I have no further requests for time.

Mr. MURPHY of Illinois. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. McFALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8760, with Mr. MURPHY of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. McFALL) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, the Department of Transportation is now in its seventh year of operation. During the agency's existence we have seen a number of significant steps to improve our Nation's transportation system. Congress has passed important new legislation relating to virtually every mode of transportation. Urban mass transportation assistance, rail passenger service, airport and airway development are just a few examples.

The Congress has also encouraged and directed the Department to develop a meaningful statement on national transportation policy. To date the Department has failed to produce such a statement.

The new Secretary of Transportation, Secretary Brinegar, has indicated that the development of a coordinated national transportation policy is one of his principal goals. I think this is good. We can no longer afford to concentrate our efforts solely on transportation projects at the expense of transportation policy. Our transportation problems were difficult enough before the energy crisis emerged. With the present and projected energy situation, these problems become even more difficult, and the need for a sound transportation policy statement becomes even more essential.

As chairman of the Subcommittee on Transportation Appropriations, I want to express my appreciation to the members of the committee for their cooperation during the detailed hearings on this bill. It is a real pleasure to serve with them. I especially want to thank the distinguished ranking minority member from Massachusetts (Mr. CONTE) for his active participation and support in developing this legislation.

SUMMARY OF THE BILL

The bill includes a total of $7,803,303,000, of which about $5 billion is liquidating cash, and nearly $2.8 billion is new obligational authority. The committee's recommendation is $164,758,000 less than the administration's request and $716,303,000 less than funds appropriated during fiscal year 1973.

The bill provides funds for about 127,000 positions, including more than 37,000 military personnel for the Coast Guard. This is roughly the same number of positions as are presently authorized. The only major increase in personnel is the air traffic control field.

SELECTED MAJOR RECOMMENDATIONS

I would call the attention of the members of the committee to the summary beginning on page 4 of the report. The major recommendations are as follows:

First, the appropriation of the $250,000,000 requested for facilities and equipment of the Federal Aviation Administration.

Second, a reduction of $14,800,000 from the FAA request for Federal airport security personnel based primarily on the fact that adequate procedures have been established to reimburse the Federal Government for these personnel;

Third, approval of the $74,500,000 requested for the capital acquisition, construction, and improvement programs of the Coast Guard;

Fourth, approval of the $2,100,000 requested to identify and demonstrate ways of achieving a 30 percent reduction of automobile fuel consumption;

Fifth, a reduction of $33,400,000 in the research program of the Urban Mass Transportation Administration based primarily on the availability of significant carryover balances;

Sixth, a general provision providing for commitments of not to exceed $980,000,000 for urban mass transportation;

Seventh, a liquidating cash appropriation of $4,315,900,000 for the Federal-aid highways programs;

Eighth, approval of all 686 additional air traffic personnel requested by the FAA;

Ninth, a reduction of 15,000,000 in the research, engineering and development—trust fund—appropriation of the FAA;

Tenth, provision of the full $97,745,000 requested for the Federal share of the subway system in Washington, D.C., and the full $12,728,000 requested as a Federal interest subsidy for the revenue bonds marketed by WMATA; and

Eleventh, the appropriation of the $15,000,000 requested by the National Highway Traffic Safety Administration to continue the implementation of the Motor Vehicle Information and Cost Savings Act.

ADMINISTRATIVE USER CHARGES

Before discussing the specific appropriations recommended, I think I should briefly explain the new general provision included in the bill. This provision would prohibit the use of funds, contained in the bill, to implement a program of increased aviation user charges.

Our committee was concerned that these new charges, amounting to $30 million to $50 million, would be imposed administratively, without any specific prior congressional review or approval. The committee felt that these specific charges should be considered by the Congress. This is particularly true, since the Department is presently conducting an aviation cost allocation study to determine the taxes to be paid by aviation users. The Department's recommendations from that study will be reviewed by the Congress. And I feel that any other major changes in aviation charges should also be reviewed by the Congress. Now, I should like to review the specific provisions of the bill.

OFFICE OF THE SECRETARY

Mr. Chairman, the bill provides a total of $50,475,000 for the Office of the Secretary of Transportation. This includes $24.3 million for salaries and expenses. We have provided for 5 additional civil rights positions, but have denied funds for staff assistants for the Secretary's regional representatives.

It is the Office of the Secretary which, in my opinion, has the primary responsibility for developing national transportation policy. I hope that next year I can report that progress has been made in this area.

The bill also includes $25.5 million for the transportation research activities of the Office of the Secretary. Under this heading, we recommend $2.1 million for a new program to demonstrate ways of achieving a 30-percent reduction in automobile fuel consumption. This is a very important study, and one which I hope can be completed in less than the 3 years considered necessary by the Department.

As in fiscal year 1973, no appropriation is recommended for transportation research activities overseas.

COAST GUARD

The Coast Guard is one of the finest organizations in our Government. It has a reputation for being cost conscious and submitting tight budgets. We reduced the agency's appropriation for operating expenses by $2,570,000. That is equivalent to less than one-half of 1 percent of their budget.

I am pleased to report that the Department has indicated that it no longer intends to phase down its loran-A program in fiscal year 1974. I want to emphasize that none of our reduction is directed toward this program. We are also very concerned over the closing of 15 rescue units and have asked the Coast Guard to give us a full report on this matter.

Mr. Chairman, the bill includes the full $74.5 million requested for the capital acquisition, construction, and improvement program of the Coast Guard. Because of the substantial delays being encountered on certain bridge alteration projects, we recommend a $3 million reduction in this appropriation. However, none of the 1974 request was to have been spent in the upcoming fiscal year, so our reduction should not delay any projects.

Since the legislation to authorize the average strength of the Coast Guard Selected Reserve has not yet been enacted, we deferred our action on the Reserve Training appropriation. I do want to commend the Coast Guard for its use of the Reserve as a peacetime contingency force. This substantially coincides with the posture we have advocated for the past 4 years. Twice during the recent Mississippi River floods Coast Guard reservists worked side by side with their regular counterparts. I am told that they performed a very important and a very beneficial service during this massive flood relief operation.

The bill also includes $14 million for the Coast Guard's research and development efforts. We fully concur with the emphasis being placed on research programs designed to protect and enhance the marine environment.

In the area of State boating safety assistance, we recommend an appropriation of $3.5 million. With these funds, plus the contemplated increase in State spending, there should be an overall improvement in our nationwide boating safety efforts.

FEDERAL AVIATION ADMINISTRATION

Mr. Chairman, the committee recommends the sum of $1,193,500,000 for operations of the Federal Aviation Administration. This provides for all personnel engaged in the operation and maintenance of the air traffic control system, as well as for all supporting services, administrative costs, and regulatory personnel in the FAA.

Under our recommendation, no additional funds would be provided for Federal airport security personnel. The budget included $14.8 million for this purpose. These funds were denied. Based on the testimony received during the hearings, it is clear that adequate procedures have been established to provide the airports with the funds necessary to reimburse the Federal Government for those Federal personnel who are performing screening activities.

As in past years, no reduction is proposed for facilities and equipment. Part of these funds will be used to continue the programs to automate our en route traffic control system and our major terminals. In addition, the bill includes funds for 25 new instrument landing systems. The locations for these systems are contained on page 17 of the committee report.

The R. & D. programs of FAA have grown considerably in recent years. We feel it is essential for FAA to develop better equipment to cope with the future growth which is projected in aviation. The bill includes $11.5 million in general funds and $55 million in trust funds for FAA's research programs.

We have recommended the full budget request for airport development grants. In the planning grant program, we felt the unobligated balance was too large, and therefore, we have not recommended any new funds for this purpose.

With respect to the National Capital Airports, the committee recommends $14.4 million for operation and maintenance and $3 million for construction. I think Members will be pleased to know the FAA is projecting that revenues at Dulles will cover direct operating costs in fiscal year 1974.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, this is a field I am not at all expert in, but I have a letter which is somewhat typical of some other mail I have had. I want to ask the gentleman if he has any comment. This is from a constituent of mine who is a pilot. He says:

> As an active pilot, I have been concerned with the continued increase in the bureaucracy of the Federal Aviation Administration and what, in my opinion, spells a slow but sure doom to general aviation.
>
> The enclosures, which are copies from a news bulletin of the Aircraft Owners and Pilots Association, I believe clearly indicate the trend and intent of the Federal Aviation Agency to practically clear the skies of all general aviation aircraft.
>
> It would appear that an intensive review of the FAA budget on the part of Congress would save many taxpayers dollars without having any effect whatsoever on aviation safety. I hope the enclosures will give you some information upon which you can base future actions to stop some of the disastrous moves and rule making of the Federal Aviation Agency.

Mr. Chairman, as I say, I am not versed in this field and I do not know whether the Chairman is, but, if there is somebody here who is, I would like to have some information which I could transmit to this constituent and others who have written me along the same line.

Mr. McFALL. Mr. Chairman, I can give a general answer to the gentleman's question. One of the valuable members of the subcommittee is the gentleman from Ohio (Mr. MINSHALL) who is a pilot and who is very much interested in aviation. He expresses from time to time in the committee the point of view of general aviation. I think he has, in his participation with us in the deliberations of the committee, made the point for general aviation.

My personal opinion is that the writer may be describing something that he sees coming, but which has not yet arrived. I do not believe that the FAA is in a position at this point where it is going to do away with general aviation.

I would like to talk with the gentleman from Indiana about this. We can get some of the representatives from the FAA to discuss this matter with him. Perhaps, in that way, we can arrive at a conclusion which will help the gentleman from Indiana to respond to his constituent in a very meaningful way.

Mr. DENNIS. Mr. Chairman, I thank

the chairman for his reply. I appreciate it, and will try to follow through.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I appreciate the chairman of the committee yielding to me.

I would like to associate myself, Mr. Chairman, with the concern of the gentleman from Indiana (Mr. DENNIS).

Mr. Chairman, as a member of the committee, I rise in support of the Appropriations Committee recommendation prohibiting the use of any of the Department of Transportation funds for the implementation of a program of increased aviation user charges.

The administration has asked DOT to institute additional new fees and charges for certain aviation certificates and licenses. I believe that such action would be unwise at this time. The Department of Transportation has been required by law in the Airport and Airways Development and Revenue Act of 1970 to conduct a cost allocation study of the Nation's aviation system. The act required the study to be completed in 2 years. After a number of delays I am hopeful that the DOT will issue its report on its latest target date—June 30. Until these recommendations are sent to the Congress and studied I feel it would not be in the best interests of the aviation industry or to the public to allow DOT to increase administrative user charges.

The cost allocation study should provide the Congress with a useful guideline of information and data that will help the Congress determine the best policy for establishing fair aviation rates. I do not believe that an administrative arm of DOT is the best vehicle for deciding user rate increases. This whole problem of user charges should be discussed in the legislative branch before the appropriate congressional committees.

I am fearful that increased administrative user charges, as contemplated by the Administration, could have disastrous effects on the general aviation industry. The Administration must understand that the airways are not the exclusive rights-of-way for jumbo jets and large cargo carriers. General aviation accounts for 98 percent of the airplanes in this country and 95 percent of the pilots and this aircraft make a substantial contribution to the domestic economy in the form of jobs, taxes, and supporting industries. There are also indirect contributions to the economy made by general aviation users for services in hotels, restaurants, car rentals, et cetera. Furthermore, general aviation helps small businessmen, some law enforcement agencies, and most smaller communities that are not serviced by major carriers.

We on the Appropriations Committee believe that the House should take action that will prohibit the FAA from imposing further administrative user charges. I advocate the more proper procedure of waiting for the recommendations of the DOT cost allocation study that will shortly be sent to the Congress. The congressional hearing process will be the only responsible way in which the Members of Congress, as the elected representatives of the people, can insure that fair and equitable user charges are imposed. The activity of the DOT in the entire cost allocation problem must be closely monitored by the Congress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, did the gentleman in his previous remarks say something about a certain amount of money for civil rights positions in this bill, $5 million for civil rights positions?

Mr. McFALL. Mr. Chairman, I referred to the civil rights positions in the Office of the Secretary. I said five civil rights positions, not $5 million for civil rights positions.

The Department had asked for 10 new people in the Office of the Secretary for civil rights duties which are required of them by the legislation. Instead of giving them 10, we gave them five.

I imagine the positions will probably cost in the neighborhood of $75,000 per year, assuming an average salary of $15,000 per year. I cannot give the gentleman an exact estimate of how much the five new positions will cost, but I would estimate it will be somewhere between $60,000 and $75,000.

Mr. GROSS. Did the gentleman from California, in hearings in connection with this bill, come across the recruitment program to train 400 members of a certain minority as traffic controllers? And, what was the basis for that recruitment program? My information was that they could find only a handful of minority recruits who could qualify as potential traffic controllers.

Mr. McFALL. I believe there is such a program, although I would have to check in the transcript of the hearings. However, in order to give the gentleman a specific answer, if he will allow me to delay my answer until later on in the debate, I would appreciate it.

Mr. GROSS. Mr. Chairman, let me go back to my original question. What is the purpose of five civil rights employees?

Mr. McFALL. There would be five offices in the Office of the Secretary who will assist in the enforcement of the laws which the Congress has passed with reference to the civil rights activities of the Department of Transportation.

Mr. GROSS. Then that is the continuation of the famous program they used to have, and perhaps still have in operation, the perspective plan for affirmative action. In other words, a variation of the numbers game in which employers in the Federal Government must hire so many persons in the Federal Government of a certain minority.

Mr. McFALL. No, sir; I do not believe so.

Mr. GROSS. Then what would be the reason for the existence of a civil rights office in the Department of Transportation? What other reason could there be for it?

Mr. McFALL. There are a number of activities in which the Department of Transportation must enforce the civil rights laws which have been passed by this Congress. The Department conducts the largest federally assisted contract construction program in the Government, and is one of the largest Federal employers.

The Department of Transportation, like every other Department of Government, must comply with the laws passed by the Congress on the hiring and firing of people and in the operation of their programs. The testimony was that they needed additional people in order to handle this operation. We felt that they needed, instead of 10, 5 additional positions.

I turn now, Mr. Chairman, to the Federal Highway Administration.

FEDERAL HIGHWAY ADMINISTRATION

Mr. Chairman, our Nation's highway network provides our citizens with an independent mobility which is unequaled in the history of mankind. This mobility is a cornerstone of the American way of life.

To continue our highway program, the bill includes a liquidating cash appropriation of $4,315,900,000 from the Highway Trust Fund. Of this amount, $101.9 million will be used for salaries and expenses of the Federal Highway Administration. In addition, we are recommending a direct appropriation of $14.3 million for salaries and expenses of FHWA.

For highway beautification, we recommend a $30 million liquidating cash appropriation. The bill also includes a limitation on highway beautification obligations for fiscal year 1974. The $45 million limitation is an increase of $5 million over fiscal year 1973.

We recommend a reduction of $8 million for the demonstration projects to eliminate or improve certain rail-highway crossings. I believe this is an important program, but it is one which has been slow in getting started. The basic legislation required a 10-percent contribution from the railroads. Since these funds were not provided by the railroads, alternative financing procedures had to be developed. This is being accomplished, and we feel that with our $10 million appropriation and the use of carryover funds that this program can go ahead without any major delays.

Under our recommendations, the Darien Gap highway project would be maintained at the fiscal year 1973 level, and the budget requests for the territorial highways and public lands highways programs would be approved. We also recommended a $2 million increase over the budget with respect to the limitation on obligations for forest highways.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the field of highway safety, we recommend $53,632,000 for the traffic and highway safety program, a reduction of $3,250,000 below the requests considered. This includes a transfer of $9 million from the appropriation "construction of compliance facilities." We did not consider programs amounting to about $35 million, since the House has not yet acted on the necessary authorizing legislation.

One of the important programs on which we had to defer action was the experimental safety vehicle program. In prior years, this program concentrated on the 4,000 pound "family sedan" vehicle. Recently, the emphasis has been shifted to providing crash protection for a compact 3,000 pound, four passenger vehicle. We applaud this move as recognition of a need for safer small vehicles. I consider such a move particularly significant in view of our projected energy situation.

The other activity under this Administration is a matching grant program for State and community highway safety. We recommend $100 million to pay for obligations already incurred in this program, and, also, recommend a limitation of $80 million on obligations to be made in 1974 for this program by the Highway Safety and Federal Highway Administrations.

FEDERAL RAILROAD ADMINISTRATION

For the Federal Railroad Administration's appropriations for salaries and expenses, railroad research, and railroad safety we have provided essentially the same amounts as in the current year. I am somewhat dissatisfied with the minimal contributions being made by this administration in attempting to cope with the many problems facing our Nation's railroads. These deficencies are evident in the field of railroad safety.

Information provided to the committee indicates that, in just 1 year, more than 2,200 train accidents were caused by defective or improperly maintained roadway and track. In spite of this, the Administration has failed to hire the additional safety inspectors authorized by the Congress. Moreover, the 1974 funding authorization for matching grants to enable States to hire safety inspectors was just submitted to the Congress less than 2 weeks ago. Railroad safety is an important field, and one which I feel deserves a higher priority than it is presently being given.

For high-speed ground transportation, we recommend a program level of $32.1 million, consisting of $17.1 million new authority and $15 million in carryover funds. Generally, we feel that the Federal Railroad Administration should emphasize those programs which appear to have the greatest potential for immediate or near-term improvements for our railroads. Most of the reductions recommended are for the more advanced, longer range programs.

URBAN MASS TRANSPORTATION ADMINISTRATION

Mr. Chairman, we recommend $5.2 million in new authority plus the use of $1.7 million in carryover funds for administrative expenses of the Urban Mass Transportation Administration. This is an increase of $358,000 over 1973 and provides for 20 additional positions.

Under our recommendation, UMTA's research and development program would be slightly less than the obligational level for the current fiscal year. Much of our reduction in new budget authority can be offset by the use of carryover funds. As indicated on page 30 of the committee report, we have made a reduction of $9.7 million from UMTA's request for its so-called personal rapid transit projects. We do not feel that UMTA has determined what role these "people movers" should play in an urban mass transportation system.

We have included the full budget request of $380 million to liquidate obligations which have been made under the contract authority provided in the basic legislation. In addition, the bill provides for an obligation level of $980 million for UMTA programs in 1974. The breakdown of this amount is contained in the committee report.

RELATED AGENCIES

Title II of the bill provides $296,896,000 for five transportation related agencies. This includes $7,975,000 for the National Transportation Safety Board. The Safety Board investigates and determines the probable cause of all aviation accidents and selected surface transportation accidents.

The full budget request of $81,198,000 is recommended for the Civil Aeronautics Board. This includes $14,767,000 for the administration of the regulatory activities of the Board and $66,431,000 for subsidy payments to certain local service and Alaskan air carriers.

Under our recommended $34,750,000 appropriation for the Interstate Commerce Commission, all 70 new positions would be approved. The $250,000 reduction below the budget is directed toward ICC's special investigation of the railroad freight rate structure. ICC seems to be undecided about how to proceed with this study and I am advised that about $600,000 of our 1973 appropriation for this investigation will lapse.

For the Panama Canal Zone Government, we recommend $59 million for operating expenses and $3.5 million for capital improvements. Both of these amounts will be repaid to the Treasury.

Finally, the bill includes the full amounts requested for the funding of the Washington, D.C., Metro system. I was very disappointed that WMATA did not choose to take a small chance and purchase a more advanced transit car for the system. I would hope that they will reexamine this decision prior to purchasing any additional cars.

Mr. Chairman, I believe we have brought a trimmed, functional, and carefully considered piece of legislation to the committee and I urge its adoption.

Mr. CONTE. Mr. Chairman, I rise in support of the bill, and I yield myself such time as I may consume.

Mr. Chairman, before beginning my presentation of the committee's recommendations for the fiscal year 1974 transportation appropriations bill, I want to take this opportunity to commend my able colleagues on the transportation subcommittee, and, in particular, the distinguished chairman, the gentleman from California (Mr. McFALL). It was a pleasure to work with them once again this year.

The Department of Transportation has now completed 6 full years of operation. Much progress has been made by this young agency, but the transportation problems facing our Nation are still formidable. The energy crisis is affecting every sector of our transportation system. The number of traffic fatalities remains inexcusably high. The problems of air pollution have become so significant that we are now facing actions which will require a significant reduction in the use of the automobile in many cities, and soon. Delays and congestion continue to plague the air traveler. The future of rail service in the Northeast is uncertain. With the anticipated need to double our transportation capabilities by the turn of the century, the economic and social well-being of the United States will be largely dependent on the viability of its transportation system.

In recognizing these and many other needs, we are also mindful of the need to put our Nation's fiscal house in order. The committee worked long and hard to balance these two factors in carrying out its crucial responsibility of determining the nature and extent of the Federal Government's effort in the transportation field. I believe that the bill we are considering today is a good bill. It reflects a continuing commitment to the improvement of transportation in the United States, and it holds back inflationary spending.

The bill we are considering today recommends appropriations of $7.80 billion. This is $716.3 million less than the 1973 appropriation and $164.8 million less than the total 1974 request. These figures, however, should be placed in perspective. During 1973, substantial sums were unexpended, and the committee has taken action to bring the carryover balances back under congressional control. In many cases where there are large carryover balances, the committee has reduced the 1974 appropriation by a similar amount. The net effect of the committee's reductions from the budget request will reduce net outlays by some $70 million.

For many years, I have been vitally concerned with our Nation's energy resources. Today almost everybody is aware of the magnitude of the problems we face, mostly because the pinch in our energy supply affects almost everyone to one extent or another.

The United States has one of the finest transportation systems in the entire world. Our citizens have a mobility which is unequalled by any other country in the world. The unfortunate part of the problem is that the great transportation network we have also makes the United States the greatest consumer or the world's energy supplies. On a per capita basis, our citizens consume energy at a rate equal to seven times that of the rest of the world. To put it another way, we have 6 percent of the world's population, and we are responsible for 40 percent of the energy consumed in the world every year.

The interdependence between our energy resources and our transportation system is a major concern to the committee and to myself. One of the committee's first actions in its review of the 1974 budget was to conduct a separate hearing to assist in determining what role the Department of Transportation has in solving our short- and long-term energy problems. The committee's concern with energy problems runs as a common thread through all the hearings held this year.

We have not found all the answers, but I hope that the Department will continue to pursue the goal of putting our precious energy to its optimum use.

The budget for fiscal year 1974 stated that the Department of Transportation would initiate additional administrative user charges for aviation certificates and licenses. These charges would be separate from, and in addition to, any user fees that might be proposed as a result of the current aviation cost allocation study now being conducted by the department.

While the budget stated that $50 million would be collected through these charges, the testimony before the committee indicated that the amount would probably be closer to $30 million.

The committee is concerned that these charges would be imposed without prior congressional review and approval. The committee believes that the Congress should have adequate time to review the user charge proposal and the recommendations of the aviation cost allocation study before any new charges are imposed. It should be noted that the authority for the imposition of these charges is also open to question, On May 14, 1971, the Supreme Court decided to hear two cases dealing with the precise authority on which the FAA is basing its proposed actions.

The committee notes that aviation users are already contributing $770 million each year in fees. While the committee is not expressing a judgment as to whether aviation users should pay more or less, the committee does believe that the implementation of these proposed user fees should be delayed until the Congress has had time to review them.

For this reason, the committee has recommended a new general provision which would prohibit the increase of any user charges above the January 1, 1973, level. This will give the Congress the time to review both the user charge proposal and the recommendations resulting from the cost allocation study.

TITLE I

Title I of the bill covers the Department of Transportation itself. We cut $138.5 million from the requested budget, and recommended a level of $2.46 billion. This is a $324.3 million decrease from last year's appropriation.

I will begin the discussion of the committee's recommendations for title I with the Office of the Secretary.

OFFICE OF THE SECRETARY

The committee cut $4.9 million from the request for the Office of the Secretary and recommended a level of $50.5 million. This is $6.7 million below the fiscal 1973 appropriation.

The committee cut $200,000 from the request for salaries and expenses and recommended a level of $24.3 million. This is $330,000 more than the fiscal 1973 appropriation. Of the requested 20 new positions, the committee recommends allowing 5. This is a net reduction of 17 positions from 1973.

As was the case last year, the committee recommends no new positions for the secretarial representatives. Staff assistants for each of the 10 secretarial representatives were requested. Each of these secretarial representatives has an authorized clerical position, and the committee feels that this is adequate for the performance of their responsibilities.

Five of the 10 requested positions for the Office of Civil Rights were allowed. The Department of Transportation presently has 200 individuals working full time on civil rights. In the bill presently being considered, the committee has approved all 14 requested civil rights positions in the operating administrations. The committee feels this should be adequate for the Department to meet its civil rights responsibilities.

One matter of vital concern to the committee is the lack of a defined national transportation policy. The committee feels that the responsibility for establishing this policy rests with the Secretary and the assistant secretaries. Throughout the hearings, I and the other members of the committee were concerned over the lack of progress and definition in this area. There is much progress which should be made, and the committee will carefully scrutinize progress in the establishment of a national transportation policy in considering the future requests for the Office of the Secretary.

For transportation planning, research, and development, the committee recommends $25.5 million, including $1 million by transfer. This is a cut of $4.2 million from the budget request and is $13 million less than was appropriated in 1973. Major programs under this appropriation include the following:

Climatic impact assessment, for which the committee is recommending the full $5.8 million request. These funds will be used to assess the environmental effect of fleet operations of high altitude aircraft. The committee expects a formal report by the end of calendar year 1974.

Automotive energy optimization, for which the committee recommends the full $2.1 million request. These funds are to be used for the study of methods to reduce fuel consumption by 30 percent with state-of-the-art technology. The results of these studies should be available for use in 3 years, and there should be no sacrifice of environmental or performance standards.

University research, for which the committee recommends $2 million of the requested $3 million. During 1973 $1 million of the appropriated funds were reserved, and the recommended amount will allow for the program to operate $500,000 above the 1973 level. The committee expects that this program will contribute more meaningfully to transportation policy and problems solving than it has in the past.

Noise abatement, for which the committee recommends $2 million of the requested $2.57 million. These funds are for the development of technically and economically feasible solutions to noise problems.

State and local planning grants, for which the committee recommends $1 million of the requested $1.5 million to obtain State and local input into national transportation planning. The committee recommendations is based on the fact that some of this money is being used for State programs as well. For this reason, the committee believes that these programs should receive a smaller Federal subsidy.

The committee has denied a request for $500,000 for transportation research activities overseas. These funds were to be used for research in Poland and India. However, the committee is concerned that only $143,000 of the $500,000 appriated in 1972 had been obligated at the time of the hearing.

For Grants-in-Aid for Natural Gas Pipeline Safety, the committee recommends the full $875,000 requested in the budget. These funds are used to assist State agencies in carrying out natural gas pipeline safety programs.

This year, the committee is recommending $800,000 for the consolidation of departmental headquarters in the Nassif Building. This is the same amount as was appropriated last year and is $50,000 less than the budget request. Of these funds, $600,000 are for employee parking, and $200,000 for the operation and maintenance associated with the garage areas.

COAST GUARD

Coming now to the Coast Guard, the committee is recommending a decrease of $9.6 million from the budget request, for a total recommendation of $720.6 million.

The request for operating expenses was cut by $2.57 million, with a level of $543.8 million being recommended, including $171,994 for debt reduction. The activities funded under this item include search and rescue, aids to navigation, merchant marine safety, marine law enforcement, marine environmental protection, icebreaking, oceanography, and pay and allowances for military and certain civilian personnel.

The Coast Guard reserved $10.5 million of its 1973 appropriation, and the funds available will allow a spending level of $5.4 million over 1973.

The Coast Guard has indicated that it will not be closing any of its loran-A stations during 1974. Because of this, the Coast Guard will have to absorb approximately $2 million in costs, and the committee did not recommend some cuts it ordinarily would have had this not been the case.

The proposed budget contained program increases of approximately $32 million. However, these increases were largely offset by the reduction of approximately $24 million in line items. The major reductions are the closing down of 15 search and rescue stations, the discontinuation of the ocean station program, reductions in headquarters and support staffs, and the phase down of loran-A.

The recommended reduction of $2.57 million for operating expenses is less than one-half of 1 percent, and the committee believes that these reductions can be accomplished through lapses, delays in hiring and recruitment, and slippages in the completion of new rescue stations. Further reductions can be accomplished in the clerical support for the pollution enforcement inspectors. The committee believes that the stations to which these personnel are assigned can provide adequate support for these pollution enforcement inspectors.

The committee also feels that further reductions can be accomplished in the boating safety compliance standards program by deferring some recruitment and training.

There are two matters in this appropriation which are of concern to the committee. First, the Coast Guard is planning to close 15 search and rescue stations. The committee is unsure as to whether the remaining stations will be able to adequately assume the operations of the stations being closed. The committee feels that the Coast Guard should strengthen the auxiliary and increase the utilization of the Reserve in these areas, and the committee expects a detailed report on this matter in not more than 1 month.

The second matter of concern is the continuing decrease in the ratio of enlisted personnel to officers. This ratio has fallen from 9 to 1 in 1962 to 6.8 to 1 in 1974. While the committee recognizes the need for the employment of increased technology by the Coast Guard, it also believes that the trend toward an all-officer service should be leveled off.

For acquisition, construction and improvements, the committee has recommended the budget request of $74.5 million. The funds under this activity are used for capital acquisition, construction, and improvement programs for Coast Guard vessels, shore facilities, and navigation aids.

The funds are allocated as follows: $23.9 million for vessels; $41 million for shore stations and navigation aids; $7.5 million for repair and supply facilities; $2.1 million for training and recruitment facilities.

The authorization for these activities passed the House on May 8, 1973. We have made a change from past practices in this appropriation. In the past, these funds had been made available until expended. This year, the committee recommends that the funds be made available until the end of fiscal year 1975.

The House-passed authorization bill provides an additional $22 million for the loran-C navigation system. The committee feels that this is an important project, especially in light of the planned phaseout of the loran-A navigation system in 1975. The committee believes that the loran-C system should be pursued on a priority basis using unobligated carryover funds. As of April 30, 1973, the Coast Guard had an unobligated balance of $90 million.

The request for the alteration of bridges was reduced $3 million to the committee recommendation of $4 million. These funds are used for the alteration of bridges which have become unreasonable obstructions to navigation. The reason for the committee's reduction is the large unobligated balance in this fund. At the end of 1973 the unobligated balance will be $9 million. Of this amount, $3 million was used to cover pay increases, and between $1.8 million and $2.2 million will be used to repair the Penn Central Bridge over the Chesapeake and Delaware Canal.

Substantial construction delays, which are beyond the control of the Coast Guard, have been encountered, and the practical effect of this cut will be to reduce the unobligated balance at the end of 1974 to $1 million. The cut will not delay any of the projects.

The committee approved the full request of $81 million for retired pay. These funds provide for the retired pay of military personnel of the Coast Guard and the Coast Guard Reserve, members of the former lighthouse and lifesaving services, and for payments to survivors pursuant to the retired serviceman's family protection plan and the survivor benefit plan. The average number of personnel on the retired rolls is estimated to be 15,380. This is up from 14,826 in 1973.

I again take strong exception to one decision by the committee. The committee has decided not to include funds for Coast Guard Reserve training. The temporary lack of authorization should not prevent the House from rectifying this omission, and I intend to offer an amendment at the appropriate time. The Coast Guard Reserve has an outstanding record of service to this Nation.

Recently the Coast Guard Reserve had its first involuntary callup under its new peacetime mission, and I believe that the Reservists provided valuable assistance to the victims of the Mississippi River flood. Despite all its positive contributions, the administration has subjected the Reserve to many budgetary hassles. I, for one, do not intend for the House to contribute to this unfortunate situation.

For research, development, test and evaluation, the committee recommends $14 million. This is a $3 million cut from the budget request and a reduction of $3.5 million from 1973. It should be noted that this request will not affect the program in 1974. There is a projected unobligated carryover of $3.5 million into 1974, and $3 million in 1973 funds have been placed in reserve for use in 1974. The committee recommendation would allow for a 10-percent increase in obligations in 1974.

The major items budgeted under this function are oil pollution control, vessel traffic systems, cargo safety, and vessel safety. The committee agrees with the Coast Guard's continued emphasis on programs designed to protect and enhance the marine environment. I hope we will see substantial improvement here in the coming years.

The committee cut $1 million from the boating safety assistance program and recommends that $3.5 million be appropriated for this program. The funds under this program provide assistance to the States in carrying out boating safety programs. The unobligated balance in this fund is $3.4 million, approximately one-half of what was appropriated for this program in 1972 and 1973. The recommended cut will not affect the level of the program in 1974. In 1974, the State share of the program support increases from one-third to one-half. Because of the increase in the State share, the total boating safety effort should increase in 1974.

FEDERAL AVIATION ADMINISTRATION

Proceeding now to the Federal Aviation Administration, the committee cut $38.8 million from its budget requests and approved a level of $1.5 billion; $1.19 billion was approved for operations.

This is a cut of $17.8 million from the budget request and an increase of $43 million from the 1973 appropriation. This appropriation provides for all personnel engaged in the operation and maintenance of the air traffic control system, air navigation and communications systems, support and administrative costs, and all FAA regulatory personnel.

This appropriation no longer contains funds for equipment and research necessary to establish or to modify FAA regulations. These are contained in a separate appropriation because the committee believes that no-year funds should not be mixed with those funds which are available for 1 fiscal year.

The committee recommendation includes a request for 836 new positions. Of these, 686 are for the air traffic control system, with 200 being assigned to the flight service stations and 486 being assigned to en route traffic control centers and airport control towers.

The largest reduction, $14.8 million, is in the funds for Federal airport security personnel proposed to be funded under this appropriation. The local jurisdictions are presently responsible for police enforcement at the gates, and the committee believes that appropriations for this purpose are no longer needed. Any personnel remaining on duty should only do so on a reimbursable basis.

The committee has also reduced the funds for the second career program for controllers $900,000, to $10 million. Only $1 million was spent on this program in 1973, when the program was first started, and the committee believes that the FAA estimate is inflated. As of April 30, 1973, there were over 4,000 authorized, but unfilled, positions. The committee believes that $1.5 million could be saved by delays in filling of authorized positions. The committee also recommends that the request for long range planning contracts be reduced by $500,000 to $846,000. This is an increase of $610,000, or 250 percent, over the 1973 level.

As I mentioned previously, the committee is providing a separate fund for the research and the equipment needed to establish or modify FAA regulations. The funds for engineering and development were previously contained in the operations appropriations. This year, the committee recommends that $11.5 million be appropriated for this function, a cut of $2.25 million from the budget request. On a comparability basis, this provides for an increase of $1.2 million over 1973, when $6.6 million in nonrecurring items during 1973 are taken into account.

The committee recommends the full $250 million requested for facilities and equipment. Most of these funds will be devoted to the urgent needs of air navigation and the air traffic control system. The budget includes $22.8 million for continuing the automation of the en route traffic control system and $25.8 million to automate major air terminals. Funds for three surveillance radars, 25 instrument landing systems and one control tower specified in the report are provided, and these funds cannot be used for any other purpose.

In the past, the committee has made these funds available until they are expended. However, the committee has become increasingly concerned with the size of the unobligated balance in this and other items. The unobligated balance in this appropriation is $353.4 million, and the committee recommends that the funds under this appropriation be available only until the end of fiscal year 1975.

Fifteen million dollars was cut from the research, engineering and development request, and the comimtee recommends $55 million.

Ten million dollars in 1973 funds will not be available for expenditure until 1974. This would make the actual requested increase $24 million, and the committee recommendation of $55 million allows for a 15-percent increase over the program level for 1973.

No part of the reduction in this appropriation is directed to the microwave landing system. The committee believes that the FAA should fund the analyses and other tasks best done by the military under this appropriation. However, the Department of Defense is expected to cover the expected costs of permitting acceptance of the microwave landing system at the end of the development program.

The committee notes that there has been a recent upsurge in traffic delays. The committee is asking the FAA to submit a report on what the research, engineering and development, and the facilities and equipment programs are doing to avert the increasing delays in the near term. The particular emphasis of the report is to address capacity and productivity increases.

The committee recommends denial of the $2.7 million for the aerosat program. The committee believes that it is necessary to obtain the support and cooperation of the potential users of this system before proceeding further with the program. This support and cooperation does not exist today. The committee also wishes to impress on the FAA its belief that the committee must be consulted in advance of any future agreements on a satellite program involving foreign governments where the program would entail any future Federal financial support.

The committee has allowed the entire budget request of $200 million for grants-in-aids to airports. These are liquidating cash funds for development grants. The committee also recommends that the $280 million limitation on obligations be retained. At the time of the hearing in April, only $71 million of the $280 million in the 1973 programs had been obligated.

The committee is recommending that no funds be appropriated for the airport planning grants in 1974. The unobligated balance under this appropriation was $23.4 million in April 1973. This is more than half the amount that has been appropriated for this purpose in the past 3 years.

The committee is recommending $14.4 million for the operation and maintenance of the National Capital Airports, a reduction of $400,000 from the budget request, and an increase of $2.1 million over the 1973 appropriation.

The committee recommends that the 110 additional positions for antiskyjacking security be granted. Seventy of these personnel will be placed at National Airport and 40 will be placed at Dulles.

No part of the reduction is directed to the security personnel. The committee believes that the reductions can be accomplished through the deferral of lower priority capital items such as replacement snowblowers and snow removal equipment which were not used during the past winter and through delays in filling of authorized positions. At the time of the hearing, approximately 100 of the 726 authorized positions were unfilled.

As has been true in the past, National Airport is operating at a profit, and Dulles Airport is operating at a loss. The net loss, including interest and depreciation, will be $855,000 during 1974. However, I am pleased to say that there is an expected net profit of $7.2 million in 1974, exclusive of interest and depreciation.

For construction of the National Capital airports, the committee cut $400,000 and recommends $3 million. At the time of the hearings, the unobligated balance was $7.6 million. $4 million of this amount is in the pending supplemental appropriations bill to cover increased pay costs. Because of the large unobligated balances in this appropriation, the committee recommends that these funds be available until the end of fiscal 1975, rather than until expended as had been the case in the past. Because of the large size of the unobligated balances, the committee has also directed that part of the unobligated carryover funds be used to accomplish urgent priority projects.

FEDERAL HIGHWAY ADMINISTRATION

The committee has cut $23.9 million from the request for the Federal Highway Administration and recommends $40.3 million. This is an increase of $9 million over the 1973 appropriation.

For salaries and expenses, the committee has cut $900,000 and recommends $14.3 million. This item provides for salaries and expenses to conduct Federal-aid and certain direct highway programs and the motor carrier safety program. The expenses for planning, operation, and administration of the Federal-aid highway program and for financing highway research are financed by transfers from the trust fund. The committee recommends that the transfers be cut by $4.1 million and that $101.9 million be appropriated.

The appropriation and the trust fund recommendations reflect a $5 million reduction from the budget and an increase of $4.5 million over 1973.

The committee trimmed $5 million from the appropriation for the liquidation of contract authorization for highway beautification and recommends $30 million. This is an $18 million increase over 1973. The committee bill also contains a limitation on obligations of $45 million, a $10 million reduction from the budget and an increase of $5 million over 1973.

The bill also contains $1 million for administrative expenses for the highway beautification program, a decrease of $20,000 from the budget.

The committee reduced the budget request for highway related safety grants by $3 million to $7 million. These funds are used to assist States and localities in implementing the Highway Administration's safety standards. At the time of the hearing, almost 85 percent of the 1973 appropriations were unobligated.

The committee recommends that $10 million be appropriated for the rail crossings demonstration projects. This is a reduction of $8 million from the budget request. These funds are used to eliminate or upgrade ground-level grade crossings in the area of Greenwood, S.C. and along the route of the high-speed ground transportation projects between Washington and Boston.

This program got off to a very slow start as many railroads, because of their financial difficulties, did not contribute their 10 percent share required by the authorization. Most States have now agreed to finance the railroads' share. Because of the unobligated carryover of 1973 funds, the program should be able to allow the $18 million obligation level proposed in the budget.

The committee recommends the full $2.6 million requested for Territorial Highways. These funds are used to assist the territorial governments of the Virgin Islands, Guam and American Samoa in the improvement of their highway systems.

The committee recommends $15 million for the Darien Gap Highway. This is the same as the 1973 level and is a cut of $15 million from the 1974 request. These funds will allow for the construction of 250 miles of highway in the Darien Area of Panama and Colombia.

For Federal-aid highways, the committee has recommended $4.316 billion, a cut of $4.1 million from the budget request. This reduction reflects the reductions in Salaries and Expenses, and it will not result in a reduction of the construction program. Work is completed or underway on 41,300 miles of the 42,500 mile Interstate System.

The committee has cut $12 million from the right-of-way revolving fund and recommends $4 million. These funds are used for the advance acquisition of rights-of-way and relocation expenses to help reduce potential inflationary pressures and to assist in more adequate advance planning. However, only $72 million of the appropriated $135 million have been obligated for this program.

No cut was made from the $8 million request for forest highways. However, the committee recommends that the ceiling on obligations be set at $18 million, $2 million below the 1973 level, $2 million above the budget request. These funds are used for the construction or improvement of highways within or adjacent to national forests.

No cut is recommended for the $3 million request for public lands highways. The funds under this program are used for construction and improvements to highways through public lands where a State has large areas of such lands. The committee also recommends the requested limitation on obligations of $5 million. This amount is $7 million less than the obligations expected to be incurred in 1973.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The committee cut $12.3 million from the overall budget request for the National Highway Traffic Safety Administration and recommends a level of $144.6 million, $30 million of which will be derived from the highway trust fund.

For traffic and highway safety, the committee recommends $44.6 million, a reduction of $12.2 million from the budget request. This reduction, however, does not include the authority to transfer $9 million appropriated in 1972 for the construction of a compliance test facility. The net reduction is $3.25 million when the transfer is taken into account.

The budget request for traffic and highway safety was $91.9 million. Of this, $41.8 million is authorized in the pending Federal-Aid Highway Act (S. 502). The amount of $35 million is not authorized and action was deferred by the committee. The deferred items include the development and promulgation of safety performance standards for new and used cars, motor vehicle research, and related administrative support.

The alcohol research and test program is reduced $800,000 to its 1973 program level. The requested increase was over 30 percent above the $2.2 million appropriated in 1973. The Department of Health, Education, and Welfare is already spending more than $10 million each year on alcohol research and training and is spending over $60 million on treatment programs and projects. The driver/pedestrian factors research was reduced $1.8 million to $2 million, an increase of $162,000 over 1973.

I am somewhat concerned about the diagnostic inspection demonstration projects. We are appropriating over $5 million for this program, and the expected accomplishments of the program are somewhat unclear at the present time. There are 730 privately owned diagnostic centers in the country, and the Traffic Safety Administration estimates the annual growth rate at 10% per year. It is abundantly clear that there will be a great deal of duplication with what the private sector is doing here, and I believe that the National Highway Traffic Safety Administration should concentrate on safety and pollution factors in their demonstrations.

The committee recommends $100 million for State and community highway safety, a reduction of $557,000 from the budget request and an increase of $30 million over 1973. The funds under this program are used to assist States and communities in establishing highway traffic safety programs. The committee also recommends a limitation on obligations of $80 million, $10 million less than was requested.

FEDERAL RAILROAD ADMINISTRATION

The committee cut a total of $13.8 million from the budget request for the Federal Railroad Administration and recommended $37.5 million.

$300,000 was cut from the salaries and expenses request, with $2.9 million being recommended. This item covers the salaries and expenses of the Office of the Administrator and other organizational elements supporting that office.

The committee is very concerned with the performance of the Federal Railroad Administration in dealing with the problems of today's railroads. Since 1970, the Congress has given the Administrator a three-fold increase in staff. Despite this fact, the office has had little positive impact on railroads. In the future, the committee will weigh requests for increases in staff and funding on the performance of the administration.

The committee cut the request for railroad research by $2.5 million and recommends an appropriation of $10.5 million. As of April 30, only $4.9 million of the $10.4 million appropriation for 1973 had been obligated.

The major areas of research under this item involve industry structure, freight car management, improved freight service, and railroad safety operations. The committee notes that there continues to be very significant problems in each of these areas, and evidence that the FRA is having a meaningful impact on developing solutions to these problems is less than completely convincing.

The committee recommends that the railroad safety program be maintained at its 1973 level, $7 million. This is a cut of $1 million from the budget request.

The $1 million was to go for the establishment of a new program to assist states in setting up training programs for railroad safety inspectors. However, none of these funds would be used for assisting in hiring or paying for these personnel. Further, the FRA was unable to show a clear basis for expecting the states to participate in this program unless the cost of the personnel was also subsidized by the Federal Government.

For high-speed ground transportation research and development, the committee recommends an appropriation of $17.1 million and an obligational level of $32.1 million, a reduction of $10 million in each category. The program levels recommended by the committee will emphasize the areas that have the greatest potential for near-term improvements.

The reduction of $3 million in advanced systems and the $1.9 million reduction in advanced technology are reflections of the need to concentrate on near-term results. Of note here, the President of Amtrak, the corporation which would be the prime beneficiary of technological improvements, indicated that Amtrak's primary interest is to raise train speeds from 100 m.p.h. to 125 m.p.h.

The committee recommends $1.5 million for the completion of experimentation with the Metroliner retrofit program. The committee does not believe that the retrofit program should be initiated until such time as the total cost of the program is established. At such time, the committee will be favorably inclined to consider appropriations for the retrofit program.

The committee recommends the full appropriation request of $5.6 million for the improved passenger train and recommends that the FRA have full responsibility for the research with the tracked air-cushion vehicle in the future. It appears that, in spite of its potential for inter-city transportation, the TACV will have no practical application to an urban mass transit system, and the committee believes that UMTA should have no further concern with the program.

No appropriation was requested or recommended for the Alaska Railroad Revolving fund.

The committee deferred consideration on the request for a $93 million grant to the National Railroad Passenger Corporation—Amtrak—because of the lack of authorizing legislation.

The committee does note, however, that $9.1 million contained in the Supplemental Appropriations bill, 1973, for existing and proposed experimental services has been impounded. The committee directs that these funds can be spent for no other purpose than that for which they were appropriated.

URBAN MASS TRANSPORTATION ADMINISTRATION

The committee cut $35.2 million from the request for the Urban Mass Transportation Administration and recommends $34.8 million.

The committee cut $1.8 million from the request for administrative expenses and recommends an appropriation of $5.2 million. The Urban Mass Transportation Administration has an unobligated carryover of $1.7 million from 1973. Therefore, the committee reduction is only $100,000 below the program level in the budget.

Lower increases are granted for program planning, administration, and research, development, and demonstration. The full increases are recommended for civil rights and program operations.

The committee cut $33.4 million from the 1974 appropriation and obligational request for research, development, and demonstration and university research and recommends an appropriation of $29.6 million. In addition to the appropriation, the committee bill provides authority to use $13.9 million in unrestricted carryovers for this purpose. When these amounts are added to the $20 million in impounded 1973 funds, this will allow a program level of $63.5 million.

The committee notes that there have been no cuts in the funds for rail or bus technology. The committee hopes that UMTA will move quickly to complete the research in these areas so that the developments can be used by cities in upgrading their bus and rail operations.

The committee cut $13.95 million from the new systems request. The committee is very concerned with the fact that UMTA is presently engaged in the development of three completely different personal rapid transit systems without having yet determined the proper role for PRT's or whether they will have a practical application in urban mass transportation. I also believe that some of the spending under this program has been more than a little bit wasteful.

The committee notes with approval that the transit operations and management program will contain a new project on intermodal integration. The committee believes that this project has great potential for improving mass transportation effectiveness and that it could provide significant benefits to the public and to the system operators.

As an outgrowth of its belief in the development of an integrated system, the committee has included a role for taxis for the first time. The committee recommends that $1 million, not requested in the budget, be spent on the development of an improved, efficient, quiet, nonpolluting taxi.

For liquidation of contract authorization, the committee recommends the full budget request of $380 million, an increase of $148 million over 1973. The committee bill also includes a limitation on commitments during 1974 of $980 million. This amount is $20 million below the budget request; $872 million of these funds will be used for capital facilities grants.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The committee recommends $820,000 for the St. Lawrence Seaway Development Corporation, a reduction of $20,000 from the budget request. The reason for the reduction is that the proposed budget contained a built-in cushion of $20,000. No new positions were requested or recommended.

TITLE II

Turning briefly to title II of the bill, the commitee cut $1.64 million from the budget request and recommends a level of $296.9 million. This is a decrease of $48.5 million from the 1973 appropriation.

NATIONAL TRANSPORTATION SAFETY BOARD

The committee recommends two additional positions and an appropriation of $7.98 million for the National Transportation Board, a reduction of $25,000 from the budget request.

The Board conducts investigations of all aviation accidents and selected surface transportation accidents to determine the probable cause of the accident. The two new positions will provide the Board with complete personnel services for its employees. Previously, these services had been provided by the Department of Transportation on a reimbursable basis. The committee approves this recommendation and notes that this improvement will assist the Board in maintaining its independent status to allow complete objectivity in its review of transportation accidents. The Board provides a valuable service in our transportation system, and I, for one, believe the Board should jealously guard its independence.

CIVIL AERONAUTICS BOARD

The committee includes $14.8 million for salaries and expenses for the Civil Aeronautics Board. This is the total amount requested in the budget and will allow the requested increase of 15 positions.

The Board regulates the economic aspects of air carrier operations and participates in the development of international air transportation. Twelve of the additional positions will be for enforcement and consumer affairs, and three of the positions will be for management support.

I am pleased to note that the Board has been taking a more active interest in the energy problems confronting our country. The Board recently approved a request which allows the carriers to meet and discuss means of reducing fuel consumption by reducing the speed by a small amount. The Board has also made the Director of its Bureau of Economics responsible for all fuel questions. I think that the Board is to be commended for these first steps, and I hope that its effort in this area will increase.

The committee allowed $66.4 million for payments to air carriers. This is the full amount requested and is a reduction of $14.4 million from the 1973 level.

INTERSTATE COMMERCE COMMISSION

The committee recommends $34.8 million for the Interstate Commerce Commission, a reduction of $250,000 from the budget request and an increase of $1 million over 1973.

The committee is pleased to note that the ICC has been permitted to fill the additional positions authorized by the Congress during the last 3 years. The committee is hopeful that these positions, and the 70 new positions the committee is recommending, will bring more effective and efficient resolutions to our surface transportation problems. The new positions will be used to reduce the backlog in compliance proceedings and will assist the ICC in more effectively considering environmental issues and responding to consumer complaints.

The $250,000 reduction relates to the requested $450,000 for the investigation of the freight rate structure; $1.4 million was appropriated for this program in 1973, and the committee believes that $200,000 should be sufficient to complete the report. Having observed some of the gross inequities in the freight rate structure, I am most anxious to see the report and its recommendations.

PANAMA CANAL

The committee recommends $59 million for the operating expenses of the Canal Zone Government. This is $361,000 below the budget and $3.1 million above the 1973 appropriation.

No additional positions are requested or recommended, and the increases are primarily due to mandatory pay and cost increases.

The committee also recommends $3.5 million in capital expenses for the Canal Zone Government, a reduction of $1 million from the budget request.

These funds are for necessary improvements and replacements of educational facilities, hospitals and clinics, and municipal facilities.

The reduction is due to the large carryover balances in past years. The unobligated balance at the end of 1973 is projected to be $2.7 million.

The bill also provides a limitation on general and administrative expenses of $21.04 million for the Panama Canal Co., the same as the budget request.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Finally, the committee recommends a Federal contribution of $97.7 million for the Washington Metropolitan Area Transit Authority, the same as the budget request.

The $90.4 million of this appropriation is an advance appropriation for fiscal year 1975. The remaining $7.4 million is for the design and construction of the Arlington Cemetery Station and an additional Smithsonian Station entrance. These last two projects were authorized by the Congress last October.

The committee feels that WMATA should seriously consider the technological advances in the design of transit cars before it makes its next purchase. The cars purchased thus far are not as technologically advanced as the cars presently used by the BART system in San Francisco. The committee believes that the Metro system should be an exemplar of technological advancements and feels that the cars purchased by WMATA in the future should reflect the most up-to-date state-of-the-art.

The committee is also recommending the full budget request of $12.7 million in Federal subsidies to the WMATA revenue bonds. The Federal subsidy covers 25 percent of the interest and issuance costs of the bonds.

Thank you, Mr. Chairman, for the opportunity to detail the committee bill. I have certainly enjoyed serving as the ranking minority member of the Transportation Appropriations Subcommittee, and I look forward to continued association with my distinguished colleagues on that subcommittee.

Mr. McFALL. Mr. Chairman, I would ask the distinguished gentleman from Massachusetts (Mr. CONTE) if he desires to yield time on his side?

Mr. CONTE. Mr. Chairman, I do desire to yield time.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, as we have heard, the committee is recommending that we cut $8.7 million from the budget request for personal rapid transit system development. This amounts to a very sizable 41-percent reduction in the UMTA request. If Congress applied the same spirit of economy to every agency's request, we could liquidate one quarter of the national debt this year.

As much as I am convinced that the answer to urban transportation problems lies with new transit systems yet to be developed, it is hard to disagree with the committee's logic for recommending this drastic cut even through I have more confidence in UMTA than the committee does.

For me the problem is that we simply are not getting where we want to go. I do not want to pick out any scapegoat but I want to emphasize these facts: First, mass transit development is a high priority for nearly everyone; second, there are bills pending before Congress to authorize spending for operating subsidies for what are obsolete systems; third, annual capital grants, largely for buses, reach nearly a billion dollars; fourth, the overwhelming share of present and projected spending is aimed at systems for which the public has shown little enthusiasm; fifth, new systems are needed to solve problems of pollution, energy shortage, congestion, and even the sometimes-ignored problem of a shortage of transportation services; and sixth, the President singled out mass transit development as a priority need in his 1972 State of the Union Address.

Therefore, this country has not come close to meeting its needs for mass transit research and development; $30 million for PRT development is a relatively insignificant committment for a high priority national need. I only wish UMTA and DOT had been more persuasive with the committee.

Both UMTA and this Congress have been timid in their willingness to tackle the research and development of modern, sophisticated systems that will share transportation needs, conserve energy, and attract riders. The systems on which we have concentrated over little hope of improving the modal split. We need a technological overlap that will take people away from their second or third car.

As the committee report states, UMTA has not yet defined the role of PRT, but instead has chosen to ride off in three different directions. Apparently the UMTA rationale is that simple systems must be developed prior to sophisticated ones but that development of sophisticated systems cannot wait. What seems to be agency ambivalance is probably more a desire to please everybody. UMTA has really attempted to provide a legislative solution—give everybody a little something—and we have encouraged them.

The present UMTA PRT development program calls for completion of the large vehicle low capacity Morgantown system by 1976 at a cost of $64.2 million. So far as I know we have no customers for this system but it represents the basic technology and should be completed. Secondly, we have embarked on development of a second generation system for the Denver area which is similar to the Morgantown type system, but would operate at shorter headways. This was to be the development of the Dulles Transpo Technology. This system is supposed to be available for urban installation sometime in 1976 at a cost of $18.5 million. Finally, UMTA want to begin development of a high capacity system which is far more sophisticated than the Morgantown and Denver systems. UMTA expects to have this system ready for an urban deployment by late 1979 or early 1980. The estimated cost of this program is $38 million.

This three pronged development effort is hard to justify particularly in view of the fact that both Germany and Japan will begin full-scale testing of the most sophisticated type of PRT system this year. The Germans and Japanese are doing now what we propose to do 4 years from now. In the meantime, UMTA proposes to spend the majority of our PRT development funds this year on systems that are substantially less sophisticated than foreign systems currently undergoing tests.

Furthermore, both the German and Japanese development programs are alleged to cost less than our own. There is a real possibility that much of our present and proposed research is aimed at developing systems that may be obsolete. To his credit, the new Administrator of UMTA, Mr. Frank Herringer, has agreed with the Appropriations Subcommittee and will take a closer look at the state of foreign technology development. He is justly concerned that we not duplicate development efforts that have already taken place elsewhere.

I have consistently tried to get UMTA to raise its sights. I have tried to stimulate UMTA to move to more sophisticated systems and to make budget requests commensurate with the enormous need.

Frustrated by UMTA's seeming lack of direction, the committee has recommended drastic cutbacks in the PRT development program. I would only suggest that the House go one step further and insist that UMTA undertake a study of just where we should be going with our PRT development program.

At the direction of the President, DOT on January 16 of this year signed a memo of understanding with NASA to come up with a program for analysis of advanced PRT. The project plan which NASA subsequently developed would do just what the committee says is needed, namely define the role and assess the practicality of PRT with particular focus on the most advanced types of development work taking place in Europe and Japan. I believe this was just what President Nixon had in mind when he said in his 1972 state of the Union address.

> For example, our outstanding capabilities in space technology should be used to help D.O.T. develop better mass transportation systems.

The NASA project plan proposal currently pending in UMTA would take only 10 months to complete and cost approximately $3 million. The results of such a study are just what UMTA and Congress need to evaluate and guide future PRT development efforts.

I would like to propose that the House specifically provide an additional $3 million to UMTA for the specific purpose of funding the NASA study. If we do so, next year when the House considers the UMTA budget we should have the necessary informtion in hand to decide how much if any additional resources should be put into PRT development.

Mr. CONTE. Mr. Chairman, I yield to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, the debate of the Department of Transportation appropriations bill (H.R. 8760) is an appropriate time to make some observations concerning our national transportation policy. This topic was the subject of much controversy when we considered the Federal Highway Act. Everyone seems to be in agreement that we must develop operational plans to relieve the traffic crunch which afflicts our urbanized areas; however we have been unable to reach agreement on the proper method of providing this relief.

Diversion of highway trust funds and increased funding under the Urban Mass Transit Act appears to have considerable support in both Houses of Congress. While I agree that the Government must begin to encourage modes of transportation other than the single passenger automobile. I do not think that we will be able to reform transportation habits overnight. In addition to the time required to plan and implement rail systems and new bus lines, there are also considerable costs associated with these systems.

In the short run there is an urgent need for improved vehicle traffic management in our metropolitan areas. Increasing traffic tie-ups which aggravate the current fuel shortage and add pollutants to the atmosphere cannot be tolerated indefinitely. Creeping traffic is no longer an inconvenience but a major contributor to a growing public safety and health problem. An intense program to manage the number of automobiles on the road, and at the same time, increase the efficiency of vehicular traffic movement should be given immediate implementation.

The Department of Transportation has done an outstanding job in this area under its TOPICS program and I urge its continuation. Program costs will be more than offset by the increased safety, reduced vehicle operating costs, reduced travel time, reduced air and noise pollution, and reduced fuel consumption.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I rise to speak in favor of H.R. 8760. It is my pleasure to serve on the Transportation Subcommittee of the Appropriations Committee, and I have of course followed this legislation closely from its inception. I can say to my colleagues in the House that the subcommittee under the chairman's able leadership has worked hard to see that the taxpayer will get a dollar's worth of results for every tax dollar spent by this bill.

As the subcommittee unraveled the problems standing between us and a balanced, effective transportation system, many complex threads could be seen in the fabric. The energy crisis, land use, urban planning, environmental concerns, and the strength of the economy are just a few of the problems which are so intertwined with transportation as to make it difficult if not impossible to consider one without the rest.

The point is that transportation extends its roadways into all aspects of American life. Our transportation determines how we move ourselves, our goods, and our ideas. Like it or not, we live in a highly mobile society, and to a significant degree the quality of our transportation often determines the quality of our lives.

Mr. Chairman, I believe H.R. 8760 provides the necessary direction and leadership to move forward during fiscal year 1974 toward an improved, more efficient transportation system, a balanced system that takes into account its far-flung influence on some of the most pressing problems facing our Nation.

H.R. 8760 recognizes that the winds of change continue to blow in transportation as in other areas of congressional concern. It observes that our transportation system must be responsive first and foremost to the traveling public, to the people who need to get themselves and their goods from here to there and back again.

To achieve the transportation system that the American people deserve, we must involve ourselves in a joint enterprise, with the traveling public, the transportation industry, the regulatory agencies, and the Congress pulling together toward the goal of a better, smoother operating transportation network. H.R. 8760 is certainly not perfect, but I believe it provides the vehicles in which we can move toward this goal during the next fiscal year. I urge every Member of the House to support the Department of Transportation fiscal year 1974 appropriations.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, the first question I would like to ask in respect to this bill is whether there is any money in it to bail out Transpo '72 that was such a financial debacle.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, there is no money in here for Transpo '72.

Mr. GROSS. Did the Department of Transportation make any application for that purpose?

Mr. McFALL. No, they do not.

Mr. GROSS. Does the gentleman know how they expect to pay their debts?

Mr. McFALL. I do not really know whether they have any more debts. I read in the newspapers that they may have some, but they have not advised the committee of that.

Mr. GROSS. I thank the gentleman for his reply.

I note that the Deparment of Transportation is getting into the business of studies, grants for studies in various universities and other places. They are joining with the arts and humanities, the foreign aid outfit and others in dishing out money for studies so that they will have some hand-made propagandists to carry on their campaigns for funds. Is the Department of Transportation trying to develop some walking delegates to lobby and propagandize the country in one way or another to continue these appropriations and expenditures?

I note that Atlanta University receives $67,000 to tell Atlanta officials how they should make decisions, as if they did not already know how to make decisions. It also provides for a study of the "urban nomad." And Clark College got $40,000 to help Atlanta University study the "urban nomad." I wonder if anyone here can describe an "urban nomad."

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. GONZALEZ. I think the House gave a pretty good definition of one urban nomad in the person of the chief of police of the District of Columbia.

Mr. GROSS. I was afraid that is who the gentleman was going to refer to.

Colorado University took in $59,470 to put together a "computerized decision game model" to study transportation problems in Boulder, Colo. I wonder what is to be accomplished with the use of a "computerized decision game model"?

Howard University gets $42,975 to study "bureaucratic transportation planning traits"—whatever that is.

I think before we get through with this bill today we ought to have some idea of why we are spending this money.

Are transportation studies themselves wallowing in so much bureaucracy that it requires $42,975 to study how to get them out of the bureaucracy, or what is it for?

And, how about $52,918 to New York State University to "identify and analyze the nature, extent, and consequences of carlessness?"

That is spelled, "c-a-r-l-e-s-s-n-e-s-s."

I suppose the report of this university will note that people who do not own cars ride buses, and students who cannot afford bus tickets thumb rides.

I notice the University of Wisconsin received $55,730 to study how to increase fuel economy in transportation systems, and that the bill today provides another $2,100,000 to study the same thing. Will the Department of Transportation researchers consult the findings of the Wisconsin researchers? I will wager that this may well be another case of the left hand not knowing what the right hand is doing.

Mr. Chairman, I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. McFALL. Mr. Chairman, I yield 5 minutes tothe gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I would like to ask the chairman of the committee or some member of the committee about the high speed ground transportation appropriations.

The report indicates that the committee apparently feels that the work on the tracked air cushion vehicle, the one designed to go upward of 300 miles per hour, should not receive the attention that conventional rail research is to be given under the bill. Would the gentleman from California comment on plans for that test site and why it is not given more priority in comparison to the conventional test program?

Mr. McFALL. Mr. Chairman, if the gentleman will yield, we believe that the test center that the gentleman is talking about, is very important for our rail research and certain other research activities of the Department of Transportation. We have provided them with funds over the years which we think are necessary for the development of that test center.

We agreed that this center is very important to transportation in the country.

Mr. PICKLE. Mr. Chairman, I think that it is appropriate that we give special attention to conventional rail research and try to improve in a better manner the modes and vehicles that we have now, but I do think that we are not going to solve our problems unless we give more attention to the high speed programs.

I do not think we are going to really solve these problems until we have a train going from here to New York, for instance, in 1 or 2 hours. We are going to need 300 mile per hour vehicles for that, higher than the speeds we have now.

The gentleman from California knows that we have a vehicle in Colorado now, a traced air cushion vehicle, actually levitated and moved forward by jet power which does not touch the rail but just uses guidelines. It is moving, but moving slowly. I rode in it last fall, and I think the gentleman from California also had a demonstration ride on it. However, in 1973 they built 1 mile of track. In 1974, I think they plan to build one more mile.

On that basis, it will be the year 2000 before they can have a track, or an oval track, long enough to really test this vehicle. By that time, we are going to have a new system or something else, so it seems to me that if the committee is funding this program, somebody down the street is not releasing the money.

I talked with the Federal Railway Administration, and I am convinced that they would like to do more, but their hands are tied. I think that program is limping along out there at a much slower pace than it ought to. The only way it is going to be done is for this committee to say, "These are the funds we are giving you, and you ought to pursue it with speed and much more diligence."

Otherwise they are generally sitting on their hands and are not giving us our money's worth on a project that has to be accomplished.

We must improve our conventional transportation system, Mr. Chairman, but unless we get better high-speed systems not only on the drawing boards but also in actual demonstration we will not make much headway. That is where the answer will come if we are to make progress in high-speed rail transportation.

I would suggest to the gentleman and to the committee that they should look into the matter of the appropriation that has been made and ask why the Administration spent only one-fourth or thereabouts of the money given for that project.

We will not solve our transportation problem if we go at it in such a weak, piecemeal manner.

Would the gentleman care to comment on the tracked air cushion vehicle and the other demonstration project?

Mr. McFALL. As the gentleman points out, there was $15 million left over in the

Administration's program. We reduced their program request by $10 million.

Mr. PICKLE. With the $15 million carryover, what is the total appropriation for the high-speed test program in Colorado?

Mr. McFALL. With the $15 million carryover they will have $17 million plus $15 million, or $32 million. Last year the appropriation was about $52 million and they did not use $15 million of it, so it will be at approximately the same level this year as it was last year.

Mr. PICKLE. They did not spend approximately $15 million?

Mr. McFALL. That is correct, $15 million out of $52 million.

Mr. PICKLE. Does the gentleman know whether OMB would not release it or whether they did not request to spend it?

Mr. McFALL. OMB would not release it.

I should like to take just a minute of the gentleman's time to discuss this very important test center.

We recommended in the bill that the Urban Mass Transportation Administration divest itself of the development of the 150-mile-an-hour TACV, and that the Federal Railroad Administration take over the 150-mile-an-hour TACV, because we believe the 150-mile-an-hour TACV and the 300-mile-an-hour TACV ought to be considered by one organization. Logically high-speed rail should be that place.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McFALL. Mr. Chairman, I yield the gentleman 2 additional minutes.

The Urban Mass Transportation Administration really should devote its efforts to the moving of people in the urban centers. The TACV air cushion vehicle does not lend itself to the movement of people within urban centers.

Mr. PICKLE. That is correct.

Mr. McFALL. As the gentleman knows, it requires an 8 to 10 mile distance between stations in order to operate efficiently. This is not something one can provide in an urban system.

The real need for these systems, as the gentleman pointed out, is for fast transportation between, we will say, New York and Washington or Boston and New York.

If we go over 200 miles an hour we might be using up more energy than is really economical. The practical speed of an air cushion vehicle probably is in the range of 150 to 200 miles an hour.

I should like to see the Federal Railroad Administration really get to work on this. It does provide great promise, we believe, for intercity transportation, and they should get to work on it.

Mr. PICKLE. I would hope again that this demonstration project would be allowed to proceed at high speed. Some of our Members have looked at demonstration projects in other countries, particularly in the field of magnetic construction, and are convinced the United States is going to find itself far behind in this race for high speed unless we put emphasis on it. I hope that will be the case.

Mr. Chairman, in considering this legislation, I feel that the House should consider two additional points:

First, there is still no national transportation policy. When this Congress established the Department of Transportation in 1967, one of the reasons for doing so was to create an agency that would come up with a national transportation policy.

So far DOT has not done this, and I feel that it is time that the Congress, and those committees with jurisdiction over transportation matters, to give serious consideration to taking steps to mandating the development of a national transportation policy, or just doing it ourselves.

The second consideration that this House should be concerned with in reviewing DOT policies is the fact that there is really no solid, and obvious coordination of research and development in the transportation field by the Department of Transportation.

I realize that there is an assistant secretary who reviews the research and development programs of the various DOT components, but I do not think that this represents the type of research commitment this Nation needs in the transportation area.

We need to put our transportation research efforts under one umbrella.

I have studied the Canadian Government's Transportation Development Agency, and I am convinced that the same type of agency could do wonders for the transportation development in this country.

Last year, I introduced legislation to create a Transportation Development Agency. My legislation is still good, and I would hope that my colleagues, who know the need for a better transportatin system in America, would join me in my efforts to bring some order to this country's transportation R. & D. efforts.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman from California (Mr. McFALL) the chairman of the committee, for yielding to me, and the committee as a whole for the job it has done, and I concur in the comments made by the distinguished gentleman from Texas (Mr. PICKLE) regarding the tests conducted at Pueblo, Colo.

I have one question with regard to a comment in the report.

My question relates to a road at the Pueblo test site that is in terrible shape. This road links this test track to the airport and highway. There have been accidents on it. I think we all agree that it should be repaired, and I think the committee indicated there were some funds on hand in the Department that could be used to improve this road.

Mr. Chairman, I take this opportunity to propose a question to the committee chairman, the gentleman from California (Mr. McFALL).

I suppose in this regard that it is the committee's desire that this money to construct that road or improve that road should not be taken from research and development funds but, rather, from other funds which the Department has on hand. Am I correct in my understanding?

Mr. McFALL. Mr. Chairman, that was the intent of the committee language in the report. I have been at the test center, and I have ridden over that road. It is very difficult for me to understand how they can operate that test center with such a horrible road. The efficiency of the center would really be increased if they had just an ordinary road.

I understand that what has happened is that everybody has been sitting around waiting for somebody else to build a road. One says, "That is your responsibility," and another says, "Will you share in this?" But nobody is going forward.

Mr. Chairman, as we indicate in our report we feel that the Department of Transportation should use the funds available to it to go ahead and build that road. We feel that this is very important to the activities at the test center.

Mr. EVANS of Colorado. Mr. Chairman, I am very pleased with the action of the committee, and I want to thank the chairman of the committee also for his interest in the subject.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman from California, the chairman of the subcommittee, and I rise for the purpose of asking a couple of questions.

What is the net amount in this bill which is set aside for the ICC?

Mr. McFALL. Thirty-four million, seven hundred fifty thousand dollars.

Mr. GONZALEZ. Mr. Chairman, may I ask, this is mostly for administrative purposes and for carrying out its functions as set forth by law?

Mr. McFALL. Mr. Chairman, the language of the report, I would say in answer to the gentleman's question, is as follows:

The sum of $34,750,000 is recommended for salaries and expenses of the Interstate Commerce Commission. This is a $1,030,000 increase over fiscal year 1973 appropriations and a decrease of $250,000 below the budget estimate.

Mr. Chairman, $250,000, as I explained in my statement was taken from the study of the railroad freight rate structure, because they have not decided how they will conduct that study. We think it is a very important study, and we think they should go ahead. But as the gentleman knows, the legislative committee has been looking into how they should be conducting this program, and as of now the Interstate Commerce Commission has not made up its mind as to how it is going to be done.

Mr. GONZALEZ. Mr. Chairman, I noticed in the report of the committee that the sum of $250,000 has been lopped off on the basis that they would not be able to use more right away since they had the funds that were authorized last year for the purpose of this analysis of the rate structure.

Mr. McFALL. Yes, we appropriated funds in 1973 for the freight rate structure investigation. This is a very important study.

Mr. GONZALEZ. Yes, it is very important. That is what I am getting at.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

Mr. McFALL. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, we do not intend to interfere with that study. We did not intend to say, by cutting this $250,000, that we do not think the study is important. It is just that they have not decided how they intend to proceed with this study.

We have included an additional $200,000 in this bill for this investigation. However, we thought we could save $250,000 because they are not ready to go ahead with it.

Mr. GONZALEZ. I have no quarrel with that. I am sure the committee is right except for the fact that this Commission, like so many of our regulatory commissions, seems to have become almost powerless with regard to the general interest of the greatest number of citizens who have a need for regulatory protection.

For instance, we have the shippers—the small shippers. I have had a stream of complaints over the course of months and, in fact, for more than a year where they have been caught between the Interstate Commerce Commission and its practices and the Price Commission and its practices. When a shipper comes to them for relief the way the Commission operates, in case the committee has missed it, is very important. It operates for the benefit of the vested interests; that is, the companies that do the shipping—the great and powerful transportation interests; but when you have a little company that gets caught and seeks relief, the Commission will not even advise him about any freight rate changes. He can suddenly face destruction of his small business. It stares him right in the face. This massive Interstate Commerce Commission is oblivious to his needs and, in fact, is oblivious to some of us who are Members of Congress.

What I want to know is this: Is the committee or the subcommittee responsive and sensitive to the practices of the Interstate Commerce Commission that ignores the needs of the small shipper, where they will announce freight rate changes without even giving prior notification to the shipper affected? What can we do about that?

Mr. McFALL. Let me preface my answer to the gentleman's specific question by saying that for the last 3 years, including fiscal year 1973, we have added money to the Interstate Commerce Commission's request sent here by the OMB. I understand that not until fiscal year 1973 did the OMB finally yield and permit the Interstate Commerce Commission to spend the funds which we appropriated for additional personnel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFALL. Mr. Chairman, I yield the gentleman 2 additional minutes.

If the gentleman will yield further, let me say we believe that the Interstate Commerce Commission performs the function of the Congress in regulating the commerce of the country. It is our constitutional function, and they do it for us. We believe that they should have the funds necessary to do it and the OMB should not interfere. It was not until this current fiscal year that they were able to have the funds necessary, we think, to do the job.

With reference to the specific question that the gentleman asked about the interests of the small shipper, I do not have the information at my fingertips to be able to answer the gentleman as to whether or not the Interstate Commerce Commission discriminates against the small shipper. However, I will say to him we will be glad to look into it and to discuss this matter with the ICC to make sure that they are not discriminating against them.

Mr. GONZALEZ. I thank the gentleman, and I will be delighted to turn my files over to him or to the staff or to any other interested party, but more disturbingly what the gentleman is telling me now is actually the OMB is exercising the prerogatives and the power of not only administrative agencies but actually the power of the Committee on Appropriations.

Mr. McFALL. They did prior to fiscal year 1973 when they did release the funds.

Mr. GONZALEZ. I would like to tell the gentleman this: I will turn over my files, but in the meantime I am surprised he and some of his other colleagues have not heard from the people of this country, because there is no question about it: the regulatory agencies are not responsive to the needs and they give me the impression, including the Interstate Commerce Commission, that they are completely beholden and at the mercy and whim of the powerful vested financial interests involved in transportation, and I think that is bad.

Mr. McFALL. Mr. Chairman, I am glad to have the gentleman's statement.

Mr. GONZALEZ. I thank the gentleman.

Mr. McFALL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to answer the question that the gentleman from Iowa (Mr. GROSS) asked me during my statement on the bill.

Yes, the Department of Transportation or the FAA does have a minority hiring program. They are not, however, requesting any additional positions for this program. The program is not to be expanded, but it will probably be continued. That is the information that I have.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I appreciate the response of the gentleman from California. I would say to him that it is inconceivable that they would operate a "numbers" game with respect to the recruitment and training of men for such highly sensitive and responsible jobs as those of air traffic controllers. It is beyond comprehension that they would even attempt to apply forced employment to these jobs.

I can think of but few jobs in the aviation industry more responsible than that of an air traffic controller.

I thank the gentleman.

Mr. McFALL. I would say to the gentleman from Iowa that I do not believe there is a quota system per se, involved in this program. It is merely a positive attempt to recruit minority groups so that they can be trained to fill jobs in this very important industry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFALL. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I would further say to the gentleman from Iowa that this, I think, is like many other programs that we have in other agencies of the Government. It is an attempt to qualify minority groups to get into the air traffic control system activities.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I agree with the gentleman, but I say to the gentleman from California and also to the Members of the House that we ought not to be using a program of that kind in the area under discussion. I do not care what their color, I do not care what their status in life, or whether they come from the north or south side of the tracks; if they are qualified to occupy those responsible places in control towers, I care not who they are. But I insist they must be qualified, and not be there by virtue of the "numbers" game.

Mr. McFALL. I believe I can assure the gentleman from Iowa that in no way would the safety requirements of the FAA in these very important areas be compromised by this program.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN.)

Mr. DON H. CLAUSEN. Mr. Chairman, I share the committee's expression of deep concern over the Coast Guard's termination of 15 search and rescue units and want to go on record here today as strongly objecting to the closure of these stations.

In my judgment, it is one thing to close certain defense installations and activities as well as related functions of the U.S. Coast Guard for purely economic reasons—but another when those activities have, as their primary mission and purpose, the saving of lives and property.

My own congressional district has never been adequately safeguarded with Coast Guard search and rescue coverage, yet, as a major coastal region in California, it has an historic and tragic record of natural disasters, water related accidents, and boat mishaps. During the past 10 years, for instance, a city in my district was virtually wiped out by a tidal wave and the potential threat of a recurring tidal wave is ever present. In addition, the 1964 floods which devastated the northern part of my district and can only be classified as a major natural disaster, proved conclusively that on-site search and rescue assistance was desperately needed.

For nearly 2 years now, I have been working with the Coast Guard in an attempt to have a Coast Guard search and rescue helicopter unit assigned to the Arcata Airport in Humboldt County which could serve the entire north coast of California from facilities already on lease to the Coast Guard. More recently, I have been working with this committee in order to present my case and I am deeply grateful to its distinguished chairman, Mr. McFall, the gentleman from Massachusetts (Mr. Conte) and all the Members for their understanding and cooperation in this matter. I also want to express my sincere appreciation to the committee for including on page 12 of the committee report an expression of concern and interest in the assignment of such a unit on the north coast.

The people I am privileged to represent here in the Congress have endured many hardships over the years, primarily those imposed by nature. They are also very patient and understanding. But, the fact remains that we have not yet provided adequate flood protection or any guaranteed safeguards against tidal waves or periodic freak storms along the coast. This situation, in my judgment, cannot continue to be compounded by a failure to provide on-site helicopter search and rescue assistance.

Many coastal regions of the country with a less critical history of or potential for disaster can justifiably rely on what is termed "on-call search and rescue service" from distant Coast Guard sites. Mine, regretably, cannot and the legend of water-related death and destruction on the north coast of California is a constant reminder of that simple fact of life.

Mr. REUSS. Mr. Chairman, as we consider H.R. 8760, the fiscal 1974 Department of Transportation appropriations bill, our urban air pollution is so severe that the Environmental Protection Agency has proposed drastic restrictions on automobile use. At the same time, Americans are confronted with a gasoline shortage that may require rationing within the next few years.

Whether we like it or not, the mass use of private automobiles in our cities is on its way out. New forms of transportation must be developed rapidly to carry people swiftly, safely, efficiently, and without causing pollution—particularly new systems of mass transit such as personal rapid transit, dial-a-bus, tracked air-cushion vehicles, and dual-mode.

Unfortunately, H.R. 8760 reduces the Urban Mass Transportation Administration's budget for these new systems from $33 million in 1973 to $21 million in 1974.

A review of the Federal involvement in development of new systems of urban transit will indicate the inadequacy of the new systems budget.

In 1966, Congress passed an amendment to the Urban Mass Transportation Act directing the Secretary of Housing and Urban Development to "prepare a program of research, development, and demonstration of new systems of urban transportation that will carry people and goods within metropolitan areas speedily, safely, without polluting the air, and in a manner that will contribute to sound city planning."

HUD responded in 1968 with a report titled "Tomorrow's Transportation: New Systems for the Urban Future." The report stated:

> Even with engineering improvements and optimal management and utilization, present modes of urban transportation are inadequate to meet total future urban needs.

It recommended Federal spending of $530 million over 5 to 15 years to research, develop, and demonstrate seven major types of new systems, which "were found to possess not only a high expectation of technical and economic feasibility but also to contribute significantly to the solution of major urban problems." The seven types of systems were:

Dial-a-bus: A transit system in which buses are activated on demand of potential passengers, perhaps by telephone. A computer logs the calls, and selects and dispatches the buses.

Personal rapid transit: A system of small vehicles automatically driven and routed on exclusive right-of-ways.

Dual-mode: A system of small vehicles which can be individually driven, and converted from street travel to travel on automatic guideway networks.

Dual-mode bus: A large vehicle system combining the high-speed capacity of a rail system operating on its private right-of-way with the flexibility and adaptability of a city bus.

Pallet or ferry systems: Systems of pallets to carry—or ferry—conventional vehicles automatically on high-speed guideways.

Fast intraurban transit links: Transit systems using technologies such as tracked air-cushion vehicles to serve travel needs between major activity centers such as airports and business districts.

New systems for use in major activity centers: Transit systems such as moving belts and capsule transit vehicles.

What has happened since publication of Tomorrow's Transportation?

According to a May 3, 1973, Library of Congress report, "New Systems of Urban Mass Transportation: Synopsis and Appraisal of Federal Assistance," prepared at my request by Dr. Leon M. Cole, senior specialist in Transportation, UMTA's efforts since fiscal 1970 to develop new systems have been insufficient. Cole wrote:

> If the accomplishments of these nearly five years of RD&D effort are measured in terms of numbers of actual new systems . . . implemented and operating in cities . . ., they are few indeed.

One dial-a-bus system, with 12 small vehicles to serve a population of 27,000, is operating in Haddonfield, N.J. The first segment of a personal rapid transit system was opened for service testing in Morgantown, W. Va., last year with five vehicles. These two feeble efforts are the only new systems demonstrated to date with UMTA assistance.

Why is the record so poor?

In large measure, because the new systems budget is too small. Though Tomorrow's Transportation recommended a $530 million budget over 5 to 15 years, UMTA's new systems budget over the 5-year period of 1970–74 will be only $111 million, if H.R. 8760 is passed as reported.

The administration has proposed low funding levels. But H.R. 8760 reduces the proposed budget even further. H.R. 8760 funds new systems at a level $17 million lower than proposed by the administration:

NEW SYSTEMS BUDGET, FISCAL 1974

[In thousands of dollars]

	Administration budget	H.R. 8760
Advanced transit planning methods	2,000	2,000
Personal rapid transit	23,650	13,950
Dial-a-bus	2,950	2,000
Dual-mode	3,000	3,000
Urban tracked air-cushion vehicles	6,300	0
Total	37,900	20,950

Sources: Library of Congress, and H. Rept. 93-285, Department of Transportation appropriations, 1974.

Unless we increase the new systems budget, UMTA will not be able to demonstrate these new forms of transportation adequately.

The case history of dual-mode development serves as evidence: In 1971, the UMTA-funded "Milwaukee County Dual-Mode Systems Study" recommended a 10-year, $174 million program to demonstrate a dual-mode system. In 1972, Milwaukee County presented UMTA with a preliminary proposal to initiate implementation of the dual-mode demonstration plan with a $3 to $4 million, 2-year development program. UMTA rejected the proposal.

The reason was not that dual-mode is not ready to be developed and demonstrated in an urban setting. The Department of Transportation's April 1973, "Analysis of Dual Mode Systems in an Urban Area," concluded: "An assessment of the technology requirements for dual mode" found there "were no areas which were considered to be technically unfeasible."

UMTA, with an average annual budget of only $22.6 million for its entire new systems program, simply was unable to commit itself to a $174 million project for dual-mode alone. The Milwaukee County dual-mode consortium, accordingly, is being disbanded.

The following table compiled by the Library of Congress shows that only 2 percent of the Federal transportation R. & D. budget has gone for new systems of urban transportation. Eight times as much has been spent for the SST. Nine times as much has been spent for highway research.

FEDERAL OBLIGATIONS FOR TRANSPORTATION RESEARCH AND DEVELOPMENT

[Millions of dollars; fiscal years]

Modes	1965	1966	1967	1968	1969	1970	1971	1972	1973 (est.)	1974 (est.)	Total
Air:											
FAA:											
Aviation R. & D.	47.7	45.8	45.1	46.3	47.2	53.8	102.8	116.2	77.7	99.5	682.1
SST (canceled 1971)	21.8	112.4	189.8	62.7	93.8	160.5	264.0	62.1	4.2	3.6	974.9
NASA—Aircraft technology	65.6	77.9	90.9	128.4	171.2	187.3	220.8	227.6	252.7	297.9	1,720.3
Mode, total	135.1	236.1	325.8	237.4	312.2	401.6	587.6	405.9	334.6	401.0	3,377.3
Highways:											
FHA:											
Highway research planning	7.1	8.7	10.6	13.4	14.0	16.0	18.7	19.3	24.7	30.3	162.8
Safety			.4	5.0	10.2	14.0	26.9	40.5	69.3	93.2	259.5
Research/planning grants	61.3	68.6	64.7	68.0	70.8	78.3	86.6	80.1	67.0	81.0	726.4
Mode, total	68.4	77.3	75.7	86.4	95.0	108.3	132.2	139.9	161.0	204.5	1,148.7
Rail:											
FRA:											
General research					.2	.4	1.2	13.0	10.7	13.4	38.9
High-speed ground transportation		11.7	14.6	12.8	12.7	16.0	24.1	27.1	43.0	47.6	209.6
Mode, total		11.7	14.6	12.8	12.9	16.4	25.3	40.1	53.7	61.0	248.5
Water:											
Maritime Administration	9.3	5.0	7.9	6.9	9.0	12.7	24.3	27.5	29.8	29.4	161.8
Coast Guard			1.5	1.5	3.9	10.1	9.4	17.6	15.5	20.0	79.5
Mode, total	9.3	5.0	9.4	8.4	12.9	22.8	33.7	45.1	45.3	49.4	241.3
Urban mass transportation:											
New systems of urban mass transportation						2.8	19.9	34.8	32.9	37.9	128.4
Urban mass transportation total	1.0	8.0	3.5	10.5	10.0	8.4	32.2	56.2	65.3	80.3	275.4
Total, transportation R. & D.	213.8	338.1	429.0	355.5	443.0	557.5	811.0	687.2	659.9	796.2	5,291.2

Source: Library of Congress.

Mr. LEHMAN. Mr. Chairman, I wish to commend the committee for its recognition of the ties between the transportation system of our Nation, and the so-called energy crisis. In particular, I am glad to see that the committee has increased funding for capital facilities and technical studies grants under the Urban Mass Transportation Assistance Act of 1970.

The rapid population growth in south Florida has strained the existing transportation services to the limit. This particular area has already recognized that simply building more highways only compounds the problem of congestion. During the tourist season, as you can well imagine, the problem only worsens. In addition, jobs which are available in the outlying areas become impractical, when either driving a car, or taking a bus, consume more than an hour.

Clearly, a balanced transportation system which would fill the needs of south Florida cannot exclude some form of grade-separated rapid transit.

In light of the mobility problems south Florida is suffering, I am pleased to note that the committee has appropriated $380 million to fund capital facilities and technical studies grants, an increase of $148 million over fiscal year 1973.

Mr. BROTZMAN. Mr. Chairman, the purpose of this amendment is the restoration of $9.7 million to permit an ongoing program of personal rapid transit—PRT—research and demonstration grants. This would restore UMTA research and development funds to $36.8 million, the amount requested in the budget.

The amount contained in the committee bill for all UMTA research and development and demonstration projects is only $27.1 million.

The $9.7 million cut I seek to restore has come from personal rapid transit demonstration projects. This represents a cut of over 40 percent from UMTA's planned $23.65 million expenditure on PRT demonstrations, and I fear the result will be the crippling of an innovative idea in mass transit at a time when the energy crisis and our national air pollution problems dictate greater future reliance on public transportation.

Recognizing that it would have to act on the development of a viable system of mass transportation, the Denver area developed a regional transportation plan which included heavy reliance on the utilization of personal rapid transit vehicles. Last October former Secretary of Transportation Volpe appeared in Denver to announce that the Department of Transportation would build a PRT demonstration in the city. This represented a significant step in the development of the PRT.

Denver, in reliance on former Secretary Volpe's October announcement, has proceeded with the expenditure of local funds and is currently preparing for an election to issue bonds to raise funds to move ahead with its regional transportation plan, including PRT's. All of this work and all of this money could be threatened by a reneging of the commitment to Denver.

Important progress has been made in the development of PRT systems in the last 2 years because of UMTA projects, community interest, and the attraction of private capital. Nevertheless, much vital information needed by the cities of the Nation does not yet exist.

Cities will be reluctant to request funding for PRT systems under the capital grant program unless full-scale operational models exist which demonstrate what PRT systems can accomplish toward solving difficult transportation problems, what they do to the appearance of a community, how people react to them on a day-to-day basis, how much they cost to install, and how much they cost to run.

The Denver demonstration would provide the answers to these questions. It would provide the Nation's community leaders with the assurances they need before committing themselves to irreversible transformations in the architecture of the urban landscape, unknown large-scale public reaction, unknown problems of vandalism and passenger security and only partially predictable installation and operational costs.

Denver was selected as the site for the demonstration because of the interest the city had already expressed in making PRT's a part of a regional transportation plan. The 1-mile demonstration announced by former Secretary Volpe would not only measure the viability of the regional plan for Denver, it would also provide the answers needed by governmental units and private industry before decisions on sinking large amounts of capital into PRT's can be properly made.

It seems ironic that at a time when city after city is having its air quality plans rejected by the Environmental Protection Agency, a budget request to take a giant step forward in public mass transit technology would be rejected by the Congress. Accordingly, I urge a favorable vote on this amendment to restore $9.7 million to personal rapid transit research and development, and demonstration projects.

Mr. McFALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed sixteen passenger motor vehicles, fifteen of which are for replacement only; and recreation and welfare; $543,800,000, of which $171,994 shall be applied to Capehart Housing debt reduction: *Provided,* That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-two exclusive of planes and parts stored to meet future attrition: *Provided further,* That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights, or who have been assigned to a course of instruction of 90 days or more: *Provided further,* That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two proceeding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further,* That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government.

AMENDMENT OFFERED BY MR. VANDER JAGT

Mr. VANDER JAGT. Mr. Chairman, I have two amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. RUPPE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will report the first amendment.

Mr. McFALL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. VANDER JAGT: Page 3, line 11, strike out "$543,800,000" and insert in lieu thereof "$544,400,000".

And on page 3, line 12, insert immediately after "reduction" the following: ", and of which $600,000 shall be applied to the preparation of a report by the Coast Guard with respect to the closing of certain search and rescue units during 1973, and to the reopening and operation of any search and rescue unit determined by such report to be desirable for the maintenance of an effective search and rescue capability."

Mr. McFALL. Mr. Chairman, I continue to reserve my point of order until the gentleman is finished with the explanation of his amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. VANDER JAGT. I thank the Chairman.

Mr. Chairman, I regret very much that we could not consider these amendments en bloc because as a package they will result in pouring life-saving money into the vital search and rescue station operations in as many as eight sections of this country, and at the same time save the taxpayers $1 million. Unfortunately, we cannot talk about the total package since only one amendment is before us, but I assure the Members the second amendment will be an opportunity to save $1.6 million without any reduction in effectiveness of the operation of the Coast Guard.

I first became interested in the search and rescue operation of the Coast Guard and the problems associated therewith 3 years ago when the general manager of my television station invited me to go sailing with him. I am a landlubber, but my appreciation of TV exceeds my fear of the water. So my wife and I went on a weekend of sailing. We just nicely got started when this new sailor discovered that he had forgotten his navigational charts, but no matter, there was a place mat that had a map of Michigan on it, and we would use that for navigation.

We had just turned the bend into the Straits of Mackinaw when a heavy fog settled in upon us so thick that we could not see the bow of the sailboat. We became lost. Then we were amid rocks, and in that panic situation, rapidly reversing direction, we did not know any more whether we were going in to shore or out to sea.

At that point I said to that experienced sailor manning the ship, "Call the Coast Guard, and I will ask for help."

He said, "On Lake Michigan the experienced sailor well knows that the Coast Guard is not of any use in an emergency situation like this. We had better use our energy trying to save ourselves."

I did not believe him so I radioed the Coast Guard. I said, "We are in grave danger. Please come and save us."

This was the answer: "You are right, you are in grave danger. In fact, it is so dangerous we cannot venture out into the water, and you are on your own, and we hope things go well."

A freighter took mercy on us and guided us in to shore.

I, as the Members can imagine, went over to the Coast Guard Station, and my anger gave way to sort of an understanding frustration, because they explained that the only vessel that they had that was seaworthy for that kind of weather had a part that was being repaired in Boston, and it had been there for 2 weeks, and they had no backup boat. This was the height of the boating season, with fog coming in with great regularity. The Members can imagine that I naturally thought to myself that what the SAR station needs on the Great Lakes is greater facilities, not less. The Members can imagine my shock when I learned of the closing of the Manistee Search and Rescue Station.

For 90 years this body appropriated each year money to keep that SAR station open, and Manistee in those years was a sleepy summer town. After Labor Day three or four boats a week put out of Manistee harbor. The years passed, and then came Coho salmon. The Chicago Tribune has called the Coho salmon the most exciting and explosive recreational development in the Midwest in this country. That may be a little puffery, but it is a boom, and it is headquartered there and centered in Manistee, Mich.

Now not just two or three or four boats a week are there, but 2,000 are permanently moored there and 4,000 arrive every weekend, and more at peak periods. The Coast Guard decides that is the station they are going to close. Either we have totally wasted the taxpayers' money for 90 years or we have made a grievous error, now that the need has multiplied 5,000-fold, in deciding to close down the station.

I thank the committee and I applaud the committee for their responsiveness to that problem. There is language in the committee report which orders the Coast Guard to make a 30-day study and report back with the view to reopening some of the stations, with a view to the minimum action that can be taken.

There is one problem that is typical of the Coast Guard disdain for congressional intent. The Commandant informed me that the language is useless and is cosmetic only, because even if the study shows it is urgent to reopen the station, under the OMB edict they would not reopen any of the stations unless this Congress adds money in this bill for that specific purpose.

There are others who will speak of the difficulties in their area, but I urge the Members to consider this as a package, to show that we will maintain totally the operating effectiveness of the Coast Guard and save the taxpayers $1 million and at the same time maintain this vitally necessary function to the American public. I urge support of the Members for this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. McFALL, and by unanimous consent, Mr. VANDER JAGT was allowed to proceed for 4 additional minutes.)

Mr. McFALL. Mr. Chairman, if the gentleman will yield further, I am glad the gentleman has brought this up in this way because I believe he has really presented an important matter for consideration with respect to the Coast Guard. We have been assured by the Department since my conversation with the gentleman that they will make this report and they will make this study and report back as we have directed in the report. I think that the gentleman's statement certainly merits the utmost consideration by the Coast Guard. There are other Members of Congress from the Great Lakes area who have come before our committee and who have pointed out to us the situation in the Great Lakes area and the need for these search and rescue stations. The gentleman has made an important contribution.

I would want to point out to the gentleman that the $600,000 which he would attempt to put in, and against which I intend to make a point of order on the ground that it is legislation on an appropriation bill, will not be necessary and that we will get his study and the report, and it will not be necessary to put the $600,000 in.

Mr. VANDER JAGT. I thank the gentleman for pointing out the importance of this situation and I thank the gentleman and other members of the subcommittee for putting this language in the report. It is the position, however, of the Commandant, as he has stated to me the night before last, that even if that study which they have now promised and which they will report back on in 30 days, showed an urgent need for the opening of the station, that under the OMB edict there is no way they could or would open the station unless we specifically put in money for that purpose.

Mr. McFALL. If this study does show the need for the station, and if what the gentleman has said here so well is correct, that would indicate there would be a need for this, we will consider it further.

The gentleman from New York (Mr. McEWEN) came before the committee concerning other research efforts and the gentleman from California, DON H. CLAUSEN, came to us with respect to the need in his district. All of these areas need special consideration, and if it is shown the Office of Management and Budget is not able to agree with us or agree with the Coast Guard, we will then make sure that the money is put in in the other body so there will be funds for these rescue efforts.

Mr. VANDER JAGT. Mr. Chairman, the problem as it seems to me, is that we are not talking about an anticipated act, but I think in almost every instance each of the 15 bases all around the country have already closed. I receive reports daily from Manistee that even the foghorn is no longer operating and boats get lost, so if we have to depend on the action of the other body, we are delaying during a heavy boating season across America, a delay that really could so simply be taken care of by providing this money, and we will still be reducing this total bill by $1 million.

Mr. McFALL. Hopefully, we will be able to do this without the $600,000.

POINT OF ORDER

Mr. Chairman, I renew my point of order on the basis that the language of the second paragraph of the gentleman from Michigan's amendment is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Michigan wish to respond?

Mr. VANDER JAGT. Thank you, Mr. Chairman.

I believe that since we are confronting a situation where only if we felt a purpose will the Coast Guard be able to carry out the intent of the committee and respond, that it is helpful to have that additional language in.

However, since we are making legislative history as to what exactly we are talking about in terms of this $600,000 item, if the gentleman from California's point of order is sustained, I have a substitute amendment at the desk.

The CHAIRMAN (Mr. MURPHY of New York). The Chair will rule on the point of order.

The gentleman's amendment clearly imposes new duties on the Coast Guard which would, in effect, constitute legislation in an appropriation bill in violation of clause 2, rule XXI.

The Chair sustains the point of order of the gentleman from California.

AMENDMENT OFFERED BY MR. VANDER JAGT

Mr. VANDER JAGT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANDER JAGT: on page 3, line 11, strike out "$543,800,000" and insert in lieu thereof "$544,400,000".

Mr. VANDER JAGT. Mr. Chairman, everything I said about the first amendment applies with respect to this amendment. I will not take the time of the Members any further.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, I thank the gentleman for yielding.

I would address my remarks, if I may, to the chairman of the subcommittee, Mr. McFALL, to say that I strongly concur in what the gentleman from Michigan has said about the position of the Coast Guard concerning the opening of SAR stations even after the report is made to the subcommittee.

Let me say that I share the appreciation of the gentleman from Michigan for the time and consideration that the gentleman from California and the members of his subcommittee gave for the very excellent language that is contained in the report of the committee, and for his assurance that we are going to get this report from the Coast Guard.

However, No. 1, as the gentleman from Michigan has pointed out, the boating season is upon us and these stations are either closing or to be closed shortly. No. 2, I was told by headquarters of the U.S. Coast Guard in Washington just this morning that even if this money were restored, without a specific direction or in the absence of what we are endeavoring to do now, a clear legislative history and intent, this money would not be used for these SAR stations. They indicated that the operating budget had been reduced by the bill and they indicated they could not do this. Therefore, I join with my colleague from Michigan in urging that this amendment be adopted, because otherwise I am afraid we are going to have an exercise in futility as far as this boating season is concerned and these SAR stations, I might say, are urgently needed.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, the gentleman has made the point that the language in the report would not mandate the spending of $600,000. Is it not true that if the $600,000 were put in the bill, that neither would this mandate that the Chief Executive could spend the $600,000?

Mr. VANDER JAGT. Mr. Chairman, that is true except for the fact that we have clear legislative intent established now with the help of the gentleman from New York, that the purpose of offering this additional $600,000 is for the purpose of carrying out the committee's recommended study and reopening those stations that the study on the Coast Guard determines are vital and necessary.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to take this opportunity to associate myself with the remarks of the gentleman from Michigan (Mr. VANDER JAGT) and I wish to commend him for bringing the attention of the House to this vital subject.

The gentleman has outlined from his personal experience the dangers of fog and the need to provide the Coast Guard with the capability of responding to these emergencies.

The north coast of California is one of the foggiest coastal areas in the Nation so I recognize the need for the gentleman's amendment.

The fog condition in our area is similar to that which the gentleman describes but it does vary somewhat. Many times the fog is on the water but often, due to winds, the fog is above the level of the ocean to the extent that a helicopter could come out to sea under the fog for rescue purposes.

This condition requires me to express again my appreciation for the subcommittee's attention to our request for a Coast Guard helicopter search and rescue capability at Arcata Airport and to urge this body to endorse the proposal of the gentleman from Michigan.

Mr. FROEHLICH. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Wisconsin.

Mr. FROEHLICH. I thank the gentleman for his efforts in this area. I wonder if this amendment should not be increased to $1.5 million, which is really the total need for reopening all 13 search and rescue stations?

Mr. VANDER JAGT. I would vote for $1.5 million. However, I think of this as a package. The package I am presenting and the offer I am making to the Members is that we can do this and at a later time will have an opportunity to make a savings of $1.6 million, so that the net effect of this package will be to reopen these stations and save the taxpayers $1 million, with no curtailment of the effective operation of the Coast Guard mission.

Mr. DAVIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. I should like to thank the gentleman from Michigan for offering his amendment, and I wish to associate myself with his remarks concerning the need for these search and rescue stations. The boating season is increasing. The number of people enjoying the recreational facilities on our waters, both inland and on the coast, has almost doubled in the past 10 years. Through the years it is ever increasing.

I hope the amendment will be agreed to, and I join the gentleman in its support.

Mr. VANDER JAGT. I thank the gentleman.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in support of the two amendments offered by the gentleman from Washington (Mr. VANDER JAGT). One amendment would add $600,000 to the budget to reopen those search and rescue units determined by the Coast Guard to be desirable for an effective SAR capability. A second amendment would delete the $1.6 million appropriation for constructing permanent moorings for the icebreaker *Mackinaw* at Cheboygan, Mich. Mr. VANDER JAGT has convincingly demonstrated that this $1.6 million project is unnecessary. By eliminating this needless expense, we would make $600,000 available for search and rescue requirements and achieve a net savings of $1 million.

Mr. Chairman, the search and rescue station at Sodus Point, N.Y., was among the 11 Great Lakes units closed by the Coast Guard. The SAR operations of this station are extremely important during the spring, summer, and fall months when the Sodus Bay area of Lake Ontario is heavily used by thousands of recreational boaters. In protesting the closing of this station, I have made numerous inquiries to Transportation Department and Coast Guard officials. Judging by the weak factual justification given to me, I can only conclude that the decision to close the station was a reluctant one based on budgetary constraints. But there are other factors which also should be weighed.

Lake Ontario has undergone two disasters of severe proportions in the last 12 months. Hurricane Agnes caused considerable property damage and erosion and brought a tremendous amount of debris into the lake from its tributaries. Subsequent heavy rainfall has caused dangerously high water levels since midwinter. Together, these disasters have resulted in a dramatic increase in the amount of floating debris and subsurface navigation hazards. At my request, the Corps of Engineers has estimated that a high level of debris and navigation hazards could persist for a period of 5 years or more. From that standpoint alone, this is the worst conceivable time for the Coast Guard station to be closed.

Mr. Chairman, on June 2, the day after the Sodus Point station finally closed, an overloaded boat capsized within 900 feet of the search and rescue station. Two of the boat's occupants were able to swim to safety and two drowned. No one can determine whether this tragedy could have been prevented had the station been operating. But I do know that the Coast Guard had been very diligent about calling in overloaded boats. Without the Sodus Point station, the nearest operating Coast Guard facilities are an hour's distance away.

I urge my colleagues to vote favorably on the amendments proposed by Mr. VANDER JAGT. Recreational boaters on all the Great Lakes are faced with dangers similar to the ones I have described for the Sodus Bay area. By making funds available for the reopening of vital search and rescue units, we will add measurably to the safety of the boating public.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from New York.

Mr. WALSH. I want to commend the gentleman for bringing this to our attention. One of the stations that has been closed is used by many of my constituents throughout the central New York area. They are very concerned about the great distance between the search and rescue stations that now are open in this area. The station, on Galloo Island served a very large area of Lake Ontario and was one of the most active.

I earnestly plead for the passage of this amendment. I believe it will save a lot of lives this coming summer. It is extremely important that the gentleman has brought this to our attention. Again I commend him.

I should like also to extend my appreciation to the chairman of the subcommittee for giving me the opportunity to appear before the subcommittee to plead this case. He was very courteous and very generous with his time, and I thank him.

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand fully the concern of those Members whose districts are affected by the reductions being made at these search and rescue units. Our committee was also very concerned over these reductions, and we have asked the Coast Guard to provide us with a detailed report on this matter, including the establishment of a helicopter search and rescue station at Arcata Airport, Humboldt County, Calif.

I would oppose providing any additional funds for these units, which are not included in the 1974 budget, until we have given the Coast Guard the opportunity to report to us in more detail on the actions they plan to take.

I would also like to point out that the stations proposed for closing are not high activity units. The fiscal year 1972 workload at these stations ranged from a low of 4 cases at one station to a high of 85 cases at the most active of the 15 units. This compares with an average of 196 search and rescue responses for all Coast Guard units of this type in fiscal year 1972. In fact, some of the more active units responded to 600 or more cases.

I do not want to leave the impression that I feel that merely because these are lower activity units that they should be closed and no provision made for assuming the essential search and rescue functions. It is possible that in some areas these functions can be accomplished by a strengthening of the Coast Guard Auxiliary. This is what we want the Coast Guard to determine and this is why we have requested a detailed report on this matter.

As the debate on this matter has shown, Mr. Chairman, the committee agrees with the gentleman from the Great Lakes area that this is a very important matter and that the search and rescue stations really should not be closed merely for budgetary reasons. Even the lower activity ones should be kept open if there are rescues that need to be made and lives that are at stake.

We hope that the Coast Guard will take this into consideration when it makes its report to the committee in response to the language of our report.

Mr. Chairman, I ask that the amendment be defeated.

Mr. HORTON. Mr. Chairman, will the gentleman from California (Mr. McFALL) yield?

Mr. McFALL. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, one of the points, as I understand from the Commandant of the Coast Guard, is that even if there is a recommendation for a reopening, they cannot do it without the money that is proposed to be put back into this appropriation bill by the amendment offered by the gentleman from Michigan (Mr. VANDER JAGT).

In other words, even if the study finds that there is a need for reopening, they cannot do it unless there is some money put back in. It seems to me it is important that we restore this money so these stations can be reopened, especially in the Great Lakes area, the area with which I am particularly concerned.

Mr. Chairman, one thing that I am particularly concerned about is Sodus Point. They had 85 cases last year. As a matter of fact, this year the station was closed on Saturday, and the following day there were two drownings within 900 feet of the closed station because of an overloaded boat. There is a real need for the Sodus station during the boating season.

Mr. Chairman, these are small stations, and the amount involved, some $600,000, it seems to me, is not that much when we are talking about saving lives in the Great Lakes area.

Mr. McFALL. Mr. Chairman, I would indicate to the gentleman that this report should be submitted before this bill returns from the other body. If the report does show the need for keeping these stations open, I am sure that this money could be included.

However, the Coast Guard generally has money over and above what we have appropriated for them, and I am sure that they will be able to find the funding to keep the rescue stations open. In fiscal year 1973, for example, they were able to absorb the entire cost of the January 1973 pay increase. This was more than $10 million.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I shall be brief. First, I want to reiterate again my appreciation for the efforts of the gentleman from California (Mr. McFALL) and the gentleman from Massachusetts (Mr. CONTE) as well as the members of that subcommittee for listening to those of us who are concerned over the closing of the search and rescue—SAR—stations.

Again I would say that notwithstanding the assurances of the gentleman from California (Mr. McFall), the Coast Guard has made it clear that they are not going to reopen any of these SAR stations in the absence of receiving the money which would be made available for this purpose, the funds which would be clearly intended to be appropriated for this purpose. They have pointed out to me, Mr. Chairman, that of their total budget request of $546,370,000 over a half a billion dollars for operation, and that it had been reduced $2.5 million out of that over a half a billion, and for that reason they could not use any money in reopening SAR stations.

So I submit again my appreciation to the chairman and to the members of the Subcommittee on Transportation for this language in the report, for the assurance that this study will be made, but I resubmit, Mr. Chairman, that the amendment offered by the gentleman from Michigan (Mr. Vander Jagt) must prevail or we will not be able to keep these stations open this year.

Mr. HUNT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the situation in regard to the SAR stations as proposed in this bill does not affect the State of New Jersey. However, we do have in that State and all along the Atlantic Ocean and the Atlantic seaboard numerous stations which have performed the greatest service to the boating public and to our maritime problems over a period of years.

Mr. Chairman, I think this is being penny wise and dollar foolish to close the SAR stations which are so vitally needed, considering the fact that the last review taken or the last consensus taken on the American boating public indicates that last year more than 20 million Americans went to sea in small craft, not to consider those who went to sea on cruises of larger ships.

The SAR stations are invaluable. No one is trained for the purpose of sea rescue, whether it be on inland waters, bays, or the ocean itself, other than the Coast Guard. They are the only ones so trained. If you close the nearest stations now existing along the Great Lakes, then you are boarding up something that you will just have to reopen in the very near future, because the American public is going to sea in boats and they will demand it. So you are doing something today which will have a crippling effect on all of the SAR operations. If this is permitted and you close them down, the net move of the so-called economizers will be to close additional SAR stations along the seacoasts. The time to stand fast on this problem is now.

When they talk about studies, unless the money is there and is specifically earmarked for these SAR stations, it will be diverted for some general use. The commandment of the Coast Guard has stated as much.

The time for this amendment to be passed is today without any equivocation, because the American boating public is entitled to the protection of their lives. I do not understand how one life would not be worth $600,000, if you just saved one life. That is why I support this amendment and urge my colleagues to vote in support of it today.

Mr. RUPPE. Will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. RUPPE. I would like to commend the gentleman for his remarks and point out while he does not have an installation of this type in his district, I certainly do in mine. Three of them were closed in my district which represented a loss of protection for several hundred miles.

I think the amendment is a very fine one, and I support the excellent remarks of the gentleman in the well.

SUBSTITUTE AMENDMENT OFFERED BY MR. FROEHLICH

Mr. FROEHLICH. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Substitute amendment offered by Mr. Froehlich for the amendment offered by Mr. Vander Jagt. On page 3, line 11, strike the figure "$543,800,000" and insert in lieu thereof the figure "$545,312,000".

Mr. CONTE. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FROEHLICH. Mr. Chairman, the original amendment offered by the gentleman from Michigan increases the appropriation by $600,000, and it is anticipated it will relate to another amendment. The other amendment I understand will be vigorously opposed by some Members of the House. I think we should deal with this problem specifically and without connection to any other amendments. Thus my amendment puts in $1.5 million, which will take care of the 13 SAR stations being closed.

For those Members who are interested in what stations they are, they are as follows:

Cape Hatteras, N.C.; Sullivan's Island, S.C.; South Haven, Mich.; Harbor Beach, Mich.; Manistee, Mich.; Beaver Island, Mich.; Munising, Mich.; Portage, Mich.; North Superior, Minn.; Galloo Island, N.Y.; Sodus, N.Y.; Racine, Wis.; and Plum Island, Wis.

Regarding Plum Island, this is in my district. It is a little island which is in between a larger island and a peninsula jutting into Lake Michigan. The nearest rescue station to this Plum Island station is 2 hours and 10 minutes away at Sturgeon Bay, Wis. Washington Island is the bigger island which Plum Island is next to, lying between that and the peninsula; 460 residents live year round there on Washington Island. Thousands more come and live there in the summertime; 100,000 people go over on a public ferry during the tourist season. Boats are increasing in number with the salmon fishing on Lake Michigan. This stretch of water is called Port De Mort, death's door, because it is a dangerous stretch of water. And yet it is one of the 13 stations that is set for closing. It just does not make any sense.

When one looks at the committee report one gets the feeling that the committee recognized the need for these rescue stations for on page 12 of the committee report, they express their concern over these 13-station closings.

They feel they should be retained and reopened, and then call for a further study of the matter by the Coast Guard.

Members of the House, the time has come that the Congress exercises its responsibility, and when it sees a need it addresses itself to that need, and the need is here today on these Coast Guard rescue stations.

The amendment I would hope would be accepted, because it would provide the funds to open all 13 of the stations whereas the amendment in its original form, as offered by the gentleman from Michigan (Mr. Vander Jagt) would only go part way.

Mr. HUTCHINSON. Mr. Chairman, would the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I would like to indicate my support for the amendment offered as a substitute by the gentleman from Wisconsin (Mr. Froehlich). One of the Coast Guard stations that the gentleman listed in Michigan, the station at South Haven, is in my district. The gentleman's amendment at least would give assurances, I feel, that that Coast Guard station could be continued.

The CHAIRMAN. Does the gentleman from Massachusetts insist upon his point of order?

Mr. CONTE. Mr. Chairman, I withdraw my point of order.

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have gone long enough on this subject. I think that all of the Members understand the issue. I proposed one way of doing it. Other Members on the floor proposed another, which was an amendment for $600,000. Certainly, if $600,000 is enough to do what they want to do with respect to these rescue stations, then the $1.5 million which the gentleman from Wisconsin (Mr. Froehlich) is proposing in the same situation is not necessary. Personnally, I do not believe we need the $600,000. We ought to be able to do it after we get back the report from the Coast Guard on these rescue stations.

Therefore, I would leave the matter up to the judgment on the House.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I did not speak on the so-called Vander Jagt amendment. In fact, I was going to accept the amendment. I thought that the figure was a reasonable one. If the report that the committee demanded comes to the committee and recommends that some of these search and rescue stations be reopened, we would be able to provide for these stations. But I think that now we are becoming unreasonable. Before anyone knows what is happening, someone else could offer an amendment to open up the rescue station at Cuttyhunk, Mass., where we used to have a very valuable station, or, for another one in the New Bedford area. We could put a hundred in here but, sincerely, Mr. Chairman, I think that without this report from the Coast Guard that we are legislating in the dark.

Mr. Chairman, during our hearings we asked Admiral Bender some questions regarding the closing of these rescue stations. On page 194 of part I of our hearings on the 1974 appropriations, he said:

Admiral BENDER. First of all, it is true that the requirement for rescue continues to increase around the country. Nevertheless, there are locations where we have established stations over the years and where the requirement no longer exists simply because their statistics are such that the workload is not adequate to warrant their retention.

The number, actually, of stations that we have eliminated is 13. We took out in addition two 95-foot patrol boats which are, of course, rescue units. This was done on the basis of established criteria and we feel that because of the capability of adjacent stations to pick up the workload, plus the availability of aircraft and helicopters at our air stations, that there will be no excessive reduction in capability for rescue.

Mr. MCFALL. Are these mostly in the Great Lakes?

Admiral BENDER. It happens that the greater burden was assumed by the Great Lakes in this elimination; 11 of the 13 did come from the Great Lakes.

Mr. MCFALL. What has been the response to these changes? I am familiar with the problem of lack of local acceptance of this with respect to the Racine closing.

What has been the local acceptance of these changes?

Admiral BENDER. Well, Mr. Chairman, we have had some adverse response both from the public and from Members of Congress representing the public. Unfortunately, it isn't possible for us to have a rescue station and the capability to effect a rescue at all times and in all places, and there must be a distribution of these resources based on our best evaluation of where the resources can be best employed.

It is almost invariably true, however, that when we take out a Coast Guard station the reaction is adverse.

Mr. MCFALL. Do you find that your abilities to effect search and rescue have not been hampered?

Admiral BENDER. We have taken out, Mr. Chairman, Coast Guard stations over the years. Periodically we review all the stations in existence and analyze them as to their usefulness and eliminate some. We have not found that this has been adverse to the overall safety of the people.

Mr. Chairman, I submit that the Coast Guard has given adequate testimony before our committee in conjunction with the closing of these stations. I reiterate that I will support the amendment offered by the gentleman from Michigan (Mr. VANDER JAGT) for $600,000. I would like to go along with the gentleman from Wisconsin. He is a fine young man, and he has done a good job on this. I pledge to him that I will do all I can in committee to try to help him resolve some of these problems, but I think that what we are doing here is going just a little bit too far. I hope his substitute is defeated and the Vander Jagt amendment is adopted.

Mr. McEWEN. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. McEWEN. May I say to the gentleman that I know Admiral Bender testified, and I am sure in all sincerity, that they were closing the stations with the least caseloads, but I say to the gentleman from Massachusetts I have three SAR stations in my district, and the one they closed has the highest caseload of all three. They appear to have gone through and just thinned them out by taking one of every three.

I do not think the facts in all the cases bear out what the Admiral believes to be the case.

Mr. CONTE. This may be so, and I will be glad to work with the gentleman. I have been to his district, and I have worked with him on the Saint Lawrence Seaway. Under the Vander Jagt amendment, if it is adopted, we will be able to go ahead, if the Coast Guard report recommends the reopening of the SAR station in the gentleman's district.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. FROEHLICH) Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. FROEHLICH. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Wisconsin.

Mr. FROEHLICH. I appreciate very much the comments made by the gentleman from Massachusetts. I am very pleased to hear that he will support the $600,000. There is no question in my mind that justification for the reopening of Plum Island exists. It will be one of the high priority stations that the $600,000 to be put in the bill will reopen.

I am also sure, based upon what the gentleman said, that if this study comes back and shows a need for all 13 stations, that dollars will not be put ahead of American lives, and that he will have the gentleman's cooperation in getting additional funds, if needed for that purpose.

Mr. Chairman, I ask unanimous consent to withdraw my substitute amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CONTE. Let me say in the remaining time the gentleman will have not only my cooperation but my full support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. VANDER JAGT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 4, line 13, strike the colon and all that follows through line 17 on that page.

Mr. ECKHARDT. Mr. Chairman, I am simply puzzled by the language on page 4. I should like to have the attention of the committee on this point, because, perhaps, there is a reason for the language.

I think the language on page 4, line 13:

Provided further, That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government.

actually constitutes positive legislation on an appropriations bill.

But I have not made a point of order on this, thinking that it might have some justification, but certainly any appropriation ought to be subject to the accounting officer of the Government to determine whether the money is being spent in accordance with the legislation; and, if there is no explanation of why there should be some kind of confidential investigation and expenses to cover it, it seems to me this should be stricken from the bill.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished majority whip, the gentleman from California.

Mr. McFALL. Mr. Chairman, this is a relatively small amount of money. The gentleman calls it to our attention. We did not spend a great deal of time on it in the committee. I assume that the Commandant of the Coast Guard does conduct such confidential investigations which are necessary in order for him to understand what is going on in the Coast Guard and that he should have this opportunity to use this $15,000. It is not a very large amount of money.

We have great confidence in the Coast Guard. We do not think they are going to be breaking the law or bugging any offices or telephones or anything of this nature. We think they ought to have this flexibility in the use of this money so that the Commandant can conduct these investigations. Surely, the $15,000 is not going to provide any very great investigative ability for the Coast Guard. I would ask the gentleman to have the same faith in the Coast Guard I do that they are going to use these funds in the proper way.

Mr. ECKHARDT. I am sort of losing faith in the officers of the Government who are permitted to expend money without the General Accounting Office having any authority over the matter, and I am particularly losing faith in such investigations by officers of the Government unless we know what it is all about. It would seem to me the Commandant of the Coast Guard could conduct such a confidential investigation of his own agency without making it confidential from our General Accounting Office. I just do not see the reason for it. I just heard no explanation why this should be contained in the bill, and I would ask for an "aye" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; $74,500,000, to remain available until June 30, 1975.

AMENDMENT OFFERED BY MR. VANDER JAGT

Mr. VANDER JAGT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANDER JAGT: Page 4, line 22, strike out "$74,500,000 and insert in lieu thereof "$72,900,000".

Mr. VANDER JAGT. Mr. Chairman, I thank the members of the committee for their support on the first half of this package of amendments. We now move to the second half, the part that will enable this package not only to expand the vital and necessary services which the first amendment will make possible **for** the air and sea rescue, but now will enable the taxpayers of America to save $1 million. The second amendment actually saves $1.6 million, but we just added $600,000, so there is a net saving of $1 million.

The Members may wonder how it is possible to expand services and reopen stations around the country and still reduce the total appropriation bill by $1 million. It is possible by my amendment which is to delete $1.6 million for the construction of the moorings for the *Mackinaw* at Cheboygan on the grounds that we already have moorings that are unused and that the Coast Guard in its in-depth study said would in fact enhance the effectiveness of the *Mackinaw* on the Great Lakes.

I think that the bill comes to us in this condition because, as an illustration of what is wrong with the legislative process and also with what is right with our legislative process, I think this bill as it stands comes to us as an illustration of how the executive is able to manipulate the legislative branch because of its inherent weaknesses. There is no question in my mind but what the Coast Guard decided to use some of the weakness; namely, that there is no man, no matter how conscientious he is, who can be aware of each minute detail in a mammoth appropriation bill.

I think they also relied on the fact that it is awfully hard to get our colleagues to listen or to even read a "Dear Colleague" letter, especially when only $1.6 million is involved and it does not affect their area and can be dealt with with a wave of the hand. After all, it is a family squabble.

I think they are also relying on the fact that the executive, if the legislative does not speak, is not about to give us the facts.

I think they were relying upon the committee members, the tendency of all of us, but especially I think the Committee on Appropriations, and probably rightly so, to kind of hang together in order to support in toto a reported bill and to be resistant of any change.

It is unfortunate that this amendment will remove from the district of a colleague of ours who happens to be one of the outstanding Members of this body, who serves his constituents with tremendous distinction, and even more important than that, with the utmost integrity, honesty and candor. But I think the Members will agree when they hear these facts, that these facts go far beyond whether a ship ought to be at port A or port B, and strike at the heart of the integrity of the appropriating process.

When I was first trying to save the SARS, I was looking around, and then I started listening to a constituent in Grand Haven, Mich., who said that there was a Coast Guard officer in Cleveland who in jeopardy of his career, but feeling that right was right, was writing him and saying that there was no way the Congress of the United States would appropriate $1.6 million on the basis of the facts that the Coast Guard itself has made in a study.

He would say to my constituent, "Where in the world is your Congressman? Why is he not presenting those facts to the Congress and to the appropriating committee?"

As it turns out, the constituent's Congressman was telephoning the Coast Guard, hand delivering letters, sending telegrams starting 2 months ago. It was not, and I think this is exteremly interesting in terms of the time, it was not until the appropriating committee had published its report and its bill late Friday afternoon that this report was hand delivered to my office.

When I read this report, I could well understand why the Coast Guard would not want the Appropriations Committee to have the benefit of this information until after they had made their decision and printed up the bill. This is the report from the Commander of the Ninth District, charged with the responsibility of administering the Great Lakes and of the *Mackinaw*. It begins by going back to 1944, and reports on recommendations over 30 years.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. McEWEN. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. VANDER JAGT. Mr. Chairman, I thank the gentleman from New York very much.

The report begins by analyzing the suitability, feasibility, and acceptability of the station and of the *Mackinaw*. It analyzes 17 cities around the Great Lakes, and then it concludes that the only port meeting the preliminary test is Grand Haven, Mich. Then it proceeds to compare Cheboygan and Grand Haven.

The conclusion documented is that it would be more cost effective in Grand Haven on an annual operating basis, a conclusion validated with an extensive report. It would, therefore, enhance the operating overall effectiveness of the *Mackinaw* were it to be transferred and this $1.6 million saved.

It refers to the superiority of the Grand Haven over Cheboygan until we get to political factors.

Let me read to the Members the conclusion:

> The historical political pressure that has been regularly exerted upon each previous attempt, or even consideration thereof, to assign *Mackinaw* a homeport other than Cheboygan is the only substantial objection to this proposal. Nevertheless, it is incumbent upon this office to reiterate that the only solution which will immediately provide the *Mackinaw* with a homeport providing adequate moorings, environment, and support operationally acceptable locale and at maximum cost-effectiveness to the nation is to designate Grand Haven, Michigan as the permanent homeport of the vessel. The politically expedient, but otherwise undesirable, alternative of remaining at Cheboygan and investing 1.3 million dollars represents unnecessary and hence wasteful expenditure.

It goes on to cite two other reports, in 1968 and 1963, where a blue ribbon panel in each case including the Commander of the Ninth District and the commanders of the *Mackinaw* unanimously supported the general thrust of this report.

Is it any wonder that they did not want the Appropriations Committee to have this report until after it made its decision?

May I repeat this:

> The historical political pressure that has been regularly exerted upon each previous attempt, or even consideration thereof, to assign *Mackinaw* a homeport other than Cheboygan is the only substantial objection to this proposal.

What proposal? That we save $1.6 million of the taxpayers' money by transferring the *Mackinaw* to moorings already existing, where it can in fact do a more effective job.

One of the things the Coast Guard overlooked, in my opinion, in assuming the inherent weaknesses of this system, is the inherent decency of each Member to want to do what is right, to want to do the right thing. I believe it is to the everlasting credit of the vast majority of the members of the Appropriations Committee with whom I talked yesterday that they indicated to me, yes, they would approve of this type of corrective legislation.

The only justification in the record, really, for this move was that the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Illinois (Mr. YATES) asked the Commandant, "Why do you have a high priority on this, when it did not have it last year?" And the answer was, "We have asked for it 11 years, and people are getting a little impatient."

I sincerely believe that this House is capable of rectifying a mistake that was made, and saving the taxpayers over $1½ million.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Illinois.

Mr. YATES. Let me say to the gentleman from Michigan that I read the report after the hearings took place before our committee. The gentleman correctly said that at our hearings I asked the Coast Guard why the money was needed at Cheboygan, and they proceeded to tell me it was needed in order to make that port more habitable for their vessels. They said nothing at all about Grand Haven, Mich. They said nothing at all about the existence of that report.

On the basis of that report, had we had it before us, I certainly would not have voted for funds for Cheboygan. I would have cast my vote for Grand Haven.

Mr. VANDER JAGT. I thank the gentleman.

Mr. McEWEN. Mr. Chairman, I associate myself with the remarks of the gentleman from Michigan, and I support his amendment.

Mr. RUPPE. Mr. Chairman, I move to strike the last word.

I suppose that we have had a little air piracy in the past few years, and a certain amount of ocean piracy as well. I believe, however, this is the first time we have had a Great Lakes piracy.

It has been suggested, frankly, by this amendment, that we delete the money for the moorings for the Coast Guard Cutter *Mackinaw* at Cheboygan, Mich., so that once the moorings collapse completely—and that will take several years—the *Mackinaw* can be moved. Until that time the Coast Guard will not move the vessel, but at some future time the Coast Guard would have to move the vessel, presumably, after the moorings collapsed, to Grand Haven, which is understandably a fine development for my colleague.

The fact of the matter is that we have to analyze the situation, as did the Coast Guard Commandant when he overruled the report of the 9th District. The final report for keeping the *Mackinaw* at Cheboygan was a decision of the Commandant of the Coast Guard.

He overruled a District report which suggested the change of this vessel. But let us consider for the moment what is the mission of the vessel. The mission of the Coast Guard cutter *Mackinaw* is, number one, icebreaking, and there are three principal focus points of that activity. Its three principal focus points of activity are Whitefish Bay, Lake Superior, and the St. Mary's River, all north of Cheboygan where it is presently stationed and more than 250 miles north of Grand Haven, where it is suggested that it be moved.

Mr. Chairman, if we take a look at the distance, it takes 29 steaming hours to move that vessel from Grand Haven up to Cheboygan through the St. Mary's River and up through Whitefish Bay to Lake Superior—29 hours lost in its mission of accomplishment if that boat were to be changed.

Or for those who would like to be stimulated in these times of the energy crisis, it would take 10,000 gallons additional of fuel oil to run the *Mackinaw* down and back for each additional mission.

This vessel was designed and built to operate on the Great Lakes, and that is where the icebreaking mission of the *Mackinaw* is located. It has a second mission and that mission is providing icebreaking protection for the ore carriers and other vessels on the Great Lakes which are utilizing the extended navigation season. The extended season last year ran from February 15 to February 8.

The *Mackinaw* was repeatedly sent into Whitefish Bay, Lake Superior, and the Sault St. Marie area for the purpose of providing icebreaking facilities for these vessels.

If the *Mackinaw* was not there and this service was not available, these facilities would not have been provided. In fact, the *Mackinaw* simply did not have enough time to do the whole job.

Mr. Chairman, I have had dozens of complaints, and just last winter I attended a meeting of 250 people adjacent to Drummond Island, when these people said they did not have transportation services from the island to the mainland. They said, "We cannot send our children to school, we cannot send our working people to their jobs, or our people to mainland hospitals, because the Coast Guard cutter *Mackinaw* cannot provide sufficient icebreaking services."

They were simply too busy to provide the service from the island to the mainland.

But that service is needed. It is needed for Lake Superior and for the Whitefish Bay area. It has been suggested in this report written by the 9th Naval District that moving the vessel southward would help it in its civic responsibilities, meaning that it would be closer to the cherry festival, to the blueberry festival, and closer to Fish Day. Certainly if we are trained to save money, we should not have to run the boat down to Fish Day.

Mr. Chairman, I suppose I am being insulting, but we are supposed to provide services for icebreaking and not services for the blueberry festival. But we should not worry about a thing if we feel badly about fish day, because the Coast Guard keeps a vessel now, an icebreaker, in Milwaukee, and I am sure they can do a fine outstanding job along that line.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I will yield at this point to the distinguished gentleman from California (Mr. McFall).

Mr. McFALL. Mr. Chairman, I wish to agree with the gentleman from Michigan (Mr. Ruppe) in his proposal to keep the moorings for this vessel, the *Mackinaw*, in the budget for the Coast Guard.

The Coast Guard District on the local level made a recommendation to the Commandant. The Commandant overruled the proposal made by the District on the basis that the icebreaker was needed in the areas which the gentleman has pointed out to the committee.

I think that an icebreaker ought to be stationed where it does its work and not where it is going to go to blueberry festivals. I think the Commandant is right.

They have been trying for 11 years to get this mooring for this icebreaker, and I believe we ought to allow the Coast Guard Commandant to put his icebreaker where it will be of most value to the Great Lakes.

Mr. RUPPE. Mr. Chairman, I thank the gentleman for his comments.

I would like to read from the Coast Guard Commandant's remarks to the 9th Coast Guard District in which he stated that this response is based "largely on the grounds of proximity to operating areas, but also on the geographic distribution of our icebreaking resources on the Great Lakes."

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Ruppe) has expired.

(On request of Mr. Seiberling and by unanimous consent, Mr. Ruppe was allowed to proceed for 3 additional minutes.)

Mr. RUPPE. Mr. Chairman, I will continue to read the remarks of the Coast Guard Commandant:

> In view of the above series of events, but also with the conviction that Cheboygan offers operational advantages over Grand Haven, your proposal to remove Mackinaw from Cheboygan to Grand Haven is disapproved.

I think the chairman of the subcommittee makes a telling point. The Coast Guard asked for these moorings at Cheboygan for a number of years and has secured approval in two or three instances as far as the Office of Management and Budget where the money was then deleted. The Coast Guard has been in Cheboygan since 1944. Its home port is designated as Cheboygan. The report here states that the Coast Guard is not loved in Cheboygan, but let me point out to you that the mayor is the former No. 2 officer, the former executive officer, of that ship. He is the mayor of the town. So I do not think they hate the Coast Guard there. With all due deference to my colleague and close personal friend—and I know we are both in a very difficult spot on this—I am not sure that we should be carrying to the floor of the Congress a legislative debate as to the home port of the various vessels either in the Coast Guard or the Navy.

The services have to have that ultimate decisionmaking power with a report necessarily due the Congress.

Mr. SEIBERLING. Will the gentleman yield?

Mr. RUPPE. I yield to the gentleman.

Mr. SEIBERLING. I wish to commend the gentleman from the upper penisula of Michigan. I spent a great deal of my boyhood and some of my adult life cruising in that area. Anyone familiar with the area knows that if you want to have Coast Guard service there, you have tremendous distances to cover, so you should have a home port as close to the area served as possible.

I believe we should defer to the knowledge of the gentleman who represents Northern Michigan as to the need and the demand for having the vessel berthed in Cheboygan.

Mr. RUPPE. I thank the gentleman for his comments.

I want to point out with relation that the sailing time will be over 1 day from Grand Haven to Sault Ste. Marie, which is just the beginning of Lake Superior.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly to disagree with both of my colleagues from Michigan.

If they are going to move that ice breaker anywhere, they ought to move it to Port Huron. Now, it is true, of course, as my friend Mr. Vander Jagt, indicated, that this has been a subject of some controversy before. Back in 1963 or 1964 the 9th Coast Guard District made a complete survey of this question, and they decided at that time that the best place for that ice breaker was not Cheboygan but Port Huron, which I then had the privilege of representing in the Congress. So I went to work on a transfer. Then I

Mr. Chairman;, I do not plan to take project suffered somewhat, because I lost Port Huron in the redistricting. But in last year's redistricting I got Port Huron back.

Mr. CEDERBERG. Will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. CEDERBERG. I lost Bay City in the last redistricting. I want it in Bay

City even though I lost Bay City. I think that is where it ought to be, because it is right in the middle of the Saginaw River and the largest port on the Great Lakes and also is between Port Huron and Cheboygan and is between Port Huron and Grand Haven. So I think we should reach some kind of compromise.

Mr. O'HARA. I am glad I found someone from Michigan I can partly agree with. He is at least moving in my direction.

I just wanted to be certain, if the amendment of my friend from Michigan (Mr. VANDER JAGT) is adopted, that the legislative history does not show that the Committee of the Whole House was favoring Grand Haven. There are other contestants for home port status, and I want the record to be clear that all of us in Michigan love the *Mackinac* and would like to have it as our very own.

Mr. SEIBERLING. Will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. SEIBERLING. I am sorry that the gentlemen representing Toledo and Cleveland, Ohio, are not here at the moment. Perhaps they could make a case that the ship should be stationed at Toledo or Cleveland.

Mr. O'HARA. I thank the gentleman, but I cannot believe that their case is as strong as mine.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Michigan.

Mr. VANDER JAGT. Mr. Chairman, I thank the gentleman very much for yielding to me.

Just one very brief point on operational effectiveness, which was addressed thoroughly and very extensively in this report. And I am really addressing my remarks to the chairman of the subcommittee, who spoke on operational effectiveness. Study has indicated that the main time that an ice breaker is needed is during the ice breaking season, which is a very short season. With respect to such operational effectiveness, I would point out that an analysis of the ship's logs for a period of 13 years shows that its officers are able to predict where the ships will be needed during the ice breaking season. They can be just as operationally effective based in Grand Haven. The point was also made that the ice breaker does not have to be needed during the blueberry season, or in Toledo, or in Bay City, or Port Huron. But what is at stake is that it is not important whether the boat is at Port Huron, Bay City, Cheboygan, Grand Haven, or anywhere else; what is at stake is that unanimously the Ninth District Headquarters believes it is a tremendous waste of money to spend $1.6 million to build permanent moorings in a locality where every commandant in the field and every skipper says that it is the least desirable port of all possibilities.

But that still is not the point. The point is that none of this material was before the subcommittee when it made its decision. There was no justification for failing to provide it, and I think that indicates a sick process. All this amendment does is delete the $1.6 million until this committee can take a look and find out what the facts are, facts that they did not know about when they made this decision.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I do not plan to take the full 5 minutes, but this is a very, very difficult amendment. It involves two personalities on our side of the aisle, both of whom are very distinguished Congressmen, and both of whom have spoken to me at great length about this problem.

I agree with the gentleman from Michigan (Mr. VANDER JAGT) that I must fault the Coast Guard for not bringing the report from the 9th Coast Guard District before our committee. The gentleman from Illinois (Mr. YATES) and I asked questions as to why, all of a sudden, they were putting money into this budget for the *Mackinaw*. I think we should have been provided with the report at that time. But now we are caught here on the floor of the House at this late moment.

I was handed a document by Admiral Bender to the Commandant of the 9th Coast Guard District, and in it he says:

> 1. As you are undoubtedly aware, a large number of proposals to change *Mackinaw's* home port have been made over the past twenty years. Recognizing that these successive recommendations created an adverse feeling of uncertainty and unstability which affected both the *Mackinaw* crew and the townspeople of Cheboygan, the Commandant, in 1970, made a pointed effort to finally resolve the issue. At that time, a firm decision was reached and publicly announced that Cheboygan would remain the home port of *Mackinaw*. Following through on that decision, planning for and funding of the construction of permanent moorings for *Mackinaw* at Cheboygan was undertaken and culminated in the $1.55 million AGGI project in the 1974 budget.
>
> 2. As you are also aware, in a March Appropriations Committee hearing in the House, the Commandant, in response to a direct question, reiterated the 1970 decision that *Mackinaw's* home port would remain at Cheboygan. We based his response largely on the grounds of proximity to operating areas, but also on the geographic distribution of our icebreaking resources on the Great Lakes.
>
> 3. In view of the above series of events, but also with the conviction that Cheboygan offers operational advantages over Grand Haven, your proposal to move *Mackinaw* from Cheboygan to Grand Haven is disapproved.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. VANDER JAGT. Mr. Chairman, I would ask the gentleman from Massachusetts what the date of that letter is?

Mr. CONTE. There is no date on the letter. It says it is "Planning Proposal 09-03-73; Establishment of Home Port of USCG cutter *Mackinaw*."

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. RUPPE. The letter I read from Admiral Bender indicated his support and continued interest in Cheboygan as the operating base, the ice-breaking base, and as the port to operate from for the extended winter season. I think my colleague pointed out some excellent points; one was that the vessel has been there since 1944. No Commandant of the Coast Guard has ever suggested moving it. The home port of *Mackinaw* was declared to be Cheboygan in 1970, and since that time each consecutive year the Coast Guard has made the effort to get the funds for mooring construction.

Mr. CONTE. I think it is unfortunate. I wish we had more time. I think what might resolve this question would be to ask the enlisted men on the *Mackinaw* which is a better liberty port.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. VANDER JAGT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VANDER JAGT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 309, not voting 17, as follows:

[Roll No. 246]

AYES—107

Abdnor
Anderson, Calif.
Archer
Ashley
Beard
Bennett
Blackburn
Blatnik
Bray
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Byron
Camp
Carter
Clancy
Collier
Conable
Conyers
Crane
Daniel, Dan
Davis, S.C.
Derwinski
Devine
Dickinson
Eshleman
Fascell
Ford, Gerald R.
Fountain
Frey
Fuqua
Ginn
Goldwater
Goodling
Gross
Grover
Gude
Guyer
Hammerschmidt
Hanley
Hanrahan
Harsha
Hastings
Heckler, Mass.
Hicks
Hillis
Holt
Horton
Huber
Hudnut
Hunt
Johnson, Colo.
Ketchum
King
Kuykendall
Latta
Lujan
McDade
McEwen
Mathis, Ga.
Michel
Mitchell, N.Y.
Nichols
O'Brien
O'Hara
Parris
Peyser
Powell, Ohio
Quillen
Rees
Regula
Reuss
Rhodes
Robison, N.Y.
Rosenthal
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Shuster
Smith, N.Y.
Snyder
Spence
Steelman
Symms
Taylor, Mo.
Teague, Calif.
Thone
Treen
Vander Jagt
Walsh
Wampler
Ware
Widnall
Wiggins
Wilson, Bob
Wolff
Wyatt
Yates
Young, Alaska
Young, Fla.
Zion

NOES—309

Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Aspin
Badillo
Bafalis
Barrett
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.

de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gunter
Haley
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hinshaw
Hogan
Holifield
Holtzman
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCollister
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Whalen
White
Whitehurst
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wydler
Wylie
Wyman
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zwach

NOT VOTING—17

Ashbrook
Baker
Breaux
Brooks
Danielson
Dingell
Fisher
Hébert
Kazen
Landgrebe
McKinney
Passman
Rarick
Reid
Rooney, N.Y.
Shoup
Thompson, N.J.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 4, after line 23, insert:

Reserve training

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintainance and operation of facilities; and supplies, equipment, and services; $25,000,000: *Provided*, That amounts equal to the obligated balances against appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for payment of obligations properly incurred against such prior year appropriations and against this appropriation.

Mr. MAHON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The gentleman from Massachusetts is recognized in support of his amendment.

Mr. CONTE. Mr. Chairman, the amendment I am offering will provide $25 million for Coast Guard Reserve training. These funds are needed to allow the Reserve to maintain a fiscal year 1974 end-strength of 10,500. This is 1,300 less than the level provided in 1973. The appropriation contained in the amendment is the same as the budget request and is $6.7 million less than was provided in 1973.

The Coast Guard projected that it will have reduced the reserve strength to nearly that called for in this amendment by the end of fiscal year 1973. However, in order to maintain this strength, the enlisted trainee input must be maintained. To assure that the Reserve achieved this objective, it is essential that the Reserve be provided with prompt and adequate funding for fiscal year 1974.

The need for this appropriation is made even greater this year because the Coast Guard Reserve now has a peacetime mission to fulfill along with its wartime mission. In addition to its responsibilities to provide trained units and qualified personnel for active duty in time of war or national emergency, the Reserve must also be prepared to provide humanitarian services in emergencies created by natural or manmade disasters.

Last month, this authority was invoked for the first time. Secretary of Transportation Brinegar called up Coast Guard reservists to assist in the emergency operations in the flooded areas along the Mississippi River and its tributaries. These men did an admirable job, and I believe they have earned the gratitude of the many victims of the flood they helped. This is but the first example of the service the Coast Guard Reserve will be providing to the citizens of our country in the coming years.

As I mentioned earlier today, the Coast Guard Reserve has an outstanding record of service to the Nation. I am positive that most of us here can provide testimony to that fact.

Despite all its achievements and its great potential for the future, the Reserve has had to fight for its life. The Office of Management and Budget had proposed to phase out the Selected Reserve by June 30, 1972. However, through its hearings, the committee discovered that the Navy was not preparing to take over the responsibilities of the Reserve, as OMB had said would be done. Further, there was no evidence of the savings that OMB had projected would result from the phaseout of the Selected Reserve. Consequently, and rightly so, the committee recommended the continuation of the Selected Reserve.

This year, the budget called for the end-strength of the Reserve to be reduced to 10,500 by the end of fiscal 1974. I am very disturbed by the level that has been proposed. I am afraid that this level is getting dangerously low when the wartime mission of the Selected Reserve is considered. During the hearings, the Coast Guard indicated that this is a "calculated risk" level and described the 10,500 level as "about the lower limit." However, in view of the circumstances, I am willing to support the proposed budget level.

I, for one, am sick and tired of seeing the Reserve put through the budgetary meat grinder. I do not want to give the Office of Management and Budget any more excuses for dismantling the Reserve or cutting its strength even more. I urge the House to live up to its appropriative responsibilities by including the funds for Reserve training in the regular transportation appropriations bill.

I urge you, my colleagues, to stand on your feet on this issue. I do not think that we should rely on the Senate to bail us out. I do not think that the Reserve can wait until a supplemental is enacted sometime late in the fall.

The Coast Guard Reserve deserves our unqualified support. Let us unmistakably proclaim that support by approving this amendment.

Thank you, Mr. Chairman.

Mr. WOLFF. Mr. Chairman, will the gentleman from Massachusetts (Mr. CONTE) yield?

Mr. CONTE. I will be glad to yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the gentleman's amendment.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Massachusetts (Mr. CONTE) to the transportation appropriations bill to provide $25 million for Coast Guard Reserve Training.

Mr. Chairman, every year the Coast Guard Reserve has to go through a budget hassle, fighting for its life and the funds it needs to maintain its strength. I remember working last year for passage of a similar amendment to provide the Reserve with adequate and necessary funding. I frankly do not know why we are so slow to recognize the importance of the Reserve in contributing to the safety and security of our Nation. Throughout the years, the Coast Guard Reserve has served us well both in peacetime and in wartime. Today, it is under the double burden of having to fulfill both a peacetime and a wartime mission. It will continue to provide trained units and qualified personnel for active duty in the event of a national emergency. In addition, it must also be prepared to respond effectively when natural or manmade disasters strike our country. We have already seen the strength and effectiveness of the Coast Guard Reserve in this capacity of providing humanitarian aid, when last month, it was called up by Secretary Brinegar to assist in emergency operations during the flood which devastated areas along the Mississippi River. I know that the victims of this terrible tragedy deeply appreciate the service rendered by the Reserve.

If the Reserve is to continue its valuable work and stand ready to assist this Nation in both peacetime and war, it is essential for us to provide it with adequate funding. The funds proposed by the gentleman from Massachusetts are significantly less than was provided in 1973 and represent a reasonable and a responsible appropriation. I urge my colleagues to voice their trust and confidence in the Coast Guard Reserve by lending their support to this amendment.

Mr. HUNT. Mr. Chairman, will the gentleman from Massachusetts (Mr. CONTE) yield?

Mr. CONTE. I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

I know how important it is to provide support for the Reserves of the Coast Guard. One thing that is evident to all of us is that this is a great body of men who do such a fine job. The reservists are the only people—and I repeat—the only people who are trained to take over port security in time of any disaster and in time of war. They are the only people who devote their time and their entire structure of life to this service.

Mr. Chairman, I cannot stress too strongly the imperative need for this additional allocation so that this great body of men, the reservists of the U.S. Coast Guard, be perpetuated.

Mr. Chairman, I intend to support the amendment offered by the gentleman from Massachusetts (Mr. CONTE) all the way down the line.

Let me state I have cleared this with everyone—Mr. HÉBERT, of the authorization committee, Mr. BRAY, the ranking Republican—and just about everyone on this floor is 100 percent for this.

We did it this way last year, thanks to the chairman and others who did not want to go along with it and did not raise a point of order against it. The Coast Guard got their money in an orderly fashion.

If we do not do it in this way, we will have to wait until the Armed Services Committee comes to this floor with an authorization bill, and the whole thing will be delayed.

Last year it was knocked out in the Senate, and we had to get it put back in the conference.

Mr. BRAY. Will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. BRAY. I want to commend the gentleman in the well for offering a worthwhile amendment and I certainly intend to support it.

Mr. CHAMBERLAIN. Will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. CHAMBERLAIN. Is it not true that the major role of the Coast Guard Reserve in wartime is port security to protect every port that we have?

Mr. CONTE. By all means. I thank the gentleman.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I insist on my point of order against the amendment. The amendment, in my opinion, is legislation on an appropriation bill and the funds are not authorized by law, so I make the point of order against the amendment.

It is not that I am opposed to the Coast Guard Reserve. I endorse the Coast Guard Reserve and have always supported it and will continue to and expect to continue supporting the Coast Guard and the Coast Guard Reserve, but as a matter of orderly procedure I think it is imperative that we follow the rules in order that we have orderly procedure in the House of Representatives.

Mr. CONTE. Mr. Chairman, I am sorry that the gentleman from Texas, the chairman of the full committee, saw fit to do this. He can say whatever he wants to, but this is a delaying tactic.

I have no argument on the point of order. I pled with him not to make it, but he made it.

The CHAIRMAN (Mr. MURPHY of New York). The Chair is prepared to rule.

Clause 2, rule XXI, prohibits unauthorized items from being included in amendments to a general appropriation bill, and also clause 5, rule XXI, has a prohibition against the reappropriation of unexpended balances of sums appropriated in prior years. The amendment is subject to a point of order for these reasons and the Chair sustains the point of order.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is important in a large legislative body such as the House of Representatives that we have certain rules which are flexible enough to provide for unforeseen but unavoidable situations and which also provide for the orderly handling of the affairs of the Nation. It is important that we follow these rules. One of the reasons why Congress has been delayed so long in handling appropriation bills in recent years has been the problem associated with the lack of timely enactment of authorization bills.

It seems to me most regrettable that we do not have advance authorizations. At the very least we should have authorizations available 1 year in advance of the time we are called upon to make appropriations. That would certainly include the Coast Guard.

I would hope that this matter being discussed here today would serve as an encouragement to adopt an adequate advance authorization procedure so that our appropriation bills can move expeditiously and we will not have to depend in far too many instances on a rule from the Committee on Rules.

It is apparent from the discussion here that there are some controversial aspects to the matter of the Coast Guard Reserve. If that be true, and I assume that it is, then it is all the more necessary that the appropriate legislative committee take timely action.

In making my point of order against this $25 million appropriation, because it is not authorized, I had in mind the fact that I do not believe it is fair for the Committee on Appropriations to recommend funding for major programs for which there is no legislation and not advise the House of the fact.

Members of the Committee on Appropriations and the Members of the House generally are entitled to know what is authorized and what is not authorized.

So in raising the point of order and in demonstrating my conviction that it is imperative that we get authorizations at the earliest possible moment, I think that I performed a service. We just must do a better job in handling authorizations.

I regret very much not to have been able to yield to the plea of the gentleman from Massachusetts (Mr. CONTE). Last year I raised serious complaint against this procedure, but did not offer the point of order. To permit this to happen again would tend to establish a precedent. It was imperative that I offer the point of order, which I did.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to prolong the debate on this issue, but I happen to feel very, very strongly about the Coast Guard. I do feel that there are many people, especially downtown, who are trying to hurt the Reserve as much as they can. I think it is unfortunate that the chairman of the full committee must put another roadblock in their way today. The gentleman can say what he wants to say, but the gentleman is inconsistent in this, just as he has been on many other issues. If the issue were cotton subsidies, or something else, you can rest assured that the gentleman would not be here raising a point of order. He would be here waving the flag.

Let me tell the Members why the gentleman is inconsistent, and then the Members can judge for themselves.

This whole bill is an inconsistency. The gentleman went into the Committee on Rules and asked them to waive points of order on many items that points of order would lie against. Now, take the statement the gentleman made, and what the gentleman said. He raised an objection to my amendment because it was not an authorized program. I ask the Members to read this bill and see how many items in this bill have been authorized as of this date. The gentleman appeared before the Committee on Rules and asked for a rule waiving points of order. The gentleman has done this repeatedly on bill after bill after bill. I say that the gentleman is very, very inconsistent.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to my good friend, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. The gentleman from Massachusetts is aware that the Committee on Appropriations does make a practice of asking the Committee on Rules to grant a rule waiving points of order on programs which have been authorized by one of the two Houses. But in the situation before us today neither the House nor the Senate has authorized the $25 million for this program.

I question if it is wise for us to just be in a position of offering amendments to legislation involving millions of dollars on any number of subjects when there is no authorization. I believe the legislative committees are entitled to some notice, and that we ought to perform our duties in an orderly way.

I hope this will be a lesson toward the objective that we should move forward more rapidly with authorization bills.

Mr. CONTE. I agree with the gentleman from Texas, but I believe it is unfortunate that he raised this point of order and created this major roadblock. But what the gentleman is doing is still inconsistent. The gentleman says authorized by one House or the other. The rule says authorized by law, not authorized by one House or the other.

I would like to have the Members of the House look at page 7 of our report, and there they would see a list of items that have not been authorized. Yet the gentleman from Texas asked for a rule waiving points of order on them.

Mr. MAHON. If the gentleman will yield further, we asked for a rule for certain items and the Committee on Rules granted a rule, but the gentleman did not ask for a rule waiving points of order for the $25 million that is being discussed at the moment and which has not been authorized by either House.

Mr. CONTE. I must refresh the memory of the gentleman from Texas. Last year, I appeared before the Committee on Rules requesting a waiver and the gentleman from Texas opposed me.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. McFALL (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

CONSTRUCTION. NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $3,000,000, to remain available until June 30, 1975.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 8, strike out lines 18 through 22.

Mr. GROSS. Mr. Chairman, now that they have dropped anchor on the *Mackinaw*—I do not know where, but somewhere off the shores of Michigan—and argument over waiving points of order in the consideration of this appropriation bill has been settled for today, but probably not for tomorrow or the next day—I should like to ask the House to help me save $3 million.

On page 20 of the report I note that the Washington National Airport garnered revenue of approximately $6½ million over and above costs last year, and Dulles made nearly $1 million. My amendment would strike out the $3 million proposed appropriation in this bill, when there is already $7½ million unused apparently lying around idle for construction at National and Dulles airports. has represented to the committee that it has a total of $7½ million of unobligated funds in this account, and I insist it should spend that money before it dips its hand deeper in the till for an additional $3 million.

Mr. Chairman, I yield back the balance of my time.

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is some money left over in the construction account at the National Capital airports. We recommended $3 million to finance certain improvement in facilities at the National Capital Airports. This was a decrease of $400,000 below the budget and an increase of $400,000 over fiscal year 1973. They have used some of the money that they had left over for pay increases, but they will still have approximately $3,400,000 in carryover funds.

We should like to give them the flexibility to go ahead with their construction. They have a list of construction projects in the hearings transcript on page 415. These projects include: repairing the terminal apron, overlaying the taxiways, overlaying the runways, relocating water mains, expanding industrial waste systems, security improvement, and so forth. These are for both Dulles and National. I think that we should provide them with this money in order to allow them to go ahead.

This is the first year that Dulles International Airport is projected to make enough money to cover direct operating costs. I should like to point this out to the committee. The reason that it shows up that Dulles loses money is because of the depreciation factor. I point out to the committee that they bought the land for Dulles for $250 and $350 an acre. It is now worth anywhere from $2,500 to $40,000 an acre. So, there has been a substantial increase in value of Dulles International Airport.

We feel that these improvements are needed, and I would ask the indulgence of the committee to allow these programs to continue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; $29,600,000: *Provided*, That $27,100,000 shall be available for research, development, and demonstrations, $2,000,000 shall be available for university research and training, and not to exceed $500,000 shall be available for managerial training as authorized under the authority of the said act.

The Clerk read as follows:

Amendment offered by Mr. Yates: On page 15, line 18 strike out $29,000,000 and insert $32,650,000 and on page 15 line 19 strike out $27,100,000 and insert $30,150,000.

Mr. YATES. Mr. Chairman, the distinguished gentleman from Iowa asked the House to delete $3 million from this bill. I ask the House to add $3 million to this bill for the purpose of providing transportation for the aged, the handicapped, the lame, all those who need help in their desperate plight for transportation. They are looking to this Congress for leadership in research to provide breakthroughs in new forms of transportation so they can work. They want to go to work. Most of them have jobs. They are under enormous daily pressure in getting to and from their homes. Little has been achieved so far. Much more remains to be done.

Let me read a letter I received from one of my constituents dated October 17, 1972:

> We are handicapped people who are trying to stay off of public aid. We are employed and able to pay our own way.
>
> This letter will indicate what our problem is and how financially penalized the handicapped worker who must use this specialized type of bus service is. My rate is six times that of the able bodied person who uses public transportation.
>
> Promises and hopes for a government subsidy—but as yet nothing has come through. There is now talk of another raise in our transportation rates—also talk that the Li-La-U Handibus Service will discontinue its services at the end of this month due to the high cost of operating it. We must work and all of us sit in wheelchairs. Can you help us—we are desperate.

Mr. Chairman, that was signed by Ruth Simons.

I have another letter dated November 13, 1972, which read in part as follows:

> We are desperate, fighting handicapped citizens trying to live and work in dignity. We want to pay our share, but $8 a day is too much for anyone. Mr. Robert Reneker, president of Swift & Company, for which I work, pays $1 a day on public transportation to and from his home. I have to pay $8. Signed, Lois Henneman.

My amendment is offered pursuant to the direction contained in an amendment to the Urban Mass Transportation Act, which said this:

> It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

The Appropriations Committee continued the program on the same level as it was last year. It was inadequate last year. It will be inadequate this year. Again there will be insufficient funds to take care of the needs of the handicapped and lame throughout the country.

The Office of Management and Budget, which is not known for its generosity, provided an additional $3.5 million for this program, which was stricken out by the Appropriations Committee. My amendment would place back in the bill $3 million of the amount that was stricken out. This amendment is for people. It provides the opportunity to the many disadvantaged and crippled people of this country, who need our help in order to live in independence and dignity.

Mr. Chairman, I urge support of my amendment.

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Urban Mass Transportation Administration has spent about $10 million on 43 service development projects since the effort started in fiscal year 1969. Our recommendation of $1.2 million in this program essentially maintains the 1973 program level.

We are not taking away from these people in whom the gentleman from Illinois (Mr. YATES) is interested what they now have.

These demonstration projects are said to stress innovative transit services for the young, old, handicapped, and economically distressed. To date UMTA has failed to produce any projects which might be called a generalized approach to providing transit services to the transportation deprived, which is their object.

At the present time, these projects seem to be a subsidization of a unique service, in a particular area, for varying periods of time. This approach is not consistent with the so-called national applicability criterion which is supposed to be applied to the UMTA research development, and demonstration activity.

Furthermore, when the UMTA administrator testified before our subcommittee, he was unable to identify any specific new service demonstrations proposed for fiscal 1974.

The achievement of a generalized approach is the purpose of a demonstration project. In view of the failure of this program to achieve that purpose, it was the judgment of the committee that this program should not be expanded beyond the 1973 program level.

Mr. Chairman, I urge defeat of the amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, what is interesting about the response of the distinguished chairman handling the bill is that he said that to date they have not been able to develop a system which would deal with the problems of the handicapped. That is not a valid reason to end the efforts to find a system that works.

One simply cannot talk about the problems of the handicapped in the abstract. About 2 months ago I visited a college called Pratt Institute in Brooklyn, and talked with students about some civic problems and what it means to be a Congressman. At the end of the half-hour seminar, as I was leaving the audience, a young man in a wheelchair, seriously handicapped, stopped me—the fact is, he was a spastic whose head rolled, unable totally to use his limbs—but he was in an automated wheelchair, and in some way or other which I cannot even describe, he was able to control it and able to move himself about.

He said to me, "You know, they are going to take away my right to have my wheelchair put on the subways in the city. I get here by train, and friends of mine carry me down the steps and put my wheelchair on the train, and the MTA is going to stop that and not going to let me do that any more."

He said, "This means I won't be able to come to college any more and this means my life is over."

This was to say the least a very upsetting situation. I said that I would look into it. I happened to have seen the chairman of the Metropolitan Transit Authority a few days later, and I brought the matter to his attention.

He said he would see to it that wheelchairs would be permitted to continue to go on the train system and any order barring that would be rescinded.

He said substantially, "You know, we have to find a better way. We cannot go on this way. It is bad for the people who need this assistance, it is bad for the others who don't, to have no decent way of bringing the wheelchairs down steps without people carting them down and all of the other problems that are attendant to the use of the subways by the handicapped."

Well, what is it that this amendment will do? I do not know that the research and development, if authorized, will be successful this year, but I do know its goal is to find the way. It is not adequate for the distinguished chairman from California to say that they have not found it to date. If they are trying to find the way, we have got to support them with the money needed, because they cannot find the way without the expenditure of funds, and $3 million is such a small sum considering what it will be used for.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, the gentleman is exactly right. The fact that they have not found the way to deal with this very important problem does not mean that they will not find a way. It is interesting that this bill contains $60 million in subsidies for air carriers, with language saying the funds will provide service to cities and towns that would not otherwise be served. Are those who live in those cities entitled to subsidization more than the handicapped and lame of this country?

The chairman says that this is a unique form of subsidization for these people. Does he mean thereby it is improper? What is wrong with providing a means through research of helping these people use public transportation? I read to you the letters of my constituents who want to be able to work.

Certainly the amendment ought to be agreed to.

Mr. KOCH. The gentleman is absolutely correct.

It is not simply a question of keeping these people off welfare, although obviously this should be one of our goals. It is a question of keeping them alive, strong in spirit and heart, with the feeling that they have something to give to society and are not merely a burden to their families and the economy.

When somebody wants to work and finds he cannot get to work because he is handicapped that is not his fault, that is our fault.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I certainly share the concern of the gentleman from Illinois and of the gentleman from New York as to the necessity of our doing something to provide better transportation for the handicapped and the older citizens. I also have a more general concern as to the priorities indicated by the cuts this bill proposes to make in the requests of the administration for funding.

We are in the middle of an energy crisis, and it has a very serious impact on our transportation system. If we ought to be moving in any particular direction as to changing our priorities I should think we ought to be moving in the direction of high-speed ground transportation and more urban mass transit. I notice that for high-speed ground transportation research and development the bill would cut the recommendations by $10 million. I notice for research and development in urban mass transit it would cut the administration recommendation by $33 million.

I should like to ask the chairman of the subcommittee if he has an explanation as to the thrust of this bill, whose priorities seem to be going in the opposite direction from the priorities we ought to be seeking.

Mr. McFALL. I would respond to the gentleman in this way: We have provided an appropriation of $29.6 million in new budget authority for the programs funded under research, development and demonstrations, for the Urban Mass Transportation Administration. They will have $20 million of carryover funds that were impounded. They have, in addition, $13.9 million in other unrestricted authority. These additional funds will provide a program level of $63.5 million.

With respect to the personal rapid transit systems, we cut a total of $9.7 million. We cut $3 million money from this particular project because they had not one single project which they could tell us they were going to fund—not one.

A number of other projects, like "Dial-a-Ride" and so forth, for the handicapped, which the gentleman from New York and the gentleman from Illinois are discussing as necessary, are already funded by HEW.

We have not cut those rail systems which we feel are necessary to go ahead. As to the PRT's, we do not believe that the Department knows what it is going to do with these systems.

We provide a substantial amount of money for PRT's. We have included about $14 million for the three PRT projects. These three projects involve three essentially different types of PRT systems.

We merely ask, in our Recommended Reductions, that they determine how they are going to use PRT's in an urban mass transportation system.

The Department has $63.5 million in research and development in urban mass transit, and I believe that is a sufficient amount.

Mr. SEIBERLING. Mr. Chairman, may I ask another question of the gentleman from California (Mr. McFall) the chairman of the subcommittee?

This relates to the commitment for UMTA for the fiscal year 1974. I understand that this is an increase over the previous fiscal year.

My question is this: During the debate on the Federal Aid Highway Act, when the amendment to allow the urban areas to divert part of the urban highway trust fund moneys for urban mass transit was being debate, it was stated by those who opposed that amendment that we did not need to have it, because adequate money was going to be available under the Urban Mass Transit Assistance Act.

Mr. Chairman, does the gentleman feel that in view of the serious energy crisis and transportation crisis in this country, this is an adequate provision for the coming fiscal year, or could the cities use more urban mass transit aid than is being appropriated here?

Mr. McFALL. Mr. Chairman, let me respond to the gentleman's question in this way: It does not relate to this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. McFall and by unanimous consent, Mr. Seiberling was allowed to proceed for 2 additional minutes.)

Mr. McFALL. Mr. Chairman, will the gentleman from Ohio (Mr. Seiberling) yield?

Mr. SEIBERLING. I yield to the gentleman from California (Mr. McFall).

Mr. McFALL. Mr. Chairman, to repeat, it does not relate to this amendment, nor does it relate to research and development in area of urban mass transit. But it does relate to the amount of capital grants for urban mass transit. The bill includes a provision limiting commitments for UMTA programs in fiscal year 1974 to $980 million.

This is comprised of $872 million for capital facilities grants, $37,600,000 for technical studies, $63,500,000, which we are talking about here, for research, and $6,900,000 for administrative expenses.

Mr. Chairman, there is a tremendous amount of money in this bill for urban mass transit.

Mr. SEIBERLING. Mr. Chairman, I understand what this amendment does, but my question is this:

A lot of communities around this country, including my own, have not been able to get sufficient funds to have adequate urban mass transit systems, when we consider the human need and the need to conserve fuel and energy. So I am wondering whether this is a sufficient program to meet these needs on a nationwide basis.

Mr. McFALL. Mr. Chairman, in answer to the gentleman's question, I feel that we have provided sufficient funds in the bill for urban mass transportation.

Mr. YATES. Mr. Chairman, will the gentleman from Ohio yield?

Mr. SEIBERLING. Yes, I yield to the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, the gentleman, the chairman of the subcommittee, stated that these programs were being taken care of by the Department of HEW. That is entirely wrong. If that were true, the Office of Management and Budget would never have approved the additional amount of $3.5 million for this purpose to the Department of Transportation. HEW's program provides a subsidy for the elderly. This is a transportation research program.

Mr. ROSENTHAL. I move to strike the last word.

Mr. Chairman, I merely want to ask a question of the distinguished gentleman from California (Mr. McFall).

Is it correct that the Office of Management and Budget did include this $3 million, and that the subcommittee struck it out, or the committee struck it out?

Mr. McFALL. The gentleman is correct. But, Mr. Chairman, I would further point out in response to the statement made by the gentleman from Illinois, that we have testimony in the record of the committee hearings, on page 896, concerning a program which includes a grant of $250,000 to provide taxicab service for people over 60 and handicapped persons over 21 years of age.

That grant came from HEW. So, these programs do come from HEW, and would be in addition to those demonstration projects which we have in this bill.

Mr. YATES. Mr. Chairman, will the gentleman from New York (Mr. Rosenthal) yield?

Mr. ROSENTHAL. I would be happy to yield to the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, the gentleman fails to point out that this is a research program, a research program to try to find ways for transportation for these people. It is not a subsidy program as the chairman would have you believe.

My amendment will help people who want to be able to get to work, and for whom public transportation offers no facilities at the present time. The only way they are going to be able to get to work through public transportation in the future is if some new method is found for them to do it. The fact that they have not found it yet does not mean they will not discover it next year. This money is needed, desperately needed, to carry on the program.

Mr. Chairman, why would OMB approve this program if it is as useless as you indicate? OMB has approved this program. Obviously it must have some merit. There was no discussion of this item before our subcommittee. Nobody knew this program was being cut so deeply. It was a profound mistake that we should correct. In committee this program was referred to as "Service Development." There was no specific identification of this program as one that provided research for transportation for the elderly, the paraplegic, the crippled, the lame, and other disadvantaged people.

If this amendment is denied it will be most unfair. This bill contains $60 million for air carriers, the total amount they requested. There is a prohibition in this bill against an increase in fees for general aviation. Yet the people who need help the most are being deprived of funds they should have.

Mr. ROSENTHAL. I yield to the chairman of the subcommittee.

Mr. McFALL. All of the projects in this bill and all of the projects in the entire U.S. Government budget were approved by the Office of Management and Budget. This is the first time I have heard the gentleman from Illinois compliment the Office of Management and Budget.

Mr. YATES. I do in this case, may I say to the chairman.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the distinguished chairman of the subcommittee points out, what we are talking about here is a research and development budget. We are not talking about services, such as the gentleman from Ohio (Mr. Seiberling) has already discussed.

I will agree with the gentleman from Ohio that we are not giving the total number of dollars to this very high national priority of research and development in the mass transit field which we should be giving to it. I think we discussed this earlier in the scheduled debate that there was a combination of perhaps not enough attention on our part and a matter of confusion on the part of the urban mass transit agency as to whether UMTA is developing an old-fashioned technology or an honest-to-goodness PRT technology to lure people out of their second and third cars by offering them an honest transit alternative.

However, with respect to this amendment, it seems to me it really does not further the cause of transit technology very much.

I have been to Haddonfield and ridden in the buses there, and I am here to state that they have a system whereby people in wheelchairs and other physically handicapped people can ride those buses. But to date they have not. At the time I visited them the system was in operation for some time, and those facilities had not been used even once. It seems to me in their demonstration projects and research projects UMTA does try to provide for the fullest possible use of their systems by the handicapped.

While I do not object to putting more money into this budget, I do not think it should be earmarked for the purposes stated by the gentleman from Illinois. I would much rather see the budget expanded for the purposes of improved and sophisticated research for PRT, from which all, including the lame and the disadvantaged, could profit.

Mr. YATES. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. YATES. I will say to the gentleman that there is money in this bill to take care of the kind of transportation the gentleman talks about.

Mr. FRENZEL. Let me interrupt for a moment there.

Mr. YATES. I happen to sit on the subcommittee and I know there is money in this bill for this purpose.

Mr. FRENZEL. I do not sit on the subcommittee, but I suggest that the amount is inadequate for this.

Mr. YATES. You are now amending your statement, then, by saying it is inadequate. The point I am making is that my amendment proposed a specialized kind of research to take care of people in this country who cannot now use public transportation.

Let me return to the point made by the gentleman from New York. The fact that we have not found the answer as yet does not mean we will not be able to find it in the next year.

Mr. FRENZEL. I thank the gentleman for his contribution.

From the standpoint of priorities, however, he is not applying the money where it is most needed. If we do try to make this research available, everybody will benefit, including the disadvantaged.

But if we concentrate on research on the disadvantaged we will not have enough money to do the job.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my distinguished colleague from Illinois (Mr. YATES).

The proposed amendment would restore $3 million which the committee recommended be cut from the service development program portion of the urban mass transportation research, development and demonstration appropriation.

It is important to note that the committee recommendation will maintain the 1973 obligational level.

The Urban Mass Transportation Administration has completed 7 of the 16 programs started in the past 2 years. The results of these demonstrations are not clear at the present time. During the hearings, the Urban Mass Transportation Administration provided the committee with very little in the way of justification for the budget request. The testimony indicated that UMTA had several conceptual ideas in mind, but it had nothing specific.

I believe that the committee made a wise decision to maintain the program at the 1973 obligational level. When Federal funds are being spent, the Congress should look to what the money is going to be used for and what the benefits will be.

These answers are not present here. I urge my colleagues to vote against the proposed amendment.

Thank you, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and the Chairman announced that the Chair was in doubt.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 213, not voting 16, as follows:

[Roll No. 247]

AYES—204

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Ashley
Aspin
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clay
Cleveland
Cohen
Collins, Ill.
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
de la Garza
Delaney
Dellums
Denholm
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fascell
Fish
Foley
Ford, William D.
Fraser
Frey
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hillis
Holifield
Holtzman
Howard
Hungate
Hunt
Johnson, Colo.
Jordan
Karth
Kastenmeier
Kemp
King
Kluczynski
Koch
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
McCloskey
McCollister
Macdonald
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
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Nedzi
Obey
O'Brien
O'Hara
Owens
Pepper
Perkins
Peyser
Pickle
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Podell
Price, Ill.
Pritchard
Quie
Randall
Rangel
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Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Smith, Iowa
Staggers
Stark
Steele
Steelman
Stokes
Stratton
Studds
Symington
Tiernan
Van Deerlin
Vander Jagt
Vanik
Waldie
Walsh
Wampler
Whalen
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.

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Andrews, N.C.
Andrews, N. Dak.
Arends
Armstrong
Baker
Beard
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Blackburn
Bowen
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Brooks
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
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Dellenback
Dennis
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Dickinson
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Duncan
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Froehlich
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Gettys
Goldwater
Gonzalez
Goodling
Green, Oreg.
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Haley
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Ichord
Jarman
Johnson, Calif.
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Jones, Ala.
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Jones, Tenn.
Keating
Ketchum
Kuykendall
Landrum
Long, Md.
Lott
Lujan
McClory
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Mills, Ark.
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Morgan
Myers
Natcher
Nelsen
Nichols
Nix
O'Neill
Parris
Patten
Pettis
Poage
Powell, Ohio
Preyer
Price, Tex.
Quillen
Railsback
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Runnels
Ruppe
Ruth
Satterfield
Saylor
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Slack
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
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Sullivan
Symms
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Taylor, Mo.
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Teague, Calif.
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Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Veysey
Vigorito
Waggonner
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wyatt
Wydler
Wyman
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

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Blatnik
Breaux
Danielson
Fisher
Hébert
Kazen
Landgrebe
McKinney
Passman
Patman
Rarick
Reid
Rooney, N.Y.
Thompson, N.J.
Wilson, Charles, Tex.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROTZMAN

Mr. BROTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROTZMAN: Page 15, line 18, strike out "$29,600,000" and insert in lieu thereof "$39,300,000" and on line 19, strike out "$27,100,000" and insert in lieu thereof "$36,800,000".

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. BROTZMAN. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I should like to commend the gentleman for his statement. I believe the Denver Regional Transportation District project is a very important project in which, the whole eastern slope of the Colorado has worked together to try to create a regional plan. Denver will just get a 1-mile track and try to apply personal rapid transit to an urban district. I believe it is very important for the future of urban transportation, and I commend the gentleman for presenting the amendment.

Mr. BROTZMAN. I thank the gentlewoman.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BROTZMAN. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I appreciate the gentleman yielding. I should like for the Members to know that we of Colorado stand united on the making of this request, and I hope the committee will act favorably upon the gentleman's amendment.

Mr. BROTZMAN. I thank the gentleman.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. BROTZMAN. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the gentleman's amendment which would fund a project in Denver, Colo., designed to demonstrate the feasibility of a personal rapid transit system.

The personal rapid transit system is one of many new innovations just coming about which are designed to present an attractive alternative to the automobile. This particular system, as I understand it, offers elevated, computer-driven cars which accommodate up to four passengers, and will transport the passengers across the city in less time than that taken by emergency vehicles—such as police cars and fire trucks.

Rather than being crammed into a crowded bus, the passengers have the privacy and comfort of their private automobiles, but at less cost, in terms of energy consumed, pollution emitted and time wasted.

The PRT can be constructed in a relative short period of time, at a moderate cost.

Mr. Chairman, we need to encourage cities to examine the various rapid transit systems that are offered with an eye toward meeting the transportation needs of their own residents. In addition, we must continue to seek new and better alternatives to the automobile.

I am convinced that if given a choice, most commuters would chose an efficient, convenient, attractive, and economical rapid transit method over the automobile.

In fact, in a very short time, with more and more demands on our limited energy supplies, coupled with the strict Federal clean air standards, we may have no choice.

I am pleased to support this experiment, and I urge my colleagues to join with me in voting for the gentleman's amendment.

Mr. BROTZMAN. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman from Colorado (Mr. Brotzman) yield?

Mr. BROTZMAN. I yield to the gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Chairman, I thank my friend, the gentleman from Colorado (Mr. Brotzman) for yielding, and I rise in support of the gentleman's amendment.

We have a large university in my district at Carbondale, in southern Illinois, with an enrollment of 23,000 and we will soon be filing an application for UMTA funds for PRT although the committee bill provides funds for this purpose, I hope the additional $9 million can be allowed so the programs can be expedited. I thank my friend.

Mr. ARMSTRONG. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I would like to join with my colleague, the gentleman from Colorado (Mr. Brotzman) and urge interest and support in this amendment, which is a vitally significant one in my judgment.

In fact, in studying the bill prior to coming to today's session, I was stunned to learn that the Committee on Appropriations had recommended a reduction of this amount.

So I commend my colleague, the gentleman from Colorado, for bringing this amendment to the attention of the committee and to the members, and I urge support for the amendment.

Mr. McFALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, if the members will take a look at the committee report, we state the following: Under the new systems, the budget includes funds totaling $23,650,000 for three personal rapid transit projects. These three projects involve three essentially different types of PRT systems. The committee is concerned that UMTA has not yet determined the proper role for a personal rapid transit system, and, therefore, does not know which of these systems, if any, will have a practical application in urban mass transportation operation.

In view of this, the committee has made a reduction of $9,700,000 in the program for PRT systems. Mr. Chairman, the gentleman from Colorado has inherited a system in Denver from last year. In the conference on our 1973 bill the former Senator from Colorado, Gordon Allott, was able to get some funds for a new personal transit system experiment in Colorado. As I recall his statement, he indicated that they were going to have the Winter Olympic Games in Colorado, and needed this system for the Olympic Games.

But the people of Denver, Colo., turned down the Olympic games, and in my opinion they do not need this personal rapid transit system. However, we have provided the money for these three working systems, and we have asked the Department to provide a policy statement on how they are going to use PRT in an urban mass transportation system.

We reduced the appropriation by $9.7 million in the people mover area. We have provided $13,900,000 for this research. This will enable them to move forward with the PRT system which they feel is the most important. They will also be able to continue research on other ones at reduced levels.

Mr. Chairman, we have a PRT system in Morgantown, on which we have spent some $40 million. I hope it continues. We will be able to learn something from this program, however, they are spending a lot of money on this technology and really the Department has expressed no real understanding of how they are going to use it in an urban mass transit operation. We are asking them to make these determinations and have reduced their program in this field.

Mr. Chairman, I ask that the amendment be defeated.

Mr. BROTZMAN. Mr. Chairman, will the gentleman from California (Mr. McFall) yield?

Mr. McFALL. I yield to the gentleman from Colorado (Mr. Brotzman).

Mr. BROTZMAN. Mr. Chairman, I would point out to my friend, the gentleman from California (Mr. McFall) that really the Olympics have nothing to do with this specific problem, that we were planning on trying to go ahead with work on the problem of getting a better transit system for a long time. We believe PRT is a proper approach of an innovation to move people out there and help us avoid the pollution problem which we are all so concerned about.

I would point out that this is the purpose of the PRT and the demonstration program, to learn and develop techniques that will respond to the benefit of the people of this great country. The problem which we are having in metropolitan Denver is no different than that which we are finding across the entire land.

So I would say we should not at this time in history be cutting back below the budget amount which we should be spending in this very worthy cause.

Mr. McFALL. Let me reply to the gentleman. I have no objection to the great city of Denver, which is one of the finest in the country. However, when this project was presented to us the emphasis was on the winter Olympic games and the situation that would be created at that time which would provide an ideal situation to experiment with this 1-mile system in Denver. That was really the main basis for his proposal.

Now, as to the policy again of PRT. I believe PRT's could be very useful, but somebody in the Department of Transportation and the Urban Mass Transit Administration ought to figure out how they will use it in conjunction with the other systems we need.

SUBSTITUTE AMENDMENT OFFERED BY MR. GROSS FOR THE AMENDMENT OFFERED BY MR. BROTZMAN

Mr. GROSS. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. Gross for the amendment offered by Mr. Brotzman: On page 15, strike out all of lines 13 through 23.

Mr. GROSS. Mr. Chairman, I think it is time in this $7 billion bill to try to save some money, especially this kind of money, about $29.5 million.

I have read the hearings with respect to these projects, and the committee could get no reasonable information as to what is being accomplished by these so-called experiments.

Mr. Chairman, the amendment that I have offered would cut out $29.6 million for the so-called people mover projects, including that infamous project in Morgantown, W. Va., where they are still experimenting with a system that is just over 2 miles long and which will cost at least $64 million.

On page 30 of the report accompanying this bill the committee admits that the urban mass transit bureaucrats do not even know which of these systems, if any, will have any kind of a practical application after the spending of the money they have

The reason for this amendment is that there is a total of $34 million in unspent funds in this account. I ask you why the taxpayers should put up another $29.6 million? That is what I am attempting to eliminate.

Let me repeat. This Morgantown project and other projects have grown from an initial estimate of $13.5 million to the present estimate of $64.3 million.

Mr. Chairman, I urge the adoption of my amendment in the interest of the taxpayers of the United States of America.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the substitute amendment of the gentleman from Iowa.

Mr. Chairman, first I want to pay my respect to the chairman of the subcommittee, JACK MCFALL, one of the finest men I have known in this House, a complete gentleman at all times, who does his work and his job.

I rise in opposition to the amendment offered by the gentleman from Iowa and in support of the amendment offered by the gentleman from Colorado.

In answer very briefly to the gentleman from Iowa, let me say that this is a complete project and one of the first of its kind in the world.

I say that this year is bidding for the title of the "Year of Crisis." There are crises everywhere, most of them having to do with scarcities. There is a shortage of gold, of meat, of electric power, of gasoline, of important chemicals that are needed; you name it and we have it this year. At a time when we cannot get gasoline to run our automobiles, we ought not to cut down on our experiments for mass transportation.

In Morgantown we have a university of over 17,000 students, plus the faculty, plus the need for transporting the other people of the town.

Of course, we can go back to the horse and buggy days, but I do not believe we want to do that. I think we need to do our experimenting now, and solve it, not next year. And I do not believe the gentleman from Iowa (Mr. GROSS) would want to say that he did not want to be part of progress in America today.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I just do not want to finance these projects on the basis of that super-duper train that operated for so long from Washington into West Virginia and was a big loser every hour it operated.

Mr. Chairman, if this was not in the budget already I would not say that we should add it to the budget, no. But I say that the President put this into the budget, and I believe we should go ahead, not only with the project in Morgantown, but with all of the other projects across America, and finish them up so that we will not have all of these tieups in our cities, in trying to get into the city such as we do here in Washington.

I urge every Member of this Congress who wants to solve the transportation problem in America to vote for the amendment offered by the gentleman from Colorado, because I believe that this is the only way we can solve this problem. I do not believe that we should put it off until another year. I say that the Congress should at least go forward with the projects, keep them in the budget. I ask that we vote down the amendment offered by the gentleman from Iowa (Mr. GROSS).

I hesitated to take the floor today, and oppose the gentleman from California (Mr. MCFALL) because of my admiration and great respect for the gentleman, and I know of no finer gentleman than he, and I would like to follow the gentleman in all cases, but in this case I cannot do so. I think this is one time that the Congress should meet its responsibilities and vote to put the $9 million back in the bill. By doing this it will save gasoline, it will save running our cars, and help to solve the great transportation crises we have now in our cities. If we are allowed to proceed with these projects, I think it will do much toward solving these problems.

So I urge a vote from every Member of the House in the affirmative to put back the $9 million, to carry on with these projects.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS) as a substitute to the amendment to the amendment offered by the gentleman from Colorado (Mr. BROTZMAN), and in opposition to the amendment offered by the gentleman from Colorado.

Mr. Chairman, at the outset I feel that we should put this in its proper perspective.

There is $29.6 million in new obligational authority. There is also $20 million that the administration impounded last year, and there is $13.9 million in other available funds, known as unrestricted authorities. The total obligational authority in this account is $63.5 million. There is plenty of money for all of these projects.

Mr. Chairman, I want the Members of the House to know what they are getting into should they vote for the amendment offered by the gentleman from Colorado (Mr. BROTZMAN).

On page 857, part 1, of this year's hearings—I recommend that the Members read this—Mr. YATES was questioning Mr. Hemmes. Regarding this particular project, Mr. Hemmes said:

> A benchmark on the expense, Mr. Yates, would be the proposed Denver 100 mile PRT estimated at $1.6 billion.

I just want to let the Members know what they are getting into should they support this amendment.

There is something else I wish to bring to the Members' attention. I did not intend to discuss the Morgantown kiddy-cart project, but, in view of the fact that it has been brought up, I direct the Members' attention to part 1, page 654 of the hearings where I questioned Mr. Herringer regarding this project.

> Mr. CONTE. I would like to see some this afternoon. * * *

I was talking about pictures of this particular project.

> I will name that a purple people-eater instead of people-mover. Could you give us a per mile cost of that Morgantown kiddy-cart?
>
> Mr. HERRINGER. The guideway is about 2.2 miles long. The total cost for construction of the guideway and 45 vehicles will be about $30 million a mile. That is all inclusive.
>
> Mr. VIERLING. The actual cost of the guideway itself at Morgantown for the 2.2 miles is roughly $20 million—

In other words, $10 million per mile for the guideway alone.

> Mr. CONTE. How about this $43 million?
>
> Mr. VIERLING. That is the total cost of the project through fiscal year 1973.
>
> Mr. CONTE. So it's $21.5 million a mile?
>
> Mr. HERRINGER. That is including the vehicles and control system through fiscal year 1973.
>
> Mr. CONTE. How much more is it going to cost before you are through with it?
>
> Mr. HERRINGER. We are proposing funding in fiscal 1974 of $10.5 million.
>
> Mr. CONTE. This project has an insatiable thirst. This has got to be the biggest boondoggle that was ever perpetrated on the American taxpayers.
>
> Mr. YATES. That is saying a lot.
>
> Mr. CONTE. He may get another one out there. It's fantastic. It's unbelievable. They could have gotten it all for nothing at Disney World.
>
> Is that the final figure now, $10.5 million? You are never going to come in and ask for any more?
>
> Mr. HERRINGER. No, sir; I didn't say that.
>
> Mr. CONTE. How much more?
>
> Mr. HERRINGER. At the present time we estimate the cost for completion in fiscal year 1975 is an additional $9.8 million. It will be a total of $20.4 million on top of the $43 million.
>
> Mr. EDWARDS. That is over $30 million.
>
> Mr. CONTE. That will be about $31½ million a mile.
>
> Mr. HERRINGER. That is right.
>
> Mr. CONTE. And rails and all are just plain steel, not gold or anything?
>
> Mr. HERRINGER. As a matter of fact, it's concrete.

I ask the Members to vote down these amendments.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I just have several comments. First of all, regarding the comment that it will cost $1 million for Denver, the plan for Denver is for 1 mile and 5 miles of engineering, period. The rest of it will be raised locally through a bond issue that will either pass or fail this fall. The key is to tie this into our bond issue to know whether or not we would want to go ahead with it. It is not necessarily an entirely PRT program. We will have to tie other methods of transportation feeding into the inner city with it.

Another reason I understand Denver was chosen was not because of the Olympics, but because we have a medium-density problem, one of the few cities that has no high density.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. CONTE was allowed to proceed for 1 additional minute.)

Mr. CONTE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. So the idea was to take this supposed technology and apply it, which we never do. We tend to want to use it in a void. It should be applied to see if it does work to determine whether we want to continue on down the path with it. That is what it was all about. It was not just tied into the Olympics, because the Olympics were not to be in the city of Denver.

Mr. CONTE. I am not opposed to it, but I will give it a good, hard look. Unfortunately, the Morgantown experience was one of a project that got worse and worse.

I do not know what might happen in Denver. Let me say this. Maybe the gentlewoman did know this. I agree the commitment on the Denver system may not have been tied to the Olympics, but it certainly was tied to an election.

Mrs. SCHROEDER. On that I will agree.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the case of the amendment offered by the gentleman from Illinois we were being asked to dedicate $3 million additional to a type of research which in my judgment is already being handled in the normal program. In the amendment offered by the gentleman from Colorado we are being asked to consider additional funds for general personal rapid transit research. To be sure, the maker of the amendment has indicated that there is a regional flavor to his amendment, and there probably is, because Denver was selected by UMTA to be the demonstration site for its development demonstration.

I am a little concerned that the technology there is not advanced enough. I would be happier to hold back on a demonstration, until we have done enough research to demonstrate, or test, a really advanced PRT system.

On the other hand I am totally convinced that we have not begun to make anywhere near the kind of commitment for urban mass transit research that is required. In my judgment this money is necessary even if the degree of the technology is not as far advanced as some of us might like. We have so far to go that it is difficult to waste money in general transit system research.

The fact that a Dulles-type demonstration will probably go to Denver should not be of great concern to the Members of this body. All of us who are possible users of transit services and systems in the future will probably benefit from a development of the research project wherever it may be. I would prefer one in the Minneapolis-St. Paul area, myself, but I believe UMTA can pick the most likely location.

In my judgment, this is an important amendment. It is about as important an amendment on the subject of transit as may come before this House. Diversions of trust funds or appropriations for transit capital grants may be of great significance, but until our R. & D. programs develop a really attractive transit systems, money spent on transit is only keeping aline systems which have not passed the test of attractiveness to users. It is necessary to keep those systems aline, but it is also necessary to develop a personnel transportation alternative for the future. Passage of the Brotzman amendment will help develop such on alternative.

Mr. Chairman, I urge adoption of the amendment.

Mr. GRAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think my distinguished, handsome, erudite, and intelligent friend, the gentleman from Massachusetts, has made a great argument as to why we need to put back the $9 million. He talks about $30 million a mile for the mass transit system on the university campus at Morgantown, W. Va. But why is it costing so much? It is because we have not learned enough through research. I am sure Mr. Ford did not build the first Model T Ford automobile for $2,000, or for any amount for which Ford sells mass-produced automobiles today. It took a lot of experimentation and research.

We have an Illinois firm which says they can put in a people rapid transit—PRT—system with the use of the Franklin Institute in Philadelphia for $4 million a mile, not $30 million, however it takes research and development money.

I think we ought to recognize that this is the first one in the Nation. I recall that at Mount Vernon, Ill., 50 years ago the city council voted against paving the town square because it would hurt the horses hooves. This is the same thing. We are saying it costs so much a mile and we cannot afford it.

The fact is that when we walk outside today we cannot see the high buildings because of the haze and smog. We have to move people fast and economically. This money we are talking about, the $9 million in the amendment offered by the gentleman from Colorado, is infinitesimal compared to what we are losing in the cost of smog devices and the cost of people going to the hospital for sinus conditions. In Chicago, Los Angeles, New York, and other big cities the smog is terrible. I think we ought to put that $9 million in and cut that $30 million a mile cost down to size by building more systems. It is true that we are providing funds in this bill for—PRT—systems but we can do more with the budgeted amount. Thank you.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just could not take seriously the gentleman from Massachusetts when he said he is not for experimentation in America and for going ahead with progress.

This was the first project of its kind in the land. There is no experimentation of any kind which does not cost more than the projects which come after. When we do this, we want to stop right now experimentation so that we can have mass transportation and move people in our cities and move them around at a time of crisis.

There had to be a place of experimentation. The $9 million ought to be put back so that we can carry on the experimentation and build the rest of the system.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think everyone here is agreed that we have to experiment. This committee obviously thought so or it would not have put $50 million into Morgantown. We have got a lot to learn there yet before we know where we are going and what we are going to do with it.

It is just not the time to start going into other cities and spending additional millions of dollars until we know what the results are in Morgantown.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the gentleman is absolutely right. I think the gentleman from West Virginia is being very unfair when he accuses me of opposing research. I am supporting it. As I said, there is $63.5 million for this program. I feel there is a sufficient amount of money here.

Let me say this about Morgantown: I had no intention of involving Morgantown in the debate, but it has got to go down in history as one of the worst boondoggles in history.

On page 657 of the hearings, part 1, I asked:

> Could you tell me what the original estimate for the Morgantown Kiddy-cart was?

The first estimate of the total project cost was $13½ million. The project has bounced up to $31½ million per mile for that kiddy-cart.

The gentleman from Illinois says that we have got to have this because of pollution. That is a lot of baloney. We could have learned all about this kiddy-cart by spending a small amount of money at Disneyland. If a person goes there, he will find that Disneyland is a lot better than Morgantown and it did not cost the taxpayers about $64.3 million.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman fron West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, has the gentleman been to Morgantown, W. Va.?

Mr. CONTE. They have shown the committee movies; they have had drawings.

Mr. STAGGERS. The gentleman has not been there, he does not know what he is talking about. It is one of the most modern transportation systems in America. It is something the gentleman would be proud of as a man from Massachusetts. It is one of the most modern types of transportation in the Nation.

Mr. EDWARDS of Alabama. Mr. Chairman, surely all of us hope that some day we will be proud of what we have in Morgantown. We should be, because we put a lot of money into it.

My point is that until we see the value of that tremendous number of dollars we have spent, until we know where we have gone, we ought not to get into any similar situations.

Mr. MILFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the gentleman from Colorado and ask the Members to support the amendment.

Texas is a long way from Colorado, but I happen to be personally familiar with personal rapid transit systems and their complexities. I am also personally familiar with the urban crisis.

We vitally need more research money. We need it now because if the crisis is increasing, as it apparently is going to do, we need to have these systems as nearly developed as possible.

Mr. Chairman, I strongly urge this body to support the amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I am glad to yield to the gentleman from West Virginia.

Mr. STAGGERS. I want to commend the gentleman from Texas and to say to the Members of the House that the slogan which has carried America to the eminent position it is today is to "press on," not to stand fast or go back. Let us press on to complete these projects.

I thank the gentleman for yielding.

The CHAIRMAN. The Chair will put the question first on the perfecting amendment to the paragraph offered by the gentleman from Colorado (Mr. Brotzman) and will then put the question on the amendment to strike the paragraph offered by the gentleman from Iowa (Mr. Gross).

The question is on the amendment offered by the gentleman from Colorado (Mr. Brotzman).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROTZMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 277, not voting 19, as follows:

[Roll No. 248]

AYES—137

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Armstrong
Aspin
Badillo
Barrett
Bergland
Biaggi
Bingham
Boggs
Brademas
Brasco
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Chisholm
Clancy
Clark
Clay
Cohen
Collins, Tex.
Conyers
Corman
Coughlin
Cronin
Culver
Delaney
Dellenback
Dellums
Denholm
Derwinski
Diggs
Dingell
Drinan
Duncan
Eckhardt
Edwards, Calif.
Esch
Evans, Colo.
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Gaydos
Gibbons
Gray
Gubser
Gude
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holtzman
Howard
Johnson, Colo.
Karth
Kastenmeier
Kemp
Koch
Kuykendall
Kyros
Lujan
McCloskey
McCollister
Macdonald
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Mink
Moakley
Mollohan
Moss
Murphy, N.Y.
Myers
Owens
Peyser
Pickle
Podell
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Reuss
Riegle
Roberts
Roe
Roncalio, Wyo.
Rosenthal
Rostenkowski
Roybal
Ruppe
Sarbanes
Schroeder
Seiberling
Sisk
Staggers
Stark
Steele
Steelman
Steiger, Wis.
Stokes
Studds
Sullivan
Symington
Teague, Tex.
Thone
Van Deerlin
Waldie
Wampler
White
Wilson, Bob
Wolff
Young, Alaska
Young, Ga.

NOES—277

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Bafalis
Baker
Beard
Bell
Bennett
Bevill
Biester
Blackburn
Blatnik
Boland
Bolling
Bowen
Bray
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Ill.
Conable
Conlan
Conte
Cotter
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gettys
Giaimo
Gilman
Ginn
Goldwater
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Wash.
Harsha
Hastings
Hays
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Keating
Ketchum
Kluczynski
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Parris
Patten
Pepper
Perkins
Pettis
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Railsback
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Roush
Rousselot
Roy
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Ware
Whalen
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—19

Ashbrook
Breaux
Danielson
Fisher
Gonzalez
Hébert
Kazen
King
Landgrebe
Landrum
McKinney
Passman
Patman
Rarick
Reid
Rooney, N.Y.
Thompson, N.J.
Udall
Widnall

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 17, noes 392, not voting 24, as follows:

[Roll No. 249]

AYES—17

Blackburn
Camp
Clancy
Dennis
Flynt
Goodling
Gross
Huber
Hutchinson
Martin, Nebr.
Mathis, Ga.
Powell, Ohio
Rousselot
Satterfield
Saylor
Scherle
Taylor, Mo.

NOES—392

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
Ketchum
Kluczynski
Koch
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister

McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—24

Arends
Ashbrook
Bell
Breaux
Danielson
Dellums
Dingell
Fisher
Gonzalez
Kazen
King
Kuykendall
Landgrebe
Landrum
McKinney
Michel
Passman
Patman
Pepper
Rarick
Reid
Rooney, N.Y.
Thompson, N.J.
Widnall

So the substitute amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McFALL. Mr. Chairman, I move to strike the last word.

Mr. DAVIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from South Carolina (Mr. DAVIS).

Mr. DAVIS of South Carolina. Mr. Chairman, I would have one question which I would put to the distinguished chairman of the subcommittee. Does the language in section 315 under title 3 also serve as a provision to prevent the Coast Guard from ever charging any fees for search and rescue operations?

Mr. McFALL. Mr. Chairman, in my opinion, if the gentleman will permit me to answer his question, it does. We feel that any of these fees which the Department of Transportation was going to add on for aviation and other activities of the Department of Transportation would be affected by section 315. This, in my opinion, would include any increase in fees for the search and rescue operations of the Coast Guard.

Mr. DAVIS of South Carolina. Mr. Chairman, I thank the distinguished gentleman from California.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Chairman, I should like to comment on H.R. 8760, Department of Transportation and related agencies appropriations for fiscal year 1974. Specifically, I should like to address my remarks to that part of the bill providing funds for the Urban Mass Transit Administration and the programs that agency is and should be funding.

While I commend my colleagues on the Appropriations Committee for their providing practically the fully authorized amounts for mass transit, the funding provided in the past, and projected obligational authority, do not yet measure up to the real mass transit needs of the Nation.

The bill provides for total 1974 commitments not to exceed $980 million. While these funds for urban mass transit fall only $20 million short of the budget request, they remain clearly inadequate in light of several seemingly uncontrollable factors.

Our cities are being strangled by massive traffic jams, while being choked with polluted air emitted by vehicles and other sources of pollution. Traffic, during peak periods, moved faster in downtown New York City in the horse and buggy era of the Gay Nineties than it does today.

Automobiles snarled in traffic account for as much as 80 percent of downtown air pollution. Stricter clean air laws and regulations are rightfully calling for reductions in private vehicle traffic. Nationally, the Environmental Protection Agency has approved only five air-pollution plans, including the plan submitted by the city of New York. But the implementation of these plans, particularly in megalopolitan areas such as New York, cannot succeed unless and until the Federal Government is willing to commit itself more fully to the only viable alternative to private vehicle usage—namely, urban mass transit. We just cannot expect people to abandon their love affair with the automobile unless we provide an attractive, economical and efficient mass transit substitute.

While we are beginning to realize the absolute necessity of mass transit based on environmental and energy consumption grounds, the recent history of mass transit in this country is shocking. Last year, mass transit systems lost $400 million. In the past two decades, 230 systems have collapsed and passenger numbers have dropped 60 percent. Equipment and service are continuing to deteriorate in the face of continuing and growing operating deficits. Even with proposed operating subsidies contained in pending legislation, it is estimated the aggregate deficit for mass transit systems will reach $1 billion by 1978. Clearly, the present sorry state of mass transit, nationally, does not begin to reflect what we know will be the growing transportation needs of the Nation—particularly in areas that are densely populated.

It is increasingly obvious that automobiles do not hold the solution to our future transportation crisis. The companion crisis of energy, compounded by environmental problems, makes a searching reexamination of our transportation priorities absolutely essential. The automobile, while presently comparatively convenient, is one of the most inefficient users of energy we possess.

Automobiles effectively use only 5 percent of the potential energy they burn; leaving the remaining 95 percent as polluting after-products and waste. Furthermore, per passenger, an automobile consumes five times as much fuel as a train and six times as much as a bus. The Nation, during a time in which it can least afford it, is confronted with an enormous energy bill being submitted by the automobile. It may be said, with some justice, that we may be seeing the appetite of the automobile dictating our foreign policy in the Middle East as well as provide us with a balance of payments headache for the rest of this century.

Over the 10-year period of the decade of the 1960's, gasoline consumption grew by 60 percent. A continued growth of 6 to 7 percentage points each year is expected for the rest of the 1970's. With this rate of growth persisting, we could burn up, in 7 years, the entire proven Alaskan oil reserves.

Clearly, the energy crisis and the environmental imperative, demand more efficient means of transporting the residents and workers of our great urban centers. We cannot permit residents of cities, such as New York, which already has the Nation's largest mass transit system, to suffer the increasingly adverse effects of over-reliance and over-use of the automobile. Failure to provide sufficient governmental leadership and assistance to improve and expand our Nation's mass transit systems will prove a classic example of false economy—we will pay, and pay, and pay again if immediate and adequate action is not taken very soon.

Federal assistance for mass transit is both urgently and increasingly demanded. It has been proposed, and the Senate version of the pending highway bill includes this proposal, that the highway trust fund could be used in an initially small way, to help finance mass transit. I applaud such an optional usage of trust funds and would hope that the amounts derived from this source will help prove that, unless something is done to thin somewhat the vehicular horde, the vehicles that are needed and that do serve adequately and efficiently will be unable to function as they should.

Highways, particularly in high-density urban areas, have just about reached their limits of function and political acceptability. Diversion of some trust funds, particularly for such areas, would seem to be both practically and politically preferable to continued massive investment in freeways, cloverleafs and the other peripheral requirements necessary to a truly efficient expressway complex and system. Such a diversion might also provide a signal that it is time to cease adding a new 5 million vehicles to those already on our highways.

Mr. Chairman, there has been some discussion quite recently, even in the highway bill conference, of a proposal allowing the States to retain 20 percent of the highway user taxes collected in the State. This is an interesting idea and I would agree with its wisdom provided there were assurances that an appropriate percentage of the funds retained were earmarked specifically for mass transit. It is my understanding, transportation officials in New York City, also would approve of such a proposal, again provided it included the mass transit earmarking.

Legislation is also pending which would provide $800 million in operating subsidies over the next 2 years. As I mentioned earlier in my remarks, such subsidies are urgently needed to stave off further deterioration of our mass transit systems nationwide. I think it very shortsighted of the President, were he to veto such legislation if it is presented to him for signature.

Subsidy legislation is needed right now, but it would be preferable for the formula of distribution to focus more on actual passenger-usage and less on area population. It may be true that a certain metropolitan area has several millions in population. However, if such an area does not utilize mass transit systems, it would seem inequitable to reward them for having millions that do not use mass transit. Increased subsidies to areas that have heavily used systems would seem to make more sense.

Mr. Chairman, subsidies are clearly needed. Revenues from the fare box just cannot support an adequate mass transit system and New York City is no exception. Two years ago, a fare hike from 35 to 50 cents was averted, when the city agreed to provide $100 million per year from programs which could be deferred. This is in addition to the $125 million already being provided in subsidies by the city.

Operating expenses, plus capital costs and debt service, are making an increase from 35 to 60 cents very likely. The city cannot afford much longer to continue subsidies of such a magnitude. If there is no assistance from other sources, then the fare spiral must begin with all the social and economic ill-effects such a spiral carries in its train: decreased ridership, lower-income immobility, deteriorating facilities and service, increased traffic congestion on highways and bridges and other related adverse effects.

Alternatives fund sources, other than Federal assistance, are grim, to say the very least. A regional transportation tax is far from being an equitable proposal. It, first of all, would be highly regressive since it would be a flat levy, and it would be doubly unfair, since it would tax those residents and workers who may not be users of any form of mass transit.

Mr. Chairman, we have discussed what urban mass transit needs right now and compared it with what it is actually getting. The differential right now is shocking, but a look at projected needs and planned assistance is even more depressing. The Department of Transportation estimates that $24 to $34 billion would be necessary to bring mass transit up to the standards required by the end of this decade. The current funding level of approximately $1 billion a year, is grossly inadequate and additional funding sources are needed now.

Earlier in my remarks, I mentioned some diversions from the highway trust fund. At present, the fund is collecting approximately $6.2 billion a year. Yet, funding for Federal highway assistance is remaining at approximately $4 billion a year. While local jurisdictions and States spend approximately $500 million a year on mass transit, they are spending almost $10 billion a year on highways. New York mass transit needs are estimated to be $2.3 billion through fiscal 1977. Even if the proposed additional $3 billion increase in UMTA funds is forthcoming, New York can expect to receive only $360 million, at best. This disparity in national funding priorities for transportation cannot continue without causing severe social and economic dislocations. The $1.5 billion mass transit deficit New York City foresees through 1977 is symptomatic of what will be and is happening throughout the Nation.

Mr. Chairman, mass transit capital improvements in New York City, financed through Federal assistance, include purchase of 752 new subway cars for $142 million, and contribution of $55 million toward construction of the new Second Avenue subway in Manhattan. This assistance will, indeed, be of direct benefit to many, many area residents, including those living in the 15th Congressional District in Brooklyn.

But Mr. Chairman, the time has come when the Congress must live up to its responsibilities in the area of urban mass transit. The present course of financial assistance is clearly inadequate. We must do more or suffer the consequences—consequences that border on the unthinkable as we watch the threefold crisis of energy-environment-transportation degrade the quality of life that is the right of every American.

FURTHER LEGISLATIVE PROGRAM

Mr. McFALL. Mr. Chairman, the Speaker has asked me to say that following final passage of this bill, the House will take up the rule on the Legal Services Corporation, and that is all; just the rule.

That will occur as soon as we get through with final passage of this bill.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURPHY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McFALL. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 17, as follows:

[Roll No. 250]

YEAS—414

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton

Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Conyers
Gross

NOT VOTING—17

Ashbrook
Breaux
Danielson
Dingell
Fisher
Gonzalez
Kazen
King
Landgrebe
McKinney
Passman
Patman
Rarick
Reid
Rooney, N.Y.
Thompson, N.J.
Widnall

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Passman.

Mr. Rooney of New York with Mr. Fisher.

Mr. Gonzalez with Mr. Landgrebe.

Mr. Dingell with Mr. McKinney.

Mr. Reid with Mr. King.

Mr. Rarick with Mr. Ashbrook.

Mr. Danielson with Mr Widnall.

Mr. Breaux with Mr. Kazen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 8760, making appropriations for the Department of Transportation agencies for the fiscal year ending June 30, 1974, and to include pertinent and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. REUSS. Mr. Speaker, in yesterday's Record, that for June 19, I am incorrectly recorded as having not been present on rollcall No. 244. In fact, I was present. I voted "aye."

IS FREE EMIGRATION TOO MUCH TO ASK?

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, on Sunday, June 17, 1973, thousands of people joined together on the west plaza of our Capitol to demonstrate their concerns for human freedom.

It was my privilege to be associated with this demonstration in support of the rights of man and to hear the eloquent plea for justice made by Senator Henry Jackson of Washington.

I should like to associate myself with his remarks and to share them with my colleagues who were unable to be there.

I am taking the liberty of placing in the Record at this time, the full text of Senator Jackson's remarks:

Remarks by Senator Henry Jackson

I am honored to join with you today in this great and inspiring demonstration in support of the rights of man.

Like the great civil rights gatherings of the past, this assembly is eloquent proof that the spirit of America is still strong, and that the compassion of America is still deep.

I needn't remind you that our inspiration here today is the courage of those Soviet men and women who have been speaking out in their own behalf, who have galvanized men of conscience throughout the world by their refusal to be intimidated by repression.

Freedom imposes great obligations on those fortunate enough to have it.

If we care only for ourselves, what are we?
If we do not speak for freedom, who will?
And if not now, when?

We meet here today, 50 years after Lenin promised the Soviet people bread and freedom. If American farmers provide the bread, is it too much to ask that Soviet leaders provide their own people a measure of freedom?

Is it too much to ask that, if the White House provides guaranteed credits, the Kremlin provide guaranteed free emigration?

Is it too much to ask that, if American industry provides the technology and investments to develop Soviet natural resources, Moscow provide the visas for the saving of human resources?

Today, 30 years after Buchenwald, Auschwitz and the Warsaw Ghetto, is it too much to ask that this time we respond *now* instead of sending our regrets *later*?

Today, 25 years after the unanimous passage of the Universal Declaration of Human Rights, is it too much to ask that Moscow implement a fundamental right recognized in that document—the right to leave?

Today, 10 years after Richard Nixon said that we should underwrite deals for communist nations only if they "adopt policies which will allow people to leave if they desire to do so," is it too much to ask that we begin to implement that promise?

Today, in 1973, the Soviets are desperate to increase trade with us. Is it too much to ask that as part of the bargain Moscow civilize its emigration policies? Is it too much to demand an end to the trials, the denials, the arrests and imprisonment, the brutal mistreatment of innocent people?

It is a fact of history that, in their despair, thousands of people who wish only to leave have appealed to us for help. They have placed their hope and their trust in our response. And the American people and the American Congress have accepted that trust.

I am proud to be a son of immigrants.

We Americans are a nation of immigrants. For nearly 200 years, we have stood before the world as the symbol of free men, holding forth the promise of individual liberty.

We will keep that promise.

Now, Mr. Brezhnev has said that some of his best friends are Jewish. Well, I would hope that Mr. Brezhnev would permit his friends—Jewish and Gentile—who are also mine, and who are also yours, to come to the West: we are waiting for Lerner and Levich and Azbel and Slepak and Siroka. We are waiting for Zalmanson and Shkolnik and Grigorenko and Simas Kudirka, who are behind bars only because they sought freedom. We are waiting for our friends.

I'm not against trade with the Soviet Union. On the contrary, long before President Nixon went to Moscow, I cosponsored the East-West Trade Relations Act to promote trade with the Soviet Union and other communist nations. But I believe that such trade should serve larger interests—not just Soviet economic interests.

So when we talk of free trade, let us also talk of free people.

And let us not just talk, let us act.

And that is exactly what 77 Senators and more than 280 Representatives, sponsors of our East-West Trade and Freedom of Emigration amendment, are doing.

The Jackson-Mills-Vanik amendment, to condition trade concessions on free emigration, is not only the best hope for the survival and freedom of the Russian Jews and Gentiles who want to leave—it is an effective way to reconcile human rights with the detente we all desire.

Without an increasing measure of individual liberty in the communist world, there can be no genuine detente; there can be no real progress toward peace. And we will know detente is genuine only when people from the East can freely visit the West, only when ideas can move freely, only when reading the Western press and listening to Western broadcasts no longer lead to prosecution for treason, only when families can be reunited, only when emigration is free—will there be genuine detente.

We must have a genuine detente between peoples, not some cynical formula between governments for capitulation on the requirement for human rights. If a detente is not founded on human rights, it will not only betray our most solemn promises, it will, in the long run, fail to produce peace.

That is why the Congress is going to pass our amendment.

We are going to add a new law to our statute books, and a new life in a new land for those brave men and women who have stood up for freedom.

At the same time, the Soviets can allow free emigration without changing any of their laws. There is no Soviet statute which prohibits freedom of emigration and, in fact, Moscow is a signatory to international agreements specifying the right to emigrate. The Soviet government can change its administrative policies overnight. And it does so, whenever a policy becomes more trouble than it's worth.

The Soviet government can easily live with the Jackson-Mills-Vanik amendment. Soviet Jewry will find it very difficult to live without it.

The greatest mistake of the Western world was the failure of Britain and France and America to heed the warnings of Winston Churchhill and stand, firm and early, for the defense of individual liberty. We must never, never again be indifferent while innocent human beings are denied basic human rights.

In 1949, President Harry S. Truman, freedom's great captain, stood here at the Capitol and said these words: "Events have brought our American democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of liberty. Steadfast in our faith in the Almighty, we will advance toward a world where man's freedom is secure. To that end we will devote our strength, our resources, and our firmness of resolve."

Today, America's influence and responsibilities remain great; our courage and concept of liberty are again tested. As we join here today, let us rededicate our strength, our resources, and, above all, our firmness of resolve so that we may indeed advance "toward a world where man's freedom is secure."

PROVIDING FOR CONSIDERATION OF H.R. 7824, LEGAL SERVICES CORPORATION ACT

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 435 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 435

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 12 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 435 provides for an open rule with 2 hours of general debate on H.R. 7824, a bill to establish a Legal Service Corporation.

The rule provides that it shall be in order to consider the committee amendment in the nature of a substitute now printed in the bill as an original bill. The provisions of clause 4, rule XXI of the Rules of the House—prohibiting appropriation language in a legislative bill—are waived with respect to section 12 of the substitute.

The bill provides that the Corporation shall have a Board of Directors of 11 voting members appointed by the President with the advice and consent of the Senate. All meetings of the Board shall be open to the public.

H.R. 7824 also provides that legal assistance may be given only in noncriminal matters, and only to persons unable to afford legal assistance. Eligibility for assistance will be determined by the client's income and assets, cost of living in the locality and other specific factors which affect the client's ability to pay for legal assistance.

The cost of the bill will be approximately $71,500,000 for fiscal year 1974, which is a reduction of $2,300,000 from the amount spent in fiscal year 1973 by the legal services program.

Mr. Speaker, this need for independence for our legal services program has been supported by every interested party, group, and organization concerned with our system of justice. I urge adoption of House Resolution 435 in order that we may discuss and debate H.R. 7824.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, today we are considering House Resolution 435 which provides for the consideration of H.R. 7824, the Legal Services Corporation Act. This is an open rule with 2 hours of general debate. In addition, the rule contains two other provisions. One makes the committee substitute in order as an original bill for the purpose of amendment, and the other waives all points of order against section 12 of the substitute for failure to comply with the provisions of clause 4, rule XXI, dealing with appropriations in a legislative bill.

The primary purpose of H.R. 7824 is to establish an independent Legal Services Corporation for the purpose of providing assistance in noncriminal matters to persons unable to afford legal help. This new nonprofit corporation is to replace the present legal services program.

The corporation is to have a board of directors of 11 members appointed by the President, no more than six of whom are to be members of the same political party. Within 6 months after the appointment of the board, the board is to request the Governor of each State to appoint a nine member advisory council for his State. These councils are to notify the Corporation of any apparent violations of this legislation.

The board of directors is to appoint the president of the corporation who must be an attorney. The corporation is empowered to make grants to and contracts with individuals, organizations, and State and local governments for the purpose of providing legal assistance to eligible clients. No attorney is to receive any compensation for the provision of legal service under this act, unless he is authorized to practice in the State where such assistance is initiated.

The bill provides that employees of the Corporation and its recipients, while engaged in legal services activities, must refrain from participating in any riots, pickets, strikes, or any other illegal activities. However, this prohibition is not supposed to interfere with their providing legal assistance to eligible clients who do engage in such activities.

The Corporation is not to undertake to influence the passage of any legislation by the Congress or by local legislative bodies except that personnel of the Corporation may testify when requested to do so by such a legislative body, a committee, or a member thereof.

Eligibility for assistance is to be determined on the basis of the following factors: First, assets and income level of the client; second, debts, medical expenses and other factors which affect the client's ability to pay; third, size of the client's family; fourth, cost of living in the locality, and fifth, other factors which relate to financial ability to afford legal assistance.

The cost of this bill is estimated to be $71,500,000 for fiscal year 1974, $80,000,000 for fiscal year 1975, $85,000,000 for fiscal year 1976, $90,000,000 for fiscal year 1977, and $95,000,000 for fiscal year 1978.

Mr. Speaker, I urge the adoption of House Resolution 435.

Mr. MURPHY of Illinois. Mr. Speaker, I have no further requests for time.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. O'Neill). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MATHIS of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 358, nays 34, not voting 41, as follows:

[Roll No. 251]

YEAS—358

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
Bafalis
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
Koch
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—34

Baker
Blackburn
Broyhill, Va.
Collins, Tex.
Crane
Davis, Wis.
Derwinski
Dickinson
Duncan
Flynt
Froehlich
Gross
Hammerschmidt
Hays
Hébert
Hutchinson
Ketchum
Lott
Mathis, Ga.
Mizell
Montgomery
Powell, Ohio
Quillen
Roberts
Robinson, Va.
Ruth
Scherle
Shuster
Snyder
Spence
Taylor, Mo.
Treen
Young, Fla.
Young, S.C.

NOT VOTING—41

Arends
Ashbrook
Badillo
Beard
Bingham
Boland
Breaux
Brown, Calif.
Danielson
Diggs
Dingell
Evins, Tenn.
Findley
Fish
Fisher
Gonzalez
Hanna
Hansen, Wash.
Harvey
Kazen
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Long, Md.
McKinney
Mills, Ark.
Passman
Patman
Pepper
Rarick
Reid
Rooney, N.Y.
Schneebeli
Sisk
Stanton, James V.
Thompson, N.J.
Tiernan
Whitten
Widnall

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Arends.

Mr. Rooney of New York with Mr. Brown of California.

Mr. Breaux with Mr. Fisher.

Mr. James V. Stanton with Mr. Bingham.

Mr. Kluczynski with Mr. Findley.

Mr. Evins of Tennessee with Mr. Fish.

Mr. Danielson with Mr. Kazen.

Mrs. Hansen of Washington with Mr. King.

Mr. Passman with Mr. Schneebeli.

Mr. Rarick with Mr. Landgrebe.

Mr. Sisk with Mr. McKinney.

Mr. Tiernan with Mr. Beard.

Mr. Diggs with Mr. Badillo.

Mr. Hanna with Mr. Widnall.

Mr. Gonzalez with Mr. Harvey.

Mr. Landrum with Mr. Ashbrook.

Mr. Long of Maryland with Mr. Kuykendall.

Mr. Pepper with Mr. Mills of Arkansas.

Mr. Dingell with Mr. Whitten.

Mr. Reid with Mr. Boland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CAROLYN KING AND LITTLE LEAGUE BASEBALL

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, a little girl in Ypsilanti, Mich., has challenged the wisdom of Congress. I call attention to this girl because I feel that too many of my colleagues will consider her challenge as an idle threat to this peerless body. I am taking this opportunity to assure my colleagues that neither this girl nor her challenge is idle. Once she laid down this challenge, boys from her hometown came to the defense of Congress. She and the Mayor of Ypsilanti beat them into submission.

The little girl in question is 12-year-old Carolyn King. She is a Little League baseball player, although not in the eyes of Little League headquarters in Williamsport, Pa. When she won a position on one of Ypsilanti's Little League teams, the order came from Williamsport that if she were not removed from the team's roster, the League would withdraw Ypsilanti's charter. There was hesitation at first—on the part of the local Little League representatives, the town's elected officials, and even on Carolyn's part. She did not want to cause any trouble. She just wanted to play baseball. The mayor of Ypsilanti, George Goodman, acted first. Mayor Goodman simply informed the men in Williamsport that if Carolyn were not allowed to play Little League baseball, the Little League would not be allowed to use any of the city's baseball fields. Carolyn is now playing baseball, but Ypsilanti's charter has been withdrawn.

The simple fact, however, is that in acting to prevent Carolyn from playing baseball, the Little League people in Williamsport, formally known as Little League Baseball, Inc., were entirely within the bounds of congressionally approved legislation. Little League Baseball, Inc., in fact, was created by an act of Congress. (Public Law 88–378.) In enacting this legislation, Congress declared that one of the purposes of the corporation would be "to promote, develop, supervise, and voluntarily assist in all lawful ways the interest of boys who will participate in Little League baseball." The language of this legislation thus precludes the participation of girls in Little League baseball despite the fact that the local leagues usually play on city-owned fields and often receive funds from the municipalities in which they are located. Some of these funds come from the revenue-sharing program enacted by the 92d Congress. In effect, Congress has approved the use of Federal moneys to fund an organization which, by the very language of the charter under which it operates, is discriminatory.

To correct this discriminatory situation, there are very few alternative courses of action available to Congress. We could repeal the act that incorporated Little League baseball. We could even enact legislation that would terminate Little League baseball's tax exempt status. Neither of these alternatives is desirable in this case, however, and I would not support proposals of this type.

The only real alternative open to Congress in this case is to amend the act that incorporated Little League Baseball to place girls on an equal footing with boys under the Little League's Federal charter, and, today, I am introducing legislation that will accomplish this end. There are no hidden results intended in my proposal. Girls would not be required to use the same locker room as the boys, and if a girl was removed from a game because she was pitching badly she would not be sent to the men's showers.

There would be no quota systems involved, and Little League teams would not be required to submit their rosters to HEW each spring for review. And, a girl that could not field ground balls or hit fastballs would not be granted any more advantage in "getting on the team" than a boy with similar deficiencies. Let me assure you that if Billy Martin of the Detroit Tigers or Leo Durocher of the Houston Astros had a chance to sign a woman who hit home runs like Hank Aaron, fielded like Al Kaline, or pitched like Wilbur Wood, they would do their best to get that woman's name on a contract.

We in Congress cannot allow Carolyn King's challenge to go without a response, and the enactment of my proposal is the best way to meet that challenge.

Mr. Speaker, I enclose a newspaper article concerning Carolyn King from the Detroit Free Press of Wednesday, June 20, 1973.

The material referred to follows:

CAROLYN KING BARRED

(By Louis Heldman)

Carolyn King, a 12-year-old centerfielder who was barred temporarily from playing for an Ypsilanti Little League baseball team, filed suit Tuesday against the national Little League officer over its "no girls" rule.

She was joined in the suit in federal court in Detroit by the Ypsilanti American Little League and the city of Ypsilanti.

The Ypsilanti City Council last month ordered the local league to let Carolyn take her place in centerfield for her team, the Orioles, or lose the use of city ball diamonds, staff and financial aid.

The local league, which has 220 boys participating, agreed to let Carolyn play. However, the national Little League then lifted the Ypsilanti charter and threatened to seize its bank account, cancel team insurance and prevent Ypsilanti players from participating in tournaments and all-star games.

The same action was threatened against other local Little Leagues whose teams played Ypsilanti teams.

The suit says that Carolyn, a strong-throwing right-hander won her starting job fairly on the basis of her ability over 100 competing boy players.

The suit, assigned to Judge Ralph M. Freeman asks:

The 34-year-old Little League rule against girl players be declared unconstitutional.

An injunction be issued preventing the national Little League from prohibiting Carolyn's participation and preventing the national office from revoking the local league's charter rights.

A temporary restraining order be issued to allow Ypsilanti players to participate in postseason tournaments and all-star games.

Freeman set a hearing for June 28 on the request for a restraining order.

AID TO EDUCATION

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I have learned from a questionnaire which I sent 3 weeks ago to the 18,000 school districts in the country that approximately 50,000 teachers have already been notified that their contracts will not be renewed in September because of the uncertainty about continued Federal aid to education. Another 130,000 teachers, teacher aids, and other personnel are also in jeopardy of losing their jobs during this upcoming school year.

This means that the education of approximately 8 million schoolchildren would be crippled. Remedial reading programs, library programs, education for the handicapped, job training programs, and hundreds of other programs would be eliminated.

We must have swift and decisive congressional action on the education appropriation bill and on the continuing resolution in order to avert such a disaster.

Within a few days the House will have before it the education appropriation bill for fiscal year 1974. I urge fast action on that bill.

But, we must also move next week on a continuing resolution which requires the administration to fund these programs until the appropriation bill becomes law which may be as late as September or October. Otherwise, the administration has already announced that if it is given the discretion it will cut Federal aid to education by at least one-half billion dollars.

We must also provide in both the regular appropriation bill and in the continuing resolution that no local educational agency will receive less in title I funds than it received during this present school year. If we do not take this action in both the appropriation bill and in the continuing resolution, many States will suffer substantial losses of title I funds. Some States would lose as much as one-half of their present allocations. Other States would lose one-third or one-fourth of their funds. And the most severely affected States are the poorest States in the country and therefore the least able to suffer these losses.

PUBLIC HEARINGS NEEDED TO PROTECT McHENRY COUNTY RESIDENTS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, in the course of developing methods for reducing water pollution and ultimately eliminating all domestic and municipal sewage effluents from our waterways, we must apply new and improved techniques, systems and methods for attaining this goal.

One alternative which was offered by our colleague, Congressman VANDER JAGT, in connection with the enactment of the Water Pollution Control Act of 1972, would encourage a system of waste treatment and management with open-space and recreational considerations.

In addition, the Administrator of EPA is charged with the responsibility to encourage waste treatment facilities which will provide for recycling of potential sewage pollutants, as well as the reclamation of waste water and the ultimate disposal of sludge in a manner which will not result in environmental hazards.

Mr. Speaker, in providing for the recycling of sewage pollutants in the production of agricultural products, extensive studies are underway contemplating the transportation of large quantities of treated sewage effluents, including a potential transfer of such effluents from the sewage treatment plants of the Metropolitan Sanitary District of Greater Chicago to outlying areas including portions of McHenry County in my 13th Congressional District—as well as other portions of McHenry County which lie in the 16th Illinois District represented by my colleague (Mr. JOHN ANDERSON).

Mr. Speaker, there is an understandable resistance to the receipt of effluents from such large sewage treatment plants as those operated by the Metropolitan Sanitary District of Greater Chicago and there is a justifiable fear that delivery of any such effluents would be extremely hazardous to human health and would provide excessive quantities of waste water and involve other poential risks which were not contemplated by the Congress in the enactment of the 1972 amendments.

Mr. Speaker, in order to assure that residents of my Congressional District may have a full and adequate opportunity for a hearing at which their views and objections may be heard, I am offering an amendment to the 1972 act which will require that public hearings shall be held in any affected political subdivision.

Mr. Speaker, in connection with this legislation, I am joined by my colleague from Illinois (Mr. ANDERSON) who represents the 16th District of Illinois which includes the northern part of McHenry County—which is also involved in studies relating to dry land sewage treatment, including the delivery of treated sewage effluents from the Metropolitan Sanitary District of Greater Chicago to portions of McHenry County which he represents in the Congress.

Mr. Speaker, on behalf of my colleague from Illinois (Mr. ANDERSON) and myself it is my hope that early hearings may be provided by the Public Works Committee to the end that this small but critical amendment may be adopted for the protection of McHenry County constituents whose interests are intimately at stake to this proposed alternative plan of disposing of treated sewage effluents.

Mr. Speaker, I am confident that other areas surrounding Cook County, Ill.—as well as other areas in our country which are experiencing similar concerns—would welcome the additional safeguards which would be provided by the measure which Mr. Anderson and I are offering. A copy of this proposed legislation follows these remarks:

H.R. 8847

A bill to amend the Federal Water Pollution Control Act to require public hearings in any political subdivision in which land may be used for treatment works proposed for grant assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 201(g) of the Federal Water Pollution Control Act is amended—

(1) by striking out "and" at the end of subparagraph (A) of such paragraph;

(2) by striking out the period at the end of subparagraph (B) of such paragraph and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (B) of such paragraph the following new subparagraph:

"(C) a public hearing has been held in each political subdivision where land is located and which may be used for the works proposed for grant assistance, and a record of such hearing has been submitted to the Administrator."

MAJOR HEALTH PROGRAM

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I am pleased the President has signed H.R. 7806, extend 12 major health programs.

This will end the uncertainty among cooperators and supporters of these programs. The House vote was all but unanimous—372 to 1 and is indicative to the tremendous need for these programs.

There is widespread concern that Government programs and functioning have been brought to a virtual standstill by Watergate. This legislation will help to get things off dead center.

I am particularly concerned about these health programs because they are vital to Montana. The regional medical program, the community mental health centers and the Hill-Burton programs have provided invaluable assistance to the growth of an effective and efficient health care delivery system in Montana. But the job is far from finished. Additional and sustained Federal support is vital in States like Montana, large in area but rural in population.

Montana is a member of the Mountain States regional medical program which is providing enormous health benefits, direct and indirect, throughout a four-State area. For example, prior to 1967, no intensive coronary care units operated in Idaho, Montana, Nevada, or Wyoming. By 1972 there were 126 units operating, thanks to the regional medical program. These units increase the chances of survival by one-third for heart attack victims. For all residents of these States, this is an overwhelming benefit. The Mountain States program also has programs in kidney disease, stroke, diabetes, emergency services, health needs of the aged and minorities, and programs to enhance cooperative relationships between hospitals, colleges, governments, and so forth, all of which pay particular attention to rural health needs. Over 94,000 patients benefited from RMP in rural Montana in 1971–72 and about 12,000 in urban areas.

Federal funding is also making it possible to establish services essential to the mental health needs of Montana residents and we need to continue this support. Three centers are now operating, but have really just gotten off the ground; two more centers are being planned to serve about 300,000 residents in cities such as Great Falls, Butte, Helena, and Bozeman. Unless Federal support is forthcoming, these centers will more probably remain no more than paper plans.

The three operating community mental health centers have been provided with adequate State and county support. Without continued Federal funds, the needed services provided in these centers would be seriously curtailed or even eliminated.

Besides this major health programs extension legislation, I hope we can move forward quickly on two other bills passed by the House.

The biomedical research fellowship and training bill, adopted 361 to 5, would continue this fundamental aspect of the Nation's health effort for the last 30 years. This measure is now pending before the Senate and early action is very desirable.

The Emergency Health Service Act is another important bill that would lend vital assistance to emergency services now available in Montana. Hospital emergency rooms would be upgraded and support for training ambulance attendants in emergency care and treatment would be provided. Improved emergency services could save up to 60,000 lives annually in the United States. Many of these lives would be saved in Montana where long distances and small facilities make support for emergency care vitally important. It is my hope that the House-Senate conference on this important measure will reach agreement at an early date.

ANNIVERSARY OF STATEHOOD FOR WEST VIRGINIA

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, 5 score and 10 years ago today by proclamation of President Abraham Lincoln on June 20, 1863, West Virginia officially became the 35th State in the Union.

Nature has blessed the Mountain State of West Virginia with abundant natural resources and majestic scenic beauty.

West Virginia has a bright and promising future on this her 110th birthday. We have men to match our mountains and women to raise on high the beacon light of leadership. West Virginians are on the move, true to the ideal expressed in our State motto: "Montani Semper Liberi"—Mountaineers Always Free.

Mr. Speaker, not long ago, I addressed an assembly at Bluefield High School. At that time, I was given a copy of a statement of West Virginia's spirit which was ably prepared by the English honors class at Bluefield High School. I indicated to the school assembly that on West Virginia Day, June 20. I would have this statement printed in the RECORD:

WEST VIRGINIA

West Virginia, born in the throes of war, rests among "the endless mountains"—the Appalachians. Nature, in her benevolence, endowed the mountain state with great natural resources and unequalled scenic beauty. Her roots go deep; they draw from the Germans, Scotch, Irish, English, and Dutch—who defied both tyranny and wilderness to make this land their own. She draws from the people who came later and who were to contribute much to her early history. Nourished by the people's independent spirit and their unwillingness to submit themselves or others to second-class citizenship, she soon reflected the characteristic that would become her motto: "Mountaineers are always free." Years, however, would pass, often hard and bitter ones, before West Virginia would become a state.

Today, her star upon the field of blue is a right and promising one. No longer is she isolated. Modern highways and means of communication are breaking barriers. Visitors marvel at her natural beauty, her industry, her recreational facilities, her schools, and her great potential for development. They are awed by the past—the Mound Builders, Aaron Burr and Blennerhasset, John Brown and Harpers Ferry, old forts, and trails made long ago by Indians and wild animals. The past is omnipresent, even in the speech of her people, for words from Elizabethan England linger.

West Virginia knows her history to be more than the visible signs of her past. Her past is a tapestry woven by time. Bold threads catch and magnify Blackwater Falls, Seneca Rocks, the majestic forests, and the busy Ohio and Kanawha Rivers: interlocking threads weave Logan's lament for his family and Cornstalk's disbelief as he was killed by those whom he would befriend. Other threads pick up the circuit rider, armed only with his Bible, riding dangerous trails to minister to the spiritual needs of his people. These same threads recapture the "burning rocks" of the Indians, later to be termed bituminous coal; the song of men on push boats; the skill of the early glass blowers; and men busy at the salt works—they are all there—the door to the past and prologue to the future.

This is West Virginia, buttressed by a proud heritage and by resources waiting for development. She steps confidently into the future, sure in the fact that her men will match her mountains and that the fierce love of liberty that drove her people into her mountain fastness will again become a beacon, helping to rekindle fundamental American democracy.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to my colleague, the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I thank my colleague, the gentleman from West Virginia, for yielding.

It is an honor and pleasure to speak in behalf of West Virginia in this salute to my native and great State.

Nature made West Virginia a scene of majesty and grandeur and quiet beauty. The art of man has converted it into the powerhouse of the Nation and at the same time a refuge from the delusions and cares of ultrasophistication.

Within the borders of the State may be found the descendants of the original European stock which settled the country. Generation after generation they clung to the ground which had become home to them. Out of the resources of soil and water and climate and mine and forest they fashioned wealth and pleasant living. These they now lay before an eager and a hungry world, and invite that world to share the good thing they have made.

For years West Virginia lay in the cocoon of isolation, gathering strength for the part it was to play in human progress. Today it is open in all its usefulness and beauty. Modern highways of surpassing beauty penetrate its valleys and skirt its forest-clad hills. There are numberless towns and villages, each ornamented with industries of unimaginable variety. Here a noble people live and work in content.

Beneath our soil West Virginia has stored unlimited supplies of power. The Nation calls on this power to run its factories, its transportation systems, and all the convenient units of private control so important in modern life.

West Virginia is also the home of social institutions. More than 20 colleges and universities enrich the Nation with scholars, with creative imagination, with artists, with athletes.

West Virginia was born in wartime, and West Virginians are most brave and patriotic.

According to the records, West Virginia has given more men per capita to the fields of battle in defense of our great land, than any other State in our Nation.

In my pride in my native home, I say that West Virginia has everything. Come and see us world, and be prepared to cast your lot with the State destined to shine with ever-brightening luster in the galaxy of States.

Yes, I am proud to be a West Virginian.

AUTHORIZATION OF ATOMIC ENERGY COMMISSION

(Mr. LUJAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, the current gasoline shortage and the power cutback leaves no doubt that this Nation is facing a serious energy crisis, and as we consider the renewal of authorization for the Atomic Energy Commission we have an opportunity to seriously combat the energy crisis.

The time is long overdue to launch a full-fledge development of new sources of energy. Our scientists of today are not very far from finding the solutions to our energy problems. One thing is sure, however: We were never in a better position to take the bull by the horns and do something more than talk about the problem.

We have the finest, most learned and dedicated scientists time has ever known. We have the most sophisticated technology the world has ever known. We have the most advanced scientific laboratories in the world, such as Los Alamos, Sandia, Livermore, Oak Ridge and Hanford, but we have confined their efforts, for the most part, to atomic research.

In our research and development programs for other energy sources, we are many years behind current needs.

Most private industry is still thinking in terms of fossil fuels for a short range solution. And I can not totally fault that. But we should now be working on new ways to harness power sources other than nuclear, such as geothermal energy, solar power and other natural sources of clean, nonpolluting energy.

Nuclear fuels are relatively plentiful. And when we include the potential of breeder reactors and nuclear fusion, the supply is virtually inexhaustible. While we must continue the avenues of research, we cannot put all our energy eggs in the nuclear basket. If every reactor now on the drawing boards was now in full production, the total output of nuclear-fueled power would satisfy less than 3 percent of our current national requirements. We must move ahead into new fields of power production.

The dedicated men and women in our scientific community are ready, willing and able to apply their knowledge and efforts to the development of these new power sources.

The Congress must give them the green light and the funds to move ahead now, and we can do this by broadening the authorization of the Atomic Energy Commission to include research and development projects in nonnuclear-related energy fields.

If we act now—if we seize the opportunity thrust onto us by today's fuel shortages—the same scientists who have developed atomic energy for our generation will be able to develop these new energy sources for all future generations.

Mr. Speaker, as we look down the road toward the America of tomorrow, let us visualize a nation where quiet, nonpolluting power plants are supplying all of our energy needs with no possibility of shortages or brownouts; an America whose strip-mining scars are healed over and are part of the past. We can make that vision a reality by acting today and free out AEC personnel from the narrow confines of atomic research and direct their efforts toward even greater accomplishments in other fields.

Our opportunity presents itself in the Atomic Energy Commission authorization bill that comes before us.

I urge all of my colleagues to join in giving the Commission and its scientific personnel the tools and the resources they need to translate that opportunity into achievements even greater than those they have given us in the past.

INTERNATIONAL TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, at a time when our President is meeting with Mr. Brezhnev to discuss among other problems, the future of foreign trade between the United States and Russia, it is essential that the Congress remain alert to present status of our deteriorating foreign trade balance. I am concerned that the ultimate results of the present meeting between Mr. Nixon and Mr. Brezhnev not be repetition of the previous grain deal with Russia—with its resultant paralysis of our transportation system, its excessive ship subsidies paid for by American taxpayers to our merchant fleet carrying part of the grain to Russia which experienced interminable delays from our over-taxed port facilities, and finally the market disruption and increased cost to the American meat producers and consumers of wheat and grain products.

But this is only one small part of the general trade problem, I would like to point out to my colleagues additional evidence indicating continuing design on our domestic producers involving the humble and innocuous mushroom.

The little mushroom, while not fundamentally as important an international trade product as soybeans, and surely not comparable thereto, has not escaped Communist China's attention and looms large in its admitted plans to join and hopefully dominate the international trade race. Proof lies in the fact that as of this date, after a few years effort, Communist China has already captured one third of the mushroom market of our good neighbor, Canada, and she is still going strong. The question is then properly posed, why only Canada and not the U.S. market? A possible explanation has been put forth in a June 5, 1973, edition of the Christian Science Monitor, which carried an article dealing with potential trade relations between the United States and Communist China. The article goes on to state that China is hungry for U.S. technology and eager to buy American cotton, soybeans, and other grains. But Peking must sell its own products in return, and there the problem starts.

The humble mushroom provides a case in point. American importers at the recent Kwangchow—Canton—Trade Fair found they could buy Chinese mushrooms at a price 30 to 40 percent lower than that offered to Japanese and European buyers.

Price tags on almost every Chinese export—Jade, rugs, bamboo ware, textiles—had soared since last fall's Kwangchow fair, for all buyers, including Americans.

But Americans still could get a bargain on mushrooms. Why?

Says Dr. C. J. Wang, president of the International Corporation of America:

> Because the Chinese want to penetrate the American mushroom market and they have to cut their price to do so.

The United States slaps a 45-percent duty on mushrooms from Communist China, which lacks most-favored-nation trading status with the United States. Mushrooms from Taiwan, which does enjoy most-favored-nation status, enter the United States at minimal duty.

Says Dr. Wang:

> In the past few years, Peking has captured one-third of the mushroom market in Canada, where high duties are not a problem.

He added:

> If the Chinese could get one-third of the U.S. mushroom market, that alone would make $30 million worth of trade yearly.

It takes a lot of mushrooms, for example, to pay for jet commercial aircraft and a communications-satellite ground station—already bought by Peking—and for the mining equipment, power shovels, and construction cranes that China would like to buy.

It is indeed ironic that Communist China should seek to enter the mushroom market in the United States, where already foreign imports from Taiwan and South Korea have made such inroads as to seriously cripple the domestic mushroom industry in my State. And I might add that the mushroom imports from

Taiwan substantially contributed to that country's favorable balance of trade with the United States in the amount of $450 million in 1972.

Lest my colleagues view the domestic mushroom industry as so small as to be expendable, I would like to ask them to reflect back to those times when foreign shoes and foreign watches began their early unprecedented invasion of the American market. The pleas of our domestic industries fell on deaf ears, but as we all know the foreign imports "mushroomed" to the extent that the American shoe industry is seriously crippled and the American watch industry is all but destroyed. And, as we all know, a wave of foreign imports has proceeded to destroy our radio and electronic industry. We must not be mislead by what appears to be the innocuous attempts of a foreign country to penetrate our economy through markets of a size and type that may not at first blush appear to be a significant part of our economy; that is, the insignificant mushroom.

Spokesmen for these shoe, watch, radio, and electronic industries can vividly relate the mushrooming effect of foreign imports.

Let us not sit idly by while our domestic mushroom industry is mushroomed out of existence.

The textile and apparel industry employs approximately 2.5 million workers, double the number of production workers in the steel and coal industries combined. This is an industry where the average wage is between $2.50 and $3.50 an hour. In Japan the wage rate is $1 per hour, in Hong Kong $0.50 per hour, in Taiwan $0.25 per hour, and in Korea $0.12½ per hour. As a result of the disparity in wage rates imported shirts in 1971 amounted to almost half of American production. The imports in men's and boys' coats and jackets have soared from 3.6 percent in 1967 to 57.4 percent of domestic production in 1971. As a result, jobs in the clothing industry decreased nearly 40,000 between 1966 and 1972.

It is a sad commentary that a nation which has fought so long to eliminate sweatshop wages and child labor at home, now is fostering such unconscionable working conditions in foreign countries. It is certainly hypocritical for the United States to extend foreign aid to these countries, purportedly to help raise the standard of living for its citizens, at the same time we are encouraging the continuation of slave-labor conditions.

A recent survey by the AFL–CIO revealed that since the first of this year five plants in New Jersey have been forced to close as a result of foreign imports. The 4,000 workers who were put out of work are added to the 80,000 other workers in New Jersey who have previously been laid off because of foreign imports. While these numbers themselves are staggering, the situation becomes intolerable when we consider the multiplier effect of such plant closings. When Emerson closed its Jersey City plant and laid off 2,400 workers, Hudson County lost $33 million in purchasing power. When RCA curtailed its operations in Camden County, because of foreign imports, there was a net loss of purchasing power of over $200 million in this area.

With regard to the American steel industry I notice that Mr. Gott, former chairman of United States Steel Corp., recently was quoted as saying:

> For all practical purposes, the era of cheap foreign steel is changing.

While I certainly respect Mr. Gott, I do not share his optimism. Presently the worldwide demand for steel may have some dampening effect on our foreign imports of steel, but I fear this is only a temporary situation and that if the major steel producers should increase their prices in the near future, foreign steel imports would again rise to serious proportions. This is not just an idle thought in view of the fact that the major domestic steel producers contend that while domestic production should increase during 1973, profit margins will narrow and thus there will have to be some increase in the price of American steel.

Interestingly enough, the American Iron and Steel Institute in its news release of June 15, 1973, is not so optimistic about the future of foreign steel imports.

The institute states that steel imports from Japan for the first 4 months of 1973 were 14.5 percent more than for the comparable period of 1972; steel imports from the European Economic Community were 13.2 percent more for the same period in 1973 as compared to 1972; and steel imports from all other sources showed an even higher increase; namely, 21.4 percent over the comparable period in 1972.

Wth respect to tool steel imports the picture is even more gloomy. For the first 4 months of 1973 Sweden enjoyed a 93.5-percent increase in its shipments to the United States, while the overall increase in foreign tool steel imports was 46.6 percent more than for the comparable period in 1972.

The Wall Street Journal, June 20, 1973, reveals the recent new Japanese approach to continued penetration of the American market and I include this article at this point:

The Direct Approach: Japan, Long an Exporter of Steel to United States, Now Is Building a Mill in New York State

(By Michael K. Drapkin)

Auburn, N.Y.—The Japanese, who for years have shipped steel to this country through Pacific ports, down the Great Lakes, up from Mexico and across the Canadian border, now have found the most direct route yet to U.S. markets: They plan to make the steel here.

Thus, domestic steelmakers, which had begun to breathe a sigh of relief over prospects that surging world demand for the metal and a twice-devalued U.S. dollar would sharply reduce imports later this year, are casting apprehensive glances at this quiet town of 35,000 in upstate New York.

For groundbreaking will begin here next Sunday for the first direct interest in a steel-producing plant in the U.S. by Japanese steel concerns—the most aggressive marketers of steel in the world and long one of the biggest foreign suppliers to the U.S.

Last year, Japan shipped 6.4 million tons of steel to this country, representing more than a third of total U.S. steel imports of 17.7 million tons.

The $18 million plant, including an electric furnace, modern continuous-casting machinery and rolling mill, is to be built on a 190-acre site here, about 30 miles west of Syracuse. It will be a "mini-mill," designed to supply about 150,000 tons a year of concrete-reinforcing bars and bars for construction uses.

(By contrast, big integrated steel plants usually can turn out several million tons of a variety of products. Even bar mills operated by the big producers tend to be larger. U.S. Steel Corp., for example, has opened two bar mills at its Lorain, Ohio, complex, with annual capacity of about one million tons.)

LARGEST SINGLE VENTURE

Town officials here tout the plant as the largest single Japanese venture in the U.S. What's more, it may be just the first in a series of such plants. The U.S. head of one Japanese partner in the mill says confidently: "This is just the beginning."

While the Auburn facility is the first Japanese-owned steel-producing plant in the U.S., it is far from the only Japanese investment in this country. Plants that are either wholly or substantially owned by Japanese interests produce, among other goods, aircraft in Texas, lumber in Alaska, yarn in South Carolina and soy sauce in Wisconsin. Among major Japanese concerns, Sony Corp. builds television sets in San Diego, Hitachi Ltd. owns a controlling interest in a magnet plant in Michigan and Mitsui & Co. holds large tracts of land for possible future development in Seattle, in New Jersey and near Orlando, Fla. And there's more to come. For example, a big Japanese zipper company is building a manufacturing plant in Macon, Ga.

Domestic steelmen, of course, aren't so enthusiastic about the plant here. Privately, they say two aspects of the project are especially galling: It is to be financed entirely by industrial revenue bonds, thus eliminating the need for capital investment by the Japanese. And the ease with which the package was put together, from feasibility study to financing, contrasts sharply with the red tape U.S. executives say ensnarls them when they try to invest in Japan.

"Why the hell are we making it so easy for the Japanese? Imports have been eating us alive for years," one steelman snaps. Another says that when his company proposed a $500,000 investment in Japan, "It took nearly two years to get the required government approval."

The plant here, to be known as Auburn Steel Industries Inc., will technically be owned by the Auburn Industrial Authority, the quasi-government agency that is issuing the bonds. The bonds will be guaranteed by the Japanese companies whose rental payments to the authority will be used to retire the bonds. One of the Japanese firms is Ataka & Co., one of Japan's largest trading companies with a long history as a steel distributor here. The other firm is the steel division of Kyoei Saka Ltd., a big machinery builder.

LOCAL SELF-HELP

Whatever U.S. steelmen think of the plant, the people in Auburn love it. For one thing, unemployment is more than 7% here, and the plant will create at least 200 jobs. For another, local officials claim with undisguised pride that the deal is a classic example of local self-help.

Mayor Paul W. Lattimore, an ebulient second-term Democrat who describes himself as "an insurance man who has spent a lot of time on redevelopment," says he put the package together on his own initiative. He says he began three years ago after reading a newspaper story about another foreign-owned steel plant in the U.S.—the Georgetown, S.C., plant owned by West German interests. "I thought, 'Hell, if they have one, why can't we have one?' " Mayor Lattimore says.

He commissioned a $35,000 study at Batelle

Memorial Institute and then circulated the results "at foreign embassies in Washington and around generally," he says.

Response came from the Japanese and Italians, the mayor says, and "some faint, indirect inquiries" came from domestic steelmakers. A trip to Japan last year by Mayor Lattimore and others from Auburn resulted in the deal with Ataka and Kyoei.

Why didn't Americans take advantage of the attractive financing available? The mayor says he doesn't know, and steelmakers generally decline to talk about the site. But one says privately that U.S. mills in general "have not seen fit to scatter small plants around the country—it doesn't suit their organization."

The bond package is still in the hands of counsel, but Mayor Lattimore says it will consist of both tax-exempt and fully taxable bonds. There is a $5 million limit on tax-free revenue bonds for plant and equipment spending, but anything that can be included under the label of "pollution-control equipment" also can be financed on a tax-exempt basis. The rest of the costs will be financed by taxable bonds.

A POSSIBLE PROTOTYPE

If the plant proves successful, it could be the prototype for similar Japanese investment elsewhere. Matsuo Tominaga, head of Ataka America Inc., the U.S. arm of the trading company, says that "there are quite a few suitable locations across this nation" for such plants that interest the Japanese. But he declines to say if more are in the works. It is widely believed by domestic producers, however, that Ataka plans at least two more mini-mills, one in the South and another in the West.

The Auburn plant will produce fairly low-profit items that lose their attractiveness if they have to be hauled long distances. (Under usual steel-industry practice the producer absorbs the freight between his customers and the nearest producing point where a competitor can make the same product.)

But Mr. Tominaga believes the market for his plant to be fully satisfactory and, in fact, holds out the hope that some customer-fabricators will choose to locate on the same or adjacent land. Mayor Lattimore says that "some satellites (customers) already are looking around" at Auburn.

POTENTIAL PROBLEMS

Domestic steel executives, though, see what they believe to be a number of potential problems. They say that because Auburn has little in the way of industries that generate heavy scrap, the availability of sufficient scrap to run its electric furnace might be a problem. They also say that such a furnace will take huge quantities of electric power and that expansion of the plant might prove untenable for that reason. One steelman says, "the market for reinforcing bars in all of New York State is such that to survive, in my opinion, Auburn would have to take fully half of it. I'm not sure, competitors will let that happen." The implication is that price cutting and thus profit pressure on Auburn Steel might result.

There's a union labor question, too. The United Steelworkers union, which organized the West German mini-mill in South Carolina after a bitter fight, surely would move to organize the Auburn facility. "It's certainly within our jurisdiction," a USW spokesman says.

But Mr. Tominaga is sanguine about these potential problems. "We'll have to see what happens," he says, "but we think this will be a very good plant."

Officials of New York State Gas & Electric Corp., which will supply the power, say the furnace and plant addition will be "the equivalent of adding a very small community" to its present load but will still leave it with spare capacity for future growth both at the plant and elsewhere.

These facts and statistics mean nothing else than further deterioration of the American economy. Lest there be any doubt—look what occurs when American industry, in a desperate attempt to survive in the face of foreign imports, seeks to poach on the depressed wages of our neighbor, Mexico.

One of the most traveled routes for shipping American jobs out of the United States is down through Texas and into Mexico. Some of America's largest corporations have, with the blessing of both the United States and Mexican Governments, followed this route to the detriment of American workers.

Utilizing the so-called "twin plant concept," corporations can get most of the work done on their products under low-foreign-wage conditions, and then bring those products back to this country and send the finished product off to the unwary consumer with a "Made in U.S.A." label in it—and charge the higher American price for it.

How this work is badly revealed in a letter from Recon Real Estate Consultants, Inc., of El Paso, to a large west coast clothing manufacturer:

> Many American industries are carefully considering El Palso as a new manufacturing site because of the possibility to eventually expand into Juarez, Mexico, and utilize the very economic and abundant labor force—

The letter says—

> The El Paso and Juarez area can offer industry the availability of a large number of quality, trainable low-end labor. In addition, since there is little union activity in their city at this time, the wage scale for semi-skilled and skilled labor is nominal. The average manufacturing wage scale is approximately $4.32 per day in Juarez. This includes all fringe benefits.
>
> The twin-plant concept as it has developed is a means by which American industry can utilize the most economic resources both of the United States and Mexico. This program is officially sanctioned by both governments and has been instigated for the purpose of developing the border zone into an industrial area beneficial to both countries. This concept allows industry to ship the basic raw materials from the U.S. to their plant in Juarez. There it is worked into a semi-finished product utilizing inexpensive labor for their most costly manufacturing processes and then the semi-finished product is returned to an American plant for finishing. The result is a finished product manufactured at a cost savings as a result of utilizing low-end labor from Juarez.

When we view the other side of the coin, namely, the problem of American exports we find that our products are barred from foreign markets by inequitable levies. The paper industry is a case in point. Currently American paper manufacturers are faced with the situation that whereas the levy on American paper products is pegged at 12 percent by the European Economic Community, levies on competitive products from Sweden, Finland, and Norway will terminate in the near future. While some American paper producers hope for a change in the current levy, St. Regis Paper Co. is forming a joint venture in Sweden with a Swedish company to start up a liner-board factory in late 1975. While this joint venture may be one way that the St. Regis Paper Co. can penetrate the Common Market, it is certainly an unsatisfactory approach when we realize the lost job opportunities for American workers.

Left to their own devices American companies will be forced in ever-increasing numbers to jump on the multinational bandwagon and expand their operations into foreign countries while at the same time curtailing the employment of American workers.

While obviously the American worker loses, does the worker in the foreign country benefit? A recent edition of the Los Angeles Times reported that with respect to Brazil the foreign workers does not benefit. Fourteen bishops and archbishops along with the heads of the Jesuit and Franciscan orders have prepared a report indicating that while the GNP of Brazil has increased 10 percent per year since 1968, that between 1960 and 1970 the top 1 percent of the population increased its share of national income from 12 to 17 percent. Fifty million Brazilians saw their share of the national income decrease from 17.6 to 13.7 percent. Additionally, the purchasing power of the average worker's income dropped 38.3 percent. Accordingly, the Government of Brazil has found it necessary to institute repressive measures to force the great mass of the people to be happier with less.

Thus we see the twofold bad effect of uncontrolled multinational operations.

In conclusion it is obviously the task of this Congress to take the initiative and enact a foreign trade program to prevent the rush to corporate multinationalism with its attendant disadvantages to both the American worker and the American consumer. In the list of priorities needed to sustain an equitable foreign trade program, the need to face the elimination of discriminatory trade practices against American exports stands high.

Finally, if this country fails to maintain complete and unfettered control of domestic production of all goods, it is destined to relive an early era in this country's history when we were nothing more than a second-rate colony with all production and economic activity exclusively vested in foreign nationals and international interests.

ENVIRONMENTAL POLICY ACT AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 10 minutes.

Mr. STEELE. Mr. Speaker, today I am introducing legislation with the gentleman from Michigan (Mr. DINGELL) to amend the National Environmental Policy Act of 1969. Our proposal would amend the current law to clearly provide that economic and social factors be considered along with environmental factors when a Federal environmental impact statement is filed.

The bill is needed to clarify the original intent of Congress. We are sure many of our colleagues would agree that among other objectives, NEPA was passed to provide citizens or communities the right to use our country's legal system to help preserve the quality of their environment. Not only with respect to environmental considerations, such as proper landscaping or the construction of new sewage systems, but in a broader sense to include economic and social factors affecting their lives.

The 1969 act did not clearly define what factors were to be thought of as "environmental." Thus, the courts interceded and were asked to interpret the meaning of "environmental impact" as contained in NEPA. In certain cases the question of what constitutes environmental considerations was interpreted narrowly to mean only physical, biological, or chemical effects. Other jurisdictions, however, were also conscious of economic, social, and cultural factors in their decisions. It is fortunate that many courts have broadly interpreted the act and expressed the true intent of Congress.

In view of the uncertainty and differing interpretations, we believe it is time for Congress to act once and for all to resolve this question regarding the National Environmental Policy Act.

Our communities have a right to a quality environment and a means of protecting it as Congress originally intended. When an agency in Washington makes a decision to go forward with a new Federal project, the citizens of a community are entitled to know fully how it will affect their schools, sewage systems, hospitals, traffic patterns, and other elements in their human environment. It is essential to retain public participation for the orderly growth and development of communities. But if the Federal Government is allowed to proceed with a project without disclosing all of the potentially disruptive factors, then cities and towns are being denied the traditional right to determine their own futures.

Therefore, it is time for us to fulfill our pledge and take the necessary action to end any misunderstanding. If there was ever any doubt about our intentions when we passed NEPA, then let us clearly restate them now and keep our promise to the public.

HEALTH PROGRAMS EXTENSION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the President has, this week, signed into law the Health Programs Extension Act of 1973.

I am especially delighted at the enactment of this legislation as it contains a new provision—one designed to protect and guarantee the right of conscience of dedicated men and women of the medical profession.

Title IV(b) of this new law recognizes that the right of conscience in abortion procedures is not only a precious right, it is a legal right. This title provides that an individual, a hospital, or any medical entity may follow the dictates of religious or moral conviction in facing the question of performance of abortions or sterilizations without jeopardizing its eligibility for Federal financial assistance. It endorses the right of Americans to say "no" to practices that are morally repulsive.

It is extremely important that in our increasingly open society we respect the right of individuals, and institutions, to openly defend their ethical positions. The Congress—and the President—have recognized the moral objection to the taking of unborn life is worthy of as much respect as moral objection to the taking of life on the battlefields of war.

The bill does not directly affect the issue of abortion; it merely states that Federal funds cannot be used as grounds for compelling those who are opposed to abortion or sterilization procedures to perform what to these individuals and institutions are repugnant acts.

The signing of this legislation marks another victory for individual rights. I hail this new law with pleasure and pride.

WAR POWERS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN), is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, it appears that the House on Monday will consider House Joint Resolution 542, the War Powers Resolution of 1973. This measure attempts to limit the power of the President with the respect to the stationing of our troops overseas and committing them to hostilities. Because of the far-reaching—and in my opinion, unwise—implications of this proposal, I should like to call the attention of the Members of the minority views on House Joint Resolution 542.

The minority views follow:

MINORITY VIEWS OF REPRESENTATIVES FRELINGHUYSEN, DERWINSKI, THOMPSON, AND BURKE

We are opposed to the enactment of House Joint Resolution 542. Its most important provisions are probably unconstitutional and certinly are unwise. We strongly doubt the wisdom of attempting to draw rigid lines between the President and Congress in the area of warmaking powers. Ironically, enactment of this resolution in some respects would expand considerably the constitutional authority of the President, and in other respects would severely restrict his authority. In our opinion, the only appropriate way to make such far-reaching changes would be by an amendment to the Constitution.

While we are in accord with the understandable desire of Members to assure Congress its proper role in national decisions of war and peace, we consider the severe restrictions which this resolution seeks to impose on the authority of the President to be dangerous. Should they become effective, they could affect adversely important national security interests of the United States.

Flexibility—not the exact delimitation of powers—is a basic characteristic of the Constitution. The framers of the Constitution clearly had that air in mind when they refrained from closely defining the responsibilities of the executive and legislative branches in the areas of warmaking powers. Moreover, throughout our history, Presidents have employed the power which that flexibility has allowed them to encourage peaceful resolutions of potentially dangerous situations.

What is most ironic is that this joint resolution, constructed as it is with an eye to our unfortunate experiences during the mid-1960's, would not have prevented our steadily deepening involvement in Vietnam, had it been on the books 10 years ago. For example, there is no reason to believe that Congress after the Gulf of Tonkin incident would have refused to approve Presidential action through the mechanism provided in this measure. Congress at the time would have declared war, had that been requested, or we would have specifically authorized the use of our Armed Forces.

House Joint Resolution 542 cannot give Congress foresight or wisdom, and will not force an uncooperative Executive to be more forthcoming. In fact, it may achieve just the opposite effect. A President faced with a possible congressional veto of his actions might be tempted to circumvent Congress. He might, for example, appeal directly to the American people in order to force Congress to support him. If that were to happen, Congress could be virtually excluded from the decisionmaking process. Moreover, House Joint Resolution 542, which seeks to provide a "trip wire," invoking restrictions on Executive action, might well encourage a President to be less than candid when setting forth the circumstances and justifications for his actions.

Following are our views in more detail with respect to each section of the resolution.

Section 2, and most of section 3, seek to insure reasonable consultation with Congress, by requiring submission of reports to Congress by the President whenever he commits the U.S. forces to hostilities or potentially hostile situations, or when he enlarges our combat forces already located in foreign nations. Essentially the same provisions have been enacted previously by the House of Representatives in two preceding Congresses. Section 4(a), which seeks to insure prompt action by Congress on such reports, also is the same language as that already twice approved by the House. We consider these requirements to be entirely appropriate.

We have reservations, however, about the wisdom of the inclusion of section 3(d), language which was not contained in the resolutions previously approved by the House. Section 3(d) requires that the President communicate to Congress the estimated financial cost of any commitment of U.S. forces outside the United States. What point would there be in requiring the President to announce at the outset of a national security emergency his judgment as to the cost of committing of our forces? It may be argued that Congress needs a specific estimate of costs in order to help us make up our minds about whether or not to support the President. In our opinion, that information would be of no particular value to Congress but might be extremely revealing to an enemy. We believe that Congress would receive adequate information under the requirements of the other subsections of section 3, and that the advantages to be gained by hostile powers through the required financial disclosure would far outweigh any incremental benefit to Congress.

Section 4(b) and (c) are at the heart of our objections to the resolutions, Section 4(b) provides that the President at the end of 120 days, without regard even to the immediate safety of our armed forces, must terminate any involvement of U.S. forces in hostilities outside the United States, and withdraw newly dispatched combat forces from the area of any foreign country (except for supply, replacement, repair or training deployments), unless the Congress by that time has enacted a declaration of war or "specifically" authorized the use of our Armed Forces.

This effort to limit the President's power—

by the failure of Congress to take affirmative action—strikes us as highly dangerous. For example, suppose the President were to commit troops in Europe in order to defend our own country? That he has such power as Commander in Chief is not challenged, but the 120-days limitation might make it necessary for him to withdraw troops already fully committed to combat. At best, the limitation could only be construed as an effort to circumscribe sharply his ability to continue to exercise his power. To avoid such a reversal of national policy, a President might hurriedly escalate hostilities, to force Congress to support him, or in an effort to win the conflict within 120 days—or an enemy might seek to avoid negotiating a settlement in the belief that the President would soon be forced to withdraw our troops. Thus the 120-day provision might actually promote, rather than deter, our involvement in hostilities.

Proponents may argue that in such a situation Congress would recognize the necessity of declaring war, or of specifically authorizing the use of troops. As a practical matter, however, Congress does not always move quickly and a legislative deadlock might develop. Moreover, in our opinion it is highly undesirable for Congress, through its own inaction, to be able to determine whether a course of Presidential action should be continued.

The manifold constitutional and national security problems created by the 120-day provision of section 4(b) are compounded by section 4(c). This section provides that hostilities and deployments may be terminated by Congress alone at any time within the 120-day period, by means of a concurrent resolution having no force of law.

If the Commander in Chief, acting within his constitutional authority, orders our forces to deploy or to engage in hostilities, Congress may affect such action if it wishes, but necessarily must do so through use of its constitutionally granted powers. By seeking to provide that a concurrent resolution shall have the force of law, we are embarking on an extremely dangerous, and probably unconstitutional course of action.

There may be cases in which Congress has specifically authorized hostilities or deployments by constitutional means other than a declaration of war. Under Article I, Section 7 of the Constitution, authority granted by any bill, order or resolution may be repealed or amended only through the same process; once Congress has given its consent to legislation it may not be withdrawn unilaterally by the Congress with less than a two-thirds vote.

Section 5 is another example of the difficulty of trying to establish rigid procedures where, in fact, flexibility is required. During committee consideration it was clear that the practical effects of the time requirements were not adequately explored. For example, the question was raised, if the beginning of the last 45 days of the 120-day period coincided with the end of a Congress, would be the 15 days for committee consideration be binding upon the next Congress? A related question was whether Congress would be able to organize quickly enough to meet the deadline. These questions, in our opinion, were not answered satisfactorily.

While sections 7 and 8 are generally helpful, given their context, we strongly oppose the requirement of section 9 that this resolution be applied retroactively to cover hostilities existing on the day of its enactment which were previously authorized and initiated.

The proper and most useful role for Congress to play, in decisions of war and peace, cannot be developed through confrontation with the Executive. To function effectively, particularly in times of national crisis, our system of government must exhibit a maximum amount of cooperation between the two branches—executive and legislative. In the past such cooperation has been the means by which we have achieved successful policy decisions. It is to this end that we should be striving. House Joint Resolution 542 will not help—indeed, we believe it will seriously impede—the achievement of this objective.

PETER H. B. FRELINGHUYSEN,
EDWARD J. DERWINSKI,
VERNON W. THOMSON,
J. HERBERT BURKE.

TWO-CENT INCREASE FOR FIRST-CLASS MAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, the announcement this morning that a 2-cent increase in the rate for first-class mail appears imminent should be of concern to us for several reasons.

First, of course, is the fact that such an increase—a 25-percent increase, to be exact—is vastly out of line at a time when our Government supposedly is taking steps to curtail dramatic price increases.

But if a 25-percent increase, from 8 to 10 cents, is not shocking enough, consider the fact that postal rates will have risen by 66⅔ percent in little more than 3 years if the 10-cent rate is charged. How can Government tell business and industry that they must curtail increases when Government itself contemplates such drastic action?

A second area of concern is the postal service itself.

There is little doubt that the U.S. Postal Service Department, as it is currently constituted, falls far short of the standards expected and desired by the American people.

Examples of mismanagement are legion. Writing in the Washington Star News of March 5, 1973, Miriam Ottenberg reports that—

> Tradition says it can't be snow or rain or heat or gloom of night. But something is slowing the mail.

Miss Ottenberg notes that—

> That's what CARE, the international relief organization, found when it tried to rush into the mail a postcard appeal for funds to aid victims of Nicaragua's Christmas earthquake. Eight carloads of mail, including the CARE cards, got mislaid for nine days. By the time they were located, the earthquake was no longer big news and the response—or lack of response—showed it. The U.S. Postal Service is still trying to find out what happened.

John Jay Daley, vice president of the Direct Mail Advertising Association, stated that—

> I used to say it can't get much worse. I've stopped saying that.

At one time all postal boxes received collections after 5 p.m. Today, only 50 percent of them are collected after 5 p.m. Saturday mail deliveries may now be curtailed in downtown city areas.

Several years ago, when more and more people became incensed over the continual rise in cost of the Postal Service and the deteriorating service provided, the Postal Service was set up as an independent Federal agency under the Postal Reorganization Act of 1970. It was incorporated to give it an aura of free enterprise, but the Government retained full control and a monopoly on most types of mail service.

This quasi-corporation, we were told, combined the best of both worlds—Government provided service and the expertise and methods of the marketplace. Unfortunately, the two are incompatible. Perhaps by this time we have learned that fact.

Reports heralding the new postal corporation claimed that costs would be reduced, or at least brought into line with income, and service would be substantially improved. Unproductive procedures, equipment, and employees would be eventually weeded out. The projected result was a fast, efficient mail service at low cost to the public.

The actual result, quite to the contrary, is less service and we are now hearing that another postal rate increase may be necessary. More and more people are saying that something must be done to solve the problem.

What that something is was indicated in an editorial in the Anaheim, Calif., Bulletin of February 27, 1973, which declared:

> Why doesn't it ever occur to us that . . . maybe government itself, with its funding, its myriad laws and regulations, is the source of the problem, and therefore adding more of the same will only speed the postal service on its downhill course. Maybe we don't realize this because most of us are so conditioned that certain services must be performed by the government that we think if the government did not do it, it would not get done . . . When one suggests that government should get out of the postal service altogether and turn it over to the marketplace, he frequently is met with incredulous stares and sputters of protest. The idea usually is rejected out of hand. Until more of us begin to question the basic premise that certain services must be provided by the government; until we begin to ask why they can't be done by private enterprise; until we realize that there is an alternative, the problem will continue.

Our current situation is deteriorating rapidly. Where we once received two mail deliveries daily at a rate of 3 or 4 cents for a first-class letter, today we receive one daily delivery at a rate of 8 cents for a first-class letter and 11 cents for air mail letters.

LACK OF COMPETITION

As with all monopolies, lethargic service is the result of a lack of competition. The American people have, in effect, become a captive audience, forced to deal with an inefficient mail system which has no incentive to increase its efficiency. Every Member of Congress need only look at his own mail to realize that the people are not happy with the situation.

Not long ago, Mr. Harlan Lewin, the president of the Wichita Independent Postal System of America, noted that—

> If you ask the clerk in a post office around Christmas time how things are, he will almost always say, "Terrible, we're so busy." Now you ask a clerk in a department store, she'll say, "Great, we're so busy."

Mr. Lewin's independent postal system says that it can deliver mail for 3¾ cents per letter as against the U.S. mail's 8 cents. The organization has franchises in 52 cities, and believes that it can deliver mail more efficiently than the U.S. Government, at a lower price and at profit.

Discussing the governmental monopoly in the field of mail delivery, Washington Post columnist Nicholas von Hoffman noted that—

> On every level the taxpayer/customer is complaining about the groaning inefficiency and the stinging costs of postal service, while at the same time, the government takes new jobs and responsibilities which it fails to do well enough to satisfy us. Maybe if it let go of certain areas to the proficiencies of the profit system, it could do what it alone must do better.

In his book, Bureaucracy, Economist Ludwig von Mises points out the essential difference between the management of a business and of a government bureaucracy:

> Business management or profit management, is directed by the profit motive. The objective is to make a profit. As success or failure to attain this can be ascertained by accounting not only for the whole business but also for any of its parts, it is feasible to decentralize both management and accountability without jeopardizing the unity of operations and attainment of their goal . . . In public administration there is no connection between revenue and expenditure. Bureaucratic management is the method applied to the conduct of administrative affairs the result of which has no cash value in the market. Bureaucratic management . . . cannot be checked by economic calculations.

GOVERNMENT INVOLVEMENT FAILS

It is clear that government involvement has failed in many areas. Welfare, urban renewal, agricultural price supports, and housing provide only several areas of failure. Even many former advocates of Government involvement and intervention in the economy have come to the conclusion that private enterprise would have done, and will do in the future, a far better job.

Daniel Moynihan, for example, has expressed support for the view that the voluntary sector of the economy should help to solve domestic problems. He said that—

> We must begin getting private business involved in domestic programs in a much more systematic, purposeful manner. Making money is one thing Americans are good at, and the corporation is their favorite device for doing so. What aerospace corporations have done for getting us to the moon, urban housing corporations can do for the slums. All that is necessary, one fears is to enable enough men to make enough money out of doing so. It is encouraging to note how much ferment there seems to be in this direction at this time, and hopefully possible to expect that the liberal community will support the effort rather than oppose it.

What Dr. Moynihan has proposed for the elimination of slums might well be applied to the creation of an efficient postal system. Free enterprise is far more likely to solve our problems in this area than is Government bureaucracy.

In addition, it is important to remember that the majority of the American people fear big government and wish it to intrude in their lives to a far less degree that is currently the case.

A recent Gallup poll found that the American people feared big government more than any other single force. Forty-nine percent of those polled said that they feared the increasing power of the Federal Government, while only 21 percent were concerned with big labor and only 14 percent with big business. A year before the figures were almost reversed. In the 21- to 29-age group lies the strongest feeling that big government is the major threat.

MONOPOLY FOR POSTAL SERVICE

The law, as it stands today, states that first-class mail is the absolute monopoly of the U.S. Post Office Department. No one in this country is allowed to deliver a letter except the U.S. mail and, under the Private Express Statute of 1936:

> A letter is further defined as a message in writing from one person to another contatnuing live, current information which would incite the recipient to act or to refrain from answering.

Although few Americans are aware of it, a growing number of private mail delivery companies are being established across the United States in an effort to challenge the monopoly of the U.S. Postal Service.

These firms, of course, are forbidden by law from competing with the Government in the delivery of first-class letters. In the handling of third-class matter, however, such as advertising circulars and so-called bulk mail, private delivery services are doing a booming business. The reason, according to a report in U.S. News & World Report of November 1, 1971, is that—

> Customers are reported to be turning to them for fast and reliable deliveries—at relatively low costs. Banned from using home mailboxes, these companies usually employ plastic bags that are hung on doorknobs.

One of the largest firms in this field is the Independent Postal System of America—IPSA—with headquarters in Oklahoma City. According to its president and founder, Thomas M. Murray, it now has 53 offices in 19 States, plus one in Canada. It employs 18,000 people and can deliver material to about 7 million homes.

Another firm in this field is Consumer Communication Services Corp., based in Columbus, Ohio. It reports that handling third-class mail is "our No. 1 priority," and it recently expanded operations from four to six cities in Ohio, Indiana, and Kentucky. With 2,500 employees, Consumer Communication can deliver material to about 1.1 million homes.

On the west coast, the American Postal Corp. delivers advertising to 500,000 homes every week in the Los Angeles area. Sales of this company, in the first half of 1971, jumped 74 percent over the same period in 1970, according to the firm's chief executive officer, Melvin Skolnik. Pieces delivered went from 8.2 to 14.6 million in the period. Revenues rose from $570,000 in 1970 to between $900,000 and $1 million in 1971.

Private Postal System of America, Inc., now distributes material to 125,000 to 150,000 homes in the Miami-Palm Beach area of Florida. President Larry L. Van Dusseldorf says the company's goal is to serve all 14 metropolitan areas of the State—holding 84 percent of the population—by this year. He says that the firm has experimented with mail delivery to specific addresses and has in the works a test for major magazine publisher.

Continental Postal Service operates in Charlotte, N.C., and the surrounding region. According to George Page, president, plans include expansion to the north-central area of the State. He says the company has delivered mail to specific addresses and is continuing to experiment in that field.

PRIVATE FIRMS MORE EFFICIENT

It is interesting to note that these private firms, as well as many others, are making a profit by charging lower rates than the U.S. Government is charging, while, at the same time, it increases its yearly deficits.

The U.S. Postal Service, at this time, has a legal monopoly on first-class letters. Yet, it is not illegal for a private firm to deliver its own letters.

The Virginia Electric & Power Co., to cite one example, is now doing precisely this—delivering a portion of its monthly bills by hand.

The company was spurred to the move by the first-class postage increase from 6 to 8 cents in May 1970. The firms estimated added postal costs from the rise would total $250,000 a year.

According to U.S. News & World Report:

> A three month test has been so successful that the Virginia utility plans to expand the hand delivery system to about half of its 1 million customers as soon as possible. It estimates that it can deliver its own bills in urban areas for less than 5 cents each—cutting mail costs by $200,000 annually.

In the area of the delivery of packages it is clear that Government is considered more costly and less efficient than a private concern such as United Parcel Service. In 1967, the U.S. Post Office delivered more than twice the number of packages that United Parcel Service did—725 million parcels compared with 327 million. By 1970, however, the private service delivered about 500 million parcels to the Government service's 570 million. United Parcel Service is now planning to extend its operations to all 48 States, excluding only Hawaii and Alaska.

During the last session of Congress I proposed legislation which would repeal the legal prohibitions on private mail carriers and end the Government's monopoly of the postal service. It seems clear to me that private carriers should be permitted to enter into competition with the most reasonable price which may prevail.

CONGRESS SHOULD ACT

It is high time for the Congress to act to improve our postal system by providing the Post Office the same stimulant that has brought American business and industry to its high peak of achievement: competition.

Neither the system we have endured for so many years nor the new concept of a postal corporation can adequately guarantee improved mail service. Only by bringing the innovative abilities of the American private enterprise system in to plan new and more efficient techniques for Postal Service can we hope to provide necessary improvements.

The governmental monopoly of the Postal Service is, it seems to me, inconsistent with our national antitrust policy. Why should the Government continue to exercise a monopoly over the area of postal service, when it would not permit private enterprise to exercise monopoly power over any other area of the economy?

It has been said that free competition for mail service would leave the U.S. Post Office only that portion of the mail unprofitable for private carriers to handle. This, however, overlooks the fact that private carriers are now making a profit by delivering such bulk mail.

In addition, a far more reasonable approach would be that of basic economics which would dictate that we determine the real costs of these services, and see that individuals, businesses, or other users are held responsible for paying them. The system of subsidization is as unfair in this area as it is in other areas of our economic and social policy.

The plan I have introduced will constitute an important step toward an efficient postal system, a system that will bring into play the energies and technological expertise of our dynamic private sector and permit the free, competitive market to operate, insuring for us that our mail can be delivered with maximum feasible speed and accuracy at minimum cost.

Mr. Speaker, I have today asked Chairman Dulski of the Post Office Committee to schedule hearings on H.R. 433, my legislation which would end the Government monopoly on carriage of first-class mail.

In testimony today before the Committee on Banking and Currency, Mr. John T. Dunlop, Chairman of the Cost of Living Council, agreed that such hearings would be in order. I urge my colleagues to notify Chairman Dulski that the time has come for us to take a look at our Postal Service and to reintroduce the fresh winds of competition to the carriage of first-class mail.

FEDERAL BUDGET POLICYMAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, during recent years, and particularly the past 6 months, there has been increasing national disquiet about the manner in which Federal budget policymaking is done.

A number of areas are of special concern. One is the setting and promotion of national priorities. Another is the control of Federal spending. And, a third is the apparent confusion in the minds of the public and the executive branch, and, maybe, even at times in the Congress, over the responsibilities of the legislature for establishing the policy programs for raising and spending money and the duties of the executive branch and the President to see that these are carried out according to congressional intent.

Because of my interest in establishing an effective budget procedure and a desire to help the people of the First Congressional District of Arkansas, whom I represent, wade through the often confusing descriptions of this process and achieve a better understanding of it, I requested the research assistance of the Library of Congress in developing a factual series of articles on the Federal budget.

I believe the results of this effort will be of interest, and hopefully of use, to many of my colleagues, so, if there is no objection, I would like to begin today making this series of articles a part of the Record:

I. The Battle of the Budget

The federal budget is the nation's single most important policy-making instrument. The budget supports all government programs, including national defense, social security and medicare, space exploration, highway construction, agricultural assistance, education, welfare, public health, urban renewal, and countless others.

Further, the spending itself—estimated at $250 billion in the year ending June 30 and $268.7 billion in the year ending June 30, 1974—makes up the largest single component of the economy. Federal spending exerts major influence on the nation's economic health.

Significantly, there is little dispute between the President and Congress over the total amount of federal spending. Both sides are in general agreement that the overall size of the budget should be in line with prevailing economic conditions. The quarrel relates to spending priorities and policies, and whether Congress will continue to have its equal say in such matters.

The process of selecting among our nation's priorities—the decisions to begin a new program, to renew or to discontinue an existing one, to set the amounts to be allocated to each program—these are the determinations that guide the course of the nation. These are the choices that will tell whether federal spending will favor private industry and government contractors, or whether it will emphasize programs such as social security and public employment which deliver benefits directly to the people.

These decisions are enormously important—how much to spend, what to spend it for, and how much to pay for the spending. The persons responsible for making such decisions are under terrific pressures from special interests who want their programs and from the people who want their money's worth.

That is why the spending and taxing powers are vested in a legislature—in the Congress. Members, having been elected by the people, are authorized to speak for the people on the raising and spending of public funds.

The President has constitutional authority to exert two powerful influences on actions that basically are entrusted to the Congress. The President is authorized "to recommend to [Congress'] consideration such measures as he shall judge necessary and expedient"—the basis for his annual budget which is essentially a recommendation to Congress.

Secondly, the President is given a conditional veto of all legislation passed by Congress—including bills to raise or to spend public funds.

Usually, the annual budget debate is resolved by accommodation between the two branches. Congress makes some changes in the President's budget, but not enough to provoke a veto. For his part, the President is willing to accept changes in his budget in recognition of the separate and equal role of Congress established by the Constitution. But this year's confrontation shows definite signs of being different.

The first sparks of controversy were ignited in 1972. After the 92nd Congress had completed its business and adjourned, the President vetoed a dozen bills. These included the regular appropriations for the Department of Health, Education, and Welfare and for the Department of Labor. Also vetoed were bills to provide assistance for older Americans and for the physically and mentally handicapped, as well as federal grants for airport development. Because it had already adjourned, Congress did not have an opportunity to override any of these vetoes.

Another issue had arisen in 1972 pertaining to control over total federal spending. The President requested of Congress that expenditures be held to $250 billion, and that he be given complete authority to determine what programs should be cut to achieve this spending limit. Many members argued that it would be an abdication of Congressional responsibility to allow the President to cut programs at will without any check on his power.

When Congress balked at giving the President the great power he wanted, the President decided to act unilaterally. His main weapon was to impound—refuse to spend—funds voted by Congress. Thus the President withheld $6 billion authorized by Congress to combat the pollution of the nation's rivers and streams.

This was only the first of many impoundments in which the President curtailed or terminated programs adopted by Congress. Acting of Presidential orders, the Department of Housing and Urban Development promulgated an 18-month halt to housing programs, thereby bringing to a sudden stop plans for the construction of thousands of housing units. Similarly, Labor imposed a freeze on new enrollments in its manpower programs and Agriculture cut off rural electrification loans and assistance to farmers under rural environmental programs. The President abruptly curtailed aid for victims of disasters, a program which had been enacted only months earlier with Presidential support in response to Hurricane Agnes, the worst natural disaster in American history.

By his own count, the President impounded funds from more than 100 programs, on a scale far in excess of that practiced by any previous President. Even more disturbing, the President was using impoundments to kill enacted programs, not merely to ensure that appropriated funds were wisely spent.

The concept of impoundment had evolved gradually during the tenure of previous Presidents. Eventually, Congress gave official sanction to a limited power of refusal to spend appropriated funds. Congress recognized that the President should not spend every dollar (a) if he can get the job done for less, or (b) if he must ration spending so that he does not run out of money before the end of the fiscal year.

President Nixon, however, has stretched that limited authority far beyond any previous dimension; he has put it to uses never envisioned or recognized by the Congress. President Nixon has used impoundment to change the mandate of Congress; he has picked and chosen among the laws enacted by Congress and carried into effect only such laws as he wished.

Such a use of impoundment is unprecedented in American history. That is the issue which has aroused such furor and indignation.

The confrontation between Capitol Hill and the White House escalated in January when the President sent his annual budget to Congress. Even though the new budget recommended a $268.7 billion ceiling, some $19 billion higher than the previous year's amount, it proposed the termination or reduction of dozens of programs. Typical of the "bad news" was the recommendation that elderly citizens be required to pay a billion dollars more a year in medical and hospital costs. Among the main programs marked for elimination were model cities, urban renewal, rural environmental assistance, regional medical programs, community mental health, and economic development. Both rural and urban programs would be severely affected if the President's budget recommendations are allowed to prevail.

At stake is not only the fate of the programs adopted by Congress but also a determination of whether the formula designed by the Founding Fathers to divide power between the legislative and executive branches shall continue.

If the President were able to decide for himself how much should be spent, the United States would be close to one-man rule, and Congress would be nothing more than a rubber stamp. By giving control over spending to the legislative branch, the Constitution establishes an effective check on executive indiscretion.

U.S. PLAN FOR MASS TRANSIT TO CUT POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, the proposed pollution control measures issued by the Environmental Protection Agency last week represent a severe challenge to heavily urbanized States such as New Jersey.

There is some doubt among conscientious public officials as to the possibility of achieving the proposed drastic reduction in pollution within the required time frame. However, there is little doubt the standards will not be met unless Government on all levels makes a significantly greater commitment to the development of quality, low-cost mass transportation.

New Jersey is home to 7 million people and over 3 million cars, making it the most densely populated State for both categories. However, mass transit operations have been, and are, deteriorating. All of the railroads in the State are in bankruptcy, trains and buses are frequently late and dirty, fares are rising, and connections between systems are virtually nonexistent.

In order to prevent a further decline in mass transit operations for New Jersey and for the entire Nation, with the attendant problems of pollution and congestion, the Congress should enact legislation such as H.R. 6452, which I have sponsored, to begin to redress the balance in our Government's emphasis on various modes of transportation.

At this point, I insert an article from the Sunday Star-Ledger of June 17 outlining the pollution and transit problems in New Jersey:

UNITED STATES SEEKS PLAN FOR MASS TRANSIT TO CUT POLLUTION

(By Gordon Bishop)

The federal government plans to help New Jersey develop large-scale mass transit systems neecssary to prevent widespread disruptions that can be caused by significant reductions in automobile use during the implementation of the state's Transportation and Pollution Control Plan.

Robert W. Fri, acting administrator of the U.S. Environmental Protection Agency, disclosed that New Jersey would not be able to meet the clean air standards by 1975 without a massive commitment by the state and federal governments for transportation alternatives to the automobile.

The administrator's disclosure followed the EPA's announcement Friday that North Jersey reduce motor vehicle traffic by 68 per cent and equip all cars with pollution control devices in order to meet the 1975 deadline established by the Clean Air Act of 1970.

Fri said he "will be in contact with the Department of Transportation and other federal agencies and departments, requesting them to give special attention to the needs of New Jersey for strategies to reduce traffic and the needs for mass transit systems to replace the automobile travel eliminated by the proposed controls."

The administrator asserted: "What is needed in the State of New Jersey is a comprehensive mass transit system which will provide transportation for nonwork related trips and for work-related trips within the state."

Fri said that the present low-density, sprawling land-use pattern in New Jersey "is not conducive to the efficient use of mass transit."

A public transportation system that can absorb the travelers displaced by sizable reduction in gasoline consumption or vehicle miles traveled will have to be "considerably more extensive" than the system now existing within the state, Fri said.

"The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation," Fri explained. "Such measures would not eliminate the need for many of the emissions control measures proposed. However, proper land-use policies would greatly assist the long-term implementation of such emissions control measures as (traffic) reductions."

Fri admitted that the EPA has "serious reservations" as to the feasibility and desirability of the 68 per cent reduction of traffic required to meet the 1975 air quality standards.

"It is clear that extreme measures will be necessary here to comply with statutory requirements and that these measures will have a significant socio-economic impact," Fri declared.

The plan will go into effect Aug. 15, either as proposed, or modified, following public hearings in July.

The EPA plan was imposed on New Jersey after the State Department of Environmental Protection failed to submit an acceptable plan to the federal government by April 15.

In an initial response to the plan, New Jersey Environmental Commissioner Richard J. Sullivan said:

"In my opinion, there is no publicly acceptable way to achieve two-thirds reduction in traffic in the metropolitan area in the space of a couple of years. That's why we didn't propose a plan. We're not convinced that that degree of reduction is needed to meet the air quality standards."

The EPA plan calls for:

A "relatively inexpensive" retrofit device for all pre-1968 passenger vehicles to lower both carbon monoxide and hydrocarbon emissions.

Inspection and maintenance of vehicles through the existing auto emissions program at the state inspection stations.

A catalytic converter for selected vehicles (1971–72–73–74 models) and the availability of lead-free gasoline.

Conversion of selected lanes of major streets and highways to exclusive bus and carpool lanes—primarily for streets or highways with three or four lanes in one direction.

Gasoline distribution limitations—freezing the amount of gasoline available in the area to the total amount available in fiscal year 1973 (essentially what is being done by major oil companies at this time). The issue of how the supply of gas will be distributed among retail outlets will be left to the state.

Gasoline storage and marketing controls, requiring that modifications to existing gasoline storage and bulk tank facilities be equipped with vapor recovery systems so that escaping hydrocarbons (gas fumes) do not enter the atmosphere.

Restriction of parking facilities to prevent construction, modification or enlargement of any parking facility without first obtaining a permit from the administrator or a designated state agency. The criteria for issuing such a permit will be that construction of a facility will not interfere with attainment of maintenance of national ambient air quality standards.

A ban on daylight hour deliveries—limiting deliveries to stores, factories and businesses in order to eliminate emissions from these vehicles during congested periods.

Motorcycle registration and use limitation, since motorcycles (especially with two-stroke engines) emit extremely high levels of hydrocarbons (specifically, no increase in the number of motorcycles over present registration levels.)

Imposition of stationary source controls, notably dry cleaning establishments and degreasing operations. Other users of organic solvents may be required to install additional emissions control equipment to reduce hydrocarbon levels.

Both federal and state environmental officials indicated that the regulations for North Jersey may have to be either relaxed or extended if mass transit alternatives are not available by 1975.

To do this, Congress would have to amend the Clean Air Act to give such urban states as New Jersey time to implement "a reasonable transportation control program," one that would not lead to major social or economic dislocations, according to Gerald M. Hansler, administrator of EPA's Region II, which takes in New Jersey and Connecticut.

Hansler also conceded that the Jersey plan was "extreme" but that EPA was forced to act swiftly following a Supreme Court ruling last month that the clean air legislation will be implemented on schedule.

"Limitations of gasoline supply may result in individuals having to plan trips better than they presently do, but should cause no substantial disruptions in present lifestyles," Hansler said. "A possible result of gasoline limtiations would be the formation of carpools for commuter purposes, which would ease the problems of commuter traffic."

Under the proposed plan, a 67 per cent reduction in hydrocarbon emissions from 1972 levels will be necessary in North Jersey to achieve ambient air quality standards.

A 43 per cent reduction in carbon monoxide emissions from 1972 levels also will be necessary to meet the '75 deadline.

In the Philadelphia region, which takes in Camden and Trenton, CO levels will have to be reduced by 70 per cent, while HC levels must go down 17 per cent.

No mention was made of controlling traffic on the New Jersey Turnpike or Interstate 80, which are used as connecting corridors between New York and Pennsylvania and Delaware.

Herbert Wortreich, chief enforcement officer in the state bureau of air pollution control, said that increasing tolls never resulted in a reduction of traffic on either the Turnpike or Garden State Parkway.

When a new toll booth was established in East Orange on the Parkway, traffic did not diminish, but, in fact, increased steadily, Wortreich noted.

"Unless we get to work right away on alternate transportation systems, I seriously doubt we'll be ready by 1975 or even 1977."

The North Jersey region affected by the transportation plan include Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset and Union counties.

The southern counties affected by the Philadelphia region include Burlington, Camden, Gloucester, Mercer and Salem.

The New Jersey portion of the affected areas had a population of nearly five million people in 1970 and about half as many motor vehicles.

In 1972, the eight-hour average standard for CO was exceeded 352 times in Newark, the site with the highest CO concentration in the affected areas. For this same period, the oxidant standard was exceeded 19 times, also the highest in the state, according to EPA figures.

Where regulations have been proposed to limit the use of vehicles or require their emissions per mile to be reduced, the state or city will be required to take steps to accomplish the intended result. If the state or municipality fail to take action, penalties for violation of the Clean Air Act may be assessed, Acting Administrator Fri warned.

He said it is EPA's position to require states or municipalities to enforce regulations on those roadways they maintain. "As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which roads make possible," Fri stated.

The administrator concluded in his analysis of the plan that the proposed controls, including the 68 per cent traffic reduction, "are the only ones which could be proposed at this time with any confidence they would provide for the achievement of the ambient air quality standards."

Other approaches, Fri said, "some of which may appear less extreme, present problems regarding feasibility and effectiveness of implementation and enforcement."

He emphasized, however, that further analysis of the problem will be made to determine whether other options are available.

The public hearings on the Jersey plan are scheduled for 9 a.m. June 16 at Rutgers University campus, Camden; 9 a.m. July 17, the New Jersey State Museum, Trenton, and July 18 and 19 at Newark College of Engineering.

OFFICE OF FEDERAL CORRECTIONAL OMBUDSMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Metcalfe) is recognized for 30 minutes.

Mr. METCALFE. Mr. Speaker, today I have introduced legislation which would establish the office of the Federal correctional ombudsman. This office would serve the particular needs of the people who are either in the custody of the U.S. Attorney General or under the supervision of the U.S. Parole Board.

The need for this type of legislation has been demonstrated time and time again by the prisoners themselves as well as the courts of this country. The office that I propose will exist outside the present prison bureau and would operate in the form of an impartial investigating agency which seeks a more humane prison system and relief for both the prison officials and prisoners.

This bill would establish the first independent third party system for investigating and arbitrating complaints of both the inmates and the staffs of the Federal prison system and those who are under the direction of the Federal parole board. The ombudsman's goal would be to open up the lines of communication within the prison system and to provide procedural safeguards to insure that fair treatment, according to well defined rules and procedures, is maintained.

The ombudsman is not a new institution. The origin of the office is found in the Swedish office which was established in 1809. Finland followed a little over a century later in 1919. New Zealand established an office in 1962 and four of the Canadian Provinces, Alberta, New Brunswick, Quebec, and Manitoba have established the offices of an ombudsman. The Alberta ombudsman is the first such office in North America. In this country the State of Hawaii in the late 1960's established a State ombudsman and last year the State of Minnesota established the office of correctional ombudsman. Further, other States around the country have considered establishing such an office, some even have taken legislative action to implement such a plan.

To further illustrate both the need for and the desirability of a Federal correctional ombudsman I would like to draw to your attention the "Report of the Study Group on the Caseload of the Supreme Court" which was issued last December. In that report it was noted that there has been a sharp increase in the number of habeas corpus cases filed with the court over the last 5 years. Most of these cases fall into the class of In Forma Pauperis—IFP—and are filed by residents of correctional institutions. The study group concluded that one of the alternatives to offsetting this burden was to establish a correctional ombudsman who could sift through the complaints that usually would be filed with the court. It was the contention of the study group, as others have held in the past, that most of the IFP cases that are filed with the court have no legal standing and merely add to a somewhat crowded court calendar.

The ombudsman would, for the most part, receive the complaint of a prisoner, and after an investigation, probably resolve the conflict between the prisoner and the prison in such a way that a IFP case would not have to be filed. The action of the ombudsman would not preclude any prisoner from seeking remedy through the courts.

Generally, the administrators of the correctional facilities have been given wide latitude as far as internal prison discipline is concerned, and the courts, for the most part, have been reluctant to involve themselves in settling certain disputes concerning applications of various regulations and statutes when it involves the correctional institutions. The ombudsman would be able through his powers of subpena to require testimony or review documents and to hold hearings. It is this independence and impartiality that will enable the ombudsman to bring to light and help correct the ills that plague our correctional system.

The ombudsman would if an investigation proved to be unsatisfactory in terms of cooperation for change from the Bureau of Prisons, be able to go to the people and the press, or utilize any public forum that he felt proper, in order to obtain the changes that are necessary for a more humane system of rehabilitation within this country. For the safety of the prisoners, or others who are associated with the prison system, the ombudsman will be able to hold private hearings for the purpose of gathering testimony. The ombudsman has the obligation to keep information confidential as long as is necessary so that his investigation is completed in an unhampered manner.

The ombudsman will report annually to the Congress so that any changes that he feels should be made within the system can be obtained through this legislative group. The ombudsman will also keep the Congress informed as to the progress his office is making in terms of either resolving the grievances of the prisoners or effecting the needed changes within the system.

We have reached a point where we can no longer afford to wait and see where the next prison crisis will occur. Since Attica there have been numerous strikes and sitdowns within our Federal prison system. This Congress must take the initiative toward avoiding another such situation. For too long we have ignored those people whom we have sentenced; they, too, are human beings, even though they have been incarcerated because they failed to live up to the norms of society. They are to be rehabilitated so that they can return to the mainstream of society.

This legislation is, I hope, an answer to the problems within the prison society. It may be one of the most effective answers to the ever growing problem of recidivism that we experience in this country. I am hopeful that many of my distinguished colleagues will join me in cosponsoring this legislation when it is reintroduced.

I am also including a section-by-section analysis of the bill for the benefit of my colleagues who may wish to study the matter.

Ombudsman: Section by Section Analysis

Section 1.—Title: The Federal Correctional Ombudsman Act of 1973.

Section 2.—Amends Title 18 to include the Office of Correctional Ombudsman, an Assistant Ombudsman, and such Deputy Ombudsmen and staff as the Chief Ombudsman deems necessary and sufficient.

Chapter 701: Establishment and Organization of Office

Section 7001.—Establishes the office which is to be composed of a Chief Ombudsman, an Assistant Ombudsman, and such Deputy Ombudsmen and staff as the Chief Ombudsman deems necessary and sufficient.

Section 7002.—Chief Ombudsman appointed by the President with advice and consent of the Senate. The term of appointment of the Chief Ombudsman will be five years, and he may be reappointed for only one successive term. This section requires that the Chief Ombudsman shall not have been a member of either the House of Representatives or the Senate at any time within two years prior to his appointment. Also, there is a removal clause which limits removal for disability, neglect of duty, or misconduct.

Section 7003.—The Assistant Ombudsman will be appointed by the President, with the advice and consent of the Senate, and shall serve for a term of five years. If the office of the Chief Ombudsman should become vacant, the Assistant shall assume the duties of the Chief Ombudsman until such time as the President appoints another Chief Ombudsman and he is confirmed by the Senate.

Section 7004.—The Chief Ombudsman will be compensated at the rate of $38,000 per year, and the Assistant Ombudsman will be compensated at the rate of $36,000 per year. The rest of the staff will be compensated at rates prescribed by the Ombudsman.

Section 7005.—Civil Service laws will not apply to any person who is employed in the Office. For areas such as health benefits, workman's compensation, retirement, and life insurance the employees of the office will be treated in the same manner as congressional employees.

Section 7006.—This section stipulates those offices which may not be held and businesses which must be avoided.

Section 7007.—Delegation of duties and authority by the Chief Ombudsman to his or her staff. Excludes those responsibilities found under Sec. 7014(b), informing an agency of the completion of an investigation, and the results of such investigation.

Section 7008.—Allows the Chief Ombudsman the right to employ on a temporary basis experts and consultants.

CHAPTER 702: POWERS AND DUTIES

Section 7011.—Gives authority to the Chief Ombudsman to investigate in such manner as he sees fit, either upon complaint or upon his own initiative, any administrative act of the Bureau of Prisons or the action of those under contract to the Bureau of Prisons concerning the treatment of any Federal prisoner or parolee, or the conditions in any Federal penal or correctional institution or any institution which is under contract for the imprisonment, subsistence, care, or proper employment of any Federal prisoner. This section also requires that the Office shall have the duty to investigate any complaint made by any person in connection with any administrative act over which the Ombudsman has investigative authority under this section. However, the Ombudsman may decline to investigate, or discontinue an investigation of any complaint if he finds that the complainant has adequate remedy under existing law or administrative practice, or the complaint is trivial, frivolous, vexatious, not made in good faith, or otherwise unjustified, or the complainant had knowledge of the matter complained of for a substantial period and did not make a complaint within such period (this will not apply for the first 18 months after enactment).

Section 7012.—Investigative procedures: the Chief Ombudsman may enter and inspect any penal or correctional institution, conduct interviews and investigative hearings and examine any records or other documents relating to such investigation, and request from any agency referred to assistance and information which he deems necessary for the discharge of his responsibilities. This section also allows the Chief Ombudsman to conduct hearings and interviews in private in any case where he determines that the safety of the witnesses or complainants so requires. The section further allows the Chief Ombudsman the right to issue subpenas for necessary testimony relating to his investigation. There is also the standard protection of witnesses from self-incrimination and the usual travel fees for witnesses in the Federal District Courts. Refusal to honor the subpenas may be punished by the Court as contempt thereof.

Section 7013.—This section instructs the Chief Ombudsman as to what should be done after an investigation if during said investigation it is found that any administrative act is: (1) contrary to law, (2) unreasonable, unfair, oppressive, or unnecessarily discriminatory, (3) based on mistaken ascertainment of fact, (4) based upon improper or irrelevant grounds, (5) performed in an inefficient manner, (6) unclear or inadequately explained when reasons should have been revealed, or (7) otherwise objectionable. The Chief Ombudsman shall consult with the appropriate official or employee in order to make a satisfactory disposition of the matter. This section further explains that the Chief Ombudsman may, if a satisfactory disposition of any matter has not been made within a reasonable period of time, make recommendations to the appropriate official or employee, and if the Chief Ombudsman so requests, such official or employee shall inform the Chief Ombudsman within a specified period of time as to the actions that have been taken or the reasons for non-compliance. Further, if an administrative act has been dictated by laws whose results are unfair or otherwise objectionable, he shall notify the appropriate committees of the United States Congress. This section also allows the Chief Ombudsman to publish and otherwise make public any recommendations if he includes in such publication the substance of any statement of reasons for non-compliance. The Chief Ombudsman is also directed to refer to the Attorney General any case in which he finds probable cause indicating a violation of law.

Section 7014.—This section requires the Ombudsman to keep complainants informed as to the progress of an investigation, and when the investigation has been completed, the Chief Ombudsman shall, at his discretion, inform the appropriate agency that he has completed the investigation and what his findings were.

Section 7015.—This section allows the Chief Ombudsman to participate in studies when he believes that these studies may be beneficial to the prison system and/or his office.

CHAPTER 703: DEFINITIONS; REPORT, MISCELLANEOUS REPORTS

Section 7021.—The Chief Ombudsman and his office will maintain the confidentiality of complainants unless it is otherwise so necessary for the purposes of his investigation.

Section 7022—No other remedies, especially those of remedies at law, will be changed by a person's complaint to the Ombudsman.

Section 7023.—There shall be no fee imposed by the Chief Ombudsman nor shall there be a requirement that the complaints have to be in writing.

Section 7024.—Penalties for obstruction: not more than $5,000 or two years or both.

Section 7025.—Does not allow for review of any proceeding, expression, or opinion of the Chief Ombudsman in any court. Also, no civil action can be brought by any person against the Chief Ombudsman or any member of his staff for any act done or statement made, within the scope of his authority. Also, no officer or employee of the Office shall be required to testify or produce evidence in any judicial or administrative proceeding, except as to the extent necessary to carry out the purposes of sections 7012 (b), 7013(b)4 and 7024.

Section 7026.—The Chief Ombudsman shall report annually to the Congress and the report shall be printed as a public document.

FUEL NEEDS FOR FARMERS AND CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the Nixon administration is totally ignoring the needs of farmers and consumers for additional petroleum products by allowing the continued exportation of gasoline, fuel oil, and propane gas during the current shortage.

I am introducing legislation today that will force the President to halt all exports of gasoline, fuel oil, and propane during the current emergency.

President Nixon already has the authority under law to halt these exports, but, he has done absolutely nothing to stop exports during the shortage. As many of my colleagues may know, U.S. exports of propane gas have actually increased by 50 percent during the first 4 months of 1973 compared to 1972. To top it all off, the exporters have increased their prices by 300 percent in the last year. During the first 4 months of 1973 propane exports sold for $9.30 per barrel. Last year the price tag was only $3.20.

In addition, during last winter's fuel oil shortage, more than 200,000 barrels of fuel oil was exported from the United States. Similarly, in March, when most experts were predicting a gasoline shortage, 133,000 barrels of gasoline was sent overseas.

These exports during the shortage must be stopped. If the President will not act, Congress must force a halt to this throwing away of our precious petroleum resources.

Specifically, the bill I am introducing today provides a congressional declaration of an emergency shortage of gasoline, fuel oil, and propane. It orders the President to halt all exports of these three products until the shortage no longer exists.

To be perfectly blunt, Mr. Speaker, the exports only line the pockets of the big oil companies while consumers and farmers here at home pay higher prices and face continuing shortages.

STEEL IMPORT AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggonner), is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, the April 25 edition of the Washington Post reports that the distinguished senior Senator from Michigan, Mr. Hart, has filed a friend of the court brief in the U.S. Court of Appeals for the District of Columbia, challenging the legality of the recently negotiated steel import limitation agreements by Japanese and European producers.

These agreements, designed in part to protect domestic wage earners, placed limits on the amount of foreign steel exported to the United States from the participating countries. Consumers Union, one of the Nation's most prestigious consumer organizations, has sued the Secretary of State to have the agreements declared illegal.

The impact on consumers in such agreements is obvious. A limit on the amount of foreign steel coming into the United States will obviously contribute to high or higher prices for steel and the billions of consumer goods utilizing steel.

Not until I read the Post article did

I fully grasp the precedent-setting nature of this case, its relationship to legislation pending before the Congress, and its impact on public interest issues which includes as a lesser part consumer protection issues.

Consumers Union, as an advocate for the special interests of consumers, of course, argues that meeting the consumer need for more competitive goods through greater importation is now more important than protecting the needs of domestic wage earners or a struggling friendly foreign nation.

Consumers Union and other consumer representatives have long held a freer trade position. In fact, they have argued that this will be one of the missions of an independent Consumer Protection Agency—CPA—a proposal now undergoing hearings in the Senate.

This CPA would be given extraordinary powers never before conferred on an advocate to attempt to increase this country's importation of goods in the interests of consumers and at the expense of other special interests.

Such a proposal should give the Congress pause. Do we really want to create a CPA which can intrude into the negotiations of the State Department and oppose any position that would result in higher prices? Do we really want to create an agency that, failing to impose its will at the negotiations stage, can appeal the negotiated trade agreement to the courts and ask the courts to impose the CPA's will on the State Department?

The effect of such broad and sweeping authority, as proposed in some Consumer Protection Agency legislation, on issues that transcend mere consumer affairs is not being adequately considered, I fear.

What, for instance, should be the position of a Consumer Protection Agency on the importation of oil into this country? In the midst of an "energy crisis," the consumer interest would appear to be in having available a plentiful and inexpensive source of oil. Yet when we begin to look outside of our boundaries for sources of oil, we also go beyond the boundaries of more consumer affairs into affairs of State.

For instance, there is enough surplus in the Middle East to meet our domestic needs. It is estimated that by 1980, one out of every five barrels of oil consumed in the United States will come from the country of Saudi Arabia, alone, if we can still import it.

The Saudi Arabians, however, have recently made it clear that increases in their oil exports will be directly linked to the United States' position on the political crisis which exists between the Arab countries and Israel. In short, they tell us, Arabian oil will be tied to an alteration of this country's pro-Israel stance.

Supporters of a CPA have made it clear that balancing considerations of State, such as our policy vis-a-vis the Middle East is not to be a function of the CPA. The CPA, they say, is to be an advocate of a special interest, not a judge of the public interest, and that nonconsumer issues will have to be protected by others.

Yet, I think it is reasonable to infer that a Consumer Protection Agency, if created, would be compelled to protect oil consumer interests by advocating within the State Department a pro-Arab stance, and failing there, appealing to the courts any pro-Israel State Department decision that could result in higher oil prices.

Mr. Speaker, the Consumers Union suit is clearly precedent for such a development. We, in the Congress, should take a long, hard look at any proposal—even one as popular as consumer protection—which holds even the potential to upset the delicate affairs of State and place our friends around the world in jeopardy.

BILL TO ESTABLISH A CENTRAL SECURITY REVIEW OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 5 minutes.

Mr. ICHORD. Mr. Speaker, I have today, jointly with the gentleman from North Carolina (Mr. PREYER), introduced a bill to establish a Central Security Review Office for the coordination of the administration of Federal personnel loyalty and security programs. I have taken this action with a view toward implementing a recommendation to this effect made in the Preyer report. This report of a subcommittee of the Committee on Internal Security which had the subject under consideration, titled "The Federal Civilian Employee Loyalty Program," House report No. 92-1637, was the product of over 2 years of extensive inquiry into the operation and administration of laws and procedures underlying the Federal civilian employee loyalty-security program. Prepared by the distinguished gentleman from North Carolina (Mr. PREYER), the report is a thorough and detailed examination of the subject. A number of recommendations, both for legislative and executive branch action, have been made to remedy deficiencies appearing in the operation of the program and to improve it.

It was found that the absence of centralized direction was a major factor contributing to a number of failures which were found to exist in the administration of the program. The failure of the departments and agencies to update and maintain appropriate implementing regulations, the absence of uniformity in standards and practices, the delays and bypassing of responsibilities in loyalty adjudications, the failure in obvious cases to dismiss disloyal persons from nonsensitive positions, inadequacies in investigative or applicant forms and questionnaires, the failure to appeal lower court decisions adversely affecting the program, and generally the uneven capacity and expertise among personnel of the departments and agencies in the application of the program, are all in some measure, the subcommittee concluded, to be ascribed to this basic weakness in the organization of the program.

Under the complex of existing laws, orders, and regulations on this subject, we have a ship without a helmsman. While by the terms of section 14 of Executive Order 10450 the Civil Service Commission is directed to make "a continuing study" of the manner in which the order is being implemented by the departments and agencies and, by the provisions of section 13, the Attorney General is required to render advice to the heads of departments and agencies in the maintenance of an appropriate employee security program, these functions delegated and reposed in the Civil Service Commission and the Attorney General are at best advisory only. The delegation also suffers more gravely from the fact, as the Preyer report points out, that it is reposed in two agencies which have primary operating responsibilities in the execution of the program. They should not be required to be the judge of their own performance.

Moreover, as the subcommittee advises, in reporting upon the successes or failures of a program in which they have operating responsibilities, these two agencies are not likely to acknowledge failures in their mission or in the execution of their responsibilities. It is not enough that the Civil Service Commission and the Attorney General should "report to the President" on the program. Obviously, in view of his many burdens the President cannot see to their day-to-day operation. He can maintain necessary oversight and exercise the required authority only through an independent centralized agency having responsibility for the coordination of the overall program with power to act, that is, not only to advise, but also to exercise the requisite executive authority.

While the discussion in the report and the recommendation on this subject was directed to the loyalty-security program maintained under Executive Order 10450 and regulations of the Civil Service Commission, the bill would be applicable to all present loyalty and security programs, not only those relating to Federal civilian employment, but would also include the industrial security and industrial defense facilities programs administered by the Department of Defense, as well as the port and vessel security program now administered by the Department of Transportation under the Magnuson Act.

These are similar and related programs, a complex process of investigation, evaluation, and adjudication for determining suitability or eligibility of individuals for employment or access to sensitive facilities. Yet each has its own rubric, with widespread division of responsibilities among and within the agencies responsible for their administration. The programs encompass a vast field, involving literally millions of individuals in public and private employment. Huge sums are expended in their maintenance. Despite these facts there is no centralization of authority for oversight and coordination.

Take for example the operation and administration of the loyalty-security program relating to Federal civilian employment. Responsibility for the actual performance of investigations is divided among the Civil Service Commission, the Federal Bureau of Investigation, and those agencies maintaining investigative facilities, including the Departments of State, Defense, Treasury, Justice, and the Postal Service, Moreover, in some important aspects of the investigative process each employing department and agency of the Government is involved, at least to the extent of preparing and requiring response to applicant forms, in the conduct of interviews, and the review and evaluation of investigative reports.

Likewise in the evaluation and adjudication of an individual's suitability for employment, there is a division of responsibility between the Civil Service Commission and each of the employing departments and agencies. During the initial period of 1 year, after the effective date of an applicant's appointment, the Commission has jurisdiction concurrently with each of the departments and agencies to evaluate and adjudicate an applicant's suitability for employment on loyalty grounds. The Commission's authority, however, is exercised only with respect to individuals seeking appointment in the competitive service, and access to nonsensitive positions therein.

With respect to sensitive positions in the competitive service and all positions in the excepted service, the departments and agencies are confided sole authority or responsibility for denials or removals on loyalty, security, and other suitability grounds. After the expiration of the one year period, the departments and agencies are each confided sole responsibility for the removal of persons in all positions for whatever cause. There is, moreover, an absence of uniformity of practice among and within the agencies, and it is evident from the testimony adduced that there is considerable confusion among administrative personnel as to their authority, and a noticeable disparity in the adequacy of their training.

It is evident that this widespread division of responsibility inevitably presents opportunities for a duplication of effort or a bypassing of responsibility. We do not by any means suggest that a system of divided or concurrent responsibility is in itself an evil. On the contrary, under certain circumstances it may well be a positive virtue, particularly in the field of intelligence so as to minimize the possibility for sabotage of the program. Nor do we by any means suggest that responsibility for the evaluation and adjudication of employee eligibility be withdrawn from the departments and agencies. It is important that these responsibilities be retained by them and that they carry them out. It is nevertheless a condition which requires centralized direction so as effectively to coordinate the effort, to cope with uneven capacities of the participants, and to avoid waste. Indeed, we believe that several millions of dollars can be saved through such centralized control. A present cost study undertaken by the Government Accounting Office, when completed, we believe, will fully support this conclusion.

The need for centralized direction for such programs has long been recognized but never remedied. In the first comprehensive review of the loyalty program undertaken by the Government, President Truman's Commission on Employee Loyalty, in November 1946, recommended that an independent overall centralized authority, acting for and on behalf of the President, be created to oversee the responsibilities conferred upon the departments and agencies in the execution of a loyalty program. Pursuant to this recommendation, such an agency was created and designated the Loyalty Review Board on the promulgation in 1947 of Executive Order 9835, the first comprehensive loyalty program ever established by the U.S. Government. The Board, however, was established with advisory powers only, and there was some confusion as to its responsibilities which led to litigation. Again in 1952, the Interdepartmental Committee on Internal Security of the National Security Council, which conducted an investigation of the employee "security program"—as distinguished from the then existing "loyalty program"—undertaken at the direction of President Truman, again found need for a central review of procedures pursued by the departments and agencies.

Prior to the 1953 change in administration, President Truman had appointed a committee to study the implementation of these recommendations and to combine the loyalty, security, and suitability programs. Its work was not completed when President Eisenhower took office and, in April of 1953, he revoked Executive Order 9835 on the promulgation of Executive Order 10450. This superseding order, now in effect, substantially adopted the basic loyalty program of the prior Truman order, but in line with some recommendations derived from the prior studies which had been initiated by President Truman, the new order combined the security program with the principal features of the loyalty program previously in effect.

The new order, however, failed to provide for a centralized agency to coordinate the newly combined programs. This order which, together with civil service regulations, form the basis for the present Federal civilian loyalty and security programs, have not been wholly effective. The absence of centralized direction has proved to be a grave point of weakness.

This has been found to be so not only in a privately conducted examination of its administration by a special committee of the New York City Bar Association, which reported in 1956, but also by a nonpartisan Government Commission created by joint resolution of the Congress in 1955, known as the Wright Commission, which had undertaken investigation and inquiry of all security programs administered by the Government. Reporting in 1957, the Wright Commission's recommendation that a central security office be established has likewise never been implemented. A similar recommendation now made in the report of the subcommittee of the Committee on Internal Security, to which I have referred, remains to be acted upon.

The bill would thus establish a Central Security Review Office in the Executive Office of the President headed by a Director, who will be assisted by a Deputy Director and three Assistant Directors, to coordinate the programs and to require compliance with the directives of the Office when approved by the President. The Director's principal functions will be, in short, as follows:

First, to conduct continuing surveys and inspections of the administration of loyalty and security programs, and on the basis of these surveys and inspections the Director shall make recommendations to the executive agencies concerned for such changes in loyalty and security regulations, practices and procedures, as he determines to be necsary or advisable in the interest of uniformity, simplicity, effectiveness, and economy.

Second, to compile and maintain appropriate statistical records with respect to the results of each loyalty and security program administered or supervised by executive agencies.

Third, to prepare plans and recommendations for suitable in-service training programs to provide for the instruction of security officers in all relevant aspects of their duties and to provide for an adequate and free flow of information between them and the intelligence community.

Fourth, to receive, investigate, and evaluate complaints made on behalf of Federal employees by recognized labor or employee organizations, or by Government contractors and labor organizations with respect to the administration of loyalty and security programs.

Fifth, on the approval of the President to promulgate such rules and regulations as the Director may determine to be necessary to provide for the uniform, effective, and economical administration of the loyalty and security programs.

Sixth, to make annual reports to the President and the Congress concerning the operations of the Office and to make such special reports concerning the operation of any loyalty and security program upon request made by the President, the Congress, or either House thereof, or any committee or subcommittee of either House having oversight responsibilities regarding the administration of the act.

I believe this bill is a much needed corrective measure. I shall welcome the comments of Members and the public on the measure, and will seek their testimony in hearings on the bill.

SACRIFICING MORALS TO CULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, yesterday saw the signing of a number of Soviet-American agreements, including accords on transportation, agriculture and oceanography. I am pleased to see tangible proof that the detente we have been hearing so much about really exists. I hope that the Soviet Union and the United States will continue to enjoy the current state of warm relations far into the future.

However, there is one agreement signed yesterday which I feel does a great disservice to our Nation. That is the new cultural exchange agreement, to which the President regrettably gave his imprimatur.

This new agreement expands on the first cultural exchange agreement made in 1959, and will be in effect until 1979. It provides for increased numbers of exchange students between the two countries. In addition, there would be at least 10 major performing arts groups and 35 individual performers sent to each other's country

On the surface, this appears to be a good agreement. Whenever a Soviet performing company—particularly the Bolshoi or one of the other great Soviet ballet troupes—performs here, the reviews are uniformly excellent. Russian ballet is world renowned for the technical brilliance of its dancers. There are orchestras and individual musicians of great talent who will be permitted to perform here for the first time.

But there has already been negative response to this new accord. Only a few days ago, a troupe of dancers from New York City, the well-known and highly talented members of the American Ballet Theatre, were here in Washington protesting against the new cultural exchange treaty. They protested that, under the terms of this agreement, the American Ballet Theatre would be turned out of its annual Lincoln Center engagement so that the Leningrad-Kirov company could perform there instead. As a result, 150 American artists will lose valuable jobs.

This in itself would be bad enough if it were not for the fact that the Leningrad-Kirov Ballet company has already become notorious for its treatment of one of its finest performers, Valery Panov. Panov first came to American attention when he and his wife, also a member of the Kirov Ballet, sought permission to emigrate to Israel. They felt that they could not be free to perform as true artists in the Soviet Union, because of the politicization of the arts in that country.

As a result of his wish to emigrate to Israel, both Panov and his wife have been fired from their jobs at the Kirov. In addition, Panov has been subjected to all manner of psychological brutality. Perhaps the cruelest of his tortures was his recent experience in which he was imprisoned in a cell with a number of amputees, men who had lost their legs. It would take the most insensitive mind not to appreciate the anguish this must have caused to a man who has devoted his life to expressing the beauty of motion through his own legs.

Today Panov and his wife are living in Leningrad, still waiting to be granted permission to leave. They are told that if they stop "making trouble," they will be permitted to dance again. But as long as they are not free to perform as they choose in the Soviet Union, they will continue to be "troublemakers."

There are other instances of persecutions of cultural figures in the Soviet Union. The most famous is Alexander Solzhenitsyn, the brilliant author of Cancer Ward and August 1914. For years he has been hounded by the Soviet Government and despised by the members of the Soviet literary establishment, because he has dared criticize the Russian Government in his novels. The Russian Government has forbidden the circulation of his books in the Soviet Union.

Panov and Solzhenitsyn are only two among many. It seems that the closer Russia's economic ties become with the West, the more stringent it makes its cultural restrictions. While Chairman Brezhnev is conducting his summit talks here in Washington, the Russians are busy jamming American radio broadcasts. While Panov and Solzhenitsyn are being persecuted, President Nixon rushes to sign a cultural trade agreement that extends the exchange program for 6 years without getting any concessions on a freer atmosphere for cultural expression in the Soviet Union.

I am sad to say that President Nixon passed up a golden opportunity to exert his influence to improve the quality of life for 3 million Soviet citizens. What he has done instead was to give his tacit approval to the incredible restrictions placed on cultural activities in the Soviet Union, indicating that he found none of the persecution, harassment or censorship offensive either to him or to the American people he purports to represent.

Unfortunately the President is so anxious to win kudos for his diplomatic coups that he forgets that there are the rights and privileges of many people at stake in this agreement. The dancers of the American Ballet Theatre, Valery Panov and his wife, Alexander Solzhenitsyn, Mstislav Rostropovich, and thousands of others, well-known and obscure, are being sacrificed on the altar of detente. Somebody should have reminded the President that cultural exchange and concern for human freedom and moral behavior are not mutually exclusive.

HEARINGS ON ANTITRUST ASPECTS OF FOOD PRICE RISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary will hold 2 days of public hearings on June 27 and 28, 1973, to investigate the extent to which anti-competitive practices and industry structure may have contributed to increasing food prices; and to inquire into federal antitrust enforcement actions and techniques. The hearings will be held in room 2141 Rayburn House Office Building, and will begin each day at 10 a.m. Subsequent hearings will be held following the July recess.

THE 1852 INDEPENDENCE DAY SPEECH BY FREDERICK DOUGLASS

(Mr. YOUNG of Georgia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. YOUNG of Georgia. Mr. Speaker, in 1852 at an Independence Day observance, the great American Frederick Douglass, delivered one of the most famous orations in the annals of the Nation's struggle for justice. The speech, entitled "The Meaning of July Fourth for the Negro," was given at Corinthian Hall in Rochester, N.Y., on July 5 of that year. To this day, this address is one of the most profound and powerful statements ever made against slavery and the oppression of human beings.

I am pleased to report that this year on July 4, this great speech by Frederick Douglass will be reenacted by the distinguished actor, Mr. James Earl Jones. The presentation will take place at the "Cedar Hill" home of Frederick Douglass, a national historic site here in the District of Columbia. It is an honor for me to support this event, which will be sponsored by the Afro-American Bicentennial Corporation, in corporation with the National Park Service.

Mr. Jones' reenactment of the oration will be presented against a background of Afro-American history and cultural expression. The very worthwhile purposes of this event will be to effectively recapture the significance of an auspicious moment in American history, and to call attention to the importance of the black role in the forthcoming Bicentennial.

Mr. Speaker, for those who will not be able to attend the occasion at Cedar Hill, I am submitting for inclusion in the Record the complete text of this unforgettable and stirring address by Frederick Douglass.

THE MEANING OF JULY FOURTH FOR THE NEGRO

(Oration by Frederick Douglass, Corinthian Hall, Rochester, N.Y., July 5, 1852)

Mr. President, Friends and Fellow Citizens:

He who could address this audience without a quailing sensation has stronger nerves than I have. I do not remember ever to have appeared as a speaker before any assembly more shrinkingly, nor with greater distrust of my ability, than I do this day. A feeling has crept over me quite unfavorable to the exercise of my limited powers of speech. The task before me is one which requires much previous thought and study for its proper performance. I know what apologies of this sort are generally considered. Should I seem at ease, my appearance would much misrepresent me. The little experience I have had in addressing public meetings, in country school houses, avails me nothing on the present occasion.

The papers and placards say that I am to deliver a Fourth of July Oration. This certainly sounds large, and out of the common way, for me. It is true that I have often had the privilege to speak in this beautiful Hall, and to address many who now honor me with their presence. But neither their familiar faces, nor the perfect gage I think I have of Corinthian Hall seems to free me from embarrassment.

The fact is, ladies and gentlemen, the distance between this platform and the slave plantation, from which I escaped, is considerable, and the difficulties to be overcome in getting from the latter to the former are by no means slight. That I am here today is, to me, a matter of astonishment as well as of gratitude. You will not, therefore, be surprised, if in what I have to say I evince no elaborate preparation, nor grace my speech with any high sounding exordium. With little experience and with less learning, I have been able to throw my thoughts hastily and imperfectly together; and trusting to your patient and generous indulgence, I will proceed to lay them before you.

This, for the purpose of this celebration, is the Fourth of July. It is the birthday of your National Independence, and of your political freedom. This, to you, is what the Passover was to the emancipated people of God. It carries your minds back to the day, and to the act of your great deliverance; and to the signs, and to the wonders, associated with that act, and that day. This celebration also marks the beginning of another year of your national life; and reminds you that the Republic of America is now 76 years old. I am glad, fellow-citizens, that your nation is so young. Seventy-six years, though a good old age for a man, is but a mere speck in the life of a nation. Three score years and ten is the allotted time for individual men; but nations number their years by thousands. According to this fact, you are, even now, only in the beginning of your national career, still lingering in the period of childhood. I repeat, I am glad this is so. There is hope in the thought, and hope is much needed, under the dark clouds which lower above the horizon. The eye of the reformer is met with angry flashes, portending disastrous times; but his heart may well beat lighter at the thought that America is young, and that she is still in the impressible stage of her existence. May he not hope that high lessons of wisdom, of justice and of truth, will yet give direction to her destiny? Were the nation older, the patriot's heart might be sadder, and the reformer's brow heavier. Its future might be shrouded in gloom, and the hope of its prophets go out in sorrow. There is consolidation in the thought that America is young. Great streams are not easily turned from channels, worn deep in the course of ages. They may sometimes rise in quiet and stately majesty, and inundate the land, refreshing and fertilizing the earth with their mysterious properties. They may also rise in wrath and fury, and bear away, on their angry waves, the accumulated wealth of years of toil and hardship. They, however, gradually flow back to the same old channel, and flow on as serenely as ever. But, while the river may not be turned aside, it may dry up, and leave nothing behind but the withered branch, and the unsightly rock, to howl in the abyss-sweeping wind, the sad tale of departed glory. As with rivers so with nations.

Fellow-citizens, I shall not presume to dwell at length on the associations that cluster about this day. The simple story of it is, that, 76 years ago, the people of this country were British subjects. The style and title of your "sovereign people" (in which you now glory) was not then born. You were under the British Crown. Your fathers esteemed the English Government as the home government; and England as the fatherland. This home government, you know, although a considerable distance from your home, did, in the exercise of its parental prerogatives, impose upon its colonial children, such restraints, burdens and limitations, as, in its mature judgment, it deemed wise, right and proper.

But your fathers, who had not adopted the fashionable idea of this day, of the infallibility of government, and the absolute character of its acts, presumed to differ from the home government in respect to the wisdom and the justice of some of those burdens and restraints. They went so far in their excitement as to pronounce the measures of government unjust, unreasonable, and oppressive, and altogether such as ought not to be quietly submitted to. I scarcely need say, fellow-citizens, that my opinion of those measures fully accords with that of your fathers. Such a declaration of agreement on my part would not be worth much to anybody. It would certainly prove nothing as to what part I might have taken had I lived during the great controversy of 1776. To say now that America was right, and England wrong, is exceedingly easy. Everybody can say it; the dastard, not less than the noble brave, can flippantly descant on the tyranny of England towards the American Colonies. It is fashionable to do so; but there was a time when, to pronounce against England, and in favor of the cause of the colonies, tried men's souls. They who did so were accounted in their day plotters of mischief, agitators and rebels, dangerous men. To side with the right against the wrong, with the weak against the strong, and with the oppressed against the oppressor! here lies the merit, and the one which, of all others, seems unfashionable in our day. The cause of liberty may be stabbed by the men who glory in the deeds of your fathers. But, to proceed.

Feeling themselves harshly and unjustly treated, by the home government, your fathers, like men of honesty, and men of spirit, earnestly sought redress. They petitioned and remonstrated; they did so in a decorous, respectful, and loyal manner. Their conduct was wholly unexceptionable. This, however, did not answer the purpose. They saw themselves treated with sovereign indifference, coldness and scorn. Yet they persevered. They were not the men to look back.

As the sheet anchor takes a firmer hold, when the ship is tossed by the storm, so did the cause of your fathers grow stronger as it breasted the chilling blasts of kingly displeasure. The greatest and best of British statesmen admitted its justice, and the loftiest eloquence of the British Senate came to its support. But, with that blindness which seems to be the unvarying characteristics of tyrants, since Pharaoh and his hosts were drowned in the Red Sea, the British Government persisted in the exactions complained of.

The madness of this course, we believe, is admitted now, even by England; but we fear the lesson is wholly lost on our present rulers.

Oppression makes a wise man mad. Your fathers were wise men, and if they did not go mad, they became restive under this treatment. They felt themselves the victims of grievous wrongs, wholly incurable in their colonial capacity. With brave men there is always a remedy for oppression. Just here, the idea of a total separation of the colonies from the crown was born! It was a startling idea, much more so than we, at this distance of time, regard it. The timid and the prudent (as has been intimated) of that day were, of course, shocked and alarmed by it.

Such people lived then, had lived before, and will, probably, ever have a place on this planet; and their course in respect to any great change (no matter how great the good to be attained, or the wrong to be redressed by it), may be calculated with as much precision as can be the course of the stars. They hate all changes, but silver, gold and copper change! Of this sort of change they are always strongly in favor.

These people were called Tories in the days of your fathers; and the appellation, probably, conveyed the same idea that is meant by a more modern, though a somewhat less euphonious term, which we often find in our papers, applied to some of our old politicians.

Their opposition to the then dangerous thought was earnest and powerful; but, amid all their terror and affrighted vociferations against it, the alarming and revolutionary idea moved on, and the country with it.

On the 2nd of July, 1776, the old Continental Congress, to the dismay of the lovers of ease, and the worshipers of property, clothed that dreadful idea with all the authority of national sanction. They did so in the form of a resolution; and as we seldom hit upon resolutions, drawn up in our day, whose transparency is at all equal to this, it may refresh your minds and help my story if I read it.

"Resolved, That these united colonies are, and of right, ought to be free and Independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, dissolved."

Citizens, your fathers made good that resolution. They succeeded; and today you reap the fruits of their success. The freedom gained is yours; and you, therefore, may properly celebrate this anniversary. The 4th of July is the first great fact in your nation's history—the very ringbolt in the chain of your yet undeveloped destiny.

Pride and patriotism, not less than gratitude, prompt you to celebrate and to hold it in perpetual remembrance. I have said that the Declaration of Independence is the ringbolt to the chain of your nation's destiny; so, indeed, I regard it. The principles contained in that instrument are saving principles. Stand by those principles, be true to them on all occasions, in all places, against all foes, and at whatever cost.

From the round top of your ship of state, dark and threatening clouds may be seen. Heavy billows, like mountains in the distance, disclose to the leeward huge forms of flinty rocks! That bolt drawn, that chain broken, and all is lost. Cling to this day—cling to it, and to its principles, with the grasp of a storm-tossed mariner to a spar at midnight.

The coming into being of a nation, in any circumstances, is an interesting event. But, besides general considerations, there were peculiar circumstances which makes the advent of this republic an event of special attractiveness.

The whole scene, as I look back to it, was simple, dignified and sublime. The population of the country, at the time, stood at the insignificant number of three millions. The country was poor in the munitions of war. The population was weak and scattered, and the country a wilderness unsubdued. There were then no means of concert and combination, such as exist now. Neither steam nor lightning had then been reduced to order and discipline. From the Potomac to the Delaware was a journey of many days. Under these, and innumerable other disadvantages, your fathers declared for liberty and independence and triumphed.

Fellow Citizens, I am not wanting in respect for the fathers of this republic. The signers of the Declaration of Independence were brave men. They were great men, too—great enough to give frame to a great age. It does not often happen to a nation to raise, at one time, such a number of truly great men. The point from which I am compelled to view them is not, certainly, the most favorable; and yet I cannot contemplate their great deeds with less than admiration. They were statesmen, patriots and heroes, and for the good they did, and the principles they contended for, I will unite with you to honor their memory.

They loved their country better than their own private interests; and, though this is not the highest form of human excellence, all will concede that it is a rare virtue, and that when it is exhibited it ought to command respect. He who will, intelligently, lay down his life for his country is a man whom it is not in human nature to despise. Your fathers staked their lives, their fortunes, and their sacred honor, on the cause of their country. In their admiration of liberty, they lost sight of all other interests.

They were peace men; but they preferred revolution to peaceful submission to bondage. They were quiet men; but they did not shrink from agitating against oppression. They showed forbearance; but that they knew its limits. They believed in order; but not in the order of tyranny.

With them, nothing was "settled" that was not right. With them, justice, liberty and humanity were "final"; not slavery and oppression. You may well cherish the memory of such men. They were great in their day and generation. Their solid manhood stands out the more as we contrast it with these degenerate times.

How circumspect, exact and proportionate were all their movements! How unlike the politicians of an hour! Their statesmanship looked beyond the passing moment, and stretched away in strength into the distant future. They seized upon eternal principles, and set a glorious example in their defence. Mark them!

Fully appreciating the hardships to be encountered, firmly believing in the right of their cause, honorably inviting the scrutiny of an on-looking world, reverently appealing to heaven to attest their sincerity, soundly comprehending the solemn responsibility they were about to assume, wisely measuring the terrible odds against them, your fathers, the fathers of this republic, did, most deliberately, under the inspiration of a glorious patriotism, and with a sublime faith in the great principles of justice and freedom, lay deep, the cornerstone of the national super-structure, which has risen and still rises in grandeur around you.

Of this fundamental work, this day is the anniversary. Our eyes are met with demonstrations of joyous enthusiasm. Banners and pennants wave exultingly on the breeze. The din of business, too, is hushed. Even mammon seems to have quitted his grasp on this day. The ear-piercing fife and the stirring drum unite their accents with the ascending peal of a thousand church bells. Prayers are made, hymns are sung, sermons are preached in honor of this day; while the quick martial tramp of a great and multitudinous nation, echoed back by all the hills, valleys and mountains of a vast continent, bespeak the occasion one of thrilling and universal interest—a nation's jubilee.

Friends and citizens, I need not enter further into the causes which led to this anniversary. Many of you understand them better than I do. You could instruct me in regard to them. That is a branch of knowledge in which you feel, perhaps, a much deeper interest than your speaker. The causes which led to the separation of the colonies from the British crown have never lacked for a tongue. They have all been taught in your common schools, narrated at your firesides, unfolded from your pulpits, and thundered from your legislative halls, and are as familiar to you as household words. They form the staple of your national poetry and eloquence.

I remember, also, that, as a people, Americans are remarkably familiar with all facts which make in their own favor. This is esteemed by some as a national trait—perhaps a national weakness. It is a fact, that whatever makes for the wealth or for the reputation of Americans and can be had cheap, will be found by Americans. I shall not be charged with slandering Americans if I say I think the American side of any question may be safely left in American hands.

I leave, therefore, the great deeds of your fathers to other gentlemen whose claim to have been regularly descended will be less likely to be disputed than mine!

My business, if I have any here today, is with the present. The accepted time with God and His cause is the ever-living now:

"Trust no future, however pleasant,
  Let the dead past bury its dead;
Act, act in the living present,
  Heart within, and God overhead."

We have to do with the past only as we can make it useful to the present and to the future. To all inspiring motives, to noble deeds which can be gained from the past, we are welcome. But now is the time, the important time. Your fathers have lived, died, and have done much of it well. You live and must die, and you must do your work. You have no right to enjoy a child's share in the labor of your fathers, unless your children are to be blest by your labors. You have no right to wear out and waste the hard-earned fame of your fathers to cover your indolence. Sydney Smith tells us that men seldom eulogize the wisdom and virtues of their fathers, but to excuse some folly or wickedness of their own. This truth is not a doubtful one. There are illustrations of it near and remote, ancient and modern. It was fashionable, hundreds of years ago, for the children of Jacob to boast, we have "Abraham to our father," when they had long lost Abraham's faith and spirit. That people contented themselves under the shadow of Abraham's great name, while they repudiated the deeds which made his name great.

Need I remind you that a similar thing is being done all over this country today? Need I tell you that the Jews are not the only people who built the tombs of the prophets, and garnished the sepulchers of the righteous? Washington could not die till he had broken the chains of his slaves. Yet his monument is built up by the price of human blood, and the traders in the bodies and souls of men shout: "We have Washington to our father." Alas! that it should be so; yet so it is.

The evil that men do, lives after them,
The good is oft interred with their bones.

Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here today? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? Am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

Would to God, both for your sakes and ours, that an affirmative answer could be truthfully returned to these questions! Then would my task be light, and my burden easy and delightful. For who is there so cold, that a nation's sympathy could not warm him? Who so obdurate and dead to the claims of gratitude, that would not thankfully acknowledge such priceless benefits? Who so stolid and selfish, that would not give his voice to swell the hallelujahs of a nation's jubilee, when the chains of servitude had been torn from his limbs? I am not that man. In a case like that, the dumb might eloquently speak, and the "lame man leap as an hart."

But such is not the state of the case. I say it with a sad sense of the disparity between us. I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought light and healing to you, has brought stripes and death to me. This Fourth July is yours, not mine. You may rejoice, I must mourn.

To drag a man in fetters into the grand illuminated temple of liberty, and call upon him to join you in joyous anthems, were inhuman mockery and sacrilegious irony. Do you mean, citizens, to mock me, by asking me to speak today? If so, there is a parallel to your conduct. And let me warn you that it is dangerous to copy the example of a nation whose crimes, towering up to heaven, were thrown down by the breath of the Almighty, burying that nation in irrevocable ruin! I can today take up the plaintive lament of a peeled and woe-smitten people!

"By the river of Babylon, there we sat down. Yea! we wept when we remembered Zion. We hanged our harps upon the willows in the midst thereof. For there, they that carried us away captive, required of us a song; and they who wasted us required of us mirth, saying, Sing us one of the Songs of Zion. How can we sing the Lord's song in a strange land? If I forget thee, O Jerusalem, let my right hand forget her cunning. If I do not remember thee, let my tongue cleave to the roof of my mouth."

Fellow citizens, above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorrow this day, "may my right hand forget her cunning, and may my tongue cleave to the roof of my mouth!" To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then, fellow-citizens, is American slavery. I shall see this day and its popular characteristics from the slave's point of view. Standing there identified with the American bondman, making his wrongs mine, I do not hesitate to declare, with all my soul that the character and conduct of this nation never looked blacker to me than on this 4th of July! Whether we turn to the declarations of the past, or to the professions of the present, the cónduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to the future. Standing with God and the crushed and bleeding slave on this occasion, I will, in the name of humanity which is outraged, in the name of liberty which is fettered, in the name of the constitution and the Bible which are disregarded and trampled upon, dare to call in question and to denounce, with all the emphasis I can command, everything that serves to perpetuate slavery—the great sin and shame of America! "I will not equivocate; I will not excuse;" I will use the severest language I can command; and yet not one word shall escape me that any man, whose judgment is not blinded by prejudice, or who is not at heart a slaveholder, shall not confess to be right and just.

But I fancy I hear some one of my audience say, "It is just in this circumstance that you and your brother abolitionists fail to make favorable impression on the public mind. Would you argue more, and denounce less; would you persuade more, and rebuke less; your cause would be much more likely to succeed." But, I submit, where all is plain there is nothing to be argued. What point in the anti-slavery creed would you have argued? On what branch of the subject do the people of this country need light? Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slaveholders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave. There are seventy-two crimes in the State of Virginia which, if committed by a black man (no matter how ignorant he be), subject him to the punishment of death; while only two of the same crimes will subject a white man to the like punishment. What is this but the acknowledgement that the slave is a moral, intellectual, and responsible being? The manhood of the slave is conceded. It is admitted in the fact that Southern statute books are covered with enactments forbidding, under severe fines and penalties, the teaching of the slave to read or to write. When you can point to any such laws in reference to the beasts of the field, then I may consent to argue the manhood of the slave. When the dogs in your streets, when the fowls of the air, when the cattle on your hills, when the fish of the sea, and the reptiles that crawl, shall be unable to distinguish the slave from a brute, then will I argue with you that the slave is a man!

For the present, it is enough to affirm the equal manhood of the Negro race. Is it not astonishing that, while we are ploughing, planting, and reaping, using all kinds of mechanical tools, erecting houses, constructing bridges, building ships, working in metals of brass, iron, copper, silver and gold; that, while we are reading, writing and ciphering, acting as clerks, merchants and secretaries, having among us lawyers, doctors, ministers, poets, authors, editors, orators and teachers; that, while we are engaged in all manner of enterprises common to other men, digging gold in California, capturing the whale in the Pacific, feeding sheep and cattle on the hill-side, living, moving, acting, thinking, planning, living in families as husbands, wives and children, and, above all, confessing and worshipping the Christian's God, and looking hopefully for life and immortality beyond the grave, we are called upon to prove that we are men!

Would you have me argue that man is entitled to liberty? that he is the rightful owner of his own body? You have already declared it. Must I argue the wrongfulness of slavery? Is that a question for Republicans? Is it to be settled by the rules of logic and argumentation, as a matter beset with great difficulty, involving a doubtful application of the principle of justice, hard to be understood? How should I look today, in the presence of Americans, dividing, and subdividing a discourse, to show that men have a natural right to freedom? speaking of it relatively and positively, negatively and affirmatively. To do so would be to make myself ridiculous, and to offer an insult to your understanding. There is not a man beneath the canopy of heaven that does not know that slavery is wrong for him.

What, am I to argue that it is wrong to make men brutes, to rob them of their liberty, to work them without wages, to keep them ignorant of their relations to their fellow men, to beat them with sticks, to flay their flesh with the lash, to load their limbs with irons, to hunt them with dogs, to sell them at auction, to sunder their families, to knock out their teeth, to burn their flesh, to starve them into obedience and submission to their masters? Must I argue that a system thus marked with blood, and stained with pollution, is wrong? No! I will not. I have better employment for my time and strength than such arguments would imply.

What, then, remains to be argued? Is it that slavery is not divine; that God did not establish it; that our doctors of divinity are mistaken? There is blasphemy in the thought. That which is inhuman, cannot be divine! Who can reason on such a proposition? They that can, may; I cannot. The time for such argument is passed.

At a time like this, scorching irony, not convincing argument, is needed. O! had I the ability, and could reach the nation's ear, I would, today, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke. For it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind, and the earthquake. The feeling of the nation must be quickened; the conscience of the nation must be roused; the propriety of the nation must be startled; the hypocrisy of the nation must be exposed; and its crimes against God and man must be proclaimed and denounced.

What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade and solemnity, are, to Him, mere bombast, fraud, deception, impiety, and hypocrisy—a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour.

Go where you may, search where you will, roam through all the monarchies and despotisms of the Old World, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the everyday practices of this nation, and you will say with me, that, for revolting barbarity and shameless hyprocrisy, America reigns without a rival.

Take the American slave-trade, which we are told by the papers, is especially prosperous just now. Ex-Senator Benton tells us that the price of men was never higher than now. He mentions the fact to show that slavery is in no danger. This trade is one of the peculiarities of American institutions. It is carried on in all the large towns and cities in one-half of this confederacy; and millions are pocketed every year by dealers in this horrid traffic. In several states this trade is a chief source of wealth. It is called (in contradistinction to the foreign slave-trade) "the internal slave-trade." It is, probably, called so, too, in order to divert from it the horror with which the foreign slave-trade is contemplated. That trade has long since been denounced by this government as piracy. It has been denounced with burning words from the high places of the nation as an execrable traffic. To arrest it, to put an end to it, this nation keeps a squadron, at immense cost, on the coast of Africa. Everywhere, in this country, it is safe to speak of this foreign slave-trade as a most inhuman traffic, opposed alike to the laws of God and of man. The duty to extirpate and destroy it, is admitted even by our doctors of divinity. In order to put an end to it, some of these last have consented that their colored brethren (nominally free) should leave this country, and establish themselves on the western coast of Africa! It is, however, a notable fact that, while so much execration is poured out by Americans upon all those engaged in the foreign slave-trade, the men engaged in the slave-trade between the states pass without condemnation, and their business is deemed honorable.

Behold the practical operation of this internal slave-trade, the American slave-trade, sustained by American politics and American religion. Here you will see men and women reared like swine for the market. You know what is a swine-drover? I will show you a man-drover. They inhabit all our Southern States. They perambulate the country, and crowd the highways of the nation, with droves of human stock. You will see one of these human flesh jobbers, armed with pistol, whip, and bowie-knife, driving a company of a hundred men, women, and children, from the Potomac to the slave market at New Orleans. These wretched people are to be sold singly, or in lots, to suit purchasers. They are food for the cotton-field and the deadly sugar-mill. Mark the sad procession, as it moves wearily along, and the inhuman wretch who drives them. Hear his savage yells and his blood-curdling oaths, as he hurries on his affrighted captives! There, see the old man with locks thinned and gray. Cast one glance, if you please, upon that young mother, whose shoulders are bare to the scorching sun, her briny tears falling on the brow of the babe in her arms. See, too, that girl of thirteen, weeping, yes! weeping, as she thinks of the mother from whom she has been torn! The drove moves tardily. Heat and sorrow have nearly consumed their strength; suddenly you hear a quick snap, like the discharge of a rifle; the fetters clank, and the chain rattles simultaneously; your ears are saluted with a scream, that seems to have torn its way to the centre of your soul! The crack you heard was the sound of the slave-whip; the scream you heard was from the woman you saw with the babe. Her speed had faltered under the weight of her child and her chains! That gash on her shoulder tells her to move on. Follow this drove to New Orleans. Attend the auction; see men examined like horses; see the forms of women rudely and brutally exposed to the shocking gaze of American slave-buyers. See this drove sold and separated forever; and never forget the deep, sad sobs that arose from that scattered multitude. Tell me, citizens, where, under the sun, you can witness a spectacle more fiendish and shocking. Yet this is but a glance at the American slave-trade, as it exists, at this moment, in the ruling part of the United States.

I was born amid such sights and scenes. To me the American slave-trade is a terrible reality. When a child, my soul was often pierced with a sense of its horrors. I lived on Philpot Street, Fell's Point, Baltimore, and have watched from the wharves the slave ships in the Basin, anchored from the shore, with their cargoes of human flesh, waiting for favorable winds to waft them down the Chesapeake. There was, at that time, a grand slave mart kept at the head of Pratt Street, by Austin Woldfolk. His agents were sent into every town and county in Maryland, announcing their arrival, through the papers, and on flaming "hand-bills," headed cash for Negroes. These men were generally well dressed men, and very captivating in their manners; ever ready to drink, to treat, and to gamble. The fate of many a slave has depended upon the turn of a single card; and many a child has been snatched from the arms of its mother by bargains arranged in a state of brutal drunkenness.

The flesh-mongers gather up their victims by dozens, and drive them, chained, to the general depot at Baltimore. When a sufficient number has been collected here, a ship is chartered for the purpose of conveying the forlorn crew to Mobile, or to New Orleans. From the slave prison to the ship, they are usually driven in the darkness of night; for since the anti-slavery agitation, a certain caution is observed.

In the deep, still darkness of midnight, I have been often aroused by the dead, heavy footsteps, and the piteous cries of the chained gangs that passed our door. The anguish of my boyish heart was intense; and I was often consoled, when speaking to my mistress in the morning, to hear her say that the custom was very wicked; that she hated to hear the rattle of the chains and the heart-rending cries. I was glad to find one who sympathized with me in my horror.

Fellow-citizens, this murderous traffic is, today, in active operation in this boasted republic. In the solitude of my spirit I see clouds of dust raised on the highways of the South; I see the bleeding footsteps; I hear the doleful wail of fettered humanity on the way to the slave-markets, where the victims are to be sold like horses, sheep, and swine, knocked off to the highest bidder.

There I see the tenderest ties ruthlessly broken, to gratify the lust, caprice and rapacity of the buyers and sellers of men. My soul sickens at the sight.

Is this the land your Fathers loved,
  The freedom which they toiled to win?
Is this the earth whereon they moved?
  Are these the graves they slumber in?

But a still more inhuman, disgraceful, and scandalous state of things remains to be presented. By an act of the American Congress, not yet two years old, slavery has been nationalized in its most horrible and revolting form. By that act, Mason and Dixon's line has been obliterated; New York has become as Virginia; and the power to hold, hunt, and sell men, women and children, as slaves, remains no longer a mere state institution, but is now an institution of the whole United States. The power is co-extensive with the star-spangled banner, and American Christianity. Where these go, may also go the merciless slave-hunter. Where these are, man is not sacred. He is a bird for the sportsman's gun. By that most foul and fiendish of all human decrees, the liberty and person of every man are put in peril. Your broad republican domain is hunting ground for men. Not for thieves and robbers, enemies of society, merely, but for men guilty of no crime.

Your law-makers have commanded all good citizens to engage in this hellish sport. Your President, your Secretary of State, your lords, nobles, and ecclesiastics enforce, as a duty you owe to your free and glorious country, and to your God, that you do this accursed thing. Not fewer than forty Americans have, within the past two years, been hunted down and, without a moment's warning, hurried away in chains, and consigned to slavery and excruciating torture. Some of these have had wives and children, dependent on them for bread; but of this, no account was made. The right of the hunter to his prey stands superior to the right of marriage, and to all rights in this republic, the rights of God included! For black men there is neither law nor justice, humanity nor religion. The Fugitive Slave Law makes mercy to them a crime; and bribes the judge who tries them. An American judge gets ten dollars for every victim he consigns to slavery, and five, when he fails to do so. The oath of any two villains is sufficient, under this hell-black enactment, to send the most pious and exemplary black man into the remorseless jaws of slavery! His own testimony is nothing. He can bring no witnesses for himself. The minister of American justice is bound by the law to hear but one side; and that side is the side of the oppressor. Let this damning fact be perpetually told. Let it be thundered around the world that in tyrant-killing, king-hating, people-loving, democratic, Christian America the seats of justice are filled with judges who hold their offices under an open and palpable bribe, and are bound, in deciding the case of a man's liberty, to hear only his accusers!

In glaring violation of justice, in shameless disregard of the forms of administering law, in cunning arrangement to entrap the defenceless, and in diabolical intent this Fugitive Slave Law stands alone in the annals of tyrannical legislation. I doubt if there be another nation on the globe having the brass and the baseness to put such a law on the statute-book. If any man in this assembly thinks differently from me in this matter, and feels able to disprove my statements, I will gladly confront him at any suitable time and place he may select.

I take this law to be one of the grossest infringements of Christian Liberty, and, if the churches and ministers of our country were not stupidly blind, or most wickedly indifferent, they, too, would so regard it.

At the very moment that they are thanking God for the enjoyment of civil and religious liberty, and for the right to worship God according to the dictates of their own consciences, they are utterly silent in respect to a law which robs religion of its chief significance and makes it utterly worthless to a world lying in wickedness. Did this law concern the "mint, anise, and cumin"—abridge the right to sing psalms, to partake of the sacrament, or to engage in any of the ceremonies of religion, it would be smitten by the thunder of a thousand pulpits. A general shout would go up from the church demanding repeal, repeal, instant repeal! And it would go hard with that politician who presumed to solicit the votes of the people without inscribing this motto on his banner. Further, if this demand were not complied with, another Scotland would be added to the history of religious liberty, and the stern old covenanters would be thrown into the shade. A John Knox would be seen at every church door and heard from every pulpit, and Fillmore would have no more quarter than was shown by Knox to the beautiful, but treacherous, Queen Mary of Scotland. The fact that the church of our country (with fractional exceptions) does not esteem "the Fugitive Slave Law" as a declaration of war against religious liberty, implies that that church regards religion simply as a form of worship, an empty ceremony, and not a vital principle, requiring active benevolence, justice, love, and good will towards man. It esteems sacrifice above mercy; psalm-singing above right doing; solemn meetings above practical righteousness. A worship that can be conducted by persons who refuse to give shelter to the houseless, to give bread to the hungry, clothing to the naked, and who enjoin obedience to a law forbidding these acts of mercy is a curse, not a blessing to mankind. The Bible addresses all such persons as "scribes, pharisees, hypocrites, who pay tithe of mint, anise, and cumin, and have omitted the weightier matters of the law, judgement, mercy, and faith."

But the church of this country is not only indifferent to the wrongs of the slave, it actually takes sides with the oppressors. It has made itself the bulwark of American slavery, and the shield of American slave-hunters. Many of its most eloquent Divines, who stand as the very lights of the church, have shamelessly given the sanction of religion and the Bible to the whole slave system. They have taught that man may, properly, be a slave; that the relation of master and slave is ordained of God; that to send back an escaped bondman to his master is clearly the duty of all the followers of the Lord Jesus Christ; and this horrible blasphemy is palmed off upon the world for Christianity.

For my part, I would say, welcome infidelity! welcome atheism! welcome anything! in preference to the gospel, as preached by those Divines! They convert the very name of religion into an engine of tyranny and barbarous cruelty, and serve to confirm more infidels, in this age, than all the infidel writings of Thomas Paine, Voltaire, and Bolingbroke put together have done! These ministers make religion a cold and flinty-hearted thing, having neither principles of right action nor bowels of compassion. They strip the love of God of its beauty and leave the throne of religion a huge, horrible, repulsive form. It is a religion for oppressors, tyrants, man-stealers, and thugs. It is not that "pure and undefiled religion" which is from above, and which is "first pure, then peaceable, easy to be entreated, full of mercy and good fruits without partiality, and without hypocrisy." But a religion which favors the rich against the poor; which exalts the proud above the humble; which divides mankind into two classes, tyrants and slaves; which says to the man in chains, stay there; and to the oppressor, oppress on; it is a religion which may be professed and enjoyed by all the robbers and enslavers of mankind; it makes God a respecter of persons, denies his fatherhood of the race, and tramples in the dust the great truth of the brotherhood of man. All this we affirm to be true of the popular church, and the popular worship of our land and nation—a religion, a church, and a worship which on the authority of inspired wisdom, we pronounce to be an abomination in the sight of God. In the language of Isaiah, the American church might be well addressed, "Bring no more vain oblations; incense is an abomination unto me: the new moons and Sabbaths, the calling of assemblies, I cannot away with; it is iniquity even the solemn meeting. Your new moons, and your appointed feasts my soul hateth. They are a trouble to me; I am weary to bear them; and when ye spread forth your hands I will hide mine eyes from you. Yea! when ye make many prayers, I will not hear. Your hands are full of blood; cease to do evil, learn to do well; seek judgement; relieve the oppressed; judge for the fatherless; plead for the widow."

The American church is guilty, when viewed in connection with what it is doing to uphold slavery; but it is superlatively guilty when viewed in connection with its ability to abolish slavery.

The sin of which it is guilty is one of omission as well as of commission. Albert Barnes but uttered what the common sense of every man at all observant of the actual state of the case will receive as truth, when he declared that "There is no power out of the church that could sustain slavery an hour, if it were not sustained in it."

Let the religious press, the pulpit, the Sunday School, the conference meeting, the great ecclesiastical, missionary, Bible and tract associations of the land array their immense powers against slavery, and slaveholding; and the whole system of crime and blood would be scattered to the winds, and that they do not do this involves them in the most awful responsibility of which the mind can conceive.

In prosecuting the anti-slavery enterprise, we have been asked to spare the church, to spare the ministry; but how, we ask, could such a thing be done? We are met on the threshold of our efforts for the redemption of the slave, by the church and ministry of the country, in battle arrayed against us; and we are compelled to fight or flee. From what quarter, I beg to know, has proceeded a fire so deadly upon our ranks, during the last two years, as from the Northern pulpit? As the champions of oppressors, the chosen men of American theology have appeared—men honored for their so-called piety, and their real learning. The Lords of Buffalo, the Springs of New York, the Lathrops of Auburn, the Coxes and Spencers of Brooklyn, the Gannets and Sharps of Boston, the Deweys of Washington, and other great religious lights of the land have, in utter denial of the authority of Him by whom they professed to be called to the ministry, deliberately taught us, against the example of the Hebrews, and against the remonstrance of the Apostles, that we ought to obey man's law before the law of God.

My spirit wearies of such blasphemy; and how such men can be supported, as the "standing types and representatives of Jesus Christ," is a mystery which I leave others to penetrate. In speaking of the American church, however, let it be distinctly understood that I mean the great mass of the religious organizations of our land. There are exceptions, and I thank God that there are. Noble men may be found, scattered all over these Northern States, of whom Henry Ward Beecher, of Brooklyn; Samuel J. May, of Syracuse; and my esteemed friend (Rev. R. R. Raymond) on the platform, are shining examples; and let me say further, that upon these men lies the duty to inspire our ranks with high religious faith and zeal, and to cheer us on in the great mission of the slave's redemption from his chains.

One is struck with the difference between the attitude of the American church towards the anti-slavery movement, and that occupied by the churches in England towards a similar movement in that country. There, the church, true to its mission of ameliorating, elevating and improving the condition of mankind, came forward promptly, bound up the wounds of the West Indian slave, and restored him to his liberty. There, the question of emancipation was a high religious question. It was demanded in the name of humanity, and according to the law of the living God. The Sharps, the Clarksons, the Wilberforces, the Buxtons, the Burchells, and the Knibbs were alike famous for their piety and for their philanthropy. The anti-slavery movement there was not an antichurch movement, for the reason that the church took its full share in prosecuting that movement: and the anti-slavery movement in this country will cease to be an anti-church movement, when the church of this country shall assume a favorable instead of a hostile position towards that movement.

Americans! your republican politics, not less than your republican religion, are flagrantly inconsistent. You boast of your love of liberty, your superior civilization, and your pure Christianity, while the whole political power of the nation (as embodied in the two great political parties) is solemnly pledged to support and perpetuate the enslavement of three millions of your countrymen. You hurl your anathemas at the crowned headed tyrants of Russia and Austria and pride yourselves on your Democratic institutions, while you yourselves consent to be the mere tools and body-guards of the tyrants of Virginia and Carolina. You invite to your shores fugitives of oppression from abroad, honor them with banquets, greet them with ovations, cheer them, toast them, salute them, protect them, and pour out your money to them like water; but the fugitives from your own land you advertise, hunt, arrest, shoot, and kill. You glory in your refinement and your universal education; yet you maintain a system as barbarous and dreadful as ever stained the character of a nation—a system begun in avarice, supported in pride, and perpetuated in cruelty. You shed tears over fallen Hungary, and make the sad story of her wrongs the theme of your poets, statesmen, and orators, till your gallant sons are ready to fly to arms to vindicate her cause against the oppressor; but, in regard to the ten thousand wrongs of the American slave, you would enforce the strictest silence, and would hail him as an enemy of the nation who dares to make those wrongs the subject of public discourse!

You are all on fire at the mention of liberty for France or for Ireland; but are as cold as an iceberg at the thought of liberty for the enslaved of America. You discourse eloquently on the dignity of labor; yet, you sustain a system which, in its very essence, casts a stigma upon labor. You can bare your bosom to the storm of British artillery to throw off a three-penny tax on tea; and yet wring the last hard earned farthing from the grasp of the black laborers of your country. You profess to believe "that, of one blood, God made all nations of men to dwell on the face of all the earth," and hath commanded all men everywhere, to love one another; yet you notoriously hate (and glory in your hatred) all men whose skins are not colored like your own. You declare before the world, and are understood by the world to declare that you "hold these truths to be self-evident, that all men are created equal; and are endowed by their Creator with certain inalienable rights; and that among these are, life, liberty, and the pursuit of happiness;" and yet, you hold securely, in a bondage which, according to your own Thomas Jefferson, "is worse than ages of that which your fathers rose in rebellion to oppose," a seventh part of the inhabitants of your country.

Fellow-citizens, I will not enlarge further on your national inconsistencies. The existence of slavery in this country brands your republicanism as a sham, your humanity as a base pretense, and your Christianity as a lie. It destroys your moral power abroad: it corrupts your politicians at home. It saps the foundation of religion; it makes your name a hissing and a bye-word to a mocking earth. It is the antagonistic force in your government, the only thing that seriously disturbs and endangers your Union. It fetters your progress; it is the enemy of improvement; the deadly foe of education; it fosters pride; it breeds insolence; it promotes vice; it shelters crime; it is a curse to the earth that supports it; and yet you cling to it as if it were the sheet anchor of all your hopes. Oh! be warned! be warned! a horrible reptile is coiled up in your nation's bosom; the venomous creature is nursing at the tender breast of your youthful republic; for the love of God, tear away, and fling from you the hideous monster, and let the weight of twenty millions crush and destroy it forever!

But it is answered in reply to all this, that precisely what I have now denounced is, in fact, guaranteed and sanctioned by the Constitution of the United States; that, the right to hold, and to hunt slaves is a part of that Constitution framed by the illustrious Fathers of this Republic.

Then, I dare to affirm, notwithstanding all I have said before, your fathers stooped, basely stooped:

> To palter with us in a double sense:
> And keep the word of promise to the ear,
> But break it to the heart.

And instead of being the honest men I have before declared them to be, they were the veriest impostors that ever practised on mankind. This is the inevitable conclusion, and from it there is no escape; but I differ from those who charge this baseness on the framers of the Constitution of the United States. It is a slander upon their memory, at least, so I believe. There is not time now to argue the constitutional question at length; or have I the ability to discuss it as it ought to be discussed. The subject has been handled with masterly power by Lysander Spooner, Esq., by William Goodell, by Samuel E. Sewall, Esq., and last, though not least, by Gerrit Smith, Esq. These gentlemen have, as I think, fully and clearly vindicated the Constitution from any design to support slavery for an hour.

Fellow-citizens! there is no matter in respect to which the people of the North have allowed themselves to be so ruinously imposed upon as that of the pro-slavery character of the Constitution. In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but interpreted, as it ought to be interpreted, the Constitution is a glorious liberty document. Read its preamble, consider its purposes. Is slavery among them? Is it at the gateway? or is it in the temple? it is neither. While I do not intend to argue this question on the present occasion, let me ask, if it be not somewhat singular that, if the Constitution were intended to be, by its framers and adopters, a slaveholding instrument, why neither slavery, slaveholding, nor slave can anywhere be found in it.

What would be thought of an instrument, drawn up, legally drawn up, for the purpose of entitling the city of Rochester to a tract of land, in which no mention of land was made? Now, there are certain rules of interpretation for the proper understanding of all legal instruments. These rules are well established. They are plain, common-sense rules, such as you and I, and all of us, can understand and apply, without having passed years in the study of law. I scout the idea that the question of the constitutionality, or unconstitutionality of slavery, is not a question for the people. I hold that every American citizen has a right to form an opinion of the Constitution, and to propagate that opinion, and to use all honorable means to make his opinion the prevailing one. Without this right, the liberty of an American citizen would be as insecure as that of a Frenchman. Ex-Vice-President Dallas tells us that the Constitution is an object to which no American mind can be too attentive, and no American heart too devoted. He further says, the Constitution, in its words, is plain and intelligible, and is meant for the home-bred unsophisticated understanding of our fellow-citizens. Senator Berrien tells us that the Constitution is the fundamental law, that which controls all others. The charter of our liberties, which every citizen has a personal interest in understanding thoroughly. The testimony of Senator Breese, Lewis Cass, and many others that might be named, who are everywhere esteemed as sound lawyers, so regard the Constitution. I take it, therefore, that it is not presumption in a private citizen to form an opinion of that instrument.

Now, take the Constitution according to its plain reading, and I defy the presentation of a single pro-slavery clause in it. On the other hand, it will be found to contain principles and purposes, entirely hostile to the existence of slavery.

I have detained my audience entirely too long already. At some future period I will gladly avail myself of an opportunity to give this subject a full and fair discussion.

Allow me to say, in conclusion, notwithstanding the dark picture I have this day presented, of the state of the nation, I do not despair of this country. There are forces in operation which must inevitably work the downfall of slavery. "The arm of the Lord is not shortened," and the doom of slavery is certain. I, therefore, leave off where I began, with hope. While drawing encouragement from "the Declaration of Independence," the great principles it contains, and the genius of American Institutions, my spirit is also cheered by the obvious tendencies of the age. Nations do not now stand in the same relation to each other that they did ages ago. No nation can now shut itself up from the surrounding world and trot around in the same old path of its fathers without interference. The time was when such could be done. Long established customs of hurtful character could formerly fence themselves in, and do their evil work with social impunity. Knowledge was then confined and enjoyed by the privileged few, and the multitude walked on in mental darkness. But a change has now come over the affairs of mankind. Walled cities and empires have become unfashionable. The arm of commerce has borne away the gates of the strong city. Intelligence is penetrating the darkest corners of the globe. It makes its pathway over and under the sea, as well as on the earth. Wind, steam, and lightning are its chartered agents. Oceans no longer divide, but link nations together. From Boston to London is now a holiday excursion. Space is comparatively annihilated. Thoughts expressed on one side of the Atlantic are distinctly heard on the other.

The far off and almost fabulous Pacific rolls in grandeur at our feet. The Celestial Empire, the mystery of ages, is being solved. The fiat of the Almighty, "Let there be Light," has not yet spent its force. No abuse, no outrage whether in taste, sport or avarice, can now hide itself from the all-pervading light. The iron shoe, and crippled foot of China must be seen in contrast with nature. Africa must rise and put on her yet unwoven garment. "Ethiopia shall stretch out her hand unto God." In the fervent aspirations of William Lloyd Garrison, I say, and let every heart join in saying:

God speed the year of jubilee
  The wide world o'er!
When from their galling chains set free,
Th' oppress'd shall vilely bend the knee,

And wear the yoke of tyranny
  Like brutes no more
That year will come and freedom's reign,
To man his plundered rights again
  Restore.

God speed the day when human blood
  Shall cease to flow!
In every clime be understood,
The claims of human brotherhood,
And each return for evil, good,
  Not blow for blow;
That day will come all feuds to end,
And change into a faithful friend
  Each foe.

God speed the hour, the glorious hour,
  When none on earth
Shall exercise a lordly power,
Nor in a tyrant's presence cower;
But to all manhood's stature tower,
  By equal birth!

That hour will come, to each, to all,
And from his prison-house, to thrall
  Go forth.

Until that year, day, hour, arrive,
With head, and heart, and hand I'll strive,
To break the rod, and rend the gyve,
The spoiler of his prey deprive—
So witness Heaven!
And never from my chosen post,
Whate'er the peril or the cost,
Be driven.

THE POSTAL SERVICE

(Mr. SYMMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMMS. Mr. Speaker, for the past several years mail service in the United States has grown steadily worse. During the same period, the costs of operating the Postal System have rapidly increased. Now at the very time when we are being told that it is necessary to hold the line on prices, and that we must have controls on private business, we are being told that it is necessary to raise the price of first-class postage stamps from 8 cents to 10 cents.

I am not convinced that these rate increases are justified. The Postal Service is suffering from the same illness which strikes any business which has been granted an unlimited monopoly. Time and time again, history has demonstrated that monopolies stifle creativity, and encourage inefficiency. It is time that we give serious consideration to eliminating the monopoly which we have created in this very important service business, and allow private companies and private individuals to have the opportunity to show what can be done to increase efficiency and reduce prices.

A number of years ago the Tennessee Valley Authority was established, and we were told that it was a healthy thing for the Government to run a power system as a "yardstick" by which to judge the performance of private power companies. I believe that the same argument now holds true for the Post Office. Private companies should be allowed to carry first-class mail, without being subject to criminal penalties.

I am convinced that the initiative and creativity of private enterprise would be a very welcome and useful yardstick by which to measure the performance of the Government. And I am further convinced that if citizens were not subject to criminal penalties for performing this service, they would soon discover new and better ways to carry the mail at a lower cost.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GONZALEZ from 4 p.m. Wednesday, June 20 through Friday, June 22 on account of death in family.

Mr. WIDNALL (at the request of Mr. GERALD R. FORD) from 4:30 p.m. today and balance of week, on account of official business.

Mr. ASHBROOK (at the request of Mr. GERALD R. FORD) for balance of this week and week of June 25, 1973, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KETCHUM) to revise and extend their remarks and include extraneous material:)

Mr. STEELE, for 10 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes today.

Mr. CRANE, for 5 minutes today.

Mr. SYMMS, for 5 minutes today.

(The following Members (at the request of Mr. STARK) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 15 minutes today.

Mr. MINISH, for 5 minutes, today.

Mr. METCALFE, for 30 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. WAGGONNER, for 15 minutes, today.

Mr. ICHORD, for 5 minutes, today.

Mr. PODELL, for 15 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. VAN DEERLIN, for 20 minutes, June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DORN and to include extraneous matter in two instances.

Mr. MADDEN, on the Slovak World Congress.

Mr. YOUNG of Georgia, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $892.50.

(The following Members (at the request of Mr. KETCHUM) and to include extraneous matter:)

Mr. PRICE of Texas.

Mr. STEELMAN.

Mr. DERWINSKI in two instances.

Mr. SARASIN.

Mr. MCCLORY.

Mr. VANDER JAGT.

Mr. QUILLEN.

Mr. WYMAN in two instances.

Mr. CRONIN in three instances.

Mr. SHUSTER.

Mr. ZWACH.

Mr. ROBISON of New York.

Mr. REGULA.

Mr. HOGAN in two instances.

Mr. SPENCE.

Mr. ERLENBORN.

Mr. RONCALLO of New York in three instances.

Mr. RAILSBACK in three instances.

Mr. SHOUP.

Mr. DON H. CLAUSEN.

Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. STARK) and to include extraneous material:)

Mr. EVINS of Tennessee.

Mrs. CHISHOLM.

Mr. TEAGUE of Texas in six instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. WALDIE in seven instances.

Mr. O'NEILL in three instances.

Mr. BRINKLEY.

Mrs. SCHROEDER.

Mr. CARNEY of Ohio in two instances.

Mr. DENT.

Mr. MAHON.

Mr. MANN in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes; to the Committee on Interior and Insular affairs.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to the enrolled bill of the Senate of the following title:

S. 1386. An act to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

ADJOURNMENT

Mr. STARK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, June 21, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1054. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes; to the Committee on Armed Services.

1055. A letter from the Administrator, Small Business Administration, transmitting the annual report of the accomplishments of the Administration for calendar year 1972, pursuant to 15 U.S.C. 639(a); to the Committee on Banking and Currency.

1056. A letter from the Attorney General, transmitting his annual report on the activities of the Department of Justice, pursuant to law; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. S. 1938. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974; (Rept. No. 93–297). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 4200. A bill to amend section 122 of the Internal Revenue Code of 1954; with amendment (Rept. No. 93–298). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 5874. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes; with amendment (Rept. No. 93–299). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 8528. A bill to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home; (Rept. No. 93–300). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 8826. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANNUNZIO:

H.R. 8827. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ASPIN:

H.R. 8828. A bill to direct the President to halt all exports of gasoline, No. 2 fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself and Mr. Long of Maryland):

H.R. 8829. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 8830. A bill to amend title 38, United States Code, in order to treat vocational school attendance certification requirements on the same basis as college attendance certification requirements; to the Committee on Veterans' Affairs.

By Mr. BURKE of Massachusetts:

H.R. 8831. A bill to relieve certain imports of Portuguese cement from retroactive dumping duties; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 8832. A bill to amend the Internal Revenue Code of 1954 to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. DANIELSON (for himself, Mr. Bafalis, Mr. Bevill, Mrs. Chisholm, Mr. Conyers, Mr. Dan Daniel, Mr. Davis of Georgia, Mr. Fascell, Mr. William D. Ford, Mrs. Hansen of Washington, Mr. Helstoski, Mr. Hosmer, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of Illinois, Mrs. Schroeder, Mr. Stark, Mr. Thompson of New Jersey, Mr. Thornton, Mr. Won Pat, Mr. Yatron, and Mr. Young of Georgia):

H.R. 8833. A bill to create a Federal Disaster Insurance Corporation to insure the people of the United States against losses due to major natural disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. DENT (for himself and Mr. Erlenborn):

H.R. 8834. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act to prevent duplicate awards in the case of certain widows; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. Erlenborn, and Mr. Mazzoli):

H.R. 8835. A bill to deny reimbursement under the black lung program on account of attorney's fees arising out of State workmen's compensation cases; to the Committee on Education and Labor.

By Mr. DOWNING:

H.R. 8836. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DOWNING (for himself, Mrs. Sullivan, Mr. Rogers, and Mr. Murphy of New York):

H.R. 8837. A bill to promote safety in the operation of submersible vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLENBORN (for himself, Mr. Dent, and Mr. Mazzoli):

H.R. 8838. A bill to limit the reimbursement of attorney's fees under the black lung program; to the Committee on Education and Labor.

By Mrs. GRIFFITHS (for herself, Mr. Corman, and Mr. Murphy of New York):

H.R. 8839. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 8840. A bill to amend title VII of the Civil Rights Act of 1964 to protect the employment rights of the elderly; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 8841. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

H.R. 8842. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate the special dependency requirement for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Mr. JOHNSON of Colorado:

H.R. 8843. A bill to designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. Badillo, Mr. Bingham, Mr. Brown of California, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Drinan, Mr. Fauntroy, Mr. Fraser, Mr. Gude, Mr. Hechler of West Virginia, Mr. Heinz, Mr. McCloskey, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Stark, Mr. Wolff, and Mr. Won Pat):

H.R. 8844. A bill to amend the National Security Act of 1947 to prohibit the Central Intelligence Agency from providing training or other assistance in support of State or local law enforcement activities; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Burton, Mr. Culver, and Mr. Diggs):

H.R. 8845. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself and Mr. Aspin):

H.R. 8846. A bill to amend title 38 of the United States Code to make more equitable the procedures for determining eligibility for benefits under the laws administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McCLORY (for himself and Mr. Anderson of Illinois):

H.R. 8847. A bill to amend the Federal Water Pollution Control Act to require public hearings in any political subdivision in which land may be used for treatment works proposed for grant assistance; to the Committee on Public Works.

By Mr. METCALFE:

H.R. 8848. A bill to amend title 18 of the United States Code to establish an Office of the U.S. Correctional Ombudsman; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 8849. A bill to prohibit the impoundment of funds appropriated for programs under the jurisdiction of the Secretary of Housing and Urban Development; to the Committee on Appropriations.

H.R. 8850. A bill to amend titles I, X, XIV, and XVI of the Social Security Act so as to permit Federal reimbursement to States for two-party payments under the programs of aid or assistance for the aged, the blind, and the disabled in the same way as is presently permitted under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 8851. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

By Mr. ROE:

H.R. 8852. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance; to the Committee on Interstate and Foreign Commerce.

H.R. 8853. A bill to facilitate the completion of the New York Harbor collection and removal of drift project; to the Committee on Public Works.

By Mr. ROE (for himself and Mr. Helstoski):

H.R. 8854. A bill to amend the Internal Revenue Code of 1954 to provide for adjustment in the dollar limitations for purposes of the retirement income credit in order to make the tax benefits accorded to retirement income comparable to those accorded to social security income; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 8855. A bill to amend the Internal Revenue Code of 1954 to excude from gross income the severance pay received by individuals as a result of the consolidation, reduction, realinement, or closure of certain military and naval installations; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 8856. A bill to disregard section 212 (a)(15) of the Immigration and Nationality Act when the applicant for a visa is the alien spouse or child of a U.S. citizen or permanent resident, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 8857. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. STEELE (for himself and Mr. Dingell):

H.R. 8858. A bill to amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations in complying with provisions of such act; to the Committee on Merchant Marine and Fisheries.

By Mr. WIDNALL:

H.R. 8859. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself, Mr. Alexander, Mr. Bergland, Mr. Bowen, Mr. Brown of California, Mr. de la Garza, Mr. Denholm, Mr. Foley, Mr. Gunter, Mr. Johnson of Colorado, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Litton, Mr. Mathias of California, Mr. Mathis of Georgia, Mr. Matsunaga, Mr. Melcher, Mr. Rarick, Mr. Rose, Mr. Sisk, Mr. Stubblefield, Mr. Thone, Mr. Vigorito, Mr. Young of South Carolina, and Mr. Zwach):

H.R. 8860. A bill to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices; to the Committee on Agriculture.

By Mrs. BURKE of California:

H.R. 8861. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to expand the definition of "developmental disability" to include autism; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNIS (for himself, Mr. Rousselot, and Mr. Buchanan):

H.R. 8862. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Committee on Foreign Affairs.

By Mr. FOLEY (for himself, Mrs. Hansen of Washington, Mr. Adams, Mr. Hicks, Mr. Meeds, Mr. McCormack, and Mr. Pritchard):

H.R. 8863. A bill to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRIFFITHS:

H.R. 8864. A bill to amend the act to incorporate Little League Baseball to provide that the league shall be open to girls as well as to boys; to the Committee on the Judiciary.

By Mr. ICHORD (for himself and Mr. Preyer):

H.R. 8865. A bill to amend the Internal Security Act of 1950 to establish a Central Security Review Office for the coordination of loyalty and security programs administered by Federal executive agencies; to the Committee on Internal Security.

By Mr. PATMAN (for himself, Mr. Brown of California, Mr. Davis of South Carolina, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Gonzalez, Mr. Hawkins, Mr. Horton, Mr. Lehman, Mr. Mazzoli, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Montgomery, Mr. Pepper, Mr. Price of Illinois, Mr. Rodino, Mr. Roncalio of Wyoming, Mr. Rosenthal, Mr. Sarbanes, Mr. Stark, Mr. Waldie, and Mr. Yatron):

H.R. 8866. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PRICE of Illinois (by request):

H.R. 8867. A bill to amend the EURATOM Cooperation Act of 1958, as amended; to the Joint Committee on Atomic Energy.

By Mr. TIERNAN:

H.R. 8868. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 8869. A bill to amend section 5584 of title 5, United States Code, to include claims for overpayments of pay and allowances to employees of the Government Printing Office, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WINN (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Symington, Mr. Esch, Mr. Bell, Mr. Bergland, Mr. Brown of California, Mr. Camp, Mr. Conlan, Mr. Cronin, Mr. Davis of Georgia, and Mr. Downing):

H.R. 8870. A bill to authorize the Administrator of the National Aeronautics and Space Administration to conduct research and development programs to increase knowledge of tornadoes, hurricanes, large thunderstorms, and other types of short-term weather phenomena, and to develop methods for predicting, detecting, and monitoring such atmospheric behavior; to the Committee on Science and Astronautics.

By Mr. WINN (for himself, Mr. Flowers, Mr. Frey, Mr. Fuqua, Mr. Gunter, Mr. Hanna, Mr. Hechler of West Virginia, Mr. Martin of North Carolina, Mr. Milford, Mr. Parris, Mr. Pickle, Mr. Roe, Mr. Thornton, and Mr. Wydler):

H.R. 8871. A bill to authorize the Administrator of the National Aeronautics and Space Administration to conduct research and development programs to increase knowledge of tornadoes, hurricanes, large thunderstorms, and other types of short-term weather phenomena, and to develop methods for predicting, detecting, and monitoring such atmospheric behavior; to the Committee on Science and Astronautics.

By Mr. DRINAN:

H.J. Res. 630. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H. Con. Res. 255. Concurrent resolution requesting the President to proclaim August 26, 1973, as "National Women's Suffrage Day"; to the Committee on the Judiciary.

By Mr. HOWARD:

H. Res. 451. Resolution to amend the Rules of the House of Representatives to establish as a standing committee of the House the Committee on Energy, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

258. The SPEAKER presened a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to excluding the Commonwealth of Puerto Rico from the Voter Registration Act; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 8872. A bill for the relief of Dionisios Kolaitis; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 8873. A bill for the relief of Adolfo Henriques and his wife, Almerinda Henriques; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 8874. A bill for the relief of to confer jurisdiction on the U.S. Court of Claims to reopen and continue case No. 66–55; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 8875. A bill for the relief of to extend Letters Patent No. 2,322,210, and for other purposes; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SLOVAK WORLD CONGRESS CONVENES IN CHICAGO, JUNE 28–JULY 1, 1973

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MADDEN. Mr. Speaker, on June 28, the Slovak World Congress convenes in Chicago for a 4-day convention and conclave which I know will be of interest not only to the Americans of Slovak descent but also to all folks who believe in the restoration of freedom and independence for the Slovak people who reside in the mother nation now under the domination of communistic tyranny. Members of Congress have also been very much interested in the activities not only of Slovak organizations' activity in the fight for free government in their own native land, but also in cooperating with other captive nations in the restoration of self-government and civic and religious freedom to the unfortunate people living under Soviet tyranny.

John C. Sciranka, Slovak editor and historian, has forwarded to me information regarding the program and activities and some of the history of the Slovak World Congress and facts about some of the leaders and participants in the Chicago gathering the last part of this month.

I include with my remarks the communication from Mr. John C. Sciranka, of Passaic, N.J., outlining some of the events and programs for the Chicago Slovak World Conference.

SLOVAK WORLD CONGRESS AND ITS SIGNIFICANCE IN CHICAGO, ILL.

(By John C. Sciranka)

On June 28, 1973, Slovaks from many counties will gather at the Pick Congress Hotel in Chicago, Illinois. The Congress will consist of many intellectuals who fled their homeland, Slovakia, when it was invaded by Communist forces after the brief period of the never forgotten regime of Alexander Dubcek.

The Session in Chicago will be divided into several panels and each panel will be headed by distinguished scholars and experts in his or her field who will discuss and analyze in detail the rise, defects, obstacles and new proposals for the continued progress of Slovaks in the family of nations. This will be the theme set out for the daily programs of the Congress.

What makes interest in the Congress even greater is the fact that the Most Reverend Andrew G. Grutka, Bishop of Gary, Indiana, called the first session with Mr. Stephen B. Roman, Canadian Slovak industrialist, known popularly as "uranium king of Canada ', who was born in Slovakia, came to Canada after World War I, as a poor immigrant and achieved great success. Bishop Grutka is General Chairman now.

Bishop Grutka's parents were born in Slovakia. He visited their ancestral home after his ordination in Rome. He also attended the funerals of Archbishop Necsey in historical Nitra and Bishop Lazik in Trnava in 1969. Bishop Grutka has shown great concern for the people of the country of his parents, Slovakia, which interest has grown steadily since it was taken over by the Communist regime. For this reason and because of the diminishing number of priests in Slovakia, Bishop Grutka with the blessing of the beloved Pope John XXIII of blessed memory and the present reigning Pontiff Pope Paul VI, has established and erected with the financial assistance of American Slovak fraternal organizations, churches and also aided many Slovak refugees. He also helped on the million dollar Slovak Institute of SS Cyril and Methodius in Rome. The Institute was solemnly dedicated ten years ago.

Slovakia has no archbishop or cardinal, although smaller nations have been honored with these dignitaries. This is emphasized and petitions have been sent to the Holy See, including the recent one from the 47th National Convention of the Slovak Catholic Federation of America, held during the week of May 13–16, 1973, in Toronto, Canada, and also from the Conference of the Slovak League of America, held on May 19, 1973, in New York City.

The Slovak League of America was founded on May 26, 1907, in Cleveland, Ohio, by Reverend Stephen Furdek, known as the "Father of American Slovaks."

The Slovak Catholic Federation of America was founded by Reverend Joseph Murgas on February 22, 1911, in Wilkes-Barre, Pennsylvania. Father Murgas was gifted in science and linguistics. He also pioneered in the field of wireless communication. His experiments led to the discovery of the "radio spark gap," which became a basic device in radio transmission. Father Murgas' invention was patented in 1905 and tested in 1906 when the mayors of Scranton and Wilkes-Barre exchanged greetings by means of this device. Father Murgas met the famous Marconi and his associate, Professor Fessenden, and never received the public acclaim to which he was entitled.

He was instrumental in collecting one million dollars for the creation of the first Republic of Czecho-Slovakia, which will be the concern of the participants at this third session of the Slovak World Congress in Chicago, Illinois. Considering the fact that intellectuals from various countries, who were forced to leave their homeland, Slovakia, when the Communists took over, will travel thousands of miles to this Chicago conclave, to demonstrate their love and support of the great Christian democratic ideals of the land of their ancestry, Slovakia. The United States Congress should commend and inspire them to continue in their efforts for the liberation of their kin in Slovakia.

The participants of this third session of the Slovak World Congress and those in Chicago metropolitan area, will have an opportunity to hear and see Slovak cultural talent of singers and dancers which were developed, so to speak, in exile—even under most adverse situations. They will have a chance to hear a Slovak opera singer from Rome who achieved success in a strange country, also dancers and singers from West Germany, Canada, and the United States. They will hear addresses on various topics, including scientific subjects.

The Slovak Newspapermen's Association of America, headed by its President, Dr. Peter P. Hletko of Chicago, who in 1938 brought from the United States the original of the Pittsburgh Pact to Czecho-Slovakia, then on the brink of World War II and Hitler's occupation.

Attorney Edward J. Behuncik of Bridgeport, Connecticut, as President of the Slovak League of America and Dr. Joseph Pauco as League's Secretary and publisher of the oldest Slovak newspaper in the free world—the Slovak v Amerike—from Middletown, Pennsylvania, will report to the convention on the interest of Youth in their Scholarship Programs recently established.

Mr. John A. Sabol, Supreme President of the First Catholic Slovak Union of U.S.A. and Canada, which has a membership of over one hundred thousand, will report on the status of Slovak fraternal organizations which he heads and which contributed millions of dollars to their membership in death benefits and Charitable and cultural programs. He will be assisted by Mrs. Elizabeth Lipovskyh, National President of the First Catholic Slovak Ladies Association with headquarters in Cleveland, Ohio, and also the first American Slovak woman to head the Pennsylvania Fraternal Congress. She will report on progress of women in fraternal and cultural life.

Msgr. Joseph S. Altany, Honorary President and Reverend Joseph Adameo, newly elected President of the Slovak Catholic Federation of America and Reverend George A. Jurica, will report on the status of the Catholic Slovak Parishes in America.

Reverend Dusan Toth, General Secretary of the Slovak World Congress and Lutheran minister of Toronto, Ontario, Canada, and other Protestant leaders, will give the highlights of their achievements, including the progress of Slovak Lutherans in Yugoslavia, where they have lived for the past 250 years. They have retained their Slovak language, customs and culture, which was reported in the "katolicky Sokol" (Catholic Falcon), official organ of the Slovak Catholic Sokol, Passaic, New Jersey, which paper on previous occasions published an extensive report by an American diplomat, who spent several years in Yugoslavia.

The life in Slovakia will be reviewed by a well-known Diplomat, Dr. Joseph Kirschbaum of Toronto, Canada; Dr. Joseph Stasko of New York City; journalist Kruzlisk of West Germany and delegates from Austria, England, France, Switzerland, Belgium, Argentine and other countries. The Slovaks are proud of astronaut, Engene Cernan, whose grandparents were born in Slovakia on paternal side, and also the liberary achievements of Dr. Michael Novak, author of several books, including the recent popular "The Rise of the Unmeltable Ethnics . . ."

Msgr. Dominik Hrusovsky, Director of Slovak Institute in Rome will give a general report on Slovak missions in various countries, including Australia, which many visited during the recent International Eucharistic Congress in Melbourne, Australia, in which Bishop Paul Hnilica, S. J., of Rome and Very Reverend Stefan Sencik, S. J., Superior of Slovak Jesuits of Galt, Ontario, Canada, also participated. The Slovaks in Australia are showing great progress.

Rt. Rev. Abbot Jerome J. Koval, OSB., of the Slovak Benedictine Abbey in Cleveland, Ohio, will render a report on Slovak higher education in this country.

This Chicago, 1973 Slovak World Congress may be largest gathering of Slovaks and Slovak leaders in modern years.

WHAT IS HAPPENING IN THE BLM?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 20, 1973

Mr. METCALF. Mr. President, the Bureau of Land Management in the Department of the Interior manages one-fifth of the area of the United States—450 million acres. These national resource lands contain a wide variety of resources and values which are important to all the citizens of our Nation including minerals, livestock forage, timber, wildlife, outdoor recreation, watershed, and open space. The Bureau has been a stepchild among the Federal land-management agencies. For many years it was dominated by traditional commercial users—miners, cattlemen, and lumbermen. In 1964 Congress enacted the Classification and Multiple Use Act which directed that these lands be managed for multiple use for all their resources. Since that time, the Bureau has made significant progress in achieving a better balance among all the resources of these lands.

Congress has directed balanced multiple use management of our national resource lands. I feel strongly that such management should be provided by professionally qualified natural resource managers. The progress made by BLM under Boyd Rasmussen, who had a distinguished career in the Forest Service before coming to BLM demonstrates the value of professional leadership.

The current director, also a career public land manager, reportedly will soon be nominated by the President to be Federal Cochairman of the Joint Federal-State Planning Commission for Alaska. In February, 19 of the Nation's leading conservation organizations joined in sending telegrams to Interior Secretary Rogers C. B. Morton and then Presidential Counselor Earl L. Butz requesting that a person professionally qualified in natural resources management be selected to head BLM if that position became vacant. No response has been received. However, Secretary Morton apparently has recommended a new diector to the White House.

The conservationists again wrote Secretary Morton on May 24. There still has been no response.

I share their concern, Mr. President, that this silence may indicate an intention to depart from the practice of appointing a director who is professionally qualified in natural resource management. This would be a serious step backward. It may be necessary for the Congress to pass legislation requiring Senate confirmation of the BLM director in order to assure that every Bureau director is an experienced professional dedicated to balanced multiple use management of these vital resources. Mr. President, I ask unanimous consent that an article from the June 8 issue of the Outdoor News Bulletin dealing with this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADMINISTRATION QUIET ON BLM DIRECTORSHIP

With a change in the directorship of the Bureau of Land Management reportedly imminent, the Administration is not giving any indication of whom it is considering for that important post, the Wildlife Management Institute reports.

The veil of secrecy, saw conservationists who earlier had been asked by the Administration to help upgrade and strengthen BLM's program, is unnecessary.

The current director, Burton W. Silcock, came to Washington from Alaska. There is speculation that he soon will be nominated federal Co-Chairman of the Joint Federal-State Land Use Planning Commission For Alaska, a position vacated recently by Jack O. Horton, now an Assistant Interior Secretary.

In February, nineteen of the nation's leading conservation organizations joined in sending telegrams to Interior Secretary Rogers C. B. Morton and then Presidential Counselor Earl L. Butz requesting that a person professionally qualified in natural resources management be selected to head BLM if that position became vacant. No response has been received. However, Secretary Morton apparently has recommended a new director to the White House.

With no word from either Morton or Butz, conservationists are beginning to wonder what is going on in BLM, the government's largest land management agency responsible for more than 450 million acres of public land. Long the nation's most neglected resources agency, BLM needs both aggressive leadership and strong White House support.

With the Administration's apparent under-the-counter handling of the BLM directorship, the House and Senate Interior Committees are considering pulling out and passing Section 18 of the pending BLM Organic Act which would require Senate confirmation of the BLM director. Committee members say this is one way to clear up the mystery and intrigue surrounding the appointment and let the public and the Congress know what is going on in that important agency.

PUBLIC HOUSING CRISIS IN SAN FRANCISCO

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. WALDIE. Mr. Speaker, I have sent letters to directors of housing authorities in California asking what have been the specific effects of the funding freeze for public housing on the current and future plans of their local programs.

Ms. Elizabeth Eudy, administrator of the San Francisco Development Fund, has written a statement which I would now like to insert in the RECORD. As legislators who must formulate public housing policy, we must not permit the frustrations and concerns of housing program administrators to go unheeded.

Mr. Speaker, the full text of Ms. Eudy's statement follows:

SAN FRANCISCO DEVELOPMENT FUND: SUMMARY—BUYER'S AGENT PROGRAM AFTER 1 YEAR OF OPERATION, AS OF JANUARY 31, 1973

Operating funds for the program were provided in major part by The Ford Foundation and also by the Roscoe and Margaret Oakes Foundation. In an unusual partnership with a federal agency, our organization during the year received a high degree of cooperation from HUD officials. The Buyer's Agent Program covers the area within 50 miles of San Francisco. The subsidy funds for its operation come from the Section 235 program but the techniques being used transcend the current 235 format; what is being learned is susceptible of general application to situations involving first-time ownership at lower income levels. The Buyer's Agent Program was frozen in January of 1973. The HUD Regional Administrator then requested clarification of its status to permit the program to continue, but has not as yet received a reply from Washington.

This is a summary of a descriptive report on the status at the end of the first year of a two-year demonstration by the San Francisco Development Fund. We have tried to resist the temptation of drawing conclusions on the basis of incomplete data, even though some of the results at midstream are highly suggestive.

STRUCTURE OF THE PROGRAM

The experiment involves four operational elements:

Lower income families with children are first screened for economic potential and motivation. Those who pass this screening test and can also meet credit and other standards of HUD are qualified by the San Francisco Development Fund to proceed.

The families are then required to participate in group training for home ownership; qualified experts provide instruction in home buying procedures, legal responsibilities of ownership, family financial management, and essentials of property maintenance. A professional inspector advises families on the anticipated maintenance costs of older houses selected. After buying and moving there is additional group training in basic property maintenance and money management.

A unique form of subsidy administration is used in which reservations of funds are given directly to the families on completion of their training by certificates issued under authority of the Director of the HUD area office. Certified families are then given four months to shop for houses in a fairly wide market.

While they shop, certificate holders may call on the San Francisco Development Fund for assistance in overcoming difficult negotiating or processing obstacles. The purpose of this advocacy assistance to first-time buyers is to promote independent informed action and to eliminate dependency.

These several elements of the program will be separable for purposes of cost and other analysis when the program is completed.

STATUS AS OF JANUARY 31, 1973

One year after the beginning of family enrollment in training sessions, there were 622 families qualified for Certificates of Eligibility reserving subsidy funds and certificates had been issued to 469. More than two-thirds of the families came into the program from substandard private housing or from public housing projects.

Of the certified families, 177 had entered into or completed the buying process. From interim results it appears that from 60 to 70 percent of the families receiving certificates will succeed in purchasing homes during the four month shopping period allowed.

Reports on 54 loans closed for a minimum of 90 days (average 5.3 months) showed that payments were made on time by over 94 percent of the families. There have been no foreclosures.

At the time of the moratorium in early January, 204 certified families were shopping for houses. They have been put into a "hold" category and their certificates will, of course, be extended if the program is allowed to continue.

Certificates could not be given to 153 qualified families because of the freeze. If the freeze is lifted, certificates will be issued to these families, thus completing the planned enrollment for the first year of the program and moving into the second year of operations.

Twenty-seven series of mandatory pre-occupancy family training workshops, each consisting of six two-hour sessions, were completed with average attendance of 20 families per session. More than 80 percent of the 581 families enrolled completed the sessions satisfactorily. Qualified families were attending four additional series on a voluntary basis in hopes that the freeze would be lifted so that they could obtain certificates. Advisory inspections of 137 older houses were made and post-occupancy training sessions were begun.

COST OF THE TRAINING PROGRAM

The cost per qualified family of the training program is estimated at $93. No cost estimates of screening or other activities have as yet been made.

THE PARTICIPATING FAMILIES

The 177 buyers were not significantly different from the certified group of families as a whole, which had the major characteristics summarized below:

Employment status: all head of families were gainfully employed.

Ethnic origin: 38 percent Black, 33 percent Spanish surname, 22 percent other Caucasian, and seven percent other groups.

Median age of family heads: 34.7 years.

Family composition: almost two-thirds were two-parent families. The average number of persons per family was five. In most of the families the oldest child was 14 years of age or younger.

Basic education: Average education was similar to that of the general population in the program area; about 86 percent of the family heads had gone beyond the eighth grade and 30 percent beyond high school.

Median family income was $8,808 which was 25 percent below the median for all families in the area reported in the 1970 Census. The number of working wives in qualified two-parent families was low because a second wage earner usually made a family over-income for the program. (A minimum required gross income of $5,600 was set to meet the cost of the cheapest houses locally available. The maximum income permitted by law for a family of 13 is $13,455.)

HOUSES AND NEIGHBORHOODS SELECTED

A multiplicity of statutory ceilings made it necessary to give many families "hunting licenses" for shopping in limited geographical areas; however, 27 percent of the buyers changed counties when they chose a house.

Most buyers, 58 percent, chose older houses in the private sales market; 23 percent found properties in new tracts concentrated on the periphery of the program area, and 19 percent selected rehabilitated HUD repossessions.

Fifty-six percent of the Black buyers selected homes in less segregated neighborhoods, 33 percent in more segregated; for the balance there was no significant change in the character of their neighborhood. (No ethnic neighborhood data are available for other minority groups.)

Almost two-thirds of all the buyers found increased living space for their families; the average number of bedrooms per family increased from 2.42 to 3.14.

House prices were clustered at slightly below the maximum permitted by law, $21,000 for two and three-bedroom houses and $24,000 for four bedrooms. The median "down payment" for families qualified at 135 percent of local public housing admission limits was $250.

AVERAGE MONTHLY SUBSIDY

The mean monthly subsidy payment was $69.79.

RELATIONS WITH THE INDUSTRY

A significant contribution was made by several leaders who guaranteed favorable loan discount rates for the first year of the program and thus produced more willing sellers. These mortgagees also paid some compensation to the San Francisco Development Fund for the expense of selecting potentially successful families and screening out those who were not good prospects for loans.

Considerable misinformation concerning subsidized home ownership programs which existed at the beginning of operations was ameliorated by the end of the first year. Of 37 real estate agents who handled sales, 30 regarded the Buyer's Agent Program favorably.

Builders involved with the program were very positive in their attitudes toward the customers developed for them in the selection and training program.

The assessment of applicants' indebtedness and credit standing from an analysis of information obtained in hour-long personal interviews proved to be sufficient for qualification without the use of credit bureau reports.

RELATIONS WITH COMMUNITY ORGANIZATIONS

Six community organizations in four counties cooperated with the San Francisco Development Fund in the activities of the program. They provided liaison with the families in their areas, contributed half of the initial interviewing of applicants, and supplied meeting space for family training workshops. In return they were able to make subsidy allocations available to families in their communities.

STAFFING

In January 1973 the staff numbered 15.

RAILROAD RETIREMENT BENEFITS INCREASE NECESSARY

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Wednesday, June 20, 1973

Mr. DOMENICI. Mr. President, yesterday, I voted for H.R. 7200 for a number of reasons which I wish to explain publicly. I am pleased this bill was passed with little fanfare and argument which best illustrates its need—and the work that went into it before it was brought to the Senate for consideration.

The health and well-being of the railroad retirement fund has been of utmost concern to me as it is to the many retired railroad workers in the State of New Mexico who depend on the fund for their livelihood. I felt it was absolutely necessary that this legislation be adopted in order to maintain equitable benefits for our retired railroad workers.

With the final passage of this bill, the present temporary increases in benefits enacted in 1970, 1971, and 1972 are extended until December 31, 1974, with a provision for further increases if social security benefits are increased during that time.

We all know that an exhaustive overhaul of the railroad retirement system is needed. But it is also true that sweeping changes are best made with friendly feelings of accommodation—not by an anxious Congress or exhausted labor-management representatives.

The encouraging aspect about this legislation is the fact that it is the embodiment of agreements reached together by workers and representatives of the railroad companies. I wish to add my support to this spirit of cooperation.

It was important that railroad benefits be continued to recipients while further changes in the Railroad Retirement Act are ironed out during the next several months. The Joint Standing Committee established by the bill to make further revisions and recommendations to Congress will be meeting during this time. I sincerely hope, and would strongly urge, that this committee will make these forthcoming recommendations substantive ones—ones that will provide for a sound and permanent system. If merited, I would welcome even bold and structural recommendations for change.

Railroad employees are some of this country's most deserving retired workers and I am pleased this measure passed to insure them their due.

JACKSON HOLE HOSTS COACH OF THE YEAR BANQUET

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, on June 29, in Jackson Hole, Wyo., the National High School Athletic Coaches Association—NHS/ACA—will conduct their fifth annual Coach of the Year banquet. Special honors will be directed to those individual coaches who have excelled in their regional districts in one of five sports: baseball, football, basketball, track, and wrestling. From the eight regional districts one coach has been selected as National Coach of the Year for each of the above five sports. In addition one coach from each district will be presented a Distinguished Service Award "for outstanding achievement, contribution to the high school coaching profession and dedication to the highest and best amateur athletics."

These individual coaches are most certainly to be congratulated not only for their overall coaching records and past professional honors, but also for their determination to promote the athletic and academic well-being of the high school boys and girls who have received their instruction and guidance. The old adage: "It's not whether you win or lose but how you play the game," is applicable to the manner in which these coaches have conducted themselves throughout their adult lives.

But tribute should not stop here. High school coaches across the Nation are to be commended for their ability to instill a competitive spirit in young Americans tempered by an awareness that one learns as much from losing as from winning. It is the high school coach to whom many of our youth look for assistance and understanding both on and off the playing field. The coaches conviction that the student, if he is to gain anything from sports, must strive to better himself in all aspects of life, insures that our young Americans of today will be our solid citizens of tomorrow.

The members of NHS/ACA deserve the sincere gratitude of the students, parents, and community members who have benefited from their skill and dedication. Without the high school coach the successful integration of amateur athletics, secondary education and local participation would never have occurred.

NATIONAL WATERWAYS CONFERENCE OPPOSES CONCEPTS EMBRACED IN NATIONAL WATER COMMISSION REPORT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the National Waterways Conference has joined an increasing number of organizations, officials, leaders, and citizens opposing the final report of the National Water Commission which proposes a virtual abandonment of Federal and national responsibility in the construction of needed water resource development.

In an analysis of the impact and implications of the report by the National Water Commission, the National Waterways Conference takes the position that with an economy eight times as large in the year 2020 as today, proportionately greater demands will be made upon our water resources which can only be met by a most vigorous and comprehensive program of water management and resource development.

For example, the American people now withdraw from our lakes, rivers, and streams some 270 billion gallons of water daily. According to the Water Resources Council, withdrawals in 50 years can be expected to triple this immense volume.

The same is true of all other uses of water and power, not to mention the demand for flood control and the need for recreation because of increased population.

Mr. William J. Hull, the president of the National Waterways Conference, recently released the analysis of the impact of the National Water Commission's report and the National Waterways Conference in its analysis makes the following major points:

The United States is now entering upon an era of unprecedented economic growth calling for substantial enlargement of our water resources development program.

Essential public values involved in water resources development include control of air and water pollution, rehabilitation of depressed areas, relief of the energy crisis, strengthening of the U.S. balance of payments, improved rural-urban population balance, agricultural development, and control of inflation.

Water resources development encourages the growth of industry and population in rural areas, contributing to an improved rural-urban population balance. Most inland water transportation in the United States serves the Corn Belt, the South, and the Appalachian regions.

Hard factual evidence shows that there has been an enormous industrial development in the United States at navigable waterway sites and that the availability of low-cost water transportation has been a necessary condition for this development.

The land areas of the Appalachian Region exposed to the flood hazard exceed in extent the total area of the State of New Jersey. These are the principal areas of the region suitable for industrial and community development. The recommendations of the Commission would seriously obstruct provision of flood protection important to expanded employment opportunity and personal security in Appalachian communities.

Water transportation of fossil fuels is of crucial importance in contending with the energy shortage and meeting the more exacting standards of air pollution abatement.

Federal appropriations for flood control and navigation have fallen from about 2.0 percent of non-defense Federal expenditures in 1960 to less than 1.0 percent in 1970. The Commission proposes further curtailments in this program which would block attainment of vital water resource goals.

The cost-recovery user charges proposed by the Commission would increase the cost of inland water transportation severalfold on a number of navigable rivers, such as the Arkansas, Missouri, Cumberland, and Allegheny, and have the inevitable effect of closing them to navigation.

On major tributary rivers and arterial segments of the waterway system, such as the Ohio, Illinois, and Upper Mississippi Rivers, an effort to recover the fixed Federal costs of operation and maintenance from declining tonnage would require a cumulative escalation of user charge rates per ton, drastically raising the cost and eliminating most, or all, of the traffic.

Waterway user charges would penalize and, in some instances, completely obstruct, access to export markets via the Mississippi River and its tributaries of Middle Western grains and soybeans with a farm value exceeding $1.0 billion per year, a consequence detrimental to both Middle Western farming and the U.S. balance of payments.

The waterborne movement of Middle Western steel to Gulf markets, which would be constricted or terminated by waterway user charges, represents an income value in the producing districts of about $300 million per year.

Because private enterprise has irrevocably committed huge investment funds to water-based industrial sites in reliance on the long-term Federal policy of toll-free waterways, the imposition of user charges would constitute a breach of faith on the part of the government and a violation of the long-standing public-private partnership dedicated to national objectives inherent in water resource development.

Because of the essential unity of all waterborne commerce, the imposition of user charges on shallow-draft transportation would inevitably lead to imposition on deep-draft movements as well. Waterway user charges would institute severe discrimination between individual port areas in probable violation of the "Ports Preference" clause of the U.S. Constitution.

Waterway user charges exclusively on domestic water transportation would sharply discriminate in favor of foreign flag movements in U.S. waters, but imposition of user charges on the foreign movements to correct this discrimination would not be feasible.

Waterway user charges would induce severe interregional competitive dislocations within individual industries, such as steel, agricultural, oil refining, chemicals, and others.

The proposed phasing in of user charges to full cost-recovery levels over a 10-year period would have an immediately chilling effect on water-based economic development, imposing an economic penalty on the Nation out of all proportion to the relatively small revenue to the government.

The proposed system of fuel taxes and lockage fees would fail to achieve its objective of alloting the costs of each waterway segment to commerce on that segment, so that, under this scheme, the various waterway segments would have to subsidize each other.

The proposed requirement that the Interstate Commerce Commission set and adhere to an "economic cost" minimum rate standard for water-competitive modes of transportation would sharply discriminate against water transportation, require nationwide rail rate increases on water-competitve and truck-competitive movements, leave intrastate railroad rates generally unaffected, and prove almost totally unenforceable.

The public benefits of flood control and other water resource projects, as illustrated by Arkansas River and Ohio Basin projects, are much too widely diffused to permit the proposed assessment of beneficiary charges to individual persons, localities, or states.

Comprehensive basin programs under Federal policy require close functional coordination between individual projects extending over thousands of square miles such that each program would be disastrously fragmented by the proposed localized financial responsibility for individual projects.

Local responsibility for flood control is incompatible with Federal policy as to flood disaster relief and the needs of low-income areas, as emphatically illustrated by the Hurricane Agnes disaster of 1972.

Each individual waterway navigation project, as an interstate commerce facility, extends its benefits over regions so geographically extensive as to preclude the proposed local and state responsibility for project funding. This diffusion is illustrated by long-haul movements of grain, gasoline, fertilizers, chemicals, steel, coal and other commodities, affecting movements between such states as Florida, Texas, Kansas, Minnesota, Illinois, and Pennsylvania.

The proposal to alter project evaluation by including only those benefits which are saleable at a market price disregards the social character shared by water resource development with such other public services as police and fire protection, services which cannot be bought and sold in the market.

In the determination of the prospective transportation savings of a proposed navigation project, the proposed use of railroad costs as well as railroad rates for comparison with waterway charges would introduce a vague and non-determinable criterion especially prejudicial to communities afflicted by high, monopolistic railroad rates.

The "Independent Board of Review" proposed to correct the alleged bias in favor of water resource projects on the part of the present evaluating agencies and of the President of the United States would have the effect of further retarding and constricting an already sluggish and inadequate water resource program.

The prevalent theme of the Proposed Report, calling for Federal abdication of water resource responsibility and of sectionalization and localization of water resource decision-making, would represent a disastrous mangling of the nationwide structure and program.

Certainly these are excellent arguments and well taken and may I say that I am among those who fear that the ultimate effect of the report by the National Water Commission will be to dismantle the Nation's historic and traditional water resource program.

In my view many recommendations of this report parrot the policy of the Office of Management and Budget which is to slow down, stretch out, delay or terminate needed and essential water resource projects—and make user fees a pattern of operation on public projects throughout the Nation.

The objectionable recommendations of this report should be rejected in the best interests of the Nation.

DOMINIC DIMAGGIO

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, a businessman, recognized by many, visited the city of Fall River, Mass., last weekend to participate in the friends of the Fall River public library cultural activities program. He was awarded a mayoral citation, shook hands, and to the delight of all, talked—about baseball. Dominic DiMaggio emerged from the shadows of his two older brothers in the 1940's as a baseball star in his own right, the centerfielder for the Boston Red Sox who still holds the Sox' record for the most consecutive game hits. The spectacular baseball player turned successful businessman, now a resident of my district living in Wellesley Hills, fielded questions tossed by all. A concerned citizen and great person, Dom DiMaggio came to Fall River to please the people and help the library. I wish I had been there—and would like to share the experience with my colleagues who are baseball fans through the following article from the Fall River Herald News:

DOM DIMAGGIO SHOWS HE CAN FIELD QUESTIONS, TOO

For those who watched Red Sox centerfielder Dom DiMaggio during the 1940s at the peak of his career, his appearance here Friday sparked a happy trip down memory lane.

And for those youngsters who have only heard or read about him, it offered the opportunity to ask a professional ballplayer first hand how it was then . . . and now.

The 56-year-old Dominic P. DiMaggio, who resides in Wellesley Hills, and who is now a successful industrial businessman and restaurant owner on the West Coast, visited here as a guest of the Friends of the Fall River Public Library, part of that group's cultural activities program.

The veteran ballplayer was host to an interview with the library group and the press, at the library Friday afternoon; went across the street to be welcomed by Mayor Driscoll and be awarded an official citation; and then answered a battery of questions from some 50 youngsters and grownups at the Durfee Street Campus of Bristol Community College.

The interviews centered on his baseball career and his feelings about teams, players, and coaches of yesteryear and today.

The always popular story of DiMaggio, eyeglasses and all, who broke all traditions by moving into Triple A baseball on the West Coast straight from the sandlots in 1937 came out in dribs and drabs throughout the questions.

Like big brothers Joe and Vince before him, he made the big leagues, remaining there from 1940 until retirement in 1953. During that time he had a batting average of .298, hitting over .300 during four of those years; and still holds the Red Sox record for most consecutive game hits—34.

Tagged "The Little Professor" by a California sportswriter earlier in his career "because I looked more like a college student than a professional athlete," DiMaggio said his championship 1946 team was a more powerful one than the present Red Sox.

"But I said it earlier and I still mean it, the Red Sox will win the pennant this year."

He said the minor leagues will continue, with more emphasis on Japan and South American teams and he wants to see the season open later with more double headers to avoid the raw spring cold that cuts attendance.

He said television coverage is needed but that people would always go out to the park; that Red Sox teams are tailored to win games in Fenway Park because of the short field; that Cincinnati has great potentials this year, but so do the Sox.

DiMaggio said he didn't think Ted Williams would ever coach again "because the glamor has worn off for him." He said ballplayers of yesterday had "more color because they played for the fun of the game and not just with money in mind."

He favored the designated hitter plan, and "some kind of reserve clause," and said baseball needs, and will soon make, many more changes to enhance the sport for the viewers. Willie Mays or Frank Robinson, he predicted, will be the first black managers of the major leagues, and Dick Williams today is tops among managers.

He predicted that interleague play will become prevalent, "allowing people in Boston to see National League players as they have a right to."

Today's best Red Sox players: "It's Carleton Fisk because he has taken over the leadership, but Yaz is close by."

Asked whether today's professionals are better than they were in his day, he replied: "They're no worse."

Asked "Who is the best of the DiMaggio brothers?"

He answered: "I'll leave that up to you."

GOD-GIVEN RIGHTS: LIFE, LIBERTY, AND HAPPINESS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, in a nation where the citizens' rights to life, liberty, and happiness are carefully guarded, it would seem totally incredulous that any people in the world today should be denied these God-given rights. Such is the case, though, in Lithuania today.

In America, for the first time in many years, our goal of peace is at last within our grasp. Still, we can never be truly satisfied, realizing that not all people are as fortunate as we Americans are. The Lithuanians have been under Soviet domination since June 15, 1940—a dark day in that country's history. Being a proud people, the Lithuanians have found it hard to accept this subservient role. After a long history of independence, it is not hard to understand why. But Mr. Speaker, more is involved here than just politics.

Lithuania is a nation of old traditions and ideals, to which the people tenaciously hold. That the Soviet Union has brutally attempted to wrench from their grasp all that they hold dear is indeed revolting to all freedom-loving people. No man or nation has the right to impose upon another a system of values alien to their way of life. This is the tragedy that has befallen Lithuania. Those with strong religious beliefs are persecuted, conflicting political ideologies are suppressed—in short, the Lithuanian people are denied their right of self-determination.

Even after 33 long years of suffering and oppression, the brave people of that country have not given up their dreams and hopes for freedom. Perseverance is a characteristic of the Lithuanians, and today, their fight for personal and political liberty goes on. They have not, and I pray they will never succumb to the force and aggression of the Soviet Union.

No price is too great to pay for freedom, Mr. Speaker. We Americans are well aware of that. It is my fervent hope that the Lithuanians will continue their valiant struggle, so that someday, they too may have within their grasp a true and lasting peace.

IWO JIMA MEMORIAL

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. CRONIN. Mr. Speaker, just across the river from the Capital stands an impressive granite monument to the courage of the U.S. Marines—the Iwo Jima Memorial over which the American flag flies 24 hours a day. Awe-inspiring and impressive as that monument is, it somehow is no more so than a warm and human tribute that will be paid in Boston this Friday, June 22, 1973, to Herbie Schwartz—Boston's "Mr. Marine."

An outstanding American who has continually exhibited concern for his fellow veterans, Herbie Schwartz is a decorated veteran of the Battle of Guadalcanal with the First Marine Division. He is also the veteran innkeeper, confessor, and friend of thousands of Bostonians who frequent his famous establishment humbly known as "Herbie's."

To the countless many who have frequented "Herbie's" over the years, his attributes as a premier human being are at least as impressive and important as his memorable war record. Herbie Schwartz has distinguished himself within the proud walls of the establishment that bears his name just as he distinguished himself on the battlefield. To people in need of a kind word, or a concerned ear, Herbie has always been there. He is a rare individual—one who is willing to give more than he receives. He is, in every sense of the word, a humanitarian and a gentle—man.

On Friday, June 22, his friends will gather to pay him just tribute for his contributions to his country, his friendship, and assistance, his courage in the face of adversity and most of all because he, like George Washington, is considered first in war, first in peace, and first in the hearts of his countrymen. America is richer because of Herbie Schwartz.

Mr. Speaker, the RECORD of the U.S. Congress is an appropriate forum from which to call special attention to the life of a wonderful man, Herbie Schwartz.

CLOSING OF THE BOSTON NAVAL SHIPYARD

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MOAKLEY. Mr. Speaker, the Armed Services Committee is holding hearings today on the closing of the Boston Naval Shipyard and other facilities in the Massachusetts-Rhode Island area.

Along with my colleagues from Massachusetts and Rhode Island, I recently joined with the National Association of Government Employees in seeking an injunction against the Defense Department which would delay action while the committee has an opportunity to review and evaluate the proposed realinement of bases.

The Honorable Raymond J. Pettine, chief justice of the U.S. District Court for the District of Rhode Island has issued a temporary order restraining the Defense Department until these hearings begin. We are optimistic that this order can be extended during these hearings to provide us with an opportunity to fulfill our constitutional and legal responsibilities by reviewing these actions.

I am eager to see all the arguments regarding the closing of the facilities discussed widely during these hearings. I have submitted the following statement to the Senate Armed Services Committee, outlining my concern over the closing of the Boston Naval Shipyard:

CLOSING OF THE BOSTON NAVAL SHIPYARD

Mr. Chairman: I appreciate the opportunity to speak before the members of this committee today on a subject about which I feel a sense of profound urgency and sorrow.

The Defense Department decision to shut down the Boston Naval Complex has struck directly at the lives of thousands of people within my district, and thousands more in other areas of Boston. It is a decision that cannot be justified either on human, economic, or military grounds.

Beyond that, it is absolutely indefensible in terms of its bomb-shell announcement and rapid-fire dismissals. This is not just a numbers game the Department of Defense is playing. It involves the lives of long-time workers and their families. These are people who have worked in the same base for twenty to thirty years, devoted their lives to Government service, planned for the education of their children and productive retirement for their later years—and are now to be discarded by sudden official ukase.

And how does the Navy justify this incredible action? With one cryptic sentence of bureaucratic gobbledy-gook.

"The planned actions are a part of an overall report to realign the shore establishment commensurate with programmed reductions of the operating units of the fleet. The reduced force levels have resulted in the suspension and cancellation of a substantial amount of shipwork for FY 1973 and beyond."

Now is this meaningless jargon supposed to rationalize the massive shut down of plants without warning, without adequate preparation, without an orderly phase-out, and most importantly, without providing relocation and reemployment opportunities for abandoned workers?

It is this human impact which most concerns me. In effect, here is what this ill-considered policy will mean for my friends and neighbors and those I represent in Congress.

It means that over 6400 civilian workers will lose their jobs. In fact, Massachusetts and Rhode Island together are asked to bear greater reductions in manpower than all the other States combined.

It means rising unemployment in a State that already suffers from the highest unemployment rate in the Nation.

It means economic disaster for Boston, a city with the incredible unemplyoment rate of 28%.

According to the Defense Department's own figures, civilian jobs at the Boston Naval Shipyard will be reduced by 6100, leaving only a token 318 by the end of December 1974. Of the 1649 military jobs, 1015 are scheduled for elimination.

A critical measure of the impact is the information that 1000 men have already received their 60-day notices from the yard. They will be unemployed by August. An additional 2000 will be out of work by January 1974.

The closing of this facility will result in irreparable injury and cost to the affected individuals and their families who will suffer loss of health and Federal retirement benefits.

Reduction of Federal job classification, and loss of the tenure and seniority they presently enjoy.

The critical question is can these workers find new employment in the area? The answer is no. Boston Naval shipyard has the second largest surplus of shipbuilders in the country. These are not skills easily utilized by private industry. And with shipbuilding now at its lowest ebb in New England, it is next to impossible for them to secure shipyard jobs. In order for them to find jobs it will be necessary to uproot their families, move their homes, and otherwise disrupt their lives. Surely, it would be far more economical for the Navy to continue the facility than transfer thousands of military and civilian personnel to other bases outside of New England.

The second consideration is the impact of close-down in economic terms.

There is no more efficient naval facility on the east coast than the Boston navy shipyard. It has as low or lower cost factor as any shipyard on the east coast. There has never been a single cost over-run on any Boston shipyard contract. During the past five years the yard has met each and every completion date without fail—something about which no other naval shipyard—the skill and productivity of the workers is the highest of east coast naval shipyards. Their superior output has been maintained in spite of a significantly lower capital investment at Boston than at any other east coast facility.

The economic impact on Massachusetts, Rhode Island, and New Hampshire, where the Navy maintains its installations is estimated at more than $1.7 billion dollars.

Finally, there can be no justification for the base closing on military or strategic grounds.

The loss of the Boston naval complex together with the closing of Quonset Point and the Newport naval base in Rhode Island, leave the entire northeast coast of the United States without naval protection, should the need for it ever arise.

Boston Navy's strategic location and closeness to the European sea lanes is second to none. Its excellent harbor, and ideal approach to deep water, along with its skilled craftsmen and industrial potential, all contribute to making it an outstanding facility, and indispensable to the defense of our country.

If these base closedowns and reassignments are effected, the northeast sector of the United States will be completely defenseless from potential naval attacks. The closing of the B.N.S. would leave the Navy without a single facility north of Norfolk, Virginia to handle battle-damaged surface vessels. This is a function of which no other base on the northeast coast is as accessible. Ships can come right in without going up rivers or underneath bridges, making it extremely important militarily in the event of combat.

Thus any Defense Department policy which would remove naval operations from the New England area would not only represent an economic disaster but a monumental strategic blunder.

What remedies are available to reduce the hardships and help our people over the difficult transition period? We need national economic policies to cushion the impact on individuals who have suffered job loss and concomitant distress.

Consistent with this objective, I have cosponsored H.R. 7485, Majority Leader O'Neill's proposed "Emergency Manpower and Defense Worker's Assistance Act of 1973." This legislation, similar in many respects to Chairman Waldie's bill H.R. 7731, would take major steps toward alleviating the burden and hardship on these affected employees.

There would be a readjustment allowance for those who remain unemployed after the shutdowns. Relocation assistance would be granted those who find employment outside their home areas. Of special import, the bill entitles employees who have invested many years of service and are approaching retirement age to a full annuity. There are provisions for worker retraining programs and counselling services.

My sense of outrage at this blatant example of official arrogance is heightened by the knowledge of much personal suffering caused by the action. A case in point is that of Mr. R. E. Faherty, a constituent from South Boston. At age 49 he has put in 24 years of service at B.N.S. He will not enjoy his full retirement benefits because the law requires that he have 25 years of service at the age of 50. And there are 173 other men with families who are between the ages of 45 and 49 and are forced to retire now by the base closing. There are 40 others at precisely the same stage as Mr. Faherty, with 24 years of service, at age 49 who are in a similar predicament. The only alternative offered these men by the Navy is to leave their families in Boston and do the requisite year or years of service either in Norfolk or Florida as designated. Mr. Faherty informs me that if he rejects the offer, his name is removed from the list for employee openings . . . and he loses severance pay. More important, if he says "no" he must wait until age 62 to collect benefits and receives nothing until then. This would seem to be unnecessarily harsh treatment to life-long Federal workers.

I hope we can provide help to the numerous workers, who like Mr. Faherty, have been hardest hit by the Boston base closing.

Mr. Chairman, these disastrous policies of a callous and uncaring officialdom require redress at the congressional level. It is our moral responsibility to provide assistance through such measures as are now pending before this committee—and to do it with expedition and with compassion.

ON THE RECEIVING END OF A B-52 RAID

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. BROWN of California. Mr. Speaker, as we sit in this Chamber, protected by air conditioning from even the discomfort of the heat and humidity characteristic of summer in Washington, I wonder if any of us can truly comprehend what it must be like for the people of Cambodia, being subjected to the heaviest saturation bombing in history. It is difficult, in the comfort of this building, to even imagine the death and destruction being dropped out of U.S. planes at this very moment.

As we approach a critical vote on an attempt to end this barbarity I believe it would be of some value to have a better understanding of the effects of what we are doing. I am therefore inserting at this time in the RECORD an article which appeared several months ago, on January 13, in the San Bernardino Sun. This article, an Associated Press dispatch by Richard Blystone from Saigon, describes the effects of B-52 raids in Vietnam. I am sure that the effects of raids in Cambodia are quite similar, since geography has little effect on the experiences he describes.

Before I read the entire article, since I realize that many people, skimming through the RECORD tomorrow, will not attempt to read lengthy extraneous material, I would first like to read just one excerpt from the article. This brief passage alone should be enough to convince some people of the bankruptcy of our policies in Indochina:

> Most are killed by the pressure, which crushes the chest and batters the soft parts of the body. They might live one or two days, but on the third day they die.

Mr. Speaker, I do not know how anyone could vote to continue such activities in the name of the American people. The full text of the article follows:

B-52 RAID—"BLOOD POURED OUT MY EARS"

(By Richard Blystone)

SAIGON.—Being caught by a B52 bomb strike is "like being dead for three seconds," says Le Van Hieu. He lived through six of them.

Truong Van Thang, who has survived a dozen, reports: "Too many times and you lose your mind."

Strikes by the giant bombers are the most feared of American air attacks, but Hieu and Thang say ground soldiers, if brave, well trained and lucky, can live with them.

The war is over for these two men, ex-officers from North Vietnam. Both surrendered last year and are undergoing indoctrination at an Open Arms center in Saigon. Their memories are vivid.

Hieu, in 22 years of Communist service, and Thang, in 13, saw scores of B52 strikes, heard the whistle of bombs falling six miles through the air and the thunder when they hit. Each B52 in a three-plane mission spreads more than 100 bombs—25 to 30 tons of explosives—over a swath half a mile wide and a mile long and raises a curtain of black smoke that looks from afar like a forest fire.

"My first experience with the B52s was in December near Plei Me in the central highlands.

"When the spotter planes leave and the jungle goes quiet you know the B52s are coming. But you don't know when until the first bomb explodes.

"One bomb hit about 10 yards from a cave where I was hiding. Blood poured out of my ears. I was deaf for a month."

Hieu, 41, recalled his last B52 experience, in the Mekong Delta last November. "I was caught in the open when the first string of bombs hit. It was like a great wind. I was able to run to a bunker, but the second string hit closer, about 100 yards away.

"When a bomb hits farther away the concussion is like swaying in a hammock, but when it is close it is like an electric shock.

"You hear nothing. You are deaf and blind. You have no thoughts, no sensations, no feelings.

"Afterwards you stand up, trembling. No one speaks for a long time. Those who can try to dig out their companions who have been trapped in bunkers. Some just sit where they were."

Hieu cannot hear his watch tick at his right ear, but he considers himself lucky. Many who have lived have been deafened permanently, and some have been driven mad.

"Sometimes the fear drives men to do strange things," Thang recalled. "Some rush around in their cave or even run outside. Once I saw a man dive into a bamboo thicket, and after the raid he couldn't get out.

"To survive you must be calm. You must not care whether you live or die. If you cannot control your emotions it does something to your mind.

"We have a man like that here. He was under too many B52 strikes. Every once in a while he will start jabbering wildly or break into song."

Hieu outlined his rules for physical survival in the battalion he commanded:

"I never stationed my soldiers in a straight line, always in a zigzag, with each platoon 300 to 400 yards from the next. We stayed away from deep valleys and mountain tops and we made our camps at least 200 yards from the nearest water.

"We built A-shaped bunkers with strong logs, sunk in so that the point was flush with ground level. They had a zig zag floor plan, no more than four feet wide at the base. These could withstand a hit as close as five to seven yards away."

The Viet Cong company of which Thang was deputy commander used A-shaped bunkers and U-shaped caves dug into mountainsides where even a direct hit would slide off.

"When a unit receives a direct hit, even though the bombs fall 100 to 200 yards apart, about 20 per cent are killed," said Hieu.

"Most are killed by the pressure, which crushes the chest and batters the soft parts of the body. They might live one or two days, but on the third day they die.

"To protect ourselves, if they were two or three men, we would sit or squat side by side, linking arms very tightly and keeping our knees and arms tightly locked over our bellies and chests. If you are alone you half-kneel and half-lie on one side with one knee protecting your stomach and your arms locked across your chest. If in a cave, you place your palms against the roof to brace yourself.

"At first, before we had experience, we would try to cover our ears, but we found that this made a man's brain explode so then we just forget about the ears."

Both men said that occasionally their units received advance warnings of B52 strikes from higher headquarters.

Neither could say where the intelligence came from.

"The Viet Cong must have had some connection with the American Command here, but I am really only guessing," said Thang.

The U.S. Command has consistently disputed defectors' claims about advance notice of B52 raids. Some officers have observed that it would be logical for enemy field headquarters to alert units to possible B52 raids, particularly when they were in customary enemy areas known to the allies or if their position were known as a result of a battle.

AID TO NORTH VIETNAM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mrs. GRASSO. Mr. Speaker, one of the questions of the post-Vietnam war era is whether the United States should give financial assistance to North Vietnam. Certainly serious and rational discussion of this matter is in order. Therefore, I would like to commend the Connecticut Department of Amvets for entertaining a dialog on aid to North Vietnam at their 28th annual convention. The resolution which resulted from their discussions follows:

> Be it resolved by the Connecticut Department of AMVETS before its 28th Annual Convention to go on record as opposing any financial aid to the Government of North Vietnam by the United States of America until such time as:
>
> (a) The needs of the American Veteran are recognized and provided for;
>
> (b) The needs of the American People are recognized and provided for;
>
> (c) The Government of North Vietnam ceases all aggression on her part anywhere;
>
> (d) The majority of the American People, by a vote, agree that such aid is proper.
>
> Be it further resolved that copies of the above resolution be forwarded to the President of the United States as well as the Governor, Congressmen and Representatives of the State of Connecticut.

Mr. Speaker, fulfillment of the basic needs of our veterans—jobs, medical care, and education—are essential components of a meaningful domestic program. Our Vietnam veterans, like countless Americans in previous decades, sacrificed years of their lives and in many cases suffered permanent disability in service to the Nation. In our list of priorities, providing adequate benefits that will allow these men to return to civilian life is surely well ahead of aid to the country against which they fought.

There are many other Americans who also lack the means to earn a living, and who need medical attention, better housing and education. In some parts of our Nation families do not have enough to eat. Surely our search for solution to these problems must also stand well at the top of our national priorities.

Moreover, we must keep in mind that the North Vietnamese have yet to do their part in bringing hostilities to a total halt. So long as action on the battlefields of Southeast Asia continues, we should not seriously consider giving financial assistance to North Vietnam.

Mr. Speaker, as men who have themselves made great sacrifices in past service to our country, it is appropriate that the Amvets submit to their elected representatives a resolution on this issue of concern to every citizen in America today.

CATHOLIC WAR VETERANS CITE WILBUR A. MORGAN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. GAYDOS. Mr. Speaker, for the 14th consecutive year the Catholic War Veterans, Post 1559 and its ladies auxiliary, of McKeesport, Pa., have selected a member of the community to receive its annual "good fellow" award.

This year's honoree is a native born resident of the city who has spent most of his life in public service and presently is serving as a district judge under a new magisterial system adopted by the State of Pennsylvania.

Mr. Wilbur A. Morgan has long been active in community and fraternal activities and it comes as no surprise, therefore, to note that many of the leading citizens of the surrounding area turned out to pay tribute to him at the CWV testimonial banquet.

Squire Morgan, as he is popularly known, was born in McKeesport 68 years ago and, except for the first year of his life, has resided at the same address—410 Penney Street. It is unfortunate that Mr. Morgan's wife, the late Grace Sabo, could not be present to see the honors paid her husband. Mrs. Morgan passed away several years ago but I know the couple's daughter, Mrs. Margaret Holland, was deeply touched and tremendously proud of the accolades paid her father by the community.

Mr. Morgan's service to citizens in and around McKeesport span several decades and encompass many areas. As a working man he was employed at Clairton Works, United States Steel Corp., for 40 years and was a member of Local 1557, USWA. But he also served the city of McKeesport as a member of its zoning board and as the district representative on the Office of Economic Opportunity.

During the same period of time, Squire Morgan developed his interest in politics, presiding as alderman of the second ward in McKeesport for 20 years and as a Democratic committeeman for 34 years. When the State's minor judiciary system was revised several years ago, Mr. Morgan resigned his political office and successfully sought public office as judge of the new 12th magisterial district. He also is a member of the Allegheny County District "Justice of the Peace" Organization and the Pennsylvania Association of Courts.

However, Squire Morgan's departure from politics has not diminished his interest in civic and fraternal work. He still is one of the "meetingest" men in town. Among the many organizations with which he is affiliated are Aerie 285, Fraternal Order of Eagles; Lodge 75, Loyal Order of Moose; Lodge 109, Junior Order United American Mechanics; McKeesport Turners; White Oak American Legion Memorial Association; Rusin Self-Culture Club; Post 1559, CWV; Sixth Ward Athletic Club; the McKeesport Athletic Sports Association; the May Club; Post 8, Amvets; the Swedish Singing Society; the American Association of Retired Persons and the Teutonia Mannereher Social Club—GBU—in Duquesne, Pa.

His participation in these groups resulted in the eloquent tributes from his associates, men such as Judge James M. Guffy and Judge John G. Brosky of the Court of Common Pleas; George F. Matta and Vincent Tirpak, past and present commanders of Post 1559; Louis Drogoski, senior vice commander of Police and Firemen Post 30; the Honorable Bernard J. Novak, a Pennsylvania legislator; Mr. Charles G. Johnson, Jr., Judge of Magisterial Court 113, and Allegheny County Coroner Bernard J. McGowan; the Reverend William Harvey of St. Peter's Catholic Church; Gabriel Bertoty, general chairman for the CWV testimonial; the Reverend Herbert E. Second of the First Baptist Church and the Reverend George P. Stupartiz of St. Mary's German Church.

Mr. Speaker, the Catholic War Veterans of McKeesport set a high standard for the recipients of their "good fellow" award and the selection of Squire Morgan reflects the outstanding qualities of leadership and community service they insist upon. I commend the officers and members of Post 1559 and its auxiliary for their choice to receive this honor in 1973.

A BILL TO PERMIT THE GOVERNMENT PRINTING OFFICE TO WAIVE COLLECTION OF OVERPAYMENTS TO ITS EMPLOYEES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. WALDIE. Mr. Speaker, in 1968, Congress enacted a law permitting Federal agencies to waive collection of erroneous overpayments to their employees when such recoupment "would be against equity, and good conscience and not in the best interests of the United States." The legislation originated in the House Judiciary Committee.

During the intervening years, several employees of the Government Printing Office have experienced erroneous overpayments. That agency has found it necessary to collect the overpayments—usually small amounts—because it lacks statutory authority to waive them.

This bill corrects this deficiency by a simple amendment to the original law including the Government Printing Office in its provisions.

Mr. Speaker, the full text of the bill follows:

H.R. 8869

A bill to amend section 5584 of title 5, United States Code, to include claims for overpayments of pay and allowances to employees of the Government Printing Office, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5584 of title 5, United States Code, is amended by inserting the words "or the Government Printing Office" following the words "executive agency" wherever it appears therein.

DEFENSE DEPARTMENT ANSWER TO EDITORIAL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. DULSKI. Mr. Speaker, on May 23, 1973, I inserted in the RECORD on page 16841 an editorial from the Wall Street Journal, "Generals Should Stop Acting Like Damn Fools," which had been broadcast by radio station WBEN in Buffalo.

Lt. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense, has given me a detailed reply in response to charges made in the editorial. In the interests of fair play and equal time, I would like to take this opportunity to insert his letter of rebuttal in the RECORD:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C. June 12, 1973.

Hon. THADDEUS J. DULSKI,
House of Representatives,
Washington, D.C.

DEAR MR. DULSKI: Reference is made to your remarks on page 16841 of the Congressional Record of May 23, 1973 regarding the retirement ceremony of Major General W. S. Harrell, USAF (Retired) and the activities of the personnel of the Recruiting Support Center at Cameron Station. You pointed out that Station WBEN–TV, Buffalo, New York, on May 16, 1973, aired an editorial from the "Wall Street Journal", "Generals Should Stop Acting Like Damn Fools". The information as presented in the Congressional Record is an inaccurate description of the retirement ceremony of Major General Harrell and the activities of the personnel at Cameron Station. Additionally, in the article "No Flyby", the "Wall Street Journal" on 31 May 1973 corrected certain information previously published regarding Major General Harrell's retirement ceremony.

Department of Defense policy regarding retirement ceremonies, and an accurate description of Major General Harrell's retirement ceremony and the activities of the United States Army Recruiting Support Center at Cameron Station are provided for your information.

Applicable Department of Defense policies do not call for elaborate ceremonies or gifts for retiring personnel. In view of the large number of military retirements annually (approximately 57,000 in FY 72, of which 215 were generals or admirals), the retirement procedures vary somewhat, depending upon the circumstances involved. In many cases, the commander or supervisor provides recognition to the retiree on an individual basis; in other instances, a group ceremony is held once a month to recognize all personnel who are retiring from a specified activity or area within a particular time frame. If the retiree so desires, no ceremony is held. However, in every instance, the intent within the Department of Defense is to provide suitable recognition to all retirees, regardless of rank, for their long and faithful service to this country.

The policies further specify that personnel of the Department of Defense shall not solicit a contribution from other officers or employees to any superior official, make a donation as a gift to a superior official or accept a gift from an officer or employee receiving less pay than themselves. However, voluntary gifts of nominal value or donations in nominal amounts are not prohibited for special occasions such as marriage, illness or retirement.

In regard to Major General Harrell's ceremony, the initial newspaper account failed to report that there was no flyby. It was not approved by higher headquarters. However, a total of 370 persons, including the North American Air Defense Command (NORAD) band and color guard, participated in a retirement parade. This ceremony was held inside a hangar and was an in-place parade attended by many local and state dignitaries in addition to military guests. Participation in such a ceremony is considered a part of routine military duties.

With respect to the United States Army Recruiting Support Center at Cameron Station, Alexandria, Virginia, its primary mission is to provide mobile and fixed exhibits in support of the United States Army Recruiting Command advertising and publicity programs. In addition, it researches, designs, and fabricates special presentation exhibits or display items such as:

1. Special cases and frames for Medal of Honor award ceremonies conducted at the White House and by the Secretary of Defense.
2. Presentation mementos for foreign dignitaries on official visits to the Department of Defense.
3. Trophies and awards for selected Department of the Army contests.
4. Prestige recruiting posters for presentation by the Army to state and local leaders who provide special assistance to the recruiting effort within their community and for museums throughout the United States.
5. Framing of recruiting posters for display in conference rooms, recruiting main stations and Armed Forces examining and entrance stations.
6. Design and fabrication of historical artifacts for display in the hallway and corridors of the Pentagon.

The Center is authorized and has assigned to it, 5 officers and 12 civilian personnel. Of the 98 enlisted personnel authorized, only 88 have been assigned. Of these, 28 are on the road with 13 touring exhibits, 12 are administrative personnel, with 48 actually engaged in the design and fabrication of displays.

The Center has, in fact, prepared various presents for retiring high ranking officers and civilians; however, not to the extent alleged. Only 1.57% of the Support Center's labor of 48 personnel, not 100 as alleged, has been engaged in making mementos for retirees and visiting dignitaries. The total costs, both labor and material for these mementos, amounted to $4,572 during the period 1 July 1972 through 19 April 1973. In addition, 1.37% of the Support Center's labor was expended in the production of similar mementos for personnel changing station. The total cost for these projects amounted to $3,833 during the same period. Thus, under $9,000 was spent in toto on all such items over a more than nine month span.

All activities are closely monitored and all projects, with the exception of those supporting the Chief of Staff, Army, are approved by the Recruiting Command. Projects originating in other Department of the Army staff offices are forwarded to the Office of the Deputy Chief of Staff for Personnel, (ODCSPER) for evaluation and recommendation.

Funds to support these activities come from the annual Operations and Maintenance, Army (OMA) Budget and are justified as an incentive to retention and supportive of morale and career motivation.

I trust that the above adequately explains Department of Defense policy regarding retirement ceremonies and provides the facts concerning Major General Harrell's retirement ceremony and the activities of the personnel of the Recruiting Support Center at Cameron Station.

Sincerely,

LEO E. BENADE,
Deputy Assistant Secretary of Defense.

ALCOHOL USE BY YOUNG PEOPLE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. GUDE. Mr. Speaker, for some time, I have felt a strong concern over the increasing heavy use of alcohol among our young people. With all of the important public concern over the use of drugs, from marihuana to heroin, among the young people, the abuse of alcohol continues to be ignored. I find this disturbing in light of the fact that alcohol remains the No. 1 abused drug in society. For example, it is this concern which prompted me recently to urge the government of the District of Columbia to mobilize the facilities and personnel of the District Narcotics Treatment Agency, where possible with the diminishing hard drug epidemic, to be used in combating alcoholism.

A recent study by the Canadian Auto Club, in Saskatchewan, caught my attention. They revealed that in 1971, 100 percent of the drivers in the 16- to 19-age group who were killed in auto accidents had been drinking. Of those, some two-thirds had blood levels above the legal limit of 0.08 percent.

No sooner had I the opportunity to digest this disturbing fact when a story appeared in the Washington Post on June 11, 1973, pointing out that alcohol was making a "strong comeback" among young people. According to Dr. Donald J. Ottenberg, director of a joint treatment center for alcohol and other drug abuse in Eagleville, Pa.:

> The average age of alcoholics has dropped several years.

If that is the case, I suggest the need is urgent for renewed effort to direct careful attention to alcoholism and alcohol abuse among young people and indeed, among our entire society.

Therefore, at this point, I would like to include in the RECORD the text of the Washington Post story and trust that it might serve to alert our citizens to the ever present and growing abuses of this drug:

YOUTHS DRINKING MORE NOW—ALCOHOL MAKING STRONG COMEBACK

(By Jay Mathews)

Terry Carney, a 19-year-old Arlington high school student, raised a half-empty bottle of Michelob to his lips as students from Washington-Lee High School across the street filed out at the 2:30 p.m. bell.

Occasional beer bottles left in the front yards of nearby homes testified to a youthful fondness for alcohol persisting despite a 21-year-old legal drinking age in Virginia and the prevalence of other drugs.

"Alcohol is easy to get, and there's a lot of it," said Carney, talking about a renewed interest in drinking among his friends. "It takes a lot to buy an ounce (of marijuana), $15 to $20, and even when you're working part-time, that's a lot of money."

After nearly a decade of tense public concern over marijuana and heroin use among young people, an afternoon swig of beer may seem to be a welcome change. But recent national and local surveys show that alcohol, nearly always the No. 1 drug problem among young people, has hit a new high.

It is an increase, social service workers and educators say, brought on not only by the legal crackdown on marijuana and other drugs but by increased beer and wine advertising aimed at young people, lax enforcement of existing liquor laws and new laws lowering the local drinking ages.

Yet the way young people are using alcohol strikes some officials as significantly different from the drinking done by young people 20 or 30 years ago.

To Wendell Turner, the 44-year-old coordinator of alcoholism programs in Prince George's County, the emphasis on drinking to block out the troubles and pressures of the world is something unique with today's young drinkers.

"It seems apparent to me that kids today drink to get high," said Turner, "Back in my day, we didn't drink to get high, we drank to be smart—to show that we were grown up."

Increased drinking in at least one area appears to have had a predictable effect on accident statistics: A recent study of Michigan State Police statistics made a year after the state lowered the drinking age from 21 to 18 shows a 119 per cent increase in alcohol-related accidents involving the 18-20 age group.

According to James Nichols, a research psychologist for the Department of Transportation's Alcoholic Safety Action Program, few other jurisdictions have tried to find out whether or not accidents involving young people and alcohol have increased.

But for the last several years, the 15–24 age group has accounted for roughly one-third of national traffic fatalities, more than any other age group, Nichols said. Like other age groups, 50 percent of those 18,000 fatal accidents are thought to have involved alcohol.

The mixture of learning to drink and learning to drive and the high percentage of young people driving at night adds to the likelihood that young, drinking drivers will have accidents, Nichols said. Young people involved in fatal accidents generally have less alcohol in their blood streams than other older groups, "but it would appear that a smaller amount of alcohol releases a lot more emotion." Nichols said.

According to a national student survey by the National Commission on Marijuana and Drug Abuse, alcohol use by senior high school students between 1969 and 1972 increased 90 percent. Last year, the survey said, an all time high of 74 percent of senior high students had at least sampled some form of alcohol.

A Montgomery County survey reports an increase in senior high school alcohol use from 43.8 percent in 1969 to 60.7 percent in 1972. In Fairfax County, a report by the county's Community Ministries cites a similar increase, and a Washington Post spot survey of schools, hot lines and Alcoholics Anonymous chapters indicates an upward trend in youthful drinking all over the Washington metropolitan area.

"I think our kids are probably drinking more now than they were three or four years ago," said Howard Long, dean of boys at Washington-Lee, "which means they aren't trying the things they were then."

Virginia 18-year-olds can now purchase

wine and beer in nearby Maryland and the District of Columbia, Long said, "and that means 17-year-olds have a better chance to slip buy."

"You've got a lot of disc jockeys that encourage it," said William Gurley, a self-confessed alcoholic who now spends his spare time working with District youths whose drinking problem has gotten them in trouble with the law.

"There's a Saturday soul music show on TV that advertises a brand of wine. A lot of kids think it's hip to have a brown bag with a bottle in it."

At least two of the 120 Alcoholics Anonymous chapters in the metropolitan area now cater to young people, according to the secretary of an AA group in Northwest Washington known as the "young people's group."

"I do notice more and more young people coming into the program," he said. "Most of them who come in at 19 (about the earliest age reported in AA) say they have been drinking for three or four years pretty heavily."

In his opinion, the change is as much the result of a more receptive attitude among older AA members as it is the result of more teen-age drinking.

"There was a tendency on the part of members at one time to say, well, you're too young to be an alcoholic, why don't you go out and drink some more," the AA chapter secretary said.

Whether young people are drinking beer and fruit-flavored wines, considered the most popular drinks among teen-agers, or swilling hard liquors, overuse is on the increase and bringing equally disastrous results, social service workers say.

Many of the young people he deals with, Gurley said, "are stone wineheads, to be exact." Mary Kidd, executive director of the Washington Area Council on Alcoholism and Drug Abuse, cites a recent study by a Boston research team showing 32 per cent of junior and senior high school students in one urban area had reported drinking hard liquor five or more times and becoming drunk at least once.

Alcohol, Mrs. Kidd said, "is a base line addictive problem. It's always been here and people tended to overlook it because it was right under their noses."

Standing and drinking near Washington-Lee High School one recent afternoon, with a car stereo set blasting a rock tune, Terry Carney and several friends discussed how easy it is to get whatever liquor they can afford.

Outlets of small, convenience grocery chain stores were a fovrite source of beer for some who did not want their identifications checked, they said. Others, like Carney said they just walked into grocery stores. If the clerk asked for an ID, "I just say I don't have any, Carney said. They say, well, we can't sell it to you, and I say, well, I'll go somewhere else."

The bridges across the Potomac River to Georgetown, and its collection of bars along M Street, carry a steady stream of youthful traffic from Virginia on Friday and Saturday nights. Parties in private homes also provide a ready source of alchohol for the less adventurous. "They just rip off their father's liquor cabinet," said Long, the dean of boys at Washington-Lee.

Hot line emergency service telephone answerers and drug officials report that young people throughout the country are readily mixing their intake of liquor with marijuana, barbituates and other drugs.

"The use of all chemicals is so high," said Dr. Donald J. Ottenberg, director of an unusual center for joint treatment of alcohol and drug abuse in Eaglesville, Pa., "it's only natural that alcohol use has increased."

Ottenberg finds that communication between social workers dealing with alcoholics and social workers dealing with other kinds of addicts is "ridiculously poor." His own method of treatment emphasizes building relationships between addicts of all sorts and ages at his clinics, and so, he said, he has had a chance to see how his population of alcoholics has changed in recent years.

"We're seeing more younger alcoholics over the course of the last five to seven years," Ottenberg said. "The average age of alcoholics has dropped several years."

But the young alcoholics and other young addicts share a common lifestyle—they are noisier, more aggressive—and the only difference between their habits is, he suggested, the pressure put on them by law enforcement officials.

John Peterson, a friend of Carney who attends high school with him at Arlington's Langston Adult Education Program, pointed up the difference in police attitude toward marijuana and alcohol.

With marijuana, police detection and subsequent arrest is always a worry, he said. But he and Carney found during an evening drinking on a Potomac River bank near Key Bridge that beer did not bother the Arlington police.

"We had a six pack," Peterson recalled. "A cop stopped and told us to pour it out. But then he walked away, and he said something I could just hear over his shoulder: 'Of course, if you happen to drink any, we did not see you'."

ANOTHER VOICE FOR AMNESTY—J. STUART INNERST

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. BROWN of California. Mr. Speaker, as we in the Congress ponder the emotionally loaded issue of amnesty for those whose consciences would not allow them to participate in the genocide perpetrated in Indochina during the last decade, I think it behooves us to gather as much information as possible before coming to a final decision. I insert a few items in the RECORD at this time so that every Member of this distinguished body may arrive at a better understanding of this highly important issue.

Stuart Innerst of La Jolla, Calif., has written an article on this subject which was published in the June issue of Friends Journal, a Quaker publication. This is the first item I would like to share with our colleagues today.

WITH CHARITY FOR ALL

(By J. Stuart Innerst)

Amnesty means "a forgetting, a deliberate overlooking." It is what President Nixon did when he went to Peking and Moscow in 1972. No one had condemned the actions of these two nations more vehemently than he, but he made an about-face and granted them amnesty. He did "a forgetting" of their sins and drank toasts to their leaders. More recently he also granted amnesty to Hanoi and offered to help rebuild its war-ravaged country. For this change of attitude toward former enemies the President is to be highly commended.

If President Nixon can suddenly overlook crimes he held against the communists for years, why the unforgiving and unforgetting attitude toward young Americans whose only "crime" is that they refused to fight in what they felt to be a senseless war?

The President's position of demanding punishment not only is contrary to religious principles in general and those of Friends in particular, but also is a far cry from the Nuremberg trials in which this country joined in putting to death men it condemned as "war criminals" for doing precisely what the draft evaders and deserters refused to do. If it was criminal then for Germans to obey government orders rather than conscience, why is it now criminal for Americans to have done the opposite?

The young men whom the President would now punish were prompted by something fine that home, school and church had put within them. They revolted against the wealthiest and mightiest nation on earth bombing "back into stone age" a small, impoverished country that constituted no threat to this country, had not attacked it, and could not drop a single bomb on any American town or city. Therefore, if amnesty is to be given fair consideration it must be viewed against the background of the government's Vietnam policy.

The nation embarked on a disastrous course in East Asia, as Walter Lippmann early pointed out, because it was "untrue to itself." It repudiated the principles of the Declaration of Independence in supporting the colonial war of the French; violated its pledge to support the Geneva Accords by backing Ngo Dinh Diem; spurned the United Nations Charter by intervening unilaterally in Vietnam's civil war; and violated the Constitution by waging the longest war in our history without declaring war.

While the government itself was acting in what can accurately be called a lawless manner, it was demanding that its young men be law-abiding and risk their lives fighting an illegal war. The government was "untrue to itself," then asked young men to raise no questions about conformity to its far from exemplary conduct. That millions of Americans protested their government's systematic destruction of the land, the people and the culture of Indochina is in our finest tradition. That hundreds of thousands of young Americans had no stomach for such a war is to their everlasting credit. To punish them for their resistance would be a further betrayal of the highest values in America's political, religious and moral heritage. Instead of punishment, what is needed now is a new beginning for both the nation and the war resisters. That is what amnesty means.

It is argued that granting amnesty will weaken the military's future defense capabilities. This is doubtful. The future will take care of itself if the government so conducts itself as to command respect and loyalty.

But is amnesty fair, someone asks, to the men who fought and "paid the price"? This implies that the men who chose exile, deserted or went underground have not paid a price. Yet every counselor of conscientious objectors knows something of the mental agony they experienced. Who can measure the price of loneliness, alienation from family and friends, harassment, deprivation, uncertainty regarding the future, the feeling of being scorned by the crowd and pursued by the FBI? The truth is that both those who fought and those who refused to fight are victims of this war, and that the nation needs to act with compassion toward *all* of the victims of Vietnam.

Other arguments in favor of amnesty include the American tradition of loyalty to "a moral power higher than the state" and the wrongness of forcing 18-year-olds to choose between limited options of fighting in an unjust, futile war, or going to jail, into exile or underground.

The most compelling reason for amnesty, however, is that the country needs it for its own well-being. Amnesty would help to restore to American youth the confidence they have lost in their government. And it would bring back from exile tens of thousands of young people who can make valuable contributions to the nation.

In his testimony at the Senate hearings on amnesty, Dr. Henry Steele Commager said: "May we not say that the majority of those who deserted or went underground merely took 'prematurely' the position which the majority of Americans now take . . . May not the deserters and evaders claim that their error is to have been ahead of public opinion and of government policy, and that it should be easy to forgive the error?" Many of these young people—and many older ones too—understandably feel, not they but the government needs forgiveness.

The sum of the matter is this: The war in Vietnam was the outgrowth of a tragic mistake this country made at the end of World War II, when it took upon itself the duties of a global policeman. Blinded by self-righteousness and misled by power, it assumed that it had the answer to the world's problems and that it was wise enough and good enough to shape the destiny of other nations.

The recent disclosures of meddling in Chile's politics spotlights yet another episode in the sordid story this nation has written through the cloak and dagger operations of its well-financed "invisible government," the CIA. If we are to be honest with ourselves, we must admit that it is the story of a government that increasingly reveals itself to be morally bankrupt. Its alliance with petty, corrupt dictators throughout the world is a complete betrayal of the principles on which the nation was founded and to which it continues to give lip service.

If we are to observe in a meaningful manner the birth of the nation in 1976, nothing is more needed than to repent of the imperialistic follies of recent decades, to atone as far as possible for having waged at a terrible history, and to dictate ourselves anew, as a nation, to the values embodied in the image of ourselves at our best.

That is why amnesty becomes an issue of paramount importance, now that our participation in the war has hopefully ended. It would recognize that "the nation owes a debt to the consciences of its citizens," as John Bennet points out, and that the men who conscientiously resisted the war have an important moral and spiritual contribution to make to American society. Amnesty would reaffirm that this indeed is America, and that here we do not emulate the "police state" in demanding universal conformity under pain of punishment.

Amnesty has been written into the Constitution and has been granted at various times to those who not only opposed government policy but also actually fought against the government. Lingering hate and vindictiveness can serve no creative purpose. The nation needs the chastening and cleansing experience that will spring from practicing Lincoln's policy from an earlier but in many respects quite similar day in our history: "With malice toward none, and charity for all."

I would next like to read a brief position statement adopted by the Friends at the Philadelphia Yearly Meeting on March 30 of this year.

We reaffirm our belief in the Peace Testimony which calls for opposition to all wars and conscription and we declare that our first allegiance is to the God of love. In war there are no victors, only victims, Participants and nonparticipants alike suffer the emotional damage of disunity and discord. After the most divisive war in our history we must understand that our overriding national need is for reconciliation. Amnesty, we believe, is a first step toward reconciliation. It would erase injustices of the past and thus help us face the future without bitterness.

Philadelphia Yearly Meeting urges the President and the Congress:

1. To bring about a general and unconditional amnesty for all who disobeyed laws and orders which, if observed, would have involved them in the war system during the Indo-china War.
2. To expunge their criminal record.
3. To restore their civil liberties.
4. To drop all present and future prosecutions and to free those currently under legal restraint.

If this nation is to regain a sense of unity and common purpose, nothing less will do.

Next I wish to remind our colleagues of the forgiving attitude which our President has demonstrated toward those who violate the letter of the law out of idealistic convictions. In the RECORD of May 22 of this year appears a statement by Mr. Nixon, and I quote:

> I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Of course, Mr. Nixon was referring to individuals alleged to have broken into a psychiatrist's office in the dead of the night as part of an effort to send an innocent man to jail. We cannot assume he would be so tolerant of those who committed the far more serious crime of refusing to kill or comply in the murder of innocent Asian peasants.

Mr. Speaker, I will have more to say on this subject in the future, but for now, recognizing the great amount of work before us on the floor today, I will close on that note of compassion.

BEING YOUNG AND BLACK IN AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. RANGEL. Mr. Speaker, a recent story in the New York Times movingly and eloquently described what it is like to be black, young, and in America.

The article, entitled "Black Youth's Quest for Job Sketches a Study in Despair," is submitted for the attention of my colleagues in Congress.

[From the New York Times, June 18, 1973]

BLACK YOUTH'S QUEST FOR JOB SKETCHES A STUDY IN DESPAIR

(By George Goodman, Jr.)

On hot days, Freddy Rivers, a 21-year-old black in search of a job paying more than "chump change," stands on the steps of a crumbling stoop with twisted railing.

He lives three flights up with his mother, a domestic who labors six days a week as the chief breadwinner for a fatherless family of six.

In $40 platform shoes, tight-fitting pants and a red sweater with leather patchwork trim, Freddy is flashy but broke. He is compact and muscular—140 pounds on a 5-foot 8-inch frame that looks like a dancer's.

He stands there watching the endless meandering of glassy-eyed prostitutes, dope fiends, winos and hustlers with varying specialties. Occasionally, he sips from a half-pint bottle of cheap wine in a brown paper bag. Sometimes he smokes marijuana and talks with Bumpy, a school chum from days past.

144 ARRESTS IN AREA

Unlike Freddy, Bumpy is always bleary-eyed and shabby, like most of the prowlers staggering around in the timeless world on Eighth Avenue between 125th and 128th Streets.

According to Lieut. Henry Colin of the West 123d St. station, Freddy's neighborhood "is one of the most high-hazard districts in the city." He said there had been 144 arrests therein the last year involving narcotics abuse, robbery, attempted murder, gambling, sale of stolen property, prostitution, loitering and resisting arrest.

"To walk down these streets, standing tall, you got to be ready to rumble," Freddy said. "You've got to be ready to fight for your self-respect or else they will think you're a punk."

Outside Harlem, Freddy walks with less self-assurance, hunting for a job in a market where jobs are hard to find, even for whites.

Freddy's job difficulties are typical of those faced by several thousand black and Puerto Rican young people who make up what one labor expert describes as "the sub-employment index." According to Herbert Hill, national labor director of the National Association for the Advancement of Colored People, these youths represent a generation of slum-area youths, many of whom are "forced by society into an existence of social banditry as a means of livelihood."

Mr. Hill said the great majority of the blacks in 25 of the country's largest urban slum areas were caught in a severe, long-term economic depression.

"Despite improvement for a thin strata of middle-class blacks," Mr. Hill said, "the status of blacks and Puerto Ricans like those in New York City slums is worse than it has been at any time since the end of the Second World War."

"The average Negro family needs an additional wage earner to earn substantially more than one half the income of a comparable white family," he added.

Heroin "is the big thing today," said Mrs. Rivers, sitting in her family's $115.00-a-month, carefully furnished five-room apartment. She said she had "burned up more than one stove in the kitchen, trying to keep the family warm."

"I have begged the landlord unsuccessfully for the last five years to give the rooms a fresh painting," she said. "Freddy, my baby, is doing the painting now. God bless that boy."

RECALLS SLEEPING IN PARK

"I have worked in other peoples' houses six days a week, sometimes from 6 A.M. to 12 midnight," she went on. "I can't know everything my kids are doing, but I hope the Lord is watching out."

"When I came here from Savannah, Ga., in 1945," Mrs. Rivers went on. "Freddy's daddy and me used to bike-ride and go dancing at the Dawn Casino. We used to have nice night spots, as nice as any of the best in the city. We liked to drink beer and sometimes, in the summer, we slept all night in Morningside Park." She noted it would not be wise to do so today.

Early Rivers, whom she divorced before his recent death, "never did much for the kids," Mrs. Rivers said. But Freddy, sitting on the window sill, waiving and calling to friends in the street, stood up to proclaim: "At least he headed me in the right direction looking for work."

Freddy said school has always been a problem for him, particularly reading.

"I had one old-time black dude as a teacher who really tried to help me," he said. "He was a proper kind of man from the old school, but except for him most of my teachers were jiving, working for the money."

When he was 16, Freddy said, he saw his first glassine bag of heroin. He said a friend convinced him to snort, "and I got a most beautiful high."

Three years later, he said, he was arrested for possession of 20 half-ounces that some one had given him to sell at $45 a bag. "My customer was a middle-aged white man, and I was scared," Freddy said. The first sale was successful, but within weeks, Freddy was arrested.

"It was moms," he said, who came through with a $1,000 fine that saved him from five months in jail.

"After that, I couldn't juggle with heroin any more," he said. "But I got suspended from school because of the bust."

Freddy enrolled in a Manpower Development Training Program in Brooklyn, where he learned metal-working and welding. His certificate shows high marks in the program.

With his mother out of the room, Freddy told of another involvement with the police—a drugstore robbery attempt. He was shot in the leg and spent days in the prison hospital on Rikers Island.

FAILED AT FIVE JOBS

"I was released after the trial because they couldn't find a roscoe [gun]," he said.

With more difficulty, Freddy talked about how he had "chumped" (failed) through five jobs as a metal worker. He said he was either given tasks requiring more training than he had received or had poor relations with employers who "had hangups either because they thought I was too young or else because I was black. You can tell a racist dude right away."

Salvotore Larga, Freddy's teacher in the manpower-development program, said he could not understand why Freddy had had difficulty, "unless they were trying to hinder him rather than help."

"This boy," Mr. Larga said, "has a real talent for becoming a fine metal worker."

ABSENTEEISM CITED

One former employer who had dismissed Freddy for what he said was absenteeism and poor puncutality said: "With a little help we might have made it with Fred, but he came into the shop when we were having all kinds of problems."

"He was a little immature," said the employer, who asked not be identified. "But he had a tough foreman, too. Fred had a temper, but I liked him. Unfortunately, we are in business for money."

At another job, Freddy said, he made a mistake while using a metal-bending machine—a mistake he was ashamed of and tried to hide. When it was noted, he said, he was discharged.

Mrs. Shirley Carlisle, a counselor at the Vocational Foundation, 353 Park Avenue near 52d Street, where Freddy and 3,000 other young people go for morale-boosting.

"There are two sides to the problem of attitudes—employers and employees," she said. "The kids know that employers view them with low esteem. They sometimes react to racism by missing work or coming late. An appearance of self-assertion—a need for recognition—by young people is often misinterpreted to mean militancy or hostility."

"HIGH HOPES FOR FREDDY"

"I have high hopes for Freddy," she said. "I see him sitting on the fence right now, but I know he believes in himself, and I know he has a strong degree of personal strength. What he needs is a real opportunity."

James McNamara, director of the city's Manpower and Career Development Agency, said racism was the problem at the heart of all the others, particularly in cases like Freddy's. He said that among 3,386 journeyman members of Local 28, whose members—"the cream of the building tradesmen"—earn as much as $350 a week, only 44 are black or Puerto Rican.

"It's not just disgraceful," he said, "but it's the basis of a lawsuit being prepared by the U.S. District Attorney."

ARREST RECORD WILL HURT

"The 44 figure is right," said Mr. Hill, the N.A.A.C.P. official. "But it includes all non-white minorities. Actually, there are only 20 blacks in the union, and the N.A.A.C.P. has fought for 20 years against Local 28 in numerous lawsuits. Twenty black men is what we have to show for it."

Whether a lawsuit will help Freddy Rivers is not clear. He has a criminal record, which barred him from the Marine Corps when he tried to enlist, and it will continue to be a stumbling block to employment.

"Right now," Freddy said, "what I want is a job—a real job that pays you enough money to live."

F-14 VERSUS F-15

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. RONCALLO of New York. Mr. Speaker, I respectfully request that the following editorial taken from Aviation Week & Space Technology be included in the CONGRESSIONAL RECORD so that my colleagues will have a better understanding of the capabilities of the two aircraft.

The editorial follows:

F-14/F-15

It was very interesting to read in your magazine that the Navy was directed to evaluate the F-15 Eagle for use aboard carriers.

I think that the Congress and the American people should wise up and have the Air Force evaluate the F-14 Tomcat. As great a fighter [as] the Eagle might be, and as difficult as it might be for the Air Force to accept a Navy design, there doesn't seem to be anything to gain in buying the Eagle that could not be gained at half the cost from a "Cobra," "Lancer," beefed up "Tiger 2," or even a Mirage F1.

And this is not meant as a slam at the great team of engineers employed by McDonnell; it is just another case of the lack of foresight on the part of the Air Force and the typical case of "uninformed public."

There has been a lot of publicity focused on the Tomcat program, particularly that centered around rising costs versus numbers to purchase. Much of it has been generated by people who really do not have the facts or those who used freely certain established figures without explaining exactly what they encompassed. And then there were those who slandered the program for personal gain.

One fact that did come to light, however, was that Grumman could not be forgiven for inflationary rises even when other aerospace programs accepted them as "unavoidable." Another fact, which seems most important, is that few critics, if any, had any idea of what the Tomcat was offering in the way of accomplishing a mission considering the threats at hand and projected through the '80s.

The Tomcat is an expensive fighter, but it possesses all the necessary hardware and capabilities to be a winner in any air defense or air superiority contest.

The F-4 Phantom is a fantastic machine. I've flown over 1,000 hr. and enjoyed over 300 combat missions with it, but it still has poor visibility, poor fuel specifics, heavy wing loading, and the Navy birds have no gun.

If you are going to push for a low cost, highly maneuverable and numerically superior fighter force to clear the skies you need an A-4 sized airplane with a 2:1 thrust to weight in basic engine that carries Sidewinder, shoots a Hot-Line computed gun, has great visibility, one-man crew, two radios, vectored thrust, and costs under a million dollars.

Then build 10,000 of them, recruit 17 year olds in a Warrant Officers Program, throw out your ADC mission and you will do the job of any amount of Eagle Squadrons.

But—if you want a fighter that can out turn a MiG-17, outfox a Foxbat (MiG-25), and out Q the Fishbed (MiG-21), Flogger (MiG-23), Flagon (Su-15), etc., launch and recover from a carrier deck on a 1.5 hr. cycle and never go below a combat fuel package even when not tanked when airborne, and at the same time have look down multi-target track-and-kill capability against aircraft, cruise missiles and surface ships, with real-time command and control link to a Combat Information Center, then you had better buy the Tomcat and be willing to pay the price.

You only have to operate from an aircraft carrier for a short time to realize just how much might there is moving with that ship.

The real vulnerability of that might rests in the limitation of the aircraft and crews that operate from its deck. It seems so clear to those whose business it is to take off by catapult and land by arrestment that with the new generation of attack and ASW aircraft the weakest link in the Carrier Air Wing for efficient operation is the fighters. The Eagle is only a super Phantom and nothing more. It will not eliminate the present problems realized by the Phantom's airframe or weapons system. The Tomcat clearly will. Additionally, the F-14 has hardly been explored for possible uses. Think of an RF-14, an A-14 or an EF-14 Iron Hand. All of them common to an airframe that is safe to bring aboard a carrier in any weather, easy to handle, easy to maintain, and enjoys the fuel specifics and performance to outclass any existing combat airplane.

After various visits to St. Louis and Calverton, Pt. Magu and Edwards, it is apparent to me that the areas in which the Eagle is supposed to exceed the Tomcat are now of no significance. The F-14 is flying now and engaged in active ACM missions. The Eagle still has to get the bugs out of its engines and the penalty is always a lower installed thrust to weight. The Eagle must rely on the AIM-7F, which still has a long way to go.

I don't think it would even be a contest if the Eagle met the Tomcat subsonic. Considering energy maneuverability projects the Eagle would gain a parity at a very high Q on the deck where the similar wing configurations would become more dependent on thrust to weight and the Eagle could exploit a climb advantage. That is if it wasn't already run out of gas or shot down over 100 miles ago by Phoenix. . . .

CARRIER PILOT
Fleet Post Office
New York

RED CROSS HONORS 55 YEARS OF SERVICE

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. CRONIN. Mr. Speaker, the American Red Cross has long been a pillar of the health care system in the United States. It depends largely on volunteers who give unselfishly of themselves in order to perpetuate the organization.

At the recent annual meeting of the Greater Lawrence Red Cross, volunteers and blood donors were recognized for their services. I would like particularly to call attention to a resident of my district who was honored at this meeting. Mrs. Florence Woodbury, a longtime volunteer for many community and civic organizations, received an award for 55 years of voluntary service to the Red Cross. Mrs. Woodbury exemplifies the spirit of voluntarism that is an integral part of the American way of life and the motivating force behind such vital institutions such as the Red Cross. Without the unfailing devotion of people such as Mrs. Woodbury these organizations would have difficulty maintaining their fine standards of service. I would like to personally thank and commend Mrs. Woodbury for her admirable and valuable service.

IN PITTSBURGH THE 10-CENT BUS RIDE IS ALIVE AND WELL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, last October, a conference was sponsored by the National Model Cities Directors Association.

One of the program's highlights was the presentation of some of the Model Cities' experiments.

The presentation by the Pittsburgh Model Cities dealt with the 10-cent bus ride that residents of the Model neighborhoods can take when commuting between their homes and downtown Pittsburgh.

I would like to include this presentation in the RECORD at this time for the information of my colleagues:

TRANSPORTATION—PITTSBURGH—"THE 10-CENT BUS RIDE IS BACK"

If you were to ride through Pittsburgh's Model Cities neighborhood today, everywhere you would see placards and signs which read, "Happy days are here again—the 10 cent bus ride is back."

P.A.T. is the popular acronym for Port Authority Transit—which came into being as a public agency some nine years ago. It's now accomplished purpose: To acquire and consolidate privately-owned bus and Trolley Companies into a unified system of public (and non-profit) transit in the Pittsburgh metropolitan area.

Today, P.A.T. operates 998 buses—most of them new and air-conditioned, and many with air pollution control systems—and 95 trolleys over 172 routes. For the past few years, P.A.T. has been moving ahead with plans for 38 miles of transit improvements in the first phase development of a county-wide rapid transit system.

Now, it is not exactly true that happy days are here again for most people living in the Model neighborhood. But it is a living fact that the 10 cent fare, which became extinct some 20 or 25 years ago, is back in this section of the city—and operating very well to the benefit of residents.

In this day of inflation with the basic fare up to 40 cents in Pittsburgh and going higher in other cities (New Yorkers may soon be paying 50 cents for the nickel subway ride of not too many years ago). That is a rather phenomenal and most encouraging fact.

Let me fill you in on the whys and hows of this fact. First, some details about Pittsburgh's Model neighborhood. It is located immediately adjacent to downtown Pittsburgh, and contains just over 11% of the city-wide population—or approximately 58,-000 residents. About 33,000 of those residents live in the Hill District, over 12,000 of these tenants in low-rent public housing communities.

Except for a small pocket of middle and upper income families, the Hill District today continues to be Pittsburgh's largest concentration of poverty, chronic and recurring unemployment (ranging from 20 to 30 percent), poor housing, inadequate education—and other such conditions that remain rooted in urban black neighborhoods.

The other part of the Model neighborhood lies directly to the east of the Hill District and is called Oakland. While poverty levels are less extreme, this area is not without its low-income families—along, with many in upper income brackets.

For the 2½ million people in the Metropolitan Pittsburgh area, the Oakland district is the prime center of activity in the fields of health and hospital services, higher education, cultural and social enterprises. For the Model neighborhood community, Oakland is doubly important to residents because of its availability of: (1) a wide range of essential services; and (2) an increasing supply of jobs and expanding economic opportunities for those in deprived areas.

A basic goal of the Model Cities Program is to bring about a realistic relationship between institutions and people—to adopt services and jobs to the needs of the area. And that is the course the Model City Agency, under Robert Boulden, is following in developing and implementing its program.

In addition to low-cost transit service, the Model City Agency—P.A.T. Contract, resulted in another major benefit to Model neighborhood residents. It had the effect of establishing the Model City Agency as a referral center for P.A.T.'s metropolitan wide Hiring Program.

Since the start of this year, under its expanding affirmative Action Program, P.A.T. has hired a total of 102 new employees. Of those 42 are black and a number were applicants referred to P.A.T. by the Model City Agency and employed as bus drivers, mechanics, maintenance workers and to fill various other job openings.

The Reduced Fare Plan made possible through $250,000 in funds from the Model Cities Program. My remarks should not be construed as an apology for P.A.T. service through and between the Model neighborhood. There are 5 routes; 3 intra-neighborhood. That service, in fact, is probably superior to any other elsewhere throughout the P.A.T. System.

But we at P.A.T. do recognize that the regular 40 cent fare is a strain on many household budgets—especially large families with school children, those on public assistance, those without jobs, those receiving pension benefits and others who must make frequent and short trips within the area.

Further, many people—particularly the elderly—are hampered by the Hill District's hilly terrain in their ability to get to and from churches, supermarkets, doctors' offices, banks and other such routine but very necessary trip destinations.

For a time, the Model City Agency considered initiating its own bus service to meet these needs. But after nine months of discussion, it was concluded that P.A.T.—already equipped with full insurance coverage, a modernized fleet of buses, and operating manpower, skills and experience—offered a more practical method.

Consequently, the Model City Agency and P.A.T. joined forces to sponsor such service. John Bullock and other Model City staff members were most helpful in working with us to bring about the following *two low fare bus services*, implemented on May 21, 1972.

Business districts, clinics, hospitals, supermarkets, banks, the post office, additional transit lines, the University of Pittsburgh and various amusement centers. P.A.T.'s regular route 84A services the several residential and cities neighborhood as well as the reduced fares on the route are as follows: Adults 30 cents instead of 40 cents, children 6 through 11, 10 cents instead of 20 cents, and children under 6 ride free. Transfers may be obtained for an additional 10 cents. The service begins at approximately 5:00 a.m. and terminates at 2:00 a.m.; it covers approximately 8 miles per round trip.

The newly established Model Cities *Mini-Bus Loop* route with red flags flying on the buses—services other residential and business areas within the Model neighborhood: This route also covers approximately 8 miles per round trip: A fare of 10 cents is charged for adults, children 6 through 11 pay 5 cents, children under 6 ride free. No transfers are issued or accepted on this loop bus. The mini-bus loop operates from approximately 7:00 a.m. until 11:30 p.m. Three buses provide a 20 minute frequency, a total of 48 round trips are made on weekdays and Saturdays.

A special church loop operates along with the regular service in the Hill District on Sunday from 9:00 a.m. until 1:30 p.m. A total of 13 round trips are made on this church loop with a 20 minute frequency. The regular Sunday and holiday service operates from approximately 9:00 a.m. until approximately 6:30 p.m. There has been no drop off in ridership on the regular routes.

After the Transit Program began, daily ridership checks were made on P.A.T. reduced fare route 84A Herron Hill-Oakland (To Atwood St.), and the Pittsburgh Model Cities Mini-Bus Loop Route 84C.

The following number of cash passengers utilized the reduced Route 84A since the Model Cities Program was implemented.

May 1972, 11 Days, 19628 (Program implemented May 21).

June 1972, 30 Days, 54567 Passengers.

July 1972, 31 Days, 54805 Passengers.

August 1972, 31 Days, 59590 Passengers.

A grand total of 188,590 cash fare passengers utilized the 10-cent reduction in fare during the period between May 21, 1972 and August 31, 1972.

The newly established Model Cities Mini-Bus Loop Route 84C continues to show an increase in ridership since the 10-cents fare began operations on this new loop bus.

The first day of week service the ridership was 316 adults and 60 children. A high by Wednesday of that week, 1,910 passengers patronized this service. The totals per month are as follows:

May 1972 (11 days) 5,867 Adults, 3,968 Children. A total of 9,835 passengers.

June 1972 (30 Days) 22,075 Adults, 4,097 Children. A total of 26,172 passengers.

July 1972 (31 Days), 28,197 Adults, 4,666 Children. A total of 32,863 passengers.

August 1972 (31 Days) 31,730 Adults, 4,570 Children. A total of 36,300 passengers.

This is a grand total of 105,170 passengers who took advantage of the 10-cent Model Cities Mini-Bus Loop Service between Sunday, May 21, 1972 and August 31, 1972.

Many of the Pittsburgh Model Cities residents including children are being contacted through personal ridership checks. The Model Cities routings, fares, hand schedules, and scope of service are being discussed and their suggestions or comments are taken into consideration for any improvements which could be adopted to continue this successful transit project. Many, many favorable comments are being received for this much appreciated service.

If the Model Cities program were broadened to cover entire cities, as has been advocated by many, the job could be done—just as it is being done in the Model neighborhood.

PUSHING THE IMPORTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. GAYDOS. Mr. Speaker, a person need spend no more than an hour or so before his television set these days to become cognizant of a developing threat to the jobs of thousands of our auto, steel, and related industrial workers and to the economic health of the Nation itself.

One TV commercial after another not only extols the current virtues of foreign-made cars offered in this market, but they promote their sale on the basis of smartness appeal. One series even resorts to the description of "sexy."

We have been aware for many years, of course, of the popularity here of certain Japanese and European models. Their vaunted economy of operation has increasing attractiveness in an era of high gasoline prices and impending fuel shortages. But sent here by their foreign manufacturers, they have been accepted in the spirit of normal competition.

The new thing, however, is that our own auto companies now are bringing in these foreign-constructed cars in growing numbers and are advertising them on TV and in the print media with all the skills Madison Avenue can muster as the "fashionable" and "enviable," let alone "sexy," new means of "American motoring." General Motors and Ford are particularly energetic in this endeavor.

So here we have our own corporations, long the beneficiaries of this country's economic success, lining up against us in the international trade war and at an expecially bad time when the balance of payments persists in our disfavor and the U.S. dollar remains in trouble. These firms are demonstrating in a severe way for us the multinationalism which has overtaken them, a matter once obscured in their press releases but which now, in their eagerness to import, has become something for them to boast about.

Perhaps it is useless, considering how far this situation has gone, to complain. But it seems to me that, in simple fairness, our companies should be making efforts at least of equal zeal to sell their American-made cars to customers overseas. They are not doing this. Fords, Chevies, and the other U.S. products are not being pushed in Europe and Japan mostly because tariff and nontariff barriers erected against them in those markets have made their prices prohibitive.

What can be done, then, to protect the American autoworkers, and the workers who supply the steel, and all the others whose jobs depend on Detroit and whose employment is at stake in the present sales promotions of cars made elsewhere? How can these Americans be safeguarded against the challenge of the autoworkers' own employers? These questions will be asked, I suspect, more and more in the months ahead. Sixteen percent of the cars now on our roads are of foreign manufacture and this rate is bound to go higher in consequence of the sales and advertising campaigns. Where will it stop? How many jobs will vanish before it is stopped?

I would like to make this point. Every nation has a basic right to secure by unilateral action its own interests, economic and otherwise, and most foreign countries have been doing just this for years with their trade barriers and subsidies. Paramount among our interests, certainly, are the jobs of our workmen. Thus the time fast would be approaching when it will become mandatory for this Government to deal with the U.S.-based importers in accordance with their sales here of foreign-made cars. Special tax and regulatory measures may become necessary and Detroit needs to be warned of this. Their "jaunty" and "sexy" imports may sound good on TV. But they are not good for this country's employment and economic well-being.

AMENDMENTS TO AEC AUTHORIZATION BILL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Ms. ABZUG. Mr. Speaker, when the House considers the Atomic Energy Commission authorization bill, H.R. 8662, tomorrow, I shall offer two amendments.

BAN ON NUCLEAR TESTING

My first amendment would delete the $155 million requested for atomic weapons testing and would prohibit the AEC from exploding any nuclear device as part of the weapons program.

In view of present negotiations toward a comprehensive test ban treaty, it is unwise and dangerous to proceed with continued testing. Progress toward agreement would be set back.

The Congress should take advantage of the current summit meeting to suspend all nuclear testing so that a comprehensive treaty can be concluded.

Scientists admit that we have no real knowledge of the hazard posed by radiation to present and future generations. We do know that countless fish, sea otters, and other wild life were killed in last year's test on Amchitka Island in Alaska. We have been warned by many seismologists of the potential earthquake hazards. We have nothing whatever to gain by continuing to test these monstrous weapons—but we have a great deal to lose.

COLUMBIA UNIVERSITY NUCLEAR REACTOR

My second amendment relates to a nuclear reactor which is located in the middle of New York City, one of the most densely populated areas in the Nation. The reactor, which is located on the Morningside Heights campus of Columbia University, is opposed by many members of the community; in addition, there are serious doubts as to its safety.

The amendment I will offer would prevent Columbia from fueling and operating the reactor, at least for the present.

Pursuant to the provisions of clause 6 of rule XXIII, I include the texts of my amendments in the RECORD at this point:

H.R. 8662: AMENDMENT OFFERED BY MS. ABZUG

Page 1, line 7, strike out $1,740,750,000 and insert in lieu thereof "$1,585,750,000".

Page 5, after line 25, add the following new subsection:

"(f) The Commission may not explode or assist in exploding any nuclear weapon of any sort, nor may it use any appropriated funds in furtherance of, or preparation for, any explosion of any nuclear weapon of any sort."

Page 5, after line 25, add the following new subsection:

"(f) The Commission shall not grant or renew any license permitting the Trustees of Columbia University in the City of New York to operate or fuel any nuclear reactor within the City of New York. Any such license currently outstanding, is hereby revoked, effective immediately upon the enactment of this Act."

DEALING WITH UNWANTED MAIL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. ROGERS. Mr. Speaker, at one time or another we have all experienced that disheartening situation of finding our mailboxes full of unsolicited or "junk mail." Perhaps even more dismaying is the fact that most of us feel helpless to do anything about this deluge of paper or even determine how our name became a part of these mailing list brokers' files. There are supposedly means by which you may delete your name from mailing lists, but it has been my experience that those persons who have been unsuccessful in this pursuit would themselves constitute a rather substantial mailing list.

For the benefit of my colleagues, I would like to insert the text of a letter from a constituent of mine proposing a possible solution to this frustrating situation. I also hope that it will direct your attention at a problem that is becoming more serious every day and is choking our mail system.

The letter follows:

W. PALM BEACH, FLA.

As you know I'm an entertainer and often write letters to the Post, but avoid controversial subjects. However there is one abuse going on in my opinion that so many talk about but do nothing about—that is the abuse of the U.S. Mails by so-called "Junk Mail".

In the past I have ordered certain things by mail and now my mail is flooded with circulars and catalogs resulting from companies selling lists of customers to others. I have on one day actually received 20 of these unwanted pieces of mail to only two of first class letters. As I have pointed out in letters to the editor we who pay first class postage are paying the bulk of the cost of this "trash basket" mail. I've written in vain to postal authorities who explain that "3rd class mailers contribute more to offset postal service overhead than any other . . . they also receive the lowest priority of service . . ." I was told to write to the Mail Advertising Association 230 Park Ave NYC who is supposed to help people who do not wish to receive 3rd class mail—which I did in January. Here it is May and I'm still flooded.

Well I think I have finally dreamed up a diabolical scheme to thwart these mailers who must be cluttering the mails with millions of pieces, judging from what I receive. (Just think of the wanton waste of trees supplying this in-the-main cast away paper!).

My plan is this: I have had a rubber stamp made as follows: (It cost $2.50).

"Refused—return to sender—take name off your list."

This week I stamped over 30 peices of this mail with it and put it back in the mail. I figure that if thousands of others were to do the same and thousands of pieces went back to these mailers for collect postage they would soon stop this practice. What do you think?

If others like my idea and don't want to have a stamp made of their own, I'll send them one for $2.50 if they write to me.

I believe and hope my plan will mushroom into a national effort (like the meat boycott) to rally the people to what I feel is a worthy cause and an attempt to bring mail service back to what it used to be.

Sincerely,

LANNY GREY.

AFTER THE FIRE IS OVER—THE STORY OF HONOLULU'S "OPERATION FACES"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MATSUNAGA. Mr. Speaker, at a time when more than 10,000 people in the United States die in fires each year, and billions of dollars of property are consumed in flames, it is noteworthy that Hawaii has established a program to help some of the immediate discomforts of disaster survivors.

Mr. Butch Jacobson, a fire fighter in Honolulu for 9 years, is the originator of the Fire Fighters and Community Emergency Services—Operation FACES—designed to provide food, clothing, shelter, and transportation to victims of natural disasters. I believe that my colleagues and other readers of the RECORD would find the story behind Operation FACES to be valuable reading and therefore offer a recent Honolulu Star-Bulletin article on the subject by Jocelyn Fujii for inclusion at this point:

THE AFTER-FIRE FIGHTERS

(By Jocelyn Fujii)

No disaster leaves its survivors unscathed. Frequently in shock and with only the clothes on their backs to their names, those fortunate enough to live through a fire, flood or natural catastrophe still have the loss of family or shelter to suffer.

It is no small burden.

Fire fighters are as familiar with the agonies of calamity as the victims themselves are, and at least one concerned Island fireman is doing something about it.

He is initiating the Fire Fighters and Community Emergency Services, called Operation FACES, to help ease at least some of the immediate discomforts of disaster survivors.

According to Butch Jacobsen, a fire fighter of nine years and the originator of the idea, FACES will consist of an emergency fund and accompanying services to provide food, clothing, shelter and transportation to disaster victims who need them. But, he stressed, "The concept of FACES is empathy. We want people to feel that fire fighters are more than fire fighters. We put out the fires, sure, but there's a human side to us as well."

To launch the program, Jacobsen is sponsoring a fund-raising Pearl Harbor boat cruise that is hoped to be the first of a yearly tradition, at 6:45 p.m. Sunday, six days before National Fire Service Recognition Day. The cocktail cruise will begin at Kewalo Basin and will feature offshore demonstrations by fireboats as well as boat and helicopter rescue operations, aerial fireworks and torchlight canoe races.

All proceeds from tickets, which cost $7.50 each, go to FACES. Tickets are available at the Moanalua, Waikiki, Wahiawa, Waipahu, Kailu, Kanehoe and Central fire stations.

Jacobsen is organizing the project independently as a fire fighter, and he will maintain FACES with the cooperation of the Fire Department, the Honolulu Merchant Patrol and a handful of supporters and volunteers. Although he hopes it will eventually become a fire fighters' project, he said, until it is self-sustaining he is operating FACES on his own time and expense.

So far McDonald's, Sears and J.C. Penney are among those which have agreed to be continuing contributors to FACES.

"If there's any big disaster, fire or flood," Jacobsen said, "I'll be able to feed any number of people free.

"The Red Cross comes in if there are more than five people involved. We don't care how many people are involved; we'll be working hand in hand with the Red Cross. Our concern is immediate and temporary."

"Hotel lodgings too," he said. "Reservations will be made in the name of Operation FACES. The hotel bill will be paid by Operation FACES. We'll be under kamaaina rates." Because of obvious financial limitations, he said, such aid can only be extended for two or three days.

"Say your house burns in Waipahu." Jacobsen continued. "we would get a restaurant in Waipahu to be a part of the program. We will try to set up contacts in the area of the fire."

Jacobsen said that people in immediate need of clothing will receive new and usable merchandise from Sears and J. C. Penney. He wants to make it as comfortable as possible for the victims.

Some of the merchandise, he said, might be new but unsalable because of minor factory defects, but it will not be secondhand.

"I don't want underarm odors, or to find that a person had a disease, etc.," he said, "and that's the reason for keeping it to new merchandise that people want to give.

"I worked on the North Shore and other disasters, and when they asked for donations, some of it turned out to be nothing but a get-rid-of-your-old-clothes thing, and a lot of unusable rags."

FACES is presently operating out of a temporary Waikiki office. It later will be based at the office of the Honolulu Merchants Patrol, a security guard and patrol service where Jacobsen works part-time. FACES will operate 24 hours a day through the HMP dispatch service.

The system will work like this: At the scene of a fire, a fire fighter will assess the situation. If he finds that the victims require transportation or shelter or any of the services of FACES, he will radio the HMP bureau, which in turn notifies Jacobsen or his substitute.

Jacobsen has bought an old 37-passenger bus to serve as a warehouse for FACES. "I took out all the seats, and I will be hooking up a telephone in it to use it as sort of an office. I will have clothing in it, sized small, medium, large, etc., for emergency use," he said.

"No business is good business," he continued. "But let's face it—last year, approximately 11,900 people in the U.S. died in fires, and 6,600 of those were home fires. Property damage was $2.96 billion.

"There are fires here all the time. You don't want to think of an idea after it happens, you want everything available beforehand."

THE PHILOSOPHY OF PUBLIC BROADCASTING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, when, in the 90th Congress, we created the Corporation for Public Broadcasting, I believed that we were developing a channel of communication which could both tap the community for, and present to it, an entire range of subjects which commercial stations either neglected or paid too little attention to.

Lately, the Corporation and public broadcasting in general, have appeared on the whipping boy list of those who feel threatened by news and public affairs coverage.

Far from being nefarious, the Corporation for Public Broadcasting offers hope for community access to channels of information to a degree which commercial stations can never match.

Dr. Robert F. Larson, general manager WITF–TV public television in Hershey, Pa., expressed the philosophy of public TV in a recent article. I would like to include excerpts from the article in the RECORD at this time for the information of my colleagues:

> When our stations are unable to address human need, or effect positive change through communication, or provide new entertainment and aesthetic experiences unavailable elsewhere, or serve as a voice for all points of view, or produce programs which seek truth, then they are unable to function as social institutions of value. When the preceding goals are ignored by WITF–TV/FM, then we are no longer worthy of anyone's support. It is our belief that every broadcasting unit must speak to the human condition in a way that matters—and that can mean anything from light variety to muckraking, for big audiences or small. It is our hope that we can continually augment the community's quality of life through electronic communication which may lead to understanding—and that is what public broadcasting at WITF–TV/FM is all about.
>
> Public broadcasting can and must be a channel of information that is continually responsive to human need—one that is able to draw taut the line—
>
> between what is known and what ought to be known,
> between what one is and what one can become,
> between what is loved and what ought to be loved,
> between what is despised and what ought to be despised,
> between who is being heard and who ought to be heard.
>
> We are pledged to insure, insofar as it is possible, fairness and value in that which we offer to our community, but we cannot dilute a point of view or what appears to be the truth. We'll not please everyone, and may offend many. This is the risk we must take in responsible programing, which is a far better fate than dying at the crossroads of conformity.

STRUGGLE OF LITHUANIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. HOGAN. Mr. Speaker, I wish to express my concern to my colleagues over the Lithuanian people who have been deprived of their democratic institutions and are now unable to speak for themselves.

These people enjoyed a short but enthusiastic period of freedom. They regained their independence in 1918, and after only 23 years, the Soviets forcefully demanded immediate formation of a "friendly" government and occupied the country on June 15, 1940. Soon after the country became part of the Soviet Union, and after its courageous but helpless inhabitants were shipped to Communist labor camps, the world realized that there would be no freedom under the Communist flag.

Mr. Speaker, the Lithuanian people have not given up their quest for freedom and will continue to fight for the reestablishment of complete independence and self-government. Today is a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world. We must not forget Lithuania and her sad story.

RAIL CRISIS IS COMPOUNDED BY ACUTE SHORTAGE OF FUEL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. DULSKI. Mr. Speaker, the Congress has been considering what action might be taken at the Federal Government level to deal with the crisis affecting many railroads, particularly in the Northeastern United States.

Crisis is an overworked term, but in this case it may be an understatement.

Not only are we faced with imminent shutdown of certain railroads—you can't run any business without cash to meet payrolls, and so forth—but we have a companion shortage of petroleum. Thus, there is nowhere for the economy to turn for alternate transportation.

It is imperative that the Congress act as quickly as possible on an interim basis since a long-term solution is lacking.

At the least, there must be protection for communities and shippers on bankrupt railroad lines. They cannot be summarily cut off from rail service without some alternate provision.

I do not favor nationalization and I do not want us to become involved in an open-end subsidy approach.

But neither can we sit idly by and do nothing.

I have lent my support to several bills pending before the House committee and I am open to suggestions on how to deal with this complex matter.

The gasoline shortage adds to the transportation crisis. Already, trucking companies are reporting difficulties in obtaining fuel to handle the business they already have.

A truck tractor can haul at most two trailers. A railroad engine can haul hundreds of trailers or equivalent load. The need for maintaining our rail system is obvious.

Mr. Speaker, time is of the essence. We need to take interim action before the August recess.

At least, we should give the Interstate Commerce Commission authority to act in emergency cases, such as permitting other railroads to utilize the tracks of bankrupt roads. To keep bankrupt railroads operating temporarily, we may need to provide a limited subsidy. There are other alternatives, I am sure, but what we need, and now, is action.

As part of my remarks, I include an excellent editorial.:

[From the Buffalo (N.Y.) Evening News, June 16, 1973]

DRIFTING TOWARD RAIL CHAOS

While an endless debate goes on in Congress on various approaches to preserving a viable railroad network in the Northeast, there appears to be nobody at the switch to head off the imminent suspension of service by bankrupt lines seeking court relief.

This unchecked drift toward liquidation regardless of its consequences is suggestive of an explosive-laden freight train plunging headlong toward a washed out bridge.

If the nation were not faced with spreading gasoline shortages and with mandates to clean up the environment, it might afford the luxury of truck and plane fleets, in the absence of vital rail links, to keep our massive northeastern cities supplied with food and other commodities now hauled on tracks.

But apart from the steeper costs such dependence on alternatives would entail it would be an incomprehensible folly to write off major sections of railroad network at the very time the federal environmental agency is calling for drastic restraints on vehicular traffic, including trucks, in such areas as New Jersey. With highways already densely traveled, and with appeals going up to conserve our dwindling oil reserves, the nation surely has a heavy interest in the survival of the form of transportation most economical in its drain on energy resources.

This does not mean, to be sure, that every mile of track in an overbuilt northeast network needs to be preserved. But what it does mean is that, short of a swift resolution of differences over how a railroad rescue mission can best proceed, it would be deplorable if service abandonments by individual lines reach the point where there is nothing much left to save.

Yet this is the grim prospect feared by State Transportation Commissioner Raymond Schuler. He notes that without some co-ordination among federal courts now overseeing seven bankrupt lines, the courts will make decisions about each railroad on an individual basis, without considering the impact on the over-all transportation needs of the Northeast. Similarly, Buffalo's Rep. Dulski, concerned about the Lehigh Valley's plea to end all service Oct. 1 (including 364 miles of track serving Buffalo and New York), has proposed a freeze on abandonments pending a congressional decision on long-range solutions.

Meanwhile, a rational effort to preserve at least the most vital rail links is bogged down in protracted controversy over a restructuring of the bankrupt lines, and particularly over the degree of government vs. private control and financing. While our own preference still leans toward helping the stricken railroads work their way out of their problems within the private sector, some form of government financial help to tide them over and provide needed physical improvements, comparable to that long given highways, may well prove necessary, and as much in the nation's interest as a shift of priorities toward mass transit in urban areas.

In any case, it is time Congress and the administration settled on a solution that squares with the national stake in retrieving economical and environmentally-compatible alternatives to clogged highways.

CONGRESSMAN COHEN PRESENTS A THOUGHTFUL PIECE OF INSIGHT ON WATERGATE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. RAILSBACK. Mr. Speaker, this morning's Washington Post carried a fine guest editorial by our colleague, William S. Cohen. I commend the Congressman for his insight into one of the most controversial issues of today: The lessons of Watergate. Because I am certain it will be of interest to all Members, under the leave to extend my remarks in the Record, I include the following:

AN ISSUE OF FAITH IN THE COURTS

There are many lessons to be learned from Watergate. One is how quickly the long-beaked bird of power can attach itself to men and then abandon them almost without notice and always without remorse. Just a few months ago, President Nixon and his administration were riding the crest of an unprecedented wave of popularity. Congress was reeling from executive clouts and vetoes and constituent reproach. All that is changed now and it is the administration that is reeling as the Senate deals out blow after blow with the networks carrying it all into every household in the country.

Many, on the optimistic side, proclaim that Watergate proves that our system works. Others, in proposing vast and fundamental reforms, say it really means that our system almost did not work. But perhaps the greatest lesson is the zeal with which we will undertake to purge and cleanse ourselves of an evil once it is exposed. Attendant dangers lurk in our zealousness.

The danger becomes most apparent in the current focal point of the Senate Watergate hearings. No matter how many times members of the committee insist upon identifying testimony as hearsay evidence, inadmissible in a court of law, and no matter how often Senator Ervin issues a caveat that the evidence is insufficient to connect those implicated to the events, the slow and eradicable stain of guilt is being allowed to seep into the minds of the public and soil the presumption of innocence that must be granted to those who are to be charged with criminal offenses.

Many recognize that the publicity given to the current hearings may very well jeopardize any opportunity for those who have been implicated, or who will be indicted, to secure a fair trial. Moreover, Special Prosecutor Archibald Cox has indicated that the current hearings will impede, if not defeat, his efforts to proceed in the courts and he has requested the committee to defer long enough to allow him to complete his investigation and presentation. His request was turned down by the Ervin committee, which maintains it is more important for the public to have the truth than to secure the convictions of those who may have been involved.

The difficulty with the committee's argument is that it perpetuates a sense of distrust and lack of confidence in the judicial system at a time when it can least afford it. Secondly, it ignores the fundamental principle that we are not only committed to seeking the truth, but doing it in a manner that is fair and consistent with our notions of justice. In other words, there are not just two ways of determining the truth, there are three—the right way, the wrong way and the right right way that is the fair and just way. While the sad and sordid acts of eavesdropping, espionage and sabotage stride at the very core of our political system, we should not counter by striking a blow back at the judicial branch.

It is difficult to be critical of the Senate hearings currently under way. Indeed, this writer called upon the Select Investigating Committee some time ago to go well beyond the Watergate itself and investigate allegations concerning the sabotage of Senator Muskie's campaign for the presidential nomination.

The Republican and Democrat committee members have exercised restraint and moderation in their conduct and questioning, each seeking to avoid being tagged with a charge of partisan persecution or protection. Nevertheless, it is an institutional restraint rather than an internal one that now seems in order. The Senate has been the catalytic agent that has lifted the top off the boiling teapot of scandal, that has precipitated the naming of a new attorney general and an independent special prosecutor of the highest caliber. Now it is time to allow the Justice Department to repair itself and permit the judicial process to get under way again and bring the malefactors before the bar of justice.

The danger in proceeding pell-mell in the Senate without regard for the judicial proceedings that are to commence is that testimony is being received and accepted in the Senate to establish events but not the innocence or guilt of the participants. The hearings, however, may well satisfy the public of the guilt of those involved with evidence that could not be used in a court of law because of its inherent unreliability.

This not only undermines whatever confidence remains that the courts are where justice is accomplished, but it approaches and gains entry to a madhatter world where everyone knows the culprits are guilty even if we cannot prove it or do not care if we prove it. The accused will be publicly tried but not properly convicted. We will thus know the truth without being able to prove the truth.

VOTER REGISTRATION HEARINGS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. DENT. Mr. Speaker, next week, on June 27 and June 28, the Subcommittee on Elections, Committee on House Administration, will hold public hearings on H.R. 8053, the Voter Registration Act, and related election legislation.

The idea of Federal voter registration legislation is not new with the 93d Congress. Four major water registration bills were introduced during the 92d Congress, and both the House and Senate held several days of public hearings on the subject. As a matter of fact, in 1972, the House heard 7 days of testimony on the concept of national voter registration, including statements of 48 witnesses; and in 1971, the Senate held 5 days of hearings and heard 21 witnesses. When our Elections Subcommittee hearings are completed, the Congress will have heard 17 days of testimony and almost 100 witnesses in all. To say the least, a considerable record has been developed in this area over the last 3 years.

Mr. Speaker, Mark Twain once said that as long as you have differences of opinion you are going to have horse races. Analogously, as long as you have proponents and opponents of this legislation, you are going to have differing cost figures, differing opinions as to the potential for fraud, and differing ideas as to the impact of postcard registration upon the number of Americans who do actually vote. These numbers and percentages are not clear simply because they fluctuate depending upon the degree of support for the legislation. Only a nonpartisan survey can make the record clear.

Nevertheless, Mr. Speaker, there are some numbers which are clear: 9 out of every 10 voters who are registered vote, but less than 7 out of 10 eligible voters are registered. Given the true facts and the differing opinions of almost 100 public witnesses, it is the job of Congress to decide whether legislation to facilitate the registration process should be enacted. One or 100 more witnesses cannot make this decision for us; and, hearing witnesses to the *n*th degree can do nothing but obfuscate the matter.

So, in this light, I have made an effort to gather witnesses representing all sides of this issue and representing each of the governmental entities involved, from local right up through National Government. I expect this witness list to complete 3 years of wide ranging and balanced testimony which the Congress can use to make an informed judgment and work its will.

KENT STATE REVISITED?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, when President Nixon 3 years ago ordered the invasion of Cambodia, the Nation was rocked by numerous student protests against the action.

At a campus demonstration at Kent State University, May 4, 1970, four students were killed and nine wounded by Ohio National Guardsmen called out to quell the disturbance.

Shortly after those students were killed, 19 of my colleagues and I wrote to the Attorney General asking that he convene a Federal grand jury to investigate the possible violation of Federal law in the incident.

Even though he called the Guardsmen's actions "unnecessary, unwarranted, and inexcusable," John Mitchell turned down our request, making the announcement late one Friday afternoon after the Congress had recessed for the summer.

There were many then who believed Mr. Mitchell's actions were guided more by the political realities of a grand jury inquiry than the cause of serving justice.

Thus I was heartened to read both in the Washington Post last Friday and in the New York Times on Monday, that current officials of the Justice Department are examining the possibility of reopening the Kent inquiry and suggesting the convening of a Federal grand jury.

I would welcome such a development for I have long believed that, when it came to the killings at Kent State, the Justice Department has not pursued the cause of justice with much zeal or determination.

I would like to include in the RECORD at this time the Post article and the Times editorial regarding the Kent State case.

UNITED STATES MAY REOPEN KENT STATE PROBE

(By Sanford J. Ungar)

The Civil Rights Division of the Justice Department has reopened its files on the May, 1970 student shootings at Kent State University in Ohio, in an effort to determine whether a federal grand jury should be convened to investigate the incident after all.

Assistant Attorney General J. Stanley Pottinger, chief of the division, said yesterday that the appropriateness of a federal grand jury "is a close case and always has been."

That statement contrasted dramatically with those of Nixon administration officials ever since four students were shot by National Guardsmen during a demonstration against the entry of American troops into Cambodia.

Although the FBI established probable cause for the filing of criminal charges against the Guardsmen who fired their weapons, former Attorney General John N. Mitchell decided in 1971 against launching a grand jury probe.

As recently as May 25, Leonard Garment, counsel to the President, wrote student leaders from Kent State that "the answer on convening a federal grand jury is negative."

Reiterating the position long taken by the Nixon administration, Garment asserted that a grand jury "would either bring no indictments, or bring indictments which would only result in acquittal."

But Pottinger said yesterday that he has not yet completed a review of the files which he began on his "own initiative" in April, as the third anniversary of the shootings approached.

The assistant attorney general, who took office last January, explained that he wants to examine whether there is any "new evidence" on the incident or any "compelling reason" for urging Attorney General Elliot L. Richardson to reverse Mitchell's decision.

Richardson wrote to Kent State President Glenn Olds on June 1 that the Civil Rights Division "is taking a fresh look" at the case to determine whether Mitchell's action "was properly founded."

Olds, joined by the parents and friends of the students who were killed, had renewed the university's protests about the decision again last month.

At the same time, an aide to Rep. Don Edwards (D-Calif.) said yesterday that a House Judiciary subcommittee headed by Edwards has also reopened its study of the Kent State shootings and related Justice Department decisions.

The aide said that the subcommittee review, which could lead to new hearings, was prompted in part by Mitchell's indictment in New York on charges of perjury, conspiracy and obstruction of justice.

The Watergate affair has also revealed new information about the "climate" in the administration at the time of the decision on a Kent State grand jury, he added, and rendered "suspect" some of Mitchell's actions as Attorney General.

Justice Department sources said that there is a similar feeling there and suggested that Pottinger's review of the files could be a symptom of a retroactive distrust of Mitchell.

There have been repeated suggestions that the Justice Department decision on the Kent State affair was motivated in part by the administration's partisan political concerns about the 1972 presidential election.

A state grand jury, convened at the time by Ohio Republican Gov. James A. Rhodes, indicted 25 persons, mostly Kent State students and faculty, but exonerated the Guardsmen of any wrong-doing.

In contrast, the President's Commission on Campus Unrest concluded that the shootings were "unnecessary, unwarranted and inexcusable," and its chairman, former Pennsylvania Gov. William W. Scranton, said in 1971 that "a federal grand jury investigation is both necessary and proper."

The administration has consistently refused to release the FBI and Scranton Commission files on the case for public review.

KENT STATE SCRUTINY

In ordering the Justice Department to take "a fresh look" at the May 1970 shootings at Kent State University, Attorney General Elliot L. Richardson seems to be taking a fresh look at the Justice Department itself. His directive to subordinates to determine whether the Government's hasty exit from the case "was properly founded" may be a hopeful sign of a new approach.

In 1971 John N. Mitchell, then the Attorney General decided against the convening of a Federal grand jury to investigate the actions of the Ohio National Guard that had led to the death of four students. Even though Mr. Mitchell had himself referred to the Guard's resort to gunfire as "unnecessary, unwarranted and inexcusable," the Justice Department thus closed the Federal Government's book on the tragedy.

The parents of some of the dead students and others who were wounded have, understandably, never considered the Government's action as either justified or final. Damage suits are still pending. Last October, the parents' lawyers asked a Federal court to order the investigations to be reopened.

Recent revelations about the Administration's attitudes toward dissenting students in 1970 raise new questions concerning the Justice Department's failure under Mr. Mitchell's direction to deal objectively and fairly with the Kent State affair. Apart from the basic issue of justice toward the students' parents, Mr. Richardson's re-opening of the case could give credibility to his earlier pledge to make a clean break with this unhappy chapter in the department's history.

SOMETHING'S ROTTEN IN DENMARK

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. ZWACH. Mr. Speaker, as food prices rise in certain categories, our Government responds by opening wider the doors to imports, hoping that this subsidized, cheap labor competititon will beat down the prices of our wholesome American products.

We fail to consider, or ignore entirely, the fact that these foreign products are, many times, of inferior quality and come from uninspected and unsanitary sources.

In the June 1 issue of News for Dairy Co-Ops, published by the National Milk Producers Federation, it was reported that over 35 tons of Danish block cheese were detained by FDA inspectors when they determined that the shipment was moldy.

During November of 1972—the latest figures available—the U.S. Food and Drug Administration detained 71,468 pounds of Danish cheese destined for sale throughout the United States.

Other detentions included nearly 40,000 pounds of decomposed cheese from Ireland; over 12,000 pounds of mislabeled cheese from Denmark, France, Canada, and the Netherlands, and 21,000 pounds of Italian cheese that contained an "unsafe food additive, Benzene Hexachloride."

I wonder how many pounds of cheese, other dairy products, and meats were also unfit for human consumption but escaped the eyes of the inspectors.

Mr. Speaker, our American food producers give us the highest quality and lowest priced—in relation to income—food in the world and we have the most stringent inspection and sanitation standards.

I hate to see our Government, under the guise of cheap food, allowing the importation of food products that are not fit to eat.

Americans can produce enough food to feed the world if the producer is just allowed to get an equitable return for his labor and investment.

THE ARROGANCE OF BUREAUCRATIC POWER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mrs. SCHROEDER. Mr. Speaker, recently I received a copy of the following Office of Economic Opportunity interoffice memo:

Date: May 30, 1973.

Reply to: Attn. of: Barney Reagan, Acting Regional Director.

Subject: Acting Director's picture in offices.

To: All division chiefs.

I think it would be appropriate that each Division Chief post a picture of the Acting Director of the Office of Economic Opportunity, in his office.

/S/ BARNEY REAGAN,
Acting Regional Director.

This brief memo is a small but telling example of the arrogance and blind fervor with which the men appointed to oversee the dismantling of the Office of Economic Opportunity have pursued their task. The illegality of former OEO Acting Director Howard Phillip's high-handed actions has finally been determined by the courts. Unfortunately, a great deal of damage has already been done to many of the valuable programs, such as legal services. With local programs reduced to a state of chaos, many talented and experienced staff members have been forced directly or by financial uncertainty to find other jobs. Congress now has the opportunity to rectify this situation by passing the Legal Services Corporation Act, and by appropriating funds for the continuance of the other programs for their authorized life until a reasoned review can be properly carried out by the Congress.

I wrote Mr. Phillips to express my dismay at the bizarre memo. Extending him the benefit of the doubt, I accept his statement that he did not originate the directive. Nevertheless, it was a humiliating and unnecessary affront, not to say a misuse of the taxpayers' moneys, to require division chiefs to hang on their walls a picture of the man brought in to destroy their operations. Unfortunately, the way the administration has been dealing with the Congress and programs it has authorized has created an atmosphere conducive to such acts.

Following is the text of Mr. Phillips' response to my inquiry. With a somewhat familiar ring, he seems to pass off the action of Mr. Reagan as the overenthusiastic act of a dedicated assistant.

OFFICE OF ECONOMIC OPPORTUNITY,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., June 15, 1973.

Hon. PATRICIA SCHROEDER,
House of Representatives,
Washington, D.C.

DEAR MRS. SCHROEDER: Thank you for your letter of June 8, which I am calling to the attention of Mr. Erol Stone, Acting Associate Director of OEO for Regional Operations.

Barney Reagan, OEO's Regional Director in Denver, is held in high esteem and, like other regional directors, has certain discretion with respect to the administration of his duties. It is difficult and, as a general rule, unwise to attempt from Washington to look over the shoulder of responsible regional officials across the country.

With respect to the May 30 memorandum suggesting that my picture be hung in the offices of division directors, I share your view of its inappropriateness, and have requested that my discomfort with it be communicated.

With best wishes,

Sincerely,

HOWARD PHILLIPS.

PAYING TRIBUTE TO A GREAT MAN AND A GOOD FRIEND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. STOKES. Mr. Speaker, Rev. Herman D. Frank is a man who has had a profound influence on my life. His religious dedication, his devotion to his own community, and to the greater community of all mankind have served as an inspiration to me for as long as I have had the privilege to know him. Reverend Frank has always borne a great love for our fraternity, Kappa Alpha Psi, and because of my great respect for him, I joined its ranks in college.

Mr. Speaker, there is no more ardent defender of our Constitution and our fundamental civil and human rights than the Rev. Herman Frank. I have known him to fight discrimination single-handedly wherever it has reared its ugly head. When he had his church in Front Royal, Va., he led the desegregation fight in that city. It was he who fought for equal treatment for blacks in the city's public facilities—from the schools to the restaurants.

Reverend Frank was born in Lafayette, La. He graduated from Southern University in Baton Rouge and then joined the Army. Throughout the lifetime, he has sought to broaden his knowledge at such fine schools as Western Reserve University, George Washington University and Westchester College of St. Joseph's.

After he was discharged from the Army, he went to Cleveland, Ohio, where he found a job with the Veterans Administration. He left Cleveland in the early 1960's to assume the leadership of a church in Clarksburg, W. Va. From there, he went to Front Royal and then to Philadelphia, where his Russell Tabernacle Church today is an active participant in both community and religious affairs.

On Saturday, June 23, 1973, Reverend Frank's congregation will honor him with a testimonial dinner in Philadelphia. I know that this occasion will be a very special one for him, his wonderful wife Alice and their three sons—Herman, Jr., James and David.

I would not even attempt to thank Reverend Frank for being my inspiration and I would not try to thank him for being a great, compassionate and concerned man. All that I can hope to do is to continue to strive to emulate him every day of my life.

Mr. Speaker, I have been indeed fortunate to know the Reverend Herman Frank.

WOOSTER, OHIO, ADOPTS MODEL INSULATION BUILDING CODE REQUIREMENT

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. REGULA. Mr. Speaker, almost daily we read in the news media about the energy crisis that is upon us. Oftentimes we turn on a radio and we hear of the crisis, and as we watch the evening news on the television we hear of the crisis.

I am glad to report that finally a city in the 16th District has done something significant about the crisis. The city of Wooster, Ohio has adopted what I consider to be a model building ordinance designed to conserve energy used for heating and ventilation. Most homeowners in the city of Wooster utilize natural gas as fuel. The city's leaders felt that efforts had to be made to conserve that natural resource. As a result of this ordinance, howeowners with homes built according to its specifications will benefit because their monthly sult of this ordinance, homeowners with proper insulation homeowners will use less fuel to heat and air-condition their homes.

Public response to the adoption of these ordinances has been overwhelmingly favorable and that includes the response from the building industry serving the Wooster area.

In the hopes that this ordinance may be helpful to others, I am setting out the pertinent sections, as follows:

An Ordinance Amending the Codifying Ordinances of the City of Wooster Entitled "Building Code" by Adding Thereto (c) Entitled "Insulation Requirements"

Be it ordained by the Council of the City of Wooster, State of Ohio:

Section 1.

(c) Insulation requirements: The maximum coefficient of heat losses thru building sections shall not exceed the following:

CEILINGS

(1) 0.05 for ceilings with heating panels. (Insulation R–19).

(2) 0.08 for ceilings without heating panels (Insulation R–11).

WALLS

(1) 0.07 Exterior walls (Insulation R–11).

(2) 0.01 Wall between habitable space and unheated garage (Insulation R–7).

FLOORS

(1) Over unheated basements, crawl spaces, breezeways and garages, 0.07 insulation R–13.

(1) A basement will be considered unheated unless it is provided with a positive heat supply equivalent to at least 15% of the total heat loss of the living unit, or contains the heating unit and uninsulated ducts or piping.

(2) A crawl space is considered unheated unless it is (a) provided with a positive heat supply equivalent to at least 10% of the total calculated heat loss of the living unit or (b) contains uninsulated ducts or piping or (c) is used as a supply or return plenum.

(3) A garage is considered unheated unless provided with a positive heat supply to maintain a minimum temperature of 50 degrees F. (d) *Crawl space plenums*. When a crawl space is used as a supply or return plenum, the perimeter walls shall be insulated with material providing R values as follows: Supply plenum R–7: Retprn plenum R–7.

DESIGN TEMPERATURE

The interior design temperature for habitable spaces shall be a minimum of 70° F. with ply plenum R–7: Return plenum R–7.

CONCRETE SLABS

Edge heat loss of concrete slabs around the perimeter of heated spaces shall not exceed a maximum value per lineal foot of exposed edge of 42 BTUh for unheated slabs and 50 BTUh for heated slabs.

(4) Total width or depth of insulation shall be 24''.

Insulation R. value for unheated slab 5.00.

Insulation R. value for heated slab 5.00.

Section 2. That this Ordinance shall be in full force and effect from and after the earliest date allowed by law.

BLACK LUNG LEGAL FEES

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. ERLENBORN. Mr. Speaker, a bonanza of sorts has indirectly come to a number of attorneys by virtue of the Federal black lung program. Three of us, Mr. DENT, Mr. MAZZOLI, and I, who serve on the General Subcommittee on Labor believe this unconscionable situation demands a legislative remedy, and are today introducing bills with that goal in mind.

The situation is this: Under the Federal Coal Mine Health and Safety Act as amended, the Social Security Administration makes up the difference whenever a State workmen's compensation program falls short of the Federal black lung benefits level. That Federal reimbursement to the individual includes any payment deducted from the State award for attorneys' fees. One result is that in Kentucky, for example, three lawyers are reported to have collected more than $1 million each in legal fees from black lung claims over the past 2½ years.

Congress intended that the Federal program benefit miners, not make millionaires of lawyers. This must be stopped, but our choices appear to be limited.

If we amend the law to deny reimbursement for attorneys' fees paid by State workmen's compensation programs, the disabled miners and their dependents may suffer. If we limit reimbursement to prohibit any Federal offset for legal fees that exceed Federal standards, we may create cumbersome, and costly, paperwork at the Social Security Administration.

This dilemma can only be solved—and solve it we must—by hearings. Mr. DENT, Mr. MAZZOLI, and I are, therefore, today introducing two bills—one to deny, and the other to limit, reimbursement for legal fees paid by State workmen's compensation programs. We anticipate early hearings which will enable us to look into the problem and then to recommend an appropriate cure.

PRESIDENT LYNDON B. JOHNSON

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. ROONEY of Pennsylvania. Mr. Speaker, from the heart of America he came upon the national political scene, becoming the most masterful and effective legislator in memory. By fate he was elevated to the Presidency, becoming the impetus for some of the most-far-reaching social legislation in America's history. Because of circumstances in Vietnam which he could not control, however, he left a deeply troubled and tragically divided country when he stepped down from the Presidency.

Lyndon Baines Johnson was a man of many talents, but those of us who served in the Congress while he was President saw him at his best—as a successful pilot for the significant measures he steered through the legislative process. His years in both the House and Senate were highlighted by his success in learning the ropes—in throwing all his weight behind a measure when the time was right, in compromising when a bill could be saved from extinction in an acceptable form, or in backing off to fight another day when he was certain of overwhelming defeat. Throughout the years of the Eisenhower Presidency from his leadership positions in the Senate, Lyndon Johnson was the focal point for the programs of the entire Democratic Party and he proved he could do an extremely effective job.

When he chose to accept the Vice Presidential nomination, he embarked on a new course, largely abandoning his manipulative role in legislative matters and calling upon his deeper reserves of statesmanship. During this period, he was involved in many special projects which would later become the cornerstones of his own legislative program—equal opportunities for minorities in education, housing, and job opportunities, and the special problems of the poor and the elderly.

Although he was overshadowed by the style of his predecessor, he competently handled the crisis when President Kennedy was tragically assassinated and provided the stability the country needed to calm its fears. His legislative proposals dealt with the areas of his special concerns. With the assistance of those skills which had served him as a most effective Democratic majority leader, he now steered through Congress social legislation of monumental proportions.

The Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Housing Act of 1968 established his place for all time in the forefront of the fighters for equal rights for all Americans. These were probably the achievements of which he felt the most proud. It was of equal rights for all Americans that he was speaking at the last public appearance before his death. He recognized how much still needs to be done in this area and was urging that others continue the effort.

The war which Lyndon Johnson set out to fight was the "war on poverty." Using the observations he made during his vice presidential years as the basis for his legislative program, he sought to make government more responsive to the needs of the poor people in this country. The Economic Opportunity Act, passed in 1964, created many programs which dealt with the problems of poverty for the first time in a comprehensive manner.

The war in Vietnam, however, stalled the domestic legislation and crippled Johnson's effectiveness as opposition grew in the Congress and in the Nation as a whole. From the Gulf of Tonkin resolution to the optimistic military predictions of the early end of American involvement to the opposition to the war within his own party, Lyndon Johnson's last several years in the office of the Presidency were almost totally overshadowed by the Vietnam war. History will be the final judge of that controversy but it was certainly kind that he knew before his death that the peace which had eluded him had finally come.

Of the evaluations history will make of the man, I think the most significant will be that he had a compassionate concern for his fellow man and a compelling desire to halt the wrongs of injustice. I consider myself privileged to have known him and to have served during the period of the "Great Society."

JOHN GRECO

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. SARASIN. Mr. Speaker, I would like to bring to the attention of my colleagues, the achievements of one of my constituents, John Greco of Waterbury, Conn. Mr. Greco has for years served his community as an educator and as a practicing attorney, during which time his contributions to charitable organizations have been never ending. Mr. Greco is a graduate of Yale University. A practicing attorney for 40 years, he is also a Knight of St. Gregory and communicant of St. Francis of Assisi Church in Waterbury.

I direct your attention to but one matter which has received widespread acclaim in the spiritual education of surrounding communities. For 17 years, John Greco mobilized a small force of volunteers who, together with local businessmen and tradesmen, constructed on a hillside overlooking Waterbury, an accurate replica of the Holy Lands of Bethlehem and Jerusalem. The purpose of Holy Land is to present "a pictorial story of the life of Christ from the cradle to the cross" as a means of "education and inspiration to peoples of all faiths."

The project, completed over a period of 17 years, was privately funded and is the result of detailed study and manual labor. The nearly 200 small buildings represent the most significant trials during Christ's life.

This brief account falls short of being an adequate tribute to this man whose unselfish devotion has given so very much to his community. I would like to hereby acknowledge the gratitude of his community by the recognition of Mr. Greco's tremendous achievements.

LAKE BLUFF HONORS TOM EVERT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. McCLORY. Mr. Speaker, my longtime friend, Tom Evert, is retiring soon as superintendent of the Lake Bluff Park District after more than 38 years of dedicated service.

Mr. Speaker, Tom Evert's services to my hometown community of Lake Bluff—to the men and women who have made this community their home—and more particularly to the young people who have enjoyed the advantages of the great natural beauty of the out-of-doors and park facilities of Lake Bluff—indeed all who live in Lake Bluff or who know about our community—are without parallel.

Mr. Speaker, Tom Evert as a naturalist and as an outdoorsman is revered and respected far beyond our municipal boundaries. He is head ranger of the Lake County Forest Preserve District. His fame is countywide and statewide. Tom Evert is, in fact, a kind of legendary figure among those who are acquainted with Lake Bluff's outstanding parks and Lake County's great open spaces. In addition, he is beloved by young and old alike.

Mr. Speaker, Tom Evert's interests are many and varied. He has been a faithful and efficient member of the Lake Bluff Fire Department—including many years as fire chief, during a time when the fire department has been expanded to serve the increased needs and growth which Lake Bluff has experienced. The name Tom Evert also has been synonymous with the Mosquito Abatement District.

Mr. Speaker, among Boy Scouts, church, and civic groups of every kind, Tom Evert has ever been helpful and cooperative. He has, on many occasions, worked around the clock in periods of emergency and periods of urgent public need.

Mr. Speaker, Tom Evert's faithful wife, Lorraine, has been at his side throughout his long and useful career of service. Tom's and Lorraine's retirement and departure from our community constitute an appropriate time for public recognition. I know that I speak for my fellow citizens of Lake Bluff when I express here in the Chamber of the U.S. House of Representatives our deep appreciation for Tom Evert's many contributions to the quality of life in the district which I am privileged to represent in the Congress.

Mr. Speaker, I know that I speak also for them when I express congratulations on a job well done, and extend to Tom and Lorraine Evert our best wishes for long years of health and happiness—wherever their future may lead them.

BICENTENNIAL CELEBRATIONS

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. SHUSTER. Mr. Speaker, recently this august body considered a bill to appropriate funds for a national bicentennial celebration. I voted against this bill and now I want to explain that vote because my reasons for the vote have some bearing on the spirit in which we should approach our Nation's 200th birthday.

I am not against a bicentennial celebration. I am for it. I think it is a wonderful thing, and when I look back over 200 years of our history, I am filled with pride for our Nation. And that is precisely the point: I wish our citizens would feel that way, too. I am somewhat put off by the fact that our Federal Government needs to stage a multimillion-dollar birthday for our bicentennial.

The impetus for a wonderful jubilant celebration should not be coming from Washington and filtering down to the people. It should be coming the other way. It should be originated in the villages and towns across the Nation welling up like a tidal wave of national pride and determination to make the next 200 years as good or better than the first 200.

The kind of spirit I am talking about motivated the following editorial which appeared in the June 1 edition of the Altoona Mirror in my district and which I am proud to insert into the RECORD at this time:

LET'S PLAN NOW TO CELEBRATE

In three years, the United States of America will observe its bicentennial. And in the decade of the Sixties and the opening of the Seventies, this republic has been under the most critical, the most irrational and the most vicious attack of our national history.

What makes this offensive against our country so despicable and so threatening is the fact that it comes largely from within.

Here in Altoona, we have reflected some of the indifference to patriotism that has grown so outrageously in recent years.

It is more than two decades since efforts to undermine this country were begun by inimical forces from abroad, who sowed seeds of venom, carefully if unwittingly nurtured by Americans who felt it was both broad-minded and smart to denounce patriotism as narrow and to scoff at patriots as "flag-wavers."

Well, the scoffers have done a good job indeed. But its value to the country and to people is very hard to see.

There was a time not so very distant when Altoona marked Flag Day with meetings, parades, music, orations and flag-waving; with horse shows, ball games and a great many other activities.

There was a time when Altoona had a Fourth of July parade with music and with a celebration which brought to mind our history, our beginning and our Constitution and freedom.

And we had an Armistice Day parade and a Memorial Day parade.

This year for the first time, the City of Altoona had no Memorial Day observance, although, fortunately, several loyal and patriotic groups held their own parades and memorial services.

Too many Americans have lost their sense of loyalty, their sense of propriety and even their sense of decency in the eagerness with which they rush continually to the attack and degradation of their own land.

The heartland of America can change this.

We do not believe the American people are backers of this unceasing attack by a few in prominent positions in public life and in the literary, theatrical and television worlds to trample upon the honor of their native land.

Altoonans could start the way back again by planning for some kind of July Fourth celebration—now.

With our bicentennial scheduled in 1976, America is presenting the most disgraceful exhibition of national disunity, hatred and senseless animosity exhibited since the dreadful days of the Civil War.

Let us begin to honor America now. Let us begin to realize that this is our homeland, that we make it what it is—and that we have been led by too many doubtful forces in recent years to spend all our efforts denouncing our country, with little or no effort to make it better.

In our confusion, we have allowed liberty to wane—not at the top government level, but by our indifference to law and order and decency.

We still have community leaders in Altoona who can spark patriotism, who can lead the city in an observance of Independence Day.

We need to remember what has been decent and good and inspirational in America—so we can recapture it.

We have been so busy digging in the gutter, so entranced with trying to find people to hate, either over the Vietnam War, civil rights, or Watergate, that we are in grave danger of allowing America to slip into the ancient rut of the pleasure-loving, honor-deriding, decency-spurning cowards of history who destroyed what better men had built.

On the 100th birthday of the nation, America was a haven for the oppressed of other lands, who fled here in shiploads.

The Statue of Liberty, created by Frederick Auguste Bartholdi, held the flaming beacon on high, the torch of freedom.

Of it, Emma Lazarus wrote in 1883, as a plea to other lands: "Give me your tired, your poor, your huddled masses, yearning to breathe free.

"The wretched refuse of your teeming shore.

"Send these, the homeless, tempest-tossed, to me.

"I lift my lamp beside the Golden Door."

America has taken the millions who fled other countries to live free in America.

Today, criminals rove the land. Radicals seek to undermine our government, and are protected by the publicity-spotted intelligentsia who have embraced the philosophy which has brought confusion and bloodshed to Europe for centuries.

Liberty is not endangered in Washington—it is endangered by people among us who do not know what it is.

Let us bring back America's inspiration and strength for the bicentennial.

Let us begin by marking Independence Day properly in Altoona and Blair County.

HOW STUDENTS DECIDE WHO'LL SURVIVE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. HOGAN. Mr. Speaker, on a number of occasions during the past several years, I have called the attention of my colleagues to the antilife efforts underway in this country. I have cited attitudes on abortion and euthanasia to illustrate a growing mentality in this country which believes that humans have the right to play God and decide whose life has value and should continue and whose life should be ended for the "good of society."

In my home county, schoolchildren are being taught to make these decisions as to who should live and who should die.

I urge my colleagues to read this frightening article from the June 13, 1973 issue of the Prince Georges County Sentinel:

HOW STUDENTS DECIDE WHO'LL SURVIVE

(By Jennifer Frosh)

According to Mrs. Alwine, the exercise helps students become more aware of the process involved in making difficult decisions. This awareness, she argues, can be beneficial later on when these students may find themselves facing real life dilemmas such as whether or not to take drugs, attend college or run away from home.

Pattie Dunn, a senior at Bladensburg High School, nervously twirled her long red hair as she sat in a small circle with seven other students.

"Oh, I really can't stand this," she blurted out to the group. "I mean I hate to have to kill people like this. I feel sorry for them, you know? Like they all should have a chance to live."

"You can't be that way about it," a girl named Sue reminded her. "Anyway, we won't ever reach a decision on who to get rid of if you keep feeling sorry for everybody. That's not really the point of this."

Pattie, still chafing, agreed to carry on and reluctantly reviewed her group's choices so far—the three-month old infant, the aging doctor, the mentally retarded 10-year-old, and the Roman Catholic Priest.

All would have to die.

Last week, Pattie and about 40 other students in a health education class at Bladensburg High were playing "Who Should Survive?" an intriguing, often harrowing group exercise which has, of late, outraged some Prince George's County parents.

Following a May 30 Sentinel story describing the "Who Should Survive?" lesson and quoting parents who questioned its appropriateness, a reporter was invited to the school to witness the exercise first-hand.

The invitation came from Mrs. Gale Alwine, health education instructor at Bladensburg High.

Included in the senior high school drug education curriculum, the exercise is intended to drive home to participants the difficulties of group decision-making, particularly when a sensitive, or life-death situation is presented.

At the beginning of the game, the stage is set for students. There are 15 persons in an atomic bomb shelter, they are told, and these 15 people are the only ones left on earth.

Since the shelter can only sustain a total of seven persons, students are instructed to decide which seven persons will survive. Each group must reach a unanimous decision after reviewing the mythical characters' background, and then justify their decision to the rest of the class.

According to Mrs. Alwine, the exercise helps students become more aware of the process involved in making difficult decisions. This awareness, she argues, can be beneficial later on when these students may find themselves facing real life dilemmas such as whether or not to take drugs, attend college or run away from home.

"The exercise itself is beside the point," said Mrs. Alwine, a co-author of the curriculum guide. "The important thing is what follows, when the kids talk about how they reached their decision. It's been very successful so far."

In many instances, she continued, the exercise causes "tremendous interreaction" among students, generates discussion and makes students think out loud.

Mrs. Alwine added however, there are usually a few students in each class who cannot bring themselves to participate, as well as those who do participate but regret it afterwards.

"I thought the game was horrible," Pattie said to Mrs. Alwine after the exercise was completed. Mrs. Alwine had asked the class if anyone did not like playing the game.

"Every person seemed to have some good qualities. I just didn't want to decide. It was too hard," Pattie said.

"Well, that's one of the things adults have to learn about life and decisions," responded Mrs. Alwine. "That important decisions are hard. You have to fight within yourself to make them. And once you've decided, you have to learn to live with the consequences, good or bad."

During the game, Pattie's group had only one major disagreement which eventually was resolved with no hard feelings. The two black students in the group, a girl and a boy, where strongly in favor of eliminating a young black male candidate who was described in the instructions as a "suspected homosexual, with bitter feelings towards racial problems."

"He has to go, that's all, said Caroline Bryan, the self-appointed leader of the group. "He's definitely weak, man. He won't serve the purpose no way. All he'll do is cause a conflict and you can't have a conflict in that situation."

Earl Ross, silent up until this point, agreed. "I think he should go, too," he said firmly.

But the white members of the group were adamant about keeping the man. He was young, a year away from a medical degree, and the new society would need his services, they argued. So what if he had problems, he could resolve them in a hurry, they said.

In the end, it was decided the man would not be eliminated.

Another minor disagreement arose over whether the group should keep a young Roman Catholic nun, or a middle-aged priest "with liberal views."

"The sister would hold people together and she's young and healthy. But she wouldn't have sex. You need people who will keep up the species" said Sue Hester.

"Yea, but the priest would hold people together and you need a man to hold things together and act as a leader," said Sheila Burger.

"Why not get rid of both of them," offered Nora Ford. "Neither of them can have kids. It isn't sensible."

Sheila shot back, "You have to have some kind of religion, don't you?" The upshot of this interchange was that the group eliminated both the priest and the sister. The other candidates, some of whom were described in the lesson as faithful churchgoers, could take care of religion.

The last disagreement, and the one which confirmed Pattie's opinion that the exercise was "cruel," concerned a middle aged Jewish couple and their mentally retarded son. The group decided to keep all three at first, then scratched the boy and finally the father.

Only the mother, with a degree in psychology, would be of use in the new society, the student decided.

"You're definitely gonna need a shrink in that situation," said Sheila.

But Pattie had had enough and reeled to her feet in disgust.

"You can't do that! You can't kill that poor woman's husband and son, and then expect her to be the super shrink for the whole group, can you?"

Later, during the discussion, Pattie criticized her group's decision about the family again.

Mrs. Alwine answered, "What if I asked you all to draw up personality sketches of yourselves, and then used that list for the game instead of the fictitious one in the curriculum guide?"

The class grew silent, and then one girl replied: "God, I wouldn't do it. I just couldn't do it. I'd see myself go first before I'd. . . ."

LEGAL SERVICES CORPORATION BILL PERPETUATES ABUSES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. ASHBROOK. Mr. Speaker, the legal services program as administered by OEO has proven unsatisfactory in two major areas: class actions and law reform.

First, OEO never developed a set of guidelines regulating legal services attorneys in filing class actions. This failure resulted in countless abuses. All too often the legal services attorney failed to consider the needs of his client and whether a class action was the most desirable means of handling the client's problem. Client needs were of secondary importance to the filing of a headline-grabbing case. Legal services attorneys eagerly brought class actions on such dramatic issues as busing, welfare rights, abortion and prison reform. While attorneys spent their time and taxpayers' money ferreting out unusual and exciting cases, the less dramatic legal problems of the individual client were often pushed to the background.

A similar phenomenon occurred in the area of law reform. Although originally intended as a means of changing laws which inflicted hardship on poor people as a group, law reform soon became a device for developing the attorney's interests rather than that of his client. Rather than sitting in the office and waiting for a client with a problem, often the attorney would select a law or situation which he considered objectionable and then go out shopping for a client to bring the action. Once again the needs of the individual client were incidental to the crusading impulse of the legal services attorney.

Congress has the opportunity to study the record and correct the abuses of the past. The proposed legal services corporation bill, however, has no effective guidelines regulating legal services attorneys in class actions or law reform activity. Activist, social-reforming attorneys can continue to spend millions of taxpayers' dollars for spectacular legal actions and for suits against the Government that will cost taxpayers even more millions. By passing the proposed legal services corporation bill, Congress will just perpetuate known abuses rather than correcting them.

EDWARD WATSON—AMERICAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. RANDALL. Mr. Speaker, my home city of Independence, Mo., is known all over the free world as the home of former President Harry S Truman. We proudly proclaim our city as "Queen City of the Trails." We have established with historical accuracy that Independence, Mo., was the starting point of the Santa Fe Trail, California Trail, and the Oregon Trail.

Our fair city has another claim to fame as the world headquarters of the reorganized Church of the Latter-Day Saints of Jesus Christ. Celebrities who were born in Independence, include the indefatigable Ginger Rogers and the famous Lewis Stone of silent screen fame. A famous native of Independence whose name appears in our history books, is Colonel Van Horn, an early day outfitter of wagon trains going into the West and one of the financial backers of the famous pony express.

But, Mr. Speaker, many modern day residents of the Queen City of the Trails, carry on today the pioneer spirit of their forebears. One who well portrayed the independence spirit was a distinguished citizen who departed this life a few days ago. He was so highly regarded and so greatly respected that the editor and general manager, Peter J. Esser of the Examiner, the leading newspaper of Independence and eastern Jackson County, personally prepared an editorial entitled "Ed Watson—American."

Mr. Esser's editorial is well written. It is accurately descriptive of our dear friend, Ed Watson. It could have been used as a eulogy at his memorial services. In my judgment, no finer tribute can be accorded a man than to call him an American.

It is quite apparent that Pete Esser had a great love for the man he was writing about. But so did a lot of the rest of us who lived in Independence during all of the years with Ed Watson. The editorial eloquently describes the struggles of Ed Watson to get an education, and his constant determination coupled with hard work to make a success of his life.

A man can achieve success in business and in his chosen profession and yet lose the virtues of humility and unselfishness as he climbs the ladder to the top. Not so with Ed Watson. As the editorial points out, he was always ready to help a neighbor in time of need. He shared his lakes with fellow fishermen. His work in 4–H activities demonstrated his great belief in the youth of our country and their importance as the citizens of tomorrow. Ed Watson was a humanitarian in the true sense of that word.

Mr. Speaker, it is a privilege and pleasure to read into the RECORD at this time the editorial entitled "Edward Watson—American" as it appeared in the Examiner, Thursday, June 14, 1973, and as written by Peter J. Esser, editor:

EDWARD WATSON—AMERICAN

(By Peter J. Esser, Editor)

When we think about America and the American dream we think about a person rising from obscurity to fame or success. We think about the attributes this typical American must have to attain this dream.

There's intelligence, the desire to achieve, hard work, recognition of the dignity and rights of other human beings, honesty, integrity, love of family and love of God.

Not all of us in our lifetimes are able to put all of these together, but Ed Watson did . . . to perfection.

Coming off a Kansas farm and one of a family of ten children, Ed saw necessity for education. In days when many did not receive a high school education, Ed, through hard work and personal sacrifice, managed a college degree from Kansas State University.

He then applied this knowledge to his career . . . a career which would keep him close to the land he loved.

While Ed was an astute businessman, he was many other things.

He was always ready to help a neighbor when help was needed. He was the kind of person you like to meet, always glad to see you and always with some little kind of jest. He had a dapper, debonair air.

Ed was a Democrat. He never sought public office but he recognized the value of strong political parties and strong candidates. Before every election, both city and county, the politicians gathered to meet and talk with their constituents on the spacious and beautiful home and lawn of the Watson family. And Ed was behind his favorite candidates with his advice and financial support.

He loved to share his well-stocked lakes with fellow fishermen.

He loved the out-of-doors, hunting with his birddogs and with good friends.

He was a sports enthusiast from his college days with football a favorite.

Above all, he was a good husband, father and grandfather. With the help of his devoted wife Marie, they together built a good, sound business and reared a fine family.

He did his community bit, too, in 4–H activities when the children were small and he took an active important role in Farm Bureau affairs over a period spanning 30 years.

Many a young man, particularly those interested in agriculture, came to Ed for advice. As one of these young men put it, "I often went to him for advice and he always gave it along with some sound sense I really didn't ask for."

Ed left his footprints on the sands of time with his example on how to be a true Christian gentleman. We who knew him will never forget. Yes, Ed Watson was an American.

CHILDREN'S MEDICAL CENTER IN DALLAS, TEX., DRAWS HIGH PRAISE

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. STEELMAN. Mr. Speaker, too often today we are hearing about programs which are of little benefit to those they were designed to help. However, the Children's Medical Center's Diagnostic and Evaluation Center in Dallas is one project for which we are really getting our dollar's worth, and I would like to commend to my colleagues' attention the Dallas Times Herald article of June 3, 1973, entitled "Diagnostic center draws high praise" concerning this effective and most beneficial program.

The text of the article follows:

Diagnostic Center Draws High Praise

About 90 per cent of parents of retarded children who have used the Children's Medical Center's Diagnostic and Evaluation Center (DEC) here report they are pleased with the service.

Dr. Doman Kent Keele, director of DEC, told the annual convention of the American Association of Mental Deficiency in Atlanta last week that the center is one of the few federally funded projects that can show consumer satisfaction. "People are really getting their money's worth," he commented.

Dr. Keele presented a study based on 722 children in this area as a potential national model for evaluating methods of handling and managing retarded children on an outpatient basis.

He said coordination was the key to successful service delivery. At first families had to make several visits to see different specialists.

"But we determined it was best to treat all problems together in a coordinated way, and concentrate the workup into a one or two day span," Dr. Keele explained. After the evaluation the team of experts (in pediatrics, psychology, social work, audiology, occupational and speech therapy, nutrition and public health nursing) holds a multidisciplinary case conference and designs a plan for managing the case, it is passed on to parents at a conference, and also as a written report with a list of recommendations. "The result is that children thus treated are getting along much better than in earlier years where professionals worked individually on the case without benefit of the team approach," Dr. Keele reported.

When a questionnaire was sent to parents, 90 per cent said they felt the center was interested in them and their child and was honest with them. Nearly as many (88 per cent) said they understood the information given them.

Professionals who answered a similar questionnaire rated the service even higher. Ninety-six per cent felt the evaluation was useful in dealing with the patient, and 95 per cent thought it was helpful in dealing with the parents.

"We now know our system works better for the family than anything we have tried," Dr. Keele concluded in his speech before 2,300 specialists at the Atlanta convention.

The DEC director told The Times Herald that he does have a problem, however. "The need for service is so great that we have a waiting list," he said, "and it's hard for us to do follow-up, though we do refer patients elsewhere for continuing service."

ENERGY CRISIS

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. SHOUP. Mr. Speaker, the energy crisis which the United States faces can be successfully resolved only by an honest combined effort by all of us. I recently received a letter from the West Yellowstone Montana Chamber of Commerce which is indicative of the willingness of the people of my district to do their part, even though it means possible reduction of personal income. Mr. Speaker I insert the aforementioned letter in its entirety at this point:

West Yellowstone, Mont., Chamber
of Commerce,
June 16, 1973.

Hon. Richard M. Shoup,
Representative, House of Representatives,
Washington, D.C.

Dear Mr. Shoup: One of the major industries in the State of Montana is tourism and, for several communities like West Yellowstone, it is the primary industry. News releases, alone, about fuel shortages do irreparable harm to the economy of our town and thousands of others like us in this great country.

If we are, in fact, experiencing an energy crisis there are several steps which we respectfully recommend to you for implementation. The underlying assumption in making these recommendations is that life in our complex society makes an annual vacation a virtual necessity. Efforts to control fuel consumption should be arrived at non-vacation automobile usage when control measures will have a maximum impact on the consumption of our energy resources.

FACTS

1. An average American family drives over 9,000 non-vacation miles per year and only 2,000 miles for vacations and recreational uses.
2. Our gasoline consumption is concentrated in those areas of heaviest population density, those same areas that have the greatest automobile air pollution problems.
3. Emmission control equipment on new cars increases gasoline consumption significantly at a time when our energy resources are not adequate to satisfy this new demand.
4. Over 95% of metropolitan commuters using private automobiles drive to and from work with only one person in the car.
5. Gasoline consumption is inversely proportional to the speed an automobile is driven.
6. The automobile is an American way of life and all changes imposed will be met with resistance of varying strength. If possible, positive programs should be implemented which restrict as little as possible, our freedom to travel while lowering fuel consumption to tolerable levels.

It is our belief that, after considering the above facts, the recommendations listed on the following page are viable alternatives to the present scare tactics which serve only to induce hoarding.

LONG RANGE

1. Achieve lower fuel consumption by reducing horsepower and size of automobiles to more moderate levels.
2. Appropriate research and development funding to accelerate discovery of more efficient and pollution free power sources.
3. Expand metropolitan transit systems as rapidly as practical.
4. Encourage the railroads to expand and improve passenger service. (Europe has far surpassed this country in providing attractive, comfortable and convenient rail services).

SHORT RANGE

1. Impose, as soon as possible, temporary speed restrictions to reduce gasoline consumption.
2. Impose a graduated tax on vehicles entering or leaving metropolitan areas. This tax should be high for autos carrying only one person and low or non-existent for cars with 4 or 5 passengers. This would immediately stimulate car pooling and reduce gas consumption and air pollution.
3. Use the news and advertising media to encourage the conservation of gasoline on vacations by seeing a few specific areas more thoroughly instead of superficially visiting large numbers of tourist attractions separated by many miles.
4. Use the news and advertising media to encourage walking and bicycling when practical.

We, the West Yellowstone Chamber of Commerce, hope that you will find these recommendations useful as you and others in your position, search for solutions to our elusive energy problem. We will appreciate any help you can possibly be in alleviating our current crisis by implementing positive and constructive programs to correct the fuel problem. Thank you in advance for your consideration of our alternative solutions.

Yours in progress,

Robert L. Schaap,
President.

AIRPORT SECURITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. DERWINSKI. Mr. Speaker, as a regular commuter between Washington and Chicago, I have experienced the operation of airport security checks.

While these checks can be mildly irritating and add a time element to embarking procedures, I believe that the practical effects in ending hijacking outweigh the inconveniences involved.

This point is very well made in an editorial by Philip E. Nolan, general manager of radio station WIND, on Monday, June 11. The editorial follows:

AIRPORT SECURITY

The answer to rampant airline hi-jacking was tight on-the-ground security. But now, five months later, there is talk of abandoning airport security checks. There have been no hi-jackings since the clamp-down . . . so, in theory, the need has gone.

There is no reason to believe the problem has disappeared. The temptation to blackmail an airline for thousands of dollars still has to be present despite the remarkable record of failure by most jet-age pirates.

And, by contrast with those early days of annoyance, airport security at O'Hare now is almost completely free of hassle for the passenger.

Even carry-on luggage is zipped through detection equipment without delay and, in general, without inconvenience.

There is a cost factor involved. Somebody has to safeguard the system and it does take personnel to run the detection facilities.

We urge the airlines and the Federal Aviation Authority to continue the present system. It works; and it has restored confidence in air travel.

DEFICIT SITUATION REFLECTED IN SUPPLEMENTAL SUMMARY OF THE BUDGET FOR FISCAL YEAR 1974

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. MAHON. Mr. Speaker, at this point I will place in the Record a letter I have sent the Members of the House regarding the fiscal situation as it is reflected in the supplemental summary for the fiscal year 1974 budget:

Dear Colleague: On June 1, 1973 the President submitted to the Congress the Supplemental Summary for the Fiscal Year 1974

Budget (H. Doc. 93-110) which is required by law.

The sanguinity with which this Supplemental Summary was received by much of the press is not supported in the least by the harsh facts carried in the document itself. I think it is especially appropriate to again recite the sober message regarding the dismal fiscal situation. The remaining days of June and the month of July will be important times for fiscal decision making in the House of Representatives. We must not during these days ahead be falsely buoyed by headlines that tend to misrepresent our very real budget problems.

The budget still proposes as it did in January a $19 billion spending increase in fiscal year 1974 (the year beginning on July 1, 1973) over current estimates for fiscal year 1973.

The budget now estimates a debt increase of $26.4 billion for fiscal year 1973 and proposes a further increase of $17 billion for fiscal year 1974. It is shocking to reflect that over one-fifth of the nation's nearly half-trillion dollar debt estimated in this document will have been accumulated in only four years.

Annual federal deficits and debt increases are not new—they have been with us for years. But the sharp increases in recent years highlight a budget badly out of balance—both in terms of revenues in hand or in sight and in the context of an economy that has been virtually roaring with vitality. Much of the increased revenue estimated in the Supplemental Summary resulted from adjustments for inflation.

The Unified Budget, which is the official budget submitted by the President, presents a less bleak situation—only a $2.7 billion deficit for fiscal year 1974. This is clearly misleading. Under the Unified Budget, borrowings from trust funds (social security, highway, etc.) to finance the general purposes of government are not counted as part of the deficit.

These borrowings are substantial, amounting to $10 billion in fiscal year 1973 and $16 billion in fiscal year 1974. They do increase the national debt. They will, of course, be repaid with interest. We must not permit ourselves to be guided by the Unified Budget, which masks our true fiscal plight.

An analysis of the budget surplus and deficit situation reflecting the data in the Supplemental Summary for fiscal year 1974 is available at the House Committee on Appropriations.

Sincerely,

GEORGE MAHON,
Chairman.

FIELD DAY PROGRAM

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. BRINKLEY. Mr. Speaker, it has come to my attention that the members of the Columbus, Ga., Amateur Radio Club will be conducting their annual field day program on June 23 and 24. This program is designed specifically to test the skills and equipment of the "Ham" radio operators in the event a real local, State, or national emergency should occur. The members of the Columbus Amateur Radio Club are certainly to be commended for their fine efforts to be ready and on the alert to help those who may be in need.

Mr. Speaker, I commend to the attention of my colleagues the following correspondence from my good friend and the club president, Mr. John T. Laney, which outlines the purpose and plans of the field day program:

COLUMBUS AMATEUR RADIO CLUB, INC., FIELD DAY PROGRAM

Many of the local amateur radio operators, "Hams", in this area will be operating in the annual Field Day program starting at 2:00 p.m. Saturday, June 23, and continuing for 24 hours until 2:00 p.m. Sunday, June 24. This is an annual test sponsored by The American Radio Relay League for the purpose of checking equipment and skills in the event of a real emergency.

"Hams" have the capability of furnishing communication with any part of our country, and would be of invaluable assistance in providing contact with other areas for civil defense, Red Cross, police, or public utilities in case of flood, hurricane, or other type disaster.

Local Amateurs will set up operations in a deserted barracks in the Harmony Church area of Fort Benning. Three stations will operate continuously for the 24-hour test. All equipment will operate under emergency conditions using gasoline generators for all power. Last year a total of 1267 contacts were made covering the entire United States.

This year for the first time, special effort will be made to make contact through an amateur radio satellite, Oscar 6. This will add immeasurably to communications as this satellite orbits the earth.

All Amateurs and the public are extended an invitation to visit the site. Club members will be available to explain the equipment and the test. Look for signs after turning off Victory Drive at 8th Division Road.

THE LIE THAT BECAME THE TRUTH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. SPENCE. Mr. Speaker, many people complain about the bias of some portion of the American news media, but few do anything about it in a systematic way. One group which has, is Accuracy in Media—AIM—a Washington-based organization which serves, to the extent of its capacities, as a watchdog for journalists who are more than reluctant to police themselves in any meaningful way. AIM also criticizes the practice of "advocacy journalism," whose adherents in effect argue that the beliefs of the journalist and the policies he thinks correct are more important than reporting the facts as they are.

Recently, in the May 1973 issue of the AIM Report, AIM Board Chairman Reed J. Irvine published a thoughtful, incisive and disturbing analysis of the New York Times' coverage of the December bombings of North Vietnam by U.S. forces. He demonstrates conclusively that one of our greatest newspapers severely distorted the truth about the bombing at that time in order to influence American public opinion to demand an end to it. For the Times at that point, however, truth apparently was not important—policy was. We now know from our returned prisoners of war how vital the December bombings were in gaining their release. But if the Times had had its way and the very careful and precise bombing of North Vietnam had been stopped, these brave men would probably not be with us today.

Mr. Speaker, I believe Mr. Irvine's article, "The Lie That Became the Truth," will be of absorbing interest to all those who realize intuitively how slanted news coverage in the Times is. Here, we are given chapter and verse on a single—but very important—example of that slant.

The material follows:

THE LIE THAT BECAME THE TRUTH

(By Reed J. Irvine)

After a halt of nearly two months, President Nixon ordered the resumption of full-scale bombing against North Vietnam on December 18, 1972, including the bombing of military targets in the Hanoi-Haiphong area not previously bombed. Administration officials said that the President had taken this action as part of a concerted political, diplomatic and military campaign to force North Vietnam into a more conciliatory position at the bargaining table. It was clear that President Nixon wanted to bring maximum pressure to bear on the North Vietnamese to get them to agree to an early end to the fighting and to the return of the American prisoners of war.

This move was highly successful. The bombing of Hanoi lasted only 11 days. The North Vietnamese resumed peace talks at the technical level in Paris on January 2, and on January 8, Dr. Kissinger and Le Duc Tho began the serious negotiations that produced the cease-fire agreement that went into effect on January 27, just 40 days after the bombing was resumed. Two months later all the American POWs were safely out of Hanoi.

Major Norman A. McDaniel expressed the sentiments of the returned POWs when he said he was "very happy" to see the bombing resumed "because I felt that it was by far one of the major steps to be taken in order to secure the release of myself and my fellow prisoners." Major McDaniel said the reason the POWs had praised President Nixon so much was "because we feel that he was instrumental in putting enough pressure on the enemy to gain our release."

It may come as a shock to the returned POWs to learn that very important elements of the American news media did their best to force the President to halt the pressure on Hanoi that brought them their freedom. This was done by trying to convince the American public in news stories, editorials and columns that the bombing of Hanoi and Haiphong was uncivilized, inhumane terror bombing of civilians. Strong demands were made by influential newspapers and commentators that it be halted at once. News stories emphasized the number of American planes shot down, the allegedly heavy civilian casualties, and the strong criticism of the bombing in foreign countries. Repeated insistence by the Defense Department that the United States was not engaged in terror bombing of the civilian population, but was hitting legitimate military targets made little impression on the news media. These assertions were reported, but they were drowned out by reports from Communist and other sources of "carpet-bombing" of populated areas.

The New York Times tried to convince its readers that "carpet-bombing" was inherent in the use of B-52's. The Times hammered away at this point in news stories and in editorial comment. Here are some examples:

"Mr. Friedheim was asked if it was not inevitable that some civilian centers would be struck because of the B-52 bombing pattern, which, in the case of a normal flight of three bombers, is said to be more than half a mile wide and more than a mile and a half long.

"No," he replied. "We don't strike civilian targets." He then amended his comment to say, "We do not target civilian targets." (news story, 12/21/72).

"With each B-52 carrying an average of 24 tons of bombs, the bombers, which usually fly in formations of three, lay down a devastating swath of bombs about half a mile wide and one and a half miles long. (news story, 12/22/72).

"The big B-52 bombers that are being used for the first time over the heavily populated Hanoi-Haiphong area are not precision weapons. Normally, they operate in flights of three that lay down a pattern of bombs—20 tons to a plane—which scatter over an area more than half a mile wide and more than a mile and a half long. Even if the "targets" were strictly military, a great deal more than military would inevitably be caught up in such sweeping devastation, especially in a blitz that in the first two days alone is estimated to have dropped 20,000 tons of explosives—the equivalent of the Hiroshima bomb. (Editorial, 12/22/72).

Having established to its own satisfaction that the U.S. was inflicting "sweeping devastation" on Hanoi and Haiphong, *The Times* gave prominent attention to reports from Communist and other sources that confirmed this conclusion.

On December 21, *The Times* carried on page one a report from the Soviet press agency, Tass, that spoke of "brutal bombings of cities" and charged that the raids had caused heavy civilian casualties and damaged thousands of homes. When the Associated Press stated that Hanoi Radio had reported only 260 deaths in Hanoi and Haiphong as a result of the raids, *The New York Times* relegated this information to an inconspicuous spot on page 16 of its December 21 editions.

By Hanoi's own admission the number of deaths resulting from the first two days of raids was less than 8 percent of the number of Americans killed by the Japanese attack on Pearl Harbor. This startling revelation did not faze those in the media who were determined to convince the world that the United States was engaging in terror bombing. NBC's nightly TV news described the first two days of the raids as possibly the heaviest of any war. That suggested that they were comparable to the British aerial attack on Dresden, Germany in World War II, which took an estimated 180,000 lives.

Had the American journalists considered for a moment the difference between Dresden's 180,000 deaths and the 260 killed at Hanoi-Haiphong on December 18 and 19, they might have taken more seriously the insistence by the Defense Department that the raids were directed against military targets and were not wiping out the civilian population. The facts were not permitted to interfere with the picture that the editors of *The New York Times* were determined to convey. They had help from some of their journalistic colleagues in Europe. On December 22, *The Times* published this highly imaginative description of the bombing from the French paper, Le Monde:

"Today it (barbarity) has reached a new high in a North Vietnam covered with 'big cemeteries under the moonlight.' A hundred B-52's and hundreds of fighter bombers unleashed night and day on the network of tightly knit webs of Delta villages—it is hard to imagine what this represents in terror, in blind murders and psychological mutilations . . . To cover this dense crowd of civilians with a carpet of bombs is perhaps not to exterminate a people, but it is to undertake a succession of localized exterminations."

SCIENTISTS FORGET SCIENCE

The journalists were not the only ones who failed to look at the facts and who embraced the propaganda line of the Communists. Influenced, perhaps by what they had read in the newspapers and heard over TV, a group of prominent scientists issued a statement on the bombing, which said in part:

"[The Administration] is launching those attacks against concentrated centers of civilian population, while blandly announcing lists of military targets that under these circumstances insult the intelligence of every thinking person. North Vietnam hardly contains military targets; and a B-52 bombing pattern one and one-half miles long by one-half mile broad, dropped from an altitude of 30,000 feet cannot pick out targets. Yet such bombings are now crisscrossing some of the most densely populated cities in the world, in an unprecedented orgy of killing and destruction that horrifies people everywhere—as Guernica, Coventry and Dresden once horrified them."

The full statement was carried in *The New York Times*, together with a news story about the protest, on December 29. It was signed by Nobel laureates George Wald of Harvard, Salvador Luria of M.I.T., Albert Szent-Gyorgyi of the Marine Biology Laboratory and six other prominent scientists. These brilliant men, trained to discover the fact before leaping to conclusions, were just as unscientific as the editors of *The Times*, whose influence is clearly evident in the statement they signed.

THE "BOMBING" OF THE "HANOI HILTON" POW CAMP

One of the meanest propaganda tricks of the Communists was the announcement on December 21 that a POW camp had been hit by the bombing and that an unspecified number of prisoners had been injured. This was pure fiction, but the American news media helped spread the lie.

The charge was prominently featured on all three TV network nightly news programs on December 21. The Vanderbilt TV News Abstracts show both ABC and CBS reporting this as fact, noting the Joan Baez and Telford Taylor had toured the camp and seen the damage. According to this source, only NBC took a more cautious approach, saying that Hanoi had reported that the camp was damaged. ABC and CBS reported the Pentagon statement that the camp area had not been targeted, but NBC did not.

The New York Times headlined the reported attack on the POW camp on page one. In its story on December 22, *The Times* did not tell its readers that the Defense Department had denied targeting the area of the camp. The Pentagon was quoted only as saying "that if these statements were correct, then Hanoi was admitting that it was violating the Geneva Convention by keeping prisoners of war 'in areas particularly exposed to the dangers of war.'"

Had the news media waited a few hours to get confirmation of the story from the visiting Americans, they would have learned that the "damage" to the camp was at most a few cracks in the walls and ceilings of some of the rooms. That was revealed by the Washington Star-News in its December 22 edition. Much needless worry was caused the families of the POWs by the haste with which the news media carried the false Communist propaganda charge.

THE HYSTERIA MOUNTS

The discovery that they had been deceived by the Hanoi claim that the POW camp had been bombed did not deter the news media from continuing to pass on wild and unverified charges about the bombing.

Great emotions were aroused about a story that the Bach Mai Hospital had been completely destroyed. On December 28, *The New York Times* again repeated in a front page story that the B-52's "lay down a carpet of bombs a mile and a half long and a half a mile wide." It said that there were reports that several diplomatic missions, including those of India, Cuba and Egypt, had been damaged by the bombing. *The Times* reported a North Vietnamese statement that the bombing had caused thousands of deaths. It asked in an editorial: "Can anyone believe that carpet-bombing of this magnitude does not take a terrible civilian toll in such a densely peopled region?"

On December 29, *The Times* reported on page 3 that Hanoi had protested "terror bombings unprecedented in history," and it passed on, without comment, the Hanoi assertion that the U.S. had mobilized "close to 10,000 tactical aircraft" for this assault.

NBC's nightly TV news program on the same day put on Indian diplomats fresh out of Hanoi who asserted that the Bach Mai Hospital had been completely destroyed and who charged that the bombing was indiscriminate. The wife of one said that the bombing had destroyed everything but the life of the people, and that too was being taken now.

The campaign by the media against the bombing had its effect. On December 29, both CBS and NBC had Senator Saxbe saying that President Nixon must have taken leave of his senses. CBS warned that the planned meeting between Nixon and Brezhnev might be called off. They quoted Chou En-lai as saying that the bombing could adversely affect U.S.-China relations, and they cited unnamed administration officials who were having second thoughts about the bombing because of the heavy losses (a total of 27 planes). NBC reported that the Chicago City Council had condemned the bombing, as had Italy, Holland and Sweden.

THE BOMBING ENDS, BUT NOT THE CRITICISM

On December 30 it was announced that peace talks would be resumed in Paris and that the bombing north of the 20th Parallel would be halted. It took *The New York Times*, however, a couple of weeks to unwind.

The Times ran another vicious attack on the United States from *Le Monde* on January 5, which compared the bombing to the atrocities of Hitler. Accusing the American Government of being drunk with power, the author, Vercors, said: "For the moment they are content with transposing an entire land into a lunar landscape and an entire people into dead men from out of the Stone Age."

The same edition of *The Times* carried an AP dispatch on page one which said that a preliminary survey by North Vietnam showed that 1,318 persons were killed and 1,261 wounded by the bombing raids. There was no editorial comment on the discovery that the supposed "carpet-bombing" in a densely peopled area that was said to have been "unprecedented in history" had killed fewer than half the number of people that had died at Pearl Harbor and less than one per cent of the number that died at Dresden.

On the contrary, on January 8, *The Times* was still speaking of "terror bombing," and approvingly quoted *Le Monde's* likening the raids to the Nazi bombing of Guernica. Anthony Lewis's outrage was so great that it evidently affected his memory. On January 22, he published a column in *The Times* in which he said that Britain was attacked first in World War II and was therefore justified in destroying Hamburg and Dresden, but the U.S. had no excuse for bombing Hanoi. (AIM pointed out to Mr. Lewis that Britain got into World War II by going to the defense of Poland, just as the U.S. had gone to the defense of South Vietnam. Lewis subsequently published a correction, but he did not revise his argument.)

THE TRUTH EMERGES

The mystery of the contradiction between the low casualties and the reported indiscriminate, massive carpet bombing was cleared up in April 1973. It turned out that there had been no massive, indiscriminate carpet-bombing. The atrocity that had so outraged *The New York Times*, the Nobel laureates, and the Chicago City Council, to name but a few, had never happened.

This was first revealed by Tammy Arbuckle, correspondent for the *Washington Star-News*, who visited Hanoi at the end of March. In a dispatch printed in the Star-News on April 1, he said:

"United States air strikes against legitimate military targets in Hanoi seem to have been carried out with almost surgical precision. The impression after nine hours spent in this city is that Hanoi's people, contrary to some reports, seem to have had an easier war than some. . . . Pictures and some press reports had given a visitor the impression Hanoi had suffered badly in the war—but in fact the city is hardly touched. This compares with South Vietnamese, Cambodian and Laos towns that are completely razed."

Mr. Arbuckle's eyewitness observations were confirmed on April 6, when Adm. Thomas Moorer released reconnaissance aerial photos of Hanoi that showed that the city was virtually intact. The photos showed that 13 military targets had been struck and that there had been five cases of accidental damage, none of them very extensive. These were part of the Cuban Chancery compound, part of the Bach Mai Hospital, a small part of the Hanoi textile plant and two small residential areas. All of these were near military targets.

Speaking of one of the residential areas struck, Kham Tien, which had become a favorite showplace to demonstrate the damage done by the bombing, Arbuckle said it looked as if about 60 houses had been destroyed and another 20 damaged. About 215 people were killed there.

The aerial photos show that Bach Mai Hospital, about which so much has been written, to consist of five large buildings, two of which were partially damaged. The reports that the hospital was completely destroyed are false. Similarly with the Cuban Chancery compound, where it appears that two out of a dozen buildings were damaged.

SOME CORRECTION, BUT NO APOLOGIES

Although the truth about the carpet-bombing myth became known to American newsmen at the end of March, *The New York Times*, which had been one of the creators of the myth, did nothing to correct the totally false impression that it had given its readers until May 2. On that date it published on page 2 an article by Drew Middleton with the headline: "Hanoi Films Show No 'Carpet-Bombing' ". The story said frankly that the photographs did not support charges made during the offensive that our planes had subjected Hanoi to the kind of bombing that was carried out against German cities during World War II. Mr. Middleton quoted a senior air force officer as saying that the pictures confirmed what the Defense Department had said all along about the nature of the bombing.

The New York Times and many others gravely misinformed the public about the nature of the December bombing of Hanoi and Haiphong. The purpose of this type of reporting was not to inform the public, but evidently to mold public opinion in the way that these journalists thought it should be molded. The editors of *The New York Times* made it clear from the beginning that they thought the bombing had severely shaken the hopes for peace in Indochina. They were entitled to that opinion, even though events proved them wrong. Were they, however, entitled to misinform the public about what was transpiring, to try to pressure the Government to change its policies to conform to what they thought was desirable. This is advocacy journalism on a grand scale, practiced not by a single reporter, but by an entire newspaper, one of the most influential in the world.

Perhaps Vercors, the author of the wild emotional article from *Le Monde* that *The Times* printed on January 5, made the most fitting comment back in 1968, when he wrote:

"The real victim, as I see it, is again the same: the Truth. I know, I know: truth is relative; facts are too complex to look at from one side only. Sure, big boy, you are right, and anyone who thinks otherwise is naive. But one thing does, objectively, exist, and the subtlest sophisms cannot cover it up: the Lie. . . . The Lie repeated a thousand times becomes the Truth."

REMARKS BY THE HONORABLE RUSSELL E. TRAIN

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. UDALL. Mr. Speaker, I want to call to the attention of the Members an excellent and timely speech delivered to the Washington Rotary Club by Russell Train, a man who has lent this country considerable vision while serving as Chairman of the President's Council on Environmental Quality.

Chairman Train's thesis deals with the dual and inseparable crisis of energy and the environment and how we might set out to deal with these concerns in a responsible manner. Mr. Train offers these valuable and reassuring thoughts at a time when the country is being increasingly polarized by the attempts of some to create an environmental backlash and to make the conservation movement a scapegoat for many decades of miscalculations which have brought us to the brink of a major energy shortage.

The text of the speech follows:

Remarks by the Honorable Russell E. Train

Our current energy problem is complex and closely related to a wide variety of forces. Prominent among these forces is, of course, the question of environmental quality; but prices, technology, regulatory requirements, international relations, and national security considerations are also integral parts of the problem. There are some who simplistically blame the strong concern over environmental quality as the cause of our energy problems. This assertion is simply not true. I emphasize this point because there is a current tendency to make the environment the whipping boy for our energy problems.

A recent issue of a national news magazine quoted the chief executive of a major international oil company as identifying environmentalists as the major culprits in blocking new generating facilities and new refinery capacity. In my opinion, such statements obscure the facts, confuse the issues, and can only serve to delay effective solution of our energy problems.

Similarly, a spate of advertising has tried to convince the public that auto emission standards are the cause of major reductions in gasoline mileage. However, according to a study conducted by the Environmental Protection Agency, greater weight, automatic transmissions and air conditioners are more important causes of increased fuel consumption than pollution controls. Data from more than 2,000 1973 model cars show that fuel economy loss (in miles per gallon) due to pollution control systems is less than eight percent as compared to uncontrolled vehicles. By comparison, the fuel economy loss due to air conditioning averages about nine percent, and can run as high as 20 percent on a hot day in urban traffic. In addition, the fuel loss from an automatic transmission is about six percent.

EPA's engineers attribute much of the decrease in gas mileage to increases in vehicle weight. Their investigation found that over the years, new vehicles having the same model designation have become heavier. For example, the Chevrolet Impala weighed 4,000 pounds in 1958, but weighs 5,500 pounds now. And as the weight of the car has gone up, its gas efficiency has dropped. The study found that a change of only 500 pounds in the weight of 1973 vehicles—from 3,000 to 3,500—can lower the mileage from an average of 16.2 miles per gallon to 14.0 miles per gallon—a decrease in fuel economy of nearly 14 percent. A thousand pound increase in weight, from 3,000 to 4,000 pounds, could lower gas mileage from 16.2 miles per gallon to 11.2 miles per gallon—a decrease of 30 percent. The plain fact is that we need to both reduce automobile emissions and improve automobile fuel economy.

Environmental factors also have been cited as a major reason for nuclear power plant delays. However, data from the Atomic Energy Commission does not support this allegation. According to the AEC, the National Environmental Policy Act review process is not the controlling factor in bringing a nuclear power plant into operation. The major requisite for licensing a plant is its readiness for fuel loading. And AEC data submitted to the Council in March indicate that final environmental impact statements were available, on the average, 8.2 months prior to the scheduled fuel loading.

And while environmentalists are blamed for power plant siting delays, it should be remembered that it has been nearly two and one-half years since the President first submitted to Congress a "Power Plant Siting" bill. Should his most recent submission, the "Electric Facilities Siting Act of 1973," be enacted, the review and approval process for siting new plants would be simplified while giving the public earlier notice and a larger role in the decisions over power needs and how and where to meet them. And although some spokesmen for the power industry publicly lament the difficulties in getting new plants approved, the National Association of Electric Companies' position before the Congress has been that no new legislation is needed. If this legislation had been enacted, we might be two years closer to the institutional arrangements necessary to deal with some of our crucial energy problems.

Environmentalists have also been charged with hindering the construction of new petroleum refineries. Although some companies have been refused sites for new refineries, by and large the oil industry has been most reluctant to commit large sums to new refinery construction because of past uncertainty about government policies, such as oil import policies, and because of severe shortage of cash from current company earnings. In addition, for the large international oil companies, extreme uncertainty as to their situation in the Middle East vis-a-vis the Organization of Petroleum Exporting Countries has created a wait-and-see attitude. Now that one of these uncertainties—the curbs on crude oil imports—has been removed, and oil company profits have improved, a number of oil companies have announced plans for expansion of existing refineries.

But the same uncertainties that hindered construction of new refineries and contributed to the shortage of distillate fuel oil this past winter, are now factors in the projected gasoline shortage this summer. Various oil companies spent large sums to advertise that they knew these shortages were coming. They blamed environmentalists. I would add a few points that were omitted from those advertisements.

Operating under conditions of uncertainty, the oil industry quite properly has turned to management science techniques—computers—to assist them in maximizing profit. According to the computers, the level of fuel oil inventory for the 1972–73 heating season did not need to be maintained at the same high level as the previous year. This made sense in terms of profits because gasoline is a more profitable product to manufacture and sell than heating oil. Unfortunately, the weather did not cooperate, and the cold snap which occurred early in the winter, after a cool, rainy autumn, unsettled the optimum production schedules, and set the stage for the supply dislocations experienced early in 1973.

It must be pointed out as well that through the first half of 1972, the U.S. refineries were not operating at peak capacity. Hopefully, now that the crude oil import restrictions have been removed, refinery production can be kept running at higher levels.

Having gotten all that off my chest, I would be less than candid not to admit that environmental awareness has brought about changes in the types of fuels we use and the conditions under which they can be used. Public concern over surface mining, land use, air pollution, wildlife, and offshore drilling has in some cases delayed the use of some energy sources. These delays, however, have been part of a national effort to greatly improve measures to protect the environment.

Let us not permit our current concerns over energy supply to obscure the fact that the environmental costs of energy production are likewise very real. The high levels of lung cancer and respiratory disease, such as emphysema, in areas with high levels of air pollution is a fact, not emotional imagining. Nor is the D.C. Health Department's recent warning about dangerous carbon monoxide levels at several city intersections environmental emotionalism. An official was quoted as saying that the department has considered putting signs up that read: "Warning: This Area May Be Hazardous to Your Health." The areas cited were the corners of 16th and 17th and K Streets, 13th and F Streets, Connecticut Avenue and Ordway Street, Logan Circle and Good Hope Road, S.E., between 13th and 14th Streets. This warning was followed by the year's first area-wide pollution alert Monday. Our energy problems are serious and they are real. Our environmental concerns are likewise serious and they too are real. We need balance and restraints—by both environmentalists and industry—as we pursue both objectives as matters of high priority national interest. Confrontation can only lead to polarization and irrational responses from all sides. We need to keep the problems in proper perspective. Above all, we need full disclosure of all the facts and the broadest possible public understanding of the issues.

Traditionally, our attitude toward energy has centered on more: more coal, more oil, and more gas to meet the needs of a growing nation. But unless we take steps to conserve our energy resources, we will exhaust supplies, even from new sources, in a relatively short time. There are many areas where we can start to work for energy conservation.

The General Services Administration, for instance, is constructing a new Federal office building in Manchester, New Hampshire, using advanced energy conservation techniques, with a goal of reducing energy use by 20 percent over typical buildings of the same size. The National Bureau of Standards is evaluating energy use in a full-size house as a means to develop analytical techniques for predicting energy use for new dwellings. These programs will assist the Federal government, architects and contractors to design and construct energy-efficient buildings. Current engineering and design of buildings is often outrageously wasteful of energy.

During the past two years, the President has twice directed the Department of Housing and Urban Development (HUD) to upgrade insulation standards in single and multi-family residences financed by the Federal Housing Administration. These revisions can cut heat losses by one-third in new homes, thus conserving energy in the residential sector.

Transportation offers many opportunities for saving energy. Transportation uses about 25 percent of the Nation's energy and energy efficiencies of various passenger transporting modes vary greatly. The fastest form of transportation, the airplane, is also the one that uses the most energy per passenger mile. On the ground the automobile uses much more energy per passenger mile than buses or trains. While the automobile will not be replaced as man's favorite transportation mode, at least it should be possible to shift to smaller, lighter cars. With the fuel economy characteristics of present small cars, about 22 miles per gallon instead of the current average for all cars of less than 14 miles per gallon, the annual fuel savings could be enormous. In my opinion, it is imperative that our society shift its preference to smaller cars.

In addition to our use of smaller cars, perhaps by providing alternative forms of transportation, we can induce people to leave their cars at home during peak travel hours. I am hopeful that the up-coming Senate-House Conference on the use of the Highway Trust Fund for mass transit will result in more emphasis on mass transit solutions to urban transportation problems.

The President also has directed the Department of Commerce to work with the Council on Environmental Quality, and the Environmental Protection Agency, to develop a voluntary system of energy efficiency labels for major home appliances, and automobiles, and automobile accessories. These labels will not only provide data on energy use but, most importantly, a rating comparing the product's efficiency to similar products.

In the industrial sector, there are significant opportunities for energy conservation—in plant and process design, and even in the choice of feedstock materials. For example, in many cases significant amounts of energy can be conserved by using secondary materials in place of virgin feedstocks. In the paper industry, the energy consumption to produce pulp from recycled fiber is 70 percent less than the energy required using virgin wood pulp. Similiar figures for the steel industry show a 74 percent savings in energy when scrap is used to produce steel instead of virgin iron ore. I believe we should explore aggressively the development of incentives, including tax incentives, to encourage greater recycling.

These proposals, for government, for industry, and for consumers, represent only a beginning in our efforts to conserve energy. By and large, however, they all represent measures which are difficult to implement in the short run. But there are conservation measures which can help us deal with the immediate energy problems we face—for example, the gasoline shortages projected for this summer. Driving slower, forming car pools, riding bikes, making greater use of public transportation and practicing the ancient art of walking are but a few examples of immediate ways to conserve energy.

The so-called "energy crisis" stems from the economic forces and complexity of the energy industry, from the difficulty in planning for our voracious energy appetite, from the need to satisfy social values—other than those that depend on energy, and from a failure to address our growing energy problems earlier. To blame this "crisis" solely on an increased concern over environmental quality would be a grave failure to face the problem honestly and squarely.

It seems to me that the best way to deal with the difficulties presented by our current energy position is to completely reorient our thinking about energy. In the short run, we are looking for increased energy supplies. But in the long run, we must increasingly shift our efforts from simply *finding more energy* supplies to concerning ourselves with *how to use energy* to best meet our many needs.

EDUCATION OF HANDICAPPED CHILDREN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. BRADEMAS. Mr. Speaker, yesterday I inserted the first of two articles written by Bart and Andrew Barnes from last month's Washington Post with reference to the education of handicapped children.

I take the opportunity today, Mr. Speaker, to bring to my colleagues' attention the second of those articles which appeared in the Post on May 30, 1973.

Mr. Speaker, let me cite particularly the following lines from the article:

> An estimated one in every 10 Americans suffers from some type of handicap. Those handicaps range from crippling physical deformities to mental retardation to nervous disorders that impede the ability to communicate and learn.
>
> Approximately 7 million are of school age. It is these children, 60% of whom are not receiving the specialized kind of educational services they need, and their parents who are now demanding an education as a matter of constitutional right.

The Council for Exceptional Children, Mr. Speaker, estimates that it costs an additional $800 per year to provide the educational services handicapped children require. Because I, and a number of my colleagues, are aware that the present fiscal stringencies facing State governments will make it impossible for them to provide these increased funds, we have introduced the Education for Handicapped Children Act to assist the States with the excess costs involved in providing special educational services. We anticipate holding hearings on this measure before the end of the year.

Mr. Speaker, I insert the article at this point in the Record:

Still in Sparta?—Handicapped Pupils Face Schooling Crisis

(By Andrew Barnes and Bart Barnes)

In ancient Sparta, authorities had a singular way of dealing with children who were born with crippling deformities.

They took those children out of the city to the mountainside and left them to die.

In 20th Century America, there are those who argue that society's treatment of the handicapped hasn't changed that much since the days of the ancient Greeks.

Despite a spate of court decisions and laws to the effect that the handicapped now have a right to an education, there is still a strong tendency simply to put them away, it is argued.

Although that attitude is now being challenged and, in some cases, rejected in courts across the country, the tradition of excluding the handicapped is deeply rooted in custom and law.

In a landmark case in Wisconsin in 1919, a judge sanctioned the exclusion of a blind, but otherwise normal, child from school on the grounds that his handicap had a "depressing and nauseating effect on teachers and students."

Until recently, there was a statute in North Carolina making it a misdemeanor punishable by law for the parent of a handicapped child to persist in trying to have the child admitted to school once the schools had certified they had no program for him.

When the state of Pennsylvania signed a court order in the fall of 1971 stipulating that no retarded child could be excluded from a publicly supported education, the response of one local school board was immediate.

It adopted a regulation that no retarded child would be eligible to try out for the high school cheerleading squad.

An estimated one in every 10 Americans suffers from some type of handicap. Those handicaps range from crippling physical deformities to mental retardation to nervous disorders that impede the ability to communicate and learn.

Approximately 7 million are of school age. It is these children, 60 per cent of whom are not receiving the specialized kind of educational services they need, and their parents who are now demanding an education as a matter of constitutional right.

In this, Washington is a microcosm for what is happening elsewhere in America. Last Aug. 1, U.S. District Court Judge Joseph C. Waddy ordered the city's school system to stop telling handicapped children there was no place for them in the public schools.

Even if it is expensive, the judge said, the handicapped have a right to a suitable education at public expense. If proper instruction cannot be provided in a normal classroom setting, then it is the obligation of the public school system to see that every child gets whatever instruction he needs, either in a special school, special class, remedial program or home instruction.

If there is no suitable program available under any of those methods, the judge directed, then the city is obligated to pay the full cost of the child's tuition at a private school.

As of last February, the last time a count was taken, there were 8,113 children in the District of Columbia public school system enrolled in programs of special education. That figure is nearly twice the number enrolled in special education programs before the judge's order. And the number continues to increase as more and more of the handicapped are identified among the city's school population of 140,000.

Judge Waddy's order came in response to a lawsuit filed by the parents of a number of handicapped children who either had been excluded from the public schools altogether or had been denied special programs they needed.

It grew out of years of frustration and agony on the part of the parents of handicapped children struggling against an unresponsive bureaucracy to get what was best for their children.

Dorothy Banks, the mother of an aphasic child, is one who spent 15 years doing battle with the system on her son's behalf. "If you can't raise hell, you can cry," is how she sums up her attitude towards the system.

Aphasia, which also afflicts adult stroke victims, is an impairment of the power to communicate with words. It is also known as one of the specific learning disabilities.

When Keith was somewhat more than 1 year old, Mrs. Banks remembers, "I knew he couldn't talk." The well baby clinic at Freedmen's Hospital told her she was "expecting too much. Some kids talk late."

Time passed, and things were still not right. Further tests showed Keith "couldn't see very well. Hardly at all."

Still, "nobody knew quite why he couldn't talk." One doctor told Mrs. Banks that Keith's only trouble was his "hysterical mother—in so many words. That's the way they put most mothers down."

The doctor "told me to put him in a camp. He couldn't speak a word—fearful of everything, because nobody knew he couldn't see. This fool tells me put him in a residential camp. As usual, I ended up raising hell."

The complete diagnostic workup took many months. Each clinic visit meant a day off work at the Pentagon for Mrs. Banks.

Mrs. Banks says she encountered many helpful, sympathetic people in the search for ways to help Keith, but the hardest for her to take were the bureaucrats who told her: "I don't know what you're going to do, but don't sit there and bug me."

"I do get very impatient with people who do not do their job," Mrs. Banks says.

Mrs. Banks only chanced to see a display in a downtown department store window that put her on the track of the private school Keith has attended for the last several years. . . .

But it cost $1,200, far more than Mrs. Banks could pay. "I was ready to beat somebody to death, but I didn't have anybody to beat."

There's a law on the books, a friend told Mrs. Banks, that the public schools must pay private school tuition if there is no suitable public school. "That's where the fight began."

She ended up going before the board of education, which voted the tuition money.

Keith has gone from a child whose eyeballs just wiggled the whole time to six feet two, walking down the street, you would never think there was anything wrong with him.

"In most cases there is somebody in the education world who could help a child," Mrs. Banks says. She feels sorry for parents. "There are so many that get burdened down so they can't fight for themselves for their kids."

For those handicapped who do make it through the system, it takes unusual strength and an ability to withstand society's contempt and indifference, along with the best therapy and education.

At 23, Andy Cowin is a college graduate, just beginning his first job. He is a victim of a form of cerebral palsy that makes the muscles of his right hand and arm uncontrollable. His speech is sometimes difficult to understand, particularly when he gets excited, which is often, and the palsy causes him to walk somewhat carefully, though swiftly.

He can remember standing, slapping his thighs as hard as he could and shouting his frustration: "You're not a goon, walk straight, be normal."

Nobody is more determined to achieve normality than a handicapped person, yet just walking down the street can be an ordeal. "People laugh all the time," Cowin says. "They are afraid."

"How dare you be out of the cage?" he feels people ask. "You don't belong on the street."

Despite the handicap of cerebral palsy, Andy Cowin had the advantage of being bright, yet year after year his teachers in school wanted to hold him back because he was unable to write with a pencil. (He types now, but still can only use his left hand.) His mother refused, pointing out that he understood the content of the school work.

By a combination of summer tutoring and sheer push, he stayed in his regular public school classes until he was 11, when he left his Boston home and went to the Massachusetts Hospital School.

He took regular academic courses and did first-class work. He also had regular speech therapy and learned to type 25 words a minute with his left hand.

Cowin graduated with his regular academic high school degree at 17. He has trouble with written tests, he says, but does well on spoken ones.

He had attended four colleges before getting his degree—bachelor of business administration—from George Washington University last August.

Cowin remembers the judgment of one of his first college teachers: "You need help, but you are smart."

He ended up with A's and B's, immensely proud. "I was an honor student. What the hell is a goon?"

But the stories of Cowin and Mrs. Banks and her son Keith are of handicapped people who got an education by perseverance, in spite of, not because of the established public school systems. Now, in the District of Columbia, the schools are under court order to see that all handicapped get such an education.

That order directing a public education for all handicapped children has been met, for the most part, through a program whose underlying philosophy is called "mainstreaming."

Increasingly in use across the country, mainstreaming is a program to keep children in regular classes whenever possible. They are taken out only to provide therapy, small group instruction or special individual assistance required by each particular child.

But there are also people who say it doesn't work.

"I really think we are going in the wrong direction," says Elwood Swarmer of the Montgomery County Cerebral Palsy Association. The handicapped are "accepted while they're in school, but they are a lot of trouble. I don't think we are ever going to make them normal."

There are many teachers and administrators of the D.C. public school systems who are among the most unhappy about keeping handicapped children, particularly the emotionally disturbed, in regular classes.

Under the Waddy decree, they can no longer suspend and expel "troublemakers," and yet they feel they have not been given sufficient help in handling these children in school.

School principals filled a public meeting recently, complaining loudly that they cannot teach anybody with disruptive children in the classroom.

Children with special problems, they argued, should be sent to special schools so that normal children can get on with their school work.

This is opposed by Merle Van Dyke, the George Washington University professor now in charge of special education for the city and a firm believer in mainstreaming.

Often, he argues, special schools represent the "take them out for special magic approach."

Special magic, he said, just does not exist. Instead, he said, dealing with the handicapped effectively means identifying the problem early and then working with it. For some children it can be simply the routine of drill: moving the eyes from left to right in preparation for reading or the use of colors to help a child to identify letters. For mainstream, it is a matter of learning to feed themselves and use the toilet at the city's institution for mentally retarded in Laurel.

In Pennsylvania, the courts have explicitly hundreds of others who defy inclusion in the ruled that if feeding himself is the most a person can learn, that is the education he has a constitutional right to receive.

Beginning today and continuing through Wednesday, the House District Committee's education subcommittee, headed by Rep. Ronald V. Dellums (D-Calif.), will hold hearings on the implementation of the Waddy decree in Washington.

There are also efforts underway to aid the handicapped in places where there is no litigation pending.

Bernice Munsey in Arlington, for example, has led a campaign there to provide special education for every child needing it. Fairfax County's public schools have expanded their special education program so that now they hope to include all handicapped children.

In ancient Greek mythology, there is the story of Hephaestus, born ugly and lame of Hera into a community of beautiful gods. As an offense to the community, Hephaestus was cast out from heaven.

In Washington in 1973 the belief is still widespread that the handicapped should be put away in their own institutions, says Yetta Galiber of the Information Center for Handicapped Children.

Only a few months ago at a meeting on how to improve the public schools, one woman rose to address the gathering:

"I don't want my child in school with a handicapped child," she said. "My child is normal."

FRANK E. BATTAGLIA

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague (Mr. GONZALEZ) of Texas in this tribute to a fine man.

Frank E. Battaglia, retiring Dean of the Corps of Official Reporters of Debates of the House of Representatives.

Going on 65 years of age, with 30 years' service with the House.

Born and raised in New York City, worked his way through several years of the City College of New York, Fordham Law School, receiving LL.B., degree.

Studied shorthand in DeWitt Clinton High School, New York City, and utilized the skill in several secretarial jobs while attending night school; attained the skill for verbatim shorthand reporting as a result, and subsequently worked as a freelance shorthand reporter in practically every court in New York City. He took depositions in several States in the Northeast section of the country.

Mr. Battaglia decided to come to Washington, D.C., after hearing of the need for shorthand reporters, where he reported for various Government agency hearings, subsequently confining his work as a freelance reporter to congressional committee hearings. Was appointed as an Official Reporter of Debates of the House of Representatives in 1943 by the Honorable Sam Rayburn.

Frank is retiring with many happy thoughts of the honor of serving the House of Representatives, and regrets that it has become necessary. We, in the Congress, will miss Frank because of his genial personality and friendly way. He has my best wishes for the future.

HOW NOT TO CURB INFLATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. FRASER. Mr. Speaker, I would like to share an excellent article by Robert Lekachman with my colleagues. He analyzes the present inflation and emphasizes the very complex nature of the situation. We are facing a confluence of both demand-pull and cost-push factors which result in a rapidly rising cost of living.

Mr. Nixon has imposed a 60-day timeout to formulate a new game plan. He and his advisors should have worked out a new strategy before this, but instead they pretended that the economy was strong. Even in his most recent speech announcing the freeze, President Nixon extolled the strength of the economy. He neglected to point out that the real disposable income of workers has shrunk over the last year.

The article follows:

HOW NOT TO CURB INFLATION

(By Robert Lekachman)

Last January the economic report of the President boasted that, "By the end of 1972 the American anti-inflation policy had become the model of the rest of the world. . . . Largely because of this change the rest of the world is willing to hold increasing amounts of dollars."

Since then:

The dollar has twice been devalued (once officially and once unofficially),

Wholesale prices have been recently rising at a 25 percent annual rate,

Food prices have soared out of sight,

The real wages of ordinary blue and white-collar employes have shrunk,

Profits have escalated,

Unemployment has remained sickeningly high.

As Treasury Secretary George Shultz told reporters on the eve of the President's June 13 speech announcing the freeze, "Everyone thinks that Phase III was a failure, so let's not argue about that." From one of the architects of failure, the concession was nearly as handsome as Shultz's resignation and retirement to Chicago would have been.

Will the 60-day freeze and subsequent Phase IV controls rectify the errors of previous policy, restore price stability and avert a new recession? Such an outcome is as devoutly to be wished as it is unlikely to be realized, for the freeze to which the administration has been driven by public outrage and internal panic simply does not strike hard enough at the causes of inflation to encourage optimism.

These causes are far less mysterious than comments from some economists might suggest. Consumers have been on a buying binge, heavily financed by borrowing. Businessmen have been expanding plants and buying new machines at fantastic rates, partly because devaluation has made American products cheaper, partly because Western Europeans and Japanese living standards have been improving, foreigners have been buying more American meat, soybeans and wheat. The highly political election-year Russian wheat deal has accentuated pressure on farm prices and snarled our rickety rail freight system. Here and elsewhere crop failures and bad weather have added an element of bad luck to the inflationary brew.

What I have here sketched is classic "demand pull" inflation—too many dollars, marks, yen and francs chasing too few goods and services. One cures this sort of inflation by subtracting some of the dollars. If Mr. Nixon were serious instead of engaged in what administration flacks appealingly term "substantive cosmetics," the White House would now be calling for a surcharge on individual and corporate income, suspension of the investment tax credit, and tight controls on consumer credit. Each device reduces the ability of either consumers or investors to buy. None has been recommended by the President.

The present inflation is also the consequence of a second set of influences, the prevalence of monopoly and market power which at times allows unions to push wages higher than increased productivity justifies and permits corporations to set prices as high as they estimate they can get away with.

As even the President has conceded, our current inflationary surge has not been caused by the unions. Operating either out of patriotism or misguided confidence in administration economic policy, union leaders have this year settled for amazingly modest wage gains.

On the corporate side, behavior has been different. The tremendous profit explosion indicates that businessmen took advantage of Phase III to post prices far beyond old Phase II bench marks. The energy crisis, part real and part fake, has served as a convenient pretext for major oil companies to raise prices, restrict refinery operating rates and bankrupt some of the more annoying independents.

Let it be conceded on behalf of the administration that a freeze, followed by effective Phase IV controls, does seem to address itself to this variety of cost-push inflation. Unhappily, nothing in the past record of this administration should reassure anybody that these controls over the major financiers of the Committee for the Re-election of the President will be strict enough to cut into corporate profits. Last January's events constitute a depressing precedent. The shift at that time from Phase II to Phase III occurred at just the moment when Phase II profit margin restraints, mild as they were, threatened further growth in corporate earnings. Phase IV is likely to be junked by Phase II just when it begins to hurt.

As might have been predicted of this administration, economic policy to date has been as inequitable as it has been ineffective. As a result of higher Social Security taxes, inflation and small improvements in wages, average workers are at least one percent poorer now than they were a year ago. By aggravating contrast, their employers are a good deal more than one percent richer. This administration has presided over the variety of income redistribution which conservatives admire—from the poor to the rich.

I greatly fear that the upshot of White House blunders and the blatant inequity of its policies will be a general loss of confidence in the stability of the American economy, renewed international currency dislocations, recourse at a date not very far in the future to savagely tight monetary policy, collapse of new construction—and still another recession.

No one will be happier than this prophet of gloom and doom if these words are proven "inoperative" by events—to borrow Ronald Ziegler's usage. All the same, on the odds, I am prepared to bet that Richard Nixon will celebrate his second administration as he did his first one, by a new and even more severe recession.

Recession, a traditional hobby of Republicans, will penalize exactly the same people as those who were most hurt by inflation. Such are the rewards of four more years.

IMPORTANCE OF LEGISLATIVE ADVOCACY AT THE STATE LEVEL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, tomorrow we shall consider H.R. 7824, a bill to create a National Legal Services Corporation.

To prevent program attorneys from using Federal funds for personal ends, the committee bill strictly prohibits advocacy which is not client-oriented. Activity which is related to a client is to be further regulated through guidelines promulgated by the Corporation—whose Board of Directors is fully appointed by the President.

The committee bill recognizes that when representing an eligible client, an attorney may need to make certain representations before Congress, and State and local legislative bodies. Some have proposed limiting such representations to the local level.

President Nixon, in his May 11 message on legal services, noted:

> The importance of insuring that lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics.

The president of the American Bar Association has noted that:

> Any limitation which would bar legislative activity on behalf of a client would violate the Code of Professional Responsibility.

As the chancellor of the Philadelphia Bar Association has said,

> Lawyers in almost every State, which has now adopted the Code of Professional Responsibility, are bound by it . . . (The Canons and Code) specifically state that representation before municipal, State, and National legislative bodies is part of the obligation of the lawyer if the due representations of his client will require it.

The committee bill simply maintains the same standards of professional behavior which apply to all attorneys. At the Federal and State level, legislation dealing with social services regulations, veteran's benefits, relocation assistance, or educational loans may directly affect the interests of a particular client. His attorney must have the ability to make such representations as are necessary to state his case to members of the Federal or State legislative body.

The committee bill strictly prohibits non-client oriented lobbying, and provides for additional limitations to be established by the Corporation. To further restrict the ability of attorneys before Congress and State legislatures would be unwise. As the president of the Association of the Bar of the city of New York has testified:

> If lawyers for the poor are to be limited in the kinds of professional decisions they make, it will not be long before lawyers for the middle class are similarly limited . . . it is essential that Congress declare its unalterable commitment to the principle of professional independence for all members of the bar.

Mr. Speaker, I have received numerous communications from leading State officials on the importance of this activity, and I insert them in the RECORD for the consideration of my colleagues.

BOSTON, MASS,
June 20, 1973.

Representative WILLIAM STEIGER,
House Office Building,
Washington, D.C.:

Recently there have been some questions raised about the propriety of legal services lawyers representing low-income persons in legislative matters at the state level. Here in Massachusetts, legal services lawyers have for the last several years had an active and responsible legislative program. In fact, my office has worked directly with these lawyers on a number of bills in which I or one or more State agencies have had an interest. It has been refreshing to have these lawyers represent citizens who have not previously had access to the legislative process. I urge you to vote in favor of continuing authority for legal services lawyers to do legislative advocacy when the House of Representatives considers the National Legal Services Corporation bill.

Sincerely,

FRANCIS W. SARGENT,
Governor of Massachusetts.

LANSING, MICH.,
June 19, 1973.

Hon. WILLIAM STEIGER,
Washington, D.C.:

We urge you to maintain in the Legal Services Corporation bill, H.R. 7824, the ability of legal services attorneys to represent their clients in matters pertaining to legislation at the State and Federal level. Poor people are entitled to the same quality and diversity of representation as persons retaining private counsel. Therefore, Legal Services attorneys should not be restricted in any forms of service to their clients.

WILLIAM A. BRYAN,
Speaker, Michigan House of Representatives.

CONCORD, N.H.,
June 20, 1973.

Re: H.R. 7824.

Congressman WILLIAM STEIGER,
Longworth House Office Bldg.,
Capitol Hill, D.C.:

Legal Services lawyers must be allowed to represent eligible clients before State legislative bodies. Such representation has been proven valuable to the conduct of the New Hampshire Legislature. Urge opposition to any restriction to such activities.

KIMON ZACHOS,
Deputy Speaker, New Hampshire House of Representatives.

ANCHORAGE, ALASKA,
June 19, 1973.

Hon. WILLIAM A. STEIGER,
Representative,
Longworth House Office Bldg.
Washington, D.C.:

It is important that Legal Services retain the right to lobby on behalf of individual clients before State and Federal legislatures as well as local governing bodies. Experience in Alaska indicates that past efforts are effective on behalf of the clients and helpful to the members of the legislature.

CHANCEY CROFT,
Alaska State Senator.

SACRAMENTO, CALIF.,
June 19, 1973.

Representative WILLIAM STEIGER,
House of Representatives,
Capitol Hill, D.C.

DEAR MR. STEIGER: I strongly urge you to retain the provisions presently included in H.R. 7824 (the Legal Services Corporation Act) permitting anti-poverty attorneys to represent the poor before all legislative bodies.

Legislative advocacy for the poor must be made available on equal footing as it is presently made available for the affluent. The equal protection clause of the Constitution of the United States demands no less.

Sincerely,

GEORGE R. MOSCONE,
Senate Democratic Floor Leader, California State Senate.

SACRAMENTO, CALIF.,
June 19, 1973.

Representative WILLIAM STEIGER,
Capitol Hill, D.C.

DEAR REPRESENTATIVE STEIGER: It has been called to my attention that President Nixon's Legal Services Corporation bill (H.R. 7824) will be voted on in the House of Representatives Wednesday, June 20, 1973.

I am further informed that strong efforts will materialize on the floor to prohibit poverty lawyers from representing their clients before legislative bodies. I urge you to resist any such attempts.

Moreover, any attempts to impose restrictions on poverty lawyers which are not applied to attorneys who represent more affluent clients should be resisted.

Thank you for the consideration.

BOB MORETTI,
California Speaker of the Assembly.

SACRAMENTO, CALIF.,
June 19, 1973.

Representative WILLIAM STEIGER,
House of Representatives,
Washington, D.C.:

I understand that H.R. 7824, the legal Services Corporation bill, will be voted upon on Wednesday, June 20, 1973. Attorneys now representing those who, because of lack of funds, are denied legal council must be allowed to continue their representation before legislative bodies and courts of proper jurisdiction. To discontinue or to restrict this representation at this time, would be to diminish the hope of America's poor for a brighter future. I urge you to continue the present program of providing full legal services to the poor.

Sincerely,

ALBERT S. RODDA,
California State Senator.

SACRAMENTO, CALIF.,
June 19, 1973.

Representative WILLIAM STEIGER,
House of Representatives,
Washington, D.C.:

In floor action on H.R. 7824 please make every effort to protect the rights of anti-poverty attorneys to represent clients before legislative bodies. I urge you to oppose any restrictions not imposed on private attorney representing more affluent clients.

JOHN L. BURTON,
California State Assembly.

SACRAMENTO, CALIF.
June 19, 1973.

Representative WILLIAM STEIGER,
House of Representatives,
Washington, D.C.:

GENTLEMEN: Urge strong opposition to any proposal denying or restricting poverty attorneys, representing poor clients before legislative bodies (H.R. 7824—Legal Services).

CHARLES WARREN,
California Assemblyman.

SACRAMENTO, CALIF.,
June 19, 1973.

Representative WILLIAM STEIGER,
House of Representatives,
Washington, D.C.:

Anti-poverty attorneys performing effective function before California Legislature. Request they be allowed to continue to represent eligible clients before legislative bodies.

Assemblyman KEN MADDY.
California Assemblyman.

Sacramento, Calif.,
June 19, 1973.

Representative WILLIAM STEIGER,
Capitol Hill, D.C.:

1. I urge that anti-poverty attorneys be allowed to represent eligible clients before legislative bodies.

2. I am strongly opposed to any restrictions not imposed on private attorneys representing more affluent clients.

JOHN VASCONCELLOS,
California Assemblyman.

Sacramento, Calif.,
June 19, 1973.

Representative WILLIAM STEIGER,
Capitol Hill, D.C.:

I strongly urge:

1. Anti-poverty attorneys must be allowed to represent eligible clients before legislative bodies.

2. Opposition to any restrictions not imposed on private attornetys representing more affluent clients.

MERVYN M. DYMALLY,
California State Senator.

Sacramento, Calif.,
June 19, 1973.

Representative WILLIAM STEIGER,
Capitol Hill, Washington, D.C.:

H.R. 7824—Legal services corporation bill urge you to oppose any amendments to H.R. 7824 which would weaken the attorney-client relationship now existing between legal aid attorneys and low income persons or restrict the privilege of legal aid attorneys to initiate legislative action on behalf of low income persons. These legal aid attorneys have helped me with important bills. Their testimony is usually of excellent quality and should not be artificially restricted.

PETER H. BEHR,
State Senator of California.

GAO REPORT REVEALS ACCOUNTING "ADJUSTMENTS" TO COVER UP OVERSPENDING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. **ASPIN**. Mr. Speaker, I have publicly released a General Accounting Office report which reveals that so-called "adjustments" were made in official accounting records involving at least $10.6 million. This latest GAO investigation confirms that some Navy employees engaged in a book juggling escapade to cover up overspending. The GAO inquiry conducted at my request confirms that from 1969 to 1972 the Navy spent $109.7 million more than was appropriated by Congress to pay for personnel expenses.

The Navy first told Congress of this overspending in January pursuant to the Antideficiency Act. According to the Antideficiency Act, it is a Federal criminal offense for anyone to "willfully" overspend. The Navy in its report to Congress denied that any of this overspending was willful. However, former Defense Secretary Melvin Laird, in a letter accompanying the January report to Congress said that the overspending was "caused by mismanagement, poor judgment, and inadequate or nonobserved controls and personnel turbulence associated with the Southeast Asia conflict."

Mr. Speaker, even if overspending is not willful it is still a Federal criminal offense to make any incorrect entries in any fiscal Federal record. Some Navy employees may have violated a Federal criminal statute which prohibits making such false entries in Federal records. Penalties for conviction for making false entries range from 5 to 10 years in prison and $5,000 to $10,000 in fines. According to the GAO, during the fiscal year 1971 the Navy estimated its cost of transferring sailors would be $251.4 million. But when the Navy discovered that only $241 million was available to pay its bills, the estimated obligations were reduced by $10.6 to $240.8 million. In other words, someone tried to adjust the books to hide this overspending.

I have already requested the Justice Department investigation of this entire overspending scandal, but have not received a formal report from the Justice Department. I understand that a criminal investigation is underway.

Neither the Congress nor the public can tolerate any employee to be juggling the books and making false entries to cover up overspending.

The Navy has brought a Federal investigation of the overspending scandal by the General Accounting Office. The Navy withheld documents from the GAO that were essential to conducting a complete inquiry. Specifically, the Navy refused to turn over an Inspector General's report to the GAO. This is nothing less than an attempt to cover up the involvement of Navy personnel in apparently illegal activities.

However, on the basis of documents the GAO was able to examine they concluded that earlier Navy audits completed after the overspending was discovered had been adequate and frank.

In addition, the GAO report reveals that Navy personnel accounts went unaudited for 10 years before the overspending came to light. It is really no surprise that trouble developed in view of the Navy's lax attitude about auditing the books. The Navy should be in regular periodic audits of all major accounts. If regular auditing had occurred much of this overspending and subsequent coverup might not have happened.

For my colleagues information the text of the GAO report follows:

JUNE 7, 1973.

Hon. LES ASPIN,
House of Representatives.

DEAR MR. ASPIN: In accordance with your request of December 4, 1972, and our letter of December 19, 1972, we reviewed the Navy's violation of the Antideficiency Act. Specifically, you asked:

1. During what years did the Department of the Navy violate its spending limits? What was the amount of the violation in dollars for each fiscal year?

2. In what accounts did the violation of the Antideficiency Act occur?

3. Would the General Accounting Office evaluate the adequacy, completeness, and frankness of the Navy's internal reports?

As agreed, we reviewed the Naval Audit Service's work relating to reported violations of the Antideficiency Act and the Navy's actions to improve control over the Military Personnel, Navy (MPN) appropriation including the Naval Audit Service's audit plans. We did not make an independent review of the Navy's obligations and expenditures.

ANTIDEFICIENCY ACT VIOLATIONS REPORTED BY THE NAVY

The Naval Audit Service identified possible violations in the MPN appropriation in November and December 1971. As a result, the Chief of Naval Operations on April 17, 1972, directed the Navy Inspector General to investigate whether, in fact, violations had occurred.

The Inspector General's investigation confirmed that violations had occurred. In December 1972 the Navy submitted to the President of the United States and to the Congress violation reports on the MPN appropriations for fiscal years 1969, 1971, and 1972. The Navy reported overobligations in the MPN appropriation of almost $110 million, as follows:

(Fiscal year and amount of violation)

1969	$7,947
1971	72,000
1972	29,789
Total	109,736

As requested, we are furnishing the following schedule of other Antideficiency Act violations which the Navy *reported* to the President and to the Congress in fiscal years 1968 through 1972. These violations occurred in allotments and other fund subdivisions; none of the appropriations was over-obligated in total.

APPROPRIATION

(Fiscal year and amount of violation)

Navy Stock Fund

1966	$99,951
1968	104,023
1969	195,405
1970	21,056
Total	420,435

Operation and Maintenance

1965	248,227
1966	62
1970	154,378
Total	402,667

Shipbuilding and Conversion

1963	296
1965	14,530
1966	3,945
1967	12,719
1970	65,658
Total	97,148

Claims, Defense

1970	6,015

Family Housing Management Account

1966	24
1970	3,601
Total	3,625

Reserve Personnel

1967	310

Other Procurement

1965	32
Total	930,232

Following is a recap of the amount by fiscal year.

Fiscal year and amount of violation

1963	$296
1965	262,739
1966	103,982
1967	13,029
1968	104,023
1969	195,405
1970	250,708
Total	930,232

Of the 20 violation reports issued during fiscal years 1968–72, only 11 identified the organization that initially disclosed the violation. The Naval Audit Service disclosed seven violations and the activity receiving the funds or its authorized accounting activity disclosed four.

CAUSES OF VIOLATIONS IN MPN APPROPRIATION AND CORRECTIVE ACTIONS

The basic cause of the violation was the separation of the authority to create obligations from the responsibility to control them.

The authority to create obligations of MPN appropriations was decentralized, resting with a multitude of officials who authorized individual pay and allowance entitlements and permanent-change-of-station travel. The responsibility for controlling obligations was centralized in the Bureau of Naval Personnel.

Central control was exercised by recording obligations against appropriations based on estimates of such factors as average personnel strength, average pay entitlement, and average number and cost of permanent moves.

Much of the data used by the Navy in estimating the rate of obligation of the MPN appropriation was erroneous and resulted in underestimating the rate of obligations being incurred. For example, in estimating obligations for permanent-change-of-station moves for fiscal year 1972, the Navy used $755 as the average cost per move, but the average cost experienced was $986. As a result, actual obligations significantly exceeded estimated obligations.

Because of a lack of accurate and timely feedback information on obligations being incurred by the field, the Bureau of Naval Personnel did not know that overobligation was occurring until it was too late to be avoided.

Prior to the internal audit in 1972 which initially disclosed apparent violations in the MPN appropriation, the last audit of the MPN appropriation by the Naval Audit Service was made in 1962.

The Navy plans to improve the data on which it bases its estimates, to improve the accuracy and timeliness of feedback reports, and to increase its internal audit coverage. Specifically, the Navy has:

Instituted improvements to increase the accuracy of enlisted and officer strength accounting.

Devised improved procedures to provide more timely and accurate data on which to base obligations for certain entitlements, especially basic allowance for quarters and subsistence.

Required disbursing officers to report monthly to the Bureau of Naval Personnel payments of all pay and allowances for military personnel. The Navy believes this will permit the comparison of estimated obligations with actual obligations in time to avoid violations.

Used a more comprehensive permanent-change-of-station travel planning and control system to establish dollar controls over move authorizations. The Navy implemented a computer-assisted method to monitor the controls.

Established procedures to maintain updated cost tables for estimating permanent-change-of-station travel obligations.

Established a permanent staff of six Naval Audit Service auditors at the Bureau of Naval Personnel. This staff has undertaken audits of the Reserve Personnel, Navy appropriation, the system used to estimate obligations for pay and allowances, and the fiscal year 1973 MPN appropriation.

COMMENTS ON NAVY REPORTS RELATED TO VIOLATIONS

We reviewed the reports submitted to the President and to the Congress. These reports were based on internal reports prepared by the Naval Audit Service and the Navy Inspector General.

Naval Audit Service report

We reviewed the Naval Audit Service report and the working papers prepared during its review. The Navy review was made over a 7-month period by an average of six auditors. It appears that the Naval Audit Service report was adequate, complete, and frank about the findings disclosed in its working papers. Since we did not make an independent review of the Navy's obligations and expenditures, we cannot state whether all violations were discovered.

Navy Inspector General's report

We did not have access to, and therefore were not able to comment on, the Navy Inspector General's investigation report and supporting documentation. Copies of Inspectors General's reports are generally not made available to us. In the past, we reported similar restrictions on our access to Inspectors General's reports within the Department of Defense. I discussed this matter before the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations during testimony in September 1969 on our role in auditing Defense expenditures. The problem was also mentioned in our report to the Congress on "Internal Audit Activities in the Department of Defense" (B–132900, Mar. 8, 1968).

Navy reports to the President and to the Congress

We reviewed fiscal years 1969, 1971, and 1972 violation reports and found no inconsistencies with the Naval Audit Service findings.

The reports for fiscal years 1969 and 1971 stated that several adjustments to estimated obligations were made on the basis of judgment without any documentary support to substantiate or reconcile the obligations recorded in the official accounting records. For example, the fiscal year 1971 report stated that estimated obligations for permanent-change-of-station travel at June 30, 1971, were $251.4 million. This was decreased to $240.8 million against a fund availability of $241 million. The Navy indicated that no documentary support existed for the adjustment. The Naval Audit Service eliminated unsupported adjustments in determining the amount of the apparent overobligations; therefore, the unsupported adjustments did not affect the amount of the overobligation reported. The Justice Department has been asked to look into the circumstances surrounding the Navy's overspending of its MPN appropriations.

We do not plan to distribute this report further unless you agree or publicly announce its contents. We trust the information furnished is responsive to your request.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

DR. THOMAS H. PATERNITI'S MOVING FLAG DAY SPEECH

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. PATTEN. Mr. Speaker, on June 16, I attended a memorable and inspiring ceremony in celebration of Flag Day. The ceremony was held by the Metuchen, N.J., Lodge No. 1914 of the Benevolent and Protective Order of Elks.

Along with my own speech, Dr. Thomas H. Paterniti was the main speaker. Dr. Paterniti, who is the president of the Edison Township Council, gave an eloquent speech which stressed the patriotism we all strongly felt as we honored Flag Day.

I also was happy to attend Flag Day at the Woodbridge, N.J., Lodge No. 2116 on June 17. A fine welcome was given by Mr. David Smith, the exalted leader, and the chairman, Mr. Norman Nagy, beautifully expressed his views on Americanism.

I would like to share Dr. Paterniti's speech with my colleagues:

SPEECH BY DR. THOMAS H. PATERNITI

I am honored and delighted to come before the Metuchen Elks to make a few comments honoring our flag on Flag Day, and the phrase that is associated with it called "patriotism."

A nations flag is a stirring sight as it flies

A nation's flag is a stirring sight as it flies design stands for the country's land, its people, its government, and its ideals. A country's flag can stir people to joy, to courage, and to sacrifice. Many men and women have died to protect their national flags from dishonor and disgrace. Every citizen should know how to honor his nation's flag. If someone loves his flag, in his heart he is a patriot.

Patriotism means love of country. The term comes from Greek and latin words which mean father. Patriotism includes admiration and even love for the fatherland, and for the customs and traditions of the country. It means attachment to the land and the people, and devotion to the community's welfare.

Most men and women identify themselves with the country of their birth. They have the sense of belonging to that country and supporting its principles and institutions. At the same time, immigrants from other lands frequently learn to feel patriotism or appreciation for their adopted country far beyond that the of average citizen who has always lived in that country. This love of one's adopted country is especially true of persons who have fled the restrictions and controls of a dictatorship to a free country. These citizens often make unusual sacrifices for their new homeland.

Patriotism is a natural attitude of all normal men and women in practically all countries. We can see how universal this feeling is from the prominence that the subject of patriotism occupies in the literature of western nations.

The British poet, Sir Walter Scott in a poem wrote:

> "Breathes there the man with soul so dead,
> Who never to himself hath said,
> 'This is my own my native land',
> Whose heart hath ne'er within him burn'd,
> As home his footsteps he hath turn'd,
> From wandering on a foreign strand."

Now why and how has the flag become such a great symbol among men? If we go back in history, the Egyptians flew the first flaglike symbols many thousands of years ago. They did this hoping that the Gods would help them in battle.

Flags became important in battle for many reasons. When soldiers carried them, generals watched the flags to see where their men were and the direction the wind blew so that they could direct their arrows. If the soldier carrying the flag was killed or wounded, other men would rush to keep it flying. If the flag was captured many soldiers would give up the fight.

There are many flags besides national ones. Some flags stand for presidents, kings, queens or organizations such as the Boy Scouts or the Red Cross. Some are used to send messages.

The stars and stripes is the most popular name for the red, white and blue national flag of the United States. No one knows where the name came from. The stars and stripes stands for the land, the people, the government and the ideals of the United States.

No one knows who designed our flag or who made the first one. Congressman Francis Hopkinson claimed he designed it and some historians believe that Betsy Ross made it. There are no records to show why Congress chose the colors red, white and blue.

The first stars and stripes was flown during the war of 1812 at Fort McHenry. It had 15 stars and 15 stripes representing the 15 states. By the time of the Mexican War, we had 28 stars. During the Spanish American War it was 45 stars. World War I it was 48 stars, as well as World War II and the Korean war.

Today under a flag of 50 stars this nation has grown into the leadership of the free world, and for every star of the 50 in Old Glory, there is a colorful state flag symbolizing the diversity and the harmony of the broad union they represent.

H.R. 8510

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. RONCALLO of New York. Mr. Speaker, when the bill H.R. 8510, the National Science Foundation Authorization Act, 1974, is considered, I plan to offer an amendment which would forbid NSF to use appropriated funds to conduct or support live fetus research.

I ask to have printed at this point in the RECORD the text of my amendment to insure its consideration under Rule XXIII, clause 6, of the Rules of the House. The text follows:

AMENDMENT TO H.R. 8510, AS REPORTED, OFFERED BY MR. RONCALLO OF NEW YORK

Page 11, insert after line 14 the following new section:

SEC. 9. No funds—

(1) authorized to be appropriated under this Act to the National Science Foundation for the fiscal year ending June 30, 1974, or

(2) heretofore appropriated to the National Science Foundation and remaining available to it for obligation and expenditure,

may be used to conduct or support research in the United States or abroad on a human fetus which is outside the womb of its mother and which has a beating heart.

Redesignate the succeeding section accordingly.

NATURAL GAS RATES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. ASPIN. Mr. Speaker, the Continental Oil Co. has quietly told the Federal Power Commission that they believe that all new natural gas should sell for at least 75 to 80 cents per thousand cubic feet—at least three times today's average price.

Continental's scheme was outlined in a formal response to a new proposed FPC rule designed to establish a nationwide rate system to replace existing rates which were determined on a regional basis. Mr. Speaker, Continental's proposal is a multibillion profit grab. If the FPC ever approves an 80-cent rate it will create mind-boggling windfall profits for gas producers. Such a decision would be one of the smelliest deals ever permitted by a Federal regulatory agency.

According to Federal Power Commission officials, the average cost per thousand feet of gas in interstate commerce is now almost 25 cents. But, the FPC did approve a new wellhead price of 45 cents for three producers. The recent FPC ruling will probably permit one company—Tenneco—to receive a 48-percent return on equity investment.

If natural gas prices rise from approximately 25 to 75 cents, it will cost consumers an incredible $7.5 billion annually.

As many of my colleagues know, the basic controversy surrounding natural gas prices is whether natural gas prices should be equal to the price of other fuels like No. 2 fuel oil and synthetic gases or if gas prices should be based on the cost of production plus a reasonable profit.

Traditionally, the FPC, and particularly the FPC staff, has favored gas prices based on cost plus 15-percent return on equity. But, allegedly to stimulate production the gas producers are seeking higher prices—eventually equal to the price of fuel oil and other forms of gas.

Mr. Speaker, I believe that natural gas prices should be based on the cost of production plus a reasonable profit.

Even a 15-percent rate of return is an extremely good deal for gas producers. Last year's rates of return in manufacturing averaged 12.1 percent and rates of return in nonmanufacturing were 10.5 percent.

Not only is Continental Oil seeking the 75 to 80 cents price for new gas, but they also propose that natural gas prices be hiked by 1974 to the cost of No. 2 fuel oil. By 1975 Continental proposes to adjust gas prices upward to a figure 10 to 15 percent above No. 2 fuel oil prices.

Continental is asking for nothing less than a license to steal—robbing consumers by holding out the hope that higher prices will increase production.

Frankly, Mr. Speaker, I do not buy the gas producer's arguments that higher prices are needed to stimulate exploration and production.

In a recent case the FPC staff reported that 35 cents—not 80 cents—would guarantee a rate of 15 percent, which by anybody's standards is a handsome profit.

What the gas producers are proposing is nothing less than highway robbery—bilking consumers for billions while making windfall profits for themselves. The Continental proposal follows:

[Before the Federal Power Commission, Docket No. R-389-B]

COMMENTS OF CONTINENTIAL OIL COMPANY

(Just and Reasonable National Rates for Future Sales of Natural Gas from Wells Commenced on or After January 1, 1973.)

Now comes Continental Oil Company (Continental), and respectfully submits these Comments in response to the Commission's Notice of Proposed Rulemaking and Order Prescribing Procedures, issued April 11, 1973. Continental joins in Response of Indicated Producer Respondents filed herein. Continental further shows as follows:

I.

The Commission should set a single uniform national price applicable to all new gas produced in the continental United States. A single nationwide price will be more effective than several varying area prices in promoting the supply of gas throughout the United States. The gas shortage is a nationwide problem. Pipelines serve different market areas from the same areas of production, and, conversely, different areas of production supply gas to the same market areas. The widespread interconnection of pipeline facilities throughout the country has destroyed the historic differentiation of producing areas which may in the past have reflected different field prices for the gas produced in such areas.

II.

Although the Commission still appears to accept the concept of lower prices for flowing gas, Continental submits that continuation of differentials in prices for flowing gas will fail to provide the supply incentive which the Commission seeks. The Commission should expand the scope of the present proceeding to set a higher nationwide price for all gas, reflecting the commodity value of all gas, wherever produced and whenever discovered. Just as there is no justification for continuing different area prices for newly discovered gas, depending solely on the happenstance of the geographic areas on which the gas is produced, so there is no justification for continuing a regulatory scheme of lower prices for flowing gas, which is dependent solely on the happenstance of when the gas was first committed to contract or sold in interstate commerce. The real incentive will come from prices received from flowing gas, not from prices received from relatively smaller sales at a given time from newly discovered gas.

Continental does not suggest that, absent regulation over sales of gas in interstate commerce, such sales should be at prices in excess of existing contractual obligations. Even under the present scheme of regulation, existing contract prices would hold down the level of prices on flowing gas. However, the Commission should not further depress these prices by maintaining a series of flowing gas rates at levels lower than the commodity value of gas as determined in this proceeding.

Producers should be free to amend their contracts to obtain whatever the market or commodity value of gas may be. If the Commission is really concerned about incentive, Continental submits there would be a substantial incentive to producers to continue and extend gas exploration and production if all gas were to command a single commodity value, regardless of vintage or location.

III.

In the Response of Indicated Producer Respondents herein, the producers have submitted some cost studies reflecting the most reliable cost determination that can be made for a nationwide price of new gas. These cost determinations are compelled by the Commission's use of the Staff's cost computations as appendix material in the Notice setting this proceeding. However, Continental submits that all cost determinations for the purpose of determining nationwide gas rates are inherently invalid and unreliable. The Commission should abandon the cost standard even as a "point of departure" for setting producer rates, if any meaningful determination of rates is to be made. The past nineteen years of producer rate regulation have more than amply demonstrated the hollowness of cost-determined rates and the failure of such rates in providing valid producer prices. The gas shortage today is proof of the error in trying to determine producer rate on any basis of costs.

Inherently the producing industry is not susceptible of meaningful or valid costing, because of its joint product nature and because of the difficulties of allocating indirect or joint costs and undefinable costs such as dry hole expenses, to either oil or gas production. Moreover, producers do not sell either oil or gas on the basis of costs. Such cost determinations as the Commission has made in the past has failed to have any significance in terms of incentive or assurance of supply.

Any rate determination in this proceeding should be based upon the commodity value of gas, rather than on a "cost" basis. Determination of the commodity value of gas requires consideration of intrastate field prices and prices of alternate fuels, including LNG, SNG, and gas produced from coal. The commodity value of gas is unaffected by any cost determination, even assuming that such determination could be made properly and with reasonable reliability.

IV.

The nationwide price for gas determined in this proceeding must be not less than the commodity value of natural gas compared to alternate fuels, including LNG, SNG, and coal gas. The costs of such alternate fuels will vary from at least 75¢ per Mcf, to perhaps more than $2.00 per Mcf with respect to new supplies of SNG and coal gas.

One of the factors in the present gas shortage is the decline in exploration and production throughout the industry. This decline has been aggravated, if not caused, by loss of confidence in regulated gas prices and the application of unrealistically low prices over the past decades. The gas shortage has also been the result of a long imbalance between supply and demand, under conditions which encouraged artificially high demand of gas in relation to other fuels. The artificially low price for natural gas compared to other fuels has caused a greater increase in demand for natural gas than could be met by past and existing supply levels. One function of the Commission's action in setting a realistic national price for gas, based upon its commodity value, should be to depress the demand for gas in relation to the demand for other fuels. Strong Commission action is needed to bring the price of natural gas up to the price of equivalent alternate fuels so that the demand may be shifted among these fuels and away from natural gas. The Commission should not shirk from determining a significantly higher price from natural gas, but should grasp the opportunity to permit realistic economic accommodation of supply in relation to demand.

Considering all of the data and information before the Commission, including that presented as part of the Response of Indicated Producer Respondents herein, Continental submits that a nationwide price for new gas should be determined by the Commission at not less than 75–80¢ per Mcf. The Commission should determine such price level and adjust the same on an annual basis in accordance with the indications at the end of each year as to the effectiveness of the nationwide price in promoting further exploration and development.

Any price applicable to current or future sales of gas must be assured to remain applicable to such sales without reduction at a later time, if the price is to afford any encouragement to producers to commit themselves to further exploration and development efforts. If the price at the end of one year's experience has not brought forth sufficient supplies, then the Commission should promptly further increase the price. While some trial and error may be involved in determinating the sufficiency of 75–80¢ nationwide prices at this time, Continental submits that anything less than this price will be insufficient. This price will provide at least some new incentive over present levels, which Continental has pointed out for years to be wholly inadequate.

The 75–80¢ nationwide price for natural gas is far below the current and projected levels of prices for LNG and SNG. This price is related directly to the cost of No. 2 fuel oil, as set forth in the Statement of R. E. Galbraith submitted herewith. As there shown, No. 2 fuel oil provides the best basis for a realistic price for an alternate fuel at this time. No. 2 fuel oil represents a larger source of alternate fuel than LNG and SNG. In accordance with the annual adjustment of this nationwide price, the 75–80¢ price should be adjusted within one year to bring it up to the level of fuel oil then prevailing. By 1975 the price should be further adjusted to allow a 10–15% premium over the equivalent price of No. 2 fuel oil (or other alternate fuel used as the comparative standard), to recognize the premium value of natural gas over fuel oil. This gradual adjustment will permit consumers to accommodate themselves to the changes in natural gas price over the next two years.

Continental submits that the establishment of a nationwide price for natural gas in the 75–80¢ range, with adjustments as set forth above, will more properly reflect the commodity value of gas and will provide strong encouragement to producers to find and develop substantial additional supplies of gas. This additional finding effort and the effect of such price levels on the demand for gas will operate together to bring the supply of gas into balance with the demand.

V.

Communications concerning this proceeding should be addressed to the following:

Tom Burton, Attorney, Continental Oil Company, P.O. Box 2197, Houston, Texas 77002. Telephone: (713) 225–1511.

WHAT IS COMMUNISM—CHAPTER IV

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1973

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing weekly series, I am today examining yet another aspect of communism as a system and ideology. In relationship to last week's installment on the role of the state, today I will explore the use of violent and nonviolent revolution as another tool or aspect of the communism systemic whole.

IV

Marxism-Leninism views the state in a capitalist society as a tool of oppression under the control of the bourgeoisie—capitalist—class. Since the state is inherently evil, and since the proletariat—workers—cannot improve their lot until the capitalist state is destroyed, communism concentrates a great deal of effort on ways and means to bring the state under proletarian control. In effect, communism declares war upon the capitalist state and assumes the right to undermine, seize, or otherwise overthrow the state through both violent or nonviolent means.

Marx believed that a major effect of capitalism has been the concentration of the proletariat into a powerful group of urban factory workers. This phenomenon actually contributes to the eventual and inevitable destruction of capitalism by forcing oppressed workers closely together thereby causing them to unite to throw off their bonds of tyranny. Since the proletariat is the exploited class in the capitalist system and therefore fulfills the role of the antithesis in the dialectical process of human development—see "What is Communism, Lesson I" for further explanation of the dialectic—the proletariat is the group that must ultimately bring about the destruction of the capitalist state. However, since the state is the tool of the capitalist class and hence will attempt to maintain itself by every means at its command, the proletariat must be prepared to use whatever force or method is required to achieve its end. Even though communism is inevitable—again the reference to the Marxian dialectic—revolution is to be regarded as the midwife to make the birth of communism possible.

Lenin, in expanding on Marx's ideas, considered armed revolt the chief means for seizing of power by the workers. However, he never excluded the possibility of a peaceful nonviolent approach to revolutionary transition. It was his view that the working class would prefer to seize power peacefully and that it should do so if circumstances occurred whereby the bourgeoisie did not have the recourse to defend their special privileges by force at the critical moment.

Lenin felt that the Communists should utilize to a maximum extent the legal avenues available to the proletariat in their effort to seize control of the government. He believed, for example, that under certain circumstances it might be possible to effect the transition to socialism by peaceful means whereby the working class, the peasantry, broad circles of the intelligentsia, and "progressive" forces would gain a solid majority in the parliament or governing body and then transform it from an organ of bourgeois democracy into an instrument of the people. Guided and controlled by the Communist Party, the people's democratic regimes created by violent or nonviolent revolutionary means would be in effect democratic dictatorships—also known as the dictatorship of the proletariat.

Of course, the degree of sharpness in the class struggle, and the use or nonuse of violence in the revolutionary systemic transformation would depend entirely upon the degree of resistance to change by the exploiter—capitalist—class. In countries where capitalism is strong and where it controls a powerful military-industrial complex, a very sharp and hostile class struggle would result. In such cases, violence in the form of terrorism, assassinations, rioting and insurrection, subversion, and other tactics to wear down the state would be in order.

Marx and Lenin firmly believed that all nations would someday come to communism. Taking into account the peculiar institutions and customs of each country, the only question remaining was the method of achieving this end. Revolution—peaceful and violent—is a key factor in the Communist game plan.

The next chapter shall take a detailed look at the use of parliamentary tactics as a tool of peaceful revolution; or, when a legislator is not a legislator.

SENATE—*Thursday, June 21, 1973*

(Legislative day of Monday, June 18, 1973)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who at creation brought order out of chaos and light out of darkness, we beseech Thee to bring order out of the chaos of our present world. Send Thy pure light to illuminate the darkness of man's despair and doubt. Give us grace and wisdom to distinguish between light and darkness, good and evil, truth and falsehood. Grant unto us who labor here a holy discernment to know and to do Thy will. "Take from our souls the strain and stress; and let our ordered lives confess, the beauty of Thy peace."

Through Him who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 21, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 20, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under Federal Trade Commission, will be stated.

FEDERAL TRADE COMMISSION

The second assistant legislative clerk read the nomination of Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1968.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished Republican leader desire recognition?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of the unfinished business, S. 268, which the clerk will state.

The legislative clerk read as follows:

> S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 244 of the Senator from Wyoming (Mr. HANSEN), on which there is a time limitation of 1 hour, with the vote to occur no later than 10 a.m. today.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the allocation of time to the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, amendment No. 244 is designed to focus attention on specific language needed to propose changes which its proponents believe will be clearly in the public interest. In dealing with legislation which has such far-reaching effects as this one will, and which makes projections that will carry into the future great caution must be exercised. As the Senators know this bill would create land use policy boards in each of the 50 States and would require an inventory of the present uses of all the privately owned land to determine what areas are of critical environmental concern. This includes the determination of what the future needs of the people of the country may be insofar as their requirements for food and fiber, recreational areas, esthetic values and whatever else may be designated. These subjective criteria imposed upon the States make it nearly impossible for any State to discharge what might be expected of it by those who have drafted this bill.

It is with that thought in mind that we offer this proposal to modify the language contained on page 121. I am reading from subsection (i), beginning on page 120:

> "Areas of critical environmental concern" means areas as defined and designated by the State on non-Federal lands where uncontrolled or incompatible development could result in damage to the environment, life or property, or the long term public interest which is of more than local significance.

The section continues:

> Such areas, subject to State definition of their extent, shall include—
>
> (1) "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes, and streams; rare or valuable ecosystems and geological formations; significant wildlife habitats; and unique scenic or historic areas;
>
> (2) "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property, such lands to include flood plains and areas frequently subject to weather disasters, areas of unstable geological, ice, or snow formations, and areas with high seismic or volcanic activity;
>
> (3) "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern, such lands to include watershed lands, aquifers and aquifer recharge areas, significant agricultural and grazing lands, and forest lands; and
>
> (4) such additional areas as the State determines to be of critical environmental concern.

Mr. President, I invite the attention of Senators to the debate of yesterday on the Johnston amendment, and I ask that they recall the objections that were raised by the distinguished Senator from Louisiana to this sort of guideline being made part of the law.

We believe that in the phrase "uncontrolled or incompatible," we should delete the word "or" and insert in lieu thereof the word "and," so that this section would read "uncontrolled and incompatible development." This would require that the definition of the "areas of critical environmental concern" is to be applied only where there is the possibility of uncontrolled and incompatible development.

These are subjective tests. I suggest that when we try to envision what the long-range public interest of a people might be, we are dealing in a highly speculative area. Who knows what the long-range public interest of the people is?

I suspect that 15 years ago, we might well have considered that it would be in the long-range public interest if every person in this country owned an automobile, as we were thinking about how to raise the standard of living of people in this country. Yet, today, with our increasing concern about air pollution, we recognize that history's goals and values could indeed render a greater disservice to us today than would result by a restriction being placed upon these things. So whenever we talk about the long-range public interest, I think we must recognize that, at very best, it is extremely difficult to know what the long-range public interest might be.

Let me suggest another possibility, to illustrate my point. There is concern—and rightly so—for cleaning up the environment, for improving the quality of the air and the water, and for seeing that the countryside is as beautiful as we can make it. In accomplishing some of these things, we have had to impose restrictions or limitations on development in this country. I would suggest that if indeed we were to find, as a consequence of our actions in seeking to achieve these goals, that we would so weaken America insofar as its defense is concerned and that at some later date we would fall prey to the aggressive designs of a foreign enemy and lose this Republic, historians might look back and say in trying to bring about the good life for all Americans in this country, America went overboard and failed to understand and to comprehend the threat that people in other countries and dictators with aggressive designs posed upon the security of Americans. I am not suggesting for a moment that this is likely to happen. I am not suggesting that any of us know what might happen.

I do say that I think it is extremely difficult to know what may be in the best long-range public interest of all Americans. I think those are goals and objectives that we have to redefine from time to time, based upon the experience that takes place every day of our lives.

I hope we might recognize in this language, when we go so far as to include guidelines that are as broad as these, that we now should stop and ask ourselves, "Do we find it in the interest of this country to spell out as precisely as is done in this language exactly what the States must do in implementing this land use bill, if and when it becomes law?"

So our second suggestion, Mr. President, would be that we strike, in appropriate places, the word "could" and insert in lieu thereof the word "would."

Our reason for doing that is that the word "could" is too subjective; almost anything could happen. I think what Americans want to forestall is the clear likelihood that something will happen. For that reason it seems indicated to me that we should make this change. We should strike "could" and insert the word "would" so as to limit, restrict, and bring into sharper focus those precise actions which in our judgment will undoubtedly result in a situation that we find not acceptable. This can be achieved by striking the word "could" and inserting the word "would."

Now, part (C) of this amendment is to strike the words "or the long-term interest." As I indicated earlier, the public interest is something that is in constant change. History has demonstrated time after time, as the dust of this century settles over the country and the world, we find that public interest changes and shifts. Environment, life or property is sufficiently broad. For these reasons we would like to strike "or the long-term public interest."

This definition is actually written in two parts: general terms and specifics. The specifics refer to: First, fragile or historic lands; second, natural hazard lands; and third, renewable resource lands. If a court were to scrutinize whether a specific piece of land was, in fact, an "area of critical environmental concern," the court would initially look to one of the three specific categories to determine whether it would fit in one of those classifications. If it failed to fit into one of those three specific categories, then the court would return to the general language of critical environmental concern which now is defined as lands "where uncontrolled or incompatible development could result in damage to the environment, life or property, or the long term public interest which is of more than local significance."

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the distinguished Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I thank my distinguished colleague, the Senator from Wyoming.

I am aware of his amendment and I think it would make more restrictive the areas of authority for the Secretary of the Interior.

I think we found in various acts, the Clean Air Act, NEPA, and other very important and very worthwhile creatures of this Congress.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate and will staff aides take seats and not be standing in the aisles and elsewhere.

Mr. BARTLETT. And very worthwhile.

Mr. ROBERT C. BYRD. I beg the Senator's pardon. I hope the Sergeant at Arms will keep staff people seated.

Mr. HANSEN. I do not mean to make an issue of this, but I am very much aware of what the Senator from Oklahoma is saying. A little bit ago there was a little confusion, too. It happens that these people are on the side, trying to be helpful.

Mr. ROBERT C. BYRD. I understand they are trying to be helpful.

Mr. HANSEN. I am sure the Senator from Oklahoma would not want us to be denied the benefit of their recommendations. There are two seats here.

Mr. ROBERT C. BYRD. I understand that. I understand they have important business. I have no objection to their helping Senators, but I do ask that they remain seated when possible. There is entirely too much standing around in the aisles and talking by staff aides when they could be seated.

This complies with a Senate rule providing for order in the Senate. I am asking the Chair to enforce the rule.

Mr. HANSEN. I do not mean to argue with the assistant majority leader.

Mr. BARTLETT. Mr. President, I feel this amendment addresses itself to an area that could be a weakness in the bill, an area where the Secretary of the Interior is given extremely broad authority. The amendment provides for areas of critical environmental concern—this would mean lands where uncontrolled or incompatible development could result in damage to the environment—and that would read "irreversible" damage to the environment, life or property which is of more than local significance.

This amendment would provide that the Secretary would have ample authority not only to review the State's land use plans but to add to those as he would see fit, as the bill is now written. This happens to be a part of the bill, his authority to add to the State plan, with which I do not concur, but nonetheless I think this gives ample authority for the Secretary to add to and put in additional areas of programs in the land use program.

So I compliment the Senator from Wyoming for seeing that in the definition that now exists in the bill there are many very broad and indefinite areas of responsibility that would make this, on the one hand, a judicial nightmare, and on the other hand would provide for the judiciary, if it wanted to legislate, an opportunity to write any kind of legislation in the form of judicial decisions they would see fit.

As the definition now stands, "rare or valuable ecosystems and geological formations" could cover any State. It provides that "natural hazard lands" shall include "flood plains and areas frequently subject to weather disasters." This would cover the entire State of Oklahoma and many States in the United States if this were the intent or desire at any time of the Secretary of the Interior or the various heads of departments. They could inflict changes on the State plans almost as they would see fit.

So I compliment very much the Senator from Wyoming for tightening up language that I think is very important so that this bill would really deal with the damages to the environment where this would happen, where there would be problems to life or property, and where there would be serious and irreversible damages.

So I would like to compliment again the Senator from Wyoming and thank him for his interest in land use and his interest in having a bill that is workable and which addresses itself to real problems and does not go past the target to the point where unfairness could result from Federal action that would not be knowledgeable in the State land use area or that would not know sufficiently about the areas about which they would be legislating.

So I congratulate the Senator from Wyoming and thank him very much for this presentation to this body for its consideration.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Oklahoma for his perceptive comments on the amendment. I regret that, because of his willingness to chair hearings before a subcommittee of the Committee on Interior and Insular Affairs, it is not possible for him to remain on the floor while the amendment, of which he is a cosponsor, is being debated; but that is the way it is. I know we will miss him. I think he understands better than most the importance of this amendment, and I appreciate very much the observations that he has given to us, his colleagues.

The necessity for placing "irreversible" as an adjective to describe the degree of damage to the environment, life, or property, is essential. The idea is to limit the definition to places that could suffer severe or irreversible damage. If left alone, the definition would apply to any damage to environment, life, or property.

I would just note further that in the version of S. 268 which passed the 92d Congress the definition of areas of critical environmental concern uses the word "irreversible."

Mr. President, the reason I think it is necessary and vital, in the interest of all Americans, to place some limitation on these definitions was called to the attention of Senators yesterday. Under the laws that deal with ambient air qualities, the fact is that there can be no degradation in air quality standards. The efforts of the EPA must be to enhance quality of air.

My reason for calling attention to this matter, Mr. President, is that in this country, right today, this first day of summer, which came at 9:01 a.m. this morning, I am told, there is an electrical power shorage. I do not think, despite the brilliance of our engineers and of our chemists and all people involved in the development of electrical energy——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado has 26 minutes.

Mr. HASKELL. Mr. President——

Mr. HANSEN. Mr. President, may I rise to make one point? How much time did I have?

The PRESIDING OFFICER. The Senator has no time.

Mr. HANSEN. How much time did I have to begin with?

The PRESIDING OFFICER. Twenty-six minutes.

Mr. HANSEN. Will the Chair check the RECORD? I think the Senator from Washington said yesterday he would yield me 50 minutes.

Mr. HASKELL. Mr. President, I will agree that the Senator from Washington (Mr. JACKSON) said yesterday the Senator from Wyoming could have 50 minutes and the Senator from Washington or I would take 10 minutes. I believe that was the agreement.

The PRESIDING OFFICER. Does the Senator yield 20 minutes to the Senator?

Mr. HASKELL. I do, reserving 10 to myself.

Mr. HANSEN. I thank my distinguished colleague from Colorado. I simply wanted to finish this one sentence, and that is that when we talk about absolutes, and when this amendment talks about them, we leave absolutely no latitude, no elbow room at all. I think that is dangerous.

The reason why I raise this point is that I do not see how there can be additional power plants brought into being in this country that will not result in the degradation of the quality of air. It is for this precise reason that I think it is extremely important that we do not do in this bill the same thing we have done in previous pieces of legislation, so as to absolutely throttle us and make it impossible for this country to undertake efforts that are necessary in order to achieve broad public purposes.

I thank my distinguished colleague from Colorado.

Mr. HASKELL. Mr. President, the amendment proposed by the Senator from Wyoming would completely upset the balance that we tried to put in this bill between the necessity for orderly development and the equal necessity for preservation of the environment, and in doing so, it would weaken this bill far beyond the weakening that would have taken place yesterday had the amendment of the distinguished junior Senator from Louisiana (Mr. JOHNSTON) been adopted. Of course, that amendment was not adopted.

Mr. President, I would like to point out that in trying to attain this balance between development, as I say, and preservation of the environment, in both areas, we have asked the States themselves to address themselves to the problem, to define the areas. In the bill, both with respect to key facilities and development for public facilities, in the development section and in the areas of critical environmental concern, the States are given examples in each area of what they should address themselves to. But I would like to point to the words "as defined and as designated by the State." Therefore, it is up to the State to further define each area.

Take a shoreline. The Senator from Wyoming and the Senator from Colorado have shorelines in their States. A State, in defining a shoreline as an area to be protected, could go back 20 feet from the water's edge or 1,000 feet, whatever the State wanted to do. But a shoreline obviously is an area of critical environmental concern—there is no question about it—and therefore all this bill does is ask the State to address itself to that problem.

I would like to point out that the subcategories in this definition, which the distinguished Senator from Wyoming seeks to eliminate, had not only the strong endorsement of environmental groups such as the Sierra Club, but the endorsement as well of such trade groups as the National Forest Products Association.

I therefore hope, Mr. President, that the Senate does not completely tilt, overturn, and make ineffective this piece of legislation, which in my opinion the Nation needs, by agreeing to this amendment that has been offered.

Mr. President, with that statement and with the hope that the amendment be rejected, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

Mr. HASKELL. Mr. President, if I might suggest, in view of the fact that I only have 10 minutes and the proponents have 50 minutes, I would hope that the proponents of the amendment would have the time taken out of their time.

Mr. HANSEN. That is agreeable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, the area of critical environmental concern is the only substantive area reviewable by the Secretary under section 204(1) of this bill. That language is to be found on page 78 of the bill.

Section 204 reads in part:

> As a further condition of continued eligibility of a State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, in accordance with the procedures provided in section 306, it shall be determined, upon review of the State land use program, that—
>
> (1) in designating areas of critical environmental concern, the State has not excluded any areas of critical environmental concern which are of more than statewide significance.

It is for that reason, Mr. President, that it seems highly appropriate to me that we clearly define precisely what is involved. We must make some effort to strike a balance between what the Federal legislation calls for on one hand and what the States must do on the other.

I say that because the situation, as my good friend, the Senator from Colorado, knows, differs from State to State. If a State is not blessed with the abundant beauty that we find in Colorado and Wyoming, it may indeed determine that there are areas that are of rather minimal interest that would indeed qualify as areas of minimal environmental concern. We need to have some way to give the States a little bit of latitude so that they can determine what will serve their public best.

Mr. FANNIN. Mr. President, if the Senator will yield, I wholeheartedly support my good friend, the Senator from Wyoming, and join with him as a cosponsor of his amendment. I commend him on his comments and agree with him wholeheartedly that this specfic definition of "areas of critical environmental concern" as we find it on pages 120–121 in S. 268, is so important and indeed vital as it would be applied in the specific provisions of the bill. This definition, in fact, is drafted in such a fashion as to insure that the Federal Government can dictate to the States all these various and sundry lands within that State that they consider to be "areas of critical environmental concern." The definition is so broad, so expansive, that as we have said on previous occasions, it is not unreasonable to expect that any land within any State could be so designated as an "area of critical environmental concern." By this definition we cover the waterfront of lands. "Fragile or historic lands"—what really do we mean by "fragile or historic lands"? As written on page 121, we must include within our definition "fragile or historic lands where uncontrolled or incompatible development could result in irreversible damage to important historical, cultural, scientific or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes and streams; rare or valuable ecosystems and geological formations; significant wildlife habitats; and unique scenic or historic areas." I call upon each one of my colleagues, each Senator, to reflect what "fragile or historic lands" he might reasonably expect to be located in his own State.

Recall the significance of our words, because the operative provisions of S. 268, as the bill now stands, gives the Secretary of Interior the override veto, if you will, over the States in their definition of that term. Recall that the State is required, pursuant to section 203(a) (3) (A), to exercise control over areas of critical environmental concern. The State must also, under section 203(d) have the authority to prohibit the use of lands which have been designated as "areas of critical environmental concern."

Next, we go on to "natural hazard lands," and here they refer specifically to "flood plains and areas frequently subject to weather disasters, areas of unstable geological, ice or snow formations, and areas with high seismic or volcanic activity." Finally, we turn to another required definition within a definition—and such areas shall include, and I underline shall include, it does not say may—it says shall—as a mandatory requirement—"renewable resource lands" to include "watershed lands, acquifers and aquifer recharge areas, significant agricultural and grazing lands, and forest lands." Have we not, indeed, by these definitions within a definition covered the waterfront on every square inch of land that could possibly reside within a State?

So, we see, when my distinguished friend from Wyoming introduced this amendment to attempt to define the definition so that the States make the decision as to what specifically should be in that definition—and merely leave them with a guideline, a guideline that says that we want to include lands within the State where uncontrolled and incompatible development would result in irreversible damage to environment, life, or property which is of more than local significance.

Lest we forget, such a definition as now written, could include everyman's backyard. Because indeed, backyards include grass, and in our arid climate and soils of Arizona, grass is not only a practical and necessary vegetative cover, but it also provides necessary oxygen and that oxygen floats in the air, and that oxygen is consumed by people who pass through Arizona, or who reside in Arizona—and certainly that oxygen is of more than local significance. I am not being facetious when I say that this definition lends itself to an opportunity for violence.

Let me take you now through the provisions of the bill which deal with "areas of critical environmental concern" and that definition. This is essential to demonstrate why this definition is so important. First we look on page 64—this is section 202(a) (3), which is the process portion of S. 268. Recall, this is where we are telling the States that their process must include certain specific things. And on line 14, we say that that process must include protection of "areas of critical environmental concern." Mr. President, this does not mean that we can ignore "areas of critical environmental concern." It means exactly what it says—we must protect "areas of critical environmental concern." So we see, we are not pointing out to the States the mere procedural aspects of how they might proceed in their process, but we are telling them what substantively must be included in that process. For here we call upon the States to protect those areas. Recall the recent Supreme Court decision of Sierra Club against Ruckelshaus where the Court in a 4-to-4 decision upheld the lower court decision that said in the Clean Air Act when the purposes section of the bill said we must protect and enhance the air—that is exactly what was meant.

And that any action that was taken by Government or by private enterprise or by private individuals that would tend to degrade the air, even though that air was of higher quality than our Federal standards required—would be in violation of the law and subject to injunctive process to halt whatever they were doing which might degrade that air. Let us keep that decision in mind when we are drafting the purposes section of the bill, because it is in fact very vital—especially when the courts are asked to construe the intent of Congress.

Next, let me take you to section 202 (a) (8), on page 66. Recall here, we are again talking about section 202, which is the process and enumerating what must be within that process. Here on line 2, we have told the State that their State process must establish a method for identifying and designating areas of critical environmental concern. Next, we look at section 203(a) (3) (A) on page 73. On line 21, we are telling the States that they must have a State program, and that the program must include these specific things: An adequate process, a statement of State land use policies and objectives; and finally, we are telling the States that they must have a method of implementation for exercising control over the use and development of land in areas of critical environmental concern. We recall the definition of implement—it means to carry out, to accomplish or to fulfill. So here again, we are spelling out in definitive terms, not mere procedure, but the substance of that procedure by telling the States how to implement their State programs.

The State must exercise control over the use and development of lands in areas of critical environmental concern. So we are seeing a gradual escalation of this term throughout the bill and a gradual escalation of its importance. Follow me still, if you will, to page 77, in section 203(d)—and on line 3, we are referring here to the State program again, and telling the States again that they must have the authority within their own State law to prohibit the use of land within areas which under the State land use program, have been designated as areas of critical environmental concern, of course, the language when we talk of these areas says which use is inconsistent with the requirements of the State land use program as they pertain to areas of critical environmental concern—or which use is incompatible and inconsistent.

We are asking, in fact, we are begging, because we did not sufficiently define what we are talking about for the courts to intercede to in order to resolve the conflict of what the Congress meant when they used these phrases. This is why it is so essential and important to amend this definition, as my colleague from Wyoming has suggested.

Follow with me on page 78, section 204(1), for here, Mr. President, is the hooker. For here, Mr. President, is the real significance of areas of critical environmental concern. Recall, we are talking about section 204, which is a perusal of that process and program by the Secretary of Interior to determine whether there ought to be continued eligibility, and the Secretary shall look and review that State program to determine that in designating areas of critical environmental concern, the State has not excluded any areas which he believes is of more than Statewide significance.

Here we have created a provision which allows the Secretary of Interior in Washington, D.C., to tell the Governor and the State land use planning agency in that State that they have not designated as area of critical environmental concern which he deems to be of more that than statewide significance. Recall now, that we have no definition of an area of critical environmental concern for more than statewide significance. We have one for areas of local significance—which is on page 120–121, but we do not have one for statewide significance. The Secretary is left to his blind discretion to decide whatever piece of land he would like to have within a State so defined and so designated. Now, I hope that you can see the important nature of this definition, and how it affects and how it will affect the State, the local government, the private landowner, the State landowner, and the Indian landowner.

We must amend this definition, and I wholeheartedly support this amendment.

The PRESIDING OFFICER (Mr. NELSON). The Senator from Colorado has 6 minutes remaining.

Mr. HASKELL. I yield myself not to exceed 4 minutes, and will appreciate it if the Chair will let me know when that time has expired.

In response to the statement of the distinguished Senator from Arizona, I would reiterate that by eliminating areas of critical environmental concern, we are overtipping the bill and making it completely a developmental bill.

As far as areas of critical environmental concern go, it is the State that defines them. Furthermore, unless the Secretary can carry the burden of proof before the ad hoc hearing board that the State has not acted in good faith, the State has nothing to fear from it. This, as Senators know, Mr. President, is an almost impossible burden of proof.

Where an area of critical environmental concern is of more than statewide significance, then the Secretary may ask the State to designate it for inclusion in the State program, and the Secretary must have the burden of proving that his action is reasonable. But this is a very narrow exception. This is where an area of critical environmental concern is of more than statewide significance. I would suggest that the only one that leaps to my mind is the Grand Canyon, located in the State of the distinguished Senator from Arizona.

So it is only in this one narrow area that the Secretary can say anything to the States as far as what areas shall be defined.

For that reason, I would ask, Mr. President, that the Senate reject the amendment, because if this amendment carries, the bill would become totally a development bill, whereas we strove in committee to have a very equal balance, and I stress that we strove in committee to leave it up to the States.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, will the Senator yield me 1 minute?

Mr. HASKELL. I yield.

Mr. JACKSON. Mr. President, I merely want to associate myself with the remarks of my able colleague, the Senator from Colorado, who has been handling this amendment so well.

It seems to me that there are two points here that need to be made again. One is that I think the amendment as offered by my good friend from Wyoming is offered in the context that the present bill somehow will result in a national land use planning act leaving the States out, that we are going to have federalized zoning in this country.

That is exactly what we are not doing. On the contrary, Mr. President, we are trying to provide the kind of encouragement to the States so that the States will do this job, starting in the local communities and right up to the Governor's office. This is precisely what we are trying to do.

On matters of national critical environmental concern, as the Senator from Colorado has pointed out, this language is absolutely essential, Mr. President, and the States, in the last analysis, make the judgment on that point. For the Secretary to overcome the burden, he would have to find, I would think, a situation that would clearly, on its face, be a direct violation of any understanding of what constitutes critical environmental concern; and that, as the Senator from Colorado has just mentioned, is a burden of proof that he would have to sustain.

I cannot conceive of a situation in which the Secretary would be able to abuse his discretion to the point where he could, in effect, simply act in an arbitrary and capricious manner.

If this amendment is adopted, it will gut the bill. This amendment is far more severe than the Johnston amendment which was rejected yesterday. So I hope that my colleagues will understand exactly what they are doing, and that the amendment will be rejected.

Mr. President, I have a matter here that I want to take up out of order.

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT OF WATER RESOURCES PLANNING ACT

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1501.

The PRESIDING OFFICER (Mr. MCGOVERN) laid before the Senate the amendments of the House of Representatives to the bill (S. 1501) to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974 which were to strike out all after the enacting clause, and insert:

> That section 401 of the Water Resources Planning Act (Public Law 89–80; 79 Stat. 244; 42 U.S.C. 1962d) is amended to delete, immediately after the phrase "(c) not to exceed $3,500,000," the words "in fiscal year 1973 and such annual amounts as may be authorized by subsequent Acts" and to insert "annually for fiscal years 1974 and 1975".

And amend the title so as to read: "An act to amend the Water Resources Planning Act to provide for continuing authorization for appropriations."

Mr. JACKSON. Mr. President, the purpose of S. 1501 is to authorize the appropriation of $3,500,000 in fiscal year 1974 to support work which is underway by the Water Resources Council. The funds involved would provide for continued work on the Council's second assessment of national water supplies and needs and for the coordination of Federal agency participation in comprehensive river basin planning.

The bill, which was proposed by the administration, was passed by the Senate on May 30, 1973. Although the activities which are involved are continuing activities, the Senate amended the measure to limit the authority to fiscal year 1974 rather than to provide a continuing authority as the original bill would have done.

The House, on June 19, amended the bill by substituting the text of H.R. 6338, a similar measure which would provide authority for appropriations in both fiscal year 1974 and fiscal year 1975.

The intent of both the Senate and House versions is to provide for periodic congressional oversight of the activities. The 2-year authorization provided in the House amendment will adequately support that purpose.

Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The PRESIDING OFFICER (Mr. MCGOVERN). The hour of 10 a.m. having arrived, the question is on agreeing to the amendment of the Senator from Wyoming (Mr. HANSEN) No. 244.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clark called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Iowa (Mr. HUGHES), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES) and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON), the Senator from Maryland (Mr. MATHIAS), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

The result was announced—yeas 20, nays 63, as follows:

[No. 210 Leg.]

YEAS—20

Allen
Bartlett
Bennett
Brock
Byrd, Harry F., Jr.
Curtis
Dole
Ervin
Fannin
Fong
Hansen
Helms
Hruska
McClellan
Scott, Pa.
Scott, Va.
Talmadge
Thurmond
Tower
Young

NAYS—63

Aiken
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Domenici
Dominick
Eagleton
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevenson
Symington
Taft
Tunney
Williams

NOT VOTING—17

Abourezk
Biden
Case
Cotton
Eastland
Goldwater
Huddleston
Hughes
Humphrey
Inouye
Mathias
McClure
Metcalf
Saxbe
Stennis
Stevens
Weicker

So Mr. HANSEN's amendment No. 244 was rejected.

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HASKELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, out of order, I may speak for one minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

A TRIBUTE TO MY COLLEAGUE, NORRIS COTTON, UPON ANNOUNCEMENT OF HIS RETIREMENT AT THE END OF HIS TERM

Mr. McINTYRE. Mr. President, no Senator could ask for a warmer friend or more thoughtful colleague than I have been privileged to have in my senior colleague, Senator NORRIS COTTON. It is, therefore, with deep personal regret that I bring to the Senators' attention Senator COTTON's announcement that he will retire from the Senate at the end of his present term.

NORRIS COTTON has served New Hampshire and the Nation in the Congress for nearly a generation. And the Members of the body will personally testify that his service here has been characterized by a special civility, integrity, high intellect, Yankee wit, and profound patriotism.

All of us in public life know—indeed, each of us as an individual human being knows deep in his heart—that life poses no more difficult decision than choosing to retire from the race. And NORRIS COTTON's colleagues will agree as they read his announcement that each of us would hope to make this decision with as much grace, courage, self-command, and sense of fulfillment as NORRIS COTTON. God bless him.

Mr. President, I ask unanimous consent that my distinguished senior colleague's announcement of retirement be placed in the RECORD at this point.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

NORRIS COTTON'S ANNOUNCEMENT OF HIS FORTHCOMING RETIREMENT

Twenty-five years ago as a member of the House, I wrote my first "Report" to my folks back home in New Hampshire. These I have continued through the years from both the House and Senate with unfailing regularity except in recent months when the pressure of mounting duties and responsibilities have compelled me to send them only intermittently. These Reports, in many respects, have meant more to me than any of the many activities in which a Senator must be involved because they have not only been my closest contact with you but, writing every one of them myself, they have helped me to analyze the decisions I have had to make on hundreds of issues and the reasoning that led to those decisions.

Because these Reports have been my closest contact with you, I think it is fitting that I should make use of this one to tell you that next year when my present term as Senator expires, I shall not be a candidate for reelection.

Naturally, this has been a hard decision to make and, being only human, I make it with a deep feeling of unhappiness. Of course, there are reasons that can be advanced to rationalize my seeking to continue in the Senate, and don't think I haven't thought of them all. At 73 I appear to be in vigorous health and able to perform my duties with the same zest that I have in the past. Experience and seniority have placed me in a position to accomplish more for New Hampshire and exert a greater influence in national and international affairs than ever before. At the beginning of this Congress, I was elected Chairman of the Republican Conference which comprises all of the Republicans in the Senate. In that capacity I am a member of the official Leadership that goes to the White House periodically to consult with the President. I am the fourth ranking Republican in the Senate, first on the Commerce Committee, and third on the powerful Appropriations Committee. At the end of 28 years in the Senate—8 in the House and 20 in the Senate—it is hard to turn one's back on all of this and retire to rust on the shelf.

But there is another side to this picture and facts that, if faced, lead to an inescapable conclusion. Ruth, my wife, has a serious heart condition, complicated by a broken hip which, at best, may mean months of convalescence during which she needs me by her side. Thus, I couldn't carry on an active, statewide campaign. My years in politics have taught me that people, particularly the new, young voters, expect and have a right to see and weigh their candidates. But it would be unfair to Ruth to attribute my decision to her or trade upon a devotion she so richly deserves after our 46 years together. There are other compelling reasons for my determination not to run again.

The people of New Hampshire have been mighty good to me. They have elected me four times to the House of Representatives and four times to the Senate. Come next election, I shall be 74 years old. I just don't believe I have the right to ask them to elect me for another six-year term at the end of which I would be 80. True, I am well able to do my job now, but I can testify to you from personal experience that due to the growth of our Nation and the complexity of problems confronting us, the job of a United States Senator becomes more burdensome every passing year. The people of New Hampshire are entitled to young, active, dynamic representation. Furthermore, odd as it may sound, a Senator has an obligation, insofar as it lies in his power, to neither resign nor die in office, thus enabling some Governor to appoint his successor and give a marked advantage to that person. The people of New Hampshire have been kind enough to elect me to the Senate. They, and they alone, should have the opportunity to choose my successor.

Incidentally, my term runs until January 3, 1975, and I intend to render you the best service in my power to the very last day. Therefore, this will not be my last Report because there are things which must be said and I can say them better as a noncandidate.

I hate to go. I can think of no greater privilege than the one you have granted me of serving in the United States Senate. Its associations deepen and mellow as the years go by, and the greatest days are the latter days. I think of the words of Rollin Wells in his poem, "Growing Old."

> A little more tired at close of day,
> A little less anxious to have our way;
> A little less ready to scold and blame,
> A little more care of a brother's name;
> And so we are nearing our journey's end,
> When time and eternity meet and blend.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish a Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 236

Mr. BARTLETT. Mr. President, I call up my Amendment No. 236.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BARTLETT. Mr. President, I ask that the amendment be modified by deleting lines 3, 4, and 5.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On page 64, line 17, after "the" add "exploration," and after "development" add "production, mining,".

Mr. BARTLETT. I thank the Chair.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BARTLETT. Mr. President, this amendment as modified would alter slightly, but I think significantly, the processes that a State must use in its land use planning, so that in addition to development, generation, and transmission of energy, the process also would include exploration, development, and production mining.

I think this is more indicative of the situation that faces those States with natural resources in the energy field and it would provide a broader scope and more realistic scope of the processes that would affect the energy situation.

Mr. JACKSON. Mr. President, I am very pleased to accept the amendment.

It would include in the inventory, I understand, the matters the Senator referred to—exploration, development, and mining of fuels. In other words, the inventory would include those areas which are involved in the production of fuels. Is that correct?

Mr. BARTLETT. Yes. I would like to add that with the problems of shortages it is important that we address ourselves to a solution of the problem by increasing our domestic energy.

Mr. JACKSON. I agree with that concept and I accept the amendment.

Mr. BARTLETT. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

QUORUM CALL

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR PRESERVATION OF HISTORIC PROPERTIES

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1201.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1201) to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470) is further amended in the following respects:

(a) Section 108 is amended by deleting the first sentence and inserting in lieu thereof the following: "To carry out the provisions of this title, there are authorized to be appropriated not more than $15,600,000 in fiscal year 1974, $20,000,000 in fiscal year 1975, and $24,400,000 in fiscal year 1976."

(b) Section 206 is amended by deleting all of subsection (c) and inserting in lieu thereof the following:

"(c) For the purposes of this section there are authorized to be appropriated not more than $100,000 in fiscal year 1974, $100,000 in fiscal year 1975, and $125,000 in fiscal year 1976: *Provided*, That effective January 1, 1974, no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization."

(c) Section 201 is amended by inserting the following new subsection:

"(g) The Council shall continue in existence until December 31, 1985."

(d) Section 101(b)(1) is amended by deleting "and American Samoa." and inserting "American Samoa, and the Trust Territory of the Pacific Islands."

Mr. BIBLE. Mr. President, the most substantive of the amendments made by the House to S. 1201 was to increase the authorization for appropriations from $15 million annually for fiscal years 1974, 1975, and 1976, as passed by the Senate, to $15,600,000 for 1974; $20 million for 1975 and $24,400,000 in fiscal 1976. There was also a slight increase in the funding for participation in the Rome Centre for fiscal year 1976.

While these amounts are somewhat higher than those authorized by the Senate, Mr. President, the Subcommittee on Interior Appropriations, which I have the honor to chair, will have every opportunity to oversee closely this program as will the Interior and Insular Affairs Committee.

The other changes made by the House to S. 1201 were technical in nature, and therefore, Mr. President, I move that the Senate concur in the amendment of the House to S. 1201.

The motion was agreed to.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. FANNIN. Mr. President, I send to the desk an amendment, which is offered by request, and ask that it be stated.

The PRESIDING OFFICER. The amendment was stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that the reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

(a) Page 126, line 8, through line 15, strike and insert in lieu: "Sec. 606. (a) Annual grants, pursuant to Part A of title II, to States found eligible for financial assistance pursuant to this Act shall be made in amounts not to exceed 66⅔ per centum of the estimated cost of developing and administering the State land use programs for the eight complete fiscal year period following the enactment of this Act."

(b) Page 128, line 19 through line 23, strike and insert in lieu: "Sec. 608, (a) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States $40,000,000 for each of the first two fiscal years and $30,000,000 for each of the next four fiscal years and $20,000,000 and $10,000,000 for each of the last two fiscal years respectively to carry out the purposes of this Act."

(c) Page 128, line 24 through line 129, line 7, Strike

(d) Page 129, line 8 through line 12, strike and insert in lieu: "(d) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to Indian tribes such sums as are necessary to carry out the purpose of title V of this Act."

Mr. FANNIN. Mr. President, this amendment would reduce the authorized amount for grants to the States from $100 million annually for 8 years to $40 million annually for the first 2 years and $30 million annually for the next 4 years, and $20 million and $10 million annually for the last 2 years, respectively. The amendment would also delete the authorized amounts for State grants for interstate coordination and grants for research and training and would reduce the Federal share of the total costs from 90 percent during the first 5 years to 66⅔ percent. With respect to grants for Indian tribes, this amendment would authorize the appropriation of such sums as necessary for land use planning and regulations.

Important as the purpose for which this bill is being considered, that is to assist the States to establish a land use planning process and regulation program, it is realistic to ask "How much Federal money will the States be able to make meaningful use of in order to fulfill the purpose of the bill?" and "What level of expenditure can the States be asked to contribute?"

To date we have no definitive indication as to the cost of developing and administering a State land use program. There is in my view a real danger that an overfunded land use planning program would generate mountains of data unrelated to developing a planning program related to critical areas and important development as required.

The administration has agreed that if through experience, additional funds for grants to the States and research and training is needed beyond that which would be provided by this amendment or existing research and training programs, it will return to the Congress with a clearly documented request for a specific amount.

Mr. President, I believe that the amount of funding which would be authorized by this amendment is a reasonable estimate.

Only experience can indicate what additional amount may be needed.

Mr. President, section 606 of the bill covers "Allotments." The amount that is involved is covered on page 132 of the report, "Authorization of Appropriations." It reads:

> A sum of $100,000,000 annually for each of the eight fiscal years after enactment is authorized to be appropriated to the Secretary of the Interior for grants to the States to assist them to develop statewide planning processes and develop and implement State land use programs.

My point is that we do not have any formula that is definitive in determining how much money will be allotted. We do not have any determination that this amount of money will be needed. Consequently, I feel it is unwise at this time to say we need this amount of money. Last year the bill provided a much lesser amount after floor action but it started out with a larger amount. We determined that such a large amount would not be needed.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FANNIN. Mr. President, in addition, the report at page 132 continues:

> A sum of $15 million annually for each of the eight fiscal years after enactment is authorized to be appropriated to the Secretary of the Interior for grants to the States to carry out the purposes of section 205 concerning coordination of land use planning in interstate areas.

We do not know at this time how much money is going to be needed for this purpose. If at a later time it is determined that additional money is needed, it can be authorized by the Congress. We do not have a complete study of what will be involved and what amounts of money will be needed.

To some persons, $2 million a year for 8 years after enactment may sound like a very small amount of money to carry out the research and training purposes of section 308 of the bill. That may not be a large amount, but we are dealing with an unknown quantity.

Additionally, a sum of $10 million annually for each of the 8 fiscal years after enactment is included for grants to Indian tribes.

We are not asking for anything that is unreasonable. Here we are trying to make it possible to do what we all desire to do, and that is to cut down on the tremendous appropriations that increase the deficits that face the Nation each year and have for several years, and certainly for the foreseeable future it looks very dreary from the standpoint of our being able to deal with it. Here we are talking about spending $1,066 million-plus, through the full 8-year period. As far as the administration of the program is concerned, it goes only for 5 years. That provides for $50 million. If we take the $50 million, we are providing for the 8-year period $1,016 million.

I feel, for the purposes of fiscal responsibility, this is a good amendment. If it is found at a later time that additional money is needed, certainly we can appropriate more.

Mr. JACKSON. Mr. President, I shall be very brief. The committee had the benefit of the testimony of a wide variety of witnesses in connection with the land use bill. I can say to you, Mr. President, that the grant-in-aid part of the bill as it has been presented to the Senate had the unanimous support of all witnesses except the spokesmen for the administration. The administration disagreed on the formula in connection with the grant-in-aid funds. I point out that the trade associations as well as the environmental groups all joined in, in saying we needed more funding at a higher Federal level to insure that the State land use programs are good programs. The governors were unanimous. There was general unanimity of feeling on this. We had a voice vote in the committee—we did not have a rollcall vote—and it passed by a unanimous vote.

I think the question boils down to: If we are going to have a land use bill, if we are going to have a land use program that is at all meaningful in this country, all witnesses agree that if we are going in that direction—which obviously we must do—we need the resources to do the job.

I would hope the Senate would reject the amendment. I cannot think of anything worse than to embark on an important program of this kind without adequate resources to do the job.

I might point out that under the HUD 701 program for urban areas, the amount allowed is even greater. For highway planning, Mr. President, it is 3 or 4 times the amount. So it seems to me that when we are talking about the kind of planning that has to relate all these activities, the need for development and the need for conservation, we are talking about a much larger effort than we are talking about in the other programs, and we must have at least the authorization now in S. 268.

Therefore, I hope the Senate will reject the amendment.

Mr. FANNIN. Mr. President, we have experience in the highway program. We have experience in the HUD program. We do not have experience in this particular program.

I reemphasize, Mr. President, the administration has agreed that if, with experience, additional funds for grants to the States and additional funds for research and training are needed beyond that provided by the amount for research and training purposes, it will be returned to Congress with a clearly documented request for a specific amount.

The amendment we are talking about involves a considerable sum of money. We are talking about $260 million over an 8-year period.

Mr. President, I trust that the Senate will in its wisdom realize that we can start this program adequately with the money that is provided by this amendment and that if additional funds are needed at a later date, the administration will push for them to be appropriated.

Mr. JACKSON. Mr. President, I think we are prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona. On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. McCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

The result was announced—yeas 27, nays 57, as follows:

[No. 211 Leg.]

YEAS—27

Allen
Bartlett
Bennett
Bentsen
Brock
Byrd,
Harry F., Jr.
Curtis
Dole
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
Percy
Proxmire
Roth
Scott, Pa.
Scott, Va.
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—57

Aiken
Baker
Bayh
Beall
Bellmon
Bible
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Domenici
Dominick
Eagleton
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevenson
Symington
Taft
Tunney
Williams

NOT VOTING—16

Abourezk
Biden
Case
Cotton
Eastland
Fulbright
Goldwater
Huddleston
Hughes
Humphrey
Mathias
McClure
Metcalf
Saxbe
Stennis
Stevens

So Mr. FANNIN's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed——

Mr. JACKSON. Mr. President, there will be some more amendments. I think the Senator from Wyoming has an amendment. I yield to him.

Mr. HANSEN. Mr. President, I call up an amendment to delete section 306(f) of the bill in its entirety, and substitute provisions for judicial review under appropriate circumstances.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

The amendment will be stated.

The assistant legislative clerk read as follows:

> Page 96, line 4, through page 98, line 12, strike and insert in lieu:
>
> "(f) (1) In the event the Secretary determines that a State is ineligible for grants pursuant to part A, title II of this Act, or having found a State eligible for such grants, subsequently determines that grounds exist for withdrawal of such grants, subsequently determines that grounds exist

for withdrawal of such eligibility, he shall, following adequate public notice, conduct a public hearing on such determination of ineligibility at which time the State and all other interested parties may be heard.

"(2) Any State which receives notice that the Secretary, in accordance with the procedures provided in this section, has determined that the State is ineligible for grants pursuant to part A of title II, or, having found a State eligible for such grants, subsequently determines that grounds exist for withdrawal of such eligibility, may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attoriney General of the United States, who shall represent the Secretary in the litigation.

"(3) The Secretary shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

"(4) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

"(5) Upon the finding of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code."

Page 98, line 13 through line 14, after "(g)" strike the words "In the consideration of eligibility before the "Board" and insert in lieu: "In the review of the Secretary's action before the court."

Mr. HANSEN. Mr. President, this amendment would delete subsection 306(f) of the bill in its entirety and substitute provisions for judicial review under appropriate circumstances. Subsection 306(f) provides that if the Secretary determines that a State is ineligible for grants, the President shall convene an "ad hoc hearing board" composed of the Governor of a different State, a knowledgeable impartial Federal official, and an impartial citizen selected by the other two members. The job of the "ad hoc hearing board" would be to review the Secretary's determination and require him to reverse his determination if they found that it was unreasonable. The judgment of the board would then be subject to review by the Federal courts.

In lieu of the board, this amendment would substitute an appeal to the U.S. court of apeals for the circuit in which the appealing State is located or that for the District of Columbia, to determine whether the Secretary's determination meets the tests imposed by subsection 306(g). This amendment would also substitute the word "court" for the word "Board" in that subsection.

I point out that I submitted this amendment at the request of the administration, and I shall vote "No."

Mr. JACKSON. Mr. President, that being the case, I think we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was rejected.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I yield to the distinguished senior Senator from Kentucky.

Mr. COOK. Mr. President, what I would like to discuss with the manager of the bill concerns a matter with reference to which I had originally intended to offer an amendment, relative to the language starting on page 123 concerning land sales within 10 miles of a metropolitan area. I find that the matter about which I am concerned does not fit into that category, but this is a problem as to which I would like to inquire. Perhaps it would come under subsection (3) on page 124.

This, Mr. President, is a problem we have when an individual will come along and acquire a strip of land along a county road, and divide it into 10 lots. There is no planning or zoning or anything else in the county, and there is no building inspector. He will build 10 small houses on lots 100 by 150 feet, usually consisting of 800 to 900 square feet, with no control as to easements alongside the road for drainage or anything else, and within a very short period of time we almost have a rural slum, except that the houses are farther apart.

I, for one, would like at least to get it into the legislative history that under subsection (3) on page 124, "such other projects as may be designated by the State," we ought to consider this idea of their responsibility for what I refer to as rural strip zoning. I am not really concerned, may I say to the manager of the bill, with the individual who lays out a 50-lot development, because that individual is not going to lay out 50 lots along a county road; he is going to have to get his easements, establish his water lines, put his roads in, and have it all surveyed, and as a result he will have a sufficient sum of money involved in that 50-lot development that it will be a good development.

What bothers me is the oversight responsibility someone should have and the responsibility that we have to advise the States that they have got to take some authority or at least some responsibility for this strip zoning, when a man will come in and buy a strip of land along a county road, build his houses, and he is gone. I can show the Senator areas in my State which are now so run down and they have all kinds of problems and the county cannot cope with them because it does not have the zoning regulations.

I should like to address this problem to the manager of the bill because it is a problem and a serious one.

Mr. JACKSON. I share the Senator's concern. Yesterday the Senator and I discussed informally—not in the formal proceedings of the Senate—this problem which the Senator from Kentucky has properly raised. It is an area of concern that is not as controllable, that is, when we get into 10 units, and so forth, in which there can be gross violations of all the standards deemed appropirate in a proper kind of development.

I should like the legislative RECORD to show, as well as the clear intent, as manager and author of the bill, that on page 124, line 5, (3), it states:

> Such other projects as may be designated by the State.

That does not preclude a State from establishing even tougher standards than are set forth in the bill. As a matter of fact, I would hope that the States would use their discretion in trying and endeavoring to toughen the bill to the extent of including this kind of housing development, which presents one of the most serious problems we face from an overall environmental point of view.

I think the Senator has raised a proper question and I want to try to respond properly by saying that under 601(1)(3) to which I have just referred, the States do have full authority to do what the distinguished Senator from Kentucky has pointed out.

Mr. COOK. May I say that one of the problems——

Mr. JACKSON. That is our intent.

Mr. COOK. I am delighted the Senator has said that, because right after that, starting on line 7, under the (m), "developer"—a developer for the purpose of a project is a person who falls within the category defined in subsection (1)—that comes within the framework of a 50-lot development.

Mr. JACKSON. It also comes within (3).

Mr. COOK. I would hope that we would make this clear because if, in fact, we are going to have a responsible land use program, then this has got to be considered, because we can go through rural America and every once in awhile we run across 10 houses along the road. It will be a rural countryside, with farms and all that, yet here are 10 houses. Usually the reason is there will be some kind of facility, a State facility, or a small industrial plant of some kind, and all of a sudden, right in the middle of nowhere, 10 houses have been built, completely uncontrolled, uncontrolled as to any planning and as to any type of appropriate easements. A gentleman comes along and he will buy a strip of land—I call it a ribbon—and he will make it a development and then he is gone.

Mr. JACKSON. When one talks about the land and the environment, he cannot help being impressed with what has been going on all over the country, that is, the utter anarchy in the development of home properties in areas which should have been planned in advance, and development moving into those areas which probably should have been set aside for a park or for public recreation purposes. It is a total state of unplanning.

The need for land use planning, which we are trying to encourage in this bill, is typified by public awareness and concern about the developer and what he has done to the environment.

There are many good developers, of course. We are talking only about those who ignore all the rules. We are talking only about those who come into a State, exploit it, develop it for their own purposes, and then pull out—they are gone. They leave many people on the hook. We are not addressing ourselves to the situation where the developers are responsible. Responsible developers will be fully able to meet the requirements of section 202(d).

Thus, I want to say again, in making my intent clear, that what we are talking about in this section of the bill on land sales or second homesite developers is only about minimum standards—I repeat, minimum standards.

I know that the State of Kentucky has gone further than what is provided in the bill. I would hope that the States would take it on themselves to do an even better job than we have laid down in the bill. It is within the discretion of the States, and I hope they will exercise that discretion thoughtfully and keep in mind our desire to try to get order out of chaos.

Mr. COOK. I should like to raise another point with the manager of the bill, and that is, I voted against an amendment to take out some of the language on page 121. The reason for that is stated under item 2 under "Natural Hazard Lands"—

> . . . where uncontrolled or incompatible development could unreasonably endanger life and property, such lands to include flood plains and areas frequently subject to weather disasters, areas of unstable geological, ice, or snow formations, and areas with high seismic or volcanic activity.

Let me explain to the Senator from Washington why I voted against the amendment to take that out.

As county executive in my home community, we attempted to establish a zone classification called a flood plain zone, along the Ohio River in Kentucky, and we were taken to the court of appeals, which is our highest court in Kentucky, which court ruled that we could not establish such a zoning, that it was improper.

We then had people developing that area. We had several years of extremely dry weather. There were no problems in the winter. Houses went up and they were sold as fast as they could be built. All of a sudden, in 1962, the Ohio River decided to go on a good and solid rampage and we literally had hundreds of people whom we had to move, including all their furniture, or the storing of their furniture. Now they are in the process of having before this body, and it is now under way, an extremely expensive and tremendously multimillion dollar flood wall, participated in by the Federal Government to a great extent, so that we can protect an area that was exploited, really, and developed when, in fact, we knew—the planning and zoning commission knew—that the facts were hard and cold that we would have a series of floods, and that those floods would absolutely inundate the area; yet we could not stop it. So, I am delighted——

Mr. JACKSON. This amendment, I will say to my good friend from Kentucky, is made to order——

Mr. COOK. It certainly is.

Mr. JACKSON. For the problem the Senator has described in his own State. I share his concern about a situation like that, which certainly should have been avoided in the first place. This particular standard we have set, I think, addresses itself uniquely——

Mr. COOK. I am delighted to hear that.

Mr. JACKSON. To the problem the Senator has described.

Mr. COOK. Those were the two points I wanted to raise, and I thank the Senator for his comments.

Mr. HANSEN. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. HANSEN. I should like to make an additional comment, that is, I think each of us can usually get the benefit of hindsight from things we should have done. I would hope that we would not make the mistake of assuming that with the exercise of this hindsight, we should arrogate unto ourselves this authority. I know it is not the opinion of the distinguished Senator from Washington that we do it on this point, as on many other points he and I agree. But the States do have the authority. This is not the proper place for the Federal Government to step in.

The reason this body has to meet every year is that despite the excellence and the complete totality of usefulness of the Ten Commandments, people still seem not to obey them. So, from time to time we have to amend the laws. The fact is that if we look back and see what happened this year with some 13 million acres of land under water, some of it for as much as 7 and 8 weeks, it would be extremely easy to say we are not going to allow any building, any homes, any construction in these areas.

I think a clear line of demarcation can be made logically between the exercise of proper State authority on the one hand and a proper spelling out of Federal interests on the other.

I think that if people choose to move into a flood plain area that by history has demonstrated the ability to damage people time after time, people who choose, despite that record, to move in ought not be accorded the benefit of a Federal flood insurance program.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JACKSON. What is distressing is that many poor people sometimes end up renting facilities in a potential flood area and do not know what they are getting into; they are not really conversant with it.

Mr. COOK. I do not think the Senator has to limit his statement to poor people who rent facilities in that area. Let us take the individual who is not particularly greatly endowed with finances, who buys a home in that area, who has equity in it, who has payments to make every month, and who finds that as a result of that burden, he cannot move. It is not particularly the one who finds himself in that particular area as a renter.

Mr. JACKSON. I was referring to a situation in which they move into an area with full warning, full notice, that the area has previously been flooded and the house has been damaged, and they buy it knowing that fact. That is not usually the situation.

Mr. COOK. Let me add to that, in all fairness, when we talk about full knowledge, that we also have to take into consideration—the Senator cannot write this into the bill, and I would not want him to do so—the fact that someone may buy a home in the areas that have been flooded on the Mississippi River and somebody might say, "I want you to understand and have knowledge that in 1873 this was flooded, and they did not have another flood until 1973." I do not think one can inpute that particular kind of knowledge to an individual and deny him the resources of his government. With the progress we are making, we see areas that have become backwater flood areas as a result of the major projects of the Corps of Engineers.

Mr. HANSEN. The Senator makes the point I intended to make.

I listened to the Senator from Louisiana (Mr. JOHNSTON) relate yesterday that despite the fact that there are areas along the Mississippi that have been flooded, people move back there to build and farm. Why? They do it simply because the opportunity to live better is greater there than any place else they know. They are going to call for help if another flood strikes them, but they are willing to take that chance, because they want to live better than they would be able to live if they were not to move back there.

That is the point I hope we bear in mind as we discuss the ramifications of this bill. I agree with the distinguished Senator from Kentucky that it is not enough to say, as I could say, that in Wyoming we had an ice age that scooped all our land bare 10,000 years ago. Perhaps another one is coming. I do not know. At any rate, I think that some place between long-term experiences or repetitions and shorter ones can be found a logical place to draw a line.

I wish to make another point: There are situations, such as described by the distinguished Senator from Kentucky, that I think make manifest the need for action. I suggest, together with the distinguished chairman of the full committee, that the States do have the authority. Sometimes they do not act quickly enough; sometimes they are not as responsive as soon as we would hope they would be; but I do think that is an area that ought not be invaded by the Federal Government.

Mr. COOK. I want to make clear that one of the greatest opportunities the individual property owner has in his community is to attend meetings that make changes in the basic substance of his community. I would hate to see—and I had to make those decisions for almost 8 years on zoning cases—a system whereby we move that forum away from the most important local government in regard to that individual's piece of property. I hope there is nothing in this bill that would create or even give a semblance of an idea that the opportunity to attend a zoning meeting, an opportunity to object to zoning, an opportunity to be heard by the local officials, would in any way be impaired, because this is the basic forum.

If this bill would in any way, in my mind, make the Secretary of the Interior, in Washington, a zoning czar, I would be so much against it that there would not be any way I could even talk about it. The idea that an individual property owner can attend that meeting and protect his rights before his local officials is one of the greatest rights he has in relation to his investment.

I say to the Senator from Wyoming that I would not even want that authority transferred to State government; because the right of a man to go to his local city hall and attend that meeting and have his attitudes and his ideas heard, instead of having to travel to a State capital, is a right he should never be denied.

I say to the Senator that we face the problem—and many States face the problem—as a result of this, that, all of a sudden, we find States that are unprepared, totally unprepared, to have a planning program. Yet, we have local communities in the United States that have excellent staffs. The Louisville and the Jefferson County Planning and Zoning Commission probably has 200 or 300 employees, and I doubt that the State has even 50.

It bothers me that, somehow or other, we do not have a better program or a better setup vis-a-vis the ability within the framework of this bill for the community to establish its plans and not be under the onus of saying that a State can summarily say, "We reject that plan, and that plan is not according to what we want." This truly bothers me.

I know that the planning agencies in the city of New York would feel bad if, somehow or other, all programs were subject to a planning agency in Albany. I think the same goes for the State of Colorado.

So I think that somewhere in this record we have to establish—and I hope the Senator would say it is in the bill; the Senator from Colorado told me it was—that when a local unit of government has an exceptionally fine planning commission and the State is in the process of building this type of commission, the State can contract with that local planning commission, can utilize the efforts of that local planning commission, rather than stand in judgment, not having had the expertise and not having had the history of really being able to come up with a rather remarkable plan for a community. Some communities have spent millions of dollars doing this.

Mr. HASKELL. Mr. President, if the Senator will yield for a comment, the Senator is absolutely correct. The bill does not tell the States in any way how to do it. It asks the States to do it. The bill provides that it can be done through any number of governmental units, depending on what the local governmental unit in the State is.

For example, in my State, we have councils of regional governments that are very good planning units. Possibly in the Senator's State some other unit would be appropriate. But it is completely up to the State to determine how this should be done.

I concur 100 percent with the Senator from Kentucky that to take away the right of any individual to go to his local town board would be very bad.

Mr. COOK. I might say that, for instance, in our community we have been developing now for over 15 years, a land use program on every piece of land in that community. I know the State is 15 years behind that program. I would hate somehow to think that under the terms of this bill that we would take this expertise and all of a sudden make it subservient under this bill because it calls on States to come up with a land use program; then there would be an arbitrary attitude—the Senator mentioned land use programs in Phoenix and Tucson—and somehow you would get into a conflict with the State government and that plan would be rejected when it has cost the taxpayers hundreds of thousands of dollars, if not millions of dollars to develop.

This gives me a problem.

Mr. FANNAN, I commend the Senator, I share his concern. I think he has contributed greatly in making the legislative record of what is intended to be in the bill. He realizes that I am not satisfied but at the same time I think he is certainly giving us a better understanding of what he feels should be in the bill and the record that has been made by the agreement with the committee chairman, the distinguished Senator from Washington, has assisted greatly in clarifying some of the misunderstanding that could come about if it had not been for the contribution of the Senator from Kentucky.

Mr. COOK. I thank my colleague for this colloquy.

Mr. President, I yield the floor.

MR. SPARKMAN. Mr. President, will the Senator from Washington yield to me for a brief colloquy?

Mr. JACKSON. I yield.

Mr. SPARKMAN. Mr. President, what I have to say is very much in line with the discussion we are having, but the discussion does not cover something I am particularly interested in on the same provision of the bill, and that is the effect it might have in orderly, regular construction of rural housing.

May I say in that connection we have had a hard time over the years in getting adequate rural housing programs. We have good, adequate laws for rural housing now, and I want to be sure and I hope it is not the intention of this particular provision in the bill to restrict normal building of rural housing. It is hard even to get the housing built because contractors do not like to go out and build a single house here and another over here. I want to feel safe in that this will not prohibit or interfere with that normal method of building safe, decent, and sanitary housing in rural areas.

Mr. JACKSON. The answer is definitely not. On the contrary many of us recognize we have more poverty in rural America than we have in some of our cities, and about as bad slums. That is one thing people do not realize.

The Senator from Alabama, who has had long service in the Senate and in the House has been the leader in the housing area to improve the quality of housing, not only in cities, but also in rural areas. Those of us who have had a chance to look into some of the slum areas of rural America recognize this problem.

I want to say to my friend, who is a leader in the field of better quality housing, that this is what we want to do. We want to improve the quality of housing in those areas that otherwise could result in poor quality housing.

We recognize there are a lot of good developers in this country. The overwhelming majority are good and want to do a good job. We are trying to get at the fly-by-nighter who rushes in, makes a fast buck, and rushes out. This is what it is aimed at. Our language here aids and abets the long-term goals of the distinguished chairman of the Committee on Banking, Housing and Urban Affairs, of which he has been the leader for so long.

I can give him positive, definitive assurance that that is our intent; and as the author of the bill, I can say that that is exactly what we are trying to do.

Mr. SPARKMAN. I thank the Senator from Washington. I feel more secure than I did upon my first reading of the bill. I thank the Senator very much.

Mr. JACKSON. I am glad to clarify the record in this regard. I want to emphasize that obviously we are concerned about the slums of our cities, but it is my judgment, looking down the road, that we shall have to have a new concept of living, from which we will build whole new towns.

The fact is that we are going to see more and more people going out into the open areas. When I saw last week, as perhaps most Senators did, in the Sunday newspaper a picture of that huge housing development—I have forgotten the number of buildings and stories—that was abandoned in St. Louis. There was that huge investment in the heart of the city. I think that should be a lesson to all of us. I think we must look far enough ahead and recognize that if, in particular for the poor, we are going to strengthen family life, we will not strengthen it on the 40th floor of an apartment house, where they cannot raise a family.

I believe they will have to move into the open areas, where they can have an open place for the kids to grow up in and be normal. Rural America affords that great opportunity.

I want to see the kind of projects in the future that will provide the kind of environment as to which a person can say, "This is my home; this is my green area; and out yonder is all that open space." I think we have to reverse the whole process.

I did not mean to get off on another subject. We have to reverse the whole process of public housing, in which we have built huge projects which have become huge slums. I think we will have to limit the number of people who can live in a city block. After a certain point, they do not live; they barely exist.

I must say that I am proud of the leadership of the great Senator from Alabama (Mr. SPARKMAN) in trying to provide housing for all Americans in all walks of life, and I hope that we can work together to accomplish that.

Mr. SPARKMAN. I certainly thank the Senator from Washington.

Mr. JAVITS. Mr. President, I wish to make an observation concerning what the Senator has just said, and I should like to ask him a question.

I represent what is probably the most densely settled city in the country and I recognize the great interest of the Senator from Washington and the Senator from Alabama in the problems of the cities.

I think it would be a mistake to assume that not only all but even a majority of the additional housing is slums.

There are other areas I would invite them to see besides the terribly depressing areas which have developed. Much of it is housing which is beautifully kept while only a minority of that housing has been abused.

But when we look at the land along the East River, in New York, it is just one more example of a renascence in a city's living conditions.

I thoroughly agree with the Senator from Washington that slums do encroach upon new areas, and we must see to it that new and even more beautiful construction is built. I am deeply devoted to the "New Cities" concept.

Mr. JACKSON. I, of course, have supported all the public housing programs. My only observation is that I think some have been reasonably successful; others have not. I feel that the poor deserve better than what they have been getting in some of the housing programs where they are cramped into a limited space where they do not have the opportunity to provide for a family and individual home.

I am talking about a long-term goal. I just feel that there is a relationship in our society between congestion on one hand and violence on the other. If we get congestion even in a new area, we can get congestion and trouble. I am talking in long-term goals.

I am not saying all public housing projects are bad, but they have not panned out as well as some of us had hoped for. I think my colleague will agree with me.

What I am suggesting is an even greater program, but it is going to be a more costly program, giving people an opportunity to get into open areas.

Mr. JAVITS. It will provide jobs, too.

Mr. JACKSON. We have to relate it to transportation and jobs.

Mr. JAVITS. It has worked out very well considering where we started from, but it is a moment for a new departure. I agree with that.

The question I wanted to ask the manager of the bill is this: The bill seems to contemplate future to State land use programs rather than existing programs and reading sections 201, 202, and 203 at least leaves that question somewhat up in the air. For example, section 201(a) reads:

> The Secretary . . . is authorized to make annual grants to each State to assist each State in developing and adminstering a State land use program meeting the requirements set forth in this Act.

That seems to take into account plans which are ongoing when the bill becomes law. On the other hand, other sections, like section 203, are ambivalent as to whether it is based on existing plans or plans under this act. In New York we have had, under a succession of Governors, culminating in Governor Rockefeller, developed a remarkable land use plan for the area called the Adirondacks. The Adirondack Park Agency administers the plan which covers 6 million acres, both private and public lands. The plan developed for this area and approved by the State legislature fits in with the concept of this bill very well.

Question: Is this any disqualification or is any special qualification needed to bring this existing plan under the terms of the bill? Will it be recognized that we have in effect an ongoing land use program like the one I have described, under the terms of this bill?

Mr. JACKSON. I would say that the State of New York has a leg up on the rest of the country in that regard, rather than a leg down. There is no penalty for being progressive and farsighted, as New York has been. I am very proud of the great leadership, as the Senator knows, on land use planning by Laurance Rockefeller. He has been a national leader in conservation and a strong supporter in connection with the pending measure. He and his brother, working together, have implemented I think a very fine plan in connection with the Adirondacks. So there are no penalties. On the other hand, New York will benefit immeasurably by this legislation because they are further along than the other States.

I hope that response will satisfactorily answer the questions the Senator has raised.

Mr. JAVITS. I thank the Senator.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. JACKSON. Certainly.

Mr. DOMENICI. Let me also join in an observation about the problem of density of population, which the distinguished Senator from Washington brings up. Let me share a few thoughts I have after serving as mayor of a city. When I left the mayorship of our city, someone asked what problems—one single one—in terms of the city I would use to describe the most difficult kind of governmental problem on leaving. I thought a bit about it. As the Senator knows, my city is not a terribly large one, but I, nonetheless, concluded that it was density of population, and I concluded that our government should begin to look at homes along the cost-benefit ratio, something like this: We pass a job training program totaling about $3 million or $4 million and then we define its general structure. All of a sudden we wonder why the rural unemployeds move to the city. They go there to seek the training that the Federal Government enticed. When they get there, they are now part of the growing density problem.

It seems to me that we could analyze the social programs and come up with a conclusion that, indeed, we ought to look at a counterprogram every time we promote density, a counterprogram to demote density and to entice people to live in a small town.

I would not say I totally agree with this bill as an effort to do that. I do not. I have a few concerns about it. But I agree with the concept that the future of our land lies in building, not more density, but, rather, an orderly dispersion or spreading out of livability.

I say to those who say it is too expensive, look at the social cost to this country of putting people one on top of another in buildings. Look at problems our families are having that might be related to their not having a home or house. Look at the relationships that are social and that we do not understand, before you judge the cost and the small kind of environment we want to build in a little town or rural America.

I will say that we do not need planning forced into every aspect of our lives, but, indeed, land is our great inventory and, indeed, it is available to our people in a different kind of attitude than when our big cities were formed. Why were they formed? We know why they were. It was due to the modes of transportation at that point in history or the particular ends of a railroad system that caused it, and those conditions have changed. Yet the Government goes about funding social programs to add to the density. Then we ask ourselves why rural America is drying up.

People follow jobs. People follow jobs and density into the big cities. Jobs are created by the private sector looking at the job market. So we have to reverse that process and take a good look at why they are moving, and not force, but entice—not hit people on the head, but offer a legitimate alternative to young people, so they can make a choice: little or big city, with equal opportunity, not to have to make a choice that "We can get a job only in the big city," so he does not have to make the choice that, "Either I live in poverty in the little town or move to the big city and seek economic prosperity."

I say that only in respect of the Senator's comments on the bill, but I do have some serious concern that there may be a misinterpretation of the bill in some of its provisions and that we will dictate to the local level from one big office. I understand that is not the goal.

In fact, we are saying to the States and local communities, "We want you to exercise initiative in good planning. We are offering a kind of action-prodding law so that you will get on with the responsibility that is yours."

I will ask, in a broad and general way, am I correct that that is our goal and objective?

Mr. JACKSON. Mr. President, I commend the distinguished Senator from New Mexico for his comments. There are two points I wish to cover. One is that we are trying to prod the State to do what, I think, the State wants done—better planning. I think that we could have done a better job in the past rather than to leave it to chance where we do have the congestion which the Senator from New Mexico deplores and I deplore.

This is an effort to say, "In the next decade, let us do better than we did in the last decade."

As I said on the floor the other day, between now and the end of this century we will literally have to rebuild America. We will soon celebrate the 200th anniversary of our country, in 1976. And between the present time and the year 2000, we will have to do all over again what we have been able to do in the first 200 years, and that is a short period.

I want to avoid this mish-mash, this jamming together without planning and without proper judgment or discretion having been exercised in advance.

I agree with the Senator that in the past cities have been built around transportation modes. They have been built around the development of an industry. I think that in the future we will have to have both inducements and restrictions on industry. We will have to say that in a certain sized area that is already jammed up, there will be certain tax disadvantages if an industry goes in there. However, if an industry goes into an area in which they will establish a new community, there will then be a tax incentive to do that job. I am merely throwing this out as one possible means of doing it.

We all want to avoid being arbitrary and capricious by having local officials tell people that they cannot do this or they cannot do that.

I am convinced that at some point in time we will have to have a limitation on the number of people that can live in a given area. With our density of population, we have troubles of all kinds.

I think that that is the thrust of the Senator's comments.

Mr. DOMENICI. Mr. President, I have a couple more observations I would like to share with the Senator concerning State and regional planning.

First, I do not know that I agree with anything except the last remark of the distinguished Senator, that we might have to have a limitation on numbers. If the Senator means that should be the objective, then I agree.

Mr. JACKSON. For example, today one cannot build a new building in most areas unless he provides adequate parking. I do not think that we ought to have a family high rise where you have a number of children which will exceed the capacity of the playground facilities or open-air facilities. This is what I have in mind.

Mr. DOMENICI. Mr. President, this brings me to an observation based upon my own experience which in terms of local government is somewhat more recent than that of the distinguished Senator from Washington. So I want to share it with him.

First of all, as we talk about planning and zoning, I hope that no one thinks that this is a science or that it is perfect or that even with a good local planning mechanism, we will not have some inconsistencies. That will happen anyway. I hope that no one thinks that we will not have some bad planning even with good planning machinery and people of good faith and local input.

I raise this point because I know from experience that even though one tries to plan a good city, he ends up with some things that are not quite right. The rate of growth, history, and individualism have to enter into it. We do the best that we can. And I offer this to the Senator and to all Senators because I hope that those who in the future look at the efforts of cities, counties, regions, or States do not conclude from an ivory tower that is located far away. "Well, we have the mechanism. So, it should be rather perfect with consistent planning and zoning and no bad faith."

That cannot happen. The Senator knows that even if one starts with a clean piece of real estate to build a perfect city and a perfect city legislatively, there are many who will say that it is not right. We will end up in 5 years with many saying that we should have done it differently or should have put something in a different place.

I only offer this for the RECORD so that those in the future who look at this legislation do not say that this could have been a lot better. We are going to make mistakes. And we ought not to judge it on that basis.

Mr. JACKSON. The whole thrust of this legislation is to activate people to start at the local level to get involved in planning. What worries me in connection with many people is that they will not participate unless something bothers them. They stay away and then they wonder later on why something bad is happening to them.

Organization alone will not do the job. Good people are necessary. Good people can survive a bad organization. But on the contrary, bad people can wreck a good organization.

I am talking now about participation in zoning and planning decisions. So a couple of factors are necessary. We need people with good judgment and sense.

Mr. President, I want to finally state that there is no desire to create any kind of bureaucratic monstrosity where decisions will come from on high out of Washington. I am concerned over getting people involved and willing to take part when it involves something that does not directly affect them. The trouble today is that we cannot get people interested in an important matter well in advance so that we can avoid trouble.

We do in the bill provide the kind of action forcing procedure that should encourage people from the community level right on up to the State capital to participate and make contributions.

Mr. DOMENICI. Mr. President, I have one final comment that is in a way a question. We all know that planning frequently is larger than the normal governmental unit of a State or county and frequently is of an interstate nature. I understand—and this is by way of inquiry—that this bill will permit States to make an interstate application for planning between States. Is that correct?

Mr. JACKSON. The Senator is correct.

Mr. DOMENICI. Mr. President, I would gather that in that regard the Governors of those States would have the final choice as to which applications they might approve. Is that correct?

Mr. JACKSON. The Governors are involved. The concept is that the governors are to work together on a voluntary basis. We do provide, of course, that the States have to look at the problems that go beyond State boundaries. That is where the Secretary of the Interior and the ad hoc committee get into the proposition, when the States are involved in something that has an adverse effect on another State or affects the whole region or even the whole country conceivably, depending upon what it is.

Mr. DOMENICI. The Senator is confident then that as far as duplication and effort by way of regional planning, there is adequate provision to eliminate that and fund only by way of a grant in aid to a State or regional commission in the opinion of the distinguished Senator?

Mr. JACKSON. Yes, I am confident. We have covered that pretty well, that if there should be a situation—and there will be a lot of amendments to this particular bill over the years, obviously—we will take it up, and I would be the first to see that corrective steps are taken to avoid what the Senator has mentioned.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. FANNIN. Mr. President, I send to the desk an amendment which is offered by request, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Page 129, line 22, through page 130, line 14—Strike.

Mr. FANNIN. Mr. President, this amendment deletes section 609 in its entirety. Subsection 609(a) requires that all funds appropriated under the pending bill and the Coastal Zone Management Act of 1972 be fully apportioned for obligation by the Secretary of the Interior and the Secretary of Commerce, respectively. It appears from the language of the subsection, that its operation would in effect amend the Anti-Deficiency Act (31 U.S.C. 665), by rendering the apportionment provisions of the act meaningless as to the provisions of the land use bill and the coastal act. In my judgment any alteration of the Anti-Deficiency Act within the context of land use legislation is unwise.

Subsection 609(b) requires that the appropriations under these two measures be combined and be available to be drawn upon for obligation by the Secretaries of Commerce and Interior in the same ratio as they are appropriated. This subsection appears to be unnecessary and serves no useful purpose. Any legislative provisions dealing with the right of Congress to appropriate and the obligation of the executive branch to spend such appropriations, should be considered within the context of those bills pending before the Congress dealing directly with this issue preceded by the development of a complete legislative record. Such record is absent from the hearings on this bill.

In this subsection (b) of section 609, it is provided that—

> All funds appropriated each fiscal year for grants to the States pursuant to part A of title II of this Act and sections 305 and 306 of the Coastal Zone Management Act of 1972 shall be combined and shall be available to be drawn upon for obligation by the Secretary and the Secretary of Commerce, respectively, in the same ratio as the funds appropriated that fiscal year pursuant to the authorization provided in section 608(a) of this Act bear to funds appropriated that fiscal year pursuant to the authorization provided in section 315(a)(1) and (2) of the Coastal Zone Management Act of 1972.

Mr. President, I realize that this is an impoundment issue, and I think it is improper to have it in this legislation.

Mr. MAGNUSON. Mr. President, I feel very strongly about this issue. The Committee on Commerce and the Committee on Interior and Insular Affairs were very deliberate in the drafting of language in section 609 and section 610. Our concern was to persuade the administration of our determination that both of these programs be funded and to prevent the Secretary of the Interior from using the power of his financial granting apparatus under this bill to extend his authority into States' coastal zones. We felt equally on the matter of the Secretary of Commerce allowing grant funds from the coastal zone program to be spent on projects outside the designated coastal zone.

The record we have made in the debate on this bill is clear. Congress will not tolerate the administration funding and implementing one program and refusing to fund or give only "benign neglect" to another; namely, the coastal zone program.

The report on this legislation is to the point. I might only add that we hope the administration will heed the voice of Congress, as reaffirmed in the debate on S. 268, and immediately seek appropriations so as to carry out the Coastal Zone Management Act.

Mr. HOLLINGS. Mr. President, it is proposed, by the amendment, to strike section 609 of S. 268 in its entirety—line 22, page 129 through line 14, page 130.

This is one of the provisions discussed generally in the Interior Committee report at pages 58 and 59 as being necessary to prevent the executive branch's intended contravention of declared congressional intent in passing the Coastal Zone Management Act of 1972, several months ago. This provision is more specifically discussed on pages 132–133 of the committee report.

As noted in the report, section 609 requires that all funds appropriated each fiscal year for grants to States for land use planning and management under S. 268 and under the Coastal Zone Management Act of 1972 be fully apportioned for obligation under the respective acts.

Section 609 further provides, if at the time of appropriation the administration is able to impound funds, that if Coastal Zone funds are impounded, the land use funds must also be impounded in an appropriate ratio. The ratio takes into account the different amounts authorized by the two acts as well as the amounts actually appropriated.

Therefore, in the first instance Congress would direct all funds appropriated for each program to be made available—not impounded—by the administration.

If, for some reason, this mandate is not followed, the executive branch is still prohibited from ignoring the Coastal Zone Management Act of 1972 because of the required coastal zone funds which must be spent if land use funds are spent.

Section 609 only seeks to insure the fulfillment of congressional intent both in enacting each of these authorizing laws and subsequently in enacting appropriation laws.

It is also proposed by the amendment to strike section 610 of S. 268 in its entirety—line 15, page 130 through line 13, page 131.

This is one of the provisions discussed generally in the Interior Committee report at pages 58 and 59 as being necessary to prevent the executive branch's intended contravention of declared congressional intent in passing the Coastal Zone Management Act of 1972, several months ago. This provision is more specifically discussed on page 133 of the committee report.

Section 610 prohibits the administration from extending the land use bill's provisions to the coastal areas to which the Coastal Zone Management Act is applicable. Without this provision, the administration in order to carry out its declared intent to ignore congressional will, could declare a State ineligible for coastal zone management program grants—OMB has the final say-so in the administration on all agency decisions—and thereafter require the State to implement a land use program for the entire State before it could receive funds for its critical coastal zone.

Therefore, Mr. President, I urge the defeat of the amendment.

Mr. JACKSON. Mr. President, we have worked this matter out, I think, in a very satisfactory way in the Senate. We do have the Coastal Zone Management Act. The funding of that act is important. It seems to me, after the consultations that we have had with the Commerce Committee and with members on both sides of the aisle, that the pending provisions found on page 130 in subsection (b) make sense, and I hope that the amendment will be voted down.

Mr. President, I am prepared to vote.

Mr. FANNIN. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

QUORUM CALL

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

AMENDMENT NO. 245

Mr. BUCKLEY. Mr. President, I call up my amendment No. 245 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 128, line 19, strike out "eight" and insert in lieu thereof "six".
>
> On page 128, line 24, strike out "eight" and insert in lieu thereof "six".
>
> On page 129, line 4, strike out "eight" and insert in lieu thereof "six".
>
> On page 129, line 8, strike out "eight" and insert in lieu thereof "six".
>
> On page 129, immediately after line 21, add the following new subsection:
>
> "(f) Upon the expiration of the five complete fiscal year periods following the date of enactment of this Act, no grant authorized under this section shall be withheld

> from any State by virtue of a judgment of any official of the Federal Government, except with respect to section 204(1), as to the adequacy of any land use program adopted by such State in good faith.".

Mr. BUCKLEY. Mr. President, the purpose of my amendment is simple. It was drafted in response or as a reaction, if you will, to some general and, I think, serious concerns that have been expressed during the course of the debate on this legislation.

The concerns to which my amendment is addressed are twofold. First of all, it is generally conceded that we are embarking on landmark legislation that will be most far-reaching in its probable effect. It is generally conceded that the bill will have very significant economic, social, and institutional impact across the country.

Yet, as is so often the case with pioneering legislation of this kind, it is impossible at this moment in time to anticipate with any kind of precision the nature of the impact that it will undoubtedly have once the land use planning and programs to which it will give stimulus become effective.

Second, during the course of the debate on the Land Use Policy and Planning Assistance Act of 1973, concern has been expressed over the fact that despite the care with which the legislation has been framed in terms of having as its objective not to mandate a specific approach to land use planning, but rather to stimulate States to come to grips with the problems we are facing as to land use, and in doing so, by stimulating the planning process, to perhaps influence the States to meet more specifically the constitutional responsibility in this area which is clearly theirs.

Nevertheless, in spite of the language in the report, and in spite of the language in the bill, there is concern over the potential for naked Federal intervention into areas of authority that the Constitution reserves to the States, a potential which is deemed real because of the possibilities for bureaucratic harassment that many consider to be inherent in the present bill.

Who, for example, will be the ultimate judge of the adequacy of a State's land use program?

I believe that these concerns are legitimate. I am personally satisfied that they have been resolved in the language of the act. I believe that if the modifications which my amendment would entail are to be adopted, we would find much more support for the legislation.

My amendment would meet these concerns in two ways and do so in a way which would not in any significant manner modify the objectives of the legislation.

First of all, it would reduce the period covered by the bill from 8 years to 6 years. This would carry the program through the initial 5-year planning period in which each State is required to go through the planning processes, the so-called checkoff list, which the Senate committee deems to be necessary and desirable in order to have a truly comprehensive approach to the development of a State land use program.

The 6-year period would also grant us a full year in which to have actual experience with State programs in actual implementation. This 6-year period would also enable Congress to begin to assess the information and the recommendations that the bill requires be made to Congress.

In the first instance, section 307(a) requires the States to report as they go on, on an annual basis, on what they are doing and what progress they see in coping with the planning process.

Sections 307 (b) and (c) require a report to the Land Use Advisory Board after the first full year following enactment, and the Advisory Board, in turn, is required to report to Congress after the first 3 full years from the date of enactment on recommendations as to what substantive land use policy should be enacted.

In other words, Mr. President, within the scope of the slightly foreshortened period of time, Congress would be getting an input based on actual experience with the practical implications of the legislation on the basis of which to determine what, if anything, needs to be done or changed or amplified in enacting legislation to handle our land use policy programs in the years following the expiration of this legislation.

In this context, the second part of my amendment takes effect, and that is that, as to the adequacy of the land use planning program that is evolved by each State after following through with the planning processes mandated by this legislation, the standards of adequacy would be "good faith."

This would, in other words, preclude the possibility for arbitrary, coercive, bureaucratic interference at the Federal level with the best judgment applied by the States in evolving a land use program best suited to the needs of each State, after having gone through the analytical imperatives of the planning process.

I believe that one of the areas of division between Members of this body is the degree of confidence that we individually have in the willingness and ability of the State, having been exposed to the checklist we provide in the bill, to come up with a meaningful program designed in realistic terms to cope with potential abuses, given today's technology, which can have such enormously important implications.

Now, for those of us who repose our faith in the States in coming up with a meaningful program, it seems to me very little will be lost by applying the standard of "good faith" to the program evolved over the first 5-year period. These are the opportunities for that first year. We would also have the experience to judge whether, in fact, the views and policies incorporated by the States in their individual programs may not be better than those that might have been evolved or dictated by people cloistered here on the banks of the Potomac.

I suggest, in short, Mr. President, that nothing substantive is sacrificed by adoption of this amendment but, by the same token, we will be moving forward in a more prudent way. We will be gathering broader support within this body and we will be allaying the fears expressed not only here but also by the Governors and others across the country. We will be positioning ourselves so that the followup legislation will be far more intelligent, far more finely focused and tuned to our actual needs than is possible at this point in time, given the fact that we simply do not have the experience available to us, really, to anticipate the problems that might evolve.

Mr. JACKSON. Mr. President, the 8-year time limitation in the act was set so as to give the States 3 years of experience in implementing their programs. Congress and the States both need to observe the implementation of the State land use programs in order to judge the effectiveness of S. 268, and to make any necessary alterations in the law. There is a lot of trial and error involved here. We concede that. There is congressional review of the act already provided for in the act in section 608(e).

Let me read from line 13 on page 129 of the bill:

> For each of the five full fiscal years following the enactment of this Act, there are authorized to be appropriated $10,000,000 to the Secretary to be used exclusively for the administration of this Act. After the end of the fourth fiscal year after the enactment of this Act, the Secretary shall review the programs established by this Act and shall submit to Congress his assessment thereof and such recommendations for amendments to the Act as he deems proper and appropriate.

Here we cut off the funds to administer the act at the fifth year, and require the Secretary of the Interior to do a full-fledged review of the act, and the performance under it, and report to Congress any recommendations for amendments to the act. We are assured that the Secretary will make a good report and that Congress will give careful oversight to the act because further funding for the administration of the bill would have to be authorized.

Mr. President, this 8-year grant funding—5-year administration funding compromise was reached last year in committee between the ranking minority member and the chairman.

Mr. President, may I just finally say—and I have great respect for my good friend from New York and I understand his concern—having said what I have, I would point out that, of course, each year this program will have to go through the appropriate funding process; namely, Congress will be appropriating the funds. What we have done here is to provide the overall limits. Congress will be able to engage in an annual audit as well as the authority of Congress at any time to make whatever legislative revisions may be in order.

In the meantime, it seems to me that we have set some guidelines here that give assurances to the States that this is a serious problem and that we intend to do something about it.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from New York. I agree with his amendment. It is a very appropriate amendment.

We are building bridges. We are starting a program that is vital to this Nation from the standpoint of having it succeed. Under his proposal, we are talking about expending $600 million to the States and $90 million for the regional purposes, and right on down the line.

I think we should have a formula whereby we will have guidelines. Not only will we be following this procedure all the way through, but also, we insure that the States, in fact, will be utilizing their own judgment during the first year the program is in effect. So this is a challenge to the States.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. I thank the Senator for interrupting his remarks so that we could obtain the yeas and nays.

Mr. FANNIN. I feel that when we talk about spending $1.66 billion, as this bill would, we should be greatly concerned. The Senator has provided that during the 3-year period that is described, the States would have certain obligations following the enactment of this act, and the procedures are provided for the statewide land use planning process. Then we go on to the 5-year period.

So I think this is a very good amendment—in fact, an essential amendment—to the bill and will provide the protection that I know the Senator from New York is desirous of giving through this legislation. I commend him for this amendment. If we do not have this guideline then it is akin to building a rocket without any guidance system that will blast off into space and go in any direction that nature takes it. We want the provisions of this bill to be guided.

Mr. BUCKLEY. I thank the Senator from Arizona for his remarks.

I should like to address myself to one or two of the arguments offered by the distinguished chairman of the committee in opposition to my amendment. He states that we do have a cutoff after 4 years, at which point the Secretary will make his recommendations. Of course, these recommendations will be coming solely from one source, the Federal source.

Second, he points out that the fact that the funds need to be appropriated to meet the authorizations contained in this bill offers Congress the opportunity to revise and reconsider at any point. This is fine in theory; but does this really hold water in application? We know how busy this body is. We know the preoccupation we all have with legislation that is in front of us, legislation that needs to be enacted because authorizations have been terminated or because we find new needs that require Federal action. Programs have their own momentum.

If we have 8 years of authorization, we will have pro forma appropriations to keep the program going until the natural termination of the legislation.

I suggest that the appropriate time for Congress to reassess the program, to determine how, in fact, it is working, is early after the completion of the planning process and not as late as 3 years. I think this is vitally important because the interests that will be affected by the various State plans are so far-reaching.

I also believe that the shorter period not only is inherently desirable but also will bring support to the current legislation. I believe that if Congress is going to mandate this whole planning approach across the Nation, the larger the support in Congress, the better it will be in terms of signaling a national will.

I should like to address a question to the Senator from Washington. As the great compromiser around here, I would be happy to accede to his concern about a one-year period being too short for a true testing of a program, if he would accept the remainder of my amendment.

Mr. JACKSON. Is the Senator referring to the remainder of the entire amendment?

Mr. BUCKLEY. Yes.

Mr. JACKSON. I am concerned about the good-faith provision that starts on line 7, page 2. It would be necessary above and beyond the area of critical environmental concern, starting on line 4, through line 15.

Mr. BUCKLEY. I had exempted the findings of areas of critical environmental concern of more than statewide significance.

Mr. JACKSON. But the good faith concept that the Senator has suggested would apply to all the other areas as well.

Mr. HASKELL. Mr. President, will the Senator yield for a comment on this point?

Mr. JACKSON. I yield.

Mr. HASKELL. I should like to mention to the Senator from New York that I felt that the language of review which the Senator from New York inserted in the bill, which is section 306(g)—and the Senator worked it out extremely carefully—provides for different types of review, depending upon the different circumstances. It provides for one level of review requiring merely good faith by the State and another level requiring reasonableness of the determination, and there was a third which escapes my mind at the moment. These were really tailoring the situation exactly to the circumstances.

The Senator now proposes that after the State land use program is adopted, so long as it is adopted in good faith, then, except for a section 204(1) situation, there would be no further Federal review. I submit to the Senator from New York that planning is a continuing process, that we do not adopt a plan and set it in concrete.

As a matter of fact, the bill asks the States to continue to address themselves to the process and modify the plans as circumstances arise; and for that reason I believe that the standards of review, put in the bill by the Senator from New York originally, continue to meet the circumstances after the 5-year period.

This concludes my comments on the subject to the distinguished Senator.

Mr. BUCKLEY. I appreciate the comments of my friend from Colorado. I do believe, in my judgment, that the continuing planning process would be taking effect; that the States will be addressing this process with responsibility; and that we in Congress will be satisfied with what we see. But it seems to me the arguments the Senator advanced suggest I stay with my 6 years rather than 8 years, which will provide Congress with this opportunity without disturbing what the States, in good faith, have arrived at after going through the 5-year process; that without disturbing the possibility of bureaucratic leveraging pressure, the States can go on while we review how it operates. I do not think we are all that far apart.

It seems to me that the good faith approach—we are talking about the program and not to the planning process—is so consistent with the basic philosophy of this legislation; namely, that the Federal role is to stimulate a State reaction, but it is not the role of the State to second-guess the merits of one approach or another, except where Federal responsibility is involved, namely, in protection of areas of critical environmental importance, ecosystems, and so forth, that go beyond State geographical lines.

Mr. HASKELL. If I may respond briefly, I prefer the 8 years because I like to see the States get a helping hand beyond the time that aids their original plan. I prefer the standards of review that apply to the original plan. I think perhaps we have stated our different viewpoints as much as we can.

Mr. BUCKLEY. I thank the Senator. I think that the alternative viewpoints have been clearly expressed and I am ready to vote, unless the chairman has something to add.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa Mr. HUGHES) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. McCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Oregon (Mr. HAT-

FIELD), and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

The result was announced—yeas 34, nays 50, as follows:

[No. 212 Leg.[

YEAS—34

Allen
Baker
Bartlett
Beall
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
Nunn
Proxmire
Roth
Scott, Pa.
Scott, Va.
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—50

Aiken
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Eagleton
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Inouye
Jackson
Javits
Johnston
Kennedy
Long
McGee
McGovern
McIntyre
Magnuson
Mansfield
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevenson
Symington
Tunney
Williams

NOT VOTING—16

Abourezk
Biden
Case
Eastland
Goldwater
Gravel
Hatfield
Huddleston
Hughes
Humphrey
McClure
Mathias
Metcalf
Saxbe
Stennis
Stevens

Mr. BUCKLEY'S amendment was rejected.

Mr. JACKSON. Mr. President, I believe that the distinguished Senator from Maine desires to propound some questions.

Mr. MUSKIE. Mr. President, for the purpose of recognition in this colloquy, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will state amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Maine proposes amendment No. 242.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, insert between lines 8 and 9 the following new clause:

"(K) exercising control over proposed large-scale development and the use of land within areas which are or may be impacted by key facilities which shall insure compliance with the conditions specified in clause (2)(D) of subsection 202(d) of this Act."

On page 123, strike lines 10 through 16 and insert in lieu thereof the following: "(1) Land sales or development projects", "projects", or "project" means any of the activities set forth in clauses (1) through (3) below which occur beyond the boundaries of any general purpose local government certified by the Governor as possessing comparable capability and authority to regulate such activities."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. I yield.

Mr. ROBERT C. BYRD. I wonder if it would be possible to vote on the final passage of the bill at 1 o'clock today. It is my understanding that several Senators may miss the vote, if the vote should not come by 1 o'clock.

Mr. MUSKIE. I would have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the final passage of the pending measure come at no later than 1 o'clock today and that rule XII be waived.

Mr. SPARKMAN. Mr. President, I have a couple of amendments that I may wish to offer. I would not want to be precluded from offering them.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Alabama may be assured of at least 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. MUSKIE. It should not take longer than 10 minutes to cover this item. I do not intend to ask for a yea-and-nay vote. I intend to withdraw the amendment, but it is my purpose to make a record in connection with it.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on the final passage of the bill.

The yeas and nays were ordered.

LARGE-SCALE DEVELOPMENT AND KEY FACILITIES CRITERIA AMENDMENT

Mr. MUSKIE. Mr. President, the purpose of this amendment is to broaden the application of the criteria provisions which the Committee on Interior and Insular Affairs has already included in its reported bill. My amendment would accomplish this objective by doing the following:

First, amend the definition of "land sales or development" so that it applies to all areas within a State and applies within the boundaries of general purpose local governments except when the latter have been certified by the Governor as having comparable capability as the State to regulate such land sale or development projects, and

Second, make the criteria in the bill—which as proposed only applies to "land sales or development"—apply to proposed large-scale development and uses of land within areas which are or may be impacted by key facilities at such time as the latter must be subject to State land use programs—5 years after enactment.

I fully recognize and applaud the purposes for which the committee adopted the criteria provisions relating to "land sales or development projects." But I do not believe that there is justification for limiting regulation to those projects located 10 miles or more outside the Standard Metropolitan Statistical Area. Standard Metropolitan Statistical Areas include whole counties of which only a small portion may be within the presently developed urbanized area. We have an excellent example in the Washington metropolitan area. Rural Loudoun County is included in the Washington, D.C., Standard Metropolitan Statistical Area but, under the bill, any "land sales or development projects" in that rural area would not be subject to the criteria set forth in section 202(d).

This rural area is subject to precisely the pressures that the provisions of the committee bill relating to "land sale or development projects" are intended to address the arbitrary and artificial boundaries of the Standard Metropolitan Statistical Area are not relevant to their consideration should not prevent their being addressed.

Further, the addition of the 10-mile limit beyond the SMSA is arbitrary. It is these areas, the outer fringes of the SMSA and the areas immediately beyond, which are subject to the greatest development pressures. It is these areas in which development is most haphazard and most often unrelated to available public facilities. It is these areas over which regulation of land use is perhaps most urgent. The portion of my amendment revising the definition of "land sales or development projects" to end these artificial and arbitrary boundary definition restrictions would mandate State or local regulation for these key growth areas.

Under my amendment, local authority would not be excluded. A local government that has the capability and authority to develop a land-use program of comparable quality to, and subject to the same criteria as, that of the State could continue to regulate projects within its boundaries. But where such capability or responsibility does not exist, State regulation in accordance with Federal policy criteria specified in the bill is essential.

Within 3 years these controls imposed by S. 268 on land-sale or development projects will begin to establish a basis for the State and Federal cooperation in implementing the policy criteria established under subsection 202(d). The State will have 2 years during which the criteria must apply to such projects. This will be an experimentation period. At the end of 5 years, when State programs are to be implemented, my amendment would make the criteria applicable to all large scale development and land affected by key facilities in all areas of each State.

Certainly if the concept of application of Federal criteria is appropriate for one type of development with a severe impact of land use, it is equally if not more appropriate for other types of development, key facilities and large-scale developments which may have an even greater impact on land use.

Further, application of such criteria is essential to protect the prerogatives of the Congress in establishing Federal policy and to assure that State and local governments are not subject to bureaucratic whims. This is necessarily a complicated piece of legislation. Many portions of it will be subject to different interpretations.

I am concerned that, if the Congress does not specify what land-use policies are intended, as have been specified for "land sales and development projects," we may have other differing criteria imposed by executive fiat resulting from the State program review process. Matters could be further complicated by having criteria which change in direction or emphasis as personnel change within the executive branch. By setting criteria here in Congress, we reserve to the Congress the right to establish the policies which guide the States in these critical land-use programs, and we protect the States and local governments from changing policies which may be imposed without congressional guidance by the executive department.

Let me quote from a section of the committee report.

> Today, the Nation as a whole is beginning to experience the pressures once felt only in its major population centers. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment—farmers' groups oppose real estate developers; environmentalists fight the electric power industry; homeowners collide with highway planners; the mining and timber industries struggle with conservationists; shoreline and water recreation interests are pitted against oil companies; cities oppose the states; and suburbs oppose the cities.

This is a clear call for national policy direction, and the committee bill makes a start by enunciating described policies with the conditions specified in subsection 202(d). But to avoid the policy collisions which the committee report recognizes, broader application of Federal policy guidance to such major impact projects as key facilities and large scale development is necessary. The policy criteria established in subsection 202(b) are only beginning. They are, however, an essential element of the legislation of conflicts in implementing a rational and enlightened land use policy are to be avoided.

Thus, the bill reported from the committee already provides certain land use planning criteria for second home or recreational developments located outside a specified area. But does it make any difference in terms of the adverse impact on the land whether such an unregulated development occurs inside or outside a 10 mile line?

Is it any difference in terms of impact on the environment whether a development contains 50 homes which would be regulated or 50 stores which would not?

Can it be argued that it is more important to regulate the environment around people's second homes where they live part of the time, than it is to assure adequate regulation of the environment around people's first homes where they must live the better part of their lives?

Are rural homes and recreation developments more likely to have a significant impact on available water supply, sewers and educational systems than their urban counter part.

Is a large industrial facility less likely to impact available environmental, transportation and public safety systems than summer homes or new resorts? I think not. I think the opposite is true.

It is these large developments—these key facilities—these suburban tracts that must be regulated. These are the critical activities with which State and local land use controls must deal.

If we mean to articulate a national land use policy which is in fact "enabling legislation" for a good faith State and local effort we must assure them that they have adequate guidance to do the job.

I understand, of course, that what the committee undertook to do is to achieve a pragmatic compromise designed to make the bill viable, to establish principles which obviously could be expanded as they are created and tested.

What concerns me is the language in the bill appearing on page 71 which reads:

> (D) a method of implementation of the program which shall insure that—
>
> (ii) the project will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed development is planned and approved, and sufficient financing for the construction of the expanded systems is available;

My point is that the areas excluded from the provisions of the bill by the language to which I have referred are projects which generate the very kind of pressures and ramifications about which we are concerned.

Mr. President, I wish that the bill were broad enough to eliminate those exclusions. However, I understand the committee objectives. I will not press my amendment at this point.

I would like to use this opportunity to express the hope that as the programs are developed, as the Council on Environmental Quality and the Interagency Advisory Board address themselves to the experience of the States in the development of guidelines and programs, this point will be borne in mind, because I think that if we were to permanently exclude these major projects from the policy of land use planning, what we will have done is to ignore the pressures generated by unregulated population and activity concentrations. That is the reason why I asked the distinguished Senator from Washington to engage in this brief colloquy so as to get his feelings on this point.

Obviously his reassurance that he shares with me the general objectives and the hope that as our policies are developed under this bill, we will cover those omissions, would be helpful.

Mr. JACKSON. Mr. President, we do share that hope. I want to say that I do not believe that the criteria the Senator referred to should be permanently excluded from application to other areas. I think it is a question of timing as to whether we should move now or later.

As the Senator pointed out, we have come to a practical, pragmatic compromise and we have done this through section 307. However, we are not moving away from the problem. The problem is there.

I believe that the type of criteria in the land sales and development projects part of the bill might very appropriately be extended to many other types of activities. But it was our judgment that we ought to postpone such a wide application pending the study which has been authorized. The Senator from Maine strengthened the study provision of the bill in an amendment yesterday. I believe that this is the most realistic course to follow at this time.

I feel very deeply that the development of proper national land use policies should not be a matter of benign neglect and that we must move forward and face up to it as the programs continue.

I compliment the Senator from Maine for his strengthening of that aspect of the bill by reason of his earlier amendment.

Mr. MUSKIE. Mr. President, I thank the distinguished Senator. I would hope that this colloquy as part of the legislative record would have a good effect. I believe that this is a move in the direction of wise land use in this country. Like all beginnings, it cannot do the whole job.

I do not want to jeopardize what the bill already does by pressing for more at this moment. Therefore, I withdraw my amendment and express my appreciation to the Senator from Washington for what he has said and compliment him once again—because I doubt that I will speak again on this bill—on the forward-looking legislation that this bill represents.

Mr. JACKSON. Mr. President, I again thank the Senator from Maine for the constructive help he has given in the formulation of the bill.

Several amendments of the Senator that we agreed to yesterday, I think, speak for themselves. I thank the Senator for his invaluable contribution.

The PRESIDING OFFICER (Mr. MONDALE). The amendment is withdrawn.

Mr. FANNIN. Mr. President, I would like to direct a few questions to the distinguished Senator from Washington.

The United States still owes Arizona 180,000 acres of land throughout the State of Arizona. If the State wants some unreserved public land, it is almost equivalent to a demand that must be honored. Will this bill change this obligation?

Mr. JACKSON. There is no provision in the bill that would in anywise change that, as it does not affect it directly or indirectly.

Mr. FANNIN. Mr. President, does this bill amend the U.S. Enabling Act which created Arizona and gave Arizona most of its lands, and in regard to which lands, that enabling act said, in effect:

> The State may not encumber these lands.

If the pending bill does not do so, then a plan which considers anything less than highest long-term money value would violate the Arizona Constitution.

Mr. JACKSON. In my judgment, the pending bill does not in any manner affect the Enabling Act that the Senator referred to.

Mr. FANNIN. Mr. President, I thank the distinguished Senator.

Mr. SPARKMAN. Mr. President, I send

an amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 64, line 19, after "transportation;" add the word "housing;"

Mr. **SPARKMAN**. Mr. President, the purpose of this amendment is to require States, in developing a statewide land use planning process, to make projections of the nature, quantity, and compatibility of land needed for housing. In its present form, subsection 202(a) makes no provision for States to give specific consideration of housing needs. Although this section is specific in its reference to planning for such items as recreation, parks and open spaces, planning for housing can only be inferred from the requirement that projections be made of urban development, revitalization of existing communities, and development of new towns. Housing is and should be an essential element in planning for land uses and should be focused on specifically.

Mr. President, I have had a conversation with the chairman on this matter. I believe that there is no objection to the amendment. It is in the last year's bill.

Mr. **JACKSON**. The Senator is correct.

Mr. **SPARKMAN**. It simply adds "housing."

Mr. **JACKSON**. Mr. President, I am very pleased to accept the amendment. There is no objection to it. I have conferred with the minority side.

The **PRESIDING OFFICER**. Without objection, the amendment is agreed to.

Mr. **SPARKMAN**. Mr. President, I send to the desk another amendment and ask that it be stated.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The legislative clerk read as follows:

On page 74, at line 16, between "facilities" and "or," insert ", housing,".

Mr. **JACKSON**. Mr. President, this is clearly a conforming amendment. I am very pleased to accept the amendment.

Mr. **SPARKMAN**. Mr. President, it was in last year's bill.

The **PRESIDING OFFICER**. Without objection, the amendment is agreed to.

Mr. **SPARKMAN**. Mr. President, I send to the desk another amendment and ask that it be stated.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 79, line 19, after "participating" add the words "on its own behalf".

Mr. **SPARKMAN**. The purpose of the amendment is to require States to participate in planning consistent with the provisions of section 701 of the Housing Act of 1954. Mere participation by a political subdivision of the State would not be sufficient.

Mr. **JACKSON**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **JACKSON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JACKSON**. Mr. President, I have some reservations about this particular amendment, but I will be very pleased to accept it and take it to conference with that understanding.

Mr. **SPARKMAN**. That is all I ask.

The **PRESIDING OFFICER**. Without objection, the amendment is agreed to.

Mr. **JACKSON**. Mr. President, I believe that the Senator from Wyoming has an amendment, which is the final amendment.

Mr. **HANSEN**. Mr. President, my final amendment is at the desk. Actually, it is in two parts, part one and part two. I understand that it has been examined by the distinguished manager of the bill, and I believe he has agreed to accept it.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. **JACKSON**. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendments are as follows:

On page 124, line 16, add the following two subsections (o) and (p):

(o) "Adjacent non-federal lands" means all non-federal lands which are in the immediate geographic proximity of and border federal lands;"

(p) "Adjacent federal lands" means all federal lands which are in the immediate geographic proximity of and border non-federal lands."

On page 106, line 6-7, strike the following: "in the same immediate geographical region;" and insert in lieu thereof: "on adjacent non-Federal lands;".

Mr. **HANSEN**. Mr. President, what this amendment is intended to do is to clarify that section of the bill which deals with the adjacency issue to clarify that "adjacent non-Federal lands" means all non-Federal lands which are in the immediate geographic proximity of and border Federal lands; and "adjacent Federal lands" means all Federal lands which are in the immediate adjacent proximity of and border non-Federal lands.

Mr. **JACKSON**. Mr. President, this is the same amendment which appears in the Record of June 20 on page 20401.?

Mr. **HANSEN**. Yes, it is. It was discussed yesterday on the Senate floor.

Mr. **JACKSON**. So that the standard would apply both ways; as to Federal lands, it would apply in relation to State, and State lands in relation to Federal.

I think the key problem here has to do with the question of what is meant by, for example, "border Federal lands" and "border non-Federal lands."

What I want to make sure of, and make the Record clear, is that we are not talking about precisely immediately adjacent lands only, but that we have some appreciation for the fact that it covers lands in the general proximity, because otherwise, if you have an intermediate strip directly adjacent to it, you can create a very difficult situation.

Mr. **HASKELL**. Mr. President, will the Senator yield?

Mr. **HANSEN**. I yield.

Mr. **HASKELL**. I assume that the Senator from Wyoming, in trying to make a more precise definition, recognizes that what borders and is in the immediate geographic vicinity, considered in the context of S. 268, might be one thing under one situation and another thing under another situation. In other words, I assume the Senator is not attempting to set any rigid standard, but recognizes that it must be interpreted under the particular situation being examined.

Mr. **JACKSON**. In other words, that it would not be so rigid that there would be no flexibility to deal with a problem that might come within the context of a special situation.

Mr. **HANSEN**. Mr. President, may I say that the second part of my amendment reads:

On page 106, line 6-7, strike the following: "in the same immediate geographical region;" and insert in lieu thereof: "on adjacent non-federal lands;"

Just to clarify, and by way of response to my good friend, let me say that I quite agree that I think we have to consider this language in the context of precise situations. What we are trying to do, I will say to my good friend from Colorado and my good friend the chairman of the full committee, is lend a little clarity to what was meant by "adjacent lands" which was previously undefined.

In the West, where we have a checkerboard pattern of land ownership, I think it is called for, and certainly the word "adjacent" in and of itself could be capable of interpretation in different ways by different people.

We feel that this language, which I understand will be accepted, more clearly defines and sharpens what is meant by the term "adjacent lands." I do agree that you cannot necessarily say it is so many feet, so many yards, so many rods, or even so many miles.

What I would hope is that this language will permit a more precise interpretation that will fit specific situations which would otherwise not obtain without it.

Mr. **HASKELL**. I thank the Senator. With that background, I think it is a helpful amendment to the bill.

Mr. **JACKSON**. Mr. President, I am prepared, on the same stipulation as suggested by the Senator from Colorado, to accept the amendment. What we want to avoid is total rigidity here, so that they cannot deal with situations that may differ slightly one from another.

Mr. **HANSEN**. That is exactly right; and I would say to my good friend the manager of the bill that the word "adjacent" in and of itself might be construed by some to mean that if you own land in a valley that might be 5 or 10 miles long, it might be considered adjacent to Federal lands when it might not actually border Federal lands at all.

This situation, I think, can be clarified by the courts.

RATIONALE FOR TWO NEW DEFINITIONS—SECTION 601

Mr. **FANNIN**. Mr. President, the intent of these amendments is to make explicitly clear that adjacent lands are strictly limited to a geographic area actually bordering on and is, in fact, the border of lands which titles are vested in public, private or Indian hands. It is imperative that we restrict the extension of control by one property owner, be it private, Federal or State, over adjacent lands which border that titleholder's land.

For an example, a private citizen holding title to lands adjacent to a national park has absolutely no authority to dictate any use of the land outside of his own restricted border. He has absolutely no say how the Federal Government, as adjacent land owner, utilizes that adjacent land. Likewise, in reverse, the Federal Government should have no right to dictate to the private property owner how the private property owner must utilize his private land. If we were to allow the Federal Government to dictate the use of adjacent non-Federal lands, then certainly we would be allowing the Federal Government to usurp that private property for its own use. As we all know, that can only be done under the Constitution by following eminent domain proceedings, which insure compensation for the landowner.

It is essential that we realize that by enacting this piece of legislation we are not acquiescing or condoning the authority over lands by any entity. The Federal Government will control and dictate the uses on Federal lands, and likewise respective property rights are recognized and protected for State, private, and Indian lands.

The **PRESIDING OFFICER**. The question is on agreeing, en bloc, to the amendments of the Senator from Wyoming.

The amendments were agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. FANNIN. Mr. President, S. 268 is an ingenious scheme to deny the States of their right to plan for land uses. This elaborate and complicated bill is drafted so that under the guise of "assistance" the Federal Government will take from the States one of the last vestiges of State police power.

S. 268 tells the States they will receive Federal dollars if they will but take advantage of the opportunity to plan under the provisions of S. 268. Such an invitation seems innocuous, but once that first Federal dollar is accepted the Dr. Jeckle become Mr. Hyde and before the State knows it—it has become the slave of Washington, D.C.

Listen to this shrewd method—the Federal Government will tell the States they must first have a "process" for land use planning. Then within that process the States must include specific things such as "protection of areas of critical environmental concern."—but we are not through with that "process"—next the Secretary of Interior will judge that "process" as to its "adequacy" by looking to see that the State has included a State planning agency that has the authority under the laws of the State to implement all the provisions of the bill. That same so-called "process" must include a "program" to regulate land sales or development projects which goes so far as to require the State to "determine whether there is a need for the proposed project" and whether it should proceed.

Now the bill finally calls for that State "process" to be implemented according to the methods spelled out in Washington, D.C.

We have been talking about the State process and nothing else, but we see already that that process is really substantive in nature and not procedural as the author of this bill stated in his opening remarks. Does this seem to you that "the procedures for, and nature of, State involvement in land use decisions are left to the determination of the individual States"? I do not think so either but the above is an exact quote from the RECORD of Friday, June 15, 1973—S. 11271. Does that kind of a dictated process and result seem like an affirmation of States rights" as the author has couched S. 268?

To add insult to injury, the States are finally dictated the full terms of what they must include in a State "program" and how they must implement it and how they will be judged on the adequacy of that implementation.

Washington is actually exercising State constitutional rights. The States will be the puppet and Congress will construct the strings which the Secretary of the Interior will pull.

We cannot allow such a scheme to succeed and this is why I am compelled to vote against final passage of S. 268.

Mr. ROTH. Mr. President, I support the basic concepts and philosophy embodied in the National Land Use Policy and Planning Assistance Act as it was reported by the Interior Committee. I feel strongly that this legislation is essential to assist the States in formulating rational policies for the future use and development of our land use resources.

I am particularly interested in this bill in relation to its potential for protecting coastal areas and the siting of energy facilities in coastal areas. Mr. President, Delaware's coastal areas are under extreme pressure and our State government has taken great strides in recent years to find some way to prevent this very finite resource from being polluted, dredged and scarred. In 1971 the Delaware Legislature passed a landmark piece of legislation regulating the siting of heavy industry in coastal areas; legislation is now being considered to extend that regulation to other types of development.

In spite of these initiatives, the Delaware coast is still threatened by the proposed development of a superport in its nearby waters. I believe, Mr. President, that I speak for the majority of the people of my State when I say that if the decision was left to Delaware alone, we would not want a superport nor all of the accompanying environmental and developmental problems that would be generated by its construction and operation. When the benefits of such a facility are weighed against the environmental costs of such a project, it does not appear to be a decision that stands to be in the best interest of Delaware.

It is my understanding that an amendment to S. 268 to provide for the Federal override of State and local decisions relating to the siting of key facilities was considered in committee last month and was rejected. That amendment would have a new subsection (b) under section 204 of the bill, requiring, as a condition of continued eligibility of a State for grants after a 5-year period, that the State land use program provide "for adequate consideration of the national interest involved in siting key facilities."

Mr. President, if such an amendment should be proposed here on the floor of the Senate during debate over this bill, I would firmly oppose its passage. Without a doubt, the proposed superport would fall under the definition of key facilities as defined in section 601(j) (2). Federal preemption of a siting decision of such enormous consequence for the future growth of Delaware would be intolerable, and, in my estimation, would violate the basic philosophy of this act, which is to increase. State control, not Federal control, over land use decisions within State boundaries.

Let me say further, Mr. President, that it was the potential for Federal preemption of Delaware's decision to deny a permit to construct a superport that led me to cast my vote against the Jackson amendment yesterday. The economic sanctions, proposed by that amendment, coupled with a Federal override of energy siting decisions, could have the effect of forcing a superport or any other major energy facility upon the people of the State of Delaware against their wishes. This would not only undermine one of the most effective coastal zone statutes of any State to date, but more importantly, it would deny the right of the people of Delaware to determine the direction and the intensity of the State's growth in future years.

Delaware is a small State, Mr. President; we cannot afford to be extravagant with the few square miles we call home. Statewide land use planning is not only essential to us, it is a must. S. 268 will be invaluable in providing the financial support to accomplish the task. I support the bill and commend the committee for moving swiftly in presenting us with this legislation.

Mr. HELMS. Mr. President, I must oppose this bill, S. 268, for very fundamental reasons. It is my conclusion, after studying this bill and listening to the debate in this body, that the bill is unnecessary in the first instance and in the second instance, the potential for abuse which pervades the theory underlying this bill that the Federal Government must induce States to exercise their sovereign powers far outweighs the potential benefits which may accrue by the resulting exercise of those powers by the States.

Nowhere during the consideration of this bill has any Senator suggested that the powers which the States are called upon to use in defining their land-use policy and in implementing their land-use program would in any way be enlarged by the passage of this Federal law. The exercise of land-use controls in the broad sense, and zoning in the narrow sense, are derived from the police power vested in States through their capacity as sovereign.

In order for land-use controls to be a valid exercise of that police power, there must be causal connection—some visible link—between the controls being imposed on the use of land and the benefits to the public in terms of their health, safety and welfare. These benefits must be proximate to the controls. They cannot be remote. The less proximate the benefits, the more arbitrary the control, and at that point, the constitutional question concerning the taking of private property for public use without just compensation springs into being. Next to the right to life and the right to liberty, the right to own property is fundamental to the freedoms guaranteed by our Constitution and to our concept of Government. This right should not be taken lightly. When the Government limits the things that a man can do with his property, that man is left with less property after the Government controls than he had before them, and consequently, some of his freedom has been lost.

The State does have police power. It should exercise these powers legitimately. It should protect and preserve the health, safety, and welfare of its citizens. Each man should and does have the freedom to use his property in any way that he sees fit, except when that use deprives another of the right to freely use and enjoy his land or the citizens as a whole to use and enjoy public land.

In 1926 the Supreme Court ruled in the case of Village of Euclid against Ambler Realty Co. that State and local governments could enact and enforce through a valid exercise of the police power. Since that time, the Court has been hesitant to reopen the broad question of the constitutionality of zoning laws insofar as these laws have been challenged as a taking of private property without just compensation. The great body of law concerning land-use control has developed through our State courts where it properly belongs.

I am concerned over the constitutionality of this bill because I believe that Congress is attempting to define what elements of land-use control are a valid exercise of the police power and in this way, broaden the current law that exists in various States which expresses the limits of land-use control.

Proponents of this bill have acknowledged the legitimate role and capacity of the States to regulate the use of land. That being the case, I come back to my original premise: that this bill is not needed. Nothing substantively can be done within our constitutional framework to enlarge or perfect the authority and capacity of the States to exercise their police power. This leads me to my second major point. Since the Federal Government cannot improve upon the States right to control their land, I believe that the fact of the Federal Government's involvement will detract from the States legitimate function to protect the health, safety, and welfare of their citizens.

Simply put, if I possess the exclusive right to exercise some power or perform some beneficial function and I share that right with another, I have diminished the value of the right which I previously had.

Your Government is supposedly encouraging States to exercise their powers in this area by providing large sums of money to pay for the State's land-use planning and land-use program. But we find this bill setting up a review capacity in the Department of Interior to determine if the States are satisfying Federal criteria required for an eligible land-use program.

I am firmly convinced that this Federal review will evolve into Federal control. When the bureaucrats in the Interior Department get their hands on this legislation, volumes of regulations will pour forth defining every aspect of a land-use plan and a land-use program. Then, the States will benignly comply, because the State employees charged with developing a program acceptable to the Interior Department will be the same individuals who stand to lose their funding if the program does not satisfy Federal review.

The Governors and other representatives of State government have been induced to support this bill, because of the prospects of receiving large amounts of Federal funds. I believe that they have made a serious miscalculation and that their States will come to regret that support.

The States are trading away their birthright in the form of sovereign powers for a very cheap price. Those who want to centralize power in big Government here in Washington are indeed getting a bargain in this bill at the expense of our States, our constitutional form of government, and ultimately at the expense of all the American people.

I urge my fellow Senators to take a hard second look at this bill before they willingly and knowingly vote to deprive their States of a substantial part of their sovereignty.

Mr. TUNNEY. Mr. President, a Federal policy of land-use planning assistance could not be more timely.

The days have passed when our supplies of air, water, and land could be regarded as infinite resources. In our push for prosperity, we have made much of our air unbreathable, much of our water undrinkable, and we are on the way toward making much of our land unlivable.

But there are some hopeful signs. Only last week, June 11, 1973, the Supreme Court held that the Environmental Protection Agency could not permit the deterioration of air quality in some areas—such as the countryside—to alleviate pollution in our cities by means of relocating industry.

In the last session, the Congress inaugurated a 10-year program of high national priority to reclaim our water resources.

And today Congress is considering the first major piece of legislation to recognize the vital need for land-use planning.

My own position can be stated very simply: land-use planning is urgent—and necessary. It is the only way to control future development and keep environmental degradation at a minimum.

Making those decisions will not be easy. Sticking to them will be even harder.

We must face the fact that we are not only making new laws; we are attempting to achieve a fundamental change in national attitudes.

The frontier land ethic was based primarily on the theory that land is a commodity to be bought, sold, and exploited rather than conserved as a national resource. They saw the land as something to settle, tame, and cultivate. They were even encouraged by means of a national policy embodied in the Homestead Act. Which actually gave land away as an incentive to develop the country.

In its time, there was much to be said for the ethic. It played a major role in our remarkably rapid westward expansion. But it no longer serves us well in today's complex and technical world.

It is imperative that we begin the task of reshaping our attitudes about land. We must come to grips with the fact that uncontrolled and unlimited growth will lead inexorably to a lower quality of life.

Since 1926, when the Supreme Court gave its blessings to the concept of zoning, virtually all land-use decisions have been made by multiplicities of local governments. Unfortunately, these decisions have too often been based on shortsighted economic considerations with little or no thought of secondary impact.

Today we are about to embark upon a revolution in the way we manage our land. It is a quiet revolution, predicated on the growing need for a more integrated, more comprehensive approach toward land planning and development.

The thrust of this revolution does not attack the integrity of local zoning. It is simply a recognition that no level of Government—acting alone—has the capacity to cope with statewide or regionwide problems in a coordinated way.

The tools of the revolution are new and innovative laws which provide for greater degrees of local, State, and Federal cooperation in dealing with the protection of our increasingly limited supply of unused land and shoreline.

This Congress is looking at land use as an environmental issue of the highest priority since it is perhaps the single most important element which affects the quality of our environment which has remained substantially untouched by national policy.

The National Land Use Policy and Assistance Act, which has taken 3½ years to develop, is the first major piece of legislation to address the problem.

The bill, by establishing a system of grants-in-aid, will encourage the States to exercise more effectively their constitutional responsibilities with respect to land use.

Most States lack the capacity to undertake a statewide planning effort for their total land base. The Federal money will help encourage greater coordination in making decisions which have impact on citizens, the environment, and the economy far beyond the scope of the local authority.

I want to emphasize that the legislation does not provide for a Federal zoning mechanism—as some have charged.

On the contrary, it is meant to strengthen State control over their land areas. The State may, in fact, choose to leave a major part of decionsionmaking with the local governments so long as the State formally agrees with their decisions for the five major categories.

It is an emotional and tedious business to begin statewide planning. The expertise and experience of local governments will be critically important to that planning process at all stages. Local governments already have experienced firsthand many difficulties, problems and rewards of long-range planning.

Many of our past problems have resulted from a failure to anticipate what our needs would be and what demands would be made on shrinking open space.

In today's world, the traditional common law remedies such as the doctrines of nuisance and tresspass are inadequate to protect property interests, to assure quality living conditions, and to provide optimum use of a finite land base.

By identifying our resources and making plans now about how to use them, we will have come a long way.

This process is not only desirable, it is essential.

In the last analysis, coordinated efforts by local governments—cities and counties—will determine how the Federal law will work.

Some tough decisions will have to be made in finding the proper balance between esthetics and economics. But, I believe these questions can be resolved in a way that preserves the unsurpassed beauty of our Nation while permitting legitimate economic growth.

Commonsense and hard work can foster both.

Mr. JACKSON. Mr. President, before we vote at 1 o'clock, I want to take this opportunity to express my appreciation to my colleagues on the committee for their tireless help and energy. I owe a special debt to the distinguished junior Senator from Colorado (Mr. Haskell), who has worked long and hard. Thanks to his great legal expertise, he has helped to make this, I think, a very good bill, and I express my special appreciation for his help on the floor as well as in the committee, and his counsel and advice.

I express my appreciation also to Mr. Steven Quarles, special counsel to the committee, who has worked almost exclusively on this particular job. He has worked very ably in cooperation with Mr. William Van Ness, general counsel of the committee.

On the minority side, I wish to express my appreciation to the Senator from Arizona (Mr. Fannin), the Senator from Wyoming (Mr. Hansen), the Senator from New York (Mr. Buckley), and all the others on that side, as well as to the staff who have supported them in connection with the pending measure.

Mr. FANNIN. Mr. President, I would like to express my great appreciation to the chairman of our committee, the floor manager of the bill, for the great courtesy that he has extended to the minority members, and I very much appreciate that at all times he was willing to give us every consideration, and that where we did have disagreements, he was very kind about it, to give us every opportunity to express ourselves, and we are very appreciative of his management of the bill.

I express my thanks also to the distinguished Senator from Colorado (Mr. Haskell) for his courtesy and for his general ability. Certainly both of these gentlemen have assisted greatly in the consideration of this bill from every standpoint and in the proper handling of the bill.

I express my appreciation to the minority members of our committee. Senatar Hansen has done nobly in working on this legislation, and I appreciate also the assistance of Brent Kunz, legislative assistant to Senator Hansen and Fred Craft, Jr., deputy minority counsel for the Interior Committee, and Harrison Loesch, minority counsel, who have been so helpful in this work. We have benefited greatly by having this experience and having the opportunity to work on this legislation.

I very much appreciate, as I say, the many courtesies of the chairman of the committee and the manager of the bill, the Senator from Washington (Mr. Jackson).

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Under the unanimous-consent agreement, was the vote on passage to be at 1 o'clock?

The PRESIDING OFFICER. Not later than 1 o'clock.

Mr. JACKSON. We are ready to vote.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The question is, shall the bill (S. 268) pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COTTON (when his name was called). On this vote I have a pair with the distinguished Senator from Idaho (Mr. McClure). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. CANNON. (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. LONG. (after having voted in the negative). On this vote I have a pair with the distinguished Senator from South Dakota (Mr. Abourezk). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland) and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Delaware (Mr. Biden), the Senator from Kentucky (Mr. Huddleston), and the Senator from Minnesota (Mr. Humphrey) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting the Senator from Minnesota (Mr. Humphrey), the Senator from Montana (Mr. Metcalf), and the Senator from Delaware (Mr. Biden) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) is necessarily absent.

The Senator from New Jersey (Mr. Case), the Senator from Idaho (Mr. McClure), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The pair of the Senator from Idaho (Mr. McClure) has been previously announced.

The result was announced—yeas 64, nays 21, as follows:

[No. 213 Leg.]

YEAS—64

Aiken
Baker
Bayh
Beall
Bellmon
Bible
Brooke
Buckley
Burdick
Byrd, Robert C.
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eagleton
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hughes
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevenson
Symington
Taft
Tunney
Williams
Young

NAYS—21

Allen
Bartlett
Bennett
Bentsen
Brock
Byrd, Harry F., Jr.
Curtis
Ervin
Fannin
Fong
Hansen
Helms
Hruska
McClellan
Proxmire
Scott, Pa.
Scott, Va.
Talmadge
Thurmond
Tower
Weicker

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Cannon, for
Cotton, against
Long, against

NOT VOTING—12

Abourezk
Biden
Case
Eastland
Goldwater
Huddleston
Humphrey
McClure
Metcalf
Saxbe
Stennis
Stevens

So the bill (S. 268) was passed, as follows:

S. 268

An Act to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes

Be it enacted by the Senate and House of

Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Land Use Policy and Planning Assistance Act".

TITLE I—FINDINGS, POLICY, AND PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that there is a national interest in a more efficient system of land use planning and decisionmaking and that the rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large-scale industrial and economic growth, conflicts in patterns of land use, fragmentation of governmental entities exercising land use planning powers, and the increased size, scale, and impact of private actions have created a situation in which land use management decisions of wide public concern often are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which too frequently are unrelated or contradictory to sound environmental, economic and social land use considerations.

(b) The Congress finds that the task of land use planning and management is made more difficult by the lack of understanding of, and the failure to assess, the land use impacts inherent in most public and private programs and activities.

(c) The Congress finds that adequate data and information on land use and systematic methods of collection, classification, and utilization thereof are either lacking or not readily available to public and private land use decisionmakers.

(d) The Congress finds that a failure to conduct competent land use planning has, on occasion, resulted in delay, litigation, and cancellation of proposed significant development, thereby too often wasting human and economic resources, creating a threat to public services, and invoking decisions to locate activities in areas of least public and political resistance, but without regard to sound environmental, economic, and social land use considerations.

(e) The Congress finds that significant land use decisions are being made without adequate opportunity for property owners, users of the land, and the public to be informed about the alternatives to such decisions or to meaningfully participate in such decisions.

(f) The Congress finds that many Federal agencies conduct or assist activities which have a substantial impact on the use of land, location of population and economic growth, and the quality of the environment, and which, because of the lack of consistent land use policies, often result in needless, undesirable, and costly conflicts between Federal agencies and among Federal, State, and local governments, thereby subsidizing undesirable and costly patterns of development.

(g) The Congress finds that, while the primary responsibility and constitutional authority for land use planning and management of non-Federal lands rests with State and local government, the manner in which this responsibility is exercised has a tremendous influence upon the utility, the value, and the future of the public domain, the national parks, forests, seashores, lakeshores, recreation and wilderness areas, wildlife refuges, and other Federal lands; and that the failure to plan or, in some cases, the existence of poor or ineffective planning at the State and local levels poses serious problems.

(h) The Congress finds that intelligent land use planning and management can and should be a singularly important process for preserving and enhancing the environment, encouraging beneficial economic development, and maintaining conditions capable of improving the quality of life.

STATEMENT OF POLICY AND PURPOSE

SEC. 102. (a) To promote the general welfare and to provide full and wise application of the resources of the Federal Government in strengthening the environmental, recreational, economic, and social well-being of the people of the United States, the Congress, recognizing that the Nation's land is its most valuable national resource and that the maximum benefit to all from this resource can be achieved only with the development and implementation of sound and coordinated land use policies, declares that it is the continuing policy of the Federal Government to cooperate with and render assistance to State and local governments in the development and implementation of the policies which will govern the wise and balanced use of the Nation's land resource.

(b) It is the purpose of this Act to—

(1) encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs;

(2) establish a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, collect and analyze the data, and establish the institutions and procedures necessary to develop and implement State land use programs;

(3) establish a grant-in-aid program to encourage cooperation among the States concerning land use planning and management in interstate regions;

(4) establish a grant-in-aid program to assist Indian tribes to develop land use programs for reservation and other tribal lands and to coordinate such programs with the planning and management of Federal and non-Federal lands adjacent to reservation and other tribal lands;

(5) establish the authority and responsibility of the Executive Office of the President to issue guidelines to implement this Act and of the Secretary of the Interior to administer the grant-in-aid and other programs established under this Act, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this Act, and to assist in the coordination of activities of Federal agencies with State land use programs;

(6) develop and maintain sound policies and coordination procedures with respect to federally conducted and federally assisted projects on non-Federal lands having land use implications;

(7) facilitate increased coordination in the administration of Federal programs and in planning and management of Federal lands and adjacent non-Federal lands;

(8) provide for meaningful participation of property owners, users of the land, and the public in land use planning and management;

(9) provide for research on and training in land use planning and management;

(10) promote the development of systematic methods for the exchange of data and information pertinent to land use decisionmaking among all levels of government and the public; and

(11) study the feasibility and possible substance of national land use policies which might be enacted by Congress.

TITLE II—PROGRAMS OR ASSISTANCE TO THE STATES

PART A—STATEWIDE LAND USE PLANNING PROCESSES AND STATE LAND USE PROGRAMS

GRANTS TO STATES

SEC. 201. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make annual grants to each State to assist each State in developing and administering a State land use program meeting the requirements set forth in this Act.

(b) Prior to making the first grant to each State during the three complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that such grant will be used in a manner to meet satisfactorily the requirements for a statewide land use planning process set forth in section 202. Prior to making any further grants during such period, it shall be determined in accordance with the procedures provided in section 306 that the State is adequately and expeditiously proceeding to meet the requirements of section 202.

(c) Prior to making any further grants after the three complete fiscal year period following the enactment of this Act and before the end of the five complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that the State has met and continues to meet the requirements of section 202 and is adequately and expeditiously proceeding to develop a State land use program to meet the requirements of sections 203, 204, 402, and 505.

(d) Prior to making any further grants after the five complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that the State has met and continues to meet the requirements of sections 203, 204, 402, and 505.

(e) Each State receiving grants pursuant to this part A during the five complete fiscal year period following enactment of this Act shall submit, not later than one year after the date of award of each grant, a report on work completed and scheduled toward the development of a State land use program to the Secretary for determination of State eligibilty or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306. For grants made after such period, the State shall submit its State land use program not later than one year after the date of award of each grant to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306: Provided, That if no grant is requested by or active in any State after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days thereafter to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306: And provided further, That, should no grant be requested by or active in any State during any two complete fiscal year periods after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days from completion of such period to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306.

STATEWIDE LAND USE PLANNING PROCESSES

SEC. 202. (a) As a condition of continued eligibility of any State for grants pursuant to this part A after the three complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that the State has developed an adequate statewide land use planning process, which process shall include—

(1) the preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

(2) the compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic

characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

(3) projections of the nature, quantity, and compatibility of land needed and suitable for recreation, parks, and open space; scientific and educational purposes; protection of areas of critical environmental concern; conservation and preservation of natural resources; agriculture, mineral development, and forestry; industry and commerce, including the exploration, development, production, mining, generation, and transmission of energy; solid waste management and resource recovery; transportation; housing; urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base; rural development, taking into consideration future demands for and limitations upon products of the land; and health, education, and other State and local governmental services; such projections to include consideration of multiple-use siting of facilities and activities;

(4) the preparation and continuing revision of an inventory of environmental, geological, and physical conditions (including soil types) which influence the desirability of various uses of land;

(5) the monitoring of land use data periodically to determine changes in land usage, the comparison of such changes to State and local land use plans, programs, and projections, and the reporting of the findings to the affected local governments, State agencies, and Federal agencies by request;

(6) the preparation and continuing revision of an inventory of State, local government, and private needs and priorities concerning the use of Federal lands within the State;

(7) the preparation and continuing revision of an inventory of public and private institutional and financial resources, including citizen public interest organizations, available for land use planning and management within the State and of State and local programs and activities which have a land use impact of more than local concern;

(8) the establishment of methods for identifying large-scale development and development of public facilities or utilities of regional benefit, and inventorying and designating areas of critical environmental concern, areas which are suitable for key facilities, and areas which are, or may be, impacted by key facilities, which methods shall provide for an appeals process for any interested party as defined by State law or regulation concerning the designation or deletion of any land or facility in or from such areas when such areas are designated other than by State law;

(9) the provision, where appropriate, of technical assistance for, and training programs for State and local agency personnel concerned with, the development and implementation of State and local land use programs;

(10) the establishment of arrangements for the exchange of land use planning information and data among State agencies and local governments, with the Federal Government, among the several States and interstate agencies, and with the public;

(11) the establishment of a process for public education concerning land use planning and management and other land use related activities;

(12) the participation of the public, property owners, users of the land, and the appropriate officials or representatives of local governments in the statewide planning process and in the formulation of definitions, guidelines, rules, and regulations for the administration of the statewide planning process, such participation, except in any proceedings of the State legislature, to include public hearings with adequate public notice;

(13) the consideration of, and consultation with the relevant States on, the interstate aspects of land use issues of more than local concern; and

(14) the consideration of the impacts of State programs and activities, land use policies, and the State land use program to be developed pursuant to this Act on the local property tax base and revenues and on rights of private property owners.

(b) In the determination of an adequate statewide land use process of any State, it shall be confirmed in accordance with the procedures provided in section 306 that the State has an eligible State land use planning agency established by the Governor of such State or by law, which agency shall—

(1) have primary authority and responsibility for the development and administration of a State land use program provided for in section 203, 204, 402, and 505;

(2) have a competent and adequate interdisciplinary professional and technical staff and, whenever appropriate, engage the services of special consultants;

(3) give priority to the development of an adequate data base for a statewide land use planning process using data available from existing sources wherever feasible;

(4) coordinate its activities with the planning activities of all State agencies undertaking federally financed or assisted planning programs insofar as such programs relate to land use; the regulatory and planning activities of all State agencies enforcing air, water, noise, or other pollution standards; all other relevant planning activities of State agencies; flood plain zoning plans approved by the Secretary of the Army pursuant to the Flood Control Act of 1960 (74 Stat. 488), as amended; in a coastal State as defined by the Coastal Zone Management Act of 1972 (86 Stat. 1280), the State planning activities pursuant to such Act; the planning activities of areawide agencies designed pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262–3), as amended; the planning activities of local governments; the planning activities of Federal agencies; and the planning activities of Indian tribes pursuant to title V;

(5) have authority to make available to the public promptly upon request land use data and information, studies, reports, and records of hearings; and

(6) be advised by an intergovernmental advisory council which shall be composed of a representative number of chief elected officials of general purpose local governments in urban and nonurban areas selected by the statewide association or associations representing such governments. One member, by majority vote of the members, shall be chosen chairman. The advisory council shall, among other things, comment on all State guidelines, rules, and regulations to be promulgated pursuant to this Act, participate in the development of the statewide land use planning process and State land use program, and may make formal comments on annual reports which the agency may prepare and submit to it, which reports may detail all activities within the State conducted by the State government and local governments pursuant to or in conformity with this Act.

(c) To minimize administrative inefficiencies, each State may designate the planning agency participating in programs pursuant to section 701 of the Housing Act of 1954, as amended, and, where such State is a coastal State, the planning agency participating in programs pursuant to the Coastal Zone Management Act of 1972, as the eligible State land use planning agency required by subsection (b) of this section. Where such a designation cannot be made within the three fiscal year period following the enactment of this Act, early consolidation of the responsibilities of the two or three agencies in a single planning agency is encouragaed.

(d)(1) In the determination of an adequate statewide land use planning process of any State, it shall be determined in accordance with the procedures provided in section 306 that the State has established a program to regulate land sales or development projects (hereinafter referred to as "projects" or "project") as defined in subsection 601(1).

(2) Such program shall include:

(A) a procedure for identification of projects subject to such program;

(B) a procedure for consideration of each proposed project which procedure affords adequate notice to all affected State and local governments and assures that the developer provides to such governments the following—

(i) a map of the project setting forth the proposed lot lines and the improvements which the developer proposes to make, and a schedule of completion of all such improvements and sales of such lots;

(ii) a showing of financial capability of the developer, or the posting of a performance bond by the developer, sufficient to insure that such schedule and the requirements of this subsection will be met; and

(iii) a statement of the potential effects of the proposed project in sufficient detail to establish whether the development meets the criteria in clause (2)(D) of his subsection;

(C) State review of the proposed project including (i) an evaluation of the consistency of the proposed project with the statewide land use planning process and the State land use program, once approved pursuant to this Act; (ii) an analysis of the proposed project as it relates to the criteria in clauses (2)(D) of this section; (iii) comments in the local and regional need for the proposed project; and (iv) specific recommendations concerning whether the proposed project should or should not proceed;

(D) a method of implementation of the program which shall insure that—

(i) the financial capability of the developer is estabilshed as provided for in clause (2)(B)(ii) of this subsection;

(ii) the project will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed development is planned and approved, and sufficient financing for the construction of the expanded systems is available;

(iii) the project will not cause unreasonable soil erosion;

(iv) the project is not located in areas which constitute an undue risk to public health and safety, which may include flood plains and areas of high seismicity and unstable soils, all such areas as defined by the State;

(v) the effects on the scenic or natural beauty or the natural environment are taken into consideration;

(vi) open space possessing valuable potential for public recreation is taken into consideration, such open space may include beaches, shorelines, and wild areas;

(vii) the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services, including transportation, education, and police and fire protection;

(viii) the project will be developed within the time schedule submitted by the developer or within an alternative schedule necessary to insure that the project will meet the other criteria above; and

(ix) the project is consistent with local land use plans, regulations, and controls and with the State land use program once approved pursuant to this Act.

(3) The method of implementation of clause (2)(D) of this subsection shall meet the requirements of section 203(c) and shall include procedures for issuance of cease and desist orders and other appropriate remedies for violations of this subsection or the provisions of State law or regulations enacted or promulgated pursuant to this subsection.

STATE LAND USE PROGRAMS

Sec. 203. (a) As a condition of continued eligibility of any State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided for in section 306 that the State has developed an adequate State land use program, which program shall include—

(1) an adequate statewide land use planning process as provided in section 202 of this Act;

(2) a statement of State land use policies and objectives;

(3) methods of implementation for—

(A) exercising control over the use and development of land in areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values or natural systems or processes within fragile or historic lands; that loss or reduction of long range continuity and the concomitant endangering of future water, food, and fiber requirements within renewable resource lands are minimized or eliminated; and that unreasonable dangers to life and property within natural hazard lands are minimized or eliminated;

(B) exercising control over the use of land within areas which are or may be impacted by key facilities, including the site location and the location of major improvement and major access features of key facilities;

(C) assuring that local regulations do not arbitrarily or capriciously restrict or exclude development of public facilities, housing, or utilities of regional benefit;

(D) influencing the location of new communities and controlling the use of land around new communities;

(E) controlling proposed large-scale development of more than local significance in its impact upon the environment;

(F) assuring that (i) any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause (3) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan, (ii) any developmental activities in combination with pollution sources will not cause such violations to occur, and (iii) the program is consistent with the goals, policies, objectives, standards and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution;

(G) assuring that all State and local agency programs and services which significantly affect land use are not inconsistent with the State land use program,

(H) periodically revising and updating the State land use program to meet changing conditions;

(I) assuring, except in any proceedings of the State legislature, the participation of appropriate officials or representatives of local governments, property owners, users of the land, and the public in the development of, subsequent revisions in, the implementation of, and the formulation of guidelines, rules, and regulations concerning, the State land use program; and

(J) including, with respect to coastal States to which the Coastal Zone Management Act of 1972 (86 Stat. 1280) is applicable, an adequate method for the coordination of the State land use program with the State's management program approved pursuant to such Act. Such method shall include the consolidation of the State's management program and the State land use program into a single program for the purposes of annual submission to the Secretary of the Interior for determination of eligibility for grants pursuant to part A of title II of this Act and to the Secretary of Commerce for determination of eligibility for grants pursuant to section 306 of the Coastal Zone Management Act of 1972.

(b) Wherever possible, selection of methods of implementation of clause (3) of subsection (a) shall be made so as to encourage the employment of land use controls by general purpose local governments.

(c) The methods of implementation of clause (3) of subsection (a) shall include either one or a combination of the two following general techniques—

(1) implementation by general purpose local governments pursuant to criteria and standards established by the State, such implementation to be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and guidelines; and

(2) direct State land use planning and regulation.

(d) Any method of implementation employed by the State shall include the authority of the State to prevent arbitrary and capricious restriction or prohibition of development of public facilities or utilities of regional benefit, and to prohibit the use of land within areas which, under the State land use program, have been designated as areas of critical environment concern, areas which are or may be impacted by key facilities, or areas which are presently or potentially subject to large-scale development, large-scale subdivisions, and land sales or development projects, which use is inconsistent with the requirements of the State land use program as they pertain to areas of critical environmental concern, key facilities, large-scale development, large-scale subdivisions, and land sales or development projects.

(e) Any method of implementation employed by the State shall include an appeals process for the resolution of, among other matters, conflicts over any decision or action of a local government for any area or use under the State land use program and over any decision or action by the Governor of State land use planning agency in the development of, or pursuant to, the State land use program.

(f) Nothing in this Act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located.

Sec. 204. As a further condition of continued eligibility of a State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, in accordance with the procedures provided in section 306, it shall be determined, upon review of the State land use program, that—

(1) in designating areas of critical environmental concern, the State has not excluded any areas of critical environmental concern which are of more than statewide significance. Within three years from the date of enactment of this Act, and thereafter as he deems appropriate, the Secretary shall, after affording opportunity for public comment, submit to each State a description of areas within such State which are of more than statewide concern: *Provided,* That any new areas included in any new submission after the first submission made by the Secretary shall not be subject to review pursuant to this clause (1) until two years from the date of such new submission.

(2) the State is demonstrating good faith efforts to implement, and, in the case of successive grants, the State is continuing to demonstrate good faith efforts to implement the purposes, policies, and requirements of the State land use program. For the purposes of this subsection, the inability of a State to take any State action the purpose of which is to implement its State land use program, or any portion thereof, because such action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not be construed as failure by the State to demonstrate good faith efforts to implement the purposes, policies, and requirements of its State land use program;

(3) State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this Act;

(4) the State land use program has been reviewed and approved by the Governor;

(5) the State has coordinated its State land use program with the planning activities and programs of its State agencies, the Federal Government, and local governments as provided for in this Act, with the land use programs for reservation and other tribal lands as provided in title V, and with the planning processes and land use programs of other States and local governments within such States with respect to lands and waters in interstate areas; and

(6) the State is participating on its own behalf in the programs established pursuant to section 701 of the Housing Act of 1954 (68 Stat. 590, 640), as amended, and, where such State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280), the programs established pursuant to that Act.

PART B—INTERSTATE COORDINATION

GRANTS TO STATES

Sec. 205. (a) The States are authorized and encouraged to coordinate State and local land use planning, policies, and programs concerning, to study land use in, to conduct land use planning for, or to implement land use policies in, interstate areas. The States may conduct such coordination, study, planning, or implementation through existing interstate entities where the authority of such entities permits; or, subject to the approval of Congress by the adoption of an appropriate Act, Congress hereby authorizes two or more States to negotiate interstate compacts, with such terms and conditions, including the establishment of such public entities, as to such States seem reasonable or appropriate, for the purpose of such coordination, study, planning, or implementation: *Provided,* That such entities or compacts shall provide for an opportunity for participation for coordination purposes of Federal and local governments and agencies as well as property owners, users of the land, and the public.

(b) The Secretary is authorized to make annual grants to the States for the purpose of such coordination, study, planning, or implementation.

STUDY OF INTERSTATE AGENCIES

Sec. 206. The Advisory Commission on Intergovernmental Relations shall conduct a review of federally established or authorized interstate agencies, including, but not limited to, river basin commissions, regional development agencies, and interstate compact commissions, and prepare recommendations for revision of organizational structures and improvement of procedures for the purpose of improving land use planning, policies, and programs and the implementation thereof in interstate areas. The Advisory Commission on Intergovernmental Relations shall report to the Congress the results of its review conducted under this section, together with its recommendations, not later than two fiscal years after the date of enactment of this Act. Such recommendations may include proposals for either the establishment of new entities or the use of existing entities composed of representatives of two or more

States: *Provided, however*, That such entities and the procedures thereof so recommended, provide for an opportunity for participation in the coordination process by Federal, State, and local governments and agencies as well as property owners, users of the land, and the public.

PART C—FEDERAL ACTIONS IN STATES FOUND ELIGIBLE OR INELIGIBLE FOR GRANTS

CONSISTENCY OF FEDERAL ACTIONS WITH STATE LAND USE PROGRAMS

SEC. 207. (a) Federal program, projects, and activities on non-Federal lands significantly affecting land use, including but not limited to grant, loan, or guarantee programs, such as mortgage and rent subsidy programs and water and sewer facility construction programs, shall be consistent with State land use programs which conform to the provisions of this Act, except in cases of overriding national interest, as determined by the President. Procedures provided for in subsection (b) of this section and regulations issued by the Office of Management and Budget pursuant to the criteria specified in section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262–3), as amended, and title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103–4), together with such additional procedures as the Office of Management and Budget may determine are necessary and appropriate to carry out the purposes of this Act, shall be utilized in the determination of whether such Federal programs, projects, and activities are consistent with the State land use programs.

(b) Any State or local government submitting an application for Federal assistance for any program, project, or activity having significant land use implications in an area or for a use subject to a State land use program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land use planning agency and/or the Governor and, in the case of an application of a local goverment, the views of such local government and the relevant areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1968 and/or title IV of the Intergovernmental Cooperation Act of 1968, as to the consistency of such activity with the State land use program: *Provided*, That, if a local government certifies that a plan or description of an activity for which application is made by the local government has lain before the State land use planning agency and/or the Governor for a period of sixty days without indication of the views of the State land use planning agency and/or the Governor, the application need not be accompanied by such views.

(c) Federal agencies conducting or assisting public works activities in areas not subject to a State land use program in a State found eligible for grants pursuant to part A of title II shall, to the extent practicable, conduct such activities in such a manner as to minimize any adverse impact on the environment resulting from decisions concerning land use.

FEDERAL ACTIONS IN THE ABSENCE OF STATE ELIGIBILITY

SEC. 208. (a) The Secretary shall have authority to terminate any financial assistance extended to a State under part A of title II and part E of title III and withdraw his determination of grant eligibility whenever, in accordance with section 306, the statewide land use planning process or the State land use program of such State is determined not to meet the requirements of this Act.

(b) Where any major Federal action significantly affecting the use of non-Federal lands is proposed after five fiscal years from the date of enactment of this Act in a State which has not been found eligible for grants pursuant to part A of title II, the responsible Federal agency shall hold a public hearing, with adequate public notice, in such State at least one hundred and eighty days in advance of the proposed action, concerning the effect of the action on land use, taking into account the relevant considerations set out in sections 202, 203, 204, 402, and 505 of this Act, and shall make findings which shall be submitted for review and comment by the Secretary, and, where appropriate, by the Secretary of Housing and Urban Deveopment. Such findings of the responsible Federal agency and comments of the Secretary and, where appropriate, the Secretary of Housing and Urban Development shall be made part of the detailed statement required by section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853). This subsection shall be subject to exception where the President determines that the interests of the United States so require.

TITLE III—ADMINISTRATION OF LAND USE POLICY

PART A—GUIDELINES, RULES, AND REGULATIONS

GUIDELINES

SEC. 301. The Executive Office of the President shall issue guidelines to the Federal agencies and the States to assist them in carrying out the requirements of this Act. The Executive Office shall submit proposed guidelines or any subsequent revisions therein to the Secretary, the Interagency Advisory Board on Land Use Policy established pursuant to section 305, the heads of agencies represented on the Board, and representatives of State and local governments, and shall consider their comments prior to formal issuance of such guidelines.

ADMINISTRATIVE RULES AND REGULATIONS

SEC. 302. The Secretary, after appropriate consultation with representatives of the States and, where appropriate, representatives of local governments, and upon the advice of the Board and the heads of Federal agencies represented on the Board, shall promulgate rules and regulations, and make any subsequent revisions thereto, to implement the guidelines formulated pursuant to section 301 and to administer this Act, except with respect to subsection (f) of section 306 of this Act.

PUBLIC PARTICIPATION

SEC. 303. An opportunity shall be afforded to the public for public hearings, with adequate public notice, on guidelines proposed pursuant to section 301 and rules and regulations proposed pursuant to section 302 prior to their final promulgation or subsequent revision.

PART B—ADMINISTRATION OF PROGRAMS

OFFICE OF LAND USE POLICY ADMINISTRATION

SEC. 304. (a) There is hereby established in the Department of the Interior the Office of Land Use Policy Administration (hereinafter referred to as the "Office").

(b) The Office shall have a director who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other officers and employees as may be required. The Director shall have such duties and responsibilities as the Secretary may assign.

(c) The Secretary, acting through the Office, shall—

(1) maintain a continuing study and analysis of the land resources of the United States and their use;

(2) maintain a continuing study and analysis of the methods adopted by the State and local governments to implement the requirements of this Act;

(3) cooperate with the States in the development of standard methods and classifications for the collection of land use data and in the establishment of effective procedures for the exchange and dissemination of land use data;

(4) develop and maintain a Federal Land Use Information and Data Center, with such regional branches as the Secretary may deem appropriate, which shall have available to it in a form which will enable the dissemination thereof to users of the Center—

(A) the results of the studies required in clauses (a) and (b) of this section and clauses (5) through (9) of section 305(c);

(B) plans for federally initiated and federally assisted activities which directly and significantly affect or have an impact upon land use patterns;

(C) to the extent practicable and appropriate, the plans and programs of State and local governments and private enterprises which have more than local significance for land use planning and management;

(D) statistical data and information on past, present, and projected land use patterns which are of more than local significance;

(E) studies pertaining to techniques and methods for the procurement, analysis, and evaluation of data and information relating to land use planning and management; and

(F) such other information pertaining to land use planning and management as the Director deems appropriate;

(5) make the information available to the Data Center accessible to Federal, regional, State, and local agencies conducting or concerned with land use planning and management and to the public;

(6) consult with other officials of the Federal Government responsible for the administration of Federal land use planning assistance programs to States, local governments, and other eligible public entities in order to coordinate such programs;

(7) administer the grant-in-aid and other programs established pursuant to this Act; and

(8) provide administrative support for the Interagency Advisory Board on Land Use policy established under section 305 of this Act.

INTERAGENCY ADVISORY BOARD ON LAND USE POLICY

SEC. 305. (a) The Secretary is authorized and directed to establish an Interagency Advisory Board on Land Use Policy (hereinafter referred to as the "Board").

(b) The Board shall be composed of:

(1) The Director of the Office of Land Use Policy Administration, who shall serve as Chairman;

(2) representatives of the Department of Agriculture; Commerce; Defense; Health, Education, and Welfare; Housing and Urban Development; Transportation; and Treasury; the Atomic Energy Commission; the Environmental Protection Agency; the Council on Environmental Quality; the Council of Economic Advisers; and the Office of Management and Budget, appointed by the respective heads thereof;

(3) representatives of such other Federal agencies, appointed by the respective heads thereof, as the Secretary may request to participate when matters affecting their responsibilities are under consideration.

(c) The Board shall meet regularly at such times as the Chairman may direct and—

(1) shall provide the Secretary with information and advice concerning the relationship of policies, programs, and activities established or performed pursuant to this Act to the programs of the agencies represented on the Board;

(2) shall render advice, pursuant to sections 301 and 302, to the Executive Office of the President and the Secretary concerning proposed guidelines, rules, and regulations for the implementation of the provisions of this Act;

(3) shall assist the Secretary and the agencies represented on the Board in the coordination of the review of statewide land use planning processes and State land use programs;

(4) shall provide advice on such land use policy matters as the Secretary may refer to the Board for its consideration;

(5) shall maintain a continuing study of the impact on land use of Federal programs including, but not limited to, land management activities; construction programs; grant, loan, and guarantee programs; and tax policies;

(6) shall conduct a study, and report within two years to the President and the Congress the results thereof, of means to reduce the number of, delays in obtaining, and conflicting requirements for, permits, licenses, and other governmental decisions, which serve as prerequisites to proposed development activities, with particular emphasis on such permits, licenses, and decisions as are associated with Federal programs;

(7) may conduct, or make a grant or contract, pursuant to section 308, for, a study to determine the feasibility of developing a raw land price index comparable to the Consumer Price Index;

(8) shall conduct, or make a grant or contract, pursuant to section 308, for, a study of environmental, social, and economic impacts, and the forecasting of such impacts, of public actions, including construction activities; grant, loan, or subsidy programs; zoning and other land management activities; and tax policies. Particular emphasis should be given to the impacts of various local assessment practices and other Federal, State, and local tax policies, and the effects of land use controls on the rights of private property owners;

(9) shall conduct, or make a grant or contract, pursuant to section 308, for, a study of the impact of current land and construction financing processes on land use patterns; and

(10) shall provide reports on land use policy matters which may be referred to the Board by the heads of Federal agencies through their respective representatives on the Board.

(d) Each agency representative on the Board shall have a career position within his agency of not lower than GS-15 and shall not be assigned any duties which are unrelated to the administration of land use planning and policy, except temporary housekeeping or training duties. Each representative shall—

(1) represent his agency on the Board;

(2) assist in the coordination and preparation within his agency of comments on (i) guidelines, rules and regulations proposed for promulgation pursuant to sections 301 and 302, and (ii) statewide land use planning processes and State land use programs;

(3) assist in the dissemination of land use planning and policy information and in the implementation within his agency of policies and procedures developed pursuant to this Act; and

(4) perform such other duties regarding the administration of land use planning and policy as the head of his agency may direct.

(e) The Board shall have as advisory members two representatives each from State governments and local governments and one representative each from regional interstate and intrastate public entities which have land use planning and management responsibilities. Such advisory members shall be selected by a majority vote of the Board and shall each serve for a two-year period.

PART C—FEDERAL REVIEW AND DETERMINATION OF GRANT ELIGIBILITY

SEC. 306. (a) During the five complete fiscal year period following the enactment of this Act, the Secretary, before making a grant to any State pursuant to this Act, shall consult with the heads of all Federal agencies represented on the Board and with the Board pursuant to subsection (c) of section 305 of this Act, and shall consider their views and recommendations.

(b) After the five complete fiscal year period following the enactment of this Act—

(1) the Secretary, before making a grant to any State pursuant to part A of title II, shall submit the State land use program of such State to the heads of all Federal agencies represented on the Board and to the Board pursuant to subsection (c) of section 305 of this Act. The Secretary shall review the comments of each agency head which are submitted to him by such agency head no later than thirty days after submission of the State land use program to such agency head by the Secretary; and

(2) the Secretary shall not make a grant to any State pursuant to part A of title II until he has ascertained that the Administrator of the Environmental Protection Agency is satisfied that the State land use program of such State is not incompatible with the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution which fall within the jurisdiction of the Administrator, and that those portions of the State land use program which will effect any change in land use within the next annual review period are in compliance with and will not cause violation of the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by such laws. The Administrator shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days of submission of the State land use program to him by the Secretary: *Provided, however,* That for the first full fiscal year following initial submission of State land use programs to the Administrator, he shall have one hundred and eighty days in which to communicate his views to the Secretary.

(c) The Secretary may not make any grant to any State pursuant to part A of title II unless he has been informed by the Secretary of Housing and Urban Development that he is satisfied that (1) the statewide land use planning process or State land use program of such State with respect to which the grant is to be made meets the requirements of this Act insofar as they pertain to large-scale development, large-scale subdivisions, and the urban development of lands impacted by key facilities, and (2), pursuant to section 204(6), the State is participating in programs established pursuant to section 701 of the Housing Act of 1954, as amended. The Secretary of Housing and Urban Development shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days after the statewide land use planning process or State land program has been submitted to him by the Secretary.

(d) The Secretary, in accordance with the procedures provided in subsections (a), (b), and (c) of this section, shall determine a State eligible or ineligible for a grant pursuant to this Act not later than six months following receipt for review of the application of the State for its first grant, a report of the State on its previous grant, or the State land use program of the State as provided in section 201.

(e) A State may revise at any time its State land use program: Provided, That such revision does not render the State land use program inconsistent with the requirements of this Act: *Provided further,* That any significant revision shall be made only following a public hearing with adequate public notice: *And provided further,* The Secretary shall make a temporary determination, prior to the full review of the State land use program pursuant to this section, of whether such revision would render the State land use program inadequate for purposes of complying with the requirements of this Act, and shall inform the State, in writing, of his determination.

(f)(1) In the event the Secretary, in accordance with the procedures provided in this section, determines that a State is ineligible for grants pursuant to part A of title II or, having found a State eligible for such grants, subsequently determines that grounds exist for withdrawal of such eligibility, he shall notify the President, who shall order the establishment of an ad hoc hearing board (hereinafter referred to as "hearing board"), the membership of which shall consist of:

(A) one knowledgeable, impartial Federal offical who is not an official of an agency listed in clauses (1) through (3) of subsection 306, selected by the President within thirty days after notification by the Secretary;

(B) the Governor of a State, which is not the State for which grant eligibility is in question and which does not have a particular interest in whether grant eligibility or ineligibility is determined, selected by the National Governors' Conference within thirty days after notification by the Secretary, or, within ten days thereafter, such alternate person as the Governor may designate; and

(C) one knowledgeable, impartial private citizen, selected by the other two members; *Provided,* That if the other two members cannot agree upon a third member within twenty days after the appointment of the second member to be appointed, the third member shall be selected by the National Center for Dispute Settlement within twenty days thereafter.

(2) The Secretary shall specify in detail, in writing, to the hearing board the reasons for which a State should be considered ineligible, or for which the eligibility of a State for grants should be withdrawn pursuant to this Act. The hearing board shall hold such hearings and receive such evidence as it deems necessary. The hearing board shall then determine whether a finding of ineligibility would be reasonable, and set forth in detail, in writing, the reasons for its determination. If the hearing board determines that ineligibility would be unreasonable, the Secretary shall find the State eligible for grants pursuant to this Act. If the hearing board concurs in the finding of ineligibility or withdrawal of eligibility, the Secretary shall find the State ineligible for grants pursuant to this Act. The Board shall make a determination of eligibility or ineligibility within ninety days of its appointment.

(3) Members of hearings boards who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the President, but not exceeding $150 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service. Expenses shall be charged to the account of the Executive Office of the President.

(4) Administrative support for hearing boards shall be provided by the Executive Office of the President.

(5) The President may issue such regulations as may be necessary to carry out the provisions of this subsection.

(g) In the consideration of eligibility or ineligibility before the Board, the Secretary shall carry the burden of proof to establish ineligibility under the following standards:

(1) in the case of ineligibility based upon the requirements of sections 402, 505, and 601 (i), (j), (k), and (l), the State has failed to make a good faith effort to comply with the requirements of, and reasonable regulations established pursuant to, this Act;

(2) in the case of ineligibiilty based upon the requirements of subsections 204(1), the Secretary's determination of the national interest is reasonable and the State has failed to comply with the requirements of this Act;

(3) in the case of ineligibility based upon any other grounds, the State has failed to

comply with the requirements of, and reasonable regulations established pursuant to, this Act.

(h) As a condition of continued eligibility for grants pursuant to this Act, nothing in this Act shall be construed to require a State to take, or prohibit a State from taking, any action or adopting any law, rule, or regulation the implementation of which would require compensation from the State to a private property owner under the terms of the fourteenth amendment to the United States Constitution. The standard of review concerning any question arising under this subsection shall be that contained in subsection (g)(3) of this section.

PART D—STUDY, RECOMMENDATION, AND CONGRESSIONAL CONSIDERATION OF LAND USE POLICIES

SEC. 307. Pursuant to section 102(a), the following procedures concerning the study, recommendation, and congressional consideration of land use policies shall be followed:

(a) Each State submitting an annual report under section 201(e) during the period of three complete fiscal years following the enactment of this Act shall include in such report—

(1) comments in regard to the desirability of establishing national land use policies pertaining to any of the subjects listed in subsection (b) of this section, and suggestions concerning the substance of such policies as might be established;

(2) comments in regard to any proposed national land use policies which have been recommended by the Council on Environmental Quality pursuant to subsection (c) of this section;

(3) such additional suggestions for national land use policies as it deems appropriate; and

(4) such separate comments on the matters described in this subsection as may be made by its intergovernmental advisory council established pursuant to section 202 (b)(6).

(b) As part of the process of determining the desirability of developing national land use policies and the substance of such policies, if appropriate, consideration shall be given to the need for policies which—

(1) insure that all demands upon the land—economic, social, and environmental—are fully considered in land use planning;

(2) give preference to long-term interests of the people of the State and Nation and insure public participation as the best means to ascertain such interests;

(3) insure the protection of the quality of the environment and provide access to a wide range of environmental amenities for all persons;

(4) encourage the preservation of a diversity of environments, including manmade, working and living environments, and natural environments with diverse forms of wildlife and flora;

(5) protect open space for public use or appreciation and as a means of shaping and guiding urban growth;

(6) give preference to development which is most consistent with control of air, water, noise, and other pollution and prevention of damage to the natural environment;

(7) insure that development is consistent with the provision of urban services, including education; water, sewer, and solid waste facilities; transportation; and police and fire protection;

(8) insure the timely siting of development, including key facilities as defined in section 601, necessary to meet national or regional social or economic requirements;

(9) encourage the conservation and wise use of energy and other natural resources and insure the supply of such resources to meet demonstrable demand based upon such conservation and use;

(10) preserve the sustained yield quality of renewable resource lands as defined in section 601;

(11) preserve and protect fragile and historic lands as defined in section 601; and

(12) protect life and property in natural hazard lands as defined in section 601.

(c) The Council on Environmental Quality shall review the desirability of national land use policies in regard to the items listed in subsection (b) and in regard to such other subjects as it deems appropriate. At the end of the first full fiscal year following the enactment of this Act, the Council shall submit to the Board a Land Use Policy Report containing such specific recommendations as it may deem appropriate for the establishment of national land use policies. The Board shall review the Land Use Policy Report, the reports of the States under section 201(e), the suggestions of Board members and the public, through public hearings with adequate public notice. Before the end of the third full fiscal year following the enactment of this Act, the Board shall recommend to the Congress such legislation as it may deem appropirate or necessary to establish national land use policies, and any requirements or procedures necessary to assure that the national land use policies are implemented.

PART E—TRAINING AND RESEARCH GRANTS AND CONTRACTS

SEC. 308. (a) The Secretary is authorized to make grants to public and private nonprofit institutions of higher education to assist in establishing or carrying out comprehensive research on and training in land use planning and management. Such grants shall be used to conduct or encourage research and investigations into the theoretical and practical problems of land use planning and management, and to provide for the training of persons to carry on further research or to obtain employment in private or public organizations which are concerned with land use planning and management. Such research and investigations may include, but are not limited to, methodologies for State land use planning, land use impact forecasting methodologies, the design of statewide land resource information systems, and land use data handling methodologies. In making such grants, the Secretary shall give preference to institutions of higher education which—

(1) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of carrying out such research and training;

(2) have authority to employ additional personnel or make contracts and other financial arrangements with other research and training facilities; and

(3) make available to the public all data, publications, studies, reports, and other information which result from such research and training, except information relating to matters described in section 552(b)(4) of title 5, United States Code.

(b) The Secretary is authorized to contract with public nonprofit institutions or private firms to conduct applied research on problems of land use planning and management.

(c) The Secretary is authorized to conduct or contract for the provision of training programs for personnel employed in land use planning and management agencies. Such training programs may consist of support for conferences, short courses, and fellowships for advanced training in public or private nonprofit institutions of higher education offering graduate study in fields having application to land use planning and management.

TITLE IV—FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

PLANNING AND MANAGEMENT OF FEDERAL LANDS

SEC. 401. (a) All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State land use programs prepared pursuant to this Act and State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning, and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs, and interests.

(b) For the purposes of this section, any agency proposing any new program, policy, rule, or regulation relating to Federal lands shall publish a draft statement and a final statement concerning the consistency of the program, policy, rule, or regulation with State and local land use planning and management, and where inconsistent, the reasons for such inconsistency, forty-five days and fifteen days, respectively, prior to the establishment of such program or policy or the promulgation of such rule or regulation, and, except where otherwise provided by law, shall conduct a public hearing, with adequate public notice, on such program, policy, rule, or regulation prior to the publication of the final statement.

STATE LAND USE PROGRAMS

SEC. 402. (a) As a condition of continued eligibility of any State for grants pursuant to this Act, after the five complete fiscal year period following the enactment of this Act, the Secretary shall have determined that—

(1) the State land use program developed pursuant to sections 203 and 204 of this Act includes methods for insuring that Federal lands within the State, including, but not limited to, units of the national park system, wilderness areas, and game and wildlife refuges, are not significantly damaged or degraded as a result of inconsistent land use patterns on adjacent non-Federal lands; and

(2) the State has demonstrated good faith efforts to implement such methods in accordance with clause (2) of section 204.

(b) The procedures for determination of grant eligibility provided for in section 306 shall apply in this section.

AD HOC FEDERAL-STATE JOINT COMMITTEES

SEC. 403. (a) The Secretary, at his discretion or upon the request of the Governor of any State involved, shall establish an Ad Hoc Federal-State Joint Committee or Committees (hereinafter referred to as "joint committee" or "committees") to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. Each joint committee shall include representatives of the Federal agencies having jurisdiction over the Federal lands involved, representatives of the private landowners involved, representatives of affected user groups, including recreation and conservation interests, and officials of affected State agencies and units of local government. Prior to appointing representatives of private landowners and user groups and officials of local governments, the Secretary shall consult with the Governor or Governors of the affected State or States and with other appropriate officials of the affected State or States and local governments. The Governor of each State shall appoint the officials of the affected agencies of his State who shall serve on the joint committee.

(b) Each joint committee shall terminate at the end of two years from the date of its establishment: *Provided, however,* That each such committee shall be continued for one additional two-year term at the direction of the Secretary or upon the request of the Governor of any State involved.

(c) Each member of a joint committee may be compensated at the rate of $100 for each days he is engaged in the actual performance of duties vested in his joint committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently: *Provided, however,* That no compensation except travel and expenses in addition to regular salary shall be paid to any full-time Federal or State officials.

(d) Each joint committee shall have available to it the services of an executive secretary, professional staff, and such clerical assistance as the Secretary determines is necessary. The executive secretary shall serve as staff to the joint committee or committees and shall be responsible for carrying out the administrative work of the joint committee or committees.

(e) The specific duties of any joint committee shall be assigned by the Secretary, in his discretion or upon the request of the Governor of any State involved, and may include—

(1) conducting a study of, and making recommendations to the Secretary concerning methods for resolving, general problems with and conflicts between land use inventory, planning, and management activities on or for Federal lands and State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands, including, where relevant, the State land use programs developed pursuant to this Act;

(2) investigating specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands and making recommendations to the Secretary concerning their resolution;

(3) assisting the States and the Office of Land Use Policy Administration in the development of systematic and uniform methods among the States and between the States and the Federal Government for collecting, compiling, exchanging, and utilizing land use data and information; and

(4) advising the Secretary, during his review of State land use programs, of opportunities for reducing potential conflicts and improving coordination in the planning and management of Federal lands and of adjacent non-Federal lands.

(f) Upon receipt of the recommendations of a joint committee upon a problem or conflict pursuant to subsection (e) of this section, the Secretary shall—

(1) where he has legal authority, take any appropriate and necessary action to resolve such problem or conflict; or

(2) where he does not have jurisdiction over or authority concerning the Federal lands which are involved in the problem or conflict, work with the appropriate Federal agency or agencies to develop a proposal designed to resolve the problem or conflict and to enhance cooperation and coordination in the planning and management of Federal lands and of adjacent non-Federal lands; or

(3) if he determines that the legal authority to resolve such problems or conflicts is lacking in the executive branch, recommend enactment of appropriate legislation to the Congress.

(g) In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall give careful consideration to the purposes of this Act and not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner contrary to the requirements of the laws governing the Federal lands involved.

BIENNIAL REPORT ON FEDERAL-STATE COORDINATION

SEC. 404. The Secretary shall report biennially to the President and the Congress concerning—

(a) problems in and methods for coordination of planning and management of Federal lands and planning and management of adjacent non-Federal lands, together with recommendations to improve such coordination;

(b) the resolution of specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands; and

(c) at the request of the Governor of any State involved, any unresolved problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands, together with any recommendations the Secretary and the Governor or Governors may have for resolution of such problem or conflict.

PUBLIC PARTICIPATION

SEC. 405. (a) Prior to the making of recommendations on any problem or conflict pursuant to subsection (e) of section 403, each joint committee shall conduct a public hearing or provide an opportunity for such a hearing in the State on such problem or conflict, with adequate public notice, allowing full participation of representatives of Federal, State, and local governments and members of the public. Should no hearing be held, the joint committee shall solicit, with adequate public notice, the views of all affected parties and the public and submit a summary of such views, together with its recommendations, to the Secretary.

(b) Prior to the making of recommendations or the taking of actions pursuant to subsection (f) of section 403, the Secretary shall review in full the relevant hearing record or, where none exists, the summary of views of affected parties prepared pursuant to subsection (a) of this section, and may, in his discretion, hold further public hearings with adequate public notice.

AGENCY ASSISTANCE

SEC. 406. Upon request of a joint committee, the head of any Federal department or agency or federally established or authorized interstate agency is authorized: (i) to furnish to the joint committee, to the extent permitted by law and within the limits of available funds, such information as may be necessary for carrying out the functions of the joint committee and as may be available to or procurable by such department, agency, or interstate agency; and (ii) to detail to temporary duty with the joint committee, on a reimbursable basis, such personnel within his administrative jurisdiction as the joint committee may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

TITLE V—LAND USE PROGRAMS FOR RESERVATION AND OTHER TRIBAL LANDS

GRANTS TO INDIAN TRIBES

SEC. 501. The Secretary is authorized to make annual grants to any Indian tribe to assist such tribe in developing and administering a land use program for reservation and other tribal lands of such tribe.

LAND USE PLANNING PROCESSES FOR RESERVATION AND OTHER TRIBAL LANDS

SEC. 502. (a) Prior to making any grant pursuant to this title to any Indian tribe, the Secretary shall first be satisfied that the tribe intends to expend such funds for the development of a land use planning process for the reservation and other tribal lands of such tribe.

(b) The land use planning processes shall include—

(1) the preparation of an inventory of the reservation and other tribal lands and their natural resources and the nature, quantity, and compatibility of such land and resources required to meet economic, social, and environmental needs;

(2) the establishment of methods for identifying areas of critical environmental concern; areas which are, or may be, impacted by key facilities; and any areas suitable for potential large scale development;

(3) the establishment of arrangements for the exchange of data and information pertinent to land use planning with the Federal Government, the State agencies in the State or States in which the reservation and other tribal lands involved are situated, and neighboring local governments;

(4) the dissemination of information to and the assurance of participation of reservation residents and tribal members in the development of the land use planning process; and

(5) the hiring of competent professional and technical personnel and, whenever appropriate, the use of special consultants.

LAND USE PROGRAMS FOR RESERVATION AND OTHER TRIBAL LANDS

SEC. 503. (a) Prior to making any grant pursuant to this title to any Indian tribe after the five complete fiscal year period following the first grant to such tribe, the Secretary shall first be satisfied that—

(1) the tribe has established an adequate land use planning process as provided for in section 502 hereof;

(2) has developed, or is in the course of developing, a land use program for the reservation and other tribal lands of such tribe, which program shall include methods for—

(A) assuring control over large-scale development, development of public facilities or utilities of regional benefit, land sales or development projects, and use and development in areas of critical environmental concern and areas impacted by key facilities;

(B) assuring dissemination of information to and participation of reservation residents and tribal members in the development and implementation of the land use program; and

(C) coordinating, pursuant to section 505, the land use program with any State land use program approved pursuant to this Act and with the use of Federal lands adjacent to the reservation and other tribal lands;

(3) in designating areas of critical environmental concern, the Indian tribe has not excluded any areas of critical environmental concern which are of more than tribal and statewide concern; and

(4) the Indian tribe is demonstrating good faith efforts to complete the land use program, and, upon completion thereof, is demonstrating good faith efforts to implement the purposes, policies, and provisions of such program. For the purposes of this clause (4), the inability of an Indian tribe to take any action the purpose of which is to implement the land use program, or any portion thereof, because such action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not be construed as failure by the tribe to demonstrate good faith efforts to implement the purposes, policies, and provisions of the land use program.

(b) In the implementation of its land use program, the governing body of each Indian tribe is hereby authorized to enact zoning ordinances or otherwise to regulate the use of the reservation and other tribal lands of such tribe, subject to the approval of the Secretary.

DEFINITIONS

SEC. 504. The definitions of "areas of critical environmental concern", "key facilities", and "large scale development" provided in section 601 shall be applicable to the same terms contained in sections 502(b)(2) and 503(a)(2)(A), except that, for the purposes of sections 502(b)(2) and 503(a)(2)(A) the following substitution of words shall be made within such definitions: (i) "reservation and other tribal lands" for "non-Federal lands", and (ii) "Indian tribe" or "tribal", whichever is appropriate, for "State".

COORDINATION WITH STATE LAND USE PROGRAMS AND FEDERAL LANDS PLANNING

SEC. 505. (a) To the extent that the laws governing the management of the Federal lands permit, all agencies of the Federal Government charged with responsibility for the management of Federal lands adjacent to reservation and other tribal lands subject to a land use program of a tribe which is eligible for financial assistance pursuant to this title shall control the use of such Federal lands so as to insure that such use is consistent with such land use program.

(b) All State and local government agencies with authority to control the use of non-Federal lands adjacent to reservation and other tribal lands subject to a land use program of a tribe which is eligible for financial assistance pursuant to this title shall control the use of such non-Federal lands so as to insure that such use is consistent with such land use program. The requirement of this subsection shall serve as a further condition of eligibility of any State for grants pursuant to part A of title II after the five complete fiscal year period following the enactment of this Act.

(c) The land use program prepared by any Indian tribe pursuant to this title shall provide for control of the use of that portion of the reservation and other tribal lands which is adjacent to the exterior boundaries of the reservation and other tribal lands so as to insure that such use is consistent with the use of Federal lands adjacent to the reservation and other tribal lands and the use of any non-Federal lands which are subject to a State land use program approved pursuant to this Act and are adjacent to the reservation and other tribal lands. If no land use program is prepared after the five complete fiscal year period following the first grant to any such Indian tribe, the tribe shall assume interim control of that portion of the reservation and other tribal lands which is adjacent to the exterior boundaries of the reservation and other tribal lands so as to fulfill requirement of this subsection. The requirement of this subsection shall serve as a further condition of eligibility of any Indian tribe for grants pursuant to this title after the five complete fiscal year period following the first grant to such tribe.

CONFLICTS RESOLUTION

SEC. 506. Any State, Indian tribe or the Secretary at the direction of any Indian tribe, or Federal agency with Federal land management responsibilities, which believes that the requirements of section 505 have not been met and has jurisdiction over any portion of the particular lands involved may institute a civil action in the district court of the United States in the jurisdiction of which the lands involved are located for a restraining order or injunction or other appropriate remedy to enforce the provisions of section 505.

TRIBAL REPORTING REQUIREMENTS

SEC. 507. (a) Any Indian tribe which is receiving or has received a grant pursuant to this title shall report at the end of each fiscal year to the Secretary, in a manner prescribed by him, on activities undertaken by the tribe pursuant to or under this title.

(b) Upon completion of a land use program, the relevant Indian tribe shall submit such program annually with the report required in subsection (a) hereof.

REPORT OF THE SECRETARY

SEC. 508. The Secretary shall report annually to the President and the Congress on all actions taken in furtherance of this title and on the impacts of all other programs or services to or on behalf of Indians on the ability of Indian tribes to fulfill the requirements of this title.

ANNOUNCEMENT OF PROGRAM

SEC. 509. Within one year of the enactment of this Act, the Secretary shall make known the benefits of this title to all Indian tribes. The Secretary shall make every effort to insure that the provisions of this title are fully understood by such tribes. The Secretary may fulfill the requirements of this section by contract with any non-profit educational or service organization. On entering into such contract or contracts, the Secretary shall give preference to such organizations the primary responsibility of which is service to Indians or education on subjects of Indian concern.

FEDERAL REVIEW

SEC. 510. The standards for review to determine eligibility of Indian tribes for grants pursuant to this title shall be the same as those provided for determination for eligibility of States for grants under this Act. The review shall be conducted entirely by the Secretary of the Interior and the review procedures provided in section 306 (a) through (f) shall be inapplicable to this title.

TITLE VI—GENERAL

DEFINITIONS

SEC. 601. For the purposes of this Act—

(a) "Secretary" means the Secretary of the Interior.

(b) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(c) "General purpose local government" means any general purpose unit of local government as defined by the Bureau of Census and any regional, intergovernmental, or other public entity which is deemed by the Governor to have authority to conduct land use planning on a general rather than a strictly functional basis.

(d) "Local government" means any "general purpose local government" as defined in subsection (c) hereof or any regional combination thereof, or, where appropriate, any other public agency which has land use planning authority.

(e) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except reservation and other tribal lands as defined in subsection (g) hereof.

(f) "Non-Federal lands" means all lands which are not "Federal lands" as defined in subsection (e) hereof, reservation and other tribal lands as defined in subsection (g) hereof of this section and are not held by the Federal Government in trust for the benefits of Indians, Aleuts, and Eskimos.

(g) "Reservation and other tribal lands" means all lands within the exterior boundaries of any Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands held in trust for or supervised by any Indian tribe as defined in subsection (h) hereof.

(h) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary.

(i) "Areas of critical environmental concern" means areas as defined and designated by the State on non-Federal lands where uncontrolled or incompatible development could result in damage to the environment, life or property, or the long term public interest which is of more than local significance. Such areas, subject to State definition of their extent, shall include—

(1) "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes, and streams; rare or valuable ecosystems and geological formations; significant wildlife habitats; and unique scenic or historic areas;

(2) "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property, such lands to include flood plains and areas frequently subject to weather disasters, areas of unstable geological, ice, or snow formations, and areas with high seismic or volcanic activity;

(3) "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern, such lands to include watershed lands, aquifers and aquifer recharge areas, significant agricultural and grazing lands, and forest lands; and

(4) such additional areas as the State determines to be of critical environmental concern.

(j) "Key facilities" means—

(1) public facilities, as determined by the State, on non-Federal lands which tend to induce development and urbanization of more than local impact, including but not limited to—

(A) any major airport designed to serve as a terminal for regularly scheduled air passenger service or one of State concern;

(B) major interchanges between the Interstate Highway System and frontage access streets or highways; major interchanges between other limited access highways and frontage access streets or highways;

(C) major frontage access streets and highways, both of State concern; and

(D) major recreational lands and facilities;

(2) major facilities on non-Federal lands for the development, generation, and transmission of energy.

(k) "Large scale development" means private development on non-Federal lands which, because of its magnitude or the magnitude of its effect on the surrounding environment, is likely to present issues of more than local significance in the judgment of the State. In determining what constitutes "large scale development" the State should consider, among other things, the amount of pedestrian or vehicular traffic likely to be generated; the number of persons likely to be present; the potential for creating environmental problems such as air, water, or noise pollution; the size of the site to be occupied; and the likelihood that additional or subsidiary development will be generated.

(l) "Land sales or development projects", "projects", or "project" means any of the activities set forth in clauses (1) through (3) below which occur ten miles or more beyond the boundaries of any standard metropolitan statistical area or of any other general purpose local government certified by the Governor as possessing the capability and authority to regulate such activities:

(1) the partitioning or dividing into fifty or more lots for sale or resale primarily for housing purposes within a period of ten years of any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer;

(2) the construction or improvement primarily for housing purposes of fifty or more units within a period of ten years on any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer, including the construction of detached dwellings, town houses, apartments, and trailer parks, and adjacent uses and facilities, whatever their form of ownership or occupancy; and

(3) such other projects as may be designated by the State.

(m) "Developer" means any person or persons who directly or indirectly, through any formal or informal combination or aggregation, own or control a tract or tracts of land for which such person or persons propose a "project" as defined in subsection (l) hereof.

(n) "Person" includes any individual, partnership, corporation, association, unincorporated organization, trust, estate, or any other legal or commercial entity, except Federal, State, or local government agencies.

(o) "Adjacent non-Federal lands" means all non-Federal lands which are in the immediate geographic proximity of and border Federal lands.

(p) "Adjacent Federal lands" means all Federal lands which are in the immediate geographic proximity of and border non-Federal lands.

BIENNIAL REPORT OF THE SECRETARY

SEC. 602. The Secretary, with the assistance of the Office and the Board, shall report biennially to the President and the Congress on land resources, uses of land, and current and emerging problems of land use. Such report shall also contain the results of the studies required pursuant to clauses (1) and (2) of section 304(c) and clauses (5) through (9) of section 305(c), and an evaluation of the effectiveness of each State program in meeting the purposes of this Act.

UTILIZATION OF PERSONNEL

SEC. 603. Upon the request of the Secretary, the head of any Federal agency is authorized: (i) to furnish to the Office such information as may be necessary for carrying out the functions of the Office and as may be available to or procurable by such agency, and (ii) to detail to temporary duty with the Office, on a reimbursable basis, such personnel within his administrative jurisdiction as the Office may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

TECHNICAL ASSISTANCE

SEC. 604. The Office may provide, directly or through contracts, grants, or other arrangements, technical assistance to any State or Indian tribe found eligible for grants pursuant to this Act to assist such State or tribe in the performance of its functions under this Act.

HEARINGS AND RECORDS

SEC. 605. (a) For the purposes of carrying out the provisions of this Act, the Director, with the concurrence of the Secretary, may hold such hearings, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of the proceedings and reports thereon as he deems advisable.

(b) The Director is authorized to administer oaths when he determines that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Office shall be made available for public inspection during ordinary office hours.

ALLOTMENTS

SEC. 606. (a) Annual grants, pursuant to part A of title II, to States found eligible for financial assistance pursuant to this Act shall be made in amounts not to exceed 90 per centum of the estimated cost of developing the State land use programs for the five complete fiscal year period following the enactment of this Act and amounts not to exceed 66⅔ per centum of the estimated cost of administering the State land use programs for the next three fiscal years.

(b) Annual grants pursuant to part B of title II shall be made in amounts not to exceed 90 per centum of the cost of coordinating State and local land use planning, policies, and programs concerning, studying land use in, conducting land use planning for, or implementing land use policies in, interstate areas.

(c) Grants pursuant to title II shall be allocated to the States on the basis of regulations of the Secretary, which regulations shall take into account the amount and nature of each State's land resource base, population, pressures resulting from growth, land ownership patterns, particularly those pressures resulting from use of national parks, national seashore and lakeshores, wild and scenic rivers, wilderness areas, and other Federal lands, extent of areas of critical environmental concern, financial need, and other relevant factors.

(d) Any grant pursuant to title II shall increase, and not replace, State funds presently available for State land use planning and management activities. Any grant made pursuant to this Act shall be in addition to and may be used jointly with, grants or other funds available for land use planning, programs, surveys, data collection, or management under other federally assisted programs.

(e) Annual grants to Indian tribes pursuant to title V shall be made in amounts of not to exceed 100 per centum of the estimated cost of developing and implementing land use programs for reservation and other tribal lands.

(f) When a State possesses a State land use program approved pursuant to this Act and utilizes general purpose local governments for implementation of such program pursuant to section 203(b) and (c)(1), the State shall allocate a portion of its grant funds pursuant to part A of title II to the general purpose local governments in proportion to the degree of implementation responsibility which they possess.

(g) No funds granted pursuant to this Act may be expended for the acquisition of any interest in real property.

FINANCIAL RECORDS

SEC. 607. (a) Each recipient of a grant pursuant to this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status, disposition, and application of Federal funds and the operation of the statewide land use planning process or State land use program as the Secretary may require by regulations published in the Federal Register, and shall keep and make available such records as may be required by the Secretary for the verification of such reports and evaluations.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of a recipient of a grant pursuant to this Act which are pertinent to the determination that funds granted pursuant to this Act are used in accordance with this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 608. (a) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $100,000,000 each fiscal year to carry out the purposes of this Act.

(b) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $15,000,000 each fiscal year to carry out the purposes of section 205 of this Act.

(c) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary $2,000,000 each fiscal year to carry out the purposes of section 308 of this Act.

(d) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to Indian tribes not more than $10,000,000 each fiscal year to carry out the purposes of title V of this Act.

(e) For each of the five full fiscal years following the enactment of this Act, there are authorized to be appropriated $10,000,000 to the Secretary to be used exclusively for the administration of this Act. After the end of the fourth fiscal year after the enactment of this Act, the Secretary shall review the programs established by this Act and shall submit to Congress his assessment thereof and such recommendations for amendments to the Act as he deems proper and appropriate.

FUNDING FORMULA: COASTAL ZONE MANAGEMENT ACT AND THIS ACT

SEC. 609. (a) All funds appropriated each fiscal year pursuant to the Coastal Zone Management Act of 1972 (86 Stat. 1280) and this Act shall be fully apportioned for obligation by the Secretary of Commerce and the Secretary of the Interior, respectively.

(b) All funds appropriated each fiscal year for grants to the States pursuant to part A of title II of this Act and sections 305 and 306 of the Coastal Zone Management Act of 1972 shall be combined and shall be available to be drawn upon for obligation by the Secretary and the Secretary of Commerce, respectively, in the same ratio as the funds appropriated that fiscal year pursuant to the authorization provided in section 608(a) of this Act bear to funds appropriated that fiscal year pursuant to the authorization provided in section 315(a)(1) and (2) of the Coastal Zone Management Act of 1972.

EXPENDITURE OF FUNDS: COASTAL ZONE MANAGEMENT ACT AND THIS ACT

SEC. 610. (a) Any State which is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280) and which has been found ineligible for grants pursuant to section 305 or 306 of that Act shall not expend any funds received under grants pursuant to part A of title II of this Act for land use planning and management in, or administration of the State's management program for, the coastal zone as defined in section 304 of that Act.

(b) The Coastal Zone Management Act of 1972 (86 Stat. 1280) is hereby amended by—

(1) adding, at the end of section 315, a new section 316, as follows:

"SEC. 316. Any coastal State which has been found ineligible for grants pursuant to part A of title II of the Land Use Policy and Planning Assistance Act shall not expend any funds received under grants pursuant to section 305 or 306 of this Act for land use planning and management in, or implementation of a State land use program as provided for in that Act for, areas other than those defined by such coastal State as within its coastal zone."; and

(2) striking subsection (g) of section 307.

EFFECT ON EXISTING LAWS

SEC. 611. Nothing in this Act shall be construed—

(a) to expand or diminish Federal, interstate or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development or control; to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States, a State, or a region and the Federal Government; to limit the authority of Congress to authorize and fund projects;

(b) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as new authority or responsibilities have been added by the provisions of this Act;

(c) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of land and water resources or to exercise licensing or regulatory functions in relation thereto; or to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, on the International Boundary and Water Commission, United States and Mexico;

(d) as superseding, repealing, or conflicting with the Coastal Zone Management Act of 1972 (86 Stat. 1280);

(e) as granting to the Federal Government any of the constitutional or statutory authority now possessed by State and local governments to zone non-Federal lands;

(f) as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people;

(g) to delay or otherwise limit the adoption and vigorous enforcement by any State of standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act, or other Federal laws controlling pollution;

(h) to adopt any Federal policy or requirement which would prohibit or delay States or local governments from adopting or enforcing any law or regulation which results in control to a degree greater than required by this Act of land use in any area over which the State or local government exercises jurisdiction; and

(i) to affect in any way the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). Nor may an Ad Hoc Federal-State Joint Committee be established in Alaska during the existence of the Joint Federal-State Land Use Planning Commission.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes."

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 268, and that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7357) to amend section 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TEAGUE of Texas, Mr. HECHLER of West Virginia, Mr. FUQUA, Mr. SYMINGTON, Mr. MOSHER, Mr. BELL, and Mr. WYDLER were appointed managers on the part of the House at the conference.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JOHNSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1385.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.) laid before the Senate the amendment of the House of Representatives to the bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands which was to strike out all after the enacting clause, and insert:

That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for each of the fiscal years 1971, 1972, and 1973, $60,000,000", and inserting in lieu thereof: "and for each of the fiscal years 1974, 1975, and 1976, $60,000,000 plus such sums as are necessary, but not to exceed $10,000,000, for each of such fiscal years, to offset reductions in, or the termination of, Federal grant-in-aid programs or other funds made available to the Trust Territory of the Pacific Islands by other Federal agencies".

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

ORDER OF BUSINESS—PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the disposition of the message from the House, which the distinguished Senator from Louisiana has asked to have laid before the Senate, the Senate then proceed to the considration of S. 1435, the District of Columbia home rule bill; that upon the disposition of that bill, the Senate proceed to the consideration of S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; that upon the disposition of that bill, the Senate proceed to the consideration——

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER. The Chair did not hear the last bill to which the Senator referred.

Mr. ROBERT C. BYRD. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the message from the House, which the Senator from Louisiana has asked to have laid before the Senate, the Senate proceed to the consideration of S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; that upon the disposition of that bill, the Senate proceed to the consideration of S. 1435, a bill to provide an elected Mayor and City Council for the District of Columbia; that upon the disposition of that bill, the Senate proceed to the consideration of S. 1994, a bill to authorize appropriations to the Atomic Energy Commission.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I wonder whether the distinguished majority whip would outline the time agreements on particularly the first two measures. I know there are time agreements.

Mr. ROBERT C. BYRD. I may not be able to recall correctly, but I believe the time limitation on the bill to be managed by Senator HUGHES is an hour and a half on the bill and 40 minutes on any amendment. On the District of Columbia bill, I believe the agreement provides for an hour on the bill and a half hour on amendments.

Mr. GRIFFIN. I thank the Senator.

Mr. ROBERT C. BYRD. Then, may I say to the Senator, I believe the time limitation on the atomic energy bill is 1 hour on the bill and one-half hour on any amendments. May I ask the Chair if that is correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. GRIFFIN. I withdraw the reservation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The Senate continued with the consideration of the message from the House of Representatives on S. 1385, to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, on May 22, the Senate passed S. 1385, a bill relating to the Trust Territory of the Pacific Islands.

The House of Representatives has amended the Senate bill by striking all after the enacting clause and substituting the language of H.R. 6129. The original Senate language provided for an authorization of $60 million for fiscal year 1974 for operations in the territory. The House has provided for a 3-year authorization of $60 million annually for the territory for fiscal years 1974, 1975, and 1976. The House has also provided for an additional sum not to exceed $10 million annually to be authorized and used if necessary to offset reduction in or termination of Federal grant-in-aid programs or other funds made available to the territory by other Federal agencies. The Senate version did not have a similar provision.

The House also struck from S. 1385 all of section 2 which authorized and directed the Federal comptroller for Guam to conduct both performance and expenditure auditing in the trust territory.

Mr. President, it is my understanding that the differences between the Senate language and the House language can be reconciled without the need for a formal conference.

Mr. President, I intend to move that the Senate concur in the House amendment with amendments which I send to the desk.

The amendments which I am proposing would limit the authorization for the trust territory to fiscal year 1974 only, which will afford the Committees on Interior and Insular Affairs of both Houses additional time in which to review operations within the territory, and to better judge the capital improvements and administrative needs during the fiscal years to come. Moreover, it would afford an opportunity for the Federal comptroller in Guam to make an audit and advise the Congress on steps that should be taken to improve administration of the territory.

In view of the uncertainty of the continuation of grant-in-aid programs, I do not think there should be any objection to the retention of language approved by the House to authorize up to $10 million of additional funds if the grants-in-aid are discontinued during the coming fiscal year. However, my amendment would limit that authorization to fiscal year 1974.

The third amendment would reinstate the identical text of section 2 of S. 1385, as passed by the Senate, extending the authority of the Federal comptroller for Guam to the Trust Territory of the Pacific Islands and prescribing his duties and responsibilities.

I believe with the adoption of these amendments we will have reached a very satisfactory compromise of the differences between the Senate and House language and will be providing for the people of Micronesia a level of financial support consistent with that provided by Congress in preceding years.

Mr. President, I have cleared these amendments with the ranking minority member of the Interior Committee (Mr. FANNIN).

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments, as follows:

On line 4, strike out words "and for each of the fiscal years 1974, 1975, and 1976, $60,000,000" and insert in lieu thereof "for fiscal year 1974, $64,000,000".

On line 6, delete $10,000,000, for each of such fiscal years," and insert in lieu thereof "$10,000,000 for fiscal year 1974.".

Add a new section 2 as follows:

SEC. 2. The Act of June 30, 1954, as amended is further amended by adding at the end thereof the following new section:

"SEC. 4. (a) The government comptroller for Guam appointed pursuant to the provisions of section 9–A of the Organic Act of Guam shall, in addition to the duties imposed on him by such Act, carry out, on and after the date of the enactment of this section, the duties set forth in this section with respect to the government of the Trust Territory of the Pacific Islands. In carrying out such duties, the comptroller shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Trust Territory of the Pacific Islands. The salary and expenses of the comptroller's office shall, notwithstanding the provisions of subsection (a) of section 9–A of the Organic Act of Guam, be apportioned equitably by the Secretary of the Interior between Guam and the Trust Territory of the Pacific Islands from funds available to Guam and the trust territory.

"(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Trust Territory of the Pacific Islands and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Trust Territory of the Pacific Islands including those pertaining to trust funds held by such government.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the High Commissioner of the Trust Territory of the Pacific Islands all failures to collect amounts due the government, and the expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Trust Territory of the Pacific Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of such government are properly accounted for and audited.

"(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the High Commissioner, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(e) If the High Commissioner does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam. if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the High Commissioner, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

"(f) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the High Commissioner and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

"(h) The government comptroller shall make such other reports as may be required by the High Commissioner, the Comptroller General of the United States, or the Secretary of the Interior.

"(i) The office and activities of the government comptroller pursuant to this section shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the High Commissioner, the Secretary of the Interior, the President of the Senate and the Speaker of of the House of Representatives.

"(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I move that the Senate concur in the House amendment with the amendments I have offered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1973

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate S. 1125, which the clerk will state.

The bill was stated by title as follows:

A bill (S. 1125) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with a substitute amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that Miss Mary Ellen Miller, staff director of the Subcommittee on Alcoholism and Narcotics be allowed the privilege of the floor during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield briefly?

Mr. HUGHES. I yield.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

UNANIMOUS-CONSENT AGREEMENT ON INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—having cleared the matter with the distinguished assistant Republican leader, and the Senator from Texas (Mr. TOWER), the Senator from Alabama (Mr. SPARKMAN), the ranking minority member and the chairman of the committee, respectively—that at such time as S. 1636, a bill to amend the International Economic Policy Act of 1972, is made the pending business before the Senate, there be a time limitation of 1 hour on the bill, to be equally divided between the Senator from Alabama (Mr. SPARKMAN) and the Senator from Texas (Mr. TOWER), with time on any amendment, including an amendment of the Senator from South Dakota (Mr. McGOVERN), to be limited to ½ hour, the time to be equally divided, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the consideration of S. 1636, a bill to amend the International Economic Policy Act of 1972, debate on any amendment, debatable motion, or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Alabama (Mr. Sparkman): *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Alabama (Mr. Sparkman) and the Senator from Texas (Mr. Tower): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (S. 1125) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

Mr. HUGHES. Mr. President, today we consider S. 1125, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973. The bill was reported without dissent on June 6 by the Committee on Labor and Public Welfare. Our Subcommittee an Alcoholism and Narcotics had held hearings on the bill in Washington on March 13, 14, and 16. Additional testimony was received during hearings held by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER in Philadelphia in April.

At this point I want to express my deep appreciation to the distinguished chairman of the Committee on Labor and Public Welfare, the Senator from New Jersey (Mr. WILLIAMS), to the senior minority Member, the Senator from New York (Mr. JAVITS), to the Senator from Pennsylvania (Mr. SCHWEIKER), and indeed to all the members of the Subcommittee on Alcoholism and Narcotics. They have given strong and unwavering support to the position that these alcoholism programs must be carried forward. It has always been a completely bipartisan effort.

The primary purpose of S. 1125 is to extend for an additional 3 years the grant authorities provided for the first 3 years by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. In addition, it makes other changes in the Act of 1970 which are designed to improve its administration and to strengthen the national commitment to the battle against alcohol abuse and alcoholism.

Mr. President, I ask unanimous consent to have included at this point in the RECORD a detailed summary of the bill as reported.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 1125

1. The bill extends through fiscal 1976 the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91-616. The Fiscal 1973 formula grant authorization of $80 million had been extended for one additional year, through Fiscal 1974, by Public Law 92-554, approved October 25, 1972. S. 1125 would extend it for two more years, maintaining the annual authorization level at $80 million.

2. It extends the contract and project grant authority of the Act of 1970 for an additional three years, through Fiscal 1976. Authorized to be appropriated are $90 million in Fiscal 1974, $100 million in Fiscal 1975, and $110 million in Fiscal 1976.

3. It adds a new special grant authority providing an additional allotment of $100,000 plus 10% of its formula allotment for each state which adopts the Uniform Alcoholism and Intoxication Treatment Act, or legislation substantially similar to that Act, which requires intoxication to be treated as a responsibility of the community's public health and social service agencies rather than of its criminal justice system. It would not affect laws against operating vehicles or machinery while intoxicated, or laws regulating the sale or possession of alcoholic beverages.

4. It prohibits public or private general hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment policies against any person solely because of his alcohol abuse or alcoholism. It does not give alcoholics a preferred position, nor does it preclude agreements among hospitals for the division of responsibility for treatment of alcoholics.

5. It deletes the language of the Act of 1970 placing the National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health and substitutes language placing it within the Department of Health, Education, and Welfare, thereby permitting, not requiring, the Secretary to place the Institute elsewhere within the Department.

6. It authorizes the appointment of a Deputy Director, four Associate Directors, an Executive Officer, and four Division Directors and the hiring of necessary attorneys. The authority is needed in order to attract and hold the highly-qualified scientific technical and medical personnel required to administer the Institute's programs.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself such time as I may need.

Members will note that in the interest of budget restraint we have cut $80 million from the amounts authorized in the original bill. These cuts will result in holding the fiscal 1974 authorizations for alcoholism programs at approximately the 1973 level. Only $10 million would be added in fiscal 1975 and another $10 million in fiscal 1976. The total amount authorized in this bill over the 3-year period is $460 million.

I agreed only reluctantly to these reductions below the amounts in the original bill. They were especially painful because the administration has not allowed funds to be used for new community alcoholism projects since the end of fiscal 1972, nearly a year ago. Since that time funds for such projects have gone only to those who had been given a commitment prior to June 30, 1972. As a result, a backlog of approved but unfunded projects has accumulated and is now approaching a total of $35 million. In effect, progress on this vital element of our attack on alcoholism came to a standstill a year ago.

To carry on existing commitments, to fund last year's unfunded new projects, and to go forward on new projects in the next 3 years would have justified far greater amounts than we have recommended in this bill.

Mr. President, the administration has opposed this bill, just as it has opposed other health and human resources bills. The Department's witness cited budget priorities and set forth the administration's view that the Federal program was intended only as a "demonstration" effort which should now be picked up by the States and local communities.

Certainly budget priorities are a proper subject for debate. It is my view, however, that this is a modest bill. It calls for no increase in the 1974 authorizations above that for 1973, and it provides for increments of only $10 million in each of the following 2 years. Considered in terms of what we have spent, and are still spending, for the weapons of war, and for that matter, recalling the sums that have been collected to run Presidential campaigns, the total represents only a limited attack on a disease which afflicts at least 9 million Americans and costs the economy at least $15 billion every year.

Regarding the administration's claim that we intended only a "demonstration" effort when we passed the 1970 act, the legislative record offers absolutely no support for this view. The administration's witnesses could point to no provision in the act of 1970 that suggested that congressional intent was so limited. Our committee report on the 1970 act called it "an adequate first step and appropriate beginning to a solution to the problem." Of course, the obvious question is this: if we were planning nothing more than a short term demonstration, why would the Congress have created an institute on alcohol abuse and alcoholism and directed it to develop and conduct comprehensive programs?

The administration takes the position that further funding for alcoholism treatment programs should come from other sources, such as State and local revenues, possibly revenue-sharing funds, or other third-party payments. I can assure my colleagues that everyone administering an alcoholism program would be delighted to have funds from these other sources. Unfortunately, they are not forthcoming in any substantial amounts. The Department's witness admitted that he knew of no program which had a commitment from any of these alternative sources of funding.

The impact of the administration's policy on local programs was clearly explained in a story that appeared last month in the "Savannah, Ga., Press." It reported that because the Chatham Clinic for Alcoholism had conducted such a successful program during the past year, State funding priorities are now being placed elsewhere. The program was to receive $500 a month less in Federal funds than it had received in the preceding year. Yet, it has been taking in 80 new patients each month and could take in more if its hours could be extended.

Apparently, the reward for success is to be the same as the penalty for failure—withdrawal of Federal financial help.

I am sure that the Georgia Department of Human Resources regretted their decision. But Georgia received less than $690,000 for its allotment under the State formula grant program, and these funds must be stretched over a large State.

Mr. President, without adequate project grant and contract funds, I am convinced that the most innovative and promising of the alcoholism programs would fade away.

There would be no funds for the institute's part of the drinking driver program. The Department of Transportation has been given ample funds for screening and identifying problem drinkers on the highways, but there would still be a shortage of funds for the programs needed to treat these people.

American Indians have for the first time found hope for controlling the epidemic of alcoholism in their midst. Federal agencies directly responsible for helping Indians have shown little interest in alcoholism, and there is no evidence that they would set aside funds to replace those lost if this bill should fail.

The occupational alcoholism program, one of the most promising efforts in terms of saving the employed alcoholic before he loses his job and destroys his family, would come to a halt.

The alcoholism programs begun by OEO and now transferred to the national institute would also disappear. These programs have concentrated on helping whole families by keeping them together and self supporting rather than on public welfare.

Mr. President, there is no doubt in my mind that the very heart of our commitment to a national attack on this major crippling and killing disease lies in the Institute's contract and project grant authority. It is the essential instrument for bringing to bear on the problem the fruits of research, the most highly trained and motivated personnel, the leadership and coordination sought by the States and local communities, and, perhaps most important for the future, guidance based on careful analysis of a wide variety of prevention and treatment approaches.

Federal research, information, and training activities are vital elements, but alone they are inadequate. Only through the project grant mechanism can their benefits be fully translated into effective treatment and rehabilitation.

Furthermore, these grants must be provided with some assurance of reasonable stability. We cannot encourage local governments and private citizens to raise funds and go through the whole process of qualifying for support, only to find that within a year or two we have changed the signals and now say that we really intended to support only a brief "demonstration."

I believe it would be a tragedy and a disaster to dismantle this vital heart of the Federal effort when it has just begun to beat steadily. Our national attack on alcoholism must go forward, under the leadership of an institute whose status and comprehensive resources give it the authority and visibility it must have if we are to make real progress in the battle. To stop now would be to betray the hopes we have deliberately inspired among millions of the Nation's alcoholics and their families.

Mr. President, I yield to the distinguished Senator from Colorado (Mr. DOMINICK) such time as he may need.

Mr. DOMINICK. I thank the Senator.

Mr. President, I just want to take a few minutes for the RECORD to congratulate my friend from Iowa on the hard work, and very successful work, he has put into this bill. I am very happy to be a cosponsor of the bill. I think what we have done in the committee is a reasonable approach to the problem.

There were one or two matters that bothered me. Some of them have been brought out in the individual views on the bill by the distinguished Senator from Ohio. One of them that bothers me most is the fact that we are giving grants under this act to States in order to get them to adopt a uniform law on alcoholism.

The problem with this is twofold: One, it is very difficult for me to see why a State should be given some money in order to adopt a uniform law. This is really up to the State. The other problem is that those States which have already adopted it are necessarily hurt by this approach. In other words, those States which went forward and did it do not get money, and those that refused to do it get money. To me that seems to be putting the horse well behind the cart.

What we are trying to do—and I think the Senator from Iowa will agree with me on this—is to get the States to use as much incentive as they can. When we say, after some of them have gone forward in that way, "That is tough. You went too fast, and you did it before you got any Federal funds," we are in fact penalizing the initiative of those States which have made progress in this field.

However, this is an authorization bill; it is not an appropriation bill. There is no reason in the world why the views which I have should not be expressed to the Appropriations Committee, and perhaps on those special provisions, the Appropriations Committee may see fit to agree with my position.

The other problem, which was worked out, I think, to some extent by the distinguished Senator from Ohio (Mr. TAFT), was in connection with admission of alcoholics to any hospital. There was some pretty strong language in the bill to start with, and I think it has been materially helped in the process of the committee's consideration.

Largely, I want to compliment the unremitting fight which the Senater from Iowa has put forth to try to get some aid in the alcoholism field, a field which has been extremely expensive, not only to society as a whole, but also to those individuals who happen to get caught up in this cycle. It can be a tragic thing, as we know, to have friends and relatives in this situation.

Anything we can do to provide rehabilitation and focus attention on this problem is well worthwhile. I am happy to be a cosponsor of the measure.

I thank the Senator from Iowa for his very courteous acceptance of the suggestions we made and for his thoughtful consideration of them. I hope that the bill will pass.

Mr. HUGHES. Mr. President, I thank the Senator from Colorado.

In the 4½ years that I have been a Member of the Senate and since April of 1969 when we set up the subcommittee, the Senator from Colorado has been a member of that subcommittee.

The Senator from Colorado has spent hours and hours and many days on this matter involving alcoholism and the work of that subcommittee.

I am grateful to the Senator from Colorado for his assistance and help. As the Senator has said, we did discuss the problems he raised concerning this piece of legislation. I did accept the modification relating to hospitals as offered by the distinguished Senator from Ohio and, really, in the discussion of grants to the States to implement the Uniform State Laws Act.

The Senator from Colorado has made a good point. All States are qualified for special assistance in implementing the framework under this law. However, the points he raises are real questions that can be raised, and certainly they will be considered in the appropriations process, I know.

Mr. TAFT. Mr. President, I yield myself such time as I shall require. It is not my purpose to talk at any great length on this legislation.

I commend the distinguished Senator from Iowa for his diligent work and for the progress he has made in this field concerning the treatment of alcoholism which is something in which I concur. It is very much needed indeed.

Obviously, to be effective, it is best that we do as we do with other effective programs and go step by step with the programs as they get underway.

I am not here to apologize for the cutbacks in the original proposal or in the other changes. I merely say that in my additional views filed in the committee report, I have explained some of the reservations that the Senator from Colorado has already mentioned with regard to the incentive funding of a uniform law approach.

It is an approach that seems to me to be something that ought to be watched very carefully in any future legislation of this kind.

I am also happy that we have been able to work out the request of the priority language in the treatment of alcoholism in the hospitals which has now—as I commented in my additional views—been put on the basis that there should be no discrimination because of the patient or the applicant having been an alcoholic. At the same time, we should avoid interfering with the qualities of a specific institution.

I agree that there should be no discrimination. And I think that to avoid the problem we have made legislative history.

I have a statement that has been delivered to me by the Department of Health, Education, and Welfare, commenting upon the bill and expressing some of the views and backgrounds of the Department in connection with it. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Comprehensive Alcohol Abuse, Prevention, Treatment and Rehabilitation Amendment of 1973—S. 1125

SUMMARY

S. 1125 would amend and extend, through fiscal year 1976, existing authorities under which the Federal Government provides formula and project grants assistance for the alcohol abuse and alcoholism prevention efforts. Specifically, it would:

Authorize appropriations of $540 million for FY 1974–76, not including funds for a new program of incentive grants;

Require an annual report "on the extent to which other Federal programs are supporting and dealing with the problems of alcoholism";

Increase the authority of the Secretary of HEW to coordinate alcoholism activities through NIAAA;

Authorize 11 additional supergrade positions for NIAAA;

Establish new program of incentive grants to States to encourage adoption and implementation of the Uniform Alcoholism and Intoxication Act;

Extend from eight to nine years the period for Federal alcoholism staffing grants; and

Prohibit hospitals receiving Federal funds from excluding persons suffering from medical conditions solely because they are alcoholics.

BASIC PROBLEMS WITH PENDING BILL

Excessive Authorizations

Proposed authorization levels of $620.0 million, excluding the incentive grants, are clearly excessive and represent a level inconsistent with the Federal demonstration effort.

New Categorical Authority

Incentive grant program to States to adopt Uniform Alcoholism and Intoxification Act is unnecessary and ill-advised. Many States are now actively considering such laws, thus the need for such grant has not been established. Moreover, funds through the Federal formula grant program are available to States for use in implementing such a law if they desire.

Supergrade Allocation

Undesirably restricts authority of Civil Service Commission and Secretary to allocate personnel resources to meet needs.

Annual Report Requirement

Expenditure of time and effort to produce report will, if past experience on annual reports is a guide, not contribute to solution of alcoholism problem.

Federal Role

Extension from eight to nine years of period for alcoholism staffing grants is not consistent with Federal developmental and demonstration role. Also, all existing staffing grant commitments will be met.

Administration Program

By the end of fiscal year 1973, all States will have established programs under the formula grant authority and 469 projects across the Nation will have been funded under the project grant authorities. These projects created a substantial new capacity at State and local levels to deal with alcoholism problems in the context of the regular community care system.

The FY 1974 budget requests $171.6 million for alcoholism activities, $133.1 million to be funded through the National Institute of Mental Health, and $38.0 million for rehabilitation services in the budget of the Department's Social and Rehabilitation Services Administration. For NIMH programs: State formula grants are being requested at a level of $30.0 million, project grants at $87.0 million, $40.3 million in FY 1974 and $46.7 million for staffing grants commitments which extend beyond FY 1974. $6.9 million is being requested for research into the causes and effects of alcoholism and $3.8 million for training activities.

Note: This fact sheet tracks S. 1125 as introduced.

Mr. TAFT. Mr. President, I have no desire to take any further time. I have no requests for any time on the bill, so I stand ready to yield back my time.

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. TAFT. I am happy to yield to the Senator from New Mexico.

Mr. DOMENICI. Let me say first that I am in favor of the program. In my State and in my city I was pleased to be a part of the initial program that was funded. Perhaps some Senator has answered my question. If so, I apologize in this case for the redundancy.

One of the things the bill does is to remove this program from NIH and transfer it to HEW. Can the Senator tell me a little more about why that is so and what the beneficial effects are likely to be?

Mr. TAFT. I think I would be bold to presume to answer that question. I am quite certain that the Senator from Iowa (Mr. Hughes) is far more able to answer it. My own impression is that NIH is still an integral part of HEW, in any event, and the separation out is because there are separate problems involved that relate to the disease aspects rather than to the mental health aspects.

Perhaps the Senator from Iowa would care to answer the question.

Mr. DOMENICI. Did the Senator from Iowa hear my question?

Mr. HUGHES. Yes, I heard the distinguished Senator from New Mexico.

In addition to what the distinguished Senator from Ohio has said, there were numerous hints in the hearing that they would like the Institute freed of the program, so that the Secretary would have a more advantageous position.

That was a point of conflict in the bill that was already proposed. We saw no reason not to draw it up so as to leave it to the Secretary to place this particular institution in whatever position he saw fit.

We should make the record very clear that they no doubt will handle the problem as it has been handled in the past. But we had no legislative intent on our part not to allow the Secretary to have discretion.

Mr. DOMENICI. I take it, then, that the Secretary is saying that because there is not a director of that Institute, he has not asked for the thoughts of the Institute on this point. Is that correct?

Mr. HUGHES. That is correct.

Mr. DOMENICI. But it is still the Senator's opinion that it would be proper, like other functions of one of the Institutes of Health, rather than to be off somewhere else, completely unrelated to that kind of function?

Mr. HUGHES. That is correct. It should be on a parity with the other important disease institutes in the Department.

Mr. DOMENICI. I thank the Senator.

ACTION AGAINST ALCOHOLISM

Mr. DOLE. Mr. President, I am sure almost everyone could relate from his personal experience at least one case of a friend, relative, or acquaintance who has suffered the sad and truly tragic effects of alcoholism. The stories of ruined careers, wrecked families, and individual sorrow are well known to millions of Americans, and they serve as compelling testimony for a strengthened and improved national effort against alcoholism.

CHANGED ATTITUDE

Forunately, recent years have seen a change in attitude toward alcoholism and the alcoholic. No longer is the problem viewed as a shameful blot on a person's character and moral fiber, rather it is now being recognized and responded to as an illness. The bill before us today, S. 1125, is, I believe, a necessary and positive step toward continuing the enlightened progress we have been making in the campaign against this illness. And I am hopeful that it will lead to even more effective remedies for alcoholism and measures to prevent its occurrence.

HEAVY COSTS

Alcoholism is one of the most tragic, destructive, and costly illnesses in the Nation today. Prevention of alcohol problems and alcoholism is a major public health goal. Although success in efforts to combat alcoholism rests ultimately in the private decisions and behavior of individual citizens, society as a whole, has a major interest because of the drain alcoholism places on the resources of the Nation. Not only does this tragic illness take a heavy toll in terms of insurance, but it results in major losses in individual and business productivity and in the outlay of sizable amounts to treat and rehabilitate alcoholic individuals and provide assistance to their families.

The problems of alcoholism are going to require our continuing commitment as a nation if we are to achieve meaningful progress in solving them. I wish to voice my support for S. 1125, as a major demonstration of that commitment at the Federal level. This measure, for the first time will provide coordination of all Federal alcoholism programs and will make extensive assistance available to State and local programs directed toward effective treatment and rehabilitation of alcoholics.

MAJOR FEATURES

The bill's major features would first, extend the existing State formula grant program through fiscal year 1976; second, extend the 1970 act's project grant authority with $90 million authorized for fiscal year 1974, $100 million grant authority plus a 10-percent formula allotment incentive for States to adopt the Uniform Alcoholism Intoxication Treatment Act; fourth, prohibit hospitals from discriminating against alcoholics in their admissions policies; fifth, transfer the National Institute on Alcohol Abuse and Alcoholism from the National Institutes of Health directly into the Department of Health, Education, and Welfare; sixth, give the Institute additional top-level personnel positions; seventh, centralize the administration of alcoholism and alcohol abuse programs.

I am pleased to support this bill and urge its approval by the Senate.

Mr. MOSS. Mr. President, I rise in support of S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

For more than a decade I have recognized the serious consequences of alcohol abuse. When I came to the Senate I resolved that as soon as I could I would begin to work on legislation which would give the States and communities the help they needed to meet this tragic social problem. This has been one of my major fields of endeavor. In 1965, I introduced the Senate's first alcoholism bill to bring the resources of the Federal Government to bear on this health problem. When Senator Hughes came to the Senate, I readily deferred to his leadership because of his great interest in legislation on alcoholism. I was happy to join him and Senator Javits in developing a broad approach to alcoholism and alcohol abuse. The culmination of our work was the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 which passed the Senate on August 10, 1970. This act became Public Law 91-616 on December 31, 1970. As a result, the future became brighter for millions of American families tragically affected by alcoholism.

Now, 3 years later, we are considering legislation to extend the comprehensive and unprecedented landmark legislation passed in 1970. It will be entirely consistent with the Senate's previous position for us to vote favorably on this legislation.

The distinguished chairman of the Alcoholism and Narcotics Subcommittee, Senator Hughes, and other equally distinguished members of the subcommittee, have put many long, hard hours into this legislation. A very important part of S. 1125 is a declaration of policy regarding alcohol. This declaration recognizes alcohol as "one of the most dangerous drugs and the drug most frequently abused in the United States." Alcohol is consumed by some 95 million Americans. Nine million Americans are alcohol abusers or alcoholics. Alcohol use costs the American citizenry $15 billion annually. Tragically, alcohol abuse is growing among young adolescents.

A breakthrough in understanding the real nature of alcohol abuse was made in 1970. The legislation before us embellishes that breakthrough. This legislation recognizes that—

> Alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social services, and with the cooperation of law enforcement agencies.

This legislation insures that those individuals who have serious illnesses due to alcohol abuse can receive adequate medical attention. It provides assurance that a method of treatment shall be prescribed for the alcoholic that will not subject him to criminal prosecution for having consumed alcohol. A humane and equitable approach to the serious problem of alcohol abuse will be established through the aid of the National Government.

It is heartwarming to see the growing determination of this country to solve the medical-social-environmental problems of alcohol abuse and alcoholism. We are seeing a new social responsiveness on the part of many segments of society—States and communities, churches, universities and schools, large and small businesses as well as citizens from the private sector and the young and the not-so-young. This new commonality is assurance that we are moving to deal vigorously and humanely with this problem.

The framework was established in 1970 within which, for the first time, the community level of government could utilize its health, rehabilitation, and human resources to bring the alcohol problem under control. For the first time alcoholism was recognized as a widespread illness or disease that required "a major commitment of health and social resources" of the Federal Government if any control was to be achieved. The 1970 legislation contended that—

> Increasing education, treatment, and rehabilitation services, and closer coordination of efforts, offer the best posisbility of reducing alcohol abuse and alcoholism.

The 1970 legislation was a good start. Now we must continue the fight.

The legislation before us will carry on that fight.

In summary, the present legislation recognizes the general public concern over past inadequate and improper handling of alcohol abuse and alcoholism in this country. It treats alcoholism as a disease, not as a crime. It holds that criminal law is not an appropriate device for preventing or controlling health problems. It contends that treating persons who are guilty of no more than public intoxication as criminals, is inhuman as well as essentially ineffective. It provides for the development of modern public health approaches to the medical management of alcohol abuse and alcoholism which will detect problems of alcoholism early and provide effective treatment and rehabilitation when needed.

In voting for the legislation before us, we will take a giant step forward in curbing this Nation's No. 1 drug abuse problem. This does not mean that an easy, quick solution will immediately be forthcoming. The roots of alcoholism go deep into the pressures and failings of our society. But, at least the serious nature of alcoholism will be recognized, and the influence of the Federal Government will be continued and increased in finding adequate solutions to a serious problem.

I ask that the Senate vote favorably on S. 1125.

Mr. CHURCH. Mr. President, As a cosponsor of S. 1125, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973, I commend my distinguished colleague from Iowa, Senator Hughes, and the members of the Senate Labor and Public Welfare Committee for their outstanding efforts on the part of this legislation. They have acted both carefully and thoroughly in the extension of a program which has met with a great deal of success in its short period of implementation.

Alcoholism is a problem which affects the lives of millions of people in our country; it is estimated that over 9 million Americans are afflicted personally with drinking and alcoholism problems. The bill we are considering today can mean a new existence for these nine million sufferers, not to mention the hope and promise it holds for their families and loved ones. Now is certainly not the time for Congress to abandon successful rehabilitation and prevention programs—when our goal is the summit, you do not stop climbing the mountain when we reach the first ledge. We must continue the progress that has been made in combating the No. 1 drug problem in the United States.

I am pleased to lend my support to the passage of this legislation and I hope that the long hours spent on this bill by the members of the Senate Labor and Public Welfare Committee will be rewarded by an overwehelming vote of support for their efforts.

ALCOHOLISM: OUR LARGEST UNTREATED, TREATABLE DISEASE

Mr. BAYH. Mr. President, I speak in support of S. 1125, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973. Senator Hughes is to be commended for his extensive and effective efforts to provide programs and moneys for treatment and rehabilitation of individuals suffering from alcoholism.

In 1970 I cosponsored S. 3835, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act. This bill was the product of a lengthy and thorough study conducted by Senator HUGHES, including extensive hearings and research. This measure, passed both Houses of Congress creating the National Institute of Alcohol Abuse and Alcoholism and authorizing over a 3-year period, formula grants to the States and contracts and project grants for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of the victims of this disease.

Alcoholism has been called the country's "largest untreated, treatable illness." Alcohol, of course, is a drug with a high potential for addiction. It affects young and old alike. Recent studies, in fact, show that alcoholism is escalating among young people. One study found that 1 teenager out of every 20 has a drinking problem. The National Council on Alcoholism reports that in 1972 the age of the youngest alcoholic who came to their attention dropped from 14 to 12. In its 1971 study, "Alcohol and Health," the Department of Health, Education, and Welfare reported that alcohol abuse is the Nation's greatest single drug problem. This report revealed the following:

> 1. Of the nation's estimated 95 million drinkers one in 10 is either an alcoholic, physically dependent on the drug or an alcohol abuser, defined as an excessive drinker who is on the road to alcoholism.
>
> 2. Alcohol is a major factor in more than half the highway deaths each year, accounting for 28,000 fatalities, with even a higher ratio among young people.
>
> 3. Alcohol abuse and alcoholism annually saps $10 billion from the economy in lost work time, $2 billion for health and welfare services, and $3 billion for medical expenses, property damage and other costs. A total economic loss of $15 billion!
>
> 4. Alcoholism cuts 10 to 12 years from the drinker's expected life span.
>
> 5. Alcohol abuse and alcoholism account for more than one-third of all arrests. Alcohol abuse is often a major factor in crimes of violence.

These are grim and sobering statistics.

Alcoholism and alcohol abuse are of considerable concern in my own State of Indiana. According to a conservative 1972 estimate by the Indiana Department of Mental Health, Alcoholism Division, there were nearly 200,000 alcoholics in Indiana. Indiana authorities report that this estimate is just the tip of the iceberg. In Indiana, alcohol abuse or alcoholism is a major factor in one-fourth of the suicides; approximately 35 percent of all non-motor vehicle accidental fatalities; one-half the motor vehicle deaths and a clear majority of deaths from liver diseases.

The act we passed in 1970 provided $712,000 in fiscal year 1972 and $713,571 in fiscal year 1973 to Indiana under the formula grant program. All Hoosiers will benefit from these moneys in the long-run. In fact, it was the availability of these moneys which provided the catalyst for a new and comprehensive attack on alcohol abuse and alcoholism in Indiana. A recent report of the Indiana Division on Alcoholism said in part:

> It was very apparent that the single state agency's access to 100% formula grant money (the 1970 Act) was a major stimulus to both planners and deliverers to cooperate in extending services to alcohol abuse and alcoholism programs.

The 1970 act was a first step—a beginning to a solution to the problem. S. 1125 extends for 2 more years the authorization for the State formula grant programs; it extends the authorization for the contract and project grant programs for 3 years; it prohibits hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment policies against persons solely because of their alcohol abuse or alcoholism; and it provides encouragement for States to adopt the Uniform Alcoholism and Intoxication Treatment Act. The bill we consider today is a reaffirmation of our original commitment to deal comprehensively with the problems of alcohol abuse and alcoholism.

I am aware of the acute need for budget restraints. However, Federal appropriations and expenditures have been far below the authorizations in the act of 1970, and no new community treatment projects have been permitted to be funded since the end of fiscal year 1972. The total of $540 million authorized in the original bill has been reduced to $460 million. In view of the priority of the need and the funds expended to date, I believe the amounts authorized are soundly justified.

The second report of the National Commission on Marihuana and Drug Abuse, "Drug Use in America: Problem in Perspective," reported earlier this year that:

> Alcohol dependence is without question the most serious drug problem in this country today. Alcohol users far outnumber those of all other drugs and are found along the entire continuum of dependence. The reinforcement potential of alcohol and its potential for behavioral disruption are high. Use of the drug is pervasive within the general population, and its ready availability facilitates the development of high degrees of dependence among vulnerable populations.

In 1970 we established a framework within which for the first time, Federal, State, and local governments can effectively utilize their health and rehabilitation resources to bring the problem under control. We must renew our commitment to these goals. As an original sponsor I urge my colleagues to support passage of S. 1125.

Mr. BEALL. Mr. President, as a member of the Labor and Public Welfare Subcommittee on Alcoholism and Narcotics, I rise in support of S. 1125, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973".

Alcoholism is a major health problem. The following statistics illustrate the cost of alcoholism to the Nation and the need for an accelerated attack against alcoholism as envisioned in the pending measure.

It is estimated that there are 9 million problem drinkers and alcoholics in the United States and that these individuals affect the lives of at least 50 million people.

Alcoholism plays a major role in approximately one-half of our highway fatalities.

There is considerable evidence connecting excessive drinking and resulting drunkenness with the crime rate. It is estimated by the National Crime Commission that in 1965 one out of three arrests, or a total of 2 million persons, were arrested for misdemeanors on drunkenness.

The total bill for alcoholism and alcohol abuse is estimated at $15 billion annually.

While the cost of alcoholism in terms of dollars is astronomical and the luxury we cannot afford, the cost in terms of human suffering is even greater. We have no way of knowing the number of lives lost, dreams shattered, talents destroyed, families broken, lives ended, and successful careers crushed as a result of alcoholism. There is simply no way we can completely calculate the enormous total costs of alcoholism.

I believe that this measure, which would extend and improve the present efforts, is greatly needed and I urge its enactment.

Mr. JAVITS. Mr. President, the enactment into law of the Comprehensive Alcoholism, Prevention, Treatment and Rehabilitation Act of 1970—Public Law 91–616—which this bill S. 1125, which we are now debating, seeks to extend—marked a critical turning point in the way the American people chose to deal with alcoholism, which former Health, Education, and Welfare Secretary Richardson called one of the most tragic, destructive, and costly illnesses in the Nation today. It also marked the end of a legislative struggle which began in 1966 when I introduced the first alcoholism bill with Senator Moss of Utah.

This historic law established a national commitment to combat alcoholism as an acknowledged illness which needs to be treated on the basis of medical care, research, and rehabilitation, rather than on the revolving-door basis of a police station, which unfortunately was, and too frequently still is, the only form of treatment available.

In order effectively to reduce the incidence of alcoholism throughout the Nation, this historic law coordinated all Federal programs and provided extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for alcoholics throughout the country. This bill, S. 1125, will permit us to move forward with a coordinated alcoholism treatment and rehabilitation program.

Having achieved this great milestone in alcoholism prevention, treatment, research and education, we must continue our effort to insure that our endeavors have not been in vain.

The problems of alcohol abuse and alcoholism are going to require our continuing total commitment as a nation. I would urge Senators to support the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973 (S. 1125). This measure will insure the continuing commitment at the Federal level to maintain the foundation for a new era in alcoholism treatment. We must all join in shaping the policies, changing the attitudes, and generating the programs that will help to reduce the plight of alcoholics in the United States. These millions of unfortunate victims will benefit from our mutual concern, and all of the American people will be the ultimate beneficiaries.

It is most appropriate that the Senate is considering the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973 (S. 1125) today when the Third Annual Alcoholism Conference of the National Institute on Alcohol Abuse and Alcoholism is taking place in Washington, D.C.

The conference will focus on two themes: "Alcoholism: A Multilevel Problem" and "Treatment: Planning and Organization." I believe the conference program will be of great value in combating alcoholism at the national level and ask unanimous consent that the program of the Third Annual Alcoholism Conference of the National Institute on Alcohol Abuse and Alcoholism be printed in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

PROGRAM OF THIRD ANNUAL ALCOHOLISM CONFERENCE OF THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

(Sponsored by the National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health)

OPENING SESSION—WEDNESDAY, JUNE 20—REGENCY ROOM

8:00–9:15 a.m.: Registration.

9:15–9:45 a.m.: Welcoming and Introductory Remarks.

Kenneth L. Eaton, Deputy Director, National Institute on Alcohol Abuse and Alcoholism.

Bertram S. Brown, M.D., Director, National Institute of Mental Health.

9:45–10:15 a.m.: Special Address.

The Honorable Caspar W. Weinberger, Secretary, Department of Health, Education, and Welfare.

10:15–10:45 a.m.: Director's Address.

Morris E. Chafetz, M.D., Director, National Institute on Alcohol Abuse and Alcoholism.

10:45–11:00 a.m.: Break.

11:00–12:00 Noon: Invited Address—"Is Alcoholism Inherited?"

Donald W. Goodwin, M.D., Associate Professor of Psychiatry, School of Medicine, Washington University, St. Louis, Missouri.

12:00 Noon–1:30 p.m.: Lunch.

AFTERNOON SESSION—WEDNESDAY, 20 JUNE

Theme 1—Ambassador Room

Alcoholism: A Multilevel Problem

1:30–5:30 p.m.: Psychological Aspects.

1:30 to 2:30 p.m.: Coping with Alcoholism.

Warren Breed, Ph.D., Research Sociologist, and Lester Cohen, Ph.D., Research Psychologist, Scientific Analysis Corporation, San Francisco, California.

2:30 to 3:30 p.m.: A Four-Generation Scan of an Alcoholic Family System.

Peter S. Caffentzis, Ph.D., Senior Research Scientist, Albert Einstein College, Bronx, New York.

3:30 to 4:30 p.m.: Retrospective Perceptions by Alcoholic Persons and their Spouses of Mood and Behavior During Sobriety and Intoxication.

John S. Tamerin, M.D., Director of Research, Silver Hill Foundation, New Canaan, Connecticut.

4:30 to 5:30 p.m.: Drinking and Hostility in Driving Records of Young Adults.

Donald C. Pelz, Ph.D., Program Director, Institute for Social Research, and Stanley H. Schuman, M.D., Professor of Epidemiology, University of Michigan, Ann Arbor, Michigan.

Theme 2—Regency Room

Treatment: Organization and Management

1:30–5:30 p.m.: Planning a Treatment Program.

1:30 to 2:30 p.m.: World of the Alcoholic Person.

Melvin P. Sikes, Ph.D., Professor of Educational Psychology, University of Texas, Austin, Texas.

2:30 to 3:30 p.m.: Organizational Approaches to the Delivery of Comprehensive Community-Based Alcoholism Services.

Allan Beigel, M.D., Director, Southern Arizona Mental Health Center, Tucson, Arizona.

3:30 to 4:30 p.m.: Mass Media and the Problem Drinker.

Eileen M. Corrigan, D.S.W., Associate Professor, Graduate School of Social Work, Rutgers University, New Brunswick, N.J.

4:30 to 5:30 p.m.: Planning the Community Service Environment: Rejection, Replacement, or Renewal?

Friedner D. Wittman, Consultant to the National Institute on Alcohol Abuse and Alcoholism, Berkeley, California.

6:30–8:00 p.m.: Social Hour. The Terrace.

MORNING SESSION—THURSDAY, 21 JUNE

Theme 1

9:00–12:00 Noon: Biomedical Aspects.

9:00 to 10:00 a.m.: Cardiac Toxicity of Ethyl Alcohol.

Timothy J. Regan, M.D., Professor and Director, Division of Cardiology, New Jersey College of Medicine, Newark, New Jersey.

10:00 to 11:00 a.m.: Endocrine Function in Long-Abstinence Alcoholic Males.

Joyce C. Shaver, M.D., Assistant Professor of Clinical Medicine, College of Physicians and Surgeons, Columbia University, New York, New York.

11:00 to 12:00 Noon: Evaluation of Lithium Therapy in Chronic Alcoholism.

Nathan S. Kline, M.D., Director, Research Center, Rockland State Hospital, Orangeburg, New York and J. C. Wren, M.D., Veterans Administration Hospital, Togus, Maine.

Theme 2

9:00–12:00 Noon: Treatment Approaches.

9:00–10:30 a.m.: Panel on Industrial Programs.

The Process in Establishing Programs in Industry—William E. Hale, Assistant Director, Occupational Services, Brevard County Mental Health Center, Rockledge, Florida.

Attitudional Implications of Occupational Programs—Wade H. Williams, Jr., Eastern Regional Alcoholism Coordinator, North Carolina Department of Mental Health, Goldsboro, North Carolina.

Discussant.

Paul W. Roman, Ph.D., Associate Professor of Sociology and Epidemiology, Tulane University, New Orleans, Louisiana.

10:30–12:00 Noon: Panel on Treatment Programs.

Community Needs—Jeff Voskans, Director, Northwest Iowa Alcohol and Drug Treatment Unit, Spencer Municipal Hospital, Spencer, Iowa.

Role of a General Hospital in a Community Alcoholism Program—Anthony Reading M.D., Director, Comprehensive Alcoholism Program, The Johns Hopkins Hospital, Baltimore, Maryland.

Discussant.

Allan Beigel, M.D., Director, Southern Arizona Mental Health Center, Tucson, Arizona.

12:00 Noon–1:30 p.m.: Lunch.

AFTERNOON SESSION—THURSDAY, 21 JUNE

Theme 1

1:30–5:30 p.m.: Sociocultural Aspects.

1:30 to 2:30 p.m.: Patterns of Alcoholism in France and America: A Comparative Study.

Thomas F. Babor, Ph.D., Research Associate, McLean Hospital, Belmont, Massachusetts, and Harvard Medical School, Boston, Massachusetts.

2:30 to 3:30 p.m.: Psychosocial Typology of Adolescence Alcohol and Drug Users.

G. Nicholas Braucht, Ph.D., Assistant Professor of Psychology, University of Denver, Denver, Colorado.

3:30 to 4:30 p.m.: Executives and Problem Drinking Employees.

Paul M. Roman, Ph.D., Associate Professor of Sociology and Epidemiology, Tulane University, New Orleans, Louisiana.

4:30 to 5:30 p.m.: Alcoholics Anonymous as a Crisis Cult.

William Madsen, Ph.D., Professor of Anthropology, University of California at Santa Barbara, Santa Barbara, California.

Theme 2

1:30–5:30 p.m.: Specialized Programs and Resources.

1:30 to 2:30 p.m.: Alternative Sources of Funding for Alcoholism Programs.

Stanley C. Silber, Chief, Community Support Programs, National Institute of Mental Health.

2:30 to 3:30 p.m.: Utilization of Self-Help Groups.

Wade H. Williams, Jr., Eastern Regional Alcoholism Coordinator, North Carolina Department of Mental Health, Goldsboro, North Carolina.

Discussant.

S. E. Stout, Consultant to the National Institute on Alcohol Abuse and Alcoholism, Region VI, Department of Health, Education, and Welfare, Dallas, Texas.

3:30 to 4:30 p.m.: A Model for an Alcohol Rehabilitation Unit in a General Military Hospital.

LCMDR George S. Glass, MC, USNR, Alcohol Rehabilitation Unit, Bethesda Navy Hospital, Bethesda, Maryland.

Discussant.

Capt. James A. Baxter, USN, Director, Alcohol Abuse Control Program, Bureau of Naval Personnel, Department of the Navy.

4:30 to 5:30 p.m.: The Interface of Mental Health and Judicial Systems: Early Impressions of an ASAP-Related Treatment Effort.

Robert F. Aiken, M.S. Counseling, Project Director, NIAAA/ASAP Alcoholic Program, Waterbury, Vermont.

CLOSING SESSION—FRIDAY, 22 JUNE

Regency Room

9:00–10:30 a.m.: Invited Address. Treatment: What is Happening?

Lawrence L. Weed, M.D., Professor of Medicine, University of Vermont, Burlington, Vermont.

10:30–11:00 a.m.: NIAAA Sound and Light Show.

Harry C. Bell, Director, Office of Public Affairs, National Institute on Alcohol Abuse and Alcoholism.

11:00–12:00 Noon: Panel Discussion.

NIAAA Staff.

12:00 Noon: Closing Remarks.

Morris E. Chafetz, M.D., Director, National Institute on Alcohol Abuse and Alcoholism.

Mr. HUGHES. Mr. President, I am prepared to yield back the remainder of my time.

Mr. TAFT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment and third reading of the bill S. 1125, as amended.

The bill was ordered to be engrossed for third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4551), is amended by adding after section 1 the following new section:

"FINDINGS AND DECLARATION OF POLICY

"SEC. 2. (a) The Congress finds that—

"(1) alcohol is one of the most dangerous drugs and the drug most frequently abused in the United States, as stated in the final report of the National Commission on Marihuana and Drug Abuse and in the 'Federal Strategy for Drug Abuse and Drug Traffic Prevention';

"(2) of the Nation's estimated ninety-five million drinkers, at least nine million, or 7 per centum of the adult population, are alcohol abusers and alcoholics;

"(3) problem drinking costs the national economy at least $15,000,000,000 annually in lost working time, medical and public assistance expenditures, and police and court costs;

"(4) alcohol abuse is found with increasing frequency among persons who are multiple drug abusers and among former heroin users who are being treated in methadone maintenance programs;

"(5) alcoholism is being discovered among growing numbers of adolescents, and alcohol abuse is reported to be rising among the Nation's youth;

"(6) alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social service, and with the cooperation of law enforcement agencies; and

"(7) the Federal policy established by the Congress in the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970 must be carried forward, not only through assistance to the States, but through direct Federal assistance to community-based programs meeting the urgent needs of special populations and developing methods for diverting problem drinkers from criminal justice systems into prevention and treatment programs.

"(b) (1) The Congress declares that it is the policy of the United States and the purpose of this Act to approach alcohol abuse and alcoholism from a comprehensive community care standpoint.

"(2) The Congress further declares that, in addition to the funds provided under this Act, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the field of health and social services should be appropriately utilized to help eradicate alcohol abuse and alcoholism as a major problem."

TITLE II—COORDINATION AND PERSONNEL

SEC. 201. Section 101(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended to read as follows:

"SEC. 101. (a) There is established in the Department of Health, Education, and Welfare the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the 'Institute') to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the 'Secretary') by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall—

"(1) in carrying out the purposes of section 301 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics; and

"(2) in carrying out the purposes of all other Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity legislation, coordinate efforts to deal with alcohol abuse and alcoholism."

SEC. 202. Section 101 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) (1) The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities under this Act.

"(2) The Director may appoint a Deputy Director, four Associate Directors, an Executive Officer, and four Division Directors."

SEC. 203. (a) Section 102(2) of such Act is amended by inserting "and every three years thereafter" after "Act".

(b) Section 102 of such Act is amended by striking the word "and" at the end of paragraph (3) and by striking the period at the end of paragraph (4) and inserting in lieu thereof "; and" and by adding at the end thereof the following:

"(5) submit to Congress on or before the end of each calendar year, beginning during fiscal year 1974, a report on the extent to which other Federal programs and departments are supporting and dealing with the problems of alcohol abuse and alcoholism."

TITLE III—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—GRANTS TO STATES

SEC. 301. Title III, part A, formula grants of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended—

(1) by striking out "FORMULA GRANTS" after "PART A—" and inserting in lieu thereof "GRANTS TO STATES"; and

(2) by striking out immediately thereunder "AUTHORIZATION" and inserting in lieu thereof "FORMULA GRANTS".

SEC. 302. Section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended by inserting immediately after "for each of the next two fiscal years" the following: "ending June 30, 1974, $80,000,000 for the fiscal year ending June 30, 1975, and $80,000,000 for the fiscal year ending June 30, 1976.

SEC. 303. Section 302 of such Act is amended by adding at the end thereof the following new subsection:

"(d) On the request of any State, the Secretary is authorized to arrange for the assignment of officers and employees of the Department or provide equipment or supplies in lieu of a portion of the allotment to such State. The allotment may be reduced by the fair market value of any equipment or supplies furnished to such State and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the State. The amount by which such payments are so reduced shall be available for payment of such costs (including the costs of such equipment and supplies) by the Secretary, but shall for purposes of determining the allotment under section 302(a), be deemed to have been paid to the State."

SEC. 304. Section 303(a) of such Act is amended—

(1) by striking out in subparagraph (3) the words "or groups," immediately after the words "nongovernmental organizations" and inserting in lieu thereof the words ", of groups to be served with attention to assuring representation of minority and poverty groups,";

(2) by striking out "and" at the end of subparagraph (9);

(3) by redesignating "(10)" as "(11)"; and

(4) by adding after subparagraph (9) the following new subparagraph (10):

"(10) set forth, in accordance with the criteria and not less than the minimum standards to be set by the Secretary, standards for construction and licensing of public and private treatment facilities, as well as standards for other community services or resources available to assist individuals to meet problems resulting from alcohol abuse. The establishment of such standards and licensing procedures must include enforcement procedures and penalties; and".

SEC. 305. Part A of such Act is amended by adding at the end thereof the following new section:

"SPECIAL GRANTS

"SEC. 304. (a) The Secretary, for each fiscal year, acting through the Institute, is authorized during the period beginning July 1, 1973, and ending June 30, 1976, to make grants to States (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for the implementation of the Uniform Alcoholism and Intoxication Treatment Act. The purpose is to help States who have adopted the basic provisions of such Uniform Act to utilize fully the protections of this legal framework in their efforts to approach alcohol abuse and alcoholism from a community care standpoint.

"(b) These grants may be made on application to States whose statutes include at minimum:

"(1) A declaration of policy or the enactment of a statute representing that it is the policy of the State that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. The intent of this declaration and provision must be to prelude the handling of drunkenness under any of a wide variety of petty criminal offense statutes, such as loitering, vagrancy, disturbing the peace, and so forth, and to provide therefore that drunkenness will be handled under the civil provisions and not under the criminal law.

"(2) Specific repeal of all relevant portions of the criminal statutes under which drunkenness is the gravamen of the offense, except that nothing in this repeal affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offenses involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

"(3) Incorporation of the standards of acceptance for treatment contained in section 10 of such Uniform Act as follows:

"(A) If possible a patient shall be treated on a voluntary rather than an involuntary basis;

"(B) a patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment;

"(C) a person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment;

"(D) an individualized treatment plan shall be prepared and maintained on a current basis for each patient; and

"(E) provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

"(4) Specific restrictions on the use of involuntary commitment to at least the standard contained in section 14 of the Uniform Act; and

"(5) Such additional assurances as the Secretary may find necessary to carry out the purposes of this part.

"(c) Organization of the State program must be in accordance with section 303(a) of this Act and shall not require the specific organizational structure contained in such Uniform Act.

"(d) For each fiscal year that a State applies and qualifies under the provisions of this section, a grant may be made available based on a sum of $100,000 plus an amount equal to 10 per centum of said State's formula allotment.

"(e) There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next two fiscal years such sums as may be necessary to carry out the provisions of this section."

PART B—PROJECT GRANTS AND CONTRACTS

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 311. Section 311 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended to read as follows:

"SEC. 311. (a) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, may make grants to public and private nonprofit agencies, organizations, and institutions and may enter into contracts with public and private agencies, organizations, and institutions, and individuals—

"(1) to conduct demonstration, service, and evaluation projects,

"(2) to provide education and training,

"(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

"(4) to provide counseling and education activities on an individual or community basis,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

"(b) Projects for which grants and contracts are made under this section shall, whenever possible, be community based, seek to insure care of good quality in general community care facilities and under health insurance plans, and be integrated with, and provide for the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

"(c) (1) In administering the provisions of this section, the Secretary shall require coordination of all applications for programs in a State.

"(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under such section 303. The State shall furnish the applicant a copy of any such evaluation.

"(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

"(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(D) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

"(d) To carry out the purposes of this section, there are authorized to be appropriated $90,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $110,000,000 for the fiscal year ending June 30, 1976."

PART C—ADMISSION TO HOSPITALS

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 321. Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended to read as follows:

"SEC. 321. (a) Alcohol abusers and alcoholics who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their alcohol abuse or alcoholism, by any private or public general hospital which receives support in any form from any programs supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a). Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital."

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 401. Section 5108(c) of title 5, United States Code is amended by adding at the end thereof the following new paragraph:

"(12) the Director of the National Institute on Alcohol Abuse and Alcoholism subject to the standards and procedures prescribed by that chapter may place a total of eleven positions in the National Institute on Alcohol Abuse and Alcoholism."

SEC. 402. Section 247 of the Community Mental Health Centers Act (42 U.S.C. 2681) is repealed.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HUGHES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order with respect to the sequence of bills to be called up today be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMTRAK IMPROVEMENT ACT OF 1973

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 214 (S. 2016), and that there be a time limitation thereon of 10 minutes, the time to be under the control of the distinguished Senator from Kentucky (Mr. COOK), and that rule XII be waived.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, S. 2016 would amend the Rail Passenger Service Act of 1970 to provide, for the operation of Amtrak, the sum of $185 million.

As Senators know, during the course of the hearings and during the course of the discussions thereafter, it became apparent that what really was required, until such time as we could have additional hearings, was a straight appropriation bill, with a few problems resolved which have arisen as a result of Amtrak's operation and its joint operations with connecting facilities and in the utilization of existing facilities.

At the time of the original introduction of this bill, it became obvious that we were, in effect, attempting to change the entire contractual structure of Amtrak in its relations with the rest of the rail system throughout the United States. As a result of this, and as a result of several discussions relative to the language, it became obvious that if we were to move in that direction at this time, without further extensive hearings, we would be, in effect, putting ourselves in the position of abrogating some 20-odd standing contracts that Amtrak presently has with rail systems throughout the United States.

Also, Mr. President, I want to make it clear that we conceivably could have, by congressional action, obviated several arbitrations which are presently underway before the Interstate Commerce Commission and a number of lawsuits that are presently in court relative to contractual stipulations that require hearings and require extensive reporting for the purpose of making a determination of cost.

We have decided to hold those things off, Mr. President, until a later date; and, therefore, this, for all intents and purposes, is a very clean bill. It calls for an appropriation which we think is adequate and will handle the situation until such time as we can have extensive hearings and undertake further consideration of the rail systems throughout the United States.

Mr. President, I have no further remarks or comments to make. I believe there are no amendments and, therefore, I yield back the remainder of my time and ask for a third reading.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amtrak Improvement Act of 1973".

SEC. 2. (a) Section 305(a) of the Rail Passenger Service Act (45 U.S.C. 545(a)) is amended by striking the second sentence thereof.

(b) Section 305(b) of such Act (45 U.S.C. 545(b) is amended by deleting the second sentence and inserting in lieu thereof the following: "In order to increase revenues and to better accomplish the purposes of this Act, the Corporation shall modify its services to provide, as a part of the basic passenger services authorized by this Act, auto-ferry service characterized by the carriage of automobiles or other property belonging to passengers. The Corporation is authorized and directed to acquire, modify, or develop the equipment and facilities required for the efficient provision of mail, express, and auto-ferry service.".

(c) Section 305 of such Act (45 U.S.C. 545) is further amended by adding at the end thereof the following three new subsections:

"(c) The Corporation is authorized to take all steps necessary to insure that no elderly or handicapped individual is denied intercity transportation on any passenger train operated by or on behalf of the Corporation, including but not limited to, acquiring special equipment and devices and conducting special training for employees; designing and acquiring new equipment and facilities and eliminating architectural and other barriers in existing equipment and facilities to comply with the highest standards for the design, construction, and alteration of property for the accommodation of elderly and handicapped individuals; and providing special assistance while boarding and alighting and in terminal areas to elderly and handicapped individuals.

"(d)(1) The Corporation is authorized, to the extent financial resources are available, to acquire any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or political subdivision thereof or of any other government agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, by the exercise of the right of eminent domain, in accordance with the provisions of this subsection, in the district court of the United States in which such property is located or in any such court if a single piece of property is located in more than one judicial district: *Provided,* That such right may only be exercised when the Corporation cannot acquire such property by contract or is unable to agree with the owner as to the amount of compensation to be paid.

"(2) The Corporation shall file in the district court, with the complaint or at any time prior to judgment, a declaration of taking which shall contain or have annexed thereto—

"(A) a statement of the public use for which the property is taken;

"(B) a description of the property taken sufficient for the identification thereof;

"(C) a statement of the estate or interest in the property taken;

"(D) a plan showing the property taken; and

"(E) a statement of the amount of money which the Corporation reasonably estimates to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and the depositing in the court of the amount of money estimated in such declaration to be just compensation for the property, the property shall be deemed to be condemned and taken for the use of the Corporation. Title to such property shall thereupon vest in the Corporation in fee simple absolute or in any lesser estate or interest specified in the declaration of taking, and the right to the money deposited as estimated just compensation shall immediately vest in the persons entitled thereto. The court, after a hearing, shall make a finding as to the amount of money which constitutes just compensation for such property and shall make an award and enter judgment accordingly. Such judgment shall include, as part of the just compensation awarded, interest on the amount finally awarded as the value of the property on the date of taking minus the amount deposited in the court on such date, at the rate of 6 per centum per annum from the date of taking to the date of payment.

"(4) Upon application by the parties in interest, the court may order immediate payment of the money deposited in the court or any part thereof for or on account of the just compensation to be awarded in the proceeding. If the just compensation awarded by the court exceeds the amount deposited, the court shall enter a judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking, the court may fix the time within which and the terms upon which the parties in possession shall surrender possession of the property taken to the Corporation. The court may enter such orders as it deems just and equitable with respect to any encumbrances, liens, taxes, assessments, insurance, or other charges which are applicable to such property.

"(e) The Corporation is authorized to take all steps necessary to—

"(1) establish improved reservations systems and advertising;

"(2) service, maintain, repair, and rehabilitate railroad passenger equipment;

"(3) conduct research and development and demonstration programs respecting new rail passenger services;

"(4) develop and demonstrate improved rolling stock;

"(5) establish and maintain essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system, over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines on the same or different railroads;

"(6) purchase or lease railroad rolling stock; and

"(7) develop and operate international intercity rail passenger service between points within the United States and points in Canada and Mexico, including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico. For purposes of section 404(b) of this Act, such international rail passenger service is service included within the basic system.".

SEC. 3. Section 306 of the Rail Passenger Service Act (45 U.S.C. 546) is amended by adding at the end thereof the following new subsection:

"(h) The Corporation or any railroad or government agency contracting for the operation of intercity trains shall not be subject to any State or local law interfering with its efficient provision of mail, express, or auto-ferry service.".

SEC. 4. Section 308(b) of the Rail Passenger Service Act (45 U.S.C. 548(b)) is amended by striking out "January 15" and inserting in lieu thereof "March 15".

SEC. 5. Section 402 of the Rail Passenger Service Act (45 U.S.C. 562) is amended by redesignating subsection (c) as subsection (d) and inserting the following new subsection:

"(c) If the Corporation and a railroad or government agency are unable to agree upon the terms and conditions for the sale to the Corporation of property (including interests in property) owned by such railroad or agency and required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for such property and directing that such railroad or agency convey such property to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(1) conveyance of such property to the Corporation would significantly impair the ability of the railroad or agency to carry out its obligations as a common carrier; and

"(2) the Corporation can adequately meet its obligations to provide modern, efficient, and economical rail passenger service by the acquisition of alternative property (including interests in property) which is available for sale on reasonable terms to the Corporation or which is available to the Corporation pursuant to section 305(d) of this Act,

the need of the Corporation for such property shall be found to be established, and the Commission shall order such property to be conveyed to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation. The Commission shall expedite proceedings under this subsection and shall, in any event, issue its order not less than one hundred and twenty days after receipt of the application from the Corporation. If just compensation has not been determined as of the date of such order, the order shall require, as part of just compensation, payment of interest by the Corporation at the rate of 6 per centum per annum from the date prescribed for conveyance until the date of payment of just compensation."

SEC. 6. Section 403 of the Rail Passenger Service Act (45 U.S.C. 563) is amended by adding at the end thereof the following new subsection:

"(d) The Corporation shall initiate not less than one experimental route each year, such route to be designated by the Secretary, and shall operate such route for not less than two years. After such two-year period, the Secretary shall terminate such route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system."

SEC. 7. (a) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATION

"(a) There is authorized to be appropriated to the Secretary for the benefit of the Corporation for the fiscal year ending June 30, 1974, such sums as are necessary, not to exceed $185,000,000. Funds appropriated pursuant to such authorization shall be made available to the Secretary for payment to the Corporation during the fiscal year for which appropriated and shall remain available until expended. Such sums shall be paid by the Secretary to the Corporation, for expenditure by it in accordance with spending plans approved by Congress at the time of appropriation.

"(b)(1) Whenever the Corporation submits any budget estimate or request to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Corporation submits any legislative recommendation, proposed testimony, or comments on legislation to the President or the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Corporation to submit its legislative recommendations, proposed testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.".

SEC. 8 (a) Section 602(d) of the Rail Passenger Service Act (45 U.S.C. 602(d)) is amended to read as follows:

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $500,000,000. The Secretary shall prescribe and collect a reasonable annual guarantee fee.".

(b) Section 602 of such Act (45 U.S.C. 602) is further amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of a security, obligation, or loan if the income from such security, obligation, or loan which is not includable in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.".

SEC. 9. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"REGULATIONS AND ENFORCEMENT

"(a) The Commission shall promulgate and shall from time to time revise such regulations as it considers necessary to provide adequate service, equipment, tracks, and other facilities for intercity rail passenger service.

"(b) Any person who is found by the Commission, upon its own initiative or through petition of any person, to be in violation of any regulation issued under subsection (a) of this section or any standard established pursuant to section 402(d) of this Act shall be assessed a civil penalty by the Commission or its designated agent. Each day of noncompliance shall constitute a separate violation. The amount of such penalty shall not exceed $5,000 for each such violation. No penalty shall be assessed unless the person is given notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Any such penalty may be compromised by the Commission or its designated agent.

"(c) If a person fails to pay any penalty assessed under subsection (b) of this section, the Commission may by its own attorneys institute and prosecute a civil action against such person in the district court of the United States for any district in which such person is found, resides, or transacts business, to collect such penalty, or the Commission may request and the Attorney General shall institute and prosecute such action. Such court shall have jurisdiction to hear and decide such action, regardless of amount in controversy. In hearing an action under this subsection, the court shall sustain the Commission's finding of violation and the amount of civil penalty assessed if such action is supported by substantial evidence.".

MOTION TO RECONSIDER ENTERED

Mr. HARTKE subsequently said. Mr. President, I would like to enter a motion to reconsider S. 2016.

The PRESIDING OFFICER. Does the Senator desire to enter a motion to reconsider the vote on that bill?

Mr. HARTKE. Mr. President, I enter a motion to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The motion will be entered and placed on the calendar.

ORDER OF BUSINESS

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator JAVITS made at this point on the introduction of S. 2050, dealing with the Domestic Enterprise Bank, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 213, S. 1994.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, this bill would authorize appropriations totaling $2,429,055,000 for both "operating expenses" and "plant and capital equipment" for the coming year. That amount is approximately 4.1 percent less than the amount requested by the Commission and about 6.7 percent less than was authorized for fiscal year 1973.

Approximately 48 percent of the Commission's fiscal year 1974 estimated program costs will be for military applications of atomic energy and the balance for civilian programs. The civilian portion of the AEC's programs includes $128.8 million in operating costs for the high energy physics program for which the AEC acts as principal funding agent for the entire Federal Government.

OPERATING FUNDS

Turning to the bill itself, the individual sections are explained in the section-by-section analysis beginning at page 43 of the committee report. Very briefly, section 101(a) would authorize $1,740,750,000 for operating expenses and this total figure consists of the components listed in the table on page 3 of the committee report. A detailed discussion of each portion thereof begins at page 6 of the committee report. You will note from the table on page 3 that the committee has recommended several adjustments to the AEC's requested authorization. The net total of these adjustments is a reduction of $12,500,000.

I would like to highlight some of the significant areas affected by the committee's recommendations. Recognizing the Nation's need for increasing amounts of clean energy, the committee recommended increases of $15 million for the operation of the gaseous diffusion plants, $7.9 million for civilian nuclear reactor development, $10.6 million for applied energy technology, and $8.5 million for controlled thermonuclear research.

URANIUM ENRICHMENT

The largest single addition recommended by the committee relates to the operation of the three gaseous diffusion plants owned and operated by the AEC. These plants represent the sole source of enriched uranium necessary to manufacture fuel for nuclear reactors as well as to supply the materials required for our nuclear weapons program. The committee has recommended the addition of $15 milion to be applied to the operation of these facilities.

The committee has consistently urged the AEC to continue with its programs to increase the output of enriched uranium from its three gaseous diffusion plants. The projected growth of the use of nuclear power for generating electrical energy makes it imperative that vigorous steps be taken to maximize the production of this enriched material. By far, the largest portion of the uranium enrichment budget pertains to the procurement of electric power to operate these facilities. However, the projected costs of obtaining electric power are becoming increasingly unpredictable. In view of recent trends in the cost of obtaining energy, it is possible that this portion of AEC's authorization request for fiscal year 1974 may be inadequate to permit operating these plants at planned power levels. Additionally, the committee understands that seasonal or short-term power, in excess of that provided under long-term contracts, could be made available to the AEC at reasonable prices on short notice. Because of budget restraints in the past, the AEC has had to forego buying electrical energy which was available on a short-term basis which could have produced enriched uranium at about $25 per unit while the average sale price is $38.50 per unit. Therefore, the committee recommended this increase of $15 million to assure adequate funding of the planned power procurements and to permit the Commission to take advantage of short-term power purchases at reasonable prices as they become available.

CIVILIAN NUCLEAR REACTOR DEVELOPMENT

During the hearings on the proposed authorization bill, the committee received information concerning the current status of the electric power industry and nuclear powerplants. The information on the status of the nuclear powerplants showed that as of March 1973 there were 30 operable plants having a cumulative rating of approximately 15.5 million kilowatts. Sixty nuclear powerplants, having a cumulative rating of approximately 53.7 million kilowatts were under construction, and 75 more plants with a total rating of 78.6 million kilowatts were on order. This amounts to a total of 165 plants having an estimated capacity of 147.8 million kilowatts. This is to be compared with a total installed capacity at this time of all types of electric powerplants of about 350 million kilowatts. Commitments by the electric power industry within the United States for these powerplants total $50 billion in capital cost. This figure is increased to $250 billion if the cost of the fuel and other operating expenses over the life of the plant are included.

As you know, our supplies of natural gas and oil are limited. Moreover, the use of our supply of coal is currently restricted by environmental considerations. In view of the Nation's increasing reliance on nuclear power as one of our few domestic sources of energy, the committee recommended an increase of $7 million for the continued development of alternate concepts to the present generation of light water nuclear reactors. This sum would increase the amounts being spent on developing the high temperature gas reactor, the thorium utilization program, and the gas cooled fast reactor concept, and would continue work on the molten salt breeder reactor during fiscal year 1974.

In view of our limited resources of natural uranium, and a projected serious imbalance-of-payments problem arising from the necessity of importing fuel, the committee also recommended authorization of $2 million to commence planning for a second liquid metal fast breeder reactor demonstration plant. It seems clear that a second demonstration plant will be needed to assure timely development of reliable and economic fast breeder reactors.

APPLIED ENERGY TECHNOLOGY

The committee recommended an increase of $10.6 million, to $18.6 million, for AEC's applied energy technology program. The President's second energy message in April of this year continued to recognize that the scientific talent and facilities of the AEC's national laboratories represent a vital national asset since they can be utilized in defining solutions to our national energy dilemma in all areas.

Of the $10.6 million increase, approximately $6 million will be added to the Commission's activities in general energy development. This category includes work in the areas of energy transmission and storage and programs for the development of geothermal and solar energy.

The committee also recommended the addition of $3.7 million for the continuation of certain isotopes development technology programs including the production of isotopes for medical purposes. AEC had planned to cancel these programs. However, the committee felt they should be restored so that these important research efforts directed toward improving our health and environment could be continued.

CONTROLLED THERMONUCLEAR RESEARCH

A combination of factors has made it imperative that the United States continue to explore and develop all possible energy sources. This is particularly true for those sources which do not contribute significantly to the pollution problem. With the exception of the breeder reactor, it appears that fusion reactors will be the only nonfossil energy source now under research which may be capable of contributing the great amounts of energy needed in the future to maintain the health and economic well-being of the country. Continued and increased dependence on foreign fossil fuels can have a significant adverse impact on the economy and on our standard of living.

The AEC is supporting two fusion programs. The magnetic confinement program has been underway since the early 1950's. The laser-pellet fusion program was begun in 1962 and had been a comparatively minor research effort until a few years ago.

The committee continues to support a realistically increased research and development program in magnetic confinement which would be directly related to the magnitude of the difficulties and potential benefits which lie ahead. Therefore, the committee recommended authorization of $53 million for operating expenses of the controlled thermonuclear research program in fiscal year 1974. This is an increase of $8.5 million over the AEC's request. The increased funding should permit an acceleration of the program effort in several significant areas to exploit recent advances in our knowledge.

WEAPONS

The committee was also aware of the need for fiscal restraint. In this regard, it recommended the elimination of advanced engineering development programs for two new atomic artillery shells—$15 million—and a general reduction of $35 million in other weapons activities. This reduction, coupled with the elimination of associated production facilities which I shall describe later and the denial of $80 million for another classified weapons facility which is also referred to later results in a total reduction of $142 million in nuclear weapons efforts.

CONSTRUCTION FUNDS

With regard to the plant and capital equipment portion of the budget, contained in section 101(b) of the bill, a total of $688,305,000 is recommended. This is a reduction of $90,995,000 from the amount requested by the AEC. The bill authorizes $145,225,000 for new construction projects, $172,300,000 for capital equipment not related to construction, and $370,780,000 in increases in authorization for previously authorized projects.

The major changes recommended in this area are an $80 million reduction for certain classified facilities and a denial for a request for $12 million for production facilities for two new atomic artillery shells. I should stress that the committee's recommendations in the weapons area do not, in our judgment, impair the national security.

The committee also recommended the addition of $2.5 million for modifications to the Transient Reactor Test Facility consistent with the increased emphasis on the fast reactor safety program.

Sections 102, 103, and 104 of the bill set forth certain limitations regarding the application of the funds authorized by this bill. These are similar to provisions incorporated in previous authorization acts. However, this year, the committee recommended the addition of two new subsections in section 102 which would clarify the AEC's authority to incur obligations beyond amounts specifically set out for each line item construction project.

As I mentioned earlier, section 105 contains the amendments to prior year acts which provide for additional authorization of previously authorized projects.

Section 106 provides for rescission of two previously authorized projects which are no longer necessary. The total authorization for those two projects was $2.75 million of which $500,000 was applied to reduce the new obligational authority for fiscal year 1972 and $750,000 is being so applied for the fiscal year 1974 budget.

CONCLUSION

These are the highlights of the bill, Mr. President. The joint committee believes that this bill provides for the minimum authorization necessary to effectively carry out the essential programs and activities of the Commission. Mr. President, this is a sound and carefully considered bill and I urge its favorable consideration.

We had extensive hearings in the Joint Committee on Atomic Energy. The bill has been cleared on both sides and there is no objection to it as far as I know. I am ready to answer questions if anyone has a question.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I ask

unanimous consent that this vote be taken tomorrow at 9:30 a.m., and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the will of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the unanimous-consent agreement be vitiated at this time and that we proceed with the call of the roll. The yeas and nays have been ordered.

The PRESIDING OFFICER. Without objection, rule XII will be suspended and the order for the rollcall will be vitiated.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. PASTORE. Mr. President, in order to resolve the confusion, I renew the original unanimous-consent request that we vote at 9:30 tomorrow morning and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The routine morning business transacted today is printed at this point in the RECORD by unanimous consent.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) today signed the enrolled bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 21, 1973, he presented to the President of the United States the enrolled bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) laid before the Senate the following letters, which were referred as indicated:

PROPOSED DONATION OF CERTAIN SURPLUS PROPERTY

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the intention of the Department of the Navy to donate certain surplus property to the Warren County Chapter of the National Railway Historical Society, Warrenton, N.C. Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report of that Administration, for calendar year 1972 (with accompanying reports). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION FROM SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to further amend the Economic Stabilization Act of 1970, as amended, to authorize the President to prohibit or curtail the exportation of articles, commodities, or products from the United States, and for other purposes (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1972 (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED AMENDMENT OF CONCESSION CONTRACT IN GRAND CANYON NATIONAL PARK, ARIZ.

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract in Grand Canyon National Park, Ariz. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT OF ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, his report for the fiscal year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD):

A joint memorial of the Legislature of the State of Colorado. Referred to the Committee on Agriculture and Forestry:

"SENATE JOINT MEMORIAL NO. 14

"Whereas, Gasoline diesel, and propane fuel are in perilously short supply throughout Colorado and the rest of the nation, and a worsening of the shortages in these fuels is virtually inevitable; and

"Whereas, Agriculture is one of the keystones of the economies of this state and the entire nation, and, at this time of year, the consumption of fuel by the agricultural sector of the economy reaches a peak level; and

"Whereas, It is very likely that it will be necessary to allocate most fuels that are in short supply on a priority basis according to relevant need; and

"Whereas, It is most important that sufficient fuels be allocated to the agricultural sector of the economy in order that the people of this nation may be adequately supplied with food and clothing; now, therefore,

"Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein: That the General Assembly hereby memorializes the Congress of the United States to take all appropriate action within its power *to insure that the agricultural sector of the economy is allocated sufficient fuel* to perform its vital national function.

"*Be It Further Resolved,* That copies of this Memorial be transmitted to the President of the United States, the Secretary of the United States Department of Interior, the Chairman of the President's Oil Policy Committee, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Congress from Colorado."

Resolutions of the Massachusetts House of Representatives. Referred to the Committee on the Judiciary:

"RESOLUTIONS

"Memorializing the Congress of the United States To Investigate the Justice Department's Prosecution of Five Irish Residents of New York Before a Federal Grand Jury in Fort Worth, Tex.

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to investigate the Justice Department's prosecution of five Irish residents of New York before a federal grand jury in Texas as to the violation of the constitutional rights of these five United States residents; and be it further

"*Resolved,* That copies of these resolutions be sent by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, June 13, 1973."

A concurrent resolution of the Legislature of the State of New Hampshire. Referred to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 18

"Memorializing Congress of the devastating effect on the State of New Hampshire of U.S. Public Law No. 92-603, relating to title 19 of the Social Services Act

"Whereas, the communities of the State of New Hampshire maintain numerous nursing, convalescent, homes for the aged, hospital and similar facilities; and

"Whereas, these communities are limited in both the financial support that they can provide and the availability of professional and semi-professional personnel; and

"Whereas, the requirements of the United States Public Law 92-603, relating to Title 19 of the Social Services Act, when it becomes effective on January 1, 1974, would place a difficult if not impossible burden on most of these communities; and

"Whereas, due to the mandatory staffing, funding, changes required in the physical plant, and the maintaining of the necessary records, shall mean the possible loss of some of these facilities to the State of New Hampshire; Now Therefore,

"Be It Resolved by the Senate and House of Representatives, in General Court Convened:

"That the provisions of U.S. Public Law 92-603 be modified by the United States Congress to take into consideration the non-availability of professional personnel as required by this law in small communities such as those that comprise the State of New Hampshire and the other facets of the law that would make it virtually impossible for such small communities to meet.

"Be It Further Resolved, that certified copies of this resolution be forwarded by the secretary of state to members of the New Hampshire congressional delegation, the clerk of the United States Senate, the clerk of the United States House of Representatives, and to the President of the United States of America."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on Government Operations, with amendments:

S. 37. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget (Rept. No. 93-237).

By Mr. COTTON, from the Committee on Commerce:

S. 2047. An original bill to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport (Rept. No. 93-236). Placed on the calendar.

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, with amendments:

S. 896. A bill to amend the Education of the Handicapped Act, and for other purposes (Rept. No. 93-238).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. ROBERT C. BYRD (for Mr. EASTLAND), from the Committee on the Judiciary:

Mitchell A. Newberger, of Florida, to be U.S. Marshal for the Middle District of Florida; and

Victor R. Ortega, of New Mexico, to be U.S. attorney for the district of New Mexico.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Timothy F. Cleary, of Maryland, to be a member of the Occupational Safety and Health Review Commission.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 2046. A bill for the relief of Heikki Tapani Rika. Referred to the Committee on the Judiciary.

By Mr. COTTON, from the Committee on Commerce:

S. 2047. An original bill to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport Road and for a feasibility study of rapid transit to Friendship International Airport. Placed on the calendar.

By Mr. COTTON (by request):

S. 2048. A bill to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the Act shall not apply to certain sales in interstate commerce. Referred to the Committee on Commerce.

By Mr. ERVIN (for himself, Mr. RIBICOFF, and Mr. METCALF):

S. 2049. A bill to revise and restate certain functions and duties of the Comptroller General of the United States, and for other purposes. Referred to the Committee on Government Operations.

By Mr. JAVITS:

S. 2050. A bill to establish a Domestic Enterprise Bank to assist in the development of employment and business opportunities in urban and rural areas, to assist and promote job opportunities in business threatened foreign imports or technological obsolescence, and for the construction of low- and moderate-income housing projects. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCHWEIKER:

S.J. Res. 127. Joint resolution to authorize the Secretary of the Navy to transfer the United States ship *Constitution* to the Philadelphia Naval Shipyard, Philadelphia, Pa. Referred to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COTTON (by request):

S. 2048. A bill to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the act shall not apply to certain sales in interstate commerce. Referred to the Committee on Commerce.

Mr. COTTON. Mr. President, I introduce, by request of the Acting Secretary of the Interior, for appropriate reference, a bill to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the act shall not apply to certain sales in interstate commerce.

I ask unanimous consent that the letter from the Acting Secretary of the Interior, transmitting this bill and the bill be printed in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 15, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with today's Presidential Message on Energy, I am enclosing a proposed bill "To amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the Act shall not apply to certain sales in interstate commerce."

We recommend that it be referred to the appropriate committee and that it be enacted.

Natural gas, which currently satisfies 32 percent of our basic energy needs, is our cleanest burning fuel. On combustion, it emits far less particulates and sulfur oxides than any other fossil fuel. In some areas, it is the only fuel that can be burned in any quantity without significantly violating air quality standards and hazarding health.

Regrettably, however, natural gas is in the shortest supply of all our domestic fuels. For the past 5 years, we have consumed more than twice as much as we have found and added to our inventories. During the past year, 15 of the Nation's largest interstate pipelines were unable to provide enough gas to meet the needs of their customers. In many communities today, families cannot obtain clean, efficient gas to heat their homes or apartments.

When the Natural Gas Act was passed in 1938, it is very questionable that Congress intended for producers of natural gas to be regulated by the Federal Power Commission. But a Supreme Court decision in 1954 required the Federal Power Commission to regulate the sales of independent producers in interstate commerce. The history of wellhead price regulation since that decision has been replete with indecision, delay, and inappropriate policies, all of which are now bearing fruit in the gas shortages and market distortions which are patently harmful to the consumer, to the U.S. economy, and to the cause of clean air in our major cities.

The natural gas shortages does not result from inadequate domestic energy resources. Geologists estimate that we have sufficient undeveloped energy resources to last for several decades. Instead, the shortages result from the Federal Power Commission establishing prices for natural gas which are so low—in many cases well below the prices for other, more polluting fuels—that demand has been artificially stimulated and the exploration and development required to develop new supplies to satisfy rapidly expanding demand have been discouraged. These forces have inexorably led to the shortages which we are now experiencing.

In order to stimulate the development of our domestic natural gas resources, the enclosed legislation would exempt from the Federal Power Commission's regulation the sale of natural gas dedicated for the first time to interstate commerce or rededicated upon expiration of an existing contract on or after April 15, 1973, or produced from wells commenced on or after April 15, 1973. This action will permit natural gas prices to seek their competitive level, in a proper relation to the prices of other fuels. Competitive pricing will stimulate the exploration and development of our vast domestic natural gas resources. Over time, market mechanisms will also reallocate supplies of this clean premium fuel to the most efficient and highest-priority uses.

The President is mindful that in a time of shortage, prices can temporarily be bid above long-term competitive levels. Should this happen, it would pose an unnecessary, albeit temporary, burden on the consumer. To protect against this possibility, the enclosed legislation gives the Secretary of the Interior the authority for 3 years after enactment of this legislation to impose ceilings on the prices of new gas supplies if he deems this necessary. It is expected that after 3 years sufficient new supplies of natural gas will be elicited so that the natural forces of supply and demand will keep prices at competitive levels.

In addition to inadequate overall supplies inefficient ways. Large quantities of the natural gas have led to its use in careless and inefficient ways. Large quantities of the natural gas used in this country is consumed under large industrial and utility boilers—where other fuels could be used equally as well. So while some homeowners are forced to do without natural gas and to employ more expensive alternatives, large quantities of gas are being consumed inefficiently largely because of its cheap price. The homeowner suffers, the economy suffers, and the environment suffers.

To assist in correcting this problem, the enclosed legislation will give the Federal Power Commission jurisdiction over rates of the direct industrial sales of the interstate pipelines. This will allow the Federal Power Commission to adjust these industrial rates, where necessary, to reflect the value of this premium fuel. This will encourage an early reallocation of natural gas to premium uses, and will more equitably distribute the burden of paying for the new, more expensive supplies of gas. This provision of the legislation will further protect the homeowners from sharp price increases for this essential service.

At the present time, the Federal Power Commission has authority over the importation and exportation of natural gas. When this provision was included in the Natural Gas Act in the 1930's, this country was almost totally self-sufficient in energy and in fact enjoyed substantial spare producing capacity. Today, the situation is quite different. Last year approximately 4 percent of our natural gas needs and 30 percent of our petroleum needs came from foreign sources and most estimates show further increase in our dependency on foreign supplies in the near future. With the increasing dependence of this Nation on energy imports, it is essential that the authority to approve imports or exports of all energy forms be consolidated in the Executive Branch. The attached legislation, therefore, removes the Federal Power Commission's authority over natural gas imports and exports.

I would urge that Congress consider carefully and act with great dispatch on the legislation which is enclosed. The highest of priorities must be established for restoring rationality and balance to the market for natural gas, and of again achieving an equilibrium between demand and supply for this premium fuel.

Our present situation results from past regulations and practices. Each day of delay will see the natural gas shortage worsen and will further compound the distortions and inequities which we already witness. The enclosed legislation offers the best chance of solving the gas shortage in the quickest possible time and at the least cost to the consumer. I am convinced that unless this legislation is enacted, we will see further shortages, higher prices to the consumer, and less reliable supplies. I strongly urge that Congress enact this legislation.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the President's program.

Sincerely yours,

John C. Whitaker,
Acting Secretary of the Interior.

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That Section 1(b) of the Natural Gas Act is amended to read as follows:

"(b) The provisions of this Act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas or to the sale of natural gas dedicated for the first time to interstate commerce or rededicated upon expiration of an existing contract on or after April 15, 1973, or produced from wells commenced on or after April 15, 1973, for domestic, commercial, industrial or any other use, by any person, provided that person is not engaged in the transportation of natural gas in interstate commerce."

Sec. 2. Section 2(6) of the Natural Gas Act is amended striking the last two words and by inserting before the period at the end thereof a comma and the following: "subject to the exception in Section 1(b) above."

Sec. 3. Section 2 of the Natural Gas Act is amended by adding at the end thereof the following new subsection:

"(10) 'Affiliate' of another person means any person directly or indirectly controlling, controlled by, or under common control with such other person."

Sec. 4. Section 3 of the Natural Gas Act is amended by striking from the first sentence "or import any natural gas from a foreign country" and by striking from the second sentence "or importation."

Sec. 5. Section 4(e) of the Natural Gas Act is amended by inserting at the end thereof the following: "*Provided, however,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural gas company for or in connection with the purchase of natural gas exempt from the Act pursuant to Section 1(b) except to the extent that the rates or charges made, demanded or received for natural gas by an affiliate of the purchasing natural gas company exceed those made, demanded or received by persons not affiliated with the purchasing natural gas company. *Provided, further,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates or charges made, demanded or received by any natural gas company for natural gas produced from the properties of that company from wells commenced on or after April 15, 1973, except to the extent that the rates or charges made, demanded or received exceed those made, demanded or received for natural gas by persons not affiliated with the purchasing natural gas company."

Sec. 6. Section 5(a) of the Natural Gas Act is amended by inserting at the end thereof the following: "*Provided, however,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural gas company for or in connection with the purchase of natural gas exempt from the Act pursuant to Section 1(b), except to the extent that the rates or charges made, demanded or received for natural gas by an affiliate of the purchasing natural gas company exceed those made, demanded or received by persons not affiliated with the purchasing natural gas company. *Provided, further,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates or charges made, demanded or received by any natural gas company for natural gas produced from the properties of the company from wells commenced on or after April 15, 1973, except to the extent that the rates or charges made, demanded or received exceed those made, demanded or received for natural gas by persons not affiliated with the purchasing natural gas company. *Provided, further,* That the Commission shall have no power to order a decrease in the rate or charge made, demanded or received for the sale of natural gas by any person not engaged in the transportation of natural gas in interstate commerce or by any affiliate of such person, if such rate or charge shall have been previously determined to be just and reasonable, such determination being final and no longer subject to judicial review."

Sec. 7. Section 24 of the Natural Gas Act is renumbered Section 25 and a new Section 24 is added as follows:

In order to protect the interests of consumers, the Secretary of the Interior is authorized for 3 years from the date of enactment of this legislation to monitor the wellhead prices of natural gas sales exempted in Section 1(b) hereof, and if necessary to establish ceilings as to the future rates of and charges for such sales. In determining whether to establish such ceilings and in setting the level of such ceilings, the Secretary shall take the following factors into accounts—

(a) The current and projected price of other fuels at the point of utilization, adjusted to reflect a comparable heating value;

(b) The premium nature of natural gas and its environmental superiority over many other fuels;

(c) Current and projected prices for the importation of liquefied natural gas and the manufacture of synthetic gaseous fuels; and,

(d) The adequacy of these prices to provide necessary incentive for exploration and production of domestic reserves of natural gas and the efficient end-use of such supplies.

The Secretary may raise or remove any ceiling imposed under the provisions of this Section if he determines the bases for the imposition of ceilings have changed or no longer exist. Any ceiling imposed under the provisions of this Section will terminate 3 years from the date of enactment of this Act.

Sec. 8. This Act may be cited as the "Natural Gas Supply Act of 1973."

By Mr. ERVIN (for himself, Mr. Ribicoff, and Mr. Metcalf):

S. 2049. A bill to revise and restate certain functions and duties of the Comptroller General of the United States, and for other purposes. Referred to the Committee on Government Operations.

ACCOUNTING AND AUDITING ACT OF 1973

Mr. ERVIN. Mr. President, on behalf of myself, Senator Ribicoff and Senator Metcalf, and at the request of the Comptroller General, I introduce for appropriate reference the Accounting and Auditing Act of 1973, which is designed to strengthen and update the authority and functions of the General Accounting Office so that it may more effectively carry out its general statutory responsibilities.

This bill is similar in many respects to a measure introduced in the 91st and 92d Congresses by Senator Ribicoff, which passed the Senate unanimously during the 91st Congress; and contains provisions similar to S. 2702 which I introduced in the 92d Congress.

As the agent of Congress, the GAO serves as a vital resource of the legislative branch. Its primary function is to obtain, analyze, and present through its audit, review, and reporting activities information necessary to enable Congress to legislate more effectively.

The statutory responsibilities of the GAO in terms of providing assistance to Congress were expanded by the Legislative Reorganization Act of 1970 (Public Law 91–510). Among other duties imposed upon GAO, that act requires the Comptroller General to:

Cooperate with the Secretary of the Treasury and the Director of the Office of Management and Budget in developing, establishing, and maintaining standard classifications of programs, activities, and transactions of Federal agencies;

Review and analyze the results of Government programs, including the making of cost benefit studies, at the request of either House of Congress or any congressional committee;

Have available in GAO employees who are expert in analyzing and conducting cost benefit studies of Government programs;

Assist congressional committees in analyzing cost-benefit studies furnished by Federal agencies;

Explain to, and discuss with, congressional committees or their staffs, GAO reports which would be of assistance in connection with the committee's consideration of legislation—including appropriations measures—or its reviews of Federal programs and activities;

Furnish copies of GAO reports to the Congress to the House and Senate Committees on Appropriations and Government Operations, and other interested committees; and

Transmit to all congressional committees and Members of Congress periodic lists of GAO reports issued, and to furnish copies of reports upon request.

In addition to its audit, review, investigative, and certain other activities, the GAO is required to settle and adjust claims by and against the Government including the settlement of accounts of accountable officers, and to determine the legality of expenditures or proposed expenditures of appropriated funds.

In order to better perform his functions, the Comptroller General has recommended the statutory changes incorporated in this bill. They are designed to update certain auditing functions, and they should solve two problems which have been of great concern to me and other Members of the Congress during the past several years. One concerns access to information from the executive agencies, and the other allows the Comptroller General to seek court enforcement of his rulings and determinations when he differs with the Attorney General.

ACCESS TO INFORMATION

Comptroller General Staats testified recently at hearings on executive privilege before three Senate subcommittees that he believes "it is self-evident that the GAO, as an oversight arm of the Congress, cannot be effective if it does not have full access to records, information, and documents pertaining to the subject matter of an audit or review." Yet, the Comptroller General testified, much information has been deliberately withheld from the GAO by executive agencies during the past several years. I will insert at the end of these remarks a list of some of these incidents which has been supplied by the Comptroller General.

In his testimony, Comptroller General Staats referred to two problems he has encountered in obtaining full information from the Executive. One of these is an overextension of the doctrine of executive privilege by certain executive branch officials, and the other is what he termed "agency privilege" whereby executive officials "refuse to furnish us particular records or documents which they do not consider appropriate for our review."

Mr. President, in my own experience as chairman of the Judiciary Subcommittee on Constitutional Rights, I once requested certain documents from the Department of the Army regarding military surveillance of civilians. The officer in charge of that operation refused my request, saying that the documents would be of no use to the subcommittee. To my mind, that was an assertion of what the Comptroller General referred to as "agency privilege."

As to executive privilege, the Comptroller General testified that it has not been exercised as such with respect to providing information to GAO directly. However, he said that the use of executive privilege by the President has complicated the problem of access to information. Mr. Staats testified:

> Particularly disturbing is the fact that the departments and agencies have interpreted . . . the President's directive [regarding the exercise of executive privilege] to be not limited to the specific requests which prompted the exercise of executive privilege but rather as a standing directive that no internal working documents, detailed planning data, or estimates as to future budget requirements will be made available to the Congress or the General Accounting Office without the approval of higher authority. Our concern in this respect is supported by the general directives which were issued to carry out the President's policy. In other words, agencies have become super cautious and want to run no risk that either the letter or the spirit of the directives will be violated on an "across-the-board" basis. My opinion is that the President had no such purpose but the effect has been nevertheless to require additional records screening, additional referrals up the organizational hierarchy, and tremendous delays in making information available to us.

On the other hand, he testified, "agency privilege" does not purport to represent assertions of executive privilege. He said he was unaware of any legal authority which supports the arrogation of such discretion on the part of agency officials to withhold information.

Complicating the problem of the GAO gaining access to information from the Executive is the lack of stringent enforcement provisions to which the Comptroller General can turn when information is denied him. For this reason, the bill I introduce today has a provision which would, in effect, cut off funds to an agency which refuses to supply information to which the Comptroller General has a legal right of access, and it makes clear that he has such a right.

Title IV of the bill would restate existing law to make clear GAO's basic right of access to all information within the executive branch bearing upon its audit and review responsibilities, except where otherwise specifically provided by law, and provides a remedy in cases where an executive agency refuses, procrastinates or otherwise fails to fully cooperate in response to a request by the Comptroller General for such information. It would also impose certain recordkeeping requirements upon direct and indirect recipients of Federal funds, and provide GAO with a right of access—enforceable under title II—to such records for purposes of its audit and review responsibilities. GAO has this authority with respect to all grants to States and under numerous individual grant programs. This new general authority will avoid the need to provide such authority in each new Federal assistance program.

Finally, section 402 of title IV would provide a means of enforcing the Comptroller General's right of access to executive branch information, including books, documents, papers and records. The ultimate remedy in cases of failure to provide requested information would be a cutoff of funds available to an executive unit under review by the Comptroller General. This remedy could be invoked only after—and to the extent that—the Comptroller General's right of access is sustained in a declaratory judgment by a Federal three-judge court. In addition, it would apply only at the election of the Comptroller General, subject to disapproval by either House of Congress.

POWER OF THE COMPTROLLER GENERAL TO SUE

The second major area which has disturbed me, and which this bill is intended to remedy, is the general inability of the Comptroller General to sue in the Federal courts when his determinations differ from those of the Attorney General.

At present, the Comptroller General must be represented by attorneys of the Justice Department if he desires to bring a suit to resolve the potential impasse which arises under existing law where an executive agency appears unwilling to comply with a determination by the Comptroller General concerning the legality of the proposed use of appropriated funds. Since these attorneys are under the direction of the Attorney General, who in turn serves as the lawyer for the executive branch, the Comptroller General is placed in a position of being represented by his adversary's counsel.

This problem was very forcefully demonstrated in 1969 when the Comptroller General and the Attorney General differed in their opinions as to the legality of the so-called "Philadelphia Plan" which was designed to promote minority employment in the construction trades in the Philadelphia area of Pennsylvania and New Jersey.

The basic facts of that dispute were these:

First. The Department of Labor issued an order requiring that major construction contracts in the Philadelphia area, which were entered into or financed by the U.S. Government, to include commitments by the contractors to goals of employment of minority workers in specified skills trades;

Second. The Comptroller General issued a decision dated August 5, 1969, advising the Secretary of Labor that he considered the Philadelphia Plan to be in contravention of the Civil Rights Act of 1964, and that he would be required to so hold in passing upon the legality of expenditures of appropriated funds under contracts made subject to the plan;

Third. The Attorney General on September 22, 1969, issued an opinion to the Secretary of Labor advising him of his conclusion that the plan was not in conflict with any provision of the Civil Rights Act, that it was authorized by Executive Order 11246, and that it could be enforced in awarding Government contracts.

The Comptroller General subsequently testified during hearings on the Philadelphia Plan before the Senate Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, that in his opinion the Civil Rights Act of 1964 was the law governing nondiscrimination in employment and that it overrode any administrative rules, regulations, and orders which conflicted with or went beyond its provisions.

The Attorney General obviously disagreed with the Comptroller General, but there was no adequate way to bring the issue before the courts, where such disputes between the GAO and the Executive belong, because of the inability of the Comptroller General to retain his own council and to initiate the action. Consequently, in the 92d Congress I introduced S. 2702, which would have given the Comptroller General that authority. Title I of the bill I introduce today also provides the Comptroller General with the power to go into court.

Under title I, the Comptroller General could—unless the Congress disapproves—obtain prompt judicial review of such controversies by institution of a civil action for declaratory and injunctive relief before a Federal three-judge court, with the right of appeal directly to the U.S. Supreme Court.

President Nixon, in a statement issued on December 22, 1969, recognized the need to provide for judicial determination of such controversies.

He said, in part:

> When rulings differ * * * when the chief legal officer of the executive branch and the chief watchdog of the Congress end up with opposing views on the same matter of law, the place for resolution of such differences, is the courts—just as it is for the resolution of differences between private citizens.

The President took the position that legislation on this subject should—

> * * * permit prompt court review of any difference between legal opinions of the Comptroller General and those of the Executive, and * * * permit the Comptroller General to have his own counsel (rather than the Attorney General) to represent him in such cases.

He also stated:

> I wish to assure the Congress and the public of this Nation that I consider the independence of the Comptroller General of the United States of the utmost importance in the separation of powers in our Federal system.

The President's remarks were made in the context of a proposed amendment to a supplemental appropriations bill, H.R. 15209, 91st Congress, which would have enforced by legislation a decision by the Comptroller General with which the Attorney General disagreed. Application of these provisions would result in expeditious judicial resolution of future disputes, consistent with the needs of the Congress and the stated position of the President.

SUBPENA POWER

Title II would authorize the Comptroller General to issue, and obtain judicial enforcement of, subpenas requiring the production of negotiated contract and subcontract records and records of other non-Federal individuals and entities—such as certain Federal grantees—to which he has a right of access by law or agreement.

The Comptroller General testified on September 16, 1969, before the Subcommittee on Executive Reorganization of the Government Operations Committee that much time could be saved if GAO had the authority to issue judicially enforceable subpenas. He said that the GAO "could avoid the loss of much time and effort if the Congress were to grant the Comptroller General the authority to compel by judicially enforceable subpena, the production of those books, accounts, and other contractor records covered under the examination of records."

BUDGET, FISCAL AND PROGRAM INFORMATION

In this year of budget reform in Congress, one point has been made with clarity: Congress needs full and complete information about the budget, fiscal affairs and program operations of the Government. In order to further this goal, title III of the bill provides that the Comptroller General will assist Congress in obtaining this information.

He would be authorized to: first, conduct a continuing program to ascertain congressional needs for such information; second, assist congressional committees in developing specifications for legislative requirements for executive branch evaluations of Federal programs and reports thereon to Congress; and third, monitor reporting requirements of Congress and congressional committees, and recommend improvements to enhance their usefulness and to eliminate duplicative or unnecessary reporting.

OTHER PROVISIONS OF THE BILL

The remaining eight titles of the bill deal generally with specific areas of audit and review by GAO—adding, modifying, and in some cases eliminating areas of responsibility—in order to enhance the capability and flexibility of the agency in concentrating its resources upon areas of greatest significance and need to the Congress.

Title V would permit the Comptroller General to exercise control over the General Accounting Office Building and to sublet space therein to other agencies. He would also be permitted to lease additional space for the use of the GAO in the District of Columbia and elsewhere.

Title VI would authorize the Comptroller General to make selective studies of the profits of major Government contractors, for the purpose of comparing profits from government business with those from commercial sources and ascertaining whether proper allocation of costs are made to government business. Necessary access to information authority would be provided for application to such studies, together with safeguards against disclosure of information relating to commercial transactions.

Title VII would authorize the Comptroller General to prescribe limitations upon the amount of disbursement vouchers subject to administrative preaudit by statistical sampling techniques, in accordance with Public Law 88-521, and would require the Comptroller General to include in his reviews of accounting systems an evaluation of such procedures.

Title VIII would vest primary responsibility for audit of transportation bills and recovery of overcharges in one or more executive agencies designated by the Director of the Office of Management and Budget—rather than the GAO—subject to standards promulgated jointly by the Secretary of the Treasury and the Comptroller General. The GAO audit would conform to the audit procedures applicable generally to Government activities.

Title IX would provide for audit and review by GAO of nonappropriated funds and related activities within the executive branch, which have greatly increased in recent years.

Title X would give the Comptroller General greater discretion in employing program evaluation experts as consultants or on a fulltime basis and to obtain consultant services, at rates of compensation not to exceed level V of the executive schedule.

Title XI would change from 1 to 3 years the frequency requirements for GAO audits of wholly owned and mixed-ownership Government corporations, and the making of reports to the Congress on such audits. This title would also modify audit requirements with respect to certain other Government entities.

Title XII would eliminate requirements for annual GAO audits of certain revolving funds, and make the frequency of such audits subject to the discretion of the Comptroller General.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the text of the Accounting and Auditing Act of 1973, a section-by-section analysis of the bill, and a list of incidents in which information has been denied the Comptroller General by executive agencies.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Accounting and Auditing Act of 1973."

TITLE I—ENFORCEMENT OF DECISIONS AND SETTLEMENTS

SEC. 101. The Budget and Accounting Act, 1921, as amended (31 U.S.C. 42), is further amended by adding at the end thereof the following new sections:

"SEC. 320. (a) Whenever the Comptroller General, in the performance of any of his functions authorized by law, has reasonable cause to believe that any officer or employee of the executive branch is about to expend, obligate, or authorize the expenditure or obligation of public funds in an illegal or erroneous manner or amount, he may institute a civil action in the United States District Court for the District of Columbia for declaratory and injunctive relief. If the Attorney General is in disagreement with the Comptroller General he is authorized to represent the defendant official in such action. Other parties, including the prospective payee or obligee who shall be served with notice or process, may intervene or be impleaded as otherwise provided by law, and process in such an action may be served by certified mail beyond the territorial limits of the District of Columbia.

"(b) Upon application of the Comptroller General or the Attorney General an action brought pursuant to this section shall be heard and determined by a district court of three judges under section 2284 of title 28, United States Code. An action brought under this section shall be expedited in every way.

"(c) In actions brought under this section the Comptroller General shall be represented by attorneys employed in the General Accounting Office and by counsel whom he may employ without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapters III and VI of chapter 53 of such title relating to classification and General Schedule pay rates.

"(d) In the event the institution of suit under this section serves to delay a payment beyond the date it was due and owing in payment for goods or services actually delivered to and accepted by the United States, then such payment when made by the agency involved shall include interest thereon at the rate of 6 per centum per annum for the time it has been withheld. Otherwise, no court shall have jurisdiction to award damages against the United States, its officers, or agents as a result of any delay occasioned by reason of the institution of suit under this section.

"(e) This section shall be construed as creating a procedural remedy in aid of the statutory authority of the Comptroller General and not as otherwise affecting such authority.

"SEC. 321. No action may be instituted by the Comptroller General under section 320 until the expiration of a period of thirty calendar days (excluding the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die) following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Committees on Government Operations of the Senate and the House of Representatives and during such thirty-day period the Congress has not enacted a concurrent resolution stating in substance that it does not favor the institution of the civil action proposed by the Comptroller General."

TITLE II—SUBPOENA POWER

SEC. 201. To assist in carrying out his functions, the Comptroller General may sign and issue subpoenas requiring the production of negotiated contract and subcontract records and records of other non-Federal persons or organizations to which he has a right of access by law or agreement.

SEC. 202. In case of disobedience to a subpoena issued under section 201, the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the records involved. Any district court of the United States within the jurisdiction in which the contractor, subcontractor, or other non-Federal person or organization is found or resides or in which the contractor, subcontractor, or other non-Federal person or organization transacts business may, in case of contumacy or refusal to obey a subpoena issued by the Comptroller General, issue an order requiring the contractor, subcontractor, or other non-Federal person or organization to produce the records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

TITLE III—BUDGET, FISCAL AND PROGRAM INFORMATION FOR THE CONGRESS

SEC. 301. (a) The Comptroller General shall conduct a continuing program to ascertain the needs of the committees and Members of the Congress for fiscal, budgetary, and program information and shall recommend to the Congress and to the executive agencies, as appropriate, improvements in developing and reporting such information to meet these needs most effectively.

(b) The Comptroller General shall assist committees in developing specifications for legislative requirements for executive branch evaluations of Federal programs and activities, including reporting the results of such evaluations to the Congress.

(c) The Comptroller General shall monitor the various recurring reporting requirements of the Congress and committees and make recommendations to the Congress and committees for changes and improvements in these reporting requirements to meet the congressional information needs ascertained by the Comptroller General, to enhance their usefulness to the congressional users and to eliminate duplicative or unneeded reporting.

TITLE IV—ACCESS TO RECORDS

SEC. 401. Section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54), is amended to read as follows:

"SEC. 313. (a) Except where otherwise specifically provided by law, all departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, organization, transactions, operations, and activities of their respective offices as he may from time to time require of them; and the Comptroller General or any of his duly authorized representatives shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment.

"(b)(1) Each recipient of Federal assistance pursuant to grants, contracts, subgrants, subcontracts, loans or other arrangements, entered into other than by formal advertising, shall keep such records as the head of the department or establishment involved shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The head of such department or establishment and the Comptroller General, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in paragraph (1) of this subsection, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the head of the department or establishment or the Comptroller General may be related or pertinent to the grants, contracts, subgrants, subcontracts, loans or other arrangements referred to in paragraph (1) of this subsection."

SEC. 402. (a) If any information, books, documents, papers, or records requested by the Comptroller General from any department or establishment under section 313(a) of the Budget and Accounting Act, 1921, as amended, or any other authority, have not been made available to the General Accounting Office within a period of twenty calendar days after the request has been delivered to the office of the head of the department or establishment involved, the Comptroller General may institute a civil action in the United States District Court for the District of Columbia for declaratory relief in accordance with subsection (b) of this section. The Attorney General is authorized to represent the defendant official in such action. The Comptroller General shall be represented by attorneys employed in the General Accounting Office and by counsel whom he may employ without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapters III and IV of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) Actions instituted pursuant to subsection (a) of this section shall be for the purpose of declaring the rights and other legal relations of the parties, in accordance with section 2201 of title 28, United States Code, concerning the Comptroller General's request for information, books, documents, papers, or records; and no further relief shall be sought by the parties or provided by the courts. Such actions shall be heard and determined by a district court of three judges. Immediately upon the filing of a complaint under subsection (a) of this section the matter shall be referred to the chief judge of the United States Court of Appeals for the District of Columbia Circuit, who shall designate three judges, at least one of whom shall be a circuit judge, to serve as members of the court to hear and determine the action. Actions under this subsection shall be governed by the rules of civil procedure to the extent consistent with the provisions of this section, and shall be expedited in every way.

(c) Any party may appeal directly to the United States Supreme Court from a declaratory judgment under subsection (b) of this section. Such appeal shall be taken within thirty days after entry of the judgment. The record shall be made up and the case docketed within sixty days from the time such appeal is taken under rules prescribed by the Supreme Court.

(d)(1) Subject to paragraph (2) of this subsection, if after a declaratory judgment sustaining the Comptroller General's right to all or any information, books, documents, papers, or records requested becomes final such information is not made available to the General Accounting Office, no appropriation made available to the bureau, office, or unit of the department or establishment which the Comptroller General identifies as being under review shall be available for obligation unless and until such information is made available to the General Accounting Office.

(2) Paragraph (1) of this subsection shall not become operative unless:

(A) the Comptroller General determines to invoke the provisions thereof and files with the Committees on Government Operations of the Senate and the House of Representatives notice of his determination, together with identification of the bureau, office, or unit under review and the appropriations available thereto; and

(B) during thirty calendar days (excluding the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die) following the date on which the Comptroller General files such notice, neither House has passed a resolution in accordance with section 403 of this Act stating in substance that it does not favor invocation of paragraph (1) of this section.

(e) Where the conditions set forth in paragraph (2) of subsection (d) are satisfied paragraph (1) of subsection (d) shall become operative on the day following expiration of the thirty-day period specified in subsection (d)(2)(B).

SEC. 403. (a) This section is enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions referred to in subsection (d)(2)(B) of section 402 of this Act and described by subsection (b) of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ______ does not favor the proposal that appropriations provided by ______ cease to be available to ____, filed with the Committees on Government Operations of the Senate and the House of Representatives by the Comptroller General on ______," the blank spaces therein being filled, respectively, with the name of the resolving House, the appropriation or appropriations concerned, the name of the bureau, office, or unit under review by the Comptroller General, and the date of filing of the Comptroller General's proposal.

(c) A resolution under this section shall be referred to the Committee on Government Operations by the President of the Senate or the Speaker of the House, as the case may be; and hereinafter the word "committee" refers to the Committee on Government Operations of the Senate or the House of Representatives, as the case may be.

(d) (1) If the committee to which a resolution under this section has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other such resolution which has been referred to it.

(2) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported another such resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other such resolution.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution under this section, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate is not debatable. An amendment to, or a motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) (1) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution under this section, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the rules of the Senate and the House of Representatives, as the case may be, to the procedure relating to such resolution shall be decided without debate.

TITLE V—GENERAL ACCOUNTING OFFICE BUILDING

SEC. 501. Notwithstanding any other provision of law, the Comptroller General shall have exclusive custody and control over the General Accounting Office Building, including the operation, maintenance, repairs, alterations, and assignment of space therein. The Comptroller General and the head of any Federal agency may enter into agreements for space to be occupied in the General Accounting Office Building by such agency at such rates as may be agreed upon. Amounts received by the General Accounting Office pursuant to such agreements will be deposited to the appropriation initially charged for providing operation, maintenance, repair and alteration services with respect to such space. The Comptroller General is authorized to lease buildings or parts of buildings in the District of Columbia (without regard to section 34 of title 40, United States Code) or elsewhere for the use of the General Accounting Office for a period not to exceed ten years.

TITLE VI—PROFITS STUDY

SEC. 601. (a) With respect to contractors having Government contracts, including subcontracts, aggregating one million dollars or more in the contractor's most recent fiscal year, the Comptroller General is authorized and directed to conduct studies on a selective basis of all profits made by such contractors on Government and commercial contracts. Such studies shall be made from time to time within the discretion of the Comptroller General but not less frequently than once in each five-year period following enactment of this Act and reports on the results of each study shall be promptly submitted to the Congress.

(b) Any contractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General or his authorized representatives, prepare and submit to him such information maintained in the normal course of business by such contractors as the Comptroller General determines necessary or appropriate in conducting any study authorized in subsection (a) of this section.

(c) In order to determine the profits referred to in subsection (a) of this section, either on a percentage of the cost basis, percentage of sales basis, a return on private capital employed basis, or any other pertinent basis, the Comptroller General and his authorized representatives are authorized to audit and inspect and to make copies of any books, accounts or other records which the Comptroller General determines are necessary to permit calculations of the profits of any contractor, but he shall not disclose any information obtained under the authority of this section relating to a contractor's profits on any individual commercial contract or on any individual contract entered into pursuant to formally advertised competitive bidding.

(d) As used in this section:

1. The term "contractor" means any individual, firm, corporation, partnership, association or other legal entity which provides services and materials under direct contracts or under subcontracts with a prime contractor.

2. The term "services and materials" means either services or materials or services and materials and includes construction.

3. The term "Government contracts" means contracts and other transactions between any department, agency, or instrumentality of the Federal Government and any contractor.

4. The term "commercial contracts" means all contracts and commercial transactions other than Government contracts.

TITLE VII—STATISTICAL SAMPLING PROCEDURES IN THE EXAMINATION OF VOUCHERS

SEC. 701. Subsection (a) of Public Law 88-521, approved August 30, 1964 (31 U.S.C. 82b-1(a)), is amended to read:

"(a) Whenever the head of any department or agency of the Government or the Commissioner of the District of Columbia determines that economies will result therefrom, such agency head or the Commissioner may prescribe the use of adequate and effective statistical sampling procedures in the examination of disbursement vouchers not exceeding such amounts as may from time to time be prescribed by the Comptroller General of the United States; and no certifying or disbursing officer acting in good faith and in conformity with such procedures shall be held liable with respect to any certification or payment made by him on a voucher which was not subject to specific examination because of the prescribed statistical sampling procedure: *Provided,* That such officer and his department or agency have diligently pursued collection action to recover the illegal, improper, or incorrect payment in accordance with procedures prescribed by the Comptroller General. The Comptroller General shall include in his reviews of accounting systems an evaluation of the adequacy and effectiveness of procedures established under the authority of this Act."

TITLE VIII—AUDIT OF TRANSPORTATION PROBLEMS

SEC. 801. Section 322 of the Transportation Act of 1940, as amended, 49 U.S.C. 66, is further amended by deleting the first sentence thereof and substituting therefor the following:

"Subject to such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, payment for transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor prior to audit by the executive agency or agencies designated by the Director of the Office of Management and Budget, but the right is reserved to the United States Government to deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder. This does not affect the authority of the General Accounting Office to make audits in accordance with the Budget and Accounting Act, 1921, as amended, 31 U.S.C. 42, and the Accounting and Auditing Act of 1950, as amended, 31 U.S.C. 65."

TITLE IX—AUDIT OF NONAPPROPRIATED FUND ACTIVITIES

SEC. 901. (a) The operations of nonappropriated funds and related activities within the executive branch, such as the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, and Exchange Councils of the National Aeronautics and Space Administration, the systems of accounting and internal controls and any internal or independent audits or reviews of such funds and activities, unless otherwise provided by law, shall be subject to review by the Comptroller General of the United States in accordance with such principles and procedures and under such rules and regulations as he may prescribe. The Comptroller General and his duly authorized representatives shall have access to such books, accounts, records, documents, reports, files, and other papers, things, or property relating to such funds and activities as are deemed necessary by the Comptroller General.

(b) To aid the Comptroller General in planning audits or reviews under subsection (a) of this section, each nonappropriated fund activity within the executive branch of the Government shall furnish to the Comptroller General at such times and in such form as he shall require an annual report of the operations of such activity, including an annual statement of financial operations, financial condition, and cash flow.

TITLE X—EMPLOYMENT OF EXPERTS AND CONSULTANTS

SEC. 1001. (a) The Comptroller General is authorized to employ not to exceed ten experts on a permanent, temporary, or intermittent basis and to obtain services as authorized by section 3109 of title 5, United States Code, but in either case at a rate (or the daily equivalent) for individuals not to exceed the rate for Level V of the Executive Schedule (5 U.S.C. 5316).

(b) Service of an individual as an employee or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipts of compensation and retired pay or annuities, subject to section 5532 of title 5, United States Code.

TITLE XI—AUDITS OF GOVERNMENT CORPORATIONS

AMENDMENTS TO THE GOVERNMENT CORPORATION CONTROL ACT

SEC. 1101. (a) Section 105 of the Government Corporation Control Act (31 U.S.C. 850) is amended by adding thereto the following sentence: "Effective January 1, 1973, each wholly owned Government corporation shall be audited at least once in every three years."

(b) The first sentence of section 106 of such Act (31 U.S.C. 851) is amended to read as follows: "A report of each audit conducted under section 105 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

(c) Section 202 of such Act (31 U.S.C. 857) is amended by adding thereto the following sentence: "Effective January 1, 1973, each mixed-ownership Government corporation shall be audited at least once in every three years."

(d) The first sentence of section 203 of such Act (31 U.S.C. 858) is amended to read as follows: "A report of each audit conducted under section 202 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT

SEC. 1102. (a) Section 17(b) of the Federal Deposit Insurance Act (12 U.S.C. 1827(b)) is amended by adding thereto the following sentence: "The Corporation shall be audited at least once in every three years."

(b) The first and second sentences of section 17(c) of such Act (12 U.S.C. 1827(c)) are amended to read as follows: "A report of each audit conducted under subsection (b) of this section shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit. On or before the expiration of five and one-half months following the close of the last year covered by such audit the Comptroller General shall furnish the Corporation a short form report on his audit of the Corporation."

AMENDMENT TO FEDERAL CROP INSURANCE ACT

SEC. 1103. Section 513 of the Federal Crop Insurance Act (52 Stat. 76; 7 U.S.C. 1513) is amended to read as follows:

"The Corporation shall at all times maintain complete and accurate books of accounts and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation."

AMENDMENTS TO THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

SEC. 1104. Section 107(g) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)) is amended by:

(1) adding a new sentence at the end of subparagraph (1) thereof as follows: "Such audit shall be made at least once in every three years."

(2) substituting the following sentence in lieu of the first sentence in subparagraph (2) thereof: "A report of each such audit shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

AMENDMENT TO DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

SEC. 1105. Section 17 of the District of Columbia Redevelopment Act of 1945 (60 Stat. 801) is amended by deleting the word "annual" from the clause "such books shall be subject to annual audit by the General Accounting Office."

AMENDMENT TO THE FEDERAL HOME LOAN BANK ACT

SEC. 1106. Section 18(c)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)) is amended by deleting the word "annually" from clause (B) of the first sentence thereof.

TITLE XII—REVISION OF ANNUAL AUDIT REQUIREMENTS

AMENDMENT TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 1201. Section 109(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 756(e)) is amended to read as follows:

"(c)(1) As of June 30 of each year, there shall be covered into the United States Treasury as miscellaneous receipts any surplus in the General Supply Fund, all assets, liabilities, and prior losses considered, above the amounts transferred or appropriated to establish and maintain said fund.

"(2) The Comptroller General shall make audits of the General Supply Fund in accordance with the provisions of the Accounting and Auditing Act of 1950 and make reports on the results thereof."

AMENDMENT TO THE FEDERAL AVIATION ACT OF 1958

SEC. 1202. That part of the second sentence of section 1307(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1537(f)) which precedes the proviso is amended to read as follows: "The Secretary shall maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE BUREAU OF ENGRAVING AND PRINTING FUND

SEC. 1203. Section 6 of the Act entitled "An Act to provide for financing the operations of the Bureau of Engraving and Printing, Treasury Department, and for other purposes" (31 U.S.C. 181d) is amended to read as follows:

"The financial transactions, accounts, and reports of the fund shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE VETERANS' CANTEEN SERVICE

SEC. 1204. Section 4207 of title 38, United States Code, is amended to read as follows:

"SEC. 4207. AUDIT OF ACCOUNTS.

"The Service shall maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE HIGHER EDUCATION INSURED LOAN PROGRAM

SEC. 1205. Paragraph (2) of section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)(2)) is amended to read as follows:

"(2) maintain with respect to insurance under this part a set of accounts, which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 428, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government."

AMENDMENTS WITH RESPECT TO CERTAIN HOUSING PROGRAMS

SEC. 1206. (a) Section 106(a)(2) of the Housing Act of 1949 (63 Stat. 417; 42 U.S.C. 1456(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided*, That such financial transactions of the Administrator as the making of advances of funds, loans, or grants and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

(b) Section 402(a)(2) of the Housing Act of 1950 (64 Stat. 78; 12 U.S.C. 1749(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided*, That such financial transactions of the Administrator as the making of loans and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

AMENDMENT TO THE FEDERAL CREDIT UNION ACT

SEC. 1207. Section 209(b)(2) of the Federal Credit Union Act as added by section 1 of Public Law 91-468 (12 U.S.C. 1789(b)(2)) is amended by deleting the word "annually" therefrom.

AMENDMENT WITH RESPECT TO AUDIT OF THE GOVERNMENT PRINTING OFFICE

SEC. 1208. The third sentence of subsection 309(c) of title 44 of the United States Code is amended to read as follows:

"The Comptroller General shall audit the activities of the Government Printing Office at least once in every three years and shall furnish reports of such audits to the Congress and the Public Printer."

SECTION-BY-SECTION ANALYSIS

TITLE I—ENFORCEMENT OF DECISIONS AND SETTLEMENTS

Section 101 would add new sections to the Budget and Accounting Act, 1921, as amended, which would provide the Comptroller General procedural remedies through court action to prevent the obligation or expenditure of funds in an illegal or erroneous manner.

The new section 320 provides for declaratory and injunctive relief when the Comptroller General has reasonable cause to believe that any official of the executive branch is about to expend, obligate, or authorize the expenditure or obligation of public funds in an illegal or erroneous manner.

Subsection (a) authorizes the Comptroller General to institute a civil action for such relief in the United States District Court for the District of Columbia; it authorizes the Attorney General to represent the defendant official in such action if he disagrees with the Comptroller General; it provides that other parties may intervene or be impleaded; and it provides that service or process may be made by certified mail beyond the territorial limits of the District of Columbia.

Subsection (b) provides that upon application of the Comptroller General or the Attorney General an action brought under this section shall be heard and determined by a district court of three judges under section 2284 of title 28, United States Code, and that an action brought under this section shall be expedited in every way. An order granting or denying an injunction in such actions would be appealable directly to the United States Supreme Court under 28 U.S.C. 1253.

Subsection (c) provides that in actions brought under this section the Comptroller General shall be represented by attorneys of the General Accounting Office and by additional counsel of his choosing who may be employed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapters III and VI of chapter 53 of such title relating to classification and General Schedule pay rates.

Subsection (d) provides that in the event a suit brought under this section delays a payment for goods or services beyond its due date, the said payment when made by the agency involved shall include interest thereon at the rate of 6 per centum per annum from the time it was withheld and that no other court shall have jurisdiction to award damages against the United States as a result of any delay occasioned by the institution of a suit under this section.

Subsection (e) provides that this section shall be construed as creating a procedural remedy in aid of the statutory authority of the Comptroller General and is not intended to otherwise affect existing provisions of law.

Section 321 provides that no action may be instituted under section 320 until the expiration of thirty calendar days from the date on which the Comptroller General gives notice to the Senate and House Committee on Government Operations of his intention to file such a suit. During the period Congress may prevent such action by the passage of a concurrent resolution disapproving it. In computing the thirty day period, days on which either House is not in session because of adjournment of more than 3 days to a day certain, or an adjournment sine die, are excluded.

TITLE II—SUBPOENA POWER

Section 201 would authorize the Comptroller General to sign and issue subpoenas requiring the production of negotiated contract and subcontract records and records of other non-Federal persons or organizations to which he has a right of access by law or agreement. This authority includes books, accounts, and other records of contractors or subcontractors having negotiated Government contracts and of various other non-Federal persons or organizations most of which have received Federal grants or other financial assistance.

Section 202 would provide that in case of disobedience to a subpoena, the appropriate district court may issue an order requiring compliance with the subpoena and any failure to obey such order shall be punished by the court as a contempt thereof. The Comptroller General could be represented by General Accounting Office attorneys in subpoena enforcement proceedings under this section. However no provision is made for employment of special counsel for this purpose.

TITLE III——BUDGET, FISCAL AND PROGRAM INFORMATION FOR THE CONGRESS

Section 301 would provide for the Comptroller General to assist congressional committees and Members of Congress in obtaining fiscal, budgetary and program information needed in connection with improving congressional control over the Federal budget. The Comptroller General would—

Conduct a continuing program to ascertain congressional needs for such information;

Assist congressional committees in developing specifications for legislative requirements for executive branch evaluations of Federal programs and reports thereon to the Congress; and

Monitor reporting requirements of the Congress and congressional committees, and recommend improvements to enhance their usefulness and to eliminate duplicative or unnecessary reporting.

TITLE IV—ACCESS TO RECORDS

Section 401 would amend generally section 313 of the Budget and Accounting Act, 1921, so as to strengthen the Comptroller General's right of access to the documentation needed to adequately audit Federal and federally assisted programs.

Section 313(a), as amended, would constitute a clarification of the current statutory language to require that except where otherwise specifically provided by law, the departments and establishments shall furnish the Comptroller General any information regarding the operations and activities of their respective offices as the Comptroller General may require of them. For the purpose of securing such information, this subsection authorizes the Comptroller General and his authorized assistants and employees access to and the right to examine the books, documents, papers, or records of the departments or establishments.

Subsection (b)(1) would require each recipient of Federal assistance obtained under other than by formal advertising procedures to keep such records as the head of the department or establishment involved prescribes. Such records would include those which fully disclose the amount and disposition by the recipients of the proceeds of the assistance, the total cost of the project or undertaking with which the assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as would facilitate an effective audit.

Subsection (b)(2) would grant to the head of the department or establishment involved, the Comptroller General, and their duly authorized representatives, access for the purpose of audit and examination to any documentation of the recipients described in subsection (b)(1) which the head of the department or establishment or the Comptroller General believes may be related or pertinent to the Federal assistance received.

Section 402 would provide a means of enforcing the Comptroller General's right to access to executive branch information. Subsections (a) through (c) of this section would authorize the Comptroller General to institute an action for declaratory relief in cases where an executive department or establishment fails to comply with a request for information, books, documents, papers, or records. Such actions would be heard and determined by a Federal three-judge court, with a right of direct appeal to the United States Supreme Court.

Subsection (d) of section 402 would provide for a cutoff of funds of the executive unit under review with respect to which such information, books, documents, papers, or records were not made available to the Comptroller General. Operation of the fund cutoff remedy would be subject to the following conditions:

It would apply only to the extent that a declaratory judgment sustained the Comptroller General's right to information requested, and only after the declaratory judgment had become final either by affirmance on appeal or by failure to appeal.

The Comptroller General would have discretion concerning whether or not the remedy should be sought.

Either House of Congress could disapprove invocation of the remedy within thirty days following notification by the Comptroller General of his intent to seek its application and the fund cutoff would be effective on the day following such thirty-day period.

The ultimate fund cutoff remedy of subsection (d) is derived in part from section 502 of the Foreign Assistance and Related Programs Appropriation Act, 1972, approved March 8, 1972, Pub. L. 92–242, 86 Stat. 48, 55, which provided a cutoff of funds for expenses of the Inspector General, Foreign Assistance (Department of State), thirty-five days following a request by the General Accounting Office or a cognizant congressional committee or subcommittee for information in the custody of that office, unless such information was furnished or the President certified that he had forbidden the furnishing of such information and his reasons for doing so.

Section 403 of title IV would provide a procedure for consideration by the Congress of proposed fund cutoffs which is generally similar to that governing congressional consideration of reorganization plans proposed by the President. See 5 U.S.C. 908–913.

TITLE V—GENERAL ACCOUNTING OFFICE BUILDING

Section 501 would afford the Comptroller General control of the General Accounting Office Building; would provide for the subletting of space therein to other agencies; and would authorize the Comptroller General to lease additional space for the use of the General Accounting Office in the District of Columbia and elsewhere.

TITLE VI—PROFITS STUDIES

Section 601 would afford the Comptroller General authority to make selective studies of the profits of Government contractors and subcontractors whose Government business, in their most recent fiscal year, aggregated one million dollars or more. These studies would be made with a view toward comparing profits on Government business with profits on commercial business.

Subsection (a) defines the contractors covered by the section, authorizes and directs the Comptroller General to make studies of profits made by these contractors at least once every five years, and requires the Comptroller General to properly report the result of each study to the Congress.

Subsection (b) requires that when requested by the Comptroller General or his representatives, contractors will submit such information maintained in the normal course of business as the Comptroller General determines is necessary or appropriate to conduct his studies under subsection (a).

Subsection (c) authorizes the Comptroller General and his representatives to audit and inspect and to make copies of any books, accounts, or other records which the Comptroller General determines are necessary to permit calculation of the profits of any contractor. This subsection specifically precludes the Comptroller General from disclosing any information obtained under the authority of section 601 which relates to the contractor's profit on any individual commercial contract or on any individual contract entered into pursuant to formally advertised competitive bidding.

Subsection (d) defines for the purpose of section 601 the terms "contractor," "services and materials," "Government contracts," and "commercial contracts."

By section 408 of the act approved November 19, 1969, Pub. L. 91–121, 83 Stat. 204, 208, the Comptroller General was authorized and directed to conduct a one-time study of the profits of representative defense contractors and subcontractors. The Comptroller General's report on this study, B–159896, was submitted to the Congress on March 17, 1971. Title VI would provide permanent authority for such studies.

TITLE VII—STATISTICAL SAMPLING PROCEDURES IN THE EXAMINATION OF VOUCHERS

Public Law 88–521, authorized heads of departments and agencies and the Commissioners of the District of Columbia to prescribe the use of adequate and effective statistical sampling procedures in the examination of disbursement vouchers for amounts of less than $100. Certifying and disbursing officers who acted in good faith and who followed such procedures were relieved of liability for the improper certification or payment of vouchers that may not have been examined because of the statistical sampling procedure provided that such officer and his department or agency diligently pursued collection actions prescribed by the Comptroller General.

Section 701 would amend subsection (a) of Public Law 88-521 so as to eliminate the $100-dollar limitation on the amount of disbursement vouchers subject to audit by statistical sampling techniques and in lieu thereof impose a limitation of such amount as may from time to time be prescribed by the Comptroller General for each department or agency. Section 701 would also add a new requirement that the Comptroller General include in his reviews of accounting systems an evaluation of the adequacy and effectiveness of procedures established under the authority of the amended act.

TITLE VIII—AUDIT OF TRANSPORTATION PAYMENTS

Section 801 would amend section 322 of the Transportation Act of 1940, as amended, 49 U.S.C. 66, to continue the requirement for payment of carrier bills upon presentation contained in the law since 1940, but to make clear that the primary responsibility for the audit of transportation bills and the recovery of overcharges is to be removed from the General Accounting Office and placed in one or more executive agencies designated by the Director of the Office of Management and Budget. This responsibility includes the processing of carrier claims and furnishing records and reports to the Department of Justice for the proper defense or prosecution of litigation arising from the handling of carrier accounts and claims. The General Accounting Office transportation audit responsibilities and related functions would then conform to the procedures for the audit of Government activities generally under the provisions of the Budget and Accounting Act, 1921, as amended, 31 U.S.C. 41, and the Accounting and Auditing Act of 1950, as amended, 31 U.S.C. 65.

TITLE IX—AUDIT OF NONAPPROPRIATED FUND ACTIVITIES

Section 901(a) would authorize the Comptroller General, unless otherwise provided by law, to review the operations, systems of accounting and internal controls, and any internal or independent audits of review of nonappropriated funds and related activities within the executive branch. Under this section the Comptroller General and his duly authorized representatives would have access to such documentation relating to these funds and activities as is deemed necessary.

Subsection (b) would require such nonappropriated fund activities to furnish to the Comptroller General an annual report of the operations of their activity, including annual statements of financial operations, financial conditions and cash flow.

The authority provided in section 901 would extend generally to instrumentalities established and operated under the control or aegis of an executive department or agency for the benefit of its personnel and which are financed from sources other than appropriations. Primary examples of such instrumentalities are the Army and Air Force Exchange Service, Navy Exchanges, Coast Guard Exchanges, and Exchange Councils or the National Aeronautics and Space Administration. The Comptroller General would not review nonappropriated fund activities to the detriment of his reviews of higher priority appropriated fund activities. However, in recent years the size, scope and number of nonappropriated fund activities have increased greatly and the authority and requirement imposed by this section even though a limited number of reviews will be made, should afford some needed control and review over such activities.

TITLE X—EXPERTS AND CONSULTANTS

Section 1001(a) would provide the Comptroller General discretion to employ on a full or part-time basis up to ten experts and to obtain consultant services authorized by 5 U.S.C. 3109, at a rate of compensation not to exceed Level V of the Federal Executive Pay Act.

Subsection (b) would exempt individuals serving under subsection (a) from restrictions upon reemployment of retired Federal employees and simultaneous receipt of compensation and retired pay or annuities.

TITLE XI—AUDITS OF GOVERNMENT CORPORATIONS

Section 1101(a) would provide that each wholly owned Government corporation subject to the Government Corporation Control Act shall, effective January 1, 1973, be audited at least once in every three years.

Subsection (b) would provide that the Comptroller General's report of each audit of each wholly owned Government corporation shall be made to the Congress not later than six and one-half months following the close of the last year covered by such audit. The use of the six and one-half month time period following the close of the corporation's fiscal year for reporting to the Congress replaces the date of January 15 specified in existing law, since the Comptroller General's audit would not be made annually and would be made on the basis of the fiscal year used by the corporation in maintaining its books rather than the year ending June 30 of each year.

Subsections (c) and (d) would make the same change in the frequency of audit and reporting date with respect to each mixed-ownership Government corporation as is provided in section 1101(a) and 1101(b) for wholly owned Government corporations.

Section 1102 would make a similar change in the frequency of audit and reporting date with respect to the Federal Deposit Insurance Corporation.

Section 1103 would amend section 513 of the Federal Crop Insurance Act so as to delete the requirement for an annual audit by the General Accounting Office of the Federal Crop Insurance Corporation.

Section 1104 would make a change similar to that provided in sections 1101 and 1102 for wholly and mixed-owned Government corporations and the Federal Deposit Insurance Corporation in the frequency of audit and reporting date with respect to the National Homeownership Foundation, a nonprofit corporation chartered by the Congress but which is not an agency or instrumentality of the United States Government.

Sections 1105 and 1106 would repeal the requirement for an annual audit by the General Accounting Office of the District of Columbia Redevelopment Corporation and the Federal Home Loan Bank Board, respectively, thereby granting the Comptroller General discretionary authority to determine the frequency of such audits.

TITLE XII—REVISION OF ANNUAL AUDIT REQUIREMENTS

Title XII would eliminate the requirements for annual audits of the following revolving funds and make them subject to audit at the discretion of the Comptroller General, in accordance with the provisions of the Accounting and Auditing Act of 1950:

Section 1201—The General Supply Fund, GSA.

Section 1202—War Risk Insurance Fund, Transportation.

Section 1203—Bureau of Engraving and Printing Fund, Treasury.

Section 1204—Veterans Canteen Fund, VA.

Section 1205—Student Loan Insurance Fund, HEW.

Section 1206—Urban Renewal Fund, HUD. College Housing Fund, HUD.[1]

Section 1207—National Credit Union Administration Fund.

Section 1208—Government Printing Office Fund.

EXAMPLES OF ACCESS TO RECORDS BEING DENIED THE COMPTROLLER GENERAL

(Compiled by the General Accounting Office)

INTERNATIONAL ACTIVITIES

We have been experiencing increasing difficulties in obtaining access to information needed in our reviews and evaluations of programs involving our relations with foreign countries and United States participation in international lending institutions. The Departments of Defense, State, and Treasury have employed delaying tactics in preventing our access to necessary records. Information and records have been withheld on the basis that they were internal working documents or that they disclosed tentative planning data. The most serious interference has resulted from restraints placed upon agency officials which require them with more and more frequency to refer to higher authority for clearance before making records available to our staff.

On August 30, 1971, the President invoked executive privilege to withhold information which had been requested by the Senate Foreign Relations Committee relating to the Military Assistance Program. The President determined that it would not be in the public interest to provide to the Congress the basic planning data on military assistance that was requested by the Chairman of the Senate Foreign Relations Committee, and he directed the Secretary of State and the Secretary of Defense not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the Military Assistance Program which are not approved executive branch positions.

Subsequent to this action we noted a general increase in the volume of documents that operating officials were referring to higher authority for approval for release to our auditors. This practice added to the delays in obtaining access to documents that had hampered our audit efforts in the past. Although absolute denial of access to a document is quite rare, our reviews have been hampered and delayed by the time-consuming processes employed by the various organizational elements within and between the executive agencies. These delays occur in screening records and in making decisions as to whether such records are releasable to GAO. It is not unusual for our staff people to request access to a document at an overseas location and to be required to wait several weeks while such documents are screened through channels from the overseas posts and through the hierarchy of the departments involved.

The increasing concern of the Comptroller General, especially with actions within the Department of Defense that were having the effect of denying GAO access to information and documents needed to carry out our responsibilities for review of international activities of the Department of Defense, in particular military assistance activities, prompted him to write to the Secretary of Defense on October 13, 1971. He cited examples of our access problems and pointed out specific DOD instructions and directive which, we believed, had created an atmosphere that was discouraging overseas agency officials from cooperating with GAO personnel. In reaching for a solution to this complex problem, the Comptroller General summarized his position to the Secretary of Defense as follows:

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[1] This change will have a similar effect on the following programs; Housing for elderly or handicapped (12 U.S.C. 1701q); Rehabilitation loans (42 U.S.C. 1452b); Public facility loans (42 U.S.C. 1494); New community assistance (42 U.S.C. 3912); low-rent housing (42 U.S.C. 1417a); riot insurance (12 U.S.C. 749bbb-17); transportation grants (49 U.S.C. 1609).

"I am most interested, as I am sure you are, in establishing a mutual accommodation within which we can carry out our respective responsibilities, with due regard to the sensitivities of the matters under review.

"I believe you can appreciate the depth of my concern at what appears to be an increasing effort within the Department of Defense to restrict the General Accounting Office's capability to carry out its responsibilities to the Congress in the field of international matters.

"To clear the air and set the stage for joint efforts to establish better working relationships I believe that a personal expression of your views communicated to your representatives in Washington and overseas would be extremely helpful. We would then be glad to work with the Assistant Secretary of Defense (Comptroller), or others that you designate, in the interest of accomplishing mutually acceptable working arrangements."

On January 27, 1972, the Secretary of Defense replied, stating:

"At the outset, let me assure you that neither the Assistant Secretary of Defense (ISA) nor myself condone any actions which could be interpreted as restricting your auditors from carrying out their responsibilities in the field of international matters or discouraging overseas officials from cooperating with your auditors in the performance of their statutory responsibilities."

He also indicated a need and intent to continue to screen the files of the Department before making them available for our review and stated:

"Papers in these files originate within as well as outside the Department, including The White House, and Department of State. I am sure that you appreciate that merely because such papers are in our files we cannot release them to GAO without the express approval of the originator. Fortunately, however, it is only on rare occasions that GAO auditors actually need access to such papers to complete their audits or reviews. The matter of access to such papers must, I believe, continue to be handled on a case-by-case basis. In the future, when the question of access to sensitive documents in the international affairs area arises, I have asked the Assistant Secretary of Defense (ISA), when he believes that access to a particular document should be denied, that he consult with the Assistant Secretary of Defense (Comptroller) and the General Counsel prior to refusing access."

The Secretary suggested that to clear the air and set the stage to establish better working relationships that DOD and GAO send representatives to some overseas locations with a view to creating an atmosphere of mutual cooperation and understanding.

Since the exchange of letters we have been meeting with Defense officials in an attempt to establish mutual working arrangements within which we can carry out our responsibilities. While we have vigorously pursued this matter with agency officials, we see no real breakthrough which will solve our problem. The most serious interference is in the restraints which have been placed upon agency officials overseas and which require them more and more to refer to Washington for clearance before making documents available to our staffs. Although these are not termed refusals, they come close because of the interminable delays that result from having to refer routine matters through channels to Washington.

On March 15, 1972, the President invoked executive privilege with respect to the foreign assistance program and international information activities. In a memorandum to the Secretary of State and the Director, United States Information Agency he directed these officials not to make available to the Congress any internal working documents which would disclose tentative planning data—such as is found in the Country Program Memoranda and the Country Field Submissions—and which are not approved positions.

Since then we have experienced some tightening up on our access to documents. For example, the Agency for International Development on March 23, 1972, instructed its operating personnel as follows:

* * * * *

"In order to carry out the President's directive, A.I.D. Country Field Submissions should not be disclosed to representatives of the Congress or the General Accounting Office. Likewise, disclosure should not be made of any other document from an A.I.D. Assistant Administrator, A.I.D. Office Head or A.I.D. Mission Director to higher authority containing recommendations or planning data not approved by the Executive Branch concerning overall future budget levels for any fiscal year for any category of assistance (e.g., Development Loans, Technical Assistance, Supporting Assistance, or PL–480) for any country.

"In lieu of the disclosure of such documents, the President has directed that Congress be provided with "all information relating to the foreign assistance program and international information activities" not inconsistent with his directive. Ordinarily, the substantive factual information contained in these documents should be disclosed through means of oral briefings, testimony, special written presentations and such other methods of furnishing information as may be appropriate in the circumstance.

"The General Counsel should be advised of any Congressional or GAO requests for any document described in [the first paragraph] above or for files or records containing such a document. The General Counsel should also be advised of requests for other documents which raise Executive Privilege questions, whether under the rationale of the President's March 15 directive or otherwise, and a decision should be obtained from the General Counsel concerning the availabiilty of the document for disclosure before the document is disclosed."

On May 8, 1972, the Under Secretary of State issued a memorandum to all Agency Heads, Assistant Secretaries, and Office Heads on the subject of executive privilege. This memorandum cites the Presidential Directive of March 15, 1972, and contains instructions similar to those put out by AID. However, it goes a bit further in broadening the field of applicability by stating:

"It will be noted that the President's directive is not strictly limited to Country Program Memoranda and Country Field Submissions, but applies also to other, similar internal working documents in the foreign assistance and international information fields which would disclose tentative planning data and which are not approved positions. Undoubtedly, specific questions will arise in the future as to whether or not the President's directive applies to particular congressional requests for disclosure. Such questions should be resolved in consultation with the Office of the Legal Adviser."

There is evidence that the executive agencies may try to satisfy GAO's need for access to records by providing the required information by means other than direct access to the basic documents, especially in cases where such documents are considered to be internal working documents. This would not be acceptable unless we are able to satisfy ourselves that the data provided to us is an accurate presentation of the substantive information contained in the basic documents.

In summary, our access to the records and documents or other materials we need to carry out our responsibilities for reviewing programs relating to international activities has been increasingly difficult. It is a matter of degree, but it has seriously interfered with the performance of our responsibilities. The most serious interference is in the restraints which have been placed upon agency officials overseas and which require them more and more to refer to Washington for clearance before making documents available to our staff. Although these are not termed refusals, they come close because of the interminable delays that result from having to refer routine matters through channels to Washington.

In addition to the unnecessary cost and waste of time this involves, there is the increased risk of our making reports without being aware of significant information and the increased risk of our drawing conclusions based on only partial information.

We are seriously concerned with the increasing restrictions that have been imposed on overseas officials in particular, that take away a large measure of their discretion for dealing with GAO personnel, and we have conveyed this to the agencies.

INTERNATIONAL LENDING INSTITUTIONS

Beginning in the fall of 1970, we undertook to study U.S. participation in international lending institutions—the World Bank, International Development Association, Inter-American Development Bank, and Asian Development Bank. During our initial survey and in our later reviews relating to specific institutions, we encountered difficulties in obtaining information from the Treasury Department.

We experienced long delays in obtaining certain information. For example, access to monthly operations reports and to loan status reports for one of the institutions that we requested in December 1970 was not granted until August 1971 and then only after repeated requests.

We were refused access to several categories of documents by Treasury Department officials. These included the recorded minutes of the meetings of the institutions' board of directors, periodic progress reports on the status of projects being financed by the institutions, and a consultant's report on management practices of one of the institutions. Also, although Treasury officials advised us that they had refused access only to internal documents which they received in confidence from the institutions, we were refused access to certain documents which, as far as we could determine, were not documents furnished by the institutions but rather were documents prepared by U.S. officials for use by other U.S. officials.

We were not auditing the records of the Inter-American Development Bank as such but only those documents that had been provided by the Inter-American Development Bank to the Executive Director and were available for his use in the exercise of his management responsibilities. We believe that these records should have been available to us in our review which was on the U.S. system for appraising and evaluating Inter-American Development Bank projects and activities. Any report on this subject would necessarily be lacking to the extent to which information used by the United States in evaluating Bank projects was not made available to us during our examination. We see no valid basis for Treasury's refusal to provide access to the records we requested.

INTERNAL REVENUE SERVICE

GAO's review efforts at the Internal Revenue Service had been materially hampered, and in some cases terminated, because of the continued refusal by IRS to grant GAO access to records necessary to permit an effective review of IRS operations and activities.

Without access to necessary records, GAO cannot effectively evaluate the IRS administration of operations involving billions of dollars of annual gross revenue collections and millions of dollars in appropriated funds. Such an evaluation, we feel, would greatly assist the Congress in its review of IRS budget requests and in its appraisal of IRS operations and activities. Without such access, the management of this very important and very large agency will not be subject to any meaningful independent audit.

GAO has taken every opportunity to impress upon IRS officials that it is not interested in the identity of individual taxpayers and does not seek to superimpose its judgment upon that of IRS in individual tax cases; rather, GAO is interested in examining into individual tax transactions only for the purpose of, and in the number necessary to serve as a reasonable basis for, evaluating the effectiveness, efficiency, and economy of selected IRS operations and activities. GAO has, in general, directed its efforts toward those areas where it believed that improvements in current operations would bring about better IRS administration of programs, activities, and resources.

It is the position of IRS that no matter involving the *administration* of the internal revenue laws can be officially before GAO and therefore we have no audit responsibility. The Commissioner of IRS, in a letter to the Comptroller General dated June 6, 1968, stated:

"I must note that the [Chief Counsel, IRS] opinion holds that the Commissioner of Internal Revenue is barred by Sections 6406 and 8022 of the Internal Revenue Code from allowing any of your representatives to review any documents that pertain to the administration of the Internal Revenue Laws. Thus, federal tax returns and related records can be made available to you only where the matter officially before GAO does not involve administration of those laws."

Under the provisions of 26 U.S.C. 6103, tax returns are open to inspection only on order of the President and under rules and regulations prescribed by the Secretary of the Treasury or his delegate and approved by the President. Regulations appearing in 26 CFR 301.6103(a)–100–107 grant several Government agencies specific right of access to certain tax returns. Our Office is not included among those agencies. The regulation applicable to our Office, 26 CFR 301.6103(a)–1(b) (f), provides that the inspection of a return in connection with some matter officially before the head of an establishment of the Federal Government may be permitted at the discretion of the Secretary or Commissioner upon written application of the head of the establishment.

IRS has permitted Federal agencies, States, individuals, contractors, and others to have access to tax returns and records. GAO has been given access to individual tax returns only when the return is needed in connection with another matter in which GAO is involved or when we have made reviews at the request of the Joint Committee on Internal Revenue Taxation. Otherwise we have been denied records requested for reviews of IRS operations. The reviews of IRS conducted at the request of the Joint Committee have been made pursuant to an arrangement whereby GAO and the Joint Committee agreed on certain priority matters involving the administration of the internal revenue laws. Under this arrangement we, in effect, make reviews for the Joint Committee, and we have had the complete cooperation of the Service.

ECONOMIC STABILIZATION PROGRAM

Another access to records problem arose when GAO attempted, pursuant to a congressional request, to review the effectiveness of IRS activities in monitoring prices. IRS did not formally deny GAO the right to review records of the Economic Stabilization Program.

Rather, the General Counsel of the Treasury Department submitted a proposed "memorandum of understanding," which was to be signed by himself, the Comptroller General, and the Commissioner and Chief Counsel of IRS, as a condition precedent to permitting GAO to perform the review.

In our opinion, the memorandum of understanding would have negated GAO's independence and limited GAO's right to records to such an extent that any work under taken would not have provided a basis to properly perform the audit. Accordingly, the General Counsel of the Treasury Department was advised that the memorandum of understanding was not acceptable to GAO. Subsequently, we advised the Treasury Department in January 1973 that, since Phase II of the Economic Stabilization Program was being phased out, there was no practical purpose in pursuing the matter.

FEDERAL DEPOSIT INSURANCE CORPORATION

The long and involved history of controversy between GAO and the Federal Deposit Insurance Corporation over GAO's right of access to certain of the Corporation's records appears in the published hearings of the House Committee on Banking and Currency of May 6 and 7, 1968. Those hearings resulted in the introduction of H.R. 16064, 90th Congress, a bill to amend the Federal Deposit Insurance Act with respect to the scope of audit of FDIC by GAO.

Essentially what is involved in this dispute is that although our Office is required by section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) to conduct annual audits of the Corporation, we have been unable to fully discharge our responsibilities because FDIC has not permitted us unrestricted access to examination reports, files and other records relative to the banks which it insures.

It is the position of the Corporation that our right of access to its records is limited to those administrative or housekeeping records pertaining to its financial transactions. It is GAO's position that, because the financial condition of the Corporation is inseparably linked with the manner in which it supervised the banks which it insures, we cannot report to the Congress on the financial condition of the Corporation without evaluating the significance of its contingent insurance indemnity obligation for the banks.

At the time section 17 was being considered by the Congress, it developed that, although GAO and FDIC had agreed on the language included therein, divergent views were held by GAO and FDIC as to its meaning. Each made its position known to the House Committee on Banking and Currency, but the matter was not resolved. This difference of opinion still exists with both the Corporation and GAO feeling that the present law supports their respective positions. Repeated efforts to resolve the matter administratively have failed, and, for this reason, the Comptroller General in his testimony of March 6, 1968, before the House Banking and Currency Committee, recommended that the Federal Deposit Insurance Act be amended to specifically provide for an unrestricted access to the examination reports and related records pertaining to all insured banks.

EMERGENCY LOAN GUARANTEE BOARD

The Emergency Loan Guarantee Board, established by the Emergency Loan Guarantee Act (Pub. L. 92–70), through its Chairman—the Secretary of the Treasury—has taken the position that it was not the intent of the Congress in establishing the Board to grant GAO authority to review Board activities. The Board was established to make guarantees or to make commitments to guarantee lenders against loss of principal or interest on loans to major business enterprises whose failures would seriously and adversely affect the economy or employment of the Nation or a region thereof.

GAO believes that it has the responsibility and authority to review the Board's activities including decisions of the Board in approving, executing, and administering any loan guaranteed by the Board. The Board's position, as indicated, is that there is nothing in the Emergency Loan Guarantee Act or its legislative history which would provide for a GAO review of all Board activities and that the Congress might need to pass additional legislation to make it clear that GAO has this authority. The main thrust of the Board's position is that the congressional review of loan guarantee matters is carefully spelled out in the guarantee act; GAO is directed to audit the borrower and to report its findings to the Board and to the Congress; and the Board is directed to make a "full report" of its operations to the Congress. It is our position that, as an agency of Government, the Board is clearly subject to audit examination by GAO and that the records of the Board are required to be made available to GAO under its basic authorities. Those authorities are section 312 of the Budget and Accounting Act, 1921 (31 U.S.C. 53); section 206 of the Legislative Reorganization Act of 1946 (31 U.S.C. 60); subsections 117(a) and (b) of the Accounting and Auditing Act of 1950 (31 U.S.C. 67(a), (b)); and section 204 of the Legislative Reorganization Act of 1970 (84 Stat. 1140).

It is our view that under these basic authorities GAO has responsibility for auditing the activities of the Board and thus has attending right of access to such information and documents as the Board uses in reaching its decisions. Further, it is our view that neither the failure to spell out explicitly that GAO has such responsibility and right of access nor the fact that under Pub. L. 92–70 GAO was given explicit authority to audit the borrower diminishes in any way the basic audit authorities that we rely upon.

While the records in this case were subsequently made available, the Treasury did so, however, only because of the intervention of the House and Senate Banking and Currency Committees. In making the records available, however, the Executive Director of the Board stated that "we continue to believe that the GAO does not have the statutory authority to review the Board's internal records relating to its decisionmaking process." The Board supported this position in its first Annual Report of July 31, 1972.

COUNTERVAILING DUTY STATUTE

In 1971, pursuant to a congressional request, GAO sought to review the Department of the Treasury's administration of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), which requires the Secretary of the Treasury to levy a countervailing duty on any dutiable product imported into the United States for which the producing nation has provided a production or export grant or bounty.

In January 1973, we decided that our efforts to obtain the necessary records to make the review were unsuccessful.

EXCHANGE STABILIZATION FUND

By Public Law 91–599, approved December 30, 1970, the Congress directed that the administrative expenses of the Exchange Stabilization Fund, established by section 10 of the Gold Reserve Act of 1934, be audited by the General Accounting Office and provided certain access to records authority. The legislative history made it clear that the audit should start with fiscal year 1972, and the GAO started efforts to obtain access in the Spring of 1972. After a long period of refusals and delays, the Treasury Department finally agreed in March 1973 to provide GAO access to all financial records and relevant supporting information on the administrative expense of the Exchange Stabilization Fund for 1972. The audit has been started.

CORPORATION FOR PUBLIC BROADCASTING

The Public Broadcasting Act of 1967 provides that the Public Broadcasting Corporation shall be audited by the General

Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In attempting to comply with our responsibility under this Act, we have requested such documents as minutes of the meetings of the Board of Directors and files relating to a long-term lease for office space entered into by the Corporation. In both instances we were initially denied access to this data. Subsequently, this information was made available to us and enabled us to more properly evaluate certain operations of the Corporation.

On August 10, 1972, an internal Corporation memorandum advised Corporation officials that if GAO wished "to examine documents setting forth policies or procedures or to pursue a detailed examination of how decisionmaking takes place or analyzing program expenditures to determine the proportion received by various recipients or any of a variety of tasks they might pursue along this line, I believe you should simply state you feel such requests are beyond the scope of their activity and that you decline to pursue the matter with them." On August 22, 1972, the Comptroller General advised the Acting President of the Corporation that the GAO's responsibility for auditing the Corporation included audits which could lead to an identification of needed management improvements together with suggestions as to courses of action which should be considered to correct management deficiencies or otherwise strengthen the management of the Corporation.

Although we have had no written reply to the August 22 letter, the Acting President of the Corporation advised us orally on September 25, 1972, that the Board of Directors and its Chairman felt that it was not clear as to our right of access to information of other than a financial nature. Since that date we have not been formally refused information necessary to perform our work although we have had some difficulty in obtaining needed data in a timely manner.

Mr. RIBICOFF. Mr. President, I am pleased to join with the chairman of the Government Operations Committee in sponsoring the Accounting and Auditing Act of 1973. I have long believed the authority of the Comptroller General to assist Congress in the legislative process should be strengthened and the capability of his office increased.

This bill is similar to one which I introduced earlier this year, S. 460. In 1970, a prior version of that legislation passed the Senate unanimously, but was not acted upon by the House.

Mr. President, there is broad agreement in Congress that the role of the legislative branch in Government must be strengthened. This bill is an important step in that direction. By expanding the authority of the Comptroller General to serve the Congress we increase our own capability to deal effectively with the issues before us. I look forward to working with my committee chairman, Senator ERVIN, for the passage of this bill.

By Mr. JAVITS:

S. 2050. A bill to establish a Domestic Enterprise Bank to assist in the development of employment and business opportunities in urban and rural areas, to assist and promote job opportunities in businesses threatened or substantially harmed by increases in foreign imports or technological obsolescence, and for the construction of low and moderate income housing projects. Referred to the Committee on Banking and Urban Affairs.

DOMESTIC ENTERPRISE BANK ACT

Mr. JAVITS. Mr. President, I introduce today the Domestic Enterprise Bank Act to establish a corporation patterned after the World Bank authorized to first, make and participate in long-term, low-interest loans and guarantees and to second, provide supportive technical assistance, in order to stimulate employment opportunities in depressed urban and rural areas and to; third, promote the economic survival and preservation of jobs in those businesses substantially harmed by increases in foreign imports or technological obsolescence.

I. THE NEED FOR A NEW STRATEGY

For several decades, the phenomenon of urbanization has been the dominant domestic trend in this country. Urbanization has proliferated the big city slum, the slum which continues to give birth to crime, despair, and hopelessness.

But the crisis of the core city is also a crisis for rural America, whose people are taking flight to the cities as farm manpower needs diminish and increased mechanization in farming continues to diminish manpower needs. No program or effort which seeks to resolve the unemployment problems of the city slum can stand alone—rural migration needs to be halted or at least slowed and the economy of rural America brought back into equilibrium.

This bill seeks to tap the resources of what can be our greatest ally in our efforts to curb the growing list of unemployment—the private sector. Government by itself simply cannot marshal the funds nor the talent to solve this unemployment problem. But when used in conjunction with and to stimulate private efforts, Government funds can have a catalystic effect and hence a far greater impact.

For some time there has been a growing recognition of the need to establish an essentially private source of low-interest capital for economic development of our depressed urban and rural areas, and there has been an acceleration in the Federal effort to stimulate employment opportunities. But we have yet to make available sufficient capital to meet the challenge which unemployment imposes and give a real boost to our own struggling enterprises.

In 1967, I had introduced the Domestic Development Bank Act which is the forerunner of this bill. I have received the important suggestions of a number of my colleagues—suggestions which have been largely incorporated in this bill. Moreover the Domestic Enterprise Bank Act had a great deal of study and analysis involving business, labor, foundation executives, professors, and economists.

The problems of unemployment and lack of business opportunity, which the forerunner to the Domestic Enterprise Bank Act sought to address in 1967, are not only with us in 1973, but stand today in gargantuan proportions. Frequently the struggling domestic entrepreneur is hard put to locate adequate capital on reasonable terms to update his manufacturing plant, to purchase new equipment, or to conduct research and development activities.

The legislation which I am offering today seeks to deal with two related unemployment problems which are fundamental to the substance of rural and urban poverty.

I need not remind Members of the Congress that we are still in the throes of large-scale unemployment. As recently as March 1973, the Bureau of Labor Statistics reported 4.4 million persons still unemployed. But the most fundamental problem is the continuing staggering unemployment rate in our city slums and underdeveloped areas. The latest statistics from the Department of Labor indicate that in 51 low income areas, the unemployment rate among white teenagers is 21 percent and for black teenagers over 35 percent—1970. The plight of the returning Vietnam era veterans compounds the current unemployment problem.

The National Advisory Commission on Civil Disorders concluded in March of 1968 that:

> Unemployment and underemployment are among the persistent and serious grievances of disadvantaged minorities.

The second fundamental problem is the need for involvement of the rural or urban poverty area resident in the ownership and management of the business community which serves him. The Economic Opportunity Loan program, which I authored, has evolved from a statement of goals to a point where there is some tangible sign of success. Recently, the Small Business Administration and the Veterans' Administration made the economic opportunity loan program available to returning Vietnam era veterans. The administration's Office of Minority Business Enterprise in the Department of Commerce, responsible for coordinating all minority enterprise programs, is continuing its efforts in this vital area.

But the cruel fact is that even if these new initiatives continue to be expanded and improved to meet their stated goals, they are minimal when one considers the extent to which the economically and socially deprived have been denied the opportunity to participate fully in the free enterprise system.

But more than a concern for the disadvantaged calls upon us to take concrete action. The very life of our core cities and depressed rural areas is at stake. Businesses are leaving the core cities and the depressed rural areas at alarming rate. The situation in the depressed rural areas can be measured by the migration statistics. Some 2.3 million Americans migrated from nonmetro to metro areas between 1960 and 1970, and there is no indication the trend will not continue. But jobs are tending toward the suburbs—between 75 and 80 percent of added employment in trade and industry alone.

This proposal would use Government funds and resources essentially as levers and catalysts to move the private forces into positions that can supplement current strictly governmental efforts to fight poverty.

THE DOMESTIC ENTERPRISE BANK OPERATION

The Bank would be established as a profitmaking corporation authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders to sell participations in its loans, and to provide supportive managerial and technical assistance. In essence, it would be very much like the World Bank in its purpose, operations, and structure. The World Bank has demonstrated that the provision of attractive credit is a powerful development tool in underdeveloped areas and that such a venture can be economically sound. In fiscal year 1972, the World Bank earned $183 million in net income and made more than $2 billion in loans and has raised over $3.4 billion from private investors for its development activities.

The Domestic Enterprise Bank would initially issue $3 billion in capital stock subscribed by the Federal Government. As was true of the World Bank, 20 percent of the Government subscription would be paid in initially—$600 million—with the Bank having a call on the remaining 80 percent—$2.4 billion—as a reserve to meet the Bank's liabilities on its own borrowings on the private bond market. In this manner, there would be a guarantee or reserve at market interest rates, just like the World Bank, in order to raise the bulk of its loan funds. The initial $600 million paid in by the Government would be raised by the Secretary of the Treasury through sale of U.S. obligations on the market, so that there would be no drawdown on tax revenues to finance the Bank. This is the manner in which most of the U.S. Government contributions for the international development banks have been raised, including the World Bank, the Inter-American Bank, and the Export-Import Bank. Through this technique, only the credit of the United States is called upon; all the funds for the Bank's activities would come ultimately from private investors without burden on the taxpayer. The Government stock would earn dividends for the Treasury which should more than offset the cost to the Government of paying the interest and principal due on the Treasury Bonds sold to finance its subscription to Bank stock. This method of financing, utilizing U.S. Government bonds rather than congressional appropriations, is necessary to insure private bondholders that the Government guarantee will be made good on the Bank's bonds. Otherwise, the Bank would have to go through the appropriation process whenever it called upon its reserves of Government stock.

The Bank would finance private business and commercial projects where capital is not otherwise available on reasonable terms. Loans could go to businesses and projects of all sizes, but with small business loans it might be more efficient for the Bank to operate through guarantees to local banking and financial institutions or by using local banks as agents. Loans could also be made to public agencies for essential public development projects such as transportation or power facilities which could not be financed through other sources, but this would not be the major purpose of the Bank.

The Bank would have authority to make mortgage loans for low- and moderate-income housing, although this authority is limited to 10 percent of total outstanding obligations.

The Bank would also be authorized to make mortgage loans for residential facilities where housing is integrated with business facilities, as on the upper floors over retail stores. The mortgage loan could cover the entire project.

One of the more important functions of the Bank would be to take the initiative in bringing management and capital together for projects and act as developer or owner of a particular project until such time as a private purchaser could be found. Unlike a tax incentive economic development scheme, which is essentially passive, the Bank approach would provide an active entrepreneural agent.

The primary condition on loans in eligible areas would be that the project be located in a development area designated by the Secretary of Commerce, in consultation with the Secretary of Labor, as an area having a high proportion or concentration of unemployed or low-income persons, or if not in such area, generate new jobs of which at least 25 in number and not less than 50 percent are to be held by persons who prior to such employment were unemployed or low-income residents of eligible poverty areas.

It is probably unwise in the long run simply to focus on the slum itself by bringing jobs and plants within those areas. Efforts to improve the ghetto must be matched with efforts to open opportunities in the suburbs and beyond for its inhabitants. Otherwise, we only increase the magnet of the central city for the rural migrant, and we point resolutely in the direction of black occupied cities surrounded by white suburbs.

It is important to emphasize that rural areas would also be eligible since it must be recognized that urban unemployment cannot be eradicated until the massive population migration from rural areas is slowed or halted.

The potential borrower would have to be certified by appropriate local officials and would be required to comply with local building and architectural codes. Another condition would be a general requirement that the bank be satisfied that the project would contribute to raising living standards in the area, so that the borrower would have to explain and provide some assurances about the "trickle down" effects of his business into the local community, including employment of local persons and firms in the construction of the project and as employees of the establishment. As a further condition of financing, the bank would have to be satisfied that the borrower had adequate equity or other financial interest in the facility to insure his careful and business-like management of the project and to guard against fly-by-night management of the project. The share which the borrower would have to put up would vary according to such conditions.

The bank would also come to the aid of business enterprises substantially harmed by the loss of jobs due to foreign imports or technological obsolescence. Thus, complimenting the adjustment assistance provisions of our trade laws. The financing necessary to purchase additional equipment, plant relocation, expansion or renovation as well as various research and development projects could be supplied by the bank.

The bank would be empowered, in connection with such projects, to undertake insurance arrangements in connection with such facilities. These arrangements might take the form of self-insurance of a project by the bank, coinsurance of a project by the bank, coinsurance between the bank and the borrower or reinsurance arrangements concluded by the bank with insurance companies to protect the facility against casualty loss.

THE BANK ORGANIZATION

The Bank would be organized through the establishment of a commission which would appoint incorporators. The Commission would be composed of the Vice President, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the majority and minority leaders of the Senate and House of Representatives. The Commission would appoint incorporators who would serve as the initial board of directors, two-thirds of whom would be representatives of the private sector and one-third government officials or employees. The President would thereafter appoint the 20 directors, with the advice and consent of the Senate, for 4-year terms on a staggered basis—10 directors appointed every 2 years, 14 would be from the private sector—6 from business and finance, two from organized labor, two finance, 2 from organized organizations or foundations which deal with the problems of poverty, 2 from education, and 2 representing the general public. The remaining six directors would be from Government, including Federal, State, and local government.

Mr. President, the Domestic Development Bank concept as embodied in the act has received favorable recognition from such groups as the Kerner Commission and the Urban Coalition. The concept was also a part of the Community Self-Determination Act introduced in October 1969, and of which I was a primary sponsor. This bill takes that concept and expands upon it. The Domestic Enterprise Bank Act would function as a two-edged sword. Addressing depressed urban and rural areas on one hand and cutting away at the loss of jobs due to imports and technological obsolescence on the other.

Others in the Congress have made great contributions in underscoring the need for an additional financial institution. Senator PROXMIRE's action in conducting hearings in 1967 on financial institutions and his own Commodity Credit Expansion Act, have provided important direction. Senator SPARKMAN's introduction of the Urban Development Bank Act has also underlined this general need.

Mr. President, there is indeed an economic "time bomb" inherent in the present unemployment situation. The choice is clear: shall we attempt to defuse it by the kind of commitment that establishment of this Bank would represent? Or shall we continue to be satisfied with answering the needs of our citizens, for jobs and entrepreneurship opportunities with the bandage approach represented by the welfare check? I consider it necessary to introduce this proposal because of the growing needs of this great Nation.

I ask unanimous consent that an explanation of the act may be made part of my remarks.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE DOMESTIC ENTERPRISE BANK ACT

The Domestic Enterprise Bank would be established substantially to supplement current efforts to provide job opportunities, stimulate minority entrepreneurship, and encourage the economic development in depressed "high risk" rural and urban areas and to promote the economic survival and preservation of jobs in those businesses substantially harmed or threatened by increases in foreign imports or technological obsolescence.

The Bank would be a source of development financing and would provide supportive technical assistance. In essence it would be very much like The World Bank in its purposes, operations, and structure. The World Bank has demonstrated that the provision of attractive credit is a powerful development tool in underdeveloped areas and that such a venture can be economically sound.

The Domestic Enterprise Bank would be established as an autonomous corporation authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders, to sell participations in its loans, and to provide supportive technical assistance. The financing would be for private business and commercial projects where capital is not otherwise available on normal terms. Loans could go to businesses and projects of all sizes, but with small business loans it might be more efficient for the Bank to operate through guarantees to local banking and financial institutions or by using local banks as agents. Loans could also be made to public agencies for essential public development projects such as transportation or power facilities which could not be financed through other sources, but this would not be the major purpose of the Bank.

The Bank would have the limited authority to make mortgage loans to developers for low and moderate income housing in eligible areas in aid of business development, although this would not be a sizable activity for the Bank.

The Bank could take the initiative in bringing management and capital together for projects and could itself act as developer of a particular project until such time as a private purchaser could be found. Unlike a tax incentive economic development scheme, which is essentially passive, the Bank approach would provide an active entrepreneurial agent.

Eligibility for the Bank's programs fall into two broad categories:

First, as to eligible areas, the primary condition would be that the project be located in a development area designated by the Secretary of Commerce as an area having a high proportion or concentration of unemployed or low-income persons or, if not in such area, generate new jobs of which at least 25 in number and not less than 50 percent are to be held by persons who prior to such employment were unemployed or low-income residents of eligible poverty areas. Both urban areas and rural areas would also be eligible since it must be recognized that urban unemployment cannot be eradicated until the massive population migration from rural areas is slowed or halted. The potential borrower under this criteria would also have to be certified by appropriate local officials regarding the adequacy of his architectural design, and the provision of public or private assistance for any families or businesses displaced. Another condition would be a general requirement that the Bank be satisfied that the project would contribute to raising living standards in the area, so that the borrower would have to explain and provide some assurances about the "trickle down" effect of his business into the local community, including employment of local persons and firms in the construction of the project and as employees of the establishment. As a further condition of finance, the Bank would have to be satisfied that the borrower had adequate equity or other financial interest in the facility to insure his careful and business-like management of the project; the share which the borrower would have to put up would vary according to such conditions and be determined by the Bank.

Second, as to eligible enterprises, the primary condition would be that the enterprise is threatened or has been substantially harmed by increase in foreign imports or technological obsolescence. Enterprises could qualify under this criteria without regard to geographical location. As a condition of financing the Bank would have to be satisfied that the changes proposed by the enterprise would enable the enterprise to preserve or create jobs and operate on a sustaining basis. The traditional requirements as to financial interest and management ability would have to be met.

The Bank would be empowered, in connection with its loan activity to undertake insurance arrangements in connection with such an enterprise. Such arrangements might take the form of self-insurance on a project by the Bank, coinsurance of a project by the Bank, coinsurance between the Bank and the borrower, or reinsurance arrangements concluded by the Bank with insurance companies to protect the facility against casualty loss.

The Bank would initially issue $3 billion in capital stock subscribed by the Federal Government. As was true of the World Bank, 20 percent of the Government subscription would be paid in initially—$600 million—with the Bank having a call on the remaining 80 percent—$2.4 billion—as a reserve to meet the Bank's liabilities on its own borrowings on the private bond market. In this manner, there would be a guarantee or reserve for private investors in the Bank's bonds. It would sell bonds at market interest rates, just like the World Bank, in order to raise the bulk of its loan funds. The initial $600 million paid in by the Government would be raised by the Secretary of the Treasury through sale of United States obligations on the market, so that there would be no draw-down of tax revenues to finance the Bank. This is the manner in which most of the U.S. Government contributions for the international development banks have been raised, including the World Bank, the Inter-American Bank, and the Export-Import Bank. Through this technique, only the credit of the United States is called upon; all the funds for the Bank's activities would come ultimately from private investors without burden on the taxpayer. The Government stock would earn dividends for the Treasury which should more than offset the cost to the Government of paying the interest and principal due on the Treasury bonds sold to finance its subscription to Bank stock. This method of financing, using the sale of U.S. Government bonds rather than congressional appropriations, is necessary to insure private bond holders that the Government guarantee will be made good on the Bank's bonds. Otherwise, the Bank would have to go through the risky appropriation process whenever it called upon its reserves of Government stock.

The Bank would be organized through the establishment of a commission which would appoint incorporators. The Commission would be composed of the Vice President, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the majority and minority leaders of the Senate and House of Representatives. The Commission would appoint incorporators, who would serve as the initial board of directors, two-thirds of whom would be representatives of the private sector and one-third Government officials or employees. The President would thereafter appoint the 20 directors, with the advice and consent of the Senate, for 4-year terms on a staggered basis—ten directors appointed every 2 years, 14 of the directors would be from the private sector—six from business and finance, two from organized labor, two from private social welfare organizations or foundations which deal with the problems of poverty, two representing the general public and two representatives from education. The remaining six directors would be from government, including Federal, State, and local government.

ADDITIONAL COSPONSORS OF BILLS

S. 1708

At the request of Mr. CRANSTON, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1708, to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training, and public information activities, and population research.

S. 2025

SOCIAL SECURITY COST-OF-LIVING INCREASE

Mr. EAGLETON. Mr. President, I am pleased to cosponsor the bill, S. 2025, introduced yesterday by the Senator from Connecticut (Mr. RIBICOFF) which would authorize a cost-of-living increase for social security beneficiaries in January 1974.

Under the law passed by Congress last year, annual cost-of-living benefit adjustments are authorized whenever the Consumer Price Index has risen by at least 3 percent during the preceding year. However, this law delays the first such increase until January 1975.

In view of recent increases in the cost of living, I do not believe we should expect social security recipients who live on fixed and, more often than not, inadequate incomes to wait until January 1975 for a benefit adjustment.

Since the beginning of this year, the Consumer Price Index has risen at an annual rate of 9.2 percent. And leading the price increases have been two items which take the largest shares of the budget of the average elderly person—food and shelter.

If we do not take action to amend this law, not only will the elderly have to wait until January 1975 for an increase, but that increase will not even cover the dramatic price increases that have occurred during the first half of this year.

Mr. President, I strongly support the legislation introduced by the Senator from Connecticut, and I urge that it be added as an amendment to the debt ceiling bill which will be before the Senate next week.

DESIGNATION OF DATE FOR FEDERAL ELECTIONS—AMENDMENTS

AMENDMENT NO. 246

(Ordered to be printed, and to lie on the table.)

Mr. COOK. Mr. President, very shortly we will consider S. 343, a bill introduced by my colleague, Senator ROBERT C. BYRD of West Virginia. This bill, as amended, proposes to designate the first Tuesday in October as election day. In addition, it sets the time for the primary as that period beginning on the first Tuesday in June and ends on the first Tuesday in August with the national nominating convention to begin by the 1st of August.

While I support the intent of the bill and applaud the efforts of Senator ROBERT C. BYRD, I do not believe that it goes far enough toward the ultimate goal of condensing the total time now being required for the election process.

Accordingly, I send to the desk and ask to have printed an amendment to S. 343 which would condense the time allowed for Federal campaigns and elections by an additional month by requiring that no primary be held prior to July, instead of June as now proposed in the existing bill.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973—AMENDMENT

AMENDMENT NO. 247

(Ordered to be printed, and to lie on the table.)

Mr. HELMS. Mr. President, today I am submitting an amendment which in my judgment may prevent the Senate from making a mistake which we may later greatly regret.

Mr. President, with all respect for my distinguished colleagues who are persuaded absolutely that this bill is an excellent one, I must observe that scarcely ever have I heard so much confusion about the intent of legislation, the definition of words, the meaning of phrases and the applicability of provisions.

I feel, Mr. President, that if we could read the minds of Senators who, during the past few days, have voted on countless amendments which I have heard them confess that they did not really understand, we would have to admit in all charity that the Senate is not fully aware of the implications of this bill.

I do not criticize the distinguished Senator from Washington. I admire him. He is my friend. I do not question his sincerity.

But, aside from my own conviction that this is a very bad piece of legislation in terms of further centralizing awesome power in Washington in the coming years, I feel there is enough doubt about this bill to warrant the Senate at least to proceed cautiously, on a year-to-year basis, so that we can be surefooted in doing whatever it is that we intend to do.

Moreover, there is my conviction that in this time of great inflation and economic crisis, we should not be commiting the Federal Government to further built-in costs. Just this morning, Secretary Shultz complained in testimony before the Senate Finance Committee that 75 percent of the Federal budget is, as he described it, "uncontrollable," precisely because this Congress and present and previous administrations have committed the taxpayers to supply funds for programs years in advance.

My amendment simply reduces authorizations for 1 year, and further would require the Department of the Interior to administer the program out of its existing general administrative budget.

If we are really serious about this business of bringing Federal spending under control, this amendment offers a step in that direction.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 227 TO S. 925

Mr. McGOVERN. Mr. President, I have an amendment at the desk (No. 227) that I intend to offer either on this bill (S. 268) or the Federal financing bank bill (S. 925) which would require the President to give Congress 15 days' notice of any proposed change under the Economic Stabilization Act. I think possibly we may wait for a more appropriate bill on which to call up this amendment than either the pending bill or the Federal financing bank bill, but I ask unanimous consent to add the following cosponsors to the amendment in addition to the distinguished majority leader (Mr. MANSFIELD): Senators GRAVEL, HUGHES, KENNEDY, HUMPHREY, ABOUREZK, and NELSON.

I ask unanimous consent that their names may be added as cosponsors at the next printing of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON S. 707 AND S. 1160

Mr. RIBICOFF. Mr. President, the Subcommittee on Reorganization, Research, and International Organizations of the Committee on Government Operations and the Consumer Subcommittee of the Commerce Committee will hold a hearing on S. 707 and S. 1160 on Thursday, June 28, 1973, in room 3302 of the Dirksen Building. The hearing will begin at 9:30 am.

NOTICE OF HEARINGS ON BUREAU OF INDIAN AFFAIRS

Mr. JACKSON. Mr. President, I wish to announce to the Senate that the Subcommittee on Indian Affairs will conduct an oversight hearing on a proposal for the organization of the central office of the Bureau of Indian Affairs.

Because the proposed reorganization has been the subject of concern among many tribal leaders and rank-and-file tribal members, the subcommittee desires to have departmental and Bureau officials discuss the background leading to the reorganization, the reorganization itself, and how this reorganization will improve the social and economic condition of Indian people residing on Indian reservations and in Indian communities.

The subcommittee will hear only departmental witnesses at this time and, if circumstances warrant, a later hearing may be held to take testimony from the Indian people on the proposed reorganization.

The hearing will commence at 9 a.m. on June 25 and will be held in room 3310, Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

IMPORTATION OF STRATEGIC MATERIALS FROM RHODESIA

Mr. ALLEN. Mr. President, the Lynchburg, Va., News of June 18, 1973, contained an excellent editorial commending the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) for his efforts in authorizing and pressing to passage legislation to authorize importation of strategic materials from a non-Communist nation—Rhodesia—if such materials are being imported from a Communist nation. It also commended the distinguished Senator for his devastating answer to criticism of his actions and of the action of the Congress by Mr. John Scali, U.S. Ambassador to the U.N. I ask unanimous consent that a copy of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WITH KINDNESS

Senator Harry F. Byrd Jr. typifies the traditional Virginia gentleman—courteous, courageous, cool. If the occasion demands, the kind that can cut you to ribbons. Last week came such an occasion . . .

Senator Byrd arose on the floor of the Senate to call attention to a remark by John Scali, U.S. Ambassador to the United Nations, that the United States was in "open violation of international law" in importing chrome and nickel from Rhodesia.

Scali explained that the U.N. Security Council resolution of 1966 ordering an economic boycott of Rhodesia was "legally binding on the United States."

Mr. Scali, commented Senator Byrd, perhaps might be affected by the rarified atmosphere of the $33,000 per year penthouse which the taxpayers of the United States rent for him in the Waldorf Towers in New York City.

Then out came the rapier . . .

The United Nations did decree sanctions against Rhodesia, Senator Byrd noted. And Lyndon B. Johnson, as President of the United States at the time, put the sanctions into effect—without consulting the Congress. Those sanctions remain in effect today, with one exception:

The Congress adopted legislation which stated that the importation of a strategic material from a non-Communist country could not be denied if the same strategic material was being imported from a Communist country.

That legislation, Senator Byrd explained.

". . . passed the Senate of the United States. It passed the House of Representatives. It was approved by the Congress of the United States. It was signed into law by the President of the United States. There has been a court test brought by various Members of the House of Representatives, seeking to have the law nullified. The courts have upheld what the Congress of the United States did.

"So Congress, acting on a matter affecting our own national interest, and taking the steps prescribed under the Constitution, enacted legislation which is now a part of the law of our Nation."

"One would think," he continued, "that the American Ambassador to the United Nations would feel an obligation to support the laws of our Nation. One would think the Ambassador to the United Nations would have an obligation to support the duly enacted laws—enacted by Congress, signed by the President, and approved by the courts.

"But now we find him making speeches in New York, saying that the U.S. Congress acted illegally.

"Nonsense."

Having fired that volley, he then compassionately administered the coup de grace . . .

"He (Scali) says the Security Council decision is legally binding on the United States. What he is saying is that the U.S. Congress must subordinate itself to any acts taken by the Security Council of the United Nations.

"Congress did not turn over to the United Nations the right to determine what laws Congress can and cannot make.

"Yes, I think the American Ambassador to the Untied Nations should represent the people of the United States and uphold the laws of the United States while he is an Ambassador, rather than inaccurately to condemn Congress and condemn the President, who signed the bill into law."

SENATOR SAM J. ERVIN, JR.

Mr. ROBERT C. BYRD. Mr. President, Newsday's Journal of Opinion for April 22, 1973, carried an article by Edwin M. Yoder, Jr., associate editor of the Greensboro, N.C., Daily News, concerning our colleague, SAM ERVIN, which bore the title, "The Gospel According to Sam."

I ask unanimous consent that a copy of this article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GOSPEL ACCORDING TO SAM

(By Edwin M. Yoder, Jr.)

North Carolinians have noted with amusement the recent startled discovery of their senior senator's virtues by such unlikely converts as The Progressive and Playboy magazines.

With amusement, I say, because Sam Ervin, while he hardly seems at a glance cast for the role of Nixon administration nemesis or champion of civil liberties, makes perfect sense to Tar Heels and it is fun to watch outsiders struggle to discover what that sense is.

Stewart Alsop recently wrote in Newsweek that Ervin, like the late Sen. Everett Dirksen, is "a great character actor . . . far and away the best of all the Senate's large collection of character actors . . . master of the pregnant pause, the eyebrows lifted in suspense, the jowl shaken in indignation, the droll interjection, the recondite historical or constitutional reference."

What others, especially of the liberal persuasion, view now as the greening of a southern tory—albeit a jollifying, Bible-quoting storytelling tory—Tar Heels see as the fulfillment of a destiny ordained by history, geography, training and temperament—a blend of mountain independence and cussedness, Calvinist conviction and the habit of hard work.

But an actor? Not Sam Ervin. The truth is that his stories are somewhat easier to follow in the reading than in the hearing. And in almost 20 years in the Senate, he has held only three news conferences, the third last week. For all I know of Sen. Ervin—and he is a surprisingly private figure in a state full of clubbable politicians who are on personal terms with thousands of constituents—he's as interested in marigolds as Ev Dirksen. But nothing would be more out of character than "Senator Sam," as he is affectionately known, wasting the Senate's time with oratory about flowers.

Beneath the mobile and colorful features—the shuttling eyebrows and wobbling jowls, the rapid mountain drawl—Sam Ervin is, above all, a very serous man. I suppose I've called at his office half a dozen times in recent years, and I can't recall a single time when he wasn't in a committee meeting or on the Senate floor—working.

Sam Ervin was marked to stand out in a legislative body that has more than its share of dilettantes and slackers. When he went to the Senate in 1954, the leadership immediately drafted him for the select committee then investigating Sen. Joe McCarthy, and it was Ervin's shrewd, lawyerly oratory that saw the censure resolution safely through. As a professor of mine at Chapel Hill said at the time, "They hardly knew what to do about old Joe McCarthy until Sam Ervin hung a few mountain stories on him."

Tar Heels with longer memories recall that in 1925, when North Carolina's public schools were threatened with a "monkey bill" (to bar the teaching of evolutionary theory), it was young Rep. Sam Ervin Jr. of Burke County who caged the monkey. Even the bigots had to laugh when, in a famous line, he observed: "Such a measure serves no good purpose except to absolve monkeys of their responsibility for the human race."

One thing North Carolinians also understand about Sam Ervin is that he is a Presbyterian, who, in denouncing the monkey bill, went on to say that any legislation throttling science was insulting to Christianity. If the faith needed that buttress, he declared, "then that religion cannot claim to be powerful enough to save men's souls."

It was the same Sam Ervin, still quoting his Bible, who last week rejected a White House offer to let presidential aides testify "informally" and privately to his Watergate investigative committee. The offer, he said, reminded him of the gospel story of Nicodemus—an early closet Christian—who slipped around to see Jesus "by night."

Like many southerners of his generation, Ervin was nourished on the King James Bible, and it remains a great coin of argument and moral authority. I recall that during the great civil rights bill debate of 1964, when Sen. Ervin was helping filibuster against the bill, our paper got a letter from one of the senator's cousins, an elderly and distinguished university professor. "I am writing," he announced, "to tell my kinsman Sam Ervin that he is playing the role of the Pharoah—keeping the children of Israel in bondage."

Sam Ervin's reply—it is one of his favorite biblical quotations—was: "Thou shalt not follow after a multitude to do evil." It doesn't matter, that is, how many people want something to happen—whether it is stretching the commerce clause of the Constitution to end segregation in restaurants, or stretching the Fourth Amendment to make room for "no-knock" warrants—if the action is ill-advised.

Southerners recognize in Sam Ervin, then, a mellowed strain of that flinty, doctrine-proud Calvinism borne by 18th Century Scotch-Irish settlers into the foothills of the Blue Ridge. To try to understand him without knowing something of that faith—its love of "book-learning," its facility for anecdote and tall tales, its humor and its granitic deference to bedrock principles is pointless. Or is, as Sam Ervin might put it, echoing the Bible, "a vain thing."

Yet Sam Ervin is not stickily pious—far from it. Other institutions have left their mark on him. One is the University of North Carolina at Chapel Hill, where he was graduated just before America marched off to World War I. It was then a place, liberal as southern institutions go, where a diligent young man could acquire the ornaments of humanism, skill in debate, and a sense of public responsibility—"an outpost of great Rome," as Ervin's famous contemporary Thomas Wolfe put it, "to which the wilderness crept up like a great beast."

Another institution that clearly marked him was the Harvard Law School, to which Ervin returned after a distinguished war record with the American Expeditionary Force. (Twice wounded, twice cited for gallantry, he was awarded the French Fourregere, the Silver Star and the Distinguished Service Cross.) At Harvard, where the so-called "legal realists" had not yet consolidated their revolution, Sam Ervin acquired a literalistic if sophisticated style of constitutional construction—tending occasionally to inflexibility. It is perhaps the secular counterpart of his Calvinism, with the same stern integrity of principle.

Still a third shaping institution might be mentioned: the North Carolina Supreme Court. Like most Tar Heel governing bodies, it is as plain and unpretentious as an old shoe. Sam Ervin became an associate justice there in 1948, after a term in Congress. He became known as the writer of correct, savory, witty—and dependably conservative—opinions. By reputation one of the better state tribunals, the North Carolina Supreme Court, in its homespun informality, takes lunch en bloc in public cafeteria in Raleigh, the ultimate custodians of the law waiting in line with everyone else. It's a long way from limousine liberalism.

Sam Ervin is no Bourbon. The misty uplands of Burke County, where the rolling terrain rises and tumbles toward the high mountains, is his ancestral country, a long way in mood, doctrine and history from the tidal lowlands. His neighbors and kinsmen are proud, unpretentious, independent people, with a broad streak of orneriness.

In the North Carolina political spectrum, Sam Ervin was known as an independent conservative, sent to the state supreme court by one conservative governor and to the Senate by another. In economic affairs, his loyalty lies to the business-oriented "progressive plutocracy" noted by V. O. Key Jr. as the key to political power in North Carolina. As Senate duties have multiplied, however, Ervin has participated little in election-year maneuvering, although in 1964 he persuaded his friend Dan K. Moore, another "mountain man," former state judge and corporation lawyer of the same strain, to run for governor against Gov. Terry Sanford's hand-picked liberal candidate.

But Sam Ervin, conservative within the Tar Heel political spectrum, is a Democratic loyalist. He is in every election a reliable campaigner for whomever the party nominates, and last fall he was among the few prominent Democrats who openly confessed to being for George McGovern. (But the senator is rumored to have told a constituent that the choice, not a very good one, was "between stupidity and duplicity.")

With the election of Richard Nixon in 1968 came a flood of issues—the various criminal procedure bills involving preventive detention, the revelations of Pentagon spying on civilians, the Nixon attempt to revive the Subversive Activities Control Board, and now impoundment and Watergate—that offend Sen. Ervin's constitutional fundamentalism. For a senator who has stoutly backed the Vietnam war, routinely fought all civil rights bills, and argued an antilabor brief before the U.S. Supreme Court in the celebrated Deering-Millikan National Labor Relations Board case, this has seemed a strange turn.

Accordingly, there has been a quizzical note in his national press notices—as if something really freakish had happened. One

New York Times writer, two or three years ago, called him "an anachronism . . . out of the 18th Century perhaps," whose bouts with the Pentagon, the Army, the FBI and the Justice Department could be traced to his roots in Morgantown, N.C., "where one can still find people who speak Elizabethan English."

Actually, as I hope I've established, there is nothing quaint or freakish or especially new about Sam Ervin, the libertarian. A glance at his career, all the way back to the monkey bill fight, discloses an almost discomfiting consistency. Most public men begin with the politics of great issues, then work back to such slight accommodation as they can afford with principle. Sen. Ervin does the opposite, looking first to principle, then making some allowance (usually modest) for politics. His special quality has, I think, been best summed up by a former constituent, Tom Wicker of the New York Times:

"A certain kind of old-fashioned conservatism still has its exponents in America, still makes its case fundamentally against unbridled power, still believes that in the end it is the individual—not society and not any group—that is the basic unit of value.

"Judge Ervin's kind of conservatism may have been reluctant to place black men's rights on a par with those of whites, but it is not the kind of conservatism that holds cheap the rights themselves . . . It is a conservatism most wary of eroding principle in the cause of preserving principle."

THE ENERGY CRISIS—COAL CONVERSION

Mr. SCHWEIKER. Mr. President, there soon may come a day when we will no longer be able to take for granted the simple acts of switching on an electric light, turning up the heat, or saying "Fill 'er up" to the gas station attendant. As a matter of fact, the fuel shortage already has caused some gas stations to close, while other have been forced to set a limit of 10 gallons per customer.

The Senate responded to this crisis recently by voting to require equitable allocation of oil and gas resources—an initiative I strongly support. Undoubtedly, in months to come we will seek solutions to our long-range energy needs, and it is on this subject that I would like to speak today.

Mr. President, petroleum and natural gas represent 10 percent of our Nation's known energy reserves. We are currently importing one-third of our oil requirements, and if we continue at projected rates, we will be importing over 50 percent of our oil requirements by 1985. This will result in a balance-of-payments deficit of approximately $30 billion annually—attributable to oil imports alone. The effect of such a deficit on our economy would be staggering.

By way of contrast, our coal represents nearly 80 percent of the United States known energy reserves and nearly 50 percent of the world's coal reserves. It is estimated that this supply will last approximately 500 years, as compared to approximately 30 years for petroleum.

My point is this: We have within the continental boundaries of the United States a single source of energy capable of solving the energy crisis. That source of energy is coal.

To those who think of coal only in terms of the coal bin and the smokestack billowing sulfur, I would say simply that coal has moved out of the 19th century. Through modern technology we are rapidly approaching the day when coal will be converted into "clean" and economical fuels.

Two of the most promising methods of conversion are coal gasification and liquefaction, the conversion of coal into natural gas and fuel oil. Earlier this year I visited the site of the future coal gasification plant at Bruceton, Pa., outside Pittsburgh. When completed, the Bruceton plant will convert 75 tons of coal per day into 300,000 cubic feet of pipeline gas. With adequate research, this process can be feasible for commercial production within a few years—at a cost competitive with all sources of energy on the market today.

The conversion of coal into nonpolluting fuel oil low in sulfur and ash content is another process which is progressing rapidly. The liquefaction technique would enable coal, currently prohibited from use in electric power plants because of air quality standards, to be used for utility fuels. This is particularly critical when you consider that in 1968 coal was the source of energy for 50 percent of the electricity generated in the United States.

Still another technique being explored is low-Btu gasification of underground coal beds, which could be used as a source for local energy needs.

Mr. President, the proposed budget for fiscal year 1974 requests an increase of only $8 million for coal research. This seems to me a tragic lack of foresight. With adequate research, coal gasification and liquefaction may provide a solution to the energy crisis within a very few years. Coal is a guaranteed domestic source of energy for at least three centuries. It would be a disservice to future generations to fund anything less than a full-scale coal research program at this time.

Accordingly, the Senator from Illinois (Mr. STEVENSON) and I intend to introduce an amendment to the Interior Department appropriations bill to increase the appropriation for the Office of Coal Research from $51.3 million to $103 million for fiscal year 1974. It is my hope that with favorable action on this measure, and intense research and development of coal conversion techniques, we can use our largest domestic energy source to turn the tide in the energy crisis.

"DISSENT ON DEVELOPMENT"—A SCHOLARLY BOOK OF GREAT POLITICAL AND ECONOMIC VALUE

Mr. PROXMIRE. Mr. President, in today's Wall Street Journal, Mr. Edwin McDowell reviews a book entitled "Dissent on Development" by P. T. Bauer. The reviewer refers to it as an "extraordinary work" and "a scholarly book of great political and economic value."

P. T. Bauer is a professor at the London School of Economics and a fellow at Gonville and Caius College at Cambridge, England. He has the highest qualifications and his work is noteworthy.

FOREIGN AID ASSUMPTIONS CHALLENGED

In it he challenges the assumptions behind foreign aid and development aid. And he does so in a rigorous and intelligent way.

He believes that the flow of aid has inhibited the material progress of many recipient nations. He questions the "big project" aid program. He rejects the "cycle of poverty" theory. And he questions most of the basic assumptions upon which the present development aid programs are based.

Mr. President, it is refreshing indeed to get a constructive and intelligent analysis of development aid. So much of what has been written of the aid programs in the past has either been from xenophobic isolationists who saw nothing good in the programs or uncritical intellectuals who felt constrained to justify the programs no matter how bad they were. It is very gratifying to have this respectable and academic criticism from a highly qualified source.

For 2 years I chaired the Senate Appropriations Subcommittee which provided the funds for much of our foreign aid programs. As a result of that experience where I was required to study the programs in depth, I came to certain conclusions.

WHAT IS WRONG WITH FOREIGN AID

Far too much of the aid was military aid handled by the military departments and whose effects were to produce more mischief than any good which could come from it.

Most of the economic aid was what I call "big project" aid—dams, steel mills, powerplants, irrigation projects, public works, and the like. In my view these were of marginal value. They did more for the huge economic interests at home than for the poor abroad. The big banks, the earthmoving companies, the cement and steel interests, and the shipping interests were the ones who gained.

The initial proposals of President Truman for technical aid to help others help themselves and aid which was mainly aimed at feeding, clothing, housing, and educating those in the underdeveloped countries, has been corrupted by the big project programs. Almost none of the money goes for education and housing, for example. I recall most vividly one of our hearings when Mr. Hannah, the Administrator of AID, made a passionate plea for foreign aid on grounds that it helped to educate those abroad. He was left highly embarrassed when we asked, at the end of his plea, how much of our aid went for education purposes, and when he had to admit that it was only a tiny fraction of the total.

The fact is that the public works and the highway lobbies have followed this program to the ends of the earth.

LIMIT AID

For my own part I would support a limited program of technical assistance with the strong emphasis on education and training, and largely administered by the multinational organizations. But the rest of it—the military aid and the big project development aid—should be stopped. I believe it to be true that the funds are provided largely by those of low or moderate incomes here and go to the wealthy both at home and abroad.

In the past these views have been pooh-poohed by the international community. But Mr. Bauer has written a book in which those views are largely supported by intelligent and rigorous analysis.

I ask unanimous consent that the review of his book by Mr. Edwin McDowell be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

AN ICONOCLAST LOOKS AT FOREIGN AID

(By Edwin McDowell)

For a policy that was conceived with the best of intentions and is still cited as a rare example of international virtue, aid to underdeveloped countries has drawn increasing criticism across a broad ideological spectrum.

Conservatives claim that foreign aid insulates too many governments from the consequences of their collectivist economic folly, liberals say it is used to prop up military dictatorships, and both complain it is a process whereby poor people in rich countries help rich people in poor countries.

Such disillusionment is increasingly expressed even in publications that formerly defended the aid program against any hint of criticism. Nevertheless, books defending or lauding foreign assistance programs still receive wide favorable publicity while those that are critical are virtually ignored, particularly if they criticize not just specific aid projects but the philosophic assumptions of the entire aid program.

One of the most important such books is P. T. Bauer's "Dissent on Development," a scholarly challenge to the dominant view that government-to-government grants and soft loans are indispensible to the economic progress of poor countries.

The British edition of the book received a glowing review in Encounter from Harry G. Johnson, professor of economics at the University of Chicago and the London School of Economics. Yet, while it has been out for some months now in this country, under the imprimatur of a distinguished academic publisher, the book has passed virtually without comment. Which is regrettable, since it could have profound impact on our thinking about the entire development question.

The author, professor at the London School of Economics and a Fellow at Gonville and Caius College, Cambridge, suggests that the flow of aid actually has inhibited the material progress of many recipient nations.

For one thing, it has enabled them to persist in or adopt any number of unwise political and economic policies that discourage capital formation from within their own borders and from foreign investors. It has enabled governments to indulge racist and xenophobic impulses by expelling ethnic minorities whose enterprise and hard work introduced attitudes of thrift and savings necessary for a money economy.

And soft loans and grants have obviated the necessity to seek commercial loans that, instead of being wasted on such monuments to national vanity as steel mills, unprofitable state airlines and heavy construction projects, would have been geared more closely to agriculture and to regional and national market conditions. "When resources are received from abroad for nothing, the valuable process of generating them is lost," the author writes. "When resources are both generated and then used locally the personal qualities and attitudes, social institutions and economic opportunities required for their employment are encouraged to develop simultaneously."

REJECTING A THEORY

The author rejects the "cycle of poverty" theory that holds that poor countries are locked into an existence of poverty and stagnation. If this thesis were valid, he notes, innumerable individuals, groups and communities could not have risen from poverty to riches as they have done throughout the world.

As it is, all developed countries started off poor, with low per capita incomes and low levels of accumulated capital, yet they advanced usually without appreciable outside capital and invariably without external grants. Most recently, Hong Kong, an overcrowded Crown Colony with few raw materials, little fertile soil, no fuel or hydroelectric power and a restricted domestic market, has displayed phenomenal progress in only a short time.

There is no single reason why some nations or large groups within nations are poor, anymore than there is any one reason why formerly penniless immigrants and their sons who received no financial or political favors are now the richest people in Southeast Asia (Chinese), East Africa (Indians) and West Africa (Lebanese).

The reasons are largely attributable to different attitudes and aptitudes, to social and political institutions, to historical experience. The fact that material backwardness is heavily concentrated in climatic extremes, especially in the tropics, even suggests a connection between material progress and climate.

Therefore, to suggest that poverty as such acts as the principal obstacle to material progress diverts attention from the underlying determinants of development. And to suggest that a Marshall-like plan can do for the underdeveloped world what it did for the economies of Western Europe is to confuse the problem of restoring economies among people who for centuries before the war had the faculties, motivations and institutions favorable to development, with developing economies where those necessary preconditions are largely nonexistent.

Professor Bauer's arguments are obviously at odds with the widespread belief that good will and sufficient resources can narrow and perhaps close the gap said to exist in per capita incomes between rich and poor countries.

To compound the heresy, he doubts whether such a gap can be measured in any meaningful way—that is, by reffecting broadly similar social and physical living conditions of diverse populations. For one thing, he says, providing several convincing examples, statistics upon which such arguments are based are extremely unreliable, sometimes subject to errors of several hundred percent. Even if they were accurate, however, at best they would only reflect "the contemporary belief that virtually all aspects of personal and social life can be meaningfully reduced to simple quantitative expressions intelligible to all."

Having said that, he reminds readers there is no signicant difference between the per capita income of the poorest developed country and the richest underdeveloped country. He points out that some undeveloped oil states of the Middle East have per capita incomes among the highest in the world, which suggests the difference attitudes and development history make even for opulent populations who would attempt to emulate the material conditions and modes of Western-type societies.

Talk of a widening gap is one of those expressions which appear to be descriptive (positive) statements but are actually prescriptive (normative) utterances, the author says. It appears to describe situations, but is actually designed to urge courses of action in the West by promoting a sense of urgency and mounting danger atop feelings of guilt.

Guilt is rarely mentioned in conventional development economics discussions, but Professor Bauer claims that it is an important element, particularly for promoting the unfounded idea that the West is somehow responsible for the poverty of the underdeveloped world. Actually, Western prosperity was generated by its own population, he says, not achieved at anyone's exepense. Those countries were already materially much more advanced than the underdeveloped countries when they established contact with the latter in the 18th and 19th Centuries. Even now many developed countries, including some of the richest, have few economic contacts with the underdeveloped world.

Moreover, some of the richest Western countries were colonies in their earlier history, notably the U.S., Canada, Australia and New Zealand, and some were already prosperous while they were still colonies. This certainly does not prove that colonialism is a necessary or admirable precondition of material progress, he says, but, along with the contemporary experience of Hong Kong, it tends to refute the assumption (enunciated as a general principle by the U.N. Conference on Trade and Development) that colonial status and economic progress are incompatible.

Nevertheless, belief that Western economic gains were achieved at the expense of the undeveloped world has led donors to favor economic development assistance as a form of partial restitution and has led recipients to view it as an admission of Western guilt. In part that accounts for what the author describes as the "economics of resentment," the anomaly of donor countries beseeching poor nations not to refuse their aid, combined with recipient governments showing their thanks by pursuing policies hostile to donors.

A RIGOROUS CRITIQUE

The book is comprised largely of essays that appeared originally in numerous scholarly journals, but here they have been expanded and in some cases rewritten. Central to many of them is the author's rigorous critique of that comprehensive central planning so often accepted as axiomatic in development literature.

Professor Bauer observes that many prominent economists do not believe central planning promotes economic progress, and he notes that it played no part in the development of any one of the now highly developed countries. While it is often assumed that planning involves conscious, rational and scientific control of economic life, in contrast to the supposedly irrational, blind and haphazard alternative, its major contribution seems to be that of concentrating power in the state. Its prime economic effect is usually to restrict the movement of resources to where they would be most productive and to inhibit establishment of new enterprises.

But more important than economic questions are the moral and social questions raised by efforts to transform man and society. "The attitudes and motivations which promote material success are not necessarily or even usually those which confer happiness, dignity, sensitivity, a capacity to love, a sense of harmony, or a reflective turn of mind," the author notes. Enforced removal of attitudes or beliefs uncongenial to material advance could result in large scale spiritual and emotional collapse.

Yet this aspect of economic development is largely subordinated to the naive assumption that peoples of underdeveloped countries are generally a homogeneous mass, much like people in developed countries except for being poorer. Professor Bauer is particularly critical of Gunnar Myrdal's sweeping prescription for transforming underdeveloped Asian countries, which seems to include extirpating ethnic or cultural identities and forcibly altering mores and conduct.

> This is not only bad economics, in the author's view, but tragic social policy since, if successful, it would dehumanize society by abolishing all important differentiation and discrimination—except that between subjects and rulers.
>
> This wide-ranging book is obviously iconoclastic, in that it directly challenges the prevailing development orthodoxy. But there isn't any doubt that what Prof. Johnson has described as "Bauer's professional integrity and concern for economic truth" have combined to produce a scholarly book of great political and economic value.
>
> Quite simply, it is no longer possible to discuss development economics intelligently without coming to grips with the many arguments P. T. Bauer has marshalled in this extraordinary work.

A PROGRAM FOR THE 93D CONGRESS—FROM THE MEMBERS OF THE NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. CHURCH. Mr. President, nearly 10,000 delegates from the National Council of Senior Citizens gathered in Washington for a highly productive 3-day legislative conference during the week of June 4.

Their basic message was not only compelling, but it was also worthy of national attention. Briefly stated, it could be summarized in the following way: Despite recent major improvements for older Americans, our Nation still has a long way to go if we are to assure them a life of dignity and self-respect.

Out of this conference emerged a comprehensive, sound legislative program which focused on immediate and long range policy considerations for the 1970's.

These proposals, it should also be pointed out, are designed to improve life for all Americans, the young as well as the old.

This point was made abundantly clear in the preface to the Congress:

> The goals and specific proposals which follow here are not those which seek to serve only the interests of the elderly. We do not ask for charity. We ask only for the opportunity to contribute as best we can to a nation which we helped to build and defend.

As chairman of the Senate Committee on Aging, I am especially heartened because the National Council of Senior Citizens has endorsed several legislative proposals which I have sponsored and advanced.

Heading the list for immediate action is the outright abolition of poverty for the elderly—a goal I have long sought and have attempted to achieve. Quite clearly, a nation with a trillion-dollar economy has the capacity to eliminate this wretched condition. What is needed is a sense of commitment.

The delegates also emphasized that true economic security in retirement can never be fully achieved until we resolve the mounting health care cost problem which poses an intolerable drain upon the limited incomes of the aged. Moreover, proposals to reduce medicare coverage—as this administration has suggested—can only intensify this dilemma for millions of older Americans. For these reasons I have sponsored legislation to:

First. Put the administration on notice that the Congress opposes cutbacks in medicare coverage; and

Second. Call upon the administration to come forward with concrete proposals to improve medicare by closing gaps in coverage.

This measure, I am pleased to say, has been wholeheartedly endorsed by NCSC. And, I am hopeful that the Congress will act swiftly and decisively to approve this much needed proposal.

Another high priority item in the national council's legislative program is property tax relief for overwhelmed aged homeowners. A few months ago, Senator MAGNUSON and I introduced legislation—the Emergency Property Tax Relief Act—to shield elderly homeowners and renters from confiscatory property taxes and rents. This measure has been enthusiastically supported by NCSC:

> The National Council of Senior Citizens urges Congress to adopt legislation similar to the Church-Magnuson bill, providing Federal funds to compensate local taxing authorities for reduced revenues where taxes on homes or apartments occupied by low-income individuals and families are reduced.

Mr. President, the National Council of Senior Citizens has presented an excellent blueprint for action for the 93d Congress. Their recommendations, it seems to me, should be must reading for every Member in Congress. And, I strongly urge that the appropriate standing committees begin early consideration of their proposals.

JUSTICE FOR ANDREI AMALRIK

Mr. McGOVERN. Mr. President, I am sure we all want to do everything we can to encourage President Nixon and General Secretary Brezhnev toward fruitful negotiations and to foster the spirit of détente. I have joined with other members of the Foreign Relations Committee in welcoming the General Secretary to the United States and in expressing the hope that these discussions will help move toward a resolution of the remaining deep and dangerous divisions between our two countries.

Yet, while these great issues are being discussed, this is also an appropriate time to remind ourselves of the grave human concerns all free men must feel about the conditions which face many individual Soviet citizens.

Many of us have raised with Mr. Brezhnev the evidence that, despite recent adjustments in emigration taxes, Soviet Jews who wish to leave that country are still harassed and persecuted, in defiance of internationally accepted emigration practices. We know that tens of thousands of Soviet Jews are denied both the right to practice their religion in the Soviet Union and to leave that country in search of religious and cultural freedom. These are practices a land dedicated to human liberty can neither understand nor accept.

Our sense of justice is especially offended by the persecution of those who seek to exercise the freedom of expression. Consider just one case among many.

Andrei Amalrik is a Moscow writer. He has completed 3 years in a prison camp at hard labor, and he is in ill health. But, despite the completion of his term, imposed because of his writings, he is still confined. The Soviet Government announced that they have discovered other charges against him, and that he will be tried again. I understand that two American universities, Harvard and George Washington, have invited Andrei Amalrik to lecture beginning this fall. Instead, it appears that he will be imprisoned by a government which does not want him but will not permit him to leave.

This case involves the liberty of one man, yet we know that it is a common occurrence, and that it raises fundamental issues of human decency and individual rights which should know no national boundaries.

I earnestly hope that issues of this kind will also receive serious attention in meetings between General Secretary Brezhnev and President Nixon.

Mr. President, I ask unanimous consent that an appeal on behalf of Andrei Amalrik by a number of prominent American writers and publishers be inserted in the RECORD.

There being no objection, the appeal was ordered to be printed in the RECORD, as follows:

DECLARATION BY THE COMMITTEE IN DEFENSE OF ANDREI AMALRIK

> We are writers and publishers who are deeply concerned that the Moscow writer, Andrei Amalrik, has not been freed from prison camp at the conclusion of a harsh term. We now establish the Committee in Defense of Andrei Amalrik for the purpose of appealing to the government of the U.S.S.R. for clemency.
>
> Andrei Amalrik has been punished for openly expressing his thoughts; he has suffered impaired health; and he now faces a new and arbitrary indictment. We urge that the responsible authorities act to effect his prompt liberation and the restoration of his rights under law, including the right to expression and, should he so desire, to travel abroad.
>
> We esteem Andrei Amalrik. We ask that clemency be shown toward him in the spirit of improving relations between the U.S.S.R. and the U.S.A.
>
> Authors: Henry Carlisle, John Hersey, Arthur Miller, Harrison Salisbury, John Updike, and Robert Penn Warren.
>
> Publishers: Robert L. Bernstein President, Random House, Inc., Simon Michael Bessie, President, Atheneum Publishers, William Jovanovich, Chairman, Harcourt Brace Jovanovich, Inc., Winthrop Knowlton, President, Harper & Row, Publishers, and W. Bradford Wiley, Chairman, John Wiley & Sons, Inc.

THE EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, on March 22, 1972, excerpts from the report of the Committee on the Judiciary on the Equal Rights Amendment, including a list of 53 groups supporting the amendment, were printed in the RECORD at my request. Included in that list was the Ladies Auxiliary of the Veterans of Foreign Wars. Recently I have received a letter from the VFW which states that—

> Our Ladies Auxiliary has no current position nor has ever taken a position in the past regarding the Equal Rights Amendment.

After staff investigation, it appears that there is no documentary record supporting the information, presented to the Subcommittee on Constitutional Amendments last year, that the Ladies Auxiliary to the VFW has an official position with respect to the amendment.

Accordingly I wish to announce that I am now informed that neither the VFW nor the Ladies Auxiliary has an official position, either for or against, with respect to the equal rights amendment. I regret the misunderstanding which lead to the inclusion of the auxiliary in the list printed in the Record last year.

UNDERSTANDING THE MEANING OF GENOCIDE

Mr. PROXMIRE. Mr. President, I believe that opposition to the ratification of the Genocide Convention stems partially from a misunderstanding of what is meant by the term "genocide." As stated in article II of the treaty:

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group.

Two of the phrases in the previous passage require clarification. The words "in whole or in part" are to be construed as meaning a substantial part of the group concerned. The phrase "mental harm" means the permanent impairment of mental faculties.

INTENT IS THE KEY

But perhaps the most crucial word in article II is "intent." In order for a charge of genocide to be legitimate or valid, the requirement of intent must be met. In other words, it must be shown that the person(s) being charged with genocide intended to destroy an entire group simply because it was a specific ethnical, national, racial, or religious group. Using this criterion, such actions as school busing, birth control clinics, and the killings at Mylai cannot be considered genocidal acts unless there is proof that these acts were indeed perpetrated with the intent of destroying the respective group as a group. Furthermore, it is not necessary that an entire group be destroyed but rather, as the then Deputy Under Secretary of State Dean Rusk testified in 1950:

> That genocide meant the partial destruction of such a group with the intent to destroy the entire group concerned.

Once the meaning of the term "genocide" is understood, an important barrier to the treaty's ratification has been overcome. Lack of action by the United States on the Genocide Convention has been a blot on an otherwise admirable record of achievements in the area of human rights. A belated ratification is far superior to no ratification at all.

SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, I ask unanimous consent that a copy of the statement I made at the opening of the hearings by the Senate Select Committee on Presidential Campaign Activities on May 17, 1973, be printed in the body of the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Opening Statement by Senator Sam J. Ervin, Jr., Chairman, Select Committee on Presidential Campaign Activities, May 17, 1973

Today the Select Committee on Presidential Campaign Activities begins hearings into the extent to which illegal, improper or unethical activities were involved in the 1972 presidential election campaign.

S. Res. 60 which established the Select Committee was adopted unanimously by the Senate on February 7, 1973. Under its provisions every member of the Senate joined in giving the Committee a broad mandate to investigate, as fully as possible, all the ramifications of the Watergate break-in which occurred on Saturday, June 17, 1972. Under the terms of the authorizing resolution, the Committee must complete its study and render its report on or before February 28, 1974. Of necessity, that report will reflect the considered judgment of the Committee on whatever new legislation is needed to help safeguard the electoral process through which the President of the United States is chosen.

We are beginning these hearings today in an atmosphere of the utmost gravity, the questions that have been raised in the wake of the June 17 break-in strike at the very undergirding of our democracy. If the many allegations made to this date are true, then the burglars who broke into the headquarters of the Democratic National Committee at the Watergate were in effect breaking into the home of every citizen of the United States. And if these allegations prove to be true what they were seeking to steal was not the jewels, money or other property of American citizens, but something much more valuable—their most precious heritage, the right to vote in a free election. Since that day, a mood of incredulity has prevailed among our populace, and it is the constitutional duty of this Committee to act expeditiously to allay the fears being expressed by the citizenry, and to establish the factual bases upon which these fears have been founded.

The first phase of the Committee's investigation will probe the planning and execution of the wiretapping and break-in of the Democratic National Committee's headquarters at the Watergate complex, and the alleged cover-up that followed. Subsequent phases will focus on allegations of campaign espionage and subversion and allegations of extensive violations of campaign financing laws. The clear mandate of the unanimous Senate Resolution provides for a bipartisan investigation of every phase of political espionage and illegal fund-raising. Thus it is clear that we have the full responsibility to recommend any remedial legislation necessary.

In pursuing its task, it is clear that the Committee will be dealing with the workings of the democratic process under which we operate in a nation that still is the last, best hope of mankind in his eternal struggle to govern himself decently and effectively.

We will be concerned with the integrity of a governmental system designed by men who understood the lessons of the past and who, accordingly, established a framework of separated governmental powers in order to prevent any one branch of the government from becoming dominant over the others. The founding fathers, having participated in the struggle against arbitrary power, comprehended some eternal truths respecting men and government. They knew that those who are entrusted with power are susceptible to the disease of tyrants, which George Washington rightly described as "love of power and the proneness to abuse it." For that reason, they realized that the power of public officers should be defined by laws which they, as well as the people, are obligated to obey, a truth enunciated by Daniel Webster when he said that "Whatever government is not a government of laws is a despotism, let it be called what it may."

To the end of ensuring a society governed by laws, these men embodied in our Constitution the enduring principles in which they so firmly believed, establishing a legislature to make all laws, an executive to carry them out, and a judicial system to interpret them. Recently, we have been faced with massive challenges to the historical framework created in 1787, with the most recent fears having been focused upon assertions by administration of both parties of executive power over the Congress—for example, in the impoundment of appropriated funds and the abuse of executive privilege. Those challenges, however, can and are being dealt with by the working of the system itself—i.e., through the enactment of powerful statutes by the Congress, and the rendering of decisions by the courts upholding the lawmaking power of the Congress.

In dealing with the challenges posed by the multitudinous allegations arising out of the Watergate affair, however, the Select Committee has a task much more difficult and complex than dealing with intrusions of one branch of the government upon the powers of the others. It must probe into assertions that the very system itself has been subverted and its foundations shaken.

To safeguard the structural scheme of our governmental system, the founding fathers provided for an electoral process by which the elected officials of this nation should be chosen. The Constitution, later-adopted amendments, and more specifically, statutory law, provide that the electoral processes shall be conducted by the people, outside the confines of the formal branches of the government, and through a political process that must operate under the strictures of law and ethical guidelines, but independent of the overwhelming power of the government itself. Only then can we be sure that each election truly reflects the will of the people, and that the electoral process cannot be made to serve as the mere handmaiden of a particular administraton in power.

If the allegations that have been made in the wake of the Watergate affair are substantiated, there has been a very serious subversion of the integrity of the electoral process, and the Committee will be obliged to consider the manner in which such a subversion affects the continued existence of this nation as a representative democracy, and how, if we are to survive, such subversions may be prevented in the future.

It has been asserted that the 1972 campaign was influenced by a wide variety of illegal or unethical activities, including the widespread wiretapping of the telephones, political headquarters, and even the residences of candidates and their campaign staffs and of members of the press; by the publication of forged documents designed to defame certain candidates or enhance others through fraudulent means; the infiltration and disruption of opponents' political organizations and gathering; the raising and handling of campaign contributions through means designed to circumvent, either in letter or in spirit, the provisions of campaign disclosure acts; and even the acceptance of campaign contributions based upon promises of illegal interference in governmental processes on behalf of the contributors. Finally, and perhaps most disturbingly, it has been alleged that, following the Watergate break-in, there has been a massive attempt to cover up all the improper activities, extending even so far as to pay off potential witnesses and in particular, the seven defendants in the Watergate trial in exchange for their promise to remain silent—activities which, if true, represent interference in the integrity of the prosecutorial and judicial processes of this nation. Moreover, there has been evidence of the use of governmental instrumentalities in efforts to exercise political surveillance over candidates in the 1972 campaign.

Let me emphasize at the outset that our judicial process thus far has convicted only the seven persons accused of burglarizing and wiretapping the Democratic National Committee Headquarters at the Watergate complex on June 17. The hearings which we initiate today are not designed to intensify or reiterate unfounded accusations or to poison further the political climate of our nation. On the contrary, it is my conviction and that of the other Committee members that the accusations that have been leveled and the evidence of wrong doing that has surfaced has cast a black cloud of distrust over our entire society. Our citizens do not know whom to believe, and many of them have concluded that all the processes of government have become so compromised that honest governance has been rendered impossible.

We believe that the health, if not the survival of our social structure and of our form of government requires the most candid and public investigation of all the evidence and of all the accusations that have been levelled at any persons, at whatever level, who were engaged in the 1972 campaign. My colleagues on the Committee and I are determined to uncover all the relevant facts surrounding these matters, and to spare no one, whatever his station in life may be, in our efforts to accomplish that goal. At the same time, I want to emphasize that the purpose of these hearings is not prosecutorial or judicial, but rather investigative and informative.

No one is more cognizant than I of the separation of powers issues that hover over these hearings. The Committee is fully aware of the on-going grand jury proceedings that are taking place in several areas of the country, and of the fact that criminal indictments have been returned already by one of these grand juries. Like all Americans, the members of this Committee are vitally interested in seeing that the judicial processes operate effectively and fairly, and without interference from any other branch of government. The investigation of this Select Committee was born of crisis, unabated as of this very time, the crisis of a mounting loss of confidence by American citizens in the integrity of our electoral process which is the bedrock of our democracy. The American people are looking to this Committee, as the representative of all the Congress, for enlightment and guidance regarding the details of the allegations regarding the subversion of our electoral and political processes. As the elected representatives of the people, we would be derelict in our duty to them if we failed to pursue our mission expeditiously, fully, and with the utmost fairness. The aim of the Committee is to provide full and open public testimony in order that the nation can proceed toward the healing of the wounds that now afflict the body politic. It is that aim that we are here to pursue today, within the terms of the mandate imposed upon us by our colleagues and in full compliance with all applicable rules of law. The nation and history itself are watching us. We cannot fail our mission.

WILL THE UNITED STATES FALL LIKE ROME?

Mr. JACKSON. Mr. President, I would like to call the attention of my colleagues to two letters by Phelps Phelps, former Ambassador to the Dominican Republic and former Governor of American Samoa. These letters were published in the "Letters from the People Column" in the Youngstown, Ohio, Vindicator on April 18 and 19, 1973.

I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WILL UNITED STATES FALL LIKE ROME?

Editor of The Vindicator, Sir:

Since President Nixon's recent radio and TV address we heard protests and experienced a boycott because of the unsatisfactory proposal to contain meat prices at their highest level in March this year. But little has been said about the presidential remarks concerning confidence in the strength and progress of our country. After commending our strength, he said, "The pages of history are strewn with the wreckage of nations which fell by the wayside at the height of their strength and wealth, because their people became weak, soft, and self-indulgent and lost the character and the spirit which has led to their greatness."

How true that is and how well it applies to our own country today whose very fiber is being erroded by our failure to win the Southeast Asian War, by the wide use of psychedelic drugs in the armed forces and among youth here, by the spread of alcoholism, by family disruptions without regard to the effects on the children, by the undisciplined youth, by the increase in pornographic books, films, and even degrading language used in stage plays and movies, as well as the spread of crimes which cause people to double-latch their door and fear to open them, also fear to go out at night and fear of being robbed or mugged.

BROUGHT ON CRISIS

If these aren't the factors which lead a country to ruin, if these aren't the factors which weaken the character and spirit of a nation, I do not know what else they can be. And on top of all this our economy has been weakened by our waiting so long to rectify our balance of payments, which has been deteriorating for over 15 years, and finally brought on the current financial crisis throughout the world, about which we do not yet know the extent until nations get together and decide on a parity of all currencies, and we institute a more stable economic system.

Yes, it is true this country like other powerful ones before it is now experiencing the factors which drive a strong nation by the wayside, just as Spain, Rome, and others before. What is the President doing about that?

PHELPS PHELPS.

PICKING THEIR POCKETS—HITS NIXON CUTS IN VETERAN AID

Editor of the Vindicator, Sir:

Can we consider a friend of the Vietnam veterans the bureaucrat who uses his voice to praise the POW's while his hands pick their pockets?

The veteran's health care expansion bill and the national cemeteries Bill were passed in 1972, but President Nixon vetoed them on Oct. 27. These were reintroduced and passed in this session of Congress. Passed also was the drug treatment and rehabilitation bill.

However, the Office of Management and Budget impounded money for new hospitals and 8 new medical schools to be located in VA hospitals until the health expansion bill is resolved. For the OMB prefers to effectuate the absorption of the VA hospital system and make it a welfare plan under HEW. To eliminate from the budget the proposed $6 million for medical research when $5 million is needed to cover price rises and salary increases to maintain the present level of research, should not be allowed. These and other cuts are sponsored by antivet elements whom the President placed in office. But vet benefits are war costs not welfare. And the VA hospital system is a model of efficiency. It has raised the number of practicing physicians in the nation, and its standards are what vets deserve.

There is talk also of reducing pensions to house and feed incapacitated veterans at a time when prices are rising. And to effect a saving of $160 million by cutting disability payments to one-third what was allowed for the loss of a limb after WW II or Korea, is unfair. The VA succeeded in delaying the latter cut, but it is not rescinded. It is "under further consideration."

Even educational benefits are down. The current GI Bill is but one-quarter the education the fathers of these vets got after World War II. And after returning to school they find their payments often ensnarled in red tape for weeks or months. By cutting customary GI aid, the President and his OMB are undermining the morale of our present and future armed forces. These vets served under the most difficult circumstances ever known to mankind. They fought a bloody, filthy war, known in the United States as no war, and one in which our men were not properly supported by the government or the people. Don't the vets deserve a fair deal now? Write your congressmen if you agree.

PHELPS PHELPS.

CATEGORIZATION OF EMERGENCY MEDICAL FACILITIES IN LOS ANGELES COUNTY

Mr. CRANSTON. Mr. President, recently the Los Angeles Times carried an article describing several incidents where a seriously injured individual was unable to receive emergency treatment at a neighborhood hospital because that hospital was not equipped to provide 24-hour emergency services.

Occurrences such as this may cause far more than substantial inconvenience. They hold a potential for tragic consequences. In an effort to lessen the chances of such occurrences, the Hospital Council of Southern California, has classified all hospitals in the area as to its emergency capabilities, and has broadly disseminated this information throughout the community. I am particularly pleased to note that this information is being disseminated in both English and Spanish, the latter being a major language in the Los Angeles and other areas of California.

The categorization of hospital facilities and broad public information programs to enable the resident of a community to know how to get emergency treatment immediately are two elements essential to a community's being able to provide emergency medical services. There are mandatory elements of an emergency medical services system to be assisted by the legislation I introduced, S. 504, the Emergency Medical Services Systems Development Act of 1973, which recently passed the Senate and is pending conference with the House.

I believe this article demonstrates clearly the need for the type of coordination in a communitywide system which S. 504 requires and I ask unanimous consent, Mr. President, that it be printed in the RECORD for the information of other Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMON PUBLIC MISCONCEPTION—NOT EVERY SOUTHLAND HOSPITAL WILL OR CAN TREAT EMERGENCIES

(By Harry Nelson)

Don,t think that every hospital can handle emergencies.

It's a common misconception that all hospitals have someone available to sew up cuts, set fractures and perform other emergency duties, say hospital authorities.

But a day does not pass that some unfortunate citizen is not confronted by the stark truth.

"The nearest hospital to my residence is located approximately two miles away," reads a letter from a Los Angeles resident who fell through a glass shower door and severed an artery in his arm. "My wife drove me to the hospital and as we drove up I observed I had lost a tremendous amount of blood. I felt faint and nausea was developing.

"As we approached the entrance to . . . Hospital a nurse unceremoniously told us that unless we had a doctor on staff I could not receive emergency treatment there—not even first aid to stop bleeding.

"My wife then proceeded to Daniel Freeman Hospital in Inglewood where I received immediate and efficient assistance."

Another complaining citizen, in a letter to the Hospital Council of Southern California, wrote:

"Wednesday evening my husband cut himself severely at home and was bleeding profusely. In view of the fact that the . . . Hospital is around the block from us, I rushed him there for treatment.

"Much to my dismay I was greeted by a frozen-faced secretary at the 'emergency' entrance who informed me that nothing could be done there because they were not equipped to handle emergencies.

"Whereupon I asked if there was a nurse available to stop the bleeding. Reluctantly she sent for one who appeared after 10 minutes, looking very professional, but said, 'We can't help you here—you'll probably have to go to . . . hospital.'

"My husband was so provoked he asked me to take him home. On the way I stopped at a drug store and the druggist told me how to stop the bleeding. I bought medication and proceeded to do the job that a hospital should be equipped to handle."

Both of these letter writers did what most people do when they have a medical emergency and decide to seek care on their own—they went to the nearest hospital, mistakenly assuming their needs would be met.

A far safer and more efficient approach, says Stephen Gamble, associate executive director of the Hospital Council of Southern California, is for every person to find out ahead of time the location of the nearest hospital that offers 24-hour basic emergency care.

In a densely populated area like metropolitan Los Angeles, it is not only impractical but undesirable for every hospital to equip itself to provide basic emergency care, according to Gamble.

Authorities agree that emergency services can be handled far more efficiently and with high quality if only certain well-staffed and well-equipped hospitals attempt to handle the problem.

Then, Gamble said in an interview, the job is to let the public know where adequately equipped and staffed emergency centers are located.

The hospital council has distributed 2 million pamphlets, printed in English or Spanish, explaining how to obtain emergency care. Individuals who want to learn the location of the nearest emergency center can call the council at 469–7311, or write to 6255 Sunset Blvd., Los Angeles 90028.

To avoid the problems which arise when persons go to a hospital which can't handle emergencies, the council has developed criteria for a true emergency center.

THREE CATEGORIES

All 240 member hospitals in Southern California have recently been classified in one of three categories with respect to their capability for handling emergencies.

Slightly more than half—129—meet the criteria making them eligible to be called basic 24-hour emergency centers, according to Gamble.

This means that they have a physician on the premises—not just on call—for emergency services 24 hours a day, that the emergency department has certain essential equipment and that certain facilities such as a blood bank, laboratory, X-ray, and similar things are available.

There are 39 hospitals in the second category, which is called the emergency standby service hospital. These hospitals are equipped to handle emergencies of most types, but ordinarily have a physician on call only.

The third group is called the emergency first aid and referral service hospital. These hospitals have no arrangement for providing outpatient emergency services but can give first aid under certain circumstances. There are 72 of them among council members.

The fact that a hospital is classified as standby or first aid and referral does not necessarily mean that it is a poor hospital, Gamble noted. Rather it means that in most cases the hospital has elected to offer other kinds of specialized services.

CHILD ABUSE

Mr. MONDALE. Mr. President, the Subcommittee on Children and Youth, of which I am chairman, has been conducting an intensive study of the problem of child abuse and its implications.

I am pleased to note that the spring issue of the magazine, "Mental Hygiene" contains a most informative article on this subject. The author, Jane C. Avery, discusses the potential of two approaches to dealing with child abuse which are of great interest to the subcommittee—multidisciplinary treatment programs and rehabilitation of the family unit. S. 1191, "The Child Abuse Prevention Act," which was reported by the subcommittee on June 18, would provide support for programs of this nature.

I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BATTERED CHILD

(By Jane C. Avery)

Children have been abused as long as the family has existed. This is nothing new, but what is new is the rapidly expanding interest and concern by doctors, lawyers, social workers, and psychologists in what has come to be called *the battered child syndrome.**

The syndrome characterizes a clinical condition in young children who have received serious physical abuse and focuses on the large number of children who are permanently injured or die as a result of injuries inflicted by their parents or those legally responsible for their care.

What actually causes this phenomena still eludes us, chiefly because of the lack of statistics. The magnitude of the problem is only just beginning to surface.

Prior to 1962, the battered child syndrome was often referred to by doctors as *unexplained trauma* or *accident-proneness*. In fact, many physicians were emotionally unwilling to diagnose it and reluctant to initiate proceedings against the parents, even when they were sure of the diagnosis.

However from studies that have been done, one thing is clear—whatever form the abuse takes, the physical and emotional scars that remain are often permanently crippling.

The first problem that must be tackled in this area is to identify the battered child. Most often, this is the task of the doctor. He may become suspicious when the injury does not match the unconvincing, and often conflicting, stories the parents give about the child's "falling." Or the physical examination may reveal old scars that the parents are unable to explain.

All too often doctors have treated the injury and remained silent about the suspected cause. Among the reasons for this reluctance are: an emotional denial that parents could commit such acts on their own child, fear of legal reprisal from them, and fear of making an unjust accusation.

In response to the problem, almost every state has enacted some form of reporting statute. Generally, these statutes require that suspected child abuse cases be reported to some authority, usually the police or a child welfare agency. Statutes vary as to the class of people required to report, but most laws grant some form of immunity from civil liability for doing so.

Most authorities agree that the basic objective of any reporting statute is to identify the abused child. Yet, to think that improved reporting laws will end the child abuse problem is naive and unrealistic.

After a report is made, something has to happen. A multi-disciplinary network of protection needs to be developed in each community to implement the good intentions of the law. Legislatures that require reporting but do not provide the means for further protection not only delude themselves but neglect the children.

But who are the abusers? Families of battered children are often a study in deprivation; both physical and emotional. They are usually beset by marital and financial problems, alcoholism, and mental illness. In fact, studies have indicated that perhaps as many as 90 percent of the abusing parents were themselves battered children.

The battered child is usually the product of a parent who has never had adequate emotional development. In many cases, families of battered children tend to be lacking in group and community integration, and the recidivism rate among them is very high.

Our first inclination, perhaps, is to punish these parents, since the general attitude toward the problem is one of public shock and anger. There exists a natural desire to exact retribution, to punish the parents for their acts of cruelty. Criminal prosecution is simply not an adequate solution.

In the first place, criminal prosecution requires proof through evidence that establishes guilt beyond a reasonable doubt. This is often difficult to meet, for the abuse usually takes place in the privacy of the home. Parents become mutually protective, and the victim is too young to speak for himself. Also, the examining physician may be reluctant to appear as a witness.

Convictions in these cases average between 5 and 10 percent. Even where a conviction is obtained fines and/or imprisonment do little to alleviate the problem. In fact, the criminal prosecution may impede the continuance of the family's life as a unit, since imprisonment separates parent and child, thereby making the latter's homelife even more insecure and unstable. Fines are little better, reducing the parents' financial resources for necessities and perpetuating one of the underlying causes of the initial behavior.

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* Dr. Henry C. Kempe originally coined the term in 1961 at a meeting of the American Academy of Pediatrics. He is Director of the National Center for the Prevention and Treatment of Child Abuse and Neglect at the University of Colorado Medical School, Denver, Colo.

Moreover, conviction leads to further social ostracism and impairs the parents' community relations, which may have been precarious at best. Even in cases where the prosecution is unsuccessful, the parents' hostility during the proceedings may become channeled against the child when they return home. And lastly, the prosecutor feels an obligation to prosecute the parents but, in most instances, feels no corresponding obligation to keep the family intact.

Prosecution and punishment, when used alone, serve only to increase the child's time in psychological limbo, and do nothing to clarify his future status regarding adequate parental care. The worst secondary effect of prosecution is perhaps the fear this type of proceeding instills in the parents, making them often reluctant to bring a child to a doctor for treatment in the first place.

The second most common reaction on the part of the general public is a desire to see the abused child immediately removed from the custody of his parents.

The problem with this approach is the lack of legal guidelines afforded the courts which, in turn, has tended to perpetuate the antiquated presumption that parents, because they are the natural guardians of their children, should always have custody. Since the courts are extremely reluctant to sever these parental rights, juvenile court judges are often left with the impossible task of choosing between two equally undesirable alternatives.

They can bend with the *parental right* theory and leave the child in the potentially dangerous home environment, or they can remove the child from the parents' custody and place him in an institution, which cannot provide the emotional support needed.

Juvenile court acts that provide for removal from the home, or allow the court to assume *protective custody*, are often only supplying illusory solutions. In most cases, there is simply no place to put the child, once he has been removed from the parents. State institutions are often overcrowded, under-financed, and under-staffed and, in their present condition, can offer no viable alternative.

If treatment is to be effective, the family must be regarded as a unit, and the abusive cycle must be broken completely. Removal of the batered child does not guarantee that the parents will seek help for themselves—the ultimate goal in any program dedicated to curbing child abuse.

In this respect, the juvenile court judge has the difficult task of balancing the interests of the parents against the probability of continuing danger to the child. In order to ease this balancing process, the judge should have the means to order a coordinated, inter-disciplinary investigation of the family, with a view toward making a diagnosis of the family as an entity, and for providing recommendations.

Once we have progressed to the point of recognizing that abusing parents are mentally ill individuals, it is perhaps only normal to suggest that they receive psychiatric treatment. Yet this approach, while commendable and extremely important, is not without its own difficulties. For the patient must learn to look at the child as one who needs love and attention, rather than as a source of fulfilling his own needs—a task some parents will find impossible to accomplish.

The main difficulty with the types of legislative and social responses just mentioned is that they do not, in themselves, lead to the desired protection and alleviation of the problems of the abused child. They seek to solve only fragments of the problem and, by so doing, accomplish nothing.

The primary objective must be the rehabilitation of the family as a viable unit. The physical treatment of children by their parents should not, as a matter of social policy, fall into the realm of criminal law. For such law may provide an inappropriate frame of reference for evaluating parent-child relationships.

On the other hand, removal of all legal sanctions may not be feasible or desirable. Removing the influence and authority of the law from intra-familial relationships that are threatening the security, well-being, and very life of a child would be tantamount to removing the sole source of protection that child might have. What, then, is available to protect the child, help the parent, and reestablish the family as a functional entity?

One approach is that of *protective intervention*. It avoids placing any individual blame on the parent and attempts to help him or her provide optimal care for the child. Child care centers appear to offer the most promise in this respect.

These centers could provide for a degree of separation from the parents for 8- to 10-hour periods, 5 days a week, without actually terminating the parent-child relationship. The child would be safe, while the parents, hopefully, seek professional help and guidance. Yet, healing the wounds, correcting the malnutrition, and protecting the battered child is but a part of the solution. The most important objective must be the rehabilitation of the environment that permits the abuse.

Ultimately, the solution must be legal, in the form of legislation, judicial decisions, and the machinery of state and community protective services. Taking one step at a time, our first concern should be to improve the reporting statutes.

Reporting should be made mandatory for any group of people likely to come into contact with a child-abuse situation, or people with an on-going relationship with children. This group would include doctors and hospital personnel, teachers, social workers, policemen, and lawyers. Such reports should be required whenever the injury does not appear to be accidental.

To alleviate any hesitancy on the part of members within this group to report to police, reports should be allowed to be made to a social welfare agency first. This would avoid giving any premature criminal aura to the proceedings. But any social agency so notified must keep in close contact with the court at all times, or subsequent remedial legal efforts will be fruitless.

Reporting laws should also outline clearly what is to be contained in the report. Medical proof, such as x-rays, should be available, as well as any other documentation of the diagnosis made by the doctor. Parents should also be told as soon as possible afterwards that the doctor has reported his suspicions.

There should be no secrecy in the proceedings. This avoids hostility later on when the child may suddenly be removed from the home, and it allows for a slightly better prospect of gaining the parents' cooperation from the beginning.

The statute should also provide for at least some degree of abrogation of the doctor-patient and huband-wife evidentiary privileges. Some authorities have suggested that an attorney be appointed to represent the child in any abuse hearings. Moreover, there should be a provision for immunity from civil and criminal liability for good faith reporting, perhaps even establishing a penalty for knowing and willful failure to report. In any case, the overall object of the statute should be to promote reporting, and thereby case finding.

The major obstacle to any program to conquer child abuse has been the lack of effective coordination among social welfare agencies on the state and local levels, courts, and medical agencies. If the protective functions of reporting laws are to be carried through, responsible agencies must be provided with sufficient funds and qualified personnel.

There must be legal authority to permit removal of the child from the home and, when appropriate, the authority to implement prompt social investigation and responsible community action. Above all, legislation in this area should be protective, not punitive.

Since the basic cause of the battered child problem is found in the parents' behavior, and not the child's, it has also been suggested that psychiatric counseling be made a condition to replacement of the child in the home.

Another suggestion has been to place all suspected cases of child abuse under the supervision of one court. At the very outset of a case, this court would be responsible for formulating a definite plan that would set forth all long-range and short-range alternatives. The effectiveness of such a court presupposes the existence of a trained staff of family counselors.

These counselors should be specially trained in working with intrafamilial relationships. They would help the parents to decide if the marriage itself was stable enough to accept the intrusion of a child. If the parents do not want the child, the court should have the authority to terminate the relationship and provide immediately for permanent placement.

On the other hand, if the potential for improvement exists, the court would allow the child to return to the home under careful supervision, and with the requirement that the parents continue receiving psychiatric help. The follow-up supervision must be purposefully directed toward the improvement of the home environment in toto. The counselors would need to have the same authority as probation or police officers regarding emergency removal of the child when necessary, but they would also be expected to offer remedial help rather than penal sanctions or automatic removal.

The most obvious problem with any of these suggestions is having enough funds recommended to provide the legal and psychological services needed. This would necessarily increase the state's economic and social burdens, but somehow we must transcend the antiquated notion that the child is merely a chattel of its parents.

As Thomas J. Donovan once observed: "Not until society collectively decides that its children are to be valued as greatly as its highways and weapons, will any truly meaningful progress be made toward eradication of this shocking social problem."

TRIBUTE TO VICTOR A. VAUGHN ON HIS RETIREMENT FROM THE DEPARTMENT OF AGRICULTURE

Mr. ALLEN. Mr. President, Victor A. Vaughn has announced his retirement from the Department of Agriculture and the U.S. Federal service as of June 30.

We shall miss him for the efficient service he provided Members of the Senate as a senior officer of the Legislative Affairs Office in the Department of Agriculture. Equally, we will miss his friendly smile and cheerful cooperation in providing us with information not easily obtainable, or putting us in touch with the right people to respond to our constituents.

The job of being a Senator is easier because of loyal, trustworthy civil servants like Vic Vaughn.

It is our understanding that Vic will remain in the Arlington community where he now lives, and that he and Mrs. Vaughn are looking forward to some golfing, traveling, and other activities for which he now expects to have more time.

I know my colleagues join me in wishing him well in his new career status of retirement.

NEW STEPS TOWARD CONVERSION

Mr. CRANSTON. Mr. President, I have long been interested in implementing what is clearly one of the most pressing needs of the 1970's: the transfer of aerospace technology to the urban setting.

In San Jose, Calif., Lockheed Missiles & Space Co. has been putting its enormous technological expertise to good use. A pilot demonstration project, sponsored by the National Science Foundation and the National Aeronautics and Space Administration, has been set up to facilitate the use of aerospace-related technology to meet the city's needs. A member of the Palo Alto Research Laboratory Division of the company has been assigned as science and technology adviser to San Jose's city manager.

Mr. President, this project demonstrates the wide-ranging potential of conversion planning. I ask unanimous consent that a short summary of the project be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A BRIEF NOTE ON THE FOUR CITIES PROGRAM IN SAN JOSE

The City of San Jose and Lockheed Missiles and Space Company have been participating in the Four Cities Program since 1971. This pilot demonstration project, sponsored by the National Science Foundation and the National Aeronautics and Space Administration, is to evaluate a new means of effecting the transfer of aerospace technology into the urban setting. The new technique consists of placing a senior aerospace professional on the staff of the City Manager where access to the highest level of City personnel and awareness of continuing City problems is facilitated. A member of the Research and Development Division in the Palo Alto Research Laboratory Division of the company, Mr. Jerome Weiss, was assigned as Science and Technology Advisor to the City Manager.

Mr. Weiss has been responsible for carrying out several activities assigned to him by the City Manager and initiating several others. These latter include the development of a concept for implementing the "911" Emergency Telephone Number System in Santa Clara County in a manner which would retain the advantages of local control and deployment while realizing the advantages of centralization of receipt of requests for services. In many areas the fact that the boundaries of local jurisdictions and the boundaries of telephone exchanges do not coincide make it difficult for a municipality to institute a "911" system. The proposed concept would resolve this problem.

In addition, a concept has been developed for the City to further new industry within its boundaries by, in effect, home growing it within as well as seeking to attract it from without. This concept proposes that resident industry be encouraged to grow by offering rewards for growth and that local entrepreneurs be encouraged to grow by offering them various kinds of advantages or facilities.

Shortly after Mr. Weiss came to the City, he was requested to develop a plan for dealing with services, most particularly the vehicular problem, in the event that it was necessary to declare a smog alert. The smog problem has been growing in intensity in San Jose because of its location at the south end of the Bay and the growth of industry in the City itself. The plan developed included the novel use of school buses as an augmentation to the public bus system during the time that an alert might require that all but necessary traffic cease.

The problem of vehicle use and sale was also examined, and a preliminary study developed a significantly more effective policy to pursue in purchasing and using police vehicles. This study is now being extended to vehicles in Public Works and the Fire Department. The problems there are somewhat different, but there is reason to be hopeful that one can effect a significant savings.

Since March of 1972, Mr. Weiss has been chairman of the City's Electronic Data Processing Steering Committee. The City currently utilizes computer resources to a relatively minimal extent. The purpose of the committee is to prepare and implement a plan which would see the City increase the effective utilization of computer resources. To this point in time, an implementation plan has been prepared, and the second phase for doing detail design and evaluating other systems is currently underway.

Mr. Weiss has also served in reverse as a consultant to Lockheed as the result of his acquisition of new knowledge in the City. He has served as a link between the laboratories and the work which they have been doing in image processing and the Police Department which has a need in restoring poor images for identification purposes and analyzing images, such as fingerprints, for comparative purposes. He has also provided similar kinds of consulting to Lockheed in the areas of transportation systems, environmental impact requirements, and urban modeling.

The Mayor and the City Manager have been enthusiastic supporters of the program. They believe that there is a growing need for the application of technical knowledge in urban systems and have been pleased with the work to date. The program could be very usefully expanded into several functional areas, including police and fire, management systems, and public works. The Lockheed company is continuing to learn of city problems and new areas in which present day technology can have immediate useful effect. The result appears to be useful new areas of endeavor for the firm and worthwhile new products for the city.

NASA PROGRAMS

Mr. STEVENSON. Mr. President, I was necessarily absent Tuesday afternoon when the Senate completed its consideration of S. 7528, authorizing appropriations for the National Aeronautics and Space Administration. I would have voted against final passage of S. 7528 had I been present.

My opposition to this bill is not an opposition to all NASA programs and activities. I have been pleased by the many successes of our space program and am hopeful that its scientific and technological developments will have an increasing range of constructive domestic applications.

The costs of an expanded space program must be balanced against other national priorities. Some of the funds authorized for NASA in S. 7528 should be devoted instead to more pressing needs. I am particularly dubious about the merits of the Space Shuttle program, for which S. 7528 authorizes more than half a billion dollars. A recent study by the GAO raises serious questions about the accuracy of NASA's cost estimates and savings projections for the shuttle program. Continued development of the shuttle also increases the momentum for expansion of other aspects of our space program, if only to justify the costs of the shuttle itself. I submit that it would make more sense in this time of budgetary stringency to develop and support mass transit systems for our crowded cities. The Senate has twice approved a $268 billion outlay ceiling for fiscal 1974. The budget must be cut somewhere. I would prefer to cut funds for the space program than funds for housing, health, education, or transportation here on Earth.

The activities of NASA must be evaluated from the perspective of our total national needs. The authorizations in S. 7528 exceed what we can reasonably afford. It was for this reason that I would have voted against final passage of the bill.

FOOD PRICES

Mr. RIBICOFF. Mr. President, every day the news about the skyrocketing cost of food grows grimmer.

Yesterday the U.S. Department of Agriculture announced that retail food prices will average 12 percent higher this year despite phase III, the 60-day freeze, and the promise of a phase IV later in the year.

It is long past time for us to realize that cosmetic measures such as short-term, limited price freezes will not turn back prices.

What is needed in the short run is a price rollback and a freeze on the cost of raw agricultural and meat products at the farm level. It is at the source—the farm level—that inflation is most rampant. In the last year 83 percent of the increase in the cost of the market basket of food went to the farm—usually the large agribusiness corporation; 17 percent went to the wholesalers and grocers.

In the long run we must move the American agricultural system back to a free market economy. The farm subsidy program should be eliminated.

And the new farm bill, which compounds the problems of the past, should be defeated. It is a guaranteed annual income for large agribusiness corporations. The bill guarantees record-high target prices for farmers for wheat, cotton, and feed grains. And these prices would escalate as the cost of production goes up. This means that by 1976 we will be paying $7 billion to farmers. Every housewife in America will be making these payments every time she enters a grocery store.

If the farm bill reaches the President's desk, he should veto it. It is time for action not rhetoric.

I ask unanimous consent that an article on this subject be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1973]

USDA SEES 12 PERCENT RISE IN FOOD PRICE

Retail food prices will average 12 per cent higher this year, even with the 60-day freeze and a promise of new phase IV controls by President Nixon the Agriculture Department said yesterday.

Furthermore, the department reported, farmers may not produce as much meat, milk and poultry as it predicted earlier this year.

Production of such key crops as corn and soybeans also could be reduced by late planting this spring, lower yields and shortages of fuel and fertilizer, the report said.

"The imposition June 13 of price ceilings on all retail and wholesale prices means that retail food prices for 1973 will probably average about 12 per cent above last year" the report said.

"In the absence of price ceilings, retail food prices would probably have advanced further the next few months," the report said.

The report indicated a sharp revision in the department's thinking about food prices and the over-all farm production picture.

On May 8 the department predicted that food prices would rise 9 per cent this year, with most of the increase already accrued during the first three months.

Further, the May 8 report said retail food prices were expected to begin leveling off this summer and then start declining next fall and winter after larger farm production reaches the market.

But in the new report officials said farmers are not increasing output of some items as much as believed earlier.

Farmers have said they planned to plant 74 million acres of corn, up 12 per cent from 1972. On that basis the department projected earlier a record corn crop of about 6.0 billion bushels.

"However, the lateness of the planting season raises questions about both acreage and yields," the new report said.

The report, although indefinite about corn and other fall-harvested crops, said a record wheat crop is likely. Winter wheat estimated at a record 1.3 billion bushels or 11 per cent above 1972 is being harvested now in the Southern plains.

SENATOR RANDOLPH CALLS ATTENTION TO CHILD ABUSE ACT—COMMENDS SENATOR MONDALE

Mr. RANDOLPH. Mr. President, on Monday the Subcommittee on Children and Youth reported to the Committee on Labor and Public Welfare S. 1191, "The Child Abuse Prevention Act." Under the leadership of Senator MONDALE, the able chairman of the subcommittee and original sponsor of this legislation, our subcommittee reached agreement on a good bill. It establishes a foundation of the development of an effective program of prevention, identification, and treatment of child abuse.

Child abuse is one of the most shocking problems facing our Nation. Senator MONDALE's deep concern for children who have been battered, beaten, or severly abused and his perseverance in moving forward in this vital area are reflected in legislation that marks an important step toward halting this dread disease.

Our subcommittee recognizes the need to focus on child abuse if this country is to effectively deal with the problem. The public must be made aware of the severity of the problem and that possible treatment is available. The National Commission on Child Abuse and Neglect established under S. 1191 to fully study and investigate the problems of child abuse will continue the necessary attention to this critical issue.

S. 1191 also provides for the establishment of the National Center on Child Abuse and Neglect in the Office of Child Development. The Secretary of Health, Education, and Welfare would be authorized to make grants through the center for the training of personnel to work in the area of child abuse and to make grants for the establishment of regional centers designed to prevent, identify, and treat child abuse.

During subcommittee hearings on this problem representatives of the administration testified that legislation is not needed. It was their contention that the present structure was working effectively, despite the 60,000 cases of child abuse reported each year. During a recent conference in Washington on child abuse, however, the administration presented a $4 million proposal to study the problem. It is my feeling that the administration's proposal was formalized only when action by our subcommittee became imminent.

The proposal approved by our subcommittee does not commit the Federal Government to an extensive and costly program before we have a complete study of the problem and recommendations for action by the National Commission on Child Abuse and Neglect.

Again, I commend the diligent Senator (Mr. MONDALE) for the vigor with which he has approached this subject and the reasonable proposal that he has presented.

I am hopeful that the Congress will act quickly and affirmatively on S. 1191 so that we can secure needed solutions to the alarming problems of child abuse and neglect.

AGRICULTURE AND FORESTRY EXPORT CONTROLS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to print in the RECORD a statement by the distinguished Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HUMPHREY

AGRICULTURE AND FORESTRY EXPORT CONTROLS

The imposition of embargoes on the export of U.S. agricultural commodities could have serious implications for American agriculture and the future of agriculture trade. With the President's announcement last week that he would be seeking broader authority to control exports, the Congress has turned its attention to the advisability of export controls as an emergency price stabilization measure. The Subcommittee on Foreign Agricultural Policy in the interest of exploring the effect such measures would have on our agriculture, forestry, and trade has called hearings on July 11, 1973, at 10:00 a.m. in Room 324 of the Russell Senate Office Building.

Specific issues have been raised around the utility of export controls in the present situation. Several of our trading partners have suggested that the imposition of export controls would impair the credibility of the United States as a reliable supplier of food and fiber products. It has been questioned whether export embargoes would have any material effect on food prices at this time. Finally, many individuals have asked whether the current commodity shortages reflect the Administration's farm policy which is opposed to a system of domestic food reserves designed to respond to just such shortages. It is the intention of the Subcommittee to examine these and related issues and to report to the Committee on Agriculture and Forestry and to the Congress on its findings.

Each public witness will be limited to 10 minutes of oral testimony with the understanding that written statements may be of any length for purposes of inclusion in the hearing record in full. Public witnesses wishing to testify should contact the Committee Clerk for purposes of scheduling their appearance.

In the event that requests for appearance exceed the amount of time available for testimony, the record of the hearing will be held open to receive written statements for one week following the hearing date.

FURTHER DELAYS BY PARK SERVICE IN EFFORTS TO PROTECT THE BOX CANYON-THOUSAND SPRINGS AREA IN IDAHO ARE UNACCEPTABLE

Mr. CHURCH. Mr. President, for several years I have had a strong interest in restoring and preserving the Box Canyon-Thousand Springs Area in Idaho.

I have been especially disturbed, in recent months, because of the failure of the Park Service to provide me with materials I have repeatedly requested. Recently I outlined my problems with the Park Service in a letter to the distinguished chairman of the Senate Interior Committee's Subcommittee on Parks and Recreation, ALAN BIBLE. I ask unanimous consent that the text of my letter to Senator BIBLE, together with the supportive material I provided him, appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 12, 1973.

Hon. ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee, Senate Office Building, Washington, D.C.

DEAR ALAN: I have been interested in the restoration of the Thousand Springs and preservation of the Box Canyon area near Hagerman, Idaho for several years. On several occasions during 1971 I spoke both personally and by phone with George Hartzog, Jr., then Director of the National Park Service, describing the area and my interest in its rehabilitation. Director Hartzog agreed to pursue the matter.

As a follow up to our conversations, I wrote to Director Hartzog on December 21, 1971, asking that a study of the area be conducted by the National Park Service. In that letter I requested that the Park Service give consideration to designating the Thousand Springs-Box Canyon Area as a National Monument.

Following receipt of my letter, the National Park Service did order a "reconnaissance" of the area and pledged that it would do its best to program a complete study in fiscal year 1973. Based upon this assurance

I announced in my newsletter to Idaho, mailed in March 1972, my intention to introduce legislation to restore the Thousand Springs-Box Canyon Area.

For nearly a year, I awaited further word from the National Park Service on its activities with regard to the Canyon and the Springs. The only word which I received was that the Park Service hoped to complete a study at an early date. Finally in August of 1972 I again contacted the Park Service calling attention to the unique qualities of the area and reiterating my interest in preserving the area if at all possible. I requested the Service to provide me with their time-table for completion of the report.

On September 21, 1973, over a month after my August 18th request, the Park Service replied that material would be available and a draft bill submitted "early" in the 93rd Congress.

Nine months have passed since that time and, as of this date, no final report and no draft legislation have been submitted to me or to the Interior Committee. To my repeated inquiries the Park Service has wigwagged between two answers (1) there is no final report yet available or (2) there is a final report but the Office of Management and Budget refuses to allow it to be released.

Surely the time has come for the Administration and the Park Service to get the show on the road and get the final report on the Thousand Springs-Box Canyon area before the Senate Interior Committee for consideration.

I most urgently request, Mr. Chairman, that you contact the Park Service in your capacity as Chairman of the Senate Interior Committee's Subcommittee on Parks and Recreation and demand that the Service report to the Committee immediately the status of this report. If the report is completed I feel we should insist upon its release to the Committee immediately. If the report is not yet complete we should strongly urge its completion and presentation to the Committee for its early consideration. There is no reason for our committee to tolerate this prolonged and inexcusable delay in providing this report and legislative recommendations which were promised over a year ago.

For your information I have enclosed copies of the correspondence and materials which I have referred to in my letter.

With all good wishes,

Sincerely,

FRANK CHURCH.

DECEMBER 21, 1971.

GEORGE HARTZOG,
Director, National Park Service,
Department of the Interior,
Washington, D.C.

DEAR GEORGE: I would greatly appreciate it if you would have the National Park Service conduct a study of the Box Canyon-Thousand Springs area near Hagerman, Idaho, with a view toward its designation as a national monument.

Box Canyon, and its related area, is still very much in its natural state, the last canyon and spring of this type on this part of the Snake River. The water is crystal clear, flowing from the underground aquifer of the Snake River. This unique geological phenomenon deserves designation as a national monument.

It would be most desirable if the National Park Service could conduct a study of the Box Canyon-Thousand Springs Area to determine how it could best be managed within the framework of the National Park Service and in view of the public interest in this unique area. Presumably such a study would cover the land to be involved, the method by which the land would be obtained the costs of the land, the ways in which the area would be managed.

I would hope that such a study could be initiated in the near future, no later than FY 1973, in view of the pressures for alternative uses of these unique natural springs.

I have enclosed a letter from the Magic Valley Recreational Council, interested in this proposal, which specifies the areas that should be investigated and also outlines some of the factors that should be taken into consideration.

I look forward to your early reply.

With best wishes,

Sincerely,

FRANK CHURCH.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 27, 1971.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you very much for your letter of December 21 requesting a study of the Box Canyon-Thouand Springs area near Hagerman, Idaho, with a view toward its designation as a National Monument.

Our staff has made a preliminary reconnaissance of the area and I am asking our Director of the Pacific Northwest Region, Mr. John A. Rutter, to report his suggestions to me.

We shall do our best to program the study no later than the 1973 fiscal year, as you request. I cannot make a firm commitment for a full study at this time pending a determination of the available funding for such studies in the 1973 fiscal year.

Thank you very much for your continuing interest in, and support of, the programs of the National Park Service.

With warmest personal regards and every good wish for a Joyous Holiday Season, I am

Sincerely yours,

GEORGE B. HARTZOG, Jr., *Director.*

AUGUST 18, 1972.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

DEAR GEORGE: As you will recall, I have discussed earlier with you the possibilities of designating the Thousand Springs-Box Canyon area near Hagerman, Idaho, as a National Monument. The unusual clarity of water and beauty of these springs, coupled with the unique geological aspects of the Snake River aquifer emerging from the side of the bank make this area an attraction that would merit the attention of all Americans.

There is growing sentiment in Idaho in favor of designating the Thousand Springs area as a National Monument and undertaking the rather minor restoration that would be needed to reestablish the area as it was when settlers first came to southern Idaho. The enclosed copy of an article appearing in the Idaho Statesman on August 5, 1972, gives you an idea of the importance that this project can assume in Idaho.

I also thought that you might be interested in an old picture that I found which shows the Thousand Springs as they were before some changes were made by the Idaho Power Company. The picture provides a good idea of what the area might look like if properly restored.

Knowing that you have initiated a study of the potential of the Thousand Springs-Box Canyon area aimed at its possible designation as a National Monument, I would appreciate knowing when it will be completed. I would like to be able to introduce legislation in the Senate following the recess which starts today, if this is at all possible, and this depends on completion of this study.

I look forward to your reply on this matter.

With best wishes,

Sincerely,

FRANK CHURCH.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 21, 1972.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your letter of August 18 concerning the study of Thousand Springs in Idaho.

We believe we can have sufficient data on hand to draft a bill per your request quite early in the 1st Session of the 93rd Congress. This, of course, does not mean that by that time we would have had sufficient review of the study data to make recommendations on the merits of the proposal.

Sincerely yours,

STANLEY W. HULETT,
Associate Director.

CAN THOUSAND SPRINGS BE RETURNED TO THEIR FORMER GLORY?

BILL PROPOSED TO RESTORE SPRINGS AREA

Senator Frank Church has plans to introduce legislation to restore Thousand Springs near Hagerman to their former grandeur.

The legislation is being drafted for introduction in the near future.

Thousand Springs, now largely blocked by a small hydroelectric plant built in 1912, are part of the West's most picturesque natural spring system, which also includes the springs in Box Canyon and areas nearby.

Church's legislation would be designed to return Thousand Springs to their original splendor, as the centerpiece for a national restoration site to be administered by the National Park Service.

"These springs," Church said, "were famous back in pioneer days. They were one of the natural wonders of our state, the sparkling fountain-head of Idaho's mammoth underground aquifer. If the concrete were removed, Thousand Springs would live up to the name again, and quickly become a national attraction."

Restoration of the springs, the Senator emphasized, will take more than the introduction of a bill, "It will require the active cooperation of Federal, State, and local governments, the Idaho Power Company, and all interested citizens. I view the bill as a catalyst in this process, and the hearings which will be held on it as the method for making certain that all parties are treated fairly."

Church said preliminary surveys show that the rapid flow of water and the subsequent growth of vegetation would quickly cover any remaining traces of the aqueduct and power plant, once they are removed. He said the site would be ideal for a park and picnic grounds, with viewing points and outdoor recreational facilities provided.

SENATOR RANDOLPH COMMENDS OLDER CITIZENS FOR THEIR CONTRIBUTIONS TO OUR SOCIETY

Mr. RANDOLPH. Mr. President, America is a young Nation, but it is also an aging Nation. At the turn of the century, there were 3 million individuals aged 65 and above, approximately 4 percent of our total population. By 1970 that number had grown to more than 20 million or approximately 1 of every 10 Americans.

Each day about 4,000 people in the United States celebrate their 65th birthday. These figures represent a national triumph in adding years to life. More importantly, they represent a national challenge to insure that these added years are lived by the elderly as full participants in our society. One of the tests of a great Republic is the respect and compassion shown to its aged.

In our State of West Virginia we are justly proud of our senior citizens and their numerous contributions. Much of the progress we now enjoy is because of their unselfish labor. Elderly West Virginians have also helped to build and improve America in many ways. They have worked diligently and productively in many of our industries, including coal, oil, gas, chemicals, agriculture, glass, steel, and others.

In 1970 there were more than 194,000 West Virginians in the 65-plus age category. Moreover, the percentage of West Virginians over 65 years of age jumped from 9.3 percent of the State's total population in 1960 to 11.1 percent in 1970. As a result, West Virginia now ranks 11th among the States in terms of percentage of individuals age 65 and older.

A recent article in "Age in Action"—an excellent bimonthly publication of the West Virginia Commission on Aging—describes in detail the senior citizen population in West Virginia. The article states that:

> The state's 1970 population was 1,744,237 or 34th nationally, but West Virginia was 11th in the percentage of residents 65 or older. The state's over-65 population is more than 194,000 with the national figure about 20 million.
>
> The percentage of over-65 residents in the nation climbed from 9.2 per cent in 1960 to 9.7 in the last census, but West Virginia's increase was much higher. The state stood 25th in percentage of over-65 residents in 1960, but had soared to No. 11 in the last census.

We owe a debt of gratitude to our senior citizens. I express this appropriate tribute to their many accomplishments.

I reemphasize that we must accelerate our national efforts to improve the living conditions and environment of the increasing numbers of elderly persons—to insure that they are full participants in our society.

It is vital that we recognize also that in our older population we have a wealth of experience and talent which must be utilized to the maximum extent possible to better cope with the many critical problems confronting our Nation.

RETAIL PRICE FREEZE ON AGRICULTURAL PRODUCTS WORKING HARDSHIPS

Mr. ALLEN. Mr. President, the recent freeze on retail prices of agricultural products is working a hardship on producers and processors of such products, because it prevents the passing on of increased production costs. The frozen retail price effectively freezes the price to the producer. Producers of broilers, eggs, milk and milk products, tomatoes, potatoes are especially hard hit and are facing economic ruin. This freeze is causing cutbacks in production which must later be reflected in higher prices to the consumer. Only by increasing production of agricultural products can the price to the consumer be lowered.

Mr. President, the National Broiler Council has prepared an abstract for the Cost of Living Council pointing out the necessity of an adjustment in the regulations governing the price ceilings on broilers. The same principle is involved in the case of some other agricultural products.

I ask unanimous consent that a copy of this abstract and a statement prepared by the National Broiler Council be inserted in the RECORD for the information of all those having an interest in this problem.

There being no objection, the abstract and statement were ordered to be printed in the RECORD, as follows:

ABSTRACT: THE BROILER UNDER THE CURRENT FREEZE PROGRAM

(Prepared by National Broiler Council for Cost of Living Council)

1. Because the broiler industry is integrated, the first sellers of virtually all raw processed broilers also mill their own feed and therefore are subject to the current historically high costs of corn and soybean meal.

2. The first sale of raw processed broilers is exempt from the price freeze under existing regulations.

3. The exemption for broilers is meaningless because almost half of the first sale of the product goes to distributors who have a freeze price approximately 2¢ above the price the processors receive.

4. Because retailers have the option of buying from distributors or processors, the distributors' freeze price minus cost has become a freeze price to broiler producers.

5. Because distributors' prices are frozen, fluctuations in prices to broiler processors cannot be absorbed in retailers average 18.7¢ gross margin, but are constrained by distributors 1½ to 2½¢ gross margins.

6. Lifting price restrictions from broiler distributors while maintaining them at retail would not result in any increase of the C.P.I., but would allow processor price variations to be absorbed in the retailers gross margins.

7. Corn and soybean meal prices during the freeze period were at all time high levels. Even their current levels are not compatible with 40¢/lb. processor price and the maintenance of current production levels.

8. Virtually all broiler processors have current cash production costs in excess of 40¢/lb. delivered Chicago and given historical ingredient price trends, costs of production for some are anticipated to reach nearly 50¢/lb. by the end of the summer.

9. A price ceiling-cost squeeze situation in December 1972 less severe than present circumstances resulted in a 20% increase in breeder slaughter and a 20% decrease in breeder placements. (Broiler production thus far in 1973 is 1.5% below 1972). The results of these and subsequent related actions is that the breeder flock in September 1973 will be 11% smaller than in February 1973 and the smallest since 1964.

THE BROILER INDUSTRY UNDER THE CURRENT FREEZE PROGRAM

(Prepared by National Broiler Council for Cost of Living Council)

More than 95% of the total output of the broiler industry is produced by firms who own and control their own live broilers and their resultant slaughter, processing and marketing. The first sellers of virtually all raw processed broilers are agricultural product producers who mill their own feed and are subject to the current historically high costs of soybean meal and corn (feed accounts for approximately 75% of the cost of producing a live broiler).

The price freeze announced June 13, specifically exempts the first sale of raw processed broilers but due to industry distribution patterns a freeze exists on broiler prices because the prices of poultry distributors are subject to the freeze. Approximately 44% of the industry's first sale of broilers goes to distributors who perform the service of the direct delivery of raw processed poultry to retail stores who do not have their own central warehouse and delivery system.

Poultry distributors gross margins for the delivery of whole chickens are approximately 1½ to 2½c/lb. Although the highest 9-city price during the freeze period was 43.3c/lb. reported on June 11; that price is applicable to commitments made on June 7 and 8 for delivery the following week. Since the freeze regulations stipulate that a transaction "is considered to occur at the time of shipment", the freeze price effective for broilers corresponds to approximately a 40.3c/lb. price to processors. Distributors taking their customary gross margin therefore face freeze prices on whole birds of 41.8 to 42.8c/lb. Because retailers with their own delivery systems can avail themselves of the option of buying from processors or from distributors, prices to broiler processors are therefore limited to a maximum 40.30c/lb. plus the distributors profit, (approximately .5% of sales).

Broilers are frequently used as a highly advertised "loss leader" by retailers. The retailers gross margin during a sale week may be as low as 0% and as high as 42% during a non-sale week. Since the freeze period extends over two pricing periods, most retailers freeze prices on broilers reflect a non-sale week gross margin. (few retailers run loss leader broiler sales for two consecutive weeks). As shown in Table 1 the average highest price at which broilers were sold during the freeze period by 36 retailers was 59c—18.7c higher than the highest price received by broiler processors and 15.2c higher than the highest price received by poultry distributors.

If prices were frozen only at the retail level, the C.P.I. would not increase but fluctuations in broiler prices above 40.3c could be absorbed in the average retailers gross margin of 18.7c/lb. minus cost rather than being constrained by the distributors gross margin of 1½–2½c/lb. minus cost.

EFFECTS OF PRICE CONTROLS ON THE BROILER INDUSTRY

Price controls plus soybean meal costs 86% above year earlier levels and corn costs 30% above year earlier levels in December 1972 resulted in a net reduction in the productive capacity of the broiler industry. (size of the breeder flock) In December 1972, breeder placements were 19.5% below year earlier levels and breeder slaughter during the last two weeks of the month was 47% greater than a year earlier. As broiler price ceilings were lifted and ingredient costs moderated their rate of rise, the level of breeder placements steadily increased through March 1973. (−6% in January, −2.6% in February, +14.2% in March). A resurgence of cash soybean meal prices in April and particularly in the futures prices for the summer months caused an 8% decline in the level of breeder placements in April.

The recent historical relationship between cash corn and soybean meal prices and the level of breeder placements is shown in Figure 1. The net effect of the cost-price relationship prevailing in late 1972 is that the size of the nations breeder flock in September will reach its lowest level since 1964. Productivity per breeder is up but the industry's production to date is 1.5% lower than one year ago and the breeder flock will consist of 19,436,000 birds in September 1973 as compared to 21,779,000 birds in February 1973. Current costs of production for virtually all processors are above 40c/lb. delivered Chicago and have been projected to reach nearly 50c/lb. by the end of the summer for those producers who have not forward contracted their ingredient needs. It is estimated that out of 180 firms producing broilers, less than 12 are completely covered on ingredient supplies and/or prices until the new crop.

As with any agricultural industry marketing a live product, the productive capacity can easily be reduced by increased slaughter. Increasing the productive capacity inherently involves a biological lag. (breeder chicks must be *ordered* 90 days in advance of delivery) The current cost price relationship and that anticipated through August appears to be a greater inhibitor to the maintenance, much less the expansion, of productive capacity than that faced in December 1972.

The seven year monthly price indices below for corn and soybean meal indicate that the seasonally highest annual ingredient costs particularly for soybean meal are yet to be incurred. There is no freeze on corn prices and the freeze on soybean meal is meaningless because of the price levels it reached during the freeze period.

AVERAGE MONTHLY PRICE INDICES (1964-71) 9-CITY BROILERS, NO. 2 YELLOW CORN CHICAGO, 44 PERCENT SOYBEAN DECATUR

(Annual average price=100)

	USDA 9-city broiler price index	No. 2 corn price index	44 percent soymeal
January	99.4	100.7	100.0
February	103.4	100.6	98.7
March	103.7	101.1	95.4
April	100.2	101.2	95.8
May	102.4	103.2	97.0
June	103.8	103.5	103.5
July	105.6	102.0	107.1
August	101.8	99.5	106.2
September	99.5	98.4	104.1
October	94.6	95.9	97.2
November	94.9	94.2	95.3
December	91.5	99.6	99.7

Also shown by the broiler price index above, broiler prices normally peak during the third quarter. Management in the broiler industry usually anticipates losing money during the fourth quarter and having those losses offset by profits made during the third quarter. With the current cost price relationships, the third quarter is likely to be a loss period requiring substantial cutbacks during the fourth quarter in an attempt to break even and/or offset third quarter losses.

Corn and soybean meal prices are currently rebounding to levels reached during the freeze period. Soybean meal up to $450 per ton and corn at up to $2.45 per bushel are not compatible with a 40c/lb. 9-city price if current production levels are expected to be maintained or increased.

TABLE 1.—RETAIL PRICES OF WHOLE BROILERS ON JUNE 1 AND 8

Chain No.	Region	Annual sales (millions)	Cents per pound	
			June 1	June 8
1	Midwest	$235	59	61
2	East	360	59	59
3	do	560	65	45
4	Midwest	100	59	59
5	East	112	65	65
6	do	105	59	59
7	do	365	59	59
8	do	15	65	65
9	do	25	65	65
10	Midwest	100	59	59
11	do	75	59	59
12	East	360	59	59
13	do	536	65	45
14	Midwest	(1)	59	59
15	do	45	59	59
16	West	(1)	49	49
17	Midwest	360	59	59
18	East	106	63	63
19	do	12	59	41
20	Midwest	175	49	49
21	East	50	59	59
22	do	177	46	46
23	do	179	63	63
24	East	$117	69	69
25	do	360	59	59
26	do	300	59	59
27	do	87	63	63
28	do	42	59	59
29	do	360	63	63
30	West	25	52	52
31	do	110	61	61
32	do	550	47	45
33	do	15	59	59
34	do	17	59	59
35	do	647	69	69
36	do	11	53	53

[1] Not available.

ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF THE PENDING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees under the standing order tomorrow, the Senate resume its consideration of the pending bill, S. 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF BILLS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately upon the disposition of S. 1994 tomorrow, the Senate proceed to the consideration of Calendar Order No. 217, S. 1636, the bill to amend the International Economic Policy Act of 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that upon the disposition of S. 1636 tomorrow, the Senate proceed to the consideration of Calendar Order No. 159, S. 925, a bill to establish a Federal financing bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:15 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senate will resume its consideration of the unfinished business, S. 1994, a bill to authorize appropriations to the Atomic Energy Commission. The yeas and nays have been ordered upon passage of the bill, and an order has been entered to vote on the bill at 9:30 a.m. tomorrow.

Upon the disposition of S. 1994, the Senate will take up, under a time limitation, S. 1636, a bill to amend the International Economic Policy Act of 1972. On the disposition of S. 1636, the Senate will proceed, under a time limitation, to consider S. 925, a bill to establish a Federal financing bank.

Other measures may be taken up tomorrow, depending upon what the situation is and what bills are cleared for action by that time. Hopefully, but not to be absolutely sure, S. 2045, a bill to require Senate confirmation of future appointments to the Office of Director and Deputy Director of the Office of Management and Budget, and for other purposes, may be called up tomorrow, if cleared for action by that time. I repeat, other measures on the calendar may also be called up.

Several yea-and-nay votes will likely occur tomorrow.

RECESS UNTIL 9:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:15 a.m. tomorrow.

The motion was agreed to; and at 2:55 p.m. the Senate recessed until tomorrow, Friday, June 22, 1973, at 9:15 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 21 (legislative day of June 18), 1973:

FEDERAL TRADE COMMISSION

Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1968.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, June 21, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Search me, O God, and know my heart; try me and know my thoughts; and see if there be any wicked way in me and lead me in the way everlasting.—Psalms 139: 23, 24.

Almighty Father, who has searched us and known us, and art acquainted with all our ways, grant that we may go forth into this new day truehearted and wholehearted, faithful and loyal, eager to do Thy will and ready to serve our country with all our being.

We yield ourselves humbly to the leading of Thy holy spirit and pray that Thou wilt move through us to turn darkness to dawning, and dawning to noonday bright, that Thy great kingdom may come on Earth, the kingdom of love and light.

In the spirit of Him who said, "Seek first the kingdom of God"—we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 499. Joint resolution providing for an extension of the term of the Commission on the Bankruptcy Law of the United States, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7200) entitled "An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATHAWAY, Mr. PELL, Mr. NELSON, Mr. HUGHES, Mr. MONDALE, Mr. SCHWEIKER, Mr. TAFT, Mr. BEALL, Mr. LONG, Mr. BENNETT, Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, and Mr. GRIFFIN to be the conferees on the part of the Senate.

NEW HAMPSHIRE'S DISTINGUISHED SENATOR NORRIS COTTON

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, it was with a deep sense of loss that I learned this morning that New Hampshire's outstanding Senator NORRIS COTTON has announced his retirement when his present term expires.

Serving 28 years in the Congress of the United States—8 in the House and 20 in the Senate—NORRIS COTTON has done far more than ably represent New Hampshire in Washington. In a world that often seems topsy-turvy, when one crisis follows hard upon another and deliberation is replaced by reaction, NORRIS COTTON has been there, with thoughtful Yankee commonsense, to counsel caution and advise foresight. In many ways NORRIS COTTON has brought New Hampshire to Washington, and the Nation has benefited.

NORRIS COTTON's achievements—chairman of the Senate Republican Conference, first on the Commerce Committee and third on Appropriations—bespeak the respect of his colleagues, but do not fully give the measure of the man. Above all, NORRIS COTTON is a man of dignity, who has brought a sense of perspective to the U.S. Senate that has seldom been matched.

A man of honor, straightforward in his manner, and with a sense of humility which tempers all his actions, NORRIS COTTON is truly a Senator's Senator.

END PLOWSHARE

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker members of the Joint Committee on Atomic Energy have been invited to the White House today for signing ceremonies of the SALT Agreement with Soviet leader Brezhnev and President Nixon. I am also committed to leave for Texas this afternoon for the Cibolo project irrigation and reclamation hearings on a firm commitment to my chairman, "BIZZ" JOHNSON, and colleague, ABE KAZEN of Laredo, Tex., and I, therefore, find that it will be very improbable that I will be here to offer my amendment to H.R. 8662 which would take $3 million from Plowshare and apply it to thermonuclear research.

Mr. Speaker, I have no illusions about the success of this amendment, but I do think that as each year passes the case against Plowshare gets stronger and stronger. There is then, in support of my amendment, the material which will follow, and which I hope all Members will consider to put a permanent end to Plowshare research one of these years. We already have the assurance from the able Chairman of the Atomic Energy Commission, Dixy Lee Ray, that the wagon wheel program is as "dead as a doornail." All we need now is to terminate any other programs that make no tested, proven, objective contribution to our energy crunch and get on full speed with those research and experimental programs and projects that can help us out of our present dilemma. Plowshare is not one of these potentials; thermonuclear research is.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CLIMATE OF ECONOMIC UNCERTAINTY CAUSES FOOD PRICE RISES

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the Agriculture Department has reported that supermarket prices are going to average 12 percent higher this year—even with the new 60-day freeze.

Six weeks ago, the Department was talking about a 9-percent increase for the year. Now, it is saying that the prices would climb even higher than 12 percent without the freeze.

In addition, the Department reports that food production may not be as great this year at it had thought. The climate seems to have hurt crops, and I mean the climate of economic uncertainty—not the weather.

After President Nixon prematurely lifted phase II controls last January, inflation started to run rampant. No one knew what to expect. Farmers, particularly, did not know if the President would institute price controls on raw farm products. His selective freeze on meats only made them more suspicious. Instead of taking firm, prompt action as Congress urged, President Nixon dragged his feet. He waited until June before he imposed new controls and announced which items would be controlled.

The upshot of all this confusion has been delayed planting, higher prices for the consumer, and relatively little benefit for any segment of the economy.

This shows once again the state of economic chaos this Nation is suffering under President Nixon's economic policies—or lack of them.

NORRIS COTTON: A DISTINGUISHED CAREER COMING TO A CLOSE

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEVELAND. Mr. Speaker, my distinguished colleague and friend from New Hampshire, Senator NORRIS COTTON, today announced his decision to retire at the end of his term on January 3, 1975. Thus an immensely constructive political career, spanning 25 years in the House and Senate, is drawing to a close. The senior Senator's departure will remove from service to New Hampshire and the Nation one of the true statesmen of our time. With skill, energy, and wit, Norris Cotton has been an authentic voice for progressive conservatism. I deeply regret that the close working relationship I have enjoyed with him is coming to an end.

I respect and admire the reasons the Senator has eloquently given for his difficult decision. A statesmen to the end, he has timed his decision to allow the people of New Hampshire the fullest opportunity to weigh the merits of those who seek to succeed him.

No immediate response can give due tribute to a public figure of his stature. His contribution can only be appreciated in historical perspective. But for those who can draw a useful lesson from his reflections on his decision to retire, I will submit the message from Norris Cotton to his New Hampshire constituents at a later point in the Record.

OBSCENITY AND THE SUPREME COURT

(Mr. KEATING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEATING. Mr. Speaker, this morning the U.S. Supreme Court revealed some landmark decisions in the area of obscenity.

While the five decisions are long and there are dissenting views the Court held in part:

First. Obscene material is not speech entitled to first amendment protection.

Second. The basic guidelines for the trier of fact must be:

(a) Whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest . . . (b) whether the work depicts or describes, in a potently offensive way, sexual conduct specifically defined by the applicable State law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, poetic, or scientific value. If a State obscenity law is thus limited, first amendment values are adequately protected by ultimate independant appellate review of constitutional claims when necessary.

Third. The test of "utterly without redeeming social value" is rejected as a constitutional standard.

Fourth. The jury may measure the essentially factual issues of prurient appeal and patent offensiveness by the standard that prevails in the forum community, and need not employ a "national standard."

I believe this decision will go a long way in cleaning up the environment.

AMENDING RAILROAD RETIREMENT ACT OF 1937

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7357) to amend section 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out the word "and" after clause (ix) in the second paragraph thereof and inserting after the semicolon in clause (x) in such second paragraph the following new clauses:

"'(xi) years of coverage as defined in section 215(a) of the Social Security Act for an employee who has been awarded an annuity under section 2 of this Act shall be determined only on the basis of his wages and self-employment income credited under the Social Security Act through the later of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue; and (xii) in determining increment months for the purpose of a delayed retirement increase, section 303(w)(2)(B) (ii) of the Social Security Act shall be deemed to read as follows: "such individual was not entitled to an old-age insurance benefit";'."

Sec. 2. Section 5(l)(1) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out from clause (ii) "shall not be adopted after such death by other than a stepparent, grandparent, aunt, uncle, brother, or sister;";

(2) by striking out from such clause (ii) "age eighteen" and inserting in lieu thereof "age twenty-two or before the close of the eighty-fourth month following the month in which his most recent entitlement to an annuity under section 5(c) of this Act terminated because he ceased to be under such a disability";

(3) by striking from the third sentence thereof "202(d) (3) or (4)" and inserting in lieu thereof "202(d) (3), (4), or (9)";

(4) by adding immediately after the seventh sentence thereof the following new sentence: "A child whose entitlement to an annuity under section 5(c) of this Act was terminated because he ceased to be disabled as provided in clause (ii) of this paragraph and who becomes again disabled as provided in such clause (ii), may become reentitled to an annuity on the basis of such disability upon his application for such reentitlement."; and

(5) by adding the following new paragraph at the end thereof:

"A child who attains age twenty-two at a time when he is a full-time student (as defined in subparagraph (A) of paragraph 7 of section 202(d) of the Social Security Act and without the application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year college or university shall be deemed (for purposes of determining whether his entitlement to an annuity under this section has terminated under subsection (j) and for purposes of determining his initial entitlement to such an annuity) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time, whichever first occurs)."

Sec. 3. Section 226(e) of the Social Security Act is amended—

(1) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "(as such terms are defined in section 214 of this Act)" in 2(A) thereof;

(2) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(B) thereof;

(3) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "fully or currently insured" in 2(C) thereof; and

(4) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(D) thereof.

Sec. 4. (a) The provisions of this Act, except the provisions of section 1, shall be effective as of the date the corresponding provisions of Public Law 92-603 are effective. The provisions of clauses (xi) and (xii), which are added by section 1 of this Act, shall be effective as follows: clause (xi) shall be effective with respect to calendar years after 1971 for annuities accruing after December 1972; and clause (xii) shall be effective as of the date the delayed retirement provision of Public Law 92-603 is effective.

(b) Any child (1) whose entitlement to an annuity under section 5(c) of the Railroad Retirement Act was terminated by reason of his adoption prior to the enactment of this Act, and (2) who, except for such adoption, would be entitled to an annuity under such section for a month after the month in which this Act is enacted, may, upon filing application for an annuity under the Railroad Retirement Act after the date of enactment of this Act, become reentitled to such annuity; except that no child shall, by reason of the enactment of this Act, become reentitled to such annuity for any month prior to the effective date of the relevant amendments made by this Act to section 5(l)(1)(ii) of the Railroad Retirement Act.

Amend the title so as to read: "An Act to amend sections 3(e) and 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the House passed H.R. 7357 without dissent on May 31. The bill contains technical amendments to the Railroad Retirement Act of 1937. These amendments are designed to simplify the administration of the act and to bring them into conformity with the Social Security Act.

After the House passed H.R. 7357, the Railroad Retirement Board, with concurrence from the Office of Management and Budget, asked that an additional amendment be added. This amendment would modify a technical change made last year under which the Board is relieved of the necessity of considering postretirement earnings in determining the amount that would be paid to an individual under the provisions of the law which guarantees railroad retirement benefits 10 percent higher than would be paid under the Social Security Act.

The management and labor organizations affected concur in the amendment, the Retirement Board and the Office of Management and Budget approve, and no additional costs are involved.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 252]

Ashbrook
Ashley
Badillo
Barrett
Biaggi
Blatnik
Breaux
Brown, Calif.
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Clawson, Del
Conyers
Danielson
Davis, Ga.
Diggs
Esch
Fisher
Giaimo
Gonzalez
Gray
Gubser
Harsha
Heckler, Mass.
Heinz
Holifield
Howard
Kazen
Kuykendall
McCormack
McKinney
Parris
Patman
Rarick
Rooney, N.Y.
St Germain
Sandman
Seiberling
Stokes
Talcott
Thompson, N.J.
Tiernan
Whitehurst
Widnall

The SPEAKER. On this rollcall 388 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Teague of Texas, Hechler of West Virginia, Fuqua, Symington, Mosher, Bell, and Wydler.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON LABOR-HEW APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for fiscal year ending June 30, 1974, and for other purposes.

Mr. MICHEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGAL SERVICES CORPORATION ACT

Mr. HAWKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7824, with Mr. Eckhardt in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Hawkins) will be recognized for 1 hour, and the gentleman from Minnesota (Mr. Quie) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

Mr. HAWKINS. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. Perkins), the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I rise in support of the legislation.

First, let me thank my colleague and the distinguished chairman of the subcommittee, the gentleman from California (Mr. Hawkins), for calling on me at the outset.

I am very much in favor of establishing the Legal Services Corporation. I have always felt that the legal services program of the Office of Economic Opportunity was one of the most valuable and effective programs established under the Economic Opportunity Act. Today we have an opportunity to give permanent life to a workable and valuable program.

Today we have before us a bill to establish an independent Legal Services Corporation. Mr. Chairman, let me stress a few fundamental points about this legislation. First, it is the product of a genuine bipartisan effort to produce a bill acceptable to all parties. Second, as in any compromise, by its very nature, it is subject to criticism from all sides. Third, and probably most importantly, the bill contains numerous provisions, safeguards and restrictions to insure that the program is responsibly and professionally administered, accountable to the public, and limited in its scope of permissible activities.

The committee bill carefully circumscribes the permissible activities of the Corporation, its programs and its employees to insure that many of the abuses alleged to have occurred under the existing structure of Legal Services are corrected. Any involvement in political activity is prohibited. Any activity to provide voters or prospective voters with transportation to the polls, or in registration activities, are strictly prohibited. Any activity which is in violation of an outstanding injunction is strictly prohibited. Legal Services must refrain from participation in, and encouragement of others to participate in, rioting, civil disobedience, picketing, boycotting, or striking. Neither the Corporation nor any program supported by the Corporation may contribute or make available funds, personnel, or equipment to any political party, political association, or candidate for elected or party office. The Corporation is forbidden from lobbying before any legislative body, although personnel of the Corporation would be allowed to testify if specifically asked to do so by such body. No funds of the Corporation may be used to support training programs for the advocacy of particular public policies, or to support training programs which encourage political activities, labor or antilabor activities, boycotts, picketing, strikes and demonstrations. No funds may be used to organize, assist to organize, or the encouragement to organize by any group. Attorneys, however, may provide appropriate legal assistance to groups of eligible clients under conditions authorized by the Corporation. As in the existing program, all criminal cases are banned.

To make sure that the local communities maintain control over the program, the legislation requires that one-half of the membership must be attorneys authorized to practice in the highest court of the State. In filling such attorney positions, at the local level, the Corporation must consult with the local bar association and give consideration to qualified local attorneys for such staff positions. Furthermore, Mr. Chairman, every State must have a nine-member advisory council, appointed by the Governor, whose function is to notify the Corporation of any violations of the statute or rules or regulations promulgated pursuant to the statute.

Mr. Chairman, as I mentioned before, every compromise is subject to criticism, and I am sure that there will be amendments offered to this bill, and on each of these the House will work its will, but I am convinced that the bill reported by the committee represents a genuine bipartisan effort to present this body with the best possible legislation, and in my judgment it should be supported.

In the committee I offered an amendment which would have required the corporation to employ staff attorneys from among those recommended by the local bar associations. Such recommendations would not, of course, have to be limited to residents of the local area, though they would have to be admitted to practice in the State.

I offered this amendment in committee because in the congressional district which I represent, many of the local attorneys have expressed interest in being part of the Legal Services organization. I have great confidence in the attorneys who comprise the local bar associations. Attorneys are better able to judge other attorneys. In setting up this Corporation, to be subsidized by the Government, we would be well advised to establish the closest possible contacts for it at the local level. We need to give the Corporation grassroots support. To my way of thinking, the best way of giving grassroots support to this Corporation is for the local communities, the local bar associations, to become involved and to become committed. When that happens you are going to have better attorneys representing the poor throughout this country.

Mr. Chairman, my amendment was defeated in committee, but I am hopeful that we may be able to get that amendment, or one like it, accepted today. It will give tremendous strength to the Corporation. The Corporation is set up to insure representation to the poor. To do so adequately, it must have balance. It must not be seized as a tool of either the left or the right. Close involvement of the local bar will insure balance and stability to the program and help it better serve the poor people of this country.

Mr. Chairman, the legal services program has been an outstanding program. I do not have any quarrel with the present Legal Services program. It has worked wonderfully well. There have been mistakes made, but by and large it has been a good program in the Appalachian section of the United States. There have been a few instances of misconduct and sometimes poor judgment was exercised, but by and large the Legal Services program has served the poor.

Mr. Chairman, by encouraging the participation of local attorneys in this program, you are going to have more and better service for the poor people.

I believe that this is legislation that we can all support.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. HAWKINS. Mr. Chairman, I yield 1 additional minute to the gentleman from Kentucky.

Mr. PERKINS. I know that during the debate on this bill there is likely to be a lot of emotionalism. The subject of legal services is something that seems to excite the emotions of many people.

However, I believe that this is a good bill. I can support the bill, whether my amendment is adopted or defeated, and I can support it enthusiastically.

My only motive in offering the amendment is to make a better piece of legislation, and to give the legislation grassroots support, to give it greater support through America and to insure that it will become a part of every community in America.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in firm support to H.R. 7824, the Legal Services Corporation Act.

If the courts are to be available to every American in reality as they are in theory, we must provide legal assistance to those citizens who cannot otherwise afford it.

There can be no controversy whatever about this legislation if this Congress is truly committed to the principle of equal justice under law for every citizen of the United States.

Legal assistance is not a luxury.

For the poor person especially, it can spell the difference between the despair arising from inequitable and unfair treatment by other citizens or the institutions of our society, and the well-being arising from the vindication of an individual's rights.

Some controversy surrounds this legislation because of the very small number of cases which have drawn unfavorable attention to the legal services program. Perhaps some lapses in judgment are inevitable in the life of any law firm with over 2,500 lawyers.

That is extremely unfortunate, because the vast majority of legal services lawyers are among the most dedicated, concerned and responsible citizens this Nation has ever produced.

And the legal services program has certainly been one of the most successful Federal social programs ever.

It is a program which America can be proud of, because it actually helps implement our very highest national ideals and our Constitution.

It is crucial that every Member of this House realizes that a legal services attorney can accomplish nothing by himself; the lawyer can prevail only when a judge in a court of law is persuaded by his argument and agrees with his point of view, or when a majority of the Members of a legislative body which has heard a legal aid lawyer's testimony decides to enact a law based on it.

The exaggerated fears over the activities of legal services attorneys have always struck me as totally disproportionate to the actual powers such attorneys have.

Whatever the validity of those fears, however, H.R. 7824 contains extensive safeguards against any possible abuses.

Legal services attorneys are prohibited from engaging in political activity, strikes, boycotts, and picketing, and they are at all times bound by the canons of ethics and the code of professional responsibility of the American Bar Association.

This is responsible and moderate legislation.

We owe it to the poor, and we owe it to our own faith in our system of government.

I strongly urge that we approve it.

Mr. Chairman, I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, this is the fourth time I have appeared in the well of the House in support of this program, three times in support of bills, and once in support of a conference report. Each time the bill has become more accommodating to the position of the administration. We initiated the bill with 100 sponsors on both sides of the aisle at the request of all of the major bar associations in the United States, at the urging of the Ash Commission set up by President Nixon, at the urging of the President himself, at the urging of the Judicial Council of the United States, the Chief Justice of the United States Supreme Court, and with an almost unified opinion that it was necessary to insulate the legal services program from political pressure without isolating it from the needs of the poor clients it should represent.

The House has passed legislation creating this corporation, on two separate occasions the bills, and on a third occasion the conference report, by substantial margins each time. Each time we have had to come back to the well of the House and argue for another bill or another conference report, each one weakened, and each one tailored to meet objections of this administration, objections which initially we thought simply went to the composition of the board of directors, objections which we thought we met when we changed and actually what I would say capitulated to the White House with regard to that composition.

We are again here today with a compromise bill, a bill which again this time initiated in the White House with the proposals of the administration, which was sent to the House where we sat down again with the same people on the other side of the aisle who had negotiated the other two agreements, and with which they, incidentally, kept faith, and we negotiated again. We made concessions again—those of us who wanted a stronger, more independent legal services program.

We passed a bill in the committee by a vote of 32 to 3. That was the vote on the motion to recommit. The vote on passage I think was unanimous. It was a voice vote. We passed a bill which again we thought was a compromise bill, which would pass, which the President would sign, and which would finally provide some certainty to a Legal Services Corporation.

But evidently the White House had second thoughts, because we heard after we passed the legislation from the committee, with the support of the gentlemen and gentlewomen on the other side, that this was not satisfactory to the White House, and they wanted still more amendments and they wanted still more retreat by those of us who felt we needed a strong, independent Legal Services Corporation, and the White House is indeed proposing through the Members on the other side it seems to me changes which seriously jeopardize the ability of the individual lawyer to represent his client.

I think it is necessary to make some concessions about this bill. Let us be very frank, and as some people say, let me make myself perfectly clear. This program has not been free of controversy. This program has not been perfect. There have been some mistakes, there have been some overzealous representatives.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HAWKINS. Mr. Chairman, I yield the gentleman from Washington 5 additional minutes.

Mr. MEEDS. But on balance, Mr. Chairman, this has been a fantastically successful program. I think we ought to realize as a legislative body that this program will never be free of controversy. Indeed I would be frightened if it were free of controversy, because that would mean it was really not doing the job which it was intended to do.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield briefly to the gentleman from Michigan.

Mr. CONYERS. I just want to ask the gentleman to explain further the remarks he made about the fact that after agreement had been reached by both parties apparently the White House or someone else who has some legislative control had changed his mind.

Mr. MEEDS. I wish I could explain to the gentleman what happened. I do not know what happened, I have to say that.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Indiana very briefly.

Mr. DENNIS. I thank the gentleman for yielding.

I think I am in the position a great many Members are. We are sympathetic with giving legal services to the poor and we were not so sympathetic to bringing about social reform in the guise of giving legal services. In view of that fact why is there no provision in this bill, and there is not so far as I can see, to limit or restrict the class action, particularly, to cases where we have a legitimate case for an individual client rather than a sort of social experiment which really ought to be tried here on this floor rather than through a legal proceeding?

Mr. MEEDS. In a system which is imperfect, reform is always necessary, I will tell the gentleman. I will not yield further.

I will simply say we have a good system but it is still somewhat imperfect and therefore it is necessary to reform it and keep reforming it.

It is not the intention of this bill to reform the system but it is the purpose of this bill to provide access to the courts for the poor, and that is absolutely essential if they are to have the full scope of citizenship in this Nation.

I also want to point out that we are going to have controversy with this legislation, and in this respect I think that which was said by Mr. Carlucci, who was the former Director of the OEO when this program was proposed, is very apropos. He said:

> It is an act of great self-confidence for a government to make resources available for testing the legality of governmental practices. We have written laws and created Government agencies that provide food for people who are hungry, homes for people who are homeless, and jobs for people who are unemployed.
>
> Consequently, a lawyer who is going to represent poor people is inevitably going to be an advocate for them against governmental agencies. It is to shield legal services from the repercussions generated by suits of this kind as well as those generated by action against private interests that the President proposes creation of an independent Legal Services Corporation.

So, let us never expect it to be noncontroversial. It will always be necessary, as long as we seek change in this country by evolution and not revolution, that this program be controversial. In the absence of a program such as this, it seems to me that the poor are deprived of approximately one-third of what means operational government representation to government for them.

Despite the concurrence of all that, we need this program, despite what we thought was an agreement with the others that we would get this program as it came from the committee, we are now told that the independence of this proposal is to be threatened by some amendments. Mr. Chairman, I intend to oppose further amendments. I intend to live by the bargain that I thought was made. I intend to try and see that an independent Legal Services Corporation emerges from this House of Representatives which will provide effective representation for the poor in the courts of this Nation.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have had, and have, mixed emotions regarding legal services.

I am not insensitive to the need for legal services to the poor. Like most lawyers in our small towns and medium-size cities I have spent a good part of my life giving legal services to the poor, from time to time, in the course of my practice of the law. This sort of informal legal aid is an honorable and long-time part of the tradition of the legal profession.

These informal services—although very widespread—may be insufficient to meet the problem. Perhaps more formalized, but privately financed, legal aid is not sufficient. Even so, serious questions remain whether the Federal Government rather than private, local, and State agencies should meet this need; and whether, if the Federal Government is to take action, there may not be better methods than the Legal Services Corporation approach which is embodied in this bill.

Indeed, one of the best provisions in the pending measure is that providing for the study of other methods—such as judicare, a voucher system, revenue sharing, contracting with law firms, and so on.

Logic and prudence would seem to suggest, however, that such a study might well precede the establishment of a new, expensive, and far-reaching system, rather than following as an apparent afterthought when that system is being established.

The fundamental problem in this matter is one of philosophy and approach.

The rich—so long as there are any rich—will always be able to afford legal services. If this bill becomes law the poor will have such services furnished to them at the public expense. What happens to the man of the middle class, the taxpaying and tax-providing millions who are neither rich nor poor?

Some of them, under a measure we passed here the other day, may be provided for under union contracts at the expense of their employer. But who will take care of the merchant on Main Street, the unorganized worker, the self-employed, the people performing personal or professional services, the farming population?

What of the small private employer, or the local governmental unit, against whom some action is brought under this bill by self-described "lawyers for the poor," backed by the full resources of the Treasury of the United States—a treasury made up for the most part, in many cases, of funds collected from the very defendant involved, and from those sharing his general interests and outlook in life?

This question—which is not rhetorical but, on the contrary, quite real—goes, I submit, to the fundamental problem posed by the pending legislation.

Assistance with the personal and individual legal problems of the poor, is one thing. It is easy to sympathize with the idea of legal aid in such fields as landlord and tenant, vendor and purchaser, master and servant—to use the old legal phraseology—and domestic relations, for example. Likewise with respect to the criminal law which, however, is a field not covered by this legislation.

It is much less easy to sympathize with using the taxpayers' money to finance far-reaching class actions brought by liberal or radical young lawyers, and sometimes designed far less to aid any individual client than to bring about alleged social reforms of their own preference, measures which the duly elected representatives of the people have never seen fit to initiate.

Is it to be believed, for one moment, for example, that the Congress would have intentionally passed a law for the purpose of financing a lawsuit which would invalidate the welfare residence requirements of the several States?

If important policy decisions of this kind are to be made, should not the legislative branch under our system, be the place to make them?

One valid test of the philosophy and intentions of the advocates of this bill is to take note of the committee actions.

The bill, in the first place, was not sent to the Judiciary Committee in the jurisdicition of which it plainly lies, but to the Committee on Education and Labor.

What did that distinguished Committee do?

First. It took a bill so drawn as to at least attempt to confine its benefits to the poor by means of a financial test of eligibility, and redrew the eligibility standards in such broad and generalized terms that only the conscience of the administrators can determine who will qualify.

Second. It took a bill which provided for citizens' suits to see to it that the statute was followed in the law's administration, and removed the section providing for these actions.

Third. It took a bill designed to discourage frivolous appeals at public expense and watered down the language imposing these restrictions.

Fourth. It took a bill which forbade political activity by legal services lawyers and effectively emasculated these provisions.

Fifth. It took a bill which restricted so-called training in political advocacy and substantially weakened these restrictions.

Sixth. It reported out a bill which provides nothing whatsoever to restrict the harassment of so-called and sometimes politically motivated "class actions," which have caused so much of the criticism of legal services.

It took various other similarly oriented actions. It did all this without holding committee hearings.

Under these circumstances it is not unfair to wonder how much the sponsors of this measure are dedicated to the protection of the legal rights of the poor; and how much they are interested in using the measure as a vehicle to push for their own favored social reforms—reforms many of which lack sufficient public support to be enacted into law on their own merits.

And under these circumstances it is not too much for those of us who are sympathetic to legal aid, but skeptical of this social approach, to withhold any vote of approval on our part for a better bill, upon another day.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Washington.

Mr MEEDS. Is the gentleman telling us that the taxpayers' money is not well spent in class actions?

Mr. DENNIS. I would not suggest that one should never use a class action, but I would suggest that there should be some effort made to restrict that type of action. It might be difficult to draft a satisfactory provision—but I am afraid the committee has not tried to draft it, so far as I can see—a provision to restrict that type of action to a legitimate lawsuit where an individual client has some right he wants to assert, rather than employing this type of action as a back door method to achieving alleged and questionable so called social reform.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. Long).

Mr. LONG of Louisiana. Mr. Chairman, 7 or 8 years ago I had the opportunity and the privilege to serve as Assistant Director of the Office of Economic Opportunity when it was first organized. I spent 1 year there. I look back at that service, 7 years later, and I do it in many instances with a great deal of concern over the direction in which the programs went which were originated by that office. I look back at my service there also with an overriding pride as to what was accomplished for the poor people of America by the programs which were instituted at that time.

One that I think has been very successful but which, was subject in a number of instances to abuse, was the legal services program. I have studied the program since the legislation has been under consideration, and it appears to me that it is perhaps an effective and a good compromise.

Mr. Chairman, it was surprising to me that I found a syndicated columnist by the name of James K. Kilpatrick, with whom often I do not agree, who pretty well supports the situation in language with which I do agree. This article appeared in the Washington Star-News on Monday, June 4, 1973.

Mr. Kilpatrick said as follows:

> The legal services bill just reported in the House is a product of compromise, which in politics is no bad thing. The bill contains more safeguards than the liberals really wanted, but it is not quite as restricted as some of us on the conservative side had wished. With a little common sense all around, it should do the job that needs to be done.

Mr. Kilpatrick continues as follows:

> That job is immensely important. No concept in our political system ranks higher than the concept of equal justice under law. It is tied directly to another great principle, that ours is a government of law, not of men. In actual practice, these precepts contain more myth than reality, but we have a responsibility, nonetheless, to strive in these directions.

Quoting down further in Mr. Kilpatrick's column of June 4, he said as follows:

> Most of the criticism that has been hurled at the Neighborhood Legal Services in recent years has resulted from overzealousness, ranging into radicalism, on the part of high-flying young lawyers. The bill contains several provisions intended to clip their wings.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Long) has expired.

Mr. HAWKINS. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana (Mr. Long).

Mr. LONG of Louisiana. Mr. Chairman, the article concludes as follows:

> One of the great foundation stones of our philosophy is the rule of law. Take this away, and a civil society turns into a mob. But the "rule of law" becomes meaningless if it cannot be applied evenhandedly to rich and poor alike. This bill would not perfectly balance the scales of justice, but it would help; and in this imperfect world, that seems enough to ask.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Biester).

Mr. BIESTER. Mr. Chairman, I rise in support of the committee bill.

Mr. Chairman, after several years of exhaustive planning, compromise, debate, and numerous setbacks, a balanced and workable legal services bill has now come to the floor.

Neither proponents nor critics of the legal services program are completely satisfied with the bill as reported out of committee. Looking at the bill as it is now written—the result of lengthy and detailed deliberation—I believe H.R. 7824 can provide the kind of basic and effective legal services which those of us who were original proponents of an independent Legal Services Corporation have worked for.

Legal services has, in the past, made great strides in bringing the poor the basic justice denied them either as a result of ignorance of their rights under the law or financial inability to procure the legal assistance to effectuate those rights.

In evaluating the performance of legal services over the past several years, we must weigh its strengths and weaknesses. The bill before us seeks to build upon the past successes of legal services and learn from its mistakes. In so doing, it attempts to reconcile differences and for moderate extremes. I believe H.R. 7824 has achieved an acceptable balance.

The General Accounting Office, in its recent evaluation of the program, substantiated the effectiveness of legal services in meeting the legal needs of the poor. The study indicated that, contrary to many of the allegations directed to them by critics, the program attorneys are overburdened with satisfying the commonplace legal problems faced by so many lower income citizens. Rather than spending their time reforming laws they find discriminatory against the poor through class action and test-case litigation, these attorneys are preoccupied with day-to-day problems involving housing, domestic relations, consumer affairs, and employment. This is as it should be. Furthermore, the GAO analysis indicates that the attorneys are quite successful in the cases they do handle, and the clients, in turn, are very satisfied with the representation they receive. The competence of these lawyers is underscored by the record of 72 percent favorable decisions—with 12 percent lost and 16 percent settled out of court—and agreement by the presiding judges that the lawyers are well-prepared and effective in presenting their cases.

There is a widely shared concern that the proposed Legal Services Corporation be established with sufficient provisions to assure accountability and to prevent abuses. A number of serious deficiencies in the Legal Services program as it has operated under the Office of Economic

Opportunity were discussed in the GAO report. According to it, a fundamental problem underlying many of the controversies surrounding Legal Services could be traced to the lack of sufficient program objectives and direction from OEO. Regrettably, some legal services attorneys have been faced with conflicts of interest and have experienced political interference due in large part to Legal Services presence within the OEO structure.

Legal Services began as an ambitious undertaking. With a tremendous need to fulfill and a lack of satisfactory guidance in the way the problem was approached, it should not really be that surprising that legal services was susceptible to abuse. Because its deficiencies were recognized as a definite problem, National Legal Services Corporation legislation, designed to correct these weaknesses, was introduced and considered in the last Congress and has again come before us for approval.

The concern for providing adequate safeguards is understandable in light of some of the past experiences with Legal Services under OEO, but it is most evident from a reading of the bill that the committee members have gone to great lengths to draw up a bill which assures an accountable Legal Services program.

The bill provides for a number of inputs and checks at various levels of implementation of the program from those individuals and groups most concerned about the organization and operation of Legal Services. I would like to enumerate those aspects of H.R. 7824 which serve to provide protection against excesses and abuses.

The President appoints every member of the Corporation's Board of Directors;

The Senate must approve each of the appointments;

The President and Congress oversee operations through the budgetary and appropriations processes;

The Corporation is required to submit a yearly report to the President and Congress;

The General Accounting Office will audit the Corporation and each of its programs;

Each Governor may submit comments and recommendations on the awarding of contracts within his State:

Each Governor may appoint an advisory council to oversee Legal Services operations within his State;

Attorneys must be included as at least one-half the membership of the various National, State and local governing boards which are organized to deliver services;

Program attorneys are bound by the professional code of the American Bar Association;

Program attorneys must be licensed to practice in the State in which they are serving; and

Local bar associations can offer recommendations on filling staff attorney positions.

In addition, specific restrictions are set forth which would prevent program attorneys from involving themselves, during the course of their work, in nonprofessional activities—including voter registration and political activity which many consider an inappropriate involvement for federally funded attorneys. These prohibitions extend to influencing clients as well from participating in political or any illegal activities.

Legislative or administrative advocacy which is not client-oriented is strictly prohibited. While the Corporation concept seeks to remove political pressures from without, we also want to avoid political activity within legal services. Any lobbying efforts should stem only from actual representation of a client. "Self-starting" lobbying from within the Corporation would only serve to open Legal Services to attack from outside, defeating the primary objective of Legal Services which must be defending the rights of the poor.

One of the most controversial aspects of some legal services work in some areas has been so-called legal activism. The bill squarely meets this objection by prohibiting the use of any funds for non-client-related activities and community organizing efforts. As with other prohibitions, the Corporation is authorized to insure compliance with these regulations and is empowered to terminate financial support to those recipients who fail to comply.

In considering amendments to this bill, I would caution my colleagues regarding the establishment of a double standard within the legal profession. By unfairly attempting to restrict the scope of his activities, we would in effect be saying to the legal services attorney that his independence and responsiveness in representing an indigent client is not the same as that of a private lawyer receiving a fee. Can we make such a differentiation in the lawyer-client relationship? Can we legislate differences in the standards applicable in pursuing what should be the same rights under law?

The purpose of Legal Services has been to give a voice, an assertion of legal rights to those who have traditionally been denied them. To restrict unnecessarily the legal services given the poor beyond those which are now performed by lawyers for the affluent and middle class undermine the social purpose of the Legal Services program. If we are to be true to our belief in equity under the law, the role of the poor client's lawyer must have the same flexibility exercised by other lawyers.

Several references are made in the bill to the legal services attorneys' protection of "the best interests of their clients" and "responsibilities and obligations under the Canons of Ethics Code of Professional Responsibility of the American Bar Association." These passages read as they should in commiting legal services lawyers to the full and faithful execution of their legal obligations. It can be no other way. Efforts to compromise the professional responsibilities of the attorneys is also an attempt to discourage the lawyers from assuming controversial cases, the kinds of cases which may, for instance, question the actions of those who exert power or influence in the community. Handling a client's every legal problem, controversial or not, is the duty of every attorney. An unreasonable weakening of the program as a whole will also have a deleterious effect on its ability to provide services in even the most routine of matters. Despite instances of overzealousness and excesses, Legal Services has been successful—it has been effective—because the attorneys have resisted attempts to compromise their commitment to protect the rights of the poor. If, in the name of preventing abuses, we so restrict the ability of the program attorney to be effective, we will have discouraged the capable young lawyer from ever getting involved in Legal Services and will undermine the overall quality of the entire Legal Services effort.

I believe the prohibitions and safeguards contained in the bill before us can adequately answer the legitimate concerns many of us have that Legal Services sticks to doing the job intended of it—assuring equal justice to the poor. We must take care, however, that in seeking to prevent potential abuses with well-meaning, politically appealing amendments we are not, in reality, crippling the legal services program so that it cannot operate effectively.

The gentleman from Louisiana (Mr. Long) has quoted James Kilpatrick in a recent column in support of the committee bill. I believe his words are thoughtful and persuasive. Mr. Kilpatrick went on to say, "the possibility of abuses is a poor excuse for killing the bill." As amendments are considered to H.R. 7824, I hope my colleagues will keep this thought in mind.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Nevada (Mr. Towell).

Mr. TOWELL of Nevada. Mr. Chairman, I fully support the Legal Services Corporation bill under discussion today. The need for such a program is unquestioned. I think perhaps it would be beneficial if we thought back to the original concept under which this country was founded.

Two hundred years ago on the birth of this great country, every citizen was secure in his right to equal justice under the law. And, lest we forget, this right has been jealously guarded throughout our history. Mr. Chairman, some men fought hard and, I suppose, compromised and worked long hours through the night developing a fine system of laws and government under which any man could have his day in court.

I believe that because of economic conditions that exist in our Nation today, we can no longer assure equal justice under the law to all people. As we have progressed economically, we seem to have developed some vast differences between economic standards.

We are now at a point in our history where there is a large number of our citizens who do not have funds and do not have available to them their day in court like the rest of us do. Everyone on this floor can afford an attorney, but there is a large group of fellow Americans that cannot afford legal services. To me, the Legal Services Corporation bill can bring our whole society a little more into balance, a balance we have lost during the last 100 years. I would urge my colleagues on both sides of the aisle who may have some differences and some concern because there have been instances where the service has been abused to weigh the total benefit to all of our society and vote in favor of the committee bill this afternoon.

Please realize that if we continue in the manner we are working in today with this type of service not being available to the poor, we will further divide our country so that a chasm will widen which could, in my opinion, in the years ahead tear our country completely apart.

I think this bill will help to bring us together and move us forward in a positive manner toward a very basic concept where we all have equal rights under the law.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I want to commend the distinguished gentleman from Nevada. In the brief time those of us on the committee have had time to watch him he has grown in stature and leadership.

He has made an excellent statement, and I am grateful to him not only for his views on this difficult issue but both in the committee and here on the floor he has lent a hand in support of those principles that he so very strongly believes in He is an excellent Member of this House and in an excellent position on the Committee on Education and Labor.

Mr. KEATING. Will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman from Ohio.

Mr. KEATING. I would like to direct my question to the gentleman from Wisconsin, if I may, on your time to find out why this matter was handled in the Committee on Education and Labor rather than the Committee on the Judiciary.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Knowing the extraordinary workload of the Committee on the Judiciary and its inability to deal effectively with so many knotty legal issues, perhaps it was wise that that decision was made.

That does not answer the question, though. The reason, may I say to the gentleman from Ohio, is simple. The legal services program was established as an amendment to the Economic Opportunity Act of 1965 and it came to the floor as a part of that package and was adopted by the House. Thus the jurisdiction over this program continues to remain in the Committee on Education and Labor.

Mr. KEATING. Will the gentleman from Nevada yield further?

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. TOWELL of Nevada. I yield to the gentleman from Ohio.

Mr. KEATING. If the gentleman will yield further, it is my understanding that the OEO did come under the Committee on Education and Labor, and that was the inception of the legal services program.

However, this is a separate bill which is not part of the OEO, as I understand it. That was my question as to why it was not discussed in the Committee on the Judiciary, which should have jurisdiction over all these matters.

Mr. STEIGER of Wisconsin. I believe that the answer is that jurisdiction was established in 1965, but perhaps the gentleman from Ohio might well direct his question to the Parliamentarian. I would say that I did introduce a bill which specifically made it an amendment to the Economic Opportunity Act, and it is for that reason that it went to the Committee on Education and Labor.

Mr. KEATING. Mr. Chairman, if the gentleman will yield still further, I would be remiss if I did not recognize the fine work the gentleman from Wisconsin (Mr. STEIGER) has done for so many years in this area. However, I have always thought that it should be in the jurisdiction of the Committee on the Judiciary.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I rise today in support of the bill H.R. 7824, the legislation to establish a Legal Services Corporation

Most of us who have worked and labored in the Committee on Education and Labor with respect to OEO programs, of course, were very deeply disappointed last year when the legal services concept did not win administration approval after our efforts in the conference committee.

I would like to take this opportunity to commend the chairman of our subcommittee, the gentleman from California, the Honorable AUGUSTUS HAWKINS, for his persistence in bringing this matter before the House so as to give this House an opportunity to decide whether it is really committed to the idea of providing legal services to persons who are unable to afford this kind of assistance.

I have never been an advocate of the idea of establishing an independent corporation for this purpose of providing legal services to our poor. I arrived at that judgment quite some time ago not only because of many questions with regard to the Postal Service Corporation—and I voted against that—but I have always felt that the legislative branch needed to have some means of oversight, over a program as important as this.

However, I am also equally aware of the realities controlling this legislation, and because I am firmly committed to the thought that the program is essential and needs to be continued for the benefit of the poor in our country. Accordingly I am prepared today to give this legislation my wholehearted and full support.

I think that the Congress has acted wisely in the past, and so has the Committee on Education and Labor, in reporting this bill again this year. We have made many compromises on a number of important points. While we are not all satisfied with all of the provisions of the bill, I do believe that it preserves the essential concept of the program which was started under the auspices of the OEO.

It will give the independent body the opportunity to operate the legal services for the benefit of the poor without interference and intervention by the administrative branch; equally true with regard to the legislative branch. I think the goals of the legislation will work to make it possible for the poor to have justice in this country, and prove that the rule of law is not merely an opportunity for the rich who can afford legal counsel, but an opportunity which this great country affords every individual regardless of their financial status.

The essence of law is that justice must be equal and must be made available to all citizens. There is no law if there is no such principle.

This bill, H.R. 7824, makes an effort to continue the basic protection of the law to the poor as has been available under the OEO legal services program.

In the spirit of urgency, as I said, and in the spirit of compromise, I urge that the passage of this bill be overwhelming on the part of the House.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, I rise in opposition to the bill as written and reported by the Committee on Education and Labor.

As the gentleman from Ohio (Mr. KEATING) just asked the gentleman from Wisconsin (Mr. STEIGER) as to how did the bill get into the Committee on Education and Labor, let me say that it was deliberately sent into the Committee on Education and Labor rather than to the Committee on the Judiciary because the makeup of the Committee on Education and Labor is quite different than the Committee on the Judiciary.

Furthermore, if it had been sent to the Committee on the Judiciary and gone to the Senate, confirmation of the 11-member board would have been in the Senate Committee on the Judiciary and not in the Senate Education Committee.

If one looks at the makeup of the committees, one can understand why. This bill in its subcommittee and full committee received no hearings; there was no testimony; no witnesses were invited from anywhere. It was to be greased through the full committee and then sent over to the Senate.

When we talk about this bill, I think we need to talk about its wording, not only the weaknesses in the bill but some of the weaknesses in the staff attorney system and the inequities in the financing. I will probably go into those later, Mr. Chairman.

The bill has no prohibition or requirement that attorneys be admitted to practice law in the State where they are practicing. The prohibitions against riots, boycotts, and strikes are not comprehensive and do not close these loopholes as the administration bill did.

The provision for citizen suits was stricken in the subcommittee and the committee.

The lobbying provisions are in no way closed, as they should have been and would have been in the original version submitted by the administration.

The provisions against grass roots lobbying are completely negated by both the wording of the bill as it came out of committee, as well as by the committee intent expressed in the report.

Client eligibility was completely stricken from the bill. Any type of schedule of fees or minimum guidelines to keep attorneys from soliciting clients was stricken from the bill. Those committee prohibitions are not as tight and as sound safeguards as they were in the original administration bill.

The limitations on political activities are nowhere near what they should have been in the original administration bill.

The prohibition against frivolous appeals was deleted from the bill.

The area of authorizing attorneys to move in the area of criminal representation—civil suits relating to both prison conditions and the distribution of ideological literature within the prisons—these provisions have been gutted from the bill as was the provision in the administration bill to prohibit these attorneys—young attorneys in many instances—from practicing in States when they are not admitted.

The juvenile representation provisions in the bill have been extraordinarily weakened. The problem not only goes to that, it goes to the whole philosophy here of a government staff attorney system. Attorneys are free to pick which clients and which causes. There are guaranteed salaries for staff attorneys. But there are no economic restraints, costs, and incentives for clients or attorneys. It is a closed panel system. The poor are denied the freedom to choose an attorney.

We passed a bill (H.R. 77) last week granting union members the right to pick attorneys. Why cannot the poor pick their attorneys? There is no choice in the subordinate poor man's attorney-client relationship, and the attorneys themselves are free, having no economic restraints upon them, to concentrate on high-impact cases, appeals, class actions, to become the cutting edge of social change.

Mr. Chairman, the committee bill as it came out of committee was ramrodded through. It is a very atrocious bill and has none of the significant safeguards of the bill that was submitted by the administration. In fact, they stripped and gutted the entire original bill that had these safeguards. Nowhere was there any opportunity to talk about alternative systems of giving justice to the poor, of giving grants to each State, or letting State legislatures, local bar associations, or the State supreme courts work a system of bringing a clear client-lawyer situation to bear.

Today we are faced with the choice of piecemealing amendments to the bill. Many of those amendments are cosmetic in nature and are not substantive. Consequently, Mr. Chairman, I am going to have to offer a substitute bill approximating quite closely the bill as originally introduced by the administration. I would urge its support, and, failing that, urge a "no" vote on the bill.

Mr. Chairman, I yield myself 8 minutes.

Mr. HAWKINS. Mr. Chairman, I would not want the House to believe that the previous Speaker was truthful in saying that no hearings were held on this bill and that the bill was ramrodded through the subcommittee of which I am chairman.

This is not a new bill. The matter has been before this House for several years. In 1971 the House approved a bill similar in character but even stronger than the provisions of the present proposal. The bill was again passed in 1972, and we have almost the same bill in the identical shape before us now with many more restrictions added by the subcommittee. So the bill has had many hearings in the past.

In addition to that the subcommittee did hold regional hearings this year in New York, in Boston in Los Angeles, in Detroit, and in Washington, D.C.

I think one of the difficulties is that the administration bill was not introduced until May 15. We had waited several months for the administration bill and did include the administration in all of the conferences and in all of the hearings; but the bill which was before the committee Members, which was known as the administration bill, was not introduced, for whatever reason the Members may wish to speculate, until May 15.

In the steps leading to the reporting of this bill, I want to assure Members, we have sought to avoid conflicts which in the past have resulted in a veto, but the bill in the Committee on Education and Labor was so overwhelmingly supported by both sides that its final passage was approved on a voice vote after a motion to recommit to the subcommittee was defeated by a rollcall vote of 3 to 32. That certainly does not indicate something was ramrodded through the Committee.

Much of the criticism and the attacks on legal services are being directed against legal services attorneys because it is said they fight causes and not real legal issues and that they engage in political activities and that they encourage civil disturbances and that they encourage economic reprisals against the system and that they are overzealous in bringing suits against public officials.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the chairman of the full committee, the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I want to take this opportunity to commend the distinguished gentleman from California, the chairman of the subcommittee (Mr. HAWKINS), for his untiring efforts in behalf of this legislation and in behalf of all the programs under the Economic Opportunity Act. He has worked diligently for several months in behalf of this legislation and has done an excellent job. I think he deserves the compliment of all the Members in this Chamber. He has assumed the great responsibility and the problem we are having presently with the Economic Opportunity Act is to keep the programs alive and to see that they are funded, the on going programs that are already authorized through next year, and no one has done a better job in that connection than the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I thank our distinguished chairman for those remarks.

I was discussing the abuses which have been alleged.

Mr. Howard Phillips, Acting Director of the Office of Economic Opportunity, who has the responsibility to deal with such abuses was invited to testify before the committee. He has had the responsibility to deal with these abuses not only in his present position but also in his previous positon with the Office of Economic Opportunity in charge of program review. His accountability both as Acting Director and before that as head of the program review rates him to be a weak administrator, a fanatic ideologist, and a pernicious opponent of legal procedures.

The testimony of Mr. Robert W. Meserve, president of the American Bar Association, before the Subcommittee on Equal Opportunities is highly relevant. Let me quote from Mr. Meserve:

> We have all heard the outcry against law enforcement activities of poverty lawyers who according to the criticisms neglect the legitimate needs of clients in order to pursue their own agenda of social and political reform.

A look at the record may help to put that criticism in better perspective.

The Office of Economic Opportunity has released statistics that indicate that the program is currently serving approximately 1 million clients per year. The breakdown of representation indicates that approximately 42 percent of the matters involve domestic relations, 18 percent deal with consumer and job-rated problems, 10.5 percent are housing problems, 9 percent involve Government welfare programs, and 20 percent are juvenile offenses and other miscellaneous matters. These statistics would seem to accurately reflect the legal problems experienced by the poor and the areas where assistance is most needed. Statistics also indicate that 83 percent of the matters handled by legal services lawyers are disposed of without litigation.

I am sure that the president of the American Bar Association would not be reflecting any radical ideas or any particular ideology in urging that these lawyers do not really have any time left to engage in all of the awful experiments and reforms, as someone would tend to imply.

Nevertheless, the committee proceeded to protect and to introduce safeguards into the program to make restrictions and limitations that reach potential abuses without contravening the code of professional responsibility of the attorney-client relationship. These limiting provisions are on political activity, outside practice, encouraging others to participate in rioting, civil disturbances, picketing, boycott or strikes, employment and numerous others.

Strong supervision, monitoring and controls are provided in the powers vested in the corporation; in addition to that, grantee agencies, and State advisory councils, and in the final analysis, in this Congress is reserved the power to appoint, to amend and through the appropriation route to control the activities of this program.

All of this is in marked contrast to the current operation of legal services under the destructive leadership of Mr. Howard Phillips. Because of uncertainties, month by month funding if at all, the inability to retain personnel or to assist new clients, the program has been brought to a standstill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAWKINS. Mr. Chairman, I yield myself 3 additional minutes.

The present administration of OEO-legal services can be characterized as lawlessness by a court-declared unlawful acting director who is engaged in defense of the law, lobbying against legal services for the poor.

Mr. Phillips is currently engaged in supplying to Members of this House, and to the public, certain horrible examples of alleged abuses in legal services to the poor which are grossly unsubstantiated, highly misleading, and a reflection on his own inability to properly administer the program.

We have reason to suspect the material which he is giving to certain Members, when Members are getting into the operation of programs 2,000 and 3,000 miles away from their own particular congressional districts.

I call on the Congress to bring a halt to this continuing violation of the law by a Federal administrator, by early enactment of a legal services bill which will remove the program from its present chaotic state to a status independent of ruthless political persuasions.

Last week, the President, in Illinois at the Dirksen Center, I think, raised two salient points which I think we should take very seriously. He said:

> It would be a tragedy if we allowed the mistakes of a few to obscure the virtues of most.

The other point I think he made is entirely relevant and I think most important to this Congress, in which he pleaded for the cooperation of the Congress with the executive branch.

Mr. Chairman, I want to assure the members the Subcommittee on Equal Opportunities have sought this cooperation and we thought we had it. We have at all times cooperated with the administration on this bill, and I think the vote will indicate, at least before we reported this bill to the floor, that we had a reasonable basis of cooperation.

I hope it will be that. I hope it will continue in the spirit in which the President has enunciated his spirit of cooperation with this body.

I think this is the first real test of whether or not his statement, his philosophy, his substance or whether or not it is something which is not going to be implemented by his supporters and others in this body.

Those of us in this House who are not either to the right or to the left on this issue, but who believe in fairness and social justice under our system, and in the system itself, can proceed to carry this issue ahead by the adoption of this bill, which I can assure the Members is a bill which has been thoroughly balanced on both sides.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Landgrebe).

Mr. LANDGREBE. Mr. Chairman, I rise to express my concern about this bill and the action we are taking today.

What we are talking about here is legislation specifically designed to divide the American people into warring classes. Legal services financed by the Federal Government are to be provided to the have-nots so that they may engage in battle with the "haves."

Historically the American people have been united by common value and customs—respect for the principles of human freedom and for the rights of each person as an individual—which cut across such arbitrary class distinctions as "rich" and "poor." For the Federal Government to attempt to divide the American people into hostile classes is not social progress, as many proponents of legal services legislation are suggesting. It is, rather, another milestone on the road to social destruction.

But even if one agreed with the concept of providing legal services to the poor at the expense of the taxpayer, there is every reason to believe that H.R. 7824 will not accomplish this end. The abuses of the legal services program administered since 1965 by the Office of Economic Opportunity—OEO—have been voluminously documented in recent weeks by many Members of Congress. Among other things, there have been numerous cases of complete disregard on the part of legal services lawyers of the actual legal problems of poor people. Instead these lawyers have spent their time and the taxpayer's money filing "class action" suits designed to promote a variety of socialist-leftist causes; all in the name of the "poor," of course.

Last week, just to cite one example, a lady from California stopped by my office to request that I actively oppose legal services legislation. This woman is an American Indian and related some shocking stories of total disregard for the legal problems of American Indians on the part of the lawyers of the Indian division of the legal services program in California. Instead of helping the Indian people with their legal difficulties, they busied themselves with filing class action suits on behalf of Indians as a "class." Often this was done over the protest of the Indian people involved, who asked that their particular legal problems be dealt with.

Thus we see that even if one is concerned with actually helping the poor with their legal problems, a Federal legal services program is not the answer. The poor go on suffering, while slick, young activist lawyers go about fomenting rebellion and revolution at the taxpayer's expense.

I ask: How long can any institution, even this great U.S. Government, survive while picking up the tab for its own destruction?

Nethertheless, the original version of H.R. 7824, as drawn up and approved by the President, did have safeguards against many of the abuses so evident in the OEO legal services program—until the Committee on Education and Labor got hold of it. It was introduced on May 15, being sponsored by Mr. Quie, Mr. Perkins, Mr. Steiger of Wisconsin, Mr. Eshleman, Mr. Erlenborn, Mr. Dellenback, Mr. Esch, Mr. Hansen of Idaho, Mr. Forsythe, and Mr. Towell of Nevada. It was rushed through the Subcommittee on Equal Opportunities and reported by the full committee on May 24.

No hearings whatsoever were held. Almost all of the safeguards against various political abuses were removed, and yet, when I offered the President's original bill as a substitute in the full committee, every single member who sponsored the President's bill voted against it. Why? Had they not read their own bill?

Did these honorable gentlemen not really want a bill with safeguards? If so, why did they sponsor the original version of H.R. 7824?

In light of all this, I think each and every one of us ought to take a serious and honest look at what we are doing here today. Are we really concerned with providing legal services to the poor? Or are we simply perpetuating a program forcing the American taxpayer to finance rebellion, revolution, and ultimately his own destruction?

Now I freely admit that I am skeptical of the whole concept of federally financed legal services programs, and will no doubt on final passage vote against even the President's bill. However, at least his bill makes an attempt at establishing a program that would help the poor while prohibiting gross political abuses. It seems, therefore, that the President's bill ought to be the absolute maximum that anyone could support, except those who are actually committed to the destruction of American principles and values and to the transformation of a free America into a socialist state.

Mr. Chairman, I have spoken on this floor regarding a number of pieces of legislation in the last few weeks, and I have suffered defeat repetitiously. On this one bill I hope that the Members will listen to me and we will defeat this Legal Services Act promulgated by the committee.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time to me.

Mr. Chairman, the Office of Economic Opportunity's legal services provided an admirable example of a positive agent of social reform—an example well worth noting here. While in existence, legal services eliminated welfare's "man-in-the-house" rule and residency requirement. They granted tenants in public and private housing substantial new rights in dealing with housing problems. Minimum justice for migrants and farmworkers was obtained by reducing illegal border crossings and requiring enforcement of minimum wage legislation. They were also successful in forcing the Department of Agriculture to feed hungry people as the law requires.

To gain political and social equality, the poor in this country face a long and hard struggle. Like the OEO's legal services, the proposed Legal Services Corporation could be a vital instrument in securing this equality. But to act successfully on behalf of the poor and oppressed, the Legal Services Corporation must be vested with real strength and a little more autonomy. We have before us an amendment which threatens to destroy the stronger aspects of legal services in its transition from OEO to an independent corporation. If you want a Legal Services Corporation that can truly serve those in need, you must oppose it.

This amendment proposes a prohibition on legislative or administrative advocacy on behalf of the client. These restrictions would compromise the necessary professional independence of a lawyer to represent his or her client. Influencing the passage or defeat of any legislation by Congress or by any legislative body has traditionally been a legitimate function of an attorney for his or her client. This right must be preserved.

Suppose a case arises where the exercise of legislative or administrative advocacy might be in the best interests of a client. A restriction of these activities would thus deny the client these services, and he or she would suffer from inadequate representation. By restricting legislative or administrative advocacy, this amendment would undoubtedly place a Legal Services lawyer at a disadvantage. A private attorney would not be restricted in the same way a legal services lawyer would be, so that a client with a private attorney would be in a more advantageous position than one represented by a legal services lawyer. If we are trying to establish a system of legal aid that will benefit the poor client, then this amendment will defeat that purpose.

One can argue that the poor are underrepresented despite their numbers because of their inability and lack of training to take advantage of the system. This weakness must be compensated by a program of zealous advocacy to curcumvent the oppression and injustice imposed by a democratic majority. A strong Legal Services Corporation can provide this type of advocacy. This amendment will strip the program of its abilities to do this.

I urge you to vote against this.

Mr. Chairman, I am the former director of the antipoverty program in the city of Baltimore. In 1966 I attempted to establish a free legal services project for the poor.

In order to establish that project, we had to get the approval of the Baltimore City Council. The philosophical and political ideas of that council in Baltimore City ranged from extreme left to extreme right. It took us 1 year to get free legal services for the poor in Baltimore City.

Mr. Chairman, nameless, unreasoning fears delayed the establishment of a free legal services program in Baltimore City for 1 year, the same kind of nameless and unreasoning fears that are being articulated in this House today.

I am able to report to my colleagues, with great pleasure, that every single member of the Baltimore City Council, the president of the council, and the mayor of the city have contacted me urging support for this particular bill.

Mr. Chairman, I heard, to my astonishment, one of my colleagues state that giving free legal services to the poor would further divide the Nation. The exact opposite of that has taken place. In my city and in other cities, where we have legal services to the poor, people have been brought together, primarily because the poor recognize that the instrument of law is now available to them and there is no need for this hostility, anger, and frustration to be directed toward another class.

I think that this House would fail to meet its responsibility to 25 million Americans plus who are in poverty if it does not pass this particular bill. I would further argue that those who fight against the bill are really the persons who are instigating the climate which will engender class hostility in this Nation, and God knows we do not need any more of that.

Mr. Chairman, I urge that the committee bill be adopted as it is written.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in support of the committee bill.

I serve on the Committee on Education and Labor, and last year was a member of the conference committee that was working on a similar bill for the creation of a Legal Services Corporation.

At that time there were deep differences between us on the committee as to the structure of the corporation. We had a very difficult time trying to resolve those differences.

Principally, the concern of many of us on the Republican side of the committee was to see that the corporation would be subject to the control that would be exercised by a board responsible to the President, rather than one that would be responsible to client groups, attorney groups, bar associations and others outside the Government. We fought for that principle.

This year no such fight was necessary, because when the administration sent the bill to the Congress it had the composition of a board that was responsive to the President, namely, all of the members of the board appointed by the President.

In a spirit of compromise and hoping to get a Legal Services Corporation bill, the objections to control by a board appointed by the President were not raised.

We have before us a bill fashioned in a way that the administration was demanding last year. So other objections are raised now. Principally those I hear raised are things accomplished by the committee in a spirit of compromise some of which I think greatly enhance the bill and the strength that we would want to have in such a bill.

The fact is that those who object to the changes made in the committee and say they would prefer to have the substitute bill are in fact those who want no legal services program at all. It would be interesting to see, if the substitute that is offered is adopted, how many of those who vote for the substitute will vote for the passage of the bill.

Let us talk about one or two of these changes from the administration bill to the bill now before us reported by the committee.

Really, in my opinion, none of the restrictions on legal practice proposed by the administration have been eliminated. Some have been modified. To the extent that they have been modified I think they reflect the concern expressed in the President's message on the professional integrity of the program. In just about every case the committee retained the prohibition or in some instances allowed the corporation to establish guidelines for certain professional activities. It must be remembered that these guidelines are to be promulgated by a corporation whose board of directors is completely appointed by the President. So I do not see how we should be concerned that the board of directors will not act in a responsible manner.

The administration bill contained no conflict-of-interest provisions. In an effort to strengthen the bill the committee has barred members of the board from participating in actions which benefit the member or any firm or organization with which he is associated.

The administration bill stated that employees of the program should refrain from participation in, and encouragement of others to participate in a series of prescribed activities. The committee bill modified these prohibitions with the phrase "while engage in the activities carried on by the corporation or by a recipient." The committee was guided by a clear statement in the President's message of May 11, "while engaged in legal assistance activities"—and I underline those words of the President—"while engaged in legal assistance activities attorneys would be barred from participating in political activities and from encouraging or participating in strikes, boycotts, picketing," and so forth.

There was an amendment in the committee that would have allowed the attorneys hired by the corporation or recipients to engage in these activities, namely, strikes, picketing, and so forth. I objected to that amendment and strongly resisted it, and it was rejected, and rightfully so, by the committee. It should not be our purpose to provide warm bodies for a picket line.

This bill will not allow that to occur. However, I do not believe we should tell an attorney engaged by a recipient that he cannot engage in a meat boycott. He may not want to buy expensive meat.

Mr. Chairman, I hope that the committee bill is sustained, and the substitute is rejected.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAWKINS. Mr. Chairman, I reserve the balance of the time that our side has.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, it is a pleasure to rise in support of the bill as reported by the Committee on Education and Labor. This legislation marks the culmination of a process that began 2 years ago when President Nixon declared:

> In the long, uphill struggle to secure equal rights in America, the Federal program of legal services for the poor is a relative newcomer to the cause. Yet it has already become a workhorse in this effort, pulling briskly and tirelessly at the task as the Nation moves ahead.
>
> * * * * *
>
> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

The concept proposed by the President—an independent National Legal Services Corporation—has been endorsed by every major element of the organized bar, and twice by the Congress. The legislation before the House today is a compromise bill, far more restrictive than either of the measures approved in the 92d Congress. Yet it maintains the essential elements of accountability to the public and professional integrity for the attorney, to insure the delivery of high quality legal services for the disadvantaged.

The committee has worked closely with designated administration officials to produce a viable bill. The longstanding question of the Board of Directors has been resolved: The President has been given complete authority to control appointments to the Board, and he has the additional power of naming the Chairman of the Board each year.

Respected columnist James J. Kilpatrick has praised the work of the committee:

> The legal services bill just reported in the House is a product of compromise, which in politics is no bad thing. The bill contains more safeguards than the liberals really wanted, but it is not quite as restricted as some of us on the conservative side had wished. With a little common sense all around, it should do the job that needs to be done.
>
> That job is immensely important. No concept in our political system ranks higher than the concept of equal justice under law. It is tied directly to another great principle, that ours is a government of law, not of men.

FEDERAL OVERSIGHT

While protecting the integrity of the program, a detailed monitoring procedure has been established. Each year, the Corporation must submit a full report of its activities to the President and Congress. The Corporation, and each of its recipients, must undergo an independent audit on an annual basis. In addition to these surveys, GAO is authorized to conduct such other studies as necessary. The Corporation itself must monitor all recipients to insure compliance with restrictions, and copies of such audits must be maintained for public inspection.

As with any other Federal program, the President and Congress continue to have detailed oversight powers through the budgetary and appropriations process. The full Presidential power to name the Board of Directors and Chairman of the Corporation will insure that the program is in tune with the concerns of the taxpaying public.

A KEY ROLE FOR THE STATES

To benefit from the experience of key officials at the State level, the Corporation is required to request the comments and recommendations of the Governor and the State bar association at least 30 days prior to awarding of any contract or grant to a program in that State.

Each State is authorized to have a nine-member advisory council appointed by the Governor. These councils are specifically charged with the duty of reporting any abuses in the program. They will provide a measure of continuing local involvement that previously has not been embodied in the program.

In additon, the Corporation is prohibited from taking any action which would abrogate the authority of a State to enforce the standards of professional responsibility which apply to attorneys. Regulation of the legal profession has traditionally been a matter best left to the States; this bill has been designed for consistency with that tradition.

PROFESSIONAL INTEGRITY OF THE PROGRAM

In proposing a National Legal Services Corporation, President Nixon said:

> While it is important to insulate the corporate structure so that public funds can be properly channeled into the field, it is even more important that the lawyers on the receiving end be able to use the money ethically, wisely, and without unnecessary or encumbering restrictions.

The President specifically insisted that—

> The lawyers in the program have full freedom to protect the best interests of their clients in keeping with the canons of ethics and the high standards of the legal profession.

The committee bill recognizes the importance of preserving both the attorney-clinet relationship and restrictions on practice which are written into the canons of ethics and code of professional responsibility. There is only one professional standard for attorneys, whether they be lawyers for the affluent or disadvantaged. The committee bill specifically refers to these high professional standards to insure that the integrity of the judicial process is maintained.

The importance of a professional standard is underscored by canon 3, ethical consideration (1):

> Because of the fiduciary and personal character of the lawyer-client relationship and the inherently complex nature of our legal system, the public can better be assured of the requisite responsibility and competence if the practice of law is confined to those who are subject to the requirements and regulations imposed upon members of the legal profession.

In congressional testimony, the president of the American Bar Association, Robert W. Meserve stated:

> Without that application of the code, in my opinion, the judicial system could not exist . . . the need for lawyers in a particularly competitive profession to be bound by rules as to what they can and cannot do and to live within those rules is integral to the whole system of justice which has developed in the United States of America.

While protecting the profession, the canons and code also protect the public. The committee bill specifically notes that legal services attorneys are not to engage in the persistent incitement of litigation or any other activity barred by the canons and code. These professional standards are designed to preclude activities inimical to the public interest. The disciplinary rules state that they are designed to:

> Prohibit lawyers from seeking employment by improper overtures, from acting in cases of divided loyalties, and from submitting to the control of others in the exercise of his judgment. Moreover, a person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of his client.

LEGISLATIVE ADVOCACY AT THE FEDERAL, STATE, AND LOCAL LEVEL

Consideration of legislative advocacy must be placed in the context of the program as it has operated to date. The focus of legal services attorneys has been on the individual problems of poor people. As HEW Under Secretary Frank Carlucci has noted:

> Our reports indicate that approximately 18 percent of our cases are in the consumer area, some 9 percent deal with administrative problems, 11 percent with housing problems, 42 percent with family problems, and the remaining 20 percent deal with miscellaneous problems such as torts, juvenile problems, and school problems . . . We estimate that less than 1 percent of the cases that actually reach litigation are class action cases. So the idea that legal services lawyers are always engaged in class action is very misleading.

He also noted that the vast majority of legal services cases were settled out of court, but that 85 percent of the cases actually concluded in court by the program were won by legal services attorneys.

This pattern—focus on individual

problems, efforts to settle out of court, and high rate of success in court—was confirmed by a recent GAO study of selected projects.

The concentration on client-oriented matters was also confirmed by an Office of Legal Services—OLS—response to the GAO report, which found that 48 percent of the programs did not meet GAO's criteria for adequacy in law reform—an expenditure of 25 percent of a project's time and resources in this area. The OLS study supports the conclusion that one-half of the projects could be spending up to three-fourths of their time on activity other than law reform, while the other half spends less than one-quarter of their time on law reform.

The committee bill strengthens the individual client orientation of the program by banning legislative and administrative advocacy which is not client oriented. Such activity is to be further restricted through guidelines issued by the Corporation, whose Board of Directors is fully appointed by the President.

Support for client-oriented law reform has been expressed by the current Acting Associate Director for Legal Services, Laurence McCarty:

> Lest my position be misconstrued, let me say immediately that I am not in principle opposed to class actions, suits against the government, test case litigation, *legislative advocacy*, or any other kind of law reform. Properly considered, they are simply some of the tools which the conscientious attorney must employ on occasion in serving a particular client.

In most instances, client problems can be handled through advice, consultation, negotiation, and, if necessary, litigation. But in certain circumstances, lawyers are presented with unique problems which can best be handled through contact with a member of a legislature. Every Member of Congress, on a daily basis, receives numerous letters, phone calls, and personal visits from attorneys expressing their client's interests in a matter that requires a legislative solution. Social services regulations, veteran's benefits, relocation assistance, educational loans, and a host of other matters are typical problems which confront the poor as well as middle income citizens.

There are some who would amend the committee bill to prohibit contact on these matters with legislators at the State and Federal level. As a former member of the Wisconsin State Assembly, and as a Member of this body, I cannot understand the value of a prohibition of this type. I have found that the best way to obtain information on a given issue is to receive the views of an attorney who has a client with an interest in the matter. It is not a question of pressure, since under the committee bill the attorney is restricted to making necessary representations—pursuant to guidelines promulgated by the Corporation—in the course of providing legal assistance to an eligible client. It is simply a question of information and education.

Again, we must consider the professional obligations of a lawyer. The president of the American Bar Association has noted:

> Any limitation which would bar legislative activity on behalf of a client would violate the Code of Professional Responsibility.

William Klaus, chancellor of the Philadelphia Bar Association testified:

> Lawyers in almost every State, which has now adopted the Code of Professional Responsibility, are bound by it . . . (The Canons and Code) specifically state that representation before municipal, State, and National legislative bodies is part of the obligation of the lawyer if the due representations of his client will require it.

The committee bill strictly prohibits nonclient oriented lobbying, and provides for additional limitations to be established by the Corporation. To further restrict the ability of attorneys before Congress and State legislatures would be unwise. As the president of the Association of the Bar of the City of New York has stated:

> If lawyers for the poor are to be limited in the kinds of professional decisions they make, it will not be long before lawyers for the middle class are similarly limited . . . it is essential that Congress declare its unalterable commitment to the principle of professional independence for all members of the bar.

Mr. Chairman, the Committee on Education and Labor has recognized and responded to the desire of many Members and the administration for legislation that will prevent potential abuses in the legal aid program. The bill is designed to insure delivery of high quality legal services to those currently unable to afford such assistance. The safeguards and restrictions in the bill will guarantee that the program is professionally administered, accountable to the public, and strictly limited in the scope of permissible activities.

There is one other provision which deserves attention. Section 4(c) of the bill makes clear that members of the Board shall not, by reason of that position, be deemed officers or employees of the United States. Without section 4(c) the provisions of 18 U.S.C. 203, 205, and 207–09, which apply to officers and employees of the Federal Government, would presumably apply to such Board members and might be held to prohibit any such member, or his firm, from handling any legal matter involving the Federal Government.

Even the mere possibility of such an application would cause most practicing attorneys to decline an invitation to serve on the Board and would thus seriously impair the Corporation's ability to secure the services of qualified practicing attorneys on its board. Section 4(c) avoids this prospect by making clear that the cited provisions of title 18 do not apply to Board members. The public interest is still safeguarded against the kinds of abuse prohibited in those sections, however, by section 5(c) of the bill, which prohibits a Board member from participating in matters which directly benefit such member or his firm.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Chairman, I rise in support of the bill.

The law is a great institution and I think any of us who have had any connection with it ought to be proud of it. Once we get within the system of the law I think that system is as diligent and as fair in its treatment of the individual as any of our human institutions, as any the human mind has been able to devise. The great maxims of the law indicate this: "Justice delayed is justice denied." "For every wrong there is a remedy."

I think the law does a good job in trying to carry out these ideals, but the weak link in the system is getting access to the system. The law as an institution is not as readily available and as universally available to everyone as it should be. Too frequently, lower income Americans are denied access to our system of law. Today we have an opportunity to help remedy this injustice by passing the legislation before us. The legal services program has been regarded by many as one of the more successful efforts to reach the needs of America's poor. Despite its success, there has been some political problems, because of the location of the program within OEO. This bill represents a big step toward solving those problems.

The American Bar is changing a great deal in recent years. We are going into prepaid legal services, for example, and we are doing other things to try to make the law more readily accessible to everyone.

I know the reports of the unprofessional conduct on the part of some legal services attorneys. I only speak for North Carolina on this and I can say in North Carolina that has not taken place, that this program has been a success and it is strongly supported by our bar and by most of our people. I hope some examples of misconduct, and I hope they are only a few, will not obscure our goal of affording legal protection for all of our citizens.

I think this bill is a good compromise bill. There is no legislation I have run into yet that is perfect. I do not suppose this bill is, but in the words of the dean of the Duke Law School:

> H.R. 7824 is not a perfect bill but it is a reasonable compromise of competing views. It reflects the dominant theme that Legal Services should be out of politics and that lawyers representing poor people should behave in the same manner as any other lawyer representing a client.

Mr. Chairman, I strongly support this bill and urge its passage.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. PREYER. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank my distinguished friend for yielding.

I think the gentleman would agree with me, although he is supporting this measure, that this is not the only possible approach to any legal aid for the poor. There are a number of other methods which might be used which would give the man the money and let him choose a lawyer.

Mr. PREYER. There are other approaches.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, championing the rights of America's underprivileged is the exclusive province of neither conservatives not liberals. It is both morally right and constitutionally correct. This is why over the last 7 years, the neighborhood legal service program is evidence that we guarantee the right to legal representation to those Americans who cannot pay the costs of their day in court.

Today's legislation, H.R. 7824, the Legal Services Corporation Act, would assure the continuation of a strong, independent legal services program responsive to the needs of low-income Americans. I am impressed by the broad-based support for this program. This support comes from religious organizations, newspapers, members of the legal profession, and most importantly from low-income citizens.

I include in the Record a letter I received from Mr. Robert Stokes, of Pittsburgh, and an editorial from the Pittsburgh Post-Gazette describing Mr. Stokes' activities as president of the local neighborhood legal services. Mr. Stokes is a distinguished attorney, described by the Post-Gazette as a conservative. But there is no question where he stands in championing the rights of the indigent through continuation of community legal services. What follows is the text of Mr. Stokes' letter and the editorial:

Clarton, Pa., *February 26, 1973.*

As you will recall, I have for several years served on the Board of Directors of the Neighborhood Legal Services program of Allegheny County and for the past two years have been its president. I believe it is very important that all of our citizens be given the opportunity to have their rights recognized and that the Legal Services programs have effectively provided this opportunity to hundreds of thousands of poor people.

The Allegheny County Legal Services program of thirty full-time staff attorneys is not nearly large enoguh to meet the basic needs for legal services of the County's low-income residents. Yet it appears that the program is in grave danger of being forced to curtail, if not terminate, its operations because of cut backs in funding.

Approximately 60% of the program's funding comes from OEO. The President has proposed that this funding continue through a public legal services corporation which he will ask Congress to create. From our past conversations, I know that you strongly support the creation of a legal services corporation which will insure the independence of legal services attorneys from political influence and permit full representation of the interests of the poor. It is important that such legislation be enacted as soon as possible because uncertainties as to the future of the Legal Services program will result in the more experienced attorneys going elsewhere.

Our most immediate problem, however—and the reason for this letter—is to request your help in securing the modification of proposed regulations of HEW that will drastically affect the Legal Services programs of Pennsylvania, including our Allegheny County program. For the remaining 40% of our funding we are dependent on a 75% match provided by HEW Title IV Social Service funds. These funds are provided under HEW regulations which presently list legal services as an optional social service which the State may provide. The proposed regulations (approved 2/13/73 and contained at p. 4608, F.R. Vol. 38, No. 32, 2/16/73) no longer list legal services as an optional social service for which Title IV funds may be used.

It is essential to our Allegheny County legal services program (as well as most Legal Services programs in Pennsylvania) that this proposed regulation does not take effect. We are hopeful that the regulation will be amended to again list legal services as an optional social service which the State may provide to all persons on welfare, including AFDC recipients. Alternatively, we request that general language be added to the regulations which would permit the State to use social services funds for any type of social services provided in the past. And as a last resort we ask that the regulation contain a grandfather clause protecting those Legal Services programs which are now using Title IV funds.

I can see no reason to exclude legal services as an optional social service. Its exclusion will not result in the substantial savings of Federal funds because presently only four states (Pennsylvania, Maryland, Georgia and Montana) receive Title IV funds for legal services and the total contribution by HEW for legal services is less than five million dollars per year. Also since legal services is an optional service, these funds are used only in those States which favor the expansion of legal services programs. In keeping with the Administration's philosophy that the States should be given more opportunity to decide how Federal funds are to be spent, the proposed regulations should be modified to give the States the opportunity to use social services funds for legal services.

I will appreciate your help in this matter. Incidentially, I am enclosing a very favorable editorial which appeared in the February 21st issue of the Pittsburgh Post-Gazette in support of legal services.

Sincerely,

Robert F. Stokes.

The Assault on Legal Services

Among the prime casualties of President Nixon's plan to dismantle the Office of Economic Opportunity apparently would be the controversial Legal Services program. Poverty lawyers in 300 communities throughout the nation have distinguished themselves by their zeal and championing the rights of the indigent and pressing for essential law reform.

Opponents of the Legal Services program contend that litigation in behalf of minority groups which hampers the functions of elected officials is undemocratic in that it contravenes the will of the majority. Most galling to enemies of the federal legal services program has been its success in challenging rulings of federal, state and local agencies which deprive the uninformed poor of basic rights.

President Nixon has assured supporters of the Legal Services program that he will shortly offer legislation calling for creation of a public corporation designed to carry on the functions of the agency without political interference. Believers in the Legal Services program would be less apprehensive if the President had not appointed a sworn enemy of the Legal Services program to preside over the summary liquidation of the OEO.

Howard J. Phillips, acting director of the OEO, has expressed his distaste for the wide-ranging activities of the nation's 2,500 poverty lawyers: "I think Legal Service is rotten and it will be destroyed."

In Allegheny County, Robert F. Stokes, president of the local Neighborhood Legal Services, has revealed his determination to fight dissolution of the legal services program. Mr. Stokes, Republican candidate for County Commissioner in 1971, is especially disturbed at rumors that the government may forbid local legal services agencies to use donated money as the local match for federal funds. The conservative Mr. Stokes, who regards the program as a means of drawing the disadvantaged back into the mainstream, remains skeptical that it can be reconstituted as an effective force once the OEO has been dissolved.

Not only is the right of the poorest citizen to contest an unjust governmental or business action a democratic safeguard, but the opportunity for legal redress is an indispensable safety valve for social discontent. A democratic means for the orderly expression of protest must not be casually discarded.

Mr. Chairman, I have had the opportunity to discuss legal services with individuals and groups, not only in my district and around southwestern Pennsylvania, but all across the State as well. In May, I outlined the need for the continuation of legal services in an address to the Philadelphia Young Lawyers Association. I was most gratified to find their strong support for this program designed to guarantee all citizens equality before the law.

Unfortunately, however, the man responsible for the last 5 months for administering legal services does not share this strong commitment to the legal services program. I offer here a quote attributed to Mr. Howard Phillips, Acting Director of the Office of Economic Opportunity:

> Every country needs its Cato. Well, I'm going to be this country's Cato. Cato destroyed Carthage because it was rotten. I think legal services is rotten, and it will be destroyed.

Apparently, Mr. Phillips has misunderstood the marching orders of his Commander in Chief. When President Nixon announced his new domestic policy, he explained:

> We must stop squandering our resources on programs that have failed. . . . We must concentrate on programs that will work.

I support the President's policy and I support the national legal services program, because it has worked. It is a proven success by whatever yardstick we use to measure it.

At its inception 7 years ago, its goal was bold and ambitious. The program's primary objective has been and remains equal access to justice for all Americans.

Every lawyer knows that in the complicated judicial and administrative system of America not having a lawyer means the lack of the use, protection, or advantage of the law and, indeed, often the victimization by others' use of the law. The volume of cases involving poor people in administrative agencies and in the courts, such as welfare departments, landlord/tenant courts and family courts, is of immense proportions. Yet, it has often been noted that very few of these people have the aid of lawyers.

Legal aid, for many years, valiantly tried to correct this deficiency, but legal aid lawyers generally become involved only after an individual is sued and the case is already in the courthouse. In order to extend legal services to the poor and in order to prevent representation from occurring only after a person has been sued the idea evolved of locating law offices in neighborhoods to bring lawyers to the poor, rather than the poor having to seek legal assistance only after being sued.

The neighborhood law office has developed several functions over the past several years. The first is that of complete representation of a client. Just as a business or an individual will obtain a lawyer for a full range of his problems; that is, wills, taxes, estate planning, contracts, and so forth, so, too, should a low-income person have the advantage of obtaining a lawyer who would represent him in every facet of his legal problems. Those in poverty have, perhaps, an even greater need for total representation since their social, economic, and legal problems may be tightly interrelated. Providing a lawyer in the neighborhood for low-income people enables the cutting of the Gordian knot of legal entanglement and the solution of the entire range of the client's legal problems.

Another function of legal services is what could be termed "preventive law." A good lawyer's task is often to avoid going to court, rather than participating in litigation. But only if poor people come to lawyers at the beginning of their disputes with schools, social security, welfare department, landlords, and commercial establishments, and so forth, will a lawyer have the chance to settle the matter quickly, equitably, and without courtroom involvement.

Moreover, when a lawyer is in the neighborhood and is able to meet with concerned citizens, he can warn them of the pitfalls which may occur in purchasing products, in renting housing, or in dealing with administrative agencies. And, of course, when a person can readily turn to an attorney, he can seek advice as to whether to sign a particular legal document.

Another purpose of legal services is the recognition that poor people deal with many public institutions which from time-to-time may operate without regard for citizens' legal rights. Thus, school expulsions and disciplinary proceedings, welfare terminations and cutbacks, social agencies' refusal to accept applications, disputes with foster homes, problems with social security, medicare, medicaid, railroad retirement, unemployment insurance, veterans' benefits—all are areas where unrepresented people are too often at the mercy of administrative agencies. Sometimes these agencies, usually with no ill-intent, act capriciously in denying or reducing benefits, or in refusing to afford those with grievances anything approaching due process of law. In such cases the legal services attorney has been there to represent the poor, and in the vast majority of cases those attorneys have served their clients well.

And ultimately, the purpose of neighborhood legal services is to demonstrate to low-income citizens how to cope with our system of justice, and how to use that system to help extricate themselves from poverty.

As Federal programs go, legal service has been comparatively small, both in budget and personnel. But it has made the most of its limited resources. Through 850 storefront offices from Philadelphia to Micronesia, legal service attorneys represent some 1.2 million disadvantaged persons. On the average 95 percent of their caseload is devoted to the daily problems of individual clients in the area of employment, education, health, civil rights, family relations, and consumer protection. But besides attending to the daily needs of its clients, the Federal legal services program has won a number of important landmark cases with broad impact.

Quite predictably, the vigorous representation of indigent clients has interfered with the progress of the powerful. The reaction of the vested interests long accustomed to dealing with the poor on their own terms has been equally predictable. In America, where a federally financed program interferes with powerful people and powerful groups, the repercussions soon resound in the halls of Government. From the very beginning, reaction to the legal services program came swiftly in a series of political moves to restrict and redirect the program. The battle to maintain independence from political pressure has been continuous.

Critics typically combine an attack on the underlying philosophy of the program with vague accusations of misconduct, excessive professional zeal, and misplaced priorities on the part of legal service attorneys throughout the country.

Criticism centers in five principle areas:

First, critics claim that a disproportionate amount of resources are spent on what is loosely termed "law reform" or efforts to change the law on behalf of one social class—the poor.

Second, program attorneys have been characterized as "ideological vigilantees" who "exploit" clients to launch sweeping law reform actions, where the individual may be better served by a more limited solution to his problem within existing law.

Third, suits against Federal, State, and local agencies have angered many Government officials. It is unclear whether their objections are based on the notion that their activities are above the law, a belief that federally financed suits against State and local governments affront the principles of federalism, or an understandable distain for being on the losing end of lawsuits.

Fourth, objections have been directed at group representation and class action suits on behalf of large numbers of clients similarly affected by unlawful or discriminatory practices.

Fifth, critics contend that legal service attorneys have routinely engaged in activities beyond the program's congressional mandate, and the attorney-client relationship. They claim the program serves the voluntary poor, that resources have been squandered on "middle-class dropouts" in esoteric legal matters while "a destitute mother of five cannot get legal help with an eviction notice. They charge that attorneys regularly engage in partisan politics, protests, and peace demonstrations.

In most cases such charges are undocumented when made and remain unsubstantiated after further investigation. The isolated examples of impropriety that have been properly identified, reflect the individual poor judgment of a small number of the nearly 5,000 attorneys who have served in the program. They do not support a broad indictment of the national prorgam in general or any local project in particular.

An excellent illustration of the innuendo and rebuttal that has plagued legal services is the experience of the California rural legal assistance project—CRLA. The program's impressive record of legal victories against numerous State and local agencies on behalf of large poverty groups made it a likely target for political attack. The director of the California State poverty program, Lewis K. Uhler, issued a 283-page report, purportedly based on extensive investigation and several thousand pages of supporting documents, urging Washington to defund CRLA. Sounding themes echoed by legal service critics today, it accused CRLA attorneys of "a blatant indifference to the needs of the poor—and—a disposition to use their clients as ammunition in their efforts to wage ideological warfare." OEO's ultimate response was the appointment of a factfinding commission to investigate the charges, composed of three distinguished State Supreme Court justices: retired Chief Justice Robert Williamson of Maine, Justice Robert B. Lee of Colorado, and retired Chief Justice George R. Currie of Wisconsin.

The Commission held hearings throughout California. It heard the testimony of 165 witnesses, several more than once. It considered not only the specific accusations of the Uhler report, which numbered more than 120, but additional charges and complaints that were presented during the course of the hearing. The transcript of the proceedings is in excess of 5,000 pages.

While the California experience alone cannot refute the broad attacks on the national program, it does provide a useful basis for testing the credibility of current charges. First, the Uhler accusations against CRLA were similar, both in tone and content, to the charges now leveled at the entire national legal services program. Second, the charges against CRLA appeared—on their face, at least—to be the most serious and the most thoroughly researched and documented of any in the 7-year history of the program. Third, each of those charges—and, indeed, the entire CRLA program—was reviewed in fair, open, and comprehensive proceedings by an independent commission of jurists, whose impartiality and eminence gives particular credence to their findings.

The Commission's findings, set forth in a 400-page report bluntly disposed the charges against the program:

> It should be emphasized that the complaints contained in the Uhler Report and the evidence adduced thereon do not, either taken separately or as a whole, furnish any

> justification whatsoever for any finding of improper activities by CRLA. . . .
>
> From the testimony of the witnesses, the exhibits received in evidence and the Commission's evaluation of the documents submitted in support of the charges in the [Uhler report], the Commission finds that the charges were totally irresponsible and without foundation.[1]

The Commission concluded with the finding that—

> CRLA has been discharging its duty to provide legal assistance to the poor . . . in a highly competent, efficient, and exemplary manner. For that reason, it recommended that C.R.L.A. be "continued and refunded".[2]

To the specific charge that CRLA squandered its resources on "ideological ambulance chasing" the Commission concluded:

> The overwhelming bulk of C.R.L.A.'s work is handling the routine problems of the poor, known in the parlance of legal assistance attorneys as "service" cases.

The report said:

> In fiscal year 1968–69, CRLA handled 15,423 separate legal matters, a yearly average of 429 problems per attorney. . . .
>
> The substantial portion of these matters did not involve litigation. Indeed, in 1969–70, only 8% of the 9,705 cases closed by CRLA attorneys involved a court proceeding, and only 13% an administrative hearing. . . .
>
> As would be expected, the routine matters comprise a large percentage of the matters handled, 95–98% of the total number. Although no exact records are available as to the amount of time spent on the service cases, as opposed to impact cases, the director's estimate of 80% is reasonable.[3]

To the charge that CRLA was unresponsive to the demands of their clients, the investigation showed that rural farmworkers and others the program served supported its priorities. These groups consistently have urged that the lawyers give greater priority to cases in the areas of employment rights, education, civil rights, housing, welfare, and consumer problems, and less to traditional service cases, such as domestic relations and bankruptcy. As against a massive showing of clients' support for CRLA's innovative suits, there was hardly a word of criticism. It was those against whom the litigation was directed who most strongly questioned the litigation.[4]

Victory for legal services in California had its price. Much time, energy and Federal tax dollars was spent investigating unfounded and politically motivated charges. Pending accusations sapped the morale of the project. The energy and resources used in the program's defense were not available to serve the needs of the poor with customary vigor.

If the Federal coffers and the needs of the poor would permit, I believe a thorough factfinding investigation of each legal service project would exonerate the program nationally as the Williamson Commission has done in California, but this is not possible. Clearly, a better way must be found to protect the integrity of this valuable program, a way that will assure equality of representation for the poor. I believe this legislation, H.R. 7824, assures that the legal rights of low-income Americans will be the only concern of those attorneys serving in the legal services program.

I support the independence and integrity of a legal service corporation. I hope my colleagues will support them as well.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. McClory).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the committee bill.

I would like to attest to the successful legal aid services that have been provided under existing law in my congressional district. The lawyers of the Lake County and the Lake County Bar Association have indicated their strong support for the committee bill in the form in which it is presented here on the floor. I shall point out also that both the Illinois State Bar Association by a formal resolution, and the American Bar Association favor enactment of this bill (H.R. 7824). These organizations represent most of the lawyers whose views are of such significance on this issue. I intend to support their position—and to give my support to the principle of legal services for the poor. This is our best hope of moving forward toward the goal of equal justice under law.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. Huber).

Mr. HUBER. Mr. Chairman, we have been hearing today the position that if we do not support this bill, we are opposed to the poor. Nothing, I am sure, could be further from the truth, even in the minds of those of us who are opposed to this piece of legislation. Why not also be accused of being against motherhood and the flag?

However, I fear we have almost done away with motherhood and the flag. The Supreme Court took care of motherhood in abortion, and the flag has been abused so much in the last 10 years, it is hard to recognize it. We are told this bill is a compromise between the committee's bill and the administrations bill. However, this compromise is being put upon the basis of whether we want to be shot or hung. Some of us do not particularly want to be in either one of these positions, so I have to rise in opposition to this bill.

I do not see the adequate safeguards in this measure which are needed to insure legal services are not going to be asked to advocate political causes.

I would like to remind my colleagues from the great State of Michigan, particularly those in the metropolitan areas, that it was brought to our attention that the Harvard Center for Law Education has been the guiding brains behind the civil suit in Detroit which calls for busing in the city and across district lines. This center at Harvard was the recipient of a $500,000 grant from the legal services. Now, if the legal services are going to finance the legal services behind a busing campaign forcing the busing of children, why do we not talk about that as one of the necessary reasons for supporting legal services?

Where do the poor have anything to do with this? As a matter of fact, the poor are pretty much opposed to being bused. The latest survey I have seen shows 80 percent of the people are opposed to busing. I wonder if this 80 percent would like to see their tax dollars being channeled into putting their kids on buses for busing across district lines? We do not talk about that. We say that the only thing we know about these abuses is that they are 2,000 or 3,000 miles away. They are not. They are in our own backyards.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. HUBER. I do not have the time to yield now. I will yield if I have the time.

I would say that the citizens would rise up in wrath if they knew how their funds are being spent on some of these abuses. As a matter of fact, some of my colleagues on the other side of the aisle are sitting here today, because they reversed their positions on the busing issue. I am here, because I took a strong position against forced busing.

I think it is about time we looked at the total involvement here with the legal services. If it just dealt with helping the poor, I cannot see where there would be any opposition, but these abuses have crept in, which are really the problem.

We talk about Mr. Phillips, this great ogre. If he was such a great ogre, why was he not called before the committee and given a chance to tell his story?

I, as a freshman member of that committee, would have liked to hear him and see if he was lying before the committee.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. HUBER. Mr. Chairman, I only have 3 minutes.

Mr. HAWKINS. Mr. Chairman, I will yield the gentleman additional time.

I yield 1 additional minute to the gentleman from Michigan.

The point has been raised that Mr. Phillips was not called to testify before the subcommittee.

Mr. HUBER. I said the full committee.

Mr. HAWKINS. Mr. Phillips, I am confident, would have been most willing to have been heard by the full committee and had every opportunity. He was called and did testify before the subcommittee. He has a standing invitation to testify before the committee, and certainly had every opportunity in all the hearings in which we have heard testimony.

Mr. Chairman, I do not want the Members to be given the idea that we did not wish to hear all sides of the question. The subcommittee certainly made every deliberate effort to have Mr. Phillips come before the committee.

Mr. HUBER. Mr. Chairman, I would

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[1] Williamson Report at p. 82.

[2] *Id.* at 88.

[3] *Id.* at 47.

[4] *Id.* at 56.

not argue with that, or with the distinguished chairman of the subcommittee, but I would like to point out that I only sat on the full committee not on the subcommittee. I did not have the opportunity of hearing Mr. Phillips. I have heard him accused repeatedly today, and I would have liked to have heard from him these many cases of abuse.

Mr. HAWKINS. Would the gentleman yield further?

Mr. HUBER. Mr. Chairman, will the gentleman from California yield additional time to me?

Mr. HAWKINS. Mr. Chairman, I believe the gentleman still has part of a minute.

Mr. HUBER. I believe I would like to get on with my inspired discussion.

May I have my 1 minute which I yielded?

Mr. HAWKINS. Has the minute been consumed?

The CHAIRMAN. The gentleman from Michigan has consumed 4 minutes.

Mr. HAWKINS. I believe the gentleman has consumed the minute which I yielded to him.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman from Minnesota for yielding.

Certainly I want to commend my colleague for calling to the attention of the House the litigation that OEO financed, calling for busing in Detroit. I assure the gentleman that I have an amendment which will insure that this type of litigation will not be financed by the taxpayers in the future. I hope the gentleman will support my amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. ROUSSELOT. So that we can clear this up once and for all, I should like to ask the gentleman in the well to comment on the subject of hearings. My understanding is that Mr. Phillips was heard by the subcommittee, and there were general hearings on the subject of OEO and so forth, but this specific legislation, as I understand it, did not have full hearings this year. Is that correct?

Mr. QUIE. This specific legislation did not have hearings this year.

Mr. ROUSSELOT. Is that not really the complaint many people have levied about this whole situation, that even those who advocate it admit it is highly complicated legislation and yet specific hearings this year were not held on this bill which is before us today. Is that correct?

Mr. QUIE. That is correct.

Mr. ROUSSELOT. I thank the gentleman for clarifying that, because the implication has been that there have been vast hearings on the subject of this specific legislation. Though there were hearings on the general subject of OEO, on which there have been extensive hearings, there have not been extensive hearings on this specific legislation, and I believe we should understand that.

I thank the gentleman for yielding.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. DENNIS. In line with what has been said by our colleague from California, I should like to bring out the point I tried to make a moment ago, that one cannot equate this legislation or even the approach by way of the Legal Corporation with concern for legal services to the poor. There is revenue sharing. There is judicare. There is contracting of lawsuits. There are many proposals for providing funds and allowing the client to choose the attorney.

Had there been hearings on this legislation those avenues might have been explored and we might have some such alternative presented this afternoon.

Mr. QUIE. I would say to the gentleman that the Legal Services Corporation very definitely has a connection with our concern for the poor and giving legal services to them.

I do not know if revenue sharing or something like that would have come out of the hearings. I have had no one present a formal proposal to me on that at all, as the ranking minority member of the committee.

I feel that since the administration sent up a Legal Services Corporation proposal the committee tried to deal with the administration bill and not go on to something like revenue sharing. There was no member of the committee who suggested or recommended going to that approach.

It is my understanding from the committee that in the last Congress a Legal Services Corporation was up and there were extensive hearings at that time. We finally came up with a bill as a part of a package that was vetoed.

This year, as stated before, Howard Phillips was up before the committee and did testify. As the gentleman from California pointed out, that was prior to this legislation being sent up by the administration, and there were no hearings after the legislation was sent up, which was the point of the gentleman from California.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. I suggest that what we are doing is trying to split hairs here.

This bill per se was not heard in specific hearings, but I introduced legislation and the gentleman from Washington introduced legislation on which hearings were held. Frankly, those bills are not substantively that different from the bill now before us.

It seems to me that the House ought to be sure that when we get into that kind of controversy about hearings versus nonhearings the subject of legal services has been effectively and well heard before the Committee on Education and Labor. What is reflected in the committee report and in the bill, it seems to me, is the product not only of those hearings across the country, but also hearings the last year and the year before on this subject.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman from Minnesota (Mr. QUIE) yield?

Mr. QUIE. I yield to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, the gentleman from Wisconsin (Mr. STEIGER) was a Member of the subcommittee that during the last Congress held hearings not only on his legislation and the legislation introduced by the gentleman from Washington, by myself, and others, but also the administration bill which was the predecessor of this year's administration bill. As a matter of fact, in addition to the hearings that were held here in Washington, we held field hearings where we heard from 62 witnesses in 9 full days, and we have volumes of testimony in which we examined at great detail almost every specific provision that is now found in this bill.

While there may be some difference in specific words and phrases, there is no misunderstanding on the part of any member surely of the Committee on Education and Labor about what the issues are which are involved in each of the several sections of what is now referred to as the "administration bill," and what we have come on the floor with represents a lot of compromises between the majority and minority sides, with a great deal of discussion of matters on which we had hearings going back over several years.

Mr. QUIE. Mr. Chairman, I think we have examined this feature long enough. We have it laid out in front of us now. Let me get on with my statement.

Mr. Chairman, it is my feeling that there needs to be some modification to H.R. 7824. I placed in the RECORD on Tuesday certain amendments which I propose to offer, so that those appeared in the RECORD that we saw yesterday, on page 20344. I wanted the Members to be able to see them, and I gave a brief explanation of the amendments. Those amendments, I believe, will bring this bill into the shape that will make it more acceptable.

Now, the President has indicated his support for the Legal Services Corporation. He made a statement on this on May 11, 1973, in respect to this legislation. We are going to be able to take a look at it when each of the annual appropriations comes about in the future.

Mr. Chairman, there are limitations and safeguards put on this program, and there will undoubtedly be debate this year on the limitations and safeguards put in the legislation.

Last Congress, the Members were so concerned about the makeup of the board that we never really got into the more important aspects of the bill sufficiently, and I am glad that the makeup of the board is no longer controversial and that we can now really address ourselves to the limitations on legal services attorneys.

Mr. Chairman, it is my feeling that there is some similarity between the corporations and the organizations which we call "recipient" in the legislation to a private law firm, and just as a private law firm puts limitations on an attorney, we are justified in putting some limitations in the legislation.

Mr. Chairman, there is a difference of opinion on that. I believe that the committee tried to use its best judgment on it. I, myself, come down on a different side on the question, for instance, of Legal Services attorneys being involved in rioting and civil disturbances and other illegal activities in their off-duty time.

I do not think they ought to do that. I come down differently on the question of political activities than the committee approach did in the off-duty time of the Legal Services attorneys, and I do not think they ought to be involved in the types of political activities which I mention in my amendment.

Mr. Chairman, I think the same thing is true of lobbying, that we ought to circumscribe the extent to which Legal Services attorneys can lobby. That is different than what is in the committee bill.

I would like also to lay out more clearly how they can provide legal representation before an executive agency of the Federal and State governments, or before a local governmental entity. I might say there that the reason why I have used the words, "local government entity," is that you do not have as clear a demarcation line between entities in the local government as we do on the State and Federal level, where the legislature on both sides is a separate branch of Government. On the local governmental level, the legislative bodies tend to be both administrative and legislative. That is the reason why I wrote the amendment in that way.

Mr. Chairman, it was also my feeling that if we were sure that everybody used good judgment, we really would not even have to worry about any limitation in the bill.

But that has been our problem. I tried to work out language to put some control over the way the boards of the local recipients were selected.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, I found that it was pretty difficult to do. Therefore I will offer an amendment instead to have the local boards made up of two-thirds attorneys. That will give us the best chance of good judgment being made on the part of the board.

Mr. Chairman, I believe the American people want to see that the poor have the same opportunity for legal assistance as the nonpoor. However, I do not believe they want to finance some of the activities the legal services have been engaged in in the past. Therefore some other amendments will be offered here on the floor of the House.

As far as organizations lobbying before legislatures in behalf of the poor, we constantly have the AFL–CIO and the ADA lawyers and the civil rights associations and the NAACP and countless others who have the interests of minority groups at heart and who can hire lawyers to make representations before legislative bodies. To the extent that legal services attorneys are involved in that, they are not providing the kinds of services we really intend to help the poor with the problems they might have, let us say, of evictions or that kind of a problem.

Mr. DEVINE. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. DEVINE. The gentleman pointed out that lobbying was involved in this legislation. It is interesting to note I am advised there are some of these legal services attorneys lurking in the corridors of the Capitol now buttonholing Members about this legislation. Do you know whether they are here from as far as California to lobby Members on this legislation? And using public funds for the trip?

Mr. QUIE. No. I do not recognize them. As far as lobbying is concerned before the Congress or the State legislature, they would have to be requested by the legislative body or a committee or Member of Congress to come in and testify.

I yield to the gentleman from Michigan.

Mr. WILIAM D. FORD. I assume that Mr. Piller, the director of legal services, is up here. He was here on the hill very actively lobbying and he is presumably still on the payroll.

I agree with you there have been some abuses in the last 2 or 3 days. A good deal of the personnel used there has been to promote a lot of lobbying activities over here.

Mr. KEATING. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. KEATING. I want to ask a question of the gentleman from Minnesota in the well. Can a group such as the American Civil Liberties Union be compensated for legal work they do for the poor as a unit under this bill?

Mr. QUIE. No.

Mr. HAWKINS. Mr. Chairman, I yield to the gentleman from Massachusetts such time as he may use.

Mr. MOAKLEY. Mr. Chairman, one of my major concerns about the proposed termination of OEO has been the impending loss of its excellent legal services program. It would have meant that, that courageous experiment in social justice would be a thing of the past. And so would the storefront lawyers for the poor, who have represented the indigent in city slums, in old-age homes, and on Indian reservations.

Now I am hopeful that the present effort to establish an Independent Legal Services Corporation will insure the continuation of needed legal assistance to the disadvantaged of our country.

In this regard, the president of the Boston Legal Aid Society, Malcolm Perkins, has called to my attention certain remarks of my esteemed colleague from Florida (Mr. Bafalis). These pertain to H.R. 7824, the Legal Service Corporation Act and appeared in the Congressional Record of May 31 on page 17509.

Mr. Bafalis reported:

> In Boston, Mass., we find the same basic comparison with basically the same results. There the private Legal Aid Society had a budget only 20 percent as large as the Government service, a staff only 25% as large and yet it managed to handle 75 percent more cases. In Boston, many members of the local bar regrettably would agree with an attorney from the private Legal Aid Society who views the Government project as "a collection of highly paid, indolent attorneys who are getting rich easily at the taxpayers' expense, while all the needy must bring their problems to the hard-working, low-paid attorneys of the Legal Aid Society."

I have been asked to clear up any possible inaccuracies about the relationship between the Boston Legal Aid Society and the federally funded OEO Boston legal assistance project. Mr. Perkins writes as follows, and I quote:

> In fact the activities of the legal aid society and the legal assistance project in Boston are carried on under the same corporation and both work side-by-side to achieve the same ends.
>
> The legal assistance project operates under a separate special board which includes many directors of the Legal Aid Society. If the legal assistance project should cease or seriously curtail its activities, the Legal Aid Society would find it impossible to fill the gap. I have made inquiries and feel sure that no member of the Legal Aid Society staff made these untrue remarks about the legal assistance project.
>
> Second, it is stated that the Legal Aid Society with only 25 percent as large a staff as the legal assistance project handled 75 percent more cases.

And Mr. Perkins goes on to say that this fact is incorrect. He adds, and again I quote:

> Last year the Legal Aid Society handled about 8,000 new cases and the legal assistance project about 13,000 new cases. Besides that, the figures for case loads do not tell the whole story because the legal assistance project, having the facilities and resources to do so, generally handles a higher proportion of protracted cases involving appeals.

Mr. Chairman, this letter attests to the fact that the Public Legal Services Operation in Boston is fulfilling a vital function in providing legal counsel and advice to thousands in need of it.

Mr. Perkins asserts that if the public legal assistance project were to cease or curtail its activities, the private Legal Aid Society would find it impossible to fill the gap.

In addition to this strong endorsement for a Legal Services Corporation by the Boston Legal Aid Society, I received just a few hours ago the following telegram from the Boston Bar Association:

> The Boston Bar Association reiterates its support for a Legal Services Corporation which will provide funding to enable the Boston legal assistance project and other legal services programs in metropolitan Boston to provide full and adequate legal services to the poor on a fully professional basis including appropriate representation of the interests of clients in legislative matters, in accordance with the code of professional responsibility. John G. Brooks, president.

This is persuasive testimony, indeed, for the urgency and necessity of the passage of the present legislation.

Mr. HAWKINS. Mr. Chairman, I yield

such time as he may use to the gentleman from Missouri (Mr. Clay).

Mr. CLAY. Mr. Chairman, I rise to address you on the merits of H.R. 7824, a bill to establish an independent Legal Services Corporation, and to urge passage of the bill as reported out of the Subcommittee on Equal Opportunities and the Committee on Education and Labor. The committee deserves high commendation for the thoroughness and speed with which it considered and recommended this important piece of legislation which should insure the continuation of quality legal services for the poor. Under the committee's bill, it is clear that the program will be free from political influence.

Above all else, this legislation provides for a free legal services program to be administered by an independent corporation supported by congressional appropriations. The Corporation is designed to insure that legal services will be provided free from the political pressures of State, local and Federal agencies, and that the program will provide high quality legal services for the poor.

In connection with the key factor of program political independence, there are a few points that must be made. The bill permits the Corporation to make grants to State and local governments for the purpose of providing legal services to the poor. This discretion is meant to be exercised only in situations where an area does not have a competent and politically independent legal services program that can provide legal aid to the poor. It is intended that the Corporation will not shift resources from current grantees of the legal services program in any substantial way.

The bill recognizes the success and value of the existing legal services program and hopes to continue and further its goals in an even better way. When this bill is enacted, prior to the actual establishment and functioning of the independent Corporation, there will be a transition period when the Department of Health, Education, and Welfare will administer the program. During this transition period, it is expected that any administrative regulations affecting the program will conform to the intent of Congress under this bill and will not in any way operate the program in a manner that is inconsistent with the provisions of this bill and congressional intentions thereunder. To the extent a lame duck Office of Economic Opportunity administration promulgates regulations that seek to change the program and that do not conform to the intent of this bill, such regulations are not to be followed by HEW or the new Corporation.

There is a provision in this bill, section 7(b)(3), which requires somewhat further elaboration. This section provides that private law firms which expend 75 percent or more of their resources and time litigating issues in the broad interests of a majority of the public or in the collective interests of the poor are not to be funded. This is not meant to affect current recipients such as the "backup" centers which provide both research and litigation assistance in aid of the attorneys and clients of the legal services program. The provision is exclusively meant to cover lawyers and their firms which are private in nature—those firms which earn more than half their income through retainers and fees from clients. Unlike such private law firms, the backup centers are a vital part of the Government-funded legal services program and are to be continued in their present form and function.

Several provisions in this legislation relate to the way in which attorneys providing legal assistance to the poor engage in representation of their clients. It is my understanding, as an example, that there is to be no interference with the decision of an attorney and his or her client in taking an appeal.

Moreover, there are no prohibitions in this legislation on the representation of groups composed mainly of poor people. While a legal services attorney cannot organize a group, the attorney can fully represent a group of poor people or an organized group primarily comprised of poor. Such groups frequently help poor people to solve their own problems and, therefore, it is important that such groups have available to them the full range of legal services contemplated under this bill.

There is also no prohibition on advocacy before legislative and administrative bodies on behalf of a client or on the request of such bodies. In fact, it is expected that various legal services groups will engage in such advocacy and should be enabled to do so in a reasonable and economical fashion. Thus, the Corporation should permit legal services recipients to jointly have offices or employees in the locations where the legislatures and administrative agencies are located.

To the extent the legislation places sanctions against alleged unlawful actions of legal services programs or their attorneys, such sanctions shall not be imposed without strictly safeguarding the due process and other constitutional rights of such programs and attorneys. For example, the legislation permits recipients to provide counsel to clients engaged in boycotts, strikes, and other kinds of political activity as long as the attorney is not personally involved in the activity. Clearly, however, the attorney can provide legal representation to the group involved. If the attorney violates the prohibition against personal participation and disciplinary action results, prior to the termination of his employment such an attorney is entitled to a due process hearing.

In addition, if a violation by an individual attorney is found, this is not to be the basis for taking away funds from the recipient agency, his employer. Such action would serve only to harm numerous poor people requiring the legal services of the recipient.

Similarly, the bill provides for the existence of State advisory councils which are created for the sole purpose of filing complaints with the Corporation against recipients that violate the provisions of this bill. No action, however, is to be taken by the Corporation on such complaints until the recipient has had 30 days to respond to a complaint. Prior to any adverse action against a recipient, it is intended that a due process hearing be provided so that Corporation decisions are based on a proper exploration of the facts as presented by affected parties.

Overall, this legislation provides a new and independent home for a legal services program that has proven its importance to our system of justice. We must make sure that equal justice is available to everyone, regardless of their economic circumstances. It is essential that we continue this legal services program and passage of the legislation reported out of the committee will do this important job.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Bafalis).

Mr. BAFALIS. Mr. Chairman, in his remarks, my esteemed colleague and good friend the gentleman from Massachusetts (Mr. Moakley) stated that Mr. Jim Perkins, president of the Boston Legal Aid Society, has taken exception to my remarks during the special order on legal services.

Mr. Chairman, the basis for my remarks which have been questioned came from an evaluation report on the Boston legal assistance project prepared by Auerbach Associates from Philadelphia and filed with the Office of Economic Opportunity on October 17, 1970.

I might also point out that this report was rendered prior to the time the present Acting Director assumed his position.

For the further information of my colleagues, I am herewith inserting in the Record the full text of the section of this report from which my remarks of May 31 were taken:

Evaluation Report Boston Legal Assistance Project, OEO Office of Legal Services, Boston, Mass.

3.2.2. LEGAL CLIMATE

In Paragraph 3.3.7., we will discuss the effect the board has on the relationship between the Project and other legal agencies and organizations such as the Boston Legal Aid Society, the Boston Bar Association, and others. At this "official" level the relationships are quite cordial.

At the operating level, however, the relationship is somewhat different. The Boston Legal Aid Society provides civil representation to indigent applicants in 62 cities and towns in the Boston area. The Society has one office in downtown Boston with 11 attorneys, some of whom also have private practices. The Society is supported entirely by donations from private attorneys and other individuals, philanthropies, and the United Fund. The Society, although budgeted at approximately 20% of the Project's operating budget, is currently handling a growing caseload which is presently 75% as great as that of the Project and with 25% of the staff.

The Boston Bar Association Referral Service receives 10 to 15 referrals a week from the Society and no more than 100 a year from the Project. The explanation for these paradoxes is simple: the Project provides a much higher quality level of service to its clients than does the Society and uses the Bar Association Referral Service only as a last resort. However, the Bar Association and the

Legal Aid Society see the Project as a collection of highly paid, indolent attorneys who are getting rich easily at taxpayer expense while all the needy poor must bring their problems to the hardworking, low-paid attorneys at the Legal Aid Society. These feelings are known by the Project but the Project makes no attempt to explain its operations to the Society or the Bar Association at the operating level.

* * * * *

3.4 SUMMARY OF OPERATIONAL STATISTICS

The new cases handled by the Project in two representative three-month periods is as follows:

CHART I

Type of case accepted	April–June 1970		January–March 1970	
	Number	Percent	Number	Percent
Consumer/employment	443	16.2	324	14.9
Administrative	478	17.5	248	11.4
Housing	783	28.7	544	25.1
Domestic relations	745	27.3	797	36.7
Miscellaneous	276	10.3	256	11.9
Total	2,725	100.0	2,169	100.0

In the first quarter of 1969, the Project had approximately 20 attorneys in 11 small, ill-equipped offices. There was no attempt at caseload control. During the second quarter of 1970 (the latest quarter for which figures are available) the Project had approximately 40 attorneys in 7 neighborhood offices. The caseload control policy discussed previously in Section 3.1 had been in effect for almost one year.

The overall caseload increased by 25.6% while the overall staff increased by 100%. The types of cases showing the largest percentage increases are administrative (such as welfare, social security, workmen's compensation, etc.), housing and consumer problems. The percentage of domestic relation problems handled by the Project have been dramatically reduced.

The average staff attorney accepted 8.3 new cases per week in the first quarter of 1969. He accepted 5.2 cases per week during the second quarter of 1970. The Project is currently accepting new cases at an annual rate of 11,000 cases per year.

Mr. QUIE. Mr. Chairman, I yield such time as he may use to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I do not intend to support the pending bill.

Legal services to the poor have an obvious appeal. If the goal of "equal justice under law" is to have meaning, access to justice cannot be dependent upon one's means.

Adherence to a principle of equality, however, does not dictate support for this legislation. Far from attaining such a goal, the bill before us introduces new forms of discrimination which are no more acceptable than the old.

Today, a citizen confronted with a legal problem will hire an attorney if he is able to do so. The skill of privately selected attorneys of course varies as do the fees they charge. There is no perfect equality in legal services under such a system, but it is an inequality which inferes in any system of private practice of the law.

The poor are largely excluded from even this imperfect system. It can be shown that some cannot afford even modest fees and thus are denied access to the opportunity for justice.

If our goal is to put the poor on an equal footing with most others, parity would be achieved by providing an impoverished citizen with necessary funds to pay a reasonable fee to an attorney of his choice. That is what those of us who can afford fees are compelled to do.

But that is not the system which this bill envisions. It is contemplated that full time, fully funded lawyers shall be provided to the eligible poor. The enormous resources of the Corporation available to such firms is to give to its clients an advantage not possessed by the average citizen. Inequity will of course remain. The unequal classes will be the rich and the poor receiving the best legal service money can buy, on the one hand, and all of those in the middle receiving only what they can afford, on the other.

The principal vice is at the heart of this legislation, namely that legal services to the poor should be provided through "poverty" lawyers or firms. A far more preferable system of delivery is through the "judicare" approach which involves the selection of a private attorney by the client and the payment of a reasonable fee for his services.

Since the proposed legislation does not embrace the delivery system which I prefer, and since the proposal will continue many of the abuses so evident under the OEO funded programs, I oppose the bill.

Mr. HAWKINS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I rise in support of this bill. The bill has the support of all the bar associations in the city of New York and the Community Council of Greater New York.

I stand by the fundamental principle that all laws should be administered equally to all the people, and that the courts of our land should be open on an equal basis to all of our citizens.

Historically justice in America has been visualized as a set of balanced scales. Unfortunately, more often than not, those Americans with money have been able to tip the scales in their favor, and traditionally it has been the poorest Americans who have been shortweighted.

Acknowledging the realities of poverty and the inaccessibility of the poor to justice or law, the legal services program was created in 1965 under the Office of Economic Opportunity. Since the establishment of the legal services program, it has been possible for a large segment of our population to participate actively and constructively in the judicial process.

H.R. 7824, establishing an independent Legal Services Corporation, is an extension of these principles. Legal Services has made significant advances in opening the courthouse doors to all Americans, regardless of income. The task undertaken in 1965 must not be abandoned in midstream.

Community Action for Legal Services is New York City's legal services organization, with 22 local offices. CALS funds and supervises 10 delegate corporations that provide direct services: MFY Legal Services, Harlem Assertion for Rights, and Manhattan Legal Services in Manhattan, Queens Legal Services, Bronx Legal Services in Hunt's Point and Morrisania, Brooklyn Legal Services in South Brooklyn, Williamsburgh, Brownsville, East New York, and Bedford-Stuyvesant Legal Services in Brooklyn, and four offices of the Legal Aid Society in Staten Island, Far Rockaway, Bronx and part of the central office in Manhattan. In 1972 the CALS program represented clients in 47,313 separate lawsuits, primarily in landlord-tenant relations, family and divorce matters, consumer complaints, welfare and unemployment regulations, health care, education, day care and civil rights litigation. However, the need for legal services in New York City far exceeds its availability. Over 3 million New Yorkers are eligible for legal services by reason of their low incomes. Only a small percentage of those eligible have been accommodated. The program must be sustained and its capacity extended. The creation of an independent Legal Services Corporation is an affirmative step in that direction.

While I offer my support to H.R. 7824, I am not without criticism of portions of the bill. Certain restrictions on client services such as the prohibition against legislative advocacy and the severe restriction of administrative advocacy in sections 6 and 7 along with the restrictions on certain advice in section 7 interfere with the full range of traditional lawyer services, thus violating the code of professional responsibility, and seriously inhibiting the attorney-client relationship. Section 7(b)(6) prohibits Legal Services assistance to any person under 18 years of age without written consent of the parents, guardian, or the court. This provision could cause great hardship to young people, many of whom are self-sufficient or whose interest may not be consistent wth those of their parents. The restrictions on assistance to groups would proscribe Legal Services lawyers from incorporating day care centers, food cooperatives, small businesses or other economic self-help enterprises so vital to the advancement of the community.

Sections 6 and 7 also prohibit Legal Services attorneys from performing pro bono services on their own time. These sections also seriously infringe on the attorneys' first amendment rights by declaring that they may not participate in activities such as picketing, boycotts, and strikes. Under this provision it is possible that an attorney could not advise his or her clients of their rights in rent strike actions which are presently among the most effective legal remedies for upgrading poverty and slum housing. The constitutionality of these provisions is questionable especially in light of Judge Gesell's opinion in last year's District of Columbia District Court case declaring the Hatch Act violative of the Constitution.

It is the intent of this act to create a truly national corporation. While there is provision for State and local funding, it is expected that that option will be exercised only when, for whatever reason, no competent and politically independent local program exists to be funded through the national corporation.

In keeping with its nationwide scope, the act also is designed to continue the broader impact activities of the existing legal services program, though certain proscriptions have been built in to assure that those activities are directly to the benefit of indigent clients. Thus, recipient programs may and should continue to represent groups predominantly consisting of poor people. Such representation may and should involve advancing the interest of clients and their groups by advocating or opposing proposed legislation and administrative regulations. Recipients may pool their resources and maintain an office and personnel at the places where the legislatures and agencies work. The issue oriented national backup centers are to be continued and to be funded from the 10 percent funds set aside for nonstaff attorney oriented activities. On the other hand, the act is intended to assure that the group representation and advocacy activities of recipient programs are conducted in the interests of the client population and to prohibit program attorneys from using their positions to advance their own ideological beliefs.

With respect to the professional conduct of program attorneys, the bill essentially codifies the ethical requirements of the code of professional responsibility. The bill requires that attorneys should not be paid for legal activities that they are not authorized to perform but, of course, the bill does not prevent recipient-grantees from hiring law students, recent law graduates, and attorneys licensed in other jurisdictions, even where such recent law graduates and lawyers are not licensed to practice in the jurisdiction where the recipient is located.

The act prohibits full-time program attorneys from engaging in outside compensated law practice, but the bill does not undertake to otherwise circumscribe the private nonwork time activities of attorneys. Such attorneys, during their off-hours, may engage in political activities and may get involved in uncompensated legal work.

In conclusion, I believe that the bill, particularly as explained in the report of the committee, is a sound one. It recognizes and seeks to continue the past contributions of the legal services program; it provides a more rational vehicle for the continuing delivery of those services; it contains provisions which assure the integrity and proper focus of the attorneys in the program; and it builds on the start which has already been made in keeping the American promise of equal access to our judicial system.

The Legal Services Corporation Act merits your support.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the committee bill as it has been reported to the floor of the House.

Mr. Chairman, I would like to commend the gentleman from California (Mr. Hawkins) who has over the many years since the beginning of this program exercised the oversight authority of our committee very diligently, and who probably knows as much about how the program has actually been implemented and has worked across the country as any other Member of the Congress. I doubt that any Member of the Congress has been as diligent in this field as the gentleman from California has been over these years.

The gentleman knows of the many successes of the program, and knows some of the things that have had to be corrected over the years.

Also at the time, Mr. Chairman, I would like to compliment the members of the committee on both sides of the aisle, and to especially commend the minority members of the Subcommittee on Education and Labor who have worked earnestly with the members of the majority side of that committee in attempting to work out this matter and in their efforts to go along with this specific legislation, and to work out a piece of legislation that meets the several objections originally stated, some of them emanating, as I understand, from the White House, in a way that would achieve the goal that we are all after. That, after all, is to provide legal services for the poor people in this country consistent with our system of justice, and within the framework and the guidelines of the rule of law as it exists through State and Federal statutes, and the court rules in our country.

Mr. Chairman, it is our earnest hope that while there are many restraints in this bill on the activities of the Legal Services Corporation and upon its employees, that we have not in the bill and we will not during the amending procedure on this bill do anything to interfere with the professional standing of the lawyers who will be employed in this program in the future.

We have spent a great deal of time with some of the outstanding experts in the field of legal ethics in the country in examining specific proposals, some of which we will expect to hear more about later today, but which were rejected. They were rejected not because there were not meritorious conditions explained in justification of them, or some isolated instance that might seem to dictate that they should be adopted, but because to do so would very clearly threaten the professional integrity of the lawyers involved in the program, and would, in fact, subject a lawyer to disbarment or disciplinary action for even accepting employment under a program where, in accepting the employment, he in advance accepted conditions which were in violation of the code of ethics, and the code of conduct for attorneys.

Mr. Chairman, this has been a bipartisan effort all the way along the line to protect the integrity of the professionals who will be involved in this program, and their activities for the benefit of the poor people, and also, at the same time, to remember at all stages that the essential relationship that is to be paramount in our consideration at all times, and that of the activities of the Corporation, is the relationship between the lawyers funded by this program and the client whose interest he serves in the courts or other forums where representation by a lawyer is appropriate.

Mr. Chairman, the bill before us today is a great step toward providing equal justice under law for all people in America. Equal justice for all is a principle often voiced, but the sad fact is that all persons do not stand equally before the law unless they have the kind of representation that will allow them to be heard. No layman, rich or poor, can adequately protect his rights in civil proceedings without competent counsel. By that measure, those who cannot afford a private attorney today are without rights because their legal needs are not being met. The OEO legal services program was an important first step in giving the less wealthy their legal rights. The bill before us today will make the dream of high quality representation for our poor a reality.

This bill assures the independence of legal services staff attorneys as they serve their clients' legal needs. It contemplates that these attorneys will act as advocates in all legal forums. Thus, in addition to litigation, we on the committee anticipate that lawyers will represent their clients before administrative agencies and legislative bodies. The corporation is expected to promulgate regulations that will guarantee that no one will interfere with attorneys' obligations to vigorously pursue the rights of clients in legislative, administrative, and judicial forums. In order to conserve meager resources, it is our hope that recipients will make arrangements to pool resources to maintain an office and staff personnel at the places the legislatures and agencies work.

Like other individuals, the indigent may find it necessary to join in cooperatives or other organizations to protect and to exercise their rights. Here, too, the bill anticipates that the staff attorneys will represent their clients and the organizations they form. Under this bill, it is contemplated that organizations made up mainly of poor people will be able to receive full legal assistance, including litigation aid, by staff attorneys.

Legal services units shall not, of course, function as political parties, or aid political parties. Nor should they engage in political organizing, though the staff attorneys are, of course, free to do so in their off-duty hours. And because the line between political and legal work may be viewed differently by different people, the bill provides for a hearing to guarantee due process protection to any attorney or staff member who is terminated for alleged political activity.

Under this bill, legal services will be administered by the Corporation which can make grants to, and contracts with, individuals, partnerships, firms, corporations, State and local governments, and other appropriate entities. It is important to note, however, that we expect that a State or local government will be the recipient only in cases where no other competent and politically independent legal services program can be found.

The committee bill also provides for the continued existence and support of the present back-up centers. It is intended that they will continue the important work in research and litigation they do now. The legislation carefully distinguishes the back-up centers from private law firms which receive a majority of their revenues from the retainers or fees of private clients.

In order to insure comprehensive, effective services, the committee bill also requires that a minimum of 10 percent of the Corporation funds be spent on non-staff attorney oriented programs, such as training, clearinghouse operations and experimental ideas, as well as the back-up centers.

The Corporation is also required to conduct a study, to be completed in 1974, to examine alternative vehicles for legal services. It is not anticipated that any shift in the method of providing services will be implemented until the results of this study are evaluated and it is clearly determined that such alternative legal delivery systems are more effective and efficient.

The enactment of this legislation will bring greater efficiency and quality to our legal services program. On the date of enactment, the Secretary of HEW will begin to transfer the legal services program from OEO to the HEW Department. It is expected that from that date, the directives of this bill will guide the provision of legal services, not any other provisions that were previously in effect.

I hope that the committee's bill will receive the wholehearted approval of the House. The provision of legal services to the poor is a most important undertaking, and it is crucial that we continue those efforts as effectively as possible. I am glad to say that this bill is one that we can all take great pride in and I urge its passage.

Mr. QUIE. Mr. Chairman, I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the Legal Services program seems to me an excellent means through which we can make good progress toward reaching one of the principal aspects of the American dream—that of equal justice under the law for all citizens. More and more this is becoming a world of laws and lawyers. As much as some of us would object to the thought, it is hard to escape the fact that lawyers are a necessary fact of life, especially so for those who lack the economic and educational resources enjoyed by a majority of our citizens.

The Legal Services Corporation bill has come under widespread attack. Some of the fears surrounding it seem exaggerated, but some are justified. I have some specific fears concerning lobbying efforts and other quasi-political activities which might be carried out by over-enthusiastic barristers working through the Legal Services Corporation. Nevertheless, I am persuaded that to limit the Legal Services program in the manner suggested by my distinguished colleague from Minnesota (Mr. QUIE), whose leadership I normally follow in these circumstances, would be unwise.

Despite my own fears, I feel that the lawyers must be free to follow their own code of professional conduct. If limits are needed to prevent abuses, I believe the Legal Services Board can prevent them by establishment of guidelines or rules. Although it grieves me to vote against my colleague's amendment, especially when I have some of the same fears he does on this matter, I feel it is more important that Legal Services not be restricted.

Mr. Chairman, one of the first bills I introduced when I came to Congress was a Legal Services Corporation bill. Each year thereafter I have reintroduced a similar bill in one style or another. It is my hope that the bill which the committee has brought forth today will be approved without major changes. It is a compromise of sorts, perhaps the first choice of very few of us, but hopefully tolerable to a majority of us.

For me it is most important that we establish a Legal Services Corporation as soon as possible. With a nervous eye on the uncertain future of OEO, which has funded most Legal Service programs in the past, I strongly urge adoption of the committee bill.

Mr. QUIE. Mr. Chairman, I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, the Legal Services Corporation Act which we are being asked to pass this week represents a case of deceptive packaging if ever there was one. To begin with, the major purpose of the bill is supposed to be to create an "independent" Legal Services Corporation. The committee report makes it clear that those who have been involved in the program under OEO consider that they have been unduly hampered in their work by what they call "political interference."

The failure of the original version of the committee bill to provide for gubernatorial veto over programs conducted within a given State effectively insulated legal services programs from effective scrutiny by elected public officials. Without any hearings whatsoever the bill was rushed into the markup stage. The committee was fully aware that the President had pledged to support a corporation act which contained adequate safeguards against the widespread abuses which had characterized the first 8 years of the program. Members of the committee also knew that any effort to significantly weaken the safeguards which the administration bill contained—safeguards which were not fully adequate in my judgment, but which were substantial—would virtually insure an Administration veto. Nevertheless, the committee proceeded to remove practically every meaningful safeguard and to fashion a corporation which would be accountable to no one but itself.

Perhaps the most significant action of the committee was the deletion of a provision which would have permitted "(a)ny interested person (to) bring an action in a Federal district court to enforce compliance with the prohibitions of or under this Act by the corporation or any recipient or any officer or employee of the corporation or of any recipient." Successful plaintiffs would have been reimbursed by the corporation for their costs and legal fees.

The dropping of the "citizen suit" provision is remarkably insensitive to the realities of the times. Virtually every institution in our society is being examined and challenged for its responsiveness and accountability to the concerns of the public. Why should legal services alone be exempt from public scrutiny? Nearly every landlord, businessman, and public official in every community is subject to suit by legal services attorneys. Yet those same attorneys may not be held responsible for their actions by anyone but the corporation, which will have a vested interest in making the program look good. Legal services proponents have cried that citizen suits would harass them and interfere with their work. Do they think that a public official does not feel harassed when he is sued by legal services attorneys? Can it be that legal services attorneys can dish out legal action but are not prepared to take it?

The bill as reported by the committee includes a number of provisions which give the appearance of being addressed to some of the notorious abuses of the present program but which are actually calculated to perpetuate some of the worst of these abuses and, in some instances, to pave the way for new and more imaginative outrages to be committed. The general pattern in the examples which follow is to set forth language which appears to be prohibitory but then to provide for a qualifying phrase or exception which renders the apparent prohibition ineffective or "inoperative."

Most of the provisions to which I refer are contained in the sections of the bill labeled "powers, duties, and limitations"—section 6—"grants and contracts"—section 7. For example, section 6(b)(4) says—

> No attorney shall receive any compensation . . . under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

The word "authorized" was changed from the original word, which was "admitted," and this change of one word permits legal services attorneys to stir up trouble in one State until the local authorities become alarmed and then to move on to some other State, much like a traveling medicine show, without having to subject themselves to the disciplinary control of the State bar association along the way. Staff attorneys of legal services back-up centers would similarly be permitted to move in and out of States at will and without meaningful ethical supervision.

Section 6(b)(5) appears to prohibit employees of the corporation from participating, or encouraging others to participate in, "rioting, civil disturbance, picketing, boycott, or strike;" or other enjoined or illegal activity. However, it applies only to employees who derive most of their professional income from the program. Thus, legal services programs are practically invited to set their "part-time" employees to work on the prohibited tasks, while full-time employees can work on other activities which appear to be restricted but which will be permitted to flourish as a result of "loopholes" in the committee bill.

I refer to the apparent prohibition in section 7(a)(5) of "any political activity," transportation of voters to the polls or other election assistance other than direct legal representation, and voter registration activity. The catch is that the prohibition applies only when employees "engaged in legal assistance activities." In other words, legal services attorneys are free to do as they please "on their own time." It sounds reasonable until you consider that a professional person is never really "on his own time," that he generally has considerable control over his vacation and leave time, and that it is the support provided by his Federal salary which enables him to spend his "free time" engaging in political activities rather than working.

Although this list of illusory prohibitions is by no means intended to be exhaustive, one additional provision is worthy of special mention. Section 7(b)(5) appears to prohibit legal services funds from being used "to organize, to assist to organize, or to encourage to organize, or plan for—any organization, association, coalition—or any similar entity." This would appear to prohibit the current widespread practice of using legal services resources to organize chapters of such groups as the National Tenants Organization, NTO, and National Welfare Rights Organization, NWRO, and to act as de facto "house counsel" for these groups, as well as for upstart labor unions and militant ad hoc community groups. This activity has been undertaken despite the fact that it is clearly unethical for an attorney, in effect, "to organize his own client." Moreover, such organizations generally have ample resources at their disposal without taking funds intended to provide legal services for the poor.

Once again the exception consumes the rules, for the prohibition does not apply in the case of "the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation." It is impossible at this time to predict with certainty what the scope of the exception may finally be, but there is little reason to think it may not be total, especially in view of the absence of any effective check on the power of the corporation.

To summarize, this bill would create a legal services corporation which would be "independent" only of the people who are paying to support it and of their elected public officials. Nearly all of the provisions which appear to prevent the well-known abuses of the present program have either been made completely useless or have been left to be enforced by the unaccountable corporation. As a result, the new corporation will be far from "independent" in fact, since it will be exposed to undue influence, if not actual operational control, by a myriad of pressure groups and by the organizations of OEO and legal services employees which have been singularly active in promoting this legislation.

The Legal Services Corporation is doomed to failure because the central concept upon which it is based is fatally defective. It is inherently impossible to create corporations which can be "independent of political influence" when the very subject matter of their activity, which in this case is the promotion of social change, is totally political by its very nature. This attempt to institutionalize "social change" by creating a federally-sponsored corporation to manage it can never "take the politics out of politics," and it is not really designed to do so. Rather I believe it is the purpose and practical effect of this proposal to conscript the dollars of taxpaying citizens and to use those dollars to effect a redistribution of wealth and political power in this country in favor of the legal services attorney and the militant pressure groups which have already grown rich and powerful as a result of this program.

The entire concept strikes at the heart of our American democracy, and I cannot in good conscience support any aspect of it.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Chairman, as the Members of this House are well aware, the Committee on Education and Labor has twice during the past 2 years reported out bills establishing an independent legal services corporation. Both times this House has adopted such bills, only to find them either vetoed or abandoned in conference under threat of veto.

H.R. 7824, as reported out by the committee and now before you, is an attempt to establish an independent, responsible, professional legal services program which should be acceptable to all Members of Congress and which is based upon the administration's legal services bill. The Subcommittee on Equal Opportunities and the full committee has spent many days working together to agree upon language that would be acceptable to all. I would like to make the following points at this time in amplification of our committee's report.

First, the bill establishes a Board of Directors consisting of 11 persons appointed by the President with the advice and consent of the Senate. This is the Board structure proposed by the President. I am certain that in making his appointments the President will consult representatives of the organized bar, of legal services attorneys, and of the client groups to be served by the Corporation. I further assume that the President will adhere to his stated goal of insulating the Corporation from politics and will, therefore, not appoint persons likely to inject a particular political viewpoint or their own political ambitions into the policymaking function of the Corporation.

Second, the bill assumes that the structure of the current program will continue, at least at the outset of the Corporation's activities. Thus, it is contemplated that during the interim period prior to the Corporation's assumption of responsibilities, HEW will continue to fund existing programs at current levels and not attempt any major change in direction. In this regard, I would assume that the regulations proposed during the last several weeks by Mr. Phillips—if not rendered a nullity by the ruling by the District Court of the District of Columbia in the case brought by four Senators—would be disregarded by HEW as an improper attempt to change the nature of the program during this caretaker period. The provisions in this bill shall be followed upon enactment, not the provisions in the OEO Acting Director's hastily prepared regulations.

Furthermore, the committee expects the Corporation to continue the program in basically its current form until it has had an opportunity to meet the requirement that it report to the Congress on the efficacy of the various alternative means of delivering legal services. The bill now requires that report to be submitted in June 1974. It is anticipated that certain alternative means will be tested during this period, but that expenditures in this regard will be limited to testing purposes and, again, not to a major change in the structure of the program.

Thus, the requirement that no less than 10 percent of the Corporation's funds go for nonstaff attorney oriented activities is not a mandate that 10 percent of these funds go for new types of programs, but merely a mandate that no more than 90 percent of the Corporation's funds be expended on staff attorney oriented local legal services programs. It is anticipated that the 10 percent allocation will be devoted to the operations of the Corporation itself, the maintenance of back-up centers and similar national resource activities, as well as the experiments required for the report to the Congress. The maintenance of high quality legal services to the poor is too important to be disrupted by sudden changes in program emphasis. Consequently, it is crucial that no substantial shift in legal services delivery methods to the poor be implemented unless there is clear and convincing proof that such alternative methods are more effective than those under the present Legal Services program.

The provision that funds may be provided to units of State or local government was included after much debate. This provision was included so that the Corporation could have maximum flexibility necessary to assure quality legal services for people throughout the country.

It is possible that there may at some time be a situation in which it would only be possible to deliver legal services by funding a unit of government. Such a situation has not occurred to date and it is the committee's contemplation that funding of State or local governments for the provision of legal services would be a last resort, utilized only where no other politically independent and competent group was available for funding.

On the other hand, the bill provides for the establishment of State advisory councils appointed by Governors of each State to provide the Board of Directors with information concerning possible violations of the act by local recipients. I trust that the Governors of each State will take great care in selecting persons for the advisory committee who will act in a responsible manner, who will be committed to the preservation of the independence of the legal services program from political pressures, and who will be representative of the organized bar and of the client groups which recipients are funded to serve. Prior to any Corporation action on any complaint registered by such advisory councils, the recipient involved will be provided with 30 days' notice of the text of the advisory council's complaint. If punitive action is taken by the Corporation, it is expected that a due process hearing would be provided to the affected recipient or employee so that the issues involved are properly considered. In order to conserve resources for substantive legal work, the advisory councils will only be provided with reasonable travel fees for council members' attendance at council meetings.

Also, with respect to the structure of the program, a prohibition on funding of private law firms that devote more than 75 percent of their resources to litigating in the broad public interest or on behalf of the poor as a class has been added. This provision would not deny funding to any current recipient and is therefore designed to assure that the program continues in essentially the form that it has to date. Private law firms are those firms which receive over half of their money from fees and retainers of private clients.

Turning from the structure of the program itself to the question of the services to be rendered, I would stress as a keynote the determination by our committee, year after year, that the poor not be afforded second class justice. This can only by accomplished by providing them with lawyers who are able to provide zealous representation to the fullest extent permitted by the Code of Professional Responsibility, the rules of the various bar associations, and the rules of the courts in each State. The bill now before you attempts to respond to the concerns of many that legal services lawyers may be tempted to represent their own views rather than the views of their clients, while at the same time the bill assures that attorneys will not be fettered in the exercise of their representation. Thus, when attorneys deem it appropriate, they may approach legislatures and administrative agencies as well as the courts with the legal problems presented by their clients and suggest the means of redress. These clients may either be individuals or groups composed primarily of poor persons. Although attorneys may not act as organizers or be involved in political activities, they may advise individuals and groups of their legal rights and, as I stressed before, provide legal representation to the same extent permitted lawyers for paying clients. Thus, the committee, while directing the Corporation to establish guidelines with respect to representation, insists that such guidelines be consistent with the Canons of Ethics and the Code of Professional Responsibility, thereby assuring unhampered and effective representation of the poor in all legal, legislative and administrative forums.

The bill prohibits the persistent incitement of litigation. While this has not proved to be a major problem in the present program, there are some persons concerned with the program who believe it possible that lawyers will attempt to stir up frivolous litigation in order to serve their own ends. The persistent incitement of litigation provision will curb the expenditure of funds that are used improperly. That provision, however, merely enforces the rulings pursuant to the Canons of Ethics interpreting antipoverty attorneys obligations and rights with regard to solicitation of clients. In no way is that provision intended to prevent attorneys from informing potential clients of their legal rights or of the possibility to bring litigation to remedy poor people's problems. Poor people should be actively and fully advised of the possibilities of legal action to improve their living conditions.

One way to maintain the professionalism of the program is to provide continuing legal education for the attorneys, as well as appropriate training for paraprofessionals, other staff persons employed by recipients, and clients. While training must avoid any attempts at political indoctrination, we have learned over the history of the legal services program that many of the matters on which lawyers represent poor clients are very explosive politically, and it is essential that lawyers be well-trained in those areas so as to provide professional counsel. Exploration of public policies affecting the poor and how they affect poor people's legal rights, therefore, are likely to be explored at training sessions.

It is also most important for full and proper representation of clients that legal services attorneys continue to have available to them the specialized litigation and research resources of the national back-up centers, the clearinghouse facilities of the type now funded through Northwestern University, and related technical assistance facilities. Members of the private bar are able to turn to the voluminous work by the various publishing houses in the legal field to learn of developments in various areas and strategies for the protection of their clients. There are no similar facilities in the field of law affecting legal services clients; that gap has been filled by existing progrmas whose need has been confirmed by current legal services lawyers and OEO evaluations.

In sum, this bill represents substantial consensus among people with varying views as to what is the most desirable legal services program that this Congress could enact at this time. We have debated far too long about the Legal Services Corporation. I urge your vote for this bill to assure the continued operation of one of the most successful and significant social programs in this country.

Mr. DRINAN. Mr. Chairman, the bill H.R. 7824 providing for the establishment of the National Legal Services Corporation is said to strike the necessary balance between the need for public accountability for the expenditure of public funds and the great needs of our disadvantaged citizens for effective and aggressive legal representation.

While H.R. 7824 may be the best legal services legislation that can pass the House at this time, I am deeply concerned about the provisions in this bill which will not allow poverty lawyers to offer poor people the same range of professional services offered affluent citizens by private attorneys.

The bill as proposed restricts Legal Services lawyers from participating in activities which have been at the very heart of effective advocacy in the poverty program since the beginnings of the civil rights movement. Participating attorneys, under the present bill, would be prohibited from engaging in "any political activity," including activity in voter registration. They could be barred from participating in, or encouraging others to participate in, "rioting, civil disturbance, picketing, boycott, or strike." These are areas in which constitutional freedoms are so important and in such delicate balance, that legislation as broad-sweeping as this must inevitably have a chilling effect. The section which thus restricts employee activities—section 6(b)(5)—prohibits a Legal Services attorney from engaging in such activity while engaged in Legal Services activities. A lawyer's life is a busy one, and it is difficult to tell when he or she is acting "while engaged in—Legal Services—activities." While it would be blatantly unconstitutional to prohibit Legal Services attorneys from engaging in political activity on their own time, the several questions raised by the broad prohibitive language of section 6(b)(5) are so fraught with first amendment difficulties as to make me extremely doubtful of the advisability and constitutionality of this part of this legislation. The recent determination of the unconstitutionality of the Hatch Act adds to my doubt concerning the wisdom of restricting the political activity of Legal Services lawyers.

The greatest strength of the legal services program has been its ability to test the viability of existing laws by bringing test cases, representing "unpopular" groups, and in general serving the poverty community with the same zeal and resourcefulness with which large corporations are regularly serviced. The great strength of this program has been its ability to litigate directly in the face of State and local governments and to champion the rights of those who have been denied access to the legal system for far too long. Since its establishment in 1965, the neighborhood legal services program has provided advice and counsel to more than a million poor persons each year. It has been an important part of helping to bring equal justice to those who can ill afford to pay for legal help.

UNWISE RESTRICTIONS ON LEGAL SERVICES ATTORNEYS

The language of section 6(b)(5) states:

> The corporation shall insure that its employees . . . shall . . . refrain from participation, and refrain from encouragement of others to participate in . . . (A) rioting, civil disturbance, picketing, boycott, or strike. . . .

Picketing is an exercise of free speech, protected by the first amendment. What constitutes "encouragement"? More importantly, how can this legislation prohibit anyone from lawful picketing, when that is a right clearly protected by the Constitution and clearly articulated in decisional law? To the extent that this legislation makes it mandatory that the corporation "insure" that employees do not engage in "illegal activities," we are including surplusage in this legislation. There is adequate statutory and common law on the State and Federal levels, as well as the sanction of disbarment itself from State bars, for those whose conduct is illegal in connection with "riots" and "civil disturbance" and "boycott" and "strike" and "any form of activity—in violation of an injunction of any court" and "any illegal activities."

Were these conditions enforceable, they would be immeditely violative of the established doctrine of "unconstitutional conditions." That doctrine clearly states that employment may not be conditioned on any unconstitutional requirement. A job may not be conditioned upon one's religious beliefs or the length of his or her hair or the cut of his or her clothing.

The restriction against lobbying is equally inadvisable and violative of established constitutional principles. Section 6(c)(2) provides that—

> The corporation shall not undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any state or local legislative bodies.

What does "influence" consist in? Is a lawyer unable to advise his client that the law is against him and his only course of action is to initiate and support legislation? Is a lawyer prohibited from advising someone who is to appear before a legislative body? For example, if a State legislature is considering rent control legislation, strengthening existing legislation, is it improper to bring a suit under the existing law one of whose purposes, in addition to obtaining relief for a client, is to demonstrate certain inadequacies in the present law which the proposed legislation would remedy? Contrariwise, if an existing law is under attack and the question of its repeal is before the legislature, would a Legal Services lawyer be subject to dismissal from the corporation for not bringing suit because that would strengthen repeal forces, or for bringing suit because that would weaken repeal forces?

The Supreme Court has, in the past, granted protection to lobbyists (see *United States* v. *Rumley,* 345 U.S. 41 (1953) and *United States* v. *Harris,* 347 U.S. 612 (1954)). Further, by prohibiting lobbying, this corporation will itself prevent poverty lawyers from exercising their right, as members of the bar, to criticize the law (See *In Re Sawyer,* 360 U.S. 622, 631 (1959); *Koningsberg* v. *State Bar* 353 U.S. 252, 273 (1957).

The right to counsel is embedded in our law. The right to counsel is the right to effective counsel. Would any self-respecting Wall Street lawyer accept a prohibition against representing corporations before legislative bodies or drafting or criticizing legislation? Is seeking law reform for the poor and infirm and old any different from seeking a revenue ruling guaranteeing favorable tax treatment for a corporation? Any restriction on the ability of a lawyer to practice effective advocacy on behalf of his client is a denial of the civil rights of that client.

It is impossible to dissociate a specific legal problem of poverty-level individuals from the social and legal matrix in which it arises.

The poor are politically weak. This legislation on its face inhibits their ability through their attorneys to become stronger. The restrictions in this bill are, I believe, unenforceable. I cast my vote in favor of this legislation today to keep the legal services program alive, in the hope that despite this change in formal structure, the program will continue as a vital force on behalf of the poor.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 7824, the Legal Services Corporation Act.

Our system of government is dedicated to the principle of equal justice under law. On this concept much of our system of laws are based and by it they are secured. The Bill of Rights is expressly designed to make this phrase a reality. But although our laws now afford an avenue for equal protection, the right to it can only be assured through access to competent legal counsel. And until the availability of such counsel hinges upon the ability to pay, there will continue to be two kinds of justice in our country, one for the rich and one for the poor.

Some who oppose the continuation of legal services claim that the right to counsel of the poor is already being adequately protected. This is just not so. Since its inception in 1967, the legal services program has grown to involve approximately 900 neighborhood offices throughout the country. These offices handle an average caseload of 1 million and are staffed by 2,500 attorneys. And they are certainly not duplicating already existing efforts—they are bringing, often for the first time, much-needed services within the reach of those who need them.

Mr. Chairman, not too long ago, when President Nixon first urged the establishment of an independent Legal Services Corporation, he characterized this program as being able to provide "a most effective mechanism for settling differences and securing justice within the system and not on the streets." That statement roused hopes for the continuance of a meaningful program of legal services that had since been doomed to disappointment. The man who has been acting, illegally, as Mr. Nixon's Director of the Office of Economic Opportunity appears dedicated to destroying the concept of effective legal services and has spent considerable effort lobbying against the measure now before us. This despite the fact that the Committee on Education and Labor has made every effort to meet the President's objections as voiced in his 1971 veto message. Under present provisions, for instance, the entire 11-person board would be appointed by the President, severe restrictions are placed on the activities of the corporation's employees and assistance in criminal cases is prohibited. Indeed, this bill is a very much weaker measure than I and a number of my colleagues wanted to have. We have agreed to this version only to guarantee the continuance of services desperately needed by our constituents. Any further restrictions placed on this program would turn this effort into a farce and fulfill the worst expectations of the poor and dependent who have learned through bitter experience that they can expect scant help or consideration from the system. I think it is imperative that Congress reject further weakening provisions and act speedily to pass this measure.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 7824. There have been few measures before us in this session of Congress so deserving of our support, and so full of potential for improving the quality of life for poor people, as this one.

Ever since the inception of the legal services program as part of the Office of Economic Opportunity, the provision of Government-supported legal aid to the poor has come under attack from various quarters. Usually this attack is politically motivated because, rightly or wrongly, legal services attorneys helped their indigent clients fight city hall. Most memorable among the attackers is California's Governor, Ronald Reagan.

There is unquestionably a need to provide legal services to the poor. Indigent clients already get such service in criminal cases, from various State public defender offices. But in the civil area, which is by far the largest field of law, there has been a paucity of representation for the poor, even with the inception of the legal services program. In recent years, it has become apparent that, if we are to keep such worthwhile programs, they must be depoliticized. The best way to do that is through the vehicle of the bill before us today.

The Corporation, as it is described in the bill sent us by the Committee on Education and Labor, is truly nonpartisan. The structure, not only of the Corporation, but of the various State advisory committees, will effectively guarantee that political influence on legal services attorneys will be minimized, and that these attorneys will be free to represent their indigent clients to the best of their ability.

One of the most important elements of this legislation is the flexibility it allows in establishing the income guidelines for the client group to be served.

It would be an egregious error to limit the maximum income on a nationwide basis to 200 percent of the poverty level. To do so would mean that in certain rural areas, there would be many more people eligible for free legal services at a certain income level than there would be in an urban group of comparable size. For example, we all know that the cost of living, and therefore, the poverty level, are much higher in New York or Chicago than they would be in a midwest farm town. We need this flexibility to insure that poor people all over the country will be judged according to relative standards. Only in this way, will the basic purpose of the legal services program be carried out.

The flexibility in determining eligibility for legal services, however, would become meaningless if we do not insist that the Legal Services Corporation and its grant recipients in the States remain free, now and forever, of local political influence. As provided for in the bill, the only influence on the Corporation and its grantees will be the need to do the best possible job for indigent clients. Any attempt to change this by giving the States and municipalities greater say in the operation of the local legal services programs will merely reduce this service to its current poor quality.

Further, the attorneys employed in local legal services projects ought to be given as much freedom as they need in order to best serve the interests of their clients. Any further attempts to curb the political activity of Legal Services attorneys will take away from them the rights that all others take for granted. An attorney's nonwork time is his or her own, to be used as that attorney sees fit. As long as the use of that time does not create a conflict of interest, or violate the ethical standards of the profession, we should not impose any restrictions.

Mr. Chairman, this bill as reported from committee represents hope for so many of this Nation's poor people. It is these men and women, unschooled in the fine art of surviving in our overcomplicated society, who are at the mercy of unscrupulous credit merchants, unethical landlords, and who are the most in need of an adequate means of fighting for their rights. This is not meant to be patronizing. It is a fact of life, particularly in a city such as New York. Those who are most in need of the protection of the law are the ones who have the fewest means of securing that protection. That is why we see so many instances of poor people losing their homes and property, when this could have been avoided had there been adequate legal representation.

I urge my colleagues to join me in voting to pass H.R. 7824, with no weakening amendments.

Mr. **RAILSBACK.** Mr. Chairman, equal justice under law is one of the pillars of American democracy. Access to the legal system must be available to all. Discrimination on any grounds is the antithesis of our constitutional principles, and cannot be accepted.

For all too many years, a number of Americans were denied legal services and access to our judicial system, just because they were poor. The legal services program, established by Congress in 1965 as part of the Office of Economic Opportunity, has done much to eliminate this discrimination.

Under this program, advice, counseling, education, representation, and other legal services have been provided to individuals who would have otherwise been unable to afford them. The legal services program has led the attack on one of the root causes of poverty: The inequality of opportunity which exists between the rich and poor. The program has been vital in giving poor people the hope and confidence that our legal system protects and serves each and every American. It has provided the channel through which the poor have been able to seek recourse for their grievances and in so doing has led to the development of a new body of law which is more responsive to our Democratic traditions.

The statistics are impressive. By 1972, approximately 265 projects handled over 1.3 million cases, compared to 425,000 cases in 1965 by traditional forms of legal aid. Even more important, in view of today's overburdened courts, is the fact that almost 85 percent of these cases were handled out of court.

Unfortunately, despite its successes, the legal services program does need reform, most notably in removing it from the executive branch and from partisan political pressures. We are all too familiar with the controversies the OEO legal aid program has been involved in since its inception. It has, many times with good reason, raised the ire of powerful individuals and groups in representing its clients. It has also at times been guilty of going too far into criminal litigation and representing causes rather than clients. There is now, therefore, widespread support for the approach presented in the legislation before us today, H.R. 7824, the Legal Services Corporation Act. Such a bill will provide for the creation of an independent corporation that will allow legal services to be provided to the poor while avoiding the political conflicts that the program has often generated in the past.

This bill represents a bipartisan effort to set up an independent corporation. It received its initial thrust from the President's Commission on Executive Reorganization in January of 1971. The Commission had stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizatiion setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate.
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

The American Bar Association supports the creation of an independent program, and its house of delegates passed a resolution in February 1973 which reiterated its support:

> The United States government should increase the level of funding of Legal Services Programs to enable them to provide adequate legal services to eligible clients and to prevent serious deterioration of the quality and quantity of service because of increased expense and mounting caseloads.
>
> Government at all levels and lawyers from both the public and private sectors should take every step necessary to insure that legal services lawyers remain independent from political pressures in the cause of representing clients.
>
> The Congress of the United States should enact a legal services corporation of a design consistent with the foregoing principles and the need to maintain full and adequate legal services for the poor.

Over the past 2 years, this body has twice considered and passed legislation that would have created an independent structure for Legal Services. Unfortunately, there have been disagreements over the details of that structure, and therefore the legislation has been prevented to be enacted into law. After months of consideration, the Education and Labor Committee has now reported a bill I wholeheartedly support.

Briefly stated, H.R. 7824 establishes an independent corporation that will allow the program to continue to serve the legal needs of the poor while avoiding the inevitable political conflicts that the program has often generated. The Corporation would be governed by an 11-man board of directors, who would be appointed by the President with the advice and consent of the Senate. The Board would then appoint corporation officers.

The Legal Services Corporation will have the authority to make grants and enter into contracts with individuals, State and local governments, and various organizations; and will conduct research, training, and technical assistance. It will also establish eligibility guidelines in accordance with the Canons of Ethics and Code of Professional Responsibility, in consultation with the Director of the Office of Management and Budget. Further, the Corporation will be directed to conduct a study of alternate methods of legal assistance to eligible clients, and will submit this study to the President and the Congress no later than June 30, 1974.

One restriction would prohibit the Legal Services lawyers from engaging in political activity while on a job. This will counteract a major complaint of opponents of the OEO program.

To me, as a lawyer and a legislator, I believe Congress has an obligation to continue legal services for those Americans who lack the resources to hire their own attorney. The Legal Services Corporation Act, H.R. 7824, provides a reasonable approach, and I urge all my colleagues to support enactment of this important legislation.

Mr. **LEHMAN.** Mr. Chairman, one point which was raised during the Education and Labor Committee's markup of the bill was whether or not the language of the bill implies that Legal Services attorneys would be prohibited from engaging in political activities after working hours. For the record, in order to further clarify this point, I would like to include here a brief exchange which took place during the committee's deliberations:

> Mr. LEHMAN. Just to repeat quickly, to go back to page 8, I was concerned that some of this language might impinge on an attorneys' First Amendment rights in participating in such things at meat boycotts or activities against the bombing of Cambodia or any such similar activity.
>
> Mr. Erlenborn, who explained this provision yesterday, gave me assurances that this is not the case. Can such an explanation be included in the committee report?
>
> Mr. ERLENBORN. I would call the gentleman's attention to Section 1006, that he has reference to and the language says, "while engaged in activities carried on by the corporation or by a recipient, refrain from participation in and refrain from encouragement."
>
> I think this language clearly states that it is only when the Legal Services attorney is acting in his official capacity as an employee of the recipient agency that he is refraining from engaging in these activities. On his own time and in his own behalf he can engage in picketing, boycott, striking, and any other activity which is lawful.

I think it is important that while we insulate the program from political pressures, we are careful not to infringe on the first amendment's rights of the employees of the Corporation.

The President stated last month that—

> We have also learned that justice is served far better and differences are settled more rationally within the system than on the streets.

I could not agree more with that statement. The bill before us today will allow the process of justice to continue, and will reinforce one cornerstone of our form of government by assuring that those persons who cannot afford legal counsel will nonetheless have their day in court.

I urge the support of my colleagues for this bill.

Mrs. CHISHOLM. Mr. Speaker, it is with great enthusiasm that I speak in support of H.R. 7824, the bill to establish a Legal Services Corporation, as reported out of the Committee on Education and Labor. I urge its passage so that the Corporation soon can be established and quality legal assistance can be provided to indigent persons.

Let us hope that this bill is passed so that we can put an end to the debate about the program's structure and the politics of legal services. This program has proven itself to be the most effective instrument in the war against poverty and it has done much to make a reality of our fundamental principle guaranteeing equal justice for all. To emphasize this, I would like to briefly discuss some of the provisions in this bill.

The bill provides that funds shall not be expended to organize groups, organizations, coalitions, or the like. This does not mean that groups cannot be represented by legal services attorneys. The committee expects that programs shall provide the full range of legal services to both eligible individual clients and organizations made up primarily of such impoverished persons. Moreover, papers of incorporation and other forms of legal assistance necessary in representing a group should be prepared and performed, and the Legal Services Corporation will be expected to promulgate regulations that assure that no one will interfere with attorneys' work in behalf of groups composed essentially of poor people.

One important provision in this bill limits legislative and administrative advocacy to representations made on behalf of clients or upon invitation of legislative and administrative bodies' personnel. Under this bill, it is fully expected that legal services programs and their attorneys may and shall engage in legislative and administrative activities in the course of providing legal assistance to eligible clients and on the request of legislators or administrative officials. The only prohibition in this area concerns attorneys' lobbying in furtherance of their own personal views. It is expected that, in the course of legally representing a client, attorneys will contact, for example, board members, legislators, welfare officials, and they will attend meetings and, after such meetings, may continue contacts by telephone, letter and in person. In addition, legal services programs are expected to organize their resources so as to make such advocacy effective and economical which may mean locating offices and/or personnel in the places where legislative, administrative, and quasi-legislative bodies meet.

The legislation requires that the Corporation should insure that full-time attorneys represent only eligible clients and that they refrain from the outside practice of law for compensation. Attorneys engaged in full-time legal assistance work will be fully entitled to engage in uncompensated legal work during off-hours for church groups, their families and community organizations as long as such work does not interfere with the job for which they are paid. Similarly, while on the job, attorneys in the program shall refrain from political activity, voter registration activity, and the like, but attorneys in the program fully retain their rights to engage in political activities during their "off hours."

Training to provide and disseminate information on legal representation, which necessarily includes information on public policies and programs, has been a crucial part of the Legal Services program and it is expected it will be continued by the Corporation for lawyers, paraprofessionals and clients. The bill's prohibition against programs advocating political positions is not to be confused with the right and duty of training programs to train and to disseminate information on public policies affecting poor people's lives. Training programs should seek to fully inform attorneys and their clients about the legal rights of the poor and how such rights can be implemented. Moreover, in no way should the strictures against advocating particular political causes be interpreted as preventing the provision of legal advice to eligible clients and their organizations.

The Corporation is required by the legislation to establish eligibility schedules taking into account various factors that relate to financial inability to afford legal assistance. Such standards should be flexible and should allow the programs to take into account special circumstances so that persons above the income eligibility levels can receive legal assistance if they cannot afford to pay for such legal aid. It is expected that eligibility levels will be commensurate with the poverty line in each community but that if there is a substantial increase in program appropriations that the level should significantly be increased. Eligibility should be determined exclusively through the use of a simple form, thereby insuring an atmosphere of trust and confidence between attorney and client. The legal services provided to impoverished persons under the committee's bill, of course, shall be provided for free.

The act provides that attorneys cannot, while engaged in legal services activities, participate in picketing, boycotts, or strikes. This, of course, should not deter attorneys from providing legal services to persons and groups that do get involved in such activities.

If legal services attorneys do get involved directly in boycotts, strikes, and picketing during their working hours, they can be suspended or terminated from their jobs. These options are not to be taken to mean that the Corporation can terminate the entire operations of a program due to the improper actions of an attorney since this would disrupt courts and harm innumerable innocent clients. Also, no individual who is disciplined shall be terminated or suspended from his employment without a due process hearing.

Under the bill, certain sanctions may be imposed against a recipient, upon the complaint to the Corporation by State advisory councils. The functions of these advisory councils are limited to monitoring the propriety of recipients' activities so that they follow Corporation rules. Upon a complaint, no action is to be taken by the Corporation for 30 days after notice to the recipient has been provided. If adverse action thereafter is contemplated by the Corporation, then a due process hearing should be provided to the recipient. Also, State advisory councils are to receive no funds from the Corporation, except reasonable travel expenses, for council members' attendance at council meetings.

The committee does not intend that there will be a substantial shift in the method of legal services delivery to the poor. Although experimentation in such alternative legal services delivery systems, such as judicare, is envisioned by this bill, it would be unwise substantially to change the method of providing legal services to the poor until we are sure that such alternative methods are more effective.

One provision in the bill prevents the Corporation from funding private law firms—those firms that receive over half of their income from clients' fees and retainers—that do more than 75 percent of their work in the interest of the general public or in the collective interests of the poor. This provision is not to be taken to affect in any way current recipients, such as back-up centers, which are not private firms and which are presently doing research, training and vital litigation work for the program. Groups like the back-up centers and regional law reform groups have played a most helpful role in the legal services program and they should be retained and expanded.

One provision of the bill states that the Corporation can fund State and local governments as well as independent legal services organizations. This is not to be taken to allow a shift in the current funding of independent and competent programs but only to provide for legal services through State and local governments in extraordinary circumstances where no other politically independent group can be funded.

There will be a transition stage upon the enactment of this bill when the legal services program is taken over by HEW until the Corporation is effectively established. The program, during the transition stage, is not to be governed by regulations or guidelines that are inconsistent with the bill which I hope the House will pass today. We expect the regulations of the Corporation, and the conduct of the programs during the transition stage, to be consistent with the intent of the committee and the Congress with respect to this bill, an intent quite different from that represented by recent OEO regulations published in the Federal Register which were unlawfully designed to shift the emphasis of the program.

Since this bill will establish an effective legal services program, I believe that it should be passed by the House today. I look forward to the time when we can fully expect that equal justice for all is a reality, and am sure that, if we pass this bill today, we will look back to today's actions and feel that we took an important stride in that direction. I urge my colleagues to support this bill.

Mr. CLAY. Mr. Speaker, I rise to address you on the merits of H.R. 7824, a bill to establish an independent Legal Services Corporation, and to urge passage of the bill as reported out of the Subcommittee on Equal Opportunities and the Committee on Education and Labor. The committee deserves high commendation for the thoroughness and speed with which it considered and recommended this important piece of legislation which should insure the continuation of quality legal services for the poor. Under the committee's bill, it is clear that the program will be free from political influence.

Above all else, this legislation provides for a free legal services program to be administered by an independent Corporation supported by congressional appropriations. The Corporation is designed to insure that legal services will be provided free from the political pressures of State, local, and Federal agencies, and that the program will provide high quality legal services for the poor.

In connection with the key factor of program political independence, there are a few points that must be made. The bill permits the Corporation to make grants to State and local governments for the purpose of providing legal services to the poor. This discretion is meant to be exercised only in situations where an area does not have a competent and politically independent legal services program that can provide legal aid to the poor. It is intended that the Corporation will not shift resources from current grantees of the legal services program in any substantial way.

The bill recognizes the success and value of the existing legal services program and hopes to continue and further its goals in an even better way. When this bill is enacted, prior to the actual establishment and functioning of the independent Corporation, there will be a transition period when the Department of Health, Education, and Welfare will administer the program. During this transition period, it is expected that any administrative regulations affecting the program will conform to the intent of Congress under this bill and will not in any way operate the program in a manner that is inconsistent with the provisions of this bill and congressional intentions thereunder. To the extent a lame duck Office of Economic Opportunity administration promulgates regulations that seek to change the program and that do not conform to the intent of this bill, such regulations are not to be followed by HEW or the new Corporation.

There is a provision in this bill, section 7(b)(3), which requires somewhat further elaboration. This section provides that private law firms which expend 75 percent or more of their resources and time litigating issues in the broad interests of a majority of the public or in the collective interests of the poor are not to be funded. This is not meant to affect current recipients such as the "backup" centers which provide both research and litigation assistance in aid of the attorneys and clients of the legal services program. The provision is exclusively meant to cover lawyers and their firms which are private in nature—those firms which earn more than half their income through retainers and fees from clients. Unlike such private law firms, the backup centers are a vital part of the Government-funded legal services program and are to be continued in their present form and function.

Several provisions in this legislature relate to the way in which attorneys providing legal assistance to the poor engage in representation of their clients. It is my understanding, as an example, that there is to be no interference with the decision of an attorney and his or her client in taking an appeal.

Moreover, there are no prohibitions in this legislation on the representation of groups composed mainly of poor people. While a legal services attorney cannot organize a group, the attorney can fully represent a group of poor people or an organized group primarily comprised of poor. Such groups frequently help poor people to solve their own problems and, therefore, it is important that such groups have available to them the full range of legal services contemplated under this bill.

There is also no prohibition on advocacy before legislative and administrative bodies on behalf of a client or on the request of such bodies. In fact, it is expected that various legal services groups will engage in such advocacy and should be enabled to do so in a reasonable and economical fashion. Thus, the corporation should permit legal services recipients to jointly have offices or employees in the locations where the legislatures and administrative agencies are located.

To the extent the legislation places sanctions against alleged unlawful actions of legal services programs or their attorneys, such sanctions shall not be imposed without strictly safeguarding the due process and other constitutional rights of such programs and attorneys. For example, the legislation permits recipients to provide counsel to clients engaged in boycotts, strikes, and other kinds of political activity as long as the attorney is not personally involved in the activity. Clearly, however, the attorney can provide legal representation to the group involved. If the attorney violates the prohibition against personal participation and disciplinary action results, prior to the termination of his employment such an attorney is entitled to a due process hearing. In addition, if a violation by an individual attorney is found, this is not to be the basis for taking away funds from the recipient agency, his employer. Such action would serve only to harm numerous poor people requiring the legal services of the recipient.

Similarly, the bill provides for the existence of State advisory councils which are created for the sole purpose of filing complaints with the Corporation against recipients that violate the provisions of this bill. No action, however, is to be taken by the Corporation on such complaints until the recipient has had 30 days to respond to a complaint. Prior to any adverse action against a recipient, it is intended that a due process hearing be provided so that Corporation decisions are based on a proper exploration of the facts as presented by affected parties.

Overall, this legislation provides a new and independent home for a legal services program that has proven its importance to our system of justice. We must make sure that equal justice is available to everyone, regardless of their economic circumstances. It is essential that we continue this legal services program and passage of the legislation reported out of the committee will do this important job.

Mr. FAUNTROY. Mr. Speaker, there are few more important responsibilities charged to a Member of Congress than the preservation of individual rights. Without the personal liberties provided in the Bill of Rights and upheld by our legal system, this body is meaningless; the democracy we are assembled to represent cannot exist without freedom.

Congress is in a unique position to secure this freedom. We are the only body in the land able to pass laws that can guarantee all citizens justice. In the sixties, we met this solemn responsibility by enacting civil rights legislation which clearly extended the equal protection of the law to all Americans.

Our duty does not end here. Freedom cannot be secured by laws alone. We must also provide the mechanisms which can guarantee that the liberties we've cherished for almost two centuries are as vivid in fact as they appear in law. This requires a strong legal system, accessible to all and impartial in its administration of justice.

Recent court decisions have recognized the right to a lawyer of those who are criminally accused. We have realized, in the criminal sphere, that no system can be just, no protection equal, which denies to some the quality legal representation they need and deserve. However, as I speak to you today, there remain thousands of people who are being denied their freedoms, and, only because they are poor, being denied access to the legal system which stands for the rest of Americans in defense of personal liberty.

Over the years, our Nation has become increasingly reliant upon its courts, not only to bring criminals to justice, but also to protect the freedom of its citizens through civil action as well. A significant portion of our population has been unable to gain this protection because they cannot afford the legal representation the rich receive and the criminally accused can now expect.

The creation of a legal services program in the Office of Economic Opportunity was a significant step toward a legal system blind to economic status. This program has been instrumental in providing legal counsel to the underprivileged in civil cases. However, this program has come under increasing attack by many who would destroy its role as a mechanism of social change and justice. Also, the program has encountered obstacles to the independence it requires to pursue its several goals.

For these reasons, it is imperative that Congress establish a strong Legal Services Corporation. This institution would insure the legal service attorney's necessary independence in the representation of his client. It would command the resources needed to greatly expand the provision of counsel to the poor in civil cases. Most importantly, it is a vital component in the mechanism we must establish to insure equal protection under the law for all Americans, regardless of economic status. I therefore urge my colleagues to establish a Legal Services Corporation.

Mr. MATSUNAGA. Mr. Chairman, H.R. 7824 deals with one of the most important issues the House will deal with in this session of Congress, and I urge its approval.

As a long-time supporter of the Legal Services Corporation concept, and a sponsor of legislation to create just such a corporation, I commend the distinguished gentleman from California (Mr. HAWKINS), chairman of the Subcommittee, for his leadership and persistence in bringing this legislation to the floor.

One of the most cherished intangible possessions of Americans is equal justice before the law. Unfortunately, it is a possession too frequently denied a large segment of our population—the poor, for they are without the necessary legal assistance to pursue their rights. The purpose of H.R. 7824 is to provide the poor and needy with legal services which they would not be able to obtain, because of their financial condition. It is also intended that such services be provided by an independent corporation which is relatively free from changing political pressures.

The bill as reported by the Committee on Education and Labor is the result of a bipartisan effort and appears to be an acceptable one. The amendments which are expected to be offered today, for the most part, seek to weaken and restrict the actions that legal services attorneys may take in behalf of their clients. I trust the House will reject any and all such amendments.

Under our system of government, Mr. Chairman, the courts are the forum of last redress. When a person has been wronged, for whatever reason, the courts provided by H.R. 7824, that recourse is empty. If a poor man has no attorney, he can make no use of the courts.

Since its inception in 1964, the legal services program has served as a symbol of the willingness of the Federal Government to offer to its otherwise powerless citizens the opportunity and the resources to challenge improper acts by both private and public bodies.

The Legal Services Corporation proposed in H.R. 7824 will not be free of controversy. No method of resolving conflict is without controversy unless controversy is forcibly suppressed. But if the poor and the powerless do not have free access to our legal system, government by law cannot succeed.

H.R. 7824 is designed to assure that access. In that respect, it represents a time-honored means of achieving orderly change in our society.

Mr. Chairman, I urge the swift approval of this vital legislation.

Mr. KOCH. Mr. Chairman, we have debated the Legal Services Corporation bill for more than 11 hours. During this time, foolish and sometimes dangerous amendments have been adopted by this House. To name three, may I mention the one on abortion, another on amnesty and a third on Watergate. None of these had any real relevance to the bill, but were adopted either to embarrass Members or to point out the foolishness of the proceedings.

The amendment on abortion was intended simply to further divide this House on this personal and sensitive issue. The abortion amendment, while tailored to apply to funds authorized under the bill for legal counsel, was set forth in the debate as a reflection of the attitude of this House on the whole subject of abortion. By its terms, the amendment would have denied use of funds by those who would, through court action, seek to compel an individual or institution having religious convictions against abortions, to perform an abortion. But, what in fact was at stake in the amendment passed by the House—and which I opposed—was not whether individuals would be forced to perform abortions, but rather the right of a woman to counsel in a matter of this kind. Therefore, even those who oppose all abortion should have opposed this amendment on the simple ground of justice—that the poor have the right to counsel in such matters.

Because of the way the amendment was promoted on the floor, it only served to embarrass Members who believe that an abortion is a matter of personal conscience to be decided by a woman in consultation with her doctor. I personally believe the Supreme Court was correct when it said that the right to an abortion is one protected by the Court. That has always been my position. I do believe, however, that no individual or religious institution should be compelled to participate in an abortion against their will, for that, too, would be an invasion of their privacy.

When one looks at all the amendments that were adopted, so many of them detracting from the bill, one must conclude that this legislation as it was passed is far less than it should have been. However, I am voting for the bill, notwithstanding the amendments which were adopted and which I opposed, because it is essential that legal services be provided the poor and the only way this legislation will see the light of day is to have a bill passed by the House. Let us hope that a better bill will be passed by the Senate and the conference committee, in a less impassioned hour, will jettison the destructive and sometimes ridiculous amendments adopted here tonight.

Mr. HAWKINS. Mr. Chairman, I have no further requests for time.

Mr. QUIE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

Mr. QUIE. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 253]

Ashbrook
Biaggi
Blatnik
Breaux
Brown, Calif
Carey, N.Y.
Clark
Clawson, Del
Danielson
Esch
Evins, Tenn.
Fisher
Giaimo
Gonzalez
Hanna
Hansen, Wash.
Hébert
Kastenmeier
Kazen
Kemp
McFall
McKinney
Martin, N.C.
O'Neill
Patman, Tex.
Pepper
Price, Tex.
Rarick
Reid
Rooney, N.Y.
Rosenthal
Satterfield
Skubitz
Steelman
Stratton
Thompson, N.J.
Whitehurst
Widnall

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ECKHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7824, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 395 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made, the Chairman had directed the Clerk to read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Legal Services Corporation Act".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(2) "Governor" means the chief executive officer of a State.

(3) "Legal assistance" means the provision of any legal services under this Act.

(4) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under this Act.

ESTABLISHMENT OF CORPORATION

SEC. 3. (a) There is hereby established in the District of Columbia a private nonmembership nonprofit corporation which shall be known as the "Legal Services Corporation" (hereinafter in this Act referred to as the "corporation") for the purpose of providing financial support for legal assistance in noncriminal matters to persons financially unable to afford legal assistance (hereinafter in this Act referred to as "eligible clients").

(b) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice to or service upon the corporation.

(c) The corporation, and legal services programs assisted by the corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the corporation, and legal services programs assisted by the corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Page 18, insert after line 20, new subsection (d):

The corporation created under this Act shall be deemed to have fulfilled the purposes and objectives set forth in this Act, and shall be liquidated on June 30, 1978; unless sooner terminated by Act of Congress.

Mrs. GREEN of Oregon. Mr. Chairman, I did not speak on this legislation during the general debate, but that should not be considered as a lack of concern on my part about the legislation and the provisions in it.

A very wise and a very forceful majority leader of the Senate a few years ago said that legislation should be considered, not in the light of the benefits it would convey if properly administered, but by the harm that would result if improperly administered.

Mr. Chairman, this amendment, which is the first of about five which I will offer, is a very simple amendment. I am not going to spend five minutes on it, because I know there are a lot of amendments to be offered.

It simply says that at the end of 5 years the Congress must take affirmative action to review the corporation; that the corporation is not established at this time in perpetuity, without any chance for Congress to look over the way they have been running that corporation.

Mr. Chairman, a few years ago I voted for the Postal Corporation, and I must say to my colleagues that as I look back over my votes in the Congress, if I had the opportunity, that is one vote I would change.

It seems to me that when we set up an independent corporation to exist forever, subject only to the board which the President appoints, and to the appropriations process, we lose congressional control.

And so my amendment would simply say that at the end of 5 years—and I do not want the Members to be scared by the word, "liquidated"; I am told by the attorneys that this is the word that must be used, because it is a nonprofit corporation—that at the end of 5 years, in 1978, the Congress must take affirmative action to extend that corporation. That is all it does.

Mr. Chairman, it is, as I said, placed in existence as an independent corporation, and there is absolutely nothing that any of us in the Congress could do about it if we did not like the direction in which it was moving. In fact, in the report it says that the corporation must be free of all political interference, which I presume would mean congressional interference.

Mr. Chairman, the purpose of this amendment is simply to say that at the end of 5 years Congress will be required to take affirmative action to renew the establishment of the corporation. I would urge my colleagues to vote for this amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) yield?

Mrs. GREEN of Oregon. Yes, I would be very glad to yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I thank the gentlewoman for yielding.

As a matter of information, the authority for this corporation is perhaps somewhat similar to another independent corporation which has been established for the purpose of conducting the Public Broadcasting Services. Is the gentlewoman aware whether we followed that sort of procedure in creating the authority for Public Broadcasting Services? Does that have a termination date?

Mrs. GREEN of Oregon. To my knowledge, it does not. But it seems to me because this corporation is dealing with highly sensitive political matters—and I hope to develop that a little later on—all of the activities of the Legal Services Corporation are ones that the Congress ought to review at the end of 5 years.

I do not suggest that I would be opposed to looking at the Public Broadcasting Services at the end of 5 years.

Mr. ERLENBORN. Mr. Chairman, I think we ought to do that, and I think we have something just recently relative to that. Certainly that is a sensitive area also, in the area of communications.

Mr. FOUNTAIN. Mr. Chairman, will the gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I thank the gentlewoman for yielding.

As I understand your amendment, it contemplates that at the end of 5 years there will be a reassessment and reevaluation as to whether or not the legislation, in the way it has been amended, will be continued, repealed, modified as redirected.

Mrs. GREEN of Oregon. That is correct.

Mr. FOUNTAIN. Thank you.

Mrs. GREEN of Oregon. It would require affirmative action by the Senate and the House to continue.

Mr. FOUNTAIN. Inasmuch as this is a legal corporation outside of the operation of the Intergovernmental Relations Act of 1965 providing for a legislative review, and reassessment of programs at the expiration of 5 years, if the legislation in question does not provide a time limit, then, in view of the corporate nature of this particular legislation and the fact that there is no requirement for its periodic review at any particular time. I think the amendment offered by the gentlewoman is absolutely essential, and I therefore support the amendment.

Mrs. GREEN of Oregon. I thank my colleague from North Carolina.

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I had not had an opportunity to see this amendment before its introduction. I understand there are several others to be offered by the gentlewoman from Oregon.

However, may I say in effect the amendment is accomplished in the bill already. It seems to me the amendment sets a date for what seems to be the termination of legal justice as June 30, 1978, and I believe that is unwise.

I call attention to the fact that section 11 of the bill says that the Congress has the right to repeal or amend this act at any time, and this is expressly reserved so that this body can actually terminate this agency before the date specified in the amendment.

Also, the corporation has to come back to this body for annual appropriations, and it seems to me if we wanted to terminate it, we can simply cut off the money.

So whether or not we want to set this particular date or wait for it or extend it beyond that time, we can do whatever we want to based on the operation of the corporation itself. It is something that we need not specify.

For that reason I see no purpose to the amendment and therefore oppose it.

Mr. QUIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as far as I can tell, the meaning of the amendment is it terminates the corporation at the end of 5 years. I guess I would write the amendment differently if I were going to do it, but I think there is merit to it, so that the Committee on Education and Labor and the Congress will look at the corporation and correct any faults.

It is provided here there would be annual appropriations even though there is authorization for 3 year appropriation, it is true, but I expect there will be annual authorizations. The authorizing committee is required to look at it with this amendment before the end of five years.

The legal services so far have been a part of the Economic Opportunity Act. They terminated at a certain time and caused our committee and the Congress to look at the full responsibilities of the Office of Economic Opportunity.

I do not see anything wrong with terminating the Corporation in 5 years so it will require us to take another look at it in Congress. We are embarking on new territory here, I think, with a corporation rather than something controlled out of the Office of the President. I recognize how our colleagues, many of them, feel about the Postal Corporation now and would like to have a crack at that before the authorizing committee.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. QUIE. I am glad to yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding.

Let me clarify, if I may, one issue here. The language of the amendment says that the corporation shall be "liquidated" unless sooner terminated by act of Congress. Is there an inference in here that the Congress subsequently could not extend the life of the Corporation?

Mr. QUIE. As the gentleman knows, one Congress cannot bind another Congress, and therefore any Congress can do whatever it wants to. As the gentleman indicates by his comments, if I had my way, it would have been written rather differently so that it would not be implied that it would be automatically liquidated, but perhaps we ought to ask the gentlewoman from Oregon that question, and I yield to the gentlewoman for that purpose.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, there is no intent in the amendment at all that the Congress would not have a chance to continue it. I am advised by lawyers that since it is a nonprofit corporation, and because of the IRS, because if it should be terminated, it would have to have its assets liquidated, possibly, that that is the reason for that wording. But there is no inference, in reply to the question posed by the gentleman from Wisconsin (Mr. Steiger), that Congress could not if it wished extend the act.

Mr. STEIGER of Wisconsin. I thank the gentleman from Minnesota, and the gentlewoman from Oregon, for that explanation.

Mr. QUIE. I would say that this is probably a good example of us nonlawyers sometimes not understanding wording that is put in a bill.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the gentleman from Minnesota in supporting the very clever amendment offered by the gentlewoman from Oregon (Mrs. Green). I commend the gentlewoman from Oregon, as a member of my party, for doing something that we were not able to do in the committee. I have been very much distressed by the fact that President Nixon is going to have carte blanche to name the members of the board to lead the corporation, and that they will all be up for reappointment in 3 years, and that means that the President will get a second crack at who is to be appointed. So the Corporation will have to come back here and presumably we can look forward with great hope to some changes in the circumstances that we now confront as a result of the elections that will occur between now and the expiration date that the gentlewoman from Oregon puts in her amendment.

So, on behalf of the Democrats on the committee, I commend the gentlewoman for what I hope will not be mistaken as an overly partisan position in this amendment, but nevertheless one which certainly I think will put the President in his place.

Mr. ESCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would speak in opposition to the amendment offered by the gentlewoman from Oregon (Mrs. Green) for this reason: I think that it is unfortunate that in the light of any ongoing agency, corporation or program, that we in the Congress create an artificial crisis to which that agency, corporation or group has to react continually. I think it is in the best interest of the country that the Congress can have and that the committees of the Congress can have oversight, hearings, can modify the law as they see fit, and the programs as they see fit. They already have that responsibility, and that opportunity.

But I think that, inherent within good government may be to continue a program rather than to create, every 2 or 3 or even 5 years, an artificial crisis within a given corporation. And so, with that in mind, I would not support the amendment offered by the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I will be happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding to me.

First, Mr. Chairman, may I say that I appreciate the unexpected support from my friend and colleague over here on this side, the gentleman from Michigan (Mr. William D. Ford).

May I say that my amendment was not introduced with any partisan motive in mind; it was introduced only on the basis that I think the Congress ought to look at this program at the end of 5 years, regardless of who is down in the White House.

The other gentleman from Michigan (Mr. Esch) speaks of a crisis every 5 years, or an artificial crisis every 4 years, and I would merely suggest that as one Member of the House among 435 who are always facing a crisis every 2 years, I just feel that it helps to keep people on their toes, and that they will do a better job if they know that somebody is looking over their shoulders.

Mr. ESCH. Mr. Chairman, I appreciate the comments of the gentlewoman from Oregon (Mrs. Green). I am only sorry that I cannot always concur that Congress reacts to that 2-year crisis the way that it should.

I rise today in support of H.R. 7824, the Legal Services Corporation Act.

As one who has supported the concept of legal services for all our citizens since first coming to Congress 7 years ago, and as a cosponsor of this current bill, I urge the membership to act favorably on this legislation.

This bill as reported from our committee represents a compromise. As such, there are certain features of the legislation that are less than desirable from my perspective. Nonetheless, the concept is so vital that I am hopeful that the body will support the bill in its present form without crippling amendment.

Since 1971, increasing bipartisan support has been developed for the creation of an independent Legal Services Corporation: The Legal Services program has been at once one of the most successful and one of the most controversial components of the Office of Economic Opportunity. I believe that the reported bill will preserve the ability of the program to operate successfully, and it will responsibly isolate the program from the continuing political pressures which have sometimes threatened to interfere with its ability to provide the full representation to its indigent clients in accordance with the Canons of Legal Ethics.

Although the committee bill embodies significant changes in detail from the administration bill, the basic structures provided in the two versions are substantially identical. All members of the Board of Directors will be appointed by the President with the advice and consent of the Senate. During the transition of the program from the Office of Economic Opportunity to its fully independent form, the program will be administered by the Secretary of Health, Education and Welfare who will dispense funds previously obligated by the Office of Economic Opportunity to insure the continuous representation of all eligible clients but will otherwise operate the program in accordance with regulations reflecting the provisions and objectives of the new act rather than the old regulations of the Office of Economic Opportunity. Thus the bill should meet the objectives of the administration in both the structure and transition provisions of the two Legal Services Corporation bills previously considered by Congress.

In other respects, the bill preserves the existing structure of successful local programs while, at the same time, it requires experiments in discovering new methods for delivering legal assistance to poor people. Although no new method of legal services delivery is intended to be implemented in any substantial form until documentation has convincingly demonstrated that such new methods, like Judicare, are more effective than the present type of legal services, some experimentation is contemplated by this bill. The bill authorizes the corporation to contract with a wide variety of entities for the delivery of services, including State and local governments. Although, because of the danger of political interference, funding of State and local governments is contemplated only in the extraordinary situation where no competent independent program exists, the committee deemed it helpful to provide the Corporation with this funding flexibility for those unusual instances.

Under the bill reported by the committee, the Corporation is prohibited from supporting private firms which receive most of their revenues from private clients yet spend 75 percent of their time litigating in the collective interests of the public or the poor. This provision would not affect the present highly successful back-up centers whose combined litigation and research work has been so crucial to the legal services effort. It is the committee's desire to see that these back-up centers continue and expand their important work so that quality legal services for the poor is guaranteed.

To insure that the new legal services program is solely operated in the best interests of its clients and to avoid even the appearance of any impropriety, the bill carefully limits the activity of funded attorneys to legal representations made in behalf of clients, groups of clients, and organizations made up primarily of poor people. With this sole limitation in mind, it is expected that attorneys will vigorously advocate in behalf of their clients before Federal, State and local legislatures, quasi-legislative bodies, administrative agencies, and in the courts. It is our hope that, where economical, recipients will decide to pool their resources and keep personnel or an office at the places where legislatures and agencies work.

Under section 6(b)(4) of the bill, funded attorneys are prevented from participating in strikes, boycotts, demonstrations and similar forms of activity, although they may provide the full range of legal services and advice to eligible clients and their groups who are engaged in such activities. Attorneys who violate this provision are subject to discipline, including termination in appropriate cases after a due process hearing. The recipient program should not be subjected to defunding in these instances since this would harm the recipient's clients.

In a parallel fashion, section 7(b)(5) of the bill prohibits the use of funds for the organization of groups or associations of any kind, although attorneys are expected to represent groups composed primarily of eligible clients in the process of preparing incorporation papers and the like, as well to provide them with all other legal assistance including litigation.

To assure that attorneys are familiar with local conditions and procedures, section 6(b)(4) of the bill requires that attorneys be authorized to practice in the State where they are providing assistance. This requirement is intended to defer to State requirements for the practice of law; it would not prevent, however, the hiring of law students, recent law school graduates, or attorneys who have recently moved to a new State, even when they have not yet passed that State's bar examination, as long as those persons are not practicing law or were authorized to practice temporarily under State rules.

In conclusion, I believe that the committee bill for an independent Legal Services Corporation is one which an overwhelming majority of the Members of the House will be able to support. It preserves the successful elements of the present program while it guarantees the independent status of the program that is needed to protect it against political interference. At the same time, the bill provides explicit restrictions which should assure the public that the program will be run solely in the interests of its eligible clients and not on behalf of any special interest group. In sum, this bill is in the highest tradition of the American legal system and it is a significant step toward guaranteeing that all Americans, poor and rich alike, receive "equal justice under law." I urge its prompt passage in its present form.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. Green).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to be proposed to section 3? If not, the Clerk will read.

The Clerk read as follows:

GOVERNING BODY

Sec. 4. (a) The corporation shall have a board of directors (hereinafter in this Act referred to as the "board") consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of any State and none shall be a full-time employee of the United States.

(b) The term of office of each member of the board shall be three years or until his successor has been appointed and has qualified, except that of the members first appointed five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of each member other than initial members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

(d) The President shall select from among the voting members of the board a chairman, who shall serve for a term of one year.

(e) A member of the board may be removed by a vote of seven members for malfeasance in office, or persistent neglect of, or inability to perform, duties and for no other cause.

(f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. A majority of the members of the advisory council shall be chosen from among the lawyers admitted to practice in the State and the members of the council shall be subject to annual reappointment. Should the Governor fail to appoint the advisory council within ninety days of receipt of said request from the board, the board shall appoint such a council. The advisory council shall be charged with notifying the corporation of any violation of the provisions of this Act and applicable rules, regulations, and guidelines promulgated pursuant to this Act. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the corporation shall allow such recipient a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notification.

(g) All meetings of the board, of any executive committee of the board, and of State advisory councils shall be open to the public, unless the membership of such bodies, by two-thirds vote of those eligible to vote, determines that an executive session should be held on a specific occasion.

(h) The board shall meet at least four times during each calendar year.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to be proposed to section 4? If not, the Clerk will read.

The Clerk read as follows:

OFFICERS AND EMPLOYEES

Sec. 5. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a State and shall be a nonvoting, ex officio member of the board, and such other officers as the board determines to be necessary. No officer of the corporation may receive any salary or other compensation for services from any source other than the corporation during his period of employment by the corporation, except as authorized by the board. All officers shall serve at the pleasure of the board.

(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees of the corporation as he determines to be necessary to carry out the purposes of the corporation.

(c) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or any firm or organization with which that member is then currently associated.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to be proposed to section 5? If not, the Clerk will read.

The Clerk read as follows:

POWERS, DUTIES, AND LIMITATIONS

SEC. 6. (a) In addition to the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(o) of tile 29 of the District of Columbia Code) the corporation shall have authority—

(1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as "recipients") for the purpose of providing legal assistance to eligible clients;

(2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise; and

(3) To undertake, either directly or by grant or contract, the following activities relating to the delivery of legal assistance—

(A) research,

(B) training and technical assistance, and

(C) to serve as a clearinghouse for information.

(b)(1) The corporation shall have authoring to insure the compliance of recipients and their employees with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.

(2) If an employee of a recipient violates or causes the recipient to violate the provisions of this Act or the bylaws or guidelines of the corporation, the recipient shall take appropriate disciplinary action.

(3) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his clent as established in the Canons of Ethics and Code of Professional Responsibility of the American Bar Association or abrogate the authority of a State to enforce the standards of professional responsibility which apply to the attorney.

(4) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

(5) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall, while engaged in activities carried on by the corporation or by a recipient, refrain from participation in, and refrain from encouragement of others to participate in, any of the following activities: (A) rioting, civil disturbance, picketing, boycott, or strike; or (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity. The board, within ninety days of the date of enactment of this Act, shall issue guidelines to provide for the enforcement of this subsection such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.

(c) The corporation shall not—

(1) participate in litigation on behalf of clients other than the corporation;

(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, except that personnel of the corporation may testify when formally requested to do so by a legislative body, or a committee or a member thereof.

(d)(1) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

(3) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment provided pursuant to this Act to any political party, political association, or candidate for elective office.

(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any legislative proposals, ballot measures, initiatives, referendums, executive orders, or similar enactments or promulgations, except to testify or make other necessary representations (pursuant to guidelines promulgated by the corporation and in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association) in the course of providing legal assistance to eligible clients.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that section 6 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE:

Page 23, beginning with line 20, strike out everything through the period in line 24 and insert in lieu thereof: "to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity."

Mr. QUIE. Mr. Chairman, when the administration bill was sent up that prohibited at any time a legal services attorney from participating in and encouraging others to—and it lists—rioting, civil disturbance, picketing, boycott, strike, and the others, it was felt in the committee that a legal services attorney might want to in his off time, for instance, engage in a meat boycott. As a farmer, I would not like that very well, but at least it is his constitutional right that he do so. So my amendment does not restrict the legal services attorney in his off time as far as picketing, boycotting, and striking is concerned. However, the committee also then gives the impression that the legal services attorney could engage in or urge other people to engage in rioting, civil disturbance, and any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court, or any illegal activity.

So what my amendment does is to prohibit him from doing that in his off time. I feel that is needed to strengthen the bill. There should not be any question that the legal services attorney should not be engaging in that himself, or encouraging other people to engage in what is strictly illegal activity. It will surely strengthen the bill, if we do so.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in view of the explanation offered by the gentleman from Minnesota I see no objection to the amendment. I think the bill as reported will be strengthened by this amendment and should be adopted.

Mr. MEEDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time simply to ask the gentleman from Minnesota a further question. The word "encouragement" is not construed as advocating, is it, in the legal sense? Clearly attorneys ought not to be encouraging these actions we talk about.

Mr. QUIE. That is just exactly what it says: "Refrain from encouragement of others to participate in."

Mr. MEEDS. And in no sense does this mean if an attorney is living in a place where there is a rent strike, that he would not be involved in that rent strike himself, on his own time?

Mr. QUIE. No, I would say to the gentleman my amendment does not change the language in the bill as it comes before the House with regard to picketing, boycott, or strike. That is only a ban to refrain from encouraging others. In his own time there is no prohibition. My amendment is to prohibit him from engaging in riots and other illegal activities.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

I would like to ask the gentleman from Minnesota a question. I frankly would like to know what is the difference between his amendment and what is in the committee bill.

Mr. QUIE. The difference between the committee bill and my amendment is that the committee bill would permit the

Legal Services attorney to engage in riots, civil disturbances, going against court injunctions, and other illegal activities in his off time and he could encourage other people to do that in his off time, to engage in riots, civil disturbances, and so forth. My amendment would prohibit that. However, in picketing and boycotts and strikes there is no change between my amendment and the committee amendment.

Mr. DENNIS. The gentleman means his amendment is more restrictive or less restrictive?

Mr. QUIE. More restrictive.

Mr. DENNIS. More restrictive in what respect?

Mr. QUIE. In that in my amendment a Legal Services attorney is prohibited himself and he is not to encourage other people at any time to riot, engage in civil disturbances, go contrary to the court injunction, or to do anything else that is illegal.

Mr. DENNIS. Then is it less restrictive in some respect?

Mr. QUIE. No. It is more restrictive because the committee bill does not prohibit the Legal Services attorney from doing that in his off time. The committee bill only restricts him, as it says, "while engaged in activities" on behalf of the recipient. Say he works 8 hours a day, he is restricted only in those 8 hours.

Mr. DENNIS. I thank the gentleman.

Mr. FLOWERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from Minnesota will reply to me along the same line, are we to assume that in his off hours it is OK for him to do these things?

Mr. QUIE. What things?

Mr. FLOWERS. For instance to engage in riots?

Mr. QUIE. No. My amendment prohibits him from engaging in that and the committee bill does not prohibit him.

Mr. FLOWERS. Can he do it in his own hours?

Mr. QUIE. The committee bill prohibits him from doing it in his on duty hours and with my amendment he continues to be prohibited in his on duty hours. All this amendment does, is to prohibit him from engaging in riots, civil disturbances, and other illegal activities in his off duty hours in fact any time at all. As long as he is engaged more than half time in these legal services, he cannot do those things.

Mr. FLOWERS. My concern is if we do not have written into this legislation the kind of binding provisions and the authority within some responsible public agency or group to get rid of or to fire a legal service attorney who is doing these things then we are in serious trouble with this legislation.

Mr. QUIE. My amendment would correct that.

Mr. FLOWERS. I would ask the gentleman if it is correctable. If the gentleman must offer an amendment to prohibit within the legislation what I would say is an illegal act itself, then some way or other it is a weak piece of legislation.

Mr. QUIE. The gentleman is correct. It is weak in that regard, and therefore I am offering an amendment to remove that weakness.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I appreciate what the gentleman is saying. The thought occurred to me that it is a rather sad commentary on the Federal organization if we have to tell the people in this organization that they are not supposed to riot or violate any law. It is a sad thing to have to put this into law.

Mr. FLOWERS. The gentleman from Georgia states my concern very well.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Minnesota a question. Regarding the offenses to which he alludes in his amendment, are they not as a matter of fact at this moment in time presently crimes?

Mr. QUIE. If the gentleman will yield, I do not know if every civil disturbance is or not. I could not answer that. A riot would be.

Mr. DELLUMS. If they are illegal acts, they are illegal acts.

Mr. QUIE. But, the committee bill does have language restricting the attorney himself from doing it and restricting him from encouraging others to do it during the time he is on duty. Therefore, it leaves it wide open, while he is off duty, if there had been nothing said at all.

Then we go under the assumption of the gentleman from California that it is illegal and he could not do it anyway, but with this langauge in the committee bill, and it was felt evidently necessary by the administration to have similar language in the bill it sent up, I felt that we needed it to correct it by amendment.

Mr. DELLUMS. Mr. Chairman, I would only suggest to the gentleman from Minnesota that it sounds as though he is saying that it is a crime to commit a crime which is already the case. If that is the case, I think this amendment is the height of demagogery and absurdity.

Mr. CONLAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would be a good amendment if it just said, "At all times," but it does not say "At all times." It says, "During the period of their employment."

I ask the gentleman from Minnesota, why should he even have that language if he wants a prohibition?

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the reason why I did not strike out that language is that if we did, it would prohibit him from being engaged in a boycott or encouraging other people during his off times. It seems to me that this would be taking away the first amendment rights of an individual.

Mr. CONLAN. But, I think that is one of the major objections to the program, that these attorneys supported by the taxpayers have been organizing boycotts, have been recruiting tenants' organizations, rent strikes, etc. This is a form of boycott.

I think the amendment is cosmetic on the surface. It appealed to me at first, but when I look at it closely it does not do the job we are told it is intended to do. Nor are there any provisions in the bill for automatic termination of the funds of a grantee for violating the law. I just think this is cosmetic on the surface.

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. CONLAN. I yield to the gentleman from Minnesota.

Mr. QUIE. It seems to me by the gentleman's argument that he wants to go further and deny people their first amendment rights. I do not see how we can do that.

Mr. CONLAN. Does the gentleman say that we authorize other Federal employees to organize these types of activities?

Mr. QUIE. Off duty, I would be sure he could. Perhaps a person in the Department of Justice could join in a meat boycott.

Mr. CONLAN. We are not talking about a meat boycott. We are talking about the real issue.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Minnesota one question in connection with his amendment. How can we constitutionally prohibit a person from boycotting?

Mr. QUIE. The only thing we do is prohibit him from boycotting while he is on duty.

Mr. CRANE. If I want to boycott grapes, how can the gentleman prohibit me since it is my constitutional prerogative?

Mr. QUIE. I say to the gentleman, if he worked for a private law firm and that private law firm said to him, "If you want to work here do not go out boycotting on our time; do anything you want on your off time," that would be similar. We are putting a limitation on that individual while he is working for the Federal Government. I beleve we can do that.

Mr. CRANE. It seems peculiar to me. Perhaps we are defining a "boycott" in different terms. If he does not want to buy oranges in the supermarket or if he does not want to buy grapes or something like that, that strikes me as a constitutional right we could not structure any kind of legislation to prohibit.

Mr. QUIE. I believe that is a different kind of boycott from that I was talking about. The boycott, as I see it, is where they walk around outside the grocery store.

Mr. CRANE. That is picketing.

Mr. QUIE. That is the picketing part of the boycott. The picketing, the boycott, the strikes all seem to be a part of the language I did not want to be involved in. The riots, civil disturbances, and other election activities I certainly did.

Mr. CRANE. I thank the gentleman for yielding.

Mr. CONLAN. It appears to me that those employees who want to do these things can go off duty at 10 o'clock in the morning and come on at 3 o'clock in the afternoon and in the meantime do the activities they have been doing which have been so questionable across the country. I do not beleive the amendment closes the loophole. I believe the wording in the original bill is more clear than this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. QUIE: Page 24, line 24, strike out "provided pursuant to this Act".

Mr. QUIE. The language of the committee bill could be interpreted to permit the corporation or recipient of assistance from the corporation to contribute or to make available funds and program personnel and equipment to a political party, political association, or candidate for elective office if the funds came from a non-Federal source. By removing the words "provided pursuant to this Act" it makes it clear that neither the corporation nor the recipient of Federal funds shall permit any resources appropriated for legal assistance for eligible clients to be used for these purposes.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

The amendment is acceptable. As I understand it, some of the corporations and some of the people of groups at the present time—and I am sure this would continue—do receive some private finance resources. This would also prohibit those privately received resources from being used in political activity. It certainly is in line with the thrust of the bill and most acceptable. I join the gentleman from Minnesota in asking its approval.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. QUIE: Page 25, strike out lines 3 through 13 and insert in lieu thereof:
>
> "(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, referendums, or similar measures."

Mr. QUIE. Mr. Chairman, what my amendment does, first, is to drop the language, "legislative proposals," because "legislative proposals" meaning a lobbying before a legislative body, is covered in subsection (c) of section 6, and "legislative proposals" involving the recipient is covered in section 7, subsection (5), on page 27 of the bill.

The way it is written in the bill, it makes the language most unclear, in that it treats "ballots, measures, initiatives, and referendums" differently from "executive orders and similar promulgations."

And so what this amendment does is that it would absolutely prohibit anyone, the corporation or any recipient, to contribute or make available any of its funds, personnel, or equipment for advocating or opposing any ballots, measures, initiatives, or referendums or similar measures.

Mr. Chairman, it seems to me once it is before the voters for a decision in the voting booths, there is no need for an eligible client to have legal representation and, therefore, it stands by itself. As far as the executive orders and similar promulgations are concerned, I treat them later in an amendment that will come on page 27.

Therefore, Mr. Chairman, I ask that the amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. GREEN of Oregon: On page 22, to delete the whole of line 13, and to substitute therefore the words and figures "(3) To undertake directly and not by grant or con-".

Mrs. GREEN of Oregon. Mr. Chairman, I have two amendments, but because one of them occurs on page 31, in another section, I am not able under our procedures to offer it at this time.

But the two do go in tandem, and they have one purpose, and that is to stop the research and advocacy in the backup centers located across the country.

The stated purpose of this bill is to provide needed legal services for those who could not otherwise afford them. Certainly I support the right of a poor person to have legal counsel. I think that is fully justified, and I do not know of any Member of the House who would not support that concept. But when we pass a bill to provide legal aid for the poor, does it mean that we should also finance, using millions of dollars research centers aimed solely at changing social policy? That is, unless my amendment is adopted, precisely, what we would be doing by this legislation.

At the present time, we have at least 12 and, I believe, 16 so-called legal aid backup centers located in various parts of the country funded primarily by OEO. Let me mention a few of the things which are being done in these centers at the present time and which the committee bill would allow to continue.

At Harvard there is a Center for Law and Education. I might note, here, that the gentleman from North Carolina (Mr. MIZELL) will offer an amendment later in regard to this particular activity.

But this Harvard research center actually had attorneys, who were paid with OEO funds, doing the research which led to their joining as cosponsors with the NAACP in the Detroit segregation case. We have memos from the Harvard Center to that effect.

My question is, How does the NAACP qualify as a "poor person?" If the NAACP qualifies, then it is my guess the city of Detroit qualifies. The real point is that OEO funds once again, as so often in the past, are not going to the poor, but for other purposes.

Mr. Chairman, there are two quotations about consistency which come to mind. One is:

> Consistency, thou are a jewel.

The other is:

> A foolish consistency is the hobgoblin of little minds.

In this case, I believe a consistent position is both necessary and advisable.

Last year the House of Representatives voted, by an overhelming majority, to prohibit the use of Federal funds for busing. I think no one would suggest that there was not a great deal of feeling about the Detroit case, the Richmond case and other busing cases reflected in that vote. Now, while we are overwhelmingly opposed to busing, we are asked to take Federal funds and finance the back-up center at Harvard so that their attorneys can go off to Detroit and pursue the suit against the Detroit schools.

This is the kind of backup center authorized in this bill that makes no sense to me.

Also, Mr. Chairman, there are other such centers in other States. For example, there is one doing research on national health program proposals. This may or may not be a worthy purpose. But I suggest the research does not seem to me to qualify as legal aid to the poor.

The gentleman from Georgia and the gentleman from Alabama, I believe, referred to some of the activities in which these attorneys are engaged. It is not to provide legal aid for a poor person. These offices have become the cutting edge for social change in this country. If we want to fund these proposals—let us do it in another piece of legislation, but not as legal aid for the poor.

For example, we have the center doing research on housing and economic development. We have cases where legal aid attorneys have urged people to participate in tenant strikes.

Mr. Chairman, we have documentation that shows cases where the legal aid employees are trying to change the abortion laws of this country. Regardless of what your stand is on abortion, is this what we really mean by providing legal aid to the poor? Do we mean to provide legal aid to change the abortion laws of our country? If so, let us finance various groups who have opposing views on this issue.

There is another large group working on national health insurance. I believe in a national health insurance program. I believe this legislation should be one of highest priority in this Congress. I also believe that there might be individual cases where a poor person would need an attorney to make it possible for him to have health services. However, I must contend that it should not be the intent of the law to finance these research centers—these federally funded lobbies—so that they will change all of the laws and public policy in this regard.

That should be our responsibility.

Mr. KOCH. Will the gentlewoman yield for a question?

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 2 additional minutes.)

Mrs. GREEN of Oregon. If I may finish, I will be glad to yield.

From one of the legal aid groups there is another interesting statement that the control of the police is critical. They say legal services attorneys can assist in carefully planned exposure of police harassment against any law-abiding persons if they are prepared to offer advice and to represent those who take part in violating the law and protect them from false charges.

Now, I do not have any particular objection to the idea of that paragraph, but as to whether or not it is providing legal aid for the poor, that is something I question.

Also, I suggest if we give one group free legal aid, we should also give free legal advice to the policemen in these cases.

I could cite case after case, if there were time, documenting the millions of dollars being spent for nothing but efforts to change social policy. I suggest that responsibility for changing policy belongs to State legislatures and to the Congress of the United States. I have listened many long hours—and share in the complaints—of those who object to the executive usurpation of legislative perogative. I find it incredible now to find myself confronted with a bill which would create another body to perform that constitutionally mandated function of the Congress. I cannot, nor will not legislate away the responsibilities of the Congress to some federally funded corporation under the guise of providing legal aid to the poor.

I am glad to yield to the gentleman now.

Mr. KOCH. I thank the gentlewoman for yielding.

My question is this: In the gentlewoman's statement she said these agencies and lawyers have become—and I think I am quoting her—the cutting edge for social change. Is that not what she said?

Mrs. GREEN of Oregon. That is exactly what I said.

Mr. KOCH. Is it not to be preferred that there be a cutting edge for social change applied through the courts rather than through riot and upheaval in the streets, and is it not helpful in terms of testing and changing the law within the framework of the law that those who could not afford lawyers are provided with those legal services?

Mrs. GREEN of Oregon. I would respond to the gentleman by saying I think he oversimplifies the case. Certainly it is better to work through the courts and through the system than out in the streets and through riot.

But that is not the issue. The issue is are we going to use Federal tax dollars to finance lobby groups who advocate social changes about which the Congress—the elected Representatives of the people—have taken an opposite or neutral view? Should not these groups, if financed by public funds, at least be neutral? In all of the documents I have read, for instance, on the research centers on abortion, they take only one position and that is proabortion. They do not represent the poor person who favors a "right to life" constitutional amendment or the poor person who, on the basis of religious conviction, finds abortion morally objectionable. The same one-sided advocacy is true of all the cases about which I have read. For instance, in Detroit, Federal funds were not made available to the Detroit school board to defend itself against the charge of racial discrimination.

Mr. KOCH. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I will yield in just 1 minute.

If, in fact, we are going to use Federal funds for social change, and as I said, the cutting edge for social reform——

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 2 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, then we ought at least to be fair, and to proceed in a democratic way. We ought to allow both sides to be heard, and not fund just those groups with one particular viewpoint or, if I may say so, bias.

Mr. KOCH. If the gentlewoman from Oregon will yield, is not what the gentlewoman from Oregon is forgetting the fact that anyone, based on his income, could have those services made available, and that if the viewpoint which the gentlewoman from Oregon says has not been represented, went, in fact, to those organizations and was turned down, although they fell within the economic requirements, then there could be a legitimate complaint. But for the gentlewoman from Oregon to say that merely both sides are not represented by these agencies, when we are trying to provide legal assistance to the poor, I think begs the question.

Mrs. GREEN of Oregon. Mr. Chairman, let me just summarize by saying this: If the Congress decides that it is necessary to fund somebody to be the cutting edge for social reform, then I would certainly recommend that it create another corporation for that purpose. Let us not turn this function over to the Legal Aid Services attorneys and pretend that the American public is getting a fair deal. If the Members of the House want to fund the "cutting edge," then I say let us set up a separate organization.

Mr. DENNIS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN or Oregon. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentlewoman from Oregon for yielding to me, and I think that the gentlewoman from Oregon has covered the situation very well.

I want to remind my distinguished colleague and my friend, the gentleman from New York, who is a most distinguished scholar in this body, that perhaps the gentleman has never heard of the State legislature, and he poses the dilemma as to whether we would rather go to the courts at public expense, or go to the streets. I say to the gentleman from New York what is wrong with coming to the Congress and threshing this thing out in a democratic fashion on a bill that the gentleman could introduce, and we could debate, instead of expecting the people whom I represent to pay for this type of reform through a backdoor method that the gentleman might like.

Mrs. GREEN of Oregon. I think it is dishonest to say we are providing legal aid to the poor when in fact we are financing lobbying for social reform that certain groups want.

Mr. Chairman, I urge the adoption of my amendment.

Mr. MEEDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would have thought the gentlewoman from Oregon would have the last person to propose an amendment which the gentlewoman has, because it seems to me it assumes a tremendous amount of mistrust and distrust of the law schools of this Nation. And I know of the abiding concern of the gentlewoman from Oregon for the higher educational institutions of this Nation.

Research is very important. Research by the law schools of this Nation is the type of thing which is enabling legal services to be given to poor people at the least cost. The more research that is done the better able we are to provide these services within the framework of a budget which we can afford.

I want also to point out that we are talking now, assuming this amendment were adopted—and again it seems to me to be a sort of mistrust of President Nixon because it assumes that the board which he appoints is going to turn around and contract with these so-called groups, or schools, that are mistrusted, to do some things which they themselves would not do. All the gentlewoman is doing by her amendment is leaving that authority in the corporation, in the board.

These directors, all of whom are to be appointed by the President, then we must assume, would turn around—or at least the amendment assumes—and contract to do these things, but they would not do them on their own part; so it seems to me that either we can trust these people that the President appoints to handle the affairs within the corporation, or we should not even be enacting this legislation.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I listened to the arguments that were given in support of this amendment, and I am really not clear on where the cutting edge for social change is going on in this country. If it is in the research centers, what has been their product? If we have been cutting so many edges of social change, what has happened? If we have been studying health insurance in these research agencies, so what? If we have been studying old-age homes, and the problems there, what of it? They are not cutting any edges in these research centers at all, as far as I am concerned. They are doing a pretty poor job with a very blunt instrument. Besides, even if there were some recommendations, they have got to come back here, and the Members know what will happen to them here, so I would not be so disturbed about any cutting edges for social change going on in this country. If they are, they are doing it with a very blunt, indelicate instrument.

I think that if we wanted to do something constructive in debating whether we should provide legal services to the poor, why do we not ask the Director, or former Director, Howard Phillips, where he was when all this inappropriate activity was going on? It so happens that nobody has asked why they did not oversight this problem where there were people going beyond what the mandate of this Congress is concerned about. Of course, we do not want to talk about that, because Mr. Phillips is busy distributing literature about why we should junk the administration's bill instead of superintending and giving some oversight to the problems that he has furnished a lot of people here with evidence to talk about today.

I am not going to support the amendment for these reasons.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Washington (Mr. MEEDS) is quite right. The effect of the amendment of the gentlewoman from Oregon would not end research, but it clearly would call into question the ability of the corporation to carry on the functions that are now carried on through various backup centers.

Let me, if I may, point to the Vice President of the United States, who in his speech before the Texas Bar Association on July 7, 1972, said, and I quote the following:

> Law reform as a specific goal should be the province of the National office and the various backup centers. It should be pursued through responsible professional representation before legislatures and governmental agencies and through amicus briefs or intervention in existing cases, not through demonstrations or other high-pressure tactics.

The backup centers, it seems to me, are essential ingredients to the ability of the lawyer in the field to do the job. For those not like myself, because I do not practice law, who are in the practice, or used to be in the practice, they had in effect their own backup centers. They could subscribe to Commerce Clearing House or the Bureau of National Affairs, or could attend the seminars put on at the University of Wisconsin Law School. The lawyer in the field, however, has a more difficult time. I do not think he can afford to hire Commerce Clearing House as a backup center at the office. That is what the backup center is all about.

The gentlewoman from Oregon is pointing to some highly emotional examples of the kind of work the backup center is involved in.

Let me point to the District of Columbia. What does the Backup Center on Social Science Research in the District of Columbia do? It is a part of the effort that was put on by the local legal services attorneys that enabled the court, on the basis of the information developed, to have the finding that the handicapped were the single most-discriminated-against class of individuals in the society.

As a result of that, in the District of Columbia school system they now have to come to grips with the failure to deal with handicapped children. They have been the neglected children in the history of the society. Are we to say that this kind of action on the part of the backup center to enable those that are the most disadvantaged to gain this kind of expertise is wrong? I really do not believe the House of Representatives wants to close out the ability of a local lawyer, whoever he may be, representing a disadvantaged client, so he will fail to have the kind of experience and expertise and research and documentation and criteria and data—all of the material that the research and backup centers have made available to legal services attorneys across this country. That is the issue in this amendment.

I think the Vice President of the United States is absolutely correct, that these form an integral part of the specific goals that are necessary both for the national office and for the backup centers. Thus I would hope the amendment would not be adopted.

Let me quote further from the president of the American Bar Association in the hearings on these bills. I asked him in 1973:

> Mr. STEIGER. You do agree, do you not, that there is a need for the concept of backup services?
>
> Mr. MESERVE. Indeed I do. I don't see how with any efficiency the individual lawyers in the field can do all the type of research which these backup centers can do in specific and particular areas. I think it is a great economic advantage that a backup center in Massachusetts can tell a lawyer in Colorado what is going on in a particular field not only in Colorado and Massachusetts but throughout the United States because they have an actual capacity to correlate and integrate resources into these particular problems. I think the concept of a central organization responsive to legal and drafting questions in particular areas is an excellent one. I do think that the backup center program has worked well from all I have heard. I see no reason to abolish the concept but I am not wholly on the inside on that. I think some kind of backup center services ought to be provided to counsel in the field or they will handle a great many less cases than they are now, which I think is bad for the poor people.

Mr. FLOWERS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Chairman, I believe the law library is something that every practicing lawyer uses and has available to him. Surely the gentleman is not assuming the legal services lawyer is not going to have a library in his office just like the regular private lawyer?

Mr. STEIGER of Wisconsin. Yes, I am. I hope the gentleman can come with me and we can take a look at some of the local legal services offices. They do not have the library and money to put that together. It is fine if you have run an office and have the tax deductions.

Mr. FLOWERS. It seems to me under this bill they could very well be provided the libraries as well as office space and everything else.

Mr. STEIGER of Wisconsin. I am suggesting to the gentleman that money for books can deprive clients of needed service when backup centers provide resources on an executive basis.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I think all of us are affected by what we know to be the circumstances in our own area. In my hometown we have a law library which is very comprehensive for the benefit of all lawyers who wish to participate at a reasonable fee. They pay a minimal amount and it has all of the services that are utilized by lawyers in many, many fields. This of course is helpful to the younger lawyers who are not a member of a firm or to a firm that is just getting started and as a result they do have the opportunity of going to the law library and getting the benefit of the services that cover a wide range of subject matter.

The legal services setup in Grand Rapids, Mich., is affiliated to some extent with the local law library. It therefore has the full benefit of all these services that are available. I do not know of lawyers generally who practice who have the benefit of the massive backup in their private practice. Why should we give to the corporation attorneys an extra capability through backup centers when we do not do it for the lawyers generally?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Michigan, my father-in-law was an attorney in Oshkosh and he did not have a backup center either, but on behalf of a client who could afford it, for instance in a case involving an industrial accident, which went on for years and years, he hired the best expertise in the medical school of Northwestern University to help him on behalf of his client.

I would suggest to the gentleman that that capability is not possible on behalf of either the client or the attorney who is not charging a fee through the legal services program to develop that same kind of expertise.

Perhaps I use a bad example, clearing house. Perhaps there is a better way of saying this, without being impractical. I think with what has happened in terms of kinds of action taken by local lawyers, it is altogether something they could not on their own ever hope to get, nor is there the money available to hire them as there is for a regular practicing attorney.

Mr. GERALD R. FORD. Mr. Chairman, let me turn it around, if I may. If these backup centers provide this very valuable information and counsel, what about the other side of the lawsuit? They do not have a comparable backup service for their benefit. Is the gentleman not making the sides unequal by providing with Government funds a very sophisticated, very knowledgeable backup center for one side, and the other side of the lawsuit has to rely on the regular services that are available to all attorneys?

Mr. STEIGER of Wisconsin. Of course, it would vary, would the gentleman not agree, with the client or defendant. If one is bringing in a case with children, one is bringing in an action against the school board. They do have available to them resources.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am anxious to get to a vote also, but I think at least someone ought to talk about what the gentlewoman's amendment is instead of all the other things we have been talking about. I find it interesting that even the gentlewoman herself seems to talk about all kinds of other things, of cabbages and kings and other things, but did not say what her amendment would do.

She used some very inflammatory code words here, and all of us who are concerned about school busing are supposed to immediately start salivating for a chance to get on the record against busing. If there are Members here as anxious as I am to get on record, just wait patiently with me, because they will have plenty of chance to do that on a clear vote which will not be misunderstood by their constituents or by anyone else, and it will not be fogged up in any way such as this amendment is.

Let us look at what the amendment is. If Members will take a look at the bill on page 22, what does the gentlewoman ask the Members to vote for?

Does she ask the Members to vote to discontinue research? Discontinue training and technical assistance? Discontinue someone serving as a clearinghouse for information? No, she does not. All that this section which she seeks to amend does is say that the Corporation, as it reads now, the Corporation may undertake to conduct research, conduct training and technical assistance, serve as a clearinghouse for information, or the Corporation under the bill may contract for research, contract for training and technical assistance, and contract for someone to serve as a clearinghouse for information.

They cannot contract for hired guns to go out and try cases. They cannot contract for high-powered lawyers or doctors to testify in cases across the country.

Is it logical for us to believe that the Corporation has the capacity to do its own research "in-house," in a Government research project here; in Washington, but that it cannot be trusted to go to any college or university in this country and contract for legal research? Where in the world do you logically go for legal research? Where do you logically go for medical research?

We certainly do not want to say that Federal agencies have a greater capacity to develop from the ground up with this money the capability to conduct legal research. Do we want to create a cadre, a corps over here, whether it is run by a corporation or anyone else, of Federal law researchers? Are the members willing to trust the product that is coming out of there any more than they would trust the product coming out of the State universities and the great institutions which are the law schools of this country?

I saw the laughs and smiles a little while ago when the gentleman from Washington (Mr. MEEDS) asked, "Do you trust the law schools?"

All of us as lawyers have had fun kidding our alma mater and kidding our profession, but this is serious. We are being asked to cut off this Corporation from dealing with the agencies our State institutions have set up.

I appeal to the minority leader. In our own State if we are to have this kind of backup I would much rather have his alma mater, the University of Michigan, or Wayne University, or the University of Detroit Law School, contract to do this, rather than hire a bunch of civil service level Federal lawyers and turn them loose.

If we adopt Mrs. GREEN's amendment, we in effect would be voting to say that while we want to give the poor people of this country the opportunity to use the legal system of this country we are on the face of it going to agree with her when she says, "Do not trust the schools," that are the backbone of the legal system of this country, responsible for the ethical, moral, and professional training that goes into what we call the legal profession.

After all, our legal system is only as good as the lawyers and the legal scholars of this country.

I would echo what the gentleman from Washington said. If we cannot trust them, then, my goodness, whom can we trust?

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I believe probably we have wasted more money in this Government under the guise of research than anything I know of.

Mr. WILLIAM D. FORD. I agree with that.

Mr. CEDERBERG. This bill is to help take care of the needs of the poor.

Mr. WILLIAM D. FORD. Right.

Mr. CEDERBERG. I assume that all these lawyers have already gone to law school and have already passed the bar?

Mr. WILLIAM D. FORD. Just barely.

Mr. CEDERBERG. Just barely?

Mr. WILLIAM D. FORD. They work for $11,000 or $12,000 a year; they do not get much.

Mr. CEDERBERG. While they are taking care of the poor, why not let them do their own research? I do not understand this.

Mr. WILLIAM D. FORD. I would ask the gentleman a question. He has responsibility for a substantial staff here. How many lawyers does he know around this building who are working for $11,000 or $12,000 a year? Would he be willing to take advice from someone with that salary?

Mr. CEDERBERG. Then let us pay them a little more money.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. HAWKINS, and by unanimous consent, Mr. WILLIAM D. FORD was allowed to proceed for 1 additional minute.)

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. WILIAM D. FORD. I yield to the gentleman from California.

Mr. HAWKINS. I fear there may be some misunderstanding about the so-called terrible consequences, as mentioned by the gentlewoman from Oregon, which could occur. Apparently there is a feeling that this was added by the subcommittee or by the full Committee on Education and Labor. Is it not true that this particular provision came from the White House and was recommended and urged by the White House?

Mr. WILLIAM D. FORD. As a matter of fact, it is the exact language of the administration bill. I understand it is in the substitute that is going to be offered from the other side. I just want to see, if Members can vote against it now, what they are going to do about it when it is offered from that side.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. WILLIAM D. FORD. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Since the gentleman used my name I should like to make a couple of comments.

It has been said that I did not explain the purpose of my amendment, in the reference to page 22. When I first stood up I said it was in tandem with an amendment on page 31.

Mr. WILLIAM D. FORD. The amendment on page 31 is not before the body, and the gentlewoman is discussing an amendment she is going to offer later. I am discussing the amendment we are to vote on now. I am glad the gentlewoman has made it clear that she did not discuss the amendment we are to vote on now.

Mr. CONLAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe a couple of things need to be cleared up.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Since the gentleman from Michigan has made some statements that as I see it are not quite accurate, I should like to comment. I said that the two amendments had to be taken in tandem. The effect of the two amendments would be to get rid of the backup centers. That is correct.

Now, for the gentleman to say that this would only be for research in the Corporation is not accurate. It would require Corporation lawyers to be responsible for the kind of research they do and keep it in house. This is not a new departure.

As to the Office of Education, I have tried to clean up the research grants down there, and I have not had too much help from my friend from Michigan.

And third, when he says that this is great research, if the gentleman from Detroit wants to back up and approve this kind of a research center—and this is a memorandum from the Harvard Center—I will read this for the RECORD:

> This is the Detroit Metropolitan School Desegregation case in which we are co-counsel with the NAACP on behalf of black and white children.

Then it goes on to codify the case.

Mr. Chairman, if that is the business of giving legal aid to the poor and that is the kind of research center and the work the gentleman from Detroit wants the House of Representatives to approve, that is his privilege, but it is not what I think is meant by "legal aid for the poor."

Mr. CONLAN. Mr. Chairman, this series of backup centers is the intellectual brain trust which prepackages the lawsuits which go across the country with disparity and lack of fair play toward local communities, school boards, and counsels, as well as our county board of supervisors and private people in the local sectors.

Mr. Chairman, I am reading now from the National Clearinghouse for Legal Services:

> The Harvard Center for Law and Education has compiled materials for lawyers on the legal rights of secondary school students. The package contains court papers—complaints, interrogatories, legal memorandums—from a representative sample of current student rights litigation. The papers were selected from lawsuits which have sought to secure basic constitutional rights for high school and junior high school students: the right to freely express controversial views on school premises, the right to dress and wear one's hair as one pleases, the right to fair procedures in suspension and expulsion cases, the right to be free from unwarranted searches in school—among others.

That relates to narcotics and other issues:

> The package also contains a complete bibliography of current decisions, as well as copies of two current Appeals Court rulings.

Mr. Chairman, these backup centers are mass producing centers for lawsuits across the country. Most of them are not functioning at the university level as the gentleman from Michigan said. These are private group projects, some of them sponsored by the Earl Warren Legal Institute of Berkeley, Calif., and the Council for Legal Help in Los Angeles, which is not tied in with the university, the Center on Social Welfare Policy and Law on 117th Street in New York, the National Law Employment Project Association, again in New York City, the Legal Services for the Elderly Poor—all nice sounding names, good projects.

But, Mr. Chairman, what is their whole purpose? It is not to back up individual cases, but to move into the area of public policy reform and attacking and harassing legitimate Government services at the basic level.

Mr. Chairman, I think the gentlewoman from Oregon (Mrs. GREEN) has hit the nail right on the head. These attacks range from those on cable TV, to conscientious objectors, draft, and welfare eligibility requirements sought to be stricken down, attacks on police procedures, recruiting students to be involved in class actions against schoolboards, parent associations, et cetera.

This is what they are out for, political agitation and not for legal services.

Mr. Chairman, I, too, object to these backup centers and support Mrs. GREEN's amendments.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman also not agree that where there is a center, for instance, at Harvard, the Harvard University does not have control over it, that as it is funded, it really is separate?

The same thing is true of Columbia University. We are not giving the money to Columbia University for them to use; we are giving it to a center, which is an individual entity.

Mr. CONLAN. Mr. Chairman, the gentlewoman from Oregon (Mrs. GREEN) is absolutely correct.

There are instances in this situation where we have Harvard University professors who do moonlighting on the side for 5, 6, 8, or 10 grand a year on these projects they worked on. We all know how it is done. These are areas in which they practice the fine art of grantsmanship. They dole the money out, and these professors engage in moonlighting activities, and this activity is often done with an outright political thrust across the country.

Mr. TREEN. Mr. Chairman, will the gentleman from Arizona (Mr. CONLAN) yield?

Mr. CONLAN. I yield to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Will the gentlemen tell me what it means when it says that we should provide for the training and technical assistance? Does this mean under this bill that the Corporation has to send people to law school to train them, through undergraduate school and through law school, to become advocates under this program? Does this permit this, and would the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) prohibit that activity?

Mr. CONLAN. Yes; in my understanding it would. And it would also answer the question of the gentleman from Michigan (Mr. CEDERBERG). I think the gentleman perhaps was not aware that in numerous instances many of these attorneys across the Nation are not admitted to the bar.

This is again a shocking development when you study it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

I hesitate to take the time of the House further, but I have one or two matters I would like to address to the House.

First of all, I rise in support of the gentlewoman's amendment.

I am a member of the committee, which puts me in a very unique and awkward position on the Democratic side of our committee. I hope this would not characterize me, as some would have it, as a person who is not for the cutting-edge approach and who is not for progressive and thoughtful change in our society through the law because I believe, Mr. Chairman, I am.

But at the same time I cannot help but remember when I was a practicing lawyer and struggling very hard to make a living. I had no backup center. My backup center was my brain and my feet.

I would walk over to the law libraries in the county courthouse and wend my way through the bookstacks, read the volumes through, and try to be my own two-legged backup center.

I did not have the opportunity to subscribe to the commerce clearinghouse service that my friend from Wisconsin earlier mentioned. But the county law library had a commerce clearinghouse and I could and did study that.

So, accordingly, I am not really sure that we need backup centers and research centers for the production of this kind of information when they are provided from legal service funds.

I had occasion to examine personally, and physically as well, the legal aid center in my hometown of Louisville. I questioned the inclusion of several thousand dollars in its budget for travel and some $3,000 for phone expenses.

The city of Louisville is not 1 gallon of gas wide; is deep in distance and it only takes a local call to extend to the perimeters of the county. But, the legal services people said the money was necessary in order to obtain an understanding of the bewildering array of cases affecting their clients.

I say that is all good and fine, but you do not need backup centers if you have travel money to attend seminars a long distance away and money to make calls to the law service centers where the information can be obtained.

Finally, let me beg the indulgence of the House to make one more point.

We have talked about the need today

of showing fiscal responsibility and to spend each Federal dollar with efficiency.

It seems to me if, in fact, legal services are to help the poor—particularly the individual poor—then the very best expenditure for each dollar would be to put it where it directly helps the poor. This is on the local level, not in backup centers.

Mr CONYERS. Will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding. I would like to ask him a question. How many back-up centers are there now that the gentleman would like to eliminate?

Mr. MAZZOLI. I will let the gentlewoman from Oregon answer the question.

Mr. CONYERS. Let me ask the gentleman something else.

Mr. MAZZOLI. I would like to strike them all, if that answers the question.

Mr. CONYERS. Do you know how many there are? Two or 200 or 2,000?

Mr. MAZZOLI. I think there would not be 20, but I would yield to the gentleman from New Jersey at this point.

Mr. HUNT. I take this opportunity to commend the gentleman on his statement.

Insofar as these centers are concerned, the gentleman from Arizona hit it on the head when he said these centers are not completely staffed by qualified attorneys but, rather, are staffed by people who may or may not be attorneys but law students or others who go under the guise of investigators. They in many cases are not from a qualified university or law school. All they do is sit there and dream up something to draft legislation so that they can go out and harass the elected officials in the cities and end up with these crazy, ridiculous things called "class action writs."

Mr. MAZZOLI. I will let the gentleman have his own opinion. I am not so much interested in the philosophy that the gentleman from Arizona articulated so carefully in the well. I am not sure I subscribe to that.

But I feel there is a need to spend the Federal money wisely and well and within the framework of the purposes designated in the preamble of the legal services bill. That would be on the local centers.

I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I would like to respond to the gentleman from New Jersey. Quite obviously he has not read the amendment. He is talking about investigators going out and harassing people. This is research and training and technical assistance and a clearinghouse for investigators.. The backup centers have no investigators. I do not know where you dreamed that up.

Mr. HUNT. That is no dream—you better check a few legal service staff payrolls of several years back.

Mr. WILLIAM D. FORD. They certainly have not been identified.

Mr. HUNT. If the gentleman will yield further, I will identify some of them.

Mr. WILLIAM D. FORD. They are not a part of this legislation.

Mr. HUNT. If they are not, then the legal services have a skeleton staff.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am deeply troubled not by this amendment as much as by the debate that is taking place in relation to the amendment. Frankly, I am not prepared to defend backup centers. If anybody has looked at the breakdown of the dollars and where the individual backup centers have been, and how many dollars have been spent, if one looks at the individual cases they have dealt with, one could very well find things that they have done to which every one of us would object.

But if I may call the attention of my colleagues who have not served on the committee, to exactly what section of the bill it is we are dealing with, and what the proposed amendment is. The section of the bill with which we are dealing deals with research and training and clearinghouses, but that is not what the amendment deals with. If you do not like research, then make another amendment. If you do not want clearinghouses, then make another amendment. If you do not like training and technical research, then make another amendment and let us vote on it.

What is it we are called upon to vote on? I am most surprised at some of the support for this amendment. My colleagues who are convinced that the Federal Government should not do everything have no logical recourse under this amendment but to oppose it. Why? Because this amendment says this: It provides that a section of the bill that now says this Corporation as created can undertake either directly or by grant or contract to do certain things, under the amendment of my friend and colleague, whom I respect highly, from my home State of Oregon, would be changed to take out the capacity of this Corporation to do anything but do it itself. It says, if we adopt the amendment, that under this section whatever they wish to do, and you can quarrel with whether or not they ought to do it or not, but if you adopt this amendment it says this Corporation can only undertake it directly. Which means that if the Corporation decides it wants to do research it is going to have to gear up and do the job itself, get Government attorneys, set up its own facility. When it comes to another section we may debate whether or not we want research centers——

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I would prefer to finish my statement.

Mr. ROUSSELOT. I would like to speak to the issue the gentleman is raising.

Mr. DELLENBACK. I would prefer that the gentleman permit me to finish the point I am making, and then I will be glad to yield to the gentleman.

What I am saying is that if you feel that there ought to be flexibility not only to do particular things, but to do these particular things in various ways, sometimes directly, sometimes by getting somebody else to do it by grant or contract, and insofar as research centers, you can oppose them, but if you want this corporation which you are setting up, if we do not give it this flexibility so as to do what it can do and to do some things directly and some things indirectly, then you have no recourse, I submit, but to oppose this amendment.

Mr. ROUSSELOT. If the gentleman will yield. I thank the gentleman for yielding. I think that this was the very point the gentlewoman from Oregon was trying to make, that her amendment is a part of a package of two amendments, and we are now only voting for one part of the amendment and then object to the other, which is the point the gentleman is making.

Mr. DELLENBACK. Let me say——

Mr. ROUSSELOT. That is exactly the point the gentlewoman was making; that these research centers should be totally controlled by the local services corporation itself. That is a constructive position.

Mr. DELLENBACK. Let me respond to the gentleman, in response to what the gentleman has said, that then when we get to that amendment, and there can be a linking up, when we can see what its relevance is, we can of course make our decision as to whether we may or may not support that one. But on this one, if you adopt this amendment you are buying a pig in a poke, because you are tying its hands and making this corporation less effective to do what it wishes to do. If you adopt the amendment—if you are opposed to the whole situation, and some may be, then you may go for this amendment, but if you want to set up a viable operating corporation, that will have flexibility to do what it is proposed to do as effectively as possible, then I submit that you should not cripple us by adopting this particular amendment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, as I understand it, the gentlewoman has offered an amendment which would require that such things as research, training, and technical assistance, and information dissemination, would have to be performed directly rather than by contract or by a grant? What I am wondering is, Does that mean that a corporation which is still authorized to do these things would hire people to do them? I honestly think we are making much ado about nothing over this. I think there are many more important amendments coming.

Mr. DELLENBACK. The gentleman is correct. If the Members do not want the Government to be bound to do everything itself, they should defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. GREEN of Oregon. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 166, not voting 22, as follows:

[Roll No. 254]

AYES—245

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Biaggi
Blackburn
Bowen
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Eshleman
Evins, Tenn.
Flowers
Flynt
Ford, Gerald R.
Fountain
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goldwater
Goodling
Gray
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hogan
Holt
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lehman
Lent
Litton
Lott
McCollister
McEwen
McKay
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
Parris
Passman
Pettis
Pickle
Pike
Poage
Powell, Ohio
Price, Tex.
Quie
Quillen
Randall
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ryan
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Stratton
Stubblefield
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—166

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Gibbons
Grasso
Green, Pa.
Griffiths
Gude
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Howard
Johnson, Calif.
Jordan
Karth
Kastenmeier
Koch
Kyros
Leggett
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
Macdonald
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Peyser
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
St Germain
Sarbanes
Schroeder
Seiberling
Smith, Iowa
Smith, N.Y.
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stokes
Studds
Symington
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Waldie
Whalen
Wilson, Charles H., Calif.
Wolff
Wyatt
Yates
Young, Ga.

NOT VOTING—22

Ashbrook
Bray
Breaux
Clawson, Del
Danielson
Fisher
Gonzalez
Hillis
Hinshaw
Kazen
King
Lujan
McKinney
Patman
Rarick
Rooney, N.Y.
Staggers
Stephens
Thompson, N.J.
Thomson, Wis.
Whitehurst
Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: On page 25, insert following line 13, a new subsection (e), If an action is commenced by the corporation or by a recipient and a final judgment is rendered in favor of the defendant and against the corporation's or recipient's plaintiff, the court may upon proper motion by the defendant award reasonable costs and legal fees incurred by the defendant in defense of the action, and such costs shall be directly paid by the corporation.

Mrs. GREEN of Oregon. Mr. Chairman, the purpose of this amendment, and it is permissive, is to allow the court to give to the defendant the court costs and the attorney fees if the defendant is on the prevailing side.

Mr. Chairman, at the present time the OEO finances the attorneys on the plaintiff's side and they bring court cases all over the country.

Let me give two examples, in Portland. I am sure these could be duplicated in every State of the Union and in most congressional districts.

In my city of Portland the legal aides filed a class action suit against the school board. It was filed in 1970. It is in the court of appeals now. Up to this point it has cost the Portland School Board $22,648. It has not cost the plaintiffs, the OEO legal aid officers, anything out of their pockets.

It seems to me that if the school board wins that case, if the school board is on the prevailing side, then as a matter of equity the court costs as well as the attorney fees ought to be paid by the Federal Government also.

Mr. Chairman, let me give you another example. There is a man whom I know in my district whose income comes from a very small apartment house, from the rental of those apartments. A suit was filed against him by Legal Aid. He won the suit, but only after having spent $4,300 out of his pocket.

Now, where is the equity in that? When we say to one side of the case that the Federal Government will pay all of the costs for bringing any suits, but the poor defendant, whether he wins or loses, has to pay for the expenses of that suit out of his pocket, where is the equity?

Now, we are really a little bit more fair in urban renewal relocation. If a person has a house in urban renewal relocation, and we take the house away from him, we at least compensate him for it; we pay for it, but we file a suit for him, and it actually comes from Government funds.

Here we may take $4,300 cash out of his pocket and we never reimburse him, even though he is on the right side, and he wins the case.

There is a second reason why I ask for support for this amendment besides the point of equity, and that is that it seems to me it would have a restraining effect on the OEO legal aid attorneys.

Mr. Chairman, right now there is no reason why they should not file any suit at any time. They have nothing to lose. They can appeal their cases. But if the court is given permission to allow the court costs and the attorney fees to be paid by the Corporation if the defendant is on the prevailing side, then I would think it would have a restraining effect on frivolous cases and on frivolous appeals.

Mr. Chairman, that is the purpose of the amendment. I see no reason for taking additional time.

Mr. MEEDS. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I thank the gentlewoman for yielding.

I am sure I would agree on this. May I ask the gentlewoman, this would be done by motion of the court?

Mrs. GREEN of Oregon. The court may do this upon proper motion.

Mr. MEEDS. And it will be a part of the court order?

Mrs. GREEN of Oregon. The gentleman is correct.

Mr. MEEDS. Mr. Chairman, I believe we have no objection to this amendment.

Mr. QUIE. Mr. Chairman, will the gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I commend the gentlewoman for offering this amendment.

I would like to say to my colleagues from the Committee on Ways and Means that I wish they would do the same thing in IRS, because there is many an individual who wins his case and yet expends a lot of money. I think this is the only fair way to do it.

Mr. CONLAN. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, in other words, this amendment would require the Corporation rather than the recipient to be reimbursed?

Mrs. GREEN of Oregon. The gentleman is correct. The Corporation would have to pay out of its funds such costs which shall be directed to be paid by the court.

Mr. CONLAN. Mr. Chairman, may I ask this further question?

As part of our legislative intent, the Corporation would withhold a sufficient amount of funds in reserve for such an eventuality?

Our past practice seems to be a significant one.

Mrs. GREEN of Oregon. The gentleman is correct.

Mr. CONLAN. Mr. Chairman, I think the gentlewoman from Oregon is quite correct in offering this amendment, because the committee got the wording from the original bill which prevented the taking of frivolous appeals.

I support the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONLAN

Mr. CONLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONLAN: Strike out the word "authorized" on line 11, page 23, and insert in lieu thereof the word "admitted".

Mr. CONLAN. Mr. Chairman and fellow Members of this body: I rise for a one-word amendment to the bill. There are some who think it is an extraordinary amendment. I think it is a quite decent amendment, one that should be put into the bill.

There has been a desire of many to see that the itinerant movement of poverty lawyers between States cease, and that lawyers who are hired by local recipient legal aid societies be admitted to practice before the bar of the State in which they are practicing and serving the clients of the community.

Now, I ask the Members, why should the poor have second-class legal counsel? Why should the poor have as legal counsel men who are not admitted to the bar of that State? Why should the poor have those who have flunked the bar association examination, or those who are law students in residence?

We talk here about giving the poor a fair break, yet we are not giving them the best attorneys in town. The salary scales are small enough, but rather than having so many patronage jobs all around the country, we would be better off raising the salaries and getting better attorneys.

However, the provisions of this bill say "authorized" to practice law, when it should read "admitted" to practice law. When you read the language of the bill it does not preclude the hiring of law students or graduates of law schools who have flunked the bar, but still go on the payroll. If they want to go on as a consumer law specialist or administrator to teach the poor how to deal with their business, fine. I think it is only fair and decent that people who are hired as attorneys be admitted to the bar of that State. It does not preclude in any way an attorney coming in as co-counsel and it does not in any way preclude a law firm, privately or otherwise, working with him, but it does preclude—and this is one of the things that shake up some people—people on the OEO payrolls elsewhere in the country from moving in as an attack group from State to State. It is not the function of these services to act that way. I submit to you it is not the function of these services to develop conflicts. The purpose of legal counsel should be seeking reconciliation first, not conflict in the courts.

An attorney admitted to the bar of that State knows the laws of the State and has been admitted to the bar. It is the only fair and decent safeguard if you are truly interested in the poor, rather than to have bummers move from State to State.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when this matter was brought up in meetings with some of the members of the committee it was pointed out that in some instances attorneys who are admitted in the State under the laws of that State may practice law in that State if they are admitted in another State. It is fairly common pracice, for instance, when an attorney is engaged in a matter that requires his representing a client in a State in which he has not as yet been admitted and it will only be a casual matter of representing one client in that particular case, he may be authorized to practice there under those circumstances.

There are many different situations in which an attorney may legally, and under all of the conditions ethically, represent the client although he is not admitted to practice. The States determine who is authorized and who is not.

I suggested to those who were concerned with this section that we should not be here dictating to the States how to determine whether a man is authorized to practice in a State or not. So this is the State's right provision we are offering in the bill. We are not dictating to any State how a man can be authorized to go into a court of law to represent a client. We can allow each State to determine that. If it requires admission in that State, it will require admission under our bill. If he can be authorized in some other manner in that State, then he can do so under our bill.

Mr. Chairman, I hope you will support this State's right amendment.

Mr. QUIE. Will the gentleman yield?

Mr. ERLENBORN. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. It is absolutely clear in the language, is it not, that the Corporation and the recipient cannot do the authorizing, but it is the State within the State law?

Mr. ERLENBORN. There is no question about that. The only one who can authorize a person to practice in the State is that State under its own State laws and through the rules of practice in its courts. It is absolutely clear that this authorization does not refer to anything the Corporation or the recipient authorizes but only what a State authorizes as to the practice of law generally.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota.

Mr. QUIE. So the gentleman from Illinois opposes the amendment offered by the gentleman from Arizona?

Mr. ERLENBORN. I do oppose it, because I do not believe that this Congress should be dictating to the States how a person can be authorized to practice law. I would hope that the House would reject the amendment offered by the gentleman from Arizona, and accept the committee bill which is the States rights bill.

Mr. CONLAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Arizona.

Mr. CONLAN. Is the gentleman saying then that the poor should not be represented by an attorney who is admitted to practice law in that State?

Mr. ERLENBORN. No, I am not saying that, and I do not see how the gentleman could read that into what I have said. What I have said is that attorneys who practice under this act representing the poor should be those who are able to practice within that State under that State's law, and should have all of the same qualifications as that State requires for anybody who is representing a client within that State. That is exactly what I am saying.

Mr. CONLAN. That is not what this amendment does.

Mr. ERLENBORN. It does; it says "authorized to practice within the State," and the only way a person can be authorized to practice within the State is if that person complies with the laws of that State as to who can and who cannot practice. In some cases that requires formal admission to the bar, and in some cases, through comity, and otherwise, it does not require formal admission to the bar. The States shall determine for themselves, each State, under what circumstances a person is authorized to practice within that State. That is why I call this the States rights provision.

Mr. CONLAN. And they have a real grand loophole in the bill, which they did not have in the original bill. In the original bill, the word "admitted" was used, but the subcommittee changed the word to "authorized," and thus they created this great loophole.

Mr. ERLENBORN. I do not agree with the gentleman from Arizona, because no one would be authorized under the language of this act to practice law in a State unless, as a private attorney representing a private client, he would also be entitled to represent that client. There would certainly be no diminution in qualifications for a person to represent a client by using the word "authorized."

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to call the attention of the Members to two sets of circumstances. There are two projects; for example, there is this project over here on the border of West Virginia and eastern Kentucky, and I think it is called the APPALRED project, and it is a joint project serving the poor in those two States.

Also, when we go down into St. Louis you have more or less the same situation where a project is serving the people across the State line.

In those situations some of the lawyers may be admitted to the bar in one State, and not admitted to the bar in the other, but by agreement of the courts, and by special rules that are set up in those States, for the benefit of the poor people under this program, they are authorized to come across the State lines and continue to represent someone.

The second thing that happens is like in the State of Colorado, for example, where for many years the State, by special rule, has authorized judges to permit nonlawyers prior to their admission to the bar, as a part of the program in conjunction with their law schools in carrying on their own legal services program—and they are one of the pioneers in this country—and that practice is now being followed in connection with law schools in many of the States where senior law students are given limited rights, and are given authority to practice in a limited kind of forum as a means of securing experience.

And if we hear say that the tests will not be what a State considers to be the requirements for authorization——

Mr. WYDLER. Mr. Chairman, if the gentleman will yield at that point, I think it might clear up the record for everybody if the gentleman could assure this Committee that when the sentence says "such attorney is authorized," that what that means is no one who is not an attorney can be so authorized, I believe that would clear it up.

Is that the understanding of the gentleman?

Mr. WILLIAM D. FORD. No, because he may be a senior law school student who, by the law of that State, is permitted to represent indigents in connection with programs of this kind.

Mr. WILLIAM D. FORD. It is precisely that kind of young person who is attracted to this program, and we have been making great progress all across the country in setting up intern-type programs.

There are many people who are authorized to practice law on behalf of poor people who are not admitted to the bar of the State in which they practice.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from New York.

Mr. SMITH of New York. As I understand, the gentleman states there may be some people who are not admitted to the bar that are authorized by the law of that State to practice law in that State?

Mr. WILLIAM D. FORD. That is correct.

Mr. SMITH of New York. This bill, the committee bill, would now continue that pratice?

Mr. WILLIAM D. FORD. That is correct.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I am sure the sponsor of this amendment is aware of a program in his own State where a Navajo Indian legal services program operates both in New Mexico and Arizona, and this would possibly quite inadvertently cut out attorneys from practicing under that.

Mr. WILLIAM D. FORD. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. CONLAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNIS: Page 24, after line 7, insert the following:

"(6)(A) Any interested person may bring an action in a Federal district court to enforce compliance with the prohibitions of or under this Act by the corporation or any recipient or any officer or employee of the corporation or of any recipient.

"(6)(B) If an action is brought under clause (A) to enforce compliance with the prohibitions of or under this Act and a final judgment is rendered in favor of the plaintiff, the corporation shall promptly reimburse him for his costs and legal fees incurred in prosecution of the action."

Mr. DENNIS. Mr. Chairman, this amendment reinserts into the bill language which was in the administration's bill and which was taken out by the distinguished committee. It more or less complements and supplements the amendment recently adopted which was offered by the distinguished gentlewoman from Oregon. Her amendment provided that if the Corporation should sue a person, and that person should beat them that person could get attorney's fees and costs.

This amendment provides that if, as a citizen, one feels and believes that the Corporation is violating the restrictions placed upon it by the law, and is bringing actions which it is not authorized to bring, or doing things which it is not authorized to do, that one can go into the Federal court and seek to prevent that illegal action and to enforce the statute, and to make the Corporation live up to the restrictions imposed upon it by law. If one wins that suit, one can get his attorney fees and costs from the Corporation for making it obey the statute. It is a simple amendment which was in the administration bill and which, as I say, complements that of the gentlewoman from Oregon, and I urge the Members' support for it.

Mr. CLAY. Mr. Chairman, will the gentleman yield for a question?

Mr. DENNIS. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, in the event that the citizen does not win the case would he then reimburse the Corporation for the expenses incurred?

Mr. DENNIS. No, not according to this amendment. He has not got the Treasury of the United States, as the Corporation does.

Mr. CLAY. But if we keep adding similar amendments we are going to break the Corporation we are talking about.

Mr. DENNIS. Oh, I hope not. I hope the Corporation will be encouraged to obey the law.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

I would like to point out first that in all probability this amendment may well be subject to a point of order and this is one of the unfortunate circumstances of being presented with amendments by somebody who is about to offer them 1 second before the amendments are offered. In all probability this amendment deals with the jurisdiction of the courts and therefore is not germane to this particular legislation.

But that notwithstanding, it seems to me first of all a good part of what the gentleman is proposing has already been taken care of by the fine amendment offered by the gentlewoman from Oregon, that is to reimburse people who bring suits, or when suit is brought against them by this Corporation, to reimburse them, with which I agree, but this goes further and gives any nut—and I use the word advisedly—the standing to sue this Corporation. We set up in this legislation advisory boards in every one of the States which can be and should be looking for instances where people have been put upon, if that happens under this law, and in each instance I am sure these advisory boards should be watching for this.

Why should we load up the already overburdened calendars of the Federal courts with litigation by every person who is dissatisfied, and this includes the poor people themselves who may be just dissatisfied with the way their case is being handled? Should everyone of them have standing to turn around and sue the

Corporation because of that dissatisfaction? I think we should have some reasonable guidelines for standing to sue. I do not think we ought to create corporations and let everybody in the world sue them. There must be some reason for this. I think the amendment offered by the gentleman from Indiana does not provide that.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. DENNIS

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. DENNIS: Strike out "prohibitions" each time it is used and insert in lieu thereof "provisions".

Mr. ERLENBORN. Mr. Chairman, at the time the bill was introduced it had this provision that allowed any person to bring an action against the Corporation to enforce compliance with prohibitions contained in the act. I have discussed this with the gentleman from Indiana and I think he knows my feelings about it.

I felt that this ought to come out because this is a provision that merely would encourage frivolous lawsuits, but if this is to be in the bill I think it has to be evenhanded, and so I have offered an amendment to change the word "prohibitions" to "provisions." If we are going to give anybody the right to go into court to see that the law is complied with, it ought to be the whole law and not just one part of that law.

So I think if this is going to be a fair amendment offered by the gentleman to allow frivolous lawsuits, we ought to allow everybody to file frivolous lawsuits to see that the entire law is complied with, so I have offered this amendment to say that such suits may be brought by any interested person to enforce any of the provisions of the act.

I would hope the amendment offered by the gentleman from Indiana is defeated, but if it is not then it ought to be amended so that it is a fairer provision for the bringing of suits.

Mr. CONYERS. Mr. Chairman, does the gentleman agree with me that the courts ought to have something to say about frivolous lawsuits and those which should be entertained in the various courts and jurisdictions?

Mr. ERLENBORN. Certainly. As I think most of us who have practiced law know, many people have sought to bring suits without having a justiciable interest. The courts require and ask, "What standing do you have other than being a citizen of the United States and a taxpayer to bring suit in this particular incident?" The courts require that such a person have a justiciable interest before he brings suit. This amendment would make it possible to bring suit without that justiciable interest.

Mr. DENNIS. Mr. Chairman, I rise in opposition to the Erlenborn amendment to the Dennis amendment.

Mr. Chairman, it ought to be perfectly clear to everyone that the amendment offered by my friend from Illinois (Mr. ERLENBORN) completely changes the thrust, the purpose, the intent and the result of the amendment which I have offered.

Members cannot possibly be for both amendments. My amendment is designed to see to it, and again in concurrence with the President's bill, the administration bill, that the corporation does not violate the prohibitions placed upon it by the act.

Mr. ERLENBORN's amendment, on the contrary, is designed to see to it that the corporation goes around suing everybody in sight who might be said to be in violation, because what he does is provide what we might call a Ralph Nader type of suit in which any citizen can look around and say to himself, "Here, this corporation is not going after that fellow over here or going after that fellow over there." Then he can sue the corporation if it does not do something.

I am not in favor of opening the courts to that sort of thing. I will admit, giving anybody standing to sue here at all is unique, but giving them that kind of standing is chaos.

The only reason for the type of amendment such as I have offered is that there has been trouble with these corporations. They have been harassing people, or so the complaint is, and therefore in order to discourage them from doing that, along the lines of Mrs. GREEN's amendment, we give citizens a chance to sue them and hold them down to the law.

But, to turn it around and say that every Tom, Dick, and Harry can decide this corporation is not working hard enough in suing people and taking them to court at public expense is something else again.

I do hope, whatever the Members may think of my amendment, that they beat the Erlenborn amendment to my amendment, because it is really a bad deal.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think it is necessary to argue about the wisdom or merits of the amendment, or the amendment to the amendment, if we all start off with the agreement that there ought to be policing of the restrictions and restraints we put on this corporation and its employees. I think we all agree on that.

The thing we ought to do is look at the bill and have a little bit of confidence in the bipartisan efforts of the members of the committee, working with the administration.

Members will find in section F, on page 20, the committee has provided that within 6 months following the creation of this Corporation that each State shall have appointed by the Governor of that State a nine-member commission. That nine-member commission will have the duty and the authority to oversee all of the activity of any grantees that subsequently get a grant from the Corporation in that State. In other words, we set up in 50 police departments appointed by the 50 Governors from among lawyers in 50 States to ride herd over and watch the activities of all these legal service lawyers.

I do not think we ought to superimpose on top of that a wide-open invitation to every kook who wants to run in and start a lawsuit against the Legal Services Corporation.

I think we can trust the Governors to appoint to these watchdog committees competent lawyers who are going to have the power, and will exercise that power in a way to protect the citizens of that State.

My goodness, we have to start having confidence in someone. If we cannot have confidence in anyone else, now we are down to asking Members to trust the Governors to appoint their panels of "watchdogs."

I believe that ought to be sufficient.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The amendment to the amendment was rejected.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it occurred to me that during the debate on this bill the gentleman from Washington pointed out that this amendment might be subject to a point of order with regard to germaneness.

I am asking the gentleman from Washington a question.

I heard the gentleman say that this amendment might not be appropriate because it is not even germane, and he was not going to raise that point.

The question I would like to share with this body is, since when are we passing amendments that are not germane? If they are not germane, they should not be debated and the point should be raised against them.

I oppose the amendment on that ground.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding.

The amendment offered by the gentleman from Indiana was in the bill when it was sent to the Committee on Education and Labor, so I believe that was the weakest of all arguments against the amendment.

I believe on its merits the amendment should not be adopted. That is why we dropped it in the committee. The gentleman from Illinois offered a substitute to it, to be the only fair way to give every taxpayer standing in court. That was defeated. Now we would just give one side of a standing in court. For that reason, I believe the amendment ought to be defeated.

Mr. CONYERS. I quite agree.

In addition, this amendment flies in the face of a well-settled law coming from the U.S. Supreme Court. It has held that the general interest of its citizen in having the Government administered by law does not give him standing to contest the validity of Government action. Ever since Massachusetts against Mellon, this has been a well-established doctrine.

Mr. TREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman I rise in support of the amendment offered by the gentleman from Indiana (Mr. Dennis).

Prior to coming to this body I was a practicing attorney in the city of New Orleans. In September of 1970 we had a number of events occur which left an indelible impression on me and which convinced me of the need for the amendment offered by the gentleman from Indiana.

At that time the Louisiana State University in New Orleans was experiencing a great deal of difficulty with the SDS, which was attempting to organize on campus and had given clear intention of disruptive and illegal activities in order to do this. The University quite properly went into the civil court to get an injunction against this activity. And who came into court to represent the SDS and the two gentlemen involved? An attorney by the name of James Keenan, on the staff of the New Orleans Legal Assistance Corp., funded by the OEO, to represent this group, to fight against this injunction. There was no showing whatsoever that the two leaders of the SDS were eligible, nor was there any showing that the SDS itself was eligible. Yet this attorney represented this group throughout the litigation.

Another incident occurred shortly thereafter, also involving Louisiana State University in New Orleans. An underground newspaper, pornographic by anybody's definition, sought to have the neswpaper accepted at the bookstore of the university. The university refused to accept this pornographic material. Who brought the suit to force the university to accept the pornographic literature? An attorney on the staff of the New Orleans Legal Assistance Corp.

Mr. Chairman, what could we, the frustrated lawyers and taxpayers in New Orleans and throughout the area who knew about it, do? What could we do about it? The only thing we could do was to protest this type of activity to the national office of OEO. But the New Orleans Legal Assistance Corporation was already funded. We had no control over the management and organization of this corporation.

We felt the need then for a change. And I wish I could have been one of those "nuts," so-called by a previous speaker, because, just like that, if I had had the opportunity to prevent the taxpayers' money being spent for ineligible recipients, I would have done something about it.

Incidentally, when the Director of the program in New Orleans was confronted with this in an investigation that apparently took place later, he said that he thought the provisions on eligibility were so vague that they would not stand a court test. He was asked to present the eligibility proof in those cases, and he could not do so.

I wanted the opportunity then to try to do something directly about it to prevent the taxpayers' money from being spent in that manner.

Mr. CONYERS. Mr. Chairman, will the gentleman from Louisiana (Mr. Treen) yield?

Mr. TREEN. I yield to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

Did it occur to the gentleman to contact the very famous Director in charge of legal services in the OEO, by the name of Howard Phillips?

Mr. TREEN. Mr. Chairman, in answer to the gentleman's question, he was not the Director at that time. Yes, I traveled to Washington, D.C., but Mr. Phillips was not in charge of the office. I have forgotten the name of the man who was in charge. But we filed a complaint, and nothing was done.

Mr. CONYERS. Well, that seems to be a problem then that resides in the executive branch in terms of the way this agency is run.

Did the gentleman follow that up after he got to Congress?

Mr. TREEN. Yes, I did.

Mr. CONYERS. That is when Howard Phillips was there. What happened then?

Mr. TREEN. This was 2 years ago. These attorneys are gone; some of them stayed. I do not know where they are.

Mr. CONYERS. I am talking about the Director of OEO; I am not talking about the lawyers.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Treen) has expired.

(On the request of Mr. William D. Ford, and by unanimous consent, Mr. Treen was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman from Louisiana (Mr. Treen) yield?

Mr. TREEN. I yield to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Chairman, I think the point which the gentleman from Louisiana is making is that the central office of OEO had absolutely or little or no control over what was going on in the field. That is one of the main reasons why we are debating this entire issue today.

Mr. Chairman, I think it is significant that the gentleman from Louisiana (Mr. Treen), was then in local practice and saw firsthand what was actually happening as the result of the bad practices of OEO. Regardless of all the idealism of those who proposed this program, here is a man who was actually on the firing line, and what Mr. Treen is saying is that the manager of the OEO legal services activities was not able to exercise any kind of control over their own activities in the field. This problem occurred right from the beginning of the program.

Mr. TREEN. Mr. Chairman, as a matter of fact, I did visit Mr. Phillips, who at that time was in OEO, but not at the top of it, and he led me to believe there was very little that could be done about it. Whether that is correct or not, I do not know.

Mr. ROUSSELOT. Mr. Chairman, if I understand the gentleman Mr. Treen correctly, he is saying that the amendment offered by the gentleman from Indiana (Mr. Dennis) would help correct that situation if somebody was engaging in that type of disruptive practice.

Mr. TREEN. Absolutely. And I would say this: The judges have the power to throw out frivolous lawsuits or to impose sanctions for frivolous lawsuits; and I do not think the advisory committees appointed by the Governors will do the job of supervision. We all know that these advisory-type bodies do function very well.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman from Louisiana (Mr. Treen) yield?

Mr. TREEN. I yield to the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D. FORD. Mr. Chairman, I will ask just this question:

What was the outcome of the lawsuits the gentleman mentioned?

Were they dismissed by the courts, or did the plaintiffs prevail, or did the defendants prevail?

Mr. TREEN. In the suit brought to obtain an injunction against SDS, the injunction was granted, and in the lawsuit to force the university to accept pornographic material, the judge dismissed that one, I am happy to relate.

Mr. WILLIAM D. FORD. At least half of the gentleman's complaint is not against the lawyers involved, but against the judge who apparently, according to the gentleman's view, ruled incorrectly?

Mr. TREEN. No, the judge ruled correctly in both instances. My complaint is against the taxpayers paying lawyers' fees to bring this type of litigation and defend this type of practice.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Treen) has expired.

(By unanimous consent (at the request of Mr. Milford) Mr. Treen was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman from Louisiana (Mr. Treen) yield?

Mr. TREEN. I yield to the gentleman from Texas (Mr. Milford).

Mr. MILFORD. Mr. Chairman, it would appear that our Legal Services Corporation makes a practice of defending pornography suits. In Dallas, Tex., there was a college graduate who was the editor of an underground magazine or a newspaper, as the term is used, and very obviously under anybody's standards, he was publishing pornography. The Legal Services Corporation defended that same individual, this individual being the son of a very wealthy family in our community. While at the same time, hundreds of truly poor families went totally without assistance.

Mr. Chairman, I join the gentleman in deploring such action.

Mr. WILLIAM D. FORD. I would like to call your attention to the fact that I conducted hearings—and the gentleman from Wisconsin was with us—in New Orleans on May 24, 1971, precisely because there had been complaints about legal services down there, and your mayor, Moon Landrieu is on record.

You ought to take a look at these hearings. I am sorry that the gentleman who was so exercised in 1970 did not take advantage of the publicity then, because it was a well publicized set of hearings, with television and great crowds of people. You should have come and told us about the problem then. There was no special complaint filed in this hearing.

Mr. TREEN. It is a matter of official record in the OEO files, and you will find it there.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say at the outset the gentleman from Louisiana is a hard act to follow. He is effective, articulate, and does an extremely able job in reflecting a concern that he has. But I would ask, particularly my colleagues on this side of the aisle, to think long and hard about the consequences of this language and what it proposes to do.

While it is true that the gentleman from Louisiana in fact may have been exercised enough to have brought suit, that is unusual. Where do the suits come from that we see around us today in social policy? They do not come from the gentleman from Louisiana. My guess would be that the adoption of the Dennis amendment, with all due respect to the gentleman from Indiana, in effect is an open door for Ralph Nader, the National Welfare Rights Organization, and every other group that is highly financed and highly visible to come in and raise the devil with the Corporation.

While the language of the gentleman from Illinois was not adopted, as in my judgment it should have been, to balance this, the gentleman from Indiana in effect is opening the door to let every kind of kooky lawsuit be brought against the Corporation not on the question that the gentleman from Louisiana legitimately asks and about which there were no restrictions before, but there are now in the bill, but now on the basis that he is going to allow this kind of suit to take place.

I really do not understand the rationale of those who believe they are saving the program or even attempting to make sure it goes right when they go with this kind of language.

There are a series of prohibitions now in the act that were not then in the OEO regulations or were not then in the OEO statute. That is something the Committee on Education and Labor worked long and hard to provide. I think they have done a relatively good job of insuring that to the extent possible we make it possible for the lawyers in the program not to go too far afield.

I must say, with all due respect, I think the end product of the amendment offered by the gentleman from Indiana is not the kind of inhibition I think the gentleman from Louisiana is seeking but, rather, an effective invention to insure that those on the other side who may not agree with the gentleman from Louisiana have the opportunity to bring suit.

I think that result would be seriously wrong. I simply do not believe that this concept, frankly, of opening the door for suits is a sensible one under the best of circumstances, but I guess I am attempting in this at least to raise the flag of caution as to the result of the amendment offered by the gentleman from Indiana, which I think in the end would prove 5 years from now to have been directly the opposite of what the gentleman from Louisiana so strongly feels.

I cannot defend that kind of an action, but what I think the gentleman from Louisiana ought to do is to take a look at the kinds of restrictions that are built into this bill to know that the effort is underway on our part to insure that the lawyer does a good job, not to get off representing eligible clients.

Mr. TREEN. Mr. Chairman, if the gentleman will yield, with respect to the gentleman's statement which indicates that we now have protection in this bill, we thought we had some protection at that time because section 222(a)3 of the Economic Opportunity Act prohibits representation of clients in criminal cases beyond the indictment stage, and yet the legal assistance service was guilty of it in repeated cases. I have 17 cases here in which they were guilility of it. So the fact that we have got it in the law does not give us the protection which the amendment offered by the gentleman from Indiana (Mr. DENNIS) would; the amendment would permit persons to come in and get a court injunction to support the prohibitions in the act with regard to eligibility.

Mr. STEIGER of Wisconsin. If the gentleman from Louisiana will permit me to continue, I believe the gentleman from Louisiana is referring to the alleged criminal cases in the city of New Orleans where the lawyers were no longer associated with the legal services.

Mr. TREEN. They were at the time.

Mr. STEIGER of Wisconsin. Not according to my information if this is the Peoples Action Center case.

Mr. TREEN. What time is the gentleman from Wisconsin talking about?

Mr. STEIGER of Wisconsin. At the time the so-called criminal case issue was made, had not the attorneys resigned and had taken the case involving 14 indigents?

Mr. TREEN. Of course they were. The instances I referred to involved attorneys who, at the time, were employed by the legal assistance organization.

Mr. STEIGER of Wisconsin. May I say again that I understand the gentleman's problem, and I agree it is true that that particular prohibition was in the statute. I cannot defend any program that carries on cases in contravention of what the statute says.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and the Chairman announced that the Chair was in doubt.

RECORDED VOTE

Mr. DENNIS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 159, noes 237, not voting 37, as follows:

[Roll No. 255]

AYES—159

Abdnor
Alexander
Andrews, N. Dak.
Archer
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Blackburn
Bowen
Brinkley
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Downing
du Pont
Duncan
Eshleman
Evins, Tenn.
Flynt
Fountain
Frelinghuysen
Frey
Froehlich
Gettys
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Gunter
Guyer
Haley
Hammerschmidt
Hanrahan
Harsha
Hastings
Hays
Henderson
Hogan
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Litton
Lott
McEwen
McSpadden
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Michel
Milford
Miller
Mills
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
Parris
Passman
Pettis
Poage
Powell, Ohio
Price, Tex.
Randall
Roberts
Robinson, Va.
Rogers
Roncallo, N.Y.
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Steiger, Ariz.
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thornton
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Zion
Zwach

NOES—237

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Arends
Ashley
Aspin
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clark
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Hosmer
Howard
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Lehman
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
Macdonald
Madden
Mailliard
Matsunaga

Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NOT VOTING—37

Ashbrook
Badillo
Bray
Breaux
Clawson, Del
Cronin
Danielson
Davis, S.C.
Fisher
Fulton
Gonzalez
Gray
Hanna
Hébert
Hillis
Hinshaw
Kazen
King
Landrum
Leggett
Lujan
McKinney
Madigan
Mathias, Calif.
Patman
Quillen
Rarick
Reid
Rooney, N.Y.
Rooney, Pa.
Sandman
Stephens
Thompson, N.J.
Thomson, Wis.
Waldie
Whitehurst
Widnall

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONLAN

Mr. CONLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONLAN: After "client." on line 13, page 25, insert a new subsection (e) to section 6:

"Nothing in this legislation shall be construed to deny eligible applicants for legal services the right to choose their own counsel. Recipients of legal services grants shall reimburse qualified attorneys who provide legal assistance to eligible clients pursuant to this section. Compensation shall be made in accordance with the minimum bar fee schedule of the State or county bar."

Mr. HAWKINS. Mr. Chairman, may I ask the gentleman in the well to either allow us to have the amendment reread, or give us a copy? We do not know what the gentleman is discussing before the body.

Mr. Chairman, I ask unanimous consent that the amendment be reread for the benefit of the Members.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk reread the amendment.

Mr. CONLAN. Mr. Chairman, this amendment parallels the amendment offered by the gentleman from Ohio (Mr. LATTA) of a week or so ago on H.R. 77, which dealt with a prepaid legal program derived from bargaining relationships between management and unions, so far as arranging for legal counsel to be provided to the so-called working men.

This amendment does the same thing for the poor—it gives a freedom of choice in selection of counsel.

The amendment, as Members will recall, passed overwhelmingly, with a vote of something better than 2 to 1 in this body.

We have a situation here involving staff attorneys, as we did with respect to that management-labor bill, H.R. 77. The attorneys in this legal services program are free to pick their clients and their causes. But the client is not free to pick the attorney.

I say that is inequitable and unfair to the poor.

The attorneys have no economic constraints as to cost or incentive in determining what clients they will take. It is a closed panel system. If we opposed a closed panel system for workers, then I submit that we ought to oppose a closed panel system here. What is good for the working men of this country is just as good for the poor people of this country.

In this situation there are staff attorneys who are interested in causes. They concentrate on high impact cases, appeals and class actions; as has been said before they often consider themselves the cutting edge of social change.

In case after case, in instance after instance, which many Members know about, these staff attorneys were not taking the bread and butter cases of helping the poor. What happened to the poor? They were thrown into the revolving door, out on the streets, because the staff attorneys did not make enough time.

I say in that situation we should allow competitive discipline effect these staff attorneys. If they will not take a person as a client, if they are going to spend much time frivolous appeals and class actions, then let the poor go to the attorney of their choice and be reimbursed out of the recipient grant agency funds.

If Members are in favor of giving freedom of choice, this is the way to do it. If it was good enough for the workers a few weeks ago, I say it is good enough for the poor. I urge the adoption of the amendment.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

The obvious purpose of the amendment is to provide a judicare program rather than a legal services program. We have done some testing and done some research. We do have under the present program ongoing judicare programs, so we have had some guidelines under which to measure the effectiveness of both of judicare and legal services programs.

There are some instances in which judicare is probably the only way really to bring legal services to the poor, where the population is sparse judicare programs are required in those instances.

I would direct the committee's attention to page 32, subsection (h), which provides:

(h) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms.

Those are all the things the gentleman talks about and more, too.

This is being done by the Corporation which will be appointed by the President of the United States. I am sure these people are not going to be a bunch of wild-eyed people who are going to dash off and refuse to look at judicare. So far we have found that judicare, particularly in large populations, is much too costly to provide real legal assistance to the poor.

We simply do not have that kind of money. Now, Mr. Chairman, the legal services program, despite what the gentleman from Arizona (Mr. CONLAN) said about spending all their time with class actions and testing the law and a number of other things, the facts are quite different.

I would like to read from the report of the GAO, which is a cross section of a number of legal services programs in this Nation, published recently.

We spent approvimately $70 million; we have some 2,800 staff attorneys who are servicing some 1,500,000 clients.

The CHAIRMAN. The time of the gentleman from Washington (Mr. MEEDS) has expired.

(By unanimous consent, Mr. MEEDS was allowed to proceed for 3 additional minutes.)

Mr. MEEDS. Mr. Chairman, I shall continue to read from the report of the GAO.

Eighty percent of the cases which are litigated by legal services attorneys are won. Less than 2 percent of those cases involve law reform. That is less than 2 percent.

Indeed 90 percent of all cases represent a single client. Less than 1 percent of the litigated cases are class actions. The types of cases which are not class actions are as follows: 30 percent housing, 28 percent domestic relations, 13 percent administrative matters, 11 percent consumers and employment, and 18 percent miscellaneous.

Mr. Chairman, the members of the legal services have an admirable record for cases in the U.S. Supreme Court, a record which would be envied by any of the major law firms in the United States.

In the lower courts they have won and they win nationally 72 percent of their cases.

We can talk about the Legal Services not providing services or we can be mad at them, but maybe we ought to be mad at the courts, because at least 72 percent of the time they are correct, or at least the court agrees with them. They have lost 12 percent and they have settled 16 percent of their cases out of court.

Mr. Chairman, I think this is an enviable record. I think it is a record which we could never come close to competing with in a judicare program. Judicare is fine in some places, but I do not think we should, as the gentleman's amendment would provide, mandate it for the entire Nation.

Mr. ERLENBORN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, this amendment has on the surface an appeal. The gentleman from Arizona (Mr. CONLAN) has suggested that it is quite similar to the one that was adopted last week to H.R. 77. Let me suggest there is a difference.

H.R. 77 provided for funds that would be negotiated between employee organizations and employers where certain amounts of money would be set aside for the provision of legal services. We are talking here about a governmental program.

We see here really a three-sentence judicare bill. Anybody who is familiar with the difficulties of legislating and anybody who is thinking of all the loopholes, the pitfalls, the restrictions, and all of those things that must be considered in drafting a bill knows that you cannot have a three-sentence judicare bill.

What would happen if we would pass something like this? Without any fiscal controls, without any limitations as to how many people would get service, how expensive that service would be, what would happen? I can tell you. We have a few instances to look to for some guidance.

What did happen to medicare even when we did have some controls and we had some estimates? The cost of medicare has gone way beyond the highest estimates of those who opposed medicare.

Look at medicaid. When the State of New York liberalized its provisions for eligibility, the State of New York was taking, as I recall, better than half of the total appropriation for medicaid for that one State, better than half of the total appropriation that was made for the whole country.

Mr. Chairman, not too long ago, this Congress enacted compensation for black lung disease, pneumoconiosis. There is a neat little provision in there that says whatever is paid for attorneys in the award of a State claim will be deducted from that State claim in determining how much the Federal payment will be to the individual.

As a result of that, the Federal Treasury paid more than $1 million to one attorney in the State of Kentucky last year. Three attorneys in that one county in the past several years have each received more than $1 million in fees, and that came out of the Federal Treasury.

Mr. Chairman, if you want to drill a great big hole in the bottom of the pot in which we keep the Federal funds, you can pass this amendment. If you want to see some responsible fiscal controls with a program that is well thought out, I hope you reject the amendment.

Mr. RAILSBACK. Will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. RAILSBACK. I thank the gentleman for yielding.

I cannot think of a better way to sink this legislation than to vote for this amendment.

Is it not also true many of the young lawyers who give up their time and are paid a rather modest amount may become expert in some of the cases that traditionally come before them, like rent control and marital cases?

I can see, if other lawyers were permitted to be brought in, with many of them having to do research for the first time, if they were paid the bar rates, this thing would break the bank and be the most exorbitant bill we could possibly pass.

Mr. ERLENBORN. I agree with and I thank the gentleman.

I wish to make a further point. We are talking about that segment of our society which is least sophisticated in protecting themselves against abuse. We have heard of medicare cases where people are run through a clinic with a doctor taking one little look at them and charging an exorbitant fee. Can you imagine what some unscrupulous attorney could do with this provision with the unsophisticated people that he can lure into his law office?

Mr. Chairman, I hope we do not pass this amendment.

Mr. WIGGINS. Mr. Chairman, I rise in opposition to the amendment.

I oppose the amendment, but I wish to commend the gentleman from Arizona for bringing the subject of judicare before the House so that it can be discussed.

I oppose the amendment because it is simply not feasible to engraft anything as fundamental as judicare on this legislation.

Appropriately we ought to beat this bill, and if the Committee on Education and Labor must do it, let that committee reconsider the subject and come back with a properly drafted bill involving the judicare concept.

Conceptually the idea is right. Conceptually the idea of legal services furnished by a so-called poverty lawyer is wrong in my opinion. If we wish to provide equal justice under the law, let us treat people equally. All citizens, rich and poor, should have the right to hire an attorney of their choice. Judicare is consistent with this right.

The difficulty here is that the amendment proposes a fundamental change that cannot be considered appropriately on the floor. It is with some regret that I must oppose the amendment and urge my colleagues to do likewise.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to associate myself with the remarks of my colleague, the gentleman from California (Mr. WIGGINS). I believe they make a great deal of sense.

I would like to add to the gentleman's remarks, and say that the reason we are faced with such an intolerable situation is the way the bill has been handled, with all due respect to everyone concerned. Here is a fundamental bill, and one that should have gone to the Committee on the Judiciary for consideration of judicare, and all these other matters, a committee of which the gentleman from California (Mr. WIGGINS) and I are members, and which is designed for the purpose of considering this type of legislation. Even if it did not go to that committee, the committee that handled it ought to have held hearings and considered these various alternatives. Instead, they bring this bill in here as a fait accompli and say "take it or leave it". You cannot accomplish anything as fundamental as this amendment by action here on the floor, it is true, but I hate to be talking against the concept which, actually, as the gentleman from California said, is the correct way to accomplish our objective.

Mr. STEIGER of Wisconsin. Mr. Chairman, if the gentleman will yield, I must say that I am somewhat amazed that people seem to have the idea that we sit around in a room somewhere and do not pay attention to alternatives such as the concept of judicare, for example. This is being used in Wisconsin, that is where it started out, and that is where it is being carried on. We are watching very, very closely what is happening to judicare. I might say that the average cost of a case is $93 in Wisconsin in contrast with the substantially lower figure in most of the staff attorney operations. Out in Washington Township, Calif., the average cost per case is $140. We have paid, I might say to the gentleman from California—and I can well understand his argument—we have paid very close attention to this other concept.

But I would concur with the gentleman that the amendment would be a serious mistake, and it would present a very fundamental problem.

As the gentleman from Illinois (Mr. ERLENBORN) has said, clearly it would break the bank of the program.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I will not take the full 5 minutes, but I would just like to point out to the Members a fatal defect in the amendment in that it would require payment of fees in accordance with the State or county bar fee schedules. I suppose we get busy down here and lose track of what is going on at home, but the court has determined that the so-called minimum fee schedules are illegal, and are in violation of the Federal antitrust laws. I have checked this out, and a Virginia court has declared in a litigated case that the minimum fee schedule is illegal, and is in violation of the antitrust laws.

The Justice Department, through Mr. Donald R. Baker, Director of Policy Planning, has made a special agency check as of February of this year in which he indicated it was the policy of the Justice Department to consider such fee schedules to be in violation of the Federal law.

Clief Clearwater, Special Assistant to the Attorney General for Antitrust, informs us that, when asked from around the country, that the Justice Department is now advising any bar association, State, local, or county, that they consider it a violation; that they believe that fee schedules are in violation of the antitrust law. And that is the present policy of the Justice Department.

I really do not feel that we ought to be legislating in the face of the Justice Department with all of the other problems they have at the moment.

Mr. CONLAN. Mr. Chairman, I move to strike the last sentence of the amendment, and substitute therefor that no compensation shall be paid other than those that are customarily set for such services in the community.

The CHAIRMAN. The Chair will state to the gentleman from Arizona that such a request would require unanimous consent.

Mr. CONLAN. If I may proceed for discussion purposes, and I will not ask for a rollcall vote——

The CHAIRMAN. The Chair will state that the gentleman from Arizona has previously spoken on the amendment. The gentleman may make a unanimous-consent request, but the gentleman may not proceed on any other subject without such a unanimous-consent request.

Mr. CONLAN. Mr. Chairman, I ask unanimous consent that I be permitted to modify my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. WILLIAM D. FORD. Mr. Chairman, reserving the right to object, what specific amendment is the gentleman amending?

Mr. CONLAN. I am offering clarifying language to the amendment which the gentleman had pointed out quite correctly.

The CHAIRMAN. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Strike out the last sentence of the amendment and insert the following: "Compensation shall be made in accordance with the customary fee for such services in the community."

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. WILLIAM D. FORD. Mr. Chairman, reserving the right to object, I do not want to object—I think we are ready to vote on this amendment—but I really do not think that the gentleman's amendment takes anything out of it. A rose by any other name is just as sweet. Whether you call it an agreed-upon fee schedule and it is out in the open, or whether you do it behind doors, the Justice Department has said you cannot have an agreed-upon fee schedule. The minute it is agreed-upon, or as is customary two lawyers get together and discuss it and set the amount, it is a violation of the antitrust law.

What we would be doing is inviting the lawyers to do that which the Department of Justice, supervising the bar associations, tells them not to do, and I do not think the gentleman's amendment is improved in any way. I will not object, but I think it is, if anything, worse.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Arizona as modified by the unanimous-consent request.

The Clerk read as follows:

Amendment offered by Mr. CONLAN: After "client." on line 13, page 25, insert a new subsection (e) to section 6:

"Nothing in this legislation shall be construed to deny eligible applicants for legal services the right to choose their own counsel. Recipients of legal services grants shall reimburse qualified attorneys who provide legal assistance to eligible clients pursuant to this section. Compensation shall be made in accordance with the customary fee for such services in the community.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to inquire of the distinguished members of the distinguished members of the committee handling legislation: Do I understand correctly that under section 7(g) and 7(h) some 10 percent of these funds are available for what are known as nonstaff activities and for payment to the private bar to handle the cases of poor people?

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, is not there an amendment to the amendment, to which no one has objected, pending before the House?

The CHAIRMAN. The original amendment as amended by unanimous consent is pending at the present time.

Mr. COLLIER. Mr. Chairman, is the gentleman addressing himself to an entirely different provision of the bill?

Mr. HUNGATE. The gentleman is discussing the issue of judicare which, if my ears have performed their services properly, has been mentioned frequently here.

Mr. COLLIER. Is the gentleman speaking to the amendment on the floor?

Mr. HUNGATE. I hope to be speaking on it. I am having trouble reaching it.

Would the gentleman please respond. Could all of the so-called nonstaff funds apply to judiciare funds? Could they be so used?

Mr. MEEDS. Will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Washington.

Mr. MEEDS. I assume they could be, but I do not think they would be—all 10 percent of them, no.

Mr. HUNGATE. What is the experience on this legislation as it exists now?

Mr. MEEDS. There are a number of judicare test programs, and the gentleman from Wisconsin can tell us more about them because he has one in his State. There are a number of them which are being presently conducted under the present legal services programs. We have gotten from these cost analyses, and we have pretty much determined, so far at least, that in some instances judicare is probably the only thing that can really reach people because of the sparse population. But the cost runs at least four times as high as the other program.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I know the gentleman from Missouri has a great interest in this. I will answer "yes" to the question he asked, all of the funds could go to that program. The gentleman will note in section (h) the committee recommended or adopted the language recommended by the administration that there should be not just a look at judicare, but at vouchers, the prepaid legal concept as well as judicare.

There are at least two major judicare programs now underway, one in northern Wisconsin and one in California, arranged by the Office of Economic Opportunity. In both cases, may I say to the gentleman from Missouri, the experience thus far has been that the cost is higher than the so-called staff attorney concept, and there has been less ability to fully implement the concerns of the client, that is to say, the time for appeals has been less, for example, and things like that. But clearly the experience is there and we are watching the experiments closely.

Mr. HUNGATE. I appreciate the gentleman's contribution, and share some of his views.

Let me ask one other question of the committee. It is my understanding the Board of Directors which approves grants would have to be divided politically, about six of one party and five of another.

Mr. MEEDS. That is, no more than six can be of one political party.

Mr. HUNGATE. Then six or more are to be attorneys?

Mr. MEEDS. Yes.

Mr. HUNGATE. When this money comes to the State council there is no requirement as to the political division?

Mr. MEEDS. The State board does not handle the money. The money will go directly to the client-oriented program. There is a requirement however that the majority of the members on that nine-member board be attorneys.

Mr. HUNGATE. But they could all be the same political party?

Mr. MEEDS. Yes.

Mr. HUNGATE. Where would the venue be for a suit against this District of Columbia corporation? Anywhere?

Mr. MEEDS. If it is incorporated under the District of Columbia statutes as a corporation in Washington, D.C., I assume it would be here.

Mr. HUNGATE. I thank the gentleman.

Mr. COLLIER. I rise in support of the amendment as amended, Mr. Chairman.

Mr. CONLAN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, I think there are a couple of things which need to be cleared up.

A statement was made that said section (g) of the bill on page 31 authorizes 10 percent of this fund to be used for judicare. There is no such wording in the bill. The report on page 13 thereof says:

Subsection (g) requires the corporation to spend ten percent of its money on non-staff-attorney programs, such as the combined research and litigation work of the back-up centers.

This is precisely what that money was to be committed to. However, I do not want to prolong the debate but I appreciate what the gentleman from California said. What we have done in this whole critical area, what the subcommittee has done—and they are very fine people and very "moderate-conservative" types, including the gentleman from California (Mr. Hawkins), the gentlewoman from Hawaii (Mrs. Mink), the gentlewoman from New York (Mrs. Chisholm), and the gentleman from Puerto Rico, and the gentleman from Missouri (Mr. Clay)—there has been no discussion of alternative methods. They have worked hard on this bill, but what we are objecting to is there no alternatives were considered. That is what this provision is intended to do, that is to give the poor a chance to look at the program and look at judicare, and look at some other alternatives.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, may I say this committee and the subcommittee as well as other committees have been conducting hearings into the subject of judicare. Also I think the gentleman from Wisconsin said studies are going on under the Office of Economic Opportunity. Also they are going on in at least two States, Wisconsin and California. We have tried to monitor those programs.

In addition no one on this side has given the impression that 10 percent would completely go to judicare. I think it was called to the attention of the gentleman that the committee and the administration recommended to us in section (h) on page 32 that the Corporation as directed is to conduct these studies and not only on judicare but also on alternative methods of delivering legal assistance.

I think we should probably more wisely wait for the results of the Wisconsin experiment and the California experiment and for the Corporation to report to us at a date which has been stated in the bill itself, and it has been stated that they shall report to the President and to the Congress on or before June 30, 1974. I think we are being very reasonable in trying to get reasonable methods and I submit this is the wiser way to do it and that we should not do it by a mandated program at the present time.

Mr. CONLAN. I thank the gentleman.

There is no provision for any authorization for expenditure and without that we cannot develop a test program.

Second, when somebody says this is a sky-is-the-limit type of thing, there is no such provision in the budget. This is no sky-is-the-limit situation.

Third, I just cannot understand why, if the workman can have freedom of choice of an attorney, why the poor cannot have freedom of choice of an attorney.

The CHAIRMAN. The question is on the amendment of the gentleman from Arizona (Mr. Conlan) as modified.

The question was taken; and on a division (demanded by Mr. Conlan) there were—ayes 22, noes 74.

So the amendment as modified, was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS AND CONTRACTS

Sec. 7. (a) With respect to grants or contracts to provide legal assistance to eligible clients, the corporation shall in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-clients relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2) Establish, in consultation with the Director of the Office of Management and Budget, maximum income levels (taking into account family size and urban and rural differences) for those eligible for legal assistance under this Act (referred to in this Act as "eligible clients"); establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client,

(B) the fixed debts, medical expenses and other factors which affect the client's ability to pay,

(C) the size of the client's family,

(D) the cost of living in the locality, and

(E) such other factors as relate to financial inability to afford legal assistance;

and establish priorities to insure that those least able to afford legal assistance are given preference in the furnishing of such assistance; except that no individual shall be eligible for the receipt of legal assistance if his lack of income results from his refusal, without good cause, to seek or accept employment commensurate with his health, age, education, and ability;

(3) Insure that grants are made and contracts are entered into so as to provide adequate legal assistance to persons in both urban and rural areas;

(4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law for compensation. Neither shall attorneys employed full time in legal assistance activities supported in whole or in part by the corporation engage in uncompensated outside practice of law except that deemed appropriate in guidelines promulgated by the corporation;

(5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except that personnel of any recipient may (A) testify or make other necessary representations (pursuant to guidelines promulgated by the corporation) in the course of providing legal assistance to an eligible client, or (B) testify when requested to do so by a legislative body, or a committee, or a member thereof;

(6) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from—

(A) any political activity; or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation);

and insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain from the activities referred to in clauses (A), (B), and (C) while engaged in activities carried on by the corporation or by a recipient;

(7) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;

(8) Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and consideration be given in filling such positions to qualified persons who reside in the community to be served;

(9) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from the persistent incitement of litigation or any other activity prohibited by the Canons of Ethics and Code of Professional Responsibility of the American Bar Association.

(b) No funds made available by the corporation under this Act, either by grant or contract, may be used—

(1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official;

(2) For any of the political activities described in section (7)(a)(6);

(3) To award grants to or enter into contracts with any private law firm which expends 75 per centum or more of its resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both;

(4) To support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, except that this provision shall not be construed to prohibit the training of attorneys necessary to prepare them to provide adequate legal assistance to eligible clients;

(5) To organize, to assist to organize, or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity, except for the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation;

(6) To provide legal assistance under this Act to any person under eighteen years of age without the written consent of one of such person's parents or guardians or any court of competent jurisdiction, except pursuant to criteria which the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age.

(c) In making grants or entering into contracts for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body a majority of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided (except pursuant to regulations issued by the corporation which allow a waiver of this requirement for recipients which because of the nature of the population they serve are unable to comply with such requirement); such lawyers shall not, while serving on such body, receive compensation from a recipient or from the corporation for any other service.

(d) The corporation shall monitor and evaluate programs supported in whole or in part under this Act to insure that the provisions of this Act and the bylaws of the corporation and applicable rules, regulations, and guidelines promulgated pursuant to this Act are carried out.

(e) Grants and contracts under this Act shall be made or entered into by the president in the name of the corporation, but the board shall review and approve any grant to or contract with a State or local government prior to such action by the president, and may by rule establish other classes of grants or contracts to be reviewed and approved by it prior to such action by the president.

(f) At least thirty days prior to the corporation's approval of any grant application or prior to entering into a contract, the corporation shall notify the Governor and the State bar association of the State in which the recipient will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed contract and request their comments and recommendations.

(g) The corporation shall insure that no less than 10 per centum of the moneys it expends in any year shall go to activities which are non-staff-attorney oriented.

(h) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the President and the Congress on or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of such systems.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that this section of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: On page 28, line 16, strike out "consideration be given" and insert in lieu thereof "give preference".

Mr. PERKINS. Mr. Chairman, this is the amendment that I stated in the full committee, that I would offer on the floor.

Whenever controversial legislation is presented to the House many Members offer amendments. There is no way to keep the House from working its will on any amendment on the floor.

Often, this legislation has been emotional in committee, and we have tried over a period of years to improve the legal services program. It has always been controversial and we have improved the program over the years.

However, today we are setting up a corporation separate and apart from the Office of Economic Opportunity to my way of thinking, and felt in committee when I offered the amendment that this legislation needed some balance by letting the local bar associations have some say-so, insofar as staff and personnel is concerned, to serve the poor.

Mr. Chairman, this amendment is designed to further insure the maintenance of the highest professional standards among the personnel of local legal services programs and bring these programs closer to the community by giving a hiring preference for those who have roots in the community, and know and care about its problems on the human and personal level.

We certainly do not intend to load legal services programs with second-class attorneys.

We should give the local attorneys an opportunity to participate in the program. It is that simple.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I commend the gentleman for his amendment. As I understand it, it gives preference to all the local people. So far as I am concerned, I have some people in my community working for this program who have done an excellent job, and I believe they should be given preference.

Mr. PERKINS. All the amendment does is give preference.

The recipient has the right to hire and fire. If qualified personnel are not recommended the recipients do not have to hire such personnel.

I cannot visualize any group of people anywhere who will do a better job than the local bar association in recommending staff attorneys for the local recipients.

This amendment will bring in the bar associations throughout this country. It will build up a good relationship between the bar and the Corporation, and give the highest type of service, in my judgment.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

Mr. SMITH of New York. I thank the gentleman for yielding.

Mr. Chairman, I rise in enthusiastic support of the gentleman's amendment. I believe a good deal of the problem with regard to giving legal service to the poor has arisen from the fact that at some times attorneys have been brought in from outside to serve as local counsel.

Mr. PERKINS. This would not prohibit attorneys from being brought in from the outside the local area, but it would certainly give preference to local attorneys recommended by the bar associations.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Members will notice that I walked down here very gingerly, because it is not pleasant under any circumstances to disagree with a man whom I admire as much as I admire the chairman of my committee, a man with whom I have been working since my first day in Congress.

Unfortunately, we are unable to agree on the import of what seems at first to be a very small amendment.

If I could, I should like to ask Members to look at the bill again. They will see on page 28 that the bill presently says:

> Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and consideration be given in filling such positions to qualified persons who reside in the community to be served;

It does not seem like much when the chairman suggests that we change the words "consideration be given" to "give preference" in filling such positions to qualified persons who reside in the community, but it is a very important change that could fundamentally change the whole concept of this program. What it says is not what the committee suggested. I fully believe we are right in saying the local bar should be consulted, such as, "Give us a list of lawyers that you think would make good poverty lawyers in this program."

Mr. Chairman, that is great. I might point out to you that the recipient we are talking about here is not somebody from Washington; the recipient is a group of local attorneys who get together—and you have to have a majority of the make-up of that board comprised of local attorneys—who get together, form a legal services program, and make an application to the corporation for money.

Now, who is it that we are telling them will get the preference? Who are we going to give this preferential list to? We are going to be giving the list to some of the same people who are doing the hiring, because the majority of the board which gets the money and does the hiring are already going to be local lawyers, and presumably active members of the local bar are going to be active members of this program.

But when we say instead that we are giving due consideration to local residents, that they will have preference, that means that we have got to hire every unemployed local lawyer, whether he has ever shown any interest in the special problems of poor people or not, before we can hire anyone else.

Mr. Chairman, there are parts of the country—and I can only think of my own experience in the State of Michigan—where it is not very likely that the unemployed lawyers who would be available, living in place, in the area where the program was going to take place, would be the best we could get for the salaries we are paying. And we would be replacing a staff of very young, energetic, committed lawyers who have run up a tremendous record in the courts of this country in the number of cases won. That, after all, is the best scorecard to look at.

Mr. Chairman, if this program was not working, these young lawyers would be losing the cases, but the fact is that they win 84 times out of every 100 times they go to court, and that is a pretty good batting average for any law firm.

We would be making a fundamental change in the concept of what kind of committed young person we bring in temporarily.

These jobs are not intended to be permanent sinecures for lawyers. I do not conceive of this program as being a Federal patronage pot which will encourage young lawyers because of the level of payments of salaries.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WILLIAM D. FORD) has expired.

(On request of Mr. PERKINS and by unanimous consent, Mr. WILLIAM D. FORD was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. WILLIAM D. FORD. Yes, I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, let me state that I cannot visualize any bar association making recommendations that are based on political patronage. The bar associations are in my judgment, going to take this responsibility seriously and only recommend qualified attorneys who will provide high quality legal assistance to eligible clients.

Mr. WILLIAM D. FORD. No, the gentleman does not understand me correctly, because the control of the local program is already going to be in the local bar association. That is the agency which is going to be getting the money.

I am not a bit worried, Mr. Chairman, that my local bar association is going to control this. I was the president of a 250-member bar association when I was elected to Congress. I expect it will be one of the applicant groups. I hope they are going to get funded, and I do not have any worry about them hiring adequate personnel.

Mr. PERKINS. Mr. Chairman, it is my position that this should go toward building local responsibility in the community.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman. I understand this amendment does not require the hiring of local attorneys who cannot do the job.

This amendment, as I understand it, is intended to give preference, as the amendment says, to qualified local attorneys and permit qualified local attorney to have the first chance at the job.

Mr. Chairman, I think that the poor will be served better if they are served by a local attorney who knows conditions in the area.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes but I rise in support of the amendment offered by the gentleman from Kentucky, my distinguished chairman, and the same gentleman whom I so recently and so violently opposed a few hours ago on an earlier amendment.

I think this is a good amendment, however, but I think it is miscast. It is cast as an amendment which will staff legal aid programs not with old hacks but young hacks, if there is such a valid distinction. No old lawyers, but mostly younger lawyers are attracted to this kind of program. Older men of the law have established legal practices, but young lawyers are unemployed and, so, young lawyers—young hacks—will be attracted to the program.

I cannot imagine that sort of thing occurring in Kentucky or in Illinois or in any State of the Union. In any city of any size you can find young, dedicated, energetic, aggressive lawyers to pursue the cause of the poor, which is basically what the legal services program is supposed to accomplish.

Therefore, I do not think if this amendment were to be adopted, it would automatically cause unsympathetic, uninterested, hard-hearted lawyers to handle the cause of the poor who need a very sympathetic representation.

In fact, I think we can find good lawyers for the poor in our own towns, and if they have hiring preference, it seems to me that this is the better way.

One final thing, Mr. Chairman.

It occurs to me that we, in certain areas, are encouraged not to fear outside lawyers, because they allegedly come to us with the commitment and dedication and devotion and altruism to high causes so we need not worry about interim steps which may ruffle local feathers.

If that be the case and if that be what we must accept as part of a legal service program, why should we fear that the lawyers who grow up locally and who understand the people locally and who walk the local streets will be nothing more than legal hacks?

Why should we fear local people if we do not fear the outside people?

Mr. RAILSBACK. Will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. RAILSBACK. I want to commend the gentleman for his statement.

I found in my own particular community there was a great deal of resentment about a proposed legal services program. We had trouble even getting it off the ground. Once it did get off the ground there was a young man whose father happened to be a longtime respected practitioner in the community. That young man was given the job, and he performed as zealously as probably any lawyer ever performed anywhere in the country and did exactly what he could for his client, which was his responsibility.

I think those of us related with the community and with the fact that his father was so respected but particularly because he was not an outsider felt he was able to do things in my particular area that nobody else could have done.

I think it makes a great deal of sense to give some kind of preference.

Mr. MAZZOLI. I think the gentleman from Illinois made a very precise statement and hit the nail on the head.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 25, lines 17 and 18, strike out "in accordance with the Canons of Ethics and Code of Professional responsibility of the American Bar Association".

Mr. QUIE. Mr. Chairman, it may seem odd to many in this body that one would move to strike out a reference to "the Canons of Ethics and Code of Professional Responsibility of the American Bar Association."

The reason for my amendment simply is that the reference in the lead sentence in section 7(a) is not appropriate and I am told that would create a needless ambiguity.

Section 7(a) deals with—among other things—prohibitions against lobbying and political activities by attorneys engaged in this program. These prohibitions are unequivocal and they are not intended to be modified by any consideration other than the explicit requirements of this act as determined by Congress. The reference to the canons and code here creates an ambiguity which is highly undesirable and suggests that the restrictions in the section may be modified by a private organization by changes in its suggested rules. The Congress should never yield legislative authority to a private organization.

Moreover, Mr. Chairman, there are two other references to the canons and code in this bill, at places appropriate to assure that the conduct of legal services attorneys, and the scope of their activities which are permitted under this act, is consistent with the Canons of Ethics and the Code of Professional Responsibility of the American Bar Association.

Accordingly I urge adoption of my amendment.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I support the amendment of the gentleman from Minnesota (Mr. QUIE) because the language in section 7(a) is redundant and may cause confusion. Does the gentleman agree that section 6(a)(3) covers the various activities of the corporation?

Mr. QUIE. Yes, section 6(a)(3) states that the corporation shall not interfere with any attorney in carrying out his professional responsibility to his client.

I thank the gentleman from Wisconsin.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words, and I wish to say that with the explanation given by the gentleman from Minnesota that I agree that the language could be considered redundant, and I agree to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 26, beginning in line 16, strike out everything after "assistance" through line 20 and insert in lieu thereof: ", except that no individual, capable of gainful employment, shall be eligible for the receipt of legal assistance if his lack of income results from his refusal or unwillingness, without good cause, to seek or accept employment;".

Mr. QUIE. Mr. Chairman, this language prohibits the furnishing of legal assistance to the voluntary poor who freely choose that particular life style. There is a similar provision in the Economic Opportunity Act which was incorporated in the committee bill. However, it reads in terms of refusal to seek or accept employment commensurate with health, age, education, and ability, which seems to many of us to be extremely subjective criteria.

The language of the amendment relates to the originally introduced bill language, but adds the clause; "without good cause," which leaves it to the discretion of the Corporation to determine good cause. Even though it makes it less explicit, I feel it strengthens the hands of the Corporation to deal with the problem.

I shall just use one example of leaving in the word "education" as to a number of individuals who are highly educated, and who then are unemployed for a period of time, and that they should be required to accept employment, and not necessarily a job that requires a college degree.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

Mr. Chairman, in reading over the language of the amendment, you state "no individual, capable of gainful employment," and then you go on to say, "from his refusal or unwillingness, without good cause." By whose standards do you make this determination? Who judges who is unwilling, or who is capable?

Mr. QUIE. The Corporation will make that determination.

Mr. DEVINE. That is, the officer of the Corporation?

Mr. QUIE. That is correct. This is a limitation of language on the Corporation, and they shall then make the determination whether the individual is doing this on a voluntary basis, and he has to be willing to take work, and if he cannot, then it should be for good cause.

For instance, an individual may have a number of preschool children and, therefore, is unable to secure employment.

Mr. DEVINE. Mr. Chairman, if the gentleman will yield further, was there any particular reason why the gentleman struck out the language "commensurate with health, age, education, and ability"? Were not those the guidelines for the Corporation?

Mr. QUIE. Yes, but I did not feel they were the kind of guidelines that were necessarily valid, because a person should not be able to say that "I have an engineering degree; therefore, I cannot take that job," which would be involved with say construction for a period of time.

Mr. DEVINE. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I inquire of the author of the amendment, has this amendment ever been introduced in the Subcommittee on Education and Labor?

Mr. QUIE. Yes, it was, in the original bill I would say to the gentleman.

Mr. CONYERS. What happened to it?

Mr. QUIE. Without the clause. It was changed in the subcommittee.

Mr. CONYERS. Was it not defeated? I ask, was it not defeated?

Mr. QUIE. The amendment was adopted in the subcommittee as it appears in the bill.

Mr. CONYERS. How many more amendments does the gentleman have, if I could ask, since it is only 6:30 p.m., that we are going to get into before this bill is reported?

Mr. QUIE. I have six more amendments.

Mr. CONYERS. Six more amendments. How many have you offered all day long?

Mr. QUIE. There will be 11 in all.

Mr. CONYERS. Eleven in all. Have any of them ever been introduced in subcommittees?

Mr. QUIE. I put the amendments in the RECORD Tuesday so everybody could take a look at them.

Mr. CONYERS. That is not the question I am asking of the gentleman. I just thought that usually if one is on the committee that is handling the legislation, one brings the amendment up in the normal process, and I am just trying to find out if that happened.

Mr. QUIE. I have not introduced all of these in there.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. No.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I ask the gentleman from Wisconsin whether under this amendment, as I understand from the amendment he is offering, it would be left up to the corporation to formulate guidelines, that the cooperation would determine those conditions under which good cause would be the basis on which an individual could refuse to accept employment. In doing so, and in striking the language "health, age, education, and ability," do I understand it is the gentleman's interpretation of the amendment that these factors could still be considered by the corporation in the setting of guidelines?

Mr. QUIE. The gentleman is correct.

Mr. HAWKINS. With that understanding, Mr. Chairman, I would urge that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 27, line 2, insert a semicolon after "law" and strike out everything that follows through line 6.

Mr. QUIE. Mr. Chairman, the committee bill would prohibit full-time attorneys in full or in part under the act to engage in the compensated outside practice of law, but would permit uncompensated outside practice as deemed appropriate by the Corporation. My amendment would prohibit all outside practice of law by full-time attorneys. My amendment does not seek to prohibit an attorney from performing such customary work as drawing a will for some of his own family. It would prohibit him from being involved in serving the public on the assumption that he is engaged full time in such work under this act, and that is where his full energy should be concentrated.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us stop and think what we are doing here now. We have just passed an amendment that says that we can start hiring these local attorneys, and we will first hire from residents of the community until there are no more residents without a job, and then we will hire from whatever other sources we have. I presume they will be good citizens who belong to the local church, who belong to the local Rotary Club, who have children in the Boy Scout troops and Little League. In my own experience, I was called upon frequently, with no compensation, to incorporate Little League groups, to incorporate my Moose lodge for the purpose of building a building and acquiring a liquor license, and a variety of these things over a period of time.

If we are starting now to visualize the Legal Services lawyer as being this full local citizen we have been talking about, let us not have him subject to being fired if he prepares the articles of incorporation for a local Moose lodge to start building or apply for a mortgage, and that is the effect the amendment offered by the gentleman from Minnesota (Mr. QUIE) would have. If we agree none of these attorneys should be permitted to take penny 1 in compensation for legal services outside of their salary paid them for working for the Legal Services Corporation, I fully agree, but if they want to work without compensation for a whole variety of the kinds of things lawyers are always called upon to do particularly in the smaller communities, it seems unreasonable to cripple them in this regard. I doubt very much if the lawyer for a particular church or lodge would say, "I am here and I could do it for free but you have to go uptown and hire somebody because even though I am a member of the lodge or the church the fellows in Washington say I will be fired from my job if I do it for you." I do not think given the present status of the bill that the Quie amendment should be adopted at this time.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Minnesota.

Mr. QUIE. As the language presently reads it would require the Corporation to make the determination with appropriate guidelines as to the extent to which he could be involved in outside practice of the law uncompensated, but it is my feeling the community should not be looking at this lawyer as a man being paid by the Federal Government working for the poor in his on-duty hours and then be used for other purposes in the community. If he has time to practice law he ought to be devoting it to the poor.

Mr. WILLIAM D. FORD. I think if he takes 5 cents he ought to be fired but not if he does not accept compensation.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

This amendment is another example of what happens when nonlawyers start trying to tell the rest of the legal profession in this country what they ought to be doing. Everybody who has practiced law or has had association with lawyers knows perfectly well they are called upon to perform innumerable public services and it would be seriously misconstrued in their communities if they were to refuse them under the ambiguous mandate of this amendment. So substantively the amendment does not make sense.

But, Mr. Chairman, procedurally where was the gentleman on the committee when the subcommittee held hearings on the bill? Where was the gentleman when the full committee debated the bill? And why are we continuing to have a raft of amendments hour after hour on legislation that has been in the full committee for months?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 47, noes 43.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 27, strike out lines 7 through 16 and insert in lieu thereof:

"(5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State, or local agency, or to undertake to influence the passage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel of any recipient may (A) testify or make a statement when formally requested to do so by a governmental agency, or by a legislative body or a committee or member thereof, or (B) in the course of providing legal assistance to an eligible client (pursuant to guidelines promulgated by the corporation) make representations necessary to such assistance with respect to any executive order or similar promulgation and testify or make other necessary representations to a local governmental entity;".

Mr. QUIE. Mr. Chairman, this is the amendment that is necessary following the one that was adopted on page 25, in subsection 4, where we deleted from that subsection executive orders or similar enactments or promulgations. It fits better in this subsection 5 on page 27.

What this amendment will do, then, is to require that in lobbying before the Congress or a State legislature or any legislative body in regard to any Executive order or similar promulgation, first, that there is an exception that if they must be formally requested to do so by the governmental agency or by the legislative body or a committee or member thereof, they can then come and testify. This conforms with the way the legislation is in the bill.

However, the other exception, where the legal services attorney may give legal assistance to his client, he is permitted to do so in regard to any Executive order or similar promulgation, Federal, State or local. He may also represent an eligible client with legal assistance before any local governmental entity, because it seems to me the local governmental entity is probably both legislative and administrative, and to the extent that they are administrative, at least the client should have an opportunity to be represented by an attorney. That is the way many nonpoor approach a local governmental entity if they have problems, say with zoning, or some housing code problem, or something of that nature.

The controversy, in talking to my colleagues, as I see it, is the question of whether we should prohibit the legal services attorney from making representations before the State legislature or not. I do prohibit him, unless he is asked to by the State legislature or a committee of the State legislature or a member.

It is my feeling that legislators themselves are available to constituents, and therefore the poor people are no different than the other individuals, nonpoor, who usually do not secure an attorney to represent them before the legislature, but if they have a view on a piece of legislation, they express themselves by letters, phone calls, telegrams, visiting their legislator, seeing him at home when he comes home on the weekend.

Therefore, I believe it puts this in the fairest possible way and prohibits what we consider unreasonable lobbying but does not in any way prohibit a poor person, an eligible client, from securing legal assistance from the attorney in any case when he is directly affected, such as by any Executive order or promulgation or by the local government agency.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I believe the gentleman from Minnesota is precisely right. An individual has a right to petition to a legislative body, but there is no essential requirement, no constitutional right, that the Government provide him legal counsel to carry out that right of petition to a legislative body.

I concur in the effort being made to provide legal counsel for those less fortunate in the ordinary and general legal sense. I do not believe there is a right of any kind that the Federal Government has to provide legal counsel for the submission of a person's view to a legislative body. The right of petition is guaranteed but there is no requirement that legal council be provided by the Government.

I support the gentleman's amendment.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. RANGEL. While not getting into the question of constitutional rights, does the gentleman find anything immoral in poor people receiving legal guidance in preparing their case and/or take their grievances to those who have been elected to serve them?

Mr. QUIE. If I understand the question correctly, I believe the answer would be "no." I believe everybody ought to have the right to make a presentation himself to an elected official.

Mr. RANGEL. I do not believe the gentleman understood my question.

Mr. QUIE. Perhaps I did not.

Mr. RANGEL. I believe we have to accept as a fact that many poor people in this country are unable to articulate their views to an elected official, as the gentleman and I would wish. Notwithstanding what has been said by the distinguished minority leader as to whether it is constitutional, would the gentleman not believe that if we ask the poor to petition lawfully and legally, when it is possible for them to get counsel, we should assist in bringing that type of counsel to them?

Mr. QUIE. The prohibition here is for the legal services attorneys to go and make representation to the legislature without being requested to do so by them. That is where I feel the poor do not have any more right than anyone else, for that purpose.

Mr. BELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment because it requires that a person can only testify at formal invitation by the Federal or State legislature.

The principle of equal justice under law demands that we recognize that the proper function of an attorney in our complex industrial society is not and cannot be limited to activity in the courts.

Like it or not, government at all levels—Federal, State, and local—has a very real impact on the lives of all Americans.

Our system is founded on the principle that the Government must be responsive to the governed.

The work of this Congress, and every other legislative body in the Nation, is much more effective because it is based on solid information provided by those whom our work affects.

Indeed, we have encouraged this principle by allowing corporations to deduct their lobbyist's salaries and expenses from corporate income taxes.

No Member of this Congress can deny that a poor person is as much entitled to have his views made known on any given piece of legislation or regulation as any other citizen.

And in some areas, whether it is a municipal council considering a landlord-tenant ordinance or a new housing code, or a State legislature considering a consumer credit statute or changes in wage garnishment proceedings, or this Congress considering amendments to medicare or day-care legislation, the poor have a greater reason for having their views known than many other citizens.

It must be emphasized that this legislative advocacy activity of the legal services lawyer consists solely of the delivery of information.

Neither the legal services lawyer nor his client is given a vote in any legislative body by this legislation.

To place greater restrictions on this activity than those already contained in the bill is to deny to poor citizens their constitutional right to be heard, and to deny to Members of this Congress and every other legislative body the opportunity to have the information necessary to write effective laws.

I do not propose that legal services attornies spend all their time providing information to legislative bodies, and they have not done so.

Indeed, a recent evaluation of the legal services program by the general accounting office concluded that the program's lawyers devoted too much time to the everyday divorce and landlord-tenant cases, and neglected the opportunity to nip future cases in the bud by informing legislatures of their clients' problems.

Regardless of how much time is devoted to it, we should not deny to the poor an entirely appropriate and justified form of legal assistance.

LEGISLATIVE ADVOCACY EXAMPLES

I ask that this amendment be defeated.

Mr. Chairman, I want to give some examples of what this Quie amendment would do. It would preclude some of the advocacy in legislation that is needed particularily in a landlord-tenant area. Here are some examples:

Clients came into a legal services office who had been retaliated against by eviction, rent increases, and other means, for complaining to the housing inspection agency about housing code violations in their homes.

Since these clients had no retaliation under the State law, the attorneys went to the Massachusetts State legislature and successfully worked for a statute prohibiting landlords from evicting or otherwise changing the terms of a lease because a tenant had reported housing code violations.

That is one example. Here is another:

A tenant who had been evicted for withholding rent challenged his eviction in court on the grounds that he had a right to withhold because of housing code violations. The case was appealed through the courts, and the State supreme court held that as a tenant-at-sufferance rather than at-will he had no right to withhold rent. The client had automatically become a tenant-at-sufferance when the building he lived in was sold.

Therefore, having been denied redress in the courts, attorneys took the case to the State legislature and successfully advocated a bill providing that a tenant-at-will does not lose his status when the property is transferred.

Mr. Chairman, I could read five or six more actual cases where this type of work was made possible. But would very likely not be possible under the Quie amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. BELL) has expired.

(By unanimous consent, Mr. BELL was allowed to proceed for 2 additional minutes.)

Mr. BELL. Mr. Chairman, there are many other cases where clients have been protected by the right of the attorney to go before State legislatures, but by the amendment offered by the gentleman from Minnesota (Mr. QUIE), by requiring formal invitations to testify, we would in many cases, in effect, be precluding the possibility of an attorney properly protecting his client under the law as we know it, and in the way under which our democratic form of government has survived.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

Of all the amendments which have been considered this afternoon, the amendment offered by the gentleman from Minnesota (Mr. QUIE) strikes at one of the very fundamental purposes of the Legal Services program. I can think of an example in my own case, where a lawyer who worked for the Legal Services program contacted me about a very difficult problem which was faced by local housing tenants, who were being evicted as the result of a Federal project being placed near an airport.

Under a bill which was then being considered by one of the committees of this House, the Relocation Assistance Act, there were various items being considered which provided some relief for the owners of property and the owners of businesses under such relocation circumstances, but no consideration was being given to the tenants of housing projects as the one under my particular jurisdiction.

Such a lawyer, if the Quie amendment were adopted, by the mere fact of having written to a Member of Congress seeking assistance and seeking to influence the passage of legislation, would have jeopardized the entire legal services program and required the corporation, if one had existed at that time, to turn down all of the funds of the entire legal services program in my State because one attorney seeking to represent the clients sought to contact me to see if there was some way through the legislative mechanism to help these people also to be considered in terms of relocation payments, because they were the very occupants being dismissed and discharged from occupying this particular Federal property.

So it seems to me when we say no funds can be spent whatever by a recipient grantee where an effort is being made by the attorneys in question to represent these clients and to do the best possible job attorneys are charged to do by their professional ethics, then I think you destroy the whole concept of what the legal services program is.

They ought to be given the same rights as any ordinary citizen in this society to petition for themselves and certainly to petition for their clients to seek that kind of redress from the legislature.

We are always talking about law and order. Let them go through the orderly process.

Here by an amendment we are saying to them you are going to be denied the opportunity to seek legislative redress in the Congress of the United States. The only way they can ever make a representation is if I somehow, by some clairvoyance, had instinctively realized what their problem was and wrote to them and said "I request you, Mr. Attorney, to provide me this information."

To place this kind of straitjacket on the program and to deny the attorneys the right to really effectively represent their clients will destroy one of the most meaningful ways in which we can establish a proper program for the poor in our community.

Mr. Chairman, I ask this House to vote down the amendment offered by the gentleman from Minnesota.

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not use the entire 5 minutes, but I feel that this amendment would do great harm really to legal services.

I have to realize there have been some abuses unquestionably of legislative advocacy. On the other hand, I am told by some of the Members from the State of Ohio, some of the legislators there have written them and expressed the feeling that there have been some fine efforts performed by legal services counsel acting as legislative advocates on behalf of their clients. I have one particular example that comes to mind that I think really best reflects my concern for the Quie amendment. This was one case that occurred in the State of New Jersey. It involved the New Jersey legal services program.

This was a case involving child custody. The New Jersey statute required that the mother pay a filing fee before such an action could be commenced. This particular woman did not have any money. There was a statutory requirement, however. The trial court refused to waive it, and the appellate court upheld the trial court.

The only redress to this client's problem, which was a problem for hundreds if not thousands of parents who were seeking court determination of whether they are entitled to custody of their children, was to seek a change in the State law. The Legal Services lawyers representing this woman proceeded to consult with members of the State legislature concerning this problem, assisting in developing remedial legislation, and now after adopting this law the State of New Jersey provides for the waiver of filing fees in indigent cases.

It seems to me, Mr. Chairman, this is just one example of many examples that could be cited in justifying the fact that there ought to be in representing a client some form of legislative advocacy, and I hope we defeat the amendment.

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am indeed surprised that the gentleman from Minnesota (Mr. Quie) has offered the amendment. The gentleman from Minnesota, it seems to me, has pretty much been following the White House line in the amendments the gentleman has offered today. But on May 11, 1973, when the President submitted this legislation to the House the President said and noted the important objective that lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics.

Mr. Chairman, I submit that the adoption of this amendment would invoke violations of the code of professional responsibility. I have the code of professional responsibility and the code of judicial conduct in my hand, and I read from section 8-1, which requires that:

> Changes in human affairs and imperfections in human institutions make necessary constant efforts to maintain and improve our legal system. This system should function in a manner that commands public respect and fosters the use of legal remedies to achieve redress of grievances. By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system.

Ethical Consideration 8-2 states:

> If a lawyer believed that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by lawful means to obtain appropriate changes in the law. He should encourage the simplification of laws and the repeal or amendment of laws that are outmoded. Likewise, legal procedures should be improved whenever experience indicates a change is needed.

Mr. Chairman, we asked specifically of the people who worked on the drafting of this Code of Professional Responsibility, one being a gentleman from the University of Texas, that if we were to effectively prohibit this kind of legislative advocacy, if that would not in effect require a breach of the Code of Professional Responsibility, and the gentleman said that it would.

So when the gentleman from Minnesota proposes an amendment which effectively stops legal advocacy, the gentleman is in effect asking every young or old lawyer who becomes a member of a legal service program to violate the Code of Professional Responsibility.

I do not believe, Mr. Chairman, that the House would want to do that.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Minnesota (Mr. Quie).

Mr. Chairman, I will not take my full 5 minutes. I merely wish to go on record as indicating that I think the adoption of this amendment would be a serious mistake. The need for the type of advocacy that is here called for is well known to many of us who have served in this Congress, or in State legislative bodies, and the desirability of this kind of advocacy is recognized by the amendment offered by my very good friend and colleague, the gentleman from Minnesota (Mr. Quie) because the gentleman himself in his proposed amendment asks to make it in order in appearances before local governmental entities. I would point out to the Members of the House that if this is proper and oftentimes desirable, as it is, that need, priority and desirability do not stop with local entities.

Mr. Chairman, this is an amendment which ought not to be adopted, and should be defeated.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I would ask the gentleman from Oregon are we not saying that when we deprive a legal services attorney of this ability, then are we not saying to our citizens, in effect, "We want to hear from corporations, whose lobbying we encourage with tax deductions, and we enjoy hearing from organized labor, and we appreciate hearing the views of those citizens who are well educated and sufficiently literate to write articulate letters; but we have no interest in learning of the problems or views of those citizens who may be poorly educated, and who in any event are too poor to listen to."

Mr. DELLENBACK. I am not sure I go as far as my colleague in saying that. I do agree with the conclusion that it would be unwise to adopt this amendment.

Mr. QUIE. The gentleman from California gives a false impression of the amendment, because if the State legislature enjoys hearing so much from the Legal Services Corporation attorneys, they can ask them. The bill provides that they can ask them; the legislatures can ask them; the committee can ask them; the Members can ask them. The question is, Are the poor, then, incapable of expressing themselves and do they have to have an attorney?

I have talked to poor people all over my district, and elsewhere. Most people are not that inarticulate. I have pride in them. I sat down in meetings with them. They told me they work with food stamps and direct distribution better than any attorney could, because they have had the experience with it. I think that is really the question here—whether an attorney feels he has to represent the poor all of the time, or whether the poor can express themselves. I think they can express themselves adequately before a legislative body.

Mr. DELLENBACK. Mr. Chairman, I agree that my colleague from Minnesota, who obviously feels very strongly on this matter, has in his own amendment provided that there should be representation before certain types of governmental bodies. I do not see any logical distinction between that and what is in the bill before us. It is a different level of body, but it is the same type of advocacy that he, himself, advocates.

Lastly, I would point out that in the bill as it appears there are adequate safeguards to be sure that the type of representation would not be irresponsible.

The amendment should be defeated.

Mr. MILFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately, I am not an attorney; I am a Texas weather forecaster. But there is something I feel we have not gotten down to, really; that is the brass tacks of what we are trying to do. If I understand this amendment—and the author may correct me if I am wrong—the primary purpose of it is to prevent lobbying.

Mr. QUIE. The gentleman is correct, to prevent legislative advocacy, not to prevent administrative advocacy. The gentleman is absolutely correct.

Mr. MILFORD. The thing that I am interested in, and that I believe my constituents are interested in—in getting this bill passed—is to provide legal services to those who are unable to afford those legal services. I have a feeling that if we took every dollar that we are going to be able to get out of the Committee on Appropriations and started trying to help those who—without a doubt—need help; where there is no question of their eligibility, their need; then we could not even begin to scratch the surface. So why quibble around about some legal services attorney's rights to go before a legislative body? What I am interested in trying to get done in this bill is to see that the poor woman with children who is trying to find an absconded husband can get some help, or the poor woman with children who is being evicted from their house unfairly can get help. If we take care of those cases, those that without question need help, it is going to require more money than we are ever going to be able to appropriate in this bill.

I support the Quie amendment. I would like it clearly understood that I am for legal services program designed to assist in providing financial support for legal assistance in noncriminal matters to persons financially unable to afford that type of assistance.

The committee bill without amendment does not address itself to providing assistance to the poor. As a matter of fact, this bill does not protect the rights of the people it is supposed to help.

As every Member in this Chamber knows, there are more poor people with legal problems than the amount of money, authorized here, could ever help.

In other words, if we simply address ourselves to those individuals where there is no question of inability to pay, there is not enough money authorized in this bill to help them.

Therefore, all of these fancy arguments about where to draw the line on legal services attorney lobbying is ridiculous. The answer is simple—we should not lobby at all. Every dollar spent on his lobby activity is a dollar denied to the poor.

I am going to vote against this bill if it does not guarantee that its primary effort will be toward the poor. There are loopholes in this bill that will allow Legal Services to go on exactly as they have in the past. This amendment removes one of them.

I think every citizen in Dallas and Tarrant counties, Tex., are aware of the mess that we have had under the OEO legal services program.

Poor citizens in both counties have not been significantly helped in the past and they will not be helped in the future because this bill has no guarantee that the poor will be considered first.

I want to see a bill that will help the poor black mother fight illegal evictions—not one that will fight for the technical rights of an underground newspaper editor, who could pay his own bill.

The first effort of a Legal Services bill should be directed toward helping the divorced and unemployed mother who is trying to collect child-support payments from absconded fathers rather than spending the money to fight for the right of a high school kid that does not want to get a haircut.

In both Dallas and Tarrant Counties, we saw thousands of Legal Service dollars spent on school bus trials, while hundreds of poor families were shuttled from pillar to post because they could not obtain basic legal rights that would have allowed them to eat or have shelter.

Some lawyers have severely abused the legal services program. Their primary efforts were not to help the poor in day-to-day legal problems, but were directed toward making a name for themselves through challenging the various laws and through lobbying.

Please do not get me wrong. I am not against challenging unfair or unconstitutional laws. Any bad laws should be banished from the books. Neither am I in favor of writing bad laws. And the law we are trying to write today is a bad one. This amendment improves it significantly.

Our taxpayers are saddled with enough. I will not vote for a spending bill until I am sure that it will do what it is supposed to do.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, one of the most patronizing things which I have heard this evening is that somehow all poor are inarticulate and, therefore, they must have a spokesman. I have seen some of the best educated, wealthiest people in the world who are far less articulate than are some of the poorest people in terms of financial dollars.

Second, as far as I am concerned here in the House, when people come to see me in Portland or in D.C., I would much rather talk to a constituent in my district who represents honestly and sincerely his views on a piece of legislation, be he rich or poor, than I would a lobbyist, a person hired to represent the views supposedly of some large group.

I think the gentleman in the well (Mr. Milford) has stated the case exactly right, and as I tried to do on a previous amendment. Are we passing legislation for help for the poor, as legal aid for the poor, or are we going to provide Federal funds for lobbying for a particular type of legislation, presenting a particular viewpoint?

It does not seem to me that the Federal funds ought to be spent for that purpose, so I join my colleague, the gentleman in the well, in support of the amendment offered by the gentleman from Minnesota. I think it is a good amendment and I think it ought to be passed.

Mr. DEVINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the current Quie amendment which probably could properly be designated as the antilobbying amendment. I do so because I think it clarifies subsection 5 that appears on page 27 of the bill. It removes all doubt.

The gentleman from Wisconsin (Mr. Steiger) earlier in the debate this afternoon made reference to a quotation from the Vice President of the United States, and in order to have that portion of his remarks not taken out of context I would like to quote for the Record, and as part of the legislative history, the position of Vice President Agnew in an article that appeared in the American Bar Association Journal in September 1972, because this goes right to the very problem that the amendment offered by the gentleman is addressed.

Let me quote this excerpt from the Vice President's article:

> Because the program is not clearly defined, some visualize it as a program for social action, while others see it as a modern federally funded legal aid program. This ambiguity has been well documented. As a result, the legal services program has gone way beyond the idea of a governmentally funded program to make legal remedies available to the indigent and now expends much of its resources on efforts to change the law on behalf of one social class—the poor.
>
> We are not discussing merely reforming the law to rectify old injustices or correcting the law where it has been allowed to be weighted against the poor. We are dealing, in large part, with a systematic effort to redistribute societal advantages and disadvantages, penalties and rewards, rights and resources. As one distinguished commentator on the legal services program has stated: "This is not simply related to politics; it is politics."

The Vice President continues:

> To the extent that this is true, what we have is the Federal Government funding a program designed to effectuate major political changes. What we may be on the way to creating is a federally funded system manned by ideological vigilantes, who owe their allegiance not to a client, not to the citizens of a particular State or locality and not to the elected representatives of the people, but only to a concept of social reform.

Mr. Chairman, I urge adoption of the Quie amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it might not be quite so bad if this were just the antilobbying amendment. I suspect all of us might be able to agree that if we provide we should not have the legal services lawyers becoming lobbyists as I understand that word based on my experience in Wisconsin, and have to pay a fee, and spend extraordinary amounts of time with the legislature when it is in session. I think to legitimatize that kind of operation would not be appropriate, but I think this goes much further than that. For that reason, I believe the amendment ought not to be adopted.

I am somewhat perplexed by the logic of a proposal which acknowledges that legislative advocacy is a useful and productive activity at the local level, but is somehow inappropriate at the State and Federal level.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, the problem at the local level is that local governments often have administrative responsibilities such as a city council, county commissioners, and if we are going to permit administrative advocacy, then we have to permit the local government to be included.

However, we have a clear demarcation between administrative responsibility and legislative responsibility as it exists on the State and Federal level. That is the only place where we have separate branches of Government, where there is a differentiation.

Mr. STEIGER of Wisconsin. Unfortunately, there are a number of cases in which city councils have legislative authority. That is a part of the job. I recognize it gets a little unclear, but I still fail to understand the basis on which we make this relatively hard determination that somehow an eligible client can be represented fully at the local level, but cannot be represented fully at the State or Federal level.

The gentleman from Texas, who preceded me in the well, talked about the problems of child custody. I would ask you to recall the example of the kind of work a legal services program has done in New Jersey, as recounted by the gentleman from Illinois (Mr. RAILSBACK).

That kind of case and that concept can be duplicated across this country. This amendment, in effect, says that a person cannot do it. It says, "If you are formally requested, you may testify." But, it says, "If you write a letter, if you contact a State legislator as an attorney on behalf of a client, somehow that is wrong."

That is the reason I think the gentleman from Minnesota's amendment is mischievous.

Let me talk a little bit about a situation in Wisconsin.

When the reservation status of the Menominee Tribe was terminated, Menominee Enterprise bonds were issued to the enrolled membership in return for the tribal lands. These bonds, redeemable in the year 2000, were subject to seizure by the State upon an individual's application for public assistance.

Although the bonds could not be marketed for a quarter century, to the Menominee, they represented a vested cultural interest in traditional lands and the hoped for success of their experiment in private enterprise. However, because of the seizure provision in the law, the poor and the disadvantaged—who ceded their tribal lands in exchange for the bonds—were faced with a cruel choice: allow the bonds to be attached, or forgo needed assistance in order to retain this link to their tribal heritage.

Fortunately, a legal services attorney, making necessary representations on behalf of an eligible client, was able to convince a legislator to introduce a corrective measure. Approval of this legislation has allowed the Menominee Tribe to preserve the integrity of their tribal bonds.

It would, I think, be a most callous act on the part of this body to say that the needs of a client could be brought before a city council, but not before the Congress of the United States. Are we to adopt the attitude, "Don't call us, we'll call you"?

Mr. Chairman, I am not willing to say that we should isolate ourselves from any individual whose problems, whether they be social legislation, veterans benefits, relocation or education, might be a matter of concern to this body. No one who has dealt with high pressured lobbyists has anything to fear from a single attorney representing a client in the legal services program. On the contrary, there is little if anything he can use aside from the simple powers of information, education and persuasion.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(At the request of Mr. BELL and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to to gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, is it not true that so many of the problems involved at the local level such as county and city level, are perhaps even more so at State and Federal level?

Mr. STEIGER of Wisconsin. Yes, I think that is true.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 181, not voting 52, as follows:

[Roll No. 256]

AYES—200

Abdnor
Addabbo
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Biaggi
Blackburn
Bowen
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Collier
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gettys
Giaimo
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hanrahan
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Henderson
Hogan
Holt
Hosmer
Huber
Hungate
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Litton
Long, Md.
Lott
McCollister
McEwen
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
Parris
Perkins
Pettis
Pickle
Pike
Poage
Powell, Ohio
Price, Tex.
Quie
Randall
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rogers
Roncallo, N.Y.
Rousselot
Runnels
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Stratton
Stubblefield
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—181

Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Barrett
Bell
Bergland
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Gaydos
Gibbons
Gilman
Grasso
Gray
Green, Pa.
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Howard
Johnson, Calif.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Long, La.
McClory
McCloskey
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Matsunaga
Meeds
Melcher
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Peyser
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Regula
Reuss
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Studds
Symington
Teague, Tex.
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—52

Ashbrook
Badillo
Blatnik
Bray
Breaux
Broomfield
Byron
Carey, N.Y.
Chamberlain
Clawson, Del
Cronin
Danielson
Davis, S.C.
Dorn
Fisher
Gonzalez
Griffiths
Hammerschmidt
Hébert
Hillis
Hinshaw
Hudnut
Ichord
Kazen
King
Landrum
Leggett
Lehman
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Patman
Pepper
Quillen
Rarick
Reid
Riegle
Rooney, N.Y.
Rooney, Pa.
Sandman
Stephens
Thompson, N.J.
Thomson, Wis.
Waldie
Whitehurst
Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 28, strike out lines 3 through 8 and insert in lieu thereof: "and insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain at any time during the period for which such compensation is received from the activities described in clauses (B) and (C) and from taking an active part in partisan or nonpartisan political management or in partisan or nonpartisan political campaigns".

Mr. QUIE. Mr. Chairman, this amendment restricts the Legal Services attorney's involvement in political activities. The committee bill would have permitted attorneys employed essentially full time in the program to engage, on their own time, in political activities such as providing voters with transportation to the polls in—the reference in clause (B) in the amendment—voter registration drives—clause (C)—and "any political activity"—clause (A), page 27, line 20. The amendment preserves these rights for part-time employees—those receiving less than one-half their annual professional income from the program—but forbids the activities set forth in clauses (B) and (C) at any time during the course of their employment.

However, I feel that you could not prohibit "any political activity"—which could include even voting—to a full-time employee in his time off the job. Accordingly, the prohibition adopts the mode of the Hatch Act, except that it is applied to both partisan and nonpartisan activities, and forbids "taking an active part in political management or political campaigns." This, together with the other amendments previously described, would take this program out of politics.

Let me recount. The person who receives more than half of his compensation from Legal Services Corporation as a project attorney could not be even in his off time involved in voter registration drives, or transporting voters to the polls, and he could not take an active part in political management or political campaigns, whether partisan or nonpartisan. The reason for adding nonpartisan is, as in many States—I know especially in the State of Minnesota—mayor races, county commissioner races, and so forth, are not partisan elections and do not carry a party label.

I urge the adoption of my amendment.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take the full 5 minutes before we vote on what I call the political eunuch amendment. I believe the amendment to be unconstitutional, because I think it takes away rights of these people which are rights guaranteed by the Constitution and which they do not give up because they become Legal Service attorneys.

I also would point out, Mr. Chairman, that there may be a good equal protection clause question here, because if one earns 51 percent of his income from Legal Services, then he is stripped of all of these political rights, but if he earns only 49 percent, then he has all these political rights. I cannot understand why the distinction should be made between part-time and full-time Legal Service attorneys, but in any event this goes far beyond the Hatch Act, Mr. Chairman, which we all know is under attack right now and probably will be held unconstitutional. This goes far beyond that.

There is not much question in my mind, at least, that it is, as I stated here, unconstitutional.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 62, noes 64.

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 171, not voting 55, as follows:

[Roll No. 257]

AYES—207

Abdnor
Alexander
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bell
Bennett
Bevill
Blackburn
Bowen
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eshleman
Evins, Tenn.
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Gilman
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Gunter
Guyer
Haley
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hays
Heinz
Henderson
Hogan
Holt
Horton
Hosmer
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Litton
Long, Md.
Lott
McCollister
McEwen
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
Parris
Perkins
Pettis
Peyser
Poage
Powell, Ohio
Price, Tex.
Quie
Randall
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Runnels
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Towell, Nev.
Treen
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—171

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Ashley
Aspin
Barrett
Bergland
Biaggi
Biester
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fountain
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Ginn
Grasso
Gray
Green, Pa.
Grover
Gude
Hamilton
Hanley
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Holtzman
Howard
Hungate
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kluczynski
Koch
Kyros
Lehman
Long, La.
McClory
McCloskey
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Matsunaga
Meeds
Melcher
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Reuss
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stokes
Stratton
Studds
Sullivan
Teague, Tex.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Whalen
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Zablocki

NOT VOTING—55

Ashbrook
Badillo
Bingham
Blatnik
Bray
Breaux
Broomfield
Carey, N.Y.
Chamberlain
Clausen, Don H.
Clawson, Del
Cronin
Danielson
Davis, S.C.
Dorn
Erlenborn
Fisher
Gonzalez
Griffiths
Hammerschmidt
Hanna
Harvey
Hébert
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Patman
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Sandman
Stephens
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 29, line 15, strike out "75" and insert in lieu thereof "50".

Mr. QUIE. Mr. Chairman, this section 7(b)(3) is intended to prohibit grants to or contracts with so-called "public interest law firms" which are defined in the committee bill as those which expend 75 percent or more of their resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both. The amendment changes the 75 percent to 50 percent, thus making it more difficult for such firms to qualify. The basic assumption is that these firms already are adequately financed by foundation and other private funds, and that such funding ought not be replaced by the limited resources available under this act.

Mr. MEEDS. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment. I shall not take 5 minutes.

I would just like to point out that this amendment, it seems to me, works in exactly the reverse of what we would want it to do. It says in effect that the more a public interest law firm represents the poor, the more apt it is to be cut out from this act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 30, line 19, strike out "a majority" and insert in lieu thereof "at least two-thirds".

Mr. QUIE. Mr. Chairman, the committee bill—as did the introduced bill—required that the Corporation insure that "any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body a majority of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided . . ." The amendment would raise a majority to "at least two-thirds". The purpose is to make even more certain that the program is tied closely to the legal profession. A simple majority of lawyers fit better in the context of services run by community action agencies, with all the attendant requirements for representing various interests. This program is meant to move away from that mode and to be firmly imbedded in our system of justice. It should, therefore, have a greater degree of professional direction.

Mr. MEEDS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the gentleman from Minnesota has evidently become even more apprehensive than he was when he sponsored this legislation initially, because the legislation which he and others sponsored provided precisely what the committee bill provides right now, 50 percent or a majority attorneys. The gentleman from Minnesota has been a member of this committee for a long time, and I recall very, very well how he advocated strongly in the early days of the OEO program maximum feasible participation, and he said: One-third, one-third, and one-third.

Now he is the one who is sponsoring an amendment to require two-thirds attorneys. This means that the client community will have only one-third representation. I would think at least one-half attorneys or a majority, as the bill provides, would control the matter.

I do not think we have to go to two-thirds, and for that reason I oppose the amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened carefully to the explanation of my colleague from Minnesota, and I am a little bit perplexed by this. The committee reported bill provided that at least a majority had to be lawyers. Now we are changing that to say at least two-thirds have to be attorneys. Are we to indicate by that it is the intent of the gentleman from Minnesota to have 100 percent be lawyers?

Mr. QUIE. Will the gentleman yield?

Mr. STEIGER of Wisconsin. Of course.

Mr. QUIE. Of course, as the language is now at least 100 percent is a majority, so the question of whether they have 100 percent or not is in both versions. I require, however, that it shall be not less than two-thirds. You cannot say exactly two-thirds. You might have to split one body in two, and that is why you have to give a little flexibility to it. But this assures two-thirds are attorneys.

I say to the gentleman I introduced the administration bill the way they sent it up, because I felt they had a right to have it introduced that way, but I am bothered by the fact that we have so little direction in the selection of the board of local recipients. After trying in every possible way, I do not see how we can write specifically how they will be selected. The only way I can be certain is that lawyers who have gone through law school and are in the local area and have to be responsive to the citizens will use the best judgment as members of that board. I was concerned, if one of them was absent, they would not have a majority on the board.

Mr. STEIGER of Wisconsin. May I raise one other question with the gentleman from Minnesota not directly related to this amendment but on the same subject. One of the provisions in the bill is that which says that the Governor of the State and the State bar association shall be notified 30 days in advance prior to awarding of the grant or contract. Will the gentleman from Minnesota agree with me that one of the provisions that ought to be a part of any grant application which would then be available to the Governor and the State bar is the membership of a local board be 50 percent or two-thirds?

Mr. QUIE. I would say to the gentleman that is what I would expect to happen in talking to the people in the administration who worked on it, and that is what they would expect as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The question was taken; and on a division (demanded by Mr. Quie) there were—ayes 88, noes 70.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Podell: Page 30, line 12, after "court of competent jurisdiction," strike out the remainder of the paragraph and insert the following: "except where such person under the age of eighteen is the victim of child abuse, involved in a 'Persons in Need of Supervision' (PINS) proceeding, or similar proceeding the subject of a custody proceeding after the termination of a marriage in divorce, or in such other circumstances as the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age."

Mr. PODELL. Mr. Chairman, while in most respects the legislation before us goes a long way to meeting the needs of the poor for adequate legal representation, I feel that this amendment is necessary if we are to do a complete job.

The children of the poor are often the ones most abused by the law. This is not limited to criminal action, where there is already a system of court-appointed attorneys and public defenders to meet the needs of the accused. There is, however, a severe gap in certain other areas of the law which affect minors, most notably in child abuse cases and in PINS—persons in need of supervision—cases.

We have all heard of how abused children are taken away from their battering parents, only to be returned a short time later to face continuing beatings and perhaps even death. Who looks after the interests of these children? The courts can do nothing until criminal proceedings are brought against the parents, and often such proceedings are never brought because nobody wants to become involved enough to be a witness in such a case. Doctors and social workers merely treat the battered child. Nobody really looks out for his welfare.

Would it not make sense to provide a system whereby, whenever a battered child is reported and removed from his parents' custody, that child could be provided with an attorney to protect his interests? In that case, when a decision is being made as to whether or not to return the child home, that child could have an attorney to act in his behalf, to insure that there will be no decisions made which are not in the best interests of the child.

Another area in which there is a crying need for legal representation for minors is in the PINS—person in need of supervision—cases.

Under existing PINS laws, minors may be incarcerated if their parents complain that they are "ungovernable." Very often, and in New York State especially, these laws are used as a disciplinary measure when the parents cannot, or more often, will not control their children themselves. It is used as a threat, as a punishment.

The true ugliness of PINS laws lies in the fact that a child or tennager may be taken into custody—jailed, in fact—without ever having committed any greater crime than coming in late or hanging out with companions that the parent dislikes. As a result, youngsters who are innocent of any criminal activity are incarcerated with other youngsters who already have criminal records. These children languish in jails, or in youth homes which might as well be jails, where the only thing they can learn is how to really become criminals.

Judge Margaret A. Haywood of the District of Columbia Superior Court ruled on Monday that the District of Columbia PINS law was unconstitutionally vague because it permits children to be locked up for "no crime, no violent act, under a statute which fails to give fair warning of what noncriminal behavior is," to use her words. Hopefully, Judge Haywood's learned decision will be only the first of any such overturning PINS laws across the Nation. But until there are no more such laws on the books—laws, which if applied to an adult, would be immediately struck down as violative of every principle of due process of law—we should make sure that the children involved in such proceedings can make themselves heard.

Amending this bill would provide such protection only to the minor children of families who qualify for legal services. We all know that such problems are not limited to the poor. But we do have to start somewhere to safeguard the rights of this Nation's children, and by starting here, we can set the standard for providing legal representation to all children in the country when they are placed in such circumstances.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that anyone who has any feelings at all toward young people certainly would go along with the amendment offered by the gentleman from New York (Mr. PODELL) and I assured the gentleman from New York, in considering the amendment, that we would accept the amendment on this side.

SUBSTITUTE AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mrs. GREEN of Oregon: Page 30, delete the word "consent" in line 10 and substitute therefor the word "request"; and delete all after the word "jurisdiction" in line 12 of subsection (6) through line 15, and replace the comma following the word "jurisdiction" with a period.

Mrs. GREEN of Oregon. Mr. Chairman, I appreciate the amendment that is offered by my colleague, the gentleman from New York (Mr. PODELL). The reason that I offer this amendment as a substitute is that I think we have done some very bad things as far as congressional policy is concerned in breaking down the American family unit.

Let me just cite two or three, because of the time. I think it is very bad for us, as a matter of national policy, to pay children who are 14, 15, and 16 years of age, through OEO, higher wages than their father receives. The child goes home and is led to believe that his father is no good. I think that this helps destroy families instead of strengthening them.

I think we have been unwise when we have financed gangs such as the Black Panthers in Chicago, and on the lower east side of New York. The net effect has been to require that youngsters join a gang in order to obtain funds—funds that they so desperately needed. In order to get a job or money, the child has to join a gang. Many times the parents have advised the child not to join the gangs in order to obtain jobs. But I submit as a Federal policy we have said that unless you join the gang you do not get a job, and you do not get paid. What does that do to the family structure?

I feel the same way about the provision that is in the bill here. I have great respect for what my friend says, but we do have a juvenile court system in this country, and the juvenile courts throughout the United States are for the protection of youngsters who are under 18 years of age.

In my district, legal aid officers have gone out, had business size cards printed and they have stood at entrances to high schools. On these cards is written a message to the effect, "If you get in trouble, we will defend you. Come and see us."

I think this invites youngsters in the teenage years, which are troublesome years anyhow, to defy parental discipline. I think it invites them to defy the discipline of the school. I think it is just bad policy.

The amendment I am offering here would substitute for the word "consent," "request." In other words, a legal aid officer would not go up and put pressure on a family, but the parents would have to request in writing that the legal aid officer represent their child if that child is under 18 years of age.

My amendment also would strike out the sum of the total words that Mr. PODELL strikes out, on lines 12, 13, 14, and 15. In other words, a legal aid officer could not represent a child under 18 years of age under any circumstances, but the bill says:

> Except pursuant to criteria which the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age.

I would simply strike that out. There would be no special provisions, some cases where they could do it. So, if a child under 18 years of age is not protected by the juvenile court, or the parents think that he is not, and the parents request legal aid to represent their child, then fine, let us have legal aid go in and do it. But let us not have legal aid people inviting youngsters to have differences with their parents or with the schools, as would be allowed under this language.

That, Mr. Chairman, is precisely the purpose of my amendment.

Mr. PODELL. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. PODELL. Does the gentlewoman feel that in questions of child abuse the parent will request aid for a child? Does the gentlewoman feel in questions of proceeding where a person is in need of supervision, where a child is on the streets primarily because that child is homeless and without parents, or has run away, that that parent is going to request legal aid for that child, or aid by way of legal services for that child? Or, further, where a child is the unwitting participant of a hassle between two parents, shoved back and forth, each one claiming the jurisdiction over the child, is not the child entitled to some guidance and some advice of counsel? Is there anything so terribly wrong with that? If there is, I should like to know.

Mrs. GREEN of Oregon. The gentleman will notice that in the provision in the bill, which I leave in, it is upon the written consent of one of such child's parents, which might take care of a lot of cases, or a guardian, or any court of competent jurisdiction.

In my district, in my State, this is why the juvenile courts are set up, and I personally have more confidence in the juvenile court system in my city and my State than I do in the legal aid officers.

Mr. PODELL. The problems the gentlewoman alluded to are not criminal actions, because for criminal actions we do know that there is counsel that is afforded to the youngsters. We are now talking about citizens where there is no criminal action, where the child walks the streets of New York City, for example.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent (at the request of Mr. PODELL) Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mr. PODELL. Will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. PODELL. The child is walking the streets; the child is accosted by a policeman; she says, "I have no home; I have run away from home." That child is taken to a youth house or an institution in which there are hardened criminals. The child is not entitled to any legal counsel because the child cannot be convicted of any crime. The child cannot get her parent to request counsel because the parents, perhaps, lives in a different State, or the child has run away. Should that child be denied counsel?

Mrs. GREEN of Oregon. I suggest that under the juvenile court system any child in that circumstance can go to a detention home or can go to the juvenile court and seek help. They can go right now just as well as they can go to the legal aid officer. The question is, Do we have more confidence in the juvenile court system which has been established over a long period of time to protect juveniles under 18; a court of competent jurisdiction can also do it—or do we have more confidence in the legal aid group that maybe has a front store office? It seems to me that as far as my observations are concerned, we will protect the child under the present circumstances under the juvenile court system and eliminate the abuses which we have at the present time with the legal aid when they are actually inviting disputes between children and their parents.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the substitute amendment for the amendment.

Mr. Chairman, if the real world and real life were as the gentlewoman from Oregon has observed and not as many of us who practice law or who have served on the bench have observed it, then I would not be too concerned with the effect of her amendment.

While the gentlewoman misspoke herself a moment ago and said under the language she would leave in the bill it would require the written consent of the parent, that is not quite correct. If changed by her amendment it would require the written request of the parents before any legal advice could be given. And it may be precisely because of the conduct of the parents that the advice is needed.

At a time when throughout the United States the State legislatures and even this Congress, both here in the House and in the Senate have committees examining the phenomena surrounding child abuse, for example, we are going to be asked to think that in this century children are always protected by the people who occupy the relationship to them of parents and that there is some kind of presumption that a parent who beats or attempts to kill his child is a temporary or sort of occasional happening and that it is not a real problem in the society of this country. It is a very real phenomenon and a real problem.

The gentlewoman says if children need help let them go to court. Let me tell you what happens. There may be a drunken father off some place and the mother off doing something and the child is in an automobile accident. There is nobody even to consent to a surgical operation. Do the Members know what kind of position the doctor is in?

It means somebody will have to get to a lawyer who will find, for instance, in my State of Michigan a probate judge and he will get the judge to consent to the operation because the child being under the disability of being under 18 years of age cannot consent even to an operation that is short of an absolute total emergency.

Take the case of the young girl who brings a proceeding in my State for support of a child born out of wedlock. Is it too hard to believe that parents of a broken home are not going to be anxious to assist her in all cases with this kind of situation? We frequently see where the parent says, "She is a bum, let her go on her own." If we feel because a girl is 18 years and 2 months old that she can walk into the office and we should provide assistance, but if she is 17 years and 11½ months old we cannot provide for her. Is it because somehow we want to punish the young people more than people over 18 years of age? If so, then I suppose we should vote for this.

But the effect of the substitute amendment for the amendment will be to prevent the Corporation from writing any kind of rules and regulations that would permit representation of children under 18.

We should understand what the committee bill as amended by the gentleman would do. He speaks of specific types of situations where the child is already under the jurisdiction of the court. As he said, we do not have to worry about a child who has committed a crime.

The gentlewoman from Oregon (Mrs. Green) talks about passing out cards at a high school. That happened 4 years ago in her district. She complained about it and the situation was corrected. We have heard that story many times in the committee. The matter was taken care of. We all know the lawyer who passed out that card should have been disbarred for that. As a matter of fact the program was directed to make him stop and as far as we know nobody has ever repeated this any place in the country since that time 4 years ago.

But even more than that if in fact they were soliciting kids to come to them when they got into trouble with the law, they were wasting their time.

Because we have had a prohibition in this law ever since its beginning against legal services lawyers representing anybody regardless of their age in criminal proceedings. We do not provide under this act for legal services to anyone charged with a crime. As Mr. Podell has indicated, it is not the kind of problem that this bill addresses itself to, because, pursuant to court decisions, if a child of 15, 16, or 17 goes out and steals a car, he is now by virtue of the decisions of the court entitled to counsel provided at public expense, but not under this bill.

Mr. CONLAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by Mrs. Green because what she is trying to do is close one of the flagrant loopholes in this bill, one that was opened up in committee after being blocked in the original bill.

The Members heard the discussion earlier. I showed them from the National Clearing House Review case after case where the lawyers have gone into the juvenile community to open up conflict between parent and child, between parent and school. This is one of the glaring loopholes in the bill. I commend the gentlewoman from Oregon for her discernment.

The amendment of the gentleman from New York is very skillfully drawn to confuse us. As the gentleman from Michigan has alluded to the area of the battered child syndrome, Mrs. Green completely demolished that by reference to the county attorney's role. But it is his wording after that which again opens up the loophole. Mrs. Green leaves the bill in a good condition with her amendments, and the battered child is protected in the juvenile courts and county attorney's offices. I commend her for it.

It does not open up the loophole which the Podell amendment would. I support the Green amendment.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate in taking the time of this House because I know the hour is late and Members are anxious to vote on the final passage of this legislation, but I think that the amendment which is offered by my colleague, the gentlewoman from Oregon (Mrs. Green) is one on that I cannot really in good conscience remain silent and ask the House to simply consider, based upon the arguments that have already been made.

If we accept the amendment of the gentlewoman from Oregon, we are saying to the young people of this country 15, 16, and 17 years old, that they are not entitled to the protection of the law; they are not entitled to be treated as human beings; they are not entitled to get the kind of legal representation which they ought to have.

We agree that in most circumstances the written consent of the parents and guardians and a court of competent jurisdiction would be satisfactory, but in reviewing this whole matter, there were a number of situations, which were brought to the attention of the committee, which would not be adequately served by simply calling for the consent of the parents or guardians or the court.

We recognized that there were many other areas, such as child abuse and neglect, and expectant mother situations, or problems in school or problems with drugs or vagrancy or other difficult situations where a child cannot be expected to volunteer himself or herself up to a court of competent jurisdiction and say, "Help me." What we need to say to these young people is that because they are alienated from our society and they are alienated because they are poor and come from desperate circumstances, that here is a program which can help them.

The legal services programs are placed in these communities. These youth identify with these offices. To deny them the right to even go there and seek counsel, to ask these lawyers to take them to a court of competent jurisdiction which can give them representation and service, I think is a grave mistake. These young people are, I think, entitled to every consideration of the law.

I believe that the provisions written into the bill by the committee take due accord and recognition of parental control and parental decision with respect to minors.

There are many cases of child neglect, of child abuse, of delinquency, of child custody cases in which the parents are separated, and cases in which the child is dismissed from school and has no alternative, where parents refuse to intervene. Here is where we have an opportunity for a legal service counselor to intervene and to save this youngster from becoming a runaway delinquent in our community.

I can think of many cases in my own experience, where young 15-year-old girls have come to seek my advice, who have been pregnant 3 or 4 months and are afraid to reveal this information to their mothers and fathers.

It is impossible to expect a child to go home to get written consent to go to seek a lawyer's advice with respect to a paternity proceeding or any other kind of assistance, which every other human being in our society is entitled to receive.

I ask the Members of the House today to regard these young people as equal to us. Perhaps we cannot envision poor people being a part of us, since we are accustomed to our own affluent condition. Let us try to remember that this legislation is designed for the poor in our society, for poor young people who do not have that kind of attitude that our own youngsters have with regard to courts of competent jurisdiction.

To deny them this precious right to justice which we say our country is all about I believe would be a grave mistake, and indeed it would create further alienation and stir resentment and lack of appreciation for what our country is all about for the young people in whom we are trying so desperately to nurture regard for our country, regard for law and order, and regard for our institutions.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I yield to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. I thank the gentleman from Iowa very much.

I seek this time, Mr. Chairman, and I am sorry to be imposing upon the House at this hour, because the gentleman from New York (Mr. Podell) and I have talked about a possible compromise which would take care of the problems he outlines and I believe would take care of the problems I outline. It would be on that basis, Mr. Chairman, that I would hope I could have unanimous consent to offer an amendment to the amendment or a substitute, if the Chair would advise me which would be in order at this moment in the proceedings.

The CHAIRMAN. Does the gentlewoman from Oregon ask unanimous consent to withdraw her present substitute amendment?

Mrs. GREEN of Oregon. All right. I will do that, and then I will offer a substitute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Ms. ABZUG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the substitute amendment offered by the gentlewoman from Oregon——

Mr. GROSS. Mr. Chairman, I believe I still have time remaining.

The CHAIRMAN. The gentleman from Iowa has time remaining.

Mr. GROSS. Mr. Chairman, I yield to the gentlewoman from Oregon.

PARLIAMENTARY INQUIRY

Mr. ROBERTS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Iowa yield for that purpose?

Mr. GROSS. Mr. Chairman, I yield for a parliamentary inquiry.

Mr. ROBERTS. Mr. Chairman, would it be in order for me to offer an amendment to the substitute amendment?

The CHAIRMAN. A proper amendment to the substitute amendment would be in order at the appropriate time.

Mr. ROBERTS. In that case, I offer the substitute proposed by the gentlewoman from Oregon.

The CHAIRMAN. Let the Chair ask the gentleman from Iowa if he will yield the floor for this purpose?

Mr. GROSS. Mr. Chairman, I yield to the gentlewoman from Oregon to read the proposed amendment.

Mrs. GREEN of Oregon. I thank the gentleman for yielding.

Mr. Chairman, the amendment which the gentleman from Texas seeks to offer is as follows:

> Substitute offered by Mr. Roberts for the amendment offered by Mr. Podell: On page 30, strike lines 7 through 15 and insert the following:
>
> "(6) To provide legal assistance under this Act to any person under eighteen years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction except in child abuse cases, custody proceedings, and PINS proceedings."

Mr. Chairman, will the gentleman from Iowa (Mr. Gross) yield further?

Mr. GROSS. I yield to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. The purpose of this amendment is as follows—and I hope that someone is writing it down after the time of the gentleman from Iowa (Mr. Gross) expires—this substitute would accomplish the purpose which I stated of preventing the legal service attorneys from soliciting as clients persons under 18. It would prevent such a thing as happened in my city where they distributed cards and told the youngsters that if they got in trouble, they could come to them and they would provide the legal aid for them. It would seem to me that it would prevent to change the policy that tends to destroy family units, which I think is an abuse of law.

At the same time the gentleman from New York (Mr. Podell) has advised me that if we add those three cases which he has—and he specifies those are the only three—then it would take care of those youngsters who are runaways from home, who need some special help. In the State of New York and perhaps in other States the juvenile court system apparently does not serve their interests adequately. In my State the juvenile court system would take care of them. If a child is a runaway, that child could come to the attention and the concern of the juvenile court.

So, Mr. Chairman, I would hope that the Members of the House would be inclined to accept this substitute.

Mr. PODELL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. Yes, I yield to the gentleman from New York (Mr. Podell).

Mr. PODELL. Mr. Chairman, will the gentlewoman from Oregon (Mrs. Green) please advise the body as to whether or not in those three situations that the gentlewoman has enumerated it is a fact that the child would not need to have parental consent in order to receive the benefit of legal services?

Mrs. GREEN of Oregon. The gentleman is correct.

Mr. PODELL. Mr. Chairman, I thank the gentlewoman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Chair will endeavor to state the parliamentary situation.

There is pending an amendment offered by the gentleman from New York (Mr. Podell), and a substitute for that amendment offered by the gentlewoman from Oregon (Mrs. Green). The purported amendment to the substitute is, in fact, a substitute for the substitute, which would not be in order at this time.

However, the Chair might suggest that, if the gentlewoman would ask for unanimous consent to withdraw the original substitute, the substitute offered by the gentleman from Texas would then be in order.

Mrs. GREEN of Oregon. Mr. Chairman, I will now ask unanimous consent to withdraw the substitute which I had offered and to put this in as a substitute for the amendment offered by the gentleman from New York (Mr. Podell).

Mr. WILLIAM D. FORD. Mr. Chairman, reserving the right to object—and I do not intend to object—I would like to ask the gentlewoman from Oregon (Mrs. Green) this question:

She just responded to the gentleman from New York (Mr. Podell) and when he again used the words, "parental consent," she said, "yes."

Mr. Chairman, it is apparent in her discussions of this section of the bill that she uses "request of the parents" and "consent of the parents" interchangeably. The lawyers on the committee who have worked on this legislation for some time, do not think they are interchangeable words. They are words which make a significant difference in the availability of service.

So I would ask the gentlewoman if she would use the word, "consent," consistent with this bill, instead of the word, "request."

Mrs. GREEN of Oregon. Mr. Chairman, I would really prefer the word, "request," and I am glad the gentleman drew my attention to that. I did not mean to use the word "consent." I mean the parent has to request the legal aid except in the three cases that the gentleman from New York (Mr. Podell) has outlined. The parents request legal aid services.

Mr. WILLIAM D. FORD. Mr. Chairman, my time is gone. However, I would just like to indicate to the gentlewoman from Oregon (Mrs. Green) that I am trying hard to support her.

I am trying hard to support the gentlewoman, but I really feel there ought to be some understanding of what her amendment suggests when it suggests that every poor kid in trouble has to find a parent who is willing to initiate a request. It is precisely the child who has neglectful parents that needs this help, and will not be able to get a parent to initiate anything. Their parents are not giving them any understanding, and it is not reasonable that they must find a parent or someone to pose as a parent in order to initiate the "request." It is reasonable to ask for "consent."

I am not going to object to the gentlewoman's request, but I do not think it is reasonable to do it in this way.

The CHAIRMAN. The gentleman withdraws his reservation of objection.

Mr. HAYS. Mr. Chairman, further reserving the right to object, and I probably shall not object, I have been listening to this debate all day until 20 minutes to 9 tonight, and between the lawyers on the committee and the others it occurs to me that perhaps what the House ought to do is to have the committee rise and rerefer this bill to the Committee on the Judiciary.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Chair will now entertain a motion for the substitute.

SUBSTITUTE AMENDMENT OFFERED BY MR. ROBERTS FOR THE AMENDMENT OFFERED BY MR. PODELL

Mr. ROBERTS. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. ROBERTS for the amendment offered by Mr. PODELL: On page 30, strike lines 9 through 15 and insert the following:

"(6) To provide legal assistance under this Act to any person under 18 years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction, except in child abuse cases, custody proceedings, PINS proceedings".

Mr. ROBERTS. Mr. Chairman, first I would like to express appreciation to the House for its patience in this matter, and I yield to the gentleman from New York.

Mr. PODELL. I thank the gentleman for yielding.

For the purpose of legislative history, to determine a definition of these proceedings for persons in need of supervision, which are commonly known as PINS proceedings; they are proceedings for young people who are generally in need of supervision without available parents who may be homeless, runaway or from broken homes. This is a general term which applies to many youngsters. Not every State has a PINS proceeding, so included in your amendment, are proceedings which are similar to PINS proceeding? Is that not correct?

Mr. ROBERTS. That is correct. The gentleman is correct.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I would ask the gentleman from Texas (Mr. ROBERTS) if the words "or similar proceedings" are included?

Mr. ROBERTS. They are included.

Mr. MEEDS. I thank the gentleman.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Texas (Mr. ROBERTS) for the amendment offered by the gentleman from New York (Mr. PODELL).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MIZELL

Mr. MIZELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIZELL: Page 30, line 15, strike out the period and insert in lieu thereof a semicolon, and after line 15 insert the following:

"(7) To provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any school or school system."

Mr. MIZELL. Mr. Chairman, I feel a great deal like the pitcher, Al Brazle, must have felt when he was in the bullpen in St. Louis. He threw 450 pitches warming up before they finally took out the starting pitcher and put Al in to pitch. My colleagues in the House have certainly kept me in the bullpen all day. I expect to throw you three strikes, and the first of these is the Mizell antibusing amendment which is now before the House, and that will be followed by one additional amendment. And if the House is in the mood that I think it is, the Members will act very affirmatively on the amendments, and do it very early and in a judicious manner.

I am sure the Members well realize that we have spent considerable time here today, and the debate has been extensive, and this certainly indicates the seriousness of the matter that we have before us. I think the number of amendments we have had offered here, and the length of time we have taken on them, is a further indication of the seriousness with which we consider this legislation.

Mr. Chairman, I rise for the purpose of offering an amendment to prohibit the Legal Services Corporation from participating in any proceeding or litigation relating to the desegregation of elementary and secondary school systems.

At my request, the Office of Economic Opportunity has provided me with well-substantiated evidence that an OEO grantee for legal services, the Harvard Center for Law and Education, has participated extensively in the prosecution of at least seven such cases over the last few years.

I have been informed that an average of $500,000 a year has been awarded by OEO to the Harvard center over the last 3 years to help finance these activities.

The most notable example of the Harvard center's OEO-financed activities in this field is the Detroit, Mich., busing case still pending before the courts. As my colleagues will remember, this is the case that presently calls for a massive busing program involving 780,000 school children in 53 different school districts.

The OEO files include a status report on the Detroit case, Bradley versus Milliken, written by Paul Diamond, a Harvard center attorney from Ann Arbor, Mich.

He writes that—

This is the Detroit metropolitan school desegregation case in which we are cocounsel with the NAACP . . . The case was begun in August of 1970, and after 50 days of trial and two trips to the court of appeals the district court found, in September of 1971, that Detroit is, as alleged, an illegally segregated school system.

Further hearings were held this spring as to relief, and on June 14 the district court held that a plan limited to Detroit proper would be constitutionally inadequate and educationally impracticable—thus necessitating metropolitan relief affecting approximately 780,000 pupils in Detroit and 52 neighboring districts.

In our view, Mr. Diamond continues:

The state is constitutionally responsible for providing equality of educational opportunity, including "just schools" in place of racially identifiable schools, and certain educationally unjustified state policies contributed to rendering Detroit a racially identifiable system (65 percent black) compared to its neighbors.

I call my colleagues' particular attention to the next passage, which reads:

Therefore, the state, which has no compelling interest in existing school district lines, is obliged to provide just schools for Detroit's children by disestablishing the inter-district segregation. The State and suburban defendants contend that such relief is unauthorized unless it can be shown that suburban districts themselves have actively discriminated. To note that this is a landmark case on these issues is to labor the obvious.

That is certainly true, Mr. Chairman, and I for one hope the landmark is established on the side of reason and responsibility for a change, and that the U.S. Supreme Court will reverse this incredible court order.

But more to the point today is the fact that the American taxpayers, who have been shown in poll after poll to be heavily opposed to forced busing, have paid almost $1.5 million in the courts of 3 years to help the Harvard Center prosecute this busing case from the lowest court on through the appeals process.

If this massive busing program is imposed on Detroit, the American taxpayer will have helped to foot the bill. And I am quite sure, Mr. Speaker, that if we are honest with each other, the taxpayers are not going to like that at all

Even worse, this same memo outlines similar efforts in court cases involving Indianapolis; Stamford, Conn.; Dayton, Ohio; suburban Pittsburgh; Stockton, Calif; and El Paso, Tex.

The legal services program was intended to guarantee to every American the right to due process of law and the right to be competently defended in the courts. The program was not intended to be a boon to forced busing any more than it was intended to provide a bankroll for political activity.

I urge my colleagues to join me today in putting an end to this federally financed promotion of forced busing and in preventing these abuses of the past from becoming precedents for the future.

I urge the adoption of my amendment.

Mr. HUBER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to go on record commending the gentleman from North Carolina and in complete support of what he said. I mentioned this earlier in debate on the bill. I would hope that we would support him right down the line.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I realize it is rather late. I know every one wants to finish up. I know the argument on this amendment is predestined in the emotionalism of the situation in which we find ourselves in this country. I think at least someone should raise a voice in reference to constitutional rights of people.

While the sponsors of antibusing amendments may deny to those under this program the use of legal service of lawyers and may seek to tie the hands of lawyers under this program, I am confident that individuals in this country intend to see that the constitutional rights of people are safeguarded, regardless of how this body may vote on this particular issue. I have great faith in the American people and in our system, although I think that this type of emotionalism is a tremendous test. I know that Members of this body sometimes are driven by political pressures. One-half of my own district, I am quite sure, would vote in support of this amendment. Unfortunately, I think that constitutional rights are things that are not so easily voted away. I hope that we will, perhaps in another day, come back to try to rescue our people from this type of emotionalism in this country, and I hope that at least some of us will stand up and be counted for those rights tonight in opposition to this amendment.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I wish to associate myself with the gentleman's remarks. I do not have to be for forced busing to know that there is something basically improper to deny to an attorney the right to vindicate the 14th amendment rights of his client. That is what is involved here. The quarrel is really with the courts, not with the attorneys. Many people disagree with the busing opinions, but law is clear nevertheless, and attorneys should not be denied under any circumstances the right to proceed vigorously to protect all of the constitutional rights of their clients.

I very much oppose this amendment.

Mr. HAWKINS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MIZELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 150, not voting 62, as follows:

[Roll No. 258]

AYES—221

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Biaggi
Blackburn
Bowen
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cochran
Collier
Collins, Tex.
Conlan
Cotter
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hanley
Hanrahan
Harsha
Hastings
Hays
Henderson
Hogan
Holt
Hosmer
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Litton
Long, Md.
Lott
McCollister
McDade
McEwen
McSpadden
Madigan
Mahon
Mann
Martin, Nebr.
Martin, N.C.
Mazzoli
Michel
Milford
Miller
Minish
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
Parris
Passman
Patten
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Price, Tex.
Quie
Randall
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
St Germain
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Snyder
Spence
Steed
Steele
Steelman
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thornton
Tiernan
Towell, Nev.
Treen
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitten
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—150

Adams
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Aspin
Barrett
Bell
Bergland
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Calif.
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Coughlin
Culver
Davis, Wis.
Dellenback
Dellums
Denholm
Diggs
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Fraser
Frelinghuysen
Frenzel
Giaimo
Gray
Green, Pa.
Gude
Hamilton
Hansen, Idaho
Harrington
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Colo.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Lehman
Long, La.
McClory
McCloskey
McCormack
McFall
McKay
Macdonald
Madden
Mailliard
Mallary
Maraziti
Matsunaga
Mayne
Meeds
Melcher
Mezvinsky
Mink
Mitchell, Md.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Nix
Obey
O'Brien
O'Neill
Owens
Perkins
Podell
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Reuss
Robison, N.Y.
Rodino
Rosenthal
Roush
Roybal
Ruppe
Ryan
Sarbanes
Schroeder
Seiberling
Sisk
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steiger, Wis.
Stokes
Studds
Symington
Thone
Udall
Ullman
Van Deerlin
Vanik
Whalen
Wiggins
Wilson, Charles H., Calif.
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Ga.

NOT VOTING—62

Ashbrook
Ashley
Badillo
Blatnik
Bray
Breaux
Broomfield
Broyhill, Va.
Carey, N.Y.
Chamberlain
Clausen, Don H.
Clawson, Del
Cronin
Danielson
Davis, S.C.
Dorn
Erlenborn
Fisher
Flynt
Gonzalez
Griffiths
Hammerschmidt
Hanna
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Patman
Pepper
Preyer
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Sandman
Staggers
Sullivan
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: On page 31, delete lines 23 through 25 (subsection (g)).

Mrs. GREEN of Oregon. Mr. Chairman, I have this amendment and one other amendment which is very short. Let me refer to the last amendment, which is simply to change the appropriation sums to an annual basis. The bill before us says the committee shall vote appropriations for 3 years.

I simply would strike that out and say that there would be annual appropriations.

Now, the amendment which has just been read by the Clerk is the other half of the amendment which I offered several hours ago. Its purpose is to do away with the backup centers. Those Members who were on the floor at that time will recall that I said we were spending millions of dollars in the name of providing legal aid for the poor when, as a matter of fact, we are financing the dozen or 16 backup centers for the purpose of making and influencing social policy.

Mr. Chairman, one of the centers, as I mentioned earlier, is at Harvard, although Harvard has no control over it. The federally financed people at that center for education and law joined with the NAACP and filed a suit in the Detroit school desegregation case. Now, there may be a place for that. I am not arguing that particular point, but I am suggesting that it should not be done under the name of providing legal aid for the poor. I suggest that if we want to finance or fund groups to be the cutting edge for social reform and to make over social policy in the country, then it ought to be under a separate piece of legislation.

By deleting the lines at the bottom of page 31, it buttresses the amendment which I offered earlier, which says that any research must be in-house research and that the Corporation will not contract and give grants to the various backup centers across the country.

In order to save time, Mr. Chairman, I think that this is a sufficient explanation, because of the lengthier explanation which I gave in some detail a few hours ago. I would hope that if we want to end this business of spending millions for some unspecified—unsupported social reform—the Members would vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 139, present 1, not voting 60, as follows:

[Roll No. 259]

AYES—233

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Biaggi
Blackburn
Bowen
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Cotter
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Dulski
Duncan
Edwards, Ala.
Eshleman
Evins, Tenn.
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hanley
Hanrahan
Harsha
Hastings
Hays
Henderson
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Litton
Lott
McCollister
McKay
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
Parris
Passman
Patten
Pettis
Pickle
Pike
Powell, Ohio
Price, Tex.
Pritchard
Quie
Railsback
Randall
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ryan
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Towell, Nev.
Treen
Ullman
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wright
Wydler
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—139

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Aspin
Barrett
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Culver
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Gibbons
Green, Pa.
Gude
Hamilton
Hansen, Idaho
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holtzman
Howard
Hungate
Jordan
Karth
Kastenmeier
Koch
Kyros
Lehman
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
Macdonald
Madden
Matsunaga
Meeds
Melcher
Mezvinsky
Minish
Mink
Mitchell, Md.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Nix
Obey
O'Hara
O'Neill
Owens
Pepper
Perkins
Peyser
Podell
Price, Ill.
Rangel
Rees
Reuss
Robison, N.Y.
Rodino
Roe
Rosenthal
Roush
Roybal
Ruppe
St Germain
Sarbanes
Schroeder
Seiberling
Smith, Iowa
Smith, N.Y.
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stokes
Stratton
Studds
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Whalen
Wilson, Charles, Tex.
Wolff
Wyatt
Wylie
Yates
Young, Ga.

PRESENT—1

McEwen

NOT VOTING—60

Ashbrook
Ashley
Badillo
Bray
Breaux
Broomfield
Broyhill, Va.
Carey, N.Y.
Chamberlain
Clausen, Don H.
Clawson, Del
Cronin
Danielson
Davis, S.C.
Dorn
Erlenborn
Fisher
Flynt
Gonzalez
Griffiths
Hammerschmidt
Hanna
Hansen, Wash.
Harvey
Hébert
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Kluczynski
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Patman
Poage
Preyer
Quillen
Rarick
Reid
Riegle
Roncallo, Wyo.
Rooney, N.Y.
Rooney, Pa.
Sandman
Staggers
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. HAYS moves that the Committee do now rise and report the bill back to the House with recommendation that the enacting clause be stricken out.

Mr. HAYS. Mr. Chairman, I hope the Committee will give me their attention for a few minutes. I hope to take less than 5.

I hesitate to make this motion. I have the highest regard for the chairman of the subcommittee, the gentleman from California (Mr. HAWKINS). He is a hard-working, knowledgeable, decent man. He has worked a long time on this. I would withdraw the motion if there is one person in this Chamber that would volunteer at this moment to get up and tell me what is in this bill, but I do not think anybody can.

I think the bill has been amended to the point now that none of us would know what we are voting on, and I think the best thing we can do is to put this bill on the shelf, have a bill reintroduced, have hearings on it, and come in here with a bill that has been thoroughly worked over, and I might find it possible in those circumstances to support it. I could not in these circumstances.

Let me say further, I do not know if the Members know it or not, but if we vote for the motion to strike the enacting clause, that will amount to a motion to abort the abortion amendment which is going to come up next, I am reliably informed. So if the Members want to debate and vote on the abortion amendment, knock this down; but if they do not, I think this is the way out, and I think the House ought to make a restart on this.

Mr. Chairman, I have nothing more to say.

Mr. QUIE. Mr. Chairman, I rise to oppose the motion.

Mr. Chairman, we have worked hard and long here and I will take the gentleman's challenge: an individual who knows what is in the bill. I know what is in the bill. I have followed every amendment and I know what is in every amendment. I believe we have a stronger bill than came out of the committee. I think it is a good bill. It ought to be adopted, and for that reason we ought to vote down the motion and go ahead with this bill, which is going to be the best possible bill we can get out of this body, and get on with our process of perfecting the legislation.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I would like to point out that the subcommittee and the committee worked arduously on this legislation. The gentleman from Minnesota has offered a number of amendments that were in issue in the committee, and the gentleman from Minnesota in some respects prevailed here on the floor. But, that is not to state the gentleman from Ohio is correct in his view that this bill is not worthy of consideration this evening.

The motion before us should be defeated. I concur fully with the gentleman from Minnesota that the House ought to work its will, as it has, to perfect this bill and send it on to the other body.

Mr. PERKINS. Mr. Chairman, I would certainly hope that the House would vote against striking the enacting clause. It would not matter if we considered this bill in any committee of the House every month and brought this bill to the floor month to month; we never eliminate the controversy. It is controversial, and there is no way to get rid of the controversy that surrounds this bill, regardless of what committee it comes from.

Mr. Chairman, I would certainly hope that the Members would all vote against this motion to strike the enacting clause. The House has worked its will and this is the best bill we are going to obtain.

Mr. QUIE. Mr. Chairman, 10 of the amendments which have been adopted are ones which I put in the RECORD 2 days ago, with explanations of the amendments. They could be looked at by every Member of the House, along with the committee bill and the report.

The other amendments which have been adopted are easily understood, beginning with the amendment of the gentlewoman from Oregon about the life of this bill, 5 years, unless reauthorized. There have been few amendments besides the ones I have offered which have been adopted.

Mr. Chairman, I think they were good amendments for the most part, and are easily understood.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Ohio (Mr. HAYS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 91, noes 283, not voting 59, as follows:

[Roll No. 260]

AYES—91

Annunzio
Archer
Armstrong
Baker
Beard
Bevill
Blackburn
Broyhill, N.C.
Burgener
Burke, Fla.
Burleson, Tex.
Camp
Chappell
Clancy
Clark
Collins, Tex.
Conlan
Conyers
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Delaney
Dellums
Denholm
Dennis
Dickinson
Downing
Duncan
Edwards, Ala.
Evins, Tenn.
Flowers
Froehlich
Gettys
Goldwater
Gray
Gross
Gubser
Haley
Hays
Holt
Hosmer
Huber
Hungate
Hutchinson
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jordan
Ketchum
Landgrebe
Latta
Lott
Martin, Nebr.
Michel
Mizell
Montgomery
Moorhead, Calif.
Nichols
Parris
Passman
Powell, Ohio
Price, Tex.
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Sebelius
Sikes
Slack
Snyder
Spence
Stanton, James V.
Steiger, Ariz.
Stuckey
Symms
Taylor, Mo.
Teague, Tex.
Treen
Veysey
Waggonner
Whitten
Wiggins
Wilson, Charles H., Calif.
Winn
Young, Alaska
Young, Fla.
Young, S.C.
Zion

NOES—283

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Arends
Aspin
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chisholm
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
de la Garza
Dellenback
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goodling
Grasso
Green, Oreg.
Green, Pa.
Grover
Gude
Gunter
Guyer
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hogan
Holifield
Holtzman
Horton
Howard
Hunt
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Walsh
Wampler
Ware
Whalen
White
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—59

Ashbrook
Ashley
Badillo
Bafalis
Bray
Breaux
Broomfield
Broyhill, Va.
Carey, N.Y.
Chamberlain
Clausen, Don H.
Clawson, Del
Cronin
Danielson
Davis, S.C.
Dorn
Erlenborn
Fisher
Flynt
Gonzalez
Griffiths
Hammerschmidt
Hanna
Harvey
Hébert
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Patman
Preyer
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Ryan
Sandman
Staggers
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that all debate on this pending section 7 and all amendments thereto be terminated in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FROEHLICH. Mr. Chairman, I object.

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I move that all debate on section 7 and all amendments thereto close in 15 minutes.

The motion was agreed to.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Page 28, line 24, by changing the period to a comma, and adding the following wording: "and insure that such attorneys refrain from personal representation for a private fee for a period of two years any cases which are first presented to them while engaged in such legal assistance activities".

Mr. WHITE. Mr. Chairman, this is a noncontroversial amendment. I have talked to managers on both sides of the aisle, who understand its import; the principal thrust of the amendment is that an attorney in the legal assistance program who interviews a possibly profitable case such as a personal injury case, cannot take it to his private office and handle it to his personal gain. The amendment obviates an attorney contriving to enjoy a personal monetary advantage by preventing private representation in such case for 2 years. There have been some complaints in the past charging such abuses, and this amendment is designed to plug this loophole. It removes the temptation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, does the gentleman from Texas believe that he really has to introduce this amendment, and that we do not have enough safeguards in this bill now, after more than 15 amendments, and all the deals that have been worked up on this matter, that it is necessary to add that language?

Mr. WHITE. Yes, because I do not believe that this particular type of abuse has been covered.

Mr. CONYERS. It is in the Canon of Ethics.

Mr. WHITE. Some legal assistance attorneys allegedly have been doing this right now, and I felt that the prohibition should be spelled out more explicitly so that there is no future problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOGAN

Mr. HOGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HOGAN: Page 30, line 15, strike out the period and insert in lieu thereof a semicolon, and after line 15 insert:
>
> "(7) To provide legal assistance with respect to any proceeding or litigation relating to abortion."

Mr. HOGAN. Mr. Chairman, this amendment is very simple. It would prohibit the Legal Services Corporation from becoming involved in litigation on abortion. Legal services lawyers have been very much involved in abortion litigation so this amendment is absolutely essential.

Congress expressly prohibited the use of family planning grants for abortion. In spite of this, in 1970, Dr. George Contis of OEO Headquarters' Health Office, writing in his 5-year plan for OEO's family planning activities, made reference to the congressionally imposed special prohibition, but indicated nevertheless, the legal services attorneys in community action agencies should help clients obtain such services.

In addition, Alan F. Charles, staff attorney for OEO's national legal program on health programs for the poor, writing in an OEO publication, Clearinghouse Review, in February 1970, solicited legal services lawyers around the country for the purpose of opposing statutes that forbade abortions. After presenting a list of States in which cases attacking antiabortion statutes were pending, Mr. Charles stated that OEO legal services offices were participating directly in abortion legal actions in the California and New York actions. This statement buttresses Dr. Contis' judgment about legal services lawyers participating in abortion actions. Mr. Charles also added that "although the legal services attorneys cannot directly represent the defendants in criminal abortion actions, some legal programs may wish, in an appropriate case, participate amicus," that is, file "friend-of-the-court" briefs.

In Marin County, Calif., legal services lawyers were also active in abortion cases entitled, Jane Doe and Janet Roe against State Department of Social Welfare. In December 1970, California Social Welfare Department policy required that parents of an unmarried pregnant minor and the father of the unborn child be contacted prior to the issuance of a medicaid card or other authorization of aid for getting an abortion. A legal services lawyer contested the case.

An article in the November 1972, Clearinghouse Review argued that, since medicaid was designed to alleviate the health problems of the poor, elective abortion should be allowed under medicaid. The specific case referred to was handled by legal services lawyers who sued the New York Welfare Commission for refusing to allow elective abortions under medicaid. They appealed the case—Klein against Nassau County Medical Center—and the court held that a distinction between nonhealth and a health abortion was invalid; that is, a denial of equal protection to the medicaid recipient.

Newark Legal Services challenged the New Jersey prohibition against abortion in 1970. They argued that normal childbirth involved more of a risk of death than abortion.

Two legal services agencies, Community Action for Legal Services in New York and South Brooklyn Legal Services, attacked an antiabortion law in that State.

So clearly there is a need for this amendment.

If this amendment does not prevail, I can foresee suits being brought to force doctors, nurses, and hospitals to engage in abortion. I can also foresee suits similar to the one we had in Maryland where a mother took her teenaged daughter to court to force her to have an abortion.

Legal services lawyers, whose actions were ostensibly supposed to bring economic justice to the poor, instead fragmented the families of the poor by attacking the rights of the parents to prevent their children from having abortions. In the July 1971 issue of OEO's Clearinghouse Review it was argued that "the requirement of parental consent is harmful to the child in need of birth control and to those in need of abortion." The article also added that there was the "interest in reducing the growing need for welfare and in reducing the frightening population growth." The conclusion of the article made recommendations for the District of Columbia, urging that the age of informed consent for abortion be lowered to 16. The legal services lawyers made no recommendations for lowering the age of consent to be operated on for tonsillectomy and appendectomy. Why are they so interested in pushing for a lowering of the age of consent for abortion to 16?

Instead of taking just those cases which would have helped the poor receive social justice, legal services lawyers have been crusading to minimize the number of poor people by exterminating the unborn children of poor parents.

Since the Supreme Court handed down its decision on January 22 of this year legalizing abortion across the country up to the day of natural birth, there has been much debate over what should be done to respond to this shocking and far-reaching decision.

Mr. Chairman, I have sponsored a constitutional amendment which would guarantee the right to life to every human being, from the moment of conception. Ultimately, this is the only answer if we are to preserve any respect for the value and dignity of human life.

Three weeks ago the House saw fit to deny funds to the National Institute of Health for any experimentation on live infants, the products of abortion. That was a step in the right direction. Today the House again has the opportunity to reaffirm this body's conviction that every human being is of value and has the right to live. If this amendment is approved, it will be another indication of the strong sentiment of this body to protect life. It will also protect doctors and nurses who oppose abortion from suits, paid for by the taxpayers, forcing them to violate their conscience and perform abortions.

I have received thousands of letters from all over the country from people shocked and dismayed at the Supreme Court's decision. I am sure that every Member in this Chamber has received similar letters. Today we have the opportunity to stand up and be counted. The vote on this amendment will indicate to our constituents whether or not we are willing to be included among those who cherish the value and dignity of every human life.

I support the adoption of this amendment, not only because I think it serves a worthwhile purpose in this bill, but also because it is another small step toward the protection of those least able to defend themselves, the unborn.

Ms. ABZUG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not believe that Members of the Congress should act on this amendment based upon their views on abortion. The gentleman in the well just said that he could not see how this could possibly affect any poor person. The fact is that we do have a Supreme Court decision in this country which says that there is a constitutional right, the right of privacy to abortion. One of the main effects of that will be to help poor women who have had difficulty in obtaining an abortion, to obtain them.

Should the constitutional right, which is now a matter of Supreme Court decision, be violated and a poor woman unable to receive that abortion, in violation of what is now the law by the Supreme Court be abandoned and discriminated against? It seems to me that she has a right to seek legal counsel for assistance under this act. Whether or not the Members agree that a woman should have a right to abortion, it is, nevertheless, the law. The Member from Maryland who proposes this amendment has often asserted the remedy he seeks to change that law by efforts to change the Constitution. He has no right to use his personal views to deprive poor women of their fundamental rights. I believe to vote against the right of a poor woman to be able to seek redress from the courts is inappropriate.

I urge the Members to vote down the amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. du PONT. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Delaware.

Mr. du PONT. I have a question for the sponsor of the amendment. Does the gentleman's amendment mean that if a woman received an abortion in a hospital and was injured as the result of medical malpractice, that the attorneys in the corporation would not be able to handle her suit?

Mr. HOGAN. No; I do not intend that at all. What I do intend is that no suit can be brought against a doctor or a nurse or a hospital that will not perform an abortion to force them to do so.

Mr. du PONT. I understand what the gentleman intends, but what does his amendment say?

Mr. HOGAN. The amendment says:

> To provide legal assistance with respect to to any proceedings or litigation—

Relating to abortion.

SUBSTITUTE AMENDMENT OFFERED BY MR. FROEHLICH FOR THE AMENDMENT OFFERED BY MR. HOGAN

Mr. FROEHLICH. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

> Substitute amendment offered by Mr. Froehlich for the amendment offered by Mr. Hogan: Page 30, line 15 strike out the period and insert in lieu thereof a semicolon, and after line 15 insert the following:
>
> "(8) To provide legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution."

Mr. FROEHLICH. Mr. Chairman, I think this wording will correct the defect pointed out in the Hogan amendment. My wording prohibits legal corporation lawyers from working to procure a non-therapeutic abortion for an individual or to force a hospital, institution, or doctor to participate in an abortion if it is against their policy or beliefs. I have presently in my district a hospital which is in court, and the court suit is being funded by one of the private organizations furnishing legal services to individuals. According to this bill some of these private institutions could get some of this money to continue this type of fight and keep harassing these hospitals who say as a matter of policy they are not going to permit abortions in their institutions. This is a perfecting amendment. I hope it is adopted.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Wisconsin (Mr. Froehlich) for the amendment offered by the gentleman from Maryland (Mr. Hogan).

The question was taken; and the chairman announced the ayes appeared to have it.

RECORDED VOTE

Mr. RONCALLO of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 316, noes 53, not voting 64, as follows:

[Roll No. 261]

AYES—316

Abdnor
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Baker
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Cotter
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Esch
Eshleman
Findley
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hogan
Holt
Horton
Hosmer
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Latta
Lehman
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Melcher
Michel
Miller
Minish
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Price, Ill.
Price, Tex.
Quie
Railsback
Randall
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—53

Abzug
Adams
Anderson, Calif.
Ashley
Bell
Bolling
Brown, Calif.
Burke, Calif.
Burton
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Dellums
Drinan
du Pont
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Foley
Fraser
Hanna
Harrington
Hawkins
Holifield
Holtzman
Howard
Jordan
Kastenmeier
Koch
McCloskey
McCormack
Matsunaga
Meeds
Mezvinsky
Milford
Mink
Mitchell, Md.
Podell
Pritchard
Rangel
Rees
Rosenthal
Roybal
Schroeder
Seiberling
Sisk
Stark
Stokes
Van Deerlin

NOT VOTING—64

Ashbrook
Badillo
Bafalis
Barrett
Bray
Breaux
Broomfield
Broyhill, Va.
Carey, N.Y.
Carney, Ohio
Chamberlain
Clausen, Don H.
Clawson, Del
Cronin
Danielson
Davis, S.C.
Diggs
Dingell
Dorn
Erlenborn
Evins, Tenn.
Fisher
Flynt
Fulton
Gonzalez
Griffiths
Hammerschmidt
Harvey
Hébert
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Moss
Patman
Preyer
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Sandman
Staggers
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the substitute amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. Hogan) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, my parliamentary inquiry is this:

Did the Chairman say that the noes appeared to have it?

The CHAIRMAN. The gentleman is correct.

RECORDED VOTE

Mr. HOGAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 68, not voting 64, as follows:

[Roll No. 262]

AYES—301

Abdnor
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Baker
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bowen
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Cotter
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Wash.
Harsha
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hogan
Holt
Horton
Hosmer
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Latta
Lehman
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Melcher
Michel
Miller
Minish
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—68

Abzug
Adams
Anderson, Calif.
Ashley
Bell
Bingham
Bolling
Brademas
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burton
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Dellenback
Dellums
Drinan
du Pont
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Findley
Foley
Fraser
Frenzel
Hanna
Harrington
Hawkins
Holifield
Holtzman
Howard
Jordan
Kastenmeier
Koch
McCloskey
McCormack
Mallary
Matsunaga
Meeds
Mezvinsky
Milford
Mink
Mitchell, Md.
Mosher
Nix
Obey
Podell
Rangel
Rees
Reuss
Robison, N.Y.
Rosenthal
Roybal
Schroeder
Seiberling
Sisk
Stark
Stokes
Stuckey
Symington
Van Deerlin
Yates
Young, Ga.

NOT VOTING—64

Ashbrook
Badillo
Bafalis
Barrett
Bray
Breaux
Broomfield
Carey, N.Y.
Carney, Ohio
Chamberlain
Clausen, Don H.
Clawson, Del
Cronin
Danielson
Davis, S.C.
Diggs
Dingell
Dorn
Erlenborn
Fisher
Flynt
Fulton
Gonzalez
Griffiths
Gubser
Hammerschmidt
Hansen, Idaho
Harvey
Hébert
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Moss
Patman
Preyer
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Sandman
Staggers
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. CONLAN).

(By unanimous consent, Mr. CONLAN yielded his time to Mr. WAGGONNER.)

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: Page 30, after line 15, insert:

"(9) To provide legal assistance under this Act with respect to any matter arising out of a violation of The Selective Service Act or of desertion from the Armed Forces of the United States".

Mr. WAGGONNER. Mr. Chairman, this amendment is simple. It is intended to do one thing. It is intended to prohibit the use of Legal Services Corporation moneys to defend those who seek amnesty because of a violation of the Selective Service Act.

Mr. MEEDS. Mr. Chairman, it is unfortunate the gentleman from Louisiana did not read the bill. Had he done so he would have realized that what he seeks to prohibit has already been prohibited. This bill prevents representation for criminal actions by these attorneys and his amendment would only add one more prohibition against something that is already prohibited.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIZELL

Mr. MIZELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIZELL: Page 30, line 15, strike out the period and insert in lieu thereof a semicolon, and after line 15 insert the following:

"(7) To provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any institution of higher education."

Mr. MIZELL. Mr. Chairman, this amendment is very simple and clear. It is just a follow up to my amendment earlier, so that once we have eliminated them from participating in suits to bring about forced busing in our elementary and secondary schools. This amendment will prohibit them from focusing their attention on our higher educational institutions, and harassing them.

Mr. Chairman, I urge the committee to adopt my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MIZELL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RECORDS AND REPORTS

SEC. 8. (a) The corporation shall have authority to require such reports as it deems necessary from recipients.

(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

(c) The corporation shall publish an annual report which shall be filed by the corporation with the President and the Congress.

(d) Copies of all reports pertinent to the evaluation, inspection, or monitoring of recipients shall be maintained in the principal office of the corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the corporation may establish.

(e) The corporation shall be subject to the provisions of the Freedom of Information Act.

(f) The corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, rules, regulations, and guidelines.

AUDITS

SEC. 9. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(b) The audits shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

(c) In addition to the annual audit, the financial transactions of the corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other things, papers, or property belonging to or in use by the corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the corporation shall remain in the possession and custody of the corporation. A report of such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

(d) The corporation shall audit each recipient annually or require each recipient to provide for an annual audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the corporation. The Comptroller General of the United States shall receive copies of such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipients, which relate to the disposition or use of funds received from the corporation. The audit reports shall be available for public inspection, during regular business hours, at the principal office of the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

FINANCING

Sec. 10. (a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Subsequent appropriations shall be for three-year periods or such other periods as appropriation Acts may designate, and, if for more than one year, shall be paid to the corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts. Funds appropriated pursuant to this section shall remain available until expended.

(b) Funds received by the corporation, from a source other than such corporation or by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

RIGHT TO REPEAL, ALTER, OR AMEND

Sec. 11. The right to repeal, alter, or amend this Act at any time is expressly reserved.

TRANSITION PROVISION

Sec. 12. (a) Effective July 1, 1973, or the date of enactment of this Act, whichever is later, the Secretary of Health, Education, and Welfare shall take such action as he deems necessary, including the provision (by grant or otherwise) of financial assistance to recipients and the corporation and the furnishing of services and facilities to the corporation—

(1) to assist the corporation in preparing to undertake, and in the initial undertaking of, its responsibilities under this Act, and

(2) to assist recipients in the provision of legal assistance until the date provided for in subsection (c).

(b) Effective July 1, 1973, or the date of enactment of this Act, whichever is later—

(1) all rights of the Office of Economic Opportunity to property in the possession of legal services programs assisted pursuant to section 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation, and

(2) all assets, liabilities, property, and records determined by the Director of the Office of Management and Budget to be held or used primarily in connection with any function of the Director of the Office of Economic Opportunity under such section 222(a)(3) shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation.

(c) Effective ninety days after the date of the first meeting of the board of directors of the corporation, such meeting to occur following the appointment and qualification of at least six members of such Board, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed, and the authority of the Secretary of Health, Education, and Welfare under subsection (a) is terminated.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1974, such sums as may be necessary for carrying out subsection (a).

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment, which I will say is my last amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 36, strike out lines 7 through 11 and insert in lieu thereof:

"(b) Non-Federal funds received by the corporation, and funds received by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended by recipients for any purpose prohibited by this Act (except that this provision shall not be construed in such a manner as to make it impossible to contract or make other arrangements with private attorneys or private law firms, or with legal aid societies which have separate public defender programs, for rendering legal assistance to eligible clients under this Act)".

Mr. QUIE. Mr. Chairman, I offer this amendment because the introduced bill had a prohibition against the commingling of Federal and non-Federal funds by the corporation or a recipient of assistance. The committee bill did not use the term "commingled" but rather spelled out the essence of the prohibition, which is to maintain separate accounts. The amendment adds all of the language following the comma after "Federal funds." The purpose is to assure that non-Federal funds of a recipient shall not be used for a purpose prohibited under the act. However, in the instance of grants made to private attorneys or law firms, or in the experiments with the use of private attorneys or firms, it is recognized that such a prohibition would not be feasible. For example, private attorneys or firms typically would be using non-Federal resources for representation in criminal cases—an activity prohibited by the act.

This keeps their funds separate.

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I move that debate on the remaining sections of the bill and all amendments, including the amendment offered by Mr. Quie and all other amendments, close at the hour of 11 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. MYERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MYERS. Mr. Chairman, there is one motion pending before the motion made by the gentleman from California. Is this a substitute motion?

The CHAIRMAN. There is an amendment pending, but the motion of the gentleman from California is in order at this time.

The question is on the motion offered by the gentleman from California (Mr. Hawkins) that all debate on the bill and all pending amendments thereto close at 11 p.m.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. QUIE. Mr. Chairman, can we get a vote on my amendment at this time?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was agreed to.

The CHAIRMAN. Members standing at the time the motion of the gentleman from California was agreed to will be recognized for one-half minute each.

The Chair recognizes the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Chairman, after about 11 hours on the floor, 30 seconds, I guess, is all anybody can listen to any more, so I just want to make one statement.

This is still a sound bill. In spite of the many arguments that are against it that have been presented, if we, in the House of Representatives, cannot guarantee the poor of this country decent legal representation, which this bill offers, then there is little hope for their future.

If every Member on the floor who has spoken for the poor today will vote for the bill it should be unanimous in its passage.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Hays).

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hays: On page 38, insert a new section which reads: "No assistance shall be given to indigent, abandoned Watergate defendants."

Mr. HAYS. Mr. Chairman, the amendment speaks for itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Hays).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WOLFF. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. Green).

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Green of Oregon: Section 10(a), Delete all after the word "qualified" in line 23, line 24 continuing on page 36, lines 1 through and including the word "Acts" in line 5.

Mrs. GREEN of Oregon. Mr. Chairman, in the 30 seconds I will say the only purpose of this amendment is to strike out those words which require a 3-year appropriation. By deleting the words which were read by the Clerk we will have an annual appropriation for the bill.

I hope the Members will support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. Green).

The amendment was greed to.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. Conlan).

(By unanimous consent, Mr. Conlan yielded his time to Mr. Landgrebe.)

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Landgrebe).

(By unanimous consent, Mr. Rousselot yielded his time to Mr. Landgrebe.)

Mr. LANDGREBE. Mr. Chairman, I do not rise to offer an amendment. I rise to inform the Members that I will be offering a motion to recommit this silly bill to the Committee on Education and Labor. I believe this is what we ought to do.

I hope that when the right time comes there will not be a single Member who will miss the opportunity to put this bill back in the committee, to let us come back and offer a respectable bill every Member can vote for and be proud of.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Chairman, I gladly yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Froehlich).

Mr. FROEHLICH. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Burke).

(By unanimous consent, Mr. Burke of Massachusetts yielded his time to Mr. Conyers.)

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Conyers: Strike out all after the enacting clause and insert in lieu thereof the following:

That this act may be cited as the "Legal Services Corporation Act."

DECLARATION OF PURPOSE

Sec. 2. The Congress hereby finds and declares that—

(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

(2) many low-income Americans are unable to afford the cost of legal services or of access to appropriate institutions;

(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

ESTABLISHMENT OF CORPORATION

Sec. 3. (a) There is hereby established in the District of Columbia a private nonmembership nonprofit corporation which shall be known as the "Legal Services Corporation" (hereinafter in this Act referred to as the "corporation"), for the purpose of providing financial support for legal assistance in noncriminal matters to persons financially unable to afford legal assistance (hereinafter in this Act referred to as "eligible clients").

(b) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice to or service upon the corporation.

(c) The corporation, and legal services programs assisted by the corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the corporation, and legal services programs assisted by the corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

GOVERNING BODY

Sec. 4. (a) The corporation shall have a board of directors (hereinafter in this Act referred to as the "board") consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation or professional occupation: *Provided*, That none shall be an employee of the United States, any State or political subdivision thereof, or an officer, employee or candidate of any political party.

(b) The term of office of each member of the board shall be three years except that of the members first appointed five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of each member other than initial members shall be computed from the date of termination of the preceding term. No member shall be reappointed immediately following his initial term.

(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

(d) The board of directors shall select from among the voting members of the board a chairman, who shall serve for a term of one year.

(e) A member of the board may be removed by a vote of seven members for malfeasance in office, or persistent neglect of, or inability to perform, duties and for no other cause.

(f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. Appointments to the Advisory Council shall be made without regard to political affiliation or professional occupation: *Provided*, That none shall be an employee of the United States, any State or political subdivision thereof, or an officer, employee, or candidate of any political party. Should the Governor fail to appoint the advisory council within ninety days of receipt of said request from the board, the board shall appoint such a council. The advisory council shall be charged with notifying the corporation of any violation of the provisions of this Act and applicable rules, regulations, and guidelines promulgated pursuant to this Act. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the corporation shall allow such recipient a reasonable time (but in no case less than sixty days) to reply to any allegation contained in the notification.

(g) All meetings of the board, of any executive committee of the board, and of State advisory councils shall be open to the public, unless the membership of such bodies, by two-thirds vote of those eligible to vote, determines that an executive session should be held on a specific occasion.

(h) The board shall meet at least four times during each calendar year.

OFFICERS AND EMPLOYEES

SEC. 5. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a State and shall be a nonvoting, ex officio member of the board, and such other officers as the board determines to be necessary. No officer of the corporation may receive any salary or other compensation or services from any source other than the corporation during his period of employment by the corporation, except as authorized by the board. All officers shall serve at the pleasure of the board.

(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees of the corporation as he determines to be necessary to carry out the purposes of the corporation.

(c) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or any firm or organization with which that member is then currently associated.

POWERS, DUTIES, AND LIMITATIONS

SEC. 6. (a) In addition to the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(o) of title 29 of the District of Columbia Code) the corporation shall have authority—

(1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as "recipients") for the purpose of providing legal assistance to eligible clients;

(2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise: *Provided,* That no authority exercised under this subsection shall have the effect of abolishing or reducing the powers or functions of the corporation, any component thereof, or any program administered pursuant to provisions of this Act; and

(3) To undertake, either directly or by grant or contract, the following activities relating to the delivery of legal assistance—

(A) research,

(B) training and technical assistance, and

(C) to serve as a clearinghouse for information.

(b)(1) The corporation shall have authority to insure the compliance of recipients with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.

(2) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his client as established in the Canons of Ethics and Code of Professional Responsibility of the American Bar Association or abrogate the authority of a State to enforce the standards of professional responsibility which apply to the attorney.

(3) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

(4) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall while engaged in activities carried on by the corporation or by a recipient, refrain from participation in picketing, boycotts, or strikes. The Board, within ninety days of the date of enactment of this Act, shall issue guidelines to insure enforcement of this subsection, the Canons of Judicial Ethics, the laws of the United States, and State, and local governments. Such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.

(c)(1) The corporation shall not participate in litigation on behalf of clients other than the corporation.

(2) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(3) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment provided pursuant to this Act to any political party, political association, or candidate for elective office.

GRANTS AND CONTRACTS

SEC. 7. (a) With respect to grants or contracts to provide legal asisstance to eligible clients, the corporation shall in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2) Establish, in consultation with the Director of the Office of Management and Budget, maximum income levels (taking into account family size and urban and rural differences) for those eligible for legal assistance under this Act (referred to in this Act as "eligible clients"); establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client,

(B) the fixed debts, medical expenses an other factors which affect the client's ability to pay.

(C) the size of the client's family,

(D) the cost of living in the locality, and

(E) such other factors as relate to financial inability to afford legal assistance:

and establish priorities to insure that those least able to afford legal assistance are given preference in the furnishing of such assistance; except that no individual shall be eligible for the receipt of legal assistance if his lack of income results from his refusal, without good cause, to seek or accept employment commensurate with his health, age, education, and ability;

(3) Insure that grants are made and contracts are entered into so as to provide adequate legal assistance to persons in both urban and rural areas;

(4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law for compensation.

(5) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from—

(A) any political activity; or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation);

and insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain from the activities referred to in clauses (A), (B), and (C) while engaged in activities carried on by the corporation or by a recipient;

(6) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;

(7) Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and consideration be given in filling such positions to qualified persons who reside in the community to be served;

(b) No funds made available by the corporation under this Act, either by grant or contract, may be used—

(1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official;

(2) For any of the political activities described in section (7)(a)(6);

(3) To award grants to or enter into contracts with any private law firm which expends more than 50 per centum of its resources and time litigating issues in the broad interests of a majority of the public;

(4) To support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, except that this provision shall not be construed to prohibit the training of attorneys necessary to prepare them to provide adequate legal assistance to eligible clients;

(5) To organize, to assist to organize, or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity, except for the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation;

(6) To provide legal assistance under this Act to any person under eighteen years of age without the written consent of one of such person's parents or guardians or any court of competent jurisdiction, except pursuant to criteria which the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age.

(c) The corporation shall monitor and

evaluate programs supported in whole or in part under this Act to insure that the provisions of this Act and the bylaws of the corporation and applicable rules, regulations, and guidelines promulgated pursuant to this Act are carried out.

(d) Grants and contracts under this Act shall be made or entered into by the president in the name of the corporation, but the board shall review and approve any grant to or contract with a State or local government prior to such action by the president, and may by rule establish other classes of grants or contracts to be reviewed and approved by it prior to such action by the president.

(e) Within thirty days after the corporation's approval of any grant application or after entering into a contract, the corporation shall notify the Governor and the State bar association of the State in which the recipient will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed contract.

(f) The corporation shall insure that no less than 10 per centum of the moneys it expends in any year shall go to activities which are non-staff-attorney oriented.

(g) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the President and the Congress on or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of such systems.

RECORDS AND REPORTS

SEC. 8. (a) The corporation shall have authority to require such reports as it deems necessary from recipients.

(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

(c) The corporation shall publish an annual report which shall be filed by the corporation with the President and the Congress.

(d) Copies of all reports pertinent to the evaluation, inspection, or monitoring of recipients shall be maintained in the principal office of the corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the corporation may establish.

(e) The corporation shall be subject to the provisions of the Freedom of Information Act.

(f) The corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, rules, regulations, and guidelines.

AUDITS

SEC. 9. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(b) The audits shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

(c) In addition to the annual audit, the financial transactions of the corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other things, papers, or property belonging to or in use by the corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the corporation shall remain in the possession and custody of the corporation. A report of such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

(d) The corporation shall audit each recipient annually or require each recipient to provide for an annual audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the corporation. The Comptroller General of the United States shall receive copies of such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipients, which relate to the disposition or use of funds received from the corporation. The audit reports shall be available for public inspection, during regular business hours, at the principal office of the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

FINANCING

SEC. 10. (a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Subsequent appropriations shall be for two-year periods or such other periods as appropriation Acts may designate, and, if for more than one year, shall be paid to the corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts. Funds appropriated pursuant to this section shall remain available until expended.

(b) Funds received by the corporation, from a source other than such corporation or by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

RIGHT TO REPEAL, ALTER, OR AMEND

SEC. 11. The right to repeal, alter, or amend this Act at any time is expressly reserved.

TRANSITION PROVISION

SEC. 12. (a) Effective July 1, 1973, or the date of enactment of this Act, whichever is later, the Secretary of Health, Education, and Welfare shall take such action as he deems necessary, including the provision (by grant or otherwise) of financial assistance to recipients and the corporation and the furnishing of services and facilities to the corporation—

(1) to assist the corporation in preparing to undertake, and in the initial undertaking of, its responsibilities under this Act, and

(2) to assist recipients in the provision of legal assistance until the date provided for in subsection (c).

(b) Effective July 1, 1973, or the date of enactment of this Act, whichever is later—

(1) all rights of the Office of Economic Opportunity to property in the possession of legal services programs assisted pursuant to section 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation, and

(2) all assets, liabilities, property, and records determined by the Director of the Office of Management and Budget to be held or used primarily in connection with any function of the Director of the Office of Economic Opportunity under such section 222(a)(3) shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation.

(c) Effective ninety days after the date of the first meeting of the board of directors of the corporation, such meeting to occur following the appointment and qualification of at least six members of such Board, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed, and the authority of the Secretary of Health, Education, and Welfare under subsection (a) is terminated.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1974, such sums as may be necessary for carrying out subsection (a).

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(2) "Governor" means the chief executive officer of a State.

(3) "Legal assistance" means the provision of any legal services under this Act.

(4) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under this Act.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with.

Mr. WILLIAM D. FORD. Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be printed at this point in the RECORD so that we may dispose of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, when we came onto this floor earlier today and yesterday, I was prepared to swallow the compromise agreement that had been worked out on the legal services bill. I respected the work that this distinguished subcommittee had put in during several months in conducting hearings and in negotiating backward and forward.

However, there must come a time in every Member's existence where he reaches the breaking point, and I am leaving this bill as of right now. I refuse in the name of common decency and the respect that this body ought to be accorded by its own Members, before they dare to ask the American people to support it, to continue my support of this bill.

Mr. Chairman, I am not going to participate in this travesty. I hope the Members support my amendment in the nature of a substitute.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Conyers) has expired.

(By unanimous consent, Ms. Abzug yielded her time to Mr. Conyers.)

Mr. CONYERS. Mr. Chairman, the substitute in essence is the Legal Services Corporation bill minus all of the prohibitions which have been restated and misstated in the form of these extraneous amendments throughout this evening. It is a bill that authorizes 2 years instead of 3 years or 1 year. It is a bill that removes the restrictions upon attorneys as citizens who participate in the American policy process.

Mr. Chairman, the substitute I am offering today makes the following changes to the Legal Services Corporation Act:

First, the President will be required to appoint the Board of Directors without regard to political affiliation or professional occupation. In addition, members of the Board may not be employees of the United States, a State, or political subdivision. A similar provision is included with regard to appointment of advisory councils by the Governors of each State.

These provisions are necessary to shield the legal services program from political influences. Appointments to the Board would be made on a nonpartisan basis rather than a bipartisan basis. The objective, of course, would be to insure that the Board of Directors should be responsive to all the people and should not disproportionately come from any particular occupation. If we are to shield the program from political pressures, the Board should not be exclusively the domain of lawyers is not logical that on one hand this legislation mandates representation of attorneys on boards and at the same time places restrictions upon the activities of field attorneys representing the interests of the poor; this is what we attempt to avoid in this legislation.

Second, my amendments provide that no member of the Board shall serve consecutive terms. The purpose of this provision is to give as many of the competent people available for service on the Board an opportunity to make their contribution and provide fresh ideas to the program.

Third, my amendments provide that the authority to dispose of money or property under the act will not be used to abolish, or reduce, the powers or functions of the Corporation. This provision is necessary in order to avoid the kind of unlawful, bad faith application of a similar provision in the Economic Opportunity Act of 1968, which was utilized to assault and dismantle the Office of Economic Opportunity.

Fourth, my amendment removes the restrictions upon legal services attorneys' participation in the influence and passage of legislation before the Congress of the United States, the States, and local governments. I strongly believe that we must make a clear distinction between legislative advocacy on behalf of a client or clients and patent political activity such as supporting candidates for political office. The legislation before us does not make this distinction, but rather makes broad prohibitions upon what a lawyer can and cannot do. In the process it severely restricts the legitimate bounds of legal services attorneys.

Fifth, my amendment removes all language from the committee bill which unjustifiably refers to obvious unlawful activity and professional irresponsibility that is covered by State, local, and Federal law and the canons of ethics and code of professional responsibility of the American Bar Association. It is obvious that the language of the committee bill was intended to proscribe unlawful activity which a negligible number of legal services attorneys may have indulged in in the past. However, I see no need to chastise past practices—so slight in comparison with the extraordinary professional competence which the vast majority of legal services attorneys have exercised.

Other changes in the committee bill which my amendment makes include:

First. The appointment of the Chairman of the Corporation's Board of Directors by the Board itself and not by the President.

Second. The removal of restrictions upon the award of grants to private law firms involved in litigating cases in the collective interest of the poor.

Third. The authorization of the program for 2 years rather than 3.

Fourth. The requirement of notification of Governors and State bar associations at least 30 days in advance of the approval of grants or contracts has been changed to 30 days after the awards are made.

In conclusion, I believe that my amendment is critical to the success and integrity of the legal services program.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Conyers).

The amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Myers).

Mr. MYERS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D. FORD. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, I yield back my time.

The CHAIRMAN The Chair recognizes the gentleman from California (Mr. Hawkins).

Mr. HAWKINS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the Committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. Eckhardt, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes, pursuant to House Resolution 435, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole?

Ms. ABZUG. Mr. Speaker, I demand a separate vote on the so-called Hogan amendment as amended.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Page 30, line 15, strike out the period and insert in lieu there of a semicolon, and after line 15 insert the following:

"(8) To provide legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution."

The amendment was agreed to.

The SPEAKER. The question is on the amendment adopted in the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LANDGREBE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LANDGREBE moves to recommit the bill H.R. 7824 to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 91, noes 189.

Mr. LANDGREBE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 276, nays 95, present 5, not voting 57, as follows:

[Roll No. 263]

YEAS—276

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Barrett
Beard
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chisholm
Clark
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Daniels, Dominick V.
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gude
Gunter
Guyer
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Ichord
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Walsh
Wampler
Ware
Whalen
White
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—95

Archer
Armstrong
Baker
Bevill
Blackburn
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Chappell
Clancy
Collins, Tex.
Conlan
Conyers
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Downing
Edwards, Ala.
Fountain
Froehlich
Goldwater
Goodling
Gross
Gubser
Haley
Hanrahan
Hays
Henderson
Hicks
Hosmer
Huber
Hungate
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kastenmeier
Ketchum
Landgrebe
Latta
Lott
McEwen
Martin, Nebr.
Michel
Montgomery
Moorhead, Calif.
Myers
Nichols
Parris
Passman
Poage
Powell, Ohio
Price, Tex.
Roberts
Robinson, Va.
Rogers
Rousselot
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shuster
Sikes
Snyder
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Teague, Tex.
Treen
Veysey
Waggonner
Whitten
Wiggins
Wilson, Charles H., Calif.
Young, Alaska
Young, Fla.
Young, S.C.
Zion

PRESENT—5

Abzug
Burton
Culver
Harrington
Mitchell, Md.

NOT VOTING—57

Ashbrook
Badillo
Bafalis
Bray
Breaux
Broomfield
Carey, N.Y.
Chamberlain
Clausen, Don H.
Clawson, Del
Crane
Cronin
Danielson
Davis, S.C.
Dorn
Erlenborn
Evins, Tenn.
Fisher
Flynt
Gonzalez
Griffiths
Hammerschmidt
Harvey
Hébert
Hillis
Hinshaw
Hudnut
Johnson, Calif.
Kazen
King
Landrum
Leggett
Lent
Lujan
McKinney
Mathias, Calif.
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
Patman
Preyer
Quillen
Rarick
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Sandman
Staggers
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Waldie
Whitehurst
Widnall

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Chamberlain against.

Mr. Thomson of Wisconsin for, with Mr. Quillen against.

Mr. Erlenborn for, with Mr. Bray against.

Mr. Broomfield for, with Mr. King against.

Mr. Harvey for, with Mr. Whitehurst against.

Mr. Staggers for, with Mr. Rarick against.

Mr. Breaux for, with Mr. Crane against.

Mr. Cronin for, with Mr. Fisher against.

Mr. Preyer for, with Mr. Hébert against.

Mr. Metcalfe for, with Mr. Mathis of Georgia against.

Mr. Widnall for, with Mr. Hinshaw against.

Until further notice:

Mr. Reid with Mr. Mills of Arkansas.

Mr. Riegle with Mr. Landrum.

Mr. Carey of New York with Mr. Don H. Clausen.

Mr. Danielson with Mr. Minshall of Ohio.

Mr. Davis of South Carolina with Mr. Mathias of California.

Mr. Leggett with Mr. Hammerschmidt.

Mr. Roncalio of Wyoming with Mr. Ashbrook.

Mr. Rooney of New York with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Bafalis.

Mr. Waldie with Mr. Lujan.

Mr. Johnson of California with Mr. Dorn.

Mrs. Griffiths with Mr. Badillo.

Mr. Gonzalez with Mr. Evins of Tennessee.

Mr. Kazen with Mr. Flynt.

Mr. Patman with Mr. Hudnut.

Mr. Hillis with Mr. Lent.

Mr. McKinney with Mr. Vander Jagt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, the first item tomorrow will be H.R. 6187, negotiated contracts, which will be brought up by unanimous consent at the request of the Committee on Merchant Marine and Fisheries.

The second bill will be H.R. 8510, National Science Foundation authorization, followed by H.R. 8662, HUD—science—veterans appropriations.

Of course, in view of the fact that the National Science Foundation is included in the HUD appropriation bill, the authorization should be passed first.

ADJOURNMENT TO 11 A.M. FRIDAY, JUNE 22, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. on Friday, June 22, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MYERS. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair will recognize the gentleman from Indiana for 1 minute.

Mr. MYERS. Mr. Speaker, what is going to be the procedure next week? We have a number of bills that will be pending next week. Is this going to happen next week, where we come to Thursday night and are in session late, or are we going to wait until Friday?

The SPEAKER. The Chair recognized the gentleman from Indiana for 1 minute, not for the purpose of cross examining the Chair.

PROVIDING FOR CONSIDERATION OF H.R. 8825, HOUSE JOINT RESOLUTION 542, H.R. 8877, AND MOTIONS TO SUSPEND THE RULES, WEEK OF JUNE 25, 1973

Mr. SISK, from the Committee on Rules, reported the following privileged resolutions (H. Res. 453, Rept. No. 93–314; H. Res. 456, Rept. No. 93–317; H. Res. 455, Rept. No. 93–316, and H. Res. 454, Rept. No. 93–315) which were referred to the House Calendar and ordered to be printed:

H. RES. 453

Resolved, That during the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, Rule XXI are hereby waived.

H. RES. 456

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

H. RES. 455

Resolved, That during the consideration of the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, Rule XXI are hereby waived.

H. RES. 454

Resolved, That it shall be in order for the Speaker at any time during the week of June 25, 1973, to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, Rule XXVII.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS AND INSERT PUNCTUATION IN ENGROSSMENT OF H.R. 7824

Mr. McFALL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill just passed (H.R. 7824) the Clerk be authorized to correct section numbers and to insert punctuation.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

VIOLENCE MUST BE CONDEMNED

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, in today's New York Times, there is a report of two acts of violence which occurred in the city of New York within the last 24 hours. I want to condemn them both. The earlier incident involved the throwing of red paint on the Soviet Mission to the United Nations at 136 East 67th Street allegedly by four young persons now charged with criminal mischief and who are allegedly members of the Jewish Defense League.

The second and more egregious act of violence was committed yesterday at 3:39 a.m. when a car belonging to a Soviet diplomat was firebombed and demolished in the Borough of Queens. It is reported in the New York Times article that when David Fish, executive director of the Jewish Defense League, was asked about both incidents, he said that the red paint on the Mission symbolized "the blood of Soviet Jews that is being spilled in Russia." His comment on the burning of the car was that the incident was "news to me," but added, "we applaud the act."

I do not know who was involved in either incident, but I do know that when the Jewish Defense League through its executive director supports and applauds violence, it does a great disservice to the cause of Soviet Jewry. Along with tens of thousands of other Jews and non-Jews in this country, I have condemned Soviet barbarism in refusing to permit Soviet Jews to emigrate and in repressing Jewish culture within the U.S.S.R. The Soviet Union harasses its non-Jewish citizens as well, but singles out the Jews for special torment.

It must be acknowledged that the JDL has been instrumental in focusing American and world opinion on the plight of Soviet Jewry. But likewise, the JDL must be condemned when it engages in or praises acts of violence. We must not lose sight of the fact that a good cause may be destroyed if terrorism and violence are employed.

I have stood on this floor and condemned Black Panther and Arab terrorist violence and I will not hesitate to condemn violence or its support by the Jewish Defense League. I believe that lawful protest is always in order and I will picket, march, boycott, and speak out in support of those issues I hold dear. And the cause of Soviet Jewry for me is second to none. But I will not stand silently by when that cause is injured by those who engage in violence. For those who want to do something positive and helpful now in support of Soviet Jewry, let them press as I am doing, for the adoption of the Jackson-Mills-Vanik amendment.

WHAT IS THE POINT?

(Mr. ROUSH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, over a month ago now the House of Representatives denied an administration request and voted 219 to 188 to prohibit Pentagon funds in this second supplemental appropriations bill from being used to pay for bombing operations in Cambodia. This unprecedented action was the first time the House made such a positive statement of intent to put a stop to further implication of this country in the wars of Southeast Asia. I was among those opposing the funds for bombing Cambodia.

On May 31, the Senate with a resounding vote of 63 to 19 prohibited all funds not only in this bill, but funds previously appropriated, from being used in support of combat activities in or over Cambodia and Laos as well.

Since the House and Senate conferees could not agree on the differences in the two Cambodia statements, we shall cast another vote in the House shortly. At that time I intend to support the Senate amendment because it prohibits the use of past appropriations for combat activities as well as those in the supplemental appropriations bill and encompasses Laos as well as Cambodia.

It has taken a long time to complete action on this second supplemental appropriations bill, partially because there were several areas of disagreement between the House and Senate versions, but also because there were those who wished to delay the vote to buy more time for Dr. Kissinger to resume negotiations with North Vietnam to shore up the January ceasefire agreement. Those meetings have come and gone and "peace with honor" still seems to elude us.

Meanwhile the arguments to wait and perfect the cease-fire, the warning against tying the President's hands in negotiations, the expressed fears of damage to future negotiations—all are beginning to fall on deaf ears. The American people have expressed themselves in letters to their Congressmen. I have received a number of them. Moreover, a recent Gallup poll survey indicates that the American people are opposed to bombing Cambodia and Laos by a 2-to-1 margin and by approximately the same ratio they think bombing will lead to a reinvolvement of American troops in Southeast Asia.

We might do well to listen to the voices of the American people and to those in Congress who warn of the dangers of further involvement. For myself, I agree with Senator MILTON YOUNG, ranking Republican member of the Senate Appropriations Committee, who summarized the argument in a nutshell when he said that: "We have got our prisoners out with honor" and then added, "what is the point of going on supporting a government that seems to have no will to fight and is corrupt?" What is the point? The answer I believe is that there is none. And it is time that the Congress act accordingly by denying funds for a pointless, fruitless, and dangerous military operation in Southeast Asia.

FOOD PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE) is recognized for 5 minutes.

Mr. FORSYTHE. Mr. Speaker, recently we have witnessed a swirling controversy regarding the cost of food, and in particular the cost of meat. With the crescendo of noise and recriminations between farmers, wholesalers and retailers regarding who, if anyone, is to be blamed, I fear that the true victim of this situation is not being heard. I refer to the American consumer; to the person who in the face of steadily mounting costs sees his wage or salary increase measured by a more restrictive guideline.

There can be no doubt about the gravity of the problem. Wholesale food prices soared 4.1 percent in May of this year, rising at an annual rate of 43.4 percent in the last three months and at a 51.5 percent rate in the three months preceding that. Retail prices have only just begun to reflect this dramatic price rise. At the current pace, we can expect retail food prices to continue their relentless upward march.

The impact of this trend in food prices on the consumer is made clear by the fact that in 1971 Americans' personal outlays for food and beverages were estimated at $136.6 billion. By contrast, 1971 automobile expenditures totaled $46.2 billion; clothing and shoes; $57 billion; housing, $99.7 billion; and furniture and household equipment, $39.5 billion.

For 20 years, the American consumer has witnessed a steady increase in the cost of food. To explain the 20-year trend of rising prices, it is necessary to examine the cost structure of the three major components of the food marketing chain; the farmer the wholesaler, and the retailer.

For raw agricultural products, there have been substantial increases in prices. However, the farmer has seen his production costs rise an average of 50 percent. Despite these increases in operating costs, farm prices have risen only 6 percent in the past 20 years. Farmers have been able to survive only by virtue of their increased productivity—223 percent over the past 20 years.

While farm prices have risen 6 percent, wholesale prices have jumped 20 percent. Most of the difference can be attributed to increased costs at the wholesale level. Labor costs have risen 300 percent, freight costs 140 percent; services—rent, insurance, telephone, and so forth—240 percent, containers 160 percent, fuel, power, and light costs have jumped 135 percent, while the costs of new plants and machinery have increased 192 percent. Throughout this period of rising costs, the profit margin for wholesalers has hovered around 1 percent.

For the third component of the food marketing chain, the retailer, prices have spurted 43 percent in the last 20 years. Again, most of this increase can be attributed to rising operating costs, particularly for labor, which accounts for 50 percent of expenses. Most analysts would probably agree that for the retail food industry after tax profits as a percentage of sales should ideally average around 1.5 percent. Actual profits have traditionally been lower, peaking at 1.41 percent in 1965. In 1971, the food chain industry's profits on the dollar, after taxes, was down to 0.83 percent. The picture was not any brighter in 1972, as industry profits were 0.65 percent in 1972.

Underlying the rising costs within the food marketing chain is the steadily mounting consumer demand. Consumer consumption of beef, for example, has more than doubled over the last 20 years, increasing from 56.1 pounds per capita to 115.5 pounds per capita. Over the last 7 years, the increase was 30 percent. This steadily rising demand for meat has sustained high prices. Indeed it has been a significant force in pulling these prices up. The most frequent estimate heard is that we would need about 10 more pounds per capita this year to see a return to 1971 retail beef price levels. In 1971, the total meat supply was 192 pounds per capita. This sunk to 188 pounds last year. The predictions for this year is that supply will merely return to the 1971 level, rather than increasing to meet additional demand.

To help alleviate this continuing problem of supply relative to demand there are three initiatives to which we must give serious attention. The first is the permanent lifting of import quotas. The President has for the balance of 1973 already suspended import quotas for meat. This means that the amount of foreign meat that can be imported is no longer restricted to 6.7 percent of U.S. production.

However, only limited relief in the supply situation can be expected from the President's action. I say this because foreign suppliers are not likely to jump to the American market, possibly losing other markets to competitors, when there is no assurance that import quotas will not be reinstituted at the end of this year. And before devaluation, the American market offered no substantial financial incentives as U.S. beef prices were only three-fourths of 1 cent above the world level.

To overcome some of this anticipated hesitancy on the part of foreign suppliers, I have introduced legislation repealing the section of the Meat Import Act of 1964 which established the import quota system.

The permanent lifting of import restrictions could result in some change in world market patterns, bringing a larger supply of beef to the United States. It is, however, unlikely that a permanent lifting of the import quotas would increase the supply of beef to the extent that it would depress prices. Rather, the effect would be to prevent consumer demand from further outstripping supply, thus decelerating the rate of price increase.

The second initiative is to abolish existing tariffs on meat imports; tariffs which not only increase prices but which deter importers from bringing more meat to U.S. consumers. In 1971, the United States imported 2.35 billion pounds of meat at a cost of $1.44 billion. Tariffs of up to 3 cents per pound on certain meat products and up to 10 percent of market value on others have a significant impact on both supply and ultimate cost. To provide additional relief to the American consumer, I have introduced legislation repealing these tariffs.

The third initiative is to undertake a program to expand domestic food production. Every year approximately 50 to 58 million acres of cropland are held out of production under the farm subsidy program. I have long believed that productive use of this land should be permitted. If, for example, grazing of this land were allowed, it would provide substantial additional feed and pastureland for the existing 116 million head of cattle on U.S. farms and ranches, thus permitting an increase in the size of the national herd.

I am pleased that in February of this year the Secretary of Agriculture issued regulations allowing the productive use of this set-aside cropland. I applaud this action as I believe it portends a long term increase in the supply of meat and other products.

Pursuing a policy of expansion will send additional supplies to the supermarket and could possibly provide welcome relief for the current balance of payments dilemma. Agricultural exports are already one of the few bright spots in the bleak U.S. trade picture. In fiscal year 1973, the United States will export $11.1 billion of agricultural products. It will import, estimates the Department of Agriculture, $6.8 billion. After subtracting the $1 billion of foreign aid foodstuffs from the export total, a $3.8 billion cash surplus in agriculture remains. Of course the current fiscal year does not represent the norm because of the $1 billion grain sale to Russia. However, the fact remains that agricultural exports have risen steadily from $5.7 billion in fiscal year 1969 to $8.1 billion in fiscal year 1972. A report entitled, "Agricultural Trade and the Proposed Round of Multilateral Trade Talks," prepared for the White House last year concludes that the United States could achieve agriculture exports of $18 billion in 1980 if conditions continue to be favorable.

Stimulating production because of anticipated high levels of domestic and foreign demand implicitly carries with it a new responsibility. We cannot abandon our farmers if the demand they have been striving to satisfy suddenly evaporates. Assume the international market deteriorates over one season because of increased foreign production. While American farmers adjust to the new demand level, we must be prepared to require, for later utilization, that seasons excess. Without this insurance, fear of overproduction may restrain farmers from increasing production to the level justified by current demand. I am indeed pleased that the new agricultural legislation now pending before the House and Senate embodies the principle I am enunciating.

From both the consumer's point of view and from the standpoint of our balance-of-payments deficit, the expansion of farm production is clearly in our best interest. It is unlikely that either domestic or foreign demand will relent. The productive potential of America's farms, where productivity has risen 223 percent in the past 20 years, is truly an untapped national resource.

The short-term solution to the food-price crisis is to be found in the careful scrutiny of the pricing policies of the food marketing industry and in a revision of certain policies of the Cost of Living Council and the Department of Agriculture. In the food industry, retailers are wary of what the effect of constant price ranges may have on the consumer. Therefore, the retail pricing policies exhibit a lag phenomenon. That is, when wholesale prices begin rising, retailers hold the line until wholesale prices reach a trigger point. At that point, retailers raise their prices. During this lag time, retailers experience shrinking profits. This loss is recovered when wholesale prices begin to decline because the higher retail prices are maintained until wholesale prices drop below another trigger level. When that level is reached, retailers drop their prices. This downside lag compensates retailers for the upturn lag.

Combined with the Price Commissions volatile pricing rule, this lag pricing characteristic of the retail food industry set the stage for excessive retail price increases in the early months of 1972. When wholesale prices reached the trigger level in February, retailers increased their prices above customary levels. Further, retailers appeared to lengthen the time lag on the downside. This situation led the Cost of Living Council to meet with retail executives in a jawboning session in late March of 1972. That meeting saw an immediate reduction in retail prices.

Figures released in the fall of 1972 indicated that food shoppers were again experiencing a sharp rise in retail prices. During the time period measured, retailers throughout the Nation experienced approximately the same increases in costs. Yet, retail prices in certain sections of the country increased at a much faster rate than prices in other areas. The data suggested that retailers were trying to accomplish on a regional basis what was attempted nationally in February—increase profits beyond the average generally accepted as appropriate by economic analysts.

I firmly believe the Cost of Living Council should accept a more aggressive role in monitoring retail food prices to insure that the pattern of unjustified price rises that has plagued consumers is not continued or repeated.

I recognize the serious pitfalls involved in controlling the price of raw agricultural products. However, I hope the President, in developing the phase IV regulations will examine the efficiency of monitoring the prices charged by large agribusiness firms. I emphasize that I am not referring to the small family farmer who is barely scraping a living from the land. Recognizing that 75 percent of all farm sales are made by 19 percent of all farmers, it is the large agribusiness firms about which I am concerned.

In fact, a reexamination of how our farm subsidy program is operating will be beneficial and I am pleased that the 93d Congress appears willing to reexamine this matter. Only 7.1 percent of the Nation's farms, those with sales of over $40,000 a year, collected 40.3 cents of the farm subsidies. At the other end of the scale, 41.2 percent of the farms, those with sales of less than 2,500 received only 5.3 percent of the Federal subsidies. Agribusiness farming is big business and it should be reviewed as such by the Cost of Living Council.

Further, during this period of supply shortage, the Department of Agriculture should not be encouraging farmers to reduce the supply of certain foodstuffs. Two years ago, the Department sent out a notice telling farmers to slaughter fewer hogs. Last summer, after the wheat sale to Russia and despite the talk of continued sales in that market, the Department announced large subsidies to farmers for not growing wheat in 1973. In January of this year, the Department advised farmers to curtail the production of turkey. Efforts to reduce supply seem inconsistent with the current market situation and with the goal of curbing inflationary food prices. I sincerely hope the administration's decision to permit currently set-aside cropland to be returned to productive use reflects a new trend in Department of Agriculture policies.

I am also disturbed by the fact that the Cost of Living Council has excluded certain products from price controls.

I refer particularly to soybeans. The price of this precious little bean, the source of soybean meal, a prime animal feed, has skyrocketed. The price of soybeans topped $11 a bushel on the Chicago wholesale market last week. A month earlier, it had been $7.59. A year earlier, it had been $3.44.

Propelled by the price of soybeans which have themselves been inflated by speculation, soybean meal prices have increased over 300 percent in the last year. Soybean meal could be purchased by livestock producers during the first week of May 1972 for $94 per ton. On May 3, 1973, the price was $305 per ton. On Wednesday, May 30, soybean meal was quoted at $390 per ton.

The impact of animal feed costs is readily apparent if one considers the fact that it takes 8 pounds of feed to produce 1 pound of beef, 7 to produce 1 pound of pork. I recognize that the soybean harvest was delayed or destroyed by bad weather and that there is a shortage of boxcars to transport the crop to market. However, in this artificial market situation, I am convinced that stricter controls on speculation in the grain markets deflate the ultimate cost of meat to the consumer.

Yet, we cannot look to controls for long-term solutions. A significant part of the long-term answer is to be found in alleviating the freight car shortage. A transportation bottleneck of various proportions occurs every year because crops and products are not produced on a continual basis. There are peaks and valleys of demand for all types of transport and the industry as a whole cannot afford to build a fleet large enough to handle every last shipment during peak demand. Nevertheless, this annual freight car shortage has struck America in 1973 with a vengeance never before experienced aggravated by the cumulative pressures of huge export grain sales for which there was no adequate prior planning, the ravages of unseasonal weather and record flooding, bankrupt railroads in the Northeast and a booming national economy.

At various times, grain storage elevators have stood full to capacity with no railroad cars nearby for loading, and farmers fretted because they lacked the fertilizer to plant new grain crops—the fertilizer was in Texas waiting to be loaded into freight cars. During the worst period the Interstate Commerce Commission has estimated that there was an average daily nationwide shortage of between 16,000 and 18,000 boxcars, plus a like amount of hopper cars. While the ICC considers any daily shortage in excess of 8,000 a critical situation, the current daily shortage stands at about 12,000 to 13,000 each of boxcars and hoppers.

There is little doubt that in the next decade America's output of grains for domestic and foreign use will soar. This year alone the Department of Agriculture estimates that farmers will harvest a record 1.28 billon bushels of wheat; 8 percent above the 1972 pace. Clearly, a solution to the transportation crisis is needed.

During the 92d Congress, the Committee on Interstate and Foreign Commerce studied this dilemma and concluded that solutions were to be found along four lines. The committee outlined proposals for increasing the effective utilization of available stock, noting that a 10 percent increase freight car utilization could achieve the same result as adding 170,000 cars to the present fleet. Intensified transportation planning and more widespread application of automation principles for management controls, car inspection, identification and dispatching would siginficantly improve the allocation and utilization of existing stock. Indeed I am firmly convinced that this planning is the key element in the solution. The committee went on to suggest revisions in the federal regulatory process and the nature of scheduling procedures. The committee also noted the need to construct new stock and proposed a system of Federal loan guarantees and other assistance to assist in meeting this end. It is my firm hope that the 93d Congress will build on the work of the committee and move forward in the direction outlined above.

Mr. Speaker, there are no easy solutions to the rapid advance in food prices. But because the solutions are not easy, we must not raise the white flag of surrender. More can be done and more must be done.

REMARKS OF DR. JAMES E. BIRREN, "DEVELOPMENT OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA," FEBRUARY 13, 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'Neill) is recognized for 30 minutes.

Mr. O'NEILL. Mr. Speaker, I rise to call to the attention of my colleagues, a most perceptive discussion of the role of gerontological institutions in improving the lives of the elderly. I refer to an address delivered by Dr. James E. Birren, director of the Ethel Percy Andrus Gerontology Center during the February dedication of the center's new facilities.

Although Dr. Birren's remarks are a valuable commentary on the appropriate roles of scientists and legislators, with regard to programs for the elderly, I want to make particular note of his somber comment on the lack of Federal leadership in the area of construction assistance for gerontology centers.

Says Dr. Birren:

> I am uneasy about the lack of Federal participation in the field of aging. Why is it that the Andrus Center had to be built without a single dollar of Federal money? While this is something of which we should be proud, the question arises as to where the private and public partnership comes into the picture.

Happily, Mr. Speaker, we are making some progress with respect to Federal assistance through the Comprehensive Older Americans Act Amendments of 1973, so ably championed in this body by the gentleman from Indiana (Mr. Brademas). That act provides needed grants for the establishment and support of multidisciplinary centers of gerontology.

Mr. Speaker, I include Dr. Birren's address at this point in the Record:

Remarks of James E. Birren, Ph. D., "Development of the Ethel Percy Andrus Gerontology Center" the Ethel Percy Andrus Gerontology Center, February 13, 1973

I want to provide a brief historical sketch about the Center and the background of thinking that has gone into it. In the early 1960s retirement communities were being built in Southern California that were arousing considerable interest. The builder of some of these, Mr. Ross Cortese, encouraged the University to establish an Institute for the Study of Retirement and Aging in 1964. With funds that Mr. Cortese provided, a faculty committee appointed by Dr. Toppling, then president, began to recruit a director for the Center and to initiate planning. The search committee was a university-wide committee reflecting the fact that the issues involved in human aging are broad in scope. I am happy to say that the search committee approached me in the Fall of 1964 with the thought of my coming here to Southern California to head the new Center. By the Spring of 1965 I had met with the faculty and administration of the University and the decision was reached that I should become the first director of the fledging Rossmoor Cortese Institute for the Study of Retirement and Aging on September 1, 1965.

NEED FOR GRADUATE TRAINING

You will note that I did not say that I met with students along with the faculty and administration when I visited the University. This was because there were no students in gerontology at that time! Not a single one. This determined for us the first priority, graduate training in gerontology, so there would be students prepared to go out and teach and carry out research on the processes of aging. In addition, we hoped that our students would continue the pioneering role of Dr. Andrus and fan out across the country to establish more centers for research, training, and community projects in gerontology. Until there is at least one gerontology center in every state and at least one teacher at every university and college in this country who is expert in the subject matter of aging, we can hardly rest.

FIRST PRIORITY

As I said, the first priority of the center was training and in April 1965 we began planning a program with the faculty. This was partly done in the old wooden house across the street from the present Andrus Center building. There was one employee, Miss Linda Ross, and with the cooperation and assistance of Dr. James Peterson who was Chairman of the search committee for the Directorship, the first training grant application was developed which we submitted to the Federal Government. In December 1965 we received an award from the National Institute of Child Health and Human Development for scholarship funds and faculty support. This is still the basis of the present graduate program, it had its basis in faculty planning in 1965.

To house the new institute, the University undertook to modify space in a building at 3717 Grand Avenue. When I arrived on Labor Day we had freshly painted quarters there. The building had been obtained by the University from Mr. Hoffman of the Hoffman Electronics and Television Company. Much was done to make the building livable and the staff of the center grew rapidly to fill the space the University provided.

GERONTOLOGISING THE DEPARTMENTS

As head of the institute, I reported to Dr. Tracy Strevey, Vice President of Academic Affairs, and he guided me through the early problems of starting the Center. It was by forethought on the part of the University that I reported directly to the senior academic vice president. In this way the institute was on neutral territory within the University and it would not become the exclusive property of one department or one school. Territoriality is a fact of life within universities as it is with the world of business. My role was viewed as that of infecting the schools and departments with thoughts about their potentials and responsibilities in the field of aging. I was to "gerontologise" the departments to some degree since it seemed ridiculous to duplicate the training, facilities, and professional backgrounds of the other schools and departments. The goal was, for example, to make social work more self conscious about what it should be doing in relation to aging. Similarly, medicine, public administration, and architecture among others had a role to be pointed out. The sciences too needed an awareness of the pioneering state of their subject matter in aging. Biochemistry, cellular biology, psychology, sociology, anthropology and others had no activity in research or teaching about aging at that time. Among other fields we now see roles also for economics, political science, and demography. I think in this area the Center has an impact.

I would like to point out that research on the psychological and social issues of housing for the retired was one of the first research areas for the then Institute for the Study of Retirement and Aging. Drs. Peterson and Hamovitch headed those studies. Dr. Maurice Hamovitch was our first Director of Training. He was then called to become the Dean of the School of Social Work. While we were sorry to see him go we were pleased with his expanded responsibility. The Institute itself was continuing to expand as well. The bringing together of students interested in aging was a big factor in bringing vitality and optimism to match the ambitions we all held for gerontology at USC. The students hold not only their own futures in their hands but some of ours as well in their studies, research and service will affect many of our lives.

It was becoming obvious in 1968 that the name of the Institute should be changed to reflect our broadening perspective on aging. It was decided in 1968 to embrace the Rossmoor Cortese Institute for the Study of Retirement and Aging in a more broadly conceived organization to be named the Gerontology Center. The good work was carried forward into the new Center. By then I was working closely with Dr. Milton Kloetzel, Vice President for Academic Affairs as Dr. Strevey had retired.

ROLE OF AARP–NRTA

We were fortunate to be selected by a committee on the AARP and NRTA to constitute a memorial to Dr. Ethel Percy Andrus. I still remember the visit by the chairman of the Committee, Dr. Verna Carley when she came to look us over in 1968. I am pleased that we passed the scrutiny of Dr. Carley and the other members of the Committee. The associations then made the magnificent pledge of $2,000,000 to construct the building we dedicated February 12, 1973.

The future of gerontology is now ours to make. What more can we ask that the retired have with their contributions placed in our hands the tools and the encouragement by their good will? This has given the University a challenge, a challenge that can only be met with productive research, education, and service. I don't perceive any generation gap in our ambitions and expectations.

THE PRESIDENT AND THE PAST

One of the things that maturity brings with it is a sense of interpreting the present in terms of the history which led up to it. That does not by any means imply that what has been must always be. What *was* in aging in past generations *is* not what has to be now. I would like to reflect on the past for a moment lest we fall into what I call the *Garden of Eden hypothesis*, that things were better in the past and we have fallen from a better style of life. Not many of us would like to go back to the 1920's, I suspect, with no social security, no health insurance, and no antibiotics. Three generation families were then common because if the breadwinner was unemployed there was often no income and families had to double up. Three generations doubled up in many cases because it was a way of adapting to need, not because it was the best way of life they could think of.

In the 1930's children and adults still died in large numbers from tuberculosis, influenza, pneumonia, and other infectious diseases for which there were no antibiotics. People grew up with vitamin deficiencies because we were just beginning to discover these essentials in our diet. In that period Nobel prizes were won in medicine for the discovery of vitamins. At the end of the nineteen thirties, many far sighted medical scientists could see that we were at the end of the period of major mortality from infectious disease and social scientists were seeing the impact of social security. In 1939 the first edition of Cowdry's Problems of Aging was published. In the Spring of 1941 the U.S. Public Health Service sponsored a conference on mental hygiene of later life. There was indeed a special interest in aging at that time but it was shattered by the events of World War II. Wars have been fought by young men and the consequences of wars require that houses be built and factories rebuilt until the time comes when one can again think of how life might *be* rather than how it *is* or *was*. We have just concluded another long war that has by necessity given emphasis to things remote from what can be. The young fought this last war, as all others, and since they have been in universities in large numbers it is only natural that their uncertainties were expressed on campuses the way the young have felt about events.

During our recent past there indeed seemed to be a generation gap. But I don't see a split between the generations now ahead of us. The students are deeply concerned with what might be throughout our life span and aren't we all?

WHAT IS

At this still pioneering stage in the sciences studying aging, much research has to be devoted to *what is*. Perhaps the social scientist may have to take into account more of the history of our society and our many cultural and ethnic origins than the biologists but they have the common need to tell us *what is* in the nature of aging. What is aging at the levels of molecules moving about in cells of our vital organs? Profound questions still face the scientist at all levels from the molecular to the social in defining the nature of aging as it is now. From this will grow clear forecasts about what can be. Forecasts about the control of age associated disease because we understand the basic biological changes associated with advancing age will be better based than those we now make. Similarly forecasts about better mental health and more satisfying styles of life will all come from studies about the nature of aging as it is at present.

WHAT CAN BE

The scientists, I am certain, all share the perspectives of Dr. Andrus that what *is* does not always have *to be*. Confusion can enter if we believe we can go directly from science to describing what ought to be. What I have done is to describe the different tenses of science: the past tense, what was true about aging in the recent and ancient past—this we need if our science is to be mature. The next tense is the present tense, what is aging like today in its many big and little facets. The future tense of aging that grows from our science and education is *what can be*. We have heard something of three tenses. I would like to add a fourth one on this occasion, *what ought to be*. This I will call the future perfect tense and it is the tense that is most confusing to us.

WHAT OUGHT TO BE

Assuming that the research and education in this Center, and hopefully in many other centers as well, will show us clearly what can be true of aging in the future, do we go directly to action in the belief that this is what ought to be? Efforts in medical technology that can prolong the lives of terminally ill persons is an illustration of an area where there is disagreement that *what can be* is not necessarily *what ought to be*.

The future perfect tense, what ought to be in aging, is generally the province of politicians, legislative bodies and religion. Religion is the depository of the future perfect tense, the collection of values that leads to the definition of what should be in society and what should be in our individual behavior. In the area of aging, religion has often been more preoccupied with children who would use them less than a day-a-week and not provide space and programs for the retired. Perhaps a coming generation of religious leaders will single out the issue of aging for more direct concern and get reflecting more deeply about *what ought to be in aging* and prepare us for the choices we will be having to make in the coming years.

The practical matters of what ought to be in society is the subject matter of debates in our legislative bodies. At the present time the executive branch of the federal government and the Congress are debating what ought to be. The process by which the legislators get their information from the fact gatherers is, however, a muddy market place. Many are purveying facts as lobbyists for vested interested. Sometimes an inspired scientist goes directly to gain the ear of a listening congressman. How do we filter what scientists tell us *can be* from what *ought to be*. In this regard we as citizens should improve our roles. In particular, the retirement associations have increased their role in thinking about *what ought to be* in the light of the possible what can be.

ROLE OF THE UNIVERSITY

The role of the University is to discover and describe *what is* at the level of natural and social science. Its next role is to inform the public about what can be. I don't believe, however, that the universities' role is also to say what ought to be. That is the domain of public opinion, our political system and our religious institutions. It is possible that universities should give more thought and study to the formation of public policy in the field of aging. How does society go from facts about the biology, psychology and sociology of aging to the formulation of reasonable policy upon which laws will be enacted. Perhaps if we understood this process better we might decrease the lag time between discovery and application. We would also make more efficient our investment in research.

FEDERAL PARTICIPATION ABSENT

In conclusion I would like to say I am uneasy about the lack of Federal participation in the field of aging. Why is it that the Andrus Center had to be built without a single dollar of Federal money? While this is something of which we should be proud, the question arises as to where the private and public partnership comes into the picture.

In a few years, 1980, this University will be 100 years old. Perhaps then we can have a convocation on the nature of mankind, his development and aging. A new theme for the next hundred years perhaps will become that of the greying of the University, the presence of middle-aged and old scholars along with the young. Education and learning is too exciting to leave exclusively to the young who often feel that they have to do it rather than want it.

By the year 2000, the year in which the Center's time capsule will be opened, we will, I am certain, see the University much more involved with research and education about what can be for human aging.

THE IMPOUNDMENT STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, yesterday I made a part of the RECORD the first of a series of five articles on the Federal budget making process which was prepared with the assistance of the Library of Congress. Since I believe these articles will be of interest to my colleagues, I would like to insert the second one at this time:

II. THE IMPOUNDMENT STORY

Impoundments have an ambiguous legal status and an uncertain history.

The common ingredient of all impoundments is the withholding of funds appropriated by Congress. The first recorded impoundment occurred in 1803 when President Thomas Jefferson deferred the expenditure of funds appropriated by Congress for the construction of gunboats to protect American shipping on the Mississippi. Jefferson's action was due to the purchase of the Louisiana Territory which removed the threat of war and by his desire to secure better gunboats.

This type of impoundment is not controversial and in fact it was later authorized by Congress in the Anti-Deficiency Act of 1905 which was passed to ensure that federal agencies do not overspend their appropriations. That Act authorizes the establishment of reserves to meet contingencies and to effect savings if a job can be done for less money than Congress appropriated. The 1905

Act also is intended to prevent agencies from committing all of their funds before the fiscal year has run its course—as did President Theodore Roosevelt when he sent the Naval fleet half way around the world and forced Congress to appropriate funds to get it home.

Today, President Nixon and his Administration are making a third use of impoundment—that of withholding funds in order to change the programs and policies enacted by the Congress and signed by the President or passed over his veto. It is to this practice that Congress objects most strongly. By his actions, President Nixon is trying to assume powers vested in the Congress by the Constitution and to deprive Congress of its right to pass judgment on the expenditure of public funds.

There is a precedent for the use of impoundment to shift federal emphasis from one program to another. But that precedent is staged against the dramatically different background of World War II. President Roosevelt deferred some public works projects in order to free funds and resources for the war effort.

Some members of Congress protested these impoundments—which reached the half billion dollar mark in 1945—but on the whole Congress recognized the need to give priority to World War II needs.

During the post-war decades, a number of impoundment cases arose when the President refused to spend money on weapons authorized by Congress. One such instance occurred in 1949 when Congress appropriated money for 58 Air Force groups, ten more than had been recommended by President Truman. Controversy in the Senate jeopardized enactment of the entire appropriations law, so on the basis of an understanding among all participants, the Senate agreed to include funds for the additional ten groups with the understanding that President Truman would not spend them. A similar dispute between Truman and Congress broke out in 1950 over funds for a supercarrier, with the President once again refusing to spend appropriated funds.

President Eisenhower tangled with Congress on a number of occasions in the late 1950's over the expenditure of funds for the construction of the Nike-Zeus anti-ballistic missile system. Though Congress voted funds for production of the system, President Eisenhower insisted that funds be used only for research and he deferred installation of the Nike-Zeus missiles. President Kennedy in 1961 declined to use authority pressed upon him by the Congress for development of the B–70 bomber.

His role as Commander-in-Chief of the armed forces gives the President significant additional authority in impoundment disputes concerning military matters. The President can say that he has the constitutional authority to deploy forces and to set American weapons policy. Further, he can argue that the rapid pace of technological improvements and changes in international relations require that he have greater discretion to act in military affairs than in other federal programs.

Impoundment of funds for domestic programs presents a much subtler question of executive vs. legislative authority. In recognition of that fine line, President Johnson called in a number of leaders and other Members of Congress before he would act to withhold $5 billion from a variety of domestic programs in 1967. It was the height of the Vietnam era, he told the Members of Congress, and he asked their understanding that withholding of funds was necessary to ease inflationary pressures.

He made it clear that he would only defer expenditures, that he would not use impoundment to kill programs enacted by Congress.

Since President Nixon took office in 1969, impoundments have totaled billions of dollars each year, most of it for domestic programs, and in no instance has Mr. Nixon sought official or unofficial congressional approval of his action. He has consistently failed to consult with the Congress on the matter of impoundment. In this current fiscal year, impoundments have reached $15 billion: no President had ever practiced impoundment to such an extent or for such purposes as President Nixon.

Dollars tell only part of the story; equally important are the purpose and duration of the current impoundments. The express purpose of many of President Nixon's impoundments is to terminate or curtail programs approved by Congress.

Among the programs arbitrarily marked for termination or reduction via impoundment are water and sewer grants, rural environmental assistance, housing programs, $6 billion to clean the nation's waters, and rural electrification loans. The Nixon Administration asserts that these impoundments are necessary to restrain spending and to maintain economic stability.

Whatever their justification, they make a shambles of the constitutional assignment of the legislative power to Congress. In effect, the broadened use of impoundments means that the President has chosen to disregard some of the policies and priorities established by Congress. The President has aborted programs without prior notice, regardless of the will of Congress.

To remedy this abuse of executive power, Congress is now working on legislation that would restrict impoundments, especially those which would alter national policy at the whim of the executive. The legislation now under consideration would impose a spending ceiling for fiscal 1974, and it would establish a check-and-balance system to govern executive-legislative relationships during all future instances of impoundment.

In the past two years, state officials and others adversely affected by impoundments, have turned to the courts for relief, arguing that the President is bound by the Constitution to enforce the laws enacted by Congress. The results have been an overwhelming repudiation of the Nixon impoundments. In eight of nine cases, federal courts have ruled against the Administration.

A court in Baltimore held that the Administration had no right to withhold $20 million from the Maryland Department of Employment and Social Services. In Missouri, state officials have successfully sued the Administration for release of impounded highway funds, and an appellate court has upheld the decision. In Washington the District Court refused to permit an impoundment that would have scuttled a veterans' education program. In Washington too, the Administration suffered its greatest court defeat when it was ordered to release $6 billion in anti-pollution funds.

The record in the courts is an emphatic vindication of Congress. The record shows that the President has extended his use of impoundment beyond any constitutional authority—that he has encroached upon the equal status of Congress as a policymaking body.

But it should not take litigation on top of legislation to assure that the Congressional mandate is carried out. Impoundment is an issue that extends beyond this particular President and this particular Congress. The problem is enduring and recurring. Congress must create a permanent, standing method of dealing with it.

MANCHESTER, CONN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I rise today to salute a town in my congressional district which this weekend will begin ceremonies marking the sesquicentennial celebration of its incorporation. Throughout its distinguished history, the town of Manchester, Conn., has made innumerable contributions to the cultural and political life of the area, and has produced goods and services of great economic value to the entire nation.

Manchester's early history, marked by determination and economic dependence upon agricultural benefits bestowed by nature, has evolved into a rapidly growing suburban and industrial community numbering some 50,000. Yet the charm of the early New England village has not been destroyed. Residents of Manchester enjoy educational, recreational, and cultural assets second to none.

On this historic occasion, Mr. Speaker, I want to join in the salute to a town it has been my distinct privilege to serve. It is my hope that the pride taken in the achievements of Manchester to date is surpassed only by the enthusiasm with which her residents look to the future.

LABOR SUPPORT FOR A NEW TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, so that there be no misunderstanding as to the support of labor for a new trade policy, I would like to read the following letter from the AFL–CIO for the information of my colleagues.

> An attempt is being made to delude Congress into believing that the Administration's trade bill—now before the House Ways and Means Committee—provides great new powers to the President to restore America's badly distorted trade balance. Actually, much of the bill is a restatement of present broad Presidential authority wrapped in public relations garb.
>
> The fact is, Congress gave the President broad, flexible authority more than 10 years ago and it has not been used. *Virtually the only authority in the current trade bill that the President does not already have is the authority to reduce tariffs and the authority to give away certain non-tariff barriers without congressional review.* Further, recent statements by Administration officials indicate that the trade bill is not expected to produce Presidential aggressiveness nor solutions to U.S. trade problems.
>
> The President's present, but unused powers are several. For example:
>
> 1. Section 252(a) of the Trade Expansion Act of 1962 allows the President to impose "safeguards" whenever any foreign country maintains restrictions against U.S. agricultural exports. The President can "retaliate" by restricting imports of foreign manufactured goods and foreign agricultural products. He has failed to use this provision except on very rare occasions; now the Administration's bill seeks virtually the same authority.

2. Section 252 (b) and (c) of the 1962 Act give the President authority to withdraw tariff reductions put into effect over the past decade while foreign trade barriers have been erected; the authority has not been used; more of the same authority is now sought.

3. The above provision in the law also provides for withdrawing tariff reductions where special preferential trade arrangements are made by one country with another to cut out U.S. exports. These agreements abound; the President hasn't used this authority; more of the same authority is now sought.

4. The present trade law says that whenever imports are increasing in major part as a result of a tariff concession at such a rate as to be the major cause of import injury, the President may put on tariffs, negotiate orderly marketing agreements and take other steps. However, in January 1971, by Tariff Commission action, the President was given the absolute right to use the law's authority to aid the workers and businessmen in the U.S. shoe industry. For more than two years he has failed to take action. Now the President is saying he needs vaguer power to act when U.S. industry is injured.

5. The Tariff Act of 1930, section 303 makes it mandatory that the U.S. apply a countervailing duty whenever a foreign country subsidizes exports to the U.S. Such subsidies are widespread, yet this mandatory provision has not been invoked, except on rare occasions. Now the President is asking for new authority.

But all of the delusion is not in the trade legislation itself. Secretary of the Treasury George Shultz reassured Ways and Means Committee members that trade negotiations could not be "reciprocal" because of the United States desperate economic position. The U.S. would have to receive some gains. But there was a swift "disclaimer", according to the *Washington Post,* June 3, 1973, that Shultz' remarks were meant only for home consumption and foreign countries shouldn't pay any attention.

In March, 1973, the *International Economic Report of the President* telegraphed the unlikelihood that the Administration's trade bill will lower foreign trade barriers: "Moreover, rather than export goods from their U.S. plants, our manufacturers may be forced to build plants abroad, behind the *higher barriers,* in order to remain competitive in these markets."

Stanley Nehmer, Former Deputy Assistant Secretary of Commerce in the Nixon Administration summed up the reality in a recent speech; "A combination of what has happened in the past, the Administration's hopes for the future, and several provisions of the bill, all add up to the judgment that there is no more likelihood under this bill of import relief or action against unfair practices of our trading partners than in the past."

The Administration's trade bill creates other major problems. It undermines many non-trade U.S. laws and it further erodes the powers of Congress. For these reasons alone, the Administration's trade bill should be rejected and a comprehensive new trade bill written that faces up to the serious problems facing the U.S. dollar, the U.S. economy and the U.S. citizen. In our opinion the Burke-Hartke bill fits that prescription.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

If for no other purpose than to show the great harvest of dollars by giant foreign corporations in the shipment of metals and metal products into this country, I would like to read the facts from official Japanese sources. The Japanese are currently shipping metal and metal products into the United States at the highest margin of profit in Japan's metal history. What is more important than even the enormous profits, is the fact that the Japanese do their business through cartels, without any apologies, making it virtually impossible for the American steel industry to compete in the domestic market, much less in the world market. I include the following:

ONE MILLION TONS UP IN STEEL OUTPUT EXPECTED IN JULY THROUGH SEPTEMBER

Steel production in the second quarter (July-September) of the current fiscal year will be raised by one million tons over the actual production in the first quarter (April-June), according to the Ministry of International Trade and Industry.

MITI's prediction is based on the production programs of steelmakers submitted to the ministry for the quarter. MITI now is confident that the increase in production will be enough to meet demand increase in that quarter.

The largest increase in production will be 500,000 by Nippon Steel Corporation who is expected to produce well over ten million tons of crude steel in the first quarter. Its production has been raised twice due to the MITI's request of emergency production increase. The major steel items to be boosted further in July-September will be plate, H shape, hot strip and wire rod.

Nippon Kokan KK is expected to raise production by 130,000 tons from the estimated production of 3,920,000 tons for the first quarter because the No. 1 blast furnace repaired and re-operated at the Fukuyama Works is expected to step up its operation pace as time passes.

Sumitomo Metal Industries, LTD. plans to raise production by 130,000 tons over the estimated output of 3,560,000 tons for the first quarter, because the No. 2 blast furnace at the Kashima Works is expected to rapidly increase its pig iron production up to its capacity—10,000 tons per day—as the second quarter begins.

Kawasaki Steel Corp. is expected to increase 180,000 tons from the 3,420,000 tons estimated for the first quarter because of the full scale operation of No. 4 blast furnace with a capacity of 4,323 cubic meters, the world's largest blast furnace, in that quarter.

Kobe Steel, Ltd., may not increase much, because it is permitted to make an advance production of 100,000 tons in the first quarter. At present, it is expected to produce a total of 2,100,000 tons in the first quarter, which may be slightly increased in the second quarter.

Nisshin Steel Co. also may not increase much next quarter. Its crude steel production in the current quarter (first quarter) is expected to be around 800,000 tons which will be slightly increased next quarter.

MARKET PRICES OF STEEL PRODUCTS SOARING FURTHER

Despite the emergency production and shipments of 247,000 tons of steel products (300,000 tons in terms of crude steel) and the second emergency production and shipments of 150,000 tons of steel items (208,000 tons in terms of crude steel) ordered by the Ministry of International Trade and Industry for the April-June quarter, shipments are not quick enough to meet requirements of the end users, and the market prices of small bar, H shape, small and medium shapes, plate, flat bar and square pipe have been raised by ¥1,000–¥2,000 per ton in a week.

"This is simply because demand is too strong and supply is short" is a word which is heard everywhere in this country at the moment. But the scarcity of the products is keener in the Kansai, Nagoya and Hiroshima districts. The dealers are busy accepting the flowing orders from the end users of the steel products, but hard to meet the requirements of prompt shipments. As a result, their backlogs of deliveries are rapidly increasing.

Further mark ups of ¥1,000–¥2,000 per ton are seen inevitable in a week or so.

CHINA REQUESTS 220,000 TONS OF SEAMLESS PIPES

China has requested the Japanese steelmakers to ship 220,000 tons of seamless steel pipes in the latter half period of this year, according to the reports received by the pipe producers from their delegation now visiting Peking.

The request is a little too large to the Japanese producers who will have to meet a large increase in steel demand in that period. They have reportedly offered only 180,000–190,000 tons of the seamless pipes demanded by Chinese.

However, the Japanese have asked a price increase of 30 percent over that of the last year. Most probably, the two parties will find a compromise in price and the volume of the shipments in line with the Japanese proposals.

DEMAND, PRICE ON STAINLESS STEEL SHEET SHARPLY RISING

Demand for stainless steel sheet has sharply been increased, and the monthly shipments to the domestic customers reach 24,000 tons at present, according to a spokesman for the Stainless Steel Equipment Cartel.

This is up 3,000–4,000 tons over the 19,000–20,000 tons in January and February, and also up about 10,000 tons, or 70 percent, over one year ago. Further increases of about 2,000 tons per month are expected to follow.

Prices also have sharply been raised. The ¥330,000–¥340,000 per ton are prevailing everywhere.

Export shipments also have been increased 3,000–4,000 tons to 15,000–16,000 tons per month. Demands from the non-U.S. areas have rapidly been increased even though the U.S. dropped to the bottom. The export prices are $1.140–$1.150 per ton f.o.b. at present.

The Cartel of the producers is to expire at the end of June. However, the producers are likely to maintain the suspension of operation of 6 sendzimir mills (one mill each) even in and after July because it seems hard to get enough manpower needed for reopening of the operation of mills. Moreover, they have enough capacity to increase production to some extent for the time being.

STRUCTURAL CARBON STEEL PRICE SOARS TO 85,000 YEN PER TON

The market price on machine structural carbon steel (SC) has now soared to the unprecedented ¥85,000 per ton in the spot deals. This is because of the dire short supply of the product while demand has sharply been increased these weeks, according to the dealers circles.

The ¥85,000 is an unbelievable price for the product even in the spot deals. However, this speaks fluently of the fact that the end users—mostly the medium-scale machine manufacturers—are hard to procure the product.

The short supply of SC item is partly due to the limited production by the major steelmakers who have been increasing their production of ordinary steel items. The major steelmakers account for more than 80 percent of the SC item production. Therefore, they are now being strongly urged to increase their SC production in order to mitigate the tightness of supply and to cool off the over-heated market price of that item.

However, seen from the major steelmakers, production of SC items is not so much remunerative as round bar steel, for instance, which sells at ¥46,000-¥48,000 per ton and is easy to produce.

OPERATION OF FUKUYAMA'S NO. 5 FURNACE TO BE ADVANCED

Nippon Kokan K.K. has decided to start operation of the No. 5 blast furnace at the Fukuyama Works at the end of September, one month earlier than previously scheduled, according to a spokesman for the company.

The construction work on the No. 5 blast furnace is rapidly progressing and now is slated to be completed by the end of September. The company has been expediting the construction work for the purpose of increasing production which is badly needed for meeting the unexpectedly strong demand for steel products.

At the same time, Nippon Kokan has decided to begin construction of the Ogishima Works in July next year. The works, at its first stage, will have a blast furnace with a capacity of 4,500 cu. meters, a large-type converter, a continuous steel casting mill, a blooming mill, a hot strip mill and a plate mill. Its annual production capacity will be 3 million tons in terms of crude steel.

Nippon Kokan plans to speed up the construction of the Ogishima Works as it is for replacing the Keihin Works which is rapidly becoming obsolete.

BRASS AND ROLLED COPPER DEALERS TAKE FIRM STAND

Dealers of brass and rolled copper products are not expected to cut considerably their sales prices of the products despite the ¥30 per kg cut in quotation of copper and a ¥5 per kg cut in the makers' net price of brass rod, according to the consumers circles.

This firm stand of the dealers are attributed to the fact that (1) demands for all the items are very strong and supplies are very short, (2) deliveries of the products from the manufacturers to the dealers have been lagging behind the schedules and the earliest delivery will be in August—in some cases it will be in September-October.

In the Kansai district, brass rod dealers are not likely to reduce prices because the supplies of brass rod of even basic sizes are short and deliveries of that item from producers now take 2 months. But dealers in the Kanto district have reduced the price of 25 mm size rod to Y420-Y415 per kg from Y425.

Copper and brass sheet dealers in the Kanto district maintain the price of Y700 per kg. Copper pipe dealers also is taking a firm stand because of short supplies.

OUTPUT OF ALUMINUM TOPS 1 MILLION TONS IN FISCAL YEAR 1972

Production of rolled aluminum except foil in fiscal 1972 registered 1,035,974 tons, up 30 percent over the previous fiscal year, it was disclosed by Light Metal Rolling Industry Association.

This is the first time that production has passed a 1 million-ton mark. This is because rolling mills have been operated at full capacity to meet the ever increasing demand.

The total is broken down to 415,460 tons of sheet and 620,514 tons of extruded items, an increase of 27.3 percent and 31.8 percent, respectively, over the previous fiscal year.

Production of foil totaled 57,830 tons, up 18.3 percent over the previous fiscal year. Details by items are given below (unit: ton):

Item	Fiscal year— 1971	1972	Compared with 1971 (percent)
Sheet	326,282	415,460	127.3
Extruded item	470,630	620,514	131.8
Total	796,912	1,035,974	130.0

Production of rolled aluminum in March totaled 102,416 tons, up 7,761 tons over a month ago, and shipments 101,865 tons, up 7,340 tons. Both production and shipments increased to over the 100,000-ton mark.

Itemwise, sheet totaled 39,899 tons, up 2,712 tons over a month ago and extruded items 62,517 tons, up 5,049 tons.

Details by items are as follows (unit: ton):

Item	Output	Shipments	Inventories	Shipments of semis	Production capacity
March:					
Sheet	39,899	40,013	14,267	5,022	43,771
Extruded item	62,517	61,852	5,015	1,350	62,207
Total	102,416	101,865	19,282	6,372	105,978
Foil	5,701	5,965	3,192		5,370
February:					
Sheet	37,187	37,532	14,375	3,857	40,971
Extruded item	57,468	57,093	5,300	1,222	60,952
Total	94,655	94,625	19,675	5,079	101,923
Foil	5,154	5,272	3,536		5,270

MARKET PRICES OF STEEL AND METALS

[In yen per MT unless especially indicated, as of May 28]

	Tokyo	Osaka	Nagoya	Kita Kyushu
IRON AND STEEL				
Round Bar:				
9mm	47,500	48,000	49,000	47,000
16-25mm	49,500	50,000	49,000	50,000
Flat Bar, 6x50mm	55,500	55,000	53,000	53,000
Equal Angle:				
6x50mm	51,000	51,000	50,000	48,500
10x90mm	51,000	52,000	51,000	48,000
Channel, 6x65x125mm	65,000	67,000	65,000	64,000
H-Shape, 9 14x250x250mm	54,000	54,500	53,000	54,500
Hot R, Sheet (3x6), 1.6mm	60,500	60,000	62,000	60,000
Cold R, Sheet (3x6), 1.2mm	64,500	60,000	63,000	59,500
Medium Plate, 3 2x3x6	60,000	61,000	60,000	62,000
Plate:				
6x4x8	59,500	59,000	59,000	60,000
9x4x8	56,000	59,000	58,000	58,500
Gas Pipe (black), 15A (½ inch) (per kg)	63.00	63.00	65.00	62.50
Water Pipe (white, 15A (½ inch) (per kg)	90.00	89.00	87.50	89.00
Galvanized sheet:				
Plain, 0.30 mm	72,000	72,000	72,000	74,000
Corrugated, 0.25 (per sheet)	210	217	213	215
Colored sheet:				
One side, plain, 0.30 mm	95,000	95,000	95,000	94,000
One side, corru, 0.25 (per sheet)	276	272	275	280
Wire rod, 5.5 mm		50,000		46,000
Round nail, 100mm (4 inches)	67,000	63,000	65,000	67,500
Iron wire, No. 8	57,000	60,000	62,000	62,000
Annealed iron wire, No. 8	66,000	64,000	66,000	65,000
Galv. iron wire, No. 8	70,000	67,500	69,500	71,000
Barbed wire, No. 14	88,000	88,000	89,000	87,000
Tinplate, 90L (0.257mm)	98,500	99,900		99,900
Wire Netting, 20x15mm (one roll)	2,350	1,900	2,000	1,950
Welded steel netting, (1 sq. meter):				
No. 4 (6x150mm)	240	250	260	235
No. 8 (4x100mm)	200	190	200	180
SPECIAL STEEL				
Constructural carbon steel (SC)	60,000	58,000	58,000	
Stainless Steel:				
SUS 430 (18CR)				
Sheet (2-6mm)	230,000	230,000	230,000	
SUS 304 (18-8)				
Sheet 0.3mm	450,000	450,000	465,000	
NONFERROUS METALS (PER KG)				
Electric copper	425	428	425	430
Electric zinc	140	137	138	138
Electric lead	121	120	120	110
Tin	1,195	1,205	1,200	1,215
Antimony	750	750	670	770
Nickel	1,170	1,180	1,250	1,270
Selenium	7,500	7,500	7,500	7,600
Bizmuth	2,900	2,900	3,000	3,000
Cadmium	2,400	2,400	2,250	2,400
Mercury	2,400	2,200	2,000	2,000
Aluminium	195	190	195	200
ROLLED COPPER AND BRASS (PER KG)				
Copper sheet, 2.0mm	700	680	680	
Copper tube, 50×5mm	750	750	740	
Copper rod, 25mm	690	700	680	
Copper wire, 0.9mm	675	660	660	
Brass sheet, 2.0mm	580	570	570	
Brass tube, 50×5mm	670	660	650	
Brass rod, 25mm	425	450	440	
Brass wire, 6mm	530	535	550	
ROLLED ALUMINIUM (PER KG)				
Sheet (99%), 1.0mm (400×1, 200)	310	310		
Circle, 1.0mm	345	345		
STEEL SCRAPS				
Special for electric furnace	20,600	20,500	20,500	21,500
Pig iron scrap	23,500	26,500	24,500	23,000
COPPER SCRAP (PER KG)				
No. 1 copper wire (Berry)	408	398	387	360
No. 2 copper wire (Birch)	375	345	347	331

I would like to read to you a letter I received from the Society of American Florists and Ornamental Horticulturists, another phase of our industry that is suffering because of unfair trade practices. The letter reads:

Hon. JOHN H. DENT,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: Yesterday I had the opportunity of speaking with one of the very able members of your staff, Mrs. Linda Black, regarding the unfair competition our American flower growers are receiving from imports coming from foreign countries. She was very courteous and was quite helpful.

The Society of American Florists is the national trade association representing growers, wholesalers, and retailers; and through affiliation, we have in our membership over 90 percent of our industry.

I am taking the liberty of sending along a statement of a representative of our Growers Division which was made before the Committee on Ways and Means. In fact, Mrs. Black indicated that you, yourself, gave testimony before that Committee yesterday morning.

Our growers are finding it almost impossible to compete with the Colombian growers who are being paid 25 cents an hour, $2 a day, $12 a week. The air transportation is equally low. You will note in the statement that there has been a tremendous increase in the number of imported carnations that are coming into our country from Colombia.

Management of the Society of American Florists was quite interested in your concept of trying to promulgate legislation equating the difference in wage rates with a foreign country with our own American wage rates trying to equalize prices at the market place.

Our industry will be very much interested in supporting fully a bill to bring about this equalizing influence. I am sure we could get most of the fruit and vegetable groups and many of the farm groups as supporters. Would there be an opportunity to introduce a bill of this nature during this session of Congress or would there be the possibility of attaching a rider to bring about this equalization on some other bill?

Although I have resided in Alexandria, Virginia, since 1943, I was born and raised in your district. My county seat was Greensburg, Pennsylvania, and just several years ago I sold our homestead farm near Murrysville. My wife and I still return to the Pittsburgh area with a great amount of regularity and know many of your constituents.

Your consideration of this request will be greatly appreciated.

Sincerely,

JOHN H. WALKER,
Executive Vice President.

Currently the farm gate value of U.S. florist crop production is approximately $350,000,000. We are requesting Government help in preventing the destruction of an important segment of agriculture, by imports priced below U.S. cost of production. Foreign imports are able to be priced low because of cheap foreign labor, government subsidy, favorable tax arrangements, cheap transportation, and use of fungicides and pesticides prohibited to the U.S. producer. The U.S. producer has done an exceptionally fine job over the last 25 years in increasing supply to meet demand. There has been an amazing stability of prices in the marketplace. This has been done without the influence of foreign imports. Now, U.S. producers are confronted with a situation whereby the domestic market for U.S. producers is severely threatened by a dramatic and overwhelming increase in the importation of cut flowers. For the major crops of carnations, chrysanthemums, and roses, the percentage of increase in importation is staggering.

I would like to highlight some specifics relating to cut-flower importation which, until recently, have not been of significant economic impact. However, circumstances which present an immediate threat of serious damage are rapidly occurring. I would like to cite carnation imports from Latin America as the best example of the real threat we are facing. Carnation imports have grown from less than one-half of 1 percent of domestic production in 1970 to 5 percent in 1971, 8.33 percent in 1972, and, so far in 1973 imports are more than doubling 1972. During the 21 weeks ending May 26, 1973, Latin American carnation imports increased from 21 million in 1972 to 50 million in 1973—a 138-percent increase—refer to USDA ornamental crops national market trends below.

As a result of carnation imports, many carnation producers in the United States were unable to sell significant portions of their production during the Easter holiday period or during the Mother's Day shipping period. The markets in the major population centers literally collapsed on Tuesday and Wednesday prior to Easter and Mother's Day. This is the first time in recent history there has not been demand exceeding supply during the Mother's Day shipping period. This demoralizing increase of foreign imports plus plans on the drawing tables, will result in production exceeding that of Colorado, the second-largest producer of carnations, in the United States, by the end of this year. This will represent over 20 percent of the domestic carnation consumption. It is the stated goal of Colombia, South America, to have at least 25 percent of the U.S. carnation market by next year.

The USDA report also reveals that imports are increasing rapidly for other floriculture crops:

IMPORTS OF ORNAMENTALS[1]

[Note: Based on reports of inspections by plant protection and quarantine program, U.S. Department of Agriculture. Rounded to the nearest thousand stems]

Item and country	Ending May 26, 1973[2]	Ending May 27, 1972[2]	Percent	Ending Dec. 30, 1972[2]
Carnations	50,634,000	21,305,000	+138	56,153,000
Colombia	44,966,000	17,854,000		47,828,000
Costa Rica	647,000	453,000		1,011,000
Ecuador	1,694,000	1,483,000		3,867,000
Mexico	2,016,000	1,253,000		2,491,000
Chrysanthemums	9,572,000	6,936,000	+38	15,866,000
Colombia	3,458,000	1,962,000		4,945,000
Costa Rica	359,000	272,000		983,000
Ecuador	1,204,000	1,094,000		2,672,000
Guatemala	4,186,000	3,480,000		6,716,000
Netherlands	180,000	40,000		294,000
Pompons	15,381,000	7,383,000	+109	25,241,000
Colombia	7,790,000	3,100,000		13,181,000
Costa Rica	767,000	674,000		2,612,000
Ecuador	606,000	529,000		1,197,000
Guatemala	6,175,000	2,992,000		8,035,000
Roses	2,077,000	685,000	+203	1,676,000
Brazil	387,000	62,000		114,000
Costa Rica	554,000	194,000		336,000
Guatemala	126,000	90,000		372,000
Netherlands	695,000	201,000		648,000
Daisies	4,902,000	2,022,000	+143	3,395,000
Colombia	1,912,000	460,000		1,617,000
Guatemala	2,520,000	1,475,000		1,623,000
Mexico	391,000	62,000		81,000
Orchids	10,000	1,000	+900	1,038,000
Australia	1,000			967,000
New Zealand				63,000
Statice	2,763,000	1,967,000	+40	2,542,000
Guatemala	1,050,000	984,000		1,097,000
Mexico	699,000	929,000		959,000
Chamaedorea	171,744,000	188,704,000	−9.9	366,038,000
Guatemala	46,712,000	57,861,000		131,546,000
Mexico	124,448,000	130,759,000		230,802,000
Tulips	2,289,000	1,765,000	+29.8	1,856,000
Netherlands	2,272,000	1,764,000		1,854,000

[1] Ornamental Crops National Market Trends, Vol. V, No. 21, Friday, June 1, 1973.

[2] 21 weeks.

The competition we face is based on low-cost labor, and minimum structures on about a 10-to-1 cost ratio. Labor in U.S. greenhouses costs $20 to $30 per day compared to not over $2 to $3 per day in Latin America. According to Sanford Rose, of Fortune magazine, April 1970, this Latin American labor is more efficient than often purported to be in this country. Greenhouse labor in the United States often is as much as 50 percent of farm gate value of crop sales and 30 to 40 percent is average.

Cost of construction in Latin America is often as low as 25 to 30 cents per square foot of producing area compared to $2.50 to $5 per square foot for an environmentally controlled greenhouse which is required to provide a consistent supply of quality products for the domestic market.

Some foreign countries, we are told, are subsidizing their agricultural producers as well as industrial manufacturers. For example, Canada, in low-employment areas, such as Nova Scotia, is subsidizing wages up to 50 percent and U.S. producers in border States are often in competition with plants and cut flowers produced under these subsidies.

Floriculture producers in the United States do not receive any Government subsidies and have never asked for any.

Our industry makes significant tax contributions to the local and national economy due to our very high investment per acre. Construction and production costs are increasing at a regular rate in this country. The floriculture industry is prepared to accept these increases and continue expansion if threat of destruction of domestic markets by foreign imports can be eliminated.

Foreign production is presently free to exploit our markets in an erratic manner while we are expected to make up for their inadequacies. There is little reason to presume there would be loyalty to U.S. markets by foreign producers should opportunities be greater elsewhere.

The United States has a tariff on floriculture products coming into this country of 10 percent based on the domestic price in the country of origin. This tariff is far from being sufficient to offset the differences in production costs in this country versus foreign countries.

The treatment of imports of bulbs, flowers, and plants by foreign governments presents an entirely different picture. Almost all, in addition to higher tariff rates than prevail in the United States, utilize one or more nontariff barriers.

U.S. growers are restricted in their ability to ship into many other countries. Embargos and nontariff barriers restrict flowers produced in the United States from being shipped into countries such as Australia, Mexico, Colombia, Equador, Guatemala, most European countries, Canada, and so forth. In some of these countries flower imports are prevented under any conditions.

In most foreign countries, value for duty is not the price paid to the exporter but includes all costs of shipping as well as turnover or sales taxes. The appraised value is inflated and results in paying taxes on taxes.

In general, rates of duty for many foreign countries are so high as to materially discourage the expansion of U.S. exports of ornamental horticultural products. We need only cite the 17 to 24 percent rates of the EEC on cut flowers against the 10-percent rate of the United States. This differential becomes much greater when we realize that included in the appraised value are the costs of shipping and the sales of turnover tax—(see appendix B).

Plant health measures are, on occasions, used to exclude shipments. We have no objection when such action is actually based on phyto-sanitary needs, but do object when they are applied to affect the economic end of protectionism.

Various laws and agencies of our Government are substantially increasing our costs but have no effect on foreign competition. EPA water control and pesticide regulations are two areas in which there has been substantial impact. Many chemicals are banned for many uses here in the United States, but are used on foreign produced imports into this country.

According to an article in the Wall Street Journal, our Government, under the auspices of the AID program, is loaning money to large wealthy U.S. corporations. They in turn are financing growers of floriculture products in foreign lands at interest rates as low as 9 percent when prevailing commercial rates would be as high as 18 percent annually. Our interpretation of such a program is that our own Government, in effect, is providing subsidies to create competitors to U.S. producers whose tax dollars make these very funds available.

The new OSHA requirements pose serious problems and add costs to our industry and are substantially increasing costs of production.

The previously mentioned Government regulations pose a serious threat to our industry themselves notwithstanding the import problem.

SUMMARY

There are 10,000 commercial cut flower growers in the United States. These thousands of growers supply thousands of jobs, paying good wages well above the national average for agriculture employees. These employees are unskilled laborers, many, members of minority groups who through jobs in floriculture production industry are able to maintain themselves and their families by making a positive contribution to the U.S. economy rather than providing a greater drain from public assistance programs.

In conclusion, let me state that the full economic impact of imports on the U.S. floricultural producers is just starting to be felt. The U.S. producer is on a collision course with economic chaos—unless some restrictions on the relatively free flow of foreign production can be developed almost immediately. The U.S. producer wants to continue to expand. He is ready to invest money to enlarge production facilities here in the United States if he can gain some assurance that his markets will not be destroyed by floods of foreign production. We need and urge the consideration of this committee and the Congress of the United States to give help in this imminent problem confronting our domestic floricultural producers. Note the following:

CUT FLOWERS AND FLOWER CUTTINGS TARIFF AND NONTARIFF BARRIERS IN SOME FOREIGN COUNTRIES

Tariff and nontariff barriers on cut flowers and cuttings into European countries and other countries of the world who are both producers of cut flowers and potential customers of United States growers:

EUROPEAN COUNTRIES

Tariff	*Nontariff*
June 1 to October 30, 24 percent.	Ireland, none.
November 1 to May 30, 17 percent.	Italy, none.
	United Kingdom, none.
	Netherlands, none.
	Bel-lux, quota and seasonal restrictions on roses and carnations.
	Denmark, licensing.
	France, licensing.
	West Germany, quotas.

INDIVIDUAL COUNTRIES

Tariff	*Nontariff*
Australia, 10 percent.	Cut flowers, permit required.
	Cuttings, quarantine period.
Costa Rica, 20 percent.	Cut flowers, phyto-sanitary certificate.
	Import permit.
	Cuttings, phyto-sanitary certificate.
	Import permit.
Ecuador, 90 percent.	Same as Costa Rica.
Guatemala, 20 percent.	Same as Costa Rica.
Colombia, 20 percent.	Cut flowers, imports prohibited.
	Cuttings, import permit.
Mexico, 20 percent plus 2 pesos per kilo.	Cut flowers, import permit.
	Cuttings, import permit.
	Phyto-sanitary certificate.
Venezuela, no fresh flowers.	

THE SPACE SHUTTLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, when the House considers the bill including the NASA appropriations tomorrow, I shall offer an amendment to delete all funding for the Space Shuttle.

For fiscal 1972, we appropriated $100 million for "research and development" on the Shuttle. We were told that this was merely to ascertain whether development is feasible and that any actual development would have to wait for the results of the studies. A similar explanation was offered when we appropriated $200 million for research and development in fiscal 1973.

Now—with the final report on whether it is a feasible endeavor still to come—the Shuttle is being presented to us as a full-scale project, budgeted at over $500 million in the bill recommended by the Appropriations Committee. This money is no longer for research and development, but for actual construction of the Shuttle and supporting facilities.

Neither justification for this project nor evidence of its feasibility has yet been advanced. The administration daily seeks new cutbacks in expenditures for pressing domestic needs. This is not the time to commit ourselves irrevocably to a project which will run for years and which will cost some $20 billion before it is finished.

In compliance with the requirements of clause 6 of rule XXIII, I include the text of my amendment at this point in the RECORD:

H.R. 8825

Page 9, lines 2–3, strike out "$2,194,000,000, to remain available until expended." and insert in lieu thereof "$1,719,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor."

Page 10, lines 2–19, strike out all of subparagraph (22) and redesignate the succeeding subparagraphs accordingly.

HOUSING AND URBAN DEVELOPMENT AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, I introduce today, on behalf of 13 members of the Housing Subcommittee, a bill entitled the "Housing and Urban Development Amendments of 1973".

This bill, reported unanimously by the subcommittee on June 13, makes various changes in laws relating to housing and urban development. Nearly all of the provisions of the bill were considered by the House Banking and Currency Committee or the Housing Subcommittee during the 92d Congress. The full Banking Committee is expected to consider the bill during the next few weeks.

A complete section-by-section summary of the bill will be available to Members and the public shortly at the subcommittee's office in room 2129 of the Rayburn Building.

U.S. POLICY TOWARD THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, this past month there has been considerable discussion in the press and in Congress about extensive arms sales the United States is making or contemplating with certain Persian Gulf states.

FOCI OF RECENT DEBATE

Three factors have served to make this subject a matter of major public interest and scrutiny in recent weeks.

First, an Iraqi-Kuwaiti border clash with temporary occupation by Iraq of a small piece of Kuwaiti territory and persistent Iraqi territorial demands on Kuwait—presumably in order to protect its naval base at Umm Qasr which is being built with some Soviet aid—has caused anxiety in Kuwait, a small but wealthy state which has friendly ties with the west, England and the United States in particular. Kuwait was prompted to make a sudden appeal and request to the United States for a deterrent strength that would be sufficient to make the costs for Iraq of attacking, occupying or conquering Kuwait in the future too high for Iraq to consider seriously. The United States answered that appeal affirmatively, and a more than $500 million deal may follow.

A second cause of the recent discussion of this issue was the probability that sophisticated weaponry, including the versatile Phantom jet, would be available to Persian Gulf states in limited quantities if they desired them. In the turbulent Middle East area where there is no peace yet in sight in the Arab-Israeli conflict, it seemed as though another large trigger or fuse was being added in the Persian Gulf region. The real concern here should not center on any speculation that these arms, sold to countries in the Persian Gulf, might be used in an Arab-Israeli military confrontation.

Indeed, these arms might likely have no significant impact on the military balance in the Middle East for the foreseeable future and nobody can guarantee that arms sold will not be used in a general Middle East war. The appropriate area of justifiable concern is in the general policy of pouring lots of sophisticated arms in an extremely volatile portion of the Middle East, known, not for exemplary regional cooperation, but instead for a plethora of territorial, ethnic, familial and political disputes over the last several hundred years.

A third major cause of the debate over our arms supply policy in the Persian Gulf has been the magnitude of the sales envisaged. The two primary deals will be with Iran and Saudi Arabia, two states with close ties with the United States but not exactly a history of close cooperation with each other. In deals starting a couple of years ago and spanning almost a decade, we will be selling these two states billions of dollars worth of arms—$2.5 billion alone to Iran and something that may eventually approximate that figure to Saudi Arabia. And on the horizon may be requests from some of the smaller Gulf states for arms deals, perhaps led by Oman, the only state in Arabia currently confronting an organized internal insurrection in which the rebels control part of the country.

These amounts suggest that the United States might be selling as much as five times more hardware to Persian Gulf states in the coming years than the Soviet Union has supplied to Iraq and the People's Democratic Republic of Yemen in recent years. Soviet aid to those states is estimated at a little more than $1 billion over the last several years.

REASONS FOR CONCERN OVER POLICY

My reservations over this evolving military supply policy center on the lack of a clearly enunciated rationale for the policy, the magnitude of the sales envisaged, the seemingly dominant military focus of our Persian Gulf policy and the relative absence of any priority for diplomacy as a means to prevent a conflict or arms race in this vitally important area. As I think most of my colleagues are aware, close and good relations with Saudi Arabia and Iran, in particular, will be an extremely important national interest for the United States for the next several years. That fact, in itself, demands careful attention to policy formulation.

Various rationales have been offered for our military arms deals in the Persian Gulf. Some are:

The military and political threat of Soviet-backed Iraq and South Yemen, with their operational Mig-21's, to the security of the more conservative states of the region and the corresponding need of other states to meet this threat. Assistant Secretary of State Joseph Sisco, in testimony before the subcommittee on the Near East and South Asia, emphasized this rationale.

If we do not sell arms, others, including our allies, will.

These sales are beneficial to our balance of payments.

These sales will create an important interrelationship between the United States and these oil-rich states and will, partially because of their need for spare parts in the future, give the United States some useful leverage in our dealings with these states.

The sale of Phantoms to Saudi Arabia and Kuwait, as Deputy Secretary of Defense William Clements suggested in a recent interview, can be seen also as a symbolic gesture to maintain excellent relations with the oil-producing states. Referring to the good qualities of the Phantom, he said Saudi Arabia and Kuwait would "like to have the best." The implication is that their desire to have this weapon is sufficient reason for selling it.

Mr. Speaker, some of these reasons given for our arms supply policy have merit and others, frankly, have little appeal, but all have been offered, suggesting to me, at least, that a clear rationale for the course we are following may be evolving only slowly and, at that, after the fact of confirmed deals in some cases.

OUR PERSIAN GULF POLICY

My major concern with this policy lies in its implications for the totality of what we are and are not doing in the Persian Gulf. It is curious that in an area where our pronounced policy puts such a heavy emphasis on regional cooperation and regional solutions to mutual problems of defense and security that there appears to have been little priority for diplomacy, coordination, and discussions prior to these arms deals. In fact the main evidence of regional cooperation in the Persian Gulf today is negative, rather than positive: disputes have not led to violence but close ties have not been built between states on the basis of sovereign equality. The one concrete example of regional cooperation to which I can point is Iranian, Saudi Arabian, Jordanian and Abu Dhabian participation in that nasty little Dhofar Rebellion in Oman. But that has an air of monarchies seeking merely to protect their own flanks.

Regional cooperation rather than regional domination or regional competition will be something we will have to work hard for over many years. It is my impression that the arms deals we are now making in the area are not harbingers of great cooperative schemes. Every state appears to be in the arms-buying business for itself, and for some of the states, close ties with the United States are a political liability rather than an asset. That fact, it would seem, strengthens the desire to "go it alone," militarily and politically. And down the road a few years, this current policy might make a sham out of the argument sometimes heard that these Arab States need the United States as much as the United States may need them for petroleum.

Mr. Speaker, the policy of increased military supply of arms and equipment in the absence of strong political, economic, and cultural policy components is, in my opinion, an unwise path to follow. Simply to curry favor with these governments by selling arms they want can never be an adequate reason for a policy. If the threat to these governments from Soviet-backed South Yemen or Iraq is perceived by us to be great or if our arms sales policies were buttressed by a political and economic policy that emphasized social and economic development for all the peoples of the gulf, then the sale of adequate amounts of arms, even Phantoms, could be properly seen as part of a coherent gulf policy.

Unfortunately, the United States does not seem to be focusing enough attention on our future economic relations with these states, including the downstream investment idea proposed by the Saudis, or on the urgent need to help bring negotiations and peace to the Middle East. A successful Persian Gulf policy will depend as much on these facets of our Mideast policy as it will on any military supply relationship.

In short, it appears to be high time for us to address the larger, more difficult issues of our political and economic relations with the gulf states rather than rely so much on the short-term benefits of the military supply policy.

TIERNAN AMENDMENT TO CUT SELECTIVE SERVICE FUNDS DESERVES STRONG SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, tomorrow the House will be considering, as part of H.R. 8825, the fiscal year 1974 budget for the Selective Service System.

Despite the fact that the President's induction authority expires in only a few days, and no one will be drafted in fiscal year 1974, the administration has requested $55 million to run the Selective Service System.

In considering that request, the House Appropriations Committee reduced it by $7.5 million, to $47.5 million. I applaud that reduction, Mr. Speaker, but it does not go far enough. Accordingly, I will support on the floor tomorrow the amendment which will be offered by the distinguished gentleman from Rhode Island (Mr. TIERNAN) to cut the Selective Service appropriation to $28 million, which the System itself estimates would be needed to close the System out.

In evaluating that amendment, I believe that my colleagues will benefit from reading an analysis of the fiscal year 1974 Selective Service System budget prepared by the National Council to Repeal the Draft. I insert the basic analysis at this point in the RECORD.

A SPECIAL BRIEFING ON THE FISCAL 1974 SELECTIVE SERVICE SYSTEM BUDGETARY REQUEST

THE PROPOSED SELECTIVE SERVICE SYSTEM (SSS) OPERATION FOR FISCAL YEAR 1974

925 local boards, 56 state and 1 national headquarters.

4340 paid employees and 34,483 unpaid employees.

Registrations and classifications planned: 2 million.

Examinations planned: 0.

Inductions planned: 0.

This plan is called the "standby" operation.

PRESENT AND RECENT SSS BUDGETARY REQUESTS

FY 1974: $55 million for the SSS; $15 million from GSA for SSS building rent equals $70 million total for *no* inductions.

FY 1967: $59 million for the SSS; $12 million from GSA for SSS building rent (est.) equals $71 million total for 288,000 inductions (est.).

THE CHANGED PURPOSE OF THE AGENCY

The SSS was organized as a means to provide the Armed Forces with conscript manpower. As will be seen from the following, such a need no longer exists. Next year's operation of the SSS is justified as insurance against *possible* future peacetime or wartime military manpower shortages. To evaluate this new purpose, one must consider the likelihood of such needs and also examine the proposed operation to determine whether or not the SSS can provide the insurance it claims.

WHY THE SSS IS NOT NEEDED FOR PEACETIME PURPOSES

"Use of the draft has ended. Henceforth, the Armed Forces will depend exclusively on volunteers." Former Defense Secretary Laird, January 27, 1973.

"The draft has ended . . . it should not be necessary to reinstate the draft in the future to meet our peacetime needs." Former Defense Secretary Richardson, March 21, 1973.

"The draft has ended and we have achieved an all-volunteer force. It has been demonstrated that we don't need the draft to meet our peacetime military requirements." Former Assistant Defense Secretary for Manpower and Reserve Affairs Kelley, April 25, 1973.

If in the future recruiting proves difficult, Congress has many options other than reinstituting Selective Service. Military manpower procurement is not simply a "draft or no draft" situation. These other options include: lowering manpower levels, increasing the use of women in the services, changing recruiting techniques, using more civilian employees, adjusting enlistment periods, raising salaries, and offering new fringe benefits—just as is done by employers everywhere. The use of these controls and not conscription has been our tradition for 160 years.

THE LITTLE LIKELIHOOD OF EXTENDED WAR REQUIRING DRAFTEES

"With the adoption of the Nixon Doctrine and the Congressional decision to offer adequate wages to first-term enlisted men, the only condition under which this country is likely to need draftees again would be if it became involved in a lengthy, large-scale, conventional ground war. Every indicator suggests the probability of this happening to be extremely remote. Nuclear weapons, new technologies, and new strategies have created military situations ranging from nuclear attack to guerrilla warfare. Considering these changes, it is almost inconceivable that a massive land war, with a requirement for millions of foot-soldiers will ever again develop. Only last month Deputy Defense Secretary Clements, in explaining the proposed 90% reduction in the strategic goods stockpile, stated that 'the President and the National Security Council are now thinking in terms of a one-year emergency.' It is clear that no such lengthy ground war is anticipated by those charged with the nation's security." Major General LeRoy H. Anderson, U.S. Army (Ret.), May 16, 1973.

WHY THE SSS IS NOT NEEDED FOR INITIAL WARTIME USE

"The President of the United States commands an active armed force of over 2¼ million men. On his own initiative, he may call up 1 million men from the Ready Reserves. With the consent of the Congress, 1½ million additional Ready Reservists and 500 thousand Standby Reservists may also be activated. Finally, many of the 600 thousand retired servicemen could be recalled to active duty. Thus, approximately 5½ million men—selected, trained, and experienced—are available at the outset of hostilities. In my opinion, these troops would be able to provide the necessary lead time to institute a draft in the unlikely event that one were needed.

"It should be noted that the presence of an active draft mechanism is no substitute for the trained reserves. The continuation of the registration and classification functions does not provide a single soldier ready to meet a sudden emergency. It is only after men have completed their training that they are able to contribute to military effectiveness." Major General LeRoy H. Anderson, U.S. Army (Ret.), May 16, 1973.

WHY THE STANDBY SSS DOES NOT PROVIDE THE INSURANCE THAT IT PROMISES

The standby SSS proposes to register and classify, but not examine, 2 million young men each year. Registration, during a time when there were no inductions, has caused problems in the past and no doubt will again. Some young men will assume that they don't have to register and others will not—either out of principle or oversight. Furthermore, the addresses of many of those who do register will soon be out-of-date due to the high mobility of the age group and the lack of urgency to report address changes.

Classifications not based on examinations are of dubious validity. The most recent Semiannual Report of the Director of the SSS makes this point well since it indicates the 73% of the men failed their (combined pre-induction and induction) examinations during the first half of the current fiscal year.

Local board members themselves will soon tire of participating in such a charade. The seeds of decay are embedded in any agency which has so little to do. Perhaps this is best illustrated by the SSS performance in 1950 after the System had been on standby for 17 months. During this period, registration, classification, and examinations continued. The Korean War began on June 24 with American troops involved from the beginning. Despite the standby condition, it was August 30—67 days after the war broke out—that the first men were inducted.

Contrast this with the performance of the new SSS agency in 1940. Although we were not at war and had no standby SSS, the first men were inducted just 63 days after the draft bill was signed by the President. In this case a War Department contingency planning group had written the bill, had prepared the forms and procedures, and had trained the Reserve and National Guard manpower to operate the System months in advance of need. There is no reason why today's Defense Department cannot do the same thing at a fraction of the cost necessary to operate the SSS bureaucracy.

RECOMMENDATION: FUND FOR CLOSING-OUT PURPOSES ONLY

When asked in May in the Senate Appropriations hearing how much money would be required to close out his agency, the SSS Director replied, "$8 million." Since that time he revised his estimate to "$28 million." Whatever the final amount turns out to be, it will be a one-time expense far less than the amount requested for the on-going operation.

PLIGHT OF PEOPLE OF LITHUANIA

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, once again I would like to call to the attention of the House the unresolved plight of the people of Lithuania. Recent developments in the international sphere have done much to alleviate the long-standing tensions between our country and the Soviet Union. Although this relaxation of tensions is long overdue and welcomed, we should not forget the policies of oppression and subjugation the Soviet Union has so willingly imposed upon its conquered territories. The Lithuanian people have long led the struggle against the communist system imposed upon them by the Soviet armies.

On June 15, 1940 Lithuania was forcibly annexed to the Soviet Union. Since then the history of Lithuania has been one of struggle against Soviet dominance. From 1944 to 1952 some 50,000 people died in protracted guerrilla warfare. Under Stalin, almost one-sixth of the people of Lithuania were deported to Russia and Siberia in an effort to subjugate the Lithuanian nation.

The struggle for freedom and religious expression goes on in Lithuania. As recently as last year some 17,000 Lithuanian Catholics signed a bitterly worded petition demanding an end to religious persecution. Continued religious persecution of the Lithuanian people resulted in the self-immolation of Romas Kalanta. This act triggered demonstrations in the area and resulted in two more people burning themselves to death. Such acts clearly demonstrate that the Lithuanian people have not acquiesced to Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and other Baltic States and during the second session of the 89th Congress we adopted House Concurrent Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations. I ask your support in urging the U.S. delegates to openly state the U.S. policy of nonrecognition and raise the Baltic question directly as Congress has specified.

THE HONORABLE NORRIS COTTON

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I take this opportunity to insert in the RECORD a statement by the Honorable NORRIS COTTON, U.S. Senator from the State of New Hampshire, concerning his proposed retirement:

STATEMENT BY SENATOR COTTON

Twenty-five years ago as a member of the House, I wrote my first "Report" to my folks back home in New Hampshire. These I have continued through the years from both the House and Senate with unfailing regularity except in recent months when the pressure of mounting duties and responsibilities have compelled me to send them only intermittently. These Reports, in many respects, have meant more to me than any of the many activities in which a Senator must be involved because they have not only been my closest contact with you but, writing every one of them myself, they have helped me to analyze the decisions I have had to make on hundreds of issues and the reasoning that led to those decisions.

Because these Reports have been my closest contact with you, I think it is fitting that I should make use of this one to tell you that next year when my present term as Senator expires, I shall not be a candidate for reelection.

Naturally, this has been a hard decision to make and, being only human, I make it with a deep feeling of unhappiness. Of course, there are reasons that can be advanced to rationalize my seeking to continue in the Senate, and don't think I haven't thought of them all. At 73 I appear to be in vigorous health and able to perform my duties with the same zest that I have in the past. Experience and seniority have placed me in a position to accomplish more for New Hampshire and exert a greater influence in national and international affairs than ever before. At the beginning of this Congress, I was elected Chairman of the Republican Conference which comprises all of the Republicans in the Senate. In that capacity I am a member of the official Leadership that goes to the White House periodically to consult with the President. I am the fourth ranking Republican in the Senate, first on the Commerce Committee, and third on the powerful Appropriations Committee. At the end of 28 years in the Congress—8 in the House and 20 in the Senate—it is hard to turn one's back on all of this and retire to rust on the shelf.

But there is another side to this picture and facts that, if faced, lead to an inescapable conclusion. Ruth, my wife, has a serious heart condition, complicated by a broken hip which, at best, may mean months of convalescence during which she needs me by her side. Thus, I couldn't carry on an active, statewide campaign. My years in politics have taught me that people, particularly the new, young voters, expect and have a right to see and weigh their candidates. But it would be unfair to Ruth to attribute my decision to her or trade upon a devotion she so richly deserves after our 46 years together. There are other compelling reasons for my determination not to run again.

The people of New Hampshire have been mighty good to me. They have elected me four times to the House of Representatives and four times to the Senate. Come next election I shall be 74 years old. I just don't believe I have the right to ask them to elect me for another six-year term at the end of which I would be 80. True, I am well able to do my job now, but I can testify to you from personal experience that due to the growth of our Nation and the complexity of problems confronting us, the job of a United States Senator becomes more burdensome every passing year. The people of New Hampshire are entitled to young, active, dynamic representation. Furthermore, odd as it may sound, a Senator has an obligation, insofar as it lies in his power, to neither resign nor die in office, thus enabling some Governor to appoint his successor and give a marked advantage to that person. The people of New Hampshire have been kind enough to elect me to the Senate. They, and they alone, should have the opportunity to choose my successor.

Incidentally, my term runs until January 3, 1975, and I intend to render you the best service in my power to the very last day. Therefore, this will not be my last Report because there are things which must be said and I can say them better as a noncandidate.

I hate to go. I can think of no greater privilege than the one you have granted me of serving in the United States Senate. Its associations deepen and mellow as the years go by, and the greatest days are the latter days. I think of the words of Rollin Wells in his poem, "Growing Old":

> "A little more tired at close of day,
> A little less anxious to have our way;
> A little less ready to scold and blame,
> A little more care of a brother's name;
> And so we are nearing our journey's end,
> When time and eternity meet and blend."

STATUTES ARE NOT NEGOTIABLE

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, as many in this House know, I have raised what I believe are serious constitutional questions about the legality of General Haig's White House status while remaining on active duty as a four-star general in the U.S. Army.

In the past several weeks I have conducted intensive research into the question, and have sought a ruling from the Comptroller General of the United States on the matter. My research has already been presented here on the floor of the House. Now, I have received the Comptroller General's ruling, and include his response here for insertion in the public RECORD:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., June 15, 1973.

Hon. JOHN E. MOSS,
House of Representatives.

DEAR MR. MOSS: We have received your letter dated June 7, 1973, submitting further information and questions concerning the status of General Alexander H. Haig, Jr., USA, Vice Chief of Staff of the Army, who, as you know, is currently serving as an Assistant to the President. Specifically you ask the following questions concerning General Haig:

Is he presently a civil officer of the government or is he a military officer?

In the event of misconduct, who would he be answerable to, military or civil law?

Who is now the vice chief of staff of the United States Army, or who is the acting vice chief of staff?

Is he still chargeable to the Pentagon's budget at a rate of pay for a four star general, including the perquisites of the office of the vice chief of staff, or is he now being maintained on the White House budget?

Is he exercising the functions of a civil office or not?

General Haig holds the rank of general in the Army and to our knowledge is the Vice Chief of Staff of the Army, a position authorized by 10 U.S.C. 3035 to be filled by the detail to it of a general officer. Reportedly, he is receiving only his pay and allowances as a general and Vice Chief of Staff of the Army and is chargeable to the Pentagon's budget. As a member of a regular component of the armed forces, General Haig remains subject to the provisions of the Uniform Code of Military Justice. See 10 U.S.C. 802(1). However, for misconduct which is not service connected he would be subject to the jurisdiction of the civil courts. See *O'Callahan* v. *Parker, Warden,* 395 U.S. 258 (1969).

In regard to whether General Haig, while serving as Assistant to the President, is exercising the functions of a civil office, that could only be ascertained by us by a monitoring of the duties he is performing. That is a procedure we are not in a position to invoke.

As we advised you in our letter of May 30, 1973, we understood that General Haig's duties are such as may be assigned by the President as Commander-in-Chief, but are not the defined duties of any particular office. However, we also pointed out in our letter that the announcement of General Haig's appointment as Assistant to the President made on May 4, 1973, by White House Press Secretary Ronald L. Ziegler included the statement that "In this role, General Haig will assume many of the responsibilities formerly held by H. R. Haldeman. These responsibilities include coordination of the work of the White House Staff and administration of the immediate Office of the President." See Weekly Compilation of Presidential Documents, Monday, May 7, 1973, Volume 9, Number 18, page 450.

Subsequently, on May 10, 1973, in announcing other appointments and changes in the Administration, Press Secretary Ziegler stated in part as follows:

"Also, this morning, the President again referred to the fact that he had appointed Alexander Haig to fill the interim role which Bob Haldeman previously filled as Assistant to the President and that Alexander Haig would be continuing in this position for the immediate future."

See Weekly Compilation of Presidential Documents, Monday, May 14, 1973, Volume 9, Number 19, pages 661, 662.

Prior to his resignation, Mr. H. R. Haldeman occupied the position of Assistant to the President, apparently one of the six positions authorized by 3 U.S.C. 106 at pay rates as provided by 3 U.S.C. 105. Our view, as expressed in the May 30 letter, is that the position Mr. Haldeman held is a civil office within the meaning of 10 U.S.C. 973(b).

An announcement dated June 6, 1973, was released by the Office of the White House Press Secretary. That announcement reads in pertinent part as follows:

The President today made three announcements relating to the senior staff of the White House.

General Alexander M. Haig, Jr., will retire from active duty in the Army effective August 1, 1973, and will be appointed Assistant to the President. *In this capacity General Haig will continue to exercise the same general responsibilities he has held since rejoining the White House staff on an interim basis in May.* These include coordination and supervision on the day-to-day operations and responsibilities of the White House staff. (Emphasis added.)

In view of the June 6, 1973, announcement, in conjunction with the previous White House announcements made on May 7 and 10, 1973, concerning General Haig's duties, and the press reports to which you refer, the strong indications, based on such circumstantial evidence, now are that General Haig has been, and is continuing to perform in his interim position of Assistant to the President, essentially the duties which Mr. Haldeman exercised while occupying one of the offices created by 3 U.S.C. 106. On that premise, while, as stated above, we cannot categorically say that General Haig is exercising the functions of a civil office, it now is our view that a violation of the statute is indicated.

Of course, after General Haig's retirement from the Army there would no longer be a question of whether by serving as Assistant to the President he is violating 10 U.S.C. 973(b), since that law applies only to Regular officers on the active list and not to retired officers. See 25 Comp. Gen. 38, 41 (1945) and 25 Comp. Gen. 203 (1945).

We trust this serves the purpose of your inquiry.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

As a result of this ruling, added to an overwhelming weight of evidence, research and historical precedent, I have addressed the following letter to the Attorney General of the United States, asking him to enforce 10 U.S.C. 973(b) as it stands. Also noteworthy is that there is ample precedent for a Federal Attorney General to act in such a manner against a professional military officer illegally occupying or intending to occupy a civil position. The text of my letter to Attorney General Richardson follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 21, 1973.

Hon. ELLIOT L. RICHARDSON,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you may know, a number of questions regarding the legality of General Alexander Haig's status in the White House have been raised in the past several weeks. In the course of asking many such questions, I have sought an interpretation of the appropriate statute from the Comptroller General of the United States. In particular, I have specific reference to 10 U.S.C. 973(b), which I believe the General is daily violating by his present dual status. It says:

"Except as otherwise provided by law, no officer on the active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Guard may hold a civil office by election or appointment whether under the United States, a territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment."

Simultaneous to seeking this opinion from the Comptroller General, I have researched the entire subject intensively, and have made my communication to the head of the General Accounting Office, plus the fruits of that research public through presentation on the floor of the House. I am including both presentation and letter here for your own information and use.

As a result of such research and public questioning, the Comptroller General has delivered an opinion significantly clarifying the situation. Bear in mind that as of today and since his original appointment more than a month ago to his present duties by the President, General Haig has played a role in both the civilian and military worlds. Until he actually leaves military service, in fact, he remains a four-star general on active duty performing partisan political functions within the White House.

Viewing his status in that light, which is, I believe, the only proper way, the Comptroller General has ruled that General Haig remains today a general officer of the Army, is subject to rules of military justice, is chargeable to the Pentagon's budget, yet is seemingly exercising as of this moment the partisan political functions of a sensitive civil office. It is now the view of the Comptroller General that a violation of the statute in question is indicated.

I enclose a copy of the Comptroller General's letter and ruling for your information and reference.

In the past, as the enclosed research will clearly show, Attorneys General have ruled against professional military men holding any civil offices. In 1870, the Federal Attorney General ruled, after examination, that General George Meade, victor at Gettysburg, could not hold a civil office for the City of Philadelphia, preventing him from accepting such an office. Another well-known case involved a similar ruling by a Federal Attorney General, preventing General William Sherman from acting as Secretary of War because he still held a military commission. So, there is ample precedent for similar action on your part in the present situation.

If the present status of General Haig is unlawful, and the Comptroller General's letter indicates that it is, we are observing a serious evasion of law by our highest authority. Ostensibly, it is being perpetrated for General Haig's personal gain and profit in terms of higher retirement benefits, which is both an indefensible legal reason and an unworthy motive for those parties involved. Surely a President, especially in light of recent events and revelations, would not bend the law in this way for such a questionable purpose.

It is essential that we settle this question now, rather than letting time eliminate the problem temporarily, thereby setting the worst possible precedent. Inaction will allow the American people to believe the President seeks to ignore the law and is using time as his weapon with which to defy and defeat the statute in question.

In light of cumulative weight of evidence, research, precedent and decision, this appears to be a clear violation of the law. Therefore, I formally request that you, as Attorney General, enforce the statute in the case of General Alexander Haig, Jr.

Sincerely,

JOHN E. MOSS,
Member of Congress.

The issue is clear, The statute is clear. The precedents are overwhelming. Laws are not passed to be obeyed selectively. Nor are they placed on the books by a Congress representing the people to be warped for temporary political advantage or financial gain of any single individual or small group of persons. Every added day that passes with General Haig occupying two different positions in blatant violation of statute is further reinforcement of one of the most dangerous precedents a democracy can allow. If Mr. Richardson wishes to retain his priceless and tenuous credibility in the existing situation, let him forthwith enforce the law. That is his main job. Strict impartial enforcement of the law, I might add, is something America has seen little of in recent months.

AMERICAN HOSPITAL IN PARIS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to amend the charter of the American Hospital in Paris to remove the limitation on the maximum number of members of its Board of Governors.

By its charter, the Board of Governors is limited to 20 members. My bill proposes to eliminate this restriction. The hospital could then offer board membership to certain individuals—both men and women preferably in the lower-age bracket—who represent our country in business and Government and who evidence some interest in maintaining and promoting better health services. They would hopefully be in a position to help financially, either themselves or through contact with other individuals who might become contributors.

This hospital was founded in 1910 and was incorporated by an act of Congress (37 Stat. 654), approved January 30, 1913, as a nonprofit institution for the express purpose of serving Americans, with or without funds, residing in or traveling in France. Through the years, it has earned an international reputation for providing outstanding medical care to its patients.

The complex task of managing this hospital is made even more complicated by the effort currently being made to expand the facilities and to rebuild and modernize many of the buildings, some of which date back to 1910 and are no longer useful or economical to operate.

Working with the help of U.S. management engineers, the American Hospital has also begun to improve further the quality of its health care delivery system by developing a biological and scientific research institute as part of the hospital complex. This, they expect will lead to an even greater exchange of scientific ideas and talent. In this connection, some financial assistance through AID's program to help American schools and hospitals abroad is anticipated. However, the major part of the money needed for the project will be privately subscribed.

According to the hospital's consultants, the demand for the use of the hospital facilities will more than double over the next 7 to 10 years. This amendment to the charter will allow the hospital to expand its Board of Governors to help it meet the continuing challenge to provide medical care to the American community of Paris.

PROPOSED PROPERTY TAX REDUCTIONS

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, today I am introducing legislation on behalf of myself, Mr. Baker, Mr. Brown of Michigan, Mr. Cleveland, Mr. Danielson, Mr. Derwinski, Mr. Froehlich, Mrs. Heckler of Massachusetts, Mr. Hinshaw, Mr. Hosmer, Mr. Mallary, Mr. Pike, Mr. Rhodes, Mr. Stanton, Mr. Treen, Mr. Yatron, and Mr. Young of Illinois, which specifically permits local jurisdictions to use general revenue-sharing funds for the purpose of property-tax reduction.

When the Congress enacted the State and Local Fiscal Assistance Act, the understanding among many Members and local governments was that general revenue-sharing funds could be used to lower local property taxes. Chairman Mills in a colloquy on the House floor, for example, stated:

> The money can be used to reduce the local taxes . . .

According to the survey released June 19 by the Department of the Treasury, 8 percent of the local jurisdictions proceeded on that understanding and expressed the intention to use the Federal moneys for tax relief. Yet last March 15, a Federal district court in Atlanta cast doubt over the legality of such action in its ruling the case of Mathews, et al. against Massell, et al.—referred to as the "Atlanta Case".

The Atlanta case stemmed from an attempt by the city of Atlanta to indirectly use its general revenue-sharing funds for a water/sewer rebate. The city's purpose was to provide its citizens tax relief, yet avoid the probability of a future reduction in its revenue-sharing allocation due to a failure to maintain local tax effort. The court ruled, however, that Atlanta's action was in violation of section 103(a) of the act—that portion of the act restricting local use of revenue-sharing funds to priority expenditures. Judge Richard C. Freeman reasoned:

> There is a clear difference, however, between funds which are legitimately freed up by the designation of federal Revenue Sharing funds to provide municipal services which otherwise would have to have been paid for out of general City funds, and funds which are transferred from one account to another simply to avoid the restrictions imposed by § 103(a) of the Act.

The Office of Revenue Sharing in its brief of Mathews against Massel declared:

> The main issue debated relating to the Act was whether the Act restricts only the entitlement funds themselves, or whether it also governs the "freed-up" (or displaced) moneys.

Yet the Office concluded that any fear that—

> The decision does not permit a government to extend tax relief to its citizens . . . is unfounded.

Section 103(a) of the act does not list tax reduction as one of the priority expenditures. Any local tax reduction eminating from general revenue sharing, therefore, must result from "freed-up" funds. But using the Office of Revenue Sharing's own interpretation of the central issue in the case, we find that "freed-up" funds cannot be used for a nonpriority expenditure.

Significantly, the court declared:

> The actions of defendants . . . show clearly that the steps taken by defendants were designed to carry out a plan to return $4.5 million in Revenue Sharing funds to certain taxpayers, the defendants having decided to confer such tax relief by way of rebates on the water/sewer accounts.

In other words, the court fully considered the rebate a form of tax relief. But the opinion nowhere questions the legality of the specific method of tax relief. Thus the Atlanta case decision seems not based on any issue involving the specific method of tax reduction.

How then can a local jurisdiction use general revenue-sharing funds for tax relief? Seemingly it cannot. The act specifically disallows the direct use of the moneys and the Court appears to disallow the indirect use of the moneys.

Congressional clarification of this question is not only important, because of the number of local jurisdictions involved, but also because of the penalty provision within the act, section 123 (a) (3). The provision directs that expenditure of the funds to nonpriority areas are subject to a 100-percent penalty unless the violation is otherwise corrected after notice and an opportunity for corrective action. Thus while there would be a period for "corrective action" should local governments not be able to give tax relief, the consequences of taking "corrective action" would certainly cause mammoth budgetary problems for the unit involved.

I am not arguing that the ruling in the Atlanta case definitely eliminates the use of general revenue-sharing funds for tax reduction, although I am inclined to that belief, but I am arguing there is great cause for concern. It would behoove the Congress, therefore, to make the matter clear. The bill we have introduced would do so.

A PROGRAM WE CAN DO WITHOUT

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I am opposed to the further expenditure of funds for the Atomic Energy Commission's so-called Plowshare program. The purpose of this program is to utilize nuclear explosions for peaceful purposes. Under this program, there have been a number of nuclear detonations for gas stimulation which have been termed "successful," but the Nation is yet to see one ounce of gas flow into the pipelines which go to the consumers of America.

Project Gasbuggy which was detonated on December 10, 1967, near Farmington, N. Mex., and Project Rulison which was detonated September 10, 1969, near Grand Valley, Colo., both now contain water. It concerns me that this water is contaminated with nuclear material and may flow into nearby streams and rivers.

In this connection I would like to point out that a recent study sponsored by the National Science Foundation concluded that Project Rulison was an economic failure. At a cost of $11 million it is yielding gas that would be worth only $1.5 million if it were of high quality and uncontaminated, which it is not.

The Rio Blanco multinuclear detonation experiment or pilot test which was recently conducted in Colorado is about to be opened up by AEC experts to determine first hand what happened. If it follows the pattern of previous experiments the AEC will determine that it was "successful." More money will be spent but still we will not have a product which will ease the energy shortage. The follow-on experiment to Rio Blanco was scheduled to be Wagon Wheel and was to be detonated in Wyoming. It is now "dead as a doornail" to quote AEC Chairman Dixy Lee Ray.

It is my understanding that the full field development of multiple nuclear explosives underground such as occurred in Rio Blanco and which are contemplated in Wagon Wheel would mean 5,000 wells and 3 to 5 times that many detonations pounding the Earth under the citizens of Colorado and Wyoming.

It is my opinion that it is unreasonable to use the people of my State, or any other State, to assume the burden of this untried technology. It is also farfetched to believe that thousands of nuclear detonations underground would not in some significant way pollute the waters of the Colorado River system.

I believe that underground nuclear technological programs such as those being pressed by the AEC under its Plowshare program are uneconomical and potentially dangerous to our environment. They do little, if anything, to ease the energy shortage. In fact, an argument can be made that they actually detract from the search for ways to ease the energy shortage by taking funds from more realistic conventional ways to meet the energy crisis.

I strongly believe that funds totaling about $3 million should be deleted from the nuclear Plowshare program and placed instead into programs to develop the peaceful uses of atomic energy through our highest priority nuclear energy development effort, thermonuclear research or other energy programs. These efforts will aid our Nation in easing the energy crisis which has rapidly enveloped us.

A BILL TO CONVEY CERTAIN LANDS TO THE CITY OF ALEXANDRIA, VA.

(Mr. PARRIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PARRIS. Mr. Speaker, I am today introducing legislation which will convey to the city of Alexandria, Va., certain lands of the United States located in that city along the shoreline of the Potomac River. This bill would transfer Federal title and claims to approximately 48 acres of fast and submerged lands to the city of Alexandria.

Title to the Alexandria waterfront property in question has been clouded by the fact that it is currently impossible to determine the location of the high-water mark of 1791, which serves as the boundary line between Alexandria and the District of Columbia. Over the years since 1791, a substantial portion of the river bottom has become dry land. Because of these changes on the south bank of the Potomac, a 1934 boundary commission advised that the 1791 high-water mark can never be redetermined. The commission, therefore, recommended that the property in question be given to the city of Alexandria and the private holders of interests occupying the area. The Congress followed up on this suggestion in 1945, but added a reservation that the United States would not relinquish any title claim it may have to these lands.

As a result of this reservation, the landowners in the area have been unable to perfect their titles and obtain title insurance. Development of this area is, and has been, at a standstill for some years. Many of my colleagues are undoubtedly aware of the unhealthy, deteriorated and unslightly situation which has developed along the waterfront; the area is currently cluttered and filled with debris, and is for the most part both inaccessible and uninviting to the general public.

According to the provisions of the legislation which I am today introducing, upon transfer of title to the area by the Federal Government, the government of the city of Alexandria would develop a specified land use plan, to be kept on file in the National Park Service offices. Thereafter, the city would be responsible for enacting and maintaining zoning ordinances, and insuring future development of the area in compliance with that land use plan. In addition, the city would construct, within 10 years, a pedestrian mall through the area for public use.

A substantial portion of the area would be preserved for the enjoyment of all as public parks and recreational areas.

Mr. Speaker, Alexandria is an old and historic city, which I am proud to represent in the Congress. I, as well as many other elected officials and residents of the city, consider the carefully planned development of the waterfront area to be vital to the economic growth of the city, as well as a substantial contribution to its historical and esthetic significance.

Unless the Congress takes action to resolve the existing legal entanglements and arrive at some solution to the dispute in the reasonably near future—a solution acceptable to and which recognizes both the Federal Government's possible interest in the land as well as the rights of the property owners—we can expect additional and serious deterioration of the area. In a time when this Nation is making preparations for its Bicentennial, it occurs to me that the beautification and planned development of the Alexandria waterfront is not only necessary but desirable, and would greatly contribute to the public's enjoyment of the celebration.

Although my bill may not be considered perfect by everyone, it is my hope that it will prove to be acceptable to all. In my opinion, not only is the solution which I propose economically feasible, but I am certain that it will resolve the legal entanglements, greatly improve the city, and contribute to the use and enjoyment of the waterfront area by both the residents of that area and the general public.

H.R. 8825

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, unfortunately official business will cause me to be absent tomorrow when the House of Representatives is expected to consider H.R. 8825, a bill making appropriations for the Department of Housing and Urban Development and certain independent executive agencies. I am particularly interested in the appropriations for the Veterans' Administration.

The funds contained in this measure will, of course, be used to provide veterans' benefits and services for the next fiscal year. I have reviewed with great interest the report of the Committee on Appropriations on H.R. 8825.

I am extremely gratified to note that the committee has no intention of effecting budgetary slashes at the expense of the Nation's veterans. On the other hand, the recommended appropriation appears to recognize our responsibility to the Nation's taxpayer.

I am most pleased that the committee has recommended the full amount requested by the President for veterans' medical care of $2,606,153,000 plus an additional $14,350,000 to be used in hiring 1,000 nurses and related staff engaged in direct patient care.

In the event that current budgetary estimates are inadequate, the committee has wisely stated that it stands ready to favorably entertain consideration of future justified proposals submitted by the administration to supplement medical care funding provided in this bill. Mr. Speaker, this bill provides a record high budget for veterans' medical care. These funds are needed if the Veterans' Administration is to continue providing excellent medical care.

I hope the appropriation for the Veterans' Administration will be approved.

AID TO EDUCATION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, yesterday I brought to the attention of the House the first results of a questionnaire which I sent to all 18,000 school districts in the country on Federal aid to education. That survey showed that, as of a few weeks ago, approximately 50,000 teachers had already been notified that their contracts would not be renewed in September because of the continued uncertainty about Federal aid to education. Another 130,000 teachers, teacher aids, and other personnel are also in jeopardy of losing their jobs during this upcoming school year. The education of 8 million schoolchildren will be severely hampered if the positions of these educators and administrators are terminated.

Within a few days we will have the opportunity to resolve this uncertainty about Federal aid. The Labor-HEW appropriations bill will be on the floor early next week. If we move decisively on that bill, we will have gone a long way toward resolving this issue.

We must, however, also pass a continuing resolution next week which assures continued Federal support for education until the appropriation bill becomes law. Since the Senate Appropriations Committee has scheduled hearings into September on the Labor-HEW appropriation bill, enactment of that bill may be as late as the last few weeks of September or even early October. Therefore, if these programs are to be funded for the first few weeks of the school year we will have to provide for that funding through a continuing resolution.

In that continuing resolution we must provide for specific levels of funding for these educational programs. Otherwise, the administration has already announced that it will cut back aid to education by at least $500 million.

We must also provide in both the regular appropriation bill and in the continuing resolution that no local educational agency will receive less in title I funds than it received last school year. If we do not take this section in both bills, many of the poorest States in the Nation will lose from one-half to one-third of their title I funds due to an outmoded formula.

Mr. Speaker, most school districts have to adopt budgets for the upcoming school year in the preceding January, February, or March. Usually school districts have enough trouble with Federal aid because they do not know until June or July how much aid they are going to receive.

But if we do not pass the appropriation bill next week and also do not pass a continuing resolution requiring specific levels of funding until the appropriation bill becomes law, we will be forcing school districts to begin the school year with no assurance at all concerning the amounts of Federal aid which they are going to receive. This would obviously wreak havoc with any rational planning for programs; and, as I have already stated, this has resulted so far in 50,000 teachers being notified that their contracts will not be renewed in September.

I would like to insert in the RECORD at this point a sampling of statements concerning the problems encountered in planning at the local level without knowing how much Federal aid is to be provided. These statements were sent to me by school superintendents from throughout the country in response to the questionnaire which I sent out 3 weeks ago.

From Dade County, Miami, Fla.:

The lack of definitive information at this late date regarding program funding or funding level places a tremendous additional burden on school districts. The uncertainty of funding will make it increasingly more difficult to identify and retain capable personnel for these programs.

From Lansing School District, Lansing, Mich.:

It is and has been for a long time a continuing frustration for school systems to attempt to plan programs without having any knowledge of what the level of financial support is going to be from the Government. Not only are we forced into a process of haphazardly and quickly implementing programs for which there has been insufficient lead time, we are also forced to curtail ongoing programs.

From Waldo School District, Waldo, Ark.:

School people need to plan in the Spring for the Fall term. An administrator cannot dismiss a staff in the Spring and expect to rehire them in the fall.

From Sherrill, Ark.:

The uncertainty of the Federal programs virtually eliminates any planning at all. Without preplanning most programs cannot be very effective.

From East Stroudsburg Area, East Stroudsburg, Pa.:

Program planning and coordinating activities are impossible under present conditions.

From Ruthven Consolidated School District, Ruthven, Iowa:

You cannot run a program if you do not know how much money you are going to have to run it.

And from MSAD No. 70 plus Union 117, Houlton, Maine:

At this point in time we are operating on faith—I shudder to think of the serious consequences if Federal aid is not forthcoming.

REVOLUTION IN EDUCATION—TRAINING MORE PEOPLE FOR JOBS IN THE "REAL WORLD"

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, each year in this country nearly two and a half million students leave our school systems without any real training to equip them for working. These include elementary and high school dropouts, high school graduates with no specific training, and college students without any real focus or skill. While some blame for this must be accepted by the school system itself which has traditionally placed the highest value on academic preparation for college, parents and society generally have looked on vocational education as "second-rate education" for the less able student.

I have been encouraged with reports indicating that the pendulum is swinging. Student enrollment in all levels of vocational education has nearly doubled in the last 6 years. Community colleges have made the greatest strides, and 4-year colleges and high schools are also increasing training courses and enrollments.

The June 25 issue of U.S. News & World Report includes an article recording a turnaround in the attitude of young people and their elders towards vocational education—skill-training for real jobs in the world of work.

Following is the text of that article:

REVOLUTION IN EDUCATION—TRAINING MORE PEOPLE FOR JOBS IN THE "REAL WORLD"

Vocational training, downgraded for years as "grease education" and something "for somebody else's children," is suddenly winning respectability.

High-school and college enrollment in vocational education has tripled since 1960—in courses that range from refrigeration repair to photography, from metal-working to horticulture.

Federal, State and local spending on this type of training has jumped 1,000 per cent in the same period. Trends are shown in the chart on page 51.

Vocational-technical training today is centered in vocational high schools, State and local colleges, manpower-training agencies, some 7,000 proprietary trade schools, and on-the-job training programs in industry.

Although vocational enrollments have been increasing in high schools in recent years, they now appear to be leveling off, with the emphasis shifting to the nation's 1,141 two-year community colleges.

Significant change.—All the new interest in occupational studies is hailed as "the largest single initiative toward educational change at this time." That assessment comes from Sidney P. Marland, Jr., Assistant Secretary for Education in the Department of Health, Education and Welfare.

Evident among students, parents, educators and government officials is a growing feeling that the American learning system is not preparing young people adequately for jobs. Nor is it felt to be meeting the rising need for technicians of all kinds.

In high schools, critics claim, there is too much emphasis on college preparatory work; in colleges, too much concern with pure academics.

Government statistics show that nearly 2.5 million youngsters leave formal education every year without adequate preparation for working careers.

At the same time, there is a serious shortage of skilled and semiskilled workers. According to the National Advisory Council on Vocational Education, more than 2 million jobs are going begging while "the educational treadmill continues to turn out students who are untrained, unskilled and unemployable."

Is college necessary? Parents weighing the value of a college education for their children are being told by experts that, by 1980, only 1 out of every 5 jobs in this country will require a four-year degree.

"I've seen entirely too many students enter academic studies because their parents did not understand the value of a vocational education," said Frank L. White, for many years a professor of industrial education at Temple University in Philadelphia.

"Parents should understand that it isn't at all necessary for a man to be in the professions to achieve a full, happy, productive life. Tradesmen and artisans are doing better today than they've ever done before, not only financially but socially."

A survey of graduating classes at five Pennsylvania colleges, just completed for the Department of Labor, reported:

"Many students do not believe they are leaving college with critical or unique job skills. Most have received little, if any, hard data about the job market. . . . Many students feel that they were forced to make career choices at a time when they had little real information about the job market and career alternatives."

Against this background, HEW's Mr. Marland has made "career education" the first priority of the U.S. Office of Education. The principle is that every American schoolchild has the right to public instruction which prepares him either for immediate employment or higher education.

Learning about work. Writing in "Science," a publication of the American Association for the Advancement of Science, Mr. Marland called career education "the key to reform in contemporary American education." He added:

"In the primary grades, children should learn more about the world of work and the various roles they might play in it.

"In the middle grades, experience and practical observation of career areas that are of most interest should be provided.

"In high school and postsecondary education, children need the opportunity to learn specific skills to lead them to meaningful employment."

Commenting on the growth of occupational education beyond high school, Edmund J. Gleazer, Jr., president of the American Association of Community and Junior Colleges, said:

"This is where the real action is on the community-college campus at this time. This kind of experience has gained new respectability as opportunities for the professional have diminished in the face of a changing economy.

"Suddenly, it has become acceptable for an individual to 'go to work.' "

Many four-year State colleges also are joining the vocational movement. One example is Northeast Louisiana University in Monroe, which recently added two-year degree programs in dental hygiene, photojournalism, broadcasting and ornamental horticulture.

"What is remarkable about these two-year programs," said Allan W. Ostar, executive director of the American Association of State Colleges and Universities, "is that they are designed specifically so that, upon completion, a student may step competently into a job, or the student may continue his education to get a four-year degree and exit at a different occupational level.

"Two problems hamper the acceptance of the career-education concept in State colleges and universities," Mr. Ostar went on.

"One problem is the misconception of status. Two-year degrees are regarded as not quite as valuable or as good as four-year degrees. This could not be farther off the mark. Quality and need determine status.

"I would much rather be a good engineering technician that the job market needs than a poor philosopher who is not employable."

Upward trend. In the mid-'60s, only about 13 per cent of those enrolled in community colleges were in vocational education. Now the figure is between 40 and 50 per cent, and at some schools it is more than 50 per cent.

"This trend is likely to continue," said Andrew S. Korim, specialist in occupational education for the community college association, "and the resources of colleges haven't yet caught up with this interest."

"The reason more people are interested in occupational education is that they are more sophisticated in terms of how they can build a good standard of living. There is a general feeling that baccalaureate degrees and even master's and Ph.D.'s are no guarantee that you're going to be employed."

Mr. Korim noted that interest in vocational training has increased not only among students from "blue collar" families but also among students from more affluent homes.

"Job opportunities are expanding as new fields such as health and environmental services open up," he said. "Occupational education goes beyond the old vocational education of the machine-shop—extending into the area of paraprofessionals, management training and the preparation of technicians to work with scientific teams.

"This broadens the scope of job opportunities tremendously, expanding the chances for work entry at lower levels.

"Local and State governments are becoming professionalized, so that it's what you know rather than who you know that gets you jobs in this field. New opportunities are opening up all the time for policemen, firemen, correctional officers, social workers."

For a close look at occupational education in action at the community-college level, a "U.S. News & World Report" correspondent toured California's fast-growing system of two-year institutions.

In these colleges, more than 61 percent of the 934,000 full and part-time students take courses to qualify them for specific jobs.

Leland P. Baldwin, the assistant chancellor for occupational education, reported this trend:

"The number of occupational-education students has been growing each year at a faster rate than the number of academic or general-education students."

A matter of cost. Program development, as always, is controlled by the amount of money available each year.

"Occupational programs, in balance, are more expensive than academic programs," Mr. Baldwin said. "Heavy equipment is needed for shops and trades. In nursing, there is a requirement to have one instructor for every 12 students, and that is costly."

Registered-nursing courses are offered at 54 of the system's colleges, and there are long waiting lists for them.

At Laney College in Oakland, about half the students are in occupational education.

"A tremendous number are waiting to take photography, vocational nursing, cosmetology, air conditioning and refrigeration," said Herbert Schlackman, an assistant dean. He said interest was as high among black students as white.

Welding is another popular course at Laney. Each time there is a class vacancy, someone is taken off the waiting list and allowed to begin, even in mid-semester. "We don't want to make people wait any longer than they have to," a teacher said.

Students voice enthusiasm. Bob Howe, 18, who dropped out of his liberal-arts courses last autumn to go in for welding, said: "I didn't feel there was much that liberal arts could do for me. I like welding. It seems more interesting than office work."

MARITIME SKILLS

Santa Barbara City College has a unique program to train marine-diving technologists, which it started in 1968 to meet the needs of the oil industry for men to work on underwater rigs.

Graduates of this two-year course are reported to be starting work at around $7,000 a year, with an earning potential of up to $24,000 annually as they progress in the business.

Of the 43 in this program who will graduate in June, 19 are on the dean's list. "Some might have been 'C' students in high school," a teacher said, "but they have something that seems meaningful and has been worth working hard for."

Californians' interest in occupational education extends to all races. In 1971, there was a minority representation of more than 22 per cent in these community-college courses —8.6 per cent students with Spanish surname, 7.6 per cent blacks and 4.6 per cent Asians and American Indians.

Staff members of "U.S. News & World Report" found that in high schools there is just as much interest and enthusiasm in occupational education—but there are more problems.

One problem, especially in urban schools, is a shortage of facilities for the students who are crowding in.

AROUND THE NATION

New York City's vocational high schools are operating at 120 per cent of capacity and still have many more applicants than they can accommodate. Deep budget cuts have decreased the number of shop teachers 16 per cent in the New York system and trimmed shop periods from four to three a day.

In Chicago last month, 600 students from Westinghouse Vocational High School staged a sit-in at the board of education to protest against what they called safety hazards and poor learning conditions at their school.

A visit to vocational high schools in Detroit finds many administrators discouraged of lack of money.

The administrators conceded, however, that their technical machinery is fairly up-to-date. The auto industry donates surplus engines and training manuals to auto-mechanics classes. The Detroit chapter of the Air Force Association plans to buy a surplus jet aircraft for students at the Aero Mechanics High School.

In Detroit's black community, administrators reported, there is "unfortunate, tremendous" pressure on young people to go to college instead of taking vocational training. Confirming this, Maurita Coley, a senior, said: "Practically all the older people I know have encouraged me to go to college." So, after she graduates from high school, she plans to attend Michigan State University and major in business administration.

Supporters of career education agree that much remains to be done to make vocational training appealing to today's students.

Large numbers of Americans, they said, still have to be convinced that vocational work is not "second-rate education for second-rate people." They also cited these needs.

More up-to-date curricula, focusing on new and emerging occupations and national priorities as they are developed in Congress.

More modern equipment to teach the trade skills the nation needs.

Better guidance in career choices and better placement services for students who have learned a trade or technical skill.

More cooperation from business and industry in all phases of vocational training.

The National Advisory Council on Vocational Education is calling for a single federal board to coordinate the administration of all vocational-education and job-training programs.

"The present delivery system is not reaching all the students and adults who should benefit from these programs," said Council Chairman James A. Rhodes. He added that some authorities believe a federal-board approach would save up to 100 million dollars.

Academic dissent. Vocational leaders must also come to terms with academicians who question the wisdom of regarding schooling, from kindergarten through college, as occupational training.

In its current issue, "The American School Board Journal" takes a critical look at career education and asks: "Will the current craze ease one of education's burdensome tasks—or is it beckoning the schools to an orgy of anti-intellectualism?"

Despite such fears, educators agree that the growing appetite of young people for career training is likely to influence educational budgets of States and cities for some time to come—and that ultimately it will have a major effect on the trained-labor resources of the nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Carey of New York (at the request of Mr. O'Neill) from 6 p.m. today on account of official business.

Mr. Cronin (at the request of Mr. Gerald R. Ford) from 4:30 p.m. today through the balance of the week on account of official business.

Mr. Danielson (at the request of Mr. O'Neill) for today and Friday, June 22, on account of illness in family.

Mr. Hinshaw (at the request of Mr. Gerald R. Ford) from 4 p.m. today and for tomorrow, June 22, on account of official business.

Mr. Rooney of Pennsylvania (at the request of Mr. O'Neill) from 4:30 today until 5 p.m. on June 22 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Ketchum), to revise and extend their remarks, and to include extraneous matter to:

Mr. Forsythe, today, for 5 minutes.

(The following Members (at the request of Mr. Ryan) and to revise and extend their remarks and include extraneous matter:)

Mr. O'Neill, for 30 minutes, today.

Mr. Alexander, for 15 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.
Mr. Dent, for 30 minutes, today.
Mr. Stark, for 5 minutes, today.
Ms. Abzug, for 10 minutes, today.
Mr. Barrett, for 5 minutes, today.
Mr. Drinan, for 5 minutes, today.
Mr. Aspin, for 5 minutes, today.
Mr. Hamilton, for 15 minutes, today.
Mr. Matsunaga, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ketchum) and to include extraneous material:)

Mr. Keating.
Mr. Landgrebe in 10 instances.
Mr. Steelman.
Mr. Archer.
Mrs. Holt.
Mr. Wyman in two instances.
Mr. Spence.
Mr. Goodling.
Mr. Anderson of Illinois.
Mr. Mallary.
Mr. Smith of New York.
Mr. Hansen of Idaho.
Mr. Crane in five instances.
Mr. Derwinski.
Mr. Froehlich.
Mr. Findley.
Mr. Scherle.
Mr. Baker.
Mr. Heinz.
Mr. Bob Wilson.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mr. Matsunaga in five instances.
Mr. Karth in two instances.
Mr. Roybal in 10 instances.
Mr. Hamilton.
Mr. Gonzalez in three instances.
Mr. Breckinridge in 10 instances.
Mr. Rarick in three instances.
Mr. Badillo.
Mr. Fauntroy in 10 instances.
Mr. Mazzoli in two instances.
Mr. Long of Louisiana.
Mr. Corman in three instances.
Mr. Nedzi.
Mr. Fuqua.
Mr. Dorn in three instances.
Mr. William D. Ford.
Mr. Brademas in six instances.
Mr. Kyros in two instances.
Mr. Carey of New York in three instances.
Mrs. Schroeder.
Mr. Clay in five instances.
Mr. Riegle.
Mr. White.
Mrs. Chisholm.
Mr. Zablocki in two instances.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 22, 1973, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1057. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to transfer Saint Elizabeths Hospital to the District of Columbia; to the Committee on Education and Labor.

1058. A letter from the President, National Railroad Passenger Corporation, transmitting a report of an investigation regarding information received from the Penn Central Railroad concerning on-time performance of its trains; to the Committee on Interstate and Foreign Commerce.

1059. A letter from the General Counsel, Council on International Economic Policy, transmitting a draft of proposed legislation to amend the Export Trade Act, as amended, to provide for clarification of law, for prior Federal Trade Commission clearance of export trade associations, and for other purposes; to the Committee on the Judiciary.

1060. A letter from the American Symphony Orchestra League, Inc., transmitting the audit report for fiscal year ending March 31, 1973, pursuant to Public Law 87-817; to the Committee on the Judiciary.

1061. A letter from the Chairman, National Board, Civil Air Patrol, transmitting their annual report for 1972, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

1062. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report showing grants for scientific research to nonprofit institutions during 1972 pursuant to Public Law 85-934; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1063. A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes; to the Committee on Government Operations.

1064. A letter from the Comptroller General of the United States, transmitting a report entitled, "Army Air Defense: The Sam-D Program"; to the Committee on Government Operations.

1065. A letter from the Comptroller General of the United States, transmitting a report of the Federal catalog program and associated progress and problems in attaining a uniform identification system for supplies; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ICHORD: Committee on Internal Security. Annual report of the Committee on Internal Security for the year 1972 (Rept. No. 93-301). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8813. A bill to amend the Federal Railroad Safety Act of 1970 to extend the authorization for appropriations thereunder for 1 year; with amendment (Rept. No. 93-302). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 8245. A bill to amend Reorganization Plan No. 2 of 1973 (Rept. No. 93-303). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 7423. A bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (Rept. No. 93-304). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 8877. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-305). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 2261. A bill to continue for a temporary period the existing suspension of duty on certain istle (Rept. No. 93-306). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 2323. A bill to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper; with amendment (Rept. No. 93-307). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 2324. A bill to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap (Rept. No. 93-308). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON: Committee on Ways and Means. H.R. 3630. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; with amendment (Rept. No. 93-309). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 6394. A bill to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973, with amendment (Rept. No. 93-310). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6676. A bill relating to the dutiable status of manganese ore, including ferruginous manganese ore, and manganiferous iron ore; with amendment (Rept. No. 93-311). Referred to the Committee of the Whole House on the States of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8215. A bill to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976; with amendment (Rept. No. 93-312). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8217. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; (Rept. No. 93-313). Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 453. Resolution waiving points of order against H.R. 8825. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93-314). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 454. Resolution authorizing the Speaker to entertain motions to suspend the rules during the week of June 25, 1973; (Rept. No. 93-315). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 455. Resolution waiving points of order against the bill H.R. 8877. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes;

(Rept. No. 93–316). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 456. Resolution providing for the consideration of House Joint Resolution 542 concerning the war powers of Congress and the President; (Rept. No. 93–317). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 8876. A bill to improve congressional control over budgetary outlay and receipt totals, to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding, to establish for the fiscal year 1974 a ceiling on total Federal expenditures, and for other purposes; to the Committee on Rules.

By Mr. FLOOD:

H.R. 8877. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. ANDERSON of Illinois (for himself, Mr. Cronin, Mr. Findley, Mr. O'Brien, Mr. Railsback, and Mr. Zwach:

H.R. 8878. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns: to the Committee on House Administration.

By Mr. BARRETT (for himself, Mrs. Sullivan, Mr. Ashley, Mr. Moorhead of Pennsylvania, Mr. Stephens, Mr. Gonzalez, Mr. Reuss, Mr. Hanna, Mr. Widnall, Mr. Brown of Michigan, Mr. J. William Stanton, Mr. Blackburn, and Mrs. Heckler of Massachusetts):

H.R. 8879. A bill to make various changes in laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. BENITEZ (for himself, Mr. de Lugo, and Mr. Won Pat):

H.R. 8880. A bill to extend certain uninsured residents of the United States in Puerto Rico, the Virgin Islands, and Guam, the social security benefits normally provided to individuals who have attained age seventy-two and who fulfill other special conditions; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 8881. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. BROOKS:

H.R. 8882. A bill to amend the Act entitled "An Act to incorporate the American Hospital of Paris", approved January 30, 1913 (37 Stat. 654): to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 8883. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 8884. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of that act; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 8885. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. FORSYTHE (for himself, Mrs. Grasso, Mr. Fauntroy, Mr. Won Pat, Mr. Bingham, and Mr. Harrington):

H.R. 8886. A bill relating to the dutiable status of fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep (except lambs) and beef prepared in airtight containers and beef prepared whether fresh chilled or frozen and lamb or mutton prepared or preserved; to the Committee on Ways and Means.

H.R. 8887. A bill to repeal the statutory authority to impose quotas on certain imported meat and meat products; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 8888. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Conyers, Mr. Dellums, Mr. Harrington, and Mr. Rangel):

H.R. 8889. A bill to provide for loans for the establishment and/or construction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHUM:

H.R. 8890. A bill to amend the Immigration and Nationality Act to eliminate the procedures for voluntary departure with respect to certain aliens illegally in the United States and to increase the penalties for the illegal entry of aliens, and for other purposes; to the Committee on the Judiciary.

H.R. 8891. A bill to amend the Immigration and Nationality Act to require the Attorney General to employ additional personnel to patrol the land borders of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 8892. A bill to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardizes the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS (for himself, Miss Jordan, Ms. Abzug, Mr. Wolff, Mr. Burton, Mr. Cleveland, and Mr. Adams):

H.R. 8893. A bill to amend the Youth Conservation Corps Act of 1972 (Public Law 92–597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. MELCHER:

H.R. 8894. A bill to authorize the Secretary of Agriculture to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOSS (for himself, Mr. Adams, Mr. Goldwater, and Mr. Van Deerlin):

H.R. 8895. A bill to direct and authorize the Secretary of Transportation to make an investigation and study for the purpose of determining the social advisability, technical feasibility, and economic practicability of a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRIS:

H.R. 8896. A bill to convey to the city of Alexandria, Va., certain lands of the United States, and for other purposes; to the Committee on the District of Columbia.

By Mr. RANGEL (for himself, Mr. Hawkins, Mrs. Collins of Illinois, Mr. Dellums, Mr. Podell, Mr. Mitchell of Maryland, Mr. Nix, Mr. Diggs, Mr. Sarbanes, Mr. Harrington, Mr. Moakley, Mr. Ashley, Mr. Riegle, Mr. Green of Pennsylvania, Mr. Edwards of California, Mr. Won Pat, Ms. Schroeder, Miss Jordan, Mr. Young of Georgia, Mrs. Burke of California, and Mr. Waldie):

H.R. 8897. A bill making appropriations for the Office of Economic Opportunity for the fiscal year ending June 30, 1974; to the Committee on Appropriations.

By Mr. REGULA (for himself, Mr. Burgener, Mr. Conlan, Mr. Guyer, Mr. Huber, Mr. Johnson of Colorado, Mr. Martin of North Carolina, Mr. Parris, and Mr. Young of Alaska):

H.R. 8898. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Committee on Foreign Affairs.

By Mr. RHODES:

H.R. 8899. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

H.R. 8900. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. RODINO:

H.R. 8901. A bill to amend sections 2734a (a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 8902. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

H.R. 8903. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 8904. A bill to amend section 426 of title 33, United States Code for the purpose of authorizing the Army Corps of Engineers to undertake emergency erosion control projects; to the Committee on Public Works.

By Mr. RONCALLO of New York:

H.R. 8905. A bill to amend chapter 113 of title 18, United States Code, to prohibit certain acts concerning stolen gravestones in interstate commerce; to the Committee on the Judiciary.

By Mr. RUPPE (for himself, Mr. Seiberling, and Mrs. Heckler of Massachusetts):

H.R. 8906. A bill to provide for a study of the availability of a route for a trans-Canada oil pipeline to transmit petroleum from the North Slope of Alaska to the continental

United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEELMAN (for himself, Mr. Wylie, Mr. du Pont, Mr. Frenzel, Mr. Abdnor, Mr. Coughlin, and Mr. Cronin):

H.R. 8907. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. THOMSON of Wisconsin (for himself, Mr. Baker, Mr. Brown of Michigan, Mr. Cleveland, Mr. Danielson, Mr. Derwinski, Mr. Froehlich, Mrs. Heckler of Massachusetts, Mr. Hinshaw, Mr. Hosmer, Mr. Mallary, Mr. Pike, Mr. Rhodes, Mr. J. William Stanton, Mr. Treen, Mr. Yatron, and Mr. Young of Illinois):

H.R. 8908. A bill to amend the State and Local Fiscal Assistance Act of 1972 to make it clear that local governments may use amounts freed by revenue sharing for tax reduction; to the Committee on Ways and Means.

By Mr. FOUNTAIN (for himself, Mr. Broyhill of North Carolina, and Mr. Randall):

H.R. 8909. A bill to establish a Federal Legal Aid Corporation through which the Government of the United States of America may render financial assistance to its respective States for the purposes of encouraging the provision of legal assistance to individual citizens who are in need of professional legal services for prosecution or defense of certain causes in law and equity; to the Committee on Education and Labor.

By Mr. HEINZ:

H.R. 8910. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 8911. A bill to provide for salary deposits by the Clerk of the House of Representatives in financial organizations; to the Committee on House Administration.

By Mr. ROSTENKOWSKI (for himself, Mr. Murphy of Illinois, Mr. Kluczynski, Mr. Johnson of California, Mr. Annunzio, and Mrs. Collins of Illinois):

H.R. 8912. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DIGGS (by request):

H.R. 8913. A bill relating to benefits for employees of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOGAN (for himself and Mrs. Holt):

H.R. 8914. A bill to amend the act of April 9, 1966, so as to provide for the acquisition of Oxon Hill Manor for use as the official residence for the Vice President of the United States; to the Committee on Public Works.

By Mr. O'BRIEN:

H.J. Res. 631. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. ROGERS:

H.J. Res. 632. Joint resolution to designate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. WALSH:

H.J. Res. 633. Joint resolution providing that certain mass transit services operated wholly within one State shall be subject to regulation by that State, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H. Res. 452. Resolution to amend the Rules of the House of Representatives to establish as a standing committee of the House the Committee on Energy, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCHNEEBELI introduced a bill (H.R. 8915) for the relief of Stephen W. McCormack, Capt., U.S. Air Force, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

259. By the SPEAKER: A memorial of the Legislature of the State of Colorado, relative to allocating fuel to the agricultural sector of the economy; to the Committee on Interstate and Foreign Commerce.

260. Also, memorial of the Legislature of the State of South Carolina, relative to allocating fuel to the agricultural sector of the economy; to the Committee on Interstate and Foreign Commerce.

261. Also, memorial of the Legislature of the State of Georgia, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relative to student assignment in public schools; to the Committee on the Judiciary.

262. Also, memorial of the Legislature of the State of New Hampshire, relative to providing social services for the communities under the Social Security Act; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

242. The SPEAKER presented a petition of Douglas A. Bentsen, Oakland, Calif., and others, relative to initiating impeachment proceedings against the President of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BIOMEDICAL RESEARCH: STARVING SCIENCE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. KYROS. Mr. Speaker, I am pleased to note in Newsweek magazine for the week of June 25 an article by Dr. George D. Pappas, a professor of anatomy at the Albert Einstein College of Medicine in New York, and a personal friend of mine.

George Pappas is a native of my State of Maine; in fact, he and I both grew up in Portland, where we attended school together. Dr. Pappas did his undergraduate work at Bowdoin College in Brunswick, Maine, and pursued his advanced degree at Ohio State University.

Dr. Pappas, who is also secretary of the American Society for Cell Biology, represents an outstanding member of what may be a vanishing breed of scientists. The administration has unfortunately, proposed the elimination of future research training grants for medical scientists. My colleagues and I on the Public Health Subcommittee have attempted to reverse this trend. Our National Biomedical Research Fellowship, Traineeship, and Training Act of 1973 is predicated on the finding that the success and continued viability of the Federal biomedical research effort depends on the availability of excellent scientists and a network of institutions of excellence capable of producing superior research personnel.

George D. Pappas is one of those superior research scientists, and I am pleased to share with you his eloquent statement regarding the continued need for biomedical research.

STARVING SCIENCE

(By George D. Pappas)

As a bio-medical scientist who also trains future researchers and physicians, I apparently belong to a superfluous species or one that the present Administration doesn't wish to multiply. That seems to be the message of the 1974 Nixon budget, which proposes to eliminate research training grants for future medical scientists.

In a budget that includes a $1 billion expenditure for an atomic aircraft carrier (probably obsolete) allotments in the past for training grants have been minuscule—amounting to approximately $134 million annually. Yet these funds (now to be phased out altogether), meticulously administered by the National Institutes of Health and distributed to medical schools and universities in 45 states, have achieved awesome results: they have enabled American medical schools to increase their enrollments and at the same time provide the finest quality of education available anywhere in the world; and they have insured a continuous supply of the kind of research talent that has made possible spectacular strides over the past decade.

How then can Administration spokesmen tell us that we are "ivory-tower elitists" and that our work is not "relevant" to the nation's needs? This view reflects a failure to distinguish between medical engineering and basic research.

A FAMILIAR EXAMPLE

The most familiar example is poliomyelitis. The great breakthrough in this field was John Enders's discovery that viruses could be grown in monkey-kidney cultures. Enders was not working specifically on polio but was chiefly concerned with the role of viruses in cancer. What followed—the Salk and Sabin vaccines and the techniques of immunization—was engineering, scientific technology of the most brilliant kind.

Another scourge of mankind that we have virtually conquered is tuberculosis. This story also began with basic research in 1943 when Selman Waksman—a professor of soil biology—discovered streptomycin. Or take the use of L-Dopa to relieve the symptoms of Parkinson's disease. Dr. George Cotzias, who was responsible for the development of this treatment, was initially interested not in neurological disorders but rather in the basic role that trace metals play in the body's metabolism. He knew that Chilean manganese-mine workers often develop Parkinson-like symptoms. His studies led him finally to L-Dopa.

One could fill many pages with a list of the contributions by American research scientists to the betterment of human and animal health. However, I am not suggesting that we preserve the training grants out of a vainglorious desire to remain "first" in medical science, though this seems to me a legitimate source of national pride. There are better reasons. The only real "economies" in health care in our time have been the result of medical research. A quarter a century ago, U.S. hospitals were filled with patients with infectious diseases which have virtually vanished by reason of new vaccines and drugs. As recently as 1960 there were 10,000 quadraplegic victims of polio in institutions. At current hospital costs, the prevention of polio—which began with John Enders's basic research—has yielded annual savings of a third of a billion dollars. A decade ago TB sanatoriums dotted the landscape. They have disappeared with the costly hospitals that once housed children with rheumatic fever and its consequences.

All these gains were in the tradition of what might be called nineteenth-century medical science—problems of how to kill invading microbes that cause sickness without the treatment killing the host. Today we have reached a new frontier, typified by the problem of cancer. This is not simply a question of dealing with an invader, a foreign body, but of finding out why and how a cell changes its function. Similar enigmas face us in studying coronary disease, arthritis and other crippling ailments and the causes of mental illness.

The things we are doing in the field of cell biology may seem esoteric; but in fact they are going to give us the clues to solving the great mysteries that still plague us. I, for example, spend my summers at the Marine Biological Laboratory in Woods Hole, Mass., working on the brains of fish and lobsters. Nerve impulses travel from nerve cell to nerve cell via specialized connections called synapses. We want to find out how the structure of the synapse allows communication between nerve cells. We impale the nerve cells with microelectrodes so that we can send a minute electric current from one cell and record this signal in a nearby cell. Next we apply drugs to the preparation and watch what happens to the recorded message. Then we look at this tissue with the aid of the electron microscope to judge the effect of the drugs. Out of the work—and the work of many other investigators in the field—we will one day have the answer to such questions as the nature of memory, consciousness and learning.

In recent years we have made great strides in the understanding and control of the immune systems. As a result, 85 per cent of kidney transplants survive, and blue babies are a thing of the past. We are at the threshold of learning to direct the immune responses to destroy, selectively, the cancer cell.

THE TOOLS OF RESEARCH

Only since the end of World War II have we had the tools for this kind of research, notably the electron microscope; and only since the Russians put up Sputnik has the Federal government provided the wherewithal for the undertaking. With the sudden discovery that we were lagging badly in basic science the Congress appropriated substantial sums to support science, especially biology. The grants also provided an indirect subsidy for medical schools and universities. If they are withdrawn the impact on many fine institutions will be grave.

Most ominous, however, is the prospect of drying up the supply of new talent on which scientific progress depends. We are not in any way pampering these future scientists; they receive stipends ranging from approximately $2,000 to $8,000 a year, without which they could not afford to dedicate themselves to research and teaching careers.

The Administration's decision to terminate the training grants seems to be based on a misapprehension of the nature of science. Thus, increased sums are appropriated for cancer and heart disease to be spent on contracts rather than on basic research projects. There are large sums for contract work of a bio-engineering nature, one example being the design of a less expensive, improved artificial kidney machine. This is humanitarian and worthy. But a machine is only a crutch. And it is cruel to cut off support for the basic research that will one day tell us what causes the malfunction of kidney cells and thus enable us to eradicate a major cause of human suffering.

Fortunately, there appear to be in the hall of Congress a number of men and women who grasp the realities of medical science. And I, for one, have sufficient faith in the American people—who have become extremely sophisticated about the quality of medical care and increasingly aware of the benefits of basic science—to believe that they, through their representatives in Washington, will reverse a short-sighted, pennywise and potentially disastrous Administration decision.

GADSDEN COUNTY TO CELEBRATE 150TH BIRTHDAY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. FUQUA. Mr. Speaker, this year the people of Gadsden County, Fla., are proudly celebrating their 150th anniversary of the creation of their county.

It is significant to note that this was the fifth of the counties created in Florida and was established on June 24, 1823.

It was named in honor of James Gadsden—1788–1858—a South Carolinian who served Gen. Andrew Jackson as aide-de-camp during the Florida campaign of 1818.

Gadsden County is rich in agricultural tradition. It is one of the two major centers in the Nation for the production of shade tobacco and the men who know how to produce the best possible leaf in this, perhaps the most expensive field crop grown, live in Gadsden County.

It is rich in legend and even richer in its people. Some of the finest people I have the privilege of knowing make their homes in the north Florida county.

For a little over 10 years now, I have had the privilege of representing the people of Gadsden County in the Congress. I can say with all candor that they are a pleasure to serve. They are progressive in spirit, determined to overcome all of their obstacles, and preserve a heritage rich in culture and charm.

The people of this county have been blessed with many priceless natural resources. These are augmented by great people who face the future with the determination to see that they are properly developed and that the economic well being of the county continues to grow.

Congratulations are in order and I wanted to take this opportunity on the floor of the House of Representatives to wish the people of Gadsden County a most happy 150th birthday.

KENT STATE: A FRESH LOOK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. RANGEL. Mr. Speaker, when four college students are shot to death and nine others wounded by members of the National Guard, Federal action is clearly called for. It is now over 3 years since the Kent State University killings. The National Guardsmen who fired their rifles have not, to this day, openly accounted for their actions. The parents whose children were lost on that day, 50,000 citizens who signed a petition calling for the convening of a Federal grand jury, and millions of other concerned Americans have waited for such an account. But the Department of Justice has adamantly and consistently refused to order a Federal grand jury investigation of the shooting.

However, just days ago, Attorney General Elliot L. Richardson directed the Justice Department to take "a fresh look" at the Kent killings.

I commend Mr. Richardson for initiating these first steps in the long trek toward justice. I sincerely hope that Justice Department involvement culminates in a full-scale Federal investigation of the tragedy that was Kent.

A recent New York Times editorial entitled "Kent State Scrutiny" dealt with this subject. It is now submitted for the attention of my colleagues in Congress:

KENT STATE SCRUTINY

In ordering the Justice Department to take "a fresh look" at the May 1970 shootings at Kent State University, Attorney General Elliot L. Richardson seems to be taking a fresh look at the Justice Department itself. His directive to subordinates to determine whether the Government's hasty exit from the case "was properly founded" may be a hopeful sign of a new approach.

In 1971 John N. Mitchell, then the Attorney General, decided against the convening of a Federal grand jury to investigate the actions of the Ohio National Guard that had led to the death of four students. Even though Mr. Mitchell had himself referred to the Guard's resort to gunfire as "unnecessary, unwarranted and inexcusable," the Justice Department thus closed the Federal Government's book on the tragedy.

The parents of some of the dead students and others who were wounded have, understandably, never considered the Government's action as either justified or final. Damage suits are still pending. Last October, the parents' lawyers asked a Federal court to order the investigations to be reopened.

Recent revelations about the Administration's attitudes toward dissenting students in 1970 raise new questions concerning the Justice Department's failure under Mr. Mitchell's direction to deal objectively and fairly with the Kent State affair. Apart from the basic issue of justice toward the students' parents, Mr. Richardson's re-opening of the case could give credibility to his earlier pledge to make a clean break with this unhappy chapter in the department's history.

HUMAN NEEDS AND BUDGET PRIORITIES

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. YOUNG of Georgia. Mr. Speaker, our national commitment to the poor and underprivileged of our society has long been one of the primary concerns of Congress. We note with increasing anxiety and alarm, however, that this commitment is being thwarted today by administration impoundment and dismantlement. We must not allow the goals of our agencies of manpower training, health care, and education to be distorted.

I wish to bring to the attention of my colleagues the sensitive and thoughtful recent testimony of Mr. Vernon E. Jordan, Jr., a most distinguished worker in the field of human rights and social welfare. Following is the full text of Mr. Jordan's remarks.

TESTIMONY OF VERNON E. JORDAN, JR.

Mr. Chairman and members of this Special Ad Hoc Committee, my name is Vernon E. Jordan, Jr. I am the Executive Director of the National Urban League and a board member of the Coalition for Human Needs and Budget Priorities.

Yesterday, while preparing these remarks for this distinguieshed Committee, I came across a brief story in the Washington Post that, for me, symbolizes the dilemma of the poor in this affluent nation.

The story reported that the Office of Economic Opportunity—or what is left of it—is considering a three million dollar grant to an organization of businessmen to prepare and distribute to poor people, success stories of self-help groups. This proposed program comes at a time when funds for manpower development, for schools and hospitals, for health services, for urban aid, and for anti-poverty programs have been frozen, impounded, subjected to moratorium, phased out and dismantled. It comes at a time when the legitimate and necessary powers and prerogatives of the federal government in the domestic arena are being parcelled out to state and local governments whose experience and past track record makes it highly unlikely that they will be responsive to the needs of poor and moderate-income citizens. This proposed shift in power and responsibility has *not* been accompanied by the necessary resources or by the necessary safeguards against local abuses.

We are treated then, to the sordid spectacle of the federal government taking away the boots of the poor while preparing to grant three million dollars worth of propaganda on how to pull yourself up by the bootstraps.

Just as Watergate has become a symbol of political immorality and the threat to a free society, so too, does this story symbolize the callousness of the current federal approach to the serious social problems this country faces. Money is not available—in a budget of over $268 billion—for day care centers, childhood development. schools, health centers, and job-creation programs. But it *is* available for propagandizing the poor. Confronted with the absurdity of this situation, we must recall Horace Walpole's classic remark about the world: "A comedy to those that think, a tragedy to those that feel."

Watergate, which has rightly received so much publicity in recent weeks, is a minor second-story job compared to the violent assault on the promises made to America's poor and to the aspirations they have nurtured. While the public has been obsessed with Watergate, the Senate Select Committee on Nutrition and Human Needs reported that twelve million Americans are malnourished. While the press has covered page-after-page with Watergate revelations, little notice has been given to the housing freeze that affects hundreds of thousands of low-income people in need of subsidized housing. While the television cameras has been focused on the Watergate hearings, over four million people are walking the streets without jobs and hundreds of thousands of others have simply given up all hope of finding work.

The budget cuts, the dismantling of federal programs, and the institution of special revenue sharing will have their greatest impact on the black poor, who already are forced to shoulder the burdens of discrimination and want. The bright promises made in the form of civil rights legislation and federal anti-poverty programs have been whittled away and are now in danger of being withdrawn altogether. The budget and the government's domestic policies break faith with the black poor, as they break faith with the cities, and with the country as a whole.

While black people will be hurt most, because we are disproportionately poor, the majority of people affected by the budget cuts and the cutbacks in federal social programs are white. I believe this must be made clear to the country, which too often sees social spending programs as being solely for minorities. Far more white people than black will be hit, and hit hard, by this budget. When black people rightly protest the inequities in American life today, we are charged with "special pleading by special Americans." I come here today then, to plead on behalf of all poor citizens, the vast majority of whom are white, that the Congress seize its responsibilities and frustrate the current attempt to repeal the 1960s.

Just the briefest glance at some of the affected federal programs is enough to show that the budget cuts are more than an attempt to bring about some kind of balance in the apportionment of federal resources and to roll back supposed advantages enjoyed by minorities. There are three times as many poor white families as there are poor black families. The majority of people on welfare are white—of the black poor, over half don't get one single devalued, inflation-ridden dollar from welfare. Two-thirds of the families who got homes through the now-frozen 235 housing subsidy programs were white. Two-thirds of the trainees in MDTA programs are white; three-fourths of On-the-Job Training enrollees are white and four-fifths of people employed in the Public Employment Program are white. I could go on; the list is endless. The tragedies inflicted on millions of poor families—white and black—is endless.

White people also made the greatest gains in the 1960's—more whites moved out of poverty and more whites raised their incomes than did blacks. But it is this silent white majority that has gained the most and stands to lose the most under the new budget proposals, this silent white majority must end its silence and speak out forcefully for expanded social spending, for realistic and sweeping welfare reforms and for the dismantling of efforts to shift federal responsibilities onto local governments. We may have come on different ships, but we're all in the same boat now.

I believe, too, that it is up to the Congress to assert its Constitutional role in our government and to initiate the changes so desperately needed by your constituents. I see little hope for action from the Executive Branch. Many people feel that the changes in staffing arrangements in the wake of Watergate will open the government to more liberalized programs. But I fear that the basic domestic policy is set within this budget, a budget that is a rigid coffin for the hopes and dreams of the poor.

Further, the disclosures and controversies surrounding Watergate have left a dangerous vacuum in our government, a vacuum that must be filled in a constructive way by the Congress if our country is not to embark on a period of drift and indecision. And the Congress has a special responsibility to take the initiative in domestic affairs because its proper Constitutional role has been flouted: programs have been ended, appointments have been made, and sweeping changes in federal-state relations have been initiated without its advice and consent, as mandated by the Constitution.

In the light of this, and in the wake of the lessons of a war that lasted ten years without Congressional approval, and in view of the imbalance created by actions of the Executive Branch, and above all, because the masses of poor and lower-income Americans cannot take the indignities and outrages inflicted upon them by the budget and by current domestic policies, I believe it is incumbent upon the legislative branch of the government to reverse federal domestic policy and to embark on Congressionally-initiated reforms in the economic and social life of our nation.

LITHUANIA TAKEOVER

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. KEATING. Mr. Speaker, the ongoing summit conference between Communist Party Leader Brezhnev and President Nixon has quite naturally absorbed the national attention. Vital as these talks may be for the pursuit of global peace, we should not permit them to overshadow the recent anniversary of the Soviet takeover of Lithuania.

On June 15, 1940, the U.S.S.R. forcibly annexed Lithuania—at the cost of 7 million lives. In its subsequent efforts to bring the captive nation into line, the U.S.S.R. has resorted to the harshest forms of oppression, to the denial of the most basic civil liberties, even to the deportation of one-sixth of the nation's people.

Yet, despite all these tribulations, the Lithuanian spirit has remained unbroken. In 1941, Lithuanian nationalists took advantage of the impending German invasion of Russia to stage a nearly successful revolution. From 1944 to 1952, bloody partisan resistance efforts cost nearly 50,000 lives. And demonstrations have continued to the present day. In March 1972, over 17,000 Lithuanians signed a petition protesting the desperate situation of Roman Catholics in their country. Because three previous collective letters had gone unanswered, they addressed this petition to the Secretary General of the United Nations, asking him to bring it to the attention of Mr. Brezhnev. More recently, a young Lithuanian immolated himself in a public square in order to protest the subjugation of his country. The resultant demonstrations were cruelly put down by special Russian riot police.

It is not enough that the U.S. Government has refused to recognize the Soviet annexation of the Baltic nations. It is important that every American citizen recognize that the degree to which Lithuanians value the liberty they have been denied is the degree to which we should value the liberty we possess.

LEE HAMILTON'S WASHINGTON REPORT OF JUNE 20, 1973, ENTITTLED "A 4-YEAR TERM FOR CONGRESSMEN"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my June 20, 1973, Washington report entitled "A 4-Year Term for Congressmen":

A 4-YEAR TERM FOR CONGRESSMEN

A friend once asked me as I began a reelection campaign, "Lee, are you running again? We just elected you."

Questions on the term of office for members of the U.S. House of Representatives, like the one asked by my friend, have been asked me more often than on any other subject. My response has been that whether the term is two or four years is not a matter of the greater national urgency, but that I have come to the view that my colleagues and I would be better Congressmen if we were elected every four years. To be frank, most Congressmen are a little embarrassed to support the four year term because it is obviously in their self-interest. My preference is for a four year term with one-half of the members of the House elected every two years.

The Congressman's term of office has been an issue since the Founding Fathers hammered out a two year term as a compromise between those who argued that "Where annual elections end, tyranny begins," and those, like Madison, who preferred a three year term.

Frequent elections were essential in the view of the Founding Fathers to assure that the Congress would be dependent on and sympathetic with the people. However, our nation has changed greatly within the last two centuries, and with it the role of the Congress and the job of the Congressmen. When the nation was founded, only 200,000 of its 4 million citizens lived in towns larger than 2,500, and the Congressman represented about 40,000 people. Legislative business was so light that the members of Congress finished the first year's work during the first day. In that first Congress 142 bills were introduced and 108 enacted into law.

Today the membership in Congress has become a full-time job with each Congressman representing varied interests of about one-half million constituents. Sessions take most of the year now. In the 92nd Congress 25,354 bills were introduced of which 607 became law. A member must become familiar with an immense range of fact and opinion and increasingly complex problems which generate a flood of legislation.

So one of the reasons for a four year term is that with a two year term representatives cannot adequately deal with the accelerating volume and complexity of legislation. In addition, the high cost of campaigning, in dollars and energy, places heavy burdens on those who represent contested Congressional districts.

Presidents Eisenhower, Kennedy, Johnson, and Nixon have supported the four year term, but some Senators oppose it because Congressmen with four year terms could challenge incumbent Senators at the halfway mark without having to yield their seats. That is why President Johnson recommended that any Congresman running for the Senate in the middle of his House term be required to resign from the House.

The major argument against the four year term is that it weakens public control over House members and makes it more difficult for the voice of the people to be heard and changes of public opinion to be registered. That argument has merit and it is for that reason that I favor an election every two years. If the change to a four year term is accompanied by staggered elections with one-half of the House seats up for re-election during Presidential election years and the other half in off years, the power of the Executive can be restrained, a land-slide Presidential victory would not sweep in an entire House membership, and the voters would have the opportunity to deliver their verdict on an Administration's policies and the make-up of the Congress at mid-term.

But a four year term would not make a Congressman deaf to the people. Public opinion polls, mountains of mail, telegrams, telephone conversations, air travel, questionnaires and frequent personal contact with constituents enable a Congressman to keep in close contact with his District.

A four term year requires the arduous process of a Constitutional amendment and a broad popular consensus, not only for the four year length of term, but also for staggered elections, and this simply has not emerged. The real consideration, of course, is not what is good for any Congressman, but rather what is in the best interests of the nation.

The nation can take plenty of time to decide, but my guess is that one day we will decide that Congressmen can be better Congressmen if they serve for four years.

FINDING FOR DECENCY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. GAYDOS. Mr. Speaker, with most of us deeply concerned over the rise of pornographic filth in this inherently decent country, I report the consoling fact that another judge at least has struck at this dangerous condition with vigor and logic.

The problem itself has been mostly the result of permissive courts—courts which in their own confusion have quibbled over the definitions of obscenity and thus impeded the legal process and allowed venal men to profit from catering to the prurient interests of a minority of our people.

I am pleased, therefore, that Common Pleas Judge Loran L. Lewis of Allegheny County, Pa., has reversed this judicial obfuscation. Called upon to pass judgment on an X-rated movie "Deep Throat," Judge Lewis wasted no words in finding it obscene, "a sexual film—with no plot and no story," and violative of Pennsylvania's antiobscenity laws. He added:

> If the film does not affront contemporary community standards as claimed by the defendant, then society has gone a long way down the road to Sodom and Gomorrah.

Judge Lewis knocked down the whole series of permissive arguments. He demolished the claims made by defense witnesses that the movie had educational and entertainment values by declaring:

> The few degrading comical cracks of the slapstick variety fall far short of turning the film into a comedy. The range of educational value as claimed by the witnesses for the defense is nil.

I wish other judges in such cases in the past had been as clear in their thoughts and as true to their responsibilities to the public. Attempting to cover up pornography with flimsy assertions about "values" is an old story. And yet this story has worked far too often and its acceptance in court decisions is largely the reason why filth has taken over part of the movie business and prevails to the extent it does now in the publishing field. Fortunately Judge Lewis refused to be taken in by it.

Judge Lewis also made short work of the contention of the obscenity defenders that contemporary standards have changed greatly from earlier times and that anything now goes. The judge said:

> The moral standards of our fathers and forefathers have not eroded away to such an extent that we are willing to accept a showing of a film in a public movie house on one of our main streets that is filthy, shocking, degrading and unquestionably violates the state's obscenity laws.

I am certain the great majority of our citizens will agree with Judge Lewis whose ruling has opened the way for prosecution of the film's exhibitors in Pittsburgh on charges which, if sustained, carry a penalty of a $2,000 fine and up to 2 years imprisonment on each offense. Although the film ran daily while Judge Lewis prepared his ruling, the exhibitors now must weigh what could be the results of their compounding a crime.

It is encouraging that this particular film has run afoul of the laws of three other States and that my State of Pennsylvania now is added to the list. If sufficient local judges have the courage and the will to stand up for morality and decency, as did Judge Lewis, then, perhaps, we can look forward to a time when the major courts will come forth with decisions so clear in judgment that this smut menace can be eradicated.

TRIBUTE TO BISHOP CHARLES P. GRECO

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. LONG of Louisiana. Mr. Speaker, the bishop of the Catholic diocese of Alexandria has recently retired because of his age. I think it fitting and proper that we pause to reflect on the life of this man, the Most Reverend Charles P. Greco.

For the past 55 of his 78 years, Bishop Greco has been a priest. For the past 27 years—since 1946—he has been bishop of the Alexandria diocese.

It would be impossible to recount the number of lives this man has touched in one way or another during the more than five decades he has served God.

I know of his many and varied accomplishments, and I feel it most appropriate to applaud Bishop Greco for his service to God and to his fellow man.

Soon after becoming bishop, his reputation as a builder became affixed. During his tenure, Bishop Greco began a building program that included the establishment of new parishes, new schools, new youth recreation centers, a diocesan seminary, hospitals, and two schools for retarded children.

I think Bishop Greco's love for humanity, particularly for the unfortunate and the deprived, is best exemplified by his untiring efforts in behalf of retarded children. One of his fondest wishes will soon be fulfilled when St. Mary's, the school for retarded children at Clarks, La., closes and these much loved children are moved into a new $2 million complex near Alexandria. When this new facility opens, it will stand as a monument to this man—Bishop Charles P. Greco.

Goodness and love of mankind are hallmarks of Bishop Greco, a man of God who will long be remembered by Catholics and non-Catholics of our State.

MORE ON DRUG ABUSE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. LANDGREBE. Mr. Speaker, the widespread use of marihuana in our society has led to many false stories and false rumors about the alleged value of the drug or its supposed lack of harmful effects. A brief article published in the Mainliner magazine for May 1973, I believe, offers some food for thought for all of us concerned about drug abuse in our society.

The article was written by G. J. Kidera, M.D., and I submit it for publication in the RECORD:

DEPENDENCE

When speaking of drugs, I prefer to use the term "dependence" or "habituation" rather than "addiction." There are two types-psychological and physical.

Psychological dependence is reached when the user takes the drug for its effect, which he feels is more pleasant than reality.

Physical dependence is a horse of another color—pun intended: "horse" being the street name for heroin. Drugs which can cause physical dependence produce changes in the body which cause the tissues to depend on the drug. Take it away and the user feels a screaming need. A physically dependent user will do virtually anything to get a fix.

Marihuana users become psychologically dependent rather than physically dependent. In the final analysis, however, dependence on drugs come from taking them regularly—and it doesn't make much difference which kind of dependence is developed.

Instead of solving the psychological (inner) problems or problems connected with daily contacts with people and situations, pot wards off reality. When the effects wear off (in two to twelve hours) and the user "opens his eyes," everything is just as it was—same problems, same dull life. If the escape was pleasurable, off he may go again into Never Never Land—a kind of ostrich syndrome.

Despite the claims of marihuana advocates, there is zero evidence that creativity is enhanced. There is evidence there is diminished enthusiasm for the user to reach a goal, whether it be a high school or college diploma, pursuit of a professional career or job promotion.

Occasionally, I am reminded that some great artist, musician, or academician is an admitted marihuana user. But when you determine which came first, the achievement or the drug, it's always the achievement.

BUDGET REFORM AND IMPOUNDMENT CONTROL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, today I introduced H.R. 8876, the Omnibus Budget Reform and Impoundment Control Act of 1973. With some major modifications, this is essentially a combination of the Ullman-Whitten budget control bill (H.R. 7130) and the Madden impoundment control-spending ceiling bill (H.R. 8480). I am offering this omnibus package as a substitute for the Madden impoundment bill currently pending in the Rules Committee, and tomorrow, Friday, the committee will decide whether to grant a rule making my bill in order as a substitute to H.R. 8480, waiving points of order.

I have attempted in my omnibus bill to answer some of the major criticisms which have been raised both to the legislation recommended by our Joint Study Committee on Budget Control and to various pending anti-impoundment bills. With respect to the new budget committees which would be established in both the House and the Senate, I have altered the composition in such a way that the House committee would have a 5–5–11 ratio of members from the Ways and Means, Appropriations, and other committees, as compared with a 7–7–7 ratio in the Joint Study Committee bill; and the Senate committee would have a 3–3–7 ratio of members from the Finance, Appropriations, and other committees as compared to 5–5–5. The members would also be selected under the existing rules and party procedures of each House which is to say that they would be selected by their respective party caucuses.

My bill would also extend the length of time for consideration and action on the initial budget resolution, would waive the double amendment prohibition on amendments to the budget resolutions, and would afford the Joint Economic Committee a greater input into this process. Like the Joint Study Committee bill, nine would establish a new legislative budget director and staff to jointly serve the House and Senate budget committees, but I have added a provision that one-third of the staff would be devoted to program evaluation. I have also added a new title which would require that the President submit with his annual budget both a high and low option alternative to his recommended level along with a separate analysis and evaluation of each option.

With respect to the impoundment control procedures of my bill, I would permit the Appropriations Committees to report resolutions of disapproval which deal selectively with each special impoundment message submitted by the President, and which would further permit amendments to these resolutions on the floor of each House. The Madden bill, since it only requires one House to disapprove an impoundment message, does not permit any flexibility in committee or amendments on the floor, and each House would have to vote up or down on the entire special message which may include a number of strategically packaged impoundments. I think it is significant to note that the Ervin anti-impoundment bill, S. 373, would also permit amendments to resolutions of disapproval. And like the Ervin bill, my bill also provides for a prior screening of Presidential messages by the Comptroller General and would exempt from the disapproval procedures those impoundments which are in clear accord with the provisions of the Antideficiency Act.

My bill would also make it easier to discharge the Appropriations Committees from further consideration of a resolution of disapproval if they have not acted on it after 30 days of its introduction and if it is sponsored or cosponsored by at least one-fourth of the Members of the House involved. The Madden bill would require that a motion to discharge must be seconded by one-fifth of the Members of the House involved, and could only be discharged by a majority vote.

With respect to the fiscal year 1974 spending ceiling, I retain the $267.1 billion figure in the Madden bill, but I shift responsibility for holding spending under that ceiling from the President to the Congress where I feel it justly belongs. Whereas the Madden bill would authorize the President to make pro rata or across-the-board cuts to bring spending back within the limitation, my bill would require that the Congress, prior to the close of the first session, pass a concurrent resolution either revising or reaffirming the limitation. Such concurrent resolutions would be dealt with under the procedures prescribed in title I of my bill. If the ceiling is revised upward, Congress must provide for an increase in revenues, the debt limit or both by a corresponding amount, or by offsetting increase-decrease amendments for various programs. It seems to me that this procedure would once again place the Congress firmly in control of the pursestrings and priorities rather than passing the buck to the President as the Madden bill would.

At this point in the RECORD, Mr. Speaker, I include a brief summary of the changes which my bill makes in both the Ullman-Whitten and Madden bills:

THE OMNIBUS BUDGET REFORM AND IMPOUNDMENT CONTROL ACT OF 1973

This bill is a substitute for both H.R. 8480, the impoundment control bill Act now pending before the Rules Committee, and H.R. 7130 the budget reform bill recommended by the Joint Budget Study Committee. While preserving many of the essential features of both bills, the substitute combines impoundment control and budget reform in a single package. The significant changes made in the text of the two bills are listed below: changes in the H.R. 7130 are included under Titles I–III, and changes in H.R. 8480 are contained in Titles IV–V.

TITLE I—BUDGET REFORM PROCEDURES

Sec. 111 and 112: Make-up of budget committees:

Approximately one-fourth of the members would be from finance committees, one-fourth from appropriations committees, and one-half from legislative committees, in each house. The ratios of finance, appropriations, and legislative committees would be 5–5–11 in the House and 3–3–7 in the Senate. (H.R. 7130 has 7–7–7 and 5–5–5 ratios).

Sec. 121(d): Role of Joint Economic Committee:

Joint Economic Committee would be mandated to make recommendations on fiscal policy by February 15. Budget committees would be required to specify why JEC recommendations are not included in concurrent resolution, if that is the case.

Sec. 123: Length of time for adoption of concurrent resolution:

House budget committee report would be due on March 15. Passage of the first concurrent resolution would be due on May 15. (H.R. 7130 has March 1 and May 1 dates). The bill also requires submission of the President's Budget and Economic Report of the President within three days after Congress convenes in early January. Together these changes lengthen the time prior to House consideration of the first budget resolution from one month to two and one-half months.

Sec. 141 (h); Waiver of the Double Amendment Prohibition:

Unlimited separate amendments could be offered to concurrent resolutions on the budget, as long as they are not identical. However, third-degree rule of the House regarding each separate amendment would be maintained.

Sec. 161. Selection of the Budget Committee Members:

All changes in the House rules providing for the selection of budget committee members by the Appropriations and Ways and Means Committees and the Speaker are deleted. The effect of this deletion is to revert selection of budget committee members and the chairman and ranking minority member to the caucuses of the respective parties in the House.

TITLE II—LEGISLATIVE BUDGET DIRECTOR AND STAFF

Sec. 201 (b); Program Evaluation:

An Office of Program Evaluation would be created, with at least one-third of the joint committee staff budget to be allocated to program evaluation.

TITLE III—ADDITIONAL BUDGET INFORMATION

This is a new title. It would require the President to submit a recommended budget that includes one alternative budget option which is higher, and one which is lower than his recommended level in each general subcategory of the budget. A separate analysis and evaluation of each option would be required.

TITLE IV—IMPOUNDMENT CONTROL PROCEDURES

Sec. 401. Impoundment Reporting Requirements and Procedures.

Same as the impoundment reporting requirements and procedures of section 101 of the Madden bill (H.R. 8480) with two exceptions:

(a) the President's special message on an impoundment must also be printed in the *Congressional Record;* and

(b) if the Comptroller General makes a determination that an impoundment is in accordance with the provisions of the Antideficiency Act, that impoundment would not be subject to a resolution of disapproval (this language is identical to that of the Ervin bill, S. 373).

Sec. 402. Impoundment Disapproval Period:

Any impoundment of funds set forth in a special message shall cease within 60-days of the receipt of that message if both the House and Senate pass a concurrent resolution of disapproval (the Madden bill requires that only one House need pass a resolution of disapproval to terminate the impoundment.).

Sec. 404. Procedures for Disapproving Impoundments by Resolution:

These procedures differ from the Madden bill in that

(a) a resolution of disapproval must be a concurrent resolution rather than a simple resolution;

(b) the Appropriations Committee may report a resolution which selectively disapproves a special message, both with respect to the number of impoundments and the amount disapproved in any one impoundment (the Madden bill would require that the committee report a resolution disapproving the entire special message);

(c) the Appropriations Committee would be discharged from further consideration of a resolution of disapproval 30 days after its introduction if it is sponsored or cosponsored by at least one-fourth of the Members of the House involved, and it would then become the pending business of the House (the Madden bill provides that a motion to discharge would be in order if seconded by one-fifth of the House membership, but would require a majority vote to actually discharge);

(d) the resolution of disapproval could be amended on the floor of the House involved provided that amendments are germane to the special message and do not violate the Antideficiency exemption of section 401 (the Madden bill specifically prohibits any amendments).

TITLE V—CEILING ON FISCAL YEAR 1974 EXPENDITURES

Sec. 502. Congressional Responsibility and Procedure for Observing Ceiling:

Whereas the Madden bill places the responsibility with the President to bring spending back within the ceiling by making pro rata impoundments, this section places the responsibility on Congress by providing for the passage of a concurrent resolution before the end of the first session of the Ninety-third Congress which either reaffirms or revises the ceiling pursuant to the requirement of section 122 of this Act, and in accordance with the procedures and requirements set forth in sections 125, 131 and 141 of this Act (priority consideration of such concurrent resolutions, provision for raising additional revenues or the debt limit, and off-setting increase-decrease amendments—consistency requirement).

KUDOS TO CONGRESSMAN ECKHARDT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mrs. SCHROEDER. Mr. Speaker, all too often in the rush to meet commitments in the office and meet other commitments on the floor of the House, a Congressman is not able to take the considerable amount of time necessary to thoroughly digest the contents of the bills upon which he is voting. Rather, he relies upon the committee reports. Fortunately, in the case of the DOT appropriations bill voted in the House on Wednesday, June 20, Congressman Eckhardt found the time to read the bill itself as well as the committee report.

Mr. Eckhardt offered an on-the-spot amendment to delete a provision in the DOT appropriations bill which, had we all read the bill more carefully, we would have found to constitute positive legislation. While the sum of money being appropriated was minimal in this case, $15,000, the nature of the funding was questionable—for Coast Guard "investigative expenses of a confidential character." This rather unusual appropriation did not appear anywhere in the committee report.

I commend Mr. Eckhardt for his thorough reading of the bill, a lesson from which we may all profit.

SENATOR NORRIS COTTON—A TALL MAN IN ANY COMPANY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. WYMAN. Mr. Speaker, it is with genuine regret that I learned this morning of the decision of New Hampshire's distinguished senior Senator not to seek reelection to a fifth term in the U.S. Senate next year. Despite personal appeals to him to reconsider, including my own, the Senator's response is that his decision is final and so will be the loss to New Hampshire in his retirement, for the Granite State will lose a very senior Senator, near the top on the Republican side, ranking minority member of the Commerce Committee and number three on the powerful Senate Appropriations Committee. Such seniority and power is hard to come by. It takes years.

But beyond seniority, Senator Cotton also commands the respect and confidence of his colleagues. This he has earned by a stellar performance on the job as a Senator's Senator in the finest sense of the word. His wisdom, his keen sense of humor, his oratorical prowess, his profound depth of perspective on national and international problems, have been recognized again and again in the greatest deliberative body in the world.

The reasons for his decision not to run again have been outlined in his report to the people of New Hampshire, a report, by the way, that for more than 25 years has commanded universal commendation for its succinct responses to myriads of complex issues. I include this report at the conclusion of these remarks for the content of its message which has pervasive implications extending beyond New Hampshire.

A measure of the high regard for our senior Senator in New Hampshire is also to be found in the editorial comment of Mr. William Loeb, prominent publisher of the Manchester, N.H., Union-Leader, who with thousands of Senator Cotton's friends and admirers deplores and regrets his decision to retire. To a man, all agree with Bill Loeb's characterization that "Daniel Webster Would Have Said 'Well Done, Norris Cotton.'"

Senator Cotton's newsletter follows:

Norris Cotton Reports to You From the U.S. Senate

Twenty-five years ago as a member of the House, I wrote my first "Report" to my folks back home in New Hampshire. There I have continued through the years from both the House and Senate with unfailing regularity except in recent months when the pressure of mounting duties and responsibilities have compelled me to send them only intermittently. These Reports, in many respects, have meant more to me than any of the many activities in which a Senator must be involved because they have not only been my closest contact with you but, writing every one of them myself, they have helped me to analyze the decisions I have to make on hundreds of issues and the reasoning that led to those decisions.

Because these Reports have been my closest contact with you, I think it is fitting that I should make use of this one to tell you that next year when my present term as Senator expires, I shall not be a candidate for reelection.

Naturally, this has been a hard decision to make and, being only human, I make it with a deep feeling of unhappiness. Of course, there are reasons that can be advanced to rationalize my seeking to continue in the Senate, and don't think I haven't thought of them all. At 73 I appear to be in vigorous health and able to perform my duties with the same zest that I have in the past. Experience and seniority have placed me in a position to accomplish more for New Hampshire and exert a greater influence in national and international affairs than ever before. At the beginning of this Congress, I was elected Chairman of the Republican Conference which comprises all of the Republicans in the Senate. In that capacity I am a member of the official Leadership that goes to the White House periodically to consult with the President. I am the fourth ranking Republican in the Senate, first on the Commerce Committee, and third on the powerful Appropriations Committee. At the end of 28 years in the Congress—8 in the House and 20 in the Senate—it is hard to turn one's back on all of this and retire to rust on the shelf.

But there is another side to this picture and facts that, if faced, lead to an inescapable conclusion. Ruth, my wife, has a serious heart condition, complicated by a broken hip which, at best, may mean months of convalescence during which she needs me by her side. Thus, I couldn't carry on an active, statewide campaign. My years in politics have taught me that people, particularly the new, young voters, expect and have a right to see and weigh their candidates. But it would be unfair to Ruth to attribute my decision to her or trade upon a devotion she so richly deserves after our 46 years together. There are other compelling reasons for my determination not to run again.

The people of New Hampshire have been mighty good to me. They have elected me four times to the House of Representatives and four times to the Senate. Come next election I shall be 74 years old. I just don't believe I have the right to ask them to elect me for another six-year term at the end of which I would be 80. True, I am well able to do my job now, but I can testify to you from personal experience that due to the growth of our Nation and the complexity of problems confronting us, the job of a United States Senator becomes more burdensome every passing year. The people of New Hampshire are entitled to young, active, dynamic representation. Furthermore, odd as it may sound, a Senator has an obligation, insofar as it lies in his power, to neither resign nor die in office, thus enabling some Governor to appoint his successor and give a marked advantage to that person. The people of New Hampshire have been kind enough to elect me to the Senate. They, and they alone, should have the opportunity to choose my successor.

Incidentally, my term runs until January 3, 1975, and I intend to render you the best service in my power to the very last day. Therefore, this will not be my last Report because there are things which must be said and I can say them better as a noncandidate.

I hate to go. I can think of no greater privilege than the one you have granted me of serving in the United States Senate. Its associations deepen and mellow as the years go by, and the greatest days are the latter days. I think of the words of Rollin Wells in his poem, *Growing Old:*

"A little more tired at close of day,
A little less anxious to have our way;
A little less ready to scold and blame,
A little more care of a brother's name;
And so we are nearing our journey's end,
When time and eternity meet and blend."

DANIEL WEBSTER WOULD HAVE SAID "WELL DONE, NORRIS COTTON"

It is sad news for all of New Hampshire when one of its strongest sources of influence in government in Washington, D.C., Senator Norris Cotton, announces that he will not run again. The Senator is the third-ranking Republican member of the Appropriations Committee; he is the third-ranking Republican Senator on the subcommittee on Defense; he is the first-ranking Republican on the subcommittee for Health, Education and Welfare; he is the ranking Republican on the Commerce Committee and he is the Chairman of the Republican Conference. With all of these, he has tremendous influence in Washington. It is very essential for a small state, such as New Hampshire, to have this sort of seniority and leverage in Washington if it is to be able to obtain what it needs from the Federal Government.

While the Senator is not the sort of individual to change his mind, we would very much hope that between now and the first of 1974, he will change his mind. This newspaper is well aware of the fact that Mrs. Cotton has not been well and since the Senator is a very conscientious husband, Mrs. Cotton's health is a serious obstacle to his running again.

On the other hand, the Senator has come such a long ways from Warren, New Hampshire, that it seems to this newspaper a great pity to throw it all over instead of finishing out his career with his boots on in the United States Senate. It's not as if the Senator were mentally or physically doddering. Senator Cotton is as physically and mentally tough as an old-time New Hampshire hickory fence railing. Those who have known him for many years know there is no deterioration in either his physical or his mental capacity.

The Senator's career has been a remarkable one for a country boy in the village of Warren, New Hampshire. He has progressed from a plain background to holding an important position in the seats of the mighty in our nation's capitol. Probably, when he attended school in Warren and afterwards when he attended Exeter Academy on a scholarship, he never thought that life would carry him into such a prominent position. Yet, his abilities were so outstanding that they brought him the recognition that he deserved.

This newspaper has on occasion disagreed with Senator Cotton and I am quite sure he has disagreed with us. We don't agree with his vote on the Bayh Bill banning certain types of pistols; we did not agree with his recent position in favor of scuttling and running out of Cambodia and all of Asia, thus turning it over to the Communists.

Yet on so many issues, this newspaper would have to assert, and most of New Hampshire would agree with us, that the Senator has been right most of the time.

One of Senator Cotton's outstanding characteristics is that he is essentially modest, and has a bright and droll sense of humor, even at his own expense.

The Senator used to like to tell the story of the group of New Hampshire High School students who came to his office one day and in making conversation with one of the young ladies, he asked her what she was studying and she, not knowing where the Senator was born and raised, said very seriously, "Well, Senator, our class project right now is to study inbreeding and feeblemindedness in the town of Warren." That always gave the Senator a great chuckle.

Like many people with a sense of humor, the Senator has never taken himself seriously or behaved pompously. As a matter of fact, this observer does not believe that Senator Cotton ever enjoyed having to give orders and in any way act as a boss of the Republican Party in New Hampshire.

Essentially, the Senator is an extremely modest individual who delighted in doing a conscientious, good job for the people he represented. Unlike some individuals, he did not ask for prominence, glory or recognition. He just wanted to be able to perform competently in the assignments that had been given him.

It has been a long hard, dusty road from Warren to the Senator's Office on Capitol Hill in the New Senate Office Building, but as the Senator looks back today on that road, recognizing all the obstacles along the way, he should be able to feel to himself that he walked it honestly, unlike many people who go to Washington who return to their native heaths with a large fortune accumulated through their Washington connections. The Senator's financial position is modest and he could no doubt have made much more money if he had remained in private law practice. But the Senator must feel very rich in friends, and a sense of genuine accomplishment, and although he might not acknowledge it, the gratitude of the people of New Hampshire, many of whom wish that he would change his mind and stay on and be of even greater service to the Granite State.

WILLIAM LOEB, *Publisher*.

REUNION IN ROOM 1016

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. KARTH. Mr. Speaker, in these often trying times we can often lose sight of the basic goodness of our fellow citizens—the qualities of faith that have made this country great. As a reminder to our colleagues of the qualities of our country's greatness I commend the following "Oliver Towne" column from the June 14, 1973, St. Paul Dispatch. The author of this column, Gareth Hiebarth, has provided us with an inspirational message that we all need today.

The article follows:

REUNION IN ROOM 1016

Forty years ago, on June 17, three young men, John Domnic Malone, C. A. Carosella and Francis Pasquale Kelly, were ordained into the Dominican Order.

One afternoon last week, two of them rode an elevator to the 10th floor of St. Mary's Hospital in Minneapolis to meet the "Third Musketeer."

He sat in his wheelchair at the end of the corridor, as far from Room 1016 as he ever gets.

Rev. Francis Kelly—the "Saint of St. Mary's"—bedridden for 18 years, except for brief rides in a wheelchair, waited for the reunion.

When it came at the end of the hall, those sagging, weary face muscles, almost paralyzed by multiple sclerosis, managed to twist into a smile.

The voice that has grown gradually weaker and weaker with the years managed to whisper a greeting. Like a wind-up clock, the voice is strongest in the morning and gradually runs down each day.

But not the eyes.

"I can't see with these new glasses, but I think and talk through my eyes," he whispered.

His sister, Mrs. Dorothy See, who had come for his 40th anniversary as a priest, wheeled

Father Kelly back into his room. It was like a king's entourage.

Patients called out to him from rooms; nurses patted his shoulder. A Chinese man and his wife waited outside the room.

"I instructed him in the Catholic faith," Father Kelly whispered. Long said that Father Kelly has accomplished more lying on his back for 18 years, than most men with two good legs, arms, eyes, and speech.

The room, which looks out across the Mississippi River, is filled with pictures, souvenirs and the presence of the great and near great, those in trouble and those who have found its strange magnetism within those three walls and a window.

Five years ago at Thanksgiving, Father Kelly called me to find out how I was and how my family was. I mentioned I was taking everybody to Europe for Christmas.

"Do you need tickets for Pope Paul's Christmas Mass in St. Peter's?" Father Kelly asked.

"I'm working on that," I said.

"Forget it. I'll get you front row seats," he said.

He wrote a letter to Sister Francesca, a long-time friend of earlier years, now on the Pope's personal housekeeping staff. She had the tickets waiting for us when we arrived at our hotel in Rome.

"Isn't it ironic," I told him. "You, who will never leave this hospital, let alone go to Rome, can take others there almost by magic."

"Dear boy," said Father Kelly, "that's why I am here."

And as I kibitzed the other afternoon at this reunion with three boyhood pals, they each had stories to tell about the "Miracles" of Room 1016 and B547, where Father Kelly spent so many years.

There was the airline pilot and a young woman, both of whom knew Father Kelly and came to visit him on successive days. Both had lost their mates. They had never met.

But Father Kelly got to think about the coincidence.

"I got a brilliant notion. I called both and asked them to visit me at the same time. I pretended it was a happenstance. Then I introduced them and waited."

Two months later, they came back, engaged to be married.

"Will you marry us, Father," they asked. "After all, you played cupid."

So for the first and last time he has been outside the walls of St. Mary's, Father Kelly was trundled into a Medicab and taken to the Church of the Holy Rosary nearby, where he married the couple.

Where you stand in Father Kelly's room is where famous footprints have been made—many grooved by repeated visits: Pat O'Brien, Frank Quilici, Tony Oliva, the Vikings football team, and, of course, Father Kelly's "Pin Up Girls." Just lately Mary Tyler Moore left a picture of herself, which replaced Hot Lips Houlihan of "M*A*S*H."

One in the room the other afternoon remembered the 4-star general who came in to see Father Kelly in 1967.

"I just found out," he said, "that the chaplain on the Bataan Death March of 1942 was your classmate in the seminary and you prayed for his safety day and night. Well, I was on that march myself, with him. Your prayers carried over to me. We both made it.

"Sorry it's taken so long to say thanks," said General Harold K. Johnson, then Army Chief of Staff.

Those were some of the stories that sounded through the room a week ago at Father Kelly's 40th anniversary reunion.

Father Carosella, who had come all the way from Louisiana, and Father Malone, who lives near St. Mary's, signed the 40th anniversary guest book.

Then Father Kelly whispered his blessing.

John Dominic Malone; C. A. Carosella; Francis Pasquale Kelly. Two went down in the elevator. One stayed behind, unable to even wave.

NEW YORK MASONIC ESSAY SCHOLARSHIP CONTEST

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ROBISON of New York. Mr. Speaker, for a number of years it has been my privilege to serve as the conduit through which the work of the Essay Scholarship Contest winners—in competition sponsored by the Masonic Orders of the State of New York—are brought to the attention of my colleagues.

This year's contest theme was, "What Does Youth Expect From Adults?"—an intriguing one, indeed, given the tenor of our days and the rather strong possibility that, whatever was expected of us adults by the younger generation, it seems inevitable that there has been some disappointment. In any event, the five winning essays follow—the first, submitted by Patricia Moll, of 21 Davenport Avenue, New Rochelle, N.Y.; the second, by Martin C. Michaels, of 25 Wedgewood Terrace, Amherst, N.Y.; the third, by Jane Disinger, 6741 East High Street, Lockport, N.Y.; the fourth, by Jean Kiefer, of R. D. 3, Hornell, N.Y.; and the fifth, by Joseph Sorrentino, of 483 Broadway, Staten Island, N.Y.:

The essays follow:

I

WHAT DOES YOUTH EXPECT FROM ADULTS

(By Patricia Moll)

What does youth expect from adults? Youth expects too much. Young people should try to give more than take. It seems that in this world we constantly hear about the expectations of youth. Young people are not specially privileged individuals; they should not be treated differently than anyone else. A youth should expect no more of an adult than he expects of himself. There is a mutual bond between youth and adult that can never be severed. Both expect certain qualities to be found in the other, but we must not hope to find perfection in adult or youth, for they are both, after all, only human.

There are certain things, however, that everyone needs in order to grow in our society. What youth primarily does need is to experience life, no matter how good or bad it may be. If he is shielded from life, he will be deprived of such necessary exposure. An adult does his very best to teach this youngster right from wrong, but when the youth reaches maturity, he is then an individual in his own right. He should be capable of making his own decisions and of deciding the course his life will take. This does not necessarily mean, though, that the bonds between the young person and the adult are broken. On the contrary, they are stronger. The youth can then understand the reasons for many of the adult's actions and can appreciate them. He is grateful that he is then able to repay this adult in his own meager way. He, after all, has given the youth the tools with which to make his way successfully through life. By fulfilling the adult's faith in him, he can perhaps recompense him for the heartaches and disappointments he has caused him. He owes the adult something, for he has obtained from him the knowledge he needs with which to live in this world.

A youth also craves nurturing of his individuality. He is unique in himself and requires support from adults to develop his own personality. He needs adults to bear with him even when he makes foolish mistakes because he doesn't know any better. He needs them to understand his insecurities and doubts and to help him alleviate them. He needs trust—trust in his making the right decisions (even though he doesn't always). He also needs faith—faith in his family being wise enough to follow his own path in the world without mishap. But, the youth basically has the same needs and expectations as his father had and as all human beings have. We must learn, though, not to expect so much, but to give more of ourselves.

WHAT DOES YOUTH EXPECT FROM ADULTS

(By Martin C. Michaels)

Understanding and respect are the two things which young people desire most from adults.

Today's youth has a set of values and standards different from those of adults. By no means is this a unique or strange situation. It is a situation which has existed for centuries. We do not expect adults to agree with our ideas or to conform to our set of values and standards. We merely ask that adults understand that the matters which concern us are important to us, just as matters which concern adults are important to them. What today's youth expects from adults is summed up in the philosophy expressed by Atticus in Harper Lee's *To Kill a Mockingbird*: "Put yourself in the other man's shoes. . ." We would like adults to "put themselves in our shoes", and try to understand our attitudes and values.

Also, youth would like adults to treat us with respect. We would like adults to treat us as responsible individuals, and consider our opinions and attitudes accordingly. Our age alone should not be reason enough for adults to consider our opinions to be invalid.

In order to prove that we are responsible human beings, we expect adults to give us a chance to show our responsibility. Just as a young child learns the value of money by being given an allowance, youth will learn how to handle privileges maturely if they are given the opportunity. America's youth has been given one such opportunity in the decision to lower the voting age to eighteen. I believe that America's youth will utilize the right to vote in a responsible manner, and show that this right is well-deserved.

Given understanding and respect, I believe that today's youth will prove themselves worthy of the understanding and respect given to them, and in turn, will treat the youth of the next generation with similar understanding and respect.

WHAT DOES YOUTH EXPECT FROM ADULTS?

(By Jane Disinger)

A minority of youths in my generation has been criticized, publicized, and classified as being anti-establishment, anti-laws and in general against the older generation. I want to emphasize the word 'minority' because it is these few youths who have not reached out to try and grasp what the adults in society have to offer.

In the majority of cases, youths are able to relate to adults because the adults are generally able to give what is expected of them. One thing which is needed and therefore expected of adults is guidance. When a young person is growing and climbing various plateaus of his life it is necessary for him to be given suggestions, ideas, and examples which may help him in his daily living and decision making. Even if this guidance is not always heeded, it is important for a youth to hear from one who has already matured into an adult.

Many youths act independent and want to achieve their goals without help. In many ways this is good but I believe there is a subconscious desire for encouragement from those who have an outside view of possible obstacles and consequences a youth may encounter.

I think the most important thing a youth expects from adults is respect. Only if a youth can speak and not be ignored because of his age, or if he is able to render possible solutions to problems and not have them discriminated against because of their source, will the communication between youths and adults become coherent enough to gain understanding and friendship.

As with the minority of youth which tends to discolor the general appearance of all youths, there is also a minority of adults that are not willing to give encouragement, respect, and guidance to youths. But I suspect that these minorities have always existed and will in the future, leaving not those youths who expect help from adults but those who are willing to look for it to benefit from the help and experience the adults have to offer.

WHAT DOES YOUTH EXPECT FROM ADULTS?

(By Jean Kiefer)

Throngs of demonstrators line the streets demanding rights. Relax the rules, lower age restrictions, destroy the institution, down with authority, up with utopia! Youth is on parade, denouncing the traditions of their elders, and expecting adults to relinquish all things unto them.

In the midst of this outspoken minority, there stands the bulk of today's youth: moderate, progressive, reasonable. They do not expect the "Establishment" to donate adult privileges as would a philanthropist. The silent majority realizes that with right goes responsibility. Concessions are not granted but earned through action worthy of merit. Radicalism often serves to diminish rather than to curry favor.

The typical adolescent does not envision his parents giving him everything on a silver platter. His every wish is not their command. What then does youth expect from adults?

Todays' world is becoming increasingly complex. The problems facing the human population are insurmountable. Prejudice, war, crime, poverty, starvation, and overpopulation run rampant across the world. The crises of today will likewise be the dilemmas of tomorrow. They will have to be faced by today's youth as tomorrow's adults. For youth to capably handle the situations looming ahead, adult guidance is a must. Sincere concern, good examples, and competent advice will help assure that the adolescent will be able to cope with tomorrow's world.

If adults turn away indifferently there is no hope for the coming generation. If the parents do not care, surely the children will not either. And feigned efforts will only breed hypocrisy in youth. Without the sincere concern of our elder, tomorrow's leaders will be no better prepared than any others. Good examples need to be set by adults to illuminate the path of morality for today's youth. Too many bad influences affect young people. Civilization is seething with immorality. Conduct worthy of being copied is a scarce but much needed commodity.

Competent advice from responsible adults can help a great deal in shaping the make-up of young people. Although youths may frequently act omniscient, they have had little experience with life's affairs and are not as sapient as they appear. Sound advice from esteemed adults will be well heeded.

Youth is often viewed with apprehension by adults. Too often young people appear to be clamoring for privilege without being willing to accept the responsibility that accompanies it. In reality, the youth of today are no different from the youth of other generations, but the world awaiting them is much more demanding. They need, and expect, the elements that they have always required. Not material hand-outs, but spiritual guidance, is what youth expect from adults.

WHAT DOES YOUTH EXPECT FROM ADULTS?

(By Joseph Sorrentino)

As young people enter their later teens, life becomes increasingly confusing. Adolescence brings about never-ending changes and complications as teenagers attempt to fit into the adult world. We try to cling to our child-like idealism but find, with ever-increasing awareness, that that type of idealism stands little chance in this world. It is during this transition from childhood to adulthood that we turn to adults for advice.

I use the word advice because for the first time in our lives, we should be accepted as equals in rights and responsibilities to adults. If adults attempt to dominate youth, rebellion is soon to follow. Adults should begin to realize that all youth is searching, often blindly. We are searching to be accepted, yet be individuals; to find peace, yet fight for equal rights; to find answers, yet question old ones. While we search, we will fall, perhaps often. Adults can only soften the blow, prepare us for it, but they cannot and should not stop us from making mistakes, for we must know what it is to make mistakes and learn to rise above them.

The advice given to us by adults will not be neither all good nor all bad, but before accepting or rejecting any or all of it, it is always best to think about it for awhile, perhaps an hour, perhaps more. Adults should do the same with the suggestions that come from youth, for above all, we are searching for understanding and someone who will listen to our ideas. Many of them may be idealistic, but they may also contain ideas that could solve several of this countries problems, if developed properly.

If adults and youth work together, we can surely build a better world. It would be a blend that could solve many problems; the experience and knowledge that comes with age combined with the entry and idealism of youth. The combination would certainly be worth a try.

TRIBUTE TO ARTHUR NUNLEY

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. CORMAN. Mr. Speaker, on July 1 of this year I will join several citizens of San Fernando Valley, Calif., in honoring one of its residents, Arthur Nunley.

Last month Americans celebrated Father's Day and I cannot think of any father more deserving of praise in his role as a father than Arthur Nunley. Through many years of hard work as the operator of a shoeshine stand Art has raised six children, now enterprising adults of the community. His diligence and determination to make the best possible life for his family has been rewarded with the successful endeavors of his children.

The Nunley children, five sons and a daughter, have a variety of careers. The oldest son, Truman, works for the Postal Service. Henry L. is a sergeant major in the Army who will be retiring soon to work in electronics for General Electric. A third son, Willie, is a policeman in the Los Angeles Police Department. The fourth son, L. C., is a lawyer, now a public defender for the city of Los Angeles. Martin Van is in the insurance business. Their sister, Arthurlen, is a clothes designer.

The accomplishments of these children are a reflection of their father's guidance. He has encouraged their efforts over the years, doing what he could to help financially, but most of all nourishing the incentive to work in achieving a goal. Art's wife, Myrtie, has shared in this effort. They will be celebrating their 48th wedding anniversary on July 10.

Art came to the valley in 1944. I have known him for a quarter century. It is a testament to his constantly cheerful personality and strong character that I join others in honoring him. As a father myself I know the difficulties of raising children as well as the deep feelings of reward in seeing them grow up to be good and useful citizens. Art Nunley has striven harder than most to reach this goal. He has weathered many hardships in the process but is now more than blessed with six fine, successful children.

I know that Art might prefer to hear a good joke said but we all know the seriousness with which he has dedicated himself to the lives of his family. We know the determination he has passed on to his children to help them succeed throughout their lives.

My sincerest personal wish for Art is a continued full life for many years to come.

MERITORIOUS SERVICE WINS LEGION OF MERIT

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. CAREY of New York. Mr. Speaker, it was my privilege yesterday to present to Lt. Col. Leslie C. Oakes, U.S. Army, the Legion of Merit. The ceremony, on the steps of the Nation's Capitol, was attended by the colonel's family, friends, and fellow members of my staff, with whom Colonel Oakes has worked for the last 3 months.

Colonel Oakes has worked in my office as an intern from Southern Illinois University and in partial fulfillment of the academic requirements for a master's degree in public affairs. His achievements, his commitment to his chosen career field, plus his ability to work with and win the respect and personal regard of Members and staff, would have lead me to nominate him for such an award, had not the President beat me to it.

The Legion of Merit is the second highest peacetime medal awarded by the United States. Les Oakes certainly deserved to receive such a signal indication of the value of the United States has placed on his dedication and efforts. There is no need for congressional advise and consent in the awarding of this high distinction, but I think it does us in the Congress a somewhat related honor to concur in the rightness of this award and to wish Les Oakes continued success, much happiness and many years ahead in which to enjoy them. Visit us often, colonel, so we can all look at our medal—ours because we all share in presenting it to you.

Mr. Speaker, I include the Presidential Citation of Colonel Oakes and the award language at this point in the RECORD:

LT. COL. LESLIE C. OAKES

(The following is a true copy of the citation related to the award of the Legion of Merit to Lieutenant Colonel Leslie C. Oakes, United States Army, on June 20, 1973:)

The President of the United States of America, authorized by Act of Congress, July 20, 1942, has awarded the Legion of Merit to Lieutenant Colonel Leslie C. Oakes, United States Army for exceptionally meritorious conduct in the performance of outstanding services:

Lieutenant Colonel Oakes, General Staff (Ordnance Corps), distinguished himself by meritorius achievement during the period July 1970 to March 1973, while serving as Logistics Staff Officer in the Commodity Management Division, Directorate of Ammunition, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army. From the outset of his assignment, Lieutenant Colonel Oakes performed his duties in an exemplary manner and demonstrated an outstanding and unique ability to quickly identify, isolate, and resolve logistical problem areas.

Exhibiting exceptional professional competence and managerial ability, Lieutenant Colonel Oakes made sound and far-reaching recommendations which materially assisted the Director of Ammunition in the management of the Army Ammunition Program. Particularly noteworthy during this period were his efforts in developing a computerized Ammunition Requirements Response Model which provided a capability to automate the ammunition input to the Program Objective Memorandum. Use of this model significantly shortened the time required to accomplish ammunition requirements computations. Likewise significant during his tenure in the Directorate was his monitorship of the Ground Munitions Analysis Studies, a computerized projection of Army's consumption, production, asset position, and procurement of intensively managed items.

Through his wide field experience and critical review and analysis, he identified and made recommendations to correct numerous potential problem areas resulting in more balanced munitions programs. Lieutenant Colonel Oakes' entire tour of duty with the Directorate of Ammunition has been typified by truly outstanding results in all phases of planning and management of ammunition. His exceptional performance of duty, sense of urgency, dedication, and initiative resulted in the solution of many complex ammunition problems and earned him the respect of all his associates on the Army staff. Lieutenatnt Colonel Oakes' performance of duty was in keeping with the highest traditions of the military service and reflects great credit upon himself and the United States Army.

TRIBUTE TO HON. NICK BEGICH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ROYBAL. Mr. Speaker, I rise to add my voice to those paying tribute to our friend and former colleague, Nick Begich. His disappearance and untimely death was indeed a shock.

Originally from Eveleth, Minn., his election first as State senator and then Representative in Congress for Alaska gives testament to the very high esteem in which he is held by our fellow Americans in that area. During his short but distinguished career in the House, he proved their regard to be well founded.

The premature loss of this young, capable and dedicated legislator is deeply felt by us all. I extend to his wife and family my sincere sympathy and condolences.

ALGOMA (WIS.) RECORD-HERALD

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. FROEHLICH. Mr. Speaker, 100 years ago this month, the first issue of the Algoma, Wis., Record-Herald was published in Ahnapee, Wis. I would like to congratulate the publishers and staff of this weekly newspaper on its 100th birthday. The people of Kewaunee County and Southern Door are indeed fortunate to have this distinguished publication working in their behalf.

The origins of the Record-Herald go back to June 12, 1873, when the first issue of the Ahnapee Record was distributed. In response to the surrounding area's need for news coverage and advertising facilities, a 16-year-old young man, named George Wing, undertook the initiative to establish a weekly paper. A number of prominent citizens backed the publication financially and the townspeople overwhelmingly approved.

In 1918, after 45 years of successful news reporting, the Record was consolidated with the Algoma Herald to become the Algoma Record-Herald.

This newspaper has made outstanding contributions to journalism in Wisconsin. The Record-Herald pioneered in the use of printing types, photographs and carrier service. The quality of reporting and layout has not gone unnoticed either. In 1929, the Record-Herald won first sweepstakes honors in the Wisconsin Better Newspaper Show at Madison. In 1948, this newspaper was judged the best all-around weekly paper in Wisconsin. Since that time, the Record-Herald has continued to receive the recognition it deserves. Perhaps, the real mark of success lies in the fact that its circulation has tripled during the past 35 years.

Over the century, the format and content of the Algoma Record-Herald have undergone vast changes as the needs of the times dictated, but the single most important facet of newspaper publishing—responsible journalism—remains today. In 1873, the editors of the Record-Herald wrote—

> We have adopted as our motto "Hew straight to the line, let the chips fly where they will." We intend to adhere to it. The questions at issue between the two parties are not to be decided by intuition or inspiration, but by judgment. We shall give both sides our impartial views of these questions and let them decide the right as God gives them understanding of the right.

The line hewn by the Record-Herald has not deviated from this course during its 100 years of publication.

At a time when this Nation is questioning the attitude and responsibility of the press, I find it particularly gratifying that the Algoma Record-Herald has maintained a century-long reputation for integrity and responsivness to the people of Kewaunee County and Southern Door.

I congratulate the Algoma Record-Herald for the accomplishments it has made over the past century and I wish its publishers and readers every success for a long and prosperous future.

AUTHOR OF HOME RULE EDITORIAL HONORED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. FAUNTROY. Mr. Speaker, I am pleased to learn that Jon Olshaker, a student from Washington's Woodrow Wilson High School, has won the Bryn Mawr College 1976 Studies editorial contest for secondary school newspapers. This highly competitive contest is part of a 4-year series of seminars and symposia exploring the "self-evident truths" of the Declaration of Independence and their application to modern America. Jon is to be highly commended for his efforts and appreciated for his comments on the very pressing issue of Home Rule in the District of Columbia. His prize editorial, entitled "D.C. Home Rule Vital," appeared in the Woodrow Wilson Beacon on February 16, 1973. The full text is as follows:

DISTRICT OF COLUMBIA HOME RULE VITAL

(By Jon Olshaker)

Home Rule for Washington, D.C. is something that has been discussed for a long time. It is time for the discussion to end. It is time for Washington to get home rule now.

Home Rule is a must now because our city deserves it, and more importantly, needs it. The present path of Washington is leading to destruction. Unless something is done it is quite possible that the violence in our city will reach epidemic proportions, and hate will surface in thousands of inner city Washingtonians.

If home rule is received we will still have poverty and we will still have most of the problems we have now. But we will no longer be able to put the blame on outsiders. It will finally be up to us to find a solution for our ills.

My basis for this theory is a very good one, and strong one; it is the Declaration of Independence, and the history of the United States. The American Revolution was brought on by King George of England, who continually burdened the colonists with unfair taxes and a complete disregard for the condition of the population. The constant pleas of the colonists for justice and fairness were all ignored. Finally the American colonists could take no more of mother country England, and they revolted. They were tired of being pushed around.

In the American Declaration of Independence, one passage states:

> In every stage of these oppressions we have petitioned for redress, in the most humble terms, our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by

every act which may define a tyrant, is unfit to be the ruler of a free people.

The conditions for many here are horrendous and all efforts of outside forces to change our city have been to no avail. The only chance left is for the people of Washington to be given the power to improve their own city. This power is home rule.

If we do not get home rule soon, there will be violence, because it will be the only alternative. This will either bring about change, or turn Washington into a disaster area.

All of these conditions that brought the American Revolution are prevalent today in the District of Columbia. Washingtonians have continually petitioned Congress, and they have tried to work within the system, but in return have received only political rhetoric. Washingtonians, like the colonists, are tired of being pushed around.

A vivid example of this situation is that of the D.C. Public Schools. Like Washington, the public schools are on a path of destruction. One of the primary causes of this is that the people who live here and send their children to the D.C. schools, do not control them. It is a group of Congressmen who decide how much money the schools here need, and whether or not more emphasis should be given to the schools. It seems that Congress, the president, and all the people who have the money and the power have forgotten Washington and its schools.

I have an optimistic view for Washington. I think we will receive home rule, and it will give us the independence we need to save ourselves. The American country had much slimmer chances for a prosperous future than we in Washington do now. But the United States has survived for almost 200 years, and in many ways it has flourished. Some of the dreams of the colonists never became reality, but many did.

And with home rule, the outlook for Woodrow Wilson and the rest of the D.C. Public Schools has to be brighter; the people of Washington will finally be able to run their own schools; and have the power to allot the money needed.

Home rule will give all Washingtonians pride in their city; it will truly be their city. Maybe this pride will slowly bring prosperity.

NICK BEGICH: A FOND FAREWELL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. MAZZOLI. Mr. Speaker, during his brief term of service in the U.S. House of Representatives, my close friend and classmate Nick Begich left his enduring mark on this body.

His enthusiasm for his work and dedication to his constituents were notable. He quickly showed leadership among his peers and was elected as an officer of the 92d Congress Democratic Club.

I did not have the privilege of a long friendship with Nick Begich. The divine plan was written otherwise.

But the associations which we shared, though briefly, were proof to me of his qualities as a husband, a father, and a thoughtful legislator.

His tragic and untimely death is a loss to all of us—classmate and colleagues alike—and a grievous tragedy to his wife, Pegge and their children.

On this sad and sorrowful occasion, as we bid a fond farewell to our friend, Nick Begich, I ask God's eternal blessings on his soul.

COL. JOE O. BELLINO RETIRES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ROYBAL. Mr. Speaker, on the 30th of this month, Col. Joe O. Bellino, U.S. Army, will retire from active duty. Colonel Bellino was born and raised in Los Angeles and has worked here in Washington for the past 9 years.

Colonel Bellino's decorations include the Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with "V" device, Meritorious Service Medal, Air Medal with Oak Leaf Cluster, Army Commendation Medal, and the Republic of Vietnam Medal of Honor. He is presently the director of passenger traffic with the Military Traffic and Management and Terminal Service and, in recognition of his outstanding performance while in that division, his colleagues have requested the following list of Colonel Bellino's accomplishments be inserted into the RECORD.

NARRATIVE

Colonel Joe O. Bellino, United States Army, distinguished himself by exceptionally meritorious conduct in the performance of wide ranging duties as a member of the General Staff, Headquarters, Military Traffic Management and Terminal Service, Washington, D.C. from 28 October 1968 through 30 June 1973. During this period Colonel Bellino exercised strong and imaginative leadership as Director of Field Assistance, Director of Plans, military member of Project EPIC, and Director of Passenger Traffic.

From 28 October 1968 to 31 August 1969 Colonel Bellino was instrumental in etablishing visits and brifings to Headquarters of the Military Services, DSA and Headquarters of major commands on the Field Assistance Program. This gained valuable support for the program and lent prestige to field assistance visits conducted by MTMTS area representatives who called on various military installations throughout the country.

As Director of Plans from 1 September 1969 to 24 August 1970, Colonel Bellino was responsible for providing contingency transportation planning support to the DOD, maintaining plans for the emergency use of DOD and commercial transportation within the CONUS, and coordinating MTMTS agency development planning. Beyond supervising these functions, Colonel Bellino introduced a host of innovative and dynamic projects aimed at improving DOD's planning and logistics posture. Colonel Bellino personally inspired and supervised an improved transportation trends study which presents a trend projection for the transportation industry. Trends identified in this study have been used extensively by OJCS and the Military Services in strategic mobility planning. Recognizing the vital interface between transportation and logistics, he initiated actions that paved the way for MTMTS' participation in and support of DA's Logistics Offensive Program, particularly the Inventory in Motion concept. As an additional duty he also organized and directed the "Freight Roundup" project. This project called upon commercial carriers and military terminals throughout the country to search their warehouses and terminals for any frustrated DOD shipments. As a result of his efforts, shipments representing thousands of dollars were recovered and put back into the transportation system.

As military member of the EPIC Project, a five-man MTMTS ad hoc group established to plan for MTMTS acceptance of ocean traffic management functions, Colonel Bellino performed ten separate project tasks. These tasks covered the entire traffic management spectrum and included both an indepth analysis of DOD ocean shipping activities on a worldwide basis, and detailed procedures for absorbing ocean traffic management functions within the Headquarters. Through the combined efforts of Colonel Bellino and the Project staff an integrated study, EPIC Project Plan I, was submitted to the Commander, MTMTS, on 30 September 1970, approximately two months after the study group's inception. The plan was subsequently accepted by the Commander, MTMTS, and became the basic document for further implementation planning.

In his capacity as Director of Passenger Traffic from 24 August 1970 to 30 June 1973, Colonel Bellino brought vital direction and control to passenger traffic operations at a time when the Directorate was undergoing major reorganization and, substantially, increased workload. These efforts enabled Passenger Traffic to garner the Army Management Improvement Program's Award for Exceptional Performance two years running. In FY 1971 the Exceptional Performance Award cited the Directorate for improved group packaging methods which resulted in a cost avoidance of $1.5 million during the first nine months of FY 1971. In FY 1972 the Directorate qualified for the exceptional Performance Award by centralizing port call functions at an annual savings of $565,000. This port call centralization was achieved in spite of a technically inexperienced staff and without the benefit of a trial-and-error operating period. Colonel Bellino's deep personal commitment to providing the best service for the military traveler at the lowest cost to the Government resulted in notable improvements in broad areas of passenger traffic operations. Comments on but a few follow: under his guidance Carrier Standards of Service Checks were improved to permit a closer check of possible overcharges or noncompliance with DOD-specified Standards of Service. Unique rental agreements were negotiated with car rental companies which provide for the Military Services to be paid a dividend in addition to the customary 20% rental discount. AD approval of his recommendation to transfer passport administration functions to local installations removed an essentially Adjutant General function from the Directorate, ending a major encumbrance to passenger traffic operations. Under his leadership a major breakthrough in rate negotiations with the air industry was also initiated and is currently under consideration. The new proposed rate structure provides for lower group size and higher fare discounts, a goal pursued by MTMTS for many years. If approved by the CAB this will be the first change to the original group discount agreement negotiated in January 1963.

Colonel Bellino's service has significantly strengthened the effectiveness of the customer assistance, planning and passenger traffic components of the Command. His performance reflects great credit upon himself, MTMTS, and the United States Army.

GRIM GENERATION

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. SCHERLE. Mr. Speaker, June 15 marks the end of the first generation of

Soviet servitude for the Lithuanian people. In terms of human history, a generation may not be a very long time; but to a nation governed against its will by force and fear, it represents eternity.

Since the Russian troops occupied the Baltic States during World War II, tens of thousands of Lithuanians have died in the struggle to liberate their country, and as recently as a year ago, Lithuanians were still offering their lives in protest against Soviet domination.

June 15 is an appropriate time to commemorate their bravery and patriotism and to remind the fortunate citizens of this Nation not to forget the sacrifices made elsewhere in the name of freedom.

PARAPLEGIA RESEARCH

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. HANSEN of Idaho. Mr. Speaker, over the past 2 years I have periodically brought to the attention of my colleagues information relating to the search for a cure of paraplegia. Progress is slow, partly because of lack of commitment by the Federal Government to the necessary research work.

One of the best and most succinct statements I have seen on the subject was recently delivered by Bullard professor of neuropathology Dr. Richard L. Sidman before the Labor-HEW Subcommittee on Appropriations. So that they may be brought to the attention of my colleagues I include his statement as a part of my remarks:

STATEMENT BY DR. RICHARD L. SIDMAN

Mr. Chairman and Honored Members of the Committee: My name is Richard L. Sidman, of Brookline, Massachusetts. I received the M.D. degree from Harvard Medical School in 1953. From 1956 to 1959 I served as an officer in the Commissioned Corps of the U.S. Public Health Service at the National Institutes of Health, Bethesda, in the laboratory of Dr. William F. Windle, a pioneer widely honored for his research on central nervous system regeneration. Since 1959 I have been on the faculty of the Harvard Medical School and have engaged continuously in basic research on development of the mammalian central nervous system. As Bullard Professor of Neuropathology at Harvard since 1968, my goal has been to bring basic science to bear directly on mechanisms of disease in the nervous system. With acceptance in 1972 of an additional role as Chairman of the Department of Neuroscience in the Mental Retardation Program at the Children's Hospital Medical Center, I have a further opportunity and responsibility to focus research more sharply so that advances made in the laboratory can be brought as rapidly as possible to the direct benefit of the patient. I serve also on advisory committees to the National Institutes of Health and to several lay organizations concerned with special areas of health, including the Paraplegia Research Foundation—Paracure, Inc.

I come before you today out of concern for two sets of problems. The more important set concerns the devastating unsolved affliction of the hundreds of thousands of U.S. citizens suffering the consequences of severe injury to the spinal cord or brain. A less important, but still very real second set of problems confronts every American biomedical scientist today, since our work is being progressively inhibited by the current negative federal policies concerning research support.

My message, reduced to one paragraph, is as follows. Most diseases of the brain and spinal cord involve focal and permanent damage. Once the destruction has occurred, we physicians can do nothing today; we treat only the resulting symptoms of paralysis, impairment of speech and vision, and so on. The desirable direct therapy would be through regeneration of damaged nerve fibers and reestablishment of functional connections. The diseases I am talking about range from many forms of mental retardation and cerebral palsy, to chronic multiple sclerosis, brain and spinal cord trauma, focal epilepsy, and most strokes. An extremely conservative estimate is that the population we are referring to with potentially treatable disease, if effective regeneration should become a reality, numbers at least 600,000 of the most severely affected patients in the United States. With no weapons but the presently available medical measures, the human suffering and economic consequences are immense and steadily increasing. The source of hope is that neurological science is at that special point today where we can mount a bold yet sensible laboratory research program on animals that has a fair prospect of yielding in time a practical method of regeneration in the human central nervous system.

Let us consider for a moment only one type of damage, the all-to-frequent injury to the spinal cord at the level of the neck that can result from a penetrating bullet, a football or diving accident, or an injury sustained while fighting for one's country. The personal tragedy is beyond comprehension. Most of the spinal disasters strike young men, age 18–25, often paralyze them (termed "quadriplegia" or "paraplegia", according to whether all four limbs or only the lower limbs are affected), remove all conscious sensation from the neck down, and sentence them to a half century in bed and wheelchair. The economic toll is staggering. The initial hospitalization costs an average of $30,000–$250,000 per patient, and the bills continue for life at thousands of dollars per year. The recent extension of Medicare benefits to the permanently disabled under age 65 will add significantly to the federal health bill. Indirect costs in terms of lost earning capacity for the individual and reduced productivity for the nation are beyond my competenance to calculate. Spinal cord injury is the most labor-intensive (man hours of care per patient) problem in all medicine, and labor costs are rising rapidly. The most plausible way, some would say the only way, to make a dent in this national economic disaster is to achieve effective regeneration of nerve fibers in the damaged tissue.

The scientist interested in basic research sometimes feels in an uncomfortable position when the issue of project-oriented research is raised. He or she knows that every field of knowledge has its periods of excitement and its slack periods. Basic work on the nervous system is currently in a marvelously exciting phase. Many of us recognize an analogy with the ferment in molecular biology in the late 1940's and the 50's that led to such marked advances in the physician's understanding of genetic and metabolic diseases later in the 1960's and 70's. That development is universally acknowledged to have resulted directly from the Congress' wisdom in developing a bold health research policy and pressing the National Institutes of Health to implement it and maintain its high quality through a uniquely effective peer review system. Now, at the very time when we can foresee a comparable development on the horizon for diseases of the nervous system, when scientists in increasing numbers wish to become trained to deal with key challenges such as the questions of how nerve cells grow, how they make such fantastically intricate connections, and what stimulates them to regenerate when injured, the government is setting policies that choke off training and research. Congress, it appears to those of us on the outside, has abdicated its former role of leadership. We hope this is only temporary.

Let me elaborate a bit further on the biomedical scientist's view of this. We have two major anxieties. One is that research is being strangled and we are being told in effect to go out and deliver medical care instead. In the neurological field and in most other branches of medicine, this is senseless. A few major neurological diseases such as polio have been solved so well that there is virtually no problem any longer. However, most neurological diseases are treatable only in unsatisfactory terms—maintenance of flexible joints in a paralyzed limb or prevention of bedsores in a paraplegic patient, for example. What the biomedical scientists can contribute *uniquely* is new knowledge about the principles and mechanisms of growth that one day will allow the physician to coax injured nerve cells to regenerate effectively and restore normal function. We cannot afford to throw away this role. The second anxiety is that research will be forced by government to focus on problems that are admittedly important, but that are not ripe for solution. Scientists may seem to be far-out types with no sense of priorities, but actually the exact opposite is true. We are intensely pragmatic, and hardly ever will show interest in an idea unless there is some good way to test it directly in the laboratory. We feel that we simply cannot put money to good use in the direct study of certain important diseases for lack of the basic information necessary to design a laboratory experiment that answers a definite question. That is the source of our cry for support of basic research, and we feel intensely that the progress of medicine over the past 25 years bears witness to the validity of our view.

Now the current importance of research on growth and regeneration in the nervous system, and the reason I advocate this topic as vigorously as I do, is that it meets the legitimate popular need that we come to grips with destructive diseases of the nervous system *and also* the scientist's need to receive funding for those fundamental biomedical problems that are attackable in a realistic way. Nervous system growth and regeneration is people-oriented and involves good medicine, good economics, and good science.

I would like to make two specific policy suggestions for this committee to consider.

1. *Task Force on Nervous System Growth and Regeneration.* Creation of such a Task Force, representing the national biomedical community and administered through the National Institute of Neurological Diseases and Stroke, was recommended in testimony before Congress a year ago. Its charge was to assess the need in terms of manpower, goals, and quality of scientific ideas, and to recommend a long range policy for future funding. It was hoped that the completed report of this Task Force would have been available to the government in time for the coherent planning of the budget for Fiscal Year 1974 and subsequent years. The idea of this Task Force was accepted by the Department of Health, Education, and Welfare, largely through the initiative of the Paraplegia Research Foundation—Paracure, Inc., in September, 1972, but its implementation by the National Institute of Neurological Diseases and Stroke has been hampered in the past

several months by legislative constraints. The new Public Law 92-463 was intended to provide greater public visibility in federal decision making, but it seems to be serving to inhibit the Institutes from obtaining much needed expert advice from the nation's scientists. No governmental agency can function effectively in isolation, as we have all been learning painfully through recent newspaper headlines. I urge Congress to take steps to remove these constraints so that the National Institutes of Health can continue to obtain the wisest outside advice and to direct the NIH to organize this particular Task Force at last, after so much undesirable delay.

2. *Specific Appropriation.* I urge inclusion in the FY 74 budget of a line item for basic research on growth and regeneration in the nervous system in the amount of 4.5 million dollars. This item should be separate from and in addition to the regular budget of the Natioanl Institute of Neurological Diseases and Stroke, but it should be administered by that Institute and awarded on the basis of peer review advice. A suggested breakdown of this fund, allowing for modification in detail according to the response from the nation's scientific applicants, would be as follows:

5 invited major programs at an average annual cost of $400,000 each	$2,000,000
10 projects at an average annual cost of $200,000 each	2,000,000
10-20 special research grants at an average annual cost of under $50,000 each	500,000
Total	4,500,000

The major programs and projects should be ones that integrate a range of laboratory techniques and focus them on basic problems of growth and regeneration. Examples of pertinent subjects ripe for exploitation toward the eventual practical goal of regeneration in the spinal cord and brain of man, are 1) electron microscopic definititon of nerve cell and nerve fiber behavior during fiber growth leading to formation of the "wiring" connections that allow the nervous system to function; among other things, this is coming to involve the development and use of new computer instrumentation to allow reconstruction and quantitative measurement of three-dimensional images of growing cells; 2) fluorescence microscopic methods for visualizing very fine caliber regenerating nerve fibers of defined chemical classes; 3) new tissue culture methods for growing partially differentiated brain and spinal cord cells of neuronal and glial types, to allow more precise analysis of the cell interactions that underlie maintenance, growth, regeneration, and connectivity; 4) grafting of cells into injured brain and spinal cord of experimental animals, on the basis of new knowledge of genetics and immunology, and new techniques of cell isolation; 5) basic and physical chemical analysis of growth-controlling molecules such as the protein called Nerve Growth Factor, and study of their mode of action; 6) analysis of the significance of downstream and upstream transport of specific classes of molecules possibly serving for the initiation and maintenance of growth and regenerative activity; 7) chemical study of the interaction of hormones and other small molecules with proteins at cell surfaces and in the cell cytoplasm and nucleus to influence ultimately the genetic program of growth and differentiation; 8) physiological study, mainly via microelectrode and iontophoretic experiments, of the role of active inhibition at the cell level in preventing normal functional activity after focal injury to the nervous system. This partial listing of the scientific scope should underscore the need for training of new professional personnel to a high level of skill, as well as the need for new programs, not currently funded anywhere in the country, that would provide the necessary integration around the focus of growth and regeneration. The largest of these programs should be asked to achieve integration with an academic clinical rehabilitation center so as to complete the bridging from laboratory bench to patient that has proved so successful a feature in the areas of modern medicine.

The small research grants also merit emphasis in the total plan. As Dr. James D. Watson, Nobel laureate, frequently points out, almost every important discovery, the ones that turn a science in a new direction, are made by young people, commonly virtual unknowns at the time they develop the key idea. Funding for such persons is particularly crucial if paraplegics are to rise out of their wheelchairs one day, or stroke victims and epileptics are to recover fundamentally from their injuries.

One hears the criticism that we must not push such a research area because it will raise false hopes in the patients afflicted with nervous system injuries. In my experience this is not a realistic worry. The patients and their families do not expect overnight miracles. Also labor leaders and many political figures at the state and national level that I have talked to are aware that nothing is that easy. All of them feel strongly and simply that their government and the nation's scientists should be at work on the problem. If someone argues that it might take 100 years to find a cure, the patients reply that it will take that many years longer unless we get on with the job. They are depressed by inaction and indifference. They know that there is much basic work of extraordinary difficulty to be done, but they know that the neurosciences are among the most exciting and promising of all the sciences today. They say, "Let's put it all together," and we should respond.

ELECTION OF PENNSYLVANIA OPTOMETRIC ASSOCIATION PRESIDENT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. GOODLING. Mr. Speaker, Dr. John F. Schwartz, of Gettysburg, Pa., has recently been elected by his fellow optometrists as the 1973-74 president of the Pennsylvania Optometric Association. As a leader with much experience in optometric and civic organizations, Dr. Schwartz will surely continue the excellent record of progress that this association has compiled.

The newly elected president has managed to compile quite a record of service. He has served as treasurer and president of the Pennsylvania Vision Conservation Institute, trustee and vice president of the Pennsylvania Optometric Association, vice president of the multistate VCI, staff member of the Pennsylvania Optometric Center, and adviser to the Central Pennsylvania Optometric Assistants. He is currently a vice president of Vision Welfare League, a trustee for Pennsylvania College of Optometry, and a fellow of the American Academy of Optometry.

In his community, Dr. Schwartz has somehow managed to allocate time from his busy professional schedule to serve as a member of the West Shore YMCA Board, West Shore Choral Society, East Berlin Borough Council, and chairman of the East Berlin Planning Commission. He has been president of the West Shore Rotary Club, the Gettysburg-Adams County Torch Club, the Adams County Public Library Board. He has served the YMCA as fundraising chairman of the East Berlin area. Dr. Schwartz is special governmental agencies liaison for the East Berlin Council and a member of the West Shore Chamber of Commerce.

In this age of concern over the health care delivery system and practices in this Nation, it is imperative that organizations such as the Pennsylvania Optometric Association participate fully in the shaping of the health care of the future. POA has been a progressive force in the State of Pennsylvania. Under Dr. Schwartz' able leadership, it will continue, I am sure. I would like to extend my personal congratulations to him on this honor and to the association for selecting him.

STATEMENT OF FINANCIAL WORTH OF CONGRESSMAN ROMANO L. MAZZOLI

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. MAZZOLI. Mr. Speaker, today I am placing into the RECORD a complete statement of my financial worth as of December 31, 1972. This statement includes a listing of all assets which are held in my name individually or which are held jointly with my wife, as well as all assets which are held by my wife in her individual name.

I have also included a statement of our income, from all sources, for calendar year 1972 as developed from our income tax return for that year.

I have placed a full financial disclosure into the RECORD yearly since coming to the Congress. I shall continue this practice for each year it is my privilege and honor to serve in the Congress of the United States.

The statement of finances is as follows:

STATEMENT OF FINANCIAL CONDITION OF ROMANO L. AND HELEN D. MAZZOLI, DECEMBER 31, 1973

Cash on Deposit:	
Lincoln Federal S&L Association Account No. 37339	$3,663.96
Liberty National Bank & Trust Co., Account No. 09-013390	8,979.52
Liberty National Bank & Trust Co., Account No. 08-33-816-7	336.82
Liberty National Bank & Trust Co., Account No. 08-33-817-5	100.00
American United Life Insurance Co., Policy No. 1116312	65.26
American United Life Insurance Co., Policy No. 1011729	554.59
Securities, Stocks, and Bonds:	

U.S. Government Bonds, Series E	767.38
Real Property:	
Residential:	
House (Louisville): Assessed Value	18,860.00
Less: Mortgage, Portland Federal S&L	12,022,23
Equity	6,837.77
Commercial or Investment	0
Household Goods and Miscellaneous Personalty (Estimated)	4,500.00
Cash Surrender Value of Life Insurance Policies:	
American United Life Insurance Company, Policy No. 1011729	2,382.70
American United Life Insurance Company, Policy No. 1116312	216.75
Federal Employees Retirement System, Contribution to Fund	6,497.77
Automobiles, 1965 Rambler	545.00
Law Office Library	545.07
Total assets	36,072.59

RECAPITULATION OF INCOME AND EXPENSES FOR CALENDAR YEAR 1972

INCOME

Interest and Dividends	
Lincoln Federal S&L Association	$167.63
Liberty National Bank & Trust Co.	291.72
American United Life Insurance Co.	21.35
	480.70
Law Practice	
Income	422.64
Expenses	962.16
	(539.52)
U.S. House of Representatives:	
Salary	42,500.00
Gross income	42,441.18

EXPENSES, DEDUCTIONS, AND EXEMPTIONS

Congressional Expenses in Excess of Reimbursements	$5,648.41
Miscellaneous Congressional Deductions	4,084.16
Personal Deductions	4,811.40
Personal Exemptions	3,000.00
Total	17,543.97
Total taxable income	24,897.21

THE NEED TO CLARIFY WAR POWERS

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. STEELMAN. Mr. Speaker, we have learned a painful lesson from our past involvement in Vietnam. And today, as many of us reflect on previous mistakes, we realize the need for congressional legislation, further defining the rules which govern the use of U.S. forces in the absence of a declaration of war.

In reference to this need to specify the warmaking powers of Congress and the President, I am inserting into the RECORD an excellent editorial comment from the Dallas Morning News, which I commend to my colleagues.

The text of the editorial follows:

CLARIFY WAR POWERS

With the Vietnam war over, it is possible to study some of the policymaking problems of that war with more light and less heat.

One of these problems is the conflict between Congress' constitutional responsibility for declaring war and the President's responsibility, as commander in chief, for directing our wars.

An attempt is now being made in Congress to resolve this conflict by voting legislation that will require a president who begins military action on his own initiative to gain the approval of Congress within three or four months—120 days by the House version—or cease the action.

The News has consistently opposed legislative attempts in the past that would have cut the ground from under first President Johnson and then President Nixon in the conduct of the then-ongoing Vietnam War.

Congress voted President Johnson blank-check authority, in the 1964 Gulf of Tonkin Resolution, to commit our military in the Vietnam War. Once the war was under way, Congress was as committed, in our opinion, as were the hundreds of thousands of American troops. With a shooting war already in progress, with Americans dying, it was too late for second thoughts and grandstanding to the "peace" groups that did the Communists' political fighting in this country.

Now, however, the time has come to examine the war powers machinery established by the Constitution and the law. The time has come to clarify these powers and specify how the machinery should work. The News believes that the basic concept of the current war powers legislation is sound, for these reasons:

First, it does not restrict a president's capability for taking quick action to repel an attack on U.S. territory or forces or to deal with any other sudden emergency.

This freedom of action was seen as an imperative by the architects of the Constitution, in the days when communications were slow and there was not always time to get a congressional vote before taking emergency military measures. It is even more imperative in the missile age, when the U.S. is only minutes as the ICBM flies from any aggressor.

Second, it requires any president to make sure that he has powerful and convincing evidence of the need for a sustained military operation before he commits the country's troops. He will be on notice that he must be able to demonstrate to the Congress, and therefore to the American people, why and how we are going to war.

In a democracy, where the people must support a war to fight it effectively, this presenting of the president's case for commitment is not merely rhetoric but a crucial step in the military and psychological mobilization of the nation for war.

Third, if a president does not have arguments strong enough to convince Congress of the need for military action, it is highly unlikely that he will be able to convince the people and thereby ensure their support for the duration of the war that will ensue.

And since the people are the ones who will have to pay the price and bear the sacrifice of fighting such a war, this mobilization of popular support is a must, without which no long-term military action should be launched.

UNIQUE CERAMICS MUSEUM OPENS IN NIAGARA FALLS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. SMITH of New York. Mr. Speaker, the city of Niagara Falls has much to offer its visitors. I am pleased to announce the latest attraction—an example of industry cooperating with the community—the Carborundum Museum of Ceramics.

The multimedia museum, depicting the history, technology, and art of ceramics from 7,000 B.C. to the present, is The nonprofit educational institution the only one of its kind in the world. opened this month as part of the Rainbow Urban Renewal project in Niagara Falls. It has been described as "a living experience; a place for small children as well as Ph. D. candidates."

In the museum's theater, visitors view a film shot on location in England which details the discovery of the art of making bone china by Josiah Spode.

The museum imported 16 master potters from Staffordshire, England—their skill is virtually unknown in the United States—who work in the museum's small-scale bone china assembly line. The Clay Masters, as they are called, make authentic bone china using virtually the same methods Josiah Spode used almost 200 years ago. Visitors can watch them mold and press clay, decorate a teapot with a design conceived 9 years before the birth of Abraham Lincoln, or hand-paint finished articles with a tracery of 22-carat gold.

The work of the English craftsmen is on sale in the museum's gift shop.

The trip back in history also offers exhibits featuring mud bricks baked on the banks of the Nile before the time of Moses, priceless Chinese pottery of the Ming Dynasty, Greek vases from the golden age of Athens, Roman water pipes and heating ducts, and colorful Persian mosaics.

The museum was primarily the brainchild of William H. Wendel, Carborundum Co. president. The Carborundum Co. provided the funds to start the project.

The Carborundum Co. has built its new world headquarters in Niagara Falls, and headed by Mr. Wendel, has taken a leading interest in the development and redevelopment of the city.

The museum, under the directorship of A. Richard DeNatale, now is on its own as a public, nonprofit institution. Funds are raised through membership fees, sales in the gift shop, and admission charges—$2.25 for adults and $1 for children. The museum has applied for funding from the New York State Council on the Arts, and also hopes for funding from private foundations and the Federal Government.

Located at Third and Niagara Streets, just four blocks from the American Falls, the museum is open every day from 10 a.m. to 10 p.m. in the summer, and 10 a.m. to 6 p.m. in the winter.

I would like to invite everyone to visit Niagara Falls and urge you to visit our new ceramics museum while you are there.

INTERVIEW BETWEEN GEORGE MEANY AND GERHART LOWENTHAL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. SPENCE. Mr. Speaker, the AFL–CIO recently released the transcript of an interview between President George Meany and Gerhart Lowenthal, chief editor, the Second German Television Network, aired in the Federal Republic of Germany.

I am deeply impressed by the view Mr. Meany expressed in that interview regarding the mirage of "detente" with the Soviet Union, the present policies of the Soviets, and particularly the naivete of current United States and Western attitudes toward increasing trade with the Soviet Union.

While we do not always agree on domestic issues, I find myself wholeheartedly in agreement with Mr. Meany when he says:

> Moscow shows good will only when it gets what it wants. To me, that is gross tyranny, outright imperialism. This is no detente.
>
> * * * * *
>
> The Soviets have not given up their expansionist designs. They are seeking Western help to overcome their serious economic difficulties and to continue their speeded-up rearmament.

In my opinion, we are fools if we think that current or potential Soviet markets for foodstuffs or manufactured goods are worth the price we will pay. It is bad enough that when we sell them grain we sell it to them at rock-bottom prices and then subsidize the sale out of the hard-earned dollars of American taxpayers. We seldom do that, even for our friends. Only a very foolish man would make such concessions in behalf of an enemy, who, when he has remedied his economic difficulties and developed his armaments by means of such assistance, will forget good will and détente and turn to bite the hand that has fed him.

I commend Mr. Meany for his forthrightness and insight in this regard and commend his remarks to all my colleagues. I feel certain the laboring men and women of America, whom Mr. Meany represents, concur in the views he has expressed. I certainly hope that those Members of Congress who represent substantial union constituencies will work to translate those views into legislative action.

Mr. Speaker, the text of the Meany-Lowenthal interview is printed at this point in the Record:

Transcript of the Interview

Lowenthal. Mr. Meany, you have always very outspokenly criticized what you call Soviet imperialism. Since we are living in a time of detente, do you still doubt the good will of the Soviet Union to conduct a policy of cooperation with the West?

Meany. Yes, I still doubt the good will of the Soviet rulers. In fact, my doubts have strengthened after Brezhnev's recent visit to the Federal German Republic.

There can be no good will without good deeds. And I have not seen any Soviet good deeds for the aspirations and hopes of the German people for national unification in freedom or for the people of Berlin.

The Soviet dictator could have utilized his visit to show his government's good will by taking positive action for guaranteeing full Russian compliance with the 1971 Four Power Agreement on the status of Berlin which provides for West Berlin Federal Repubic ties. He did nothing of the sort. The Joint Agreement signed after this visit mentioned "strict adherence and full application of the Four Power Agreement"—but did not specifically reaffirm the right of the Federal Republic to speak for West Berlin after the two German states enter the United Nations.

As you know, the Governing Mayor of Berlin recently had a taste of Russian good will at the Soviet Industrial Exhibition in Berlin. The Moscow representative tried to keep out the state secretary of the Federal Republic's Economic Ministry during the official tour. Charging deliberate Russian disregard for the Four Power Agreement, the Governing Mayor protested that its provisions "are evidently not yet fully accepted in practice by the Soviet Union and its partners in Eastern Europe."

And though it is very anxious for good relations with the Soviet Union, the Federal Government has had to express—with great restraint—its regrets over this display of Russian ill will at the Soviet Industrial Exhibition in Berlin, and described it as not promoting efforts for detente.

The Soviets are not turning their Iron Curtain into plowshares. The Berlin Wall still cuts across the face of the city like a duelling scar. Workers and intellectuals trying to flee to freedom are shot down in cold blood at the Wall. The 840-mile frontier between the two German states is a horrible death fence. I don't see any Soviet good will in this gruesome situation.

Moscow shows good will only when it gets what it wants. To me that is gross tyranny, outright imperialism. This is no detente. Soviet behavior in Berlin is a symbol of the cold war which Moscow is still waging. It is not good will.

Lowenthal. How would you analyze the aims of present Soviet policy?

Meany. The Soviets have not given up their expansionist designs. They are seeking Western help to overcome their serious economic difficulties and to continue their speeded-up rearmament. The Federal Republic's Defense Minister, Georg Leber, recently explained what Russia's mounting military might means for the Federal Republic.

The Soviets are trying to get all kinds of diplomatic concessions in order to achieve these two goals. At the same time Moscow tries to create a false sense of security among the West European peoples and to undermine the American presence in Europe. If they get away with this game, the Soviets will sooner or later succeed in the "Finlandization" of Western Europe. This would be only a step towards their complete domination of the continent.

The Soviets are pursuing the same strategy in the Middle East: Here they are not seeking real peace. While not encouraging *immediate* war, they continue to aid and arm the guerrillas and the most warlike Arab regimes and build up their fleet in the Mediterranean.

Brezhnev himself explained what detente means to the Kremlin and what the Soviet rulers are trying to get out of it. Addressing a conference of select Communist representatives at Karlovy Vary, the Soviet dictator said on April 24, 1967:

"Experience teaches, in particular, that the 'cold war' and the confrontation of military blocs, the atmosphere of military threats, seriously hampers the activity of revolutionary, democratic forces. In conditions of international tension in bourgeois countries, the reactionary elements become active, the military raise their heads, anti-democratic tendencies and anti-Communism are strengthened.

"And conversely, the past few years have shown quite clearly that, in conditions of slackened international tension, the pointer of the political barometer moves left. Certain changes in relations between communists and social-democrats in certain countries, a noticeable falling off in anti-communist hysteria, and the increase in the influence of West European communist parties is most directly correlated with the reduction in tension which has taken place in Europe."

Lowenthal. You have very recently criticized industry to be too keen on expanding trade in the Soviet Union and you have warned the industrialist that the Russians might only be interested in the expansion of technological and economic relations with the West to overcome their own difficulties. Do you think that an expansion of economic relations with the East is also in the interest of Western countries?

Meany. I have already mentioned the two main reasons why Moscow is trying so hard to get massive economic and technological help from the Federal Republic, the U.S. and other Western democracies. One thing is clear, the Kremlin is much more interested in advancing Russian world influence and power than in promoting the well-being, living standards, and human rights of the Russian people. Actually, recent months have seen a tightening of Russian tyranny and repression against Soviet intellectuals and Jews seeking to exercise their basic human rights of emigration in line with the Charter of the United Nations.

As I see it, Moscow should not be given the aid it now seeks unless and until it gives up its expansionist designs which are a threat to democracy in Germany as well as a threat to world peace. Experience has shown that free world economic help to the Soviet rulers does not make them more peaceful abroad or less repressive at home. Over the years, German, American, and other Western industrialists, bankers and governments have given much economic and technological aid to the Soviet regime. What good did it do?

Let me remind you that an American firm, the McKee Corporation, built the world's biggest iron and steel plant at Magnitogorsk. Ford built the first Soviet automotive plant. General Electric planned, equipped and constructed the famous Dnieper hydroelectric dam. Some years ago, Stalin himself told the American industrialist, Eric Johnson, that "about two-thirds of all the large industrial enterprises in the USSR have been built with U.S. materials or technical assistance."

So you see, big economic help to Moscow did not prevent it from causing crisis after crisis over Berlin, building the Wall of Shame, denying the German people the right of self-determination, aiding and abetting subversion of the democracies and wars of so-called national liberation. The huge expansion of this type of Soviet collaboration with the West will not help the German, American, or any other people. For the Russian people it has meant and can only mean a strengthening of the dictatorship which exploits and oppresses them. Why repeat and even enlarge this mistaken policy? In a human and moral sense, and in the long range even from the viewpoint of profits, this kind of policy is bad-business—fatally shortsighted.

Lowenthal. You have always been critical of the Eastern policy of the present German Government? Is that still your position?

Meany. Yes, I have been and continue to be critical of Ost-Politik. I do not question the intentions of Chancellor Brandt in his efforts to secure peace with former enemies. I appreciate his sincere desire for world peace. We all long for the day when mankind will feel secure in its enjoyment of peace, freedom and fruits of modern technology.

But I do think that the Federal Republic has made too many concessions to the Soviets and has gotten nothing in return. Abandoning a huge part of Germany to Communist dictatorship is no road to peace or freedom, regardless of the very best intentions. Strengthening Soviet influence and power in Europe can only help the forces of subversion and aggression on the continent and harm the ranks of democracy and peace everywhere.

All euphoria aside, this is not in the interest of the German people or in the service of peace and freedom on the continent or anywhere else.

LOWENTHAL. What do you think of the establishment of relations between the trade union movement in the Federal Republic and the Soviet Union and Eastern Germany?

MEANY. We of American labor have always considered the so-called trade unions in the Communist and all other totalitarian countries as Labor Fronts—the kind that Dr. Ley and Hitler built. In the USSR, the head of the Labor Front, designated by the Communist Party is Shelepin, formerly chief of the dreaded Russian secret police.

The so-called unions behind the Iron Curtain are only arms and agencies of the Communist dictatorship. They are instruments of the police state—to police and speed-up the workers in the plants. We believe free trade unions in our country or in any other free country should have nothing to do with these Labor Fronts. Joining hands with them lends respect and credibility to them as bona fide unions. This is what the Communist Party bosses want in order to deceive their members and serve the dictatorship.

Contacts and exchanges between free trade unions and the Communist state police "unions" never have brought and never will bring more rights and social justice for the workers in the dictatorship countries. Such dialogues and exchanges only discourage the workers who long for the day when they will be able to enjoy the right to freedom of association; such exchanges and contacts strengthen the hands of the Labor Front officials who hold down the workers in the interest of the Communist Party and the government which it monopolizes.

In addition, let me say that no one has yet come up with any evidence that such exchanges have been of any help to the workers in the free trade unions of any democratic country. Quite the contrary, these exchanges have helped Communist infiltration and subversion of the bona fide trade unions in the free world.

We look for the day when the Russian, East German, Polish, Czecho-Slovak and all other workers now behind the Iron Curtain will enjoy the benefits of free trade unionism now enjoyed by the DGB and AFL-CIO. And of course, we continue to hope that, sooner rather than later, the DGB and the AFL-CIO will again cooperate fully for their common basic aims and democratic ideals.

OEO LEGAL SERVICES

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. BAKER. Mr. Speaker, I have received a letter from Mr. Simon Rosenthal, executive director of the Legal Aid Society of San Mateo County in Redwood City, Calif., concerning my remarks in the CONGRESSIONAL RECORD on May 31, 1973. I have checked further into the matter of embezzlement of funds as described in my remarks. I find that rather loose practices existed regarding the handling of legal services funds, that is, no requirement for a countersignature or any mention of a bond. I would agree with Mr. Rosenthal that if I had understood conditions to exist as he described them in his letter, I possibly would have chosen another of the many examples of deficient or illegal practices.

At this point I include Mr. Rosenthal's complete letter in the RECORD:

LEGAL AID SOCIETY
OF SAN MATEO COUNTY,
Redwood City, Calif., June 13, 1973.

Congressman LAMAR BAKER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BAKER: I have just been advised of your comments published in the Congressional Record on May 31, 1973, pertaining to the National Legal Services Program. I can appreciate a different philosophic analysis of Legal Services but wish to respectfully call your attention to a matter you delineate wihch, when taken out of the total factual context, could mislead the members of the House. I believe that, had you been fully apprised of the facts, you might have chosen to avoid the following comments:

"In Redwood City, California, an attorney for Angela Davis embezzled $10,000 from the local Legal Services program. . . . There can be nothing lower than so-called members of a proud profession who prey upon the weak and helpless and actually embezzle funds meant to relieve human suffering."

The embezzlement you refer to in fact occurred approximately three years ago. The fact that this was a "technical embezzlement" is no excuse for the serious violation. The attorney who committed this crime had been employed by the San Mateo County Legal Aid Society for two months and was forced to resign his position four months after the offense despite the fact that the agency was not at that point aware of the technical embezzlement. I should emphasize that the $10,000 which was wrongfully appropriated had been returned by the attorney in question before the violation was discovered.

The fact that the funds were voluntarily returned prior to discovery in no way mitigates the fact that a crime had been committed. Because of the serious nature of the offense, my Board of Directors promptly informed our local District Attorney's office when the matter was discovered. The attorney was prosecuted in the criminal courts and subsequently entered a guilty plea. The guilty party was disbarred from professional practice in the State of Michigan and denied the right to practice law here in the State of California by the State Bar Association. This after ten years' professional practice without a prior charge of unethical or criminal activity.

I should also note that the offender was suffering a mental breakdown at the time he committed the offense. At the time of prosecution he attempted suicide and for some few days hovered between life and death. In addition to suffering criminal sanctions, loss of an ability to earn a living, and a suicide attempt, this individual's family has obviously suffered severe and continuing penalty.

As the current director of the San Mateo Count Legal Aid Society, I had virtually no contact with the offender in question. I wish to note, however, that our County Bar Association and my Board of Directors have donated a tremendous amount of time and effort in order to insure that the low-income clients in our county receive the benefits of our fine historic judicial system. The dedicated efforts of hundreds of local volunteer attorneys supplement limited federal funding. My Bar Association and my Board of Directors have earned the respect of the client community, the Bench, and the general public because of their dedicated service. The staff of our Legal Aid program, both secretaries and attorneys, are paid approximately 27% below civil service comparability. The dedication of our staff not only benefits our clients but I believe benefits the total society.

I suspect that if you had been fully aware of the tragic facts involved, you might have elected to avoid mentioning this three-year-old matter in the Congressional Record. The offender has suffered grievous penalties for his misconduct. The family of the offender will be terribly affected for the rest of their lives. My Bar Association, Board of Directors, and staff, have worked very hard to overcome the bad publicity which occurred due to the misconduct of a mentally ill individual in the summer of 1970.

Our community is committed to following the rules and regulations Congress delineates as applied to the utilization of federal funds. We are further committed to implementation of the highest ethical standards of the legal profession. It is tragic that Congressmen such as yourself are provided scanty information, out of factual context, pertaining to a minute number of violations which have occurred in a national program over a substantial number of years. Those who provide you with this information do so, not out of a good faith desire to remedy rare deficiencies, but because of an extreme opposition to the very concept of legal assistance to the poor. I cannot believe that had you been fully apprised of the facts and the context, you would have entered your remarks in the Congressional Record.

I thank you for your consideration of the aforementioned.

Sincerely,

SIMON M. ROSENTHAL,
Executive Director.

PROGRAM IN INTERGROUP EDUCATION PROVES VALUABLE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. FAUNTROY. Mr. Speaker, I am most gratified to learn of an educational program taking place in the District of Columbia. The program is one of intergroup education sponsored by the Adas Israel Congregation's religious school in cooperation with the Washington Technical Institute.

The basic purpose of this educational process is to sensitize our young people to the common issues which confront the black and Jewish communities. Participants in the program become involved in seminar presentation, dialog, and experimental group dynamics, while studying related reading materials. People of both groups soon become caught up in the dynamics of group interaction. The awareness that results influence their choices of behavior and the parameters of social responsibility.

That this program has been such a success must be attributed to the enormous degree of concern, sensitivity, and competence evidenced by the staff people of the Washington Technical Institute—Marshall Brown, Joy Covington, and Steve Horblitt. The involvement and care of Rabbi Stanley Rabinowitz of Adas Israel and Donald Greene, program director for community resource development, have also been indispensable.

We live in a society based on group identity in which the activities of one group affect the life conditions of the other. The dire need for mutual understanding is therefore evident; the possibility of progress and change exists only when myths are exploded and the issues candidly explored. I believe this program represents an important educational innovation and breakthrough in establishing a critical channel of communication. I am convinced it will accrue benefits not only for those directly involved, but to all who live in the Washington area.

CAMPBELL MEMORIAL HIGH SCHOOL OF CAMPBELL, OHIO, HOLDS ALUMNI CELEBRATION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, May 23, 1973, Campbell Memorial High School of Campbell, Ohio, held an alumni celebration. As an alumnus of Campbell Memorial, I had the privilege of serving as honorary parade marshal for the occasion. Approximately 600 alumni representing many racial and ethnic groups participated in the parade and attended the buffet dinner.

Mr. Speaker, I am indeed proud of my alma mater for the harmony, understanding, and brotherhood it has exemplified down through the years. During this period of unrest, Campbell, Ohio, continues to be a community which symbolizes all that is best in America.

Mr. Speaker, I insert portions of the program from the Campbell Memorial alumni celebration and a newspaper article concerning the affair in the RECORD at this time:

MEMORIAL HIGH ALUMNI CELEBRATE

Overcast skies did not diminish the enthusiasm of participants in an afternoon parade followed by a banquet and dance as graduates of Campbell Memorial High School took part in the first alumni celebration Sunday.

A highlight of the program was the dedication of an outdoor electric sign for the school, purchased for $22,500 with alumni donations.

Matthew Wansack, school principal, was marshal for the parade and Congressman Charles J. Carney, a Memorial graduate, was honorary marshal. More than 550 people were in the 52-unit parade that marched from St. John's Russian Orthodox Church to the high school.

Campbell Mayor Rocco Mico welcomed some 600 at the 6 p.m. buffet dinner in the school cafeteria, and Wansack represented the school in recognizing the attending alumni.

PACELLA IS TOASTMASTER

All participants in the program were Campbell Memorial graduates. Anthony F. Pacella served as toastmaster. The invocation was given by the Rev. Eugene Lazar of Holy Trinity Romanian Orthodox Church and the benediction by the Rev. Edward J. Neroda of St. Mary Church in Newton Falls.

Michael O'Mellan representing the school's first graduating class in 1923 spoke briefly as did Steven Kantaras, a member of this year's class.

What it takes to be successful and why the American system is successful was discussed by Dr. Alexander K. Philips, principal speaker. He described this nation as "a land of opportunity where minority groups have worked hard and where individuals are judged for themselves." He stressed the importance of being the best.

Phillips challenged those present to "be honest with yourself and have self respect and share your blessings." He encouraged them to participate either financially or actively in their churches, community and country and closed by reminding them, "I do not feel at home—I am at home."

Congressman Carney said that the high school and Campbell itself both symbolize what is best in America. "This is a true melting pot. Campbell has set an example in brotherly love which can long be followed," he said. He illustrated how ethnic groups and races live in harmony and peace in the city.

A dance at St. Michael Hall followed the dinner.

WELCOME CAMPBELL MEMORIAL ALUMNI TO OUR ALUMNI CELEBRATION, SPONSORED BY PTA WITH THE COOPERATION OF THE GRADUATING CLASSES OF 1922–73, MAY 27, 1973

WELCOME

The many Alumni of Campbell Schools—since the first graduating class at Penhale High School in 1922 (one boy and one girl)—are heartily welcomed to this first city-wide reunion. Your presence is cherished. Today's program has been constructed in such a way to enable you to renew old acquaintenances, make new ones, and revisit old and remembered school scenes.

The past, whether remote or near, draws us. We somehow, want to renew ourselves in recognizing these things which affected us while we were trying to find a place for ourselves in the world. It is pleasant—even if sentimental—to rediscover with new eyes the old things we remember so well.

This is the first time Campbell Alumni have had an opportunity to meet as one unified group. We all have an insatiable curiousity about others. Whatever became of funloving Chris? I haven't seen him since we graduated. Did Suzy get married? To whom? And where is she living now? How have the rebels fared? Are the conservative ones really the new esblishment? Did plain Jane blossom into a beauty? Are the shy flowers still shy? And the ones who had nothing to say . . . have they changed to non-stop talkers? Do we remember those who are no longer with us?

Enjoy yourself here today. Join In The Fun Say hello to strangers . . . you may find a new friend. Keep an open heart; when you smile you will get one in return.

Your contributions have made possible the electrified bulletin board in front of the High School. It is a material expression of what we feel in our hearts towards the education we received in Campbell Schools. Donors are listed elsewhere in this program.

The Memorial High School Parent-Teacher Association originally proposed and presently sponsors this celebration. It has received help from many other individuals and groups. Their names are also listed herein.

This one special day is your day. Let it be one that you will remember for a long time. To paraphrase Tiny Tim—

"God Bless us all, everyone."

THANK YOU

To make an event as big as this celebration successful, many individuals and committees must work long and hard. From the beginning local alumni volunteered their services willingly. Appointments to committees were gladly accepted, and work assignments were carried out pleasantly and cooperatively, although much of it was tedious and monotonous. Whatever pleasure and enjoyment each of us gets out of this celebration is directly attributable to those who gave unselfishly of their time and with no monetary reward.

General Steering Committee, Memorial High School P.T.A.

General Chairmen, Mr. Anthony Nolfi and Mrs. Mary Shirilla.

Treasurer, Mr. Benjamin Tucci.

Secretary, Mrs. Angie LaBruno.

Band and Hall Committee: Mrs. Rosalie Rotunno, Mary Lesnansky, and Matthew Wansack.

Banquet Committee: Dolores Lysowski, Olga Modak, Liana Berardino, Rose Cronin, Viola Gayetsky, Geraldine Bednarik, and Clara Andres.

Parade Committee: Susan Mazzocca, and Matthew Wansack.

Decorating Committee: Lou Kish, Elda Sofocleous, Carmel Mingo, Mary Ann Danilov, Dom Monaco, and Gladys Carwell.

Mailing Committee: Michael Reichert, Harry Ripley, Mary Shirilla, and Angela LaBruno.

Publicity Committee: John Cvengros, and Kenny Brayer.

Typists: Marie Shevchenko, Mary Ann Dinilov, Elda Sofocleous, Mary Shirilla, Geri Bednarik, Angela LaBruno, and Joanne Carlozzi.

Sign Committee: John Jeren, and Nick Yacavone.

Special thanks: To those who placed advertisements in our program.

WELCOME FROM MEMORIAL HIGH SCHOOL P.T.A.

President, Mrs. Pete Shirilla.

1st Vice President & Program, Mrs. Victor LaBruno.

Secretary & Council Alternate, Mrs. James Shevchenko.

Treasurer, Mrs. Steve Sofocleous.

Historian & Council Alternate, Mrs. Alex Mingo.

Legislation, Mr. Michael Holliday.
Council Delegate, Mrs. Michael Berardino.
Council Delegate, Mrs. Mike Modak.
Council Delegate, Mrs. Frank Severinsky.
Council Alternate, Mrs Dale McIntyre.
Social, Mrs. Francis DeLuco.
Publicity, Mrs. Slavko Jurich.
School Relations, Mrs Nicholas Libertin.
School Relations, Mrs. Louise Kotch.
Hospitality, Mrs. Margaret Clement.
Ways & Means, Mrs Elmer Gayetsky.
Ways & Means, Mrs. Phillip Crino.
Ways & Means, Mrs. Stanley Geewax.
Scholarship, Reverend George T. Pappas.
Telephone Chairman, Mrs. Robert Kennedy.

We would like to dedicate this page in loving memory to our hospitality chairman (Mrs. John Eigner).

UNITE IN FRIENDSHIP AND FELLOWSHIP

And make life worthwhile. It is therefore that men everywhere band themselves together. "No man can live unto himself alone." We believe that the only way to the goal of human happiness is that of understanding, which is possible only through closer mental and more frequent spiritual mingling. The realization of these truths has brought us together upon this occasion.

CAMPBELL CITY COUNCIL

First Ward, Wilbert McIntosh.
Second Ward, Frank Sabol.
Third Ward, Steve Sofocleous.
Fourth Ward, Edward Bayus.
Council President, Thomas L. Cernoch.
Council Vice President, Nick Opencar.
Councilman-at-Large, John R. Cvengros.
Clerk of Council, Katherine Garman.

REED SCHOOL STAFF

Proud Memorial alumni

Nicholas Stanfar, 19 .
Ruby Hrelec Peltz, 1967.
Madeline Chirakos, 1947.

Marilyn Hudak DeLuco, 1966.
Patricia Pacella Mikolay, 1960.
Theresa Ruth Ann Kracko, 1953.
Agnes Uhrin Krut, 1943.
Priscilla Sirilla, 1958.
Beverly Kovach, 1967.
Catherine Lisko Galko, 1931.
Pauline Zbell Shirilla, 1966.
Michael Vavlas, 1954.
Nicholas Krut, 1942.
Walter Malys, 1938.
Rita DiDomenico Pressly, 1962.
Peggy Cegledy Razum, 1960.
Edith Kovach, 1927.
Ann Wansack, 1933.
Hilda Carano, 1942.
George Gresko, 1939.
Sloko Gill, 1937.

CAMPBELL MEMORIAL HIGH SCHOOL

[*Memorial graduates and year*]

Stephen W. Komarc, 1927.
George Cebula, 1928.
Raymond J. Spagnola, 1931.
Elaine (Nelson) Delco, 1968.
Helen Frangos, 1967.
Sarah (Crino) Knapick, 1937.
Anthony Nolfi, 1932.
Stanley Malys, 1934.
Fred P. Zamary, 1927.
John LaRocca, 1941.
Joan (Maro) DeLucia, 1955.
Eli Danilov, 1944.
Joseph Lahovich, 1941.
John Costantino, 1948.
Carmen Julius, 1933.
John Martinko, 1951.
Ronald Schuster, 1965.
Mike Kish, 1957.
Matthew Wansack, 1931.
Donald N. Nelson, 1943.
Faith Simko, 1955.
Anthony Cougras, 1952.
Walter Furin, 1930.
Tom Cebula, 1959.
John Francu, 1941.
Margaret Polkabla, 1966.
Rocco Perry, 1929.
Matthew Stephens, 1925.
Joseph Graban, 1939.
Matthew Bozie, 1957.
Georgia E. Dann, 1964.
George Haring, 1951.

GRADUATES FROM OTHER SCHOOLS—MEMORIAL

Dr. & Mrs. Henry J. Oles, Margaret Ford, Patricia Martinec, Gary Hanlon, Joseph DeRosa, Alan T. Dieter, Richard Moskosky, Michael Holliday, John M. Knapick, Margaret Stephens, Paul D'Eramo, James Rich, Gen D'Alesandro, and Jerome Kuzma.

HISTORY OF THE CELEBRATION

The idea of a city-wide celebration for graduates of Campbell's public schools had its roots in the Memorial High School Parent Teacher Association. The P.T.A., through its dedicated officers, enlised the support of Mr. Matthew Wansack, Principal, who quickly showed his enthusiasm for the idea and pledged complete support. Early in October, 1972 an organizational meeting was called both to sound out the opinions of others and to get ideas for the nature of such a celebration. The response was most favorable.

Class officers were invited to attend a second meeting and the number in attendance grew. It was at this meeting that Anthony Nolfi ('32) was elected General Chairman, Mary Shirilla Co-chairman. A program emerged from this meeting which included: (1) Encouraging church attendance the morning of the big celebration., (2) Erecting an electrified bulletin board at the high school., (3) A parade culminating in the bulletin board dedication., (4) Open house at Memorial High School., (5) Banquet at the high school, and (4) Dancing at a local hall.

Subsequent meetings revealed the difficulty of compiling an accurate and complete file of alumni. At this writing, the list is still incomplete. It is evidence that some alumni felt slighted at not having received a mailing. Requests were made of alumni for contributions toward the purchase of the bulletin board. Two thousand five hundred dollars was needed.

Of this amount about $1.800 has already been donated and the outlook is good that the rest will come in.

The banquet committee was one of the earliest to complete its work. The food is going to be a real feast. Contracts were signed, also, for the orchestra, Libby Fill All Girl Orchestra, and the hall (St. Michael's, Robinson Road). The program which can be used as a souvenir, has an illustration in full color of the bulletin board. In addition, souvenir glasses embossed with appropriate lettering and design, will be given to all ticket-holders. Incidentally, the six-dollar price per ticket was agreed on at a meeting in March, 1973.

The parade committee was hard to fill and for a while it looked as though the parade would be dropped. In the end an energetic young woman took over the responsibility and the parade is on.

Everything that could be done to make this celebration a success has been done. All the work will have been wasted unless you relax and enjoy yourself.

This is your day.

PROGRAM

Opening remarks: Anthony Nolfi, General Chairman.

Toastmaster: Anthony Pacella.

Invocation: Reverend Eugene Lazar, Holy Trinity Romanian Orthodox Church.

Greeting: Rocco F. Mico, Mayor of Campbell.

Remarks: Honorable Charles Carney, Congressman, 19th District.

1973 Graduate: Steven Kantaras.

Main speaker: Dr. Alexander K. Phillips.

Benediction: Reverend Edward J. Neroda, St. Mary's Church - Newton Falls.

HOSTESSES

Sally Shirilla, Cathy Tadla, Diane Sofocleous, Cynthia McIntrye, Robin Jurich, Charissa Libertin, Pauline Clement, Diane Gayetsky, Maria Pappas, Cheryl Lysowski, Carol O'Connor, and Brenda Paramore.

Donna Bednarik, Kathy Carwell, Helen Koutsourais, Paula Sue Kennedy, Patricia Sofocleous, Michelle Dutonno, Joann Kotch, and Pat McClendon.

CAMPBELL CITY ADMINISTRATION

Rocco Mico: Mayor.
John Richards: Administrator.
Attorney Frank Woychik: Law Director.
Pauline Clement: Financial Director.

ALUMNI PARTICIPANTS

Class of 1970.
Class of 1972.
1945, Mrs. Eric A. Hoyer.
1932, Carmel Berardi Mento.
1964, Nancy Boaich.
1945, Catherine Stankich Frano.
1947, John G. Macala and Mamie Thomas.
1931, Ben A. Tucci.
1933, Anne DiPersi.
1938, Alfred Bragalone.
1932, John R. Cvengros.
1933, Carmen Julius.
1966, Carole Bogdan.
1940, Eleanor Lazar.
1940, Stanley Geewax.
1932, Stephen V. Sabol.
1937, Anne Muretic Rovder.
1952, Dr. John F. Galida.
1938, Dominic Chaten.
1932, Adeline V. Parisi.
1939, Mary A. Monaco.
1940, Henry R. Testa.
1955, John H. Lesnansky.
1940, Frank Soltis.
1969, Christine Dattilo.
1945, Joe Vansuch, Jr.
1933, Jack Pressley.
1952, Doris Duponty.
1940, Jane Nickoloff.
1938, Lena Cozart.
1952, Betty Jean Duponty.
1948, Mary Cavalier.
1938, Katherine Vargo.
1932, Mary L. Pleger.
1938, Mrs. Mike Chapella.
1938, Frances Verbnak Sich.
1945, Alice Koly Nagy.
1947, Chester E. Rufh.
1944, Helen Chopp.
1953, Edward R. Hassay.
1966, Maxine Yost.
1938, Mrs. Stella Chrustek.
1940, Joseph Strange.
Class of 1971.
Class of 1973.
1948, Dennis Katsaras.
1938, Edna Stansha.
1945, Mrs. Robert K. Puckett.
1948, Mary Lou Baka Macala.
1939, Mrs. Helen Poponyak.
1932, Joseph Sirilla.
1964, Elaine Cozart VanFossan.
1957, Patricia J. Centofante.
1933, Nick Yacavone.
1938, Margaret Hanuschak.
1948, Al Glass.
1924, Ernest Gustinella.
1939, Katherine Raschak.
1933, Helen Macrea.
1936, George Rovder.
1961, George Pontikos.
1952, Florence Galfda and Eva Faklis Joanou.
1936, Dominic J. Monaco.
1925, Sandron S. Parenti.
1945, Bill Arfaras.
1956, Mary Lesnansky.
1966, Robert Dattilo.
1931, Al Hamrock.
1931, Dorothy Pettrella.
1949, Anthony Duponty.
1941, Cyril Nickoloff.
1932, Mary Piccolo.
1951, James Duponty.
1938, Victor George.
1935, Edwin S. Vargo.
1952, Clara Salata.
1945, Basil N. Spirtos, M.D.
1931, Anne Ortsey.
1937, Mary Colantone.
1946, Jane Rufh.
1948, Mrs. Betty D'Allesandro.
1947, Edward R. Hassay.
1953, Thelma Ginnis.
1962, Marilyn Fodor.
1931, Charles J. Carney.
1931, Catherine Galko.
1953, Michael A. Pavelko.
1956, Stacy Pikos and Stephen Gary.
1931, Dr. A. K. Phillips.
1947, Eugene Simko.
1944, Sr. M. Leocadia, osby.
1961, Hugh B. Pannunzio and Rev. Constantine J. Raptis.
1937, Joe Tofil.
1940, Helen Sotlar.
1947, Robert Vansuch.
1937, Mrs. Barbara Burt.
1932, Carl Burrille.
1954, Lawrence D. Lenhart, M.D.
1940, Anna Furin.
1947, Dr. Joseph N. Cavalier.
1932, Cornelia Carter.
1952, Pauline Rivera.
1953, Sally Gerlek.
1937, Genevieve Gentzeny.
1936, Victoria Miller Reichert.
1937, Stephen J. Ray.
1934, John J. Sirak.
1937, Victoria A. Vintilla.
1939, Margaret Kornyak.
1941, Jennie Magura.
1953, Eleanor Dragomir.
1946, Stella Stamos.
1941, Pauline Stellato.

1942, John J. Sudol, Sr.
1938, Katherine Guglielmi.
1957, John Wityshyn.
1941, Mary E. Taylor.
1950, Michael Berandine.
1951, Liana Berandine.
1937, John and Ann Sosnowchick.
1940, John S. Kielb.
1941, John Nechiporchick.
1961, Sylvester Frazzini.
1943, Manuel Tavares.
1931, Rafael Richitti.
1953, Frank V. Heri.
1929, Frank Stanfar.
1971, Ozalee Gibson Cash.
1953, Mary Jane Pavelko.
1948, Antoinette Ramunno.
1940, Joseph S. Warga.
1939, Ralph E. Lazar.
1952, Bertha DeVarennes.
1938, Mrs. Barney Molesky.
1934, Michael and Betty Maddick and Mrs. Francis DiLuco.
1953, Mrs. Anita Ifft.
1927, Jennie Berardi.
1932, Joseph Holliday.
1940, Mrs. Matilda Fuller.
1944, Amy Cvengros.
1936, Stephen J. Furin.
1952, Tony Cougras.
1956, Rose Marie Bowden.
1936, Anne Benya.
1972, G. C. Kontos.
1939, Joseph Gentzeny.
1936, Frank Reichert.
1927, Nancy Guiu.
1946, Patrick F. Julius.
1951, Patrick R. Strange.
1937, L. Grayce Vintilla.
1941, Frank D. Leone.
1947, Salvatore Musitano.
1930, Walter Furin.
1934, James A. Cavalier.
1932, Peter Katsaras.
1929, Carl Tochtenhagen.
1941, John Buian and Albert J. Nerone.
1943, Caroline M. Menzick.
1941, Harold Conti.
1948, Rev. Edward Neroda.
1941, Mrs. Ann Sakmar.
1971, James Constant.
1929, Joseph P. Kopp.
1932, Matilda Gogesch.
1943, Jordan E. Tsvetanoff.
1941, Alex Mingo.
1954, George R. Vasile.
1930, Mary Stanfar.
1943, Mildred Trocchio.
1941, Paul M. Kopey.
1931, John Godocsik.
1971, Dolores Tucci.
1953, Georgia LaMarco.
1927, Steve Komarc.
1930, Anne Komarc.
1966, Pete Shirilla, Jr.
1944, Mary Shirilla.
1970, Christine Zbell Lyons.
1941, Charlie Kolak.
1946, Helen Kunovic.
1936, Anthony Lanzo.
1955, Clinton Longmire.
1961, Richard Hudak.
1949, Nicholas Libertin.
1948, Slavko and Mildred Jurich.
1934, Savu Regnall.
1931, Louis Ricchuitti.
1952, Charles Forsyth and William Ashmore.
1952, William Ashmore.
1967, Nancy Sakmar McAtee.
1942, Joseph G. Ceryan, Rosalie R. Detunno, and JoAnn C. Bukofchan.
1929, Ann P. Marino.
1937, Mrs. Alice Wilson Duplessis.
1933, Ann Wansack.
1935, George A. Campione.
1941, Gene Gioppo.
1972, Jeffrey Palusak.
1944, Mrs. Mike Bozich.
1940, Edward and Stephanie Kielb Markey.
1947, Irene Jane Fischio and Phyllis Kendall.
1956, Ted K. Markopoulos.
1946, Marion Urichich.
1952, Robert G. Hames.
1941, Mildred Kingseed.
1935, John Stavich.
1932, John Tikson.
1938, Mrs. Helen Paros and Eleanor Graham.
1928, Ethel Cegledy Gresko.
1960, Marilyn Church.
1945, Lucille Moss.
1939, Robert B. Mars.
1958, Richard Chasko.
1953, Melvia Novak.
1955, Josephine Novak.
1927, George O'Pretza.
1941, Pete Shirilla.
1939, George Zbell.
1929, Juniata Royal.
1945, Anne Testa.
1948, JoAnn Kolesar.
1939, Rosemary Cronin.
1938, Steve Pacak.
1941, Stephen R. Estok.
1927, Fred P. Zamary.
1938, Ann Woytowich.
1963, Francis Pico.
1943, Mr. and Mrs. George N. Kennedy.
1931, Matthew Wansack.
1943, Mr. and Mrs. Donald N. Nelson.
1944, Alfonso Ghioldi.
1963, Harold Yiannaki.
1944, Mr. and Mrs. Eli Danilov.
1949, Mr. and Mrs. Steve Sofocleous.
1955, Faith Simko.
1944, Lillian Lohmann.
1940, Mary Kirtos Niznik.
1971, Sandy Vansuch.
1946, Helen Banchansky Palusak.
1946, Demetrios LaGoutaris.
1948, Charles Koutsouras and Nicholas A. Shirilla.
1932, Michael and Valerie O'Mellan.
1938, John R. Vintilla.
1949, Michael Sudol.
1955, Bernadine Barrow.
1954, Lucille Griana Hames.
1929, Michael J. Kovach.
1933, George Stankich.
1941, Joseph Niemczura.
1944, Harold Campion.
1946, Anise Pavicic Prodanovic.
1938, Rose Skukan.
1937, Sarah Frances Knapic.
1946, Anthony Shepelevich and George E. Dann.
1950, Kathryn Garzan.
1929, Mary E. Lenhart.
1947, Mike Rovnak.
1940, Irene Glass Wallace.
1941, Margaret Benko.
1951, John Keschock.
1931, Antoinette King.
1939, Sophie Motz.
1959, Monica Tofil Fleisch.
1942, Nicholas Buian.
1939, Robert Andrews.
1938, Katherine E. Martauz.
1929, Catherine Fagan.
1931, Joseph Rudvak.
1951, Robert Lysowski.
1966, Stanley A. Farne.
1944, Chester C. Sierzega.
1947, Dorothy Kukla.
1943, Agnes Krut.
1971, Randall A. Savo.
1936, Steve Millich.
1936, Joseph Galich.
1940, Carmen Facciobene.
1967, Theresa Facciobene.
1972, Regina Facciobene.
1927, Edward Stonework.
1950, Michael J. Bednarik.
1963, Don Paich, Jr.
1963, Richard Pico.
1949, Harry A. Rollins.
1942, Betty Gill.
1930, Mrs Ellen Schwartz.
1932, Anthony Nolfi.
1928, Albert Centofante.
1955, James L. Pope.
1961, Carl Ann Hudak.
1944, Dorothy Zalebera Kushma.
1949, Antoinette Rotz.
1940, Antoinette Sbrocco Perry.
1955, Mrs. Romana Uhrin.
1960, Dr. James Dambrogio.
Memorial High School Athletic Association.
1943, Helen Livosky.
1953, John Garzan.
1943, Virginia Kuboff.
1944, Alfonso DeVico.
1960, Gertrude Tofil Murray.
1932, Valerie Gall.
1966, Pamela Sandine.
1932, Rose Ciolli.
1954, Eleanor Reilley.
1954, Patricia Chugden.
1931, Michael Voytilla.
1973, James Porter.
1943, Clara Andrews.
1943, Margaret Haas and Rose Searfo.
1933, Steve Bosko.
1943, Matrocchio Mendiola.
1934, Cyril M. Kraynak.
1950, Ruth E. Sierzega.
1944, George W. Youkovich.
1942, Emmund W. Milan.
1939, Jennie Almasi.
1932, Paul Matvey.
1940, Victor V. LaBruno.
1965, Irene Facciobene.
1970, Lucy Facciobene.
1970, John Zahorsky.
1927, Anthony Berardi.
1940, Dr. A. J. Candella.
1937, Helen Graban.
1946, Viola Minott Marra.
1937, Sloko Gill.
1970, Mary E. Orosz and Carl L. Rich.
1937, Mrs. Stanley Helminak.
1958, Frank Pacik.
1965, Jacqueline Garnet.
1955, Norma Jean Piccolo DeMain.
1951, John Halkitis.
1932, Robert Foster and Mary Fulton.
1933, Anna Shirilla.
1930, M. N. Spirtos, M.D.
1950, John Horvath.

RADIO STATION WYRE—ANNAPOLIS OBSERVING 10TH ANNIVERSARY

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mrs. HOLT. Mr. Speaker, I would like to take this occasion to inform my colleagues of a radio station operating in the Fourth District of Maryland which daily performs a service to both residents of the District and visitors to bay country.

Radio station WYRE, located in Annapolis, Md., is observing its 10th anniversary year—the anniversary date is September 8—as the "marine weather forecast authority" for the Chesapeake Bay.

Few people realize that this service provided by WYRE reaches a vast number of boaters, about 200,000 people from a 5-State area, on a year-round basis.

I would further like to commend radio station WYRE for a unique public service it began as an aid to solving the current energy crisis. In answer to the threatening gasoline shortage, WYRE staffed a "carpool dispatcher."

Listeners are urged to doubleup on the use of commuter automobiles to save fuel, and the station is maintaining a list to provide service to commuters by putting them in touch with others who travel to the same areas to work.

I would like to see more members of our media direct their attentions to serving the public and to hail the actions which radio station WYRE assumed on its own initiative.

CROSS-FLORIDA BARGE CANAL SMOKESCREEN CONTINUES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. YOUNG of Florida. Mr. Speaker, supporters of the Cross-Florida Barge Canal are again attempting to obscure the critical environmental and economic reasons which caused President Nixon to halt this project. In doing this, promoters of the discredited project again accuse the President of acting solely on political grounds.

To substantiate their arguments, advocates of the project use a selected excerpt from a memorandum from Russell E. Train, Chairman of the Council on Environmental Quality. Yet, it is only fair that we consider the entire document, which explains that this action halting the canal would receive wide public support. The overriding apprehension of the President and those of us who oppose the canal project is related to the potential damage the completion of the project would have on Florida's natural resources and to the questionable economic benefit the project might bring to the people of Florida and the United States.

Consequently, for the information of our colleagues, who, I feel, should be able to refer to the full text of this memorandum, I would now like to include the entire document for their consideration:

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C.

Memorandum for Mr. Whitaker.

Subject: Cross Florida Barge Canal.

I recommend termination of the Cross Florida Barge Canal, rather than the partial realignment proposed by Army, for the following reasons:

1. This project could seriously affect the environment in Florida by degrading water quality, altering the water supply in central Florida, vitally affecting the fish and wildlife of the area, and combining what are now separate ecological systems. Potential pollution from the project may be transferred to the Florida aquifer, setting off a destructive chain reaction affecting the water supply for many users. Many unique ecological features would be destroyed. This would pose a serious threat to the survival of rare alligators, panthers and wild turkeys through the alteration of their habitat. The Canal could add to the spread of pests from the Gulf to the Atlantic Coast where they would spread virtually unobstructed throughout the East Coast Waterways.

2. The project itself is marginal from an economic point of view and hence very undesirable in the face of the potential and actual environmental problems it presents.

3. The estimated sunk cost of this $179 million project is from $71 to $77 million. If the project were abandoned, annual benefits of $1.2 million would still accrue. The budget savings this year and in subsequent years for this marginal project is strong reason in itself for stopping it.

4. I believe there are probably more political advantages than disadvantages in stopping the project, compared to a partial realignment, I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it. As you know, Governor Kirk backed away from the project in the last election and the Governor-elect opposed it. Although this certainly is not a detailed analysis of the political situation, I conclude that the benefits nationally of dropping the project would greatly outweigh the benefits of continuing it. I further believe that a bypass over only 20 miles of the project would be considered "tokenism" by conservationists and many others.

Because of these reasons, I believe that termination of the project would bring maximum political benefits, would prevent potentially significant environmental problems and would save a great deal of Federal money for a marginal project.

Attached is a draft Presidential statement on cessation of the project.

RUSSEL E. TRAIN,
Chairman.

NINTH DISTRICT OF INDIANA POLL RESULTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the results from my 1972 opinion questionnaire:

NINTH DISTRICT POLL RESULTS

First. Transportation: Do you favor diverting a part of the highway trust fund money each year for the development of mass transit systems for the cities?

	Percent
Yes	43.3
No	46.8
No opinion	9.9

Second. Domestic programs: If the President believes it is in the national interest, should he refuse to spend funds for domestic programs which the Congress already has appropriated?

	Percent
Yes	50.7
No	43.4
No opinion	5.9

Third. The Federal Government: The President has proposed the consolidation of many federal agencies and departments into four "super departments," dealing with community development, human resources, natural resources and economic affairs. Do you

	Percent
Approve	61.6
Disapprove	24.8
No opinion	13.6

Federal assistance to state and local governments has been largely in the form of grants for specific uses which reflect national concerns. More emphasis now is being placed on broad-purpose grants, giving state and local officials responsibility to distribute and administer federal funds. Do you

	Percent
Approve	62.8
Disapprove	26.5
No opinion	10.7

Fourth. Foreign policy: If the North Vietnamese show good faith in following the cease-fire agreement, do you think we should extend economic assistance to them?

	Percent
Yes	21.0
No	71.8
No opinion	7.2

Do you favor expanding non-military trade with Mainland China and the Soviet Union?

	Percent
Yes	66.3
No	25.5
No opinion	8.2

Fifth. The economy: Do you favor the establishment of a strict spending ceiling on all federal programs?

	Percent
Yes	79.2
No	14.2
No opinion	6.6

Which of the following most nearly represents your view on wage and price controls?

	Percent
Eliminate all controls	11.0
Expand, and rigidly enforce, controls on wages and prices	48.7
Largely voluntary controls, except in the health, construction, and food processing industries, where controls would be mandatory	29.7
Other	10.6

Sixth. Education: Do you favor federal aid to parochial schools?

	Percent
Yes	38.5
No	54.7
No opinion	6.8

Do you favor federal legislation to eliminate busing as a means of school integration?

	Percent
Yes	77.8
No	16.0
No opinion	6.2

Seventh. National priorities: Please indicate whether you feel government spending in each of the following areas should be increased, decreased, or held at the present level:

[In percent]

	Increased	Decreased	Held at present level	No opinion
Consumer protection	49.3	34.7	8.1	7.9
Crime prevention	71.9	20.8	1.7	5.6
Defense	10.2	48.7	29.0	12.0
Education	36.9	45.1	11.6	6.4
Farm programs	16.1	38.6	38.0	7.3
Foreign aid	.8	17.6	75.7	5.9
Health programs	41.6	41.6	11.0	5.9
Housing programs	17.3	45.0	31.1	6.6
Job creation and training	42.8	35.6	16.3	5.3
Pollution control	52.3	33.0	10.3	4.4

	Increased	Decreased	Held at present level	No opinion
Rural development	19.0	48.3	23.5	9.2
Space	11.0	33.1	49.6	6.3
Urban development	14.2	47.3	30.2	8.3
Welfare	7.7	24.8	61.7	5.7

PRISONERS OF WAR, THE GENEVA CONVENTION, AND THE RED CROSS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ZABLOCKI. Mr. Speaker, the dedicated work of the Red Cross on behalf of prisoners of war throughout the world is well known. Unfortunately, the efforts of the International Committee of the Red Cross to assist American prisoners in Vietnam were aborted by the North Vietnamese. That, however, was only one of the tragic violations of humane treatment demonstrated by the North Vietnamese.

These facts were developed recently in a speech before the American Red Cross National Convention by Mr. Frank A. Sieverts, special assistant to the Deputy Secretary of State for Prisoner of War Matters.

I am pleased to place Mr. Sieverts' speech in the RECORD at this point and recommend it to the attention of my colleagues:

PRISONERS OF WAR, THE GENEVA CONVENTION, AND THE RED CROSS

It is an honor and a pleasure to appear before this American Red Cross Convention. I join in welcoming your new chairman, Dr. Frank Stanton. The sense of humanity Dr. Stanton demonstrated in his years of service to radio and television will stand him in good stead in this his newest profession.

It is a special pleasure also to share a platform with an old friend, Ambassador Jerome "Brud" Holland, whose career so successfully spans the worlds of education, diplomacy, and the Red Cross.

The work of the Red Cross on behalf of prisoners of war extends back more than a century, to the work of Henri Dunant at Solferino. The International Committee of the Red Cross (ICRC) helped organize the first Information Bureau for prisoners of war in 1870, and in the First World War established an International Prisoners of War Agency in Geneva.

On the basis of that experience the ICRC took the lead in drawing up a new set of Conventions for the protection of POW's and other war victims. Competed and adopted by a diplomatic conference in 1929, these were the first version of what we call the Geneva Conventions—which are known in Geneva as the "Red Cross Conventions." There are four such Conventions, covering the wounded and sick in the field; the wounded, sick and shipwrecked at sea; prisoners of war; and civilian persons in time of war. The Third Convention, on prisoners of war, is the best known and has had the widest application.

In World War II, the Geneva Convention protected millions of prisoners of war, and thousands of American POW's had first-hand acquaintance with the work of the ICRC. The ICRC carried out over 11,000 POW camp visits, forwarded millions of letters, transported huge quantities of relief supplies, and built up an index listing some 30 million persons.

After World War II the ICRC proposed further improvements of the Conventions, and in 1949 another diplomatic conference formulated the present Geneva Conventions. These Conventions are among the most widely accepted treaties in the world. They have been acceded to by 133 different countries, including North and South Viet-Nam, and the United States.

What does the Prisoner of War Convention provide? Its fundamental purpose is to protect military personnel in an international armed conflict who have fallen into the power of the enemy. To accomplish this the Convention sets minimum standards for POW treatment covering such subjects as notification of next-of-kin, communication with families, and provision of adequate food, shelter, and medical care. The language of Article 13 is basic: "Prisoners of war must at all times be humanely treated . . . and . . . protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against POW's are prohibited." Article 17 adds "No physical or mental torture nor any other form of coercion may be inflicted on POW's to secure from them information of any kind whatsoever." Article 21 bars solitary confinement. There are 143 Articles in all, in sum a comprehensive charter for the protection of prisoners of war.

It is fitting that these are known as the "Red Cross Conventions," because through them nations have embraced the humane tradition of the Red Cross, as expressed in the wide range of humanitarian activities associated with the Red Cross. In the Commentary on the Geneva Conventions the ICRC states they have "the tremendous advantage of defining in practice and in relation to certain specific circumstances, the position of the human being as such in the present-day international system."

In the light of this background, it was a cause for concern going beyond immediate issues that North Viet-Nam and its allies refused to accept the application of the Geneva Convention to prisoners of war in the Indochina conflict.

As early as 1965 the ICRC reminded the parties to the Viet-Nam conflict of their obligation to apply the Geneva Conventions. In a letter dated June 11, 1965, the ICRC stated: "The hostilities raging at the present time in Viet-Nam—both North and South of the 17th parallel—have assumed such proportions recently that there can be no doubt they constitute an armed conflict to which the regulations of humanitarian law as a whole should be applied." The letter further stated that all parties to the conflict were bound by the Geneva Conventions, adding that the Conventions by their own terms apply "to all cases of declared war or of any other armed conflict . . . even if the state of war is not recognized by one of them (the parties)." The parties were asked to implement the Geneva Conventions and "to permit the ICRC to carry out its mission as a neutral intermediary."

South Viet-Nam and the U.S. replied that they would apply the Conventions and would facilitate the work of the ICRC. After some delay, North Viet-Nam, and with it the Viet Cong, rejected the ICRC's carefully worded appeal. Initially they used the argument that the Geneva Convention didn't apply because there had been no declaration of war and the state of war was not recognized by both sides in the conflict. This argument so directly contradicted the language of the Convention—quoted in the ICRC's letter—that they soon dropped this argument. The drafters of the Convention had in mind exactly this kind of situation when they made clear that the Convention applied even in undeclared wars—which have been the rule, rather than the exception, in recent years.

Since this argument had so little standing, North Viet-Nam adopted a fall-back position based on a reservation it had entered when it signed the Convention, to the effect that prisoners of war "prosecuted and convicted of war crimes or crimes against humanity" are not entitled to Geneva Convention protection. I emphasize: this is a reservation, not the language of the Convention, which states the opposite—namely that it applies to POW's regardless of alleged crimes prior to capture.

In effect, the communist authorities stretched this reservation to serve as the loophole through which they avoided the obligation to apply the Geneva Convention to prisoners of war. Their assertion that American POW's were "war criminals" served as excuse for wholesale violation of the Convention, in such matters as notification to families, mail and packages, and impartial inspection, and—as we have now heard from our returned men—on such fundamentals as protection from physical mistreatment and solitary confinement, and provision of adequate food and medical care.

The communist authorities never charged individual pilots with specific war crimes, nor did they carry out "prosecutions or convictions," although they threatened to for a time in 1965–6. Rather their argument rested on the general claim that the U.S. was carrying on a "war of aggression" and was committing "crimes against humanity", as a consequence of which the captured American pilots as a group were not entitled to the protection of the Geneva Convention—this despite the language of their own reservation which was limited to prisoners "prosecuted and convicted."

This argument must be challenged at its root. If it is allowed to stand, we may as well scrap the entire system that has been established under international law for the protection of prisoners of war and other war victims.

The argument, in essence, was that of the "just" war. One side—in this case North Viet-Nam—was in the right; the other side—in this case South Viet-Nam and the U.S.—was in the wrong. One side was supporting a war of national liberation, the other was waging a war of aggression. Since aggression is a war crime, the innocent party—in this case North Viet-Nam—was not bound by the applicable international law.

I am reviewing this subject not to rake over an old issue, but to call attention to the wider implications of the "just war" argument. The point is that *both* sides in an armed conflict maintain they are in the right, with the result that one side's "just war" is the other side's war of aggression. Obviously, war and armed conflict by their nature reflect and arouse the deepest hostility and passion. The heat of battle is a hard place to observe the requirements of humane respect for one's fellow man. The purpose of the rules of war—of which the Geneva Conventions are an important part—is to set limits on both sides, and to provide guidelines on what may and may not be done, even when passions and hostilities have led to armed conflict, even in the heat of battle. If one side or the other is allowed to say the rules don't apply because my side is right and the other side is wrong, then the Geneva Conventions—and with them the body of law applicable in armed conflicts—will not survive.

We must express the hope that governments generally will reject the "just war" theory and instead will respect the requirements of international law—even when hostilities have led to armed conflict.

Although we were deeply concerned about the communist side's position, the United States and the Republic of Viet-Nam carried out extensive efforts to assure that prisoners of war captured in South Viet-Nam were treated in accordance with the Geneva Convention. Some might argue this was not necessary as long as the other side violated its obligations. But the Geneva Conventions make clear that they are not conditioned on reciprocity. One side's refusal to obey the law does not excuse failure by the other side.

In South Viet-Nam, POW camps were constructed in conformance with the Geneva Convention. There were frequent inspections of all POW facilities by delegates and doctors of the International Committee of the Red Cross, who were able to visit all POW's wherever held and to converse privately with individual POW's of their choosing, without witnesses.

In the period 1966–72 a total of 475 separate ICRC inspections were carried out in South Viet-Nam by some 60 different ICRC delegates. Reports on these visits were forwarded to the Government of Viet-Nam, who shared them with us because of our responsibility for U.S. captured POW's under the Geneva Convention. In addition, American advisers were present at all POW camps to help assure humane treatment for all POW's, who numbered over 37,000 in the last years of the conflict.

During the years 1970–72, communist POW's in South Viet-Nam received more than 510,000 letters and over 115,000 parcels. In the same period Viet Cong POW's sent over 280,000 pieces of mail to their families. With a few exceptions, the North Vietnamese POW's did not write home—because their government persisted in its refusal to admit their presence in the South. The small number of letters sent by these men were forwarded through the ICRC, but it is not known if any of them actually reached their families.

These things were done in compliance with the Convention—and because they were right. Many captives were treated as POW's even though they did not technically qualify—for example, because they didn't carry arms openly or wear a distinctive sign, as required by the Convention. We felt that a broad interpretation of the Convention was valid in the circumstances of the Indochina conflict.

We also hoped that compliance with the Convention would bring about similar conduct by the communist authorities. That was not to happen. To the end of the conflict, North Viet-Nam persisted in its refusal to apply the Convention. The ICRC repeatedly tried to visit POW's held by the communist side, to no avail.

We have heard from our returning men of the grim conditions of their captivity—the physical mistreatment, the solitary confinement, the denial of adequate medical care. We know that sustained efforts were made to compel prisoners to make statements and to provide information, in violation of the Convention. It is now confirmed that only a small percentage of the thousands of letters and packages sent to the prisoners—many of them through the Red Cross—ever reached our men.

Most U.S. prisoners captured in South Viet-Nam or Laos did not receive or send a single letter during the entire time of their captivity—although they were in fact held in the North. And not just Americans. Others too, such as two West German nurses, two Canadians, and two Filipinos. Their governments and families tried repeatedly through the years to obtain word of them. Although Canada had representatives in Hanoi on the International Control Commission, North Viet-Nam's officials persisted through five years in denying all information about a young Canadian—who in fact was held much of that time not far from Hanoi.

Year after year the ICRC continued its efforts to gain access to North Viet-Nam. Its representatives traveled the world over to meet with Viet Cong and North Vietnamese representatives, to no avail. In retrospect, we must conclude that North Viet-Nam's refusal to allow inspection of prisoner of war camps was not merely related to the legal argument cited above, but was a consequence of their mistreatment of our men. The actual conditions of captivity simply could not withstand the scrutinizing light of impartial inspection.

I would like to call attention to the quiet, constructive efforts of the ICRC during those years. I think back to their President when the conflict began, the distinguished military officer, Samuel Gonard; to his successor as Acting President, the gifted spokesman for active humanitarianism, Prof. Jacques Freymond; and to his successor as President, Marcel Naville, whose integrity and humane spirit will be missed when he leaves that position this month. We welcome the leadership brought to the Committee by Mr. Roger Gallopin and look forward to continuation of the ICRC's important work in the years to come.

Our government at present is participating in international conferences sponsored by the ICRC for the purpose of strengthening the Geneva Conventions—to make them more applicable to changing conditions and to better assure their implementation. A lesson we learned in Indochina—one that is also clear in other recent cases of armed conflict—is that a better mechanism is needed to bring the Conventions into effect. As presently written, the Conventions simply assume that a neutral government or the ICRC will be accepted as a protecting power to oversee their application. But no specific procedures are spelled out to make this happen, and we have seen case after case in which there has been no protecting power. Under the leadership of State Department Deputy Legal Adviser George Aldrich, our government has proposed that new procedures be adopted for appointment of a protecting power or for acceptance of the ICRC as a substitute therefor. A diplomatic conference is scheduled next year in Geneva, during which we hope such a proposal will be accepted. We recognize there can be no absolute guarantee that a nation will not ignore its international obligations, but we hope this can be made more difficult and thus less likely.

Other parts of the Red Cross also tried through the years to help our POW's. The League of Red Cross Societies, for example, made a number of quiet efforts to intervene on behalf of POW's. Although their responsibility is not the direct one which the ICRC carries under the Geneva Convention, the League's access to places throughout the world where Red Cross work is done enabled them to play a constructive and helpful role.

The national societies should also be mentioned. Many of our POW/MIA relatives remember with appreciation the warm receptions they received from Red Cross personnel in other countries as they traveled abroad in search of word on their loved ones. These were private travels, at private expense—an unusual but effective form of person to person diplomacy. The support the family members received on their private missions was in the fine tradition of the Red Cross. We are also grateful for efforts by individual national societies to intervene on behalf of our prisoners of war.

Perhaps the single most dramatic Red Cross action on behalf of prisoners of war took place at the 21st International Conference of the Red Cross at Istanbul, nearly four years ago, in October, 1969—a time when there was serious concern about the treatment of our men. That conference adopted without dissent, by a vote of 115–0, a strongly worded resolution calling on governments to treat prisoners of war in accordance with the Geneva Conventions. This action and its timing have taken on new significance in light of reports we now have from our returned men that the conditions of their treatment improved markedly in October, 1969. We cannot say for sure what led to this change, but I have no doubt that the action by the International Red Cross Conference played a part.

One national society, that of Canada, deserves special mention. The Agreement and Protocol on Viet-Nam contained specific provisions for two or more national Red Cross societies to visit POW's during the final period prior to their release. This provision was agreed to after the communist side refused to accept the ICRC for this purpose. The Red Cross Society of Canada was one of those nominated, and the National Commissioner of the Canadian Red Cross, Major General Arthur Wrinch, flew personally to Viet-Nam to head his society's team. To our regret, the communist side refused to cooperate in arrangements even for this final effort to provide Red Cross inspection. We are grateful to the Canadian Red Cross for its readiness to shoulder this responsibility and appreciate General Wrinch's resourceful personal effort to make it work.

I have left to the last, because it is so obviously not least, the good work of the American Red Cross. One hardly knows where to begin. The tens of thousands of letters forwarded through the years and the thousands of POW packages. Uncounted telegrams, sometimes on general subjects, more often attempts to relay personal messages. The monthly packages and mail for our detainees in the People's Republic of China. Cooperation with other Red Cross societies and personal meetings with Red Cross officials. Through the years of frustration, in these and countless other ways, the American Red Cross was a source of reassurance and support. I think of the steady leadership of your past Chairman, Roland Harriman; of your past president, General James Collins and your past Vice President for International Service, Ramone Eaton, and their colleagues, who worked tirelessly within the international Red Cross community to win understanding and support for our concern about our POW's. And I think of Sam Krakow, whose strength and thoughtfulness helped many families through the dark years of waiting.

It is not widely known, but President George Elsey himself carried out the final American Red Cross effort, when he flew at short notice to Saigon in response to an apparent invitation to visit American POW's in North Viet-Nam in the weeks before their release. Despite your President's skillful personal diplomacy, North Viet-nam in the end held to its consistent position of denying access to any Red Cross representative.

However, I can report that American Red Cross packages assembled at short notice and flow across the Pacific did reach North Viet-Nam and were received by many of our prisoners in the final days before their release. One of the prisoners told me he didn't believe he was actually going home until he received his Red Cross package for the first time.

I had the privilege of being in Hanoi for the first release of our prisoners February 12, and accompanying them on the flight to Clark Air Base in the Philippines. It was an unforgettable experience, which many of you may have shared on television. You may recall the POW who, as he stepped off the plane at Clark, held up the small American flag which he had made secretly in prison in North Viet-Nam. It has since been reported that this flag was crafted from bits of cloth and thread from prison uniforms, underwear, twine, and Red Cross packages. That same flag held the place of honor at the President's dinner for the returned POW's at the White House May 24. The Red Cross can take pride in its contribution to the safe return of our men, and to their flag.

THE GOOD CITIZEN AND OUR JUDICIAL SYSTEM

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. NEDZI. Mr. Speaker, during the past several years, columnist Pete Waldmeir has been chronicling the foibles and fables of the Detroit area, writing for the sports page in his early years and now for the popular back page of the Detroit News.

It is fair to say Mr. Waldmeir is as close to the community as any Detroit newsman. Moreover, he writes with style and perception.

A Waldmeir column of June 19, 1973, succeeded in telling in a few hundred words what learned treatises have failed to make clear; namely, an illustration of why there is public disillusionment with the criminal justice system.

Under leave to extend my remarks in the RECORD, the column follows:

THE GOOD CITIZEN AND OUR JUDICIAL SYSTEM

(By Pete Waldmeir)

You may excuse Anthony DeLorenzo if he has become a bit disenchanted with our judicial system.

First off, DeLorenzo, 58, is not the well-known public relations vice-president of General Motors although there are days when he wishes he was. This Tony DeLorenzo operates Anthony's Hearing Aid Center on Grand River at Outer Drive on Detroit's northwest side.

Anyway, one day late in January he was in his shop fitting hearing aids when his assistant, Al Brown, received a curious telephone call.

"Al said the man identified himself as 'Ray' and that he had some sophisticated testing equipment that we might be interested in purchasing from him," DeLorenzo explained.

"What this 'Ray' was offering to sell me was a couple of sound testing machines which are worth about $3,500 each. Al asked him how much he wanted for them and 'Ray' said he'd take $800 for the pair."

DeLorenzo smelled something strange in the deal, but instructed his assistant to have 'Ray' bring the machines to the shop so that he might inspect them.

"I figured right off the bat that they had to be stolen property for anyone to offer them at that price," DeLorenzo said. "But I didn't say anything to Al or the office girl because I didn't want to alarm them."

A MATTER FOR THE POLICE

In time two men delivered the equipment for DeLorenzo's inspection. He told them that he was too busy to check it out right away and asked "Ray" to leave it with him overnight. He agreed.

"But 'Ray' reminded me that the price was pretty low and he didn't want the police to be 'involved' in the deal," DeLorenzo said.

The men left and DeLorenzo called a relative on the Detroit Police Department. Ultimately it was arranged that two Detroit detective sergeants, Milt Bulmann and Mike Kuzilla, would come to the store the following morning and await the arrival of "Ray" and his partner.

"The equipment had been stolen from a display at the Society of Automotive Engineers convention at Cobo Hall," DeLorenzo explained. "The police told me to ask to see more of it if they had any."

Next morning the two coppers were stashed in a fitting room in DeLorenzo's office when the men arrived to talk business. Bulmann and Kuzilla overheard them make an offer to DeLorenzo that they would be able to secure even more of the same kind of gear "for a price."

Having heard enough, the detectives swooped out and arrested the pair of shady salesmen, who turned out to be Clovis Franklin Ray and Paul Douglas Moore, both of Detroit.

"I really felt like I had done my good deed for the day," DeLorenzo continued. "After all, that equipment is the kind anybody in my business would be proud to own. But buying stolen property is just the same as stealing it in my book.

"I wanted to do what was proper and within the law."

THEN CAME THE TRIAL

Ray and Moore were arraigned and released. Then on April 19 they appeared in Detroit Recorder's Court before Judge Joseph E. Maher on a charge of receiving and concealing stolen property.

The trial lasted three days.

"Both Al Brown and . . . to be available to testify each day," DeLorenzo explained. "And the company which manufactured the stolen equipment sent a man over from Cleveland to be a witness.

"After the third day of the trial, however, the prosecutor said the defense attorney got together and agreed to a plea of guilty to a lesser charge."

On April 24 Judge Maher handed down a verdict of guilty to "attempting to receive and conceal stolen property." A month later Ray and Moore were fined $214 and assessed court costs of $300 each.

And each man was placed on three years probation and set free.

"So Al and I lose three days work, the company man spends valuable time here from Cleveland, the two detectives see an open-and-shut case go down the drain and, frankly, I'm disgusted," DeLorenzo said.

"I would have been better off to buy the stolen equipment and kept my mouth shut. The company would have been further ahead to lose it and collect the insurance. And those two detectives could have saved their time and effort."

Why did Ray and Moore try to sell the equipment to DeLorenzo? "They told me they picked our name out of the yellow pages," DeLorenzo said wryly.

CONTROLLING DANGEROUS DRUGS AND DRUG ADDICTION

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. HEINZ. Mr. Speaker, today I introduce legislation that would help check the rising tide of narcotic drugs, particularly methadone, diverted from the treatment of narcotic addiction into illicit drug markets in virtually every major American city. My bill would regulate the use of narcotic drugs in the treatment of addiction by requiring a special registration of physicians who administer narcotics in any authorized treatment or maintenance program. Physicians in these programs would have to meet special standards to assure the medical safety of their patients and to protect the community against the diversion of drugs into illicit traffic.

Though drug addiction has long existed as a social, medical, and law enforcement problem, the current scope of the problem is enormous. For example, it is estimated that there are now between 300,000 and 500,000 heroin addicts nationwide. The Nixon administration has moved boldly in recent years to reduce the severity of the problem, with the President devoting considerable attention to the entire subject of drug abuse. In addition to considerable success in restricting the flow of drugs into our cities, the administration has made great strides toward the rehabilitation of thousands of addicts through the development of several approaches to the treatment of drug addiction.

One major method of treatment has been the use of the drug methadone for both detoxification and maintenance. Although methadone is dangerously addictive, it suppresses the craving for heroin and has been used successfully to detoxify or maintain heroin addicts. I do not believe methadone is a panacea for our Nation's drug addiction problems. But, as long as it is used it must be treated as the dangerous drug that it is, and used cautiously in conjunction with other clinical support facilities, such as counseling, in order to assist the addict toward a stabilized and useful existence. Today, methadone is the drug most widely used in detoxification and maintenance, with over two-thirds of the addicts presently undergoing treatment involved in methadone programs. Approximately 77,000 individuals are enrolled in approximately 450 programs across the country.

But, not unexpectedly, the rapid expansion of methadone programs and the quantity of methadone dispensed has also provided an increased opportunity for the illegal use of the drug. As a result, methadone is now illicitly available on the streets of every major American city. And with this rise in availability, there has been an alarming surge in drug overdose deaths attributed to methadone. John E. Ingersoll, director of Bureau of Narcotics and Dangerous Drugs, states that methadone is fast becoming this agency's biggest problem, with illicit methadone use doubling since last September, an especially alarming increase compared with the one-third increase in heroin use.

Pittsburgh, Pa., part of which is included in my 18th Congressional District, has not been immune to this illicit methadone traffic. In February 1972, 11 children were hospitalized when they took methadone overdoses. Investigation revealed the 11 victims to be children of patients of the Black Action Society Drug Abuse Center, located on Pittsburgh's north side. Apparently, the drug was handed out in large quantities for patients to consume at home. Obviously, little supervision over the drug was exercised once it left the drug abuse center. Then, in January of 1973, 1,700 doses were stolen from the center because of lax storage procedures. Some of these stolen drugs were later found in Riverside Park on the north side.

The Pittsburgh experience of illicit diversion of methadone from a legitimate drug treatment program, seems to be the primary source of methadone all across the country. Clandestine manufacture appears to be a rarity. The principal sources of diversion from legitimate programs are as follows: First, unscrupulous practitioners; second, negligent operations of treatment centers; third, diversions by individual patients; and fourth, theft, armed robberies, drugstore burglaries, et cetera.

Recent audits of 46 methadone programs revealed the following discrepancies: 28 percent lacked proper security over the drugs; 43 percent kept improper or incomplete records; 17 percent failed to obtain required BNDD registration; 75 percent had at least some unaccounted shortages of methadone; and 15 percent were found to have unaccounted overages.

Obviously, many of the opportunities for diversion of this drug to illicit markets could be removed by assuring better management of individual programs, as well as tightening program security.

The legislation I propose today would help assure that these programs are better administered, that drug supplies are tightly controlled and that the dispensing of those drugs is better supervised. The Department of Justice would be given greater power to identify and to act against those few practitioners who run methadone programs carelessly or illegally, and thereby jeopardize the health and safety of their communities. My proposal would require each practitioner who dispenses drugs in a treatment program for addicts to obtain annually a registration for that purpose.

The Attorney General would grant the registration if the practitioner meets medical and health standards set by the Secretary of Health, Education and Welfare, and if the practitioner is determined by the Attorney General to be prepared to meet standards imposed by the Attorney General relating to the security on the drug stocks, the maintenance of records, and the quantities of drugs which may be provided for unsupervised use.

A failure to comply with any standards imposed in my bill would subject the drug program to immediate suspension of registration, and possible program closure. The bill also applies to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration, the full range of civil remedies and criminal penalties contained in the Controlled Substances Act.

Mr. Speaker, we can debate the pros and cons of methadone maintenance and detoxification programs and their utility in reducing and preventing addiction. But we can all agree that any maintenance or detoxification program we run should be carefully controlled and properly regulated. The proposed legislation I introduce today, if enacted, will provide an additional tool to assure that methadone is used properly in the treatment of addicts. But my bill will also facilitate the prosecution of those who engage in criminal distribution of dangerous drugs.

The Public Health and Environment Subcommittee, of which I am a member is presently holding hearings on the problem of diversion of drugs from addiction treatment programs. Moreover, on June 8, 1973, the Senate, in recognition of this problem, passed similar legislation (S. 1115). I am confident that House action will soon follow and I urge my colleagues to lend their support to legislation to help put a stop to the dangerous traffic in illicit methadone.

MAKING IT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. RANGEL. Mr. Speaker, June is traditionally a happy month for young people. Youngsters moving up into high schools, teenagers graduating into college, and college students earning that prized diploma.

In my home borough of Manhattan, there are 46 students for whom this will be an extraordinarily gratifying graduation. These high school students are the winners of the 1973 medals and certificates of excellence awarded by Borough President Percy E. Sutton. These 46 youngsters have overcome economic and social disadvantage—they have "done the most with the least."

It is my pleasure to be able to share with my colleagues in Congress, the names of these 46 extraordinary young men and women:

STUDENTS WHO HAVE "MADE IT" AGAINST HIGH ODDS HONORED AT BOROUGH PRESIDENT'S MEDAL OF EXCELLENCE CEREMONY

Manhattan students who have "done the most with the least" will receive honorary awards from Manhattan Borough President Percy E. Sutton at the Seventh Annual Presentation of the Borough President's Medal of Excellence on Friday, June 22nd at 3:00 P.M.

Forty-six students from Manhattan's high schools, Junior High Schools, and intermediate schools will be recognized for their ability to overcome obstacles and unfavorable conditions to reach a high level of scholarship and achievement.

"What you will witness at this award presentation is both the pride and the hope of Manhattan," said Borough President Sutton. "The pride we share in those youngsters who have been able to 'make it' despite limited opportunities and the hope we have that our society will change so that increased opportunities will permit all young people to achieve their full potential for growth."

The winners of the 1973 Medals and Certificates of Excellence are:

High School (Gold Medal) Winner

Washington Irving High School, Lucy Yelsevar.

Stuyvesant High School, John Harold.

Seward Park High School, Lucy Lee.

Park East High School, Iris Ballester.

New York School of Printing, Albert Gilmore.

Manhattan Vocational-Technical High School, Miguel Rivera.

Mabel Dean Bacon High School, Irene Molina.

Louis D. Brandeis High School, Maria Ross.

Julia Richman High School, Naomi Webber.

High School of Fashion Industries, Gina Mervin.

High School of Art and Design, Victoria Aarons.

Haaren High School, Francisco Morales.

George Washington High School, Carol Cumberland.

Food and Maritime Trades High School, Keith Hill.

The School of the Performing Arts, Melvin Coston.

High School of Music and Art, Denise Taylor.

Chelsea High School, George Lopez.

Charles Evans Hughes High School, Don Wilson.

Central Commercial High School, Donna Chan.

Benjamin Franklin High School, Patricia Lester.

Junior High or Intermediate school (silver medal) winner

Simon Baruch Junior High School (104), Julio Perez.

Ottilia M. Beha Junior High School (60), Ruben Luyando.

The Louis T. Wright Junior High School (120), Diane Peterson.

Corlears Junior High School (56), Alice Chow.

Frederick Douglass Intermediate School (10), Rosella Dupree.

William L. Ettinger Junior High School (13), Mildred Escobar.

O. Henry Junior High School (70), Artis Copeland.

Inwood Junior High School (52), Kathryn Copeland.

Jefferson Park Intermediate School (117), Blanca Cintron.

Joan of Arc Junior High School (118), Gabriel Alderbot.

Margaret Knox Junior High School (99), Andy Cruz.

LaSalle Junior High School (17), Mercedes Arroyo.

Adam Clayton Powell Junior High School (43), Rafael Rosario.

William J. O'Shea Intermediate School (44), Betty Godbee.

John S. Roberts Junior High School (45), Frances Sotillo.

Eleanor Roosevelt Junior High School (143), Lottie Simms.

Arthur A. Schomburg Intermediate School (201), Vilma Cartegena.

School for the Deaf Junior High School (47), Anna Mingo.

Robert E. Simon Junior High School (71), Robert Segarra.

Edward W. Stitt Junior High School (164), Wilhemina Hendrickson.

Harriet Beecher Stowe Intermediate School (136), Joyce Cater.

Gustave Strubenmuller Junior High School (22), Vergilio Acevado.

Charles Sumner Junior High School (65), Mandy Huang.

SCHOOLBUS SAFETY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ASPIN. Mr. Speaker, today the National Transportation Safety Board issued a report on a March 1972 schoolbus accident in Congers, N.Y., which resulted in five fatalities.

This schoolbus accident report proves once again that the Department of Transportation has totally ignored the need to establish schoolbus safety standards. The National Transportation Safety Board clearly cites poor schoolbus body construction as the cause of death of at least two of the five victims.

As many of my colleagues may know, the National Transportation Safety Board independently evaluates the causes of transportation accidents and makes recommendations to improve safety.

At present, the Department of Transportation has the authority to issue standards, but rather than act, DOT has done nothing.

As a result, my distinguished colleague from California (Mr. Moss) and I joined by 79 of our colleagues have sponsored legislation which would require the Department of Transportation to propose within 6 months comprehensive schoolbus safety standards. Early in May, 2 days of very successful hearings were held on the National Schoolbus Safety Act of 1973.

Today's report by the National Transportation Safety Board demonstrates once again the need for immediate congressional action to safeguard the lives of the 20 million schoolchildren who travel to and from school on buses every day. Congress can no longer wait for the unresponsive Department of Transportation to act.

I am hopeful that sometime this year the Committee on Interstate and Foreign Commerce will approve schoolbus safety legislation.

The time is now to make schoolbuses safe. The National Transportation Safety Board clearly demonstrates that not enough has been done and it is now up to Congress to take action.

How many needless deaths must occur as a result of schoolbus accidents before Congress will act?

A summary of the report follows:

SCHOOLBUS SAFETY

The National Transportation Safety Board today released its report on a fatal collision between a Penn Central freight train and a schoolbus which occurred near Congers, New York about 7:55 a.m. on March 24, 1972. As a result of the accident, five students died; the remaining 44 students, and the driver were injured and the schoolbus was destroyed.

The schoolbus was being driven across a grade crossing on Gilchrist Road near Congers when it was struck by the lead locomotive of a Penn Central freight. The Board noted that although there was a stop sign and a standard railroad-crossing advance warning sign at the accident site, the crossing was "not specially protected" by any active devices. After the impact, as the schoolbus was pushed 1,116 feet down the track by the train, the bus disintegrated.

The Safety Board determined that the case of this tragic accident was . . .

". . . the failure of the schoolbus driver to stop at the stop sign until the crossing was clear of railroad traffic. The reason for this failure could not be determined.

Contributing to the accident was the unnecessary routing of the schoolbus over a not specially protected railroad/highway grade crossing. Contributing to the number of fatalities and the severity of injuries were: (1) the lack of structural integrity of the body of the schoolbus, (2) the absence of highback padded seats and an occupant-restraint system in the schoolbus, (3) the presence of standing students in the bus, and (4) the action of the coupler of the lead locomotive, which caused the crash forces to be concentrated on the bus."

On the morning of the accident the driver drove the schoolbus from the garage at 7:30 a.m., but before making his first pickup, he encountered an unexpected detour of Gilchrist Road which made it necessary to drive the route in reverse of the course normally followed. This resulted in the schoolbus approaching the railroad crossing 20 minutes later than usual and from the opposite direction—and with 49 passengers on board instead of six. However, the visibility available to the driver "was unobstructed and more than adequate" and several bus occupants saw the train when the bus was as far as 600 feet from the crossing. In addition, several passengers and a witness near the crossing heard the locomotive horn throughout the train's approach to the crossing.

The Board said there was a "momentary deceleration" of the bus some distance before it reached the stop sign which was followed by an immediate resumption of speed. This decision might have been based on a misperception of the train's speed—estimated at 25 mph—and distance from the crossing.

Another factor affecting this decision could have been the bus driver's realization that he was already behind his normal schedule, due to the detour, and if he had to wait for the freight train to clear the crossing, he would be further delayed in reporting for work at his primary job, scheduled to begin at 9:00 a.m., with the New York City Fire Department.

In reviewing the bus driver's workday routine, the Board found that he usually returned the bus to the garage at 8:25 a.m. On the days he worked as a New York City fireman he then had to drive 30 miles in rush-hour traffic to reach the firehouse. A test run between the garage and firehouse, over the best route and complying with all traffic regulations, revealed a minimum travel time of 1 hour and 5 minutes—which meant that the driver would not have been able to arrive at the firehouse at 9:00 a.m. on any day that he drove the schoolbus.

"This driver's work schedule was not considered by either the contractor or school administrators," the Board said and noted further that there was no standard or regulation for New York employers "to examine the hours of primary employment of their schoolbus drivers to determine to what extent their schedule might cause them to hurry to complete their routes or affect their safety performance in any other way."

The schoolbus involved in the accident was a 66-passenger 1967 Carpenter body mounted on a 1968 General Motors Coach frame. The Board found that the crash forces produced on the schoolbus by the train locomotive moving at about 25 mph injured only those passengers in the area directly impacted—some of the fatal injuries resulted when the bus structure disintegrated. "At least two of the five fatalities were ejected as a result of floor separation—and the lack of availability and use of an occupant-restraint system in the bus," the Board said. The controversy over the feasibility of installing active occupant-restraint systems in schoolbuses indicates the need to obtain data which can be used to resolve this question, the Board concluded.

In commenting on the structural disintegration of the schoolbus, the Board said that several occupants experienced severe crash injuries from sharp metal edges which were exposed by the separation of structural parts of the bus body. The disintegration "displayed many examples of failures at joints assembled with relatively few fasteners," the Board said, and noted further that "such construction is typical of current schoolbus construction practices."

The Penn Central freight train was operating with three diesel-electric locomotive units, 83 freight cars and caboose, with a total gross weight of 4,230 tons. The coupler of the lead locomotive immediately penetrated the outer wall of the bus and contacted floor panels, which buckled and began to separate, and allowed the coupler to penetrate further inboard. The Board pointed out that this protruding coupler was not necessary for the operation of the locomotive on the mainline. There are practical means of covering the coupler so that it has greater deflective qualities. "Future locomotive designs could reduce one source of collision damage through recessing the front-end coupler, as provided on passenger train locomotives," the Board said.

Last September as a result of its investigation of this accident the Safety Board recommended that the National Highway Traffic Safety Administration "expeditiously adopt" a Federal Motor Vehicle Safety Standard to control the strength of structural joints of schoolbuses, including strengthening the window column of such buses. This is now under review by NHTSA.

In its report issued today as a further result of its investigation and findings the Safety Board made seven additional recommendations as follows:

The *Department of Transportation* seek legislation to extend the use of Federal funds now available for grade-crossing safety and improvement on the Federal Highway System "to include those . . . crossings on non-Federal aid highways" such as existed at Congers.

The *National Highway Traffic Safety Administration* in revising the Federal Highway Standards continue the requirement that schoolbus drivers be qualified under the Motor Carrier Safety Regulations and extend this provision "to include all drivers of schoolbuses regardless of whether they or their employer is subject to these regulations."

The *National Highway Traffic Safety Administration,* in revising the Federal Highway Standards, include a provision to require those persons responsible for hiring schoolbus drivers to conduct pre-employment inquiries and continued surveillance "to assure that other employment requirements of schoolbus drivers do not adversely influence their schoolbus driving."

The *State of New York,* and *all other States* "adopt and implement" the present Highway Safety Program Standard No. 17 "Pupil Transportation Safety" with "special emphasis" on provisions relating to "the selection and training of personnel, the safe routing of schoolbuses, and the elimination of standees in schoolbuses."

The *New York Department of Education* "expand" its pupil-transportation safety activities to provide "liaison, management consultation, and supervision" at the local level to assure compliance with its policies and procedures, including "active assistance in training pupil-transportation personnel."

The *National Highway Traffic Safety Administration* assess the human factors involved in seat belt usage in schoolbuses through a demonstration project, using a number of schoolbuses equipped with seatbelts and highback, padded seats.

The *International Association of Chiefs of Police* use its "influence and resources" to redirect the attention of law enforcement agencies to the need for "uniform enforcement of traffic laws pertaining to railroad/highway grade crossings" and provide special emphasis on those crossings protected solely with stop signs.

The report which the Board released today is available to the general public. Single copies may be obtained without charge by writing to the Publications Branch, National Transportation Safety Board, Washington, D.C. 20591. Multiple copies may be ordered by mail, with full payment enclosed, from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151, at $3 a copy on standard paper and 95 cents a copy on microfiche.

SHERIFF BYRD PARNELL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. DORN. Mr. Speaker, last evening in Richmond, Va., Sheriff I. Byrd Parnell of Sumter County, S.C., was sworn in as president of the National Sheriff's Association. This is not only an outstanding tribute to Sheriff Parnell's character and ability but is a great honor for South Carolina and reflects credit on the 30,000 members of the National Sheriff's Association.

Sheriff Parnell exemplifies the highest traditions and ideals of American law enforcement. He is a man of superior leadership, absolute integrity and devotion to public service. He epitomizes the law officer's dedication to preserving our great American institutions and protecting the American people from the subversive, the criminal and those who would undermine and destroy American society. In his illustrious career Sheriff Parnell has been associated with local, county, State and national law enforcement agencies, typifying the proud heritage of American law enforcement.

Mr. Speaker, Sheriff Parnell serves the people of Sumter County, in the congressional district of our beloved, distinguished and able colleague Honorable TOM GETTYS. The Parnell family is a large and respected family that has remained steadfast to the principles and ideals that made our Nation and our Southland great. I am pround that Sheriff Parnell's mother was from Edgefield County in my own congressional district, a county which produced 10 Governors, many U.S. Senators and generals who affected the course of American history. His mother was Janie Byrd, of the highly distinguished and patriotic Byrd family.

Sheriff Byrd Parnell is a graduate of the FBI National Academy and is the only South Carolinian ever elected president of his class at the Academy. He has received numerous awards from professional law enforcement organizations. Among the many honors accorded to Sheriff Parnell are Sheriff of the Year for 1965, Outstanding Law Enforcement Officer in South Carolina in 1967 by the American Legion, Service to Mankind Award in 1967 by Sertoma Club and past president of the Kiwanis Club. He has been an outstanding Methodist lay leader, having taught Sunday School for 25 years. Sheriff Parnell has devoted extensive time to working together with young people for a better community.

Mr. Speaker, I commend to the attention of my colleagues and law enforcement officers throughout the Nation this splendid article by Michael Livingston which appeared in the Columbia State:

FROM SUMTER COUNTY—PARNELL GOES FROM A BEAT TO SHERIFF GROUP PRESIDENT

(By Michael Livingston)

Sumter County Sheriff I. Byrd Parnell, who started his 36-year career walking a beat in Lamar for $10 a week, will be sworn in Wednesday in Richmond, Va., as president of the more than 30,000-member National Sheriff's Association.

Byrd, who took office in Sumter County in 1953 with seven deputies on his staff, will become chairman of the organization's executive committee—the policy making body—and preside at meetings throughout the country.

The sheriff, whose reputation for bagging quail compares with that of catching lawbreakers, reminisced about his career Friday and urged newcomers to law enforcement to educate themselves and work toward professionalizing their work.

"Crime is more complicated," he said. "It has become more sophisticated, more complicated. The criminal thinks he is getting smarter. The law officer has to study, and be smarter to catch him.

"Of course, the man who is better prepared has the better chance. I would advise any young man going into law enforcement to take advantage of any educational opportunities; law enforcement has become a profession, not just a job," Byrd said.

OVERALL UPGRADING

He said said that with a new professional status, law officers can demand more pay and shorter hours. "We are trying to get on a competitive basis with industry," he said. "With an overall upgrading, we can look toward a decrease in crime."

Byrd had thanks for many in the profession whom he credited for assistance, professional and otherwise, over his long career. He specifically pointed out the aid of J.P. "Pete" Strom, chief of the State Law Enforcement Division (SLED).

THANKS SOLICITORS

He said he was indebted also to Sumter County Solicitor R. Kirk McLeod and McLeod's father, Frank, solicitor for 37 years in Sumter County.

Byrd began his career in Lamar in 1937 working 12 hours on weekdays and 18 hours on Saturdays. After about a year there, he moved on to Hartsville as a beat policeman working similar long hours.

JOINED PATROL

In 1941, he joined the S.C. Highway Patrol and was with the department for 12 years, excepting a stint in the U.S. Coast Guard during the Second World War.

In the 1952 general election, he was elected sheriff of Sumter County at a time when officers had to furnish their own automobiles and were charged with protecting the 54,000 citizens of the county.

I'LL STAY ON

He says of his assignment today, "As long as my health is good and the people of Sumter want me, I'll stay on here and do the best job I can. I have no regrets about entering law enforcement; given the same chance, I would follow the same line of endeavor."

MORE OPPORTUNITY

"There are so many more opportunities now than when I started. A young man can get ahead much faster now if he takes advantage of the many possibilities available," he said.

Byrd credited the Law Enforcement Assistance Administration for providing funds for education and the upgrading of equipment and techniques. He said as a result of such help, three of his men are in the process of completing work for college degrees.

The sheriff, who has traveled every road in Sumter County often dodging bootleggers' bullets and their cars when they tried to run over him several times, will be called upon to travel more in his new post. He already has several speaking engagements in other states.

Sheriff Byrd and his wife, Jeanette, live in Oswego where they have raised a daughter, Jean, 17, and a son, Ira, 21, who, as a SLED agent, is following in his father's footsteps.

IMPEACHMENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. RIEGLE. Mr. Speaker, some of our colleagues have suggested that the comments on impeachment last June 6 by our colleague from California, PAUL MCCLOSKEY, were unfair to the President. Those that will take the time to read this speech, however, will undoubtedly agree with Boston Globe writer, Thomas Oliphant, who points out that Mr. MCCLOSKEY's remarks were actually protective of the President's rights. The Globe article concludes with the comment that any impeachment of the President under the standards suggested by Mr. MCCLOSKEY "would be vastly more solicitous of the accused's rights than the standards set up 3 years ago by Nixon supporter GERALD FORD when the potential victim was a liberal Democrat."

The full article is set forth below:

UNSAVORY POLITICS MARS IMPEACHMENT'S PAST

(By Thomas Oliphant)

WASHINGTON—Impeachment. The word has a dirty ring to it, and for good reason.

Ever since 1803, when Federal Judge John Pickering, the first victim of the process, got bounced from the bench for "misconduct in a trial and being on the bench while intoxicated," impeachment has served mostly as a jurisdictional pretext for base political motives.

As Yale University's Goddis Smith concluded in a history of the United States' 11 impeachment trials:

"The investigators of the actual impeachments, with few exceptions, made a travesty of the Constitution. The result is that a proper and essential part of the Constitutional system lies in ill-repute."

It wasn't meant to be that way. A firm majority of the men who wrote the Constitution in 1787 thought there had to be a legal procedure by which men could be removed from Federal office, and they specifically made the President subject to it.

In one eerily prophetic argument, Gov. William Richardson Davie, a delegate from North Carolina, was quoted by diary-keeper James Madison as saying of any President:

"If he be not impeachable whilst in office, he will spare no efforts or means whatever to get himself reelected."

Another delegate, the venerable Ben Franklin, argued that without impeachment the only method for dealing with a tyrannical President would be assassination.

"It would be the best way, therefore, to provide in the Constitution for the regular punishment of the executive, where his misconduct should deserve it, and for his honorable acquittal, where he should be unjustly accused," he said.

"High crimes and misdemeanors" was the phrase ultimately agreed upon as a summary of those actions which could lead to the impeachment of a President or other major officials. Like so much else in the Constitution, the phrases was left deliberately vague, which is probably why the criteria have been so regularly abused for political purposes over the years.

For example, just three years ago, one of President Nixon's most vocal House supporters, minority leader Gerald Ford of Michigan, stated the politicians' view of impeachment succinctly when he was trying to get liberal Supreme Court Justice William O. Douglas thrown out of office:

"An impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body (the Senate), considers to be sufficiently serious to require removal of the accused from office."

At the time, President Nixon said nothing either in opposition to Ford's view, or in support of Douglas.

Now, another Republican representative, liberal Paul McCloskey of California, has argued that the grounds for impeachment must be drawn far more tightly. His argument, in a House speech last week, becomes all the more interesting because McCloskey believes that the process ought to be set in motion against President Nixon unless he very shortly makes a "full disclosure" of all he knows about the Watergate-connected scandals.

McCloskey has not filed a resolution to begin the process; in fact, he is opposed to such a step for the moment and urged Democrats thinking of taking it, not to.

Though he was prevented by a parliamentary maneuver from actually delivering his speech on the House floor last Wednesday, his text was nonetheless printed in full in the next day's Congressional Record.

McCloskey's first basic point is that Congress should not consider impeachment of any official except for criminal conduct that would constitute a felony in a regular judicial proceeding, as well as for violation of explicit constitutional provisions such as the one that a President must "take care that the laws be faithfully executed."

And he would make this restriction even tighter, by imposing special burdens on the House, which serves the twin roles of grand jury and prosecutor in impeachment cases.

Briefly, McCloskey said that the House should commence a formal inquiry by committee into presidential conduct only after its members feel that "probable cause" exists that he may have committed a crime.

McCloskey then said that "we, as members of the House, should be personally and individually convinced of the guilt of the President before voting his impeachment." If a House majority votes for impeachment—in effect an indictment—then the case goes for trial to the Senate, where a two-thirds vote is needed for removal from office.

This is a tougher standard than applies in criminal cases to ordinary citizens, who can be bound over for trial if the grand jury finds probable cause of their guilt and votes to indict them.

With regard to President Nixon and the Watergate scandal, McCloskey's conclusion is that the facts "seem to establish the type of probable cause that an ordinary prosecutor would think sufficient to take before a grand jury in the case of an ordinary citizen as defendant."

By "facts," McCloskey made it clear, he is not referring to any allegations that have appeared in the newspapers. He said House members should "decline even to consider those matters of innuendo, hearsay, opinion and speculation which would be inadmissable in an ordinary judicial proceeding."

What he did cite were President Nixon's own words in his written statement of May 22 on the Watergate matter, above all the President's admission that he "instructed Mr. (H.R.) Haldeman and Mr. (Robert) Ehrlichman to insure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the CIA or the activities of the White House investigations unit—and see that this was personally coordinated between Gen. Walters, the deputy director of the CIA, and Mr. Gray (director) of the FBI."

Because the White House unit, also known as the "Plumbers," is alleged to have at least one crime, breaking into the office of Daniel Ellsberg's doctor, McCloskey was raising the possibility that the President's instructions had the effect at least of obstructing justice, which is a felony.

He raised the same possibility by quoting the President's words in the same message when, upon learning that E. Howard Hunt—an alleged burglar—was about to be questioned by prosecutors about that crime, Mr. Nixon said that he "directed Assistant Attorney General Peterson to pursue every issue involving Watergate, but to confine his investigation to Watergate and related matters and to stay out of national security matters."

McCloskey then asked the key question: "At what point of time does the evidence of guilt reach that degree of probable cause that we are bound by the Constitution to commence formal inquiry?" and answered it as follows:

"To me that time seems almost at hand unless the President makes a full and fair disclosure of everything he knows and when he learned it."

McCloskey later told the newsmen he would wait "a week or so" before deciding whether to make another speech, or perhaps even support an impeachment resolution or introduce one himself.

The irony of all this is that if, as now seems rather unlikely, an impeachment proceeding were to be instituted under McCloskey's guideline, it could be the most scrupulously fair one in American history.

At a minimum, it would be vastly more solicitous of the accused's rights than the standards set up three years ago by Nixon supporter Gerald Ford, when the potential victim was a liberal Democrat.

NATION'S FIRST POVERTY PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. RANGEL. Mr. Speaker, although President Nixon has declared an all-out withdrawal from the war on poverty, that struggle is continuing in communities all across the Nation. Nowhere is the struggle more intense than in my home community of Harlem.

A recent article in the Amsterdam News dealt with an antipoverty agency that has the distinction of being the forerunner for other agencies to come: Harlem's Teams for Self-Help.

I now submit the newspaper article entitled "Nation's First Poverty Program Still Foremost" for the attention of my colleagues:

NATION'S FIRST POVERTY PROGRAM STILL FOREMOST

(By Simon Anekwe)

In the world of anti-poverty agencies, Harlem's Teams For Self-Help was a trailblazer, the model that set the pattern for all War on Poverty programs, not only in New York City but throughout the nation.

When it was organized in 1962, Harlem Teams was known as Associated Community Teams or ACT for short. The late Congressman Adam Clayton Powell was then at the zenith of his political power, as chairman of the House Committee on Education and Labor.

Chairman Powell had initiated and got the House to pass the Juvenile Delinquency and Youth Offenses Control Act, in Washington, D.C. And back home in Harlem he spurred the creation of ACT which then was funded by the Department of Education and Welfare.

That was in the Kennedy Administration and before President Johnson declared the War Against Poverty; the legislation for which was written by Rep. Powell, using the background of ACT.

SPEARHEAD

From its inception, the pioneer anti-poverty community action program agency has functioned as a spearhead in adding new dimensions to the prevention and eradication of poverty. Although the war against poverty has evolved a variety of programs, Harlem Teams' new Harvard trained lawyer-director, *Fred Wallace*, has brought some new approaches to anti-poverty.

Anti-poverty leadership has been concerned mainly with increasing the income of area residents, Mr. Wallace said Friday in his office at 179 W. 137th St. But not enough has been done with controlling their expenses.

Thus, while incomes have come in or risen, expenses have also increased and the net gain of residents for the community as a whole has remained minimal. For the things that go into expenses column are controlled by people from outside the community.

CONTROL MONEY SPENDING

So, the new Harlem Teams' director wants to do "something about controlling the pattern in which people spend their money." And the things in which Harlemites spend most are food and housing.

Thus he is concentrating his efforts in the areas of housing and food distribution. Right now 10 apartment buildings in Harlem have been designated for rehabilitation by Harlem Teams crews. They are now gaining experience while working on the building that houses the agency.

Modified rehabilitation, not new construction or gut rehab, is the way to provide standard housing for Harlemites. Even with subsidies, Wallace stated, new housing is beyond the reach of the masses of Harlemites whose incomes are on the $5300-a-year level.

BUYING CLUB

In the food area, Wallace wants to expand the Harlem Teams buying club so it can offer substantial savings to members. "We hope to make a true economic model of it," he said. With the new emphasis on these two aspects of economic development, he thinks there will be an improvement in living standards.

Improvement of living standards is what Harlem Teams has been about from the start. As stated by the agency, the four main goals of the organization include the following:

FOUR MAIN GOALS

"To motivate community-wide action in the development of blueprints designed to expand employment, lend quality to education and assure the economic growth of the community.

"To contribute to the activities of Harlem residents, other community organizations, and businessmen—working together to match job opportunities with persons willing to work.

"To create a flow of ideas and information, together with industry, regarding the new methods of selecting, training and re-directing potential employees;

"To educate young people and adults of Central Harlem for the new tasks that lie before this community. To provide the forum for the exchange of ideas; to provide the lessons of Black heritage and Black history; to orientate Harlem citizens for their expanded role in American life."

BUDGET $3 MILLION IN 1965

By 1965 when the agency had a budget of nearly $3 million, its programs included the Harlem Domestic Peace Corps and the Volunteer Services. The HDPC was the first of its kind in the nation to reach into the ghetto and help the disadvantaged acquire marketable skills.

Now HDPC focuses on increased and improved welfare, health and education services by mobilizing community-related resources for action in these areas.

Like HDPC, the Volunteer Services was another first in the nation to recruit adults and young people of the community for voluntary services towards community service and development. These two programs were the prototype of the Federal program, VISTA or Volunteers-In-Service-To-America.

DEVELOPMENT

From the Volunteer Services developed the parent workshops, educational and guidance conferences, career seminars, scholarship opportunity information assistance aspects of the Education-Action Program; the youth leadership corps; CHUM or Community Hands United Mutually.

The Consumer Protection Union is another important Harlem Teams program, providing consumer action and financial counseling. It seeks to identify the Harlem consumer problems faced in the market because of poor goods and services at high prices; as well as unfair selling practices.

It gets action by organizing participants in its educational activities to document complaints and boycott consumer-victimizing services. It provides assistance in applying for loans and credit and tries to aid legislation for better consumer relations.

DRUG PROGRAM

In the area of drug addiction, Harlem Teams has a federally-funded program concentrating on prevention rather than treatment. The purpose is to put a wall around the drug zone and keep it from attacking fresh victims.

One of the early programs that was also unique was the Harlem Institute For Teachers, a consortium effort involving the National Teacher Corps, Bank Street College of Education, New York University and the Board of Education. The program emphasized teacher preparations related to the education of Harlem youngsters.

Other Harlem Teams programs include: Housing Development Services; Manpower Outreach; Education Action; Black Entrepreneurship; Youth Center, the Harlem Probation Project.

Through these and others the agency motivates community-wide action, contributes to activities of Harlem residents at the same time that it shows the light so people may find the way to better living and greater responsibilities, through their expanded role in American life.

PILL-POPPING DOCTOR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. BOB WILSON. Mr. Speaker, as a strong advocate of the right of American citizens to take vitamins and food supplements, I enjoyed an article by Arthur J. Snider which appeared in the June issue of Healthways. I commend Mr. Snider's observations on the "Pill-Popping Doctor" to the attention of my House colleagues:

EMBARRASSED TO BE BEDFELLOW OF FADDISTS, BUT SEES SOME GOOD—A PILL-POPPING DOCTOR AND THE "BIG E" VITAMIN BINGE

(By Arthur J. Snider)

Every morning Dr. August F. Daro, one of Chicago's leading obstetrician-gynecologists, swallows 35 capsules to start the day right.

No. 1 on his pill parade is big "E," the tocopherol vitamin. In rapid succession, he pops C and B, along with amino acids and such minerals and metals as copper, manganese, cobalt, sodium, magnesium, potassium and iron.

He then eats a standard breakfast before driving from his suburban Highland Park home to Columbus Hospital for a full morning of surgery and the same heavy schedule he has maintained for more than 45 years as a practitioner and clinical professor at Stritch School of Medicine.

Why would a physician who knows and follows the rules of good nutrition want to pop so vast an array of pill supplements?

"Vitamins and mineral have taken a very long time to be accepted," he replies. "Even now their needs as supplements are not appreciated by the medical profession. They are necessary for the functions of thousands of enzymes in a single cell."

Dr. Daro has particular words of praise for the most discussed of them all—vitamin E—variously called the mystery vitamin, the vitamin in search of a disease and the fad in search of a miracle.

WARDS OFF AGE

"If you ask what vitamin E does for me, I feel it is warding off the effects of age," says Dr. Daro, who at 72 has a full head of hair, a clear, wrinkle-free skin and a low-handicap golf score.

E vitaminia is a spinoff of a new wave of nutrition awareness launched by Prof. Linus Pauling, the two-time Nobel Prize winner, who in 1970 advocated massive doses of vitamin C for the common cold.

Drug stores had trouble keeping up with the demand and now the momentum continues with E, purported to have even greater powers. People are taking it as self-help treatment for hardening of the arteries, heart disease, high blood pressure, anemia, sterility, leg cramps, impotency, thrombophlebitis and protection against the effects of smog.

Physicians like Dr. Daro are embarrassed to find themselves bedfellows of food faddists and health food addicts for whom vitamin E is a high priority item.

Nevertheless they have observed bits of evidence to make them curious of the vitamin's potential, if not outright advocates.

FOR EVERYTHING

Typical of this group is Dr. Philip Thorek, medical director of American Hospital here and clinical professor of surgery at the University of Illinois.

"I realize that vitamin E has been promoted as a cure-all by some and denounced as a hoax by others," he commented. "I know it has been promoted for everything from senility to falling hair.

"I have never made a study of vitamin E and cannot say anything about it from a scientific point of view. However, I am impressed by the clinical observations we have made on about 20 patients to whom we have given it for nocturnal leg cramps.

"The results appear to be excellent in 75 percent of the cases. I am also impressed with the apparent ability of the vitamin to soften scar tissues."

Does Dr. Thorek take vitamin E himself? "I must say yes. If it's good enough for my patients, it's good enough for me."

Dr. Daro prescribes vitamin E widely for his obstetrical patients who appear to be threatened with spontaneous abortion. He gives it in combination with iron for anemia. He also is a liberal advocate of vitamin C for colds and upper respiratory infections and believes it may have an effect on viral diseases in general.

THERAPEUTIC VALUE

"I believe vitamins have more than protective value," he says. "They have therapeutic value as well."

"Reliable studies are under way and answers are coming," he said.

LITTLE OR MUCH?

Daily dietary requirements for vitamin E have been set by the National Research Council for adults at 30 international units (about 20 milligrams).

But many users take the view that if a little is good, a lot more is better. They take 10 to 50 times recommended dosage.

"Enormous amounts confer no benefit," says Prof. Jean Mayer, Harvard nutritionist. "You can easily get enough through plenty of fruits, vegetables, whole grain cereals, soybeans, peanut or cottonseed oil."

Dr. Evan Shute says people who talk about 20 milligrams are talking about "little E."

The payoff, he insists, is going to come only from "big E," (400 or more milligrams daily).

"Big E is the anti-philic (heart-protecting) vitamin," he says. "Big E is here to stay. Nothing can turn it back."

PRICE FREEZE REGULATIONS ARE CAUSING FOOD SHORTAGE AND UNEMPLOYMENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. FINDLEY. Mr. Speaker, the 60-day freeze on prices is causing severe disruption in food and feed processing. It must be changed before further damage is done. Instead of helping consumers, it is hurting—and badly. Serious shortages are already appearing.

In the past 48 hours, responding to pleas from feed and food industries in Illinois, I have appealed for a swift change in the price freeze in personal conferences to Melvin Laird, White House Director of Domestic Policy, Secretary Earl Butz, Secretary of Agriculture, Roy Ash, Director of the Office of Management and Budget, and officials of the Council of Economic Advisers.

I am today placing in the hands of John Dunlop, Director of the Cost of Living Council, my letter summarizing the crisis, supported by exhibits showing how the freeze has already severely disrupted the feed and food industry.

The freeze has placed livestock and poultry feed companies in the impossible situation of having to pay accelerating costs for raw agricultural products. But they are not allowed to pass these increased costs on to the buyer of feed products without filing for and receiving an exemption from the Cost of Living Council. Many of these companies are now losing money and bankruptcy comes closer each day. If they are forced to suspend operations, farmers will be cut off from their food supplies. Unless relief is promptly granted, livestock producers will be unable to buy sufficient feed at any price.

With their feed supplies in jeopardy and other production costs at record high levels, many hog and beef producers are cutting production.

Meat supplies are already limited. With further cuts in production a major meat shortage will soon follow, unless action is taken to encourage production.

At the same time, the freeze is having a negative effect on supplies of other foodstuffs. I have been informed that large food chains are now advising their store operators to stop handling commodities such as tomatoes, potatoes, and citrus fruits, and other food items when their uncontrolled cost to the store exceeds the ceiling they can charge imposed by the freeze.

In my own district, Anderson, Clayton & Co., manufacturers of margarine, shortening, and salad oil, has announced the lay-off of 300 employees because of the freeze. Their costs for raw products have continued to increase while prices they can charge are frozen. They have curtailed production to minimize losses on a majority of their products. Not only has the freeze deprived consumers of Anderson, Clayton & Co. products, it has also frozen many working people out of their paychecks.

The problem is widespread and worsening. Not only are we headed toward a food shortage, unemployment will also increase as a tragic side effect. Action by the Cost of Living Council is urgently needed.

Following is my letter to Cost of Living Council Director John Dunlop and material indicating the severity of the problem.

JUNE 21, 1973.

MR. JOHN DUNLOP
Executive Director, Cost of Living Council,
Washington, D.C.

DEAR MR. DUNLOP: The only hope for better food prices for American consumers is higher food production. Government policy should be directed to this end.

At best, a price freeze can only serve as a stop-gap measure to economic problems. At worst, it leads to economic chaos. The worst is occurring, largely due to the exemption of raw agricultural products from control. To be specific, chaos has struck the production of feed which is essential to livestock production.

The freeze has placed livestock and poultry feed companies in the impossible situation of having to pay accelerating costs for raw agricultural products. But they are not allowed to pass these increased costs on to the buyer of feed products without an exemption from the Cost of Living Council.

Although the Cost of Living Council is working diligently in evaluating and ruling on requests for exemptions, many companies are anxiously watching profit margins disappear while their requests struggle through government channels already obfuscated by red tape. For many of these companies, bankruptcy comes closer each passing day. Several have informed me that they may soon have to suspend operations, cutting farmers off from their feed supplies. Unless relief is promptly granted, livestock producers will be unable to buy sufficient feed at any price.

This possibility adds only another problem to the many plaguing livestock and poultry producers. Even before the freeze was announced, livestock and poultry production was being cut back. Proposed EPA livestock waste disposal regulations, the ban on DES use, high-priced feed and other accelerating production costs, and the meat price ceiling in effect over two months now are factors causing farmers to question whether raising livestock will be profitable in the future. Many saw a negative answer and cut back on production.

Now, because many see the freeze as threatening feed supplies, many farmers have another reason to scale down the size of their herds and flocks. Initial reports indicate they are doing just that.

At the same time, the freeze is having a negative effect on supplies of other food stuffs. I have been informed that large food chains are now advising their store operators to stop handling commodities such as tomatoes, potatoes, citrus fruits, and other food items where the uncontrolled raw agricultural product price exceeds the ceiling imposed by the freeze.

In my own district, a major employer, Anderson, Clayton, and Company, has announced it is curtailing operations because of the freeze which will result in the laying off of workers. This company, which produces margarine, shortening, and salad oil, says the ceiling prices have put them in the position of operating at an out-of-pocket loss in a majority of its product lines.

In short, a large segment of our food production industry is in severe financial trouble as a result of the freeze. Not only is our most important industry being disrupted, which will result in unemployment for many, a severe food shortage is just around the corner.

The freeze was designed, in part, to ensure consumers of reasonably priced food. But its result will be that consumers do not have even a reasonable amount of food, at any price. Black markets in both feed and food will soon follow. Then, only the wealthy will have unlimited access to the limited supply of food.

These dire results could be headed off if the price freeze regulations are substantially revised. I respectfully urge you to revise freeze regulations and allow the pass-through of cost increases that occur as the result of increases in raw agricultural products. Your action is urgently needed.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

[From the Wall Street Journal, June 21, 1973]

ANDERSON CLAYTON TO CURTAIL OUTPUT DUE TO PRICE FREEZE

DALLAS.—The foods division of Houston-based Anderson, Clayton & Co. said it will curtail operations at two of its plants due to the Nixon administration's 60-day price freeze.

Anderson Clayton Foods said the cutbacks at its Jacksonville, Ill., and Sherman, Texas, plants will begin next Wednesday. It said they "will result in the layoff of workers." A spokesman said the extent of the cutbacks and the number of layoffs haven't been decided.

A division spokesman said the federal formula for calculating ceiling prices "puts Anderson Clayton Foods in the position of operating at an out-of-pocket loss in a majority of its product lines." The division called the move "regrettable, but necessary," and said, "We trust this is a temporary situation which will be corrected by the Cost of Living Council in the near future."

The two plants, which together employ about 700 workers, produce primarily fats and oil products, such as margarine, shortening and salad oil.

UNITED FRESH FRUIT & VEGETABLE ASSOCIATION,
Washington, D.C., June 19, 1973.

HON. PAUL FINDLEY,
House Office Building,
Washington, D.C.:

Can document that price freeze affecting fresh fruit vegetable industry distributors and retailers creates severe immediate inequities soon to force shutdown many businesses causing consumer hardship and unemployment. We are advised that food chains are now advising supermarket operators to discontinue handling essential commodities including potatoes, tomatoes, citrus and others when uncontrolled farm prices exceed freeze prices. Urgently need immediate relief, decisions, and clarifications from COLC. Suggest temporary assignment of qualified U.S. Department of Agriculture personnel to assist COLC. Respectfully asks your support and intervention with COLC.

BERNARD J. IMMING,
Executive vice president.

PARIS, ILL., *June 21, 1973.*

Representative PAUL FINDLEY,
2133 Rayburn Building,
Washington, D.C.:

Our company of 265 employees affirms the following telegram sent to Messrs. Nixon, Schultz, Dunlap, Walker, McLane, and Monroe on June 20, 1973.

"The members of the American Corn Millers Federation representing over 90 per cent of the dry corn milling industry strongly urge that the regulations under the economic stabilization program be revised immediately specifically provisions must be made to allow for the pass-through in our prices of the increased costs which corn millers must pay for unprocessed corn which is not under freeze controls. Also the regulations at 6 CFR 140.2 must be changed so that the definition of 'transaction' includes the time of contract. Unless these changes are made corn millers will be forced to operate at substantial losses or to close their businesses. We are in a crises and immediate action is imperative.

"We are a major supplier of processed corn for cereal and other foods for human consumption as well as feed for animals our closing will jeopardize the employment of tens of thousands as well as eliminate the cheapest food ingredient from the diet of all Americans east of the Mississippi River.

"The price freeze was caused by world wide shortage of feed grains, the weakness of our dollar and the surging price of gold. The price freeze exempting exports in no way alleviates these pressures with the results that commodities such as corn are not available at all to the domestic user at a price which he can pay, process and sell at the ceiling prices imposed by the price freeze. The result is absolute chaos in the entire food industry of which we are a major factor.

"Your immediate help and assistance to bring this serious matter to the attention of proper Government officials is urgently requested as we have been completely unable so far to get the ear of anyone to listen."

W. FLOYD MCCRAE,
President, Illinois Cereal Mills.

MOORMAN FEED COMPANY

The Moorman Feed Company of Quincy, Illinois supplies approximately 15 percent of the total feed used by the livestock and broiler industry of the United States. In Quincy alone, the company employs approximately 3,000 persons.

Last year, Moorman's profits were 4.43 percent, the lowest rate in the company's 88 years. Last month, their profits were 3.05 percent.

All feed manufacturers have faced volatile pricing of raw agricultural commodities under Phases II and III. But because they were able to pass cost increase on to purchasers, they managed to hold their own, if not make sufficient profits.

But under the price freeze of June 8, it is rapidly becoming impossible for Moorman's to continue manufacturing feed.

Since June 8, the cost of corn has increased to them by 60c a bushel. Soybean meal is $40 per ton higher. Meat scraps has increased by $85 per ton. And dried blood and fish meal cost between $400 and $600 per ton and are virtually impossible to get.

Moorman's estimates that at present prices they will lose $20 to $30 per ton to produce feed, or approximately $250,000 to $300,000 per week. Although they have reserves, their ability to continue operation is limited. If they have to close their doors, within one week many poultry, pork and beef producers will have orders for feed denied.

Moorman's is appealing to IRS for an exception.

PORK PRODUCTION IN ILLINOIS

The Illinois Pork Producer's Association currently has a survey underway to determine status of hog production in Illinois.

On the basis of limited returns, all respondees agree that pork production is being curtailed. Estimates on degree of cutback range from 3 percent to 20 percent. The swine marketing points around the state are also being asked to provide information on numbers of swine being marketed. Again, based on early returns, virtually all agree that marketings are off substantially. Estimates range from 5 to 10 percent. At the same time, reports continue to mount that sow marketing has increased, even pregnant sows are being sold.

This means many farmers are electing to not hold breeding stock back to expand their herds. In other words, production is being curtailed.

In addition, some hogs are being sold at weights of 170 to 180 pounds, substantially under normal marketing weight. Farmers are electing not to continue fattening the hogs with expensive feed with the result that less meat is available to the consumer.

With less pork available for consumption in coming months, high consumer demand coupled with diminishing supplies is building pressure behind the price freeze and the cost of pork will certainly skyrocket when the prices are decontrolled.

OPINIONS REGARDING AFFAIRS OF COUNTRY

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. WHITE. Mr. Speaker, it is my sincere belief that the solid citizens of west Texas are most deliberate and conscientious in their thinking regarding the affairs of their country, and therefore I believe it would be of distinct benefit to my colleagues for me to share the views of my constituents on some of the major issues of the day. I submit for the RECORD the results of a recent questionnaire sent to the residents of my district, and I think it significant to note that I received well over 10,000 responses. Following are the results:

[Answers in percent]

1. Do you feel, in general, that the President is encroaching upon the powers of Congress?

Yes	47
No	39
No opinion	14

2. Do you feel the President has the right to impound funds appropriated by Congress?

Yes	33
No	63
No opinion	4

3. Do you approve of all of the announced cuts in the President's budget for Fiscal 1974?

Yes	44
No	49
No opinion	7

4. Are you willing to have your favorite Federal program cut, as well as others, in order to halt deficit spending and to allow reductions in the national debt?

Yes	68
No	25
No opinion	7

5. Should the U.S. Postal Service be restored to the direct control and responsibility of the Congress and the Executive Department?

Yes	60
No	26
No opinion	14

6. If the Postal Corporation remains independent, should its employees, who now have the right of collective bargaining, also have the right to strike?

Yes	17
No	77
No opinion	6

7. Do you favor legislation to create a Federal Consumer Protection Agency?

Yes	64
No	31
No opinion	5

8. Should Federal monies be used to assist day care centers for working mothers?

Yes	39
No	57
No opinion	4

9. Should funds from the Highway Trust Fund be used for the development of urban mass transit?

Yes	16
No	63
No opinion	11

10. Do you favor a mid-decade census, by sampling, in addition to the 10-year census?

Yes	19
No	59
No opinion	22

11. Do you favor making accessible to the public census information on individuals after a period of years (such as 72 or 100 years)? Presently the law requires such information to remain confidential.

Yes	22
No	56
No opinion	22

12. Legislation to establish a national health insurance program will receive much attention from the 93rd Congress. Do you favor:

a. A private approach—a program financed by a system of tax credits and administered by a combination of existing private insurance companies?

Yes	18
No	50
No opinion	32

b. A public approach—a program administered by a government agency such as the Social Security Administration, and financed with Federal revenues?

Yes	39
No	46
No opinion	15

c. A mixed public and private approach—administered through private insurance carriers, financed by premium contributions and tax advantages, and State and Federal funds?

Yes	29
No	41
No opinion	30

d. No program of national health insurance?

Yes	23
No	52
No opinion	25

13. As one solution to the energy crisis, would you favor higher prices being charged by energy suppliers to encourage exploration and production?

Yes	34
No	56
No opinion	10

14. Do you favor the Alaskan Oil Pipeline to increase our supplies of oil and gas, despite the claims that this could disturb the environment?

Yes	73
No	21
No opinion	6

15. Should the Federal minimum wage law be increased from $1.60 per hour to:

a. $2.00?

Yes	30
No	35
No opinion	35

b. $2.10?

Yes	1
No	45
No opinion	54

c. $2.20?

Yes	47
No	26
No opinion	27

d. No increase?

Yes	42
No	28
No opinion	30

16. Should the Federal Minimum Wage Law be expanded to cover some industries and businesses not presently covered, for example, certain hospital and restaurant workers?

Yes	57
No	37
No opinion	6

17. Would you favor legislation allowing for contracting alien workers for specific periods and conditions with approval of the Secretary of Labor, if no resident labor is available?

Yes	66
No	30
No opinion	4

18. Would you favor requiring green card holders (permanent resident aliens) to live in this country? Presently the law only requires "intent" to reside.

Yes	59
No	29
No opinion	12

19. Do you favor legislation to require proof of U.S. citizenship or designation of work eligible alien status before issuance of social security card and numbers?

Yes	86
No	9
No opinion	5

20. Do you favor legislation prohibiting TV blackouts for professional and college sports events in the originating area if the event is a sell-out?

Yes	62
No	27
No opinion	11

21. Should families sending their children to private elementary and secondary schools receive tax deductions for tuition paid?

Yes	32
No	62
No opinion	6

22. Do you agree with the Supreme Court decision establishing the legality of abortion during the first six months if the woman and her physician agree?

Yes	64
No	25
No opinion	11

23. Do you favor a program for the Federal government to bond the employment of ex-convicts as a major step toward prisoner rehibilitation?

Yes	57
No	31
No opinion	12

24. Do you favor tax credits for employers who hire ex-convicts?

Yes	35
No	56
No opinion	9

25. If the Supreme Court upholds forced busing as a means to achieve racial balance in public schools, would you favor a constitutional amendment to prohibit such busing?

Yes	80
No	17
No opinion	3

26. Should Congress prohibit the manufacture and sale of inexpensive snubnosed handguns, known as "Saturday Night Specials?"

Yes	51
No	35
No opinion	14

27. On the question of a newsman's confidentiality of sources of information, do you favor:

a. Absolute immunity from disclosure of sources.

Yes	29
No	50
No opinion	21

b. Immunity from disclosure except on matters of National security?

Yes	51
No	22
No opinion	27

c. Immunity from disclosure except on matters of commission of crime?

Yes	46
No	28
No opinion	26

d. No immunity from disclosure of sources?

Yes	36
No	36
No opinion	28

28. Do you favor legislation to allow the attachment of up to 50% of a retired military pension if the retiree fails or refuses to pay child support as ordered by a court?

Yes	61
No	22
No opinion	17

29. Should complete amnesty be granted to those who left the U.S. or hid in order to avoid the draft during the Vietnam conflict?

Yes	6
No	92
No opinion	2

30. Should amnesty with a provision for some form of public service be granted to those who left the U.S. or hid in order to avoid the draft during the Vietnam conflict?

Yes	17
No	79
No opinion	4

31. Should Congress enact legislation to prevent the President from using U.S. military forces in other countries without the express approval of Congress?

Yes	51
No	45
No opinion	4

32. Should the United States spend between $3 to $7 billion in rehabilitation efforts in North Vietnam as indicated by the Administration?

Yes	3
No	94
No opinion	3

33. Do you approve of the President's foreign policy efforts regarding Russia and China?

Yes	50
No	35
No opinion	15

34. Do you favor withholding certain trade relations with Russia in order to force lower exit fees for Soviet Jews?

Yes	43
No	40
No opinion	17

STRONG SUPPORT VOICED FOR TIERNAN AMENDMENT TO REDUCE FUNDS FOR SELECTIVE SERVICE SYSTEM

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. MATSUNAGA. Mr. Speaker, tomorrow the gentleman from Rhode Island (Mr. TIERNAN) will be offering an amendment to H.R. 8825, the HUD-space-science appropriations bill, to cut $19.5 million from the fiscal year 1974 budget for the Selective Service System. I wholeheartedly support that amendment and urge my colleagues to do the same.

I believe that it would be instructional for Members of the House to review, before tomorrow's vote, the material, compiled by the National Council to Repeal the Draft, which I am including at this point:

SELECTIVE SERVICE SYSTEM

APPENDIX I—BENEFITS GAINED FROM CLOSING OUT THE SSS

A. Returning powers to the Congress

By the passage of the Selective Service Act in 1948, the Congress loaned its Constitutional powers to "raise armies" and "declare war" to the President. As our history so painfully indicates, Presidents have used these powers and have not consulted the Congress for their war-making ventures. To preserve our system of checks and balances, the powers must be fully regained by the legislative branch of the government.

Although some may think that these powers have been regained with the expiration of the general induction authority on July 1, such is not the case. The President still retains a residual induction authority over more than 5 million deferred men who may be inducted *without the permission of the Congress*.

Now is the time to end the "temporary reenactment" of Selective Service requested by President Truman 25 years ago. The loan of the powers may be recalled by shutting down the SSS.

B. Reducing the largest category of Federal crime

Selective Service Act violations are the largest single category (21%) of Federal crimes. Furthermore, the evidence is overwhelming that most violations are not reported or prosecuted!

A study of the statistical summaries makes it obvious that most violations of the Selective Service Act are not reported. In CY 1972, for example, almost 60% of the 185 reported violations for "failure to inform local board of current address" came from the state of New Jersey. During the same period, the Selective Service Directors from the states of New York, Illinois, and Wisconsin reported that no such violations occurred! Californians were singled out as the worst offenders for nonregistration. Nearly 65% of the 856 reported violations in CY 1972 came from that state, while in Pennsylvania, Ohio, and Florida no such crimes were detected.

During the first quarter of CY 1973, the government concluded 971 draft cases. The conviction rate was 28%, the acquittal rate was 5%, and the charges were dropped in the remaining 67% of the cases. If the System is funded for FY 1974, this category will remain significant since many such violations will continue despite the reduction in inductions. All Act violations, including "failure to possess registration card," are felonies punishable by a 5-year imprisonment, a $10,000 fine, or both.

Thus many Selective Service Act violators are being ignored, many others prosecuted unsuccessfully, still others given probation, and a small group imprisoned for years. This pretense at justice undermines respect for all law.

This farce may be ended and the courts uncluttered by ending the SSS.

C. Saving millions of dollars

It is commonly assumed that the cost of Selective Service for Fiscal 1974 is the budgeted amount—$55 million. However, the true cost to the government is much more than that. The $15 million rental fees for Selective Service office space does not come out of this budget but is paid for by the GSA. A great deal more money will be expended by law enforcement agencies in pursuit and prosecution of violators of the Act. Costs attributable to the Act will be incurred by the FBI, the U.S. Attorneys, the public defenders, the courts, the prisons, the probation departments, the parole authorities, and possibly by other Federal agencies. It is impossible to determine precisely the law enforcement costs attributable to this law, but there is no doubt that the amount is significant. When the costs of rent and law enforcement are added in, it may well be that the true costs are twice the budgeted costs for the agency.

As is well known, the Congress is faced with a budgetary ceiling. Unnecessary programs must be eliminated if vital ones are to survive. A step to that end can be taken by eliminating funding for the SSS.

D. Ending current inductions

Despite Secretary Laird's announcement in January that "use of the draft has ended," men are still being drafted at the rate of "less than 100 a month" according to the System's Director. The men involved are parolees, System violators, and Reservists who are not performing satisfactorily. These punitive inductions are still occurring at a time when the Army is trying to build pride, professionalism, and esprit de corps. Such inductions are not consistent with the Army's goals. They should and can be ended by closing down the SSS.

E. Requiring efficient use of manpower by the Department of Defense

There is no doubt but that from the DOD point of view, recruiting is much more difficult than drafting. The former requires efficient use of manpower, while the latter requires only a memo to the SSS. For a quarter of a century, manpower officials have been using these memos to cover up recruiting failures. Outgoing Assistant Defense Secretary Kelley stated on June 4 that ". . . opponents in the Pentagon are ready to sabotage the (all-volunteer) system and force a return to the draft." As long as the SSS, exists, the risk is run that one day Congress will be given a sad story on why recruiting goals were not met, and the American people will once again be saddled with the inequities of conscription.

Only when Selective Service is gone will the Defense Department fully realize that drafting is no longer one of its options. Only then can we expect efficient use of Defense Department manpower.

F. Protecting against improper use of the Registrants Information Bank

SSS has computerized files of data on all registrants of recent years. These files contain far more than names and addresses. SSS form 127, for example, requires names and addresses of the friends, a statement of physical condition, schooling completed or underway, military experience, criminal records, religious and/or ethical beliefs about war, marital status, citizenship, occupation, name and address of employer, etc.

The very existence of the bank makes abuse a possibility, and, as recent events have demonstrated, even protection of classified government information cannot be guaranteed. This danger will be removed if additional SSS funding is denied.

G. Returning freedom to our young men

The only groups of individuals required to register with the U.S. Government are aliens, felons, and young men. It has been suggested that in a free society, such registration and the carrying of "identity papers" should only be resorted to when the society itself would be endangered if they were not. Such a condition involving Selective Service may have existed in the past—but certainly does not today.

This freedom may be returned to the people by ending the SSS.

APPENDIX II—PREVIOUS SSS START-UP TIMES

	No standby draft			Standby draft
	1917 (May 18)	1940 (Sept. 16)	1948 (June 24)	1950 (June 23)
1. Length of preceding period in which there were no calls for induction (years)	52	22	1.7	1.5
2. Number of examined and qualified registrants on this date	0	0	0	26,163
3. Number of men registered with the system on this date	0	0	0	10,725,544
4. Number of registrants 19 years of age and older classified by this date	0	0	0	7,790,495
5. Number of months from this time that inductions began	3½	2	4	2
6. Number of draft calls in the 6 months following enactment	(?)	279,321	25,000	210,397
7. Number of inductions in the 6 months after enactment	[1] 475,000	257,142	[1] 20,000	219,765
8. Number of personnel	[2] (?)	[3] 400	815	40,097
(a) Full-time compensated			793	1,441
(b) Part-time compensated			12	2,173
(c) Uncompensated			10	36,483
9. Number of local boards	0	0	0	3,659
10. Number of local board sites	0	0	0	2,531
11. Number of men registered in 1st registration period (millions)	[4] 10	[4] 16.5	8.5	

[1] Estimated. Day-by-day figures are not given.

[2] Planning was done in the War Department.

[3] About 400 Reserve officers, headed by Maj. Gen. Lewis Hershey.

[4] These registrations carried out in 1 day.

Sources: "Outline of Historical Background of Selective Service" by Lt. Gen. Lewis Hershey 1965 edition. Hearings, House Appropriations Subcommittee, HUD-Space-Science-Veterans, February 1973.

APPENDIX III—STATEMENT BY RETIRING DEFENSE SECRETARY ELLIOT RICHARDSON MAY 24, 1973

Q: The all-volunteer idea has come under a great deal of counterattack in the past couple of months The new Secretary of the Army in his confirmation hearings, for instance, was a good deal less than enthusiastic of the idea and there have been any number of commentators suggesting that recruiting trends indicate some major problems. Would you care to comment on this? How do you see the latest trends shaping up?

A: I'll be glad to comment. I came here pretty skeptical of the all-volunteer force. I didn't know much about the issue. I was just inclined to be skeptical and I was also inclined to the idea that there were some good things to be said for some system of universal service, but I've been convinced since I've had an opportunity to think more about it that a peacetime draft for the indefinite future of the United States makes no sense.

It cannot be equitable. The reason it cannot be equitable is that it cannot draft more than a handful of the people who are of draft age in any given year. The reason it cannot draft more than a handful is: one, we can't afford to have in uniform a large enough number of people to make it possible to take in more than a small fraction of those who are of draft age. In any event, we need people who are of a fairly high level of skill in a great many jobs, and that in turn means that we cannot have a system of armed forces in which a large proportion of everybody in uniform is shuttling in and out of a job every year or two. Of course, the required period of service could hardly be in any event more than a year because that would at least be one broadening the number of people involved.

I think the more you look at it, the more you have to simply rule out the draft as a viable alternative. It follows therefore that the all-volunteer force has to be made to work. I think the people who think, we'll give it a try and if it doesn't work, we'll just fall back on the draft, are kidding themselves. I haven't figured this out exactly—but we have 210,000,000 people and let's say that half the population now is under 25, so that's 105,000,000 and that means 1/25 of that is becoming 18 every year. That's 4 million plus; cut that in half, assuming you're only drafting males and I don't know why that should be so either, you get 2¼ million draftage males. Cut that in half on the basis that you have fairly high physical standards and mental standards, you still have over a million, and you couldn't possibly afford to draft anything like that number.

Let's say you reduce the number you need to draft in any event by the number who are true volunteers under any basis, and so you're drafting 80,000 a year, and if you're drafting 80,000 out of the potential number, it cannot be equitable. No way. At least that's my view of the matter.

APPENDIX IV—THE USE OF THE SELECTIVE SERVICE RESERVES

There are at present some 850 Reserve and National Guard officers assigned to work with the SSS in event of an all-out mobilization. Currently the Guard members are trained to provide for the expansion of state headquarters, while the Reserve members are trained as individuals in specialties to be used by state and national SSS headquarters.

Selective Service denies that these officers could perform the necessary contingency duties. However, they were performed successfully in 1940 by an Army major (Lewis B.

Hershey), a small staff in the War Department and some 400 of these officers.

Such a denial is totally consistent with sociologists' observations of bureaucracy preservation instincts.

APPENDIX V—THE NATIONAL COUNCIL TO REPEAL THE DRAFT

The National Council has been in operation since 1969 and has as its objective the repeal of the Military Selective Service Act. It is composed of key individuals from 48 organizations including such diverse groups as the American Civil Liberties Union, the Young Men's Christian Association, the Americans for Democratic Action, and the Young Americans for Freedom, as well as representatives from many churches. Some of our sponsors are Mrs. Martin Luther King, Jr., Professor Milton Friedman, Bishop William Davidson, and labor leader Emil Mazey. As the diversity of our support suggests, our opposition to conscription is independent of our views on foreign policy and of our political ties or beliefs.

We are most pleased at the progress which has been made in recent months toward eliminating reliance on the SSS and urge you to take the next step by refusing to fund the System for the 1974 Fiscal Year. If any aspect of this issue needs clarification, please call on us.

ELECTION OF TEXAS OPTOMETRIC ASSOCIATION PRESIDENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. ARCHER. Mr. Speaker, Dr. Philip Lewis of Houston, has recently been elected as president of the Texas Optometric Association. I wish to congratulate him on this distinction. The organization also is to be commended for such a distinguished selection.

Dr. Lewis can boast of a fine record of optometric practice and service to the community. Following graduation from Pennsylvania College of Optometry, he served in an Army ambulance company in both the European and Pacific theaters during World War II. He later served at Brooks General Hospital.

A native Houstonian, Dr. Lewis has demonstrated his concern for the development of his profession and the cause of quality optometric vision care. He has been second and first vice president and a director of the Texas Optometric Association. He also has worked with the committees on grievance, occupational assistance to graduates and undergraduates, and legal and legislative causes. For his outstanding contributions to the status of optometry in the State, he was named Texas Optometrist-of-the-Year in 1968.

His concerns are displayed in civic activities as well. A longstanding member of the Lions Club, Dr. Lewis has served on many committees and in all offices. He has also given his time and efforts on behalf of committees of Congregation Emanu El, of which he is a member.

With such a pattern of service and high standards supporting him, Dr. Lewis and the Texas Optometric Association can anticipate a year of progress and accomplishment. The State of Texas will be the richer, especially in the area of the vision of its citizens. Health is a vital component in the fulfillment of one's life goals. I must applaud TOA for its many contributions to quality vision care.

SENATE—*Friday, June 22, 1973*

(Legislative day of Monday, June 18, 1973)

The Senate met at 9:15 a.m. on the expiration of the recess, and was called to order by Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of light and truth, in this tangled time, with its confusion of many voices, may we hear once more Thy still small voice echoing down the corridors of time renewing our souls and lifting our vision of a nation under God. Make us men dedicated to eternal values and unafraid of the loneliness of following the highest we know. Reveal the shame of the second best, the heartache of success bought at the cost of cowardice, cunning, or deceit. Let Thy living word have power among us, working in us the miracle of self-giving which is the crowning glory of those who follow the Great Galilean into the new day of His kingdom.

We pray in His holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C. June 22, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MCINTYRE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 21, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the following nominations in the Department of Justice:

Victor R. Ortega, of New Mexico, U.S. attorney for the district of New Mexico for the term of 4 years.

Mitchell A. Newberger, of Florida, U.S. marshal for the middle district of Florida for the term of 4 years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it was with a great deal of pleasure that I earlier recommended to President Nixon that Mr. Victor Ortega, of Albuquerque, be renominated for a second 4-year term as U.S. attorney from the district of New Mexico. And I was, of course, pleased when the President recently announced the reappointment. Today, I would like to compliment the Senate Judiciary Committee for its expeditious handling of the appointment.

And it is with complete confidence in Mr. Ortega's ability that I now ask the U.S. Senate to vote to confirm this fine man again as U.S. attorney. There is no question that New Mexicans are proud of him and he has proven during his first term that he is serving our country well.

Those who do their job best are typically those whose work is least noticed. To make an analogy, Mr. President, in sports, the referees and umpires in great professional sports such as basketball, football, and baseball are the ones one hears the least about. As a former participant in professional baseball, I know that those who do their jobs without outward pomp and boisterousness are traditionally the ones whose performance is best.

And I feel that good U.S. attorneys are, like professional umpires and referees, judged on their performance, not on the noise they make nor their apparent involvement in the game. On this scale, Victor Ortega's first term as U.S. attorney has been a huge success. Knowing him, I am confident he will strive to do even better in this second term. I urge today his expeditious confirmation.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The second assistant legislative clerk read the nomination of Timothy F. Cleary, of Maryland, to be a member of the Occupational Safety and Health Review Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NOTIFICATION TO PRESIDENT OF CONFIRMATION OF NOMINATIONS PRIOR TO TODAY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the President be notified as to the nominations confirmed by the Senate prior to today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 216, 220, and 222.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF NATIONAL VISITOR CENTER FACILITIES ACT OF 1968

The bill (H.R. 5857) to amend the National Visitor Center Facilities Act of 1968, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SAFE DRINKING WATER ACT OF 1937

The Senate proceeded to consider the bill (S. 433) to assure that the public is provided with an adequate quantity of safe drinking water, and, for other purposes, which had been reported from the Committee on Commerce with amendments on page 1, after the enacting clause, strike out:

That this Act may be cited as the "Safe Drinking Water Act of 1973".

And, in lieu thereof, insert:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Safe Drinking Water Act of 1973".

(b) Table of contents.

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. National drinking water standards.
Sec. 5. Enforcement of standards.
Sec. 6. Imminent hazards.
Sec. 7. National Drinking Water Council.
Sec. 8. Research, technical assistance, information, training of personnel.
Sec. 9. Rural water survey.
Sec. 10. Special study and demonstration project grants.
Sec. 11. State drinking water supply programs.
Sec. 12. Regulations, procedure, and judicial review.
Sec. 13. Records.
Sec. 14. State regulations.
Sec. 15. Prohibited acts.
Sec. 16. Penalties and remedies.
Sec. 17. Citizen civil action.
Sec. 18. Confidentiality.
Sec. 19. Federal facilities.
Sec. 20. Relationship to other laws.
Sec. 21. Authorization for appropriations.

On page 2, line 1, strike out "Declaration of Policy" and insert "Findings"; in line 2, after the word "finds", insert "that"; in line 3, after "(1)", strike out "that"; in line 6, after the word "supply", strike out "the Nation" and insert "American people"; in line 8, after the word "or", insert "are not"; in line 12, after "(2)", strike out "that"; on page 3, line 1, after "(3)", strike out "that"; in the same line, after the word "shipment", insert "in interstate commerce"; in line 2, after the word "of", where it appears the first time, insert "such"; in line 4, after the word "contaminants", strike out "through interstate commerce"; in line 7, after "(4)", strike out "that"; in line 12, after "(5)", strike out "that"; in the same line, after the word "governments", strike out "are in"; at the beginning of line 13, strike out "of"; in the same line, after the word "assistance", strike out "in assuring" and insert "to assure"; in line 23, after the word "of", strike out "our" and insert "the"; on page 4, line 3, after "(1)", strike out "The term"; in line 5, after "(2)", strike out "The term"; at the beginning of line 7, strike out "(10)", and insert "(3)"; in the same line, after the amendment just stated, strike out "The term"; in line 8, after the word "consumption", insert "which"; at the beginning of line 10, strike out "(9)" and insert "(4)"; in the same line, after the amendment just stated, strike out "The term"; in line 13, after the word "to", strike out "man," and insert "human beings"; at the beginning of line 16, strike out "(8)" and insert "(5)"; in the same line, after the amendment just stated, strike out "The term"; at the beginning of line 18, strike out "(4)" and insert "(6)"; in the same line, after the amendment just stated, strike out "The term"; at the beginning of line 23, strike out "(5)" and insert "(7)"; on page 5, at the beginning of line 3, strike out "(6)" and insert "(8)"; in the same line, after the amendment just stated, strike out "The term"; in line 5, after the word "water", strike out "(i)"; in line 7, after the word "or", where it appears the first time, strike out "(ii)"; at the beginning of line 22, strike out "(3)" and insert "(9)"; in the same line, after the amendment just stated, strike out "The term"; in the same line, after the word "means", insert "any"; on page 6, at the beginning of line 1, strike out "(7)" and insert "(10)"; in line 5, after the word "Welfare,", strike out "(A)" and insert "(1)"; in line 8, after the word "and", strike out "(B)" and insert "(2)"; at the beginning of line 16, strike out "as described under subsection (a) of this section,"; on page 7, line 14, after the word "water", strike out "standards, as described under subsection (a) of this section," and insert "standards"; in line 19, after the word "water", strike out "(A)"; in line 20, after the word "or", where it appears the second time, strike out "(B)"; and in line 24, strike out "take into consideration" and insert "consider".

On page 8, after the word "standards", insert a semicolon and the word "and"; in line 22, after the word "and", strike out "the" and insert "its"; in line 23, strike out "of such treatment"; and in line 24, after the word "lease" insert "once.".

On page 9, in line 1, after the word "standard", insert "prescribed"; and at the end of line 1, strike out "subsection (a) of"; in line 3, strike out "subsection (c) of"; at the end of line 6, strike out "will be considered to have" and insert the word "has"; and in line 23, strike out "the" and insert "such"; and at the end of line 23, strike out "in which such water system is operating the" and insert "of such".

On page 10, at the end of line 3, insert "by such noncompliance"; in line 6, strike out "(i)" and insert "(A)"; at the beginning of line 8, strike out "(ii)" and insert "(B)"; in line 13, after the word "that", strike out "a" and insert "any"; at the end of line 18, strike out "(i)" and insert "(A)"; and in line 20, strike out "(ii)" and insert "(B)".

On page 11, in line 10, after the word "may", strike out "include an order requiring" and insert "require"; in line 11, after the word "in", strike out "the" and insert "such"; in line 15, after the word "order", strike out "issued"; and at the end of line 15, strike out "this subsection" and insert "subsection (b) of this section".

On page 12, line 15, strike out "board" and insert "Council".

On page 13, beginning in line 22, strike out "All proceedings and deliberations of such Council and their reports and reasons therefor shall be public record."

On page 14, at the beginning of line 3, strike out "(c)" and insert "(d)"; at the beginning of line 6, strike out "(d)" and insert "(e) While serving on the business of the Council"; in line 7, strike out "of such Council"; in line 8, strike out "while serving on business of the Council,"; in line 10, strike out the words "but" and "exceeding" and insert after "not" the words "to exceed"; in line 12, strike out the semicolon and the word "and"; and at the end of line 12, strike out "so"; at the end of line 13, strike out "business" and insert "business, members"; in line 14, strike out "they"; and at the end of line 15, strike out "by" and insert "under".

On page 15, at the end of line 1, strike out "man" and insert "human beings"; in line 6, after "of" insert "new and improved methods"; at the beginning of line 7, strike out "new and improved methods"; at the beginning of line 10, strike out "new and improved methods"; at the beginning of line 13, strike out "new and improved methods"; at the beginning of line 17, strike out "new and improved methods", and at the end of line 17, insert "the public with"; and in line 19, strike out "to the public".

On page 16, at the end of line 16, insert "to"; at the beginning of line 17, strike out "to"; and at the beginning of line 22, strike out "to".

On page 17, at the beginning of line 1, insert:

> (c) (1) The Administrator shall conduct a study of the contamination of ground water resources in the United States which are utilized for the provision of drinking water. Such study shall include, but shall not be limited to, a survey of the nature, extent, and causes of such contamination and the extent to which existing State and Federal law controls such contamination.
>
> (2) Not later than one year after the enactment of this Act, the Administrator shall submit the results of such study to the Congress along with such legislative recommendations as he may deem appropriate.

On page 17, at the beginning of line 12, strike out "(c)" and insert "(d) To carry out the provisions of this section,"; at the end of line 13, strike out "to carry out the provisions of this section" and insert "not to exceed"; in line 15, after the semicolon insert "not to exceed;" at the end of line 16, insert "not to exceed"; in line 23, after "into" insert "such"; and in line 25, strikeout "or" and insert "of".

On page 18, at the beginning of line 17, insert "To carry out the provisions of this section,"; in line 18, strike out "to carry out the provisions of this section" and insert "not to exceed"; in line 20, after the semicolon, insert "not to exceed"; and at the end of line 21, insert "not to exceed".

On page 19, at the beginning of line 2, insert "assisting in the development and demonstration of any project which will"; at the beginning of line 4, strike out "assisting in the development and demonstration of any project which will"; at the beginning of line 9, strike out "assisting in the development and demonstration of any project which will"; in line 14, strike out "esthetic" and insert "aesthetic".

On page 20, at the end of line 12, strike out "(86 Stat. 832)" and insert "(33 U.S.C. 466)"; at the beginning of line 13, strike out "For the purposes of this section" and insert "To carry out the provisions of this section"; in line 15, after "appropriated" insert "not to exceed"; in line 16, after the semicolon, insert "not to exceed"; in line 17, after "and" insert "not to exceed"; in line 21, before "$8,000,000" insert "not to exceed"; in line 22, after the semicolon, insert "not to exceed"; and in line 23, after "and" insert "not to exceed".

On page 21, in line 3, strike out "pursuant to" and insert "for any fiscal year under"; in line 4, after "(a)" strike out "for any fiscal year" and insert "of this section"; at the end of line 6, insert "Such payments shall be made"; and at the end of line 11, insert:

> No State shall receive less than 1 per centum of the annual appropriation for grants under this section: *Provided*, That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection: And *provided further*, That such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

On page 22, at the end of line 3, insert "which is submitted by a State"; and at the end of line 5, strike out "which is submitted by the State,".

On page 23, in line 11, strike out "whereby" and insert "under which"; at the end of line 22, insert "to"; in line 23, after "such" insert "State"; and at the end of line 23, after the word "section" insert a period and strike out "to such State."

On page 24, after "(a)" insert "(1)"; in line 13, after the word "Act" insert a period and strike out "and to"; at the beginning of line 14, insert "He may"; at the beginning of line 15, strike out "(b)" and insert "(2)"; and in line 21, after "under" strike out "subsection (a)" and insert "paragraph (1) of this subsection".

On page 25, at the beginning of line 11, strike out "(c)" and insert "(3)"; at the beginning of line 15, strike out "(c)" and insert "(b)"; at the beginning of line 19, strike out "(d)" and insert "(c)"; and in line 24, strike out "(a)".

On page 26, in line 1, strike out "(b)"; at the beginning of line 3, strike out "(f)" and insert "(2)"; in line 5, strike out "(1)"; in line 7, strike out "(2)"; in line 21, strike out "Every" and insert "Each"; and in line 22, after "section 4" insert "of this Act or each".

On page 27, line 3, after "other" insert "persons"; in line 4, strike out "4(c)" and insert "5"; in line 13, strike out the first "or"; in line 14, strike out "person" and insert "supplier of water or grantee"; in line 15, strike out "supplier or grantee" and insert "person"; in line 16, after "Act" insert a period and strike out "including for this purpose, inspection"; at the end of line 17, insert "Such officer or employee may inspect,"; in line 18, after the first comma, strike out "of"; in line 19, after the second comma, strike out "or in order to" and insert "and may"; in line 22, strike out "the" and insert "such" and after the word "supplier" insert "of water".

On page 28, in line 9, strike out "thereunder" and insert "issued under this Act." In line 15, strike out "pursuant to" and insert "under".

On page 29, in line 2, strike out "5(d)" and insert "(b)"; in line 8, strike out "not willfully"; in line 9, after "Act" insert "other than willfully"; in line 14, strike out "he" and insert "the Administrator"; in line 19, strike out "Upon failure of" and insert "If"; and after the word "party" insert "fails"; at the beginning of line 20, strike out "the" and insert "such"; and in line 22, after "or" insert "may".

On page 30, after the word "Act" insert a period and strike out "and".

And on page 35 after the word "of" strike out "the" and insert "this".

Mr. MAGNUSON. Mr. President, I am delighted that the Senate is today taking up S. 433, the Safe Drinking Water Act of 1973. It is seldom that a bill of this import comes before the Senate. While the Congress has paid a great deal of attention to protecting man and the environment from a variety of environmental insults, and rightly so, it has spent precious little time dealing with one of man's most basic needs, that of a safe supply of drinking water.

At hearings of the Committee on Commerce on May 31, the General Accounting Office reported that State programs to insure safe drinking water were woefully inadequate. GAO looked at the programs of six States as well as drinking water at Federal facilities, bottled water, and the interstate carrier program of EPA. In each case, problems were found which should not be allowed to continue.

In my own State of Washington, only seven of 127 systems checked would meet the standards now in effect for interstate carrier systems. and a number of other deficiencies were noted.

The results were not much better in the other States surveyed. Of 446 systems checked, only 60 were found to be in compliance with existing standards for interstate carriers. Similar deficiencies were found in the monitoring of drinking water and training of operators.

These latest results confirm a trend that has been developing in recent years. EPA's community water supply study has shown similar deficiencies as have other EPA audits of State programs. And Ralph Nader has termed drinking water as one of the top five consumer issues of the day. I am very pleased that we are finally getting around to dealing with a problem that demands our attention.

Mr. HART. Mr. President, the Safe Drinking Water Act of 1973 has near universal support. Following the introduction in the Senate of the original legislation in 1971 by the distinguished chairman of our committee, Senator MAGNUSON, and me, it has become increasingly apparent that a great deal more needs to be done with respect to drinking water.

Studies of the General Accounting Office, the Environmental Protection Agency, Ralph Nader, and others all point to the need for a strong Federal drinking water program. These studies have served, I think, to jolt us all out of a certain apathy that exists with respect to drinking water. All too frequently we assume that because it comes out of the tap it is safe and pure. Certainly the evidence that has been gathered to date discredits that assumption. While it would be overreacting to cry out in panic with respect to drinking water, it certainly is no mistake to assume that a great deal more needs to be done.

It is thus with great pleasure that I welcome the consideration of this bill today. That the bill has progressed this far is due in no small part to the efforts of the distinguished chairman of the Committee on Commerce, Senator MAGNUSON. Without his drive and commitment to the cause of clean drinking water it is my view that the legislation would not have progressed to this stage today. He deserves the thanks and praise of us all.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 433

Be it anacted by the Senate and House of Representatives of the Unitea States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Safe Drinking Water Act of 1973".

(b) Table of contents.

Sec. 1. Short title and table of contents.
Sec. 2. Findings
Sec. 3. Definitions
Sec. 4. National drinking water standards.
Sec. 5. Enforcement of standards.
Sec. 6. Imminent hazards.
Sec. 7. National Drinking Water Council.
Sec. 8. Research, technical assistance, information, training of personnel
Sec. 9. Rural water survey.
Sec. 10. Special and demonstration project grants.
Sec. 11. State drinking supply programs.
Sec. 12. Regulations, procedure, and judicial review.
Sec. 13. Records.
Sec. 14. State regulations.
Sec. 15. Prohibited acts.
Sec. 16. Penalties and remedies.
Sec. 17. Citizen civil action.
Sec. 18. Confidentiality.
Sec. 19. Federal facilities.
Sec. 20. Relationship to other laws.
Sec. 21. Authorization for appropriations.

SEC. 2. (a) The Congress finds that—

(1) increasing quantities and types of chemicals, bacteria, viruses, toxic metals, and other contaminants are entering the public water systems that serve as sources which supply American people with water for drinking many of which are either not detected or are not removed by established water testing and treatment methods and which are consumed by or come in contact with the public, thereby presenting hazards or potential hazards to the public health;

(2) the public should be provided with adequate quantities of water that is safe for drinking and other human uses;

(3) the sale and shipment in interstate commerce of such contaminants of drinking water or products made through the use or production of such contaminants present a danger to the public from consuming water containing such contaminants;

(4) the Federal Government has the responsibility of establishing minimum national drinking water standards for all public water systems and to encourage State and local governments to establish equivalent or more stringent standards; and

(5) State and local governments need Federal assistance to assure the quality of water required for drinking and other human uses, and to that end the Federal Government should supply technical assistance, research and development information, monitoring, and testing information, assistance for the planning and implementation of comprehensive State drinking water programs, assistance for the development and demonstration of new or improved methods of making water safe for drinking, and assistance for the training of individuals involved in the management and safe operation of the Nation's public water supply systems.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Administrator" means the Administrator of the Environmental Protection Agency.

(2) "Agency" means the Environmental Protection Agency.

(3) "Bottled drinking water" means water for human consumption which is sold in a closed container.

(4) "Contaminant" means any physical, chemical, biological, radiological, or other substance or matter which may cause or transmit infectious disease, chemical poisoning, chronic disease, or other impairment to man, human beings or which may have any other deleterious effect on the public health.

(5) "Council" means the National Drinking Water Council, established under section 7 of this Act.

(6) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public, and an Indian tribe or an authorized Indian tribal organization.

(7) "Person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institution, or an individual.

(8) "Public water system" means—

(A) any system which provides drinking water, including bottled drinking water, to ten or more premises not owned or controlled by the supplier of water or to forty or more individuals receiving such drinking water from a system not serving travelers in interstate commerce;

(B) any system which provides drinking water to carriers serving travelers in interstate commerce;

(C) any system which provides drinking water to facilities or establishments serving travelers in interstate commerce, except that the Administrator may by regulation exempt any such system or class of such systems if he determines that such exemption will not result in any unreasonable threat to public health; and

(D) any other system or class of systems which provides drinking water if the Administrator determines by regulation that such system or class of systems may pose an unreasonable threat to public health.

(9) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(10) "Supplier of water" means any person who controls, owns, or operates a public water system.

NATIONAL DRINKING WATER STANDARDS

SEC. 4. (a) The Administrator shall, after consultation with the Secretary of Health, Education, and Welfare, (1) issue initial proposed regulations prescribing national primary drinking water standards within one hundred and eighty days after the date of enactment of the Act and (2) issue initial proposed regulations prescribing national secondary drinking water standards within one hundred and eighty days after the date of such enactment. The Administrator shall specify in such proposed regulations the date on which such regulations shall take effect, which shall be as soon as is practicable.

(b) (1) National primary drinking water standards shall be drinking water standards and programs, the attainment and maintenance of which, are requisite to reasonably protect the public health, except that the Administration shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the maximum permissible levels for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety;

(B) may apply to any feature of the water supply system including, but not limited to, the treatment, storage, and distribution facilities;

(C) shall include requirements for the adequate operation, maintenance, surveillance, and monitoring of water quality adequate to assure a dependable supply of drinking water which meets the requirements of subparagraph (A); and

(D) shall include requirements for construction and site selection of public water system facilities to protect such facilities from floods and other natural disasters.

(2) National secondary drinking water *standards* shall specify the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such standards may apply to any constituent of drinking water which may affect the taste, odor, or appearance of such water or which may otherwise be necessary to assure aesthetically adequate drinking water.

(3) In establishing or revising standards under this section, the Administrator shall consider the view and recommendations of the Council established pursuant to section 7 of this Act.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or national secondary drinking water standard under this section—

(1) such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of all identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards; and

(2) information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to each feature of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include the costs of such treatment and its effectiveness in controlling such contaminant.

(d) The Administrator shall, at least once every three years, review the adequacy of any national primary or secondary drinking water standard prescribed under this section and the criteria, information, and data published under this section. The Administrator shall publish his finding in the Federal Register.

ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, a State has primary enforcement responsibility during any period for which the Administrator has approved a plan in accordance with section 11(d) of this Act and such plan is not being unreasonably deviated from to any significant extent by such State. If any such State has primary enforcement responsibility, the Administrator shall monitor the activities of such State only to the extent necessary to determine if such plan is being unreasonably deviated from to any significant extent. To the maximum extent praticable, any such monitoring shall not duplicate the activities of such State.

(b) (1) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State has primary enforcement responsibility under subsection (a) of this section that any public water system in such State does not comply with any national primary drinking water standard he shall notify such State of such noncompliance. If the Administrator finds that such failure to comply with such standard extends beyond the thirtieth day after such notification he shall give public notice of such failure to comply with such standard and the extent of the dangers posed by such noncompliance and shall, if appropriate remedial action has not been taken to prevent any unreasonable endangerment to public health, (A) commence an action under section 16 of this Act, or request the Attorney General to do so, or (B) issue an order in accordance with subsection (d) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State does not have primary enforcement responsibility under subsection (a) of this section, that any public water system in such State does not comply with any national primary drinking

water standard he shall give public notice of such finding and the extent of the dangers posed, and shall, if appropriate remedial action will not be taken to prevent any unreasonable endangerment to public health, (A) commence an action under section 16 of this Act, or request the Attorney General to do so, or (B) issue an order in accordance with subsection (d) of this section.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system in a State does not comply with any national secondary drinking water standards, he shall notify such State and request such State to take appropriate remedial action. If, after a reasonable time following such notification, the Administrator finds that such State has not taken remedial action, he shall give public notification of such finding in a manner suitable to inform users of such public water system of such violation.

(d) (1) Any order issued under subsection (b) of this section shall specify such relief as may be appropriate to prevent any unreasonable endangerment to public health. Such relief may require the person responsible for the violation which results in such order to cease such violation, to notify customers of such violation in accordance with section 11(d) (8) of this Act, or to furnish emergency supplies of drinking water.

(2) Any order issued under subsection (b) of this section shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code.

IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a constituent of the drinking water of a public water system will result in a serious risk to health prior to the conclusion of an administrative hearing or other formal proceeding held pursuant to this Act and that a State or local authority or the supplier of water has not acted to eliminate such risk.

(b) If an imminent hazard exists, the Administrator may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 16 of this Act.

NATIONAL DRINKING WATER COUNCIL

SEC. 7. (a) There shall be established in the Environmental Protection Agency a National Drinking Water Council consisting of fifteen scientifically qualified members. The Administrator shall appoint members of the Council from a list of individuals recommended to him by the National Academy of Sciences or from such other sources as he deems advisable. Such Council shall include qualified scientists none of which shall have any economic interest in the supply of drinking water and not more than one-third of which shall have any responsibility for the regulation of drinking water. Each member of such Council shall hold office for a term of three years, except that—

(1) any member appointed to fill a vaancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term;

(2) the terms of the members first taking office shall expire as follows—(i) five shall expire three years after the date of enactment of this Act, (ii) five shall expire two years after such date, and (iii) five shall expire one year after such date, as designated by the Administrator at the time of appointment; and

(3) the members of such Council shall be eligible for reappointment.

(b) The National Academy of Sciences shall maintain a list of qualified scientists to assist the Administrator in appointing members to such Council.

(c) Such Council shall advise, consult with, and make recommendations to the Administrator on matters relating to the scientific review of data, including engineering data, relating to the activities of the Agency under this Act. Such Council shall, upon the request of the Administrator, review any proposed action of the Administrator and shall report its views and reasons therefor in writing to the Administrator within a reasonable time, as specified by the Administrator. The report of the Council and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(d) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(e) While serving on the business of the Council, members who are not regular full-time employees of the United States shall be entitled to compensation at rates fixed by the Administrator, not to exceed the daily rate applicable at the time of such service to grade GS-18 of the Classified Civil Service, including traveltime. While serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence as authorized under section 5701 of title 5, United States Code, for persons in the Government service employed intermittently.

RESEARCH, TECHNICAL ASSISTANCE, INFORMATION, TRAINING OF PERSONNEL

SEC. 8. (a) The Administrator shall conduct and promote the coordination of research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of human beings resulting directly or indirectly from contaminants in drinking water, or to the provision of an adequate quality and quantity of safe drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of new and improved methods—

(1) to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) to identify and measure the health effects of contaminants in drinking water;

(3) of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) for providing the public with adequate quantities of safe water for drinking including improvements in water purification and distribution, and methods of assessing the health-related hazards of other characteristics of drinking water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith;

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply; and

(3) make grants to, and contracts with, any State or other public agency, educational institution, water supply utility, any other organization, and individuals in accordance with procedures prescribed by the Administrator, under which he may pay all or a part of the costs (as may be determined by the Administrator) of any project or activity which is designed to—

(A) develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management and safe operation aspects of providing safe drinking water; and

(B) train instructors and supervisory personnel to train or supervise persons in occupations involving the management and safe operation aspects of providing safe drinking water.

(c) (1) The Administrator shall conduct a study of the contamination of ground water resources in the United States which are utilized for the provision of drinking water. Such study shall include, but shall not be limited to, a survey of the nature, extent, and causes of such contamination and the extent to which existing State and Federal law controls such contamination.

(2) Not later than one year after the enactment of this Act, the Administrator shall submit the results of such study to the Congress along with such legislative recommendations as he may deem appropriate.

(d) To carry out the provisions of this section, there is hereby authorized to be appropriated not to exceed $14,000,000 for the fiscal year ending June 30, 1974; not to exceed $23,000,000 for the fiscal year ending June 30, 1975; and not to exceed $31,000,000 for the fiscal year ending June 30, 1976. Sums appropriated pursuant to this section shall remain available for obligation through the close of the following fiscal year.

RURAL WATER SURVEY

SEC. 9. (a) The Administrator shall (after consultation with the Secretary of Agriculture and the several States) enter into such arrangements with public or private entities as may be appropriate to conduct a survey of the quantity, quality, and availability of rural drinking water supplies. Such survey shall include, but not be limited to, the consideration of the number of residents in each rural area—

(1) presently being inadequately served by a public or private drinking water supply system, or by an individual home drinking water supply system;

(2) presently having inadequate access to or no access to drinking water; and

(3) who, due to the absence or inadequacy of a drinking water supply system, are exposed to an increased health hazard.

(b) Such survey shall be completed within two years of the date of enactment of this Act and a final report thereon submitted, not later than six months after the completion of such survey, to the President for transmittal to the Congress. Such report shall include recommendations for improving rural water supplies.

(c) To carry out the provisions of this section, there is hereby authorized to be appropriated not to exceed $1,000,000 for the fiscal year ending June 30, 1974; not to exceed $2,000,000 for the fiscal year ending June 30, 1975; and not to exceed $1,000,000 for the fiscal year ending June 30, 1976.

SPECIAL STUDY AND DEMONSTRATION PROJECT GRANTS

SEC. 10. (a) The Administrator is authorized to make grants to appropriate public and private agencies, institutions, water supply utilities, and individuals for the purposes of assisting in the development and demonstration of any project which will—

(1) demonstrate a new or improved method, approach, or technology for providing a safe supply of drinking water to the public in both urban and rural areas of the Nation; and

(2) investigate and demonstrate the health implications involved in the reclamation, recycling, and reuse of waste waters for drinking and related uses or which will demonstrate processes and methods for the safe and *aesthetic* preparation of such waters.

(b) Grants made by the Administrator under this section shall not—

(1) exceed 66⅔ per centum of the total

cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator;

(2) be made for any project involving the construction or modification of any facility in any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water; and

(3) be made for any project unless the Administrator determines, after consulting the Council, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking or other useful purposes.

(c) Nothing in this section shall affect the authority of the Administrator to make grants for Alaska village safe water and pollution elimination or control demonstration projects under section 113 of the Federal Water Pollution Control Act (33 U.S.C. 466).

(d) To carry out the provisions of this section, there is hereby authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1974; not to exceed $5,000,000 for the fiscal year ending June 30, 1975; and not to exceed $10,000,000 for the fiscal year ending June 30, 1976.

STATE DRINKING WATER SUPPLY PROGRAMS

SEC. 11. (a) There is hereby authorized to be appropriated not to exceed $8,000,000 for the fiscal year ending June 30, 1974; not to exceed $15,000,000 for the fiscal year ending June 30, 1975; and not to exceed $21,300,000 for the fiscal year ending June 30, 1976, for grants to the States to assist them in establishing and maintaining adequate programs to assure the safety of public drinking water.

(b) From the sums available for any fiscal year under subsection (a) of this section the Administrator shall from time to time make payments to the several States in accordance with regulations. Such payments shall be made on the basis of (1) the population, (2) the financial needs, and (3) the extent of the actual or potential water supply problem, except that any such payment shall not be greater than an amount equal to two-thirds of the cost of any such State program. No State shall receive less than 1 per centum of the annual appropriation for grants under this section: *Provided,* That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection: And provided further, That such percentage shall not apply to grants alloted to Guam, American Samoa, or the Virgin Islands.

(c) The Administrator shall pay to each State an amount equal to its allotment under subsection (b) for the purposes of defraying the cost of carrying out its State plan approved under subsection (d) of this secion, including the cost of training personnel for State and local public water supply work and the cost of administering the State plan. Such payments shall not be made if such plan has not been approved by the Administrator.

(d) The Administrator shall approve any plan which is submitted by a State for establishing and maintaining a program to assure the safety of public drinking water if such plan—

(1) provides for the formal adoption by the State of drinking water standards which are no less stringent than the national primary drinking water standards prescribed under section 4 of this Act;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of such State standards;

(3) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(4) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(5) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(6) provides that the appropriate State agency will make annual reports, or such more frequent reports as the Administrator may reasonably require, in such form and containing such information as he may require;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes; and

(8) provides for the implementation of a standards violation notification procedure, under which any supplier of water found to be in violation of any Federal or State drinking water standard will be required to so notify its customers, in transmitting water bills or through other appropriate means, of the nature and extent and possible health effects of such violation and the remedial measures which will be taken to correct the problem.

(e) If a State plan has been approved, and the Administrator subsequently finds that such plan is being unreasonably deviated from to any significant extent, the Administrator is authorized to terminate any further payments to such State under this section.

(f) Any approval or disapproval of a State plan under subsection (d) of this section, or termination of payments under subsection (e) of this section, shall be in accordance with and subject to the procedures and judicial review provisions of section 12 of this Act.

(g) For the purposes of determining whether any State plan approved under subsection (d) of this section is being unreasonably deviated from to any significant extent, the Administrator shall cause to be made, at least once every three years, a complete audit of such State's water supply programs.

REGULATIONS, PROCEDURES, AND JUDICIAL REVIEW

SEC. 12. (a)(1) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act. He may amend or rescind such regulations at any time.

(2) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under paragraph (1) of this subsection and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitations as the Administrator may make applicable thereto.

(3) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(b) Except as expressly modified by the provisions of this section, the provisions of chapter 5, of title 5 of the United States Code, shall apply to proceedings conducted by the Administrator under this Act.

(c)(1) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701–706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an Agency action may be granted unless the reviewing court determines that the party seeking such stay is likely to prevail on the merits in the review proceeding and will suffer irreparable harm pending such proceeding.

(2) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either that the information is material and was not available at the time of the proceeding before the Administrator or that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

RECORDS

SEC. 13. (a) Each supplier of water who is subject to a standard prescribed under section 4 of this Act or each grantee shall establish and maintain such records, make such reports, and provide such information as the Administrator shall reasonably require to assist him in establishing standards and regulations under this Act and in determining whether such person has acted or is acting in compliance with this Act. Suppliers of water and other persons subject to State enforcement under section 5 of this Act shall submit such reports and make available such records and information to the appropriate State agency for inclusion in State reports required under section 11(d)(6) of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property), is authorized to enter any establishment, facility, or other property of such supplier of water or grantee in order to determine whether such person has acted or is acting in compliance with this Act. Such officer or employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities, and may test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and such supplier of water or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

STATE REGULATIONS

SEC. 14. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of this Act or regulations issued under this Act.

PROHIBITED ACTS

SEC. 15. The following acts and the causing thereof are prohibited:

(1) the failure to comply with any final regulation issued by the Administrator under this Act, except that noncompliance with a national secondary drinking water standard

under section 4(b) of this Act is not prohibited;

(2) the failure or refusal to establish and maintain records, make reports, and provide information as required under section 13(a) of this Act;

(3) the refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 13(b) of this Act; or

(4) the failure of any person to comply with any order issued under section (*b*) of this Act.

PENALTIES AND REMEDIES

SEC. 16. (a) Any person willfully violating section 15 of this Act shall on conviction be fined not more than $15,000 for each day of violation or imprisoned for not more than one year, or both.

(b)(1) Any person violating section 15 of this Act other than willfully shall be liable to the United States for a civil penalty of a sum which is not more than $10,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after the Administrator has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) If the offending party fails to pay such civil penalty, the Administrator may commence an action in an appropriate district court of the United States for such relief as may be appropriate or may request the Attorney General to commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 15 of this Act. The district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 17. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs,

(B) if the Administrator, the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

CONFIDENTIALITY

SEC. 18. (a) Copies of (1) any communications, documents, reports, or other information received or sent by the Administrator or (2) the results of any drinking water quality analyses or other information pertaining to drinking water quality possessed by the Administrator shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) The Administrator or any officer or employee of the Agency or the Council established under section 7 of this Act shall not disclose any information which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal Government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the person to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding by the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is communication entitled to protection under subsection (b) of this section.

FEDERAL FACILITIES

SEC. 19. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over any building, installation, or other property, which is or will be served by a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable comply with any national secondary drinking water standard prescribed under such section.

(b) The Administrator may waive compliance with the requirements of subsection (a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such publication because it would be contrary to the interests of national security.

RELATIONSHIP TO OTHER LAWS

SEC. 20. The authority of the Secretary of Health, Education, and Welfare to regulate bottled drinking water under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, et seq.) shall be repealed on the effective date of initial national primary drinking water standards pertaining to bottled drinking water under section 4 of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 21. In addition to the authorizations for appropriations contained in sections 8, 9, 10, and 11 of this Act, there are hereby authorized to be appropriated such sums as may be necessary, but not to exceed $8,000,000, $11,000,000, and $13,000,000 for the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively, for the purposes and administration of this Act.

INCREASE IN SEATING CAPACITY OF ROBERT F. KENNEDY STADIUM, DISTRICT OF COLUMBIA

The Senate proceeding to consider the bill (H.R. 6330) to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia, was announced as next in order, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That section 8 of the Public Buildings Act of 1959 (40 U.S.C. 607) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding the District of Columbia Stadium Act of 1957 or any other provision of law, the Armory Board (hereafter in this subsection referred to as the 'Board'), created by the Act of June 4, 1948 (D.C. Code, sec 2–1702), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand, and at a cost not to exceed $1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

"(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats;

"(B) 44 per centum of such revenues shall be paid to the team operating under the trade name of the Washington Redskins, or its successors; and

"(C) 6 per centum of such revenues shall be subject to the provisions of section 6 of such Act of 1957.

"(2) In no case shall the National Football League or any team within such league (other than the aforementioned Redskins team or its successors), during the period within which any part of such sums so borrowed pursuant to paragraph (1) of this subsection remains unpaid, be considered as being entitled to, or as acquiring any right in connection with, any part of the revenues attributable to the additional seats authorized by this subsection.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COST-OF-LIVING INCREASES

Mr. MANSFIELD. Mr. President, in the Los Angeles Times today there is a commentary entitled "Have a Nice Pension Coming? Wait Till Inflation Gets It," written by Ernest Conine.

We are all aware of the fact that on the basis of figures released yesterday which indicated a substantial increase for the month of May in the cost of living, that this is a situation which confronts us at the present time and it is no longer a theory but it is a fact.

On the basis of the estimates made—and I think they are accurate—from May 1972 to May 1973 the inflation rate was about 5.5 percent. On the basis of the increases since the first of this year, unless they are stopped and reversed, it appears that we will be in for an 8.8-percent increase in the cost of living and other factors, which, of course, will feed fuel to the inflationary spiral.

This is a most serious situation which the Senate is aware of and which the administration has come to grips with most recently. It is evidently the thought of a good many economists that what we face at the present time is the possibility of a worldwide inflationary spiral which, if not corraled, in time could well bring about a depression, or at the very least a recession. That is something we cannot afford, but in the meantime we have to pay attention to the needs of our people.

The article to which I have made reference has to do with pensions, especially in the private sector, a matter in which the distinguished Republican leader has been most interested. It is very revealing. The commentary is well stated.

It is a situation which must be faced up to and I am very hopeful that before long we will have the bill on private pensions, which already has been approved by the Committee on Labor and Public Welfare, and which is now being considered, I believe, in its final stages by the Committee on Finance, forthcoming so that we can act on it as soon as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have referred entitled "Have a Nice Pension Coming? Wait Till Inflation Gets It," which was published in the Los Angeles Times of today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAVE A NICE PENSION COMING? WAIT TILL INFLATION GETS IT

(By Ernest Conine)

Every American depending on a company pension for his retirement livelihood should have been shocked right out of his proverbial socks by an item tucked away in the financial pages of the other day.

Jelle Zijlstra, chairman of the Bank for International Settlements and one of the world's leading monetary authorities, made a speech warning that the inflation now plaguing the United States and other industrialized countries shows every sign of being permanent. In fact, he said the problem may become much, much worse.

At home, former Treasury Secretary John B. Connally expressed to newsmen his own belief that the American people will have to "live with the problem" of inflation for some time.

This is not a very alarming prospect if you own substantial amounts of property or stocks whose value can be counted on to appreciate, if you are a highly paid executive with stock options, or if you are a policeman, Army officer, congressman or civil servant whose retirement pay is periodically adjusted to offset higher living costs.

But if you work for private enterprise, and will have little or no retirement income beyond what you get from an insurance policy or company pension, you had better hope that the European banker is wrong about inflation.

The typical wage and salary earner in private enterprise is covered by a pension system under which, once he retires, there is no adjustment for inflation. If he lives to be 100 his company pension will never be more than it was in his first year of retirement.

Think what this means in the context of rampant inflation.

Assume that you are a 65-year-old skilled worker, engineer or office manager and you retire in 1973 with an annual pension of $12,000. Provided you are in good health, you can reasonably expect to live 10 to 20 more years.

Be an optimist and assume that the battle against inflation goes better in the next 10 years than it has in the last 10—that living costs rise an average of only 3% a year. Even so, the purchasing power of the dollar will shrink to the point that you will need $16,128 to live as well in 1983 as you can live on $12,000 in 1973.

If living costs rise at an average annual rate of 6%, which would be only a shade worse than the record over the past five years, your $12,000-a-year pension will fall almost $9,500 short of what you will need to maintain a 1973 standard of living.

If the alarmists are right, and inflation actually averages 9% annually during the next decade, your situation will really be frightening. You will need $28,404 to live as well in 1983 as you can live on $12,000 now.

Obviously, the longer you live after retirement, the more what used to look like a comfortable retirement becomes a battle to stay out of the poorhouse.

Let no one imagine that the danger is fanciful. Inflation has been running in the neighborhood of 9% in Western Europe and Japan for some months now. This year the United States has seemingly been rushing to join the club. And a more-or-less permanent inflation of that magnitude is roughly what the European expert quoted above is predicting.

Under a recent change in the law, Social Security benefits will be periodically adjusted upward for inflation. That will help, but it won't be enough. The specter of chronically rampant inflation thus constitutes an explosive human and political problem—one which may dominate U.S. politics for years to come, and which could find increasingly numerous older Americans on one side and their children and grandchildren on the other.

The tried-and-true remedies for inflation are to dampen excessive demand by raising taxes, holding down wages, making loans more expensive and harder to get, and requiring larger down payments and shorter repayment periods for large consumer purchases.

All these steps are extremely unpopular with people who are still working and raising a family while trying to achieve a higher standard of living for themselves. Because austerity tends to intensify the problem of unemployment, the steps are also unpopular with people who might lose their jobs or fail to find new ones.

Democratic governments are increasingly reluctant to act in the face of such opposition. Yet politicians are faced with the necessity of dealing, or appearing to deal, with inflation.

In their effort to square the circle, they turn to price control. Because it seems like a simple and painless solution, it appeals to workers and consumers. Businessmen, in view of the record profits they have been racking up under Phases 2 and 3, find that they like it, too. Yet there is hardly a responsible economist in the country who really believes that price controls are the answer.

Controls don't stop inflation; they merely bottle it up. In the long run, you either end up with shortages and black markets, or you relax the pressure and have inflation anyway.

If we as a nation are unwilling to take the hard steps necessary to stop inflation, and it seems that we are, how are we going to prevent a revolution by the growing army of older people on fixed pensions?

The answer, it would seem, will have to lie in socializing the entire pension system—either subsidizing periodic adjustments for inflation in private pension systems, or converting the whole thing to a much more generous Social Security system.

Either way, it will be massively expensive, and the money can come from nowhere but the taxpayers. Yet it is hard to see why the fellow retiring from a job in private enterprise is any less entitled to protection against ruinous inflation than is a fireman or a federal bureaucrat.

POSTPONEMENT OF VOTE ON AEC AUTHORIZATION BILL TO 1:30 P.M. TODAY

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the order calling for the vote on the authorization for AEC be postponed from the hour of 9:30 a.m., as agreed to yesterday, to the hour of 1:30 p.m. today.

The ACTING PRESIDENT pro tempore. Does the Senator request the suspension of rule XII?

Mr. MANSFIELD. Yes, indeed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that any votes on amendments to legislation that will be brought up, and there will be, I am sure, votes on amendments and on bills on final passage, if a rollcall vote is requested, that that, in turn, follow the vote on the authorization for the AEC.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I apologize to the Senate, but we have been in some terrible mixups. Late yesterday afternoon when we thought things were moving smoothly some Senators had to be at the White House at the time when the vote was scheduled on the AEC authorization, and some Senators will be at the White House for some ceremonies having to do with the signing of some documents by General Secretary Brezhnev and President Nixon. I hope no Member of the Senate has been embarrassed too much by this up and down charge of plans, vis-a-vis votes.

THE ECONOMY, A TIME FOR RETHINKING

Mr. SCOTT of Pennsylvania. Mr. President, as our society grows more complex some rethinking is forced upon us. I have in mind our economic approaches to our problems, particularly.

Free peoples govern themselves, not through the assertion of absolute freedom to do anything, but through accepting the imposition of restraints which will enable the system to work more fairly and equitably. These restraints are imposed by all branches of our Government. The Supreme Court said that freedom of speech does not include the right to yell "Fire" in a crowded theater. In its recent decision on pornography the Supreme Court said that freedom of speech has limitations where license or excess of liberty has been grossly abused.

Our citizenry have accepted the restraints imposed by the draft. They have accepted restraints by virtue of the issuance of Government regulations. They have accepted the restraints of laws which the Federal Legislature enacts. So it is not inimical to freedom that we accept some mutual restraint.

That is why I think we may have to do some rethinking on our economics, and I am not an economist. I believe that in the forthcoming phase IV we will have to recognize the need for mandatory controls. We will have to recognize the need for some very tough action. I do not think we should regard economic controls as a loss of political liberty, if the economic controls enable a fairer, freer distribution of goods to people at prices more reasonably fitting within their means.

So when we say that we have hard controls we simply speak as a free people who abhor any restraint; but at the same time I think we will have to face controls, and probably for longer than politicians like to predict, because it is better, I suppose, to tell people you are not going to have them. I think we are going to have controls for a while. I think they will be tough, and I think that mandatory restraints will be necessary.

It is my view that what is most important about the current freeze—it is not a secret; it is expressed in all quarters—is not the fact of the freeze but the right to exercise rollbacks, all the way to January, and the necessity in the 60 days to devise means by which we can so distribute our goods to deal fairly with all. That will require export controls and sacrifices on the part of everybody. Just as the energy crisis will require a change in lifestyle, I think the economic situation is going to mean that for the good of all some must accept limitations on their economic elbow room.

I make this statement at this time because I do not share the opinion of those who believe controls can come and go with entire safety. I think we need better long-term planning and probably we should have permanent legislation on the books.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield to the Senator from Texas.

Mr. BENTSEN. Mr. President, the concern of the Senator from Texas is that in the ensuing 60 days the problem that confronts us is not a new one. It is one we have been concerned with for some time. The longer we utilize that 60 days the more indecision we have on the part of the investing public and the foreign nations about what is happening to our currency.

I would urge very strongly that we try to expedite it so that it may be properly evaluated by our economists and by foreign countries.

Mr. SCOTT of Pennsylvania. I entirely agree with the distinguished Senator from Texas. I may add that is one of the purposes which I have in mind as I speak now.

Mr. MANSFIELD. Mr. President, will the distinguished minority leader yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. I find myself in accord with what the distinguished minority leader has just said and what the distinguished Senator from Texas has just said. I do think we have to look forward to a change in a good many factors in the area of economics, because we just cannot allow the dollar to continue to be devalued. It now amounts to about 30 percent in less than 2 years. We cannot allow inflation to continue. We will have to, in my opinion, take some harsh measures to take care of the needs of our people, because the number one problem in this country is the high cost of living, and too many of our citizens find it too hard to make ends meet.

So I would hope that the 60 days would not be used—far from it—and that a set of proposals would be offered to the Congress as soon as practical, which, while they may be harsh, nevertheless will have the effect of stabilizing the economy, which in turn will stabilize the dollar, which in turn will bring a restoration of economic confidence to the people of this country.

Mr. SCOTT of Pennsylvania. I thank the Senator. I am glad we have demonstrated by this colloquy bipartisan recognition of the need for early action and strong controls.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of routine morning business for 15 minutes, with statements therein limited to 5 minutes.

AUTHORITY FOR SENATOR KENNEDY TO SUBMIT AN AMENDMENT TO THE DEBT CEILING ACT DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday next, the distinguished Senator from Massachusetts (Mr. KENNEDY) may be permitted to submit an amendment to the Debt Ceiling Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED TO LIMIT CAMPAIGN CONTRIBUTIONS

Mr. BENTSEN. Mr. President, there is an ill wind that has been blowing from Watergate for the past year. That wind has been felt in every part of this land, and it will continue to be felt long after we have sorted out all the sordid details of who did what for whom, and for what price.

Even at this early stage in the investigation, before Senator ERVIN and his committee have reached anything approaching full disclosure, before the defendants have had their day in court, before the figures have been totaled up in dollars and cents—we can safely say that the price is not right.

The price is never right when a campaign committee—any campaign committee—collects its contributions and pays its bills in cold cash, delivered like ransom money in briefcases and attaché cases at clandestine rendezvous.

We must stop these suitcases full of $100 bills from moving around the country in campaigns.

When we descend to that level in conducting a political campaign, we have gone far down the road that leads in the opposite direction from the ideal of democratic government toward which we have been striving for 200 years.

Mr. President, I speak from the Democratic side of the aisle and I admit to a certain bias. My party—like the Republican Party—is motivated to win elections. We would like to win more often. But as a Presidential candidate of our party once said:

> It is better to lose an election than to deceive the American people.

That sentiment was voiced by Adlai Stevenson in a different age in American politics—a more innocent age but a wiser age.

I know that one sentence expresses a conviction shared by my colleagues on both sides of the aisle.

I do not pretend that my party holds a monopoly on purity and virtue. On the contrary, I believe my party shares some degree of responsibility for what is now popularly called the Watergate mess—not through our action, but through our inaction.

Together with our colleagues across the aisle, we Democratic legislators have failed to enact effective deterrents to campaign corruption and adequate safeguards to insure free elections.

Those who would pass off Watergate as just politics display a cynicism that indicts 200 years of self-government in this democracy. It degrades Republican and Democratic office holders alike—men and women who have made their contribution throughout our history to the advancement of a government by and for the people.

Yes, politics has often been subjected to abuses by individuals, but in this instance the collective and coordinated collage of abuses was financed by millions of dollars centrally directed and added up to a master plan to subvert the political processes of this country. This was not a case of isolated, over-zealous individuals pulling plugs on loudspeakers or booing speakers but a conspiracy to distort the political processes to an unprecedented degree, so much so that a matter of degree is transformed into a difference in kind.

Watergate has revealed that men in high levels of government, deliberately used agents and agencies of the Federal Government to break the laws of the land. Not one was a politician. Not one held elective office. All were presidential appointees.

The President of the American Bar Association, Robert W. Meserve, has said:

> It must be made clear to the American people that acts like Watergate are in fact truly extraordinary acts, of a nature more corrosive and harmful to our democratic principles than more common forms of venality or even criminal wrongdoing on the part of persons holding public office.

The cost to this country is incalculable. I am not speaking of the millions of dollars that are being spent and will be spent in investigations and hearings and in the whole judicial process to lay bare the truth and to assert justice.

I am speaking of the cost in infinitely more important terms of intangible values that hold people together in mutual respect and trust, under a common government.

The devaluation of these intangibles has damaged and weakened us at home far more than the devaluation of the dollar abroad. Faith in our institutions—which was already declining—has suffered a crippling blow.

But this ill wind has blown some good. Devastating as it is, it has shocked us into recognizing that our whole system of campaign financing must be overhauled.

We know—and the American people know—that access to unlimited campaign funds breeds corruption and endangers any public office with the possibility of being bought by the highest bidder.

Mr. President, within this century, within our own lifetime, we have witnessed a series of historic battles in this country to guarantee every citizen—regardless of race, sex or origin—free access to the ballot box. Those battles pointed up a principle that has become familiar to all of us: That a vote denied to any citizen negates the vote of another.

The same principle applies to the financing of campaigns. Every honest dollar that is contributed is cancelled out when dishonest dollars—laundered or otherwise—are tossed into the campaign coffers, with the demand—implicit or explicit—of a quid pro quo.

How can an ordinary citizen feel that his modest campaign contribution carries any weight, compared to the million dollars of a Clement Stone or the hundreds of thousands of a Robert Vesco?

He is suspicious that gifts of that magnitude are motivated by something other than pure patriotism, and he becomes understandably cynical about the democratic process.

We want to encourage broader participation in the political process so candidates do not have to rely on a few wealthy individuals, or arrangements with them or with a few pressure groups.

I pledged during my campaign to work to reduce campaign expenditures and to correct the obvious abuses that the present laws encourage. The people have the right to know the full story of the financing of political campaigns.

Mr. President, it has become unfashionable for an American to wear his patriotism on his sleeve—but I had rather see it worn there, right out in the open, than carried around in a billfold.

When patriotism is expressed in dollars and cents, democracy has lost all meaning.

The American people know this.

The American people are not ready to substitute $100 bills for ballots.

The American people are ready to return to those innocent days when election day really meant something.

They are telling us now that reform is mandatory—and long overdue.

We know it is true. If Watergate has taught us anything, it has taught us that.

We know we must act—and act now—to restore confidence in the democratic system.

Much can be accomplished by simply insisting on rigid, unflinching enforcement of laws already on the books.

But, in addition, there is a need for more statutory safeguards.

We have to exercise our commonsense and our best judgment, and ask ourselves how much money should be required to run a campaign? If we can see the logic of arms limitation agreements, to prevent the awful waste and expense of an ever-escalating arms race, can't we see the logic of limiting campaign expenditures?

There should be a ceiling established by law on total campaign budgets as well as on specific items in that budget—

A limit on direct-mail spending.

A limit on media advertising.

A limit on travel expense.

With reasonable limits imposed, there would be no mad scramble to see who could spend the most money.

But it is not enough to put a ceiling on spending. We have to specify a ceiling on individual contributions as well. Is there any hope for democracy when one man—though he professes the purest of motives—can contribute $1 million to a single campaign? The average citizen may well ask himself, "what is my dollar worth, stacked up against a million?"

This is the kind of inflation that does the most damage, and this is an inflation we must halt. We can halt it by limiting individual campaign contributions to a reasonable amount—I would recommend a $3,000 limit—and require all campaign committees to make prompt and meticulous reports of all receipts.

To insure accurate reporting, the law should stipulate that all contributions of $100 or more be made in the form of checks or other written instruments identifying the source.

Mr. President, it would be comforting to believe that such steps are not necessary. But events have proved that they are necessary, and we cannot shrug off our responsibility as legislators.

In my new role as chairman of the Democratic Senatorial Campaign Committee, I am particularly mindful of that responsibility—and I urge my colleagues to assign the highest priority to reforming our campaign machinery.

The time is right. The mood is right. And above all, the action is right.

Let us take election off the auction block and make voting a good thing again.

Mr. **MANSFIELD**. Mr. President, I commend the distinguished Senator from Texas for what he had to say about campaigns. I think that his suggestions go to a point of what needs to be done, that elections should be—to use his words—taken off the auction block and that the necessary reforms be forthcoming to bring about a reduction of expenditures and an accountability on expenditures and contributions.

Consideration ought to be given to having the elections in October rather than in November. The Committee on Rules has recently considered such a proposal. Consideration should be given to having later conventions, perhaps sometime in August or September.

Consideration ought to be given to shortening the campaigns to a 3-, 4-, or 5-week period, because campaigns have a habit of getting repetitious, dreary, dull, and hard on both the candidate and on the people listening.

I would hope that some consideration would be given to the idea of public financing so that this dangerous trend which we see developing by means of which larger contributors, in effect, go out and try to buy politicians and candidates just as they used to do in buying paintings and the like. That practice ought to be done away with, and the responsibility ought to be taken away from the few and given back to the many. And in the process, I think it would prove to be good for this democracy of ours. It would have enormous benefit if we would get away from the free wheeling and free spending campaigns, both in the primary and in the general elections which have marked this country and its political processes.

Mr. President, that applies to both parties in recent years. So, the time has come for a halt. The time for reform is now.

I commend the distinguished Senator from Texas who, as the chairman of the Democratic Senatorial Campaign Committee, will exercise a great deal of responsibility in this area. And I know that he will, as always, do what he thinks is best for the country and exert all his efforts to bring about the necessary reforms.

Mr. **BENTSEN**. Mr. President, I thank

the distinguished majority leader, a man of great ability, integrity, and perception.

I appreciate his support in the effort. He has always been a leader in the field.

COMMUNICATIONS FROM EXECUTIVES DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. McINTYRE) laid before the Senate the following letters:

APPROVAL OF LOAN

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, a statement concerning the approval of a loan to Alabama Electric Cooperative, Inc., of Andalusia, Ala.—with accompanying papers. Referred to the Committee on Appropriations.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the President of the National Railroad Passenger Corporation submitting, pursuant to law, its monthly report concerning the on-time performance of its trains (with accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION OF THE DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy submitting proposed legislation to provide certain benefits to members of the Coast Guard Reserve and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

REPORT BY THE DEPARTMENT OF DEFENSE

A letter from the Acting Assistant Secretary of Defense submitting, pursuant to law, a report showing grants for basic scientific research made to nonprofit institutions during the calendar year 1972 (with accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting proposed legislation to revise and restate certain functions and duties of the Comptroller General (with accompanying papers). Referred to the Committee on Governmnet Operations.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States submitting, pursuant to law, the following three reports entitled "The Federal Catalog program: Progress and Problems in Attaining a Uniform Identification System for Supplies"; "Army Air Defense: the Sam-D program;" and "Status of Equal Opportunity in the Military Departments" (with accompanying reports). Referred to the Committee on Government Operations.

REPORT OF THE AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from George H. Jones, Jr., CPA, submitting, pursuant to law, the audit report for the American Symphony Orchestra League, Inc., for the fiscal year ending March 31, 1973 (with accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate as indicated:

By the ACTING PRESIDENT pro tempore (Mr. McINTYRE):

A concurrent resolution agreed to by the Legislature of the State of South Carolina. Referred to the Committee on Agriculture and Forestry:

"A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE THE NECESSARY ACTION TO ASSURE THAT THE AGRICULTURAL INDUSTRY SHALL BE PROVIDED WITH ADEQUATE FUEL FOR PLANTING AND HARVESTING

"Whereas, natural disasters and other contributing factors have resulted in a shortage in many agricultural products, and especially in feed products; and

"Whereas, these shortages have greatly affected the cost of living for all Americans; and

"Whereas, the fuel shortage, be it actual or contrived, has complicated the planting and harvesting of foods and feed products; and

"Whereas, it is most expedient that the agricultural industry be assured an adequate supply of fuels. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

"That the Congress of the United States is memorialized to take appropriate action to assure that the agricultural industry of America shall be supplied with adequate fuels for the planting and harvesting of food and feed products.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the House of Representatives and each member of the South Carolina Congressional Delegation in Washington, D.C."

A resolution of the city of Burlington, Vermont, relating to housing assistance programs. Referred to the Committee on Banking, Housing and Urban Affairs.

A resolution of the Arkansas State AFL–CIO relating to national health security. Referred to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 7445. An act to amend the Renegotiation Act of 1951 to extend the Act for 2 years (Rept. No. 93–240).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN (by request):

S. 2051. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. MOSS):

S. 2052. A bill to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER (for himself and Mr. SPARKMAN):

S. 2053. A bill to amend the Export Administration Act of 1969, to premit the President to use export controls to curtail serious inflation in domestic prices. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN (by request):

S. 2054. A bill to authorize the head of an executive department, a military department an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes. Referred to the Committee on Government Operations.

By Mr. GURNEY:

S. 2055. A bill to authorize the Secretary of the Navy to convey water supply facilities in the Florida Keys to the Florida Keys Aqueduct Authority. Referred to the Committee on Armed Services.

By Mr. GURNEY (for himself, Mr. DOLE, Mr. EASTLAND, and Mr. FANNIN):

S. 2056. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2057. A bill to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. BROOKE, Mr. STEVENSON, Mr. TOWER, and Mr. BENNETT):

S. 2058. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (by request):

S. 2051. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks and Copyrights, I introduce by request a bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

This legislation is being introduced at the request of the Department of Commerce and provides for three miscellaneous amendments to the Trademark Act of 1946, as amended. This bill is identical to S. 3452 of the 92d Congress, which was passed by the Senate.

Under section 13 of the Trademark Act, any person who believes that he would be damaged by the registration of a mark upon the principal register may oppose the same by filing an opposition within 30 days after the publication of the mark sought to be registered. Section 1 of this bill provides for automatic extension of the period of filing oppositions in trademark cases on request of a prospective opposer. No reasons for requesting a first extension would be required. Subsequent extensions could be granted if good cause is shown.

Section 21 of the Trademark Act requires that a party taking an appeal to the U.S. Court of Customs and Patent Appeals must give notice to the Commissioner of Patents and file his reasons of appeal with the Patent Office. The requirement for filing "reasons of appeal" no longer serves a useful purpose and has occasionally deprived litigants of legal rights. Section 2 of the bill eliminates the statutory requirement for filing "reasons of appeal."

Section 35 of the present Trademark Act provides for the awarding of treble damages in appropriate circumstances in order to encourage the enforcement of trademark rights. The general rule in the U.S. judicial proceedings is that, absent specific authority by statute or contract, attorney fees are not recoverable in ordinary actions at law or in equity by either a successful plaintiff or defendant. Section 3 of the bill provides that attorney fees may be awarded to the prevailing party in actions under the Federal trademark laws, when equity justifies such awards. It would make a trademark owner's remedy complete in enforcing his mark against willful infringers, and would give defendants a remedy against unfounded suits.

By Mr. CHURCH (for himself and Mr. MOSS):

S. 2052. A bill to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities. Referred to the Committee on Labor and Public Welfare.

IMPROVING THE QUALITY OF CARE IN NURSING HOMES

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to help improve the quality of life for the nearly 1 million residents of our 23,000 nursing homes.

My bill would provide funds to schools of nursing to establish programs to train nurse practitioners in geriatrics and the needs of nursing home patients.

The bill is in response to one of the most serious problems in the nursing home field and that is the absence of the physician from the nursing home setting. Almost all students of long-term care will agree that doctors have neglected the care of patients in nursing homes. Even President Nixon, in his speech in Chicago last year, said that physicians do not view the nursing home as part of the medical continuum; that they get too "depressed" and feel their time is better spent tending to the younger members of society.

This tendency has been documented by the Subcommittee on Long-Term Care under the chairmanship of the distinguished Senator from Utah, Senator FRANK E. MOSS. In numerous hearings, including investigations of the Baltimore salmonella epidemic where 25 nursing home patients died of food poisoning, the subcommittee has learned that doctors do not view bodies of patients who have died in nursing homes before signing death certificates and that in some nursing homes the telephone is becoming a more important medical instrument than the stethoscope.

The General Accounting Office confirmed these facts in its May 28, 1971, audit of 90 nursing homes in 3 States. The GAO sample revealed that over 50 percent of the nursing homes suveyed did not meet the Federal requirement that medicaid patients be seen by physicians at least once every 30 days.

When the physician is absent from the nursing home, an interolerable burden falls on the nursing staff. The registered nurse must spend more and more of her time with administration and supervisory responsibility, and untrained aides must provide much of the medical care. Certainly this is not true in every State, but the incidence is wide enough to be truly alarming.

To my mind these problems demand immediate action. I am aware of the recent contract between HEW and the American Medical Association to develop seminars to inform doctors of the needs of nursing home patients and I know of the legislation introduced by Senator Moss to help create departments of geriatrics in schools of medicine, but I feel that nursing home patients need immediate and more far-reaching protection. It is for this reason that I am offering my bill for the consideration of the Senate.

Since the most reasonable explanation for the failure of physicians to visit nursing homes is simply that they are already overworked and in short supply, the answer suggested in my bill is to substitute nurse practitioners trained in geriatrics. Nurse practioners would assume the responsibility for the care of nursing home patients subject to the continuous and overall responsibility of a physician who has agreed to be on call and to assume the duties and title of medical director as defined by the forthcoming skilled nursing facility regulations.

The suitability of the nurse practitioner concept to the care of nursing home patients has been pointed out to me by many experts in the field of long-term care, including Dr. Alfred Popma from my home State. I ask unanimous consent to have inserted in the RECORD at this point a copy of his October 19, 1971, letter to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 19, 1971.

Hon. FRANK CHURCH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CHURCH: With the concern of you and your Committee for the aged who are in nursing homes, I am impelled to write you briefly my views as they relate to enhancing and improving patient care in these institutions.

Generally speaking, the vast majority of patients in nursing homes are there because of cardiovascular disease, cancer, stroke or one of the neurological diseases. Too often the nursing homes become a "dumping ground" for these people.

There are many nursing homes in the United States where hypertensive patients do not have blood pressures taken; diabetics who do not have blood sugar determinations made; cancer patients who do not have available to them the palliative benefits of modern chemotherapy;—and the list could be expanded. I do not imply that these conditions exist in all nursing homes—there are many in which the care is excellent.

To improve nursing home care to all patients seems to be primarily one of lack of adequate manpower.

As a device to assist in the remedy of this situation, I proposed several years ago, the development of an "intermediary physician"—a nurse specially trained in many of the minor medical skills, who, working under supervision of a physician, could and would make regularly scheduled visits to patients in nursing homes, perform physical examinations, order laboratory procedures, maintain the medical records and report to and consult with the physician regarding her findings and recommendations.

Such a nurse physician assistant would provide a tremendous resource to the very busy doctor. Patient care would be improved and medical care costs could be reduced.

For several reasons, my original proposal met with a number of obstacles which could not be surmounted at that time. Today it would seem that the climate would be more favorable.

I am quite sure that the establishment of such programs, with the necessary changes in the Medicare legislation to provide payment for such services would greatly enhance the delivery of health care serviecs in this area of great need.

If you see fit to present these thoughts to your Committee, I will be grateful to you.

With kindest of regards, I am,

Sincerely yours,

ALFRED M. POPMA, M.D.

Mr. CHURCH. Mr. President, by the term nurse practitioner, I mean a registered nurse who is licensed as such under State law and has completed a program of study to become competent as a registered nurse in an expanded role. A nurse practitioner is an individual who is qualified to be responsible for any or all of the following:

First, obtaining a health history;

Second, assessing health-illness status;

Third, entering an individual into the health care system;

Fourth, sustaining and supporting individuals who are impaired, infirm, ill, and undergoing programs of diagnosis and therapy;

Fifth, managing a medical care regimen for acute and chronically ill patients within established standing orders;

Sixth, assisting individuals in regaining their health;

Seventh, teaching and counseling individuals about health and illness;

Eighth, counseling and supporting individuals with respect to the aging and dying processes; and

Ninth, supervising nursing assistants.

This bill has the enthusiastic support the American Nurses Association, which has informed me that there are thousands of registered nurses who would consider coming out of retirement if they could have the freedom, the responsibility, and the salary commensurate with the nurse practitioner's role. I have every reason to expect support from the medical community and from the American Nursing Home Association.

For the sake of the infirm elderly I hope that this legislation can be promptly implemented.

By Mr. ERVIN (by request):

S. 2054. A bill to authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes. Referred to the Committee on Government Operations.

Mr. ERVIN. Mr. President, I introduce, by request, a bill to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes.

This legislation was requested by the Secretary of Transportation and I ask unanimous consent to have inserted in the Record a letter from the Secretary of Transportation explaining the need for this proposed legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 4. 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for introduction and referral to the appropriate Committee is a draft bill

"To authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes."

This proposal would amend Section 5 of the Act of July 16, 1914, as amended (31 U.S.C. § 638a), to permit the head of a department, an agency or an independent establishment in the executive branch to authorize officers and employees, and their dependents, who are stationed in remote areas of Alaska or territories or possessions of the United States and who lack an available, safe, and practical means of transportation, to use Government-owned or Government-leased motor vehicles (other than aircraft or motor boats) to the extent that such use is necessary to maintain their health and well-being. The bill would additionally authorize the President to prescribe regulations regarding the private use of Government vehicles in these remote locations. Section 5(c) (2) of this Act currently prohibits the use of such vehicles for other than official purposes and thereby causes unreasonable hardships for those Government employees and their families who are stationed at these remote locations, as no other safe and practical means of transportation are available to them.

Several of the Government's remote stations in Alaska have no tie by surface transportation to other parts of the State. At some of these stations Federal employees and their dependents are the only persons who live in the area. At others, the only residents of the area in adidtion to Government personnel and their families are a few trappers, fishermen, occasional summer residents of the area in addition to Government tion and the limited population in the proximity of the remote site often means that there is a total lack of any means of transportation other than by Government vehicles.

Transporting privately-owned vehicles to these remote stations at Government expense has been determined to be too costly for the Government; likewise, the employee finds that such transporting at private expense is equally as prohibitive. Limited roads, inclement weather conditions, and the absence of maintenance facilities make the shipping of privately-owned vehicles to these stations even more impractical. Yet, there exists a need for some motor vehicle transportation at these locations to be available for private use.

The Government has several isolated stations in Alaska, which include stations operated by this Department at Bettles, Biorka Island, Duncan Canal, Farewell, Fire Island, Fort Yukon, Hinchinbrook, Level Island, Middleton Island, Moses Point, Point Barrow, Deadhorse, and Sisters Island at which approximately 50 employees and their 100 dependents are located. The transportation of privately-owned vehicles to these stations is not authorized.

The Department of Transportation, Federal Aviation Administration station, at Farewell, Alaska, represents a typical situation. Located 100 air miles northwest of Anchorage and 75 air miles from the nearest native village, our 4 employees and their 7 dependents experience temperatures ranging to −57°. Farewell has about 15 miles of road that lead to several work sites. At Farewell and other stations with similar situations we would allow use of Government vehicles to transport employees between their quarters and duty stations.

At some of these remote locations in Alaska, living quarters for Government employees and their families are situated a half mile or more from a nearby village. The ordinary necessities of life such as grocery shopping, transporting children to school, and getting mail to and from the post office require some means of vehicular transportation. This is particularly true during inclement weather conditons and the near total darkness of winter months.

This bill would additionally permit occasional group use for recreational purposes. The recreational opportunities at many of these isolated stations are extremely limited and thus employee group recreational activities are generally impractical ventures without the use of surface transportation. The importance of employee recreational activities cannot be denied in maintaining employee morale.

The Government-operated Pacific Island installations present another problem. For instance, Wake Island is an atoll. Therefore, employee housing and other facilities such as a commissary, post office, school, church, and recreational areas must be grouped together as closely as the land area permits. Living quarters may be relatively close to the school, yet may be a mile or more from the post office and two or three miles from the recreational areas. No public transportation is available and access between places presents a difficult chore for our employees and their dependents. Relatively few employees can afford the luxury of private transportation because of the high transportation costs, limited shipping facilities, and problems associated with the import, operation, maintenance, and disposal of privately-owned vehicles on the island.

Of course, Government employees are faced with similar conditions in locations in the Pacific other than at Wake Island. There are a number of Government vehicles on these islands which could feasibly be used to transport employees and their families to commissaries and recreational facilities.

We must emphasize that the Government, and this Department in particular, have experienced considerable difficulty in obtaining and retaining qualified personnel for positions at these isolated locations in Alaska and the Pacific, due mostly to the hardships that these employees suspect that they will encounter. Unlike some causes of these hardships, such as weather and geography, the hardship stemming from the unavailability of an adequate means of transportation could be substantially mitigated. We, therefore, believe that enactment of this bill would serve as a necessary remedy to this transportation hardship.

We estimate that the cost of the added use of Government vehicles under this proposal would be negligible. To a certain extent, that use would be carrying additional passengers on trips now made for official purposes. In all other cases, where the cost to the Government is more than nominal, we would anticipate imposing reasonable user fees. In no event would additional vehicles be required.

If this proposal is enacted, no increase in appropriations should be necessary for any of the affected Government departments or agencies.

We have additionally considered the environmental and civil rights implications of this proposed action and believe that implementation of this proposal would have no significant impact in these areas.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

Claude S. Brinegar.

SECTION-BY-SECTION ANALYSIS OF A BILL

"To authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes."

This bill would amend Section 5(c) (2) of the Act of July 16, 1914, as amended (31 U.S.C. § 638a) to permit the head of an executive or military department, agency, or independent establishment in the executive branch to authorize officers and employees, and their dependents, who are stationed in remote areas of Alaska or the territories or possessions of the United States and who lack available, safe, and practical means of transportation, to use Government-owned or Government-leased motor vehicles (other than aircraft or motor boats) to the extent that such use is necessary to maintain their health and well-being. The bill would additionally authorize the President to prescribe regulations regarding the private use of Government vehicles in these remote locations. Section 5(c) (2) of this Act currently prohibits this use and thereby creates considerable hardships for many Government employees and their families who are stationed in these remote areas and who lack adequate means of transportation.

COST ANALYSIS OF A BILL

"To authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes."

We have determined that the budgetary impact of this proposed bill would be negligible and that no increase in appropriations will be required for those agencies and departments in the Executive Branch who will be affected by this legislation.

By Mr. GURNEY:

S. 2055. A bill to authorize the Secretary of the Navy to convey water supply facilities in the Florida Keys to the Florida Keys Aqueduct Authority. Referred to the Committee on Armed Services.

Mr. GURNEY. Mr. President, today, I am introducing a measure which, if enacted, would permit the Secretary of the Navy to transfer the Government-owned water supply facility in Key West, to the Florida Keys Aqueduct Authority.

Mr. President, the Florida Keys have, in the past decade, experienced such a rapid growth that a very real danger of an insufficient water supply has developed. Presently, the Department of the Navy operates the only existing water pipeline which provides water to Government installations and to the Florida Keys Aqueduct Authority. The authority services over 50,000 year-round residents plus some 20,000 winter residents and it has been estimated that, at the peak of the winter tourist season, the authority services more than over 100,000 people. Faced with this type of demand, the authority has been, and continues to be, put in the position of having to limit the amount of water it can make available to the people of the Key West area.

Mr. President, this insufficient water supply is not due to the unavailability of water, but rather, it is the result of an outmoded water supply system. The pipeline I just referred to was constructed in the early 1940's, at the beginning of World War II, when the population was a lot less than it is now. Since then, however, there have been no efforts to enlarge the pipeline, or to otherwise increase the amount of water being pumped to the Florida Keys.

The Department of the Navy has recently announced its decision to close down a major portion of the Navy facilities in Key West. In conjunction with this decision, the Navy also approached the Florida Keys Aqueduct Authority suggesting that the authority purchase the pipeline but with the stipulation that up to 2.4 million gallons per day of fresh mainland water be furnished to the remaining Government installations for as long as the Government shall require.

The importance of this transfer to the future of Key West cannot be overstressed. If approved, it will allow the Florida Keys Aqueduct Authority the opportunity to secure the necessary financing to expand and update the Key West water system from its present 6 million gallons per day capacity to over 18 million gallons per day. Such a plan, according to the Department of the Navy, will fulfill the future requirements for water that have been predicted as a consequence of the tremendous growth pattern of the area.

Mr. President, I hope that this legislation will be given immediate hearings. In view of the fact that both the Department of the Navy and the Florida Keys Aqueduct Authority are in complete agreement concerning the provisions of this legislation and in view of the need, I see no reason for delay. In truth, this transfer must be made as soon as possible if we are to assure an adequate supply of water to the residents of the Key West area.

I ask unanimous consent that the text of this legislation be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Navy, is authorized to transfer and convey to the Florida Keys Adequeduct Authority (herein called "the Authority"), upon such terms and conditions as he deems appropriate, such portion of the real and personal property compromising the Government-owned water supply facilties used to provide fresh potable mainland water to Government installations in the Florida Keys as he determines are necessary to permit the Authority to operate the facilities to meet the fresh water requirements of both the Government and the Authority's other customers: *Provided,* however, such transfer and conveyance shall be conditioned on the Authority's unconditional guarantee to provide the Government installations located in the Florida Keys, on a priority basis over the Authority's other customers, a supply of up to 2.4 million gallons per day of fresh mainland water meeting potability standards of the United States Public Health Service, for so long as the Government shall require such water.

By Mr. GURNEY (for himself, Mr. Dole, Mr. Eastland, and Mr. Fannin):

S. 2056. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, in these days of ecological awareness, this Congress has evidenced a great deal of interest in various forms of pollution. I am today introducing a series of proposals to combat a serious form of pollution which has infected our society—the sullying of the moral fabric of America through obscenity, lewdness, and filth.

For a refreshing and hopefully steady change, the Supreme Court has assisted in the various efforts to fight this kind of filth. Yesterday, in Miller against California, the Supreme Court reexamined its prior obscenity cases, and formulated new guidelines for the States and the Federal Government to use in the prosecution of cases against pornographers and filth mongers.

In Miller the Court reaffirmed the power, and the obligation of States to punish the printing or sale of works "which appeal to the prurient interest in sex, which portray sexual conduct in a patiently offensive way and which, taken as a whole, do not have serious literary, artistic, political or scientific value." The Court finally rejected the defense of "redeeming social value" which had in effect curtailed successful prosecutions from the time it was first dreamed up in *Memoirs* v. *Massachusetts,* 383, U.S. 413 (1966).

Miller is significant for the following points it held. First, as previously noted, the power of Government to punish printing or sale of pornography was reaffirmed, and the defense of "redeeming social value" was rejected. Also, for the first time since *Roth* v. *United States,* 354 U.S. 476 (1957), a majority of the Court was able to agree on concrete guidelines to isolate "hardcore" pornography from other forms of expression protected by the first amendment to the Constitution.

The basic guidelines for the tryer of fact were held to be: First, whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; second, whether the work depicts or describes, in a patiently offensive way, sexual conduct specifically defined by the applicable State law; and, third, whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value. It was left to Government, however, to define explicitly by law the kinds of "sexual conduct" that will subject a publisher or distributor to prosecution if it is described offensively.

One important contribution was also made in Miller and the Paris Theater case which accompanied it. The Court agreed that in trials on charges of obscenity a court properly may permit "expert affirmative evidence" as to the character of the film or publication or performance to be introduced to assist the tryer of fact. At the same time, the Court rejected attempts to establish a national standard for pornography and permitted the tryer of fact to apply standards of the local community. This is a truly great and significant step toward returning Government to the people and to the States.

Because of yesterday's decisions, today is an appropriate time to reintroduce obscenity legislation I offered to the Congress last year, and to initially introduce a new proposal designed to strengthen the effectiveness of our Nation's laws and efforts to prohibit pornography.

First, I am reintroducing my bill to authorize private persons to sue persons who distribute obscene material through the mail unsolicited. The bill explicitly defines the type of materials and conduct which are affected, in a manner which should comport with the Supreme Court's decision yesterday requiring Government to explicitly describe and proscribe the conduct it seeks to reach. To amplify the explanation of this bill, I ask unanimous consent that the bill, together with the remarks I made upon its introduction last year, be printed in the Record at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Second, Mr. President, I am introducing a proposed Senate resolution requesting the President to seek international agreement with the Governments of other countries with respect to controlling the transportaion of pornographic materials among such countries, and particularly into this one. I have received a number of complaints that obscene materials have been sent to them from abroad through the mails, and without some form of international cooperation it is difficult to curb this practice. The laws of one nation simply cannot suffice, so joint efforts are needed, and it is my hope the Senate will call upon the President to work toward this end.

Also, I have directed my staff to begin an immediate study as to whether another piece of legislation which I introduced last Congress, S. 1690 of the 92d Congress dealing with the trial and review of criminal obscenity cases, any longer is necessary. In view of the Supreme Court's decisions yesterday, it may be that that particular bill is no longer necessary, since it appears to be possible now for prosecutions for pornography law violations to be successful. Maybe the Supreme Court has at long last ended its determination to be a censorship board—and a bad one at that—and Government can get on with the business of ridding our society of filth.

Mr. President, I am hopeful that the Senate will soon act in the same direction that the Supreme Court has started to move, and that we will soon again have effective laws against pornography on our books. These proposals are a start along the way.

Exhibit 1

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 177—INVASION OF PRIVACY

"Sec.

"2941. Mailing of obscene material.

"§ 2941. Mailing of obscene material

"(a) No person may mail, or cause to be mailed, to any other person any obscene material without obtaining the prior consent of the other person, or if the other person is a minor living with a parent or guardian, the prior consent of such parent or guardian, to the sending of such material. The receipt of such obscene material shall constitute an invasion of the privacy of the person receiving such material.

"(b) In order to protect his right of privacy, any addressee who receives obscene material in violation of subsection (a) of this section, or, if a minor living with a parent or guardian is the addressee, such parent or guardian, may commence a civil action in a district court of the United States without regard to any monetary jurisdictional limitations against any person who mails or causes to be mailed any such material. Upon a finding that the material has been sent in violation of subsection (a) of this section, the addressee, parent, or guardian commencing such civil action may recover from the person found to be in violation of such subsection the compensatory damages sustained as the result of such violation, punitive damages in an amount no less than $5,000, and the costs of the suit and reasonable attorney fees.

"(c) A civil action under subsection (b) of this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any obscene material mailed or caused to be mailed by the defendant in violation of subsection (a) of this section has been received.

"(d) As used in this section—

"(1) 'minor' means an individual who has not attained the age of eighteen;

"(2) 'obscene material' means any matter which—

"(A) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) interest in sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(B) solicits or offers to send matter of the type described in clause (A) of this subparagraph;

"(3) 'nudity' means the showing of the human male or female genitals, pubic area, or the depiction of covered male genitals in a discernibly turgid state;

"(4) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of the female, physical contact with her breast;

"(5) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal; and

"(6) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(e) The table of contents of part VI of such title, immediately preceding section 2201, is amended by adding at the end thereof the following new item:

"177. Invasion of privacy............ 2941".

REMARKS OF SENATOR EDWARD J. GURNEY ON CLEAN MAIL BILL, SEPTEMBER 16, 1971

Mr. President, I am introducing for appropriate reference, a bill designed to protect our citizens' right of privacy and crack down on smut peddlers.

Essentially, my bill will give any citizen who receives unsolicited obscene material in the mail the right to take civil action against the mailers of such material in a Federal District Court. Furthermore, if successful, the individual can recover compensatory and punitive damages, costs of the suit and attorney fees.

In 1842, the first Federal obscenity statute was passed in this country as a part of the customs law. This statute prohibited the importation of "indecent and obscene prints, paintings, lithographs, engravings, and transparencies." It was aimed mainly at the French postcard trade. We've progressed a lot since 1842, and it's apparent that obscenity has done a good deal of changing too. Indications from my constituent mail, and I'm sure my colleagues get similar complaints, are that the problems of obscenity are still very much with us. Furthermore, from some of the samples I've seen, those French postcards were pretty tame stuff.

Congress has, on several occasions, responded to this problem and enacted various anti-obscenity statutes. Right now, there are a number of new bills pending before the Senate Judiciary Committee. As a matter of fact, I am sponsoring three of these bills myself.

As anyone who has dealt with anti-obscenity laws will tell you, there is a good deal of confusion surrounding the interpretation and effectiveness of these statutes. A short discussion of some of the major statutes affecting obscene materials in the mail will underscore this problem.

The Comstock Act (18 U.S.C. § 1461) makes it a Federal criminal offense to mail obscene materials or information as to where such materials may be obtained. Plain enough—until we come to the question of what is "obscene"? One of the first major decisions on obscenity was the Supreme Court's opinion in *Roth v. U.S.* (1957). The major finding was that obscenity was not protected under the first amendment's "freedom of speech" language. Here again, there was a great hassle over the definition of "obscenity", and it was through several subsequent cases, including the "Fanny Hill" case of 1966, that the courts further narrowed the test for obscenity. Today, most courts use as a prevailing standard the following three criteria which must *all* be met:

1. The dominant theme of the material taken as a whole must appeal to a prurient interest in sex.
2. The material must be patently offensive because it affronts contemporary community standards relating to the depiction of sexual matters.
3. The material is utterly without redeeming social value.

A recent Supreme Court case, in May of this year, upheld the constitutionality of § 1461. In spite of intervening cases (such as *Stanley* v. *Georgia* in 1969) which upheld the right to obtain and read pornography in the privacy of one's own home, the Court ruled, in *U.S.* v. *Reidel*, that the right to have obscene material does not confer a right to sell and deliver such materials through the mails.

Congress has enacted other legislation dealing with pornography in the mails. Title 39 U.S.C. § 3006–7 would allow the Postmaster General to impose a "mail block" against the sender of obscene mail. These particular sections were ruled unconstitutional by the Supreme Court in *Rizzi* v. *Blount* (1771).

Under 39 U.S.C. § 3008, the Anti-Pandering Act, anyone who has received obscene advertisements may notify the Post Office Department of such receipt. The Postmaster General shall direct the sender to refrain from any further mailings to the recipient, and have him removed from the sender's mailing list. If a violation occurs after 30 days following the issuance of the order, the Postmaster General may request the Attorney General to seek a court order for compliance. This section was upheld by the Court in *Rowan* v. *U.S. Post Office* (1670).

Finally, under 39 U.S.C. § 3010–11, anyone who does not wish to receive obscene ads may place his name on a list in the post office, whether or not he has already received such material. This list is available at cost to all mailers, and after a person has been on the list for 30 days, mailers are prohibited from sending material to these individuals.

In view of the above, one might well ask, "with all these existing laws, why is there still a problem with obscene mail?" The answer, in my opinion, is due mainly to two circumstances. First, the difficulty in getting materials to pass a judicial "test" of what is offensive. Federal judges must follow Supreme Court decisions as precedents. The practical effect of the Supreme Court rulings in pornography cases is that there is no such thing as pornography.

Second, the cumbersome process of Government suits is a slow one, and doesn't, in my opinion, provide an adequate deterrent for the smut merchants. Many of the companies purveying this trash are big-time operations, and will gamble on an occasional possible loss and fine if they should fail on an appeal to the Supreme Court.

In view of this situation, I believe that the bill I am introducing today offers a unique and effective method of dealing with obscene mail.

Specifically my bill allows, for the first time, an individual to not only take direct court action himself, but also to recover damages.

This action is civil, rather than criminal, and therefore includes a different definition of "obscene." As a matter of fact, it will be the individual himself, and ultimately a Federal jury, who will decide the fact of obscenity.

Mr. President, it is often difficult, if not impossible, for every citizen to avoid distasteful or offensive things in a public situation. I do believe, however, that we can—we must—assure every American that at least one bastion of personal liberty—his home—will be protected against the intrusion by offensive materials.

When the post office reports that over half a million people have asked to be placed on the "no smut" list within just a few months' time, I think it's high time we approach this problem by saying, "Let the sender beware."

As Chief Justice Burger stated in the *Rowan* opinion,

"Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that 'A man's home is his castle' into which 'not even the king may enter' has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another."

By Mr. BURDICK:

S. 2057. A bill to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, on June 21, 1973, the Supreme Court decided the case of Colgrove versus Battin in which a majority of the Court held that the Constitution does not require that juries in civil cases tried in the Federal courts must consist of 12 persons. Thus, the Supreme Court has finally extended a line of cases in recent years which have held that the term "jury" as used in the Constitution does not carry with it a connotation of 12 persons as a constitutional requisite.

Encouraged by some of the earlier decisions, a large number of Federal district courts adopted local rules of court which provided for the use of six-person juries in specified types of civil cases. For almost 2 years, the experimentation has continued and I am not aware that the use of six-person juries in civil cases has met with any significant criticism from the trial bar of this country.

Mr. President, it is interesting to note that in the Colgrove case, two members of the Court dissented on the grounds that the introduction of six-person juries by local rule was beyond the rulemaking power of local courts, especially in the light of the legislative history surrounding passage of the rulemaking Enabling Act of 1934. This is a view which has been expressed by many critics competent to comment on the question. In any event, now that this decision has removed the constitutional barrier, I believe that the Congress should pass appropriate legislation fixing the number of jurors in civil cases, but not criminal cases, at the number of six. The bill also preserves the principle of unanimity. The passage of such legislation by Congress would remove all controversy relative to the power of local courts to adopt varying legal practices and procedures in areas where Congress has previously stated that there should be uniformity in all 94 Federal district courts.

Mr. President, I send to the chair a bill introduced for appropriate reference to accomplish this purpose.

By Mr. WILLIAMS (for himself, Mr. BROOKE, Mr. STEVENSON, Mr. TOWER, and Mr. BENNETT):

S. 2058. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

SECURITIES TRANSACTION PROCESSING ACT

Mr. WILLIAMS. Mr. President, during the 92d Congress, the Senate unanimously passed a bill dealing with the regulation of the processing of securities transactions. Due to the late date on which the House took final action on similar legislation, our bill died and the securities industry was left for a further period of time with neither centralized direction for the development of an integrated national clearing system nor a clear policy commitment to the rationalization of the paper processing snafu associated with the stock certificate.

Today, together with the Senator from Massachusetts (Mr. BROOKE), the Senator from Illinois (Mr. STEVENSON), the Senator from Texas (Mr. TOWER), and the Senator from Utah (Mr. BENNETT), I am reintroducing a bill substantively similar to the bill passed by the Senate last year.

On Monday of this week, the Senate passed S. 470, a bill dealing with commission rates on national securities exchanges and the membership of financial institutions on those exchanges. That bill represents the first legislative step toward reestablishing the securities industry on a sound economic basis. It is also the first bill arising from the securities industry study conducted by my Subcommittee on Securities. We found in that study that until the commission rate schedule and the conditions for exchange membership were freed of their present artificial structure, there could be no reasonable expectation for the emergence of a truly competitive system of securities markets and of an industry composed of truly competitive securities firms able and willing to provide the securities investor—both large and small—with the services he needs and expects.

S. 470 is a major step toward the modernization of the securities industry. The next step must be to provide a fully coordinated nationwide transaction processing system so that the securities industry will be able to control its clearing and settlement costs. We must recognize that the elimination of fixed rates is only half of the equation for a sound economic base for the securities industry. The other half is the establishment of a central authority capable of bringing into line the many, disparate forces presently at war over whether there should be a national clearing system and, if so, of what sort. Without such an authority the securities industry is surely faced with continuing uncertainty and confusion—and an almost impossible cost control situation. In such a situation the securities investor is faced with excessive costs and a lack of safety in connection with his transactions.

The bill we are introducing today deals forcefully and directly with major problems affecting all persons—individual and institutional—who buy and sell securities. This is a bipartisan bill. It is in my mind, an item of must legislation in the course of our efforts to revitalize the securities industry.

Strong capital markets are essential to the continued growth of the national economy. Brokers and dealers support the proper functioning of the capital markets by maintaining a constant flow of debt and equity instruments and therefore play an integral role in assuring the continued health of the economy. Yet during the period 1968–72 the securities industry experienced serious and persistent financial and operational problems which forced over 100 broker-dealers into liquidation, caused incalculable inconvenience and financial loss to public customers and jeopardized the continued operation of the securities markets themselves.

A major contributing factor to the financial difficulties experienced by brokers and dealers in the late 1960's was the inability to process transactions expeditiously. In 1969 it became clear that the impact of the so-called paperwork problem went far beyond the walls of any one firm and severely depleted the working capital—and the net capital—of broker-dealers throughout the Nation.

In the midst of the financial and operational crisis, Congress enacted the Securities Investor Protection Act of 1970—Public Law No. 91-598—to help protect customers from the consequences of broker-dealer insolvency. In order to avoid future securities handling problems, however, the Congress and the Securities and Exchange Commission maintained a continuing interest in the operational side of the securities business.

The Securities Investor Protection Act of 1970 directed the Commission to compile a list of unsafe and unsound practices by brokers and dealers in conducting their business, to report to the Congress on corrective steps being taken under existing law, and to submit recommendations on additional legislation which might be needed to eliminate those unsafe and unsound practices. Pursuant to this mandate the Commission concluded in its unsafe and unsound practices report:

> That the serious operational problems experienced by the securities industry during the period under study, especially the industry's inability to accurately and promptly process customer transactions, evidenced a need for greater scrutiny and control by the Federal government.

Hearings during the 92d Congress made it clear that the solution of securities handling problems would require not only centralization of decisionmaking regarding clearing agencies and depositories in the SEC but that transfer agents and corporate issuers must be brought within the purview of a central unifying authority. In addition, we found that the bank regulatory agencies must play a major role in the development of a national clearing system.

The bill which passed the Senate last year, S. 3876, reflected these conclusions. The bill we are introducing today strengthens them. Broadly stated, the first purpose of the bill is to create a system of regulation and decisionmaking which extends to every facet of the securities handling process—corporate issuers, transfer agents, clearing agencies and depositories. Only by the creation of a central unifying authority in operational matters can paper handling problems be squarely addressed. In some areas the authority conferred upon the commission by the bill is very broad. In others the commisson shares the responsibility with the appropriate bank regulatory agency.

By amendment of the Securities Exchange Act of 1934—"the Act"—the bill would require "clearing agencies" to register with and report to the commission and would empower the commission to review the rules of such clearing agencies and to adopt rules governing their activities. The commission is the primary regulatory agency for all clearing agencies, but inspection and enforcement responsibilities are delegated to the Federal bank regulatory agencies for those clearing agencies which fall within their respective jurisdictions. Thus, inspection of clearing agencies and enforcement of compliance with this legislation is the responsibility of the "appropriate regulatory agency." The appropriate regulatory agency is the Comptroller of the Currency with respect to national banks and banks operating under the Code of Law for the District of Columbia, and their subsidiaries; the Board of Governors of the Federal Reserve System with respect to State member banks of the Federal Reserve System, bank holding companies, and their respective subsidiaries; the Federal Deposit Insurance Corporation with respect to banks insured by the FDIC—nonmembers of the Federal Reserve System—and their subsidiaries; and the commission in the case of all other clearing agencies.

The bill contains several provisions designed to assure cooperation among and avoid duplicate regulation by the several agencies which regulate and enforce compliance by clearing agencies.

The commission and the bank regulatory agencies must furnish one another with copies of reports concerning clearing agencies where appropriate and must notify each other of actions taken with regard to clearing agencies. The agencies charged with regulation, inspection and compliance of clearing agencies must consult with and request the views of each other before issuing a proposed rule for public comment or adopting such a rule. Nothing in the bill impairs the authority of any State banking authority or of any other State or Federal regulatory authority which has jurisdiction over a person registered as a clearing agency to make or enforce rules governing such person if such rules are not inconsistent with the bill or any rules prescribed thereunder.

The bill would also amend the Act to require registration and reporting of transfer agents and would empower the commission to make rules and regulations applicable to transfer agents in the following areas: minimum standards for the performance of functions, measures and personnel for safe handling and custody of securities and funds, and operational compatibility of transfer agents with other facilities and participants in the securities handling process.

Another major purpose of this legislation is to initiate concrete steps toward ultimate elimination of the negotiable stock certificate as evidence of ownerships of securities. In all of our hearings on this subject it was clear that elimination of the stock certificate would significantly expedite the handling of securities transactions as well as provide some protection against loss or theft of securities.

Yet despite widespread agreement that the certificate can and should be eliminated, no firm plans have been made for this event and no timetable has been set. The bill directs the Commission, by the end of 1976, to take such steps as are within its power to bring about the elimination of the negotiable stock certificate as a means of settlement among brokers or dealers of transactions consummated on national securities exchanges or by means of instrumentalities of interstate commerce. This provision would in no way preclude individual shareholders from demanding and receiving certificates as proof of ownership of their shares. The bill also requires the Commission to report annually to Congress on its progress in eliminating the certificate as a means of settlement and its recommendations, if any, for further legislation to eliminate the certificate. I believe that the provisions of this legislation will require the securities industry and the regulatory and self-regulatory bodies to begin to do the planning needed for the eventual transition to a "certificateless society."

State-imposed stock transfer taxes have also acted as a deterrent to the development of a truly national system of clearance and settlement of securities transactions, when the only connection with the taxing state is the use of a national securities clearing agency. The bill would allow the development of an efficient national system of clearing and settling securities transactions while at the same time causing the least possible interference with State tax laws, by providing that the mere participation in a system of book entry delivery—a clearinghouse or a depository—should not alone make a transaction or securities taxable. Under this provision, States would otherwise be taxable without the coincidence of a book entry delivery in the taxing state.

The legislation which we are introducing today is designed to implement the recommendations of our committee's securities industry study regarding clearance and settlement, and to complete the legislative job we started last term. I would hope that, with the statutory tools to do the job and a mandate from Congress to proceed in a more aggressive fashion, the Securities and Exchange Commission will provide the leadership necessary to assure the investing public that it will not have to endure another "paperwork crisis."

Mr. President, I now ask unanimous consent that the full text of this proposed legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b) is amended by striking the word "and" immediately before the phrase "to impose requirements necessary to make such regulation and control reasonably complete and effective," and by adding the following immediately after that phrase: "and to provide for the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions,".

Sec. 2. Section 15A(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(k)(2)) is amended by inserting after clause (D) the following:

"(E) the time and method of making settlements, payments, and deliveries and of opening, maintaining, and closing accounts."

Sec. 3. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraphs:

"(22) The term 'clearing agency' means any person who acts as an intermediary in making payments or deliveries or both in connection with transactions in securities or who provides facilities (A) for comparison of data respecting the terms of settlement of securities transactions, (B) to reduce the number of settlements of securities transactions, or (C) for the allocation of securities settlement responsibilities. Such term also means any person who acts as a custodian of securities in connection with a system which permits securities so held to be transferred, loaned, or pledged without physical delivery of securities certificates, or which otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates. The term 'clearing agency' does not include (i) Federal Reserve Banks, Federal Home Loan Banks, Federal Land Banks, and (ii) banks, brokers, life insurance companies or their registered separate accounts, registered open end investment companies or unit investment trusts, building and loan, savings and loan, and homestead associations, and cooperative banks by reason of lending, fiduciary, correspondent, or safekeeping functions commonly performed by them on the date of enactment of this paragraph.

"(23) The term 'participant', when used with respect to a clearing agency means any person who uses a clearing agency or securities depository for the purpose of settling or comparing transactions in securities or making or receiving payment for or delivering, lending, or hypothecating of securities. Such term does not include a person whose only use of a clearing agency or securities depository is through another person.

"(24) The term 'transfer agent' means any person who engages on behalf of an issuer of securities, or on behalf of itself as an issuer, of securities in (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; (D) exchanging or converting such securities. The term 'transfer agent' does not include any person who performs such functions solely with respect to variable annuity contracts issued by insurance companies.

"(25) The term 'appropriate regulatory agency', when used with respect to a clearing agency or transfer agent required to be registered under this title, means:

"(A) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

"(B) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a nonbank subsidiary of a bank holding company;

"(C) the Federal Deposit Insurance Corporation in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) or a subsidiary thereof; and

"(D) the Commission in the case of all other transfer agents and clearing agencies. As used in this paragraph, the terms 'bank holding company' and 'subsidiary' have the meaning given them in section 2 of the Bank Holding Company Act of 1956, as amended.

"(26) The term 'rules of a clearing agency' means the clearing agency's constitution, articles of incorporation, bylaws, or rules or instruments corresponding to the foregoing, and its stated policies and practices relating to its organization, participation, rules of procedures, financial condition, methods of safekeeping, settling, hypothecating, lending and accounting for funds and securities, and similar matters."

Sec. 4. Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end thereto the following new paragraph:

"(6) No broker or dealer shall make use of the mails or of any means or instrumentality of interestate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors or for the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions to regulate the time and method of making settlements, payments, and deliveries and of opening, maintaining, and closing accounts. Nothing in this paragraph shall be construed (A) to affect the authority of the Board of Governors of the Federal Reserve System, pursuant to section 7 of this title, to prescribe rules and regulations for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, or (B) to authorize the Commission to prescribe such rules or regulations for such purpose."

Sec. 5. The Securities Exchange Act of 1934 is amended by inserting after section 17 (15 U.S.C. 78q) the following new section:

"PROCESSING OF SECURITIES TRANSACTION

"SEC. 17A. (a) (1) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a clearing agency with respect to any security (other than an exempted security) unless such person is registered under this section. The Commission, by rules and regulations or by order, upon its own motion, or upon application, may conditionally or unconditionally exempt any person, security, transaction or clearing agency, or any class or classes of persons, securities, transactions, or clearing agencies from any provision or provisions of this section or of any rule or regulation prescribed under this section if the Commission finds that the application of such provision or provisions to such person, security, transaction or clearing agency or class or classes of persons, securities, transactions or clearing agencies is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The Commission shall include in its annual reports to Congress required by section 23(b) of this title information concerning the number of requests for exemptions from this section received, the number granted, and the basis or bases upon which any exemptions were granted.

"(b) Any clearing agency may be registered for the purposes of this section by filing with the Commission a registration statement in such form as the Commission may prescribe containing the rules of the clearing agency and setting forth such other information and accompanied by such other documents as the Commission may, by rule, require.

"(c) An applicant shall not be registered as a clearing agency unless the Commission finds that—

"(1) such clearing agency is organized and operated so as to facilitate the prompt and accurate settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, to comply with the provisions of this title and the rules and regulations thereunder, and to carry out the purposes of this section;

"(2) the rules of the clearing agency provide that all (A) registered brokers or dealers or members of a national securities exchange, (B) other registered clearing agencies, (C) registered investment companies, (D) banks (as defined in section 2(a) (5) of the Investment Company Act of 1940), and (E) such other persons or classes of persons as the Commission may from time to time designate by rule as appropriate to the development of an integrated national system for the prompt and accurate processing and settlement of securities transactions are eligible to become participants in such clearing agency, subject only to such other rules of the clearing agency as are expressly permitted under this paragraph. The rules of the clearing agency may condition participation upon compliance with standards of operational capacity which the Commission has, by rule, found to be necessary to assure the prompt and accurate processing of securities transactions, and upon the deposit with the clearing agency of an amount or the posting of a bond with the clearing agency in an amount which bears a reasonable relationship to the value of positions maintained by and transactions processed for the participant; and such rules may deny participation to persons who have been expelled or suspended by a registered clearing agency during the period of such expulsion or suspension;

"(3) the rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the adoption of rules of the clearing agency and any amendment thereto, the selection of its officers and directors, and in all other phases of the administration of its affairs;

"(4) the rules of the clearing agency provide for the equitable allocation of dues, fees, and other charges among its participants;

"(5) the rules of the clearing agency do not impose any schedule of prices, or fix rates or charges, for services rendered by its participants;

"(6) the rules of the clearing agency are designed to promote the prompt and accurate processing and settlement of securities transactions, to provide safeguards for securities and funds which are in its custody, to foster cooperation and coordination with national securities exchanges, national securities associations, other clearing agencies, brokers, dealers, banks, registered investment companies, and with other persons engaged in the processing and settlement of securities transactions, and to protect investors and the public interest, and do not have the effect of unfairly discriminating in the admission of participants or among participants in the use of such clearing agency;

"(7) the rules of the clearing agency provide that its participants shall be appropriately disciplined for any violation of its rules by expulsion, suspension, fine, or censure; and

"(8) the rules of the clearing agency provide a fair and orderly procedure with respect to the disciplining of participants and the denial of participation to any person seeking participation therein. In any proceeding to determine whether a participant should be disciplined, such rules shall require that specific charges of any rule violation be brought; that such participant shall be notified of and be given an opportunity to defend against such charges; that a record shall be kept; and that a determination to take disciplinary action shall be supported by a statement setting forth—

"(A) any act or practice in which such participant may be found to have engaged, or any required act or practice which such participant may be found to have omitted;

"(B) the specific rule or rules of the clearing agency which any such act or practice, or omission to act, is deemed to violate; and

"(C) the penalty imposed and the reasons therefor. In any proceeding to determine whether a person shall be denied participation, such rules shall provide that the prospective participant shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial which are under consideration, that a record shall be kept, and that the determination to deny participation shall be supported by a statement setting forth the specific grounds on which the denial is based. Notwithstanding any other provision of this section, the rules of the clearing agency may provide for the temporary suspension of a participant, the prohibition of such participant's use of the clearing agency, and the closing of its accounts pending determination on the merits of any disciplinary proceeding if, in the opinion of the clearing agency, such suspension, prohibition on use and closing of accounts are necessary for the protection of the clearing agency or its participants, or for the protection of investors or to facilitate the orderly and continuous performance of the clearing agency's services. The rules of the clearing agency shall afford the participant an expedited hearing on the merits in the case of any temporary suspension.

"(d) The Commission shall, upon the filing of an application for registration pursuant to subsection (b), publish notice of the filing and afford interested persons a reasonable opportunity for comment. Within sixty days of such filing, the Commission shall:

"(1) by order grant such registration if the Commission finds that the requirements of this section are satisfied, or

"(2) institute an appropriate administrative action to determine whether the application should be denied. After notice of the grounds for denial under consideration and opportunity for hearing, the Commission shall by order grant such registration unless it finds that a requirement of this section is not satisfied, in which case the Commission shall by order deny such regisration. The Commission shall conclude administrative action and issue an order granting or denying the application within one hundred and eighty days of the filing of the application unless the Commission finds good cause to extend such period and publishes its reasons therefor.

"(e) A clearing agency registered under this section may, upon such terms and conditions as the Commission may deem necessary in the public interest, for the protection of investors, or to assure the prompt and accurate processing and settlement of securities transactions, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registrant or person for whom an application of registration is pending is no longer in existence or has ceased to do business in the capacity specified in the registration statement, the Commission shall by order cancel or deny the registration.

"(f) No clearing agency registered under this section shall, directly or indirectly, participate in the processing or settlement of any transaction in a security (other than an exempted security), or engage in any other activity as clearing agency in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors or to effectuate the purposes of this section with regard to minimum standards for the performance of functions, measures and personnel standards for safe handling and custody of securities and funds, operational compatibility of and cooperation by the clearing agency with other persons involved in the securities handling process, and the prompt and accurate processing and settlement of securities transactions.

"(g) (1) Each registered clearing agency shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed changes in, additions to, or amendments to the rules of the clearing agency accompanied by a summary statement of the basis and purpose for such proposed change, addition, or amendment. No such proposed change, addition, or amendment shall become effective except in accordance with the provisions of this subsection.

"(2) The Commission shall, upon the filing of a proposed change in, addition to, or amendment to the rules of a clearing agency, publish notice of such proposal together with the clearing agency's statement of basis and purpose, and shall afford interested persons a reasonable opportunity for comment on the proposed change, addition, or amendment. Within thirty days of such filing the Commission shall—

"(A) by order declare such change, addition, or amendment effective if the Commission finds that the rules of the clearing agency as so changed are not inconsistent with the requirements of this section relating to the registration of clearing agencies or with the purposes of this section and are not otherwise inconsistent with the public interest, or

"(B) institute appropriate administrative action to determine whether the proposed change, addition or amendment in whole or in part, should be disapproved. Within one hundred and twenty days of the filing of the change, addition or amendment the Commission shall conclude administrative action and shall, by order, declare such change, addition or amendment effective unless it finds that the rules of the clearing agency as so changed are inconsistent with the requirements of this section relating to the registration of clearing agencies or with the purposes of this section, or are otherwise inconsistent with the public interest, in which case the Commission shall by order disapprove such change, addition or amendment. If the Commission does not declare the change, addition or amendment to be effective or institute administrative action for its disapproval within thirty days of the date it is filed, the change, addition or amendment shall become effective on such thirtieth day with the same force and effect as though it had been declared effective by the Commission.

"(h) Each clearing agency shall at the time of filing a registration statement pursuant to subsection (b), a notice of withdrawal of its registration pursuant to subsection (e), or copies of any proposed changes in, additions to, or amendments to its rules pursuant to subsection (f), file copies of such documents with the appropriate regulatory agency.

"(i) If any registered clearing agency takes any disciplinary action against any participant therein, or denies admission to any person seeking participation therein, such action shall be subject to review by the appropriate regulatory agency, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the appropriate regulatory agency may determine. Application to the appropriate regulatory agency for review, or the institution of review by such agency on its own motion, shall not operate as a stay of such action, unless such agency otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

"(j) (1) In a proceeding to review disciplinary action taken by a registered clearing agency against a participant, after notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant—

"(A) if the appropriate regulatory agency finds that such participant has engaged in such acts or practices, or has omitted such acts, as the clearing agency has found him to have engaged in or to have omitted, and that such acts or practices, or omissions to act, are in violation of such rules of the clearing agency as have been designated in the determination of the clearing agency, it shall by order so declare and affirm the action taken by the clearing agency or, if appropriate modify the sanctions or penalties in accordance with paragraph (2) of this subsection, or

"(B) if the appropriate regulatory agency finds that the evidence does not warrant the finding required in clause (A), or if such agency determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the clearing agency or that such act is found to have been omitted is not required by such designated rule or rules, the appropriate regulatory agency shall by order set aside the action of the clearing agency.

"(2) The appropriate regulatory agency may, having due regard to the public interest, if it finds that any penalty imposed by a registered clearing agency upon a participant is excessive or oppressive, cancel, reduce, or require the remission of such penalty.

"(k) In any proceeding to review the denial of participation in a registered clearing agency, if the appropriate regulatory agency, after notice and opportunity for hearing and upon consideration of the record before the clearing agency, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, it shall by order dismiss the proceeding; In the absence of such a determination, the appropriate regulatory agency shall by order set aside the action of the clearing agency and require it to admit the applicant to participation therein.

"(1) The appropriate regulatory agency, after appropriate notice and opportunity for hearing, is authorized, by order, if such action appears to be necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of this section—

"(1) to suspend for a period not exceeding twelve months or revoke the registration of a registered clearing agency or impose limitations upon the activities, functions, or operations of such clearing agency, if the appropriate regulatory agency finds that such clearing agency has violated any provision of this title, or any rule or regulation thereunder, or has failed to enforce compliance with its own rules, or has engaged in any other activity tending to defeat the purposes of this section;

"(2) to suspend for a period not exceeding twelve months or expel from a registered clearing agency any participant therein, if the appropriate regulatory agency finds that such participant has violated any provision of this title or any rule or regulation thereunder or any rule of the clearing agency; and

"(3) to remove from office any officer or director of a registered clearing agency who, the appropriate regulatory agency finds, has willfully failed to enforce the rules of the clearing agency, or has willfully abused his authority.

"(m) If a proceeding under subsection (1)(1) of this section results in the suspension or revocation of the registration of a clearing agency, the appropriate regulatory agency may, upon notice to such clearing agency, apply to any court of competent jurisdiction specified in section 21(e) or 27 of this title for the appointment of a trustee. In such event, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of the clearing agency involved, and the books, records, and assets thereof, wherever located; and the court shall appoint the appropriate regulatory agency or a person designated by the appropriate regulatory agency as the trustee with the power to take possession and to continue to operate or to terminate the facilities of such clearing agency in an orderly manner, for the protection of participants and public investors, subject to such terms and conditions as the court may prescribe.

"(o) Each registered clearing agency shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and furnish such copies thereof and make such reports and supply such information and documents as the Commission by its rules and regulations may prescribe as necessary or appropriate to keep current or to supplement the registration statement and documents filed pursuant to subsection (b), to facilitate cooperation among clearing agencies and the prompt and accurate settlement of securities transactions, to assure the safekeeping of funds and securities held for the accounts of participants, or for the protection of investors or the public interest. The Commission shall promptly furnish to the appropriate regulatory agencies all reports which it receives from registered clearing agencies pursuant to this section. All accounts, correspondence, memorandums, papers, books, and other records of a clearing agency shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate in the public interest, for the protection of investors or to carry out the purposes of this section. The appropriate regulatory agency shall make a full and detailed report of any examination made of a registered clearing agency and shall promptly furnish to the Commission a copy of any such report.

"(p) The agencies enumerated in section 3(a)(25) of this title shall consult and cooperate with each other and shall advise one another promptly of the pendency or determination of any proceedings, of the promulgation of any rules, and of the entry of any order relating to a clearing agency, participant, class of clearing agencies, or class of participants. At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding clearing agencies, whether pursuant to this title or otherwise, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3(a)(25) toward the end that rules and regulations applicable to banks registered as clearing agencies may be, to the maximum extent practicable, in accord with both sound banking practices and a sound system for the prompt and accurate processing and settlement of securities transactions. Nothing in this section shall impair the authority of any State banking authority or other State or Federal regulatory authority having jurisdiction over a person registered as a clearing agency from making or enforcing rules governing such person which are not inconsistent with this section or any rules or regulations promulgated hereunder.

"(q) The Commission shall, on or before December 31, 1976, take such steps as are within its power to bring about elimination of the stock certificate as a means of settlement among brokers or dealers of transactions consummated on national securities exchanges or by means of the mails or other means or instrumentalities of interstate commerce. Commencing in 1973 and ending in 1976, the Commission shall report annually to the Congress (1) the steps it has taken and progress it has made toward elimination of the stock certificate as a means of settlement, and (2) its recommendations, if any, for further legislation to eliminate the stock certificate."

SEC. 6. The Securities Exchange Act of 1934 is further amended by inserting after section 17A (added by section 5 of this Act) the following new section:

"TRANSFER AGENTS

"SEC. 17B. (a) (1) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to any security unless such person is registered in accordance with this section. The Commission, by rules and regulations or by order, upon its own motion or upon application, may conditionally or unconditionally exempt any transfer agent or class of transfer agents or security or class of securities from any provision or provisions of this section or any rule or regulation prescribed under this section if the Commission finds that the application of such provision or provisions to such transfer agent or class of transfer agents or such security or class of securities is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The Commission shall include in its annual reports to Congress required by section 23(b) of this title information concerning the number of requests for exemptions from this section received, the number granted, and the basis or bases upon which the exemptions were granted.

"(3) The provisions of this section shall apply only to securities and to persons performing the function of transfer agent with respect to securities which are registered under section 12 of this title or which would be required to be so registered except for the exemption from registration provided in subsection (g) (2) (B) or (g) (2) (G) of that section. The provisions of this section shall not apply to variable annuity contracts issued by insurance companies.

"(b) Any transfer agent may be registered for the purposes of this section by filing with the appropriate regulatory agency a registration statement which shall state the address of its principal office or offices for transfer agent activities, the identity of the issuers and issues of securities for which it is then acting as transfer agent, and such other information in such detail as the appropriate regulatory agency may require as necessary or appropriate with regard to performance capability, standards and procedures for safe handling and custody of securities, and operational compatibility of the transfer agent's activities with those of other persons involved in the securities handling process. Each appropriate regulatory agency, other than the Commission, shall file with the Commission notice of the name of any transfer agent required to register with such agency under this section, the address of its principal office or offices for transfer agent activity, the identity of the issuers and issues of securities for which it is then acting as a transfer agent and such other information as the Commission may, by rule, require. Each appropriate regulatory agency shall also file with the Commission such additional information as the Commission may, by rule, require to keep current the information in such notice and to carry out its responsibilities under this section. Except as otherwise provided in subsection (d) of this section, a registration of a transfer agent filed under this subsection shall become effective thirty days after the receipt of the registration statement by the appropriate regulatory agency or within such shorter period of time as such agency may determine.

"(c) The appropriate regulatory agency shall, after appropriate notice and opportunity for hearing, by order, deny registration to any transfer agent seeking registration if it finds that such denial is in the public interest and that such transfer agent does not have procedures or the operational capabilities to be able to comply with the provisions and purposes of this section and the rules and regulations prescribed thereunder.

"(d) Pending final determination whether the registration of a transfer agent shall be denied, the appropriate regulatory agency may, by order, postpone the effective date of such registration for a period not to exceed ninety days, except that such agency may extend such period until final determination if it finds good cause for such extension and publishes its reasons therefor.

"(e) Any transfer agent registered under this section may, upon such terms and conditions as the appropriate regulatory agency may deem necessary in the public interest, for the protection of investors or to assure the prompt and accurate processing and settlement of securities transactions, withdraw from registration by filing a written notice of withdrawal with such agency. If such agency finds that any such transfer agent for whom a registration statement is pending is no longer in existence or has ceased to do business as a transfer agent, it shall by order cancel or deny the registration.

"(f) Each registered transfer agent shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and furnish such copies thereof and shall make such reports and file such information and documents with the appropriate regulatory agency, as such agency by rule or regulation may prescribe as necessary or appropriate to keep current or to supplement the registration statement and documents filed pursuant to subsection (b) and to carry out the purposes of this section. Such accounts, correspondence, memorandums, papers, books, and other records shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate to carry out the purposes of this section. Each appropriate regulatory agency shall make a report of all examinations conducted by it of any transfer agent and shall, upon request, furnish a copy of such report to any other regulatory agency with responsibilities under this section.

"(g) No transfer agent registered under this section shall, directly or indirectly, engage in any activity as transfer agent in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors or to effectuate the purposes of this section with regard to standards for the performance of transfer functions, measures and procedures for safe handling and custody of securities, and operational compatibility of transfer agents with other persons involved in the securities handling process.

"(h) The appropriate regulatory agencies shall consult and cooperate with each other and, as may be appropriate, with State banking authorities having supervision over banks acting as transfer agents so that the accounts, correspondence, memorandums, papers, books, records and other data required of banks acting as transfer agents, the rules and regulations applicable to them, and the inspections thereof, may be in accord with sound banking practices and fulfill mutual regulatory needs to the maximum extent practicable. Nothing in this section shall be construed to impair the authority of any State banking authority or of any other States or Federal regulatory authority which has jurisdiction over a person registered as a transfer agent from making or enforcing rules governing such person which are not inconsistent with this section or any rules promulgated hereunder.

"(i) Compliance with the requirements imposed by this section may be enforced under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) by the appropriate regulatory agencies other than the Commission. For the purpose of the exercise by the appropriate regulatory agency of its powers under section 8 of the Federal Deposit Insurance Act, a bank holding company and a nonbank subsidiary of a bank holding company, acting as a transfer agent, shall be considered a bank. Any violation of any requirement imposed under this section upon banks, bank holding companies, or nonbank subsidiaries of bank holding companies registered as transfer agents is a violation of the requirements imposed under the Federal Deposit Insurance Act and shall constitute adequate basis for the issuance of orders under section 8(b) and 8(c) of that Act. In addition to its power under section 8 of the Federal Deposit Insurance Act, each of such appropriate regulatory agencies may, for the purpose of enforcing compliance with this section or any rule thereunder, exercise any other authority conferred on it by law.

"(j) The Commission may, after appropriate notice and opportunity for hearing, by order, censure, bar, or place limitations upon any transfer agent for which it is the appropriate regulatory agency, or upon any partner, officer, director, or employee of any such transfer agent, or to suspend for a period not exceeding twelve months or revoke the registration of any such transfer agent, if the Commission finds that such censure, barring, placing of limitations, suspension, or revocation is in the public interest or necessary for the protection of investors and that such transfer agent or partner, officer, director, or employee thereof has willfully violated or is unable to comply with any provision of this section or any rule or regulation promulgated thereunder. All of the functions and powers of the Commission under this title are available to the Commission to enforce compliance by any person with the requirements imposed under this section. Except to the extent that enforcement of the requirements imposed under this section is specifically committed to another appropriate regulatory agency, the Commission shall have primary responsibility to enforce such requirements.

"(k) At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding transfer agents, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3(a) (25) concerning such rules toward the end that rules and regulations applicable to banks registered as transfer agents may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable."

SEC. 7. Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) is amended by inserting after subsection (i) the following new subsection:

"(j) It shall be unlawful for an issuer, any class of whose securities is registered under this section or which would be required to be so registered except for the exemption from registration provided by paragraph (2) (B) or (2) (G) of subsection (g), by the use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, any such securities in a form or with a format which contravenes such rules and regulations as the Commission may prescribe as necessary or appropriate for the prompt and accurate processing of transactions in securities."

SEC. 8. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by inserting after subsection (e) the following new subsection:

"(f) The Commission is authorized and directed to make a study and investigation of the practice of registration of securities other than in the name of the beneficial owner and to determine (1) whether such registration is consistent with the policies and purposes of this title, with particular reference to section 14, and (2) if consistent, whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of such registration. The Commission shall report to the Congress its preliminary findings within six months after the date of enactment of this subsection, and its final results and recommendations within one year of such date."

SEC. 9. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended by inserting after subsection (b) the following new subsection:

"(c) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered clearing agency or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or any nominee thereof or custodian therefor, unless such transfer or delivery or receipt would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered clearing agency or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision."

SEC. 10. This Act shall become effective on the date of its enactment, except that sections 17A(a) and 17B(a) of the Securities Exchange Act of 1934 (as added by this Act) shall become effective one hundred and eighty days after the date of enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 11

At the request of Mr. McClellan, the Senator from Arkansas (Mr. Fulbright), and the Senators from Oklahoma (Mr. Bellmon and Mr. Bartlett) were added as cosponsors of S. 11, a bill to grant the consent of the United States to the Arkansas River Basin compact.

S. 547

At the request of Mr. Williams, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 547, which allows broadcasting of information relating to State-run lottery programs via television and radio.

S. 867

At the request of Mr. Williams, the Senator from Oregon (Mr. Hatfield), and the Senator from Nevada (Mr. Cannon), were added as cosponsors of S. 867, to eliminate discrimination against women in extending credit.

S. 904

At the request of Mr. Williams, the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 904, the Truth in Food Labeling Act.

S. 1018

At the request of Mr. Tunney, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 1018, a bill to create a National Commission on the Olympic Games.

S. 1036

At the request of Mr. Muskie, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 1036, a bill to amend the Internal Revenue Code of 1954 with respect to legislative activity by certain types of exempt organizations.

S. 1137

At the request of Mr. Javits, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1137, a bill to provide for the public safety and to increase the deterrent potential of the Federal criminal law; by requiring the imposition of certain penalties for persons convicted of offenses involving the trafficking of narcotic drugs, to provide for an assessment of the effect of Federal sentencing provisions and practices generally and for other purposes.

S. 1327

At the request of Mr. Tunney, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 1327, a bill to require the labeling of electrical appliances with respect to their comparative efficiency in the use of electricity and to provide for the establishment of minimum standards of efficiency for such appliances.

S. 1604

At the request of Mr. Brock, the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bartlett), the Senator from Maryland (Mr. Beall), the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Florida (Mr. Gurney), the Senator from Rhode Island (Mr. Pastore), the Senator from Delaware (Mr. Roth), the Senator from Texas (Mr. Tower), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 1604, to prevent discrimination on the basis of sex in housing.

S. 1065

At the request of Mr. Brock, the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Church), the Senator from Louisiana (Mr. Long), the Senator from Rhode Island (Mr. Pastore), the Senator from Delaware (Mr. Roth), the Senator from Alaska (Mr. Stevens) and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 1605, to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

S. 1643

At the request of Mr. Javits, the Senator from Rhode Island (Mr. Pastore) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1643, a bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

S. 1644

At the request of Mr. Javits, the Senator from Rhode Island (Mr. Pastore) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1644, a bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace, and tranquillity are most impaired and threatened by the alarming rise in the commission of serious crime.

S. 1645

At the request of Mr. Javits, the Senator from Rhode Island (Mr. Pastore) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1645, a bill to provide assistance to State and local criminal justice departments and agencies in alleviating criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs, and for other purposes.

S. 1837

At the request of Mr. Williams, the Senator from Idaho (Mr. Church), and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 1837, to amend the Social Security Act, by removing arbitrary statutory limits on payments for skilled nursing homes.

S. 1949

At the request of Mr. Tunney, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 1949, a bill to expand the definition of "developmental disability" to include autism.

S. 1982

At the request of Mr. Tower, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1982, to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and to lower from 72 to 70 the age after which deductions on account of excess earnings are no longer made.

S. 1983

At the request of Mr. Williams, the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Nevada (Mr. Cannon), and the Senator from Rhode Island (Mr. Pastore) were added as cosponsors of S. 1983, the Endangered Species Conservation Act of 1973.

S. 2020

At the request of Mr. Proxmire, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 2020, a bill to require the administrator of the Social and Economic Statistics Administration to be subject to Senate confirmation.

S. 2029

At the request of Mr. Williams, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 2029, to provide assistance for Vietnamese children.

SENATE RESOLUTION 129—SUBMISSION OF A RESOLUTION RELATING TO THE KILLING OF POLAR BEARS

(Referred to the Committee on Foreign Relations.)

Mr. PELL. Mr. President, I send to the desk for appropriate reference a resolution calling upon the President to seek an international argeement with the U.S.S.R., Canada, Denmark, and Norway for an immediate moratorium of the killing of polar bears.

I believe that Soviet leader Brezhnev's visit makes this an appropriate time to introduce the resolution. It has been the Soviet Union which has taken the lead in banning the killing of the polar bear; all killing of the world's largest carnivore ceased on Russian soil in 1956 and the Soviets have urged others to follow their lead.

None of the other four countries involved has placed a ban on the killing despite the fact that the world-wide polar bear population is down to approximately 10,000 to 20,000—and decreasing, However, each country has placed some restrictions on the killing.

The United States has failed to put the polar bear on the Endangered Species List because of what officials describe as "technical complexities." However, the State of Alaska has banned further hunting of bear from airplanes, which will greatly reduce the American kill.

The specialized scientific group concerned with this matter, the Polar Bear Group of the International Union for the Conservation of Nature, has recommended a ban.

If the United States will join with the Soviets and the IUCN in calling for a moratorium, there is every chance that the remaining countries can be brought into the fold.

I ask at this point in the RECORD to have printed the text of the resolution, as well as the 1972 resolutions of the IUCN Group.

There being no objection, the resolution and material were ordered to be printed in the RECORD, as follows:

S. Res. 129

Resolved, That the President of the United States is authorized and requested to enter into negotiations with the Union of Soviet Socialist Republics, Canada, Denmark, Norway, and any other interested nations, with a view to obtain a treaty or other appropriate arrangement with such nations providing for an immediate moratorium on the killing of polar bears in the Arctic Sea, the Arctic circumpolar pack ice area, and their landed territory.

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES, 1110 MORGES, SWITZERLAND—RESOLUTIONS ADOPTED BY THE POLAR BEAR SPECIALIST GROUP, SURVIVAL SERVICE COMMISSION

(Third Biennial Meeting, Morges, Switzerland, February 7–10, 1972)

Representatives from Canada, Denmark, Norway, the Soviet Union and the United States who comprise the Polar Bear Specialist Group of the SSC, adopted the following Resolutions at the conclusion of their meeting in Morges. This was the third scientific meeting of the group, which first convened in 1968. Proceedings will be published this year as Supplementary paper No. 35, IUCN Publications New Series.

RESOLUTION 1—IMMEDIATE PROTECTIVE MEASURES

The IUCN Polar Bear Specialist Group

Recognizing that the polar bear is a significant resource of the Arctic region, the management of which has both national and international implications;

Knowing that the polar bear is of vital importance to the economic, social and cultural well-being of local peoples in the Arctic region;

Being aware that present polar bear numbers and population densities in most parts of the Arctic region are below the optimum level and that the species is under threat of disappearance in some areas;

Being convinced that the polar bear requires additional protection if the resource is to be conserved and populations permitted to build up to optimum levels;

Considering that effective management of this resource can be achieved only by a coordinated international effort;

Recommends to IUCN that it strongly urge all nations concerned;

(i) To take appropriate action to prohibit from 1973 onwards, hunting of polar bears on the high seas including the area of the circumpolar pack ice, except where such hunting is carried out as a continuation of the traditional rights of local people who depend on this resource; and

(ii) To protect, within their own territories, polar bear denning and feeding areas and to manage their own separate polar bear populations in consultation with other nations sharing these populations.

RESOLUTION 2—RESEARCH CO-OPERATION

The IUCN Polar Bear Specialist Group

Having reviewed the results of research concerned with elucidating the regional and circumpolar nature of the polar bear;

Recognizing the progress made, particularly in characterizing regional populations, estimating the numbers of bears in local areas, locating some areas of importance to denning and assessing the types and incidence of disease and parasites;

Being aware however, that, despite these advances in the understanding of polar bear populations and ecology, several problems of extreme importance remain unresolved;

Realizing in particular that fundamental knowledge about polar bear stocks ranging in the Chukchi Sea and the Beaufort Sea, which are of common interest to Canada, the USSR and the USA, is insufficient to provide a basis for effective conservation action;

Realizing also that the available information about polar bears ranging in the Barents Sea and the Greenland Sea, which are of common interest to Denmark, Norway and the USSR, is inadequate especially in regard to numbers, movements and place of origin;

Being convinced also that action must be taken to locate important denning areas, both on land and sea ice, to which these stocks of bears are related;

Recognizing that whilst elements of such investigations are of principal importance to one country and may accordingly be handled on a national basis, other elements are of international scope and demand international co-operation for resolution;

Recommends to IUCN that it request all nations concerned:

(i) to expand significantly scientific programmes for studying polar bear populations probably shared by two or more countries, particularly tagging and survey programmes in the Barents Sea and the Greenland Sea (Denmark, Norway and the USSR), and the Chukchi Sea (the USSR and the USA), and

(ii) to study denning areas and denning habits of polar bears in the North Atlantic (Denmark, Norway and the USSR) and on the coastal areas of the Chukchi and Beaufort Seas (Canada, the USSR and the USA).

RESOLUTION 3—RESEARCH CO-OPERATION

The IUCN Polar Bear Specialist Group

Recognizing the vital importance of the research on the polar bear being undertaken by Denmark and Norway in Greenland and in Svalbard to the development of effective management and conservation measures;

Knowing that these two countries may share polar bear populations with Canada and the USSR and that more information on these populations is required, especially data on migration, productivity and total numbers of bears;

Realizing the urgency of securing data on these important topics because of the rapid increase in development and exploitation of the Danish and Norwegian Arctic and the resulting impact on polar bear conservation and management;

Considering the already demonstrated advantages of a co-ordinated international effort in achieving better management and conservation of the polar bear throughout the Arctic;

Considering also the views expressed at the current meeting on the importance to Canada, the USSR and the USA of the Danish and Norwegian work in resolving conservation problems in the Arctic common to all five nations;

Recommends to IUCN that it strongly urges Denmark and Norway to take all possible action to continue and increase polar bear research, particularly that related to management and conservation, within their Arctic territories.

RESOLUTION 4—RINGED SEAL STUDIES

The IUCN Polar Bear Specialist Group

Recognizing that the ringed seal is the main food item of polar bears throughout their circumpolar range, and therefore that ringed seal productivity and availability is of direct importance to polar bear welfare;

Recognizing also that the protection of polar bear feeding grounds is as important to polar bear management as is the protection and preservation of discrete polar bear populations;

Realizing that the available data on ringed seal distribution and productivity are inadequate;

Recommends to IUCN that it request member nations to initiate and support studies and action programmes concerning the management and protection of ringed seals and the areas in which they congregate.

RESOLUTION 5—FORMAL INTERNATIONAL ACTION

The IUCN Polar Bear Specialist Group

Being convinced that an international convention will be required to provide a formal framework for co-operation between Arctic nations in regard to conservation of polar bears;

Welcoming the first draft of a Convention on Conservation of Polar Bears prepared by IUCN;

Having now enunciated general principles affecting the conservation of polar bears which should form the basis of such a convention;

Realizing the delays inevitably involved in concluding a convention;

Believing that international action is needed urgently to implement specific recommendations of the Group on management of polar bears;

Recommends to IUCN:

(i) That IUCN prepare a new draft of the proposed Convention based on the principles affecting polar bear conservation enunciated by the Group and circulate it to the Group for comment;

(ii) That IUCN prepare a draft protocol based on Recommendation 1 of the 3rd meeting of the Group and circulate it to the Group for comment;

(iii) That IUCN, after amending the draft protocol as required in the light of comments from the Group, invite all nations concerned to adhere formally to the protocol.

RESOLUTION 6—SPECIAL MEETING

The IUCN Polar Bear Specialist Group

Being informed of the various topics affecting the ecology and management of natural resources in the Arctic that will be discussed at the IUCN 11th General Assembly and associated technical meetings;

Considering the importance also of early follow-up on several aspects of international co-ordination of polar bear research and management arising from the current meeting of the Group:

Recommends to IUCN that it consider convening a special meeting of the Group at Banff on 8 September 1972 immediately before the other IUCN meetings at Banff.

SENATE RESOLUTION 130—SUBMISSION OF A RESOLUTION RELATING TO THE TRANSPORTATION OF PORNOGRAPHIC MATERIAL

(Referred to the Committee on Foreign Relations.)

Mr. GURNEY submitted the following resolution:

SENATE RESOLUTION 130

Resolved, That the Senate requests the President to seek an international agreement with the governments of other countries providing that any person responsible for knowingly sending pornographic material from one country which is a party to the agreement to another such country, and any person who knowingly so sends such material (including the transporter of the material), shall be—

(1) guilty of a criminal offense in the country from which, and in the country to which, such material is sent, to be punished in accordance with uniform criminal penalties agreed upon; and

(2) civilly liable to the person to whom such material is addressed, with the damages to be awarded such person including compensatory damages, a minimum monetary amount for punitive damages, his costs of the civil proceeding, and his reasonable attorneys' fees.

(Mr. GURNEY'S remarks in connection with this resolution are found under Statements on Introduced Bills and Joint Resolutions.)

SENATE RESOLUTION 131—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. CHILES, from the Committee on Government Operations, reported the following resolution:

SENATE RESOLUTION 131

Resolved, That Senate Resolution 46, 93d Congress, agreed to February 26, 1973, is amended as follows:

(1) In section 3, strike out "$1,830,328" and insert in lieu thereof "$1,920,000.00".

(2) In section 5, strike out "$10,000" and insert in lieu thereof "$25,000".

(3) Sections 8 and 9 of such resolution are redesignated as sections 9 and 10, respectively.

(4) Insert immediately below section 7 the following new section:

SEC. 8. From the date this resolution is agreed to through February 28, 1974, not to exceed $89,620.00 shall be available for a study or investigation of Government procurement practices (including a review of recommendations submitted to Congress by the Commission on Government Procurement), of which amount not to exceed $15,000 may be expended for the procurement of individual consultants or organizations thereof.

(5) In section 10, as redesignated by clause (3) of this resolution, strike out "$1,840,328" and insert in lieu thereof "$1,930,000.00".

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION EXTENSION

AMENDMENT NO. 248

(Ordered to be printed and to lie on the table.)

Mr. McCLELLAN. Mr. President, the authority for the Law Enforcement Assistance Administration—LEAA—will expire on June 30 of this year. If we do not want this vital program to come to an end, it is imperative that we take action before June 30.

The House, after extensive hearings and debate, has now completed its work on a comprehensive measure (H.R. 8152) to revise and to extend the LEAA program. The House-passed bill is a good bill, not perfect, but it seems to be a good compromise of competing interests. With some modifications, I feel that a majority of the Senate will want to support it.

The Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, has held 2 days of hearings on a number of LEAA related proposals. Testimony has been taken from the Attorney General, Members of the House and Senate, and representatives of the Governors, counties, mayors, and public interest groups. On June 19, the subcommittee also reported to full committee its own version of comprehensive legislation to revise and to extend the LEAA program. Wednesday, mindful of the time pressures we are now laboring under, I attempted to bring this measure up before the full Committee on the Judiciary. It appeared that a majority of the committee was apparently willing to report it out. Nevertheless, some members of the committee moved to postpone further consideration of the bill for 1 week, as the committee rules provide.

Mr. President, this 1 week delay will make it most difficult, if not impossible, for the Senate and House to work its will on this comprehensive legislation in time to save this program from expiration on June 30. It appears that we will now be forced to take up the House-passed measure directly on the Senate floor. And that is my intention as soon as the business on the calendar permits, probably Monday or Tuesday.

Mr. President, I am introducing with the Senator from Nebraska (Mr. HRUSKA), an amendment in the nature of a substitute to the House-passed bill, H.R. 8152. The amendment is, with only typographical changes, the bill which was reported by the subcommittee and which is now pending before the Senate Judiciary Committee.

My purpose in making these remarks is to give the Senate due notice that this amendment—the Senate bill—will be offered as a substitute, when the House bill is called up in the Senate.

Mr. President, I ask unanimous consent that the following appear in the RECORD at this point:

First. Exhibit No. 1—The text of the amendment (No. 248) in the nature of a substitute.

Second. Exhibit No. 2—Summary of the major features of the subcommittee amendment.

Third. Exhibit No. 3—Section by section analysis of subcommittee amendment.

Fourth. Exhibit No. 4—Summary of the major actions taken by the House.

Fifth. Exhibit No. 5—Excerpts from the subcommittee report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 248

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Crime Control Act of 1973."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended (42 U.S.C. 3701 et seq.), is struck in its entirety and the following is substituted in lieu thereof:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of Government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime. Any regional planning units within the State shall be comprised of a majority of local elected executive officials and shall include representatives of law enforcement and criminal justice agencies.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.

"Sec. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"Sec. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"PART C—LAW ENFORCEMENT REVENUE SHARING

"Sec. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

"(1) public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places;

"(2) the recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice;

"(3) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies;

"(4) constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence;

"(5) the organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

"(6) the organization, education, and training of regular law enforcement and criminal justice officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment;

"(7) the recruiting, organization, training, and education of community service officers to serve with and assist local and State law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanism; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety, and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency;

"(8) the establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities;

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders; and

"(10) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated, in the aggregate, by State or individual units of government, for the purposes of the shared funding of such programs or projects, or, where grant is made to a nonprofit organization, money contributed by such organization.

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.

"Sec. 302. Any State desiring to participate in the grant program under this part shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"Sec. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than on-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general type of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment.

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(11) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(12) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to evaluate programs and projects carried out under this title and to administer other provisions of this title;

"(13) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice; and

"(14) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date. Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"Sec. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"Sec. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title. Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph.

"The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"Sec. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"Sec. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval, within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 303(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"Part D—Training, Education, Research, Demonstration, and Special Grants

"Sec. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"Sec. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereinafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice and to disseminate the results of such efforts to State and local governments.

"(b) The Institute is authorized—

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness and various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

"(7) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national and international clearinghouse for the exchange of information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), and shall describe in such report the potential benefits of such activities to law enforcement and criminal justice and the results of the evaluation made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"Sec. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"Sec. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"Sec. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

"(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

Sec. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for tuition, books and fees, not exceeding $250 per academic quarter or $400 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a law enforcement and criminal justice agency program for the construction, acquisition, or two years follownig completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administrator may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding $65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"Sec. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

"Sec. 408. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"Part E—Grants for Correctional Institutions and Facilities

"Sec. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"Sec. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"Sec. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under Part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities including those of probation, parole, and rehabilitation;

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abusers; and

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"Sec. 454. The Administration shall after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned.

"Sec. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty percentum of the funds shall be available for grants to State planning agencies.

"(2) The remaining fifty per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government or where a subgrant is to a nonprofit organization, such organization shall provide the non-Federal share of funds. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"Part F—Administrative Provisions

"Sec. 501. The Administration is authorized after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"Sec. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General to any officer of the Department of Justice such functions as it deems appropriate.

"Sec. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"Sec. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"Sec. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"'(55) Administrator of Law Enforcement Assistance.'

"Sec. 506. Title 5, United States Code, is amended as follows:

"(a) Section 5315(90) is amended by deleting 'Associate Administrator of Law Enforcement Assistance (2)' and inserting in lieu thereof 'Deputy Administrator for Policy Development.'

"(b) Section 5316 is amended by adding at the end thereof 'Deputy Administrator for Administration.'

"(c) Section 5108(c)(10) is amended by deleting the word 'twenty' and inserting in lieu thereof the word 'twenty-four'.

"Sec. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"Sec. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the general purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals. The Administration is also authorzed to transfer funds to the Amercan Revolution Bicentennial Commission or any other Federal agency dealing with activities of the Bicentennial for planning or coordinating law enforcement efforts and other appropriate efforts related to Administration activities.

"Sec. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title; the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"Sec. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants except as hereinafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant, the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"Sec. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"Sec. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"Sec. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"Sec. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"Sec. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under or related to the purposes of this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

Funds appropriated for the purpose of this section may be expended by grant or contract as the Administration may determine to be appropriate.

"Sec. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551)

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"Sec. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"Sec. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

"(c)(1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (c)(1) or an applicable regluation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within a reasonable time after such notification the chief executive fails or refuses to secure compliance, the Administration is authorized:

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d(d));

"(C) to exercise the powers and functions provided in section 509 of this title; or

"(D) to take such other action as may be provided by law.

"(3) Whenever the Attnorey General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"Sec. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"Sec. 520. There is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1974; $1,250,000,000 for the fiscal year ending June 30, 1975; $1,500,000,000 for the fiscal year ending June 30, 1976; $1,750,000,000 for the fiscal year ending June 30, 1977; and $2,000,000,000 for the fiscal year ending June 30, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, nad such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"Sec. 522. Section 204(a) of the Demonstration Cities and Metroplitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities.'

"Sec. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units or general local government.

"Sec. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, or any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

"Sec. 525. The last two sentences of section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, are amended as follows: 'In addition, under such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Officer of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j) (3) or (j) (4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcement Assistance Administration that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.'

"Part G—Definitions

"Sec. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction of the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title: *Provided, however,* That such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience, shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b) (7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State. Goals, priorities, and standards must be established in the plan. The plan must address methods, organization, and operational performance; physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders; and institutional and noninstitutional rehabilitative measures.

"Part H—Criminal Penalties

"Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"Sec. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"Sec. 653. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"Part I—Attorney General's Annual Report of Federal Law Enforcement and Criminal Justice Activities

"Sec. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report of Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

Sec. 3. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 4. This Act shall become effective upon the date of enactment.

Exhibit No. 2

Summary—Major Features of the Subcommittee Amendments

1. *Present Law Retained*—The basic block grant concept established by the Omnibus Crime Control and Safe Streets Act is retained. Separate planning fund and supplemental corrections fund sources remain essentially the same. State plan approval by LEAA and matching fund requirements, although modified, are retained.

2. *Administration*—The two Associate Administrators are replaced with a Deputy Administrator for Policy Development and a Deputy for Administrative Management.

3. *Public Accountability*—Open meeting and records access provisions are added.

4. *State Planning Function*—The minimum planning allocation is increased to $200,000. Regional planning boards are required to be governed by a majority of local executive officials.

5. *Matching Requirements*—Soft match has been eliminated. Part B, C, and E are now all governed by a 10 percent cash requirement. Funds must be appropriated by governmental units or provided by non-profit organizations when the non-profit organization is a grantee. State buy-in provisions are retained for Part C and added to Parts B and E. A limited retroactive provision is included.

6. *Comprehensive Plan*—More specificity has been added to the definition of a "comprehensive plan." A maximum of 90 days is provided for LEAA approval or disapproval.

7. *Discretionary Program*—Authority to make direct grants to non-profit organizations is provided. All match has been specified to be 10 percent cash match. Authority to make grants to multi-State planning bodies (councils of government) is provided. Funding incentives for coordination are added.

8. *Law Enforcement Education Program.* Benefits for law enforcement students and interns have been increased. Another amendment provides that a recipient of these funds need not remain in the same law enforcement agency to retain eligibility for benefits.

9. *Correctional Program.* New requirements

have been added relating to narcotics treatment programs.

10. *Accountability*. The standard of State accountability has been upgraded and additional requirements for LEAA evaluation authority and responsibility are added.

11. *Civil Rights*. The provisions of Title VI of the Civil Rights Act are incorporated along with the optional remedies.

12. *Confidential Information*. Statistical and research information received for research purposes is governed by new confidentiality provisions.

13. *Criminal Penalties*. New language relating to criminal endeavors as well as completed acts has been added.

14. *Authorization*. A 5-year authorization is provided with provision for authorized funding from one billion dollars to two billion dollars over the 5-year period.

EXHIBIT NO. 3

SECTION-BY-SECTION ANALYSIS OF SUCOMMITTEE AMENDMENT

Section 2—Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended in its entirety as follows:

The Declarations and Purpose Clause has been amended to indicate that it is the purpose of this Act to reduce as well as prevent crime and juvenile delinquency. The words "criminal justice" have been added throughout to more accurately reflect the broader purposes of the program.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Section 101—Section 101 of Part A retains within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration. The positions of Associate Administrators are deleted. Two Deputy Administrators are provided to be appointed by the President, by and with the advice and consent of the Senate. One Deputy will assist the Administrator in the policy area and the second Deputy will be delegated administrative functions. Concurrence is not required for the Administrator to exercise any functions.

PART B—PLANNING GRANTS

Sections 201 and 202—Sections 201 and 202 which provide for the adoption of comprehensive plans, and authorizes a grant program, remains the same with the addition of the words "criminal justice" here and conformed throughout the Act, to more accurately reflect the broader purposes of the program.

Section 203(a)—Section 203(a) is amended to provide that any regional planning units within the State shall be comprised of a majority of local elected executive officials and shall include representatives of law enforcement agencies.

Subsection (d) is added to Section 203 to require planning units to hold open meetings when final action is taken on a State plan or application for funds. The subsection also requires that the planning agency provide for public access to non-confidential records.

Section 204—Section 204 has been amended to provide that a grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State or units of local government. The non-Federal funding of such expenses is now required to be of money appropriated in the aggregate with the State providing not less than one half of such funds required of units of local government. The grant to regional planning units, because of their lack of access to appropriated money, may be up to 100 per centum of the cost incurred in the planning process and the overall match requirement on the Part B grant is reduced accordingly.

Section 205—Section 205 is amended to increase the initial allocation to each State from $100,000 to $200,000. The remaining funds are thereafter allocated on a population basis.

PART C—LAW EFORCEMENT REVENUE SHARING

The title of Part C has been amended to read "Law Enforcement Revenue Sharing" to more acurately reflect the basic concept of the block grant program.

Section 301(a)—Section 301(a) setting forth the purposes for which grants may be made, remain the same with the addition of the words "criminal justice" throughout.

Section 301(b)—Paragraph (10) is added to subsection (b) to authorize grants for interstate metropolitan area planning.

Section 301(c)—Section 301(c) changes the matching fund requirements from a combination of cash and in-kind match totaling 25% to a total 10% cash match appropriated on an aggregate basis by the city, county, State or non-profit organization recipient. The aggregate basis permits a recipient to meet the requirement by provision of 10% cash to any number of the total subgrants it receives in any year, so long as the Federal share of its grants does not exceed 90% of the total costs of the programs and projects undertaken.

Section 301(d)—Subsection (d) of section 301 regarding personnel compensation limitations remains the same.

Section 302—Section 302 has a technical amendment requiring the State planning agency to submit a comprehensive State plan *developed* rather than *formulated* pursuant to Part B.

Section 303—Section 303(a)(2) is amended to require that the State provide in the aggregate not less than one-half of the non-federal funding of programs and projects undertaken by units of general local government or combination of such units under paragraph (2) with the required Part C pass-through funds.

Three new paragraphs are added: paragraph (12) requires the maintenance and submission of reports as may be required to evaluate the programs and projects under this title and to administer other provisions of this title; paragraph (13) is added to provide funding incentives—the purpose of this provision is to eliminate fragmentation and duplication of functions which would more effectively be administered in a coordinated manner; paragraph (14) has been added to provide applicants for subgrants with a fixed period of 90 days in which to get a response to an application for funds. It also provides that the basis for disapproval be set forth when a denial is made.

Section 304 and Section 305—Section 304 and section 305 remain the same.

Section 306—Section 306(a)(2) is amended to permit nonprofit organizations to be eligible direct recipients of discretionary grant awards and to accord coordinated program effort funding incentives.

Section 307—Section 307 contains a technical amendment, deleting subsection (b) since no longer applicable.

Section 308—Section 308 is new. This section has been added to require that each State plan be either approved or disapproved by the Administration no later than 90 days after submission. Where a plan is disapproved, there must be an explanation either as to how the plan failed to comply with the provisions of section 303(b) or what supporting material is necessary for the Administration to evaluate such plan.

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION AND SPECIAL GRANTS

Section 401—Section 401 states the purpose of this part.

Section 402—Section 402(a) is amended to provide for a Director of the Institute appointed by the Administrator. In addition, the purpose of the Institute has been expanded to encompass the dissemination of data on the efforts of State and local governments to improve and strengthen law enforcement and criminal justice.

A new subparagraph (c) has been added which authorizes the Institute to serve as a national and international clearinghouse for the exchange of law enforcement and criminal justice information.

The Institute is required, where possible, to evaluate various programs and projects carried out under this title and report annually to the President, Congress and State planning agencies concerning activities undertaken pursuant to paragraphs (1), (2), (3), (5) and (6) of subsection (b).

Section 403 and Section 404—Section 403 and section 404 remain the same.

Section 405—Section 405 remains the same.

Section 406—Section 406 remains the same with the exception that the loan payments have been increased under subsection (b) to $2,200 from $1,800; in subsection (c) assistance has been increased from $200 to $250, and from $300 to $400; in subsection (f) internship grants from $50 to $65. In addition, subsection (c) is amended to provide that a recipient of funds under this provision must remain in the law enforcement and criminal justice system, rather than the same agency to retain eligibility for the benefits.

Section 407 and Section 408—Section 407 and section 408 remain the same.

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

Section 451 and Section 452—Sections 451 and 452 providing for grants for the improvement of correctional programs and practices remain the same.

Section 453—Section 453 has been amended by adding a new paragraph (9) to require that the plan provide for the development and operation of narcotic treatment programs in appropriate correctional institutions and in connection with probation or other supervisory release programs for all those incarcerated or on parole who are drug addicts or drug abusers.

Former paragraph (9) has been renumbered paragraph (10).

Section 454—Section 454 has been amended to provide that the Administration issue guidelines for drug treatment programs.

Section 455—Section 455 has been amended to allow up to 90 per centum federal funding of programs and projects under this part. The non-federal funding must be money appropriated in the aggregate by the State or units of general local government. The term "aggregate" applies to the total of all subgrants to a recipient. Where a subgrant is to a nonprofit organization, such an organization shall provide the non-federal share of funds.

PART F—ADMINISTRATIVE PROVISIONS

Section 501, 502, 503 and 504—are retained as in the present Act.

Section 505—remains the same.

Section 506—Section 506 amends title 5, United States Code to (1) delete the positions of Associate Administrators; (2) add two Deputy Administrators (one at the executive level 4 and one at the executive level 5); and (3) increase the number of GS-16, 17 and 18 grade levels allotted to the Administration from twenty to twenty-four.

Section 507—Section 507 remains the same.

Section 508—Section 508 is amended to provide authority to the Administration to transfer funds or otherwise provide for planning or coordinated law enforcement efforts for activities of the American Revolution Bicentennial Commission.

Section 509 through Section 511—are retained as in the present Act.

Section 512—Section 512 authorizes the continuation of the program through FY 1978.

Section 513 and 514 are retained as in the present Act.

Section 515—Section 515 remains the same with the exception that the authority to collect, evaluate and transfer law enforcement information of an international origin is specified.

Section 516 and Section 517 are retained as in the present Act.

Section 518—Section 518 is amended to add a new subsection (c) which provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. Paragraph (2) and (3) of subsection (c) sets forth the actions that may be taken by the Administration and the Attorney General upon a failure to comply with subsection (c)(1).

Section 519—Section 519 is amended by deleting subsection (b) since the Administration has submitted the legislation requested in this subsection.

Section 520—Section 520 is amended to authorize appropriations through FY 1978. Insofar as Part E is concerned, an amount not less than 20 per centum of the amount allocated for the purposes of part C shall be allocated for the purposes of part E.

Section 521 and Section 522 remain the same.

Section 523—Section 523 provides for a retroactive application of the new hard match requirements to programs and projects in State plans funded prior to FY '74 but not yet obligated by the State to State or local subgrantees. The provision applies to Parts B and E funds as well as Part C funds. It is specified so that competitive fund sources will not be available during the initial stages of the new matching requirements.

Section 524—Section 524 provides for the confidentiality of statistical and research information collected under Administration programs and for civil sanctions to enforce such confidentiality.

Section 525—Section 525 amends section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, to provide authority to donate federal surplus property to a State agency to use for law enforcement purposes.

PART G—DEFINITIONS

Section 601—The definitions in section 601 remain the same except for the following changes: Subsection (a) specifies prosecutorial and defender services to those agencies considered as law enforcement and criminal justice-related agencies; subsection (m) is added which defines the term "comprehensive" as it applies to a State plan.

PART H—CRIMINAL PENALTIES

Section 651—Section 651 is amended to provide a higher standard of care in handling Administration funds. The amendment provides penalties for those endeavoring to embezzle, willfully misapply, steal, or obtain by fraud, any funds, assets or property which are subject of a grant or contract or other form of assistance under this Act. This has been added to strengthen this provision in order to cover those who may not have totally completed the conversion of such funds or property to their use or gain or those who may have received said funds or property knowingly.

Section 652 and Section 653 remain the same.

PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

Section 670 remains the same.

EXHIBIT No. 4

H.R. 8152—SUMMARY OF ACTIONS TAKEN BY HOUSE AND DIFFERENCE WITH SUBCOMMITTEE AMENDMENT

A. House Bill amendments to LEAA program.

1. Miscellaneous language changes adding "criminal justice" to the bill's law enforcement definition and a number of other minor additions (such as, the "reduction of crime and juvenile delinquency," addition of "community-based" and "rehabilitation" terminology where appropriate.

2. The House Bill replaced the Associate Administrators with one Deputy.

3. Open meetings and record access provisions. (See Sec. 203(d)).

4. New hard match provisions and no match provisions for regional units receiving planning grants. (See sec. 204.)

5. Increased Part B planning fund minimum allocation to $200,000. (See Sec. 205.)

6. Added 90–10 hard match aggregate requirements. (See Sec. 301(c).)

7. Included 50% State buy-in requirements. (See sec. 303(a)(2).)

8. Included accounting up-grading language; and other changes related to data and reporting, funding incentives, and a limited subgrant review cycle. (See Sec. 303(a) (11 thru 14).)

9. Included new "comprehensive" requirements specifying a "determined effort" to improve the quality of law enforcement and an emphasis on establishment of statewide improvement priorities as elements necessary to approval of a State plan by LEAA. (See Sec. 303 (b) and (c).)

10. Included direct discretionary grant authority for nonprofit organizations. See Sec. 306(a)(2).)

11. Included 90–10 cash match for discretionary grants. (See Sec. 306(a)(2).)

12. Included funding incentives for "coordination" efforts in the discretionary program. (See Sec. 306(a)(2).)

13. Included a requirement for administration approval of State plans within *60 days*. (See Sec. 308).

14. Included a specification for a "Director" of the Institute. (See Sec. 402(a).)

15. Amended Institute purpose statement to include the dissemination of research data to State and local governments. (See Sec. 402(a).)

16. Expanded Administration report and evaluation authority and responsibility. (See Sec. 402(c).)

17. Increased benefits for LEEP and internship recipients to take into account cost of living increases. (See Sec. 406(b) (c) (f). (Kennedy internship amendments of 1970).)

(18. Added Part E criteria related to narcotics treatment programs (as part of the overall State correctional effort) and guideline authority on the same. (See Sec. 453(9) and 454.)

19. Included hard match for Part E but provided for additional authority to permit nonprofit organization funds to be used when a nonprofit organization is the grantee. (See Sec. 455(a)(2).)

20. Adopted in general the civil rights language. (See Sec. 518(c).)

21. Adopted retroactive hard match provision but incorporated technical change to reflect current practice related to obligation of funds, i.e., clarified that the provision would not apply to the mid-point of an ongoing project. (See Sec. 523.)

22. Included confidentiality requirements of statistical and research information received by LEAA for research purposes. (See Sec. 524.)

23. Adopted a definition of the term "comprehensive." (See Sec. 601(m).)

24. Adopted new criminal penalties language. (See Sec. 651.)

B. The following differences include items contrary or substantially differing from the House bill provisions and includes other changes to existing legislation:

1. 5 year authorization. (See Secs. 512 and 520.)

2. Part C has been designated Law Enforcement Revenue Sharing.

3. Two deputies have replaced the two Associates. Levels have been reset to:

(i) Deputy Administrator for Policy Development—Level 4

(ii) Deputy Administrator for Administration—Level 5 (See Secs. 101 and 506.)

4. State Supervisory composition remains the same while a majority of *elected officials* is required for regional boards. (See Sec. 203(a).)

5. For State subgrants to nonprofit organizations, nonprofit organization cash is good hard match. (See Sec. 301(c) for Part C and Sec. 455(a)(a) for Part E.)

6. The retroactive match provision is technically changed to reflect that prior *State* awarded funds will not be subject to two different match rules. (See Sec. 523.)

7. International activity authority has been added for information and research purposes. (See Sec. 402 and 515).

8. Donation of surplus Federal property authority has been added. (See Sec. 525).

9. Bicentennial funding and staffing authority has been added. (See Sec. 508).

10. Four supergrades have been added. (See Sec. 505).

11. Appropriation authorization is set forth going from $1 billion dollars in 1974 in increments to $2 billion in 1978.

12. The expanded Institute training function has not been adopted per the House version and the FBI and 407 (grant supported regional law enforcement training) training authority has been retained.

13. An amendment authorizing grants for bi-state metropolitan planning units has been added. (See Sec. 301(b)(10). (Mathias Amendment)

14. An amendment allowing a LEEP recipient to be employed anywhere in the criminal justice system rather than by the same agency for a two year period (Taft amendment) (See Sec. 406(c)).

EXHIBIT No. 5

EXCEPTS FROM SUBCOMMITTEE REPORT

PURPOSE

The purpose of S. 1234, as amended is to make a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351; 42 U.S.C. 3701 *et seq.*) that established the federal Law Enforcement Assistance Administration (LEAA) and authorized it to provide financial and technical assistance to the States and local governments for improved methods of law enforcement and crime control. Most importantly, the bill would authorize appropriations for LEAA for the next five fiscal years, modify the administrative management of LEAA, and make numerous changes in the Safe Streets Act designed to address deficiencies that have in the past hampered LEAA's responsiveness to the needs of the States and cities.

GENERAL STATEMENT

LEAA's initial 5-year authorization expires on June 30, 1973. Numerous legislative proposals have been introduced to extend the program. On June 5 and 6 of this year, the Subcommittee on Criminal Laws and Procedures held hearings on a number of such proposals. During the hearings, the subcommittee received testimony from the Attorney General, Members of Congress, Mayors, State directors of the LEAA program, and representatives of the National League of Cities/United States Conference of Mayors, the National Association of Counties, the Lawyers' Committee for Civil Rights Under Law, the National Association of Regional Councils and the National Association of Urban Criminal Justice Planning Directors.

Points of view expressed during the hearings ranged from the testimony of the Attorney General in support of the Administration's special law enforcement revenue sharing proposal, which would largely convert LEAA funding into an annual population-based "no strings attached" grant to each State with greatly reduced federal direction and control, to testimony of Members of Congress and others in support of various proposals to modify the State-oriented block grant program by providing for direct categorical or block grants to the larger cities based upon population and crime statistics.

After carefully studying all of the bills and considering the testimony received, the Committee has rejected all proposals for major changes in the LEAA program. In this regard, the Committee agrees with the conclusions reached by the Judiciary Committee of the House of Representatives, which, after extensive hearings, favoraby reported a bill (H.R. 8152) which retains the basic structure and authority of LEAA, as set forth in the 1968 Act, with a number of changes designed to streamline the existing block grant funding mechanism and to emphasize LEAA's responsibility for administering the program and for assisting the States in comprehensive planning. The substitute bill incorporates most of the provisions of H.R. 8152.

The amendments to existing law are discussed in detail in the section-by-section analysis later in this report. The Committee believes it appropriate, however, to discuss at this point several of the more important amendments and the Committee's reasons for its decisions concerning them.

LEAA management

The bill eliminates entirely the unwieldly "troika" system of LEAA administration and replaces it with a single Administrator and two Deputy Administrators appointed by the President with the advice and consent of the Senate. All policy and administrative authority is vested in the Administrator, a change that the Committee feels will enhance the operational and management efficiency of LEAA. Both S. 1234 as introduced and H.R. 8152 provided for the abolition of the troika and substitution of an Administrator and a single Deputy Administrator. The Committee has provided for two Deputy Administrators in anticipation that one deputy may be delegated administrative responsibilities and the other may assist the Administrator in policy matters.

Scope of the LEAA program

The Committee has adopted a series of changes included in H.R. 8152 designed to emphasize the intention of Congress that monies expended under the Safe Streets Act address all aspects of the criminal justice system—not merely police, and not merely the purchase of police hardware. To clarify this matter, the bill adds the words "and criminal justice" after the words "law enforcement" wherever they appear throughout the LEAA statute. In this regard, the bill broadens the definition of "law enforcement and criminal justice" expressly to include prosecutorial and defender services, broadens the definition of the term "comprehensive" as it relates to State plans and amends the Act's statement of purpose to include the purpose of rehabilitating criminals as well as detecting and apprehending them.

State plan approval

As noted, the Committee rejected proposals to delete the authority and responsibility of LEAA for assisting and supervising the State in comprehensive planning. In fact, LEEA is made more, not less, accountable in this regard.

Annual approval of State plans as a condition precedent to funding is retained, with the additional provision that a plan not be approved unless LEAA finds therein a "determined effort" to improve the quality of law enforcement and criminal justice throughout the State. This provision, together with the broadened definition of "comprehensive" as it relates to plan submismisions, is intended to stress the requirement that a State plan should do more than merely provide for a wide geographic or institutional distribution of funds within a State and avoid transgression of any provision of the Act or LEAA's regulations. It should be a balanced and integrated effort to address all of the particular needs of the State, including specifically the needs of the court system and correctional system as well as those of the police.

The Committee also expects a "determined effort" by LEAA to implement this increased standard of law enforcement and criminal justice planning. In the Committee's opinion, LEAA has in the past not fully exercised the leverage provided to it by the plan approval authority to induce the State to improve the quality of planning for crime control programs. This is especially regrettable, since the plan approval function is in a real sense the keystone of the Act. Some States are meeting high standards in the implementation of LEAA programs, but all too many are not. The Committee hopes that the additional authority and emphasis provided by these amendments will enable and require LEAA to enforce high standards in all of the States.

To streamline the approval process, the bill mandates LEAA to perform its approval or disapproval function within 90 days after receipt of the State plan, thus assuring both an adequate time for meaningful consideration and a prompt flow of funds to the States. Similarly, the bill directs the States to establish procedures to assure that all fund applications by localities to State planning agencies be approved or disapproved within 90 days, thus expediting the flow of money from the State to its units of local government. These provisions are similar to provisions of S. 1497, introduced by Senator Tunney.

Needs of the cities

The Committee rejected proposals to authorize revenue sharing payments or categorical grants directly to cities pursuant to a distribution formula based in part on crime statistics. Although there can be no doubt that the cities, particularly the large cities, bear a disproportionately large share of the crime problem, the Committee is of the view that the existing block grant structure, with its pass-through requirement and its emphasis on high crime areas, has delivered an appropriate share of funds to the large cities. Statistics provided during the hearings[1] indicated that during the fiscal years 1969–1972, the States allocated almost 65 percent of all local funds to high crime urban areas. These areas contain about 49 percent of the nation's population and about 70 percent of reported serious crimes. Significantly, in fiscal 1972 the States allocated over 71 percent of local funds to these high crime areas. Thus, under the present LEAA funding structure the large cities are now receiving a greater proportion of funds than they would be entitled to on the basis of either population or crime statistics and, signficantly, a substantially greater share than they would be entitled to under the formulas included in the legislative proposals for direct large-city grants.

The Committee does not share the view that direct grants are necessary to speed up the flow and to eliminate State bureaucracies that work to the disadvantage of the cities. Again, the only statistics made available to the Committee during the hearings simply do not support these contentions. These statistics show that the State planning agencies have been awarding funds to local subgrantees in a timely fashion and that the fund flow or "pipeline" problem is actually a reflection of the inability of local units to expend the money on subgrant projects in a timely fashion. For example, as of December 31, 1972, the State planning agencies had awarded to subgrantees 95% of fiscal year 1971 funds and 68% of fiscal year 1972 funds. However, their subgrantees, mostly local governments, had actually withdrawn for expenditure only 64% of fiscal year 1971 funds and 20% of fiscal 1972 funds.[2]

On the second point, the contention that State planning bureaucracies generally disfavor local units, the Committee notes that, on a national average, 60% of the members of State Planning Agency supervisory boards are local government representatives.[3]

Other provisions of the bill help to assure a continued flow of adequate assistance to the large cities. The present Act requires that 40 percent of a State's planning funds be passed through to units of local government, and a Committee amendment increases the minimum planning funds to each State from $100,000 to $200,000. The Act provides that before a State plan can be approved, it must assure an allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Other Committee amendments provide funding incentives for localities that coordinate law enforcement and criminal justice activities with other localities, even where such coordination is achieved over a bi-state region. Moreover, under the law, it is within the discretion of the State planning agencies to fund localities for a package of programs and projects as well as simply for single programs or projects on an individual basis.

Matching requirements

The cities also will benefit from various committee revisions in the Act's matching provisions. Except for construction projects, which remain at the 50 percent matching level provided in the present Act, all non-federal match is reduced from 25 percent of total project costs to 10 percent of project costs. This new 90–10 matching ratio will now apply to all grant programs that require match—Part B planning grants, Part C block grants, Part C discretionary grants and Part E grants for corrections improvements. The Committee bill requires that this 10 percent non-federal share of project costs be contributed in cash as opposed to donated services or other forms of "soft match." Elimination of non-cash match will, the Committee believes, do away with procedures that have encouraged imaginative bookkeeping by grant recipients and visited nightmarish monitoring problems upon LEAA.

Based upon the experience of the States and cities under the cash match provisions that were added to the Act in 1970 and which became effective in the present fiscal year, the Committee believes that the new cash match requirements will not impose undue hardships upon the States. As for the cities, the Committee amendments will considerably benefit them, since the State "buy-in" has been increased from 25 percent to 50 percent for Part C grants and from 0 to 50 percent for Part B grants. Thus, the States will now be required to contribute, in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs.

In the case of planning grants to regional planning units, the matching requirement has been eliminated entirely, thus authorizing 100 percent planning grants to such units. This is one of several changes in the law designed to encourage regional cooperation and planning. As noted above, LEAA will now be required to allocate discretionary funds in such a way as to provide incentives to such regional cooperative undertakings. In addition, the Committee has provided that the majority of the membership of regional planning units shall be elected local executive officials, thus increasing local participation and responsibility on such planning boards.

The Committee retained language providing that cash matches shall be appropriated in the aggregate, so that a governmental unit need show only that its total grants under the Act do not exceed 90 percent of the cost of programs and projects undertaken, rather than being required to demonstrate that there is a 10 percent match for each of its programs and projects. In view of the Committee's conclusion regarding the undesirability of requiring "soft match," the Committee also eliminated the soft match with regard to funds made available under parts B, C, and E prior to July 1, 1973 which have not been obligated (or were obligated and later de-obligated) by the States or units of general local government in making awards. Such funds may provide up to 90 percent of the cost of any program or project. It is expected that the Administration, however, will not provide in excess of 50 percent of the cost of any construction program or project funded under part C lest these non-obligated funds become more "desirable" than funds made available after July 1, 1973.

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[1] "State of the States on Crime and Justice," A Report by the National Conference of State Criminal Justice Planning Administrators, pp. 8, 46.

[2] *Id.*, pp. 32–33.

[3] "State of the States on Crime and Justice," A Report by the National Conference of State Criminal Justice Planning Administrators, p. 17.

The State "buy-in" provisions, with respect to funds passed through to units of general local government under Part B or C, are also written in the "aggregate." This means that a State is not obligated to buy into any specific program or project. Rather, a State may pick and choose which programs or projects and whose program or projects to assist, provided that the total of such assistance equals at least 50 percent of the total of all obligations with respect to the funds passed through. This flexibility is believed desirable so that each State may decide which units of general local government within the State are in greatest need and render assistance accordingly.

Personnel salaries

The Committee has retained the provision of the Act that limits the use of grant funds to pay the salaries of police and other regular law enforcement and criminal justice personnel. The Act provides that not more than one-third of any grant may be used to pay such salaries. The House Committee, in H.R. 8152, restricted the application of this provision to police officers' salaries only. This Committee believes that the limitation should apply to all regular law enforcement personnel to assure that LEAA funds will be used primarily for innovative and improved methods of crime control and law enforcement rather than to augment State and local salary outlays. Moreover, the meaning of the existing law is understood by LEAA and by the States and cities and should not, in the Committee's view, be clouded by language changes that will introduce a period of uncertainty while the provision is undergoing interpretation.

Private non-profit grantees

The bill provides that LEAA may make grants from its 15 percent discretionary funds to private non-profit organizations. Many important programs relating to law enforcement and criminal justice involve more than one State or locality or are national in scope. Such programs cannot be appropriately funded by a single State. Nonetheless, present law requires that LEAA grants be awarded to units of State and local government with the result that a State planning agency must be willing to accept the administrative burden of serving as the conduit for funding to non-profit organizations which are qualified to operate the multi-State programs. The addition of non-profit organizations to the list of those entities entitled to receive LEAA discretionary funds would eliminate the cumbersome administrative arrangement currently employed and relieve State planning agencies of the unwarranted burden of administering grants to non-profit organizations for programs which may have little direct relationship to the "host" State. The addition of non-profit organizations is intended to facilitate the funding of programs operated by organizations such as, but by no means limited to: The National District Attorneys Association, The National Association of Attorneys General, The American Bar Association, the YMCA and The Urban League. It is not the intention of the Committee that private "non-profit organization" in this context be construed to mean neighborhood, community patrol activities.

The National Institute

The National Institute of Law Enforcement and Criminal Justice is strengthened, and given a major new role in evaluating projects and acting as a clearinghouse to stimulate research and reform. In performing its evaluation function, the Institute will find it necessary to evaluate programs or projects on the basis of standards. The Committee believes that it will be useful in appropriate cases for the Institute to refer to recommendations of the National Advisory Commission on Criminal Justice Standards and Goals. The State plans themselves must assure that programs and projects funded under the Act maintain the data and information necessary to allow the Institute to perform meaningful evaluation.

The Committee has deleted an amendment contained in H.R. 8152 which would transfer to the Institute the present authority given to the FBI by section 404 of the Act to provide local and regional training programs for State and local law enforcement personnel. The National Advisory Commission on Criminal Justice Standards and Goals, in its *Report on Police*, indicated that "During FY 1972, the FBI's approximately 1,600 Special Agent instructors provided training assistance in 10,165 police training schools attended by over 300,000 State and local officers." If section 404 were amended as provided by H.R. 8152, there is serious question as to whether the FBI could continue to provide any of this assistance and an even greater question as to whether LEAA would be able to find the expertise to pick up this training burden. LEAA would be faced with two alternatives: (1) provide a considerably smaller training program than provided by the FBI because of the lack of available expertise; or (2) contract with the FBI to provide indirectly the level of service they provided directly under provisions of section 404 during FY 1972. Neither of these alternatives is desirable or necessary, in the Committee's view.

Miscellaneous

The Committee has made numerous changes to strengthen and improve existing LEAA programs and responsibilities. Part E, the special section added in 1970 to assure adequate attention to corrections programs, has been amended to require plans submitted by the States pursuant to the part to provide for the development and operation of narcotic treatment programs in correctional institutions, and to require LEAA to issue regulations to guide the States in this important area.

Also retained and strengthened is LEEP, the Law Enforcement Education Program. The Committee has raised the amount of funds that may be provided to LEEP students in order to keep pace with the cost of living. A similar increase has been authorized for the internship program added to the Act in 1970 by an amendment authorized by Senator Kennedy. The Committee added an amendment offered by Senator Taft to remove the requirement that a LEEP recipient must remain with the law enforcement agency where he was employed during his LEEP studies in order to earn cancellation of his LEEP debts. The amendment will permit a recipient to earn cancellation so long as he remains employed in law enforcement.

In addition, there are new requirements that all planning meetings be open to the public when final action is taken on State plans; that each plan must provide for "fund accounting, audit, monitoring, and evaluation procedures," to assure "fiscal control and proper management" of funds; and new provisions guaranteeing the privacy and confidentiality of research and statistical data gathered under the Act.

The Committee adopted an amendment offered by Senator Mathias in S. 1796 authorizing grants to interstate metropolitan regional planning units to enable such units to coordinate plans of State and local units concerned with planning for metropolitan areas that extend across State lines. The amendment permits such grants to be made from Part C funds in order to avoid diminishing Part B planning funds available to local units and interfering with the existing statutory formula for distribution of planning funds.

For the first time the Act itself contains provisions protecting civil rights. These provisions are substantially identical to those contained in the general revenue sharing act and in the various special revenue sharing proposals now under consideration. The Committee has retained section 518(b) of the Act which prohibits the imposition of a percentage ratio or quota system as a condition of LEAA funding. In general, these amended provisions clarify, but do not substantially change, the legal basis of the civil rights compliance obligations of LEAA.

Finally, the Committee has retained the sections providing criminal penalties for embezzlement, fraud and other fund misuses, and has added language punishing "endeavors" to commit any of these offenses. The use of the word "endeavor" instead of "attempt" is intended to codify the result reached in *Osborn* v. *U.S.*, 385 U.S. 323 (1966) and related cases to the effect that technical defenses (such as impossibility) that have diluted criminal attempt statutes are not applicable to statutes that proscribe endeavors to break the law.

Authorization

The bill would extend the life of LEAA for an additional 5 years and would authorize the appropriation of $1 billion for fiscal 1974, $1.25 billion for fiscal 1975, $1.5 billion for fiscal 1976, $1.75 billion for fiscal 1977 and $2 billion for fiscal 1978.

Mr. HRUSKA. Mr. President, I take this opportunity to make a brief statement regarding the necessity for a prompt consideration of the authorizing legislation for the Law Enforcement Assistance Administration.

In 1968, the Congress passed the Omnibus Crime Control and Safe Streets Act which by title I established the Law Enforcement Assistance Administration and authorized it to provide financial and technical assistance to the States and local governments for improved methods of law enforcement and crime control.

Two years later, the Congress again considered LEAA and in 1970 enacted a series of amendments to the 1968 legislation which were designed to improve LEAA's capabilities in supporting the initiatives of State and local government to reduce the incidence of crime in this country.

The value of this program to date must be recognized. Crime is still with us, of course, but we need to acknowledge the great strides forward that have been taken in the effort to combat lawlessness since LEAA was enacted.

Federal support of State and local crime control programs is having its desired effect. Tremendous progress is noted.

Since 1968, LEAA has provided the several States with a total of approximately $2.5 billion which in turn has been made available to all segments of the law enforcement community, including police courts and corrections, pursuant to comprehensive statewide planning strategies.

Each of the 55 States and territorial jurisdictions in the Nation now has an operative planning administration which facilitates a solution of the interdependent problems of the criminal justice process in America. These problems had been festering for decades, but until the advent of LEAA, a criminal justice planning capability simply did not exist in the United States.

LEAA has begun to turn criminal justice agencies toward mutual understanding and cooperation—not only through annual comprehensive plans assessing the needs of all components of the system, but, most importantly, through the exchange of local/State and police/court/corrections views on the State boards.

The latest FBI crime statistics indicate that inroads are being made on the crime problem.

For the first time since 1955—17 years—there was last year an actual downturn of crime in this country.

The number of serious crimes reported in the United States in 1972 was 3 percent less than in the year before.

Declines of from 2 to 7 percent were reported in 1972 for burglary, auto theft, larceny, and robbery.

In the six U.S. cities of a million or more population, the combined decrease for all crimes was 12 percent; in cities of 500,000 to 1 million, it was 7 percent; in cities of 100,000 to 500,000, it was 2 percent.

Of the 154 cities having 100,000 or more population 94 of them reported a decline in serious crime. This compares with decreases reported by 53 cities the year before, 22 cities in 1970, and only 17 cities in 1969.

Serious crime in our Nation's Capital declined last year by 27 percent—the steepest drop of any big city in the country.

On June 30 the current authorizing legislation for LEAA will expire. With approximately 1 week left on the calendar prior to the expiration date, it is essential that we move swiftly to guarantee continued support for the operations of LEAA.

Early this year, the House Judiciary Committee embarked upon an ambitious set of hearings to consider the fate of this program. This month, the House Committee completed action on a number of proposals and on June 18, the House passed H.R. 8152, which would provide a number of worthwhile changes to the statutory scheme governing LEAA. This bill is now pending on the Senate calendar.

By and large, the House-passed bill would not reject the basic provisions upon which LEAA currently operates.

On June 5 and 6 of this year the Subcommittee on Criminal Laws and Procedures conducted its hearings on this program and a series of related proposals. During the hearings, the subcommittee received testimony from the Attorney General, Members of Congress, mayors, State directors of the LEAA program and representatives of the National League of Cities/U.S. Conference of Mayors, the National Association of Counties, the Lawyers' Committee for Civil Rights Under Law, the National Association of Regional Councils, and the National Association of Urban Criminal Justice Planning Directors.

Points of view expressed during the hearings ranged from the testimony of the Attorney General in support of the administration's special law enforcement revenue sharing proposal (1234) which I introduced early in the current session, to testimony by Members of Congress and others in support of various proposals to modify the State-oriented bloc grant program by providing for direct categorical or bloc grants to the larger cities based upon population and crime statistics.

After carefully studying all of the bills and considering the testimony received the subcommittee on June 16 reported to the full Judiciary Committee a "clean" bill which in essence rejected all proposals for major changes in the LEAA program. In this regard, the subcommittee agreed with the conclusion reached by the Judiciary Committee in the House of Representatives which also suggested an approval of the basic structure and authority of LEAA but recommended a number of changes designed to streamline the existing bloc grant funding mechanism and emphasized LEAA's responsibility for administering the program and for assisting the States in comprehensive planning.

On June 20, the full Committee on the Judiciary met to consider the bill which was drafted by the Criminal Laws Subcommittee. At that meeting it appeared to this Senator that there was overwhelming support for the bill. However, it also appeared that it would be impossible to promptly report the bill to the Senate for consideration and action prior to the June 30 deadline.

Accordingly, this Senator believes that the Senate as a whole must proceed with haste to a consideration of the LEAA program.

The distinguished chairman of the Criminal Laws Subcommittee (Senator McClellan) and I have introduced today a proposed amendment to H.R. 8152 which incorporates the recommendations of the Criminal Laws Subcommittee. Thus, the Senate, as a whole, will have the opportunity to consider the work product of the Criminal Laws Subcommittee in addition to the House-passed measure as we move, hopefully, to guarantee the continued existence of LEAA.

AMENDMENT NO. 249

(Ordered to be printed and to lie on the table.)

JUVENILE JUSTICE AMENDMENT

Mr. BAYH. Mr. President, I ask unanimous consent that the text of an amendment which Senators Cook, Mathias, and I are submitting for printing and intend to offer to the bill extending the Law Enforcement Assistance Administration, and a copy of the letter concerning this amendment which we have sent today to our colleagues be printed in the Record at this point.

There being no objection, the letter and amendment were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 22, 1973.

Dear Colleague: Enclosed is an amendment we intend to offer to the bill extending Title I of the Omnibus Crime Control and Safe Streets Act which provides authorization for the Law Enforcement Assistance Administration (LEAA). We understand that this bill will probably be taken up early next week.

Our amendment requires a state to allocate 20% the first year, and 30% in any subsequent year, of the LEAA block grants it receives to a comprehensive program to improve juvenile justice. Our amendment does not require additional appropriations: it simply ensures that states will allocate crime control funds more nearly in proportion to the seriousness of the juvenile delinquency problem.

LEAA reports that on an average, 19% of the total block grant funds are already being allocated to juvenile delinquency programs. In light of the fact that juveniles account for half the crime problem in this country, we consider this amendment to be a minimal effort.

A "comprehensive program to improve juvenile justice" is broadly defined in our amendment to include programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and to improve all aspects of the juvenile justice system. Our amendment thus leaves maximum flexibility for states to determine their greatest needs with respect to juvenile delinquency programs and services. Our amendment would also provide a transitional year to allow the states to bring their juvenile justice programs up to an adequate level.

As members of the Judiciary Subcommittee on Juvenile Delinquency, we believe that juvenile delinquency is one of the most critical aspects of the crime problem facing our nation today. During the past decade, arrests of juveniles under 18 for violent crimes, such as murder, rape, and robbery, jumped 193%. Existing programs are plainly inadequate: recidivism among juvenile offenders is currently estimated to be at least 75%. Statistics confirm that today's juvenile delinquent is tomorrow's adult felon.

The minimal first step we can take in reversing this alarming trend is to put our crime control money to work on our biggest crime problem—juvenile delinquency.

We urge you to support our amendment. If you have any questions or wish to cosponsor our amendment, please contact one of us, or have a member of your staff call Mathea Falco, x-2951 (Senator Bayh), Ron Meredith, x-4343 (Senator Cook), or Quincy Rodgers, x-4654 (Senator Mathias).

Sincerely,
Birch Bayh,
Chairman.
Marlow W. Cook,
Ranking Minority Member.
Charles McC. Mathias,
Subcommittee Member.

AMENDMENT NO. 249

On page 11, line 24, after the period, insert the following:

"No State plan shall be approved as comprehensive, unless it includes a comprehensive program for the improvement of juvenile justice, as defined in part G, section 601(n), and provides that at least 20 per centum of Federal assistance granted to the State under parts C and E for the first fiscal year after enactment of this section be allocated to such comprehensive program for the improvement of juvenile justice, and that at least 30 per centum of Federal assistance granted to the State under parts C and E for any subsequent fiscal year be allocated to such comprehensive program for the improvement of juvenile justice."

On page 50, between lines 17 and 18, insert the following:

"(n) "a comprehensive program for the improvement of juvenile justice" means programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and improve the juvenile justice system, which includes, but is not limited to, the following:

"(1) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment, or rehabilitative service;

"(2) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home;

"(3) community-based programs to support, counsel, provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

"(4) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(g) of the Public Health Service (42 U.S.C. 201(g));

"(5) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations;

"(6) diagnostic facilities and services on a statewide, regional, or local basis;

"(7) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel, and community-oriented programs for the supervision of juvenile probationers and parolees; and

"(8) programs and services, including training of court and correctional personnel, to improve the administration of juvenile justice, and to protect the rights of juveniles."

CHANGE IN DATE OF FEDERAL ELECTIONS—AMENDMENT

AMENDMENT NO. 250

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, I submit for printing an amendment to S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections, and I ask unanimous consent that the amendment be printed in the RECORD at this point. This amendment passed the Senate as an amendment to the Bicentennial bill in the last session, but it never received action in the House.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 250

At the end of the bill add a new section as follows:

SEC. —. On every national election day, the closing time of the polling places in the several states for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 post meridian standard time in the eastern time zone; 10 post meridian standard time in the central time zone; 9 post meridian standard time in the mountain time zone; 8 post meridian standard time in the Pacific time zone; 7 post meridian standard time in the Yukon time zone; 6 post meridian standard time in the Alaska-Hawaii time zone; and 5 post meridian standard time in the Bering time zone. Provided, that the polling places in each of the states shall be open for at least twelve hours.

AMENDMENT NO. 256

(Ordered to be printed and to lie on the table.)

Mr. BELLMON. Mr. President, I am submitting an amendment to S. 343, the Federal elections bill, which will make it a Federal crime for election officials to publicly disclose the election returns for President, Vice President, and Members of Congress prior to midnight, eastern standard time, during Presidential election years.

The amendment will eliminate the possibility that early returns and predictions based on these returns from the eastern part of the United States will affect election results in areas where the polls have not closed. Many citizens are concerned because of the likelihood that the present practice of broadcasting returns influences the way many votes are cast, and discourages others from voting because of the belief that the outcome of the election has already been decided.

The net effect of this provision will be to prevent the public disclosure of election returns until midnight, eastern standard time; 11 p.m., central standard time; 10 p.m., mountain standard time; and 9 p.m., Pacific standard time at which time all polls in western States should be closed.

In my view, this proposal represents a much better approach to this problem than either directly regulating the broadcast industry or establishing a simultaneous closing time throughout the United States which raises the very practical problem of unfavorable voting hours in some States.

Mr. President, S. 343 represents the proper vehicle for this reform measure, and I firmly believe that it deserves serious consideration. I ask unanimous consent that the text of this amendment be printed in full in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 256

On page 5, between lines 18 and 19, insert the following new section:

SEC. 5. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Early disclosure of Federal election results in Presidential election years

"Whoever makes public any information with respect to the number of votes cast for any candidate for election to Federal office (or to the office of Presidential and Vice Presidential elector) in the general election held for the appointment of Presidential electors and the election of other Federal officers, prior to midnight, eastern standard time, on the first Tuesday in October on which such election is held shall be fined not more than $5,000, imprisoned for not more than one year, or both."

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611, and 614".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"614. Early disclosure of Federal election results in Presidential election years."

On page 5, line 19, strike "SEC. 5." and insert in lieu thereof "SEC. 6".

THE ALASKAN PIPELINE—AMENDMENT

AMENDMENT NO. 251

(Ordered to be printed and to lie on the table.)

TEMPORARY STUDY COMMISSION ON ENERGY FUELS INDUSTRIES

Mr. NELSON. Mr. President, I introduced an amendment to S. 1081, the Alaska pipeline bill. This amendment would establish a Temporary Study Commission on Energy Fuels Industries. The Commission would study the present market structure of the energy fuels industry—principally oil, gas and coal—to see how this structure may have contributed to our current energy problems.

In considering how the public interest might better be served, the Commission would examine alternative market arrangements over the full spectrum of options ranging from virtually no governmental restrictions on the industry to government ownership and control.

The study options would include:

Restructuring of the private ownership and operation of such industries to assure the fullest possible competition;

Continued private ownership and operation of America's energy resources, but with substantially increased government controls and regulations;

Applying the public utility concept to the industry where ownership would remain private, but earnings and price levels would be governmentally regulated;

Creating a public/private partnership where the Federal Government owns 51 percent of the enterprise and the private sector owns the remainder;

Public ownership and operation.

The Commission would be composed of 17 Members from Congress, the Executive Branch, the public, academia, industry, and labor appointed—variously—by the President, the President of the Senate, and the Speaker of the House of Representatives. No more than 10 could be of the same party.

I feel strongly that at a time when we are asked to pass on a major public policy issue like the Alaska pipeline involving a consortium of the major oil industry members it is entirely proper that we provide for a long overdue full and fair analysis of the market structure of this industry and how it might legislatively be made more responsive to the public's energy needs and economic welfare.

America today is faced with the threat of a full blown national energy crisis. While the duration and severity of the current gasoline and heating oil shortages are uncertain, it is dramatically clear that overall, this country is fast coming to the end of the age of unlimited, cheap energy.

The American energy squeeze is a product of fantastic, soaring levels of demand and ominously shrinking supplies. Our per capita electricity consumption has been doubling almost every 10 years. Our total U.S. automobile gasoline consumption was 24.3 billion gallons in 1950;

in 1970, it was 65.8 billion gallons; in the year 2000, it is estimated the figure will reach 120 billion gallons.

Meanwhile, our domestic supplies of readily available natural gas could be drained by 1988 at present consumption patterns and domestic oil reserves are under similar pressure. Only a 10 years' supply of uranium ore, the fuel for nuclear powerplants is available to the United States at current competitive prices, according to one estimate. As yet unresolved technological problems are making it difficult to easily tap the massive coal reserves that might help ease the energy crunch.

Energy is the life blood of our highly sophisticated technological-industrial society. Substantial shortages of energy would create chaos, if not cause the total collapse of the whole system.

Yet we have only partial answers or no answers to most of the important energy questions. We have inadequate knowledge and understanding of the whole energy complex; how it works; who makes the decisions; what are our immediately available supplies; what are our reserves; what is the status of our research; what are our future needs; where can we cut wastage and how much; what social, cultural, and life style changes are going to be forced upon us. In short, where are we, where are we going and who is in charge?

This amendment is directed to just one aspect of the energy complex. It is in this spirit of examining every important aspect of our energy affairs that I believe we must immediately launch a high priority, full-scale study of the role of the energy fuel industries and their market structure in our accelerating energy problems.

I do not prejudge the question of whether our energy fuels industries should be restructured, and if so, how? I am suggesting that it is a question too important to be left unstudied, unevaluated and unresolved. It will be the task of the Temporary Study Commission on Energy Fuels Industries proposed by this amendment to study the options, evaluate the problems and supply basic information for public and congressional consideration.

I ask unanimous consent that a more detailed explanation of the amendment be printed at this point in the RECORD along with the text of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 251

At the end of the bill, add the following new title:

TITLE III—MARKETING STRUCTURE OF ENERGY RESOURCES INDUSTRIES

SEC. 301. The Congress finds that a searching and comprehensive evaluation of the existing market structure of energy fuels industries, its relation to industry performance, and an assessment of the adequacy of that performance in terms of this society's goals is a matter of national importance. With our increasingly serious energy problems and the growing influence of energy fuels industries, such an inquiry is an especially necessary and timely step. The possible need for legislative remedies, and the detailed information which would be required for making any basic changes in energy market structures clearly justify special study action at this time.

SEC. 302. (a) To conduct the study referred to in section 301 of this title, there is established the Temporary Study Commission on Energy Fuels Industries (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 17 members appointed as follows:

(1) Three members appointed from the membership of the United States Senate by the President of the Senate;

(2) Three members appointed from the membership of the House of Representatives by the Speaker of the House;

(3) Two members appointed by the President of the United States from the executive branch of the Government;

(4) Two members appointed from industry, one by the President of the Senate and one by the Speaker of the House of Representatives;

(5) Two members appointed from labor organizations, one by the President of the Senate and one by the Speaker of the House of Representatives;

(6) Two members appointed from institutions of higher education, one by the President of the Senate and one by the Speaker of the House of Representatives;

(7) Three members appointed from among members of the public who have particular knowledge and expertise with respect to fuels and energy, one by the President of the United States, one by the President of the Senate, and one by the Speaker of the House of Representatives.

(c) The appointments specified in subsection (b) shall be made within 30 days of the date of enactment of this Act. Not more than 10 of the members of the Commission shall be members of the same political party.

(d) The Commission shall elect a Chairman and Vice Chairman from among its members.

(e) Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) Each member of the Commission who is not otherwise employed by the United States Government shall receive an amount equal to the daily rate paid a GS-18 under the General Schedule contained in section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(g) The first meeting of the Commission shall be called by the President within the sixty-calendar-day period following the date of enactment of this Act.

SEC. 303. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or any subcommittee or member thereof may deem advisable.

(b) In the case of contumacy or refusal to obey a subpena, issued under subsection (a) (3), by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence is so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey an such order of the court may be punished by the court as a contempt thereof.

SEC. 304. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish the Commission, upon request made by the Chairman, such data, reports, information and other resources as the Commission deems necessary to carry out its function under this title.

SEC. 305. (a) The Commission shall make a full and complete investigation and study with a view to determine the extent to which, if any, the present marketing structures of energy resources industries are responsible for current problems in the energy fields and whether alternative marketing arrangements involving less or more Federal control might be more responsive to the public interests. In conducting such study, the Commission shall consider and evaluate alternative marketing structures relating to such industries, including the degree, if any, to which the Government should involve itself in the operation and control of such industries, including the spectrum of options ranging from no governmental controls, restrictions or other actions, to full governmental ownership and control thereof. Within such spectrum, the Commission shall consider—

(1) continued private ownership and operation of such industries, but with substantially increased governmental controls and regulations and institutional changes, such as requiring public members on the boards-of-directors of such industries;

(2) restructuring of the private ownership and operation of such industries as will assure the fullest possible competition between the industries as part of a free economic system;

(3) applying the public utility concept to all or part (such as refining) of such industries, where ownership would remain private but operations and results would be governmentally regulated;

(4) creating the concept of a public-private partnership, where the Government owns fifty-one per centum of the enterprise and the remainder is privately owned; or

(5) selective public ownership in such industries under the so-called "yardstick principle" of public control, wherein a sector which is generally in private ownership has within it public entities against which the performance of the private element of such sector can be measured.

(b) In conducting its analysis, the Commission shall establish agreed-upon standards of performance of such industries as a basis for evaluating marketing arrangements alternative to the existing system. The economic aspects of the present case of vertically integrated companies in such industries shall be assessed as well as the economic consequences of dissolution, divorcement and divestiture proceedings against members of such industries. Important tests of performance shall include concentration and competition, entry and exit, investment behavior, pricing practices, returns, efficiency, employment, income generation, and corporate management and innovation, with particular emphasis on the present structure and the near-term and intermediate-term future. In conducting such study, the Commission shall consider the extent to which the Government itself is both a contributor to and a victim of the exising market structure by its regulations and procurement policies and the possible effects on the Government of alternative market arrangements.

SEC. 306. (a) The Commission shall submit to the President and the Congress such interim reports as the Commission deems advisable, and, not later than twenty-four months following the date of the enactment of this Act, a comprehensive and final report to the President and the Congress containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include such legislative and administrative actions as the Commission deems advisable.

(b) The Commission shall cease to exist sixty days after the submission of its final report.

SEC. 307. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

EXPLANATION OF NELSON AMENDMENT TO S. 1081, THE ALASKA PIPELINE BILL PROPOSING A TEMPORARY STUDY COMMISSION ON ENERGY FUELS INDUSTRIES

WHAT WOULD IT DO?

This proposal would amend S. 1081, the Temporary Study Commission on Energy Fuels Industries to inquire into the need for legislative remedies to the present market structure and operation of the energy fuels industries (principally oil, gas and coal). Specifically the Commission would analyze alternative market arrangements to the present system ranging from virtually no governmental control to full governmental ownership and operation. The "in between cases" to be studied include:

(1) continued private ownership and operation of such industries, but with substantially increased governmental controls and regulations and institutional changes, such as requiring public members of the board-of-directors of such industries;

(2) restructuring of the private ownership and operation of such industries to assure the fullest possible competition between the industries as part of a free economic system;

(3) applying the public utility concept to all or part (such as refining) of such industries, where ownership would remain private but operations and results would be governmentally regulated;

(4) creating the concept of a public-private partnership, where the Government owns fifty-one per centum of the enterprise and the remainder is privately owned; or

(5) selective public ownership in such industries under the so-called "yardstick principle" of public control, wherein a sector which is generally in private ownership has within it public entities against which the performance of the private element of such sector can be measured.

WHO WOULD BE ON THE COMMISSION?

Seventeen members from Congress, the executive branch, the public, industry, labor and academia appointed (variously) by the President, the President of the Senate, and the Speaker of the House of Representatives. No more than ten could be of the same party.

WHAT WOULD BE THE NATURE OF ITS PRODUCTS?

Hearings, analyses, interim report and final report written within two years—recommendatory in character.

WHAT WOULD BE ITS FOCUS?

The fundamental concern of the Commission would be to study whether and how the energy fuels industry could be made more responsive to the energy and other public concerns of the nation through altering its structure. The Commission would establish at the outset agreed-upon measures of performance of the industry as a basis for evaluating alternative arrangements to the existing system. In particular, the economic aspects of the present system of vertically integrated companies would be assessed as well as the economic implications of dissolution, divorcement, and divestiture proceedings against members of the industry. Among the study's tests of performance would be the traditional ones of concentration and competition, ease of entry and exit pricing practices, investment behavior and innovation, returns, efficiency and employment.

WHY DO IT NOW?

With our increasingly serious energy problems and the growing influence of the energy fuels industry, such an inquiry is an especially necessary and timely step. At this critically important juncture in the nation's energy decision-making, we need an independent evaluation of the existing market structure of this industry, the structure's relation to industry performance, and an assessment of that performance in terms of this society's goals. This proposal, which will provide the detailed information necessary for making any basic changes in energy market structures, is complementary to other current investigative efforts in the energy field.

WHY CHOOSE THIS VEHICLE?

The rights-of-way bill (S. 1081) chiefly concerns the issue of the Alaska pipeline, a project which involves a consortium of major oil companies having individual interests in a major pipeline and indeed a total system. The intraindustry arrangements that would be fostered by the project are a nationally-important example of the kinds of structures and practices that would be studied and appraised by the Commission.

AMENDMENT OF FAIR LABOR STANDARDS ACT—AMENDMENT

AMENDMENT NO. 252

(Ordered to be printed and to lie on the table.)

Mr. TOWER. Mr. President, I am today introducing an amendment in the nature of a substitute for S. 1961, a bill to increase the minimum wage, which I understand will be scheduled for Senate debate in mid-July. Senator FANNIN is joining me as an original sponsor of the substitute. S. 1861 is very similar to H.R. 7935, the House passed minimum wage bill.

These bills would increase the minimum wage from the current $1.60 to $2 soon after enactment and to $2.20 1-year later. Additionally similar wage boosts under the Fair Labor Standards Act would be scheduled for those occupational groups brought under the act by the 1966 amendments and for agricultural employees. Both bills make numerous changes in existing provisions relating to exemptions from basic minimum wage and overtime coverage. These revisions include extension of the act's provisions, both in minimum wage and overtime coverage, to Federal, State, and local government employees, and domestic employees. The Senate bill, in the form as approved by the Subcommittee on Labor, would reduce or eliminate minimum wage or overtime exemptions in such industries, just to name a few, as agricultural processing, seafood processing, cotton ginning, sugar processing, catering, and food services.

I am strongly opposed to the House passed measure and S. 1861. If minimum wage legislation is enacted and it resembles the measures I have just described, substantial unemployment, inflation resulting in higher consumer prices and small business closings will occur. Particularly hard hit will be the employment opportunities of America's youth and marginally skilled and unskilled adult workers. In short, this Nation's economy, which is already threatened by inflationary pressures, cannot withstand a 37.5-percent increase in the minimum wage within a 12-month period.

Senator FANNIN and I, therefore, have drafted a substitute amendment which recognizes the impact of inflation on marginally and unskilled workers, but does not treat the Fair Labor Standards Act as some type of all-powerful Federal tool to erase poverty in the Nation. This latter position, which we feel is at least partially an underlying basis of those advancing the House passed bill and S. 1861, is wrought with poor reasoning. In fact, passage of S. 1861 will have the opposite effect.

INCREASE IN MINIMUM WAGES

The Tower-Fannin proposal calls for an increase in the minimum wage for nonagricultural workers now covered in the Fair Labor Standards Act from $1.60 to $1.75 60 days after enactment; $1.85 during the second year; $1.95 during the third year and $2.05 during the fourth year from the effective date of the legislation.

The current minimum wage for agricultural workers under the FLSA is $1.30 and the Tower-Fannin amendment would gradually raise this minimum to $1.75 over the same time period.

EMPLOYMENT OPPORTUNITIES FOR YOUTH

Our amendment recognizes that the minimum wage is a real deterrent to the employment of America's youth. Recent figures show a 17.2 percent unemployment rate for workers between the ages of 16 and 18. Therefore, the substitute amendment contains a "youth differential" for teenagers below age 18 and full-time students below age 21 of $1.60 to be increased to $1.75 when the adult wage rises to $1.95. These special wage rates for nonstudents could only apply for a maximum of 180 days.

The need to include fulltime students in the youth differential is buttressed by testimony presented by the American Association of Presidents of Independent Colleges and Universities stating that an immediate increase to $2 will force the reduction of student employment in all aspects to college and university operations.

EXTENSIONS OF COVERAGE AND THE REMOVAL OF OVERTIME EXEMPTIONS

The amendment does not make any changes in existing coverage with respect to both application of the minimum wage and the overtime exemptions. Instead, we propose that the Department of Labor undertake a 3-year review of all existing exemptions. There are specific factors involved in the debate over the retention or removal of all of these exemptions and each one should receive a thorough review before they are modified. Those proposing changes now should have the burden of proof of showing why such changes would be in the public interest. The type of review needed to make each of these judgments has not been sufficiently completed.

In summary, Mr. President, the Tower-Fannin amendment represents a more responsible proposal, taking into consideration the economics of minimum wage and the need to engage in consistent legislating in coordination with the President's and the Congress deep concern over the Nation's economic conditions.

We realize that another alternative measure, similar to ours in many respects, has been introduced by Senators DOMINICK and TAFT. While this proposal is a positive response to this issue, the Senate should be in a position to analyze a wide variety of suggestions and proposals.

Mr. President, increases in the minimum wage is one of the most important subjects the Senate will consider this session. I urge my colleagues to consider the measure introduced today. I now ask unanimous consent that the amendment be inserted into the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

S. 1861

AMENDMENT No. 252

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Fair Labor Standards Amendments of 1973".

INCREASE IN MINIMUM WAGE

SEC. 2. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(1)(A) not less than $1.75 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973,

"(B) not less than $1.85 an hour during the second year from the effective date of such amendments,

"(C) not less than $1.95 an hour during the third year from the effective date of such amendments, and

"(D) not less than $2.05 an hour thereafter."

(b) Paragraph (5) of section (6)(a) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.45 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.55 an hour during the second year from the effective date of such amendments, not less than $1.65 an hour during the third year from the effective date of such amendments, and not less than $1.75 an hour thereafter." (c)(1) Section 6(b) of such Act is repealed.

(2) Subsections (c), (d), and (e) of section 6 of such Act are redesignated as subsections (b), (c), and (d), respectively.

EMPLOYEES IN THE CANAL ZONE

SEC. 3. Section 6(a) of the Fair Labor Standards Act of 1938 is amended by striking out the period at the end of paragraph (5) of such section and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new paragraph:

"(6) if such employees is employed in the Canal Zone not less than $1.60 an hour."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Paragraphs (A) and (B) of section 6(b) (2) of the Fair Labor Standards Act of 1938 (as redesignated by section 3(c)(2) of this Act) are amended to read as follows:

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 increased by 8.5 per centum unless such rates or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1973, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B)(i) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 8.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).

"(ii) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by subparagraph (i) of this paragraph increased by an amount equal to 8.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTH; SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER EIGHTEEN AND STUDENTS

SEC. 5. Section 14(b) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(b) (1) Subject to paragraph (2) and to such standards and requirements as may be required by the Secretary under paragraph (4), any employer may, in compliance with applicable child labor laws, employ, at the special minimum wage rate prescribed in paragraph (3), any employee—

"(A) to whom the minimum wage rate required by section 6 would apply in such employment but for this subsection, and

"(B) who is under the age of eighteen or is a full-time student.

"(2) No employer may employ, at the special minimum wage rate authorized by this subsection—

"(A) for a period in excess of one hundred and eighty days any employee who is under the age of eighteen and is not a full-time student; or

"(B) for longer than twenty hours per week any employee who is a full-time student, except in any case in which any such student is employed by the educational institution at which he is enrolled.

"(3) The special minimum wage rate authorized by this subsection is a wage rate which is not less than $1.60 an hour during the first two years from the effective date of the Fair Labor Standards Amendments of 1973, and not less than $1.75 an hour thereafter, except that such special minimum wage rate for employees in Puerto Rico, the Virgin Islands, and American Samoa shall not be less than 85 per centum of the industry wage order rate otherwise applicable to such employees, but in no case shall such special minimum wage rate be less than that provided for under the most recent wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1973.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

"(5) For purposes of sections 16(b) and 16(c)—

"(A) any employer who employs any employee under this subsection at a wage rate which is less than the minimum wage rate prescribed by paragraph (3) shall be considered to have violated the provisions of section 6 in his employment of the employee, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of the otherwise applicable minimum wage rate under section 6; and

"(B) any employer who employs any employee under this subsection for a period in excess of the period prescribed by paragraph (2) shall be considered to have violated the provisions of section 6 in his employment of the employee during the period in excess of the authorized period. "(6) The provisions of this subsection shall not apply to employment in agriculture."

PENALTIES

SEC. 6. The first two sentences of section 16 (c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows: "The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

EXEMPTION REVIEW

SEC. 7. The Secretary of Labor is hereby instructed to commence immediately a comprehensive review of the exemptions under section 13 of the Fair Labor Standards Act of 1938 and submit to the Congress not later than three years after the date of enactment of this Act a report containing: (1) an analysis of the reasons why each exemption was established; (2) an evaluation of the need for each exemption in light of current economic conditions, including an analysis of the economic impact its removal would have on the affected industry; and (3) recommendations with regard to whether each exemption should be continued, removed, or modified.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 6(c)(2)(C) of the Fair Labor Standards Act of 1938 is amended by substituting "1973" for "1966".

(b)(1) Section 6(c)(3) of such Act is repealed.

(2) Section 6(c)(4) of such Act is redesignated as 6(c)(3).

(c)(1) Section 7(a)(1) of such Act is redesignated as 7(a).

(2) Section 7(a)(2) of such Act is repealed.

(d) Section 14(c) of such Act is repealed and section 14(d) is redesignated as 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "Section 7(a)(1)" and inserting in lieu thereof "section 7(a)".

EFFECTIVE DATE

SEC. 9. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

THE FURNISHING OF DEFENSE ARTICLES TO FOREIGN COUNTRIES—AMENDMENT

AMENDMENT NO. 253

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 254

(Ordered to be printed and referred to the Committee on Finance.)

RENT FREEZE AMENDMENT

Mr. KENNEDY. Mr. President, I send to the desk an amendment to H.R. 8410, the Debt Ceiling Bill, and I ask that it may lie on the table and be printed.

The purpose of this amendment is to add rents to the list of items covered by the otherwise comprehensive price freeze announced last week by the President. If the amendment is adopted, rents will be frozen, in accord with the terms of the Executive order issued by the President, at no higher levels than those charged during the first 8 days of June, and the rent freeze will continue for the period of the current 60-day freeze.

Although I generally supported the price freeze announced by the President as a necessary but preliminary first step to plan the action needed to bring inflation under control for the long run, it makes no sense to enact a comprehensive price freeze and then exclude rents from its coverage. Rents have long been a significant part of the Consumer Price Index, and in my view, controls on rents are no more difficult to enforce than controls on a myriad of other prices in the overall index. I agree that a freeze is the proper current medicine for our sick economy. But I see no justification for the administration's arbitrary decision to exclude consumers from the benefit of the freeze in the important area of rents.

From published reports, we have a clear indication of the debates that went on in the administration before the freeze was adopted. We know about the controversy over whether there would be a price freeze at all, and over whether the price freeze should be comprehensive or selective. In his decision last week, the President clearly chose the course of the comprehensive price freeze. Yet, inexplicably, he omitted rents, even though the logic of a comprehensive price freeze compels a freeze on rents, along with all the other commodities and services whose prices are frozen. Surely, fundamental fairness to the American consumer demands that he enjoy the promised benefits of the freeze and gain the relief he deserves from rising rents.

Certainly, the two reasons offered by the administration are too shallow to be sustained.

First, it was argued that the price index for rent had shown steady improvement under phase III, with the monthly increase declining from 0.6 in February to 0.5 in March to 0.4 in April. But yesterday's Consumer Price Index figures for May shattered that tidy progression. Once again, the index is back up by a 0.5 unit, an annual rate of increase of over 4 percent, clearly and substantially higher than the administration's pledge to keep inflation at 2.5–3 percent.

Second, it was argued, rising rent is a localized problem, more appropriately left to local action in the areas affected. True, the problem may be more aggravated in some areas than in others, and local agencies have occasionally acted with significant effect. But that is no excuse for the administration to bury its head in the sand and ignore the pervasive national problem of rent inflation as an endemic part of our sick economy.

Where were these administration arguments when the original freeze was announced in August 1971? Rent was included in that freeze, although the same arguments used today to exclude rents might also have been used at that time.

If anything, the case for freezing rents is stronger today than it was in August 1971. As the following table indicates, comparing rent increases for the 5 months preceding the respective freezes, rents are rising substantially more rapidly today than they were 2 years ago:

RENT COMPONENT OF CPI (1967=100)

		Increase	
	Index	Absolute	Percent annual rate
1971:			
March	113.9	0.3	3.2
April	114.4	.5	5.3
May	114.7	.3	3.1
June	115.2	.5	5.2
July	115.4	.2	2.1
Total		1.8	3.8
1973:			
January	121.5	0.5	5.0
February	122.1	.6	5.9
March	122.6	.5	4.9
April	123.0	.4	3.9
May	123.5	.5	4.9
Total		2.5	5.0

Thus, for the 5-month period under phase III before the freeze this year, rents had been rising 30 percent more rapidly than they had been rising in the comparable period before the 1971 freeze. Yet, the President chose to freeze rents in 1971, but not in 1973.

At best, the decision to exclude rents from the present freeze is a sop to the faction of the President's current economic advisers who wanted no freeze at all. At worst, it is an open invitation to landlords in every section of the country to bleed their tenants dry while the administration looks the other way.

Of course, the comprehensive freeze today is a freeze on prices, unlike the 1971 freeze, which included wages, too. No one argues today that wages should be frozen, since wages have simply not participated in the demand-pull inflation we had in the 5 disastrous months of phase III.

But the obvious justifications for excluding wages are inoperative in the case of rent. On grounds of equity and fundamental fairness to the American consumer, rents should now be frozen, and I hope the Senate will accept the amendment I am offering as a simple act of justice for millions of rent-payers in every city, town and village in this country.

Mr. President, I ask unanimous consent that the text of the amendment may be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 254

At the end of the bill, add the following new section:

RENT FREEZE

SEC.   . The Economic Stabilization Act of 1970 is amended by inserting after section 203 the following new section:

"§ 203A. Rent freeze

"Immediately upon the enactment of this section, the President shall issue an order freezing rents, in accordance with the same provisions of Executive Order 11723, dated June 13, 1973, which apply to certain prices for commodities and services."

FOREIGN ASSISTANCE AUTHORIZATIONS, 1974—AMENDMENT

AMENDMENT NO. 255

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting today an amendment to S. 1711, the administration's pending foreign assistance authorization bill for fiscal year 1974. The amendment involves section 17 of this bill, whose heading is "Indochina postwar reconstruction."

Many problems remain in that tortured area of the world. Despite the administration's repetitive claims of peace, violence and war continue—and our country is still involved. America bombs Cambodia—and supports military activities elsewhere. Diplomatic problems remain in concluding or implementing cease-fire agreements. And so do the people problems in really building the peace.

The amendment I am introducing today concerns these people problems—and the kinds of effort our country should make in helping to resolve them. The amendment is an effort to help remedy some serious shortcomings in the administration's proposal for assistance to Indochina—a proposal which continues some tired patterns and failures of the past, and all but ignores the new realities of the present, and the future. Finally, the amendment is the result of extensive discussion in many quarters and with many experts, in this country and overseas—and it reflects what I firmly believe broadly represents the long-term will of the American poeple and the Congress on the issue of future assistance to the countries of Indochina.

PURPOSES OF THE AMENDMENT

The amendment seeks these basic objectives:

First, it "affirms the willingness of the United States to provide assistance for the humanitarian relief, rehabilitation, and reconstruction of the peoples and countries of Indochina."

Second, it provides that people problems—and programs for meeting the humanitarian needs of refugees, civilian war casualties, orphans, and all war victims—are the overriding concern and objective of American assistance to the countries of Indochina.

Third, it promotes a rapid transition in American policy—from essentially bilateral, master-client relationships with Saigon, Vientiane, and Phnom Penh—to participation in multilateral and international efforts to help heal the wounds of war and really build the peace. The amendment promotes America's disengagement from direct and often heavy involvement in the governmental processes of Saigon, Vientiane, and Phnom Penh—by encouraging the phasing out or elimination of public safety, pacification, and similar programs—and by providing that American assistance to the area "shall be distributed to the maximum degree practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies."

In this connection, the amendment "urges the President to solicit the cooperation of other governments" to support and participate in an international relief and rehabilitation program for Indochina. It also "urges the President to solicit the cooperation of other governments in encouraging the United Nations' Secretary General to establish immediately an autonomous United Nations Fund for Indochina, to receive humanitarian and developmental contributions" for the area.

Finally, Mr. President, recognizing our country's responsibility to help restore the life and spirit of war victims—but also recognizing the administration's total failure to provide a reasonable alternative to the bankrupt policies and programs of the past—the amendment reduces by some $240 million the administration's budget request for assistance to South Vietnam, Laos, and Cambodia. Instead of the $630 million requested by the President, the amendment authorizes some $390 million.

This is an ample American contribution for humanitarian purposes—as well as for the general support of Saigon, Vientiane, and Phnom Penh—in their transition from nearly total dependence on American aid, to growing assistance from others in the international community.

MEANING OF CEASE-FIRE AGREEMENTS

Mr. President, the cease-fire agreements for Vietnam and Laos, and the administration's assurance of a similar agreement for Cambodia, are benchmarks of immense historical proportions in the evolution of our policy and involvement in the countries of Indochina. And even though conditions are mixed in the field, and many difficult problems continue for all parties involved—the fact remains that for the first time in many years, we have real opportunities to embark on new policies, to change our involvement, to reorder our priorities, and to finally practice some lessons from the failures and frustrations of the past.

We can finally end the master-client relationships between Washington and the capitols of Indochina. We can finally disengage from our direct and manipulative involvement in the remaining political and military confrontations of the area. We can finally chart a new beginning—in cooperation with the international community and the governments of Indochina—to help repair the damage of conflict and heal the wounds of war. We can finally shift our focus from fueling death and destruction, to really building the peace.

This is what the return of our servicemen and prisoners of war means to most Americans. And this is the promise of a peace with honor—and the hope of cease-fire agreements, which extricate our country from the Indochina war.

ISSUE FOR CONGRESS: SHORTCOMINGS IN ADMINISTRATION'S PROPOSAL

But this promise and this hope, Mr. President, is apparently not shared by this administration. And the dichotomy between the opportunities for change implicit in the cease-fire agreements, and the tired patterns of the past implicit in the President's budget request for Indochina, is a crucial issue for the Congress—and all Americans—as we consider the administration's proposal for assistance to South Vietnam, Laos, and Cambodia.

Every indicator—especially the administration's proposal for Indochina postwar reconstruction assistance—strongly suggests that the administration is prepared to continue our client relationships with Saigon, Vientiane, and Phnom Penh—and our direct involvement in the confrontations among political elements throughout the area.

The administration's proposal represents only a cosmetic change in the quality, quantity, and purpose of American aid to South Vietnam, Laos, and Cambodia. Especially for South Vietnam, last year's request for pacification funds has become this year's request for reconstruction and humanitarian assistance. Last year's public safety programs have been shifted to other quarters, or buried in public works, public administration, and technical support projects for what is called reconstruction. Last year's supporting assistance has become this year's stabilization.

And despite the administration's greater verbal emphasis on humanitarian concerns and assistance—which stands in sharp contrast to assistance justifications in previous years—the administration's actions in this area are far from adequate, and cry out for more priority and concern at the highest levels of our Government.

Just a few weeks ago a study mission representing the Judiciary Subcommittee on Refugees, which I serve as chairman, returned from Indochina. Subcommittee hearings since then document the situation clearly. For example, in reporting its findings and recommendations on the escalating crisis of people in Cambodia, the study mission stated:

> To summarize the refugee situation—the prognosis is dismal. Neither our Government nor the Cambodian Government have any organized refugee program. Adequate housing, sanitation, and medical service are either nonexistent or in short supply. Increasing numbers of refugees are being generated by an accelerated level of military activity and intensified American bombing. The repression on both is increasing with the Government losing its precarious control and relying more and more on American intervention. And in the midst of this are a million refugees, half of them children. They are receiving virtually no assistance and face malnutrition, serious food shortages and, in some areas, the real specter of starvation.

But nothing really illustrates the situation more, Mr. President, than the truly shameful neglect by our Government of the tremendous humanitarian needs among the youngest war victims—including some 25,000 American-fathered children in South Vietnam. Our neglect of these children, and the tens of thousands of orphans, and millions of other children disadvantaged by battle—especially in South Vietnam—is a national disgrace. Its only remedy is immediate and positive action by the administration on numerous recommendations—which are apparently still under review at the White House, the Department of State, and the Agency for International Development. It defies understanding as to what it takes to move the administration and Saigon on facilitating adoptions overseas and upgrading child welfare in South Vietnam.

Certainly, Mr. President, it is not for any lack of compassion or support among the Congress or the American people. And neither is it for any lack of money, which we freely spend on the bombing of Cambodia—nor is it for any lack of reasonable suggestions as to how we should answer the children's cries for help. But there is a logjam in the administration which needs to be broken. And I appeal, again, as I did in a letter on May 22, for the President's help in breaking this logjam—and in meeting the tremendous humanitarian needs among the children of South Vietnam and Indochina.

The list of shortcomings in the administration's proposal on Indochina continues. Given the new opportunities for change, Mr. President, one of the most glaring omissions relates to international cooperation in helping to heal the wounds of war. Except for a general reference to the future possibility of multilateral approaches, the administration's proposal is silent.

Clearly, the thinking of a wartime bureaucracy, preoccupied with how to maximize American influence and presence, still dominates our policy and programs in Indochina—even under today's new conditions. And offers of international assistance—even for humanitarian purposes—are all but ignored. In past weeks, the study mission of the Refugee Subcommittee visited a number of capitals, and held lengthy discussions with officials of various governments and international organizations. And I can report today that the study mission returned greatly encouraged over the possibilities for an international humanitarian alliance.

The record is clear that a number of governments are prepared to support and contribute to humanitarian programs under international auspices. In fact a number of governments have already earmarked funds for this purpose. The record is clear that the United Nations stands ready to help. The record is clear that UNICEF is prepared to move at a moment's notice. The record is clear that the Indochina operations group of the International Red Cross—and many voluntary agencies—are prepared to upgrade and expand their efforts. But the record is also clear that not much word of encouragement or support—let alone any initiative—have come from our Government—or from its counterparts in Saigon, Vientiane, or Phnom Penh. And so we are needlessly locked into the tired patterns and policies of the past.

FUNDING FOR INDOCHINA

Mr. President, as I suggested earlier, the amendment I am introducing today reduces the President's request for assistance to South Vietnam, Laos, and Cambodia—from some $630 to $390 million. Pending our development of a new national assistance policy toward Indochina, and a more stable political and military situation throughout the area, this $390 million is a generous amount, I feel, to meet our initial humanitarian responsibilities following the cease-fire agreements—and to provide some basic transition support to the governments involved. If we apply the tests of humanitarian and basic support objectives to our proposed assistance, a great deal can, and must, be cut back or eliminated from the President's pending request.

The President's request for $630 million is allocated as follows:

	Millions
South Vietnam	$475
Laos	55
Cambodia	75
Regional development program	9
Interregional support costs	16

My amendment's authorization of $390 million could be allocated along these lines:

	Millions
South Vietnam	$300
Laos	35
Cambodia	40
Regional development program	5
Interregional support costs	10

Again, applying the tests of humanitarian and basic support objectives to the administration's allocation for South Vietnam, I strongly feel that a number of projects recommended by the administration should be totally eliminated and others drastically reduced. Because they encourage and continue our direct involvement in South Vietnam, public safety programs, disguised under new labels, must be eliminated. The projects labeled trade union development, logistics general support, support of local government, development planning, public assistance and public works general support, Vietnamese engineering and construction company, support of rural development, and some others should also be eliminated.

Drastic cuts should be made in several projects—especially in the $25 million project for Saigon's national economic development fund, the $8 million My Thuan bridge project, and the more than $17 million allocation for U.S. aid technical support. Additionally, Mr. President, the administration's allocation of some $275 million for the commercial import program, should be reduced by at least $125 million.

Applying the same tests to the administration's allocation for Laos, again, I strongly feel that the public safety program must be eliminated, and a number of other projects reduced—especially those labeled development of Lao national roads, development of rural economy, air technical support. Additionally, the administration's allocation of some $18,200,000 for the multilateral stabilization fund, should probably be reduced by several millions of dollars.

The situation in Cambodia is dismal at best—with a truly desperate crisis of people and little territory under the control of the Phnom Penh government. But just as we should stop the bombing in support of this government, so should we also reduce the flow of our dollars which fuels its corruption. Clearly our immediate responsibilities are the tremendous humanitarian needs of refugees and war victims—and the urgent need for persistent efforts in behalf of a cease-fire agreement.

Mr. President, I have outlined briefly what I feel are some of the principal issues facing our country regarding future assistance to Indochina. And a great deal more will be said by all of us in the coming weeks and months.

The countries of Indochina are in a period of transition, which is clearly not reflected in the President's assistance request for fiscal year 1974. And in the absence of any new directions and initiatives from our national leadership, it is incumbent upon the Congress that it develop a responsible alternative.

I feel that the guidelines and authorization in the amendment I am introducing today, are a reasonable and generous beginning—and hopefully they will be given full consideration by the appropriate committees of the Senate.

Mr. President, I ask unanimous consent to have the text of the amendment printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 255

Section 17 is amended to read as follows:

"SECTION 17. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"Chapter 1—POLICY

"SEC. 801. (a) The Congress, recognizing that the realization of human hopes and aspirations are important in contributing to a stable peace in Indochina, affirms the willingness of the United States to provide assistance for the humanitarian relief, rehabilitation, and reconstruction of the peoples and countries of Indochina. Assistance for such purposes shall have a primary concern over restoring the life and spirit of refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions related to those hostilities, and over rebuilding civilian facilities damaged or destroyed by those hostilities in the war affected areas of Indochina.

"(b) Assistance for such purposes shall be distributed to the maximum extent practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies with a minimum presence and activity of United States Government personnel. The Congress urges the President to solicit the cooperation of other governments to support and participate in the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina under international auspices.

"(c) The Congress further urges the President to solicit the cooperation of other governments in encouraging the United Nations Secretary General to establish immediately an autonomous United Nations Fund for Indochina, or other appropriate institutional arrangements, to receive humanitarian and developmental contributions to support to the maximum extent practicable the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina under international auspices.

"Chapter 2—GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY—The President is authorized to furnish, on such terms and conditions as he may determine, and to the maximum extent practicable under international auspices, assistance for the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina, especially humanitarian assistance for restoring the life and spirit of persons disadvantaged by hostilities or conditions relating to those hostilities, and for rebuilding civilian facilities damaged or destroyed by those hostilities in the war affected areas of Indochina.

"SEC. 822. AUTHORIZATION—There is authorized to be appropriated to the President to carry out the purposes of this chapter in South Vietnam, Laos, and Cambodia, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $390,000,000, which amount is authorized to remain available until expended."

NOTICE OF HEARING ON FEDERAL PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business will continue its hearings into the Federal paperwork burden and the impact on small business on July 11 and 12, 1973, beginning at 10 a.m. each day. The room number and witness lists will be released by the subcommittee at a later date.

On July 11, the subcommittee will take testimony as to the paperwork burden imposed on small business by the Bureau of the Census.

On July 12, the reporting requirements imposed on small broker-dealers by the Securities and Exchange Commission will be examined.

Further information regarding these hearings can be obtained from the offices of the Senate Select Committee on Small Business, extension 5–5175.

NOTICE OF HEARING RELATING TO THE MENDOCINO NATIONAL FOREST

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and the general public that the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs will hold an open hearing on S. 114, a bill to designate 37,000 acres within the Mendocino National Forest, Calif., as the Snow Mountain Wilderness Area.

The hearing will be held on June 29, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

ANNOUNCEMENT OF HEALTH HEARINGS

Mr. KENNEDY. Mr. President, as chairman of the Senate Health Subcommittee, I want to take this opportunity to announce for my colleagues' benefit a continuation of public hearings by the subcommittee in the general area of the quality of health care and the protection of patient rights in respecting human experimentation. Specifically, the subcommittee will be conducting hearings next Thursday and Friday, June 28 and June 29, on legislation concerning the need for continued Federal assistance for biomedical research training and fellowships and the need for more effective oversight respecting the involvement of humans in biomedical research projects. The hearings will be conducted on H.R. 7724, S. 974, S. 878, Senate Joint Resolution 71, and two additional bills which I shall introduce early next week. Inquiries regarding these hearings may be made at the subcommittee office, room 4226, Dirksen Office Building, to Dr. Larry Horowitz.

ADDITIONAL STATEMENTS

CAPITOL HILL POLICE OFFICER E. M. CURTIS COMMENDED

Mr. BARTLETT. Mr. President, the Capitol Hill Police force is one we take all too often for granted. We see them everywhere directing traffic, helping tourists, and doing the general routine duties for which they are noted.

But, Wednesday afternoon, an event occurred which helps to show what a fine group of men this institution has at its service.

Shortly after noon, a woman tourist, whose name I do not know, collapsed while standing in a line of the third-floor corridor between the House and Senate.

Luckily, and that is an understatement, Officer E. M. Curtis was at the camera checking stand where she fell. Officer Curtis quickly radioed for help and then performed mouth-to-mouth resuscitation in a desperate effort to keep her alive until the doctors could arrive.

His fellow officers did a superb job in keeping the crowd from gathering around the victim and assisting in medical help.

In the long agonizing moments, Officer Curtis was the sole lifeline of that woman. She is, I hear, in the intensive care ward of a local hospital in critical condition.

I do not know whether she will live. But, the fact that she has any chance of survival at all, is due to the fact of the quick action and calm response to the emergency by Officer Curtis.

He is to be commended for having performed one of the greatest actions of which mankind is capable—the saving of a life of another human being.

He, and the men around him, are to be commended and I think the Senate will do well to take note.

FREE EMIGRATION OF SOVIET JEWS URGED AS A PREREQUISITE TO CREDITS AND FAVORED TARIFF TREATMENT

Mr. TALMADGE. Mr. President, the U.S. Senate Select Committee on Presidential Campaign Activities, of which I am a member, has voted to suspend hearings into the circumstances surrounding the June 17, 1972, break-in at the Democratic National Committee offices at the Watergate Office Building. We so voted as an act of encouragement to the current negotiations between General Secretary Brezhnev and President Nixon and with the hope of fostering good will between the United States and the Soviet Union.

I have noted that during our postponement Secretary Brezhnev spoke to leaders of the Congress and advised them that his statistics show that there are no problems of emigration for Soviet Jews and others. He urged that the link between emigration of Soviet Jews and U.S. credits and tariffs is an artificial "pretext" to trade negotiations between our two countries.

I wish to take this opportunity to disagree with Mr. Brezhnev's analysis of this situation. Mr. Brezhnev has said that 60,200 persons have been given current permission to emigrate and that approximately 68,000 persons who have left the Soviet Union are part of a current emigration. The statistics which have been made available to myself and other Members of the Senate by Jewish organizations throughout the world greatly contradict those figures.

They show that 68,000 persons spoken of by Mr. Brezhnev are not part of a current emigration, but are the total emigration to Israel since 1948. They also show that of the 60,200 persons which Mr. Brezhnev states have been given permission to emigrate, only 32,000 have actually left. Additionally, there are untold scores of affidavits received by these organizations from persons wishing to emigrate which have not been acted upon. Even as Mr. Brezhnev spoke this week of the nonexistence of any problems, Soviet Jews were rounded up and arrested because of their desire to emigrate.

I wish to point out to Mr. Brezhnev that I have not altered my position of support for the Jackson amendment. The United States is a country founded upon the principle of free religious beliefs. My native Georgia was founded by men and women who emigrated from their countries to find a better way of life for themselves. There are thousands in Mr. Brezhnev's Georgian Republic who should be given the same opportunity.

The farmers who grew the very wheat which the Soviet Union now seeks from our country are descendants of those who emigrated from Russia and other countries in order to be able to grow those agricultural products. In my opinion, it would be an insult to the memory of those early immigrants to give the products of their sons and grandsons to a country which will not allow all of its citizens to freely emigrate. There are many countries which are seeking our goods and are willing to pay high prices for them.

We should not sell those goods at a discount with credits and a most-favored-nation tariff treatment to the Soviet Union unless it agrees in writing to permit free emigration of all of those people who seek to leave and can further prove that such emigration will continue during the course of any long-range economic relationships with the United States.

In the same spirit with which the Select Committee suspended its hearings, I hereby call upon General Secretary Brezhnev to suspend all restrictions upon free emigration from the Soviet Union. If our two countries are to establish new and lasting economic and social relationships, mutual respect is the atmosphere in which they must be created.

VIC VAUGHN

Mr. PERCY. Mr. President, it is with a mixture of happiness and sadness that I have learned that Vic Vaughn plans to retire from the Department of Agriculture at the end of this month.

I am happy for Vic and his wife, Rae, in that they will be able to pursue their outside interests such as travel more widely. Vic, undoubtedly, will also be able to play more golf and to increase the size of his garden to help increase crop production in this country.

I am sad, though, that we will miss Vic's expertise as the Department's congressional relations officer for the Senate. Vic has always been attentive to the needs of my office, has always provided information that was needed—all with a good spirit and in good humor. The Department will miss him. I will miss him.

GENOCIDE IN TIME OF WAR

Mr. PROXMIRE. Mr. President, article I of the Genocide Convention states the purpose of this treaty as being that:

> The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

The phrase "in time of war" has caused some opposition to the ratification of the convention, and thus it requires explanation.

There are those who fear that this clause would have an adverse effect on U.S. military troops participating in combat actions abroad. In other words, these people believe that our soldiers, although taking part in ordinary battle, could later be tried on charges of committing genocide. But a closer examination of the treaty shows that this is not a valid assumption.

INTENT MUST BE PROVEN

Once again, intent provides the basis for determining if an action is genocidal. As stated in article II, genocide means certain acts "committed with intent to destroy in whole or in part" a human group. Consequently, unless it can be proven that the troops at My Lai, for example, intended to destroy all or a substantial part of the South Vietnamese people, these deaths do not constitute genocide. Thus it is seen that the treaty does not create any unnecessary hazards for our Armed Forces.

Why, then, it might be asked, should the words "in time of war" be inserted in the first place? Although killing is condoned during a war, we must remember that war is not a license to commit wholesale slaughter and that limits do exist. Genocide is just as repugnant during war as in peace. It is precisely this reasoning that makes it imperative that the United States take immediate affirmative action on ratification of the Genocide Convention.

DAVID JONES' WORK WITH YOUNGSTERS PRAISED

Mr. BARTLETT. Mr. President, almost a year ago, an article by Mr. J. D. Bethea of the Washington Star newspaper staff was entered into the Congressional Record.

That article talked about a little league baseball coach's approach to managing youngsters.

The gist was that to this coach, not just winning, but the overall development of each youngster as a sound and constructive individual, was of primary importance.

I am proud to say that this coach's approach is not only preferred, but can be successful as well, as his team has now won their first league championship. My congratulations to the Reston Cobras for this cherished accomplishment.

The leadership provided young people in their early life, to a very great extent, determines the character of that person as an adult.

Mr. David L. Jones, of Tulsa, Okla., has touched the lives of many young people through his little league work—each and every player will be a better adult due to that experience.

ALCOHOL: MOST SERIOUS DRUG ABUSE PROBLEM IN AMERICA

Mr. KENNEDY. Mr. President, I would like to commend my colleague, Mr. Hughes, chairman of Subcommittee on Alcoholism and Narcotics for designing the excellent provisions included in S. 1125.

This legislation amends the Comprehensive, Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act.

According to numerous studies completed in the last few years, alcohol abuse and alcoholism is now the most serious drug abuse problem in the country. According to these reports there are approximately 9 million alcohol abusers or alcoholics in the United States who cost the national economy at least $15 million in lost working time.

In my own State of Massachusetts significant progress has been made in the area of alcoholic intervention and rehabilitation. The Massachusetts Department of Public Health has established 12 functional alcoholism rehab programs that conduct and coordinate educational seminars and maintain continued activities in the implementation of alcohol treatment programs. Perhaps, the most outstanding achievement of the State division of alcoholism has been the liberalization of statewide health policies that provide ready access to alcoholism treatment for employees, both from the public and the private sector.

Estimates from some experts suggest that as much as one-third of the current work force may suffer from the debilitation caused by excessive alcohol usage. Yet, our health policies and indeed many employee regulations, prevent these workers from receiving the care and attention they deserve.

Successes in these new programs reveal how important proper care can be. Workers have obtained needed medical and counseling assistance, and employers have received improvements in productivity and workers attitudes.

These innovations point toward the direction that ought to be taken in the battle against alcoholism. I am pleased to note that the legislation before the Senate at this time, can provide badly needed Federal assistance in this area.

All States in this country can use the benefits provided under the provisions of S. 1125. And I am certain that officials in Massachusetts will look to this measure as an effective resource to aid in their struggle to combat the effects of this damaging affliction.

I am pleased to see that the Senate has moved to approve this vital legislation and I am hopeful that it will continue providing aid and treatment for the many men and women who so badly need the care and attention that this measure offers.

DR. DAYTON DUNBAR KRAJICEK

Mr. DOLE. Mr. President, it is a privilege and an honor for me to recognize a public servant who has demonstrated extraordinary leadership and dedication in the direction of the dental service of the Veterans' Administration. Dr. Dayton Dunbar Krajicek was appointed Assistant Chief Medical Director for dentistry in March 1970, after having established an outstanding record as Chief of the Dental Service, Veterans' Administration Center, Wadsworth, Kans.

In a little more than 3 years in VA Central Office, Washington, D.C., Dr. Krajicek has had a major impact in bringing about changes to improve the quality of service to veterans and the stature of the dental service as a whole.

On approving with deep regret Dr. Krajicek's request for a less demanding position, due to personal health considerations, that would again involve direct patient care, the Administrator, Donald E. Johnson stated:

> Dr. Krajicek has given dynamic leadership to the Dental Service by strengthening educational affiliations and managing a nationwide program of dental benefits for thousands of Vietnam Veterans.

Dr. Krajicek, a Diplomate of the American Board of Prosthodontics, lectured extensively during his tenure to academic and professional groups throughout the Nation and published numerous papers in professional journals. He is visiting professor, College of Dentistry, Howard University, clinical associate of prosthodontics, Georgetown University and visiting professor, University of Missouri at Kansas City School of Dentistry.

He has displayed a missionary zeal to advance hospital dentistry and to fully integrate the dental service with other medical disciples in a hospital. He exhibited a deep concern for the oral health care needs of the veteran and emphasized the preventive aspects of dental care.

In recognizing the vital importance of advanced speciality training and continuing education, he has cultivated strong relationships with schools of dentistry and allied health training institutions. Under his inspired leadership, young highly qualified dentists have been attracted to the service and have infused a new spirit and new vitality into the dental program.

In addition to his VA responsibilities, Dr. Krajicek is chairman, Council on Federal Dental Services of the American Association of Dental Schools; president, American Association of Hospital Dentists. He served during 1972 as program chairman, First International Prosthodontic Congress and during the same years he was VA's nominee for the National Civil Service League Special Achievement Award, and was chosen to receive the Outstanding Alumni Achievement Award of the University of Missouri at Kansas City. Two of several consultantships held are: First, American Dental Association Council on Dental Education and Hospital Dental Services, and second, consultant in Prosthodontics, Kansas State Board of Dental Examiners.

The veterans of this Nation benefit from the diligent and conscientious efforts from men like Dr. Krajicek who exemplify the dedicated public servant who daily provide unexcelled medical care and concern for our veterans in the Veterans' Administration hospital system.

THE SPACE SHUTTLE

Mr. MOSS. Mr. President, during the debate on the floor earlier this week on the NASA authorization bill for 1974, I discussed the strong support which organized labor gives to the shuttle. My mail for that day included a letter from Andrew J. Biemiller highlighting the importance of the shuttle to the Nation, and I ask unanimous consent that the letter and the statement by the AFL–CIO Executive Council be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

AFL–CIO,
Washington, D.C., June 19, 1973.

Hon. Frank E. Moss,
U.S. Senate,
Washington, D.C.

Dear Senator Moss: The AFL–CIO has long supported this country's endeavors in the field of space exploration. Important scientific advances, particularly in the fields of communication, medicine and meteorology have more than proven the worth of the nation's investment on this program. Organized labor and indeed all citizens can point with pride to America's historical accomplishments in this area, as well as to the prestige and position of world leadership which these successes have given all of us.

Organized labor firmly believes that only through the continuation and expansion of the space program through such projects as the space shuttle can the United States improve upon and continue to gain from the benefits which this country has already received from this valuable program. At a time when conversion from a wartime to a peacetime economy is of paramount concern to our economic well being, programs such as the space shuttle can provide the essential catalysts of jobs—estimated at 127,000 over the next 3 years—increased production and improved technology so necessary for this economic transition.

It is our understanding that the Senate in debate on the NASA Budget will be deliberating the merits of the proposed space shuttle project. I would, therefore, respectfully urge that you oppose any effort to delete or reduce the existing funding level for the space shuttle project as is now provided for in the NASA appropriations bill.

I hope the enclosed resolution will be of interest to you and your staff. Thank you for your time and consideration.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON SPACE SHUTTLE

The United States space program is reaching another milestone. At the peak of the Apollo project, the space program employed 400,000 Americans—about half of whom have since been laid off. This year will see the end of Apollo.

In Apollo, American science, engineering and craftsmanship made possible the fulfillment of one of man's oldest dreams—to walk on the moon. In so doing, we unlocked vast new technologies, strengthened our national security and reinforced America's world position.

Next year, the Skylab project will put nine astronauts into orbit to live and work for periods of from four to eight weeks, learning more about our world and the space around it.

The next logical step for the United States space program is the development of a space shuttle which will provide economical transportation from earth to space and back. It will make space as accessible as the airplane has made the other continents. The shuttle will assist us in exploration, in science and technology and, if necessary, in defense and provide 50,000 jobs in the United States. Without the shuttle we cannot develop our scientific and technological investments that already have given us space communications, weather satellites and geodetic programs.

The benefits of next generation space applications in such fields as the management of our natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction, and public health and safety will not be fully realized unless we can reduce costs, raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.

International relations today involve space. We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well.

For these reasons, we urge Congress to vote funds for the development of a space shuttle.

VIC VAUGHN'S RETIREMENT

Mr. HELMS. Mr. President, it is with mixed emotions that I note the retirement of Victor Vaughn, a dedicated official of the Department of Agriculture. I am happy that Vic will be enjoying the rewards he has earned in his 35 years of Government service, but I am saddened that those of us on the Hill will no longer have the benefit of Vic's efficient service and wise counsel.

During my brief tenure in the Senate, I have found no representative of the executive branch who has served the Senate more efficiently and capably than Viv Vaughn. He has helped his Department compile an excellent record of cooperation with the legislative branch.

I am personally grateful to Vic for the assistance he has given me and I wish him and Mrs. Vaughn the best in their future endeavors.

FINANCIAL STATEMENT OF SENATOR AND MRS. DICK CLARK

Mr. CLARK. Mr. President, over the years, a number of Senators have made it their practice to make periodic public disclosures of their financial status. I think that is a sound practice—one I would like to adopt.

If there is no objection, I would like the following financial statement for myself and my wife printed in the CONGRESSIONAL RECORD—along with a letter to the Secretary of the Senate.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

Financial statement of Senator and Mrs. Dick Clark as of January 3, 1973—Summary

ASSETS	
Cash in checking and savings account	$650.00
Stocks and other securities (see below)	17,359.37
Real Estate (see below)	43,870.12
Miscellaneous (see below)	11,700.00
LIABILITIES	
Mortgage—Waterloo Savings and Loan, Waterloo, Iowa	19,000.00
Mortgage—Oelwein Federal Savings and Loan, Oelwein, Iowa	10,453.10
Total net worth	44,126.39
Stocks and other securities:	
1,608.849 shares, Investors Corporation, mutual fund	15,975.87
14 shares, Champion Spark Plugs	597.00
5 shares, Exxon	447.50
12 shares, Iowa Southern Utilities	339.00
Real estate:	
Home, Marion, Iowa	$26,000.00
Contract receivable (sale of home in Fayette, Iowa)	17,870.12
Miscellaneous:	
Cars, furniture, books, clothing	11,700.00

HON. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a complete financial statement for myself and my wife. It details our family's assets and liabilities as of January 3, 1973.

I intend to submit a similar report to your office each year that I am a member of the U.S. Senate. Please make it available to the public on request.

Thank you.
Sincerely,
DICK CLARK.

VOLUNTARY FUEL ALLOCATIONS FOR FARMERS

Mr. THURMOND. Mr. President, the word "crisis" is one of the most abused words of the English language. It seems that our people are crisis oriented—we perform best when our backs are against the walls. As a result, we use the word crisis all too freely and sometimes get a distorted meaning of the term.

"Crisis" has been used to describe the energy shortage. We have been aware all along that ours is an energy consuming Nation and the problem of having enough energy to meet our needs has been evident. All of a sudden, we find ourselves viewing this situation realistically, instead of in an academic manner. We are told the energy crisis is at hand. I would prefer to call the situation in which we find ourselves an energy crunch. Unless we act decisively and expeditiously, however, a severe energy crisis will surely develop. The most discussed aspect of the energy crunch, and perhaps the most important, is the shortage of gasoline.

The fact that we are the greatest consumers of energy on the face of the earth is undisputed. Our Nation has only 6 percent of the world's population, but last year we consumed one-third of the world's energies and 47 percent of its raw materials.

The gasoline crunch could get worse before it gets better. Our stocks of gasoline are not adequate to meet the needs of consumers. It is predicted that by early next year, we may have a daily shortage of 300,000 barrels. Next summer could be much worse. Experts now say that the shortage could reach 900,000 barrels a day within the next 2 years.

Consumption of gasoline in this country totaled over 102 billion gallons for 1972. This was an increase of 6.5 percent in 1971. In the decade since 1962, the rise in gasoline consumption has been an astounding 55 percent.

One needs only to look as far as the neighborhood service station for hard evidence of gasoline shortages. Service stations are closing earlier and staying open fewer days than in the past. Independent stations across the country are being forced out of business because of the shortage. It is ironic that a nation which can provide every family with two cars is having difficulty providing these families with the fuel necessary to operate them.

When shortages occur, the next logical step is to determine who should be given top priority to receive the fuel left. While we have not yet been put in the position of strictly rationing gas to everyone, we have had to objectively decide which segments of our society can least afford to do without fuel and ask that they be given first consideration. A few weeks ago, the Office of Oil and Gas, to its credit, took a long, hard look at the problem and determined that the farming industry related to food cultivation, production, and preservation should be given top priority. Producers, refiners, marketers, jobbers, and distributors of these products were then asked to voluntarily place farmers at the top of their lists in selling oil and gasoline.

This was a sound decision. Agriculture is the backbone of this Nation's economy. The farmers' problems are everyone's problems. If the farmer has a good year, food is cheaper and more plentiful. If he has a bad year, all of us feel the pinch in the form of high prices, bad quality, and less quantity. Although we may live many miles from the fields, they are as close as our supermarkets.

Thus, for the well-being of the country, it is imperative that the farmer get the necessary fuel with which to plant and harvest his crops.

Like everyone else, the farmers are requiring more fuel to get the job done. This year, they intend to plant an acreage of grains and soybeans 12 percent larger than the acreage planted last year. In all, farmers have been encouraged to plant about 40 million additional acres of food and feed crops this year.

Planting delays caused by floods, cold weather, and other natural causes have spread the volume needs of fuel this spring and summer. Normally, May is the peak month for fuel. This year, however, spring farm work has backed up to June.

The Department of Agriculture estimates fuel needs for June to be 615 million gallons of gasoline, which is about 8 percent higher than for June of 1972. Furthermore, the use of diesel fuel has skyrocketed 19 percent over the past year.

It has been a little more than a month since the voluntary fuel allocations were put into effect. As of now, it is still too early to get a definite indication as to how the fuel industry is adhering to the guidelines. Evidence at hand, however, shows a number of apparent violations. Since mid-May, there have been more than 700 complaints from farmers all across the Nation. Of these, 106 cases have been solved and more than 600 still remain in doubt.

Mr. President, the Members of this august body have already shown their intolerance of those who would cut the economic rug out from under this country by denying the farmers fuel. A measure to require mandatory allocations was recently overwhelmingly passed in the Senate and is now in the House.

I believe this vote was a warning to the fuel industry to either abide by the volunteer guidelines or face Federal intervention and be required to comply.

Mr. President, since the energy shortage first became apparent, I have chosen not to join the chorus of voices fixing blame. I do support any fair investigation which may shed some light on the reasons behind the shortage. If anyone is found to have acted unethically or illegally, then they should be punished.

I have chosen, instead, to take a pragmatic look at where we stand now and how we can avert a real energy crisis in the future.

I do not choose, however, to sit back and watch the farmers lose their crops because of arbitrary refusals to comply with voluntary allocations. I have talked with literally hundreds of farmers in South Carolina and have done all within my power to assist them in obtaining fuel for planting and harvesting. I will continue to do so.

Throughout recent history, the farmers have been subjected to undue criticism and their plight has been difficult. They are now being blamed for higher food prices and no doubt they will be blamed if, because of the fuel shortage, they fail to harvest their crops.

Mr. President, it is my conviction and, I believe, that of the Senate, that the farmers should not be short circuited in this instance. If the voluntary fuel allocations are followed, and the farmers are able to plant and harvest their crops, then my concern will be groundless. If, on the other hand, the volunteer regulations do not work, then it is our responsibility to see that mandatory allocations become a reality.

The next few weeks and months will determine which course will be followed.

SUBSIDIZED WHEAT DEALS WITH RUSSIA

Mr. HUGHES. Mr. President, evidence is continuing to mount that the controversial, unnecessarily subsidized wheat deals with Russia has had disastrous effects on our economy—upsetting the commodity market, disrupting the transportation system, spurring rises in domestic food prices—all to the disadvantage of the American farmer and consumer. The way in which these foreign sales of farm commodities was handled by the administration represents a colossal example of Government mismanagement. Clark Mollenhoff, Pulitzer prize-winning chief of the Des Moines Register's Washington bureau has ably pointed up the disastrous consequences of these hurried, bargain-basement sales in an article in the Des Moines Sunday Register of June 17. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEAT DEAL PROBE MAY JOLT NIXON

(By Clark R. Mollenhoff)

WASHINGTON, D.C.—The Senate permanent investigating subcommittee will conduct hearings on the controversial "wheat deals" to Russia that may be almost as devastating to the Nixon administration as the Watergate hearings.

Chairman Henry M. Jackson (Dem., Wash.) has investigators out in the field now developing new evidence for hearings in the late summer or early fall on the grain sales that even administration officials now concede involved monumental blunders.

These governmental officials admit the U.S. consumers and farmers are paying a high price for the deals which involved blatant election-year political gimmickry by the Nixon administration.

Increased foreign sales of farm commodities could have been handled in a manner that did not upset the entire commodity market, dislocate the U.S. transportation system, stimulate rises in domestic food prices and the hundreds of millions of dollars in subsidies to help the Russians buy products that they desperately needed.

NEW WOES SEEN

If President Nixon survives the Watergate hearings, the investigation of political pressures on the commodity deals could add significant new political woes.

Partisan political gain was one of the overriding considerations in the grain sales and the advice of subordinates with the competence to be wary of such a large transaction were disregarded, according to White House sources.

The White House is believed to be preparing to make Agriculture Secretary Earl Butz the scapegoat for political policies that had their origins in the White House.

The permanent investigating subcommittee has a reputation for tough thoroughness developed over the last 20 years and highlighted by its investigations of labor rackets. the multibillion-dollar blunders on the TFX warplane contract and more recently the multimillion-dollar Vietnam Club scandals and the subsequent cover-ups by the Army.

The blundering of the administration in paying more than $140 million in wheat subsidies has been admitted. These subsidies allowed the Russians to buy our grain at artificially low prices even as the sales resulted in sharp rises in the prices that American food companies had to pay for grain.

The Senate subcommittee's hearings will detail the incompetence of high level U.S. negotiators and will provide a sharp contrast to the public image of President Nixon and Henry A. Kissinger as skillful international bargainers.

This will be a blow to the supporters of Mr. Nixon who are playing down the importance of the Watergate scandals by pointing to triumphs of the President and Kissinger in their international dealings with Russia and China.

It is doubtful that Kissinger can escape responsibility for supplying "political pressures" which his National Security Council (NSC) subordinate now blame for the mistakes made on the hurriedly conceived wheat deals.

Last month, a NSC source told this reporter that the U.S. negotiators openly discussed among themselves the fact that President Nixon wanted a great deal to be consummated quickly and that he wanted "reasonable concessions" made to the Soviet Union in terms of cash subsidies and credit.

"We were all very much aware of the President's desire to pull this off before the election" one source said.

The Jackson subcommittee also will be looking into allegation that the big grain firms used their knowledge of the impending sales to rig the price of wheat futures at the Kansas City Board of Trade.

SELF INVESTIGATION

The Commodity Exchange Authority (CEA), the government agency charged with regulating the nation's commodity markets, first permitted the Board of Trade, to investigate itself, a more that predictably resulted in a "whitewash" report of innocence.

But, under press and Senate subcommittee pressure, the CEA has now admitted finding evidence of possible criminal acts and has sent the case to the Criminal Fraud Division of the Justice Department.

A growing practice among service station operators to cut back on their hours of operation and a tendency for one or two of the stations among those clustered at major interchanges to be closed at any given time.

Prices for premium gas that ranged from 41 cents a gallon near Atlantic, Ia., up to a top of 48.9 cents per gallon in the West.

At only one of the 18 service stations where we stopped were we limited as to how much gas we were allowed. That was a limit of 10 gallon in Atlantic. Nowhere else were we limited, restricted or refused, but every service station manager was talking about the end of the month and the possible end of the gas.

No simple brand's station operators were free of the fear of anticipated problems from Iowa to California.

But, it seemed, no one really knew what the situation would be by the end of the month.

SUPPORT OF THE LAND USE POLICY AND PLANNING ASSISTANCE ACT

Mr. DOMENICI. Mr. President, in view of the rejection of certain amendments to S. 268, I was pleased to support it. In its final version I felt that it maintains the proper relationship between the Federal Government and State and local governments. It adheres to the principle of inducing rather than forcing action at the State and local level to achieve its important purposes. It maintains the concept of incentives as the means to encourage and assist States and local government in carrying out its provision. Finally, it relies, as it seems to me it should, on good faith efforts of State government toward compliance rather than some rigid national standard to be interpreted by an official of the Federal Government.

I feel, Mr. President, that there can be no disagreement with the needs for and objectives of this legislation. We must develop national land use policies before the practices of the past combine with the complexities of the present to eliminate beneficial uses of our land and our environment.

This is particularly true in my part of the country where conditions are changing so very rapidly and the potential for further drastic changes are so great. In that regard, I would like to quote from a statement by Mr. Jack Campbell, former Governor of New Mexico, and presently president of the Federation of Rocky Mountain States, on the need for land use planning in that area. The Federation of Rocky Mountain States is a broad, cooperative innovation of six Western States; Colorado, Utah, Wyoming, Montana, Idaho, and New Mexico—incorporated to provide an organization through which the Rocky Mountain States can work together effectively to solve regional problems. The Governors of the six Rocky Mountain States, including Governor Bruce King of New Mexico, concur in this statement illustrating the need for land use planning and coordination.

> The Mountain Western states are undergoing a population growth rate 56% higher that average in the country with even higher rates of investments in energy development, mineral production, recreation, retirement services, health, transportation, etc. This means rapid changes in land use and shifting of manpower among occupations and among areas, essentially into urban areas. Although some may not visualize the cinematic west as an urbanizing region, we are witnessing the formation of long corridors, following major water supplies in valleys, or along mountain fronts, together with heavy transportation, fuel and power lines and industrial development. We are apprehensive of this pattern of intermittent, partial urban development which is costly in public services and voracious in land consumption. For example, of the 20 years 1950 to 1970, the Pueblo-Denver-Cheyenne urban chain formed, 200 miles long, with 13 cities each over 10,000 population, across 9 counties, with hundreds of school, fire, recreation and other districts; increasing in population by 80%, while the rest of Colorado and southeast Wyoming grew only 1%. The Provo-Logan urban chain, 100 miles long, with 8 cities over 10,000 population, 4 counties and many special districts, grew by 74% while the average growth of the rest of Utah was only 7%. The Albuquerque-Santa Fe chain, some 60 miles long, grew by 88% while the rest of New Mexico grew by 4%. The Boise to Twin Falls urban chain, some 60 miles long, grew by 36% while the average growth of the rest of Idaho was only 13%. Even the Billings-Great Falls urbanizing area grew by some 540%.

Mr. Campbell concludes his statement with support for S. 268 and noted that—

> We are quite aware that the implementation of a national land use policy by the state and local governments of our country is going to be a difficult and sometimes painful process. We are sincere in our hope that the appropriate arrangements can be made to improve the coordination and cooperation and minimize the chances for conflicts and controversy. We welcome the opportunity to work in a constructive way to try to achieve these results. We believe that S. 268 with some rather minor modifications could, in fact, more clearly establish the arrangements which will lead to maximum cooperation and minimum of conflict.

At this point I must insert a cautionary note concerning cooperation and conflict. We cannot afford to let this legislation propel us into an era of national zoning practice with its nerve center in Washington or even in Federal regional offices around the country.

In order to avoid that situation, States, cities, and counties must be receptive to the spirit of the law and diligently strive to implement it's provisions, drawing upon the Federal Government for the assistance and guidance provided by this bill. The Federal Government must consistently recognize that this is truly a partnership effort and constantly guard against the urge to become more than an equal partner.

This kind of cooperative effort is absolutely essential to prevent this act, which has such vast potential for public good, from deteriorating into a Federal zoning law. I am confident, Mr. President, that citizens and officials of government at all levels recognize this danger and will join together to prevent the dire consequences I have just mentioned.

U.S. INTERNATIONAL TRADE NEGOTIATIONS

Mr. CHILES. Mr. President, the trade bill we will consider shortly and the trade negotiations we are about to enter into are extremely important to this country. We must be in a strong position to negotiate changes in trade policies in Europe and Japan to give our exports greater access to these markets.

This bill we are considering today is important because it affects the relationship that the trade negotiators for the United States will have with the President and with the Congress. Before we give to the President significant new authority in trade policy we need to be sure that that authority is clearly vested in our negotiators and that those negotiators and policymakers are continually responsive congressional interests. The issue of accountability is as important in trade as it is in war.

Therefore, I think it is extremely important that the Executive Director of the Council on International Economic Policy be confirmed by the Senate as are the special trade representative, who is the chief trade negotiator for the United States, and his two deputies. I am hopeful that this provision will be adopted by the House in conference.

Second, I think the oversight provisions in relation to the Council on International Economic Policy mentioned in the Foreign Relations Committee report should be closely adhered to.

Third, the possibility of the merger of the office of the U.S. trade negotiator—STR—into the Council—CIEP—should be carefully considered before it is undertaken. The authority of the trade negotiator to represent the President as is now clear by his title and his office, should not be blurred or reduced in the eyes of other countries by any reshuffling of the bureaucratic deck just as we are about to enter trade negotiations. Any changes that do take place should protect the direct authority to represent the President which the trade negotiator now has. The trade negotiator for the United States should not appear to be a third layer bureaucrat. The present negotiators also have established a record of responsiveness to the Congress which, I think is essential to preserve. I therefore support the provisions of this bill which preserve the professional character of the STR staff.

VICE PRESIDENT AGNEW LAUDED IN ARTICLE FOR HIS ACCOMPLISHMENTS

Mr. HELMS. Mr. President, a recent issue of County News, the newspaper published by the National Association of Counties, lauded the many accomplishments of our distinguished Vice President, Spiro T. Agnew.

I certainly commend this article to the attention of my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

> ### A Wider Role for the "Veep"
>
> We are delighted that President Richard M. Nixon has announced that Vice President Spiro T. Agnew's role in domestic affairs is about to be expanded. We have only the "bare bones" announcement at this writing that the "Veep" will be made Vice Chairman of the Domestic Council.
>
> We are hoping that the "Veep's" role will be much more comprehensive. At this moment no one can tell where the Watergate scandals will finally lead. We do know that, from the point of view of county officials, we stand to lose a very great deal if President Nixon's efforts to return control of the government back to state and local elected officials through "New Federalism" becomes a casualty of Watergate.
>
> #### CONGRESSIONAL LIAISON
>
> Perhaps the most important question now is what will Congress do with respect to New Federalism legislation, particularly special revenue sharing measures? One school of thought has it that, with the President at least temporarily weakened, that there will be no pressure on Congress to enact legislation recommended by him. Another school thinks Congress will be very anxious to establish a leadership position and will take positive and effective action to pass the Congressional version of special revenue sharing and other New Federalism measures.
>
> In either event, it is important to have a new leadership role for "the Veep." To the best of our knowledge, in his capacity as presiding officer of the United States Senate, Vice President Agnew has a good working relationship with the Senators. Many of them disagree with the policies of the Administration, but he appears to have the respect and even affection of a great portion of the Senate.
>
> This could be extremely important to New Federalism in the weeks and months ahead.
>
> #### LOCAL GOVERNMENT KNOWLEDGE
>
> It would also seem that "the Veep" is one of the most knowledgeable men in the Ad-

ministration on state and local government affairs. We all know that he has been a successful school board member; and effective Elected County Executive of Baltimore County, Md., and that he was a good Governor of Maryland.

Not only does he thoroughly understand and articulate the problems and concerns of the city, county, state officials, he also has a progressive record in these areas. As County Executive, for example, he fought (unsuccessfully and unfortunately) for housing and urban renewal programs in his county. He was in the forefront of the effort to modernize the Constitution of the State of Maryland.

His leadership qualities in these areas were recognized in the National Association of Counties when he was elected to the Board of Directors of NACo, and served with great distinction as Chairman of NACo's Transportation Committee. He had similar recognition of his leadership ability in his elevation by his colleagues to leadership positions in the Governor's Conference.

HONESTY

Most of the hundreds of officials who know Vice President Agnew personally can attest to his complete personal honesty and integrity. It is reflected in his speech. In many respects he is the Republican Harry Truman. He speaks his mind in a most honest and forthright manner. This often gets him in trouble with the press, but we suspect that the American public is going to be looking increasingly for complete honesty in their leaders as the Watergate scandal unfolds.

We should also keep in mind that the Vice President has not been involved in any way with the Watergate scandals. It has been fashionable in the recent past to speculate that President Nixon would not support Vice President Agnew for the Presidency in 1976. There have been innumerable articles pointing out that the Vice President was having a smaller and smaller role in the Administration. This now can be a tremendous asset because it is clear that the decisions involved in the Watergate matter and related developments did not in any way involve Vice President Agnew.

COURAGE

In this time of trouble we suspect that another leadership trait that will be in great demand is courage. Vice President Agnew has guts. Even his critics will admit that he is a courageous fighter and not a man given to quiting. This can be a tremendously important asset for President Nixon in his efforts to respond to the current national crisis.

PERFORMANCE

Finally, we come to the question of evaluating past performance. In the first four years of the Nixon Administration, Vice President Agnew was designated liaison between city, county, and state officials and the White House. He performed extremely well. The Office of Intergovernmental Relations which he headed became a valuable one for hundreds of city, county, and state officials.

In all candor, many of us were surprised when the White House announced that the Vice President, at his request, was being phased out of the liaison role with state and local government.

We yielded to the considerable logic that the best place to have liaison was directly with the President through the Domestic Council and the President's Domestic Council Staff. The council composed as it is of the President, Vice President and the principal Cabinet officers, is obviously the decision making body. It was important to have liaison at this very high level.

At this writing it is very difficult to predict what will happen with the reorganization of the White House high command. It could be extremely valuable if the Vice President, in addition to, being Vice Chairman of the Domestic Council as already has been announced were, also given a direct responsibility for city, county, and state liaison.

We can see the Vice President with the major role in "putting it all together" in terms of New Federalism programs. Again, we look to the past record of performance. Nearly 2,000 of our county officials will recall that the Vice President was the dominant leader in our NACo "Jet-In" in support of general revenue sharing. He faced more hostile state legislators, state leaders, and press criticism on this subject than probably anyone else. He was tenacious. He did his homework and understood the legislation from A to Z. He inspired city, county and state officials to get behind one of the most united, best organized and effective efforts ever to pass legislation that has as its ultimate aim return of control of government to the people through their local and state elected officials.

He is the number two elected official in the United States. He obviously has or had the strong support of the President from the very beginning or he wouldn't have been on the ticket in the first place. He has been an independent thinker but a loyal supporter of the President's programs.

In short we think the man and the event have come together and the President should now turn to his Vice President to get New Federalism moving.

BERNARD F. HILLENBRAND.

ADDRESS OF GEORGE A. NEWBURY AT ECUMENICAL VESPER SERVICE, PROVIDENCE, R.I.

Mr. PELL. Mr. President, Mr. George A. Newbury, the Sovereign Grand Commander of the Ancient Accepted Scottish Rite, gave a remarkable and completely extemporaneous speech when he spoke at the Ecumenical Vesper Service in Mecham Auditorium, Providence, on May 6, 1973.

Because I found his words so remarkable and so moving, that I requested a transcript of his speech, a speech which I believe would be of very real interest to my colleagues.

For this reason, I ask unanimous consent that Mr. Newbury's words be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LIFE'S FINAL STAR

It is a high privilege to be here this afternoon, at this ecumenical service, and to endeavor to put into words some of the thoughts which I am sure are in the minds of all of us. However, vastly more important than anything that I can say, or will say, is the fact that this service is being held; that you are here; and that these dedicated men of the clergy are here on this, a very busy day for them. What we say here will be "little noted nor long remembered," as Lincoln said in that famous Gettysburg Address—not true in his case, but very true in this. But the fact that we are here will be noted and will be remembered; that we have come here to express our belief in brotherhood; and may I say, our determination that brotherhood will be more evident in our city, in our nation, in the world, and in our lives, than it has been.

I am sure that many of you will have noted that the subject which I have chosen, "Life's Final Star," is from that famous quotation from Edwin Markham: "The crest and the crowning of all good, life's final star, is brotherhood." This is no new thought. It's as old as history. Teachers down through the ages have proclaimed it. But men have failed to heed it and to abide by it. The same thought is also beautifully expressed in that lovely hymn by Katherine Lee Bates which we enjoy singing, "America the Beautiful." You will recall the refrain—"America, America, God shed His grace on thee, and crown thy good with brotherhood, from sea to shining sea"—an old theme, but one which really is never old, and one that never should be old in our minds and in our lives.

Some years ago when in London I, like many a tourist, went down to the crypt under St. Paul's, where some of the great of Britain are buried. In a little alcove just off the great sarcophagus to Lord Nelson, there are a series of busts of famous men with inscriptions on the pedestals supporting them. One of them—that of Sir Stafford Cripps—attracted my attention and, as I read it, the words were seared into my mind. I could never forget them: "If man neglects the full armour of God, he will seal the doom of future generations. Is it a prophetic phrase? If we neglect the things of the spirit, if we fail to put on the full armour of God, will the doom of future generations be sealed? As we look about us in this world today, we might well believe that it is prophetic. With the crime on our streets, with the difficulties in our cities, in our slums, in our Ghettos; with the problems over ecology, discrimination, endless problems right here at home and on the world scene, problems to which it seems utterly impossible to find a solution; there surely is need for us to turn to things of the spirit and to put on the full armour of God. And among the things of the spirit, I would say there is none more important than that of brotherhood.

A speaker, whom I heard some years ago, recently returned from the Holy Land, was describing his experience visiting an archaeological excavation. He described what had been a city which back in the days sof Solomon was so strongly fortified that, as he said, the armies of those days had been unable to breach its fortifications. As he stood there he noted that a plane flew over and he reflected that one bomb from that plane could not only have breached the walls of that city, but would have completely demolished it and left it a dust-filled hole in the ground. Then he added: "What tremendous progress we have made since the days of Solomon."

Well, my mind went to something else. At the time the engineers, the military men, of that day, were fortifying that city, there were some shepherds tending their flocks in the surrounding hills and thinking some noble thoughts. You have heard some of them here from this rostrum this afternoon. You will find others in those glorious Psalms and throughout the Old Testament. "The heavens declare the glory of God and the firmament showeth His handiwork. Day unto day uttereth speech and night unto night showeth knowledge. There is no voice nor tongue that their words are not heard"; "Blessed is the man who walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful, but his delight is in the law of the Lord, and in His law doth he meditate day and night." I ask you to reflect; how many men and women in this day and age can think at the spiritual level of those ancient shepherds?

We have made tremendous progress over the years in material things. We boast, particularly in our land, of more automobiles, more telephones, more television sets, more radios, and more of this and more of that. Our scientists have probed deeply into many scientific fields. Some, in the biological field, seem perhaps verging on finding the secret of life itself. We have seen the tremendous scientific advances that have gone into the exploration of space. Tremendous advances, in a material way, but have we gone forward, or backward, in the things of the spirit? Well we may reflect: "If man neglects the things of the spirit, and fails to put on the full armour of God, he will seal the doom of future generations."

Durant, in his encyclopedic history which he spent a lifetime in writing—some ten volumes altogether—has one entitled "The Age of Faith," and another, "The Age of Reason." "The Age of Faith" Durant sees ending about the time of Dante and "The Age of Reason," the age of the industrial revolution, that which followed it. In a paragraph in the Epilogue to "The Age of Faith," Durant, after a lifetime of study of history, said this: " 'The Age of Faith' may return if 'The Age of Reason' achieves catastrophe." A thought well worth reflecting on and a good subject for a sermon in itself. The one way, and I think we might agree the only way, to avoid that catastrophe and solve the problems of this Age is to develop a greater sense of brotherhood among men; to have more regard for the other fellow and his opinions and his desires.

When is a man or a woman a brother or a sister? Some words come to mind that were written in another sense, but they describe the essence of brotherhood.

"When he can look out over the rivers, the hills, to the far horizon with a profound sense of his own littleness in the vast scheme of things, and yet have faith, which is the root of every virtue. When he knows that deep down in his heart every man is as noble, as vile, as divine, as diabolical, and as lonely as himself, and seeks to know and to love his fellow man. When he can sympathize with men, even in their sins, knowing that every man fights a hard fight against many odds, and still have faith in them—even when they do not have faith in themselves. When he has learned how to make friends, and how to keep them—and, above all, how to keep friends with himself. When he loves the flowers, can hunt the birds without a gun, and feel the thrill of "an old forgotten joy when he hears the laugh of a little child. When he can be happy and high-minded amid the meaner drudgeries of life. When no voice of distress reaches his ears in vain, and no hand seeks his aid without response." Now listen to this: "When he feels a public inequity as a personal sin, and a human calamity as a private bereavement—sharing the guilt and the sorrow of his fellows. When star-crowned trees and the gleam of sunlight on flowing water subdue him as a memory of one much loved and lost awhile. When he can look into a wayside puddle and see something beside mud, and into the face of the most forlorn human and see something beyond sin. When he has been true to himself, to his fellow man, and to his God, in his hand a sword for evil and in his heart a bit of a song, glad to live, but not afraid to die." Such a man is a brother and has learned the art of brotherhood.

In conclusion, I would like to leave with you the thought that it is only by developing that kind of a sense of brotherhood among men—all men; that sense of our being a part of all humanity; that willingness to accept all as brothers, to be tolerant and understanding of their opinions and their aspirations and their desires; that we can hope to solve the grave problems facing us in America and in the World today. It is only so, that we can develop the kind of a civilization which we would like to develop.

We have seen the futility of laws. The statute books of our Nation, our States, and of the Countries of the World are filled with them. They have not solved our problems. We have seen the efforts of police and military in our cities, and in our Nation, and on the world front—and they have not solved our problems. And in this World with its growing populations, with its growing tensions, we will continue to have unsolvable problems until we develop more of a sense of brotherhood of the character of which we have just been speaking.

I would hope that in this city and in those throughout our land, there will be many more meetings such as this, devoted to the cause of brotherhood, to promoting understanding, to promoting toleration, to promoting, yes, plain unselfishness. We can never solve the problem of intolerance by intolerance. Tolerance is the only solution. We can never solve the problem of selfishness with selfishness. Unselfishness is the only solution. And we can't solve the problem of hate with hate. Love is the only solution.

And finally, I would ask that we all reflect on that glorious prayer of Saint Francis:

"Our Heavenly Father, grant that we may be instruments of Thy peace. Where there is hate, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sorrow, joy. And oh Divine Master, grant that we may not so much want to be understood, as to understand; to be loved, as to love; to be pardoned, as to pardon. For it is in giving that we receive. It is in loving that we are loved. And it is in dying that we are born to eternal life."

Life's Final Star is Brotherhood.

UNITED STATES-JAPAN ECONOMIC RELATIONS

Mr. JAVITS. Mr. President, today I had the opportunity to address the Advisory Council on Japan-U.S. Economic Relations.

I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

UNITED STATES-JAPAN ECONOMIC RELATIONS

I have been asked to speak on current U.S.-Japan economic relations. The past is the prologue to the current state of relations and a few words must be said about the recent past.

U.S.-Japanese relations have been somewhat troubled over the past four years—a reflection of the very rapid changes that have occurred in the world during this period of time. In turn, the past four years have been a turbulent and traumatic period in the United States encompassing major political, military and economic problems. Our external relations have not been immune from these domestic strains.

Perhaps the early symbol of changing U.S.-Japan relations was the textile dispute of 1969–1971. It is my understanding that this dispute had an intensity of coverage in Japan that only our coverage of the Watergate affair rivals. As we know, this dispute was characterized by policy errors on both sides of the Pacific as neither side fully recognized the stark political and economic realities which determined seemingly rigid negotiating positions. Unfortunately, the textile dispute had already clouded the air when the two "Nixon shocks" of July and August 1971 rocked U.S.-Japan relations.

THE AUGUST 15, 1971 ECONOMIC "SHOCK"

In retrospect, I remain convinced that the freeze and international economic measures which were announced on August 15 were absolutely essential and initiated the long overdue process of re-ordering the international economic relations between the major industrial nations of the world. This re-ordering process continues today and will be with us for some years to come.

President Nixon's August 15, 1971 measures were announced at a time when the substantial undervaluation of the yen was causing increased economic as well as political resentment against Japan. I doubt whether the steps that were required and necessary would have been taken by Japan otherwise, and the new economic program initiated a long overdue process of defining a new and realistic parity for the Japanese yen.

Since that date the yen has been revalued against the dollar by more than 35 percent. A shift of this magnitude over less than two years is bound to cause economic dislocations but it must be placed in its historical context since the yen-dollar parity had remained unchanged since the end of the Second World War and the intervening years witnessed remarkable changes in the relative strengths of our economies.

These re-alignments in exchange rates already are showing their desired effect and the U.S. trade deficit with Japan in the first four months of this year narrowed to $538 million as compared with the totally unacceptable trade deficit figure in the first four months of 1972 of $1.2 billion.

Trade between our two nations continued to expand dramatically and in the first four months of 1973 the two way trade between our nations was in excess of $5.6 billion as compared to some $4.4 billion in the comparable 1972 period. Looking at all of 1972 the record level of two way trade between our nations was slightly in excess of $14 billion.

These figures make clear the extent of interdependence between the two most powerful economies in the non-communist world—an interdependence which is likely to grow as the investment relationships as well as trade relationships between our nations continue to grow and strengthen. In this regard the recent liberalization of the Japanese investment climate is welcomed and the re-alignment of the dollar-yen parity also should provide considerable incentive for increased Japanese investment in the United States.

THE CHINA "SHOCK"

The China "shock" of July 15, 1971 was of a different nature and in retrospect, it must be seriously questioned as to whether the extraordinary secrecy which precluded advance consultations with Japan was really necessary. Let me say in this regard that the U.S. Congress had no more information on this gifted initiative of the Nixon Administration than did the Japanese government.

But again, President Nixon's China initiative does have a silver lining in terms of our bi-lateral relations with Japan. Japan has moved quickly to strengthen her relations with the People's Republic of China and it is to be hoped that the new diplomatic flexibility that Japan now has because of this, will contribute to a prompt and amicable settlement of the existing territorial claims arising out of the Second World War between Japan and the Soviet Union. In this regard, I note the reversion agreement of May 1972 through which Okinawa was returned to Japanese sovereignty by the United States.

In turn, the President's China initiative, has had the effect of setting the pace of Japanese political and diplomatic interaction in the world in a manner consonant with Japan's economic strength. Difficult choices remain ahead of Japan but is it not better to have choices based on a realistic evaluation of one's true strength in the world than to be locked into unrealistic attitudes related to Japan's traumatic situation after the Second World War which now must be outgrown?

One of these choices concerns Japan's future role in the United Nations—in particular the question of a possible Japanese seat on the Security Council. I have no counsel in this regard except to say that increased responsibility commensurate with increased economic strength is not something that is to be feared. I realize that this issue raises difficult problems in Japan with particular reference to the peace keeping mandate of the United Nations.

This particular choice becomes available because of the new role of the People's Republic of China and the United Nations and its specialized agencies. In my judgment, just as Japan faces new policy options, the People's Republic of China and the Soviet Union must seriously consider the question of membership in the World Bank family. Such membership would clearly signal to the world the long range intent of the People's Republic of China and the Soviet Union to cooperate with the rest of the world in promoting a stable monetary system and to cooperate with the rest of the world in promoting the economic development (and in Southeast Asia the reconstruction) of the developing world.

JAPAN'S AID ROLE

This brings me to the question of Japan's future role in development assistance and her future role in Southeast Asian reconstruction. Let us call it as it is and say that while for understandable reasons, it is yet a fact that Japan continues to get a relatively free ride in national defense. Japan's defense budget remains by far the lowest in the world while U.S. responsibilities in Asia and the Pacific contribute to the fact that the U.S. defense budget is the highest in the world. It is my judgment that this existing condition which is not likely to change in the near future because of internal Japanese political factors, mandates that Japan do more in the development assistance area.

There is little room for self-congratulation in Japan's public foreign aid performance to date. And it would be my hope that Japan will quickly reach—and even go beyond—the 1 percent aid target as put forward by the United Nations in its second Development Decade. A one percent transfer of real resources by Japan to the developing world does not loom so large in light of Japan's small defense budget. In turn, when the United States does not reach the 1 percent aid target, let us not forget that our projected defense budget for FY 1974 will continue to eat up $.30 of every budget dollar, total some $80 million and account for approximately 7 percent of our gross national product.

It would be my contention that Japan's future aid role will be an increasingly important factor in its political and economic relations with the other countries of the industrialized world—all of which carry a heavier defense burden.

Japan's future role as a donor nation will be a particularly significant factor in terms of the reconstruction of war-torn Southeast Asia. At this period in time, the political realities in the United States raise some doubt whether the U.S. Congress will agree to channeling development assistance to North Vietnam. However, such development assistance may be an essential element in building a durable peace. It is my understanding that Japanese political considerations have the reverse twist—namely that the Japanese political climate would oppose a sizable Southeast Asian aid program which excluded North Vietnam. In these respective political realities, the seeds for a resolution of a dilemma and the seeds for a meaningful Southeast Asia reconstruction program are contained. It is my hope that policy officials in both countries are now putting together such a program—an integral element of which would be Japan's willingness to assist in the reconstruction of all Southeast Asia including North Vietnam.

I would like to make two final points to this distinguished audience and the topics I now would like to broach contains the seeds of potential conflict between not only the United States and Japan but also the United States—Japan and Western Europe. We must take steps now to insure that the potentiality for disruption in our relations is averted. I refer, to the petroleum situation, and the trade situation.

In both these areas conditions are changing most rapidly, particularly since the United States is becoming a deficit nation in terms of petroleum and since the United States is finding it increasingly difficult to meet growing needs at home while still supplying the growing demands of the world for a wide variety of agricultural and forestry products.

President Nixon's request of last week for new authority to allow him to impose export controls with particular reference to food products is symbolic of these changed conditions. Japan, a traditional market for U.S. farm products has expressed deep concern over the implications of this policy for future Japanese purchases. In turn, Japan has already voluntarily curbed purchases of logs from the United States in recognition of the supply shortages developing in this area. It is my feeling that the problem of unilateral export restraints over the coming years may become as difficult a problem as disruptive imports have been in the past.

The time clearly is at hand where our trade negotiators must turn their attention to devising new rules of the game covering export restraints. There has been much talk about the need to negotiate a multilateral system of import safeguards—the events of June 15, 1973 demand that the negotiation of a multilateral system covering export restraints receive equal time before this problem unnecessarily damages our economic relations.

My final point concerns oil. Last year, despite operation at 100% capacity, the United States domestic production began to decline and no reversal of this disturbing trend is foreseen. This production decline coincides with an unprecedented increase in demand for petroleum products and it is projected that domestic demand for total U.S. consumption of oil which is expected to approach 18 million barrels a day in 1973 will increase to about 21 million barrels a day in 1975 and some 25 million barrels a day in 1980.

This dramatic shift in the gap between U.S. production and U.S. consumption is being met by increased imports and projections indicate that imports which were 27 percent of total U.S. consumption in 1972 will increase to 33 percent of consumption in 1973 to over 50 percent of domestic consumption by 1980. In dollar terms, it has been estimated that our payment outflow due to oil imports will approach $7 billion in 1973, $10 billion in 1975 and as high as $17 billion by 1980.

The United States can no longer meet its energy needs in this hemisphere. Venezuelan resources are being rapidly depleted and the recent decisions of the Canadian government to limit shipments of gasoline, home heating oil and crude oil speak for themselves. It will be years before Alaskan oil begins to reach the U.S. market and programs to exploit tar sands, shale, solar energy, to gassify coal and to maximize the use of nuclear power have a very long development lead time.

Over the next ten years, then, the United States will increasingly enter the market for Middle Eastern oil and the Middle East has been the traditional supplier of Japan as well as Western Europe. In this situation, the possibility of such intense competition as to be very damaging developing between the United States, Japan and Western Europe cannot be overlooked. In my judgment, this type of competition could be destructive not only to our international economic relations but also our security relationships, and can be avoided only if consuming countries today begin to coordinate their energy policies looking towards a joint approach.

In making this recommendation I am not speaking of confrontation with the oil producing states who already are cooperating intimately in the OPEC. I am speaking of a joint approach where the consuming countries of the world choose the course of cooperation rather than the course of going it alone. In this area I am convinced that the phrase "united we stand, divided we fall" is a truism. I am also convinced that in totality this problem is of a magnitude well beyond the capability of the private oil companies to handle.

Let us begin cooperating now, let us recognize that the United States has no alternative to increased dependence on Middle Eastern oil in the foreseeable future, let us accept that petroleum and natural gas will loom even larger in our respective relations with the Soviet Union and let us resolve that we will not take action that will result in serious damage to each other. Let the lessons of the thirties make us resolve that there is no alternative to a joint approach to such a common supply problem.

Thank you.

MARTIN ARANOW

Mr. WILLIAMS. Mr. President, recently, New Jersey and the Nation lost an outstanding citizen with the death of Martin Aranow.

Marty Aranow was a rare and gifted individual. In many ways, he virtually was a living lesson in democracy. He demonstrated what one man can do in the American system when he truly is motivated.

As a tenant, he became outraged at the treatment he was accorded. He was a highly successful business executive and easily might have yielded to the temptation to just move and change his personal situation.

But, he did not. He looked into the problem and found that the plight of many tenants was an onerous one. And, in all too many instances, these tenants, for a variety of reasons, including economics, could do nothing to help themselves.

So, Marty Aranow set about organizing tenants and he set out on a campaign of public education to create a new awareness of the plight of tenants. Subsequently, he placed a special emphasis on organizing senior citizen tenants who because of their limited incomes often are our most helpless tenants.

The direct result of Marty Aranow's tireless, constructive, and enlightened efforts was the enactment in New Jersey of a "Tenant's Bill of Rights" and a "Senior's Bill of Rights." New Jersey became the first State to have such legislation and I believe it remains the only State to have both.

Mr. President, as a younger man, Marty Aranow enjoyed great success as a basketball player. Because of his height, he stood out in a crowd.

Even after his playing career, he continued to stand out in a crowd; not just because of his physical size but because of the height of his dedication, wisdom, and human understanding.

Life only granted him 36 years, but he made the most of his time. I think that all of us hope that that can be said about us.

Mr. President, Marty Aranow's achievements were commemorated in an editorial which appeared in the June 16 issue of the Star-Ledger of Newark, N.J. I ask unanimous consent to have that editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARTIN ARANOW

He did not hold high office nor was there any indication that he aspired to a career in politics, but even without these influential forums as a power base Martin Aranow represented a vigorous force in the lives of millions of Jersey residents.

Social commitment was a way of life for this young business executive, an awareness that had a populist-oriented genesis in the strong tenant movement he founded and nurtured to a vigorous maturity almost single-handedly.

Affronted by the "exorbitant, unjustified rent increase" on his high-rise apartment, Mr. Aranow became an articulate spokesman for other harried tenants in the state. With his wife, he drafted a "Tenant's Bill of Rights" and a "Senior's Bill of Rights," a careful documentation of the concerns and remedies for these neglected groups.

Because of his missionary zeal, New Jersey was in the vanguard of states on tenant protection. His reasoned thinking on the highly volatile issue of rising rentals was endorsed by Gov. Cahill and largely incorporated in the measure enacted by the Legislature that became a pioneering prototype of tenant reform for other states.

Mr. Aranow's life was cut shockingly short by a rare blood disease. He was only 36 when he died, but it is apparent that he used his years well, a fulfillment that can be measured in rare human terms—helping others who could not help themselves.

COLLINSVILLE, ILL.: A SAD COMMENTARY ON FEDERAL DRUG LAW ENFORCEMENT

Mr. PERCY. Mr. President, I regard as sheer nonsense explanations last week by Federal drug law enforcement officials concerning the continued activity of four Federal narcotics agents despite their purported suspension. The four agents were suspended pending the outcome of an investigation into their conduct during mistaken drug raids on two Collinsville, Ill., families 6 weeks ago.

Assistant Attorney General Myles Ambrose, Director of the Office of Drug Abuse Law Enforcement, announced to a press conference on May 1 that—

> The BNDD agents assigned to DALE involved in the (Collinsville) incident have been suspended from further assignments until the case is concluded.

He reiterated that statement in a letter to me dated May 4, 1973, and again in direct conversation in my office on May 14.

I have been apprised that the agents, suspended with pay, until now have been reporting regulary to work, have participated in courtroom and grand jury appearances, have engaged in work relating to pending narcotics investigations, and have otherwise assisted agents not under suspension in the conduct of drug law enforcement activities. One of the agents, Dennis R. Moriarity, was personally involved in the execution of a search warrant last Friday in Maryville, Ill., near Collinsvile, that led to the discovery of approximately a half-pound of cocaine. Moriarity evidently furnished information to establish probable cause for the warrant and transmitted the warrant to the agent in charge on the motel grounds where the warrant was executed. He was on the scene, outside the searched room, but in the immediate vicinity of the search, seizure, and arrest.

Mr. Moriarity even signed the return stating:

> I received the attached search warrant at 11:00 p.m., June 8, 1973, and have executed it as follows: On June, 1973 at 11:45 p.m. o'clock, I searched the premises described in the warrant. . . . I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

These facts are deeply troubling. If indeed there was good cause to suspend the four Federal agents as a result of their participation in the Collinsville raid, I do not believe that they should continue to involve themselves in Federal narcotics law enforcement, or be called upon to do so, until their role in the raid is fully explained and appropriate actions are taken.

Suspension either means just that or it means nothing at all. The justifications given by officials to explain away the continued participation of these agents in critical drug law enforcement activity strike me as unconvincing. Such continued activity casts a shadow over Federal drug abuse law enforcement and may help to foment drug law enforcement abuse.

We must not be guilty in this country of breaking the law, or tampering with it, in order to enforce the law.

If, as has been communicated to me, Federal drug law enforcement in the St. Louis area has been impeded by the suspension of these agents, I urge the Department of Justice to reassign additional agents forthwith to take the place of those suspended agents and successfully carry out their important duty of wiping out bigtime narcotics peddling.

I am pleased to say that, with respect to information relating to the incidents associated with the mistaken Collinsville raids on the evening of April 23, the Justice Department and I have reached a mutually satisfactory understanding which will permit me to be kept fully informed about significant aspects and developments of this case, now the subject of a grand jury investigation.

I have asked the Attorney General personally to look into the matter as to whether any Federal agents or personnel conducted postraid investigations into the private lives, life styles, and habits of Mr. and Mrs. Giglotto or any members of the Askew family.

During the course of a Senate hearing I conducted in Chicago last month, together with Senator, SAM NUNN, on behalf of the Reorganization Subcommittee of the Government Operations Committee, Mr. Herbert Giglotto, in sworn testimony, stated that such an investigation had been conducted by Federal agents with a view toward harassing his wife and himself and discrediting them in the community in which they live and work. FBI Director, William Ruckelshaus, immediately assured me that the FBI had no involvement in any such postraid inquiry, but other law enforcement agencies have not addressed the charge.

I certainly hope and trust that it is not standard operating procedure that the innocent victims of a senseless mistaken drug raid are to be further intimidated in this manner. We are not a police state and will not become one. Police state tactics, for whatever good cause, however worthy, cannot and will not be condoned.

On a related matter, I welcome the decision of Attorney General Richardson to call in the Civil Rights Division—criminal section—and the FBI to assist a grand jury investigation, headed by a U.S. attorney in Springfield, Ill., in determining whether there has been any deprivation of the civil rights of the victims of the Collinsville raids in violation of section 242 of title 18 of the United States Code.

Finally, let me say that under no circumstances should we lose sight of the festering sore of drug abuse which bigtime narcotics pushers are all too anxious to let spread. But at the same time, in our striving for a drug-free America, we cannot forfeit the underlying values of a free America. To the extent we permit stormtrooper indignities to traduce those values and to deprive our citizens of their rights of privacy and due process, we seriously imperil all that our society stands for.

Mr. President, I ask unanimous consent to append to my remarks at this point three editorials from the Wall Street Journal of May 8, 1973, the Chicago Tribune of May 7, 1973, and the New York Times of April 30, 1973, commenting on the Collinsville raids. I would also like included in the RECORD at this point an outstanding news analysis piece on the subject of search and seizure and fourth amendment rights, written by Lawrence Mosher and appearing in the National Observer for the week ending June 23, 1973.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUE PROCESS COMES FIRST

Travelers awaiting customs clearance at New York's JFK airport can ponder a Customs Bureau sign that reads, "Patience Please, a Drug-Free America Comes First."

That's a harmless bit of P.R., we suppose, but we fear that some U.S. drug law enforcers have been taking the message too literally. From all appearances, they have been putting their quest for drug traffickers ahead of everything else, including common decency and, most importantly, the precepts of a free society.

It is the sort of thing that deserves to be vigorously condemned and we are glad to see that others, including a federal grand jury, share our concern.

We refer, of course, to the abortive drug "busts" in which plain-clothes narcotics agents have invaded private homes and terrorized the occupants, only to find that they had picked the wrong targets, or at least so the initial evidence, or lack thereof, would indicate.

Last January, it was a 15-member team of Massachusetts agents which raided the home of Mr. and Mrs. William Pine of Winthrop in search of drugs. The Pines claim that they and their daughter were terrorized for 15 minutes before the agents realized their mistake. And late last month, federal narcotics agents pulled a similar raid on two houses in Collinsville, Ill., also, apparently, in error. Newspaper accounts of the raids, in which bearded and long-haired agents in hippie garb brandished guns and shouted obscenities, have a Kafkaesque flavor; the underground has been employed in the service of the state.

Myles J. Ambrose, Special Assistant Attorney General in charge of the Office for Drug Abuse and Law Enforcement, says the Illinois raids will be investigated by a federal grand jury. He says four agents have been suspended and that the families had been promised compensation for any proven damage.

Mr. Ambrose has been quoted by The New York Times as saying: "Drug people are the very vermin of humanity. Occasionally we must adopt their dress and tactics. But if anyone acted improperly, we will take action.

People who use their badge for illegal purposes are worse than the criminals they seek."

However, the question raised by the raids goes beyond Mr. Ambrose's office or the specifics of these raids. The question is how far can a free society afford to go in suspending fundamental rights when it is trying to cope with admittedly serious problems? The answer being suggested by the drug raids is that it suspends such rights only at grave risk of becoming something other than a free society.

The drug raids stem from the Comprehensive Drug Abuse Prevention and Control Act of 1970. That law contained the controversial "no-knock" provision which provided for search warrants giving enforcement officials the right to enter premises to be searched without notice to the occupants "if there is probable cause to believe that the property sought would be destroyed or someone's life or safety endangered if notice were given."

The Justice Department Bureau of Narcotics and Dangerous Drugs has set up 38 teams of agents which specialize in no-knock "busts." Team members quite often look more hippie than the people they bust; they "psych" themselves up for their sometimes dangerous raids much as does a football team before it takes the field; in action, they often are a fearsome sight.

Is it all worth it? We doubt it. Admittedly, the raiders have had their successes. But we find it hard to believe that the key to effective law enforcement lies in this kind of state-conducted terrorism and invasion of privacy. Watergate has again demonstrated that it is too easy, once the bars have been lowered, for the same tactics to be applied illegally in other "good causes," such as finding out what the opposing political party is up to.

If a society is going to be guided by a set of principles—guaranteeing its members legal protections against the power of the state—it can't suspend them when it is faced with a drug problem or some other worrisome threat. Rather, it is at such times that it should reaffirm those principles. It should demand that the problems be met without destruction of fundamental rights.

In other words, a drug-free America does not come first. The American citizen and his rights to due process under the law come first. When government forgets that, we are all in trouble.

[From the Chicago Tribune, May 7, 1973]

Wrong Number, Wrong Tactics

What happened to two families at Collinsville, Ill., one night recently should not happen anywhere, least of all in the United States. Federal narcotics agents out of St. Louis barged in, crashing thru doors, throwing clothes and furniture around, uttering obscenities, brandishing weapons, and saying such things as "You're going to die if you don't tell us where the drugs are" and "Don't get smart; I'm gonna kill you." When they realized that they had blundered into wrong addresses, they said, "We've made a mistake" at one home and "We've gotten a bum tip" at the other. The agents had no warrants issued for any addresses.

These outrages were perpetrated by operatives of the Office for Drug Abuse Law Enforcement, which in Collinsville at least deserves to be known as the Office of Law Enforcement Abuse. As one of the victims said of the terrorists who invaded his home, "If they were representatives of the federal government, we're all in trouble."

In Washington, Myles J. Ambrose, the burocrat in charge of the Office for Drug Abuse Law Enforcement, ordered a "thoro investigation," suspended the agents involved, and called their actions "stupid." Of course. At the very least, picking on unintended targets surely was unprogrammed.

But Mr. Ambrose's comments are not wholly reassuring. "Drug people are the very vermin of humanity," he said. "Occasionally we must adopt their dress and tactics." Drug people, of course, do not get legal warrants for their activities, carefully identify the individuals they pull into their orbit, or try to minimize the harm they do to persons and property. But surely it is not asking too much to expect Mr. Ambrose to avoid their "tactics" in these respects.

Bad as "drug people" are, the Office for Drug Abuse Law Enforcement is hardly justified in categorizing them as "vermin," or in threatening summary executions during a raid, even if at an address for which a warrant had been issued.

Government men who consciously embrace verminous tactics come too close to illustrating another remark of Mr. Ambrose's: "People who use their badge for illegal purposes are worse than the criminals they seek."

[From the New York Times, Apr. 30, 1973]

Law and Order

"There are those who say that law and order are just code words for repression and bigotry. "This is dangerous nonsense," President Nixon declared last month as he unveiled harsh new anticrime proposals. "Law and order are code words for goodness and decency in America."

As if the unfolding Watergate scandals were not enough, two fresh disclosures over the weekend further serve to underscore the extent to which goodness and decency have been despoiled in this country through the perversion of justice that poses as law and order today in Washington.

In the small southern Illinois town of Collinsville, it was revealed, two families were terrified one night last week by unkempt men shouting obscenities who kicked down doors, overturned furniture and threatened them with guns. The men were Federal narcotics agents, acting apparently without warrants. After discovering they had entered the wrong houses, the agents withdrew without apologies. These were not isolated incidents. A Massachusetts family suffered similar indignities at the hands of errant narcotics agents last January.

The Administration's haphazard approach to law and order which leads to such outrageous abuses of the rights of ordinary citizens does not extend to all who may be suspected of criminal activity. Government sources in Los Angeles reported that top-ranking officials of the Justice Department have turned down a request by the Federal Bureau of Investigation to continue authorized electronic surveillance that they say had begun to penetrate connections between the Mafia and the teamsters' union, whose president, Frank E. Fitzsimmons, is the Nixon Administration's staunchest ally in all of labor.

To ride roughshod over the constitutional rights of citizens in the reckless pursuit of one class of criminal while failing to use every available legitimate means to detect possible crime among those who enjoy favor in high places subverts the American system of justice. There can be no order when those entrusted with law enforcement themselves show contempt for the law. Law and order under such conditions become code words for repression and hypocrisy.

[From the National Observer, June 23, 1973]

The Law as an Unwarranted Intruder

(By Lawrence Mosher)

"I thought they were all maniacs who had come to kill us. . . . I didn't know police operated like that in America."

Fourth Amendment to the Constitution: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

On the night of April 23 in Collinsville, Ill., the nation suffered a rude warning: No matter who you are, white or black, middle-class or not, straight or hip, the Government can suddenly and without warning break down your door and get you.

That evening the Herbert Giglottos were asleep when Federal narcotics agents and local cops smashed through the Giglottos' front door with so much force it was knocked out of its frame. They entered the two-floor town house so fast that Giglotto could take only three steps from his bed upstairs before they were on him, pinning him to the bed, handcuffing him, and threatening his wife, who was clad in a thin, lime-colored negligee.

The raid, it turned out, was a mistake. The Giglottos possessed no drugs and never had. Nevertheless, these same law officers went on to repeat the mistake that night at another home.

NO LONGER A CASTLE?

In the aftermath of demands for law and order following the turbulence of the '60s, a man's house may no longer be his castle. This is so despite the Constitution's Fourth Amendment, all the liberal decisions handed down by the U.S. Supreme Court of Chief Justice Earl Warren, and an eloquent tradition of Anglo-American common law that goes back to the Semayne's Case of 1603.

"The Sheriff may break the party's house," the court said then, "either to arrest him or to do other execution of the King's process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open the doors."

These days, however, it would seem that overzealous agents are battering down people's doors even before they have a chance to open them. The Collinsville incident may be unique in that the law officers never bothered to get either search or arrest warrants, as Federal officials assert. But it is not unique in how the agents entered the homes, or what they did inside.

Discussions with Federal drug-law enforcement officials, Justice Department lawyers, private lawyers, law professors, congressmen, and Capitol Hill experts lead to these conclusions:

The simple requirement of notice before entry, spelled out four centuries ago in England, is not being properly heeded in this country today.

Drug-law enforcement procedures too often use the arrest warrant in place of the search warrant as the only court authority to force entry and discover evidence.

This development pinpoints a major Fourth Amendment weakness: It safeguards a person's property much better than it protects his privacy.

There is no adequate remedy for unreasonable searches and seizures. Public outrage and political reaction are the citizens' best defenses.

There are increasing instances in which narcotics agents are breaking into homes and tearing them up. If drugs are found and an arrest takes place, nothing is said. But if agents break into the wrong house, which happened at least two other times earlier this year in one state alone, the incident may get reported.

"I THOUGHT THEY WERE MANIACS"

In Winthrop, Mass., last Jan. 10 a raiding party led by state agents never gave William Pine, his wife, Phyllis, or their 13-year-old daughter the opportunity to open the door. The Pines' front and back doors suddenly were smashed into bits. Then there were 15 men in street clothes standing in the living room with drawn guns.

"I thought they were all maniacs who had come to kill us," says Mrs. Pine. "I could only think of Poland or the Olympics, that they came to get us because we are Jewish. They never told us who they were or that they were police officers even after they left.

I didn't know police operated like that in America."

The raiders made no attempt to knock or ring the doorbell and wait a reasonable time for someone to answer. They did not indicate their identities or their purpose. And they did not possess a specific no-knock search warrant as required by Title 21, section 879 of the U.S. Code.

That statute, part of the Omnibus Crime Control Act of 1970, empowers narcotics agents to break into buildings after they have demonstrated to a judge or U.S. magistrate that there is probable cause to believe one of two possibilities: either that giving notice would allow the evidence sought to be easily or quickly destroyed or disposed of, or that such notice would immediately endanger lives.

ABUSED PROCEDURE

"To effect a no-knock entry," says Myles J. Ambrose, who administers the Government's Drug Abuse Law Enforcement (DALE) program, "you go to court and say we know he has a gun, or we know he's going to throw the stuff down the toilet, so we want a no-knock search warrant. But this is a very rare situation."

Narcotics agents many times don't even bother to get regular search warrants, let alone no-knock search warrants. "One of the things we tried to do in the DALE program," Ambrose says, "is extend the court processes. But what happens too frequently is that investigators don't use search warrants because it's too much trouble for them. So they'll use the search-incident-to-arrest procedure."

This "procedure" is possibly the most easily and widely abused power wielded by narcotics agents in search-and-seizure operations. Armed only with an arrest warrant that specifies the person but not a place, law officers then must frequently exercise judgments that can easily lead to flagrant abuses of the Fourth Amendment. Not only may they decide to break down doors without knocking in order to get their man, but they also may decide to extend the legality of their search inside the house. This is called a search incident to arrest.

THE MAIN PROBLEM

Take Collinsville. Set aside the agents' gross mistake of forcibly entering the wrong house. The main problem, according to Ambrose, was that their legal officer, a Justice Department lawyer assigned to DALE's St. Louis office, never gave the agents authorization "to forcibly enter any premises to effect an arrest."

This suggests that such authority can and is given outside of the court, without the benefit of a search warrant, and, if need be, without having obtained an arrest warrant. The 1970 crime-control act also empowers narcotics agents to make arrests without a warrant not only for offenses committed in their presence but also if they have probable cause to believe a suspect committed a felony in the past.

What all this means is that break-ins have become *de rigueur* for narcotics agents. The minimum "paper" needed to make a forced entry now is the arrest warrant. "Yes, that's the way we feel about it," admits Ambrose.

As long as they get their man and find the dope, such violations of the Fourth Amendment are overlooked. But when the agents make a mistake and break into the wrong house, then these same tactics take on a different hue.

"What's unusual about Collinsville," says Prof. Yale Kamisar of the University of Michigan Law School, "is that it's a middle-class case that people can identify with. These are people we can believe. It's only when you get a situation like this that people wake up.

MAN, WIFE WOUNDED

"Unfortunately, the police sense that many middle-class people don't really give a damn about how they handle the human garbage. Policemen tend to feel there are two kinds of people, the nice kind and the criminal. So they develop two standards. But sometimes they make a mistake."

How many mistakes? Collinsville and Winthrop, Mass., are not the only recent examples.

In February 1971 sheriff's deputies broke into a Dallas apartment at 1 a.m. looking for two accused murderers. Thomas Rodriquez, not one of the accused, fired one shot at the intruders. They returned the fire, wounding both him and his pregnant wife. The deputies, acting on a bad tip, had made a mistake.

In Silver Spring, Md., later that year Treasury agents and county police broke into the apartment of Kenyon and Saralouise Ballew, looking for illegal firearms. Ballew, an antique-gun collector, fired one shot in defense. The officers answered with a fusillade, crippling the 28-year-old Ballew for life. The agents had made a mistake.

NO "GIANT LAB"

On April 4, 1972, Federal narcotics agents and local deputies swooped down on the wooded retreat of Dirk Dickenson, 24, and his girl friend, Judy Arnold, in the hills south of Eureka, Calif. A green unmarked Huey helicopter borrowed from the military was employed by agents to locate what they thought would prove to be a "giant lab" producing Phencyclidine hydrochloride, an animal tranquilizer that delivers a "high." Narcotics agent Lloyd Clifton shot and killed Dickenson, who was unarmed. There was no "giant lab."

A year ago narcotics agents ransacked the home and grounds of John Conforti in Massapequa, N.Y., looking for heroin. Conforti's brother-in-law was a convicted smuggler. Before giving up, the agents had dug up his yard, torn the aluminum siding off his house, and ripped up the rooms. Conforti sued the Justice Department for $18 million and recently settled out of court for $160,000.

Last Oct. 13 the American Civil Liberties Union (ACLU) in St. Louis helped Dorothy King sue three Federal narcotics agents for "wanton destruction of personal property" and pursuing a "vendetta" against her. The agents had raided her home earlier that year, finding heroin deposited by her husband, who was subsequently convicted. She was not at home.

Mrs. King's lawsuit alleges that the agents smashed her TV set, slashed an oil painting, destroyed her stereo set, poured liquor all over her clothes, emptied cartons of milk and frozen food in her back-yard, shot up her walls, and ripped out paneling. It turns out the three defendants also conducted the two erroneous Collinsville raids last April.

NOWHERE TO BE FOUND

In addition, the ACLU has been unable to have the three agents served. They are Dennis Moriarity, 29; Dennis Harker, 26; and Kenneth Bloemker, 27. The ACLU's St. Louis director, Joyce Armstrong, says neither the agents' St. Louis office nor the Justice Department will co-operate. "We are simply told they are not there when the officer tries to serve them," she says.

Giglotto has brought a $1 million lawsuit against the U.S. Government, the Justice Department, and 11 officers, including the four Federal narcotics agents then attached to DALE—Moriarity, Harker, Bloemker, and William Dwyer, 29. The Collinsville incidents also are being investigated by Federal and county grand juries. In addition, the criminal and civil rights divisions of the Justice Department are examining the incidents. "The allegations involve conspiracy," J. Stanley Pottinger, civil rights division chief, said last week.

Immediately following the Collinsville raids, DALE's Ambrose announced from Washington that the four narcotics agents "have been suspended from further assignments until this case is concluded." But earlier this month it was learned that the four men were back working in their St. Louis office five days after they were "suspended."

LIMITED DUTY

"The [Bureau of Narcotics and Dangerous Drugs] did not feel it was prepared at that point to suspend the men," explains Vernon D. Meyer, the bureau's regional director in Kansas City, Mo. "The agency didn't have the necessary facts. So they were placed in a limited-duty capacity." The four agents reportedly still have not been reissued their guns and badges.

Sen. Charles Percy of Illinois, initially angered about a reported secret Federal investigation of Giglotto, said this about the four agents' return to work: "Suspension means just that, or it means nothing at all." The agents' annual salaries range from $11,614 to $18,350; they had been suspended with pay.

Federal narcotics-bureau director John E. Ingersoll blames DALE for the Collinsville foul-ups. The raiders were members of the DALE "strike force" based in St. Louis, a national structure set up by President Nixon in January 1972 to employ Federal agents at the local level under close legal supervision. (DALE goes out of existence July 1 when all drug activities are consolidated into one new Justice Department unit, called the Drug Enforcement Administration.)

WHAT ARE THE RULES?

"We require a supervisor to be in charge of these kinds of operations," Ingersoll said in an interview. "You know this incident occurred outside our supervision and control. Our people were involved, but only as participants in another program. When these errors occur, it's because they don't follow the rules."

And what are the Federal narcotics bureau's rules? The bureau refuses to show outsiders its training manual. But Ingersoll says that during their 10-week course in Washington, agents receive 26 hours of instruction in search and seizure, plus field exercises. He admits that the four St. Louis agents never went through the Washington course.

Ingersoll says his men wear coats and ties "whenever possible" so there's "no chance of their being misidentified.

"They are required to announce their presence before they break into a place, and to give sufficient time for the door to be answered. They can go in if they believe something is occurring inside that is life-threatening or would result in the destruction of evidence."

TOUGH DECISIONS

Ambrose, who is a lawyer, admits that the drug-law enforcement procedures now being used put a crushing burden on the law officer to be right. "It's tough. You can imagine the difficulty these poor agents have," he says. "They have to make decisions that the Supreme Court spends months going over and then decides 5 to 4 with three differing opinions."

Ingersoll, a former police chief in North Carolina, says this is nothing new and that current drug-law enforcement policy is adding no fresh challenges to the Fourth Amendment. "This is not a unique or novel situation," he says. "Police officers have had to confront this decision-making responsibility since there have been police."

But Professor Kamisar at Michigan suggests that because illegal drugs are now a suburban, middle-class phenomenon, enforcement tactics that have been tolerated for criminals and urban blacks will not be so easily tolerated when they are suffered by middle-class noncriminal whites.

There is little doubt that the current reliance by law officers on the arrest warrant as the minimum "paper" for break-ins is a direct result of tougher drug-law enforcement. This is because the search-incident-to-arrest procedure often produces the evidence needed for conviction. Thus the pressures to make fast, unannounced break-ins are enormous.

Curiously, Kamisar notes, the Fourth Amendment's weakest link concerns illegal arrests. "We seem to give more protection to papers and property than we do to human beings," he says. "It wasn't until 10 years ago that arrests were covered by the Fourth Amendment.

"There are no real remedies other than political ones," says Kamisar. "The real protection of the citizen has to come from within the law-enforcement system—the top people. If the mayor becomes outraged enough he will fire someone."

THE PLIGHT OF OUR FISHING INDUSTRY

Mr. PELL. Mr. President, each year, the Law of the Sea Institute at the University of Rhode Island, sponsors a major conference at which prominent scholars, diplomats, and Government officials discuss the complex and vitally important effort to develop international agreements on man's use of the oceans.

At the concluding session of the 1973 conference last night, the distinguished senior Senator from Maine, Senator Muskie, was the principal speaker and delivered a forceful and eloquent appeal for interim actions to protect U.S. fisheries while we press forward to obtain a meaningful and effective international agreement.

The senior Senator from Maine has an intimate knowledge of the problems of New England fishermen and, in addition, he has a keen understanding of the problems involved in obtaining the international agreements which are essential to provide effective protection for our fisheries and our fishermen.

As chairman of the subcommittee on Oceans and International Environment of the Senate Foreign Relations Committee, I am particularly aware of Senator Muskie's deep concern over the plight of our fishing industry, and of his efforts to provide effective solutions.

The address delivered by Senator Muskie last night at the Law of the Sea Institute is an important contribution to the effort to preserve and protect the fishery industry and the fishery resources off our coasts, and I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Edmund S. Muskie to the Law of the Seas Institute, Kingston, R.I., June 21, 1973

I come from a state that lives by the sea. So it is a particular pleasure for me to be home in New England and to have the opportunity to talk to many of you who are dealing with the future of the world's seas.

To our ancestors on this continent, the sea was infinite—an infinite, if often dangerous, source of food and work; an infinite protection from foreign interference . . . a barrier and shield for a new country and its people; an infinite disposal for the refuse of man in his headlong pursuit of industrial development. In this century the safe havens of our ocean frontiers have disappeared one by one before the onward rush of technology.

Hence, the oceans no longer isolate us from the politics of other nations. Contamination and depredation of the sea and its inhabitants have risen to terrifying proportions. The technology that brings closer to hand the economic wealth of the seas also presents the prospect of the same short-sighted pursuit of wealth that has left our land scarred, our water poisoned, and our air polluted.

George Santayana once said that those who cannot learn from history are doomed to repeat it. To me this is the essence of the problems that confront us here in the United States and will confront all nations at the upcoming Law of the Seas Conference. The primary question is not whether the U.S. can reconcile its conflicting domestic pressures to pursue an equitable adjustment of international ocean problems. Nor is the question whether developing states can temper their understandably urgent quest for a share of the world's goods by claiming jurisdiction over the seas that others have so long controlled. The question is really whether the nations of the world have learned the lessons necessary to prevent the abuse of the seas from reaching the point some scientists predict will be our ultimate doom.

A hundred years ago, the British scientist Thomas Huxley wrote of this nation, "I cannot say that I am in the slightest degree impressed by your bigness or your material resources as such . . . the great issue is what are you going to do with all these."

Huxley's statement has a great deal of relevance today vis-a-vis man's use of the ocean. At present, more than a hundred nations are involved in probably the most significant international negotiations ever conducted concerning the seas. An orderly and equitable ocean regime has become both more vital to nations and more difficult for them to agree upon. They are more dependent than ever before on access to critical areas of the ocean, on its ecological health, and on its mineral and food resources.

As ocean users multiply—and as competition among them intensifies—the classical political question of "who gets what" is thrust to the center of the debate over the future of the oceans. With wise answers to this question, international cooperation and justice can prevail in the ocean. With short-sighted answers, 70% of the earth's surface could become an arena for serious international tension and conflict.

As everyone in this audience knows so well, highly nationalistic and parochial trends have become evident during preparations for next year's Conference. Pressures against international solutions are powerful and growing—in developed as well as developing nations. The present cod war between Iceland and Britain and the proliferation of all kinds of jurisdictional claims painfully underscore this reality and the inadequacy of present law. A "beggar my neighbor" world of ocean politics can no longer be considered a mere alarmist fantasy.

Despite these trends, I remain convinced that we can forestall that new colonial race in the oceans President Johnson warned about some years ago, and Dean Rusk spoke of before a Congressional committee more recently.

I remain convinced that international accommodation is possible in the ocean.

I remain convinced that a broadly agreed-upon and comprehensive international ocean regime can serve both the world's interest and the national interest.

I remain convinced that the international community can bring stability and justice to the seas without compromising the security or the welfare of any nation with high stakes in the ocean.

Indeed, I believe that only with concerted action can our collective interests in the ocean be satisfied.

Concerted action will call for vision and statesmanship of the highest order. What outcomes are needed?

New international law to regulate the multiple and often conflicting uses of the sea;

New principles of national behavior and self-restraint to insure that sheer military might and technological prowess do not become the sole arbiters of ocean affairs;

New institutions and processes to enable all concerned nations to participate in decisions about the oceans;

New arrangements to facilitate scientific study and interpretation of the marine environment;

New policies toward ocean resources to insure rational and fair distribution of ocean wealth;

New initiatives to help the world's poor countries to benefit more fully from the potential of the ocean.

In sum, we must nurture a new sense of international community toward the ocean. With it must come an overarching conception of the common good, a capacity for handling our inevitable disputes peacefully, and a set of new political habits and reciprocity, good faith and mutual accountability for our activities in the ocean. These goals are no longer utopian hopes. They now are the imperatives of prudent diplomacy.

This helps explain why the upcoming Law of the Seas Conference is so important. For the Conference represents the opening of a new political process for working together on shared ocean problems. So awesomely complex an enterprise as the Conference cannot realistically expect to succeed in all major respects. Most governments, including the U.S., will likely have to settle for less than their maximum demands. Some tasks needing international attention will remain incomplete. Some outstanding issues will be settled ambiguously, if at all.

I am not urging that we slacken our efforts to achieve productive and timely results. Or that we move any less vigorously towards agreements which can halt the extension of competitive nationalism into the seas.

I am urging, however, that we anticipate what inevitably must be the equivalent of a continuing and permanent Law of the Seas Conference. History will not judge next year's session by some scoreboard tally of completed actions on a long agenda. What will count in the end will be whether today's statements leave the ocean as a lasting international resource and whether future Conferences will have a durable and flexible political framework for collective action.

Several Resolutions currently before the U.S. Congress endorse the objectives that were envisioned in President Nixon's statement on Ocean Policy in May 1970. These Resolutions—as well as the President's statement—are the culmination of several years of study within the American government, debate among government officials and private interest groups, and negotiations with other countries. The Resolutions envision:

(1) protection of the freedom of the high seas, beyond a twelve-mile territorial sea, for navigation, communication and scientific research;

(2) recognition that the protection of the ocean environment requires certain internationally agreed-upon duties of the international community as a whole;

(3) establishment of an international regime to regulate the development of deep seabed mineral resources;

(4) protection of our fisheries resources through coastal zone management of coastal and anadromous species and international management of migratory species.

These are notable and worthwhile goals for the United States to pursue. They reflect a genuine concern on the part of our government to establish the beginnings of effective international regulation in an area covering 70% of the globe. And in Congress, I have supported and intend to continue to support legislative efforts designed to achieve these objectives.

We should all realize, though, that these are long-run goals that may take many years to achieve. The Law of the Seas Conference is not scheduled to convene in Chile until next May and it may be several years after the conclusion of the Conference before we have any international agreements governing the use of the seas.

In the short-run, we must be aware of and deal with very real problems that cannot be filed away while treaties are negotiated. Specifically, in this country, it is important for our government to formulate and pursue an interim oceans policy responsive to the needs of both the American people and the international community. Let me emphasize that this does not mean that the United States, in the short-run, should adopt shortsighted policies, such as the American Mining Congress bill currently before the Senate Interior Committee. That proposal calls for the mining of hard mineral resources of the deep seabed under government protection. The unilateral adoption of such a policy course by our government would likely trigger an international race to colonize the seas, jeopardize American credibility at the Law of the Seas Conference, and be prejudicial to the future conclusion of international accords on the oceans.

No, what I am talking about is the need for this country to adopt enlightened, interim policies that, on the one hand, are responsive to the needs of the American people, and on the other hand, will not prejudice the future conclusion of international agreements. Such an enlightened policy course will not be easy to formulate. Nor will it be easy to pursue.

Let me take the example of fishing, a subject which is of prime concern to the people of the State of Maine. In Maine, fishermen are currently losing the livelihood of generations because as a nation we have not responded adequately to global developments, allowing our fishing industry to sink to low estate in our national priorities. Within the last ten years, the fishing effort of foreign fleets off our coasts has increased several fold. At any given time today, hundreds of large foreign vessels can be sighted within 100 miles off our shores. In fact the world's fishing effort is now so much greater than even a decade ago that stocks can be decimated in a season or two, a rate much faster than our traditionally cumbersome, international negotiations can impose effective regulation upon them.

The experience in the Northwest Atlantic is illustrative of the gravity and immediacy of the situation. From 1952 through 1960, the U.S. fish catch from New England waters averaged about 700 million pounds a year, or 99% of the total catch from that area. In the early 1960's, the Russians, the Poles, the Germans, and other foreign fleets moved into these waters in large numbers. By 1969, the Soviet Fleet was taking 836 million pounds, or 50% of the total catch from New England waters; while the U.S. catch had declined to about 418 million pounds, or about 25% of the area's total harvest.

The efforts of the International Commission for the Northwest Atlantic Fisheries to manage fisheries resources off the New England Coast, unfortunately, have failed miserably. Enforcement of current ICNAF regulations is virtually nonexistent because the Coast Guard does not have the capability to adequately police the Northwest Atlantic. In addition, the Coast Guard is not permitted to search when boarding foreign ships; has to rely on the information provided by foreigners as to their landings off the New England Coast; and has to contend with a multitude of local, state, regional, federal, and international jurisdictions often having conflicting objectives.

Clearly, if regulation is to have any meaning, we must strengthen our ability to deal with fishing problems. As one means of doing this, we need to improve our knowledge of our fish resources and the nature of the difficulties faced by our domestic fishing industry. Secondly, we have to have not only more effective but better coordinated regulation between various entities so that our fishermen can compete with foreigners fishing off our waters. And finally, we need better enforcement of existing regulations.

What do we have? We have a situation in which the agency that can provide us with additional knowledge of our fisheries resources is losing both money and status. We have a situation in which our domestic enforcement arm—the Coast Guard—cannot begin to police the area with available resources. And we do not have the kind of workable regulation that might overcome these handicaps.

When the National Ocean and Atmospheric Administration was established in November 1970 as a direct result of the findings of the Stratton Commission, it was hoped—and intended—that this organization would become a strong focal point for ocean research programs. That need has not begun to be met. Yet three NOAA Marine laboratories, including one in Maine, will be closed down at the end of this month and other urgent programs will be curtailed for lack of funds. The Nixon Administration, on the one hand, is urging for this country a leading role in the international effort to preserve the ocean environment, and on the other hand, it has severely slashed the funding of the agency concerned with the research that might tell us how best to do it.

At stake is not corporate profits, but much-needed research and people's jobs—not panaceas for a dying industry but means to restore it to health. Unfortunately, the Administration is providing neither the health measures nor the kind of constructive proposals needed to meet the difficulties faced by our domestic fishing industry.

I do not suggest there is nothing the industry and the states can do. Certainly the differing regulations in neighboring states and regions concerning the same stock is both unnecessary and remediable. Unfair advantage offered to one renders all measures ineffective and unenforceable. And certainly the government can provide means to help our domestic fishermen to adopt the vessels and the gear that will enable them to compete. Much as I suspect some of our fishermen would prefer that the competition simply fade away, becoming competitive is a more realistic view of the future.

Finally, and I am sure that this will be one of the conclusions of the Law of the Sea Conference regarding fisheries, all coastal states must have a recognized interest, not only in a fair share of the catch, but in seeing that our fish resources are not destroyed by visiting fleets that have only a passing interest, easily transferable to new and more promising grounds. In recent years the depletion of haddock stocks on Georges Bank in the northwest Atlantic has been so great as to cause a recommendation by the National Marine Fisheries Service that haddock fishing be suspended. And now, many experts are predicting similar fates for cod, sea scallops, lobster, and yellow-tail flounder.

To the extent that fishing stocks continue to vanish, the pressures for unilateral action to extend our fishing limits to 200 miles or to the edge of the continental shelf will increase, and such action may well be the most effective way to produce the international approach to management of the oceans that we need. If in upcoming months international agreement on global fisheries problems appears increasingly unlikely in the short-term, then unilateral steps may have to be implemented to insure the existence of a strong U.S. fishing industry.

Let me add that I am aware of the apparent illogic of advocating measures to benefit American fishermen, while condemning national measures that would benefit our mineral industry or indeed any number of other countries that have made unilateral claims in defense of this or that vital interest or special circumstance.

As far as I know, there is no shortage of critical minerals that compels us to scoop up manganese modules in the next six months or even in the next six years. There is, however, something to be said for the view of fishermen that international treaties will be of little value if by the time they are negotiated, certain species will have been severely, or, in some cases, totally depleted because of over-exploitation.

Additionally, there seems to be a distinction with a difference in situations in which interim measures might follow the path of predictable outcome. I believe there would be little argument that in some form, the preferential rights of coastal states over both the control and distribution of catch off their coasts will be substantially increased whether that increase is measured in distance, or by species, or by some combination of both. If in fact that is a fair prognostication, I think it should be possible to take immediate measures without prejudice either to negotiating positions or to the form in which such rights may ultimately be couched.

For these reasons and as one measure that would bring some light to bear on this situation, I have supported a Senate resolution calling for a national fisheries policy in this country. This Resolution, which was recently passed by the Senate, expresses congressional support for a U.S. oceans policy that will permit us to deal more effectively with excessive foreign fishing off our coasts, and that will facilitate better coordination among our states. This bill recommends the utilization of existing entities—the Atlantic States, Gulf States, and Pacific Marine Fisheries Commissions—to gather facts, ideas and suggestions needed to formulate policy and insure a strong commercial fishing industry in this country.

Another measure I have recently supported in Congress is legislation to have the lobster designated a creature of the continental shelf. This legislation would limit foreign lobster fishing off our coasts and help conserve existing lobster stocks, which are being depleted at an unusually rapid rate. In the bill, it is explicitly stated that this legislation, if enacted, would remain in force only until future international agreement is reached.

These initiatives, interim though they are, should help our fishing industry. But their effectiveness—no matter how well planned or prepared the steps—will depend ultimately on our ability to enforce the measures. With more than 15 foreign countries fishing off our shores for a wide variety of stocks, enforcement will be impossible unless the regulations are simple, straightforward and subject to easy surveillance. Even then, it will be essential that the Coast Guard be fully funded so that it will have the vessels and aircraft needed to ensure that the regulations are obeyed and that the heritage—as well as the livelihood—of our fishermen are protected.

I have chosen to speak at some length tonight about our fisheries problems only in part because I know that coastal fishing jurisdiction will be an important—and perhaps critical—element in the successful resolution of law of the seas problems. I also speak to this question because I recognize the kind of political pressure that can build from jobs and revenue lost and resources depleted while diplomats negotiate.

As someone who has spent a large part of his career concerned with the preservation of our land and water, I believe in the imperative of a regime for the oceans that will treat them as the one world they are—the legacy of all mankind. I do not think that this great objective is either inconsistent with or would be ill-served by sensible interim measures to alleviate immediate fisheries problems.

George Kennan once wrote, "a political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live." This aphorism should be kept in mind by our government today, if we are to ensure that the oceans will live and their riches will be justly shared and nurtured for future generations.

REMARKS OF R. BUCKMINSTER FULLER ON AGING AT THE DEDICATION OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, FEBRUARY 13, 1973

Mr. STAFFORD. Mr. President, during the week of February 12, the University of Southern California dedicated new facilities for the Ethel Percy Andrus Gerontology Center, one of the largest centers for study and research in aging and the aged in the world.

During those ceremonies, R. Buckminster Fuller, the distinguished American philosopher and mathematician, delivered a perceptive address on the past increases in the elderly populations of developed nations as a result of the historic burgeoning of technology and industrialization.

Mr. President, I ask unanimous consent to print Mr. Fuller's remarks in the RECORD so that I may share them with my colleagues.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS ON AGING AND THE AGED

(By R. Buckminster Fuller)

I do not think that I have been thoughtless or rude in failing to prepare a special lecture for today. I intuit that our whole life must be our preparation. If our whole life has not prepared us to think out loud then a few days or hours of cramming are futile. We have all learned that it is possible to think out loud spontaneously when just two of us meet. Though we may have known each other for a number of years, and may have seen each other only yesterday, when we meet today we always have a greater inventory of what we have experienced and thought about. Thus, for instance, I have learned that without preparing lectures I can think out loud with large audiences as well as with individuals but I have also learned never to ask people to listen to me. They only listen when they ask you to speak to them. When they do ask me, I try to give them my best.

Our conference's concern with the fact that human beings are now everywhere manifest in ever greater numbers at a greater age is possibly significant of something much more important than a problem in national political economics. I want to think out loud about that.

POPULATION DATA

First let me think about some of the population figures that have just been discussed by the previous speakers. A half century ago I became interested in trying to think about what evolution might be trying to do with humanity on our planet, and thinking about the total pattern of resources and the total pattern of developing knowledge with which to solve problems for and by all of humanity. Thus, I became deeply interested in world population. I found, as you would if you delved deeply into the subject, that the knowledge we have is historically very skimpy. Dr. Leakey and Dr. Leakey's son found the skull of a human who lived 2½ million years ago. However, written information from the past goes back only about 8,000 of those 2½ million years. If you go into the history of the census of population we find the earliest census in the United States was 1790 and the European ones are not much older and the Asiatic and Pacific data very meager indeed. The census figures go back only about 200 years anywhere around the world. There is almost 2½ million years of human presence during which we know nothing officially about population. We knew nothing about the official population figures of the great mass of people in China until after World War II when the Communists took over. A lot of over-night experts who rushed to proclaim the "population explosion" did not know that the pre-1950 Chinese population figures were pure guesses so when the Chinese Communists' actual count was made and appeared larger than the previous guesses, the "population explosionists" thought they were being vindicated.

In 1927 I undertook the search for a reliable means of estimating world population figures previous to official censuses. In 1938 to 1940 I was Science and Technology Advisor to *Fortune* Magazine and was in need of reliable information about the population figures in Colonia America previous to our first census of 1790. How many people came in ships like the Mayflower? How many of what sized ships were known to have been built, outfitted, and sailed? How did how many get here and at what rate did they multiply after arrival?

I found there was a good way of obtaining pre-first census of 1790 figures. It was the old family Bible. The pre-1790 family Bibles always list on their front pages all the family births, marriages, and deaths. They present a sad story, because often the mother died in childbirth and many children died at a very young age.

If you are not familiar with those old figures you will not realize that the early American families average somewhere over 10 children per family. My figures showed a family average of 12 consisting of 10 children and 2 parents. This is quite a different figure than the present 2 children per family. I plotted a curve of children per American family from the year 1620 to the present date, and found it descending rapidly as the years went on. This descending curve correlated inversely with the historically rising curve brought about by the introduction and use of scientifically conceived and techno-developed community facilities such as sewers and waterworks. Anything that began to improve the physical environmental potentials began to show marked overall effects on the Colonial and later United States society. As the technology increased, life expectancy began to rise.

LIFE EXPECTANCY

Life insurance companies bet that humans are going to live longer and the "insured" humans are betting that they are going to live shorter lives. The life insurance companies have a very good thing because human minds are always learning a little more and always gaining a little more physical advantage, making many mistakes such as pollution and other shortsightedly overlooked side effects of their improvement yet gradually recognizing and rectifying their errors with in-due-course attainment of more favorably sustained inter-relationship of humans with their environment. Humans are inherently bound to live longer as enough time goes by.

My father's life insurance "expectancy" was 27. When I was born my expectancy was figured by the life insurance actuarians as 42. Expectancy has since almost doubled. It is now 69 for the males and 72 for females and this has all happened just within my lifetime.

We see then that after all those millions of year of humans on planet Earth that suddenly some extraordinary changes have been realized and are continuing to be realized in our era.

One important reason for life expectancy rising is that those who used to die are not dying and the greatest class of those who were dying yesterday, but are not dying today, are those at childbirth and those in the first four years of life.

A decade after World War One's boost of medical science, doctors began in the 30's to get the causes of infantile death under control. Suddenly the children born in the 30's just didin't die at their previous history rate. This meant that the time when the saved infants would be big enough to be seen in the street crowds was not until just after World War II. Not studying the data and being unfamiliar with this new population bulge, amateur demographic "experts" were saying that the population was exploding and that humanity was just "making too many babies." That, however, was not the case.

I found in my long historical, children-per-family population curve that for a very few (5 or 6) years after the Civil War, after World War I and after World War II there was a mild increase in children per family. Humans, quite unknown to themselves were inadvertently cooperating with evolution in replacing the war losses.

At any rate, the momentary increase in new babies right after World War II compounded with the bulge of people of all ages who hadn't died, and the compounding set off the clamour about "a population exlosion." But now it is suddenly in popular evidence that the birthrate in all the developed countries is falling off rapidly.

I find a constant relationship holding between increase of life expectancy and decrease in children per family—which life extension relates directly to the knowledge humanity has acquired and employs in effectively economical ways, while freeing humans from working as physical muscle machines and converting them to function as thoughtful explorers. This trend resolves into a rapidly increasing inanimate energy use curve. The rate of increase of kilowatts equivalent of energy from all sources being consumed (especially in the homes) is the most illuminating criteria. As the kilowatts go up, down goes the birth rate. This is true in every country around the world.

All the great industrialized countries' birth rates are going down, down, down everywhere. It is really precipitous in some of them. Russia is cutting down its birthrate very much more rapidly than is the United States. The United States ranks only 13th amongst the industrial countries in the rate of decrease of births. The birth versus death rates have come to stabilization in many of the world's industrial countries.

INDUSTRIALIZATION

The only place where new babies are coming in more rapidly is where they are as yet only meagerly industrialized, such as in India, Africa, and Latin America.

Starting three centuries ago industrialization was inadvertently acquired in Europe, which thought of itself fundamentally as a farming economy. It began with windmills and water wheels coupled with trains of gears which are in fact a circular array of levers. The inadvertent swords to plows industrial trending enormously increased the advantage and capability of man to control his local environment and to provide for more years of life for more individuals. Europe took 200 years to industrialize.

The United States, greatly advantaged with the knowledge already gained in Europe, industrialized in only 100 years. Russia, after its great revolution of 1917, undertook industrialization with its series of 5 year plans. When the great depression occurred in America and Europe, the Russians were able to contract with the great corporations in America to come to Russia and provide the know-how with which to build prototype industrial production factories. So Russia started industrialization at the highest level of American development, as had America started at Europe's highest level of attained competence. So Russia industrialized in 50 years, after Europe had industrialized in 200, and the USA in 100. This successive halving of time to institute national industralization made it possible for me to say in 1947 that China would industrialize in only 25 years, and that is exactly what China did, and that is why they opened to the U.S. and Europe in 1972. Because 99% of modern electro-magnetic and electro-chemical industrialization is invisible to humanity, it has really surprised the world how quickly China has brought its billion population into industrial production.

Thus, I am going to say to you, India, Africa, and South America will all be industrialized by 1985. With that event will come full world population stabilization. That is what I have been saying throughout the recent years of the public false alarm over population explosion. I notice that the alarmists are now silent. The large number of the young who didn't die weighted the appearance of change and made it seem as if the great majority would be increasingly young. But what is going on in this bulge is that you are going to see man's life expectancy continuing to increase with median age continually increasing. And you are going to find greater and greater health and youthfulness at ever greater ages.

THE EARTH—A COSMIC SPECK

I want to share with you a little exercise I frequently give myself in order, hopefully to decondition my subconscious reflexing whenever that reflexing produces my spontaneous behaviors in ways that we know through experience to be ignorant, inept, irrelevant, and evolution, frustrating. This is my cosmological exercise. I think about the following—the planet Earth is about 8,000 miles in diameter. The highest mountain is 5 miles above sea level. The deepest ocean is 5 miles below sea level. There is a 10 mile differential between the innermost and outermost aberrations in the spheric surface of our Earth. 10 miles in relation to 8,000 miles is 1/800.

If you take a twelve inch World globe of polished steel, it probably has greater radial dimension aberration than 1/800th of its diameter. Astronauts cannot see any signs of humans aboard our planet as they approach the Earth from the Moon. They do not see even mountains. They see only a polished, color "marbelized" ocean and continents pattern through the dominant cloud cover. The average height of humans of all ages is about 5 feet. There are approximately 5,000 feet in a mile. If 1,000 humans made a column by standing successively upon the topmost other's head we would make a column about 1 mile high. If ten thousand of us stood on one another's heads, we would make a column ten miles high. Ten miles is the difference between the deepest ocean and the highest mountain. So you and I, then, are 1/10,000th of invisible on our 12 inch globe. Since 75 percent of our planet Earth is covered with water, and another 20 percent is uninhabited for one "frozen mountain" reason or another. Our 3,600,000,000 Earthian humans are invisibly secreted in fractional percentage on those little continents with six percent in Central and South America, eight percent in North America, ten percent in Africa, twenty percent in Europe, and fifty-six percent in Asia.

The diameter of the star Sun is just exactly 100 times that of our 8,000 miles diameter Earth. With an engineer's scale you can see 1/50th of an inch but you can't read 1/100the of an inch—it is a blur. If you make a little circle of wire one inch in diameter and hold it away at arm's length from your eye, you will find it exactly matching the size of the perimeter of the white-ghost disc of the Sun, on one of these days when it is cloudy. And so, against that one inch, the 1/100th of an inch which is our Earth's diameter would not be visible.

The star Betelegeux in the constellation Orion's Belt has a diameter larger than that of the orbit of the Earth around the Sun. Betelegeux is one of the big stars. Our Sun is one of the small stars. There are a hundred billion stars in our galaxy. There are a billion other such galaxies within the twenty-two billion light year diameter sphere of observation of Mt. Palomar's 200 inch "reflector." Ninety-nine percent of the one hundred quadrillion "known" stars are beyond our naked eye's vision range, but they altogether form in effect a thickly begalaxied spherical cloud array omnisurrounding us at whose sixty-six quintillion mile radiused center is located our little Milky Way galaxy and deep within it our miniscule solar system, deep within which, in turn, rotates and orbits our miniscule, Earth. That will give you an idea of what a fantastically negligible cosmic speck is this Earth of ours. We are 92,000,000 miles away from the Sun and getting all our life support energy from it. This life support on Earth received exclusively by radio from the 92 million mile distant star Sun is a pretty good piece of design in itself.

In our local "gas station", the Sun, ran out of "life support" energy, the next nearest refueling star is 25 trillion miles away. Its light takes 4⅔ years to get to us—coming at 700,000,000 miles an hour. So when anybody says, "Never mind that space stuff. Let's get *down* to earth—let's be practical"—don't pay any attention to that voice ever again. We are nothing but a space program. We are so physically negligible as to be approximately space itself.

I don't think that stars are paying much attention when one of those little three and one-half billion specks on board this almost invisible Earth says, "We can't afford it." I don't think the Sun is saying "We can't afford to keep those people living on planet Earth because they haven't paid their bill." The universe is not concerned about how Earthians raise millions of something called dollars to win the next presidency and something called a sovereign state.

THE MIND OF MAN

What do we know. Our universe is eternally regenerative, and externally successful. You and I have been given extraordinary capability despite our negligable physical stature. We have been given minds, and with minds we have been able to discover principles. We have learned a little from all the cumulative experience of all the human beings who have inhabited our planet. We have invented words so that we can accumulate our human experiences and we have invented successively sign language, pictographs, phonetics, television, video and video cassetting, and around the world satellite relaying of any program, and computerization with which to recall any information anywhere, any time, by anybody, to make the cumulative experience available to all ensuing generations of humanity. Little humans, with no physical stature whatsoever, with their beautiful minds have been able to apprehend and inventory vast cosmic information and to take count of those one hundred quadrillion stars. And having learned in principle of the extraordinary differentiation of frequencies unique to each of all the 92 regenerative chamical elements, have, by telescope and spectroscope, been able to inventory all the elements present in all those stars within our now known 122 quintillion mile diametered sphere of celestial observation. Dealing in an electromagnetic reality which is 99 percent invisible, humanity has been able to find out enough about the principles operating in Universe to enable it to become an intelligent function of cosmic evolution.

Human mind on planet Earth has that kind of capability and it must begin to commit itself realistically to its comprehensive knowledge in a comprehensively inter-accounted basis. I am saying, incidentally, that, personally, I would be terribly concerned if I felt that the universe were being run by the President of the United States or any other head of state. I am convinced that they are some of the necessary historical gun pointing nonsense in the process of discovery by trial and error, the more error the more comprehensive the pull out from error must be and the more comprehensive the gains for all.

UNEXPECTED TECHNOLOGY

There has not been a single stage of our technology that has been predicted. Having had the census of 1790, in 1810, 20 years later, the United States Congress decided that it would be a good idea to have an economic census of the country. As the beautiful document available in Washington shows, there were 1,000,000 human families in the United States in 1810. There were also 1,000,000 human slaves, which is a very formidable figure. Obviously all the families didn't have slaves. Very few did, but the point is that the one for one ratio is there to confront us.

The census then found that the average homestead was worth $350 and the average slave was estimated to be worth $400, so the human machine rated as worth more than the homestead.

Taking their total evaluation including canals, highways and so forth, and their estimated value of the wilderness at $1,500 per family, the U.S. Treasury came to the conclusion that the total capital value of the United States in 1810 was 3 billion dollars ($3,000,000,000).

Despite many inflation-deflation fluctuations since 1810 there is relative magnitude significance to the fact that last year, 1972, the gross national income for the first time reached one trillion dollars ($1,000,000,000,000). Now to earn a conservative trillion dollars at five, (5) percent means that our invested capital worth must be twenty trillion dollars.

Since 1810, our capital worth has gone from 3 billion to 20 trillion dollars. It is about six thousand fold.

The three billion dollar national capital worth estimate of 1810 occurred before we knew nothing about our present technology. Electro-magnetics had been only theoretically discovered but had not been put into usable operation. We didn't have a telegraph. There were no steel mills. There was nothing known of present day "industry". Public works consisted exclusively of tollways, canals, and wooden ships. Let us suppose the people of the United States of 1810 having learned of the total capital wealth potential said to one another, "Alright, let's get together a committee of the most responsible leaders in our society, whose economic judgment we also trust and ask them to determine the most logical and safe way in which to invest our three billion dollar national wealth thereby hopeful to multiply our total capital wealth and thereby also to take care of ever more people at ever higher living standards. In anyone on the committee had said, "Alright, I'm going to invent a machine to replace those human slaves," the others would have said, "Alright, how do you do that? No answer. "Throw him off the committee. He obviously doesn't know what he is talking about." If some other committeemen defended the world-be-slave-eliminating machine inventor and said, "I think he has a pretty good idea, and I'm going to dream that we can develop invisible power and send it over solid wire," again, the committee would have had said, "Throw them both off the committee. Obviously, we can't send energy from here to there through a solid wire."

Starting soon after that time all these

inventions and thousands of others considered equally preposterous in 1810 have happened. All the really fundamental technological changes of our world have happened since that 1810 pre-dawn of world industrialization. I have lived through the major portion of this historical development and can state incontrovertibly that not one stage of it was ever publicly anticipated until the invention occurred and was demonstrated. Not one.

Most of you here are old enough to realize what has happened and can recall how many things that have happened contradicted popular thought.

Though I am coming to the end of the time allotted me I do not feel that I am trespassing on you if I take a few more minutes to do a little mental housecleaning to allow us to think perceptively about gerontology.

CHEMISTRY AND LIFE

In the game of "twenty questions" as played in my childhood the first question to be asked was "Is it animate or inanimate" The words animate and inanimate had been invented by man long before chemistry and biology started. Early humans apparently assumed there was obviously a fundamental difference between *warm, soft flesh* and cold, hard stone, ergo, the quickest way to narrow the field of potential answers was first to ask "is it animate or inanimate".

As humans learned more and more about self and environment they identified various species by names. At this late twentieth century—with Darwin's work only 100 years old—humanity has acquired a great deal of knowledge now about biological phenomena. A contemporary of Darwin, Dalton was the leading physicist of their time. Dalton misassumed that the hydrogen atom was the "building block" of all the other then known sixty chemical elements. Looking for the "building blocks" of "the key" to any subject seemed popularly logical.

Darwin's theory of evolution was built with the visible single-cell amobea as its building block. In their early days physics, chemistry and biology were three different worlds—biology was visible as is the amoeba and chemistry consisted of invisible initiated phenomena.

Suddenly scientific instrumentation increased the macromicro range of eye-piece visible exploration. Only as recently as World War II did the interrelatedness of physics, chemistry, and biology dawn. In 1940 we suddenly have the hyphens-biochemists, bio-physicists, et al. The instrumentation produced over-lapping of these previously separated worlds. Post World War I biology developed knowledge of the genes controlling the design of biological species. Further biological exploration focused on the even more fundamental virus. In virology we have teams consisting of physicists, chemists, geneticists, biologists—really across the broad teams of different specializations zeroing in on virology.

The virology exploration brought discovery on the protein shell of the virus and within it the DNA and RNA design codification of all biological phenomena. All this time there was thought to be a fundamental cosmic threshold lying between animate and inanimate organisms. The individuals co-working in Virology have been too busy and too specialized, to philosophize regarding the significance of the incidentally discovered fact that no threshold exists between animate and inanimate. The inanimate crystalline behaviors of inanimate atoms crosses right over the threshold. We know that you in the audience consist physically entirely of atoms and atoms are completely inanimate.

What is inanimate about all biological organisms has become clearer and clearer and what is physically animate has become not only less clear all the time but is apparently zero or non-physically existent. There is no experimentally demonstrable physical animism. Cinema cartoons can be "animated" to superficially assimilate the presence of animism in the exclusively atom structured organic mechanisms. Apparently the original hypothesis erred in assuming both animate and inanimate to be physical. There have been quite a number of weighings of people as they died. Many cancer-doomed paupers have been willing to have their beds on scales. The only weight difference manifest between before and after death is that of the air lost from the lungs or urine. Whatever life is, it doesn't weigh anything. I am not credulous when I hear "pure science" research chemists talking about finding the key chemical constituents of life in Earth intercepted stardust, nor with which to synthesize the key enzymes of life and thereby can institute and control the design of life.

This chemistry is not the life. The chemistry is physical. That chemistry comprises 100% of the physical inventory. Life is metaphysical, weightless, limitless. Each life is an eternally individual, unque pattern integrity.

I am 77—and there may be others in this room at that age, and some may be more or less—but at my age I find that I have now taken in over 1,000 tons of water, food, and air, whose chemistry is temporarily employed for different lengths of time as hair, skin, flesh, bone, blood, etc. and progressively discarded. I weighed in at 7 pounds and I got to be 70, then 170, and I even got to 207 pounds. Then I took off 70 pounds and I said, "Who was that 70 pounds, because here I am". The 70 pounds I got rid of was 10 times the flesh and bone inventory with which I had "weighed-in" at in 1895.

I am sure that I am not the "avoirdupois" of the most recent meals I have eaten, some of which will become my hair to be cut off twice a month. This seventy pounds of organic chemistry obviously wasn't me, nor are any of the rest of my yet associated atoms "me". We have been making great error in identifying "me" or "you" as being these truly transient and ergo sensorially detectable chemistries.

UNDERSTANDING AND COMMUNICATION

Throughout the last 20 years I have been meeting 1,500 or 2,000 people 3 or 4 times a week. As a consequence, I am absolutely confident that what is going on between us here today as I think out loud with you—in the same manner as with all those other 3,000 audiences—is absolutely metaphysical and weightless. It is *understanding* and *meaning* and has nothing to do with the length or size of the words I am using, or the sound wave disturbance that I am making in the air, not the language that I am employing. If we had no air to make sounds with I would have to communicate with other tools. We could use electronic flash instruments and talk by dot and dash Morse Code or we could write and read one another. Each of us can use many telephone instruments. We could make colored movie talkies, video cassetted 3–D documentaries of ourselves "thinking out loud" by which our seemingly live images would appear in our respective TV screens but we would not be the TV sets. We would be as we are now only what each of us is communicating to one another in spoken words, gestures, postures, and flashes of the eye. We can't see one another, we can only see our respective communication devices. I am quite confident that life is inherently immortal.

We know very little but we are gradually learning a little. We know that our physical brain's function is to cope with and remember each of our special case experiences. The mind alone is able to survey those special local-in Universe experiences and from time to time to discover a generalized principle, for instance that of the lever by which humans can lift manyfold the weights their bare muscles can lift. Thus, human mind discovered vast amplification of its integral facilities. To qualify as scientific generalizations principles must be innocent of any exception. That means that a principle is inherently eternal. Now the human mind is the only phenomena of which we know in Universe that is able either to discover or to apply eternal principles. Human mind has gradually discovered one by one a whole complex of eternal principles, such as the great mathematically generalized principles of refraction of radiation or of mass attraction or of leverage or of precession and so forth. None of them have been found to interfere with any or all other generalized principles. All of the principles are inter-accommodative.

A complex of absolutely weightless, eternal, only intellectually discoverable principles which are all inter-accommodative with some of them inter-accommodative at exponential rates of inter-augmentation, is in itself generalizable as the description of a design. Deliberate intellectual inter-accommodation is design. Human beings of cosmically negligible "size" are the only phenomena of which we know that have access to any of the great eternal design laws. But despite the magnificence of what we have already discovered of that design it is inherent to the history of those separate discoveries that humans as yet know very little of its eternal ramifications.

If you and I in this room are developing any understanding it is only by virtue of our being able to employ those so far discovered generalized principles. We are communicating in the terms of eternity. Considering the most prominent historic data we can say that we humans were obviously given conditioned reflexes so we would be sure to regenerate and prosper on planet Earth. So that in due course we could discover that our minds are everything and our muscles apparently naught and to discover further that humanity has an essential function in Universe—in the macro-micro ranges of the great design scenario and its realization in time. There is drawing in us an intuition of the integrity and immortality of the individual. Awareness is terminal but knowledge is eternal. The brain is temporal, the mind eternal. Awareness and apprehending are temporal, terminal. Comprehending and knowing are eternal. Little children know this intuitively. The child can play "shoot grandmother" because he knows that her love is eternal. You can't kill grandma. Grandma, grandpa, and everyone else are eternal. A *true story*: Father, mother and little boy driving along the freeway enroute to grandmother's house. Little boy keeps talking about grandpa and how he is going to play with grandpa. Finally his mother says, "Darling, you have forgotten that grandpa is dead." Little boy: "What, again!?" Only residual ignorance of temporality dulls the growing comprehension and allows fear to corrupt the child's innately absolute trust in love.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, pursuant to section 133 B of the Legislative Reorganization Act of 1970—which requires Senate Committees to publish their rules of procedure in the CONGRESSIONAL RECORD—I submit the rules of the Senate Committee on Aging, and ask that the committee's rules be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE U.S. SENATE SPECIAL COMMITTEE ON AGING

(As adopted June 12, 1963, as amended February 28, 1973)

Rule 1.—*Convening of meetings*. The Committee shall meet at the call of the Chairman or at the request of five members of the Committee. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary. Regularly scheduled meetings of the Committee may be postponed or cancelled by the Chairman should there be insufficient business before the Committee to warrant such a meeting. Subcommittee Chairmen may call meetings of the Subcommittees at such time as they deem necessary except that no such meetings may be called at a time when the full Committee is scheduled to meet. Special meetings may be called by a majority of all Committee or Subcommittee members upon written notice to the Clerk of the Committee. The Clerk shall give at least 24 hours notice to every member of the meeting, time, and place.

Rule 2.—*Presiding officer*. The Chairman of the Committee (or Subcommittee) or if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

Rule 3.—*Quorum*. A majority of the Committee or any Subcommittee shall constitute a quorum sufficient for the conduct of business at executive sessions. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses and the taking of testimony at hearings.

Rule 4.—*Subcommittees*. Matters referred to the Committee shall be considered initially by the full Committee or by such Subcommittees as the Chairman with the approval of the Committee, shall designate. Subcommittees may be established and their size determined by vote of a majority of all members of the Committee. The Chairman of the full Committee and the ranking minority member shall be ex officio members of all Subcommittees. Party membership of each Subcommittee shall be proportionate to Party membership on the full Committee. Each Subcommittee is subject to these rules and any limitations imposed by the full Committee and is authorized a) to hold and report hearings; b) to sit and act during meetings of the Senate and during recesses or adjournment of the Senate; and c) to require by subpoena or otherwise the attendance of witnesses and the production of doucumentary evidence.

Rule 5.—*Agenda and voting at meetings*. The business to be considered at any meeting of the Committee or a Subcommittee shall be designated by its Chairman and any other measure, motion or matter substantive or procedural within the jurisdiction of the Committee or a Subcommittee shall be considered at such meeting and in such order as a majority of the members of such Committee indicate by their votes or by presentation of written notice filed with the Clerk. Voting by proxy shall be permitted in the full Committee and all Subcommittees.

Rule 6.—*Right to counsel*. Any witness subpoenaed to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

Rule 7.—*Amendment of rules*. The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 8.—*Reports*. Staff reports and Committee reports shall be printed only with the prior approval of a majority of the full Committee. The printing, as Committee documents, of materials not originating with the Committee or its staff shall also require prior approval of a majority of the full Committee. The printing of a Subcommittee report shall require prior approval of a majority of the Subcommittee concerned. With respect to the printing of Staff reports, the Chairman is authorized to conduct a poll of the Committee. In such cases, the Minority shall have the right to request reconsideration of the results of such poll at the next meeting of the Committee.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

Mr. HATFIELD. Mr. President, I am pleased that S. 268, the Land Use Policy and Planning Assistance Act, has been approved by the Senate. The Senate Interior Committee, on which I serve, has been considering land use legislation for several years, and I am hopeful that the House will take action soon so that a bill will be signed into law and the States can move ahead with the important job of land use planning, utilizing the assistance this act will provide.

I wish at this time to commend the distinguished chairman of the Senate Interior Committee (Mr. JACKSON) for his hard work and leadership role in developing this bill. I also wish to commend the distinguished Senator from Arizona (Mr. FANNIN) and the distinguished Senator from Wyoming (Mr. HANSEN) for their outstanding and diligent efforts in raising serious questions about particular sections of S. 268. There are many critical issues involved in land use legislation which merit careful consideration and these Senators have identified them in an articulate manner.

I also wish to bring attention to the excellent Interior Committee staff work which has been so important in the development of this bill. Mr. Harrison Loesch and Mr. Fred Craft of the minority staff, as well as Mr. Steven Quarles and Mr. Bill Van Ness of the majority side, together with many others, have spent countless long and arduous hours drafting, examining, and reexamining every detail of the bill.

AMERICAN VICE CONSUL ROBERT HENRY CAYER

Mr. MUSKIE. Mr. President, James Barry Coughlin, a 26-year-old Vietnam veteran from my hometown of Rumford, Maine, died tragically last April in Rabat, Morocco. With the help of American Vice Consul Robert Henry Cayer, Barry's family was able to journey to Rabat to see Barry before his death. His family has since written me that—

> Mr. Cayer's helpfulness went beyond his high professional competence to a thoughtful personal concern.

The Coughlin family has asked me to bring Mr. Cayer's work to the attention of the Senate, and for this purpose I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RUMFORD, MAINE, *May 22, 1973*.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

SIR: It is the sincere hope of the family of the late James Barry Coughlin that you will personally read this letter.

Barry grew up in Rumford, attended Rumford schools and went on to graduate from the University of Vermont. He was drafted and served in Vietnam.

Earlier this year while on a trip through Morocco, he became very ill from eating local mushrooms. Barry died in Rabat, Morocco, on April 13 at the age of 26. Before his death we were able to make the journey to Rabat to see him. His family will never be able to express in words the depth of generosity and thoughtfulness extended to them by Vice Consul Mr. Robert Henry Cayer and his staff during their brief and trying time in this unfamiliar environment.

From the time Mr. Cayer phoned Rumford to advise us of Barry's critical condition until seven days later when he put us aboard a plane in Casablanca to return home from this sad journey, his calming helpfulness smoothed a very rough road of communications and decision making during a most tragic situation. Mr. Cayer's helpfulness went beyond his high professional competence to a thoughtful personal concern.

It is our urgent wish that recognition of Mr. Cayer's ability and sincerity be placed in the Congressional Record and that the Department of State be informed of the immense and comprehensive service he is giving to the citizens of this country.

Very truly yours,
EUGENE C. COUGHLIN.

DISASTERS—"NEED LONGER SPAN OF ATTENTION"

Mr. DOMENICI. Mr. President, as ranking minority member on the Senate Disaster Relief Subcommittee, I have attended a series of field hearings in which my colleagues and I have attempted to examine the effectiveness of Federal disaster relief efforts. After hearing hours of testimony from disaster victims, I have learned of many problems and inadequacies existing in our Federal disaster assistance program. When I testified before the Senate Housing and Urban Affairs Committee concerning disaster assistance, I recounted some of these problems. My testimony has been entered in the RECORD by the distinguished Senator from Tennessee (Mr. BAKER) and I will not go into detail again here today. But I would like to discuss one problem that seems to me to pervade the entire disaster relief program. It is the lack of what I will call a continuing sense of crisis.

There is an automatic sense of crisis in the emergency phase of a disaster in which residents are being evacuated and emergency housing and medical care are being provided. Next comes the recovery and temporary restoration phase during which community residents attempt to clean up the debris and to salvage homes, businesses and possessions. Third, is the long-term redevelopment phase in which permanent rebuilding and restoration must be accomplished.

I am concerned that this latter phase may well be the most important yet it is the one in which the Federal Government has been most negligent.

An article in the current issue of the National Observer vividly portrays the devastating effects that this lack of a continuing sense of concern can have. In the article, reporter J. R. Freeman takes a perceptive look at Wilkes-Barre, Pa., 1 year after tropical storm Agnes hit. Our Disaster Relief Subcommittee conducted field hearings in that same city just last month ago and discovered many of the same problems Mr. Freeman writes about.

Residents complain of paralyzing governmental red tape, bureaucratic insensitivity, spiraling prices and profiteering.

Federal interest in the city's problems and, consequently, Federal relief efforts are quickly dwindling away. Yet, the effects of the year-old disaster are still a vivid reality to residents of Wilkes-Barre.

Parents are sending their children to foster homes because they cannot afford to feed and house them, houses remain unrepaired and unlivable and thousands of residents are still living in temporary trailers and the Federal Government's relief efforts are soon to be "jerked out from under them," in the Observer's words.

This poignant account presents a vivid picture to those here in Washington and throughout the country who would like to think that because the emergency phase of the disaster is over that the community is back to normal. Nothing could be further from the truth.

If we are truly to help the victims of disaster and if we are to help those Americans who need assistance in these critical times, then we must regognize the need for a continuing sense of crisis. True, the flood waters have subsided and most people have temporary roofs over their heads, but this does not mean we have completed our job. I would reiterate my often stated belief that we must have a centralized, coordinated disaster relief program that treats all victims equally—and that treats all stages of disasters with equal concern. I would like to commend the National Observer for its coverage, and I would like to thank that publication for pointing out the vivid realities and the vivid hardships of long-term disaster recovery.

I ask unanimous consent that the article from the National Observer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFEAT, DESPAIR BEGIN TO HAUNT VICTIMS OF TROPICAL STORM AGNES

(By J. F. Freeman)

Roselle McGrath, 30-year-old mother of four, has a house on Carey Avenue—a mud-caked shell she hasn't lived in for almost a year. Most of what she owned was destroyed in June 1972 when the Susquehanna River, fed by the rains of tropical storm Agnes, rampaged through Wyoming Valley.

As problems multiplied for Mrs. McGrath, one of 70,000 persons left homeless by the floods here, she became less able to care for her children; so she had them placed in foster homes. She now lives at Pad 369 in the Lombarde Trailer Park. She is receiving psychiatric treatment. She doesn't know what she'll do about her damaged house—or about a number of other decisions she must soon make.

For Mrs. McGrath, Agnes is still creating turmoil. She, like thousands of others here, simply cannot yet go home again.

She is better off than others affected by the flood; for example, her house wasn't totally destroyed. Yet in some ways her situation is worse. The house needs $14,000 worth of repairs., she is divorced, her four daughters require extra care because of sight and walking handicaps, and she is one of many in this valley who seem as dislocated and uncertain about their future as they were when the waters receded almost a year ago.

Volunteers have poured muscle, money, and programs into the Wilkes-Barre area to repair the damage done by the storm, which coursed through several states. Yet many flood victims say they still feel defeat and despair.

Residents complain of paralyzing governmental red tape, bureaucratic insensitivity, spiraling prices, and profiteering. They fear that the area's newly booming economy may soon bust as Federal aid ends and more of the costs of survival are shifted back to the flood's victims. (A Senate subcommittee last week held hearings on bills to broaden Federal flood-insurance and disaster-assistance programs.)

NEEDED: $1 BILLION MORE

Federal and state aid programs have poured about $1 billion into this valley, which suffered some $2 billion in flood damage. The remaining loss will have to be borne by residents. Some wonder whether this region, far from prosperous before Agnes, can afford $1 billion to return to where it was a year ago.

For many, decisions have to be made soon. An estimated 28,000 people are living rent-free in some 7,600 mobile homes supplied by the Department of Housing and Urban Development (HUD). Nearly one-third of the units are in temporary trailer parks, and others are next to occupants' damaged homes.

And for all, the free rent lasts only one year. By the fall most will have to vacate their trailers or start paying up to $95 a month to rent them.

THAT $5,000 GRUBSTAKE

The Small Business Administration through mid-April had received 33,416 applications for disaster loans at its Wilkes-barre office. Most loan applications include provisions under the amended Disaster Relief Act of 1970 to allow low-interest loans to flood victims, including a $5,000 forgiveness clause. Under this program, thousands of flood victims have received money that has boosted the economy—at least for now. Banks are flourishing, department-store sales and manufacturing payrolls are up, construction is at an all-time high, and unemployment is low. But a number of persons remain jobless. Many hard-hit flood victims have managed to live so far on the $5,000 obtained through the loan clause, but what's going to happen when the $5,000 runs out isn't clear.

"The big question is whether there is a recession on the horizon because of our false economy," says John Viola, head of a Luzerne County mental-health project. "If there is, then perhaps we're in trouble in the mental-health field."

MENTAL HEALTH SUFFERS

For Roselle McGrath, the economics of her recovery—discouraging as they appear—make up only part of her problems that began the week last year that her house filled with water to the first-floor ceiling.

She was barely getting along in pre-flood days, she says. She had a $12,000 mortgage on her two-family house, valued then at $15,000. After moving into a HUD trailer on a muddy street last August, the trailer's hot-water heater exploded (flooding her few flood-salvaged belongings), its electrical wiring required repair, and its stove malfunctioned.

Mrs. McGrath detected the beginnings of emotional problems in her children, she says. Her former husband's child-support payments temporarily stopped. She enrolled in a county assistance program that provides $200 a month, most of which went for heat and electricity last winter. On her psychiatrist's advice she had her children placed in foster homes. But the big problem is the house.

"HOME MY ONLY HOPE"

To make it livable, she says, would require some $14,000 in repairs. "I could sell it for less money than the mortgage," she says, "but then I would have to keep paying $160 a month on a house I wouldn't even have." If her house were not structurally sound, the area redevelopment authority might buy it at preflood value and then destroy it.

"The home was my only hope," says Mrs. McGrath. "I had my children, and rental income from half the house. But the flood killed that hope. Now I can't even keep my kids. The house, I guess, is my last chance." She adds: "It's a long way to crawl back up just to where I was before the flood."

Government programs, Mrs. McGrath insists, "only act to tie people to their worthless homes" through Government loans. "Now what are we going to do?" she asks. "I have to get out of my HUD trailer soon, and like everybody else, I don't know where I'm going to go."

Hundreds haven't even started cleaning up their properties, which will mean getting rid of rats, rotten food, and the stench of river mud. With such tasks still ahead of many residents, some authorities wonder whether psychologically for this community the worst is yet to come.

Dr. George Hudock, Luzerne County coroner, doesn't think so. In 1970 there were 22 reported suicides in the county, he notes, in 1971 there were 23, and last year there were 38—19 before the June 23 floods. So far this year there have been only five suicides. Suspicions that the disaster led to increases in violent and unexpected deaths haven't been proven, but at least one major research project is under way here to explore that possibility.

Dr. Stanley Rynkiewiez, a 91-year-old physician in Kingston, says there are plenty of mental-health problems now. A flood victim himself, he sees patients daily and says he is writing more prescriptions for tranquilizers for his flood-victim patients than ever before. "I see the despair in their eyes," he says.

ONE COUPLE'S ANGUISH

"Lots of people are bitching," says Harold Crop of Edwardsville, "and they are organizing. It disturbs me when we can throw away money in Indochina, but we can't do anything for our own people right here at home." He adds: "We feel we were exploited before last year's election. After the election we were forgotten."

The Crops' house floated off in the flood. After he and his wife moved in with their daughter 20 miles away, they were told they would have to return to their homesite in order to receive a HUD trailer. The Crops, in their 60's, lived in their front yard for six weeks last summer while waiting for their trailer. They appealed to many agencies, they say, and an aide of Frank Carlucci, then the President's representative to the flood-devastated area, gave them "rude treatment."

TRAILER TIME EXPIRING

Ed Hefferon at Project Outreach, a mental-health unit supported by a $500,000 grant from the National Institute of Mental Health, says his 50-member team tried to head off mental-health problems arising from flood victims' beliefs that the Government did not supply mobile homes fast enough or was not sufficiently willing to consider residents' human frailties. They worked also with people impatient with debris clean-up, processing to receive free rent, and impersonal dealings with officials.

"Some of the victims must vacate their trailers very soon," he notes "and they have no home to go back to."

"Many decided to wait out the winter in a temporary shelter, but it's now over and there is no place to return. Some refuse to take Government help, can you believe; we had to motivate them to take the help. The memories are all they have left, and particularly the older ones are becoming more and more depressed. You can sense the despair."

KEY PROBLEM: THE ELDERLY

Elliott Knauer, former state deputy secretary of public welfare and chief state coordinator of flood recovery, says the young, the middle-class, and workingclass will recover. "The aging we must worry about. They cannot bounce back and cannot move and start their lives over elsewhere."

Yet one of the overlooked questions of last year's flood, says Robert Hallett, leader of a church-supported volunteer group called Interfaith, is: "How do you measure how much people can take?" Says Hallett: "Some are really better people because of the flood. Others are ruined for life. Some should have been in a mental-health program before the flood. When they have to vacate their trailers and go back home, this is when the carpet is going to be jerked from under them."

LLOYD TUPLING

Mr. CHURCH. Mr. President, one of America's leading environmentalists—Lloyd Tupling—is retiring after a lifetime of dedication to the cause of conservation and our natural heritage.

Many of us recall Lloyd Tupling's service when he served as an aide to Senator Richard Neuberger and Senator Maurine Neuberger of Oregon.

I first knew Tup in Boise, Idaho, where he owned a weekly newspaper, and following that service, when he was managing the Hells Canyon Association.

In Tup's long service, he is probably best known for his years as the Washington representative of the Sierra Club. It was in this capacity that he worked so effectively on behalf of such projects as the Cascade and Redwood National Parks, the struggle to defeat the SST, and a host of other environmental concerns—the last of which has been the effort to protect Hells Canyon, the deepest gorge on the North American Continent.

A. Robert Smith, a Washington correspondent for Oregon, Idaho, and other western newspapers, has devoted a recent column to Lloyd Tupling. He summed up Tup's career with these words:

> Tup, who is retiring again, would rate all-pro on the lineup of Oregon power brokers in Washington. Against the toughest opposition, he knew how to score.

Mr. President, I ask unanimous consent that Mr. Smith's column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Washington Report—Lloyd Tupling

(By A. Robert Smith)

For most of the past 20 years, Lloyd Tupling was one of the most influential and yet modestly anonymous men behind the scenes of Oregon-Idaho politics.

Only Rep. Edith Green, D-Ore., has been involved as long among the men and women who make up the Oregon and Idaho delegations and their key staff members in Washington.

For the past five years Tupling has been the chief Washington representative of the Sierra Club, probably the most politically savvy of the growing number of conservation organizations that have promoted environmental protection laws in Congress and similar policies with the executive agencies.

Tupling came full cycle in an ironic sense, for he began his political career promoting a big federal dam in Hells Canyon and ended it opposing any more dams in the Snake River below Hells Canyon. Both times he was on the side of the angels, as conservationists viewed these separate crusades.

The crusade for a Bureau of Reclamation dam in the Snake River on the Oregon-Idaho border had profound political repercussions for Oregon and Idaho. The issue was joined in a long battle before the Federal Power Commission on an application by Idaho Power Co. for three smaller dams, and in Congress on legislation to authorize a giant federal dam instead.

Thanks to the preference of the Eisenhower administration, the utility got its license and the Hells Canyon bill was defeated in Congress. The National Hells Canyon Association, which Tupling managed, stirred up the grass roots sufficiently to defeat Rep. Sam Coon, a Baker Republican, succeeded by Rep. Al Ullman, a Baker Democrat who had worked with Tupling for the federal dam.

This issue also helped elect Idaho's Democratic Sen. Frank Church and Oregon's first Democratic senator in 40 years, Richard Neuberger, who brought Tupling along to Washington as his press secretary. Tupling had previously worked for United Press and had been publisher of a weekly at Boise, the *Idaho Statewide,* which he later sold.

Tupling subsequently became the senator's right-hand man, and Dick Neuberger gained recognition as "Mr. Conservationist" in an era when progress was almost always equated with commercial and industrial expansion. That, indeed, was the talking point for the federal Hells Canyon dam: it would provide more cheap power that would attract new industry to rural Oregon and Idaho, plus financial subsidies for Idaho irrigation expansion.

After Neuberger died, Tupling played the same role for his widow, Maurine, after she was elected to his seat for a single six-year term. For about a decade Tup was the man to see as far as many Oregon business and labor men were concerned when they had problems in Washington, D.C.

When Maurine Neuberger retired, so did Tupling—but not for long. The Sierra Club under the leadership of the militant David Brower opened a Washington office and hired Tupling to run it.

The Sierra Club has left its mark on the events of the past five years, in no small part because Tupling had personal contacts with the key senators working in the conservation area, notably Sen. Henry M. Jackson, D-Wash., and Senator Church, and he knew how to organize effective legislative campaigns.

He was active in the coalition that blocked the SST airplane and killed the proposed timber supply act which the lumber industry was promoting as a means of intensifying timber harvesting on the national forests. He promoted expansion of wilderness areas and the creation of Redwoods and the Cascade National Parks.

Having lost the first battle over the Snake River at Hells Canyon, Tupling and his allies appear to have the upper hand in the current effort to preserve what is left of the free flowing river below Hells Canyon. There will be arguments over details of the pending bills, but it seems certain there will be no more dams.

Tup, who is retiring again, would rate all-pro on the lineup of Oregon's power brokers in Washington. Against the toughest opposition, he knew how to score.

THE ENVIRONMENTAL QUALITY LABORATORY

Mr. MUSKIE. Mr. President, the Environmental Quality Laboratory of the California Institute of Technology has issued a report which describes a "management standards" approach for achieving drastic reductions in the number of "smoggy" days in the South Coast Air Basin of California by the end of 1977. In order to illustrate the kinds of control measures that are required if the management air quality standards are to be satisfied, the laboratory chose one particular control strategy for detailed study. This strategy, called EQL strategy No. 1, is based on new "technical" control measures on stationary sources and used motor vehicles, combined with a set of social and economic incentives and disincentives designed to encourage the shift to low-pollution motor vehicles, to encourage the use of multiple- occupancy vehicles—buses, carpools, and so forth—and to halt or at least reduce the annual rate of increase in gasoline consumption in the basin. If EQL Strategy No. 1 is followed, they estimated that the average number of days per year on which the California ambient air quality standard on photochemical oxidants is violated would be reduced from 241 days in 1970 to 50 days by the end of 1975, and to 25 days by the end of 1977.

I call my colleagues' attention to this interesting and innovative approach to improving air quality. I ask unanimous consent that a summary of that study and a statement to the Environmental Protection Agency by Prof. Lester Lees of the Environmental Quality Laboratory be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Part I: EQL Strategy No. 1—A Summary

PART 1: SUMMARY

(Figures mentioned in text
not printed in Record)

In 1970, 25 years after California enacted its first air pollution control law, Los Angeles County still had air that did not meet state air quality standards for photochemical oxidants (such as ozone) on 65% of the days, for carbon monoxide on 55% of the days, and for nitrogen dioxide on 31% of the days. Clean air was three decades behind us, and state and local enforcement agencies estimated that it was two decades ahead—in 1990. The federal government said otherwise. With the enactment of the Clean Air Amendments of 1970 the timetable for clean air was moved ahead to 1975—or 1977, at the latest.

The California strategy, on one hand, and federal requirements, on the other, seemed to represent two extremes. One was so slow that the time when economic and population growth would overtake control measures could be readily predicted. This would happen sometime in the middle of the 1980's. The other was so rapid that only a sudden and wrenching curtailment of transportation and economic activity could produce the required results. In the latter case, the cure might be worse than the disease.

An interdisciplinary team of researchers at the Environmental Quality Laboratory concluded that for air basins with critical air pollution problems—like that of Los Angeles and surrounding areas—a compromise was needed. The team put together a strategy that seemed practical and—when added to pollution control measures presently in effect or planned—would reduce the number of substandard, smoggy days 80% by 1975 and 90% by 1977.

EQL Strategy #1—so designated since it was only one of many possible combinations—would introduce several novel features to air pollution control. It would focus on the millions of motor vehicles presently on the road instead of relying, as has been the case heretofore, only on increasingly stringent control of new cars. Engine and evaporation emissions from the existing stock of cars would be reduced by a number of practical means: changing the fuel from gasoline to the cleaner-burning natural gas or propane; retrofit devices and engine modification; mandatory inspection and testing of vehicle emissions. Somewhat more radical were socio-economics policies that would reduce use of motor vehicles significantly and thus, for the first time, test the motorist's determination to reduce air pollution by asking of him a personal sacrifice of a measure of his freedom in deciding where, when, and how he would use his car. Stationary sources would be recognized as significant causes of pollution in the Basin and efforts to make further emission reductions at power plants, industry, and even service stations, would be redoubled.

The cost of such a program is not small—about $1 billion for those technical measures to which a dollar value can be attached. That's about $100 a head for everyone in the South Coast Air Basin, or, looked at another way, it's less than 35 miles of a new freeway in Los Angeles.

1/1 NEED FOR A NEW AIR POLLUTION CONTROL STRATEGY IN THE SOUTH COAST AIR BASIN

Twenty five years ago the California State Legislature passed its first air pollution legislation. During the last quarter-century California has come to be recognized as a world leader in air pollution control. Yet in 1970 the California state ambient air quality standard on photochemical oxidants (including ozone), chosen so that it lies "below that (level) associated with aggravation of respiratory diseases,"[1] was violated on 241 days in the South Coast Air Basin. In that same year the standard on nitrogen dioxide was exceeded on 115 days and the standard on carbon monoxide (12 hour average) was violated on 203 days.[2]

Without the air pollution control measures on stationary sources and new motor vehicles now in effect the situation would be even worse. But if the State and local control program in effect in 1971 were to be followed for the rest of this decade, it would lead at best to a relatively slow improvement in air quality in this Basin. For example, it is estimated that the California standard on oxidents would still be violated on 140 days in 1975 and on 85 days in 1980. The two principal reasons for this slow progress are: (1) the low "death rate" of dirty old cars and the low "birth rate" of new motor vehicles that meet stringent exhaust emission and evaporative control standards; (2) the increase in gasoline consumption at a rate of about 4% per year. The EQL is certainly not the only group to conclude that a new air pollution control strategy that would deal effectively with these two problems is urgently needed (Section II/1.1.).

While the EQL study of the "smog" problem was in progress, the federal government began to exert pressure for a much faster rate of improvement in air quality than the 1971 State and local strategy could possibly provide (Section II/1.2). On April 30, 1971, the Administrator of the Environmental Protection Agency, acting under the provisions of the Federal Clean Air Act of 1970 (as amended), published new federal air quality standards that are even more stringent than the California standards. Except for the standard on nitrogen dioxide, the federal standards are not to be exceeded more than once a year. These standards must be attained within three years of the date of final approval of the state plan, except that an extension of up to two years may be granted by the Administrator.

Thus, the South Coast Air Basin is required to meet the new federal ambient air quality standards by 1975, except in the case of photochemical oxidants, for which the EPA granted a two-year extension.

If the state agencies do not prepare a satisfactory implementation plan, the Act empowers the Administrator of EPA to develop such a plan, and if the states do not have the authority to carry out the plan, the Act has given broad authority to the Administrator. Even if the Administrator does not act, private citizens and groups can sue under the Act to force compliance with federal ambient air quality standards.

In contrast to these new federal requirements the Los Angeles County Air Pollution Control District stated in its 1971 annual report[3] that the present strategy would bring air quality up to the California state standards by 1990!

Thus, the present California control program places "clean air" so far in the future that any improvements in air quality might well be overtaken by population and economic growth long before the distant "target date" is reached. But to reduce violations of air quality standards from the present level of 241 days per year for photochemical oxidants (for example) to literally *one day per year* within the period allowed by the Clean Air Act would require drastic curtailments in the rates of consumption of gasoline, natural gas and residual oil in the Basin, and a sudden brake on economic activity. The most effective practical approach must lie somewhere in between these two extremes.

The approach adopted in this report occupies this "middle ground." We recognize that the South Coast Air Basin in California is faced with a uniquely difficult air pollution control problem. Because of its special meteorology and topography, and the enormous rate of consumption of fossil fuels,[4] even the best technology likely to be available in this decade would not reduce the average number of days per year on which State air quality standards on photochemical oxidants are violated below a lower bound of 10–15 days.[5] We chose for detailed study a particular control strategy (called EQL Strategy #1) designed to drive toward these lower limits as rapidly as feasible in the *spirit* (if not the letter) of the Clean Air Act of 1970 (as amended).[6] In summary, EQL Strategy #1 is based partly on new "technical" control measures to reduce emissions from stationary sources and *used* motor vehicles.[7] But even in the short run (1972–1977) we found it necessary to combine these technical measures with a set of social and economic incentives and disincentives designed to encourage the shift to low-pollution motor vehicles, to encourage the use of multiple-occupancy vehicles (buses, carpools, etc.), and to reduce the annual rate of increase in gasoline consumption in the Basin. These control measures are not supposed to be all-inclusive, and the "mix" is not optimized for minimum cost to achieve a given level of air quality.[8] But they are representative of the kind of measures that are required.

1/2.1 GENERAL FEATURES

The EQL strategy depends on the concept of "management standards," based on technical, economic and social feasibility, that would serve as milestones enroute to the clean air required by both the California and federal ambient air quality standards. These management standards would set a first "target date," by which time significant *percentage reductions* are to be achieved in the number of days per year that ambient air quality standards are violated in the Basin. By the second "target date" substantial percentage reductions would have to be made in the *remaining* number of these "objectionable" days, etc. This approach provides the flexibility required, and allows for "feedback" from the public as it assesses the beneficial effects of specific control measures, measured against the economic and social costs of these measures.

The Clean Air Act of 1970 (as amended) appears to give the Administrator of the EPA discretionary authority to approve such an approach by a state during the period in which a time extension is in effect. Such extensions can be granted when (among other reasons) the necessary technology is unavailable; when the state has implemented reasonable alternatives (as would be the case if a strategy similar to EQL Strategy #1 were adopted); when reasonable interim measures are provided for (the basis of the EQL strategy). EPA regulations published in the Federal Register on August 14, 1971 encourage each state "to consider the socio-economic impact and the relative costs and benefits" of alternative strategies. Public welfare and productive capacity are to be weighed as well as public health.

Before discussing specific control measures contained in EQL Strategy #1, certain desirable main features of any such strategy are outlined as follows:

1. In order to be credible the "target dates" for the achievement of management standards ought to be set well within the present decade and not in the vague future one or two decades hence. December 31, 1975 is a reasonable first target date (corresponding roughly to the end of the 3-year period allowed under the Clean Air Act), and December 31, 1977 is a reasonable second target date (corresponding to the end of the 2-year extension period).

2. These management standards should be expressed in terms of percentage reductions in the average number of days per year on which the California (or federal) standards on oxidants, nitrogen dioxide and carbon monoxide are exceeded. For example, a reasonable goal is to reduce these "objectionable" days in the South Coast Air Basin from the 1970 level of 241 per year to a level of 50 days per year by the end of 1975 (a reduction of 80%). By the second target date, at the end of 1977, the objectionable days should be reduced to 25 (an additional reduction of 50%).[9]

3. Because of the relatively short time periods involved, the "technical" control measures required to reach these management standards will have to be based mainly on existing technology that can be developed and introduced within the next 2–4 years.

4. Any strategy must rely on a number of different control measures, each of which provides a modest improvement. It is the cumulative effect which is significant. There is no one "magic solution."

One such strategy (EQL Strategy #1) is described in the next sub-section. The control measures that are proposed are not supposed to be all-inclusive, nor are control costs supposed to be minimized. Our purpose is to illustrate the kinds of measures that must be taken if the requirements listed above are to be met. In most of the discussion to follow we are making the "conservative" assumption that *new* motor vehicles for model years beyond 1974 will meet the 1974 California exhaust emissions standards, but not the more stringent 1975–76 federal standards. Some of the figures to be presented in Part II will show the additional benefits to be gained (at additional cost!) if new motor vehicles do in fact meet the federal standards beginning in 1975.

1/2.2 SPECIFIC CONTROL MEASURES

The nature and extent of the specific control measures that are needed depend on the

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magnitude of the reductions in emissions of reactive hydrocarbons and nitrogen oxides that are required in order to meet the management air quality standards set forth in EQL Strategy #1. At present no general theory exists that would enable us to predict ambient air quality for photochemical oxidants, nitrogen dioxide and carbon monoxide in terms of the emissions level of the primary contaminants. In lieu of such a theory, the relationship between air quality and emissions levels is here established by means of a statistical analysis of air quality monitoring data obtained at the ground-level stations of the Los Angeles Air Pollution Control District over the last several years.[10] An important simplifying physical assumption is made that *for given meteorological conditions* the atmospheric concentrations of carbon monoxide and the "early morning"[11] concentrations of reactive hydrocarbons and nitrogen oxides are directly proportional to their respective emissions levels.

The application of this simple idea to the statistical data is best illustrated by dealing first with the contaminant nitrogen dioxide, which tends to be approximately proportional to the total input of nitrogen oxides. Statistical data is displayed in terms of the average number of days per year that the maximum atmospheric concentration exceeds a given level for at least one hour, plotted against the concentration (Figure 1). (The solid curve in Figure 1 corresponds to the 1969 average of about 1000 tons per day of nitrogen oxides emissions in the Basin.) As expected, "low" one-hour maximum concentrations of nitrogen dioxide around 10 pphm[12] are exceeded quite frequently, but "high" concentrations around 50 pphm are rarely exceeded at this emissions level. These observations correspond roughly to the relatively high frequency of occurrence of maximum mixing layer heights (or heights of the base of the infamous inversion layer) that are 3500 feet or less, compared to the infrequent appearance of maximum mixing layer heights that are 700 feet, or less. These relatively infreqent low inversion layers markedly concentrate the pollutants near the ground.

Suppose that by means of a set of control measures the level of emission of nitrogen oxides in the Basin is reduced by 50% to 500 tons per day. For the *same meteorological conditions*, atmospheric concentrations of nitrogen dioxide are also cut in half (dashed curve in Figure 1). In other words, if emissions are reduced by 50%, the simple rule to follow is that the number of days per year on which a particular maximum one-hour concentration of nitrogen dioxide is exceeded is the same as the number of days per year on which twice this concentration was exceeded at twice the emission level (horizontal dashed line in Figure 1). By following this rule, we see that at the new emissions level, a concentration of 25 pphm for one hour (California state standard) is exceeded on the same number of days per year as a concentration of 50 pphm was exceeded at the old emissions level. A 50% reduction in emissions level leads to a 90–95% reduction in days per year of violations of the state standard (vertical dashed line in Figure 1).

The situation for photochemical oxidants is more complicated than for nitrogen dioxide because the peak one-hour oxidant level depends on "early-morning" concentrations of reactive hydrocarbons and nitrogen oxides, on sunlight intensity, temperature and other variables in a complex manner. In spite of this difficulty, by using the Los Angeles APCD data Trijonis was able to work out "summer" and "winter" correlations between daily one-hour average oxidant level and "early morning" concentrations of reactive hydrocarbons and nitrogen oxides. The effect of reductions in smissions levels on the concentrations of these two substances is calculated just as nitrogen dioxide was analyzed in the simple illustrative example given earlier.[13]

Our calculations show that in order to reduce from 241 to 50 the average number of days per year on which the maximum daily one-hour average oxidant concentration of 0.10 ppm is exceeded[14] (first "target" on EQL Strategy #1) the total emissions of reactive hydrocarbons from all sources in the Basin must be reduced to 28% of *present levels*, and emissions of nitrogen oxides must be reduced to about *45% of present levels*. If these reductions were made, the California ambient air quality standards for nitrogen dioxide of 25 pphm for one hour would be exceeded on 10 days per year as compared with 130 days in 1970. The "health warning"[15] level of a one-hour average oxidant concentration of 0.20 ppm (twice the State standard) for persons with coronary artery diseases or chronic respiratory diseases would be exceeded on 15 days per year, as compared with 150 days per year in 1970.

Thus, Phase 1 of EQL Strategy #1 is designed to reduce total emissions of reactive hydrocarbons to 28% of present levels and nitrogen oxide emissions to 45% of present levels by December 31, 1975.

These objectives would be accomplished by means of the following *Phase I control measures*, combined with the effects of the new cars introduced into the Basin.

A. MOTOR VEHICLES

1. Mandatory conversion of all gasoline-burning commercial motor vehicles of model years 1970 and later in both small and large fleets (trucks, taxis, buses, cars) to burn a gaseous fuel, such as compressed natural gas or liquid propane gas, by *December 31, 1973*, in the South Coast Air Basin. This measure means that about 33% of the gasoline now burned in the Basin would be replaced by gaseous fuels.

2. (a) Mandatory installation on 1960–1965 gasoline-powered cars of a currently available control device that reduces hydrocarbon emissions by about 60% and NO$_x$ emissions by about 35% on pre-1966 cars.[16]

(b) Mandatory installation on 1966–1970 gasoline-powered cars of a control device that reduces nitrogen oxides emissions by a substantial amount.[17]

3. Mandatory installation of an evaporative control device on gasoline-powered 1966–1969 vehicles that reduces fuel tank evaporative emissions by 90%. (Starting with the 1970 models new cars have such controls.) Since this device is estimated to cost approximately $150 to purchase and install, some subsidy or cost-sharing would be required. (Less expensive retrofit devices are currently under study at the EQL.) If such a subsidy were to be paid to vehicle owners for installation of this device, an equal subsidy ought to be made available to vehicle owners who elect any other step that would reduce reactive hydrocarbon emission in the Basin by a comparable amount. *Example:* purchase of a post-1969 vehicle to replace an older vehicle that is sold to a new owner who lives and works outside the Basin.

4. A mandatory vehicle emissions inspection system that would: (1) insure that new and used gasoline-powered vehicles meet the emissions standards set for them by present and proposed control measures; (2) insure that vehicles operating on gaseous fuels are properly tuned to achieve the low exhaust emissions levels qualifying them for the 7 cents/gallon (equivalent) State fuel tax remission;[18] (3) form the basis for a system of emission taxes.

5. Social and economic incentives and disincentives designed to encourage the shift to low-pollution motor vehicles by motorists and vehicle manufacturers, to encourage the use of multiple-occupancy vehicles, and to halt or at least reduce the annual rate of increase in gasoline consumption. Such measures include: (1) emissions taxes assessed on car owners in proportion to the amount of emissions their cars discharge into the air; (2) reserved "fast lanes" on freeways for buses and carpools; (3) controlled access to freeways so that buses and carpools are given priority during rush hours; (4) free or subsidized parking for carpoolers; (5) buses and demand-jitneys partially subsidized by revenues collected from emissions taxes; (6) as a last resort, additional gasoline taxes and/or a limit on the total consumption of gasoline in the Basin at 2.7 billion gallons per year by a system of freely auctioned coupons, giving motorists in the Basin gasoline purchase rights up to this total amount, but no more.[19]

In out calculations we assumed that by December 31, 1975, the combined effect of all the measures under #5 amounts to a 20% reduction in the motor vehicle pollution remaining after measures #1–4 are put into practice.

B. STATIONARY SOURCES

1. *Nitrogen Oxides*. Mandatory installation of two-stage combustion and/or gas recirculation (or other control devices) designed to cut NO$_x$ emissions by 50% by the end of 1973 in all fossil-fuel power plants.[20] Mandatory use of low "excess" air in industrial boilers and heaters using natural gas with a rating in excess of 30 million BTU/hour (about 8.5 megawatts).

2. *Hydrocarbons*. (a) Substitution of nonreactive materials by users of organic solvents emitting "high reactivity" HC (as defined by the Los Angeles APCD) in order to cut these emissions by 50% by 1973.[21] (b) Mandatory recirculation of vapors from gasoline storage tanks in filling stations back to tanker trucks during filling operations.

C. PHASE TWO

Phase 2 of EQL Strategy #1 consists of a limited number of "smog alerts" to be called in the Basin during the period July through September when the oxidant exceeds 0.20 ppm at any station in the Basin, or when early morning inversion layer height and temperature indicate a high probability that this level will be exceeded.[22] Beginning in 1973 two or three such alerts would be called, and by 1975 the number of such alerts would be increased to 6–8.

Although we do not attribute any specific reduction in the number of "objectionable" days to Phase 2, it seems clear that the two phases of EQL Strategy #1 are mutually reenforcing. Incentives for reducing emissions are created by calling smog alerts that shut down or curtail emission sources while reductions in emissions require fewer smog alerts. If our target of about 15 days per year for an oxidant level of 0.20 ppm is reached by the end of 1975, these smog alerts could be discontinued.

1. During these smog alerts only "low emission" vehicles,[23] vehicles with two or more passengers, and buses and jitneys would be permitted on the freeways.

2. During an alert all stationary sources of "high reactivity" HC emissions would be shut down.

Rough estimates indicate that the cost of Phase 1 of EQL Strategy #1 for the South Coast Air Basin is about one billion dollars through December 31, 1975, which amounts to about $100 per head, or $300 per household ($25 per head per year or $75 per household per year). The cost breakdown is as follows: (1) loss of federal and State tax revenues by conversion to gaseous fuels—$400 million; (2) Vacuum Spark Advance Disconnect—$70 million; (3) evaporative control retrofit—$225 million; (4) mandatory motor vehicle inspection program—$200 million; (5) controls for stationary sources—$100 million.[24]

By the second target date of December 31, 1977, EQL Strategy #1 calls for no more than

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25 days per year on which the California ambient air quality standards for oxidants is violated in the Basin. Our calculations show that in order to achieve this objective the total emissions of reactive hydrocarbons in the Basin must be reduced by about 22% *of present levels* and nitrogen oxides emissions must be reduced to about 38% *of present levels.* If the Phase I control measures are successful in reaching their targets by the end of 1975, it turns out that the *additional* reductions in total emissions that are required by the end of 1977 could be achieved by means of two specific control measures: (1) continued conversion of gasoline-burning commercial vehicles to burn a gaseous fuel, as long as emissions from new vehicles are significantly higher than emissions from gaseous-fueled vehicles (maintaining the level of one-third of the gasoline replaced by gaseous fuels at all times); (2) continuation of mandatory vehicle emissions inspection program (A.4 of Phase 1). The social and economic incentives and disincentives listed under A.5 of Phase I would almost certainly be necessary in the long run (Section I/3), but no additional reductions in emissions after 1975 are attributed to these measures in the present "conservative" calculations. The *additional* cost of this program from the end of 1975 to the end of 1977 is estimated at about $380 million. (The total cost of the emission controls for new cars for 1976 and 1977 is estimated at about $300 million in this Basin.)

In Section II/2 of this report the reductions in emissions from motor vehicles and stationary sources that can be achieved by each of the control measures in EQL Strategy #1 are discussed in detail. In Figure 3 and 4 we show the breakdown in reductions in reactive automotive hydrocarbons and nitrogen oxide emissions for L.A. County. Figures 5 and 6 show the contribution from stationary sources and the reductions in *total* reactive automotive hydrocarbons and nitrogen oxide emissions. Based on these reductions the projected improvement in ambient air quality for photochemical oxidant and nitrogen dioxide are calculated by methods already outlined and described in detail in Section II/2.2. In Figures 7 and 8 the results of these calculations are illustrated for the "present strategy" (1971) and for EQL Strategy #1. Figure 9 shows the projected reductions in the number of "health warning" days (proposed by the Los Angeles County Medical Association for persons suffering from coronary artery diseases or chronic respiratory diseases).

Control measures A.1 and A.5 on motor vehicles will also greatly reduce carbon monoxide emissions into the atmosphere of the Basin, as shown in Figure 10. In Figure 11 we show the corresponding projected improvements in ambient air quality for carbon monoxide according to the "present strategy" and EQL Strategy #1. By 1977 EQL Strategy #1 would virtually eliminate the carbon monoxide problem in L.A. County.

In Sections II/3 and II/4 the feasibility of the "technical" control measures A.1–A.4 and B.1 and 2 for motor vehicles and stationary sources is examined. By feasibility we mean supply, distribution and marketing of gaseous fuels; economics of conversion to gaseous fuels; safety, insurance and reliability of gaseous-fueled motor vehicles; economics and performance of "retrofit" devices on used cars; availability and performance of control devices for stationary sources. No important technical or economic difficulties were uncovered in this study. However, a considerable amount of "risk capital" and organizational effort is required to put these control measures into effect on the time schedule adopted in EQL Strategy #1. On the other hand, the program provides some attractive opportunities for profitable business ventures and for employment of presently under-employed or unemployed skilled people in the Los Angeles area.

In Section II/3 the controversial question of the conversion of commercial motor vehicles to burn a gaseous fuel is discussed in some detail. The supply problems for compressed natural gas (CNG) and propane (LPG) in this Basin were studied carefully, not only by the EQL staff but also independently by a well-known oil and gas consulting firm retained by the EQL—The Pace Company of Houston, Texas. The Pace Company report concluded that supplies of CNG and LPG are adequate to replace up to 33% of the gasoline burned in the Basin.[25] The report recommended a "mix" of 25% CNG and 8% LPG to make up the figure of 33%. This amount of CNG is equivalent to 250 million cubic feet per day. In the "smoggy" summer months "firm" customer demand for natural gas is about 500 million cubic feet per day, leaving about 2.5 billion cubic feet per day for "interruptible" users (Figure 12). About 10% of the "interruptible" supply would have to be diverted from electric power plants and industrial users to motor vehicles. Such a diversion could be accomplished by means of a small price differential. In the relatively "smog-free" winter months natural gas is in short supply because of large "firm" customer demand. Thus motor vehicles converted to CNG are almost always equipped with "dual-fuel systems that allow them to switch to gasoline in the winter months, or when they are outside the Basin.

If 8% of the projected gasoline consumption in the Basin is replaced by propane by 1975, the requirement for propane amounts to about 10 million barrels per year, a quantity equal to the total consumption of propane in California in 1970 (Fgure 13). However, propane supply is increasing rapidly in the 1970's. Canadian propane supplies are available, and the figure of 8% is regarded by the Pace Company as a reasonable initial target that would not place too great a strain on refineries and other sources (mainly natural gas fields).

So far as distribution of CNG is concerned commercial fleets generally would have their own fueling facility, including compressor and storage tank. Recently the Union Oil Co. and Pacific Lighting Corp. announced a cooperative pilot program whereby two service stations in Riverside, California, will sell CNG to motor vehicles.[26] This system could be expanded rapidly to include a certain fraction of the service stations in the Basin. Propane, on the other hand, is already available at about 64 stations in the Los Angeles area, and a number of other stations now selling propane to campers could easily obtain the necessary permit to sell this fuel to motor vehicles. This distribution system could also be expanded once the demand was established.

Similar conclusions about feasibility were reached regarding the possible rate of conversion of motor vehicles to burn a gaseous fuel. After several days of training, a good mechanic can convert one vehicle in about one working day. Thus 1000 mechanics working 250 days per year could convert the estimated 500,000 commercial fleet vehicles in the Basin in about two years.

In contrast to these technical-economic measures, the detailed effects of the social and economic measures listed under A.5 (and discussed in detail in Section II/5) are very difficult to forecast. The whole purpose of this set of incentives and disincentives is to provide alternate modes of transportation and to influence human behavior. Lacking a predictive theory of human behavior we need to introduce demonstration or "pilot" programs in order to obtain "feedback" from the public in a reasonably short time period. In the case of the emissions tax, for example, an iterative procedure could be utilized, in which a certain reasonable tax schedule is set and the effects observed for one year, after which the schedule is revised as needed. These pilot and iterative programs are necessary first steps toward a long-range strategy for the post-1982 period.

1/3 A GLIMPSE AT THE POST 1982 PERIOD AND LONG-RANGE NEEDS

Sometimes in the early 1980's emissions of reactive hydrocarbons, nitrogen oxides and carbon monoxide into the atmosphere and the number of smoggy days in the Basin will begin to increase again, even if EQL Strategy No. 1 is fully implemented (Figure 14). The projected growth in population and in the rate of consumption of gasoline, natural gas and oil in the Basin makes this outcome inevitable—*if no new steps are taken.* Section II/6 of this report contains a brief discussion of some possible approaches to the long-term air pollution problem in the Basin, including (1) introduction of new technology, e.g., electric commuter cars, replacement of natural gas and oil-fueled industrial burners by electric-powered devices, replacement of electric power plants inside the Basin by new power plants located outside the Basin; (2) limitations on population, industry and commerce in the Basin, provision for a balanced transportation system, and important changes in life-style.

FOOTNOTES

[1] Air Resources Board, Annual Report to Governor Ronald Reagan and the Legislature, entitled *Air Pollution Control in California, 1970,* January, 1971, Table 1, p. 24.

[2] *Profile of Air Pollution Control,* Los Angeles APCD, 1971.

[3] *Profile of Air Pollution Control,* Los Angeles APCD, 1971.

[4] List, E. J., *Energy Use in California: Implications for the Environment,* EQL Report No. 3, December, 1971.

[5] The California ambient air quality standard states that the maximum daily one-hour average oxidant level should not exceed 0.10 ppm (parts per million).

[6] Later (Section II/1.1) this strategy is compared with a strategy that relies mainly on new car controls and does not meet the requirements of the Clean Air Act of 1970 (as amended) even in spirit.

[7] Some of these measures are included in the new State implementation Plan (February, 1972).

[8] Cost optimization for a wide range of strategies is treated in some detail by Trijonis, John, *An Economic Air Pollution Model. Application: Photochemical Smog in Los Angeles County in 1975,* Summer, 1972.

[9] If desired a third target date could be set at the end of 1979 by which time a reduction of 50% in the remaining number of these "objectionable" days must be achieved (to about 13 days per year).

[10] This analysis was carried out by Mr. John Trijonis as part of his Caltech PhD thesis research on the economics of air pollution control.

[11] By "early morning" we mean before 9:30 a.m., in Los Angeles, or before photochemical reactions have begun.

[12] Parts per hundred million.

[13] Estimates of the number of objectionable days per year for each pollutant were obtained for Central Los Angeles. The average number of days per year on which the California ambient air quality standards are violated at *some* station in the entire Basin is significantly higher. For photochemical oxidant the number of objectionable days for the entire Basin is 1.7 times higher on the average than in Central L.A., and for nitrogen dioxide the number of such days is 2.3 times higher on the average.

[14] California State ambient air quality standard.

[15] Proposed by the Los Angeles County Medical Association.

[16] The State Air Resources Board has approved the General Motors vacuum spark advance disconnect device and the Air Quality Products capacitor discharge, ignition optimization system for these cars (Section II/3.4).

[17] In November 1971 Governor Reagan signed the Sieroty-Cologne Bill, which requires that beginning in 1973 all 1966–1970 cars must be equipped with a device that will "significantly" cut nitrogen oxide emissions. The certification that such a device is installed on the car is to be made on initial registration, on transfer of ownership, or on renewal of registration. A limit of $35 is set on the initial cost of such a device, including installation charges, and the bill specifies that it should not require maintenance more than once every 12,000 miles at a maximum cost of $15. The State Air Resources Board must now set the standards for such equipment.

[18] California law presently exempts vehicles operating with propane or natural gas conversion systems approved by the Air Resources Board from the State tax on vehicle fuel.

[19] According to E. J. List, the actual rate of gasoline consumption in 1969 was 4 billion gallons a year. The figure of 2.7 billion gallons represents what is left after one-third of current gasoline demand is converted to gaseous fuels.

[20] Such control devices are now being installed in the large electric power plants of Southern California Edison and the Los Angeles Department of Water and Power.

[21] Approximately 100 tons/day of "high reactivity" HC are emitted by these sources. Another 550 tons/day of "low reactivity" HC emissions from stationary sources would not be affected by this program.

[22] At present first stage smog alerts are called when the oxidant level exceeds 0.50 ppm (five times the State air quality standard). No emissions sources are curtailed during these alerts.

[23] These vehicles could be identified by means of special windshield stickers.

[24] The costs to the buyers of new cars that meet the California exhaust emission standards is estimated at approximately $400 million over this same period. This estimate is based on an additional cost of pollution controls of $50/car in 1972, $150/car in 1973 and $300/car in 1974 and 1975. Detailed cost calculations contained in Trijonis' thesis based on "harder" data later shows that the cost of Phase 1 in the South Coast Air Basin in about $1.8 billion, including new car controls. This cost amounts to about $45 per capita per year, or about 1.2% of disposable income per capita after taxes.

[25] The major conclusions of the Pace Report are discussed in Section II/3.1.

[26] These stations began selling CNG to motor vehicles in May, 1972.

STATEMENT TO THE ENVIRONMENTAL PROTECTION AGENCY

(By Lester Lees)

NOTE: Figures are not reprinted in RECORD.

A significant milestone in the long struggle to abate smog in the Los Angeles Basin was reached with the publication of the transportation control plan by the EPA on January 15, 1973. In preparing the plan the EPA firmly established the fact that not only would no single abatement measure eliminate smog, but that even the vigorous implementation of all available measures for emission reduction would fall far short of achieving the federal ambient air quality standards. To achieve these standards would require the imposition on a vast scale of other kinds of measures which are largely untried and mostly unpredictable. In commenting on the plan today, I will concentrate on three main points. First is the need for management standards to serve as interim goals in a time-phase program to achieve the ambient air quality standards. Second is the desirability of a flexible strategy which employs several measures in addition to the technical emission reduction measures. The third is concerned with providing the time required to bring measures of the second kind into effective operation—that is, the need for a build-up period. Finally I will comment on the cost of an effective smog abatement program. A technical commentary on the analytical technique used in preparing the plan is in an appendix submitted for the record. Also submitted for the record are four additional documents which contain the detailed reasoning on which this statement is based.

In order that we can discuss the question of air quality on a common basis, I would like to point out that the air quality standards consist of two parts. One part is a specified concentration level and averaging time; for example, the oxidant standard 0.08 ppm (federal) or 0.1 ppm (State of California) for one hour. The second part is the number of days per year that this specified level may be exceeded. In the Clean Air Act this number is more than one day per year. Air quality is best measured in terms of the average number of days per year that the specified level is exceeded (currently over 200 days per year for oxidant in this air basin).

For this discussion I will use the level of 0.1 ppm of oxidant averaged for one hour as the specified level. In order to illustrate the effect of the choice of level on the average number of days per year that a particular level is exceeded, I will also show some results for a level of 0.2 ppm of oxidant averaged over one hour.

My three main points can all be made by referring to Figue 1. The segmented bar in the center with the hatching represents the daily hydrocarbon emissions in the Basin in 1977. The various levels are those remaining after the several reduction measures shown have been applied.

The levels are quantified in two ways. The first is in terms of percentages of the total level that would exist if no reduction measures were to be imposed. The second way is in terms of the number of days the oxidant standard would be exceeded. The calculations on which this chart is based are similar to those we have discussed in detail in the SMOG book. The results shown in the upper part of the bar differ somewhat from the calculations made by the EPA because they are based on a somewhat different set of technical control measures. In addition the 0.1 ppm for one hour level was used, which is slightly higher than the federal level, and a more complex model was used to relate the level of emissions to the number of days the 0.1 ppm for one hour would be exceeded. These are important technical differences between this analysis and the one made by the EPA. The differences are discussed in detail in the appendix, and it is hoped that the discussion will be carefully considered by those charged with further analysis within the EPA.

Even more important than the differences, though, are the similarities. Both analyses show that any reasonable set of technical emission control measures will fail to achieve the ambient air quality levels (either state or federal) on something like 60 to 80 days per year. It should be emphasized that fixing on the federal rather than the state level and agreeing on a specific set of measures would still leave a great deal of uncertainty about the number of days the level would be exceeded. This uncertainty is due to two factors. The one is an inherent inability to calculate accurately the effectiveness of the measures imposed and the resulting level of emissions. The other is the variability of the weather from year to year, which greatly affects the number of days the level is exceeded for a given level of emissions.

Both of these factors act to increase the uncertainty as the number of days on which the level would be exceeded becomes smaller. This is why the scale of the number of days is not continued below 20 days. These two sources of uncertainty, plus the very high cost of the technical measures and the untried nature of the other measures, led to the idea of management standards.

Management standards are interim goals selected on the basis of reasonable predictability of effectiveness, acceptable cost, and a specific time scale. They are based on the accepted ambient air quality levels and recognize that these levels will necessarily be achieved over a period of time rather than all at once. They are *not* equivalent to merely extending the time allowed to achieve the final goals. They do allow for implementing other measures after the uncertainties associated with the technical measures have been dispelled and after some experience on a small scale with other measures. The best available data now suggests that a realistic goal is 60 days per year that could be achieved in 1977 by the vigorous implementation of the technical measures together with a small scale application of other measures. At that time there would be little uncertainty about the technical measures and less about the other kinds. It would then be possible to devise the next phase of the program with much more confidence and to decide whether there should be another set of interim goals.

My second major point has to do with the measures that will be required beyond the technical measures to finally achieve the ambient air quality standards. Make no mistake, I do not have a "magic" solution to this difficult problem, and I do not believe the problem can be attacked really well until after more of the effects of the technical measures are known and some experience with the other measures obtained.

For purposes of this discussion the measures other than the technical measures can be classified into three categories. First are those measures intended to reduce vehicle miles traveled. Second are those measures intended to reduce the number of vehicles in use. Third are special measures intended to reduce vehicle use on days forecast to be especially susceptible to smog. Each category has a counterpart that pertains to stationary sources. The classification scheme is admittedly crude, but it will serve to make the point. The point is that measures of all three kinds should be considered. The use of a number of measures of different kinds in a strategy has a number of desirable features.

When the Administrator considered measures to be used beyond the technical measures, he rejected all those except gasoline rationing. In his explanatory comments he elaborated on the many difficulties expected in instituting rationing to the extent envisioned, and the probable disruption to the economy of the Basin. Indeed, one is led to believe that rationing to this extent may prove to be not possible. This illustrates one of the reasons for a multiple strategy. If one of the measures proves to be infeasible or not feasible to the extent planned, there are no other measures which can be used to compensate. Specifically, if gasoline rationing does not work, then we shall need an alternative.

Another aspect of the desirability of a multiple strategy is that no one measure need be as intense as it would be if it were used alone. This is illustrated in the lower part of the chart. The numbers chosen are intended to be illustrative and are, of course, subject to the uncertainties discussed above. But, for example, if the number of vehicles in the Basin and the consumption of gasoline were limited to present levels instead of being allowed to grow at present rates, the emissions remaining after the technical measures were applied would be reduced by perhaps 16%. Then if, in addition, gasoline were rationed by 33% (instead of 82%) there would remain about 20 or 25 days per year on which special additional restrictions would have to be imposed. Such a mixed strategy, because the measures are less intense, would have much different effects than a single measure strategy.

It is hoped that a mixed strategy would contain more than just three measures as shown in the example. Other measures such as emissions taxes and incentives and disincentives aimed at encouraging people to use public transportation instead of automobiles should be considered. Airport operations and goods movement need to be examined for possible reductions in emissions through reduced activity. Some of the measures considered will turn out to be infeasible to implement, others not to work in practice. Unless enough are considered right from the beginning, there may not be enough left to do the job.

A final aspect of the desirability of a multiple measure strategy has to do with adverse impacts. Whereas the problem in setting up the mixture of technical measures has mostly to do with getting a maximum effectiveness (and acceptable cost), the problem in getting the right mix of the other measures seems to be more concerned with minimizing adverse impacts. There seems to be little doubt that sufficient gasoline rationing would reduce emissions enough. The question about rationing is whether the adverse impacts are acceptable. The sample strategy was chosen to be different to illustrate this. While a limitation on the number of vehicles would have a major impact, it would probably be different, and perhaps less, than an 82% reduction in the gasoline available.

In the same vein, proscribing driving for 20 days would have a different impact than reducing driving by 82% for up to 180 days.

To summarize this point, the strategy to be used after the technical measures are fully exploited should be a mixed strategy with a number of measures of different kinds. In beginning to devise such a strategy no measure should be eliminated from consideration without good reasons, even though means for implementation or possible impacts may not be fully understood.

This brings me to my third major point. A great deal of work needs to be done to examine nontechnical measures. We have made a modest beginning in examining emissions taxes and measures to be used on days forecast to be especially susceptible to smog. That work is reported in the SMOG book and other documents submitted. We intend to continue. Nevertheless, we conclude that much of what needs to be learned about these measures can only be learned by experience. In some cases that may be possible by pilot programs, and if so they should be used. In other cases the measures will just have to be tried. Certainly a measure should not be tried unless careful study indicates that it will probably work and have an acceptable impact. Even so, it will often be prudent to start a measure at low intensity and allow a period of planned build-up. This is also the approach that is used in technical measures to allow time for people and organizations to accommodate themselves to a new set of constraints. A good example is in a system of periodic motor vehicle inspection and mandatory maintenance where it may be necessary to initially set the standards quite loose and tighten them over a period of time to give the automotive service industry time to respond to the increase in maintenance work. That system of a gradual build-up seems equally applicable to such diverse measures as expansion of public transit and special restrictions on days forecast to be bad. It is for that reason that we suggested (in the SMOG book) the inclusion of such measures at a modest level of intensity even in the first and second phases of a phased program. A similar suggestion is included in the sample plan in the chart.

It is important to include this idea of a build-up in any kind of a plan, even one which is aimed at fully achieving the standards by 1977 and even one which relies on a single measure such as gasoline rationing. If only gasoline rationing were to be used, and I certainly would not recommend such an approach, it should be started well before 1977 to allow time to get the machinery worked out and for people to reorder their lives. A modest level of rationing as early as 1974 would be none too soon. The same comment applies to all other measures of this sort whether used alone or in a mixture. The comment also applies to bad day measures.

The question of when to apply measures to limit growth is particularly difficult. Indeed the whole question of whether or not any growth limiting measures are acceptable is one that may not be settled for a long time. I would merely note here that the most difficult year in which to control smog will be 1977. As the Administrator has pointed out, the increasing percentage of post-1974 vehicles will ease the problem considerably by the early 1980s. This indicates that an immediate, and perhaps even temporary, restriction on growth would be more helpful than a later one that came too late to prevent a large influx of pre-1975 vehicles.

Throughout this discussion so far we have accepted the California standard of 0.1 ppm of oxidant for one hour. Considerable discussion and debate has centered around the choice of a particular pollutant concentration level as a "safe" standard. However, even if the allowable level were to be *doubled*, Figure 24 from the SMOG book shows that all of our conclusions about the need for management standards and a time-phased approach are still valid. At present even this higher level is exceeded well over 50 days per year (in 1971, 67 days at Pasadena and 95 days at Riverside). There is very little disagreement that exposure of the population to a level as high as 0.2 ppm of oxidant for one hour on that many days per year is not consistent with the requirement that the "health and welfare" of our citizens must be protected.

The final point to be made and which supports the three major points and the idea of a phased approach to smog abatement has to do with cost. It is completely natural that the first measures used against smog in Los Angeles were those that were simplest, most effective, and least expensive. Positive crankcase ventilation is an outstanding example of this. As the inexpensive measures are exhausted, though, each new measure adopted is more expensive than the previous one simply because the less expensive ones are adopted first. The result of this process, which is the best process that could be used, is shown in the second figure. This curve was taken from a study by Dr. Trijonis about a year ago of the costs of reducing the level of emissions below the level then projected for 1975. The curve illustrates clearly the rising costs of decreasing emissions. The total five year strategy examined in the SMOG book is estimated to cost well over one billion dollars or $100 for each person living in the South Coast Air Basin. This amount may prove to be acceptable to the people here. Nevertheless, it must be realized that each additional step will cost much more to achieve the same amount of improvement in air quality than the previous one.

ALCOHOLISM

Mr. DOMENICI. Mr. President, for some time, I have felt a strong concern over the increasing problem of alcohol dependency in our country. It is a fact that alcohol continues to be the No. 1 abused drug in our society.

Statistics involving the very young people only illustrate the crisis situation we find ourselves. A recent Washington Post article pointed out that alcohol was making a "strong comeback" among our youth—taking its toll out of the future of our Nation. The National Commission on Marihuana and Drug Abuse reports that alcohol use by senior high school students between 1969 and 1971 increased 90 percent. Last year, the survey continued, an all time high of 74 percent of senior high students had at least sampled some form of alcohol. Furthermore researchers tell us that at least 1 in 10 drinkers is likely to become addicted to alcohol. In its report entitled "Alcohol and Health" issued early in 1972, the National Institute on Alcohol Abuse and Alcoholism estimated that there are at least 9 million abusers of alcohol and alcoholics in the Nation. A look at accident statistics involving drinking drivers again illuminates the magnitude of the problem.

It is obvious that alcoholism is one of the country's most serious and widespread diseases which will not go away by itself. Accordingly I feel, it requires a strong and sustained governmental response.

It was for that reason that yesterday I voted for S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. This measure was in recognition of the problem and is an attempt to cope with it.

When this act was first initiated by Congress in 1970, the States began developing their plans as specified. I know that in the State of New Mexico this action on the part of Congress was interpreted as hope—hope that alcoholism was preventable and treatable. Congress would, with the enactment of S. 1125, authorize the extension of Federal assistance for an additional 3 years.

However, I am pleased with another provision of this legislation. If enacted, it would prohibit public or private general hospitals receiving funds from Federal agency sources from discriminating in their admission or treatment policies against any person solely because of his alcohol abuse or alcoholism. Discrimination was practiced before, but I have been informed it has lessened since Congress first acted in 1970. Perhaps it can be eliminated entirely. To abandon the program now would destroy much of the progress already achieved and it would shatter the hopes of millions of the victims of alcoholism.

A person afflicted with this disease needs our support and encouragement, not denunciations and recriminations. It was with this thought that I strongly supported this measure.

GAS ADVERTISEMENT

Mr. MOSS. Mr. President, one of the ironies of our current energy shortage has been the continued promotional advertising for a wide variety of energy resources which are in scarce supply. The promotional advertising of utility companies, for instance, has been a misuse of the power of advertising and has been wasteful in promoting consumption of increasingly diminished resources.

In the case of gasoline, continuing studies by a number of House and Senate committees have demonstrated that advertising for gasoline often was designed to create somewhat spurious product differentiation. Additionally, at this time of gasoline shortages and station closings, I believe that continued promotional advertising engaged in by a number of oil companies is counterproductive. Now, however, Mobil Oil Co. has announced that it will terminate all gasoline advertising and concentrate its advertising expenditures on encouraging gasoline and other energy conservation.

Mobil thus joins a number of other oil companies that have similarly terminated promotional advertising in favor of informative advertising stressing conservation.

This is a most welcome step. Having spent a number of years studying advertising, I am convinced that the application of copyright talent toward energy conservation is a useful and productive objective. I compliment Mobil and the other members of the energy industry who are embarking upon this sound use of their advertising budgets.

Mr. President, I ask unanimous consent that an article on Mobil's plans be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOBIL OIL CO. DISCONTINUES GASOLINE ADS

Mobil Oil Corp. announced yesterday that it is discontinuing all gasoline advertising for the duration of the gas shortage and is switching to public service ads on gasoline conservation and the better use of available energy.

Other major gasoline companies reported that they have already changed the thrust of their advertising and were pushing either other products or gasoline conservation.

"The American public must develop a new national ethic with respect to the use of energy," said Mobil Chairman Raleigh Warner Jr. "We as a nation must adopt long-term approaches to conserve energy because the energy shortage will be with us for a long time."

SUPREME COURT SAYS DE JURE SCHOOL SEGREGATION IN THE NORTH UNCONSTITUTIONAL

Mr. ALLEN. Mr. President, I ask unanimous consent that there be printed in the RECORD an excellent analysis of and commentary on the Supreme Court decision in the school desegregation of Keyes against Denver, Colo. School Board handed down yesterday.

This decision may well become a landmark decision pointing the way to a single national standard on policy regarding desegregation of the public schools of the Nation, North as well as South. The Supreme Court recognizes that de jure segregation can exist in the North and that all segregation in the North is not de facto and beyond the reach of the courts. Where de jure segregation exists in the North it must be eliminated "root and branch" just as does de jure segregation in the South.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COURT NEARS DE FACTO BIAS RULINGS

(By John Mathews)

The U.S. Supreme Court has partially struck down the legal double standard that forced the South to desegregate fully its school systems, but permitted the North to maintain segregated schools.

The court decision yesterday in the suit brought by Wilfred Keyes, a black school teacher, against the Denver, Colo., School Board may eventually rank in importance with the 1954 Brown decision that outlawed separate, but equal schools, and the 1971 Swann decision that approved of busing as a tool of desegregation.

In the majority opinion, written by Justice William J. Brennan Jr., the court stopped far short of totally eliminating the distinction between "de jure" segregation and "de facto" segregation. "De jure" segregation means that government action or now unconstitutional laws produced school segregation, while "de facto" segregation means segregation resulting from neutral causes like racial housing patterns.

Since most of the North, unlike the South never had laws separating the races in schools, courts generally have viewed Northern school segregation as "de facto" segregation which the Constitution does not require to be eliminated. Courts have ruled, however, that since Southern school systems did separate the races they were in effect tainted by past illegal action and must fully desegregate to purge themselves.

In its Denver decision yesterday, the highest court found that while there were never laws requiring separation of the races in Denver schools, school board action consciously led to building schools and establishing attendance zones that isolated blacks in certain schools. This amounted to "de jure" or unconstitutional action, the court said.

Lower federal courts in the case of Pontiac, Mich., Pasadena, Calif., and other Northern school districts in recent years have similarly found Northern systems guilty of "de jure" segregation. But, yesterday was the first time the Supreme Court has ruled in a major Northern school case.

The court avoided dealing with the issues raised in the case of whether segregation, regardless of its cause, is unconstitutional, and whether the neighborhood school policy should be eliminated if it results in segregated schools. Both Justices William O. Douglas, a liberal, and Justice Lewis F. Powell Jr., a conservative, urged the court to wipe out the distinction between "de facto" and the "de jure" segregation and adopt a national standard for both North and South.

Instead, the court found "de jure" actions by the school board in the Northeast Park Hill section of Denver resulted in school segregation which must be eliminated. How this is to be done is the key question posed by the court with far-reaching implications for most Northern school systems.

In sending the case back to District court, the Supreme Court said it is up to the school board to prove its action in segregating Park Hill is unrelated to the rest of the system. If the board cannot prove segregation in Park Hill is isolated from the rest of the system, then the entire system is tainted and must be desegregated "root and branch" just like a Southern system, the court concluded.

The Brennan opinion practically told the lower court that in its view systemwide desegregation is required in Denver. Where a "meaningful" or "substantial portion" of the system is segregated by direct action of a school board—in Denver about 40 percent of the blacks in 1969 were confined to the northeast area schools—the court said the burden is on the school board to show "that their actions as to other segregated schools within the system were not also motivated by segregative intent."

The court also discarded the lower court view that a school board may not be held accountable for actions taken 20 or more years ago. "If the actions of school authorities were to any degree motivated by segregative intent and the segregation resulting from those actions continues to exist, the fact of remoteness in time certainly does not make those actions any less 'intentional.'"

Both civil rights lawyers and anti-busing members of Congress reacted cautiously to the complicated decision.

James M. Nabrit III, who argued the Denver case for the NAACP Legal Defense Fund last fall before the Supreme Court, said the decision will have a bearing in some other Northern cities where deliberate segregation policies can be proven.

In Boston, for example, the civil rights office of the Department of Health, Education, and Welfare which has been found by federal courts to have lagged in requiring school desegregation in the South, found deliberate school board policies to confine blacks and Spanish-speaking students to certain schools. In most major Northern cities, minority students are isolated in certain sections and schools.

Sen. Peter Dominick, the Colorado Republican who last year introduced Nixon administration anti-busing legislation, said he did not plan any "precipitous action" as a result of the new court decision. Dominick said he doubted a new effort to enact anti-busing legislation will emerge in the Congress, because of the tentative nature of the decision.

Civil rights lawyers say the court decision is likely to inspire new or renewed suits in many Northern cities. In time, if such suits are successful, greatly increased desegregation could occur in the North. The latest HEW survey shows that only 30 percent of black students attend majority white schools in the North, while 44 percent of black students go to majority white schools in the South.

Yesterday's decision did not bear directly on the issue of merging white suburban school districts with predominantly black city school systems.

On May 21, the court split 4–4 in the Richmond, Va., case, sustaining the 4th U.S. Court of Appeals that had overturned the ruling by District Judge Robert L. Merhige Jr. requiring merger of Richmond schools with two suburban districts.

But, the city-suburban merger issue is likely to come back before the court in its next term, since Michigan officials say they will appeal a decision by the 6th U.S. Court of Appeals that sustained a lower court ruling requiring merger of Detroit and its suburban school districts.

Justice Powell, who did not participate in the Richmond case because he was a city and state school board member before his appointment to the court, may provide the key vote in the city-suburban merger issue.

In yesterday's case, Powell agreed in part with the majority of six justices, but expressed strong opposition to extensive busing, especially of elementary school children, as a way to remedy school segregation.

Since widespread busing would be needed if city and suburban districts are merged, the Powell view may be a strong clue that he will oppose the merger concept in the Detroit case, thus providing a fifth vote to overturn the appeals court ruling that favored merger.

THE MIDDLE SNAKE RIVER AND THE HELLS CANYON: UNIQUE BEAUTY WHICH MUST BE PROTECTED

Mr. CHURCH. Mr. President, my native State of Idaho is blessed with many natural wonders not the least of which is the Hells Canyon which we share with our sister State of Oregon. This magnificent gorge, the deepest on the North American Continent, was cut by the relentless meanderings of the mighty Snake River.

In this land of incomparable beauty with its splendid high peaks and pristine mountain lakes, wildlife flourishes and any man who ventures into the area comes away singing its praises.

Recently Ted Trueblood, whom I have known for many years and who is no stranger to the Hells Canyon, set his thoughts about the Hells Canyon down on paper. In a delightful and highly informative article published in the June–July issue of "National Wildlife," the magazine of the National Wildlife Federation, Ted describes his highly personal feelings about the Hells Canyon. I call attention to this article which so clearly points out the need to save this last remaining stretch of the Snake River from dams and further commercial development. I only regret that the beautiful pictures which were taken by an equally well versed Hells Canyon hand, Ernie Day of Boise, cannot be reproduced in the RECORD.

I ask unanimous consent that Ted's article, "You May Never Know the Middle Snake" appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOU MAY NEVER KNOW THE MIDDLE SNAKE

(By Ted Trueblood)

In the Spring of 1949 there were no dams on the Snake River for 450 miles above its junction with the Columbia. Arville Smith and I lay on a sandy beach beside a big pool near the upper end of Hells Canyon and watched the seething water roll with incredibly huge fish.

The Snake was rising with the spring runoff and sturgeon were on the move, headed upstream to spawn. Occasionally one shot straight up out of the water and fell back with a splash that echoed off the cliffs in two states, Oregon across the river, Idaho on our side.

An hour earlier Arville had landed a six-footer that weighed about 100 pounds. Eventually, one of the big fish picked up my bait. It jumped, and we agreed that it would weigh at least 300 pounds, maybe 400. I had a powerful rod, a star-drag reel, and 250 yards of 50-pound-test line. My tackle was far too light. I couldn't turn the big sturgeon. For an instant my line was dead solid, tight as a bridge cable. Then it went slack. I reeled in the broken end.

Now, 24 years later, the Snake River's white sturgeon, America's largest freshwater fish, are in trouble. They must have running water; they can't exist in reservoirs. Their last holdout is the free-flowing reach of the Middle Snake, from Lewiston, Idaho, upstream for 108 miles to Idaho Power Company's Hells Canyon Dam.

The Snake is a big river, in spots an awesome one. It is more than 1,000 miles long and it pours about *ten trillion* gallons of water a year into the Columbia. Its most spectacular reach is Hells Canyon, 6,500 feet deep in places, gnawed during millions of years by the tireless river.

I sat alone beside that river recently in the depths of Hells Canyon. The river gave me a wild, free feeling, mingled with a bit of awe and primitive reverence. There was a rapids 50 yards away, frothy with bubbles along the edges where it broke over exposed rocks, but dark and slick in the center, with big, gliding, heavy waves that crested and broke like surf. Its voice was the sonorous roll of organ music—constant, compelling, yet always varying if I listened closely.

I had made camp the day before about 40 feet above the river, with two old friends, Ernie Day and Woody Benson. They were down along the river now, fishing. I had come in early and as I sat, almost overwhelmed by my surroundings, my mind wandered to the others who had camped on this spot hundreds, perhaps thousands of years before.

Those early campers had left enduring evidence. Under an overhanging rock we had seen crude figures drawn with some red pigment; they had lasted well. Here and there on the flat were circular depressions, grass grown now and partly filled by wind-blown sand, but still showing clearly where the Indians had dug into the riverbank before roofing over the pit houses they once built all along the river.

Ernie came in from fishing, leaned his rod against a tree and sat down on a rock nearby. I knew he was experiencing the same feeling I was and we talked little. Then two bright yellow specks came around the bend upstream. Two rubber rafts, each carrying two boys, surged with the swift current and shot down the steep, oily glide into the rapids. They bounced over the big waves and water hit them in the face as they paddled with all their might to stay right-side-up.

When they were gone Ernie said, "By God! That's the great thing about this river. It's a challenge. It's adventure. In our day it's hard to find these things. Those kids are having the time of their lives!"

He thought a moment and added, "That's the real reason why all the effort we've put into trying to keep the dams out of the Middle Snake has been worthwhile."

And effort there has been! Ernie Day, Woody Benson, Bruce Bowler, Franklin Jones and many other members of the Idaho Wildlife Federation, state affiliate of the National Wildlife Federation, have put in thousands of hours at this task for more than 20 years. More recently, other organizations have joined the struggle. Their help is welcome—and needed.

The dam builders are as persistent as the surf and as tireless as a river. Beginning in 1952 when Congressional hearings finally led to a decision in favor of Idaho Power Company's series of low dams rather than a high Hells Canyon Dam, the covetous eyes of the river killers have never left the last free-flowing reach of the Snake.

There would be little point in detailing the long struggle to keep the concrete monoliths, variously urged upon us by public and private utilities, the Army Corps of Engineers, and the Bureau of Reclamation, out of the river. Let me say only that the struggle has been successful to this date. Here is the present situation:

There are five ranches totaling 12,067 acres along the Middle Snake. Their present owners have been tolerant of sportsmen. But now with high prices bid for this choice land, the ranchers want to sell and the threat of subdivision and development is imminent.

Last year, Congress passed a bill—and the President signed it—authorizing $4 million from the Land and Water Conservation Fund for the U.S. Forest Service to buy this land.

Still pending before the Federal Power Commission is an application to construct hydroelectric power facilities in the area. In 1971, the FPC recommended two dams, but said construction should not begin until 1975, thereby giving Congress time to evaluate the decision. Consequently, a "moratorium bill" passed the Senate and is reintroduced in the 93rd Congress as H.R. 619 by Idaho's Rep. Orval Hansen.

Three differing legislative approaches offer more permanent protection:

First, the re-introduction of H.R. 1890 by Pennsylvania's Rep. John P. Saylor, creating a Hells Canyon-Snake National River. Same as a bill authored by Oregon's Sen. Robert Packwood in the 92nd Congress, this approach would prohibit dams and give priority to conservation of scenic, wilderness and recreational values.

Second, Representatives Al Ullman, Edith Green and Wendell Wyatt and Sen. Mark Hatfield, all of Oregon, have introduced H.R. 2624 and S. 657, identical bills to establish the Hells Canyon National Forest Parklands Area.

Third, there seems a strong likelihood that Senators Frank Church and James A. McClure, of Idaho, and Senator Packwood will be joined by Congressmen Orval Hansen and Steven D. Symms, of Idaho, in another nonpartisan approach to preserve the Snake River from dams and protect the shoreline and canyon rim from commercial development. These, of course, also are the primary goals of the National Wildlife Federation.

Toward the upper end, Hells Canyon proper is 6,550 feet deep, measured from the peaks of the Seven Devils Mountains that crowd it from the east and the Wallowa Mountains on the west. Here, only a few air miles from the shaded canyon, are alpine meadows, perpetual snow banks, and crystal lakes filled with trout. No one can appreciate the treasure America has in this area without visiting both the high country and the canyon that splits it north and south.

Why should we preserve the Middle Snake? Why not dam it? After all, the high country would still be there.

I answered these questions one day a friend and I spent at the mouth of the Salmon River, 50 miles upstream from Lewiston. We had come by boat, the only way to get there, and we were camped 200 yards up the Salmon. It was October.

We got up early that morning, Doc Jones and I, pulled on our waders and grabbed our rods. He walked down to the Snake; I began fishing right in front of camp. After only two or three casts, I hooked a steelhead, a wild, crazy, hard-going fish that peeled line from my reel like a foul-hooked mustang. I followed along the short as fast as I could—waders were never meant for running—and eventually landed it halfway to the Snake. I turned it loose and resumed fishing.

Just where the Salmon's water bent downstream, pushed by the heavy current of the Snake, another steelhead struck my fly. It took me down nearly to where Doc was fishing before I could beach it. I turned it loose, too, and walked on to ask Doc how he was doing. He had also caught two.

Once in awhile, you have to be in the right place, on the right day, with the right fly. This was it. Darkness was seeping into the canyon when Doc and I walked wearily back to camp. We roasted potatoes and onions in foil and broiled four chukars I had shot and then lay back to watch the stars come out. There was no sound but the river; we were the only people for miles.

All at once, far down the canyon of the Snake, we heard the faint calls of geese. Louder and louder the calls grew. Soon the resonant "o-onk, o-onk, o-onk" of the great gray birds from Canada echoed off the canyon walls. The sound faded away up the river, but almost before it was gone we heard another flock approaching. Flight after flight of Canada geese went past that evening. Even after we finally crawled into our sleeping bags they came, and we went to sleep listening to their mysterious, wild calling in the dark.

The Middle Snake has been good to me. I have camped on its shores many weekends; I have spent countless hours birdwatching in its spectacular canyon. I have hunted the native mule deer and mountain quail and the three kinds of grouse on the higher slopes. I have hunted the introduced chukars and California valley quail. I have never hunted the native whitetail deer, elk, nor bear, nor the introduced turkeys, though they are all there. I have fished for the native steelhead, salmon, trout, and sturgeon, and more lately for the introduced channel catfish and smallmouth bass.

It was the bass that Ernie, Woody, and I were after on this last trip. With our human cunning we had figured out just where they should be at that particular time. Our logic seemed sound to us, but not to the bass. We caught only small ones, the largest less than two pounds.

The time came—too soon, as always—to leave our pleasant camp with its grove of magnificent trees, its river filled with smallmouths, its towering cliffs and the memories of its native red men. We loaded our gear into the boat and our pilot took us skillfully back upstream, skirting the biggest waves in the rapids, avoiding the rocks that showed above the surface of the swift water and, more difficult, swinging clear of those that were revealed only by swirls or boils.

We docked a few hundred yards downstream from Hells Canyon Dam and carried our gear to the waiting car. Then we drove up the steep, rocky trail to the top of the dam and across it to the road upriver along the Idaho side. After a few miles we came to a sign reading, "Viewpoint." Ernie pulled over and stopped. We walked to the edge and looked down at Hells Canyon Reservoir below.

The sight was shocking. The once fast-flowing water, now stilled by the dam, was choked with algae. Streaks and strings and patches of it drifted with the breeze. Sickly green mingled with bilious yellow. There was not a boat in sight, though we had seen many anglers along the clean, flowing river below the dam.

As we turned back to the car, Woody said something I won't soon forget. "What we need," he said, "is a few more dams. Then we can have this all the way to Lewiston."

U.S. VIOLATION OF U.N. SANCTIONS AGAINST RHODESIA

Mr. McGEE. Mr. President, it was with interest that I read the colloquy of Thursday, June 14, between the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr), the distinguished senior Senator from Louisiana (Mr. Long), and the distinguished Senator from West Virginia (Mr. Robert C. Byrd).

I was particularly interested in the colloquy since it concerned the issue of this Nation's violation of the U.N. sanctions against Rhodesia.

Since I was not present when this discussion took place—in part I had no notice of it at all—I would like to take this opportunity, to respond to various remarks made during that colloquy. Although I will not address myself to all the arguments at this time, I plan to do so in the near future.

At the outset, I want to make it clear that I felt this colloquy was an unjust and unfair attack upon our Ambassador to the United Nations, Mr. John Scali.

I also want to take note of the fact that I, too, have taken an oath upon entering the office of U.S. Senator to uphold and defend the Constitution and laws of the United States. In this oath, and I have checked to make sure I am correct in making this statement, nowhere have I found that I was sworn to uphold and defend all laws except the United Nations Participation Act of 1945. Since the United Nations Participation Act of 1945 is the result of our constitutional processes, and since I sincerely believe in that oath I took, I could not, in good conscience, support any effort in this body which would violate that act and, as a consequence, put me in the position of violating my oath. The action taken by this body the past 2 years has put us in violation of a duly constituted law of this Nation—a law that was subject to intense scrutiny on the part of the U.S. Congress and a law which the Congress, in its wisdom, saw fit to give its approval. Therefore, and I emphasize this point, I could not approve any action on the part of this body which would place me in violation of my oath to uphold and defend the Constitution and the laws of this Nation.

Our Government is sustained by a principle of faith, and it is for this reason all of us in this body take our oath of office. In order for our Government to perpetuate itself, our system demands faith on the part of its participants. This does not mean that we can select and choose only those facets of our Constitution and our laws to which we, as individuals, have determined we owe our allegiance, and that somehow there is an authority higher than our Constitution which allows us to ignore those laws with which we do not agree. If we allowed this to happen, it would spell immediate disaster for our Nation. Chaos would reign supreme.

There is an effort in this body to obscure the real issues involved in the U.N. sanctions against Rhodesia. There are some who would have us believe that the Security Council action imposing full economic sanctions against Rhodesia was a unilateral action on the part of the U.N. which impinged on the sovereignty of this Nation. The United States, as a member of the Security Council, can exercise its veto power when this Nation is confronted with actions which we do not deem in our national interests. Therefore, it is difficult for me to understand a line of reasoning which claims that our sovereignty has been violated. As a result, I defend Ambassador Scali's factual statement that action of the Security Council is legally binding on the United States. We acquiesced in that decision as a nation. Had we not, the sanctions would not have been imposed because our veto would have blocked passage of the resolution.

In last Thursday's—June 14—Record, there appeared an excellent and thoughtful statement by Congressman Don Fraser, Democrat, Minnesota, on this very issue. I ask unanimous consent that Congressman Fraser's statement be inserted in the Record at this point in my remarks:

There being no objection, the statement was ordered to be printed in the Record, as follows:

Ambassador Scali and the Rhodesian Chrome Amendment

The Speaker pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. Fraser. Mr. Speaker, our new Ambassador to the United Nations, John Scali, is demonstrating a very constructive attitude regarding the responsibility of the United States, as a member of the United Nations, to adhere to sanctions voted by the Security Council. He knows that when the United Nations Participation Act came into force in 1945, our country committed itself to live faithfully by the Charter of the United Nations, and to accept decisions of the Security Council in certain specified situations. The same is true of every other member of the United Nations. But in the case of the United States and other permanent members of the Security Council, the veto power made certain that we would not be bound to do something that we felt seriously jeopardized our own interests or the world interest as we view it.

Congress enacted the U.N. Participation Act by a considerable majority, and the President of the United States was thereby obligated to carry out the provisions of that act as mandated by Congress. When President Johnson ordered U.S. compliance with Security Council sanctions against the minority regime of Ian Smith in Southern Rhodesia, his action was entirely consistent with the provisions of the U.N. Participation Act. Moreover, the sanctions program had been supported by U.S. representatives of the United Nations who cooperated closely with our ally, the United Kingdom, in achieving agreement on sanctions in the Security Council.

Sanctions against Southern Rhodesia were viewed by the U.S. Government as the best feasible means to bring about a peaceful change toward majority rule in that British colony. Our policymakers saw nothing inimical to U.S. interests in the sanctions program, but rather, that such a program would be consistent with the longstanding U.S. policy of progress in international relations through non-violence.

The Nixon administration, upon assuming office in 1969, adopted as its own the previous administration's policy of supporting sanctions, but for reasons still not made clear, did not see fit to defend that policy when it was challenged in Congress in 1971. We know the results of the administration's acquiesence—the Rhodesian Chrome Amendment to the Defense Procurement Act of 1971 which allows importation of strategic materials such as chrome and nickel from Southern Rhodesia in violation of U.N. sanctions.

Mr. Speaker, whether or not the sanctions program is working effectively, one thing is crystal clear: the United States is in open violation of a treaty obligation it accepted, with congressional concurrence, in the U.N. Participation Act. This is the point Ambassador Scali made last week in a public speech in New York He simply pointed out that the Security Council decision on Rhodesian sanctions "is legally binding on the United States" and that the Rhodesian Chrome Amendment "placed the United States in open violation of international law." For the U.S. Ambassador to the U.N. to ignore these two facts would be a dereliction of his responsibility as our representative. Indeed, he must not only state and defend the position of the United States at the United Nations, but also call to the attention of our Government and people the legal and moral responsibilities of this country as a member of the United Nations.

The question is not whether the U.N. can "dictate" what laws the U.S. Congress can or cannot pass, but rather whether the United

States is going to live up to its international treaty obligations; that is, whether or not our country is going to recognize international law is a basis for world order. If Congress or the administration is to take the attitude that, as a matter of course, we can go back on our word, given solemnly in international treaties, then there can hardly be a better guarantee for international chaos in place of the peaceful and prosperous order we all favor.

I quote two paragraphs from Ambassador Scali's New York speech in which he deals with the problem of U.S. violation of U.N. sanctions against Southern Rhodesia:

> I have respectfully invited the Congress of the United States to reconsider the amendment to the Defense Appropriation Act which two years ago placed the United States in open violation of international law. At that time the Congress voted legislation making it impossible for the Executive Branch to prevent imports of chrome and other strategic commodities from Rhodesia as required by the Security Council, a decision which the United States voted and which is legally binding on the United States.
>
> The evidence is mounting that this amendment not only damages America's image and reputation as a law-abiding nation, but that it has net economic disadvantages as well. The United Nations Association has itself made public studies suggesting that the amendment's repeal would be advantageous from the point of view of our economic health, of increasing employment, and of the national security. I would urge you, leaders in American business and labor, to acquaint yourselves with this issue and to address it.

In asking Congress to reconsider the Rhodesian chrome amendment. Ambassador Scali is making a commendable initiative in constructive leadership entirely commensurate with the responsibilities of his position. All who favor world peace through law should be encouraged by his forthrightness—a quality for which he is widely noted. I urge all Members of Congress to reflect upon what the Ambassador has said in light of the large body of new evidence that the Rhodesian chrome amendment not only places our country in violation of international law but contributes nothing to our national security and is damaging to our economic health.

Mr. McGEE. Mr. President, I was very disturbed with the attitude expressed in this body that somehow 81 nations of the world, who are members of the U.N., are not qualified to have their views aired in an international forum. I was disturbed, since we are exteremly proud of our own national sovereignty, that we should not have the decency to respect the sovereignty of all the nations of the world, no matter how small, no matter how underdeveloped, or no matter how much we may disagree with their positions. I believe in the integrity of all nations. I respect the sovereignty of all nations. Maybe it is because I am such a respecter of our constitutional guarantee of freedom of speech and our other traditions and values that I am influenced to view the international community within this frame of reference. Maybe it is because I believe so strongly in this Nation that I am reluctant to disparage other nations. Maybe it is because I believe the United States to be a leader in the international community that I feel we should serve as an example for the rest of the world. My commitment to this Nation and all that it stands for is so strong that it is impossible for me to believe otherwise.

I also find myself in disagreement with the distinguished senior Senator from Louisiana (Mr. Long) on the issue of the United Nations. I, too, had the privilege of serving as a delegate to the United Nations—this last fall during the 27th General Assembly. My impressions of the institution were somewhat different, which may be a positive sign that the U.N. has progressed considerably since my distinguished colleague served as a delegate.

I viewed my service in New York as a constitutional obligation which I was determined to fulfill to the best of my ability. As a consequence, I moved to New York for the full duration of my assignment. I involved myself very deeply in my duties in the hope that I would not only learn from my experience, but I would also make a positive conrtibution to our efforts at the U.N. I went to the United Nations as a dedicated devotee and returned as a constructive critic. Yet, I returned firmly convinced that it must be made more effective, and that the United States must play an active and constructive role in this process.

I believe the United Nations is the best international mechanism the world has to effect an efficient implementation of such will to cooperate as exists among the member states of that organization. I also found, during my service at the U.N., the United States gets out of the organization what we are willing to put into it.

Recently, I prepared an article offering my impressions of the United Nations and what I believe to be its more positive accomplishments—those things which rarely achieve the front page of newspapers, but, nevertheless, are important efforts at achieving international harmony and stability.

My friend and distinguished Senator from Minnestota (Mr. Humphrey), was very gracious in having this article printed in the Record of June 20. The article, to be found on pages 20502–20503, offers a definitive explanation of why I find myself in disagreement with the distinguished senior Senator from Louisiana (Mr. Long).

I would also disagree that the United Nations occupies a special place among those institutions with which there is a growing worldwide disenchantment and a lessening of respect. We are presently in an era of widespread cynicism with all institutions. If, indeed, the United Nations is also the object of this cynicism—and I have seen little evidence to support this contention—it is no more so than the U.S. Congress, the U.S. Government, or any other government for that matter.

My point is this: we have to devote our efforts to making all our institutions work more effectively, whether it is the Congress, our Government, or the United Nations. We really cannot expect any more from these institutions than we are willing to put into them.

So, rather than call for dissolution of the United Nations, particularly since no constructive alternative has been offered, all of us have to shoulder our responsibilities and dedicate our efforts to making all our institutions more effective. Just as I would never recommend dissolving our system of government because it is presently the subject of disenchantment and apathy, I cannot agree to doing the same thing to the U.N. If we have the will, we can make our institutions more effective and more responsive. Institutions are not self-perpetuating organs. They demand commitment and the exercise of our will in order to be effective.

In relation to the issue of U.N. sanctions against Rhodesia, the United States is the only nation in the world, which agreed to observance of the sanctions, formally and unilaterally to violate the sanctions. While there are covert violations on the part of other nations, the respect for the U.N. and international opinion appears to be greater among the vast majority of other nations than it is within our own country. If the United Nations has, indeed, fallen into disrepute among the international community, then it would necessarily follow that the United States would not be alone in formal violation of sanctions against Rhodesia. This fact alone contradicts the assertion made on the floor of the Senate last week that the United Nations has more respect in this country than anywhere else on earth.

In conclusion, I would like to make one further point. Ambassador Scali has been vigorous within the United Nations in his explanation of the congressional action allowing us to violate sanctions. But, as a public servant, the Ambassador has not only the duty, but also the responsibility, to inform the American people as to the ramifications of our action and how this affects our credibility within the United Nations, in particular, and the international community in general. If the Ambassador does anything less, then he is not fulfilling his obligation to this Nation or the people of this Nation.

EXTENSION OF THE SERVICE CONTRACT ACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5157, which has been temporarily held at the desk. This has been cleared on all sides.

The Acting President pro tempore laid before the Senate H.R. 5157, a bill to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be considered as having been read twice and the Senate will proceed to its consideration.

The Senate proceeded to consider the bill.

Without objection, the bill was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the hour of 1:30 p.m. today, and that the Senate now proceed to the consideration of Calendar Order No. 217.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent, on behalf of the distinguished senior Senator from Connecticut (Mr. RIBICOFF), that he be granted leave of absence from the Senate today due to a death in his family.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The Senate continued with the consideration of the bill (S. 1636) to amend the International Policy Act of 1972 which had been reported from the Committee on Banking, Housing and Urban with Affairs, and the Committee on Finance with amendments.

The amendment of the Committee on Banking, Housing and Urban Affairs is to strike out all after the enacting clause and insert:

That section 205 of the International Economic Policy Act of 1972 is amended—

(1) by striking out "(1) The President.";

(2) by redesignating the succeeding clauses accordingly; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "The President shall designate the Chairman of the Council from among the members of the Council."

SEC. 2. Section 208(b)(1) of the International Economic Policy Act of 1972 is amended to read as follows:

"(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that—

"(A) no person, other than officers appointed under paragraph (2), shall receive compensation in excess of the rate provided for GS-18 of the General Schedule; and

"(B) any person who is performing functions which, prior to July 1, 1973, were performed by personnel within the Office of the Special Trade Representative who were subject to the provisions of title 5, United States Code, governing appointments in the competitive service, shall be subject to such provisions."

SEC. 3. Section 209 of the International Economic Policy Act of 1972 is repealed.

SEC. 4. Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, the Executive Director of the Council on International Economic Policy shall be appointed by the President, by and with the advice and consent of the Senate, and no individual may serve in such office after June 30, 1973, unless he has been so appointed.

SEC. 5. Section 210 of the International Economic Policy Act of 1972 is redesignated as section 209 of such Act and, as redesignated, is amended by striking out "1973" and inserting in lieu thereof "ending June 30, 1973, not to exceed $3,000,000 for the fiscal year ending June 30, 1974, and not to exceed $3,000,000 for the fiscal year ending June 30, 1975".

The amendment of the Committee on Finance is to the substitute amendment of the Committee on Banking, Housing and Urban Affairs, to strike out the language beginning on page 4, after line 4, down to and including line 11, and to insert in lieu thereof, as follows:

SEC. 4. (a) Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, the Executive Director of the Council on International Economic Policy shall be appointed by the President, by and with the advice and consent of the Senate.

(b)(1) Subject to paragraph (2), provisions of subsection (a) shall become effective on the first day of the first calendar month which begins more than 30 days after the date of enactment of this Act.

(2) If, prior to the first day referred to in paragraph (1), the President submits to the Senate, for its advice and consent, the name of the individual who on the date of enactment of this Act occupies the Office of Executive Director of the Council on International Economic Policy as his nominee for such office, then, the provisions of subsection (a) shall not be applicable in the case of such individual during the continuous period (described in the following sentence) that he occupies such office. The continuous period referred to in the preceding sentence means the period commencing on the date such individual's name is so submitted to the Senate by the President and ending on whichever of the following first occurs: (A) the date the Senate acts on the nomination of such individual by giving or refusing to give its advice and consent to the appointment of such individual to such office, (B) the date on which the President withdraws the nomination of such individual, or (C) the date of the close of the first session of the 93d Congress.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum under the same terms as before.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. SPARKMAN. I yield myself 5 minutes.

Mr. President, S. 1636, which would amend the Economic Policy Act of 1972, was introduced on April 18, 1973. Hearings were held by the International Finance Subcommittee of the Banking, Housing and Urban Affairs Committee on May 14 and 15, 1973, and the bill was reported to the Senate on June 4, 1973. The bill was referred to the Finance Committee and that committee reported the bill with an amendment on June 14, 1973. The bill was further referred to the Foreign Relations Committee which held a hearing on June 5, 1973, and reported the bill without amendment on June 19, 1973.

The Council of International Economic Policy was established to coordinate international monetary, investment, and trade policies. The Council is currently chaired by the President and is composed of key cabinet level and Executive office officials. It was created by Presidential order on January 19, 1971. On August 29, 1972, CIEP was given statutory authorization under the International Economic Policy Act of 1972 through June 30, 1973.

This bill would delete the expiration date of the CIEP and provide for the authorization of funds to operate for the next 2-year period. After that time the operation of the CIEP can be further evaluated by the Congress. The bill authorizes $3 million to be appropriated for fiscal year 1974 and $3 million for fiscal year 1975.

The bill also provides that the President shall designate the Chairman of the CIEP from the statutory members of the Council. It also removes the President from membership on the Council.

It provides that the Executive Director of CIEP may appoint and fix salaries for members of the CIEP staff without regard to the provisions of Title I United States Code governing appointments in the competitive service. The bill provides that this exemption shall not apply to personnel performing functions now performed by career personnel in the office of the Special Trade Representative.

The bill as reported by the Banking, Housing and Urban Affairs Committee, provided that the Executive Director of the Council of CIEP be appointed by the President, by and with the advice and consent of the Senate, and it provided that no individual may serve in such office after June 30, 1973, unless he has been so approved. This provision would have prevented any individual from serving as Executive Director if the Senate did not confirm the individual in such office before June 30, 1973.

The Committee on Finance amended the bill to provide that if the President submits the nomination of the Executive Director of the CIEP to the Senate by the first day of the first month which begins more than 30 days after enactment of the bill, the nominee can continue to serve in that office unless the Senate rejects the nomination or fails to act on the nomination by the end of the first session of the 93d Congress.

This amendment preserves the intent of the amendment of the Banking, Housing, and Urban Affairs Committee regarding the confirmation of the Executive Director of the Council. It simply removes the very restrictive time limitation which was present in the Banking Committee provision. I believe that this is a good amendment.

Mr. President, it is very important that the coordination among different aspects of American international economic policy be continued. Effective trade policy, for example, cannot be formulated without due regard for monetary and investment policies. It was pointed out at the hearings on this bill that more than 50 agencies and departments of the Federal Government have some responsibility and jurisdiction for international economic policy, and therefore, CIEP is a necessary focal point for policy coordination.

The present Executive Director of CIEP, Mr. Peter Flanigan, testified at our hearings:

> Much has been accomplished since the Council on International Economic Policy's inception. The fragmentation of economic policymaking in the various elements of the Federal Government and the conflicting views of individual departments have been met with an appropriate mechanism for facilitating Presidential policy decisions and—equally important—a mechanism for insuring that the diverse but interrelated aspects of trade, monetary and investment issues are fully considered when making these policy decisions.

This bill would permit the continuation of this work.

Mr. President, I certainly hope that the Senate will approve S. 1636, as amended.

Mr. TOWER. Mr. President, I yield my self such time as I may require.

I would like to associate myself with the remarks of my distinguished colleague the chairman of the Committee on Banking, Housing and Urban Affairs, and say that this is a very worthwhile piece of legislation. Particularly at a time when we are trying to facilitate trading in goods and services with the European Common Market and with Canada and Japan, I think it is incumbent upon us to pass this kind of legislation, and to coordinate our efforts in that direction.

The amendment of the Committee on Finance to the amendment of the Committee on Banking, Housing, and Urban Affairs, in the nature of a substitute, was agreed to.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending bill, as now amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, The reason for the delay is that the Senator from South Dakota (Mr. McGovern) has an amendment to the bill, and his airline transportation has been delayed by the weather.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield time to me?

Mr. SPARKMAN. I yield.

ORDER TO HOLD A BILL AT DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent, at the request of two Senators, that the bill (H.R. 7824), the Legal Services Corporation Act, when it is received from the House, be held at the desk temporarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The Senate continued with the consideration of the bill (S. 1636) to amend the International Policy Act of 1972.

Mr. SPARKMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. Mr. President, I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SPARKMAN. Mr. President, has the bill S. 1636 been laid before the Senate?

The PRESIDING OFFICER. The bill is pending, and the committee amendments have been agreed to.

Mr. SPARKMAN. I thank the Presiding Officer. I understand the Senator from South Dakota has an amendment he wishes to call up.

Mr. McGOVERN. That is correct.

Mr. TOWER. Mr. President, will the Senator suspend for just a moment?

Mr. McGOVERN. Yes.

Mr. TOWER. Mr. President, what is the controlled time on the amendment? Does the Senator from South Dakota have 15 minutes and the manager of the bill 15 minutes on the amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 227

Mr. McGOVERN. Mr. President, I call up my amendment, No. 277, to the pending bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from South Dakota, for himself, Senator Mansfield, and others, proposes Amendment No. 227.

The amendment is as follows:

> At the end thereof add the following new section:
>
> The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section:
>
> "The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act fifteen days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.".

Mr. McGOVERN. Mr. President, this amendment is the same as that I offered to S. 925 on behalf of the distinguished majority leader, the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. Abourezk), and the Senator from Wisconsin (Mr. Nelson).

Mr. President, all of us were encouraged by the President's economic message last week. Most of the actions he has taken are right. And, although many of us were disappointed that he did not put controls on interest rates, rents, profits, and dividends, I think that the 60-day freeze on prices—with exemption for raw agricultural products—was essential at this time. The only regret I have is that he did not act sooner to halt the runaway inflation we have seen over the last few months.

But none of us should be deceived into thinking that this new step will resolve the problem of inflation. The pressures for higher prices are still there, and, according to the available economic evidence, they will increase in coming months. Working people who have seen the value of their paychecks decrease at the rate of nearly 10 percent in the last 4 months, reasonably expect to catch up with inflation. And businessmen will, no doubt, want to pass on to the consumer their increased costs. In other words, we are in the middle of a "cost push" inflation and the economic indicators show it to be the worst in 22 years.

So inflation will remain with us until we are able to solve the underlying causes of the spiral of inflation. And, as the President indicated, the present freeze solves nothing. It is a band-aid solution to the pressures which arose under the ill-advised phase III program. It only means that, when it ends, the pent-up pressures will explode in a new round of inflation—unless the President uses the next 60 days to develop a new and, for the first time, a truly effective economic program. Whether inflation will come under control in the long run will be determined by how we use the time the President has bought with this temporary freeze.

In any case, investors at home and speculators abroad continue to doubt the administration's ability to manage the economy prudently. Despite the freeze, the value of our dollar continues to decline in foreign money markets and the stock market has fallen even more rapidly than in the days before the President acted—nearly 40 points in the next 3 trading days alone.

Mr. President, I understand that the amendment at the desk was the one offered to S. 295. So I now send to the desk a corrected amendment to S. 1636, which is the pending measure.

The PRESIDING OFFICER. The clerk will correctly report the amendment.

The amendment was read as follows:

At the end of the bill add the following new section:

"The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act fifteen days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.".

Mr. SPARKMAN. Mr. President, actually, I did not hear this read, but this is a proposed amendment to the Economic Stabilization Act. Is that correct?

Mr. McGOVERN. That is correct.

Mr. SPARKMAN. I am not sure that was included in the reading at the desk.

Mr. TOWER. It was not.

Mr. SPARKMAN. It is an amendment to this bill, but in doing so he seeks to amend the Economic Stabilization Act.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TOWER. The phrase, "The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section," was not read. Did the Senator intend that to be read?

Mr. McGOVERN. Yes. That should be included with the amendment.

The PRESIDING OFFICER. The clerk will report the amendment again, including the first part of the amendment.

The amendment was read, as follows:

Mr. McGOVERN proposes for himself, Mr. MANSFIELD, and others, an amendment to S. 1636, a bill to amend the International Economic Policy Act of 1972: At the end thereof add the following new section:

The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section:

"The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act fifteen days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.".

Mr. McGOVERN. Economic analysts give varying accounts for this—some say Watergate, others the continued preeminence of Messrs. Shultz and Stein; still others claim that the White House remains blind to the harm that was done by overheating the economy during the election year and the dollar drain caused by an improvident war; and others cite the President's failure to announce phase IV now as evidence that the administration has no long-term economic plan.

But whatever the specific reasoning, all agree that the private sector has little or no confidence in the administration's ability to come to grips with the economic crisis. The importance of this point is that the economy is delicately balanced on a psychological edge. If confidence is not restored, the inflationary pressures will continue to grow. If confidence is restored, we can begin to turn the corner on inflation.

So now more than ever, we must proceed with caution. We must insure that phase IV reflects the proper balance between economic restraint and orderly growth. For only in that way can we avoid the twin pitfalls of renewed inflation or recession.

I think that the mistakes of phase III might have been avoided had the President chosen to consult with Members of Congress. But the present language of the Economic Stabilization Act does not require him to consult with anyone. We, the Congress, have abdicated almost all power over economic policy to him. In effect, we have become silent partners in his errors.

Perhaps this broad grant of authority was necessary in 1970 when the President announced that he "would never lead this country down the road of wage and price controls." Arguably, he needed that flexibility then to impose the appropriate controls, should he change his mind.

But now we have had Nixon controls for nearly 3 years—and we face the prospect of 4 more years of the same. There is no longer any reason for Congress to be excluded from critical economic decisions such as phase IV.

So while I generally support the actions the President announced last week, I think it is important to note that the need for them resulted solely from his inaction after a premature end to the phase II controls. Had his course last January been more moderate, we would not face this crisis now.

I believe we now owe it to the President and the country to reassert our responsibilities, particularly in this time of doubt about government in general and the executive branch in particular. If the President is to govern effectively, he must seek the support of the Congress. And if he is unwilling to do so, we should require that we assume a greater share of responsibility for our economic policies. For the Congress to abandon its responsibility in economic matters and then criticize the President when things go wrong may be good politics, but it is bad Government.

So, Mr. President, for these reasons I urge the Senate to adopt our amendment and require the President to give Congress 15 days' advance notice of any major action under the Economic Stabilization Act. The President would no longer present the Congress and the country with a fait accompli, as he did last January. The Congress would have the opportunity to correct mistakes before they are made—and the obligations to share the blame if the program does not work.

Our amendment would broaden the base for reaching these decisions—not just from the isolation of the White House to the Congress but to the private sector as well. The merits and the shortcomings of phase IV and any future phases would be aired in open debate and not held secret in the Oval Office. Economists and businessmen, as well as the farmer, consumers and labor could all make their voices heard. And the President and Congress would profit from their counsel.

And if the President's plan needed amending he or we could see that this was done. His policies would become our policies for good or ill and he would therefore have the support of the Congress he so badly needs at this time.

So what we seek is a return to a more balanced economic policy: to restore the joint decisionmaking our Constitution ordains and our constituents have a right to expect.

Mr. President, let me make two final points. The cosponsors of this amendment and I recognize the problem that prenotification of a major change in economic policy may cause—that certain companies or unions may try to exploit the period between the time the President sends a special message to Congress and the time the new program comes into effect. Therefore, our amendment also provides that the President may declare that any actions inconsistent with his proposed program taken during that period will be null and void. For example, a company which then raised its prices would be on notice that it was subject to a rollback unless the Congress overruled the President. I cannot imagine any corporation foolhardy enough to wager that the Congress would do so; the economic risks would be too high.

Of course, this provision of our amendment would not affect the current freeze, in which prices will remain frozen until phase IV goes into effect.

I ask unanimous consent that a resolution of the Senate Agriculture Committee relating to economic hardships on farmers stemming from the arbitrary nature of the recent price freeze, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Be it resolved that the Committee on Agriculture and Forestry of the United States Senate adopts the following statement regarding the impact of the current price freeze on food supplies:

The Committee wishes to compliment the President on his decisive action to halt inflation. We realize that rapidly escalating food prices have caused a severe hardship on many American consumers.

However, we fear that the present freeze on farm products will result in greatly increased prices in the future and severe shortages of some foods. Although raw agricultural products are supposedly exempt under the regulations implementing the present price freeze, the absolute freeze on all food prices at the retail level does in effect cause a freeze on all raw food prices at the farm level. In his message of June 13, the President stated:

"Because the key to curbing food prices lies in increasing supplies, I am not freezing the price of unprocessed agricultural products at the farm level. This would reduce supplies instead of increasing them. It would eventually result in even higher prices for the foods you buy at the supermarket."

Unfortunately, the freeze on prices of all agricultural commodities at all levels in the marketing chain does have the effect of freezing all prices at the farm level and it will have the effect that the President sought to avoid—it will prevent the increased supplies of food that we must have to meet domestic and world demand. In fact, the Committee fears that the current freeze will result in severe shortages of some agricultural products in the immediate future and make it difficult to buy some foods at any price. On March 29 the President imposed a price ceiling on beef, pork, and lamb. This freeze has already had an adverse impact on meat production, for red meat production was down five percent in the first four months of this year. Pork production was down 11 percent in January-April. There is no indication that beef and pork production can be increased sufficiently to meet increasing domestic demand.

Consumers have traditionally been able to ameliorate the effects of high red meat prices by increased consumption of poultry and eggs. However, rising feed costs have reduced poultry production, and broiler meat output will continue below 1972 levels. Also, egg production, which was down 6 percent during the January-April period, will be below the 1972 levels for the rest of this year. Indications are that turkey output will be smaller this year. The conditions which have produced these shortages are now frozen in.

We have received calls from all over the country expressing dismay and alarm about the impact of the current 60-day price freeze. There are reports of vegetable producers being unable to deliver vegetables at freeze price levels, the liquidation of brood sows by pork producers and reduced herds of beef cattle. There threatens to be an absolute breakdown in the marketing system of some farm products which have traditionally been marketed in an orderly fashion according to the law of supply and demand.

These problems may be further aggravated by a shortage of fuel for agricultural production and harvesting. Also, the shortage of fuel for motor transportation and the shortage of boxcars for rail transportation could seriously hamper the proper distribution of our food supplies.

The Committee recognizes the need to maintain a stable supply of food and to protect consumers from excessive price increases. It knows that the President must take firm action. However, we feel the current 60-day price freeze is not only counter-productive, it could prove to be disastrous. Therefore, we urge the President in the strongest terms possible to remove agriculture from the price freeze at once and place it under a Phase IV plan which hopefully will be better adapted to the special needs and problems of agricultural production.

In writing the Agriculture and Consumer Protection Act of 1973, which was passed by the Senate by a vote of 78 to 9, the Committee attempted to establish a farm program which would guarantee consumers a stable supply of food at fair and reasonable prices while protecting farmers' income. However, the Committee fears that a failure to lift the price freeze on food immediately will make the attainment of this goal impossible.

Mr. McGOVERN. Mr. President, I also have a statement by the junior Senator from South Dakota (Mr. Abourezk), which I ask unanimous consent be included at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator James Abourezk on McGovern Notification Amendment to Federal Financing Bank Bill

Mr. Abourezk. Mr. President, Senator McGovern's amendment to require the President to give us notification of his economic plans deserves the support of every Member of this body.

We are responsible for what the President does with discretionary authority which we give him.

In delegating authority to the White House, we are making deference to the contention that only the Executive Branch can move quickly and decisively.

Another advantage of that system is that when the President's policies fail, he gets most of the blame.

But much of the basic responsibility for seeing that the economy runs well rests here. We can delegate the management but we cannot honestly delegate the responsibility. The Consttiution puts much of it here.

Since I first spoke out on this floor, I have been making the point that this Congress has given away too much of its power.

I do not believe we can afford to do so any longer without at least holding the President accountable for what he does with the authority we delegate to him.

That is what this amendment would do. It would require the President to notify the Congress of the substance of any major action which he proposes to take under the Economic Stabilization Act fifteen days in advance of the date he proposes to take such action.

I believe the amendment is sufficiently well-designed to preclude price-raising orgies between the time of the message and the time it takes effect.

In the meantime, this body would have the chance to review the wisdom of what the President proposes.

We would have the chance to subject his proposals to a broader range of perspectives. We would have the chance, if necessary, to act legislatively to correct any shortcomings we might see in what the President proposes.

If the President has confidence in the soundness of his economic actions, then it seems to me that those proposed actions should bear up well under our scrutiny.

If there is some funny business in those proposals, however, then it is very much the business of this body to know about it beforehand, and to do something about it.

With this amendment, we could hopefully prevent mistakes before they happen. It is an ounce of prevention. It is much better than the pound of suffering which follows a plainly mistaken policy.

If this amendment had been law earlier, we would have known fifteen days in advance that the President planned to exempt raw agricultural prices from the 60-day price freeze, which is good—and also that rents, profits, interest rates and dividends would not be frozen, which is questionable.

We would have had the chance to examine the evidence and perhaps suggest improvements. As it is now, we will have to wait it out. If a problem develops, we will be acting after the fact.

Mr. President, my support of this amendment does not stem from any immediate criticism of the President's policies which I might entertain. It is something we should have had long ago. It is fundamental to restoring this body to a position of rightful oversight.

It may be good politics to set the President up as a scapegoat as a political trade for the authorities we delegate to him, but I would submit that that is as unfair to him as it is to this Congress and all of the American people.

Mr. President, I support the McGovern amendment and urge its adoption.

Mr. McGOVERN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield to the Senator from Texas such time as he may desire.

Mr. TOWER. Mr. President, public disclosure of wage-price actions before implementation can, contrary to what the Senator from South Dakota has suggested, undermine the effectiveness of the actions.

It is possible for a firm or individual to take actions to soften or even to avoid the impact of a proposed order. Some types of economic actions cannot be recalled, such as many types of foreign transactions in goods and services. Commodity markets, for example, which are international in nature, will reflect economic decisions based on the expected implementation of a new rule, which decisions cannot be recalled or rolled back. Astute people in almost any given industry will be able to "jump the gun" on a new rule and take some type of action to avoid the full effect of the new rule, thereby undercutting public policy. Retroactive effectiveness of such rules will not totally solve the problem. We all know of the difficulties in earlier segments of the stabilization program of trying to rollback prices and wages. You cannot always determine who were the particular purchasers entitled to a rebate, or what business firm might have accelerated the incurring of certain costs in order to build up his cost base for pricing under the new rule, and so forth.

What the 15-day advance notice means, in other words, is that a substantial part of the intended effect of a rule or new phase of the program will be undercut by self-protective behavior on the part of millions of economic decisicnmakers—and most of these actions would be legal. We should not impose this additional burden on what is inherently a difficult program to manage anyway. Congress can always legislate different rules or programs if it feels such is necessary, but to require public previews of administration actions in this area will bring more problems than either the administration or Congress can effectively counter.

Congress has extensive access to administration officials for informal consultation on the major outline of controls programs.

The very implementation of the freeze was substantially a reflection of the general feeling communication by Members of Congress to the administration that a freeze was acceptable and even desirable to them. We can consult with key administration officials on the committee level or individually virtually at will, to press our views on them about the proper direction for controls to go. But, realistically, any comprehensive economic controls program has to be managed ultimately by the Executive—he is the executory arm of the U.S. Government; Congress is the broad policymaking arm of the Government and cannot effectively carry out the detailed activities under an economic controls program. The President is the appropriate official to make and implement controls decisions, under the general statutory goals and standards laid down by Congress.

Therefore, Mr. President, I urge the defeat of the amendment offered by the distinguished Senator from South Dakota.

Mr. SPARKMAN. Mr. President, I certainly endorse the statements that have been made by the Senator from Texas. I am confident that, within the very near future—in fact, if I had to make a guess, I would say within the next few days or several days—the President will annouce his program under phase IV, if we want to call it that—I hear some persons calling it phase 3½. A program is going to be announced.

I do not believe, as stated by the Senator from Texas, that it would be a good thing or a workable thing to require the President to announce 15 days ahead of time what he is going to do. When a program is laid down, then it is left up to someone to administer that program, and sometimes a situation may arise that calls for quick action that could not wait 15 days.

I realize the earnestness of the Senator from South Dakota, and I surely agree with him that something ought to be done, and ought to be done right away, but I do not believe it is right or fair to require the President to announce 15 days in advance what he is going to do with reference to any part of this program.

We all want to see a program put into effect that will succeed. We have given the President power, under the Economic Stabilization Act, to take such action that he thinks will carry out the objective of reducing inflation, reducing unemployment, and restoring economic stability. I think we ought to let him work that program as he sees fit, and I think that he will move ahead with programs which he deems will do the job we want to see done.

Therefore, I join in urging that the amendment not be agreed to.

Mr. TOWER. Mr. President, may I say I associate myself with the remarks of my distinguished colleague from Alabama. I note that the inherent difficulties in trying to legislate the details of an economic stabilization program are legion. Too, we cannot act with speed and with flexibility the way the President can to adjust to any economic situation. Fifteen days may be too long to wait in any given situation. Therefore, I think it was the original intention of the Congress, when we approved the Economic Stabilization Act back in 1970, that the President be given some flexibility of action to deal with any economic contingency as it arises. And the amendment proposed by the Senator from South Dakota, if agreed to, would defeat the intent of the Congress.

Mr. SPARKMAN. Mr. President, if the Senator will yield, I point out that when we enacted the act in 1970. We did not direct that there should be mandatory controls or voluntary controls. We gave him a free hand. We gave him the right to put in controls, either voluntary or mandatory. And I think that we ought to carry out the spirit of the Congress.

Mr. TOWER. The Senator is absolutely correct. And I think that if the amendment is adopted, the President might consider it such an onerous burden that he might not elect to act under the Economic Stabilization Act.

Mr. McGOVERN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that there be a quorum call with the time being charged equally against either side.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will withhold that request for a moment, would the distinguished Senator allow us to get consent to have a vote on the Senator's amendment immediately following the vote on the atomic energy authorization bill which will occur at 1:30 p.m. today? There will be no problem at that time in getting the yeas and nays.

Mr. McGOVERN. Yes. I think that is the proper way to do it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. ALLEN). The Senator from South Dakota has 7 minutes remaining.

Mr. McGOVERN. Mr. President, I just want to make one central point. There is nothing in this amendment that ties the President's hands, other than to say that when he makes a judgment as to what he proposes to do under phase IV, whatever the more positive answer to the problem of the country might be under the Economic Stabilization Act, that he give 15 days' public notice before it goes into effect. That, it seems to me, would be a better way for our system to function. I think that it is a mistake, based on recent history, to give any President a blank check to deal with a problem as big and as far reaching as the problems now confronting our economy.

We would have the authority under this amendment, if the President's proposal is sustained by the Congress, to correct any actions that are taken by companies or corporations or unions during that interim 15-day period.

I cannot imagine any group of men who, during that period of time, would make any further changes in the price structure or anything of that nature, knowing that the cost to them would be far greater than any possible gain they might have from it if Congress extends the President's action.

So I would again say that this is an effort to make our system function the way our Founding Fathers intended, which is not by arbitrary decision at the executive level, but by providing some machinery under which there can be a reasonable period for congressional debate and reaction to any proposal that might be made with reference to the phase IV plan.

It also, I think, is a service to the President in enlisting public support and understanding for whatever he has in mind after the 60-day period that is now in effect after the temporary freeze.

This gives the President the benefit of the reactions from economists, financial writers, businessmen, labor leaders, agricultural leaders, and others who have special insight into the problems of our economy.

I think that we are actually providing a responsible service here to the President in the amendment that is now pending. I am very hopeful that the chairman who is handling the pending bill, as well as the ranking minority member and others, will think carefully about what is involved here. It is not a repudiation of the President in any way. It is not a violation in any way of either the letter or the spirit of our constitutional system.

Quite to the contrary, Mr. President, it reaffirms the process under which decisions ought to be made in this country, and that is a process between the legislative and executive branches.

Mr. President, I strongly hope that the Members of the Senate will agree to the amendment.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. McGOVERN. I yield.

Mr. TOWER. Mr. President, how does the Senator propose to roll back prices of commodities in the international market and price increases that might be reflected in our market?

Mr. McGOVERN. I do not think that we will get any price increases. I cannot imagine any corporation, during that 15-day period, going to the great danger and risk involved in price increases knowing that there is only a bare chance that Congress is going to reverse the President's actions. Under the terms of this legislation, any action they take during that period of time would be null and void unless Congress rejects the President's program.

Mr. TOWER. Mr. President, we are talking about the international marketplace. How does one control that?

Mr. McGOVERN. To whatever extent the President has jurisdiction under the Economic Stabilization Act. This amendment does not control that.

Mr. TOWER. The Senator does not control the international marketplace, because whatever controls we may have here or in any other place, the world operates on an international market economy.

Mr. McGOVERN. We cannot do very much about that, no matter what the conditions might be. The Economic Stabilization Act itself is not going to give the President control over the international market prices.

Nothing in the act does that. Nothing in this amendment either increases or decreases that problem.

Mr. TOWER. Mr. President, under the amendment of the Senator from South Dakota, we would telegraph our moves 15 days in advance and allow a lot of people to take advantage of that. And in the 15 days a lot can happen.

Mr. McGOVERN. The Senator is correct. On the other hand, the alternative is to take the very high risk of learning on television at 9 o'clock some evening that some economic program is already in operation without an opportunity on the part of the Congress or the citizens of this country to express their views.

I think that whatever risk is involved in being more deliberate in this matter is well worth any temporary inconvenience that might result from a 15-day warning.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time. I withhold that request, Mr. President.

Mr. McGOVERN. Mr. President, I do not want to yield back my time until after the Senator from Alabama yields back his time.

Mr. SPARKMAN. Mr. President, I merely want to yield to the Senator from Utah to make a very brief statement.

SUCCESSFUL RETURN OF ASTRONAUTS FROM SKYLAB MISSION

Mr. MOSS. Mr. President, I want to inform the Senate that the astronauts from Skylab have landed and that all are aboard the *Ticonderoga*. They came back in excellent health. They walked from the capsule and onto the decks as seen from television.

Mr. President, this morning the all Navy astronaut crew of Capt. Charles "Pete" Conrad, Jr., Comdr. Joseph P. Kerwin, and Comdr. Paul J. Weitz has successfully returned to the Earth after the longest manned space flight ever.

Once more, our intrepid and skillful astronauts have brought credit to their country, as well as to the indomitable spirit of man. Once again they have proved that man is more than just an instrument-watcher in space, and that, in fact, his presence—with his "computer between the ears" as William Schneider, Skylab program chief, called it—can be essential for the successful execution of the mission.

Of course, there are still two more crews who will visit the Skylab later this year, but even now Conrad, Kerwin, and Weitz have brought back an astounding amount of data which will take thousands of scientists months and years to thoroughly analyze.

As we know, Conrad, Kerwin, and Weitz now hold the record for the longest time in space for a single flight—28 days. But Pete Conrad, by virtue of his previous space flights, holds another record of which even he may not yet be aware. Pete Conrad has traveled farther than any man in history, more than 15 million miles.

Mr. President, I ask unanimous consent that a short research note concerning Pete Conrad's recordmaking flight statistics, and prepared for me by Mrs. Lani Hummel Raleigh of the Congressional Research Service, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

CHARLES "PETE" CONRAD'S RECORDMAKING FLIGHT STATISTICS

When Navy Captain Charles "Pete" Conrad returns to earth from the 28 day Skylab II mission, he will have travelled more miles than any other man. Upon the completion of the Skylab mission, Conrad will have flown over 15,000,000 miles in space. This record assumes even greater significance when compared to the flight statistics of the average air line pilot upon retirement. According to the records, when the majority of air line pilots retire, they have flown between 6 and 10 million miles in a 25–35 year career. One of the more famous retired air line pilots, Captain Dick Merrill, flew over 8,000,000 miles during his 33 year career with Eastern Air Lines.

Pete Conrad also holds the record for number of hours in space. At Skylab's splashdown he will have spent a total of 49 days, 3 hours, and 39 minutes in space (National Aeronautics and Space Administration statistic), thus surpassing the 23 days, 18 hours and 22 minutes space endurance record set by the ill-fated pilots of the Russian Soyu 11 flight in 1971.

Captain Conrad began his space flight career in 1962 when he was selected as a test pilot astronaut. He was a pilot for the 1965 Gemini 5 space flight (190 hours 56 minutes; over 3,000,000 miles); a backup command pilot of Gemini 8; the command pilot of the 1966 Gemini 11 flight (71 hours, 17 minutes; over 1,000,000 miles); the backup spacecraft commander of Apollo 9; the spacecraft commander of the 1969 Apollo 12 flight (10 days, 4 hours, 36 minutes; over 500,000 miles); and the command pilot of the 1973 Skylab II mission (28 days, 50 minutes; over 10,000 miles).

Mr. MOSS. Skylab is truly a turning point in our space program. It represents a temporary turning away from our highly successful exploration of the Moon and an emphasis on the Earth and man himself. This is only the beginning of our efforts to find out what man can really do in space and what the uniqueness of the space environment can do for him.

I know that all Members of the Senate will join me in congratulating NASA and Astronauts Conrad, Kerwin, and Weitz on a remarkably successful mission under adverse conditions and a safe return to Earth.

I thank the chairman of the committee for yielding to me to make this very important announcement.

Mr. SPARKMAN. Mr. President, I commend the Senator from Utah for taking notice of this great happening today. Surely we all join in the wishes and the prayers that he has expressed.

Naturally, I support the space program very strongly. I think it means a great deal to us, because it has accomplished things that many of us have never thought possible. I am glad the Senator has brought this matter to the attention of the Senate today.

Mr. MOSS. I thank the Senator.

Mr. TOWER. Mr. President, if the Senator will yield, I should like to join the Senator from Alabama in commending the Senator from Utah for his statement. I think all of us should take a great deal of pride in seeing such a successful application of good old American ingenuity in the way that they made these repairs, got the most out of their mission, and stayed there for 28 days.

Mr. SPARKMAN. Mr. President, I take a great deal of pride in the fact that most of this technology was developed at the Marshall Space Craft Center in Huntsville, Ala., my hometown.

Mr. TOWER. I take pride also in noting that the control for this mission originated in Houston, Tex., which was my birthplace.

Mr. MOSS. Mr. President, there is plenty of cause for pride to go around. This was a great team effort. In addition to the accomplishments of the astronauts themselves, the scientists and controllers on the ground, with their technology, were simply superb, and we are all indeed proud of them today.

I thank my colleague for yielding.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The Senate continued with the consideration of the bill (S. 1636) to amend the International Economic Policy Act of 1972.

Mr. SPARKMAN. Mr. President, I am ready to yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from South Dakota has 2 minutes remaining.

Mr. McGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota. In view of the agreement that the amendment will not be voted on until the Senate disposes of the AEC bill at 1:30, unless time is to be yielded on the bill itself, we can proceed no further on the bill. What is the pleasure of the Senate?

Mr. ROBERT C. BYRD. Mr. President, may I inquire of the distinguished manager of the bill and the ranking Republican member whether or not they would advise yielding back the remainder of the time on the bill, and then immediately following the vote on the McGovern amendment, which will occur a little after 1:30 p.m., the Senate could proceed to vote on the bill? Would the Senators at that time want a yea-and-nay vote on the bill?

Mr. SPARKMAN. Mr. President, I am willing to yield back the time at this time, provided that is satisfactory to the Senator from Texas.

Mr. TOWER. Mr. President, I wonder if we might reserve a little of the time, because some Senators may not be informed of the nature of the measure.

Mr. ROBERT C. BYRD. How much time would the Senator like to reserve?

Mr. TOWER. Ten minutes to a side on the bill?

Mr. SPARKMAN. That is satisfactory to me.

Mr. ROBERT C. BYRD. Very well. Mr. President, I ask unanimous consent that each of the managers of the bill have reserved out of his time on the bill, 10 minutes following the vote on the amendment by Mr. McGovern.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of S. 295, and that the unfinished business remain in a temporarily laid aside status until the hour of 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FINANCING BANK ACT

The Senate proceeded to consider the bill (S. 925) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments, on page 6, at the beginning of line 7, to strike out "one hundred and twenty" and insert "sixty"; in line 9, after the word "doing.", insert "In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program."; on page 11, line 9, after the word "any", to strike out "and all"; and, in line 10, after the word "subject", to strike out "both as to principal and interest to Federal, State, and local" and insert "to Federal"; so as to make the bill read:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued, sold, or guaranteed by any Federal agency, except that the approval of the Secretary of the Treasury shall not be required with respect to (1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States or (2) obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than sixty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such time and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000, or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or officers thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain, and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligations issued by the Bank shall be subject to Federal taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 19. This Act becomes effective upon the date of its enactment, except that section 7 becomes effective upon the expiration of thirty days after such date.

The PRESIDING OFFICER. In accordance with the previous order the bill is under controlled time. Who yields time?

Mr. SPARKMAN. Mr. President, how much time do we have?

The PRESIDING OFFICER. Four hours, to be equally divided.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

This measure was passed by the Senate last year, but action on it was never completed by the two Houses. This year the administration submitted the request again. We took up the bill in the Committee on Banking, Housing and Urban Affairs, and have reported out what I think is a wholly satisfactory bill. There will be some amendments offered to it. I hope that we will be able to get favorable action on the measure, because I believe it will mean much in the orderly financing of the various government departments and agencies.

Mr. President, I am happy to yield to my colleague from Texas to make his statement. That is about all I have to say on the bill itself.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The Banking Committee has favorably reported S. 925, legislation to establish the Federal Financing Bank. The basic purpose of the proposed bank is to provide a means of lowering Federal and federally related borrowing costs, and to reduce thereby the need for tax revenue.

There are two essential features of the legislation:

First. It provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized.

Second. It provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of certain obligations issued or sold by Federal agencies or guaranteed by Federal agencies in the securities markets.

The legislation is needed to consolidate the scattered, relatively high-cost Federal and federally assisted borrowing vehicles that are now marketed. The committee report describes the bill, which is an administration debt management measure, as follows:

This legislation is urgently needed because many Federal agencies are now required to finance their programs directly in the securities markets. Similar financing arrangements have also been proposed for a number of new agencies. These agencies must develop their own financing staffs, and their abilities to cope with their principal program functions are lessened by the need also to deal with the complex debt management operations essential to minimizing their borrowing costs and avoiding cash flow problems which could disrupt their basic lending programs.

Borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs by substantial amounts, despite the fact that these issues are backed by the Federal Government. Borrowing costs are increased because of the sheer proliferation of competing issues crowding each other in the financing calendar, the cumbersome nature of many of the securities, and the limited markets in which they are sold. Underwriting costs are often a significant additional cost factor due to the method of marketing.

Under the proposed legislation these essentially debt management problems could be shifted from the program agencies to the Federal Financing Bank. Many of the obligations which are now placed directly in the private market under numerous Federal programs would instead be financed by the bank. The bank would be authorized to purchase obligations of Federal agencies and obligations guaranteed by Federal agencies. Agencies would be authorized to sell obligations to the bank.

However, the legislation would not require the bank to lend to any agency nor require any agency to borrow from the bank. The Secretary of the Treasury would be responsible for determining which obligations would be financed through the bank. The bank in turn would issue its own securities. The bank would have the necessary expertise, flexibility, volume and marketing power to minimize financing costs and to assure an effective flow of credit for programs established by the Congress.

While many of the agencies issuing, selling, or guaranteeing obligations in the market are subject to coordination with Treasury's financial management advisers, others are not. Some of the coordination requirements are vague, and none require advance submission of financing plans as would be required in the proposed legislation. Thus, under present arrangements, the basis for planning or coordination of Federal credit program financing within the context of overall financial planning is incomplete. The consequence is the potential for serious adverse impacts on the programs, on financial markets, and on the Federal budget.

Financing these programs through the bank would assure greater flexibility and a broader market for the securities as well as coordination and planning in light of overall credit availability. The proposed Federal Financing Bank would provide a focal point for explicit and early recognition of the volume and cost of the proposed level of Government assisted credit and its likely impact on financial markets.

Mr. President, I urge the passage of this very constructive piece of legislation as it has been reported from the Committee on Banking, Housing, and Urban Affairs.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from New York will state it.

Mr. JAVITS. What is the situation in the consideration of this bill as to time?

The PRESIDING OFFICER. The first question will be on agreeing to the first committee amendment.

Mr. JAVITS. Is that amendment pending?

The PRESIDING OFFICER. The clerk will state the amendment——

Mr. JAVITS. I am simply asking the question.

Mr. SPARKMAN. Mr. President, would it be in order at this time to move that the committee amendments be agreed to en bloc?

The PRESIDING OFFICER. It would be in order.

Mr. SPARKMAN. I so move.

The PRESIDING OFFICER. Does the Senator then wish the bill as amended to be——

Mr. TOWER. To be considered as original text for purposes of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered, the amendments are agreed to en bloc, and the bill as thus amended will be treated as original text for the purpose of further amendment.

Mr. JAVITS. Mr. President, what is the time situation on the bill?

The PRESIDING OFFICER. The time situation on the bill is 4 hours, to be equally divided between the Senators from Alabama and the Senator from Texas, with 1 hour on each amendment, to be equally divided.

Mr. JAVITS. Mr. President, I have two amendments, only one of which I will press, and I should like to ask the managers of the bill and Senators who are on the committee who may have amendments, as to their desires in regard to this matter.

Mr. TOWER. I would suggest to the Senator to go ahead and proceed and offer his amendment.

Mr. JAVITS. I thank my colleague from Texas.

AMENDMENT NO. 239

Mr. President, I call up my amendment No. 239, asking only that the title be stated, and ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The title of amendment No. 239 will be stated.

The legislative clerk read as follows:

On page 14, after line 25, insert a new title: Domestic Enterprise Bank.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with; and, without objection, the amendment will be printed in the RECORD.

The full text of the amendment is as follows:

S. 925

DOMESTIC ENTERPRISE BANK: PURPOSE

SEC. 20. It is the purpose of this Act to—

(1) contribute to the elimination of unemployment and poverty in the Nation by—

(A) promoting the economic development of urban slum areas and of depressed rural areas frequently characterized by substantial outmigration of persons, by providing financing on attractive terms for the establishment and improvement of business and commercial facilities and supporting public development facilities in or accessible to such areas, in order to make job and business opportunities available for residents to contribute to the physical improvement of such area;

(B) stimulating private investment in such facilities;

(C) seeking to bring together in such areas investment opportunities, public and private capital, and capable management;

(D) providing management, technical, and other supportive assistance to aid in such economic development; and

(E) seeking to achieve these purposes primarily by the application of the financial, management, and technical assistance resources of the private sector; and

(2) assist in the preservation and increase of job opportunities as well as the growth and prosperity of business enterprises located throughout this Nation by—

(A) promoting the economic survival and development of such enterprises by providing financial assistance on attractive terms for enterprises substantially harmed by increases in foreign imports or technological obsolescence;

(B) providing management, technical, scientific, and other supportive assistance to aid such enterprises; and

(C) seeking to achieve these purposes primarily by the application of the management, financial, technical, and scientific assistance resources of the private sector.

DEFINITIONS

SEC. 21. As used in this Act—

(1) The term "eligible area" means a rural or urban area designated by the Secretary of Commerce pursuant to section 101(a).

(2) The term "business enterprise or commercial facility" means a fixed place of business, in or from which a manufacturing, processing, assembling, sales, distribution, storage, service, or construction business is carried on, including but not limited to—

(A) an office building or place of management,

(B) a factory, plant, laboratory, service center, or other workshop,

(C) a store or sales outlet,

(D) a storage, transportation, or shipping facility, or

(E) any combination thereof, including a combination of any of these facilities in the same building with residential building.

(3) The term "supporting public development facility" means an element of infrastructure, typically developed and owned by a public agency or private utility company, which is necessary to support economic development activities under this Act, such as a transportation or power facility.

(4) The term "low-income person" means a person whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1954) in a particular period is less than an amount determined by the Secretary of Labor as the minimum amount reasonably necessary, in the area in which such person resides, adequately to support himself and his family.

(5) The term "eligible job" means a new employment position, which did not exist prior to the provision of assistance under this

Act, at the business enterprise or commercial facility or the supporting public development facility assisted, and for which the wages paid shall not be lower than whichever is the highest of—

(A) the minimum wage which would be applicable to an employee under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to such employee, and if he were not exempt under section 13 thereof;

(B) the State or local minimum wage for the most nearly comparable covered employment; or

(C) the prevailing rate of wages in the area for similar work.

(6) The term "eligible business" means a business enterprise as defined by clause (2) and designed by the Secretary of Commerce pursuant to section 101(d).

TITLE I—DESIGNATION OF ELIGIBLE AREAS AND ENTERPRISES

ELIGIBLE AREAS

SEC. 101. (a) The Secretary of Commerce in consultation with the Director of the Domestic Council and the Secretary of Labor shall identify and designate as eligible areas within the meaning of this Act—

(1) those urban areas which have high concentrations of unemployed or a high incidence of poverty as revealed by such indexes as—

(A) families in the area with an average annual income of less than $3,000;

(B) children under eighteen years of age in the area who are not residing with their parents;

(C) adult males in the area who have completed less than eight years of school;

(D) housing units in the area which are substandard in character; or

(E) a concentration of low-income persons;

(2) those rural areas which have high concentrations or proportions of unemployed and low-income persons and which are characterized by substantial outmigration of persons as a result of inadequate employment opportunities; and

(3) those Indian reservations which the Secretary of the Interior determines should be subject to the provisions of this Act.

The identification and designation of such areas may be made without regard to political or other subdivisions or boundaries and shall be made in coordination with similar identifications and designations for comprehensive planning purposes under other Federal programs.

(b) The Secretary of Commerce shall prepare and publish maps showing the location and boundaries of such eligible areas.

(c) The Secretary of Commerce shall, upon the request of the Domestic Enterprise Bank, promptly certify whether any specified location is within an eligible area, including such an area whose boundaries might not yet have been defined.

ELIGIBLE BUSINESS ENTERPRISES

SEC. 102. (a) The Secretary of Commerce in consultation with the Secretary of Labor shall cause to be published criteria under which business enterprises located throughout the United States (without regard to whether they are located in eligible areas designated under section 101) may be designated as eligible businesses, if—

(1) those business enterprises are threatened or have been substantially harmed by an increase in foreign imports; or

(2) those business enterprises are threatened or have been substantially harmed by technological obsolescence, and if a change in the method of operation, the addition of new plant or equipment, the conversion of plant or equipment, or the upgrading, advance development, enhancement, or other general improvement in the same general product line would, with reasonable certainty, assure that the business enterprise will continue to employ persons or increase its total number of employees and operate on a sustaining and profitable basis.

(b) Nothing in this title shall be construed to authorize assistance to any business enterprise relocating from one area to another, except that such assistance may be furnished to a business enterprise for expansion through the establishment of a new industrial or commercial facility of such enterprise in an eligible area, if (1) the establishment of such facility will not result in an increase in unemployment in any other area where such enterprise conducts business operations, and (2) such facility is not being established with any intention of closing down the operations of such enterprise in the area of its original location or in any other area where it conducts such operations.

TITLE II—ESTABLISHMENT OF A DOMESTIC ENTERPRISE BANK

AUTHORIZATION

SEC. 201. There is hereby authorized to be created a corporation for profit to be known as the Domestic Enterprise Bank (hereinafter referred to as the "bank") which shall be an instrumentality of the United States Government. The bank shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

DIRECTORS AND OFFICERS

SEC. 202. (a) The bank shall have a Board of Directors consisting of twenty individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman, Members of the Board shall be selected as follows:

(1) The President, by and with the advice and consent of the Senate, shall appoint six members of the Board who shall be officials or employees of government, including Federal, State, and local government. The terms of Directors so appointed shall be for four years, except that—

(A) three of the terms of such Directors first taking office shall expire, as designated by the President at the time of appointment, at the end of two years after the date of the initial appointment; and

(B) any Director so appointed to fill a vacancy occuring before the expiration of the term for which his predecessor was appointed, shall be appointed only for the remainder of such term.

At the discretion of the President, any individual who ceases to be an official or employee of government during his term as Director, may, notwithstanding that fact, complete such term.

(2) The President, by and with the advice and consent of the Senate, shall appoint the remaining fourteen members of the Board from among representatives of the private sector. Of the persons so appointed, six shall be from among representatives of business and finance, two from among representatives of organized labor, two from among representatives of social welfare organizations or foundations dealing with problems of poverty, two representatives of education, and two from among representatives of the general public. In making such appointments the President shall seek to achieve a balanced representation of the interests of urban and rural areas, and select persons who, among other relevant considerations are knowledgeable in the social and economic problems of business development. The terms of Directors so appointed shall be for four years, except that—

(A) one-half of the terms of such Directors first taking office from each category shall expire, as designated by the President at the time of appointment, at the end of two years after the date of the initial appointment; and

(B) any Director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term and shall be chosen from among representatives of the same category as his predecessor.

(b) The Board of Directors shall appoint and fix the compensation of a president of the bank and such other officers and employees as it deems necessary to carry out the functions of the bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The President of the bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the bank. No officer of the bank shall receive any salary, other than a pension, from any source other than the bank during the period of his employment by the bank.

(c) No director, officer, attorney, agent, or employee of the bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he has any direct or indirect personal interest.

ADVISORY COMMITTEES

SEC. 203. (a) There shall be an Advisory Committee of not less than twenty persons, selected by the Board of Directors on the recommendation of the president of the bank, which shall be broadly representative of industry, commerce, finance, labor, private social welfare agencies, and government at all levels. The Committee shall meet annually and at the call of the President of the bank, and shall advise the bank on general policy and on such other matters as the bank may direct. Members of the Committee shall serve for such terms as the Board of Directors may from time to time determine and they shall be paid reasonable expenses incurred in carrying out their duties as members.

(b) The Board of Directors may appoint such other advisory committees as it deems desirable.

(c) Notwithstanding any other provision of law, any officer or employee of the Government may accept appointment and serve without additional compensation (other than reimbursement for necessary expenses) on any advisory committee established pursuant to this section.

CAPITALIZATION OF BANK

SEC. 204. (a) Subject to the provisions of this section, the bank is authorized to issue from time to time and to have outstanding capital stock of an aggregate purchase price not to exceed $3,000,000,000. Shares of such stock shall be nonvoting and without par value, and shall be eligible for dividends.

(b) The Secretary of the Treasury shall subscribe for and purchase on behalf of the United States, upon request of the Board of Directors, the full amount of the stock of the bank of an aggregate purchase price of $3,000,000,000. The subscription of the United States shall be divided into two parts as follows:

(1) Twenty per centum of such stock shall be paid for at the time of subscription. Funds received under this paragraph shall be available as needed by the bank for its operations.

(2) Eighty per centum of such stock shall be paid for on call by the bank only when required to meet obligations of the bank created under section 205(c), except that payment for not more than 5 per centum of such stock may be called for in any period of three months.

The Secretary of the Treasury is authorized and directed to pay for the subscription of the United States from time to time when payments are required to be made to the bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public debt transaction $3,000,000,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the bank and repayments thereof shall be treated as public debt transactions.

(c) Stock and other securities issued by the bank pursuant to this section and section 5 (b) shall be exempt securities under section 3 of the Securities Act of 1933, (15 U.S.C. 77c).

OPERATIONS AND POWERS OF THE BANK

SEC. 205. (a) In order to carry out the purposes of this Act, the bank is authorized to—

(1) make, participate in, or guarantee loans or lease rentals or provide other financing for real or personal property or for working capital to any public agency or private organization or individual for the establishment, expansion, or preservation of any business or commercial facility or supporting public development facility which—

(A) is to be established in or is located in an eligible area;

(B) will provide eligible jobs of which at least twenty-five in number and not less than 50 per centum shall be held by persons who prior to such employment were unemployed or low-income residents of eligible areas;

(C) is a corporation in which at least 50 per centum of the outstanding stock having voting rights is held, at the time the loan is made, by residents of an eligible area; or

(D) is an eligible business enterprise in accordance with criteria as set forth pursuant to section 101(a);

(2) make, participate in, or guarantee loans or lease rentals or provide other interim financing for the construction or improvement of such facilities to building contractors, subcontractors, or other persons engaged in such work;

(3) provide or assist in the provision of insurance to protect any agency, organization, or individual receiving financing for a business or commercial facility or a supporting public development facility under paragraphs (1) and (2) against damage or casualty loss in connection with such facility;

(4) plan, initiate, own, and manage such facilities where no appropriate party is available and where the bank determines that there is reasonable grounds to believe that it can later terminate its ownership on satisfactory terms;

(5) provide such managerial, technical, scientific, and other supportive assistance as may be necessary in connection with its financing operations, including seminars and business-related courses of instruction;

(6) seek to bring, together with investment opportunities in such facilities, capital and capable management;

(7) make or guarantee loans to the appropriate public agencies, nonprofit cooperatives and corporations, limited dividend corporations, contractors, subcontractors, and other persons to provide construction loans for housing projects designed to provide dwelling units under the insured and guaranteed low- and moderate-income housing loan programs of the Department of Housing and Urban Development, the Veterans' Administration, and the Farmers Home Administration of the Department of Agriculture, provided the total loans made or moneys held in reserve for said loans or guarantees shall at no time exceed 10 per centum of the total loans and guarantees currently outstanding;

(8) provide marketing, accounting, bookkeeping, inventory control, computer, and other services to persons and organizations to which the bank is authorized to extend credit and to make reasonable charges therefor;

(9) make or guarantee loans or purchase obligations to finance capital expenditures for public works, community facilities, and land for housing development, public transportations, and similar community facilities, such projects and facilities to be in keeping with comprehensive area land use plans where such plans exist, providing that such facilities and projects are of direct and substantial benefit to residents of eligible areas or provide other benefits specified by the bank to carry out the purposes of this Act; and

(10) carry on such other activities as would further the purposes of this Act.

In carrying out its functions under this section, the bank shall direct an adequate number of staff members to seek out and confer with representatives of nonprofit private organizations, companies, corporations, partnerships, and individuals, in order to provide information about the services furnished by the bank and to provide necessary assistance for utilization of such services.

(b) The bank is authorized to—

(1) issue bonds, debentures, and such other certificates of indebtedness as it may determine and may issue such securities on a competitive or negotiated basis at the discretion of the Board of Directors;

(2) invest funds not needed in its financing operations in such property and obligations as it may determine;

(3) buy and sell securities it has issued or guaranteed or in which it has invested;

(4) guarantee securities in which it has invested for the purpose of facilitating their sale; and

(5) make such charges for or in connection with guarantees under this section as it deems appropriate.

The aggregate outstanding indebtedness of the bank under this section at any time may not exceed twenty times the paid-in capital stock of the bank at that time.

(c) Whenever necessary to meet contractual payments of interest, amortization of principal, or other charges on the bank's own borrowings, or to meet the bank's liabilities with respect to similar payments on loans guaranteed by it, the bank may call for payment of an appropriate amount of the unpaid subscription of the United States in accordance with section 204(b)(2). In the event of a default on financing provided by it of long duration, the bank may call an additional amount of such unpaid subscriptions, notwithstanding the limitation of section 204(b)(2), for the following purposes—

(1) to redeem prior to maturity or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it with respect to which the debtor is in default; and

(2) to repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

(d) The several Federal Reserve banks are authorized to purchase or discount any note, debenture, bond, or other obligation, secured or unsecured, held by the bank.

(e) Obligations of the bank are eligible for purchase by any federally chartered or regulated commercial bank, savings and loan association, or mutual savings bank.

(f) All obligations issued by the bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer thereof.

(g) The bank is authorized to establish a principal office and branch offices in such locations as it may determine. It may establish regional offices and determine the location of, and the areas to be covered by, each regional office. It may make arrangements with public or private organizations at the regional, State, and local levels, including banking organizations and other financing institutions, to act as agents or otherwise to assist the bank in the conduct of its business.

OPERATING PRINCIPLES

SEC. 206. The operations of the bank shall be conducted in accordance with the following principles:

(1) The bank shall undertake its financing, technical assistance, and other operations on such terms and conditions and for such fees as it considers appropriate taking into account the requirements of the enterprise, the risks being undertaken by the bank, the benefits to the eligible business enterprise, eligible area, or to the residents of the eligible areas, and the conditions under which similar financing might be available from private investors.

(2) The bank shall consult with and shall seek to encourage local banking and other financial institutions to participate in its financing and other activities.

(3) The bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to facilities owned in whole or in part by residents of eligible areas or to facilities in which such ownership is made available to such persons.

(4) The bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to eligible business enterprises most severely affected by foreign imports or technological obsolescence and whose failure to continue doing business would most severely impact the local community in which they operate or the national interest.

(5) The bank shall seek to resolve its funds by selling its loans, guarantees, and other investments to private investors whenever it can appropriately do so on satisfactory terms.

(6) The bank shall, to the extent feasible, deposit or invest funds not needed in its financing operations in order to benefit eligible areas, including the depositing of such funds in local banks, credit unions, and other lending institutions serving such areas.

(7) No director, officer, attorney, agent, or employee of the bank shall participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(8) The bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties or used or to be used for sectarian instruction or as a place for religious worship, nor shall the directors, officers, or employees of the bank in any way use their connection with the bank for the purpose of influencing the outcome of any election.

LIMITATIONS ON FINANCING

SEC. 207. (a) The bank shall not provide financing for any business or commercial facility or public development facility, nor shall it plan, initiate, own, or manage such a facility, unless it determines that—

(1) other public or private financing could not be obtained on reasonable terms and conditions;

(2) adequate arrangements have been made to insure that the proceeds of any loan or other financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy and efficiency;

(3) the borrower or other recipient of

financing has an adequate equity or other financial interest in the facility to insure his careful and businesslike management of the project;

(4) the governing body of the city or, as appropriate, the governing body of the county, parish, or other political subdivision in which the facility is located or is to be established, or an agency or other instrumentality of such political subdivision designated by such body, has certified to the bank its approval of—

(A) the establishment of the facility at the particular location;

(B) the proposed standards of construction and design; and

(C) provisions for the relocation of any residents or businesses to be displaced;

(5) the establishment, expansion, or preservation, of the facility in the particular location will contribute to raising standards of living and skills levels for residents of the eligible area or there is reasonable certainty the business enterprise will be able to continue to operate on a sustaining and profitable basis;

(6) unemployed or low-income residents of eligible areas will be given preference in filling employment opportunities created by the establishment, expansion, or preservation of the facility, including the construction thereof; and

(7) no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from employment in any facility, or in the organization or other physical improvement of any facility, which is financed or otherwise assisted by the bank.

(b) Loans and guarantees under this title shall be subject to the following requirements or limitations:

(1) No guarantee shall be made for a period exceeding thirty years and no loans shall be made for a period exceeding ten years.

(2) No lease guarantee shall exceed at any time 90 per centum of the amount of the remaining unpaid rental payments for the term of the guarantee.

(3) No loan guarantee shall exceed at any time 90 per centum of the amount of the remaining unpaid balance.

(4) No loan guarantee shall at any time exceed the amount of the outstanding unpaid balance of the loan.

(5) No loan for a principal sum in excess of the actual cost of a project, as determined by the bank, shall be guaranteed or secured by a lease guaranteed under this section.

(c) Except for projects specifically authorized by Congress, no guarantee shall be made under this title with respect to any public source or development facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State or Federal regulatory body, unless the State or Federal regulatory body determines that in the area to be serviced by the facility for which the guarantee is to be made, there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it agrees to undertake.

TAX EXEMPTION.

SEC. 208. For the purpose of the Internal Revenue Code of 1954, the bank shall be considered to be an instrumentality of the United States and shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property or tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed.

AUDIT AND REPORT

SEC. 209. (a) The financial transactions of the bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the bank and nececssary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The audit shall cover the fiscal year corresponding to that of the United States Government.

(b) A report of each such audit shall be made by the Comptroller General to the Congress and the President not later than March 15 following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital and surplus of deficit; a statement of sources and application of funds, and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the bank at the time submitted to the Congress and the President.

ANNUAL REPORT OF THE BANK

SEC. 210. Not later than one hundred and twenty days after the close of each fiscal year the bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 301. (a) The sixth sentence of paragraph seven of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting after "or the Government National Mortgage Association," the following: "or debentures or other obligations of the Domestic Enterprise Bank".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following: "(14) Debentures or other obligations of the Domestic Enterprise Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting after "any political subdivision thereof" in the second proviso the following: "or in debentures or other obligations of the Domestic Enterprise Bank."

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, my purpose in raising this question is to ascertain the views of the chairman and the ranking member of the Committee on Banking, Housing and Urban Affairs on a matter which has been before us for some considerable period of time, and in which the members of the committee themselves have been quite active.

It relates to establishing a domestic enterprise bank comparable to the World Bank but concerned with domestic development.

I would like to find out from my colleagues exactly what they think about going ahead with a concept of this nature.

Since 1967, there have been a long succession of measures introduced by many Senators relating to the establishment of a domestic bank. The need for it arises out of the fact that we do not have a bank in the Federal establishment which operates autonomously in dealing with the entire range of banking problems; from financing private business efforts that provide employment in industries adversely affected due to technological obsolescence, general small business development including economic development for minority businesses, and business adjustments which arise out of the need to meet the challenge of imports. These are some of the areas with which I am concerned. In this respect, the Small Business Administration, EDA, in the Department of Commerce, and other governmental organizations have authorizations to function in these general areas. There is no desire on my part to consolidate these programs, but each of these efforts tends to be underfinanced, to lack the backing of technological assistance and the kind of expertise which can be provided by a domestic enterprise bank.

The same arguments which obtain for the World Bank in international affairs also obtain for this kind of approach in domestic affairs.

I should like to point out that measures of this general character have been introduced by Senator KENNEDY and myself, and 20 other Senators, as far back as July of 1967. This list consists of members of the Committee on Banking, Housing, and Urban Affairs; and notably, and very importantly to me because of my very high regard for him, the chairman of the Banking Committee himself, who introduced such measures in 1969 and 1971.

I would greatly appreciate it, therefore, if we could have some idea from the committee as to, one, their interest in this particular approach and, two, whether there is any possibility of having consideration of it through hearings, or in some other affirmative fashion, in order to bring to a head a concept that has been germinating here for so long.

Mr. SPARKMAN. Mr. President, if I can answer the Senator from New York, for my part first, then I will yield to the Senator from Texas (Mr. TOWER), the ranking minority member, to make his comments.

Mr. President, this is a rather wide-ranging and far-reaching piece of proposed legislation. I think that Senators must realize we could not adequately handle this as an amendment to this bill.

Mr. JAVITS. I realize that.

Mr. SPARKMAN. So far as hearings are concerned, I would be glad, for my part, to schedule hearings. But I want to give this word of warning, that there will be no chance before June 30. Then we take the Fourth of July recess. Then about 3 weeks after that we take the recess of more than a month. The present target date for final adjournment is October 1. Our committee has hardly missed 1 day this year since we came back in session last January that it has not had a session either of the committee, or one of its subcommittees. We have had a very heavy schedule.

The PRESIDING OFFICER (Mr. HUGHES). The time of the Senator from New York has expired.

Mr. SPARKMAN. I yield 5 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. SPARKMAN. I cannot—and let me say this in all fairness—I cannot, at this time, give any hope that we can hold any hearings this year, but certainly we can schedule them beginning next year.

Mr. JAVITS. May I make this suggestion——

Mr. SPARKMAN. I personally would be very glad, for my part, to do it.

Mr. JAVITS. I should like to make this suggestion to Senator SPARKMAN. This is a long-standing matter which I think can be extremely helpful to the country. If we do not adjourn October 1, would the Senator consider conducting hearings on this legislation in the bonus time, as it were?

Mr. SPARKMAN. Yes. Of course, the Senator must remember that we will certainly try to get out of the way any and all conferences. That is the thing that takes up a great deal of time toward the end of the session. But if we can work it out fairly and adequately, for my part, I shall be very glad to do so.

Mr. JAVITS. The other thing I was going to suggest is that since there often are hearings held after adjournment, though they are not necessarily attended by every member of the committee, would the Senator then be able to give us a hearing in the fall, perhaps after adjournment?

Mr. SPARKMAN. I would not want to commit myself to holding hearings during the adjournment of Congress. The Senator and I probably will be going to one international conference together, which he has in mind. Another occurs during the month of October, the latter part of October. Not much time will be left. But, so far as I am concerned, I will gladly cooperate with the Senator from New York in holding adequate hearings as soon as we can.

Mr. TOWER. I concur with that—as soon as practicable. I think the Senator has pretty well explained what our difficulties are.

I like the concept of the amendment of the Senator from New York. I do have some concerns about it. For example, the $3 billion capital outlay from the Treasury and the authority to obligate up to $60 billion, which is a potentially big liability of the Government, are matters I would like to examine. I think the concept is good. As one of the early authors of minority business legislation, I certainly sympathize with the concept, and I would be very interested in having hearings as early as practicable. I do not think we can depend on a time certain.

Mr. SPARKMAN. I concur with the Senator's statement.

Mr. JAVITS. Knowing the Senators as I do, I know you mean it sincerely but, I should like to point out the following in completing this record:

One, we are much better off with a self-financing organization. Even though the initial capital sounds large, we must remember that it is a one-shot operation. Once you capitalize the Domestic Enterprise Bank, it has a rollover quality, such as any bank.

Two, as to the authority of $60 billion, we must remember that we still are an enterprise economy. An economy in which the overwhelming portion of productivity, distribution, and so forth, remains not only in private hands but also in the hands of relatively small businessmen. We are inclined to forget that most American workers are still working in what are called small business establishments; hence, the proletarian quality of this kind of effort is critically important.

Often our vision is so obscured by the GE's, the IBM's, and so forth, that we forget that this is not an economy in which the preponderance of business organizations are big companies. The preponderance of business organizations are still what we generally call small business—some of these small businesses have hundreds of employees and millions of dollars in gross sales.

Knowing the two Senators as I do, I will accept that assurance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPARKMAN. I yield myself 5 additional minutes.

The Senator will recall that when we were considering in the Senate the guarantee of the loans that the banks were making to save Lockheed, I introduced a bill in connection with that bill, a bill setting up what we might call a small or a peacetime RFC. The Senator mentions setting up an organization and the good it can do in stabilizing economic conditions and making certain that some of the smaller as well as large industries are able to continue. The RFC did this.

The RFC when it was finally discontinued, turned in millions of dollars to the Treasury Department. I think of the Senator's proposal as being somewhat along that line.

Mr. JAVITS. Exactly.

Mr. SPARKMAN. I think its concept is good, but it is something that has to be worked out carefully, and that will take time. I think we can assure the Senator that we will work out a program that will allow adequate hearings.

Mr. JAVITS. I have introduced the amendment as a bill, which will undoubtedly be referred to the Committee on Banking, Housing and Urban Affairs, I will accept the assurances of both Senators, and knowing them as I do, I think they will exceed rather than underexceed in their endeavors.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send another amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, add a new section, as follows:

> It is the sense of the Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

Mr. JAVITS. Mr. President, I ask unanimous consent that Mr. George Krumbhaar, of the staff of the Joint Economic Committee, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, this amendment is a sense resolution. I have discussed it primarily with the Senator from Texas (Mr. TOWER) because it concerns the administration.

It provides that it is the sense of Congress that the United States should take necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

The reason for the amendment is this: We are now spending as an adverse drain on our balance of payments $700 million a year in gold imports because our domestic users—jewelers, dentists, and the entire variety of domestic industrial users—are required to obtain this large amount of gold in the world market.

The fact is that the United States is a party to the communique setting up the 2-tier gold policy, which became necessary because of the drain on our gold stocks. Those stocks had been available from 1960 to 1968 to private users through the London gold pool. Indeed, I had a good deal to do with that 1968 agreement myself.

Under the 2-tier gold market situation, private users are closed out from buying officially held gold, and in these closed markets, gold has gone up to $120 an ounce. The 10 billion plus of gold in the U.S. Treasury is valued at the rate of $38 an ounce, which is the official price in the United States until the dollar devaluation bill passes the Congress. The United States has agreed with the nine other primary industrial countries that the central banks will not sell their gold to private parties. But here we are with this new kind of situation, in which the gold users in the United States are paying out $700 million, in dollars, for imported gold which is offered at more than 3 times as much as the price of the books of the United States, thereby worsening our balance of payments.

We should be able to offer some of that official gold—it would amount at the most, to approximately 2 percent of our gold stock each year—to licensed domestic users.

I was going to make the amendment mandatory, but after discussing it with the Treasury and with the Senator from Texas (Mr. TOWER), and agreeing that some international arrangement between ourselves and the other Central Banks would be required, I thought it best to put it on a sense of Congress basis, which would have two effects. First, it would invoke the concurrence of the other body, and, second, if the other body did concur it would present the administration with the basis for going into the field, especially with other countries concerned to give itself this kind of flexibility. No change in law is required because the Secretary of the Treasury, under existing law, has authority. I read from section 9 of the Gold Reserve Act of 1934:

> The Secretary of the Treasury . . . may sell gold in any amounts at home or abroad in such manner and at such rates or upon such terms and conditions as he may deem most advantageous to the public interest . . .

The language in the sense of Congress resolution, the amendment I have just offered, is expressly designed to enable the United States to approach the other signatories of the communique of March 1968, which was the basis for the 2-tier gold price, to make it possible for the United States to engage in this activity. There may be other considerations which the Treasury will see, which require it to adjust itself to them in order to put into effect the policy which this amendment, as I say it is a sense of Congress resolution, would recommend, but it would focus great attention on the situation and be a very useful resolution, for at least three reasons.

First is the factor of calming down the gold markets. In 1971 the U.S. commercial demand for gold was 12.5 percent of the total demand for gold on the world market and preliminary indicators show that in 1972 this percentage rose significantly. Therefore, if we supply that demand domestically we can have a significant effect on the world price of gold. Second, there is the balance-of-payment question. Why should we allow this amount of leakage in our balance of payments, when the amount of expenditure from our gold stock would be so low.

Third, the policy embodied in the resolution would greatly facilitate problems of domestic users. Right now, for example, with a freeze, domestic users are caught in a real crack. Their selling prices are frozen. But the price they have to pay for gold is at the mercy of the world market, which the United States only affects on the upside. Many users are selling at an absolute loss.

For those reasons I urge this amendment on the Treasury and I hope that the manager of the bill will be able to accept it.

Mr. President, I ask unanimous consent that the Washington communique of March 17, 1968, which established the two-tier gold system, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON COMMUNIQUE OF MARCH 17, 1968

The Governors of the Central Banks of Belgium, Germany, Italy, the Netherlands, Switzerland, the United Kingdom, and the United States met in Washington on March 16 and 17, 1968, to examine operations of the gold pool, to which they are active contributors. The Managing Director of the International Monetary Fund and the General Manager of the Bank for International Settlements also attended the meeting.

The Governors noted that it is the determined policy of the U.S. Government to defend the value of the dollar through appropriate fiscal and monetary measures and that substantial improvement of the U.S. balance of payments is a high-priority objective.

They also noted that legislation approved by Congress makes the whole of the gold stock of the nation available for defending the value of the dollar.

They noted that the U.S. Government will continue to buy and sell gold at the existing price of $35 an ounce in transactions with monetary authorities. The Governors support this policy, and believe it contributes to the maintenance of exchange stability.

The Governors noted the determination of the U.K. authorities to do all that is necessary to eliminate the deficit in the U.K. balance of payments as soon as possible and to move to a position of large and sustained surplus.

Finally, they noted that the Governments of most European countries intend to pursue monetary and fiscal policies that encourage domestic expansion consistent with economic stability, avoid as far as possible increases in interest rates or a tightening of money markets, and thus contribute to conditions that will help all countries move towards payments equilibrium.

The Governors agreed to cooperate fully to maintain the existing parities as well as orderly conditions in their exchange markets in accordance with their obligations under the Articles of Agreement of the International Monetary Fund. The Governors believe that henceforth officially held gold should be used only to effect transfers among monetary authorities and, therefore, they decided no longer to supply gold to the London gold market or any other gold market. Moreover, as the existing stock of monetary gold is sufficient in view of the prospective establishment of the facility for Special Drawing Rights, they no longer feel it necessary to buy gold from the market. Finally, they agreed that henceforth they will not sell gold to monetary authorities to replace gold sold in private markets.

The Governors agreed to cooperate even more closely than in the past to minimize flows of funds contributing to instability in the exchange markets, and to offset as necessary any such flows that may arise.

In view of the importance of the pound sterling in the international monetary system, the Governors have agreed to provide further facilities which will bring the total of credits immediately available to the U.K. authorities (including the IMF standby) to $4 billion.

The Governors invite the cooperation of other central banks in the policies set forth above.

Mr. TOWER. Mr. President, I yield myself such time from the manager's time as I may deem necessary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, originally the Senator from New York (Mr. JAVITS) drafted this amendment as an amendment to the Gold Reserve Act of 1934, section 9.

Mr. JAVITS. The Senator is correct.

Mr. TOWER. And it would have mandated that the Secretary sell gold to domestic users under the conditions described in the resolution. Is that correct?

Mr. JAVITS. The Senator is correct.

Mr. TOWER. This is a simple sense of Congress resolution, that establishes as congressional policy that Treasury should negotiate in situations which would allow us to dispose of gold to commercial users.

Mr. JAVITS. That is all.

Mr. TOWER. It does not mandate Treasury?

Mr. JAVITS. No.

Mr. TOWER. Mr. President, under those circumstances, I see no objection to the amendment of the Senator from New York. I believe that I agree with the spirit of the proposal. I see no objection from the minority side. I am prepared to take the amendment.

Mr. SPARKMAN. Mr. President, I make the same statement.

Mr. JAVITS. I yield back the remainder of my time.

Mr. SPARKMAN. And I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I thank the manager of the bill and the minority manager of the bill.

EXPORT-IMPORT BANK OBLIGATIONS

Mr. TOWER. Mr. President, a question has been raised as to whether the language in the bill in section 7 exempting certain non-security-like obligations applies to individual obligations guaranteed or insured by the Export-Import Bank. The exemptive language is:

> Obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities.

We interpret this language to exempt not only such instruments as the hundreds of thousands of individual FHA and VA guaranteed mortgages, but also the individual guaranteed loans of such an institution as the Eximbank, even though they are not made in such large numbers and may be individually large in amount. The key factor is the degree to which these obligations are ordinarily marketed like a bond issue in the securities markets, and regular Eximbank guaranteed and insured loans are normally not so marketed. The Treasury has indicated that it would not interpret these types of individual obligations as coming within the Federal Financing Bank's purview, under present marketing practices.

AMENDMENT NO. 228

Mr. PROXMIRE. Mr. President, I call up my amendment No. 228.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 5, add a subsection (3) to section 7(a), to read as follows:

"(3) obligations issued or sold by the Farmers Home Administration."

Mr. PROXMIRE. Mr. President, this amendment was an amendment that the Senator from Minnesota (Mr. HUMPHREY) intended to offer. However, he is in England and he has asked me to offer the amendment in his behalf.

Mr. President, this legislation is deficient in subjecting the programs of the Farmers Home Administration to a crippling review of the Treasury Department.

The Humphrey amendment would exclude the Farmers Home Administration from the requirements of section 7 which require that the Treasury give its advance approval to methods, sources, timing and terms and conditions of Farmers Home Administration obligations. It is a fact that the Farmers Home Administration already coordinates its debt activities with the Treasury. The only conceivable reason for requiring Treasury approval is to control and allocate credit to the detriment of the Farmers Home Administration and the cause of rural housing.

The most inadequate, decrepit, dilapidated housing in America is found in our rural areas. This is not a time to be drawing back; curtailing the capital needed to remedy the sorry state of housing in rural America. Rather, we should be seeking new avenues and sources of capital funds so that our pressing domestic needs are given the support which they deserve.

The obligations of the Farmers Home Administration are marketed to the same pool of investors as Treasury obligations and it is virtually inevitable that Treasury will control the timing and other characteristics for the benefit of its own obligations. It is unfair and unwise to give an entity without any experience or expertise whatsoever in rural housing the life and death decision over substantive aspects of a rural housing program.

Treasury objections could hold up funding for rural housing indefinitely. The mere delay of the operations and activities of the Farmers Home Administration could destroy the provision of rural housing completely because the availability of mortgage credit in many rural areas comes only from the Farmers Home Administration. There is no one else who will make these loans.

Mr. President, there is another important reason for removing the Farmer's Home Administration from the control of the Treasury. I have a high regard for the Secretary of the Treasury and the Treasury staff. They have a high degree of expertise on money matters. Their advice can be useful and helpful to the managers of Federal credit programs. But I strongly believe we should confine the role of the Treasury to giving advice rather than actually controlling the Farmers Home Administration program. This is because the Treasury has a built-in conflict of interest with other credit programs including the credit programs of the Farmer's Home Administration. Treasury itself is a major borrower in the money market. It is naturally interested in securing the best possible rate on Treasury issues. When credit is short, it is only natural for Treasury to say to the Farmer's Home Administration—your credit can wait—our issues are more important. The bill reported by committee would make Treasury a traffic cop while at the same time, it accounts for more of the traffic. I do not believe we should give this life and death authority over the Farmer's Home Administration to the Treasury.

I might add, in conclusion, Mr. President, that this will not prevent the Farmers Home Administration from taking advantage of the Federal Financing Bank Act. They could take advantage of it at the lower rate, but it does provide that the Treasury would not determine the timing, which can be crucial to rural housing, or the terms. Those would be determined by the Farmers Home Administration in consultation with the Treasury Department.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield to the Senator from Texas such time as he desires.

Mr. TOWER. Mr. President, I have before me 2 letters, 1 from the Secretary of Agriculture to the Secretary of the Treasury, endorsing the participation of the Farmers Home Administration in the Federal Financing Bank and a letter to the Secretary of the Treasury from William Erwin, Assistant Secretary for Rural Development, also endorsing the participation by Farmers Home Administration in the Federal Financing Bank.

In other words, the Department of Agriculture and the hierarchy of the Department are solidly behind the Farmers Home Administration's participation.

I ask unanimous consent that the letter be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 19, 1973.

Hon. GEORGE P. SHULTZ,
Secretary of the Treasury,
Washington, D. C.

DEAR MR. SECRETARY: I understand that the Federal Financing Bank Act, S. 925 will be considered by the Senate on June 20 and that an amendment will be offered to exempt the Farmers Home Administration from provisions of the bill. Such an amendment would clearly not be in the best interest of the Farmers Home Administration.

In his letter to you of December 15, 1972 (copy attached) Secretary Butz recommended reintroduction of the Federal Financing Bank Bill and pointed out the advantages of this legislation to the Department of Agriculture, particularly to the Farmers Home Administration.

The Farmers Home Administration is currently the largest seller of government guaranteed securities, with estimated net sales of $2.2 billion in fiscal year 1974, and would thus be a principal beneficiary of the Federal Financing Bank Bill.

S. 925, as recorded by the Senate Committee on Banking, Housing and Urban Afffairs would assure more efficient planning and financing of Farmers Home Administration and other federal agency obligations. This legislation would make possible the elimination of the extra expenses now incurred by the Farmers Home Administration in selling its securities through private underwriters directly in the securities market.

In short, S. 925 would save the Farmers Home Administration a great deal of time and money, and I strongly urge that the Farmers Home Administration not be exempted from the bill.

Sincerely,

WILLIAM ERWIN,
Assistant Secretary for Rural Development.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 15, 1972.

Hon. GEORGE P. SHULTZ,
Secretary of the Treasury,
Washington, D.C.

DEAR GEORGE: In reviewing the Department's operations in connection with reductions in overall federal spending, it has become obvious that a serious need exists for the developemnt of an improved means of financing some of our credit programs, particularly those of the Farmers Home Administration.

In fiscal year 1973, it is expected that the Farmers Home Administration will market over $4 billion of securities. USDA and Farmers Home have worked diligently over the years to finance a greatly expanded loan volume, particularly in housing, and we have attempted to keep the cost of needed borrowing as low as possible. Despite these efforts, problems of coordination, maintenance of a separate financing staff, the cumbersome nature of our securities, and competition from competing government sponsored issues have made our costs greater than they could be. A comparison of the interest rates of Farmers Home notes against an average of other federally sponsored and federally guaranteed securities of comparable maturity for the latter half of this calendar year indicates that Farmers Home interest rates are significantly above the average for both direct (Finance Office) and 'block' (New York) sales.

We feel that passage of Federal Financing Bank legislation, in the form introduced as S. 3001 on December 13, 1971 would have many advantages to this Department. Among these are an end to much duplication of effort and expense between the various agencies; a better application of available expertise in complex debt management problems; lower federal borrowing costs; better coordination and planning of federal credit programs and financial resources; and better Presidential overview of fiscal requirements and demands for credit.

I therefore respectfully recommend the reintroduction of Federal Financing Bank legislation at the soonest practical time and offer our support in gaining approval of this legislation.

Sincerely,

EARL L. BUTZ, *Secretary.*

Mr. TOWER. Mr. President, while this amendment does not exclude the FHA from use of the FFB, it does put them in a secondary status with respect to its use, as compared with agencies not so exempted from Treasury approval requirements. Treasury would have to take care of the "120 day" agencies first with its scarce funds. The approval requirement simply allows the Treasury an opportunity to schedule its FFB borrowing to meet expected demands on FFB financing, and to even out the schedule of demands on FFB, to take advantage of the best external financing conditions for FFB.

What will happen here is that the FFB will now have to concentrate on financing the obligatory agencies first, and will not therefore have reason to offer FFB financing on the best terms, or even at all, to the FHA, but will offer those terms to other agencies.

If FHA does not get to use FFB because it is a "secondary" agency, it will cost the taxpayers money. In Farmers Home programs, frequently there is an interest subsidy provided for. There is, for example, a 1-percent statutory interest rate on low-income housing, a 5-percent rate on community facilities loans, and so forth. The FHA borrowing rate right now in the market on its asset sales is 7.4 percent. The spread between these rates is an interest subsidy paid for by the taxpayer. If that spread can be made lower by achieving a lower interest rate on these asset sales, the taxpayer is saved that much expense.

For example, yesterday the FHA sold a $300 million issue through underwriters at a 7.35-percent rate. The Treasury rate on comparable vehicles was 6.70 percent, or 0.75 percent less. The Treasury could have saved FHA the sum of $2.25 million on that issue in interest costs, and there would have been no underwriting fee to pay. The taxpayers are going to pay that $2.25 million plus underwriting fees because there was no Federal financing bank, and they will continue to pay such extra, unnecessary costs if they are effectively exempted from the Federal Financing Bank.

The Department of Agriculture estimates that they will market over $4 billion in securities in fiscal 1973. If the Treasury can save them even a half percent in interest rates through the FFB, that would amount to some $20 million that the taxpayers are saved.

Therefore, Mr. President, I am hopeful that the amendment will not be agreed to and that we will insist on FHA participation in the FFB, and I think quite to the contrary of leaving the Farmers Home Administration at a disadvantage, it gives them a rather significant advantage.

Mr. PROXMIRE. Mr. President, what my amendment does is not—I repeat, not—put the Farmers Home Administration out of participation in the Federal Financing Bank. The amendment is directed to page 5, where it would simply add as one of the exceptions the obligations sold by the Farmers Home Administration. By definition, the TVA is exempt, and I do not think anyone would construe that exemption to mean that the Tennessee Valley Authority cannot use the Federal Financing Bank to get their terms. In the same way, it would seem to me inconceivable, shocking, and ridiculous if the Treasury Department, simply because they did not have the opportunity to approve and determine the terms and conditions on which FHA would borrow, would discriminate against the Farmers Home Administration and not permit the Farmers Home Administration to use this device that we are setting up.

The only issue before us is whether or not the Treasury Department, which has a clear conflict of interest that all of us can understand, should be in the position of preventing the Farmers Home Administration from being able to borrow money when it thinks it needs it, on the terms and conditions that it provides, and to take care of the needs of rural America, when all of us who have had any experience with rural America in our States recognize that is where the housing problems are most serious.

Mr. President, I am willing to yield back my time, but I had hoped, before we come to a vote on it, that we would get the yeas and nays, and if it is necessary to do so to have a live quorum at this time. I can do that, or we can schedule it for a vote at a later time.

Mr. SPARKMAN. The vote will not come until after 1:30.

Mr. PROXMIRE. Including a vote on the amendment?

Mr. SPARKMAN. At that time we will have a quorum present and we can ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, I have been temporarily off the floor. Does the Senator have an amendment upon which he wants the yeas and nays?

Mr. PROXMIRE. This amendment, No. 228, is really that of the Senator from Minnesota (Mr. HUMPHREY). I would appreciate the opportunity to have the yeas and nays ordered on it.

Mr. ROBERT C. BYRD. Is all time yielded back?

Mr. PROXMIRE. No; I reserved my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, if it meets with the concurrence of the managers of the bill and the author of the amendment, that the vote on the amendment offered by the distinguished Senator from Wisconsin come after disposition of the International Economic Policy Act.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Do Senators yield back their time?

Mr. SPARKMAN. Mr. President, I yield back our time.

Mr. PROXMIRE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against the Senator from Alabama and the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I do not believe specific exemption is given in the bill to the Tennessee Valley Authority, but I understand it was given in the report. Is that the Senator's understanding?

Mr. TOWER. Yes.

Mr. SPARKMAN. I think, because of some misunderstanding last year, when it was really intended that the Tennessee Valley Authority should not be covered, we ought to make that clear. We agreed in the committee to incorporate it in the report.

Mr. TOWER. The Senator is correct.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that Mr. Ken McLean, a member of the staff, be granted the privilege of the floor during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that I might suggest the absence of a quorum with the time to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I understand that, for parliamentary reasons, we must get consent to temporarily lay aside the amendment of the Senator from Wisconsin before we can proceed to the consideration of other amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Wisconsin be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I yield to the distinguished Senator from Ohio such time as he may desire.

Mr. TAFT. Mr. President, I thank the Senator. I just have one question about the legislation.

Concern has been expressed to me about the definition of the term "guarantee" under this legislation. That term presently covers any pledge with respect to the payment of all or part of the principal or interest on any obligation by the Government.

When this legislation was before our committee, I fought for the inclusion of Treasury authority over guarantee programs in the bill. Since these programs constitute the majority in volume of recent and estimated future net increases in outstanding debt, a good measure of market demand, it would be farcical to pass legislation ostensibly designed to improve the Treasury's debt management capacity without including such authority. However, the definition of "guarantee" has led some observers to worry that if Congress should eventually authorize the issuance of federally subsidized taxable municipal bonds, these bonds would be subject to the Treasury regulation authorized by S. 925. That concern has become more important now that the administration has expressed support for legislation to allow federally subsidized taxable municipal bonds.

It is my understanding that this is not the Treasury's intention, and that the Treasury agrees that no such potential for interfering with State and local government financing should be allowed.

Is it the understanding of the chairman that this is the case and that such bonds would not be subject to Treasury regulation?

Mr. TOWER. Mr. President, the Treasury indicates that while these proposed bonds may come under the technical terms of the bill, Treasury does not wish to bring them within FFB's operations. The proper path for the Senator to follow if he wants them formally exempted would be to add an amendment onto the organic legislation for taxable municipals to exempt them from the FFB legislation.

Mr. President, I read a letter from Under Secretary of the Treasury for Monetary Affairs, Mr. Volcker:

JUNE 20, 1973.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: I understand that a question has arisen with respect to the application of S. 925, the Federal Financing Bank Act of 1973, to certain taxable municipal bonds which might be authorized in later legislation, such as the proposal submitted to the Congress by Secretary Shultz on April 30, 1973. I fully agree that any such taxable municipal bonds should be financed directly in the private market rather than through the Federal Financing Bank, and I would like to assure you that the Treasury Department would be happy to support a provision to achieve that purpose in any such taxable municipal bond legislation which might be considered by the Congress.

Sincerely yours,

PAUL A. VOLCKER.

Mr. TAFT. Mr. President, I thank the Senator for his reply. And I will judge accordingly the advice of others concerned, should this legislation become law.

I thank the Senator.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, to take its proper place in the lineup of measures which will be acted upon following the AEC vote at 1:30 p.m. today.

Mr. TOWER. Mr. President, reserving the right to object, and I shall not object, but simply for clarification, does that mean we are still in possession of our time on the bill?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. TOWER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPENDENTS' ASSISTANCE ACT OF 1950—AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 223, S. 1916, and that the unfinished business remain in a temporarily laid aside status until the hour of 1:30 p.m. today.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1916) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents' Assistance Act of 1950, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, the pending business will be temporarily laid aside and the Senate will proceed to the consideration of the bill just reported.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with amendments on page 2, after line 6, to insert a new section, as follows:

SEC. 103. Section 401 of title 37, United States Code, is amended by—

(1) amending clause (2) to read as follows:

"(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his support; and"; and

(2) striking out the first sentence after clause (3).

At the beginning of line 24, to change the section number from "103" to "104"; on page 3, at the beginning of line 20, change the section number from "104" to "105"; on page 4, at the beginning of line 23, insert "of the United States"; in the same line, after the amendment just stated, strike out "the Secretary concerned or his designee."; on page 5, at the beginning of line 1, strike out "Any determination of the United States"; at the top of page 6, strike out:

SEC. 204. Section 308a of title 37, United States Code, is amended by striking out "June 30, 1973" and inserting in place thereof June 30, 1975".

And, in lieu thereof, insert:

SEC. 204. Section 308a of title 37, United States Code, is amended by—

(1) striking out the phrases "any combat element of an armed force" and "a combat element of an armed force" in the first sentence of subsection (a) and inserting in place thereof the phrases "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps" and "such a career field", respectively; and

(2) striking out in subsection (a) "June 30, 1973" and inserting in place thereof "June 30, 1974".

After line 17, strike out:

SEC. 206. This Act shall become effective on July 1, 1973.

At the top of page 7, insert a new title, as follows:

TITLE III—AMENDMENT TO SECTION 715 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, TO EXTEND UNTIL DECEMBER 31, 1973, FLIGHT PAY ENTITLEMENT FOR MEMBERS IN THE RANK OF O-6 AND ABOVE

Defense Appropriation Act, 1973 (86 Stat. 1199), is amended by striking out "after May 31, 1973" and inserting in lieu thereof "after December 31, 1973".

And, after line 10, insert a new Title, as follows:

TITLE IV—EFFECTIVE DATES

SEC. 401. Titles I and II of this Act are effective July 1, 1973.

SEC. 402. Title II of this Act is effective June 1, 1973.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO MAKE PERMANENT CERTAIN PROVISIONS OF THE DEPENDENTS ASSISTANCE ACT OF 1950, AS AMENDED

SEC. 101. Sections 10, 11, and 12 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2210, 2211, and 2212) are repealed.

SEC. 102. Chapter 59 of title 10, United States Code, is amended by adding after section 1172 the following new section and inserting a corresponding item in the analysis:

"§ 1173. Enlisted members: discharge for hardship

Under regulations prescribed by the Secretary concerned, a regular enlisted member of an armed force who has dependents may be discharged for hardship."

SEC. 103. Section 401 of title 37, United States Code, is amended by—

(1) amending clause (2) to read as follows:

"(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicialy decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member of over one-half of his support; and"; and

(2) striking out the first sentence after clause (3).

SEC. 104. Section 401(3) of title 37, United States Code, is amended to read as follows:

"(3) his parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age) who is in fact dependent on the member for over one-half of his support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent; and any other evidence required under regulations prescribed by the Secretary concerned, and he is not considered a dependent of the member claiming the dependence unless—

"(A) the member has provided over one-half of his support for the period prescribed by the Secretary concerned; or

"(B) due to changed circumstances arising after the member enters on active duty, he becomes in fact dependent on the member for over one-half of his support."

SEC. 105. Section 403 of title 37 is amended—

(1) by striking out that part of the table in subsection (a) which prescribes monthly basic allowances for quarters for enlisted members of pay grades E–1, E–2, E–3, E–4 (four years' or less service), and E–4 (over four years' service) and inserting in place thereof the following:

"E–4	$81.60	$121.50
E–3	72.30	105.00
E–2	63.90	105.00
E–1	60.00	105.00";

(2) by striking out the last sentence in subsection (a);

(3) by striking out "subsection (g)" in the second sentence of subsection (b), and inserting in place thereof "subsection (j)";

(4) by inserting the following new subsections after subsection (f):

"(g) An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for quarters as a member of the uniformed services in pay grade E–4.

"(h) The Secretary concerned, or his designee, may make any determination necessary to administer this section with regard to enlisted members, including determinations of dependency and relationship, and may, when warranted by the circumstances, reconsider and change or modify any such determination. This authority may be redelegated by the Secretary concerned or his designee. Any determination made under this section with regard to enlisted members is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(i) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may authorize payment of the monthly basic allowance for quarters to the authorized dependents of an enlisted member who loses his entitlement to basic pay as a direct result of his being incarcerated by a foreign government. Payments may be made under this subsection only for the period during which an enlisted member is being held in pretrial confinement by that foreign government."; and

(5) by redesignating subsection (g) as subsection (j).

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Section 302 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 202. Section 302 of title 37 United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and insert in place thereof "July 1, 1975".

SEC. 203. Section 303 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 204. Section 308a of title 37, United States Code, is amended by—

(1) striking out the phrases "any combat element of an armed force" and "a combat element of an armed force" in the first sentence of subsection (a) and inserting in place thereof the phrases "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps" and "such a career field", respectively; and

(2) striking out in subsection (c) "June 30, 1973" and inserting in place thereof "June 30, 1974".

SEC. 205. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

TITLE III—AMENDMENT TO SECTION 715 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, TO EXTEND UNTIL DECEMBER 31, 1973, FLIGHT PAY ENTITLEMENT FOR MEMBERS IN THE RANK OF O–6 AND ABOVE

SEC. 301. Section 715 of the Department of Defense Appropriation Act, 1973 (86 Stat. 1199), is amended by striking out "after May 31, 1973" and inserting in lieu thereof "after December 31, 1973".

TITLE IV—EFFECTIVE DATES

SEC. 401. Titles I and II of this Act are effective July 1, 1973.

SEC. 402. Title III of this Act is effective June 1, 1973.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1974 CENSUS OF AGRICULTURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 219, S.J. Res. 95, relating to the taking of the 1974 Census of Agriculture. It is my understanding that this measure has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 95) relating to the taking of the 1974 Census of Agriculture.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

Mr. PEARSON. Mr. President, I fully support this resolution and am pleased to join as a cosponsor of it. Indeed, during the debate on the Farm bill, S. 1088, I offered an amendment directing the Secretary of Commerce to conduct the 1974 census as provided by law and that amendment was adopted by the Senate. This resolution by the distinguished Senator from Minnesota spells out the issue in considerable detail and I certainly believe that it is needed and should be adopted.

In 1957 the Congress in revising the census laws provided for a census of agriculture to be conducted in 1959 and in every fifth year thereafter. It was the judgment of the Congress that a comprehensive census of agriculture every 5 years was essential in identifying trends in agricultural production and organization. The information provided by such a census was considered vital to Congress in writing future farm legislation. It was also considered to be of great importance to the farmers and industries serving agriculture in the making of basic economic decisions. Unlike the industrial sectors of our economy there is a lack of internal information gathering procedures for spelling out trends within the farm sector.

The census of agriculture provides basic benchmark information on which forecasts regarding crop and animal production can be measured and evaluated. And this, of course, is extremely important because accurate forecasting of farm production and land use trends is vital not only to farmers but to consumers and the country as a whole. It is, also, the case that many Federal, State, and local programs are administered on the basis of information provided by the agriculture census.

The importance of continuing the agriculture census on an every fifth year basis is even more important today than in the past because the rate of change in agriculture has accelerated.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

SENATE JOINT RESOLUTION 95

Whereas the President has not requested any funds in the budget for fiscal year 1974 for taking the 1974 Census of Agriculture, required by section 142, title 13, United States Code, to be taken every five years, and has proposed that the taking of such census be postponed until 1977; and

Whereas the President has proposed that funds appropriated for fiscal year 1973 for the purpose of planning the 1974 Census of Agriculture be used instead to plan a transition from a 1974 census to a 1977 census; and

Whereas the information from the census of agriculture provides the only complete agricultural data available at the county level for rural America, and

Whereas the agricultural industry and rural America are changing at such a rapid rate that data compiled even at five-year intervals do not fully reflect actual conditions that exist many months later when the data are published; and

Whereas many Federal, State, and local programs are provided on the basis of agricultural census information; and

Whereas many major corporations and trade associations use the data from such census to determine plant sites, allocate research funds, and forecast production needs; and

Whereas the census of agriculture provides the benchmark for interim forecasting of animal and crop production and land use; and

Whereas farmers, ranchers, farm organizations, and businesses serving agriculture base their economic decisions on such interim forecasts; and

Whereas statistical errors in such interim forecasts can be corrected only through comparison with census benchmark data; and

Whereas decisions based on faulty crop forecasts adversely affect the agricultural sector; and

Whereas the agriculture industry is the largest single industry in the Nation, accounting for a gross income of over $66,000,000,000 in 1972; and

Whereas the exports of such industry exceeded $11,000,000,000 in 1972, contributing to a reduction in this country's balance-of-trade deficit; and

Whereas this gigantic industry is made up of more than two million seven hundred thousand individual units, each making its own independent decisions affecting the whole; and

Whereas more information is needed, and is needed on a more frequent basis than now provided rather than on a less frequent basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to prepare an estimate of the funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974 and to submit such estimate to the Congress not more than thirty days after the date of enactment of this joint resolution. Funds heretofore or hereafter appropriated for planning for the 1974 Census of Agriculture shall be utilized for such purpose.

SEC. 2. The Secretary of Commerce shall take such action as he deems necessary to insure that the data acquired from the 1974 Census of Agriculture be made available to the public through appropriate publication as soon as practicable following the taking of the census, and in all events in a shorter period than data was made available to the public following the 1964 and 1969 censuses of Agriculture.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPENDENTS ASSISTANCE ACT OF 1950 AMENDMENTS

The Senate continued with the consideration of the bill (S. 1916) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1916.

Mr. HARRY F. BYRD, JR. I thank the Chair.

Mr. President, I am pleased today to report the Armed Services Committee report with amendments on S. 1916—the expiring laws legislation which had been introduced by Senator SYMINGTON for Senators STENNIS and THURMOND by request. S. 1916, as introduced, was identical to the Department of Defense legislative proposal in this area. The committee made three substantive amendments to S. 1916 as introduced. I will discuss these amendments later in my remarks.

PRINCIPAL FEATURES OF S. 1916 AS REPORTED BY COMMITTEE

The principal features of S. 1916 as reported by the committee are as follows:

First. The bill establishes in permanent law the housing allowances for junior enlisted personnel—E-4 corporal and below—now contained in the Dependents Assistance Act—DAA—which expires June 30, 1973.

Second. The bill removes the provision that junior enlisted personnel with dependents must allot part of their pay in order to receive basic allowance for quarters—BAQ.

Third. The bill provides payment of BAQ to junior enlisted reservists on active duty for training for fewer than 30 days in the same manner as is provided other enlisted reservists.

Fourth. The bill continues the authority to pay BAQ to dependents of enlisted members of the Armed Forces who are held in pretrial confinement by a foreign government.

Fifth. The bill continues authority, which would otherwise expire on July 1, 1973, to pay special pay to physicians, dentists, optometrists, and veterinarians.

Sixth. The bill permits a member to claim as a dependent an unmarried, acknowledged, illegitimate child.

Seventh. The bill extends until December 31, 1973 as the date after which members in the rank of colonel or equivalent—0-6—or above, in noncombat assignments, are no longer entitled to flight pay.

Eighth. The bill continues for 1 year to July 1, 1974, the authority to pay a combat enlistment bonus.

I will now discuss each of these major features of the bill as reported in more detail.

BILL ESTABLISHES PERMANENT QUARTERS RATES FOR JUNIOR ENLISTED PERSONNEL

The bill as reported establishes in permanent law the housing allowances for junior enlisted personnel—E-4 corporal and below—now contained in the Dependents Assistance Act—DAA—which expires June 30, 1973. If this legislation is not enacted as part of permanent law 369,000 junior enlisted personnel would lose between $15 and $76.50 a month in quarters allowances because the DAA housing rates would expire and the housing rates of $45 per month in title 37 would then become effective. The following chart provides examples of the potential rate reduction for the various paygrades affected:

COMPARISON OF BAQ RATES UNDER THE DEPENDENTS ASSISTANCE ACT AND PERMANENT BAQ RATES AUTHORIZED BY TITLE 37 UNITED STATES CODE

SELECTED EXAMPLES

Pay grade and years of service	Monthly basic allowance for quarters		Annual regular military compensation[1]	
	Without dependents	With dependents	0 dependents	1 dependent
E-4 Corporal—Over 3:				
Dependents Assistance Act	$81.60	$121.50	$6,931.37	$7,444.81
Title 37	45.00	45.00	6,375.42	6,323.25
Difference	36.60	76.50	555.95	1,121.56
E-3 Private First Class—Less than 2:				
Dependents Assistance Act	72.30	105.00	6,085.10	6,488.45
Title 37	45.00	45.00	5,679.78	5,623.11
Difference	27.30	60.00	405.32	365.34
E-2 Private—Less than 2:				
Dependents Assistance Act	$63.90	$105.00	$5,797.79	$6,322.54
Title 37	45.00	45.00	5,517.79	5,459.18
Difference	18.90	60.00	280.00	863.36
E-1 Recruit—Less than 2:				
Dependents Assistance Act	60.00	105.00	5,309.83	5,889.82
Title 37	45.00	45.00	5,087.61	5,031.61
Difference	15.00	60.00	222.22	858.21

[1] Defined as basic pay, cash quarters and subsistence allowances plus the tax advantage that accrues because quarters and subsistence allowances are nontaxable.

The committee recommends that the housing rates provided for in the Dependents Assistance Act for junior enlisted personnel be made a part of permanent law, and the bill would do this.

EXPIRATION OF MANDATORY ALLOTMENT

The bill as reported eliminates the mandatory allotment provision which requires that junior enlisted personnel with dependents must establish an allotment payable directly to their dependents in order to qualify for the higher "with dependents" allowance authorized by the Dependents Assistance Act. The Department of Defense indicates that this mandatory allotment requirement is an objectionable irritant to the members concerned.

In 1962, the Congress removed the provision in law requiring that senior enlisted personnel, that is, pay grades E-4—corporal—with over 4 years' service, and above, must allot a portion of their pay before receiving quarters allowances.

What remained in law was the requirement for a mandatory allotment to be made by members in pay grade E—corporal—with less than 4 years' service, and below, before they could receive entitlement to the higher rate for basic allowance for quarters provided by the Dependents Assistance Act. This requirement implies that lower grade enlisted personnel are not responsible for providing financial support for their dependents. This position has never been upheld by the Government or industry as it pertains to civilian employees. The committee agrees with the Department of Defense that the mandatory allotment provision is not appropriate in today's environment and the bill as reported removes it from current law.

QUARTERS ALLOWANCES FOR JUNIOR RESERVISTS

The bill as reported contains new authority to pay a basic allowance for quarters to junior enlisted members—E-4 corporal and below—of the Reserve and Guard components when they are called to active duty for training for less than 30 days. These members normally spend 14 or 15 days on active duty for training each year.

Originally, the Dependents Assistance Act of 1950 excluded all reservists on active duty for training from quarters allowances. They were excluded on the basis that their training did not create the family separation and dependency hardships that were encountered by personnel who were drafted or called to extended active duty.

In 1962, the Congress partially changed this situation by providing the quarters allowances of the Dependents Assistance Act for reservists in pay grades E-4—corporal with over 4 years' service—and above who were called to active duty for less than 30 days. In addition, the Congress authorized quarters allowances for junior reservists who were called to active duty for 30 days or more.

The committee believes it is now appropriate to authorize junior reservists on active duty for training for less than 30 days the same entitlements they now receive when on active duty training for 30 days or more. The bill as reported would do this.

The above provision will result in an increased cost of $5.7 million for fiscal year 1974 but will not require an increase in budgetary requirements for the Department of Defense for fiscal year 1974.

QUARTERS ALLOWANCES FOR DEPENDENTS OF MEMBERS HELD IN PRETRIAL CONFINEMENT BY A FOREIGN GOVERNMENT

The bill as reported continues the authority to pay a basic allowance for quarters to dependents of enlisted members of the Armed Forces who are held in pretrial confinement by a foreign government.

The pretrial confinement laws in other countries frequently permit long term incarceration without a trial. This confinement is often in violation of the rights afforded service members by the laws of this country, and therefore the military services requested that some action be taken to alleviate the financial hardship on any dependents involved. The bill would not provide quarters allowances for the dependents of military members who are absent without leave—AWOL—as is the case under present law. This provision will result in an annual savings of $3 million.

CONTINUATION OF SPECIAL PAY AUTHORITY FOR HEALTH PROFESSIONALS

The bill as reported continues until July 1, 1975, the special pay provisions for physicians, dentists, veterinarians, and optometrists.

Unless the authority for this special pay is continued, those health professionals entering on active duty on or after July 1, 1973, would not be entitled to receive this special pay whereas those who had entered on active duty before July 1, 1973, would continue to receive such pay.

The amount of special pay for physicians and dentists is graduated in accordance with length of service. Physicians and dentists with less than 2 years of service receive $100 a month; those with 2 to 6 years of service receive $150; those with 6 to 10 years receive $250; and, those with 10 or more years receive $350 a month. Veterinarians and optometrists receive special pay of $100 per month regardless of their length of service.

The committee believes it would be inequitable to cut off arbitrarily special pay for the health professionals in question who happened to have entered service after June 30, 1973, and therefore the bill provides for a continuation of special pay authority through July 1, 1975.

SUBSTANTIVE COMMITTEE AMENDMENTS TO S. 1916

The committee made three substantive amendments to S. 1916 as introduced and these had to do with first, the dependency of illegitimate children, second, an extension to December 31, 1973 of the authority to pay flight pay to colonels and above and third, an extension for 1 year to July 1, 1974 of the authority to pay bonuses for certain enlistments in the combat arms.

DEPENDENCY OF ILLEGITIMATE CHILDREN

The committee amendment in regard to the dependency of illegitimate children would change the statutory definition of a military dependent by permitting a member to claim as a dependent an unmarried, acknowledged, illegitimate child or an unmarried illegitimate child whose alleged father member has been judicially decreed to be the father of such child or judicially ordered to contribute to such child's support, who is in fact dependent on the member and is under 21 years of age or is incapable of self-support. The amendment would also repeal that statutory proviso which provides for different treatment of a female member in the application of dependency criteria.

The committee amendment, in authorizing dependency status to a member's illegitimate child, would entitle such member to certain allowances, or increased allowances, on behalf of such child. An allowance for quarters, or an increase in this allowance, would be accorded in addition to travel and transportation of the child. Under certain conditions, overseas cost-of-living and temporary lodging allowances would be increased on account of an illegitimate, dependent child and the family separation allowance might be authorized. Providing the appropriate prerequisites are met, these allowances are accorded without question on behalf of a member's wife or unmarried, legitimate child. It is the view of the committee and the Department of Defense that entitlement to such allowances on behalf of a member's illegitimate, minor child is justified. Further, this view is in consonance with a decision of the U.S. District Court (*Miller* v. *Laird*, 349 F. Supp. 1034 (D.D.C.)) which forbade the denial of medical benefits to an illegitimate child of a service member.

COMMITTEE AMENDMENT ON FLIGHT PAY

The committee amendment on flight pay amends section 715 of the Department of Defense Appropriation Act, 1973—86 Stat. 1199—by extending until December 31, 1973, the date after which members in the rank of colonel or equivalent—0-6—or above, in noncombat assignments are no longer entitled to flight pay.

Section 715 of the Department of Defense Appropriation Act, 1973 (Public Law 92-570) continued the mandatory prohibition of proficiency flying established in the Department of Defense Appropriation Act, 1972 (Public Law 92-204) and, in addition, prohibited after May 31, 1973, the payment of flight pay to officers of the grade 0-6—colonel and Navy captain—and higher who are not assigned to duties requiring active participation in operational flying. The Department of Defense protested this action as being unfair to the members affected and, after urging by the Congress to review the entire issue, submitted to the Congress a substantive legislative proposal restructuring flight pay. Because the Department submitted the restructured legislation within several weeks of the date prohibiting the payment of flight pay to certain senior officers, and because of the Department's proposed fundamental changes to the flight pay system, the Department requested that the date of prohibition of flight pay to certain senior officers be changed to December 31, 1973, in order to provide the Congress opportunity to consider the proposal in detail while simultaneously being fair to the officers affected. The committee concurred in this position. Under the committee amendment all flight pay benefits would be retroactive to May 31, 1973.

COMBAT ARMS ENLISTMENT BONUS

Mr. President, I have left for last an explanation of the committee's action in regard to the combat arms enlistment bonus. I believe this to be a matter of some importance and will therefore take the time to explain in some detail the committee's action in this matter and the reason for it.

COMMITTEE AMENDMENT ON ENLISTMENT BONUS

The committee amendment extends the authority to pay a combat enlistment bonus for 1 year, from June 30, 1973 to June 30, 1974, at a maximum of $3,000 for at least a 3-year period of obligated service. The committee believes that the language for the entitlement should be sufficiently limiting to ensure that only those individuals who enlist in skills in infantry, armor, and artillery will receive the bonus, this being the intent of the 1971 legislation which authorized the combat enlistment bonus. The committee has therefore amended that portion of the bill relating to the enlistment bonus to authorize the bonus for only those career fields of infantry, armor, and field artillery cannon in the Army and infantry, artillery, and tank and amphibian tractor in the Marine Corps.

In addition, the committee amendment authorizes extension of the bonus for just 1 year, rather than 2 years under the original bill. The committee felt that since the bonus was originally intended to be used on an experimental basis, it might be wise to observe the success or lack of success of the bonus for just 1 year in an all-volunteer environment.

BACKGROUND OF COMBAT ENLISTMENT BONUS

The combat enlistment bonus was authorized as a part of Public Law 92-129, the Selective Service Act of September, 1971, to encourage enlistments in the combat arms skill areas of infantry, armor, and artillery. Originally, the Department of Defense applied the use of the bonus only for enlistments in these specific skill areas. Just recently, however, the Department of Defense made a change in its use of the enlistment bonus by making 12 additional skill areas eligible for the bonus. This brought to 15 the number of skill areas covered by the bonus, an increase of 12 over the original three skill areas of infantry, armor and artillery.

I believe the original congressional legislative intent on use of the combat enlistment bonus is clear and, that is, that the combat enlistment bonus would be limited to the combat arms skill areas of infantry, armor, and artillery.

This point was made emphatically by the manager of the 1971 legislation, Senator STENNIS, when the Senate first debated this proposal. Senator STENNIS stated:

> The Secretary of Defense plans that this test program will be used initially for the Army combat arms skills—infantry, armor, and artillery. The results of the program will be carefully examined before any further action is taken.

The Senator further stated in response to questioning:

> The principle of the so-called Volunteer Army plan is much broader, of course, but we limited this to the testimony of the Secretary. He is bound, as a matter of record, to use the bonus only in these three categories.

Therefore, the bill and report recommended by the committee contain very specific language limiting the use of the combat enlistment bonus to the skill areas of infantry, armor, and artillery, as originally intended.

CLOSING

The bill as reported by the committee would result in no increase in budgetary requirements for the Department of Defense. I urge prompt action on this bill by the Senate because certain important portions of this legislation expire on June 30, 1973.

Mr. President, I yield now to the distinguished Senator from Iowa (Mr. HUGHES).

Mr. HUGHES. Mr. President, I send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. The Chair would advise the Senator from Iowa that the first order of business will be disposition of the committee amendments.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the bill as amended be considered as original text for purposes of further amendment.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc; and without objection, the bill as amended will be treated as original text, subject to further amendment.

Mr. HUGHES. Mr. President, I call up my amendment which I have just sent to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 5, line 3, strike out paragraph (i) of section 105 and insert the following:
>
> "(i) Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay."; and

Mr. HUGHES. Mr. President, the amendment which I offer to S. 1916 involves more than dollars and cents. It is essential if the military services are to have the discretion necessary to show just attention to the legitimate needs of the families of service members.

As reported by the Senate Armed Services Committee, section 105(i) would restrict payment of the monthly basic allowance for quarters to authorized dependents of service members who are on a non-pay status solely to cases where the service member was being held in pretrial confinement in a foreign jail.

This restriction goes too far. It overturns 23 years of experience with broader discretionary language in the Dependents' Assistance Act—the language which I propose to substitute for the committee's language.

When the House of Representatives considered its version of this legislation a few days ago, that body approved the language which I am proposing. In its report, the House Armed Service Committee said:

> The committee believes the continued financial support of the dependents will often prove advisable in such cases—as men who are absent without leave—and that the authority should not be limited to cases of incarceration by a foreign government.

Current practice under existing law is to grant this quarters allowance to the AWOL members' family for up to 2 months. The dollar amounts are small, typically $105 per month, yet they can be quite important in providing a roof over the family's head until arrangements can be made to return the family to the States.

This allowance can also be important in providing for the family during the period when the absent serviceman decides to return. If we take away the current law's flexibility, we run the risk of forcing the family to be moved immediately and undercutting an important incentive for the serviceman to return.

If we change current law by adopting the committee's language, we may find ourselves harshly penalizing families before a final determination is made of any extenuating circumstances in the serviceman's case.

A man may be convicted of being AWOL simply on proof of absence. But courts-martial can and do take into account mitigating or extenuating circumstances when deciding on the severity of punishment. The committee's language would force a decision on the family's allowance before a judgment has been made on the serviceman's offense.

Right now, I am told, the services bend over backwards to take care of these families. I believe that for 23 years, the various service Secretaries have used the discretion provided by law to handle these cases of genuine need. My amendment would make permanent this discretion, this flexibility.

But if the committee's language prevails, this ability to show compassion would be forbidden.

It was said in committee that this new restriction would save the Government about $3 million per year. But when the Defense Department is pressed to justify this figure, the answer comes back that it is really a guess.

For a lot of complicated bookkeeping and statistical reasons, we do not really know exactly how many servicemen go AWOL for long enough to have their dependents' quarters allowance questioned. Under current practice, checks come until they are stopped—but they are not stopped until the services have two months to get things straightened out. Under the committee's bill, however, this leeway would be denied.

The Defense Department cannot tell us how many men get dishonorably discharged because of being AWOL compared to how many are tried and given lesser punishments.

The only reason given for ending 23 years of discretionary policy is to save an indeterminate amount, perhaps $3 million. If the Defense Department merely wants to save money, I believe it could revise its own regulations to prevent any abuses which may now occur. But in the absence of any clear evidence on the magnitude of such abuses, I would argue against writing new, rigid, restrictions into law.

Another argument advanced for the change in current law is that the situation is somehow different now with an all-volunteer force. But we have had an all-volunteer Navy and Air Force, and these services still find some utility for this discretion. And Army figures show a far higher rate of AWOL among enlistees than among draftees. I just do not see how the nature of the enlistment or induction is relevant. The real question is what families might need in these circumstances.

The Pentagon does not really know how much is being spent under the current law to help these families. Many of these decisions to continue allowances are reportedly made on a case-by-case basis by those closest to the situation. Why should we assume that there are abuses, which have not been proven? I think a better policy is to retain the discretion for commanders on the scene to help families in genuine need. My amendment would continue that policy.

Mr. President, I have discussed this amendment with the distinguished chairman of the subcommittee and perhaps he would like to comment on it at this time.

Mr. HARRY F. BYRD, JR. Mr. President, the Department of Defense states it no longer needs the broad authority in present law to provide housing allowances for dependents of members in a nonpay status due to the change in the military environment during the past few years. With the end of the draft, the probability of enlisting men who cannot cope with it should decrease significantly.

The amendment offered by the Senator from Iowa, as I understand it, would keep the law as it is and permit the Secretary to have the discretion as to whether dependents of members who are AWOL would receive housing allowances. Since this authority would be discretionary with the Secretary of Defense, I see no objection to accepting the Senator's amendment.

Mr. TOWER. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. TOWER. May I say that I think the amendment is meritorious. From my own standpoint, I find it not to be objectionable at all. Speaking for the minority on the committee, I can say that we are prepared to accept it.

Mr. HARRY F. BYRD, JR. I am of the same mind as the Senator from Texas. I shall be glad to accept the amendment offered by the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Virginia and the distinguished Senator from Texas.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from Iowa (Mr. HUGHES).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 8537 and that the Senate proceed to the immediate consideration of that bill.

Mr. TOWER. Mr. President, reserving the right to object—could the Senator please explain that?

Mr. HARRY F. BYRD, JR. I say to the Senator from Texas that the House has passed H.R. 8537 and S. 1916 is the Senate companion bill to H.R. 8537.

Mr. TOWER. Oh, this is the companion bill.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. TOWER. I see. I have no objection.

Mr. HARRY F. BYRD, JR. I thank the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered and the Senate proceeded to the consideration of H.R. 8537 which will be stated by title.

The assistant legislative clerk read as follows:

> H.R. 8537 to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes.

Mr. HARRY F. BYRD, JR. Mr. President, I move that H.R. 8537 be amended by striking out everything after the enacting clause and inserting in lieu thereof the text of S. 1916 as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment as amended and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. TOWER. Mr. President, I move that the vote by which the bill (H.R. 8537) was passed be reconsidered.

Mr. HARRY F. BYRD, JR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that S. 1916 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

> S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.
>
> S. 1501. An act to amend the Water Resources Planning Act to provide for continuing authorization for appropriations; and
>
> H.J. Res. 499. A joint resolution providing for an extension of the term of the Commission on the Banking Laws of the United States, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. MCINTYRE).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

RECESS UNTIL 1:14 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 1 hour.

The motion was agreed to; and at 12:14 p.m. the Senate took a recess until 1:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HATHAWAY).

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today or tomorrow, whichever is the case, the Senate stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if the Senate completes action today, as I am hopeful that it will, on the Federal financing bank bill, the Senate will go over until Monday; and at the time the action is completed on the Federal financing bank bill today, the order for meeting on tomorrow, which was previously entered, will then be vacated.

ORDER FOR THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO MEET DURING THE SESSION OF THE SENATE ON MONDAY NEXT

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees on Monday next, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR S. 1443, THE DEFENSE ARTICLES TO FOREIGN COUNTRIES BILL, TO BECOME THE PENDING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the close of business today, the Senate proceed to the consideration—for the purpose of making it the pending business today and the unfinished business on Monday—of Calendar No. 179, S. 1443, the defense articles to foreign countries bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 343, THE FEDERAL ELECTIONS DAY BILL, ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of routine morning business, the Senate proceed to the consideration of Calendar No. 207, S. 343, the Federal elections day bill, for a first-track item.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, on Monday next, the Senate will resume operating on a multiple-track basis. The first-track item will be S. 343, the Federal elections day bill. There may be other first-track items on Monday, depending on what the situation is. But the present understanding is that S. 1443, the defense articles to foreign countries bill, which will be the unfinished business, will be the second-track item.

ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order, on Monday next, and prior to the transaction of routine morning business, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR NUNN ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, after the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Georgia (Mr. NUNN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DAILY RECESS OF THE SENATE NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday next, it stand in recess, respectively, until 10 a.m. on Tuesday, Wednesday, Thursday, and Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TOWER AND SENATOR ROBERT C. BYRD ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, after the order for the distinguished Senator from Georgia (Mr. NUNN) has been consummated, the distinguished Senator from Texas (Mr. TOWER) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS

The Senate resumed the consideration of the bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Mr. BIBLE. Mr. President, H.R. 1994, to authorize appropriations to the Atomic Energy Commission for the next fiscal year, again demonstrates the Joint Committee's conviction that the Commission's national laboratories are an unsurpassed national asset in terms of scientific talent and facilities that must be utilized in helping define solutions to the Nation's energy dilemma.

I share that conviction and am pleased that the Joint Committee has again authorized the Commission to bring its resources to bear on research that is needed to ascertain the feasibility of harnessing the Nation's geothermal energy resources for the generation of electricity.

The present bill authorizes $4.7 million for an AEC geothermal power research program. The authorization is intended to place the Commission in a position to move ahead with research that is already overdue in connection with dry geothermal formations—the so-called "hot rock" geothermal phenomenon. The hope is that means can be found for penetrating vast "hot rock" formations that exist throughout our Western States so that their heat can be harnessed to produce electric power.

The authorization will also enable the Commission to undertake cooperative ventures with private industry to develop, test, and demonstrate promising technological concepts for the exploitation of natural steam and hot water geothermal resources.

This is the third year in succession that the Joint Committee has authorized an AEC geothermal research program. Funds were authorized and appropriated in both 1972 and 1973, but for reasons that defy my comprehension the Joint Committee's initiative has not been pursued by the administration. The Office of Management and Budget withheld both the fiscal year 1972 and 1973 funds from the Commission and effectively blocked the launching of a meaningful AEC geothermal power research program. Also, the administration requested no funds for such a program in fiscal year 1974.

The President's energy messages have consistently recognized the potential of the Nation's geothermal resources as a new, clean energy source. But progress in this as in other areas needs more than lip service. OMB's past refusal to apportion geothermal funds to the Commission and the absence of any budget request for the next fiscal year make no sense at all in view of the administration's repeated expressions of support for research into new energy sources.

The present authorization represents a renewal of the Joint Committee's initiative in a vitally important energy area. Geothermal power needs Government research assistance to demonstrate its feasibility and it is high time the administration responded to this initiative.

Such an effort should have been launched years ago and I hope the administration will honor its own commitment to clean energy research and permit the AEC to move ahead when the funds are appropriated for the present authorization.

Mr. HASKELL. Mr. President, on May 17, 1973, the Atomic Energy Commission, in partnership with CER Geonuclear Corp. detonated three 30-kiloton nuclear devices in the western portion of my State. The detonation was part of an attempt to stimulate natural gas production by using nuclear explosives.

I was opposed to that test, Mr. President, for the principal reason that not enough work has been done on conventional fracturing techniques which might be used to free natural gas from the tight sand formations in the Piceance Creek Basin in Colorado. I also opposed the test because of dangers too obvious to detail which result from creating additional long-lived radioactive materials. It is essential that we explore alternate methods for releasing that natural gas.

I am pleased to note that the report of the Joint Committee on Atomic Energy on today's pending business, S. 1994, agrees with the need to explore alternate methods for stimulating tight sand formations. The report states on page 21 that—

> The Joint Committee considers it essential that the Government obtain broad based information concerning various methods of stimulating "tight" oil and gas deposits. The Joint Committee therefore strongly recommends that an additional $800,000 be added for fiscal year 1974 to the Plowshare program for the specific purpose of evaluating hydro-fracturing and other conventional approaches to gas stimulating in the deposits located where nuclear stimulation has been tried, or is anticipated. These evaluations can include joint efforts with industry to determine the various cost, rate of recovery, and ultimate recoveries from various methods of stimulating these formations. Analytical studies of the various combinations of such production techniques should be included.

The AEC requested $8 million for the operating expenses of the applied energy technology program for fiscal year 1974. Of that $8 million approximately $3.8 million was earmarked for researching and developing possible applications of underground explosions. The committee recommends authorization of $18.6 million for the operating expenses of the applied technology program. That increase includes an additional $800,000 for the Plowshare program which is earmarked for the evaluation of conventional approaches to gas stimulation techniques.

I would like to emphasize that the report states:

> No nuclear experiments or device development tests are planned for fiscal year 1974.

In a statement before the Subcommittee on Public Lands hearing held on May 11, 1973, to explore the subject of "Use of Public Lands for Nuclear Stimulation of Natural Gas—Informational Hearing on Project Rio Blanco." Dr. Gerald W. Johnson of the Division of Applied Technology, Atomic Energy Commission, discussed conventional stimulation techniques. He stated that—

> Estimates of both technologies (nuclear and hydraulic fracturing) indicate that the range of potential production costs for a given volume of gas is similar. However, the assumption used in deriving these costs estimates must be certified by prototype field tests. . . . Only by comparing the results of this approach (conventional fracturing) with those attained by such experiments as Rio Blanco will the capabilities of both concepts be defined.

The AEC agreed that techniques to stimulate the natural gas flow which do not use nuclear devices, "should be developed to their maximum capability for application in appropriate geological settings."

Deputy Under Secretary of the Interior Kenneth Lay said:

> We in the Department would be delighted, as we are sure the AEC would be, if the Rocky Mountain formations could be stimulated through a non-nuclear fracturing method, especially if the economics and environmental considerations proved to be favorable.

Mr. Ray Watkins, Chief of the Division of Petroleum and Natural Gas of the Bureau of Mines, Department of the Interior, agreed that—

> There is a possibility that they (the tight sand formations) could be fractured by a combination of techniques, such as utilizing the natural fractures, drilling, deviated wells, and combining hydraulic fracturing with chemical explosive fracturing. Unfortunately, the technology is not sufficient that it could be applied.

Dr. Richard A. Morse of the Department of Petroleum Engineering at Texas A. & M. University made a strong case for conventional fracturing techniques at that hearing. In fact he gave me "10 to 1 odds" that conventional techniques would work. In these days of stock market declines and rising prices, you just cannot get a better bet.

Mr. President, I want to express my view that the natural gas trapped in those formations is a significant asset. We must find safe and acceptable ways of using that asset. I am extremely pleased the Joint Committee on Atomic Energy is authorizing additional funds to explore new means for releasing that gas. I am also pleased that the AEC will not be conducting nuclear experiments or device development tests in 1974.

CONSENT TO THE INTERSTATE ENVIRONMENT COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 218, S. 9, which has been cleared all around.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 9) to consent to the Interstate Environment Compact.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The bill (S. 9) was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to any two or more States to enter into the following compact:

"INTERSTATE ENVIRONMENT COMPACT

"ARTICLE 1

"FINDINGS, PURPOSES, AND RESERVATIONS OF POWER

"1.01 FINDINGS.—Signatory States hereby find and declare:

"(a) Unabated pollution of our environment threatens the general welfare of the Nation and its citizens.

"(b) The condition of our environment, and the enhancement of that environment, is a matter of national, regional, State, and local concern.

"(c) The solution to environmental problems which transcend State boundaries, require cooperation among the adjoining jurisdictions.

"(d) Efforts to obtain a quality environment must be better coordinated, intensified, and made more effective at all levels of government.

"(e) It is in the common interest of all jurisdictions to act cooperatively to resolve their mutual environmental problems.

"1.02 PURPOSES.—The purposes of the signatories in enacting this compact are:

"(a) To assist and participate in national environmental protection activities involving surveillance and monitoring, data gathering and data sharing, the planning construction, financing, and operation and maintenance of treatment facilities, as set forth in Federal legislation, and the regulation of land use not inconsistent with the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or other Federal law.

"(b) To promote, through interstate agreements, intergovernmental cooperation and coordination in such activities by the signatories and the Federal Government.

"(c) To preserve and utilize the functions, powers, and duties of existing State agencies of government to the maximum extent possible consistent with the purposes of the compact.

"1.03 POWERS OF THE UNITED STATES.—

"(a) Nothing contained in this compact shall impair, affect, or extend the constitutional authority of the United States.

"(b) Nothing in this compact shall be deemed to impair or affect any rights, powers, duties, or responsibilities vested by law in the United States, its agencies or instrumentalities.

"1.04 POWERS OF THE STATES.—Nothing contained in this compact shall impair or extend the constitutional authority of any signatory nor shall the police powers of any signatory be affected except as expressly provided in a supplementary agreement under article 4.

"ARTICLE 2

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

"2.01 SHORT TITLE.—This compact shall be known and may be cited as the Interstate Environment Compact.

"2.02 DEFINITIONS.—For the purpose of this compact and of any supplemental or concurring legislation enacted pursuant or in relation hereto, except as may be otherwise required by the context:

"(a) 'State' shall mean any State of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) 'Interstate environmental pollution' shall mean any pollution of a stream or body of water crossing or marking a State boundary, pollution originating in an interstate air quality control region, any solid waste disposal program participated in by more than one State, or land use practice affecting the environment of more than one State.

"(c) 'Government' shall mean the government of the United States or a signatory State.

"(d) 'Federal Government' shall mean the Government of the United States of America and any appropriate department, instrumentality, agency, commission, bureau, division, branch or other unit thereof, as the case may be, but shall not include the District of Columbia.

"(e) 'Signatory' shall mean any State which enters into this compact.

"ARTICLE 3

"INTERGOVERNMENTAL COOPERATION

"3.01 AGREEMENTS WITH THE FEDERAL GOVERNMENT AND OTHER AGENCIES.—Signatories are hereby authorized jointly to participate in cooperative or joint undertakings for the protection of the interstate environment with the Federal Government or with any intergovernmental or interstate agencies.

"ARTICLE 4

"SUPPLEMENTARY AGREEMENTS

"4.01 AUTHORITY TO ENTER INTO SUPPLEMENTARY AGREEMENTS.—Signatories may enter into agreements for the purpose of controlling interstate environmental pollution problems not inconsistent with applicable Federal law and under terms and conditions as deemed appropriate by the agreeing parties under article 4.06 and article 4.08.

"4.02 RECOGNITION OF EXISTING NON-ENVIRONMENTAL INTERGOVERNMENTAL ARRANGEMENTS.—The signatories agree that existing

Federal-State, Federal-interstate or other intergovernmental arrangements which are not primarily directed to environmental protection purposes as defined herein are not affected by this compact.

"4.03. Recognition of Existing Intergovernmental Agreements Directed To Environmental Objectives.—All existing interstate and Federal-interstate compacts directly relating to environmental protection are hereby expressly recognized and nothing in this compact shall be construed to diminish or supersede the powers and functions of such existing intergovernmental agreements and the organizations created by them.

"4.04. Modification of Existing Commissions and Compacts.—Recognition herein of multistate commissions and compacts shall not be construed to limit directly or indirectly the creation of additional multistate organizations or interstate compacts, nor to prevent termination, modification, extension, or supplementation of such multistate organizations and interstate compacts.

"4.05. Recognition of Future Multistate Commissions and Interstate Compacts.—Nothing in this compact shall be construed to prevent signatories from entering into multistate organizations or other interstate compacts which do not conflict with their obligations under this compact or supplementary agreements.

"4.06. Supplementary Agreements.—Any two or more signatories may enter into supplementary agreements for joint, coordinated or mutual environmental management activities relating to interstate environmental pollution problems common to the jurisdictions of such signatories with respect to joint, coordinated, or mutual monitoring, surveillance and data sharing activities with respect to activities involving planning, construction, financing (by bonds or otherwise), and operation and maintenance of treatment facilities, and with respect to the regulation of land use not inconsistent with the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or other Federal law, and may designate an appropriate agency to act as their joint agency in regard thereto. No supplementary agreement shall be valid to the extent that it conflicts with the purposes of this compact or with the laws of the United States and the creation of a joint agency by supplementary agreement shall not affect the privileges, powers, responsibilities or duties under this compact or any other Federal law of signatories participating therein.

"4.07. Execution of Supplementary Agreements and Effective Date.—The Chief Executive is authorized to negotiate supplementary agreements for the signatory and his official signature shall render the agreement binding upon the signatory: *Provided*, That:

"(a) The legislative body of any signatory entering into such a supplementary agreement shall have approved or conditioned the agreement of that signatory by appropriate legislative action.

"(b) Nothing in this compact shall be construed to limit the right of Congress by Act of law to disapprove or condition a supplementary agreement.

"4.08 Special Supplementary Agreements.—Signatories may enter into special supplementary agreements with foreign nations in the manner provided in article 4.07 for the same purposes and with the same powers as under article 4.06 upon the condition that such non-signatory party accept the general obligations of signatories under this compact: *Provided*, That special supplementary agreements shall become effective only after being consented to by the Congress.

"4.09 Jurisdiction of Signatories Reserved.—Nothing in this compact shall be construed to restrict, relinquish or be in derogation of, any power or authority constitutionally possessed by any signatory within its jurisdiction, except as specifically provided in a supplementary agreement.

"4.10 Complementary Legislation by Signatories.—Signatories may enact such additional legislation as may be deemed appropriate to enable their officers and governmental agencies to accomplish effectively the purposes of this compact and supplementary agreements.

"4.11 Amendments to Supplementary Agreements.—Supplementary agreements may be amended in the manner provided in article 4.07 for the same purposes as provided in article 4.06.

"4.12 Suits To Enjoin Violations of Compact.—Any person may commence a civil action on his own behalf against any signatory or any common or joint agency established by supplementary agreement (to the extent permitted by the eleventh amendment to the Constitution) to enjoin any violation of this compact or of any supplementary agreement. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, over any such action. For purposes of this section the term 'person' means any individual or organization; or any department, agency, or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States.

"4.13 Public Participation in Decision-making.—All decisions made by agencies created under this compact or any supplementary agreement shall be made only after notice and opportunity for public hearing, and shall be based upon a fair evaluation of the record at such hearing.

"4.14 Full Disclosure for Agency Members.—Any individual appointed or nominated to membership on any agency created pursuant to this compact or any supplementary agreement shall be required to file within 30 days of appointment or nomination a statement disclosing his current financial position, including all ownerships of stock or other financial interests of himself or his immediate family, and present or recent professional or business affiliations.

"Article 5

"CONSTRUCTION, AMENDMENT AND EFFECTIVE DATE

"5.01 Construction.—No provision of this compact or a supplementary agreement shall be construed as invalidating any provision of law of any signatory, or as limiting the enactment or enforcement of any legislation or regulations by any signatory imposing additional conditions and restrictions to further lessen or prevent environmental pollution within its jurisdiction: *Provided*, That such conditions and restrictions shall not prevent the realization by any other signatory of any significant benefits relating to monitoring, surveillance, or data sharing, the planning, construction, financing (by bonds or otherwise), and operation and maintenance of treatment facilities, or the regulation of land use not inconsistent with the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, or other Federal law, originally contemplated by such agreement, or any amendment thereto.

"5.02 Severability.—The provisions of this compact or of supplementary agreements shall be severable and if any phrase, clause, sentence or provision of this compact, or a supplementary agreement is declared to be contrary to the constitution of any signatory or of the United States or is held invalid, the constitutionality of the remainder of this compact or of the supplementary agreement and the applicability thereof to any participating jurisdiction, agency, person or circumstance shall not be affected thereby and shall remain in full force and effect as to the remaining participating jurisdiction and in full force and effect as to the signatory affected as to all severable matters. It is the intent of the signatories that the provisions of this compact shall be reasonably and liberally construed in the context of its purposes.

"5.03 Amendments.—Amendments to this compact shall become effective when approved by Congress and may be adopted by any signatory.

"5.04 Effective Date.—This compact shall become binding on a State when enacted by it into law and such State shall thereafter be a signatory.

"5.05 Withdrawal From the Compact.—A signatory may withdraw from this compact by legislative act. Withdrawal shall be effective one year after written notification of withdrawal to all signatories: *Provided*, Withdrawal from the compact shall terminate all supplementary agreement obligations of signatories except as provided by the terms of such supplementary agreements."

Sec. 2. Reservations of Congressional Right To Withdraw or Condition Consent.—The power of Congress to withdraw or condition its consent to the compact is expressly reserved.

Sec. 3. Effect on Federal Environment Laws.—Nothing in this Act shall affect Federal or State environmental protection law or regulation.

Sec. 4. Notice of Supplementary Agreement Negotiations.—Advance notice of the commencement of formal negotiations by signatories regarding a proposed supplementary agreement or amendment thereof shall be given to the President and the Congress of the United States. The President is encouraged to send representatives to attend, observe, and render cooperative assistance to all such negotiations in order that the provision of such supplementary agreements be in accordance with applicable Federal law.

Sec. 5. Filing of Supplementary Agreements.—(a) Certified copies of supplementary agreements or amendments thereof shall be filed with the President of the United States and the presiding officers of the United States Senate and House of Representatives. The President or, at his direction, the Administrator of the Environmental Protection Agency, shall review any such supplementary agreement or amendment and report thereon to the Congress within thirty days as to consistency with Federal law and regulations and as to the potential adverse or beneficial effects on the environment which may result from such supplementary agreement or amendment. Within ninety days of congressional session following the receipt of such report, the Committee on the Judiciary of either House or a committee of either House with jurisdiction over the subject matter of any such supplementary agreement or amendment may report a resolution of disapproval of such supplementary agreement or amendment. If such resolution is adopted by either House, the supplementary agreement or amendment is disapproved. Unless so disapproved, supplementary agreements shall become effective upon the expiration of the said ninety-day period.

(b)(1) If the committee to which a supplementary agreement and report thereon has been referred has not reported a resolution respecting it at the end of sixty calendar days after its referral, it is in order to move to discharge the committee from further consideration of such an agreement or amendment.

(2) A motion to discharge may be made only by an individual favoring a resolution to disapprove or condition such agreement or amendment, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same agreement or amendment), and debate thereon shall be limited to not more than one hour, to be divided equally be-

tween those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same agreement or amendment.

(c) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a supplementary agreement or amendment, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(d) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(e) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a supplementary agreement or amendment, and motions to proceed to the consideration of other business, shall be decided without debate. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a supplementary agreement or amendment shall be decided without debate.

SEC. 6. ENABLING LEGISLATION.—States may enter the Interstate Environment Compact by State legislation substantially embodying the language of the first section enacted prior or subsequent to the effective date of this Act. Immaterial variances in language between State legislation and the first section shall not impair the effectiveness of supplementary agreements.

SEC. 7. SHORT TITLE.—This Act may be known and cited as the "Interstate Environment Compact Act of 1972".

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 having arrived, the Senate will proceed to vote on final passage of S. 1994, authorizing of appropriations for the Atomic Energy Commission. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent, because of a death in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Illinois (Mr. STEVENSON), and the Senator from Arkansas (Mr. MCCLELLAN) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), and the Senator from Arizona (Mr. GOLDWATER) would each vote "yea."

The result was announced—yeas 74, nays 2, as follows:

YEAS—74

[No. 214 Leg.]

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bentsen
Bible
Brock
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Dole
Domenici
Dominick
Eagleton
Ervin
Fannin
Fong
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Gravel
Mansfield

NOT VOTING—24

Abourezk
Bellmon
Bennett
Biden
Brooke
Case
Cotton
Cranston
Curtis
Eastland
Fulbright
Goldwater
Griffin
Huddleston
Humphrey
Inouye
Mathias
McClellan
McClure
Ribicoff
Saxbe
Stennis
Stevens
Stevenson

So the bill (S. 1994) was passed, as follows:

S. 1994

An Act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,740,750,000 not to exceed $128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 74–1–a, additional facilities, high level waste storage, Savannah River, South Carolina, $14,000,000.

Project 74–1–b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, $5,200,000.

Project 74–1–c, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, $3,000,000.

Project 74–1–d, cooling tower fire protection, gaseous diffusion plants, $3,300,000.

Project 74–1–e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, $5,900,000.

Project 74–1–f, plant liquid effluent pollution control, gaseous diffusion plants, $8,000,000.

Project 74–1–g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), $6,000,000.

Project 74–1–h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

(2) ATOMIC WEAPONS.—

Project 74–2–a, weapons production, development, and test installations, $10,000,000.

Project 74–2–b, acid waste neutralization and recycle facilities, Y–12 Plant, Oak Ridge, Tennessee, $1,700,000.

Project 74–2–c, high energy laser facility, Lawrence Livermore Laboratory, California, $20,000,000.

Project 74–2–d, national security and resources study center (AE only), site undesignated, $350,000.

(3) REACTOR DEVELOPMENT.—

Project 74–3–a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, $3,000,000.

Project 74–3–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $2,000,000.

Project 74–3–c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, $1,300,000.

Project 74–3–d, modifications to reactors, $2,000,000.

Project 74–3–e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(4) PHYSICAL RESEARCH.—

Project 74–4–a, accelerator and reactor improvements, high energy physics, $1,100,000.

Project 74–4–b, accelerator and reactor improvements, medium and low energy physics, $600,000.

(5) PHYSICAL RESEARCH.—

Project 74–5–a, computation building, Stanford Linear Accelerator Center, California, $2,900,000.

(6) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—

Project 74–6–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $1,300,000.

(7) GENERAL PLANT PROJECTS.—$47,825,000.

(8) CONSTRUCTION PLANNING AND DESIGN.—$1,000,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $172,300,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b) (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b) (1), project 71–1–e, gaseous diffusion production support facilities, the figure "$72,020,000" and substituting therefor the figure "$105,900,000", (2) striking from subsection (b) (1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$34,400,000" and substituting therefor the figure "$172,100,000", and (3) striking from subsection (b) (9), project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$69,000,000" and substituting therefor the figure "$193,000,000".

(b) Section 106 of Public Law 91–273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof.

"Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of $2,000,000, is hereby authorized.".

(c) Section 101 of Public Law 92–314 is amended by (1) striking from subsection (b) (1), project 73–1–d, component test facility, Oak Ridge, Tennessee, the figure "$20,475,000" and substituting therefor the figure "$26,675,000", and (2) striking from subsection (b) (5), project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "$56,000,000" and substituting therefor the figure "$125,000,000".

SEC. 106. RESCISSION.—(a) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–5–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(b) Public Law 92–314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senate will return to the consideration of S. 1636, which the clerk will report.

The legislative clerk read as follows:

Calendar Order No. 217 (S. 1636), a bill to amend the International Economic Policy Act of 1972.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from South Dakota (Mr. MCGOVERN).

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, is this to be a 10-minute rollcall vote when we get the yeas and nays?

The PRESIDING OFFICER. That is the way the Chair understands it.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Alabama is prepared to yield back his time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from South Dakota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

On this vote, the Senator from South Dakota (Mr. ABOUREZK) is paired with the Senator from Arkansas (Mr. MCCLELLAN).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Arkansas would vote "nay."

I further announce that the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from New Jersey (Mr. CASE), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Arizona (Mr. GOLDWATER) would each vote "nay."

The result was announced—yeas 29, nays 47, as follows:

[No. 215 Leg.]

YEAS—29

Bayh
Bible
Burdick
Cannon
Chiles
Church
Clark
Gravel
Hartke
Haskell
Hathaway
Hughes
Jackson
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Tunney
Williams

NAYS—47

Aiken
Allen
Baker
Bartlett
Beall
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Dole
Domenici
Dominick
Eagleton
Ervin
Fannin
Fong
Gurney
Hansen
Hart
Hatfield
Helms
Hollings
Hruska
Javits
Johnston
McIntyre
Muskie
Nunn
Packwood
Pearson
Percy
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—24

Abourezk
Bellmon
Bennett
Biden
Brooke
Case
Cotton
Cranston
Curtis
Eastland
Fulbright
Goldwater
Griffin
Huddleston
Humphrey
Inouye
Mathias
McClellan
McClure
Ribicoff
Saxbe
Stennis
Stevens
Stevenson

So Mr. McGovern's amendment was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1636) was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Who yields time.

Mr. TOWER. Mr. President, I yield back my time.

Mr. SPARKMAN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, shall the bill pass?

The bill (S. 1636) was passed, as follows:

S. 1636

An act to amend the International Economic Policy Act of 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the International Economic Policy Act of 1972 is amended—

(1) by striking out "(1) The President.";

(2) by redesignating the succeeding clauses accordingly; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "The President shall designate the Chairman of the Council from among the members of the Council."

Sec. 2. Section 208(b)(1) of the International Economic Policy Act of 1972 is amended to read as follows:

"(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that—

"(A) no person, other than officers appointed under paragraph (2), shall receive compensation in excess of the rate provided for GS–18 of the General Schedule; and

"(B) any person who is performing functions which, prior to July 1, 1973, were performed by personnel within the Office of the Special Trade Representative who were subject to the provisions of title 5, United States Code, governing appointments in the competitive service, shall be subject to such provisions."

Sec. 3. Section 209 of the International Economic Policy Act of 1972 is repealed.

Sec. 4. (a) Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, the Executive Director of the Council on International Economic Policy shall be appointed by the President, by and with the advice and consent of the Senate.

(b)(1) Subject to paragraph (2), provisions of subsection (a) shall become effective on the first day of the first calendar month which begins more than thirty days after the date of enactment of this Act.

(2) If, prior to the first day referred to in paragraph (1), the President submits to the Senate, for its advice and consent, the name of the individual who on the date of enactment of this Act occupies the Office of Executive Director of the Council on International Economic Policy as his nominee for such office, then, the provisions of subsection (a) shall not be applicable in the case of such individual during the continuous period (described in the following sentence) that he occupies such office. The continuous period referred to in the preceding sentence means the period commencing on the date such individual's name is so submitted to the Senate by the President and ending on whichever of the following first occurs: (A) the date the Senate acts on the nomination of such individual by giving or refusing to give its advice and consent to the appointment of such individual to such office, (B) the date on which the President withdraws the nomination of such individual, or (C) the date of the close of the first session of the Ninety-third Congress.

Sec. 5. Section 210 of the International Economic Policy Act of 1972 is redesignated as section 209 of such Act and, as redesignated, is amended by striking out "1973" and inserting in lieu thereof "ending June 30, 1973, not to exceed $3,000,000 for the fiscal year ending June 30, 1974, and not to exceed $3,000,000 for the fiscal year ending June 30, 1975".

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL FINANCING BANK ACT

The PRESIDING OFFICER (Mr. Hathaway). Under the previous order, the Chair lays before the Senate S. 925, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 925) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. Proxmire).

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Hathaway). The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. Proxmire). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Hawaii (Mr. Inouye), the Senator from Arkansas (Mr. McClellan), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Delaware (Mr. Biden), the Senator from Kentucky (Mr. Huddleston), and the Senator from Minnesota (Mr. Humphrey) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of death in family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) would vote "yea."

I further announce that the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), and the Senator from Michigan (Mr. Griffin) are necessarily absent.

The Senator from New Jersey (Mr. Case), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

If present and voting, the Senator from Nebraska (Mr. Curtis) would vote "yea."

The result was announced—yeas 54, nays 23, as follows:

[No. 216 Leg.]

YEAS—54

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bentsen
Bible
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Dole
Domenici
Dominick
Eagleton
Ervin
Fulbright
Gravel
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Pearson
Proxmire
Randolph
Sparkman
Stafford
Symington
Talmadge
Young

NAYS—23

Brock
Buckley
Byrd,
Harry F., Jr.
Cook
Fannin
Fong
Gurney
Javits
Muskie
Packwood
Pastore
Pell
Percy
Roth
Schweiker
Scott, Pa.
Scott, Va.
Taft
Thurmond
Tower
Tunney
Weicker
Williams

NOT VOTING—23

Abourezk
Bellmon
Bennett
Biden
Brooke
Case
Cotton
Cranston
Curtis
Eastland
Goldwater
Griffin
Huddleston
Humphrey
Inouye
Mathias
McClellan
McClure
Ribicoff
Saxbe
Stennis
Stevens
Stevenson

So Mr. Proxmire's amendment was agreed to.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES AMENDMENTS OF 1973

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 795.

The PRESIDING OFFICER (Mr. Bartlett) laid before the Senate the amendment of the House of Representatives to the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "National Foundation on the Arts and Humanities Amendments of 1973".

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

Sec. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out ", purchase, renovation, or construction" and inserting in lieu thereof "or purchase", and by adding at the end thereof the following new sentence: "Such term also includes—

"(1) the renovation of facilities if the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000; and

"(2) the construction of facilities if such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose.".

(3) (A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "productions" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

(C) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof ", planning, and publications relating to the purposes of this subsection".

(4) (A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Clause (B) of paragraph (2) of such subsection (g) is amended by striking out "except that in the case of the first fiscal year in which the State is allotted funds after the enactment of this Act, a plan may provide that not to exceed $25,000 of such funds may be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency;".

(D) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Of the sums available to carry out this subsection for any fiscal year, 75 per centum shall be allotted among the States which have plans approved by the Chairman, in equal amounts, except that each State shall be allotted at least $200,000. If the sums so appropriated are insufficient to make allotments in full, the sums so appropriated shall be allotted among the States in equal amounts. Any sums remaining after making the allotments provided for in the preceding sentence shall be available to the Chairman for making grants to such States and to regional groups.

"(4) (A) Amounts made available for any fiscal year under this subsection shall be used to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), except that of the amounts granted a State from funds made available under the third sentence of paragraph (3) an amount not exceeding 20 per centum of the State's allotment under the first sentence of paragraph (3) may be used, at the discretion of the Chairman, to pay up to 100 per centum of such costs of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State, but only if the State has utilized the full amount of its allotment under the first sentence of paragraph (3).

"(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not granted to the State prior to sixty days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups.

"(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.".

(D) Paragraph (5) of such subsection (g) is amended by inserting after "allotted" the following: "or made available".

(E) Subsection (j) of section 5 of such Act is amended by striking out "; 5 U.S.C. 133z–15".

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a).".

(6) (A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;".

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$20,000,"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).".

(8) The first sentence of section 9(b) of such Act is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior.".

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: ", except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of $15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Clause (4) of subsection (a) of section 10 is amended by deleting the semicolon at the end thereof and by inserting in lieu thereof the following: ": *Provided, however,* That any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding shall have broad geographic representation;".

(11) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"Sec. 11. (a) (1) There is authorized to be appropriated to the National Endowment for the Arts for the fiscal year ending June 30, 1974, the sum of $54,000,000 to carry out section 5(c), $11,000,000 to carry out section 5(g), and an amount equal to the total amounts received by such Endowment during such year under section 10(a) (2), but not to exceed $7,500,000. For the fiscal years ending June 30, 1975, and June 30, 1976, there is authorized to be appropriated to the National Endowment for the Arts such sums as may be necessary to carry out section 5(c) and 5(g), and an amount equal to the total amounts received by such Endowment during each such year under section 10(a) (2). Not less than 20 per centum of the funds appropriated under the preceding sentence may be used only to carry out section 5(g).

"(2) There is authorized to be appropriated to the National Endowment for the Humanities to carry out section 7(c) the sum of $65,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each of the two succeeding fiscal years. There is also authorized to be appropriated to such Endowment for each such year an amount equal to the total amounts received by such endowment under section 10(a) (2) during such year, except that the amount so appropriated shall not exceed $7,500,000 for the fiscal year ending June 30, 1974.

"(b) (1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

"(2) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation."

(12) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

Mr. PELL. Mr. President, I move that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Bartlett) appointed Mr. Pell, Mr. Nelson, Mr. Eagleton, Mr. Mondale, Mr. Javits, and Mr. Taft conferees on the part of the Senate.

FEDERAL FINANCING BANK ACT

The Senate resumed the consideration of the bill (S. 925), to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

Mr. TOWER. Mr. President, if there are no further amendments, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, shall it pass?

The bill (S. 925) was passed, as follows:

S. 925

An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities, of obligations issued, sold, or guaranteed by any Federal agency, except that the approval of the Secretary of the Treasury shall not be required with respect to (1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States, (2) obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similiar types of investment securities, or (3) obligations issued or sold by the Farmers Home Administration.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than sixty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000, or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary

of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or officers thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain, and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligations issued by the Bank shall be subject to Federal taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 19. This Act becomes effective upon the date of its enactment except that section 7 becomes effective upon the expiration of thirty days after such date.

DOMESTIC SALE OF GOLD

SEC. 20. It is the sense of the Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT OF THE SENATE UNTIL TOMORROW VACATED

Mr. ROBERT C. BYRD. Mr. President, there will be no more yea and nay votes today. I ask unanimous consent that the order for the convening of the Senate on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE COMMITTEE ON RULES AND ADMINISTRATION TO FILE ITS REPORT ON S. 372

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may have until midnight of July 12, 1973, to file its report on S. 372.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 221, H.R. 5383.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5383) to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, after line 11, insert:

AIRCRAFT

For procurement of a long range search and rescue helicopter, $3,000,000.

In line 21, strike out "$72,510,000" and insert "$75,260,000"; on page 4, after line 22, insert:

(27) At a location between San Francisco, California, and Astoria, Oregon: Establish helicopter search and rescue station.

And, on page 5, line 2, after the word "of", strike out "37,482" and insert "37,572"; and, after line 22, insert a new section as follows:

SEC. 6. (a) Section 1 of the Act of June 20, 1936 (49 Stat, 1544, 46 U.S.C. 367), as amended, is further amended by deleting the entire third sentence and substituting in lieu thereof the following sentence: "The exemption in the preceding sentence for cannery tender or fishery tender vessels shall continue in force for five years from July 11, 1973."

(b) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the entire last sentence and substituting in lieu thereof the following sentence: "The exemption in the preceding sentence for cannery tender and fishery tender vessels shall continue in force for five years from July 11, 1973."

Mr. MAGNUSON. Mr. President, it is very important that we pass H.R. 5383 today, because the Coast Guard authorization runs out on June 30. After the Committee on Commerce held several hearings on the bill and reported it unanimously, we found another matter needed to be included, and I am going to submit an amendment to the bill.

In the report, the committee expressed its deep concern for the bare-bones nature of the authorizations for the Coast Guard. Of particular concern to the committee was the decision to close search and rescue stations throughout the country at a time when the need for such stations is rapidly growing.

Because of this concern, the committee voted to authorize additional funds not included in the budget request for a search and rescue helicopter to be stationed in Cordova, Alaska, for a helicopter search and rescue station to be constructed at a location along the northern California or southern Oregon coast, and to authorize additional manpower to keep three of the six search and rescue stations scheduled to be closed in Michigan open for an additional year.

Mr. President, we have witnessed the Coast Guard budget for acquisition, construction, and improvement slide steadily downward over the past 3 years because of the budget cutting decisions of the administration's Office of Management and Budget. This year's request is considerably lower than in both 1972 and 1973. Vessels are being decommissioned, stations are being closed, and much-needed improvements are being pushed aside while the responsibilities of the Coast Guard under newly enacted legislation has expanded. In my opinion the Coast Guard has neither the resources nor the manpower to do a proper job in the many areas in which they have duties to perform.

One of these areas in search and rescue; 13 stations are closing and a like number of vessels are being decommissioned. My reading of the Coast Guard's testimony in hearings in the House and Senate convinces me that the sole reason for the decisions to cut SAR stations was economy alone and not a proven lack of need. The economy is needed, but certainly not at the expense of the safety of the millions of boaters, bathers, and fishermen who enjoy the recreational benefits of our Nation's lakes and waterways.

Mr. President, I was pleased to note that the House voted just last Wednesday to increase the Coast Guard appropriations level in H.R. 8760 by $600,000 so that these SAR stations may continue in operation. It is necessary for the Senate to authorize 35 additional personnel to man the stations, and provide for 5 additional man-years for their recruitment and training so that the House amendment may be implemented.

Accordingly, I offer an amendment to increase the end strength level contained in H.R. 5383 so that search and rescue stations can remain to serve the water safety needs of the country.

Mr. President, I am sending the amendment to the deck.

The PRESIDING OFFICER. The committee amendments will have to be disposed of first.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc.

The PRESIDING OFICER. Without objection, the committee amendments are agreed to en bloc.

The amendment offered by the Senator from Washington will be stated.

The assistant legislative clerk read as follows:

On page 5, line 3, strike "37,572" and insert in lieu thereof "37,607".

On page 5, line 8, strike "4,001" and insert in lieu thereof "4,006".

Mr. MAGNUSON. Mr. President, as I previously stated, the amendment would authorize 35 additional personnel and 5 additional man-years of recruit and special training for the Coast Guard.

The Coast Guard has advised that a total of 81 personnel and 5 man-years of training would be required over and above the personnel and training levels included in the fiscal year 1974 authorization request for the Coast Guard. Thus, this amendment would supplement the increase of 46 in the personnel end strength levels approved by the committee so that the necessary manpower will be available in the event Congress appropriates operating funds for the six stations.

Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I support the amendment of the distinguished chairman of the committee, the Senator from Washington.

THE NEED FOR A NATIONAL OCEANS PROGRAM

The United States this morning successfully completed one more of a brilliant series of engineering and technology feats of bringing home, within a few hundred yards of a pre-determined point, our Skylab astronauts. These skilled space technicians have proved once again that man can achieve almost any goal he sets for himself.

The success of the Skylab project, however, is a striking example of a paradox within our list of national priorities. On the floor of the Senate this week, we adopted a budget for a National Aeronautics and Space Administration of $3.16 billion for fiscal year 1974. A modest reduction, only 4 percent, proposed by the Senator from Arkansas (Mr. FULBRIGHT), was rejected by the Senate. The cut in that mammoth budget of only $110 million amounts to more, Mr. President, than this great Nation of ours is going to spend next year on its entire ocean science exploration program.

The Office of Management and Budget supports the spending of literally billions of dollars to study the Sea of Tranquility on the moon. But it is continuing to slash away at the budget for oceans programs. The National Oceanic and Atmospheric Administration budget for fiscal 1974 has been cut by $43 million from a level this year of $386 million. More than 700 employees are being laid off by our Nation's oceans agency—many of them trained scientists and technicians.

This comes at a time when increasing utilization of ocean resources is more and more important to mankind—important for food, important for minerals, important to transportation and national defense, and important for recreation.

An accident aboard the mini-submarine, "Sea Link," resulted in the death of two men this week. It raises a number of questions about our commitments to knowledge about the ocean. On Thursday, the NBC "Today Show" carried a report by newsman Peter Hackes which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TODAY SHOW REPORT

(By Peter Hackes)

With at least three investigations underway, preliminary opinion of several experts is that the underwater tragedy was strictly accidental, but that future incidents might be avoided through increased research.

The consensus appears to be that both the Coast Guard and the Navy responded properly to the incident; in fact, there is praise for the men involved who were risking their own lives in the rescue attempt.

Thus far, unpredictable underwater currents at the edge of the Gulf Stream are blamed for pushing the research sub into the sunken Navy ship, currents which need far more study than the Nation's oceanographic program can pay for.

Thusly, the critics say the promise of full-scale ocean exploration laid out in the late 1960s has just not been fulfilled. The Vietnam war, the concentration on space, and now the severe downhold on federal funding—those reasons take most of the blame. Some oceanography bills have been killed in the last three Congresses. And the Administration has refused to fund one bill which passed both houses of Congress and was signed by the President.

In addition, there have been some sharp cutbacks in some ongoing ocean research programs which have frustrated some experts who feel we haven't really begun to see the practical payoffs. Many private firms are saying they can't continue to spend large sums on ocean research.

In 1968, it was estimated 3,000 U.S. companies and several government agencies were involved in some aspect of oceanography. Today that estimate is far less than half that number. With fewer than 30 Navy and civilian research submersibles now operating.

We've spent billions on space exploration—taking men out a quarter million miles to the moon. We spent millions on underwater exploration but submarines still don't operate much below 1,000 feet and 80 percent of the seabed lies below 6,000 feet of water. The results of the Florida tragedy investigation may well include a recommendation for more of the kind of research that mini-sub was doing.

Mr. HOLLINGS. The truth is, Mr. President, we are falling woefully behind in our attempts to keep pace in ocean science. The fiscal year 1974 budget for the manned undersea science and technology program at the National Oceanic and Atmospheric Administration is only $1 million. That is such a miniscule amount compared with our space budget that it should be an embarrassment to a great nation such as the United States.

We have, in this country, produced more than 15 expensive and highly competent civilian deep diving submersibles. Companies such as Westinghouse, General Electric, Lockheed, General Dynamics, and Reynolds Aluminum invested large amounts of money in these devices to help provide our Nation with leadership in the oceans.

Today, however, most of those submersibles are sitting in mothballs because there is not enough money to operate them. What a waste, and yet we allow the Office of Management and Budget to divert us from those programs which will help America and the world provide the resources and food to run our factories and feed our children in the 21st century.

The dollars are available. A few changes in our troop commitments in Europe would not damage European defense. A few changes in our expensive foreign spending programs. A few minor changes in some of our other huge spending programs here at home could provide the much-needed money to fulfill our needs in the ocean. I do not seek a billion-dollar wet NASA. All I ask is sufficient support for oceans programs to meet the urgent needs of our Nation.

Of the 16 submersibles, only five are being used—and those are only being put to part-time operation. Eleven others are wasted. These include the Aluminaut, the Deepstar 2,000, the Deepstar 4,000, the Star III, two subs made by General Oceanographics, the Deep Quest, the Deep River and the Asherah.

The five in use are the Alvin operated by Woods Hole Oceanographic Institution, the Beaver Mark IV, the Sea Link, the Perry PC–8 and a submersible owned by General Oceanographic. NOAA, our lead ocean space agency, will only have enough money in fiscal 1974 to briefly utilize two of these units. One is a trimmed down fisheries study and another in cooperation with France to examine the Mid-Atlantic ridge as part of our research on sea floor spreading.

We all have some questions about the accident in Florida. I am sure these questions will be answered by the boards of inquiry established by the Coast Guard and the Smithsonian Institution, which was operating this particular project.

It is ironic, however, to discover only today that the Coast Guard many months ago submitted proposed legislation to the Department of Transportation. This draft legislation would have created Coast Guard authority to establish regulations for the manufacture and operation of research submersibles. The Coast Guard has no such authority at present. The Department of Transportation, however, sat on this legislation until, I am told, it finally forwarded the bill to the Office of Management and Budget last Friday, June 15. The Coast Guard does have an Office of Underwater Safety Projects—but it only keeps track of current developments in the field. One might be led to believe that the Department of Transportation is more interested in other things.

Today's authorization bill for the Coast Guard contains $109 million. Is there sufficient money in this budget for the Coast Guard to develop safety capability for our existing and future research submersibles? Would it be possible for the Coast Guard to approach this problem quickly, and give us some definite answers? We should be able to rescue our ocean scientists if accidents occur in the future.

I know that President Nixon is justifiably proud of the achievements he has made in negotiations with the Soviet Union. The agreements announced this week on joint scientific research in oceanography will be an outstanding contribution to world understanding.

But surely it is time for the President to be told what his own administration is doing to undermine the programs he has helped create and for which he deserves credit.

The President believes that we must improve man's understanding and use of the ocean. He has said this many times. But Mr. Roy L. Ash, Director of the Office of Management and Budget, opposes such programs. Mr. Ash and his OMB are watergating the President on this all-important issue. They are undermining his credibility with Congress and with the scientific community. When the President wants one thing, but Mr. Ash goes in behind him and sabotages the President, then I believe Mr. Nixon should know about it. We had to go around Mr. Ash directly to the President in 1970 to tell him about the need to create NOAA. When the President had the facts, he agreed. This is his program. Does he know where Mr. Ash stands, and what he is doing?

The President deserves credit for sponsoring and supporting legislation to protect the ocean environment and its living resources. But the OMB has ordered zero funding for many of these new programs and massive cutbacks in others, such as the deactivation of the multi-million-dollar research vessels, *Surveyor* and *Discoverer*, and the data buoy program and the beaching of fisheries research ships.

The President has tried to give support to the American fishing industry and has urged Americans to eat more fish to avoid the high cost of beef. But Mr. Ash and the OMB have "Watergated" him again by ordering the closing of fisheries research laboratories in Georgia, Florida, and Maine and the cancelling of major studies on fish and how to increase our fish harvest.

The President has rightfully stated that the oceans and atmosphere are "interacting parts of the total environmental system upon which we depend not only for the quality of our lives, but for life itself." Statement on Reorganization Plan No. 4. In view of this, it is obvious that once again, Mr. Ash is "Watergating" the President by ordering the magnitude of ocean program cutbacks on an agency the President himself created and supports.

Finally, Mr. President, it is quite obvious that Mr. Ash is deliberately ordering the internecine warfare being launched by the Department of the Interior on all of the ocean-related programs now at the National Oceanographic and Atmospheric Administration.

The Senate on Wednesday and Thursday of this week showed Mr. Ash where it stands. The Senate strongly rejected an attempt by OMB to extend Interior Department authority in the land use bill into areas covered by the National Coastal Zone Management Act. This major environmental legislation was passed by Congress last year, assigning NOAA responsibility to grant funds to States and provide assistance on research, for the protection of their coastal lands and waters. This deliberate attempt to undermine a program approved by Congress and signed by the President—yet unfunded by OMB—should serve notice on us all where Mr. Ash stands on ocean needs.

Another example of this drive is legislation sent up to the Hill by the administration granting authority to the Department of the Interior over deep water "superports" for the importation of crude oil. These ports will occupy vast areas of the water column and will have incredibly significant impact on the coastal land where their pipelines come ashore into tank farms, refineries, distribution systems and attendant support industry. The bill also would give Interior authority over all ocean related activities in this area, something the Department clearly knows nothing about.

Interior also has established an oceans office to help its oil industry friends, is meddling in our negotiations on land of the sea for the same reason and is otherwise presuming authority in the oceans which it does not legally possess.

Now comes Mr. Ash and his OMB with talk of a Department of Energy and Natural Resources, which would transfer the National Oceanic and Atmosphere Administration intact into a new superdepartment where it will promptly disappear from notice. All the years of work to create a focus on American ocean science, exploration, and technology will go down the drain and Mr. Ash finally will have his way—the dismantling of our entire ocean program.

I say no, Mr. President. I say Congress will not tolerate such a power grab by the Office of Management and Budget. I say Mr. Nixon should be told about it. Our Nation must have a strong national oceans program. We already are falling behind other advanced nations such as Japan, France, and the Soviet Union. Our fisheries are continuing their downward spiral into obsolescence. When is this Nation going to wake up? Is it going to take a Russian wet Sputnik to make us realize that the oceans hold out the hope of the future of mankind?

I emphasize one thing, Mr. President: Many, many months ago, the Coast Guard submitted proposed legislation to the Department of Transportation for safety regulations on the manufacture and operation of research submersibles. They promulgated these regulations. It is interesting that the Department of Transportation sat on these proposals of the Coast Guard for months on end, and only last week they sent them over in the form of a bill to the OMB.

We have had the recent tragedy in Key West, Fla., which is being investigated by the Coast Guard, the Navy, and the Smithsonian Institution, which supported that particular research project.

Be that as it may, we need to support our Coast Guard very strongly, and I believe the amendment of the Senator from Washington goes a long step in that direction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, I ask for a third reading of the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5383) was read the third time, and passed.

The title was amended, so as to read: "An Act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON subsequently said: Mr. President, the distinguished Senator from Louisiana, who handled all of the hearings on this matter as the chairman of the subcommittee, thoroughly agrees with the amendment I presented and agrees to what we did in passing the bill today.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MOSS. Mr. President, a message received from the House yesterday announces that the House has disagreed to the amendment of the Senate to the bill H.R. 7528 to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7528.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MOSS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators Moss, Symington, Cannon, Goldwater, and Curtis conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one if its reading clerks, announced that the House had passed the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, June 22, 1973, he presented to the President of the United States the following enrolled bills:

S. 1201. An act to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; and

S. 1501. An act to amend the Water Resources Planning Act to provide for continuing authorization for appropriations.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAILROAD RETIREMENT AMENDMENTS OF 1973—CONFERENCE REPORT

Mr. HATHAWAY. Mr. President, I submit a report of the committee of conference on H.R. 7200, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, as follows:

Conference Report (S. Rept. No 93–239)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

SEC. 101. Section 2(a) of the Railroad Retirement Act of 1973 is amended—

(1) by striking out "Women" in paragraph 2 and inserting in lieu thereof "individuals";

(2) by striking out "Men who will have attained the age of sixty and will have completed thirty years of service, or individuals" in paragraph 3 and inserting in lieu thereof "Individuals"; and

(3) by striking out "such men or" in paragraph 3 thereof.

SEC. 102. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the rate of the tax imposed with respect to wages by section 3101(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3101(b) of such Code of so much of the compensation paid to such employee for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(b) Section 3202(a) of such Code is amended—

(1) by striking out "1965" wherever it appears in the second sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the second sentence thereof; and

(3) by striking out ", which ever is greater," wherever it appears in the second sentence thereof.

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"(a) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 9.5 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101(a), 3101(b), 3111(a), 3111(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee representative for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out "In addition to other taxes" and all that follows to "except that" and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 9.5 percent of so much of the compensation paid by such employer for services rendered to him after September 30, 1973, as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973;".

(e) Section 3221(a) of such Code, as amended by section 102(d) of this Act, is further amended—

(1) by striking out "1965" wherever it appears in the first sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the first sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the first sentence thereof.

(f) Section 3221(b) of such Code is amended by striking out all that appears therein and inserting in lieu thereof the following:

"(b) The rate of tax imposed by subsection (a) shall be increased, with respect to compensation paid for services rendered after September 30, 1973, by the rate of tax imposed with respect to wages by section 3111(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3111(b) of such Code."

SEC. 103. (a) Section 6 of Public Law 91–377, as amended by section 8(c) of Public Law 92–46, is further amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(b) Section 8(b) of Public Law 92–46 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(c) Section 5(b) of Public Law 92–460 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

SEC. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(6) If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased in an amount equal to the difference between (i) the amount (before any reduction on account of age) which would be payable to such individual under the then current law if his or her annuity were computed under the first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such amount' contained therein; and (ii) the amount (before any reduction on account of age) which would have been payable to such individual under the law as in effect prior to July 1, 1973, if his or her annuity had been computed under such first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein (assuming for this purpose that the eligibility conditions and the proportions of the primary insurance amounts payable under the then current Social Security Act had been in effect prior to July 1, 1973). *Provided, however,* That, in computing such amount, only the social security benefits which would have been payable to the individual whose annuity is being computed under this Act shall be taken into account: *Provided further,* That if an annuity accrues to an individual for a part of a month the added amount payable for such part of a month under this section shall be one-thirtieth of the added amount payable under this section for an entire month, multiplied by the number of days in such part of a month. If wages or compensation prior to 1951 are used in making any computation required by this paragraph, the Railroad Retirement Board shall have the authority to approximate the primary insurance amount to be utilized in making such computation. In making any computation required by this paragraph, any benefit to which an individual may be entitled under title II of the Social Security Act shall be disregarded. For purposes of this paragraph, individuals entitled to an annuity under section 2(a)(2) of this Act shall be deemed to be age 65, and individuals entitled to an annuity under section 2(a)(3) of this Act who have not attained age 62 shall be deemed to be age 62. Individuals entitled to annuities under section 2(a)(4) or 2(a)(5) of this Act for whom no disability freeze has been granted shall be treated in the same manner for purposes of this paragraph as individuals entitled to annuities under section 2(a)(4) or 2(a)(5) for whom a disability freeze has been granted. In the case of an individual who is entitled to an annuity under this Act but whose annuity is based on insufficient quarters of coverage to have a benefit computed, either actually or potentially, under the first proviso of section 3(e) of this Act, the average monthly wage to be used in determining the amount to be added to the annuity of such individual shall be equal to the average monthly compensation or the average monthly earnings, whichever is applicable, used to enter the table in section 3(a)(2) of such Act for purposes of computing other portions of such individual's annuity."

(b) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a), (3), (4), or (5) of this Act" and inserting in lieu thereof "section 3(a), (3), (4), (5), or (6) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3. The preceding sentence and the other provisions of this subsection shall not operate to increase the annuity of a spouse (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding three paragraphs."

(c) Section 2(i) of the Railroad Retirement Act of 1937 is amended by striking out "the last paragraph plus the two preceding paragraphs" and inserting in lieu thereof "the last paragraph plus the three preceding paragraphs".

(d) Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new subsection:

"(q) A survivor's annuity computed under the preceding provisions of this section shall be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3: *Provided, however,* That in computing such an amount for an individual entitled to an annuity under subsection 5(a)(2), the 90.75 per centum figure appearing in the third paragraph of section 3(e) of this Act shall be deemed to be 82.5 per centum."

SEC. 105. If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the pension of each individual under section 6 of the Railroad Retirement Act of 1937 and the annuity of each individual under the Railroad Retirement Act of 1935 shall be increased in an amount determined by the method of computing increases set forth in subsection (a) of section 104 of this Act, deeming for this purpose the average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

SEC. 106. All recertifications required by reason of the amendments made by sections 104 and 105 of this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 107. (a) For the purpose of preparing and submitting the report provided for in subsection (c), it shall be the duty and responsibility of representatives of employees to designate (within the thirty-day period commencing on the date of enactment of this Act) and notify the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce of the identity (by name and position) of the labor members, and of representatives of carriers to designate (within such thirty-day period) and notify such committees of the identity (by name and position) of the management members, who shall compose the group authorized to prepare in their behalf, the report provided for in subsection (c).

(b) The group so authorized to prepare the report provided for in, subsection (c) shall—

(1) hold such meetings (which shall not be less often than once each month) as may be necessary to assure that such report will be submitted within the time provided, and contain the material prescribed, under subsection (c); and

(2) submit to such committees on September 1, 1973, November 1, 1973, and January 1, 1974, interim reports as to the progress being made toward completion of the report provided for in subsection (c); except that no such interim report shall be submitted after the submission of the report provided for in subsection (c).

(c) (1) Not later than April 1, 1974, representatives of employees and representatives of carriers, acting through the group designated by them pursuant to subsection (a), shall submit to such committees a report containing their joint recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system, which recommendations shall take into account the specific recommendations of the Commission on Railroad Retirement.

(2) The joint recommendations contained in such report shall be specific and shall be presented in the form of a draft bill.

SEC. 108. The Congress hereby declares its intent to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

SEC. 109. (a) The amendments made by section 101 of this Act shall become effective on July 1, 1974: *Provided, however,* That those amendments shall not apply to individuals whose annuities began to accure prior to that date.

(b) The amendments made by section 102 of this Act shall become effective on October 1, 1973, and shall apply only with respect to compensation paid for services rendered on or after that date; *Provided, however,* That such amendments shall not be applicable to any dock company, common carrier railroad, or railway labor organization described in section 1(a) of the Railroad Retirement Act of 1937, with respect to those of its employees covered as of October 1, 1973, by a private supplemental pension plan established through collective bargaining, where a moratorium in an agreement made on or before March 8, 1973, is applicable to changes in rates of pay contained in the current collective-bargaining agreement covering such employees, until the earlier of (1) the date as of which such moratorium expires, or (2) the date as of which such dock company, common carrier railroad, or railway labor organization agrees through collective bargaining to make the provisions of such amendments applicable.

(c) The amendments made by sections 103 and 104 of this Act shall be effective on the enactment date of this Act: *Provided, however,* That any increase in annuities or pensions resulting from the provisions of sections 104 and 105 of this Act shall be effective on the same date or dates as the benefit increases under title II of the Social Security Act which gave rise to such annuity or pension increases are effective.

SEC. 110. This title may be cited as the "Railroad Retirement Amendments of 1973".

TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

SEC. 201. Section 15a of the Interstate Commerce Act (49 U.S.C. 15a) is amended by adding at the end thereof the following new paragraph:

"(4) (a) The Commission shall by rule, on or before August 1, 1973, establish requirements for petitions for adjustment of interstate rates of common carriers subject to this part based upon increases in expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. Such requirements, established pursuant to section 553 of title 5 of the United States Code (with time for comment limited so as to meet the required date for establishment and subject to future amendment or revocation), shall be designed to facilitate fair and expeditious action on any such petition as required in subparagraph (b) of this paragraph by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b) Notwithstanding any other provision of law, the Commission shall, within thirty days of the filing of a verified petition in accordance with rules promulgated under subparagraph (a) of this paragraph, by any carrier or group of carriers subject to this part, permit the establishment of increases in the general level of the interstate rates of said carrier or carriers in an amount approximating that needed to offset increases in expenses therefore experienced or demonstrably certain to occur commencing on or before the effective date of the increased rates, as a result of any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. Such increases in rates may be made effective on not more than thirty nor less than ten days' notice to the public, notwithstanding any outstanding orders of the Commission. To the extent necessary to effectuate their establishment, rates so increased shall be relieved from the provisions of section 4 of this part and may be published in tariff supplements of the kind ordinarily authorized in general increase proceedings.

"(c) The Commission shall within sixty days from the date of establishment of interim rates under paragraph (4) (b) of this section commence hearings for the purpose of making the final rate determination. The Commission shall then proceed to make such final rate determination with the carrier having the burden of proof. In making such determination, the Commission may take into account all factors appropriate to ratemaking generally under part I of this Act and shall determine such final rates under the standards and limitations applicable to ratemaking generally under part I of this Act. If the increases in rates finally authorized by the Commission are less than the increases in rates initially made effective, the carrier or carriers shall, subject to such tariff provisions as the Commission shall deem sufficient, make such refunds (in the amount by which the initially increased rate collected exceeds the finally authorized increased rate) as may be ordered by the Commission, plus a reasonable rate of interest as determined by the Commission. Nothing contained in this paragraph shall limit or otherwise affect the authority of the Commission to authorize or to permit to become effective any increase in rates other than the increases herein specified.

"(d) (A) The State authority having jurisdiction over petitions for intrastate rate increases by any carrier or group of carriers subject to part I of this Act shall, within 60 days of the filing of a verified petition for such increases based upon increases in expenses of such carriers as a result of any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973, act upon said petition. Such State authority may grant an interim rate increase or a final rate increase. If such State authority grants any interim rate increases, it shall thereafter investigate and determine the reasonableness of such increases and modify them to the extent required by applicable law. To the extent that any such interim increases are reduced as a result of the action of a State authority, the carrier or carriers shall make such refunds (in the amount by which the initially increased rate collected exceeds the finally authorized increased rate) as may be ordered by such State authority, plus a reasonable rate of interest as determined by the State authority.

"(B) If a State authority denies in toto such a petition filed with it by such carrier or group of carriers seeking relief regarding such intrastate rate increases or does not act finally on such petition within 60 days from the presentation thereof, the Commission shall, within 30 days of the filing of a verified petition by such carrier or group of carriers relating to such intrastate rates, act upon such petition by applying the ratemaking criteria of subparagraph (4) (c) of this paragraph. If the Commission grants, in whole or in part, such petition by any carrier or group of carriers, the increase authorized shall be considered as an interim rate increase as provided in subparagraph (A) above and shall be subject to final determination by the State authority in accordance with the procedures prescribed for interim intrastate rate increases as provided above, including the ordering of refunds by such State authority.

"(C) If a State authority denies in part such a petition filed with it by such carrier or group of carriers, within 60 days from the presentation thereof, the Commission shall, within 30 days of the filing of a verified petition by such carrier or group of carriers relating to the intrastate rates involved, act upon such petition by applying the criteria of section 13(4) of this part.

"(D) Nothing in subparagraph (A) or (B) shall be construed to abrogate the authority of the Commission under section 13(4) of this part and in the event a carrier or group of carriers subject to a refund requirement under subparagraph (A) or (B) files a petition under section 13(3), the refund requirement shall be stayed pending final order of the Commission under section 13(4) of this part.

"(e) Any increased freight rates authorized shall not exceed a reasonable level by types of traffic, commodities, or commodity groups and shall preserve existing market patterns and relationships and present port relationships by increase limitations within and between the major districts to the extent possible without authorizing unreasonable increases in any district."

SEC. 202. This title may be cited as the "Railroad Rate Adjustment Act of 1973".

TITLE III—SEPARABILITY

SEC. 301. If any provision of this Act or the application thereof to any person or circumstances should be held invalid, the remainder of such Act or the application of such provision to other persons or circumstances shall not be affected thereby.

And the Senate agree to the same.

WILLIAM D. HATHAWAY,
CLAIBORNE PELL,
GAYLORD NELSON,
HAROLD E. HUGHES,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
ROBERT TAFT, Jr.,
J. GLENN BEALL, Jr.,
RUSSELL LONG,
WALLACE F. BENNETT,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
VANCE HARTKE,
ROBERT GRIFFIN,
Managers on the Part of the Senate.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text, and the House disagreed to the Senate amendment.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

The differences between the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT, THE RAILROAD RETIREMENT TAX ACT, AND CERTAIN PUBLIC LAWS

Both the House bill and the Senate amendment provide for retirement at age 60 after 30 years' service for male railroad employees: provide for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provide for a pass-through of social security benefit increases which might be enacted in 1973 or 1974; provide for a shift in the liability for the payment of railroad retirement taxes from employees to employers to the extent that the taxes are imposed at a rate in excess of the rates prescribed in the Social Security Act; and for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with recommendations to be submitted to the Congress in 1974.

The House bill and the Senate amendment also provide for expedited freight-rate making procedures applicable to interstate and intrastate rates, to cover the costs arising out of this legislation.

EARLY RETIREMENT: PERMANENT BENEFIT INCREASES: ACTUARIAL DEFICIT

House bill

The House bill provided that men at the age of 60 can retire after 30 years of service without reduction in their annuities, effective only with respect to retirements occurring after June 30, 1974. The House bill also extended the temporary benefit increases presently due to expire June 30, 1973, through December 31, 1974.

Senate amendment

The Senate amendment, in part A of title I, provided that the early retirement eligibility feature would expire December 31, 1974. Part B of title I of the Senate amendment provided for making permanent the temporary benefit increases otherwise due to expire December 31, 1974, and was intended to provide for making permanent the early retirement features, along with providing for an increase in railroad retirement taxes of 7.5 percent with the liability for the taxes to be determined by the Congress in 1974.

Conference substitute

The conference agreement deletes the specific level of taxes contained in the Senate amendment, but provides a new section stating that the Congress declares its intent to enact legislation in 1974, to take effect on or before January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

The conference agreement also makes permanent the liberalization of retirement eligibility for men at age 60 with 30 years of service, and leaves for the legislation to be enacted in 1974 the problem of making the temporary benefit increases permanent.

The conferees recognize that the actuarial solvency of the railroad retirement system is a serious matter, and expected to deal with it in 1974, along with the consideration of making these temporary increases permanent, as well as the overall restructuring of the Act.

The conferees wish to emphasize that the solution of the financial problems of the railroad retirement fund cannot be delayed beyond 1974. Accordingly the bill contains a statement that it is the intent of Congress to act on this matter during 1974, and further provides for the submission of the recommendations of labor and management for legislation by April 1, 1974. A joint labor-management committee is established for the purpose of formulating such recommendations.

JOINT LABOR-MANAGEMENT COMMITTEE

House bill

The House bill provided for the establishment of a joint labor-management committee composed of representatives of employees and carriers, which would report no later than July 1, 1974, to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce, their joint recommendations for restructuring the railroad retirement system.

Senate amendment

The Senate amendment provided for such a committee, composed of representatives of employees and retirees and representatives of carriers, which would meet not less often than once each month; would submit to Congress interim progress reports in September and November of 1973, and in January 1974; and which would present a draft bill to the Congress carrying out the parties' specific recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of the system. The final recommendations of the committee were to be submitted by March 1, 1974.

Conference substitute

The conference agreement is substantially the same as the Senate amendment, except that it provides that the committee shall be composed of representatives of employees and carriers, and provides for the submission of a report to the above-mentioned committees by April 1, 1974, in order to give Congress more time to deal with the complex issues involved. It is the intent of the conferees that the periodic progress reports need not cover all items of detail involved in the negotiations, but may be general statements, sufficient to keep the Congress informed of the progress being made.

TAX RATE CHANGES FOR RAILWAY LABOR ORGANIZATIONS

House bill

Both the House bill and the Senate amendment contained a provision temporarily exempting from the change in tax liabilities under the Railroad Retirement Tax Act certain steel companies whose employees were covered by the Railroad Retirement Act as well as other supplemental pension programs.

Senate amendment

The Senate amendment extended this exemption to railway labor organizations which have similar arrangements covering their employees. The affected organizations are permitted under the amendment to obtain a delay in the transfer of tax liabilities until the earlier of (1) the date as of which any moratorium in current collective bargaining agreements covering pay expires, or (2) the date the organization agrees through collective bargaining to assume the liability for payment of those taxes.

Conference substitute

The conference agreement is the same as the Senate amendment.

TITLE II—AMENDMENTS TO THE INTERSTATE COMMERCE ACT

Section 201

House bill

The purpose of section 201 was to allow railroads to increase the general level of inter- and intrastate rates to offset increases in costs resulting from increases in taxes under the Railroad Retirement Act, as amended, occurring before January 1, 1975, or as a result of the enactment of the House bill. Under the procedure established to accomplish this purpose, the Commission was required, within thirty days after the filing of a verified petition by a carrier or group of carriers, to permit the filing of tariffs providing for increased rates to become effective not less than 10 nor more than 30 days from the date of filing. (Such increases could not take effect until the cost increases upon which they were based had become effective.) The Commission could withhold permission to file tariffs if it found that the proposed increase clearly exceeded the amount needed to cover the increases in costs, but otherwise once the tariffs were filed the Commission would have no authority to suspend them pending final determination. After such hearings as it deemed necessary, the Commission was required to authorize such permanent increases as were necessary to offset the increased costs described above in accordance with the standards applied by the Commission under the

Interstate Commerce Act. In the event that the increases authorized on a permanent basis were less than those initially allowed and collected, the carriers were required to refund the difference.

Section 202

This section provided that the Commission require carriers which have been permitted or authorized increased rates under section 201, above, to make such increases as are established for interstate traffic concurrently effective on intrastate shipments. The intrastate increases thus required would be deemed to have been prescribed under section 13(4) of the Interstate Commerce Act, as amended, and they would be subject to the same refund provisions as described above.

Senate amendment

Section 201 of the Senate amendment would amend the Interstate Commerce Act to provide for an expedited procedure for petitions requesting adjustments of interstate rates of common carriers (subject to part I of the Interstate Commerce Act) based upon increases in expenses of such carriers pursuant to section 102 of the bill—i.e. railroad retirement tax increases. On or before August 1, 1973 the Commission was required to establish in an informal rulemaking proceeding requirements for such rate increase petitions which would "facilitate fair and expeditious action on any such petition . . . by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses." In order to meet the August 1 deadline, the Commission could modify its rulemaking procedures to require comments sooner than 30 days after publication of the proposed requirements.

The Commission was required to act upon a petition for an adjustment in interstate rates within sixty days of the receipt of such petition. If the petition was filed in accordance with the requirements established pursuant to rule as discussed above, the petition would be deemed approved as filed if the Commission failed to act within the required sixty days. This provision was included to insure timely action by the Commission within the sixty-day period.

Increases for intrastate rate adjustments would first be considered by the State authority having jurisdiction over such intrastate rates. The State authority was required to act upon such petition within sixty days of its presentation by the carrier. If the State authority denied in whole or in part a petition or failed to take action, the Commission, upon petition to it by the carrier, was required to act upon such petition within thirty days. The Commission could overrule a denied petition if such denial unduly burdened interstate commerce.

The bill specifically required that any increased freight rates authorized "shall not exceed a reasonable level by types of traffic, commodities, or commodities groups and shall preserve existing market patterns and relationships and present port relationships by uniform maximum increase limitations within and between the major districts."

Conference substitute

The conference substitute in general incorporates the provisions of the House bill with respect to increases in interstate freight rates related to increases in railroad retirement taxes, but requires the Interstate Commerce Commission to prescribe by rule the requirements which must be satisfied in the petitions filed by carriers for increases. The substitute revises the procedures with respect to intrastate ratemaking, and makes certain clarifications with respect to the implementation of rate increases so as to avoid discrimination between commodities and districts. A description of the conference substitute follows.

The conference substitute adds a new paragraph (4) to section 15(a) of the Interstate Commerce Act. Subparagraph (a) of the proposed new paragraph (4) provides that the Commission shall, by informal rule-making under the Administrative Procedure Act establish the requirements for petitions for adjustments of rates of common carriers subject to part I of the Interstate Commerce Act occasioned by the tax increases prescribed in this legislation, in existing law, or imposed by law on or before January 1, 1975. The requirements which the petitions must meet shall be such as to lead to the disclosure of the availability of means other than a rate increase by which carriers might absorb or offset the increases.

Subparagraphs (b) and (c) of the proposed new paragraph (4) are essentially the same as the provisions of the House bill, but are limited to interstate freight rate increases, and the carriers are required to pay interest on refunds ordered by the Commission.

Subparagraph (d) differs from both the House and Senate versions, but in general follows the pattern of the Senate amendment, with some revisions. In the case of intrastate rate increases to offset expenses arising out of the taxes referred to above, the carriers must initially apply to the appropriate State authority. If the State authority grants the full amount of the requested increase within 60 days, the Commission does not become involved in the proceeding. If the State authority chooses, it may grant an interim rate increase in the full amount requested, and subsequently order refunds in the same fashion as the Interstate Commerce Commission may order refunds in the case of interstate rates.

If the State authority does not act on the petition within 60 days, of if the State authority denies the increase entirely, the carriers may petition the Interstate Commerce Commission for an order granting such increases, and the Commission must act upon that petition within 30 days, applying the criteria it applies to final determinations of interstate rate increases under the conference substitute. Thereafter, the State authority may consider the justification for the rate increases granted, and may order refunds if it subsequently determines that the rate increases are not justified, subject however to the overall authority of the Interstate Commerce Commission to grant relief against undue discrimination against, or burdens upon, interstate commerce in accordance with section 13(4) of the Interstate Commerce Act.

If the State authority to whom a petition for intrastate rate increases is submitted under this section grants an increase within the 60 day period prescribed but in amounts less than requested by the carriers, the carriers may petition the Interstate Commerce Commission for relief under section 13(4) (relating to undue discrimination against, or burdens upon, interstate commerce) of the Interstate Commerce Act, and the Commission is required to act on that petition within 30 days.

Subparagraph (e) is derived from the Senate amendment and provides that any increased freight rates authorized are not to exceed a reasonable level by types of traffic, commodities, or commodity groups and are to preserve existing market patterns and relationships and present port relationships through the use of increase limitations within and between the major districts to the extent possible, but not in such a way as to authorize unreasonable increases in any district.

William D. Hathaway,
Claiborne Pell,
Gaylord Nelson,
Harold E. Hughes,
Walter F. Mondale,
Richard S. Schweiker,
Robert Taft, Jr.,
J. Glenn Beall, Jr.,
Wallace F. Bennett,
Warren G. Magnuson,
John O. Pastore,
Vance Hartke,
Robert Griffin,
Managers on the Part of the Senate.
Harley O. Staggers,
John Jarman,
John D. Dingell,
James Harvey,
Dan Kuykendall,
Managers on the Part of the House.

Mr. HATHAWAY. Mr. President, I would like to take this opportunity to commend all those who contributed to the development and passage of this legislation. This includes representatives of railway labor and railway management; the members and staff of the Railroad Retirement Board, Library of Congress staff, the members and staff of the House Committee on Interstate and Foreign Commerce, the Senate Committee Labor and Public Welfare, Finance and Commerce, as well as the members of the conference committee. Without the continuing cooperation of all of these individuals and groups, legislation in this complex and sometimes perplexing area would have been impossible.

As it is, the piece of legislation which I am now laying before the Senate is a realistic and responsible approach toward the solution of a difficult problem—a problem which has been before the Congress too often in the recent past. While protecting the benefit levels of those currently on the railroad retirement rolls, this act sets in motion a logical process for putting the system on a sound financial basis. This process begins, as it should, with negotiations between labor and management on the restructuring of the system. The fundamental question involved here, of course, is who will bear the cost of making the system whole. Therefore, it makes sense that the parties who will have to bear this cost, one way or another, be given the option of settling this matter through collective bargaining. From the testimony we have received, I have every confidence that such a settlement can be achieved.

With respect to title II of the conference substitute, I would like to make several clarifying observations. The conference substitute requires a carrier to petition the appropriate State authority when seeking intrastate rate increases based upon expenses resulting from railroad retirement increases. The State can then act upon such petition to grant an interim or final rate increase. Either of those actions would constitute "final" action for the purposes of subparagraph (d)(B) of paragraph 4, and would preclude a petition to the Commission if rates were granted in the full amount requested. To clarify another point, the authority of the Commission to review State action in accordance with section 13(4) of the Interstate Commerce Act specifically preserved in subparagraph (d)(D) of paragraph 4 of the conference substitute does not offer carriers an alternative to the other provisions specified in subparagraph (d). The Commission would review State actions only after they had been completed as authorized in subparagraphs (A), (B), and (C) of subparagraph (d).

Finally, this act contains a very important one sentence section which reads as follows:

> The Congress hereby declares its intent to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

This puts the Congress clearly on record and the parties clearly on notice that the present precarious financial conditions of the system cannot continue beyond 1974. Our responsibility to present and especially future retirees requires no less.

The problems of railroad retirement are not easy ones; however, I am sure that they can be solved if the spirit of cooperation which gave rise to this legislation continues to operate. This legislation is not the solution, but merely a vehicle to move us toward a solution. It is responsible legislation; I respectfully urge its passage.

Mr. HATHAWAY. Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

QUORUM CALL

Mr. HATHAWAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, JUNE 29, 1973, TO SATURDAY, JUNE 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes business on Friday next, it stand in adjournment until 10 o'clock a.m. on Saturday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be the final rollcall today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is S. 1443.

Mr. ROBERT C. BYRD. I thank the Chair.

I ask unanimous consent that on Monday, the then unfinished business, S. 1443, be temporarily laid aside while the Senate proceeds to the consideration of S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections, and that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 343 or until the close of business on Monday, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. The program for Monday is as follows: The Senate will convene at 10 o'clock a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Illinois (Mr. PERCY) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will proceed to the consideration of Calendar No. 207, S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections. Amendments will be in order thereto. There is a time limitation agreement thereon. And there will be yea-and-nay votes presumably on amendments thereto. There will most assuredly be a yea-and-nay vote on the final passage thereof.

Upon the disposition of S. 343, the Senate will resume its consideration of the then unfinished business, Calendar No. 179 (S. 1443) a bill to authorize the furnishing of defense articles and services to foreign countries and international organizations. Yea-and-nay votes will likely occur on amendments to that bill.

The leadership may from time to time call up other measures which are cleared for floor action.

The Senate will operate on a multiple track system throughout next week.

The leadership would ask for the understanding of all Senators, realizing that the effort will be made—as the distinguished majority leader has announced earlier—to complete the business of the Senate by next Friday or next Saturday, preceding the July 4 holiday. Under the previous plan, all will recall, the Senate was to begin its July 4 recess at the close of business a week from next Tuesday.

So, the leadership would hope to have as much flexibility as is possible in dealing with the calendar throughout the next week, hoping that all Senators would be alerted at all times to the possibility of rollcall votes at any time next week—early or late on any day.

The Senate will be operating under special circumstances next week, and will be meeting early and will be meeting reasonably late daily, including Saturday in all likelihood.

The leadership would also express the hope that, where possible, the 3-day rule may be waived in view of the extenuating circumstances confronting the Senate next week.

I think that the distinguished majority leader would want me to state, moreover, at this time that the leadership would in all likelihood expect to call up Calendar No. 224 (S. 2045) a bill to require that future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President be subject to confirmation by the Senate, and also Calendar No. 226 (S. 37) a bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget, on any day, beginning with Tuesday of next week, so that the Senate may proceed with a multiple track system as has been announced.

Senators would, therefore, have received appropriate notice in the meantime that the Senate may be taking up those 2 bills Tuesday.

I would imagine that on Wednesday of next week, the leadership would probably want to proceed on the first track with Calendar No. 208 (S. 1435) a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

ADJOURNMENT TO MONDAY, JUNE 25, 1973, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 10 a.m. on Monday next.

The motion was agreed to; and at 2:50 p.m., the Senate adjourned until Monday, June 25, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 1973:

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92-129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Ables, Jack, [redacted].
Adair, Billy D., [redacted].
Aguirre, Alex H., [redacted].
Alderman, Richard J., [redacted].
Aldred, William H., [redacted].
Aleksich, Bronco, [redacted].
Alexander, John A., [redacted].
Allen, Glenn T., Jr., [redacted].
Amato, Anthony J., [redacted].

Amsler, Ernest G., Jr., [redacted].
Anctil, Robert J. N., [redacted].
Anders, Edward B., [redacted].
Anderson, Amil D., [redacted].
Anderson, Donald P., [redacted].
Anderson, Edith R., [redacted].
Anderson, William K., [redacted].
Andreasen, James H., [redacted].
Andrew, Loyd D., [redacted].
Annis, William W., [redacted].
Apt, Frederick G., Jr., [redacted].
Arnheiter, Theodore L., Jr., [redacted].
Atchison, Jessie E., [redacted].
Atkinson, Don C., [redacted].
Atwood, Robert E., [redacted].
Bachman, Robert A., [redacted].
Bacote, Thomas B., [redacted].
Baggish, Irving, [redacted].
Baier, Charles J., [redacted].
Bailey, Samuel W., [redacted].
Bale, Lawrence J., [redacted].
Ballard, Carroll C., [redacted].
Balmer, John M., [redacted].
Baltz, Howard B., [redacted].
Banasick, John A., [redacted].
Bandy, Maurice L., [redacted].
Barker, Cortis A., Jr., [redacted].
Bartlett, Robert W., [redacted].
Bassett, Clement R., [redacted].
Batchelor, Pines F., Jr., [redacted].
Bauer, Kurt W., [redacted].
Beasley, George W., [redacted].
Beattie, Sheridan B., [redacted].
Beavis, Leonard C., [redacted].
Beck, Theodore H., [redacted].
Becker, Roger A., [redacted].
Beddow, William H., Jr., [redacted].
Begue, William J., [redacted].
Belehas, Constantine G., [redacted].
Bell, Arthur R., Jr., [redacted].
Bell, Harry S., [redacted].
Bell, James R., [redacted].
Bell, John W., [redacted].
Bell, Junius C., [redacted].
Benigno, Caesar J., [redacted].
Benlick, George H., [redacted].
Bennett, Gordon R., [redacted].
Bennett, John W., [redacted].
Bennett, Max M., [redacted].
Bennett, William G., [redacted].
Bergsten, Lester D., [redacted].
Bernick, Richard J., [redacted].
Berry, Jack K., [redacted].
Bettencourt, Manuel S., Jr., [redacted].
Birch, Howard R., [redacted].
Birkelo, Ralph J., [redacted].
Black, Donald H., [redacted].
Blackburn, Richard S., [redacted].
Blair, Tunice K., [redacted].
Blake, Billy B., [redacted].
Blythe, Samuel A., [redacted].
Bolton, Louis F., [redacted].
Bomar, Jack W., [redacted].
Bones, William F., Jr., [redacted].
Bonnet, Francis A., [redacted].
Bontempo, Arnold, [redacted].
Booth, Billy C., [redacted].
Bottom, Raymond B., Jr., [redacted].
Boughton, Charles J., [redacted].
Bowers, George B., Jr., [redacted].
Bowie, Andrew J., [redacted].
Boyce, Ronald N., [redacted].
Boyd, John E., [redacted].
Brady, John A., [redacted].
Brainin, Howard L., [redacted].
Brandstetter, Walter C., [redacted].
Branham, William D., [redacted].
Brenner, Stanley J., [redacted].
Brinck, John S., [redacted].
Brouillette, Percy, Jr., [redacted].
Brown, Charles Q., [redacted].
Brown, George R., [redacted].
Brown, Gordell A., [redacted].
Brown, Jimmy C., [redacted].
Brown, Ralph L., [redacted].
Browning, Robert C., [redacted].
Bryan, Walter H., [redacted].
Buchanan, Howard A., [redacted].
Bufano, Leon R., [redacted].
Buller, Gerald E., [redacted].
Bunch, Howard E., [redacted].
Burgess, Richard J., [redacted].
Burke, Edward F., [redacted].
Cadwell, Ernest E., Jr., [redacted].
Caldwell, John T., [redacted].
Cali, Alfio J., [redacted].
Campbell, William J., Jr., [redacted].
Cannon, Ross W., [redacted].
Caporale, Patrick R., [redacted].
Capwell, Donald B., [redacted].
Carbone, Thomas J., [redacted].
Cargill, Charles R., [redacted].
Carmichael, John B., Jr., [redacted].
Carpenter, Jonathan C., [redacted].
Carr, Charles H., [redacted].
Carroll, David A., [redacted].
Carroll, Fred M., [redacted].
Carusos, Jack N., [redacted].
Carver, Robert B., [redacted].
Cary, William S., Jr., [redacted].
Case, Thomas F., [redacted].
Cate, Joe N., Jr., [redacted].
Cavanaugh, David K., [redacted].
Chandler, Woodley L., [redacted].
Chavaux, Paul H., [redacted].
Childress, Robert D., [redacted].
Choate, Murray R., [redacted].
Chrisinger, Richard L., [redacted].
Chrysokos, James S., [redacted].
Clement, Charles A., Jr., [redacted].
Cleveland, Willard E., [redacted].
Clones, Nicholas J., [redacted].
Coleman, Edward B., [redacted].
Collins, Martin T., [redacted].
Colvin, Jack H., [redacted].
Comstock, Frederick L. J., [redacted].
Congdon, James E., [redacted].
Conlon, James E., [redacted].
Conover, George R., [redacted].
Contreras, Cosby B., [redacted].
Coogan, Bernard J., [redacted].
Cook, Carter C., [redacted].
Cook, Raymond G., [redacted].
Cooper, Walter B., [redacted].
Copeland, H. C., [redacted].
Copeland, Jones E., [redacted].
Corriher, Mitchell B., Jr., [redacted].
Corwin, Lewis A., [redacted].
Costello, Richard P., [redacted].
Cotten, Richard E., [redacted].
Cowden, Robert O., [redacted].
Cox, William J., [redacted].
Craig, Dorothy A., [redacted].
Craig, George A., [redacted].
Crawford, Alvin G., [redacted].
Crawford, William A., [redacted].
Crump, Allan C., [redacted].
Cryer, Robert E., [redacted].
Cummings, Robert F., [redacted].
Cunning, James F., Jr., [redacted].
Curcio, John, [redacted].
Curry, Elmer E., Jr., [redacted].
Curry, Robert L., III, [redacted].
Dagnoli, Donato F., [redacted].
Dahlquist, Jerome L., [redacted].
Dale, Harold D., Jr., [redacted].
Daler, Wilbert A., [redacted].
Daly, Ernest R., [redacted].
Danaher, Jere J., [redacted].
Daniel, Paul L., [redacted].
Daniels, Robert W., [redacted].
Danna, John B., Jr., [redacted].
Davey, Walter T., Jr., [redacted].
Davidson, Duncan P., [redacted].
Davidson, Steve E., [redacted].
Davis, Clay T., Jr., [redacted].
Davis, Donald F., [redacted].
Davis, Lester A., [redacted].
Davis, Robert E., [redacted].
Day, Bradley W., [redacted].
Dayton, Alfred B., [redacted].
Dean, Robert A., [redacted].
Debra, Daniel B., [redacted].
Deeb, George M., [redacted].
Deleon, Heriberto, [redacted].
Delfino, Edio P., [redacted].
Delph, Norris C., [redacted].
Delserone, William E., [redacted].
Derath, Eugene R., [redacted].
Derrick, William J., III, [redacted].
Derthick, Lewis H., Jr., [redacted].
Desomma, Francis L., [redacted].
Deville, Joel J., [redacted].
Dewey, Harold A., Jr., [redacted].
Dickey, Coe H., Jr., [redacted].
Dickson, Charles W., [redacted].
Dietrich, Ross B., [redacted].
Dileo, Frank D., Jr., [redacted].
Diller, John C., Jr., [redacted].
Dinsmore, John W., [redacted].
Dinwiddie, Thomas H., [redacted].
Dixon, Harold F., [redacted].
Dobbs, Paul J. H., [redacted].
Dochtermann, Wolfram J., [redacted].
Doherty, Mary L., [redacted].
Dorsey, Edgar E., [redacted].
Dotson, Robert E., [redacted].
Douches, John J., Jr., [redacted].
Dougherty, Frank E., Jr., [redacted].
Downey, James P., [redacted].
Downs, Harry M., [redacted].
Duffee, Ernest M., [redacted].
Dugan, William H., [redacted].
Duncan, John A., [redacted].
Durbin. Donald B., [redacted].
Durland, George R., [redacted].
Dvorak, Raymond P., [redacted].
Eaton, John L., [redacted].
Edens, Ira A., [redacted].
Edgerton, Charles R., [redacted].
Edmiston, John R., [redacted].
Edwards, Alfred L., [redacted].
Edwards, Burton L., [redacted].
Eide, Allan B., [redacted].
Eiser, Carl H., [redacted].
Elkin, James L., Jr., [redacted].
Ellenwood, Glenn L., [redacted].
Ellis, Ben P., II., [redacted].
Elman, Stanislaus A., [redacted].
Emery, James L., [redacted].
Endrikat, Fred R., [redacted].
Endt, Robert H., [redacted].
Erdmann, Robert H., [redacted].
Erickson, Donn W., [redacted].
Eriksen, Hans J., [redacted].
Ernst, Charles R., Jr., [redacted].
Evans, James H., [redacted].
Evans, Richard D., [redacted].
Fant, John A., [redacted].
Farmer, Benjamin R., Jr., [redacted].
Farquhar, Charles D., [redacted].
Farris, Nathandale, [redacted].
Farrow, Billy G., [redacted].
Fearon, Robert H., Jr., [redacted].
Ferguson, Jack P., [redacted].
Ferrell, Donald L., [redacted].
Ferry, Donald W., [redacted].
Finn, Fred T., Jr., [redacted].
Finn, Martin J., [redacted].
Fischer, Howard A., [redacted].
Fleming, Charles W., [redacted].
Fletcher, James L., [redacted].
Flick, Roland N., Jr., [redacted].
Foley, Jack V., [redacted].
Folts, Edward F., [redacted].
Fonda, Harold R., [redacted].
Ford, Clair B., [redacted].
Forell, Millard J., [redacted].
Forsberg, Robert R., [redacted].
Fortner, Richard W., [redacted].
Fowler, James R., [redacted].
Frankel, David, [redacted].
Fried, Meyer Z., [redacted].
Fritsch, Thomas J., [redacted].
Frye, James H., [redacted].
Furukawa, Paul M., [redacted].
Gardiner, William N., [redacted].
Gardner, Johathan, [redacted].
Garrison, Charles P., [redacted].
Gass, Andrey B., Jr., [redacted].
Gauntlett, John H., [redacted].
Gay, Robert V., [redacted].
Gebhard, Raymond P., [redacted].
Geiger, John M., [redacted].
Gianas, Peter T., [redacted].
Gibson, Wallace L., [redacted].
Gilbert, Gideon M., [redacted].
Gilevich, John J., [redacted].
Gilman, Richard D., [redacted].
Glahn, Harry R., [redacted].
Glascott, Peter A., [redacted].
Gleaves, William W., [redacted].
Glennon, Thomas F., Jr., [redacted].

Gluck, Robert E., [redacted]
Goetz, Lavern, [redacted]
Goff, Emmett S., [redacted]
Golla, John A., [redacted]
Golub, Morris M., [redacted]
Gordon, Aubrey G., [redacted]
Gordon, Lloyd I., Jr., [redacted]
Gordon, Robert L., [redacted]
Grace, Walter C., [redacted]
Grandchamp, Robert J., [redacted]
Grant, James B., [redacted]
Grasty, Andrew, Jr., [redacted]
Gray, William M., [redacted]
Green, Bobby, [redacted]
Green, Richard A., [redacted]
Green, Robert F., [redacted]
Gremillion, Joseph A., Jr., [redacted]
Griffith, Richard L., [redacted]
Grimes, Robert D., [redacted]
Grotzinger, Irwin C., [redacted]
Gruber, Karl A., [redacted]
Haase, Theodore W., [redacted]
Haddock, Donald J., [redacted]
Hall, Chester V., [redacted]
Hall, Richard L., Jr., [redacted]
Hamilton, Theresa A., [redacted]
Hammond, John C., [redacted]
Hansen, Carl N., [redacted]
Hansen, Dewey J., [redacted]
Hardin, George C., [redacted]
Hardy, Frank J., [redacted]
Hare, Robert A., [redacted]
Harris, Martin H., [redacted]
Harrison, Fred W., [redacted]
Harrison, James W., [redacted]
Hart, Roy J., Jr., [redacted]
Hart, William R., [redacted]
Hartman, Roger L., [redacted]
Hartman, Thomas A., [redacted]
Hartung, Victor M., [redacted]
Hauser, Lewis K., Jr., [redacted]
Hawkins, Edgar L., [redacted]
Hawksworth, Arthur D., [redacted]
Hayes, David R., [redacted]
Hays, John M., [redacted]
Head, Malcolm E., [redacted]
Heavener, James D., [redacted]
Heffner, Robert D., [redacted]
Henry Eugene W., [redacted]
Hermsen, Richard J., [redacted]
Heuer, Ernest E., [redacted]
Heurlin, Victor H., Jr., [redacted]
Highfill, Richard E., [redacted]
Highsmith, Charles A., [redacted]
Hill, Raymond R., [redacted]
Hill, Robert B., [redacted]
Hill, Robert M., [redacted]
Hilton, John C., [redacted]
Hirons, Frank K., [redacted]
Hoback, Harold N., [redacted]
Hodges, Cleon A., [redacted]
Hoffman, Wallace E., [redacted]
Hollifield, Herbert R., [redacted]
Hollingsworth, Charles D., [redacted]
Holloway, Robert A., [redacted]
Holt, Frank R., [redacted]
Holway, Warren A., [redacted]
Horn, William F., [redacted]
Houghton, Paul W., [redacted]
Howard, Robert G., [redacted]
Howerton, James W., [redacted]
Howle, Herbert E., [redacted]
Howse, William J., Jr., [redacted]
Hudson, Stanley P. J., [redacted]
Hughes, Charles R., [redacted]
Hughes, William T., Jr., [redacted]
Hull, Benjamin C., [redacted]
Hull, Howard L., Jr., [redacted]
Humenik, Paul J., [redacted]
Hunt, Arthur E., [redacted]
Hunt, Bettie J., [redacted]
Hunt, Charles L., [redacted]
Hunt, James R., [redacted]
Hurtado, Edward, Jr., [redacted]
Hutchison, Robert D., [redacted]
Hutt, William E., [redacted]
Hyland, Patrick F., [redacted]
Hyman, Julius, [redacted]
Hynes, Wilfred L., [redacted]
Imber, Richard L., [redacted]
Irion, Raymond J., [redacted]
Irwin, George L., Jr., [redacted]
Jacobs, Donald F., [redacted]
Jacobs, George W., [redacted]
Jacobsen, Richard L., [redacted]
Jacuzzi, Daniele, [redacted]
James, Robert D., [redacted]
Janasak, Rudy J., [redacted]
Jennings, Jacob H., [redacted]
Jenson, Joseph L., [redacted]
Jervey, Annie A., [redacted]
John, Carl P., [redacted]
Johnson, Donald R., [redacted]
Johnson, Elbert S., [redacted]
Johnson, Heinz H., [redacted]
Johnson, Jimmie D., [redacted]
Johnson, Lloyd H., [redacted]
Johnson, Malcolm, [redacted]
Johnson, Robert R., [redacted]
Johnston, John W., Jr., [redacted]
Johnston, Thomas D., [redacted]
Johnstone, Stowell R., [redacted]
Jones, Churley, [redacted]
Jordan, Jesse D., [redacted]
Jordan, Ronald S., [redacted]
Jorgensen, Claron W., [redacted]
Jung, William, [redacted]
Kahler, Robert E., [redacted]
Kaiser, Herbert H., Jr., [redacted]
Kalista, Charles A., [redacted]
Kall, Joseph E., [redacted]
Kawatachi, George Y., [redacted]
Keefer, James F., [redacted]
Kehaya, Donald E., [redacted]
Kehoe, Edward C., [redacted]
Kelinske, John A., [redacted]
Kellam, Frank M., Jr., [redacted]
Kelley, Herbert A., [redacted]
Kelly, Richard L., [redacted]
Kendrick, Thomas J., [redacted]
Kiefer, John B., [redacted]
Kiley, Edward B., [redacted]
Kimura, Frederick S., [redacted]
King, Rufus M., [redacted]
Kinsella, Paul F., [redacted]
Kirkbride, Thomas E., [redacted]
Kirschner, Burton H., [redacted]
Kisbey, Stanley G., [redacted]
Kistler, James O., [redacted]
Klaveness, Gerd, [redacted]
Kliegle, Robert M., [redacted]
Klima, Warren F., [redacted]
Knight, Montgomery, Jr., [redacted]
Kobayashi, Jack T., [redacted]
Kooler, Douglas B., [redacted]
Kopal, Ernest W., [redacted]
Kornher, Kenneth L., [redacted]
Kuchta, oseph D. A., [redacted]
Kuehner, Alton C., [redacted]
Lacouture, Bernard P., [redacted]
Lamorte, Michael W., [redacted]
Landis, Harold U., Jr., [redacted]
Lane, Frederick D., [redacted]
Lapradd, Charles W., [redacted]
Laramy, Richard E., [redacted]
Laverty, William W., [redacted]
Lavigne, Francis C., [redacted]
Lebanoff, Lazarus, [redacted]
Ledbetter, Heustice L., [redacted]
Lee, Edward K., [redacted]
Lee, Norvel L. R., [redacted]
Lee, Robert G., [redacted]
Lehman, Roger J., [redacted]
Leu, Thomas W., [redacted]
Levy, Herbert M., [redacted]
Lewie, John R., [redacted]
Lewis, James D., [redacted]
Liddell, Edwin A., [redacted]
Linck, Robert E., [redacted]
Lindsey, Robert E., [redacted]
Lindsley, Kenneth P., Jr., [redacted]
Linebarier, Bobby J., [redacted]
Lisner, Leonard P., [redacted]
Loftus, Richard G., [redacted]
Long, Charles C., [redacted]
Lotstein, Herman, [redacted]
Loy, Richard A., [redacted]
Loy, William A., [redacted]
Luke, Martin K., [redacted]
Lukowsky, Robert O., [redacted]
Lundquist, Darrell W., [redacted]
Lyle, Richard W., [redacted]
Lynch, Donald W., [redacted]
Macdonald, Donald, [redacted]
Macdonald, Leland H., [redacted]
Macko, Charles, [redacted]
Madison, Thomas M., [redacted]
Magill, Raymond W., [redacted]
Majersik, Clifford A., [redacted]
Mallory, Robert L., [redacted]
Malone, William R., [redacted]
Maples, Charles A., [redacted]
Marchese, Bruno, [redacted]
Marendt, Robert P., Jr., [redacted]
Marshall, Robert C., [redacted]
Martin, Arthur H., [redacted]
Martin, Edward C., [redacted]
Martin, Forrest D., [redacted]
Martz, Richard Y., [redacted]
Marvik, Charles G., [redacted]
Matthews, David R., [redacted]
Matthews, Donald E., [redacted]
Mauchley, Kenneth V., [redacted]
Maughmer, Frederic H., [redacted]
Maxcy, Edra L., Jr., [redacted]
Maxfield, Daniel P., [redacted]
Mcardle, Richard C., [redacted]
Mccain, Otha K., [redacted]
McCarty, Joe H., [redacted]
McCawley, Frank X., [redacted]
McClelland, Marc M., [redacted]
McCloskey, Neal T., [redacted]
McConnell, Vincent M., [redacted]
McCormack, William, [redacted]
McCrory, Donald G., [redacted]
McDermott, Harold L., [redacted]
McDonald, Walter G., [redacted]
McEnulty, Ronald R., [redacted]
McGee, Elias T., Jr., [redacted]
McGranaghan, John J., [redacted]
McGraw, Roscoe E., [redacted]
McHaffie, John C., [redacted]
McHenry, Vere A., [redacted]
McInerney, Robert B., [redacted]
McKinney, Spart J., Jr., [redacted]
McLaren, John J., [redacted]
McLaughlin, Charles J., [redacted]
McLaughlin, Stanley, [redacted]
McLean, Horace L., [redacted]
McMahon, John F., Jr., [redacted]
McMahon, William A., [redacted]
McMorrow, William M., [redacted]
McPherson, Donald T., [redacted]
McQuade, Joseph P., [redacted]
McVeigh, James J., [redacted]
Medill, Thomas L., Jr., [redacted]
Meeker, Charles E., Jr., [redacted]
Meeker, Merton D., Jr., [redacted]
Meilinger, George H., [redacted]
Meldrum, Sterling L., [redacted]
Mento, Andrew M., [redacted]
Merrill, Allan R., [redacted]
Merrill, George L., [redacted]
Merrow, Wescott, M., [redacted]
Mersereau, Edward F., [redacted]
Merwick, John P., [redacted]
Metzger, Robert C., [redacted]
Michener, Richard E., [redacted]
Mickey, Harlan K., [redacted]
Milburn, Thomas G., [redacted]
Miller, Carl D., [redacted]
Miller, Dudley B., [redacted]
Miller, Vernon I., [redacted]
Milligan, James R., [redacted]
Mills, Fred J., Jr., [redacted]
Mitchell, Albert C., [redacted]
Moineau, Roger A., [redacted]
Mollica, James J., [redacted]
Momii, Isamu S., [redacted]
Moore, Arnold J., [redacted]
Moore, J. Frank, [redacted]
Moore, Richter H., Jr., [redacted]
Moore, Robert P., [redacted]
Moore, Virgil W., [redacted]
Morache, Martel, [redacted]
Moreau, Francis R., [redacted]
Moren, Clayton E., [redacted]
Moriguchi, Raymond J., [redacted]
Moriwaki, Nelson T., [redacted]
Morris, Joe H., [redacted]
Morris, Max B., [redacted]
Mortensen, Robert G., [redacted]
Morton, Vann P., [redacted]

Moses, Andrew D., [redacted].
Moss, Joseph C., [redacted].
Mossop, William E., [redacted].
Mottley, Harry E., Jr., [redacted].
Mowry, Charles J., [redacted].
Mulliken, Alfred D., [redacted].
Munroe, Donald D., [redacted].
Murphy, Allen T., Jr., [redacted].
Murphy, John A., [redacted].
Murphy, Julian R., [redacted].
Murray, Robert C., [redacted].
Murty, Edward J., Jr., [redacted].
Muscatello, Richard W., [redacted].
Napier, James H., [redacted].
Neeld, Bobby G., [redacted].
Neelley, Charles E., [redacted].
Neff, Kenneth D., [redacted].
Nelson, Charles C., [redacted].
Nelson, John C., [redacted].
Noakes, Billy J., [redacted].
Noble, James W., [redacted].
Noell, William C., Jr., [redacted].
Nolan, George F., [redacted].
Norton, Joseph D., [redacted].
Norwood, Samuel L. III, [redacted].
Nuss, Eugene M., [redacted].
Oberling, Jason W., [redacted].
Oday, Donald M., [redacted].
Olsen, John R., [redacted].
Olsen, Norman E., [redacted].
Olson, Clarence G., [redacted].
Olson, Herbert A., [redacted].
Oppenheimer, Fred E., [redacted].
O'Reilly, Vincent F., [redacted].
Orman, Leonard A., [redacted].
Oshiro, Yoswinobu, [redacted].
Overfield, Donald L., [redacted].
Overfield, Raymond P., Sr., [redacted].
Owen, David H., Jr., [redacted].
Owens, Nathan H., [redacted].
Oyama, Henry, [redacted].
Pagano, Philip S., [redacted].
Palace, John T., Jr., [redacted].
Palmer, Delmar R., Jr., [redacted].
Palmer, Eric W., [redacted].
Pantano, Patsy L., [redacted].
Parks, Anderson H., Jr., [redacted].
Parrish, Robert L., [redacted].
Parrott, Charles R., [redacted].
Parsons, Stuart O., [redacted].
Pascuzzi, Eugene D., [redacted].
Patterson, James F., [redacted].
Pearson, Lennart B., [redacted].
Pearson, Richard C., [redacted].
Pelletier, Gerard M., [redacted].
Pennington, Frank N., [redacted].
Perez, Melvin E., [redacted].
Perkins, John B., [redacted].
Perlich, Leonard A., [redacted].
Peters, Edward J., [redacted].
Pfrommer, Paul E., [redacted].
Phillips, Kenneth G., [redacted].
Phillips, Robert C., [redacted].
Pierson, Peter S., [redacted].
Pinto, James T., [redacted].
Pitney, Ersel F., [redacted].
Pitts, Wilson H., [redacted].
Pless, John P., [redacted].
Post, Thomas R., [redacted].
Powell, Harley G., [redacted].
Powell, Jack A., [redacted].
Powell, Joseph F., [redacted].
Presley, Augustus R., Jr., [redacted].
Price, Donald B., [redacted].
Pritchett, Thomas G., Jr., [redacted].
Puerling, Robert A., [redacted].
Purdy, Gerald A., [redacted].
Purdy, Irvine A., [redacted].
Pyburn, Thomas D., [redacted].
Querns, Paul E., [redacted].
Quinn, David H., Jr., [redacted].
Quinn, Luke, [redacted].
Quirk, William J., [redacted].
Rackley, Inzar W., Jr., [redacted].
Rader, George S., [redacted].
Rader, Sanford, [redacted].
Ragle, Eugene N., [redacted].
Railsback, Jack M., [redacted].
Rainwater, Neal H., [redacted].
Rausch, Curtis D., [redacted].
Ray, Cread L., Jr., [redacted].
Ree, Harry A., [redacted].
Reeves, Garey M., [redacted].
Reeves, Robert M., [redacted].
Regan, Gerald F., [redacted].
Reiland, Philip L., [redacted].
Reinke, George B., [redacted].
Reinking, Robert G., [redacted].
Reinwald, Jerald E., [redacted].
Resnick, Marvin, [redacted].
Restifo, Joseph V., [redacted].
Reuss, John L., [redacted].
Reynolds, Clarence E., Jr., [redacted].
Reynolds, Frank L., Jr., [redacted].
Richard, Charles W., Jr., [redacted].
Richards, Samuel A., [redacted].
Richardson, Howard H., [redacted].
Richter, Harold K., [redacted].
Ridley, Ive L., Jr., [redacted].
Riethof, Stephen F., [redacted].
Rieu, Emile H., [redacted].
Riibe, Allen L., [redacted].
Rizor, James M., [redacted].
Robb, Jon M., [redacted].
Roberts, Bob A., [redacted].
Roberts, David G., [redacted].
Robinson, Cleophus A., II, [redacted].
Rochford, James T., [redacted].
Rogers, Fred E., Jr., [redacted].
Rose, Gordon W., [redacted].
Ross, Leslie W., [redacted].
Rowell, Howard T., [redacted].
Ruch, Jarold W., [redacted].
Ruch, Jarold W., [redacted].
Rudy, William J., [redacted].
Ryan, Michael J., III, [redacted].
Saling, Jack O., [redacted].
Sams, Tommy L., [redacted].
Samuels, William M., Jr., [redacted].
Sarvis, Joseph B., [redacted].
Sawyer, Daniel B., [redacted].
Scalise, Peter P., Jr., [redacted].
Scarlett, Jack, [redacted].
Schaefer, Paul M., [redacted].
Schmid, Carroll A., [redacted].
Schmidt, Leo C., Jr., [redacted].
Schmidt, Robert E., [redacted].
Schmidt, Wililam J., Jr., [redacted].
Schneider, Edward C., Jr., [redacted].
Schneider, Francis P., [redacted].
Schneider, Robert W., [redacted].
Schofield, Donald F., [redacted].
Schreiner, Carl S., Jr., [redacted].
Schultz, William P., [redacted].
Schulz, Lloyd B., [redacted].
Schwab, Harold L., [redacted].
Sclarow, Marshall H., [redacted].
Scott, John K., [redacted].
Scott, Richard A., [redacted].
Scott, Robert E., [redacted].
Scott, William P., [redacted].
Seaman, Paul L., [redacted].
Seastrand, Harry E., [redacted].
Seatz, Gilberta K., [redacted].
Seide, Robert N., [redacted].
Seltzer, Jason, [redacted].
Sgarro, Rocco R., [redacted].
Shannon, Robert L., [redacted].
Shaw, John D., Jr., [redacted].
Sheets, Willis A., [redacted].
Shekerjian, Haig H., [redacted].
Sherron, Walter F., [redacted].
Shown, Winfred G., Jr., [redacted].
Sieting, Arthur R., [redacted].
Simms, Harry A., Jr., [redacted].
Simon, Richard B., [redacted].
Simpson, James C., [redacted].
Simpson, John B., Jr., [redacted].
Sims, Richard B., Jr., [redacted].
Singer, Donald M., [redacted].
Skinner, Francis J., [redacted].
Slattery, Edward C., [redacted].
Sloan, Joseph W., [redacted].
Small, Francis N., [redacted].
Smith, Glen A., [redacted].
Smith, James W., [redacted].
Smith, James W., Jr., [redacted].
Smith, Leslie J., Jr., [redacted].
Smith, Patrick H., [redacted].
Smith, Wilfred A., Jr., [redacted].
Snellings, Clifton C., [redacted].
Snidero, Mirco P., [redacted].
Sounik, Ralph, [redacted].
Spaeth, Carl G., [redacted].
Spagnola, Joseph C., Jr., [redacted].
Sparkman, James S., [redacted].
Sparks, Don B., [redacted].
Spaugh, Herbert R., [redacted].
Spaulding, Richard L., [redacted].
Spencer, Earle H., [redacted].
Speshock, William F., [redacted].
Sproul, William E., [redacted].
Spurlin, Melvin D., [redacted].
Squire, Thomas J., [redacted].
Stafford, Lannon F., [redacted].
Stark, Charles J., [redacted].
Stedman, Max D., [redacted].
Stephenson, Thomas G., Jr., [redacted].
Stetson, Kenneth M., [redacted].
Stevenson, Bruce A., [redacted].
Stevenson, Robert O., [redacted].
Stobbs, John D., [redacted].
Stockdale, Wendell B., [redacted].
Strazdas, Edward S., [redacted].
Strickland, James H., [redacted].
Stroube, Edward W., [redacted].
Sturge, Robert E., [redacted].
Sullivan, Edward J., [redacted].
Sullivan, John G., [redacted].
Sullivan, Joseph P., [redacted].
Sult, Robert L., [redacted].
Sumida, Kenji, [redacted].
Swenson, John L., [redacted].
Swindell, James R., [redacted].
Talley, Banks C., Jr., [redacted].
Tanner, John W., [redacted].
Tapp, Marshall L., [redacted].
Tatlock, Marion L., [redacted].
Tatsch, Keith R., [redacted].
Taylor, Harrington C., Jr., [redacted].
Taylor, Harry H., [redacted].
Taylor, James L., [redacted].
Taylor, Jerome N., [redacted].
Taylor, Thomas A., Jr., [redacted].
Tayman, Grafton P., Jr., [redacted].
Tenney, Robert N., [redacted].
Terry, William L., [redacted].
Theiss, Danny E., [redacted].
Thom, Bill B., [redacted].
Thomas, John R., [redacted].
Thomas, Stanley L., [redacted].
Thomason, Richard H., [redacted].
Thompson, Samuel C., Jr., [redacted].
Timmerman, Stewart W., [redacted].
Tinney, Joseph F., Jr., [redacted].
Tobiassen, Ralph E., [redacted].
Todd, William D., [redacted].
Tolar, Reginald H., Jr., [redacted].
Tom, Herbert K., [redacted].
Trapp, James B., [redacted].
Trapp, Leondard L., [redacted].
Troshynski, Robert H., [redacted].
Troth, Frank E., Jr., [redacted].
True, Robert W., [redacted].
Tucker, Tilford E., [redacted].
Turner, David J., [redacted].
Turner, Eugene B., [redacted].
Turner, Thomas H., [redacted].
Twitchell, Paul F., [redacted].
Tymon, Frank R., Jr., [redacted].
Uretsky, Gerald, [redacted].
Valenti, Philip C., [redacted].
Vanbeusekom, Ralph J., [redacted].
Vance, Paul C., [redacted].
Vandyke, Robert P., [redacted].
Vanhorn, Gale D., [redacted].
Varnson, Thomas M., [redacted].
Velardi, Guy R., [redacted].
Vettel, Harold E., [redacted].
Via, Kenneth B., [redacted].
Villarreal, Ysidro, [redacted].
Villavaso, Hugh C., [redacted].
Vinson, Norman, [redacted].
Virta, Jack R., [redacted].
Vissotzky, Raymond, [redacted].
Vollkommer, James A., [redacted].
Vosler, Cleon W., [redacted].
Voss, Benjamin, [redacted].
Walchli, David C., [redacted].
Walden, Ernest C., [redacted].
Walden, Frank W., [redacted].
Wallace, Hugo O., [redacted].
Wallace, James I., [redacted].

Wallace, Thomas J., [redacted].
Walsh, Arthur J., Jr., [redacted].
Walter, Donald W., [redacted].
Walters, Charles R., [redacted].
Wangen, Robert C., [redacted].
Ward, Harold N., [redacted].
Ward, Nairne F., Jr., [redacted].
Wartonick, Nicholas, [redacted].
Wassall, Robert B., [redacted].
Waters, Lyle E., [redacted].
Watras, Ernest P., [redacted].
Watson, Gerald E., [redacted].
Watt, Kenneth E., [redacted].
Waugh, David D., [redacted].
Webber, David L., [redacted].
Weingarten, Richard L., [redacted].
Weisberger, Alan M., [redacted].
Welch, June R., [redacted].
Welsh, Dorn K., [redacted].
Welty, William E., [redacted].
Wenzelberger, John P., [redacted].
Wersbe, Jack A., [redacted].
Wheasler, Robert A., [redacted].
White, James F., Jr., [redacted].
Whitley, Everett H., [redacted].
Whitney, Edwin J., [redacted].
Widdows, William D., [redacted].
Wiginton, Prince A., [redacted].
Wikner, Ivan A., [redacted].
Wilbrandt, Robert L., [redacted].
Wilkins, Billy H., [redacted].
Wilkinson, John F., [redacted].
Williams, Bruce E., [redacted].
Williams, Curtis G., [redacted].
Williams, Max O., [redacted].
Willis, Paul A., [redacted].
Wilson, John H., [redacted].
Wilson, John R., Jr., [redacted].
Wise, George E., [redacted].
Wistrand, Robert C., [redacted].
Witters, Weldon L., [redacted].
Wohlford, James D., [redacted].
Woldorf, David H., [redacted].
Wolf, Marvin I., [redacted].
Wolfe, Joseph P., [redacted].
Woodruff, John C., [redacted].
Woollett, Paul R., [redacted].
Wray, Arthur B., Jr., [redacted].
Wray, Bernard, [redacted].
Wright, Jerry H., [redacted].
Wright, Samuel C., [redacted].
Wrisley, Melvin D., [redacted].
Wyand, Martin J., [redacted].
Wymore, Don L., [redacted].
Yancey, Reuben H., [redacted].
Yarbrough, William M., [redacted].
Yates, Elwood F., Jr., [redacted].
Young, Leonard H. L., [redacted].
Zeek, Royce D., [redacted].
Zimmerman, Carl B., [redacted].
Zucker, Eugene M., [redacted].
Zupfer, Charles V., [redacted].

CHAPLAINS

Ackley, Allen D., Jr., [redacted].
Bode, Harold, [redacted].
Bolinger, Allen S., [redacted].
Bomar, Joseph W., [redacted].
Bronkema, Ralph W., [redacted].
Byram, David P., [redacted].
Carlsen, Niels C., [redacted].
Christian, Robert D., [redacted].
Coaker, George M., [redacted].
Coley, Edward C., [redacted].
Coogan, Roch A. T., [redacted].
Curry, Frederic F., [redacted].
Dearstyne, Kenneth E., [redacted].
Deery, James T., [redacted].
Dilella, Mario, [redacted].
Ebner, Frank H., [redacted].
Emerson, Stanley K., [redacted].
Foley, Bernard P., [redacted].
Gard, Edward L., [redacted].
Gordon, Thomas C., [redacted].
Guy, Myrwood K., [redacted].
Hampton, Andrew W., [redacted].
Herrstrom, Brewster C., [redacted].
Holland, Thomas D., [redacted].
Howes, Carson T., Jr., [redacted].
Johnston, John R., [redacted].
Jones, Billy J., [redacted].
Klandrud, Wallace D., [redacted].
Kobrinetz, Simeon, [redacted].
Kulwicki, Raymond J., [redacted].
Leath, James E., [redacted].
Luce, William L., [redacted].
Maechler, Gerald T., [redacted].
Mansfield, John L., [redacted].
McDonald, Ralph W., [redacted].
McGahren, Joseph J., [redacted].
McGraw, William M. J., [redacted].
Mock, Benjamin R., [redacted].
OLenny, Patrick J., [redacted].
Penaluna, Richard E., [redacted].
Record, James D., [redacted].
Regan, John J., [redacted].
Riechers, Donald F., [redacted].
Rotvig, Roger A., [redacted].
Saethre, Roland A., [redacted].
Schahrer, Irl C., [redacted].
Smith, Mark L., [redacted].
Sobieck, Elmer J., [redacted].
Stivers, Lloyd E. Jr., [redacted].
Stmartin, Robert J., [redacted].
Streich, Laverne H., [redacted].
Strobel, Walter R., [redacted].
Szabo, Eugene Z., [redacted].
Thearle, Christian J., [redacted].
Willming, Charles O., [redacted].
Wingard, William F., [redacted].

DENTAL CORPS

Blevins, Billie B., [redacted].
Cancellara, Anthony N., [redacted].
Code, Fordyce W., [redacted].
Cooper, Bobby L., [redacted].
Douglas, James R., [redacted].
Hillis, Kenneth C., [redacted].
Liu, Calvin Y. Y., [redacted].
McWilliams, Donald O., [redacted].
Mohlman, Harold J., [redacted].
Nielsen, Ronald A., [redacted].
Robertson, Robert L., [redacted].
Roper, Robert E., [redacted].

MEDICAL CORPS

Ackerman, Elliott A., [redacted].
Baker, Robert N., [redacted].
Bryson, Michael F., [redacted].
Chalmers, William D., [redacted].
Hiatt, Wood C., [redacted].
Hillis, William D., [redacted].
Hinds, Manuel J. A., [redacted].
Judson, Jack L., [redacted].
Lawrence, Walter R., [redacted].
Olesijuk, Andrew, [redacted].
Perry, Francis L., [redacted].
Resnick, Nolan, [redacted].
Vaughn, Clarence B., [redacted].
Wingert, John G., [redacted].

NURSE CORPS

Addington, Wendell L., [redacted].
Barr, Lillian B., [redacted].
Belt, Virginia T., [redacted].
Booth, Rose L., [redacted].
Bouchard, William H., [redacted].
Capetanidis, Olga A., [redacted].
Codella, Gloria, [redacted].
Conant, Helen L., [redacted].
Craver, Brygida A., [redacted].
Edwards, Jennie M., [redacted].
Exford, Harold L., Jr., [redacted].
Fager, Louise V., [redacted].
Fisher, Annie R. W., [redacted].
Flagg, Jane L., [redacted].
Foote, Marian F., [redacted].
Gelbart, Sidel, [redacted].
Harrison, Billie D., [redacted].
Hendra, Norma J., [redacted].
Herron, Maurice E., [redacted].
Jameson, Riva A., [redacted].
Johnson, Marilyn T., [redacted].
Judson, Sarah E., [redacted].
Kaufman, Muriel M., [redacted].
Kelley, Burness V. J., [redacted].
Kesler, Jean L., [redacted].
Knight, Nancy L., [redacted].
Lecompte, Trudell C., [redacted].
Lester, Mary S., [redacted].
Lipinski, Helen A., [redacted].
Long, Phyllis J. B., [redacted].
Macaris, Lorraine V., [redacted].
Mangan, Margaret E., [redacted].
Matthews, Wanda M., [redacted].
McKay, Peggie B., [redacted].
Melnik, Clara A., [redacted].
Miller, Anna O., [redacted].
Miller, Elaine M., [redacted].
Moorer, Leella C., [redacted].
Morris, Edna M., [redacted].
Murdock, Joan, [redacted].
Neal, Elice M., [redacted].
Nichols, Louise J., [redacted].
Obriotti, Mary L., [redacted].
Palombo, Edward A., [redacted].
Raber, Nina R., [redacted].
Regan, Grace C., [redacted].
Schrager, David, [redacted].
Sielski, Alfreda R., [redacted].
Sluder, Vera M. H., [redacted].
Smart, Annie M., [redacted].
Smith, Charles W., [redacted].
Spencer, William H., [redacted].
Stahlman, Nancy N., [redacted].
Stepanich, Rose A., [redacted].
Syrek, Hilda M., [redacted].
Wegs, Helen M., [redacted].
Whitfield, Gloria M., [redacted].
Williams, Lois E., [redacted].
Wilson, Felicia N., [redacted].
Zaloudek, Virginia, [redacted].

MEDICAL SERVICE CORPS

Adams, William H., [redacted].
Baldus, Donald E., [redacted].
Boyd, Raymond F., [redacted].
Brock, Lester C., [redacted].
Demarco, Salvatore V., [redacted].
Elbow, Paul X., [redacted].
Laumand, Kenneth J., [redacted].
MacConnel, Harry, [redacted].
Snowberger, Campbell, [redacted].
Steinberg, Irving, [redacted].
Weaver, Donald D., [redacted].

VETERINARY CORPS

Downs, Marvin H., [redacted].
Fay, Leroy P., [redacted].
Hoffman, Rudolf A., [redacted].
Nelson, Dallas L., [redacted].
Sis, Raymond F., [redacted].
Vansickle, David C., [redacted].

MEDICAL SCIENCES CORPS

Brown, Eric R., [redacted].
Cox, Alice L., [redacted].
Ekberg, Donald R., [redacted].
Manders, William W., [redacted].
McCloskey, Mary E., [redacted].
O'Orourke, Jerrold T., [redacted].
Prescott, Carol J., [redacted].
Taylor, Joseph A., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Anderson, David L., [redacted].
Anderson, Richard D., [redacted].
Azamar, Arnold A., [redacted].
Azure, Anthony E., [redacted].
Baird, George F., [redacted].
Ballinger, Russell H., [redacted].
Barton, George C., [redacted].
Bellion, Clement E., Jr., [redacted].
Berry, Gilbert L., [redacted].
Boisvert, Donald H., [redacted].
Boots, Thomas E., [redacted].
Borden, Wallace O., [redacted].
Bouse, David L., [redacted].
Bowden, Roger W., [redacted].
Bryars, James R., [redacted].
Byrne, Francis J., [redacted].
Carter, Charles E., [redacted].
Clemens, Robert N., [redacted].
Coulston, Gerald O., [redacted].
Deal, Jack E., [redacted].
Devaney, James V., [redacted].
Dishong, Clyde E., [redacted].
Ebner, Stanley G., [redacted].
Erickson, Carl G., Jr., [redacted].
Erickson, Ragnar E., [redacted].
Fisher, Richard D., [redacted].
Fleming, Robert E., [redacted].
Gorkowski, Harlyn R., [redacted].
Hamilton, Douglas E., [redacted].
Handley, Erwin C., [redacted].

Harrop, Joseph W., [redacted].
Herzog, Otto J., [redacted].
Hirsch, Harvey J., [redacted].
Hollingsworth, Gene I., [redacted].
Hope, Jerry W., [redacted].
Jacobs, Harold L., [redacted].
Kaufman, Stephen M., [redacted].
Kraemer, Karl P., [redacted].
Larson, Carl E., [redacted].
Launikitis, William J., [redacted].
Lovelace, James W., [redacted].
Maddox, Lovic V., Jr., [redacted].
Malone, John D., [redacted].
Marquardt, Alexander A., [redacted].
McClure, John D., Sr., [redacted].
Merz, Ronald L., [redacted].
Mills, John W., [redacted].
Myers, Charles S., [redacted].
Payne, Phillip E., [redacted].
Peake, Robert L., [redacted].
Perry, John C., [redacted].
Pitchford, John J., Jr., [redacted].
Reeves, Don F., [redacted].
Sambold, Albert J., [redacted].
Shidell, Carl H., [redacted].
Shoterf, John W., [redacted].
Simpson, Gus H., [redacted].
Smith, Kenneth H., [redacted].
Soltysiak, Wallace J., [redacted].
Sullivan, Dwight E., [redacted].
Tarantino, Frank P., [redacted].
Thomas, Robert R., [redacted].
Thomas, Stanley R., [redacted].
Vangieson, Henry B., III, [redacted].
Wells, Norman L., [redacted].

CHAPLAINS

Cockburn, Alton D., [redacted].
Hoogasian, Berge A., [redacted].
Knippers, Shural G., [redacted].
Lengel, Stuart H., Jr., [redacted].

DENTAL CORPS

Beutler, Ralph K., [redacted].
Green, Paul F., [redacted].
Idema, William A., [redacted].
Molnar, Georg, [redacted].
Waldbillig, Tom T., [redacted].

MEDICAL CORPS

Corpening, William S., Jr., [redacted].
Freeman, John A., [redacted].
Galindo, Osilio, [redacted].
Goss, Kelly E., [redacted].
Sproles, Elij T., III, [redacted].

NURSE CORPS

Bergeron, Francis R., [redacted].
Black, Raymond E., [redacted].
Freeman, Charles E., [redacted].
Hamberger, Margaret K., [redacted].
Mandot, Barbara R., [redacted].
Withington, Clarence M., [redacted].
Zablocki, Dorothy N., [redacted].

MEDICAL SERVICE CORPS

Dansby, Bradley L., Jr., [redacted].
Dellefield, Douglas M., [redacted].
Gardner, Raymond A., [redacted].

VETERINARY CORPS

Still, Edwin T., [redacted].

The following officer for appointment in the Reserve of the Air Force (line of the Air Force) in the grade as indicated under the provisions of section 593 and the appropriate provisions of chapter 837, title 10, United States Code, and Public Law 92–129.

To be colonel

Arnold, James F., Jr., [redacted].

The following persons for appointment as temporary officers in the U.S. Air Force (Medical Corps), in the grades indicated, under the provisions of section 8444 and 8447, title 10, United States Code and Public Law 92–129, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code:

To be colonel

Steinberg, Irwin, [redacted].

To be lieutenant colonel

Coolidge, Thomas T., [redacted].
Cox, Benjamin G., Jr., [redacted].
Thomas, Elias A., [redacted].

The following officer for appointment in the Reserve of the Air Force (Medical Corps) in the grade as indicated, under the provisions of section 593 and the appropriate provisions of chapter 837, United States Code, and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code:

To be lieutenant colonel

Titus, Charles O., [redacted].

The following officer for appointment in the Reserve of the Air Force, in the grade as indicated (line of the Air Force), under the provisions of sections 593 and 1211, title 10, United States Code and Public Law 92–129:

To be lieutenant colonel

Whatley, Rupert S., [redacted].

The following officers for appointment in the Reserve of the Air Force, in the grade as indicated (line of the Air Force), under the provisions of section 593, title 10, United States Code, and Public Law 92–129:

To be lieutenant colonel

Flanders, Bernard L., J., [redacted].
Horton, Quinton F., [redacted].
Walker, Henry A., [redacted].

The following officers for appointment in the Reserve of the Air Force (Medical Corps) in the grade as indicated, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code:

To be lieutenant colonel

Dear, Steven R., [redacted].
Reed, Josiah F., Jr., [redacted].
Steinberg, Irwin, [redacted].
Thomas, Elias A., [redacted].
Young, Frank W., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22, 1973:

DEPARTMENT OF JUSTICE

Victor R. Ortega, of New Mexico to be U.S. attorney for the district of New Mexico for the term of 4 years.

Mitchell A. Newberger, of Florida, to be U.S. marshall for the middle district of Florida for the term of 4 years.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Timothy F. Cleary, of Maryland, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 1979.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Friday, June 22, 1973*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

The Lord is the strength of my life.—Psalm 27:1.

O God, our Father, whose still small voice calls us to turn away from the worried ways of a weary world to wait upon Thee, make us conscious of Thy presence as we bow before this altar of prayer. Amid the pressures of persistent problems and the demands of daily duties may we find in Thee strength for the day, wisdom for sound decisions, and good will to motivate all our efforts on behalf of our country.

As we live through these days of destiny which cry aloud for integrity, understanding, and good will, make us worthy of the positions we hold and give us courage to work along the ways of truth, honor, and love that we may preserve freedom, promote peace, and produce good will in our Nation and in our world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; and

S. 1501. An act to amend the Water Resources Planning Act to authorize appropriations for fiscal year 1974.

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1125. An act to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 264]

Abzug
Adams
Anderson, Calif.
Andrews, N.C.
Ashbrook
Badillo
Bafalis
Beard
Blatnik
Bolling
Brademas
Breaux
Broomfield
Brown, Ohio
Broyhill, Va.
Burke, Calif.
Carey, N.Y.
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cochran
Conlan
Conyers
Cronin
Danielson
Davis, S.C.
Dellums
Denholm
Dennis
Dickinson
Diggs
Dingell
Eckhardt
Erlenborn
Esch
Evins, Tenn.
Findley
Fish
Fisher
Flynt
Ford, William D.
Fountain
Fraser
Frenzel
Fuqua
Gilman
Gonzalez
Gray
Green, Pa.
Gude
Hammerschmidt
Hays
Hébert
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holtzman
Hosmer
Hudnut
Jarman
Johnson, Calif.
Jones, Tenn.
Kazen
Kuykendall
Kyros
Landrum
Leggett
Lent
Lott
Lujan
McClory
McKinney
McSpadden
Macdonald
Madigan
Mailliard
Maraziti
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Metcalfe
Mitchell, Md.
Mitchell, N.Y.
Morgan
Murphy, Ill.
Murphy, N.Y.
Nedzi
Patman
Powell, Ohio
Preyer
Quillen
Railsback
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Staggers
Steiger, Wis.
Stratton
Stubblefield
Thompson, N.J.
Thomson, Wis.
Tiernan
Veysey
Waldie
Whitehurst
Widnall
Wright
Wyman
Young, Alaska

The SPEAKER. On this rollcall, 308 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON DEPARTMENT OF INTERIOR APPROPRIATIONS, 1974

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. SLACK. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDING SECTION 502(a) OF THE MERCHANT MARINE ACT, 1936

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6187) to amend section 502(a) of the Merchant Marine Act, 1936.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 502(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1152(a)), is amended as follows:

(1) By striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1976".

(2) By striking out the words "and 41 per centum in fiscal 1973" and inserting in lieu thereof the words "41 per centum in fiscal 1973, 39 per centum in fiscal 1974, 37 per centum in fiscal 1975, and 35 per centum in fiscal 1976".

Mrs. SULLIVAN. Mr. Speaker, the Merchant Marine Act of 1970 amended the Merchant Marine Act of 1936 to temporarily authorize the Secretary of Commerce to award construction subsidy where the price of a vessel has been negotiated between the American shipyard and the American ship purchaser. This authority is due to expire on June 30 of this year, and the bill, H.R. 6187, would extend it for another 3 years: From June 30, 1973, to June 30, 1976.

Mr. Speaker, the Merchant Marine and Fisheries Committee is convinced that this is a sound piece of legislation, as negotiated contracting has proven to be very effective. Since the Merchant Marine Act of 1970, contracts have been awarded for the construction of 37 new ships and 16 conversions, with a total value in excess of $1.6 billion, at subsidy levels consistent with the declining scale contemplated by that act. All these contracts were negotiated under the authority to be extended by H.R. 6187.

Some of the advantages of negotiated contracting are as follows:

First. It permits the prospective shipowner to select a yard that will best satisfy his requirements of ability, expertise with a particular type vessel, and delivery date.

Second. It tends to promote ship design by shipyards.

Third. It encourages standardization of vessel design and economies of scale.

For example: The competitive bid price of three so-called Ro/Ro vessels at the Bath Shipyard was $41,697,905, each. Through negotiated contracting, the price of each of these vessels was reduced to $37.8 million. Then, the Bath Shipyard experience with the first three vessels permitted the negotiated price for the fourth vessel to be negotiated down to $35.1 million.

These are substantial savings, and it has been estimated that the use of negotiated contracting during the last 3 years has resulted in savings to the Government of approximately $120 million.

That negotiated contracting is effective is demonstrated by the fact that this method is consistent with the general practice of shipyards throughout the world.

Mr. Speaker, the Merchant Marine and Fisheries Committee has assured itself that the Government, and the American taxpayer, is well protected under the system of negotiated contracting. The bill would require, that before the Secretary of Commerce could award construction subsidy where negotiated contracting was used, all of the following conditions would have to be met:

First. The negotiated price would result in a construction subsidy that is not more than 39 percent in fiscal year 1974; 37 percent in 1975, and 35 percent in 1976. These are the so-called guideline rates now in the statute, but they would be mandatory where negotiated contracting was used.

Second. The proposed ship purchaser and the shipyard must submit back-up cost details to the Maritime Administration that the negotiated price is fair and reasonable.

Third. The Maritime Administration must find that such price is fair and reasonable, and

Fourth. The shipyard must agree that the Comptroller General shall, until 3 years after final payment, have the right to examine any pertinent books, documents or records of the shipyard or its subcontractors related to the negotiation or performance of the contract.

Finally, as an added precaution, the committee limited the bill to a 3-year extension so that we can maintain close surveillance over the practice of negotiated contracting.

I strongly urge the House to support H.R. 6187.

Mr. Speaker, there are other Members on both sides of the aisle who wish to speak in support of the bill. I yield such time as he may consume to the gentleman from Pennsylvania, the Honorable FRANK M. CLARK, chairman of the Merchant Marine Subcommittee.

Mr. CLARK. Mr. Speaker, thank you Madam Chairman.

Mr. Speaker, I rise in strong support of H.R. 6187. As the distinguished chairman of your committee has pointed out, H.R. 6187 is a good bill, that will promote greater efficiencies by American shipyards, thereby resulting in lower cost for the construction of American ships.

What I consider to be one of the most important elements in the bill is the requirement that the negotiated price must result in a construction subsidy that is not more than 39 percent in fiscal year 1974; 37 percent in 1975; and 35 percent in 1976.

Mr. Speaker, as we all know, when the Merchant Marine Act of 1970 was enacted, construction subsidy as high as 55 percent was being awarded. That act provided for the gradual reduction of the subsidy level to 35 percent in fiscal year 1976, and thereafter. For example, on July 1 of this year, the construction subsidy level will be reduced from 41 to 39 percent. These are the so-called guideline rates now in the statute. However, under H.R. 6187, where negotiated contracting is used, they would be mandatory. In other words, the American shipyard and the American shipowner must be able to lower the price to reach these levels of construction subsidy if negotiated contracting is to be used.

As the chairman of your committee has pointed out, there are certain efficiencies associated with negotiated contracting. These efficiencies have assisted American shipyards in meeting the reduced construction subsidy levels. On the other hand, these reduced subsidy levels are mandatory where negotiated contracting is used, and protect the public interest.

After careful inquiry, your committee has concluded that the negotiated contracting authorized by the bill insures that the Government and the American taxpayer, are well protected from the practices competitive bidding are designed to prevent. Your committee further concluded that the past experience with negotiated contracting during the first 3 years of the new maritime program under the Merchant Marine Act of 1970 warrants its extension for another 3 years.

The bill was the subject of an executive communication from the Department of Commerce, and strongly supported by the Maritime Administration and the maritime industry generally. The Comptroller General reported that he had no comments to offer on the bill. In short, there were no adverse comments received on the bill, and much in strong support of it.

I strongly urge the House to support H.R. 6187.

Mr. GROVER. Mr. Speaker, I rise in support of passage of the bill, H.R. 6187, which extends for another 3 years or up to June 30, 1976, the authority of the Secretary of Commerce, under the Merchant Marine Act of 1970, to award subsidy for a ship construction contract, the price of which has been established as a result of direct negotiations between the shipyard and the shipowner. The present authority is due to expire June 30, 1973.

The bill is an administration bill, is supported by the maritime industry, and was unanimously reported out of our committee. As indicated in the committee report and by the gentlewoman from Missour (Mrs. SULLIVAN), chairman of our committee, the ability of the industry to negotiate the price of a vessel under the Merchant Marine Act of 1970 contributes significantly to the actual implementation of the purposes and policies of that act. The various safeguards built into the statutory language and the vigorous oversight of the entire Merchant Marine Act and industry performed by this committee on a frequent basis, provides adequate protection for the Federal and public interests. I know of no opposition to the measure and urge its prompt passage.

Mr. DOWNING. Mr. Speaker, I rise in support of H.R. 6187, which would amend section 502(a) of the Merchant Marine Act, 1936, to extend for 3 years the authority of the Secretary of Commerce to award subsidy for the construction of vessels on which the price has been established by negotiation between the prospective owner and the shipyard.

At the time of the passage of the Merchant Marine Act of 1970, it was the considered judgment of the Congress that the use of a system of direct negotiation would not only permit the prospective owner to select the shipyard he believed would best satisfy his requirements, but would promote the development of new ship designs and the standardization of ship design by shipyards, and thereby make possible series production of vessels and consequent cost saving. The performance of this system during the first 3 years of the new maritime program under the 1970 act has validated the wisdom of the Congress.

Negotiated contracting is consistent with the general practice of shipyards througout the world. Information to date indicates that this system has been highly successful and has been a major factor in enabling both the Government and the maritime industry to meet the challenge of the Merchant Marine Act of 1970. Since the enactment of the act, contracts have been awarded for the construction of 37 new ships and 16 conversions, with a total value in excess of $1.6 billion, at subsidy levels at or below the declining CDS scale contemplated by the act. At the time of the passage of the act in 1970, construction differential subsidy was at a level of 55 percent. As of July 1 of this year, CDS will be reduced to 39 percent or below. During the last 3 years, the use of negotiated pricing has resulted in savings to the Government of approximately $121 million.

Moreover, the numerous advantages of direct negotiation have been adequately demonstrated within the context of stringent statutory limitations intended to protect the public interest. H.R. 6187 continues these safeguards: The negotiated price must be within the guideline rates contained in the statute; the proposed ship purchaser and the shipyard must submit back-up cost details to the Maritime Administration that the negotiated price is fair and reasonable; the Maritime Administration must make an independent determination that the price is fair and reasonable; the shipyard must agree that the Comptroller General shall, until 3 years after final payment, have the right to examine pertinent records of the shipyard or its subcontractor.

As an added precaution, the bill is limited to a period of 3 years to enable the Committee on Merchant Marine and Fisheries to continue to maintain close surveillance over the practice of negotiated contracting and to monitor its effectiveness as a cost savings device.

In conclusion, I strongly believe that our experience with the method of direct negotiation under the Merchant Marine Act of 1970 plus the provisions in the bill designed to protect the public interest provide clear and convincing evidence in support of the passage of H.R. 6187.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed (H.R. 6187).

The **SPEAKER.** Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

RECORD SET BY THREE PROUD ASTRONAUTS

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, less than 1 hour ago three proud Americans stepped onto the deck of the aircraft carrier, *Ticonderoga*, and saluted our flag. Charles "Pete" Conrad, Jr., Dr. Joseph P. Kerwin, and Paul Weitz, America's first Skylab crew, accomplished what few had dreamed possible a short time ago. They spent 28 days weightless in outer space, longer than anyone heretofore.

These astronauts are proud that they are Americans. They are proud that the American people and this Congress had the confidence in them and in our space team to set another first for our country. The exploration and utilization of outer space will benefit all mankind.

We, the Members of this House, can take pride in our contributions in making this great space program and its accomplishments possible.

It is true that this mission was not without its problems; in fact, it had many difficulties to overcome. But, it is a tribute to the abilities of our space team in Washington, Cape Kennedy, and Houston's L. B. J. Space Center, that they were overcome. The mission is highly successful and the results and benefits will soon be known.

Mr. Speaker, the accomplishments of the American space program have impressed not only the people of this great Nation, but also the nations throughout the world. It is truly the one thing that the peoples throughout the world admire us for and applaud our achievements.

Our space program has been so fantastic that it has literally put out of business the science fiction writers that we used to know. Our accomplishments have far exceeded the imagination of the great Jules Verne and others who used to stir the young and adventurous with their fantastic tales.

Mr. Speaker, I am proud of these three Americans who made history today as I know all Members of the House and America are proud. I know that you join me in saluting their great accomplishments and our great space team on this new and fantastic achievement.

MAKING IN ORDER CONSIDERATION OF JOINT RESOLUTION FOR CONTINUING APPROPRIATIONS, 1974, AFTER MONDAY NEXT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on any day after Monday next to consider a House joint resolution making continuing appropriations for the fiscal year beginning on July 1 next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. STUBBLEFIELD. Mr. Speaker, I missed the last quorum call due to the flooding on the George Washington Parkway. I would like to have the Record show that I am present.

FREEZE RAW FARM PRICES NOW

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. PEYSER. Mr. Speaker, the failure of the current freeze to include a ceiling on raw agriculture is creating a situation which is going to hurt farmers as well as consumers and force hundreds, perhaps thousands of retailers out of business.

I have been notified this morning that General Foods, a major food processer, is stopping the purchase of certain raw agricultural products. This is just the beginning. Markets in the New York City area are being asked to pay more for products than they can sell them for.

Here are some examples: Strawberries cost the retailer 70.8 cents per pint. The ceiling price is 69 cents per pint.

Potatoes, $1.39 per 10 pounds; the ceiling price is $1.35 per 10 pounds.

Green onions, $5.40 for 6 dozen; the ceiling price is $4.50 per 6 dozen.

Mr. Speaker, I call for a freeze now on raw agricultural products for the balance of the current freeze period before the shortages produce the black market we all want to avoid.

PROVIDING FOR CONSIDERATION OF H.R. 8510, NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1974

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 and ask for its immediate consideration.

The Clerk read the resolution as follows:

> H. Res. 446
>
> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8510) to authorize appropriations for activities of the National Science Foundation, and for other purposes, and all points of order against section 8 of said bill for failure to comply with the provisions of clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 446 provides for an open rule with 1 hour of general debate on H.R. 8510, a bill to authorize appropriations to the National Science Foundation for fiscal year 1974.

House Resolution 446 provides that the provisions of clause 4, rule XXI of the Rules of the House—prohibiting appropriations language in a legislative bill—are waived with respect to section 8 of the bill.

The total cost of the bill is the authorization total of $612.9 million. Authorizations made in the bill include those for such programs as the intergovernmental science program, the national research centers for science, and the graduate Student support program.

The $612.9 million total authorization is approximately $91 million less than the 1973 authorization.

Mr. Speaker, research and development have played a major role in the growth of our Nation and in helping to seek solutions to major national problems. I urge adoption of House Resolution 446, in order that we may discuss and debate H.R. 8510.

Mr. LATTA. Mr. Speaker, as I understand it, there is very little controversy in this legislation, with the exception of section 2, which is the impoundment section. I understand the gentleman from New York (Mr. Wydler) will have an amendment to substitute the language of last year's bill for section 2.

I personally expect to support the gentleman from New York (Mr. Wydler), because I believe he gave a very good argument for his proposal.

In answer to the question which is just about to be propounded by the gentleman from Iowa (Mr. Gross), I can point out that the waiver in this bill pertains to section 8, on page 11, which reads as follows:

> The amount available for the oceanographic ship construction/conversion program from the sum stipulated (for the purpose of "National and Special Research Programs") in category (2) of section 1 of Public Law 92-372 shall, after the date of the enactment of this Act, be determined without regard to section 2(a) of such Public Law.

That is an appropriation in a legislative matter.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if it would not be a good idea to just abolish all of rule XXI?

Mr. LATTA. It might not be a bad idea.

Mr. GROSS. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I yield back my remaining time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks and include extraneous matter in the Record, in the next 5 days, on H.R. 8510.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8510) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8510, with Mr. Hanley in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Teague) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Mosher) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a moment I will turn the management of this bill over to the chairman of the Subcommittee on Science, Research and Development which worked on it—Mr. Davis of Georgia. First, however, there are two aspects of the bill I want to bring to your attention: The budget recommendations and the proportional obligations feature in section 2.

Details of the budget recommendations are given in the table on page 112 of the legislative report which you all have before you. The NSF requested $582.6 million, including $3 million in excess foreign currency. The committee increased this by $30.3 million. Thus the NSF new obligational authority in fiscal year 1974 is $612.9. This is $91 million less than last year's authorization and $32,840,000 less than was actually appropriated in fiscal year 1973.

In fiscal year 1974 total funds available to NSF, if the appropriation is the same as recommended by this committee, will be $671.8 million. This includes $58.9 million in impounded funds which the administration has testified that it plans to release in fiscal year 1974. It does not include an additional $3.5 million in fiscal year 1973 funds recommended for release by this committee, but programed for continued impoundment by the administration.

Using almost any comparison with past funding for scientific research in general and the National Science Foundation in particular, this year's budget as reported by the committee is modest. Many on the committee think it is too low. Inflation in scientific research is just as real as inflation in the supermarket. If other agencies should continue to cut back on their research programs and thereby add to the research responsibilities of the Foundation, we will clearly be in a position of shortchanging scientific research for our Nation during fiscal year 1974.

I also want to bring to your attention the proportional obligation requirement of section 2. During fiscal years 1973 and 1974 large-scale selective withholdings in specific budget categories were made by NSF. These were made in spite of requirements in both the authorization and appropriation acts designed to assure minimal spending levels for programs of science education improvement, graduate student support, and institutional improvement for science.

I want to emphasize the selective nature of these withholdings; that is, they were implemented not because of a desire to save money in the budget, but because the programs which I just mentioned were out of favor at NSF or the Office of Management and Budget.

The proportional obligation requirement states that the percentage of funds actually obligated for any budget category must not differ by more than 15 percentage points from the percentage of funds actually obligated for any other category. This means that NSF must carry out the relative priorities imposed by congressional action, within a leeway of 15 percent.

Should conditions change during the fiscal year in such a way that larger reprograming actions should be made, the bill also provides for reprograming authority in excess of the allowable 15 percent. In cases where greater selective withholdings or transfer of funds between categories is desirable, the NSF Director can submit an appropriate request to the legislative committees of the House and Senate. The changes will go into effect unless the House approves a resolution of disapproval within 60 legislative days.

Mr. Chairman, I know that others here today are going to emphasize the crucial importance of basic research to the welfare of the nation. Let there be no mistake about it, without this kind of vigorous research activity, our country is going to find itself in trouble—economically, environmentally, and from the standpoint of national defense.

At the same time, I do wish to point out that these strange soundings, sometimes even ridiculous sounding, research projects supported by the National Science Foundation—or other similar-minded institutions or individuals—have a way of turning into some of the most crucial technological advances in modern times.

For example, just recently the Battelle Institute completed a study which showed that the following innovations were developed directly from original efforts in basic research with no particular end in view at the time the research was undertaken:

First. The heart pacemaker.

Second. The hybridization of corn, wheat and other cereal grains leading to the "green revolution."

Third. Electrophotography—the process of copying written and printed material by electrical rather than chemical processes.

Fourth. Input-output economic analysis—a technique for analyzing the makeup or structure of national economies.

Fifth. Organophosphorus insecticides—chemicals that selectively attack insects and have ecological advantages over persistent insecticides.

Sixth. Magnetic ferrites—materials widely used in communications and computer equipment.

Seventh. Video tape recording—a means for putting TV material on tape for delayed broadcasting.

Aside from this sort of thing, the NSF program of Research Applied to National Needs provides extremely important support for work such as that being done by a team of engineers at MIT in describing and measuring the processes through which the major air pollutants are formed inside the automobile engine. It may surprise you to know that while these pollutants have long been known, the method of their formation and its relation to variations in engine operation and design is far from understood; yet it must be understood if we are to solve the air pollution problem associated with auto emission.

The Foundation has also mounted an experimental R. & D. Incentives Program to identify ways and means of promoting the necessary incentives to get promising new research into actual use. It has evolved a program of using Federal laboratories to verify the performance of technical innovations aimed at the civil sector.

A good example of NSF's wide-ranging support is the recent establishment of an educational experiment involving the restructuring of an entire institution to make college education more responsive to student needs. This program, inaugurated at Austin College, a small private liberal arts institution at Sherman, Tex., gives science a new role in liberal arts education. One of the keys to the new program is interdisciplinary study. For example, each student at the Austin College will participate in programs designed to develop verbal and written skills, study the past in relation to the present and examine the future of Western man, and develop alternative policy solutions to contemporary social issues.

These are only a few examples of the types of activities being undertaken or supported by NSF. I hope they are useful in providing to my colleagues a feel for the varied programs of the National Science Foundation.

Mr. Chairman, H.R. 8510 is a good bill. It provides a balanced program of support for sciences. At the same time it contains a tight budget, one that is almost $100 million less than last year's authorization. Furthermore, it contains a proportional obligation requirement, section 2, which will maintain congressional priorities so carefully arrived at. I should like to emphasize that this requirement is directed at the internal National Science Foundation budget allocation and should in no way be construed as general impoundment legislation.

H.R. 8510 is worthy of the support of every Member of this body. I urge each Member here today to vote in favor of these important National Science Foundation programs.

Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee that handled this bill, the gentleman from Georgia (Mr. DAVIS).

Mr. DAVIS of Georgia. I thank the gentleman for yielding.

Mr. Chairman, the bill H.R. 8510 authorizes $612,900,000 for the National Science Foundation in fiscal year 1974, including $3,000,000 in excess foreign currencies. This new obligational authority is $30,300,000 more than the administration requested. Even with these additional funds, however, the total is 13 percent below last year's NSF authorization contained in Public Law 92–372.

The total funds available to NSF in fiscal year 1974 will be $671,800,000. This consists of the new obligational authority plus $58,900,000 of impounded fiscal year 1973 funds which are programed for release next year. There is an additional $3,500,000 in such impounded funds, which at present the NSF does not plan to obligate. The committee has, however, recommended in its legislative report that these funds be obligated for the purpose for which they were authorized and appropriated; namely, postdoctoral fellowships.

It is worthwhile to note at this point that the NSF appropriation has traditionally been available until expended. The fact that it has had "no year funds" means that money impounded during one fiscal year can be released and obligated during later fiscal years. Because of this, keeping track of NSF funds can, on occasion, become complex.

H.R. 8510 is a clean bill and represents a number of changes by the committee. It supersedes the administration bill, H.R. 3731, and two other bills, H.R. 3610 and H.R. 7782.

The Science and Astronautics Committee's Science, Research, and Development Subcommittee held 6 days of open hearings on the legislation before us today. In addition to agency witnesses who described the programs of the Foundation in great detail, we heard from witnesses from associations representing almost all institutions of higher education in this country.

As I stated earlier, the committee increased the NSF budget $30,300,000 over the administration request. There were a number of changes involving several budget categories, and the details of these actions are outlined in the table on page 112 of the legislative report. I should like to call this table to your attention and ask that it be inserted in the RECORD at this point.

COMPARISON OF FISCAL YEAR 1973 ACT WITH THE FISCAL YEAR 1974 NSF REQUEST AND COMMITTEE ACTIONS

[In millions of dollars]

Budget category	Fiscal year 1973 authorization[1] Public Law 92–372	Fiscal year 1974 NSF request (I)	Committee change (II)	Fiscal year 1974 authorizations under H.R. 8510 (III)	Fiscal year 1973 carryover funds to be released (IV)	Total fiscal year 1974 NSF obligational authority[2] under H.R. 8510 (V)
1. Scientific research project support	269.01	275.0	+10.0	285.0		285.0
2. National and special research programs	125.04	99.6	+3.0	102.6		102.6
3. National research centers	41.70	46.0		46.0	2.0	48.0
4. Computing activities	11.70	9.1	−.9	8.2	.9	9.1
5. Science information activities	10.50	8.3		8.3		8.3
6. International cooperative scientific activities	4.70	6.2		6.2		6.2
7. Research applied to national needs (RANN)	80.00	70.5	+.8	71.3	8.7	80.0
8. Intergovernmental science programs	1.70	1.0		1.0		1.0
9. Institutional improvement for science	18.50		+2.0	2.0	9.0	11.0
10. Graduate student support	21.20	6.7	+4.8	11.5	[3] 2.5	[3] 14.0
11. Science education improvement	80.80	26.2	+9.0	35.2	33.8	69.0
12. Planning and policy studies	2.75	2.0	+.6	2.6		2.6
13. Program development and management	29.30	29.0	+1.0	30.0		30.0
Subtotal	696.90	579.6	30.3	609.9	56.9	666.8
Foreign currency program	7.00	3.0		3.0	2.0	5.0
Total	703.90	582.6	30.3	612.9	58.9	671.8

[1] Includes reprograming actions.

[2] Does not include the $3,500,000 in fiscal year 1973 funds earmarked for Post-Doctoral Fellowships in the Committee Views, p. 122.

[3] An additional $3,500,000 in fiscal year 1973 funds for Post-Doctoral Fellowships is not planned for release in fiscal year 1974 by NSF.

As we have done for the last 2 years, the committee approved a line item budget rather than a lump sum authorization. There are a total of 14 budget categories which represent the programmatic activities associated with scientific research and education in the sciences supported by NSF. All but two of these budget categories are included in section 1 of the bill. The category program development and management appears in section 4 and the foreign currency program is included in section 5 of this bill.

The largest single budget category is scientific research project support. The $285,000,000 in this category provides support of research projects competitively selected on the basis of scientific merit. This research augments our Nation's storehouse of knowledge and understanding of the laws of nature. It supports a broad national capability in all fields of science by funding the activities of individual researchers on the forefront of scientific discovery. It supports the more narrowly defined mission-oriented R. & D. programs of the NSF and various other Federal agencies by generating the scientific facts and the detailed knowledge that undergirds all advances in technology.

The committee increased funding for science research project support by $10,000,000 over the administration's $275,000,000. Although this increase is a modest one, the committee felt strongly that more adequate support for basic research is necessary for the attainment of national objectives related to science and technology. The 6,000 projects funded under this category represents an important portion of the total national basic research effort.

The committee recommends $102,600,000 for national and special research programs, an increase of $3,000,000 over the NSF request. These programs represent major research efforts relating to specific geographical areas, or they are of such a magnitude that centralized funding and logistic support are necessary. They include international as well as interagency efforts, and the results are often utilized by Federal agencies, industrial groups, and others seeking solutions to problems such as those which arise in the environmental area.

The $3,000,000 increase will permit the research ship, *Eltanin*, to be placed back in service again. It was taken out of operation earlier this year because of the lack of operating funds, although this unique oceanographic research facility was within 2 weeks of finishing the most thorough, circumpolar survey in history. I should like to insert a recent Science magazine account of the *Eltanin* activities and its retirement from active service.

The NSF supports five national research centers for which we are recommending $46,000,000 in fiscal year 1974. The addition of $2,000,000 in prior year funds will bring the total funds available for this budget category to $48,000,000. These centers are managed by nonprofit organizations and universities, and make available specialized instrumentation and support which are beyond the capabilities of individual universities or research institutions. A large new project presently under construction by one of the centers, the National Radio Astronomy Observatory, is the Very Large Array. This radio astronomy facility is one of the most important new projects in American science, and will employ 17 individual antennas along its three 13-mile long arms. The total cost of the Very Large Array, which will be constructed on the plains of San Augustine, Socorro, N. Mex., will be about $76,000,000.

The sum of $8,200,000 is authorized for computer activities in education and research. This will be augmented by $900,000 in prior year funds. These funds support basic research in the computer sciences, activities concerned with improving the Nation's research productivity, and computer networking for science. The committee reduced the administration's request in this category by $900,000, but believes the NSF will be able to carry out its activities at substantially the same level as last year in spite of the cutback.

The authorization for scientific information activities totals $8,300,000 in fiscal year 1974. The primary purpose of the programs in this category is to develop improved information systems and services related to science and technology, and to store and retrieve new scientific knowledge in order to more adequately exploit that knowledge in meeting national needs.

The sum of $6,200,000 is authorized for international cooperative scientific activities. The bulk of these funds are for cooperative science programs with 12 countries, including our programs of scientific cooperation with the Soviet Union. It also helps support various international scientific organizations such as the International Institute for applied systems analysis. It also contains a modest program to help U.S. scientists participate in international conferences.

Research applied to national needs—RANN—was increased by $800,000 to a total authorized level of $71,300,000. The sum of $8,700,000 in prior year funds brings RANN to $80,000,000 in fiscal year 1974. This will permit steady progress in the NSF's relatively new applied research activities, including a significant increase in energy R. & D. Total NSF funds for energy in fiscal year 1974 are estimated at over $21,000,000 including $13,000,000 for R. & D. on utilizing solar energy.

One million dollars is authorized for the intergovernmental science program. This will support research relevant to the needs of our State and local governments. It will also advance the capability of State and local governments to better understand and cope with the scientific and technological aspects of the complex issues and problems which they face.

Funds for institutional improvement for science total $2,000,000. These funds, together with $9,000,000 in prior year funds scheduled for release, will provide flexible resources for colleges and universities to help sustain quality and provide balance in the academic sciences. It will also help universities and other research institutions improve the effectiveness with which they utilize the research resources which are available to them. The committee increase of $2,000,000 for this category will permit these objectives to be attained on a wider scale.

The graduate student support authorization of $11,500,000 includes a committee increase of $4,800,000. The sum of $2,500,000 in prior year funds brings the total to $14,000,000. The graduate student support programs in the past have helped give the United States the highest caliber scientific manpower in the world today. More highly trained individuals are needed if we are to solve the pressing national problems which face us, and which contain a high technological content. The committee again approved the designated graduate training program which would permit recipient institutions to select specific fields of study for establishing graduate traineeships. It is expected that the fields so selected would be those in which a close need exists for additional scientific manpower. Our legislative report also calls for an additional $3,500,000 in fiscal year 1973 funds, earmarked for postdoctoral fellowships, to be released for that purpose in fiscal year 1974.

The science education improvement budget category is one of the most important at the Foundation. The committee increased the administration request by $9,000,000, approving a total of $35,200,000 in new obligational authority. Coupled with $33,800,000 in prior year funds, this will permit a total obligation of $69,000,000 in fiscal year 1974.

The $9,000,000 increase is for the support of programs in: Technician/technologist science education projects; science faculty fellowships and research participation; undergraduate student projects, and undergraduate scientific institutional equipment program.

The technician/technologist science education projects will train workers in certain technical fields where shortages occur, and will utilize services of 2-year colleges wherever feasible.

The science faculty fellowship and research participation program will permit advanced training and research experience for faculty members in small 4-year colleges and junior colleges. The undergraduate student projects provide research opportunities for the ablest undergraduate students.

The undergraduate scientific institutional equipment program assists institutions in making improvements in the subject matter content of their undergraduate science programs.

The $2,600,000 authorized for planning and policy studies permits the analysis of our Nation's science resources. It also provides for the support of science planning and evaluation studies in support of the NSF Director's new responsibilities for coordinating Federal R. & D. activities. The $600,000 increase voted by the committee is specifically for the support of activities to aid the Director in the responsibilities transferred to him under the Reorganization Plan No. 1 of 1973.

The committee recommendation of $30,000,000 for program development and management contains a $1,000,000 increase. This will permit the additional staff resources needed to carry out the requirements of the reorganization plan which I just mentioned, without crippling the NSF staff capability needed to administer its ongoing programs in scientific research and science education.

The special foreign currency program, authorized at $3,000,000 for fiscal year 1974, uses U.S.-owned nonconvertible foreign currency generated through agricultural assistance programs in eight less developed countries. It builds long term cooperative relationships between U.S. and foreign scientists, and supports scientific research and the translation of important foreign scientific and technical literature.

Mr. Chairman, section 2 of H.R. 8510, contains a proportional obligational requirement. Very simply, this section requires that the congressionally established priorities for the NSF programs contained in the various budget categories be implemented. It is aimed at preventing undue changes in the thrust of the NSF programs, either in one or more budget categories, or by the transfer of funds from one budget category to another. It requires an even-handed treatment of the congressional priorities for NSF activities.

Let me illustrate what I mean. Suppose I had five children and each of them has an allowance of $1 a week. This means I would have a total outlay of $5 weekly. Should I someday find myself in the position of having to cut back their allowances, in order to meet the total funds I had available for the purpose—say, $4 instead of $5—the proportional obligational requirement would mandate an allowance of 80 cents for each child. In other words, I could not cut off one child completely in order to maintain a level of $1 for the other four children.

During past years large amounts of funds have been authorized and appropriated for NSF only to be selectively withheld by the executive branch. In fiscal 1972, $21,000,000 was withheld in the following budget categories:

Institutional improvement for science	$5,000,000
Graduate student support	4,800,000
Science education improvement	11,200,000

In fiscal year 1973, $48.8 million was selectively withheld in the same categories:

Institutional improvement for science	$9,000,000
Graduate student support	6,000,000
Science education improvement	33,800,000

Programs in these budget categories have received high priorities from Congress in the past. For example, in fiscal year 1973 both the authorization and appropriation acts outlined minimum funding levels for all three budget categories. This selective withholding by the administration was aimed at specific programs assigned high priority by Congress, but out of favor at the National Science Foundation and the Office of Management and Budget.

Annual authorization bills are a logical vehicle for imposing congressional spending priorities on the complex, detailed programs of an individual agency. This procedure assures that the programs and the spending restrictions are reviewed on a periodic basis, so that necessary changes in the legislative characteristics can be made if they arise.

Mr. Chairman, I should describe in some detail exactly what the proportional obligational requirement of section 2 does. Although the wording in the bill may seem complex, it is logical and straightforward in its structure—falling into four parts.

The first part, section 2(a) states the requirement for proportional obligation within allowable reprograming authority. It requires that the percentage of fund outlay obligated for any budget category must not differ by more than 15 percentage points—referred to as the "allowable reprograming authority"—from the percentage of funds actually obligated for any other category.

Compliance is required at two points in time: 3 months after the close of the fiscal year, and the time specified in the appropriations act after which funds appropriated for NSF can no longer be obligated.

The second part, section 2(b), states the rules for determining the amounts appropriated for each category. Section 2(b)(1) defines the amount appropriated for each category as the amount authorized for that category multiplied by a fraction which is the ratio of the total appropriation to the total authorization.

Section 2(b)(2) states that the section shall not apply if the act making appropriations does so by categories which are the same as in the authorization act.

Sections 2(b) (3), (4), (5), and (6) apply to special cases which may arise in connection with the appropriation act. These include the setting of minimum and maximum amounts for specific categories in the appropriation act. When such appropriations for some—but not all—categories are made, a formula is given in section 2(b)(6) for redefining the fraction used to calculate the amounts appropriated for each category.

The third part defines the two ways in which changes in excess of the allowable program authority can be made in the congressionally established priorities. These changes can be made by "selective withholding" and "transfer."

"Selective withholding" means withholding, delaying, or not releasing funds appropriated for any budget category, or in any other manner precluding the obligation of such funds for their intended purpose. "Transfer" means the use of funds appropriated for one budget category for purposes of obligation under another category.

The fourth part—the remainder of section 2—describes the reprograming authority in excess of the allowable 15 percent. This is designed to permit the Foundation to meet changed conditions after enactment of the authorization act.

If the Director of the NSF desires to withhold funds selectively in one or more budget categories in excess of the allowable reprograming authority, section 2(d) requires that he submit a special message to the Committee on Science and Astronautics of the House and the Committee on Labor and Public Welfare of the Senate outlining the reasons for and the effects of such an action. A selective withholding in excess of such allowable reprograming authority shall go into effect unless either House of Congress approves a resolution disapproving the selective withholding action within 60 legislative days.

The Director may also transfer funds from one category to another, and as I note earlier this would also change priorities between the NSF programs. A special message requesting such a transfer in excess of the allowable reprograming authority must also be submitted to the House and Senate, the procedure being the same as described for selective withholding actions. The procedure for handling a resolution of disapproval is the same as that provided by the executive reorganization statutes.

Mr. Chairman, I should like to emphasize that the proportional requirement is limited in what it seeks to do. It is designed to see that congressional priorities are carried out in implementing the various programs of one agency—the National Science Foundation. It in no way addresses the more general impoundment question which the Congress has dealt with in the past. Furthermore, it does not recognize any authority for the executive branch to impound funds appropriated by the Congress.

There is one other item in the bill which I should mention, and that is section 8. This section provides that the $4.5 million earmarked in last year's authorization act—Public Law 92-372—for the oceanographic ship construction/conversion program be made available for other purposes. The reason for this action is that the National Science Foundation presently does not have adequate funds for operating the oceanographic ships already in service. They are tying up such research ships in port, and canceling valuable research activities planned for many years. This type of activity was reported in the Science magazine article I referred to earlier.

Mr. Chairman, I believe that H.R. 8510 as reported by the Committee on Science and Astronautics is a sound bill. It provides important support for American science and technology. It is not lavish in the funds which it provides, but it does provide important resources to help assure the continued leadership of our Nation in fields of science and technology. The bill also, through very carefully drafted provisions, requires adherence to congressionally established priorities in the NSF programs of scientific research and science education. I strongly urge my colleagues to support H.R. 8510.

The article follows:

[From the Science magazine, Feb. 16, 1973]

Budget Cuts Scuttle NSF's "Eltanin"

It was Christmas day 1972, and the National Science Foundation's research ship *Eltanin*, operating off the southern coast of Australia, had just received a radiogram bearing President Nixon's holiday greetings to all the government's ships at sea.

Then came a second radiogram from Washington, bearing a different kind of greeting. The gist of the message from the National Science Foundation (NSF), as one scientist aboard the ship recalls, was that "our research program was terminated immediately and we were fired."

Thus did the long arm of the federal budget cutters reach out swift and sure to the Indian Ocean in pursuit of the President's goal to hold down federal spending in the current fiscal year. And thus also ended the 11-year career of a vessel the NSF describes as the only ship in the world devoted to full-time research in the oceans surrounding Antarctica. The *Eltain*'s sudden recall spurred 15 of the 50 or so scientists involved in the ship's research program to fire off a telegram of protest to H. Guyford Stever, the NSF's director, but the ship's fate seems sealed. Although NSF officials say they haven't given up all hope of finding money to keep it running, the ship will probably be mothballed once it reaches home port at Oakland, California.

As it happens, the *Eltain*'s demise was not entirely unexpected by the 28 scientists and 49 crewmen aboard the vessel. Early in December a radio conversation back to the United States brought rumors of wholesale impoundments of federal R & D money by the Nixon Administration. And indeed, in October, Philip S. Smith, the NSF deputy director of polar research, had told a meeting of scientists whose research depended on the ship that budget stringencies might force a "downward adjustment" of some of their grants and termination of others. A subsequent memo to the scientists indicated that this was a "foundation-wide" problem that stemmed from the President's command to hold federal spending below $250 billion for the current fiscal year.

The *Eltanin* was built in 1957 as an arctic cargo ship for the Navy. As such, it was especially designed for cruising in ice-clogged polar waters. The NSF acquired the ship in 1961 and converted it to a floating laboratory that soon began the first of 55 research cruises around the southern oceans, most of them running for 2 months at a time.

In the intervening years, the ship systematically criss-crossed the southern Atlantic, Pacific, and Indian oceans in a 280° band around Antarctica—amassing geophysical, chemical, atmospheric, and biological data and samples from 2000 separate stations. The vessel was within 2 years of rounding out this most thorough of all circumpolar surveys when the *Eltain*'s last $1.5 million was impounded.

To be sure, the *Eltanin* was not without its problems. It suffered from academic rivalries between on-board scientists, and, according to Bruce Heezen of the Lamont-Doherty observatory, who served as the ship's chief scientist on its 55th and final voyage, it also suffered an "appalling" quality of maintenance by Australian government shipyards. Nevertheless, Heezen maintains, no other polar research ship in the world could match the *Eltanin* for its range (10,000 miles) and endurance (up to 275 days a year at sea). "You could cancel the work of practically any other research ship in the world," he told *Science*, "and it would be less of a disaster."

Meanwhile, the *Eltanin's* departure leaves the NSF's *Hero*, a 125-foot trawler, as the only other American research vessel in near-Antarctic waters. And if it ventures very near the polar ice pack, it surely will have earned its name. Although of recent vintage, the *Hero* is built of wood, a material the NSF describes as "cost-effective."—R.G.

Mr. MOSHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join with Chairman DAVIS in full support of this fiscal year 1974 authorization bill for the National Science Foundation. I would also like to compliment our chairman for the outstanding leadership be provided during the course of this year's authorization hearings. The going was not easy.

Mr. Chairman, I submit it is impossible to overemphasize the significance of the role of the National Science Foundation in contributing to our Nation's future well-being. NSF is the single agency in our Government whose function it is to maintain the health and vigor of this Nation's basic scientific research and science education.

The strength and accomplishments of the Foundation, however, can be no greater than the financial support which we provide. I am seriously concerned therefore at the budget cuts NSF continues to suffer. This year's authorization, in fact, is reduced by $91 million or almost 15 percent from last year's House authorization of $704 million. Therefore, I assert that the nominal additions made by this committee are not only well justified, but imperative, if basic research and science education is to continue to flourish in this Nation.

Because the substance of the NSF bill has been outlined by the chairman, I will limit my comments only to a few particular areas.

First, I do not necessarily see the NSF budget cuts and the dismantling of the Office of Science and Technology as a "downgrading of science" by the administration. I recognize that science and science-related activities must compete with other critical national programs for an increasingly limited Federal budget. However, I am troubled at the great clamor to emphasize applied research—often at the expense of basic research.

I feel this thinking to be naive. If there is any clear lesson in the history of scientific research, it is that the future uses of basic discoveries are unpredictable. I certainly cannot argue with the goal of applying science to national needs, but the idea of doing so at the expense of basic research is self-defeating: It means building a house without the foundation.

I therefore welcome the emphasis this committee has placed upon the basic research activities of NSF, and in particular the addition of funding by the committee for the science research project support program.

A second item upon which I will briefly touch relates to NSF efforts in science education. Last year, this committee took the leadership in Congress in attempting to "protect" several academic programs of high priority—high priority not only for academic science but also for the national interest. In spite of our best intentions, almost half of the funds mandated by the Congress for these programs were impounded.

Again, this year, the Science Committee feels strongly that these areas are essential. But the issue is even more significant since in some areas these same programs were actually deleted from the budget request. The question, therefore, is more basic than mere strengthening, it is a matter of retaining science education programs that have proved their worth, it is a matter of keeping them alive.

The concern I am expressing is for such activities as institutional improvement for science; graduate student support; and science education improvement.

There is no question but that effective undergraduate and graduate science education is a crucial link in the continuing supply of scientifically trained persons. We must therefore continue to provide support for science education if we are to be assured of an even flow of well-trained persons into basic research, the various technological fields, and science education. Failure to do so would result in the "feast or famine" situations which characterize the scientific manpower situation we have experienced during the past 25 years.

Let me cite just one example of the worthwhile type of effort in which NSF is engaged in science education. The undergraduate research participation program, URP, has been judged to be one of the most effective science programs at the undergraduate level. By allowing students and teachers to work together in significant research, it contributes to both the quality of science learning of undergraduates and to the continuing updating of faculty. Participation in URP also helps a student to make a career decision about science which is based on a direct involvement in research.

Unfortunately, URP appears to have been evaluated by NSF only in terms of its original aim of increasing the scientific manpower pool. In contrast, our committee feels that the improvement of the effectiveness of undergraduate science education, the continued research involvement of faculty, and clarifying student career choices are the criteria by which URP should be judged today. Accordingly, we view URP as a top priority program with respect to science education.

There are other specific programs which, like URP, play an equally significant role in NSF's science education effort, but I cite that one activity as typical. All are of proved value in maintaining a viable program in general science education.

The final point I would like to touch upon relates to section 2 of the bill. This section is the result of lengthy and careful consideration by the Science Committee concerning the means by which the Congress can more carefully control funding obligations for NSF, can more effectively maintain congressional priorities.

In past years, the NSF budget has been the subject of a number of major cuts under the guise of "selective withholding." Money has been selectively withheld from individual budget categories contrary to both congressional intent and direction.

Section 2 merely requires the NSF Director to maintain relative priorities between the major NSF budget categories as reflected in the authorization if, in fact, less than the full authorization or appropriation is made available. The focus of the language is not upon the amount withheld; rather, the bill seeks only to assure that all budget categories are decreased proportionally so as better to distribute the reduction imposed.

I feel that this provision is a valid means by which to enforce congressionally mandated priorities and I compliment the chairman for his foresight and industry in including such a measure in this year's bill.

Mr. Chairman, I believe the bill before us today deserves the full support of every Member of the House. The NSF, in its role of maintaining the health of our basic scientific research and science education, is of vital importance to this Nation. This bill has received overwhelming bipartisan endorsement of the members of the Committee on Science and Astronautics.

Mr. GROSS. Mr. Chairman, will the gentleman from Ohio (Mr. Mosher) yield?

Mr. MOSHER. Yes, I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, may I ask the gentleman if there is any money in this bill for the SST?

Mr. MOSHER. The gentleman from Iowa (Mr. Gross) asks if there is any money here for the SST.

The answer is "No." There is authorization in this bill for research and development; there is in the NASA legislation authorization for some supersonic and hypersonic research and development, but so far as I am aware, the National Science Foundation is not involved in that type of research and development.

Mr. GROSS. Mr. Chairman, I thank the gentleman.

Mr. ANDERSON of California. Mr. Chairman, the Environmental Protection Agency has proposed a new transportation control plan which could result in banning all automobiles from the streets of Los Angeles by 1977.

The EPA states that—

> Beginning on May 31, 1977, the State of California shall implement regulations limiting total gallonage of gasoline and diesel fuel delivered to retail outlets to that amount which, when combusted, will not result in ambient air quality standards being exceeded.

The Environmental Protection Agency claims the proposed regulation is the only way Los Angeles could possibly comply with clean air goals mandated by the 1970 amendments to the Clean Air Act.

I believe there has to be a better alternative than banning automobiles from our streets.

Mr. Chairman, as you know, $22,500,000 has been proposed in this bill under the category of environmental systems and resources to be used for research focused on environmental problems.

Do you feel it would be appropriate if a portion of this money were used to fund an investigation by the National Science Foundation as to alternatives to the EPA's proposed regulations—an alternative which would both clean up the air and allow the use of automobiles?

Mr. TEAGUE of Texas. In response to the gentleman's question, this kind of research activity is well within the jurisdiction and responsibilities of the National Science Foundation. There would be the issue, of course, of how this research should be coordinated with that of the Environmental Protection Agency and the Department of Transportation. However, it makes sense to me that the National Science Foundation research in regional environmental systems, funded under the environmental systems and resources activities of the RANN program, is closely related to your concern. I feel confident that NSF will give serious consideration to funding research activities in this area of concern.

Mr. Chairman, I yield such time as he may require to the gentleman from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

I want to congratulate Chairman Teague for his assistance and help on this bill and also the chairman of the subcommittee, Mr. Davis of Georgia, and the minority leadership. In fact, I think the whole committee did a fine job on this bill.

I would like to discuss for the benefit of the Members here section 2, which is not really a complicated section. Some of the formulas involved in determining proportional obligations are complicated, but there are reasons behind every single facet of those rules.

All section 2 really does is meet a problem that has faced this committee and this Congress over the years, that is, the problem of incorporating congressional insight into a bill and interpreting the needs of the scientific community in this case and the need of the public for scientific progress. To date we have witnessed time and again congressional resolve that certain moneys ought to be spent in certain ways, negated by the executive branch which would prefer not to carry out the particular priorities we establish.

For example, in fiscal year 1972 we had hoped, based on the testimony we received and the emphasis we thought ought to be placed on these programs, that $5 million should be spent for institutional improvement for science and that a rough equal amount would go to graduate student support and roughly $11 million to science education improvement.

Those are three items, and we came to those conclusions not out of thin air or speculative hope but because the witnesses who appeared before us, versed in the scientific skills and disciplines, teachers in the schools and administrators, said this is what we need to carry out a program in science education. That meets the Nation's needs.

What are they? Of course, protecting the environment, improving the quality of life, and remaining competitive with the rising powers in Europe and Japan; to name three.

When the funds duly authorized and appropriated were not obligated by the administration there were ramifications felt throughout the scientific community of this country. Students had to quit. They could not keep up with their education. And institutions could not continue their programs. The agencies of the Government and industry in the private sector could no longer count on that flow of scientific skills.

If that was done for the purpose of saving money, certainly a legitimate objective for the Government. The reason why we placed section 2 in this bill was so that if the Government decided to save some money and not spend what we authorized or what might be appropriated, it would make this decision in an appropriate way by spreading it across the spectrum of the programs we authorized, observing at least within reason the priorities we established. Surely, we should take such a reasonable step to protect the integrity of the legislative process.

We realized that they could not do this with precision and could not be expected in some absolutely precise way with a slide rule to cut each program back a certain level. So we gave them a 15-percentage point leeway. We felt that was reasonable, and we were encouraged to believe from Dr. Guy Stever of NSF that he felt it was reasonable, also.

That is all section 2 really does. It provided a formula for assisting the Government in cutting the funds, if it wishes to, for the National Science Foundation without disturbing the basic priorities we established in the committee for those operations.

Thank you very much.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for a question?

Mr. SYMINGTON. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I have received some letters to the effect that some National Science Foundation programs are being destroyed or harmed by budget and appropriation cuts. I wonder if the gentleman from Missouri can tell me what the fiscal year 1973 appropriation level was. I cannot find it in this report.

Mr. SYMINGTON. That would be $645,740,000.

Mr. WYLIE. That was the amount that was appropriated?

Mr. SYMINGTON. That was the 1973 appropriation.

Mr. WYLIE. For fiscal year 1973?

Mr. SYMINGTON. Yes.

Mr. WYLIE. What is the authorization request for fiscal year 1974?

Mr. SYMINGTON. For fiscal year 1974 the authorization request was $582,600,000; considerably less.

Mr. WYLIE. Is that amount above or below the administration's request?

Mr. SYMINGTON. That was the administration's request. The committee recommended a slightly higher figure of $612.9 million; that is the total authorization that we recommend for fiscal year 1974.

Mr. WYLIE. That is the authorization amount requested in this bill?

Mr. SYMINGTON. In this bill; that is correct.

Mr. WYLIE. I thank the gentleman.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SYMINGTON. I yield to my colleague, the gentleman from Georgia.

Mr. DAVIS of Georgia. The question that was just asked was if the appropriations for the National Science Foundation had not been cut. Actually, it was not a matter of having appropriations cut so much as it was a matter of impoundment, because after both Houses of the Congress passed the authorization and appropriations bills and the President had signed them into law, we found that some $60 million were impounded. So that has been our problem, and that forms the basis of our including the wordage of section 2 in this bill.

Mr. WYLIE. Mr. Chairman, will the gentleman yield further?

Mr. SYMINGTON. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I would ask the gentleman from Missouri if the gentleman will include in his remarks for just what programs have funds been impounded?

Mr. SYMINGTON. That appears on page 112 of the report.

Mr. WYLIE. I thank the gentleman.

Mr. MOSHER. Mr. Chairman, I want to join in associating myself enthusiastically with the comments of the gentleman from Missouri (Mr. SYMINGTON) concerning the science education programs of the National Science Foundation, and the necessity for section 2.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in support of H.R. 8510.

The National Science Foundation is the only agency in our Government where nonmilitary basic research is being conducted.

The basic research presently being conducted by the National Science Foundation is advancing the frontiers of knowledge in all the basic sciences, atmospheric research, astronomy, and oceanography, among others.

The sole function of the National Science Foundation is not just to perform basic research and to conduct educational programs.

One of the most important programs within the National Science Foundation is RANN, research applied to national needs.

RANN applies scientific knowledge and problem-solving techniques to practical national problem areas which hold promise of technological, environmental, or socioeconomic payoff or solutions.

In a very real sense, RANN serves to bridge the gap between the basic research programs supported by the National Science Foundation and the research, development, and operations programs of the mission agencies.

In other words, through RANN we will find solutions to many of our societal problems, as a result of our years of basic research.

Areas of special national concern which will receive increased emphasis through RANN this next year include the following:

Terrestrial application of solar power research is being planned which will hopefully allow us to use in the future solar energy to heat our buildings, convert organic materials to fuels or energy, and use solar thermal conversion for electric power generation.

This major increase in emphasis on solar energy is in direct response to a clear national need to accelerate energy research technology for new and clean energy sources.

Earthquake engineering is of national concern today.

The NSF is exploring the development of economical design and construction methods for building earthquake-resistant structures.

Effort will also be devoted to developing the basis for a large-scale earthquake simulator, and to support the development of an effective national earthquake monitoring system.

The growing national demand for technology assessment is also being addressed by RANN.

Prime objectives for fiscal year 1974 are to support the executive and legislative branches in technology assessments and to develop the methods and techniques needed for the actual technology assessment itself.

Other areas being addressed by the National Science Foundation include everything from fire ignition to synthetic enzymes technology, to tunneling technology, to social systems and human resources.

The activities of the RANN program, and the National Science Foundation, span the entire gamut of issues of interest and concern to us as a nation.

Mr. Chairman, the authorization bill before us today is one which supports an important institution within our Government.

The projects which it funds will help to alleviate many of the problems which face us today.

The funding levels included are approximately $90 million less than last year's authorization.

As such, it can hardly be called extravagant.

I would hope my colleagues will join me in support of this measure.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I rise in support of this bill, and I very much want to see it passed and enacted into law. That is one of the reasons, and probably the main reason, that I am going to oppose the language that appears in section 2 of this bill and offer a substitute amendment for it. The language in the bill speaks of selective withholding of funds, but actually it is in the form of an anti-impoundment piece of legislation. As such, it clearly runs a very substantial risk of being vetoed by the President.

No matter how any one of us may feel about the impoundment issue, I think every Member of this House is going to have to consider most seriously whether we should endanger the National Science Foundation program over this issue. We know that anti-impoundment legislation of one type or another is going to come before this House, be debated, and voted on during the course of this session, but that will be general language which will be applicable to the entire Federal Government and its operations.

But if we send forth this legislation with this particular language, we are going to run a very substantial risk of having this bill vetoed and having this particular program come to an end. I think it is a risk that we should avoid since we can do that. What I am going to do in the time that I have during this debate is try to give the Members some of the problems that I think are there and the present section 2 of the bill.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I should like to state to the Committee that in no way will a veto endanger the National Science Foundation. The committee considered this whole situation. This is the route which it chose to take. If the President vetoes it, we will immediately take it up again, and it will not endanger the National Science Foundation program. I do not care if the President vetoes it or not. If he wants to do it, that is his prerogative, but if he does, the committee will consider it again, and we will have an authorization for the National Science Foundation.

Mr. WYDLER. I think it is something the Members have to consider. It could develop into a very serious problem. I do not think it is a risk we need to run. Therefore, I do not think it is a risk we should run.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. BELL. At the expense of having to disagree myself with the chairman of the committee, I want to associate myself with the comments of the gentleman in the well. I want also to state that I think this particular bill is the wrong way to attack impoundment. I think impoundment, if we wish to attack it, should be through an across-the-board method and not trying to piecemeal it in a National Science Foundation bill. I think the committee has made a mistake in trying to attack impoundment through that method. That means other committees can attack it another way, and we end up with a shattering attack that really does not amount to getting at the nub of the problem.

If we want to attack impoundment, it should be attacked, I believe, on an across-the-board governmental basis. I just want to make that comment.

I again want to congratulate the gentleman for his very fine statement.

Mr. WYDLER. I thank the gentleman.

What I am going to try to do during this time I have in debate is give this Committee some idea of the administrative difficulties we would create for the National Science Foundation if we were to adopt this language.

They are very serious difficulties and very important difficulties for the administrators of that program, and I think it is something all of us should take into account very seriously when we consider our vote on this matter.

I have asked the administrators, the people who will be in charge of running this program under the rigid rules and within the rigid rules that are being proposed in section 2, what would happen if that were to go into effect, and this is what they tell me. They tell me on the whole the bill would not allow the efficient and effective administration of the programs of the National Science Foundation. Financial and program administrators would not be so much concerned about the effectiveness of the dollars spent or the value of the goods and services received as they would be with adhering to the established level of spending required.

In the past it has been assumed the administrators will use discretion in the letting of contracts and hiring of personnel and other actions which result in spending, subject, of course, to the laws which govern the manner of doing so. It has been generally assumed the officers of the executive branch should use such discretion to effect efficiencies and to increase the effectiveness of programs. The bill here would take the 13 different and sometimes unrelated activities and so intertwine them as to starve some and require overspending in others. This is to say nothing of the administrative burden imposed to assure adherence to the requirements of the bill.

Section 2 provides that amounts obligated and expended for the 13 activities listed in section 1 must be within a fixed ratio throughout the year. Even if obligations for the different categories at the end of the year amounted to the same ratios as established under section (b), it would be almost impossible to maintain the same ratio throughout the year, as would appear to be required by the bill. This is because different programs operate on different cycles.

Grant programs often have higher obligations during one period of the year than another. On the other hand, salaries for personnel require a more steady obligation rate throughout the year. The bill would require the obligations for each category to be in the established ratio for every period during the year and thus make orderly scheduling of programs impossible. In fact, the bill would require obligating at a level commensurate with the program having the highest obligation level, clearly an invitation to waste.

An even more serious problem is the requirement that 1974 outlays for these categories be in the same proportion as the amounts authorized. In an account such as that with which we are dealing, which has an estimated obligated balance for 1974 of even more than the estimated 1974 program level, such a requirement would not only be extremely disruptive but would also be contrary to recognized and proven financial management practices.

In the case of salaries for personnel, 1974 appropriations are expended shortly after the obligation. In the case of grant programs, however, the expenditure is not necessary—in fact the work is not performed—until in some cases over a year after the obligation is made. To require the expenditure of 1974 appropriations in each such case, as this bill would do, would require grant payments at the same time commitments were made, not allow the agency to assure performance from grantees, and lead to higher borrowing requirements on the part of the Treasury—and thus lead to higher interest payments on the part of the Government as a whole—and possibly conflict with other laws regarding advances.

The definition of impoundment provided in paragraph 2(c) also leads to problems. This definition, when applied to the pro rata requirements of paragraph 2(a) could lead to a situation where supplemental or deficiency appropriations would be required to provide additional funds for those activities which had been earlier in the year forced to spend funds unnecessarily. It would also make modern and logical management techniques almost impossible. In addition, the 60 days of continuous session needed to pass before an "unequal" impoundment could take place might be sufficient time to frustrate the savings intended by the Reserve action.

In short, the enactment of section 2 of H.R. 8510 would be likely to cause chaos for the financial management of the Governments' funds. It would also be an open invitation to waste, to spend appropriations, wisely or not, fast enough so that an officer would not be accused of having money left over at year end.

Thus, the bill is a bill to promote waste, as written.

Members of the committee, I highly recommend and suggest that we take these facts into consideration from those who are going to have to manage this program if this bill is enacted.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, I appreciate the gentleman yielding to me. I wish to associate myself at this time with the remarks of the gentleman from New York.

Is it not true that in response to the subject of selective withholding or impoundment or whatever subject matter we might refer to, that general legislation has been introduced in Congress which attempts to prevent this type of thing, an across-the-board subject, as we have done in the past, by this administration and by previous administrations?

Mr. WYDLER. Yes, and of course those proposals are pending before the Committee on Rules, and of course those also refer to action that is going to be taken on appropriations bills. This present procedure is a procedure that is going to apply to one specific committee of the Congress only. It is going to set up a special rule of the way that particular agency has to be run. It will hamstring administrators of that agency, which is an important agency, and will do it in a way no other agency of the Federal Government is going to have to live with.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may require to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I rise in support of H.R. 8510. I wish to congratulate Chairman TEAGUE, and Congressman DAVIS of the Science Research and Development Subcommittee for devising the method to establish that the Congress has a voice in setting spending priorities. I feel the budget recommended by the Committee on Science and Astronautics for the support of NSF programs of research and education in the sciences is a constructive one. Frankly, it does not contain the funding levels which I believe are desirable for some programs. On balance, however, it will allow steady progress in basic and applied research even though there may be some inadequacies in focusing science and technology on important problems of national concern.

Mr. Chairman, I should like to point out to my colleagues some of the changes in program emphasis that have occurred in the National Science Foundation during the past few years. Before 1968 NSF was limited to the support of programs of basic research and science education. The 1958 Amendments Act, however, permitted applied research to be funded also.

As a result of that act, the program of Interdisciplinary Research Relevant to Problems of our Society—IRPOS—was initiated in fiscal year 1979. This evolved into the present program Research Applied to National Needs—RANN—which was authorized at a level of $80 million in fiscal year 1973.

The RANN program has the potential of reducing lead times which are required to solve national problems with high technological content. It can make this contribution through funding of important and sharply focused research programs, with both basic and applied components.

The funding level for RANN as recommended in H.R. 8510 is $80 million for fiscal year 1974. This includes $71.3 million in new obligational authority and $8.7 million of fiscal year 1973 carryover funds programed for release in fiscal year 1974. This total represents an increase of $800,900 above the request of the National Science Foundation.

The RANN budget category contains four major programs. One, environmental systems and resources, supports research focused on environmental problems. It attempts to identify and develop alternative solutions to regional environmental problems. It also contains programs of weather modification, and research to measure and assess the effects of trace contaminants in the biosphere.

The program social systems and human resources has as its principal objectives to analyze and develop solutions to important municipal problems, and to analyze and develop more effective ways of delivering human services.

The program of exploratory research and problem assessment has major elements devoted to technology assessment, institutional innovation, the relationships between technology and the economy, and other societal problems.

The largest RANN program is advanced technology applications, with a total budget of $38,500,000. Of this total, $21,500,000 is devoted to energy research and technology. Because of the importance of energy research and development in finding viable solutions to the present energy crisis which our Nation faces, I should like to briefly describe the major research objectives included under energy research and technology.

Major studies of energy demand are being conducted in the energy systems area. The objective here is to apply the principles of systems analysis to our complex, interrelated energy economy, and to develop inputs for national energy policies related to energy conservation, regional energy needs, national security, environmental impact of energy use, and other parameters.

The energy resources area concentrates on increasing the supply of energy in order to correct the developing imbalance between energy consumption and proven energy reserves. It is concentrating on such important new energy sources as geothermal energy, and waste effluents from industrial plants. It is also considering the feasibility of agro-power concepts, techniques for gasifying coal using advanced fluidization technology, and basic studies on coal liquefaction.

The area of energy conversion research recognizes the need for increasing the efficiency of converting energy from one form to another. The greatest emphasis here is on more efficient cycles for central power stations, utilizing topping cycles at very high temperatures and improving bottoming cycles to capture some of the heat which is now rejected into our Nation's waterways and atmosphere. Also included is research on improved cooling towers and new energy storage systems for potential use in meeting peak power requirements.

The largest area of energy research, totaling nearly $13 million, is devoted to solar energy. The National Science Foundation has been designated as the Federal agency with overall responsibility for terrestrial application of solar energy.

This NSF solar research has increased from $1,200,000 in fiscal year 1971 to about $4 million in fiscal year 1973. The budget before us today triples last year's level, although it still falls short of the requirements for solar energy research which were recently made by a panel of the Federal Council for Science and Technology.

Mr. Chairman, solar energy is an inexhaustible and environmentally desirable energy source. It does not inject carbon dioxide or radiation into the atmosphere or ocean; it does not require strip mining and there is no danger of spills from tankers.

My Subcommittee on Energy has devoted considerable attention to the field of solar energy and is optimistic about its potential impact in helping fulfill our Nation's energy requirements. Research on methods of utilizing sunshine for generating electric power is worthwhile, and should be pursued. However it seems clear that the technical and economic problems are such that implementation is far in the future, at least the end of the century.

On the other hand, heating and cooling with solar energy are almost competitive with alternative methods at the present time. Furthermore this is not an insignificant area for saving energy, since about one-fourth of the total energy which our nation consumes ends up in heating or cooling our buildings or heating our hot water. The opportunity is great; the technology is, to a large extent, already available; and moderate further increases in fuel prices will make solar heating and cooling economically competitive.

What we need to do now is aggressively pursue further research and development in solar heating and cooling in order to lay a firm basis for a new industry to design, produce, install, and maintain solar heating and cooling equipment. At the same time, the concomitant architectural and construction aspect must be adequately emphasized.

Mr. Chairman, the NSF program research applied to national needs lies at the forefront of science and technology. At the same time it has important responsibilities for coupling that technology to pressing national problems. Adequate support for RANN is indispensable, and the bill before us today is a constructive step in that direction.

Mr. TEAGUE of Texas. Mr. Chairman, I have no further requests for time.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Chairman, I rise in support of H.R. 8510, including the disputed section 2.

Mr. Chairman, I would particularly like to indicate my support for the increase recommended by the committee in general science education, an area of critical importance in meeting long-term requirements for basic, as well as applied, science personnel.

The Science Committee has endeavored to emphasize to the Foundation and the administration that funding for science education should be maintained at a level commensurate with the past NSF effort. All of us are aware of the critical need for maintaining a high state of excellence in science education and I, therefore, commend the Committee in particular for the increases voted in the categories of institutional improvement for science, graduate student support, and science education improvement.

Looking at each one of these programs in brief, the institutional improvement for science program has as its primary purpose providing funds for discretionary use by colleges and universities for science activities. Flexibility is the primary virtue of the program with the money permitted to be applied in a manner considered proper and appropriate to the institution's educational program.

The second science education budget category to which the committee added funding is the graduate student support program. This activity is designed to insure that the most talented graduate students in the sciences obtain the education necessary to become outstanding scholars and researchers. This effort plays a very positive role in assuring that an adequate number of highly trained students will be available to work in science fields of national interest and importance.

The final science education category which was increased by the Science Committee is science education improvement and it is to that category I wish to pay particular attention. My motivation is based in large part upon the sharp reduction in funding this program has suffered over the past few years. Over the past 3 years the authorization for science education improvement has fallen from $100 million to $72 million to $35 million for fiscal year 1974.

This program, reorganized for the coming fiscal year, encompasses a broad range of activities designed to: First, assure the Nation the appropriate number, variety, and flexibility of scientific and technical manpower; second, improve science education for a broad range of students; and, third, improve the effectiveness of science education through the use of improved programs and modern educational technology.

NSF stresses that this effort is presently in a state of flux. This is the result of a number of factors including the desire to make science education available to a much broader segment of the population plus the need to provide education more responsive to the Nation's need for both basic and applied scientific manpower.

The undergraduate student projects program is designed to stimulate colleges and universities to incorporate research opportunities for undergraduates into their normal curriculum patterns. This program provides the ablest undergraduates the chance to get involved in research through the mechanism of an apprenticeship to a college or university scientist. This has led to major revisions in undergraduate science curriculums, formerly consisting of only course and laboratory work, toward much more open-ended instructional patterns, with stress on student initiative and development of the student's independence. I feel strongly, therefore, that the committee's increase in this area is merited and I am in agreement with the addition.

In the subcommittee we heard considerable testimony from representatives of independent undergraduate colleges concerning their programs. It was well pointed out that a rather high percentage of American Ph. D. candidates received their undergraduate training in the sciences at these independent colleges. Considering this, these programs in the NSF authorization for undergraduate science education and training are of critical importance if we are to maintain an uninterrupted flow of scientific personnel.

These basically undergraduate institutions do not have, in and of themselves, the general access to graduate research programs, and related equipment and facilities, that would be available to the undergraduate divisions of universities.

The original budget proposals submitted by NSF would have eliminated many grant programs that have sustained college science programs. The committee felt this to be unacceptable, and, therefore, reinstated funding under the undergraduate scientific projects and undergradute scientific instructional equipment programs.

I strongly urge that my colleagues provide these needed programs their full support.

In addition to the NSF programs themselves, I would like to indicate my support for section 2 of this bill, H.R. 8510. The language of section 2 as recommended by the committee is the result of long and serious deliberation and represents the distillation of the views of Members representing a broad spectrum of political and philosophical views.

It is an approach I should like to commend to others. The limitation on the agency's discretion is not obligating appropriated funds strikes a moderate balance and would make a good precedent to be applied in the cases of other departments and agencies. In essence, what the committee has done is to say that the Foundation may reprogram, transfer, or otherwise reduce funding by as much as 15 percent, and that it can go even further along these lines unless one House or the other disapproves.

Section 2 is not a measure to prohibit impoundments arbitrarily or rigidly. It is a provision that says to the Executive that, within certain rather reasonable and generous limits, funds may be reprogramed, transferred, or selectively withheld in the interest of sound and responsible management, but that there are limits to that authority beyond which the Executive may not go without at least the tacit approval of the Congress. It is not a final answer—but it is a firm step toward an answer to the grave question of the impoundment of appropriated funds. I urge its acceptance.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman from Ohio for yielding to me.

Mr. Chairman, I have asked for this time so that I can follow up on a couple of questions I had asked earlier, if I might have the attention of the gentleman from Texas (Mr. TEAGUE) and the gentleman from Georgia (Mr. DAVIS).

Mr. Chairman, I asked about how much money was appropriated for fiscal year 1973, and how much money is being authorized in this bill. Then I was referred to page 112 with respect to my question about how much in funds was impounded during fiscal year 1973. I do not see any impoundment figure in the table. I wonder if the gentleman from Texas could explain where I might find the amount of funds impounded in fiscal year 1973.

Mr. TEAGUE of Texas. Mr. Chairman, on page 112 of the legislative report, under the heading, "Fiscal Year 1973 Carryover Funds To Be Released," $58.9 million. In addition to that, $3.5 million is not programed for release.

Mr. Chairman, I think the gentleman should know that these funds have been withheld, and they were withheld not on the basis of the worthiness of the projects. Rather, there was a time certain after they were told to withhold the money and not judge whether the project was good or bad.

Mr. WYLIE. It says in here in the report accompanying this bill on page 112, "carryover funds to be released." That is not my idea of the meaning of impoundment. Are these carryover funds included in this fiscal year 1974 authorization, or will they be automatically released after July 1? That is funny language. If funds are impounded, why does not the heading say "funds impounded during fiscal year 1973?"

Mr. TEAGUE of Texas. These funds are not in this bill. They have already been authorized, and we have had a no-year appropriation up to now.

Mr. WYLIE. So these moneys are available to the National Science Foundation and will be after July 1.

Mr. TEAGUE of Texas. They have told us they will spend a part of them.

Mr. WYLIE. The money is available for the rest of this calendar year and during all of fiscal year 1974?

Mr. TEAGUE of Texas. Some of it is, that is correct.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise in support of H.R. 8510. The work which is done by the National Science Foundation is some of the greatest work we in the Congress authorize during the course of the year. While most expenditures we authorize are consumed during the year and are no longer beneficial to our people after that year has gone by, the work of this Foundation will be used for many years to come to improve our society and our civilization.

I ask support of this bill.

Mr. SYMINGTON. Mr. Chairman, I should like to comment on some of the specific comments made by Mr. WYDLER on section 2 of H.R. 8510.

First, the proportional obligation requirement does not demand that obligations be in continuous compliance. Rather, compliance must exist 3 months after the end of the fiscal year, and at the time appropriations are no longer available for obligation.

Second, salaries of NSF employees are not in section 1 of the bill, and are therefore not covered by section 2.

Third, expenditures are not covered—only obligations.

Finally, I should like to emphasize that this is not an anti-impoundment bill, as stated by Mr. WYDLER. How can it be, since it in no way prevents or permits it? It merely enjoins the NSF to carry out congressional priorties.

Mr. Chairman, I should like to explain in some detail relevant aspects of the NSF programs authorized by this bill.

The Federal Government will spend over $16 billion for research and development during the next fiscal year. Half of that is related to defense, and almost one-fifth is in support of our Nation's space program. About 10 percent is connected with health, and 5 percent is devoted to energy. Compared to the R. & D. expenditures of some agencies, the National Science Foundation budget may seem small, since it comprises only 3 or 4 percent of the total Federal R. & D. expenditures.

I would maintain, however, that this is an extremely important part of our Nation's investment in science and technology. The National Science Foundation furnished over 20 percent of support for R. & D. in colleges and universities, almost twice as much as the Department of Defense. The Foundation funds a large proportion of our Nation's basic research—those programs which the mission oriented agencies and private industry find difficult to justify, because the return is often far in the future.

National Science Foundation research grants, awarded on the basis of scientific excellence, set the standard for scientific research in this Nation and around the world.

Mr. Chairman, because of the importance of the varied National Science Foundation programs and the Foundation's wide-ranging responsibilities, the Committee on Science and Astronautics devoted much attention to them throughout the spring. Not only did we make a careful scrutiny of the Foundation's programs and budget, but we also made significant and important changes in program priorities.

Over all, the committee increased funds for eight budget categories, a total increase of $31,200,000; it decreased one budget category by $900,000. The details of these changes have been discussed already, and I shall not take time to go into them again.

I support these changes and believe that they are important to this country's long-range position of leadership in science and technology.

I would like to comment on an innovation in the bill, carefully worked out by the committee, which is designed to preserve these priorities throughout the administrative decisionmaking which follows an enactment of legislation.

The concept is quite simple, and I should like to outline its salient points:

First, each budget category must be funded approximately in the same proportion as every other budget category, with a permissible leeway of 15 percent.

Second, rules are outlined for determining the amount appropriated for each budget category. Since authorization and appropriation may differ, either or both acts may have maximum spending levels for specific programs or budget categories, the bill sets forth a reasonable set of rules for making these determinations. These rules are fashioned to deal with the different circumstances that might arise.

Third, the proportional obligation requirement defines the two ways in which budget priorities can be reordered; namely, the selective withholding or transfer of funds between budget categories. These are, if you like, ways of reprograming appropriated funds in order to meet new conditions which may arise after the enactment of legislation.

Fourth, the bill provides a method for reprograming in excess of the allowable 15 percent. The process is simple: if such reprograming—that is, a selective withholding or transfer—is deemed necessary, the Director of the National Science Foundation sends a message to that effect to the Congress. The legislative committees responsible for the National Science Foundation in the House and Senate receive the message; and reprograming action goes into effect unless either House passes a resolution of disapproval within 60 legislative days. The details of those procedures are the same as those outlined by the Executive Reorganization Act, a procedure of proven constitutionality.

Mr. Chairman, I believe the National Science Foundation budget as reported by this committee strikes an important balance between the demands of varied programs of scientific research and science education. Further, the proportional obligation requirement is clearly necessary to preserve this balance. The Office of Management and Budget has displayed a tendency to disregard congressional priorities for NSF in the past. This section gives it reasonable room to express that tendency without rendering meaningless the original congressional intent.

This innovative legislative approach has already been endorsed by groups representing essentially all institutions of higher learning in the United States. It has also received widespread attention—worldwide—in the scientific and technological press. For example, one of the foremost research journals, Nature, published in Great Britain an article on the proportional obligation requirement in its April 27 issue. I should like to insert that article in the Record at this point.

There is one final comment I would like to make about the proportional obligational requirement. There has been much controversy recently over actions of the President in impounding appropriations funds. A number of bills have been introduced to attempt to bring under control this propensity to impound money for congressionally approved programs. Section 2 of H.R. 8510 does not deal with the broad impoundment issue; rather, it orders the internal priorities associated with the programs of an individual agency, and provides reprograming authority consistent with constitutional precedent.

Mr. Chairman, I strongly support H.R. 8510 with the budget priorities that have been determined. The proportional obligation requirement merely provides some guarantee that our determinations will be honored.

The article follows:

NSF: Congress Priorities

Congress has consistently voted in the past few years to give the National Science Foundation large increases in its budget for education and graduate student support programmes. But the White House has been equally consistent in refusing to spend the extra money. That particular pantomime will not occur again if the House subcommittee on Science, Research and Development gets its way, however, for the subcommittee last week passed a bill which, among other things, would severely restrict President Nixon's power to impound funds voted for the NSF.

The measure, which is tucked away in the annual authorizations bill for the National Science Foundation, would allow President Nixon to withhold funds from the NSF only if each of the foundation's programmes is reduced by the same proportion. In other words, if the measures survives the rest of the Congressional mill intact, the White House would no longer be able to withhold money from specific NSF programmes.

The full committee on Science and Astronautics will consider the subcommittee's proposal early in May, after the Easter recess, and is expected to pass it. But the prospects in the Senate are less certain. For one thing, the authorizations bill will be dealt with by Senator Kennedy's NSF subcommittee, and Kennedy may not be willing to agree with a measure which would still allow President Nixon to impound money without first having to get Congressional approval.

In the continuing battle between Congress and the White House over who has final control over the Federal government's pursestrings, the Senate has agreed on an approach, spearheaded by Senator Sam Ervin, which would force Nixon to get Congressional approval each time he impounds any money. Kennedy would thus probably want a stronger anti-impoundment measure than one which tacitly assumes that the President has the right to impound money, even though it places considerable restrictions on how the money could be impounded.

Kennedy's subcommittee will probably hold hearings on the NSF budget early in May. During hearings before John Davis' Science, Research and Development subcommittee earlier this year, Dr. H. Guyford Stever, director of the NSF, took exception to the anti-impoundment proposal because its inflexibility would prevent the foundation from altering its spending patterns as conditions change. But spokesmen from education associations welcomed the move.

Mr. MURPHY of Illinois. Mr. Chairman, I rise in support of the Roncallo amendment forbidding the National Science Foundation to use appropriated funds to conduct or support live fetus research.

This is not a complicated amendment. Its intent is clear. I merely wish legislation was not necessary to prevent experimentation on fetuses with beating hearts. We have received numerous assurances from Government agencies that such experimentation is not "policy"; however, I believe some guarantee is in order.

I realize the advantages for medical research if fetal experimentation is encouraged or merely sanctioned. Authorities assure us that tests run on fetuses will provide valuable data on cell development and the likelihood of birth defects.

Each of us have seen and some of us have personally known the heartbreak of birth defects. We are, therefore, tempted to opt for answers to these problems which threaten normal infant growth. It would be so easy to close our collective eyes to experimentation behind closed doors of operating rooms and research centers.

I would only remind my fellow colleagues of the high price we would pay for our ignorance. What guidelines for performing the tests would be followed? Would the guidelines be realistic and, above all, humane?

If we provide Federal dollars to experiment on human fetuses, are we then willing to accept responsibility for prolonging the life of the human fetus several days until conclusive results can be gained from the testing. And if scientific studies on human fetuses are condoned, how soon before we approve such studies in other helpless members of our society?

The Roncallo amendment gives us an opportunity to confront the issue of fetal experimentation and accept our responsibilities to those unable to speak for themselves. I, therefore, urge its acceptance by this body.

Mr. CRONIN. Mr. Chairman, I rise in support of H.R. 8510, the bill to authorize appropriations for activities of the National Science Foundation. The National Science Foundation is responsible for most of the important "nonmission oriented" scientific research and development that is an essential part of our country's scientific progress, both long and short range. It also plays an important part in the liaison between the academic community and the Government. It is an existing vehicle for the coordination of what might otherwise become countervailing forces. Under the auspices of NSF comes graduate student support and traineeship programs which are essential to maintaining high standards in our academic community necessary to continue with vital research programs. The funding for NSF will also include maintenance of National Research Centers, Science Information Activities, and the International Scientific Activities.

For example, the Haystack Observatory, which is part of the Northeast Radio Observatory Corp., is located in Westford, Mass., which is part of my district. The Observatory Corp. is a nonprofit corporation of educational and research institutions for the continuation of an advanced radio and radar research facility. Some of the educational institutions involved in the corporation include Massachusetts Institute of Technology, the University of Massachusetts, the Smithsonian Astrophysical Observatory, and Harvard University. The work done at the observatory is funded through grants from NSF, along with supplementary funds from NASA. The observatory, an important scientific resource, is comprised, among other things, of an advanced computer-centered radio telescope, two medium-sized digital computers, and a 120' diameter radome enclosed precision antenna. The observatory provides radio observing programs and conducts radar measurements involving the Moon, Mars, Venus, and Mercury. The observatory became a NSF funded facility when the Air Force withdrew funding under the Mansfield amendment in 1970. The availability of NSF funds allowed the continuation of this important installation under the direction of MIT and in conjunction with the Federal Government and NROC.

There are any number of additional facilities throughout the country that operate under similar agreements and conditions. It is necessary to at least extend the support of these important parts of the scientific system through NSF grants.

Mr. FRENZEL. Mr. Chairman, I rise today to congratulate the Committee on Science and Astronautics on the fine job they have done on the National Science Foundation Authorization Act of 1974. I found their report most complete and hope that their work will be an example to all other committees in the future.

I particularly like to point out that the amount of money authorized has broad support. The National Science Foundation and the Office of Management and Budget have both expressed support of the funding figure and I hope that the Appropriation Committee will soon follow suit.

Section 2 of this bill does make me a bit nervous. I must express my deep concern, like those on the committee, that impoundment seems to hit programs like the National Science Foundation first and hardest. There is reason to believe that section 2 will lead to a Presidential veto. Nevertheless, I will not support any attempt to delete this section of the bill. I believe that section 2 is far superior to the anti-impoundment legislation now before the Rules Committee. Although I do not and will not support a separate anti-impoundment provision to be included in every authorization, I do believe that section 2 of this bill serves as an example of what general anti-impoundment legislation should be.

My opposition to the attempt to delete the anti-impoundment provision of this bill shows support for the concept of anti-impoundment legislation envisioned in this bill, but I do not favor having a separate anti-impoundment provision in every authorization bill.

Mr. HANNA. Mr. Chairman, I rise in support of H.R. 8510 the National Science Foundation authorization bill for fiscal year 1974.

As chairman of the Subcommittee on International Cooperation in Science and Space, the activities of the National Science Foundation on the international scene are of special interest to me. I am pleased to report that the Foundation has an active and growing role in such activities.

One of the most interesting phenomena of modern times is that scientific cooperation has been one of the few activities of mankind which seems to transcend the political difficulties that are so widespread in our troubled world. The fact that scientists of our country have been able to maintain friendly relations over the years with those of other nations whose governments belong to a competitive political alliance speaks well for the potential of science to alleviate tensions and promote peaceful relations.

Last year, an Agreement for Cooperation in Science and Technology between the United States and the U.S.S.R. was entered into in Moscow. Based upon that agreement, cooperative research projects are now under development between American and Soviet scientists in such fields as energy, computers, chemical catalysis, microbiology, agriculture, and water resources. The Director of the National Science Foundation, Dr. Guy Stever, is the U.S. Chairman of the Joint Commission for Science and Technology under which these important investigations are being undertaken.

The nations of Eastern Europe are also engaged in a new cooperative science program with the United States. Included in these agreements are Bulgaria, Czechoslovakia, Hungary, and Romania. The Polish Academy of Science has also expressed an interest in establishing a similar relationship.

Mr. Chairman, all this bodes well for the future. American men of science have a long and fruitful history of cooperation with their counterparts from friendly nations—those countries with which we share a political and ideological tradition. I find it especially encouraging that we are now making greater efforts to establish warmer relations with the scientific communities in countries that have not always been considered our friends.

Let me add that many of the Foundation's programs are a great bargain. Cooperative projects are supported by excess currencies in several countries, funds generated in the past by agricultural exports under Public Law 480. For example, during fiscal year 1972, 23 research projects were undertaken in cooperation with scientists in Egypt, India, Morocco, Poland, Tunisia, and Yugoslavia. The equivalent value of this work was approximately $2 million, but because excess currencies were available, the Foundation was able to extend its international scientific activities in these countries with a minimum outflow of U.S. dollars.

The Foundation also uses special foreign currencies to obtain translations of scientific and technical literature, abstracts, patents, and other information products for distribution to U.S. scientists. In fiscal year 1972, about 70,000 pages of foreign scientific and technical literature were translated into English by contractors in several excess currency countries.

Mr. Chairman, the program of the National Science Foundation benefits American science no less than other nations. International programs have an even more important contribution to make: Science is clearly one avenue to a more peaceful world. We should all applaud and support the initiatives undertaken by the National Science Foundation.

Mr. MILFORD. Mr. Chairman, the bill we are discussing here today represents the only consolidated effort in the Federal Government to see that basic research is kept alive and reasonably well.

For the most part—but by no means entirely—this is what the National Science Foundation is all about: basic research. Its function is to stimulate such research through a variety of programs and educational methods, for without basic research our well of new knowledge soon runs dry and we are unable to develop the new technology so badly needed to help us meet the enormous problems facing us.

Basic research, in a sense, might be described as research without a goal other than understanding what our world is all about and what makes it tick. It may involve research into the microcosmic world of nuclear physics or insect behavior or into the macrocosmic world of the continents, oceans, planets or galaxies. It goes wherever the curiosity of the investigator leads—and without thought of any short-term payoff.

Yet pay off it does.

Without basic research there would not be nuclear energy, polio vaccine, lasers, transistors, pest control, hybrid corn, the wonders of electronics or any of the other technological advances which have permitted man to reach his present standard of living. And the process is a never-ending one. There must be a consistent incoming flow of fundamental new knowledge or our reservoir of technological nourishment will disappear. This we cannot afford—nor can any developed nation.

Mr. Chairman, the National Science Foundation's effort represents about 20 percent or so of the total Federal outlay for basic research—this year estimated in the area of $2.6 billion. But two important points must be made here. One is that it is a very important 20 percent since the balance comes from the so-called mission-oriented agencies and is devoted mainly to specified scientific disciplines—while the NSF's share is distributed throughout all disciplines. Second, the $2.6 billion actually represents a diminishing effort on the part of the Nation to stay in the forefront of basic research when measured against our gross national product. It is less than we were doing a decade ago and a smaller comparative effort than that being made by our competitors in the world of international trade.

I submit that the difference is beginning to show. It was basic research which put America on top—economically as well as in other ways—during the 1940's, 1950's, and 1960's. We are not doing so well in basic research now, in terms of overall effort, and one need only read the papers to see the proof. Other countries are surpassing us in many technological fields and hence in the marketplace.

We cannot afford to do less than this bill provides. We should be doing much more.

Mr. HOGAN. Mr. Chairman, I rise in support of the amendment being offered by my esteemed colleague from New York (Mr. RONCALLO,) which would prohibit authorization of funds for testing on a living infant outside of the mother's womb.

All of us have been making, I think, a serious mistake when we refer to "experimentation on live fetuses." We are trapping ourselves in the same "semantic gymnastics" that the antilife movement has used so successfully in the past.

Dorland's medical dictionary defines "fetus" as, "The unborn offspring—the developing young in the uterus—which becomes an infant when it is completely outside the body of the mother, even before the cord is cut." The Latin word, "fetus" simply does not connote to the general public the same humanity as does the word "infant." It is medically correct, I am told, to refer to this kind of experimentation, therefore, as "experimentation on live infants," rather than on live fetuses.

I commend the gentleman from New York for his efforts to stop this kind of experimentation. I was extremely pleased 3 weeks ago when the House approved a similar amendment offered by the gentleman from New York to the Biomedical Research Fellowship, Traineeship, and Training Act by a vote of 354 to 9.

I firmly believe that it is imperative that Congress take every opportunity to express its conviction that human life, before and after birth, has value and must be protected. I am hopeful that Congress will eventually approve my constitutional amendment to overturn the Supreme Court's decision that legalized abortion everywhere in the country up to the day of birth. Meanwhile, we must take every opportunity to stop the attack on the value and dignity of each human being.

The House has overwhelmingly denied the National Institutes of Health any funds for research of this type. It seems only reasonable that we approve this amendment today to make sure that no Federal funds are used by or through the National Science Foundation for that purpose.

Now that the Supreme Court has singled out one group of human beings as having no value, it is not hard to imagine what the future might hold in store if we do not stand up and reassert the right of every human being to life.

I support this amendment and I urge my colleagues to adopt it.

Mr. PICKLE. Mr. Chairman, earlier I had stated that I had intended to offer an amendment to this bill in order that the National Science Foundation, through our colleges and universities, might more directly address the energy problems facing the country. This amendment, which is without additional cost to the Government, would have permitted the National Science Foundation to designate private and public institutions of higher education as National Energy Research Centers.

The proposal is important because it provides a designation which can be sought and obtained by universities wishing to make a major commitment to energy research. The National Science Foundation will set guidelines for the designation in a way that will promote better energy utilization nationwide and not benefit one region over another.

Another benefit offered by this approach is that the designation of national energy centers by the National Science Foundation will permit universities to seek funds more effectively from the private sector. In a time when the profits from the energy industries have been setting records, it makes sense to promote more ways for these industries to channel funds into wide ranging research on energy alternatives.

Mr. Chairman, the key guidelines mentioned in the proposed bill is that a university must have major programs in the energy field. Consequently, the bill would have the effect of stimulating higher education institutions to make greater commitments to energy and seek this designation.

At present, there is a slight tendency in energy research to scatter the public and private resources among a great many institutions and not to have a concentration in levels which would be similar to a "critical mass" in nuclear terminology. In other words we have built a great many half bridges in energy research which do not quite span the gap.

Finally, I feel that this bill would stimulate universities to look among their existing programs and activities for those disciplines with energy fallout and side effects. Fields such as economics, pollution control, public affairs, regional planning and many others can be pursued and developed along lines which will promote better production and utilization of energy. This approach is a broad framework for the National Science Foundation to use in promoting research on better energy efficiency for the entire economy.

Nine of the members of the Science and Astronautics Committee have indicated their support of my amendment or bill, and would be a cosponsor if this amendment were offered as a separate bill. I sincerely appreciate their support and interest in this step toward better programs of energy research. I am glad to observe that section 9 of S. 1977 provides that "NSF shall—by statute—establish a Division of Energy, Research, and Technology which shall carry out the Foundation's energy research and technology programs." This division then would be expected to concern itself with making such designations. We need to establish National Energy Research centers at appropriate universities.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 8510, the annual authorization bill for the National Science Foundation.

The NSF is the basic research agency of the Federal Government. Since its establishment in 1950, it has compiled an outstanding record of supporting the type of fundamental research which is the lifeblood of American technology, and American biomedical advances. By the standards of most Government agencies, the funds for this agency are modest, but by the standards of achievement in science, its record is superb. I am privileged to join my colleagues on the Committee on Science and Astronautics in recommending that the House pass this bill.

The Foundation has a number of programs through which it provides support for science. The project Grants program is the largest and oldest of these and provides support for individual investigators who are pursuing particular scientific research projects.

In most cases, the facilities and equipment needed for these research projects are available wherever the scientist is working. However, in certain fields research can only be done with the aid of very large and expensive research instruments. The most prominent of these fields is astronomy, where large telescopes are needed to pursue observations of the heavens. The NSF supports four important astronomical observatories, and is in the process of establishing a fifth to explore the new and existing field of radio astronomy.

At Kitt Peak in Arizona, the Foundation supports the national observatory facility consisting of six different instruments. Just this week a seventh telescope, a 158-inch reflector, second in size only to the 200-inch telescope on Mount Polomar, is being dedicated. This instrument was built with NSF funds and promises to make a major contribution to American astronomy.

The Kitt Peak Observatory, like the other NSF supported observatories, operates on the principle that a part of the available observing time is made available to visiting astronomers from universities who do not have their own observatories. This permits scientists from all over the country to have access to superb telescopes located in a region of the country which offers the best observing weather, to do their research.

The Kitt Peak Observatory is managed by the Association of Universities for Research in Astronomy which also operates the Cerro Tololo Inter-American Observatory in Chile. At this observatory a telescope, which is a copy of the new Kitt Peak reflector, is now nearing completion. This telescope is being funded partially by the NSF and partially by the Ford Foundation.

In the hearings on this bill, our committee made inquiries into the question of whether the political situation in Chile was having any impact on the operation of the observatory. We were assured by the Foundation officials that cooperation with Chilean officials was very satisfactory and was expected to pose no problems for the future.

The National Astronomy and Ionospheric Center at Arecibo, P.R., provides American astronomers with a large facility for research in radar astronomy, radio astronomy, and ionospheric physics. The instrument is a fixed position, spherical reflector and it is supported over a natural bowl in the Earth. Like the Kitt Peak and the Cerro Tololo Observatories, this facility supports a substantial number of visiting astronomers from all parts of the United States.

Additional radio astronomy facilities are provided at the National Radio Astronomy Observatory located at Green Bank, W. Va. This facility is the largest of the four NSF supported national astronomy centers and it has five large instruments available for the use of visiting and resident astronomers.

Last year the Congress approved the start of a new large radio astronomy facility known as the Very Large Array, or VLA. This will be the largest in the world and is to be constructed at Sorroco, N. Mex. Land for this facility has been acquired and design work is proceeding. The bill before us includes an estimated $10 million for this purpose.

In addition to the four astronomy facilities, the Foundation supports the National Center for Atmospheric Research located at Boulder, Colo. The research program at Boulder is aimed at gaining the basic, underlying knowledge of the actions of the Earth's atmosphere which can be expected to yield results useful in weather forecasting.

Mr. Chairman, the bill before us includes $46 million for the operation and management of the five National Research Centers. There is also $2 million in prior year funds, bringing the total to $48 million in fiscal year 1974. This represents an increase of $8.5 million over last year, and most of that increase is for the very large array.

I am convinced of the value to the Nation of the research which the National Science Foundation is supporting at the National Research Centers and throughout its other programs. I, therefore, commend H.R. 8510 to my colleagues for their favorable consideration.

Mr. FUQUA. Mr. Chairman, I rise in support of H.R. 8510, the National Science Foundation authorization bill for fiscal year 1974.

The bill before us this afternoon provides a modest increase in funds available to the National Science Foundation for next year, compared to the administration request. Its total is significantly less than the amount authorized and appropriated last year, but I feel that we have struck a reasonable balance between identified national needs in science and technology, on the one hand, and a responsible fiscal position, on the other.

All of the National Science Foundation programs are important for the future of our country, but none are more important than those funded in the budget category on which I should like to focus particular attention, graduate student support.

America's strength in science and technology rests on our progress in basic research. In turn, our accomplishments in basic research depend upon the quality of our scientists, especially our young creative scientists.

As we look toward the end of this decade, and indeed toward the remaining years of this century, it is clear that the role which science and technology play in our society will be an increasingly important one. Not only is our domestic development closely coupled to science, but science and technology are also an important aspect in our relations with other countries. As many of you are well aware, our international trade deficits are increasing most rapidly in the category of high technology products, products which depend upon the output of talented scientists and engineers. In order to maintain our position of world leadership, we must continue to attract our most capable students into the various fields of science, and we must assure that the brightest and best scientific minds encounter no financial barriers as they receive the training necessary to take up their careers.

Mr. Chairman, I have noted with alarm that over the past few years the trend has been going the other way. Federal funds for graduate fellowships and traineeships have been cut back drastically. Subsequently, young people have been entering graduate science programs in our universities in smaller numbers. This effect has been especially noticeable in the highest quality graduate schools, where the lack of financial support for students has been most acute.

It is my firm belief that these trends are the precursor of serious troubles in the future. Science departments in our universities and scientific research laboratories in Government and industry cannot make adequate progress without injecting young scientists with vigorous ideas on a continuing basis. Our scientific research activity nationwide faces the treat of intellectual stagnation if we do not continually replenish the supply of young, well-trained scientists.

In the years since World War II American scientists have dominated the list of those awarded the Nobel Prize, the foremost mark of excellence in the world. American physicists, chemists, biologists, and economists winning these prizes have demontrated the high level of excellence achieved in American science.

But we must recognize that these accomplishments were the result of a strong national emphasis on training high quality scientific manpower. This did not come free; NIH training grants, NSF fellowships and traineeships and similar support from many other Federal agencies all contributed to maintaining a high level of excellence for Ph. D. scientists and engineers.

Someone has observed that the situation that has developed is not unlike that of a champion baseball team with a superior line of starters, a sparsely filled bench and a decaying farm system. Unless the pipeline of young talent is kept open, a drastic decrease in quality in a few years is the inevitable result.

We must act now to insure that our pipeline of young scientists remains filled. It is for this reason that I took the lead in increasing graduate student support in the authorization bill before us. The addition of $4,800,000, although not adequate as measured by our efforts a decade ago, is nevertheless a step in the right direction. The $14 million available for obligation in fiscal year 1974 will support a $10 million graduate fellowship program. These are nationally competitive awards which support about 500 new fellows each year. Because of the national competition and extremely high standards which this program sets, the National Science Foundation graduate fellowship has historically been the benchmark by which all other measures of scientific achievement and promise have been compared.

The committee has also called for the establishment of a new designated graduate traineeship in the amount of $4 million. This program is tailored to the needs of specific scientific fields which have a clear requirement for trained manpower at the doctoral level.

There is one other program which I should like to mention although it does not appear in the bill. This is the previously authorized postdoctoral fellowship program, which would permit the retraining of competent young scientists and engineers in areas of research which are especially important to our country as it attempts to solve many of our pressing problems. This program was authorized last year and funds were appropriated for it. At the present time the administration has indicated that it will not release these funds in the amount of $3,500,000, which are now impounded. I join with the other members of the committee in calling for the release of these funds for this important purpose.

Mr. Chairman, I am thoroughly convinced that money spent for science education, especially at the graduate level, is a sound investment for the future. The payoff will not come next year. Perhaps it will not come even within the next 5 years, but it will surely come. Furthermore, if we do not make the necessary investment today, time and intellectual resources will be irretrievably lost to the Nation. We must not make this mistake.

I urge all of my colleagues to support H.R. 8510.

Mr. VANIK. Mr. Chairman, I rise in support of H.R. 8510, authorizing appropriations for the National Science Foundation. Although the Foundation has always performed a useful function providing funds for a wide range of research needs, within the past few years, new developments have occurred within the agency which are particlarly heartening. I refer specifically to the establishment in 1971 of the research applied to national needs program. With this program, the Foundation brought together under one management research which focused on selected societal, environmental, and technological problems of national importance. The objective of this research effort is to make positive contributions and practical solutions for the very real, serious problems of today.

I focus on the NSF's RANN program, because it symbolizes the pragmatic approach to research that must be taken if we are to solve our pressing social problems. A primary example of the type of research is in the field of energy development and conservation. Already the largest single component of RANN's budget in the field of advanced technology applications, energy research can and should occupy more of the program's resources.

In this regard, a particularly healthy criticism of RANN was made by the National Academy of Engineers in an interim study of the new program. The NAE report concluded that the RANN program should focus more of its resources toward investigating the "demand" side of our energy shortages. It is indicative of the petroleum industries tremendous power that the most popular proposals to the solution of our energy dilemma deal with ways in which we can increase the supply of our fossil fuels—increased tax incentives for drilling, accelerated leasing on the Outer Continental Shelf, immediate construction of the Alaskan pipeline, and so on. But important studies can and must be done in the areas of energy conservation.

We are well aware of the tremendous savings in energy that conservation can bring. A staff study released last year by the Office of Emergency Preparedness estimates that by 1980, our Nation can save the equivalent of 7.3 million barrels of crude oil a day through a comprehensive program of conservation. Clearly what is needed is not more broad studies. What is needed is research geared specifically to developing technologies of energy production, transmission, and use which promise significant savings with a minimum of social and economic disruption. RANN is the perfect instrument to guide such an effort. In this regard, it is significant, I think, that the NAE report endorsed a level of funding for RANN of more than twice its current expenditures.

Already an important area of concern for RANN is solar energy. The potential of this limitless, clean source of energy has long been ignored in Federal energy research efforts. It was estimated by the Office of Science and Technology that if only 2 percent of the land was used for solar energy recovery and if the average efficiency of converting solar energy to heat and power were 10 percent, energy from solar energy could, by itself, permit nearly a fivefold increase in the Nation's energy use. Unfortunately, underfunding in this area has led to a serious lag in adopting existing solar energy technology as well as to the development of new technologies.

For example, a report by the National Bureau of Standards on the application of solar energy to space heating, air conditioning and water heating in buildings maintains that—

> The technological feasibility of using solar energy for space heating and water heating is well established.

The obstacles to the widespread implementation of solar energy technology are not—as is the case with nuclear power—essentially scientific. The primary obstacle is the development of economic production procedures by which the benefits of solar energy can be marketed. We need to apply research to the fundamental problems of design and mass production. In this effort, the lack of Federal money has been particularly devastating. According to the NBS report—

> The principle obstacle to application of solar energy for building services is the fact that no significant solar-equipment industry exists today.

There are, of course, many difficulties in moving to solar power. But it is important to emphasize that our knowledge of solar power is vastly superior to that of atomic power. We must now learn to apply our knowledge of solar power effectively in meeting our expanding demand for energy.

In light of the RANN program's central role in solar energy research we must take care not to jeopardize this effort with careless budget cuts. According to Dr. Alfred J. Eggars, Assistant Director for Research Applications at NSF, the Office of Management and Budget impounded $8.7 million of RANN's total budget last year. Of this total, $6.8 million was destined to energy research. This callous disregard for the national needs must not be allowed to happen again. The Congress owes the American people a balanced and vigorous program of energy research and development. For this reason I support the passage of H.R. 8510.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1974, for the following categories:

(1) Scientific Research Project Support, $285,000,000.

(2) National and Special Research Programs, $102,600,000.

(3) National Research Centers, $46,000,000.

(4) Computing Activities in Education and Research, $8,200,000.

(5) Science Information Activities, $8,300,000.

(6) International Cooperative Scientific Activities, $6,200,000.

(7) Research Applied to National Needs, $71,300,000.

(8) Intergovernmental Science Program, $1,000,000.

(9) Institutional Improvement for Science, $2,000,000.

(10) Graduate Student Support, $11,500,000.

(11) Science Education Improvement, $35,200,000.

(12) Planning and Policy Studies, $2,600,000.

SEC. 2. (a) Except as provided in the succeeding provisions of this section—

(1) the percentage of the total funds appropriated pursuant to this Act for the purpose specified in any category listed in the first section of this Act which has been actually obligated for such purpose prior to the end of the third month following the close of the fiscal year shall not exceed by more than 15 percentage points the percentage of the total funds appropriated pursuant to this Act for the purpose specified in any other category so listed which has been actually obligated for such purpose prior to the end of such third month; and

(2) the percentage of the total funds appropriated pursuant to this Act for the purpose specified in any category so listed which has been actually obligated for such purpose prior to the end of the period during which such funds remain available for obligation (as provided under section 6) shall not exceed by more than 15 percentage points the percentage of the total funds appropriated pursuant to this Act for the purpose specified in any other category so listed which has been actually obligated for such purpose prior to the end of such period.

(b) (1) For purposes of subsections (a) and (d) (1) (subject to paragraphs (2), (3), (4), (5), and (6) of this subsection), the amount appropriated for the purpose specified in any category listed in the first section of this Act shall be deemed to be the amount authorized for such purpose in the category so listed multiplied by a fraction the numerator of which is the total amount actually appropriated for all of the purposes specified in the various categories listed in such section and the denominator of which is the sum of the amounts authorized in all the categories so listed.

(2) If the appropriations authorized by the first section of this Act are made separately by categories which are the same as those listed in such section, this subsection shall not apply.

(3) If the minimum amount which is to be avaliable for the purpose specified in any category listed in the first section of this Act (from the total amount appropriated for all of the purposes specified in the various categories listed in such section) is fixed by the Act making the appropriation (and neither paragraph (2) nor paragraph (4) applies), the amount appropriated for the purpose specified in such category shall be deemed to be the amount determined under paragraph (1) or the minimum so fixed, whichever is greater.

(4) If the maximum amount which is to be available for the purpose specified in any category listed in the first section of this Act (from the total amount appropriated for all of the purposes specified in the various categories listed in such section) is fixed by

the Act making the appropriation (and paragraph (2) does not apply), the amount appropriated for the purpose specified in such category shall be deemed to be the amount determined under paragraph (1) or the maximum amount so fixed, whichever is less.

(5) If a specific dollar amount is appropriated or made available for the purpose specified in any category listed in the first section of this Act without being expressed in terms of a minimum or maximum (but paragraph (2) does not apply), such amount shall be considered the minimum amount which is to be available for such purpose as fixed by the Act making the appropriation and paragraph (3) rather than paragraph (4) shall apply.

(6) If a minimum or maximum amount is fixed by the Act making the appropriation for the purpose specified in any category listed in the first section of this Act (or a specific dollar amount appropriated or made available by such Act is treated under paragraph (5) as the minimum amount fixed for such purpose), and the amount so fixed (or treated as fixed) is deemed under paragraph (3) or (4) to be the amount appropriated for the purpose specified in such category, then (A) the amount so fixed (or treated as fixed) shall be subtracted from the numerator of the fraction to be applied under paragraph (1) to all of the categories so listed to which this paragraph does not apply, and (B) the amount authorized for such purpose in the first section of this Act shall be subtracted from the denominator of such fraction.

(c) For purposes of this section, with respect to funds appropriated for the purpose specified in any category listed in the first section of this Act—

(1) the term "selective withholding" means withholding, delaying, not releasing, or in any manner (other than transfer) precluding the obligation of such funds for that purpose; and

(2) the term "transfer" means the obligation of such funds for the purpose specified in another category so listed.

(d)(1) In any case where the Director of the National Science Foundation determines that the selective withholding or transfer of any part of the total funds appropriated for the purpose specified in any category listed in the first section of this Act is necessary in the national interest, but would result under subsection (a) of this section in an unnecessary or undesirable limitation upon the obligation of funds appropriated for any other category or categories so listed, the Director shall (before he makes any obligations in excess of the limitation which would thus result under such other category or categories) transmit to the Senate and the House of Representatives a special message specifying—

(A) the amount of the funds to be selectively withheld or transferred,

(B) the specific projects or governmental functions to be affected thereby,

(C) the reasons for the selective withholding or transfer, and

(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the selective withholding or transfer;

and in any such case the funds selectively withheld or transferred shall be treated in the application of subsection (a) as having been obligated for the purpose for which they were appropriated unless within sixty calendar days of continuous session of the Congress after the date on which the message is received such selective withholding or transfer shall have been disapproved by either House of Congress by passage of a resolution stating in substance that that House does not favor the selective withholding or transfer.

(2) The provisions of the first sentence of section 903(b) of title 5, United States Code, and the provisions of sections 906(b), 908, and 909 through 913 of such title, shall apply with respect to any special message transmitted to the Congress under paragraph (1) of this subsection, and any resolution relating thereto, in the same manner and to the same extent as such provisions apply (or would but for section 905(b) of such title apply) in the case of a reorganization plan, substituting "special message" for "reorganization plan" and "Director of the National Science Foundation" for "President" wherever appropriate and requiring that any resolution relating to such message be referred only to the Committee on Labor and Public Welfare of the Senate and the Committee on Science and Astronautics of the House of Representatives.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 of this Act, the sum of $30,000,000 is authorized to be appropriated to the National Science Foundation for the fiscal years ending June 30, 1974, for program development and management.

SEC. 5. In addition to such sums as are authorized by the preceding provisions of this Act, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1974, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. Appropriations made pursuant to authority provided in section 1, 3, 4, and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institutions from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. The amount available for the oceanographic ship construction/conversion program from the sum stipulated (for the purposes of "National and Special Research Programs") in category (2) of section 1 of Public Law 92–372 shall, after the date of the enactment of this Act, be determined without regard to section 2(a) of such Public Law.

SEC. 9. This Act may be cited as the "National Science Foundation Authorization Act, 1974".

Mr. TEAGUE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. WYDLER

Mr. WYDLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDLER: Strike out section 2, beginning on page 2, line 17, and ending on page 8, line 2, and insert in lieu thereof the following:

SEC. 2. No funds may be transferred from any particular category listed in the first section of this Act to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in the first section of this Act from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, and no funds may be selectively withheld from any particular category listed in the first section of this Act if the total of the funds so withheld from that particular category would exceed 10 per centum thereof, unless—

(A) a period of thirty legislative days (or forty-five calendar days, when Congress is in adjournment sine die) has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

Mr. WYDLER. Mr. Chairman, the purpose of my amendment is to try to avoid the great danger—I feel it is a great danger—to the National Science Foundation bill. I also wish to avoid the administrative morass which I explained during the period of debate on this bill.

The amendment I am offering is essentially in the same language as was in the bill last year, but it is improved. There is new language in this section to make it broader and make it meet the objections and the problems that we face on the committee. I have added to the usual provisions of the notification language provisions requiring that where funds are selectively withheld from any particular category listed in the first section of the act, there would be notification to the Congress as well, and the committee would be in a position to act on that or have hearings or do what they considered was right in the circumstances.

Now, Mr. Chairman, I believe my proposal in this amendment is a sound proposal, but I am very much convinced that the proposal that we have in the bill at the present time is a wholly unsound proposal, for a number of reasons. The first, of course, is the one I alluded to during debate on the bill, and that is that we are running the risk of having our National Science Foundation legislation vetoed, held up and tied up over this issue.

Mr. Chairman, I realize that the Congress must act independently and strongly, and there are places in which we can act independently and strongly, but I doubt very much the wisdom of making this a major issue in a bill which is vitally needed and in which very little may be accomplished in that manner as far as the overall issue itself is concerned.

I believe its inclusion was poor judgment on the part of the committee, and I believe it would be poor judgment on the part of the House to reaffirm it and insist on fighting this issue on this bill. I understand why we have the language. I do not know how many Members are aware of what the language is, but let me tell the Members how this all came about.

Certain members of the subcommittee on the National Science Foundation had their favorite programs slashed by the administration; funds were withheld and payments put over until the next fiscal year. They became angered at this, and I can understand that. I have been angered myself when some of my favorite programs have been so treated.

Mr. Chairman, in an attempt to get at the problem, what we have tried to set up in section 2 is a system whereby in the 13 specific categories in section 1 of the bill—and these categories are really artificial creations of the makers—within these 13 categories you cannot cut one part of the program without cutting all the other parts of the program by about the same percentage.

The level of action that is created is program reduction of 15 percent. At one point it was 10 percent. We actually passed the bill out of the committee with the 10 percent level, but then on reconsideration we adjusted that figure up to 15 percent.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman from New York (Mr. WYDLER) yield?

Mr. WYDLER. I yield to the gentleman from Georgia (Mr. DAVIS).

Mr. DAVIS of Georgia. Mr. Chairman, it was my understanding there are 12 categories involved.

The gentleman has stated there are 13 categories which were found.

Mr. WYDLER. Mr. Chairman, I understand that. I tried to determine myself what the 13th category was, and I understood it was foreign transactions.

I believe 13 categories is correct.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman from New York (Mr. WYDLER) yield?

Mr. WYDLER. I yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I think it is not quite right to intimate that the committee took this step because pet projects were cut. The truth of the matter is that the money was withheld based on the time which programs came up for renewal, and not on a project basis. I believe I would feel differently if the National Science Foundation had been the one to designate the projects where the money was withheld.

Actually the Bureau of Budget and Management withheld it, and it is not quite fair to say or intimate that this money was withheld or the committee took it out because of pet projects.

Mr. WYDLER. Well, I do not know whether the word should be "pet" projects. They were favorite programs, and I can only tell the gentleman that I do not consider that as any criticism on the part of other Members, because I have experienced that same treatment on other bills that have gone through the Congress. No one likes to see his favorite programs, those in which he has any special or unique interest, treated in this manner.

Mr. Chairman, I did not mean that as a criticism. I was trying to use the expression as an explanation of how I believe we got into the situation we find ourselves in today.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WYDLER was allowed to proceed for 5 additional minutes.)

Mr. WYDLER. I think it is a fair statement, because there are particular problems involved. What we are going to face here later today was brought about by this situation. You are going to find you will have an appropriation bill immediately following this bill with the appropriations in it for the National Science Foundation. Those figures will be somewhat different than those we have in the bill before us. But you will also find out in that appropriating legislation there are in particular programs minimum levels of funding spelled out by the Committee on Appropriations. That is going to mean, if you pass both bills in the form in which they are now, you are in effect setting minimum levels of spending in every category, because the agency will be required to spend certain amounts at minimum levels in one program, by the operation of section 2 every other category in the bill is required to come within certain guidelines as a result.

The interaction of these two bills operating in this fashion is going to distort completely the proper management and administration of this program.

Section 2 works on the wrong assumption. It says that every dollar in the bill has the same priority. I doubt and dispute that. You have to leave to an administrator of a program the discretion, when he has to make reductions in overall spending, to cut the programs where he thinks the least harm will be done to his program.

Mr. HANNA. Will the gentleman yield?

Mr. WYDLER. Yes. I yield to the gentleman.

Mr. HANNA. I think the gentleman wants to keep the House informed correctly. The restraint in the spending was not made by the NSF Director but was made by the OMB. It does seem to me that the principle involved here is who sets priorities and what programs are considered important, and whether that is going to be the OMB or the NSF Director working with the Congress.

Mr. WYDLER. If the gentleman would like to know, I have talked to the administrator of the program himself, and he does not want this provision in this bill enacted into law. He has told me so. If you are trying to protect him and help him, which I think is the thrust of your comment, again I think you should support my amendment and allow us to get away from the language in section 2.

Mr. HANNA. I think it is only fair to indicate that the Director was told by the OMB. He is reflecting, I think, the OMB desires. We had this conversation with the members of the committee. He is reflecting the desire to get along with the OMB, because if he does not, it is like fighting city hall. I know the gentleman is reporting that correctly, but I think it is only fair to make it completely clear.

Mr. WYDLER. The trouble I find with the gentleman's statement is this: He is trying to imply somehow section 2 will allow the Congress to get even with or get at the OMB. I will tell the gentleman what you are really getting at is the administrator of the program who will have to try to live within the rigid guidelines you are creating for him.

Mr. BELL. Will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. BELL. Is it not likely, too, with regard to the National Science Foundation, which is really known for its scientific knowledge, to get them into a political battle of this kind on impoundments between the Congress and the administration? Is it not likely to have some damaging effects on the Foundation?

Mr. WYDLER. I suspect it would, and you are seeing the beginning of it here.

Mr. BELL. And it is an attempt to scatter the shots and have the authorizing committees do the same thing with their own little impoundment programs, and that is not likely to get at the problem, is it?

Mr. WYDLER. I would like to point out to the gentleman and those in the Chamber opposed to Presidential impoundment, at least by the present President, under the provisions of section 2 that impoundment is made perfectly proper and legal. As a matter of fact, it is sanctioned by this bill, if you read it. Under this bill, as long as the Administrator and the OMB want to withhold 100 percent of every category, it would be perfectly proper. I think from every point of reasoning and judgment here, the House and the committee would be well advised to substitute the language I am proposing.

I ask for a yea vote on the amendment.

Mr. PARRIS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. WYDLER).

Mr. Chairman, the funds authorized by this bill will permit the National Science Foundation to continue a vigorous and diversified program in basic research activities. That is really all we are talking about here. But the amendment offered by the gentleman from New York (Mr. WYDLER) for whom I have the highest regard, not only as an individual but as an active and dedicated member of this committee, has I think confused somewhat the issue. This provision and this issue is very simple. Clearly, one of the most noteworthy aspects of this year's National Science Foundation authorization bill is the language contained in section 2, which will prohibit the Office of Management and Budget from selective withholding of portions of that budget.

In very simple terms, if any funds are to be withheld by the executive branch of this Government they must be withheld in an across-the-board fashion, not in a selective manner.

For instance, in fiscal year 1973, $62.4 million was withheld by the executive branch from the National Science Foundation's budget. Over $45 million of that amount, some two-thirds or more, was withheld from three budget categories. I might add that these were three categories that had previously received high priorities from both the Congress and from the committee.

This type of selective withholding is in clear disregard of congressional intent and priority.

This year's language will simply constrain the executive branch to a more equitable withholding logic and system. If one budget category is cut, then all the other budget categories must be cut by essentially the same percentage within reasonable and responsible limits.

Provision is made for large legislative reprograming actions through notification of the committee and the Congress, followed by a 60-day period during which the Congress may disapprove the action.

Mr. WYDLER. Mr. Chairman, would the gentleman yield?

Mr. PARRIS. I am happy to yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, the logic of the gentleman from Virginia (Mr. PARRIS) is good so long as the assumption that the gentleman is making at the end of the line comes out the way he expects. The gentleman's assumption is that if you tell the administrator that he has to cut all of the programs that then the administrator will not cut any of them, or will not cut any of them very deeply, but the fact is that the administrator might cut all of them deeply.

As a matter of fact, the amendment as written in the committee bill says that we are actually forcing him to cut all categories under certain circumstances. Is that a fact?

Mr. PARRIS. No, I do not believe it is. I heard the gentleman from New York argue the possibility of the executive branch vetoing this bill based on this provision, and that it is sanctioning impoundment. I would point out to the gentleman from New York that the recognition of the existence of the fact of impoundment of funds by the executive branch does not carry with it a concomitant recognition of the right of impoundment or the authority to impound.

Mr. WYDLER. If the gentleman from Virginia will yield further, if the administrator cuts one category of these 12 categories 20 percent, then he has to cut all of the categories 20 percent. Is that a correct statement?

Mr. PARRIS. I think that is right.

Mr. WYDLER. So we are forcing, I believe the gentleman from Virginia will have to admit, we are forcing the administrator under those circumstances to cut every category 20 percent.

Mr. PARRIS. I do not think that necessarily follows.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield tò the gentleman from Ohio.

Mr. MOSHER. Mr. Chairman, concerning the question asked by the gentleman from New York, what he is saying would happen would happen only if the Congress consented to it under this amendment.

The administration would have to notify the Members of Congress, and we would have the opportunity to either approve or disapprove.

Mr. WYDLER. If the gentleman will yield, they do not have to notify Congress at all. So long as they cut all the programs the same amount, they have the absolute right to do so under this bill; is that not so?

Mr. PARRIS. I think what the gentleman is trying to say is that if the OMB in its infinite wisdom determines that x millions of dollars must be cut from this authorization, then they must cut it based upon the proportionate percentage of these categories as determined by this Congress and as authorized by this bill.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. There is one mathematical problem, and that is that under the bill that is pending before us they can reprogram up to 15 percent of the program activity, so that if they were to try to reprogram 20 percent, that would affect the other programs only to the extent of 5 percent, because this bill gives them the right to transfer 15 percent.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Let me ask this question. Supposing the Committee on Appropriations makes a reduction in one of these 12 categories of 20 percent, and the Congress confirms that action, what happens?

Mr. PARRIS. My understanding is that that is precisely what has happened in the NASA appropriation bill. There is $28 million in supersonic technology that has been adjusted in that legislation and, in my opinion and from my interpretation of the language of this bill, the same principle would apply in terms of proportionate reduction if it were the subject of this legislation or covered under this authorization.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would point out that the SST and the supersonic technology is under NASA.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PARRIS was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. I am not clear either from the comment of the gentleman from Virginia or the comment of the gentleman from Georgia on the answer to my question.

Mr. PARRIS. If I might try to clarify the situation, I think what Mr. DAVIS was trying to point out is that these programs I referred to are part of the NASA program to be dealt with separately. Were they to be subjected to the same restrictions of this program under NSF, it would be cut in exactly the same way, so that the reduction would be on those funds ultimately appropriated.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from California.

Mr. HANNA. I think the answer to the gentleman's question is that the language of the bill says that the money is appropriated so that when the money is appropriated in a form, whatever that form might be—whether it was appropriated as authorized, or whatever—this legislation would not apply at all until after the appropriation procedure has been followed. So the answer to the gentleman is there is no effect of this legislation to the situation the gentleman described.

Mr. GERALD R. FORD. In other words, if Congress in its wisdom in appropriations cut one of these 12 programs 100 percent, then——

Mr. HANNA. Then no other program would be cut by operation of this particular section in this bill.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I think our committee report will answer the question of the distinguished minority leader precisely. On page 115, the fourth paragraph says this:

> Sections 2(b) (3), (4), (5), and (6) apply to special cases which may arise in connection with the appropriation Act. These include the setting of minimum and maximum amounts for specific categories in the appropriation Act. When such appropriations for some (but not all) categories are made, a formula is given in Section 2(b)(6) for redefining the fraction used to calculate the amounts appropriated for each category.

For that formula, I will admit, one might need a slide rule, but it is simply a matter of computation. It was worked out at great length by the Legislative Reference Service and by our staff. They spent several weeks working that formula out, but I have seen a demonstration of it and it will work.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield for an observation?

Mr. PARRIS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I think it is fortunate that this very complicated formula is in reference to the National Science Foundation.

Mr. DAVIS of Georgia. That is right.

Mr. GERALD R. FORD. I assume the National Science Foundation would have personnel uniquely capable and qualified to utilize a slide rule or new math, or sophisticated computers, to come to the kind of conclusions that the committee is trying to foist on the Congress and the executive branch. Some very mundane department in the Government, I am sure, would not be quite qualified to work out this formula in the method that is prescribed in this authorization bill.

Mr. DAVIS of Georgia. I would say to the gentleman from Michigan that is precisely the reason that we had the temerity to include that formula in this bill.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Ohio.

Mr. WYLIE. So that I might better understand, and maybe we need to get more mundane and get down to figures——

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. PARRIS was allowed to proceed for 3 additional minutes.)

Mr. WYLIE. Mr. Chairman, if the gentleman will yield, I referred earlier to the fact that $58.9 million was selectively withheld during fiscal year 1973. Is that amount included in the budget request of $612.9 million for fiscal year 1974?

Mr. DAVIS of Georgia. It is not.

Mr. WYLIE. It is not. So that $58.9 million will be available in addition to the $612.9 million for fiscal year 1974?

Mr. DAVIS of Georgia. Yes, that amount that was selectively withheld has already been appropriated. It was authorized and appropriated and simply was not expended.

Mr. PARRIS. I suggest to my friend, the gentleman from Ohio, we are debating currently section 2 of the bill. His question addresses itself to the total authorization.

Mr. WYLIE. I understand that, but the point I want to make is that even though there was selective withholding last year, the money is still available as a part of the total budget even under the present language of the law and will be available for fiscal year 1974 making available $671.8 million. Is that correct?

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I would point out the authorization for this year is $91 million less than last year.

Mr. WYLIE. But the amount of money spent last year was $645 million, the gentleman told me earlier, for 1973 and we will be this year making available $671.8 million for 1974, a part of which is this carryover amount which was partially withheld.

Mr. TEAGUE of Texas. That was the amount of money that was appropriated by the Congress but it was not used by the National Science Foundation because of action taken by the Office of Management and Budget.

Mr. WYLIE. It is still available.

Mr. PARRIS. The amount authorized here is almost $33 million less than was actually appropriated last year. I think that answers the gentleman's question.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I wanted to make the point that the money that was selectively withheld is not lost to the National Science Foundation or to potential recipients. It is part of the obligational funding authority available right now for the operation of the NSF for various programs, and money totaling $671.8 million will be available for the coming year. It is expected that it will be spent. I think that is a fair statement. The sum of $28.6 million more will be available next year than was appropriated for fiscal year 1973, and $85.7 million more will actually be available than was spent in fiscal year 1973.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield for one more comment?

Mr. PARRIS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. What the gentleman from New York says is exactly true for this year, but if it is not expended this year the appropriation comes on a 1-year basis and it would be lost to the National Science Foundation.

Mr. PARRIS. Mr. Chairman, the committee was extremely careful in drafting and considering section 2 of this bill. The language was very carefully chosen, I suggest to my friend, the gentleman from New York, and it does not acknowledge the power of the executive branch of the Government to impound and could in no reasonable way be so construed.

The issue of Presidential impoundment must be addressed on a much broader scale and in other independent legislation. The only intent of this legislation is to provide for an equitable distribution of the funds released for obligation by the National Science Foundation. We merely want to avoid drastic selective budget cuts in programs which may be assigned a high priority by the Congress but which may be out of favor within the NSF or the OMB.

H.R. 8510 expresses the intent of the Congress to determine spending priorities within the Federal budget. I urge its passage as reported and hope the committee will reject this amendment.

Mr. ESCH. Mr. Chairman, I rise in opposition to the amendment. It may well be, Mr. Chairman, that our minds are already made up as to how we may vote on this particular amendment. I think it very important that we understand the issue, however. I am very pleased that the maker of the amendment has stated explicitly that this is not an issue of impoundment. That issue remains for this Congress and this body to debate and to decide at a later date. So let us make certain that we understand this is not an issue of impoundment.

Section 2 is designed to prevent the foundation from selectively withholding or transferring appropriated funds in a manner which disregards the intent and priorities of Congress as evidenced by the authorizations contained in section 1. The dialog which was just held between the distinguished chairman of the full committee and the maker of the amendment emphasizes the problem. That is that in the past 3 years funds have been withheld selectively and not proportionately by the Office of Management and Budget.

Those funds were not spent even though the Congress of the United States and the committee made the determination that those funds should be spent year after year. Therefore the question is this: Is it the Congress of the United States that will make the determination as to what priorities the county will have in its science policy as reflected in expenditures utilized by the National Science Foundation?

Now, what this amendment is not: Does it hamstring the administrator, as has been suggested? No, because there are two ways that administrator can move. First of all, he has a 15 percent transferability, and that in most cases will be more than adequate flexibility.

So he is not hamstrung.

Second, if he desires to selectively withhold more than 15 percent, he need just come back to this Congress for concurrence with 60 days' notice; and then he can transfer those funds.

Now, is this a new concept? Is this a new challenge in terms of Presidential impoundment? No, because this concept is explicitly contained in the NASA authorization of the previous years. This House, in previous years, has had language in the NASA authorization that states that when there has been major transferability needed on the part of the NASA administration; NASA must come back to Congress and give us an opportunity to review with NASA those decisions.

I would suggest to this House that the question of the impoundment should be debated and discussed fully on this floor at a later date. What we are saying in opposing this amendment today—and why I ask the members to reject ths amendment—is that this body, should collectively, with the National Science Foundation, make decisions affecting the science policy in this country. This is the issue at hand.

Does it hamstring the administrator? No. Can he live with it? Yes. Is it an impoundment bill? No. Does it provide the decisionmaking process be left with the administrator? Yes, within certain limits.

My fellow members, as representatives elected by the people, we have the responsibility for policymaking in this country. Let us not fail to hold that responsibility and trust sacred.

Mr. Chairman, I strongly urge the members to reject this amendment.

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if I might have the attention of the gentleman from Michigan (Mr. Esch) who just spoke in opposition to the amendment.

Could the gentleman tell me the difference between selective withholding and impoundment?

Mr. ESCH. Mr. Chairman, it is my understanding that selective withholding refers to the expenditure of funds in the year following authorization. In contrast, impoundment generally embodies a broader concept, such as occurs in the case of the highway trust fund and the other trust funds.

Mr. WYLIE. Mr. Chairman, if the gentleman will pardon me, it is all money and this sounds like a fancy phrase for an otherwise easily understood word.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New York (Mr. Wydler).

Mr. WYDLER. Mr. Chairman, I thank the gentleman for his courtesy.

I would like to point out to the gentleman from Ohio and to the Members of the House that his point is really very well taken, because the original language in this bill did call it impoundment. But the committee decided, after recognition that they were making impoundment legal and authorizing it, to change the term to "selective withholding."

Mr. Chairman, I suggest that a rose is still a rose by any other name.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I want to admit that there is only a semantic difference, but I should like to point out that up to this year we have been dealing with no-year appropriated funds. If they put them in the safe, they stayed there and they could spend them in the next year, in 1980, or whatever. This year the appropriation bill is expected to have and will have 1-year funds, so if they are not spent they will be gone. There is a difference.

In most agencies of the Government if they do not spend the money the year it is appropriated they lose it and it goes back to the Treasury. This is an agency, the National Science Foundation, which up to this year has been enjoying no-year funds. That makes a difference.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Michigan.

Mr. ESCH. I believe that reemphasizes the point of carryover. In the future there will not be carryover funds and they will be lost.

Mr. WYLIE. I do not understand what the gentleman means when he says that the carryover funds are lost. Carryover funds are always included in appropriations for the next fiscal year, are they not? The gentleman just made the observation that the carryover funds are lost. I do not believe that is accurate.

Mr. DAVIS of Georgia. It has been true heretofore that carryover funds were not lost, but from this year forward, fiscal year 1974, they will be lost, due to the wording of the appropriation bill which will be considered by this body later today.

Mr. WYLIE. Oh, I see. This is something new in procedure; something in the future.

Mr. DAVIS of Georgia. It is not very far in the future.

Mr. WYLIE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Wydler).

The question was taken; and the chairman announced that the "noes" appeared to have it.

RECORDED VOTE

Mr. WYDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 238, not voting 86, as follows:

[Roll No. 265]

AYES—109

Archer
Arends
Armstrong
Baker
Beard
Bell
Blackburn
Bray
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Camp
Carter
Clancy
Cleveland
Collier
Collins, Tex.
Conlan
Crane
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Derwinski
Dickinson
Duncan
Eshleman
Findley
Fish
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Goodling
Gross
Gubser
Guyer
Hanrahan
Hansen, Idaho
Harsha
Heinz
Hillis
Hogan
Holt
Huber
Hudnut
Hunt
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
McCollister
McEwen
Madigan
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Myers
O'Brien
Peyser
Powell, Ohio
Quillen
Rarick
Robinson, Va.
Roncallo, N.Y.
Rousselot
Ruth
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Ware
Wiggins
Williams
Winn
Wydler
Wylie
Young, Fla.
Young, S.C.
Zion

NOES—238

Abdnor
Abzug
Adams
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chisholm
Clark
Clay
Cohen
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Dan
Daniels, Dominick V.
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Harrington
Harvey
Hastings
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Howard
Hungate
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Lehman
Litton
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Perkins
Pettis
Pickle
Pike
Podell
Price, Ill.
Pritchard
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Roe
Rogers
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitten
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—86

Anderson, Calif.
Anderson, Ill.
Ashbrook
Badillo
Bafalis
Blatnik
Breaux
Broomfield
Brown, Ohio
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cochran
Conable
Conyers
Cronin
Danielson
Davis, S.C.
Devine
Dorn

Edwards, Ala.
Erlenborn
Fisher
Flynt
Frenzel
Fuqua
Gilman
Gonzalez
Gray
Grover
Hammerschmidt
Hansen, Wash.
Hays
Hébert
Heckler, Mass.
Hinshaw
Holtzman
Horton
Hosmer
Hutchinson
Ichord
Johnson, Calif.
Kazen
Landrum
Leggett
Lujan
McClory
McKinney
Mailliard
Maraziti
Martin, Nebr.
Mathis, Ga.
Metcalfe
Morgan
Murphy, N.Y.
Nelsen
Patman
Pepper
Poage
Preyer
Price, Tex.
Quie
Railsback
Reid
Rhodes
Rodino
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Runnels
Ruppe
Sandman
Saylor
Sikes
Staggers
Steelman
Stratton
Thompson, N.J.
Thomson, Wis.
Waldie
Whitehurst
Widnall
Wright
Wyman

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PICKLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment to this bill in order that the National Science Foundation through our colleges and universities might more directly address the energy problem which faces our country. The amendment, which would have been without any cost, because it would not have been funded, would have committed the National Science Foundation to designate private and public institutions of higher education as national energy research centers.

The National Science Foundation has suggested that they would prefer that we hold hearings on the measure. Already I have some 8 or 10 people on the committee who would favor this amendment, but, because of the request of the National Science Foundation and because the leaders on both sides of the aisle have agreed we might have hearings within the month of July, I will therefore not offer the amendment, but will expect that we will advance this matter as best we can through hearings on it later on, or in the other body.

I am pleased to say that the other body has a provision in the measure pending before them which actually sets up the office by statute, that would permit the handling of technological matters, and I think that is a proper vehicle around which we can advance this idea.

I think that is an acceptable approach, so in view of this development, I will not offer the amendment and will ask the committee to hold hearings on it next month, if it is at all possible.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. RONCALLO OF NEW YORK

Mr. RONCALLO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roncallo of New York: Page 11, insert after line 14 the following new section:

Sec. 9. No funds—

(1) authorized to be appropriated under this Act to the National Science Foundation for the fiscal year ending June 30, 1974, or

(2) heretofore appropriated to the National Science Foundation and remaining available to it for obligation and expenditure, may be used to conduct or support research in the United States or abroad on a human fetus which is outside the womb of its mother and which has a beating heart.

Redesignate the succeeding section accordingly.

POINT OF ORDER

Ms. ABZUG. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentlewoman from New York reserves a point of order.

Ms. ABZUG. Mr. Chairman, I make the point of order that the amendment of the gentleman is not in order, since the language involved is language which essentially deals with reappropriating. Making available, or diverting an appropriation, or a portion of an appropriation already made for one purpose to another is not in order under rule VII, 2146, March 29, 1933, page 988.

This is an authorization bill and not an appropriation bill, and I believe that this amendment is , therefore, not in order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. RONCALLO of New York. Yes, Mr. Chairman.

Mr. Chairman, the amendment addresses itself to the funds which have not been already expended, which are appropriated in the funds for the future which will be appropriated. I believe, therefore, it is in order and it is a correct amendment.

The CHAIRMAN (Mr. Hanley). The point of order is purely one of germaneness, in the opinion of the Chair, and cannot be sustained. The amendment is a restriction on the use of funds available to the Science Foundation. The amendment does not appropriate any such funds. The Chair overrules the point of order.

The Chair recognizes the gentleman from New York.

Mr. RONCALLO of New York. Mr. Chairman, once again I rise to ask my colleagues to insure that appropriated funds will not be used to perform vivisection on live human fetuses. Just 3 weeks ago, the House declared unequivocally its opposition to this sort of activity by passing a similar amendment to the Biomedical Research Bill by a 354–9 vote. That amendment applied only to HEW. The National Science Foundation is another of the Government agencies which is intimately concerned with research on human beings.

One of their publications shows estimated fiscal year 1973 obligations for basic and applied research in the life sciences totaling over $90 million. Any of these funds could be used for live fetus research in the absence of statutory restrictions.

The breakdown in the report on the bill before the House today is not sufficiently detailed to indicate just how much will be used in the next year for research on human beings, but let us take a look at what we do find; $61 million are authorized for biological sciences. Among other objectives of this program we find the following:

> Advancing our understanding of biological structures, functions . . . , etc.
>
> Fostering research in selected areas of biology which seems especially ripe for development. . . ."
>
> Maintenance and care of certain biological research resources—primarily organizations caring for stocks of certain living or preserved organisms—and also research facilities, that serve a nationwide clientele.

One of the objectives of the $9.5 million International Biological program is "Advancing our knowledge of genetic, physiological and behavioral adaptation of human beings." The Cooperative Science program provides $3.8 million for bilateral research and exchange programs with 16 foreign countries. The authorization for fiscal year 1974 plus prior year funds still available allows for a $5 million special foreign currency program with eight more countries.

Let me dwell for a minute on why I am so concerned with our overseas programs. A few week ago I told you the story of a British doctor coming here to do live fetus research in Washington, D.C. It was claimed on the floor that NIH was not funding this type of research. I can state here categorically that this claim is not true. Just last summer Dr. Peter A. J. Adam of Case Western Reserve University in Cleveland went to Helsinki. Supported by NIH funds, he and three Finnish researchers performed some of the most abominable experiments on live human fetuses that I have ever heard of.

Let me quote to you the description printed in the June 8 Medical World News:

> To produce those data, the investigators severed the heads of 12 previable fetuses obtained by abdominal hysterotomy at 12 to 20 weeks' gestation. The heads were then perfused through the internal carotid arteries.

Can you believe this, Mr. Chairman? It is the making of a new Frankenstein. These people cut the heads off living human fetuses while they still had a heartbeat and stuck them up on tubes. All this to find out if some sugar substitute called BOHB could serve as a human energy source.

Dr. Adam says that legal considerations and the principles of informed consent are irrelevant. He asks, and I quote:

> Whose right are we going to protect when we've already decided the fetus won't live?

He has already answered his own question. If the fetus won't live, then it is living now. I am not talking about abortion, I am not here concerned with how they got this fetus. What I am concerned with is that we have a human life, existing independently with a beating heart, worthy of our protection. Whose right are we going to protect? The short life of this independent human being and also the right of society to be free from vivisection of its own living kind.

I would like to emphasize to my colleagues, as I did the last time, that this amendment will in no way restrict experimental theraputic procedures designed with the hope of preserving and protecting the individual human life involved. I commend this type of experimentation and note that much of the same sort of data can be obtained by this means, rather than by vivisection on those unfortunate lives which cannot be saved without a shadow of a doubt, because if we allow the latter, it can only follow that we will soon see vivisection of our terminally ill, vivisection of our mental defectives, and vivisection of our severely handicapped.

I look forward to the day when the Commerce and Judiciary Committees will hold hearings and report out legislation I have introduced banning all Government agencies from conducting live fetus research and providing for criminal penalties for researchers who refuse to follow congressional policy. These bills now have about 35 cosponsors apiece and will soon be introduced in the Senate. When they are enacted, agency-by-agency amendments such as this, will no longer be necessary. Until then, the legislative business of this body must go on, and I intend to see that we have a chance to stop this sort of appalling research every time funds which could be subverted for that purpose are authorized or appropriated.

NIH was funding live fetus research, despite their claims to the contrary. That is why I am not interested in what National Science Foundation's policy is, either past, present, or future. I am concerned about what congressional policy is. I am concerned about the stocks of living or preserved organisms maintained with NSF funds. I am concerned about overseas programs conducted where human life is held less dearly than here in the United States, and I am concerned about the ethical future of the human race. I hope that the House will pass this amendment and once again go overwhelmingly on record against live fetus research.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. RONCALLO of New York. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, so far as this side of the aisle is concerned we accept the amendment offered by the gentleman.

Mr. RONCALLO of New York. Mr. Chairman, I thank the gentleman from Texas.

Mr. GUYER. Mr. Chairman, will the gentleman yield?

Mr. RONCALLO of New York. I yield to the gentleman from Ohio.

Mr. GUYER. Mr. Chairman, I respectfully join my colleague, Mr. RONCALLO of New York in his splendid second-effort to further reverence, esteem and protect the sanctity and dignity of human life.

There are few things more degrading than the crass cheapening and callous mistreatment of that divine endowment which only God can give, and only God should take away—precious, human life.

In these days of unparalleled change, unbelievable exploration of land, seas, and space in days of war and peace, plenty and want, rise and fall of powers, ascension of new science and technology, and copious innovations into every avenue and path of human endeavor—there is one thing we must ever guard—life itself.

It is serious enough to devalue the dollar—but we must never devalue human life.

My only lament today is that the gentleman's amendment cannot go all the way, to protect the unborn.

Perhaps after these little steps are consummated and secured, we will have the moral courage to take together that giant step to also safeguard the right of life.

Almighty God has created us with intimate, wonderful, and personal treasures and established us "a little lower than the angels." Each life has been endowed with the promise of the articulate speech, the creative mind, the enduring personality, and the imperishable soul.

Our Creator will indeed be glorified and mankind magnified by what we do here in the measure by which we edify and reverence His gifts of human's life.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GUYER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 1 additional minute.

Ms. ABZUG and Mr. ECKHARDT objected.

Ms. ABZUG. Mr. Chairman, I move to strike the last word.

We as Members of Congress obviously have differences of opinion but I find it very difficult as a woman to stand in this House and find that every time we seek to put through important legislation, amendments which are not really germane, though they may have been ruled to be so, are brought into bills which most Members of the House support. If we really want to discuss this particular issue, I will address myself to one aspect which is entirely different from that which has been projected.

There are in this country millions of women who have had and continue to have miscarriages. Perhaps, if we are able to look at another side of the issue, we can investigate how we can really preserve life so there would not be miscarriages and there would not be fetuses outside the womb of the mother. Then perhaps we could really be able to deal with the question of the "right to life" in proper terms.

All that this amendment does is to shackle scientific progress.

The mention of the word "fetus" is somehow or other a signal or a code word for everybody to stand up, every man and some women in this House, to say that we must vote in the way an emotional appeal indicates rather than on the basis of a rational analysis and a legislative approach. To me, this is very disheartening.

I have no objection to people expressing their own personal views, be they social, political, religious, or moral; and I respect them. But, I make an appeal to this House now, having witnessed the emotionalism last night which will deprive poor people of their fundamental constitutional right to legal services without discrimination—I make an appeal that if we want to discuss this particular issue in itself, a way should be found to have a rational discussion at a rational time. We should not abuse the legislative process by seeking to attach to this piece of legislation an issue which is really irrelevant and nongermane. We should not seek merely to inflame and impassion people instead of seeking to enact legislation of benefit to all humanity and mankind.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the chairman of the committee, the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, as far as we know, this amendment has no application to the National Science Foundation. Perhaps it does to the National Institutes of Health, but as far as we know in the committee, it has no application to the National Science Foundation.

That was the reason we agreed to accept the amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, the gentlewoman's remarks are very well taken. It seems to me that we are getting an attitude that all our scientists are devoted to some mad experiments such as are described here on the floor and attributed to some foreign scientists. American scientists are depicted as so many Frankensteins busily engaged in vivisection and monstermaking.

Mr. Chairman, it seems to me that when we deny any experimentation, even on a nonviable fetus, we are not respecting human life; we are depriving ourselves of medical research which does not endanger any human being and may well save the lives of many mothers and their babies in the future.

Mr. Chairman, it strikes me that this type of amendment at this point and without further committee consideration is, as the gentlewoman from New York says, completely inadequate treatment of a serious question. It is to demagogue upon an issue which is extremely important and should be considered fully and separately and apart from a bill of the type now before this House.

Mr. Chairman, I compliment the gentlewoman from New York on her statement.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. RONCALLO of New York. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I want to thank the chairman of this committee for accepting the amendment.

The reason why I put the amendment in was because the National Institutes of Health used the precise language that the chairman did, saying that "insofar as we know" no funds were being used for experimentation on live fetuses. As I said a few minutes ago, they didn't know quite enough about their own operations, because an American researcher using NIH funds in Finland was cutting the heads off of live fetuses in Finland as late as last summer.

In addition to any active research which might be supported by National Science Foundation funds without our knowledge, I question the source of the stockpiles of living and preserved organisms, organs, and tissues funded by NSF. If any of these stocks came from live human fetuses, I believe my amendment would apply, as such stockpiles would certainly be in "support" of the research we would prohibit.

I am sure that the chairman has good intentions and probably knows of no occasion where NSF funds are used for experimentation on live fetuses. I would like to preclude the possibility of such use by the passage of this amendment.

Mr. O'BRIEN. Mr. Chairman, I wish to add my voice to those of my colleagues who support this amendment to H.R. 8510 to forbid the use of National Science Foundation funds to conduct or support live fetus research either in the United States or overseas.

A recent front-page article in the Washington Post pointed out that as things now stand American scientists can and do utilize Federal funds to conduct research on live fetuses both at home and abroad.

This is an activity that is repugnant to millions of Americans and one which I feel should not be supported with taxpayers' dollars.

The House recently acted to prohibit the use of Federal funds appropriated to HEW to support research on human fetuses existing outside their mother with a beating heart.

The amendment now offered would extend that ban to research supported by the National Science Foundation.

In light of the Supreme Court decision earlier this year striking down State limitations on abortions and greatly increasing this practice in the United States, I believe it is of the utmost importance that we act quickly to assure that live human fetuses not be used as "guinea pigs" for scientific experimentation.

Mr. FLOWERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have two points. First of all, unusual as it may sound, I would like to associate myself with the remarks of the gentlewoman from New York (Ms. ABZUG).

I take it as an insult to me, in a way as a member of this subcommittee and as a member of this committee, that an amendment such as this would be offered to this legislation. We had extensive hearings.

Our subcommittee chairman, the gentleman from Georgia (Mr. DAVIS); the full committee chairman, the gentleman from Texas, (Mr. TEAGUE); and every member of our subcommittee and committee that I have any knowledge of, as to their philosophy of government and of life itself, would feel sympathetic on the issue of life or death and human rights, to the general thrust of the amendment.

But, Mr. Chairman, we had extensive hearings on this legislation. Nowhere in any of our hearings, at any time, was any thought given or any suggestion of a thought made that anything like this was going on with National Science Foundation grants. The gentleman who offered the amendment to my knowledge was never present in our committee room. There was never anyone who ever suggested, by innuendo or direct testimony, that there was any kind of experimentation of the sort mentioned in his statement under the auspices of the NSF.

We might as well pass an amendment, Mr. Chairman, that would preclude experimental activity on human life itself, not just on the human fetus, as something of the nature of this amendment.

I know it is purely argumentative for me to make these statements. This amendment will probably carry overwhelmingly, and that is all right, for I do not object to it but there is absolutely no point in it. I believe we should be more careful as we legislate here in the House.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to my friend from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

I believe the gentlewoman from New York has made a timely and appropriate observation. There will come a time when we will debate this issue. It ought not be on legislation of this kind.

During the past 2 weeks, there seems to be some sort of fetus fad developing. Everybody wants to trot out one of these amendments on whatever legislation is up. This is not the time for it. Whatever the merits might be on either side of the issue, here is one voice which says we ought to be more careful as we approach this matter, and we ought to put a stop to this kind of advocacy. All of us have already voted on this issue several times. There is no need for this amendment here.

Mr. FLOWERS. I thank the gentleman.

Mr. MILFORD. Mr. Chairman, will the gentleman yield.

Mr. FLOWERS. I yield to the gentleman from Texas.

Mr. MILFORD. I thank the gentleman for yielding.

I should like to say, along with the gentleman, that I wish to associate myself with the gentlewoman from New York.

Last night a statement was made on this floor by an attorney who said that those who are not attorneys should not deal with attorney matters. I do not exactly agree with the gentleman, but I certainly would respect his expertise. I am a scientist. I spent my adult life as a scientist. Until 2 years ago, when I announced for this office, I was actively working as a scientist.

Let me assure every Member here that our ethics in the field of science and scientific research are every bit as good as those in law or in any other profession. Furthermore, the sole purpose of the scientist is to seek truth. It is done under careful supervision, under careful Federal and State laws. Research must go on in this field. This demagogic amendment is an insult to the scientist and could be extremely damaging to scientific research. Any destructive research on a live fetus, capable of surviving until birth, is clearly illegal in any State. Every Member of this House knows that is a fact. Therefore, every Member knows full well that this amendment is purely and simply a demagogic move. On behalf of the scientists of this Nation, I ask this body to reject this amendment.

Mr. FLOWERS. I thank the gentleman.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Missouri.

Mr. SYMINGTON. I thank the gentleman for yielding.

I do not suppose the gentleman is a doctor?

Mr. FLOWERS. Not this one.

Mr. SYMINGTON. This gentleman is not. I suspect there are a good many ladies and gentlemen here who are not.

As a lawyer, I do not feel qualified remotely to know what kinds of tests might be made on a living fetus with respect to heart beat, weight, size, the flow of blood, the presence of a malignancy, or any other examinations, however cursory, that might portend some new breakthrough in the fight against infant death, illness, or disease.

I am wondering if the proponents of this amendment are suggesting that in no way should the medical profession concern itself, for purposes of learning more about living things and the manner in which life itself can be protected, by dealing in a sensitive, tender and decent fashion with an emergent fetus. It seems to me this amendment on its face betrays a disregard for life. And if its author has such reverence for life why would he write into any law that the only thing one can do with a fetus is to ignore or dispose of it, absolutely prohibiting treatment which might be interpreted as "research." Can the proponents of this amendment reassure me that this is not so?

Mr. FLOWERS. I thank the gentleman and concur in his statement.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(By unanimous consent, Mr. FLOWERS was allowed to proceed for 1 additional minute.)

Mr. FLOWERS. Mr. Chairman, I have one other point that I wish to make, and this is really the reason I was standing here when this other question arose.

I support this legislation very strongly, Mr. Chairman. However, as one Member from the provinces, some might say, I want to serve notice on the National Science Foundation that when future requests come before this committee on which I serve, I am going to expect more national application in the grants that they make to oversee.

I am concerned, Mr. Chairman, that we are becoming a nation of specialists in only certain areas of this country, and that the National Science Foundation, in directing these grants to colleges and universities and experts in whatever field it might be around the Nation, have not used a sufficient amount of geographical dispersion, we might say, so that we will have in the United States a widespread opportunity in these important research and development programs.

To be specific, Mr. Chairman, I want to see more grants and contracts made to colleges and universities and individuals located in the South and Southwest of our great Nation.

AMENDMENT OFFERED BY MR. MALLARY TO THE AMENDMENT OFFERED BY MR. RONCALLO OF NEW YORK

Mr. MALLARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MALLARY to the amendment offered by Mr. RONCALLO of New York: At the end of the amendment strike out the following language "on a human fetus which is outside the womb of its mother and which has a beating heart."

And insert in lieu thereof the following: "on a living human being which research is in any way prejudical to its health or survival".

Mr. MALLARY. Mr. Chairman, in looking at this amendment, I find that it is in approximately the same terms as the amendment offered last week when we voted upon it. I think the Members will find that the definition of a "fetus" is unborn mammalian young. Therefore, we have a contradiction in terms which exists in the wording of the amendment which has been offered. We are talking about a fetus which is outside the uterus and, therefore, the amendment is not in concord with the definition of "fetus."

Therefore, we get into a question where, I believe, the courts would have a great deal of difficulty in construing the legislative intent, whether we are dealing with viable fetuses or whether we are dealing with human beings of any particular age.

Furthermore, Mr. Chairman, the amendment does not deal with the subject of whether, in fact, the research we are prohibiting is in any way harmful or prejudicial to the life or health of that particular human being.

I have no desire to support or encourage any kind of prejudicial, damaging experimentation on any human being, and I think the purposes which the gentleman from New York (Mr. RONCALLO) is attempting to serve in this amendment are desirable. All I am attempting to do in this amendment is to clean it up and make sure that no prejudicial experiments or research will occur. I also wish to make sure that there is nothing in it that would in any way restrain appropriate experimentation that would be desirable and perhaps assist in the development of life saving or life extending drugs or procedures.

Mr. FROEHLICH. Mr. Chairman, will the gentleman from Vermont (Mr. MALLARY) yield?

Mr. MALLARY. I yield to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Chairman, most fetuses that are available today for experimentation are outside the womb because of abortion. The fetus may live for a number of days and will not live beyond a number of days. Under the amendment of the gentleman from Vermont could they be experimented on?

Mr. MALLARY. No, they could not. They are living human beings, and therefore under that amendment, experimentation could not occur on them.

Mr. MOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe the position we find ourselves in at this moment illustrates a lack of wisdom in attempting to legislate in this fashion on an issue which is certainly emotional, because I believe that the amendment to the amendment erects a very effective bar to almost any kind of new application of medical knowledge.

I believe it could stop some of the most promising methods of treating illnesses: malignancies, strokes, and heart disease. I believe it is the absolute ultimate of the ridiculous. I think it is shocking and offensive that thoughtful Members of a body as great as this should so idly and unknowingly propose language which could create such great and grave mischief. I think it is time that we start looking at what we are doing and stop worrying about every last vote in every last precinct at home, because that is the motivation. This is not the place to conduct your campaign; this is not the place for pure, unmitigated demagoguery, and that is precisely what we are seeing committed here this afternoon. Stop and think.

Well, the gentleman says there is a demagogue here, but let me say to the gentleman that in my district there will be many who take violent exception to what I say. At least my conscience does not revolt against what I do, and I would rather have mine than his.

Mr. YATES. Will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. YATES. I read in a magazine recently about a series of experiments being done on certain prisoners with their consent. They were being injected with germs for the purpose of ascertaining new truths about a certain disease which would be helpful to future generations of human beings. Would not that kind of experiment be barred under the terms of the amendment of the gentleman from Vermont?

Mr. MOSS. Let me make it more personal. In 1967 I suffered an arterial occlusion and had medicine been barred from any but that which was proven, I might well not be here. And I am not the only Member of this body who can call forth such experiences.

I tell you this is an offense against human life and against intelligence. It is a shocking thing that is being proposed, and I hope the House will have the courage to turn it down.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROEHLICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we can avoid amendments on this subject, on abortion, on aid to North Vietnam on each authorization bill that goes through here in a related area if the committees in charge of these bills would have hearings and would report the bills on these subjects that are not getting attention by the respective committee. The Judiciary Committee, Subcommittee No. 4, is not doing anything on the issue of abortion. Abortion bills are sitting there locked up and probably will be for the rest of this session. The gentleman from New York has offered bills making it a criminal act to deal with experimentation on fetuses. I do not know what committee that bill is in, but it is not getting a hearing.

Mr. EDWARDS of California. Will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman.

Mr. EDWARDS of California. I believe the gentleman serves on the Committee on the Judiciary.

Mr. FROEHLICH. But not Subcommittee No. 4.

Mr. EDWARDS of California. Right. I understand he has been to a number of Judiciary Committee meetings in which I am sitting across the room and I am chairman of the subcommittee to which these various amendments have been assigned. Is that correct?

Mr. FROEHLICH. That is correct.

Mr. EDWARDS of California. This is the first time the gentleman ever looked me in the eye or ever spoke to me on the subject. Is that correct?

Mr. FROEHLICH. I have not spoken to you.

Mr. EDWARDS of California. How can the gentleman come to the floor of the House with a complaint that a measure is not receiving attention when he has never even brought it to the attention of the chairman of the subcommittee?

Mr. FROEHLICH. Has the chairman of Subcommittee No. 4 any intention of having hearings in this session on the issue of abortion?

Mr. EDWARDS of California. I think it is very interesting the gentleman complains bitterly about no attention and then on the floor of the House, without any notice whatsoever, weeks and weeks into the session he asks questions in front of the whole world are we going to have sessions or are we to have hearings.

Mr. FROEHLICH. Does the gentleman have any intention of having any hearings on the issue of abortion, the issue that the gentleman has not addressed himself to?

Mr. EDWARDS of California. I think the gentleman from Wisconsin should make an appointment with the members of the committee, and talk about it.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman from Ohio.

Mr. KEATING. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. RONCALLO) and I wish to associate myself with the remarks of the gentleman from New York, and the remarks of the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Chairman, one more comment: It is amazing that when we deal with the subject of abortion or experimentation on live fetuses that we are dealing with an emotional issue, but when we deal with the bombing in Cambodia we are not dealing with an emotional issue. My, how the standards change.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY) to the amendment offered by the gentleman from New York (Mr. RONCALLO).

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SEIBERLING. Mr. Chairman, would the Clerk read the text of the amendment to the amendment, so that we know what we are voting on?

The CHAIRMAN. Without objection, the Clerk will reread the amendment to the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. MALLARY to the amendment offered by Mr. RONCALLO of New York: At the end of the amendment, strike out the following language, "on a human fetus which is outside the womb of its mother and which has a beating heart.", and insert in lieu thereof the following: "on a living human being which research is in any way prejudicial to its health or survival."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY) to the amendment offered by the gentleman from New York (Mr. RONCALLO).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RONCALLO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RONCALLO of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 288, noes 73, present 4, not voting 68, as follows:

[Roll No. 266]

AYES—288

Abdnor
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Cotter
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denholm
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Gaydos
Gettys
Gibbons
Ginn
Goldwater
Goodling
Grasso
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hogan
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Latta
Lent
Litton
Long, La.
Long, Md.
Lott
McCollister
McDade
McEwen
McFall
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Melcher
Mezvinsky
Michel
Miller
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Powell, Ohio
Price, Ill.
Price, Tex.
Pritchard
Quillen
Randall
Rarick
Regula
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Roush
Rousselot
Roy
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Tiernan
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitten
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach
Smith, N.Y.
Stark
Steed
Stokes
Symington
Thornton
Van Deerlin
Wilson, Charles H., Calif.
Wolff
Yates
Young, Ga.

NOES—73

Abzug
Ashley
Bell
Bingham
Bolling
Breckinridge
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burton
Chisholm
Clay
Corman
Dellenback
Dellums
Dennis
Diggs
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Findley
Flowers
Ford, William D.
Fraser
Giaimo
Griffiths
Haley
Hanna
Harrington
Hastings
Hawkins
Hicks
Holifield
Holtzman
Hungate
Jones, Ala.
Jones, Okla.
Jordan
Kastenmeier
Lehman
McCloskey
McCormack
McKay
Mallary
Mann
Matsunaga
Meeds
Milford
Mink
Mitchell, Md.
Mosher
Moss
Owens
Pickle
Podell
Rangel
Rees
Reuss
Rosenthal
Roybal
Schroeder

PRESENT—4

Carney, Ohio
Dent
Ryan
Towell, Nev.

NOT VOTING—68

Anderson, Calif.
Ashbrook
Badillo
Bafalis
Blatnik
Breaux
Broomfield
Brown, Ohio
Broyhill, Va.
Chamberlain
Clausen, Don H.
Clawson, Del
Cochran
Conyers
Cronin
Culver
Danielson
Davis, S.C.
Dorn
Erlenborn
Evins, Tenn.
Fisher
Flynt
Frenzel
Fuqua
Gilman
Gonzalez
Gray
Hammerschmidt
Hansen, Wash.
Hays
Hinshaw
Johnson, Calif.
Kazen
Landrum
Leggett
Lujan
McClory
McKinney
Martin, Nebr.
Mathis, Ga.
Metcalfe
Morgan
Murphy, N.Y.
Nedzi
Patman
Preyer
Quie
Railsback
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Runnels
Ruppe
Sandman
Saylor
Sikes
Staggers
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Waldie
Whitehurst
Widnall
Wiggins
Wright
Wyman

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. HANLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8510) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 446, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHERLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 364, nays 6, not voting 63, as follows:

[Roll No. 267]

YEAS—364

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell

Chisholm
Clancy
Clark
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard

Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reuss

Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—6

Crane
Devine

Gross
Landgrebe

Powell, Ohio
Rarick

NOT VOTING—63

Anderson, Calif.
Ashbrook
Badillo
Bafalis
Blatnik
Breaux
Broomfield
Brown, Ohio
Broyhill, N.C.
Chamberlain
Clausen, Don H.
Clawson, Del
Cochran
Conyers
Cronin
Culver
Danielson
Davis, S.C.
Erlenborn
Evins, Tenn.

Fisher
Flynt
Frenzel
Fuqua
Gilman
Gonzalez
Gray
Hammerschmidt
Hays
Hinshaw
Johnson, Calif.
Kazen
Landrum
Leggett
Lujan
McClory
McKinney
Martin, Nebr.
Mathis, Ga.
Metcalfe
Morgan

Murphy, N.Y.
Patman
Preyer
Railsback
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Runnels
Ruppe
Sandman
Saylor
Sikes
Staggers
Stubblefield
Thompson, N.J.
Thomson, Wis.
Waldie
Whitehurst
Widnall
Wright
Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Gonzalez.

Mr. Rooney of New York with Mr. Patman.

Mr. Breaux with Mr. Ashbrook.

Mr. Roncalio of Wyoming with Mr. Widnall.

Mr. Johnson of California with Mr. Whitehurst.

Mr. Metcalfe with Mr. Badillo.

Mr. Rooney of Pennsylvania with Mr. Saylor.

Mr. Sikes with Mr. Sandman.

Mr. Culver with Mr. Conyers.

Mr. Davis of South Carolina with Mr. Thomson of Wisconsin.

Mr. Evins of Tennessee with Mr. Bafalis.

Mr. Fuqua with Mr. Ruppe.

Mr. Gray with Mr. McClory.

Mr. Hays with Mr. Cronin.

Mr. Mathis of Georgia with Mr. Martin of Nebraska.

Mr. Morgan with Mr. Erlenborn.

Mr. Murphy of New York with Mr. Hinshaw.

Mr. Wright with Mr. Chamberlain.

Mr. Reid with Mr. Frenzel.

Mr. Preyer with Mr. Brown of Ohio.

Mr. Staggers with Mr. Gilman.

Mr. Anderson of California with Mr. Lujan.

Mr. Blatnik with Mr. Broomfield.

Mr. Danielson with Mr. Del Clawson.

Mr. Flynt with Mr. Hammerschmidt.

Mr. Leggett with Mr. McKinney.

Mr. Landrum with Mr. Broyhill of North Carolina.

Mr. Waldie with Mr. Wyman.

Mr. Kazen with Mr. Don H. Clausen.

Mr. Fisher with Mr. Railsback.

Mr. Runnels with Mr. Stubblefield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7200, RAILROAD RETIREMENT AMENDMENTS OF 1973

Mr. JARMAN (on behalf of Mr. STAGGERS) filed the following conference report and statement on the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93–319)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

SEC. 101. Section 2(a) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "Women" in paragraph 2 and inserting in lieu thereof "Individuals";

(2) by striking out "Men who will have attained the age of sixty and will have completed thirty years of service, or individuals" in paragraph 3 and inserting in lieu thereof "Individuals"; and

(3) by striking out "such men or" in paragraph 3 thereof.

SEC. 102. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the rate of the tax imposed with respect to wages by section 3101(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3101(b) of such Code of so much of the compensation paid to such employee for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(b) Section 3202(a) of such Code is amended—

(1) by striking out "1965" wherever it appears in the second sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the second sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the second sentence thereof.

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"(a) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 9.5 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101 (a), 3101(b), 3111(a), 3111(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee representative for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out "In addition to other taxes" and all that follows to "except that" and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 9.5 percent of so much of the compensation paid by such employer for services rendered to him after September 30, 1973, as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973;".

(e) Section 3221(a) of such Code, as amended by section 102(d) of this Act, is further amended—

(1) by striking out "1965" wherever it appears in the first sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450 or (ii)" wherever it appears in the first sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the first sentence thereof.

(f) Section 3221(b) of such Code is amended by striking out all that appears therein and inserting in lieu thereof the following:

"(b) The rate of tax imposed by subsection (a) shall be increased, with respect to compensation paid for services rendered after September 30, 1973, by the rate of tax imposed with respect to wages by section 3111 (a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3111(b) of such Code."

Sec. 103. (a) Section 6 of Public Law 91–377, as amended by section 8(c) of Public Law 92–46, is further amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(b) Section 8(b) of Public Law 92–46 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(c) Section 5(b) of Public Law 92–460 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

Sec. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(6) If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased in an amount equal to the difference between (i) the amount (before any reduction on account of age) which would be payable to such individual under the then current law if his or her annuity were computed under the first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such amount' contained therein; and (ii) the amount (before any reduction on account of age) which would have been payable to such individual under the law as in effect prior to July 1, 1973, if his or her annuity had been computed under such first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein (assuming for this purpose that the eligibility conditions and the proportions of the primary insurance amounts payable under the then current Social Security Act had been in effect prior to July 1, 1973): *Provided, however*, That, in computing such amount, only the social security benefits which would have been payable to the individual whose annuity is being computed under this Act shall be taken into account: *Provided further*, That if an annuity accrues to an individual for a part of a month the added amount payable for such part of a month. If wages or compensation prior to 1951 are used in making any computation required by this paragraph, the Railroad Retirement Board shall have the authority to approximate the primary insurance amount to be utilized in making such computation. In making any computation required by this paragraph, any benefit to which an individual may be entitled under title II of the Social Security Act shall be disregarded. For purposes of this paragraph, individuals entitled to an annuity under section 2 (a)(2) of this Act shall be deemed to be age 65, and individuals entitled to an annuity under section 2(a)(3) of this Act who have not attained age 62 shall be deemed to be age 62. Individuals entitled to annuities under section 2(a)(4) or 2(a)(5) of this Act for whom no disability freeze has been granted shall be treated in the same manner for purposes of this paragraph as individuals entitled to annuities under section 2(a)(4) or 2(a)(5) for whom a disability freeze has been granted. In the case of an individual who is entitled to an annuity under this Act but whose annuity is based on insufficient quarters of coverage to have a benefit computed, either actually or potentially, under the first proviso of section 3(e) of this Act, the average monthly wage to be used in determining the amount to be added to the annuity of such individual shall be equal to the average monthly compensation or the average monthly earnings, whichever is applicable, used to enter the table in section 3(a)(2) of such Act for purposes of computing other portions of such individual's annuity."

(b) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a), (3), (4), or (5) of this Act" and inserting in lieu thereof "section 3(a), (3), (4), (5), or (6) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3. The preceding sentence and the other provisions of this subsection shall not operate to increase the annuity of a spouse (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding three paragraphs."

(c) Section 2(i) of the Railroad Retirement Act of 1937 is amended by striking out "the last paragraph plus the two preceding paragraphs" and inserting in lieu thereof "the last paragraph plus the three preceding paragraphs".

(d) Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new subsection:

"(q) A survivor's annuity computed under the preceding provisions of this section shall be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3: *Provided, however*, That in computing such an amount for an individual entitled to an annuity under subsection 5(a)(2), the 90.75 per centum figure appearing in the third paragraph of section 3(e) of this Act shall be deemed to be 82.5 per centum."

Sec. 105. If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the pension of each individual under section 6 of the Railroad Retirement Act of 1937 and the annuity of each individual under the Railroad Retirement Act of 1935 shall be increased in an amount determined by the method of computing increases set forth in subsection (a) of section 104 of this Act, deeming for this purpose the average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

Sec. 106. All recertifications required by reason of the amendments made by sections 104 and 105 of this Act shall be made by the Railroad Retirement Board without application therefor.

Sec. 107. (a) For the purpose of preparing and submitting the report provided for in subsection (c), it shall be the duty and responsibility of representatives of employees to designate (within the thirty-day period commencing on the date of enactment of this Act) and notify the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce of the identity (by name and position) of the labor members, and of representatives of carriers to designate (within such thirty-day period) and notify such committees of the identity (by name and position) of the management members, who shall compose the group authorized to prepare in their behalf, the report provided for in subsection (c).

(b) The group so authorized to prepare the report provided for in subsection (c) shall—

(1) hold such meetings (which shall not be less often than once each month) as may be necessary to assure that such report will be submitted within the time provided, and contain the material prescribed, under subsection (c); and

(2) submit to such committees on September 1, 1973, November 1, 1973, and January 1, 1974, interim reports as to the progress being made toward completion of the report provided for in subsection (c); except that no such interim report shall be submitted after the submission of the report provided for in subsection (c).

(c)(1) Not later than April 1, 1974, representatives of employees and representatives of carriers, acting through the group designated by them pursuant to subsection (a), shall submit to such committees a report containing their joint recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system, which recommendations shall take into account the specific recommendations of the Commission on Railroad Retirement.

(2) The joint recommendations contained in such report shall be specific and shall be presented in the form of a draft bill.

Sec. 108. The Congress hereby declares its intent to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

Sec. 109. (a) The amendments made by section 101 of this Act shall become effective on July 1, 1974: *Provided, however*, That those amendments shall not apply to individuals whose annuities began to accrue prior to that date.

(b) The amendments made by section 102 of this Act shall become effective on October 1, 1973, and shall apply only with respect to compensation paid for services rendered on or after that date: *Provided, how-*

ever, That such amendments shall not be applicable to any dock company, common carrier railroad, or railway labor organization described in section 1(a) of the Railroad Retirement Act of 1937, with respect to those of its employees covered as of October 1, 1973, by a private supplemental pension plan established through collective bargaining, where a moratorium in an agreement made on or before March 8, 1973, is applicable to changes in rates of pay contained in the current collective-bargaining agreement covering such employees, until the earlier of (1) the date as of which such moratorium expires, or (2) the date as of which such dock company, common carrier railroad, or railway labor organization agrees through collective bargaining to make the provisions of such amendments applicable.

(c) The amendments made by sections 103 and 104 of this Act shall be effective on the enactment date of this Act: *Provided, however*, That any increases in annuities or pensions resulting from the provisions of sections 104 and 105 of this Act shall be effective on the same date or dates as the benefit increases under title II of the Social Security Act which gave rise to such annuity or pension increases are effective.

SEC. 110. This title may be cited as the "Railroad Retirement Amendments of 1973".

TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

SEC. 201. Section 15a of the Interstate Commerce Act (49 U.S.C. 15a) is amended by adding at the end thereof the following new paragraph:

"(4) (a) The Commission shall by rule, on or before August 1, 1973, establish requirements for petitions for adjustment of interstate rates of common carriers subject to this part based upon increases in expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. Such requirements, established pursuant to section 553 of title 5 of the United States Code (with time for comment limited so as to meet the required date for establishment and subject to future amendment or revocation), shall be designed to facilitate fair and expeditious action on any such petition as required in subparagraph (b) of this paragraph by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b) Notwithstanding any other provision of law, the Commission shall, within thirty days of the filing of a verified petition in accordance with rules promulgated under subparagraph (a) of this paragraph, by any carrier or group of carriers subject to this part, permit the establishment of increases in the general level of the interstate rates of said carrier or carriers in an amount approximating that needed to offset increases in expenses theretofore experienced or demonstrably certain to occur commencing on or before the effective date of the increased rates, as a result of any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on on before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. Such increases in rates may be made effective on not more than thirty nor less than ten days' notice to the public, notwithstanding any outstanding orders of the Commission. To the extent necessary to effectuate their establishment, rates so increased shall be relieved from the provisions of section 4 of this part and may be published in tariff supplements of the kind ordinarily authorized in general increase proceedings.

"(c) The Commission shall within sixty days from the date of establishment of interim rates under paragraph (4) (b) of this section commence hearings for the purpose of making the final rate determination. The Commission shall then proceed to make such final rate determination with the carrier having the burden of proof. In making such determination, the Commission may take into account all factors appropriate to ratemaking generally under part I of this Act and shall determine such final rates under the standards and limitations applicable to ratemaking generally under part I of this Act. If the increases in rates finally authorized by the Commission are less than the increases in rates initially made effective, the carrier or carriers shall, subject to such tariff provisions as the Commission shall deem sufficient, make such refunds (in the amount by which the initially increased rate collected exceeds the finally authorized increased rate) as may be ordered by the Commission, plus a reasonable rate of interest as determined by the Commission. Nothing contained in this paragraph shall limit or otherwise affect the authority of the Commission to authorize or to permit to become effective any increase in rates other than the increases herein specified.

"(d) (A) The State authority having jurisdiction over petitions for intrastate rate increases by any carrier or group of carriers subject to part I of this Act shall, within 60 days of the filing of a verified petition for such increases based upon increases in expenses of such carriers as a result of any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973, act upon said petition. Such State authority may grant an interim rate increase or a final rate increase. If such State authority grants any interim rate increases, it shall thereafter investigate and determine the reasonableness of such increases and modify them to the extent required by applicable law. To the extent that any such interim increases are reduced as a result of the action of a State authority, the carrier or carriers shall make such refunds (in the amount by which the initially increased rate collected exceeds the finally authorized increased rate) as may be ordered by such State authority, plus a reasonable rate of interest as determined by the State authority.

"(B) If a State authority denies in toto such a petition filed with it by such carrier or group of carriers seeking relief regarding such intrastate rate increases or does not act finally on such petition within 60 days from the presentation thereof, the Commission shall, within 30 days of the filing of a verified petition by such carrier or group of carriers relating to such interstate rates, act upon such petition by applying the ratemaking criteria of subparagraph (4) (c) of this paragraph. If the Commission grants, in whole or in part, such petition by any carrier or group of carriers, the increase authorized shall be considered as an interim rate increase as provided in subparagraph (A) above and shall be subject to final determination by the State authority in accordance with the procedures prescribed for interim intrastate rate increases as provided above, including the ordering of refunds by such State authority.

(C) If a State authority denies in part such a petition filed with it by such carrier or group of carriers, within 60 days from the presentation thereof, the Commission shall, within 30 days of the filing of a verified petition by such carrier or group of carriers relating to the intrastate rates involved, act upon such petition by applying the criteria section 13(4) of this part.

(D) Nothing in subparagraph (A) or (B) shall be construed to abrogate the authority of the Commission under section 13(4) of this part and in the event a carrier or group of carriers subject to a refund requirement under subparagraph (A) or (B) files a petition under section 13(3), the refund requirement shall be stayed pending final order of the Commission under section 13(4) of this part.

(e) Any increased freight rates authorized shall not exceed a reasonable level by types of traffic, commodities, or commodity groups and shall preserve existing market patterns and relationships and present port relationships by increase limitations within and between the major districts to the extent possible without authorizing unreasonable increases in any district."

SEC. 202. This title may be cited as the Railroad Rate Adjustment Act of 1973".

TITLE III—SEPARABILITY

SEC. 301. If any provision of this Act or the application thereof to any person or circumstances should be held invalid, the remainder of such Act or the application of such provisions to other persons or circumstances shall not be affected thereby.

And the Senate agree to the same.

Harley O. Staggers,
John Jarman,
John D. Dingell,
James Harvey,
Dan Kuykendall,
Managers on the Part of the House.

William D. Hathaway,
Claiborne Pell,
Gaylord Nelson,
Harold E. Hughes,
Walter F. Mondale,
Richard S. Schweiker,
Robert Taft, Jr.,
J. Glenn Beall, Jr.,
Russell Long,
Wallace F. Bennett,
Warren G. Magnuson,
John O. Pastore,
Vance Hartke,
Robert Griffin,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text, and the House disagreed to the Senate amendment.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

The differences between the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

Title I—Amendments to the Railroad Retirement Act, the Railroad Retirement Tax Act, and Certain Public Laws

Both the House bill and the Senate amendment provide for retirement at age 60 after 30 years service for male railroad employees; provide for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provide for a pass-through of social security benefit increases which might be enacted in 1973 or 1974; provide for a shift in the liability for the payment of railroad retirement taxes from employees to employers to the extent that the taxes are imposed at a rate in excess of the rates prescribed in the Social Security Act; and for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with recommendations to be submitted to the Congress in 1974.

The House bill and the Senate amendment also provide for expedited freight-rate making procedures applicable to interstate and intrastate rates, to cover the costs arising out of this legislation.

EARLY RETIREMENT; PERMANENT BENEFIT INCREASES; ACTUARIAL DEFICIT

House bill

The House bill provided that men at the age of 60 can retire after 30 years of service without reduction in their annuities, effective only with respect to retirements occurring after June 30, 1974. The House bill also extended the temporary benefit increases presently due to expire June 30, 1973, through December 31, 1974.

Senate amendment

The Senate amendment, in part A of title I, provided that the early retirement eligibility feature would expire December 31, 1974. Part B of title I of the Senate amendment provided for making permanent the temporary benefit increases otherwise due to expire December 31, 1974, and was intended to provide for making permanent the early retirement features, along with providing for an increase in railroad retirement taxes of 7.5 percent with the liability for the taxes to be determined by the Congress in 1974.

Conference substitute

The conference agreement deletes the specific level of taxes contained in the Senate amendment, but provides a new section stating that the Congress declares its intent to enact legislation in 1974, to take effect on or before January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

The conference agreement also makes permanent the liberalization of retirement eligibility for men at age 60 with 30 years of service, and leaves for the legislation to be enacted in 1974 the problem of making the temporary benefit increases permanent.

The conferees recognize that the actuarial solvency of the railroad retirement system is a serious matter, and expect to deal with it in 1974, along with the consideration of making these temporary increases permanent, as well as the overall restructuring of the Act.

The conferees wish to emphasize that the solution of the financial problems of the railroad retirement fund cannot be delayed beyond 1974. Accordingly the bill contains a statement that it is the intent of Congress to act on this matter during 1974, and further provides for the submission of the recommendations of labor and management for legislation by April 1, 1974. A joint labor-management committee is established for the purpose of formulating such recommendations.

JOINT LABOR-MANAGEMENT COMMITTEE

House bill

The House bill provided for the establishment of a joint labor-management committee composed of representatives of employees and carriers, which would report no later than July 1, 1974, to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce, their joint recommendations for restructuring the railroad retirement system.

Senate amendment

The Senate amendment provided for such a committee, composed of representatives of employees and retirees and representatives of carriers, which would meet not less often than once each month; would submit to Congress interim progress reports in September and November of 1973, and in January 1974; and which would present a draft bill to the Congress carrying out the parties' specific recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of the system. The final recommendations of the committee were to be submitted by March 1, 1974.

Conference substitute

The conference agreement is substantially the same as the Senate amendment, except that it provides that the committee shall be composed of representatives of employees and carriers, and provides for the submission of a report to the above-mentioned committees by April 1, 1974, in order to give Congress more time to deal wtih the complex issues involved. It is the intent of the conferees that the periodic progress reports need not cover all items of detail involved in the negotiations, but may be general statements, sufficient to keep the Congress informed of the progress being made.

TAX RATE CHANGES FOR RAILWAY LABOR ORGANIZATIONS

House bill

Both the House bill and the Senate amendment contained a provision temporarily exempting from the change in tax liabilities under the Railroad Retirement Tax Act certain steel companies whose employees were covered by the Railroad Retirement Act as well as other supplemental pension programs.

Senate amendment

The Senate amendment extended this exemption to railway labor organizations which have similar arrangements covering their employees. The affected organizations are permitted under the amendment to obtain a delay in the transfer of tax liabilities until the earlier of (1) the date as of which any moratorium in current collective bargaining agreements covering pay expires, or (2) the date the organization agrees through collective bargaining to assume the liability for payment of those taxes.

Conference substitute

The conference agreement is the same as the Senate amendment.

TITLE II—AMENDMENTS TO THE INTERSTATE COMMERCE ACT

SECTION 201

House bill

The purpose of section 201 was to allow railroads to increase the general level of inter- and intrastate rates to offset increases in costs resulting from increases in taxes under the Railroad Retirement Act, as amended, occurring before January 1, 1975, or as a result of the enactment of the House bill. Under the procedure established to accomplish this purpose, the Commission was required, within thirty days after the filing of a verified petition by a carrier or group of carriers, to permit the filing of tariffs providing for increased rates to become effective not less than 10 nor more than 30 days from the date of filing. (Such increases could not take effect until the cost increases upon which they were based had become effective.) The Commission could withhold permission to file tariffs if it found that the proposed increase clearly exceeded the amount needed to cover the increases in costs, but otherwise once the tariffs were filed the Commission would have no authority to suspend them pending final determination. After such hearings as it deemed necessary, the Commission was required to authorize such permanent increases as were necessary to offset the increased costs described above in accordance with the standards applied by the Commission under the Interstate Commerce Act. In the event that the increases authorized on a permanent basis were less than those initially allowed and collected, the carriers were required to refund the difference.

SECTION 202

This section provided that the Commission require carriers which have been permitted or authorized increased rates under section 201, above, to make such increases as are established for interstate traffic concurrently effective on intrastate shipments. The intrastate increases thus required would be deemed to have been prescribed under section 13(4) of the Interstate Commerce Act, as amended, and they would be subject to the same refund provisions as described above.

Senate amendment

Section 201 of the Senate amendment would amend the Interstate Commerce Act to provide for an expedited procedure for petitions requesting adjustments of interstate rates of common carriers (subject to part I of the Interstate Commerce Act) based upon increases in expenses of such carriers pursuant to section 102 of the bill—i.e. railroad retirement tax increases. On or before August 1, 1973 the Commission was required to establish in an informal rulemaking proceeding requirements for such rate increase petitions which would "facilitate fair and expeditious action on any such petition . . . by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses." In order to meet the August 1 deadline, the Commission could modify its rulemaking procedures to require comments sooner than 30 days after publication of the proposed requirements.

The Commission was required to act upon a petition for an adjustment in interstate rates within sixty days of the receipt of such petition. If the petition was filed in accordance with the requirements established pursuant to rule as discussed above, the petition would be deemed approved as filed if the Commission failed to act within the required sixty days. This provision was included to insure timely action by the Commission within the sixty-day period.

Increases for intrastate rate adjustments would first be considered by the State authority having jurisdiction over such intrastate rates. The State authority was required to act upon such petition within sixty days of its presentation by the carrier. If the State authority denied in whole or in part a petition or failed to take action, the Commission, upon petition to it by the carrier, was required to act upon such petition within thirty days. The Commission could overrule a denied petition if such denial unduly burdened interstate commerce.

The bill specifically required that any increased freight rates authorized "shall not exceed a reasonable level by types of traffic commodities, or commodities groups and shall preserve existing market patterns and relationships, and present port relationships by uniform maximum increase limitations within and between the major districts."

Conference substitute

The conference substitute in general incorporates the provisions of the House bill with respect to increases in interstate freight rates related to increases in railroad retirement taxes, but requires the Interstate Commerce Commission to prescribe by rule the requirements which must be satisfied in the petitions filed by carriers for increases. The substitute revises the procedures with respect to intrastate ratemaking, and makes certain clarifications with respect to the implementation of rate increases so as to avoid discrimination between commodities and districts. A description of the conference substitute follows.

The conference substitute adds a new paragraph (4) to section 15(a) of the Interstate Commerce Act. Subparagraph (a) of the proposed new paragraph (4) provides that the Commission shall, by informal rule-making under the Administrative Procedure Act establish the requirements for petitions for adjustments of rates of common carriers subject to part I of the Interstate Commerce Act occasioned by the tax increases prescribed in this legislation, in existing law, or imposed by law on or before January 1, 1975. The requirements which the petitions must meet shall be such as to lead to the disclosure of the availability of means other than a rate increase by which carriers might absorb or offset the increases.

Subparagraphs (b) and (c) of the proposed new paragraph (4) are essentially the same as the provisions of the House bill, but are limited to interstate freight rate increases, and the carriers are required to pay interest on refunds ordered by the Commission.

Subparagraph (d) differs from both the House and Senate versions, but in general follows the pattern of the Senate amendment, with some revisions. In the case of intrastate rate increases to offset expenses arising out of the taxes referred to above, the carriers must initially apply to the appropriate State authority. If the State authority grants the full amount of the requested increase within 60 days, the Commission does not become involved in the proceeding. If the State authority chooses, it may grant an interim rate increase in the full amount requested, and subsequently order refunds in the same fashion as the Interstate Commerce Commission may order refunds in the case of interstate rates.

If the State authority does not act on the petition within 60 days, or if the State authority denies the increase entirely, the carriers may petition the Interstate Commerce Commission for an order granting such increases, and the Commission must act upon that petition within 30 days, applying the criteria it applies to final determinations of interstate rate increases under the conference substitute. Thereafter, the State authority may consider the justification for the rate increases granted, and may order refunds if it subsequently determines that the rate increases are not justified, subject however to the overall authority of the Interstate Commerce Commission to grant relief against undue discrimination against, or burdens upon, interstate commerce in accordance with section 13(4) of the Interstate Commerce Act.

If the State authority to whom a petition for intrastate rate increases is submitted under this section grants an increase within the 60 day period prescribed but in amounts less than requested by the carriers, the carriers may petition the Interstate Commerce Commission for relief under section 13(4) (relating to undue discrimination against, or burdens upon, interstate commerce) of the Interstate Commerce Act, and the Commission is required to act on that petition within 30 days.

Subparagraph (e) is derived from the Senate amendment and provides that any increased freight rates authorized are not to exceed a reasonable level by types of traffic, commodities, or commodity groups and are to preserve existing market patterns and relationships and present port relationships through the use of increased limitations within and between the major districts to the extent possible, but not in such a way as to authorize unreasonable increases in any district.

Harley O. Staggers,
John Jarman,
John D. Dingell,
James Harvey,
Dan Kuykendall,
Managers on the Part of the House.

William D. Hathaway,
Claiborne Pell,
Gaylord Nelson,
Harold E. Hughes,
Walter F. Mondale,
Richard S. Schweiker,
Robert Taft, Jr.,
J. Glenn Beall, Jr.,
Russell Long,
Wallace F. Bennett,
Warren G. Magnuson,
John O. Pastore,
Vance Hartke,
Robert Griffin,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, on Wednesday, June 13, I was absent from the House of Representatives because I was addressing a meeting of the National Association of Trade and Technical Schools in San Francisco on education legislation and on activities of the National Commission on the Financing of Postsecondary Education.

During the session that day, the House took a number of votes on H.R. 8410, the temporary increase in the public debt limit, and on House Resolution 247, to provide for consideration of that bill. Had I been present, I would have voted as follows:

Rollcall No. 214, ordering the previous question on House Resolution 247, to provide for immediate consideration of H.R. 8410, I would have voted "no;" Rollcall No. 215, ordering the previous question after the offer of an amendment in the nature of a substitute by Congressman Anderson, I would have voted "yea;"

Rollcall No. 216, to adopt the Anderson substitute amendment to H. Res. 247, I would have voted "yea;"

Rollcall No. 217, passage of House Resolution 247 as amended, to provide for consideration of H.R. 8410, I would have voted "yea;"

Rollcall No. 218 as a quorum call; and

Rollcall No. 219, passage of H.R. 8410, temporary increase in the public debt limit, I would have voted "yea."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1974

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 453

Resolved, That during the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, rule XXI are hereby waived.

The SPEAKER. The gentleman from Louisiana, (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 453 permits the Committee on Appropriations to submit the 1974 appropriations bill for the department of Housing and Urban Development and other independent agencies for action on the floor of the House of Representatives without being subject to points of order.

House Resolution 453 provides that the provisions of clause 2, rule XXI of the Rules of the House are waived with respect to any appropriation contained in the bill which is not yet authorized by law.

The appropriations recommended in the bill for Housing and Urban Development programs total $3,165,305,000. This includes appropriations for housing production and mortgage credit, which is a program providing for homeownership assistance, rental assistance and housing for the elderly. Other programs listed under the HUD appropriations are model cities, urban renewal, fair housing, and the open space land program.

H.R. 8825 also makes appropriations for the Federal Communications Commission, the National Science Foundation, the Renegotiation Board, the Securities and Exchange Commission, the Selective Service System, the Veterans' Administration, the Federal Home Loan Bank Board, and the National Aeronautics and Space Administration.

The total of all appropriations in H.R. 8825 is $19,070,954,000. Mr. Speaker, I urge adoption of House Resolution 453 in order that we may discuss and debate H.R. 8825.

Mr. LATTA. Mr. Speaker, House Resolution 453 provides for the consideration of H.R. 8825, the bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, for fiscal year 1974.

This is a rule waiving points of order against the bill for failure to comply with clause 2 of rule XXI. The Appropriations Committee requested this waiver because there are a number of provisions in the bill that lack authorization. Specifically, they are:

Title I on page 4, lines 2 through 6: comprehensive planning grants.

Title I on page 4, lines 13 through 19; model cities programs.

Title I on page 4, line 20 through page 5 line 8: urban renewal programs.

Title I on page 5, lines 9 through 19: open space land programs.

Title II on page 12, lines 8–25, all of pages 9, 10, 11, and page 12, lines 1–7: National Aeronautics and Space Administration Research and Development.

Title II on pge 12, lines 8–25, all of page 13, and page 14, lines 1–4, National Science Foundation.

The purpose of H.R. 8825 is to provide $19,070,954,000 in new budget authority for the Department of Housing and Urban Development, Federal Communications Commission, Federal Home Loan Bank Board, National Aeronautics and Space Administration, National Science Foundation, Renegotiation Board, Securities and Exchange Commission, Selective Service System, and the Veterans' Administration. This is $453,501,000 above the budget estimates considered, and a decrease of $1,792,737,000 below the amounts appropriated for 1973.

There are no funds for the Office of Science and Technology and the National Aeronautics and Space Council which are being abolished on June 30, 1973.

Mr. Speaker, I urge the adoption of House Resolution 453 in order that the House may begin debate on H.R. 8825.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Here we have the second rule in a row waiving points of order on an appropriation bill. I appreciate the gentleman's explanation of what has been taken care of, and I wish only to say to him and to the Members of the House that this is another of the gilt-edged invitations extended to the Committee on Appropriations to put all kinds of legislation in their appropriation bills that otherwise would be subject to a point of order.

Mr. LATTA. I hope my dear beloved friend, the gentleman from Iowa, realizes and understands there just is not any other way to operate without waiving the points of order, because we lack the authorization.

Mr. GROSS. Would the gentleman yield further?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. I have been wondering—and I wondered last night when we ran until 11:30 before adjournment, or approximately that hour—whether we would soon be ready for sine die adjournment in this session of Congress. Does the gentleman think that under this forced draft legislative procedure we will be ready to adjourn sine die by the 4th of July or shortly thereafter?

Mr. LATTA. I might say that the Committee on Appropriations is far ahead of the authorization committee, the legislative committee, and with the exception of three appropriation bills, they will be ready.

Mr. GROSS. Perhaps it would be a good thing if we can adjourn sine die about the first or second week in July.

Mr. LATTA. We could save the taxpayers a lot of money by doing so.

Mr. GROSS. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8825, with Mr. O'HARA in the chair.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 1 hour and the gentleman from California (Mr. TALCOTT) will be recognized for 1 hour.

The Chairman now recognizes the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, it is now a quarter past two. With the right kind of cooperation we will be able to get out of here at a reasonable hour. I am sure we can get that kind of cooperation from the Members.

This subcommittee and the full Committee on Appropriations bring a very important bill before the House today. It is the considered judgment of most members of the committee that this is both a good bill and a balanced bill.

This year, the subcommittee was faced with a number of difficult and sensitive decisions—particularly in the areas of housing and community development. We reached those decisions after many weeks of intensive hearings and much deliberation. In my judgment, the recommendations contained in this bill are a fair and reasonable approach to the many delicate issues faced by this subcommittee.

This bill provides for some of the most far-reaching activities of our Government. In addition to the Department of Housing and Urban Development, the bill provides for the Veterans' Administration, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission, and a number of other agencies.

Briefly, Mr. Chairman, the committee recommends a total of $19,070,954,000 in new obligational authority for the agencies covered by the bill for the fiscal year 1974.

This is $1,792,737,000 under the $20,863,691,000 provided for the current year; but it is $453,501,000 above the budget estimate of $18,617,453,000.

In addition, the committee also recommends a total of $229,869,000 for administrative and nonadministrative expenses of the Federal Housing Administration and the Federal Home Loan Bank Board.

The net budget outlays, or expenditures, for the Department and agencies covered in this bill are estimated in the 1974 budget at $20,223,734,000. The actions recommended by the bill are estimated to make no change in this overall total for the fiscal year 1974.

HUD

With respect to the Department of Housing and Urban Development, on January 5 of this year Secretary Romney announced a suspension of all subsidized housing programs and the termination of all community development programs by June 30. The housing moratorium was accompanied by an announcement that a comprehensive evaluation of all assisted housing programs would be undertaken. The study is scheduled to be completed by September 7. The results should then be made public and recommendations submitted to the Congress for action.

The Committee has no quarrel with either the purpose or the scope of this evaluation. There is no doubt that the subsidized housing programs need to be looked at and should be subjected to a thorough review. Last year, a committee investigation revealed that these programs were plagued by abuses, corruption, and general mismanagement. To date, more than 100,000 units are in default and have been assumed by HUD. In addition, the subsidized housing programs are expensive—with current runout costs estimated at anywhere from $60 billion to $100 billion—and, even at this level, they will reach only one-fourth of the people eligible. So everything points to the fact that these programs have experienced some serious shortcomings and the Department should be commended for undertaking this evaluation.

On the other hand, Mr. Chairman, it is quite possible that the subsidized housing programs may simply be the victim of sloppy HUD administration. Just as this committee supports the housing evaluation, it also is well aware that these programs have provided a substantial amount of decent, safe, and sanitary housing for many Americans who otherwise could not afford it. So part of the problem is how one looks at assisted housing. Is the glass 90 percent full—or is it 10 percent empty?

Because of the uncertainty over whether these housing programs are basically sound, the committee was concerned that while this study is needed, the abrupt suspension of all assisted housing contruction could be damaging to the industry and cause serious hardships for both recipients and builders. For this reason, the committee has urged HUD that it end the suspension as soon as possible and proceed with more careful administration to make use of the $440,000,000 in unutilized contract authority presently available.

Because these substantial unobligated balances are available, the committee has recommended no new contract authority for housing programs in 1974. To be specific, it is estimated that $38,600,000 in annual contract authority will be available in 1974 to continue the rent supplement program. The section 235 program for homeownership assistance has $221,000,000 available. That is sufficient authority to produce approximately 260,000 units of subsidized housing. The section 236 program of rental housing assistance has $170,000,000 available—and that will provide for 160,000 subsidized units. In addition, if the demand for college housing is sufficient there is approximately $10,000,000 of unused contract authority available for new commitments under that program.

Finally, I'd like to say a word about the section 202 housing for the elderly program. This program has been remarkably free of the scandals that have plagued other housing activities, and it was the view of the committee that of all the low-and moderate-income programs, the elderly program should be resumed. There is approximately $100,000,000 available for this purpose.

In the area of community development, the committee was faced with a more difficult problem. As most of you know the administration terminated seven categorical grant programs for community development and proposes replacing them with a new program of special revenue sharing. The seven programs terminated are urban renewal, model cities, rehabilitation loans, open space land, neighborhood facilities, public facility loans, and water and sewer grants. The special revenue-sharing proposal submitted to Congress leaves a 1-year hiatus in funding for categorical grant programs in 1974. The budget contains only a token amount of $137,500,000 for these programs. This compares to $1,655,000,000 requested for community development assistance in 1973. The committee was concerned that even if some form of special revenue sharing is passed by the Congress, ongoing categorical grant activities should not and cannot be halted precipitously. We have all been over this ground many times before, but I think many of us would agree that termination of programs by impoundment of funds or executive fiat is of questionable legality. Until modified or repealed by the Congress, the committee felt that these programs should be continued at least through June 30, 1974, and the committee has provided $820,000,000 in this bill for that purpose.

Some of the specific items contained in the bill for community development are as follows:

For the model cities program, $150,000,000 is recommended by the committee for 1974. This amount continues all model cities at 100 percent funding through 1974 and through their current action year.

For urban renewal programs, the committee has recommended $600,000,000 for 1974. This will continue both conventional and NDP projects at current levels. It does not provide for initiating new projects at this time pending a determination of the outcome of special revenue sharing.

For the rehabilitation loan program, the committee has recommended no new funds. However, including loan repayments, it is estimated that $92,000,000 remains available in 1974 for this program. This is a good program, and the committee has urged in its report that these unobligated balances be used to continue this very successful loan program.

For open space land, the committee recommends $70,000,000 in 1974. This amount, taken together with a carryover balance of $28,000,000, will provide for a program level of $98,000,000 next year—or approximately the same level as was intended in 1973.

As I said at the outset, none of these decisions affecting HUD were reached without very serious deliberation. But given the various uncertainties surrounding these programs, I think it is fair to say that the recommendations contained in this bill are reasonable and equitable.

VETERANS' ADMINISTRATION

Turning to the Veterans' Administration, the committee recommends a total of $12,226,172,000 in new budget authority for the veterans programs. This is an increase of $13,172,000 over the budget estimate, but it is $145,150,000 less than the current appropriations.

The only significant change from the budget estimate was the addition of $14,350,000 to provide for an additional 1,000 employees—particularly in the areas of nursing and direct patient support. These funds are provided as a direct response to the conclusions of the committee's investigation that some VA hospitals are suffering from a serious shortage of qualified nurses. The committee hopes that these funds will be used to turn that problem around as soon as possible.

For the past 2 fiscal years the Congress and this Committee have provided for a minimum level of operating beds and a minimum average daily patient census in this appropriation act. For 2 consecutive years, the numerical levels of average usage in operating bed capacity as earmarked by the Congress for the VA hospital system has been largely ignored.

On March 1 of this year, the President stated that a legally fixed daily census represents a backward step in VA hospital care. In direct response to the President's contention that no fixed patient census or fixed operating bed level is needed to serve veterans' health care needs in fiscal year 1974, the committee is omitting these provisions from this bill. But the committee also expects that the administration will drop its arbitrary restrictions limiting available hospital facilities for the care of veterans. I want to assure each of you that we will be watching this situation very carefully over the next few months to assure that all qualified veterans get the best care available in the VA hospital system.

The largest appropriation included in the bill for the Veterans' Administration is $6.5 billion for compensation and pensions. It is estimated that 2,187,238 veterans will receive disability compensation in 1974, and 1,085,000 will receive pension payments.

The budget estimate anticipated that current compensation rates would be revised downward in most cases. The overall impact of these revisions was expected to bring a saving of approximately $160,000,000. This plan was withdrawn after the submission of the budget and the estimate may be $160,000,000 short of actual requirements. Should the budget estimate prove to be insufficient, additional funds will be considered at a later date.

For readjustment benefits, the full budget estimate of $2,526,000,000 is provided in this bill. This will provide for approximately 2,000,000 trainees in fiscal year 1974.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

We are recommending a total of $2,988,800,000 to carry on this Nation's space program. This amount is $27,200,000 below the budget estimate and is $418,850,000 below the amounts available in the current fiscal year.

The report accompanying the bill explains in detail the committee's actions, but I would like to take a moment to comment on the Skylab project.

Today, three American astronauts, Charles Conrad, Joseph Kerwin, and Paul Weitz, are safely aboard the carrier *Ticonderoga* after an immensely successful conclusion to the first phase of the Skylab project. As all of you know, the Skylab workshop suffered extensive damage during launch which threatened its electrical power and temperature control—and the eventual success of the mission. Because of the skill and courage displayed by these three men, and aided by fine teamwork on the ground, they have transformed the Skylab space station from a potential failure into a dramatic and inspiring success. These corrective actions, devised by a superb NASA and aerospace industry team and implemented by three courageous men, ultimately saved a $2.6 billion project and is an example of man's true value in space.

NATIONAL SCIENCE FOUNDATION

The National Science Foundation requested a total of $582,600,000 for 1974. The bill provides $564,600,000, which is a reduction of $18 million. There is requested and approved in these totals $3 million for the special foreign currency program.

Here again, the report goes into the details of the committee's recommendations. But basically, the committee is providing for a balanced approach to scientific research. The actions taken in this bill and report are designed to make the best use of limited resources—to insure that applied research is not pursued at the expense of basic research—and to insure that both applied and basic research are not pursued at the expense of the science education responsibilities of the Foundation.

OTHER AGENCIES

The Federal Communications Commission requested $36,860,000 for 1974. The committee recommends $39,860,000—an increase of $3 million above the budget estimate. This will provide for an additional 155 positions to reduce substantial backlogs in nearly every activity the Commission oversees.

For the Securities and Exchange Commission the committee recommends a total of $34,027,000 in 1974. This is an increase of $2,817,000 above the budget request and provides for an additional 204 positions next year.

The committee heard testimony that the individual investor is less and less an active factor in the market. Without the participation of the individual investor, the little man, it is not possible to maintain an orderly market system. Therefore, the committee has provided these additional funds in the hope that this condition will be corrected and that the stability of the market system will be improved.

For the Renegotiation Board, the committee recommends $4,690,000 in 1974. This is $210,000 less than the 1973 appropriation, and reflects the continuing decline in the backlog of uncompleted assignments in the field.

For the Federal Housing Administration and the Federal Home Loan Bank Board, the committee has provided administrative and nonadministrative expense limitations of $229,869,000. This is a reduction of $350,000 below the budget request, and is $9,312,000 above the limitations provided in the current fiscal year.

Last year the committee denied the Boards request to begin construction on a new headquarters building. During the past year the Board has submitted, in compliance with the limitation in the Appropriation Act for 1973, a number of comprehensive reports on its plans for ownership and funding of the new building. The cost estimates and current plans presented to the committee have been considered, and the committee is of the opinion that the Board should proceed with these plans to begin construction and to minimize potential cost of escalations.

Finally, Mr. Chairman, I want to take a minute to discuss the committee's recommendations in connection with the Selective Service System.

The committee has provided $47,500,000 for this activity in 1974. This is a reduction of $7,500,000 below the budget estimate and $36 million below the amount provided in 1973. Of all the issues facing the subcommittee, this was perhaps the most difficult to resolve. As you know, the President's authority to draft young men will expire on July 1 of this year. Because of this fact, the committee heard many arguments to discontinue the Selective Service System. Some of these arguments were very persuasive, but in the last analysis, we are recommending that the system be continued as a standby operation.

Let me first explain what an active standby system does. At age 18 all young men will continue to register and will be classified as 1–H. At the time of the lottery, which occurs at age 19, he is assigned a random sequence number from 1 to 365. From within the total range of 1 to 365 some number will be selected that will provide a sufficient pool of men for induction if an emergency occurs. All men having that number or a lower number will be classified as 1–A. Once he receives that classification he then has the right to appeal on the basis of being a conscientious objector, or the sole surviving son, or a minister, or some other classification. But the net result is that each year a new pool of men is established that would be ready for physical examination and induction should we be faced with some type of crisis.

You will probably hear a number of arguments made here today that this entire process historically has been accomplished or can be accomplished just as quickly as we could do it with a standby system. I don't think there is any way of proving whether that argument is true or not. I do know that it may not be worth taking a chance on finding out. Past emergencies requiring a national draft are not necessarily analogous to the potential emergency that may occur in 1980 or 1985 or even next year. Each emergency is influenced by a set of circumstances that is unique to that period of time. No experience with conscription is automatically interchangeable with another.

In addition to this point, the committee felt that there is not sufficient experience with a Volunteer Army to warrant dropping any standby draft assistance. There is also a serious question as to whether the Reserves will continue to be able to meet their enlistment requirements without the impetus of a draft.

Finally, Mr. Chairman, I do not feel, and I do not believe the committee feels, that the Appropriations Committee is the proper forum for eliminating or phasing out the Selective Service System. Section 10(h) of the Military Selective Service Act requires that when the Armed Services are placed on an all voluntary basis for meeting the active duty manpower needs, that the Selective Service System shall be maintained as an active standby organization, with a complete registration and classification structure capable of immediate operation in the event of a national emergency. That is the basic law, and any decision to eliminate the Selective Service System should be reviewed by the Armed Services Committee and the Congress and should not be "legislated" by the Appropriations Committee or this House on an appropriation bill.

I should add, that while the committee is recommending continuing a standby Selective Service System, it does feel that such a system can be maintained at a substantial savings. The committee has directed the Selective Service to devise and test an alternate standby method that is cheaper than the one currently proposed and that will meet the security needs of the United States.

Mr. Chairman, this concludes the summary I plan to make. If there are any specific questions, I shall do my best to answer them.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the distinguished gentleman from Texas.

Mr. CASEY of Texas. I appreciate the gentleman yielding. I want to commend the distinguished committee chairman and his committee for their faith in the space program and for seeing that it was adequately funded.

I want to congratulate the gentleman on his remarks with reference to how the astronauts saved this program on this particular flight. As the gentleman will recall, and I am sure others will recall, there was quite a bit of criticism as to continuing manned flight. Some thought it was a waste of money and that we should rely upon just mechanical flight, in the belief that everything could be done from the ground. The Russians found that to be false on their last two flights, because there was complete and total loss, with no method of repairing or recovering the two vehicles they sent up.

I believe this has truly been a test of manned flight. As the distinguished gentleman pointed out, what could have been a complete loss has now been turned into a complete success. It is indeed a tribute to American ingenuity, American engineering and American courage.

Mr. BOLAND. I thank the gentleman for his pertinent comments.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman from Massachusetts (Mr. BOLAND) yield?

Mr. BOLAND. I yield to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I thank the distinguished gentleman for yielding.

I think the gentleman came close to touching on what I wish to ask him. Before I do that, I want to say that I support the gentleman's position and that of the committee on this matter. I think the committee has taken the right stand, for I think the standby authority is absolutely necessary. In the committee report as now printed, we are told that there was some question in their respective minds as to whether the system could not be funded for less than $55 million and, therefore, the appropriation now recommended, as the gentleman has just stated, is $47.5 million.

Mr. Chairman, my question will go to the point of whether or not the gentleman might think that possible alternative methods of registration might be considered that would allow the standby system to do this job at a lesser figure than the $47.5 million.

I refer to arranging for registration perhaps through such devices as by mail, or through simultaneous registration by those young men who are required to do so at the same time some of them ask for and receive a social security number, for instance. As we know, most of them do receive a social security number at about draft-registration age.

The question is: Would the gentleman and his subcommittee pursue these alternative methods with the Selective Service System to see whether this $47.5 million figure, which does seem high, might be reduced even further?

Mr. BOLAND. Mr. Chairman, I appreciate the question propounded by the gentleman, as well as his comments.

We agree precisely with the point that the gentleman is making. We have directed the Selective Service System to look at all the alternative methods for registration and classification.

They have looked at alternative methods. They have given study to registration by mail and have rejected it. However, they are going to look at all alternative systems. It is the intention of this subcommittee to keep the Selective Service System's feet to the fire in this area.

Mr. ROBISON of New York. I thank the gentleman.

Mr. BOLAND. Before I close, I would like to indicate what we have done with community development programs.

The Administration asks only $137.5 million for urban renewal in the seven categorical grant programs. We increased this to $600 million. That $600 million will be sufficient, and I hope the members of this committee will take note of the fact that it will be sufficient, to carry on the urban renewal programs through fiscal year 1974.

By July 1, 1974, it is hoped for that

the Better Communities Act or other legislation will have been considered by the Congress.

As you all know, the Better Communities Act is proposed to replace the seven community development programs. These have been proposed to be terminated by action of this administration—with a program of special revenue sharing.

We have also provided—and it is important to those Members who represent model cities areas—$150 million for the Model Cities programs. No funds are requested for model cities in the budget for fiscal year 1974. There are 147 model cities in the United States. The $150 million which we provide in this bill will continue the regular annual levels of activity for all of those model cities at a 100 percent level. The Budget proposes using carryover balances to provide an average program level of about 70 percent of current funding through 1974. We think that they ought to be able to continue to operate at a 100 percent level through fiscal year 1974.

Mr. Chairman, those are the two substantial points in the budget which result in the $453 million increase over the budget request.

Ms. ABZUG. Will the gentleman yield?

Mr. BOLAND. Yes. I am glad to yield to the gentlewoman.

Ms. ABZUG. I would like to address myself to the point you made about the standby draft. It was my understanding that a draft does not shorten the time for mobilization and training, which is more a matter of supplies and equipment than manpower and that any conceivable need that may exist is currently met by the 5 million men in the Reserve and Active Armed Forces. Therefore, I find it very difficult to find why we must appropriate these sums.

According to the testimony of the director of the Selective Service System, it will take a certain amount of money, which in one case was said to be $8 million and in another case $28 million to close out the draft.

I wish you would address yourself to this and why there is the need for maintaining a staff of 4,340 bureaucrats, including 56 State boards, and 96 appeal boards, a Presidential appeals board and one local board for every county or similar subdivision in the United States, which is what we maintain by appropriating this kind of money.

Senator PROXMIRE in the other body said it is the single biggest boondoggle going on in the Government.

Mr. BOLAND. That is not my statement.

Ms. ABZUG. I know, but I wonder why there should be this kind of an appropriation in view of the facts that you, with respect to our commitment to a volunteer Army, allude to and the fact that we are increasing the budget for that purpose and in view of the fact that a draft does not necessarily guarantee the manpower it takes in an emergency.

Mr. BOLAND. I appreciate the gentlewoman's comments.

Let me say the Military Selective Service Act of 1971 compels registration. Under the law, you have to register when you reach 18. In addition, an annual lottery is to be held, registrants are to be classified and viable procedures and necessary facilities maintained in the event of a future need for inductions. This all requires personnel.

Let me say that the number of personnel will be reduced by this decrease in the budget from some 7,400 personnel to about 4,300 by July 1, 1974. In addition to that there are 2,700 draft boards around the United States, and they will be collocated into 925 locations.

I do not know what the reference to bureaucrats is, but the fact of the matter is that these people have a job to do which is based on an act passed by this Congress.

Some people want to legislate the Selective Service System out of existence, which is precisely what will happen with the $28 million amendment which I understand is going to be offered.

I do not think it is within the province of the Committee on Appropriations to legislate out of existence a system which was passed on by an overwhelming vote by the Congress. All of us hope that the all-volunteer concept works. I believe the gentlewoman from New York voted for it, as I am sure practically every Member sitting on the floor did when it was before the House.

We hope the all-volunteer force works. If it does, we may never have to use the draft—we may get enough volunteer personnel. But I think as of this point in time that there is a necessity for a standby Selective Service System which is precisely and absolutely provided for under the basic act.

Mr. BARRETT. Mr. Chairman, as chairman of the Housing Subcommittee, I am, of course, especially interested in title I of this bill which provides appropriations for the programs administered by the Department of Housing and Urban Development.

Earlier this session, the House passed legislation authorizing the appropriation of such sums as may be necessary for these programs. This placed a great responsibility on its Appropriations Committee, a responsibility which, as this bill shows, they have carried out in an admirable manner. The realities of the current freeze on all major HUD programs and the consequent strained relations between the executive and legislative branches of Government over this issue necessitated our placing on the Appropriations Committee the responsibility of determining what program levels would be needed during the coming fiscal year while major new authorizing legislation is being developed.

The program levels they propose are extremely reasonable and modest—I do not think any Member can claim they are extravagant or inflationary—yet, they assure the survival and continued viability of those vitally needed programs. While I would be willing to support a somewhat larger appropriation for the urban renewal program, if it appears the sense of the House that this is necessary, I want to say I fully endorse this bill and I congratulate the members of the Appropriations Committee for their very fine work.

Mr. TALCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take long. I certainly concur with the very fast, comprehensive and thorough presentation of this bill by the gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, I think we have done a good job in the committee where we have a disparity of views, and very divergent views, among the members of the subcommittee and the members of the full committee. All interests I think have had a fair opportunity to be presented. We have conducted hearings which I think were full, and gave everyone an opportunity to express themselves. Even with their quite divergent views I think we have done what a committee ought to do, and that is, namely, we have developed extensive testimony, listened to every view possible, and worked out some compromises. It did not satisfy everybody. All of us on the committee have subverted our own personal and provincial views and interests, and we have worked out this bill which we are pleased to present to the Members.

It would be only a reiteration of the remarks made by the gentleman from Massachusetts for me to go into details on the bill. The report is complete, our hearings are complete, and they are available to all of the Members, and I recommend that the Members look at them.

Mr. Chairman, there are only a couple of items that I would like to change to give perspective to the bill. Oftentimes we are besieged by people who want to add more money to the Veterans' Administration proposals without considering that we probably have one of the best Veterans' Administration programs in the history of mankind, one that provides benefits and services in greater amounts and greater varieties, with one of the highest budgets that we have ever had in the proposal which we are recommending to the Members, which is above the budget request.

We have had some isolated, minimal complaints about the Veterans' Administration, but I think on the whole that the thousands, even millions of people who are served by it are very pleased with the kind of service that they receive. I believe that the Veterans' Administration is worthy of compliments rather than criticisms, which usually come to the attention of our committee.

The Better Communities Act, which the administration has proposed, I believe should be enacted. However, in the hiatus between now and then, I think the committee has done a good job in trying to keep the worthwhile programs continued.

There will be amendments to increase the program for urban renewal, for instance. Some projects of urban renewal have been successful, but some have been dismal failures. The record has been spotty. I think the administration has proposed an amount of money that would be satisfactory to continue the programs at the proper level, but the committee saw fit to add considerably to the programs, $600 million, which is more than the Department can possibly spend. I hope we keep this in mind when we are considering the amendments that are likely to be proposed.

There are other aspects that I think need some attention. The National Science Foundation, for instance, is part of this bill. Congress provides the engine and some motivation for the basic scientific research of our country, but of course it cannot do all of it. Sometimes I believe people expect that the Government should sponsor all of the basic and applied scientific research. But I believe Congress has been generous without going all the way, and completely subsidizing all research.

One short comment from a personal viewpoint is in astronomy. This is the fastest developing discipline and it is very popular. It portends to be one of the most productive sciences in our country at the present time. Also money spent here is least likely to be duplicated somewhere else.

We defer a request for a very large array radiotelescope, but this deferral was mostly because of fiscal restraint.

I think the NASA program has a track record of being one of the better performing agencies of our Federal Government. The spending level has been cut in half from about $6 billion in 1966 to approximately $3 billion now. The number of employees has been reduced from 420,000 to 130,000, but, nevertheless, the program has been a tremendous success, culminating today in the safe and successful completion of the first flight of the space lab.

In addition to the accomplishments in space, we have made unbelievable contributions to the people living here on Earth: communications satellites, which are now developed to a level which private industry can handle; the ERTS program, a satellite to develop Earth information to provide useful, practical information concerning our environment and resources, permitting us to know a good deal more about our food, fish, oil, and minerals. It is a great success, also.

NASA has developed a system for monitoring of pollution throughout the world. There are all manner of NASA developments which are helping us here on Earth, and I think we should keep these in mind.

Mr. Chairman, time is of the essence.

(Mr. TALCOTT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. TALCOTT. Mr. Chairman, the Selective Service System will, and must, (under section 4(a), Military Selective Service Act), continue to classify all registrants in one of the twenty-one different classifications when it is functioning in a standby role after July 1, 1973. By this action a pool of 20-year-old men will be identified as available each calendar year if the Congress should remove the restrictions on the authority to induct men into service. It may be that the sequence of events is not clear to people not familiar with the system.

Every man must register when he becomes 18. At this time he is given an administrative classification of 1-H. At this age he is not eligible to be in the pool of men available to be drafted.

During the calendar year in which the man reaches his 19th birthday he receives his lottery number, technically known as random sequence number. This number is assigned to him according to the date of his birth as determined in the annual lottery held early in the calendar year for each year group. During all the time after registering, he has kept his local board informed of his correct address.

As this 19-year-old group approaches the year in which they reach their 20th birthday, the local boards will begin the classification of the lowest numbered men. They will classify out of class 1-H into one of the 20 other classifications about one-fourth of the men of that particular year group. Thus when this year group reaches the year in which they are eligible for induction, the Nation will have identified a reasonably sized pool of men as available if the Congress provides the authority for their induction.

As a part of this classification process each man is asked to fill out a questionnaire disclosing his circumstances. It is at this time he begins the process of establishing to the local board his eligibility for some other classification than 1-A, available for induction. The local board will then, based on the facts disclosed in each man's file, classify him in the lowest classification for which he is eligible.

It should be noted that the classification process does not include any of the work done at the Armed Forces examining and entrance stations in examining the man to see if he is acceptable by the standards of the Defense Department. The determination of acceptability for service is made by the agencies of the Defense Department. When made known to the local board, this material supports the man's correct classification.

Mr. Chairman, the question was raised in the hearings of our subcommittee concerning whether we are responding to the need for research in astronomy. The VLA, for which this committee appropriated funds last year, is at the very outer edge of our astronomy research. The breathtaking discoveries in radio astronomy that have recently been taking place have pointed the way to this next crucial step in understanding the interaction of matter, energy, and the space around us. Yet the subcommittee report recommends denial of the $10 million requested for the VLA for next year.

This instrument is of such great importance to astronomy and to the future of science in general that I think we should make clear that we are talking not about whether the instrument should be funded, but the rate at which this can reasonably occur—which I believe was, in fact, the committee's intent. To clarify this point, I believe the language of our report should be as follows:

> The Committee recommends that NSF reexamine the speed at which it plans to acquire the VLA to ensure that this commitment is consistent with the total funds available in fiscal 1974 and with the projected fund availability over the next few years.

The Commission is one of our best Commissions. It is bogged down with heavy backlogs for three reasons: first, lack of adequate staff; second, inertia; and third, excessive demands and self-imposed regulations which require mountains of unnecessary recordkeeping, redtape, and wasted work.

We have provided more staff in crucial areas. If the staffing could be managed and motivated to reduce the backlog and work its way up to currency it could be done, except for a few knotty and complicated cases, within a year. Some backlog must be accepted in any processing function. The time period, from the licensee's first contact to disposal of the application, should be greatly reduced. The requirements are so numerous, complicated, and troublesome, that the licensees are inhibited and intimidated from the performing in the best interests of the public.

My point is simply that more money and more staff will not be enough to reduce the amount and time of the backlog unless the FCC can better manage its staff, procedures, and reduce the unnecessarily onerous and wasteful requirements it places upon its licensees.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIPLEY).

Mr. SHIPLEY. Mr. Chairman, I would like to commend the chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND), who I believe has done an outstanding job in handling this very difficult appropriations bill and also all of the other subcommittee members on both sides. I firmly believe this subcommittee is the most democratic subcommittee in the House and I feel basically we are recommending to you a good bill and a sound fiscal one.

As you know, this committee does cover a great many areas and I have had the honor of serving on this subcommittee since the days of the distinguished Albert Thomas. Certainly each year has been more interesting than the last.

I have watched many of the agencies double and quadruple in their requests for funds and it would appear this bill is $453.5 million above the budget estimates considered, but the important point is that it is nearly $1.8 billion below the amount appropriated for fiscal 1973. The administration has proposed ending seven grant programs for community development which I believe are of great importance to the development progress of this country. I feel that the committee could take no action other than what we have in making funds available to carry these programs forward and I feel that they should be funded at least through June 30, 1974 and we have made funds available for this purpose. The subcommittee, as a whole, has made reductions wherever possible and in areas of ongoing programs that we know are successful we have made slight increases.

The overall employment figure of all agencies involved in this bill was 238.8 thousand in 1973. This bill has a total employment figure of 233.3 thousand which is a reduction of 5,500 during 1973. The major differences are in HUD where they will slip downward by around 2,000 employees; NASA will drop downward by 1900 and Selective Service will drop downward by 2,500. The major increases in employment are for the VA, FCC, and SEC; each of which will add around 300 new employees over the 1973 figures.

VETERANS' ADMINISTRATION

Concerning the Veterans' Administration, especially in the area of medical care, the committee has recommended an increase of 1,000 employees to upgrade the number of nurses and related staff engaged in direct patient care. We have made available $14.3 million for this purpose. This is an area of need I feel can be readily justified. In fact, in this area I think that the committee should have made available 2,000 or 3,000 more nurses.

SECURITIES AND EXCHANGE COMMISSION

The next largest increase is in the Securities and Exchange Commission for which the committee is allowing 263 new positions next year. The SEC has had a tremendous workload and greater responsibility given them in the last few years. Their testimony clearly indicates that they need these new positions to offset the recent number of major scandals directly affecting the integrity of the securities market. The new positions would give them the personnel they need to help restore the confidence of the investor and make an orderly market system.

FEDERAL COMMUNICATIONS COMMISSION

The next largest increase is for the Federal Communications Commission with 253 new positions. This is an increase of $3 million above the budget request. There is no question in my mind the FCC needs these new positions to be able to handle the backlog of work they must accomplish as well as surveillance and their concentrated effort relating to the so-called vulgar talk shows. This is an area in which all of us as parents are quite concerned and I, for one, certainly want to be able to make available the added personnel the FCC needs in order to correct this very sad sickness among some broadcasters.

SELECTIVE SERVICE SYSTEM

With regard to the Selective Service System, the committee has recommended $47.5 million. This is $7.5 million below the budget request. I, for one, would like to have seen this amount eliminated or not funded, however, I think it would have been very foolish on the part of the committee to have done this because no one can predict how the all-volunteer service will work. I would hope that the committee, next year, would look into this very closely and perhaps be able to make some further reductions or eliminate it completely if we feel the all-volunteer service is successful.

Mr. Chairman, I will not take any more time in going into specifics of the other agencies and I say again that I believe this is a good, sound, appropriations bill.

Mr. TALCOTT. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. McDADE) such time as he may consume.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 8825, making appropriations for the Department of Housing and Urban Development, the Veterans' Administration, NASA, and various other Federal agencies. Before commenting on the contents of the bill, I wish to commend the distinguished chairman of the subcommittee, Mr. BOLAND, for his outstanding efforts in bringing this bill to you for consideration today. I would also commend the gentleman from California (Mr. TALCOTT), the new ranking member of the subcommittee for his keen insight and his dedication toward resolving the many complex problems to which this bill is addressed.

Mr. Chairman, I would be less than frank in saying that I doubt there is one member of the subcommittee who is entirely satisfied with this bill today. It is of necessity a bill embodying many compromises. The termination of the six national housing programs and the seven community development programs last January was followed by a budget submitted without funds included for any of the several categorical aid programs.

The committee then was faced with one of three choices. We could have gone along with HUD and refused to fund any housing or urban renewal activity for the coming year. In doing so we would have been party to the termination and the practical dissolution of our national housing and community development goals. Second, we could have chosen to fund these programs at last year's program levels. In doing so we would have put the Congress through the wasteful and unnecessary procedure of formal approval to a bill we all knew was certain to be vetoed, even prior to Senate consideration. Or third, we could have sought out a middle ground between ending our commitment and insuring a veto. That is exactly what your committee has decided to do.

As one who represents a congressional district where active urban renewal, housing, and model cities programs are underway, certainly I am anxious to see all of my housing and urban renewal activities remain viable. This bill provides sufficient funds to guarantee such viability. The committee has increased funding for urban renewal to a level sufficient to provide for the continuation of current urban renewal programs. Once a determination can be made concerning the future of the Better Communities Act as an alternative to continuing categorical aid, the committee will be in a better position to analyze future community development needs.

The termination, or suspension, of the existing categorical aid housing programs was coupled with the decision to reevaluate our existing housing programs to determine their effectiveness. While the Department is to be commended for undertaking this study it is regrettable that this action coupled with the abrupt moratorium will bring to a standstill our efforts to meet the housing needs of the Nation's elderly and disadvantaged.

During our committee's hearings, officials of the Department of HUD produced Bureau of Census statistics, indicating over 1 million households in this Nation headed by persons 65 years or more lacked some or all plumbing facilities. It is estimated that 100,000 dwelling units were in a dilapidated condition, even though they had adequate plumbing. Another 120,000 elderly live in overcrowded conditions. In total, over 1,400,000 elderly households were ill-housed for one of the above reasons. I submit that the moratorium places an unconscionable burden on these people.

The housing for the elderly program authorized by section 202 of the Housing Act contained nearly $100,000,000 in funds available to implement this program. Section 202 was subsequently folded into the section 236 program which also is under the moratorium. Unlike 236, however, it was a direct loan program with a good track record, free of the abuses which have plagued other housing programs. HUD officials indicated that, to their knowledge, only one foreclosure was made throughout the program. I would call attention to the Members to the language inserted on page 6 of the committee report, urging HUD to seriously consider restoring the 202 program. I do not concur with the testimony of the Secretary who felt that the use of 202 would prejudge the pending study. On the contrary, I do believe it would greatly assist with our elderly housing needs until HUD's pending recommendations are completed in September.

I would also call to the attention of the Members the Committee's decision to continue to make funds available for open space land acquisition. Since its inception, this program has been a solid success, especially in providing funds for the development of urban parks in our cities. This is another program which HUD proposes to fold into the Better Communities Act.

Open spaces has become one of the two major sources of recreation funds for local communities. The other program funded through the Bureau of Outdoor Recreation's land and water conservation fund is sharply curtailing its new obligations this year. I believe it is essential that funds be provided for open spaces to keep the program active until a decision is reached on the merits of BCA.

Mr. Chairman, I would like to comment on two other activities funded by this bill which I believe are important to the language inserted on page 14 of the committee report concerning the responsibilities of the Federal Communications Commission regarding the effects of television violence on children.

For the past several years, the committee has included language on this matter in our report and each year during consideration of the FCC appropriations the question frequently recurs. Last year the Surgeon General submitted to the Congress a report on the relationship of television violence to children. The report concluded that there is a relationship between the acting out of violence by children and actual television violence. There was no attempt to determine the relationship or define who the children are or what triggers this relationship.

The report did recommend that a regulatory agency, probably the FCC, investigate the possibility of a violence index for television similar to present theater indices. The FCC has been working with the National Institute of Mental Health to determine what indicators would be used, how such an index would be structured, and who would make the determination as to how a particular program would be rated. I am pleased to note that the FCC is making some strides toward this problem. I trust they too will read the committee language and take note of the continuing interest of the Congress in this activity.

Finally, I wish to call the Members' attention to the significant increase provided for veterans medical care. The rather detailed controversy between the Veterans' Administration and the committee concerning the minimum operating bed capacity and the average daily patient census level established by Congress is well documented in the committee report. This year the committee has not included any fixed operating bed capacity or fixed patient census with the understanding that the VA will treat all eligible veterans in need of medical care. It is also important to note that the committee did provide a significant increase toward meeting the most immediate and urgent problem of providing funds for additional staff engaged in direct patient care.

In summary, Mr. Chairman, I believe this bill is a good bill, addressed to meeting some tremendously difficult problems and is deserving of the support of all of the Members of this House.

Mr. TALCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I very much appreciate the distinguished ranking minority member of the subcommittee yielding this time to me.

I rise in support of the committee bill. I want at the outset to commend the chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND), and the gentleman from California (Mr. TALCOTT), for their concern particularly in the Selective Service area. The gentleman from Pennsylvania (Mr. McDADE) also is to be commended for his amendment which struck $7.5 million from the bill. I believe that the $47.5 million figure represents a good, responsible amount to allow for a complete reevaluation of the Selective Service System.

Mr. Chairman, I regret that I cannot at this time support the amendment to be offered by the gentleman from Rhode Island (Mr. TIERNAN), but I appreciate his attention to the problem and I am glad that he is bringing the subject of Selective Service before the House. In my judgment, his cut goes too deep for now, but in opposing his amendment I should like it to be understood that I am not supporting a stand-pat approach for Selective Service. Until now the agency has been forced to concentrate on the delivery of men to the Armed Forces. On June 30, authority for that activity will cease. During the next year, when the agency is no longer preoccupied with the urgent demands of operating that program, there should be sufficient time for examination and reevaluation of functions. Do we need ongoing local boards, staffed with full-time personnel? Are State offices necessary? What activities are proper for the national headquarters? Behind these matters lies the basic question: How much, if any, registration is required to enable the United States to respond to an emergency mobilization crisis? Clearly a system that has operated for over 30 years on a relatively unchanged basis, delivering men to the Armed Forces, is not the same system that is needed on a standby basis for some future emergency. The $7.5 million cut for fiscal year 1974 will not impede the ability of the organization to engage in necessary reevaluation and retrenchment.

At the same time, the continued appropriation should not be seen as a blanket authority for business as usual.

At this point, Mr. Chairman, I should like, if the chairman of the subcommittee would be willing, to ask the gentleman from Massachusetts (Mr. BOLAND) if there is anything in the law which would permit the expenditure of funds by any element in the Selective Service System in an effort to maintain their positions by discrediting the all-volunteer force program.

Mr. BOLAND. Mr. Chairman, there is absolutely nothing in the law, and I hope none of the funds provided for in this bill would do what the gentleman from Wisconsin inquires about.

There is some concern on the part of this committee, and I think there ought to be, that there may be those in the Pentagon and perhaps those in the system who would hope the all-volunteer concept would not work. It is one of the things we have to be careful about. We intend to keep up the Selective Service System, but we are going to be sure the Selective Service System is not going to undercut the all-volunteer service.

As the gentleman from Wisconsin so well knows because of his friendship with the former Assistant Secretary of Defense for Manpower, Roger Kelley, who is one of the finest public servants we have had on the Washington scene in many a year, a great concern of his was precisely what the gentleman from Wisconsin raises.

It is our concern, and I am delighted to make the point of it, there is no money here for the purpose of giving them the ability to undercut the all-volunteer service at the expense of providing standby selective service.

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank the gentleman.

I want to emphasize that my support for a standby system on a minimal basis goes only to the concept of preparation for a mobilization in time of emergency. It absolutely does not extend to the question of meeting so-called manpower shortages. Let us be perfectly frank about this problem. There are many in positions of authority who would like to kill the all-volunteer force.

The gentleman from Massachusetts has referred to Roger T. Kelley, the highly respected former Assistant Secretary of Defense for Manpower and Reserve Affairs, who warned in his valedictory statement of attempts within the Pentagon to sabotage this program. Each day that his position goes unfilled, the situation deteriorates. It is no secret that high ranking officials of the Army and Navy, in these very halls, have sought to discredit the program and goals that have been articulated by the Congress and the President in his capacity as Commander in Chief.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York (Mr. SRATTON).

Mr. STRATTON. Mr. Chairman, I am interested in the gentleman's remarks. Of course, no one wants to subsidize any selective service attack on the concept of the all-volunteer force, but the gentleman's remarks are suggesting that any criticism of the all-volunteer force, any rational comment——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. TALCOTT. Mr. Chairman, I yield 3 additional minutes to the gentleman from Wisconsin.

Mr. STRATTON. Any serious, rational comment that perhaps the all-volunteer force is not really doing the job that it was supposed to do, would somehow represent a subversive attempt to undercut the volunteer force.

I think we have got to recognize that there are going to be different points of view. We cannot automatically disqualify someone who wears a uniform and who probably is more knowledgeable on military matters and deals with military manpower more than some of the rest of us from saying, "I am sorry, gentlemen, but this concept really is not working."

But, I am afraid that if the gentleman from Wisconsin does not qualify his own remarks, he is going to be creating the impression that any negative statement whatsoever on the volunteer force is automatically suspect. I think the gentleman from Wisconsin is eminently fair, and he would not want to leave that impression in his remarks.

Mr. STEIGER of Wisconsin. Mr. Chairman, may I say to the gentleman from New York that I have tried in my remarks to be quite explicit about exactly what I am talking. No, it is true that not every negative remark or question about the all-volunteer force ought to be taken as an effort to sabotage it. But I feel strongly that those high up within the Pentagon and those here who are attempting to discredit the all-volunteer force, not on the basis of serious questioning, but on the basis that they want induction authority, have to be called to account for that position.

What it means, in effect, is that instead of concentrating on the kinds of things I think we ought to be looking at such as personnel reforms, retirement reforms, personnel management problems in terms of how we might have a volunteer force without being dragged into a discussion of what the volunteer force contributes to the size of the Defense Department budget.

It is for that reason that I have asked for this time, so that at least I might have the opportunity to lay out my own concern about the fact that an effort is under way to undercut the volunteer force, and I think that effort ought to be halted.

Mr. STRATTON. I hope the gentleman in his remarks will include some guidelines, so that we can tell the good kind of criticism from the bad kind of criticism.

Mr. STEIGER of Wisconsin. I have very little time remaining, but I will say to the gentleman, yes, I will try. If the gentleman will let me continue, I hope I can do that.

Mr. STRATTON. I hope the gentleman will address himself to that.

Mr. STEIGER of Wisconsin. Mr. Chairman, instead of compensation reform, which could vastly improve recruiting and retention while saving the taxpayers billions of dollars, we hear of constant complaints from "Pentagon sources" of the problems caused by paying junior enlisted men a decent living wage. Rather than a realistic appraisal of qualitative needs, we are seeing pressure for standards which have no justification in terms of productivity or skill match.

Those, may I say to the gentleman from New York, are two specific guidelines.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. TALCOTT. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STEIGER of Wisconsin. I thank the gentleman very much.

Both the GAO and the Brookings Institution have pointed out the tremendous potential for civilianization, use of women, lateral entry, attraction of prior service personnel, and greater use of educational incentives, yet performance in these areas has lagged badly.

While Chairman Hébert and the Committee on Armed Services have done much for our men and women in uniform, the Special Pay Act languishes in the Senate.

I call the attention of the House to the Brookings study, which states:

> The conclusion of this paper—directed to the practical implications of planning, developing, and maintaining an all-volunteer armed forces—is that it is likely to prove a feasible proposition, if timely measures are taken to reevaluate manpower requirements and standards to deal with foreseeable recruiting shortfalls.

If shortfalls arise, Mr. Chairman, they will be the result of inaction in the Pentagon and inattention by the Congress. As we provide appropriations for the Selective Service System, let us make sure that it is never used except in times of the gravest national emergency.

I am pleased that the induction authority ends on June 30, for to leave it on the books would be an open invitation to curtail manpower reform, and would provide an easy fallback position for poor personnel managers.

Mr. Chairman, I include in the Record my testimony before Subcommittee No. 2 of the Committee on Armed Services.

The material referred to follows:

TESTIMONY OF CONGRESSMAN WILLIAM A. STEIGER

Mr. Chairman and Members of the Subcommittee, I am grateful for this opportunity to testify on the question of military manpower requirements. For many years, Chairman Hébert led this Subcommittee in developing beneficial programs for our men and women in uniform. I am sure he is pleased by the outstanding job the gentleman from Texas (Mr. Fisher) and the other Members are doing in continuing his work. Last year, of course, this Subcommittee took the initiative in modernizing the military compensation system by designing legislation for the Special Pay Act, which won the overwhelming approval of the House, 337–35. Although the Senate did not take up this measure prior to adjournment, I am hopeful that it will receive favorable treatment in the near future.

The Subcommittee has heard experts from the Department of Defense, and from representatives of the General Accounting Office. I was pleased to learn of Mr. Morris' testimony that the potential for manpower reform would preclude the need for inductions for FY 74. I was concerned, however, by certain aspects of the GAO report, and I appreciate this opportunity to call these matters to your attention.

THE LEGISLATIVE POSSIBILITIES

The presentation of alternatives on page one of the GAO report fails to do justice to the responsibility of Congress in raising and supporting armies. A more complete description of the alternatives facing Congress would have added the following:

Let the present draft authority expire, using special incentives or alternative manpower sources as necessary; maintain the *structure* of a Selective Service System, to be activated by Congress in case of emergency;

Let the present draft authority expire, using special incentives and alternative manpower sources; maintain an *ongoing* Selective Service System with continuing requirements for registration and classification, to be activated by Congress in case of an emergency.

The distinction between these possibilities is crucial. If we are optimistic about the success of the volunteer force, and if we are confident that any sudden emergency can be dealt with by maintaining a skeletal structure, a great deal of money can be saved by eliminating the registration and classification requirements. If we are less optimistic, we can maintain registration and classification to insure a rapid initiation of inductions once Congress determined that a national emergency or serious manpower shortages existed.

Unfortunately, GAO did not have the opportunity to examine the relative costs, efficiency, and effectiveness of alternative standby systems. It is possible that this oversight stems from an inaccurate reading of the Selective Service law. Contrary to the statement on page two of the GAO report, the acts of registration, classification, and holding a lottery are not "specifically prescribe[d] functions to be performed by an active standby Selective Service System."

Section 10(h) only requires "a complete registration and classification *structure* capable of immediate operation in the event of a national emergency." The legislative history (Congressional Record, vol. 117, pt. 16, p. 20481.) makes it quite clear that an adequate "structure"—not actual operations—is all that the law requires:

> Mr. Hruska. Mr. President, the language of the amendment says that there shall be maintained as an active standby organization with a complete registration and classification structure capable of immediate operation, and so forth.
>
> It is not contemplated that registration shall be maintained. It is only the structure and the organization, the equipment, the procedures, and the manuals that are necessary to initiate registration if and when a national emergency comes.
>
> Mr. Saxbe (mover of the amendment). The Senator is correct. Whether or not registrations are to be maintained will be a decision when we go to a volunteer army. It is not involved in this discussion at the present time.
>
> Mr. Hruska. So, the Senator's amendment does not include the actual registration of potential inductees.
>
> Mr. Saxbe. This is the language that comes out of the act of 1967. At the present time, I believe they do contemplate a continuation. But that would have to be decided at such time as we go to a volunteer army.

The volunteer force has proved capable to date of meeting most of the qualitative and quantitative requirements of the armed forces. The Defense Department has expressed confidence that remaining problems can be overcome through improved management and use of the Uniformed Services Special Pay Act. As the induction authority expires, we should enact special incentives to take care of particular manning problems, and—if there is sufficient cause to be less than optimistic—continue registration and classification. We can obtain great savings by eliminating unnecessary activities involving potential registrants and simply putting the structure of the Selective Service System on a standby basis.

QUALITATIVE REQUIREMENTS

The GAO report expresses "less optimism about the ability of the services to obtain a sufficient quantity of qualified enlisted personnel." In a disappointing omission, the GAO report never discusses which levels of quality it considers sufficient "to learn and perform the hundreds of skills found in the military . . ." How could the GAO possibly suggest the use of selective service, incentives, or any other methods of manpower procurement without first examining the qualitative requirements of the armed forces?

In evaluating the volunteer force, there would seem to be little justification for GAO's using goals which have infrequently been met during conscription. The report fails to acknowledge, much less discuss, the exhaustive DoD study "Qualitative Requirements (A Report on the Qualitative Accession Needs of the Military Services)", November, 1972 OASD (M&RA). This study concluded that current testing procedures were inadequate and unreliable. It was felt that substantial improvements were needed in terms of relating test scores, trainability, and job performance.

However, even within the confines of current measures of quality, the report stated:

> Navy and Air Force should be able to recruit personnel in excess of their minimum quality needs. These two Services should be able to meet their self-imposed objective of limiting mental category IV accessions—5% for Air Force and 10% for Navy.
>
> Marine Corps should be able to meets its minimum quality needs, Mental Category IV accessions will be about 20%.
>
> Army will be able to meet its minimum quality needs if it can improve its recruiting capability in FY 1974 by about 20,000 true volunteers compared to FY 1973. To improve its recruiting capability it will be necessary for Army to use the enlistment bonus provisions of the Uniformed Services Special Pay Act and attract personnel who originally planned to enlist in the Air Force and Navy.[*]

The GAO report does not discuss this study, but rather continually refers to "service-stated" goals that have not been validated by past experience or present needs. GAO's statement: "We did not ascertain the appropriateness of the quality goals" illustrates the point at which any meaningful study of manpower requirements must begin. At a time when we are all concerned about rising military personnel costs, it would be most unfortunate if the GAO report were to be interpreted as an imperative for a certain quality mix. Standards should be determined by the requirements for individuals to successfully complete job training and perform well in their Military Occupational Specialties. Standards that are too low can reduce the effectiveness of the force. But standards which are not appropriately balanced can lead to needless expenses in recruiting and retention. In addition, such imbalances can also create job dissatisfaction and lead to poor morale and low productivity. I am sure the Committee will take these factors into account in the formulation of its proposals.

Mr. TALCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

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[*] The figure for the Army has been reduced from 20,000 to 10,000 since this study was made.

Mr. SPENCE. Mr. Chairman, I rise in support of the Appropriations Committee's recommendation to establish the Selective Service System's fiscal year 1974 budget at 47.5 million. In so doing, I want to assure you that I believe our Nation should continue to rely, to the maximum degree, on a voluntary armed force in peacetime. The Seletcive Service budget request is needed, however, to establish a standby system which will be ready to respond in an emergency when our Nation's survival is at stake.

The January 8 report of the Secretary of Defense reports that the efforts of the Department to achieve an all-volunteer force have been genreally successful, and I hope their efforts continue to be successful. But the Secretary's report also emphasizes that all of the problems have not yet been solved. The General Accounting Office predicts a shortfall of between 11,000 and 83,000 volunteers in fiscal year 1974 from the required 354,000 if the quality goals are held rigid. The shortfall would occur primarily in the Army and Marine Corps and to a degree in the Navy.

The Department of Defense staff will not be fully confident of the prospects for complete success until the ending of the induction authority has erased the threat of the draft from the minds of our young men who are of draft age. Nor can we be assured of the success of the all-volunteer concept until, through legislation, additional emoluments are provided to entice into the service more medical specialists and other persons with specific skills.

Even if young Americans today were volunteering for first terms in the military services in numbers, which—when combined with numbers of reenlistees—were sufficient to meet the gross level of the manning objective, there still would be shortfalls in certain occupational specialties.

The Navy today for example, because of reenlistment problems, is experiencing dangerously low manning at the E–4 and E–5 petty officer level, primarily in critical mobility ratings which are required to assure ship mobility. Also, Navy manning levels for such highly skilled ratings as repairmen for electronic equipment used in navigation, countermeasures, missile guidance, and nuclear weapons control are, for the most part, well below requirements today.

I know the administration shares with Congress the hope that this Nation will never have to use our active forces or strategic weapons at any time. But we cannot plan to discard them. Likewise, and for the same reasons, we should not be a part of any plan to completely discard the Selective Service System. We must retain it in a standby posture, ready to respond quickly should we ever determine that there is a need to call men to service in the defense of our Nation.

Funds which are requested by the Selective Service System reflect the conclusions of recent interagency conferences conducted with the approval of the National Security Council. The participants of these conferences were the Department of Defense, the Office of Emergency Preparedness, the Office of Management and Budget and the National Security Council staff. The group represented the agencies primarily responsible for planning relative to our national security.

I support their findings that there could be emergency situations—short of total mobilization—in which the Armed Forces would be required to rely on nonvolunteer manpower, at least during the initial months. Even though the National Guard and Reserve forces would be called to duty on a priority basis, the ability to recruit nonvolunteer manpower in an emergency could still be of crucial importance. The Department of Defense is predicting Reserve force components will have a fiscal year 1974 end strength of 874,535, which is a shortfall of about 96,000 below the effective mobilization manning objective of 971,066. The DOD has budgeted for a fiscal year 1974 average strength of only 910,515. The prime reason for the drop of enlistments in the Reserve forces is the removal of draft pressures. The predicted shortfall extends into Air Force Reserve components with the Air Guard expecting to be short by 9,364 a factor of about 10 percent.

The conferees concluded that it would not be possible to meet the potential nonvolunteer manpower requirements in a timely fashion unless, during fiscal year 1974, the Selective Service System was maintained in a standby basis level with local boards functioning.

I strongly urge the approval of funds for the Selective Service System, as it moves into a standby posture during fiscal year 1974. It is vital that we provide the insurance of ability to respond quickly, as a backup to the efforts to implement an all-volunteer force.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN) but before yielding that time, Mr. Chairman, let me say that we are delighted to have some new members on the subcommittee this year. The gentleman from Rhode Island (Mr. TIERNAN) is one.

The gentleman from Florida (Mr. CHAPPELL), the gentleman from North Carolina (Mr. RUTH), and the gentleman from Iowa (Mr. SCHERLE), as well as the gentleman from Rhode Island (Mr. TIERNAN) spent considerable time in the committee deliberations, and all of them gave considerable input into the committee thinking, and we were delighted to have them with us. I am proud of their activity.

I am delighted to yield now to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, as a member of the Appropriations Committee actively involved in the formulation of the HUD-space science-veterans and independent agencies appropriations bill for 1974, I would like to take this opportunity to discuss several aspects of the legislation which are of especial concern.

Probably the most controversial aspect of this year's HUD appropriations is the Nixon Administration's announcement of the suspension or termination of subsidized housing and community development programs. During the hearings I cited statistics which indicated that the President's actions will have a $19.2 billion impact on the economy and will result in the loss of 2.2 million jobs. Put another way, 300,000 to 400,000 low-income housing units will not be built as a result of the moratorium. I also pointed out during the hearings that in 1968 Congress committed itself to the construction of 6 million low- and moderate-income housing units—in the ensuing decade, a commitment repeatedly reaffirmed by President Nixon. The moratorium has had the effect of putting us 45 percent behind in our effort to reach this goal.

In the area of community development, the President terminated the conventional programs in anticipation of the start of "Better Communities" special revenue sharing July 1, 1974. It is the administration's intention that localities continue to fund these conventional programs from their "Better Communities Act" allotment. However, as the committee states in its report:

> (T)he Budget would leave a 1-year gap in funding for present community and urban development categorical grants.
>
> Consequently, we recommend the appropriation of $820 million for this purpose.

I fully support the committee's position on community development. My concern results from Secretary Lynn's explicit statement during the hearings that he would not honor a congressional mandate to fund the conventional programs during the period of legislative consideration of the so-called "Better Communities Act." Given this inclination to ignore congressional will, I sought to make the programs mandatory, as the courts have ruled we must if we intend to prevent impoundments.

This points to what I believe is the most serious criticism of the President's action. Certainly, the subsidized housing and community development programs are not, and should not be, immune from criticism. Much of what the administration charges has at least some validity and I know that Congress will give serious consideration of its views. But, in my view, this does not constitute sufficient grounds for the unilateral termination by the executive of congressionally mandated programs. To quote Judge Jones in the recent OEO case:

> An authorization does not necessarily mean that a program will continue. Congress, of course, may itself decide to terminate a program before its authorization has expired, either indirectly by failing to supply funds through a continuing resolution or appropriation, or by explicitly forbidding the further use of funds for the programs, as it did in the case of the supersonic transport. But Congress has not chosen either of these courses, although it may in the future. Until that time, historical precedent, logic, and the text of the Constitution itself obligate the defendant to continue to operate the Section 221 (OEO) program as was intended by the Congress, and not terminate them.

In short, the President flew in the face of constitutional separation of powers when he terminated these programs. There is an element of coercion involved also. Despite pressing needs for low-income housing and rehabilitation of the inner city, the President terminated programs designed to deal with these problems. He then presents an either/or proposition: "Either my program or nothing." This amounts to a kind of legislative blackmail which is very hard for the Congress to resist. If the President sincerely believes that his proposal represents an alternative superior to the present programs he should be content tó rely on reasoned promotion of his ideas. My own analysis of the testimony presented by HUD officials and others is that the failure of these programs may be due in large part to managerial ineptitude on the part of HUD. During the hearings, the HUD Subcommittee heard repeated statements from diverse sources that the HUD area and insuring offices are confused and demoralized by the lack of adequate and consistent program direction from the central office. Furthermore, we became aware of numerous instances in which the HUD central office could not deal adequately with problems as they arose, because the necessary information was not available. For example, the central office was not aware of the high default rate for subsidized homeowners in time to provide counseling or take other remedial action. Put plainly, in many instances nobody knew what was going on. It remains to be seen if the programs would have worked well with proper administration. The House Banking and Currency Committee will be taking a very careful look at these factors during its hearings on the so-called "Better Communities Act." During those hearings, which will take place in fiscal year 1974, communities must receive funding for the conventional community development commitments which the Federal Government has made to them. The committee took a very reasonable approach in providing $890 million for this purpose.

SPACE SCIENCE

It seems that nothing in this bill is uncontroversial. While the tremendous flexibility and adaptability of man in a space demonstrated by Skylab I have been the subject of much acclaim, others have criticized the expenditure of billions of dollars on space programs at the expense of important domestic programs. My own view is that the accomplishments of the space program in themselves are not sufficient in themselves to justify this level of expenditure. However, I believe that the large ancillary economic benefits of the space program make it imperative that the Nation undertake this kind of advanced research and development. During our hearings, a witness from Chase Econometrics presented a detailed econometric model demonstrating the large contribution of space research and development programs to the future economic health of the Nation.

Esoteric research, of the kind unlikely to be undertaken by private industry, is essential to this Nation if we are to maintain our status as an economic superpower in a postindustrial era when America's chief exports will increasingly became those of high technology rather than manufactured goods.

Differences may legitimately exist as to research and development priorities, NASA being only one of many Federal research and development commitments, but I think we should all agree on the importance of the basic commitment.

VETERANS

I share with virtually every Member of this body a sense of commitment to those men who have served our Nation. I fully support the committee's decision to increase by $14 million the administration's request for medical care. The committee received a report which documents many instances of deplorable medical care in VA hospitals around the country. I would point out to my colleagues that the VA's failure to provide adequate medical care is a direct result of OMB's defiance of a congressional directive in last year's appropriation to maintain an average daily patient census of 85,500 and on overall staff-patient ratio of 1.49 to 1. In this, as in many other areas, the Nixon administration's contempt for the legislative branch of Government has been contrary to the best interests of the American people.

SELECTIVE SERVICE

I have already made clear in additional views included in the committee report that I oppose the continuation of of this bureacratic anachronism out of the past. Quite understandably, we all tend to assume that a standby draft would make a contribution to the national defense in the event of a national emergency. But upon closer examination it is apparent that this simply is not the case. Perhaps the best documentation of this fact was provided by the system itself when, in describing the 1948 reenactment of the draft, it said:

> Because of minute planning by the planning group of the Office of Selective Service Records and the training program previously described the newly created agency was ready to swing into immediate action as soon as General Hershey was appointed Director . . .

No standby Selective Service was necessary to insure immediate capability in 1948 and it is not necessary now. In this context, funding a standby system when so many important domestic health and welfare programs are being deemphasized due to fiscal constraints represents a serious misallocation of priorities.

SEC, FCC, AND FHLBB

One final word on the regulatory agencies, several of whose budgets were significantly increased by the committee. During my tenure on the Interstate and Foreign Commerce Committee I became aware of the critical role these agencies play in the economic life of our Nation. Often their decisions control the future of vital industries, from railroads and airlines to communications and the securities exchanges. But because of their low profile they are often prime targets for budget cutting by the OMB. It became clear to our committee, particularly in the case of the FCC, that neither the interests of consumers nor those of the regulated industries were being served by under-funded and under-staffed regulatory agencies.

Thank you Mr. Chairman.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. SATTERFIELD).

Mr. SATTERFIELD. Mr. Chairman, I, too, want to commend the Appropriations Subcommittee on HUD, space, science, and veterans for their outstanding work in connection with the 1974 Veterans' Administration appropriation bill. Throughout my tenure on the Veterans' Affairs Hospital Subcommittee, and more recently as its chairman, it has been necessary to spend an inordinate amount of time in looking into voluminous complaints which the committee has received concerning the lack of proper medical care, lack of adequate hospital staffing, especially on night, weekend, and holiday shifts, lack of emergency coverage, lack of medical supplies, lack of funding for the Vietnam veterans dental program, the need for more funding to replace outmoded and unworkable equipment, and the need for money to upgrade or replace VA hospital facilities.

Mr. Chairman, during the Appropriations Subcommittee hearings relating to the operation of the VA medical program, the Administrator of Veterans' Affairs repeatedly insisted that the 1974 appropriation request for VA medical care contained enough funds to properly operate the VA hospital system during the coming year. While I hope his prediction is correct, in all candor I must express my doubts. VA hospital directors had requested budget authority in excess of $3 billion for fiscal year 1974. The Administrator of Veterans' Affairs reduced this request to $2,829,408,000 and OMB imposed a further cut to $2,656,000,000 making a total reduction of about $400 million.

I fully support the Appropriations Committee in their action to grant the full budget request of the administration. I also note that the committee members gave the Administrator and his top staff ample opportunity to indicate any areas where additional funding was needed. Despite the offers by the committee to add additional funds, the administration categorically stated that the budget request contained all the necessary resources to carry out the medical care mission of the Veterans' Administration hospital system.

Mr. Chairman, the entire responsibility of this matter now rests with the Administrator—the committee has included in this bill all the funds the Administrator requested for VA medical care and has made clear in its report that it stands ready to appropriate more funds for any justified reasons if the Administrator will request them.

I want to assure the veterans of this country and all who share my deep concern about the adequacy of medical care in the VA hospital system that the Subcommittee on Hospitals will continue its efforts to be sure that the administration lives up to its commitment made in a statement issued by President Nixon in 1972 that his "Administration is committed to providing quality medical care for all eligible veterans."

Mr. Chairman, the latest survey conducted by our committee indicates that there are many corrective measures which need to be taken in the VA hospital system now.

For the information of my colleagues, there follows selected statements recently compiled from among over 20 VA hospital directors concerning some of their most urgent problems. I hope that the Administrator will proceed promptly to correct these deficiencies, as our committee will continue to survey VA hospital facilities around the Nation in order to be sure that our veterans receive the quality of care they so richly deserve.

The material referred to is as follows:

VETERANS' ADMINISTRATION APPROPRIATION BILL

VA HOSPITAL, AUGUSTA, GA.

Inadequate Staff. For many years, this hospital has had insufficient funding to adequately staff direct care functions. This is the 15th VA assignment for the current Director, who has been here 20 months. This hospital has the poorest staffing of all those assignments. Recruitability is apparently not a significant deterrent to staff improvement, just the need for funding.

VA CENTER, DUBLIN, GA.

During previous years most Directors have emphasized additional staffing requirements to become more competitive with staffing ratios in community hospitals as one of our most pressing needs. This need still exists, and it is still pressing. We still need additional resources. However, in deference to national problems involved in making additional resources available to us, I would like for the thrust of this testimony to be in the direction of permitting us, even requiring us, to get the most mileage out of whatever funds can be made available. The arbitrary restraints of externally imposed employment and promotion freezes, grade deescalation programs, and personnel ceilings substantially restrict the opportunity of management to manage. Money problems, like people problems, are almost inevitable, especially during periods when national priorities are being reviewed, and Directors must be and have been trained to cope with them. The point here is that the coping is much easier and much more effective when it is internally focused upon specific local situations rather than externally applied to general national conditions.

VA HOSPITAL, CHICAGO—RESEARCH

The continuity and effectiveness of our planning and management efforts are frequently disrupted and in many instances completely negated by arbitrary and unexpected reductions in available or planned resources and imposition of restrictions on their use. Grade deescalation requirements, employment and promotion freezes, restrictions on the use of funds, funding cutbacks, etc., are examples.

VA WEST SIDE HOSPITAL, CHICAGO

Since nearly 80 percent of our budget appropriation is used for personnel salaries our primary deficiency underlining this need is to provide for the additional staffing as previously indicated. If sufficient funds were available to provide the necessary physicians, nurses and para-medical staff to approach the suggested staffing ratio of 2.0 we would greatly, if not completely, eliminate the budgetary crisis at our hospital.

VA HOSPITAL, BRECKSVILLE, OHIO

We believe withholding of higher level duties and responsibilities (caused by grade deescalation) and the replacement of well-qualified employees with non-experienced and/or entry level employees has lessened our ability to bring the best available clinical knowledge and skills to patients in the quantity and quality best for their needs.

VA HOSPITAL, CHILLICOTHE, OHIO

A few significant increases in staffing, particularly physicians and a few other professional categories, is certainly one of this station's most pressing needs. If funded for an additional 100 full-time permanent employees we would approach the VA goals of a 1 to 1 employee-patient ratio.

VA HOSPITAL, ALLEN PARK, MICH.

Our staffing ratio needs to be improved. If we can get a 2 to 1 ratio (as opposed to 3 to 1 in the volunteer field) we would be in a much stronger position to deliver a higher acceptable level of medical care.

VA HOSPITAL, BATAVIA, N.Y.

Relief from externally imposed employment restrictions to allow for an orderly implementation of fully justified and approved employment and promotion plans.

VA HOSPITAL, HUNTINGTON, W. VA.

Sixteen additional full-time employees that we requested in fiscal year 1973 are still needed.

VA HOSPITAL, PERRY POINT, MD.

The lack of an adequate number of employees in Nursing Service has become critical, requiring continuous overtime to cover the various patient care areas throughout the hospital.

VA HOSPITAL, PHILADELPHIA, PA.

Increased funding is required to provide for improved staffing, as well as rising increase in costs of drugs, supplies, utilities, etc. The following are priorities for staffing increases:

(a) Nursing Service, throughout the hospital

(b) New Neurology/Neurosurgery Ward

(c) Clinical Laboratory

(d) Radiology

(e) Increases in clerical, administrative, engineering and building management support relating to the above.

VA HOSPITAL, WASHINGTON, D.C.

Funds for staff, services, and supplies must be sufficient to provide a standard of patient care at least comparable to that of the affiliated university hospitals.

VA HOSPITAL, DURHAM, N.C.

Increased funding is needed to provide for employment of adequate personnel to support ongoing programs and new specialized programs essential to modern medicine.

VA HOSPITAL, FAYETTEVILLE, N.C.

The need for additional staff continues. There has been considerable improvement in recent years, however, there is still a minimum deficiency of 44 positions. These shortages encompass all operating services of the hospital such as social workers, psychologist, physicians, director of voluntary service, technicians, nursing personnel, pharmacists, secretarial and clerical, and administrative.

VA HOSPITAL, NASHVILLE, TENN.

Staffing of 94.0 FTEE totaling $858,000 is required to achieve a 2 to 1 employee patient ratio. We feel this ratio is necessary to render quality patient care and be able to recruit and retain qualified professional staff.

VA HOSPITAL, FRESNO, CALIF.

Additional staffing in both patient care and administrative services to meet the constant demands for timely service and treatment in both inpatients and outpatients is our most pressing need. Our hospital occupancy and turnover rates are both high and we have a constant waiting list. Our patients are older and much sicker, placing increased demands on direct patient care and supportive services. We find ourselves with persistent backlogs in radiology, laboratory, and medical administration, and are now experiencing longer delays in admission processing.

VA HOSPITAL, PALO ALTO, CALIF.

Additional staffing for Nursing Service and additional ancillary staff are needed if we are to maintain a truly effective health care delivery system.

VA HOSPITAL, SAN FRANCISCO, CALIF.

More flexibility in spending our budget is desired. The elimination of personnel ceiling control in favor of dollar control is one example. Controls such as grade deescalation hinder our ability to recruit and retain high quality personnel.

VA HOSPITAL, DENVER, COLO.

Relief is needed from unilateral administrative restrictions, imposed by higher authority, that have no relationship to our primary mission—patient care.

VA HOSPITAL, SPOKANE, WASH.

Presently the core staffing ratio of this hospital is approximately 1.34 employees per patient. Therefore, about 30 additional FTE are required in order to achieve the minimum standard ratio of 1.5 which has been accepted by the Veterans Administration as being essential to provide efficient and effective medical care of a high quality.

VA HOSPITAL, SEATTLE, WASH.

We need to provide more timely medical care to more veterans. Facilities and staff are not large enough for the veteran population of the area. Solutions include provisions of space, staff, facilities, and authorization for additional beds. Improved staffing to service the existing workload.

Mr. BOLAND. Mr. Chairman, I have no further requests for time at this moment.

Mr. TALCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise to inquire, first of all, concerning the footnote to be found on page 17 of the report under the subhead of National Science Foundation, which states, that $19,740,000 has been made available for the purchase of three LC–130 aircraft. What is an LC–130 aircraft?

Mr. BOLAND. Mr. Chairman, if the gentleman from Iowa will yield, LC–130 aircraft are used in the Antarctica by the National Science Foundation, who are responsible for the Nation's scientific research mission on that continent. These aircraft are equipped with skis to land on snow and ice. There were three new ones provided for in a supplemental appropriation passed last fall. Those three aircraft plus two old ones make a total of five aircraft that are used in that operation.

Mr. GROSS. They have a fleet of five aircraft?

Mr. BOLAND. They have a fleet of five ski-equipped aircraft. They also have aircraft which are used to conduct experiments and take samples of the atmosphere in research projects over Boulder, Colo., and Palestine, Tex.

One other plane is leased for use in connection with the radio astronomy facilities at the Greenbank Observatory in West Virginia.

Mr. GROSS. They cannot use charter aircraft for their purposes?

Mr. BOLAND. The charter aircraft do not lend themselves to some of the requirements. For example, it has been testified that to lease planes for the atmospheric program would cost more. The Antarctic planes are not available on a lease basis—they are ski-equipped and have other special equipment.

Mr. GROSS. It is possible to put skis

on any kind of an aircraft, could they not?

Mr. BOLAND. That is true; they could put skis on any kind of an aircraft, but there are other special requirements in the Antarctica operations that can only be met by the ski-equipped LC–130 Hercules.

Mr. GROSS. I do not know that that makes it unique. I do not know of any aircraft that you could not put skis on.

How many other areas within the purview of this appropriation bill have aircraft that they can use for various purposes?

Mr. BOLAND. If the gentleman from Iowa will yield further, the National Aeronautics and Space Administration has a considerable number of aircraft. There are 77 NASA owned aircraft used in connection with aeronautical research and administrative requirements. An additional 22 planes are loaned or leased from the military for other types of research programs.

Mr. GROSS. Those were perhaps the aircraft that ferried some of the Members of Congress down to the rocket takeoffs?

Mr. BOLAND. NASA occasionally uses a relatively small aircraft to carry various people to different NASA installations.

Mr. GROSS. I understand some of the VIP's made the trip on NASA-operated aircraft to the space launchings.

It is interesting to learn that these agencies and departments of Government are going to have their air fleets. Perhaps that will give the military competition in getting around to football games and other events. Does the gentleman think these planes are justified? I guess he does, or they would not be in the bill.

Mr. BOLAND. I think that is a fair assumption. They justified them in their testimony before the committee, and not on the basis of luxury aircraft which they use for VIP purposes. I do not think NASA uses many of its own planes to ferry Members or other VIP's to launchings.

Mr. GROSS. The National Science Foundation does not have a representational allowance, does it?

Mr. BOLAND. The National Science Foundation does have a representational allowance of $5,000.

Mr. GROSS. Of about $5,000? We have had the State Department bill, and we will have other bills before us soon with more representational allowances, otherwise known as the booze funds. I hope we can afford all of this.

How about the $28 million in this bill, as I understand it, for the supersonic transport?

Mr. BOLAND. There is not $28 million in this bill for supersonic transport research. NASA requested $28 million for advanced supersonic technology, and the committee reduced that request to $11.7 million.

Mr. GROSS. Why are we continuing this? Do I understand that the military is also in the business of research with respect to the SST?

Mr. BOLAND. The military does fly supersonic aircraft and does do some work in this area; but of course, the primary responsibility for supersonic research is assumed by NASA.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TALCOTT. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. As the gentleman knows, the amount for supersonic research was reduced by $16.3 million. What remains is $11.7 million, the same level as this year, to continue work on supersonic technology and supersonic flight.

Mr. GROSS. I thought Congress turned down the SST.

Mr. BOLAND. We turned down the production and development of the supersonic transport. These funds do not go to the development or the production of a supersonic transport. What they do go to is research in the high atmosphere on the effects of supersonic flight on the atmosphere and on the environment. That is the purpose of these funds.

As the gentleman knows, NASA succeeded NACA, and they have always been involved in aircraft research.

The first supersonic flight was made by the NACA/DOD X–1 aircraft in 1947.

Swept wings were first studied at Langley during World War II.

The concept, analyses, and wind tunnel development of variable swept wings was accomplished by NASA; variable swept wings are, of course, employed on the F–111, F–14, and the B–1.

Mr. GROSS. Did not NASA Administrator Fletcher tell the gentleman's committee that NASA is the only agency qualified to do SST research?

Mr. BOLAND. I am sure he said that. I think perhaps NASA is the only agency qualified to do that particular kind of research.

Mr. GROSS. But the military is also in the business of research for the same purpose.

Mr. BOLAND. If the gentleman will yield further, the gentleman from Indiana did pursue this subject in the subcommittee, and I would appreciate it if he could answer the question.

Mr. GROSS. I appreciated very much reading the colloquy—most of the colloquy—between the gentleman from Indian and Mr. Fletcher, and I believe one or two others, with respect to this subject. I want to compliment him upon the questioning and the information he elicited. It convinced me that the $28 million sought for NASA to continue research ought not to be in this bill in view of the fact that the House turned down by a decisive margin the continuation of the SST.

Mr. ROUSH. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. ROUSH. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is concerned about the amount which was proposed for SST research and the amount which is finally included in this appropriation bill. Is that correct?

Mr. GROSS. That is right.

Mr. ROUSH. I share the gentleman's concern and I also was concerned, as I know the gentleman is, that we could have duplication of effort and that the military might be conducting similar research, and I was concerned that NASA should go ahead after this body turned down any support for the SST.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BOLAND. Mr. Chairman, I yield the gentleman from Iowa (Mr. GROSS) 2 minutes.

Mr. ROUSH. Mr. Chairman, if the gentleman will yield further, I pursued this following the hearings. I have determined that the Air Force is doing research on the SST and that the research which is done by the Air Force and that which is done by NASA is in a small degree duplicative.

The research being done by NASA has to do with the long range supersonic problems, the cruise problems, and not the other problems. I could give to the gentleman the various categories that the Air Force is involved in. For example they have guidance and control, structural materials, research, survival, the vulnerability, systems studies, demonstration programs, propulsion, and aerodynamics.

They are spending or at least have requested for the 1974 budget $11.7 million in that area. They are spending something like a half million in the same area that NASA is involved in.

What finally satisfied me was the fact that I think if Russia and if England and if France are going to construct supersonic transports and if the military is going to have a supersonic airplane, then we should have some knowledge as to the effect that the supersonic flight will have insofar as our environment is concerned, although I am not fully satisfied with their explanation, and other matters which are not related to the military.

For that reason I will not make a motion to strike the $11.7 million which is finally included in this bill for supersonic research for NASA. This is the same amount that they had last year.

Mr. GROSS. Why not just take out the $28 million?

Mr. ROUSH. I am not sure where the gentleman got the figure of $28 million.

Mr. GROSS. I thought that was the request and that it is in this bill.

Mr. ROUSH. I would say to the gentleman that is the budget request, and the amount in this bill is $11.7 million.

Mr. GROSS. And the gentleman is going to move to strike that?

Mr. ROUSH. No, I said I am satisfied I should not do that because I think we should have some research.

Mr. GROSS. Why not let the British and the French and the Russians for once demonstrate whether or not they can produce a supersonic plane that will stay in the air. The Russians have not demonstrated that.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, the gentleman knows that he has pointed to the countries who are developing supersonic transports. It is estimated that a few of these planes flying in any part of the world could destroy the ozone in the world.

Mr. GROSS. The gentleman will use all my time. I have never been impressed with that ozone argument. I am impressed with the fact that we do not have any money to throw down the drain on a supersonic transport experiment.

Mr. STRATTON. We need the money to protect ourselves.

Mr. GROSS. What does the gentleman mean, we need the money to protect ourselves?

Mr. TALCOTT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to make it clear that the money in this bill for supersonic transport is not for development nor for the purpose of initiating development of any supersonic transport, contrary to any prior action of the Congress.

Mr. BOLAND. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in the report of the committee on page 15, relating to the National Aeronautics and Space Administration, the second paragraph from the end indicates, and I read:

> The Committee recommends $11,700,000 to continue development of the technological base for supersonic flight at the more reasonable 1973 level of effort. No funds are requested to initiate the development of an SST, or in any way commit the United States to such a development.

Mr. TALCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Chairman, in the interests of legislative and congressional intent and legislative history, on the subject just being discussed, calling attention specifically to title 2 under NASA appropriations, I would like to address a question to the committee.

It is my understanding that of the $28 million which was requested in the budget for supersonic flight technology, which incidentally, does not mean SST, that that figure was reduced by the committee to $11,700,000. As I further understand it, the report of the committee urges the administration to continue the terminated programs to develop nuclear propulsion systems, QUESTOL, and REFAN programs that were previously not being continued.

Calling attention to the report on page 15, it says:

> In the area of aeronautics research, the budget proposes further development of jet engine noise abatement technology, continued research in advanced supersonic technology, and pursuit of basic research in materials, structures, propulsion, and other efforts to expand the research and technology base for future use.

On page 16, it says:

> To insure American competitiveness in this largely underdeveloped area of commercial aviation, the committee urges that the development of the QUESTOL be continued.

Therefore, as I understand the situation, there are some $13 million of unreprogramed funds which NASA can apply as the result of the net reduction from the supersonic technology request.

My question to the committee is: Is it the intent of the committee that this money be applied by NASA, at least in large part, to the QUESTOL and REFAN programs?

Mr. BOLAND. Mr. Chairman, the gentleman has read from the report, and it is the expressed intention of the committee that NASA use the funds which will have been saved from reductions in other programs to pursue those programs the gentleman has mentioned that are included in the report.

I know the gentleman serves on the authorizing committee for NASA, and I am aware of his deep concern over what has happened to the QUESTOL program.

Funds were appropriated last year for QUESTOL. I would hope that the administration and NASA would use the moneys that have been provided to fund programs that the authorizing committee and appropriating committee and many of the Members of the Congress are interested in.

Mr. PARRIS. Mr. Chairman, I congratulate the committee on that position.

Mr. BARRETT. Mr. Chairman, I would like to insert in the Record a brief study by Mr. Henry Schechter, senior housing specialist of the Library of Congress, of the impact of the subsidized housing moratorium upon future housing starts. It is a most impressive study and should be carefully read by all Members:

IMPACT OF THE SUBSIDIZED HOUSING MORATORIUM UPON HOUSING STARTS

(By Henry B. Schechter)

NATURE AND TIME SPAN OF THE MORATORIUM

On January 8, 1973, then Secretary of Housing and Urban Development, George Romney, announced that there would be no new approvals for subsidized housing until further notice. He also indicated that this moratorium would last for 18 months by stating that the pipeline of approved application and commitments would maintain the level of subsidized housing starts at about the expected (calendar year) 1973 level through fiscal year 1974, or for the next 18 months. An announcement a day later from the Department of Agriculture placed the subsidized housing program of the Farmers Home Administration under a similar suspension.

The appearance toward the end of January 1973 of the President's budget for fiscal year 1974 confirmed the intention that there should be an 18 month moratorium on new approvals under the subsidized housing programs. It showed no new reservations during fiscal year 1974 for contractual housing authority in support of new housing units under the HUD rent supplement, Section 235 and Section 236 programs, and no new preliminary approvals for public housing. A similar 18 month suspension is indicated by no fiscal year 1974 provision for subsidized rural housing loans under the Farmers Home Administration program.

Subsequent statements by the present Secretary of HUD, James Lynn, have indicated that the moratorium may not last for 18 months. It has been announced, in fact, that the HUD revaluation studies of housing programs are to be completed by September 7, when the President is to submit his housing policy recommendations to the Congress.

Recommendations would have to be followed by more definitive legislative proposals, which probably would reach Congress during the last two or three months of the year. Legislative hearings and action on bills containing the Administration recommendations by the appropriate subcommittees and committees of the Congress probably could not be completed during 1973. It would probably be a few months into calendar year 1974, therefore, before bills would be reported out by committees, debated and passed by both the House and Senate of the Congress. Considering the possibility, also, of the need for a House-Senate conference, it might be within a month or two of the end of fiscal year 1974 before legislation authorizing new or significantly modified subsidized housing programs would be enacted.

Judging from past experience, the new legislation will not result in any significant volume of housing starts in calendar 1974, whether it is enacted in March, April, May or June of that year. It takes months for agencies to prepare and issue regulations, and for housing sponsors and developers to learn them, prepare plans, obtain land, arrange financing, file applications and receive approval.

The Section 221(d)(3) Below Market Interest Program was enacted in June 1961, but it resulted in only 3,000 unit starts in 1962 and 7,800 in 1963. Following the enactment of the Section 235 and 236 programs in the Housing and Urban Development Act of 1968, which was approved August 1, 1968, during the first six months, 1,400 units had been started under the Section 235 program and none under the Section 236 program. At the end of 12 months after the President had signed the 1968 Act, about 10,000 units had been started under Section 235 and about 1,300 units under Section 236.

On the basis of past experience, it is assumed (1) that new legislation would be enacted in the spring of 1974, and (2) that housing starts pursuant to that legislation would be of negligible proportions in calendar year 1974. The effect of the moratorium upon housing starts during calendar years 1973 and 1974, therefore, is dependent upon the volume and timing of starts that will be forthcoming from the pipeline of approvals and commitments under present programs made prior to the January 1973 initiation of the moratorium.

THE LEVEL OF SUBSIDIZED STARTS

The level of actual subsidized new housing unit starts for fiscal and calendar years 1972, and the estimated levels for fiscal and calendar years 1973 and 1974, under the various programs are shown in the table appended to this memorandum.

Fiscal year estimates are all based on data published by HUD and Farmers Home Administration. A check of prior and projected starts under the HUD rent supplement, Section 235 and Section 236 programs against the cumulative number of program unit reservations indicates that, with due allowance for existing and rehabilitation units, the starts to be made through the end of fiscal 1974 will exhaust the approved applications pipelines.[1] There will be no starts or relatively few starts under these programs from the premoratorium pipeline after June 30, 1974. New starts will probably come to a practical halt sooner under the Farmers Home Administration program, for which only 12,000 unit starts are estimated for all of fiscal year 1974. Even if the HUD starts projections for fiscal 1973 and 1974 are somewhat optimistic, the spillover beyond June 30, 1974 would be relatively minor. Starts from the pipeline backlog under public housing are likely to be of measurable, though reduced volume after fiscal 1974, due to the long processing time between prior approval and starts, including about 30,000 units to be placed under annual contributions contracts in fiscal year 1974.

The actual starts for calendar year 1972 and the estimates for calendar year 1973 are from published HUD tables (except for a minor adjustment of the Farmers Home Administration figure to eliminate a minor proportion representing rehabilitated units from the number published by HUD). The estimates for calendar year 1974 are judgements by the writer of this memorandum based on an examination of the detailed program data shown in the appended table, and the unit reservations data mentioned above. If the moratorium is continued into the spring of 1974, the actual and estimated total Federally subsidized housing starts for the fiscal and calendar years would be as follows:

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[1] Basic data are to be found in Summary of the HUD Budget, Fiscal Year 1974.

Year	Fiscal	Calendar
1972 actual	388,711	
1972 actual		330,869
1973 estimated	281,450	
1973 estimated		279,900
1974 estimated	200,200	
1974 estimated		100,000

The most significant element in producing year-to-year declines in the above annual starts totals is the relatively rapid decline of starts under the home ownership programs, the HUD Section 235 program and to Farmers Home Administration subsidized programs. The latter are almost wholly in assistance for home ownership. Unlike multifamily projects, there is a relatively short lead time between application approval and start of homes, and the backlog of unstarted units covered by approved applications is relatively small. Therefore, the calendar 1973 volume of starts under these programs may be about half of what they were in calendar 1972. The calendar 1974 starts volume under these programs is estimated at zero based on the fact that the fiscal year 1974 starts levels for these programs are estimated at 16,000 under Section 235 and targeted at 12,000 (low-income starts) by Farmers Home Administration. Such small numbers of starts would be made during the first half of the fiscal year (July-December, 1973), leaving none to be made in the second half, which is in calendar year 1974.

For rent supplements and Section 236 units it has been assumed that approximately one-half of the fiscal 1974 estimated starts will be started in the first half (during calendar 1973) and one-half in the second half (during calendar 1974).

A greater proportion of estimated fiscal year 1974 public housing units are estimated to be started in calendar 1974 because of the greater processing time under that program than under 236.

THE IMPACT UPON TOTAL HOUSING STARTS

In calendar year terms, the reduction in subsidized housing starts from the 1972 level, according to the above estimates, would be about 50,000 units in 1973 and 230,000 units in 1974. In comparison with a total starts level of about 2,375,000 in 1972, the subsidized housing starts decline, by itself would represent about 2 percent and 10 percent respectively, in 1973 and 1974 from the 1972 level.

The decline in subsidized housing construction is occurring, however, at a time when a major cyclical decline in unsubsidized housing apparently has begun. The seasonally adjusted annual rate of private housing starts has declined for three consecutive months ending with April. It declined from 2.5 million in January to 2.1 million in April, or approximately 16 percent, reflecting primarily private market forces.

Indications are that the decline will continue. There were an estimated 1,625,000 housing units under construction at the end of March, 24 percent more than a year earlier. There was a significant reduction in the monthly number of new housing units authorized by building permits issued in April. The rental housing vacancy rate for the first quarter of 1973 was 5.7 percent, up from 5.3 percent a year ago. Sales of new homes have been slowing down for several months, and the latest available figures show an inventory of unsold new homes 35 percent greater than a year ago. The median price of new homes sold is at $31,500 almost 15 percent higher than a year ago, no doubt reflecting a 30 percent year-to-year increase in wholesale lumber prices. Effective mortgage interest rates have been edging upward about 7¾ percent, and the latest FNMA mortgage auction prices, plus a continued tight money policy, indicate that 8 percent mortgage interest rates will shortly be prevalent.

A classical cyclical decline in housing construction, such as may last one or two years, seems to be underway. George Christie, the chief economist for the F. W. Dodge construction data firm, recently said "the housing market has nowhere on subsidized housing, and of market forces upon unsubsidized housing can result in drastic declines in housing starts in 1973 and 1974. As compared with 1972, total housing starts may be down 300,000 to 400,000 units in 1973, and 400,000 to 600,000 units in 1974. In terms of residential construction expenditures, the declines could run to $6 to 8 billion in 1973 and $8 to $12 billion in 1974, compared with 1972.

SOME SELECTIVE IMPACTS

The impact of the reduction in subsidized housing starts will be greatest in the moderate-priced bracket of the new homes supply. Data on the price distribution of new homes indicate that only about 12 percent of new homes produced will sell for under $25,000. In 1972, there was a total of 717,000 homes sold (excluding homes built under contract for a specific owner) of which approximately 26 percent or 186,000 were priced at under $25,000.[2] The Section 235 and Farmers Home Administration programs had 175,000 housing starts. While the two figures are not strictly comparable due to a lag between starts and sale, they indicate that with the practical stoppage of subsidized home construction, the supply of new homes at under $25,000 will practically vanish. It requires about a $12,000 income to purchase and carry a $25,000 home under currently available financing terms. About 60 percent of the American families had incomes of under $12,000 in 1971. They would not have any additions made to the supply of homes which they can buy.

A similar impact would occur with respect to the supply of new rental units. The median gross rent among rents charged to some 70,000 families who moved into Section 236 units during the six months ending with March 1972 was $119. For newly completed unsubsidized rental units completed during the same six months the median rent was about $190.[3] A reduction of Section 236 housing starts, thus, eliminates a supply of new rental units for families of limited income, at rents considerably below the rental range of unsubsidized private new housing starts.

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[2] Department of Commerce. Department of HUD, "New One-Family Homes Sold and For Sale", December 1972 (C25-72-12), Table 8.

[3] U.S. Department of Commerce/Department of HUD, "Market Absorption of Apartments, 2nd Quarter 1972" Table 2.

FEDERALLY SUBSIDIZED NEW HOUSING UNIT STARTS ACTUAL FOR 1972 AND ESTIMATED FOR 1973 AND 1974, BY FISCAL AND CALENDAR YEARS

[Based on approvals prior to Jan. 8, 1973]

Program	Actual fiscal year 1972	Estimated fiscal year 1973	Estimated fiscal year 1974	Actual calendar year 1972	Estimated calendar year 1973	Estimated calendar year 1974
Rent supplement	9,542	9,500	16,500	9,317	18,500	10,000
Sec. 235	111,293	67,750	16,100	83,666	43,700	0
Sec. 236[1]	130,675	90,000	121,900	106,538	103,300	60,000
Public housing	51,902	57,000	53,000	37,756	61,400	[2] 30,000
Sec. 202	202	200	200	192	200	0
Sec. 231(d)(3) BMIR	3,249	3,000	500	962	5,300	0
HUD subtotal	306,863	227,450	208,200	238,431	232,400	100,000
Farmers Home Administration	81,848	54,000	12,000	92,438	47,500	0
Total	388,711	281,450	220,200	330,869	279,900	100,000

[1] Includes uninsured State program projects receiving 236 subsidy funds.

[2] Reflects the fact that about 30,000 public housing units for which commitments had been made in earlier years are first expected to be placed under contracts for annual contributions in fiscal year 1974 due to technical and processing reasons.

Sources: Fiscal years—HUD programs from Summary of HUD Budget Fiscal Year 1974, exhibit V. Farmers Home Administration data from HUD tables of Mar. 30 and May 7, 1973 on U.S. Housing production for 1971–72, and from Farmers Home Administration monthly Program Attainment Reports for 1973. Calendar years—HUD tables of Mar. 12, 1973 and May 7, 1973 for 1971 and 1972, except that Farmers Home Administration for 1973 estimated, applying new-to-tota. (new plus rehabilitated) ratio of starts for 1972 to estimated total for 1973. Estimates for 1974 are totally judgemental and in terms of magnitudes, based on other figures in this table, plus data on reservations which indicated that for most HUD programs starts through fiscal 1974 (i.e. June 30, 1974) would absorb all outstanding reservations.

Mr. DORN. Mr. Chairman, I want to particularly commend the Subcommittee of HUD, Space, Science, and Veterans for the exhaustive review they conducted this year into the VA appropriation request for fiscal year 1974. A review of these hearings reveals the extensive and searching questions which the subcommittee members propounded to VA officials concerning the adequacy of the appropriations request. This extensive probing, Mr. Chairman, was not only appropriate but especially necessary in view of the growing complaints among veterans, their families, and indeed many VA hospital directors who have indicated that funding for VA hospital and medical care activities appears wholly inadequate to meet the needs of America's sick and disabled veterans.

The Appropriations Committee and its staff conducted extensive field investigations and developed a report on certain inadequacies which were detected in the Veterans' Administration hospital and medical program. There has been an attempt by VA spokesmen to refute the findings of the Appropriations Committee, but we find that the information developed by the Appropriations Committee is entirely consistent with the findings of the House Veterans' Affairs Committee. The Appropriations Committee is to be commended for the efforts it exerted in developing these facts. I concur with the approach the Appropriation Committee has taken in handling the budget of the Veterans' Administration hospital and medical program. I certainly do not suggest that the Appropriations Committee should attempt to force money on the agency when it protests that additional funds are not needed. I believe agency spokesmen are wrong and the findings of the Appropriation Committee confirms this. But be that as it may, the Appropriations Committee has granted the full request of the Veterans' Administration for its medical programs, and has added $14 million additional to strengthen nursing care at the ward level.

In addition, the Appropriations Committee has opened the door and invited the Veterans' Administration to take a realistic look at the problem and to face its inadequacies and come forward with requests for funding which will permit the agency to make good its commitment to provide quality care for the Nation's veterans. There is no doubt in my mind that had the Veterans' Administration spokesmen been candid with the Appropriations Committee and discussed their problems freely and outlined for the committee the purposes for which they intended to use $173 million that was cut out of the agency's request, that the Appropriations Committee would have been most sympathetic. It is understandable, however, that in the face of the repeated denials that no bona fide needs exist and assertions that all eligible veterans are being properly taken care of, and that no additional funds could be put to proper use, that the Appropriations Committee is reluctant to provide funds over the protests of the agency. The chairman of the Appropriations Committee and its staff has been most cordial and cooperative with the Committee on Veterans' Affairs, and there is not the slightest doubt in my mind that the Appropriations Committee desires to support a high quality medical program, but I must say that some additional cooperation is needed from the administration if we are to get at some of the vexing problems which confront us.

For several years there has been a systematic attempt to reduce operating beds and the average daily patient census in VA hospitals. For the past two fiscal years, the Congress has established by law minimum operating bed and average daily patient census levels in order to insure that all qualified veterans in need of hospital care would have the necessary VA hospital facilities to accommodate their medical needs. For 2 consecutive years, the numerical levels of the average daily patient census and operating beds have been established by Congress for the VA hospital system, and these levels have been ignored by the Administrator of Veterans' Affairs apparently due to arbitrary guidelines imposed upon the VA.

In two separate opinions, the Comptroller General has stated that the VA did not comply with the provision of law in reference to the maintenance of minimum average daily patient census levels and hospital operating bed levels.

Specifically, in passing the Appropriations Act for fiscal year 1973—Public Law 92-383—Congress directed that the VA maintain a minimum ADPC of 85,500; a minimum hospital operating bed level of 97,500 and an overall staff-patient ratio of 1.49 to 1. To accomplish these levels of care, Congress appropriated over $2.6 billion in fiscal year 1973 for medical care, which was $54,580,000 over the President's budget request for this item. These additional funds were to provide over 3,700 additional medical staff positions in VA hospitals. However, in the OMB apportionment process, the required additional personnel ceiling to employ these 3,700 individuals was not allocated to the VA by OMB. Thus, the additional funding intended by Congress to increase hospital staffing was not used for that purpose and the congressional mandate pertaining to average daily patient census and operating beds was not adhered to as Congress had directed.

Mr. Chairman, on October 24, 1972, President Nixon stated:

> This Nation has a profound commitment to our 29 million veterans, and I pledge that we shall serve them as well as they have served us.

In the same message, he stated:

> We can never fully repay in dollars, in training and in medical services the patriotic sacrifices of the American veteran.

The reluctance of the Administrator of Veterans' Affairs to use appropriated funds to provide the highest quality medical care possible could negate the President's commitments to care for the medical needs of America's sick and disabled veterans.

Admissions to VA hospitals have been limited by a predetermined average daily patient census level. A 2,000 per day patient reduction in this level is recommended by the administration in their budget presentation for 1974. It is, therefore, clear that these limits play a large role in determining the admission policies of VA hospitals.

There are other areas of equal concern in the VA hospital system which appear to need improvement. These include better staffing especially during night shifts, weekends, and holidays; better staffing support coverage in order to provide 24-hour hospital coverage to insure prompt treatment and care; better staffing and more adequate space to deal with increasing outpatient care loads; relaxation of rigid personnel ceilings and average grade level policies; improvement in emergency care capability; additional resources for medical research and medical education; and upgrading or replacement of equipment and physical facilities in a number of VA medical hospitals and clinics.

Mr. Chairman, in view of the fact that the administration has impounded almost $65 million in VA medical care funds for fiscal year 1973, it appears useless for Congress to attempt to increase medical funding levels for the forthcoming fiscal year even though the committee hearings clearly indicated more funding is needed. In voting for the budget requested by the President for VA medical care in fiscal year 1974, I want to make it clear that I believe the funding and staffing levels are inadequate. From past history, it is apparent that any additional funds which Congress might add would either be impounded or reprogramed for purposes other than those intended by Congress. I certainly hope that the President will personally instruct those in his administration to immediately review the VA budget for fiscal year 1974 and at the earliest practical date present to the Congress a supplemental funding request to meet the true needs of America's hospitalized veterans. I believe that there is no question that the Congress will favorably entertain consideration of future justified proposals which the administration may submit for the forthcoming fiscal year to supplement the medical care appropriation provided by this bill.

Mr. Chairman, I want to make it very clear that Congress has given its full support to the President's budget request for 1974. Congress has acquiesed to the President's request that minimum patient census and operating bed levels be deleted from the law. In so doing, Congress is relying on the commitments the Administrator of Veterans' Affairs made to the Appropriations Committee that if more resources are needed to meet the demands for veterans medical care, he will seek them. I, therefore, want it very clearly understood that it is incumbant upon the administrator that the VA medical system operate during fiscal year 1974 in the manner that he assured the Appropriation Committee it would. If the administrator finds that he lacks the resources to properly carry out this mission, it is incumbant upon him to come to the Congress and ask for the additional funding and manpower he needs.

There is not the slightest doubt in my mind that the American public expects its sick and injured servicemen to receive the very best quality medical care, and I think the American taxpayer will gladly bear this responsibility with the same dignity that our servicemen have borne the battle. I serve notice here and now that the Committee on Veterans' Affairs will continue to insist that America's obligations to its veterans will be met insofar as the Congress is concerned, and I expect the Administration to do no less. In this connection included is a letter I wrote to the President on this subject:

APRIL 19, 1973.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On April 2, 1970, you issued a statement on Veterans Medical care which in part stated . . . "For a number of years, the Veterans Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans. As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired. Action must be taken now to insure that eligible veterans will receive the medical care they require."

In that same message you stated "To those who have been injured in the service of the United States, we owe a special obligation. We, as a people, have commitments to our veterans, and we shall fulfill them."

I know, Mr. President, that you have a deep personal concern for the welfare of all of our Nation's veterans, especially those in need of medical care. However, I must tell you that the needs of the VA hospital system at this time are as critical now, if not more so, than in April of 1970. Despite my persistent efforts in urging corrective measures, the Veterans Administrator and the Director of the Office of Management and Budget are ignoring provisions of law passed by the Congress and signed by you. I have asked the Comptroller General to review the situation and he confirms that the Veterans Administration has not complied with the provisions of the law. The failure to provide the level of care directed by law and to utilize appropriated funds threatens to relegate medical care in our veterans' hospitals to second rate status.

On October 24, 1972, when you signed two bills dealing with veterans' affairs, you issued a statement which, in part, read, "This Nation has a profound commitment to our 29 million veterans, and I pledge that we shall serve them as well as they have served us." In the same message you stated, "We can never fully repay in dollars, in training and in medical services the patriotic sacrifices of the American veteran."

Mr. President, the action of the Administrator of Veterans' Affairs and the Director of the Office of Management and Budget in failing to use appropriated funds to provide quality medical care for veterans undercuts your commitments.

Congress has made the necessary financial resources available to avoid the crisis which the Veterans Administration medical system is presently facing. However, the Administrator of Veterans' Affairs is not utilizing over $54 million which was voted in the Appropriations Act of 1973 (Public Law 92-383) to meet critical staffing and funding requirements in the 168 VA hospitals.

While the Office of Management and Budget and the Veterans Administrator contend that the need is being met; that staffing and funding is adequate; and that additional funding is not required; surveys conducted by this and other Congressional Committees, including the House Appropriations Committee, contradict statements by the Veterans Administrator that funding and staffing is adequate. We are confronted with a rising tide of complaints that medical services are inadequate and deteriorating.

I respectfully call your attention to House Veterans' Affairs Committee Print 9, which is enclosed. This document represents a compilation of important up-to-date data concerning VA hospital operations. The information contained therein came directly from the directors of each hospital and clinic in the VA hospital system. There is irrefutable evidence in this document of the need for additional funding and staffing as set forth by these VA hospital directors who, daily, must meet crisis after crisis in an effort to render something approaching respectable hospital and medical care for the ex-servicemen of this country. As part of this latest Committee survey, all hospital and clinic directors were asked to tell the Committee of their three most pressing problems. Briefly, these observations tell the story.

1. The Veterans Administration badly needs the release of $54 million in present operating funds which are being withheld because of artificial and arbitrary budget constraints.

2. Staffing of the VA medical system ranges from one-half to one-third less than what is realistically needed in order to render proper medical care. (In responding to questions before the House Appropriations Committee, the Chief Medical Director stated that more than one-half of the 168 VA hospitals do not meet the Core staffing requirements set by the VA itself as a criteria for rendering proper and timely medical care in their medical facilities.)

3. Arbitrary restraints of employment and promotion freezes, grade deescalation programs, and personnel ceilings substantially restrict the directors to manage effectively and provide proper care.

For your immediate reference, I have extracted from the enclosed Committee Print observations of about twenty hospital directors which will provide you with an insight to their current dilemma.

There is in excess of $100 million in deficiencies for needed funding for dental backlogs for Vietnam veterans, and equipment needs for modern treatment modalities. In addition, the Office of Management and Budget arbitrarily reduced the 1974 budget request of the Veterans Administration by approximately $91 million for increased staffing. If these funds had been left in the budget, the staffing ratio of the VA Hospital system would have been improved from 1.49 to 1.59 staff to patients. The average private sector hospitals ratio ranges from a minimum of 2.6 to about four hospital staff personnel per patient. We realize that VA hospitals and private hospitals are not comparable in every respect; nevertheless, the wide disparity in staff-patient ratios is, in my view, indefensible.

I have written to you personally because I believe you should have personal knowledge of these urgent problems. In good conscience, I do not believe that either the Executive Branch or the Legislative Branch can abandon the sick and disabled veterans of this country by allowing the VA medical care program to deteriorate further. There is not the slightest doubt in my mind that the American public expects its injured servicemen to receive the very best quality medical care, and I think the American taxpayer will bear this burden with the same dignity that our servicemen have borne the battle.

Specifically, Mr. President, I urge that action be taken to release the $54 million immediately, since less than 2½ months remain in the fiscal year. I expect to exert efforts in the Congress to achieve a satisfactory funding level for FY 1974, and I believe the Appropriations Committee will support this effort. Your cooperation, Mr. President, is essential if we are to succeed in our efforts to protect the quality of care to veterans.

With warm personal regards, I am.

Sincerely yours,
WM. JENNINGS BRYAN DORN,
Chairman.

Mr. SAYLOR. Mr. Chairman, I rise in particular support of that portion of this measure that relates to funding of the Veterans' Administration for the next fiscal year.

I express this support with some reluctance. Mr. Speaker, because I do not believe this is enough money. As the ranking Republican member of the Subcommittee on Hospitals of the Committee on Veterans' Affairs, I am, of course, intensely interested in the funding of the hospital program. Members who have been here for any length of time will recall that every year the Office of Management and Budget and its predecessor agency, the Bureau of Budget, reduce the request of the Veterans' Administration for funds needed to operate the agency.

Then, the Administrator in robot like fashion, adheres to the party line laid down by OMB, and absolutely insists that the amounts requested are adequate, and he would not know what to do with more money if we gave it to him.

Each year, Mr. Chairman, either through amendment from the floor or, more recently, through committee action, we have increased the funds requested for medical care, and literally, saved the life of the hospital program.

I have examined this year's budget document, Mr. Chairman, and I find that the Chief Medical Director of the Veterans' Administration asked for $2,829,408,000 for medical care. The Office of Management and Budget reduced this amount to $2,656 million a reduction of $173,408,000. Now who, Mr. Chairman, is better qualified to determine whether or not the Veterans' Administration hospital system requires this $173 million—the Chief Medical Director or the faceless laymen of OMB? I for one would rely on the Chief Medical Director's word.

This year, the Appropriations Committee has almost accepted the OMB figure for veterans' medical care, having added some $14 million for the hiring of nurses and other medical staff engaged in patient related activities.

Despite this seeming acceptance of the OMB recommendation, it is obvious that the committee shares my skepticism that the Veterans' Administration can operate a full scale medical program for all the eligible veterans requiring medical care on the funds requested. They have in the language of the report left the door open for a request for justifiable supplemental funds should this need arise.

Mr. Chairman, I commend the committee for its insight into the matter of funding the operations of the Veterans' Administration medical program. I shall support the committee's recommendation.

Mr. DULSKI. Mr. Chairman, I rise in support of the appropriation bill as reported by the committee.

In particular, I am in full support of the recommendation for the increase in funds to cover the urban renewal transition.

There are worthy projects underway across the country, including my home city of Buffalo, which we cannot afford to have interrupted. Worthy projects require extensive planning and contain commitments effecting many other community projects.

I recognize the need for taking a fresh look at Federal aid programs from time to time, but it is also necessary that we take into full consideration the effect of changes in program procedures in midstream.

I have had continuing reservations about the changeover to Federal revenue sharing and my worst fears appear to be coming to realization.

In Buffalo, we have a need for $8 million additional to complete the 10-year-old waterfront redevelopment project and the administration's proposal for transition would make no allowance for filling this vital need in our overall urban redevelopment program.

Mr. Chairman, I support the committee bill, and I hope the House will approve the recommended $600 million for urban renewal transition.

Mr. ALEXANDER. Mr. Chairman, I am pleased to join my distinguished colleague, the gentleman from California (Mr. HANNA), in proposing this amendment to raise the funds for planning activities by local, areawide and State agencies to the level requested by the President and as authorized in House Joint Resolution 512—$100 million.

At a time when we, as a nation, are becoming increasingly conscious of the need for wise land use, such planning activities are vital to the orderly growth and development of all areas. The funds, which are provided under section 701 of the Housing Act of 1954, are the basic source of assistance to the state and local officials who are attempting to increase and improve their capabilities for planning and management.

Evidence of the necessity of this increased appropriation, above that proposed by the committee, is the fact that the needs expressed by local, State, and area officials is outrunning the funds available to them. In addition, the administration, increasingly has moved in the direction of requiring small communities to compete with their larger neighbors for what funds are appropriated.

To briefly demonstrate the expanding use of such funds let me illustrate with some statistics on Arkansas, and the First Congressional District, which I represent. In fiscal year 1972 the allocation for all of Arkansas was $1,062,730. Already in fiscal year 1973 it has risen to $1,359,000. In fiscal year 1972 the funds used by the two regional planning and development districts which serve the First Congressional District totaled $100,892 and, thus far in fiscal year 1973 it has reached $93,500.

Even a quick and simple mathematical calculation will amply demonstrate, given the procedure under which this program operates, that such a drastic reduction of funds as would be the result of the committee's proposal would have a severe, adverse effect on planning efforts across the Nation.

As I have frequently pointed out in this Chamber, it is essential that increased, comprehensive growth and development take place in the Nation's countryside. Such activities are vital to our national effort to provide healthy, safe and attractive places to live and work to the millions who make the United States their home.

It is equally important that the growth and development of the countryside be achieved through properly planned and wisely developed use of our community, regional, and State resources. Without the funds which would be provided under section 701, many of the errors which have occurred in our city and metropolitan area development are all too likely to be repeated in the countryside.

For these reasons, I urge that the House approve this amendment to increase the section 701 planning and management funds from the $25 million proposed by the committee to $100 million.

Mr. LEHMAN. Mr. Chairman, I rise in support of H.R. 8825, the HUD-Space-Science-Veterans' Appropriations Act for fiscal 1974.

Mr. Chairman, our Federal housing programs have filled a great need in south Florida. However, the problem of providing decent housing for all of south Florida's people is far from being solved. Right now, there are over 64,000 people in Dade County alone on the waiting list for public housing. Over 15,000 of these people are older Americans. An estimated 90,000 households have incomes low enough to make them eligible for public housing.

Dade County is presently operating approximately 35 public housing developments, providing homes for over 29,000 people, almost 5,000 of whom are elderly persons.

In south Florida, seven section 236 projects comprising some 1,100 units, on which processing had not been completed, were deferred by the moratorium, as were an additional 12 projects containing about 1,500 units, which had been preliminarily submitted for approval. Approximately 3,000 section 235 projects were expected to be begun in 1973. As a result of the moratorium, 5,600 units in south Florida were not begun. It is estimated that south Florida needs between 5,000 and 6,000 section 235 homes for the next 5 years to satisfy the housing needs of the less affluent.

Other housing programs have also been important to my area. Under the rehabilitation loan program, 691 dwellings have been rehabilitated to date in Dade County, leaving 10,000 dwellings still in need. In 1973–74, 175 dwellings were scheduled for rehabilitation.

The President's budget message on housing was, needless to say, a shock to my district. Dade County was scheduled for a loss of $5.6 million for the neighborhood Development Program, $2 million in modernization funds, $1 million in operating subsidies, and $12 million in monies withheld for the housing unit allocation.

In light of the problems and needs I have indicated above, I am pleased with the decision of the committee regarding the Nation's housing programs. For fiscal year 1974, $221 million would be available for section 235 home ownership assistance, compared to $170 million in fiscal year 1973; $171 million would be available for section 236 rental housing assistance, which is just slightly lower than the $175 million of fiscal year 1973; $100 million would be available for housing programs for the elderly and handicapped.

I commend the committee on this bill, and I urge my colleagues' support for it.

Mr. CRONIN. Mr. Chairman, I rise in support of the appropriation bill H.R. 8825 which funds the Veterans' Administration. There are few groups as deserving of government support as the veterans who have served our country loyally and willingly throughout our history. I have long supported veterans' programs as one way in which the American people can show their gratitude and appreciation for the services the veterans have provided. I urge rapid passage of the full appropriations for the Veterans' Administration.

Mr. FUQUA. Mr. Chairman, the task assigned by the American people to the Veterans' Administration is as difficult and demanding today as at any period in our history. Men who served their country in other wars have been joined by the ranks from Southeast Asia and this has placed a tremendous load on the work of the VA.

From my experience, they are doing an outstanding job in carrying out that mission. The appropriation which is recommended here is a sound one and deserves passage.

I would like to comment on just one phase of that budget. While not a very large item when the entire budget is considered, it is tremendously important to the veterans in Florida.

This is an item of $200,000 which will be used to finalize plans for an addition to the VA Hospital at Gainesville, Fla.

This is a relatively new facility, dedicated some 6 years ago and already in the forefront of VA medical centers. The reason for this excellence is because of its association with the J. Hillis Miller Medical Center of the University of Florida.

This addition is desperately needed if this institution is to fulfill the aspirations we have for its future.

I commend this particular appropriations bill for passage and express my appreciation to the committee for the soundness of their judgment in including this item in that measure.

Mr. PRICE of Illinois. Mr. Chairman, the community development of our Nation's cities is a problem that has long been with us. Program after program has been developed to better plan, analyze and revitalize our urban communities. It has been the professed goal of the Federal Government to strengthen the cities.

This goal has been approached in several ways over the years. Today, the approach is to place program responsibility with those who must live with the problem; that is, community responsibility for community problems.

The current administration has determined that present programs have not been effective in helping cities cope with their massive problems. As a result, most of the programs are soon to be abolished. At this time I will not argue the viability of such programs. I will not discuss their achievements or effectiveness, I will only pose one question: What is going to take their place?

The administration's answer to this question is special revenue sharing. The administration will give Federal money to local governments reorganizing the present system of categorical grants. The problems of community development will be placed in local hands. Yet this is just a legislative proposal as yet unapproved or accepted by the Congress. Even if approved, it would not take effect until fiscal year 1975 at the earliest. What is to happen in the meantime? The administration speaks of community development but it speaks with words, not with dollars. In the interim period there is not enough money to maintain present funding levels. Community development projects will starve from lack of funds. The problem solving machinery that was set in motion will stop. Death by strangulation; no money.

Funds are needed to maintain present programs until proper detailed examinnation determines their future. Although the administration claims that over $5 billion are available to continue programs during this transitional phase, the National League of Cities cannot seem to find it. In accordance with regular grant-in-aid procedure established by the Federal Government this money has already been allocated for fiscal year 1973. The funds needed for fiscal year 1974 are nonexistent. The $5 billion pipeline is a phantom, a phantom that will destroy the hard sought machinery designed to cope with community development problems.

Therefore I strongly urge the adoption of the pending amendment increasing funds for urban renewal. This action will help maintain our cities in this limbo period of shifting community development programs.

Mr. BINGHAM. Mr. Chairman, I am gratified to note that the appropriation bill (H.R. 8825) currently before the House contains $5.1 million for the first stage of construction of a new veterans' hospital to replace the antiquated and inadequate facilities of the present Bronx Veterans' Hospital. The new hospital will be built on the same grounds as the current one, and is certainly long overdue.

The existing Bronx Veterans' Hospital was constructed way back in 1902 as an orphanage, not as a hospital. It was later converted to use as a hospital, but it has suffered considerably from the fact that the original facilities were not designed for hospital use.

Despite the hardships imposed by an inadequate physical plant, the Bronx Veterans' Hospital has become an excellent research, teaching, and practicing hospital, offering a full range of hospital services of high quality. Its excellence is due in large part to capable and dedicated staff, and to the hospital's affiliation with Mount Sinai School of Medicine.

Mr. Chairman, I note with some concern that in the same paragraph of the committee report, mention is made of possible use of St. Albans Hospital as a veterans' facility. Noting that the new Bronx hospital will cost an estimated $86,000,000, the committee directs the Veterans' Administration to "carefully reexamine the possibility and feasibility of utilizing the St. Albans Naval Hospital," which has recently been scheduled to be closed by the Department of the Navy. The committee report seems to imply that in some way St. Albans might be a substitute for the new Bronx hospital, though there is no discussion or mention whatever of St. Albans in the committee hearings on this legislation.

Mr. Chairman, I am all for keeping St. Albans Hospital open, but there is simply no reasonable comparison between the proposed new Bronx hospital and St. Albans. The new Bronx hospital will have 800 beds and full inpatient hospital facilities. An on-the-spot study already made by the Veterans Administration shows that St. Albans would have to be completely renovated before it would be of any use as a veterans' facility, and that such renovation would cost 80 to 90 percent of the cost of new construction. Furthermore, the capacity of St. Albans after renovation would be only about 400 beds. Whereas there is room on the Bronx site to build the new hospital without disturbing operation of the existing one, there is not sufficient room on the St. Albans site for any such new construction.

Furthermore, the very valuable affiliation between the Bronx VA hospital and Mount Sinai School of Medicine, which is so helpful to the students and faculty of Mount Sinai and to the veterans being cared for at the Bronx hospital, could not be duplicated with respect to St. Albans because of the considerable distance between them.

Mr. Chairman, I am concerned about the projected closing of St. Albans, which would adversely affect many of my constituents who use that facility, as well as others throughout the New York City area. I have joined in congressional efforts to keep that hospital open and usable in view of the great need for good hospitals. Moreover, I do not rule out its use by the Veterans' Administration. In fact, it seems to me that it might well be taken over and used by the VA for the type of care which is in short supply for veterans in the New York City area—namely nursing home care.

With the 800-bed new Bronx hospital and other existing VA hospitals, the Veterans' Administration feels it will have sufficient inpatient hospital beds to fully serve the 1.6 million veterans in the 10-county New York metropolitan area. Nursing home beds, however, are a different matter.

The Veterans' Administration has termed "woefully inadequate" the 232 nursing home care beds it operates in the New York City metropolitan area. It projects the actual need for nursing home care beds at nearly 800, and considers the alternative of placing veterans in community nursing homes implausible because of the high cost and overcrowded conditions of such homes. It would seem most reasonable and beneficial, therefore, if the Veterans' Administration should actively consider taking over St. Albans and converting it to a nursing home care facility. I certainly support such an action—assuming continuation of Navy operation of the hospital is out of the question—and would hope that the relevant committees of the House and Senate would similarly support it.

Since the new Bronx Hospital will not contain nursing home care facilities, but is designed to meet an entirely different need, such a use of St. Albans would effectively complement the Bronx hospital project.

Finally, Mr. Chairman, I note that the committee expresses its skepticism with respect to so-called incremental funding of projects whereby appropriation of funds is spread out over several years as various stages of construction are completed and additional funds are needed. This is a method of financing commonly used on many Government programs, including military weapons system costing billions of dollars and most hospital construction programs. As Mr. V. P. Miller, Assistant Administrator for Construction of the VA, indicated in the committee hearings on this point, a major study by the Government Accounting Office on hospital construction costs "recommends that under Hill-Burton and other—hospital construction programs—that they go to so-called fast track construction. It is a matter, Mr. Miller says, "of saving time and costs due to escalation."

Mr. Chairman, installment, phased, or so-called fast-track funding are common and proved cost-saving methods of financing hospital construction, and I believe that the Veterans' Administration should be supported in its plans to try such a method in the interests of better care for our veterans.

Ms. ABZUG. Mr. Chairman, on January 5, 1973, in total defiance of the Constitution and laws of the United States, the administration announced the "suspension" of 15 programs in the areas of housing, community development, and community planning and management. Each of these 15 programs was fully authorized under the law, and each had appropriations which had been passed by Congress and signed into law by President Nixon.

Mr. Nixon claimed as his justification that the programs were not working to his satisfaction and should therefore be junked. He cited no convincing evidence to support that allegation, and even if he had, he wholly ignored the basis of our constitutional system of government: The Congress makes the laws. In some cases, but not all, it has the express assent of the President, but that is not an absolute necessity. The President has the responsibility, under the Constitution, to "take care that the laws be faithfully executed." The unilateral action of the administration was in violation of that responsibility and in dereliction of duty. Mr. Nixon may think he can make his words "inoperative," but he has no authority to make the law of the land so. Accordingly, I am in accord with the Appropriations Committee's urging "in the strongest terms" that the housing moratorium be ended and its directing the resumption of the community development programs.

Hundreds of thousands of Americans live in substandard housing. They are too poor to afford decent housing without some sort of subsidy, and the Nixon inflation is squeezing them tighter each day.

HUD's "Fourth Annual Report on National Housing Goals" revealed that in 1970 there were 3.8 million housing units in this country lacking plumbing facilities and another 1.4 million which were dilapidated or in need of major repairs. In addition, there were 4.5 million units with all plumbing facilities in which there were more than 1 person per room and which were therefore overcrowded. This adds up to a total just short of 10 million housing units which are substandard, overcrowded or both.

In New York City, the residential vacancy rate is less than one percent. For people of lower and middle income, that rate is even lower. The President refuses to hold down rents under economic stabilization, despite the fact that they are rising at incredible rates, not only in New York, but all across the country.

On top of all this, and without any substitute plan, the administration has decided that lower and middle income people shall not have housing constructed or rehabilitated. In my district alone, this has meant that about 3000 units of new housing will not be built—in this regard, my district is not typical of many, many urban and rural districts. Much of this proposed new construction had already received informal approval from HUD, on the basis of which the city of New York went ahead and spent its own money in expectation that formal approval would follow. I insert a list of these projects in my congressional district in the Record at this point:

LIST OF PROJECTS

Glenn Gardens, 87th St., Amsterdam Ave., Section 236—non-insured, 266 units.

Riverside Park Community, 3333 Broadway, Section 236—non-insured, 1,190 units.

Clinton Towers, 11th Ave. between 54th and 55th Sts., Section 236—non-insured, 395 units.

Hudsonview Plaza, 158th St. and Riverside Drive, Section 236—non-insured, 160 units.

Hudsonview Terrace, 10th Ave. between 50th and 51st Sts., Section 236, 395 units.

Washington Heights, 184th to 187th Sts., City Mitchell-Lama/236, 360 units.

Morningside Drive, Amsterdam Ave. and 121st St., City Mitchell-Lama/236, 120 units.

Earlier this year, the Subcommittee on HUD-Space-Veterans and other independent agencies of the Senate Appropriations Committee held 5 days of hearings on housing generally and on the moratorium in particular. In addition to HUD officials, the subcommittee heard numerous outside experts and local officials. In the words of the subcommittee chairman:

> The most notable result of the hearings was the complete absence by the HUD officials of a clear justification for the housing moratorium.

Section 235 housing had failures in some places, but did very well in other areas, and most of the failures which did occur were due not to any inherent weakness of the 235 concept, but to poor management on the part of HUD. With long waiting lists of people waiting to get into public housing and a very low vacancy rate for such housing, HUD offered no justification for suspending the public housing construction programs of the Federal Government.

Mr. Chairman I join the Appropriations Committee in calling upon the administration to end the moratorium and resume the 15 programs which were cruelly and illegally suspended in January. If the administration fails to do so, we in Congress should exercise our responsibility by enacting legislation mandating it. We must tolerate neither the substance of this action—depriving millions of Americans of the chance to live in decent housing—nor its procedure—the unconstitutional arrogation of legislative power by the executive.

Ms. HOLTZMAN. Mr. Chairman, it is only with the greatest reluctance that I will vote in favor of H.R. 8825, the HUD-Space-Science-Veterans appropriations bill for fiscal year 1974.

While this bill has many good features—at least it preserves a congressional commitment to a housing program in the face of the President's opposition to one—it has many disturbing aspects as well.

First, I am concerned that we have not included language in this bill that would make it mandatory for the President to spend the funds we are appropriating. The President's impoundment policies, especially in the housing area, have played havoc with the Constitution as well as with our cities.

New York City, like many other urban, suburban, or rural areas of this country, is experiencing a severe housing shortage. The President's so-called moratorium on housing has impeded what little progress is being made to alleviate this problem. For example, at the time the housing moratorium was implemented, New York City had submitted applications to the Federal Government for over 23,000 dwelling units. Had the Government funded these projects, these units could have been occupied by the end of this year. Needless to say, the moratorium has also discouraged the continued planning for additional units due to the uncertainty of funding.

Second, the bill does not provide adequate funding for planning or the urban renewal programs. It is unfortunate indeed that Congress has not filled the vacuum created by the President's total abdication of his responsibility to develop a meaningful program that would provide decent housing to all Americans.

Finally, I find the huge sums we are appropriating today for our space program totally disproportionate in terms of the real needs of the American people. We are too beleaguered with problems here at home to commit our limited resources so heavily to the luxury of a Space Shuttle—at least 30 percent of which is devoted to military uses.

It is a tragic irony that this Congress sees fit to expend $43 million for a Space Shuttle, when many of our constituents cannot "shuttle" themselves from one end of our cities to the other. This money could be spent much more wisely on updating our dilapidated and neglected mass-transit systems.

Despite these objections, I have decided to vote in favor of this bill. While it represents only a feeble effort to improve the quality of American life, it does represent some assistance. Moreover, this bill provides funding for programs for our veterans and for the operation of two important Federal agencies, the Federal Communications Commission and the Securities and Exchange Commission.

I certainly hope, however, that this Congress will eventually turn its attention to reshaping our national housing policy. We must live up to the standard we set when we passed our first major housing act in 1949—"a decent home and suitable living environment for every American."

Mr. WOLFF. Mr. Chairman I rise to commend the Appropriations Committee and the Chairman of the HUD-Space-Science-Veterans Subcommittee, the distinguished gentleman from Massachusetts (Mr. Boland), for their work on this bill before us today. I particularly would like to point out to my colleagues a feature of the Veterans Appropriations section of the bill dealing with St. Albans Naval Hospital located in my district in Queens, New York.

As many of my colleagues know, this Hospital provides critically needed services to veterans, retired Naval and service personnel from both Queens and Nassau County on Long Island. The Department of the Navy has recently announced its plans to close the facility. This announcement came as a shock to many residents of Queens and Nassau and was a particular disappointment to me as I had been working for over a year to facilitate a contract between the VA and the Navy whereby the Navy would make available beds for VA use in providing care for area veterans. The health care situation for veterans in the New York area is desperate; many veterans currently must travel close to 40 miles to receive adequate care in VA facilities. The arrangement I was working on with St. Albans would have eased this problem for many of our vets and would have significantly helped the health care situation for vets in the New York area. Just when we had come so close to finalizing this agreement, the Navy announced they were going to close the Hospital—a decision which I feel is patently unfair to veterans, retirees and Naval personnel alike.

When I and several other New York Members heard of this decision, we immediately began efforts to transfer St. Albans to the Veterans' Administration, under an arrangement whereby the VA would assume responsibility for operating the hospital and would contract beds out for the care of retirees and active duty personnel. We gathered the support of both Senators Javits and Buckley, 35 Members of the New York delegation and Governor Rockefeller. We began negotiations with officials at the Veterans' Administration and wrote to President Nixon urging his support and assistance in keeping St. Albans open through this arrangement. Neither the President nor Administrator Johnson at the VA have been receptive, claiming that the newly planned VA hospital to be built in the Bronx will replace St. Albans and provide needed care for vets. I would like to point out to my colleagues that the new Bronx facility is estimated to cost more than $86 million. From an original cost estimate of $25 million, the project has skyrocketed to the tune of near $90 million. I would also like to point out that it is estimated to cost very little to convert St. Albans to a VA facility, as the hospital is in excellent condition, having been built in 1950 and standing as one of the Navy's newer hospitals. In light of the Administration's expressed commitment to fiscal responsibility, I frankly am at a loss to understand their rationale for wanting to build the new facility, instead of working to keep St. Albans open as a VA facility, still providing needed care for vets and saving the Government millions of dollars.

Mr. Chairman, it is with this in mind

that I want to commend the Appropriations Committee today. They have included in the VA appropriations a section which directs that the Veterans' Administration carefully reexamine the possibility and feasibility of utilizing St. Albans Naval Hospital. The committee has recognized, by adding this section, both a fiscal responsibility and the responsibility that we have to our vets. I only hope that the administration will approach the question of utilizing St. Albans with the same kind of responsible attitude as demonstrated by our committee.

Again, Mr. Chairman, I wish only to bring this matter to the attention of my colleagues and commend the fine work done by the committee in this area.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 268]

Anderson, Calif.
Annunzio
Ashbrook
Ashley
Badillo
Bafalis
Biaggi
Blatnik
Breaux
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Carey, N.Y.
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cochran
Conyers
Cronin
Danielson
Davis, S.C.
Devine
Diggs
Dingell
Erlenborn
Esch
Evins, Tenn.
Fisher
Flynt
Ford, William D.
Frenzel
Fuqua
Gilman
Gonzalez
Gray
Green, Oreg.
Hammerschmidt
Hansen, Wash.
Hays
Hébert
Hinshaw
Johnson, Calif.
Jones, Ala.
Karth
Kazen
Kemp
Landrum
Leggett
Lujan
McClory
McCormack
McKinney
Martin, Nebr.
Mathis, Ga.
Melcher
Metcalfe
Minshall, Ohio
Mollohan
Morgan
Murphy, N.Y.
Nichols
O'Neill
Patman
Preyer
Railsback
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Roush
Runnels
Ruppe
St Germain
Sandman
Saylor
Sikes
Staggers
Steiger, Ariz.
Thompson, N.J.
Thomson, Wis.
Veysey
Vigorito
Waldie
Whitehurst
Widnall
Williams
Wilson, Charles H., Calif.
Wright
Wyman.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8825, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 342 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY PLANNING AND MANAGEMENT

COMPREHENSIVE PLANNING GRANTS

For comprehensive planning grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $25,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. HANNA

Mr. HANNA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANNA: On page 4, line 5, after the words "U.S.C. 461)" strike "$25,000,000" and insert in lieu thereof "$100,000,000."

(Mr. HANNA asked and was given permission to revise and extend his remarks.)

Mr. HANNA. Mr. Chairman, this amendment will increase the fiscal 1974 appropriations for comprehensive planning grants under section 701 of the Housing Act of 1954 from the amount of $25 million as recommended by the Appropriations Committee to the amount appropriated last year, $100 million. This amount is still $10 million below the amount of the authorization provided in House Joint Resolution 512 resoundingly passed by the House just last month by a vote of 378 to 1.

The recommendation of the distinguished Committee on Appropriations is seemingly based on the likelihood of the passage at an uncertain time in the future of legislation not yet in existence, called the Responsive Governments Act. I wish to emphasize that the committee refers here to a nonexistent piece of legislation—legislation purporting to be a new form of 701 which the administration has promised but not yet sent to Congress, and I see no evidence that its arrival is imminent. If and when it does arrive, you can be sure that it will receive long and careful consideration. To gut an ongoing program relied upon and productively used by hundreds of communities around the country on the basis of legislation which the Congress has not as yet seen is an injustice and will have a devastating impact.

Section 701 funds have played a positive role in assisting State and local governments in solving planning problems. These funds provide the necessary coordination of federally supported categorical planning activities. The Federal Government mandates and invests money in health planning, criminal justice planning, community development, all modes of transportation planning, air and water pollution control, conservation of natural resources and housing. But what provides the necessary coordination between these various function-oriented planning investments? What guarantees that a transportation use planned with Federal funds for certain land will not conflict with a community development plan derived with other Federal funds for the same land?

What insures that the tunnel vision resulting from separate categorical planning efforts will not result in a gross waste of Federal funds? Section 701 for almost 20 years has provided the primary Federal answer to these questions. Without the coordination mechanism provided by 701 these various plans will be incompatible and the Federal resources behind each of them will have been wasted. There is only one source of comprehensive planning funds—and that is section 701. This program will continue to make coordinated planning out of what will otherwise be planning in a vacuum. Eliminate the section 701 money, and you essentially place blinders upon other Federal and local investments. To add to the laundry list of Federal categorical planning activities while at the same time neglecting the coordination between these activities is a prescription for waste, duplication and confusion in our total planning effort. That waste, that duplication and that confusion can be prevented by our action today.

Make no mistake, 701 is a national program for all sizes and types of communities. It has provided funds for the largest metropolis to the small town and Indian reservation. I am sure that my colleagues from the rural districts were pleased with the passage of the Rural Development Act of 1972. But while this act authorizes $10 million for planning, there is no appropriation for it and the rural communities have no place else to go but to 701. The Appropriation Committee is now telling them that this well is dry also. As a result the Rural Development Act becomes yet another example of an empty promise from Washington.

Comprehensive planning is necessary because it protects the Federal investment in a broad range of projects and programs. For example, in my own area, nearly $2 million was received last year for a variety of comprehensive planning projects carried on by the county of Los Angeles, the city of Los Angeles and the Southern California Association of Governments. The demands for these activities will not decline simply because funding declines. One illustration is the requirement of OMB Circular A95 which requires regional review of a variety of locally initiated projects. There is no source of funding other than section 701 money for this ongoing Federal requirement. Another example of the support which comprehensive planning gives to Federal investments is in the area of the procedure mandated by HUD upon local regional agencies for the certification of local water, sewer, and similar programs. To mandate the certification responsibility on local agencies with one hand and to remove the necessary supporting funding with the other is to authorize a strategy which insures the breakdown of Federal program requirements.

These examples of the practical necessity for continuing a full level of funding for the section 701 program are repeated across the country. Let no one be fooled that there is not an increasing demand for these services. The extensive clientele group supported by section 701 grows as the concerns of the country grow. Whether Congress decides to consolidate community development programs or not, the role of the section 701 program remains critical to the successful coordination of all levels of government. It should be continued at the full level of funding.

Mr. Chairman, I am pleased to announce that my amendment has the support of: the National Association of Counties; the National League of Cities U.S. Conference of Mayors; the Governors' Conference; the American Institute of Planners; the International City Management Association; the National Association of Regional Councils; the National Association of Housing and Renewal

Officials; the American Society of Consulting Planners; and the American Institute of Architects.

The other reason, apparently, that the committee has cut back is that they think there is enough money already in the so-called pipeline. The problem there is it does not take into a realistic account the planning and funding cycle. The usual thing is that we go through the process here of authorizing and appropriating in year A. In year B the people find out how much money is available in particular sections of the country, and then they start putting in their applications. Then in the year C the money starts to flow. Nothing happens immediately upon our first authorizations.

In this program we have had a great rush in the last 3 years, and we have been funding at about $100 million a year. We have now built up a great number of applications which are yet to be serviced. We have passed new legislation; for instance, the Rural Development Act, that requires this comprehensive coordinated kind of planning. I suggest to the Members that they think about all the programs that are specific in their nature, such as health, crime, housing, transportation. Let any of us name it, and we have to have coordination, because if we are talking about the same real estate out there, if somebody wants to build an airport at the same place somebody else is planning to put a hospital, it is not going to work. So we have had to have this coordinated planning, and we have to fund it.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to associate myself with the gentleman's remarks and indicate that I will support his amendment.

Mr. HANNA. I thank the gentleman from Pennsylvania.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. ROUSSELOT. Is it not true that officials at HUD have indicated that this is the present level of funding, and that they do not seriously object to continuing this because many people are in the planning stages, using this funding. It is important to many projects throughout the State that are well underway, and this was really not their intention at the beginning of the year to cut down on these kinds of projects that are under way; is that not correct?

Mr. HANNA. That is absolutely correct. I thank the gentleman from California for his observation.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. VAN DEERLIN. Is it not true that a great many communities with valid applications in for funding under this program have not had their applications considered because of the limitation of funds?

Mr. HANNA. That is absolutely correct. There is one brandnew program in which we denied them $10 million to do this planning for rural development because we felt the money was in 701. Now we are cutting it out of 701, so many people who are looking for some of these programs in the rural areas are going to get very much abused, because without this planning, which requires this legislation, they cannot come on with the program.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. BROWN of Michigan) Mr. HANNA was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Is it not also true that even with the adoption of the gentleman's amendment, the funding of this program will still be within the budget request?

Mr. HANNA. $110 million, and cutting it back.

Mr. BROWN of Michigan. In the process of the Committee on Appropriations' consideration of the HUD budget, they have increased several other appropriations substantially and then in turn have cut this; is that not correct?

Mr. HANNA. That is correct.

Mr. BROWN of Michigan. Is it not also correct that with respect to any transition into the Better Communities Act, Responsive Governments Act, and all those, that the necessity for planning is probably the one thing that will continue, irrespective of the elimination of other categorical programs?

Mr. HANNA. The gentleman is absolutely correct.

Mr. BROWN of Michigan. I commend the gentleman for his amendment. I intend to support it and trust the other Members of the House will support it.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, I strongly support the proposal to reinstate the full amount of the President's request for the HUD urban planning assistance program for fiscal year 1974. Funds for this important program go to State and local governments for a number of management and planning activities which enable better decisionmaking in their operations. Requests for grants have always far exceeded available funds in this vital HUD program.

Last year the total Federal appropriation for the entire Nation was $100 million. Of this, the State of California received $9.234 million for grants to small municipalities and counties of all sizes. This was far from enough to meet the need and the demand. In consequence, the county of San Diego's request for assistance was turned down because of lack of funds. The same turndown was experienced in previous years for the same reason. It is clear that the funding level for fiscal year 1973 was insufficient at $100 million. It is even more painfully clear that funding at $25 million in fiscal 1974 would be completely inadequate, and would reduce materially the effectiveness of the program. I urge that the program be funded for 1974 at the full amount requested by the President: $110 million.

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. BURGENER. I thank the gentleman for yielding. I wish to associate myself with his remarks, and I urge the support of this body for his amendment.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. I commend the gentleman on his amendment. It is much needed.

Mr. Chairman, section 701 are vitally needed in our Washington metropolitan area. Our jurisdictions have used these funds wisely and the level of funding in the bill before us is wholly inadequate.

Of course, while we are discussing HUD appropriations I cannot help but remark on the effect of last January's abrupt suspension of funding for a number of important housing programs.

The moratorium on new commitments for publicly assisted housing and a variety of community development programs bodes ill, indeed, for the achievement of our stated national housing goal for this decade, and the creation of "a decent home and suitable living environment for every American family," as set forth in the Housing Act.

Undoubtedly there is a grave need for review and possible revision of existing housing programs. However, placing a freeze on subsidies for the construction of low- and moderate-income housing has consigned too many more American families to the already-lengthy "waiting lists" for decent shelter and accommodations. For example, at the time of the freeze, the Eighth District of Maryland, Montgomery County, had a waiting list of over 1,700 family units, 600 of which were elderly. This list grows at the rate of 68 families per month, 30 of which are elderly. In the county more than 700 units on their way to approval were caught in the freeze, not to mention at least that many in the planning stage that never began to move.

In June 1972, the Secretary of Housing and Urban Development committed the Department to a total of 6,274 units in addition to 1,000 Project Rehab units to assist in the implementation of the fair share housing formula for the Washington metropolitan area in fiscal 1973. As late as last December the local governments of the area met with HUD officials to discuss final distribution of these units.

These local governments spent a great deal of time and effort to develop a plan for the equitable distribution of low- and moderate-income housing in this area, only to have their plans frozen by the same officials who had previously encouraged them.

Such have been the consequences of the freeze. The Department's evaluation of existing housing programs is due September 7. It is my hope that the report will be completed on time and that it will make a real effort to propose constructive new policies. If current housing programs have failed, then it is imperative that HUD not simply state that failure, but also develop feasible alternatives for consideration by the Congress.

In conclusion I must emphasize that the importance of the passage of the gentleman's amendment is equaled by the dire problem presented by the administrations moratorium on housing already planned.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I wish to commend the gentleman and associate myself with his remarks. I support his amendment.

Only an hour ago I got a call from one of the county commissioners of one of the counties I represent who suddenly awakened to the fact that if this amendment is not agreed to that planning in his county will be out of business, and I happen to know it will be out of business in every county I represent. It will be a disaster.

Mr. HANNA. It will be in most of the counties of my State, too.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I commend the gentleman for his amendment. This is an important matter for my area and for many areas across the Nation. It will help to insure adequate planning in these areas and I urge its adoption.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has been a great deal of lobbying on this particular matter. I do not blame the Members who are concerned about it. This committee has been concerned over the years with this particular program—the 701 comprehensive planning grants program. It originated with the 1954 Housing Act. From that date to this, Congress has appropriated some $550 million for comprehensive planning. In the program as of the first of May, there was $176,453,000 allocated or committed, but unspent.

The fact of the matter is, it is the manner in which the apportionment is made by the Department that makes it appear as if this reduction, from $110 million requested by the administration for the fiscal year 1974 to the $25 million recommended by the committee in the bill, is a disaster for planning. Of course, it is not.

Mr. Chairman, the $110 million that was proposed by the administration was really one of the few increases in the budget. We provided $100 million in 1973 for this program. The administration requested $110 million for 1974. This is an increase of $10 million. For what purpose? For the purpose of getting what is known as a Responsive Governments Act through the Congress.

Planning under the 701 program was initiated in 1954 and it pertained to municipalities and cities of 50,000 population and less. In 1968, it was amended to include municipalities and cities of 50,000 or more in population.

It has done a good job. Precisely what it does is provide money for planning agencies—State and local planning agencies, municipalities, and town planning agencies—to pay the salaries of people on the payroll to beef up their planning capabilities.

Nobody can find any quarrel with that. I do not find any quarrel with that. The quarrel I find is with the rate at which the money is being expended. As of May 1, 1973, $176 million is in the pipeline and is unspent. There is enough money to carry this program at the current rate of spending through the end of 1973, all of 1974, and well into 1975.

There is no necessity for any additional funds beyond the $25 million which this committee is recommending at this time. The $25 million is available for new applicants, not the same old people who come in every year under this program, but so new applicants can apply and be funded.

I think the judgment of the committee is a wise decision and I hope this Committee of the Whole House will support the committee on this item.

Mr. BRASCO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. HANNA). I do so reluctantly because the gentleman from Massachusetts is indeed a good friend and is the distinguished chairman of this subcommittee. However, I want to point out to the committee that we are in a battle with the executive branch over impoundment of funds and its effect on programs enacted and funded by the Congress.

We say we must wage this fight because impoundment of funds has caused untold misery to the American people. I do not want them to get caught up into another fight that denies local communities the ability to plan for their future development.

The gentleman from Massachusetts said there is $200 million in the pipeline. I called HUD and spoke to Under Secretary Hyde. He tells me that they are absolutely broke with respect to 701 planning funds; that there is some $200 million in funds, but they are for the following programs: water and sewers, rehabilitation loans, and open space programs, and cannot be used for the 701 program.

I also recommended to the gentleman from California, so that there would be no argument about increasing the amount of money, that instead of asking for $110 million, which was the administration's request, that the committee stay at $100 million, which is basically what 701 planning has received over the last 3 years.

Let me give the members an example of what happens if we do not adopt this amendment.

During fiscal 1973, the City Planning Commission of New York received $1.2 million in Federal 701 planning money. If an appropriation of $25 million is allowed to remain in this bill, the city would receive only $200,000. Considering the fiscal dilemma that New York City already faces, it is doubtful that the city could increase its share of the city planning commission budget to cover the loss of at least $1 million in Federal planning moneys. The new city budget allocates approximately $700,000 to the CPC.

The immediate impact of the cut in 701 funds would result in a two-thirds cut in present staff positions at CPC. These employees work "to help the decisionmaker make better decisions." Specifically, the 701 planning funds finance the only comprehensive planning activities carried out by the city. Although a "planning shell" would continue there would be no agency working to obtain the specific goal of an overview of the needs of the city.

The comprehensive planning section funded by the Federal funds in question is responsible for review and approval of plans formulated by the other agencies in the city. This includes supervision of planning projects as diverse as sewers, requests for school construction and modification and family health centers. The comprehensive planning unit is also responsible for drafting the city's capital budget.

In addition, the city planning commission, as a result of the availability of Federal planning money, has been able to direct its expertise to provide review and approval of all urban renewal plans and to lend assistance to all city agencies in formulating requests for HUD categorical grants. Looking into the future, if the Congress decides to convert the HUD categorical system into a form of block grants, it is quite likely that the CPC will be designated to make recommendations for the use and implementation of the block grant money.

Not only New York City, but cities and counties all over the country, as well as the Department of Housing and Urban Development, view the 701 planning and management program as the only source of assistance available to be used to build their capabilities to carry out community development program consolidation legislation which the Congress will be considering shortly. There is widespread interest in the Congress in the concept of consolidation of community development programs as evidenced by its nearly passing during the last session. Thus, to go from the current categorical programs to a consolidation of programs will require additional capabilities on the part of local governments which must be built during the transition period.

In summary, planning is a continuing, comprehensive process, and not a one-shot expenditure with a specific startup and concluding period. If funds are reduced, the effect in fiscal 1975 will be such that for the approximate three-fourths of a year needed to restart the funding cycle, most planning agencies would literally be put out of business. For these reasons, the House should accept this amendment.

Therefore, Mr. Chairman, I ask the committee to adopt the amendment offered by the gentleman from California (Mr. HANNA).

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California.

Mr. Chairman, the cut that was made by the committee from the report of the committee appears to be on the basis that a bill to be called the "Responsive Governments Act" will be sent to the Congress and will be enacted into law by the Congress.

Mr. Chairman, I submit to the Members that no one in the Congress knows what is contained in that bill, because it has not been sent to the Congress.

The only people who know it, presumably, are the Members of the administration who are considering it, and they recommend the full funding of $110 million for the 701 planning grants.

How can we cut back on the basis of a bill we have not seen? If, perchance, the bill does come to the Congress and is passed by the authorizing committee and the question of appropriations comes up, the money heretofore granted under this bill for 701 planning can be transferred to the new program.

I submit that a cut in this program is pennywise and pound-foolish.

I rise in support of the Hanna amendment to increase the appropriation for the HUD section 701 planning program from $25 million to $110 million.

In reading the committee report I was satisfied that the committee offered a cut of $85 million solely on its expectation that a similar amount could be authorized and appropriated for the Responsive Governments Act, which the administration soon will offer as a replacement for the current 701 program.

Thus the committee has no opposition to this very valuable planning and management tool which has come to be the primary source of funds for local governments responding to the development needs of their communities.

In most instances, I would support the logic manifest in the committee report and vote for the smaller amount, awaiting authorization of the new program.

Yet I am hesitant to do so today because the Responsive Governments Act has yet to be sent to the Congress by HUD, and in fact we have been unable to get from the agency a determination when we can expect to see the legislation.

With nothing known of the mechanics or the funding levels of the new beast, except assurance from HUD that it will operate similarly to the old program, I am inclined to support Mr. HANNA, to fund the current program to the figure authorized, then act on the new proposal when it comes up, and merely suggest the transfer of funds appropriated under the 701 program to its successor.

This to me seems a more sound approach than the pig-in-a-poke scheme which HUD seems to be suggesting.

Thus, I hope my colleagues will vote with me in supporting the Hanna amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. McDADE. I thank my able colleague for yielding. Of course the gentleman is right in talking about an act that has not come out of his committee.

Mr. MOORHEAD of Pennsylvania. It has not even come into our committee.

Mr. McDADE. One basis on which the Appropriations Committee can act is on the basis of the rate of expenditure, on the basis of what has been spent in the past. Would the gentleman not agree that is a valid basis?

Mr. MOORHEAD of Pennsylvania. In my reasoning the planning is a long-range proposition. The various commissions across this Nation, if they are going to start work on something, want to know what is to continue. If they rely upon a bill they have not seen, which has not come to the authorizing committee, they will not plan at the same rate.

Mr. McDADE. Should we not take into consideration the actual amount of money that HUD is spending on a program?

Mr. MOORHEAD of Pennsylvania. I submit to my good friend that what we should do is act on the basis of existing legislation, and not appropriate on the basis of a pig in a poke, which is all we have so far as the Responsive Governments Act is concerned.

Mr. McDADE. I am talking about expenditures. Should we not act in the Appropriations Committee based upon a level of expenditure at HUD? Is that not a reasonable basis on which to act?

Mr. MOORHEAD of Pennsylvania. Apparently there is in the mind of somebody in the Administration a bill called the Responsive Government bill. I do not know what is in it. I submit that probably my friend from Pennsylvania does not know what is in it. But the people who do know, who are working on it in the administration, recommended the higher level of funding.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to my friend from Michigan.

Mr. BROWN of Michigan. I should like to pose a question, if I may, on the gentleman's time, to the gentleman inquiring of the gentleman in the well. The question is, Are the increases in the budget requests and so on which are coming up later based on the spending of HUD for those items?

Mr. McDADE. Many of them are.

Mr. BROWN of Michigan. Is that true for urban renewal, Model Cities, and the others?

Mr. McDADE. The purpose of the Appropriations Committee is to look at the actual expenditures and to coordinate what we do in new obligational authority with what is going on in a program. It is not a vacuum. It is what is happening.

Mr. BROWN of Michigan. If the gentleman from Pennsylvania will yield further, I should like to ask the gentleman another question. Is the gentleman saying that HUD spent only $25 million in 1973 on the 701 program?

Mr. McDADE. I am glad the gentleman has asked that question, because I should like to give him the direct question and the direct answer from the hearings, on page 609.

The chairman presented this question:

> What was the actual rate of expenditures under the 701 program in fiscal year 1972?

The response, by Mr. Graves, who runs the program, was:

> $50,170,000 was our outlay during fiscal 1972.

I say to the gentleman, that is all they have been able to obligate in this program since the program started, and the maximum has been $50 million. That is why they have $175 million in the pipeline they have not been able to spend yet.

Mr. BROWN of Michigan. If the gentleman will yield further, I would say that at least supports the theory that the Appropriations Committee should have come in with $50 million, if the gentleman is true to his own theory.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, let me suggest that planning is not a one-shot program. They are setting budgets for years ahead. This is a real shock to planning commissions across the Nation. We have had moratoriums on the housing program. Let us at least continue our planning so that under the moratorium we can move forward.

Mr. CRONIN. Mr. Chairman, I rise in support of the amendment to restore full funding for the 701 comprehensive planning grants. The grants, which are actually loans from a revolving fund, are available to towns and cities for specific planning projects which they otherwise could not afford. Most of the money is repaid to the Federal Government, making a good return on the investment and costing the taxpayers little. Maximum use of full funding of these grants would benefit highly local governments.

Mr. STEELE. Mr. Chairman, I rise at this time in support of the gentleman from California's amendment to restore the comprehensive planning grants back to the level of $110,000,000 authorized earlier by the House in House Joint Resolution 512. These section 701 program funds are vital for the continuation of effective comprehensive planning and management for federally assisted community development projects through fiscal year 1975.

Although the funds are to be appropriated within fiscal year 1974, the funds would not be utilized by their respective State, county, or city recipient governments until 1975. With the reduction of funds the committee has recommended, a dire shortage of funds would exist in 1975.

The State of Connecticut received $1.1 million during fiscal year 1973 for community planning activities. With a 77-percent cut in the comprehensive planning funds, the State's programs will be greatly hurt, as will most of the planning projects of this sort throughout the country.

Planning requirements assure that Federal funds will be used as productively and efficiently as possible. As well as protecting the Federal investment in these projects, these requirements have provided for the coordination of the functional or more specialized programs and the planning development.

With the aim of consolidation of community development programs in mind, the section 701 funds often provide the sole source of assistance toward this goal. Without these section 701 funds, many deserving, innovative planning programs will die. Therefore, I urge my colleagues to support the amendment to restore the funds to $110,000,000.

Mr. TALCOTT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I concur with the gentleman from Massachusetts (Mr. BOLAND) who explained it very well. Obviously we are being lobbied by a lot of people from the cities which have large planning departments and they are wondering what to do with them.

Actually what the Committee on Appropriations has done is to add about $682 million in the HUD program: $462 million in urban renewal, $150 million for model cities, and $70 million for open space. This is where the cities need the money. They have plenty of money in the comprehensive planning programs, but when they find all this other money available, they become greedy and want more.

Mr. Chairman, it was never intended that the Federal Government was going to provide for and fund all the planning for all the cities. They have some obligation to provide planning themselves, and if they desire to continue this program, there is plenty of money in the pipeline for that purpose. There is plenty of money to continue until the adoption of the Responsive Governments Act. I am in favor of the Responsive Governments Act, and I think it is necessary. But I think it is important that we vote this amendment down; otherwise we are going to have an increase of such an excessive amount over the budget that it may invite a Presidential veto.

Mr. McDADE. Mr. Chairman, will the gentleman from California (Mr. TALCOTT) yield?

Mr. TALCOTT. I yield to the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Chairman, I just want to take a moment of the time of the House to point out what has been going on in this program. This is not a new program. This program has been on the books since 1954, and as has been pointed out, we have appropriated hundreds of millions of dollars to try to encourage comprehensive planning.

We are in favor of it, but we are not in favor of giving them so much money downtown or any place else that they cannot use it.

Mr. Chairman, the actual figures are that in 1972 they were only able to spend $50 million across the country in this account. In 1973, their first quarter figures ran to about $14 million, and if we take it all the way through, they got up to their high point of about $56 million in actual expenditures.

The result is that we have, in fact, been so generous with this account that they have got $176 million in the pipeline, and $25 million as proposed in this new bill, making a total pipeline figure of $201 million, and yet all they have been able to spend actually so far in any fiscal year is $56 million.

Mr. Chairman, it is just plain foolishness, it seems to me, to push in more money until we see where we are going.

Mr. BOLAND. Mr. Chairman, will the gentleman from California (Mr. TALCOTT) yield?

Mr. TALCOTT. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I hope that the Members who are present on the floor are aware of what the gentleman from Pennsylvania said. He is absolutely right. The rate of spending is terribly important in connection with this particular activity.

Mr. Chairman, the gentleman from New York went on to say that there is no money for water and sewer programs and some other activities. That is not involved here at all. All that is involved here is planning grants, where we are actually paying part of the cost for personnel in particular planning agencies throughout the United States. We are not affecting the community development programs at all.

As a matter of fact, community development is where we put money back in, and what the gentleman from Pennsylvania has said is precisely correct. They are only spending at the rate of about $70 million a year in this program.

At the beginning of fiscal year 1973, $233,213,029 was available for use by grantees. This includes a $100 million appropriation for this fiscal year, and another $133 million in outstanding grants that had not been spent.

In the first quarter grantees used $14,482,000. The second quarter the planning bodies used $16,826,000. Only $19,599,000 was used in the third quarter. Through April, $56,760,000 has been used, leaving $176,453,000 still available.

At that rate, as of about the first of May, with the $25 million included here, they had $201 million obligated but unexpended.

Mr. Chairman, what does that mean? If we are going to pour more money into this program, they are going to have more money that is going to be unexpended. This is exactly what it is going to mean.

I do not say we are pouring money down a rathole, but what I am saying here is that we are providing sufficient funds with $25 million for new applications. And bear that in mind: New applications.

Mr. Chairman, we hear all these Members around here talking about comprehensive planning grants and they are champions of it. I am, too, We have been funding it since it came into being in 1954. I am for it, but I think we ought to use some commonsense in how we fund it.

All the Members around me who are screeching about this program now have been the ones who have been getting it for years and years, and I do not blame them. My own city has benefited tremendously under this program; I know it has. So have a lot of other cities.

But Mr. Chairman, what I am saying is that there is no sense in piling more money onto the money they already have when they cannot spent it. The $25 million which we have provided in the bill and the balances on hand to be spent certainly gives them an opportunity to continue their programs well into 1975.

If the gentleman will yield further, I would like to ask the gentleman from New York if he knows how much money is in the pipeline for the city of New York? And at what rate they are spending it now for comprehensive planning?

Mr. BRASCO. If the gentleman will yield, I really think the gentleman answers his own question when he said there is $200 million already available and obligated. That means there is nothing new that can be added. You are adding $25 million to new contracts while spending $80 million a year. I suggest what is happening here is a war with the administration and with the people of the country caught in the middle and being hurt by that war, and I hope we can rectify that this afternoon.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent (at the request of Mr. HANNA) Mr. TALCOTT was allowed to proceed for 2 additional minutes.)

Mr. TALCOTT. I yield to the gentleman from California.

Mr. HANNA. I simply want to make a point that I think can be obscured here, which is you are forgetting what the gentleman told you and which is very important. About 3 years ago we took this little program that has been in the law for a long time and applied only to cities under 50,000 and we then made it applicable to cities over 50,000. So we have in our hands here a vastly expanded program.

What the problem is in terms of the money he is talking about is that when you start to expand a program like that you have to be prepared to meet the growth aspects of that expansion. That is all it is.

I can understand the gentleman being exercised and excited, and I would be, too, because we are talking about taxpayers' money here, but this money is being spent in the same way, because if you do not have comprehensive planning, you will not use the money in your specific grants correctly.

I appreciate the gentleman yielding.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

What should be kept in mind is that the amendment offered by the gentleman from California will not quite bring the funding of this program up to even the budget request. The budget request was $110 million. Even with the gentleman's amendment the funding and appropriation would only be $100 million.

I intend not to support some of the committee recommendations which increase the funding of the urban renewal program and model cities programs since they are presently in a transitional stage and will be funded under the proposed Better Communities Act. So in supporting this amendment I do not intend to support the proposals that exceed the budget but, rather, if the restraint of the Appropriations Committee which is exercised with respect to this program, I think unwisely, had been exercised with respect to the other programs, not only would we not have an over-the-budget amount but, rather, we would have an under-the-budget amount.

Mr. FRASER. Mr. Chairman, I want to

indicate my support for the amendment of the gentleman from California (Mr. HANNA) that restores funds for comprehensive planning grants under section 701 of the Housing Act.

I think it would be a serious mistake for us to cut 701 planning money, as the committee proposes to do, particularly now as we begin to move toward greater local initiative in the field of community development.

New federalism has not yet reached community development, it is true. But clearly any new legislation in this area will give local communities more responsibility than they have now to develop programs that meet their own special needs.

The cities are not waiting for us to write a new bill. They know that the time is coming when HUD will no longer be looking over their shoulders waiting to approve every comma and period on a grant application.

We are now in a transitional time between the traditional categorical grant approach and some new form of special revenue sharing or grant consolidation. Many cities recognize that they must use this time to improve their program development capacity and this is exactly what 701 funds are helping them do.

In my district, for example, Minneapolis is into the second year of a 3-year 701 program that focuses on our housing and social service needs. With the help of planning grant money, Minneapolis will now have a comprehensive analysis available of the city's supply and demand for housing as well as the condition of its current housing stock.

When we move beyond the Minneapolis city limits, we find that 701 funds have been particularly significant on a regional level. In the Minneapolis-St. Paul metropolitan area, we have an unusually effective regional agency—the metropolitan council—that has planning and program coordination responsibilities for seven county areas with a million and a half population. Nearly 20 percent of the council's $3 million annual budget comes from the 701 program.

While the metropolitan council is somewhat unique, similar work is being done by more than 600 regional councils of governments—or COG's, as they are known. Many of these agencies rely heavily on 701 funds.

On our rush toward new federalism, the role of regional agencies like the metropolitan council has all but been ignored. The council does not qualify for general revenue-sharing funds and its likely status under special revenue sharing is unclear.

Only in the 701 program has the council been able to find a source of Federal support for comprehensive planning on an areawide basis. While the planning process may not be particularly visible, it is essential if we are to overcome the fragmentation and lack of coordination that has characterized so much community development activity in the past. How will the Twin Cities area relate its transportation system to its housing and economic development needs, for example? We have not yet solved this systems level problem—but at least 701 funds are helping to point out some new directions.

To cut the fiscal 1974 comprehensive planning grant funds to $25 million, as the committee proposes, would be a serious blow to the Twin Cities and the thousands of communities throughout the country.

The Hanna amendment needs and deserves our support. I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HANNA).

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HANNA. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 184, not voting 81, as follows:

[Roll No. 269]

AYES—168

Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Ashley
Aspin
Barrett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Brown, Calif.
Brown, Mich.
Burgener
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clay
Cohen
Collins, Ill.
Conlan
Conte
Corman
Cotter
Culver
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dickinson
Diggs
Donohue
Dorn
Drinan
Dulski
Eckhardt
Eilberg
Esch
Fascell
Fish
Flood
Ford, William D.
Fraser
Fulton
Gaydos
Gettys
Giaimo
Ginn
Grasso
Green, Pa.
Griffiths
Gude
Hanley
Hanna
Harrington
Harvey
Hébert
Heckler, Mass.
Helstoski
Hicks
Holifield
Holtzman
Horton
Jones, N.C.
Karth
Kastenmeier
Kluczynski
Koch
Kuykendall
Kyros
Lehman
Litton
Long, La.
McCloskey
McFall
McSpadden
Madden
Madigan
Mailliard
Mallary
Mann
Martin, N.C.
Matsunaga
Meeds
Mezvinsky
Minish
Mink
Mitchell, Md.
Mizell
Moakley
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Nedzi
Nichols
Nix
O'Neill
Owens
Pepper
Peyser
Podell
Price, Ill.
Pritchard
Randall
Rangel
Rees
Reuss
Riegle
Rodino
Roe
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shriver
Sisk
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Stark
Steele
Stephens
Stokes
Studds
Sullivan
Symington
Thornton
Udall
Van Deerlin
Vander Jagt
Vanik
Walsh
Whalen
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Yates
Yatron
Young, Fla.
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki

NOES—184

Abdnor
Adams
Andrews, N. Dak.
Archer
Arends
Armstrong
Baker
Beard
Bell
Bennett
Biester
Blackburn
Boland
Bray
Breckinridge
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Wis.
Dellenback
Dennis
Dent
Downing
Duncan
du Pont
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Goldwater
Goodling
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hamilton
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hechler, W. Va.
Heinz
Henderson
Hillis
Hogan
Holt
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
Landgrebe
Latta
Lent
Long, Md.
Lott
McCollister
McCormack
McDade
McEwen
McKay
Macdonald
Mahon
Maraziti
Mathias, Calif.
Mayne
Mazzoli
Melcher
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Montgomery
Myers
Natcher
Nelsen
Obey
O'Brien
Parris
Passman
Patten
Perkins
Pettis
Pickle
Pike
Poage
Powell, Ohio
Price, Tex.
Quie
Quillen
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruth
Satterfield
Scherle
Sebelius
Shoup
Shuster
Slack
Smith, Iowa
Steed
Steelman
Steiger, Wis.
Stratton
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Tiernan
Towell, Nev.
Treen
Ullman
Veysey
Waggonner
Wampler
Ware
White
Whitten
Wiggins
Wilson, Charles, Tex.
Wyatt
Wydler
Wylie
Young, Alaska
Young, Ill.
Zion
Zwach

NOT VOTING—81

Anderson, Calif.
Ashbrook
Badillo
Bafalis
Breaux
Broomfield
Brown, Ohio
Chamberlain
Clausen, Don H.
Clawson, Del
Cochran
Conable
Conyers
Cronin
Danielson
Davis, S.C.
Derwinski
Devine
Dingell
Edwards, Calif.
Erlenborn
Fisher
Flowers
Flynt
Frenzel
Fuqua
Gibbons
Gilman
Gonzalez
Gray
Green, Oreg.
Hammerschmidt
Hastings
Hawkins
Hays
Hinshaw
Johnson, Calif.
Jordan
Kazen
King
Landrum
Leggett
Lujan
McClory
McKinney
Martin, Nebr.
Mathis, Ga.
Metcalfe
Mitchell, N.Y.
Mollohan
Morgan
Moss
Murphy, N.Y.
O'Hara
Patman
Preyer
Railsback
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Runnels
Ruppe
St Germain
Sandman
Saylor
Schneebeli
Sikes
Skubitz
Staggers
Steiger, Ariz.
Stuckey
Thompson, N.J.
Thomson, Wis.
Vigorito
Waldie
Whitehurst
Widnall
Wright
Wyman

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman we are about to take up an important segment of the HUD bill known as "community development program." I think we should all very clearly understand what is happening here. We are going to find in the community development program, and may I remind the Members that it is the bedrock of our city programs, we are going to find that regardless of what this committee proposes in the way of appropriations, these programs will have been gutted by the administration because it will not—I repeat, it will not spend the money that we appropriate here today.

So the very crucial contest between the executive and the legislative branch is involved here. I would have wished that my appropriations committee would have supported the legislative branch position in this instance, and put in mandatory language. The chairman of the Appropriations Committee, my dear friend from Texas, does not like to legislate, as properly he should not, on an appropriations bill, but the fact is that there is no legislation pending or ready to come out for authorization before the authorizing committee. And if we, the appropriations committee, do not mandate these programs for our cities, the fact is, as has been told to us time and time again by the Secretary of Housing and Urban Development, that regardless of what we do here, they will not spend the money.

What am I talking about? A rehabilitation loan program. The administration asks for nothing, a great program which has helped hundreds of thousands of people in communities throughout the Nation to rehabilitate their homes. The urban renewal program, which is the only program which has made great accomplishments over the last 20 years in rebuilding the old cities of America and which has been going along at a budget level of approximately $1 billion, the administration says it wants $137 million to wind down and terminate the program.

Oh, but our friends will comment and say that we are going into a transition period, from our existing programs, to a new Better Communities Act. We have been hearing this in our committee and in this Congress for a year.

We have no idea that the Better Communities Act will ever even see the light of day, let alone whether it will be passed by this Congress. But in the meantime, they are speaking as if it were already in existence and we were into a transition from our established, mandated programs by the Congress into this so-called new Better Communities Act.

So, what do they do? They cut the model cities program from $500 million to nothing. They cut rehabilitation loans from $90 million to nothing. They cut open space programs from $70 million to nothing. They cut urban renewal from $1 billion to $137 million.

Now, who should determine what the programs of this Nation are? The Congress of the United States, or the Secretary of Housing and Urban Development and the administration?

I believe we should come in here with legislative, mandatory language, mandating that they fully implement these programs appropriated for by the Congress. We have not done that. Hopefully this may well take place in the other body. I say that without doing that what we are going through here today is a charade. They will not veto this bill. Do not be worried about that threat. They do not have to veto this bill. They will do just as they did last year, not spend the money.

This to me is a betrayal of the cities of the United States, where there is a great and crying need for rehabilitation of our cities, to make them livable places in which people can live.

I say we are not doing our job here by not having mandatory language which will compel the Executive to implement the program which Congress has mandated not just this year or last year or the year before but in many instances for 20 years.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(On request of Mr. ASHLEY, and by unanimous consent, Mr. GIAIMO was allowed to proceed for 2 additional minutes.)

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Ohio.

Mr. ASHLEY. I want to subscribe to the comments of the gentleman from Connecticut. I believe it is very important to point out that the Better Communities Act which the administration has advanced for consideration by the Congress by its very terms would not take effect until fiscal year 1975, obviously a year hence. What they are saying is that during the intervening period there shall in effect be no funds available to continue the categorical assistance programs that have been folded into the new Community Act. The gentleman from Connecticut has enumerated these: Urban renewal, open space, community facilities, rehabilitation grants, and others.

I would point this out, if I may, and ask the gentleman to confirm it. When the administration first propounded to the Congress that there be in effect special revenue sharing for community development, and that was in 1972, they acknowledged at that time it would take a year of transition before their proposed legislation could take effect. At that time, however, they did acknowledge and make a specific request for additional funds for the intervening fiscal year. They are not doing that in this instance.

Mr. GIAIMO. My guess is that the reason why they are not doing that is that by depriving us of the funds they are trying to "persuade" us to support the Better Communities Act.

Mr. ASHLEY. I commend the gentleman, and I point out to the House that this really is not as much a partisan matter as it might seem. I believe the last vote might have reflected that.

Mr. GIAIMO. That is right.

Mr. ASHLEY. I suspect if amendments are offered that will again be reflected, because the fact of the matter is that all of us know, from the cities we represent, what the gentleman from Connecticut is saying is absolutely factual.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

PARLIAMENTARY INQUIRY

Mr. RARICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RARICK. Is there an amendment pending at the moment?

The CHAIRMAN. There is no amendment pending at the moment.

Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENTS OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I have an amendment which entails three separate amendments, and I ask unanimous consent that those amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The portion of the bill to which the amendments relate is as follows:

COMMUNITY DEVELOPMENT

MODEL CITIES PROGRAMS

For financial assistance in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3301), $150,000,000, to remain available until June 30, 1975.

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1974, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $600,000,000, to remain available until expended: *Provided,* That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

OPEN SPACE LAND PROGRAMS

For grants as authorized by title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e), and the provision of technical assistance to State and local public bodies, $70,000,000, to remain available until expended: *Provided,* That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project, except that grants made pursuant to section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500c), may be made in an amount not to exceed 75 per centum.

The Clerk read as follows:

Amendments offered by Mr. TIERNAN: Page 4, line 18, strike out "to remain available" and insert in lieu thereof "which shall be obligated and expended for such assistance as authorized by such title, and shall remain available for that purpose".

Page 5, line 2, strike out "to remain available" and insert in lieu thereof "which shall be obligated and expended for such grants as authorized by such title and section, and shall remain available for that purpose".

Page 5, line 13, strike out "to remain available" and insert in lieu thereof "which shall be obligated and expended for such grants and assistance as authorized by such title, and shall remain available for that purpose".

Mr. BOLAND. Mr. Chairman, I reserve a point of order on all three amendments.

The CHAIRMAN. The gentleman from Massachusetts (Mr. BOLAND) reserves a point of order on each of the three amendments.

Mr. TIERNAN. Mr. Chairman, as the previous speaker, my colleague and a member of the subcommittee, the gentleman from Connecticut, indicated, we have changed the budget request by the administration, and these three amendments are directed to the model cities program, the urban renewal program, and the open space land program.

The budget request that the administration made for the model cities program, according to this year's budget, was for zero funding, and as the gentleman from Connecticut (Mr. GIAIMO) so aptly stated, we appropriated a half a billion dollars last year for that program.

Mr. Chairman, what the subcommittee did was to provide for $150 million for model cities program in this bill.

In the urban renewal program the administration requested $137.5 million in funding, and we increased that to $600 million. In the open space program they requested no funds, and we provided $70 million.

Ladies and gentlemen of the House, I suggest to you, as my colleague has, that this is merely a deception on the people of this country and toward those communities which have relied on these programs in the past—and they are proven programs—unless language is adopted in this bill today making it mandatory.

Mr. Chairman, that is what my amendment will do. Unless these funds will be expended for these programs, we will see a continuation of the present policy where these funds are not made available to the communities when they need them.

I suggest to the members of this committee that if we are going to really do something for these programs which have been successful and have been worthwhile for the communities that need them, this type of language has to be put into the bill, because if it is not, we will just let the present situation continue through the fiscal year.

As has been indicated by the gentleman from Ohio (Mr. ASHLEY), there is no present legislation that this administration is talking about. The Better Communities Act: that is not legislation. It is only proposed before the committee, and we all know that we had that bill before this Congress a year ago and no action was taken on that legislation. The Responsive Government Act they speak about has not even been introduced into this body yet, and yet that is the legislation which they say is going to encompass these programs which have been successful in our communities.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman from Rhode Island (Mr. TIERNAN) yield?

Mr. TIERNAN. I yield to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I am pleased that the gentleman has offered these amendments, and I intend to support them.

Mr. Chairman, it is pretty difficult to know how to approach this question concerning supposedly coequal branches of government, whether this Congress can be considered as a coequal branch of government with the executive. It does not make any difference whether it is a Republican President and a Democratic Congress or a Democratic President and a Republican Congress, I am awfully tired of having final decisions made in the White House alone, whether it is a Democratic or a Republican President.

Mr. Chairman, I would not agree to such an amendment if it were proposed for every item in this budget, but as to those programs involved in the gentleman's amendments, I will join with the gentleman in the hope that a message will go out to the current President and to the Office of Management and Budget that we mean business, that we think these funds are necessary for the fiscal year we are addressing ourselves to. And we, a a matter of policy, will be saying that we expect those funds to be spent.

Mr. Chairman, I thank the gentleman for yielding.

Mr. TIERNAN. Mr. Chairman, I appreciate the comments of the gentleman from Colorado (Mr. EVANS).

I will say further, Mr. Chairman, that what we did in the subcommittee's work was to try to reach a figure that was a compromise between the figures presented us. On the urban renewal, we were seeking a billion dollars, the same amount of money spent last year. There was no new funding requested, but we compromised at a figure of $600 million, because that was the figure we felt was absolutely necessary.

So if we do not have mandatory language in the bill, in view of the court's decision, there is nothing we can do, because the courts have said unless there is something in the bill, that is only the maximum amount we can spend.

Mr. ASHLEY. Will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman.

Mr. ASHLEY. I think it ought to be pointed out the Better Communities Act is not about to be adopted in this session of the Congress, and there is good reason for that. The administration insists that the Better Communities Act be treated entirely separately from housing legislation. It is the thought of a majority of the Banking Committee and the committee in the other body that any legislation in this area be a combination of community development and housing legislation. The administration said they will not have their housing proposals ready until September of this year. So it is manifestly impossible during our present session of Congress to get the full package of community development and housing. What it means is that the moratorium for the programs the gentleman referred to is not for the current fiscal year, but it is bound to be for the next fiscal year as well.

POINT OF ORDER

Mr. BOLAND. Mr. Chairman, I insist on my point of order.

Mr. TIERNAN. Mr. Chairman, I want to be heard on that.

The CHAIRMAN. Will the gentleman state his point of order, please?

Mr. BOLAND. Mr. Chairman, it is clearly legislation on an appropriation bill and mandates spending for which there is no legislation. It appears in statutory responsibility otherwise provided by law relating to the Secretary.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard on the point of order?

Mr. TIERNAN. Yes, I do.

First of all, the chairman said this would provide for mandatory spending in programs that are not authorized. Under the rule we adopted today, all points of order with regard to that would be waived.

Second, as to whether or not the mandatory language would be legislation, I suggest to the Chair in his ruling this language is a limitation on the method by which the funds will be expended. And these programs have been authorized, in fact, by the Committee on Banking and Currency just a short time ago. So I do not think it is a legitimate point at all.

Mr. MAHON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Texas.

Mr. MAHON. Mr. Chairman, as the Chair knows, there are certain provisions in law, namely, the Antideficiency Act, which provide that the Executive has certain discretion with respect to certain expenditures of funds made available by the Congress. I quote the law:

> In apportioning any appropriation reserves may be established to provide for contingencies or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operation, or other developments subsequent to the date on which such appropriation was made available.

The amendment which requires and which mandates these obligations and these allocations and these expenditures amends the existing law. It is not a limitation under the Holman rule, as I understand it, which says you can modify existing law if you make the amendment to the law as a part of a reduction. There is no thought whatever here that there is any reduction being achieved but, rather, it is an effort to bring about the obligation and expenditure of all the funds appropriated, which is contrary to existing law.

I join the chairman of the subcommittee in the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. GIAIMO. I do, Mr. Chairman.

If the amendment offered by the gentleman from Rhode Island is not admissible, it is because of the fact that it violates these rules, rule XXI, clause 2, which prohibits legislation on an appropriation bill.

It seems to me, however, that if we read the rule of the committee, House Resolution 453, which made in order this legislation before us in this appropriation bill, the resolution which this House passed says:

> H. RES. 453
>
> *Resolved*, That during the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, Rule XXI are hereby waived.

That means on the face of it that the

Committee on Rules waived the prohibition of the Holman rule, and rule XXI, clause 2, making in order taking up matters which otherwise would be prohibited.

Of course, it has been stated here on the floor today earlier that the reason why the committee had to go to the Committee on Rules for a waiver of points of order was because of the fact that there was some legislation that we are appropriating for in this bill which was, in fact, not as yet authorized by law. If that is so, I suggest that the Committee on Rules should have worded their language a little differently, but they did not. They said the provisions of clause 2, rule XXI, are hereby waived. If we are going to go by the written wording of the resolution and interpret what in fact the chairman had in mind when the gentleman asked for the waiver of rule XXI, that puts many of we Members of Congress in a very difficult position because of the time that the resolution was up for adoption we would have had the right to vote down the previous question against the resolution of the Committee on Rules and try to make in order what the gentleman from Rhode Island is trying to do now. We did not do that, and one of the reasons why, undoubtedly is because Members of the Congress had the right to rely on the written wording which was before us, and the written wording clearly says that the provisions of clause 2, rule XXI are hereby waived.

I submit, Mr. Chairman, since that is the situation before us we should not go beyond the written wording of the waiver of the provisions of rule XXI, but in fact it should be instead that rule XXI is in fact waived in all its respects and in all of its aspects, and the amendments offered by the gentleman from Rhode Island (Mr. TIERNAN) should be made in order.

Mr. BOLAND. Mr. Chairman, may I just add, in support of my position that the Chair ought to sustain the point of order, that the rule goes only to the bill and not to the amendments.

The CHAIRMAN. Does the gentleman from California (Mr. TALCOTT) desire to be heard on the point of order?

Mr. TALCOTT. I do, Mr. Chairman.

Mr. Chairman, I would like to suggest that this is truly legislation on an appropriation bill. If the amendments were adopted, it would preclude the Committe on Banking and Currency, the authorizing committee, from ever adopting a Better Communities Act. We would be compelled to go along with these programs, so it precludes the Committee on Banking and Currency from functioning, and is clearly legislation on an appropriation bill.

The CHAIRMAN (Mr. O'HARA). The Chair is prepared to rule.

The Chair feels that it will be necessary first to speak on the contention raised by the gentleman from Rhode Island (Mr. TIERNAN) and amplified upon by the gentleman from Connecticut (Mr. GIAIMO) with respect to the provisions of the resolution under which the bill is being considered, and whether or not the provisions of that resolution have an effect on the point of order made by the gentleman from Massachusetts (Mr. BOLAND).

The gentleman from Connecticut (Mr. GIAIMO) is correct in asserting that if the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN) is out of order at all it is out of order because of the second sentence of clause 2 of rule XXI, which contains the provisions that "nor shall any provision in any such bill or amendment thereto changing existing law be in order," and so forth, setting forth exceptions. But the gentleman from Connecticut (Mr. GIAIMO) contends, and the gentleman from Rhode Island (Mr. TIERNAN) concurs, that the resolution providing for the consideration of the bill waives the provisions of that rule. The chair has again read the rule. It says:

> *Resolved*, That during the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development . . . the provisions of clause 2, rule XXI are hereby waived.

It does not say that points of order are waived only with respect to matters contained in the bill. It says "During the consideration of the bill" the provisions of clause 2 of rule XXI are waived.

The Chair was troubled by that language and has examined the statements made by the members of the Committee on Rules who presented the rule to see if their statements in any way amplified or explained or limited that language. The Chair has found that both the gentleman from Louisiana (Mr. LONG) and the gentleman from Ohio (Mr. LATTA) in their explanations of the resolution did, indeed, indicate that it was their intention, and the intention of the committee, that the waiver should apply only to matters contained in the bill and that it was not a blanket waiver.

Therefore whatever ambiguity there may have been in the rule as reported, the Chair is going to hold, was cured by the remarks and legislative history made during the presentation of the rule, which were not disputed in any way by the gentleman from Connecticut or anyone else. However, the Chair, recognizes that it is a rather imprecise way of achieving that result and would hope that in the future such resolutions would be more precise in their application.

The contention of the gentleman from Connecticut is not sustained, and the question, then, is; Is the point of order made by the gentleman from Massachusetts an appropriate one under the second sentence, clause 2 of rule XXI? On that question the Chair has examined the precedents. It is clear that the amendment gives an affirmative direction.

The amendment offered by the gentleman from Rhode Island provides: "These funds shall be expended."

These are the words used by the amendment. Affirmative direction by a long line of precedents has been held to be legislation on appropriation bills.

The Chair is not holding that it is not within the power of Congress to give such affirmative directions. It may or it may not; that is a subject of some dispute right now. The Chair simply holds that an appropriation bill is no place to do it, and the Chair, therefore, sustains the point of order.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, does the gentleman from Illinois understand that the Chair has sustained the gentleman from Texas' point of order and stated that the mandate to require the spending of the funds is legislation on an appropriation bill? Or is that not a part of the Chair's ruling?

The CHAIRMAN. That is, but it was the point of order made by the gentleman from Massachusetts, supported by the gentleman from Texas. The ruling sustains the point of order made by the gentleman from Massachusetts.

Mr. YATES. But not the gentleman from Texas.

The CHAIRMAN. The point of order was made by the gentleman from Massachusetts. The gentleman from Texas argued on the point of order, but the point of order was made by the gentleman from Massachusetts (Mr. BOLAND).

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to direct a question to the gentleman from Rhode Island who just offered the amendment, if I might—and I do not desire to put him on the spot, but simply to bring out a point I should like to make.

By any chance was his amendment offered, or similar amendments offered, to this legislation during the committee's consideration?

Mr. TIERNAN. Yes, it was.

Mr. SISK. I thank the gentleman very much.

I want to deplore the fact that our Committee on Appropriations apparently is unwilling to take the kind of steps that are going to be necessary to give this Congress the power to make policy in this country. We just this afternoon voted out a so-called anti-impoundment bill up in the Committee on Rules, which I think is probably about as worthless as many things I could cite but will not go into, because it is obviously going to be vetoed, and I do not think there is any chance that we are going to override it.

If this Congress truly believes—and I am calling this to the attention of my good friend, the gentleman from Texas and I have great respect for him, as he knows—that we do have a source of power in this Congress to begin to reassert our authority to make policy in connection with meeting the needs of our cities and meeting the needs of housing and meeting the needs of education and meeting many other needs in this country, we can do that, but apparently we do not have the guts to do it. It is just that simple.

We will not put in the provisions that are necessary. I do not like the idea of having appropriation committees legislating in appropriation bills, but if that is the only way we can get it in the bill, that is it.

The Rules Committee just in the last day or two has waived points of order on legislation, and there is no question but that this committee could have gotten a waiver if they had asked for it in committee. But I believe it is time for us to make up our minds whether or not we are going to make policy, whether or not we are going to do the things we believe are right, instead of continuing to delegate or empower the man in the White House not only to execute but also to make policy. That is exactly what the issue is here.

There is a way to get at this subject and this is the way to do it. As I said, as far as I am concerned I just want to make clear that we must act if we are going to meet the responsibilities of our cities and if we are going to set the priorities and, yes, I am all for a ceiling and I think the time has come to work on a matter which my good friend, the gentleman from Oregon (Mr. ULLMAN) and the gentleman from Mississippi (Mr. WHITTEN) and others have brought out, and I want to see progress made on that bill also.

I might say I moved in the Rules Committee today to set hearings for a time certain on that, starting the week of July 15, but the point I am making is that we kid ourselves around here about passing some kind of silly resolutions which are going to be vetoed and are going to be meaningless, and yet when we have an opportunity once in awhile to strike a blow in my opinion for some of the prerogatives I think this Congress should have, then we run for cover.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California is concerned, as we all are, about the failure of the Executive to carry out the will of the Congress with respect to certain spending programs. But Members of the House must remember that we have given to the Executive by law, enacted on more than one occasion, the authority not to spend all of the funds that are appropriated by Congress. We have given him certain flexibility in not spending funds, and that portion of the law is known as the Antideficiency Act, which says to the Executive that in apportioning any appropriation:

> Reserves may be established to provide for contingencies or to effect savings wherever savings are made possible by or through changes in requirements, greater efficiency of operation, or other developments subsequent to the date on which an appropriation was made.

If Congress wishes to change the law and undertake to require that all funds be expended, whether wisely or unwisely, regardless of developments, it can do it. But Congress has not done it. The Rules Committee has not submitted to the Congress a legislative proposal of that type.

It is true the House is considering an anti-impoundment bill. What may come of it we do not know. We need to wrestle appropriately with this matter. But it does not lie within the purview of the Committee on Appropriations to come in here and recommend that the Executive must spend all of the funds provided in the bill, regardless of subsequent developments.

That is contrary to the law of the land which Congress enacted. The Committee on Appropriations cannot do it. It is, of course, legislation on the appropriation bill to make any such requirement. It amends the present law.

Now, do we have the guts, my friend from California asks, to do what is needed here to properly present the position of the Congress before the country as a legislative body? Well, if we had the guts, my friends, to quit incurring such huge deficits, we would be in a better position to say, "You must spend all the money."

But, what are we telling the Chief Executive for this fiscal year which ends next week? He is going to spend $27 billion more than he has to spend, and the national debt is going up by $27 billion in fiscal year 1973. When the Congress, in its wisdom, will cut down spending or increase revenues, then I am ready to use the big stick and the little stick in order to carry out the will of the Congress. But it puts us in an awkward and fiscally unsound position to keep on authorizing more and more, appropriating more and more, increasing the debt more and more, and not to raise the revenues at the same time.

If we could have a bill cutting specific spending programs or raising revenues, and if we had the guts to face that kind of music, I think the country would be appreciative. I think it would not be too bad from the political standpoint. But, we have not done that. We talk glibly, glibly about expenditure ceilings, and yet we pile on more and more spending and we refuse to raise the revenues. How can we expect not to be impeached as to our sincerity by the American people when we conduct ourselves in any such way?

Let us talk sense. I am grateful to my beloved and esteemed friend from California for making his speech and permitting us to zero in on this issue, which is the real problem confronting us, and we keep backing away from it.

I of course, do not absolve the President from responsibility for the fiscal situation. The administration continues to present budgets and programs which call for huge deficits and debt increases.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to associate myself with the remarks of the chairman of my committee. He said just what needs to be said.

I think we should review some of the past activities which have taken place here in the House of Representatives. I listened with interest to my friend from California on the Rules Committee. He says we are going to have an impoundment bill, but do not worry about it, the President is going to veto it anyway. Of course he is going to veto it. He will because it is in the best interest of the taxpayers to do so.

If legislation of that kind ever came on the books, right now it would cost billions more this session than they are spending now. But, the same people who want them to spend that money will be the last ones who will vote for a tax increase to pick up the bill.

If the Members want to really mean what they say about the Congress getting control of Federal spending, the Rules Committee has before it right now the bill from the Joint Committee on the Budget, which we heard so much about in the early part of the session. They are going to hold hearings, which is fine. The President cannot veto hearings. It is just a House and Senate proposition where we are going to gather to ourselves some of the control as to how these funds ought to be spent.

Then, the committee ought to be allocating a spending ceiling and requesting sufficient revenues. It is a housekeeping proposition we ought to get out first instead of last.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I want to say that I am just as concerned about acting on the so-called Ullman-Whitten bill as I am on the others. It just happens to be, apparently, the leader and we come to it first.

Let me say to my friend from Texas, and I know he is my good friend, he is zeroing in as though we are trying to go out and spend through the ceiling. All I am saying is that I think Congress has to take the responsibility, and I am willing to do it.

The point is, what we are confronted with in attempts to try to set policy where we have a President who not only is cutting funds, but we are not asking him to violate the act, he is using this power to strangle our programs.

I maintain that is definitely getting into the constitutional prerogatives of the Congress. When he uses power that, I believe to be unconstitutional, then we have to use whatever methods we have at hand to restrain him.

Mr. CEDERBERG. That is entirely the gentleman's opinion. I just want to say that I wish the Rules Committee would put the priority where it belongs if the Congress wants to assume its responsibility. Let us get back to spending control legislation.

How did we get the Joint Committee on the Budget in the first place? We got it when we increased the debt limit last year, and it was just before an election, so we put a spending ceiling on, both in the House and in the Senate, of $250 billion.

The only reason why that did not become law was because of a language technicality between the House and the Senate. If Members will look at title II, they will see that the day after the President signed it, it ceased to have any effect.

If we ever gave the President a signal that he should live within a $250 billion spending ceiling, it was in that legislation.

Let me tell the Members that the President is living within a $250 billion ceiling for this fiscal year. Let me say further that in living within that ceiling there may have been a little belt-tightening around the country, but I have not seen any national catastrophe as a result of that saving, which means we are going to have substantially less of a deficit this year than we would have had otherwise. Furthermore, the spending would be, instead of $250 billion, well over $260 billion.

The escalator clauses in there will make absolutely mandatory either very,

very large deficits, or tax increases, and no one wants a tax increase.

I believe we are talking out of both sides of our mouths. The way to handle this is for the Rules Committee to get this Joint Committee on the Budget bill out.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. MAHON. It is implied that we, on all appropriation bills, on every item, could say, "And so much is appropriated for that and so much is appropriated for this and it must be expended regardless of subsequent developments." Such a course would be contrary to existing law and would contribute legislation on appropriation bills. It would be contrary to the commonsense requirements of sound fiscal management, that is, the responsible use of taxpayers money. It would defy the Executive position completely on the issue of impoundment, which is now being considered by both Houses in separate legislation—and therefore would undoubtedly incur a veto.

What we need here is to put our financial house in order.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CEDERBERG. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. CEDERBERG. Mr. Chairman, I withdraw my request.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had hoped that we could complete debate on this bill by 4:30. I am now thinking about 8:30, or even later.

I hope that we can bring this discussion to a conclusion soon. It is fine for a particular time and place. It would seem to me it is not fine here.

As the chairman of this subcommittee, I must say that I do not relish having any Member infering that this is not a responsible bill. I think that it is.

I must say that we have some problems reaching what we hope are the right decisions in our own committee. Many of us hold different points of view, but we try to work together. I am not looking for an issue, really; I am looking for a bill. That is what I want.

I just happen to believe that some of the actions which might have been taken with reference to this bill—there is no doubt about it—would have invited a veto, and we would be going through the same thing again.

Mr. Chairman, I would hope that we could keep our remarks with reference to this particular bill to the amendments that are going to be offered. I am sure that if I moved that we close debate on all particular amendments and amendments thereto at a particular hour it would carry overwhelmingly. I am going to refrain from doing that.

I would hope that those who serve on this side of the aisle and those who serve on the other side will cooperate, and perhaps we can finish this bill in another hour or hour and a half. We can do that if we have cooperation.

If we have the kind of conversation we have had in the past 40 minutes, we will never get through with it.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1974, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $600,000,000, to remain available until expended: *Provided,* That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 5, line 1, strike out "$600,000,000" and insert "$1,000,000,000".

Mr. GIAIMO. Mr. Chairman, this may sound like I am increasing the budget from past years, but I am not. This is the urban renewal appropriation which has been consistently running at the level of $1 billion. In fact, it was $1,250,000,000 back in the fiscal year 1972.

This is the keystone program of the entire communities development program. It has, in fact, rebuilt many of our cities. It is the program upon which so many of the older cities and American communities depend.

Now, the administration has cut it, and as my subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND) so rightfully said in trying to calm the atmosphere here just a few moments ago, we have problems on this committee.

You are darned right we have problems on this committee, and if the Members will just remember back a few minutes ago to the speech of the Chairman, the gentleman from Texas, and the remarks of the ranking minority Member, and if the Members had heard their arguments then, they can imagine the arguments and disagreements we have in our committee.

But we are a small voice, some of us. We are fighting for the cities. There is not sufficient money for the cities. We can find money to keep on bombing in Cambodia, though. We have no trouble finding that. And we will come along with some appropriations for other expenditures like subsidies or interest payment increases and there will be no difficulty there. Let the administration come down here and tell us that we need a couple of billion dollars for aid to North Vietnam and Cambodia, and they get it; and we see these same gentlemen coming down here and saying, "We have got to have it."

But, Mr. Chairman, when it comes to the American people in the cities, when it comes to the people who are trying to rebuild our cities, we are always short of money.

So do not preach deficits to me, Mr. Chairman. I have been hearing about them, and they are built right into the President's budget. We have ways and means where we can cut the budget and reduce the deficit. It all becomes a matter of who is going to do it, the Democratic majority in the Congress or the administration downtown. And I submit to you, Mr. Chairman, as the ranking Representative of the Democratic majority in Congress on the Committee on Appropriations that you should somehow and in some way abide by the will of that majority.

Now, let me say this—let me say this: Do not gut the urban renewal program.

Let us not be sold a bill of goods about this so-called Better Communities Act. We do not hear a word about its chances of passage. Let them come in and pass it whenever they want to try. If this Congress is willing to do it, fine. Then we will have a transition. Let me warn the Members about the Better Communities Act, and let me warn the Members what the administration is trying to do. There will be "goodies" in that bill. There will be money in that so-called special revenue-sharing bill for the communities, some of which are in my own district. I am not afraid to say it.

Mr. Chairman, some of these urban districts do not need this money but they will get it to the detriment of the cities; probably those will be the "goodies" that some communities will get. The people in the cities cannot afford to be cut back.

Just talk to the mayors who are meeting this week in San Francisco. They are not happy with it. They have been urging us in Congress to vote against the administration plan. They are learning a little more about this general revenue sharing, and they are finding out that the sum total of what they are going to get will be reduced.

They know what is in store for them if they get the Better Communities Act. A city like New Haven, for example, my city, will go from about $30 million down to about $14 or $15 million. I hate to think of what will happen to the city of New York and others.

Do not be sold a bill of goods. This is an effort to gut city programs, and I, for one, am not going to help gut a program that for more than 20 years, whatever its faults, served the people of this country, the urban people, well.

The President says that he is cutting it from $1 billion to $137 million. Our committee, knowing this is wrong, builds it back up to $600 million. What good does it do? Really, what good does even my amendment for $1 billion do? Because the President will simply ignore spending the money because our committee would not go in and ask for mandatory legislation to force him.

All I can say is it is about time we wake up around here and put the responsibility where it belongs and stop kidding ourselves that we are doing something when in fact we are not.

SUBSTITUTE AMENDMENT OFFERED BY MR. RUTH FOR THE AMENDMENT OFFERED BY MR. GIAIMO

Mr. RUTH. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. RUTH for the amendment offered by Mr. GIAIMO: On page 5, line 1, strike out "$600,000,000" and insert "$322,500,000".

Mr. RUTH. Mr. Chairman, I would like to talk to you about whether you would rather gut the cities or gut the Federal Treasury. I would like to tell you the difference between my bill and my friend's from Connecticut.

He wants to add $400 million and make it $1 billion. I would like to put a realistic figure in the bill.

Let me tell you where these figures came from.

HUD sent a figure over here of $137.5 million based on the termination of the program and going to the Better Communities Act in a short while. It was not a realistic figure, as they realized when we did not consider the Better Communities Act program. In the meantime they have been studying the needs community by community, speaking in terms of maximum or minimum they would need, and HUD sent a request to the Senate asking for $322.5 million. This is all they requested.

They put it in a form which explains how the money will be used, and this is the reason why I have come up with this realistic figure.

I will probably get or I do anticipate I will get mild opposition from my chairman. He would have liked the bill to stay intact.

It is not too good to muddy the waters, but I will say, Mr. Chairman, I offered a substitute bill and not an amendment to raise it $400 million. I am coming in with a realistic figure which I got from the HUD people.

I might say there is nothing sacred about $600 million. You know, we came to this because we kept trying to reach a compromise in our subcommittee and finally came up somewhere between this $1 billion that was suggested and this $137.5 million suggested. It was a compromise figure.

But it did not satisfy my friend from Connecticut. He has now come back and wants to put the whole $1 billion in the bill on the House floor.

Let us forget about some of these things happening here and talk about urban redevelopment itself. It does not become a great program because we get up and talk emotionally about how great it is. It served a purpose, but urban redevelopment needs to be putting itself out of business. Urban redevelopment has already had its big moment. We have gone to the communities and talked about where they need to improve their areas most. This has been done.

Let me tell the Members what we do have. We have a large number of bureaucrats who want to keep this going on and on and on. We have one group that goes around purchasing land. We have another group that relocates the people that they have to move. We have another group to plan how to better the community. And then we have another group to coordinate. They do not get together, and they go on and on and on.

Go down into the city of Washington, and take a look around anywhere in the northwest, over between 7th and 14th, and you will see store after store and house after house closed up, and I am talking about hundreds of them. One would think the people who own them do not want to take care of them, but that is not the truth. It is because they belong to the urban development, and they are sitting there, becoming more and more delapidated, while they plan more and more things and try to decide what they really want to do, and how to have a better community.

Unless HUD is able to reduce its budget and start getting rid of some of these bureaucrats who do not have any idea what to do or where to turn, or how to handle such a program so as to do it in the way it was intended to be done, it should be put out of business.

We keep talking about the bill, and the President vetoing the bill. Let me tell the Members something in closing. The President does not veto bills. I will admit that he holds the pen. He gives us a budget, but the great spenders in the Congress who continue to put the money in bills over the amount of the budget are the ones who veto bills.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. RUTH. I will be happy to yield to the gentleman from Rhode Island.

Mr. TIERNAN. I am sure the gentleman knows that when these same people came before the subcommittee that the gentleman serves on, and on which I serve, that they asked for $137.5 million. When did they all of a sudden decide they wanted to have this additional amount of money?

Mr. RUTH. I would like to respectfully say to the gentleman that evidently the gentleman did not listen to everything that I said.

Mr. TIERNAN. I did.

Mr. RUTH. I explained very clearly that they came up with the proposal on the Better Communities Act. When they realized that the Better Communities Act would probably not become a reality they produced an in-depth study. Maybe the gentleman from Rhode Island did not see it, but it is not secret. It is done community by community, as to where they plan to spend the money. As the gentleman from Rhode Island knows I am a young Member, but, you know, the younger Members do their homework. The older Members sometimes sit around, on their laurels.

Mr. TIERNAN. Will the gentleman yield further?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. RUTH. Mr. Chairman, I will be glad to talk to the gentleman from Rhode Island until it gets dark.

Mr. TIERNAN. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina (Mr. RUTH) may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

Mr. CORMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BOLAND. Mr. Chairman, I rise to oppose both amendments.

Mr. Chairman, there are a number of amendments that are pending at the desk, and I regret that I have to step in here ahead of some of the other Members who have amendments which probably precede the amendment that was offered by the gentleman from Connecticut.

Mr. Chairman, I might say that both the gentleman from Connecticut—for whom I have the greatest respect, and who is one of my closest friends in the Congress—and the distinguished gentleman from North Carolina serve on my subcommittee—and you can understand how well we get along—but we do, we really do. It is a pleasure to serve with both of those gentlemen, and all of the other Members who serve on the committee.

But, Mr. Chairman, as I said a moment ago, I am really looking for a bill and not an issue.

As the gentleman from Connecticut has said, the administration requested $137.5 million to close out the urban renewal programs. This is one of the programs that was terminated by the administration. There were seven programs that were proposed for termination, six of them are within this bill. The water and sewer grant program is within the bill chaired by the gentleman from Mississippi (Mr. WHITTEN).

This committee unanimously—and incidentally, unanimously on both sides of this committee—expressed its deep concern over the termination of programs that were developed, that were passed by the Congress, that became law, and on which funds were frozen or impounded. But, above and beyond that, the cardinal sin of all is killing programs unilaterally by terminating them.

So what do we do? We decided we would fund to the best of our ability, and as far as we can get an agreement, these community development programs that we carry in this bill.

We increased the amount of urban renewal from $137,500,000 to $600 million. What does $600 million mean for this program? What it means is that the urban renewal programs will be carried out at the same level in fiscal year 1974 as they have been carried out in 1973.

By the end of 1974—June 30, 1974, the future of these programs will be clarified.

I think we would terminate the programs if we go along with the $322.5 million figure which was offered by the gentleman from North Carolina. We should continue the programs at the current level through 1974. What is wrong with that? By June 30, 1974, we will have a better idea as to whether or not the Better Communities Act will be law. If it is not the law, we are going to continue with urban renewal; I have no doubt about that. It has been in the basic law since 1949.

How much money have we reserved under this program? How much has the Congress actually provided for urban renewal over the years that the urban renewal program has been in existence? Cumulative loan commitments will total over $15 billion by the end of 1974.

How much have we expended for urban renewal over the period that urban renewal has been in existence? Over $8 billion. Is there anyone sitting on this floor who can say that the Congress has not done something for the cities?

I know what the complaint of the mayors is. I guess if I were a mayor, I would be complaining, too. No one doubts the fact that a mayor's job is probably the most difficult public office to hold of any public office in the United States, and I would agree. All of the pressures are there. A mayor is as close to his people as he is to the guy who walks down the street, or to the guy who can pick up the telephone. I know that, but we cannot just make the sky the limit, and we cannot do it in this bill. That is all I am saying.

If we do not get a Better Communities Act by fiscal year 1975—and it is supposed to take effect as of July 1 in 1974—we will be funding urban renewal. But let no one say that we do not do anything for the cities.

Model Cities is in this bill. Congress appropriated $500 million for this program last year. This year the administration asked for no money; it was terminating the program. We do not permit them to do it. We put $150 million in here so the 147 cities that operate Model Cities programs throughout the United States will have money to continue their programs at a 100-percent level for 1974. What is wrong with that?

We have some money in here for the open space land program. It is not enough to satisfy everyone. What I am saying, Mr. Chairman, is we have done a job here, and I think this committee ought to be proud of what this committee has done.

Mr. TALCOTT. Mr. Chairman, I rise in opposition to both amendments.

Mr. Chairman, I just want to join the gentleman from Massachusetts in opposing both amendments, one raising it to $1 billion, and one reducing it to some $300 million. The committee heard all of these arguments. We think we have been fair to the cities and fair to the taxpayers, too. We are concerned about both.

We have been fair to the cities, and we have to be fair to the taxpayer, too.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I want to further clarify a point the gentleman has made about the cities and what they are going to receive. In the debate earlier the statement was made that under the Better Communities Act the city of New York would lose money. That is not a fact. Under the formula which has been developed for the Better Communities Act, the city of New York will actually receive more money than they are receiving now under urban renewal. So I do not want any of my colleagues on either side of the aisle to be misled, or misunderstand the facts. Under the Better Communities Act the city of New York will actually receive more money than they are receiving at the present time.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not qualified to speak specifically on this appropriation matter but there has been much discussion here about taxes and fiscal responsibility. I suggest to the Members that if we keep saying the world is flat long enough, maybe we can convince somebody. If we keep saying this administration is responsible long enough, maybe the Members can convince somebody, but not me.

I would remind the Members that, since Washington's first day in office until the end of World War II, this Nation accumulated a debt of $300 billion—and that is an awful lot of money.

Then during the administrations of Truman and Eisenhower and Kennedy and Johnson, that national debt went up $77 billion. We fought the Korean war and we fought a good bit of the war in Vietnam. Then during one-half, or I assume it is one-half, of the Nixon administration, that national debt has been requested to be increased by $108 billion. And that is not because we have spent more money than he has asked us to. It is because the President refuses to support realistic tax reform in this country.

We have a tax proposal from the administration. Do the Members know what it is? It is that we cut taxes by $800 million. That is what the President asks us to do in the face of a $108 billion increase in our deficits during the first half of his administration.

There is a bill before this Congress called H.R. 1040—I thought maybe the number would ring a bell with some of the Members. It has more than 50 cosponsors. It is not supported by the administration. It would produce $20 billion in new revenue.

If we are going to continue to spend money as we seem to, then we must tax ourselves, but let us quit fooling ourselves that we have a responsible administration downtown. They do not support taxes; they oppose taxes. They do not support a cut in spending; they only support a cut in spending for the poor. There is a city out my way that gets a check from the Federal Government every 3 months. It never used to get a check. It is Beverly Hills.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose both amendments.

Implicit in the remarks of the gentleman from Connecticut was that the cities of the country are being gutted by the President's budget more than other sectors of our country. I just want to point out to the committee that the full committee had the President's Economic Council Chairman and his Director of the Office of Management and Budget and other high officials including the Secretary of the Treasury before it. They all had to admit, Mr. Chairman, that the agricultural sector in the President's budget for fiscal year 1974 took a far greater beating or gutting than any other sector.

So I want to emphasize to this body that the evidence is the cities have not been unduly damaged, more than other sectors of the economy, and I would hope we would uphold the distinguished subcommittee chairman and his subcommittee who I think have been fair in this instance, and arrive at a responsible and reasonable figure, somewhere between that offered by the gentleman from North Carolina and that offered by the gentleman from Connecticut. We should support the subcommittee on this amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from North Carolina (Mr. RUTH) for the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and on a division (demanded by Mr. RUTH) there were—ayes 34, noes 80.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. GIAIMO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 241, not voting 86, as follows:

[Roll No. 270]

AYES—106

Abzug
Addabbo
Annunzio
Ashley
Aspin
Barrett
Bergland
Biaggi
Bingham
Blatnik
Brademas
Brasco
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Chisholm
Clark
Collins, Ill.
Corman
Cotter
Daniels, Dominick V.
Dellums
Denholm
Dent
Diggs
Donohue
Drinan
Eckhardt
Eilberg
Fascell
Flood
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Ginn
Grasso
Gray
Green, Pa.
Gude
Hanna
Harrington
Helstoski
Holifield
Holtzman
Horton
Howard
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Lehman
Macdonald
Madden
Matsunaga
Meeds
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Murphy, Ill.
Nedzi
Nix
Obey
Owens
Patten
Pepper
Podell
Price, Ill.
Rangel
Rees
Reuss
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
St Germain
Sarbanes
Schroeder
Seiberling
Shriver
Sisk
Stanton, James V.
Stark
Stephens
Stokes
Stuckey
Studds
Sullivan
Tiernan
Udall
Van Deerlin
Vanik
Whalen
Wilson, Charles H., Calif.
Winn
Wolff
Yates
Yatron
Young, Ga.
Zablocki

NOES—241

Abdnor
Adams
Alexander
Anderson, Ill.
Andrews, N.C.
Archer
Arends
Armstrong
Baker
Beard
Bell
Bennett
Bevill
Biester
Blackburn
Boland
Bolling
Bowen
Bray
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Cleveland
Cohen
Collier
Collins, Tex.
Conlan
Conte
Coughlin
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hogan
Holt
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating

Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCollister
McDade
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Natcher
Nelsen
Nichols
O'Brien
O'Neill
Parris
Passman
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Roush
Rousselot
Roy
Ruth
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shuster
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Steed
Steele
Steelman
Steiger, Wis.
Stratton
Stubblefield
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wyatt
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NOT VOTING—86

Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Badillo
Bafalis
Boggs
Breaux
Broomfield
Brown, Ohio
Carney, Ohio
Chamberlain
Clausen, Don H.
Clawson, Del
Clay
Cochran
Conable
Conyers
Cronin
Danielson
Davis, S.C.
Derwinski
Devine
Dingell
Edwards, Calif.
Erlenborn
Fish
Fisher
Flowers
Flynt
Frenzel
Fuqua
Gibbons
Gilman
Gonzalez
Green, Oreg.
Griffiths
Hammerschmidt
Hastings
Hawkins
Hays
Hinshaw
Johnson, Calif.
Jordan
Kazen
King
Landrum
Leggett
Lujan
McCormack
McEwen
McKinney
Martin, Nebr.
Mathis, Ga.
Melcher
Metcalfe
Mitchell, N.Y.
Mollohan
Morgan
Moss
Murphy, N.Y.
O'Hara
Patman
Preyer
Railsback
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Runnels
Ruppe
Ryan
Sandman
Saylor
Sikes
Snyder
Staggers
Steiger, Ariz.
Taylor, Mo.
Thompson, N.J.
Thomson, Wis.
Waldie
Whitehurst
Widnall
Wright
Wyman

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and expenses of the National Selective Service Appeal Board; and not to exceed $1,000 for official reception and representation expenses; $47,500,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Status, as amended, whenever he deems such action to be necessary in the interest of national defense.

The Clerk read as follows:

Amendment offered by Mr. Tiernan: Page 14, line 23, strike out "$47,500,000" and insert in lieu thereof "$28,000,000".

Mr. TIERNAN. Mr. Chairman, my amendment is a very simple amendment. It will reduce the amount we appropriate in the bill from $47.5 million to $28 million. The Selective Service System would continue during the fiscal year 1974.

As you know, the present authority of the President to induct into the Armed Forces any American will expire at the end of this month, so after July 1 the President will not have authority to induct any of the people who would be classified by the Selective Service System.

The Selective Service Director, Mr. Pepitone, indicated to the members of the committee that it is the intention of the Selective Service System to register all those individuals turning 18 years of age during fiscal year 1974, and to place them into the category or classification of 1–A. But none of these registrants will be required to take a physical examination or be determined whether or not they are fit at any point in time to serve in the Armed Forces of the United States.

So to those who have opposed my efforts to reduce the expenditure in this budget for this service—and the suggestion has been made that it is necessary that we have this system available on a standby basis—the suggestion that I make to the Members of the House today is that right now, presently available to the country, is a manpower pool of over 5 million men. We have 2.25 million men under arms right now, and the President would have available to him an additional 3.25 million men for almost immediate callup by the President. These would be men who have been trained and who have served in the Armed Forces. They would be available to the President. Whereas, on the other hand we would continue this system to register these people, these young boys who turn 18 years of age and put them into a classification which has no relationship to whether or not they would be able eventually to serve in the Armed Forces of the country.

The historical background of the Selective Service system has shown that in the past we have been able to induct within 3 months after legislation was passed for the authority to draft anybody into the armed services as a result of an emergency that came up at that time, so I suggest to the Members that if the President in fact needed more men than he has now available to him, he would have to come back to the Congress and ask that we set up legislation giving him the authority to reinstitute the draft as we have had it in the past.

I think in view of the fact that Mr. Pepitone in testimony before our committee indicated that $27 million had been the range of discussion between their system and the Office of Management and Budget, I suggest that we should reduce the expenditure that has been proposed in the bill to $28 million, which is $1 million more than the Office of Management and Budget had suggested for the system.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I am happy to yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I merely want to take this opportunity to associate myself with the remarks of the gentleman from Rhode Island.

Mr. Chairman, in 1971 Congress was fooled into believing that there was a continuing need for a cumbersome, ineffective, conscription authority which had been established as an emergency agency over 20 years before. It was bitterly ironic at that time, that the country was embroiled in a long and bloody, but undeclared war. How, millions of us were asking, does a country make such a total commitment of money, of lives, and of suffering, to a war that is never declared? The answer, as far as there is one, lies very heavily with that agency that came for a visit 25 years ago and now threatens to move in permanently: the Selective Service. When the Executive can escalate military manpower to any level without seeking congressional approval, he has in fact received the war-making power reserved to Congress by the Constitution. Long before the Gulf of Tonkin, the almost infinitesimal draft calls were systematically raised to more than 150,000. Undeclared war can continue to be waged so long as the draft provides an "easy" military solution to political problems. The effect of this power in the Executive has been to upset the balance of power between the branches of the Federal Government.

Now you may be thinking: "We're heard this all before; we ended the Selective Service; now leave us alone." However, the Selective Service has not been discontinued so long as the President can summon at will, under existing law, over a half million young men who have received Selective Service deferments. This figure does not include deferments issued to those in the 26 to 35-year-old category, fatherhood deferments, occupational, medical and religious deferments, all of which can be changed at any time by Executive order.

I am ignoring for the moment the 3 million reservists who remain available. Today Mr. Tiernan is offering an amendment which would cut Selective Service funds to $28 million. My reaction to Mr. Tiernan's bill might be summarized by a line from a movie which was popular several years ago: "I don't want to rock this boat. I want to sink it." 47½ million? 28 million is too much.

However, as the rule of thumb on the Hill seems to be: Go with the best thing going, I am supporting Mr. Tiernan's amendment, not as the final end of our efforts, but as a step in that direction.

The facts seem clear. Congress has demonstrated its desire to disband the Selective Service. The end of induction power and the end of the Selective Service are not the same thing. We have made our decision. If our decisions are to be more than mere rhetoric, we must see to it that they are implemented.

Appropriation of $47½ million will keep the Selective Service alive, against the express wish of Congress. Perhaps I am naive, but the logic behind appropriating funds to an agency which Congress has decided to eliminate simply escapes me.

I support the Tiernan amendment.

Mr. MONTGOMERY. Mr. Chairman, would the gentleman yield?

Mr. TIERNAN. I would be happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the problem that concerns me with the remarks made by the gentleman from Rhode Island is that if the President did need 1 million or 5 million men, that the gentleman says are in the Inactive Reserve, then there has to be some kind of a system to get these men back into the service. In the past when this has arisen we used the Selective Service System. These people have to have physical examinations, and the military is not geared up to take care of these callups. So, actually, the gentleman is not gaining anything by cutting back on the Selective Service System.

Mr. TIERNAN. The gentleman from Mississippi is mistaken. I would like to point out to the gentleman from Mississippi that the 5.5 million men that I am talking about is made up of 2.25 million men that we presently have in our armed services, and another million men who the President can call up on his own initiative under the Ready Reserve that we have. The President also has available to him 600,000 retired officers and enlisted men from the Army that are still available.

Mr. MONTGOMERY. But they would have to be called into service.

Mr. TIERNAN. I will not yield further to the gentleman. I want to explain.

He would merely have to notify the Department of Defense that their requirements are increased, and they would then call those men back into the service, and that is 5½ million men that he would have available to them.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. MONTGOMERY) Mr. TIERNAN was allowed to proceed for 1 additional minute.)

Mr. MONTGOMERY. Mr. Chairman, would the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Would the gentleman admit that we have 2.3 million Americans in the military service now, which is a reduction from well over 3 million men that we had 2 years ago?

Mr. TIERNAN. That is correct.

Mr. MONTGOMERY. We have them on active duty, so we have got to get these other 5 million men from somewhere. My point is we have to call them up from the Reserve. Then they have to have physical examinations, and they have to go through the Selective Service System. It is as simple as that.

Mr. TIERNAN. No. I would point out to the gentleman that even though one were to register these individuals and classify them as 1-H, the President could not call up one of those men until the gentleman and I, and the other Members of this body, gave him the authority in draft legislation to reinstitute the inductive authority of the President. He will not have that authority after July 1.

Mr. ESCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I welcome the opportunity to support the Congressman from Rhode Island (Mr. TIERNAN) in his attempt to phase out the Selective Service System by his amendment to this appropriations bill.

The gentleman from Rhode Island has convincingly shown that there is no further need for the Selective Service System, that the President has more than an adequate reserve of trained military personnel for use in an emergency, and that the money requested for this agency would surely be put to better use elsewhere. These points need no further elaboration.

I rise only to remind the House that we have an opportunity today to complete a process we ourselves started when we began to move toward an All-Volunteer Army. By offering adequate wages to enlisted men and by allowing the President's induction authority to lapse we accepted the premise that the All-Volunteer Army should be a reality. And this is increasingly the case. As former Defense Secretary Laird has said:

> Use of the draft has ended. Henceforth, the Armed Forces will depend exclusively on volunteers.

There are those, many of whom are in the Defense Establishment, who would contend that the Volunteer Army will not work and that the Selective Service System must be kept intact as a fallback position. On the contrary I would contend that only when the Selective Service System is abolished will the Defense Department realize that drafting is no longer one of its options and that efficient use of manpower must be found.

I urge my colleagues, therefore, to support this amendment, to complete the process we ourselves began and to eliminate this last vestige of what has proven to be one of the most inequitable systems this Nation has ever known.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am a little bit perplexed by the amendment of the gentleman from Rhode Island, because I read his remarks in the committee report, and there he was opposed to the continuation of the Selective Service office. He wanted no funding for it at all. Yet he comes forward now with an amendment that only cuts the funds, and the major argument for which is that it was strongly recommended by Roy Ash, who is the very individual that many of the individuals who support this amendment have been trying to knock out of the Office of Management and Budget.

I think it ought to be made clear that there is no real conflict between a volunteer force and the continuation of a Selective Service office on a stand-by basis. To try to suggest that these two things are in opposition is completely misleading.

My impression of the argument presented by the gentleman from Rhode Island in his supplemental views, is that we do not need a Selective Service office.

He says we are going into a volunteer force on the first of July and that therefore the office of Selective Service ought to be abolished. Why he has decided now to keep it struggling a little longer I do not know; but it all reminds me of the story of our friend from Florida, Billy Matthews, used to tell of the man who told the fish he caught that he was not going to hurt him, he was just going to gut him a little bit.

The fact of the matter is although we are going to have a volunteer force and will not have any inductive authority beginning the first of July, there is still a job for Selective Service to do. In the first place, it is mandated to continue to operate by law, as the distinguished gentleman from Massachusetts (Mr. BOLAND) has already explained. This is the substance of an amendment put in by Senator SAXBE in the other body last year: it requires that the Selective Service machinery be available on a standby basis after the induction authority has terminated.

Secondly, although the draft is going out on the first of July, there are still going to be some people who are going to be drafted. First are those doctors who have been deferred under the Berry Plan so they could continue their graduate medical career; they are going to continue to be called into the service according to certain schedules. In fact, if we do not continue to bring them in we are going to face some serious shortages in the military medical field. Secondly, anybody who has received a deferment during the period of the draft is also going to be subject to call, and that is only fair and reasonable so as to prevent anybody from avoiding the draft simply by getting continuous and repeated deferments. If we are now going to eliminate Selective Service altogether, or even just a little bit, as the gentleman from Rhode Island wants us to do, then we will have to allow some of these people who ought to serve and who have the responsibility to serve to get away without serving at all.

But the third and probably most important reason of all for rejecting this amendment is that the Volunteer Army still is in a testing stage. We want time to see whether the volunteer concept is really going to work. The Army has been telling us it is working very well. The gentleman from Wisconsin (Mr. STEIGER) said a moment ago that he is afraid of some kind of plot within the Pentagon to undermine the Volunteer Army; but the fact of the matter is that if there is any plot in the Pentagon at all, as I am sure the distinguished chairman of the Armed Services Committee will bear me out, it is a plot to tell us how good the Volunteer Army is.

It is going to be an expensive Army and we hope to get enough people to carry on our commitments; but we have not yet had a chance to really tell whether it is going to work.

Therefore I think we need, as a wise gesture to maintain the machinery of Selective Service in the event we should have to fall back on it in time of emergency. We all hope, and I am sure all the members of our committee hope, that it will work. But let us not eliminate this valuable machinery before we have really found whether the alternative really works.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I have listened to the arguments and the trend seems to run through the argument that we should not require the new 18-year-olds to register because there are 5 million-plus who are in the Reserves or in the National Guard, the inference being that these people who have already served ought to be available to serve a second time and the newcomers should not have any obligation. I think that is very poor reasoning.

Mr. STRATTON. The gentleman from Michigan makes a very sound point. In addition to that, I notice the gentleman from Rhode Island suggests that in time of emergency there are 600,000 people in the Retired Reserve. Certainly I hope we are not going to depend on them if we get into a tough struggle.

Mr. BOLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wonder if we can come to some agreement. We are trying to finish up this bill. Everyone knows the arguments pro and con on this. They are all redundant.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto close in 15 minutes.

Mr. MATSUNAGA. Mr. Chairman, I object.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

The CHAIRMAN. Members standing at the time the motion was made will be recognized for three-quarters of a minute each.

The Chair recognizes the gentleman from New York.

Mr. PODELL. Mr. Chairman, I rise in support of the amendment to cut appropriations for the Selective Service System from $47.5 million to $28 million. The latter figure represents the amount which the SSS estimates that it would need to close out its activties.

The SSS has submitted its plans for the coming fiscal year, which call for the registration and classification of 2 million young men by nearly 40,000 employees, but for no examinations and no inductions. This so-called standby operation represents an outrageous waste of the taxpayers' money.

It should be obvious at this point that the draft is unnecessary and undesirable. Former Defense Secretary Melvin Laird stated that "the initial and primary source for augmentation of the Active Forces in any future emergency" will be the Reserves. This policy has been enunciated by both the President and the Congress as the basis for an all-volunteer force. There are 2½ million men in the Ready Reserve, and another one-half million in the Standby Reserve. Since these are the men who will be serving if, God forbid, they are needed, why in the world must we continue to register 18-year-olds who will never even be examined, much less inducted? This amounts to paperwork for the sake of paperwork, expense for the sake of spending.

Furthermore, I am very skeptical about perpetuating Federal data banks with dossiers on millions of Americans. Since the new registrants are not going to be called up, the only effect of the Selective Service System will be to compile data on their personal characteristics for use by the Federal Government. This, to me, smacks of "Big Brother" and totalitarianism. It is a proposal that is utterly incompatible with the American way of life.

Another good reason for terminating the SSS is that it accounts for more than one-fifth of all Federal crimes. Any failure to register subjects a young man to the possibility of a 5-year imprisonment or a $10,000 fine—or both. Already, during the first 6 months of the "volunteer force" era, the Selective Service System has reported increasing numbers of young men who are not registering under the mistaken belief that they are no longer required to do so. Potentially, the continuation of these foolish requirements will mean that hundreds of thousands, or perhaps millions, of American boys will unwittingly become felons.

The bloody and pointless war in Vietnam revealed all too well the danger of placing millions of draftees at the disposal of the executive branch. At the present time, there are nearly 2.3 million men and women on active military duty. These, along with the several million men in the Reserves, will provide trained and effective military power if their service is required in large-scale hostilities. But to maintain a skeleton Selective Service System, which can do no good and can only be harmful, makes no sense at all. I urge my colleagues to reduce the appropriation for the SSS to the amount needed for speedy and total phasing out of its operations.

The CHAIRMAN. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized.

(By unanimous consent, Messrs. JAMES V. STANTON, DRINAN, OWENS, and PODELL yielded their time to Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN). Passage of this amendment would be the functional equivalent of my own legislation to repeal the Military Selective Service Act. The proposed amendment also provides every one of us an opportunity to cast an economy vote in all good conscience—to save the taxpayers $19.5 million, which would otherwise be needlessly appropriated.

I believe that the benefits that would flow from passage of the pending amendment are substantial. The gentleman from Rhode Island has spoken to that matter, and I refer my colleagues for a full recitation of those benefits to page 20810 of yesterday's CONGRESSIONAL RECORD.

Mr. Chairman, the only possible justification for opposing the Tiernan amendment that I can think of is that the adoption of the amendment will jeopardize our national security. All that the amendment proposes to do is to reduce from $55 million to $28 million, funding for the Selective Service System. Frankly, I don't believe the amendment goes far enough. I think the entire amount of $55 million should be eliminated. The draft will expire at the end of this month and there will be no need to maintain a standby Selective Service System for fiscal year 1974.

If a Standby Selective Service System is necessary to our national defense, I certainly would not support the pending amendment.

We need only to look at our recent national history to be convinced that a standby Selective Service System is not necessary to our national security in times of peace.

Should another massive land war break out, which is not a very likely possibility in this nuclear age, the Commander in Chief has at his immediate disposal almost 5½ million trained personnel, consisting of an active force of about 2.2 million men, another 2.5 million in ready reserves, another ½ million in standby Reserves, and a part of the ⅔-million retired reservists subject to recall. In addition there are the early volunteers who have always responded in national emergencies throughout our history. For example, there were 1.7 million volunteers at the outbreak of World War II. In Hawaii alone, more than 10,000 volunteered within 1 week after the call for volunteers was issued.

If all of these sources proved inadequate, would a standby Selective Service System help to meet the emergency? Apparently not, if history means anything. In 1950, for example, when the Korean war began, we did have a standby system in operation. Not only were young men then being registered and classified, they were being given physical examinations, something that is not proposed for fiscal 1974. Even with physical exams as part of the standby system, it took 67 days from the date this country entered that conflict to induct the first men.

Contrast that experience with that of 1940, when there was no standby Selective Service System. In view of the tense international situation which prevailed at that time, the draft bill was enacted into law on September 16, 1940, and the first inductions took place on November 18—just 63 days later.

I do not mean to suggest that the drafting process is slower when we have a standby system than when we do not have one, but merely that there does not seem to be an appreciable difference in the startup times in the two situations.

There are, of course, major differences in other areas: unneeded Federal expenditures, inconvenience and risk of prosecution to millions of young Americans, and a contribution to the erosion of congressional powers.

Given that balance, I urge the House to approve the pending amendment, provide funding only to phase out the Selective Service System and save the taxpayers of America up to $55 million annually.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

(By unanimous consent, Mr. ICHORD yielded his time to Mr. MONTGOMERY.)

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment, I serve on the Manpower Subcommittee of the Committee on Armed Services. The General Accounting Office made a comprehensive report to our subcommittee only 2 weeks ago. The report was that they had doubts the volunteer concept was working.

They said that the services had to recruit about 385,000 young recruits in the next fiscal year, and the General Accounting Office said, as to the doubt of the volunteer concept working, that the military services were coming up with a shortfall of about 85,000 recruits in the next fiscal year.

My point is, should we do away with the Selective Service System when there are some indications that the volunteer concept might not even work?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. The gentleman from Mississippi, for whom I have great respect, knows that the GAO testified before the Manpower Subcommittee. The gentleman will remember that the witness said there was a range between 25,000 and 80,000 and that the realistic estimate was the lower figure.

I believe the gentleman has misstated the GAO report which, on balance, believe the volunteer force can work. In addition, there are some serious questions about the assumptions in the GAO report to which I referred in my remarks during general debate.

Mr. MONTGOMERY. Former Speaker McCormick tells the story that by one vote in the House, the Selective Service System Act was continued in 1940. If this legislation would have failed we would have had no selective system machinery when Pearl Harbor occurred. Can we take that chance again today 30 years later? No we must keep a Selective Service System in order to keep a strong defense.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I strongly support Mr. TIERNAN's amendment deleting funding for the continuation of the Selective Service System.

In 1940, when the Selective Service and Training Act was introduced in this House, Representative James W. Wadsworth assured his colleagues that—

> This is an emergency measure . . . It is not an attempt to establish a permanent policy of the United States.

Yet for 33 years this supposedly temporary measure has governed the lives of millions of young Americans and their families. It has become so completely a way of life that we tend to forget that it is un-American. It gives Government the power to compel its citizens to kill. We have seen too much of the tragic consequence of that power, over the last few decades.

It is "the ultimate power of Leviathan over the individual." Most people now believe that the draft is ended—and indeed, thousands of young men are unknowingly violating the law by failing to register. The penalty for such failure is still 5 years in jail and a $10,000 fine. The power to conscript, coerce, and imprison 5 million deferred men still rests solely with the President.

Let us make no mistake—the draft will not really be ended until Congress abolishes the institution of the draft.

We are being asked today to provide $47.5 million—to maintain an active standby system to register men at 18, to hold an annual lottery, and to classify registrants for a "potential emergency."

Actually this is to maintain 925 offices and a staff of 4,340 bureaucrats, including 56 State boards, 96 appeal boards, as Presidential appeals board, and 1 local board for every county or equivalent subdivision in the United States. Senator PROXMIRE has said that this is "probably the biggest single boondoggle now going on in the Government."

Even to dismantle this proliferating python is said to take $28 million. I note that in May, however, the Director of the Selective Service System estimated that it would take only $8 million to close out the Agency. Why do we now hear $28 million? Let us give them as little as possible on the express condition that the Selective Service System be immediately ended and dismantled.

We do have a Volunteer Army—the budget included $4.1 billion for increased allowances to upgrade regular military forces to achieve an all-Volunteer Army—and in case of an emergency that truly involved the security of this Nation, we would have no shortage of volunteers. A draft does not shorten the time required for mobilization and training, which is more a matter of supplies and equipment than of manpower. Any conceivable need would be adequately met by the 5 million men currently available in Active and Reserve Forces. This approaches the number of men in the armed services 1 full year after World War II began.

The Defense Department itself concedes that the Selective Service System is not necessary for national defense. Maj. Gen. Leroy Anderson, U.S. Army, retired, a former member of the House Armed Services Committee, says:

> The only condition under which this country is likely to need draftees again would be if it became involved in a lengthy, large-scale, conventional ground war. Every indicator suggests the probability of this happening to be extremely remote.

Surely with the desperate unmet needs that exist in this country, we can find better ways to spend $47.5 million than in the perpetuation of this bureaucracy.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Chairman, I can assure the Members that every effort is being made to make the volunteer army work. I am one of those who still believe it is possible, but I still want to have some insurance if it does not work.

I believe the draft started something like 30 years ago. Today we are drafting no one, for which I am very happy and very proud.

As for the $28 million, mentioned by the author of this amendment, I believe that was to phase out the program.

Mr. Chairman, I think that they asked for $55 million and it was cut by the Committee on Appropriations to $47 million. Let us not destroy the program. It is along the same lines that you do not expect your house to burn down, but you still do not cancel your insurance policy.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment. As one who has supported many aspects of the volunteer army I rise in opposition to it, because I do not believe that opposition to this amendment means that one is opposed to a volunteer army.

Mr. Chairman, I think that in this time of transition there is a need to keep the draft. We may need to draft doctors and others. I would like to say that there is nothing lost if we keep it for 1 more year.

Mr. Chairman, I believe that this country needs a standby Selective Service System.

The purpose of such a standby Selective Service System is to insure that the Nation can handle any national emergency which calls for the recruitment and induction of large numbers of men in a short period. If we suddenly face a situation in which we needed to dramatically increase the number of men in uniform, it would take months to organize, train, and equip the offices of the tens of thousands of people needed to man an efficient and fair Selective Service System.

A hastily thrown together Selective Service System would undoubtedly be full of inequities.

Hurried training and overnight organizing would create, by its very nature, an inequitable system in which many young men may be inducted who would be excused if a well-organized system existed.

Finally, Mr. Chairman, the standby authority is needed in case we do not reach our goal of an all volunteer army. It may be much more expensive to reorganize and reestablish a Selective Service System in a year, 2 years, or 5 years from now than it would be to keep standby authority in existence. In case the volunteer force fails, we should be ready to reinstitute the draft immediately.

Nobody likes conscription. But America must be prepared in an equitable and quick way to increase the size of our Armed Forces in any emergency or to maintain needed force level if the volunteer system fails to recruit enough men.

(By unanimous consent, Messrs. ARMSTRONG and TREEN yielded their time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Boland). Does the gentleman wish to reserve that time?

Mr. BOLAND. Mr. Chairman, may I reserve the time?

The CHAIRMAN. The gentleman may reserve his time.

The Chair recognizes the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Chairman, the Selective Service System, operating on a standby basis not delivering men to the armed services for induction, is to the country much like an insurance policy is to a family: It is indispensable in time of crisis.

It costs relatively little to operate selective service on a standby basis because it can perform its registration and classification functions with reduced numbers of employees and facilities. For example, no one has been drafted since this year began and selective service has reacted quickly: By July 1 it will have reduced the number of its administrative locations by about two-thirds.

The funding request of $55 million for the 12 months ending June 30, 1974 is a reduction of $23 million from the current year level and is less than 2 percent of the costs associated with the great efforts being made in the attempt to achieve the all volunteer force.

For a long time I have watched with interest the workings of our draft system and have followed its developments. I was somewhat concerned therefore earlier this year when I noticed printed material circulating which had as its stated objective "to dismantle the Selective Service System." The material was put out by an organization which calls itself "The National Committee to Repeal the Draft"—NCRD. In investigating I learned that the position of NCRD is based upon more than one invalid conclusion and that so-called "facts" alleged by NCRD are not accurate.

Inasmuch as some of the arguments today by those who would dismantle our Selective Service System sound sc much like the NCRD position I believe it will help make the record complete to enter at the conclusion of my remarks a letter of April 9, 1937, along with its attachment and I request permission to do so. The letter is from Mr. Byron V. Pepitone, Director of Selective Service in reply to my inquiry of him regarding NCRD.

Most of us prefer there be no need ever to draft anyone into military service and hopefully the no draft situation which now prevails in the United States will be able to continue.

However, I feel it is important to point out that elsewhere in the world men—and yes, women too—are being drafted.

In the Union of Soviet Socialist Republics, for example, each year more than 1 million are drafted.

On April 11, 1973, Andrei A. Grechko, U.S.S.R. Minister of Defense, ordered citizens aged 18 years by the day of the draft be drafted for active military service in the Soviet Army, Navy, and border and internal forces. He did so in accord with the U.S.S.R. law "on compulsory universal military service" promulgated in October 1967.

This law provides that all male citizens between the ages of 18 and 50 are subject to military service. Women with certain technical qualifications such as medical training are subject to call. On completion of conscript service enlisted men are transferred into the reserve where they remain until age 50. Women remain in the reserves until age 40.

I know of no efforts by anyone inside the U.S.S.R. which are directed toward a dismantling of that compulsory military service system which today is very active.

The Selective Service System is in the Nation's line of defense following the Active Forces and the Reserve Forces. In that connection it should be noted that the retention of Selective Service does not prevent a single volunteer from enlisting.

Recognizing that dramatic changes have taken place since the summer of 1970 and the approval of the Congress to raise the rates of pay for military personnel in order to achieve the all-volunteer force, it seems only prudent that, having made all these efforts, the Congress would go the "additional mile" and keep intact the Selective Service System in order that, in the event of a national emergency, manpower beyond the ability of the Nation to procure through voluntary means could be obtained for our defense.

To abolish the Selective Service System is to gamble with the Nation's security and inasmuch as not a single man need be drafted by merely keeping the structure intact, it would seem to be imprudent at this time for the relatively small sum of money involved in the retention of the Selective Service System, as compared to the tremendous sum being invested in the all-volunteer force, to dismantle the structure and to rely upon the ability of the all-volunteer force to do something which in fact the volunteer forces was never intended to do—defend this Nation in time of crisis.

I include the following:

Selective Service System,
Washington, D.C., April 9, 1973.

Hon. William L. Dickinson,
House of Representatives.

Dear Congressman Dickinson: You recently asked to what extent officials of the National Council to Repeal the Draft (NCRD) had consulted with people of this office. You also asked for comments upon the validity of reasoning in that organization's pamphlet, "Selective Service Without the Draft."

There has been no known or recognized contact with this Headquarters by officials of the NCRD.

The "facts" alleged by the NCRD are quite inaccurate, and the reasoning is no better. For instance, the NCRD says that we have now reached the goal of an all-volunteer armed force. In fact, there are about 100,000 draftees still in service, and their numbers will not be reduced to zero for over eighteen months. We have merely reached the point where the Department of Defense believes it is possible, by volunteers alone, to replace all the men as they are discharged at the end of their service—both draftee and volunteer.

I am aware of the content of the letter on this subject provided at your request by the Office of the Secretary of Defense. Permit me to endorse fully the statements made in that letter.

Attached is a brief discussion of each issue raised in the NCRD pamphlet.

If I may be of further assistance in this matter, please call upon me at any time.

Sincerely,
Byron V. Pepitone.

Selective Service Without the Draft—An Analysis

The National Council to Repeal the Draft—NCRD—has recently issued a pamphlet called "Selective Service Without the Draft". It purports to be a clear exposition of the issues involved in "killing off" the Selective Service System, to dismantle entirely even a standby means of reinitiating the draft in the event of a serious emergency where the peacetime volunteer system is not enough.

The pamphlet lists a number of questions and then provides the answers. Unfortunately for clear understanding on the part of anyone, friend or foe, on the use of conscription in American life, the answers are inaccurate or distorted or sometimes a combination of both. The pamphlet is more hindrance than help in gaining an accurate appreciation of the problem the American people will face in deciding whether the Selective Service System should remain as the Congress now requires, able to function in an emergency, or dismantled and thrown away with the hope it will never again be needed, or that if needed it can be quickly put together again.

As usually happens in many of these cases, the errors presented in such distorted fashion, while briefly stated, can require a long-winded exposition to give a balanced consideration to all aspects of the issue. At the risk of leaving out aspects of interest to a wide range of people, this review will attempt only to hit the highspots of the matter.

The first question asked, "What is the current status of the draft?", is one of two answered with no error and no distortion. NCRD stated the Selective Service System is in operation but no one is presently being drafted and the induction authority is not being used.

The next question was, "Does this mean that we have reached the goal of an all volunteer armed force before the July 1 target date? NCRD's answer: Yes, there is no need to depend upon draftees to meet our manpower needs.

Fact: The answer is "No". There are 100,000 draftees still in service, it will be two years before they have all been discharged. Since our present forces are a mixture of volunteers and draftees, a major problem of the Pentagon is to increase the volunteer enlistments to the point where they will replace the men being discharged who include both volunteers and draftees. What Secretary Laird called a great "experiment" is still in the test tube.

Question: "What will be the status of the Selective Service System afetr July 1?" The NCRD says: Continue with its present organization and functions (then a real howler of an error) but since the President's induction authority expires on July 1, he may then no longer use the System to draft 19-year-olds.

Fact: It is true that the Selective Service System will continue with the fundamentals of its function. Its mode of operation, however, will shift to a standby type.

The draft authority is not now based on 19-year olds. The draft authority applies to men in the calendar year in which they reach age 20. The median age is 20, some are 19, and some are almost 21.

Question: "Then no one can be drafted after July 1?" NCRD says: The President may still draft millions of men who have been deferred and are under age 35 and drafting could go on for the next 15 years even without induction authority. They also point to the section dealing with a "National Security Training Corps", an obsolete piece of the law which did provide for a basic training stint of six months and they say this "could be activated easily".

Fact: The NCRD has it badly garbled. Under the present provisions of the law and regulations, men aged 26 who have been previously deferred have not lost their liability until age 35 but the rules would have to be changed with all of the attendant public fanfare of justification before anyone over age 26 could be drafted. Even for those under age 26, the only ones to whom this "residual authority" could be applied are those whose basis for deferment has now expired. The total number involved is roughly estimated to be perhaps 500,000 from age 20 to age 26, and not the millions the NCRD claims.

The claim that the National Security Training Corps can be activated easily is nonsense. It has never been activated. A whole series of actions by the Congress and the Executive would need to be taken, including the provision of necessary appropriations. If Congress did not do its part by further legislation authorizations and provisions of funds, it could not be activated. Clearly, it is a fundamental exaggeration to say this provision could be done easily. Further, these trainees would not be members of the armed forces available for deployment and combat.

Question, "What Selective Service legislation, if any, does the Administration propose?" NCRD says: "We do not know" and the President has not announced whether "he" would ask for extension of the induction authority or modify the functions of the Selective Service System although he still proposes to expend $55 million on the System in Fiscal 1974.

Fact: Officials of the Administration speaking to Congress and the public have said that the Administration has no intention of asking for an extension of inductions. They also have said unmistakably what they intend to do with the functions of Selective Service and the $55 million budget request. They intend to carry out the provisions of the law to place the Selective Service System in a standby mode of operations, prepared if the Congress authorizes it, to resume inductions.

Question, "Why should we spend all that money on the Selective Service System if we are depending solely on volunteers?" NCRD says: The only possible argument is for insurance so that "we might participate in a major ground war".

Fact: Nonsense. Insurance is correct, but the participation in a major ground war represents a cockeyed look in the crystal ball that only the NCRD seems capable of doing. The rest of the citizens have no way of knowing when the present large group of draftees are discharged that the requirements for men in uniform will be adequately met by volunteer methods. The insurance has nothing to do with intentions to fight any war. It is a prudent measure in case we cannot meet peacetime requirements, and an absolute necessity if we should become engaged in fighting that the Congress believes cannot be supported by volunteers alone.

Question, "But even in peacetime we could have a shortage of men. Shouldn't we keep Selective Service for that possibility?" NCRD says: The shortage is not likely, claims that many things can be done to get enough volunteers in case the present great expenditures don't accomplish the job and that those things such as length of enlistment periods, salaries, fringe benefits, etc., have been the military tradition for maintaining strengths for 160 years and not conscripts.

Fact: More nonsense. Throughout American history through the Revolutionary War to the present day, whenever the United States has needed more than a mere skeleton force (on one occasion a force so small that it could not even handle the Whiskey Rebellion of a few farmers) we have had to use conscripts. In fact, the requirement for military service by all able-bodied men is a fundamental tradition of democratic countries. In the past the only way that the United States has been able to totally rely upon volunteer methods has been to have very small active forces, and rely on time, distance and our allies to shield us while we prepared the larger number to put muscles on the skeleton we had maintained.

Question, What about the insurance argument? "Shouldn't we keep Selective Service on standby in case of war?" NCRD says: "No", it would take too long to make draftees effective. A scheme of using regulars and reserves and "early volunteers" would give the time to create a draft system. They further claim that we activated the draft rapidly from scratch in World War I and could do it faster today with "computerized technology". When threatened, we have had ample volunteers at onset of hostilities. They claim since it takes six months to process and train draftees they have no value in emergencies.

Fact: Again, more nonsense. It is generally true that it takes six months to prepare a soft, untrained man to take his part in a military unit but when you add that six months training time to an optimistic six months time to prepare a new draft system, these people would have the United States stay in a crisis situation requiring drafting for over a year before the first man would be available for deployment. Who could think this is a good scheme?

We did not activate a draft system very rapidly from scratch during World War I. There had been a number of preparations made for it since the flames of the war in Europe had been visibly getting closer for three years. In any event it was months before the scrawny skeleton of the then volunteer Army had enough muscles on it from draftees that it could be deployed for battle. There were not "ample" early volunteers rushing to overwhelm the recruiting sergeants. With all of the Government's most intensive efforts, the total volunteers in the first weeks were only 30,000 men from the entire United States and in a war which many people now view as a "popular war".

What "computerized technology" would do in the absence of a trained, organized and prepared Selective Service organization to use the computers is left unsaid.

Question, "What if the Nation is not 'clearly' threatened?" NCRD says: We should not have a standby organization because it may be used without a "national consensus".

Fact: Once again, nonsense. The standby draft cannot be used to begin the induction process until the Congress of the United States has affirmatively acted to give the President this authority.

A national consensus? What more do these people want?

Question, "Have we ever had a standby draft before?" NCRD says: "Not exactly". They draw a comparison to the situation in 1947 and 1948 when President Truman refused to ask Congress to reenact the Selective Service Act and in effect did what these people want, repealed the draft act. They then have a long list of charges saying that the Armed Forces with President Eisenhower, then Chief of Staff of the Army, and the apparent connivance of the Secretary of Defense and the Service Secretaries, an apparently blind Congress standing by, "sabotaged" the volunteer concept, plotting to bring on a manpower shortage and the reinstitution of the draft act.

Fact: The NCRD misstates the entire situation and carefully avoids the opportunity to compare a standby draft with a no standby draft situation. They are not telling the truth when they say the Armed Forces sabotaged the volunteer concept by raising mental requirements for enlistment. During a good portion of the time the requirements were lower. They say the Armed Forces limited the number of women and black enlistees. In fact, President Truman himself led the way in increasing the use of both blacks and women in the Armed Forces. They say the Armed Forces replaced civilian personnel with uniform personnel. In fact, Secretary of Defense Louis Johnson went to extreme efforts in what he called the "fat elimination process" in which civilians replaced uniformed people. The sabotage claim is a false charge made up out of the whole cloth.

The effort to avoid a comparison of a standby system with a no standby condition must have been deliberate. The facts as to the standby system were too closely involved in the period they cite to be overlooked. The Selective Service Act lapsed in 1947. For 19 months there were no calls for induction. The System was dismantled to a corporal's guard disposing of the cabinets full of files. When the strength of the forces had declined to a disastrously low level, Congress reenacted the Selective Service Act with the greatest of urgency in reconstructing the machinery. The best that could be done after six months was to induct 20,000 men.

The use of the standby system occurred shortly after the Nation recommended drafting in 1948. The combination of drafting and draft pressure had so improved the strength posture that beginning in January 1949 no draft calls were issued for sixteen months. The System with its draft machinery intact, registering, classifying and examining, but not inducting young men, was in the "standby" mode attacked by the NCRD. Then the United States was struck by the surprise blow of the Korean War. The standby organization was able to begin drafting within two months and at the end of six months had furnished over 220,000 men.

The contrast is clear. No standby is a serious mistake. Standby is a very low cost method of being sure that the United States can do what it needs to do without taking great risks, or the heavy casualties if war begins when we are in a weak condition. It avoids tempting a rash opponent when he believes we cannot react in time, or with enough strength.

Question, "Why should Congress be interested in repeal of the Selective Service Act?"

NCRD believes: The program is wasteful, they could use the money for other things and Congress should end anything connected with the draft in order to regain its Constitutional power to raise Armies.

Fact: Ordinary prudent men and their families do not call an insurance premium a waste. The wasteful acts are those which would provide no insurance to preserve our way of life and this marvelous country which is ours. It is comparing apples and bananas to compare the money for this purpose with money which could be used for other purposes. Any mature student of the political processes knows to not appropriate money for one program does not appropriate money for some other program. It is normal good business, as well as Congressional practice to have each program stand on its own merits. When you knock off one appropriation, that money does not go elsewhere in the appropriations handled by some other Committee.

Once again, it is a nonsense issue to make a claim that for Congress to maintain a standby draft system whose induction authority depends upon a specific Congressional enactment, is for Congress to lose control of its power to raise Armies. It is in fact a prudent and thoughtful exercise of its power to raise Armies.

Question, "Why should the Defense Department be interested in repeal?"

NCRD urges: If those in the Defense Department do not support the destruction of the Selective Service System, it shows their heart is not in the all volunteer approach proving that the military leaders of today do not rate with those of the 40's, who had to learn their leadership skills in forces manned solely by volunteers in World War II.

Fact: Where were these people in World War II? Twelve million men were drafted—not volunteers. It is a gross insult to claim that our present-day leaders do not rate with those of the 40's. In fact, they were leaders in the 40's. They learned their leadership skills in an Army of Americans—volunteers and draftees alike. The quality of the troops involved then as now had nothing to do with being a draftee or a volunteer. It is also an insult to the quality of the magnificent troops who served our country in World War II, Korea and Vietnam, mostly draftees, or do these people mean that the difficulty of leading volunteers is such that leadership skills thus learned are enhanced? The thought occurs, perhaps they never served at all themselves and have no firsthand experience at all.

Question, "Why should the President be interested in repeal?"

NCRD states: For reasons mentioned above, the President's interest in such repeal stems from a desire to show that he means business about all volunteer forces.

Fact: The President and the Pentagon leaders, making strenuous efforts to achieve an all volunteer force, premised their action to get such a force upon the fact that there would be a standby Selective Service System. This standby mode of operation for the Selective Service System was part and parcel of the Gates Commission recommendation to seek an all volunteer peacetime force. This fact seems to be conveniently forgotten by the NCRD and its adherents.

Question, "Will draft repeal bills be introduced in this session of Congress?"

NCRD says: "Yes".

Fact: Yes, in the first and last responses only does the NCRD give an answer with a reasonable resemblance to accuracy.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Chairman, the dismantling of the Selective Service System at this time would be a grave mistake. While the Department of Defense has expressed some optimism about the success of the all-volunteer force concept, many others do not in the least share this optimism.

The General Accounting Office, the Brookings Institute, my own committee, have all examined the potential for success and find only moderate encouragement.

The Department of Defense is at best hopeful. Indeed, the only group which finds the all-volunteer force concept successful are those who propose here today to eliminate the selective system. Would that we might solve all our national problems so easily. We would simply announce they had been solved, even in the face of contradictory evidence, and move on to other things.

A true all-volunteer force must be composed of three separate elements: (1) the volunteer active force: (2) the volunteer reserve force: and (3) a backup selective service system.

After some 6 months of operation in the absence of the draft, we have not had an ample opportunity to test recruiting for the first element, and the second element is in serious difficulty at the present time, with a 67,000-man undermanning expected. This is especially disturbing, since under the total-force concept these Reserves must be relied upon for manning in the event of a national emergency.

We are in a period of changing political, social and economic patterns. There are uncertainties about the structure and content of our U.S. military forces for the future. After living with the draft for more than a generation, and having existed for generations before that with a minimum military structure, we are embarking on uncharted waters. There is only one hard fact available to us—in any future national emergency, we will be denied the one element previously provided, and which we will never have again. That element is time. In a world of instantaneous attack and response, we cannot afford this luxury heretofore enjoyed in acquiring the manpower for our defense.

It is not my intent to depreciate the all-volunteer force concept, but simply to emphasize it is a concept. Despite all our wishful thinking, it is not a reality. It is not an accomplished fact.

We are all hopeful of detente. But at this point, detente is a dream—a goal. Detente is not a reality, either. And if it is achieved, it is at best only an interim state on the path to real and lasting peace.

Until such time as more concrete evidence than now exists is developed, I urge my colleagues to join in support of the modest Selective Service System budget for fiscal year 1974—$47 million is a reasonable price to pay for a national security insurance policy.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. STEIGER of Wisconsin yielded his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

(By unanimous consent, Mr. PEYSER yielded his time to Mr. GERALD R. FORD).

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment.

As we consider the matter of the appropriation for the Selective Service System for fiscal year 1974, I believe we need to look back in time. A standby draft system is not something that the Selective Service System dreamed up in order to stay in business next year. When you look at the record, it is evident that a standby draft system has been an integral part of the all-volunteer army concept from the very beginning of the all-volunteer Army discussion a few years ago. As you well remember, it was the Gates Commission which the President appointed to study the feasibility of implementing the all-volunteer Army. In his charge to the Gates Commission, the President not only requested that it study the all-volunteer Army concept but that it also study what sort of standby draft machinery should be maintained. That was in 1969—4 years ago. A year later, in 1970, when the Commission made its now famous report recommending the establishment of an all-volunteer Army, it addressed an entire chapter of its report to the question of a standby draft. The Commission's recommendations echo the plans made for selective service's operation during fiscal year 1974. The Commission recommended that a register of all males who might be conscripted when essential for national security be maintained. Selective service will be doing that during fiscal year 1974. The Commission recommended that a system for selection of inductees be maintained.

Selective Service will be doing that during fiscal year 1974, but of course will not be drafting anyone. The Gates Commission recommended that specific procedures for the notification, examination and induction of those to be conscripted be maintained, and Selective Service will be doing that in fiscal year 1974. Finally, the Gates Commission recommended that an organization be kept to maintain the register of young men and to administer the procedures for induction. And Selective Service will be doing that in fiscal year 1974. In fact, it appears that Selective Service will be doing those things recommended by the Gates Commission, but will be doing no more than that.

Hence, just as the President and the Congress have accepted the Gates Commission's recommendation for the adoption of an all-volunteer armed force, so we should now also accept the Commission's recommendations regarding the maintenance of an active standby draft system. For, as the Gates Commission stated—

> The rationale for providing a standby draft is the possible urgent need for the nation to act quickly.

Even if the first man were inducted on the first day of a mobilization, he would not be available for combat for 4 to 6 months because of the necessity to train him. The Gates Commission in their planning for the all-volunteer army aptly realized that the draft mechanism must be kept intact in order to supplement the all-volunteer force and the Reserves in time of national emergency. If the Gates Commission, as innovative and bold as it was, concluded after much study of the problem that a standby draft system was necessary, I believe that we can have faith in their recommendation.

In conclusion, I firmly believe that if we are to implement the all-volunteer army concept, we should implement it all the way, not just half the way. I believe it is absolutely necessary for us to approve the appropriation for Selective Service so that a standby draft system, which has always been part of the all-volunteer army concept, will remain in existence.

Mr. BOLAND. Mr. Chairman, will the gentleman from Alabama (Mr. NICHOLS) yield?

Mr. NICHOLS. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, in response to the inquiry, let me say that the Director of the Selective Service System requested $55 million for their activities in fiscal year 1974. I might also say that the original request to the Office of Management and Budget was $65 million, although it was cut to $55 million.

That was the amount requested of the Committee on Appropriations.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the Tiernan amendment to reduce funding for the Selective Service System in this fiscal year 1974 appropriations bill from $47.5 million to the phaseout level of $28 million.

The induction authority expires June 30, and neither the Armed Services Committee nor the administration has indicated that a last minute extension of this authority will be sought. Without the main purpose of its existence—to draft—it does not seem reasonable or a wise use of public tax dollars that the Selective Service should continue to receive operating appropriations. Former Secretary of Defense Laird stated on January 27, 1973:

> Use of the draft has ended. Henceforth, the Armed Forces will depend exclusively on volunteers.

Former Assistant Defense Secretary for Manpower and Reserve Affairs Kelley stated on April 25, 1973:

> The draft has ended and we have achieved an all-volunteer force. It has been demonstrated that we don't need the draft to meet our peacetime military requirements.

Arguments that full funding is needed in fiscal year 1974 to support a Selective Service "standby" operation that plans to register and classify 2 million young men in order to insure against military manpower shortages just cannot be historically substantiated. In past emergencies such as World War I, and prior to our entry into World War II, the draft has effectively been implemented without such a "standby" operation. In addition, under this operation, the Selective Service would be classifying young men without physical examinations. Such classifications would, therefore, not be legitimate or accurate.

During the 17-month period prior to the outbreak of the Korean war, the Selective Service was operating under a "standby" system registering, classifying, and examining young men, but it was still 67 days before the first men were drafted. In 1940, over a year before our declaration of war, the Selective Service without a "standby" operation started inducting men 63 days after a draft bill was enacted. The real insurance against military manpower shortages is for the Congress to continue to improve salaries and fringe benefits of military personnel in order to compete for manpower just as all employers must do.

Including the $15 million for building rent in the GSA budget, the total amount for the Selective Service would be $62.5 million in fiscal year 1974 with no inductions if the House approves the $47.5 million recommended in this bill, H.R. 8825. Compare this with the $71 million in fiscal year 1967 when an estimated 288,000 men were inducted. The fiscal year 1974 "standby" operation would provide for 925 board locations, 56 State and 1 national headquarters, and a yearend strength of 4,340 paid employees—from approximately 7,200 paid employees in February 1973. All this to perform a function that no longer exists.

A compulsory system of military service is neither necessary for the defense and security of the United States nor consistent with the rights, freedoms, and responsibilities of young Americans. The Tiernan amendment gives the House the opportunity to totally affirm its support of the all-volunteer military.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, I am opposed to the amendment.

(By unanimous consent, Messrs. Hunt and Rhodes yielded their time to Mr. Gerald R. Ford.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, I rise as a firm, strong supporter of the voluntary military force. I think it is working as well as we could hope in a short period of time. I think it will work. If this amendment is approved, I think you will see the end of the all volunteer military force.

I would like to challenge, if I may, one or two comments of my friend from Hawaii. As I said earlier, if this amendment is approved, in effect, you are putting those who went into the military service and served, whether it was in Vietnam or Europe, under double jeopardy. You are going to ask them to have served on one occasion and to be most eligible to serve a second time. You are going to eliminate from even registering the newcomers at the age of 18. I think that is double jeopardy.

Mr. BOLAND. Will the gentleman yield?

Mr. GERALD R. FORD. Let me answer, if I might, the gentleman from Hawaii.

He said at the time of Korea it took 63 days, as I recall his comment, to get the first Selective Service draftee in the military. The gentleman from Hawaii was not in the Congress in 1950 when the war in Korea began. I had been here for a year or two. The facts are that as soon as Mr. Truman sent our forces into Korea he called up the National Guard and he called up the Army Reserves, which makes the precise point that I am trying to make—the fellows who had served in World War II and who were still in the Reserves and were still in the National Guard when Mr. Truman sent our troops into Korea were called back for a second tour of service.

That is exactly what the Tiernan amendment will force, whoever is President in the future to do. I do not think that is fair, and I do not think it is equitable, and it amazes me that my friend from Hawaii would want to put 5.5 million young men in double jeopardy.

Mr. MATSUNAGA. Will the gentleman yield?

Mr. GERALD R. FORD. I will be glad to.

Mr. MATSUNAGA. The gentleman definitely misunderstood me, because I mentioned the Korean conflict and World War II as contrasting cases to show that there is no need for a standby Selective Service. At the outbreak of the Korean war we did have a standby Selective Service System, whereas in 1940, immediately preceding World War II we had no Selective Service System. Yet it took less time to draft our first men into service in 1940 than it did during the Korean conflict.

Mr. GERALD R. FORD. But you put people in double jeopardy under the program that you are talking about.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Talcott).

Mr. TALCOTT. Mr. Chairman, I oppose the amendment offered by the gentleman from Rhode Island (Mr. Tiernan).

Br. Chairman, I think it should be pointed out that there are several misrepresentations that have been unintentionally made here this afternoon. The $28 million is to phaseout the Selective Service System; it is not to operate the Selective Service System for 1 year. I repeat, it is to phaseout the Selective Service System. That is quite different from operating the system for 1 year.

Mr. Chairman, this is a civilian agency. It is not a military agency, and we have probably gotten the most dollar value from the Selective Service System that we have from any other agency of the Government, because there are so many volunteers connected with it. We need planning, we need personnel, we need boards, we need procedures. I think that it is extremely important that we do keep them ready, so that if we do need them they can respond rapidly and efficiently.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Boland) to close the debate.

Mr. BOLAND. Mr. Chairman, I appreciate the gentlemen yielding their time to me.

Mr. Chairman, one of the matters that I think ought to be cleared up is with reference to the statement of the Director of the Selective Service System requesting only $27 million for fiscal year 1974.

Let me read from the hearing:

> Mr. Pepitone. My original request was made on the 15th of September. The original request in terms of dollars was for $65 million as opposed to the $55 million which we are now requesting.
>
> Mr. Boland. Was there any indication by the Office of Management and Budget that you ought to get a lot less than $55 million?
>
> Mr. Pepitone. We had some very serious discussions about it.
>
> Mr. Boland. Of course, you are at liberty to tell the Congress what those serious discussions were, I suppose?
>
> Mr. Pepitone. I wouldn't mind telling the Congress. We ranged from $27 million to $55 million, as reflected in this budget. However, as a determinant in what we came up with, we actually measured our ability to react in a national emergency against the requirements that the Department of Defense could predict for their manpower needs on the basis of their ability to accept people and train people over a period of time.

Mr. Chairman, the $28 million proposed in this amendment will absolutely kill the Selective Service System.

The Selective Service System will, and must—see section 4(a), Military Selective Service Act—continue to classify all registrants in one of the 21 different classifications when it is functioning in a standby role after July 1, 1973. By this action a pool of 20-year-old men will be identified as available each calendar year if the Congress should remove the restrictions on the authority to induct men into service. It may be that the sequence of events is not clear to people not familiar with the system.

Every man must register when he becomes 18. At this time he is given an administrative classification of 1–H. At this age he is not eligible to be in the pool of men available to be drafted.

During the calendar year in which the man reaches his 19th birthday he receives his lottery number, technically known as "Random Sequence Number." This number is assigned to him according to the date of his birth as determined in the annual lottery held early in the calendar year for each year group. During all the time after registering, he has kept his local board informed of his correct address.

As this 19-year-old group approaches the year in which they reach their 20th birthday, the local boards will begin the classification of the lowest numbered men. They will classify out of class 1–H into one of the 20 other classifications about one-fourth of the men of that particular year group. Thus when this year group reaches the year in which they are eligible for induction, the Nation will have identified a reasonably sized pool of men as available if the Congress provides the authority for their induction.

As a part of this classification process each man is asked to fill out a questionnaire disclosing his circumstances. It is at this time he begins the process of establishing to the local board his eligibility for some other classification than 1–A, available for induction. The local board will then, based on the facts disclosed in each man's file, classify him in the lowest classification for which he is eligible.

It should be noted that the classification process does not include any of the work done at the Armed Forces examining and entrance stations in examining the man to see if he is acceptable by the standards of the Defense Department. The determination of acceptability for service is made by the agencies of the Defense Department. When made known to the local board, this material supports the man's correct classification.

Do we need a Selective Service System? That is a determination that the Members on the floor of the House have to make.

The Committee on Armed Services has said that they want a standby Selective Service System.

The Gates Commission, which is responsible more than anyone else for the volunteer concept, indicated we need a standby system.

The National Security Council says we need it.

The American Legion and the Veterans of Foreign Wars say that we need it.

So, Mr. Chairman, I would think that we ought to preserve the standby system, and I urge that you support the $47.5 million level recommended by the committee.

Mr. WYLIE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Rhode Island (Mr. Tiernan).

Mr. Chairman, we are in the process of going to an all-volunteer Armed Forces. To say that we could get along without any armed force is to be naive in the extreme.

History shows that no nation has ever been able to maintain an all-volunteer armed force without the encouragement of a draft or some form of selective service.

We are launching on a program that has never worked. That is not to say it won't work and I think the all-volunteer Armed Forces concept is an idea whose time has arrived.

We are trying to make the concept succeed by providing sufficient incentive—through salaries and other benefits so we don't have to resort to a draft in case of emergency.

But, we need some system to respond in case of emergency. Fortunately, the Selective Service Act prevailed by one vote in 1940. Otherwise, we could have been in serious trouble when attacked by the Japanese the following year.

The budget will be reduced from $92 million for fiscal year 1973 to $47.5 million.

We need to maintain a standby reserve capability—and we need to know the extent of our manpower capability in case of an emergency.

The Selective Service system must be prepared to respond to the national security requirements in a world where few things are certain, especially national defense requirements. We cannot reduce their budget below $47.5 million.

I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. Tiernan).

The question was taken; and on a division (demanded by Mr. Tiernan) there were—ayes 45; noes 113.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

COMMUNITY DEVELOPMENT

MODEL CITIES PROGRAMS

For financial assistance in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3301), $150,000,000, to remain available until June 30, 1975.

The Clerk read as follows:

Amendment offered by Mr. Blackburn: Page 4, Line 18, strike $150 million" and insert in lieu thereof "$50 million".

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from New Jersey.

(Mr. HUNT asked and was given permission to extend his remarks at this point in the Record.)

Mr. HUNT. Mr. Chairman, if I may at this time, I feel that it would be appropriate to relay some comments relevant to our discussion made by the two most recent Secretaries of Defense, the Honorable Elliot L. Richardson and the Honorable Melvin R. Laird.

Mr. Richardson, in his special report of March 1973, quoted the conclusion of the Gates Commission, which stated:

> We unanimously believe that the nation's interest will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts.

Mr. Laird, in his report to the President and chairman of the Armed Services Committee of August 1972, stated:

> Our experience to date in reducing reliance on the draft confirms the wisdom of having extended the authority to July 1, 1973, thus allowing sufficient time to phase out of draft reliance and test the effectiveness of a variety of programs for the all-volunteer force while maintaining the strength and quality of our military forces.

Mr. Laird goes on to say:

> Some may be tempted to compromise the strength of our forces in the haste to eliminate the draft. This Administration cannot be placed in the position of reducing forces below the levels necessary for national defense, or denigrating their quality, because it has acted too soon to eliminate the draft.

Both of these men are acutely aware of the delicate discussions in which we have been, and even now are, involved concerning disarmanent and mutual force reductions. If we place ourselves in a position of dismantling Selective Service before the all-volunteer force concept has had sufficient time to prove that it is a viable alternative to conscription, then we incur the risk of bargaining from a weakened position—something we can ill afford.

At present, several important bills are before Congress that are all aimed at improving the chances of success of the all-volunteer army.

The Brookings Institution report to the Senate Armed Services Committee raises serious questions as to the advisability of adopting various proposals aimed at bolstering the number and qualifications of volunteers until more intensive study on their effectiveness can be accomplished.

At a time when it appears that we are making great strides toward making the all-volunteer army a reality—something never before accomplished by a nation of this size—let us not make irresponsible or emotional decisions in shaping a course for this Nation that future generations will be forced to live with. Patience and well-planned action must be our watchword.

We would be less than prudent in dismantling the "old" before thoroughly testing the "new."

Mr. BLACKBURN. Mr. Chairman, I have this amendment and one other, which I would hope I can offer and have considered immediately after we have considered this amendment, because the arguments for and against are both the same. We only deal with the amounts of money in my amendments.

Mr. Chairman, we have heard a great deal of discussion about the Better Communities Act, and we have had some say, in effect, "We never heard of such a bill, or at least none is pending before the Congress at this time, and, therefore, we should not consider it in our deliberations here this afternoon."

But, let me call the attention of every member of the committee to the fact that the Better Communities Act was adopted as part of the Housing Act last year. There was no substantial opposition to it, and I do not want to misstate the facts, but the best memory I have is that the Better Communities part of the Housing Act was adopted without a dissenting vote. That is my best and my most honest memory about it. I have every reason to be confident that when a Better Communities Act is presented on the floor of this House—and the only reason it was not presented last year was because the Housing Act of last year was so large in money; I think we were talking in terms of $10½ or $11 billion—it covered such a broad range of subject matters that the Committee on Rules, and I think properly so, said that at that late hour of the session it would not be wise to bring a bill of that scope and size and variety of subject matters to the floor of the House.

So the Better Communities Act died as a part of the death of the Housing Act of last year.

Mr. Chairman, the purpose of my amendment is to reduce the amount of money that is being appropriated for the Model Cities program. There are many horror stories that I could repeat at this time about the problems that have arisen, about the waste, the mismanagement, and the lack of tangible successes in the Model Cities program, but I am not going to reiterate all of that for the benfit of those who are familiar with them anyway.

What I am going to say is this. We are not legislating in a vacuum. We know that other proposals and other methods of dealing with the problems of our cities are going to be presented to the Congress.

We are trying to get away from the categorical grant programs that we have now before us. We are trying to get away from the redtape. We are trying to get away from the delays. We are trying to get away from the bureaucracies. We are trying to get away from the regulations that are causing so many headaches in so many of our cities.

It is the Better Communities Act that does present the alternative and realistic method of approach toward solving the problems of our cities.

Mr. Chairman, the purpose of my amendment, which would reduce the amount of money which is called for by the Appropriations Committee, is to permit an easy dovetailing, a realistic dovetailing of the cessation of the categorical grant programs into the beginning of the Better Communities Act, which we hope and expect will have become effective the first part of next year.

Mr. Chairman, the amount I have substituted for the amount recommended by the Appropriations Committee is an amount that was recommended by the Department of Housing and Urban Development after long and careful consideration. The amount that is recommended is the amount that is necessary to not create undue hardships on those cities that now have ongoing Model Cities programs. Once they begin to function under the Better Communities Act, then it is up to the mayors and then it is up to the individual county commissioners and others to make their own decisions as to where they will channel the money.

The President's budget proposed no appropriation for the Model Cities program in fiscal year 1974. It assumed that the funds provided through 1973 would permit cities to sustain a substantial level of activity through the transition to the implementation of the Better Communities Act. The act, proposed for enactment in time to be effective on July 1, 1974, would replace the Model Cities program and six other community development programs with a program of special revenue sharing.

As indicated in testimony before the Appropriations Committee, however, the Department invited mayors in to review their individual situations. This review has now been completed. As a result of this review, HUD found that some substantial inequities and hardships would exist in some communities as a result of the assumptions built into the 1974 budget. In their judgment, an appropriation of from $50 to $75 million would be sufficient to cover these situations.

In providing funding in fiscal year 1973, program levels for nonplanned variation cities averaged about 70 percent of past levels. Within this grouping those cities which received over 85 percent appear to be reasonably capable of a smooth transition to funding under the Better Communities Act.

The HUD review indicated, however, that in the case of many of the cities funded at below the 85-percent level, the sharpness of the cut results in reductions of service-oriented programs, personnel and services incompatible with a proper transition to funding under the Better Communities Act. To rectify this situation for these cities would require an increase in funding levels by an amount of from $50 to $75 million. The total required would depend on actual performance as well as determinations of need in the course of the year.

The specific amounts for each city would depend on the following factors:

The number of months from the start of a city's next program or action year to July 1, 1974.

The amount of funds that the city is expected to carry over into its next action year from its present one; and

The performance of each city in its present as well as past action years.

Within the funds made available, each city would be encouraged to work out the method of transition to Better Communications Act funding that is most suitable to that city. At the time the new program is implemented a city can decide whether to maintain its model cities programs with such special revenue sharing funds. The funds requested would give all cities in the program a comparable option on that decision.

Ms. ABZUG. Mr. Chairman, will the gentleman yield.

Mr. BLACKBURN. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, where is the gentleman from?

Mr. BLACKBURN. I am from Decatur, Ga.

Ms. ABZUG. Mr. Chairman, I find it fascinating. There are many Members from the urban areas who have been voting for many projects which will benefit many of the rural areas and rural programs.

Mr. BLACKBURN. I ask that the lady stop at this point.

Ms. ABZUG. May I continue?

Mr. BLACKBURN. No, the gentlewoman may not on my time.

I decline to yield further.

Mr. Chairman, I happen to represent a part of the city of Atlanta. My district includes part of the city which has a population of 1.6 million people at this time, so please do not think I have cockleburs in my shoes at this time.

Mr. Chairman, I submit that the amendment I have recommended is one that has been considered by the Department of Housing and Urban Development. It is one that is realistic. It is one that in my opinion will come realistically to grips with the problem of dovetailing the new act with the ongoing programs.

Mr. BOLAND. Mr. Chairman, I rise in opposition to both amendments. My remarks will be directed at both amendments.

What the gentleman from Georgia says with reference to the Special Revenue Sharing Act as it was proposed last year is perfectly correct. I think it is fair to say that the Better Communities Act proposed for this year is also a form of special revenue sharing except that last year the Department did provide funding for the ongoing programs. This year the Department does not provide funding for these programs. It terminates both these programs—the Model Cities programs and the open space programs—to which both of these amendments inure.

We put in $150 million for Model Cities. Why? There are 147 cities throughout the United States that operate under this program. The funding levels for 1974 are cut back in the budget program to 55 to 80 percent of previous levels. The committee took the position that we ought not to create a one year hiatus in the Model Cities program during the fiscal year 1974.

We provided $150 million for Model Cities to continue funding at the same level as 1973 and not be cut back at this time—and until the Congress makes a determination on the Better Communties Act or some other new legislation.

What about the open space program? Last year the administration asked for and we provided $100 million for open space. This year they requested no funds. We provided $70 million in this bill for open space. This amount, together with the $28 million which the Department will not spend in fiscal year 1973, will make available a total of $98 million for the open space program in 1974.

Mr. Chairman, we tried to come here with a bill acceptable to both sides of our committee. I think we have. We tried to have a bill that was acceptable to most of the members of the Committee of the Whole. I think we have. We tried to have a bill which will be signed by the President of the United States. I think we have. Of course, everybody cannot be in agreement with it on every item.

What I am saying is that we ought to

continue these programs which have been terminated. We disagree with the administration on the question of terminating these programs, and both of these programs which the gentleman's amendments refer to are proposed to be terminated in the budget as of June 30th of this year, or last January 5. The fact of the matter is that this should be a decision which Congress itself ought to make. We propose the law; we are the ones to pass the laws; and we appropriate funds to carry out these programs under the law.

Do the Members not believe that there ought to be some responsibility on the part of the Congress to continue these programs? I do, and that is what this committee recommends for fiscal year 1974. If the Better Communities Act or some other legislation is passed, then it will be up to the local communities to determine what they want to do. We think in fiscal year 1974 that these programs ought to be provided for, and we do it.

Mr. Chairman, I hope the Members on this floor will support the action of the committee.

Mr. TALCOTT. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I concur with the gentleman from Massachusetts in opposing both the Blackburn amendments. However, I want to compliment the gentleman from Atlanta for giving us a good dissertation on revenue sharing for the cities through the Better Communities Act. I agree with him, that we ought to pass it.

However, this is not the time to do it. These programs have to continue until we get this act passed. I urge every Member to oppose both amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKMAN).

The amendment was rejected.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $2,194,000,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, rehabilitation, modification and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $87,800,000, including (1) $660,000 for replacement of transportation facility, Goddard Space Flight Center; (2) $710,000 for rehabilitation of vibration laboratory, Goddard Space Flight Center; (3) $740,000 for modifications of and addition to 25-foot space simulator building, H. Allen Smith Jet Propulsion Laboratory; (4) $580,000 for modification of planetary mission support facilities, H. Allen Smith Jet Propulsion Laboratory; (5) $2,410,000 for rehabilitation and modification of 600 p.s.i. air supply system, Langley Research Center; (6) $1,620,000 for construction of systems engineering building, Langley Research Center; (7) $570,000 for rehabilitation of airfield pavement, Wallops Station; (8) $575,000 for rehabilitation of communication system, Wallops Station; (9) $1,885,000 for modification for fire protection improvements at various tracking and data stations; (10) $980,000 for modification of space launch complex 2 West, Vandenberg Air Force Base; (11) $1,085,000 for modification of power system, Slidell Computer Complex; (12) $43,000,000 for Space Shuttle facilities at various locations, as follows:

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 9, lines 2 and 3, strike out "$2,194,000,000, to remain available until expended." and insert in lieu thereof "$1,719,000,000, to remain available until expended: *Provided*, That none of the fund appropriated in this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor."

And on page 10, lines 2 through 19, strike out all of subparagraph (12) and redesignate the succeeding subparagraphs accordingly.

Mr. TALCOTT. Mr. Chairman, I reserve a point of order against the amendment.

Ms. ABZUG. Mr. Chairman, this amendment would remove from the bill the over $500 million appropriated for the Space Shuttle program and prohibit NASA from using any of its funds for fiscal 1974 for the development of such a system.

For fiscal 1972, we appropriated $100 million for research and development for the shuttle in response to the claim that it was merely to determine whether development was feasible. The same explanation was offered when we appropriated $200 million for the fiscal year just coming to a close.

Since it was first proposed, the principal claim underlying the development of the Space Shuttle is that it was incredibly economical. We have been told that it would cost far less than the kind of disposable systems we have been using up to now in our space program. I have always doubted the accuracy of this claim, and a GAO report on the shuttle issued just 3 weeks ago bears out that doubt.

NASA has been planning nearly 800 missions using the shuttle for the period from 1978 and 1990. They say that such missions would cost $50 billion using conventional space systems, but only about $36 billion using the Space Shuttle. But the GAO states that it—

> Is not certain that the Space Shuttle is economically justified . . . even though NASA's calculations show that it is. * * * GAO does not consider it prudent to place too much confidence in the projected cost savings. Technical problems and the cost overruns that usually follow such problems are more likely on the Shuttle and, if they occur, could turn the projected savings into increased costs by 1990.

Despite the fact that there is as yet no proof of its feasibility, the Space Shuttle is now presented to us as a full-scale project. No definitive evidence of man's ability to withstand the effects of weightlessness for long periods of time has yet been developed.

MILITARY USE OF THE SHUTTLE

After years of denials and evasions, it has been admitted that at least 30 percent of the use of the Shuttle will be military. Now that we have destroyed most of Indochina, we are prepared to try our hand in space.

I think that at a time when such powerful nations as the United States, the Soviet Union, and China are moving toward vastly improved relations and a reduction of armaments, it is wrong for us to be pushing a program a significant purpose of which includes the expansion and exacerbation of the arms race.

NATIONAL PRIORITIES

As Senator FULBRIGHT said last week, when the NASA authorization bill was being debated in the other body—

> Between 1959 and 1973 we have spent some $72 billion on space activities. * * * I submit most of them have no immediate effect on the welfare of the people of this country.

Or, as the director of the Cornell Center for Radiophysics and Space Research asked, in a letter recently published in the New York Times—

> Does a country suffering from a drastic sudden decline in its scientific effort really want to spend huge sums on the showpiece of manned space flight instead of using these funds and facilities for the best in science and the most important in technology?

Mr. Chairman, this country has other needs which are far more pressing than the Shuttle. Millions of our people live in grossly substandard housing. Hundreds of thousands need new housing units which could be constructed with the funds to be used for the Shuttle and by the people who will construct it.

I cannot in good conscience vote to put over $500 million of the taxpayers' money into so questionable an item as this one. Even if it has some potential value, I see no reason why we cannot wait a few years before beginning it in earnest, especially in the absence of proof of its feasibility and usefulness.

By taking the step into actual construction now, we are committing ourselves to future expenditures of around $20 billion for this system, expenditures that we may be utterly unable to afford, expenditures that will sap the resources we so desperately need for decent housing, for jobs for the millions who want them and can't get them, for pollution abatement, and for child care so that mothers can work and not be compelled to accept welfare.

The Space Shuttle may or may not be feasible. There is increasing indication that it will not be economical. There is substantial question as to whether it is necessary or appropriate.

I urge the adoption of my amendment.

POINT OF ORDER

Mr. TALCOTT. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. TALCOTT. Mr. Chairman, my point of order is quick and clean. This is more than just a reduction of funds. It is legislation on an appropriation bill when it says:

none of the funds appropriated in this act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor.

This is completely changing the authorization by the Committee on Science and Astronautics.

The CHAIRMAN (Mr. O'Hara). The Chair is prepared to rule on the point of order.

It seems to the Chair that the provision in the gentlewoman's amendment is pretty clearly a limitation on an appropriation. It does not impose any affirmative obligation on the administration, nor does it provide any legislative direction. It is simply a limitation on the use of the funds to be appropriated.

The Chair therefore overrules the point of order.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to ask the distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. Boland) if he could tell us what portion of the Space Shuttle project has military application, or what portion is expected to be used by the military in their operations.

Mr. BOLAND. Mr. Chairman, I am not aware of any portion in this bill that will specifically be used by the military. I presume that there could be some military application eventually for the Space Shuttle, I do not think anybody can doubt that, but I am not aware that there are any funds in this bill for this purpose. I can say that to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, last year when we had the authorization before this committee, the distinguished chairman of the Committee on Science and Astronautics made the statement that there was a military application and that a definite proportion of the entire Space Shuttle project was for military uses, and at that time he did not have figures.

I just wonder if there is some way that we can get before the Congress some idea as to how much of this is military and how much is civilian.

Mr. BOLAND. There are some members of the Committee on Science and Astronautics present on the floor. My knowledge of what is in this bill tells me that there is no money in here insofar as any military application of the program is concerned.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman from Ohio (Mr. Seiberling) yield?

Mr. SEIBERLING. I yield to the distinguished gentleman from Texas (Mr. Teague).

Mr. TEAGUE of Texas. Mr. Chairman, I would like to say that in the authorization bill for the space program which we passed this year, so far as I know there was not one military penny in that bill, and I think every Member of the Committee knows that.

Ms. ABZUG. Mr. Chairman, will the gentleman from Ohio (Mr. Seiberling) yield for just one moment?

Mr. SEIBERLING. Mr. Chairman, no, I do not wish to yield at this moment. My question is not whether there is a penny in here for the military.

My question is this: Last year it was stated that the Space Shuttle had a dual function, that the military was expected to use the Space Shuttle for some of their purposes, and I just wondered if we could get an idea of how much that is likely to be.

Mr. TEAGUE of Texas. Mr. Chairman, there is not any question that there is a close working relationship between the military and our space program, and it is true that anything the military can learn or anything the space people learn in space, the military is going to pick it up: For example, communications and weather satellites.

There is no question the military has gained information from that, but as far as putting anything in that program, I do not think they have put in a dime.

Mr. SEIBERLING. Well, my question is: Perhaps they should help defray part of the cost of this program.

Mr. TEAGUE of Texas. Mr. Chairman, I would agree with that.

Mr. SEIBERLING. Mr. Chairman, I happen to think that the Space Shuttle is a very important program. There are such things as solar satellite power stations which we are going to need some day, and we can only get those through this technology.

I am only trying to make the point that since there is a military application, the Defense budget should bear its pro rata share of this program, and I hope the next time we come around to the consideration of this we can get some kind of a picture of what that pro rata share should be.

Mr. ROUSH. Mr. Chairman, will the gentleman from Ohio (Mr. Seiberling) yield?

Mr. SEIBERLING. I yield to the gentleman from Indiana (Mr. Roush).

Mr. ROUSH. Mr. Chairman, our hearings reflect the fact that the DOD is going to have to invest $500 million to bring the Western Test Range around to the point where it can launch the shuttle. So the military is making a contribution.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman. That is a step in the right direction.

Mr. BOLAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the persistent and constant gentlewoman from New York (Ms. Abzug).

The Space Shuttle is the cutting edge of our space program in the future.

The magnificent job which Commander Conrad and his colleagues have completed with their safe return this morning proves beyond a shadow of a doubt the value of having a man in our space program.

The repairs these astronauts made to the Skylab spacecraft in turning adversity into an unqualified success prove the versatility of man in space.

The shuttle will make it possible for man to venture into space at will. We do not know all the benefits this will bring to mankind. We know enough now to know they will be vast.

To fail to build the shuttle would risk technological inferiority to other nations, a decline in foreign exchange, stagnation in a major industry, and a lack of flexibility in space. Without the shuttle, we would find many advances in our space program too expensive to consider. Opportunities which will be readily available with a Space Shuttle system would be beyond the reach of a nation dependent on the technology of the 1960's.

We are not so poor a nation that we must forgo building for the future. Nor are we so foolish as to believe that the economic pressures of the past few years are so great that they should hamstring our space program for the next two decades.

Mr. Chairman, I urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. Abzug).

The amendment was rejected.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am disturbed that zero funds are in this fiscal 1974 bill to finance the legislation which Congress passed last October to establish eight medical schools in conjunction with Veterans' Administration hospitals. Although $20 million is being provided in the fiscal 1973 supplemental bill, there is nothing for next year, as yet. Mr. Chairman, it is time for the Nixon administration to fish or cut bait on the Marshall University Medical School, and the seven other medical schools to be established. Every step of the way, the White House and the Office of Management and Budget have blocked our progress toward these new medical schools.

First, they failed to include a penny of money in the President's budget, thus making it extremely difficult for Congress—which the President always condemns as big spenders—to go over the budget in order to appropriate the necessary money. Second, the Office of Management and Budget has delayed the guidelines for the medical schools for over 6 months. Third, we cannot even be sure after appropriating the money whether the President will impound the funds and cause further delay.

It strikes me that the Nixon administration is going full speed backward on this issue. This is not a partisan issue, and we have had remarkable unity in the sponsorship from both parties. But unless the Nixon administration gets off the dime and starts to show some interest in this vital project, there is danger it might die on the vine from benign neglect.

There is intense interest in this program by Marshall University in my hometown of Huntington as well as intense interest throughout the country with between 30 and 40 State universities expressing a desire to be selected as one of the sites for the eight medical schools being created under the program.

Despite the fact the Nixon administration has not asked for a single cent to implement this program, $20 million is provided in the conference report on the supplemental appropriations bill for fiscal year 1973 coming up for a vote on the House floor next week.

Much of the credit should go to my West Virginia colleagues, Senator ROBERT C. BYRD and Congressman JOHN SLACK, members of the conference committee, and to Senator JENNINGS RANDOLPH, all of whom have helped spearhead this project with which I am proud to be associated.

Donald Johnson, VA Administrator, told the House Appropriations Committee on March 6, 1973, that one of the reasons the VA has not taken the initiative to seek funds to implement the law was because the VA had not completed the steps necessary to be in position to receive and approve grants.

There is a shortage of 50,000 doctors. The sick, the lame, the crippled can't wait for the bureaucratic redtape to be unsnarled. We should be moving full speed ahead—not backward.

There is no money for the medical program in the Veterans' appropriations for the 1974 fiscal year, but I am hopeful that once we get this program rolling with the $20 million, the gloomy prospects of no funds being appropriated for the next fiscal year will be reversed so we can get on with the vital job of training more young people as doctors.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8825) making the appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. BOLAND. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUSSELOT. I certainly am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. ROUSSELOT moves to recommit the bill H.R. 8825 to the Committee on Appropriations.

Mr. BOLAND. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. TALCOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 316, nays 21, not voting 96, as follows:

[Roll No. 271]

YEAS—316

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashley
Aspin
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clancy
Clark
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conlan
Conte
Corman
Cotter
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Dickinson
Diggs
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Fulton
Gaydos
Gettys
Giaimo
Ginn
Goldwater
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Latta
Lehman
Lent
Litton
Long, Md.
Lott
McClory
McCloskey
McCollister
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Slack
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Whalen
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—21

Arends
Camp
Crane
Eshleman
Ford, Gerald R.
Goodling
Gross
Hanrahan
Hudnut
Ichord
Ketchum
Landgrebe
Michel
Nelsen
Powell, Ohio
Rarick
Rousselot
Shuster
Skubitz
Symms
Ware

NOT VOTING—96

Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Badillo
Bafalis
Bell
Boggs
Breaux
Brown, Ohio
Broyhill, Va.
Carney, Ohio
Chamberlain
Clausen, Don H.
Clawson, Del
Clay
Cochran
Conable
Conyers
Cronin
Culver
Danielson
Davis, S.C.
Derwinski
Devine
Dingell
Edwards, Calif.
Erlenborn
Fish
Fisher
Flowers
Flynt
Frenzel
Frey
Froehlich
Fuqua
Gibbons
Gilman
Gonzalez
Green, Oreg.
Griffiths
Hammerschmidt
Hastings
Hawkins
Hays
Hébert
Hinshaw
Johnson, Calif.
Jordan
Kazen
King
Landrum
Leggett
Long, La.
Lujan
McCormack
McEwen
McKinney
Martin, Nebr.
Mathis, Ga.
Melcher
Metcalfe
Mills, Ark.
Mitchell, N.Y.
Mollohan
Morgan
Moss
Patman
Preyer
Railsback
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Runnels
Ruppe
Ryan
Sandman
Saylor
Sikes
Smith, Iowa
Snyder
Staggers
Steele
Steiger, Ariz.
Stuckey
Symington
Taylor, Mo.
Thompson, N.J.
Thomson, Wis.
Waggonner
Waldie
Wampler
Whitehurst
Widnall
Wright
Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Leggett.

Mr. Hébert with Mr. Patman.

Mr. Rooney of New York with Mr. Mitchell of New York.

Mr. Waggonner with Mr. McEwen.

Mr. Breaux with Mr. Hammerschmidt.

Mr. Andrews of North Dakota with Mr. Johnson of California.

Mr. Roncalio of Wyoming with Mr. Gilman.

Mrs. Boggs with Mr. Cronin.

Mr. Mollohan with Mr. Froehlich.

Mr. Staggers with Mr. Conable.

Mr. Morgan with Mr. Hastings.

Mr. Preyer with Mr. Chamberlain.

Mr. Davis of South Carolina with Mr. Hinshaw.

Mr. Fuqua with Mr. Broyhill of Virginia.

Miss Jordan with Mr. McCormack.

Mr. Melcher with Mr. Derwinski.

Mr. Metcalfe with Mr. Badillo.

Mr. Riegle with Mr. Steele.

Mrs. Green of Oregon with Mr. Brown of Ohio.

Mr. Carney of Ohio with Mr. Devine.

Mr. Clay with Mr. Ryan.

Mr. Long of Louisiana with Mr. Lujan.

Mr. Culver with Mr. Del Clawson.

Mr. Danielson with Mr. Bell.

Mr. Dingell with Mr. McKinney.
Mr. Edwards of California with Mr. Conyers.
Mr. Fisher with Mr. Bafalis.
Mr. Flowers with Mr. Frey.
Mr. Flynt with Mr. Erlenborn.
Mrs. Griffiths with Mr. Martin of Nebraska.
Mr. Hays with Mr. Ashbrook.
Mr. Hawkins with Mr. Kazen.
Mr. Landrum with Mr. King.
Mr. Mathis of Georgia with Mr. Don H. Clausen.
Mr. Symington with Mr. Fish.
Mr. Smith of Iowa with Mr. Frenzel.
Mr. Reid with Mr. Widnall.
Mr. Moss with Mr. Railsback.
Mr. Gibbons with Mr. Snyder.
Mr. Anderson of California with Mr. Thomson of Wisconsin.
Mr. Mills of Arkansas with Mr. Sandman.
Mr. Sikes with Mr. Saylor.
Mr. Stuckey with Mr. Steiger of Arizona.
Mr. Waldie with Mr. Wyman.
Mr. Wright with Mr. Ruppe.
Mr. Runnels with Mr. Wampler.
Mr. Gonzalez with Mr. Whitehurst.
Mr. Cochran with Mr. Taylor of Missouri.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed (H.R. 8825) and to include charts, tables, and other extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I will be happy to inform the gentleman of the schedule for next week, which is extremely interesting.

The program for the House of Representatives for the week of June 25, 1973, is as follows:

Monday is District Day and there are no bills.

On Monday we will have H.R. 7447, second supplemental appropriations for the fiscal year 1973, conference report.

H. Res. 454, authorizing suspensions during the week of June 25.

H.R. 8662, Atomic Energy Commission authorization, under an open rule with 1 hour of debate.

We will also have the following bills from the Ways and Means Committee to be called up by unanimous consent:

H.R. 2261, suspension of duty on istle.

H.R. 2323, suspension of duty on copper.

H.R. 2324, suspension of duty on metal scrap.

H.R. 3630, suspension of duty on dyeing and tanning materials.

H.R. 4200, tax treatment of survivor benefit plans of uniformed services.

H.R. 6394, suspension of duty on caprolactam monomer in water solution.

H.R. 6676, suspension of duty on manganese ore.

H.R. 8215, suspension of duty on copying shoe lathes.

H.R. 8217, exemption from duty of equipment and repairs for vessels operated for agency of the United States.

We will also have House Joint Resolution 542, War Powers Act. There will be general debate only. Three hours of general debate have been granted with an open rule.

On Tuesday, continuing appropriations, fiscal year 1974; H.R. 8877, Labor-HEW appropriations, fiscal year 1974.

On Wednesday, the Interior appropriations, fiscal year 1974; House Joint Resolution 542 and the war powers bill in which we will go into the amendments and the passage of the bill.

On Thursday, Public Works-AEC appropriations, fiscal year 1974; H.R. 8548, International Economic Policy Act, subject to a rule being granted.

Friday, State, Justice, Commerce and Judiciary appropriations, fiscal year 1974; H.R. 8538, Public Broadcasting Corporation authorization, subject to a rule being granted.

Conference reports may be brought up at any time, and any further changes or announcements in the program will be made later.

The House will recess from the conclusion of business on Friday, June 29, until Monday noon, July 9.

ADJOURNMENT TO MONDAY, JUNE 25, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet on Monday next.

Mr. GROSS. Mr. Speaker, reserving the right to object, is it planned to come in early on Monday?

Mr. O'NEILL. It is planned to come in at 12 o'clock on Monday. There is a great possibility later on in the week that we may come in at an earlier hour. However, on Monday we ask to come in at noon.

Mr. GROSS. Mr. Speaker, I have no doubt of that at all but can we take any assurance from that midnight session which was the best amateur night since Ted Mack, last night, can we take any assurance from what has been going on here recently that this first session of the 93d Congress will adjourn before we go out on August 3?

Mr. O'NEILL. I just have to assume from looking at the schedule, we would probably run into evening sessions next week.

Mr. GROSS. Mr. Speaker, I thought this marked a drive. I would say to the distinguished majority leader that last week marked a drive to adjourn the first session of the 93d Congress before August 1.

Mr. O'NEILL. The gentleman from Iowa may have gathered that, but I surely would like to see the House adjourn sometime before the middle of October.

Mr. GROSS. We will be back in session Labor Day?

Mr. O'NEILL. There is no question about that. I am sure we will be back after the August vacation.

Mr. GROSS. Mr. Speaker, I hope some of us old gaffers can do it at this pace.

Mr. O'NEILL. Mr. Speaker, if anybody can stand the gaff, I am sure the gentleman from Iowa can.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to dispense with business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. KETCHUM. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks during debate on the Hanna amendment.

The SPEAKER. Is there an objection to the request of the gentleman from California?

There was no objection.

ADDRESS BY THE HONORABLE LARRY HOGAN

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, this has been a typical week in the House, in which a number of issues were debated in sharp detail and occasionally in a partisan manner. This, of course, is the very essential of debate in the House as we address ourselves to specific legislative items.

However, we certainly have among us, men who possess the ability to see the broad picture of the American scene, and to do so in the light of our great national heritage.

One of our colleagues, whom I hold in the highest regard for his dedication and objectivity, is the Honorable LARRY HOGAN of Maryland. My attention has recently been directed to an address by Congressman HOGAN before the American Concrete Pipe Association on April 2 of this year. It is a scholarly, yet inspirational message. Its theme, I believe, will be subscribed to by the vast majority of House Members. Therefore, Mr. Speaker, I insert Congressman HOGAN's address into the RECORD so that other Members might have the opportunity to ponder his message:

THE RETURN OF BENJAMIN FRANKLIN

Recently I was on a plane traveling to make a speech out in the midwest, and I picked up one of the little magazines the airline puts in the pocket of the seat in front of you to help you while away the time. I was reading a story in there about the upcoming Bicentennial of the United States, and the story opened up by saying that Benjamin Franklin had once said that he would like to return to the United States in 200 years to see if Americans still value their freedom.

I leaned back in my chair, and I closed my eyes, and I thought, "What would it be like if Benjamin Franklin did in fact come back?"

He was an outstanding scientist, one of our first in this country, so I know he'd be most impressed with some of our marvelous scientific achievements. I know color television would be one that would please him. But I can see him turning on that color television set and watching commentators constantly criticizing the government, our military, our police and all those who are striving to protect and improve this country.

I wonder if he'd be pleased with what he saw.

And we'd flip over the channel for him and he'd see a beautiful movie actress, who has earned millions of dollars in this country under our way of life, criticizing her country, praising her country's enemies, and urging American soldiers to lay down their arms and surrender to our foes.

And I can hear Dr. Franklin saying, "Why, that's treason! In my day we hanged people for that!"

We'd explain to him that she has freedom of speech to say these kinds of things about her country.

And I can hear him answering, "Freedom of speech? Freedom of speech? We never intended that freedom of speech would be an unrestricted license to preach treason or to libel others or to incite others to riot. You're abusing what we intended by freedom of speech."

We'd turn on a radio station, and we'd hear the announcer engaged in conversations with men and women about the most intimate details of their sex life . . . how many orgasms they had last night and how they achieved them and how they prefer their sex . . . for everyone in the world to hear, including youngsters. And Dr. Franklin would shake his head in amazement. We'd say, "Well, that's freedom of speech. That's freedom of the press, Dr. Franklin."

I'm sure he'd be as upset as many of us are. "Freedom of speech does not mean flouting the consensus morality and good taste of the majority of the people in this country," he'd inform us.

Dr. Franklin was such a staunch supporter of education, I know he'd want to visit some of our schools. He couldn't help but be impressed by the beautiful, air-conditioned, well-equipped buildings. But then he'd hear teachers—again—ridiculing the country and feeding into the minds of the impressionable youngsters under their control what a decadent and oppressive government this is and how it ought to be destroyed.

And then we take our founding father to one of our college campuses, and he'd witness college professors claiming that academic freedom gave them the right to refuse to teach returning veterans from Vietnam, because the professors didn't agree with the war.

Do Americans still value their freedom? Do we really know what freedom is?

Then we'd follow Dr. Franklin as he'd pause outside of a beautiful library building and, since he was the founder of the first lending library in America, I know he'd be most interested. He'd go in, and again he'd be impressed with all the technical advances, the competence, the beauty, the audio-visual equipment, and so forth. But then I can see him scanning the shelves to see revolutionary literature, pornography—the basest kind of propaganda against this country and our moral standards.

Dr. Franklin was also a journalist. He published newspapers in this country back in the early days, so he'd certainly want to visit some of our newspapers. I can see him admiring the high-speed presses and the automatic type-setting equipment, and he'd be really impressed. But then he'd see on page after page vilification of our government leaders and our country, always carping about what's wrong with this country and never giving adequate treatment to the things that are right about it.

Then we'd take Benjamin Franklin to one of our sports arenas. As the athletic event is about to begin, he'd hear the National Anthem played and the flag unfurled. On the floor he's see a young athlete, feeling alienated from our society and our government, showing his disrespect for the flag.

I can hear Dr. Franklin shouting down from the stands, "Young man, you're a fool! When you insult that flag, you insult yourself and your relatives and your friends—and me. Because that flag represents all Americans—black and white, rich and poor, good and bad, alive and dead, just and unjust. Do you despise us all? There's no separate flag for black Americans and for white Americans. There's no separate anthem for black Americans and white Americans. There's only one flag, one emblem, and it represents all of us."

I know Dr. Franklin would be interested in our court system. He'd witness the United States Supreme Court usurping legislative prerogatives of Congress. He'd learn that it's now unconstitutional to pray in school. (He'd be amazed at that, because prayer was at the root of all the deliberations of the founding fathers.) And he'd learn that it's unconstitutional now to execute convicted murderers, but it's perfectly legal to kill innocent unborn babies. And he'd learn that the same court which said a few years ago that it's unconstitutional to assign a child to a particular school because of his race now saying it's unconstitutional unless you assign him to a particular school because of his race.

And he'd see these same courts turning dangerous criminals loose on technicalities to prey again on law-abiding members of society.

He'd learn that the new guiding philosophy of our judicial system is not ascertainment of guilt or innocence, but rather a gamesmanship which weaves and reweaves loopholes to allow the guilty to escape justice and which puts restriction upon restriction in the paths of police and prosecutors.

Dr. Franklin would hear political leaders clamoring for amnesty for deserters and draft dodgers who fled this country rather than serve in its military services. I can hear him saying, "Amnesty? Amnesty for those who turned their backs on their country when it needed them?"

And we'd say, "But you see, they didn't agree with that war, so they refused to serve, Dr. Franklin."

"Agree with the war!" he'd answer. "Does the individual in this country now have the right to disobey the law? Does he have the right to choose the laws that he's going to obey and the laws he's going to disobey? Didn't he elect the people by majority vote who are making those laws?"

He'd remind us that rights carry with them responsibilities and that people ought not to be able to enjoy the blessings of this country without making sacrifices that are necessary to preserve them.

We'd try to calm him down, "Lower your voice, Dr. Franklin. People are staring. They'll think that you're crazy."

And he'd say, "Crazy! You mean they'd think I would be crazy to say these things that I'm saying in America in 1973? Aren't there any patriots around anymore?"

We'd say, "Please don't use that word 'patriot,' Dr. Franklin, because we use that now to designate a bunch of right-wing extremists. So lower your voice. We don't want people to get upset. Patriots are those kind of people that are always talking about the flag and prayer in school and all those kinds of old-fashioned things."

I wonder what Benjamin Franklin would say if he were here making this speech instead of me. I think he'd say . . .

"Let me tell you something: Throughout history a great many Americans have invested their effort and creativity and their talents and their energy and their blood to ensure that a government based on freedom could survive in the world. And it wasn't always easy. In fact, it wasn't ever easy; especially in our day when we wrote the machinery for this government.

"But maybe now it's too easy. Maybe your airconditioned buildings and your electric razors and your popup toasters and your myriad of mechanical and electronic servants have made life so soft for you that you don't really know what hard work and sacrifice mean any more.

"The Roman Empire achieved the pinnacle of civilization in the world of its day, and it, too, went soft. It lasted for nearly 500 years, and then it collapsed, because those who benefited most from it lost the determination to ensure that it survive.

"America is a young country. Two hundred years is a mere twinkling in the annals of recorded history. And there is no guarantee that without effort, dedication and heroic acts of preservation that it will endure.

"I'm proud of what my associates and I contrived back in the 1700's. We fought a war against insurmountable odds that nobody expected us to win. But the idea of freedom was so precious to us that we felt that it was worth fighting for. And a great many Americans, then and throughout American history, have felt that it was worth *dying* for.

"Now, if all those Americans could die to help this country to endure, it seems to me that the least that your current generation can do is to *live* to ensure that it endures.

"America has problems. But all through her history America has had problems. But we've also had enough patriots with enough love of country and enough dedication and enough plain guts to get involved to help the country to *solve* its problems.

"In my day we had a war to fight, but we had no soldiers. So our farmers and our fishermen and our shopkeepers formed themselves into a rag-tag army of citizen-soldiers who, through sacrifice and determination, defeated the strongest military aggregation in the world.

"And then we needed a government. So doctors and lawyers and farmers and businessmen and me, a lowly printer, got together, and in the face of unbelievable obstacles, we hammered together a governmental structure to ensure citizens freedom and opportunity. A system which gives to all Americans, regardless of their birth, a chance to stretch their talents as far as they'll go and to share in the blessings and the rewards which this country offers.

"As citizens of this country, we share America's blessings, and they are many. But we also share her problems, and they are many. America has never promised her citizens prosperity without work or reward without effort or security without sacrifice.

"My associates and I, who formed this type of government back in the 1700's, never promised you Utopia. We promised to try to create a more perfect union. Never did we promise *the* perfect union. And because

America is still struggling to improve that union doesn't attest to her weakness, but rather to her strength. Regardless of what the carping and nearsighted critics say, America has succeeded in her quest for perfection as no nation in the history of the world has succeeded.

"There are those among you today who say that our system is wrong and that the government has inadequacies. They say the only way to correct them is by revolution. They're so wrong! America *had* her revolution back in *my* day. And when it succeeded, my associates and I gathered in Philadelphia and created a system of government more enlightened than the world had ever known—a government based on freedom and the worth of the individual.

"Now, if you're unhappy with things as they are, you have the power to change the things in a peaceful, orderly way. Because the kind of government we gave you has built into it a mechanism which the people control. It allows you to bring about change without destroying the system itself. So you don't need another revolution. That mechanism is politics. Politics allows you to strike out against the deficiencies and inadequacies of government without destroying the structure itself.

"So America offers you today, in 1973, what it has always offered—freedom and opportunity.

"By working together, there isn't anything that Americans can't achieve. And unless they do work together, there is nothing that they can achieve.

"So I came back to the United States 200 years later to see if you Americans still value freedom. And, you know, I found out a very interesting thing. The Americans who value freedom most are the Americans who know what it's like to not have it: those who fled here from Communist countries and our former prisoners of war.

"Our returning prisoners of war came back and reminded us what a great country we have. They weren't afraid to demonstrate before national television their patriotism, their love of country, their respect for the flag, their respect for the President.

"Isn't it paradoxical that 1973 Americans, who have let these freedoms slip into disrepair, don't really cherish them, because they don't know what it's like to not have them.

"You Americans have a great legacy of freedom. It carries with it tremendous responsibilities to see that it is passed on intact to those who come after you. That's a sacred responsibility, to ensure that freedom does not perish from the earth."

MEAT PLANT IRREGULARITIES

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, early this week some of you may have seen press reports about several meat plants throughout the Nation that were found to have some irregularities according to an internal random survey report by the U.S. Department of Agriculture Inspector General's Office. The report was made public by the gentleman from Montana (Mr. MELCHER). I believe that his purpose was to make the public aware of some of the difficulties and problems of the USDA inspection procedures. He stated that he inserted the report in the RECORD on Tuesday in order that "the public can see just where we stand in regard to the meat and poultry inspection program." Unfortunately the publication of the results of inspections that occurred more than a year ago may have had the effect of reducing public confidence in some of the plants mentioned.

As an example of the unfortunate effects of the report, some news sources cited irregularities at the Dubuque Packing Co., leaving the impression the inspections were recent and the problems were still there. In fact I was informed today by Dr. V. M. Berry, Assistant Deputy Administrator for Field Operations, meat and poultry inspection program of the USDA Animal and Plant Health Inspection Service, that an inspection of the Dubuque Packing Co. on May 11 of this year revealed satisfactory fulfillment of meat inspection requirements. He stated specifically: First, there was no contamination of meat products. Second, the wholesomeness of meat and meat food products from the Dubuque plant was assured. Third, structural and equipment improvements have been programed, some of which have been completed and others of which are underway.

Mr. MELCHER. Will the gentleman yield?

Mr. CULVER. I yield.

Mr. MELCHER. The gentleman is correct. This inspection report was a year old and, of course, it does not reflect current conditions.

I also talked to Dr. Berry yesterday and heard his report about the clean bill of health given the Dubuque Packing Co. in the May inspection. I certainly have no problem in relation to Dubuque Packing Co. products. We have relatively new meat inspection laws, requiring extremely high standards. Many plants have had to modernize to meet them. Dubuque Packing Co. is entitled to commendation for its well-planned improvement program to meet all of the new requirements.

A CHALLENGE TO MR. BREZHNEV: REMOVE THE WALLS TO REPRESSION AND CONFINEMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York, (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the current talks and negotiations between our President and Soviet leader Brezhnev augur well for the possibilities of future generations of peace, indeed, progress for all mankind.

The summit—which, hopefully, will lead to a reduction of the arms race cooperation in the peaceful development of atomic energy, bilateral trade pacts and other beneficial agreements—is an historic and vital step toward closer world cooperation instead of confrontation. But the path beckoning toward undreamed-of progress for inhabitants of a rapidly shrinking world challenges Mr. Brezhnev to quicken his pace with bolder steps.

The accelerating rush of history is so great it can obscure tremendous opportunities along this path.

Only a dozen years ago this summer, in 1961, the muzzles of Soviet and U.S. tanks were in confrontation in divided Berlin, threatening to erupt and plunge the world into a possible world war III. And an ugly wall was built to divide not only Germans but the family of man—human beings seeking political, intellectual, cultural and other natural freedoms.

Now, in the growing spirit of rapprochement, Mr. Brezhnev should hasten the dismantling and removal of this and other barriers.

No wall, physical or imposed by unjust laws or decrees, can confine the human spirit. The talents of a Solzhensitsyn or Rostropovich transcend such barriers.

The Exodus from Egypt, the return of the Jews to Palestine and the emergence of modern Israel from the horror of Hitler's extermination camps are lessons Mr. Brezhnev and all of us cannot misinterpret.

Surely, Mr. Brezhnev, a contemporary of 7.5 million of his countrymen who died during World War II can understand the spirit of fellow human beings, the Jews who lost some 6 million at the hands of the same murderous Nazis.

Whether built in fear, for confinement, protection or a combination of these reasons, walls will not silence the voices of a reported 116,000 Soviet Jews who, it is believed, have filed affidavits declaring their desire to emigrate, without success to date.

I cannot accept numbers games applied to human beings and human freedom.

But if we accept Mr. Brezhnev's reported statement that 60,200 Soviet Jews have been permitted to emigrate, what of the 66 percent who are estimated to have officially sought to leave and been refused? If we accept the report that 10,100 exit visas were issued during the first 5 months of this year, how can he explain that the rate, projected on a yearly basis, is 25 percent lower than last year?

How many thousands more long for freedom but are reluctant to expose themselves and their families to oppression as the result of applying for emigration?

The barrier thrown up against Soviet Jews is not the only hindrance to the greater improvement of United States-Soviet relations.

There remains the continuing persecution of hundreds of Ukrainian intellectuals. From 1965 to the present, under Mr. Brezhnev's leadership, the Soviet Government has pursued a campaign of repression, tantamount to cultural annihilation. Writers, poets, literary critics, journalists, professors, teachers, artists, engineers, and research workers are victims of this campaign. In 1972 alone, over 100 of these intellectuals were arrested. Many are serving lengthy prison terms.

Mr. Brezhnev must be made aware of our enduring concern for the fate of millions in all the Captive Nations, our historic allies and friends, the courageous people of Poland, Hungary, Lithuania, Latvia, Estonia, Bulgaria, and Czechoslovakia. Like the Soviet Jews, they must be given the right to emigrate and return to countries of their choice.

Mr. Stefan Korbonski, the chairman of the Assembly of Captive European Nations, put the plight of the people in these nations in proper perspective, when, from New York City, he recently wrote the Washington Post the following:

> In connection with the visit of Mr. Brezhnev, the Assembly of Captive European Nations feels dutybound to recall the unhappy fate of the people of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania deprived of their freedom and independence by the Soviet imperialism represented by the originator of the "Brezhnev Doctrine." These heroic people did not reconcile with the Soviet rule which was dramatically proven by the workers' revolt in Pilsen in 1953, the Poznan Uprising in 1956, the Hungarian Revolution in 1956, student riots in Poland in 1968, the self-immolation of a youth in Prague in the wake of the Soviet armed invasion of Czechoslovakia in 1968, the bloody workers' revolt in the Polish Baltic port cities in 1970, and the self-immolation of several young people and widespread demonstrations in Kaunas and other Lithuanian cities in 1972.
>
> Mr. Brezhnev's visit provides a good opportunity to remind him of these events which prove that there can be no lasting peace built on the subjugation of one hundred million Europeans belonging to historic nations and that "dente" dictated by expedience can not deprive them of their inalienable right to self-determination.
>
> STEFAN KORBONSKI,
> *Chairman, Assembly of Captive*
> *European Nations.*

Mr. Speaker, the tension which existed just 12 years ago during the Berlin Crisis has been significantly reduced.

East and West Germany have recently reached new understandings. Trade and other exchanges are beginning to flower between East and West. At a time when we are exchanging space technology with the Soviets, cannot we free people to cross borders here on Earth to exchange political, intellectual and other ideas? Now that we have taken beginning steps toward mutual, better understanding, can't we hasten our steps?

I believe we must prevail upon Mr. Brezhnev to announce his intention to help bring down the Berlin Wall and all the barriers symbolized by it.

I believe he could allow Mr. Solzhensitsyn, Mr. Rostropovich and many others to travel to the West and share their talents and ideas; that he could allow the Jews and Christians, alike, and all wishing to emigrate, to enrich us and his countrymen with shared ideas. I believe that his great nation and those of the West would be the stronger for such deeds.

Finally, Mr. Speaker, I would direct the attention of this Soviet leader to the words of Robert Frost who wrote:

> Before I built a wall, I'd ask to know
> what I was walling in or walling out.

WATER POLLUTION CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. PARRIS) is recognized for 10 minutes.

Mr. PARRIS. Mr. Speaker, on June 12, 1973, I introduced H.R. 8602, a bill to amend the Water Pollution Control Act Amendments of 1972. This legislation will be of immense assistance to our municipalities in providing the sewage facilities we so desperately need at the lowest possible cost, and to some degree will help control inflationary forces.

We in Virginia, and every other State in the Union, presently have a situation whereby construction of vitally needed sewage treatment facilities are being needlessly delayed while costs are being driven up. This is a very grave situation at a time when we are striving for effective control of pollution in our country. I, therefore, encourage you to give deep consideration to my proposed amendments in our continuing quest for an improved environment.

In 1966, Public Law 84–660 provided 55 per cent financial assistance grants to communities for construction of waste treatment plants, with funds allocated to States on the basis of population. This law further provided that communities could finance their own construction programs with the expectation of receiving Federal reimbursement at some future date. Many communities throughout the Nation made use of this provision, even though reimbursement was not guaranteed. In 1972, Public Law 92–500 provided for 75 grants through a "contract" procedure rather than the previous appropriation process, authorized $17 billion in "contracts" over a period of 3 fiscal years, and allocated funds to the States on the basis of validated needs instead of population. Although the Congress appropriated all funds authorized by the act, the President elected to utilize only a portion—$2 billion out of $5 billion in fiscal year 1973 and $3 billion out of $6 billion in fiscal year 1974. Apparently, the Presidential action was based upon last-minute amendments to section 207, "Authorization" which introduced the words "not to exceed" into this section.

Unfortunately, this widely acclaimed environmental act also eliminated the reimbursement provision on the apparent assumption that Congress had solved the problem of financing community sewerage needs, although it increased the water quality goals, thereby increasing needs for construction dollars. We are now faced with a situation in which our vaunted Water Pollution Control Act is slowing construction activity and increasing construction costs. Experience in Virginia, and we believe in many other States, makes it imperative that we restore a limited reimbursement provision to compensate for the appropriation language change. I want to emphasize the word "limited." Experience with the earlier bill indicated that unlimited reimbursement is not a sound financial concept. Thus, I propose that Congress allow the Administrator to approve reimbursement only to the limit of the authorization. This approach would give the States and municipalities the needed flexibility, but would not be an open-ended financial commitment on the part of the Federal Government. Since this would permit municipalities to use least-cost contracting, it should be less inflationary than the present restrictive situation which is driving up construction costs.

Regulations adopted by EPA deny State agencies any real flexibility in use of moneys allotted by Public Law 92–500, although it appears that Congress intended that the States should have this opportunity. I specifically want to direct attention to the conference report on S. 2770 (section 203) which stated:

> When funding the construction of waste treatment plants, the Administrator, upon the request of a State, should encourage the use of a phased approach to the construction of treatment works, and funding thereof, on a State's priority list. Such a phased program, which the committee notes has been developed and approved in the State of Delaware, has enabled the State to accelerate the construction of sewage treatment facilities, and thus accelerate the attainment of clean water.

If our State water control agencies are to make meaningful progress in pollution control they must divide large projects into subprojects, or "operable units," each requiring separate grant applications and awards, and consequently separate construction contracts. As a result of this approach, there is a substantial increase in paperwork and construction costs due to the division of projects. A series of small units will be much more expensive and time-consuming. For example, in Virginia, the county of Arlington is constructing an advance waste treatment facility similar to the Blue Plains facility here in Washington. In their attempt to comply with the operable unit concept, it has been necessary to do additional design work which already has added $55,000 to the project cost. The present estimated cost for all the necessary redesign is approximately $150,000. It should be further noted that as a result of having to construct this facility by operable units, the construction period has been extended by 2 years, with a resulting overall cost increase of approximately $6 million. The original estimated cost for this project was $40 million, with a construction deadline of December 1974.

In Virginia's Fairfax County, also in the Washington metropolitan area, construction has begun on a similar facility as that in Arlington. Delays in construction up to 6 months have been incurred in an attempt to satisfy EPA's operable unit concept, with a considerable amount of administrative time and expense also incurred. There still remains approximately $12 million of construction which will be delayed for approximately 18 months before commencing. This project was originally scheduled for completion in December of 1974. At this time, predictions indicate a completion date of 1976 and a final total cost of approximately $52 million. This project was originally estimated at $36 million.

Again, within my own district, the Occoquan Water and Sewer Authority is moving ahead with the design of the most modern advance waste treatment facility on the east coast at an originally estimated cost of $40 million. Having to construct this facility by the operable unit concept at the exclusion of any reimbursable procedures, the construction phase will be extended approximately 12 months and a $50 milliion price tag is now predicted.

The most recently proposed water quality standards cannot possibly be met by 1974 as required when communities are not proceeding with construction of facilities to treat waste. Water quality standards cannot be met on schedule if communities are denied use of the reimbursement route and must use the operable unit system of construction which, in itself, will prolong construction time and result in increased costs. On the other hand, if the degree of reimbursement was guaranteed, and contracts could be awarded on the basis of construction elements, as recommended by the House-Senate conference committee, costs will be reduced by approximately 30 percent and construction may be completed within a shorter time frame.

We now have communities in Virginia which have been forced by population pressure to proceed without grant assistance and without hope of "future reimbursement." An outstanding example of this situation is the case of Hampton Roads Sanitation District, which serves a rapidly growing area of Newport News and Hampton. Several of HRSD's sewage treatment plants are extremely overloaded. To meet sewerage needs, avoid building moratoriums and increased cost due to inflation, HRSD has chosen not to wait for Federal assistance and has moved ahead with a $25 million bond sale with no promise for reimbursement. But yet there are communities where the people will not have to suffer the burden of additional taxes, because we have the money to support a limited number of projects. At the present time we have the option of financing one large project or several small ones. How do we determine which projects will receive assistance, assuming that the need is critical in all cases? Although the EPA regulation does not require "splitting" of projects, no meaningful progress could be made if this process is not used. For example, Virginia was alloted approximately $58 million in Federal grants in fiscal year 1973. Any single one of the Northern Virginia construction projects, if fully funded, would have immobilized the entire State allocation and would have prevented any substantial progress elsewhere in the State. Definite progress could certainly be made if, after approval of contracts, construction proceeds at once because grant assistance is guaranteed to be available at some time. The interest amount on loans to communities would certainly be less than the amount of additional inflationary cost due to small-unit construction contracts which add to actual construction time.

My bill, H.R. 8602, contains two amendments. The first would provide for guaranteed reimbursement up to the appropriation limits in section 207 of the act. The second would give additional administrative flexibility to permit any necessary project splitting along cost lines.

In adopting these amendments, the most efficient contracting procedure may be employed which will reduce the overall cost of building sewerage systems. The amount of paperwork required of communities will be diminished. Construction will be accelerated and the States will be better equipped to meet the required water quality standards set by EPA. In short, the active participation of communities in combating pollution of our waters is desperately needed. We need money to create a more perfect environment for our people. The money is available, but extremely difficult to secure for our communities. These amendments which I have proposed can result in rewards for all.

I hope the House will give these amendments expeditious consideration.

THE SOFTBALL WOUND

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I am sure most of my colleagues realize the variety of perils that accompany this particular occupation. One that is not readily apparent, however, is the softball wound.

Last week, when the team representing my office met the team representing my friend from Utah (Mr. OWENS), an unfortunate case of torn tendons forced Mr. OWENS to the sidelines.

My team and I would like to offer our best wishes for a speedy recovery. We are particularly anxious to have Mr. OWENS in good health for next year's game, when we plan to avenge the 18 to 12 loss administered to us.

THE 25TH ANNIVERSARY OF THE NATIONAL INSTITUTE OF DENTAL RESEARCH

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I should like to call attention to the observance by the National Institute of Dental Research of its 25th anniversary on June 24, 1973. It was the third of the National Institutes of Health to be created. Over the years the Institute has carefully and painstakingly developed a strong base of dental research. The outstanding contributions made by the National Institute of Dental Research and the international recognition it has achieved is in large measure the product of its dedicated scientists and administrators.

Although precise figures are not available, it is generally estimated that the National Institute of Dental Research has provided at least 80 percent of the funds spent in dental research and training in the United States since World War II. In the beginning the sums available for distribution were modest. In 1949, the first year of operation, the Institute had a budget of only $511,000. The 1972 National Institute of Dental Research budget of $42,366,000 is a reflection of the great strides that have been made since the initial years as well as an indication of the impressive scope of its present research programs.

From the beginning the Institute recognized that the dental research effort had to become an integral, respected part of the total research community. However, a limited amount of funds and a shortage of trained investigators required the National Institute of Dental Research to initially concentrate on areas of interest that were exclusively dental. Spearheaded by earlier studies of its forebear units in the Public Health Service, the Institute placed a primary emphasis on developing an understanding of the anticaries effects of fluoride. The soundness of that decision can be seen in the fact that over 96 million people currently enjoy the benefits of fluoridation. This public health measure has spared countless youngsters from the onset of dental caries and their parents from unnecessary dental bills.

With the development of a dental research community from the ground up, the National Institute of Dental Research is now able to undertake highly complex biomedical projects. These activities aline the efforts of the clinical researcher with the skills of the pathologist, biochemist, microbiologist, geneticist, the bioengineer and other basic scientists. Today over 30 research disciplines are represented in work conducted at or supported by the Institute. These interdisciplinary studies have substituted a scientific for an empirical approach to oral problems and have focused attention on the oral cavity as an integral part of the human body. Indeed, the mouth is a complex system of organs and tissues that not only affects general health but our behavior and personality as well. No other part of the body is so versatile in the vital functions of nourishment, appearance and communication.

The flow of new knowledge that has resulted from the programs of the National Institute of Dental Research has had an immediate and direct impact on the practitioner and his patients. Still greater achievements are now ready to emerge. One of the most promising developments is a sealant, still under study, which has provided near complete protection to the chewing surfaces of children's teeth for extended periods of time. Other means for the reduction of tooth decay may also be expected to flow from the Institute's national caries program that was launched in 1971. Research in periodontal disease, which affects two-thirds of all middle-aged Americans, has yielded significant data on the interplay of immune responses to bacteria in the destruction of supporting tissue. Unchecked, this disease can lead to the loss of teeth and the erosion of supporting bones in the jaw. Dramatic improvements in diagnostic and surgical procedures, as well as speech therapy, have helped thousands of children born with cleft lip and palate achieve a near normal appearance and function.

In addition to disease oriented projects, investigation into such areas as cell biology, enzyme chemistry, genetics and immunology has placed the National Institute of Dental Research in the company of the health world's search for a better understanding of the principles underlying the functioning of the human organism.

The National Institute of Dental Research has good cause to celebrate this 25-year record of accomplishment. With the support and encouragement of Congress, the Institute can look forward to another quarter century of contributions to our Nation's pool of research knowledge.

CONGRESSIONAL CONTROL OF SPENDING

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, today and for the next week the House is considering appropriations bills which have been generated by the operation of the Federal budget-making process. Beginning on June 20, I have been daily inserting an article from a series of five prepared in an effort to assist me, and others of my colleagues who may wish to use them, in assembling a clear, concise explanation of how this process functions.

Today, if there is no objection, I would make the third of these articles a part of the RECORD.

III. CONGRESSIONAL CONTROL OF SPENDING

"No money shall be drawn from the Treasury except in consequence of appropriations made by law."—Article I, Section 9

By these words, written into the Constitution in 1787, the Founding Fathers required that the President and the executive branch obtain congressional approval of any activity involving the spending of money.

Why Congress? Why not let the President alone determine how much should be spent and for what purposes? Wouldn't that be simpler, especially since the President commands a vast workforce with great expertise on the requirements of the federal establishment and federal programs?

It would never work. The people would not permit themselves to be taxed at the bidding of one man for purposes determined by the decree of the same man.

That is why the spending and taxing powers are vested in a council of many—in the Congress. Members, having been elected by the people, are authorized to speak for the people on the raising and spending of public funds.

That principle of collective determination by the people's representatives has underlain the establishment of legislative councils since the first English Parliament in 1295. Early kings called councils of the affluent in order to raise money to run their governments and to fight their wars. Gradually, over centuries, the councils came to insist upon their right to approve public programs before they would agree to raise funds for them.

These same conditions of approval apply today. Congress is a policy-making body that represents the diverse interests and sections of the country. The budget which emerges out of congressional action expresses and resolves the many different points of view held by groups and citizens in our society. Second, through its spending power, Congress serves as an indispensable check on executive discretion. If the President were able to decide by himself what expenditures are to be made, he would be accountable to no one, and the United States would move close to one-man control. Take away its power of the purse, and Congress is no longer an equal partner; the checks and balances built into the Constitution lose their vitality.

The words which give Congress control over money still are in the Constitution, exactly as they were written 185 years ago. But the effectiveness of this control has been eroded over the years as the President has taken the initiative; bit by bit the spending power has gravitated from the legislative chamber to the executive suites. Today the President can marshal the enormous resources of the federal bureaucracy in behalf of his budget, and he can take advantage of his leverage to bend the spending policies in accord with his preferences, even if this means changing or twisting congressional intent.

Why have the scales of budgetary power shifted in favor of the executive branch? The answer is tied very closely to the size and cost of federal operations. Through much of the nineteenth century, Congress had little difficulty in maintaining its control of federal purse strings. Government spending was incredibly small by today's standards; one century ago, for example, less was spent in one year than the federal government now spends in a single day.

Spending for all of 1873 was $290 million, and income was $333 million, leaving a $43 million surplus which was used to reduce the national debt.

However, the financial situation began to change early in this century as the United States assumed leadership as a world power and also increased its responsibilities at home. This changing role is dramatically reflected in the size of the federal budget which first exceeded the billion-dollar mark in 1917 (World War I), the ten-billion-dollar level in 1942 (World War II), the one-hundred-billion dollar level in 1963 (Cold War), and the two-hundred-billion mark in 1972 (Vietnam War).

The same pattern was repeated in the size of the national debt which has escalated from $1 billion at the turn of the century to almost $500 billion today. More than $100 billion of that debt has been accumulated in President Nixon's four years in office.

As the federal budget grew, Congress gave—or the President and his administrators took—more discretion over spending. For example, the average appropriation account today is so large that the President often can juggle within an account so that he can spend on purposes disapproved by Congress. A recent illustration of this abuse was the announcement by Elliot L. Richardson, then serving as Secretary of Defense, that even if Congress should deny funds for U.S. bombing in Cambodia, the bombing would continue; the President simply would take funds appropriated for another defense purpose.

Budgetary growth brought the need for a more coordinated process for the determination of spending policy. Until 1921, each administrative agency presented its budget requests to Congress individually, without any attempt to combine all spending estimates into a single budget.

The complexities of financing World War I brought that carefree approach to an end. When a new Administration took office, Congress decided to make the President responsible for coordinating the spending requests of all government agencies. Under the Budget and Accounting Act of 1921, the President for the first time was directed to prepare an annual budget containing his spending recommendations to Congress. Hereafter, agencies would have to operate through the new Bureau of the Budget which developed rapidly into a powerful force within the executive branch.

Congress acted differently upon its own budgetary procedures. House and Senate restored to a single committee the responsibility for overseeing all appropriations matters. However, as government activities grew and became more complex, the Appropriations Committees relied increasingly upon their subcommittees to examine executive funding requests and to pass upon their merit. Usually, Congress cut the request so the chance of overspending was slight, and the lack of central financial control was not critical. In fact, it was quite consistent with the congressional experience of decentralization during the nineteenth century.

As the financial monitoring responsibility had grown more demanding, Congress had distributed the workload more widely among its Members. The venerable Ways and Means Committee which had handled all financial matters since 1802 was so overburdened by Civil War business that in 1865 the House split off an Appropriations Committee and a Banking and Currency Committee. Left to Ways and Means was the critical tax writing function which it exercises today.

The specialized committee system functioned well, but events overtook it. President Roosevelt inaugurated deficit finance to pull the nation out of a crippling depression; World War II required massive deficit spending; President Kennedy and President Johnson deliberately built deficits into their budgets to stimulate the economy.

By the early 1970's Congress was looking for a mechanism by which it could exercise a comprehensive review of the entire budgeting procedure. Needed was a way to compare the various components of the budget, to weigh one appropriations bill against another in light of national priorities, to consider the spending totals in light of estimated tax revenues and the national economic situation.

Early this year, both Houses of Congress appointed a joint committee to study ways of improving congressional control of the budgeting process. Congress now is considering legislation which for the first time would establish a ceiling by law on the total of federal expenditures in one fiscal year. Finally, Congress is moving to counter the President's impoundment practices as unduly and unconstitutionally intrusive upon the people's right to participate in the making of national policy.

Steadily, the Congress is moving to reassert its authority to take better control of its single most important function so that in a new era, it can continue to exercise its old responsibilities as guardian of the purse.

EXPLANATION OF VOTE ON LEGAL SERVICES BILL

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, when the House passed H.R. 7824, the Legal Services Corporation Act, last night, I voted "present."

I am and have always been a strong supporter of the OEO Legal Services program and an equally strong advocate of insulating it from political pressure by creating a national, independent legal services corporation. I supported the bill reported by the Committee on Education and Labor and so stated in my remarks during yesterday's general debate.

The inscription over the portal of the U.S. Supreme Court reads, "Equal justice under law." That means—or should mean—that an individual's economic status should not affect his access to the courts and to legal representation. Unfortunately, the amendments agreed to by the House make such a mockery of this principle that I could not in good conscience cast my vote for passage; on the other hand, I do support the concept of the independent corporation and am hopeful that the bill will be rendered acceptable in the other body, so I did not wish to vote against the measure either.

The bill we passed last night does not offer the poor people of this country the assistance of counsel; rather, it offers them the semi-assistance of semi-counsel:

They may not have counsel if they have a draft or military problem.

They may not have counsel if they are refused their constitutional right to an abortion.

They may not have counsel who observes the codes of ethics of the American Bar Association—not exactly a hotbed of radicalism.

They may not have counsel who advocates their position in administrative or legislative forums.

They may not have counsel who use the assistance of experts in backup centers, people who are specialized in the various areas to a greater degree than most legal services lawyers in the field.

They may not have counsel if their problem is one involving segregation in education.

And what of the counsel, the able, dedicated individuals who eschew the higher salaries and relative comfort of private practice or traditional types of government service. What does the bill offer them?

It in essence revokes their citizenship by denying them the right to engage in political activities.

It prevents them from having a proper attorney-client relationship with those whom they are supposed to help.

The bill which this House passed last night is a blot on the promise of equal justice under law in this country.

RODINO OUTLINES HOUSE JUDICIARY COMMITTEE'S ANTICRIME PROPOSALS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, during the past 2 decades, crime has so infested our Nation's cities that no urban resident can live without fear of becoming a crime victim. This fear denies to our urban citizens their true freedom, for who is free that fears to walk in his own neighborhood? One of the first duties of this Congress must be to eliminate this fear and make our streets and homes safe.

At the beginning of this Congress, I was privileged to be elected chairman of the House Judiciary Committee. It is this committee that has the responsibility to oversee virtually all legislation relating to crime and criminal justice, and I have just completed a reorganization of the committee including creation of a permanent subcommittee with jurisdiction over crime. My committee well knows that it is much easier to talk about ridding our cities of crime than to do something about it. But reducing the crime rate is just what the committee intends to do, and I want to outline a few of the major anticrime programs the Judiciary Committee is considering under my chairmanship.

ANTICRIME FUNDS

The war against crime cannot be won without money. To provide the necessary funds the committee developed a bill, passed by the House June 18, extending the Law Enforcement Assistance Administration—LEAA—created under the Omnibus Crime Control and Safe Streets Act of 1968. These LEAA amendments are designed to speed the flow of $2 billion over the next 2 years to local governments. This is where the battle against crime must be fought and won.

The bill also expands coverage of LEAA to include aid to the whole criminal justice system, encouraging development of crime control systems that range from prevention to penitentiaries. By concentrating on areas with the highest crime rates we should be able to significantly reduce our city crimes.

POLICE BENEFITS

In 1971, 126 policemen were killed in the line of duty. The men and women whose job it is to protect us have increasingly become targets of assault. No citizen can fail to be outraged at these attacks on those who seek to protect us. We can no longer ask these public safety officers to risk their lives without knowing that their families will be well taken care of, should tragedy occur. In the last Congress I introduced a bill providing $50,000 compensation to the survivors of officers who sacrifice their lives carrying out their responsibilities to the public. It passed the House, but so late in the session that Congress adjourned before final action could be taken. I am pressing for early consideration of the bill by my committee.

THE COURTS

The number of serious crimes committed by persons out on bail has reached alarming proportions, and it is imperative that society be protected from the menace of people likely to commit crimes while released on bail. In our system an individual is presumed innocent until proven guilty, and for the safety of all of us that judicial principle must be preserved. But our courts have become so overworked that it often takes 6 months to a year for a case to come to court. We can no longer countenance such delays, for it is swift justice that allows the innocent to be quickly freed, and the guilty to be quickly imprisoned.

The solution to this problem is to provide fair and speedy trials—within 60 days of indictment—in keeping with the Sixth amendment of the Constitution. To meet this need, the Judiciary Committee is considering legislation to create additional judgeships for the Federal Courts of Appeals and District courts. Approval of these new judgeships should provide the manpower to help wipe out the backlog in our courts.

JUVENILE OFFENDERS

It is important to realize that each day hundreds of convicts are released from prisons throughout the country. Unfortunately, offenders confined in our present prison system find few, if any, training or rehabilitative opportunities to prepare them for an honest and productive life upon their return to freedom. This is a matter of particular concern in the case of juvenile offenders. Our jails have been termed "colleges of crime" and as a result many young delinquents emerge from prison as embittered and hardened criminals ready and inclined to perpetrate violent and vicious crimes.

Presently the Judiciary Committee is studying proposals aimed at reforming our penal system, including bills on prison reform, prisoners' legal representation, parole and the problems of exoffenders. Not until our prisons begin rehabilitation will we reap the reward of reduced crime rates.

NARCOTICS

No battle against crime can be won until narcotics are removed from our streets and the drug pushers have been caught and penalized. It has been estimated that addicts spend some $6 billion a year on heroin. Addicts in search of money to support their habit prey on society by stealing from, injuring and even killing their victims to raise the money to pay for their dope. Over the years I have formulated a number of proposals to wipe out the narcotics problem. Some have already been enacted, and their effect is already being felt.

This year, I have again introduced a bill developed late in the last session to provide treatment for addicts arrested for Federal offenses while awaiting trial. Until the supply of illegal narcotics is completely cut off, we must work vigorously to rehabilitate narcotics addicts so they can become contributing members of society rather than parasites and criminals.

VICTIMS OF CRIME

Whether perpetrated by the street hoodlum, the narcotics addict or the paid professional, every criminal act has its victim. Unfortunately, most of everyone's attention is focused on the criminal and the victim's plight is ignored.

To rectify this problem, I have just introduced the "Victims of Crime Act" to help compensate the victims of crime who are least able to bear its burden. The bill would provide up to $25,000 to a victim, or his survivors, and is similar in approach to the Workman's Compensation program that protects persons injured on the job.

FREEDOM

Mr. Speaker, I have outlined above only the most important measures being considered by the House Judiciary Committee to combat crime. Many other proposals are also awaiting committee action to contribute to this struggle against crime.

Crime threatens our free society. Until men and women can walk unafraid on our streets at night, our freedom is in jeopardy. It is in jeopardy as long as we cannot remain secure in our homes without fear of intrusion. Only when the war against crime has been finally won will we be truly relieved of the constant threat of crime and free from the fear of it. I am committed to assuring these freedoms.

NATIONAL AUTISTIC CHILDREN'S WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, this Sunday, June 24, marks the beginning of National Autistic Children's Week.

Many times we find that the designation of a certain week is frivolous or funny. This week is neither. Autism is a form of childhood mental illness—of physical and mental origin—which strikes over 100,000 children in America. Because it is relatively rare and because it was not diagnosed as a specific and separate illness until recently, almost nothing is known or has been written about autism.

Autism is derived from the Greek word meaning "self." It connotes a child apart—in fact, autistic children have been called "children apart" because they have such great difficulty relating to others. Autistic children are usually beautiful and physically very healthy. But they do not seem to want human contact. They have difficulty understanding language—the language of words, or touch, or any other type of communication. The definition of autism established by the National Society for Autistic Children is as follows:

The term "autistic children"—shall include persons, regardless of age, with severe disorders of communication and behavior whose disability became manifest during the early developmental stages of childhood. "Autistic children" includes, but is not limited to, those afflicted with infantile autism—Kanner's syndrome—profound aphasia, childhood psychosis, or any other condition characterized by severe deficits in language ability and behavior and by the lack of ability to relate appropriately to others. The autistic child appears to suffer primarily from a pervasive impairment of his cognitive and/or perceptual functioning, the consequences of which are manifested by limited ability to understand, communicate, learn, and participate in social relationships.

Such children are typically multihandicapped in their abilities to receive and communicate informaton, resulting in behavior inappropriate to physical and social demands of their environment. As in aphasia, the dominant communication disorder or learning disability appears to result from the inability to use and to understand language appropriately. The difficulty is often accompanied by impairment in motor, visual and auditory perception. The behavior of an autistic child is typically improved by the application of appropriate educational procedures. A combination of some or all of the following behaviors characterize the autisitic child. These behaviors vary from child to child and time to time in severity and manner.

First. Severely handicapped speech or complete lack of speech.

Second. Impaired or complete lack of relatedness and social inaccessibility to children, parents, and adults.

Third. Extreme distress for no discernible reason due to minor changes in the environment.

Fourth. Lack of intellectual development or retardation in certain areas, sometimes accompanied by normal or superior abilities in other areas.

Fifth. Repetitive and peculiar use of toys and objects in an inappropriate manner, and/or similar repetitive and peculiar body motions, such as incessant rocking.

Sixth. Unusual reaction to perceptual stimuli, such as seeming not to hear certain sounds and overreacting to others—for example, holding hands over ears—or "looking through" objects, poor eye contact, or unable to perform certain gross and/or fine motor activities—walking with peculiar gait, limpness in fingers, inability to hold a pencil appropriately.

Seventh. Onset of disorder at birth or apparent normal early development followed by deterioration in functioning.

Eighth. Hyperactivity or passivity.

Ninth. Apparent insensitvity to pain.

The words in this formal definition, however, fail to communicate the terrible torture of autism to the individual and the parents.

Autistic children are lonely because they refuse human contact. Parents of autistic children are lonely because few understand the nature of their child's illness.

For the past 18 months, I have placed inserts in the CONGRESSIONAL RECORD describing autism and various theories as to its cause. Each insert has generated several calls and letters from parents grateful that the literature on this disease has finally become accessible to them, and grateful too that someone outside of the medical community has discussed the illness.

Imagine your child coming down with a crippling illness which no one had ever heard of, and which is almost impossible to diagnose, and which once diagnosed is almost impossible to understand or do anything about. Imagine your feelings of helplessness and loneliness, and then I think you can understand some of the frustrations of the parents of autistic children.

National Autistic Children's Week should help to shed some light on this disease. But there is more that can be done and Congress can play a major role in doing it.

In September 1971, I wrote to Elliot Richardson, then Secretary of the Department of Health, Education, and Welfare, urging him to include autism under the Developmental Disabilities Act. His response at that time was to wait a year to allow his Department to study the situation. This year, Secretary Caspar Weinberger, in his testimony of March 29 before the House Interstate and Foreign Commerce Subcommittee on Public Health and Environment, urged passage of a new authorization for the Developmental Disabilities Act which would include autism.

Secretary Weinberger said:

> As you are aware, some States have wished to include services for autistic individuals. It is not clearly established that autism is "neurological" in character. We believe that coverage should not be denied to those autistic persons who require services similar or identical to those presently provided under the Developmental Disabilities Act. Thus, we recommend that the word "autism" be included in the definition. This change would not affect the existing requirements that the disability (a) occur before the age of 18, (b) is expected to continue indefinitely, and (c) is a substantial handicap. We believe that this definitional change is consistent with the original intent of the law to deal with disabilities related to the retardation of mental development.

Congress can accept this recommendation and pass H.R. 6589.

In both the last Congress and the present Congress, I have introduced legislation (H.R. 5785) to authorize the Director of the National Institute of Child Health and Human Development to plan a coordinated research program on autism, and to establish diagnostic techniques that provide for the early detection of autism. Because of the nature of the disease, there is great difficulty in determining whether a child is just a slow learner and noncommunicative, or is autistic. Autism afflicts infants during the period between birth and the second birthday. Its origin, as stated, is not known. There has been research into the possibility that it is a neurological disorder, but this has not been proved or disproved.

H.R. 5785 would also provide grants and loans to public or private nonprofit institutions which operate education programs to treat the victims of autism. At present, there are few facilities that can adequately treat the autistic children, but it has been proven that given enough care, these children can be educated. Such a program would establish more facilities and help reduce the overwhelming costs of providing care for these children. These costs often exceed $2,000 a year for special education classes and $20,000 a year for residential schools providing intensive care for the more disturbed children.

Congress should pass this bill.

Congress can pass national health insurance to provide comprehensive health coverage for those suffering from autism. Autistic children are sometimes self-destructive and are always difficult to treat for physical and mental illnesses. Their parents have to rely on the services of physicians specializing in the physical problems of disturbed children—and the prices can be overwhelming. For psychiatric care to be effective in the treatment of autism, it must be long-term and intensive. The cost is astronomical.

I have received letters from parents citing these additional expenses as the final blow to their efforts to keep the child at home. I have introduced legislation providing for comprehensive national health coverage for all forms of mental illness, and have cosponsored legislation for health insurance for physical illness.

Congress must pass these bills.

Mr. Speaker, these are but a few suggestions of the actions which Congress can take. But the first step for Congress is to learn about and understand this terrible illness. Therefore, I intend to put an insert on autism into the RECORD each day next week which I urge all Members to read.

THE VERY LARGE ARRAY RADIO TELESCOPE

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 15 minutes.

Mr. RUNNELS. Mr. Speaker, I was quite disturbed to learn this week that the Appropriations Committee has recommended that $10 million requested in the National Science Foundation's fiscal year 1974 budget to initiate construction of the National Radio Astronomy Observator's very large array radio telescope be denied.

The committee report says this action was taken because of budget constraints and other NFC priorities—and, thus, funding of this project can be deferred.

Mr. Speaker, in the field of priorities, this specific project has one of the highest priorities among the members of the scientific community. The National Science Board has placed the VLA as the number one priority in the field of astronomy.

Last year, Congress approved the start of this project with the initial funding of $3 million. During the last few months significant progress has been made toward the day when construction of the project can begin. The Army Corps of Engineers have begun the task of acquiring the site 60 miles west of Socorro, N. Mex., in the San Augustin plains, numerous design activities for the various systems have begun, and the engineer architect for the project has been selected after a competitive review of the qualifications of 78 of the top firms throughout the country.

The schedule for fiscal year 1974 calls for awarding initial contracts, the fabrication of the first antenna, completion of the site design and initial construction of the site facility.

This is a project which will take approximately 7 years to complete—and to stop the project now would not only result in a loss of the scientific community, but it just does not make good business sense. Do we just halt the project, which everyone agrees is a good project, and watch inflation take its toll on the cost of the American taxpayer?

The VLA is certainly not what one would describe as an average construction project, it involves some of this Nation's top scientific and engineering talent. The VLA will consist of 27 dish-shaped radio telescopes, each 82 feet in diameter, each movable along three 13-mile arms of a Y-shaped layout of railroad tracks.

To construct such a system involves the installation of electronic systems, computers, the transportation system, in addition to the buildings, utilities and site work.

Aside from the economics aspect, this project is expected to make major contributions in understanding the laws of gravity, the nature of gases between the galaxies, and the origin and evolution of the universe.

In discussing the VLA with Dr. Clyde Tombaugh of New Mexico State University, who is known for his discovery of the planet Pluto, he expressed concern in any delay of this project, noting that some very important and innovative experiments have already been planned for this facility.

Dr. Tombaugh told me:

> We really can't afford to cut out basic research, because then you need it later and you have to go on to a crash program to recover.

This is a fact often true of U.S. Government programs, we delay and then go on a crash program. It has happened in military and space research—and just recently we began hearing demands for a crash program to find the answers for our energy crisis.

Here we have a project, where a highly talented scientific and technological staff has been assembled, planning has begun and obligations made by the Government, based on Congress decision last year to begin the project. Now we face the possibility that the project will be delayed, the talented personnel will take on new tasks in their field—and maybe next year Congress will decide that there is a need to complete the project. But in the meantime, if past history is any indication, the costs will have increased to the taxpayer. It will again be necessary to expend funds to gather together qualified talent to undertake the project.

Mr. Speaker, in view of the amount of funds, $10 million, being sought for this year, we could be pinching the pennies and not watching the dollars.

The VLA is a scientific instrument that is essential to the future needs of researchers in the field of astronomy. Without modernatization of the basic tool, the telescope, U.S. scientists cannot progress in the field. For unlike optical telescopes, radio telescopes have not reached their limitation and the field of study is unlimited.

The VLA will be operated as a national facility and be made available to the entire scientific community. Many answers depend on the completion of this project and the scientific community wants and needs our support.

The following is a fact sheet on the VLA:

THE VERY LARGE ARRAY (VLA) FOR RADIO ASTRONOMY

DESCRIPTION

The Very Large Array is a major new instrument which will make possible important advances in radio astronomy. The VLA will consist of 27 dish-shaped radio antennas, each 82 feet in diameter, distributed along three arms consisting of double railroad tracks, arranged in the form of a wye, with 120 degrees between each arm. Two of the arms are 13 miles long and the third, 11.8 miles long. VLA construction and operations will directly affect approximately 3,500 acres of which an estimated 2,800 acres are required for the three arms of the wye.

SITE

A site has been identified in New Mexico, fifty miles west of Socorro, in the counties of Socorro and Catron, in the eastern end of a broad valley known as the Plains of San Augustin.

SCIENCE

This sensitive, high-resolution, image-forming instrument is designed to produce pictures of radio sources in the sky comparable with the finest optical photographs. By positioning the antennas along their tracks, the field of view of the VLA may be varied within wide limits. In this respect the VLA is the radio equivalent of a zoom lens. The antenna system will produce detailed two-demensional maps of radio sources over most of the observable sky, including regions where most other arrays can resolve sources in only one direction. In addition, the VLA will have the ability to detect and measure the properties of the very faint radio sources. These sources are faint, either because of their low intrinsic brightness or their locations at remote distances. Radio astronomers also will be able to measure the properties of radio sources superimposed upon complex backgrounds such as the Milky Way. The VLA is expected to make major contributions to our understanding of the laws of gravity, physical processes in interstellar gases, the origin and evolution of stars, the universe, and life itself.

Budget:	*In millions*
Fiscal year 1973	$3
Fiscal year 1974	10
To complete	63
Total	76

HOUSE REPORT

The Committee recommends that the $10,000,000 requested to initiate construction of the Very Large Array radio telescope be denied. Although the Committee approved the initial funding for this project in 1973, it now feels that in view of general constraints and other earthbound National Science Foundation priorities, the VLA can be deferred.

PROGRAM CONSIDERATIONS

The VLA has been planned for incremental or phased construction over several years.

Funds for the VLA were authorized and appropriated in FY 1973. Work is underway. Bids have been received for antenna construction. Denial of the FY 1974 increment would produce a highly undesirable and uneconomical stop-and-start problem.

The scientific community has given highest priority to the VLA. This conclusion was made after careful study and is documented in a National Academy of Sciences Report prepared by Dr. Jesse L. Greenstein.

The U.S. has been a leader in the field of radio astronomy. No new radio astronomy facility has been undertaken by the U.S. in more than 13 years and present facilities are not capable of producing the degree of resolution needed to capitalize on recent discoveries.

THE 25TH ANNIVERSARY OF SERVICE BY UNITED AIR LINES TO RHODE ISLAND

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, I want to take this opportunity to extend my sincerest congratulations to United Air Lines which is celebrating its 25th anniversary of service to Rhode Island during the month of June.

United started its operations at the Theodore Francis Green Airport in Warwick in June 1948 with the venerable DC–3. During the first year of operations it boarded 2,182 passengers. Now, consistent with its faith in Rhode Island and in the economy of the State, United operates three daily Boeing 727 and 737 flights to the Midwest with connecting flights to the west coast. In 1972 some 101,849 passengers used its aircraft to enter and leave the State, and the airlines projection indicate that during 1973 the passenger totals on its flights will be even higher.

In 1972 United moved 1,768,000 pounds of cargo out of the State along with 884 tons of mail express and freight. United received almost as much cargo, mail, and freight during that year.

Figures like these indicate that this carrier is fully involved in the industry and economy of the State of Rhode Island. I might add that Mr. Albert R. Tavani, Assistant Director of Transportation, Division of Airports, has made possible the kind of progress that United Air Lines and the Green Airport are now experiencing. It gives me pleasure to congratulate United on its silver anniversary of service to Rhode Island and my best wishes for continued success.

EMIGRATION OF SOVIET JEWS

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, while General Secretary Brezhnev is here in the United States, I would like to take the opportunity to reiterate my appeal for the free exercise of human rights—particularly the right of emigration—for the Jews in the Soviet Union.

I applaud the summit talks between Mr. Brezhnev and Mr. Nixon and sincerely wish to see the development of a true detente between our two countries. At the same time, I believe we must not overlook the necessity for our two countries to reach agreement on matters other than diplomacy and trade. Most importantly, I think we should strive for a Soviet commitment to the basic human rights and freedoms of all people.

Realization of these freedoms, especially the freedom to emigrate, is essential to the Jewish communities of the Soviet Union. Such freedom should not be particular to some countries. It is a universal freedom, a human right, and it was agreed to by all of the member countries of the United Nations—including the Soviet Union—in the Universal Declaration of Human Rights. The theory must be practiced.

We were all relieved somewhat in March when the Soviet Government announced suspension of the education or exit tax imposed on emigrating Soviet Jews. However, Soviet emigration practices still remain discriminatory and arbitrary. The Nixon administration, in its eagerness to set up the Brezhnev summit and to achieve quick passage of its trade bill, appears to be satisfied with Soviet assurances that high education taxes on emigrants have been suspended. But contrary to what the administration might think, the emigration problem is not solved. We must look beyond such obstacles as the education tax to the basic problem—the harassment of the Soviet Jews and the infringement on their freedom to emigrate.

At this juncture, if Mr. Nixon and Mr. Brezhnev are so eager to establish better relations, particularly in the area of trade, we in the Congress should double our efforts to pass trade legislation incorporating freedom of emigration provisions. I have cosponsored and have been working actively for this legislation, because I feel it provides the kind of leverage we need to persuade the Soviet Government to adopt fair and unrestricted emigration policies. By prohibiting "most favored nation" status and other special trade treatment to any country which denies to its citizens the right to emigrate or which imposes unreasonable restrictions on emigration, we are insisting that the terms of our trade with the Soviet Union be equal—that the Soviets will get their goods if we can see a real decrease in the harassment of Soviet Jews as well as an increase in emigration application acceptances and in actual emigrations.

We cannot forget the oppressed Jews in the Soviet Union. Yes, we have a responsibility based on our past record to fight for the rights of the Jews. But beyond that, we have the responsibility as human beings to help those people who need assistance—to work to assure to others the rights and freedoms which we enjoy.

I urge the leadership of the United States and of the Soviet Union to recognize the rights of the Soviet Jews. And I urge Secretary Brezhnev, upon his return to the U.S.S.R., to set in motion emigration policies which will provide to Soviet Jews the rights and freedoms to which they are entitled.

SENATE UNIT VOTES TO END MORATORIUM ON HOUSING PROJECTS

The **SPEAKER**. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. **RANGEL**. Mr. Speaker, the Senate has again proved itself more responsive to the needs of the Nation than the House. While we are here busying ourselves over whether or not Federal housing programs should be saved at all, the other body has passed legislation ordering the President to end his illegal and unconstitutional freeze on these crucially necessary programs.

I insert, at this point, an account of that body's action.

SENATE UNIT VOTES TO END MORATORIUM ON HOUSING PROJECTS

WASHINGTON.—The Senate Banking Committee voted to force President Nixon to end the moratorium on federally subsidized low-income and moderate income housing projects.

The committee approved the provision, offered by Sen. William Proxmire (D., Wis.), by an 11-to-three vote. Only three Republicans, all Nixon administration loyalists, opposed the move—John Tower of Texas, Wallace Bennett of Utah and William Brock of Tennessee.

The provision was tied to a bill extending most government housing programs, including the Federal Housing Administration's mortgage guarantee authority, for one year. The House has already approved an extension of the programs, which are scheduled to expire June 30.

The ban on the housing moratorium is expected to pass the Senate next week as part of this overall housing package, and there appears at least an even chance it will eventually be accepted by the House. Tying it to the FHA authority makes it more difficult for President Nixon to veto.

The administration declared the housing moratorium earlier this year and said it would remain in effect until a review of all government housing programs is completed.

The Banking Committee's measure would require the Secretary of Housing and Urban Development to "immediately cease any suspension" or withholding of funds for federal housing-assistance programs. It also would specifically prohibit delaying or withholding applications for these programs.

In other action, the committee voted to extend the Treasury's seldom-used authority to borrow from the Federal Reserve System for one year, to June 30, 1974. The House is expected to act on a similar measure soon.

Mr. Speaker, the House has before it today an appropriations bill, H.R. 8825, containing funds for the Department of Housing and Urban Development. I ask, Mr. Speaker, indeed, demand that this body find the guts that it appears to have lost and take action at least as strong as that of the Senate.

It is not just for my 19th Congressional District of New York City that I make this statement, but for the sake of our three-branch system of government that is rapidly being destroyed by the inaction of Congress, especially this body.

But the damage being wrought on my district is a good example of how human lives are being shattered by the President's freeze on housing funds and Congress' unwillingness to end this freeze. Following are descriptions of some of this damage in my district and the Nation.

EFFECTS OF FEDERAL HOUSING MORATORIUM AND IMPOUNDING OF FEDERAL MONEYS ON THE WEST SIDE OF MANHATTAN—50TH STREET THROUGH 110TH STREET

Approximately 6,314 apartments will never be built—1,114 low income families will lose their apartments between 96th St. and 110th St.!

1. What is the Federal Housing Moratorium and Impounding?

Effective January 5, 1973, the Nixon Administration announced an 18 month freeze, or "temporary hold" on new commitments of money for a number of important housing and housing-related programs, pending "a . . . review." This is in addition to housing money already allocated by Congress which has been withheld or impounded by President Nixon.

Affected programs include: rent supplements, mortgage supplements under Sections 235 and 236, assistance to nonprofit sponsors of low and moderate income housing, construction of low-rent public housing, the college housing program, the open space land program, grants for basic water and sewer facilities and loans for rehabilitation of property in urban renewal, neighborhood development, or code enforcement project areas.

The current status of the Moratorium is that it remains in effect. HUD has indicated that it may give ground on some projects which were already "in the pipeline" on January 5, 1973. (According to the HDA, it could involve up to $50 million for New York City, or 23,194 new housing units over the next 2 years.)

The effect of the impoundment is that monies already approved by Congress cannot be spent!

2. What is the Federal Administration Position?

Briefly put, the Administration position is this: Federal direct housing subsidy programs have been plagued with problems since they were initiated, even though enormous financial resources have been committed to them. A more effective approach must be developed. In the meantime, additional tax dollars cannot be committed to those programs which imposed a heavy burden on future budgets, yet have proved to be ineffective.

("The Budget of the United States Government, Fiscal Year 1974," p. 114)

NOTE.— Fiscal Year 1974 is the period from July 1, 1973 through June 30, 1974.

3. How Much Federal Subsidy Money for Housing has been impounded by President Nixon Nationally for Urban Areas?

The amounts of money caught up in the impounded categories are as follows:

	[In millions]
Section 236	$171
Rent supplements	39
Section 235	221
Water and sewer grants	400
Rehabilitation loans	72
Open space grants	50
Public facility loans	20
Nonprofit sponsor loans and grants	7
Total housing funds impounded	980

There is no Federal money allocated by Congress for low income public housing for the next year (Fiscal Year 1973–1974).

There is no public Housing money left unused in New York City for this year (Fiscal Year 1972–73). However, there appears to be approximately 160 million dollars of Public Housing money unused in other nearby Eastern cities. This money could be used in New York City, and construction could start on 10,000 low income public housing apartments this year if these other cities don't use this money. This leftover money appears to be caught up in the Federal impoundment.

4. Will the Nixon Freeze permit construction of housing for moderate income apartments in New York City?

According to HDA, approximately 23,194 housing units are being frozen by the Moratorium and the Impoundment of money appropriated by Congress under the Section 236 and Section 235 Programs.

5. What does the Moratorium and Impoundment of Federal Subsidy Monies mean for the West Side (50th Street through 110th Street)?

There are 4 urban renewal neighborhoods between 50th St. and 110th St.: Clinton, Lincoln Square, West Side, and Cathedral.

In order to provide construction of new

housing in 3 of these renewal areas, two categories of federal money are needed:

A. PUBLIC HOUSING

There is no projected Federal continuance of the low income public housing program in the 1974 Federal Budget. Therefore, 844 apartments of public housing planned for the Cathedral Parkway Urban Renewal will never be built for low income relocatee families.

In addition, in the West Side Urban Renewal Area, 270 apartments of public housing will also be lost to West Side relocatees.

Therefore, a total of 1,114 apartments for low income families in Public Housing will never be built between 96th St. and 110th St., unless the Federal Government appropriates more public housing money.

It is important to note that public housing money is not in the 1974 Federal budget. The issue here is the fight for Congress to vote and appropriate more money for this program. The concern is that even if Congress would vote for this money, President Nixon would impound the money.

B. SECTION 236 INTEREST SUBSIDY

This is an interest subsidy program which should cut apartment rents in about ½, when used in City or State buildings constructed under the Mitchell-Lama program. Instead of $88.00 per month per room—$44.00 per month per room.

Strycker's Bay Neighborhood Council and many members of City government have recognized and agreed that this program is an inadequate one to provide housing for true moderate income families (between $10,000 and $20,000 annual income) in New York City. These same forces agree that for the Federal Government to impound monies and stop construction without providing a proper program for moderate income families is, to quote HDA Administrator Kerr, "a massive breach of faith with all New Yorkers."

The effect on the West Side of this "massive breach of faith" is:

Apartments that cannot be constructed:

[Approximately]

	Apartments
Clinton urban renewal	2, 514
Cathedral Parkway urban renewal	766
West Side urban renewal	2, 000
Total: for moderate middle income families	5, 280

SUMMARY

Therefore, in these 3 neighborhoods, when we include the loss of 1,114 apartments for low income families, there will be a total of 6,394 families who will lose their rights to newly constructed apartments.

HARLEM URBAN DEVELOPMENT CORP.,
New York, N.Y., January 11, 1973.

To: HUDC Board of Directors and Other Key
From: Jack E. Wood, Jr.
Re: Federal Moratorium on FHA 236 Housing Subsidies—Implications for Harlem

For the past two weeks it has been a matter of public record that the Nixon Administration was considering imposing an 18-month moratorium on all housing subsidy programs administered by the Department of Housing and Urban Development (HUD).

On Monday, January 8, that possibility was confirmed with the announcement by HUD Secretary George Romney that a moratorium was in effect and that the freeze would continue as long as is necessary to re-evaluate all programs in the Federal housing system. In addition, the freeze will halt all new commitments for water and sewer grants, open space land grants and public facility loans "until these activities are folded into the special revenue sharing program" not yet approved by Congress. Urban Renewal and Model Cities programs that already are approved for funding will be allowed to continue for the remainder of the Federal fiscal year, which closes on June 30, 1973.

As a matter of background, I am attaching a copy of Circular A-70 issued by the Office of Management and Budget in the White House, which formulated the initial basis for this policy decision by the Nixon Administration. Please note paragraph C on page 5 of that circular, which makes clear the Administration's intention to foreclose the availability of Federal subsidies and guarantees to all state and local housing agencies whose programs are undergirded by the sale of tax exempt bonds and securities.

As you know, all of the residential projects developed with the assistance of UDC/HUDC are financed by the sale of tax exempt bonds and securities. In short, UDC sells bonds on the open market at regular intervals, and the proceeds from the sale of these bonds are used to provide 95% mortgages for UDC projects. Institutions which purchase these bonds do not have to pay tax on the interest dividends they yield. The Nixon Administration wants to close out this type of financing, since it does not directly add to the national Treasury.

The long-range effect of the Administration's objective, if not reversed, could bring about the elimination of UDC, as well as 11 to 13 similar state housing finance agencies across the country. The more immediate effect of the 18-month moratorium on 236 interest subsidies would be to reduce to a mere trickle the volume of new low- and moderate-income projects developed in the City and State of New York during the year 1973.

The implications of all of the foregoing are, of course, potentially disastrous for Harlem. In the Harlem community the shortage of housing for low- and moderate-income families is far more severe than almost any other community in the state. Without the benefit of Federal 236 subsidies, housing simply cannot be built at rents and prices these families can afford.

Toward the end of 1972, before the moratorium went into effect, UDC registered an additional 17 projects with HUD. These projects, dispersed throughout the state, had already passed the feasibility stage, and 236 subsidies tentatively have been earmarked for their use. Two of these projects are located in Harlem and, barring any unforeseen difficulties or delays, they are expected to go forward. It is not clear at this point, however, what subsidy money will be available for additional projects in the Harlem community. Secretary Romney has indicated that carry-over 236 appropriations from preceding years may be available to take up the slack in 1973. A great deal of this money, however, will be used to honor prior commitments that have been delayed or held up. UDC officials are now engaged in efforts to ascertain how much of the remaining money will be allocated to the State of New York. HUDC officials are concerned with the proportion that will be available to underwrite projects in Harlem.

It is not clear at this moment what form of protest or organizational expression is likely to be effective. Even the Congress appears to be in a strait jacket, with this assumption of authority by the Executive branch of government. HUDC officials already have begun to meet on this issue, and we will keep you advised of any new developments.

This data represents just one district's staggering toll at the hands of this President of ours who apparently lacks any concern at all for tolls in laws broken or lives crushed.

In light of this high-level insensitivity, it is left up to us to include language in this appropriations bill that would make it clear that what the President is doing is against the will of this body, as well as the other.

I urge that this action be taken.

AMERICA WILL MISS A GREAT COACH, FRANK LEAHY

(Mr. KEMP asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEMP. Mr. Speaker, I rise today in this distinguished House to mourn with my colleagues and the people of this country the passing of a great American, Coach Frank Leahy of Notre Dame. Mr. Speaker, few men if any have equaled the remarkable coaching career of Frank Leahy. But it is not just his athletic career we will miss, but his devotion to those ideals of America to which, both on and off the "fields of friendly strife," he devoted his long and successful life. All of us here in these Chambers and in this Congress, as Representatives of the people, are deeply indebted to Frank Leahy as a private citizen, whose leadership on behalf of a strong national defense, a competitive free enterprise economy, and a respect for the rule of law, contributed so much to preserve and promote those values upon which our great Nation was founded.

Mr. Speaker, Frank Leahy loved coaching, loved competitive athletics, and loved winning, to be sure, but he loved God, his family, his country, and Notre Dame even more.

One of the great honors of my life was to have Coach Leahy get out of a sick bed, in 1970, to come to Buffalo, N.Y., to support me in my move from the competitive world of pro football to the even more competitive world of the U.S. Congress. I first met Coach Leahy when he was general manager of the Los Angeles Chargers of the AFL, in 1960.

As a young football fan, I felt like I had always known Frank Leahy, the great Notre Dame coach. He was not only my idol, but that of every young boy in the country, plus all those who were fortunate enough to have played football for him. But, of course, you did not just play football for Frank Leahy, you lived football with him. He and Notre Dame influenced, profoundly, the lives not just of those who played for him, but the lives of millions of young athletes who were moved to accomplish great things, because of the example of this man, Frank Leahy, and this great university, Notre Dame.

Frank Leahy was a great American and he will be missed. But that which Frank Leahy represented, those lessons he helped us learn, those eternal qualities to which we all hold, will be a source of increased strength and purpose. For that, my sorrow is tempered with hope.

Mr. Speaker, at this point I include articles from the June 22 Washington Post and Evening Star concerning this great "Fighting Irishman":

[From the Evening Star and Daily News, June 22, 1973]

FRANK LEAHY: A FIGHTING IRISHMAN LOSES CANCER BATTLE

PORTLAND, OREG.—Frank Leahy, one of college football's most successful coaches with seven unbeaten seasons at Notre Dame, is dead, following a five-year battle against leukemia and other crippling ailments.

Leahy, who would have been 65 Aug. 21, succumbed to massive heart failure Thursday at Good Samaritan Hospital. He also had been suffering from spinal arthritis, an infected bladder and diabetes.

He fought the ailments as he coached his football teams—to win.

"His death was no surprise," said Johnny Lattner, one of four Heisman Trophy winners Leahy coached. "He'd known it for two years, and when he first found out he had leukemia, he told me, 'John, I'll be the first to beat it.'"

Lattner said Leahy was taking acupuncture treatment for his arthritic spine, and said Leahy's decision to take the treatment was symbolic of his character.

"It eliminated a lot of the pain, and he wanted to beat leukemia through acupuncture. He just wanted to win," said Lattner.

Leahy rekindled the football legend ignited at Notre Dame by Knute Rockne, his former coach. Leahy coached the Fighting Irish to an 87–11–9 record from 1941 to 1953, with the exception of 1944–45 when he was in the U.S. Navy.

His Notre Dame clubs captured the mythical national championships in 1943, 1946, 1947 and 1949.

Prior to going to Notre Dame, Leahy coached Boston College to a 20–2 record, including a 19–13 Sugar Bowl victory over Gen. Bob Neyland's Tennessee Volunteers—a game which went a long way towards establishing the Sugar Bowl as a major event.

Leahy, who at the time of his death was an executive for Canteen Corp., a vending operation, and lived in nearby Lake Oswego, Ore., is survived by his widow, Florence, and seven children.

Mrs. Leahy said she would decide sometime today whether to hold the funeral services in Portland or Long Beach, Ind., where the Leahys lived for many years.

Players who played for Leahy at Notre Dame have left their own mark on the game, both professional and collegiate. All America honors were won by 36 of his players.

Among the stars he coached at Notre Dame were quarterbacks Johnny Lujack and Angelo Bertelli, halfbacks Lattner, Terry Brennan and Bernie Crimmins, end Leon Hart and tackle George Connor.

Unlike Rockne, whose locker room orations became a part of his legend, Leahy's dressing room remarks were brief. During halftime of the big game against Army in 1947, the blue-eyed Irishman sent his players out on the field by simply telling them: Gentlemen, Army is waiting for us out there." The Irish won that one, 27–7.

Leahy was only 45 when he resigned as coach in 1954 because of poor health, running up a 107–13–9 record as head coach of Notre Dame and Boston College.

Born in O'Neill, Neb., Aug. 21, 1908, Leahy, a promising amateur boxer, was thinking of a ring career. But he decided to come to Notre Dame to play football after listening to Rockne make an after-dinner speech.

When Leahy, graduated in 1931 there was no doubt football would be his life.

He served as an aide at Georgetown, then joined the staff of one of Notre Dame's "Four Horsemen," Jim Crowley, at Michigan State. Leahy moved on to Fordham with Crowley as a line coach. It was there that Leahy helped mold the great line known as "the Seven Blocks of Granite," one of them being another future coaching great—Vince Lombardi.

Leahy coached at Boston College in 1939–40 and Notre Dame called him "home" in 1941.

Last week he said he was "absolutely crushed" because he was unable to attend an annual award dinner in his honor at Chicago. But he managed to speak on a telephone hookup with such former pupils as Lujack, Lattner and Connor.

"He put up a great battle," said Chicago Bears owner George Halas. "It was characteristic of him."

[From the Washington Post, June 22, 1973]

Frank Leahy, Notre Dame Coach, Dies

(By Kenneth Denlinger)

Frank Leahy, one of the giants of collegiate football, died yesterday at Good Samaritan Hospital in Portland, Ore. He was 64.

Mr. Leahy, who had six undefeated seasons at Notre Dame and maintained the tradition established by his former coach, Knute Rockne, had been suffering from several ailments, including a heart condition and a pre-leukemia blood condition.

A player and assistant under Rockne at Notre Dame, he became coach of the Irish in 1941 and compiled an 87–11–9 record before retiring because of poor health in 1953.

His overall winning percentage, which included a 20–2 performance at Boston College before he assumed the Notre Dame position was a remarkable .888.

While a student at Notre Dame, Mr. Leahy played both center and tackle for two seasons before a knee injury forced him to miss his senior season in 1930.

A native of Nebraska who received his early education in the appropriately-named Winner, S.D., Mr. Leahy was an assistant at Georgetown, Michigan and Fordham universities, where one of his pupils was Vince Lombardi.

When he became head coach at Boston College in 1939, a local newspaper headlined the story: "B.C. Signs Unknown Leahy." He was not unknown for long.

His first team lost just one regular-season game and the Cotton Bowl to Clemson. In 1940, Boston rocketed to the Eastern championship with 10 regular-season victories and Sugar Bowl triumph over Tennessee.

The next year, with the coaching spot open because of the retirement of Elmer Layden, Mr. Leahy returned to Notre Dame and cautioned giddy supporters who predicted he would be "another Rockne."

"We'll do our best and you'll be proud of your team, but the day of the undefeated Notre Dame team is over," he said. The Irish were 8–0–1 that year.

His coaching career at Notre Dame was interrupted by World War II, when he served in the Navy and rose to the rank of lieutenant.

Scrapping the traditional Irish box formation for the T formation, his teams of 1946–49 went 38 games without a loss.

"When you are a coach at Notre Dame," he said in 1949, "you don't control your personal life. You belong to the people, to the priests, to the radio. I notice now that I become fatigued a little earlier each day. My family would be happy if I decided to discontinue coaching.

"During the fall, I get home twice a week. The other nights I stay at the university. In 1947, during the winter months, there was one stretch when I was home only six nights in 90. The rest of the time I was out, speaking."

Among the well-known football players Leahy coached at Notre Dame were Angelo Bertelli, Johnny Lujack, Bob McBride, Terry Brennan (who succeeded Leahy as Irish coach), Ralph Guglielmi, Leon Hart, Connor, Bob Dove, Creighton Miller, Mill Fisher and Johnny Lattner, George Emil Sitko.

In 1953, during his final season as coach, Mr. Leahy collapsed during the second half of the game with Georgia Tech and given the last rites of the church. He later recovered.

He seconded Gen. Dwight D. Eisenhower's presidential nomination at the Republican convention in 1956 and was made a Knight of Malta by Pope Pius XII. He was elected to the National Football Foundation Hall of Fame in 1970.

"Everyone here at Notre Dame and thousands of Frank Leahy's friends, teammates and players mourn his passing," said longtime Notre Dame athletic director Edward (Moose) Krause. "We all cherish his dedication, friendship and his love for Notre Dame."

There were many memorable Notre Dame games under Mr. Leahy and one was the 0–0 struggle in 1946 against the Glenn Davis-Doc Blanchard Army team in Yankee Stadium.

The record of his 1946 team was marred only by one tie, as were the performances of his 1948 and 1953 teams. The Irish were 4-4-1 in 1950.

In 1947 and 1949, the Irish went unbeaten and untied, scoring 291 points and allowing 52 in '47 and scoring 360 points and allowing 86 two years later.

Mr. Leahy was a promising amateur boxer who seriously considered a professional career after graduation from high school. But Rockne came along and persuaded him to enroll at Notre Dame.

He chose Notre Dame, Mr. Leahy once said, after listening to Rockne make an after-dinner speech.

Mr. Leahy once recalled an incident when he was playing tackle under Rockne and was assigned to open a hole against the scrubs. Three times, the back never got past the line of scrimmage.

"Then Rockne called me over and let me have it," Mr. Leahy said, "He said, 'Leahy, I never knew how really fine a defensive tackle you were until just now. You've just succeeded in stopping three of our own plays while playing on offense.'"

In his last season, when they finished second to Maryland in the wire-service polls, the Irish stirred a terrific controversy when feigned injuries gave them a 14–14 tie with Iowa.

"There was nothing wrong with feigning an injury until we did it," Mr. Leahy said. "Now it's a sin."

After retiring from Notre Dame, Mr. Leahy became associated with various business ventures, then returned to football in 1960 as general manager of the Los Angeles Chargers of the American Football League.

After a year in professional football, he re-entered the insurance business. He moved to Lake Oswego, Ore., a Portland suburb, in 1963 and continued as an executive vice president of Canteen Corp., which operates refreshment dispensing machines.

Only last week, Mr. Leahy was unable to attend an annual award dinner in his honor in Chicago because of illness. "I was absolutely crushed over the fact that I couldn't participate," he told the group via telephone.

A hospital spokesman said Mr. Leahy was admitted Wednesday and developed complications early yesterday.

He is survived by his wife, Florence, and six children, Frank Jr., Gerald and Christopher, all of Lake Oswego, James, of Pasco, Wash., Mary Leahy, of Lake Oswego, and Sue Muostakas, and Florence Harter, both of Chicago.

PERSONAL EXPLANATION

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on June 6, 1973, rollcall No. 190, final passage H.R. 7935, the minimum wage bill, I was present and voted "aye." The electronic device apparently did not register, because the Congressional Record shows me as "not voting." I regret that I am shown as being absent, but want to make it clear that I supported the bill on final passage.

ADMINISTRATION'S MEDICARE PROPOSAL UNDERMINES HEALTH SECURITY OF AMERICA'S ELDERLY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, one of the most disturbing budget recommendations the Nixon administration has made for fiscal year 1974, is the proposed doubling of medical care costs of our elderly, the segment of our population which can least afford increased costs and the sector of population most in need of medical care.

In a recent editorial, the Metro-East Journal, a Lindsay-Schaub newspaper in East St. Louis, Ill., presented a cogent and incisive rebuttal to the administration's fallacious assumptions and rationale for undermining health care security for the elderly.

At this point in the Record, I include the editorial:

Putting Burden on Indigent Elderly Wrong Way To Reduce Medical Costs

President Nixon's proposal to require older persons to pay more of their Medicare insurance costs is not a good way to try to cut government spending.

The administration proposes to save $616 million annually at the start and much more in later years.

Under the current plan, the patient pays for the first day of hospitalization at a national average cost of $72. He then pays nothing until the 61st through 90th days when he bears 25 per cent of the cost. The 60 days following he pays 50 per cent.

Under the administration's plan, the patient would pay the actual cost of the first day's room and board which range from $15 in small hospitals to $100 in some large city hospitals. He then would pay 10 per cent daily for all succeeding days.

In regard to doctor's bills, the administration proposes the patient pay out the first $85 of any costs rather than $60 at present. Then the patient would pay 25 per cent of all costs instead of the present 20 per cent.

The administration has estimated that its plan would, on the average, double a patient's hospital costs.

The administration argues that its plan would work no hardships on the elderly and that it would reduce "over-utilization" of Medicare.

While it is true that Social Security benefits have increased 70 per cent since 1965, it does not follow as the administration claims that this increase in medical insurance cost would not work a hardship on many thousands of elderly persons.

There are many elderly so poor that medical costs not paid by Medicare are paid for by the Medicaid welfare program.

But there are many elderly persons who qualify for welfare payments who have not applied for them because of their pride. They are "making do" with just barely enough to get along on. If their medical costs go up, they may feel forced to go on the welfare rolls.

There are also many elderly persons who are just a little bit above the income level that qualifies for welfare payments, but who don't have enough income for the "health and decency" living standard of the Bureau of Labor Statistics.

If these persons had to pay more for medical care, many of them would do without needed care. In other cases they would go ahead and get the medical care, and they would do without needed food, clothing or heat.

There is no clear evidence that Medicare is being overutilized.

The administration argues that these higher costs for the elderly would make physicians more cost-conscious, that it would cause them to cut down on unneeded costly tests, and would encourage patients and their physicians to use cheaper hospitals.

In Illinois, the state government has commissioned the Illinois State Medical Association to organize and operate the Hospital Admission and Surveillance Program (HASP).

Under HASP, the physician's professional organization is working actively to hold down medical and hospital costs of the Medicaid program. The same organization could be used to make doctors and hospitals cost-conscious in regard to the Medicare program, if it has not already done so.

The Social Security program was amended in 1972 to provide for the Professional Standards Review Organization (PSRO). According to this new statute, each state is to select an organization to perform quality control on hospital and medical services produced under the Social Security program.

Illinois authorities believe that HASP should be expanded and eventually replaced by the Professional Standards Review organization.

We do not believe many Illinois physicians are ordering unneeded costly tests of the elderly. We believe that physicians will send patients to cheaper hospitals where available for treatment of ailments not requiring expensive equipment that ups the rates of expensive hospitals.

In other words, organizations such as HASP and PSRO used nationwide should make physicians cost-conscious without making the elderly pay higher costs.

Elderly persons have enough problems and worries, without removing some of their security in regard to health care.

BALTIC STATES ANNIVERSARY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the latter half of June is especially important to Americans of Baltic origin and their friends. This month marks several sad and glorious anniversaries for the Baltic States which affect Americans and indeed all free men. I find it particularly fitting in this time of detente and summitry that we recall these events, in hopes of drawing closer to the solution of the problems they pose.

Thirty-three years ago, in June of 1940, the Baltic States of Estonia, Latvia, and Lithuania were overrun by the Soviet Union. On June 22, 1941, the people of Lithuania succeeded in breaking the chains of this unwanted domination, setting up an independent provisional government. Six weeks later their free government was again overthrown, this time by the harsh rule of Nazi Germany.

Suffering is not new to the Baltic peoples, nor is the strength to endure that suffering. An accident of geography has placed these people among neighbors larger and more powerful than they. Within the last three decades, however, the Baltic people have perhaps suffered more than ever before in their tragic history. This June marks the 32d anniversary of the mass deportation of over 150,000 Baltic people from their native land, placing them in danger of ethnic extinction as well as political impotency.

Mr. Speaker, 1973 has been called the "Year of Europe." Let us not forget the smaller European countries in our concern for the welfare of the greater powers. The United States has always been the defender of peaceful nations everywhere. We have witnessed in the courage of the Baltic peoples that the rights and dignity of all men cannot be denied. I salute these brave men and women and call on all freedom-loving nations to restore to them the privileges they have been denied for so long.

WILLIAM ARBOGAST TO RETIRE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, after 30 years in the House of Representatives Press Gallery, William Arbogast will retire as an active member of the Capitol Hill press corps at the end of this month.

Bill, an Associated Press correspondent and director of the AP House news contingent, has been known for his dedication to accurate, complete, and highly professional reporting. His insights into the legislative workings of Government have made the average citizen more aware of and better informed about the Congress which makes their laws. His conversations with and suggestions to Members of this House have always been enlightening and beneficial.

During the time Bill has spent on the Hill, I have had the pleasure of his acquaintance, and as a former newsman I can attest not only to the high degree of polish which marks his reporting, but also to the high degree of integrity which marks him as a man.

Bill Arbogast came to Washington in 1938 after 7 years as an AP correspondent in Kentucky. Quickly rising in rank, Bill was promoted to the general staff in 1941 and has been chief of the House AP staff since 1944.

It may be some time before another newsman of Bill's diligence and responsibility reports the activities of this House. But we can be thankful for the three decades he has been with us.

As Bill retires from these halls I would like to join in paying tribute to his devotion and wishing him every happiness in retirement.

FLORIDA'S GADSDEN COUNTY'S 150TH ANNIVERSARY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the people of Gadsden County, Fla., will celebrate their county's 150th birthday on June 24. I extend to them my best wishes for a very happy anniversary and in this I join my good friend and distinguished colleague Don Fuqua, who now represents this wonderful part of our State.

It was my great privilege and honor to represent Gadsden County for 22 years beginning January 1941. In 1962, when Florida gained four new seats in Congress, Gadsden County was placed in a new district now represented by Mr. Fuqua.

I have many rich and pleasant memories of those years. Gadsden County is made up of some of the finest people you will ever know. They are proud and resourceful and they have demonstrated particular ability in agricultural pursuits.

Gadsden was the fifth county established in Florida. It was named for a trusted aide to Gen. Andrew Jackson. He was Lt. James Gadsden who built a fort there in the early 1800's and it figured prominently in Jackson's campaigns of the period. Later he held the rank of colonel and, subsequent to his military career, was Minister to Mexico at the time the Gadsden purchase was negotiated for a great territorial addition to the southwestern United States. I think it most interesting that Jackson and Gadsden Counties are adjoining counties in our State, a lasting memorial to outstanding men and a vital period in our State's history.

While Gadsden County is very ably represented by DON FUQUA, I am sure that my friends there realize they continue to have my own good wishes and support. I maintain a strong interest in their development and progress. They have two Congressmen whenever our services are needed.

This anniversary is indeed an event of which they can be proud. My best wishes and heartiest congratulations are extended to the people of Gadsden County on this, the 150th birthday of their county.

REGISTRATION AND REGULATION OF FOOD IMPORTERS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation which would require all importers of food which is subject to the jurisdiction of the Food and Drug Administration—FDA—to register their existence with the FDA and to notify the FDA of all food import shipments prior to entry into the United States.

Along with 27 cosponsors in the House, I introduced H.R. 323 earlier this year—see pages E65–E66, CONGRESSIONAL RECORD, January 6, 1973. That bill would sharply increase the FDA's control over the American food-processing industry in order to guarantee the sanitation of food being sold to the U.S. consumer. The legislation which I am proposing today is intended to complement H.R. 323 by insuring more effective FDA watchdog authority over foods processed in foreign lands which are imported for sale in the United States.

A secret report on an Agriculture Department investigation of lax surveillance of imported meat by Agriculture import inspectors was recently made public due to the energetic efforts of my distinguished colleague from Montana (Mr. MELCHER). Although the Agriculture Department and the FDA have separate jurisdictions over imported foods, Agriculture being responsible for live animals, poultry, meat, eggs, and fresh fruits and vegetables, and the FDA having authority over all other foodstuffs, the two agencies face similar problems. In order to enable the FDA to cope with its share of the responsibility for regulating food imports, I am urging the passage of this legislation.

At present, U.S. Government supervision of food importation is a disjointed operation which often cannot "close the barn door until after the cow has escaped." Perhaps it would be more accurate to say that existing Government import inspection procedures cannot close the country's doors until the contaminated cow already has entered the country and been sold to the unsuspecting consumer.

Today, the FDA and the Department of Agriculture learn of the entry of imported food shipments into the United States through the Customs Bureau. In the case of the FDA, a decision then must be made whether to inspect samples from the shipment or simply to authorize entry into the United States on the basis of a product's good track record or absence of a bad sanitation record. The FDA has no current listing of U.S. food importers, and it normally is not aware that a food shipment is awaiting inspection or clearance until it is contacted by customs. In addition, the agency is operating under the handicap of serious understaffing, and it simply does not have the manpower necessary to conduct widescale inspection and sampling of imported food shipments destined for U.S. consumption on the short notice afforded it.

The standard of hygiene which prevails in many U.S. food-processing plants is inadequate, and we can be certain that unsanitary conditions prevail in some food-processing plants of other nations. Yet, much of the food produced abroad enters the United States without inspection and soon finds its way onto the consumer's dinner table. As a result, there are incidents like the recent salmonella poisoning of over 200 consumers by Star Kist tuna imported from American Samoa.

The growth of imports of processed food into the United States underscores the magnitude of the danger which confronts the American consumer as a result of inadequate inspection procedures. The Department of Agriculture reports that by the end of fiscal year 1973, U.S. agricultural imports may rise more than 12 percent over last year's record $6.04 billion. In fact, according to a study made by the Harris Trust and Savings Bank of Chicago, the United States suffered a net traded deficit in processed food products of $600 million in 1972.

The proposal which I am introducing today would strengthen the effectiveness of the FDA in two ways. First, all importers of food which is subject to FDA jurisdiction would be required to register their business existence every 2 years with the FDA. This would provide the agency with an up-to-date survey of the importing industry and would facilitate surveillance of shipments made to importers with a record of bringing unwholesome food into the country. Second, all registered food importers would be required to notify the FDA directly in advance of arrival of a food shipment in the United States. This provision would relieve the FDA of its dependency on U.S. customs for shipment information, and it would give the FDA lead time in making decisions on what foodstuffs should be sampled and tested and which shipments might be considered as reasonably safe for entry without detention and testing. Ideally, all import shipments should be sample-tested by the FDA, but this would require considerably increased expenditures.

Mr. Speaker, I urge that the Congress give serious consideration to this proposed measure. Again and again, food contamination involving both domestic and foreign produced foods is in the headlines. If the health of the American consumer is to be protected, then we, the Congress, must take the step of legislatively insuring that both domestic and foreign foods offered for sale in the United States meet a high standard of hygiene and wholesomeness.

COLLAPSING PENNSY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, this morning's New York Times carried a very timely editorial concerning the bankrupt Penn Central Railroad, which is scheduled to present its plans for liquidation to a Federal judge on July 2. The Times takes note of the various proposals for continued infusion of Federal funds into this bankrupt private company, and concludes that—

> Creation of a public authority to take over and operate the new system on an interim basis would be the most practical way to carry through the reorganization and prevent a total dismantling of the Pennsy through liquidation or utter exhaustion of funds.

For the edification of my colleagues, I am inserting at this point in the RECORD the complete text of the editorial:

COLLAPSING PENNSY

The bankrupt Penn Central Railroad is back on Capitol Hill, rattling its tin cup for Federal cash to keep the trains running. The acuteness of the Pennsy's financial crunch is beyond argument, but giving its trustees a big bundle of Government funds would merely unlock the Treasury vaults for an endless drain.

Congress has shown a shameful disposition to dawdle in its own attempts to supply a sounder answer to the problem of assuring maintenance of essential rail transportation in the Northeast. Last February, when the Penn Central was shut down by a strike over elimination of unneeded freight crewmen, the legislators demanded that the Administration devise a workable long-range plan during the ninety-day strike truce mandated by Congress.

The cooling-off period has expired with no acceptable plan and no strike gun to rekindle the Congressional sense of urgency. The Penn Central, with the illogic that has characterized many developments in its three years of receivership, explains that it is too broke to withstand a renewal of the union showdown so it intends to keep right on spending money it does not have to pay brakemen it does not need.

With the threat of another strike thus removed, the next unblinkable deadline for Congress is the July 2 date set by a Federal judge for submission by the trustees of a liquidation plan unless they can come up with a practicable proposal for the reorganization of the railroad.

The trustees now say they will move to liquidate if Congress doesn't rush in by June 30 with funds to bail out the faltering carrier. That means selling off to other railroads or financial interests whatever routes offer high probability of profit and abandoning the rest, without regard for public needs. Even if they do get the Federal help, the trustees want to scrap nearly half the 20,000 miles of railroad that are now operated by the Penn Central.

Nothing in the trustees' recommendations for "revitalization" of the system provides justification for embarking on the interminable infusion of Government money their program would entail. What remains absent is an adequate formula for protecting both the interests of the public and the equities of the creditors in a viable network covering the Northeastern states, one that makes the most rational application of the facilities of the Penn Central and the five other bankrupt roads in this section.

Creation of a public authority to take over and operate the new system on an interim basis would be the most practical way to carry through the reorganization and prevent a total dismantling of the Pennsy through liquidation or utter exhaustion of funds.

NEW HAVEN SUPPORTS "FEDERAIL"

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the impending shutdown of the Penn Central Railroad has increased the desire of the people of the Northeast for a lasting solution to the railroad crisis. A number of legislative proposals have been advanced to try to solve this problem. Last month, I introduced H.R. 7373, the Federal Railroad Transportation Authority Act. This bill, which I shall soon be reintroducing with a number of cosponsors, would establish a quasi-public corporation to purchase and operate the Northeast rail lines in the public interest. I believe that this is the only plan which will guarantee the continued operation of all of these vital lines. Surely we cannot afford to sacrifice the service upon which the economy of the Northeast depends for the sake of achieving a profit-based reorganization.

I was pleased to learn that the board of aldermen of the city of New Haven, Conn., recently passed a resolution expressing their support for H.R. 7373. New Haven is an industrial city with a population of nearly 150,000, and a metropolitan area population of nearly 400,000. The city is only one of thousands of cities and towns throughout the Northeast which will suffer if rail service is abandoned. New Haven has now taken a positive stand in favor of FedeRail, the only program which deals with improved and expanded service for the Northeast.

I would like to insert the text of the resolution adopted by the board of aldermen of the city of New Haven:

Resolution

Whereas: At present eight railroads in the New England area are operating at great financial loss and there is a threatened loss of service to the many commuters involved; and

Whereas: There is now before Congress Bill HR 7373 seeking to put jurisdiction of these ailing roads under a transportation committee of the Federal Government.

Therefore, be it resolved that we the members of the Board of Aldermen of the City of New Haven do hereby strongly support Bill HR 7373; and

Be it further resolved that because of the urgency of this situation we request unanimous consent for favorable action on this resolution.

CONGRESS MUST LEGISLATE TO GUARANTEE OIL AND GASOLINE FOR ESSENTIAL PUBLIC SERVICES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, whether the fuel shortage is real or contrived, the serious problems accompanying the inability or unwillingness of oil companies to supply independent distributors are growing more and more critical.

Independent distributors are relied on to supply local public services, bus and other transit authorities, essential fire and police facilities, garbage and refuse collection systems, hospitals, and other vital services requiring a guaranteed fuel supply.

The oil companies, by refusing to allocate supplies to these independents, are placing these essential public services in serious jeopardy. Cutbacks and cancellations in monthly allocations to independent distributors can only mean the elimination of fuel for the operations of governmentally operated public services and other emergency operations.

Specifically in Dade County, independent distributors are experiencing declining monthly allocations, and outright refusal on the part of some refiners to comply with the voluntary allocation guidelines and make any of their products available.

The city of Miami Beach City Council adopted a resolution on June 6, urging enactment of legislation guaranteeing municipalities and local government agencies their full and reasonable requirements of gasoline and oil products. I insert the city's resolution for the serious consideration of all our colleagues.

Regardless of the origin of the fuel supply problem, there must be an effective program for the orderly allocation of petroleum products to independent distributors which in turn can insure the continuation of public services, the continuation of our Nation's businesses, agricultural operations, construction, and service to private consumers. We cannot allow the price and supply squeeze to eliminate independent distributors. The effects on our economy and the health and welfare of our citizens would be disastrous. Supply priorities must be set and provision for mandatory compliance enacted.

Legislation I have sponsored with the distinguished chairman of the Communications and Power Subcommittee of the Interstate and Foreign Commerce Committee, Congressman Torbert Macdonald, would require refiners to treat all distributors—independent as well as company controlled—in exactly the same manner. If a refiner must reduce deliveries, he must spread the reduction evenly among all distributors.

I have urged the chairman to schedule immediate action on this bill and understand that hearings will be held early next month. We must make it clear to the major petroleum refiners that we will not allow the independents to be driven out of business.

Resolution

A resolution requesting Congress to enact appropriate legislation guaranteeing adequate oil and gasoline supplies for performance of municipal government services

Whereas, the various news media have been giving great publicity to an imminent shortage of gasoline and oil supplies throughout the Nation, and

Whereas, the public health and welfare would be greatly endangered and impaired in the event that the supply of such commodities to municipalities and other local governments were to be reduced.

Now, therefore, be it duly resolved by the City Council of the City of Miami Beach, Florida, that the United States Congress be, and it is, hereby formally requested to enact immediate appropriate legislation guaranteeing municipalities and local government agencies their full and reasonable requirements of gasoline and oil products; and that such local governments and municipalities be wholly exempted from any rationing plan evolved by manufacturers or distributors of such products and that the manufacturers and distributors of such gasoline and oil products be mandatorily required to supply the reasonable requirements of all municipalities and local governments in the performance of their governmental functions,

Be it further duly resolved by the City Council of the City of Miami Beach, Florida, that true copies of this resolution be transmitted to the Senators representing the State of Florida and to each Congressman representing Dade County.

Passed and adopted this 6th day of June 1973.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kazen (at the request of Mr. O'Neill), for Thursday, June 21 and today, on account of official business.

Mr. Don H. Clausen (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Saylor (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Moss from 4 p.m. June 22 to close of business June 25, on account of official business.

Mr. Morgan (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Bell (at the request of Mr. Gerald R. Ford), for June 25, on account of official business.

Mr. Derwinski (at the request of Mr. Gerald R. Ford), for the week of June 25, on account of official business.

Mr. Adams for Monday, June 25, on account of official business.

Mr. Roncalio of Wyoming (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Johnson of California (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ketchum) to revise and extend their remarks and include extraneous material:)

Mr. Kemp, for 15 minutes, today.

Mr. Parris, for 10 minutes, today.

Mr. Crane, for 5 minutes, today.

Mr. Teague of California, for 60 minutes, on June 26, 1973.

Mr. Michel, for 5 minutes, today.

Mr. Kemp, for 15 minutes, June 25, 1973.

(The following Members (at the request of Mr. Ginn) and to revise and extend their remarks and include extraneous matter:)

Mr. Alexander, for 15 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Runnels, for 15 minutes, today.

Mr. Tiernan, for 5 minutes, today.

Mr. Adams, for 5 minutes, today.

Mr. Rangel, for 5 minutes, today.

Mr. Dent, for 30 minutes, on June 27, 1973.

Mr. Gaydos, for 30 minutes, on June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ketchum) and to include extraneous matter:)

Mr. Sarasin.

Mr. Goldwater.

Mr. Ketchum.

Mr. Kemp in two instances.

Mr. Young of Florida.

Mr. Keating.

Mr. Hunt.

Mr. Derwinski in two instances.

Mr. Edwards of Alabama.

Mr. Harsha.

Mr. Findley.

Mr. Zion.

Mr. Spence.

(The following Members (at the request of Mr. Ginn) and to include extraneous matter:)

Mr. Long of Louisiana.

Mr. Steed.

Mr. Rees.

Mr. Podell in two instances.

Mr. Minish.

Mr. Rarick in three instances.

Mr. Andrews of North Carolina.

Mr. Vanik in two instances.

Mrs. Mink.

Mr. Brasco in six instances.

Mr. Addabbo.

Mr. Jones of Tennessee.

Mr. Evins of Tennessee.

Mr. Lehman.

Mr. Eckhardt.

Mr. Teague of Texas.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1125. An act to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7357. An act to amend sections 3(e) and 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

H.J. Res. 499. Joint resolution providing for an extension of the term of the Commission on the Bankruptcy Laws and the United States, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1201. An act to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

S. 1501. An act to amend the Water Resources Planning Act to provide for continuing authorization for appropriations.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 499. Providing for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1066. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting the annual report on Federal activities related to administration of the Vocational Rehabilitation Act, for fiscal year 1972, pursuant to 29 U.S.C. 34 and 39; to the Committee on Education and Labor.

1067. A letter from the Secretary of the Interior, transmitting a report of unreserved public lands withdrawn in the State of Alaska during the period December 18, 1972 to June 17, 1973, pursuant to section 17(d)(2)(C) of the Alaska Native Claims Settlement Act of 1971 (85 Stat. 688); to the Committee on Interior and Insular Affairs.

1068. A letter from the Secretary of Commerce, transmitting notification of a delay in submission of the report pertaining to marine mammal protection, which will be transmitted pursuant to section 103(f), Public Law 92-522; to the Committee on Merchant Marine and Fisheries.

Received From the Comptroller General

1069. A letter from the Comptroller General of the United States transmitting a report on progress and problems of U.S. assistance for land reform in Vietnam; Agency for International Development, Department of State; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 8548. A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council of International Economic Policy, and for other purposes; (Rept. No. 93-318). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 6078. A bill to include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of certain employees engaged in hazardous occupations, and for other purposes; (Rept. No. 93-320). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 7200; (Rept. No. 93-319). Ordered to be printed.

Mr. ROONEY of New York: Committee on Appropriations. H.R. 8916. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes. (Rept. No. 93-321). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 8917. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93-322). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7482. A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes; (Rept. No. 93-323). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8538. A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes; with amendment (Rept. No. 93-324). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROONEY of New York:

H.R. 8916. A bill making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

By Mrs. HANSEN of Washington:

H.R. 8917. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. ASPIN:

H.R. 8918. A bill to amend the Fair Labor Standards Act of 1938 to provide that the cost of board, lodging, or other facilities provided an employee will be included in computing his wage for purposes of determining compliance with that act only if the employee specifically requests the board, lodging, or other facilities to be furnished; to the Committee on Education and Labor.

By Mr. ASPIN (for himself and Mr. Coughlin):

H.R. 8919. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 8920. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 8921. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

H.R. 8922. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the registration of food importers and to require the Secretary of Health, Education, and Welfare to be notified of food imported into the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 8923. A bill to amend the law of the District of Columbia relating to the practice of psychology to provide for the licensing of certain persons in the practice of psychology in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DOWNING (for himself, Mrs. Sullivan, Mr. Mosher, Mr. Rogers, and Mr. Murphy of New York):

H.R. 8924. A bill to promote safety in the operation of submersible vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 8925. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of California:

H.R. 8926. A bill to require the Secretary of Housing and Urban Development to terminate the suspension of housing assistance programs under his jurisdiction and cease the withholding of funds for such programs, to require the Secretary of Agriculture to cease the withholding of funds for rural housing programs, and for other purposes; to the Committee on Banking and Currency.

H.R. 8927. A bill to provide certain services for Government employees in order to assist them in preparing for retirement; to the Committee on Post Office and Civil Service.

By Mr. FREY:

H.R. 8928. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion; to the Committee on Agriculture.

By Mr. HANLEY (for himself, Mr. William D. Ford, Mr. Brasco, Mr. Clay, Mr. Moakley, and Mr. Lehman):

H.R. 8929. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEMP:

H.R. 8930. A bill to amend the Flood Control Act of 1970; to the Committee on Public Works.

By Mr. KING:

H.R. 8931. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 8932. A bill to establish the Federal Food Safety Administration to assure the safety of food and its nutritional quality and conformity to accepted standards, and to control its packaging and labeling; to the Committee on Government Operations.

By Mr. NIX:

H.R. 8933. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 8934. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 8935. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8936. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

H.R. 8937. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8938. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHUSTER (for himself, Mr. Nix, Mr. Roe, Mr. Flood, Mr. Eshleman, Mrs. Sullivan, Mr. Yatron, Mr. Thompson of New Jersey, Mr. Hanley, Mr. Gilman, Mr. Dent, Mr. Minish, Mrs. Grasso, Mr. Cohen, Mr. Fish, Mr. Nichols, Mr. Mollohan, Mr. Williams, Mr. Buchanan, Mr. Flowers, Mr. Hinshaw, Mr. Clark, Mr. Charles Wilson of Texas, Mr. Saylor, and Mr. Steele):

H.R. 8939. A bill to establish a temporary embargo on the exportation of certain livestock feed grains; to the Committee on Banking and Currency.

By Mr. SHUSTER (for himself, Mr. Seiberling, Mr. Walsh, Mr. Cleveland, Mr. Mitchell of New York, Mr. Vanik, Mr. Eilberg, and Mr. Pepper):

H.R. 8940. A bill to establish a temporary embargo on the exportation of certain livestock feed grains; to the Committee on Banking and Currency.

By Mr. STEED:

H.R. 8941. A bill to amend Public Law 874, 81st Congress, with respect to the counting of certain Indian children; to the Committee on Education and Labor.

By Mr. STEELMAN:

H.R. 8942. A bill to amend the State and Local Fiscal Assistance Act of 1972 to make it clear that local governments may use amounts freed by revenue sharing for tax reduction; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 8943. A bill to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic health and growth of the United States, to provide the President with certain negotiating authority therefor, to provide adequate worker assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself, Mr. Gettys, Mr. Mathis of Georgia, Mr. Montgomery, Mr. Satterfield, and Mr. Stuckey):

H.R. 8944. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON:

H.R. 8945. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mrs. MINK (for herself, Mrs. Chisholm, Mr. Conyers, Mr. Davis of Georgia, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Ms. Holtzman, Mr. Moakley, Mr. Owens, Mr. Patten, Ms. Schroeder, Mr. Seiberling, Mr. Waldie, and Mr. Walsh):

H.R. 8946. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mr. NELSEN:

H.J. Res. 634. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives in which the District would be entitled if it were a State; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 635. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Gettys, Mr. Gaydos, Mr. Koch, Mr. Jones of Tennessee, Mr. Wiggins, Mr. Cleveland, and Mr. Hansen of Idaho):

H. Con. Res. 256. Concurrent resolution to provide for the printing as a House document, a revised edition of the House document "Our American Government. What is it? How does it work?"; to the Committee on House Administration.

By Mr. PEPPER:

H. Con. Res. 257. Concurrent resolution providing for the printing of additional copies of the House report entitled "Street Crime: Reduction through Positive Criminal Justice Responses"; to the Committee on House Administration.

H. Con. Res. 258. Concurrent resolution providing for the printing of additional copies of the House report entitled "Drugs in Our Schools"; to the Committee on House Administration.

By Mr. BRADEMAS:

H. Res. 457. Resolution to provide for the printing as a House document the booklet entitled "The History and Operation of the House Majority Whip Organization"; to the Committee on House Administration.

By Mr. RANDALL (for himself, Mr. Ashley, Mr. Badillo, Mr. Bell, Mr. Benitez, Mr. Brasco, Mr. Buchanan, Mr. Burgener, Mr. Burke of Florida, Mr. Carney of Ohio, Mr. Carter, Mr. Cohen, Mr. Corman, Mr. Conte, Mr. Dan Daniel, Mr. Danielson, Mr. Dent, Mr. Edwards of California, Mr. Forsythe, Mr. Fraser, Mr. Fuqua, Mrs. Grasso, and Mrs. Green of Oregon):

H. Res. 458. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. HEINZ (for himself, Mr. Gunter, Mr. Hanley, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Hillis, Mr. Hinshaw, Mr. Howard, Mr. Hungate, Mr. Koch, Mr. Kyros, Mr. Lent, Mr. McCormack, Mr. McDade, Mr. McFall, Mr. Mathis of Georgia, Mr. Mayne, Mr. Moss, Mr. Murphy of Illinois, Mr. Owens, Mr. Peyser, Mr. Pike, Mr. Podell, and Mr. Price of Illinois):

H. Res. 459. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. RANDALL (for himself, Mr. RIEGLE, Mr. ROBISON of New York, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARASIN, Mr. SARBANES, Mr. SATTERFIELD, Mr. SEBELIUS, Mr. SEIBERLING, Mr. SKUBITZ, Mr. STEELE, Mr. STUDDS, Mr. TALCOTT, Mr. TEAGUE of California, Mr. THONE, Mr. TIERNAN, Mr. VEYSEY, Mr. WALSH, Mr. WINN, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Illinois):

H. Res. 460. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. HEINZ (for himself, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. REES, and Mr. PRITCHARD):

H. Res. 461. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 462. Resolution providing for the printing of additional copies of the House report entitled "Reform of our Correctional Systems"; to the Committee on House Administration.

H. Res. 463. Resolution providing for the printing of additional copies of the House report entitled "Organized Criminal Influence in Horse Racing"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

263. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to no-fault insurance; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII,

243. The SPEAKER presented a petition of John H. Leach II, Newport Beach, Calif., relative to redress of grievance; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HOMETOWN, U.S.A., IS BOTH VITAL AND VIABLE TODAY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 22, 1973

Mr. RANDOLPH. Mr. President, over the past few weeks there have been thousands of graduation ceremonies and commencement speeches. Most of these speeches have been predictably optimistic, designed to inspire young people on to greater heights of achievement. In recent years, however, it has become fashionable to downgrade the future, to paint a picture of gloom and doom and to rail at the system and the establishment. As a result, many young people are impressed into an attitude that is negative and foreboding. They feel that their life ahead promises only a dubious existence barren of exciting discovery, without chance or challenge.

Earlier this month I was privileged to deliver the commencement address at Salem High School, my native town in West Virginia. I told the graduating seniors:

> Over the past half-century, Americans have proven they are the masters of technology. Our moon walks, satellite communications and medical marvels are the envy of the world. We have shown that we can build a life of quality unparalleled in history. We have created a society of such super-abundance that we are choking under 125 million tons of air pollutants a year, and a billion pounds of garbage each year threatens to bury us.
>
> The challenge you face in the next half century is to build a life of quality, a life that offers an opportunity and something of grace for all—a life based, not on just machines and gadgets, but on human dignity and individual worth.

We know that life on this Earth is finite, and that the present expenditure of energy and the consumption of food coupled with a quantum leap in population every 35 years threatens to turn our planet into a mass of misery. Evidences of this macabre equation already are cropping up: Flooding and starvation in India; drought and famine in central Africa; the diminishing fish schools off heavily populated continents; blackouts and shortages and revolutionary violence—all pieces to the great puzzle of the future.

In the United States, 85 percent of our people occupy only 2 percent of our land. These mass concentrations have led to growing crime, delinquency, drug abuse, and escalating welfare. Yet, across America, there are thousands of small towns and communities who eagerly seek new industries, new neighbors and new job opportunities for their young people. These are the grassroots which hold the hope of the future if America is to remain the land of promise. We must, in our national policies and programs, strive to strengthen the undeveloped regions of our country so that all Americans can have a free choice of where they want to live. We must keep the Salems of our Nation vital and viable if we are to meet the challenge of building a life of quality for all.

The ceremony at Salem High School this month was duplicated hundreds of times throughout our country. Principal Haymond Plaugher introduced the guests, including Dr. and Mrs. K. Duane Hurley, president of my alma mater, Salem College. Mrs. Paul Green played the processional, the Honorable Mike Greer of the West Virginia House of Delegates gave the invocation; the benediction was delivered by the Reverend Robert Wheeler. Class officers were introduced. They are: James Bradley Davis, president; Janet Carol Murphy, vice president; LuAnne Hersman, secretary; Lance Cameron Sulsona, treasurer; Michelle Ann Davis, historian; and Patricia Ann Martin and Joseph Lynn Johnson, members of the Student Council.

The valedictorian address was given by Daniel Harris Underwood, and Lillian Allessio gave the salutatorian address. Mr. Underwood, in speaking of his hometown, gave what I think is a valuable profile of Smalltown, U.S.A. He told of its strengths and weaknesses, its proud history and unpredictable future. I feel some Members of the Senate, in reviewing his words, may recall their own smalltown origins, and remember the tranquil existence of another day.

Mr. President, I ask unanimous consent that the brief valedictorian address of Daniel Underwood be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SPIRIT OF SALEM

When he enters the streets of a town he has not before known, a newcomer catches distinguishing qualities of the town and forms an impression. Most outsiders, when they first arrive in Salem, have a negative impression. They see one curve-plagued, narrow street edged with ancient buildings, a railroad track, and two high hills. "But," said one Salemite, "I left in the spring after a winter's stay never to return and found that by August I could not wait to get back."

Every town, every institution has a tone, something that since it is an abstraction, has nothing to do with streets or walls of buildings, but is far more important. Maybe I could call this atmosphere the spirit of a place, and as Melville said, "it is not on a map. True places never are." The Salem I bring to you tonight is not on a map; neither can it be photographed. But the Salem which I deliver to you is a real place that although it cannot be touched, is in the minds of many of the people in this room.

Salem, settled by Christian people, has always had Christian brotherhood and a mountain spirit of make do, both helped along by the lack of affluence in the town. One philosophic resident expressed the fact thus: "The greatest virtue of Salem is its poverty." We are a simple people too, because no one can be too uppity with his own family members. And most of us are really kin either by inheritance or long-time associations. When the thought of kinship occurred to me, I looked at myself, and discovered I was a direct descendant of the man who originally owned all the land in Salem, a name so common in the town that the Senator present tonight will recognize me as Atwell's great grandson sooner than if I would use Atwell's surname. When I took a survey of the class, I learned that of the thirty members, twenty-five are direct descendants of early residents of the community. We have stayed put; outsiders have had a tendency to circumvent our rugged terrain.

In the 1880's many of the young people left Salem to attend distant colleges and never returned. To keep youth in the community, the Salem people started, in 1887, an academy that eventually developed into a college. So along with friendliness, humility born of little wealth, and community kinship, a bit of culture found its way to our hills.

Many artifacts and institutions in existence today attest to the energy and progressive spirit of Salem people who have never numbered more than 3,000 individuals.

A group of businessmen in 1896 bought a hundred acres of land west of Salem to entice the state to locate in the town the West Virginia Industrial Home for Girls, secured the institution, and inadvertently founded the third ward of the city.

In 1951 the citizens of Salem raised $10,000 to finance the deepening and widening of the creeks and thereby attracted federal attention. The Congress appropriated money for several pilot flood control dams. Salem had the first watershed program of the ones to be completed.

Today Salem has 10 active churches, six fraternal lodges, eight service clubs, a volunteer fire department, and a thriving community center with a pool and a ball park.

Salem people work together with a steady stream of activities to keep all the town's institutions functioning. But busy as we all are, we know that if anyone hears of a new endeavor that will in any way improve services to our people, we shall organize it tomorrow. Although students in the tenth, eleventh, and twelfth grades will travel a few miles east to study for six hours a day next school term, they will be answering during the other eighteen hours Salem's fire calls; they will be working in the churches, they will be assisting at the recreation center. They will be here, for Salem is where the action is!

ARNOLD A. SALTZMAN AWARDS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. ADDABBO, Mr. Speaker, on June 8, the Arnold A. Saltzman journalism award was presented by Senator BIRCH BAYH to Jon Olshaker, a District of Columbia Wilson High School student. I am very pleased that one of the prizes was awarded to Alan Salant, a student at Forest Hills High School in Forest Hills, N.Y. for his editorial in the Beacon, entitled "Tolerance and the Voice of Reason."

In order to inform my colleagues in the House on the importance of these awards and the content of the winning writings, I am placing the text of the news release and the award winning entry of Alan Salant in the RECORD:

D.C. STUDENT WINS NATIONAL JOURNALISM CONTEST—SENATOR BAYH TO MAKE AWARD

The Arnold A. Saltzman Journalism award was presented today by Senator Birch Bayh to Jon Olshaker; a D.C. Woodrow Wilson High School student. The luncheon ceremony on Capitol Hill was attended by Congressmen, D.C. political officials, and community leaders.

Olshaker was awarded First Prize from over 75 entries throughout the country. Second Prizes were awarded to Jose Alvarez of Miami, Florida and to Alan Salant, Forest Hills, New York. Third Prizes went to Robert Hanselman of West Caldwell, New Jersey and Paul D. Schreiber of Port Washington, N.Y.

Presiding at the awards ceremony was Harris Wofford, President of Bryn Mawr College. The awards were made in conjunction with the 1976 Studies Program of Bryn Mawr to mark the 1976 Bicentennial.

The awards are named for Arnold A. Saltzman, co-founder of the 1976 Studies Program, and President of Seagrave Corporation in New York.

These national awards were open to High Schools throughout the country who were invited by Harris Wofford to submit entries "which contribute to an understanding of some aspect of the Declaration of Independence in today's society."

Jon Olshaker's winning entry entitled, "D.C. Home Rule Vital", compares the fight for Home Rule to the American Revolution. "All of those conditions that brought the American Revolution are prevalent today in the District of Columbia", wrote Olshaker. "Washingtonians have continually petitioned Congress", he continued "and they have tried to work within the system, but in return have received only political rhetoric. Washingtonians like the Colonists are tired of being pushed around."

Two second prizes were awarded: one to the *Miami High Times* of Miami Senior High School in Miami, Fla., for an editorial by Jose Alvarez calling for the nation to turn, as it did 200 years ago, from war to the building of a free and peaceful nation. The other second prize winner is *The Beacon* of Forest Hills High School in Forest Hills, New York, in which editorial-writer Alan Salant asked whether the problems of the nation today are "insufferable," as they were to the colonial revolutionaries, or whether they could be solved through the democratic process.

Two third prizes were also awarded: to *The Wire* of West Essex High School in West Caldwell, N.J., whose editor Robert Hanselman wrote, "We ought to prepare now for the second coming of Jefferson. Not with plans to sell souvenirs, trinkets, hot dogs and hoopla, but with a national reaffirmation of our faith in each other . . ." And Matthew Klein of the Paul D. Schreiber High School in Port Washington, N.Y., wrote in *The Schreiber Times* of the way in which thievery and vandalism infringed on the "inalienable rights" of all citizens by promoting fear and suspicion.

One entry in the contest won a special commendation: a "Spirit of '76" issue of the *Redskin Review*, a newspaper published by the seventh and eighth grades of Pequannock Valley School in Pompton Plains, N.J. The five editors, four of them girls, supervised the recreation of a Revolutionary War newspaper, complete with dispatches from the front lines, commentaries on the Continental Congress debates and, for the women on the home front, a recipe for corn bread.

The judges include Creed Black, Editor of the *Philadelphia Inquirer;* Andrew Hershell, Chairman of the Board, Time, Inc.; John J. Johnson, Publisher of *Ebony* and *Jet;* and Meg Greenfield, Deputy Editor of the *Washington Post.*

TOLERANCE AND THE VOICE OF REASON

(By Alan Salant)

The following clause appeared in Thomas Jefferson's "Rough Draft" of the Declaration of Independence:

> . . . *All experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.*

Uncompromised by editing, the clause earned a position in the fourth paragraph of the official Declaration. It represents the voice of reason, the moderating influence which, possessing a knowledge of history, decries senseless revolution. It challenges the radical to prove that existing ills are insufferable. If he cannot meet this challenge, his revolt is doomed to failure.

THE EXTENT OF TOLERANCE

In 1776, Thomas Jefferson was a crusader; he faced the challenge of his own words. His response, the "List of Grievances," asserted that British rule was no longer tolerable. Many colonists continued their support of the existing system; they rejected Jefferson's proof. But the Declaration gained wide enough acceptance to enable the colonists to overthrow the British contingents and to establish a new nation.

Almost two hundreds years have passed. As preparations are being made for the celebration of our Bicentennial, the American system is once again undergoing a thorough examination. What are the evils that plague this nation? Are they sufferable? Are they serious enough to condemn our accustomed form of life?

The last two questions might be applied to our divisive involvement in Indochina. Our response thereto has been that we found this involvement sufferable, and, hence, inadequate as a cause for revolt.

IGNORING THE PAINFULLY OBVIOUS

One might also ask whether the simultaneous existence of poverty and affluence is a cause for rebellion. Evidently it is not, since most Americans seem impervious to the problem. Public opinion to effective welfare plans, and our reluctance to support extensive programs for the care of the elderly, the handicapped, and the sick, indicate that, to our nation as a whole, economic disparity is sufferable.

Or one might ask whether our present crime frequency is sufficient cause to overthrow the system. Obviously it is not. Our trend is toward harsher punishment, rather than toward the study and elimination of the causes of crime. People simply stay at home at night, in secure houses, and absorb the entertainment provided by the mass media. The evidence is that we will lock ourselves indoors, rather than rebel against the conditions that produce this state of terror.

INSURMOUNTABLE IMPASSIVENESS

One might advance other possible causes of revolt: racial inequality, censorship of the press, excessive taxes, expansion of the executive power, political corruption, an overwhelming growth of public discontent. Such motivations may become persuasive in another age, but not now. For the erosion of constitutional guarantees is a sufferable evil in our country today.

Finally, one might allude to the many environmental hazards. The sociological effects of overcrowding do not move us. The effect of pollutants upon vegetation and animal life does frighten us. The spread of respiratory disease does not limit the sale or use of automobiles. The publication of "The Limits of Growth," by the Club of Rome, does not influence us to alter our life-style. Studies of the dangers of worldwide overpopulation warn us but do not stir us to action. The evidence seems to be that ecological perils are still a sufferable evil.

Thomas Jefferson's words have proven to be prophetic. Today our country faces many grave problems. But we consider them to be sufferable. Therein lies the significance of Jefferson's clause. Since we do not believe our present evils to be insufferable, the concept of revolution is irrelevant. But this does not mean that we can ignore the evils and let them become insufferable. As we prepare for the Bicentennial, and in fulfillment of the Declaration of Independence, let us work toward real solutions to our contemporary problems, while retaining the democratic forms "to which we are accustomed."

MICHIGAN NEWSPAPER URGES PHASEOUT OF NUCLEAR POWER

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Friday, June 22, 1973

Mr. GRAVEL. Mr. President, Charlevoix, Mich., is one of the rural spots where a small atomic power plant was completed in 1963. The Big Rock plant is only 70 electrical megawatts, compared with 1100-megawatt plants under construction today.

In an editorial of April 11, 1973, the Charlevoix Courier endorsed a moratorium on the construction of new atomic power plants, and a phaseout of existing plants.

The editorial includes passages from the booklet, "The Case for a Nuclear Moratorium" which is available from the Environmental Action Foundation, 1346 Connecticut Avenue NW., Washington, D.C.

Mr. President, I ask unanimous consent that major excerpts from the Courier editorial be printed in the RECORD.

There being no objection, the excerpts from the editorial were ordered to be printed in the RECORD, as follows:

[From the Charlevoix (Mich.) Courier, Apr. 11, 1973]

UNTIL WE CLEAN UP A-WASTE, MORATORIUM IS ONLY SANE SOLUTION

Since the first newspaper "scare" over the addition of plutonium to fuel rods at Consumers Power Company's Big Rock Point nuclear plant, literally pounds of informational material relative to atomic energy as a source of electrical power have crossed the editor's desk at the Courier.

We have digested as much of the material as possible, and have come to a couple of conclusions which may, on the surface, seem conflicting.

First, we are convinced that Consumers Power Co., has done everything and is doing everything in its power to make the Big Rock Point plant as safe as humanly possible. Certainly the young men and women who work at the plant must feel so, too, or they would not expose themselves daily to deadly radiation or allow their families to live in close proximity to a potential "bomb".

Secondly, however, we have been aghast to learn that neither Consumers Power Co., the Atomic Energy Commission or any of the high-powered brains at any of the nation's many nuclear laboratories has come up with an acceptable solution to the problem of atomic waste.

For all practical purposes, such waste must be stored FOREVER on this planet under eternal surveillance, while suffering mankind keeps its fingers crossed that the atomic garbage dump remains untouched by calamities man-made or natural for untold generations to come.

We do not believe that the present generation is in a position to place such an awesome responsibility on generations yet unborn. And until we can come up with a means of purifying and neutralizing atomic waste, we believe a moratorium on the construction of nuclear power plants is the only sane avenue open to the United States and other nuclear nations.

"The Case for a Nuclear Moratorium" is well stated in a booklet by that name published by the Environmental Action Foundation. Listen what the authors have to say:

Dr. Hannes Alfven, Nobel Laureate in Physics, writing in the May, 1972, Bulletin of the Atomic Scientists:

"Fission energy is safe only if a number of critical devices work as they should, if a number of people in key positions follow all their instructions, if there is no sabotage, no hijacking of the transports, if no reactor fuel processing plant or reprocessing plant or repository anywhere in the world is situated in a region of riots or guerrilla activity, and no revolution or war—even a 'conventional one'—takes place in these regions. The enormous quantities of extremely dangerous material must not get into the hands of ignorant people or desperados. No acts of God can be permitted."

John W. Gofman, M.D., Ph. D, professor of medical physics at the University of California and a former associate director at the Lawrence Radiation Laboratory: "Plutonium-239, the most poisonous element ever handled in quantity by man, is the very heart of the nuclear power industry, breeder or non-breeder . . . Dispersed as fine insoluble particles (about one micron in diameter), one pound of plutonium-239 may represent the potential for some nine billion human lung cancer doses. Given the 24,400-year half-life of plutonium-239, any plutonium dispersed into the biosphere presents a major carcinogenic hazard for more than the next thousand human generations. The annual handling of plutonium-239 in a fully developed nuclear power economy will be in the one-hundred-ton category, or some 200,000 pounds annually. Comparing this with the one pound that can provide an intolerable potential lung cancer burden, we estimate that better than 99,999 percent containment of plutonium-239 is hardly good enough to avert disaster."

Dr. Alvin Weinberg, director of the Oak Ridge National Laboratory: "We nuclear people have made a Faustian bargain with society. On the one hand, we offer an inexhaustible source of energy. . . . But the price that we demand of society for this magical energy source is both a vigilance and a longevity of our social institutions that we are quite unaccustomed to."

Mike Gravel (D-Alaska), member of the U.S. Senate since 1968 and author of a nuclear power moratorium bill: "The nuclear power issue is essentially a moral issue, not a technical one. Radioactive nuclear pollutants which escape into the environment can kill and maim living creatures for centuries after we have enjoyed our electricity. One of the well-known effects of exposure to extra radioactivity is extra genetic injury. As John Francis of the Scottish Council of Churches has said: 'the minimum morality of man is to leave the gene-pool of humanity intact.'

"Nuclear power plants today are creating long-lived radioactive poisons which will have to be kept out of the environment for 100,000 years. Unless stopped, the plants in the U.S. alone will have produced enough radioactive garbage and plutonium in the next thirty years to kill or maim almost every living thing on earth. Will our generation make the future of life subordinate to the future of the nuclear power industry? Shall we make the future of life depend on the success or failure in containing the radioactive by-products of nuclear electricity? In effect, the nuclear power industry has started to use the entire planet as a laboratory for its radioactive containment experiment, and us as its involuntary guinea pig.

"The 150 nuclear plants already planned or operating will produce more long-lived radioactivity in this country every year than about 130,000 Hiroshima bombs. Ask any nuclear enthusiast what gives him such confidence that imperfect human beings will manage to keep 99.99 percent of that radioactivity under perfect and perpetual control and then evaluate the vacant answers carefully.

"When those in business understand that a single nuclear accident can do twice the property damage of Hurricane Agnes, totally ruin the economy of a huge region of this country, and lead to an unplanned nuclear shutdown from coast to coast, they may consider an immediate moratorium the only responsible position."

The authors of "The Case for a Nuclear Moratorium" point out that the world is still far removed from the point where nuclear energy is the only alternative to no energy at all. They point to coal reserves that will last several hundreds of years in the United States alone. They also suggest that our electric utilities are putting all of their eggs in the atomic basket, while other potential sources of energy—such as geothermal and solar energy—have been ignored.

Don't get us wrong. We have no quarrel to pick with our good friends at Consumers Power. But we feel strongly that until the problem of disposing of atomic waste is solved, the United States and other atomic powers must declare a moratorium on the construction of new nuclear plants and a phase out of existing plants.

In the meantime, the know-how of our scientific community should be exerted in either findings ways to clean up atomic waste or researching alternate methods of power generation.

The risks involved in the continuous stockpiling of nuclear debris in hopes that a solution will be found at a future date are risks that mankind should not be forced to take.

We fully realize that billions of dollars already have been expended in the development of nuclear generating plants. But we also realize that billions of dollars mean nothing when weighed against the fate of the human race.

INTERNATIONAL TRADE PROBLEM

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. KEATING. Mr. Speaker, as the Ways and Means Committee considers trade legislation I would like to bring to my colleagues attention a situation that has arisen in my congressional district which demonstrates the need for the United States to protect its interests in the trade markets.

Since the end of World War II a sizable market has developed for furniture made from rattan. Rattan is a wood product that is grown in the Philippines. Indeed 50 percent of all the rattan in the world is in the Philippines.

The largest rattan furniture company in the country is in Cincinnati, Ohio. The Ficks Reed Co. has 300 employees and an annual payroll of $1.5 million.

The Philippine Government has recently announced that it will no longer allow the exportation of any rattan poles. If this decision is not changed it would effect the 300 employees in my district and the 3,000 other employees who work in rattan furniture companies across the country.

The proposed trade bill submitted by the administration contains language which would permit the President to act when a nation takes an unjustifiable or unreasonable action which would burden or restrict U.S. commerce. It is my hope that when the committee takes final action on the trade bill it will consider actions such as the one taken by the Philippine Government.

I would like to insert in the RECORD a statement made by the International Association of Rattan Manufacturers and Importers:

INTERNATIONAL TRADE PROBLEM

THE FOLLOWING IS INTENDED TO PRESENT THE POSITION OF THE INTERNATIONAL ASSOCIATION OF RATTAN MANUFACTURERS AND IMPORTERS

BACKGROUND

The current status of the American Market for rattan products is excellent. The product is in demand by all forms of retailers at all price ranges. At the present time, there are 16 manufacturers of rattan products who manufacture using imported poles. In addition to the above, there are numerous small manufacturers who buy in small quantities and only supply a local market. The above 16 manufacturers distribute their products nationally. In addition there are four firms who import rattan to sell to these manufacturers, as well as a substantial amount of rattan is imported directly by the manufacturers. Almost without exception, the manufacturers are operating at capacity levels. There are again in addition to the above, three manufacturers who import frames and parts, some of which are rattan frames and some of which are woven. Many of the firms using rattan poles in the United States produce a product of a type and in such quantity that it is doubtful that the manufacturing facilities in the Philippines would be capable of supplying the market. The market for rattan products further in the United States is such that the domestic manufacturers are continually being forced to make style changes which necessitates the building of inventories much more quickly than can be done if one has to produce and ship from the Philippines. In light of the above, I think it is important that we carefully look at the following facts:

1. The supply of rattan poles from the Philippines at the present time is very good. Manufacturers and importers located in the United States are continually being offered poles for sale. There is a substantial question as to whether the trade ministry adequately researched the supply situation prior to its ruling, or merely took the word of private interests, who might very well feel that if rattan poles were not exported the local price might drop. The net effect of this in the long run is to produce less dollar income for the Philippines.

2. There are numerous alternate varieties of rattan in other countries which can be used to manufacture the same products we are currently making. There are a number of large companies in the United States who do not believe they can effectively import frames or parts and maintain their current level of output and quality who would have no choice but to use these other varieties. Further these companies have millions of dollars in capital investment in plant and equipment in the United States which as long as there is an alternate raw material available, they will use. The net effect of this again is less dollar revenue for the Philippines.

3. Over the last many years the unprecedented demand for rattan products in the United States has been built through the advertising and marketing expenditures of the large companies located in the United States. If the funds spent on advertising were to be withdrawn by these companies and the subsequent exposure lessened, the American market for rattan products both manufactured here and in the Philippines would diminish very rapidly.

4. It is entirely possible with the current able to produce a product for sale in the rapid increase in ocean freight rates that the Philippine manufacturers would not be United States at a price which would be attractive to the medium priced and lower priced rattan market. If this were to happen, there is a distinct possibility many stores which currently sell rattan products would no longer handle them. The current strength of the rattan industry in the United States is based on having a wide variety of merchandise in different price ranges. If manufacturers were unable to supply due to ocean freight rates, products in the medium and lower price ranges, the basis of this market would dissolve. Currently ocean freight rates represent 33% of the selling cost and if this would become substantially higher rattan would become, because of the price, unattractive to a large percentage of the buying public. This naturally would seriously affect the export of rattan and rattan frames from the Philippines and further diminish the dollar revenue for them.

5. Fewer and fewer companies in the United States are importing set-up furniture from the Philippines. This is largely indicative of the ocean freight rate problem, which would similarly affect any attempt to export frames made in the Philippines. As pointed out earlier, it is just not possible to produce set-up furniture in the Philippines and sell it profitably in the medium price and promotional market in the United States.

In summary, if the manufacturers in the Philippines have made the assumption that they are going to absorb the entire market for rattan furniture, this is simply not true. As pointed out earlier, American manufacturers are going to make every attempt to minimize their loss by using alternate sources of raw material. Ocean freight rates on set-up furniture prohibit reaching a large part of the market with set-up imported furniture. The established manufacturers in the United States are no longer going to be in a position to give the advertising support to Philippine products which they have in the past.

A realistic appraisal of the above factors can only lead to one conclusion. The Philippines, in the long run, would lose not only the dollar revenue from the importation of rattan poles, but in addition, a large percentage of their current market for parts and set-up furniture. Therefore, the assumption that the Philippines would actually gain this market is highly questionable.

Respectfully Submitted.

GERALD J. FICKS, Jr.,
President.

NUCLEAR POWER: MONEY AND PUBLIC OPINION

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Friday, June 22, 1973

Mr. GRAVEL. Mr. President, suppose that nuclear power opponents had had as much money as nuclear power advocates to present their views for the past several years? I think public opposition to nuclear powerplants might be overwhelming by now. In fact, the Senate might be ready to pass a bill like S. 1217, the Nuclear Power Moratorium Act of 1973.

The controversy over nuclear power today is not a fair fight in a fair forum where the best case might win. It is an unfair fight in which only one side has the money to spread its message widely and repeatedly to the public.

What is the size of the AEC's public information campaign? John Harris, AEC Director of Information Services, has recently supplied the following information at my request:

TABLE—AEC INFORMATION SERVICES

Category	Fiscal 1971	Fiscal 1972	Fiscal year 1973 (estimate)	Fiscal year 1974 (request)
Technical information	$4,616,000	$4,719,000	$4,466,000	$5,050,000
Exhibits and museum program	685,000	604,000	745,000	1,100,000
Audiovisual	234,000	243,000	225,000	225,000
Press releases, speeches, symposia	14,000	21,000	25,000	25,000
Major international conferences	354,000	344,000		
Total	5,903,000	5,931,000	5,461,000	6,400,000

4,000 FILMS AND 1,500,000 BOOKLETS

The following figures are also from Mr. Harris:

In Fiscal 1973 the Office of Information Services expects to spend approximately $120,000 for the production of popular level and educational films . . . There are 120 educational and general information films in circulation today which deal with the peaceful uses of atomic energy. The number of prints of those films in circulation is about 4,000.

We estimate that approximately 3.5 million persons saw these films in 1972, exclusive of TV. About 155 television airings were achieved.

In Fiscal 1973, we expect to spend $60,000 for the preparation and printing of information booklets. Approximately 1.5 million booklets were distributed in Fiscal 1972 . . .

In Fiscal 1973, we expect to distribute approximately 1.5 million information booklets . . . [In addition] we estimate approximately 4.9 million individuals will be reached through the exhibit, science museum and audiovisual activities funded under the Fiscal 1973 budget.

That represents the product of a single year. The cumulative AEC pubic information product is even more overwhelming.

THE GOSPEL ABOUT THE PEACEFUL ATOM

In a speech on February 11, 1970, the AEC's Assistant General Manager at the time, Howard C. Brown, described the AEC's unrelenting effort to promote the peaceful atom:

We've had a public information program for 20 years and a lot of effort has gone into it. For example, we've put out something like 10,000 press releases. We have a film library of some 11,000 prints. We've put out some 50 annual and semi-annual reports.

We've made hundreds of speeches over the years, held scores of news conferences, and have circumnavigated the globe many times over spreading the gospel about the peaceful atom.

In June 1970, I received a few additional details from the AEC Chairman, then Glenn Seaborg. At that time, the AEC had 66 films in circulation, and these films were seen by approximately 4.5 million people in 1969, "exclusive of television use, which is large." Between 120,000 and 240,000 copies each of several booklets in the AEC's "Understanding the Atom" series had already been distributed as of June 1970, including 140,000 copies of "Nuclear Power and the Environment."

Although the AEC's nuclear promotion campaign all by itself could swamp the efforts of citizen opponents who must sometimes rely on handcranked Mimeograph machines, the Government campaign is dwarfed by the industry's efforts.

RAISING $6,400,000 PER MESSAGE

More and more utilities are enclosing pronuclear propaganda with their bills. The Potomac Electric Power Co. recently sent a 12-page pamphlet touting nuclear power into every home in its domain.

It would cost citizen opponents at least $6.4 million to mail a different point of view just once into each of the country's 64 million households—while utilities can do it "for free" with the bills again and again.

Some nuclear utilities even have billboards and tourist centers, and they contribute to national pronuclear magazine advertisements through the association of investor-owned electric light and power companies. National magazine advertisements for nuclear power can cost over $50,000 per shot, and there have been many of them in the last 2 years. A few TV spots promoting nuclear power have also been broadcast.

In addition, the nuclear industry supports the information program of the Atomic Industrial Forum in New York City; the forum, which has several hundred members, describes itself as "a not-for-profit association of business, professional, education, labor, and governmental organizations concerned with the peaceful applications of nuclear energy."

VIOLATING A SENSE OF FAIRPLAY

For the nuclear opposition to match the nuclear promotion campaign of Government and industry combined, citizens need well over $10 million a year—not handcranked Mimeograph machines.

Why do decent individuals in Government, industry, and the general public tolerate a contest in which one side has all the best equipment money can buy, and the other side has all the handicaps? That alone should offend our common sense of fairplay.

It seems that many people confuse the gallantry of "underdogs" in a fair fight with the degradation of citizens in an unfair fight. Perhaps people cannot admit to the real humiliation involved when they not only accept unfair conditions, but also feel grateful for simple permission to participate at all.

In the contest over nuclear fission, what is at stake is not the sale of one toothpaste instead of another. Citizens have every right to participate fully, because the stakes involve personal safety and survival, genetic integrity of the human species, health, national security, personal property, and the right not to be made into involuntary guinea pigs in a giant radioactive containment experiment. These are inalienable rights which even a majority may not properly take from a minority.

A GOOD BET

If public policy in a democracy is to be determined by majority opinion, however, and if majority opinion is to be determined by the advocates with the most money for public information and advertising, then it is a good bet that big government and big business will continue prevailing on almost every issue in this country.

Is that what we want? The nuclear fission controversy is not unique in this situation. Unequal access to "the public mind" is a major flaw in the whole democratic process today, regardless of the issue. Big Government and big business can use tax-dollars and consumer-dollars to overwhelm the message of critical taxpayers and consumers.

Unless self-respecting citizens insist on a remedy for this abuse of their money and their minds, democracy could become a complete joke.

WINNING A NUCLEAR MORATORIUM

In spite of all this, I believe that a nuclear power moratorium can be won, because I believe the need for it will ultimately unite diverse groups on the same side of the line—labor, nonnuclear business, farmers, religious groups, health people, civil liberties defenders, environmentalists, peace-doves and hawks.

While these groups will not drop their special pursuits in order to win a nuclear moratorium, they may donate some space in their newsletters and journals to the need for it. That is beginning now. Eventually, the combined circulation of such newsletters and journals may reach as many people as the mass-media resources of nuclear promoters.

Meanwhile, citizens who want protection of their lives and land from the nuclear experiment will have to sacrifice much of their precious free time to do battle against the lavishly funded nuclear-promotion campaign of the AEC and the nuclear industries.

WHY JOIN AN UNFAIR FIGHT?

It is not fair, and the only reason I have the nerve to ask people to join an unfair fight is because an irreversibly poisoned planet would make every other issue trivial by comparison.

The moratorium is so urgent that we cannot afford to postpone the fight for it until the rules are fair.

But in the longer run, free people can not afford to let big government and big business use dollar power to dominate public policy. If we tolerate that, we will deserve whatever we get.

WALLACE ARROWSMITH RETIRES AS CITY MANAGER OF WAYNE, MICH.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, on June 30, a most remarkable career will come to an end, when Wallace Arrowsmith retires as city manager of Wayne, Mich., in my congressional district.

Wally Arrowsmith, during the past 30 years, has served at four levels of Government—Federal, city, village and township—and has earned respect and admiration at every point.

He first entered public service in 1943 with the Federal Public Housing Authority, serving as assistant manager of the Norwayne Housing Project in what was then the village of Wayne.

Three years later, at the end of the Second World War, he made his first and only bid for elective office, and won election as Treasurer of Nankin Township, now the city of Westland. In 1949, he became Village Manager for Wayne, launching the community into the most progressive and innovative period of its long history.

A major accomplishment for Wayne, and for Wally Arrowsmith, was the incorporation of the Community as a city in 1960. During the difficult and complex transition period, it was the guiding hand of Arrowsmith that helped make the changeover with few problems.

In the intervening years as a city, Wayne has retained Arrowsmith as city manager, through many changes in administration and elected offices. The community has grown and prospered.

Mr. Speaker, the city-manager form of government has never become widespread nor popular in Michigan for a variety of reasons. The city of Wayne, with Arrowsmith as city manager, has been an outstanding exception.

In addition to his remarkable achievements in the community, Wally Arrowsmith has won recognition in other areas. He has served as president of the Michigan International City Management Association, and has been extremely active at the National and State levels of the organization. He has also served on the Board of Trustees for the Michigan Municipal League, and has contributed his time and services generously for committee work and other activities.

In 1955, he spearheaded a move which led to the creation of a five-community Central Wayne County Sanitation Authority, one of the most effective authorities serving a major urban area in Michigan.

Arrowsmith was honored in 1969 when he was among six persons selected from throughout Michigan as recipients of the Governor's Award for Distinguished Public Service.

A life-long resident of Wayne, Arrowsmith was a charter member and is a past president of the Wayne Jaycees; a member of the Rotary Club, and an active participant in the annual United Community Services Drive. His wife, Mildred, and their sons, Owen and Brian, are also active in the community. Brian was elected last year to the Wayne County Board of Commissioners.

THIRTEEN CAROLINA UNIONS SUPPORT NUCLEAR POWER MORATORIUM

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Friday, June 22, 1973

Mr. GRAVEL. Mr. President, a brief and lucid statement endorsing a national nuclear power moratorium was passed by the Catawba Central Labor Union—AFL-CIO—in Rock Hill, S.C., on March 12, 1973, and was forwarded on April 7 to the AEC by the union's president, Melvin Burris. The Catawba Central Labor Union represents 13 local unions with a membership of 7,000 individuals.

Mr. President, I ask unanimous consent that Mr. Burris' letter to the AEC Safety and Licensing Board be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 7, 1973.

Chairman Max Paglin and Members of Atomic Energy Commission Safety and Licensing Board:

I, Melvin Burris, President of Catawba Central Labor Union, P.O. Box 10957, 134 N. Wilson Street, Rock Hill, S.C., wish to state the position of our membership of 7,000 citizens who work and live in the Rock Hill—York County area.

On March 12, 1973, at our monthly meeting, Union leaders and Delegates from thirteen local unions voted unanimously to go on record opposing the licensing and construction of the Catawba Nuclear Station sited for Lake Wylie in York County. We also at this time voted to support the Carolina Environmental Study Group to represent our interests in the intervention against the construction of this plant. We are in support of national moratorium on construction, licensing and operation of all atomic power plants and reprocessing facilities until the major health and safety issues have been fully resolved. Until this time we advocate use of fossil fuels and development of solar energy and clean energy sources.

We are specifically opposed to the proposed Catawba Nuclear Station because of the serious risks surrounding the question of the untested safety systems, waste transport and disposal methods, possibilities for sabotage and hijacking, possible consequences of severe health damage from low level radiation, and loss of peace of mind that will come from living near two large reactors that are relatively experimental. We in the state of South Carolina are already burdened with more nuclear facilities and potential dangers than citizens of any other state.

We believe the burden of proof and potential health and property damage should not be placed on the shoulders of the average citizen and business community who stand to lose all that is vital to their lives and existence if an accident occurs.

Our members are also concerned about the possible death of Lake Wylie from the possible heating by the proposed Catawba Nuclear Station up to 103 degrees F., if cooling towers are not installed. Under these conditions most of the fish would be killed and the water would be bad for both drinking and recreational purposes. Property values would be damaged as well as the quality of living in this area and business operations relying on water cooling sources from the lake.

Very truly yours,

MELVIN BURRIS,
President, Catawba Central Labor Union, P.O. Box 10957, 134 N. Wilson Street, Rock Hill, S.C.

PRISON REFORM IN NORTH CAROLINA

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, for many years, one of North Carolina's leading newspapers, the News and Observer, in Raleigh has featured many deserving citizens in its Sunday column "The Tar Heel of the Week."

On Sunday, June 10, this honor went to a man named John Campbell. In the article headlined, "A Man Who's Seen Prison Life From Both Sides Now," Mr. Campbell was described as "one of the best examples in recent times of rehabilitation working in the North Carolina prisons system."

Described in this feature article is a most remarkable success story, and I am pleased to share this with my fellow Members of Congress by including it at this point in the RECORD:

A MAN WHO'S SEEN PRISON LIFE FROM BOTH SIDES NOW

(By Bob Joyce)

"I've still got some bad habits," John Campbell said with a smile. He had found the door to his office locked, and now stuck his comb past the catch, trying to by-pass the lock.

He had to twist it a couple of times, but in a second the door came open.

"I must be rusty," he said, smiling again.

Campbell is one of the best examples in recent times of rehabilitation working in the North Carolina prisons system. He is now a counselor at the Sanford Advancement Center (a correctional institution), a state Jaycees officer, and an active community citizen.

TRAGIC START

And he can joke now about breaking in, but not too long ago robbery became a tragically serious matter for him.

In early 1970, Campbell, then 28, was running a bill collection agency in Statesville. He was having personal and family problems he couldn't seem to shake, and was drifting toward alcoholism.

On January 22, he and his brother-in-law decided to rob a grocery store in Winston-Salem. Two days later they robbed the Friendly Supermarket in Stoneypoint. Twenty minutes after the second robbery, a police roadblock caught them.

The two armed robberies netted them just over $700.

It wasn't long before Campbell was tried and given a 15–18 year sentence. He went to the maximum security section of Central Prison in May.

Just after his trial, he reflected on what had happened to him in a letter to the Winston-Salem Sentinel.

"How much money is freedom worth?" he wrote. "The freedom to travel, to select the foods you enjoy, the clothes you like to wear, a kind word, a sincere smile, the joy of watching a child play, the pleasure of a beautiful day, the physical love of a mate, or the satisfaction of a job well done?

"Why would anyone risk all these riches for the same of some quick money?

"The defendant (at the trial) knew no answer. I was that defendant. I hope you are not the next one."

At the prison, he was put in a maximum security dormitory, where 90 inmates lived in a room for 50. He deeply resented being there.

"For the first six or eight months I was bitter toward the world. I was thrown in with all sorts of people in horribly crowded conditions. I considered myself an outcast," he said recently.

INTO SLAVERY

"It's kind of like a free man being captured and forced into slavery. You are told what to do, how to do it, and when to do it. The only way to describe it is hell."

After those months of bitterness, his attitude started to change. he learned of a Jaycee program in the prison which makes inmates full members of the Jaycee organization, and sponsors programs of self-help in the prison, and community relations outside.

"That was when I decided that my future had to be up to me," he said.

He was soon elected president of the chapter inside Central Prison.

During Gov. Bob Scott's initial tour of the prison which led to a two-year study by the State Bar Association and call for prison reform, Scott met Campbell at work in the Jaycee office in the prison. He urged him to keep up the good work, and a good attitude.

Campbell began to see changes within the prison as a result of the Jaycee work as more prisoners got involved, in part through his own work.

"The program has made a change in the attitudes of the people there (in the prison). It used to be completely cat-and-dog! Everybody was after each other. The Jaycees have given many of them a spirit of cooperation. It's a very healthy thing."

One example of the change is a breakdown in the old inmate's code which decreed that no prisoner would talk to a guard, or report anything that happens among the prisoners.

Campbell said that the main advantage of the Jaycee program is that it is geared toward action by the inmates rather than the prison staff.

"A man gets his feet wet helping solve his own problems," he said. Volunteers from the community come in to sponsor an inmate, to take him out of the prison regularly, to give him the chance to participate in a successful and happy family life, to have a model to pattern his life after when he gets out of prison.

Campbell's sponsor was Fred Morrison, then state Jaycee president, and current legal aide to the governor. Morrison has been a moving force behind the expansion of the prison Jaycee program to include presently over 40 chapters statewide and 1,000 inmate members, almost one prisoner in ten.

BEGAN TO TRAVEL

While still a prisoner, Campbell began to travel with Morrison through the state encouraging the new Jaycee programs, and working up enthusiasms within the communities.

In July, 1972, Morrison appointed Campbell Associate Secretary of the N.C. Jaycees, the first inmate to hold a statewide office. It is the highest office ever held by an inmate Jaycee in the nationwide program.

At about this same time, Campbell began a "New Careers" program, receiving an education in counseling. The program was conducted by North Carolina State and Florida State universities. He began to look forward to parole and a new job.

In November, the parole came and Campbell went to work at the Sanford Center, where he is one of six counselors for 42 residents.

He continued his work with the Jaycees, and in February, 1973, he was awarded the George Randall Rookie Correctional Officer of the Year Award.

"The nomination for the award came from the residents here at Sanford," he said, "That meant more to me than the award itself."

The nomination was written by Terry Sneeder, a Sanford inmate. It said that Campbell "has opened up new channels of communications and his example offers Hope to many inmates who could not see a better future, for the men in prison live mainly on hope and through John Campbell's success, we can all see that any void may be filled, that it takes a lot of hard word but any man can succeed if only he tries. It's a great example for us all."

Ironically, the same weekend Campbell received the award the president of the Odum Prison Jaycee Chapter walked away from the meeting, and allegedly killed a young boy and raped a girl in Western North Carolina.

The incident was a blow to the Jaycee program, but after a thorough review, all volunteer programs were put in full swing again.

In response to the incident, Morrison appointed Campbell Institutional Chapter Representative of the Jaycees to work with the 44 prison chapters.

"As Jaycees," he wrote to the prison chapter members, "are we going to let one incident, even a tragic and regrettable incident, cost us ground that we have won by sheer hard work and faith in our organization? Are we going to let one individual destroy the progress we have made?

"Hell, no! I think we have the guts and determination to prove our faith in this organization that has done so much for us."

DEFINITE VIEWS

As a man who has seen prison life from both sides, and who now counsels prisoners about their personal and family problems, Campbell has some definite view on what needs to be done in prison reform in North Carolina.

He is careful to point out, however, that he thinks conditions generally are improving, both within the walls, and within the attitudes of the people outside in the communities of North Carolina.

First, he says, there is need for some personnel changes at the prison-unit supervisor level and higher.

"Some of these men have the old chaingang attitude," he said. "But they are usually locally prominent people politically who have been there 15 or 20 years. How do you get rid of them."

The number of supervisors who fit this category is steadily decreasing, however, he adds.

Second, those working within the prison should be paid an incentive wage for work they do.

As it is now, a prisoner who has an interested family outside the prison who can send him money regularly has a tremendous advantage over the man with no one helping him.

"Those men feel that they are confined against their will with no chance to do anything for themselves to get a small amount of money to purchase a few simple things, really necessities, like soap or cigarettes," he said.

Third, conjugal visits should be allowed in those prisons where the men are not allowed out.

"Confinement is enough punishment. We're not doing him any service by cutting him off from a normal heterosexual relationship, forcing him to accept values that society doesn't normally, like homosexuality.

HEALTHY RELATIONSHIPS

"And there is tremendous need to maintain healthy family relationships so he can be accepted when he gets out."

Fourth, he wants expanded vocational training programs. Too often, he said, prison work is make-work, which fosters poor work habits and trains the man for nothing when he gets out.

Campbell is currently under consideration for a national Jaycee award for outstanding work among inmates. Morrison thinks he will get it.

"I'm no crusader," Campbell said. "I just enjoy helping people. And now I look forward to getting up every morning."

PLOWSHARE AND TEST-BAN TREATY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, the following statement was prepared by Mr. Gary Largo, son of Mr. and Mrs. Al Largo of Rawlins, Wyo., a summer intern on my staff. It effectively correlates the AEC's Plowshare program with problems in negotiating a Comprehensive Test-Ban Treaty. The material which Gary has assembled is highly relevant today with Soviet Leader Leonid Brezhnev's visit and our impending consideration of the AEC authorization bill. I congratulate Mr. Largo on this excellent, scholarly, effort and offer it for the perusal and consideration of my colleagues:

PLOWSHARE AND THE COMPREHENSIVE TEST-BAN TREATY

(By Mr. Gary Largo)

Two major treaties, which the United States has signed, commit us to the seeking of a Comprehensive Test-Ban Treaty (CTB) which would outlaw all nuclear testing. These treaties are the Partial Test-Ban Treaty (PTBT) of 1963 and the Nonproliferation of Nuclear Weapons Treaty (NPNWT) of 1968. Quotes from these documents which provide for negotiation of a CTB follow:

"Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end . . ." [1]

"Recalling the determination expressed by the parties to the 1963 treaty banning nuclear weapons tests in the atmosphere, in space, and underwater in its Preamble to seek to achieve the discontinuance of all test explosions for all time and to continue negotiations to this end . . ." [2]

Support for a CTB has come from the United Nations in the form of a resolution calling for a moratorium on nuclear testing to begin in August of 1973, the tenth anniversary of the signing of the PTBT. Strong Congressional support is present for a resolution calling upon President Nixon to negotiate a CTB with Soviet Premier Brezhnev during the current summit talks. Many Congressman feel all testing should be suspended in the interm, provided that the Russians reciprocate.

Limitations placed on arms by SALT I, especially in the ABM field, have greatly reduced desires for testing of more nuclear arms. With only 200 inceptors allowed each side, it is almost impossible to justify any further improvements in warheads for this purpose.

Effects of the ABM Treaty also apply to warheads used for offensive purposes. Without any effective ABM force to penetrate, the need for new warheads disappears. There is no further need for testing of warheads built to withstand high-altitude nuclear explosions since the allowed number of ABMs could be overwhelmed with a small fraction of the existing strategic forces.

Additional testing is necessary only for a first-strike force able to destroy the enemy's missiles in their silos. Standing U.S. policy has been to avoid construction of such a force so as not to provoke the Soviet Union into another round in the arms race.

On the other hand, a complete test ban would help to assure the U.S. that the Soviets were not working to improve their warheads.

The benefits of SALT I are not limited to the weapons development part of the problem alone. The ABM Treaty creates a mechanism by which explosion verification problems can be solved.

Verification provisions of the ABM Treaty afford a means of bridging the gap between U.S. demands for on-site inspection and the Soviet's reluctance to agree to such inspections. In this treaty, both nations agree to use technical means of verification; that neither nation will interfere with such means; and that neither will use concealment to impede verification.

The primary problem in verifying an underground test is the difficulty in differentiating seismic signals from earthquakes and explosions. Now with greatly improved seismic methods and computer processing, it is possible to classify almost any detectable seismic event as an earthquake or an explosion.[3]

New environmental developments have negated the need for on-site inspections for verification purposes. As a part of last year's environmental agreement between the United States and the Soviet Union, earthquake measuring devices will be installed in Russia by American scientists. These developments are best summarized in a statement by a committee of the Federation of American Scientists.

"Given recent improvements in seismology and other means of detection, we believe that the U.S. would detect Soviet violations of a test-ban treaty before they could carry out enough tests to score a breakthrough that would threaten the stability of a nuclear balance. . . . Without on-site inspections, clandestine cheating is far less plausible now than it would have been in 1963 with on-site inspections." [4]

The use of nuclear explosions for peaceful purposes is now generally realized, at least in the U.S., to have few economic advantages and many environmental and safety problems. This program, Plowshare, has been a block to a CTB because it could provide an ideal cover for the testing of nuclear weapons.[5]

After exploring a number of uses for nuclear explosions, Plowshare has shown only that methods other than nuclear have fewer consequences environmentally, economically, and politically. Since the potential benefits of Plowshare explosions now appear to be marginal—if they exist at all—the program should not be an impediment to a ban on underground testing.

CTB would not necessarily stop the Plowshare Program. Peaceful uses for nuclear explosions could continue with on-site inspections being made at the blast site.[6] However, elimination of the Plowshare program might be the price required to be paid for a Comprehensive Test Ban Treaty.[7]

FOOTNOTES

[1] Partial Test-Ban Treaty ratified 10 October 1963.

[2] Nonproliferation of Nuclear Weapons Treaty ratified 1 July 1968.

[3] Scoville, Herbert Jr., "After SALT, A Total Test Ban?," Washington Post, February 4, 1973.

[4] Kennedy, Hon. Edward M., Speech on the floor of the U.S. Senate, February 20, 1973.

[5] Scoville, op. cit.

[6] Report by the office of Senator Philip A. Hart, Congressional Record, June 11, 1973, pp. 18985–92.

[7] "Prospects for a Comprehensive Nuclear Test Ban Treaty," Staff report by the Subcommittee on Arms Control, International Law, and Organization of the Foreign Relations Committee of the United States Senate, November 1, 1971, p. 9.

FURTHER LIMITATION OF STRATEGIC OFFENSIVE FORCES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. SPENCE. Mr. Speaker, I am taking this opportunity to have inserted into the CONGRESSIONAL RECORD the recent agreement—along with White House factsheet—between the United States and the Union of Soviet Socialist Republics pertaining to further limitations of strategic offensive forces. Obviously, I have not yet been able to make an exhaustive evaluation of these agreements; however, even a cursory review raises several questions which greatly concern me.

The Nixon-Brezhnev agreement sets the stage for the early conclusion of various accords on the limitation of strategic offensive forces. Accords may be reached on an interim basis prior to the conclusion of a permanent agreement detailing limitation of strategic offensive forces for 1974.

Principle No. 6 of the new agreement permits supplementary agreements that might be concluded immediately or in the very near future, even before the negotiations on the permanent agreement are completed; under this principle a specific area of competition could be temporarily halted, in order to hold open the possibility of permanent limits.

It is my impression that this statement definitely tends to support the reports I have received and which I outlined to the House on June 7 that some type of MIRV limitations may be an early result of this exercise. The most important "specific area of competition" is counterforce-capable MIRV.

What is even more disturbing to me is that, if limitation on MIRV'ing of the land-based Minuteman III is a short-term goal of the agreement, as principle No. 6 suggests, then consideration may well be being given to limitations on MIRVing of Poseidon and Trident missiles as part of the later permanent agreement.

On the average, about 65 percent of the total U.S. strategic offensive nuclear forces on alert and available for immediate use are ICBM's. Recent Soviet emphasis on improved ballistic missile guidance and control systems make the development of a Soviet threat to U.S. ICBM's the most immediate "area of competition" to which an interim accord is likely to be directed. For example, test flights of the Soviet's Stellar-inertial guidance package for their 4,000-mile-range SSN-8 submarine system, Startrack, was terminated in 1969 because its great accuracy would arouse Soviet "first strike" fears. Allowing the Soviets to improve their ability to target U.S. ICBM's would place nearly two-thirds of the U.S. strategic offensive forces in jeopardy.

In my remarks on June 7 I suggested that, having been frozen into a position of quantative disadvantage by the SALT I accords, we were now considering agreements which would lock us into a qualitative disadvantage, as well. One form which qualitative limitations could take would be a halt in Minuteman III MIRV deployment at or near current deployment levels. Since the United States has not deployed counterforce-capable reentry vehicles on board its Minuteman III missiles, it could be argued that there is no threat to Soviet strategic forces from a modest Minuteman III deployment.

We now have in place about 300 of the programed 550 Minuteman III's. This is a particularly attractive proposition to many people who have opposed MIRV from the outset, because a halt in U.S. ICBM MIRV deployments could be described as a mechanism to "preserve the option" of eliminating MIRV completely in any permanent agreement. In actual fact, however, this would constitute an abandonment of the most important qualitative advantage of the most numerous component of our strategic offensive system without any diminution in the Soviet threat to the United States.

Against this background, two factors with regard to the new agreement are of greatest concern to me. One is the total inadequacy of the "National Technical Means of Vertification" to police the kind of agreements which now seem to be in the works. The other is the fact that we still do not know whether the number of existing Soviet missiles which we accepted as the basis of the first accords was accurate. These are extremely vital matters and I will discuss each of them briefly.

As regards the "National Technical Means of Verification," it is purely and simply not feasible, within the confidence limits the Congress would require, as a means of verifying the qualitative characteristics of a MIRV ban. Acceptance of such a monitoring system for qualitative parity would not be consistent with the security interests of the United States and I do not believe Congress would support an agreement limiting MIRVs which depended on that mechanism for monitoring. Put very bluntly, we cannot agree to a MIRV ban without adequate onsite inspection. To my knowledge, no adequate method has been developed that would enable us to determine whether a Soviet missile has or does not have MIRV in an operational silo.

Testimony taken in 1970 by the Congress on the possibility of a MIRV ban through limitations on flight tests revealed the difficulty of such an enterprise. It is possible, for example, to detect missile test launches within the Soviet Union, but it is equally possible for the Soviets to conduct flight tests on low trajectories so that the flight itself cannot be observed with the ease of a missile launch. Such flights can test missile guidance, improved rocket propellants, reentry vehicle radiation hardening, command and control, et cetera.

To date the Soviets have been very adamant that any and all agreements exclude onsite inspections. Perhaps that situation has changed. It would seem that in order to develop treaties or agreements based on the principles enunciated in yesterday's agreement, the Soviets must have agreed to some type of onsite inspections. But the question must be asked and answered before any MIRV ban agreement is accepted by Congress.

With regard to the other point of my concern, the Soviet leaders have never confirmed the accuracy of the data we have relied on as to the numbers and types of strategic weapons systems they have deployed. We have only their word as to the quantity of ICBM's they actually have. Given this fact, we may be compounding an error if we assume the numbers agreed to in the first accords are correct. I feel very strongly that if we are to continue to negotiate in good faith with the Soviet Union, they must at least confirm or deny the accuracy of the quantitative data on their strategic missile systems. If we are wise we will insist that those figures be objectively verified.

Finally, I will allude only briefly to yet another point of concern. Principle No. 5 allows for modernization of individual weapons systems as well as their replacement; thus, both sides, over time, can retain confidence in their capabilities, but the conditions for introducing more modern systems and replacing old ones will be carefully negotiated.

It has not been widely noted that some such weapon systems can be deployed very rapidly. Thus, unless we can monitor research and development, the flexibility envisioned in principle No. 5 is full of dangers and pitfalls. A 1974 deadline for negotiating an agreement which will not undermine U.S. security in this area is, in my opinion, totally unrealistic.

In short, Mr. Speaker, I am more concerned than ever that we are entering into plans which will result in locking us into qualitative as well as a quantitative disadvantage.

During the next few weeks I expect to be reviewing these agreements further, and I plan to present to the House additional questions which I feel must be answered in order to satisfactorily reach agreements that will result in an enduring peace—not merely the chimera of peace.

I expect, too, to work for a coalition of Members of this House who will reject any agreement which does not adequately deal with the problems I have already outlined and those I will be outlining in the future. The general outlines of future arms limitations, roughly sketched in this new agreement, may establish the framework for a defense posture which would be appropriate to an era of warm United States-U.S.S.R. relations. But it would become dangerously inappropriate in the event that a change in Soviet leadership, goals or tactics causes storm clouds to appear on the horizon. In short, it provides at best the framework for a "fair weather" agreement. I will be working to see that Congress does not entrust our national security to a "fair weather" agreement.

Text of agreement and fact sheet follow:

BASIC PRINCIPLES OF NEGOTIATIONS ON THE FURTHER LIMITATION OF STRATEGIC OFFENSIVE ARMS

The President of the United States of America, Richard Nixon, and the General Secretary of the Central Committee of the CPSU, L. I. Brezhnev,

Having thoroughly considered the question of the further limitation of strategic arms, and the progress already achieved in the current negotiations,

Reaffirming their conviction that the earliest adoption of further limitations of strategic arms would be a major contribution in reducing the danger of an outbreak of nuclear war and in strengthening international peace and security,

Have agreed as follows:

First. The two Sides will continue active negotiations in order to work out a permanent agreement on more complete measures on the limitation of strategic offensive arms, as well as their subsequent reduction, proceeding from the Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics signed in Moscow on May 29, 1972, and from the Interim Agreement between the United States of America and the Union of Soviet Socialist Republics of May 26, 1972 on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.

Over the course of the next year the two Sides will make serious efforts to work out the provisions of the permanent agreement on more complete measures on the limitation of strategic offensive arms with the objective of signing it in 1974.

Second. New agreements on the limitation of strategic offensive armaments will be based on the principles of the American-Soviet documents adopted in Moscow in May 1972 and the agreements reached in Washington in June 1973; and in particular, both

Sides will be guided by the recognition of each other's equal security interests and by the recognition that efforts to obtain unilateral advantage, directly or indirectly, would be inconsistent with the strengthening of peaceful relations between the United States of America and the Union of Soviet Socialist Republics.

Third. The limitations placed on strategic offensive weapons can apply both to their quantitative aspects as well as to their qualitative improvement.

Fourth. Limitations on strategic offensive arms must be subject to adequate verification by national technical means.

Fifth. The modernization and replacement of strategic offensive arms would be permitted under conditions which will be formulated in the agreements to be concluded.

Sixth. Pending the completion of a permanent agreement on more complete measures of strategic offensive arms limitation, both Sides are prepared to reach agreements on separate measures to supplement the existing Interim Agreement of May 26, 1972.

Seventh. Each Side will continue to take necessary organizational and technical measures for preventing accidental or unauthorized use of nuclear weapons under its control in accordance with the Agreement of September 30, 1971 between the United States of America and the Union of Soviet Socialist Republics.

THE WHITE HOUSE FACT SHEET—BASIC PRINCIPALS OF NEGOTIATIONS ON THE FURTHER LIMITATION OF STRATEGIC OFFENSIVE ARMS

In today's agreement the President and General Secretary Brezhnev reinforced their commitment to permanent limits on strategic armaments and to an intensification of the negotiations. The two leaders signed a document of seven principles that provide fresh guidance to the negotiating teams, instructing them to work out a permanent agreement over the course of the next year, with the objective of concluding it in 1974. The principles contain the basic outline of a new agreement, that will now be filled in at the talks in Geneva.

Background

The negotiations on the limitation of strategic arms began in Helsinki in November 1969, dealing with both offensive and defensive strategic arms. The negotiations continued until May 1971, when the President and General Secretary Brezhnev reached an agreement that broke a deadlock over the scope of the agreement and the priorities to be followed. Negotiations resumed and continued through the summit meetings in Moscow last May. On May 26, 1972, the President and General Secretary signed the first two agreements limiting strategic weapons: a treaty restricting the deployment of anti-ballistic missile systems, and an Interim Agreement limiting intercontinental ballistic missiles (ICBMs) and submarine launched ballistic missiles (SLBMs). The Interim Agreement has a duration of five years. The two agreements came into force officially on October 3, 1972 with the exchange of instruments of ratification of the ABM treaty in a ceremony in the White House, with the President and Foreign Minister Gromyko participating.

The negotiations resumed in November 1972 in Geneva, and recessed on June 12 to await the outcome of the discussions at the summit. The negotiations have been thorough and the progress in the talks thus far was noted in the preamble of the Basic Principles signed today.

OUTLINE OF THE PRINCIPLES

The first principle

Sets a target date of 1974 for completing a new agreement;

Affirms the intention of both sides to continue active negotiations over the course of the next year and to make a serious effort to work out a permanent agreement that is more complete in its limitations and that provides for subsequent reductions in strategic offensive arms.

The second principle

Establishes that the fundamental guidelines for a permanent agreement will be a mutual recognition of the equal security interests of each side and a recognition that efforts to obtain unilateral advantage would be inconsistent with strengthening U.S.-Soviet relations; these guidelines are drawn from the Basic Principles signed in Moscow in May 1972; in effect they direct the negotiators to deal with each other's security interest, broadly defined, and not only with limits on individual weapons; agreements that effect or harm the interests of other countries would be ruled out by the Basic Principles of last May and by this principle.

The third principle

Allows for limits on both the numbers of strategic weapons as well as on the qualitative characteristics of these weapons; whereas the first agreement dealt with limiting the number of ICBMs, including limits on heavy ICBMs and a ceiling on SLBMs, the permanent agreement will be broader in nature and involve limits on certain technical capabilities, such as multiple independently targeted reentry vehicles (MIRVs).

The fourth principle

Records the agreement that any limitation must be subject to adequate verification by national technical means; this confirms the basic approach to verification taken in the ABM treaty and the Interim Agreement.

The fifth principle

Allows for modernization of individual weapons systems as well as their replacement; thus, both sides, over time, can retain confidence in their capabilities, but the conditions for introducing more modern systems and replacing old ones will be carefully negotiated.

The sixth principle

Permits supplementary agreements that might be concluded immediately or in the very near term, even before the negotiations on the permanent agreement are completed; under this principle a specific area of competition could be temporarily halted, in order to hold open the possibility of permanent limits.

The seventh principle

Reaffirms that both sides will continue to implement the agreement of September 30, 1971 that was designed to reduce the dangers of accidental or unauthorized use of nuclear weapons; its reaffirmation is intended to stress that this agreement remains part of the continuing process of strategic arms limitation.

In sum, this agreement on Basic Principles is a solemn commitment at the highest political level:

To limit strategic offensive arms permanently;

To complete an agreement in 1974;

To broaden the scope of an agreement to include limits on qualitative improvements as well as numbers of weapons, and to provide for subsequent reductions;

To allow for immediate agreements in areas where limiting competition may be urgent.

VICE ADM. HYMAN J. RICKOVER HONORED

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 1973

Mr. O'BRIEN. Mr. Speaker, it is a justly deserved honor for Vice Adm. Hyman J. Rickover, U.S. Navy (retired) that the President now has the authority to promote him to the grade of full admiral on the retired list.

Admiral Rickover presently has the status of being a retired officer recalled to duty. It is typical of this man's distinguished military career that he would come back to active duty when his country needed him.

Although I am only a freshman member of the House Armed Services Committee, it did not take long to realize the great contributions Admiral Rickover has made not only to our nuclear submarine power, but to our entire national defense system.

The Nation will be forever indebted to the keen foresight of Admiral Rickover, and I add my appreciation to him for his outstanding service to his country. Our vote authorizing his promotion to full admiral status gave a grateful Nation the opportunity to thank him.

FRANK LEAHY OF NOTRE DAME

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to the memory of one of the great figures of American football, Frank Leahy, who died yesterday in Portland, Oreg.

Mr. Speaker, as Representative in Congress of the district where the University of Notre Dame is located, I know first hand of the extraordinary leadership of Frank Leahy as coach of Notre Dame football.

At Notre Dame his teams won 87 games, lost 11 and tied 9. In six of his seasons Notre Dame went undefeated.

Frank Leahy stood in the tradition of great Notre Dame coaches like the legendary Knute Rockne and today's Ara Parseghian.

But, Mr. Speaker, more than a football coach of remarkable success, Frank Leahy was a man of deep loyalty to his church, to his family, and to Notre Dame.

From boyhood days, I watched Frank Leahy's Notre Dame teams play winning football and in later life I had the privilege of coming to know him.

All those who knew Frank Leahy will miss him, and I take this opportunity to pay tribute to his memory and to extend my sympathy to Mrs. Leahy and their six children.

Mr. Speaker, I insert at this point in the RECORD the text of an article about Frank Leahy in the Washington Post of June 22, 1973:

FRANK LEAHY, NOTRE DAME COACH, DIES

(By Kenneth Denlinger)

Frank Leahy, one of the giants of collegiate football, died yesterday at Good Samaritan Hospital in Portland, Ore. He was 64.

Mr. Leahy, who had six undefeated seasons at Notre Dame and maintained the tradition established by his former coach, Knute Rockne, had been suffering from several ailments, including a heart condition and a pre-leukemia blood condition.

A player and assistant under Rockne at Notre Dame, he became coach of the Irish in 1941 and compiled an 87–11–9 record before retiring because of poor health in 1953.

His overall winning percentage, which included a 20–2 performance at Boston College before he assumed the Notre Dame position, was a remarkable .888.

While a student at Notre Dame, Mr. Leahy played both center and tackle for two seasons before a knee injury forced him to miss his senior season in 1930.

A native of Nebraska who received his early education in the appropriately-named Winner, S.D., Mr. Leahy was an assistant at Georgetown, Michigan and Fordham universities, where one of his pupils was Vince Lombardi.

When he became head coach at Boston College in 1939, a local newspaper headlined the story: "B.C. Signs Unknown Leahy." He was not unknown for long.

His first team lost just one regular-season game and the Cotton Bowl to Clemson. In 1940, Boston rocketed to the Eastern championship with 10 regular-season victories and a Sugar Bowl triumph over Tennessee.

The next year, with the coaching spot open because of the retirement of Elmer Layden, Mr. Leasy returned to Notre Dame and cautioned giddy supporters who predicted he would be "another Rockne."

"We'll do our best and you'll be proud of your team, but the day of the undefeated Notre Dame team is over," he said. The Irish were 8–0–1 that year.

His coaching career at Notre Dame was interrupted by World War II, when he served in the Navy and rose to rank of lieutenant.

Scrapping the traditional Irish box formation for the T formation, his teams of 1946–49 went 38 games without a loss.

"When you are a coach at Notre Dame," he said in 1949, "you don't control your personal life. You belong to the people, to the priests, to the radio. I notice now that I become fatigued a little earlier each day. My family would be happy if I decided to discontinue coaching.

"During the fall, I get home twice a week. The other nights I stay at the university. In 1947, during the winter months, there was one stretch when I was home only six nights in 90. The rest of the time I was out, speaking."

Among the well-known football players Leahy coached at Notre Dame were Angelo Bertelli, Johnny Lujack, Bob McBride, Terry Brennan (who succeeded Leahy as Irish coach), Ralph Guglielmi, Leon Hart, Connor, Bob Dove, Creighton Miller, Bill Fisher and Johnny Lattner, George Emil Sitko.

In 1953, during his final season as coach, Mr. Leahy collapsed during the second half of the game with Georgia Tech and was given the last rites of the church. He later recovered.

He seconded Gen. Dwight D. Eisenhower's presidential nomination at the Republican convention in 1956 and was made a Knight of Malta by Pope Pius XII. He was elected to the National Football Foundation Hall of Fame in 1970.

"Everyone here at Notre Dame and thousands of Frank Leahy's friends, teammates and players mourn his passing," said longtime Notre Dame athletic director Edward (Moose) Krause. "We all cherish his dedication, friendship and his love for Notre Dame."

There were many memorable Notre Dame games under Mr. Leahy and one was the 0–0 struggle in 1946 against the Glenn Davis-Doc Blanchard Army team in Yankee Stadium.

The record of his 1946 team was marred only by one tie, as were the performances of his 1948 and 1953 teams. The Irish were 4–4–1 in 1950.

In 1947 and 1949, the Irish went unbeaten and untied, scoring 291 points and allowing 52 in '47 and scoring 360 points and allowing 86 two years later.

Mr. Leahy was a promising amateur boxer who seriously considered a professional career after graduation from high school. But Rockne came along and persuaded him to enroll at Notre Dame.

He chose Notre Dame, Mr. Leahy once said, after listening to Rockne make an after-dinner speech.

Mr. Leahy once recalled an incident when he was playing tackle under Rockne and was assigned to open a hole against the scrubs. Three times, the back never got past the line of scrimmage.

"Then Rockne called me over and let me have it," Mr. Leahy said. "He said, 'Leahy, I never knew how really fine a defensive tackle you were until just now. You've just succeeded in stopping three of our own plays while playing on offense.' "

In his last season, when they finished second to Maryland in the wire-service polls, the Irish stirred a terrific controversy when feigned injuries gave them a 14–14 tie with Iowa.

"There was nothing wrong with feigning an injury until we did it," Mr. Leahy said. "Now it's a sin."

After retiring from Notre Dame, Mr. Leahy became associated with various business ventures, then returned to football in 1960 as general manager of the Los Angeles Chargers of the American Football League.

After a year in professional football, he reentered the insurance business. He moved to Lake Oswego, Ore., a Portland surburb, in 1963 and continued as an executive vice president of Canteen Corp., which operates refreshment dispensing machines.

Only last week, Mr. Leahy was unable to attend an annual award dinner in his honor in Chicago because of illness. "I was absolutely crushed over the fact that I couldn't participate," he told the group via telephone.

A hospital spokesman said Mr. Leahy was admitted Wednesday and developed complications early yesterday.

He is survived by his wife, Florence, and six children, Frank Jr., Gerald and Christopher, all of Lake Oswego, James, of Pasco, Wash., Mary Leahy, of Lake Oswego, and Sue Muostakas, and Florence Harter, both of Chicago.

PUBLIC TV—GOOD SERVICE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. JONES of Tennessee. Mr. Speaker, soon we will be debating the future of public broadcasting in the United States.

The following editorial from the May 26, 1973, Paris Post Intelligencer in Paris, Tennessee, gives a good idea of how the people in my district feel about public broadcasting.

PUBLIC TV—GOOD SERVICE

The Public Broadcasting Service, a noncommercial television service which is financed by the government, is providing the public with excellent coverage of the Senate hearings on Watergate. Beginning at 7 o'clock in the evening, PBS starts a rerun of the entire day's proceedings with a gavel-to-gavel account of the hearings.

This is a good public service because many citizens interested in the Senate hearings do not have the opportunity to view it during the day when they are on the networks live. The PBS program is on TV Channel 2 from Nashville, thus giving the viewers the option of watching Watergate or their favorite entertainment program on the commercial network.

The Public Broadcasting Service was incorporated in 1969. It was incorporated by the Corporation for Public Broadcasting, which was, created by Congress in 1967 to funnel federal funds to public, noncommercial radio and television stations throughout the county. The 15 members of the corporation board are appointed by the President to serve six-year terms.

To insulate against political influence on programming, the CPB corporation formed and incorporated PBS and gave it authority to select, schedule and promote public television shows. But there has been some dissension in the ranks recently. Thomas B. Curtis, who President Nixon appointed as chairman of the board of Corporation of Public Broadcasting, resigned because he felt CPB has taken over control of PBS and is dictating what programs it may and may not schedule. Curtis did not approve of all decisions being made by the CPB board of 15 political appointees in Washington. He wanted it kept the way it was, when 234 local public television stations in the country ran PBS nationally, and he resigned when the CPB board rejected a compromise he had negotiated with the local stations under which CPB and PBS would share control over the network.

The viewing public has little to say about all this but the future of the network that brought you "Sesame Street," "Civilization" and "An American Family" is at stake.

These programs obviously are of a scope and quality that are utterly beyond the ability of a local television station to produce exclusively for its own use.

A public television network is needed. PBS has made great strides. It has also made mistakes. A better balance in its public affairs programs may be needed.

But canceling programs like the conservative William F. Buckley Jr.'s "Firing Line" and centralizing all control of the network in Washington are not the answer.

Maintaining the independence and freedom of a television network that is heavily dependent upon government money is a matter of great difficulty and sensitivity.

Restraint is required on both sides—the network and station managers on one side, the politicans on the other.

PAUL MORPHY, LOUISIANA CHESS WIZARD

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. LONG of Louisiana. Mr. Speaker, the history of chess stretches far back into human antiquity, and since the founding of our own country, many famous Americans have been devotees of the game. Most Americans are aware of the feats of Robert "Bobby" Fischer, who brought the world's chess championship home from Iceland last year. Few realize, however, that "Bobby" Fischer is not the first great chess champion that the United States has produced.

Over a century ago the world of chess stood amazed at the prodigious talents of another young American, a native son of my own State of Louisiana, Paul Morphy. Morphy's bright genius carried all before it over the chess board for 3 dazzling years, only to be then suddenly, and finally, extinguished.

Today I would like to take note of the 136th anniversary of Paul Morphy's birth which occurred in New Orleans on June 22, 1337.

Morphy, who was of mixed Irish, French, and Spanish ancestry, was the son of a high court judge and learned to play chess at the age of 8. Possessed of a sharp and ready mind, he completed his study of law and was admitted to the bar before turning 20. Still too young to start a practice he gave over all his time to the pursuit of chess.

In 1857 he played as an unknown in his first major tournament in New York and scored a stunning upset, finishing first. Then at the urging of his friends he embarked on a sensational European tour in which he decisively defeated the best players of England, France, and Germany. Toasted and lionized everywhere he went he was acclaimed as the best player the world had ever seen.

Returning to the United States in 1859 he passed his time writing chess theory and analysis before resettling in New Orleans in November 1860. At this point his career came to a strange and abrupt end.

His mother, who believed that chess was a frivolous pastime, unworthy of a gentleman, pressed upon Morphy her conviction that it was now time for him to follow more serious pursuits. Finally she extracted from him a promise, which he kept, never to play chess publicly again.

Thereafter Morphy's life story became a melancholy saga of waste and decline. The Civil War, and its ruinous aftermath in the south, frustrated Morphy's attempts to build a successful law practice. Frail and introverted, he was almost alone among his contemporaries in failing to enlist in the Confederate cause. He also seems to have been unsuccessful in love. According to one story he was deeply wounded by the scornful reproach of a lady who rejected the idea of marriage to a "mere chessplayer."

Withdrawn and increasingly alienated, Morphy turned into a virtual recluse in his mother's house, emerging only to take a walk or go to the opera. Obsessed with paranoid delusions he finally succumbed to a stroke on July 10, 1884.

In his short but brilliant period of activity Morphy was responsible for a large number of important innovations in chess strategy. Today his games are still replayed and admired by chess enthusiasts the world over. In the words of the noted chess analyst Fred Reinfeld "a chess wizard who has not studied Morphy's genius is about as queer a concept as an engineer who is unable to count."

A man of transcendent promise, only half fulfilled, Morphy's career has earned him the title of "the Pride and the Sorrow of Chess."

THE DOLLAR-MARK-YEN CRISIS, FEBRUARY-MARCH 1973

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. HANNA. Mr. Speaker, the dollar crisis is on the lips of very Member of this body and of most Americans. While it is of no less concern to me than to other Members, I would like to point out to my colleagues that the dollar does not exist in a vacuum and that the dollar crisis is only a small part of a larger problem of international finance.

I think that this point is clearly made in the following article, reprinted by the American Enterprise Institute from the SAIS Review, by Dr. Gottfried Haberler. I strongly urge my colleagues to read and ponder his remarks:

THE DOLLAR-MARK-YEN CRISIS, FEBRUARY-MARCH 1973

(By Gottfried Haberler)

(NOTE.—Dr. Haberler is a Resident Scholar at the American Enterprise Institute and the Galen L. Stone Professor Emeritus of International Trade at Harvard University.)

I.

The world has just passed through the second post-Smithsonian currency crisis. The first one was in June 1972 when Britain was forced to float sterling.

The recent crisis is usually called a dollar crisis. And so it was. But it was also a German mark and a Japanese yen crisis. We would speak of a pure dollar crisis if the dollar were overvalued with respect to all or most other currencies, so that a devaluation of the dollar was all that was needed to correct the imbalance. We would speak of a pure mark and yen crisis if the mark and the yen were undervalued with respect to all or most other currencies, so that an upvaluation of the mark and the yen was all that was needed to correct the imbalance. Actually the recent crisis was a mixture. The dollar was devalued with respect to many but not all currencies. The mark and the yen were upvalued with respect to many but not all currencies.

It is important to understand that even in case of a pure mark and yen crisis the dollar would be prominently involved. If any one or two important currencies are undervalued and appear ripe for upvaluation, dollars from all over the world, not only from the U.S., will rush into those currencies. Therefore, the crisis will take on the appearance of a dollar crisis. This follows from the fact that the dollar is—still is!—the world's foremost reserve, official intervention and private transaction currency.

II.

It will be instructive to carry this thought one step further. Suppose the dollar were replaced as the foremost international reserve and official intervention currency by SDRs or gold. That SDRs should become the principal reserve medium is being widely demanded and was in principle accepted by the recent gathering of the finance ministers of the countries comprising the Committee of Twenty of the IMF, charged with making proposals for international monetary reform. (Communiqué of March 27, 1973.) That gold should take the place of the dollar after its price has been tripled or quadrupled is demanded by some gold stalwarts.

I do not believe that SDRs will soon be put in place of the dollar and I am sure gold will not. I only say: Assume it were done. Assume further that again two important curriencies get out of line and appear ripe for upvaluation. The consequences would be exactly the same as at present: SDRs or gold *and* dollars would rush into the undervalued currencies. I say "and dollars" because the dollar would remain the most important private transaction currency even if it lost its role as the most important international reserve and official intervention currency.

It follows that replacement of the dollar by SDRs would not help much. This confirms the now widely-held view that improvement of the balance-of-payments adjustment problem of reform.

III.

Why is it that in our time currencies get out of line so frequently? In other words, why is it that stubborn deficit and surplus positions, which require parity changes, arise so often, and why can they not be adjusted more smoothly?

The short answer is that the world consists of independent sovereign states, each with its own monetary, fiscal, and wage policies, with divergent priorities and attitudes concerning major policy objectives, such as full employment, growth and price stability. This results in different rates of inflation and the more inflationary countries are likely to get into balance-of-payments deficits and the less inflationary into surpluses.

But differential inflation is not the whole story. Take the U.S. If we had less inflation our balance of payments would be stronger. From 1958 to 1965 prices in the U.S. were remarkably stable and there was a great improvement in the balance on goods and services from $0.3 billion in 1959 to $8.6 billion in 1964. But some foreign countries, e.g. Japan, have persistently had much more inflation than the U.S., as measured by the consumer price index. Somehow, however, Japanese *export* prices have risen much less than ours.

Apart from inflation, the basic reason for the prolonged weakness of the dollar is the fact that other countries have caught up with the U.S. in industrial development. After the war the U.S. economy was dominant. This supremacy has been lost. Furthermore, practically all currencies have been depreciated vis-a-vis the dollar at one time or another, the French franc as late as 1969.

That does *not* means that the dollar is lost or that inflation does not matter. But it does mean that in order to have maintained equilibrium at an unchanged parity of the dollar our inflation performance would have had to be much better than it was—or Japan, Germany and others would have had to inflate much faster.

The upshot is that to avoid currency misalignments which require parity changes, there would have to be a far-reaching coordination among different countries of monetary, fiscal, full employment and wage policies. This coordination—or centralization of policy—exists *inside* every country. That is the main reason why we never hear of balance-of-payments difficulties of California or New England. But it is virtually impossible between independent states. How difficult it is, is demonstrated by the fact that the members of the European Economic Community (Common Market) have not been able to coordinate their policies sufficiently to prevent currencies from getting out of line, although "monetary integration" with fixed parities is a high-priority objective towards which the Europeans have been working hard for a long time. If the closely-knit EEC countries are unable to avoid parity changes, it follows a *fortiori* that serious disequilibria are virtually unavoidable in wider circles.

IV.

Having explained why currencies often get out of line and require parity changes, we now have to ask: Why are these adjustments almost always preceded and accompanied by currency crises, that is to say by massive flows of funds which threaten to disrupt trade and payments? And why have these crises shown such a marked tendency to become more spectacular?

The answer is simple: Our method of changing parities has been defective. It is the method of the "adjustable peg," under which exchange rates are kept stable as long as possible by pegging. The central banks of the deficit countries—the Federal Reserve in the U.S.—sell gold or foreign exchange from their reserves to prevent their currencies from declining in the exchange market. The central banks of the surplus countries buy dollars to prevent their currencies from going up. Pressure builds up and at some point the exchange rate is changed with a big bang by a large amount.

This system offers an easy target for the speculator. He knows that an overvalued currency cannot go up and an undervalued currency cannot go down. If the speculator has guessed right, that is, if parties are changed, he makes a large profit. If he has guessed wrong, that is, if there is no change in parities, he loses only a little (transaction costs and interest)—heads he wins a lot, tails he loses only a little.

Governments have been trying to stop speculation by all sorts of controls and regulations which cannot be described here. Experience has shown again and again that when the imbalance becomes large and therefore the inducement to speculate is strong, speculation can be contained only by draconian controls which governments have been reluctant to apply because from some point on they tend to stifle trade and legitimate speculation.

Currency crises accompanying exchange rate changes have become more spectacular because frequent parity changes have alerted more and more business firms and individuals to the opportunities of reaping profits and avoiding losses by anticipating parity changes.

The only effective way to make parity changes smooth is to stop pegging and let the exchange value of a currency float, that is to say, to let it be determined by demand and supply in the market. How it works can be illustrated by a few recent episodes. In 1969 the German mark appeared to be ripe for upvaluation. The Bundesbank bought billions of dollars to keep the mark from rising. Upvaluation became a political issue in an election, which heightened the speculative fever. After the election (September 1969) the new government decided to let the mark float. It shot up in the market, but, lo and behold, speculation stopped, because it had become too risky. Once a currency floats the speculator can no longer be sure which way it will go.

A month later the mark was stabilized at a 9% higher value in dollars. The Bundesbank lost a lot of money because when the speculators took their dollars home they paid a lower price in marks than the Bundesbank had paid a few weeks earlier.

One would have thought the Germans had learned their lesson. But in May 1971 they made exactly the same mistake. First they bought billions of dollars, then they let the mark float. Speculation ceased but the Bundesbank lost several billion marks. And in February 1973 the game was repeated once more but with higher stakes—larger gains for the speculators and losses for the Bundesbank.

The Swiss had learned their lesson quicker. In 1971 they made the same mistake as the Germans. But in 1973, when they saw the dollar avalanche coming, they let the Swiss franc float up and the dollars rushed into Germany.

The Canadian dollar has been floating from 1950 to 1962 and again since 1970. There has been no disruptive speculation at any time during the clean float and the huge American trade with Canada, our largest trading partner, has remained undisturbed. Canada is a special case, it is said; it pursues responsible internal policies—not much more inflation than in the U.S.—hence the floating Canadian dollar has been a fairly stable dollar (no wild fluctuations).

Let me give a counter-example from a country with not-so-responsible policies. Brazil has had a lot of inflation—20% a year for the last five years. (Now it is down to 15%). Brazil has therefore had to depreciate the cruzeiro from time to time, or else she would have lost her exports fast. Until 1968 she had the adjustable peg. Every six or seven months the cruzeiro was devalued with a big bang. During the intervals pressure built up, speculation was rife and black markets flourished. In 1968 she adopted not a floating rate but a close substitute to floating, what has become known as a "trotting peg." Under this system the currency is devalued by 1½ or 2% every five or six weeks. This has worked very well. There has been very little speculation because it does not pay to speculate on a parity change of 1–2%, if the precise date and magnitude is not known, when interest rates are over 30% (as they have to be under a highly inflationary situation).

The moral is not that inflation does not matter—the country would be better off without inflation—but that the potentially disastrous consequences of inflation on foreign trade can be avoided or at least greatly mitigated by flexible exchange rates.

If flexibility works under high inflation—expected inflation at that!—it surely will work under the more favorable—less inflationary—conditions in the industrial countries.

V.

What is the outlook for the future? We surely have to assume that from time to time imbalances will arise which require parity changes between major currencies. We cannot count on countries being able to adjust and coordinate their monetary, fiscal and wage policies, inflation rates, etc. sufficiently to maintain permanent equilibrium at fixed parities.

Will floating become general? I doubt it. The ministers and governors who were gathered in Washington in March to ponder the reform of the international monetary system agreed that exchange rates ought to be "stable but adjustable." That sounds like more of the same, although they did not exclude floating "in particular situations." (Communique, March 27, 1973.) Ministers and governors propose, but market forces may dispose differently. However, by clinging too long to over- or undervalued parities, governments have it in their power to create currency crises of any magnitude.

I am nevertheless optimistic for the following reasons: We should not forget that the international monetary system is not an end in itself, but a means to facilitate international trade and capital flows in the interest of the economic welfare of all countries. Now it is a fact of the utmost importance that world trade has grown by leaps and bounds throughout the postwar period. This growth was not interrupted or even slowed down by any of the many recent currency crises, including the last one.

This is in contrast to what happened in the 1930's. Then currency crises—devaluations of sterling, the dollar and practically all other currencies against gold—went along with, and greatly contributed to, a catastrophic contraction of world trade. Many critics of the postwar monetary system, the "dollar standard," predict that history will repeat itself, that the collapse of the dollar standard will cause a worldwide depression just as the collapse of the gold standard in 1931 did. Advocates of a return to the gold standard on the right, and proponents of an international paper money issued by an IMF turned into a world central bank on the left, are united in their prophecies of impending collapse and disaster.

There has been no collapse so far. True, the mighty dollar has been devalued twice in 14 months (in December 1971 and in February 1973), but world trade is still growing fast and the dollar, although it has lost some of its lustre, still plays a vital role in the world economy. Why this contrast between now and the 1930's? A brief analysis of the reasons leads to moderately optimistic conclusions for the future.

In the 1930's there was a severe depression in practically all countries, which in the U.S., the dominant economy, was home-made although in smaller countries it was to a large extent imported. In the postwar period there was no real depression anywhere. Mild recessions and inflation yes, but deflation and severe depression are a thing of the past. On that most economists are in agreement.

In the 1930's under a regime of fixed exchange rates, depressions especially the American one, spread from country to country. Deficit countries clung to their parities and reacted by deflation, import restrictions and exchange control. Surplus countries also clung to their parities and tried to ward off imports from the deficit countries when the latter in the end devalued. In our time, too, countries hold on to their parities too long, but deficit countries have not reacted by deflation (unless one calls mild anti-inflationary moves deflation) and have avoided sharp import restrictions. The adjustable peg is clumsy and too sluggish and induces speculation, but it is much better than the fixed pegs of the 1930's. (The fixed pegs were eventually changed but only after they had done enormous damage.)

My conclusion then is that the present system is not perfect, far from it, but that it is an enormous improvement over what we had in the 1930's. We need and we will get smoother adjustment through greater flexibility of exchange rates. But a collapse or a sharp contraction of world trade is most unlikely. It would require incredible mismanagement to bring it about.

True, protectionism is on the increase, especially in the U.S. The Burke-Hartke bill, reflecting ignorance and disregard of economic principles by some of the top leadership of organized labor, is a saddening and depressing development. (This disregard also manifests itself in their advocacy of price freezes, rollbacks and high minimum wages, which create high unemployment among underprivileged workers—all highly disruptive, short-sighted and damaging policies.) Fortunately, in the Administration, in Congress and also in labor circles the resistance to extreme protectionism is strong, so that a protectionist explosion is unlikely. Experience has shown that protectionism becomes irresistible only in depressions with high unemployment.

Another condition which tends to breed trade restrictions is balance-of-payments difficulties. For that reason it is so important to improve the adjustment mechanism by greater flexibility of exchange rates. What are potentially very dangerous are the reactions of *deficit* countries, because they are tempted to restrict imports. Import restrictions by *surplus* countries, on the other hand, would make their embarrassing surpluses even larger; no surplus country has reacted in such an irrational manner. What they do is impose capital import controls against speculative inflows of funds. Unless carried to extremes, such controls are not a serious threat to world trade. They do not create vested interests for their perpetuation (except on the part of the controlling bureaucracy), as trade restrictions do. It is therefore easier to get rid of them than to get rid of trade restrictions.

Surplus countries should nevertheless promptly appreciate their currencies or let them float, or liberalize their import restrictions in order to help the deficit countries put their external balance in order.

I conclude that we can expect a continuation of the growth of world trade. Whether the international monetary system will be reformed in a formal manner by a grand revision of the Articles of Agreement of the IMF (the Bretton Woods charter) or in an informal way by the IMF acquiescing in, and trying to supervise, frequent extensive floats of numerous currencies, is not terribly important. The greatest contribution the U.S. could make for a better working of the system is to curb inflation. If there were another flare-up of inflation in the U.S. there would be trouble, flight from the dollar and another devaluation. But even in that case there would be no collapse of the whole system. Paradoxically, the fact that foreign central banks now hold between 60 and 70 billion dollars as part of their international reserves is a stabilizing factor. It is impossible for foreign countries to get rid of so many dollars without letting their currencies appreciate sharply, which they hate. But the U.S. should regard it as a duty to keep the dollar fit for its great role in the world economy by preventing any further erosion of its purchasing power.

LET THE AGED LIVE ON RHETORIC

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. BRASCO. Mr. Speaker, as of July 1, America's older people will be required by the Nixon administration to pay 50 cents more monthly for their part B medicare premiums. The President has proposed added increases in costs of health services to be paid by individuals under medicare. In effect, the administration is seeking to reduce health care services to the Nation's senior citizens.

These proposed cutbacks were presented to the Congress in January of this year when the President made his budget for fiscal year 1974 public. Over 23 million Americans would be affected by these reductions, which would increase the total health bill to be paid directly by the elderly by some $700 million. This was not the intent of the Congress when it passed medicare.

Under the President's proposal, there would be an increase in the present deductible of $72 for the first day of hospital care to the actual charges of the first day. The medicare patient would pay 10 percent of all charges thereafter—now without cost to the beneficiary for the first 60 days.

For those covered under the voluntary part B doctor's insurance, our elderly would have to pay the first $85 instead of $60 of doctor's services covered by medicare. They would also pay 25 percent more for all services above this amount. Premiums paid for this part B insurance would increase from $5.80 to $6.30.

The administration team rationalizes this proposal by claiming that it will increase cost-consciousness among the elderly. If any of these wonder boys ever emerged from the isolation of their present environment and actually got to know the average American on social security, they would be astounded to discover that they are perhaps the most budget conscious people in the country. If they ever had to survive, and that is the word, for 30 days on a social security check, they might discover that misery is their daily lot too often, that leftovers and stale bread compose many diets and that every day is a struggle to make ends meet. Nor does their rhetoric feed or comfort them.

Such a plan should not, however, surprise us. This is the same administration that opposed with might and main a 20-percent increase in social security last year.

The President's penuriousness towards the elderly does not extend into other areas of concern. He is generous to a fault to Thieu of South Vietnam. He spends American tax dollars liberally on Cambodian bombing, when both the House and the Senate have said "no." He does not blink an eye lash at the questionable windfalls allowed major grain companies over the Russian grain deal.

But we must teach the elderly to be more cost conscious. We have to drive home the lesson of thrift. Some lesson.

Mr. Speaker, I do not believe the Congress will allow such a proposal to become law. Already, a number of Members of both bodies have expressed opposition to such a move. My vote shall be cast against such an outrage, should it reach the floor of this House.

SKYLAB'S RECORD

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. TEAGUE of Texas. Mr. Speaker, today is an historic day in the Space Age. Today, Astronauts Conrad, Kerwin and Weitz will return to the earth after 28 days in Skylab 1, the longest record of men in space.

These brave and dedicated men should be an inspiration to all of us as to what can be accomplished when man sets his course in the positive.

The Evening Star and News had an excellent editorial yesterday entitled "Skylab's Record," I recommend it for must reading:

SKYLAB'S RECORD

Astronauts Conrad, Kerwin and Weitz deserve a rousing welcome, and solid recognition of their record-setting feat, when they return to earth tomorrow after 28 days in Skylab 1, the nation's first orbiting space laboratory.

On Monday, after a bit less than 24 days aloft, they had lived and worked in space longer than any other humans, beating the record of three Soviet cosmonauts who died on the way down because of a leaky hatch. The endurance mark represents more than a sporting victory, the medical experience of the American trio, one of them a physician, will be invaluable in determining the feasibility of longer-duration, manned space missions.

The three Navy officers also demonstrated the irreplaceability of men in certain kinds of space tasks, at least given the present state of the robot art. By fixing severe heating and electrical-power problems that threatened to turn Skylab into a $2.6 billion disaster, they did more than salvage their own mission. They saved the space station for future habitation by two successive crews aiming to stay 56 days, and they also saved the nation's space program from a drastic cutback born of disillusionment.

Other benefits of the first tour of duty in Skylab will come from the nonmedical experiments carried out by the astronauts, including observations of solar phenomena and earth resources. These will add to the substantial fund of otherwise unobtainable knowledge already accrued from the manned space program, including the dramatic explorations of the moon.

It is discouraging to some advocates of the space program that the present mission has been observed so casually by the American people, overshadowed as it has been in the headlines by Watergate, the Brezhnev summit and the price freeze. This comparative lack of attention is one of the costs of America's long string of successes in space. We tend to forget about the courage and skill required of the men we send into orbit and beyond, the ingenuity of their monitors on the ground and the billions we all have invested in the effort. These factors are worth reflecting upon as the country reassesses its future ambitions in space.

The immediate task is to get the Skylab trio back safely, to find out what they and their medical conditions can tell us about man's durability in space. We will be more than repaid for the cost and worry of sending them there.

SOVIET JEWS: THE WORDS AND THE DEEDS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. DRINAN. Mr. Speaker, yesterday's New York Times carried an article by Anthony Lewis wherein Mr. Lewis ably points out the great disparity between the continuing arbitrary treatment of Jews seeking to emigrate from Russia and the assurances of Soviet Communist Party General Secretary Leonid Brezhnev.

I, along with others who sent telegrams protesting the treatment of Mr. Yevgeni Levich, son of a famous Soviet scientist, was informed by the State Department that:

> We regret we are not in a position to intervene directly in cases where Soviet citizens wish to go to third countries, as with the Leviches.

The administration has responded similarly to other pleas. I believe that it is not inappropriate for the United States to take the opportunity of Mr. Brezhnev's visit to recommend the attentio of his government to the rights of Soviet citizens due them under the Soviet Constitution on the Universal Declaration of Human Rights.

The article follows:

SOVIET WORDS AND DEEDS

(By Anthony Lewis)

LONDON, June 20.—Dmitri M. Segal is a young Soviet scholar of extraordinary brilliance and breadth of interest. His field is linguistics, but he has worked also on folklore and anthropology. He has written on language theory, on mythology, on the structure of Edward Lear's limericks.

His works have been published in the Soviet Union, Poland, the Netherlands, Britain, Italy. He won an Italian prize for his studies in Russian folklore. His work is known to such Western figures as Claude Lévi-Strauss.

Last Dec. 26 Dmitri Segal and his wife, Elena Dmitrievna Segal, applied at the visa office in Moscow for permission to leave the U.S.S.R. for Israel. Months later they got the answer: No. The reason given was "lack of parental consent."

Dmitri Segal is 36 years old, his wife is 29—and the age of majority in the Soviet Union is 18. Those who have seen the official form on which Soviet citizens must apply to emigrate say that it says nothing about parental permission. But when the authorities want to, they simply impose that conditions, no matter what the age of the applicants.

The problem for the Segals is her father, Dimitri Tolstoi, who is the son of the Soviet writer, Aleksei Tolstoi. After giving his consent for his daughter's departure, he changed his mind under circumstances that are not clear. He then circulated an "open letter" saying that members of "prominent families" should not be allowed to leave the U.S.S.R.

Immediately after they applied for visas, the Segals were deprived of their work—as is the regular practice. Friends who have seen them recently describe them as desperate.

The case of Elena and Dmitri Segal throws some realistic light on Leonid Brezhnev's assurances to members of Congress about Soviet treatment of would-be émigrés. He said that 95 per cent of the Jews who asked to leave have been allowed to; only 738 recent applicants had been turned down, 149 on grounds of national security; the suspended exit tax would not be reimposed.

Such assurances from the leader of the Soviet Communist party carry great weight. That he should even talk with American politicians about what the U.S.S.R. has always considered an internal matter is highly significant. There are some practical constraints now on Soviet handling of the emigration problem—constraints imposed by the desire for better economic and other relations with the United States.

But the realities remain, and for the human beings involved they can be terrible. Not that a national judgment should be made on the basis of one injustice. The point about the Segals' case is its demonstration of continuing arbitrary treatment that simply does not fit the assurances.

There is, for example, no "national security" reasons for denying exit visas to the Segals. Nor is theirs some old case that would be handled differently now: The refusal of their visa was confirmed to them just one month ago, on May 18, by a Colonel Verein of the Soviet Interior Ministry.

And of course there are many other cases of entirely arbitrary denials of exit visas, hundreds known in the West and probably many more unknown. Characteristically, the obstacle is not the tax or any other general rule but some special legal device such as the demand for "parental consent."

When Prof. Benjamin Levich, the great Soviet scientist, sought to go to Israel, his son was drafted. The young man has recently been reported to be suffering from a stomach tumor at a remote army post.

A pupil of Professor Levich's, Victor Yachot, was also called up for military service when he sought to emigrate. He refused to go, saying that he had renounced his Soviet citizenship. He was thereupon sent to one of the notorious prison psychiatric "hospitals" used to punish dissidents. But he was fortunate: After protests from the West he was allowed to go.

It would be foolish to think that the United States as part of its new relationship with the U.S.S.R., can force early or dramatic changes in Soviet legal practices—indeed, in the whole Soviet view of law and authority. Mr. Brezhnev and his colleagues cannot and will not abandon their system of power.

But it would be just as wrong for U.S. officials to pretend that all is well when it is not. American pressure can make some difference, as we have already seen. And in a larger sense, greater freedom of movement for people and ideas is perhaps the most important concrete objective for the West in the new relationship with the East—a goal to be kept in mind in all meetings and negotiations.

FOREIGN AIRLINES SUBSIDIZED BY THEIR GOVERNMENTS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. GOLDWATER. Mr. Speaker, the problems that our domestic airlines face, in terms of foreign competiton, are well known to us all. However, what is not so well known is the severity of the problem, and the fact that it becomes more severe all the time.

The basic problem, of course, is that all foreign airlines are subsidized, in whole or in part, by their governments, and thus are in the favorable position of having virtually no financial problems. Additionally, since foreign airlines do not observe the same cautions we do because of antitrust laws, they are in a position of competing with our airlines on two distinct levels.

While I do not favor nationalizing any industry, it is apparent that some intermediate steps will have to be taken, such as a review of our antitrust laws and preferential tax treatment, to insure that domestic airlines maintain a competitive posture in the world market.

To illustrate this point, I submit an article, entitled Taking Off, which appeared in the April 15 issue of Forbes magazine, for my colleagues serious consideration:

BRITISH AIRWAYS—FUELED BY BRITISH GOVERNMENT MONEY

There's a new interntional airline coming over the horizon, and it spells trouble for the existing international carriers, particularly Pan American World Airways. It will have the most comprehensive route network in the world, nearly 500,000 miles to 200 airports in 84 countries, *vs.* Pan Am's 90,000 miles to 120 airports in 82 countries. Its 220 planes will make up the largest international fleet, and it will be the largest carrier in both seat-miles and ton-miles. And behind it will be the British government's financial resources.

British Airways is being formed by a merger—not yet completed—of British Overseas Airways Co. and British European Airways, whose combined assets total $1.1 billion. These assets will reach $1.7 billion in the next five years. That's not a prediction; it's a certainty. The British government, which owns 100% of BOAC and 100% of BEA, naturally will own 100% of British Airways, and the government plans to buy enough newly issued stock in the new company.

"We will be a formidable competitor," says David Lancaster Nicolson, 50, BA's half-Canadian, half-English chairman.

That's a typical British understatement. Not only will British Airways route structure give it a great advantage over its competitors; its financial structure will give it a terrific advantage over U.S. carriers. If they have to buy equipment, U.S. carriers must borrow the money from the banks or else float convertible debentures, as Pan Am did recently—at a heavy interest cost.

BA can also make deals with other airlines that U.S. carriers. for antitrust reasons, cannot. For example, it has a joint operations arrangement with Qantas, the Australian line, and has set up another with Air India. And it is discussing with Russia's Aeroflot the prospect of a joint London-Moscow-Tokyo route.

British Airways will particularly hurt Pan Am because BEA has an unparalleled network in Europe. It has long been a feeder line for Pan Am. Pan Am Chairman William T. Seawell is certain his company will lose some—unspecified—business it has been receiving from BEA.

Question: How long can U.S. international carriers take this kind of competition?

SUPREME COURT DECISIONS ON OBSCENITY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. YOUNG of Florida. Mr. Speaker, I applaud the decisions handed down by the Supreme Court yesterday regarding obscenity. Once more the people of this Nation are afforded some legal protections against the barrage of filth produced for exploitative purposes. Once more the States and communities can crack down on pornographers without fear that their efforts will be overturned by a higher court.

Under the old standard of judgment—whether pornographic material was "utterly without redeeming social value"—we have seen our communities faced with an influx of these materials, helpless under a vague first amendment interpretation by the courts. I do not believe that the writers of the Constitution ever meant the protection of free speech to go to this extent, and I am sure that they would not have wanted the express will of the States and cities to be thwarted in the process.

The Court has now agreed with this position. Chief Justice Burger has observed that prior interpretations demeaned the first amendment by equating "the free and robust exchange of ideas and political debate with commercial exploitation of obscene material." In place of the old broad guideline, almost impossible for a prosecutor to prove, the Court has established three new standards.

If a pornographic work "taken as a whole, does not have serious literary, artistic, political, or scientific value," and "taken as a whole, appeals to the prurient interest in sex" and is "patently offensive" in its content, it can be banned and purveyors prosecuted.

Even more important for the people of this great Nation, their own judgment on the nature of pornographic materials is now to be taken directly into account. The Court has held that "community standards" of decency may be those of a local area, rather than a nationwide standard. The States can thus establish their own standards or can permit local options. Chief Justice Burger noted that the questions of offensiveness and appeal to prurient interest are "essentially questions of fact" which local judges and juries can decide.

Mr. Speaker, I am overjoyed at this new set of standards, and at the decision to rely on the good taste of the American people. For too long, the Constitution has been used to protect the rights of the few at the expense of the majority. We are now headed back in the right direction with this decision to protect the public dignity against the assaults of bad taste.

EXPERT CRITICISM OF PLOWSHARE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, the following article from the June 8 Salt Lake Tribune, based on an interview with Mr. David M. Evans, director of the Potential Gas Agency, Mineral Resources Institute, Golden, Colo., may be of particular interest to Members in their consideration of AEC authorizations for fiscal year 1974.

I have the highest regard for Mr. Evans and his professional criticism of the AEC's Plowshare program. It is in this vein that I commend this article to my colleagues.

Gas Agency's Head Protests Rio Blanco N-Tests

(By Robert H. Woody)

Golden, Colo.—David M. Evans is director of the Potential Gas Agency of the Colorado School of Mines in Colorado.

He is a 1936 geology graduate of the college, which scarcely has the reputation of producing "eco-freaks."

But as a representative of the Colorado Open Space Council, an organization of more than 40 environmental organizations, Mr. Evans strongly protested the Rio Blanco nuclear tests.

CONTINUES TO PROTEST

Twenty-one days after the test—involving the detonation of three vertically placed 30-kiloton nuclear explosives to stimulate natural gas production in formations more than a mile underground in western Colorado—Mr. Evans continues to protest.

His protest is on two fronts: Economic and health.

SEEN AS RIDICULOUS

The Atomic Energy Commission and other corporate parties to gas stimulation, admit that the wellhead price of gas produced by Rio Blanco or future tests would be anywhere from three to eight times more than the current commercial wellhead average.

It is ridiculous then, Mr. Evans argues, for one federal agency—the Atomic Energy Commission—to sponsor a technology that will produce gas at least three times the current price when another federal agency—the Federal Power Commission—keeps a firm hand on the price of wellhead gas.

Why not simply have the Federal Power Commission lift the price control on gas at the wellhead? If the price were trebled, you'd get the exploration and discovery needed to bring the nation's natural gas stores back in balance with demand, he says.

URANIUM EXAMPLE

That's what happened during the uranium boom. The AEC increased the price it would pay for uranium to build up a U.S. supply for military needs. The Colorado Plateau swarmed with prospectors, and the necessary discoveries were made.

But with the wellhead price controlled, nobody wants to drill for gas. Too costly and too risky. Result, the total footage of drilling for oil and gas wells slipped from 235 million feet in 1958 to a low of 125 million in 1971.

As for the health hazard, 48 radioactive elements are created in a fission explosion involving uranium, he says. Particularly deadly and long lived are Strontium 90 and Cesium 137.

READILY DISSOLVED

These two elements are readily dissolved in water, and should there be water leakage into the nuclear cavity and migration of the water into an adjacent drill hole with a blowout—"Consider what happened recently at Williamsburg, Mich."—then the elements could contaminate surface water.

It should be noted here that not all geologists share Mr. Evans' apprehensions on the accidental migration of the water soluble radioactive materials. The AEC has said that on the basis of its tests at the Las Vegas testing site and because of the tightly compacted nature of the western Colorado gas formations, such an occurrence is nearly impossible.

POINTS TO IRONY

Mr. Evans finds a certain irony in the AEC's recent proposal that hydraulic fracturing be tested in Piceance Basin of western Colorado near where the nuclear fracturing testing took place.

"That's about like having General Motors find a substitute for the automobile."

Hydraulic fracturing—involving pumping into tight formations under pressure to break them up—has been used by oil and gas field service companies for years, he says.

In the early years, water was the medium. More recently, the medium is liquid carbon dioxide.

PINK SHEET REPORTS ON HISC HEARINGS

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. ZION. Mr. Speaker, many of our returned POW's have told us of the adverse effect on their morale produced by the appearance in Hanoi of American ciitzens active in the antiwar movement. Returned POW's have testfied before the House Committee on Internal Security that they were tortured to compel them to meet with American antiwar activists. Our committee has just published the transcript of hearings on "Restraints on Travel to Hostile Areas" held May 9 and 10, 1973.

This week's issue of the Pink Sheet on the Left dated June 25, 1973 carries a report on those hearings. The Pink Sheet has been a source of valuable information on developments in the extremist movements for the past 2 years.

The Pink Sheet article follows:

Government Internal Security Committee Releases Report on "Jane Fonda" Legislation

The U.S. House Committee on Internal Security has just released the transcript of its hearings on a bill to restrict travel to countries in armed conflict with the United States.

This proposed legislation has been nicknamed the "Jane Fonda" bill by supporters. It is tailored to prevent Jane Fondas of the future from traveling to combat zones and making anti-American propaganda.

The proposed legislation will be voted on by the full House of Representatives within the next few weeks.

The high spot of the recently concluded HISC hearing on the bill was the testimony of Ramsey Clark, a late '72 visitor to Hanoi and a former U.S. Attorney General.

Ramsey Clark, testifying on his own behalf and that of the American Civil Liberties Union, stated that he was opposed to any travel restrictions and had gone to North Vietnam solely as an individual. Committee Chairman Richard Ichord (D., Mo.) led off the questioning by sharply challenging Clark's statement that he visited North Vietnam as an individual. Ichord introduced documentary evidence that Clark was a member of a delegation organized by the Communist front Stockholm Conference on Vietnam.

Congressman John Ashbrook (R., Ohio) pointed to Clark's hypocrisy by revealing that when the witness was Attorney General his Justice Department had favored such travel restrictions and Roger Zion (R., Ind.) forced Clark to admit that picture distributed by North Vietnamese showing Clark standing next to an unexploded bomb near a hospital was phony propaganda. Had the bomb really been dropped at that location it would have penetrated the ground.

Expressing the attitude of most of the Congressmen present, Herbert Burke (R., Fla.) severely—and properly—reprimanded Clark for allowing himself to be used as a propaganda tool by the Communists.

Copies of the Committee hearing are available free by writing to your Congressman. Urge him also to vote in favor of the Ichord travel bill which will prevent American citizens from traveling to areas where soldiers or insurgents are fighting against the United States. A similar bill sponsored by Senator Strom Thurmond will be coming up in the Senate. So please let your senators know about your feelings on this, too.

LAND REFORM IN THE PHILIPPINES

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. PRITCHARD. Mr. Speaker, for a number of years I have been deeply concerned with the problems of rural development in less-developed nations, and with the close relationship of these problems to the basic issues of agricultural production and mass violence in these areas. Last December I visited the Philippines and spent several days in the deep rural areas where the vast majority, 70 percent in fact, of the Philippine population still lives. There I spoke with a number of tenant farmers as well as with government officials, landowners, and others affected by the land situation.

The deep grievances of impoverished, landless farmers have again and again threatened disruption and disintegration of Philippine society in the generation since independence. Furthermore, these grievances are not only dangerous, they are a dead weight against agricultural production and overall economic development.

The problems of rural development—the threats of large scale violence, the lack of development, and the low agricultural productivity, which by the way drives up prices here by creating demands on our own disappearing surpluses—are many and complex.

Because of my concern with these problems, I was very pleased to see in the New York Times for Sunday, June 10, an extensive section, paid for by the Philippine Government, presenting that government's plans and policies for the "New Society." The presentation highlighted and emphasized the absolute determination of the Philippine Government to proceed with a very large scale land reform program which would provide land for at least two-thirds of the tenant farmers.

The presentation contains one of the most candid recognitions of a major social problem that I have ever seen in a formal government statement, especially one directed largely to potential investors. It also embodies one of the most direct and public pledges for an effective solution to that problem. I believe that the Philippine Government should be praised for the highly public commitment to the vital land reform program.

JOHN J. LANG

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. EILBERG. Mr. Speaker, on June 30, 1973, the Northeast Philadelphia Chamber of Commerce will be experiencing a most tremendous loss—the retirement of its executive director, Mr. John J. Lang.

During his 10 years as executive director, John has done an outstanding job in building the vital community service organization that it is today. He has been an invaluable help to me each year in organizing my annual business seminar in Philadelphia. Whenever community organizations needed assistance, John could always be counted on to get the job done. He always found time to talk to groups in the community and to become involved in promoting their projects.

The people of northeast Philadelphia will miss John Lang.

At this time I enter into the RECORD an article about John that was published in the Evening Bulletin in Philadelphia:

SURPRISE FETE HONORS RETIRING CHAMBER AIDE

Nearly 100 business and civic leaders yesterday paid tribute to John J. Lang who is retiring June 30 as executive director of the Northeast Philadelphia Chamber of Commerce.

Lang, who has held the post since his retirement as an official of the Philadelphia Gas Works 10 years ago, was honored at a surprise luncheon hosted by the Frankford Kiwanis Club.

The luncheon was held at the Shack, 7133 Roosevelt Blvd.

In addition to working as full-time executive director of the chamber, Lang served as managing director of the Philadelphia Textile Association and secretary of the Northeast Manufacturers' Association.

He retired at 65 as a public relations representative for PGW in 1963 after 49 years with the company.

Prior to assuming the full-time executive director's job, Lang served as a director of the chamber for eight years and was active on a number of its committees.

"John should be known as Mr. Northeast Chamber of Commerce for his efforts in building the organization into the community force it is today," Robert E. Putney, chamber president, said.

A former president and member of the Frankford Exchange Club, Lang is a member of the Frankford Luncheon Club, founder of the Inter-Service Club Jug Golf Tournament and a former director and member of the North Hills Country Club.

MISS CLARA SHAUGHNESSY, 1973 WINNER OF THE CORBETT-FULTON AWARD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. GAYDOS. Mr. Speaker, a few years ago Federal employees in the Pittsburgh area established an award in memory of two former colleagues of ours in the House, the late Robert J. Corbett and James G. Fulton. This award is presented annually to a Federal employee who displays the highest degree of skill and ability in the administration of his or her duty.

The 1973 recipient of the Corbett-Fulton Award is Miss Clara Shaughnessy, who attained national recognition for her efforts in having the position of claims representative in the Social Security district upgraded. This action effected more than 5,200 employees throughout the United States. Miss Shaughnessy also was recognized for her work in the writing of a contract geared to the needs and conditions of social security district and branch offices in Pennsylvania.

In announcing the award winner, Miss Mary M. Stock, secretary-treasurer of Pittsburgh's American Federation of Government Employees, described Miss Shaughnessy as "the union representative's union representative and the Federal employee's employee."

The Corbett-Fulton Award was a highlight at a recent dinner sponsored by the Pittsburgh Federal employees, the Federal Executive Board and the Federal Business Association. The dinner itself observed the 90th anniversary of the U.S. Civil Service Commission and kicked off a day-long labor-management conference.

Principal speaker at the dinner was Royal L. Sims of Philadelphia, national vice president of the AFGE—AFL-CIO. Mr. Sims paid tribute to Federal employees, noting they administer the affairs of Government which touches, in some way, the lives of every American. In discussing the relationship of labor and management in Federal service, Mr. Sims astutely pointed out there should be no such division. As he so aptly put it: "We all own part of the rock."

He did, however, touch on areas he felt are vital to continued improvement in our system: Awareness of involvement in great issues of society; a sensitivity to intangible outside issues and forces; an understanding of not only management's public mission but the social, economic, and cultural environment in which it must be achieved; a knowledge of the employee's ability and potential and their development; the need for intelligence, commonsense, and human warmth in knowing how to motivate employees.

Mr. Speaker, I believe the Pittsburgh branch of AFGE, under the capable leadership of Robert W. Huffman, president, should be commended for not only recognizing the individual achievement of one of their own but also for bringing employees and supervisors together in a conference to understand and solve mutual problems.

I would like to extend these commendations to those who took part in the conference: Peter M. Smith, personnel officer of eastern administrative office, Bureau of Mines; Rev. Jerome A. Duraczynski of the VA Hospital; John F. McKune, Director of Organization and Personnel Management, Department of Interior; Arlow L. Julian, Jr., chief, eastern administrative office, Bureau of Mines; Clyde M. Webber, national president, AFGE; Mr. Sims; W. J. R. Overath, Regional Administrator, Labor-Management Services Administration, Department of Labor; Howard W. Solomon, Executive Secretary, Federal Services Impasses Panel; Harold Kessler, chief, program division, Federal Labor Relations Council, and Jerome H. Ross, national representative, Federal Mediation and Conciliation Service.

CONNECTICUT BUSINESSMAN FIGHTS INFLATION

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. SARASIN. Mr. Speaker, I wish to bring to the attention of my colleagues the action of a Fifth District, Connecticut, businessman who has taken direct and positive action to combat rising prices and inflation.

Wilton, Conn., automobile dealer Bob Sharp, one of the leaders in his field on the east coast, has voluntarily reduced the labor charge on all repair work done at his establishment by $1.

This reduction, representing a lowering of these charges by approximately 8 percent, was undertaken in response to President Nixon's recent televised address regarding the economy.

Mr. Sharp, who is also well known for his accomplishments on the auto racing circuit driving for his own Bob Sharp racing team, admitted his individual action would have little national impact in controlling inflation, but expressed the hope that other auto dealers would follow his lead and that a broad segment of the public could benefit from lower automobile maintenance and repair costs.

Mr. Sharp stressed that this reduction of costs would be absorbed by the company and that his employees' paychecks would not be affected.

I bring this action to the attention of my colleagues as an example of truly public-spirited behavior by a businessman.

Mr. Sharp has demonstrated a real concern for our present problems and has given more than lipservice to dealing with them. I offer him my congratulations and I hope more businessmen in Connecticut and throughout the Nation will be moved by his example to deal directly with one of the major root causes of inflation.

Such individual initiative by the businessmen of America, if carried out nationwide, would be the surest and fastest way of dealing with the rampant inflation threatening our economy.

THE HIGH PRICE OF FOOD: A MATTER OF TASTE

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. STEED. Mr. Speaker, every now and then even the Washington Post prints something worthy of being repeated.

Such is the case, in my opinion, of the article in the Friday, June 22, issue written by columnist George Will on the subject: "The High Price of Food: A Matter of Taste."

I compliment Mr. Will on the clever and effective way he has pointed out the basic and most important factor bearing upon our Nation's economic problems today. I doubt if many of my urban oriented colleagues will find this article very pleasing, since it pulls away the false curtain of hypocrisy behind which so many have hidden when blame had to be fixed. They still like to make the poor old farmer the whipping boy.

The article follows:

The High Price of Food: A Matter of Taste

(By George Will)

A few months ago when Meat Boycott Chic was in full flower, the media featured housewives incandescent with rage because high meat prices were "forcing" them to subsist on "hot dogs and TV dinners." If American consumers are too dim to understand that hot dogs are a dreadfully expensive way to buy protein, or that the price of a TV dinner includes about as much for the preparation as for food, then Mr. Nixon can be partially forgiven for treating us like "a child in the family."

In his June 13 economic speech the President did just that. He eschewed "seemingly simple gimmicks." Instead, he "froze" just about everything, saying: "We must not let controls become a narcotic—and we must not become addicted." He promised that the freeze will be followed by "a new and more effective system of controls" designed—you guessed it—"to get us out of a controlled economy."

Mr. Nixon probably understands that whiney, spoiled, irrational consumers have no objection to the national penchant for talking flapdoodle about the economy. But surely it is sensible to distingiush between general inflation and some of the more conspicuous price rises that are not just manifestations of the general inflation.

The principal cause of general inflation is government spending. It is understandable that Mr. Nixon did not dwell on this fact in his speech. It is an unpromising topic for the author of an FY 1974 budget that calls for spending twice as much as LBJ spent in 1966 even while LBJ was escalating wars against North Vietnam and poverty. Mr. Nixon's latest budget calls for spending $19 billion more than was spent last year—an increase larger than the sum of all federal budgets from 1789 through 1906.

Yes, sure, this budget was announced by Mr. Nixon and denounced by his critics as an austerity budget. More flapdoodle, all around.

The public is grousing most about a few prices it considers "unreasonable," especially food and gasoline prices. These prices contribute to the general inflation statistics, but they are not just part of the general inflation, any more than is the price paid a scalper for Redskins tickets. These prices have to do with uncomfortable—but inevitable and predictable and irreversible—supply-demand situations.

Tastes are changing. Paychecks, like people, are getting fatter. Today people want to eat more, and to eat more expensive things. And they want to buy a convenience component in what they insist on thinking of as a simple food bill.

Mr. Nixon says he wants to "make it possible to produce meat and eggs and milk at prices you can afford." But he must know that most of those who are complaining loudest can afford to pay today's prices—and more—for good diets. In 1930 Americans spent 23.4 per cent of their incomes on food. In 1960, 20 per cent. Until recently, 15.7 per cent, and only 12.3 per cent on food prepared in the home.

The "problem" today is that more Americans—and more disagreeable foreigners—can afford to pay more for more and better food. Give a man here or abroad milk and the greedy wretch will want beef. And soon the American consumer starts complaining about the consequences of a demand (including his own) that is growing faster, worldwide, than the food supply. Such complaining is not realistic.

Regarding gasoline, Mr. Nixon promises Phase IV "measures" (not, of course, wicked controls) to stabilize (without, of course, controlling) the price of gasoline. These measures will try to insure that excessive demand does not lead to price increases that would dampen the large U.S. portion of the soaring worldwide demand that is causing the scarcity. That is not realistic.

But the *vox populi* is hitting C over high C about food and gasoline prices, and Mr. Nixon is not deaf. Would that he were!

Keeping down gasoline prices will stimulate consumption—and oil imports. That will hurt the balance of payments as will the proposed restraints on agricultural exports. So perhaps there will be another devaluation, with another increase in the cost of imports, and another easing of competitive pressure on domestic industries. As an anti-inflation program, this is not realistic.

Liberals, most of whom favor controls, accuse conservatives, most of whom oppose controls, of being "unrealistic" about the dynamics of social change, and of wanting to "turn back the clock." It is true that conservatives often are not *au courant* concerning the most recently discovered laws of social behavior.

But conservatives do have a firm grasp on one arcane law, to wit: when peoples' appetite for something is increasing faster than the supply of that something, the price often goes up. And if it goes up far enough, people usually don't want so much of it. Or, as the boys at the serious quarterlies say, most demand is price elastic.

As for "turning back the clock," that is Mr. Nixon's stunt, and his liberal critics are merely complaining that he did not turn it back far enough. He turned it back by mandating prices at the June 1–8 levels, but his critics say prices were "unreasonably" high then.

I will leave it to Mr. Nixon and his fellow controllers to argue about the day or week or year or decade in which prices were at a level "reasonable" for today. But it might be jolly good fun for Mr. Nixon next time around (and there will be a next time) to mandate prices at levels prevailing (say) June 1–8, 1933, when there was a sort of heavy economic frost on everything.

Unrealistic, you say? Well, God forbid unrealism in economic policy. The grim women of the meat boycott would not stand for it.

Today some of these women can be seen in Chevy Chase supermarkets, complaining all the way from the meat counter to the checkout counter about paying an extra quarter for a steak. Then they plunk down 50 cents for a lottery ticket, load their sacks of potato chips and soft drinks into a large station wagon, roll up the power assisted windows, turn on the air conditioning, and start complaining again about "unreasonable" prices.

MINIMUM WAGE BILL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. HUNT. Mr. Speaker, following the adoption of the minimum wage bill in the House of Representatives, several overzealous political persons decided to project themselves into the picture by criticizing my vote. I note that one politician, in particular, who is currently seeking reelection to the New Jersey Assembly this coming November was quite critical of my vote but distorted the fact that I have supported the minimum wage projections on a more orderly progression of scale. It is quite apparent that this is why he is in the lower House of the New Jersey Legislature because without any equivocation he has exhibited his unknowledgeable intemperate mouthings without regard to the whole story.

May I call to your attention, Mr. Speaker and to all of those who are interested, an editorial that appeared in the Detroit Free Press on June 11, 1973. It is a well-known fact that the Detroit Free Press is not a conservative subscriber to the news media but to find such a frank explanation should leave no doubt in the minds of those who are critical as to what we were trying to accomplish in the House. It is deplorable that the shortsightedness of some of my colleagues may cause the loss of employment to those persons who work in the domestic field and to the youth of America who need jobs to augment their school money.

I also include a copy of the remarks of Congressman JOHN N. ERLENBORN of Illinois that adequately explain the position I took on the floor of the House:

[From the Detroit Free Press, June 11, 1973]

Editorial Assails House Package

Like the decision to double the President's recommendations for Social Security benefits made by the last Congress, this new Congress has gone far beyond Mr. Nixon's own high but reasonable recommendations.

The President had supported a proposal to increase the minimum hourly wage from $1.60 to $1.90 this year, $2.10 a year later and $2.20 after two years. He would not have included any new workers in the coverage, and advocated a "youth differential" for beginners or summer job-seekers.

The House went way beyond it. It voted for a $2 minimum this year and $2.20 next year. It jacked up the rate for agricultural workers, who now get a minimum of $1.30 an hour, to a schedule which would reach the same $2.20 rate in 1976.

It included an estimated one million household domestics, not now covered, and put them on a schedule which will reach the $2.20 level in 1975. It extended coverage to about five million federal, state and local government employees, and by a narrow margin beat down the youth differential.

It will affect those it was designed to help, but the effect, we fear, will be disastrous. It will, quite simply, price a lot of jobs out of existence, invite evasion of the law and, at the same time, increase the pressure by those already at or above the minimums for greater inflationary increases.

No one needs to be told there is a shortage of jobs for teenagers this summer and, we imagine, there are plenty of teenagers who would be willing to work for $1.50 or $1.60 an hour. But if an employer is forced to pay $2, the job will cease to exist, Most supermarket baggers have already vanished, and the restaurant busboy is an endangered species. This proposed 24 percent immediate increase in the minimum wage could well finish them off.

We question whether the inclusion of domestic helpers is even constitutional. Congress derives its power to set minimum wages from the interstate commerce clause. It taxes the imagination to consider domestic help interstate commerce, even if the maid in Toledo spends some time dusting Grand Rapids furniture or watching a television set made in Japan. The same constitutional question applies to state and local government workers.

Even if it is constitutional, it is damaging. . . . Call it slave labor if you will, but $5 or $8 a day is considered the going rate in much of the nation. If the legal rate goes up to $16 for an eight-hour day, the jobs will disappear in whole or in part, or householder and helper will collude to break the law.

Further, over the long run, this bill will force wages and prices up all along the line. The worker now getting $2 will, reasonably enough also want a 25 percent increase to $2.50. The worker getting $2.50 will hardly be content.

Fortunately, the key vote on the bill, a Republican substitute, was only defeated by a fairly slim margin, 218–199. although the record vote on the bill itself was 287–130. This means that if the Senate passes the House version and Mr. Nixon vetoes it, his chances are good of being upheld in the House.

We think he should and expect he will.

A minimum wage bill on which I have worked hard for nearly three years lost out in the House of Representatives June 6. The Democratic majority on the Education and Labor Committee had reported a bill to raise the minimum from its present $1.60 to $2 almost immediately, and on to $2.20 a year afterward.

Following the practice of last year, I had fostered the Erlenborn Substitute which would have raised the minimums at a more leisurely rate. The substitute was defeated 199 to 218 in the first vote of a long afternoon and evening.

Finally, at 8 p.m., the committee's bill passed 287 to 130. I voted against it.

The question has been before our General Labor Subcommittee since 1971; and I have been advocating the more moderate approach, as expressed in the substitute. From the start, I have been urged not to seek a compromise. "The minimum wage is too high now," this argument goes. "Raise it and you will only cause employers to hire fewer people in low-paid jobs. Don't compromise; just vote No."

The margin of defeat explains why I did not take this advice. When I offered the compromise last year, I won by 26 votes. This year, I lost by 19 votes; and when I simply voted No, I lost by 157.

Senators Peter Dominick of Colorado and Robert Taft of Ohio will try for a moderate bill in the Senate, so we still hope for some measure of success.

If the bill which passed the House becomes law, however, there will be some marked changes in the American economy, and they will be felt in some surprising places. Several classes of workers will be affected for the first time, among them, employees of federal, state, and local governments, and domestic workers. Additionally, transit workers will come under a special overtime provision for the first time.

Transit companies are in a precarious position, and may be hard hit if they must change their traditional way of handling overtime.

The inclusion of government workers will have a spotty effect. Federal workers will be exempt from overtime provisions, and so will police and firemen. Even so, the House-passed bill will markedly raise the cost of state and local government.

Most urban and suburban domestic workers (except baby sitters) apparently are now paid more than the minimum wage. What impresses me here is the enforcement problem. A domestic worker may have five or six employers, and even a dozen employers for one worker are not unusual. It will be interesting to see the number of bureaucrats required to enforce this section.

The big battle concerned the youth differential. It is a key part of the Erlenborn Substitute. It would provide that a 16- or 17-year-old youth could work for six months at a lower rate (usually 80 per cent) than older workers. The youth rate also would apply to full-time students.

Unemployment among young people is disproportionately high—presently at 15 per cent for all, but at 30 per cent for nonwhites.

The bill which passed the House would continue student work provisions which are so bound up in red tape that only 37,000 students get the advantage of them.

PUBLIC COMMITMENT TO A WAR ON POVERTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. RANGEL. Mr. Speaker, all public opinion polls, I know, are closely scrutinized and carefully considered by my colleagues in Congress.

I would like to bring to the attention of CONGRESSIONAL RECORD readers, the details of a television poll conducted by George Gallup, Jr.

I feel certain that these findings will be of great interest to those of us who attempt to forge and implement public policy.

POVERTY PROJECTS FAVORED IN A POLL—REGIONAL PLAN SURVEY FINDS STRONG TREND FOR THEM

(By John Sibley)

A television poll of the New York metropolitan region shows that citizens strongly favor a broad range of public programs to alleviate poverty.

Among other things, 81 per cent called for expanded pre-school education and daycare for children of working mothers.

A majority favored changes in school attendance boundaries for more integration within walking distance.

Guaranteed jobs for all who want to work were approved by 51 per cent. And 36 per cent favored Government jobs for some of the unemployed.

The survey was one in a five-part series conducted by George Gallup Jr. for the Regional Plan Association, entitled "Choices for '76." The questions were presented in a one-hour telecast over virtually every television station in the region from New Haven to Trenton.

The pollsters have acknowledged that their respondents are not a representative sampling of the region's population.

"What we have," Mr. Gallup said recently "is the opinion of people who tend to be citizen activists. They are likely to belong to civic and political organizations and to know how to make their views felt."

In the survey on poverty, 51 per cent said the government should guarantee a minimum income for everybody in need.

Asked what the minimum should be for a family of four, 12 per cent said it should be $2,400, 21 per cent said $4,200, 11 per cent said $5,000 and 8 per cent said $6,500.

However, 41 per cent said there should be no minimum income and the remainder said they had no opinion.

Asked whether they favored higher Federal income taxes for "people with higher incomes," 71 per cent voted "yes," 24 per cent "no" and 5 per cent "no opinion."

Asked whether state and local authorities should rely less on sales and property taxes and more on income taxes, the respondents were 61 per cent in favor, 32 per cent opposed and 7 per cent undecided.

PRESIDENT LYNDON B. JOHNSON

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. BRADEMAS. Mr. Speaker, there can be no question that Lyndon B. Johnson was one of the most extraordinary public figures in American history.

A Member of the House of Representatives, majority leader of the Senate, Vice President and, finally, President of the United States—Lyndon Johnson brought a combination of energy and intelligence and compassion to his responsibilities unusual to find in any person.

Everyone who came to know the late President will have his own recollections of him.

But, Mr. Speaker, I remember particularly the visit President Johnson made to my hometown of South Bend, Ind., in early 1964 to survey the impact on our community of the shutdown in late 1963 of the Studebaker automotive plant. And I continued to be grateful for the assistance he provided to help the people of St. Joseph County recover from that economic blow.

And I remember as well, Mr. Speaker, another visit President Johnson paid to my district, to the small community in Elkhart County, of Dunlap, which had been devastated by a tornado, and I recall with continuing appreciation the comfort the presence of the President of the United States meant to the citizens of that small community.

In terms of President Johnson's leadership on crucial national issues, I am sure that what most impressed me—and many others—was the depth of his commitment to improving education and health for the American people, to the eradication of the curse of poverty in a wealthy land, and to the translation into reality of the American dream of equality of opportunity for all citizens, regardless of their race or color, their religion or national origin.

We all know, Mr. Speaker, that the great tragedy that afflicted the Presidency of Lyndon Johnson was the war in Vietnam.

But no matter our views on the war, all Americans can, I believe, applaud

Lyndon Johnson and pay tribute to his memory for his remarkable and gifted leadership in so many ways to make a better nation for all our people.

FEDERAL-AID HIGHWAY ACT

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. ECKHARDT. Mr. Speaker, the Congress will soon be asked to put its final stamp of approval on the proposed Federal-Aid Highway Act of 1973 as House and Senate conferees resolve differences between the respective versions of S. 502. I am concerned lest the bill finally approved by the conference contain a provision in it designed to exempt a project in San Antonio, Tex., from Federal law.

The project is the controversial "North Expressway" part of the proposed relocation of U.S. Highway 281. A 9.6 mile section will serve the north-south traffic corrider between downtown San Antonio and the San Antonio International Airport by connecting Interstate Highway 35 and existing U.S. 281 and Loop 410. The current plan is to construct the expressway through the Olmos Basin and Brackenridge Park areas. The park complex contains the San Antonio Zoo, San Jacinto Park, Olmos Basin picnic area, two golf courses, an open air threater, sunken gardens, Franklin Fields, the Alamo Stadium, playing fields, hiking trails, and undeveloped lands.

The Texas Highway Department and the city of San Antonio seek special action by Congress to exempt the project from the requirements of section 4(f) of the Department of Transportation Act, as amended (49 U.S.C. section 1653 (f) and the National Enviromnental Policy Act.

In approving section 4(f) of the Department of Transportation Act, the Congress said:

> It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuge, and historic sites.

Section 4(f) directs that the Secretary of Transportation not approve any program or project which requires the use of the above resources unless there "is no feasible and prudent alternative to the use of such land" and such program "includes all possible planning to minimize harm" to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. The Congress reconfirmed its intent to afford priority protection to park lands and similar areas in the Federal-Aid Highway Act of 1968.

In 1969, the Congress approved additional landmark legislation—the National Environmental Policy Act (42 U.S.C. section 4321 et seq.). In this act, Congress articulated the need to examine and evaluate the impact of all types of federally assisted projects. The Congress determined, that—

> It is the continuing responsibility of the federal government to use all practicable means consistent with other essential consideration of national policy to improve and coordinate federal plans, functions, programs and resources to the end that the Nation may . . . preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety in individual choice.

To achieve this end, the Congress directed in section 102(2)(C) of the act, that all agencies of the Federal Government shall:

> (C) include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Both sections 4(f) and 102(C) clearly require only the rational approach to physical and social planning that the citizens of this Nation have demanded and expect—full knowledge and understanding of the total effect of a public works project—highway, airport, reservoir, or other facility. What are the long-term benefits? Are the long-term costs, public and private, worth paying? In the absence of this information no major public project—Federal, State, or local should be authorized or allowed to proceed.

On August 13, 1970, the Secretary of Transportation, upon request of the State of Texas authorized Federal participation in the North Expressway. The State of Texas thus voluntarily submitted itself to Federal law with full knowledge of the controversial nature of the project and applicable Federal statutes. The U.S. Court of Appeals for the Fifth Circuit has subsequently enjoined the Texas Highway Department from constructing the proposed North Expressway through the Brackenridge-Olmos parklands for failure to provide the proper environmental impact statements.

Now the Texas Highway Department and the city of San Antonio seek special legislation by Congress to permit it to "repay" the Federal aid received to date for the North Expressway and complete construction within the parks utilizing State and local funds.

In response to a plea from the State the Senate-passed version of S. 502 contained a section terminating the Federal-aid relationship for the North Expressway. The House, wisely, I believe, avoided immersing itself in such controversial issues by not adopting a similar provision in the House bill. However, I am concerned that the Senate provision will be incorporated into the conference report. Such legislation would be a dangerous precedent with serious national ramifications. Congress will have begun the task of undercutting, on a case-by-case basis, its own environmental safeguards.

The North Expressway/Brackenridge Park and Olmos Basin conflict has been described as "a unique problem." Yet data available from the Federal Highway Administration and the Council on Environmental Quality do not support this assumption. Highway encroachment of parklands, recreation areas, historic sites, and wildlife refuges has been and continues to be a widespread national problem.

From January 1, 1970, through December 31, 1972, the Council on Environmental Quality reported 85 completed environmental impact statements and 161 draft statements specifically dealing with highways routed through parks and similar areas. This is a total of 246 highway/park encroachment situations over a 3-year period.

In 1972 alone, 107 draft and 64 final section 4(f) statements were either in process or completed. Each statement, both draft and final, generally refers to a specific situation where a highway is impacting on a park or similar area. Thus, in the last calendar year, 171 situations similar to Brackenridge Park were developing.

The courts have been and continue to be an effective forum through which to resolve conflicts similar to that in San Antonio. According to a compilation by the Federal Highway Administration about one-third of the cases in which individuals or groups have challenged highway routing decisions have been completely resolved, and most of the others are in various stages of resolution. To exempt the San Antonio case from the judicial process would encourage disputants to seek similar congressional intervention and would subvert the existing mechanism for resolutions of these proliferating conflicts. If Congress intercedes in this case we will have established the precedent of intervening in specific highway disputes whenever a State highway department finds itself enjoined for failure to comply with the laws. If the Texas Highway Department is granted specific relief here then other State highway departments now under an injunction could demand similar legislation. On what basis could we refuse their requests?

CHRONOLOGY

This matter was under consideration in the 92d Congress. At that time, Congressman JOHN DINGELL described the series of events surrounding the San Antonio controversy. Following is the pertinent section of his statement with an update of the events since last year—CONGRESSIONAL RECORD, volume 118, part 24, pages 31872–31873:

HIGHWAY INTERESTS SEEK TO SUBVERT AND UNDERMINE ENVIRONMENTAL LAWS

The San Antonio highway was first suggested in the midfifties by the San Antonio City Council. In 1960 the Texas Highway Department recommended two alternate routes for the road—one of which would go through the Brackenridge-Olmos Parklands.

In 1961, a bond issue passed for acquisition of the right-of-way. But, according to our distinguished former colleague, now a Federal judge, Homer Thornberry, "No particular route was specified on the proposition as it appeared on the voters' ballots."

In 1963, the State settled on the park route.

After Congress enacted section 4(f) of the Department of Transportation Act of 1966, which is aimed at preserving our parklands, the San Antonio Conservation Society in 1967 requested that a different route be selected. When their request was denied, the society filed a lawsuit in December 1967.

In January 1966, the then Secretary of Transportation said there had been no approval by DOT for this right of way, and in April 1968 he sought an analysis of the project.

On September 23, 1968, the DOT Secretary gave conditional approval, but it never was effective, because in February 1969 the State refused to accept the conditions.

On December 23, 1969, DOT Secretary John A. Volpe approved two end segments outside the park, but not the middle section in the park, and called for a study of the park section. But in January 1970, the State objected to this approval and in April 1970 refused to make the study.

But on August 4, 1970—after enactment of NEPA—the State reversed itself and agreed to the study if Federal funds would be available immediately for the two end segments.

On August 13, 1970, Secretary Volpe agreed and on August 24, 1970, bids were authorized.

On September 1, 1970, when the citizens learned of this, the lawsuit was revived "claiming they had found out about the Secretary's action only through the newspaper."

The August 18, 1972, Senate report on S. 3939 states—Senate Report No. 92-1081, on page 42:

"The State obtained initial route approval from the Federal Highway Administrator and purchased all right-of-ways and completed all relocation with approximately $7 million in State and local funds prior to the changes in Federal law which now involve it in legal controversy. The Secretary of Transportation approved the letting of construction contracts prior to recent Federal court decisions defining the standard by which the administrative approval was to be reviewed. Thus, the project has twice been caught by changes in Federal law and procedures affecting its completion as a Federal-aid project."

According to our former colleague, Judge Thornberry, the State did not obtain any approval from the Federal Highway Administrator prior to enactment of section 4(f) or NEPA. Moreover, DOT's approval of construction contracts for the two end segments occurred 8 months after NEPA was enacted into law on January 1, 1970, and well after the court case had been filed.

Thus, the project was not "caught," either twice or even once, "by changes in Federal law and procedures."

In the lawsuit—*Conservation Society* v. *Texas*, Civ. No. 30915, Aug. 5, 1971, 2 ERC 1872—Judge Thornberry of the Fifth Circuit Court of Appeals described the parks in question and concluded:

II. Preservation of Parklands: The Brackenridge-Olmos Basin Parklands are unique park and recreation areas situated at the headwaters of the San Antonio River and surrounded by a densely populated urban area in San Antonio, Texas. The Parklands contain Sunken Gardens, an open air theater, two golf courses, the San Antonio Zoo, picnic areas, nature trails, and many acres of green, open space. While there is a factual dispute concerning the exact number of acres threatened by this proposed expressway, it appears that the expressway will require the use of between 116 and 250 acres of parkland.

III. Noncompliance with the Statutory Law: Our task is simplified greatly to begin with because it is undisputed that the Secretary of Transportation complied with none of the above-quoted statutes in his approval of the two "end segments" of this expressway. No environmental study under N.E.P.A. has been made with respect to these two "end segments," and the Secretary has demonstrated no effort by anyone to examine the section 4(f) "feasible and prudent" alternatives to the route followed by these two "end segments," which come right up to, if not in to, the Parklands from both the north and the south. Thus, it requires no discussion to establish that there has been no compliance with any of the above-quoted statutes.

Moreover, Judge Thornberry said that—

"Section 4(f) 'does not authorize' DOT to separate a 'project' into 'segments.' In short the Secretary acted beyond the scope of his authority."

He then said:

"By the Secretary's own admission, he adopted this piecemeal solution in order to defuse a controversial situation by attempting to strike a compromise between those who were determined to build the highway and those who were determined to save the Park. The problem with the Secretary's solution to the controversy is that he misconceived his role. The conflict between Parklands and Highways has *already* been resolved in the Halls of Congress, which is the proper place in our system of Government for priority decisions to be made. And, as the statutes here in question make clear, parklands and environmental values are considered paramount. *See Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U.S. at —, 91 S. Ct. at 821-22 [2 ERC 1250] (1971)."

Following the decision of the Court of Appeals, the State of Texas renewed its effort to circumvent Federal law by seeking to have the court dismiss the suit on the grounds that it was proceeding solely with State funds. The motion was denied, and both the Court of Appeals, and the Supreme Court refused to overturn the judgment.

On January 10, 1973, the U.S. District Court ordered the Texas Highway Department and the U.S. Department of Transportation to "proceed diligently and with all speed reasonable under the circumstances to prepare the statements and reports required by Federal statutes and regulations."

There has been no indication to date that the State has complied with this order.

LEGAL SERVICES CORPORATION ACT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. LEHMAN. Mr. Speaker, yesterday I voted for the Legal Services Corporation Act, not because I believe it is the best bill that I have seen, but rather to insure that the poor of this Nation will have continued access to legal counsel.

I would also like to state for the Record that had I been present for rollcall No. 256, on an amendment to prohibit administrative advocacy by legal services attorneys, I would have voted "nay." Legal service attorneys have the same right to work for legislation favorable to their clients as private attorneys do for the corporations which retain them.

I was not present at that time as I was meeting with several constituents, attending the national conference of the Jewish Community Relations Advisory Council, who were concerned that the Nixon-Brezhnev meeting would be detrimental to the Russian Jewry emigration.

ILLEGAL DEATH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. RANGEL. Mr. Speaker, as Americans today are stunned by the blatant disregard for the law as exhibited by President Nixon's closest aides in the Watergate affair, Mr. Nixon is exhibiting an equal ignorance of the law in his handling of the controversy over the Office of Economic Opportunity.

While Congress appropriated Federal funds for the continuation of OEO, President Nixon appointed Howard Phillips as Acting Director, with the singular goal of terminating the agency.

Recent court rulings concerning these actions have clearly shown that the President has acted in an illegal and unlawful manner.

A recent New York Times editorial entitled, "Illegal Death" dealt with this subject.

It is high time that we, in Congress, assert our constitutional strength. In this light, I have introduced, in the House, H.R. 8468 which will appropriate funds for OEO for the fiscal year ending June 30, 1974. I fervently hope that swift and decisive action is taken on these matters pertaining to OEO.

The editorial follows:

ILLEGAL DEATH

Since January, when President Nixon disclosed in his budget message that he was requesting no funds for the Office of Economic Opportunity in the next fiscal year, the Administration has slowly been putting the agency to death. Programs have been phased out, employes fired, and money that Congress appropriated to wage war on poverty has been left unspent.

Such actions are in violation of existing law. In April a Federal court in the District of Columbia ruled that the President cannot order any agency dismantled when Congress has legally established the agency and appropriated funds to carry out its legislated purpose.

As part of this illegal plot to confront Congress with an accomplished fact, the White House refused to nominate a new head of O.E.O. when the last director quit. Instead, Howard Phillips was given an "interim appointment" as acting director.

Four members of the United States Senate filed a suit challenging this maneuver. The court has now ruled that Mr. Phillips holds office "unlawfully and illegally." A President normally makes an interim appointment only when Congress is not in session. But Congress has been continuously in session since Mr. Phillips was named four and one-half months ago. The court found that a President's power to make interim appointments, "if it exists at all, exists only in emergency situations. No claim has been made that the appointment of Phillips was necessitated by any emergency situation and the court finds that there was none."

The Administration's desire to dismantle the Federal antipoverty agency when millions still live in poverty is a serious mistake in social policy, but policy is always open to reasonable disagreement. What is profoundly dismaying is the Administration's willingness to circumvent the law and defy Congress in order to put its policy into effect. Such executive arrogance breeds lawlessness and subverts free and orderly government.

It is now up to Congress to appropriate the money for the coming fiscal year, thus giving substance to O.E.O.'s existing authorization. If Congress fails to assert itself promptly, it will find that the Administration has succeeded in killing O.E.O. More important even than the fate of the antipoverty program is that Congress back up the courts and induce the President to fulfill his constitutional mandate to see to it that the laws are faithfully executed.

1974 PORK SUPPLY DWINDLING

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. FINDLEY. Mr. Speaker, I am getting calls from my district telling of farmers starting to sell pregnant sows and gilts—animals that should be producing our pork supply for next year. The result will be less pork at the supermarket meat counters in 1974.

The reason those animals are being sold is simple: With ceilings on red meat prices, farmers now see little prospect of profit. So the pregnant sows are going to the slaughterhouse.

Instead of letting the price system do its work of increasing supplies and bringing prices into line, Government edict is dictating prices and decreasing supplies. What looked like a prospect for moderating prices now has changed. The outlook is for high prices and/or shortages. This is just one example of the dangers of substituting Government rules for price signals from consumers.

I do not like the direction we are going. Another person who put it very well recently in remarks before the American Agricultural Editors Association in a session in the New Senate Office Building June 19, 1973, was Warren Lebeck, executive vice president of the Chicago Board of Trade.

Mr. Speaker, I insert the remarks of Mr. Warren Lebeck before the American Agricultural Editors Association in the Record at this point:

Remarks by Warren Lebeck

American agriculture is being called upon as never before to help supply the food needs of the entire world. Free world and communist nations alike.

This should tell us something. At the risk of oversimplification, it should tell us our system must be working better than their systems.

Some of the reasons are pretty obvious. One of them is that we have a free and continuous flow of information. Information about new and better ways to produce. Information about supply and demand and prices and other things farmers need to know to make the necessary adjustments. You can take a big share of the credit for this. You do your jobs well.

Another reason is the way we achieve desired economic results. We do it mainly through a system of competitive markets, through the interplay of supply and demand. Price changes very quickly tell producers—and tell them in a way they respond to—whether more production or less production is needed.

The beauty of this system is that it works.

Not that it is always perfect. It may not produce instant results. Sometimes it coughs and sputters. And sometimes it may even swing too far in one direction and then too far in the other before it strikes just the right balance.

But it does work.

Unfortunately, some people become impatient with it. Their impatience leads to criticism. Their criticism leads to panic. And their panic leads to meddling.

They suggest, in effect, that it would be so much easier and faster simply to mandate economic results. To proclaim by decree that prices should be at this level and production at that level. As though saying it could somehow make it happen. The people who believe this obviously don't know the same farmers I know.

Frankly, this kind of thinking worries me. I hope it worries you.

The reason this kind of thinking worries me is that it would make our system just like those of many of the nations we are now helping to feed.

Then who would feed us?

With that question, I again thank you for being with us.

Hoping the answer is clear.

PRIVATE PENSION SYSTEM

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. EDWARDS of Alabama. Mr. Speaker, in February I testified before the Task Force on Welfare and Pension Plans, General Subcommittee on Labor, House Committee on Education and Labor on the subject of strengthening and improving the private pension system.

Since this subject is still being actively considered by the Congress and since it is a subject about which we are all deeply concerned, I am inserting into the Record my testimony of earlier this year:

Testimony of Representative Jack Edwards

Mr. Chairman, members of the committee, every member of Congress is aware of the pressing need for reform of the private pension system. This committee in particular has applied its energy, leadership, and wisdom to this problem, including your hearings in April of 1971, your far-reaching investigation of the private retirement system in past months, and now through these hearings in the early days of the 93rd Congress. Chairman Dent's legislative efforts in this area have provided the stimulus for discussion and debate throughout the country, and his bills serve as a strong pivotal point for these hearings.

We have all received moving letters from constituents who share with us their disappointment and distress produced by a faulty private pension plan. I recall one letter in particular. My constituent told of working for more than twenty years in the same industry. During this twenty years, he paid into two different union pension plans. When he changed unions, he found he lost twelve years of contributions. He now finds that the terms of his present pension plan are being altered to lower his benefits.

This letter is typical of others, but I know it is not necessary to convince this committee of the social tragedy which has occurred and which will continue to occur unless improvement is realized.

Vesting is the main pillar of the private pension problem. That is, when does the worker obtain an irrevocable right to receive benefits upon reaching retirement age? It is estimated that about 70% of private pension plan participants are not now vested. This means that if these participants leave their present jobs, their accrued benefits will go down the drain.

And 34% of private pension plan participants 50 years old or older do not have a vested right to retirement benefits. I single out this age group because these are the people that probably suffer the greatest losses when anticipated benefits for one reason or another are taken away. These individuals are generally in a much poorer position than the younger worker to find another employer and another pension plan, hopefully one which will vest.

More than 30 million working men and women, close to one half of our total work force, participate in private pension plans. The assets in private pension plans approach $150 billion in unregulated money.

I would urge this committee to consider carefully rapid vesting for older workers, not to the exclusion of younger workers, but with an eye on the special situation of older participants. My own bill, H.R. 186, employs the so-called "Rule of 50" as to vesting (50% vesting is required when any combination of age and years of covered service equals 50, with vesting of an additional 10% each year for the next five years after vesting begins) and would reduce greatly the number of participants age 50 and over who are not vested.

Certainly there are problems other than vesting which must be examined and solved. While adequate disclosure of a pension plan's administrative and financial affairs is vital, we must avoid creating an impenetrable thicket of forms and paper work which would be particularly burdensome to the small businessman. The creation of a tangled web of red tape would dampen the incentive to create new private pension plans and would stifle those plans already in existence.

We must consider setting up a minimum funding standard for pension plans and a national insurance program to protect against loss of benefits caused by the termination of pension plans. As this committee is aware, the President directed the Treasury and Labor Departments in December of 1971 to undertake a full study of the benefit losses caused by pension plan termination. At the present time, we know very little about the magnitude of the problem of inadequate funding and plan termination. This Treasury/Labor study should, upon its completion, be factored into all legislative approaches to these problems.

The question of portability requires careful study with close attention to the problems of standardization of plans and the administration of transferred pension credits.

We should keep in mind the fact that some private retirement plans are well run and efficiently administered. We should strive to minimize the effect of governmental regulation on these plans.

We should make every effort to avoid provisions which would directly or indirectly burden the young worker by withholding large amounts from his wages at a time when he or she needs current income much more than retirement income.

One voice which this committee should give every opportunity to be heard on this vital subject of private pension reform is the Honorable Peter J. Brennan, the newly-appointed Secretary of Labor. Secretary Brennan is still organizing his department and its programs at the moment, but his thinking and an adequate input from his department are essential to good legislation. I hope the committee hearings will not be closed before the Department of Labor has had a reasonable opportunity to make a meaningful contribution.

Mr. Chairman, retirement in America can be marked by loneliness, desperation, and a sense of helplessness. Or, it can be characterized by independence, self-reliance, and dignity. As President Nixon pointed out in his message to the Congress in December of

1971, the deciding factor is usually an adequate post-retirement income. It is up to us in the Congress to see that an important provider of that post-retirement income, the private pension system, is strengthened and expanded.

The working men and women in America form the backbone of our nation. They pay the taxes and they keep this country moving. We cannot tolerate a system which forgets the contribution they have made and which turns its back on them when the day of retirement arrives.

I am confident that the wisdom of this committee and the collective energies of the Congress will succeed in providing American workers with the private pension plan protection they deserve.

THE 40,000 AMERICANS — TROOP LEVEL IN SOUTH KOREA CHALLENGED

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. VAN DEERLIN. Mr. Speaker, a prominent member of the San Diego community has brought to my attention an article by Washington Post Correspondent Don Oberdorfer which appeared in the Los Angeles Times.

Mr. Hamilton Marston cites a reported outlay of $584 million in 1972; the price tag for pay, upkeep, and operation of our 40,000-man military force in South Korea. In addition, some $326 million has been expended over the past 15 years by the U.S. Army Corps of Engineers—this for various military construction projects in that Asian country. New barracks are being prepared to last 20 to 30 years. Also, the United States has recently guaranteed occupancy of high-rise apartments and ranch-style rentals by military families until 1983. This seems to suggest continued maintenance of present troop strength.

The contention that our presence prevents Communist activity in that area demands closer scrutiny. It has been said that we carry a military burden which Japan recognizes is necessary, and provides a tremendous psychological relief to the South Korean Government. This argument is unconvincing. Were our presence necessary to bolster a weak or inferior South Korean army, perhaps these huge expenditures might be justified. But in fact the Republic of South Korea maintains a highly trained and well-equipped standing army of 600,000. This is about 200,000 more men than the total North Korean force.

Especially in light of our past tragic involvement in Southeast Asia, the desirability of committing ourselves in a "trip-wire" fashion is open to challenge. Equally serious—our continued presence in such numbers may hamper progress toward reconciliation of differences between the two Koreas.

I would like to take this opportunity to thank Mr. Marston for his interest, and to draw the attention of my colleagues to a section of Mr. Oberdorfer's article:

U.S. TROOPS IN KOREA BATTLE DAILY FRUSTRATION—20 YEARS AFTER ARMISTICE, 40,000 GI'S ARE "TOO MANY WITH TOO LITTLE TO DO"

(By Don Oberdorfer)

ABOUT $584 MILLION TAB

According to the Pentagon, the pay, upkeep and operating costs of U.S. forces in Korea was $584 million in fiscal year 1972, the latest period for which figures are available. This is a larger sum than the State Department spent for all of its operations throughout the world during the same period, more than the total sum spent during the year by the federal government for rural development in the United States and more than the sum spent by the federal government for vocational education. In addition to direct military spending, South Korea received $192 million in U.S. economic assistance and $155 million in military assistance in the same period—bringing the cost for the year to nearly $1 billion.

Despite all the recent changes in a swiftly changing Asian scene and the "Nixon doctrine" of limited American military involvement, there is no sign that the large U.S. constabulary in Korea will soon be substantially reduced or withdrawn.

The principal function of the American troops here today is to provide a "trip wire" guaranteeing nearly automatic U.S. military involvement in any resumption of the war in Korea. Beyond this function of being immediately engaged and perhaps overrun in case of attack from the north, the U.S. forces are far less important to the actual defense of South Korea than is generally supposed.

The 38th parallel truce line of this often-embattled peninsula is the dividing line between the tough, well-trained 400,000-man armed force of the Democratic People's Republic of Korea (North Korea) and the tough, well-trained 600,000-man armed force of the Republic of Korea (South Korea). At the demilitarized zone the South Korean military maintains eight divisions and a marine brigade—about 145,000 men. The United States maintains one reinforced company—about 200 men.

The U.S. ground combat force in South Korea is the 2nd Infantry Division, made up of 13,000 Americans plus 2,000 attached Koreans. Nearly all of them are in reserve positions north of Seoul. Farther south is a U.S. Air Force contingent of 8,300 men—about a third the size of the South Korean air force. Just outside of Seoul is a U.S. headquarters garrison of about 6,000 men, including 11 generals in mostly administrative and support jobs. The U.S. logistical command with another 6,100 men has its headquarters still farther south at Taegu. The American "tripwire" is wrapped in a very heavy covering of administrative, logistical and other non-combat elements.

TRIBUTE TO FRANK E. BATTAGLIA—FAITHFUL SERVANT OF THE HOUSE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. EVINS of Tennessee. Mr. Speaker, Frank E. Battaglia who has served this body faithfully and ably for 30 years is retiring from public service.

As the Dean of the Corps of Official Reporters of Debates of the House of Representatives, Mr. Battaglia has proved himself most helpful to all Members of the House.

Frank is most personable and genial, as well as a most capable and efficient public official.

As he has devoted 30 years of his life to recording the volumes and reams of words uttered by the 435 Members of the House, certainly it is fitting at long last that he receive this well-deserved relief and escape from this torrent of verbiage—he has earned his freedom, believe me.

Seriously, I want to take this opportunity of commending Frank for his years of dedication and wish for him the very best of good luck and success in his retirement.

LEMOORE CELEBRATES 100TH ANNIVERSARY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. KETCHUM. Mr. Speaker, I am proud to call to the attention of my colleagues the 100th anniversary of Lemoore, Calif., which is located in my district and is without a doubt one of the finest communities in California and the United States.

In 100 years, Lemoore has grown from desolate swampland to a community of splendid beauty matched only by the outgoing friendliness of its residents. The rich and fertile farmlands have made the community a major agricultural center, vital to the California economy. Serving as the home for the Lemoore Naval Air Station, the community plays an important role in providing critical support functions in the Navy's defense and training mission.

Dr. Lee Moore laid out a few lots and called his town La Tache in 1872. Shortly after Moore's initial development, homes and business enterprises were constructed, which eventually required the establishment of a post office. In 1873, the Post Office Department authorized a branch, but under the name, Lemoore. Thus, 1973 marks the centennial celebration.

The early years saw a community grow through the efforts of energetic pioneers who were responsible for laboriously digging the canals that transformed swampland into highly productive farmland.

Today's residents are still energetic and enthusiastic, undaunted by problems facing today's communities. They are a dynamic and hard working breed of individuals, always eager to face the challenge that confronts them.

More recently, they have been asked to absorb the population influx of NAS Lemoore and to find jobs for the farmers and farmworkers whose jobs have become part-time due to mechanization. They have successfully met these obstacles, as both the town and base readily attest to the excellent relationship and rapport which exists between the two. A 300-job industry will soon open which will help alleviate unemployment.

The just completed $1,500,000 water project helped attract the new industry and should assist in bringing additional industry. Residential growth will be provided for, via a $900,000 sewer project. I am happy to say that on both counts the Federal Government assisted the community in realizing these goals.

Lemoore is symbolic of the quality of excellence found in communities throughout America. I am proud of my many friends in Lemoore and honored to represent the community in California's 36th Congressional District. I know my colleagues join me in congratulating the people of Lemoore on their centennial celebration and wish them a second century of equal accomplishment.

REALITIES BEHIND THE OIL CRISIS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. HARSHA. Mr. Speaker, our Nation today is facing a vitally important energy challenge, and if action is not taken to check current trends, the present situation could develop into a genuine energy crisis.

There are many conflicting reports or theories as to what prompted the present situation, and there is a wide divergence of opinion as to the precise extent and seriousness of present conditions and as to what should be done to resolve the issue.

I recently ran across a very thought-provoking interview conducted by Lowell Thomas between Ed Wimmer, president of Forward America, Inc., of Covington, Ky., and John "Mike" Kunnen, president of the Greater Cincinnati Gasoline Dealers Association, Cincinnati, Ohio, which develops one particular point concerned in this total issue of energy availability, and I would like to share this with my colleagues:

Realities Behind the Oil Crisis

(Interview with Ed Wimmer-Mike Kunnen)

Ed Wimmer. Thank you, Lowell Thomas, for that fine introduction, and I hope I can do as well in introducing the man sitting across from me at my desk at Forward America, Inc., here in Covington (Ky.): Mr. John (Mike) Kunnen, President of the Greater Cincinnati Gasoline Dealers Assn., who is as familiar with the gasoline business as the "experts" who have been making the headlines.

Mike is not only a dealer himself, but he has been a student of the petroleum industry for 29 years, and his appearances before investigative committees has brought commendation from government officials that is enjoyed by few people. We, in all these years at Forward America, could count on him in any attempt to eliminate trading stamps and other abuses in the oil industry, and especially those affecting the independent gasoline dealer.

Before turning you over to Mike, however, I want to lay some groundwork by quoting a few rather sensational remarks by John McLain, Chairman, Continental Oil Co., from statements he made in Sepetmber 1972. Listen please:

"There are enough potentially recoverable *oil* reserves in the U.S. to last for 65 years. . . . Potentially recoverable *gas* reserves in the U.S. to last 50 years—at present rate of consumption.

"Measured coal reserves, 300 years. Uranium reserves sufficient for electric power needs for 25 years. Recoverable shale oil reserves (and here is something to think about) sufficient to last 35 years after all other natural reserves are exhausted—at present rate of consumption.

"The total resources in the U.S., alone, are enough to supply all our needs (at present rate of consumption) for 300 years.

"Present trends indicate mobility to meet these needs which are going to be doubled by 1985—a period in which domestic production will decline 30%—in the next 15 years. By 1975 we will be 50% below median gas needs; imports of crude oil will have to be quadrupled—which we cannot do."

Mr. McLain emphasized that he wants private enterprise to be allowed to meet this crisis, and future needs, and in his final statement, he said:

"We have an adequate source base. Our problem is to get new supplies at a faster rate."

Lowell, perhaps we can clear up what seems to be some striking contradictions here, and what bothers me, if we have domestic resources in such quantity, what has happened to exploration and development, and why are we risking a balance of trade crisis in getting imports that could border on a monetary disaster?

Lowell Thomas. First of all, Mr. Kunnen, what can we expect in the price of gasoline, this year and next?

Mr. Kunnen. I can go only by estimates which at the moment run from 4-to-10-cents a gallon more, but who can really foretell the future in all this energy confusion. I hate to say it but I think we will find some planned shortages in this picture to cause a price increase.

We need to consider that in the State of Ohio there are five billion gallons of gas sold annually by all suppliers. If the state collects 7 cents a gallon in taxes, and if supplies are reduced, what is the state going to do but increase the tax to offset the deficit? Estimates of 2 cents a gallon have already been made. Most of the states around us are already collecting 9 cents a gallon.

There also is the problem that if a retail dealer suffers a loss through allocation, his income will be substantially cut, which means increased prices in order to stay in business.

Lowell Thomas. True, but, Mike, what happens if consumers start boycotting gasoline dealers as they did with meat, and drive less?

Mr. Kunnen. Our fears are that boycotts will do with gasoline what meat boycotts did to the weaker dealers and already distressed smaller suppliers. They will hit the canvas, which we have seen on a wide scale in gasoline even without boycotts or shortages. Most big suppliers created their own price-cutting outlets, and these people are suffering widespread cut-offs and closings.

Lowell Thomas. What is your answer, Mike, to the charge that some of the majors in the oil industry are using this situation to put the independents out of business?

Mr. Kunnen. No one in this industry wants to believe such charges, but we all know, and Congress knows, that this sort of thing goes on. But I see the picture in a broader light; the Alaskan Pipeline controversy, for example; the recent cut in the depletion allowance; the change in import quotas—are all factors needing more exploration. Crude oil from Venezuela cost us 10c a barrel 10 years ago. It is now headed for $3 a barrel, which is only one warning that we've got to speed up exploration in this country.

Lowell Thomas. Ed, you have been talking about the effects of devaluation, in your broadcasts, and the dollars piling up in the hands of oil exporting countries. How do you view this situation?

Ed Wimmer. According to the exporters, devaluation has cost them an 11% loss, and they claim they are asking for only 50% of the loss. What seems to worry a lot of Congressmen at the moment, are the billions of so-called floating dollars they hold which they get rid of by increasing their already tremendous holdings in this country.

Population in most oil producing countries is too small to absorb our goods in amounts that would even jar our unbalanced trade situation, so why not follow the pattern of British Petroleum, and get control of American corporations? Look at the hold the Japanese are getting in this country with their surplus dollars, and you will get some idea of what all this multinational, corporate empire-building is going to do to the whole world.

The Japanese made a joking statement they didn't know whether to buy GM or IBM, and the oil producing countries have more of our dollars than Japan. We have reached a point where even the Swiss bankers are predicting a dollar crisis of unimaginable proportions; so how can we treat this situation with anything but the deepest concern?

Another factor at least suspected by most informed people, is the subservience of "Big Oil" to many governments of countries in which they do business. How can they carry the American Flag anywhere today and do business, or be loyal to any private enterprise ideals they might hold? The bigger they are the greater their involvement in foreign governments, so where does that leave the United States?

So why shouldn't this country have been spending the $30 billion a year mentioned by Mr. McLain, in domestic exploration and development? He said we are spending only $14 billion; yet, the depletion and special depreciation allowances of the last few years make that figure look like peanut money. Some of the biggest paid—virtually no federal income taxes, so where did the money go? You know where a lot of it went: into mergers with insurance companies, opening shopping centers, chains of restaurants and motels; land development; billions into unneeded service stations, catalogue businesses, et cetera, et cetera; but let Mike pursue this thought.

Mr. Kunnen. An outstanding study in this field was done by Dr. Walter Adams, Michigan State University, in which he said there are 25 major oil companies that control 95% of all petroleum sales—which companies have bought up 226 other assorted companies. This money should have gone into exploration and development, so what happens? . . . To help meet the crisis, the President lifts the oil import quotas which didn't do anything because the facilities are not available to process any flood of imports. Instead, we should be creating facilities to meet such a situation.

This may sound like I am anti-oil industry. I'm not, but no one can tell me that an industry as powerful and as integrated as petroleum could not have foreseen exactly what is happening, and what could happen to the motoring public in this decade. It all points to a man-made crisis. Listen to the oil industry as they shout fuel crisis, so everybody with the news media estimates gasoline prices up to $1 a gallon. Suppose it goes to 50c—a 7c increase, but multiply that by billions of gallons of gasoline, and what do you come up with? You come up with consumers screaming and independents going broke, and the "bigs" getting richer and bigger. What we are going to see is an investigation of the oil industry that will blow the lid sky high.

Ed Wimmer. I am glad you mentioned Dr. Adams. He has been a longtime friend of mine, and is one of the strongest advocates of decentralization and protection of independent enterprise we have in this country.

Mike, we ought to bring out at this point that all we have is one month's supply of petroleum needs. This seems critically low to me, and I repeat: Where were the oil experts and government officials while all these conditions were building up? Where were their million-dollar computers? Why no preparation, no alarm, five years ago?

Answers will have to be found soon, and they won't come from any attacks oriented against big business. We already know that monopoly exists, and we should have had a second Standard Oil-type breakup a long time ago. This challenge will have to be faced. There is a lot of sentiment against bigness per se in this country, and if we don't watch ourselves, the demand for public controls will spread until the whole structure of private enterprise could suffer irreparable damage.

Where the problem comes in, is how do you talk about the evils of monopoly power, which exist in every industry, in agriculture, banking, labor unions—without appearing to be anti-bigness?

Lowell Thomas. Mr. Kunnen, how would a 10% cut in supplies across the board affect the independent dealer?

Mr. Kunnen. There is a failure rate right now in our retail business of 35%. That should answer your question; and look at the staggering unmber of terminal operators and jobbers who have gone down in the last few months.

Ed Wimmer. I can certainly attest to that, Mike, because Forward America, like your Association, gets its revenue from independents, and, believe me, the people battling for the smalls these days, are in trouble—just when they are needed the most. We saw this process in the fall-out of the wildcatters these past several years, who were once the backbone of the discovery of petroleum, gas and other hidden resources. Consider what happened when Standard Oil was broken up in 1911. Over 2500 new companies sprung up out of nowhere, and wildcatters were like gophers. Imagine the competition that would exist if that situation existed today.

Biggest need of the hour is all-out decentralization of economic and political power whether we are talking about food, clothing, energy, labor, government, or any other area of the body economic and body politic; and if it doesn't come, there will be another 'watergate' in this country that will drown whatever hopes we have of celebrating a Republic on July 4, 1976.

Mr. Kunnen. I say restore the depletion cut and confine it to exploration and development, and increase it if necessary. This will turn the wildcatters loose, and you will increase incentive and build up domestic resources—which would keep foreign imports at reasonable price levels and protect our balance of payments. Since 1974 the so-called wildcatter has gone down more than 50% in number, and we ought to learn the reasons why.

Instead, we get such silly proposals as reducing speeds to 50 m.p.h. which would create traffic jams on super-highways that would burn twice what could be saved. We need to expedite traffic, unless we take half the cars off the expressways, not jam it.

RISING PRICES, MAESTRO STEIN, AND AN UNCOMIC OPERA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. BRADEMAS. Mr. Speaker, the jumps in the consumer price index this year have been dramatic. None of us has doubted that. But I did not think that they would move the Chairman of the Council of Economic Advisers, Herbert Stein, to set the statistics to music.

Yet, yesterday, as the Labor Department announced yet another increase in the prices people pay for food and other necessities, Maestro Stein likened the freeze to an overture. It is an overture, he said, "necessary to create the atmosphere for the opera that follows."

Then he went on to explain that the opera is phase IV—just in case we missed the metaphor.

Well, we get it, Mr. Stein. We are all too familiar with the scenario. We can follow the libretto very well. In the first part of the year consumer prices climbed allegro. The conductor has been signaling diminuendo with his baton. But the horns and the percussion in our economic orchestra fails to respond. Instead, prices continue to build toward crescendo.

And the administration's optimism, oft-repeated, draws out into a perilously thin tremolo.

The May consumer price index is news that Mr. Stein should have given us sotto voce—instead of displaying his familiar baritone.

I look forward to the climax of this particular opera with considerable apprehension. The administration's new economic policy may turn out to be a crashing Götterdämmerung.

SILENCING THE CRITICS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. FRASER. Mr. Speaker, the balance between corporate interests and public interests has become a question of increasing concern. Citizens who attempt to act on issues of social concern often find themselves pitted against the enormous power and resources of big business.

The following editorial from the June 19, 1973, New York Times presents some provocative insights into the constitutionality of existing Federal tax laws and IRS rules as they affect public-interest groups:

Silencing the Critics

The Center on Corporate Responsibility, a small public-interest group that conducts research and litigation to improve business behavior in such areas as environmental protection, minority hiring and product safety, is struggling for its life against the Internal Revenue Service. The I.R.S. has denied the group tax-exempt status which will cut it off from the support of tax exempt foundations and reduce the contributions it can hope to raise from individuals.

The main reason given by the I.R.S. for this action is that the center has many of the same directors as the Project on Corporate Responsibility, an action-oriented group that wages proxy contests over corporate directors and campaigns for changes in company policies at meetings of shareholders—activities that disqualify it from tax-exempt status.

This I.R.S. ruling against the center could be used to weaken or destroy many other tax-exempt organizations that have been associated with groups that have given up their tax-exempt status so that they could lobby or otherwise engage in direct efforts to support social aims. In contrast, business organizations are permitted to treat their proxy fights as tax-deductible business ex- enormous outlays on lobbying or on waging penses.

This situation raises questions about not ality of existing Federal tax and I.R.S. rules in denying citizens equal protection under law. Tax regulations may also be unconstitutional in interfering with the freedom of speech of charitable, religious, educational and public-interest groups.

American tax and corporation laws have in fact created a dangerous imbalance between corporate and public interests. In the harsh light that Watergate has shed upon the way special interests are able to influence only the fairness but the very constitutional political decisions, Congress and the courts need to reexamine tax laws and rules that apply so unequally to business organizations seeking to further their self interests and to groups seeking to further social interests.

JEFFERSON'S SECOND COMING

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. MINISH. Mr. Speaker, among the many highly promising young residents of the 11th Congressional District of New Jersey is Robert M. Hanselman, of the West Essex High School, West Caldwell. His editorial in the school newspaper, the Wire, recently won third prize in the 1976 studies editorial contest for secondary school student newspapers. The 1976 studies program is a 4-year series of seminars and symposia exploring the "self-evident truths" of the Declaration of Independence and their application to modern America.

Because it is deserving of our colleagues' attention, I would like, at this point, to insert Mr. Hanselman's perceptive editorial in the Record:

Jefferson's Second Coming

Preparations are already underway for the celebration in 1976 of the 200th anniversary of our independence. One wonders what Jefferson would think if he were able to see the product that traces its origin to his political and philosophical beliefs?

Jefferson's practical side would undoubtedly marvel at our advanced technology. After all, he was the gadgeteer who invented such things as the spiral staircase and the dumbwaiter. One can easily imagine his delight with an automobile. His knowledge of mathematics and his love of science would prompt from him ecstatic commendations for the development of the computer and space travel. If he could see our libraries, universities, and museums (after his founding of the University of Virginia) he would bestow upon us his most erudite blessing. And to Jefferson, the student of the violin, our present-day stereophonic music would certainly be enthralling.

The grain fields of our midwest would amaze this man. He would take pleasure in chatting with a farmer about the produce and productivity of his land. There is no question that Jefferson would find much to his liking in America today.

But, what would he say about the horror of traffic-choked New York or Los Angeles, the stagnant and polluted rivers we have come to know today, and the foul and impure air of our larger cities? Would the Potomac River bring forth his ardor or his anguish? Would he be pleased at the status of black Americans? How would he react to Wounded Knee? Or the plight of the migrant farm worker in the South?

Would he wonder about the poverty of many in the midst of plenty? Would he be distressed by the drug culture? What words would he use to describe the assassinations of the Kennedys and Martin Luther King? Would he support Nixon's rejuvenated death penalty; applaud his "peace with honor" in Vietnam; or endorse his impounding of federal funds? How would he assess Spiro Agnew's many speeches concerning civil liberties and the position of freedom of the press in our society today?

There is much pain in the land of Jefferson. In 1776, when he wrote "that to secure these rights governments are instituted among men," he unmistakedly had a strong faith in people because he went on to say that those governments derive "their just powers from the consent of the governed." Did Jefferson place too much trust in the elected or in the electorate? Almost two hundred years ago, he also said that "the whole of government consists in the art of being honest." What might he say in 1973 on the Watergate affair?

We ought to prepare now for the second coming of Jefferson. Not with plans to sell souvenirs, trinkets, hot dogs and hoopla, but with a national reaffirmation of our faith in each other as fellow citizens and as fellow human beings. Let us rededicate ourselves to those ideals with which Jefferson is identified. "All men are created equal," he wrote long ago. Let us strive to remember that still.

REMARKS OF DR. LAMAR EMPEY ON RESEARCH AT THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF CALIFORNIA, LOS ANGELES, FEBRUARY 13, 1973

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. LEHMAN. Mr. Speaker on April 14, I joined my colleagues on the Select Subcommittee on Education, the gentleman from Indiana (Mr. Brademas) and the gentleman from Idaho (Mr. Hansen) as well as the gentleman from California (Mr. Bell) to conduct an oversight hearing on the Older Americans Act at the Ethel Percy Andrus Gerontology Center of the University of Southern California.

I believe that my colleagues will read with interest a description by Dr. LaMar Empey, associate director for Research at the Andrus Center, of the many research programs conducted under the auspices of this magnificent institution. The description was delivered during the February dedication ceremonies of the center's new facilities.

I am sure that those of us concerned with older Americans will be encouraged to know of the significant research activities, on be half of Americans aged 65 and over, underway at the Andrus Center, and similar research institutions across the land.

Mr. Speaker, I insert Dr. Empey's remarks at this point in the Record:

LaMar Empey, Ph. D., "The Research Program at the Ethel Percy Andrus Gerontology Center." Address Delivered at the Dedication of the Andrus Center, University of Southern California, Los Angeles, Calif., February 13, 1973

Those of us who are charged with the research program of the Andrus Gerontology Center are all too aware of the extent to which a concerned nation expects us to provide some relevant and immediate solutions to the many problems of growing millions of older people. Yet, we are also aware that, because until very recent times, the average life-span of all mankind was short indeed, aging was not viewed as a serious problem. The serious problems instead were associated with helping people to survive beyond the age of childhood. Not until we became affluent, and not until we conquered a host of childhood diseases, did we then become concerned with the degenerative disorders, and the economic and social problems, that are associated with growing numbers of older people. Hence, if one interacts with scientists from a host of different fields—biology, sociology, economics, or psychology—he soon discovers that no one of these disciplines really has anything approaching a comprehensive understanding of the aging process. Is there a "normal" biological process associated with aging, or is it disease-like and idiosyncratic in character? As an even larger proportion of our people grow older, what economic, social and political adjustments will have to be made to account for their needs? What must be done in our society to make the advanced years a time of dignity, grace and learning?

It is not enough to say that remedial programs should be implemented—we all agree with that—but we must also seek a greatly expanded base of knowledge upon which sensible solutions can be sought. We cannot simply be concerned with physical, but with social and spiritual needs as well. Yet, it we have little knowledge to begin with, we have too few guidelines upon which to proceed.

In viewing the ill-conceived social programs that are commonly implemented—not just in the field of aging, but in the fields of crime, health care or poverty—I am often reminded of Victor Borge's famous boast about one of his relatives. "You know," he said, "my uncle was a famous chemist. Once he invented a cure for which there was no disease. Unfortunately, his wife caught the cure and died." Like Victor's uncle, we often find ourselves not only inventing cures for which there is no disease, but which make the disease, itself, worse.

Since, as a result, we at the Andrus Center are terribly concerned about the "cures" we invent, we have attempted to address three major issues in implementing our research program.

RECRUITMENT

First, in order to increase the body of knowledge about aging, we have found it necessary to recruit interest from faculty and students in a wide variety of fields—fields in which little interest in aging has been expressed heretofore. In many disciplines, it has not been the subject of investigation. Many people have only vague ideas as to what "gerontology" means.

I can now report, however, that no fewer than thirty-six faculty members, representing the fields of anthropology, architecture, biochemistry, biomedical engineering, neurobiology, physiology, experimental and social psychology, social work, sociology, and urban planning (note that I placed these in alphabetical order so that I would not get in trouble with any of my colleagues) are now engaged in research on aging in the Andrus Center. Added to this list, are 55 current doctoral students whose research will also be concerned with problems of the life cycle. Moreover, from earlier groups of students, 23 doctoral dissertations and 21 masters theses have been produced. Even though this is a pittance in terms of the overall need, more research on aging is represented in these works than all those produced in our west coast universities combined a few years ago.

I hasten to add that noteworthy by their absence from the above list are such disciplines as economics and political science. I am pleased to report, however, that, while members of these disciplines are not now participating in Center research, they have joined with us in seeking funds by which their research and more of their personnel can be added to our activities.

COMMUNICATION ACROSS DISCIPLINES

A second major issue to which our research activities have had to pay attention is the task of cultivating communication and research across disciplines. No single approach, no single discipline, can possibly address the complexities of the life cycle. Hence, we are forced to ask inevitable questions: In what way, for example, can the research of the biologist on the brain functioning of any person be related to the interest of the psychologist in the way that individual behaves, or to that of the sociologist who is concerned with the norms and values that prescribe the individual's expected patterns of conduct no matter how well his brain functions? To such questions very few persons have paid attention.

This past semester we conducted a graduate seminar, entitled "Theories of Aging", in which 12 faculty members presented their ideas to a group of students representing several different disciplines. Although much was learned, we soon discovered that before we could successfully conduct much collaborative research, we would have to learn each other's language, and, begin developing some expanded, yet common, frames of reference. More effort and time, not less, will probably have to be added to the 9 or 10 years of university preparation that go already into the production of a Ph.D. scientist.

Perhaps you would enjoy a little side trip into the scientific jargon of different disciplines so that you might share with us some of the problems we face. Just for fun, I took some titles from three doctoral dissertations and tried a rough translation of them. I trust that the investigators in question will not mind a little levity at their expense.

Here is the scientific title from one of our physiologists:

"An Electromyographic Analysis of Skeletal Neuromuscular Fatigue with Special Referent to Age."

Roughly speaking, this investigator was asking, "Why do older men get tired?" Some of you fellows may have a ready answer, but just to indicate that one cannot oversimplify that question, "getting tired" was defined by our physiologist as the "rate of increase of integrated MAP activity brought about by recruitment of additional motor units and/or the increase in frequency of contraction of those motor units in maintaining a constant isometric contraction." You can see why a sociologist research director like me is going to have to learn something besides sociology.

Sociologists have their jargon too. A recent study was entitled:

"The Effects of Generation, Religion and Sex on the Relationship of Family Vertical Solidarity and Mental Health in Lebanon."

Translated that means, "Things aren't so hot in Lebanon either."

Finally, the biologists give us the biggest trouble of all. Just listen to this title:

"Changes in Leucine Transfer Ribonucleic Acid and Leucine Transfer Ribonucleic Acid Synthetase During Catelydon Senescence."

Would you believe, my secretary came back to me twice with that title before she would type it because she thought I had copied it incorrectly

Imagine my surprise to learn that this title means that "Soybeans have trouble remembering also."

The point I am trying to make is that, as the boundaries of knowledge are expanded, the task of comprehending and tying together that knowledge into an integrated package is not a simple task. We are excited by the prospects of attacking it, but we want you to share with us an awareness of its complexities.

RESEARCH FUNDING

A third issue that has preoccupied our attention is that of finding funds by which to conduct research. Interest alone is not enough. The research-scientist must also be an entrepreneur, seeking funds to finance his activities from both private and public sectors. Endless hours, days and weeks are spent in that task, and as research funds in many areas are now being cut back, it has been made even more difficult. Nevertheless, I am proud to report, on behalf of my colleagues, that many interesting and provacative studies are being conducted.

BIOLOGICAL STUDIES

In the biological area, one set of studies by Prof. Caleb Finch and his associates is concerned with the way brain cells function during aging. A very practical question with which they are concerned is whether there are any cellular changes during aging which are not due to such diseases as hardening of the arteries in the brain. By first using animals in this research, an attempt is being made to determine whether there is a loss of function that may be due, not to diseases, but to other factors that are a normal function of aging—factors that might eventually be impeded or altered in some way.

A second body of studies being conducted by Professors Slavkin, Bekhor, Mooser and Denny are concerned with the problems of developmental biology. How do such dissimilar tissues and organs as the lung, spleen, heart and brain develop, and carry out different functions? How do these tissues communicate with each other? How do they become defective?

These scientists are also concerned with genetic development, and the way that genetic development is regulated; with the way in which our taste buds develop and function; as with the development of tumors in man and how their growth might be inhibited.

Many of us are concerned, as we grow older, with an increase in fats in our blood stream. Prof Margaret Morehouse is studying the ease with which fats are digested and absorbed, and the height to which they elevate the blood fats during these processes.

In the laboratory for Human Physiology and Health Assessment, Profs. Fred Grodins and Stanley Yamashiro and their associates are studying the effects of smog and other pollutants on the heart and lungs, and with the effects of aging and the heart. Obviously, such research is of concern to all of us. Incidentally, pollutants are supplied free of charge here in L.A. We do not need research grants to supply them.

SOCIAL SCIENCES

Professors Galbraith and Walker in Psychology are studying the organization and mechanisms of the brain and are seeking to determine how these are likely to affect the perceptual and thinking capacities of older people. Are there differences in the way the brains and nervous systems of various people are organized, and, if so, how do these differences affect behavior?

Since we are all social beings, we are concerned with the amenability of different people and age groups to social influence—whether they are conformists or deviants. Prof. Ronald Klein, a social-psychologist, is studying these phenomena, and is seeking to determine how they are affected by age groups.

In the Environmental Studies Laboratory, an interdisciplinary group of architects, urban planners, and behavioral scientists—Profs. Pawley, Newcomer, Roberts, Acock, Caggiano, Lasswell and their faithful students—are concerned with two major sets of problems. In the design of housing for the elderly, or of full-care centers, what works of architectural design are most likely to produce healthy relationships, a sense of well-being, and personal satisfaction? In the larger societal context, they are concerned with the location and distribution of older people in our communities—whether they are integrated with other age groups, or isolated, and whether, through more skillful planning, better living arrangements might be designed for them.

In recent years, we have heard a great deal about the "generation gap." In their study of several hundred three-generation families, a group of sociologists—Profs. Bengtson, Black, Ransford, Lubeck and many students—have sought to determine the effects of family cohesion, similarity and difference upon psychological adjustment and well-being. Contrary to popular assumption, their findings do not bear out the popular stereotype of generation gap. Similarity, not difference, seems to be the dominant pattern when comparing parents and children.

In a large study just now being initiated, a group of sociologists—Profs. Empey, Bengtson, Ragan, Kasschau, and other staff to be added—will be concerned with a study of aging as it relates to the formation of social policy. One part of this study will gather data from middle-aged and elderly people in three ethnic groups—Black, Mexican American and White—in an attempt to highlight the ways that these different groups adapt to aging in America—what their particular problems and wishes are, their relationships to families, to the political process, and to the delivery of social services. We feel that social problems are not likely to be very effective unless their points of view are better documented.

PUBLIC POLICY

A second part of the major study will involve a survey of societal policymakers—politicians, bureaucrats, business and union representatives and professionals—in an attempt to determine how they are likely to respond to the complex economic, political, and social issues that are associated with implementing a more effective policy. Their responses should provide an interesting backdrop to the way older people see these issues themselves. We want to understand the political and social realities that must be confronted in bringing about change.

As a third part of this large study, a team of four anthropologists—Profs. Moore, Simic, Myerhoff and Abarbanel—will go abroad to Italy, Tanzania, Yugoslavia, and Israel to determine how these people are responding to the problems of aging. By noting the policies and practices—the strengths and weaknesses of other countries—we might then be in a position to put those of our own nation into better perspective.

As a final example of our research, Profs. Davis and Black of our staff, and Dr. Edwards of the Veterans Administration, are studying the use of television as a means of providing more effective services to the elderly, not only in full-care centers, but in their own homes where useful information on health, nutritional and other needs might be transmitted more efficiently to them.

CONCLUSION

Although this has been a long survey of our research program, it has also been a sketchy one. Hence, I am certain that I have left important projects and people, especially students, out of the listing. For that I apologize. I hope that they are feeling charitable.

Before concluding, however, I should like you to know that, participating with us in our research and community projects, are many interested and helpful community groups, many minority as well as elderly persons. For the first time we have solicited their help, or they have forcefully reminded us that we need it. Hence, they have spent many hours with us in trying to improve the quality and character of our research. To them, we are grateful.

It is our intention that, as our research findings are accumulated, we will participate with them in seeking the most effective means by which to make those findings of use to older as well as to policymaking groups. They will share with us, and the community-educational wing of our Center, in designing programs for the utilization of research, for presenting findings to legislative groups, and for increasing the flow of information outward.

TECHNOLOGY EXISTS TO CLEAN UP COKE OVEN POLLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. BROWN of California. Mr. Speaker, an article published in the Los Angeles Times of June 11, 1973, quotes steel company officials as saying that the technology does not presently exist to enable them to meet the pollution control standards set by Public Law 91–606—the Clean Air Act of 1970—before the end of 1975. They contend that emissions from coke ovens cannot be eliminated within the Government deadline.

It has come to my attention, Mr. Speaker, that this contention is virtually uncontested in article after article printed on this subject during the last 2 years.

For the RECORD, I wish to state that such technology does exist and in fact is presently in various stages of installation for commercial production of coke at three separate locations within the United States as well as in England. At each of these locations, devices are being installed and put into operation that not only remove virtually all of the pollutants, but also increase the efficiency of the coke ovens at the same time.

REMARKS OF DR. BERNICE NEUGARTEN ON AGING AT THE DEDICATION OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF CALIFORNIA, LOS ANGELES, FEBRUARY 13, 1973.

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mrs. MINK. Mr. Speaker, in February of this year, the University of Southern California dedicated splendid new facilities for its Ethel Percy Andrus Gerontology Center, a center for research and training in the field of aging.

During the dedication ceremonies, Dr. Bernice Neugarten, Chairman of the Committee on Human Development at the University of Chicago, and one of the country's pioneers in the scientific study of aging, delivered an address entitled, "Changing Images of Aging."

I want to share Dr. Neugarten's thoughts with my colleagues, for she made several provocative comments with respect to the problem of discrimination against older Americans, which she termed "agism."

And while Dr. Neugarten professes to offer no solutions to these problems, she concludes:

> We should ponder such questions as we look ahead to the future of aging and to the status of the aged in the year 2000, and to the hope of achieving them—if not now—an age irrelevant society.

Mr. Speaker, I insert Dr. Neugarten's address at this point in the RECORD.

BERNICE NEUGARTEN, PH. D., "CHANGING IMAGES OF AGING," ETHEL PERCY ANDRUS GERONTOLOGY CENTER, FEBRUARY 13, 1973

MARRIAGE AND THE ELDERLY

As I thought about what I would talk about today, I picked up the latest issue of Modern Maturity which I presume all of us in this room read with some regularity, and after reading through the very nice description of these dedication ceremonies which were to occur and a description of the new building which you now have seen, I would answer the magazine. My eyes fell upon a picture which was entitled "Happy, Happy." It showed Senator Thurmond who as you know is a 69 year old Senator from South Carolina holding his new-born son along with his young beautiful wife holding their 18-month old daughter. Now it did not say how old that Mrs. Thurmond is but but she looks 30 or less. It reminded me of a newspaper clipping which I keep in my files and which I read to my students each year when I am trying to teach them about age expectation, and age constraint.

The clipping refers to the fact that Supreme Court Justice Douglas had just married a very beautiful 23 year old co-ed. There were some very nasty things said in that newspaper story. Five members of the House of Representatives had introduced resolutions calling on the House Judiciary Committee to investigate the moral character of Douglas. One said he should be impeached. Another said the marriage clearly demonstrated that this Justice was not devoting a fair part of his judging ability to the interpretation of the law. And another said that the Douglas marriage "points up a weakness in our Judicial system that permits the removal of a Judge only upon conviction of a crime". Now I realize, of course that Justice Douglas' critics were politically at odds with him and that the venom in the attacks were not purely because of his marriage. I also realize that this was Justice Douglas' fourth marriage. Yet I feel quite confident that if Justice Douglas had been marrying a woman of 50 or 60 there would have been no outcry. I do not know what Modern Maturity said about Douglas' marriage, if it said anything at all. If there were editorial comment and if that editorial comment were favorable, it certainly seemed to me that this month the editor of Modern Maturity was looking with favor upon Senator Thurmond's marriage and new parenthood.

In any case, whatever Modern Maturity might have done, the press in general was not favorable to Justice Douglas' marriage. Now I recognize also that the rest of the country is not as enlightened as the editor and the readers of Modern Maturity, and there must be many persons today who find it if not immoral at least imprudent or foolish when they read about marriages between persons of very different ages.

I am aware also there is even a stronger sanction against an older woman marrying a young man. But the important point I want to make is the contrast in the degree to which the public seems to have accepted the same or at least parallel case in the difference of only 6 years. I doubt, in other words, that the story about Justice Douglas' marriage if it appeared today would seem quite as hostile in tone as it did only 6 years ago.

DIVERSITY OF THE ELDERLY POPULATION

In any case, the difference in the public reaction to these two marriages serves to illustrate the theme of my comment today. For in commenting upon the changing images of aging, there are two related points I would like to make. First, images are changing and they are changing in the direction of reality—and reality means diversity. Older persons are coming to be recognized for what they are, namely, a very heterogenous very diverse group of people. And my second point, now that while we are in a period of history in which age has become increasingly important in looking at economic, political and social aspects of life. And age groups are becoming increasingly sharpened. Nevertheless, there are signs that we are moving toward a society in which age will become less relevant. Or if I might try to coin an awkward phrase, an age irrelevant society. I am, of course, speaking of adults only. We have not and I presume we shall not create age irrelevancy from birth on, but at least from adulthood on.

The stereoptypes are beginning to break down. Older people used to be regarded as poor, isolated, sick, unhappy, desolated and destitute or, on the contrary, as powerful, rigid reactionaries.

The first of these inaccurate images usually inadvertently repeated through the mass media came from the persons who served the poor, the lonely, the isolated, and from the physicians, the psychiatrists and social workers who saw the physically ill and mentally ill. Plus many of our current stereotypes have been based on a picture of the needy rather than the more typical older persons, but now we are catching up with reality.

As a hypothetical young person walking down a hypothetical street in a city, one out of every ten persons that young person will see will be over 65. Some of those persons he will see will be slow-moving but others will be quick, vigorous and energetic. With ten percent of our population now over 65, and with nearly half of them great-grandparents, a very large number of young people, young children, young adults and middle-aged adults are interacting with older members of their families. They are seeing grandparents as young and only great-grandparents as older. And with grandparenthood itself coming in the 40's and the 50's and with more than half of all women in that age group in the labor market, this means that little children are more often seeing their grandmothers go to work every day and their mothers staying home.

EXPLODING MYTHS

The image, then, of the old man in the rocking chair is being matched now by the whitehaired man on the golf course and some of the old myths are therefore being exploded. They are even being exploded on television, Mr. Abernethy.

We now have, for example, Maude, who is a middle-aged woman, intelligent, forceful, liberal, a kind of counter-image to Archie Bunker. A woman who has been married several times; she gets into paradoxical situations which she comes through with very flying colors.

Or we have a program called "A Touch of Grace" with an elderly widow being courted by an elderly man and the comedy situations that occur in her family. And where both older people are being sympathetically handled and treated as real people.

Or we have another in which there is a black father and son shown in a close and neutrally supportive relationship in which the old father emerges as the older, wiser and more astute, as the student of human nature whose long life experience gives him the edge over the young.

Now these everyday realities which all of us know from experience are being at last mirrored in the mass media and, to repeat, we are catching up with reality.

THE GENERATION GAP

Now let me say something about my second point on relevancy or irrelevancy of age as a dimension of social organization. We have heard a good deal in the past few years about what some of us have called "agism." That is, negative or hostile attitudes toward an age group different from one's own.

Our attention has been focused on various forms of the generation gap. To what extent is it real? And to what extent is it just a creation of the mass media? In some ways it would look as if it were the latter. In studies, and for instance this University has been one that has made such studies, it is found over and over again that young people will say "Older people in general are very different from us, but of course my own parents are okay." Or parents will say, "It's terrible what the kids these days are coming to but of course my own kid is okay."

Now these attitudes—when they turn out to be held by most people as we are finding—is a case of what social psychologists like myself call pluralistic ignorance. We all presume that we alone are different from other people.

We are asking if the conflicts between generations are increasing and if so are they appearing in both directions. That is, not only between the young and the society at large but also between the old and society at large. Is there a new age divisiveness appearing and new antagonisms between young and old?

It has been said that we in modern western societies went through a century of struggle for political right and then a century of struggle for economic rights, and that now we may be in a century of struggle for age rights. That both the young and old are struggling for equality with the middle-aged. It can also, of course, be said that this is the century of equality struggle between racial groups and for equality between the sexes.

LOSE THE VOTE AT AGE 70

If agism is increasing, this is a struggle being joined not only by the young but also by the old, who might otherwise become its victims. Now agism is taking new forms. I saw an editorial in a metropolitan newspaper only three days ago which was headed "Budget Story, Bonanza for the Elderly" and it went on to say that America's public resources are increasingly being mortgaged for the use of a sole group within our country, the elderly. Clearly, the article went on, this trend cannot continue for long without causing a bitter political struggle between the generations. Then it went on about the sharp increase in payroll taxes to pay for the latest 20% increase in Social Security, with which you are familiar.

Here is another new example of agism towards the old. Two years ago there was an article in the New Republic. The author, in reviewing changes which were happening in his native California, said, "We face a serious constitutional crisis. California faces civil war if we continue to allow the old an unlimited franchise. All persons should lose the vote at retirement or age 70, whichever is the earlier."

One writer has published a social satire describing a society in which people, when they reach 50, are automatically segregated from others, even from their own children, and then painlessly put to death when they reach 65. Another writer has described what he thinks a solution might be in opposite terms. Where the old are in control and where the small proportion of young who are allowed to be born seek ways to accelerate their own aging in order to take their place in the society of elders, a society in which social change has slowed to a snail's pace.

These parodies, and that is all they are, are examples of agism carried to the extreme. The first instance, where we would automatically have people die at 65, is an example of agism in the extreme directed toward the old. In the second instance, agism is directed toward the young.

AGE AND EDUCATION

I want to skip other such examples because we may have time later and I want merely to end by asking if indeed we are engaged in a struggle for age right. And if it is not merely a creation of the mass media. It is a struggle which will probably end in greater freedom for both young and old; greater freedom from the constructions of age norms. For example, we have lived with a long tradition that youth is the time for education, adulthood and middle age is the time for work and old age is the time for leisure. But with social and economic changes that are now occurring along with technological changes, we are leading ourselves to a shake-up of these old traditions and we now know that education, work and leisure are being provided for people in a greater mix than before. We have a greater age mix in our educational institutions as well as in our work institutions. The future will probably see greater experimentation and greater flexibility in the timing of education, work and leisure as, for one thing, young people seem more sophisticated and more mature than in earlier decades and the old are being recognized as being younger in body, mind and spirit than in earlier decades.

A FUNDAMENTAL QUESTION

I want to ask one final question, and that is this. One of the ways in which all of us in this room have been fighting for an end to discrimination to older people, and what today I have been talking about as agism, is by creating advocacy groups of old people and for old people. One of the ways in which old people have, as it were, entered the struggle against discrimination is by organizing, AARP is one and a very powerful one such organization.

I would like to raise a question, however, in the following sense. If we were to reduce agism, let us remember it must work in both directions. For the young as well as for the old. This will not be easy. For those young people who would wish it, shall we help them to live without work? Shall we encourage, let us say, those communes for young people like retirement communities for old people where people will work—not for remuneration or productivity in the sense of the Protestant ethnic but for the spontaneous creativity and for self-fulfillment? Or shall we live in a society where we maintain the value that only those who have worked for it first can later enjoy the benefits of leisure.

In objecting to agism and seeking to reduce this discrimination, might it also be paradoxically that some of the advocacy groups now constituted of older people, or for older people, might unwittingly themselves add to agism. Or is age separatism a necessary stage in winning full equality? Perhaps it is a necessary stage in the 1970's but hopefully not by the 1990's.

These are not easy questions and I do not know the answers anymore than anyone else in this room but I think we should ponder such questions as we look ahead to the future of aging and to the status of the aged in the year 2000, and to the hope of achieving then—if not now—an age irrelevant society.

POSTAL SERVICE PLANS INCREASES IN EVERYTHING BUT SERVICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. RARICK. Mr. Speaker, the postal hike presently being threatened by the U.S. Postal Service would increase first class mail rates to 10 cents per letter, without the slightest indication of a possible improvement in mail service.

In a recent newsmagazine interview, the Postmaster General Elmer T. Klassen, expresses concern over whether air mail service can even be continued. Citizen impatience with the flagging performance by the Postal Service's handling of the mails has increased substantially, despite Mr. Klassen's remarkable pronouncement that service today "is as good or better than it's been in recent history."

He pointed out that even though postal workers has gotten substantial raises in pay over the past 2 years, a new 11 percent across-the-board wage hike for postal employees is scheduled for July 21. A reported total of some 600,000 workers, already averaging about $10,000 annual income, would be boosted to $11,000 over the next 2 years, with additional automatic cost-of-living increases thrown in.

The $10 billion taxpayer subsidized operating costs of the Postal Service would be inflated by another $1 billion from the new wage incerases.

The amount of additional revenue to be derived from the planned postage tax increase would just about equal the new pay demands.

If the past is any teacher, the postal patron cannot expect to receive even 2 cents worth of additional service from the 2 cents a letter postage hike.

I include the following related newsclipping:

[From the Washington Post, June 22, 1973]

POSTAL RAISES MAY SEND COST OF STAMP TO 10 CENTS

(By Lawrence Feinberg)

The U.S. Postal Service agreed yesterday to grant substantial wage increases, costing an estimated $1 billion a year, that officials said could lead to a boost in the price of first class mail to 10 cents a stamp by January.

The wage increases, agreed to in negotiations with four postal unions, include a $700-a-year across-the-board raise, starting July 21, plus a $400 raise one year later.

Annual wages for the 600,000 postal workers affected, including 12,000 in the Washington area, now average about $10,000, making the average wage increase 11 per cent over the two-year contract period.

In addition, the agreement calls for automatic cost-of-living increases every six months, amounting to a $50-a-year raise for each 1 per cent increase in the consumer price index with no upper limit.

It also raises the Postal Service share of health insurance costs to 65 per cent by July, 1974. Currently, the Postal Service pays 40 per cent of average insurance costs, the same share that the federal government pays for regular civil servants.

"These are the best wages and fringe benefits we've ever had," said James H. Rademacher, president of the National Association of Letter Carriers, "and it (the agreement) also has the job security we need."

Rademacher and other union leaders, who disclosed the contract terms, said the Postal Service had dropped its demand to rescind a no-layoff clause, which will continue to forbid the firing of any postal worker for economy reasons.

A Postal Service spokesman refused to discuss specific contract terms, but he estimated that the settlement would add about $1 billion to the Service's $10 billion annual costs.

The spokesman also read a statement made earlier in the week by Postmaster General Elmer T. Klassen that "in all likelihood" he would seek to cover rising wages by asking the Postal Rate Commission in September for a 2-cent increase of the present 8-cent cost of a first-class stamp, effective next January.

Workers covered in the union agreements include letter carriers, mail sorters, clerks and other craft employees.

In addition, the Postal Service has about 91,000 supervisors and postmasters, whom Klassen has promised will receive the same raises as union workers.

Yesterday's agreement was hailed by Francis Filbey, president of the American Postal Workers Union, as "an excellent contract that compares favorably with anything that's been negotiated in the past two years in the private sector (since wage and price controls were first imposed)."

"With the no-layoff clause," he added, "it's better than anything in the private sector."

Postal wage and rate increases, like other wage and price changes, may be trimmed by the Cost of Living Council. Its guidelines for annual wage increases now call for a 5.5 per cent ceiling, plus 7/10 of 1 percent for fringe benefits.

Yesterday a Council spokesman emphasized that the wage guidelines are flexible, and said it is "much too soon to tell" what action the Council might take on the postal workers increases. Rules for allowable price increases after the current two-month freeze are still being formulated.

Negotiators for three unions gave full approval to yesterday's settlement: the American Postal Workers Union (312,000 members), the National Association of Letter Carriers (195,000), and the National Rural Letter Carriers Association (31,000).

The fourth union in the negotiations, the Mail Handlers Division of the Laborers International Union (48,000 members) also approved the wage and fringe benefit package but is still seeking work rule changes.

Rank and file members of all the unions must vote to ratify the contract before it is effective, but union leaders said they are confident it would be ratified.

DETAILS OF THE LAWSUIT FOR A NUCLEAR POWER MORATORIUM

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Friday, June 22, 1973

Mr. GRAVEL. Mr. President, a suit to shut down 20 of the country's 31 operating atomic powerplants was filed on May 31, 1973, by Ralph Nader and Friends of the Earth. The 11 plants not covered by the suit are either relatively small—less than 400 electrical megawatts—or are already in similar litigation.

On June 11, according to the Associated Press, AEC Chairman Dixie Lee Ray told the American Nuclear Society that "the Nation can survive" the closing of the plants since only 4 percent of the country's total electricity is produced by nuclear powerplants. She also said that the AEC would appeal immediately if the U.S. District Court for the District of Columbia grants an injunction closing down the plants. Oral arguments on the petition for a preliminary injunction have been scheduled for June 28, 1973.

EXCERPTS FROM THE COMPLAINT AS FILED

The Weekly Energy Report of June 4 reported as follows:

> Lawyers for affected nuclear vendors and utilities were trying to decide by week's end whether they should intervene in the suit.
>
> In general, they were skeptical about its chances of success. They said that the courts had a history of not wishing to make technical judgments, and not wishing to interfere in agency rulemaking procedure.

On the other hand, paragraph No. 37 of the Nader-Friends of the Earth complaint states explicitly as follows:

> Plaintiffs do not seek to have this Court adjudicate the underlying technical issues governing Emergency Core Cooling System effectiveness. Rather, plaintiffs seek to have this Court declare as illegal defendants' continuing to permit the operation of the nuclear power plants which are the subject of this Complaint under circumstances in which, as a matter of law, such action is unlawful.

Mr. President, because this is an important lawsuit which should be understood by every Member of Congress, I ask unanimous consent that major excerpts from the complaint as filed be printed at the end of these remarks, as well as a table prepared by Friends of the Earth.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

"MASSIVE COVERUP OF SAFETY PROBLEMS"

Mr. GRAVEL. Mr. President, I would like to quote four points made by David Brower, president of Friends of the Earth, when he announced this lawsuit:

> Friends of the Earth and Ralph Nader have today filed suit in federal district court in Washington against the Atomic Energy Commission. We are asking the court to shut down 20 large nuclear power plants now operating in 12 states. Overwhelming scientific evidence has shown that the lives of millions of people are being threatened by the operation of these plants . . .
>
> Friends of the Earth has been working closely with the Union of Concerned Scientists on this nuclear reactor safety issue. We have concluded, and we have scientific documentation to demonstrate, that a massive cover-up of most urgent reactor safety problems has been practiced by the AEC for years . . .
>
> In fact, the large majority of the AEC's own safety experts have profound misgivings about the adequacy of the present emergency core cooling systems.
>
> Our lawsuit asserts that the AEC has violated the Atomic Energy Act of 1954 by continuing to permit operation of nuclear power plants pursuant to regulations which require an effective Emergency Core Cooling System (ECCS) when in fact the experts who advise the Commission have stated that the ECCS has not been established to be effective.

LIKE LOADING PASSENGERS ON UNTESTED AIRPLANES

The fact is that there has never been a single large-scale test of the ECCS, because the test-program is years behind schedule. There is general doubt about the soundness of the computer models—doubt which increased after 6 out of 6 miniscale tests failed in late 1970—a fact which did not come to light until the middle of 1971.

In March 1971, when I testified before the Oregon State Legislature in favor of a nuclear power moratorium, I warned the legislators as follows:

> The most essential system of all which stands between the public and a radioactive calamity—a system called the Emergency Core Cooling System—has never once been actually tested.

That is still true, more than 2 years later. For nuclear advocates to boast that we have not had a nuclear catastrophe yet is like pointing to a block of houses less than 5 years old and suggesting that they must be fireproof since they have not burned down yet.

To impose untested nuclear emergency systems on the public is like forcing the public to fly in airplanes whose emergency systems have never been fully tested outside a computer.

WOULD CONGRESS CANCEL A COURT-ORDERED MORATORIUM?

I think that the Nader-FOE lawsuit is important, though it cites only one of the several major problems in the nuclear power program. While moratorium supporters will naturally welcome this suit, they should not imagine that there is a shortcut around Congress on this issue, however.

If the moratorium suit is successful in court, there is no doubt that Congress will be swiftly asked to pass legislative relief from the court's decision. A moratorium won in court has little chance of survival if Congress is determined to have nuclear power. Ultimately, the moratorium can be secured only by heavy constituent pressure on Congress.

THE HEART OF THE NUCLEAR CONTROVERSY

Members of Congress should pay close attention to the attitude of the AEC Chairman toward nuclear hazards.

On the Washington News Conference February 25, 1973, Dr. Ray said:

> We certainly have to know more than we do now, but not to the extent where we have to stop everything and wait until answers area got . . .

On an ABC network broadcast May 31, 1973, Dr. Ray said:

> We never know enough, particularly when we are dealing with a technology at the edge of knowledge. How do you find out? We know of no way of learning except by trying things out, as carefully, as prudently, as we can. And that's the way society and human beings and individuals do learn.

I admire the way Dixy Lee Ray gets to the core of the nuclear controversy, which is philosophical, not technical. The disagreement centers on what is a morally responsible policy to promote after one has acknowledged that there are uncertainties with today's huge experimental powerplants, that—according to Senator BAKER—they probably represent "the biggest single risk that any civilization has ever taken," and that they create the potential for complete and irreversible poisoning of the planet.

EXHIBIT 1

EXCERPTS FROM VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Ralph Nader, Washington, D.C., and Friends of the Earth, 529 Commercial Street, San Francisco, California, and 620 C Street, S.E., Washington, D.C., Plaintiffs, versus Dixy Lee Ray, James Ramey, William Doub, Clarence E. Larson, and the United States Atomic Energy Commission, all of 1717 H Street NW., Washington, D.C.

CAUSE OF ACTION ALLEGED

Statutory and regulatory framework

12. Prior to 1954, only the United States Government could produce or use atomic energy. In 1954, Congress amended the Act to permit private industry to develop and use atomic energy, subject to strict and specific regulation by the Commission. The defendants' regulatory authority is subject to the paramount obligation imposed by the Act to regulate nuclear power plants in a manner that affirmatively protects the public health and safety from the inherent dangers associated with the operation of such plants. 42 U.S.C. §§ 2011a, b, g, and i; 2012c, d, and e; 2013 and 2133a and b(2).

13. The Act does not permit defendants to issue a license for the operation of a nuclear power plant unless a showing is made that the operation of the plant "will provide adequate protection to the health and safety of the public." 42 USC § 2232a. Whenever ". . . any report, record, or inspection or other means" indicates that the operation of a licensed nuclear power plant no longer provides "adequate protection to the health and safety of the public," the defendant Commission is required by the Act to revoke the license and prohibit operation of the nuclear power plant. 42 USC § 2236a.

14. Pursuant to the requirement that defendants' regulations carry out the affirmative purposes of protecting the health and safety of the public (42 USC §§ 2201b and p), the defendants' regulations require that before a license is granted for operation of a nuclear power plant, the defendant Commission must find that the plant has been constructed and will operate in accordance with the provisions of the Act; that there is reasonable assurance that the plant can be operated "without endangering the health and safety of the public"; and that the issuance of the license "will not be inimical . . . to the health and safety of the public." 10 CFR § 50.57a (1) (2) (3) and (6). The defendants' regulations also require that a license to operate a nuclear power plant be revoked and that the plant cease operation whenever conditions are ". . . revealed by . . . any report, record, inspection, or other means, which would warrant the Commission to refuse to grant a license to an original application . . ." 10 CFR § 50.100.

15. Accordingly, under the Act and its own regulations the Commission has no authority to license the operation of a nuclear power plant, or to permit a licensed plant to continue to operate, under circumstances which fail to assure operation without danger to the public health and safety. By reason of the extent of the risks involved, hereinafter alleged in more detail, and the nature of the Commission's obligations under the Act, the Commission is precluded as a matter of law from permitting operation of a nucler power plant when such assurance is lacking.

An uncontrolled loss-of-coolant accident

19. In normal operation of a nuclear power plant, the reactor core—which contains enormous amounts of highly radioactive material produced by the fissioning of uranium—is kept covered by water at a temperature of approximately 600° F. This nuclear core must be kept covered by water or it will rapidly overheat and melt into a large radioactive mass that would be *impossible* to cool or contain.

20. Among the serious accidents which can occur at a nuclear power plant is a sudden failure of piping in the complex plumbing or steam supply system. Because the steam supply system contains water under high pressure, a large pipe break would result in rapid expulsion, in some cases within one minute, of the *same water* which is supposed to keep the nuclear core constantly covered. Such an accident is commonly called a "loss-of-coolant accident."

21. A loss-of-coolant accident rapidly becomes "uncontrollable" and the nuclear core melts into a radioactive mass, if emergency water (or coolant) does not replace the lost water normally available.

22. There is *no* known device to contain the radioactive mass which has melted down as a result of an uncontrolled loss-of-coolant accident. Such a radioactive mass would melt through all of a nuclear power plant's steel and concrete structures and release enormous amounts of radioactivity into the environment with catastrophic consequences.

23. In 1957, under the sponsorship of the defendant Commission, the Brookhaven National Laboratory released a study entitled WASH-740, which analyzed the adverse consequences of a major release of radioactivity from a nuclear power plant. This study showed that such a release of radioactivity to the environment could produce 3400 deaths, 43,000 injuries, 7 billion dollars of property loss and radioactive contamination of 150,000 square miles of land. On May 7, 1973, the acting Secretary of defendant Commission confirmed that a 1965 re-examination of the 1957 Brookhaven Study produced conclusions respecting death, injury, danger and contamination from a major release of radioactivity which paralleled those of the 1957 study. The size of nuclear power plants currently being licensed and operated (and those which are the subject of this action) are several times (in some cases, ten times) the size of the nuclear power plant which was the subject of the aforesaid study by the Brookhaven National Laboratory.

24. Because of the enormous amount of radioactivity routinely contained within nuclear power plants of the size in operation today, including those which are the subject of this action, release to the environment of only a *few percent* of the radioactivity within the nuclear core would result in catastrophic consequences to life and property, within a large geographic area proximate to the point of release, at least as great as the consequences disclosed in the 1957 Brookhaven Study. Accordingly, the consequences of an uncontrolled loss-of-coolant accident at one or more of the nuclear power plants which are the subject of this Complaint are almost unimaginable.

Requirement for an effective "ECCS"

25. Protection against the consequences of an uncontrolled loss-of-coolant accident is required in order to provide the protection of the "health and safety" of the public called for by the Act and is a necessary prerequisite to the permissible operation of a nuclear power plant. Such protection is supposed to be provided by a system commonly referred to and described by the defendants as an emergency core cooling system ("ECCS").

26. The Commission has adopted "General Design Criteria for Nuclear Power Plants" characterized by the Commission as establishing "minimum requirements" for the principal design criteria for nuclear power plants. Criterion 35 dealing with emergency core cooling provides in part:

"A system to provide abundant emergency core cooling shall be provided. 10 CFR Part 50, App. A, Criterion 35.

Thus, the purpose of an ECCS is to assure that emergency cooling water is available to recover the nuclear core during and after a loss-of-coolant accident within a time frame (*measured in seconds*) that will prevent the nuclear core from overheating, melting down into a radioactive mass and subsequently being released to the environment.

27. The Commission may not validly license a nuclear power plant for operation under the Act or under its own regulations unless the plant possesses an ECCS whose effectiveness is established. Continued operation of a nuclear power plant under the Act and Commission regulations requires assurance of an effective ECCS.

28. On June 29, 1971, the Commission promulgated a statement of policy providing so-called "Interim Acceptance Criteria" ("IAC") for ECCS. The IAC became effective upon publication in the Federal Register on June 29, 1971. 36 F.R. 12247. Under the IAC the Commission "judges" an ECCS to be acceptable, i.e., *presumes* the effectiveness of an ECCS, if it is constructed and analyzed in accordance with standards set forth in the IAC. The IAC states that the Commission "believes" that the IAC provide reasonable assurance that an ECCS will be effective in the event of a loss-of-coolant accident. A true and correct copy of the IAC is attached to this Complaint as Exhibit A.

29. Each of the nuclear power plants which are the subject of this action has an ECCS which has been "judged to be acceptable" pursuant to the IAC and is currently operating pursuant to defendants' Interim Acceptance Criteria. The effectiveness of the ECCS to prevent an uncontrolled loss-of-coolant accident in each of such plants was presumed by the defendants upon their determination that the ECCS complied with the requirements of the IAC.

No assurance of ECCS effectiveness

30. Notwithstanding the defendants' "belief" that compliance with the IAC provides assurance of the effectiveness of an ECCS, there is, in fact, no such assurance, and virtually all of the defendants' own scientific advisors have come to that conclusion. In particular:

(a) The operating heads of the ECCS research programs at the Commission's primary safety research centers (Oak Ridge National Laboratory and Aerojet Nuclear Company) have stated that compliance with the IAC does not assure effectiveness of an ECCS and that there is insufficient scientific evidence to support the conclusion that an ECCS of current design (including those installed on the nuclear power plants which are the subject of this action) will, in fact, operate as intended. Thus, William B. Cottrell, the Director of the Nuclear Safety Program at the Commission's Oak Ridge National Laboratory, sent a letter on December 6, 1971, subsequent to the adoption of the IAC, to the Commission's Director of Regulation in which he stated on behalf of his Safety Division that:

"We are not certain that the interim criteria for ECCS adopted by the AEC will, as stated in the *Federal Register*, 'provide reasonable assurance that such systems will be effective in the unlikely event of a loss-of-coolant accident.' "

Thereafter and on March 19, 1972, a colleague of Mr. Cottrell's at the Oak Ridge National Laboratory, C. G. Lawson, stated that:

"There exists at this time [March 19, 1972] such a limited amount of information . . . that a conclusion of the adequacy of these emergency [core cooling] systems would be speculative."

In August, 1971, subsequent to the adoption of the IAC, the research group, under the direction of George Brockett at Aerojet Nuclear Company, *primarily* responsible for ECCS research for the Commission submitted to the Commission a major status report on ECCS and its effectiveness. Contained within that report was a summary table that set forth the status of available information needed to analyze loss-of-coolant accidents in nuclear power plants. A true and correct copy of this summary table is attached to the Complaint as Exhibit B. As indicated by the summary table, in one vital area after another, information needed to establish the effectiveness of an ECCS is indicated to be "inadequate," "incomplete," "preliminary," "unverified," "imprecise" and "uncertain."

(b) The Advisory Committee on Reactor Safeguards, a statutory committee created by Congress (42 USC §§ 2039 and 2232(b)) to monitor and advise the Commission on nuclear safety, believes that compliance with the IAC is an insufficient basis upon which to establish the acceptability of an ECCS of the type installed on the nuclear power plants which are the subject of this Complaint, and it has so advised the defendant Commission pursuant to its statutory obligation on January 7, September 15, and November 15, 1972, all subsequent to the adoption of the IAC.

(c) Members of the Regulatory Staff of the Commission have stated that compliance with the IAC is insufficient to assure ECCS effectiveness and that the IAC is insupportable by reference to scientific or experimental data. Thus, Dr. Morris Rosen, Technical Advisor to the Director of Reactor Licensing, and his former deputy, Robert Colmar, wrote in June, 1971, in a memorandum internal to the defendant Commission, that:

"The consummate message [from available analyses] is that the [ECC] system performance cannot be defined with sufficient assurance to provide a clear basis for licensing."

Thereafter, and on April 12, 1972, subsequent to the adoption of the IAC, Dr. Rosen confirmed that:

"Present knowledge [concerning ECCS effectiveness] is not sufficiently adequate to make licensing decisions for the approximately one hundred reactors now operating or under construction."

And finally:

(d) Commission officials who have been delegated overall responsibility for ECCS safety research and analysis have stated in documents internal to the defendant Commission that ECCS of present design (including those installed on the nuclear power plants which are the subject of this action) are not established to be effective to prevent meltdown of the nuclear core and an uncontrolled loss-of-coolant accident and that compliance with the IAC is *insufficient* to assure the effectiveness of an ECCS and hence the protection of the public health and safety. Thus, Milton Shaw, the Commission's Director of Reactor Development and Technology, wrote in February, 1971, prior to the adoption of the IAC, that:

"No assurance is yet available that emergency coolant can be delivered at the rates intended and in the time period prior to . . . melting [of the nuclear core]. . . ."

Mr. Shaw, while in charge of the Commission's overall program involving reactor safety research, wrote in November, 1971, subsequent to the adoption of the IAC, that:

"Present experimental data and analysis techniques are not now sufficient to provide the degree of ECC [emergency core cooling] assurance deemed necessary by the AEC [Atomic Energy Commission]."

31. The lack of assurance of ECCS effectiveness revealed in the matters alleged in paragraph 30 above still persists as of the filing of this complaint.

32. By reasons of matters alleged in paragraph 30 above, as a matter of law the IAC does not provide assurance of the effectiveness of an ECCS. The members of the Commission themselves, as individuals, lack scientific expertise comparable to that possessed by their scientific advisors referred to in paragraph 30 above, and the statutory and regulatory requirement to protect the public health and safety cannot, as a matter of law, be complied with and is violated by Commission action that, on a matter essential to protection of public health and safety, flies in the fact of the virtually unanimous view of its own scientific advisors.

33. Notwithstanding such virtual uniformity on the inadequacy of the IAC as above alleged, the Commission has licensed and continues to permit the operation of the nuclear power plants which are the subject of this Complaint on the basis of compliance with the IAC which does not provide assurance that the ECCS in such plants are in fact effective.

34. The operation of the aforesaid nuclear power plants without assurance of an effective ECCS does not provide adequate protection to the health and safety of the public, results in a failure to protect the public health and safety and does not provide reasonable assurance that the plants can be operated without endangering the health and safety of the public, all in violation of the Act and the Commission's regulations.

35. Under these circumstances, the continued operation of the aforesaid nuclear power plants represents final administrative action beyond the Commission's statutory authority and results in a gross breach of the Commission's mandatory obligation pursuant to the Act and its regulations to protect the public health and safety and to provide reasonable assurance that the nuclear power plants can be operated without endangering the health and safety of the public.

36. The matters alleged in paragraph 30 above represent "reports, records, or inspections or other means" which require the defendants to exercise their obligation to revoke the licenses and halt operation of the nuclear power plants identified in paragraph 8 above. 42 USC § 2236a; 10 CFR § 50.100. The failure of the defendants to revoke the licenses and cease operation of the subject nuclear power plants is arbitrary, capricious, an abuse of discretion, and not in accordance with or authorized by law. 5 USC § 706.

REQUEST FOR RELIEF

41. Plaintiffs request that this Court:

A. Declare that the continued operation of each of the nuclear power plants identified in paragraph 8 above is illegal under the

Atomic Energy Act and Atomic Energy Commission Regulations, that the continued operation of such nuclear power plants, under the circumstances here presented, represents a breach, as a matter of law, of the Atomic Energy Commission's affirmative obligation to protect the public health and safety, and that the failure of the Atomic Energy Commission and the individual defendants to revoke the licensee and to halt the operation of said nuclear power plants represents the unlawful withholding and unreasonable delaying of required agency action;

B. After reasonable notice and hearing, permanently enjoin the Atomic Energy Commission and the individual defendants from permitting the nuclear power plants identified in paragraph 8 above to operate until such time as the Atomic Energy Commission fully complies with its affirmative obligations to protect the public health and safety and by such relief compel agency action unlawfully withheld and unreasonably delayed;

C. Upon short notice and hearing and upon proper motion, issue preliminary, temporary injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure, until such time as the Court has heard and adjudicated plaintiffs' request for permanent injunctive relief; and

D. Grant such other relief as the Court deems just and equitable.

Wherefore plaintiffs, Ralph Nader and Friends of the Earth, respectfully request the Court grant them the relief requested herein.

Ralph Nader and Friends of the Earth, by their attorneys: Myron M. Cherry, Anthony Z. Roisman, Alexander Polikoff, Robert Vollen, Robert L. Graham, and Albert K. Butzel.

EXHIBIT 2

TABLE.—NUCLEAR REACTORS NAMED IN SUIT BY FRIENDS OF THE EARTH AND RALPH NADER

Unit name	Location	License date	Rated capacity (in MWe)	Percent capacity performance in 1972	Actual 1972 performance (in MWe)	Reactor shutdowns in 1972		Percent plant availability in 1972
						2d quarter	3d quarter	
1. San Onofre-1	San Clemente, Calif	Mar. 27, 1967	430	74.5	320	×	×	77.4
2. Haddam Neck	Haddam Neck, Conn	June 30, 1967	575	85.9	494	×	×	87.7
3. Oyster Creek-1	Toms River, N.J	Apr. 9, 1969	640	80.0	512	×	×	81.3
4. Nine Mile Point-1	Scriba, N.Y	Aug. 22, 1969	625	60.5	378	×		70.2
5. Ginna-1	Ontario, N.Y	Sept. 19, 1969	420	64.1	269	×		69.1
6. Dresden-2	Morris, Ill	Dec. 22, 1969	809	47.4	393	×		59.8
7. Robinson-2	Hartsville, S.C	July 31, 1970	700	80.4	563	×		85.2
8. Monticello	Monticello, Minn	Sept. 8, 1970	545	74.5	405		×	79.4
9. Point Beach-1	Two Creeks, Wis	Oct. 5, 1970	497	69.4	345			72.5
10. Millstone Point-1	Waterford, Conn	Oct. 7, 1970	652	54.9	358		×	59.9
11. Dresden-3	Morris, Ill	Jan. 12, 1971	809	72.8	589	×		85.0
12. Surry-1	Gravel Neck, Va	May 25, 1972	788	47.3	373	—		24.1
13. Turkey Point-3	Turkey Point, Fla	July 19, 1972	693	7.6	57	—	—	27.5
14. Maine Yankee	Wiscasset, Maine	Sept. 19, 1972	790	74.8	591	—	—	100.0
15. Palisades	South Haven, Mich	Oct. 16, 1972	700	57.0	399	×	×	57.0
16. Quad Cities-1	Cordova, Ill	Dec. 14, 1972	800	64.0	512		×	69.6
17. Quad Cities-2	do	do	800	39.4	315		×	55.0
18. Surry-2	Gravel Neck, Va	Jan. 30, 1973	788	(1)	(1)			
19. Oconee-1	Seneca, S.C	Feb. 9, 1973	841	(2)	(2)			
20. Turkey Point-4	Turkey Point, Fla	Apr. 11, 1973	693	(3)	(3)			
Total			13,595		6,873			

Key:

Rated capacity: Design output of the nuclear powerplant.

Percent capacity performance: 1972 output as a percentage of optimum designed output.

Actual performance: Actual output converted to MWe (rated capacity times percent capacity output).

Reactor shutdowns: × means the plant shutdown in that quarter; — means the plant was not operating then.

Percent plant availability: Percent of the year that the plant was able to produce power. Plants started in 1972 are rated from the date of 1st electrical generation.

[1] Not applicable. May operate at 92 percent capacity.

[2] Not applicable. May operate at 5 percent capacity.

[3] Not applicable. May operate at 93 percent capacity.

Notes: The capacity performance in 1972 is a function of the demand made on a nuclear powerplant during the time it was available—when accidents, repairs, refueling, service or AEC orders did not halt electrical generation. There is no guarantee that these plants will be operating during times of peak load. All but one of the plants shut down sometime during the times when peakload was most likely to occur last year. There is no data yet for the three newest plants. Maine Yankee is restricted to run at 75 percent capacity. 3 other plants—Vermont Yankee, Point Beach-2, and Pilgrim-1—are not named in this suit because they are the objects of individual suits of a similar nature. It is interesting to note that the actual 1972 power performance by the 20 plants listed in the suit was not much greater than the 6,100 electrical megawatts needed now by the AEC's three uranium-enrichment plants to make nuclear fuel.

Source of data: 1972 AEC Annual Report to Congress and AEC publication WASH-1203-74.

TEXANS AND THE METRIC SYSTEM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. TEAGUE of Texas. Mr. Speaker, today all of the major countries of the world except the United States have officially adopted the metric system of measures or are in the process of conversion to it. The enclosed article by J. Bryan Adair, entitled "Texans and the Metric System," appearing in a recent issue of the Texas Business Review is not only an excellent article on the metric system's history and background but it also shows how the advantages of conversion can benefit the economy of an individual State.

I am pleased to place this interesting and informative article in the RECORD and recommend it to my colleagues?

TEXANS AND THE METRIC SYSTEM

(By J. Bryan Adair)

Texans, through three of their congressmen, may significantly influence the probable upcoming conversion to the metric system of measurement in the United States.

Three representatives from Texas, Olin E. Teague (6th Congressional District) J. J. (Jake) Pickle (10th District and Dale Milford (24th District), are members of the Science and Astronautics Committee, which handles all legislation concerning national scientific research and development, scientific scholarships, the National Science Foundation, NASA, the National Bureau of Standards, and all matters relating to outer space or to astronautical research and development.

It was the National Bureau of Standards that recently published the *U.S. Metric Study*, a three-year in-depth survey of the metric system and its potential impact on the United States. Legislation being considered by the committee is largely based on the findings of that study. In fact, during the second session of the 92nd Congress, the Senate passed a measure—by unanimous vote and with no debate—that would make metric measurements mandatory within the federal government in ten years and would encourage voluntary conversion throughout the country during the same time span. However, the action came late in the session and the House never brought the legislation to a vote. Another bill has been introduced into the Senate this year and is being considered by the Commerce Committee.

Eleven bills dealing with metrication were introduced in the House between January 3 and March 23, 1973. Four of those bills were coauthored by Texas congressmen, two by Congressman Teague (who is chairman of the committee) and two by Congressman Pickle. Bills promoted by both Texans have conversion to the metric system within ten years as a goal, but the rigor of implementation sought by the bills differs somewhat. One Pickle bill calls for the establishment of a nine-member U.S. Metric Conversion Coordinating Commission and declares that after ten years the international metric system will be the sole official measuring system of this country. The key bill introduced by Congressman Teague also calls for a changeover through a national plan but sets as a goal to make the metric system only as predominant as possible in the ten-year time span. The Teague bill resembles the legislation considered by the Senate Commerce Committee.

Neither bill would outlaw use of the customary standards and measurements with which Americans are familiar. Both bills call for a voluntary changeover, so do most of the other nine bills introduced.

The metric system of measurement, officially known as Système International d' Unités and commonly abbreviated SI, has six base measurement units: the unit of length is the meter; the unit of mass is the kilogram; the unit of time is the second; the unit of electrical current is the ampere; the unit of temperature is the kelvin; and the unit of luminous intensity is the candela, or candle. All other units of measurement, such as speed and volume, are defined in terms of the six base units. This measurement system had its beginnings in France, where it was conceived in 1670 by an abbé, Gabriel Mouton.

France, however, did not adopt the system until the French Revolution period of the 1790s. During the following century, about 80 percent of the countries of the world adopted the metric system, leaving the United States and the British Commonwealth countries the primary holdouts. That situation has changed radically in the past few years, particularly with Great Britain's decision to adopt SI in 1965. Today all of the major countries of the world except the United States have officially aopted SI or are in the process of conversion to it. As the international community moves toward this common language of standards and measurements, the United States remains the only English-speaking nation not officially committed to a given system of measurement.

There is little question that adoption of the metric system would enhance our position in world trade markets. The export of measurement-sensitive products is often dependent on domestic supplies of parts and tools in countries to which goods are being exported. With Great Britain, Canada, Australia, and a number of other formerly English-measurement countries now committed to the metric system, closer trading ties can reasonably be expected to develop between those countries and industrialized nations presently using SI. A result of the realignment is already observable in Britain's recent entry into the European Economic Community.

During the 1962–1969 period, the U.S. share of free-world trade decreased 10.4 percent, even though the absolute volume increased. Of the top six major free-world trading nations, only the four using the metric system for the entire period increased their world market shares, with the United States and Britain experiencing declines.

Texas manufacturers perform operations in about 98 percent of all manufacturing Standard Industrial Classifications. Texas produced about 5 percent of all U.S. manufactured exports in 1969, a decline from 5.4 percent in 1960. Still the state ranks seventh in export of manufactured goods, and Texas obviously has a stake in any policy formulation that might alter the position of the United States in the world market. The metrication issue and the decisions made during the next few months could be critical.

Texas, with its deep-water seaports, large air terminals, and international border, is in a prime position to take advantage of the overseas market for American-made goods. Even by providing embarkation facilities for the shipment of goods manufactured in inland states, Texas benefits, and any increase in that commerce enhances state revenues.

Aside from improvement of the U.S. role in international trade, numerous other reasons exist for switching to SI. Since metric units are related by submultiples of ten, problems of designation and calculation will be simplified. For example, addition of a series of fractions of inches and conversion of the sum to feet require considerable arithmetic calculation, but the corresponding operation with metric units requires only addition of decimal units and conversion of the sum to the needed measurement by moving the decimal point (such as cents to dollars: 25. cents = .25 dollars).

The simpler terminology and greater flexibility of the metric system make it easier to learn and to use. In fact, much of the time spent on fractions in elementary school could be used in teaching other subjects. Engineering and scientific calculations based on units of ten are faster, simpler, and less expensive to the employer. Basic product research in this country is usually performed by use of metric units, which are customarily converted to English units during product design processes. The switch to SI will eliminate the need for inefficiencies involved in conversion of one measuring system to another as a matter of routine operation.

From the point of view of the consumer metrication has several advantages. Prices of items sold by volume, weight, or count are easier to compare if the monetary and measurement systems both have the same decimal unit base. Further, after SI has become accepted throughout American business and government institutions, savings resulting from increased efficiencies should pass on to the consumer-taxpayer.

An established trend toward conversion to metric measurements has been apparent in the United States for some years. Notable conversions have occurred in activities and disciplines that are more or less self-contained. The pharmaceutical industry has discarded its traditional drams, grains, and minims in favor of milligrams, grams, and milliliters. Camera equipment is designed with metric dimensions for compatibility with metric-sized film. Mathematics and science education are largely taught in the metric system in the United States, often to very young children. Manufacturers of antifriction bearings of all types have largely changed to metric designs. Automobile mechanics have added metric tools to their toolboxes as the number of cars having metric-dimensioned parts has risen to 20 percent of those on U.S. highways. In fact, some foreign-made parts of metric design are presently being installed in American cars, and General Motors has recently announced plans for a metric changeover. Other items that often appear in metric sizes are snow skis, swimming pools, typewriters, and motorcycles.

The increasing usage of SI in U.S. business and industry, the adoption of the metric system in all other major trading nations, and the interest taken by Congress in the past few months indicate that metrication in America is a movement with much momentum. This impression is true, but the movement faces resistance from many quarters. Fully 58 percent of the American public has only the vaguest notion of what the metric system entails. Further, a suprising number of people contend that any metric conversion in the United States would primarily benefit those enterprises dealing in foreign trade, all at the expense and inconvenience of the American consumer-taxpayer. They often hold that businesses wanting to trade with foreign countries should switch to SI and leave the rest of the country alone. But a policy of isolationism is not feasible, for the United States is inextricably involved in international commerce and politics. Although only a small percentage of our GNP is shipped in world commerce, that percentage is a large portion of total world commerce. Countries historically using the metric system have made heavy inroads on the American share of free-world trade.

Numerous problems can be expected along with the changeover to SI in this country, but none of them are insurmountable. SI will be phased in over a ten-year period and the initial changes will be "soft," language-only changes.

The general public is reluctant to accept widespread change over a short period of time. Many are reluctant to study a new system that might take time or effort to learn, cost money, or change familiar habits and lifestyles. The 58 percent of the population knowing little or nothing about the metric system is the group most reluctant to change. An intensive government-sponsored education program will be necessary to overcome some of this resistance. On the positive side, many secondary-level students have grown accustomed to the idea of national conversion to SI, a probability suggested to them by science teachers for several decades.

ESTIMATED COSTS OF METRICATION TO TEXAS INDUSTRIES

Industry	SIC groups	Estimated conversion cost (millions)
Agriculture/forestry/fisheries	0100–0900	$7
Mining	1000–1400	14
Construction	1500–1700	7
Ordnance (included with SIC 3500)	1900	
"Soft" manufacture	2000–3200	101
Primary metals	3300	20
Fabricated metal products	3400	79
Machinery (except electrical), ordnance	3500, 1900	70
Electrical machinery	3600	17
Transportation equipment	3700	47
Instruments	3800	14
Miscellaneous manufacturing	3900	2
Transportation	4000–4700	5
Communication	4800	2
Utilities	4900	6
Wholesale trade	5000–5200	30
Retail trade	5300–5900	22
Finance/insurance/real estate	6000–6700	1
Services	7000–8100, 8900	5
Total cost to Texas industry		449

Note: The table shows absolute amounts and does not relate metrication costs to volume of sales or value added.

Another stumbling block to conversion is the potential initial cost to industry and business. Manufacturing businesses will experience costs for tooling and metering changes as well as for employee training programs. In more measurement-sensitive areas, particularly in businesses operating under Standard Industrial Classifications 1900 and 3300–3800 (see table accompanying this article), changes will be more costly, particularly in the fastener and nonelectric-machinery industries. Costs to nonmanufacturing industries will be largely for training employees and for educating customers and clients. Wholesale and retail trade businesses expect significant costs, probably for time spent explaining to and placating customers, dual dimensioning in catalogs, drops in sales because of customer resistance to change or lack of customer knowledge, and customer resentment of a new and unfamiliar measurement system apparently being imposed by the business selling the goods.

Some fear exists that repair and maintenance of long-life structures and equipment will become prohibitively expensive, if not impossible, within a short time after the changeover. Replacement parts and modernized components compatible with ships, buildings, and similar products built to English measurements and standards may become scarce soon after conversion. Most products falling into this category, however, are custom-built, one-of-a-kind structures, and improvements and modifications are also custom fitted. In most cases, the basic framework of such structures need not be altered as a direct consequence of the new measurement system; modification would be necessary only at points of modification attachment—changes that would quite likely need to be made even if the system of measurement were a constant.

Many business organizations will incur costs as a result of retraining needs and initial inefficiencies resulting from lack of familiarity with SI. Inefficiencies will be particularly noticeable during the changeover period in cases where a mechanic's intuitive feel for a tool size or an engineer's conception of design sizes are important. Functioning of such intuitive processes will be hampered until the worker or designer gains experience with the new system.

This kind of problem is a primary concern of many unions, which claim that older workers may "lose experience" when their familiar worker-too-material relationships are replaced by relationships more easily learned by younger workers. Another union demand is that costs to individual workers for tool replacements of measurement-system sensitive tools should be borne by someone other than the individual worker.

Many small businesses do not have technical, financial, or managerial resources sufficient to plan their own metric changeover. Further, the small businessman is less likely to be in a position to decide when to go metric; large companies tend to set the pace. Small operators are often dependent on the ready availability of standard parts and supplies.

In many business and institutional operations, inventories of parts and materials will be duplicated, depending on the mix of metric-nonmetric products being produced or serviced. Many manufacturers customarily maintaining large inventories and users of long-life machinery and goods should expect costs in this area. The Department of Defense expects a significant expenditure for double-inventory provisions.

Most accepted engineering standards will require reevaluation, in some cases entailing only conversion of units between systems, but in others involving hardware changes. Screw-thread standardization will be a large part of such a program, but this problem has been under study for some time. The fifty-nine thread sizes in customary usage probably will be replaced with a standard set of twenty-five sizes. Similar industry standardizations have taken place in the past; bricks and light bulbs are examples.

Some observers fear that the expanded cooperation between companies within the same industry as a result of the metrication effort could run afoul of the antitrust laws. It has been suggested that such cooperation, if certain conditions are met, should be immune from antitrust action.

During the metric changeover, some operations may hold invisible hazards, particularly when rapid decision making involving measurement calculations is necessary. If a machine operator habitually thinks in terms of English units, he would quite likely translate metric instructions into his familiar measurement language before acting. The delays involved in translation could be critical in some cases. For example, an aircraft pilot used to thinking in terms of feet of altitude might have to translate meters to feet when analyzing instructions from air traffic controlling agencies.

These problems have been outlined not as argument against implementation of the metric system in the United States, but as a suggestion of possible problems the businessman-industrialist might encounter when the changeover is being implemented. The benefits of metrication—and its by-products—are expected to far outweigh the costs. For example, many long-needed standardizations and updatings of materials, processes, customs, and other inbreedings of the American industrial mechanism can be accomplished at virtually no cost if that cost is allocated to the metric changeover. Most of these outdated but institutionalized tools of American business and industry could not be eliminated economically if approached singly, but would be updated easily in a wholesale housecleaning.

If the foreign experience is a reliable indicator, metrication in America will be far less traumatic than many predict. British workers have derived a number of English/metric relationships that allow the worker to maintain some of the "feel" he had under the English system. For example, 30 centimeters is only slightly shorter than the foot, so construction workers habitually thinking in terms of feet can visualize lengths in terms of multiples of 30 centimeters. Other innovative relationships have been used as devices to help soften the impact of metrication abroad. There is no reason that American workers cannot use similar analogies to simplify the transition to the metric system in this country.

Estimation of the advantage of metrication in dollar amounts is difficult, largely because many of the benefits are intangible and are not quantifiable. Measurement of the costs of metrication is also difficult, but many businesses in the United States have experience of partial or complete changeovers. On the basis of that experience, estimates by company and governmental officials not having metric experience, and "educated guesses," the *U.S. Metric Study* made rough estimates of the industrial costs of conversion to SI. Factors derived by the study were applied to Texas industry figures, and this process yielded estimates of costs of metrication to Texas industry (see accompanying table). Manufacturing industries, wholesale and retail trade, and mining are expected to incur greater costs than other categories of industry in Texas.

The loss of export trade experienced by Texas primary metals and machinery industries solely as a result of the presently used measurement system is estimated at over $15 million per year at the present rate. The entire cost of metrication to Texas industry could be covered in less than thirty years by the savings in those two industries alone. Further, metrication will give Texas industry as a whole vast opportunities in foreign trade. The disadvantage in foreign trade will increase in the future unless this country adopts the metric system, particularly since many of our primary trading partners are forming trade alliances with other metric countries.

Many Texans are interested in potential costs in other areas, such as costs to the consumer, to education, and to federal government agencies. The ten-year costs to Texas consumers as a direct result of metrication are expected to be about $14 million. A breakdown of the major items is shown in an accompanying table. Education costs are expected to be negligible if the program is extended over the ten-year time span. Most educational materials are replaced one or more times within ten years, and replacements can be updated with metric-language material without additional costs. Teacher education, not a great problem, can be handled in normally scheduled workshop and in-service training sessions for public school teachers.

Summary of Cost Estimates to the Texas Consumer

[Dollars in millions]

Self-education	$1.8
Cooking equipment	5.1
Sewing equipment	1.7
Home shop equipment	5.0
Total	13.6

The Texas portion of costs expected to be incurred by civilian agencies of the federal government amounts to approximately $2.30 per person, or $26 million. This cost is the present value, discounted at 4 percent, of costs expected over the ten-year period. This figure should be thought of as an upper limit. The present value of the portion of the Department of Defense estimate allocated to Texas is $690 million. This estimate is no doubt high, but it is difficult to adjust the figure downward with any intuitive or numerical justification.

The costs of metrication along with the expected benefits are depicted in an accompanying diagram showing the cumulative costs over the ten-year implementation period and the benefits over the following several decades. The solid line depicts the cost-time relationship that is expected with a nationally coordinated plant. The dashed line shows the relationship expected if no program is instituted and a *laissez faire* approach to metrication is taken.

There exists little doubt that the nation will adopt the metric system of measurement. It is highly probable that legislation will be forthcoming from the 93rd Congress, and that legislation is expected to propose a ten-year coordinated transition program. The new system will feel a number of dampers, but none of the problems appears insurmountable. The businessman should not allow himself to be caught unaware by implementation; a certain amount of preparedness and forethought as well as timely introduction of the system into his own operations should smooth the transition.

ON FINANCES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. RHODES. Mr. Speaker, a note of levity is always pleasant in these days of care and concern. Mrs. Charles Ernest Winters of Bethesda, a friend of long standing, furnished such a note by sending me copies of some of her "terse-verse." I thoroughly enjoyed them—and think all of our Members will also:

ON FINANCES

I

It's time to admit
That curing social ills
Is simply no substitute
For paying our bills.

II

I don't know whether to laugh or cry
Our dilemma is so nearly comical.
For we're now in the spot
Where we really cannot
Afford to be more economical.

III

Prosperity's great
I've always adored it.
But as of right now
I just can't afford it.